

AGENDA



For a meeting of the	
DEVELOPMENT CONTROL COMMITTEE	
to be held on	
TUESDAY, 5 FEBRUARY 2013	
at	
<u>1.00 PM</u>	
* PLEASE NOTE TIME OF MEETING *	
(THE LATE REPORT WILL BE EMAILED TO MEMBERS ON THE FRIDAY BEFORE THE MEETING)	
in the	
COUNCIL CHAMBER, COUNCIL OFFICES, ST PETERS HILL, GRANTHAM	
Beverly Agass, Chief Executive	

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 E-mail: m.hall@southkesteven.gov.uk

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

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

1. MEMBERSHIP

The Chief Executive to notify the Committee of any substitute members

2. APOLOGIES

3. DISCLOSURE OF INTERESTS

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

4. MINUTES OF MEETING HELD ON 8TH JANUARY 2013

(Enclosure)

5. PLANNING MATTERS

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

6. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

Report No. PLA975 by the Development Management Service Manager. **(Enclosure)**

7. 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:

Meeting Date	Notification Deadline
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, 8 JANUARY 2013

COMMITTEE MEMBERS PRESENT

Councillor Ashberry
Councillor Higgs
Councillor Howard
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 Woolley

OFFICERS

Head of Development and Growth (Mark Williets)
Development Management Service Manager (Pat Reid)
Area Planning Officers (Sylvia Bland, Phil Moore and Rob Vincent)
Committee Support Officer (Malcolm Hall)
Solicitor (Paul Rushworth)

OTHER MEMBERS

Councillor Sampson

70. MEMBERSHIP

The Committee was notified that a notice under Regulation 13 of the Local Government (Committees and Political Groups) Regulations 1990 had been received, appointing Councillor Woolley for Councillor Cook, for this meeting only.

71. APOLOGIES

Apologies for absence were received from Councillor Wren.

72. DISCLOSURE OF INTERESTS

Councillor Wilkins disclosed an interest in application S12/3053 (SB1), as he was employed by the firm involved with the application as agent. He had no personal involvement, but the firm did.

73. MINUTES OF MEETING HELD ON 18TH DECEMBER 2012

The minutes of the meeting held on 18th December 2012 were accepted as a correct record of decisions taken.

74. PLANNING MATTERS

Decision:-

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

(1.08pm – the Chairman, Councillor Wilkins, left the meeting, having declared an interest).

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

SB1

Application ref: S12/3053/FULL

Description: Erection of sub-station and external works

Location: Land to the north of Wherry's Lane, Burghley Street,
Bourne

Decision: Approved, subject to no adverse observations from the
Bourne Town Council

Noting comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be approved, with authority delegated to the Development Management Service Manager, in consultation with the Chairman and Vice-Chairman, if no adverse observations from Bourne Town Council, subject to the summary of reasons set out in the Case Officer's report, and subject also to the following conditions:-

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development shall be built in accordance with the materials detailed on the submitted application forms unless otherwise agreed in writing by the local planning authority.
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

(1.12pm – the Chairman, Councillor Wilkins, returned to the meeting).

PJM1

Application ref: S12/1715/FULL

Description: 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

Location: Stonebridge House, St Catherines Road,
Grantham, Lincolnshire NG31 9DD

Decision: Approved

Noting comments made during the public speaking session from:-

Andy Ward – agent

together with no objection from Planning Policy, the Conservation Officer, South Kesteven Arboriculturalist, Highway Authority, Natural England or the Lincolnshire Wildlife Trust, comments from Lincolnshire Heritage, representations received following consultation and submissions from the applicants in support, 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, and also to a condition restricting the number of parking spaces to 10.

Further discussion took place in relation to the proposed use of the site, and in particular the access to be used. Reference was also made to recent correspondence from the Highway Authority in regard to the access and parking. It was agreed that, in relation to the access, and noting that the Highway Authority were opposed to the use of the St Catherine's Road access, there should be a condition restricting access to the site to the Stonebridge Road access.

On being put to the vote, the proposition was agreed, and the application was approved, subject to the summary of reasons set out in the Case Officer's circulated report, and to the following conditions and conditions referred to above:-

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

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

3. Before the use hereby permitted commences full details of parking for no more than 10 vehicles, with access from Stonebridge Road only, shall be submitted to and approved in writing by the Local Planning Authority. The approved parking shall be provided at all times that the site is used as approved by this planning permission.

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.

PJM2

Application ref: S12/1716/LB

Description: External alterations to building and erection of antenna

Location: Stonebridge House, St. Catherine's Road, Grantham,
Lincolnshire, NG31 9DD

Decision: Approved

Noting comments made during the public speaking session from:-

Andy Ward – agent

together with no objection from the Conservation Officer or Lincolnshire Heritage, representations from one of the Ward Members and a neighbouring resident, and information in support from the applicant, report of site inspection and comments made by Members at the meeting.

It was proposed, seconded and agreed that the application be approved, subject to the summary of reasons set out by the Case Officer in the circulated report and subject to the following reasons:-

1. The works hereby permitted shall be commenced before the expiration of three years from the date of this consent.
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.
3. The antenna hereby approved shall be removed when obsolete or no longer needed.
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

PJM3

Application ref: S12/2935/HSB

Description: Ground floor extension to rear

Location: 12, Brittain Drive, Grantham, Lincolnshire, NG31 9JT

Decision: Approved

Noting comments from a resident and comments made by Members at the meeting.

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
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

LDPP1

Application ref: S12/3050/HSB

Description: Erection of single storey rear extension to dwelling

Location: 64, Shakespeare Avenue, Grantham, Lincolnshire, NG31 9NW

Decision: Approved

Noting comments from the Highway Authority and Archaeological, together with comments made by Members at the meeting.

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

1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development shall be built in accordance with the materials detailed on the submitted application forms unless otherwise agreed in writing by the local planning authority.
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

Note(s) to Applicant

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

(2.03pm – Councillor Higgs left the meeting).

(2.06pm – Councillor Higgs returned to the meeting).

RV1

Application ref: S12/2502/TPO

Description: Felling of a sycamore tree in two stages (50% reduction by November 2012); stage 2 removal of remainder – 232 – Stamford New Cross Road Order

Location: 91, New Cross Road, Stamford, Lincolnshire, PE9 1AL

Noting report from the Tree Officer, no objection from Stamford Town Council and comments from Legal and Democratic Services, report of site inspection, and comments made by Members at the meeting.

It was proposed and seconded that the application be approved.

Following further discussion, it was suggested that a condition be imposed requiring the planting of a suitable replacement. The proposer and seconder agreed to add this to the proposition, and the Chairman suggested an appropriate wording, as follows:-

“The Tree Officer to propose a suitable alternative to be planted when and as appropriate.”

It was also suggested that a note be added to the effect that this decision should not be taken as a precedent for removing other trees in New Cross Road, and any removal would only be permitted in similar circumstances to the current application. This was agreed.

On being put to the vote, the proposition was agreed, and the application was approved subject to the summary of reasons set out by the Case Officer in the circulated report, and subject also to the following condition:-

The Tree Officer to propose a suitable alternative to be planted when and as appropriate.

Note:- This decision should not be taken as a precedent for removing other trees on New Cross Road, and any removal would only be permitted in similar circumstances to the current application.

Interests/ constitutional matters

The solicitor gave advice relating to disclosure of interests in relation to a letter which had been circulated to members from a local MP. The solicitor advised that the code generally applied when the matter in which a member had an

interest is being considered. The matter being considered by the Committee was alterations to a listed building and development at Caythorpe Hall and not the letter from the MP. Notwithstanding that advice members should go on to consider whether any relationship with authors of letters could be perceived to compromise their ability to judge the public interest and act fairly. Another member asked for further clarification in relation to their association with the author and the solicitor advised that the same advice applied.

The solicitor went on to refer to the provisions in the Constitution, in the planning code of good practice and advised that members who had not been present to hear the entire debate including when the matter was discussed at the previous committee should not take part in the discussion. The solicitor referred to the approach taken by some members in the past who had read all the previous papers and listened to the recording of the previous meeting to make sure they were fully informed.

75. INFORMATION RELATING TO DEVELOPMENT CONTROL AND OTHER PLANNING ACTIVITY

The Development Management Service Manager submitted his report PLA969 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 14th December 2012 was also submitted, with a table showing planning applications performance as at November 2012.

(The meeting adjourned from 2.28pm to 2.48pm).

(Councillor King did not return to the meeting on its resumption).

76. S11/2371 AND S11/2372/LB - CAYTHORPE HALL, CAYTHORPE

Decision:-

That further consideration of applications S11/2371 and S11/2372/LB – Caythorpe Hall, Caythorpe be deferred to the next meeting.

The Chairman advised that the above applications were before the Committee having been deferred in February 2012. They were now due to be considered by the Committee, and in the circumstances, given the long passage of time since the last consideration, and the significant amount of additional information, he had decided to allow the applicant alone to speak for three minutes. Unfortunately, it now appeared that the applicant had mistaken the date of the meeting and was not present. The Chairman suggested that in fairness to the applicant further consideration should be deferred to the next meeting. It was accordingly proposed and seconded, and on being put to the vote was agreed.

77. TRAINING SEMINARS

The Chairman advised Members that training a seminar in relation to wind turbines (noise and environment/ecology) would be held, but this would not be until after a decision had been taken on the Council's Wind Energy SPD. A further seminar solely on Environmental and Ecological matters is also being arranged.

78. CLOSE OF MEETING

The meeting closed at 2.54pm

Agenda Item 5

COMMITTEE: 5 February 2013

	NO	PAGE	PROPOSAL AND LOCATION	REC
NB1	S12/1058	1	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, NG33 4RZ	AC
NB2	S12/2459	12	Erection of two dwellings (incorporating balconies) Land Adjacent Newcomb Court, Radcliffe Road, Stamford,	AC
NB3	S12/2213	20	Erection of 4 dwellings Land off, Stephens Way, Market Deeping	AC
PWM1	S11/2371	30	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	R
PWM2	S11/2372	94	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	R
JJ1	S11/2782	111	Erection of pub/restaurant (with associated parking) Former Mirrlees Blackstone Site, Uffington Road, Stamford	AC
SB1	S12/2817	128	Conversion of redundant farm buildings to create x 4 holiday units at Tilly's Barn; x 3 holiday units at The Granary barns; x 1 holiday units; x 1 live/work unit and cake decorating business (Class B1) at Perkins Barn together with new vehicular access and car parking Tilly's Barn and Perkins Barn, The Granary, Outgang Road, Baston	AC

SB2	S12/2348	142	Erection of 2no. new industrial buildings to accommodate plastic recycling plant South Fen Road, Bourne, PE10 0DN	AC
KJC1	S12/3178	156	Section 73 application to vary Condition 17 of Planning Permission S12/1272 to allow highway improvements to be completed prior to commencement of the use Former Isaac Newton Public House, Harlaxton Road, Grantham, NG31 7SA	AC
PJM1	S12/2825	167	Installation of ATM and associated service door Cherry Tree, Harrowby Lane, Grantham, NG31 9NL	AC
PJM2	S12/2827	174	Installation of 1 x condenser unit and 3 x air conditioning units Cherry Tree, Harrowby Lane, Grantham, NG31 9NL	AC
PJM3	S12/2826	180	Minor external alterations including demolition of chimney/tower, installation of new shopfront, increasing the height of the existing flat roof extension, erection of canopy, siting of steel bollards, siting of cycle hoops, blocking up existing openings, landscaping and resurfacing existing car park and alterations to vehicular access and external lighting Cherry Tree, Harrowby Lane, Grantham, NG31 9NL	AC
PL1	S12/3260	187	Two storey dwelling, triple garage and workshop 22b Burghley Street, Bourne, PE10 9NS	AC
PL2	S13/0041	197	3 Non-Illuminated crests and signage Bourne Corn Exchange, Abbey Road, Bourne	AC

NB1 S12/1058/FULL

Target Decision Date: 23-Aug-2012

Committee Date: 05-Feb-2013

Applicant	Mr J Lloyd 29, High Street, Castle Bytham, Grantham, Lincolnshire, NG33 4RZ
Agent	Staniforth Architects Limited The Warehouse, 1A, Stamford Street, Leicester, LE1 6NL
Proposal	Demolition of outbuilding, erection of two one and a half storey dwellings and conversion of barn to one dwelling
Location	29, High Street, Castle Bytham, Grantham, Lincolnshire, NG33 4RZ
App Type	Full Planning Permission
Parish(es)	Castle Bytham
Reason for Referral to Committee	The application has been referred to Committee at the request of the Local Member.
Recommendation Summary	Approved subject to condition(s)

Key Issues

- The application site falls within a Local Service Centre;
- Impact on the character of the existing barn, Conservation Area and setting of the adjacent Listed Building;
- Whether the development is acceptable with regard to residential amenity;
- Highway considerations;
- Impact on trees within the application site.

Technical Documents Submitted with the Application

- Elevation and layout drawings
- Tree survey
- Protected species survey
- Structural survey
- Design and Access Statement; Barn conversion statement and Conservation Area Impact Statement.

REPORT

Application category

The application is categorised as a minor application

Reason for referral to committee

The application has been referred to Committee at the request of the Local Member.

The proposal

The application is for the conversion, alteration and extension of an existing barn on site. Furthermore, within the site it is proposed to erect two additional dwellings.

The application site and its surroundings

The application comprises land to the rear of 27 and 29 High Street. Along the eastern edge of the site is a two-storey barn that sits on the boundary with the garden of 23 High Street. The barn is attractive and constructed of stone under a red pantile roof, there have been relatively modern single storey extensions to the barn which may make no great contribution to the character of the area. Vehicular access to the site is between 23 and 29 High Street through a gateway set slightly back from the front wall of the neighbouring property. The application site falls within Castle Bytham Conservation Area and 23 High Street is grade II Listed.

Within the site are a number of trees, including an Ash to the rear of the site, which is subject of a preservation order. Currently the site is slightly overgrown in terms of vegetation with a number of unkempt bushes and long grass. The land slopes up through the site heading toward Cumberland Gardens, the nearest properties of which are two-storey. A mixture of stone walling topped with fencing marks the rear boundary of the site with the properties on Cumberland gardens approximately 1 to 1.5m above the application site.

Site history

None.

Policy considerations

National Planning Policy Framework

Section 1 – Building a strong competitive economy

Section 7 – Requiring good design

Section 11 – Conserving and enhancing the natural environment

Section 12 – Conserving and enhancing the historic environment

East Midlands Regional Plan

Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design
Policy 26 – Protecting and Enhancing the Region’s Natural and Cultural Heritage
Policy 27 – Regional Priorities for the Historic Environment

SKDC Core Strategy

EN1- Protection and Enhancement of the Character of the District
SP1 – Spatial strategy
SP2 – Sustainable communities
H1 – residential development

Representations received

The observations of Lincolnshire County Council, as Highway Authority, are reproduced below;

“The proposal requires the provision of a revised access position further to the west of the existing and incorporating new kerbs and a footway on the western side of the site and part of the highway.

The Applicant has demonstrated that car parking can be accommodated and vehicles can enter and exit the site in a forward gear.

The indicated visibility splays are within either the control of the applicant or within 'highway'.

As discussed, whilst the splays are shown within the limit of highway, there is a projection fronting No.23 which may well act as a retaining feature for the front wall of that property. To achieve the visibility shown would likely require significant engineering works to ensure the stability of the building and to benefit the proposal, and as such would be required under a S278 Agreement and under a temporary road closure. The cost could be substantial.

This is a feature that has formed part of the street scene over many years and is fronted by revetted paving slabs suggesting its presence is acknowledged by the local highway authority.

Matters are not helped however, by the planting.

Whilst this does limit the visibility to the east, it is no worse than existing accesses evident along this and other streets in the village. The Doctor's Surgery being one example serving as it does, multiple movements.

The accident data suggests that there have been no injury incidents in High Street in the last 5 years that suggests care is taken when negotiating the road. Supplied speed readings indicate low speeds (20 - 25mph).

On the basis that the shown visibility could be provided within the limit of highway, the local highway authority does not object to the Application, and requests standard Conditions relating to access, parking and turning in accordance with the submitted plan 1011/P05b.

Assuming there is support by Members of the Planning Committee, the matter of insisting that Section 278 works are carried out to fully achieve the shown visibility is considered to be a matter for Committee.

The available visibility without removal of the embankment/retaining bund is approximately 11 metres. The normally acceptable visibility based on the speed readings would be between 22 and 31 metres”.

The Consultant Arboriculturalist notes that there a total of 14 trees on site and that 7 of these are to be affected. Does not object in principle to the development subject to trees 12 and 13 being retained, along with suitable conditions about the protection of trees to be retained and a landscaping condition. Amended plans have been received that retain trees 12 and 13.

The Principal Conservation Officer does not object in principle with the barn an historic feature worthy of retention. Notes amendments that have been made to the application, including removing the first floor extensions to the barn and traditional ‘cat-slide’ dormers to the two dwellings. Therefore, does not object to the application subject to the wall to the front of site, which is to be removed to facilitate required visibility at the entrance to the site, being re-built with the existing materials.

The Parish Council make a number of observations on the application and their comments are reproduced below;

“Drainage: there are concerns as whether the Sustainable Urban Draining System will be able to cope with water run-off after the soil is covered in concrete for the construction of the houses and drive.

Appearance: the Design and Access Statement is at variance with the drawings: the former describes the building materials as red brick and slate, the latter as stone and pantile. The proposed dwellings would be in the Conservation Area, next to a Grade II listed building, therefore should be built with stone and pantile as per the drawings.

The old barn to be converted is a stone and pantile building; the proposal to add two red brick extensions either side would not be in keeping with the character of the barn and would clash. The photographs of the barn show it to be in a bad state of repair, this will be no conversion, but demolition and rebuild.

Access, parking and traffic management: there would be too many properties with limited access, one drive for three new houses.

There is provision for two car parking spaces per house but visitors will presumably park in the High Street, at what is the narrowest part of the road. There have been many incidents of buses, lorries and farm vehicles unable to pass through and the situation will only be made worse with parked cars. This is indeed the most dangerous part of the village to drive through. The Councillors felt that the extra splay suggested in the revised plans would not alleviate the problem.

The Councillors were in full agreement with comments made by Highways.

There would be loss of privacy for the house the other side of the fence in Cumberland Gardens.

The Parish Council wishes for the application to go to Committee and we will write to our District Councillor, Mr Martin Wilkins, to express our concerns about the application”.

Heritage Lincolnshire request that a condition be added requiring a watching brief should permission be granted. This is because there is a record of archaeological finds within the locality.

Natural England notes that bats may be present on site and refer to their standing advice about what should be done in such instances.

Lincolnshire Wildlife Trust makes no observations on the application.

The Internal Drainage Officer would require additional information with regard to how surface water would be disposed of and that this should be done using a sustainable drainage system.

Representations as a result of publicity

The application has been advertised in accordance with the Councils Statement of Community Involvement, the closing date for representations being the 27 July.

Further consultation has been undertaken following the receipt of amended plans. In total 3 representations have been received from local residents.

2 letters of objection have been received and express concern about highway safety in the areas with it being at a particularly narrow part of high street close to the junction with the Doctors Surgery; trees would be affected by the development and should be retained; this would result in a general overdevelopment of the plot; the buildings would result in a overlooking and overbearing impact; light spill will be harmful but no objection is raised to the conversion of the barn.

1 letter of support has been received and welcomes the development which would tidy up a rather unkempt part of the village.

Officer evaluation

Castle Bytham is a Local Service Centre, as identified in policy SP2 of the Core Strategy. Therefore subject to compliance with criteria contained in policy EN1 and it respecting the character of the Conservation Area and setting of an adjacent Listed Building, an application for residential may be supported.

Barn conversion

It is noted that the barn subject of the application is of traditional design and following amendments made to the application, which would mean the first floor aspect of the barn would not be extended, there is not considered to be any reason to object in principle to this aspect. A number of single storey extensions are proposed to the barn; however, there are existing structures which would be removed and the new extensions are acceptable with regard to their appearance and scale.

A structural survey has been submitted in support of the application and indicates that the roof may need to be removed; however, following concerns expressed to the applicant about this it has been indicated that the existing roof trusses could be retained and a new supporting structure, if required, fit around the existing. An appropriate condition about how the roof will be completed is requested.

A bat survey has been submitted in support of the application with the survey undertaken in February 2012. No evidence of bats was found internally or externally, although there was potential for roosts. A note should be added to the decision notice about the need for work to cease should protected species be found, but no restrictive condition is necessary.

It is not considered that the alteration or extension of the barn would raise any significant issues with regard to overlooking or overbearing.

Two new dwellings

Amendments have been made to the elevation treatments of the two dwellings through the incorporation of catslide dormers as well as changes to the fascia detail. They would have an eave and ridge height of 3.7m by 6.9m respectively and appear 1½-storey in scale. Elevation treatments would also be reflective of some of the traditional dwellings within Castle Bytham.

Concern has been expressed about possible overlooking and overbearing impacts from the two dwellings. However, due to a change in levels dwellings on Cumberland Gardens are set higher than the two properties proposed and garden depths for the properties range from 13 to 19m. Therefore whilst it is likely that the two dwellings would be visible from neighbouring properties it is not considered that they would result in a significant overbearing or overlooking impact, particularly with the properties having an eave and ridge height lower than is common for many modern dwellings. Furthermore, the orientation of windows from the dwellings would be toward their own rear gardens.

Highway considerations

Vehicular access to the site would be from High Street with a Doctors Surgery some 20m further east along the road. The current vehicular access is a gate just 1m from the gable end of 23 High Street. The proposed access point is to move approximately 6m west to allow greater visibility and would also require the removal of a boundary wall to the garden of 27 and 29 High Street. A traffic survey was undertaken to determine what visibility splay would be required given that the average speed in the area has been identified as between 20 and 25 mph; the vis-splay required is between 22m and 31m.

Amendments to the boundary wall to 27 and 29 High Street would allow adequate visibility west along High Street. Visibility east along High Street could be achieved on land within the Highway Authorities control, as shown on drawing number 1011 P05b. However, part of the land has on it an embankment to the front of 23 High Street. Appropriate visibility could be achieved but this would require the removal of the structure to the front of this property. Given that the material to the front of 23 High Street has clearly been there some time and its removal may well undermine 23 High Street, a Listed property, it is considered that enforcing the removal of this material is unnecessary and that permission can be granted without the need for an additional condition. It should also be borne in mind, as noted by the Highway Authority, that the access point will improve on the existing, vehicle speeds are low and there have been no incidents of injury on High Street in the last 5 years.

Parking provision and the ability of vehicles to enter and leave the site in a forward gear is acceptable.

Other considerations

A total of 14 trees were identified in the tree report and 5 are to be removed and 3 replacements planted. No objection has been made to the tree report from the Arboriculturist with trees 12 and 13 now proposed to be retained. Conditions would need to be added to ensure that trees are protected during construction but there would be no significant detrimental impact on existing trees from the development. Conditions about disposal of foul and surface water would also be required.

Section 106 Heads of Terms

No Section 106 Legal Agreement is required for this application.

Crime and Disorder

The proposed development does not raise any significant crime and disorder implications for the local area.

Human Right Implications

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

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

Conclusion

The application site falls within a Local Service Centre, as identified in policy SP2 of the South Kesteven Core Strategy, where an application for residential development may, subject to certain criteria, be supported. The scheme as amended is considered to respect the character of the area through the scale, design, siting and materials proposed for the two dwellings within the site. Furthermore, alterations to the barn to be converted are sympathetic to the character of the host building and wider Conservation Area. By virtue of the scale, siting and orientation of the proposed dwellings it is not considered that the amenity of future occupiers or neighbouring properties would be compromised through a dominating and overlooking impact. Trees worthy of retention would be retained and highway safety not compromised. Nor is it considered that the application would compromise the setting of an adjacent Listed Building or character of the Conservation Area. The application is, therefore, deemed to comply with Core Strategy policies SP2 and EN1 along with guidance contained in the National Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.

SUMMARY OF REASON(S) FOR APPROVAL

The application site falls within a Local Service Centre, as identified in policy SP2 of the South Kesteven Core Strategy, where an application for residential development may, subject to certain criteria, be supported. The scheme as amended is considered to respect the character of the area through the scale, design, siting and materials proposed for the two dwellings within the site. Furthermore, alterations to the barn to be converted are sympathetic to the character of the host building and wider Conservation Area. By virtue of the scale, siting and orientation of the proposed dwellings it is not considered that the amenity of future occupiers or neighbouring properties would be compromised through a dominating and overlooking impact. Trees worthy of retention would be retained and highway safety not compromised. Nor is it considered that the application would compromise the setting of an adjacent Listed Building or character of the Conservation Area. The application is, therefore, deemed to comply with Core Strategy policies SP2 and EN1 along with guidance contained in the National Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.

In reaching the decision the Council has worked with the applicant in a positive and proactive

manner developing the proposal through pre-application discussions and seeking solutions to highway and design concerns. As such it is considered that the decision is on 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. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

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

4. Prior to the commencement of development a detailed Method Statement describing the means of repairing the roof for the barn shall be submitted to and approved in writing by the Local Planning Authority. The submitted statement shall identify the existing roof structure and what changes are proposed to be made to it. The approved method statement shall be strictly adhered whilst undertaking any repairs, unless the Local Planning Authority gives its written agreement to any variation.

Reason: To ensure that the features of interest of the barn and retained and character of the building not compromised and to comply with Core Strategy policy EN1.

5. The front boundary wall shown to be demolished and re-sited, as shown on drawing number 1011 P05b, shall be constructed of materials re-claimed from the demolished wall.

Reason: To ensure that the visual appearance of the area would not be compromised and to comply with Core Strategy policy EN1.

6. Before the dwelling(s) are occupied, the access and turning space shall be completed in accordance with the approved plan drawing number 1011/P05b dated 17 August 2012 and

retained for that use thereafter.

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

7. Before development is commence on site all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.

Reason: To prevent unnecessary damage to existing trees and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

8. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include means of enclosure and hard surfacing materials. Soft landscape works shall include planting plans; a schedules of plants, noting species, plant sizes and proposed numbers/densities.

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

9. 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 occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

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

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

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

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

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

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

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area, and for this reason would wish to control any future development, and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

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

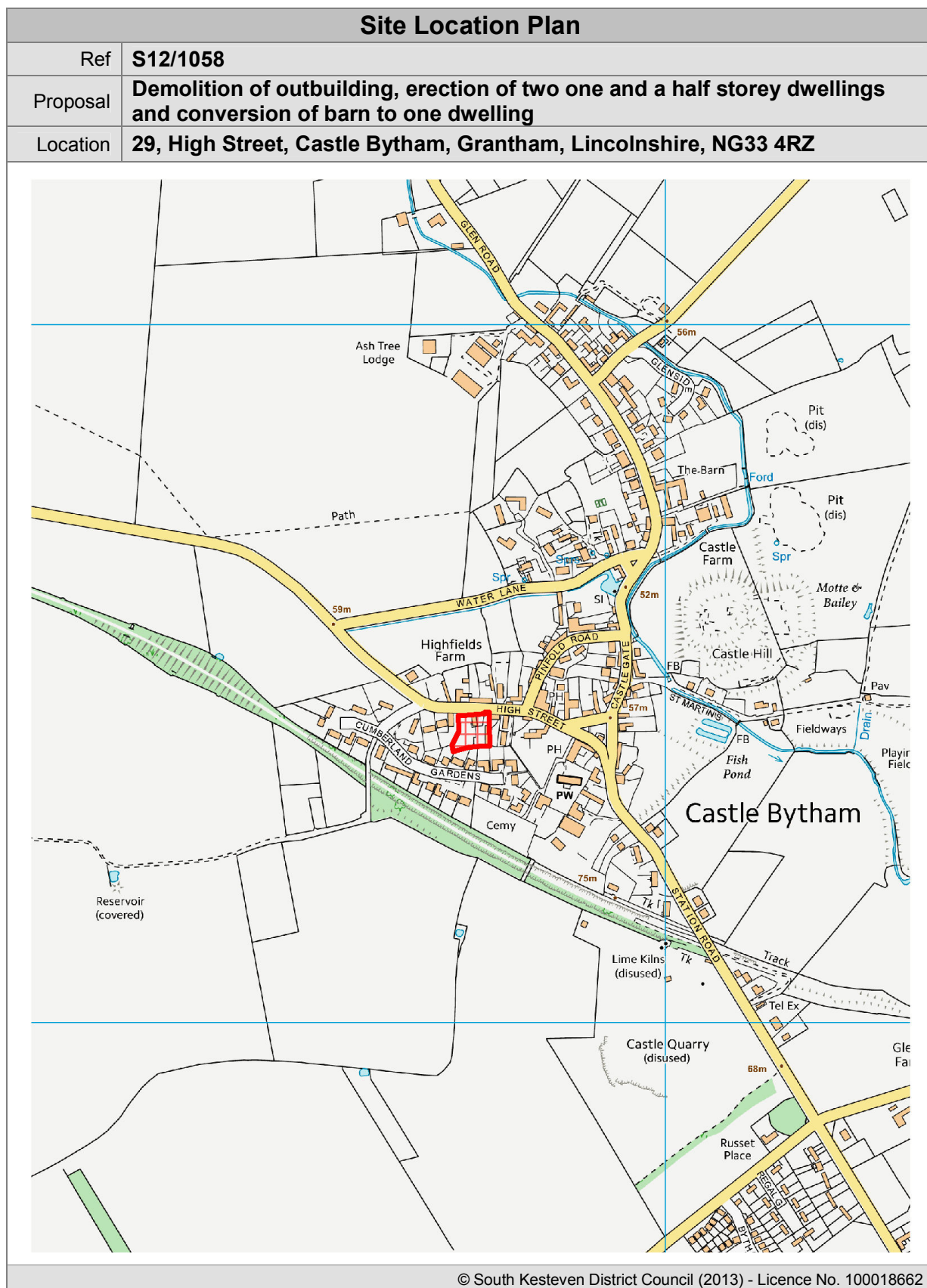
1011 P05b
1011 P06
1011 P07b
1011 P09a
1011 P10a
1011 P11a
1011 P12

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.
2. Should any protected species be found during the course of development you are advised to seek work immediately and make contact with Natural England about possible licences that may be needed.
3. As per the agents e-mail of 16 August, trees 12 and 13, as identified in the tree report, shall be retained.

* * * * *



Applicant	Simon Boon Shiremoor, Mill Lane, Cotterstock, Peterborough, PE8 5HH
Agent	Wythe Holland Partnership LLP Unit 7 Messenger Centre, Crown Lane, Tinwell, Stamford, Lincolnshire, PE9 3UF
Proposal	Erection of two dwellings (incorporating balconies)
Location	Land Adjacent Newcomb Court, Radcliffe Road, Stamford
App Type	Full Planning Permission
Parish(es)	Stamford
Reason for Referral to Committee	At the request of a Member
Recommendation Summary	Approved subject to condition(s)

Key Issues

- Planning history associated with the site.
- Impact on the character of the area through the siting and design of the properties.
- Residential amenity through overlooking and overbearing impacts.
- Highway considerations and impact on trees.

Technical Documents Submitted with the Application

- Location plan
- Tree Survey
- Elevation drawings and floor plans
- Levels through the site

REPORT

Application category

The application is categorised as a minor development.

Reason for referral to Committee

At the request of a Member

The proposal

The application is for the erection of 2 dwellings on a vacant site to the south of Radcliffe Road.

The application site and its surroundings

The application site is accessed off Radcliffe Road via a track. There is a significant change of levels through the application site with it sloping down from Radcliffe Road through the site.

To the south of the application site are a number of buildings that front Scotgate, many of which are listed. There is a significant change of levels between the application site and land to the south. To the immediate east of the site is Jackson Building supplies. To the west of the drive is a redundant commercial building and beyond this Newcomb Court, an elderly/retirement complex.

Along the western edge of the application site are a numbers of trees subject of a preservation order.

Site History

Application S11/0603 for the 'erection of four town houses' was refused permission on the 5 September 2011 for the following reason;

"It is considered that the proposal by reason of the size, scale and siting of the proposed dwellings would constitute an overdevelopment of the site and result in a cramped form of residential development. In particular the eastern end plot is considered to be unsatisfactory in terms of light and outlook because of the close proximity of the warehouse building on the northern boundary and trees along the eastern boundary. In addition the garden areas to the two adjoining plots are considered inadequate and would suffer loss of light and outlook because of the close proximity of mature trees. Therefore the proposal is considered to be contrary to both South Kesteven Core Strategy Policy EN1 and national planning policy guidance PPS1".

Application S11/2683 for the 'erection of two town houses' was granted permission on 27 December 2011.

Policy considerations

National Planning Policy Framework

- 1 – Building a strong and competitive economy
- 6 – Delivering a wide choice of high quality homes
- 7 – Requiring good design
- 12 – Conserving and enhancing the historic environment

Regional Spatial Strategy

- 1 - Regional core objectives
- 2 – Promoting better design
- 26 – Protecting and enhancing the regions natural and cultural heritage
- 27 – Regional priorities for the historic environment

South Kesteven Core Strategy

- SP1 – Spatial Strategy
- EN1 – Protection and Enhancement of the Character of the District

Representations received

Stamford Town Council notes that the site has a chequered planning history and have concern about the balconies. Ask that a site visit be undertaken.

Heritage Lincolnshire request that a condition be added requiring a watching brief of the site when groundworks are undertaken.

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

The consultant Arboriculturalist does not object to the application subject to the imposition of conditions.

Representations received as a result of publicity

The application has been advertised in accordance with the adopted Statement Community Involvement. At the time of writing a total of 11 representations have been received and express concern about the application primarily on the grounds that a pedestrian access route is proposed between the site and Newcomb Court and this will disturb existing residents as well as be used as a cut through for local people.

Additional concerns have been expressed about the scale of the buildings proposed and resultant overbearing and overlooking impacts; the design of the dwellings are in-appropriate and would be harmful to the character of the area; parking and access is inadequate; trees and the natural environment would be detrimentally affected and there is poor drainage in the area which would be exacerbated by the current application.

Officer evaluation

There is an extant planning permission on this site for the erection of two dwellings. This application seeks amendments to both the siting and layout of the dwellings proposed. It is

understood that the changes are required because a neighbouring site owner has a legal right to turn vehicles within the application site which could not be accommodated by the approved layout.

Given the planning history attached to the site the principle of development is supported as the changes do not have a significant impact upon the scheme or its relationship with neighbours and the Conservation Area. Access to the site would be through the existing access point and has already been approved; parking and turning is also acceptable and there is not considered to be any reason to object to the application on this ground. There are a number of mature trees along the western boundary of the site and their longevity would not be compromised through the development proposed, subject to conditions.

Plot 2 would have a shallow rear garden depth of 7.8m but with a large space to the front. The dwelling would have a balcony on the west elevation overlooking the car park of Newcomb Court but given the relationship with this property and land use to the south it is not considered that residential amenity would be compromised. The building would have a ridge height of 8m, increasing slightly to the west as the land drops away. Materials proposed are stone and a Bradstone Collyweston tile, which is appropriate in the context. Elevation treatments would be individual with the primary fenestration on the south side overlooking Scotgate, whilst the dwelling is likely to be visible from the Conservation Area it would not be harmful to its setting.

Plot 1 would be in a similar location to that approved under permission S11/2683; however, the dwelling would be sited closer to the blank gable wall of the adjacent storage building of Jacksons. The property has been designed with this in mind; the garage would be adjacent to this building with primary fenestration overlooking the drive and Conservation Area to the south. Windows have been purposely orientated to minimise possible impacts on future occupiers with Jacksons just 2.3m from the east elevation. Therefore, whilst the dwelling would be close to the adjacent industrial site it is considered that, having regard to the previous approval on site and design of the dwelling, the amenity of future occupiers would not be compromised. Furthermore, the design of the dwelling is sympathetic to the character of the area and would be well screened from many public vantage points and not detrimentally affect the setting of the Conservation Area.

Strong reservations have been expressed by neighbours about access to the site from Newcomb Court. It is not intended to allow vehicular access through the site and this would be controlled by condition. It is indicated on submitted drawings that a pedestrian gate would be installed between the two sites. However, there is no public right of way or footpath between the two sites nor is it considered necessary to have any form of restrictive condition on this matter; it is a civil legal matter between the land owners. The link could not be provided without the consent of the neighbouring land owner. It could not be provided and used without the consent of the neighbouring land owner.

Section 106 Heads of Terms

The application falls below the threshold whereby financial contributions are sought.

Crime and Disorder

It is considered that the proposed development would not raise any 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 would be breached.

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development, by virtue of scale, design and siting, is considered to respect the character of the area without having a detrimental impact on the setting of the adjacent Conservation Area or Listed Buildings. The proposal would also not give rise to an overdevelopment of the plot nor be detrimental to the amenity of neighbouring properties/land uses through a dominating or overlooking impact. In addition the proposal would not be harmful to highway safety or protected trees. Furthermore, it is considered that the application has overcome the reason for refusal attached to application S11/0603 and does not vary significantly from that granted permission under application S11/2683. The application is, therefore, deemed to comply with policies EN1, SP1 and H1 of the Adopted Core Strategy along with guidance contained in the National Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner by determining the application as swift as possible. 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. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

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

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties or to the character of the area, and for this reason would wish to control any future development, and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

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

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

5. Notwithstanding that no vehicular access is proposed between the application site and Newcomb Court, this access shall remain closed to all vehicular traffic unless otherwise agreed in writing by the Local Planning Authority.

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

6. Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan drawing number 1723-02 and retained for that use thereafter.

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

7. Before development is commenced on site all existing trees shown on the approved plan shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.

Reason: To prevent unnecessary damage to existing trees and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

8. As identified on drawing 1840.TPP rev A, part of the parking area and drive to plot 2 shall be constructed using a no-dig technique. A plan shall be submitted to and approved in writing showing a section through the drive. The drive shall be constructed in accordance with the details as approved.

Reason: The trees make a valuable contribution to the character of the area and their retention would assimilate the development within its surroundings and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

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

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

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

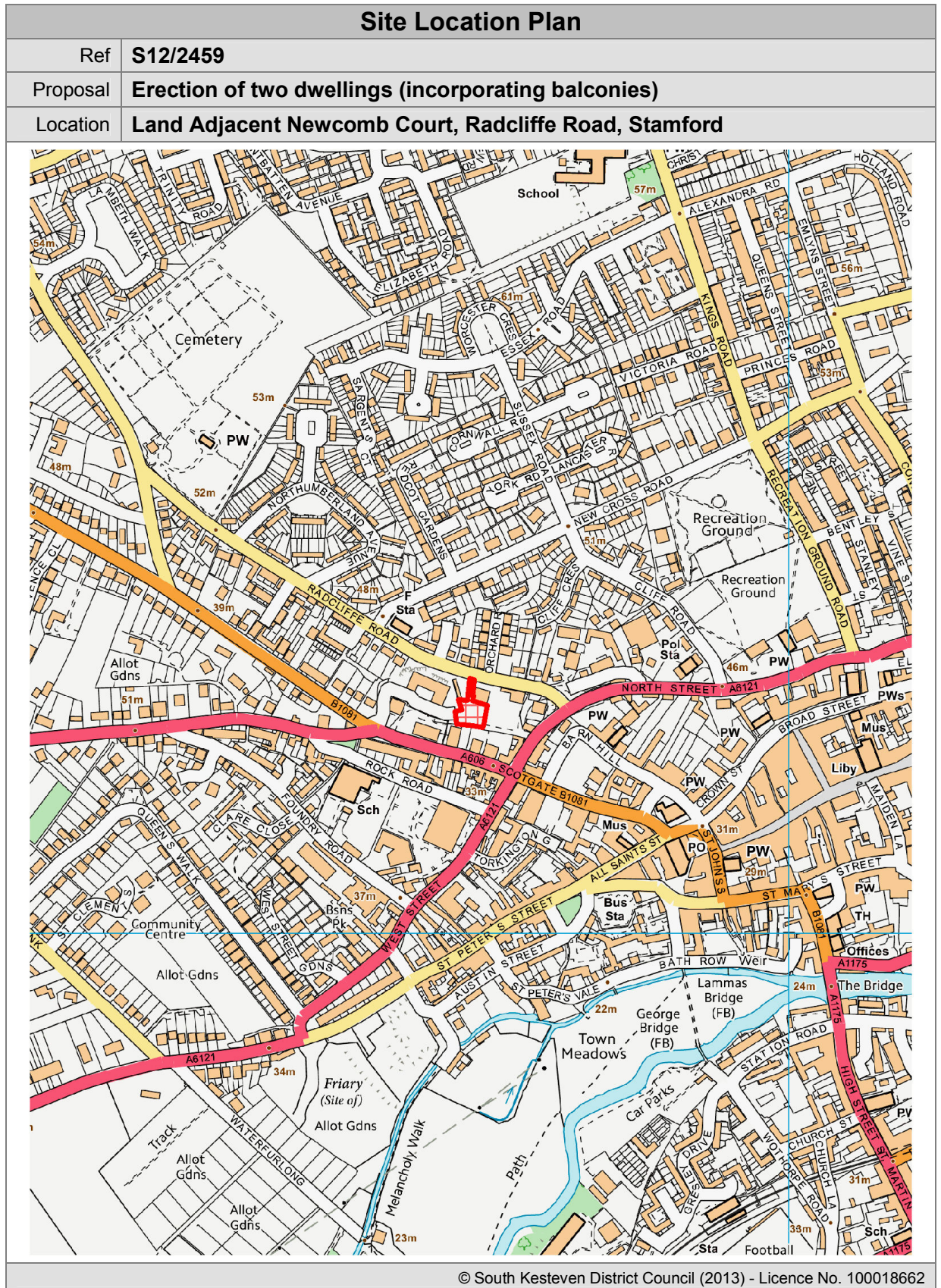
1723 02
1723 05
1723 07
1723 08 (plot 1 floor plans)
1723 09
1723 10
1723 11

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.
2. Please note that this grant of planning permission does not override civil legal rights with regard to development on or over a boundary nor does it override legal rights of way that may be situ.
3. The road is a private road and will not be adopted as a highway maintainable at the public expense (under the Highway Act 1980) and as such the liability for maintenance rests with the frontagers.

* * * * *



Applicant	Mr A Copland 19, Vicarage Close, Cowbit, Spalding, PE12 6XW
Agent	Scott Whight Architect 46, Elm Crescent, Glington, Peterborough, PE6 7LE
Proposal	Erection of 4 dwellings
Location	Land off, Stephens Way, Deeping St James
App Type	Full Planning Permission
Parish(es)	Deeping St James
Reason for Referral to Committee	Financial contributions are sought in support of the application and a Section 106 Legal Agreement required.
Recommendation Summary	Approved subject to condition(s)

Key Issues

- The land is allocated for residential development;
- Impact on the character of the area;
- Whether the development is acceptable with regard to residential amenity;
- Highway considerations

Technical Documents Submitted with the Application

- Draft heads of terms for the Section 106 Legal Agreement
- Layout
- Elevation drawings
- Design and Access Statement

REPORT

Application category

The application is categorised as a minor application.

Reason for referral to committee

Financial contributions are sought in support of the application and a Section 106 Legal Agreement required.

The proposal

The application is for the erection of four dwellings on land to the south of Stephens Way, Deeping St James. The development would compromise a larger detached dwelling to the east of the site and a terrace of three properties that run to the rear of 50 - 60 Stephens Way. The detached dwelling would be two-storey with a ridge height of 8.68m whilst the terrace of three properties would have an identical ridge height and accommodation in the roofspace.

Vehicular access would be through Stephens Way and pass through land currently being developed for 7 dwellings under permission S09/2409/FULL.

The application site and its surroundings

The site is currently vacant although it is understood to have formed the extended garden of a property that fronted Eastgate. An element of residential development has occurred off Stephens Way in the recent past including the erection of 11 affordable bungalows and the 7 dwellings previously mentioned.

There are some semi-mature trees toward the periphery of the site besides which the site is empty.

Site History

Permission for the majority of existing dwellings on Stephens Way was granted in 1990 under reference SK.25/1632/89.

An application for 11 affordable bungalows, made under the exceptions policy and secured as affordable via a Section 106 Legal Agreement, was granted permission in November 2007 (ref; S06/1493/25). These dwellings have been constructed and are to the north of the application site.

An application for a single dwelling on land to the east of Stephens Way was refused permission (ref; S07/0066/25) on the grounds that it would result in residential development in open countryside. An appeal against the application was lodged. Subsequently; however, it came to light that the land was allocated for residential development in the Local Plan. As a result the appeal was withdrawn to allow the submission of a more appropriate application.

Application S08/0780 for the erection of 14 dwellings and associated parking was determined at the Development Control Committee and subject of a resolution to grant planning permission subject to

the signing of a Section 106 Legal Agreement. However, the S106 has not been signed and application withdrawn.

Application S09/2409, for the erection of 7 dwellings on part of the land allocated for residential development was granted on the 18 January 2012. The application was subject of a Section 106 Legal Agreement with contributions sought for Public Open Space, the Local Education Authority and Primary Care Trust.

Policy considerations

Saved policy H4 of the South Kesteven Local Plan

South Kesteven Core Strategy

EN1 – Protection and enhancement of the character of the District

H1 – Residential Development

SP1 – Spatial Strategy

SP4 – Developer contributions

National Planning Policy Framework

1 – Building a strong, competitive economy

6 – Delivering a wide choice of high quality homes

7 – Requiring good design

11 – Conserving and enhancing the natural environment

Representations received

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

Deeping St James Parish Council believe that the development would result in further intrusion to a 'green lane'; do not believe the land was meant to be allocated in the old Local Plan and that its development would be contrary to guidance produced by South Kesteven District Council on Backland Development.

The Communities Leisure Officer requests a payment of £5,400 in lieu of on-site public open space, as was done under application S09/2409.

The Local Education Authority request a contribution of £28,268 toward education provision given that both primary and secondary schools in the locality are full to capacity.

The Primary Care Trust requests a contribution of £3,616 to enhance existing provision.

Peterborough City Council, as an adjacent authority, make no observations on the application.

Environmental Protection make no observations on the application.

The Drainage Project Officer requests that details of drainage be approved prior to the commencement of development and, where possible, a sustainable form of drainage should be used.

Heritage Lincolnshire note that the application would not affect any known sites of archaeological interest.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement with the closing date for representations being the 24 October 2012. Furthermore, additional consultation was undertaken following the receipt of amended plans. As a result of the consultation undertaken three representations have been received. A summary of the points raised is reproduced below;

- Residential amenity would be compromised due to the close relationship between the existing and proposed dwellings and they should be sited further away from existing dwellings;
- The scale of the properties would dominate and be oppressive to existing residents as well as harm privacy, particularly from the accommodation in the roof-space;
- The land is currently an eye sore and should be tidied up;
- Trees would need to be removed from the site;
- Parking provision is inadequate;
- Access to the site is over third party land and any improvement to existing infrastructure would need to be borne by the applicant and not the land owner.

Officer evaluation

The principle of development is supported with the land allocated for residential development by saved policy H4 of the old Local Plan. Therefore the primary issues are considered to be impact on the character of the area, residential amenity and highway considerations.

It should also be noted that amended plans have been submitted with the primary alterations being to the ridge height of dwellings, garages replaced with car ports and the depth of garden associated with plot 1 reduced; the application is considered accordingly.

Impact on character of the area and residential amenity

The design of dwellings is considered acceptable and would assimilate with existing properties on Stephens Way. A reduction in ridge height of the properties means that the overall height of the properties are commensurate with dwellings approved on the adjacent site under permission S09/2409. Plot 1, the detached dwelling, would be larger than is common on the street but given that the design of the dwelling is acceptable and fact that a good mix of housing would be provided, this is considered appropriate. Furthermore, whilst the terrace properties would have accommodation in the roof space this is considered acceptable with the scale of the properties similar to others on Stephens Way.

In terms of overlooking and overbearing impacts the dwellings, as previously noted, would be similar in scale and design to others in Stephens Way. Rear garden depths would be 10m for the terraced properties and slightly below this for the detached dwelling; this would be similar to others in the locality with garden depths which vary from approximately 14m to 9.5m.

Highway considerations

When application S09/2409 was granted permission there was a need to ensure that development of the site would not preclude the residential development of land subject of this application. To do this it was demonstrated that a highway to an adoptable standard could pass through the adjacent site.

As part of this application it is proposed to make the access road up to an adoptable standard as far as the front of plot 3. This is acceptable to ensure that an appropriate number of dwellings are accessed off the private drive and the Highway Authority does not object to the application. Appropriate parking provision would be provided within the site and it would not impact on spaces granted under permission S09/2409. A condition about materials for surfacing would also be required.

Other considerations

There is an element of planting toward the periphery of the site and this is primarily intended to be retained and form the boundary treatment to the site. A willow tree close to the rear of 60 Stephens Way is to be removed and this is required for the erection of a garage approved under permission S09/2409.

Section 106 Heads of Terms

The erection of 4 dwellings would normally fall below the threshold whereby contributions are sought. However, the land forms part of a larger parcel of land allocated for residential development and, therefore, contributions are required. A previous application for seven dwellings on the same parcel of allocated land (ref; S09/2409) also required contributions. The contributions sought for this application are outlined below;

Public Open Space (in-lieu of on-site provision) - £5,400
Local Education Authority - £28,268
Primary Care Trust - £3,616

Crime and Disorder

The proposed development does not raise any significant crime and disorder implications for the local area.

Human Right 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 land is allocated for residential development under saved policy H4 of the South Kesteven Local Plan. Following amendments to the application it is considered that the scale, design and

layout proposed is acceptable and would respect the character of the area, in particular Stephens Way, through which the development is accessed. Given the relationship between the proposed and existing dwellings in the locality it is not considered that the development would be harmful to residential amenity through a dominating or overlooking impact. Contributions have been sought to make the development acceptable with regard to Open Space Provision, Primary Care Trust and the Local Education Authority. Furthermore, subject to appropriate conditions the Local Highway Authority does not object to the application. Nor would there be a significant detrimental impact on the environment through the development. The application is therefore deemed to comply with saved Policy H4 of the Local Plan; policies EN1, H1, SP1 and SP4 of the Core Strategy and guidance contained in the National Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.

Recommendation

That the development be delegated to the Development Management Service Manager in consultation with the Chairman / Vice Chairman for approval subject to the signing of a legal agreement securing developer contribution and subject to the attached conditions. Where the legal agreement has not been concluded prior to the Committee meeting a period not exceeding six weeks post the date of the Committee meeting shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been signed and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman / Vice Chairman of the Development Control Committee, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that the necessary infrastructure or community contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

SUMMARY OF REASON(S) FOR APPROVAL

The land is allocated for residential development under saved policy H4 of the South Kesteven Local Plan. Following amendments to the application it is considered that the scale, design and layout proposed is acceptable and would respect the character of the area, in particular Stephens Way, through which the development is accessed. Given the relationship between the proposed and existing dwellings in the locality it is not considered that the development would be harmful to residential amenity through a dominating or overlooking impact. Contributions have been sought to make the development acceptable with regard to Open Space Provision, Primary Care Trust and the Local Education Authority. Furthermore, subject to appropriate conditions the Local Highway Authority does not object to the application. Nor would there be a significant detrimental impact on the environment through the development. The application is therefore deemed to comply with saved Policy H4 of the Local Plan; policies EN1, H1, SP1 and SP4 of the Core Strategy and guidance contained in the National Planning Policy Framework; with no other material planning considerations to indicate that the application should be determined otherwise.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner developing the proposal through pre-application discussions and seeking solutions to highway and design concerns. As such it is considered that the decision is on 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. No development shall take place until samples of the materials (including colour of render, paintwork or colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.

Reason: To provide a satisfactory appearance by screening rear gardens from public view and in the interests of the privacy and amenity of the occupants of the proposed dwellings.

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

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

5. Before the dwelling(s) are occupied, the access and turning space shall be completed in accordance with the approved plan drawing number 187/01 Revision B dated 04 December 2012 and retained for that use thereafter.

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

6. No dwelling shall be occupied before works to bring the adjoining road and footways up to full adoptable standard to enable their adoption by the local highway authority, up to the interface of the Private Drive, have been certified complete by the local planning authority.

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

7. Prior to any of the buildings being occupied the private drive shall be completed in accordance with the details shown on drawing number 187/01 Revision B dated 04 December 2012.

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

8. Before development commences on site further details relating to the parking and carriageway areas to the public highway, including materials, specification of works and construction method shall be submitted to the local planning authority for approval. The approved details shall be implemented on site before the development is first brought into use and thereafter maintained.

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

9. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. 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.

Reason: Soft landscaping and tree planting make an important contribution to the development and its assimilation with its surroundings.

10. 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 occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

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

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

187 B (location plan)
187 01 rev B
187 02 rev -
187 04 rev A
187 05 rev A
187 06 rev A
187 07 rev -
187 08 rev -
187 09 rev B
187 10 rev B
187 12 rev -

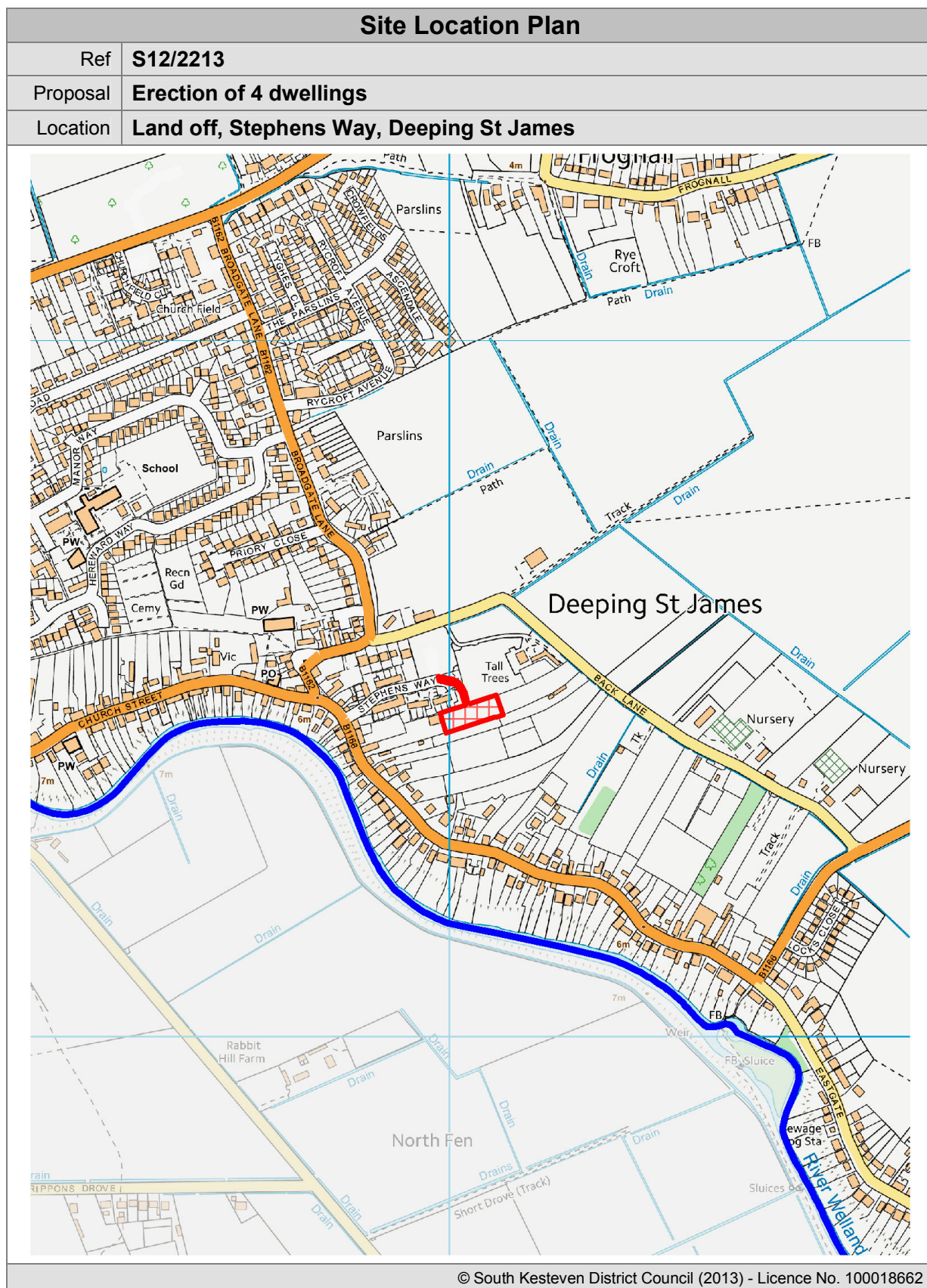
Reason: To define the permission and for the avoidance of doubt.

Note(s) to Applicant

1. Where private drives are proposed as part of any development you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas. This road is a private road and will not be adopted as a Highway Maintainable at the Public Expense (under the Highways Act 1980) and as such the liability for maintenance rests with the frontagers.

2. Surface water off drives and other private areas shall not discharge onto adoptable highway areas. Drives that fall towards the (future) highway shall have suitable drainage channels at the interface connected into the house drainage.

* * * * *



Applicant	Mr & Mrs P Sowerby Caythorpe Hall, Church Lane, Caythorpe, Grantham, Lincolnshire, NG32 3EL
Agent	Steven Dunn Architects Hadleigh House, High Street, Walcott, Lincoln, LN4 3SN
Proposal	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
Location	Caythorpe Hall, Church Lane, Caythorpe, Grantham, NG32 3EL
App Type	Householder Development
Parish(es)	Caythorpe Fulbeck
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.
Recommendation Summary	Refusal

Key Issues

The key issues in this case are the impact of the proposals on the historic character of the listed buildings, the conservation area and their settings, 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 planning merits or otherwise of the works should be considered.

It is also very important to bear in mind that only those proposals specifically included in this application are under consideration and not the merits or otherwise of the wider restoration of the hall and grounds.

Technical Documents Submitted with the Application

- Design and Access Statement
- Report by Dr C. Miele

REPORT

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.

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 C. 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 has been 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 some of the others 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

Caythorpe Hall is an impressive early C19 stone built Country House with associated outbuildings and walled garden set within landscaped formal gardens and extensive informal parkland. It was designed in 1823 by William Parsons for Col G. Hussey Packe and replaced an earlier hall. 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 they were by no means derelict or "at risk", and the house has been continuously as a dwelling since it was built. Until fairly recently part of the service wing was occupied as a separate flat without planning permission. Various other minor unauthorised works appear to have occurred before the current owner bought the property although the exact extent is unclear. Parts of 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 unauthorised works 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 following a lengthy delay of 10 months from the date that the Council's officers originally became aware of the unauthorised works. These applications 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

Caythorpe and Frieston Conservation Area Appraisal (2009)

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, the conservation area and their settings, 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 planning merits or otherwise of the works should be considered.

It is also very important to bear in mind that only those proposals specifically included in this application are under consideration and not the merits or otherwise of the wider restoration of the hall and grounds.

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. Viability in this sense means ensuring the long term preservation of the building in the public interest.

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 by officers to be acceptable, there are major elements of the works which are considered to cause harm or substantial harm to the character and significance of the listed buildings.

There is no doubt that the applicant has carried out general works of restoration to Caythorpe Hall which are positive. However the general principle of restoration of the hall or the wider site is not under consideration as part of this application. 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. Each element is discussed in turn in the following section with an assessment of the degree of harm caused.

Accuracy of the Submitted Plans

The applicant was asked by officers to include all the unauthorised works that he had carried out in the application including accurate "pre-existing" plans in order that a proper assessment could be made. Whilst the submitted "as built" plans accurately show all the retrospective proposals included in this application, there has been some difficulty in obtaining accurate "pre-existing" plans and elevations from the applicant as he claims to have no record of what was there before the

works were carried out. Since the application was previously discussed at committee, it has come to light, through photographic and other evidence that there are some inaccuracies. These include:

- the extent of the original openings in the service wing to the kitchen conservatory appear to have been exaggerated and floorplan of that part of the building conflicts with the sales brochure.
- the extent/appearance of previous extensions where the kitchen conservatory is now.
- the window/door arrangement in the rear/sides of the coach house and the extent of the original rear lean to extension.
- The fountain/pond and gates which are not shown in their original positions on the “pre-existing” block plan.
- Some of the top floor windows on the western elevation on the “pre-existing” plan are shown as having been replaced at some point by those of inappropriate design. This contradicts the sales brochure photographs which show the original windows.
- A small stone building at the entrance to the service courtyard has been removed. This is not shown on the “pre-existing” block plan but appears to have been older than the hall and possibly associated with the previous hall.

However, officers consider that there is sufficient information to be able to assess the impact of the proposals included in this application, on the character and significance of the building and to come to a reasoned judgment.

Kitchen Conservatory

This part of the building, 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. A substantial “kitchen conservatory” has been erected within and protruding from this recess. The service wing appears to have been built in 2 stages with historic maps showing the northernmost part having been added some time after 1845. Officers take a slightly different view from English Heritage on this part of the works although there is broad agreement on the overall degree of harm caused. Officers consider that this part of the service wing is capable of accommodating some degree of alterations or additions without causing harm to the building or the conservation area’s significance, particularly as glazed timber structures, such as conservatories or orangeries are not uncommon as historic features or new additions on country houses of this type. 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. The structure is however considered to be excessively large and substantially harmful in the context of this elevation and its wider setting.

As well as the conservatory itself, significant and unjustified alterations have also been made to the historic fabric of the part of the building where the conservatory is attached. 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. It is likely that the tower was added as part of the northern extension to the service wing to allow a workable floor plan. 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. The drawings also incorrectly show the “tower” structure as being brick of brick construction and larger than it appears on the sales brochure and aerial photographs. The pre-existing floor plan also conflicts with the floor plan included in the sales brochure. The submitted drawing shows a “pre-existing” opening on 2.5m and a door into the “tower”. The sales brochure however shows only a small window on the far left which would be consistent with the floors above and an internal door into the “tower”. There

is some evidence from marks on the walls and historic maps that a small structure of some sort was located within this recess although there is clearly nothing there on 2003 and 2005 aerial photographs and in any case the structure was considerably smaller than the current 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.

The overall impact of the conservatory is exacerbated by the removal of the curtilage listed pond/fountain and gates and the construction of a substantial raised patio on which it stands which is approximately 0.5m above ground level and has been constructed flush with the main eastern facade and extends approximately 30m to the north. A number of trees have also been removed from this part of the grounds (which is within the conservation area) without consent leaving the service wing more exposed and undermining the significance of the main eastern facade and its setting.

The eastern elevation of the hall, when viewed as a whole is not symmetrical but is made up of two distinct elements. These are the main formal eastern facade (which is symmetrical), and the more functional service wing. The eastern facade is considered to be of equal significance to the southern facade in the hierarchy of elements of Caythorpe Hall and although facing a formal private garden is visible from the public realm and was clearly designed to be a symmetrical "set piece" to be viewed within the wider countryside. The fountain and gateway which have been relocated were aligned with the bow front of the east facade and a gateway in the historic perimeter wall along the A607 reinforcing this designed symmetry. It is reasonable to assume that the architect's intention was to create a view across the open countryside from the A607 towards the eastern facade, with the service wing being low key in design and well set back so as not to draw attention away from the main facade. Maps and aerial photos (including historic maps) also show that the service wing was screened by trees as part of the overall designed landscaping of the grounds. The arrangement of Caythorpe Hall appears to have been a design response to the unique context of the site (which was previously occupied by an earlier hall) with the south facade being the formal entrance facing the historic vehicular entrance from Old Lincoln Road and the eastern facade allowing long views to and from the open countryside and escarpment beyond. In other words the setting of the eastern facade was designed to draw the eye towards the facade itself.

An additional factor which undermines the significance of this part of the building is the full length window on the formal northern return of the eastern facade. This is not shown on the plans, but is believed to have been recently constructed by virtue of the modern stonework and the fact that it aligns with the recently built patio. All other "windows" on this northern return are blocked up and appear to have historically always been so. It is considered unlikely that such an opening would have been part of the original design particularly as it would have meant that the formal dining room looked onto the lower status service wing. Furthermore the sales brochure and aerial photographs appear to show no opening here and the dining room is described as having an eastern aspect whilst the sitting room on the south side of the building is specifically described as dual aspect.

In respect of the conservatory and associated works, it is considered that the harm arises from a combination of factors. These include the scale, position and design of the structure itself, the extent/position of the patio, the significant loss of historic fabric of the service wing and the loss/relocation of the fountain/pond and entrance gates/piers. The impact of these combined works has resulted in an undermining of the significance of the eastern facade and the setting in which was designed to be seen. Taking the above into account, the kitchen conservatory and associated works is considered to cause substantial and unjustified harm to the listed building and its setting within the 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 well away from those parts of the hall which have the highest historical significance, 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 or conservation area.

Veranda

The veranda has been constructed on the western elevation of the service wing facing the courtyard which appears to have been built in two stages. This is evident from historic maps and the differences in the colour of the stonework and window detailing delineating the original building and later extension. Whilst not wholly inappropriate or incongruous on a building of this period, 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 well proportioned ground floor windows. Furthermore, it would introduce a formal decorative element to what was intended as a functional service courtyard, undermining the historic significance of this part of the conservation area. No evidence has been provided of similar structures on buildings of this type within a service courtyard context. The veranda is considered to have a harmful rather than substantially harmful impact the listed building, the conservation area and the setting of the adjacent grade II listed Coach House.

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 and scale 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 in principle 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. 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 and is not in itself considered to be harmful.

However, since the original report was written, information has come to light showing that the fountain in the centre of the new pond was until recently located within a small circular pond in the centre of the formal sunken garden to the east of the hall. The stone gate piers were also 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. These features were clearly designed to align with the symmetrical east elevation of Caythorpe Hall and a gateway in the perimeter wall along the A607 forming an important element in its setting. Furthermore, it is now clear that a historic stone building has been demolished adjacent to the original entrance to the service courtyard and the historic access track to the main south entrance to the hall has been removed.

The realignment of the accesses to both the hall and service courtyard and the relocation of the stone gate piers and fountain (as well as the construction of the veranda) appears to have been an attempt to make the service courtyard into the main formal entrance. There is no objection in principle to fencing and gates to the courtyard (including the 2m fences described above), to allow the use of the courtyard to suit modern day requirements of the occupiers. However, the relocation of historic designed features from the high status formal sunken garden where they were important designed features, to the lower status service courtyard, fails to take account of their historic significance and seriously undermines the character and significance of the conservation area and the setting of the hall and outbuildings. No justification has been given for this part of the development.

Their removal and relocation also 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 delays in determining this application have resulted in further unauthorised works coming to light which the applicant has not included in this application despite a request from officers to include all unauthorised works. 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. It is therefore highly 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 the Council's Officers or English Heritage to add any great weight to the arguments already put forward by the applicant. Officers consider that some of the arguments put forward are fundamentally flawed.

Whilst there are some professional differences in opinion between English Heritage's and officers' assessment, it is not considered that English Heritage have taken a significantly disproportionate approach as stated by Dr Miele.

Dr Miele states that in his considered opinion, the proposal does not cause material harm. He then goes on to caveat that by saying that if there is harm it arises only from the kitchen conservatory and it is "less than substantial harm". This is considered to be a contradictory position rather than a firm declaration.

Much of the argument put forward is based on speculation and information supplied (or not supplied) by the applicant which is not backed up by evidence. No serious attempt appears to have been made to research the history of the building and its context or consult the historic records.

Furthermore, the historic significance of the eastern facade has been seriously underplayed and appears to have been not fully understood in its context. The argument that the veranda causes no harm appears to be based on the premise that the design is correct for a building of that period and therefore it is “exactly what you would expect”. The Regency era when verandas were common is not in dispute but that is not in itself considered sufficient justification. Dr Miele’s case is further weakened by his view that the service wing is “vernacular” in character in which case a formal decorative feature would be even more inappropriate. Officers and English Heritage do not agree that this part of the building is vernacular. Although intentionally plainer than the principal facades, it has clearly been designed to ensure consistency with the main hall. The argument has not been backed up by any evidence of structures of similar scale/design in the context of a service courtyard of a country house.

Despite Dr Miele’s assertion that no harm is caused, the main argument put forward in the report is that the proposals would result in “less than substantial” harm and should be weighed against the public benefits of the scheme including its optimum viable use in accordance with para. 134 of the NPPF. 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 repeats the applicant’s view that the works can be justified to secure the enjoyment of the property. This is not sufficient justification and fails the tests in the NPPF. Harmful alterations to heritage assets to secure their “optimum viable use” are only 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 needed to allow the new use are the only reasonable option to ensure the building’s long term preservation. This may apply to structures such as old industrial buildings, hospitals, churches 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 was (before the works were carried out) already a substantial dwelling in reasonable condition with plenty of internal floorspace. It had been continuously in use as a dwelling and no change of use is proposed. There is no evidence to suggest that acceptable living conditions could not be maintained within the constraints of the building before the works were carried out. In other words Caythorpe Hall already benefitted from its optimum viable use – as a dwelling. 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 and allowing some degree of flexibility.

In respect of the coach house doors, the sole 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 before the works were carried out. It is noticeable that Dr Miele’s report is entirely silent on the relocation of the fountain and entrance gates and the replacement door on the west elevation of the hall.

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 developments included in this application cause unjustified harm (both substantial and less than substantial) and fail the tests of the NPPF and are therefore unacceptable. These works include the kitchen conservatory, veranda, entrance gateway and fountain. As well as being individually harmful, the

harm is magnified by the cumulative impact of the developments when viewed together. 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 this cannot be used as a justification for the harmful development undertaken. 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, substantial or otherwise 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, and their settings within the conservation area.

Crime and Disorder Implications

The application will not raise any significant issues.

Human Rights Implications

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

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

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

1. It is considered that a thorough understanding of the historic significance of grade II* listed Caythorpe Hall and associated buildings as well as their settings within the conservation area, and the impact on their character has not been demonstrated. Taking the above into account, it is considered that the kitchen conservatory, veranda and relocated gates and fountain 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 the development would 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.

* * * * *

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 Miele (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
E-mail: david.walsh@english-heritage.org.uk
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 KESTIVEN,
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 Miele (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 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

E-mail: david.walsh@english-heritage.org.uk

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 Caythorpe 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 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 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 been 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

**GROUND'S FOR REFERRAL OF THE ABOVE APPLICATION TO THE SECRETARY OF STATE
FOLLOWING THE DETERMINATION OF THE PLANNING COMMITTEE OF THE 7TH
FEBRUARY 2012
THAT 'AN APPLICATION ENDORSED BY THE COMMITTEE BE MADE TO THE SECRETARY
OF STATE'**

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 29th 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 29th 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 7th 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, HARMSTON 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 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 asymmetrical 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 focus;
- 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 Building Conservation) 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, Harmston, 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 to 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 of 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 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 long-term 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.

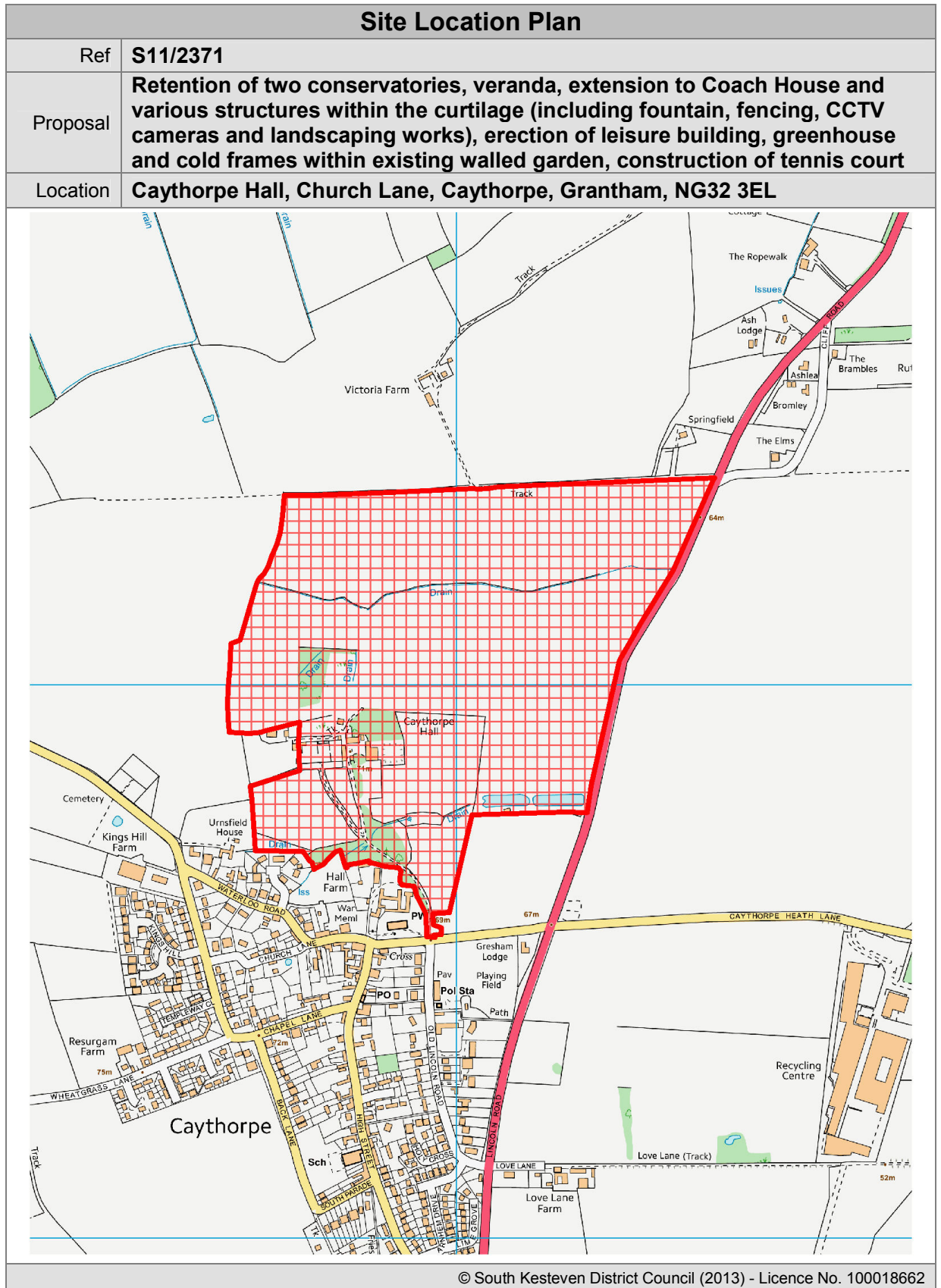
7.5 I confirm that my report complies with the requirements of the Royal Town Planning Institute, as set down in the revised Royal Town Planning Institute "Chartered Town Planners at Inquiries – Practice Advice Note 4".

Dr Chris Miele MRTPI IHBC FSA FRHS

Partner, Montagu Evans LLP

Signed:

Dated: 29 October 2012



Applicant	Mr & Mrs P Sowerby Caythorpe Hall, Church Lane, Caythorpe, Grantham, Lincolnshire, NG32 3EL
Agent	Steven Dunn Architects Hadleigh House, High Street, Walcott, Lincoln, LN4 3SN
Proposal	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
Location	Caythorpe Hall, Church Lane, Caythorpe, Grantham, NG32 3EL
App Type	Listed Building Consent
Parish(es)	Caythorpe Fulbeck
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.
Recommendation Summary	Refusal

Key Issues

The key issues in this case are the impact of the proposals 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.

It is also very important to bear in mind that only those proposals specifically included in this application are under consideration and not the merits or otherwise of the wider restoration of the hall and grounds.

Technical Documents Submitted with the Application

- Design and Access Statement
- Report by Dr C. Miele

REPORT

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 C. 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 has been 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 some of 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

Caythorpe Hall is an impressive early C19 stone built Country House with associated outbuildings and walled garden set within landscaped formal gardens and extensive informal parkland. It was designed in 1823 by William Parsons for Col G. Hussey Packe and replaced an earlier hall. 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 they were by no means derelict or "at risk", and the house has been continuously as a dwelling since it was built. Until fairly recently part of the service wing was occupied as a separate flat without planning permission. Various other minor unauthorised works appear to have occurred before the current owner bought the property although the exact extent is unclear. Parts of 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 unauthorised 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 following a lengthy delay of 10 months from the date that the Council's officers originally became aware of the unauthorised works. These applications 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

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 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.

It is also very important to bear in mind that only those works specifically included in this application are under consideration and not the merits or otherwise of the wider restoration of the hall and grounds.

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:

5. the nature of the heritage assets prevents all reasonable uses of the site; and
6. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
7. conservation by grant funding or some form of charitable or public ownership is demonstrably not possible; and
8. 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. Viability in this sense means ensuring the long term preservation of the building in the public interest.

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 by officers to be acceptable, there are major elements of the works which are considered to cause harm or substantial harm to the character and significance of the listed buildings.

There is no doubt that the applicant has carried out general works of restoration to Caythorpe Hall which are positive. However the general principle of restoration of the hall or the wider site is not under consideration as part of this application. 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. Each element is discussed in turn in the following section with an assessment of the degree of harm caused.

Accuracy of the Submitted Plans

The applicant was asked by officers to include all the unauthorised works that he had carried out in the application including accurate "pre-existing" plans in order that a proper assessment could be made. Whilst the submitted "as built" plans accurately show all the retrospective proposals included in this application, there has been some difficulty in obtaining accurate "pre-existing" plans and elevations from the applicant as he claims to have no record of what was there before the works were carried out. Since the application was previously discussed at committee, it has come to light, through photographic and other evidence that there are some inaccuracies. These include:

- the extent of the original openings in the service wing to the kitchen conservatory appear to have been exaggerated and floorplan of that part of the building conflicts with the sales brochure.
- the extent/appearance of previous extensions where the kitchen conservatory is now.
- the window/door arrangement in the rear/sides of the coach house and the extent of the original rear lean to extension

- The fountain/pond and gates which are not shown in their original positions on the “pre-existing” block plan
- Some of the top floor windows on the western elevation on the “pre-existing” plan are shown as having been replaced at some point by those of inappropriate design. This contradicts the sales brochure photographs which show the original windows.
- A small stone building at the entrance to the service courtyard has been removed. This is not shown on the “pre-existing” block plan but appears to have been older than the hall and possibly associated with the previous hall.

However, officers consider that there is sufficient information to be able to assess the impact of the proposals included in this application, on the character and significance of the building and to come to a reasoned judgment.

Kitchen Conservatory

This part of the building, 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. A substantial “kitchen conservatory” has been erected within and protruding from this recess. The service wing appears to have been built in 2 stages with historic maps showing the northernmost part having been added some time after 1845. Officers take a slightly different view from English Heritage on this part of the works although there is broad agreement on the overall degree of harm caused. Officers consider that this part of the service wing is capable of accommodating some degree of alterations or additions without causing harm to the building’s significance, particularly as glazed timber structures, such as conservatories or orangeries are not uncommon as historic features or new additions on country houses of this type. 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. The structure is however considered to be excessively large and substantially harmful in the context of this elevation.

As well as the conservatory itself, significant and unjustified alterations have also been made to the historic fabric of the part of the building where the conservatory is attached. 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. It is likely that the tower was added as part of the northern extension to the service wing to allow a workable floor plan. 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. The drawings also incorrectly show the “tower” structure as being brick of brick construction and larger than it appears on the sales brochure and aerial photographs. The pre-existing floor plan also conflicts with the floor plan included in the sales brochure. The submitted drawing shows a “pre-existing” opening on 2.5m and a door into the “tower”. The sales brochure however shows only a small window on the far left which would be consistent with the floors above and an internal door into the “tower”. There is some evidence from marks on the walls and historic maps that a small structure of some sort was located within this recess although there is clearly nothing there on 2003 and 2005 aerial photographs and in any case the structure was considerably smaller than the current 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.

The overall impact of the conservatory is exacerbated by the removal of the curtilage listed pond/fountain and gates and the construction of a substantial raised patio on which it stands which

is approximately 0.5m above ground level and has been constructed flush with the main eastern facade and extends approximately 30m to the north. A number of trees have also been removed from this part of the grounds (which is within the conservation area) without consent leaving the service wing more exposed and undermining the significance of the main eastern facade.

The eastern elevation of the hall, when viewed as a whole is not symmetrical but is made up of two distinct elements, the main formal eastern facade (which is symmetrical), and the more functional service wing. The eastern facade is considered to be of equal significance to the southern facade in the hierarchy of elements of Caythorpe Hall and although facing a formal private garden is visible from the public realm and was clearly designed to be a symmetrical “set piece” to be viewed within the wider countryside. The fountain and gateway which have been relocated were aligned with the bow front of the east facade and a gateway in the historic perimeter wall along the A607 reinforcing this designed symmetry. It is reasonable to assume that the architect’s intention was to create a view across the open countryside from the A607 towards the eastern facade, with the service wing being low key in design and well set back so as not to draw attention away from the main facade. Maps and aerial photos (including historic maps) also show that the service wing was screened by trees as part of the overall designed landscaping of the grounds. The arrangement of Caythorpe Hall appears to have been a design response to the unique context of the site (which was previously occupied by an earlier hall) with the south facade being the formal entrance facing the historic vehicular entrance from Old Lincoln Road and the eastern facade allowing long views to and from the open countryside and escarpment beyond. In other words the setting of the eastern facade was designed to draw the eye towards the facade itself.

An additional factor which undermines the significance of this part of the building is the full length window on the formal northern return of the eastern facade. This is not shown on the plans, but is believed to have been recently constructed by virtue of the modern stonework and the fact that it aligns with the recently built patio. All other “windows” on this northern return are blocked up and appear to have historically always been so. It is considered unlikely that such an opening would have been part of the original design particularly as it would have meant that the formal dining room looked onto the lower status service wing. Furthermore the sales brochure and aerial photographs appear to show no opening here and the dining room is described as having an eastern aspect whilst the sitting room on the south side of the building is specifically described as dual aspect.

In respect of the conservatory and associated works, it is considered that the harm arises from a combination of factors. These include the scale, position and design of the structure itself, the extent/position of the patio, the significant loss of historic fabric of the service wing and the loss/relocation of the fountain/pond and entrance gates/piers. The impact of these combined works has resulted in an undermining of the significance of the eastern facade and the setting in which was designed to be seen. 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 well away from those parts of the hall which have the highest historical significance, 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 of the service wing facing the courtyard which appears to have been built in two stages. This is evident from historic maps and the differences in the colour of the stonework and window detailing delineating the original building and later extension. Whilst not wholly inappropriate or incongruous on a building of this period, 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 well proportioned ground floor windows. Furthermore, it would introduce a formal decorative element to what was intended as a functional service courtyard, undermining its historic significance. No evidence has been provided of similar structures on buildings of this type within a service courtyard context. The veranda is considered to have a harmful rather than substantially harmful impact.

A replacement door has been installed on the western elevation of the Hall beneath the veranda. Historic photographs and photographs from the sales brochure taken relatively recently show that it appears to be an original historic door. The replacement is an inappropriate modern design which has a harmful impact and no justification has been given.

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 and scale 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 oversized hinges 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 (including historic photographs), these were original and unusual historic features which contributed 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 there may be no objection in principle to the erection of gate piers or a fountain in the service courtyard, the unjustified removal of these historic curtilage listed structures from their original locations considered to be substantially harmful to the character of the grade II* listed building (see also section on kitchen conservatory). It should be noted that the applicant both in the design and access statement and the statement from Dr C Miele has offered no justification whatsoever for these works. It is difficult to see how an argument can be made that removal of such designed structures can be anything other than harmful or that any public benefit would result.

Other Works

A large new opening with timber doors has 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.

The delays in determining this application have resulted in further unauthorised works coming to light which the applicant has not included in this application despite a request from officers to include all unauthorised works. 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. It is therefore highly 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 claims that the building cannot be seen by the public and in previous correspondence has referred to an appeal decision involving development to an unlisted building within a designated Area of Outstanding Natural Beauty (AONB). 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 the Council's Officers or English Heritage to add any great weight to the arguments already put forward by the applicant. Officers consider that some of the arguments put forward are fundamentally flawed.

Whilst there are some professional differences in opinion between English Heritage's and officers' assessment, it is not considered that English Heritage have taken a significantly disproportionate approach as stated by Dr Miele.

Dr Miele states that in his considered opinion, the proposal does not cause material harm. He then goes on to caveat that by saying that if there is harm it arises only from the kitchen conservatory and it is "less than substantial harm". This is considered to be a contradictory position rather than a firm declaration.

Much of the argument put forward is based on speculation and information supplied (or not supplied) by the applicant which is not backed up by evidence. No serious attempt appears to have been made to research the history of the building and its context or consult the historic records. Furthermore, the historic significance of the eastern facade has been seriously underplayed and appears to have been not fully understood in its context. The argument that the veranda causes no harm appears to be based on the premise that the design is correct for a building of that period and therefore it is "exactly what you would expect". The Regency era when verandas were common is not in dispute but that is not in itself considered sufficient justification. Dr Miele's case is further weakened by his view that the service wing is "vernacular" in character in which case a formal decorative feature would be even more inappropriate. Officers and English Heritage do not agree that this part of the building is vernacular. Although intentionally plainer than the principal facades, it has clearly been designed to ensure consistency with the main hall. The argument has not been backed up by any evidence of structures of similar scale/design in the context of a service courtyard of a country house.

Despite Dr Miele's assertion that no harm is caused, the main argument put forward in the report is that the proposals would result in "less than substantial" harm and should be weighed against the public benefits of the scheme including its optimum viable use in accordance with para. 134 of the NPPF. 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 repeats the applicant's view that the works can be justified to secure the enjoyment of the property. This is not sufficient justification and fails the tests in the NPPF. Harmful alterations to listed buildings to secure their "optimum viable use" are only 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 needed to allow the new use are the only reasonable option to ensure the building's long term preservation. This may apply to structures such as old industrial buildings, hospitals, churches 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 was (before the works were carried out) already a substantial dwelling in reasonable condition with plenty of internal floorspace. It had been continuously in use as a dwelling and no change of use is proposed. There is no evidence to suggest that acceptable living conditions could not be maintained within the constraints of the building before the works were carried out. In other words Caythorpe Hall already benefitted from its optimum viable use – as a dwelling. 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 and allowing some degree of flexibility.

In respect of the coach house doors, the sole 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 before the works were carried out. It is noticeable that Dr Miele's report is entirely silent on the relocation of the fountain and entrance gates and the replacement door on the west elevation of the hall.

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 unjustified harm (both substantial and less than substantial) and fail the tests of the NPPF and are therefore unacceptable. These works include the kitchen conservatory, veranda, replacement front doors to the Coach House, and replacement door on main Hall courtyard elevation, removal/relocation of the fountain/pond and entrance gates, which are all considered to have a substantial harmful impact on the historic character and significance of the grade II* listed Hall and grade II listed Coach House. As well as being individually harmful, the harm is magnified by the cumulative impact of the works when viewed together. 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 this cannot be used as a justification for the harmful works undertaken. 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, substantial or otherwise 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 or less than 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: Does the proposal cause harm? What is the degree of harm?

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

9. Are there substantial public benefits (of ALL the proposals contained in this LB application only) that outweigh the harm and what are these?
10. 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?
11. 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 alteration to its setting 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 loss of, or 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 the policy tests of the NPPF. 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 substantial 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.
- After the unauthorised works came to the council's attention, the applicant took 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:

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

1. It is considered that a thorough understanding of the historic significance of grade II* listed Caythorpe Hall and associated buildings, the impact on its character has not been demonstrated. Taking the above into account, it is considered that the kitchen conservatory (and associated works), veranda, replacement front doors 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 works would result in any public benefit and that the future viability and long term preservation of these heritage assets 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.

See Planning Application No. S11/2371 for relevant Appendices in relation to Planning Application No. S11/2372

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Site Location Plan	
Ref	S11/2372
Proposal	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
Location	Caythorpe Hall, Church Lane, Caythorpe, Grantham, NG32 3EL

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Applicant	Wm Morrison Supermarkets Plc Hilmore House, Gain Lane, Bradford, BD3 7DL
Agent	Mr C Creighton, Peacock and Smith Josephs Well, 9C, Hanover Walk, Leeds, LS3 1AB
Proposal	Erection of pub/restaurant (with associated parking)
Location	Former Mirrlees Blackstone Site, Uffington Road, Stamford
App Type	Outline Planning Consent
Parish(es)	Stamford
Reason for Referral to Committee	The application has been reported to the Development Control Committee because it is considered to be locally significant and is linked to part of a larger development of this area.
Recommendation Summary	The proposed development is considered to be in general accordance with the national guidance and advice contained within the National Planning Policy Framework. The policy accords with the requirements of policies 1, 2, 3, 4, 22, 26, 29, 35, 45, 46 and 48 of the East Midlands Regional Plan 2009 and policies SP1, SP3, EN1, EN2, EN4, E1 and E2 of the adopted South Kesteven Core Strategy 2010. Concerns have been raised in relation to the impact of the development on the vitality and viability of Stamford Town Centre, the sequential assessment of alternative sites and disaggregation of the development, parking provision and highway safety issues. Whilst all of these issues are material consideration to the determination of the application it is considered that the development complies with the relevant policies of the development plan and that the concerns raised are not sufficient in this case to indicate against the proposal. In reaching the decision the Council has worked with the applicant in a positive and proactive manner developing the proposal through pre-application discussions and seeking solutions to highway concerns raised as part of the wider development of this area. As such it is considered that the decision is in accordance with paragraphs 186-187 of the National Planning Policy Framework.

Key Issues

- **Impact on Stamford Town Centre**
- **Access and highway safety**
- **Layout**

Technical Documents Submitted with the Application

- Application form
- Highway note
- Planning statement
- Proposed site plan
- Roundabout access option

- Site location plan
- Site plan

REPORT

Application Category

This application is categorised as a 'Minor' application.

Reason for Referral to Committee

The application has been reported to the Development Control Committee because it is considered to be locally significant and is linked to part of a larger development of this area.

The Proposal

This is an outline planning application for the construction of a pub/restaurant (Use Class A3/A4) with access and scale to be considered. Matters relating to appearance, landscaping and layout are reserved for subsequent approval. The applicant has indicated that there is no end user identified at this stage. However, the indicative layout submitted with the application shows a building of approximately 800sq.m with car parking for 45 vehicles.

The Application Site and its Surroundings

The application site is situated on the north side of Uffington Road (A16) immediately to the east of the Morrisons superstore. The site is approximately 900 metres walking distance from Stamford Town Centre.

The site measures approximately 0.45 hectares and previously formed part of a larger site occupied by Mirrlees Blackstone, which was intensively developed as a factory, foundry and production works complex. The site closed in 1993 and the buildings on the site were subsequently demolished in 2009.

The site is located within a built-up part of Stamford and is surrounded by a mix of land uses including the following:

- Morrisons superstore & petrol filling station
- Stamford Retail Park – Ryhall Road
- Employment/Commercial uses – Uffington Road
- Residential development

Relevant Site History

S.69.92.76.140 – In February 1976 planning permission was granted for an oil storage compound and pump house on the site.

S.69.78.77.126 – In February 1977 planning permission was granted for a factory extension.

S.69.1364.79.2309 – In November 1979 planning permission was granted for an additional fuel storage tank and surrounding spillage pit.

SK.69.2113/88 – In March 1989 planning permission was refused for the erection of non-food retail store on the site. The application was refused on highway safety grounds.

SK.93/0406/69/17 – In June 1993 planning permission was granted for the erection of new fence and wall and gate house on the site.

S04/1861/69 – In December 2004 an application was submitted for retail/leisure development with associated car parking, servicing and new access, including extension to existing car park. The application was eventually withdrawn in April 2005.

S05/1656/69 – In March 2006 planning permission was refused for retail and leisure development and associated works at the site. The application was refused on highway safety grounds. The applicants began the appeal process but the appeal was withdrawn in March 2008.

S06/1151 – This relates to a current application for retail development of land to the north of the application site. Members resolved to approve the application, subject to the competition of a S106 and the Secretary of State not calling the application in, on the 18 December 2012.

S11/2694 – In November 2011 an EIA Screening Opinion was issued in relation to proposed retail development, fast food restaurant, car parking and associated access works. It was concluded that an EIA would not be required for the development.

S11/2782 – In November 2011 a planning application was submitted for the erection of a pub/restaurant with associated parking. The application is currently under consideration.

Policy Considerations

National Planning Policy Framework (NPPF)

Section 1 – Building a strong, competitive economy
Section 2 – Ensuring the vitality of town centres
Section 3 – Supporting a prosperous rural economy
Section 4 – promoting sustainable transport
Section 7 – Requiring good design
Section 8 – Promoting healthy communities
Section 10 – Meeting the challenge of climate change, flooding and coastal change
Section 11 – Conserving and enhancing the natural environment
Section 12 – Conserving and enhancing the historic environment

East Midlands Regional Plan March 2009 (RSS8)

Policy 1 Regional Core Objectives
Policy 2 Promoting Better Design
Policy 3 Distribution of New Development
Policy 4 Development in the Eastern Sub-area
Policy 22 Regional Priorities for Town Centre and Retail Development
Policy 26 Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 29 Priorities for Enhancing the Region's Biodiversity
Policy 35 A Regional Approach to managing Flood Risk
Policy 45 Regional Approach to Traffic Growth Reduction
Policy 46 A Regional Approach to Behavioural Change
Policy 48 Regional Car Parking Standards

On 27 May 2010 the Secretary of State for Communities and Local Government wrote to Council leaders, highlighting the Coalition Government's commitment to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils.

On 6 July 2010 the revocation of regional strategies was announced with immediate effect. In November 2010 this decision was successfully challenged in the High Court by Cala Homes, which resulted in the revocation of the 6 July being quashed. As such, Regional Strategies still form part of the development plan.

Nevertheless, the intention to abolish Regional Strategies announced on 27 May 2010 still remains and is further demonstrated in the Localism Bill promoted by the Government. The Secretary of State has stated that he considered that the intention to abolish Regional Strategies should continue to be a material consideration to which decision makers must have regard when making planning decisions. However, the Secretary of State's statements on this have been legally challenged on the basis that the intention to abolish cannot and should not be a material planning consideration. This challenge was dismissed by the High Court.

On appeal, the Court confirmed that there may be circumstances in which the intention to abolish the RSS could be material to a development control decision.

South Kesteven Core Strategy 2010:

Policy SP1 Spatial Strategy
Policy SP3 Sustainable Integrated Transport
Policy SP4 Developer Contributions
Policy EN1 Protection and Enhancement of the Character of the District
Policy EN2 Reducing the Risk of Flooding
Policy EN4 Sustainable Construction and Design
Policy E1 Employment Development
Policy E2 Retail Development

Representations Received

Heritage Lincolnshire: No objections

Environmental Protection: No objection subject to details of any external lighting scheme being provided prior to installation and those details of all fixed plant and equipment are agreed prior to installation.

Stamford Town Council: No objections

Planning Policy: "Policy comments were made to this application in December 2011. This memo updates the advice given in those comments, in light of the publication of the National Planning Policy Framework, issued in March 2012 and which replaced all PPGs and PPSs.

The Framework continues to endorse a plan-led system, where applications should be determined in accordance with the development plan, unless material considerations indicate otherwise, and is clear that a presumption in favour of sustainable development should be applied when assessing and determining development proposals. The Framework is also clear that decision-makers may give weight to relevant policies in emerging plans: the amount of weight given being dependent on how advanced the plan preparation is, the extent of any unresolved objections to the policy and the

degree of consistency of relevant policies in the emerging plan within those in the Framework [para 216]. The Council believes that the policies of the adopted Core Strategy and of the emerging Site Allocation and Policies DPD are largely consistent with the Framework.

This application is for development on land which is part of the redevelopment of a former industrial site the east of Stamford. The whole site is the subject of planning application S06/1151 (for retail and associated servicing and parking). This application has not yet been determined, although the principle of development has already been established.

The site is immediately adjacent to the Morrison supermarket and south of the area identified in planning application S06/1151 for retail units. It will be accessed from Uffington Road, via a new roundabout to be created as part of that application. The applicants have stated that the proposed development is intended to complement the existing adjacent supermarket and the proposed adjacent retail park, although there is no end-user as the site has not yet been marketed.

The adopted Core Strategy is clear that the focus of development within the District will be the towns and identified Local Service Centres. Policy SP1 locates development within Stamford in order to maintain and support its role as a market town. SP1 gives priority to sustainable sites within the built-up part of the town where development would not compromise the nature and character of the town and allocated sites. It also allows for the use of appropriate edge-of-town sites where there is insufficient land available within the built-up part of the town.

Core Strategy policy E2 relates to the location of retail and other town centre development. It aims to strengthen the town centres by locating retail development within the identified town centre boundaries. The policy is clear that town centre development should be focused in identified town centres, and where this is not possible advocates a sequential approach to site location. The recommendations of the Council's Retail Needs Study is to be used to inform the implementation of Policy E2. This study is to be updated on a regular basis and the most up-to-date study should be used.

The Framework [para 27] is clear that applications for town centre uses which are not in a town centre should be refused unless it can be demonstrated that the applicant can satisfy the sequential test [para 24] or where there is no evidence that the development will have adverse impacts [para 26].

The applicant has submitted details of a sequential assessment in support of this application. This assessment was also submitted in support of application S06/1151. The applicant's assessment concluded that Stamford does lend itself to accommodating modern medium sized floorspace and found nothing suitable for the proposed operation. The sites assessed include those evaluated during the preparation of the Site Allocation and Policies DPD for their redevelopment potential. While it was not considered appropriate to identify any sites for redevelopment in the DPD, taking into account the findings of the Council's assessment of the sites, I would not disagree with the applicant's conclusions.

The area east of Ryhall Road and north of Uffington Road comprises a mix of employment and retail uses, parts of which are identified in the emerging Site Allocation and Policies DPD for protection as existing employment sites. This area of Stamford is also a major destination for the larger retail operations which are usually found in out-of-centre locations. It is considered that the whole of the area east of Ryhall Road benefits from the mixed economy of retail and employment/business uses which presently exist. The redevelopment of this now derelict former industrial site should further strengthen the economy of the area. The site will have access to the A16 Uffington Road. This provides good access to Stamford town centre and also to the villages to the east of Stamford.

The proposal is for a town centre use, although the location of this site, immediately adjacent to existing and proposed retail units, and within easy reach of the town centre, could be regarded as an appropriate for this type of development, which is intended to complement adjacent retail developments.”

Environment Agency: The EA raise no objections to the proposed development subject to the inclusion of conditions relating to the remediation of contaminated land, and drainage details to be agreed prior to installation.

Local Highway Authority: No objections subject to conditions securing highway and access improvements and the submission of a travel plan.

Representations as a Result of Publicity

Stamford Chamber of Trade and Commerce:

Stamford Chamber of Trade and Commerce has objected to the proposed development and has submitted representations prepared by their Highways Consultants JMP and their retail consultant Martin Tonks. The conclusions of JMP relating to the development are summarised below:

- No assessment of the additional impact the pub / restaurant traffic will have on the local highway network. Given the location of the pub / restaurant it is likely to increase traffic on junctions that already have some degree of congestion at peak times.
- Further investigation is required by Bryan G Hall on the number of car parking spaces provided, who they are for and how they will be managed, as part of Framework Travel Plan (FTP) for the proposed development or as part of the FTP for the non-food retail proposal.
- The location of the proposed development could restrict opportunities for the delivery of future highway schemes, by constraining the land available for a relief road junction with Uffington Road.

Savills – on behalf of the administrative receivers of FH Gilman and Company Limited:

“Firstly, we would like to stress that we support the principle of the redevelopment of previously developed land in this general location for both non-food retail and a public house/restaurant. We consider that such development should be encouraged provided it does not adversely impact upon the deliverability of other nearby development sites, particularly those allocated for redevelopment and which are brownfield and which require environmental improvements.

In particular we note the proposed roundabout which will provide access to both applications as well as having the potential to provide part of the long awaited relief/link road.

This roundabout is adjacent to both the land to the south and north of Uffington Road in the ownership of FH Gilman. In the Council’s Site Allocations Submission Document the land to the south is identified under policy STAM1c for housing and under STAM2b for employment and the land immediately north of the road under Policy SAP5: Locally Important Existing Employment Sites as site ExE S3. In addition the land is identified in the Adopted Local Plan under Policy E2.1.

In the interests of good planning and to facilitate the delivery of the Council’s vision for the area as contained in the Adopted Local Plan, the Core Strategy and the Submission Site Allocations Document, we strongly advise the Council, acting as Local Planning Authority, that they need to

ensure that the roundabout's design and location does not prejudice the delivery of the allocated employment sites (both in the adopted Local Plan and those sites emerging in the site allocations document) or the redevelopment of existing employment sites.

There are limited opportunities to provide appropriate access points along this part of Uffington Road and the proposed Morrison development should not be considered in isolation from the other development/redevelopment sites in this locality.

In respect of the land to the north, this is identified under Policy E2.3 for employment. This was subject to planning application for the development of a business park. Although agreed in principle by Committee, subject to the completion of a Section 106 agreement, a decision notice was never issued.

We note that although the Morrison proposals do take limited account of the need to facilitate the provision of, or at least not prejudice the delivery of a new relief road, there is further scope, to make sure that the development enhances the deliverability of Council policy, namely Policy E2.3. This can be achieved in a number of ways, for example:

- The proposed service road running from the roundabout alongside the boundary between the Morrison site and the FH Gilman land has the potential, in addition to providing part of the potential relief road, to provide an alternative access to the allocated employment site E2.3, to east of the application site. Ideally this road should be built to adoptable standards to facilitate access to the north and east of the Morrison site.
- The roundabout can be designed in such a way to facilitate rather than prejudice access to the sites to the east, such as the existing employment site to the north of Uffington Road (ExE S3) and the proposed mixed use development site to the south of Uffington Road (STAM1c and STAM2b).

This part of Stamford has a significant amount of previously developed land such as that owned by FH Gilman and Wm Morrison Supermarkets. These sites, like many brownfield sites, are environmentally degraded as a result of their previous uses. Their redevelopment will bring significant environmental benefits along with the other benefits associated with such development such as investment and jobs. As such these sites, in accordance with national and local policy, should be a priority for development for the Council and the Council should do everything in its power to facilitate the regeneration of these sites."

Officer Evaluation

Retail Impact

The National Planning Policy Framework (NPPF) has replaced the former guidance contained in PPS4 'Planning for Sustainable Economic Development'. The NPPF therefore contains the most up to date national guidance in relation to ensuring the vitality of town centres.

Paragraph 24 of the NPPF states that "local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the

town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.”

Paragraph 26 goes on to state that when assessing retail applications outside of the town centres, which are not in accordance with an up-to-date Local Plan, local authorities should require an impact assessment if the development exceeds locally set thresholds or a floorspace of 2,500Sq m. This should include an assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

Paragraph 27 states clearly that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

Policy E2 of the Adopted Core Strategy seeks to strengthen and regenerate Grantham, Stamford, Bourne and the Deepings town centres and support uses and activities which sustain and improve their vitality and viability.

The policy states that provision will be made to accommodate additional retail floorspace over the Plan period based on the recommendations of the most up to date Retail Needs Study.

The policy goes on to states that town centre development should be focused in identified town centres. Where developments cannot be identified with town centres a sequential approach will be followed with preference first to sites on the edge of the defined town centre prior to consideration of out-of-centre sites.

The application site is located on Uffington Road approximately 900 metres walking distance from Stamford Town Centre. It is considered that the site is located in an out-of-centre location in relation to the retail assessment purposes.

Sequential Assessment:

P&S have identified eight sites which are more centrally located than the application site for the purposes of the Sequential Assessment:

1. The Cattle Market, Station Road Car Park;
2. The Riverside area, Wharf Road/Priory Road & Wharf Road Car Park;
3. North Street Car Park
4. Scotgate Car Park;
5. Bath Row Car Park;
6. St Leonards Street Car Park;
7. St Johns Lane/Bath Row Site; and
8. Bus Station Site

It is considered that the assessment of these sites complies with the requirements of the NPPF and Policy E2 of the Core Strategy. It is considered that the sites listed above represent an appropriate assessment of relevant sites.

P&S have advised that the proposed pub / restaurant development is intended to serve the needs of visitors to various facilities in the area, including the proposed major retail scheme currently under consideration (application S06/1151), as well as the Morrisons superstore and adjacent retail parks.

P&S have stated that it is common for successful and attractive out-of-centre retail parks to offer some form of pub or restaurant type facility to serve the needs and conveniences of shoppers and visitors to the area. They advise that in this way the proposed A3/A4 development will serve an important function that is ancillary to the existing and proposed dominant A1 retail use on the site.

P&S have argued that the functionality and purpose of the proposed pub / restaurant use is “indissolubly” connected to its proposed location.

Having considered the sequential assessment put forward by P&S overall it is considered that there are no other potential sequentially preferable sites which are considered to be suitable for the proposed development.

As the proposed development is not in excess of 2,500 sq m in size a full impact assessment is not required in this instance. Notwithstanding this it is considered that given the modest size of the proposed development it will not result in any significant adverse impact on the vitality or viability of Stamford Town Centre.

Access and Highway Safety

Section 4 of the NPPF sets out the Governments approach towards promoting sustainable transport. Paragraph 29 states that “transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”

Paragraph 32 of the NPPF advises that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. When determining planning applications local authorities should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 34 of the NPPF goes on to state that planning decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 36 of the NPPF advises that developments which generate significant amounts of movement should be required to provide a Travel Plan in support of the application.

The applicant has appointed Bryan G Hall consultants to prepare a Highway Note to support the proposed development. The application has close links to the redevelopment of the adjacent Mirrlees Blackstones Site comprises 5,082sq m gross floorspace for non-food retails across 6 units (under application S06/1151). Both this and the retail development would be served form a purpose built roundabout junction to the south of the site on A16, Uffington Road.

Concern has been raised that the proposed development could compromise further development of land to the north and south of the application site due to the proposed highways infrastructure not been able to accommodate and additional development.

The Highway Authority has undertaken checks on the detail contained in the Transport Assessment (TA) submitted in relation to application S06/1151 and subject to conditions they concur with its conclusions. The Highway Authority advise that the findings of the TA demonstrate that the proposed roundabout junction design is capable of accommodating traffic growth associated with future demands including other possible future developments in the area. In this context the proposed development will not forestall regeneration of previously developed land.

It has been argued that the proposal could compromise the provision of future essential highway infrastructure and that the current planning application should not be determined in isolation and that it should only be considered in the context of a full LDF infrastructure study of Stamford undertaken by the Local Highway Authority. As already stated above the Local Highway Authority has raised no objections to the proposal subject to conditions and indicated that the proposed junction / roundabout improvements have capacity built in to accommodate future growth and development in the area.

Concern has also been raised in relation to the information contained in the supporting note from Bryan G Hall. It is clear from the submitted information that the note from Bryan G Hall is based on an earlier car parking layout plan which showed 44 car parking spaces, with 2 disabled spaces. The formal application layout plan shows 45 spaces, with 8 disabled spaces. This is the level of parking which has been considered by the local highway authority to be acceptable, accordingly they have not raised any objections to the proposed access and parking provision.

Design and Layout

This is an outline application and issues relating to layout and appearance have been reserved for subsequent approval. It is however considered, based on the submitted indicative information, that a suitably designed building would not appear out of character with the surrounding development and could provide a focal point towards the entrance to the site.

It is therefore considered that the development would comply with the requirements of policy EN1 of the Core Strategy relating to the protection and enhancement of the character of the district.

Section 106 Heads of Terms

The proposed development does not require a Section 106 Agreement to be entered into as the necessary highway improvements can be secured through the imposition of planning conditions.

Crime and Disorder

It is considered that the proposed development raises no significant crime and disorder implications.

Human Rights Implications

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

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

Conclusion

The application is therefore recommended for approval subject to the following conditions:

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development is considered to be in general accordance with the national guidance and advice contained within the National Planning Policy Framework. The policy accords with the requirements of policies 1, 2, 3, 4, 22, 26, 29, 35, 45, 46 and 48 of the East Midlands Regional Plan 2009 and policies SP1, SP3, EN1, EN2, EN4, E1 and E2 of the adopted South Kesteven Core Strategy 2010.

Concerns have been raised in relation to the impact of the development on the vitality and viability of Stamford Town Centre, the sequential assessment of alternative sites and disaggregation of the development, parking provision and highway safety issues. Whilst all of these issues are material consideration to the determination of the application it is considered that the development complies with the relevant policies of the development plan and that the concerns raised are not sufficient in this case to indicate against the proposal.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner developing the proposal through pre-application discussions and seeking solutions to highway concerns raised as part of the wider development of this area. 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 or two years from the approval of the last of the reserved matters, whichever is the later.

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

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

- (a) layout;
- (b) appearance; and
- (c) landscaping.

Approval of all reserved matters shall be obtained from the Local Planning Authority in

writing before any development is commenced.

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

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

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

4. 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.

Reasons: To ensure that the proposed lighting does not have an adverse impact on the amenity of the surrounding area in accordance with Policy EN1 of the adopted South Kesteven Core Strategy 2010.

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.

Reason: The site is located in a sensitive area for groundwater, with a Principal Aquifer present below the site (Lincolnshire Limestone) and is also within a Source Protection Zone 2. In addition, surface waters are in close proximity to the site, including the River Gwash and the River Welland.

6. 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.

Reason: To ensure that any piling or foundation designs do not increase the potential for contaminants at the site to migrate and impact the underlying Principal Aquifer.

7. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor

Reason: To prevent pollution of the watercourse, in accordance with the requirements of Policy EN1 of the adopted South Kesteven Core Strategy 2010.

8. 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.

Reason: To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner.

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

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site, in accordance with policy SP3 of the adopted South Kesteven Core Strategy 2010.

10. When the application is made for approval of the 'reserved matters' that application shall show details of the arrangements for 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, in accordance with policy SP3 of the adopted South Kesteven Core Strategy 2010.

11. No development shall be commenced (apart from those works identified on drawing number 10_257_TR_009 Revision A or as specified) before the works to improve the public highway (by means of constructing a roundabout and together with all necessary access, footways lighting and ancillary works) have been certified complete by the Local Planning Authority.

Reason: In the interests of safety of the users of the public highway and the safety of the users of the site, in accordance with policy SP3 of the adopted South Kesteven Core Strategy 2010.

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

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

13. Development shall not be commenced until a 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 as long as any part of the development is occupied.

Reason: In order that the local planning authority conforms to the requirements of the National Planning Policy Framework, a Travel Plan has been conditioned to ensure that access to the site is sustainable and reduces dependency on the car, in accordance with policy SP3 of the adopted South Kesteven Core Strategy 2010.

14. Notwithstanding the provisions contained within the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order) this permission shall relate to the use of the premises only for the purposes defined in the application and for no other purpose.

Reason: To enable the Local Planning Authority to maintain satisfactory control of the activities involved to ensure that any future change of use does not adversely impact on the vitality and viability of Stamford Town Centre in accordance with policy E2 of the adopted South Kesteven Core Strategy 2010.

15. 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 Plan: Ref A1A0037 A(PL) 01-102 Rev A

Proposed Site Plan: Ref A1A0037 A(PL) 01-104

Proposed Roundabout: Ref 10-257-TR-009 Rev A

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

16. No development shall commence until details of the equipment to be installed to suppress the emission of fumes or smell and obviate odours from frying or other cooking processes have been submitted to and approved in writing by the Local Planning Authority. The information to be submitted shall include details of any extraction vents or flues. The use of the building hereby approved shall not commence until the approved equipment has been installed and this shall then be maintained thereafter.

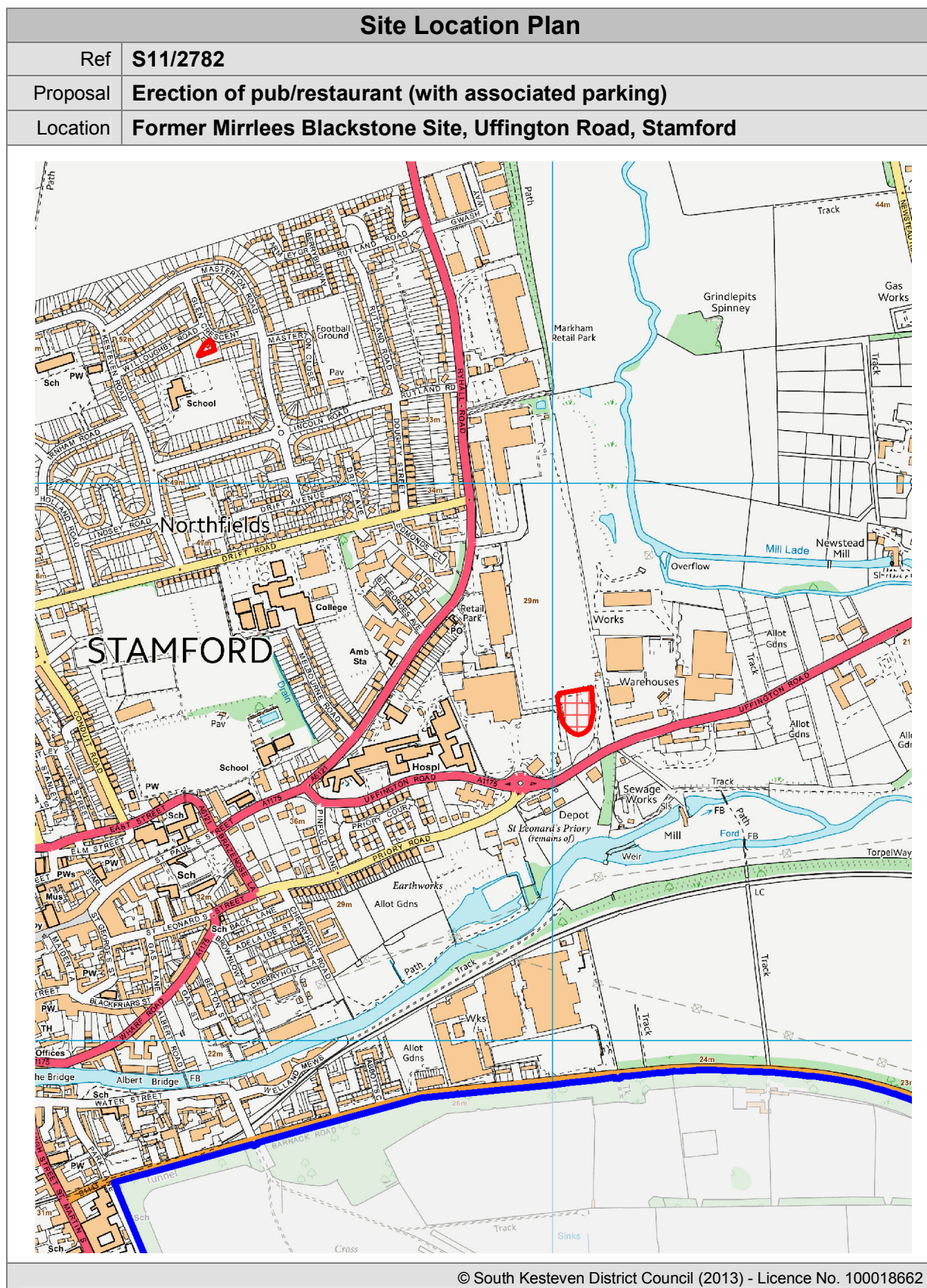
Reason: To prevent odours from adversely impacting on the amenities of residents living in the locality, in accordance with policy EN1 of the adopted South Kesteven Core Strategy 2010.

Note(s) to Applicant

1. The developers attention is drawn to the attached letter from the Environment Agency dated 15 December 2011.

2. No building to which this permission relates shall be occupied until a Section 278 Agreement of the Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to provide a roundabout and access road together with all necessary ancillary works in accordance with the indicative drawing submitted as part of the application.
3. Prior to the submission of details for any access works within the public highway you are advised to contact the Divisional Highways Manager on 01522 782070 for application, specification and construction information.
4. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.

* * * * *



Applicant	Mrs J A Watts Vine House Farm, Deeping St Nicholas, Spalding, PE113DG
Agent	Mr A Allison, Ryland Design Services Ltd Woodlands Business Centre, Lincoln Road, Welton, Lincoln, LN2 3PZ
Proposal	Conversion of redundant farm buildings to create X 4 holiday units at Tilly's Barn; X 3 holiday units at The Granary barns; X 1 holiday unit; X 1 live/work unit and cake decorating business (Class B1) at Perkins Barn together with new vehicular acces and car parking
Location	Tilly's Barn and Perkins Barn, The Granary, Outgang Road, Baston
App Type	Full Planning Permission
Parish(es)	Baston
Reason for Referral to Committee	The application has been referred to Committee following request by the Chairman as a proposal generating local interest.
Recommendation Summary	Approval subject to conditions

Key Issues

- Principle of development
- Impact on heritage assets
- Rural diversification
- Traffic generation and highway safety
- Impact on nature conservation interests

Technical Documents Submitted with the Application

- Plans and Drawings
- Design and Access Statement
- Heritage Impact Statement
- Structural Engineering Appraisals
- Conservation (Protected Species) Implications
- Conservation (Protected Species) Implications Supplementary Report (Sept 2012)
- Flood Risk Assessment
- Letter from Environment Agency dated 29 October 2012
- Memo including details of foul drainage provision dated 7 December 2012

REPORT

Application Category

The application is categorised as a minor type of application.

Reason for Referral to Committee

The application has been referred to Committee following request by the Chairman as a proposal generating local interest.

The Proposal

The proposal is for:

- Tilly's Barn – conversion of redundant farm cottage and barn to four holiday cottages (x2 one bed and x2 two bed units) together with a new vehicular access from Baston Outgang Road, improvements to the visibility splay of the existing access and five car parking spaces. The area around the units would be landscaped and existing hedgerows strengthened along the main road outside the visibility splay. The converted farm cottage would include a day bat roost area with 2 no bat ridge access tiles and a brick owl tower would be provided to the south of the site adjacent to the existing pond.
- Perkins Barn – conversion of redundant barn to x1 holiday unit, x1 live/work unit and a cake decorating business (Class B1) together with three car parking spaces for customers and space for the live/work unit. The area around the barns would be landscaped with new tree and hedge planting. A brick owl tower would be provided to the west of the site and a day bat roost area with 2 no bat ridge access tiles in the roof of the converted barn. The existing farm road leading to both Perkins Barn and The Granary would be increased to 4.1m wide
- The Granary – conversion of redundant barn to x3 holiday units with three car parking spaces. Part of the roofspace of The Granary would comprise a bat loft for Brown Long Eared Bats.

The proposal would form part of a rural diversification project. The applicant is a farmer who is based at Vine House Farm in Deeping St Nicholas but has a main farm base at Black Drove Farm, located to the east of the application site and farms the land in the surrounding area. The cake decorating business already takes place at Vinehouse Farm and would be relocated to Perkins Barn. The live/work unit at Perkins Barn would be occupied by a family member who would manage the holiday lets and run the cake decorating business. The applicant has a keen interest in nature conservation and ecology – there are existing owl boxes in the redundant barns, a wildlife area has been created around the irrigation pond at Tilly's Barn and wildflower meadows have been planted to encourage butterflies. He has found that visitors to Vine House Farm for nature conservation reasons require holiday accommodation but there is little available in this area.

The Application Site and its Surroundings

The application relates to two sites within the same application that are situated on Baston Outgang Road that are approximately 700m apart. The first site is known as Tilly's Barn and comprises a redundant farm worker's cottage with attached barns. It fronts the main road and has an existing

access that also leads to an informal wildlife area. The second site comprises two elements: a group of redundant farm buildings, arranged around a double crewyard, known as Perkin's Barn and a redundant two storey storage building known as The Granary. It is located 200m back from the main road and is access via an existing farm track.

The surrounding land is fenland, predominantly in agricultural use with mineral extraction taking place on a large scale to the west of the site. There are ponds adjacent to the farm buildings. The application sites, together with the surrounding land, are categorised as being in Flood Risk Zone 3 (land most susceptible to flooding). The Baston Special Area of Conservation (SAC), together with Baston and Thurlby Fens SSSI and Counter Drain SSSI, are located approximately 1500m to the north of the site.

Relevant Site History

There is no relevant planning history on the site itself. In 1996, planning permission was granted to extract sand and gravel to create an irrigation reservoir and wildlife area (S96/21170) on land to the south of Tilly's Barn. Pre-application discussions have been held with the applicant and suggested amendments have been included in the submitted plans.

Policy Considerations

South Kesteven Core Strategy

SP1: Spatial Strategy

EN1: Protection and Enhancement of the Character of the District

EN2: Reducing the Risk of Flooding

EN3: Renewable Energy Generation

EN4: Sustainable Construction and Design

H1: Residential Development

E1: Employment Development

East Midland Regional Plan

2 Promoting Better Design

3 Distribution of New Development

24 Regional Priorities for Rural Diversification

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

27 Regional Priorities for the Historic Environment

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

42 Regional Priorities for Tourism

National Planning Policy Framework

Core Planning Principles

3. Supporting a prosperous rural economy

4. Promoting sustainable transport

7. Requiring good design

10. Meeting the challenge of climate change, flooding and coastal change

11. Conserving and enhancing the natural environment

12. Conserving and enhancing the historic environment

Emerging Site Allocation and Policies DPD

SAP4: Business Development in the Countryside

Representations Received

Baston Parish Council: Do not wish to make representation on this application.

Natural England: There are designated nature conservation sites located 1.5km to the north of the application site at Baston and Thurlby Fens.

- Natura 2000 site - following the submission of additional information relating to foul drainage, Natural England is satisfied that there will not be a likely significant effect on the Baston Fen SAC and as such the authority will not be required to undertake an Appropriate Assessment.
- Baston and Thurlby Fens SSSI and Counter Drain SSSI – following the submission of additional information relating to foul drainage, Natural England is satisfied that there will be no impact on Baston and Thurlby Fens SSSI and Cross Drain SSSI.

On the basis of the information available to use, our advice is that the proposed development is likely to affect common pipistrelle bats through disturbance of a European Protected Species. We are satisfied, however, that the proposed mitigation would maintain the population identified in the survey report. Conditions should be attached to any planning permission that ensure the recommendations for mitigation (and enhancement) made by the ecologist in both reports are carried out as part of the development. Natural England does not object to the proposed development.

Environment Agency: We consider that planning permission should only be granted if the following planning condition is imposed that the development should only be carried out in accordance with the approved Flood Risk Assessment.

Lincolnshire County Council Highways: Following submission of amended plans, the Highway Authority has confirmed that the proposals are acceptable in terms of the visibility splays and car parking to be provided. Conditions are suggested relating to details of the construction of the new vehicular access, removal of any obstructions in the visibility splay, provision of parking/turning/manoeuvring space and design of surface water drainage.

SKDC Conservation Officer: The proposals seek to convert an arrangement of outbuildings; Perkins Barn, Tilley's Barn and the Granary. Although these are not listed they are 'undesigned heritage assets' ranging in date from the mid to late 19th century with a good retention of original features and a plan form and construction relating to the local vernacular. Ideally, a more low key usage for the buildings is preferred, however, it is recognised that the barns have been unoccupied for some time and adaptation is necessary to ensure their long term future.

Overall the proposals are sympathetic; where modern interventions are proposed these are harmonious and much of the architectural detailing such as window and door openings remain intact. There is some inevitable impact on the internal arrangement of the buildings; however, these are not of sufficient interest to justify their retention. The applicants have been pro-active in pursuing pre-application advice (S12/1411) and any previous design issues have now been largely resolved.

No major objections, but a number of detailed comments are made on the conversion of the each building and suggested conditions are included.

SKDC Environmental Health: Although the development site does not formally appear on our list of potentially contaminated sites due to previous potential contaminative use, agricultural premises could be contaminated by a number of activities, such as pesticide and fertilizer storage, intensive animal rearing and fuel storage. The development should ensure that the site is 'suitable for use' by completion of a) a Phase 1/desk study, b) a Phase 2/intrusive investigation (if necessary), c) a Remediation Strategy (if necessary) and d) a Validation Report; prior to the commencement of development.

South Holland District Council: No objections to the development.

Lincolnshire Wildlife Trust: No comments received.

Heritage Trust of Lincolnshire: The application does not affect any known archaeological sites.

Representations Received 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 23 December 2012. No representations have been received.

Officer Evaluation

The proposed development would be located in the countryside where development would normally be resisted. Core Strategy policy SP1 does allow development in certain circumstances including conversions of buildings which contribute to the character and appearance of the local area, are in sound structural condition and are suitable for conversion without substantial alteration, extension or rebuilding and that the works do not detract from the character of the building or their setting.

It is considered that the barn conversions would comply with policy SP1 as the barns are considered by the Conservation Officer to be undesignated heritage assets of historic value. The structural surveys that accompany the application conclude that conversion could be achieved through conventional low key sympathetic reinstatement and repairs with certain amounts of rebuilding and replacement of any defective materials where necessary. As a consequence, the development would also comply with Core Strategy policy H1.

Notwithstanding, that the overall nature of the conversion works will be low key there will be some significant changes to specific parts of the fabric and external appearance of the buildings. For example, The Granary will require an external staircase to provide access to the first floor holiday unit and the open cart sheds at Tilly's Barn and Perkins Barn will be enclosed by glazing. Taking the scheme as a whole, it is considered that the proposals are sympathetic to the character of the existing buildings as they will retain the original massing and plan form while opening up original openings. No new extensions are proposed. The replacement of modern roofing materials with more traditional pantiles or slate will enhance their character and appearance. The use of traditional glazing will have a beneficial effect as it will return the fenestration of some buildings to a more original state. Previous alterations to the interiors of some of the outbuildings during their agricultural use have already largely obscured their original arrangement and the examples of period detailing that survive are not considered to be of sufficient interest or quality to justify their retention. The exterior works are very minimal and mainly comprise the laying out of car parking spaces.

Consequently, it is considered that the proposals will comply with Core Strategy policy EN1 in relation to the conservation and enhancement of historic assets within the landscape of the District. It will accord with the aims of Sections 7 and 12 of the NPPF, particularly paragraph 131. The changes to the buildings will be beneficial in bringing the redundant buildings back into viable use, safeguarding its future usefulness and therefore its sustainability, and have a positive impact on local character and distinctiveness.

The applicant intends to make the conversions as sustainable in construction as possible. They will include the use of ground source heat pumps or solar panels for heat and electricity generation and the potential recycling of grey water. The application would comply with Core Strategy policy EN3 and EN4.

The proposed development would support the aims of Section 3 of the NPPF as it would involve business development through the conversion of existing buildings in the countryside, it would represent diversification of the applicant's existing farm business and it would provide new rural tourism facilities which respect the character of the area. The applicant has indicated there is a demand for this type of holiday accommodation. The cake decorating business will be relocated from another part of the farm holding. Core Strategy policy E1 supports rural diversification proposals where it can be demonstrated that it is necessary to meet the needs of tourism (among other enterprises) and has an essential requirement for a rural location. It is considered that the conversion of redundant barns for tourist accommodation would comply with this policy.

Emerging policy SAP4 supports business development in the countryside for activities such as tourism, providing certain criteria are met. Taking these in turn:

- The proposal would be small scale and utilises the existing buildings without the need for extension or new building and can be considered to be of a scale appropriate to the rural location.
- The holiday accommodation use is appropriate to a rural location. Whilst the cake decorating business does not require a rural location, it would be part of a live/work unit and it is intended that the occupier would manage the holiday units and have an on-site presence.
- It is likely that the running of the holiday accommodation and cake decorating business would provide employment for local people.
- As discussed above, as the proposals would not require any extension or unsympathetic alteration of the existing buildings and involves very limited external works, it would respect the character and appearance of the local landscape.
- There are no neighbouring uses that would be affected by the development as the land on the south of the main road is in the applicant's ownership. The amount of traffic would be low and any potential light and pollution impacts would be controlled by condition.
- As discussed elsewhere in this report, it would not affect wildlife, biodiversity, natural, cultural or historic assets or their wider settings.
- A condition to prevent the tourist accommodation from becoming permanent living accommodation will be attached.

As the proposal would generate a limited amount of traffic and includes adequate car parking and visibility splays, no objections have been received from the Highway Authority. The proposal would comply with Section 4 of the NPPF.

There are no statutory designated wildlife areas within or close to the application site. The Baston and Thurlby Fens SSSI, Counter Drain SSSI and the Baston SAC lies 1.5km from the site. These sites have been designated as they are the only permanent grassland in Lincolnshire used as

washland. Flooded borrow pits and associated marsh support a variety of wetland plant communities and an outstanding assemblage of dragonflies and damselflies. The Counter Drain contains an exceptionally rich aquatic flora and represents an important stronghold of the spindled loach within the Welland catchment. Natural England have confirmed that in view of the foul water treatment plant that will be provided to both sites, there would be no risk of pollution of the watercourses and they do not object to the application. The application has been assessed in accordance with the Conservation Regulations 2010 and it has been concluded that the proposal is not likely to have a significant effect on the internationally important interests of the site, alone or in combination with other plans or projects.

The ecological surveys that have been carried out concluded that a very small number of common pipestrelle bats day roost in the immediate site environs and that barn owls use both sites. The risk to badgers, reptiles and amphibians would be negligible. Despite the low risk to protected species, the applicant proposes to provide an enhancement for bats to attract them to day roost within the roof void/ridge tile zone of both Tilly's Barn and Perkins Barn and latterly, for a bat loft at The Granary. The mitigation for barn owls will comprise purpose designed brick barn owl 'tower houses' erected close to both sites. The applicant has built three of these successfully on their land elsewhere at Deeping St Nicholas. The proposals would comply with Core Strategy policy EN1 and Section 11 of the NPPF.

The application is accompanied by a Flood Risk Assessment which concludes that the site has the benefit of protection from fluvial flooding by the existing defences which are properly maintained. Flood waters from the very remote chance of a breach to the flood defences will only have minimal impact on the site. The design of the conversion works will include flood resilience measures. The Environment Agency does not raise any objections to the application providing that the development is carried out in accordance with these measures as controlled by a planning condition. The FRA includes details of surface water disposal which would be discharged via water butts and then into soakaways with the parking areas being permeable paving such as gravel. The proposals would comply with Core Strategy policy EN4 and Section 10 of the NPPF.

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 REASON(S) FOR APPROVAL

It is considered that the proposal would result in sympathetic conversion of three redundant barns and their re-use for a combination of purposes suitable for a countryside location thus securing the long term future of the buildings. The proposals would be part of a rural diversification project meeting an identified demand for holiday accommodation and the relocation of an existing cake decorating business.

As the buildings are an undesignated heritage asset, the applicant has demonstrated that they are

suitable for conversion without excessive rebuilding or extension. The changes that are proposed would be sympathetic to the appearance and character of the existing buildings. The proposals would provide adequate car parking, visibility splays, means of foul drainage and surface water disposal. Following confirmation that the proposals would not have a significant detrimental impact on the Baston Fens SAC and the Baston and Thurlby Fens and Counter Drain SSSI, mitigation measures to ensure that there would not be a detrimental impact on protected species found on the site itself (bats and barn owls) are incorporated into the design of the buildings and through the off-site provision of owl towers. The applicant has demonstrated that the site would not be susceptible to flood risk and that surface water disposal would be adequately dealt with.

In reaching the decision the Council has worked with the applicant in a positive and proactive manner developing the proposal through pre-application discussions and seeking solutions to design and conservation concerns. As such, it is considered that the decision is in accordance with paragraphs 1896-187 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. Prior to the commencement of the development hereby granted approval, details shall be submitted to and approved in writing by the local planning authority of rainwater goods to be installed on the buildings. The proposals shall only be carried out in accordance with the approved details.

Reason: To ensure that the type of rainwater goods and their means of installation are appropriate to the building's traditional character in accordance with policy EN1 of the South Kesteven Core Strategy.

3. Details shall be submitted to and approved in writing by the local planning authority showing a significant area of an internal wall to remain exposed for 'The Granary'. The proposals shall only be carried out in accordance with the approved details.

Reason: To display the original fabric and character of the building in accordance with policy EN1 of the South Kesteven Core Strategy.

4. There shall be no chimneys or flues installed other than those shown on the approved drawings without the written approval of the local planning authority.

Reason: To ensure the installation of such features are in keeping with the traditional character of the building in accordance with policy EN1 of the South Kesteven Core Strategy.

5. Prior to the commencement of the development hereby granted approval, large scale details shall be submitted to and approved in writing by the local planning authority at a scale of 1:10 of the proposed joinery details for windows and doors including materials to be used and cross sectional drawings detailing the treatment of lintels, windows and cills. The proposals shall only be carried out in accordance with the approved details.

Reason: To ensure that fenestration details are in keeping with the traditional character of the building in accordance with policy EN1 of the South Kesteven Core Strategy.

6. Prior to the commencement of development hereby granted approval, for any areas of brickwork, including boundary walls and brick infill (such as infill of windows) a sample of bricks to be made available and approved in writing by the local planning authority. The proposals shall only be carried out in accordance with the approved details.

Reason: To ensure that brick and masonry details are harmonious with the traditional character of the building in accordance with policy EN1 of the South Kesteven Core Strategy.

7. Prior to the commencement of development hereby granted approval a sample of roofing materials shall be submitted to and approved in writing by the local planning authority. The proposals shall only be carried out in accordance with the approved details.

Reason: To ensure that the roofing materials are in keeping with the traditional character of the building in accordance with policy EN1 of the South Kesteven Core Strategy.

8. Prior to the commencement of development hereby granted approval, where solar panels are to be installed, details of how the panels are to be fixed to the roof to be submitted to and approved in writing by the local planning authority. The proposals shall only be carried out in accordance with the approved details.

Reason: To ensure that the installation of solar panels does not unduly impact the historic fabric of the building in accordance with policy EN1 of the South Kesteven Core Strategy.

9. Any repointing work to be undertaken using a traditional mix of 1:3:12 or 1:2:9 of cement, lime and sharp sand respectively.

Reason: To ensure that any repointing is sympathetic to the traditional character of the building in accordance with policy EN1 of the South Kesteven Core Strategy.

10. Prior to the commencement of the development hereby granted approval, for any areas of proposed 'like for like' replacement; such as the replacement of iron columns or stone plinths, a sample of these are to be submitted to and approved by the local planning authority. The proposals shall only be carried out in accordance with the approved details.

Reason: To ensure that replacements of traditional columns and plinths are in keeping with the traditional character of the building in accordance with policy EN1 of the South Kesteven Core Strategy.

11. Development shall not begin until details of the new vehicular access onto Baston Outgang Road from the site at Tilly's Barn; including materials, specification of works and construction method have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented on site before the development is first brought into use and retained thereafter.

Reason: In the interests of highway safety.

12. The arrangements shown on the approved site plans ref: RDS 10779/16I and RDS 10779/26D received on 7 December 2012 showing the parking/turning/manoeuvring/loading/unloading of vehicles shall be implemented prior to the

occupation of any of the barns hereby approved and available at all times when the premises are in use.

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

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

Reason: To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the safety, amenity and commerce of the occupants/residents/users of the site in accordance with policy EN2 of the South Kesteven Core Strategy.

14. The development hereby permitted shall only be carried out in accordance with the flood protection measures set out in the approved Flood Risk Assessment by RM Associates (Version 1) dated September 2012.

Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with policy EN2 of the South Kesteven Core Strategy.

15. The development hereby approved shall only be carried out in accordance with the provisions for foul drainage disposal set out in the email from the applicant's agent dated 7 December 2012.

Reason: To prevent pollution of the water environment and designated sites of nature conservation importance at Baston Fen Special Area for Conservation, Baston and Thurlby Fens SSSI and Counter Drain SSSI in accordance with policy EN1 of the South Kesteven Core Strategy.

16. The development hereby approved shall only be carried out in accordance with the ecological mitigation measures set in the approved Conservation (Protected Species) Implications report dated August 2012 and Supplementary Report dated September 2012 by Landtec Associates.

Reason: In order to provide alternative habitats for protected species identified at the application site and in accordance with policy EN1 of the South Kesteven Core Strategy.

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

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

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

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

to oversee the implementation of the works.

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

18. No floodlighting or other form of external lighting shall be installed on the site unless details have been first submitted to and approved in writing by the local planning authority. Only external lighting in accordance with the approved details shall be installed on site.

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

19. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (including species, plant sizes and proposed numbers/densities); and implementation programme.

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

20. 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 occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

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

21. The holiday accommodation hereby approved shall be occupied for holiday purposes only.

Reason: To ensure that approved holiday accommodation is not used for unauthorised permanent residential accommodation in order to strengthen tourism in the area and as the standard of amenity provided would not be suitable for permanent residential accommodation in accordance with the National Planning Policy Framework core principles.

22. The holiday accommodation hereby approved shall not be occupied as a person's sole, or main place of residence.

Reason: To ensure that approved holiday accommodation is not used for unauthorised

permanent residential accommodation in order to strengthen tourism in the area and as the standard of amenity provided would not be suitable for permanent residential accommodation in accordance with the National Planning Policy Framework core principles.

23. The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To enable the local planning authority to monitor the occupation of the holiday accommodation.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order with or without modification), no development relating to Part 1 of Schedule 2 Class A, B, C, D, E, F, G or H or Part 2 Schedule 2 Class A shall be undertaken without the prior written approval of the local planning authority.

Reason: To ensure that any alterations or extensions are in keeping with the traditional character of the building and to protect the visual amenities of the locality in accordance with policy EN1 of the South Kesteven Core Strategy.

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

Tilly's Barn

Proposed Site Plan Drawing RDS 10779/26D

Proposal Drawing RDS 10779/20D

Proposal Drawing RDS 10779/17F

Proposal Drawing RDS 10779/24E

Annotated A4 Survey Drawings indicating areas of masonry repairs and rebuilding

Survey Drawing RDS 10779/08A

Survey Drawing RDS 10779/09A

Survey Drawing RDS 10779/10A

Survey Site Plan Drawing RDS 10779/12

Perkins Barn

Proposed Site Plan Drawing RDS 10779/16I

Proposal Drawing RDS 10779/13F

Proposal Drawing RDS 10779/14E

Proposal Drawing RDS 10779/18B

Proposal Drawing RDS 10779/21B

Annotated A4 Survey Drawings indicating areas of masonry repairs and rebuilding

Survey Drawing RDS 10779/01B

Survey Drawing RDS 10779/02B

Survey Drawing RDS 10779/03A

Survey Drawing RDS 10779/04

Survey Drawing RDS 10779/05

Survey Site Plan Drawing RDS 10779/11

Proposal Drawing RDS 10779/22A

Proposal Drawing RDS 10779/23A

The Granary

Proposal Drawing RDS 10779/15H

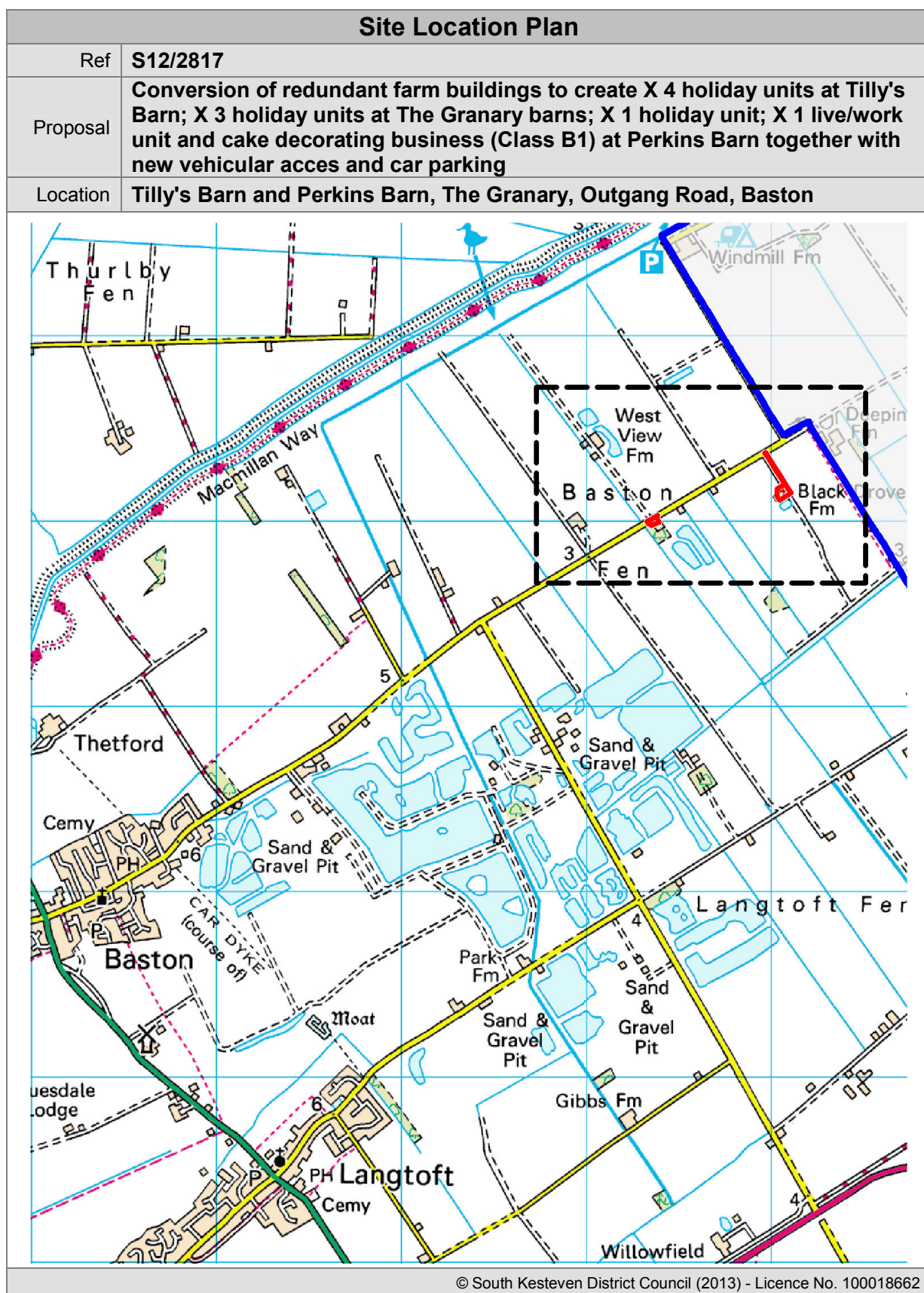
Proposal Drawing RDS 10779/19E
Annotated A4 Survey Drawings indicating areas of masonry repairs and rebuilding
Survey Drawing RDS 10779/06
Survey Drawing RDS 10779/07

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

Note(s) to Applicant

1. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.
2. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.
3. The contaminated land assessment referred to in Condition 17 shall commence with the desk top study and shall include a site investigation report and remedial works if a requirement of further investigation and remediation has been identified in the desk top study.

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Applicant	Blue Sky Plastic Recycling South Fen Road, Bourne, PE10 0DN
Agent	Mr M Foulkes-Arnold, Corporate Architecture Ltd 35, Leicester Road, Blaby, Leicester, LE8 4GR
Proposal	Erection of 2no. new industrial buildings to accommodate plastic recycling plant and associated storage. Development to also include new landscaping, car parking, access, weighbridge and sub station
Location	South Fen Road, Bourne, PE10 0DN
App Type	Major Full (Non-residential)
Parish(es)	Bourne
Reason for Referral to Committee	The application is referred to the Development Control Committee as it is accompanied by a Section 106 agreement.
Recommendation Summary	Approve subject to conditions

Key Issues

- Compliance with the Development Plan
- Visual and Townscape Impact
- Noise, Odour and Fire Safety
- Highway Safety
- Flood Risk
- Drainage

Technical Documents Submitted with the Application

- Site Location Plan
- Floor Plans and Elevations
- Drainage Strategy
- Design and Access Statement
- Transport Assessment
- Noise Assessment Report
- Trial Pit Investigation

REPORT

Application Category

The application is categorised as a minor major application.

Reason for Referral to Committee

The application is referred to the Development Control Committee as it is accompanied by a Section 106 agreement.

The Proposal

The proposal is for the erection of two industrial buildings with a footprint of just over 4,300 sq metres in total, subdivided into approximately 2,380 and 1,920 sq metre units. The ridgeline to the main unit fronting South Fen Road is hidden by a parapet which extends to 10.25m high with the ridge line of the smaller unit at the rear projecting no more than 9.0m. The overall height is a product of the process plant and machinery and the floor area is needed to achieve sufficient capacity and a safe working environment. The front building would accommodate offices (at ground and first floor) and a large open area for processing activities that will accommodate up to 4no MAS55/125 and 3no Hamos 7057 EKS machines. It would comprise a use within Use Class B2 General Industrial use. The extraction fans for the machines would be located to the western side wall or the roof and hidden by the parapet. The front building would be acoustically upgraded through an acoustic lining to the eastern facade wall and roof. Seven silos are proposed to the east and west elevations that would hold the processed pellets. There is space within the front building for materials and final product storage, including a mezzanine floor. The rear building would comprise storage facilities for raw materials and finished product and includes a canopy to the rear over the loading area. It would comprise a use within Use Class B8 Storage and Distribution. The buildings would be linked by a covered canopy over the shared loading area. This represents Phase 2 of the project.

The industrial operation proposed is to process recycled plastic waste that would be delivered from the applicant's existing waste recycling facility to the east of the site along South Fen Road ('internal deliveries') or from other waste recycling sites. Plastic compounding is the process for adding materials, such as additives and modifiers, into a molten plastic base to produce a material with the required qualities in terms of colour, texture, strength etc. The additives are in the form of pellets, flakes or powders. The mixture goes through a number of blending and dispersal steps to achieve a homogenous final product. Once all the processing steps are complete, the material is cooled and extruded into pellets, which are then packaged for distribution or sale.

The industrial buildings would operate on a 24 hour basis. Initially, it is envisaged that it would be 14 employees rising to a maximum of 30 employees. With a proposed production of 40 tonnes rising to 60 tonnes per day, there would be up to 8 movements per day of 'deliveries in' and up to 8 movements a day of 'goods out'. Overall, taking into account machine cleaning vehicles, visitors, maintenance vehicles and refuse vehicles the development would generate up to a maximum of 82 daily movements.

A new vehicular access would be provided at the eastern end of the site off South Fen Road. The access width, visibility splays and internal manoeuvring arrangements are designed to recognised standards. There would be 42 staff and visitors car parking spaces. The loading bays are located

within the covered area between the two buildings. The applicant agrees to a Vehicle Routing Plan to ensure that all 'external' HGV trips would use the main strategic routes to the west of the site. Only 'internal' deliveries from the existing unit on South Fen Road would travel to and from the east along South Fen Road.

The drainage plan provides for surface water disposal including the formation of storm water lagoons located to the frontage of the site.

The Council has screened the proposal under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and concluded that an Environmental Impact Assessment would not be required as the development would not be likely to have significant effects on the environment by virtue of the physical characteristics of the land, scale of development and its location.

The Application Site and its Surroundings

The application relates to an area of vacant scrubland measuring 1.189 hectares in size located on the southern side of South Fen Road. The site is level and bounded on all sides by a drain. It has open boundaries. The rear boundaries of industrial premises fronting Cherry Holt Road are visible along the western boundary. There are no significant features.

The eastern boundary of the site marks the edge of the built up area of Bourne. Beyond the site to the east, along South Fen Road, lie sporadic residential properties, the Clingo plant nursery and allotments. The closest residential properties comprise a pair of semi-detached properties at 2 and 4 South Fen Road which are situated 55m from the site boundary and 75m from the side elevation of the nearest proposed building. There is an existing access track running along the eastern boundary leading south to residential properties, land in use for horse grazing and land used for storage. To the west lie a number of low level industrial units fronting Cherry Holt Road. To the north lies the Hereward Centre, some premises occupied by Bridgestone, a gypsy and traveller site and a landscaping storage yard.

Site History

An outline planning permission was granted in 2005 (ref s05/0799) for B1, B2 and B8 uses together with an access road.

Planning Considerations

National Planning Policy Framework (2012)

Section 1 Building a strong, competitive economy

Section 4 Promoting sustainable transport

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 10 Meeting the challenge of climate change, flooding and coastal change

East Midlands Regional Plan (2009)

Policy 2 Promoting Better Design

Policy 3 Distribution of New Development

Policy 4 Development in the Eastern Sub-area

Policy 18 Regional Priorities for the Economy

Policy 20 Regional Priorities for Employment Land

South Kesteven Local Plan (1995)
Policy E3 Employment Site no13

South Kesteven Core Strategy (2010)
Policy SP1 Spatial Strategy
Policy SP4 Developer Contributions
Policy EN1 Protection and Enhancement of the Character of the District
Policy EN2 Reducing the Risk of Flooding
Policy EN4 Sustainable Construction and Design
Policy E1 Employment Development

Emerging Site Allocation and Policies Development Plan Document (2011)
Policy SAP5 Locally Important Existing Employment Sites (ExE B4 East of Cherry Holt Road)

Representations

Bourne Town Council: No objections to the application.

Lincolnshire County Council Highways: The details of the Transport Assessment are noted together with TRICS database and assessment of movements between the application site and the existing facility. One of the aims of the TA is to determine whether any off-site highways improvements should be required to mitigate any safety or capacity issues.

The local highway authority maintains that the structural condition of the carriageway of South Fen Road has deteriorated to such condition that public funds are being expended over and above that which would normally be expected for this classification of road. There is no proposal to extend an existing footway to provide a safer and suitable alternative means of travel for employees and/or visitors. The condition of the road is of such concern that the local highway authority has given serious thought to requesting a refusal of this application as it considers that even with what has been termed a negligible increase in vehicular movements, the condition is likely to deteriorate to a point at which it may be unsafe. It is recognised that this authority has a duty to maintain. However, it is considered that improvements are required to enable the continued use by existing operators, and the allowing of this application will place further demands upon it and impact on its durability and 'life'.

Under the circumstances, the local highway authority is agreeable to the suggestion of a S106 Agreement being entered into with regard to the suggested routing. Further, it requests that a sum of £25,000 be provided by the Applicant to either provide a footway to link to the site, or contribute to an improvement scheme that will include a haunch/possible localised widening and structural overlay at the Area Highways Manager's discretion. Such a Contribution is to be paid once the planning permission - should it be forthcoming - being implemented.

In addition, normal requests for the detailed access and provision for parking/turning/unloading and loading in accordance with the approved plans should be conditioned.

Lincolnshire County Council Drainage: No comments received.

Lincolnshire Fire Service: No objections raised as there is an existing fire hydrant with a good rate of flow available about 30m away from the site entrance, so fire-fighting water supplies will not be an issue. The real concern is environmental effects from water run-off in the event of a fire so

containment is a key consideration. It is noted that some fire prevention issues will be covered by the Building Regulations and together with consultations with the Environment Agency, there should be mitigation issues from the Fire and Rescue Service for the type of process covered by this application which altogether different to the operations being carried out at the established BW Riddle site in South Fen Road.

Health and Safety Executive: Does not advise, on safety grounds, against the granting of planning permission in this case.

Environment Agency: Awaiting comments following the submission of a Flood Risk Assessment and until these are received, the Environment Agency object to the application. In addition, a number of points of advice are provided to the applicant.

Anglian Water: No comments received.

Transco: No comments received at the time of writing this report.

National Grid: No comments received at the time of writing this report.

SKDC Drainage: Advises that the drainage strategy is acceptable provided that calculations are supplied showing that the discharge is limited to the agreed rate of flow under certain storm return period intensities.

SKDC Environmental Health: There is a potential that the proposed use of this site could have an impact upon the two dwellings located approximately 55m from the boundary of the site. The applicant has completed a noise survey and proposed mitigating measures to the structure of the building in order to reduce noise levels to an acceptable level when assessed under BS4142. Following dialogue with the applicant's acoustic engineers, I am satisfied with the recommendations made in the acoustic report and that the applicant will undertake all the measures the acoustic report identifies for the mitigation of noise. A number of conditions are recommended in the event that noise complaints are received.

Satisfied with the details in the trial pit investigation report and that the site has no previous industrial use where there could be potential for contamination.

Recommend that vehicle movements are restricted to:

Mon to Fri 07:00 to 20:00

Sat 08:00 to 13:00

No vehicle movements on Sundays and Bank Holidays.

Welland and Deepings Internal Drainage Board: Agreements have been reached in regard to rates of surface water discharge, relaxation of the 9m byelaw and alteration of watercourse consents for the site. The amended drainage plan is considered acceptable.

Heritage Trust of Lincolnshire: The application does not affect any known archaeological sites.

Representations Received As a Result of Publicity

The application has been publicised in accordance with the adopted Statement of Community Involvement. The occupiers of 39 properties surrounding the application site were notified of the proposals by letter. In addition, the application was publicised as a major application by way of a

site and press notice. Six letters of representation have been received on the following grounds (in summary):

- Query whether there are detailed plans and traffic surveys available and whether a footpath would be provided.
- Note that there was a second fire at the BW Riddles waste recycling plant on South Fen Road. Suggest the application be refused on basis of being unable to employ proficient fire retention policies. Concern about location near to properties in Bourne.
- Existing BW Riddles site is very unsafe with numerous fires in the last 3 months.
- Concerns over the very bad state of South Fen Road due to the amount of very heavy lorries using both the scrapyard and Blue Sky Recycling.
- South Fen Road is not constructed to take high levels of HGV movements.
- Concerns about existing conflict between cars and recycling HGV vehicles using South Fen Road and ability to pass safely.
- Concern about noise and disturbance from recycling HGV lorries using South Fen Road.
- Concern that the proposals will increase the number of HGV movement between the existing Riddles site and the new development thus worsening the condition of the road and potentially increasing the number of parked lorries, which not only damage the sides of the road but also cause a hazard to vehicles.
- Suggest that if development is permitted, access along South Fen Road should be restricted to the A151 and A15 other than those coming from the Riddles existing facility and that restrictions regarding the height of stored materials and the parking of lorries and netting of loads be properly enforced.
- Request that the road be maintained to a safe standard, more safety be put in place regarding the fires and some protection to stop plastic/recycled scrap blowing over the road, onto fields and the riverbank.
- Concern about danger to residents together with smoke and pollution, given there have been 2 fires in last 3 months at BW Riddle plant and concern about land drainage for all the water needed to put out the fires.

Officer Evaluation

Compliance with the Development Plan

The proposed development is allocated for employment use in the Local Plan and this allocation continues to be proposed in the emerging Site Allocations and Policies DPD. The proposed use of the site for industrial buildings would comply with the Development Plan.

Visual Impact and Landscape

It is acknowledged that the buildings would be large in size with the front building having a footprint of 47m x 53m and the rear building having a footprint of 37m x 53m, however, they would be set well back from the boundaries. The front building would be set back from the South Fen Road frontage by a distance of 19-32m and from the boundary with the access track by 21m. As the site is located within an existing employment area is considered to set well in relation to other adjacent buildings. Although the adjacent industrial buildings on Cherry Holt Road and South Fen Road are of a lower height, there are a number of more modern industrial buildings within the locality that are of a similar height. For example, the Hereward Centre, located on the corner of South Fen Road and Cherry Holt Road. The front building would be of a reasonable quality design and would include double height glazing to the reception and office area. The rear building, which is more

utilitarian in design, would be screened by the front building. The proposed Kingspan metal cladding would be an acceptable facing material in this location.

In terms of townscape, the buildings would provide a logical end-stop to mark the edge of the built up part of Bourne.

The nearest residential properties at 2-4 South Fen Road are situated 75m away from the side elevation of the proposed buildings. It is considered that this is a reasonable separation distance in terms of visual amenity.

Noise, Odour, Contamination and Fire Safety

The Council's Environmental Health Officer is now satisfied that the proposed mitigation measures contained in the acoustic report accompanying the application would be sufficient to prevent noise disturbance to nearby residential occupiers. In addition, they have suggested conditions to ensure that mitigation measures can be put into place should any noise disturbance complaints be received once the development is operational. No concerns have been raised with regard to potential odour. The submitted trial pit investigations confirm that there has been no previous development at the site and therefore no contamination of the site. It is proposed that vehicle movements would be restricted by way of a planning condition to the hours recommended by the Council's Environmental Health Officer.

No objections have been received from the Environment Agency with regard to contamination from the manufacturing processes and potential fire risk respectively. Members should be aware that other legislation exists to deal with the detailed impacts from the manufacturing process through Part B of the Building Regulations and the Environmental Permitting Regulations.

The Fire and Rescue Service do not raise any objections to the application. They have confirmed that water supplies in the proximity of the site are acceptable. The containment of water run-off in the event of putting out a fire is a matter that the Environment Agency has advised can be dealt with by way of an advisory note to the applicant.

Highway Safety

Lincolnshire County Council Highways do not raise any objections to the proposed traffic generation from the development subject to mitigation measures comprising a s106 agreement that would ensure the HGV routing proposals contained in the Transport Assessment, to direct traffic to the main strategic routes to the west of the site, are followed and that a financial contribution of £25,000 be provided to improve South Fen Road between the application site and Cherry Holt Road as detailed in their comments.

The comments from local residents regarding the very poor condition of the surface of South Fen Road caused by HGV movements, principally from the existing BW Riddles site, and the behaviour of lorry drivers that have led to noise disturbance and safety concerns, are noted. The Highway Authority are aware of these ongoing problems and are conducting their own investigations into the operation of the existing BW Riddles site as the planning permission for the site was granted by Lincolnshire County Council as a County Waste matter.

Drainage

The Internal Drainage Board has confirmed that the drainage strategy accompanying the application would be acceptable. The strategy include the widening of the eastern section of the drainage ditch, culverting the southern section and culverting part of the northern section in order

to allow the construction of the new access road. The purpose of the proposed storm water lagoons are to hold surface water from the roof of the buildings before discharge into the drainage ditches. SKDC Drainage officer has requested detailed calculations showing that discharge to the existing watercourses is limited to the agreed rate of flow. Confirmation has been received from the Internal Drainage Board that as part of the license that is required from their organisation, agreements have been reached in regard to the rates of surface water discharge, relaxation of the 9m byelaw and alteration of the water course consents for the site. Thus, controls on surface water disposal will be administered by the Internal Drainage Board. Comments are awaited from the Environment Agency with regard to the submitted Flood Risk Assessment.

Other Material Considerations

There is a major gas pipeline within South Fen Road. A consultation has been carried out with the HSE that confirms there is no safety risk that would warrant a refusal of planning permission as a result of the proposed development. Further consultation has been carried out with TransCo and National Grid – their comments are awaited.

Section 106 Heads of Terms

The following draft head of terms for a planning obligation in accordance with Core Strategy policy SP4 and the Planning Obligations Supplementary Planning Document are proposed:

1. A Vehicle Routing Plan to direct vehicles to the main strategic routes to the west of the site as set out in the Transport Assessment; and
2. A financial contribution of £25,000 towards the provision of a footway, or contribute to an improvement scheme that will include a haunch/possible localised widening and structural overlay at the Area Highway Manager's discretion; along the stretch of South Fen Road between the application site and Cherry Holt Road.

The purpose of the agreement is to minimise the use of South Fen Road by heavy goods vehicles and to ensure that a contribution towards the improvement of part of South Fen Road to mitigate against the impact of additional vehicular traffic associated with the development.

Crime and Disorder

It is considered that the proposed development raises no significant crime and disorder implications.

Human Rights Implications

Articles 6 (Right to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation. It is considered that no relevant Article of that Act will be breached.

SUMMARY OF REASONS FOR APPROVAL

The proposed development would be in accordance with the South Kesteven Local Plan (1995) as it is located on a site allocated for industrial use under policy E1.13 and with Core Strategy policy

E1. The site is located within the built up part of Bourne, close to a main road, and is considered to be a sustainable location.

The proposed buildings would be acceptable in terms of their impact on the townscape and on the visual amenity of nearby residential occupiers. The buildings would be of a good quality design and would be set well back from the site boundaries. Although the buildings would be higher and larger than the surrounding industrial buildings, there are a number of similar sized more modern industrial buildings in the surrounding existing employment area. A sufficient number of car and cycle parking spaces would be provided along with HGV manoeuvring space around the loading bays. The likely traffic generation from the development would be acceptable in terms of the impact on South Fen Road subject to a s106 agreement. The arrangements for surface water disposal are acceptable through improvements to the existing drainage ditches and the provision of storm water lagoons on site. Mitigation of noise generated by the development on nearby residential properties would be achieved through noise insulation measures to the fabric of the buildings and a restriction of the hours of vehicle movements. The development would not impact on an existing major gas pipeline in South Fen Road. Impacts from the potential for fire risk and contamination would be controlled through other legislation.

Subject to comments from the Highway Authority, the impact of the development on the highway network would be mitigated by a Section 106 agreement comprising a Vehicle Routing Plan to direct vehicles to the main strategic routes to the west of the site and a financial contribution towards additional maintenance to the surface of South Fen Road required as a result of HGV movements associated with the proposed development

In reaching the decision the Council has worked with the applicant in a positive and proactive manner developing the proposal through pre-application discussions. As such, it is considered that the decision is in accordance with paragraphs 1896-187 of the National Planning Policy Framework.

The application would comply with the relevant parts of the National Planning Policy Framework, the relevant East Midlands Regional Plan policies and Core Strategy policies EN1, EN2 and EN4.

RECOMMENDATION: That the development be permitted subject to the signing of a Section 106 Agreement addressing the Highways issues referred to above and subject to condition(s)

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

Location Plans 3348.PGR.12.001 revB
Proposed Drainage Layout Drawing 10-001 revA
Proposed Drainage Construction Details Drawing 10-002
Proposed Site Plan 3348.PGR.12.002 revG
Proposed Ground Floor Plan 3348.PGR.12.004 revC
Proposed Ground and First Floor Office Plans 3348.PGR.12.005 revC
Proposed Elevations 3348.PGR.12.007 revC
Proposed Roof Plan 3348.PGR.12.008 revA

Design and Access Statement by Corporate Architecture Ltd (September 2012)
Noise Assessment Report by Acute Acoustics Ltd (7 November 2012)
Trial Pit Investigation by MK Design Associates (January 2012)
Transport Assessment by Bancroft Consulting (November 2012)

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

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

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

3. 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).

4. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant]. Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

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

5. 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 occupation of any part of the development or in accordance with the programme agreed with the local planning authority.

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

6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason: To provide a satisfactory appearance by screening the boundaries of the development in the interests of the amenity of nearby residential occupiers and the streetscene; and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

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

Reason: To provide a satisfactory appearance by screening operational areas from public view in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

8. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas, roads and hardstandings shall be passed through trapped gullies to BS 5911:1982 with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

9. None of the buildings shall be occupied until the drainage works have been completed in accordance with the Proposed Drainage Layout Drawing 10-001 rev A and Proposed Drainage Construction Details 10-002.

Reason: To prevent flooding in accordance with South Kesteven Core Strategy policy EN2.

10. The rating level of noise emissions from the site (including the application for any tonal penalty), shall not exceed 5db above background noise levels at the facade of the nearest dwelling.

Reason: To prevent disturbance to the amenities of residents living in the locality.

11. If complaints of noise are received by the local planning authority alleging noise disturbance at a dwelling; the process operator shall, at its expense, employ an independent consultant approved by the local planning authority, to assess the level of noise emissions from the process at the complainant's property. Consideration shall be made by the process operator to the methodology detailed in BS4142:1997 'Method for rating industrial noise affected mixed residential and industrial areas'.

Once the local planning authority has received the independent consultant's noise assessment, including all noise measurements and audio recordings, where the local planning authority is satisfied of an established breach of the noise limit, upon notification by the local planning authority in writing to the process operator of the said breach, the process operator shall within 28 days propose a scheme for the approval of the local planning authority. The scheme shall be designed to mitigate the breach and to prevent its future occurrence. This scheme shall be implemented as reasonably approved by the local planning authority and according to the timescales within it. The scheme as implemented shall be retained thereafter.

Reason: To prevent disturbance to the amenities of residents living in the locality.

12. No vehicle movements shall take place to or from the site on weekdays outside the hours of 07:00 to 20:00, nor outside the hours of 08:00 to 13:00 on Sundays and there shall be no vehicle movements on Sundays or Bank Holidays.

Reason: To prevent disturbance to the amenities of residents living in the locality.

13. The development hereby approved shall not be brought into use until the mitigation measures contained in the approved Noise Assessment Report by Acute Acoustics Ltd (dated 7 November 2012) have been implemented. The mitigation measures shall be retained while the building is in operation thereafter.

Reason: To prevent disturbance to the amenities of residents living in the locality.

14. No additional floorspace in the form of a mezzanine floor, beyond that shown on the Proposed Ground Floor Plan 3348.PGR.12.004 revC and Proposed Ground and First Floor Office Plans 3348.PGR.12.005 revC; shall be provided within buildings hereby approved.

Reason: In order to ensure that control is retained by the Local Planning Authority over any increase in floorspace in view of the potential increase in traffic generation on the local highway network.

15. The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: In the interests of highway safety.

16. Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the local planning authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason: In the interests of highway safety.

17. The vehicle parking area and turning/loading/unloading arrangements shown on the approved plans shall be made available at all times when the premises are in use.

Reason: To ensure that adequate parking/turning/loading/unloading provision is retained.

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

Location Plans 3348.PGR.12.001 RevB
Proposed Site Plan 3348.PGR.12.002 Rev G
Proposed Ground Floor Plan 3348.PGR.12.004 RevC
Proposed Ground and First Floor Office Plans 3348.PGR.12.005 RevC
Proposed Elevations 3348.PGR.12.007 revC
Proposed Roof Plan 3348.PGR.12.008 revA
Proposed Drainage Layout Drawing 10-001 revA
Proposed Drainage Construction Details 10-002

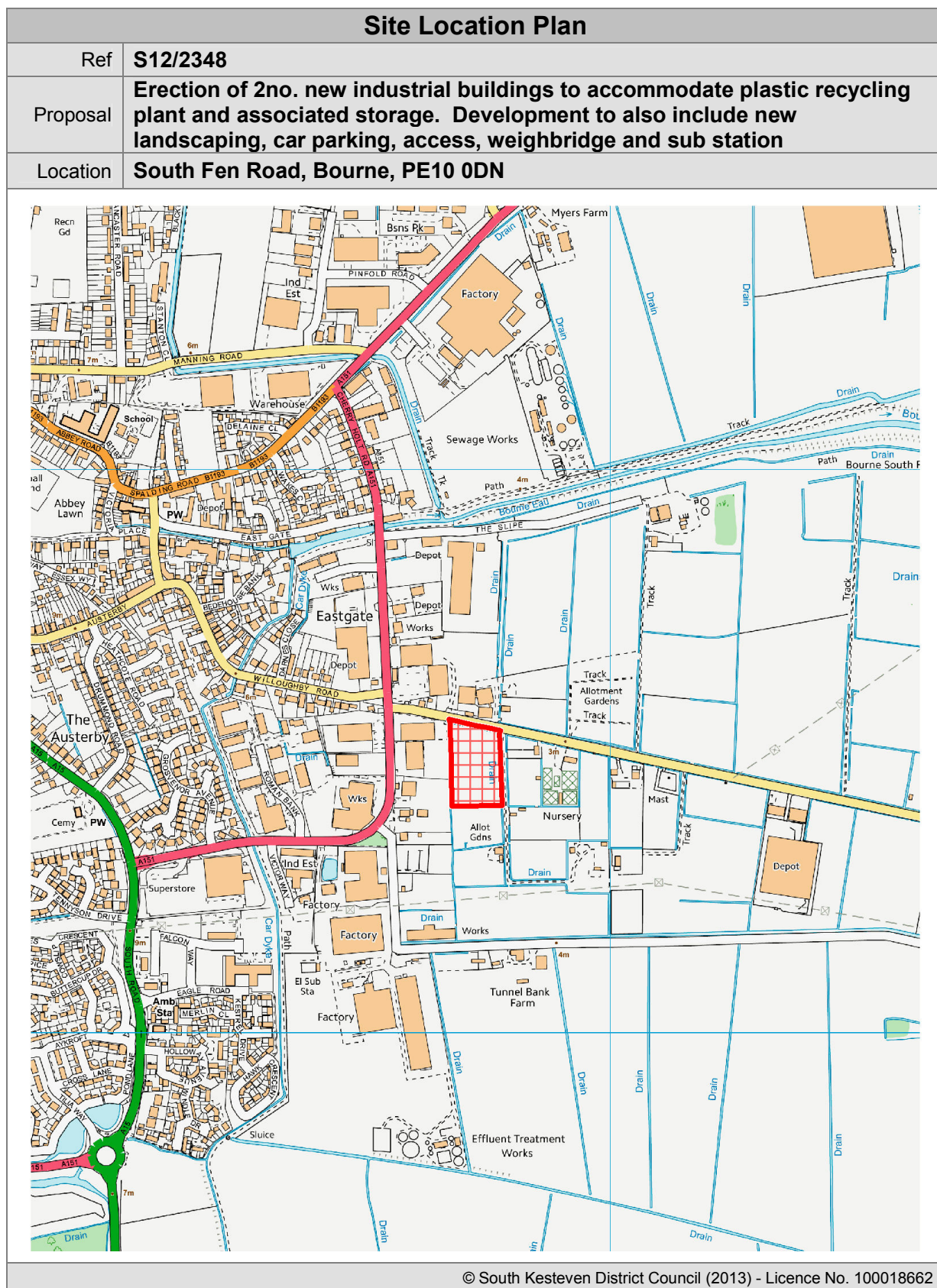
Reason: To define the permission and for the avoidance of doubt.

Note(s) to Applicant

1. This site is within 50m of a Land Contamination Concern. Please contact Environmental Protection Services on 01476 406300 for further information.

2. The applicant's attention is drawn to the 'Applicant Advice' section of the attached letter from the Environment Agency.

* * * * *



Applicant	Mrs Hugh Caseley, Grantham Investments & Alderforce North c/o Kimberley Developments plc, 33, St James Street, London, SW1A 1HD
Agent	
Proposal	Section 73 application to vary Condition 17 of Planning Permission S12/1272 to allow highway improvements to be completed prior to commencement of the use
Location	Former Isaac Newton Public House, Harlaxton Road, Grantham, Lincolnshire, NG31 7SA
App Type	Full Planning Permission
Parish(es)	Grantham
Reason for Referral to Committee	The application is referred to the development control committee on the basis that the application is likely to cause wider concern.
Recommendation Summary	Approved subject to condition(s)

Key Issues

- Highway safety,

Technical Documents Submitted with the Application

- None

REPORT

Application Category

This is a minor other application to vary a condition of an existing planning permission.

Reason for Referral to Committee

The application is referred to the Development Control Committee because the scheme is likely to cause wider concern.

The Proposal

Members may recall that planning permission was granted for the construction of a fast food takeaway and associated ancillary restaurant (Planning ref: S12/1272) on 4 December 2012.

Condition 17 of the planning permission S12/1272 states:

No development shall be commenced (apart from those works identified on drawing number Fig 105 Rev 01 or as specified) before the works to improve the public highway (by means of a right turn facility) have been certified complete by the Local Planning Authority.

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

This section 73 planning application is a request to vary this condition to allow works to start on site ahead of the off site highway improvement works. The use however would not commence until the highway improvement works have been undertaken. All other aspects of the planning permission would remain unchanged.

The Application Site and its Surroundings

The application site is a prominent location on one of the main routes into Grantham town centre. The site was previously occupied by a public house that has recently been demolished.

The area is characterised by a mix of residential properties on Harlaxton Road, Springfield Road and Buckminster Gardens changing to commercial and employment uses to the north including Bairds Malt and the commercial units of Grantham Trade Centre.

The nearest residential property is Whitsters to the north-east of the site approximately 20 metres from the site boundary. The nearest properties to the south of the site, separated by Springfield Road are approximately 30 metres away.

Site History

S11/3205 – Prior Notification of Demolition of Public House – Demolition Approved -Prior Approval Not required – 19th January 2012.

S11/2206 – Demolition of public house and construction of fast food takeaway with associated restaurant was refused planning permission on 13 February 2012. The reasons for refusal are:

The proposal by virtue of design and materials would have an industrial/commercial appearance detrimental to the character and appearance of the area on this prominent route into Grantham. As such the proposal would be contrary to policy EN1 of the adopted South Kesteven Core Strategy. The proposal would not be appropriate to the quality and character of the built fabric and its setting.

The proposed vehicular access from Harlaxton Road in close proximity to the existing junction would be likely to result in vehicles queuing and waiting to the detriment of highway safety and the free flow of traffic. As such the proposal would be contrary to PPG 13 - Transport.

The proposed use would be likely to result in congregations of customers and members of the public at unsociable hours resulting in noise and disturbance and antisocial behaviour to the detriment of the amenities of nearby residents. As such the proposed use would be contrary to policy EN1 of the adopted South Kesteven Core Strategy and PPS1: Delivering Sustainable Development.

S07/0502 – Outline Planning permission was granted for a retail development, including shops, fast food outlet and public house on land at the corner of Trent Road and Harlaxton Road opposite the application site on 14 January 2008.

S10/2331 – Extension of time to implement planning permission S07/0502 was granted on 23 March 2011.

The relevance of these planning permissions (S07/0502 and S10/2331) in relation to the application site is that they consent a fast food outlet. It is not desirable to have two such outlets in close proximity in this location. As such a legal agreement would be required to ensure that the fast food element of planning permission S10/2331 would not be implemented.

S12/1272 – Planning permission was granted for the construction of a fast food takeaway and associated ancillary restaurant on 4 December 2012.

There is a Section 106 agreement associated with this application to prevent the implementation of the fast food element of extant planning permission S10/2331. This would ensure that there would not be two fast food outlets in close proximity.

This Section 73 application is to vary condition 17 of planning permission S12/1272.

Policy Considerations

National Policy

National Planning Policy Framework

Building a strong and competitive economy

Ensuring the Vitality of Town Centres

Promoting sustainable transport

Requiring good design

Grantham Area Action Plan

Emerging Policy RT1 of the submission version of the GAAP is supported by Planning Policy Statement 4 and requires that applications in out of centre locations will only be acceptable if it can be demonstrated that all other sequentially preferable sites including the identified sites have been considered, but are demonstrated to be unavailable or unsuitable for the proposed use, and the proposal will not lead to significant adverse impacts on the town centre.

Core Strategy

E2 – Retail development

EN1 – Protection and Enhancement of the character of the District

Representations Received

Local Highway Authority

The local highway authority approves the variation of condition 17 to read “that the works to the public highway should be completed prior to the development opening for trade”.

Legal Services

The current Section 106 at paragraph 4 of the ‘recitals’ allows that the “Development” shall include the development permitted by any permission granted by reference to and deriving from S12/1272 pursuant to Section 73 of the Town and Country Planning Act 1990.

Senior Historic Environment Officer (Archaeology)

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

Representations as a result of publicity

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

- dominant and overlooking
- not in character with the area
- visually intrusive
- hours of work are too long
- noise and smells
- headlights shining
- roads are at capacity
- reduction in house prices (not a material consideration)
- already too many obese persons
- existing Harlaxton/Trent Road junction is already dangerous for turning right. The increase of right turning traffic on the north bound side of the road will add to the already confusing situation at the traffic lights and will cause congestion at busy times.
- light pollution

- will encourage school children to have an unhealthy diet
- design out of keeping with the character of the area
- detrimental to highway safety
- will have a detrimental impact on the recently upgraded junction
- accidents already occur frequently at this junction

A number of the above concerns relate to the development as a whole rather than alteration to the timings of the off site highway works that are the subject of this Section 73 application.

Applicants Submission

The applicant has submitted the following statement in support of their application:

“In support of our s73 application to vary condition 17 I would like to explain what we hope to achieve and our reasons for making this request. The current condition requires that the works on the highway should be complete prior to commencement of the construction of the development. We seek to vary this condition to the effect that the works on the highway should be complete prior to the development opening for trade.

You will be aware that Lincolnshire County Council operates a system whereby a licence is granted to work within the highway pursuant to a 278 Agreement. We have yet to be offered any dates for this and so the commencement of our development remains uncertain until the license dates have been agreed. This potentially has the effect of delaying the development. Varying the condition will enable us to start on site at the earliest opportunity whilst planning to accommodate the highway works within the construction contract period.

As the condition is currently drawn, the overall period of construction would be extended for the project as an earliest start on site would be the commencement of the highway licence period. As the County Council have no objection to the works being carried out during the development period an appropriate amendment to condition 17 will enable us to optimise the construction period and minimise the inconvenience to the nearby occupiers and road users. There is an additional benefit of making our development plans more efficient from a construction perspective”.

Key Issues

The main issue for consideration in relation to this Section 73 application is whether or not altering the timeframe for the off site works will have any demonstrable harm to highway safety.

The current wording of the condition is a pre-commencement condition preventing any works on site commencing until the highway improvement works are completed.

The local highway authority has indicated that there would be no harm allowing construction of the fast food outlet ahead of the highway improvement works. But would not wish to see the use commence and the business to start trading until the improvements have been completed.

It is considered completely reasonable to reword the condition to allow this as any significant increase in impact on the highway network is only likely to occur once the fast food outlet becomes operational.

Accordingly the suggested reworded condition is suggested:

The fast food takeaway and associated restaurant shall not become operational (i.e. begin trading to members of the public) until those works identified on drawing number Fig 105 Rev 01 or as specified) to improve the public highway (by means of a right turn facility) have been certified complete by the Local Planning Authority.

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

Section 106 Heads of Terms

As can be seen from the comments of legal services the Section 106 agreement in relation to planning permission S12/1272 would relate to any new planning permission granted via the Section 73 route. As such there is no requirement for another S106 agreement specific to this Section 73 application.

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 revised wording of Condition 17 to allow the construction to be commenced before the off site highway improvements have been completed would not have any demonstrable harm to highway safety.

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development is considered to be acceptable and would not have any significant impact on the vitality and viability of Grantham town centre. There is adequate separation between the proposal and the existing residential properties to ensure that the occupiers of these properties would not experience any significant loss of amenity in relation to overlooking, noise and disturbance and smells and odours.

The design and appearance of the development is considered to be compatible with the mixed residential and commercial/industrial character of the area.

It is considered that the proposed development would not have any significant detrimental impact on highway safety that would justify the refusal of planning permission.

Whilst there is a degree of tension with the NPPF and local guidance contained in Policy E2 of the South Kesteven Core Strategy and Emerging Policy RT1 of the Grantham Area Action Plan state

that retail developments should be accompanied by a sequential assessment as this proposal would replace an extant permission and because of the relatively small scale and nature of the proposal it is unlikely to have any significant adverse impact on the town centre there is no requirement for such an assessment in this instance.

As such the proposal is considered to accord with national guidance set out in the National Planning Policy Framework - Building a strong and competitive economy, Ensuring the Vitality of Town Centres and Promoting sustainable transport and Requiring good design and local guidance contained in Policy EN1 of the adopted South Kesteven Core Strategy.

Concerns in relation to residential amenity, visual amenity, highway safety, are material considerations but they are not considered to outweigh the policies referred to above.

In reaching this 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. Prior to the implementation of the permission hereby granted a management plan for the collection of litter shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full thereafter.

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

3. Prior to the commencement of the development hereby permitted details of any external lighting of the development shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken in accordance with any such details that are approved.

Reason: To protect the amenity of neighbouring occupiers.

4. There shall be no external storage on the site.

Reason: In the interests of visual amenity.

5. Any external loudspeaker system/tannoy shall not be audible at the boundary of any noise sensitive property.

Reason: In the interests of residential amenity.

6. Any construction works on the site shall be limited to:

07.30 to 18:00 Monday to Friday, 08:00-13:00 Saturday and no works on Sundays and Bank Holidays.

Additionally, there shall be no burning of waste on the site.

Reason: To control the construction of the development and to protect residential amenity.

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

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

8. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be retained for use at all times.

Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car and in accordance with Policy SP3 of the adopted South Kesteven Core Strategy (July 2010).

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the building(s) are occupied, or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with approved details.

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

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

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

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

113-365-P01 E Proposed Ground Floor Layout Plan
113-365-P03 J (Proposed Elevations)
113-365-P04 D (Proposed Site Plan)

received by the local planning authority on 24th May 2012.

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

12. Prior to the operation of the development hereby permitted details of grease traps to be installed in the drainage system of the premises shall be submitted to and approved in writing by the local planning authority. Any such details that are approved shall be

implemented fully prior to the commencement of the use hereby permitted.

Reason: To ensure a satisfactory form of development and a satisfactory means of draining the site.

13. Notwithstanding the submitted information, before the use hereby permitted is commenced, equipment shall be installed as will suppress the emission of fumes or smells and obviate odours from frying or other cooking processes details of which shall be submitted to and approved in writing by the local planning authority. Such details shall include noise levels of the equipment to be installed.

Reason: To protect the amenity of neighbouring occupiers.

14. Deliveries and waste collection to and from the site shall be between 07:30 to 18:00 Monday to Saturday with no deliveries or waste collection on Sundays or Bank Holidays.

Reason: To protect the amenity of nearby residential occupiers.

15. The premises shall not be used for the purposes hereby permitted outside the hours of:

07:00-23:00 Monday, Tuesday and Wednesday.

07:00 to 12 midnight Thursday, Friday, Saturday and Sunday.

Reason: The operation of the use outside these hours would result in unacceptable levels of noise nuisance to local residents.

16. The arrangements shown on the approved plan 113-365-PO4 Rev D dated 24th May 2012 for the parking /turning/manoeuvring/loading/unloading of vehicles shall be available at all times when the premises are in use.

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

17. The fast food takeaway and associated restaurant shall not become operational (i.e. begin trading to members of the public) until those works identified on drawing number Fig 105 Rev 01 or as specified) to improve the public highway (by means of a right turn facility) have been certified complete by the Local Planning Authority.

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

18. Notwithstanding the submitted details the development shall not be commenced until a 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 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.

Reason: To ensure that access to the site is sustainable and reduces dependency on the car.

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

Dwg No. 113-365-P04 rev D, 113-365-P03 rev J, 113-365-P01 rev E, Fig 105 Rev 01, Fig 106 Rev 02.

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

20. No development shall take place until details of existing and proposed ground levels and finished floor levels of the proposed development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with any such details that have been approved.

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

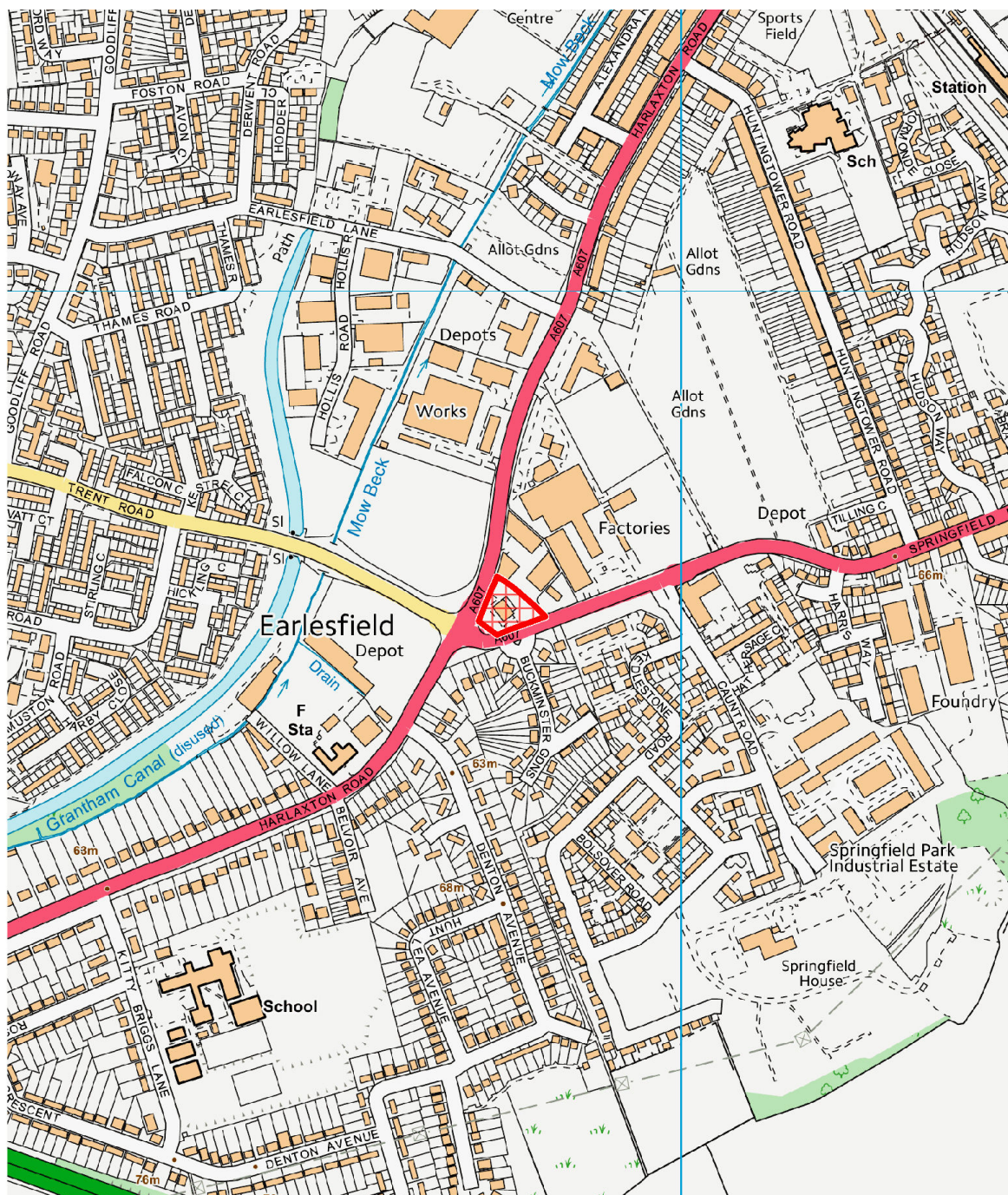
Note(s) to Applicant

1. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.
2. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.
3. No works shall commence on site until a Section 278 Agreement under the Highways Act 1980 has been entered into with the local highway authority, Lincolnshire County Council to provide a ghost island right turn facility along Harlaxton Road (As shown on drawing Fig 105 Rev 01 dated May 2012 together with any ancillary works.
4. Prior to the commencement of any access works within the public highway, you should contact the Divisional Highways Manager on 01522 782070 for application specification and construction information.

* * * * *

Site Location Plan

Ref	S12/3178
Proposal	Section 73 application to vary Condition 17 of Planning Permission S12/1272 to allow highway improvements to be completed prior to commencement of the use
Location	Former Isaac Newton Public House, Harlaxton Road, Grantham, Lincolnshire, NG31 7SA



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Applicant	Mr Steve Roebuck, Tesco Stores Ltd C/o Agent
Agent	Miss Emma Gomersal, DPP 5th Floor, 2, Wellington Place, Leeds, West Yorkshire, LS1 4AP
Proposal	Installation of ATM and associated service door
Location	Cherry Tree, Harrowby Lane, Grantham, Lincolnshire, NG31 9NL
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
- Residential amenity
- Highways
- Crime Prevention

Technical Documents Submitted with the Application

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

REPORT

Application Category

Minor Other

Reasons for referral to committee

A request from the local member Councillor Chivers on the basis that the development would be likely to be detrimental to highway safety and traffic impact onto Keats Avenue.

The Proposal

For members information the existing lawful use for the development is an A4 Drinking establishment as defined by the Use Classes Order. The site can be used as an A1 retail convenience store without the need for planning permission. This application is for various alterations to allow the building to function as a retail store.

The proposal is for the installation of an ATM (Automated Telling) machine and associated service door on the western elevation of the existing building facing Keats Avenue. It would be installed to comply with DDA regulations and include a CCTV and security light above the machine.

The Application site and the surroundings

The existing building is located at the corner of Harrowby Lane and Keats Avenue. The area is predominantly residential. It is approximately 2km from the town centre. The northern half of the site is occupied by the existing building and the southern half of the site is given over to parking.

Site History

Sk. 95/0026 – Planning permission was granted for extension and alterations to the Cherry Tree Public House on 14 February 1995.

Policy Considerations

South Kesteven Core Strategy

Policy EN1

The Grantham Shop front Design Guide

Whilst this document is somewhat outdated it still provides advice in relation to design.

National Planning Policy Framework

Paragraph 14 of the NPPF states that there should be a presumption in favour of sustainable development.

The Regional Spatial Strategy: East Midlands Regional Plan 2009

Policy 2 – the layout, design and construction of new development should be continuously improved. This could be achieved via:

‘design which helps to reduce crime and fear of crime, supports community safety, promotes vitality, maintains amenity and privacy, and benefits the quality of life of local people’.

Representations Received

Local Highway Authority

Initial Comments

This proposed ATM would not be expected to result in any materially harmful impact upon the safe use of the adjacent highway so the highway authority would not wish to restrict the grant of consent. Whilst the open aspect does provide security in terms of overlooking, it may also leave the facility vulnerable to attack by the type of vehicle which are often stolen specifically to remove these machines.

Final Comments

(Officer comment: The submitted details show bollards installed in front of the ATM).

I agree that this is as much as the Applicants could reasonably do.

Police Architectural Liaison Officer

Initial Comments

Standards comments in relation to Landscaping which is not the subject of this application and a request for a condition requiring details of crime prevention measures to be submitted to and approved in writing by the local planning authority.

Final Comments

(Officer comment: The submitted details include anti-ram raid bollards, lighting in the car park and replacement of the boundary treatment along the boundary adjacent to the residential properties. This information was supplied to the Architectural Liaison Officer).

I have viewed the information and can state that I am in agreement with the proposed crime prevention measures and consequently also agree that a security condition is not required. As you correctly state the necessary details have been incorporated within the scheme.

Representations as a result of publicity

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

- we have several cars a day leaving our surgery. If cars park on the road opposite Tesco's this would block the view of vehicles trying our car park. Double yellow lines should be placed on both sides of Harrowby Lane. We have ample car parking space for our patients. This would not affect us. We do not object to Tesco's coming to Harrowby Lane subject to the highway safety issues being addressed from the start.
- the alterations are not minor all will have a detrimental affect on the neighbourhood.
- ambient lighting will be increased especially at night.
- view from house will be spoiled (right to a view is not a planning consideration).
- loss of privacy from revised entrance.
- increased comings and goings will increase noise and disturbance.
- increase in height of building will make it more visually intrusive.
- increased vehicle movements will increase noise and disturbance, lorries, car doors slamming, revving engines.
- short term parking on verges would be detrimental to highway safety.
- increase in traffic will impact our access.
- increase in footfall will result in increased noise and disturbance.
- impact on character appearance and feel of the area changing it from a quiet peaceful street to a commercial community.
- it would bring all the trappings of humanity to our doorstep including noise, vehicle nuisance, youths hanging around and associated antisocial behaviour and litter.
- impact on selling price of property (not a planning consideration).

A number of additional comments have been made in relation to the use of the building as a convenience store. This is not however does not require planning permission and is not the subject of this application.

Applicant's Submission

The applicant has submitted a number of documents in support of the planning application these include a Design and Access Statement, and Planning Statement.

The conclusion of the planning statement states:

"...planning permission for the various elements, which will provide people with the opportunity to meet their day to day shopping needs and facilitate the positive re-use of this vacant site, bringing with it both economic and aesthetic benefit, should be permitted".

Officer Evaluation

The proposal relates to the installation of an ATM into the western elevation facing Keats Avenue. The main issues for consideration in relation to the development are highway safety and residential amenity.

Highway Safety

It is considered that the installation of the ATM is unlikely to materially increase the number of visitors to the site to an extent that would impact on the highway network. It is likely that any car borne persons wishing to use the ATM would utilise the store car park within the site. As such it is unlikely that there would be any significant increase in on street parking to the detriment of highway safety.

This is confirmed by the local highway authority having no objection to the development. Whilst concern was raised in relation to possible ram raiding this is addressed via anti-ram raid bollards.

Concerns regarding increased vehicle movements to and from the site as a result of the use of the building are not the subject of this planning application as the operation of the site for retail purposes does not require planning permission.

Residential Amenity

The initial comments of the police architectural liaison officer requested further crime prevention measures via a planning condition. However, the submitted details include anti-ram raid bollards, CCTV and lighting. As such it is considered unreasonable to seek any further crime prevention measures and that the ATM is unlikely to result in a significant increase in crime and disorder or antisocial behaviour that would justify a refusal of planning permission on this ground.

This is confirmed by the final comments of the architectural liaison officer.

It is considered that there is sufficient separation distances between the building and neighbouring residential properties (25 metres at the closest point) to ensure that any persons using the machine would not significantly increase noise and disturbance, result in increased overlooking or loss of privacy or otherwise impact on the residential amenity of neighbouring occupiers to the extent that a refusal of planning permission could be justified.

Concerns regarding noise and disturbance from increased comings and goings to the site as a result of the use are not the subject of this application as planning permission is not required for the change of use of the site from a public house to a shop.

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 the Act will be breached.

Recommendation

That the development be approved subject to condition(s)

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the proposed installation of the ATM is an acceptable form of development. It would not result in any significant increase in comings to the site. This is supported by the comments of the local highway authority not objecting to the development.

The separation distances to the neighbouring properties would ensure that there would be no

significant impact on current levels of residential amenity to justify a refusal of planning permission.

It is considered that the proposed crime prevention measures proposed as part of the proposals would ensure that any risk of increased crime and disorder would be minimised.

As such it is considered that the proposal is in accordance with policies EN1 of the adopted South Kesteven Core Strategy.

Whilst concerns have been raised in relation to noise and disturbance, light pollution, impact on residential amenity and highway safety it is considered that they do not outweigh the policies referred to above.

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 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 begun 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 hereby permitted shall be undertaken in accordance with the following list of approved plans:

Proposed ATM Elevation Dwg No. F9D11-259 A (00)033

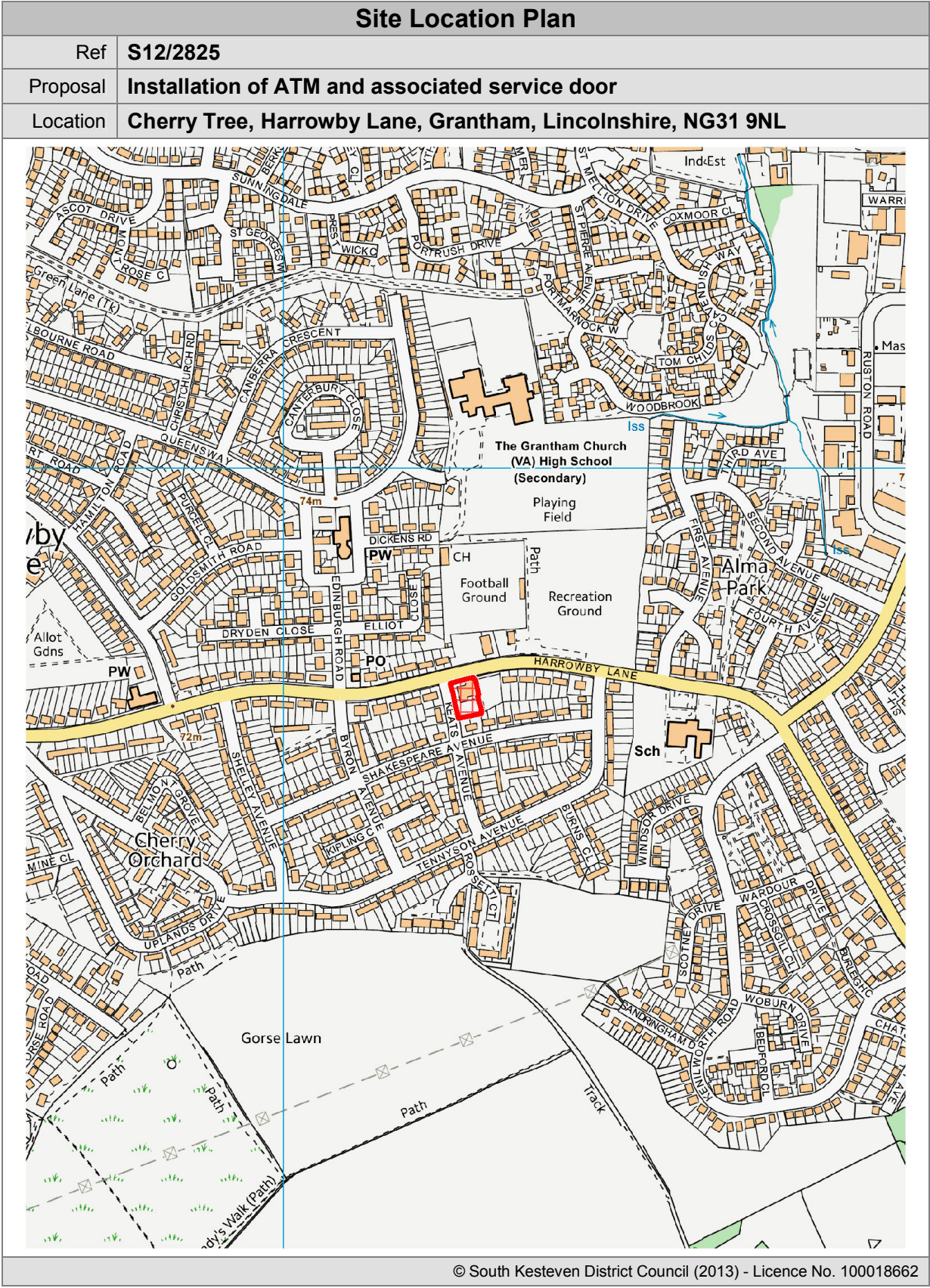
Proposed External Alterations Plan Dwg No. F9D11-259 A(00)025

ATM Section Dwg No. F9D11-259 A(00)103

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.

* * * * *



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Applicant	Mr Steve Roebuck, Tesco Stores Ltd C/o Agent
Agent	Miss Emma Gomersal, DPP 5th Floor, 2, Wellington Place, Leeds, West Yorkshire, LS1 4AP
Proposal	Installation of 1 x condenser unit and 3 x air conditioning units
Location	Cherry Tree, Harrowby Lane, Grantham, Lincolnshire, NG31 9NL
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
- Residential amenity
- Noise

Technical Documents Submitted with the Application

- Site Plan
- Block Plan
- Elevational Drawings
- Floor plans
- Noise Report
- Planning Statement

REPORT

Application Category

Minor Other

Reasons for referral to committee

A request from the local member Councillor Chivers on the basis that the development would create excessive noise and disturbance to nearby residents.

The Proposal

For members information the existing lawful use for the development is an A4 Drinking establishment as defined by the Use Classes Order. The site can be used as an A1 retail convenience store without the need for planning permission. This application is for the necessary plant to allow the business to operate.

The proposal is for the installation of 1no. condenser unit and 3no. air conditioning units at the Cherry Tree. They would be located within a dedicated plant area. This would be enclosed behind a closed boarded timber fence that runs along the southern elevation of the building.

A noise report has been submitted with the application to establish whether or not the proposal would be likely to result in any significant noise and disturbance to neighbouring occupiers.

The Application site and the surroundings

The existing building is located at the corner of Harrowby Lane and Keats Avenue. The area is predominantly residential. It is approximately 2km from the town centre. The northern half of the site is occupied by the existing building and the southern half of the site is given over to parking.

Site History

Sk. 95/0026 – Planning permission was granted for extension and alterations to the Cherry Tree Public House on 14 February 1995.

Policy Considerations

South Kesteven Core Strategy

Policy EN1

The Grantham Shopfront Design Guide

Whilst this document is somewhat outdated it still provides advice in relation to design.

National Planning Policy Framework

Paragraph 14 of the NPPF states that there should be a presumption in favour of sustainable development.

The Regional Spatial Strategy: East Midlands Regional Plan 2009

Policy 2 – the layout, design and construction of new development should be continuously improved. This could be achieved via:

‘design which helps to reduce crime and fear of crime, supports community safety, promotes vitality, maintains amenity and privacy, and benefits the quality of life of local people’.

Representations Received

Environmental Protection

Following a site visit and a review of the documents submitted by the applicant, Environmental Protection are satisfied with the proposals being made for the equipment both in terms of:

Specification, noise rating and acoustic assessment and

Proposed location at ground level and enclosed on each side with a suitably substantive timber fence.

I am satisfied with a 2 metre high fence enclosing the air con units.

The applicant shall be made aware that a general provision of statutory nuisance under the Environmental Protection Act is applicable if the noise level from the units at some point in the future causes no impact to adjacent residential properties which is deemed by a local authority officer as a nuisance.

Representations as a result of publicity

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

- units will make an excessive noise by comparison to any noise made by a public house. Will be audible in our rooms making it difficult to sleep.
- it will impact on the use of our garden in the summer months which is currently a peaceful place to sit.

A number of additional comments have been made in relation to the use of the building as a convenience store. This is not however does not require planning permission and is not the subject of this application.

Applicant's Submission

The applicant has submitted a number of documents in support of the planning application these include a Design and Access Statement, Planning Statement and a Noise Report.

The conclusion of the planning statement states:

“...planning permission for the various elements, which will provide people with the opportunity to meet their day to day shopping needs and facilitate the positive re-use of this vacant site, bringing with it both economic and aesthetic benefit, should be permitted”.

Officer Evaluation

The main issue for consideration in relation to the proposal is impact on residential amenity of neighbouring occupiers.

Residential Amenity

The proposal relates to the installation of plant and machinery to the southern elevation of the building. It would be located behind a two metre fence. The submitted noise report indicates that the condenser and air conditioning units are unlikely to result in resultant levels that are likely to give rise to complaints from local residents. This is confirmed by the comments of the Environmental Protection section.

It is considered that there is sufficient separation distance between the proposed plant and the neighbouring residential properties. This separation distance coupled with the proposed 2 metre screen would ensure that the amenity of neighbouring occupiers would not be significantly affected to an extent that would justify a refusal of planning permission.

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 the Act will be breached.

Recommendation:

That the development be approved subject to condition(s)

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the condenser and air conditioning units would be sited in an appropriate location on the existing building and would be screened behind a 2 metre fence. Whilst concerns have been raised in relation to noise and disturbance it is considered that there is sufficient separation distances between the equipment and the nearest residential properties to ensure that occupiers would not experience and significant noise and disturbance to the detriment of residential amenity.

In light of the above it is considered that the proposal is in accordance with policies EN1 of the adopted 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 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 begun 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 hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

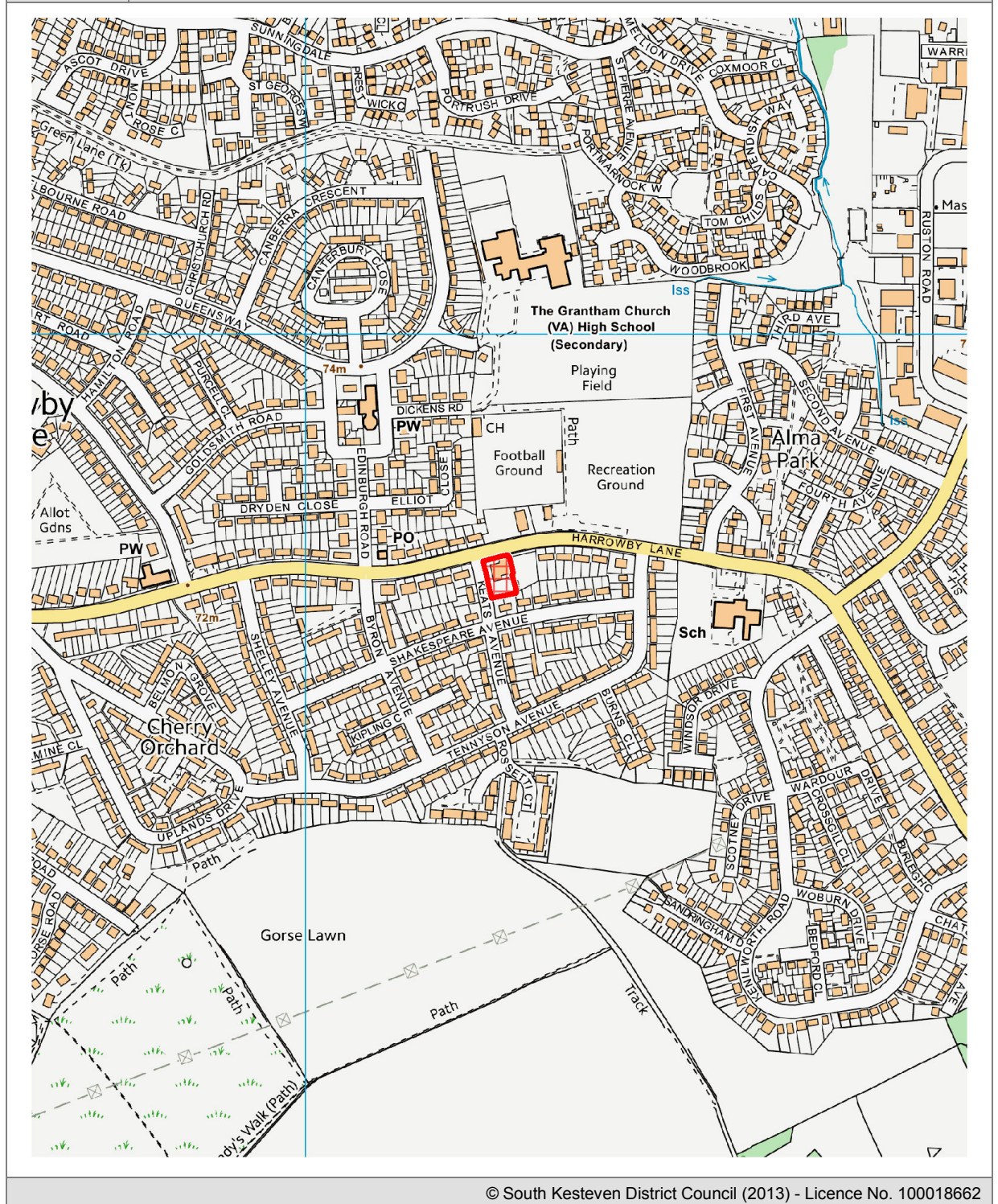
Dwg No. F9D11-259 A(00)038 - Proposed plant elevations received by the local planning authority on 9th November 2012.

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

* * * * *

Site Location Plan

Ref	S12/2827
Proposal	Installation of 1 x condenser unit and 3 x air conditioning units
Location	Cherry Tree, Harrowby Lane, Grantham, Lincolnshire, NG31 9NL



Applicant	Mr Steve Roebuck, Tesco Stores Ltd C/o Agent
Agent	Miss Emma Gomersal, DPP 5th Floor, 2, Wellington Place, Leeds, West Yorkshire, LS1 4AP
Proposal	Minor external alterations including demolition of chimney/tower, installation of new shopfront, increasing the height of the existing flat roof extension, erection of canopy, siting of steel bollards, siting of cycle hoops, blocking up existing openings, landscaping and resurfacing existing car park and alterations to vehicular access and external lighting
Location	Cherry Tree, Harrowby Lane, Grantham, Lincolnshire, NG31 9NL
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
- Visual amenity
- Residential amenity
- Highways
- Lighting

Technical Documents Submitted with the Application

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

REPORT

Application Category

Minor Other

Reasons for referral to committee

A request from the local member Councillor Chivers on the basis that the development would result in the loss of a landmark feature. Whilst not a listed building this is one of the Fen 1950's designed public house structures.

The Proposal

For members information the existing lawful use for the development is an A4 Drinking establishment as defined by the Use Classes Order. The site can be used as an A1 retail convenience store without the need for planning permission. This application is for various alterations to allow the building to function as a retail store.

The proposal is for the minor alterations to the existing buildings including demolition of existing tower, installation of new shop front increasing the height of the flat roof extension, landscaping, resurfacing of the car park, erection of canopy, bollards, cycle hoops, alterations to vehicular access and external lighting and blocking up existing openings.

The Application site and the surroundings

The existing building is located at the corner of Harrowby Lane and Keats Avenue. The area is predominantly residential. It is approximately 2km from the town centre. The northern half of the site is occupied by the existing building and the southern half of the site is given over to parking.

Site History

Sk. 95/0026 – Planning permission was granted for extension and alterations to the Cherry Tree Public House on 14 February 1995.

Policy Considerations

South Kesteven Core Strategy

Policy EN1

The Grantham Shop front Design Guide

Whilst this document is somewhat outdated it still provides advice in relation to design.

National Planning Policy Framework

Paragraph 14 of the NPPF states that there should be a presumption in favour of sustainable development.

The Regional Spatial Strategy: East Midlands Regional Plan 2009

Policy 2 – the layout, design and construction of new development should be continuously improved. This could be achieved via:

‘design which helps to reduce crime and fear of crime, supports community safety, promotes vitality, maintains amenity and privacy, and benefits the quality of life of local people’.

Representations Received

Local Highway Authority

The only element of these proposals that would have any direct impact on the adjacent highway network is the alteration of the vehicular access to Keats Avenue. This would be an improvement to the existing and the highway authority does not therefore wish to restrict the grant of consent.

Environmental Protection

Initial Comments

The external lighting design shall be as specified in the applicant’s submission and shall as a minimum not cause light nuisance to adjacent residential properties.

When the store is closed (during the night) the lighting to the car park area shall be able to be dimmed to minimise potential impacts from external lighting.

Final Comments

The applicant has confirmed that the car park lights will be turned off when the manager locks the premises up to leave which is fine and assists in preventing undue lighting during the night.

Representations as a result of publicity

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

- we have several cars a day leaving our surgery. If cars park on the road opposite Tesco’s this would block the view of vehicles trying our car park. Double yellow lines should be placed on both sides of Harrowby Lane. We have ample car parking space for our patients. This would not affect us. We do not object to Tesco’s coming to Harrowby Lane subject to the highway safety issues being addressed from the start.
- the alterations are not minor all will have a detrimental affect on the neighbourhood.
- ambient lighting will be increased especially at night.
- view from house will be spoiled (right to a view is not a planning consideration).
- loss of privacy from revised entrance.
- increased comings and goings will increase noise and disturbance.
- increase in height of building will make it more visually intrusive.

- increased vehicle movements will increase noise and disturbance, lorries, car doors slamming, revving engines.
- short term parking on verges would be detrimental to highway safety.
- increase in traffic will impact our access.
- increase in footfall will result in increased noise and disturbance.
- impact on character appearance and feel of the area changing it from a quiet peaceful street to a commercial community.
- it would bring all the trappings of humanity to our doorstep including noise, vehicle nuisance, youths hanging around and associated antisocial behaviour and litter.
- impact on selling price of property (not a planning consideration).

A number of additional comments have been made in relation to the use of the building as a convenience store. This is not however does not require planning permission and is not the subject of this application.

Applicant's Submission

The applicant has submitted a number of documents in support of the planning application these include a Design and Access Statement, Planning Statement and lighting specifications.

The conclusion of the planning statement states:

"...planning permission for the various elements, which will provide people with the opportunity to meet their day to day shopping needs and facilitate the positive re-use of this vacant site, bringing with it both economic and aesthetic benefit, should be permitted".

Officer Evaluation

The proposal relates to a number of alterations to the existing property to allow the building to function as a retail store. The main issues for consideration in relation to the above scheme is impact on visual amenity, highway safety and impact on residential amenity.

Visual Amenity

The existing building has been vacant for a period of time and does not add anything to the character and appearance of the area. The building is a mix of brick and painted blockwork with a number of flat roofed elements. The site is not within a conservation area and the existing building is not listed.

The South Kesteven townscape character assessment states that the area is within Character Area 7b –Harrowby Estate, which is characterised as being a large planned medium density estate of the immediate post war period. There is no style which dominates the area, and there are no heritage assets within the area.

The removal of elements of the existing building, including the tower and chimney would not have any detrimental impact on the host building.

It is considered that the package of alterations to the building would have a positive impact on the building, improving its overall appearance and bringing the building back into effective use.

Highway Safety

The comments of the local highway authority indicate that the only element of the proposed works that could have any impact on highway safety is the alterations to the access. The access would remain off Keats Avenue and would be improved as would the hard surfaced areas which would be resurfaced. These works will clearly improve the safety of the site.

This is confirmed by the local highway authority having no objection to the development.

Concerns regarding increased vehicle movements to and from the site are not the subject of this planning application as the operation of the site for retail purposes does not require planning permission.

Residential Amenity

The applicants have indicated that the external lighting would be turned off by the manager on closing the shop. As such this addresses the concerns that lights would remain on all night and that this could adversely impact on the amenity of neighbouring occupiers.

It is considered that there is sufficient separation distances between the building and neighbouring residential properties to ensure that the proposed alterations to the building including shop front/entrance alterations would not significantly increase noise and disturbance, result in increased overlooking or loss of privacy or otherwise impact on the residential amenity of neighbouring occupiers to the extent that a refusal of planning permission could be justified.

Concerns regarding noise and disturbance from increased comings and goings to the site are not the subject of this application as planning permission is not required for the change of use of the site from a public house to a shop.

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 the Act will be breached.

Recommendation

That the development be approved subject to condition(s)

SUMMARY OF REASON(S) FOR APPROVAL

It is considered that the proposed alterations are considered acceptable and would positively improve the character and appearance of the host property which is currently vacant. Whilst concerns have been raised in relation to noise and disturbance, light pollution, impact on

residential amenity, highway safety it is considered that there is sufficient separation distances between the property and the nearest residential properties to ensure that occupiers would not experience and significant loss of residential amenity that would justify a refusal of planning permission.

Only minor works are proposed to improve the existing vehicular access point, which coupled with the resurfacing works within the site are likely to improve the operation of the site. This is confirmed by the comments of the local planning authority who have not objected to the development.

In light of the above it is considered that the proposal is in accordance with policies EN1 of the adopted 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 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 begun 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 hereby permitted shall be undertaken in accordance with the submitted lighting details including the e-mail from the applicant's agent dated 13th December 2012 confirming that the lights will be turned off when the store is closed.

Reason: To protect the amenity of neighbouring occupiers.

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

Proposed external alterations (south and west) Dwg No. F9D11-259 A(00)026 received 13th November 2012.

Proposed elevations (north and east) Dwg. No. F9D11-259 A(00)027

External Lighting Layout Dwg No. 7819 63 003 received 13th November 2012

Illuminance Levels Design Ref: LS20588_2 received 13th November 2012

External Alterations Plan Dwg No. F9D11-259A(00)100 received 13th November 2012

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

Note(s) to Applicant

1. Prior to the commencement of the development hereby permitted you are advised to contact the Divisional Highways manager, Lincolnshire County Council (telephone number: 01522 513100) to discuss the proposed works within highway limits.

* * * * *

Site Location Plan	
Ref	S12/2826
Proposal	Minor external alterations including demolition of chimney/tower, installation of new shopfront, increasing the height of the existing flat roof extension, erection of canopy, siting of steel bollards, siting of cycle hoops, blocking up existing openings, landscaping and resurfacing existing car park and alterations to vehicular access and external lighting
Location	Cherry Tree, Harrowby Lane, Grantham, Lincolnshire, NG31 9NL

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PL1 S12/3260/FULL

Target Decision Date: 01-Mar-2013

Committee Date: 05-Feb-2013

Applicant	Mrs I & A Watson C/o Agent
Agent	Mr H R Hill, Roger Hill Design Consultants Ltd 33, Mill Drove, Bourne, Lincs, PE10 9BY
Proposal	Two storey dwelling, triple garage and workshop
Location	22b, Burghley Street, Bourne, PE109NS
App Type	Full Planning Permission
Parish(es)	Bourne
Reason for Referral to Committee	The application has been referred to the development control committee as it constitutes a departure to the development plan.
Recommendation Summary	Approved subject to condition(s)

Key Issues

- Impact on surrounding development

Technical Documents Submitted with the Application

- Design and access statement
- Arboricultural and tree assessment

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 it constitutes a departure to the development plan.

The Proposal

This is a full application seeking consent for one detached 3 bedroom house with a triple garage and domestic workshop on land to the rear of 22b Burghley Street, Bourne.

The Application Site and its Surroundings

The application site is located in a residential area and currently forms a large part of the rear garden to 22b Burghley Street, a detached bungalow with accommodation in the roofspace and covers an area of 0.18 ha. To the north of the application site there is a public footpath then the end of a cul de sac on Burghley Court with two storey houses adjacent to the site boundary. To the west, to the rear of properties fronting Exeter Street there is a detached bungalow that has a workshop/gym nearest the common site boundary. To the south side of the application site to the west a detached house and to the east a detached bungalow. The site boundaries are identified by a mixture of fence panels, metal rails, conifers, hedging and other planting. Within the site are a number of mature trees but nothing of significant merit.

Relevant Site History

In March 2012 outline planning permission was granted for 2 single storey dwellings.

Policy Considerations

National Policy

NPPF Section 1 – Delivering Sustainable Development.

NPPF Section 7 – Requiring Good Design.

NPPF Section 11 – Conserving and Enhancing the Natural Environment.

South Kesteven District Council Core Strategy:

Policy SP1: Spatial Strategy

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

Policy H1: Residential Development

Representations Received

Bourne Town Council: At the time of compiling the committee agenda no comments had been received, any comments submitted will be included in the late papers or reported verbally.

Archaeological: no affect upon any known sites.

Tree Consultant: At the time of compiling the committee agenda no comments had been received, any comments submitted will be included in the late papers or reported verbally.

Lincolnshire County Council Highways: No objection subject to conditions.

Representations as a Result of Publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement and at the time of compiling the committee agenda one response had been received but the consultation period had yet to expire. Any further responses will be included in the late papers or reported verbally. The comments received so far can be summarised as follows:

1. Long standing ownership and boundary dispute between SKDC and LCC regarding the access way to the north of the site between Exeter Street and Burghley Street.
2. Permission should not be granted, they do not own the land north of the application site.
3. Three garages presumes lots of vehicles, if vehicles left outside garages can another vehicle enter and exit the site in a forward gear.
4. This could lead to traffic congestion.

Officer Evaluation

This is a full application for one detached 3 bedroom house with a triple garage and domestic workshop on part of the rear garden to 22b Burghley Street a detached two storey house.

Policy H1 states that new housing development in South Kesteven during the period 2006-2026 should be planned and phased to deliver the minimum level of housing development required by the Regional Plan. In order to achieve a proper distribution of development across the District the policy sets out a framework for distributing development. In respect of Bourne policy H1 states that development in Bourne should be restricted to that already committed via planning approval at the date of adoption of the Core Strategy.

Policy H1 clearly sets out a framework for delivering the minimum amount of housing development required in the District over the development plan period. This is however a minimum and not a maximum. Whilst the development is in the strictest of terms contrary to policy H1 of the development plan it would not compromise the overall aims of the policy. Policy H1 seeks to ensure that all major residential development in Bourne is on sites that have an extant planning consent or those which are allocated site such as the Elsea Park development. Whilst the Council would not wish to see additional large scale residential development other than these the odd small additional infill site of one or two dwellings would not compromise the overall aims and strategy of the development plan. In addition such sites can provide additional housing alternatives to those usually provided on larger residential developments.

The principle of development of this site was agreed under the earlier outline approval in March 2012.

Access to the site is proposed from Burghley Court to the north of the development, at the end of a turning head and Lincolnshire County Council Highways have raised no objection to the scheme subject to suggested conditions that have been attached.

Given the siting and orientation of the proposed house and the relationship with dwellings on adjacent sites it is considered that the development will not result in any significant loss of light or overshadowing.

The height of the dwelling is the same as those properties on Burghley Court and will have little adverse affect on the scale and character of the area. The surrounding properties are mainly two-storey with varying design styles.

Section 106 Heads of Terms

Not required.

Crime and Disorder

The proposed development raises not significant crime and disorder implications.

Human Rights Implications

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

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

Conclusion

The proposed development will have no adverse affect upon the adjacent development or the area as a whole.

RECOMMENDED: that the development be approved subject to condition(s)

SUMMARY OF REASON(S) FOR APPROVAL

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.

The proposals are in accordance with the National Planning Policy Framework and Policies SP1, EN1 and H1 of the South Kesteven Core Strategy. The issues regarding impact upon character of the dwelling, the street scene and amenities of neighbouring occupiers were considered as follows :-

With regard to the impact on the character of the area the development of the site is acceptable as Bourne is identified as a main town. The development of a house in this location would be in

keeping with the character and nature of the surrounding residential development. The impact on the amenities of neighbouring residential occupiers should be safeguarded in terms of overlooking, overshadowing or overbearing. In relation to road safety and traffic movements Lincolnshire County Council Highways have indicated that subject to conditions being imposed they have no objections.

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

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

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

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

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

3. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include [proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant]. Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme].

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

4. Before development is commence on site all existing trees shown in the submitted tree survey and report shall be fenced off to the limit of their branch spread. No works (including removal of earth), storage of materials, vehicular movements or siting of temporary buildings shall be permitted within these protected areas.

Reason: To prevent unnecessary damage to existing trees and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

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

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

6. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application: AW.2012.12.GEFP, AW.2012.12.EFP, AW.2012.12.PSP.

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

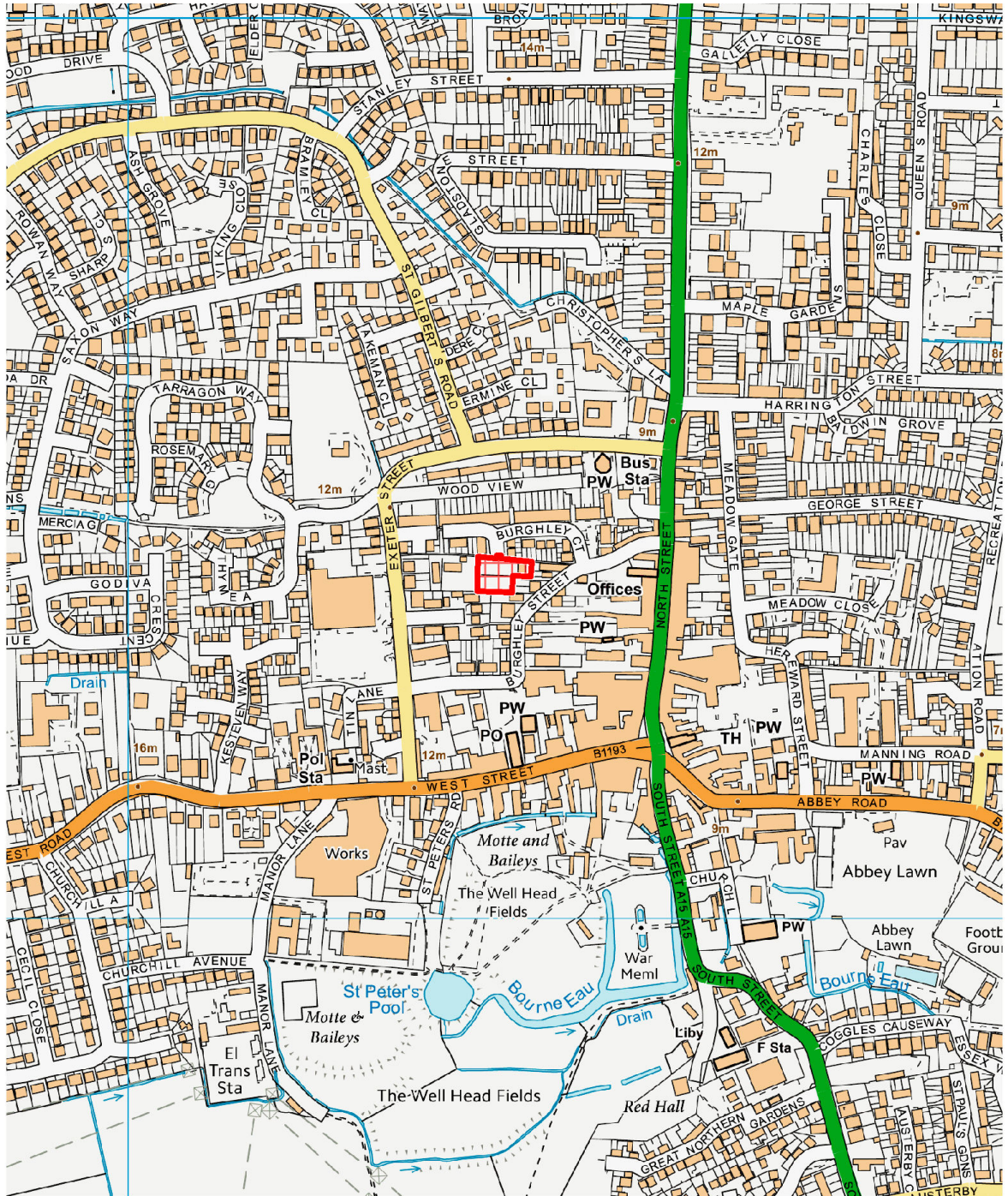
7. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number AW.2012.12.PSP dated 12/12, and retained for that use thereafter.

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

* * * * *

Site Location Plan

Ref	S12/3260
Proposal	Two storey dwelling, triple garage and workshop
Location	22b, Burghley Street, Bourne, PE109NS



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Applicant	Mr P Stokes, South Kesteven District Council Council Offices, St Peters Hill, Grantham, Lincolnshire, NG31 6PZ
Agent	
Proposal	3 Non - Illuminated crests and signage
Location	Bourne Corn Exchange, Abbey Road, Bourne
App Type	Advertisement Consent
Parish(es)	Bourne
Reason for Referral to Committee	This application has been referred to the Development Control Committee as the applicant is SKDC.
Recommendation Summary	Approved subject to conditions(s)

Key Issues

- Affect upon buildings appearance
- Affect upon Bourne Conservation Area

Technical Documents Submitted with the Application

- None

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 as the applicant is SKDC.

The Proposal

This is an application for advertisement consent for the installation of 3 non-illuminated crests and related signage to the northern side of the building, with the signage fronting onto the car park.

The application site and its surroundings

The application site is located to the rear of commercial buildings fronting Abbey Road within the Bourne Conservation Area and is currently used as an entertainment and function venue. To the north of the application site there is a car park with further commercial buildings to the east.

Relevant Planning History

In January 2012 planning permission was granted for a ground floor extension, removal of doors & replace with windows and the creation of 3 new windows.

Representations Received

Bourne Town Council – at the time of compiling the committee agenda no comments had been received, any comments received will be included in the late papers or reported verbally.

Conservation Officer – The application relates to a modern extension at the rear of the nineteenth century Corn Exchange that is located within the Bourne Conservation Area.

The original building fronts onto Abbey Road but the much larger modern element to the rear faces northwards onto the car park behind the Town Hall that also nowadays serves as the location for the weekly market.

Signage is to be installed on the north elevation of modern building, facing onto the car park, off which there is the main entrance to the building. The signage as proposed will not, in my opinion, impact on the character or appearance of the Conservation Area and I would not wish therefore to raise objection to the proposal.

Archaeological – no affects on any known sites.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. No representations have been received.

Planning Considerations

NPPF

Section 7 - Requiring Good Design

Section 12 – Conserving and Enhancing the Historic 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.

Key Issues

The key issues to be considered as part of the determination of this application relate to the following:

Impact on site and surroundings.

Officer Evaluation

The proposed signage will have no detrimental affect upon the overall appearance of the building itself or on the character and appearance of the Conservation Area. Having regard to the location of the proposed signs there will be no detrimental affect upon the surrounding commercial units many of which also have signage facing onto the car parks.

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.

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

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

1. This consent shall expire 5 years from the date of this notice.
2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
3. No advertisement shall be sited or displayed so as to: -

 endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
7. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application:

Proposed north elevation dated January 2013

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

* * * * *

Agenda Item 6

AGENDA ITEM

Report No: PLA. 975

DEVELOPMENT CONTROL COMMITTEE 5 FEBRUARY 2013

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) = 48

TABLE 2 **Applications dealt with under delegated powers from 17 December 2012 – 18 January 2013**

This table lists those applications upon which decisions have been made under the Powers of the Council Exercisable by Officers (as adopted by the District Council on 27 October 2006).

TABLE 3A **Outstanding Planning Appeals** **TABLE 3B** **Appeal Decisions with Summary to 21 January 2013** **DOCUMENT 3C** **Copy of Appeal Decisions**

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: PLA 975

Date Prepared: 21 January 2013

No of applications over 8 weeks: 48

MAJOR APPLICATIONS
(13 weeks)**S06/1151/MJNF/JJ**

Date received:

14-Aug-2006

No of days: 2352

Wm Morrison Supermarkets plc

Non food retail development (6 units) with associated parking, servicing and access

Former Mirlees Blackstone Site, Uffington Road, Stamford

Reason for non-determination:

Waiting for consultation reply

S11/2002/MJRO/KJC

Date received:

24-Aug-2011

No of days: 516

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: 447

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 19 December 2012.

S12/0187/MJNF/PWM

Date received:

26-Jan-2012

No of days: 361

Mr P Southerington, Witham Specialist Vehicles Ltd

Section 73 application to allow for retention of bunding and for use to commence before completion of highways works and temporary access track - conditions 2, 3, 10, 12 and 13 of S11/0641

Bourne Road, Colsterworth

Reason for non-determination:

Awaiting amended drainage scheme

S12/0438/MJRF/JJ

Date received:

01-Mar-2012

No of days: 326

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:

Consultee comments on updated viability assessment decision due end of February 2013.

S12/0484/MJRO/KJC

Date received:
27-Feb-2012
No of days: 329

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 March/April 2013.

S12/0864/MJRO/NB

Date received:
05-Apr-2012
No of days: 291

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 – March/April
2013 DC Committee.

S12/0873/MJRF/KJC

Date received:
28-Aug-2012
No of days: 146

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 March 2013.

S12/1198/MJNF/NB

Date received:
25-May-2012
No of days: 241

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 March 2013

S12/2495/MJNF/JJ

Date received:
10-Oct-2012
No of days: 103

Mr A Freeman

Application to vary Conditions 5 and 12 of application
SK.07/1569/90 relating to wardens accommodation,
associated with the leisure park
Baston Fen Leisure Park, Cross Road, Baston, Peterborough,
Lincolnshire, PE6 9PX

Reason for non-determination:

Waiting S106, due end of February 2013

ALL OTHER APPLICATIONS (8 weeks)

S09/2827/FULL/JJ

Date received:
27-Nov-2009
No of days: 1151

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

S09/2829/LB/JJ

Date received:
27-Nov-2009
No of days: 1151

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

S10/0962/FULL/PL

Date received:
13-Apr-2010
No of days: 1014

Mr Robert Cuniffe

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:
Additional information on contamination report required from agent.

S10/1805/FULL/KJC

Date received:
13-Oct-2010
No of days: 831

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 March/April 2013.

S10/2020/FULL/JJ

Date received:
03-Sep-2010
No of days: 871

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.

S10/2021/LB/JJ

Date received:
03-Sep-2010
No of days: 871

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.

S11/0989/FULL/PWM

Date received:
04-May-2011
No of days: 628

Janette Broadbent

Change of use of land (path) to domestic garden (C3)
32, Minerva Close, Ancaster, Grantham, NG32 3LJ
Reason for non-determination:
Application to be withdrawn by 14 December 2012.

S11/1431/FULL/PJM

Date received:
16-Jun-2011
No of days: 585

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:
Awaiting additional information

S11/2619/FULL/AH

Date received:
15-Nov-2011
No of days: 433

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 clarification – due to go to Committee March/April 2013

S11/2921/LB/SP

Date received:
07-Dec-2011
No of days: 411

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 14 December 2012 following receipt of structural information.

S11/3007/HS/SP

Date received:
07-Dec-2011
No of days: 411

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 14 December 2012, following receipt of structural information.

S11/3068/FULL/SP

Date received:
26-Jan-2012
No of days: 361

Mr J Cooke

Use of land for the siting of 39 serviced touring caravan pitches
Wagtail Country Park, Cliff Lane, Marston, Grantham, NG32 2HU
Reason for non-determination:
Awaiting confirmation from the Highways Authority by early December 2012. Determine by 7 December 2012.

S11/3144/FULL/SP

Date received:
20-Jul-2012
No of days: 185

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.

S12/1271/FULL/PJM

Date received:
19-Jun-2012
No of days: 216

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 February 2013.

S12/1322/LB/IVW

Date received:
23-Jun-2012
No of days: 212

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.

S12/1665/FULL/JJ

Date received:
03-Jul-2012
No of days: 202

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 Feb 2013.

S12/2016/FULL/SP

Date received:
10-Aug-2012
No of days: 164

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.

S12/2038/EIAFP/PWM

Date received:
25-Sep-2012
No of days: 118

Mr Joe Ward Caythorpe Farmers, GR Ward & Co

Erection of poultry broiler unit - including 8 new broiler sheds with service buildings & associated stores, feed bins & associated equipment, farm managers dwelling, farm assistant managers dwelling & new access track.
Mill Farm, Caythorpe Heath Lane, Caythorpe, Grantham, Lincolnshire, NG32 3EZ

Reason for non-determination:

Awaiting comments from Highway Authority – to go to Committee March 2013

S12/2139/FULL/SP

Date received:
25-Oct-2012
No of days: 88

Colin Wright

Retrospective application for the retention of three static caravans for housing chickens
6, Pointon Fen, Pointon, Sleaford, Lincolnshire, NG34 0LF

Reason for non-determination:

To be determined before next Committee

S12/2170/FULL/PWM

Date received:
30-Aug-2012
No of days: 144

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:

Awaiting applicant to carry out search of local wildlife records

S12/2183/LB/SP

Date received:
13-Sep-2012
No of days: 130

David Seamen

Demolition of porch, existing garden walls & outbuildings, installation of new floors and removal of suspended floors at first floor, repairs & minor alteration.

Chestnut Farm, Village Street, Sedgebrook, Grantham, Lincolnshire, NG32 2EW

Reason for non-determination:

Further information received. Determine by 14 December 2012.

S12/2198/HSH/SP

Date received:
19-Oct-2012
No of days: 94

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:

Ongoing discussions re possible amendments

S12/2267/FULL/PWM

Date received:
12-Sep-2012
No of days: 131

Mr Andrew Scoffield

Wind turbine (hub height 14.97m, blade dimension 5.6m, total height to tip 17.77m)

Keepers Cottage, Westborough Road, Hougham, Grantham, Lincolnshire, NG32 2JG

Reason for non-determination:

To go to Committee March 2013

S12/2286/OUT/PJM

Date received:
26-Sep-2012
No of days: 117

Mr D Hubbard

Erection of 6 apartments (outline)

87, Norton Street, Grantham, Lincolnshire, NG31 6BY

Reason for non-determination:

To go to Committee March 2013

S12/2328/HSH/SP

Date received:
13-Sep-2012
No of days: 130

David Seamen

Demolition of porch, existing garden walls & out buildings, Installation of new floors and removal of suspended floors at first floor, repairs & minor alteration.

Chestnut Farm, Village Street, Sedgebrook, Grantham, Lincolnshire, NG32 2EW

Reason for non-determination:

Awaiting amended plans, and highways requirements. Determine by 14 December 2012.

S12/2428/EIAFP/SP

Date received:
26-Sep-2012
No of days: 117

Simon Richardson, Keisby Estate Ltd

Pig rearing and finishing building (unit 2) EIA development Land East of Keisby House, Keisby, Bourne, PE10 0RZ

Reason for non-determination:

Awaiting Environmental Protection comments

S12/2429/FULL/SP

Date received:
26-Sep-2012
No of days: 117

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:

Awaiting Environmental Protection comments

S12/2469/FULL/PL

Date received:
05-Oct-2012
No of days: 108

Tesco Stores Ltd

Variation of Condition 5 (delivery hours) of p/p S09/2256 to 0600 to 2300 hours Monday to Saturday and 0700 to 2000 hours on Sundays

Tesco Stores Ltd, Godsey Lane, Market Deeping, Peterborough, PE6 8UD

Reason for non-determination:

Deferred from DC Committee 20 November 2012 for additional information. Environmental Protection monitoring to be updated by 8 February 2013.

S12/2476/HSH/PL

Date received:
05-Nov-2012
No of days: 77

Mr & Mrs Wilde

Single storey front and rear extensions and accommodation in roofspace

12, Park Road, Deeping St James, Peterborough, Lincolnshire, PE6 8ND

Reason for non-determination:

Amended drawings to be submitted

S12/2535/HSH/SP

Date received:
16-Oct-2012
No of days: 97

Mr & Mrs Shaun & Jo, Maidment

Single storey extensions to front and side, and provide pitched roof over the garage

13, Tinsley Close, Claypole, Newark, Lincolnshire, NG23 5BS

Reason for non-determination:

Amendments to address impact on neighbour

S12/2567/ADV/PL

Date received:
16-Oct-2012
No of days: 97

Mr M Newton, Newton Fallowell

Illuminated fascia advertisement

2, North Street, Bourne, Lincolnshire, PE10 9EA

Reason for non-determination:

Submission of application for new shopfront

S12/2702/LB/IVW

Date received:
06-Nov-2012
No of days: 76

Mrs Lillian Popple, Clerk to the Governors, Governors of Brownes Hospital

Alterations to listed building (installation of hand rail to entrance steps)

Brownes Hospital, Broad Street, Stamford, Lincs, PE9 1PF

Reason for non-determination:

Awaiting further information

S12/2769/FULL/PJM

Date received:
09-Nov-2012
No of days: 73

Ms Gill Noon, Great Gonerby Parish Council

Proposed new community building/sports pavillion and additional associated parking

Great Gonerby Playing Field, Belton Lane, Great Gonerby, Grantham

Reason for non-determination:

To go to Committee March 2013

S12/2787/FULL/NB

Date received:
30-Oct-2012
No of days: 83

Mr Steve Chadwick

Conversion and extension of outbuilding to dwelling r/o 16, Barn Hill, Stamford, Lincolnshire, PE9 2AE

Reason for non-determination:

Referred to Secretary of State

S12/2788/LB/NB

Date received:
30-Oct-2012
No of days: 83

S12/2839/FULL/PL

Date received:
05-Nov-2012
No of days: 77

S12/2951/HSB/SB

Date received:
16-Nov-2012
No of days: 66

S12/2975/OUT/SB

Date received:
19-Nov-2012
No of days: 63

Mr Steve Chadwick

Alteration and extension to curtilage listed building
r/o 16, Barn Hill, Stamford, Lincolnshire, PE9 2AE
Reason for non-determination:
Referred to Secretary of State

Mrs S Waltham, Elsea Park Community Trust

Fitness trail (5 items of adult gym equip) retrospective
Linear Park, Bourne, PE10 0GE
Reason for non-determination:
Additional information requested from Health and Safety
Executive

Mr & Mrs N Steen

Erection of garage/annex building
28, Towngate West, Market Deeping, Peterborough,
Lincolnshire, PE6 8DG
Reason for non-determination:
To determine following emergency Tree Preservation Order

**Mr J Wherry, J Wherry Discretionary, Settlement of 12
March 2003**

Erection of 2 x two storey dwellings (Outline including access
and layout)
Land adjacent, 63, Willoughby Road, Bourne, Lincs
Reason for non-determination:
Resolving objections from Environmental Health

APPLICATIONS DECIDED UNDER DELEGATED POWERS
FROM 17 DECEMBER 2012 – 18 JANUARY 2013

S11/3179/FULL

Applicant: Wilcox Commercial Vehicles Ltd
 Proposal: Factory unit and offices - extension of time of S04/1789
 Location: Land Adjacent Wilcox Body Systems, Blenheim Way,
 Market Deeping
 Decision: Approved conditionally - 18 December 2012
 End to End time: 356

S12/0319/OUT

Applicant: Mr & Mrs S Orme
 Proposal: Erection of two 2-storey dwellings
 Location: R/o 12 West Street, Barkston, Grantham, NG32 2NL
 Decision: Refused - 10 January 2013
 End to End time: 334

S12/0417/FULL

Applicant: Mr J Wand
 Proposal: Erection of five dwellings (Outline) - Extension of time limit
 Location: R/o 32 High Street, Billingborough, Sleaford, NG34 0QA
 Decision: Approved conditionally - 08 January 2013
 End to End time: 281

S12/1246/LDE

Applicant: Mr Robert Kitchen
 Proposal: Certificate of lawful development (existing) - static home for
 the former Old Pieground Farm, Pointon Fen, Pointon
 Location: Static Home, (Formerly Old Pieground Farm), Pointon Fen,
 Pointon, Nr Sleaford, Lincolnshire, NG34 0LF
 Decision: Unlawful Development - 07 January 2013
 End to End time: 231

S12/1341/DC

Applicant: Mr R Penman, Moy Park Ltd
 Proposal: Approval of details reserved by condition 5 (Drainage) of
 planning permission S10/0434
 Location: Moy Park, Gonerby Road, Grantham, NG31 8HX
 Decision: Approved - 07 January 2013
 End to End time: 223

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 - 20 December 2012
 End to End time: 196

S12/1480/ADV

Applicant: ASDA Stores Ltd
 Proposal: Installation of 32 forms of signage
 Location: Asda Stores Ltd, Union Street, Grantham, Lincolnshire, NG31 6NZ
 Decision: Approved conditionally - 14 January 2013
 End to End time: 174

S12/2290/FULL

Applicant: Miss G Butler, BPFMC Charity
 Proposal: Re-siting of existing storage container and siting of additional storage container
 Location: Baston Village Hall, Main Street, Baston, Peterborough, PE6 9PB
 Decision: Approved conditionally - 09 January 2013
 End to End time: 49

S12/2325/HSB

Applicant: Mr & Mrs Smith
 Proposal: First floor extensions over existing single storey wing on northern elevation, re-roofing porch and double garage
 Location: Rose Cottage, Gorse Hill Lane, Caythorpe, Grantham, Lincolnshire, NG32 3DY
 Decision: Approved conditionally - 21 December 2012
 End to End time: 99

S12/2343/LB

Applicant: Mrs Jytte Nelson
 Proposal: Replacement of internal brickwork arch to lounge along with associated works including insertion of steel beam
 Location: 15, St Peters Street, Stamford, Lincolnshire, PE9 2PQ
 Decision: Approved conditionally - 03 January 2013
 End to End time: 52

S12/2344/FULL

Applicant: Mrs Stephen Parker
 Proposal: Erection of 2no. three bedroom two storey dwellings with detached single garages
 Location: Rear of Highgate, Church Street, Barrowby, Grantham, Lincolnshire, NG32 1BX
 Decision: Refused - 20 December 2012
 End to End time: 44

S12/2361/LB

Applicant: Miss J Pogonowska
 Proposal: Replacement door frame and fan light to front elevation
 Location: 7, Burghley Lane, Stamford, Lincolnshire, PE9 2LT
 Decision: Approved conditionally - 21 December 2012
 End to End time: 49

S12/2363/DC

Applicant: Manthorpe Construction
Proposal: Approval of details reserved by Condition 3 (Foul and Surface Water Drainage) Condition 8 (site levels) and Condition 9 (boundary treatments) of planning application S10/1259

Location: 3, Signal Road, Grantham, NG31 9BP
Decision: Approved - 17 December 2012
End to End time: 90

S12/2396/FULL

Applicant: Mr M Thurlby, The Thurlby Group
Proposal: Extension and alterations to public house, erection of play fort

Location: 25, North Street, Bourne, Lincolnshire, PE10 9AE
Decision: Approved conditionally - 16 January 2013
End to End time: 54

S12/2489/HSH

Applicant: Mr Richard Pile, Sterling Computer Contracting Limited
Proposal: Erection of garage
Location: 109, Drift Avenue, Stamford, Lincolnshire, PE9 1YJ
Decision: Approved conditionally - 18 December 2012
End to End time: 42

S12/2536/HSH

Applicant: Mr A Elliot
Proposal: Single storey rear extension

Location: Crane Cottage, Main Street, Greatford, Stamford, Lincolnshire, PE9 4QA
Decision: Approved conditionally - 17 December 2012
End to End time: 49

S12/2537/LB

Applicant: Mr A Elliot
Proposal: Single storey rear extension
Location: Crane Cottage, Main Street, Greatford, Stamford, Lincolnshire, PE9 4QA
Decision: Approved conditionally - 17 December 2012
End to End time: 49

S12/2553/HSH

Applicant: Mr D Fox
Proposal: Retention of single storey garden room
Location: 7, Victoria Grove, Morton, Bourne, Lincolnshire, PE10 0PL
Decision: Approved conditionally - 18 December 2012
End to End time: 53

S12/2558/TPO

Applicant: Lynne LeConte, SKDC
Proposal: Prune various varieties of trees, removing the lower branches to enable CCTV monitoring of the area, crown and lift Spruce

Location: Communal Area, St Peters Hill, Grantham
Decision: TC&P - Work allowed - 20 December 2012
End to End time: 52

S12/2594/HS

Applicant: Mr Glynn Willis
Proposal: Replacement timber shed and new greenhouse within the curtilage of a listed building

Location: Jasmine House 68, Main Road, Long Bennington, Newark, Lincolnshire, NG23 5DJ

Decision: Approved conditionally - 08 January 2013

End to End time: 85

S12/2625/FULL

Applicant: Taylor Wimpey East Midlands Ltd
Proposal: Change of Use from open space to private front garden area

Location: Land between Campion Way and The Pollards, Bourne

Decision: Approved conditionally - 21 December 2012

End to End time: 51

S12/2644/TPO

Applicant: Mr Paul Wright
Proposal: Works to 3 no. sycamore trees in relation to crown reduction and pruning works

Location: Waterside, 26, Station Road, Stamford, Lincolnshire, PE9 2WB

Decision: TC&P - Work allowed - 19 December 2012

End to End time: 54

S12/2667/FULL

Applicant: Mr R Rippon
Proposal: Conversion and extension of existing building to form one no. dwelling and erection of one no. new dwelling

Location: 22, High Street, Market Deeping, Peterborough, Lincolnshire, PE6 8EB

Decision: Approved conditionally - 11 January 2013

End to End time: 53

S12/2681/ADV

Applicant: Mr J Townsend, Truckin World Ltd
Proposal: Erection of 2 roadside pole signs and 12 hanging and fascia signs

Location: Gateway Park, South Road, Bourne

Decision: Approved conditionally - 17 December 2012

End to End time: 56

S12/2739/LB

Applicant: Mr Andrew Jenkins
Proposal: Installation of replacement timber sash window unit at first floor level to south elevation

Location: 5, Corby Road, Swayfield, Grantham, Lincolnshire, NG33 4LQ

Decision: Approved conditionally - 03 January 2013

End to End time: 43

S12/2754/HS

Applicant: Mr J Hodgkin
 Proposal: Alterations to existing dwelling
 Location: The Old Dairy, High Street, Little Bytham, Grantham, Lincolnshire, NG33 4QJ
 Decision: Approved conditionally - 07 January 2013
 End to End time: 49

S12/2755/FULL

Applicant: Mr J Hodgkin
 Proposal: Erection of 1 1/2 storey dwelling and detailed double garage (resubmission of previously approved plans)
 Location: 20, Water Lane, South Witham, Grantham, Lincolnshire, NG33 5PH
 Decision: Approved conditionally - 18 December 2012
 End to End time: 42

S12/2767/FULL

Applicant: Mr I Cappitt
 Proposal: Erection of chalet bungalow
 Location: 8, The Grove, Hanthorpe, Bourne, Lincolnshire, PE10 0RD
 Decision: Approved conditionally - 18 December 2012
 End to End time: 53

S12/2768/HS

Applicant: Mr & Mrs Shayne McGeough
 Proposal: Ground and first floor front rear and side extensions to dwelling
 Location: Landover, Bridge End Road, Grantham, Lincolnshire, NG31 7TT
 Decision: Approved conditionally - 20 December 2012
 End to End time: 50

S12/2780/HS

Applicant: Simon Turpin
 Proposal: Two new dormer windows to rear roofslope along with the raising in height of the rear boundary wall and formation of opening
 Location: 11, Adelaide Street, Stamford, Lincolnshire, PE9 2EN
 Decision: Approved conditionally - 17 December 2012
 End to End time: 48

S12/2785/HS

Applicant: Mr Martin Stothard
 Proposal: Two storey side and single storey rear extensions to dwelling
 Location: 5, Cliffe Road, Grantham, Lincolnshire, NG31 8HL
 Decision: Approved conditionally - 07 January 2013
 End to End time: 59

S12/2789/TPO

Applicant: Mr Clive George
 Proposal: Re-pollard Lime tree
 Location: 5, St Vincents Road, Grantham, Lincolnshire, NG31 9EJ
 Decision: TC&P - Work allowed - 20 December 2012
 End to End time: 55

S12/2790/TPO

Applicant: Mr Clive George
 Proposal: Fell Lime tree
 Location: 5, St Vincents Road, Grantham, Lincolnshire, NG31 9EJ
 Decision: Refused - 20 December 2012
 End to End time: 55

S12/2801/TCA

Applicant: Mr L Gascoyne, South Kesteven District Council
 Proposal: Crown reduction of 2 Black Poplars by 2m, reduce limb of tree T2 over park by 5m
 Location: Church Street Play Area, Church Street, Market Deeping
 Decision: TC&P - Work allowed - 20 December 2012
 End to End time: 43

S12/2803/HSB

Applicant: Mr & Mrs S Bloomer
 Proposal: Single storey extension to eastern elevation
 Location: 75, Saxon Way, Bourne, Lincolnshire, PE10 9QY
 Decision: Approved conditionally - 17 December 2012
 End to End time: 49

S12/2805/FULL

Applicant: Mr & Mrs S Twine
 Proposal: Erection of three bedroomed bungalow with car parking
 Location: R/O 33A, Horsegate, Deeping St. James
 Decision: Refused - 17 December 2012
 End to End time: 49

S12/2813/HSB

Applicant: Mr & Mrs P Lau
 Proposal: Erection of single storey front and rear extensions (resubmission)
 Location: 79, Beech Avenue, Bourne, Lincolnshire, PE10 9RZ
 Decision: Approved conditionally - 18 December 2012
 End to End time: 49

S12/2819/HSB

Applicant: Mr Dunmore Hind
 Proposal: Erection of two storey extension and storm porch extension to rear elevation
 Location: Tham House, 56, Glen Road, Castle Bytham, Grantham, Lincolnshire, NG33 4RJ
 Decision: Approved conditionally - 18 December 2012
 End to End time: 43

S12/2838/HSB

Applicant: Mr & Mrs Martin
 Proposal: Erections of extensions to existing dwelling and erection of detached garage
 Location: 3, Obthorpe Lane, Thurlby, Bourne, Lincolnshire, PE10 0ES
 Decision: Refused - 03 January 2013
 End to End time: 52

S12/2842/LB

Applicant: Mrs K L Findlay
 Proposal: Replacement of 2 no. window units to rear elevation and replacement of 2 no. rooflights to rear kitchen roof
 Location: 1, Burghley Lane, Stamford, Lincolnshire, PE9 2LT
 Decision: Approved conditionally - 11 January 2013
 End to End time: 50

S12/2844/HS

Applicant: Mr C Fereday
 Proposal: Single storey side extension to garage
 Location: 29, Truesdale Gardens, Langtoft, Peterborough, Lincolnshire, PE6 9QG
 Decision: Approved conditionally - 31 December 2012
 End to End time: 56

S12/2862/LB

Applicant: Mark Homer
 Proposal: Replacement door units and window units along with internal alterations
 Location: 31, Scotgate, Stamford, Lincolnshire, PE9 2YQ
 Decision: Approved conditionally - 20 December 2012
 End to End time: 43

S12/2863/HS

Applicant: Mr Daniel Stone
 Proposal: Single storey rear extension and loft conversion with dormer windows to the front and rear of the property
 Location: 20, Priory Road, Stamford, Lincolnshire, PE9 2EU
 Decision: Approved conditionally - 20 December 2012
 End to End time: 44

S12/2876/DC

Applicant: Grimsthorpe & Drummond Castle Trust Ltd
 Proposal: Approval of details of condition 3 (in relation to construction of slurry store) required by planning permission S12/2091
 Location: Millington's Farm, Swinstead Road, Creeton, Grantham, Lincolnshire, NG33 4QB
 Decision: Approved - 18 December 2012
 End to End time: 39

S12/2881/LB

Applicant: Mrs Sally Gillespie
 Proposal: Alteration of listed building for provision of woodburning stove and associated flue
 Location: Holywell Hall, Clipsham Road, Holywell, Stamford, Lincolnshire, PE9 4DT
 Decision: Approved conditionally - 03 January 2013
 End to End time: 56

S12/2883/FULL

Applicant: Jon Kerr
 Proposal: Change of use from Class A1 (retail) use to mixed class A1 (retail)/A3 (cafe/restaurant) use.
 Location: Mark Elliot Handmade Furniture, 72, High Street, Stamford, Lincolnshire, PE9 2AW
 Decision: Approved conditionally - 15 January 2013
 End to End time: 42

S12/2887/ADV

Applicant: W Boyes & Co Ltd
 Proposal: Erection of illuminated fascia and hanging sign
 Location: 13, High Street, Grantham, Lincolnshire, NG31 6PN
 Decision: Approved conditionally - 17 December 2012
 End to End time: 38

S12/2894/HS

Applicant: Mrs C Lander
 Proposal: Single storey side and rear extension to existing dwelling
 Location: 23, Exeter Gardens, Stamford, Lincolnshire, PE9 2RN
 Decision: Approved conditionally - 19 December 2012
 End to End time: 37

S12/2896/FULL

Applicant: Mr W Mckee
 Proposal: Conversion of former school to single dwelling and annexe, including demolition of existing extensions and single storey outbuilding and erection of double garage
 Location: Claypole Church Of England Primary School, School Lane, Claypole, Newark, Lincolnshire, NG23 5BQ
 Decision: Approved conditionally - 14 January 2013
 End to End time: 40

S12/2897/FULL

Applicant: Mr G Tickler
 Proposal: Retention of solar panels in connection with adjoining domestic dwelling
 Location: White Cottage, Elsthorpe Road, Stainfield, Bourne, Lincolnshire, PE10 0RS
 Decision: Approved conditionally - 03 January 2013
 End to End time: 52

S12/2903/LB

Applicant: C Meadows, Estates Manager
 Proposal: Alteration of Listed Building (Internal - replacement floor)
 Location: Pegasus Tower, Harlaxton College, Harlaxton Manor, Grantham Road, Harlaxton, Grantham, Lincolnshire, NG32 1AG
 Decision: Approved conditionally - 31 December 2012
 End to End time: 55

S12/2905/HS

Applicant: Mr Stuart Adam
 Proposal: Single storey gable extension to the front, two storey extension at the side and over the existing garage
 Location: 84, Queens Walk, Stamford, Lincolnshire, PE9 2QE
 Decision: Approved conditionally - 03 January 2013
 End to End time: 51

S12/2915/HS

Applicant: Mr & Mrs Edkins
 Proposal: Single storey extension to front of bungalow
 Location: Lyndawn, Low Road, Barrowby, Grantham, Lincolnshire, NG32 1DJ
 Decision: Approved conditionally - 16 January 2013
 End to End time: 47

S12/2919/HS

Applicant: Mrs Lindsey Smith
 Proposal: Proposed detached triple garage
 Location: 48, Belton Lane, Great Gonerby, Grantham, Lincolnshire, NG31 8NA
 Decision: Approved conditionally - 18 January 2013
 End to End time: 63

S12/2924/FULL

Applicant: Mr Michael, Claxton
 Proposal: Demolition of industrial building & erection of dwelling (incorporating existing stone building) & detached double garage
 Location: Rock House, 1, Buckminster Lane, Skillington, Grantham, Lincolnshire, NG33 5EY
 Decision: Refused - 08 January 2013
 End to End time: 39

S12/2925/CAC

Applicant: Mr Michael, Claxton
 Proposal: Demolition of industrial building
 Location: Rock House, 1, Buckminster Lane, Skillington, Grantham, Lincolnshire, NG33 5EY
 Decision: Approved conditionally - 03 January 2013
 End to End time: 34

S12/2926/LB

Applicant: Trustees of Truesdales Hospital
 Proposal: Demolition of dangerous structure attached to crewyard within curtilage of Grade II listed building
 Location: Manor Farm, 38, High Street, Morton, Bourne, Lincolnshire, PE10 0NR
 Decision: Approved conditionally - 08 January 2013
 End to End time: 56

S12/2927/LB

Applicant: Mrs Jytte Nelson
 Proposal: External and internal alterations to property
 Location: 15, St Peters Street, Stamford, Lincolnshire, PE9 2PQ
 Decision: Approved conditionally - 03 January 2013
 End to End time: 51

S12/2940/HS

Applicant: Mr & Mrs Spencer Wright
 Proposal: Single storey side & rear extension to dwelling
 Location: Drift Cottage, The Drift, Syston, Grantham, NG32 2BY
 Decision: Refused - 18 December 2012
 End to End time: 32

S12/2943/LB

Applicant: Mr Alexander Gordon, National Trust
 Proposal: Alterations of Listed Building
 Location: Pump House, Belton House, The Drive, Belton, Grantham, Lincolnshire, NG32 2LS
 Decision: Approved conditionally - 07 January 2013
 End to End time: 54

S12/2950/HS

Applicant: Mr & Mrs N Steen
 Proposal: Erection of gates and piers
 Location: 28, Towngate West, Market Deeping, Peterborough, Lincolnshire, PE6 8DG
 Decision: Approved conditionally - 11 January 2013
 End to End time: 53

S12/2956/HS

Applicant: Mr J Howden
 Proposal: Demolition of existing outbuilding and erection of single storey rear extension to dwelling
 Location: 45, Ancaster Road, Bourne, Lincolnshire, PE10 9HL
 Decision: Approved conditionally - 03 January 2013
 End to End time: 49

S12/2967/HS

Applicant: Lauren Humphreys
 Proposal: Single storey extension to dwelling
 Location: Willowtops Farm, Allington Lane, Allington, Grantham, Lincolnshire, NG32 2EF
 Decision: Approved conditionally - 16 January 2013
 End to End time: 51

S12/2976/HS

Applicant: Mr & Mrs Richard Sandbach
 Proposal: Erection of double garage, porch, bay window and two light wells in the roof
 Location: 51, Cedar Road, Stamford, Lincolnshire, PE9 2JJ
 Decision: Approved conditionally - 28 December 2012
 End to End time: 37

S12/2977/FULL

Applicant: Mr & Mrs J Kenyon
 Proposal: Demolition of existing garage and outbuilding, conversion of premises to children's day nursery with associated external and internal alterations along with new cycle/bin store, decking and other external works within the site
 Location: Roebuck House, 33, Broad Street, Stamford, Lincolnshire, PE9 1RB
 Decision: Approved conditionally - 16 January 2013
 End to End time: 55

S12/2978/LB

Applicant: Mr & Mrs J Kenyon
 Proposal: Demolition of existing garage and outbuildings and conversion of premises to children's day nursery with associated external and internal alterations to building
 Location: Roebuck House, 33, Broad Street, Stamford, Lincolnshire, PE9 1RB
 Decision: Approved conditionally - 16 January 2013
 End to End time: 55

S12/2988/FULL

Applicant: Jewson Ltd
 Proposal: Erection of 1.8m high close boarded fence and 0.6m high trellis
 Location: Jewson Limited, South Road, Bourne, PE10 9JB
 Decision: Approved conditionally - 15 January 2013
 End to End time: 56

S12/2991/FULL

Applicant: Guy Pearce
 Proposal: Conversion of existing dwelling into 2 dwellings
 Location: 35, High Street, Colsterworth, Grantham, Lincolnshire, NG33 5NE
 Decision: Approved conditionally - 28 December 2012
 End to End time: 36

S12/3004/ADV

Applicant: Mole Country Stores Limited
 Proposal: Display of 14 advertisement signs (1 fascia, 7 miscellaneous directional and store signs some internally illuminated and 6 new flag pole signs, three on existing poles)
 Location: Central Wool Growers Ltd, Uffington Road, Stamford, Lincolnshire, PE9 2HD
 Decision: Approved conditionally - 16 January 2013
 End to End time: 56

S12/3027/LB

Applicant: Mrs Liz Clifton-Page, Nationwide Building Society
 Proposal: Installation of replacement ATM
 Location: Nationwide Bldg Soc, St Michaels, High Street, Stamford, Lincolnshire, PE9 2AW
 Decision: Approved conditionally - 03 January 2013
 End to End time: 41

S12/3032/LB

Applicant: Michael Thurlby, The Thurlby Group
 Proposal: Erection of extensions and alterations to public house, erection of play fort
 Location: 25, North Street, Bourne, Lincolnshire, PE10 9AE
 Decision: Approved conditionally - 16 January 2013
 End to End time: 54

S12/3035/FULL

Applicant: The Deepings School
 Proposal: Conversion of existing flat roof to pitched roof
 Location: The Deepings School, Park Road, Deeping St James, Peterborough, Lincolnshire, PE6 8NF
 Decision: Approved conditionally - 08 January 2013
 End to End time: 41

S12/3037/HSB

Applicant: Mr E Crawford
 Proposal: Single storey front extension and 2 storey side extension to dwelling
 Location: North Flight, Main Street, Carlton Scroop, Grantham, Lincolnshire, NG32 3AU
 Decision: Refused - 09 January 2013
 End to End time: 37

S12/3041/DC

Applicant: Mr G Henton, Daraton 2000 Ltd
 Proposal: Approval of details reserved by Condition8 (estate road and associated footway) of planning application S10/0653
 Location: 36, Newton Way, Woolsthorpe By Colsterworth, Grantham, Lincolnshire, NG33 5NR
 Decision: Approved - 08 January 2013
 End to End time: 19

S12/3045/DC

Applicant: Mr G Henton, Daraton 2000 Ltd
 Proposal: Approval of details reserved by Conditions 5 (Boundary Treatment), 10 (Estate Road & Footways) & 11 (Highways Improvements) of Planning Application S18/0005
 Location: 36, Newton Way, Woolsthorpe By Colsterworth, Grantham, Lincolnshire, NG33 5NR
 Decision: Approved - 08 January 2013
 End to End time: 19

S12/3048/LB

Applicant: Mr David Hobbs
 Proposal: Installation of two first floor windows to the rear (south west) of dwelling
 Location: The Old Rectory, Church Lane, Burton Coggles, Grantham, Lincolnshire, NG33 4JZ
 Decision: Approved conditionally - 16 January 2013
 End to End time: 50

S12/3051/TPO

Applicant: Mrs N Walker
 Proposal: Reduce Lime tree to old pruning cuts & remove empicormic growth
 Location: 1, Lodge Way, Grantham, Lincolnshire, NG31 8DD
 Decision: TC&P - Work allowed - 16 January 2013
 End to End time: 51

S12/3052/TCA

Applicant: Mrs N Walker
 Proposal: Crown reduce Sycamore by 10%
 Location: The Grange, Church Lane, Londonthorpe, Grantham, Lincolnshire, NG31 9RX
 Decision: TC&P - Work allowed - 07 January 2013
 End to End time: 42

S12/3054/LB

Applicant: Jon Kerr
 Proposal: Internal and external alterations to premises
 Location: Mark Elliot Handmade Furniture, 72, High Street, Stamford, Lincolnshire, PE9 2AW
 Decision: Approved conditionally - 15 January 2013
 End to End time: 42

S12/3069/DC

Applicant: Mr & Mrs M McNamee
 Proposal: Compliance with condition 4 (surface water drainage) of planning permission S12/0713
 Location: Land adj 11, Bourne Road, Morton
 Decision: Approved - 31 December 2012
 End to End time: 33

S12/3070/HS

Applicant: Mr M Wright
 Proposal: One and a half storey side extension
 Location: 2, Station Road, Deeping St James, Peterborough, Lincolnshire, PE6 8RG
 Decision: Approved conditionally - 11 January 2013
 End to End time: 42

S12/3074/FULL

Applicant: Ole Rostram
 Proposal: Change of use of agricultural land to domestic garden (retrospective)
 Location: Mount Farm, Main Street, Bitchfield, Grantham, Lincolnshire, NG33 4DS
 Decision: Approved conditionally - 07 January 2013
 End to End time: 33

S12/3096/FULL

Applicant: Mrs Brigid Headland
 Proposal: Erection of steel framed agricultural building
 Location: Land off, Sewstern Lane, Long Bennington
 Decision: Approved conditionally - 10 January 2013
 End to End time: 31

S12/3110/HS

Applicant: Mr & Mrs G Firkins
 Proposal: Two storey side extension and single storey rear extension to the existing dwelling
 Location: 12, Highlands Way, Stamford, Lincolnshire, PE9 2XJ
 Decision: Approved conditionally - 16 January 2013
 End to End time: 47

S12/3112/HS

Applicant: Nick Wade
 Proposal: Single story side extension
 Location: 1, The Old Grammar School, School Lane, Sedgebrook, Grantham, Lincolnshire, NG32 2ES
 Decision: Approved conditionally - 03 January 2013
 End to End time: 28

S12/3114/TCA

Applicant: R P Willoughby-Ellis
 Proposal: Remove limbs of T3 and crown raise T1-T3 (plane)
 Location: Phillips Court, Stamford
 Decision: TC&P - Work allowed - 09 January 2013
 End to End time: 37

S12/3136/FULL

Applicant: Mr & Mrs Anthony Bates
 Proposal: Erection of dwelling (extension of time) of out-line planning permission - S07/1560
 Location: Adjacent 16 Acklands Lane, Long Bennington, Newark, NG23 5EW
 Decision: Approved conditionally - 09 January 2013
 End to End time: 35

S12/3143/EIASC

Applicant: Mr Dick Baines
 Proposal: Screening Opinion request for the installation of 1 wind turbine, hub height 30m, height to blade tip (max) 45.071m & rotor diameter 29.1m
 Location: Lodge Farm, Main Street, Carlton Scroop, Grantham, NG32 3AU
 Decision: EIA Not required - 03 January 2013
 End to End time: 28

S12/3145/DC

Applicant: W J Hemmings & Partners
 Proposal: Discharge of condition 3 (method statement of damp proofing) of S12/2065
 Location: 1, Truesdales Hospital, Scotgate, Stamford, Lincolnshire, PE9 2YE
 Decision: Approved - 03 January 2013
 End to End time: 28

S12/3150/TCA

Applicant: Michael, Kennedy
 Proposal: Removal of two Poplar Trees
 Location: Oasby Manor, Village Street, Oasby, Grantham, Lincolnshire, NG32 3NA
 Decision: TC&P - Work allowed - 16 January 2013
 End to End time: 40

S12/3155/DC

Applicant: Mr S Watts
 Proposal: Approval of details reserved by Conditions 2 (materials) of S08/0578
 Location: R/o 16, Somerby Grove, Grantham, NG317HR
 Decision: Approved - 17 December 2012
 End to End time: 25

S12/3168/NMA

Applicant: Mole Country Stores Limited
 Proposal: Alterations to south elevation (roller shutter door, a new external door and grey cladding)
 Location: Central Wool Growers Ltd, Uffington Road, Stamford, Lincolnshire, PE9 2HD
 Decision: Approved - 03 January 2013
 End to End time: 23

S12/3169/HS

Applicant: Mrs Firth
 Proposal: Single storey side extension to dwelling extension (sun room)
 Location: Hare Cottage, Main Street, Little Humby, Grantham, Lincolnshire, NG33 4HW
 Decision: Approved conditionally - 09 January 2013
 End to End time: 23

S12/3180/NMAH

Applicant: Mr Martin Cooke
 Proposal: Non material amendments to originally approved drawings under S11/2097 to reduce view into neighbouring property, improve visual appearance of north elevation and reduce stress in structure of the building
 Location: Orchard House, Priory Road, Stamford, Lincolnshire, PE9 2ES
 Decision: Approved - 07 January 2013
 End to End time: 26

S12/3207/TCA

Applicant: Mr John Gascoyne
 Proposal: Removal of co-dominant branch of ash tree (T1 on plan), removal of lilac tree to allow cotinus tree to grow in its place (T2 on plan), general crown thinning and trimming of plum tree (T3 on plan)
 Location: 2, St Martins, Castle Bytham, Grantham, Lincolnshire, NG33 4RH
 Decision: TC&P - Work allowed - 16 January 2013
 End to End time: 30

S13/0008/DC

Applicant: Mr & Mrs Russell
 Proposal: Approval of details of condition 2 (materials) required by S11/1407
 Location: 6, Kings Road, Stamford, Lincolnshire, PE9 1HD
 Decision: Approved - 14 January 2013
 End to End time: 10

S13/0066/DC

Applicant: Mr Pete Line
 Proposal: Approval of details reserved by Condition 2 (Materials) of S12/0653
 Location: Stone Cottage, 45, Grantham Road, Ropsley, Grantham, Lincolnshire, NG33 4AP
 Decision: Approved - 15 January 2013
 End to End time: 5

PLANNING APPEALS 2011/2012 (excluding Enforcements)

NO OF APPEALS DETERMINED (based on Decision Date) 17
APPEALS OUTSTANDING AT 21 JANUARY 2013

<u>S11/1401/LDE</u> LDPP Mr Martin Foster Lawful Development Certificate (Existing) - Use of land as residential garden Greenfields House, 5, Greenfields Lane, Folkingham, Sleaford, NG34 0SH	Written Evidence	<u>Start Date</u> 06-Sep-2012 <u>Date of H / I</u> N/A	
<u>S11/2762/FULL</u> 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	Written Evidence	<u>Start Date</u> 19-Oct-2012 <u>Date of H / I</u> N/A	
<u>S11/2892/OUT</u> PL Mrs E M Pignatiello Creation of two building plots 34, Coggles Causeway, Bourne, Lincolnshire, PE10 9LL	Written Evidence	<u>Start Date</u> 05-Jul-2012 <u>Date of H / I</u> N/A	
<u>S11/3006/FULL</u> 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	Informal Hearing	<u>Start Date</u> 21-Aug-2012 <u>Date of H / I</u> 12-Dec-2012	
<u>S11/3021/HSH</u> 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	Written Evidence	<u>Start Date</u> 11-Jul-2012 <u>Date of H / I</u> N/A	

S11/3022/LB 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	Written Evidence	<u>Start Date</u> 11-Jul-2012 <u>Date of H / I</u> N/A	
S12/0123/HS PL Mr & Mrs P Smith First floor front and rear/side extension, ground floor rear extension and reinstate garage 70, Gladstone Street, Bourne, Lincolnshire, PE10 9AX	Written Representation	<u>Start Date</u> 11-Jun-2012 <u>Date of H / I</u>	
S12/0318/OUT PJM Mr Lloyd Courtenay Erection of single storey dwelling (outline) The Harbour, Kintore Drive, Grantham, Lincolnshire, NG31 9DH	Written Evidence	<u>Start Date</u> 03-Aug-2012 <u>Date of H / I</u> N/A	
S12/1016/FULL SP Mr & 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	Written Evidence	<u>Start Date</u> 19-Oct-2012 <u>Date of H / I</u> N/A	
S12/1020/LB SP Mr & 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	Written Evidence	<u>Start Date</u> 19-Oct-2012 <u>Date of H / I</u> N/A	
S12/1135/OUT SB Mr DJ & 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	Written Evidence	<u>Start Date</u> 24-Sep-2012 <u>Date of H / I</u> N/A	

<u>S12/1429/LB</u> 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	Written Evidence	Start Date 01-Oct-2012 <u>Date of H / I</u> N/A	
<u>S12/1561/CAC</u> NB Messrs Hartley/Munton Demolition of bungalow High Lodge, Casterton Road, Stamford, Lincolnshire, PE9 2YL	Written Evidence	Start Date 23-Oct-2012 <u>Date of H / I</u> N/A	
<u>S12/1562/FULL</u> NB Messrs Hartley/Munton Erection of 3 dwellings High Lodge, Casterton Road, Stamford, Lincolnshire, PE9 2YL	Written Evidence	Start Date 23-Oct-2012 <u>Date of H / I</u> N/A	
<u>S12/1687/OUT</u> PJM Mr P Collin Erection of single storey dwelling (outline) Tree Tops, Gonerby Road, Grantham, Lincolnshire, NG31 8HU	Written Evidence	Start Date 29-Nov-2012 <u>Date of H / I</u> N/A	
<u>S12/1727/FULL</u> 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	Written Evidence	Start Date 31-Oct-2012 <u>Date of H / I</u> N/A	
<u>S12/2202/HR</u> SP Mr Richard Dring G E Dring & Partners Removal of 100m of hedgerow The Farm, Costa Row, Long Bennington, Newark, Lincolnshire, NG23 5DY	Written Evidence	Start Date 22-Oct-2012 <u>Date of H / I</u> N/A	

RECENT APPEAL DECISIONS TO 21 JANUARY 2013

Application Ref: S11/1890/FULL ADH
Planning Inspectorate No: APP/E2530/A/12/2176367

Appeal Type: **Written Evidence**

Appellant:	Larkfleet Homes
Proposal:	Erection of 4 No dwellings and replacement garage to Tricklebank
Site:	Land at Tricklebank, Uffington Road, Stamford

Appeal Decision – Date:	Appeal Allowed – 11 December 2012
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SUMMARY

This application was determined under delegated powers and related to the proposed erection of 4 No. dwellings on a rear garden area site along with the provision of a detached double garage to the existing dwelling at Tricklebank; a large detached property situated on Uffington Road at the eastern entry into Stamford. The application was refused on the grounds that the proposed scheme in terms of its backland form of development would not be well integrated with the existing prevailing pattern of low density frontage development in the area and would represent an unacceptable form of 'garden grabbing' that would compromise the character of the locality.

In allowing the appeal the Inspector, commented that the insertion of four dwellings to the rear of Tricklebank could appear as an anomaly (at least in plan form) in the light of the fact that the present area around the appeal site is characterised by low density development. The Inspector did not, however, consider that this in itself was evidence of harm. Rather, given that the site was well screened from the streetscape the Inspector concluded that it would be difficult to envisage any perceptible impact on the character and appearance of the area, or identify any conflict with development plan policies.

Application Ref: S11/2807/FULL RV
Planning Inspectorate No: APP/E2530/A/12//2178836/NWF

Appeal Type: **Written Evidence**

Appellant:	Mr R Cooke
Proposal:	Construction of pair of two storey semi-detached cottages
Site:	Adj 47, High Street, Market Deeping, PE6 8ED

Appeal Decision – Date:	Appeal dismissed - 16 January 2013
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SUMMARY

An application was submitted for the construction of a pair of semi-detached cottages.

The proposed site area was deemed to have limited for new dwellings leaving little or no amenity space. The overall affect would be one of overdevelopment with loss of privacy to the private amenity space of 47 and 49 High Street and limited and unacceptable amenity space to the proposed dwellings. The development of the site would also have an impact on the visual appearance of the area to the detriment of the overall character by virtue of the creation of a cramped appearance in an area of predominantly spacious plots. It was also considered the likely increase of on-street parking will create an interference with the safety and free flow of traffic on the High Street. The permitting of this proposal would make it difficult to resist further applications of a similar nature with attendant on-street parking effects.

RECENT APPEAL DECISIONS TO 21 JANUARY 2013

The Inspector, whilst indicating that she did not think the proposal would have a major impact on the amenity and privacy of the surrounding dwellings did feel that the proposal would have an impact on the character of the area. She also felt that the proposal was overdevelopment of a small site giving a cramped appearance incongruous in this area. She agreed with the reason regarding traffic safety and on street parking and concluded that the proposals would be contrary to NPPF Paragraph 17 regarding design, NPPF Section 4 Paragraph 32 and South Kesteven Core Strategy Policies SP1 and EN1.

No application for costs was made by either party.

Application Ref: S12/0050/FULL PWM
Planning Inspectorate No: APP/E2530/A/12/2177951

Appeal Type: **Written Evidence**

Appellant:	Mr S Ballaam, Oak Valley Developments
Proposal:	Erection of three dwellings
Site:	The Paddock, 6, School Lane, Claypole, Newark, NG23 5BQ

Appeal Decision – Date:	Appeal dismissed - 20 December 2012
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SUMMARY

This application was recommended for refusal by officers and subsequently refused by committee on 03 May 2012. It was refused on the grounds that the provision of a further dwelling on a plot that already had an extant permission for 2 dwellings was fundamentally contrary to the spatial policies of the South Kesteven Core Strategy. It was considered that as Claypole was not designated as a Local Service Centre in the Core Strategy that the development did not fall under any of the categories of dwelling allowed under policies SP1 and H1.

The appellant had argued that Claypole is a sustainable location and because the Development Control Committee had previously ignored officers' advice and approved a number of dwellings in Claypole, contrary to the development plan, that this had set a precedent and justified approval of further dwellings. However the inspector disagreed with this argument, acknowledging that whilst Claypole did have a moderate level of services, it did not have sufficient attributes to be considered sustainable in the context of the district as a whole. She also considered that previous decisions by the Committee to allow development in Claypole contrary to the Council's own policy did not oblige her to do the same. She stated that

“further acceptance of development which goes against the adopted spatial strategy would only serve to further undermine the adopted policy and to do so would further undermine the adopted development plan. As such this is not a matter of sufficient weight for me to set aside the planning policy considerations set out in the adopted development plan”

She also considered that the development would undermine the setting of the adjacent listed building. This had not been given as a reason for refusal by the Council. The appeal was **dismissed**.

No application for costs was made by either party.

RECENT APPEAL DECISIONS TO 21 JANUARY 2013

Application Ref: S12/1436/OUT LDPP
Planning Inspectorate No: APP/E2530/A/12/2183778/NWF

Appeal Type: **Written Evidence**

Appellant:	Mr Julian Dodd
Proposal:	Demolition of existing dwelling and erection of 3 no. dwellings
Site:	Land adjacent The Laurels, Bottom Street, Allington, Grantham, NG32 2DT

Appeal Decision – Date:	Appeal dismissed - 11 January 2013
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SUMMARY

The main issue of the appeal was considered to be whether the proposal would constitute sustainable development in this rural location.

The village of Allington lies within a category where development is restricted and new developments are only acceptable if they satisfy a list of criteria this includes replacement of buildings on a like for like basis, it was the inspectors opinion that the hierarchy including LSCs is in accordance with the Governments approach to sustainable development in rural areas in paragraph 55 in the National Planning Policy Framework.

The inspector noted the level of local facilities and felt the level of provision is not sufficient for the reasonable everyday needs of future occupiers of the proposed dwelling thus being reliant on the use of motor vehicles and as such, this is not a sustainable location. There was not considered to be physical constraints on the site and the appeal site is of a suitable size to accommodate three dwellings however the proposal would not constitute sustainable development in this rural location. The proposal has been determined on its individual merits, whatever the circumstances of other examples, it was considered that the proposed development would not constitute sustainable development and would thus be contrary to Core Strategy Policy SP1.

Application Ref: S12/1521/OUT SB
Planning Inspectorate No: APP/E2530/A/12/2182164/NWF

Appeal Type: **Written Evidence**

Appellant:	Miss H Smitheringale
Proposal:	Erection of one 2 storey dwelling
Site:	Adj. 2, Limetree Avenue, Towngate West, Market Deeping, PE6 8DQ

Appeal Decision – Date:	Appeal dismissed - 08 January 2013
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SUMMARY

An outline application was submitted for the erection of one 2 storey dwelling within the rear garden of 2 Limetree Avenue, Market Deeping.

The Inspector found that the application was sustainably located development, being located in the built-up area of the town. The new dwelling was not considered to result in loss of outlook or appear overbearing or dominant to neighbouring occupiers thus it would not be unacceptable in terms of its impact on the living conditions of neighbouring occupiers.

The Highway Authority had been concerned that the application would not provide satisfactory visibility or car parking, however, the Inspector found that in the context of limited traffic movement associated with the small cul-de-sac estate and adjoining garages and taking into account the visibility available she found the absence of turning facilities unlikely to be detrimental to highway safety and that a satisfactory amount of car parking could be achieved on the site.

RECENT APPEAL DECISIONS TO 21 JANUARY 2013

In dismissing the appeal, the Inspector concluded that the proposed new dwelling would be much closer to the road than other dwellings on the estate and, coupled with its height and scale, would result in an incongruous and obtrusive development that would appear cramped and at odds with the existing character and appearance of Lime Tree Avenue. The proposal would not be in accordance with Core Strategy policies SP1 and EN1. As the Site Allocations and Policies DPD has not been adopted, she gave it limited weight, but agreed that it would not meet the criteria of policy SAP H1. It would also fail to meet the aim of paragraph 17 of the NPPF to achieve a high quality design for new development.



Appeal Decision

Site visit made on 7 September 2012

by David Kaiserman BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 December 2012

Appeal Ref: APP/E2530/A/12/2176367

Tricklebank, Uffington Road, Stamford PE9 3AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs A Lea (Larkfleet Homes) against the decision of South Kesteven District Council.
 - The application Ref S11/1890/FULL, dated 5 August 2011, was refused by notice dated 8 December 2011.
 - The development proposed is the erection of four detached dwellings and associated garages, and a new detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of four detached dwellings and associated garages, and a new detached garage, at Tricklebank, Uffington Road, Stamford PE9 3AA, in accordance with the terms of the application, Ref S11/1890/FULL, dated 5 August 2011, subject to the conditions set out in the Schedule below.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

3. "Tricklebank" is a large detached house on the eastern outskirts of Stamford. It stands in a substantial plot fronting Uffington Road (A1175) which sits between allotment gardens and another similar-sized house, with a garage and a recreation use opposite. The River Gwash forms the northern boundary of the site. The scheme involves the erection of four detached houses within part of the existing rear and side garden of the property, with access taken direct from Uffington Road following the demolition of an existing garage block.

4. Despite its somewhat peripheral location, the Council accept that the site is a sustainable one in strategic planning terms. They have no technical objections in relation to such matters as access, residential amenity, layout and overall design. Their concern is that the scheme would constitute "backland" development which would not integrate well with the pattern of built form in the surrounding area. They also say that it would involve an unacceptable form of "garden-grabbing".

The Council's conclusion is that the scheme would conflict with policies SP1 and EN1 of the adopted Core Strategy. I am not convinced by their arguments.

5. Policy SP1 does not rule out small-scale development on the edge of Stamford. More detailed guidance is found in the latest version of the Site Allocations and Policies Development Plan Document (June 2012), to which significant weight can be given. Policy SAP H1 of this would permit the development of small infill sites (up to 10 houses) lying within the built-up area of the town so long as certain criteria are met; the only one of these in dispute is the third, which seeks to protect the character of the area. Since the Council do not suggest that the site lies outside the built-up area of Stamford for these purposes, this is the only matter on which it is necessary for me to come to a view. The fact that the site would no longer be considered "previously-developed" land (*Planning Policy Statement 3* having been withdrawn) seems to me irrelevant to the appeal, as is the vague term "garden-grabbing".

6. The Council do not appear to have any policies against "backland" development as a matter of principle – indeed, their statement of case says that proposals involving gardens should be assessed on their individual merits, a view with which I agree. I accept that the area immediately around the appeal site is characterised by low-density development, and that the insertion of four houses to the rear of Tricklebank could appear as an anomaly (at least on plan); but that is not, of itself, evidence of harm. This is because the appeal site is entirely hidden from public vantage points. It would be opened up to some extent by the demolition of the garage to provide for the extension of the existing access (a replacement garage being built in the south-west corner of the site), but the substantial landscaped screen to the front of the site would remain in place. The existing mature boundary features to the east, north and west of the plot would also be unaffected.

7. In these circumstances, it is difficult to envisage any perceptible impact on the character and appearance of the area, or to identify any conflict with development plan policies. There being no other material considerations, I have therefore decided to allow the appeal. I should add that, while there is some disagreement between the parties as to the housing land supply position (a matter raised in the light of the requirements set out in paragraph 53 of the National Planning Policy Framework), given my assessment of the local policy context, the issue is of only limited relevance to the appeal.

8. In the event of my allowing the appeal, the Council have asked for a number of conditions to be imposed. These deal with the need for the submission of details of drainage and landscaping (including boundary treatment) works; the timing of access and parking provision; and the need for appropriate obscure glazing. They also include a condition tying the permission to the approved plans. These are all reasonable and relevant requirements, and I have imposed them all. A further condition relates to action in the event of the discovery of contamination on the land: while I have been given no reason to believe there is a risk of any contamination, the wording of the condition is not onerous, and a precautionary approach can be justified.

David Kaiserman

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. No development shall be commenced on the site until a scheme for the provision of surface and foul water drainage works, together with a programme of implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and the approved programme.
3. No development shall be commenced on the site until details of the proposed boundary treatments, together with a programme of implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and the approved programme.
4. No development shall be commenced on the site until details of hard and soft landscape works, together with a programme of implementation, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and the approved programme. Any trees that die, are removed or become seriously damaged or diseased within a period of five years from the date of the completion of the scheme shall be replaced in the next available planting season with others of similar size and species, unless the Local Planning Authority gives written approval to any variation.
5. No development shall be commenced on the site until a tree protection plan and method statement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
6. If, during the course of the development, contamination not previously identified is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy has been submitted to, and approved in writing by, the Local Planning Authority detailing how this unsuspected contamination shall be dealt with, together with a programme of implementation. Any agreed remediation strategy shall be implemented in accordance with the approved details and the approved programme.
7. Before any dwelling hereby permitted is first occupied, the access from Uffington Road, the private drive and the turning space shall be completed in accordance with the details shown on Drawing No. SK01 Rev B and thereafter retained available for use at all times.
8. The proposed first floor window units to the eastern side elevation of the dwelling on Plot 2 shall be installed with obscure glazing to level 3. The obscure glazed window units once installed shall thereafter be permanently retained as such.

9. The development hereby permitted shall be carried out in accordance with the approved plans referenced :

- SK01 Rev B
- Bungalow Plot 1 Rev A
- SK02 (dated 31/09/11)
- 2507-01
- 2507-02
- 2410-01
- SG203-001
- 2864-01



Appeal Decision

Site visit made on 3 December 2012

by Anne Napier-Derere BA(Hons) MRTPI AIEMA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 January 2013

Appeal Ref: APP/E2530/A/12/2178836

Land adj. to 47 High Street, Market Deeping, Peterborough PE6 8ED

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Cooke against the decision of South Kesteven District Council.
 - The application Ref S11/2807/FULL, dated 8 November 2011, was refused by notice dated 4 January 2012.
 - The development proposed is two 2-storey semi-detached cottages.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council failed to attend the site visit that took place. I visited the neighbouring property accompanied by the appellant's agent and the neighbour and carried out the remainder of the visit on an unaccompanied basis. I am satisfied that I was able to see everything necessary in order to determine this appeal.
3. Amended plans Ref 2030-01A, -02A and -03A were submitted with the appeal. Compared to the earlier ones that formed the basis of the determination of the application by the Council, these plans show the deletion of one rear dormer from each of the proposed dwellings and the proposed use of stone to the exterior walls of the properties. Due to the nature and extent of changes involved, I consider that no interests will be prejudiced by my determining the appeal on the basis of these amended plans.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the area, including the setting of the Market Deeping Conservation Area;
 - Whether the proposal would provide for adequate vehicular access and parking; and
 - Whether the proposal would provide for acceptable living conditions for existing and future occupiers, with regard to amenity space and privacy.

Reasons

Character and appearance

5. There is a mix of ages and design of dwellings within the locality and a varied, informal, pattern of development. Elsewhere, examples exist of older properties located adjacent to access drives and with small gardens to the rear. However, around the appeal site, dwellings front onto the main road, many with garden areas to the rear, whilst others are set-back from the road with sizeable garden space about them. From the site, the front elevation of No 47 High Street is clearly visible, but views of other surrounding buildings tend to be of their rear or sides. Gardens with boundary enclosures back onto and are opposite the site and the access also serves a number of individual parking areas and garages. Although, there are some pleasant features that soften its appearance, the character of the immediate backland setting of the site is largely functional and service-related.
6. The appeal site is currently vacant, set back from the High Street and previously formed part of a larger garden area for a neighbouring dwelling. Longer views of the site are restricted to oblique views along the access drive. The proposal would therefore be viewed in the context of its immediate setting. Although the buildings have been designed to complement their surroundings and the variety of designs existing locally, they would be sited within relatively modest plots, fronting onto the access drive and with only limited space about them. This would be in contrast to the prevailing pattern of development around the site and, consequently, I consider that it would result in a form of development that would appear cramped and would be incongruous in its immediate functional backland setting, particularly as appreciated by neighbouring residents.
7. Consequently, I conclude that the proposal would not have an acceptable impact on the character and appearance of the area. It would not be in accordance with the *South Kesteven Core Strategy 2010* (CS) policies SP1 and EN1, which resist development inappropriate to the nature or character of the town. It would also not meet the aims of paragraph 17 of the National Planning Policy Framework (the Framework) to achieve a high quality design for new development.
8. The appeal site is located outside but on the edge of the Market Deeping Conservation Area, behind stone cottages fronting the High Street that present an attractive gateway to the town centre when approaching from the east. The proposal would not impact on any important views into and out of the Conservation Area and would be well screened by the frontage buildings. Although I have found its impact locally harmful, in terms of its wider impact on the Conservation Area as a whole, I consider that it would not have an adverse effect on its setting and would preserve its character and appearance. Accordingly, it would also meet the aims of the Framework to conserve heritage assets.

Access and parking

9. The proposed dwellings would be accessed off a relatively narrow private drive. At its junction with the High Street, the drive passes between two dwellings that abut the footway and a main door to one property opens out onto the access. Beyond this point, the access increases slightly in width until reaching

the appeal site boundary. Although no on-site parking provision is proposed, I consider that some vehicular use of the access drive is likely in connection with the residential development of the site. The access drive appears to be used for access to and parking for a number of existing properties. Notwithstanding this, given its constrained width and the limitations on visibility available, I consider that the potential increase in use of the access as a result of the proposal would be likely to result in additional conflict with other users and with pedestrians at its junction with the main road.

10. I accept that car-free housing may be appropriate in some locations and recognise that this site is within easy walking distance of the town centre, close to local services and facilities and well served by public transport. The dwellings proposed are also each relatively modest in size and, in this location, may appeal to those without cars. However, there is no certainty that this would be the case and, despite the lack of on-site provision, I am not convinced that the proposal would generate no demand for car parking. Although the site is within reasonable walking distance of available public car parking facilities, I consider it unlikely that future occupiers would choose to use these car parks due to the distances involved and the lack of convenience. Therefore, I consider that the absence of on-site provision is likely to lead to a greater demand for on-street parking from future occupiers and is likely to lead to service vehicles waiting or parking on the road.
11. The main road is a busy route providing access into the town centre and, at this point, is subject to parking restrictions along the appeal site side. Although off-street customer parking is also available in the vicinity of the site, the opposite side of the High Street is used for on-street parking. Whilst spaces were available at the time of my visit, I acknowledge I may not have been present at its busiest time. Individual drivers may not, in themselves, be hazardous. However, the proposal is likely to lead to an increase in the use of the access drive and in vehicles waiting or parking on the highway. Given the scale of the development, I consider that the type and amount of traffic likely to be generated would be materially detrimental to highway safety and inconvenient to other road users.
12. I note the Council's concern that, if allowed, the proposal could make it difficult to resist other similar schemes and the cumulative effect of these could increase the harm identified. Although, in itself, I consider the appeal proposal would be harmful, its potential to set a precedent has added weight to my concerns. I also note the appellant's concerns that the local highway authority expanded its argument at the appeal stage. Although, I can understand the appellant's frustration with new points being raised at a late stage in the process, the appellant was able to exercise his opportunity to respond to these points. Consequently, I consider that his interests have not been prejudiced by the actions of the highway authority.
13. Although no specific development plan policies regarding access and parking have been drawn to my attention, I consider that the development would not be in accordance with paragraph 32 of the Framework, as it would not achieve a safe and suitable access to the site for all people.

Living conditions

14. Although the dwellings would be off-set from the front elevation of No 47, this elevation contains a number of windows at first floor level and clear views exist

towards the appeal site. I consider that the oblique angle of the windows in relation to the rear elevations of the proposal would limit the amount of overlooking experienced within the proposed dwellings, so that there would not be an unacceptable impact on the privacy of their future occupiers in this regard. However, I consider that some overlooking of the rear garden areas of the appeal dwellings would be likely.

15. Due to the size of these gardens, I consider that it would be difficult for future occupiers of the appeal dwellings to achieve a high level of privacy within them and retain a usable amount of space, particularly in respect of the dwelling closest to No 47. However, in my view, the gardens would not unacceptably small relative to the size of the dwellings, they would receive an acceptable amount of light and the degree of enclosure experienced within them would not be inappropriate. Taking into account the context of the appeal site, I consider that, on balance, the proposed garden areas would provide for acceptable living conditions of future occupiers.
16. The proposed dwellings would be sited within part of the former garden to No 47. Although its sizeable main garden area is located to the front of the dwelling, it is set well back from the road and relatively private. Accordingly, in terms of both quantity and quality, I consider that the remaining space would still be adequate and the proposal would not result in an unacceptable loss of amenity space for that dwelling. In terms of potential overlooking of neighbouring dwellings to the rear from future occupiers of the appeal dwellings, this would be prevented by the proposed use of high-level rooflights for the second bedrooms. The amended scheme retains a rear dormer to each dwelling but these are proposed to serve bathrooms and, consequently, the use of fixed lights and obscured glazing could be required for these windows and the small stair windows to the side elevations.
17. Consequently, in respect of privacy and amenity space, I consider that the development would meet the aims of CS policy EN1. Although this policy primarily considers the protection and enhancement of the character of the district, ensuring that development makes appropriate provision for the living conditions of existing and future occupiers can be an important consideration in terms of protecting the character of an area and, consequently, I consider that the proposal would be, in these respects, in accordance with the overall objectives of this policy. It would also meet the aims of paragraph 17 of the Framework, to achieve a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

18. Concerns have been raised about private rights of way and restrictive covenants on the drive preventing access for future occupiers of the proposal and the impact on sewerage during the construction phase of the development. My decision on this appeal does not negate any private legal rights in these respects.
19. Another scheme within the town has been drawn to my attention by the appellant. There would appear to be some differences between the settings for the two sites and I do not have the full background to that decision, including its impact on the neighbouring occupiers. Nonetheless, similar development elsewhere is not a good reason for allowing a proposal that would cause harm. Although no indication of the site's previous use for housing remains, I

acknowledge that it is within the built-up area of Market Deeping close to local services and facilities and, as such, the proposal would meet the overarching aims of the Framework to encourage development in sustainable locations. It would also contribute to the local housing stock. I consider that these are positive benefits that weigh in its favour. However, these benefits together with the preservation of the Conservation Area, the acceptable architectural design of the houses and the provision of acceptable living conditions for neighbouring and future occupiers are not sufficient, individually or cumulatively, to outweigh the harm that I have identified.

Conclusions

20. For the above reasons and having regard to all other matters raised, including the lack of objection from the Town Council, I conclude that this appeal should be dismissed.

Anne Napier-Derere

INSPECTOR



Appeal Decision

Site visit made on 3 December 2012

by Susan Heywood BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 December 2012

Appeal Ref: APP/E2530/A/12/2177951

6 School Lane, Claypole NG23 5BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Ballaam against the decision of South Kesteven District Council.
 - The application Ref S12/0050/FULL, dated 5 January 2012, was refused by notice dated 3 May 2012.
 - The development proposed is the erection of 3 (no) dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are (1) whether the development would be acceptable having regard to local and national policies relating to the location of housing development and (2) whether it would preserve the special architectural or historic interest of the Grade II listed building at The Paddocks.

Reasons

Local and national policy

3. The appeal site lies within Claypole which is situated some 5 miles to the south east of Newark. The Regional Spatial Strategy is set out in RSS¹. Although the Government has pledged to abolish Regional Strategies through the Localism Act, they remain for the time being in force as part of the development plan.
4. RSS Policy 3 sets out the spatial distribution of new development within the Region. Paragraphs 2.4.3 to 2.4.8 reinforce the strategy of prioritising areas for growth from Principal Urban Areas through to larger villages. Claypole falls outside the areas identified for development under this policy. However, criterion (d) advises that the development needs of other settlements and rural areas should also be provided for. Such development should contribute to maintaining the character and vitality of the community, shorten journeys and facilitate access to jobs and services, strengthen rural enterprise and respect tranquillity. The latter two criteria are not relevant to this appeal and the development would not conflict with the first criteria, relating to the character and vitality of the community. However, there is no evidence that it would comply with the requirement to shorten journeys and facilitate access to jobs

¹ East Midlands Regional Plan March 2009

and services. I deal with the matter of the sustainability of the settlement below. Suffice to say here that I have no doubt that residents of the appeal site would be heavily reliant on the private car to access a full range of jobs and services outside the settlement.

5. The South Kesteven Core Strategy (CS) was adopted in July 2010. Policies H1 and SP1 set out the settlement strategy for the District, in line with the RSS. These policies aim to focus growth towards the larger centres including Local Service Centres. In all other areas the policies indicate that development should be restricted to affordable local housing need, agricultural accommodation and conversions, amongst other things (none of which are applicable in this case). Claypole does not feature as one of the areas towards which development is specifically directed in the CS. Neither would the proposal fall into any of the categories of development acceptable under policies H1 or SP1 of the CS.
6. Accordingly, the principle of development of this site does not accord with the provisions of the development plan. I therefore turn to consider whether other considerations would over-ride the provisions of the development plan in this case.
7. The National Planning Policy Framework (the Framework) has at its heart the presumption in favour of sustainable development. One of the core planning principles set out in the Framework is that planning should be genuinely planned. Plans should provide a practical framework within which decisions can be made with a high degree of predictability and efficiency. Until March 2013 full weight is given to policies in development plans adopted since 2004. The only exception to this is where Councils are unable to identify a five year supply of housing sites to meet their objectively assessed needs. The Council have demonstrated that they can provide in excess of a five year supply of sites and this evidence is not disputed by the appellant. Accordingly, the Council's policies set out in the development plan are up to date. In rural areas, the Framework indicates that Councils should plan for housing to meet local needs. There is no evidence before me of a local need for the proposed development.
8. The appellant argues that Claypole is a sustainable settlement with shops, public houses, sports facilities and a school. I accept that the settlement has some facilities. But, there can be no doubt that the settlement lacks many of the services and facilities which would be expected in a larger urban area; health care, a range of employment facilities, larger shops, to name but a few. Furthermore, although the appellant states that there are regular bus services to Grantham and Newark, no details have been provided. I am unable to conclude that these are frequent and that they run into the evenings and week-ends. It is often the case in such areas that bus services are limited at certain times of the day and certain days of the week. In any case, the settlement strategy for the area will have been based on a comparison of the sustainability credentials of all of the areas within the District. It would undermine that strategy for me to conclude that development is acceptable in Claypole simply because the settlement has some facilities and some accessibility by public transport. Accordingly, the fact that it has some facilities and public transport availability does not over-ride the settlement strategy set out in the development plan.
9. The Framework indicates that housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. I acknowledge that

the development would result in a greater number of dwellings in the village and that this would assist in sustaining the existing facilities. However, the appellant states that Claypole has a population of approximately 1200. Thus, it is unlikely that a further three dwellings (only one additional dwelling over and above that already approved, as set out below) would have a critical impact in enhancing or maintaining the vitality of the community.

10. The appellant has pointed out that the Council themselves have indicated that the settlement is an acceptable location for development as they have granted planning permission for a number of developments in Claypole since the adoption of the CS (and prior to that when a similar interim housing policy was in place). I acknowledge that the stance the Council have taken on many of these other developments does seem to have flown in the face of their own policy. However, the fact that the Council have made these decisions in the past does not encumber me to do the same. Further acceptance of development which does not follow the adopted spatial strategy, without good reason, can only serve to further undermine the adopted policy. As such, this is not a matter of sufficient weight for me to set aside the planning policy considerations set out in the adopted development plan.
11. Similarly, the appellant has pointed out an approval of residential development in Bourne, also outside the settlement hierarchy. However, that development appears to have been part of a wider redevelopment area and it appears that the regeneration benefits of the proposal formed part of the Council's considerations. The same does not apply in the appeal development. I note that a development of 8 affordable dwellings has also recently been approved in Claypole. However, the CS policies (and the advice in the Framework) would allow for affordable housing to meet local need.
12. I note that the appeal site has an extant planning permission for two dwellings, granted in 2010. It is therefore argued that one additional dwelling would cause no harm. I accept that this would only be a small scale addition to the approved scheme. However, this argument could be repeated often for developments of single houses in areas which are outside the areas identified for growth in the development plan. Again, this would undermine the overall development strategy for the area.
13. The appellant points out that the housing policies in the development plan are not expressed as maxima. I accept that point, but this is not a case where the amount of housing land is at issue; the determinative factor is the location of that housing land.
14. None of the above matters provides sufficient weight for me to conclude that the settlement strategy for the District should be set aside in this instance. Accordingly, I conclude that the appeal site is not an acceptable location for new housing development having regard to both local and national planning policy.

Setting of the listed building

15. The existing building at The Paddocks is a Grade II listed building dating from the early 17th Century but with later additions and alterations. The Council have stated that the proposed development would not harm the setting of that building and I have noted the appellant's views in this regard. However, it is

my duty² as the decision maker in this appeal to have special regard to the desirability of preserving the building or its setting.

16. The building has a narrow, L-shaped form. The main house is two storeys with a long single storey outhouse attached (currently being renovated). The main house has steeply pitched gables facing the outhouse and facing the appeal site to the rear. There are three small windows to the front elevation and one to the side. The area to the side and rear of the building will previously have formed part of its curtilage, but has been sub-divided by the erection of close boarded fencing around the building. Whilst the appeal site has a somewhat overgrown appearance at present, it provides the building with its own space; setting it apart from its surroundings and giving it a prominence in the street scene.
17. The proposed development would introduce three dwellings to the rear of the building. Although the dwellings would have L-shaped layouts, they would have much deeper footprints than the listed building and their form would be less elongated. The proposed dormer windows, canopies over front doors and attached garages would all introduce fussy, suburban features which would be at odds with the simple character of the listed building. In addition, the roof pitches would be shallower than the listed building and much of the fenestration would have different proportions, as well as incorporating uncharacteristic brick headers. The layout of the proposed dwellings would also bear little relationship to the listed building; plots 1 and 2 would be staggered to either side of the gable end of the listed building. The layout appears to have been designed with more regard to the need to incorporate a turning head, rather than to complement the form or siting of the listed building.
18. I accept that there is an extant planning permission for the erection of two dwellings on the site and this proposal must therefore be considered in the light of that permission. However, the dwellings in that case would have a more elongated form; more in keeping with the form of the listed building. In addition plot 2, in the approved development, would be aligned with the end gable of the listed building and the layout of that development therefore appears to have a more comfortable relationship with the listed building than is currently proposed. The elevations of the proposed dwellings were also much simpler than the development now proposed and the dwellings would not have been as tall. In addition, the garage building (in the location of plot 1 in the current appeal) would have been a single storey building with a gable facing School Lane. This would not have been as dominant as the building now proposed on plot 1. Overall, the approved development would have the feel of a courtyard of outhouses within the grounds of the listed building. It would therefore be substantially different to the development now proposed.
19. I conclude, notwithstanding the Council's views on this matter, that the development now proposed would seriously harm the setting of the listed building. This would be contrary to CS policy EN1.

Conclusion

20. I have had regard to all other matters raised, including the outlook from the dwelling at No. 5 School Lane, highway safety and privacy of surrounding

² S66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990

dwellings. None of these matters adds further weight to the above concerns. Nevertheless, for the reasons outlined above, I conclude that the development would be unacceptable and that the appeal should be dismissed.

Susan Heywood

INSPECTOR



Appeal Decision

Site visit made on 8 January 2013

by J L Cheesley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 January 2013

Appeal Ref: APP/E2530/A/12/2183778

1 Bottom Street, Allington, Grantham, Lincolnshire NG32 2DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr J Dodd against the decision of South Kesteven District Council.
 - The application Ref S12/1436/OUT, dated 8 June 2012, was refused by notice dated 25 July 2012.
 - The development proposed is demolition of the existing dwelling and the residential redevelopment of the site with three dwellings.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application was in outline form with access to be determined at this stage. I note that the proposed access has planning permission (Ref S12/0118/HSB).

Main Issue

3. I consider the main issue to be whether the proposal would constitute sustainable development in this rural location.

Reasons

4. Policy SP1 in the South Kesteven Core Strategy (2010) seeks sustainable development. It proposes the concentration of the majority of new development in Grantham with the addition of development of sustainable sites in the Market Towns. Within Local Service Centres, there will be a preference for development of brownfield sites and allocated sites. In all other villages and the countryside, development is restricted. The village of Allington lies within this category. The policy states that new development proposals are only acceptable if they satisfy a list of criteria. This includes the replacement of buildings on a like for like basis.
 5. In my opinion, the hierarchy including Local Service Centres is in accordance with the Government's approach to sustainable development in rural areas in paragraph 55 in the National Planning Policy Framework.
-

6. I note the level of local facilities and services including the school, local employment area, village shop and post office. The Council has made its assessment of villages it considers are Local Service Centres and has not included Allington within this list. In my opinion, the level of provision is not sufficient for the reasonable everyday needs of future occupiers of the proposed dwellings. Thus, they would be reliant on the use of motor vehicles and as such, this is not a sustainable location.
7. The proposal is to replace the existing dwelling with three dwellings. From my observations, I consider that the appeal site is of a suitable size to accommodate three dwellings. Subject to further detailed drawings, I consider that this could be achieved without having an adverse effect on the amenities of neighbours or the appearance of the surrounding area.
8. I note that the appeal site is bordered on two and a half sides by the Allington Conservation Area. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability: at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area. From my observations, I consider that it would be possible for the proposed development to preserve the setting of the conservation area, with careful attention to detailed design and layout.
9. Whilst I do not consider there to be physical constraint to the proposed development, for the reasons stated above, I consider that the proposal would not constitute sustainable development in this rural location. In my opinion, this is sufficient reason to dismiss the appeal.
10. In reaching my conclusion, I have had regard to all other matters raised including comments from local residents. I note the two new dwellings opposite the appeal site. I am not fully aware of the circumstances relating to this development. It does appear that it was granted permission prior to the adoption of the Core Strategy. In addition, I have been referred to examples of other village development elsewhere. I have determined the proposal before me on its individual merits. Whatever the circumstances of other examples, I consider that the proposed development would not constitute sustainable development and would thus be contrary to Core Strategy Policy SP1.

J Cheesley

INSPECTOR



Appeal Decision

Site visit made on 3 December 2012

by **Anne Napier-Derere BA(Hons) MRTPI AIEMA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 January 2013

Appeal Ref: APP/E2530/A/12/2182164

**Adjacent to 2 Lime Tree Avenue, Towngate West, Market Deeping,
Lincolnshire PE6 8DQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Miss Hannah Smitheringale against the decision of South Kesteven District Council.
 - The application Ref S12/1521/OUT, dated 18 June 2012, was refused by notice dated 18 July 2012.
 - The development proposed is described as 'outline for one 2 storey dwelling'.
-

Decision

Development & Growth

1. This appeal is dismissed.

- 9 JAN 2013

Procedural Matters

Admin Team

2. Due to an administrative oversight, a neighbouring resident was not informed of the date and time of my site visit and I was unable to view the proposal from within his dwelling. Notwithstanding this, I am satisfied that I have sufficient information to determine the appeal. At the site visit, it was agreed between the parties that the appeal site does not cover the full extent of the land currently enclosed by fencing adjacent to the garage block and I have considered the appeal on this basis.
3. The planning application form and Council's decision notice refer to the address of the site as 'Limetree Avenue'. However, the street sign is written as 'Lime Tree Avenue' and this matches the address used on the appeal form and by neighbouring residents. I have therefore referred to the address of the appeal site in this way.
4. The planning application was submitted in outline, with all detailed matters reserved. Section 4 of *The Town and Country Planning (Development Management Procedure) (England) Order 2010* states that where layout, scale and access are reserved matters, the application shall state the approximate location of buildings, the upper and lower limit for the height, width and length of each building and the areas where access points to the development will be situated.
5. Indicative plans were submitted with the application to show the position of the proposed access point and the siting of the proposed dwelling. In terms of scale parameters, these details do not provide for upper and lower limits but maximum size and height parameters were specified in the submitted Design

and Access Statement and, in respect of width and length, shown on the site plan. I have therefore considered the appeal on that basis.

Main Issues

6. The main issues in this appeal are the effect of the proposal on:

- The character and appearance of the area;
- The living conditions of existing neighbouring occupiers; and
- Parking and access arrangements.

Reasons

Character and appearance

7. The appeal site forms part of an existing garden and parking area for the host property, which is one half of a pair of semi-detached two-storey dwellings, within a small estate of five other such pairs of houses. These dwellings are uniform in design and laid out in a regular pattern around the estate road, with front gardens providing a considerable set-back from the road or other houses. The host property fronts an area of green space at the centre of the cul-de-sac and the sizeable gardens of the estate houses, in the main, provide generous separation between the pairs of dwellings. These elements contribute to the spacious and open character of the small estate and its largely consistent pattern of development.
8. Towngate West, whilst still primarily residential in character, is more varied, with a number of older properties and a mixed pattern of development with different designs, layout and form. The dwelling at the junction of Towngate West, No 1A Lime Tree Avenue, is much larger than its neighbours and differs significantly in appearance. Nonetheless, due to its siting and the separation between it and other properties, its different design does not detract from the positive qualities of the area. Opposite this dwelling and adjacent to the appeal site, is a small group of garages fronted by an area of hardstanding. Although the garages have a functional appearance, their visual impact is reduced by their low height and the set-back from the road.
9. The size of the proposed plot is comparable with some others on Towngate West and the site coverage would not be excessive, with space provided about the proposal and an acceptable amount of amenity space retained for the host dwelling. However, in my judgement, the proposal would mainly be seen in the context of the existing housing in Lime Tree Avenue and its form and siting would differ significantly from these houses.
10. The appeal site has a limited depth and irregular shape. This configuration would result in the proposal being much closer to the road than the other dwellings within the estate. In the context of its existing spacious and open character and regular pattern of development, I consider that the siting of the proposal, coupled with its height and scale, would result in an incongruous and obtrusive development that would appear cramped and at odds with the existing character and appearance of Lime Tree Avenue. Whilst the application is in outline, I have seen no suggestion, nor does it appear to me to be possible, that a new dwelling could be accommodated on the site in a form significantly different from that shown on the indicative plan.

11. The proposal would thus not be in accordance with *South Kesteven Core Strategy 2010* (CS) policies SP1 and EN1, which refer to the whole district, both within and outside settlements, and resist development that would be inappropriate to the character of the town. Due to its emerging status, I am only able to give the *South Kesteven Site Allocations and Policies Development Plan Document, Submission October 2011* (SAPDPD) limited weight, but consider that it would not meet the third criterion of policy SAP H1, which carries forward the aims of these CS policies. It would also fail to meet the aim of paragraph 17 of the National Planning Policy Framework (the Framework) to achieve a high quality design for new development.

Living conditions

12. The proposal would have a maximum height of 7 metres and would front onto the estate road, opposite the existing dwelling at No 1. Although views from that and other properties would change, I consider that the separation distances between existing dwellings and the proposal are such that its height and form would be unlikely to lead to an unacceptable loss of outlook or appear overbearing or dominant to neighbouring occupiers. Furthermore, I consider that it would not result in an unacceptable loss of privacy or overshadowing of their dwellings or gardens.
13. Consequently, the proposal would not be unacceptable in terms of its impact on the living conditions of neighbouring occupiers. It would meet the requirements of CS policy EN1, as it relates to visual intrusion and those of SAPDPD policy SAP H1, to avoid detriment to the quality of life of adjacent residents. It would also meet the aims of paragraph 17 of the Framework, to achieve a good standard of amenity for all existing occupants of land and buildings.

Parking and access

14. There is a garage currently on the appeal site used in connection with the host dwelling. In addition to this, parking has been provided to the front of that property, accessing the estate road beyond the appeal site. There is some debate between the parties about whether these current access arrangements are authorised, but this is not a matter that is before me. Nonetheless I observed that the existing garage block adjoining the appeal site does not have turning facilities and that most other dwellings within the estate do not have frontage off-street parking or turning facilities available.
15. The indicative layout shows a vehicular access off the highway and the approximate position of the access point was agreed on site between the parties. From the back edge of the footway on the site boundary, I observed that visibility was available in one direction to the junction with Towngate West and, in the other, to the turning head of the estate road. From the host dwelling, the road layout limits the visibility available towards the junction.
16. I accept that it is preferable, in highway safety terms, to be able to turn within a site and re-enter the highway in a forward gear. Although turning facilities are shown as part of the proposal, these do not meet the standards shown in the Lincolnshire Design Guide for Residential Areas. However, in the context of the limited traffic movements associated with the small cul-de-sac estate and adjoining garages and taking into account the visibility available, I consider

that the absence of turning facilities would be unlikely to be detrimental to highway safety or lead to unacceptable inconvenience to other road users.

17. I further consider that the indicative layout shows that adequate provision for access and parking to serve the proposal, together with an acceptable amount of amenity space, can be achieved within the site and that precise details relating to these matters for the proposed and host dwellings and the height of the frontage hedge could be addressed by condition. Consequently, the proposal would meet SAPDPD policy SAP H1, which requires the proposal to be satisfactorily accommodated by the existing local highway network. It would also be in accordance with the aims of paragraph 32 of the Framework, to achieve a safe and suitable access to the site for all people.

Other Matters

18. My attention has been drawn to the planning history of the site, including the previous refusal of permission and the pre-application advice received by the appellant. The procedures adopted by the Council for determining the application are largely a matter for that authority within the context of local government accountability. However, in this case, the appellant's interpretation of the pre-application advice led to an unexpected outcome to the application, causing some frustration. Nonetheless, the Council has shown reasonable planning grounds for taking its decision and has produced relevant evidence on appeal to support it.
19. My attention has been drawn to another site in the locality. I do not have the full background to that decision but, in any event, it appears that there are material differences to the context and setting of that site in comparison with the appeal proposal.
20. I accept that the site is within the built-up area of the town, in an accessible location close to local facilities and services and its development would contribute to the local housing stock. As such, it would meet the overarching aim of the Framework in terms of achieving sustainably located development. I consider that these matters, together with the proposal's acceptability in terms of living conditions and the provision of satisfactory access and parking, are positive benefits that weigh in its favour. However, none of these matters is sufficient, individually or cumulatively, to outweigh the harm that I have identified.

Conclusion

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

Anne Napier-Derere

INSPECTOR

PLANNING APPLICATIONS PERFORMANCE**Apr - Dec 2012**

New end to end times for determining applications	Days	Target (days)
Average no of days to determine Major's (small scale)	142.4	90
Average no. of days to determine Minor's	74.6	55
Average no. of days to determine Other's	66.7	50
Average no. of days to determine Householder's	50.4	45