

Development Control Committee
10 January 2012

Additional Information

KJC1 – S11/0967

Proposal: Demolition Of 49 St Catherines Road and 1A Dudley Road and construction of retirement accommodation for the elderly including provision of communal facilities, landscaping and car parking

Information Received

One additional letter has been received from a member of the public. The comments relate to concerns in relation to ecology. It is difficult to summarise the concerns so the comments are taken in full with the exception of the appendix.

McCarthy Stone's Ecological survey on the St Catherine's site by the Marishal Thompson Group (MTG)

Summary

MTG have undertaken a desk-based survey working from Google Earth backed up by a site survey, a request for information from the Lincolnshire Biodiversity Partnership and an interrogation of the National Biodiversity Networks' datasets. A check for SSSIs was also undertaken through the MAGIC and NERC site.

N.B. The survey states that the main building dates from the early 1920s; it dates from 1875.

Using the same assessment criteria described in the MTG report, I would say that the impact on the ecology of the area was at least moderate, if not large, but most certainly not able to be calculated on the basis of the report. MTG calculate it as low.

Summary of survey outputs

On the basis of Google Earth images the site 'has the potential to support roosting bats and also provides good foraging opportunities within the mature gardens. Areas of mature dense scrub in and around the gardens afford opportunities for nesting birds for these reasons the following recommendations have been made.

1. A dedicated bat survey is required.

2. Clearance work should be undertaken outside of the bird nesting season (March to August inclusive). If this is not possible, then a suitably trained ecologist should inspect prior to works commencing

3. Bat and bird boxes should be included within the new building design and wherever possible wild flower seed mix and native trees and shrubs used to landscape areas. Assistance should be engaged from an ecologist in the design and location of bird/bat boxes.

Protected Species Recorded within a 1km Radius: 10 species of bat.

The site is considered of medium value for roosting and foraging due to the richness of the surrounding area.

Other fauna

45 records of freshwater crayfish were noted within the 1km sample radius. There was no suitable habitat for this species on site.

Statutory designated nature conservation sites within 2km : 'The proposed development does not pose any threat to connectivity of statutory and non statutory sites in the region.'

Our comment on the ecological survey

Background

South Kesteven District Council has not undertaken its own ecological survey. SKDC is not a signatory to the Lincolnshire Biodiversity Action Plan (LBAP) which are recognised as being 'needed to help identify the issues affecting our biodiversity and to coordinate action'.

The MTG ecological survey follows a fairly standard format and that probably meets planning requirements. However, the LBAP states that at the grass roots, planning policy is one of the fundamental safeguards of biodiversity, so it is essential that local decisions take into account the full picture. Recognition of biodiversity's value as a service to human societies is increasing, and one of the functions of the BAPs is to raise awareness and provide practical support on this subject.

'A less high profile threat to biodiversity is complacency and lack of prioritisation in policies and funding streams. Human society is reliant upon ecosystem services, which are underpinned by biodiversity. Yet biodiversity and these ecosystem services are consistently undervalued or even invisible to society and decision makers. The National Ecosystem Assessment found that 30% of ecosystem services are currently declining and many more are in a degraded state. The same Assessment suggested that the differences in future land use changes would have a greater effect on

ecosystem services than would the difference between low or high climate impact scenarios. We need to reverse habitat loss and fragmentation.’ (LBAP, 2010).

At a national level, Natural England’s report “No Charge? Valuing the Natural Environment”, pulls together leading research to show that the economic value of nature now runs to billions of pounds in the UK alone and that there are major savings to be made through looking after it. Investment in the natural environment is critical to long term economic prosperity and that natural services provide a highly cost effective solution to growing problems like flood and coastal defence, carbon emissions and the preservation of soil, water and air quality.

Flora

The species list provided from the MTG ecological site survey omits 4 common plants - hawthorn, Lawson’s cypress, snowberry and weeping willow. I would suggest a full survey is required to ensure a full species list is created.

The survey also assumes that the surrounding area will remain intact and we know that there are proposals to develop most of it i.e. two lots of allotments and the former police station site.

In the last ten years we have already lost many mature trees in the area, including a lime avenue associated with Whitegates on Beacon Lane, trees and a pond on the corner plot on the intersection with Beacon Lane and New Beacon Road, a line of chestnuts on Harrowby Road and a yew tree to make way for the new multi-storey car park. In addition many of the local domestic gardens have been paved over on both Harrowby and Dudley Roads and the riverside has been flailed, removing wild scrub and wildflowers. Constant bit-by-bit erosion of habitat is destroying the biodiversity of the area. Habitat loss and fragmentation is one of the main reasons for biodiversity decline. ‘Loss of habitat means a reduction in the number of places to live, eat or establish breeding territory, with the inevitable result that biodiversity will decline. Fragmentation is the other half of the problem; as habitat patches become smaller and more isolated, the opportunities for species dispersal or meeting a suitable mate decline. Expansion of urban areas and the networks of road and rail that connect them have also contributed to the loss and fragmentation of habitat.’ (LBAP, 2011).

Great crested newt

It is stated that there are no ponds within 500m of the area. Whilst I cannot comment on the presence of Great Crested newts, there are certainly ponds. I have tried to access records for amphibians. Records for this species are protected and therefore not publicly available because of the threat of habitat destruction.

Other

The MTG ecological survey states that ‘No UK BAP species was recorded during the Phase 1 Habitat Survey. The site being affected by the development therefore is considered by MTG to be ‘Low’ in its potential to support protected, UK and local BAP and red data species and sensitive development may improve the site from this

perspective. Considering the size of the site and the nature of the habitats involved the proposed development is considered to pose a Low impact on local biodiversity and this should be offset by biodiversity enhancement associated with landscaping and inclusion of bat and bird boxes within the building structure.’.

In our view this assertion is incorrect, for the following reasons:

1. An ecologist cannot adequately mitigate potential disturbance. It’s not just the location of the nest, but of the whole foraging area/territory issues that will be affected. This will have knock on effects for other species and neighbouring habitats and their occupants (see appendix).
2. You can replace a complex natural environment with a box. It’s not just about nesting. The whole environment is knocked out of kilter when habitat is destroyed. There is no reason why the entire proposed landscape could not use indigenous species, but it does not.
3. The following local observations are not included in the report:

Stag beetle - *Lucanus cervus*- sighting of dead stag beetle on the pavement outside Dudley Road and evidence of eggs and larvae under the lawn of one of the houses in Dudley Road suggest that this species is thriving in the area. It is on the Lincolnshire BAP list of species.

Bombus ruderatus – also on the Lincolnshire BAP list of species. Records of its presence are available for the last three years. Although more detailed records for caste and number are only available for 2011, we know from a less detailed survey that number have declined over the last two years. A carder bee (not sure if it is the protected moss carder bee) has also been recorded.

Spotted flycatcher, song thrush - the Joint Nature on Conservation Committee comments on the ecological status of a wide range of species. It states that spotted flycatchers and song thrushes are Red list species that are Globally Threatened according to IUCN criteria; those whose population or range has declined rapidly in recent years; and those that have declined historically and not shown a substantial recent recovery. The spotted flycatcher’s survival is linked by the Lincolnshire BAP to the maintenance of Lincolnshire woodland.

Sparrowhawks, kingfishers and Peregrine falcons - all sighted in the St Catherine’s area – are protected by special penalties at all time.

Blue butterflies (species needs identifying) and white clawed crayfish are also in the area. Although the ecological survey correctly identifies that the site does not provide a habitat for the crayfish, run off from the site will affect the river ecology. A separate report will deal with issue around climate change and green infrastructure.

Additional Highway Comments from the Local Highway Authority

The proposed plans as far as I am aware have always shown Dudley Road to be the main access for vehicular traffic. The more recently requested amendment is for the removal of access for the limited vehicular parking provision for two vehicles via a St Catherines Road entrance.

There are two existing accesses off St Catherines Road. One is to be closed (and ensure conditioning appropriately - not forgetting the requested S106 sum), the other to remain as access for pedestrians and cyclists only.

This removes potential delays and disruption to vehicular traffic due to stopping waiting and turning manoeuvres on the busy 'classified' St Catherines Road and in close proximity to both the St Catherine's/Dudley Road junction and the existing access on the north side of St Catherines Road that formerly served the Police Station - and to which an application for conversion to housing and using the existing access has previously been minded to be approved by the local planning authority.

It further removes the potential for vehicles in excess of the number catered for in the parking arrangement accessing the site at the St Catherines entrance with the likelihood of reversing manoeuvres into St Catherines Road then being necessary.

It should be noted that the number of vehicular movements associated with the type of development proposed will be low with most associated movements likely to be in the evenings and in the weekends.

On balance, and following consultation with the Area Highways Manager it is deemed that the amended proposals will be safer and more convenient for all users of the highway.

Officer Comments

Protected Species

A bat survey has been submitted by the applicants this will be forwarded to Lincolnshire Wildlife and Natural England for comments.

Lincolnshire Wildlife and Natural England have been consulted as part of the planning process however they have not commented. They currently have standing advice which states that where a protected species survey is submitted which indicates that significant impacts are unlikely appropriate mitigation measures should be sought through appropriate conditions. Condition 17 of the report requires the development to be undertaken in accordance with the recommendations of the submitted ecological assessment.

Highway matters

From the additional comments from the local highway authority it is clear that it is desirable to have the access off Dudley Road.

For clarity the proposal relates to the formation of 32 1no. bed and 12 2no. bed apartments. Parking provision on site is 19 spaces. This equates to a level of provision of 43%. They would be split between 17 resident and 2 visitor spaces as stated in the submitted Design and Access Statement.

This level of provision is justified by the submitted Transport Statement. This level of provision is based on the assessment of the parking requirements of 3 similar Category II developments. Based on this data there is an average demand for resident parking of 0.22 spaces per bedroom. In this instance there are 56 beds (32 1no. bed and 12 2no. bed = 32+24=56). This equates to a need of 15 resident spaces and 5 visitor spaces.

The level of provision proposed is 17 resident and 2 visitor. It is the policy of McCarthy and Stone not to provide the peak demand for visitor parking to encourage non-car modes of travel.

Parking arrangements are 'policed' by the company selling permits for the number of spaces allocated as resident parking spaces. This approach has been taken at a number of the company's recent developments. The benefit of this approach is that potential residents will know, in advance of purchasing an apartment, whether or not they will have a parking space.

The submitted Transport statement makes it clear that the scheme is not for a nursing home. The only 'full time' member of staff is the house manager. They would not normally have any medical qualifications but would summon qualified medical assistance if required.

Alterations/Additional Conditions

It is considered appropriate in this instance to restrict the occupation of the building to the over 55's. A similar condition formed part of the planning permission for the retirement accommodation at The Croft, Bourne. (Planning Ref: S09/1699).

Occupiers shall be:

- i) persons of 55 years or over;
- ii) other persons who are living as part of a single household with a person or persons aged 55 years or over;

iii) persons who were living as part of a single household with a person or persons aged 55 years or over who have since died.

Reason: A reduced parking standard has been applied to the development as it relates to retirement accommodation. Use of the apartments for general housing would result in additional on-street parking which would be detrimental to highway safety and in accordance with Policy EN1 of the Saved Policies of the South Kesteven Local Plan.

Changes to Recommendation:

No change to recommendation.

A number of the local residents who are to speak at the development control committee have requested that a number of documents are included in this late items paper so that they can make reference to them as part of their presentations.

Please see the committee briefing documents attached. The documents will also be included in the power point presentation.

Proposal: Erection of bungalow in connection with exotic pet refuge

Summary of information received:

The applicant has provided the following additional information in support of the application:

“There is a need for 2 people to be on site, over night at the exotic pet refuge. There are many reasons for this, they are as follows,

- some of the animals here require a dangerous wild animal’s licence. Some of these can be very dangerous, like the wolves, lynx, ocelot, alligator. Etc. If they need attention in the night there must be 2 persons present due to the danger they pose.
- every night about 11pm I walk around the refuge and ensure all is as it should be. All the doors secured, heaters on, lights working, animal’s safe and well.
- mum cannot drive, if an animal needs to be taken to the vets in the night I do it.
- when we have an emergency call in the evening to rescue an animal in distress I am on site ready to go.
- during the night if an animal is in distress it will usually make a noise, if I hear anything unusual I’ll get a torch and go check, this needs a skilled ear and eye to see what’s wrong, and a second person if action is to be taken.
- mum suffers from diabetes, angina and a poorly heart, she is no longer able to carry out the night time duties.
- if I was rendered unable to do the tasks required then someone of equal skill and qualification would be needed in my place.
- both gates should be monitored to prevent trespassers over night.

The proposed site for the bungalow is ideal for the refuges needs

- the bungalow will be able to monitor visually the wolf enclosure and lynx enclosure, both dangerous wild animals, that are not visible from the main house;
- the back gate can be monitored during the night to ensure no trespassers;
- space is limited for building animal enclosures, the proposed site is no good for an animal enclosure and so doesn’t waste valuable animals space.
- the proposed site allows better security. As vehicles by the back gate are seen quicker”

Heritage Lincolnshire: No objections

Natural England: No objections

Officer's comments on information:

The points raised have been considered in the main report and it is considered that it would be more appropriate to extend the existing dwelling on the site rather than built a further dwelling. The needs of the business can be met via the existing building.

Changes to recommendation:

None

Applicant	Mr R Graf, Newtons Solicitors FITZJOHNS AVENUE, London, NW3 5NB
Agent	Mr R Hughes Laural Cottage, Morleys Road, Weald, Kent, TN14 6QY
Proposal	Creation of 3 flats from 12 bedsits and erection of 11 dwellings/flats with associated parking at land rear of 51-58 Scotgate
Location	Blenheim Court, 51, Scotgate, Stamford, Lincolnshire, PE9 2YQ
App Type	Major Full (Residential)
Parish(es)	Stamford

REPORT

Application Category

The proposal is a major application.

Reason for referral to Committee

The application is before Committee as an additional item following the submission of an appeal against non-determination. Consequently, the application will be considered by the Planning Inspectorate and cannot now be determined by this Authority. Therefore, Members are being asked to support the proposed reason for refusing planning permission which will form this Authority's case.

The proposal

The application involves the demolition of extensions to the rear of Blenheim Court (51 Scotgate) and 'making good' this elevation. The Listed Building is in multiple occupation but would be converted to 3 flats, which it is proposed to compromise the affordable housing element of the scheme. In addition it is proposed to erect 11 new residential units to the rear of 51-58 Scotgate.

The application site and its surroundings

The application site comprises land to the rear of 51 – 58 Scotgate and the Listed Building of Blenheim Court. There is a change of level across the application site with the land rising from Scotgate through the site toward Radcliffe Road. The change of levels through the site is approximately 1m. Immediately adjacent to the rear of the site there is a large retaining wall up to 3m in height and beyond that a very steep increase in land to Jackson Builders Yard on Radcliffe Road. Between Jackson Builders Yard and Newcomb Court is a vacant site on which permission has recently been granted for the erection of two dwellings (ref; S11/2683). To the immediate east of the application is the rear of buildings that front North Street and west is parking associated with a kitchen and bathroom sales centre.

The rear courtyard is partially hard cored and part overgrown with vegetation. A number of vehicles park on the land, in particular to the rear of Blenheim Court.

All of the application site falls within Stamford Conservation Area and not only is Blenheim Court Listed but 52 and 57 through to 59 Scotage. The only building not Listed on the Scotgate frontage is 53-56, with the building currently used a dress shop. All of the buildings to the front of the site are in a commercial use and include a restaurant and computer shop.

There are currently two vehicular access points to the site, one between Blenheim Court and 52 Scotgate, the other between 53-56 and 57. Both access points are narrow and only allow one vehicle to enter/exit at a time; visibility is also relatively poor given the siting of buildings to the back edge of footpath.

Representations received

The observations of Stamford Town Council are reproduced below;

“Strong objection is raised to the application as it considered to be overdevelopment of the site. There is serious concern over safety and impact on the access and egress onto a very busy highway; safety of pedestrians being compromised at this blind exit.

It is recommended that the decision is deferred to SKDC’s Development Control Committee and a site visit conducted.

Should planning consent be granted Stamford Town Council request that a Section 106 contribution is made towards the development of the public conveniences on the recreation ground.

Major concern over the insufficient car parking provision and there was anxiety over the difficult access and egress from the site on to an already very busy road.

A low density development would be more acceptable thus reducing the numbers and enabling a greater sense of space”.

Lincolnshire Heritage note that there is the potential for archaeological remains and recommend that a watching brief condition be added to a decision notice should permission be granted.

Planning policy does not object to the application.

The Public Open Space Officer notes that the site is not large enough to request a financial contribution or on site provision.

The Primary Care Trust would require a contribution of £13,560.00 toward NHS services.

The Education Authority require a contribution of £11,276 toward Primary School provision.

Stamford Civic Society express concern about parking to the scheme given the restricted visibility to Scotgate as well as how refuse vehicles will collect waste.

English Heritage raise concern about the level of detail submitted with the application and note that a key consideration is that the development would preserve or enhance the character and appearance of the Conservation Area. Furthermore they support the broad principle of development subject to the plots to the rear having a subservient role to the frontage buildings.

South Kestevens Consultant Architect believes that the buildings to the rear of the site are too tall and do not respect the character of the Listed Buildings to the front of the site, rather they should be subordinate to them. Also believes that a less uniform style of development in terms of ridge and eave height would be preferable and more reflective of the buildings that front Scotgate.

Environmental Health note that there is no recorded contamination on the site.

Lincolnshire County Council, as Highway Authority, have withdrawn their objection following the submission of a Traffic Assessment and now request that permission be granted subject to the imposition of conditions.

The Partnership Project Officer notes that there is a requirement for affordable housing provision and that a total of 3 units need to be provided. It has been provisionally agreed that these will be within Blenheim Court.

Representations as a result of publicity

The application was advertised in accordance with the Councils Statement for Community Involvement with the closing date for representations being the 10 June 2011. Amended plans were received and further consultation undertaken.

A total of 13 letters of concern/objection have been received and a summary of their observations is reproduced below;

1. Creation of a dominant and oppressive environment with the buildings being too large, particularly when taking into account the change in levels through the site.
2. The privacy of neighbouring properties will be compromised as well as the development being visually intrusive.
3. Highway safety would be compromised through the increase in vehicle movements as well as conflict with existing business users on Scotgate.
4. The proposal would result in a general overdevelopment of the plot.
5. Safety of the occupiers may be compromised through the failure of the adjacent bank and builders merchants above.
6. A one way system for traffic within the site may compromise a legal right of way.
7. Feel that the traffic survey is flawed and biased.
8. Parking provision for the scheme is unrealistic given the number and size of dwellings proposed.
9. Believe that the drawings are inaccurate and does not show the change of levels across the site.

Site history

Three applications have been determined on land to the rear of 52-58, which excludes Blenheim Court and land to the rear of this building, they are summarized below;

S02/0741 was granted permission in October 2002 for 'the erection of ten 1 bedroom flat and one 2 bedroom house'

S04/1629 was refused permission in December 2004 for the 'erection of 5 dwellings'. The application was refused for the following reason;

"The application site is located to the rear of existing properties, both commercial and residential, fronting Scotgate and North Street and currently benefits from an extant planning permission for 8 one-bedroom flats and one 2-bedroom dwelling with no off-street parking provision.

It is considered that the proposal for a scheme, comprising 5 four-bedroom houses with a greater ground floor area and a significant increase in overall height, would not only have an adverse impact on the surroundings by overshadowing neighbouring properties to an unacceptable degree but also constitute an inappropriate overdevelopment of the site with high occupancy dwellings with very limited private open space provision.

The proposed development would therefore be contrary to Policies EN1, H6 and C9 of the South Kesteven Local Plan”.

Subsequently application S05/0204 was granted permission in March 2005 for the erection of ‘five 3 bed dwellings’

Policy Considerations

South Kesteven Core Strategy

Policy EN1 – Protection and Enhancement of the Character of the District
Policy SP1 – Sustainable Strategy
Policy SP4 – Developer contributions
Policy H1 – Residential development
Policy H3 – Affordable housing

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

National Policy Guidance

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS5 – Planning for the Historic Environment
PPG13 – Transport

Officer evaluation

Principle of development and design issues

The principle of residential development on land to the rear 51-58 Scotgate is supported with permission having been granted for the erection of dwellings on

part of the land in 2005, although that development could not now be built with the permission having lapsed. In addition, it is noted by English Heritage that historic mapping shows quite dense development in the form of courts behind the frontages in this location. However, there would still be a need to ensure that the development would respect the character of the Conservation Area and setting of the adjacent Listed Buildings. Key issues in making such an assessment would be the change in levels across the application site and relationship with the buildings which front Scotgate, which are all Listed Buildings, except 53-56 Scotgate.

It is apparent that the change in land levels through the site is quite significant with the proposed units to the rear of the site 1m higher than those that front Scotgate. Whilst the proposed dwellings would be smaller in height than Blenheim Court, the largest of the Listed Buildings on the Scotgate frontage, there is also the need to consider impacts on the setting of other much smaller buildings, a number of which are also Listed. The 2½-storey element of the new build dwellings would be taller than all of the other buildings that front Scotgate and therefore in terms of scale and prominence not respect the character of the Conservation Area or setting of Listed Buildings. The broad principle of such courtyard development is that it should be subservient to the traditional street scene to draw attention to this aspect and not the development to the rear; the proposed scheme does not achieve this. Furthermore, as is reflected in the existing Scotgate frontage, there is typically a variance in eave and ridge heights to create a visual diversity to the streetscene, this is not reflected in the submitted application, particularly the element which runs parallel to Scotgate.

Residential amenity

It is accepted that the garden area associated with each of the residential units is smaller than is considered typical for a conventional housing development. However, the development would need to be considered in the context of a courtyard development close to Stamford town centre and taking this into account the amenity for the proposed dwellings is considered to be acceptable.

Views from the proposed dwellings would primarily be toward the courtyard as well as the bank adjacent to Jackson building supplies and the kitchen sales centre to the west. It is not considered that this would compromise the amenity of adjacent land users or occupiers.

The west of the site borders North Street with there being a number of buildings close to this boundary. Two small windows are visible in the rear elevation of 2 North Street but they would appear to not be to habitable rooms but secondary fenestration, there is also a glass roof structure/conservatory on the rear elevation of 2 North Street. Whilst the scale of the proposed dwellings are considered acceptable to ensure that overbearing would not be an issue, particularly taking into account the scheme approved under S05/0204,

overlooking from first floor windows is likely to be detrimental. Therefore should permission be granted it is recommended that a condition be added to ensure first floor windows in this elevation are frosted or situated in a high position. This is particularly pertinent in that 2 and 3 North Street, which are in residential occupation, have rear courtyards/gardens in the region of 8 metres whilst the proposed dwellings would be sited just 5.26m and 3.46m from the boundary.

Highway considerations

When permission was granted for development of part of the site in 2005 no parking was provided. The scheme as proposed would have 11 spaces, one for each of the dwellings to be sold on the open market. This level of provision is appropriate given the central location of the site. Initially the highway authority had concerns about the proposal given the tight nature of the two access points. However, a traffic survey was completed which looked at the number of vehicle movements to the existing site. The survey was completed between 7am and 7pm on Thursday 15 September 2011 and a total of 85 vehicle movements were recorded into and out of the site. This could have been through existing occupiers of Blenheim Court or other existing commercial uses in the area. Regardless, the vehicle movements associated with the proposed scheme have been calculated to be 90 per day. Taking into account the greater controls that could be had over the site should permission be granted e.g. a condition requiring a one-way system within the site, there is not considered to be any reason to object to the application on highway safety grounds with any increase in vehicle movements likely to be negligible.

Other concerns have been raised about deliveries to existing commercial premises and rights of way to buildings but these are primarily civil legal matters and would not override the specific considerations outlined above.

Section 106 Heads of Terms

With the proposal being a major application and in accordance with the Draft SPD 'planning obligations' and SP4 of the Core Strategy, the following Developer Contributions are sought;

Affordable housing (on-site provision), 3 affordable units are due to be provided as part of the scheme and these are within the Listed Building and will be within the control of Registered Housing Provider (RHP)

Education	£11,276
Primary Care Trust	£13,560

A Section 106 Legal Agreement is in the process of being drafted and a copy is due to be sent to the applicant, also the agents solicitor, week commencing 9 January 2012.

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 had the application been determined by this Authority planning permission would have been refused for the following reason which should be the Council's case at the forthcoming appeal:

1. The scale and height of parts of the scheme, in particular the 2½-storey element, would be taller rather than subservient to a number of Listed Buildings that front Scotgate. Furthermore, the proposed scheme would have a relatively uniform eave and ridge height which would not respect the established character of the surrounding area which is varied in terms of townscape. The proposed development is, therefore, considered to detrimentally affect the setting of adjacent Listed Buildings as well as not respect the character of the Conservation Area. The proposal is therefore deemed contrary to policies HE7, HE9 and HE10 of PPS5; with no other material planning considerations to indicate that the application should be determined otherwise.

* * * * *

NB2 **S11/0903/LB**

Target Decision Date: 16-Jun-2011

Applicant	Newtons Solicitors fITZJOHNS AVENUE, London, NW3 5NB
Agent	Mr R Hughes Laural Cottage, Morleys Road, Weald, Kent, TN14 6QY
Proposal	Partial demolition of Listed Building (elements to the rear) and alteration to form 3 apartments
Location	Blenheim Court, 51, Scotgate, Stamford, Lincolnshire, PE9 2YQ
App Type	Listed Building Consent
Parish(es)	Stamford

REPORT

Application category

This application falls within the category of 'other' development

Reason for referral to Committee

The application is before Committee as an additional item following the submission of an appeal against non-determination. Consequently, the application will be considered by the Planning Inspectorate and cannot now be determined by this Authority. Therefore, Members are being asked to support the proposed grant of Listed Building Consent.

The proposal

The application is for the partial demolition of parts of the grade ii Listed Building along with 'making-good' the rear elevation, internal alterations are also proposed.

The application site and its surroundings

51 Scotgate is an attractive and prominent building located to the back edge of footpath along the north side of Scotgate. It was a formerly a Public House but is now occupied as bed sits/a house of multiple occupation. A copy of the Listing is reproduced below;

"Late C18 or early C19. 2 storeys and attics in coursed rubble. Stone slate mansard roof with 2 stone stacks at gable ends. 3 dormers. Stone quoins and

window dressings. 3 windows in chamfered reveals with stone lintels and stone rusticated surrounds, double-hung sashes with glazing bars. 2 3-light public house windows on ground floor. 6-panel door with rectangular fanlight, chamfered reveal. Included as part of a group.

Rock House, Nos 51 and 52 form a group”

Representations received

Stamford Town Council make no direct observations on the impact of the Listed building but make numerous observations on application S11/0902 for the erection of residential units to the rear.

South Kestevens Consultant Architect does not object to the removal of the more recent extensions to the rear which are of no discernable historic or architectural significance. Believes that the proposed conversion scheme is acceptable subject to appropriate conditions e.g. materials, window detail, and believes that the proposal would maintain essential structural fabric and features of interest.

English Heritage note that the alterations to the Listed Building are largely uncontentious but would require conditions about remediation works for the demolition aspect as well as expressing concern about the replacement of the stone slate roof with a blue slate roof. In addition, they note that the building has a large 20th century rear extension which is of no architectural or historical interest.

Representations as a result of publicity

The application was advertised in accordance with the Councils Statement Community Involvement with the closing date for representations being the 10th June. Amended plans were received and further consultation undertaken.

A number of responses were received; however, none of the observations made were relevant to the actual impact on the Listed Building but rather on the full application (S11/0902) for the erection of 12 residential units to the rear.

Site history

There is no pertinent site history that relates direct to alterations to the Listed Building.

Policy Considerations

South Kesteven Core Strategy

Policy EN1 – Protection and Enhancement of the character of the District

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

National Policy Guidance

PPS1 – Delivering Sustainable Development

PPS3 – Housing

PPS5 – Planning for the Historic Environment

Officer evaluation

The notable feature of interest of the Listed building is the original prominent structure that sits to the back edge of footpath and its associated stairs to the rear. There have however been additional 20th century extensions to the rear that are two-storey which in terms of scale are subordinate to the original building but make no great contribution to its character. Indeed, parts of the rear elevation incorporate a steel staircase used as a fire escape and flat roof aspects. It is these extensions that are proposed to be removed and there is not considered to be any reason to object to their removal.

Internally the layout of the main building would not change on the ground floor. The form of rooms at a first and second floor would remain with the exception of internal stud walls being erected to create individual rooms and a kitchen and stud wall being removed from the second floor. There would appear to be limited internal features of interest and the works proposed are not considered to be inappropriate.

Crime and Disorder Implications

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

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

The aspects of the building to be demolished are relatively modern and their removal supported. As a result the building will return to how it would have looked some years ago and, subject to conditions, the proposal would enhance the character of the original building whilst retaining features of interest. The application is, therefore, deemed to comply with policy EN1 of the South Kesteven Core Strategy along with guidance contained in PPS1, and PPS5; with no other material planning considerations to indicate that the application should be determined otherwise.

RECOMMENDATION: That had this Authority determined the application it would have been approved subject to the following conditions and that this is the Council's case at the forthcoming appeal:

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

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

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

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

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

maintained as such thereafter.

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

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

DR114B
DR110
DR109
DR107

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

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