

Development Control Committee
7 February 2012

JJ1 **S11/2953/MJRF**

Target Decision Date: 01-Mar-2012

Applicant	Mr L Goodale, South Kesteven District Council Council Offices, St Peters Hill, Grantham, Lincolnshire, NG31 6PZ
Agent	Mr N Connett, Wm Saunders Partnership Sheppard Lockton House, Cafferata Way, Newark, NG24 2TN
Proposal	Demolition of all buildings on site (except mill building which is to be retained and refurbished) and redevelopment of site to create 7 retail units at ground floor level (Use Classes A1, A2, A3) 4 new apartments in refurbished mill building and 10 new build apartments at 1st/2nd floor over new retail space. Future phase 2 land to be grassed and landscaped. Alterations to adjacent Burghley Street car park
Location	Land off, Burghley Street, Bourne
App Type	Major Full (Residential)
Parish(es)	Bourne

REPORT

Application Category

This application is categorised as a 'major' planning application

Reason for Referral to Committee

The application has been referred to the Development Control Committee because South Kesteven District Council are the applicants, the application relates to a major project in the Bourne area and the residential element of the development is contrary to the policies contained within the South Kesteven Core Strategy.

The Proposal

The proposed development comprises of five main elements:

1. The demolition and removal of existing buildings,
2. The conversion of Wherry's Mill to apartments,
3. The development of 7 retail units with apartments above along Wherry's Lane,

4. Alterations to the car parking layout of Burghley Street car park,
5. The landscaping of an area of land to the north of the proposed development which could form Phase 2 of the development at some point in the future,

Part 1: The demolition and removal of existing buildings and structures:

The proposed development includes the demolition of a number of buildings including Herewards Freemasons Lodge, 15A Burghley Street, Freemans Cars and Commercial 17A Burghley Street and some smaller ancillary out buildings.

The development would also include the removal of the unattractive modern industrial extension to the rear of the brick built Wherry's Mill.

Part 2: the conversion of Wherry's Mill to apartments:

Wherry's Mill is a prominent building within this part of Bourne, and is seen as an important heritage landmark, which should be preserved as a landmark building.

The scheme seeks to retain as much of the historic character of the building as possible but it has been acknowledge that some compromises have had to be made in order to make the scheme viable. As a consequence a scheme has been developed which replaces the existing floors with new floors, which are positioned in order to create the required storey heights.

The ground and first floors are proposed as single apartments at each level. The top two storeys are designed to accommodate to duplex apartments, with sleeping accommodation at the lower level (2nd floor) and open plan living on the top floor (3rd Floor) which makes the most of the roof volume and exposed structure, with views out over the town.

Externally, the roof slates will be re-used, or replaced to match existing and the brickwork to the Burghley Street frontage will be repaired where necessary. The existing timber clad sack hoist is structurally unsound and is proposed to be replaced with a similar feature and used as a bay window for one of the upper apartments.

Due to the necessary lowering of the internal floor levels there will inevitably be some lowering of the ground and first floor window positions. The existing timber windows will be refurbished, or renewed to match where necessary.

Part 3. The development of 7 retail units with apartments above along Wherry's Lane:

This element of the proposed development comprises 4 retail blocks (which can be subdivided to create 7 units in total) of varying sizes. These units can be tailored to suit demand. Servicing e.g. deliveries and refuse collection is from the rear service area.

Above the ground floor retail units it is proposed to create 10 apartments. The apartments are entered via covered routes and doors leading on to Wherry's Lane. Bin stores and cycle storage are accessed either internally from the communal stairways or externally from the service yard.

The communal stairways provide access to clusters of 3 duplex apartments, which in the main have their main entrance and living areas at 1st floor level, with two exceptions which has their main living accommodation in the 2nd floor bridge link element of the building.

There are four apartment types all of which are two bedroom and arranged with main habitable rooms and windows on the front overlooking the proposed public realm.

In order to keep the building in scale with the adjacent buildings the roof space is utilised for the principle bedrooms, using dormer windows along Wherry's Lane to create more headroom. This keeps the building at 2 to 2½ storeys and allows Wherry's Mill to maintain its dominance. The south facing roof slopes of the building offer the potential for siting an array of PV solar panels.

The new building would be constructed predominantly from brick to tie in with Wherry's Mill although there will be some areas clad in western red cedar boarding. The proposed roofing material is grey slate or tile and the windows are proposed to be made from aluminium for the retail and grey PVC for the residential units above.

Part 4: Alterations to the car parking layout at Burghley Street car park:

The alterations to Burghley Street car park seek to re-configure the parking layout so as to provide a total of 100 spaces. This would include 2 disabled spaces and 14 spaces which would be allocated and reserved for residents of the new apartments.

Part 5: An area of landscaping to the north of the proposed development which could form Phase 2 of the development at some point in the future:

The area to the north of the proposed retail units and apartments would be cleared and grassed with some landscaping in order to provide an attractive open area adjacent to the site. The landscaping is to be kept to a minimum as this area of land would form the site for a future phase two of the development.

The Application Site and its Surroundings

Bourne Core Area comprises an area of land between North Street and Burghley Street measuring approximately 2 hectares. The application site is a linear strip of land on an east west axis located towards the southern end of the Bourne Core Area and measures approximately 0.68 hectares.

The application site is comprised of a number of smaller sites including Herewards Freemasons Lodge, 15A Burghley Street, Freemans Cars and Commercials 17A Burghley Street and the adjacent Burghley Street car park. The site also includes the Wherry's Mill Building.

The surrounding area is characterised by strong retail frontages to North Street and West Street with many listed buildings and other buildings of architectural interest. The southern part of the site including part of the car park, Wherry's Mill and the Freemasons Lodge are also located within Bourne Conservation Area.

Burghley Street provides rear access to North Street and some of the West Street businesses. The land to the north and west of Burghley Street is predominantly residential in character, comprising a mix of terraced, semi-detached and detached properties.

Relevant Site History

The following site history is relevant to this particular application:

SK.12/2066/88 – In February 1989 planning permission was granted for the change of use of 14A Burghley Street to shops and offices.

SK.12/1274/89 – In September 1989 outline planning permission was granted for residential development of land to the south of Burghley Street Bourne.

SK.12/1593/89 – In January 1990 outline planning permission was granted for residential development of warehouse, Burghley Street Bourne.

SK.98/0512/12 – In October 2002 this application which was for the demolition and replacement residential development on the Wherry's Mill site was deemed to be withdrawn. The Council at the time had concerns with regards to the loss of the Mill which was considered to be a heritage asset at that time. An associated application for Conservation Area Consent for demolition of the warehouse was also deemed withdrawn (SK.98/CA/5142/12).

S99/0138/12 – In May 1999 planning permission was granted for the conversion of workshop and office to day nursery at 14 A Burghley Street Bourne.

Policy Considerations

National Planning Policies:

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS4 – Planning for Sustainable Economic Growth
PPS5 – Planning for the Historic Environment
PPS9 – Biodiversity and Geological Conservation
PPG13 – Transport
PPG17 – Planning for Open Space, Sport and Recreation
PPG24 – Planning and Noise
PPS25 – Development and Flood Risk

East Midlands Regional Plan 2009:

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 13a – Regional Housing Provision

Policy 14 – Regional Priorities for Affordable Housing
Policy 18 – Regional Priorities for the Economy
Policy 22 – Regional Priorities for Town Centres and Retail Development
Policy 26 – Protecting and Enhancing the Region’s Natural and Cultural Heritage
Policy 27 – Regional Priorities for the Historic Environment
Policy 32 – A Regional Approach to Water Resources and Water Quality
Policy 35 – A Regional Approach to Managing Flood Risk
Policy 48 – Regional Car Parking Standards

South Kesteven Core Strategy:

SP1 – Spatial Strategy
SP3 – Sustainable Integrated Transport
SP4 – Developer Contributions
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
H3 – Affordable Housing
E1 – Employment Development
E2 – Town Centre and Retail Development

Supplementary Planning Guidance:

Bourne Town Centre Redevelopment SPG revised June 2009

Representations Received

Bourne Town Council:

Objects on the following grounds:

a) the design of the buildings does not appear to make any reference to the cultural significance to that currently in Bourne and is therefore not in keeping with the remainder of the Town Centre and a Conservation Area.

b) the development should give appropriate infrastructure to the town and not mostly additional residential provision.

Bourne Town Council is in agreement that something needs to be done with this area and would appreciate a meeting with the developers to enable discussion for a proposal that is more in keeping and appropriate to the town.

Lincolnshire Police Crime Prevention Design Advisor:

Before the development is brought into use the highway and parking areas should be provided with lighting in accordance with details to be submitted to and approved in writing by the local planning authority.

All landscaping should be kept to a maximum growth height of 1metre. Whilst any trees should be pruned up to a maximum height of 2 metres, thereby maintaining a clear field of vision through the development. Trees when fully grown should not mask any lighting columns or become climbing aids.

Community Leisure Officer:

The Community Leisure Officer has requested an off-site contribution of £11,970 towards improving play equipment in the local area.

LCC Children's Services:

Has requested a contribution of £16,991 towards the local education infrastructure.

Planning Policy Team:

This proposal is for the demolition of all buildings on land off Burghley Street, with the exception of Wherry's Mill, which is to be retained and refurbished. The proposal is that the site will be redeveloped to create:

- 7 new ground floor units (with A1, A2 and A3 uses)
- 4 new apartments in the refurbished mill
- 10 new-build apartments at first and second floor level over retail units
- preparatory works for a second phase of development
- alterations to adjacent car parking.

The site is part of the Bourne Core Area, which has been identified as being suitable for a scheme of redevelopment and regeneration. The Council's vision (set out in the Bourne Town Centre Redevelopment SPG adopted 1 June 2009) is for a comprehensive redevelopment of the area to increase the attractiveness of the centre, contribute towards the economic viability of the town centre and help to promote a positive image of the town.

Emerging policy SAP9 in the Site Allocation and Policies DPD (published October 2011 and expected to be submitted to the Secretary of State in early 2012 for examination preparatory to adoption) allows for development within the Core Area of schemes which will contribute to this vision. Schemes are expected to include retail, leisure, business, office and cultural facilities, with residential at upper floor level. High quality design, improvement of existing connections with the rest of the town, improvements to existing public car parking and new public open space provision are expected of any scheme, and the policy includes the following criteria:

"schemes should:

- be of a high quality design and appearance, commensurate with the site's prominence as a key part of the town centre;
- ensure that the area is well-integrated with the rest of the town centre by improving existing connections and creating new routes to improve north-south and east-west pedestrian permeability through the ears; and
- improve and extend the existing public car parking facilities, and incorporate new public open space, to include cycling facilities and public realm works."

The text accompanying Policy SAP9 is clear that the Council will resist piecemeal development which would prejudice its vision for the Bourne Core Area, and that this scheme is expected to be the first stage in redevelopment of the whole area. The Council intends this first stage to be the catalyst which will enable wider regeneration of the town centre to occur.

The application includes provision for residential units, in the form of apartments within the present mill and above the proposed retail units. Policy H1 of the adopted Core Strategy restricts residential development in Bourne to that already committed at the time of adoption (July 2010). However, the use of upper floors of shops or offices for residential accommodation is considered to be good use of otherwise vacant space.

LCC Highways:

The local highway authority has requested additional information from the applicants. Any comments from the local highway authority will be reported in the late background papers document.

English Heritage:

The application should be determined in accordance with national and local policy guidance, and on the basis of the Council's own specialist conservation advice.

Environmental Health:

No objections but has requested conditions relating to the following:

- a) contaminated land investigation and mitigation.
- b) that details of odour extraction and abatement are provided for those units which will have any food related/cooking activity are provided. This will also need to include details of acoustic attenuation where any extract vents pass through the residential units above.
- c) Hours for deliveries and waste collection to the commercial units will need to be limited to 07:30 to 18:00 Monday to Saturday and 08:00 to 16:00 on Sunday's and Bank holidays.
- d) Details of any fixed plant e.g. refrigeration and air conditioning units etc will need to be submitted and agreed.
- e) Details of the sound insulation between the commercial units and the flats above will need to be submitted and agreed, as will details of the glazing to the flats to ensure that noise attenuation of at least 30dB LAeq can be achieved in accordance with BS 8233 Code of Practice for Sound Insulation and Noise Reduction for Buildings.

Anglian Water:

Has requested conditions relating to surface water and flood risk assessment details being submitted.

Environment Agency:

No objections subject to a condition requiring surface water from car parking areas to be passed through oil interceptors, in order to prevent pollution.

Conservation Officer: (initial comments)

The application site lies within the Bourne Conservation Area, at the western end of Wherry's Lane, a historic narrow thoroughfare that connects the High Street with Burghley Street. The site does not include any buildings currently covered by statutory designations but there is a four storey former nineteenth century warehouse at the western end that is a landmark building and an important heritage asset that serves as an important reminder of the economic development of the town.

The proposals involve the retention and conversion of this undesignated heritage asset and new build three storey development at the rear, fronting onto Wherry's Lane.

Other than the former 'Mill', more correctly a former warehouse, there are no other buildings of historic significance and, therefore, there is no concern with their demolition to facilitate the proposed redevelopment.

The proposed new build elements appropriately respect the historic linear pattern of development in this part of the town.

The projection forward and recessing of different elements on the Wherry's Lane frontage will provide interest and relief to otherwise repetitive elevation treatment.

I have concerns about certain aspects of the elevational treatment. Firstly, the shopfronts are shown to be uniformly bland, with large, single pane glazing to the windows and wholly glazed entrance doors at the sides. It would be preferable if there could be some variations and detailing to add interest. Secondly, the large horizontal windows with opening side lights appear dated and detract from the appearance of the scheme, as could the glazing around the French doors in the second floor of the projecting elements if not carefully detailed. Thirdly, I am unsure about the use of timber boarding to the upper part of the projecting gables fronting Wherry's Lane. In my opinion it would be preferable if these were finished wholly in brick with only the recessed upper parts finished in the boarding.

It will be important to have the windows and doors to all elevations set back in reveal, to provide visual relief to the facades.

The conversion scheme would involve substantial internal alteration to the warehouse to create four floors with modern ceiling heights. The existing roof structure is to be retained. External alterations would involve the lowering and unblocking of window openings to the lower two floors on the principal west elevation and the re-construction of the sack-hoist enclosure. The new-build element would adjoin the rear of the warehouse in the form of shared staircase and lift housing. As with the new-build elements, detailing will be critical to the success of the scheme. The only concerns I have relate to the square window openings in the re-built sack hoist and to the two openings directly below. It would be preferable if those in the hoist enclosure were narrower, to give a more vertical emphasis

in-keeping with the hoist enclosure itself, and if the two below were given a treatment more in-keeping with the former function of the building.

Subject to the concerns expressed about certain details of the scheme, I consider the proposals constitute an overall enhancement of the this part of the Conservation Area and will not compromise the setting of any designated or undesignated heritage assets.

Natural England: Comments awaited

Representations as a Result of Publicity

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

- a) Concerns at lack of consultation with local traders,
- b) Concerns about access to adjacent developments during and after construction,
- c) Concerns that the restriction on delivery times and parking will restrict existing businesses,
- d) Concerns about competition for existing businesses,
- e) Why not put the 14 allocated parking spaces on the edge of the proposed grass area?
- f) Concerns that local people and businesses have been moved due to the proposed development,
- g) Concerns about potential crime and disorder on area of open space,
- h) No need for new shops already vacant units in Bourne which could be used. People would rather go to Peterborough and Lincoln than shop in Bourne,
- i) The money would be better spent doing the existing buildings up and making use of them.

Officer Evaluation

The proposed development is located within an area earmarked for redevelopment in the Bourne Town Centre Redevelopment SPG. The site represents phase one of a much wider redevelopment area. This phase 1 scheme is seen as a catalyst for further development of the Bourne Core Area (BCA) and has been designed so that further complementary development could take place on a future phase 2 development to create a vibrant retail street scene along Wherry's Lane. Until a development is proposed for Phase 2 a green open space is proposed on the site to the north of Wherry's Lane.

Design:

The scheme involves the renovation of Wherry's Mill and its conversion for apartments. The scheme proposes the demolition of the industrial extension to the old mill and a modern link to the proposed retail and residential development to the rear of the mill. Although the works to the mill building are significant and require alterations to the internal floor arrangements and a slight lowering of the window cill levels on the lower to levels of

the building it is considered that the proposed development would result in the retention of a locally significant building and secure the buildings long term future.

The Conservation Officer has raised some concern with regard to the openings in the re-built sack hoist and advised that it would be preferable for the window openings to be narrower and given a more vertical emphasis. He has also recommended that the windows below the sack hoist should also be given a design more in keeping with the buildings former function. Subject to amended plans being received addressing these concerns it is considered that element of the scheme relating to the restoration of Wherry's Mill can be considered acceptable and will preserve and enhance the appearance of the building and the surrounding area including Bourne Conservation Area.

The new build retail and residential units would be located towards the rear of and linked to Wherry's Mill by a service area and lift housing. In order to keep the new element subordinate to the Wherry's Mill the ridge height of the proposed new retail units and apartments has been kept below that of the existing mill building. The design is relatively modern but picks up on traditional materials and features used in Bourne including the use of dormer windows, red brick and timber cladding. All of these features are considered to be appropriate in this location.

The Council's Conservation Officer has outlined some concerns with elements of the detailing of the new build element of the scheme. It is therefore recommended that amended plans be requested which address the concerns raised.

There are a number of existing buildings to be demolished in order to enable the proposed development to take place. The buildings to be demolished include Herewards Freemasons Lodge, 15A Burghley Street, Freemans Cars and Commercials 17A Burghley Street and some smaller ancillary out buildings. The development would also include the removal of the unattractive modern industrial extension to the rear of the brick built Wherry's Mill. It is considered that these buildings are unattractive buildings which do not add positively to the character and appearance of the area. The removal of the buildings will enhance the overall appearance of the site and the wider area, including Bourne Conservation Area.

Highways:

The proposed development would result in some alterations to Wherry's Lane including the widening of the lane and the provision of a turning area for delivery vehicles. The proposals would also include the provision of a 1.2m wide footway to the front of Wherry's Mill and alterations to the car parking layout of Burghley Street car park.

In total 100 parking spaces would be available on the remodelled car park and 14 of these would be allocated to the new residential development. The revised layout and the provision of 14 allocated parking spaces would result in a reduction of 5 public parking spaces in the Burghley Street car park.

The local highway authority has not objected to the proposed layout and access arrangements although they have requested additional information relating to surface water drainage. It is considered that the proposed access arrangements can be considered

acceptable subject to amended plans being submitted which address the drainage concerns raised by the local highway authority.

Concerns have been raised by local business that access along Wherry's Lane will not be available during construction and that this will have an adverse impact on the operation of existing businesses. The Council's Assets and Facilities Team has advised that it is proposed to demolish existing buildings to the north of Wherry's Lane and once this has been done a temporary access road will be made available for the businesses whilst the works to widen Wherry's Lane are undertaken. There will therefore always be some form of access from Burghley Street during the construction phase of the development.

Residential Amenity:

The proposed development has been designed to ensure that the residential amenities of existing properties in the area are preserved. The proposed development is in close proximity to 17 and 19 Burghley Street it is however considered that the proposed building would have no more impact than that of the existing industrial extension to the mill which is to be demolished. The proposed rear elevation of the retail and apartments building would have a number of windows to stairways and bedrooms which would overlook the rear gardens of 17 and 19 Burghley Street. Amended plans have therefore been requested which obscure these windows in order to ensure there is no overlooking. It would be acceptable for the windows to be clear glazed and opening provided this is at a level above eye level (1.7m). Details of the amended plans will be reported at the Committee Meeting.

Given the close proximity of residential properties it will be necessary to restrict delivery times and details of odour extraction equipment in order to protect the amenities of adjacent properties. It will also be necessary to ensure that the proposed residential apartments are suitably acoustically insulated against noise from the retail units below. All of these issues can be dealt with and controlled by appropriately worded conditions.

Wildlife:

The ecology report submitted with the application indicates that the development is unlikely to have any significant impact. The report does indicate that there is potential for bats to roost in Wherry's Mill and although there were no signs of bats at the time of the survey the agents have suggested additional investigations later in the year. Natural England has been consulted as bats are a protected species and their comments are awaited.

Section 106 Heads of Terms

The proposed development would require the following Section 106 contributions:

£11,970 towards improving play equipment in the area.

£16,991 towards improving local education facilities.

35% contribution towards affordable housing (5 units)

The proposed development has been put forward as phase 1 of the wider Bourne Town Centre Redevelopment project. The proposal is been put forward as a regeneration project

which will help to regenerate the town centre of Bourne and help to promote further development within the Core Area.

A financial appraisal has been submitted which clearly demonstrates that the proposed development would not be viable if the above Section 106 contributions are insisted upon. It is considered that the proposed development has significant wider regeneration and economic benefits for the town which would in this particular case warrant accepting no Section 106 contributions. If the Section 106 requirements are insisted upon the development would be unviable and the development would not take place.

Crime and Disorder

It is considered that the proposed development would not raise any significant crime and disorder implications subject to conditions being imposed on any consent relating to hours of use and landscaping.

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development is located within an area earmarked for redevelopment in the Bourne Town Centre Redevelopment SPG. The site represents phase one of a much wider redevelopment area. This phase 1 scheme is seen as a catalyst for further development of the Bourne Core Area (BCA) and has been designed so that further complementary development could take place on a future phase 2 development to create a vibrant retail street scene along Wherry's Lane. It is considered that the proposed development will help to regenerate the area and remove a number of unsightly industrial buildings from this part of Bourne.

The proposed development complies with the requirements of national planning guidance contained in PPS1, PPS3, PPS4, PPS5, PPS9, PPG13, PPG17, PPG24 and PPS25. the development also complies with Policies 1, 2, 3, 4, 13a, 14, 18, 22, 26, 27, 32, 35 and 48 of the East Midlands Regional Plan 2009 and Policies, SP1, SP3, EN1, EN2, EN3, EN4, E1 and E2 of the adopted South Kesteven Core Strategy. There is some conflict with Policies H1 and H3 of the Cores Strategy it is however considered that the wider regenerational benefits outweigh the provision of additional residential development in this part of Bourne and the need for affordable housing. Furthermore it is considered that the provision of residential units above the retail units would make best use of the proposed buildings and provide additional natural surveillance in the area. Residential development in this area would not compromise the overall aims of the Core Strategy.

The proposed development is considered to be of a design in keeping with the surrounding

area and would not result in any significant adverse impact on the residential amenities of the occupiers of neighbouring properties.

The proposed access and parking provisions are considered to be appropriate and would not have an adverse impact on highway safety.

RECOMMENDATION: That the application be deferred to the Chairman / Vice Chairman for approval subject to receiving amended plans which address the Conservation Officers concerns and other outstanding highways issues and no objections from Natural England and subject to condition(s)

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

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

2. No development shall commence until a surface water strategy/flood risk assessment has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding, in accordance with policy EN2 of the adopted South Kesteven Core Strategy 2010.

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

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

4. 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).

5. 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).

6. The development hereby permitted shall not be occupied or brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall be submitted by the agreed competent person and identify that approved remedial works have been implemented. The report shall include, unless agreed in writing:
- (a) A complete record of remediation activities, and data collected as identified in the remediation scheme, to support compliance with agreed remediation objectives;
 - (b) As built drawings of the implemented scheme;
 - (c) Photographs of the remediation works in progress; and
 - (d) Certificates demonstrating that imported and/or material left in situ is free from contamination.

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

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

7. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and/or parking areas for fifty car parking spaces or more and hardstandings should be passed through an oil interceptor designed compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent the risk of pollution of the watercourse.

8. 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).

9. Details of the sound insulation between the commercial units and the flats above shall be submitted to and agreed in writing by the local planning authority, along with details of the glazing to the flats. The details submitted shall ensure that a noise attenuation of at least 30dB LAeq is achieved inside the flats in accordance with BS8233 Code of Practice for Sound Insulation and Noise Reduction for Buildings.

Reason: In order to protect the residential amenities of the occupiers of proposed flats, in accordance with Policy EN1 of the South Kesteven Core Strategy 2010.

10. Details of any fixed plant e.g. refrigeration and air conditioning units etc shall be submitted to and agreed in writing with the local planning authority prior to installation. The development shall take place in accordance with the approved details only.

Reason: To prevent disturbance to the amenities of residents living in the locality and in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

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

12. The premises shall not be used for the purposes authorised by this permission outside the hours of 07:30 to 23:00.

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

13. The loading/unloading of delivery vehicles and waste collections to the commercial units within the application site shall only be carried out between the following times:-

Between 07:30 and 18:00 Monday to Saturday, and
Between 08:00 and 16:00 on Sunday's and Bank holidays.

Reason: In order to protect the residential amenities of the occupiers of adjacent properties, in accordance with Policy EN1 of the South Kesteven Core Strategy 2010.

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

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

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

Reason: To ensure that the construction of the development is carried out according to the best practice to minimise disruption to adjoining occupiers.

15. There shall be no bonfires on site during the construction of the development.

Reason: To protect the residential amenity of the occupiers of adjacent properties, in accordance with policy EN1 of the adopted South Kesteven Core Strategy.

16. Details of any lighting shall be submitted to and approved in writing by the local planning authority before the building(s) are occupied. The development shall be carried out in accordance with the approved details.

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

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

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

18. Before any A3 use is commenced, equipment shall be installed as will suppress the emission of fumes or smell and obviate odours from frying or other cooking processes. The use shall not commence until details of the equipment have been submitted to and approved by the District Planning Authority. The details to be submitted shall also include details of acoustic attenuation where any extract vents pass through the residential units above.

Reason: In order to protect the residential amenities of the occupiers of adjacent properties, in accordance with Policy EN1 of the South Kesteven Core Strategy 2010.

Note(s) to Applicant

1. The Environment Agency has provided the following advice:

Projects over £300,000 require a Site Waste Management Plan to be submitted to either the Local Authority or the Environment Agency. Waste from the development must be re-used, re-cycled or otherwise disposed of in accordance with waste management and Duty of Care legislation.

Further information can be found at <http://www.netregs-swmp.co.uk>

All foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam cleaning effluent shall be discharged to the foul sewer. The sewerage undertaker should be consulted regarding the availability of capacity in the foul water sewer. If there is not capacity in the sewer then the Environment Agency must be reconsulted with alternative methods of disposal.

Foul and surface water manhole covers should be marked to enable easy recognition, convention is red for foul and blue for surface water. This is to enable water pollution incidents to be more readily traced.

If applicable, before any tank is removed or perforated, particularly during demolition works, all contents and residues must be removed by a competent operator for safe disposal. Pipes may contain significant quantities of oil or chemicals and should be capped or valves closed to prevent spillage.

The developer should address risks to controlled waters from contamination at the site, following the requirements of PPS23 and the Environment Agency 'Guiding Principles for Land Contamination'.

2. Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

* * * * *

Applicant	McCarthy & Stone Retirement Lifestyles L Ross House, Binley Business Park, Harry Weston Road, Coventry, CV3 2TR
Agent	Miss Lisa Mathewson, The Planning Bureau Ltd 2nd Floor, Hartington House, Hartington Road, Altringham, Cheshire, WA14 5LX
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
Location	49, St. Catherines Road, Grantham, NG319DE
App Type	Major Full (Residential)
Parish(es)	Grantham

REPORT

Application Category

This application is categorised as a major planning application.

Reasons for Referral to Committee

The planning application is a major application and may be likely to cause wider concern.

The Proposal

The proposal relates to the demolition of the existing buildings 49, St Catherine's Road and 1A Dudley Road to facilitate the construction of 44 bed retirement apartments for the elderly.

The building would be roughly T shaped. Vehicular access would be off Dudley Road, although there would be pedestrian access of St Catherine's Road. The building would have a mix of two to four storeys taking into account the levels difference on the site.

The materials to be used would be a mix of facing brickwork and timber cladding and a mix of reclaimed slate from the existing property and new natural slate.

The proposed development would result in the removal of a number of trees from within the main body of the site to facilitate the new construction.

The application site and surroundings

The application site is located adjacent to the town centre of Grantham and is currently occupied by no. 49, St Catherine's House and no. 1A Dudley Road. St Catherine's House

is a former children's home and is currently vacant. No.1A Dudley Road is a modern bungalow.

The site is bounded by mature trees on both frontages. There is a tree preservation order on the site.

Immediately to the south of the application site is a church hall. To the north of the application site is the former police station. Stonebridge House. This is listed building.

The site is surrounded by residential properties of varying types and styles, but predominantly a mix of terraced and semi-detached properties along Dudley Road.

Relevant Site History

The site has been the subject of number of planning applications in the past for alterations and extensions. As the property was a maintained by the County Council they were the local planning authority.

It is considered that these various planning applications are not material to the determination of this planning application.

Policy Considerations

National Policy

PPS1: Delivering Sustainable Development
PPS3: Housing
PPS4: Planning for Sustainable Economic Growth
PPS5: Planning for the Historic Environment
PPG13: Transport
PPS25: Planning and Flood Risk

Regional Planning Policy – East Midlands Regional Plan

Policy 1: Regional Core Objectives
Policy 2: Promoting Better Design

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 considers 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.

Localism Act 2011

This Act gives power to the SoS to abolish/revoke in full or part the regional strategies. However, to date this route has not been taken by the SoS.

Core Strategy Policy

EN1: Protection and Enhancement of the Environment

This policy sets out a number of criteria by which all new developments are to be assessed.

EN4: Sustainable Construction and Design

SP1 – Spatial Strategy - The majority of all new development should be focused upon Grantham to support and strengthen its role as a Sub-Regional Centre. New development proposals shall be considered on appropriate sustainable and deliverable brownfield sites and appropriate Greenfield sites (including urban extension sufficient to ensure the achievement of growth targets).

Grantham Area Action Plan – Preferred Approach Development Plan Document – Consultation March 2011

Representations Received

Local Highway Authority:

Initial Comments

The direct vehicular access off St Catherine's Road would seem to have limited benefit to the operation of the site as a whole. It is requested that the applicant retain the proposed access for pedestrians and cyclists only. This will avoid potential confrontation between cars and other users of the highway in this location. The visitor parking could be accommodated elsewhere within the site, possibly adjacent to the residents parking.

The proposal will lead to increased local use by elderly or infirm residents in the local of the site and in order to improve accessibility a contribution of £3000 is required under the

terms of a Section 106 legal agreement. Such improvements will include dropped kerb crossing points with tactile paving at junctions.

An amended plan has been received and further comments from the local authority have been sought. These comments will be reported in the late items paper or verbally at committee.

Final Comments

Requests that any permission given by the local planning authority shall include the conditions below:

Within 7 days of the new access being brought into use the existing access onto St Catherines Road shall be permanently closed off.

The arrangements for parking turning and manoeuvring and unloading of vehicle shall be available at all times the premises are in use.

Development shall not be commenced until a travel plan has been submitted to and approved in writing by the local planning authority.

Further comments have been requested from the local planning authority in relation to the justification for the access being located off Dudley Road. Their response is as follows:

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.

Anglian Water:

Initial Comments

The sewerage system has available capacity for these flows.

The surface water strategy submitted with the planning application is unacceptable.

Additional details have been requested to address the concerns in relation to surface water disposal.

Final Comments

On the understanding that the surface water drainage strategy is to pump at a rate of no more than 5 litres per second to the public surface water sewer in St Catherine's Road, Anglian Water would have no objections.

Condition – No dwelling/premises shall be occupied until the works have been carried out in accordance with the surface water strategy so approved unless otherwise agreed in writing by the local planning authority.

Environment Agency:

As the site is in flood zone 1 and is less than a hectare in area the Environment Agency does not wish to make any comments on the application.

Open Space Officer:

Given the nature of this development for retirement accommodation, I don't think any contributions for play equipment can be justified.

Lincolnshire Community Health Services:

I would be grateful if planning officers consider our request for a contribution of £39,776 based on £904 per dwelling.

Historic Environment Officer (Archaeology):

I am able to recommend that if planning permission was granted it should be the subject of a watching brief H102 Condition. The council should also seek to obtain a robust heritage statement detailing or justifying why it is proposed to demolish no. 49, St Catherine's Road. The council should also take into account local planning policy documents including the recent townscape assessment and its recommendations as well as the content and guidance outlined by national guidance PPS5.

If the council grant permission for demolition then appropriate measures should be taken to conserve the property by record by attaching a suitably worded condition.

Crime Prevention Officer:

Comments: Thank you for the opportunity to comment on the proposed scheme. I base my observations on your supplied plans and would like to raise the following points in respect of the security.

Public Access

It is recommended that there should be no unnecessary paths, which could be used to gain unobtrusive access or escape. Good signage should be provided to deter unauthorised access and to assist emergency services, trade persons etc.

Natural Surveillance

Optimum natural surveillance should be incorporated, whereby residents can see and be seen whilst approaching and leaving the accommodation.

It is important to eliminate all blind corners and recesses at the entrance points.

Formal Surveillance

It is recommended that a CCTV scheme be installed covering the development area, with particular focus on key access points. Consideration may be given to providing residents with visual access control. A comprehensive scheme would deter the potential criminal and reduce the possible fear of crime for the residents. Further consideration has to be given though to the necessary legislation with the Data Protection Act and Human Rights Act.

Perimeter

The perimeter fencing detail for the development if not shown should a robust fence, wall or railings to a minimum height of 1800 mm without footholds. The rails of any timber fence should face the properties. There will be a requirement to restrict access from Newport through the garden area and into the first parking area adjacent to the north elevation.

Lighting

A comprehensive lighting scheme has to be designed to deter intruders and reduce the fear of crime. All footpaths and access doors etc need to be illuminated.

The lighting scheme for the car park area should be design to cover all vulnerable areas without creating shadows. Well-specified and sited lighting will deter and reveal potential intruders.

Guidance for suitable lighting schemes may be obtained from BS 5489 Part 9 1996 and is sub titled Lighting for Urban Centres and Public Amenities.

All lighting must be automatically controlled by photoelectric sensor or time switch.

Fittings and wiring should be vandal resistant and located to minimise vulnerability to vandalism.

Physical Security

External doors

The secured by design requirement for all ground floor external doors and all individual ground floor flat entrance doors is PAS 24.1 (doors of an enhanced Security).

The entrances to a block should form a second line of defence. Often they form the physical barrier to access for outsiders. The minimum number of entrances compatible with resident's convenience and fire safety should be provided, and unnecessary entrances eliminated.

Main entrances should be fitted with an access control system. This may be PAC entry system, a door entry phone system and electrical lock release or a combination of these. Entrance and exit doors and frames to blocks should be of robust, vandal-resistant material, as specified later. Vandal resistant viewing panels should be fitted. Entrances should be well lit, both internally and externally.

Windows

Ground floor windows and those easily accessible above ground floor, should be successfully tested to BS 7950:1997 'Specification for enhanced security performance of casement and tilt/ turn windows for domestic applications', at an appropriately accredited UKAS test house, or if otherwise tested must be independently authenticated, in writing, by a test house suitably approved by UKAS. Windows installed within SBD developments must also meet the following performance standards:

- i. BS 4873 (Aluminium)
- ii. BS 7412 (PVC-U)
- iii. BS 644 (Timber) or the BWF Timber Window Accreditation Scheme (TWAS).
- iv. BS 6510 (Steel)

Glazing

Ground floor windows and those that are easily accessible to entry must have key operated locks. Where necessary, opening restrictors or similar built-in mechanisms will be required. Where windows are required under the Building Regulations to act as a fire escape route (inner room situation), the opening window must not have key operated locks.

These escape windows must not be obstructed in any way to prevent emergency exit from building. In these circumstances any glazing must be laminated to 6.4mm minimum.

Landscaping

Landscaping is an important feature of this initiative. Landscaping should not impede natural surveillance and must not create potential hiding places for intruders, especially adjacent to footpaths or close to buildings where it may obscure doors and windows.

Frontages should be in open view. Ornamental walls and hedges should not exceed one metre in height. Grass or low ground cover planting only should be used within 2 metres either side of a footpath. The location and species of trees should not allow them to obscure lighting or CCTV, or become climbing aids. The specification should take account of maintenance needs to ensure continued compliance as plants grow. The correct use of certain species of plants can help prevent graffiti and loitering, and in addition to fencing may be used to define/reinforce boundaries. Defensive planting i.e. Berberis or similar may be utilised to achieve this purpose.

Environmental Protection:

I would ask for a condition to be put on any permission given to limit the hours of construction and demolition to:

Mon to Fri 07.30 – 18:00
Saturdays 08:00 – 13:00

No working on Sundays and Bank Holidays.

I notice that there is no mention in the documentation of external lighting. I presume that there will be external lighting and I should like to see a full lighting plan including the indication of any lighting overspill onto neighbouring properties.

Tree Officer:

Initial Comments

Protected trees are positioned inside the site boundaries that provide a screen between the existing building & the adjacent roads. The tree survey accompanying the application briefly appraises these trees in accordance with guidelines in BS5837 (2005). It does not provide any significant detail on the trees condition or management recommendations. This survey appears to be intended by the arboriculturist to “provide sufficient information to enable decisions to be made on planning aspects of the site & potential development”. I generally concur with the retention categories.

The trees at the site are important in terms of visual amenity & where possible & practical their retention is very desirable.

The plans supplied with the application do not appear to show the new or existing buildings in relation to the existing trees. No information appears to be available relating to the protection/retention of the existing trees or the implication of the new development on those trees.

Further information as follows is therefore required for me to consider this application further:

* Accurate plans showing the proposed & existing buildings, hard surfaces etc in relation to the existing trees.

* An Arboricultural Implication Assessment detailing the relationship between the existing trees & the new development & how they are likely to co-exist now & in the long term.

* A Method Statement & Tree Protection Plan showing which trees are to be retained & how they are to be protected during development, what tree works are to be carried out & to what standards & how the installation of new hard surfaces (if any) is to be undertaken. Information should also be provided relating to site access, site storage etc.

Additional Comments

I generally concur with the retention classifications given in the accompanying tree survey and most of the recommended works; the majority of which appear to have been made on the grounds of good arboricultural management and to facilitate development.

I am however opposed to the re-pollarding works recommended for trees 1 to 4 and trees 10 to 17. It is true to say that they have been historically managed by pollarding or heavy pruning, but they have established vigorous new shoot growth which is typical of the species. Trees 1 to 4 and trees 10 to 17 are a valuable screen between the site and the neighbouring properties and are an important public visual amenity. It is my recommendation therefore that they should be retained in their current condition. I would not object to some selective crown raising over the adjacent highway to provide a safe clearance for pedestrians etc. Further details of additional pruning works should be supplied to the local planning authority in writing and approved in writing.

I believe that the trees are already subject to a TPO. If they are not then I believe that a TPO should be served on the trees prior to any planning consent being approved. The trees are very prominent in the landscape and have significant merit as a visual amenity.

The site is tight and space is at a premium in some areas. Nonetheless, I am happy that the proposed development can go ahead in arboricultural terms subject to a condition requiring the protection of the retained trees as described on the method statement on the accompanying plan. Further detail should also be required by condition in the form of a detailed site specific method statement describing how new no-dig permeable hard surfaces will be installed and how scaffolding will be safely erected inside the root protection areas of retained trees.

The protective fencing should be approved by the councils arboriculturist before construction works start, which should be required by a condition.

A condition requiring the retention of a qualified arboricultural supervisor for the site is in my view necessary.

It appears from the site layout plan that the new structure/s are proposed outside the root protection areas of the retained trees. Therefore in arboricultural terms no special foundations will be required.

The details submitted in fulfillment of the conditions should be provided and approved by the local planning authority in writing.

(The applicant has agreed to the recommendations of the tree officer in relation to the works to trees 1-4 and 10-17. It is considered this matter can be addressed with an appropriately worded condition).

Affordable Housing Officer:

- All developments comprising 5 or more dwellings should make appropriate provision for affordable housing within the development. On small sites of between 5-14 housing units provision may be made on site; off site or as a commuted sum in lieu of provision, depending on the viability of the individual site.
- Where affordable housing is to be provided on site, a target of up to 35% of the total capacity of a scheme should be affordable. The affordable element will be expected to include a mix of social rented and intermediate (shared ownership) housing appropriate to the current evidence of local need.
- All units should be of an appropriate size and type to meet the need identified by the current evidence of housing need
- Consideration may be given to off site provision or as a commuted sum in lieu of provision of the affordable homes on site if it is not viable or suitable to provide the affordable units on site. Evidence will be required and agreed that on site provision is not viable.

With regards to this application the requirement is as follows:-

- Preference for the Council is that due to the specialized nature of the proposed development, that an off-site commuted sum for affordable housing be agreed to enable the Council to provide affordable housing. A viability assessment will be required in order that the affordable housing contribution can be agreed.
- The affordable housing contribution to be paid in full prior to the occupation of the first dwelling on site.

Planning Policy:

The site in question is a preferred and allocated site for housing development in the Grantham Area Action Plan: Preferred Approach DPD. Generally, the proposed use is acceptable in planning policy terms. However, the following policy area needs noting:

Planning Policy Statement 3 section 15/16 require local Planning Authorities to encourage applicants to bring forward sustainable and environmentally friendly new housing developments, in doing so should reflect on Climate Change Policies and Code for Sustainable Homes.

In assessing design quality on proposed development the following are recommended:

Easy accessibility and well-connected to public transport and community facilities and services

Good access to, community and green and open amenity and recreational space

Well integrated with, and complements, the neighbouring buildings and the local area in terms of scale, density, layout and access

Creates, or enhances, a distinctive character that relates well to the surrounding and supports a sense of local pride and civic identity

Provides for the retention or re-establishment of the biodiversity within residential environment

A design-led approach to the provision of car-parking space, that is well-integrated with a high quality public realm, and streets that are pedestrian, cycle and vehicle friendly.

English Heritage:

It is not necessary to notify English Heritage of this application as it does not fall within one of the statutory categories.

They confirmed on 20th January that the building does not meet the criteria for designation in a national context.

Acting Principal Conservation Officer:

Initial Comments

The site comprises a late C19 house with modern extensions set in its own grounds at the corner of St Catherine's Road and Dudley Road and a modern bungalow erected in the 1980's.

The house retains a substantial part of its original garden area apart from at the southern end where a detached bungalow has been built.

The application site does not lie within a Conservation Area nor are the existing buildings on the site listed for their architectural or historic interest. However, the C19 house has been identified in the recently completed Townscape Character Assessment for Grantham as a building that makes a positive contribution to the character of the area and therefore worthy of inclusion on a Local List when we begin to compile one. The buildings identified in the TCA will be the starting point for a Local List for Grantham.

The proposal involves the demolition of the existing buildings and their replacement with a 2, 3 and 4 storey development of retirement flats.

The analysis of the building in the submitted heritage Statement focuses solely on its architectural qualities with no comment on its potential historic interest. There is no evidence that the Historic Environment Record has been consulted, as required by Policy HE6 of PPS5 so the potential historic significance of this undesignated heritage asset has not been fully assessed.

It may be that the original house was built for a local industrialist, as many of these types of properties in this part of the town were. Its historic interest has not been investigated by the applicants, so the statement as it currently stands is not Policy HE6 compliant.

English Heritage's accompanying Practice Guide to PPS5 explains that non-designated assets can make an important, positive contribution to the environment and the desirability of conserving them and the contribution their setting may make to their significance is a material consideration. Furthermore, the requirements under Policy HE12 of PPS5, to understand and record any assets which may be lost, applies equally to non-designated assets.

It may be that the benefits to the community of the proposed development are considered to outweigh the loss of the undesignated heritage asset. If this is the case, I would request that in accordance with Policy HE12 of PPS5, that a condition be imposed on any planning permission requiring that, prior to the commencement of development on site, the asset be recorded by a full measured survey and photographic record and that copies be deposited with the Local Planning Authority and the Lincolnshire Historic Environment. Any surviving garden features should also be recorded.

Furthermore, no works should commence on site until the Local Planning Authority have given written confirmation of the adequacy of the recording.

One final point, there is an attractive metal gate and posts, probably original, at an existing access onto St. Catherine's Road. It would be nice if these could be retained, if not in their existing position, re-used somewhere within the site.

Final Comments

I refer to your memorandum dated 31st October 2011 inviting further comment on the application for the above.

The site comprises a late C19 house with modern extensions set in its own grounds at the corner of St. Catherine's Road and Dudley Road and a modern bungalow erected in the 1980's.

The house retains a substantial part of its original garden area apart from at the southern end where the detached bungalow has been built.

The application site does not lie within a Conservation Area nor is the existing building on the site listed for its architectural or historic interest. However, St. Catherine's house has been identified in the recently completed Townscape Character Assessment for Grantham (TCA) as a building that makes a positive contribution to the character of the area.

The Positive Contributing Buildings identified in the TCA will be used as the starting point when the Authority compile a Local List for Grantham.

The proposal involves the demolition of the existing building and its replacement with a 2, 3 and 4 storey development of retirement flats.

The analysis of the building in the submitted Heritage Statement focuses solely on its architectural qualities with no comment on its historic interest. There is no evidence that the Historic Environment Record has been consulted, as required by Policy HE6 of PPS5 so the potential historic significance of this undesignated heritage asset has not been fully assessed.

A detailed, handwritten specification of this building survives (dated 1874) and this together with research undertaken by a local resident have identified that the house was in all probability built for a John Martin, a local Ironmonger. From the early part of the twentieth century until the 1940's it was occupied by the Grinling family who, in association with the Lee family, were prominent in the local malting industry.

Who the architect was is not known but from the specification it is clear that the materials used were of the highest quality available at the time. The white bricks were made in Bedfordshire and the external woodwork was St. Petersburg red deal. Despite various alterations and unsympathetic extension, the building essentially retains its original floor plan.

English Heritage's accompanying Practice Guide to PPS5 explains that non-designated assets can make an important, positive contribution to the environment and the desirability of conserving them and the contribution their setting may make to their significance is a material consideration. Furthermore, the requirements under Policy HE12 of PPS5, to understand and record any assets which may be lost, applies equally to non-designated assets.

As with the recent application for redevelopment of the nearby Shirley Croft site, the issue has been raised as to whether the building is eligible for inclusion on the Statutory List of Buildings of Special Architectural or Historic Interest.

To be included on the Statutory List buildings such as St Catherine's House must meet the following criteria:

- Architectural Interest. To be of special architectural interest a building must be of importance in its architectural design, decoration or craftsmanship; special interest may also apply to nationally important examples of particular building types and techniques (e.g. buildings displaying technological innovation or virtuosity) and significant plan forms;
- Historic Interest. To be of special historic interest a building must illustrate important aspects of the nation's social, economic, cultural, or military history and/or have close historical associations with nationally important people. There should normally be some quality of interest in the physical fabric of the building itself to justify the statutory protection afforded by listing.

The general principles of listing are based on the following considerations:

Age and rarity. The older a building is, and the fewer the surviving examples of its kind, the more likely it is to have special interest. The following chronology is meant as a guide to assessment; the dates are indications of likely periods of interest and are not absolute. The

relevance of age and rarity will vary according to the particular type of building because for some types, dates other than those outlined below are of significance. However, the general principles used are that:

- before 1700, all buildings that contain a significant proportion of their original fabric are listed;
- from 1700 to 1840, most buildings are listed;
- after 1840, because of the greatly increased number of buildings erected and the much larger numbers that have survived, progressively greater selection is necessary;
- particularly careful selection is required for buildings from the period after 1945;
- buildings of less than 30 years old are normally listed only if they are of outstanding quality and under threat.

Aesthetic merits. The appearance of a building – both its intrinsic architectural merit and any group value – is a key consideration in judging listing proposals, but the special interest of a building will not always be reflected in obvious external visual quality. Buildings that are important for reasons of technological innovation, or as illustrating particular aspects of social or economic history, may have little external visual quality.

Selectivity. Where a building qualifies for listing primarily on the strength of its special architectural interest, the fact that there are other buildings of similar quality elsewhere is not likely to be a major consideration. However, a building may be listed primarily because it represents a particular historical type in order to ensure that examples of such a type are preserved. Listing in these circumstances is largely a comparative exercise and needs to be selective where a substantial number of buildings of a similar type and quality survive. In such cases, the Secretary of State's policy is to list only the most representative or most significant examples of the type.

National interest. The emphasis in these criteria is to establish consistency of selection to ensure that not only are all buildings of strong intrinsic architectural interest included on the list, but also the most significant or distinctive regional buildings that together make a major contribution to the national historic stock. For instance, the best examples of local vernacular buildings will normally be listed because together they illustrate the importance of distinctive local and regional traditions. Similarly, for example, some buildings will be listed because they represent a nationally important but localised industry, such as shoemaking in Northamptonshire or cotton production in Lancashire.

State of repair. The state of repair of a building is not a relevant consideration when deciding whether a building meets the test of special interest. The Secretary of State will list a building which has been assessed as meeting the statutory criteria irrespective of its state of repair.

It is questionable as to whether St. Catherine's House is of sufficient architectural or historic interest for a building of its period to warrant inclusion on the statutory list. Even though its historical associations are known and are of local significance, they are not of national significance. The building is, therefore, undoubtedly of Local Interest and worthy of consideration for inclusion on any Local List that may be compiled. However, inclusion on a Local List would not afford it statutory protection from demolition.

The proposed development would be of two, three and four storeys and will have a much greater impact on the character and appearance of the area than the existing building that is obviously of a much lesser scale and largely concealed from surrounding views by the dense foliage on the site perimeter.

There will be an impact on the setting of the grade II listed Stonebridge House (former Police Station) on the northern side of St. Catherine's Road, although this will be ameliorated to some extent by the mature trees that are covered by a Preservation Order and are to be retained. Four storey development was recently approved on Welham Street, overlooking Stonebridge Close and this, arguably, impacts to a greater or equal degree on the setting of Stonebridge House.

It is disappointing that the developers could not have devised a scheme that retained and utilised the existing building and thus preserved it as an undesignated heritage asset.

It may be that Members decide that the benefits to the community of the proposed development are considered to outweigh the loss of this undesignated heritage asset. If this is the case, I would request that in accordance with Policy HE12 of PPS5, that a condition be imposed on any planning permission requiring that, prior to the commencement of development on site, the asset be recorded by a full measured survey and photographic record and that copies be deposited with the Local Planning Authority and the Lincolnshire Historic Environment. Any surviving garden features should also be recorded.

Furthermore, no works should commence on site until the Local Planning Authority have given written confirmation of the adequacy of the recording.

I note that there is an intention to re-use some of the materials from the existing house in the new development, in particular the roof slates and decorative ironwork to the ridge. I would suggest that consideration be given to reusing more of the materials, including the Gault clay bricks and retaining and restoring the two attractive metal gates and posts and length of railing, all seemingly original, on the St. Catherine's Road frontage, ideally in their existing position, or otherwise appropriately elsewhere on the site.

Lincolnshire Wildlife Trust

Thank you for consulting the Lincolnshire Wildlife Trust on the above application.

We have read the ecological information submitted and we would request further information in relation to the bat survey report. It does not appear that the second building on site, the bungalow, was surveyed for its bat roost potential. We would recommend that this building, along with any others on site, such as garages, are assessed. If the buildings have been surveyed and have been assessed as having no bat roost potential, this should be explicitly stated in the report.

We would query whether 3 surveyors and the use of an anabat was able to give full coverage of the larger building during the dusk and dawn surveys. There appear to be a number of potential access points around the building and we would wish to ensure that all of these were covered. Additionally, the information submitted does not make it clear whether an internal inspection of the building was carried out. We would have expected a

description of the accessible parts of the building, along with photos where appropriate, and a note to say if any parts of the building were not accessible for some reason. In particular, if an internal inspection had been carried out we would have expected a description of the loft spaces and as there is also a cellar, we would also wish this to be checked for the presence of bats.

It does not appear that any of the trees on site have been assessed for their potential to support bats. Whilst the tree plan indicates that only seven trees will be removed, we would recommend that all of the trees on site are surveyed with respect to their bat roost potential. If additional tree works are proposed, it will be important to know which, if any, should be avoided or whether a licence from Natural England would be necessary to permit works.

We support the recommendations for enhancement of the site to include provision of bird and bat boxes within the development, use of native species of tree and shrub in the landscaping scheme and creation of wildflower areas. It does not appear that these recommendations have been taken into consideration in the production of the landscaping plan. We believe that additional effort could be made to include largely native species in the planting scheme as it currently contains a large percentage of non-native species. Appropriate native wildflower seed mixes could be used in some areas in place of amenity turf. Wildflower meadows provide nectar for a range of invertebrates, would be attractive for residents to look at and have lower maintenance requirements than amenity grassland. We would strongly support the provision of features for roosting bats and nesting birds within the development. Bat roost units could be included within the fabric of the building or bat boxes could be fitted externally to the building or on mature trees. We would recommend that bird nesting units are provided to support declining urban birds such as swifts, swallows and house sparrows.

Representations received as a result of publicity

For clarity the description of the development has been amended to include the demolition of 49 St Catherine's Road and 1A Dudley Road as demolition is now a form of development.

The application has been advertised in accordance with the statement of community involvement. 13 letters of objection have been received. A summary of the concerns are listed below:

1. The development should adhere to building lines. The four storey element would be considerably further forward than other properties on Dudley Road.
2. Parking problems on Dudley Road.
3. 44 new units will only add to this problem.
4. Development is not in keeping with the surrounding area.
5. Disappointed that another handsome building is to be replaced by a building with little architectural value that will overwhelm the site.
6. Extra traffic.
7. Removing any of the trees and the underbush will directly impact on privacy.
8. Bedroom overlooked by many apartments.

9. We feel the main driveway should remain on St Catherines Road where visibility is better.
10. Sad that Grantham would lose yet another historic building.
11. It would be nice to see the façade retained and incorporated in the design.
12. The loss of Shirley Croft cannot be reversed we do not want the same to happen here.
13. Loss of a well built, attractive old property which reflects the aesthetics of the local area.
14. Currently it is a beautiful plot which provides a leafy, spacious aspect which adds value to the environment. It is sad to think this will be lost in order to cram in an intensity of housing with all its associated parking requirements.
15. The existing building is part of Grantham's heritage.
16. The proposed entrance in close proximity to the Seventh-Adventist Church/primary school will pose potential danger to both children and adults arriving and leaving our premises.
17. Moving all the car parking to Dudley Road side of the development will be more detrimental to the residents of Dudley Road.
18. Far too many parked vehicles on this road already. There is no parked traffic on St Catherine's Road.
19. The proposal whilst sympathetic to the church on Dudley Road and the neighbour on St Catherine's Road but not my property opposite the fourth storey elevation of the proposal. The height of the building being approximately 15 metres compared to the height of my property being 9 metres.
20. The trees shown on the plans are approximately 15 metres. However, in reality they are only 6 metres tall with a gap and will not screen very much of the 15 metres.
21. I am already overlooked by the Stonemasons Court flats and by building this property so tall I will have no privacy in my garden at all.
22. A more sympathetic development that is more tolerable to the existing residents would be:
 Keep in line with the properties on that side of Dudley Road, keep in line with the heights of the neighbouring properties – reduce the height of the fourth floor down to 3 floors;
 Plant further trees along the corner of St Catherine's Road and Dudley Road taking the tree line up to 13 metres along the whole of Dudley Road and therefore minimising the impact upon my family's privacy and enjoyment within our own garden.
23. Concern regarding loss of existing landscaping/screening.
24. Whilst the St Catherine's Road property line is maintained they have disregarded the building line on Dudley Road. No other residents would be allowed to that. They have followed the building line from the opposite side of the street.
25. The scale of the trees is not correct on the submitted information. The yew trees and evergreens along Dudley Road are less than 6 metres high (according to their own tree survey). The trees will not adequately screen the proposal as per the submitted drawings.
26. To protect the street scene the height of the building should be reduced at the prominent corner, not an incremental increase in height to the corner.
27. The shadow surveys do not show days in the later part of the year when the sun is lower.

28. PPS5 assessment is negative. It describes the house as 'modest' and similar to countless other surviving domestic Victorian buildings across England. In terms of our community and Grantham, St Catherine's House is a very limited group of villas (Stonebridge House, Beaconsfield, Riverside, Elsham, St Vincents and Norman Lees). We have lost Dudley House and now Shirley Croft.
29. The house demonstrates a build quality and design that is far better than most houses in the area.
30. Aesthetically the house is extremely handsome from the outside. Which was historically set in extensive gardens containing flower beds and fruit trees.
31. The history of the building is extensive. We know who had the house built and what their family did in Grantham, we know a significant family who lived there for over 40 years and ran a very successful malting business for 75 years. Their company's malthouse on Bridge Street is listed. They had malthouses on Welham Street, Commercial Road, Brewery Hill, Springfield Road, Gonerby and Bridge Street.
32. We should strive to retain this building. Please do all you can to support us. We are part of your community. It will look bad if we lose this building.
33. The hedgerow around the site should be retained.
34. There is very little in Grantham above 3 storey. Yet this is four storey on a slope making it even more taller.
35. Concern regarding the accuracy of the protective species survey undertaken by the applicant.

In addition to the individual letters, a petition containing 35 names has been received objecting to the proposal. The main issues raised are:

1. Impact on street scene.
2. Undergrowth is extensive and deep and to be replaced with small new plants. They should retain and reinvigorate the existing hedging.
3. The building would be four floors in a prominent location especially with the reduced greenery.
4. In winter the building would be totally exposed and the street scene completely destroyed.
5. The neighbour across the street will be severely overlooked.
6. Alter the feel of the area significantly, particularly at the entrance to one of Grantham's most attractive Victorian streets.
7. Ecological impact – impact on protected species.
8. Disturbance to existing flora and fauna.
9. The report misrepresents St Catherine's home. It predates most remaining houses in the area.
10. Fine detailing/materials and well constructed. It is constructed of a quality far improved when compared to other areas and the town in general.
11. Maintain property frontage line. The frontage line along Dudley Road has not been followed. The front corner of the new building is much closer to the road than houses on that side of Dudley Road. The development should adhere to this.
12. Traffic and parking – 43% parking for the units is adequate based on their experience. The impact based on combining a nursery (which has not been used for years) with a single family residence. The comparison is not correct as for the last decade it has been used as young adult housing, not a nursery. This previous use would generate far less impact as there would be no picking up dropping off.

13. It is not considered that elderly car ownership comparisons with Torquay, Reading and Portsmouth are appropriate as they are far more densely populated and have less car ownership than South Kesteven.
14. Conflict with the traffic to the adjacent school, and Dudley Road is already congested.
15. It is their normal policy to charge for parking on the property. We know from experience that people will go to great lengths to avoid paying. This will result in increased on street parking.
16. Oversupply of category II properties. There is already a semi empty retirement home (Witham Place) just the other side of the river.
17. There is also another new development on the corner of Beacon Road/New Beacon Lane.
18. The proposed property will overwhelm the area with 44 new residents.
19. The proposal is too imposing and out of proportion with existing developments.
20. The 4 storey levels at the corner of the site will dwarf the 2 storey neighbours on the corner of Dudley Road and overlook into their gardens (which already suffer at the rear). It will replace a green corner with a huge complex peering through trees with no mature shrubs remaining low. It will be much closer to the road, within 10 metres of the pavement. This will be even more evident once they lose their greenery in the winter.
21. The front corner of the building (the tallest and most imposing part) oversteps the front line of the buildings along Dudley Road. The church and the bungalow 1A maintains the line. The amount of setback decreases as you further down Dudley Road. But at this point the church is 18 metres back while these plans are only 10 metres.

An e-mail has been received from Councillor Morgan requesting the determination of the planning application be held in abeyance for the following reason:

I am writing to request that you consider holding in abeyance a decision regarding St Catherine's House, St Catherine's Road, Grantham for the following reasons:-

1. The building will fall within the boundary of a new Conservation Area
2. Listed Building Application has been submitted to English Heritage

I am a founder member of a new Conservation Group in Grantham, as well as a Ward Councillor and member of the Development Control Committee, and we are working with Ian Wright to identify:-

- a. new Conservation Areas in Grantham
- b. new listed buildings
- c. trees which are currently unprotected by TPOs

Once established a key role of the organisation, with the support of other local conservation groups will be to monitor the areas identified and notify SKDC of any compliance issues following the model in Stamford.

We set up our organisation after the demise of Shirley Croft Hotel identified an issue with regard to the lack of protection in Grantham of our Victorian architecture which is out of parity with other SKDC Market Towns including Stamford which has Victorian architecture largely protected in Conservation Areas.

We are using the excellent work done on SKDC Townscape Assessment Document for key reference material. This includes St Catherine's House.

Two letters of support have been received. A summary of the comments are listed below:

- a) the building would bring a bit of class to Grantham;
- b) the premises have been an eyesore for over 3 years;
- c) the proposed building to accommodate old people seems ideal;
- d) local facilities would be in close proximity;
- e) close to town centre.

For members information we have received confirmation from English Heritage that they have rejected the request for the St Catherine's House to be listed. Their assessment is taken in full below:

Recommendation: Reject

Assessment

Context

English Heritage have received an application to list St Catherine's House, Grantham. A planning application involving the demolition of the building is due to be decided shortly. The applicant is concerned that plans to demolish the building will further contribute to the general encroachment into the historic core of Grantham's first Victorian suburb. The area is not designated as a Conservation Area.

History and Details

St Catherine's Villa, now known as St Catherine's House was designed to the highest specifications in 1874, and was part of the initial suburban development of Grantham, responding to the town's industrial boom of the mid-late C19. The house is simple but handsome; symmetrical with bay windows and stone detailing and an ironwork crest to the roof.

A list of materials used in the construction of St Catherine's House includes specific references to the finest materials; high quality sanitary wares; marble fireplaces which were installed in four bedrooms and three reception rooms; deep decorative plaster cornices; encaustic tiles to the entrance way and hall, and a fine hardwood staircase. Possibly commissioned by local ironmonger John Martin, St Catherine's House was a typical reflection of Victorian commercial success and the emergence of the new middle class.

The house remained in residential use until WWII when it was converted to a temporary primary school, following which it became a children's nursery. At this time the stable was converted into a toilet block and linked to the main building via a single storey hallway/corridor. In 1994 the building became a children's home; a two-storey extension was added to the rear, accommodating numerous bedrooms and a staircase. The extension obscured the stables which had been converted to accommodate extra

bedrooms and further alterations were carried out to the upstairs bedrooms in the main house.

Assessment

The English Heritage Selection guide for Domestic Housing (October 2011) explains that due to the significant growth in the number of houses both built and surviving after 1840, greater selection is required when assessing for listing than for buildings of an earlier date. Nonetheless, housing of flair, innovation, character and intactness will warrant consideration. Internally the loss of major elements such as the staircase or the room plan of the principal floors, or the stripping out of internal features, will undermine the case for listing. Historic interest is also an important consideration; well-documented historic associations of national importance may strengthen the case for listing whether it be associated with a distinguished person or a securely documented event of national importance.

St Catherine's House, Grantham, is not recommended for designation for the following principal reasons:

- * Architectural interest: St Catherine's House, although a large and imposing building, is relatively plain and standard in its decorative detailing and lacks flair, innovation and character.

- * Intactness: progressive alterations to the building, particularly in the late C20, have heavily impacted on the original fabric and compromised its overall architectural integrity. The rear of the building has been extensively modified and damaged by fire, whilst other internal areas have been subdivided, altering the original plan. Internal features have also been compromised: fire doors have replaced originals; marble fireplaces have been removed and the original staircase replaced.

Conclusion

Based on the information provided it is clear St Catherine's House is of local interest but does not meet the criteria for designation in a national context.

Officer Evaluation

The main issues for consideration in relation to this application are highway safety, residential amenity, visual amenity and impact on heritage assets.

Highway Safety

There have been numerous discussions and negotiations during the life of the planning application. The scheme has been amended at a request of the local highway authority. This has resulted in the vehicular access to the site being off Dudley Road with pedestrian and cycle access of St Catherine's Road. This would remove any potential conflict with traffic on St Catherine's Road.

Local residents have concerns regarding the proposed access on Dudley Road, particularly in relation to the adjacent school/church access and conflict with the numerous parked vehicles on Dudley Road.

It is accepted that the proposed development would increase the vehicle movements accessing the site from Dudley Road. However, it is considered that it is preferable to serve the development off Dudley Road than St Catherine's Road.

As the access point off Dudley Road is at the request of the local highway authority, and they have not objected to the development, it is reasonable to assume that they would not support the access being revised or a refusal of planning permission for the development on highway grounds.

The comments of the local highway authority make it 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.

It is 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).

Residential Amenity

Loss of Daylight/Sunlight, Overshadowing

The proposal would clearly result in significant built form on the site above and beyond that currently existing. As such care has to be taken to ensure that the development would not

result in any significant impact on the residential amenity of neighbouring occupiers via overlooking loss of privacy or overshadowing/loss of daylight/sunlight.

The scheme has been designed around the level change within the site resulting in the four storey element constructed at the corner of Dudley Road/St Catherine's Road. The proposal reduces in size to the adjacent properties to ensure that there would not be any significant overshadowing. The submitted assessment of overshadowing/loss of daylight sunlight indicates that there would not be any detrimental impact on the surrounding properties. A further assessment for the winter period, when daylight and sunlight is at a premium has been requested. Subject to the applicants demonstrating that there would be no significant impact during the winter period it is considered that a refusal of planning permission could not be justified on this ground.

Overlooking/Loss of Privacy

There are a number of windows proposed, including Juliet and walk on balconies looking outward from the site along the St Catherine's Road and Dudley Road frontages and on the rear elevations looking inward and a sun terrace roughly centrally located.

Concern has been raised that the numerous windows/balconies coupled with the height of the proposal, particularly the four storey element adjacent to St Catherine's/Dudley Road junction. It is accepted that the proposal would result in built form closer to the existing properties along Dudley Road, and that the proposal would be higher than the existing properties. However, it is considered that there is sufficient separation distances between the proposal and the properties opposite on Dudley Road and St Catherine's Road to ensure that there would not be any significant overlooking or loss of privacy to the extent that a refusal of planning permission could be justified.

The windows to the rear inward facing elevations would have views over the rear garden of the adjacent property no.50, St Catherine's Road and the properties beyond and oblique views over the rear garden area of the Church Hall. However, as per the relationship with the existing properties along Dudley Road, it is considered that there would be sufficient separation distances to ensure that no significant loss of privacy. Particularly, as the distance between the rear elevation and boundary would be 20 metres or more.

Noise and Disturbance

The two main elements to the development that could be considered to be potential sources of noise and disturbance to existing neighbouring occupiers the demolition and construction phase and the operational element of the proposal.

It is considered that both the demolition and construction phase of the development could be controlled by the submission and approval of a method statement. This would include hours of operation, details of plant and machinery, and how noise, vibration and dust would be controlled using best practicable means. This would be achieved by and appropriately worded condition.

The operational element of the scheme would be unlikely to result in any significant harm beyond that of the noise and disturbance from vehicle movements and deliveries to the site and any operational plant and machinery (extract flues etc.). It is considered that the car

parking and access points are located an acceptable distance away from the nearest residential properties as to ensure that neighbouring occupiers would not experience any significant harm to amenity.

A condition requiring details of any operational plant and machinery to be approved would ensure adequate control.

Light Spill

An appropriate condition would require the details of any external lighting to be submitted to and approved in writing. This would ensure that there would be no significant light spill beyond the boundaries of the site.

Visual Amenity

Numerous comments have been made in relation to the impact of the proposal on the street scene and surrounding area. It is accepted that the building would be visible, notwithstanding the existing tree screening on the site. The highest part of the scheme would be situated adjacent to the junction with the building fronting both St Catherine's and Dudley Road. This part of the boundary of the site has a number of smaller trees. But I do not consider that it is necessary to seek to screen the building, certainly not in its entirety. The building would be designed to incorporate roof and ridge materials from St Catherine's House and high quality new materials elsewhere and is designed with a number of breaks and articulations to add interest to the facades.

There has also been much discussion by local residents in relation to building lines. It is accepted by all that the proposal adheres to the established building line for St Catherine's Road. The point of discussion revolves around the Dudley Road frontage. Clearly the eastern most element of the scheme projects beyond the building line of the adjacent church/school and is more akin to the properties opposite. However, would this result in any demonstrable harm? The front elevation would still be set back at least 10 metres from the boundary of the site and would form a focal point to the development. As such it is accepted that the development would project beyond the building line of Dudley Road, but it is considered that it is acceptable projection that would not result in such a detrimental impact on visual amenity and the character and appearance of the area to warrant refusal of planning permission on this ground.

It is accepted that the proposal would result in built form closer to the neighbouring dwellings than at present. However, it is considered that the separation distances would ensure that there would be no significant loss of residential amenity to the neighbouring occupiers that could justify refusal on these grounds.

It is acknowledged that the outlook from the neighbouring dwellings would change as any views over the site would be removed. I accept that these changes may not be welcomed. But to ensure that the existing occupiers would experience no adverse impact from a new development would be an unreasonable level of test for a proposed development.

Impact on Heritage Assets

It is clear from the comments of the Acting Principal Conservation Officer that it is unlikely that the building would be listed:

He states:

“It is questionable as to whether St. Catherine’s House is of sufficient architectural or historic interest for a building of its period to warrant inclusion on the statutory list. Even though its historical associations are known and are of local significance, they are not of national significance. The building is, therefore, undoubtedly of Local Interest and worthy of consideration for inclusion on any Local List that may be compiled. However, inclusion on a Local List would not afford it statutory protection from demolition”.

Impact on the adjacent listed building (Stonebridge House) is also discussed. Notwithstanding the fact that the building is four storeys, it is considered that the development would not have any more impact on the setting of the adjacent listed building than the four storey apartment development on Welham Street. It is not considered that cumulatively the developments would have an adverse impact that could justify refusal. (Members should be reminded of planning application S07/0854 which the Development Control Committee resolved to approve subject to a S106 but which was ultimately dismissed at appeal. That scheme proposed significantly more built form adjacent to the listed building than is proposed as part of this development).

As such the decision to be made is whether or not the proposed development is of such quality coupled with the community benefit that the retirement accommodation would provide outweighs the loss of the undesignated heritage asset.

The comments of English Heritage confirm that the building does not meet the criteria for designation in a national context.

It is accepted that if the site was located within a conservation area, the existing building would be afforded a degree of protection. Conservation area consent for demolition would be required. Both the demolition and the new build element of the scheme would be the subject of the planning authority’s duty to pay “special attention to the desirability of preserving or enhancing the character and appearance of the area”.

Whilst in this instance the site is not within a conservation area, a similar assessment has already been undertaken. Both the loss of the existing building(s) and the impact of the new build element are considered as part of this planning application.

It is anticipated that the end to end time for a conservation area to be made is approximately 3 months. It is considered that it would be unreasonable to hold this application in abeyance for such a period.

Section 106 Heads of Terms

The following Developer Contributions are sought:

Affordable Housing (off site contribution)	up to 35%
Local Highway improvements	£3,000
Primary Care	£39,776

There have been significant discussions in relation to the amount of developer contributions appropriate for this proposal. The applicant's agent has submitted a development appraisal which indicates that the scheme can contribute £105,000.

The submitted development appraisal has been assessed by an external consultant acting on behalf of South Kesteven District Council. They consider that the submitted development appraisal is a fair assessment, and acknowledge that construction is difficult in the current economic climate.

Whilst the level of affordable housing contribution is significantly less than 35% members must take on board the advice given in relation to developer contributions from the Chief Planning Officer:

“Understanding the impact of planning obligations on the viability of a development will be an important consideration....”

“To further ensure that development can go ahead, all local authorities should reconsider, at developers' request, existing S06 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed, provided this continues to ensure that the development remains acceptable in planning terms.”

(Planning for Growth, Steve Quartermain, Chief Planner, 31st March, 2011).

In light of the above advice, and the general presumption in favour of sustainable development, it is considered that the proposal would result in an acceptable form of development, in a sustainable location, providing a community facility. Developer contributions to mitigate the development would be secured in relation to highway matters and Primary Care.

There would be an acknowledged shortfall in relation to affordable housing contribution. It is anticipated that the £62,224 would secure 1 or 2 affordable units. This represents a level of contribution of approximately 1.5% - 3%.

Our consultants do however suggest that this lower level of contribution could be supplemented with a claw back should the applicants secure a higher level of return. For example any returns above a 20% profit seems appropriate.

Crime and Disorder

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

Human Rights Implications

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

SUMMARY OF REASON(S) FOR APPROVAL:

The proposal would relate to the demolition of 49 St Catherine's Road and 1A Dudley Road and the construction of a 44 bed retirement apartments for the elderly. It is considered that the proposal would result in a satisfactory form of sustainable development that would not result in any significant detrimental impact on the character and appearance of the street scene and the surrounding area. Whilst the scheme would result in built form closer to existing properties it is considered that separation distances would be sufficient to ensure that there would not be any significant loss of amenity that could justify refusal of planning permission on this ground.

It is accepted that the existing building, St Catherine's House on the site is of local interest and makes a positive contribution to the character of the area. However, it is considered that the building is unlikely to be included in any statutory list. The replacement building would form a focal point at the corner of St Catherine's Road and Dudley Road and would add interest to the character and appearance of the area.

The local highway authority has assessed the scheme and negotiated amendments predominantly resulting in the vehicular access being located on Dudley Road to ensure the free flow of traffic along St Catherine's Road.

As such the proposal is considered to accord with the objectives of PPS1 Delivering Sustainable Development, PPS3 Housing, PPS4 Planning for Sustainable Economic Growth, PPS5 Planning for the Historic Environment, PPG13 Transport and PPS25 Planning and Flood Risk, East Midlands Regional Plan Policy 1 Regional Core Objectives and Policy 2 Promoting Better Design, South Kesteven Core Strategy Policy EN1 Protection and Enhancement of the Environment, EN4 Sustainable Construction and Design, and SP1 Spatial Strategy.

A number of concerns have been raised in relation to visual amenity, residential amenity, highway safety, loss of the existing building, impact on form and character of the area and street scene. However they are not considered to outweigh the policies referred to above.

Recommendation 1

That committee resolve to approve the application and delegate authority to the Development Management Service Manager in consultation with the Chairman and Vice Chairman to grant planning permission subject to the signing of a Section 106 legal agreement securing appropriate developer contributions and appropriate uplift 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.

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

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

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

3. No development 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. Within seven days of the new access being brought into use, the existing access onto St Catherine's Road shall be permanently closed in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

5. The arrangements shown on the approved plan 1753-1-03 Rev A dated 7th September 2011 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 Dudley Road and to allow vehicles to enter and leave the highway in a forward gear in the interests of highway safety.

6. 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 in accordance with the timetable contained therein and shall continue to 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 PPG13 Transport, a Travel Plan has been conditioned to ensure that access to the site is sustainable and reduces dependency on the car.

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development Order) 1995 (or any order revoking or re-enacting that order with or without modification), no windows/dormer windows (other than those expressly authorised by this permission) shall be constructed.
8. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

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

9. The premises shall not be occupied until the works been carried out in accordance with the surface water strategy unless otherwise agreed in writing by the local planning authority.

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

10. Prior to the commencement of development on site a method statement regarding the proposed demolition and construction works shall be submitted to and approved in writing by the local planning authority. The statement shall cover the following points:
 - a) Hours of operation.
 - b) Types of machinery and equipment to be used on site; and
 - c) Details of how noise, vibration and dust are to be controlled, used best practicable means.
 - d) The method statement shall also include details of the method of demolition and storage to ensure that the materials to be salvaged are not irreparably damaged

beyond suitability for re-use. The demolition shall be undertaken strictly in accordance with such Method Statement as may be approved, unless the Local planning Authority gives its written agreement to any variation.

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

Reason: To ensure that the demolition and construction of the development is carried out according to best practice to minimise disruption to neighbouring occupiers and to ensure that demolition of the building is undertaken in such a manner that will not compromise the re-use of materials and features of the existing building in the new development, as agreed with the Local Planning Authority.

11. Prior to the installation, details of any flue/extractor systems shall be submitted to and approved in writing by the local planning authority. Details shall include noise levels and method of mounting to minimise sound transmission. The development shall be undertaken in accordance with any such details that are approved.

Reason: In the interests of residential amenity of neighbouring occupiers and in accordance with policy EN1 of the adopted South Kesteven Core Strategy.

12. Before any plant and machinery is used on the premises precise details of mounting, sound insulation and operating noise levels shall be submitted to and approved in writing by the local planning authority. The development shall operate in accordance with any such details that are approved.

Reason: To protect the amenity of neighbouring occupiers and to accord with policy EN1 of the adopted South Kesteven Core Strategy.

13. Prior to the commencement of the development on site, the asset, including any surviving garden features, shall be recorded by a full measured survey and photographic record in accordance with details to be submitted to and approved in writing by the local planning authority. Copies shall be deposited with the local planning authority and the Lincolnshire Historic Environment.

Reason: To ensure that records of the heritage asset are appropriately recorded and retained.

14. Notwithstanding the submitted information trees 1 to 4 and 10 to 17 shall be retained, and no works shall be undertaken to them until precise details of the proposed works have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of visual amenity and the character and appearance of the area.

15. All retained trees shall be protected in accordance with the approved method statement prior to any works commencing on site unless otherwise agreed in writing by the local planning authority.

Reason: To ensure adequate protection of the trees on the site during the development.

16. Notwithstanding the submitted arboricultural method statement, the following additional information shall be provided prior to the commencement of any works on site:
- a) Precise details of no-dig permeable hard surfacing to be installed inside and adjacent to the root protection areas of the retained trees.
 - b) Precise details of the protective fencing to be installed around the retained trees on the site.
 - c) Precise details of how scaffolding will be erected inside the root protection areas of the retained trees.
 - d) A qualified arboricultural supervisor shall be appointed to monitor and supervise works on the site and ensure that the retained trees on the site are adequately protected from the development. Contact details of the appointed arboricultural supervisor shall be provided to the local planning authority.

The development shall be undertaken in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to ensure that the trees on the site are adequately protected during the duration of the development.

17. The development hereby permitted shall be undertaken in accordance with the approved ecological assessment specifically the recommendations and conclusions requiring the following:
- a) A dedicated bat survey shall be undertaken and its findings shall be submitted to and approved in writing by the local planning authority prior to any demolition works or any works to trees shrubs commencing on the site.
 - b) Any clearance work shall be undertaken outside of the bird nesting season (March to August inclusive) unless otherwise agreed in writing by the local planning authority.
 - c) Details of bat and bird boxes to be incorporated into the design of the new building shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with any such details that are approved.

Reason: To ensure any protected species on the site are adequately protected and to ensure a satisfactory form of development.

18. Notwithstanding the requirements of Condition 2 above. Precise details shall be submitted to and approved in writing of how the following salvaged materials shall be incorporated into the new development.
- a) Gault Clay bricks
 - b) Metal gates and posts
 - c) Metal railings

The development shall be undertaken in accordance with any such details that are approved.

Reason: In the interests of visual amenity.

19. The occupiers of the development hereby permitted 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.

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

Floor Plan 1753 -01 -05, Elevation Plan 1753-01-04 and location plan 1753/1/01.

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

Note(s) to Applicant

1. Please see attached comments from the Police Architectural Liaison Officer.
2. Prior to the submission of details for any access works within the public highway you must contact the Divisional Highways Manager on 0152 782070 for application, specification and construction information.
3. You are advised that the application site falls within an area affected by Radon. You are asked to contact the Council's Building Control section (telephone number 01476 406187) to ascertain the level of protection required and whether a geological assessment is necessary.
4. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
5. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

Recommendation 2

Where the agreement has not been concluded prior to the committee a period not exceeding six weeks post the date of the committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded within the six week period and where in the opinion of the Development Management Service Manager acting in consultation with the Chairman of the Development Control Committee, there are no extenuating circumstances which would justify a further extension of time, the related planning application shall be refused on the basis that the criteria essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.

* * * * *

Applicant	Mr Jennifer Sherlock, Grantham Investments Ltd & Alderforce Elm House, Elmer Street North, Grantham, Lincolnshire, NG31 6RE
Agent	Hanna Alsig, Farrell & Clark Tudor House, 35, Gresse Street, London, W1T 1QY
Proposal	Demolition of public house and construction of fast food takeaway with associated restaurant
Location	Isaac Newton Public House, Harlaxton Road, Grantham, Lincolnshire, NG31 7SA
App Type	Full Planning Permission
Parish(es)	Grantham

REPORT

Application Category

This application is categorised as an 'other' application for planning permission.

Reason for Referral to Committee

This application has been referred to the committee as there is a requirement for a Section 106 legal agreement.

Additionally, Cllr Adam Stokes requested that the planning application is referred to the Development Control Committee for determination for the following reason:

"Highway issues, building out of keeping and likely to cause concerns to residents which are nearby".

The Proposal

The proposal relates to the demolition of the existing public house and the construction of a fast food outlet with a ground floor area of approximately 385 square metres and a roof deck of 40 square metres to house the associated plant and machinery.

The building would be single storey with a mezzanine floor deck for plant and machinery hidden behind parapets. It would be constructed of composite wall cladding and continuous glazing to the entrance.

The site would be served by an access of Harlaxton Road. The existing access off Springfield Road would be blocked off. There would be a cycle route into the site and secure cycle parking for 10 cycles provided on site.

The applicant amended the proposal by inserting an additional bay window and repositioning the feature disk on the roof of the building. Additional information was also provided in relation to opening hours and lighting.

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 is currently occupied by a public house that has been closed for a period of time.

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.

Relevant Site History

S11/3205 – Prior Notification of Demolition of Public House – Determination date 20th January 2012.

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 14th 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.

Representations Received

Environmental Protection

Initial comments

The following additional information is required: delivery hours and lighting plan.

If planning permission is forthcoming I would request that a condition requiring the installation of a grease trap is required.

I would suggest that a condition which requires that the speaker system is not audible at the boundary of any noise sensitive property would suffice.

Final Comments

I've had a look at the additional information and would comment as follows;

1. I would request a condition is attached to ensure that the lighting is installed and maintained in accordance with the submitted lighting scheme and layout plan.
2. I do have reservations about the 2am opening on Thursday, Friday and Saturday, and would prefer to see a midnight closing time for the site. I am not aware that anything else in that area is already open at that time, and I would wish to protect the nearby residents from noise and disturbance from customers and those using the car park.
3. As discussed, the noise from the tannoy could be conditioned so as not to be audible at the boundary of any noise sensitive premises, not the boundary of the site.
4. A possible grease fat condition "details of grease traps to be installed in the drainage system of the premises must be submitted and approved by the District Planning Authority. The use must not commence until the approved measures have been implemented in full"
5. The "Mechanical Ventilation & Environmental Control Equipment Planning Consent Information" does not provide any details of the odour abatement to be employed and instead deals with conditions inside the premises. I would request the following condition "“Before the use is commenced, equipment shall be installed as will suppress the emission of fumes or smell and obviate odours from frying or other cooking processes. No development shall take place until details of the equipment, including noise levels, have been submitted to and approved by the District Planning Authority”".
6. I would also ask for a condition relating to deliveries and waste collection to restrict these to 07:30-18:00 Monday to Saturday with no deliveries or waste collection on a Sunday or Bank Holiday.

Regarding demolition, please can you use the conditions from my previous e-mail regarding the prior notification of demolition. This has suggested hours of work and prohibits the burning of waste on the site.

Environmental Health (Food Hygiene)

I have no observations at this point from a health and safety (including vehicular movements, pedestrian movements or food hygiene perspective).

Archaeological Consultant

The planning application does not affect any known archaeological sites.

Inland Drainage Board

The applicant states that the surface water run-off from this proposal is to discharge to a surface water sewer. If the relevant Water Company or its Agents cannot confirm that there is adequate spare capacity in the existing system, the Applicant should be requested to re-submit amended proposals showing how it is proposed to drain the Site.

The Board also requests that the applicant identify the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse

Reason: To prevent the proposed development increasing flood risk in places outside the immediate vicinity of the development site.

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The affect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

Reason: To prevent an increase in the risk of flooding and/or water logging on adjacent property.

The Board's comments have been made following receipt of information through the planning process. The Board would wish to be re-consulted should the details of the application change, more details become available and/or when future applications are submitted for this site.

Police Architectural Liaison Officer

I have studied the said plans and would request that due regard be given to the following points in the interest of crime reduction and community safety.

Landscaping

Any landscaping should be kept to a maximum growth height of 1 metre. Whilst any trees should be pruned up to a maximum height of 2 metres, thereby maintaining a clear field of vision through the development. Trees when fully grown should not mask any lighting columns or become climbing aids.

Lighting

In the interests of crime reduction, the reduction of the fear of crime and the reduction of the opportunities for crime to be committed it is recommended that a lighting scheme is

installed within the vehicle parking area. This installation should not cause any shadows. The use of low consumption lamps is recommended with the units positioned to reduce glare, light pollution and possible attack.

Landscaping

All landscaping should be kept to a maximum growth height of 1 metre. Whilst any trees should be pruned up to a maximum height of 2 metres, thereby maintaining a clear field of vision through the development. Trees when fully grown should not mask any lighting columns or become climbing aids.

Outdoor Furniture

It is recommended that any furniture should be securely fixed reduced the opportunity of theft.

Planning Policy

This application is for a drive through restaurant on a site at Harlaxton Road Grantham. The existing public house namely the Isaac Newton is proposed to be demolished.

The relevant policies that need to be considered and as outlined at pre-planning stage are as follows:

- Policy E2: Retail development in the SKDC adopted Core Strategy
- Policy EC15.1 within Planning Policy Statement 4 (requests a sequential assessment)
- Policy EC16.1 within Planning Policy Statement 4 (local planning authority to consider the impact of the proposal on town centre vitality and viability)

In addition the emerging policy RT1 in the Submission version of the Grantham Area Action Plan (not adopted when submitting these comments) is supported by Planning Policy Statement 4 and requires that applications in out of centre locations will only be acceptable if it is 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

I note from the application details available to me that a sequential assessment has not been included as part of the application. Therefore this application does not comply with the above mentioned policies in the Core Strategy, the Submission version of the Grantham Area Action Plan and indeed Planning Policy Statement 4.

The proposal is for one fast food takeaway with associated restaurant. It is believed that given the relatively small scale and nature of this proposal it is unlikely that it would have any significant adverse impact on the town centre.

I trust that this information helps in your consideration of the proposal.

Local Highway Authority

Initial comments

The submitted travel plan does not contain a SMART target which needs to be addressed.

Final comments will be reported in the late items paper or verbally at committee.

Representations as a result of publicity

The application has been advertised in accordance with the statement of community involvement. Additional neighbour notifications have been undertaken the expiry date being 27th January 2012. 16 letters of objection have been received.

A summary of the main concerns are listed below:

1. Traffic concerns.
2. Smells/odours.
3. Anti-social behaviour.
4. Noise and disturbance particularly late at night.
5. Loss of privacy.
6. Impact on character and appearance of the area.
7. Impact on property values (not a planning consideration).
8. Litter.
9. Design will be out of character.
10. Create dominant and oppressive environment.
11. Noise from delivery lorry.
12. Increased vermin.
13. Public house should be reinstated.
14. Delivery routes and extractor units should be located on the side of the building facing the open fields on Harlaxton Road away from Buckminster Gardens.
15. Late night opening will exacerbate the light pollution in the area.
16. The siting of the waste bins brings the potential for vermin infestation closer to the residential properties.
17. In these times of rising obesity in the youth population such a development in close proximity to a primary and secondary school makes little contribution to healthy eating and lifestyle.
18. Revving engines late at night.
19. Dropping litter from cars when parked in Buckminster Gardens.
20. Design of the unit is more like an industrial unit.
21. Closing times on Thursday, Friday and Saturday will be very disturbing.
22. Disposal of oil and fat will block drains. We have already been flooded.
23. Building would be an eyesore.
24. Enough takeaways already in Grantham.
25. People should be held responsible for ruining the town.
26. Building would be dominant and create an intrusive environment.

27. Good that the Maltings would be demolished but replaced by another blot on the landscape.
28. Site opposite (former lorry park) adjacent to the canal is a better site.
29. Area is starting to look like Alma Park industrial estate.
30. Grantham population is already obese and will affect the life expectancy.
31. Visually intrusive.
32. If a pub that served food could not survive how can a fast food survive in the same place.
33. 24 hour opening would not be acceptable.
34. The improvements at the Harlaxton Road /Springfield Road junction have not worked and this proposal would make it worse.
35. It would be better located elsewhere in the town away from residential properties.

Any further representations received after the drafting of this committee report that raise any new material planning considerations will be included in the late background paper or reported verbally at committee.

Policy Considerations

Planning Policy Statement 4

Policy EC15.1 – requests a sequential assessment.

Policy EC16.1 – local planning authority to consider the impact of the proposal on town centre vitality and viability.

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

Key issues

The main issues for consideration in relation to the proposal are highway safety, residential amenity, impact on street scene/character and appearance of the area and compliance with policy.

Officer Evaluation

Highway Safety

The proposal would replace the public house which is currently vacant with a drive through restaurant with parking provision for 38 cars and 10 cycles. There would be a single access point off Harlaxton Road.

A travel plan has been submitted and assessed by the local highway authority. Its objectives are to reduce car dependency and unnecessary single occupancy car trips, improve accessibility, especially those without access to a car and promote sustainable travel patterns.

The local planning authority has not objected to the proposed development. As such it is considered that a refusal of planning permission on highway safety grounds would be difficult to substantiate.

Residential Amenity

Litter

It is accepted that the dropping of litter is a material planning consideration even though it is controlled by other legislation. However, it is not usually sufficient to result in a refusal of planning permission. In this instance as the proposal is for a drive through take-away, it is reasonable to assume that a large proportion of the food will normally be taken home to eat. As such litter should not be a significant issue. However, it is considered that an appropriately worded condition would ensure that litter is properly managed.

Smell

Objections in relation to cooking smells from fast food outlets and the impact they would have on the amenity of neighbouring occupiers is common. However, it is accepted that conditions requiring approval of extraction and filtering details are effective means of mitigating odours/smells etc. Whilst it is impossible to completely eliminate odours it is considered that they can be sufficiently controlled that a reason for a refusal of planning permission on this ground could not be substantiated.

A condition requiring details of grease/oil trap has been requested by the Environmental Protection department to ensure that there is no detrimental impact on the surrounding drainage network from the disposal of food/cooking by-products.

Noise and Disturbance

Comments have been received that the proposal would generate noise and disturbance to the detriment of residential amenity. Members of the public are concerned that the comings and goings to the site coupled with the potential for customers to congregate outside the premises. However, in this instance it is considered that there would be sufficient separation distances between the proposal and nearby residential properties to ensure that there would not be any significant impact on residential amenity of nearby occupiers.

This is confirmed by the comments of our Environmental Protection section that have not objected to the proposal.

The freezer units and litter bins would be located within the main building on its eastern side adjacent to Springfield Road. They would be enclosed which when coupled with the separation distances to the existing residential properties would ensure that there would not be any significant loss of residential amenity.

The Environmental Health Protection officer has commented on the original submission and the additional material that has been submitted in relation to lighting, hours of operation. A number of conditions have been requested in relation to lighting, restricting the hours of operation to midnight, the operation of the tannoy/loudspeaker, grease trap, means to suppress odours, and control of deliveries.

It is considered that these conditions are reasonable are circular compliant and would satisfactorily protect the residential amenity of nearby residents.

Privacy

It is considered that there would not be any significant loss of privacy as a result of the proposed development as there would be sufficient separation distances between the proposal and the nearest residential properties. It is considered that there would not be any significant impact on levels of privacy beyond that experienced by the residents in relation to the operation of the public house.

Hours of operation

The proposed hours of operation have been assessed by the Environmental Protection section. It is considered that an appropriately worded condition limiting the hours of operation is considered appropriate to protect the amenity of nearby residents.

Impact on Street Scene and the character and appearance of the area

Policy EN1 of the adopted South Kesteven Core Strategy seeks to assess proposals in relation to the character and appearance of the area in which it is situated. In this instance the application site is located in an area of mixed uses including residential, commercial, and industrial units on a prominent junction on a route into the town centre.

Whilst it is accepted that the design of the building is an important consideration. Any assessment must be undertaken in the context of the surroundings and the existing building on the site.

The proposal would be viewed against the back drop of the commercial units and Bairds Malt when approached from the south along Harlaxton Road. As such it is not considered that it would be visually intrusive. The western elevation facing Harlaxton would contain glazing and can be regarded as the main primary elevation. The proposed building would clearly relate to the existing commercial units on Harlaxton Road to the north of the application site.

It is accepted that the building is of a standard design and appearance associated with a major fast food chain. However, in this location it is compatible with the character and appearance of the existing commercial units.

Compliance with policy

The proposal relates to the provision of a fast food outlet in an area of the town which has a mix of residential and employment/commercial uses some distance from the town centre.

There is an extant planning permission for a similar proposal to the west of the application site (former Irlams yard) as part of planning permission for a mixed use development S10/2331. It is proposed to not implement that element of the planning permission, and as an alternative, construct the outlet on the application site.

As such it is clear that there would not be any additional impact on the vitality and viability of the town centre beyond that of the extant planning permission. In this instance it is not considered necessary to undertake a further sequential assessment. Particularly as the comments of the policy section state that:

“It is believed that given the relatively small scale nature of this proposal it is unlikely that it would have any significant adverse impact on the town centre”

And as a sequential assessment was undertaken as part of the previous planning application S07/0502.

Other matters

Healthy Eating

A planning permission in 2010 in Tower Hamlets, London was quashed on the basis that the planning officer wrongly directed the committee. Members were advised that they could not take account of the proximity of a local secondary school because it was not a material planning consideration.

It is accepted that the health impact of a proposed fast food outlet is a material planning consideration. However, the weight to attach to such a consideration is for the decision-maker. It is considered that this particular area of the town is not saturated with takeaway outlets. As such there are sufficient food choices for the local community.

Section 106 Heads of Terms

The applicants are in agreement to enter into a legal agreement not to implement 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.

Crime and Disorder

An objection which is often raised in relation to fast food outlets is that they would become a focus for public disorder and/or criminal behaviour. However, such allegations are difficult to sustain as a material consideration that could be used as a reason for refusal. Particularly as there are a number of appeal decisions that make it clear that planning permission should not be denied because of the threat of trouble which is not inevitable coupled with the fact that whilst a take-away use may attract undesirables, adequate powers exist for the police to take action should nuisance arise.

In light of the above it is considered that the proposed development is unlikely to result in any significant impact on crime and disorder.

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

The proposed development is considered to be an acceptable and would not have significant any 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 national and local guidance contained in PPS4 and Policy E2 of the South Kesteven Core Strategy 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 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.

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.

Recommendation 1

That the application be deferred to the Development Management Service Manager in consultation with the Chairman and Vice Chairman for approval subject to the signing of a legal agreement not to implement the fast food element of planning permission S10/2331 on the land to the west of the application site 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.

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. The external lighting of the development hereby permitted shall be in accordance with the submitted plan and details received by the local planning authority on 12th December 2012.

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 demolition and 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 demolition and construction of the development and to protect residential amenity.

7. 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).

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 C Proposed Ground Floor Layout Plan
113-365-P02 C (Proposed Roof Plan)
113-365-P03 D (Proposed Elevations)
113-365-P04 D (Proposed Site Plan)

received by the local planning authority on 15th December 2011.

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.

Recommendation 2

Where the agreement has not been concluded prior to the committee period not exceeding six weeks post the date of committee shall be set for the completion (including signing) of the agreement. In the event that the agreement has not been concluded and in the opinion of the Development Management Service Manager acting in consultation with the Chairman of the Development Control Committee, there are no extenuating circumstances that would justify a further extension of time, the related planning application shall be refused on the basis that no assessment of the impact of two fast food establishments on the vitality and viability of the town centre has been undertaken.

* * * * *

Applicant	Mr Rob Johnson 193A, Belton Lane, Grantham, Lincolnshire, NG31 9PW
Agent	Riverside Design 88, Belton Grove, Grantham, NG31 9HH
Proposal	Residential development - 8 dwellings (including demolition of former hotel)
Location	Shirley Croft Hotel, Harrowby Road, Grantham, NG31 9EA
App Type	Full Planning Permission
Parish(es)	Grantham

REPORT

Application Category

This application is categorised as a minor application for planning permission for residential development.

Reason for Referral to Committee

At the Committee meeting of 18 October 2011, this application was deferred for approval by the Development Management Service Manager in consultation with the Chairman and Vice Chairman, subject to the submission of amended plans showing plots 5 – 8 as single storey dwellings. The applicant has submitted amended plans although the amendments do not correspond with those specified by committee. This application has therefore been referred back to the committee for determination.

The Proposal

This application seeks full planning permission for the demolition of a former hotel (converted in 2010 to 5 dwellings) and erection of 8 dwellings. Two pairs of three storey semi detached dwellings would face Harrowby Road roughly corresponding to the footprint of the main part of Shirley Croft Hotel. A pair of two and a half storey detached dwellings would face Croft Drive and a pair of one and a half storey detached dwellings with associated detached garages would be set back within the south eastern corner of the site. Vehicular access would be via a private driveway from Harrowby Road utilising the existing access to the site. Off road parking for all the dwellings would be provided within the site with two spaces per dwelling consisting of open parking areas for plots 1-6 and garages for plots 7 & 8.

A number of trees on the site are protected by Tree Preservation Orders. These trees would be retained as part of the proposal and the plans indicate that further tree planting and landscaping would be carried out (details to be confirmed by condition).

The amended plans received 16 December 2011 show the dwelling on plot 7 moved 2.7m further from the eastern boundary and the dwelling on plot 8 moved 0.9m further from the southern boundary. The rear dormer windows in plots 7 & 8 have been replaced by rooflights.

The application site and its surroundings

The site consists of the partially demolished former Shirley Croft Hotel - an imposing late C19 building with more modern C20 additions to the rear set in a large plot. The plot is bounded by Harrowby road to the west and Croft Drive to the north. The other two sides face the back gardens of properties along St Vincent's Road and Croft Drive. The building is in poor condition and at the time of writing was in the process of demolition. The remainder of the plot consists of gravelled hardstanding or rough grass. There is a C19 buff brick boundary wall of around 2m in height along the Harrowby Road frontage with a number of large mature deciduous and evergreen trees protected by tree preservation orders behind it. The site slopes gently upwards to the west with some parts especially adjacent to Croft Drive being noticeably at a lower ground level than the road.

To the west is an area of high density C19 two and three storey terraced properties as well as some flats, built in a grid street pattern. On all other sides there is more modern, mostly late C20 lower density housing development.

Relevant Planning History

The property was originally built as a private dwelling in the late C19 and was used for many years as a hotel. A number of planning permissions have been granted for various extensions and alterations to the hotel.

Consent was granted in 2008 (TP/08/0014) for the removal of a cedar and a beech tree protected by tree preservation orders. However, the replacement trees required by this consent have never been planted.

More recently, in 2010, retrospective planning permission was granted (S09/2862) for change of use of the hotel to 5 dwellings (1 dwelling and 4 flats).

A planning application was submitted in 2010 (S10/2902) for demolition of the hotel and erection of 6 dwellings. This application was withdrawn on officer advice due to concerns about the layout and design which failed to respond to the context. The current application was submitted following extensive pre-application discussions with officers.

A Prior Notification of Demolition application was submitted on 03 October 2011 including a method statement of the means of demolition and site restoration. The determination on 28 October 2011 was "Details not Required". The hotel is currently being demolished.

Representations Received

The Highways Authority: No objection subject to conditions.

SKDC Arboriculturalist: No objection to the development subject to conditions to protect trees during construction and use of no dig construction method for the driveway within root protection areas.

Upper Witham Internal Drainage Board: Concerns raised about the proposed method of surface water drainage into a surface water sewer discharging into a watercourse and the potential to increase flood risk in areas outside the vicinity of the site.

Grantham Civic Trust (points summarised): The building has important local interest but is also important in a national context as it housed forces personnel involved in the "Dam Busters" project. It would be possible to restore the building. Enforcement action should be taken against the owner for removing roofslates from north wing before permission obtained as a deterrent to others attempting to subvert planning laws.

SKDC Principal Conservation Officer: The Conservation Officer does not consider that the Shirley Croft Hotel is worthy of listing.

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 the Committee meeting of 18 October 2011, 38 letters of objection (including a petition with 12 signatures) had been received. A summary of the main concerns are listed below:

1. Concern at the loss of the Shirley Croft Hotel.
2. Shirley Croft is part of Grantham's heritage and should be saved.
3. Shirley Croft could be reused for other purposes e.g. community centre.
4. The development is a poor replacement for Shirley Croft.
5. Unauthorised works by developer.
6. Visual impact.
7. No need for more houses.
8. Overlooking/loss of privacy.
9. Loss of views.
10. Overbearing and out of scale.
11. Visually intrusive.
12. Loss of trees.
13. Too intensive.
14. Highway safety.

Two letters of support were also received. The main issues raised are summarised below:

1. Plans make best use of the land.
2. Financially unviable to reuse Shirley Croft .
3. The site is an eyesore and it makes sense to turn it into something useful.

As a result of the consultation following submission of amended plans, a further 8 letters of objection have been received. The issues raised, are summarised below:

1. Developer has ignored committee's request for single storey dwellings.
2. Developer only interested in making an easy profit.
3. Shirley Croft Hotel should be preserved.
4. Overlooking/loss of privacy/loss of enjoyment of properties.
5. Dwellings too tall and close to adjacent properties.
6. Overbearing/dominant and oppressive.
7. Visually intrusive and out of character.
8. Loss of light.
9. Trees roots would damage adjacent properties.
10. Too intensive.
11. Highway safety.
12. Devaluation of properties.

Policy Considerations

National Policy

Planning Policy Statement 1 (PPS1) – Sustainable Development

Planning Policy Statement 3 (PPS3) – Housing

Planning Policy Statement 5 (PPS5) – Historic Environment

East Midlands Regional plan (RSS8)

Policy 1: Regional Core Objectives

Policy 2: Promoting Better Design

Policy 3: Distribution of New Development

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 SP1: Spatial Strategy

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

Policy H1: Residential Development

Other Relevant Policy Documents

Grantham Townscape Character Assessment

Officer Evaluation

Demolition of Shirley Croft

At the Committee meeting of 18 October 2011, the Committee was advised that a Building Preservation Notice could be served if Members were minded to apply to the Secretary of State to get the building listed. Committee was also advised that in the professional opinion of the Conservation Officer, Shirley Croft was not likely to be worthy of listing. The option to

serve a Building Preservation Notice was not taken up. Since the Committee meeting of 18 October 2011, the applicant has submitted a Prior Notification of Demolition application in accordance with Part 31 of The Town and Country Planning (General Permitted Development) Order 1995 (As Amended) including a method statement of the means of demolition and site restoration. The determination on 28 October 2011 was "Details not Required". The hotel is currently being demolished under permitted development rights granted by Part 31 of the above Order.

Key Issues

At the Committee meeting of 18 October 2011, Members resolved to approve the development subject to amended plans showing plots 5 – 8 as single storey dwellings. The principle of development, as well as the site layout and the design, scale and appearance of plots 1 – 4 fronting Harrowby Road has already been accepted by Committee. The key issues are therefore the design and scale of plots 5 – 8 and the impact that this would have on the form and character of the area and on the residential amenities of occupiers of neighbouring properties.

Impact on Form and Character of the Area

Croft Drive has a suburban character and is a mixture of one and two storey detached and semi detached dwellings, and further two storey (to eaves height) dwellings are therefore not considered inappropriate. The dwellings along most of Croft Drive are typical 1960s suburban style but the buildings in the immediate vicinity are more varied both in terms of design/scale and set back from the street. The dwellings on plots 5 & 6 which would front onto Croft Drive are smaller in scale than those that would front onto Harrowby Lane and are considered to be an acceptable design response to the constraints of this part of the site and would respect their immediate context. Taking into account the drop in ground levels of approximately 1m between Croft Drive and the site, the proposed dwellings are not considered to be excessively tall or overbearing in the streetscene. They would have front gardens and would be set back a similar distance from the street to other nearby dwellings and subject to appropriate materials, it is considered that their design and appearance would be in keeping with the streetscene.

The dwellings on plots 7 & 8 at the rear of the site are also considered to be an appropriate design response to this part of the site. In terms of height and bulk, these dwellings would be approximately 2m taller than the existing single storey block on this part of the site although they would be set significantly further into the site (between 6m & 13m) and therefore at a lower level due to the sloping nature of the site. Given the separation distances and the fact that the surrounding development mostly consists of two storey dwellings of a similar height and plot size, the dwellings on plots 7 & 8 are not considered to be unduly prominent, excessively large or otherwise visually intrusive and are considered to respect their immediate context.

The layout of the site ensures that most of the dwellings face the adjacent roads and that fronts facing onto backs is avoided as far as practicably possible. The density generally reflects that of surrounding development, being approximately the same as the existing development along St Vincent's Road, although significantly less than the C19 terraces to

the west. The area of open space around the buildings would not change significantly with the ratio of buildings to open space being roughly the same as it is currently. This would ensure that the current sense of leafy openness would be maintained. Landscaping with semi mature trees would further help to integrate of the development.

Taking the above into account, it is considered that the layout and mixture of dwelling types which respond well to their immediate context, follows good urban design principles and would result in a form of development which is appropriate and compatible with the surrounding area and in accordance with the Grantham Townscape Character Assessment.

Residential Amenities

It is considered that the site is sufficiently large to accommodate the eight proposed dwellings without compromising the residential amenities of future occupiers or occupiers of neighbouring dwellings. It is considered that the separation distances from adjacent dwellings are adequate and will maintain current levels of privacy and ensure that the development would not be overbearing or otherwise detrimental to the residential amenities of the occupiers of adjacent properties.

The amended plans received 16 December 2011 show the dwelling on plot 7 moved 2.7m further from the eastern boundary and the dwelling on plot 8 moved 0.9m further from the southern boundary. The rear dormer windows in plots 7 & 8 have been replaced by rooflights.

Concerns have been raised about overlooking and overbearing impact on dwellings on Croft Drive and St Vincent's Road from plots 7 & 8. The rooflights in the rear roofslope would be 1.7m above floor level and approximately 30m from the nearest dwelling on Croft Drive. Although there is no statutory minimum distance, it should be noted that 21m is normally considered to be a reasonable separation distance from the back of one property to another in a suburban context. In this case the separation distance significantly exceeds this figure. Furthermore there is significant drop in ground levels as well established boundary treatment which would be reinforced by trees required by the landscaping condition. It is therefore considered that there would be no unacceptable overlooking or loss of privacy from these rooflights. In respect of St Vincent's Road, there is a 24m separation distance and all windows on the south elevation of plot 8 would be obscure glazed. It is not possible for the first floor window to be non opening due to fire escape requirements under building regulations. However given the good separation distance, obscure glazing, small size of the window, and extra landscaping, it is considered that this would not lead to an unacceptable degree of overlooking or dominance of outlook.

Concerns have been raised that the dwelling on plot 6 would be overbearing and cut out light to the adjacent bungalow. Again there is a drop in ground levels at the site boundary as well as an adequate separation distance of between 5 & 8 metres from this property. Whilst it is acknowledged that a first floor extension to the Shirley Croft Hotel was refused for being overbearing in 1988 (SK.88/0605), this would have been significantly larger than the dwelling proposed on plot 6, both in height and mass and would have been much further to the south and at an angle to number 12 Croft Drive. The current proposal is aligned with this property. Appropriate landscaping would help to soften the impact. All the

windows on the rear elevation would face into the site at an oblique angle and would not directly overlook any properties or gardens on Croft Drive.

Taking the above into account, it is considered that there would be no detrimental impact on the residential amenities of the occupiers of neighbouring properties.

Other Issues

Devaluation of property and the motives of the developer are not material considerations and have not been taken into account when making this recommendation.

Condition 6 on the original schedule of conditions put before Committee on 18 October 2011 has been deleted as it now cannot be complied with because the building is currently undergoing demolition. SKDC Officers have a comprehensive photographic record which will be forwarded to the Lincolnshire Archives.

Crime and Disorder Implications

The application will not raise any significant issues.

Human Rights Implications

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

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

SUMMARY OF REASON(S) FOR APPROVAL

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

Shirley Croft is a building of local historic and architectural interest, which positively contributes to the character of the area, and although its loss would be regrettable, it is not a designated heritage asset and has no statutory protection. It is considered that (subject to conditions requiring appropriate materials and a comprehensive landscaping scheme) the proposed redevelopment of the site, by virtue of the design, scale and layout, would make an equally positive contribution to the character of the area

It is considered that there is adequate parking/turning space and visibility and that the proposal would not be detrimental to highway safety or traffic capacity.

Although concerns have been raised about overlooking, it is considered that there would be sufficient separation distance to avoid significant overlooking and ensure that the development would not be overbearing or otherwise detrimental to the residential amenities of the occupiers of adjacent properties.

It is therefore considered that the current proposal is in accordance with national planning policy given in PPS1 (Sustainable Development), PPS3 (Housing), PPS5 (Historic Environment) policies 1, 2, 3, 26 & 27 of The East Midlands Regional Plan, policies SP1, H1 & EN1 of the South Kesteven Core Strategy, and The Grantham Townscape Character Assessment, and that there are no material considerations that indicate otherwise, although conditions have been attached.

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

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

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

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

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

3. Notwithstanding the submitted plans, the half timbering of the north elevation of plot 1 and the south elevation of plot 4 shall be continued along the whole width of those elevations in accordance with details to be submitted to and approved in writing with the local planning authority prior to the commencement of development. The development shall be carried out in accordance with the approved plans.

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 a scheme to incorporate historic features to be salvaged from the building to be demolished, into the development has been agreed in writing with the Local Planning Authority. The scheme shall include a schedule of all features to be salvaged and details of how these features will be incorporated into the development. The development shall be built in accordance with the agreed details.

Reason: In order to preserve the character of the area in accordance with Policy EN1 of the adopted South Kesteven Core Strategy (July 2010).

5. Other than works necessary to widen and improve the access, the boundary wall and gates along the Harrowby Road frontage shall either be retained, or rebuilt in the exactly the same position, style, materials and dimensions as existing, before occupation of any of the dwellings.

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

6. Before the dwellings are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number RD2010:089 01 Rev A received 16 December 2011, 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.

7. Prior to any of the buildings being occupied, the private drive shall be completed in accordance with the details shown on drawing number RD2010:089 01 Rev A received 16 December 2011.

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

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

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

9. The trees within the site shall be protected, maintained and managed in accordance with the details set out in the submitted Tree Report, and section 5 of BS. 5837:2005 (Trees in Relation to Construction).

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

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

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

11. No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before [the use hereby permitted is commenced] or [before the

building(s) is/are occupied] or [in accordance with a timetable agreed in writing with the local planning authority]. Development shall be carried out in accordance with the approved details.

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

12. Notwithstanding the submitted plans, before any development is commenced the approval of the Local Planning Authority is required to a scheme of hard and soft landscaping and tree planting for the site (indicating inter alia, the number, species, heights on planting and positions of all the trees; all hardsurfacing materials; bin storage areas; proposed ground levels; lighting etc). Such a scheme as may be approved by the local Planning Authority shall be undertaken in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the District Planning Authority gives written consent to any variation.

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

13. The development hereby permitted shall be carried out in accordance with the following list of approved plans submitted as part of the application (subject to details agreed in accordance with conditions 3 & 12) :

Drawing No. 01 Rev A - Site Layout - received 16 December 2011

Drawing No. 02 - House Type RD.1. - (Floor Plans) Plots 1 - 4 - received 24 August 2011

Drawing No. 03 - House Type RD.1. - Elevations & Specification - received 24 August 2011

Drawing No. 04 - House Type RD.2. - Plots 5 & 6 - received 24 August 2011

Drawing No. 05 Rev A - House Type RD.3. - Plots 7 & 8 - received 16 December 2011

Drawing No. 06 - Site Sections received - 24 August 2011

Drawing No. 07 - Garage Details Plots 7 & 8 - received 24 August 2011

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

Note(s) to Applicant

1. Where private drives are proposed as part of any development, you should be aware of the requirements laid down in the Lincolnshire Design Guide for Residential Areas.

2. Prior to the commencement of any access works within the public highway, you should contact the Divisional Highways Manager on 01522 782070 for application specification and construction information.
3. The retaining wall adjacent to the highway at its junction with the proposed access will not be adopted by the Local Highway Authority
4. 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
5. 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.
6. You are advised to inform any contractors involved in the demolition of the building of all relevant protected species legislation and in particular the protected status of bats and their roost sites. Work should proceed carefully and care should be taken to ensure that bats are not killed or injured. Should any bats be found, work should cease and the advice of Natural England sought.

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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

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 development to heritage assets including a grade II* listed building and is considered to be locally important.

The Proposal

This application has been submitted following enforcement procedures after it was brought to the Council's attention that unauthorised works were being carried out at the site. Some of these works have now been reversed but the others are the subject of this application. This application was submitted on officer advice in order to regularise the situation and involves a number of separate elements, some of which are retrospective and some of which are new build.

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

The application site and its surroundings

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

Relevant Site History

The house and grounds appear to have been neglected for many years and the house was until fairly recently occupied as two dwellings without planning permission. Various other unauthorised developments appear to have occurred. The curtilage had also been subdivided into different ownerships.

The barn 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 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. Planning permission (S11/1903) has been recently granted for a curtilage extension and enlargement/restoration of the pond to the south of the Hall.

Unfortunately, the applicant has also built a number of unauthorised extensions, fences and other structures which were brought to the Council’s attention and are the subject of this planning application.

Policy Considerations

National Policy

Planning Policy Statement 1: (PPS1) Sustainable Development
Planning Policy Statement 5: (PPS5) 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

Representations Received

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

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

Caythorpe Parish Council: No observations about the development but concerns that a footpath which crosses the grounds should be retained.

Highways Authority: No observations

English Heritage:

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. 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 ensemble within the Caythorpe conservation area.

The proposals are for various alterations and extensions affecting the Hall, the Coach House and their setting. Some of these alterations and extensions have already been carried out without Listed Building or Planning consent, and consent is now being applied for retrospectively.

Our advice is provided in line with Planning Policy Statement 5: Planning for the Historic Environment (PPS5), particularly policies HE6, HE7, HE9 and HE10; the Historic Environment Planning Practice Guide (English Heritage, March 2010), particularly paragraphs 178-180; and English Heritage 'Conservation Principles': Policies and

Guidance for the Sustainable Management of the Historic Environment (English Heritage, April 2008). It remains our view that the kitchen conservatory extension and the Coach House conservatory extension cause substantial harm to the significance of the Grade II* listed Hall. We also consider that the veranda on the west elevation has a harmful impact upon the significance of the Grade II* listed Hall and has not been justified. Where these structures have already been added to the Grade II* listed Hall without consent the harm and substantial harm is clearly demonstrable. We consider that the further information provided by the applicant does not justify the proposed scheme. English Heritage objects to this application because of the unjustified and demonstrable substantial harm caused by the kitchen conservatory and the Coach House conservatory, and the unjustified, demonstrable harm caused by the veranda. We recommend refusal of planning permission and listed building consent.

English Heritage Advice

Significance and heritage values

Caythorpe Hall is listed Grade II* which means that it is part of a small proportion (about 8%) of listed buildings which are of outstanding architectural or historic interest. The Coach House is listed Grade II which means it is of special architectural or historic interest. Both Caythorpe Hall and the Coach House have high historic and aesthetic value which derives from the conscious and formal design of the buildings and setting in 1823 by William Parsons for Col. G. Hussey Packe. 'Conservation Principles', Understanding Values, 46-53 highlights that sustaining design value depends upon maintaining the integrity of the design concept. As paragraph 19 of the PPS5 Practice Guide says, Conservation Principles is simply another way of analysing a heritage asset's significance.

As we stated in our letter of 13 May 2011, the Greek inspired architectural 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 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.

The proposed scheme

The proposed scheme is for various alterations and extensions affecting Caythorpe Hall, the Coach House and their setting. Two conservatories (the kitchen conservatory extension and the Coach House extension) and the veranda on the western elevation of the 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. The proposed scheme also includes a new leisure building and greenhouse in the walled garden. It is unfortunate that no photographs survive of the Hall before the works were undertaken.

Planning policy and guidance

It is the Government's overarching aim that listed buildings and the historic environment generally should be conserved and enjoyed for the quality of life they bring to this and future generations (PPS5, para. 7). More particularly, listed buildings should be conserved in a manner appropriate to their significance. Conservation is defined as the process of maintaining a heritage asset and managing change to it in a way that sustains and where appropriate enhances its heritage significance.

By law, in every listed building consent or planning permission decision concerning a listed building, special regard must be paid to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses (sections 16(20) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990). In short, the objective should always be first to conserve the heritage interest in the property.

PPS5 policy HE7.2 states that in considering the impact of a proposal on any heritage asset local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds, and that this understanding should be used to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

PPS 5 and the accompanying Practice Guide (HEPPG), produced by English Heritage and endorsed by Government, tell 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 character, including scale, height, mass and alignment (PPS5 paragraphs HE7.4 and HE7.5, HEPPG paragraphs 178 and 180). It is important to note that the use of the word 'loss' in policies HE7 (including HE7.7) and HE9 refers to loss of significance, not just loss of fabric. We do not agree with the statement in the Design and Access Statement that none of the proposals constitute loss to the heritage asset.

Policy HE9.1 states "there should be a presumption in favour of the conservation of designated heritage assets", that harm to significance must be clearly justified (also HEPPG, paras 8 and 85), and that substantial harm to the significance of a grade II* listed building should be wholly exceptional. PPS5 policy 9.2 recommends that local planning authorities should refuse consent "unless it can be demonstrated that substantial harm to significance is necessary in order to deliver substantial public benefits that outweigh the harm" or the conditions of HE9.2 (i) and HE9.3 relating to reasonable and viable use, marketing, grant funding or public ownership are met (also HEPPG, paras 85, 91 to 97).

Policy HE9.4 tells us that where a proposal makes a harmful impact on the significance of a designated asset local planning authorities should weigh the public benefit of the proposal against the harm caused. The Practice Guide, section 6, refers to how each heritage asset and group of heritage assets has its own characteristics which can include orientation, layout, plan-form, setting, materials, the disposition of openings, and external detailing. As we advised in our letter of 13 May 2011, in assessing the impact of the various elements of the proposals upon the significance of the heritage assets affected, we draw your attention to some key principles referred to in HEPPG paragraphs 178-180:

“It would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset’s significance and its relationship to its setting will usually suggest the forms of extension that might be appropriate.”

“The fabric will always be an important part of the asset’s significance.” “The junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting.”

Impact of the proposed scheme

Kitchen conservatory extension to the Grade II* listed Hall

The proposed kitchen conservatory extension (which has already been built without consent) infills the recessed section of the building which visually separates the formal southern part of the Hall from the northern L-shaped service wing. As we advised in our letter of 13 May 2011, the projection of the extension beyond the existing east facing section of the north service wing has a negative visual impact upon the designed symmetry of this part of the building. We do not agree with the assertion in Appendix C of the Design and Access Statement that the conservatory is a ‘logical additional phase of construction’ or that it has no impact on the principal eastern elevation. The conservatory is particularly prominent and visible in relation to the highly significant eastern Garden frontage of the main house. 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 eastern elevation and is particularly harmful. The Design and Access statement understood our advice in our letter of 13 May 2011 to mean that we considered the roof to physically cut across these windows. This is not the case and our advice refers to cutting across views of the first floor windows.

We reject completely the assertion in the Design and Access Statement that the “suggestion that the use of glass does not diminish the physical presence” is purely a matter of personal opinion and should not be allowed significant weight’. 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 form a mass of different material to the rest of the building, which together significantly detracts from the appearance of the Grade II* listed building. This is evident from viewing the conservatory ‘in situ’. We also reject the suggestion that because there are limited views from the public highway, this in some way diminishes the harm to significance. Views of the Hall from within its setting, including private areas, are of central importance to the significance of the listed building.

Therefore, it is our view that an extension of this scale, form, design and character in this location significantly detracts from the architectural interest of the Grade II* listed building and results in substantial harm to its significance. Evidence remaining on site suggests that two shallow extensions previously existed at this location. A sloping scar from a previous roof on the north elevation of the main part of the Hall shows that a low extension of some form extended a short way from the existing linking section of the service wing. Similarly it appears that 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 PPS5 encourages. There may be a case for small extensions to the linking section of the service wing. However any such extensions should only extend as far to the east as the previous extensions and would therefore be significantly recessed from the east facing section of the main part of the north service wing. The fact that small extensions previously existed should not be taken as justification for replacing them with a structure which causes substantial harm.

We 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.

Coach House conservatory extension to the Grade II* listed Hall

As we advised in our letter of 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 to reflect their respective functions and settings. It is our view that the creation of a link structure between the two buildings (which has already been carried out without consent) results in substantial harm to the significance of both listed buildings. No evidence of a previous structure on this location was observed on site. Any new opening to link the Coach House conservatory extension 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 loss of historic fabric.

The Design and Access Statement suggests that there is a perception that the Hall and Coach House are linked from a certain viewpoint in the courtyard because a wall exists between them. It is clear that a conservatory, with access through doorways to both buildings, provides an entirely different link compared to the physical connection of a freestanding wall to both buildings. This is obviously even more evident in views of the Hall, Coach House and conservatory from the north and east.

With regard to justification, PPS5, policy HE9.2 requires that where an application would lead to substantial harm to significance, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary in order to deliver substantial public benefits that outweigh the harm. It is 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. Neither is there any demonstration of public benefits.

Veranda to the western elevation of the Grade II* listed Hall

The justification presented in the Design and Access Statement for this addition to the Grade II* listed Hall (already constructed without consent) refers to the existing west elevation as being 'ill-proportioned, unbalanced and somewhat 'institutional' in its appearance' and that the veranda would provide a 'visual device which unifies the appearance of the elevation concerned and breaks up the overall mass of the elevation'. As we stated in our letter of 13 May 2011, we strongly disagree with this claim and point out that rather than being a 'unified' elevation, the decorative quoin treatment around the windows and difference in the limestone of the three southernmost bays of the elevation and doorway serves to create an important visual division between the more formal central

section of the Hall and the northern service wing. Therefore, the proposed veranda would have a harmful visual and physical impact by cutting across this subtle architectural distinction. 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. We reject the suggestion in the Design and Access Statement that the veranda is 'in essence, a 'temporary' structure'. It can also be seen on site that the veranda does indeed visually obscure views of the ground floor windows. Again, views of the Hall from within its setting, including private areas, are of central importance to the significance of the listed building.

PPS5, policy HE9.4 advises that where a proposal would have a harmful impact on significance which is less than substantial, a 'clear and convincing' justification should be provided. We remain of the view that there is not adequate justification for this harmful alteration.

New leisure building

As we previously advised in our letters of 13 May 2011 and 13 December 2010, we have no objection in principle to the proposal to erect a building on the site of what appears from photographic evidence to have been a glasshouse. We remain of the view that extending the structure around the corner of the walled garden, across the blank south elevation of the existing corner building, the red brick wall and gateway adjacent to the old laundry building will have a negative impact upon on the setting of the Grade II* listed Hall. We continue to advise that your authority should assess the impact of this upon setting of the Hall from inside the walled garden and the justification provided. We remain concerned about the level of information provided in terms of the detailing and materials. We advise that this should be clarified and controlled by conditions attached to any consent in order to ensure that the new building is of a quality with appropriate materials and detailing that responds adequately to its sensitive historic context.

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 damages 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.

Position

The Design and Access statement argues that the wider works to restore the estate justify any harm caused by the extensions and the veranda. 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. We consider that the proposed scheme does not meet the requirements of PPS5 policies HE9.1, HE9.2, HE9.3 and HE9.4. 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 consider 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

The Design and Access Statement also refers to policy HE11 although it is stated that no enabling development is part of the application. For the avoidance of doubt the conservatories and veranda could not be considered as enabling development, particularly as they have not been shown to be necessary to secure the long term future of the asset, they are not necessary to resolve problems arising from the inherent needs of the heritage asset, and they cause substantial harm to the significance of the listed building. During the site visit it was clear that other alterations to the Hall, Coach House and other buildings had recently taken place and are not part of the current applications for listed building consent and planning permission. We would urge the local authority to determine what recent alterations have occurred and to take appropriate action, including statutory interventions where appropriate.

English Heritage Recommendation

Accordingly, English Heritage objects to this application because of the demonstrable substantial harm caused by the kitchen conservatory and the Coach House conservatory, and the unjustified, demonstrable harm caused by the veranda, which have all already been carried out without consent and without the benefit of heritage advice. We recommend refusal of planning permission.

SKDC Conservation Officer:

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

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

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

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

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

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

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

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

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

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

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

Kitchen Conservatory

The hall comprises two distinct elements, the original Hall and an L-shaped service wing adjoining at the northern end. Adjoining the northern end of the Hall and the eastern wall of the service wing, which is significantly recessed from the eastern elevation of the Hall, a substantial timber conservatory has been added that has itself an L-shaped floor plan and extends beyond the eastern wall of the service wing. It also projects above the first floor string course and obscures several of the first floor windows.

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

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

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

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

Conservatory to north wall of service wing

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

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

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

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

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

Coach House

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

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

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

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

Veranda to western elevation of the Hall

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

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

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

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

New leisure building and Greenhouse

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

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

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

Other works

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

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

- Wall connecting the Hall, intervening outbuilding and the Coach House.
- Small extension to rear of Coach House, linking the Coach House with the adjacent garage to the east and thus, via the conservatory, to the Hall.
- Demolition of previous additions.
- Replacement door to west elevation of service wing.

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

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

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

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 "harmmed" 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.

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, one neighbour letter 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

Officer Evaluation

Key Issues

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

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

Overview

The main thrust of the applicant’s justification for this development is that the proposals have relatively little impact 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 have objected to all the retrospective elements in this application on the grounds that they would cause unjustifiable and demonstrable harm to the character of the building.

According to Policy HE9 of PPS5 the impact of alterations to a heritage asset must be balanced against the benefits of bringing the site back into use and securing its long term future. Accordingly, alterations that would normally be considered to cause a degree of harm may be acceptable in certain circumstances where there are greater positive benefits. There is no doubt that the applicant has brought about significant benefits to an

important heritage asset which has been neglected for many years including bringing the Hall and grounds into single ownership and major works of restoration.

Whilst the Council's Officers do not wholly agree with English Heritage's assessment, and the majority of the proposals are considered acceptable, there are some elements of the development which are considered to cause significant harm to the character of the buildings and their settings as well as the conservation area, The degree of harm and insufficient justification in this case is considered to outweigh the positive benefits of the works as a whole.

Kitchen Conservatory

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

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

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

Coach House Conservatory

This structure is discreetly located between the northern elevation of the service wing and the side elevation of the smaller coach house. This part of the Hall has a generally utilitarian appearance and was clearly not designed to be an aesthetically pleasing "set piece" as were the main south and east facades. The small scale of the building as well as the design and materials are considered appropriate in this location. The link wall between the service wing and adjacent small coach house appears more akin to a boundary wall and gate than a building when viewed from the courtyard maintaining the impression of two

distinct and separate buildings. The conservatory itself does not compromise the historic fabric and is easily reversible. Taking the above into account, this part of the development is not considered to be significantly harmful to the listed building or conservation area.

Veranda

The veranda, has been constructed on the western elevation facing the courtyard which was clearly built in two stages with differences in the colour of the stonework and window detailing delineating the formal part of the Hall and the more utilitarian service wing. Whilst not wholly inappropriate or incongruous, and more easily reversible than suggested by English Heritage, the veranda cuts across this subtle distinction making it less clear as well as partially obscuring the ground floor windows. As with the kitchen conservatory, it is considered that insufficient justification has been submitted to outweigh the harmful impact indicated above.

Link Between Coach House and adjacent garage

This part of the development has not been mentioned in the applicant's design and access statement although it is clearly shown on the plans. Although in recent years there may have been some sort of roof or car port type structure linking the two buildings, 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 although significant rebuilding appears to have taken place. Notwithstanding the above, this link is discreet and designed in such a way that the impression of the two buildings being separate and distinct is largely maintained. This part of the development is therefore not considered to be significantly harmful to the listed building or conservation area.

Leisure Building, Greenhouse and Cold Frame

All of these would be located within the walled garden, which has been sensitively restored, and roughly corresponding in footprint to similar structures that were historically in this location. English Heritage, although supportive in principle, appear to have misunderstood the proposal, referring to plans submitted as part of a previous application showing the leisure building continuing round the corner and joining onto the building at the east end of the walled garden. The current plans have omitted this aspect. 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

The fences to the north of the Hall are considered to be low key features in the context of the site as a whole and are of an appropriate design and scale providing a means of

enclosure to this part of the garden without undermining the historic character of the Hall or the grounds. The 2m close board timber fences enclosing the courtyard, whilst inappropriate on their own as a permanent solution are considered to be acceptable as a temporary security measure whilst the adjacent yew hedge (planted either side) matures, at which point they would not be visible. The timber gates and stone piers are considered to be acceptable and would not harm the setting of the listed buildings or the historic character conservation area.

Other Features

The CCTV cameras mounted on poles are low key features which are painted black and being discreetly sited, blend in well with the background having little impact on their surroundings. The circular pond/fountain in the courtyard is constructed of stone to match the Hall and outbuildings and is located approximately where there appears to have been a circular "island" in the gravelled courtyard. The 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.

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.

Other Issues

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

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

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

Conclusion

Whilst the majority of the proposals are considered to be acceptable, the kitchen conservatory and the veranda are considered to have a significantly harmful impact on the historic character of the grade II* listed Hall and the conservation area. The applicant's efforts to bring the estate back within single ownership and the high quality restoration work already undertaken are commendable and welcome. However there is no evidence to demonstrate that the future viability and long term preservation of this heritage asset can only be achieved by allowing the harmful elements of the proposal. It is therefore considered that the positive benefits of the works carried out by the applicant do not outweigh the significant and unjustified harm to the historic character of the grade II* listed Hall and 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 the impact on its character has not been demonstrated and that the kitchen conservatory and the veranda have a significantly 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 given in policies HE6, HE7, HE9 and HE10 of PPS5 (Planning for the Historic Environment) and policies 26 and 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 positive benefits of the wider restoration works to the Hall and grounds carried out by the applicant do not outweigh the significant 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 given in policies HE6, HE7, HE9 and HE10 of PPS5 (Planning for the Historic Environment) and policies 26 and 27 of the East Midlands Regional Plan and Policy EN1 of the South Kesteven Core Strategy.

* * * * *

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
<u>Parish(es)</u>	Caythorpe Fulbeck

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.

The Proposal

This application has been submitted following enforcement procedures after it was brought to the Council's attention that unauthorised works were being carried out at the site. Some of these works have now been reversed but the others are the subject of this application. This application was submitted on officer advice in order to regularise the situation and involves a number of separate elements, some of which are retrospective and some of which are new build.

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 and replacement door on the west elevation
- Replacement doors to the Coach House

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

The application site and its surroundings

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

Relevant Site History

The house and grounds appear to have been neglected for many years and the house was until fairly recently occupied as two dwellings without planning permission. Various other unauthorised developments appear to have occurred. The curtilage had also been subdivided into different ownerships.

The barn 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 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. Planning permission (S11/1903) has been recently granted for a curtilage extension and enlargement/restoration of the pond to the south of the Hall.

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

Policy Considerations

National Policy

Planning Policy Statement 5: (PPS5) 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

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

Highways Authority: No observations

English Heritage:

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. 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 ensemble within the Caythorpe conservation area. The proposals are for various alterations and extensions affecting the Hall, the Coach House and their setting. Some of these alterations and extensions have already been carried out without Listed Building or Planning consent, and consent is now being applied for retrospectively. Our advice is provided in line with Planning Policy Statement 5: Planning for the Historic Environment (PPS5), particularly policies HE6, HE7, HE9 and HE10; the Historic Environment Planning Practice Guide (English Heritage, March 2010), particularly paragraphs 178-180; and English Heritage 'Conservation Principles': Policies and Guidance for the Sustainable Management of the Historic Environment (English Heritage, April 2008). It remains our view that the kitchen conservatory extension and the Coach House conservatory extension cause substantial harm to the significance of the Grade II* listed Hall. We also consider that the veranda on the west elevation has a harmful impact upon the significance of the Grade II* listed Hall and has not been justified. Where these structures have already been added to the Grade II* listed Hall without consent the harm and substantial harm is clearly demonstrable. We consider that the further information provided by the applicant does not justify the proposed scheme. English Heritage objects to this application because of the unjustified and demonstrable substantial harm caused by the kitchen conservatory and the Coach House conservatory, and the unjustified, demonstrable harm caused by the veranda. We recommend refusal of planning permission and listed building consent.

English Heritage Advice

Significance and heritage values

Caythorpe Hall is listed Grade II* which means that it is part of a small proportion (about 8%) of listed buildings which are of outstanding architectural or historic interest. The Coach House is listed Grade II which means it is of special architectural or historic interest. Both Caythorpe Hall and the Coach House have high historic and aesthetic value which derives from the conscious and formal design of the buildings and setting in 1823 by William Parsons for Col. G. Hussey Packe. 'Conservation Principles', Understanding Values, 46-53 highlights that sustaining design value depends upon maintaining the integrity of the design concept. As paragraph 19 of the PPS5 Practice Guide says, Conservation Principles is simply another way of analysing a heritage asset's significance.

As we stated in our letter of 13 May 2011, the Greek inspired architectural 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 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.

The proposed scheme

The proposed scheme is for various alterations and extensions affecting Caythorpe Hall, the Coach House and their setting. Two conservatories (the kitchen conservatory extension and the Coach House extension) and the veranda on the western elevation of the 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. The proposed scheme also includes a new leisure building and greenhouse in the walled garden. It is unfortunate that no photographs survive of the Hall before the works were undertaken.

Planning policy and guidance

It is the Government's overarching aim that listed buildings and the historic environment generally should be conserved and enjoyed for the quality of life they bring to this and future generations (PPS5, para. 7). More particularly, listed buildings should be conserved in a manner appropriate to their significance. Conservation is defined as the process of maintaining a heritage asset and managing change to it in a way that sustains and where appropriate enhances its heritage significance.

By law, in every listed building consent or planning permission decision concerning a listed building, special regard must be paid to the desirability of preserving a listed building or its setting or any features of special architectural interest which it possesses (sections 16(20) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990). In short, the objective should always be first to conserve the heritage interest in the property.

PPS5 policy HE7.2 states that in considering the impact of a proposal on any heritage asset local planning authorities should take into account the particular nature of the significance of the heritage asset and the value that it holds, and that this understanding should be used to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

PPS 5 and the accompanying Practice Guide (HEPPG), produced by English Heritage and endorsed by Government, tell 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 character, including scale, height, mass and alignment (PPS5 paragraphs HE7.4 and HE7.5, HEPPG paragraphs 178 and 180). It is important to note that the use of the word 'loss' in policies HE7 (including HE7.7) and HE9 refers to loss of significance, not just loss of fabric. We do not agree with the statement in the Design and Access Statement that none of the proposals constitute loss to the heritage asset.

Policy HE9.1 states "there should be a presumption in favour of the conservation of designated heritage assets", that harm to significance must be clearly justified (also HEPPG, paras 8 and 85), and that substantial harm to the significance of a grade II* listed building should be wholly exceptional. PPS5 policy 9.2 recommends that local planning authorities should refuse consent "unless it can be demonstrated that substantial harm to significance is necessary in order to deliver substantial public benefits that outweigh the harm" or the conditions of HE9.2 (i) and HE9.3 relating to reasonable and viable use, marketing, grant funding or public ownership are met (also HEPPG, paras 85, 91 to 97).

Policy HE9.4 tells us that where a proposal makes a harmful impact on the significance of a designated asset local planning authorities should weigh the public benefit of the proposal against the harm caused. The Practice Guide, section 6, refers to how each heritage asset and group of heritage assets has its own characteristics which can include orientation, layout, plan-form, setting, materials, the disposition of openings, and external detailing. As we advised in our letter of 13 May 2011, in assessing the impact of the various elements of the proposals upon the significance of the heritage assets affected, we draw your attention to some key principles referred to in HEPPG paragraphs 178-180:

"It would not normally be acceptable for new work to dominate the original asset or its setting in either scale, material or as a result of its siting. Assessment of an asset's significance and its relationship to its setting will usually suggest the forms of extension that might be appropriate."

"The fabric will always be an important part of the asset's significance." "The junction between new work and the existing fabric needs particular attention, both for its impact on the significance of the existing asset and the impact on the contribution of its setting."

Impact of the proposed scheme

Kitchen conservatory extension to the Grade II* listed Hall

The proposed kitchen conservatory extension (which has already been built without consent) infills the recessed section of the building which visually separates the formal

southern part of the Hall from the northern L-shaped service wing. As we advised in our letter of 13 May 2011, the projection of the extension beyond the existing east facing section of the north service wing has a negative visual impact upon the designed symmetry of this part of the building. We do not agree with the assertion in Appendix C of the Design and Access Statement that the conservatory is a 'logical additional phase of construction' or that it has no impact on the principal eastern elevation. The conservatory is particularly prominent and visible in relation to the highly significant eastern Garden frontage of the main house. 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 eastern elevation and is particularly harmful. The Design and Access statement understood our advice in our letter of 13 May 2011 to mean that we considered the roof to physically cut across these windows. This is not the case and our advice refers to cutting across views of the first floor windows.

We reject completely the assertion in the Design and Access Statement that the "suggestion that the use of glass does not diminish the physical presence" is purely a matter of personal opinion and should not be allowed significant weight'. 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 form a mass of different material to the rest of the building, which together significantly detracts from the appearance of the Grade II* listed building. This is evident from viewing the conservatory 'in situ'. We also reject the suggestion that because there are limited views from the public highway, this in some way diminishes the harm to significance. Views of the Hall from within its setting, including private areas, are of central importance to the significance of the listed building.

Therefore, it is our view that an extension of this scale, form, design and character in this location significantly detracts from the architectural interest of the Grade II* listed building and results in substantial harm to its significance. Evidence remaining on site suggests that two shallow extensions previously existed at this location. A sloping scar from a previous roof on the north elevation of the main part of the Hall shows that a low extension of some form extended a short way from the existing linking section of the service wing. Similarly it appears that 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 PPS5 encourages. There may be a case for small extensions to the linking section of the service wing. However any such extensions should only extend as far to the east as the previous extensions and would therefore be significantly recessed from the east facing section of the main part of the north service wing. The fact that small extensions previously existed should not be taken as justification for replacing them with a structure which causes substantial harm.

We 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.

Coach House conservatory extension to the Grade II* listed Hall

As we advised in our letter of 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 to reflect their respective functions and settings. It is our view that the creation of a link structure between the two buildings (which has already been carried out without consent) results in substantial harm to the significance of both listed buildings. No evidence of a previous structure on this location was observed on site. Any new opening to link the Coach House conservatory extension 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 loss of historic fabric.

The Design and Access Statement suggests that there is a perception that the Hall and Coach House are linked from a certain viewpoint in the courtyard because a wall exists between them. It is clear that a conservatory, with access through doorways to both buildings, provides an entirely different link compared to the physical connection of a freestanding wall to both buildings. This is obviously even more evident in views of the Hall, Coach House and conservatory from the north and east.

With regard to justification, PPS5, policy HE9.2 requires that where an application would lead to substantial harm to significance, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary in order to deliver substantial public benefits that outweigh the harm. It is 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. Neither is there any demonstration of public benefits.

Veranda to the western elevation of the Grade II* listed Hall

The justification presented in the Design and Access Statement for this addition to the Grade II* listed Hall (already constructed without consent) refers to the existing west elevation as being 'ill-proportioned, unbalanced and somewhat 'institutional' in its appearance' and that the veranda would provide a 'visual device which unifies the appearance of the elevation concerned and breaks up the overall mass of the elevation'. As we stated in our letter of 13 May 2011, we strongly disagree with this claim and point out that rather than being a 'unified' elevation, the decorative quoin treatment around the windows and difference in the limestone of the three southernmost bays of the elevation and doorway serves to create an important visual division between the more formal central section of the Hall and the northern service wing. Therefore, the proposed veranda would have a harmful visual and physical impact by cutting across this subtle architectural distinction. 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. We reject the suggestion in the Design and Access Statement that the veranda is 'in essence, a 'temporary' structure'. It can also be seen on site that the veranda does indeed visually obscure views of the ground floor windows. Again, views of the Hall from within its setting, including private areas, are of central importance to the significance of the listed building.

PPS5, policy HE9.4 advises that where a proposal would have a harmful impact on significance which is less than substantial, a 'clear and convincing' justification should be provided. We remain of the view that there is not adequate justification for this harmful alteration.

New leisure building

As we previously advised in our letters of 13 May 2011 and 13 December 2010, we have no objection in principle to the proposal to erect a building on the site of what appears from photographic evidence to have been a glasshouse. We remain of the view that extending the structure around the corner of the walled garden, across the blank south elevation of the existing corner building, the red brick wall and gateway adjacent to the old laundry building will have a negative impact upon on the setting of the Grade II* listed Hall. We continue to advise that your authority should assess the impact of this upon setting of the Hall from inside the walled garden and the justification provided. We remain concerned about the level of information provided in terms of the detailing and materials. We advise that this should be clarified and controlled by conditions attached to any consent in order to ensure that the new building is of a quality with appropriate materials and detailing that responds adequately to its sensitive historic context.

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 damages 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.

Position

The Design and Access statement argues that the wider works to restore the estate justify any harm caused by the extensions and the veranda. 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. We consider that the proposed scheme does not meet the requirements of PPS5 policies HE9.1, HE9.2, HE9.3 and HE9.4. 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 consider 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

The Design and Access Statement also refers to policy HE11 although it is stated that no enabling development is part of the application. For the avoidance of doubt the conservatories and veranda could not be considered as enabling development, particularly as they have not been shown to be necessary to secure the long term future of the asset, they are not necessary to resolve problems arising from the inherent needs of the heritage asset, and they cause substantial harm to the significance of the listed building. During the

site visit it was clear that other alterations to the Hall, Coach House and other buildings had recently taken place and are not part of the current applications for listed building consent and planning permission. We would urge the local authority to determine what recent alterations have occurred and to take appropriate action, including statutory interventions where appropriate.

English Heritage Recommendation

Accordingly, English Heritage objects to this application because of the demonstrable substantial harm caused by the kitchen conservatory and the Coach House conservatory, and the unjustified, demonstrable harm caused by the veranda, which have all already been carried out without consent and without the benefit of heritage advice. We recommend refusal of planning permission.

SKDC Conservation Officer:

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

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

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

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

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

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

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

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

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

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

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

Kitchen Conservatory

The hall comprises two distinct elements, the original Hall and an L-shaped service wing adjoining at the northern end. Adjoining the northern end of the Hall and the eastern wall of the service wing, which is significantly recessed from the eastern elevation of the Hall, a substantial timber conservatory has been added that has itself an L-shaped floor plan and extends beyond the eastern wall of the service wing. It also projects above the first floor string course and obscures several of the first floor windows.

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

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

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

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

Conservatory to north wall of service wing

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

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

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

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

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

Coach House

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

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

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

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

Veranda to western elevation of the Hall

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

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

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

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

New leisure building and Greenhouse

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

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

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

Other works

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

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

- Wall connecting the Hall, intervening outbuilding and the Coach House.
- Small extension to rear of Coach House, linking the Coach House with the adjacent garage to the east and thus, via the conservatory, to the Hall.
- Demolition of previous additions.
- Replacement door to west elevation of service wing.

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

I would advise therefore that on the grounds that substantial harm has been caused to the character and appearance of the grade II*, grade II and curtilage listed and therefore their significance as heritage assets by the kitchen extension and associated alterations to the

Hall, the alterations to the Coach House and the addition of a veranda to western side of the Hall. Policy HE9 of PPS5 states that “Loss affecting any designated asset should require clear and convincing justification”. In the case of the applications under consideration in this instance no convincing justification has been provided.

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

Statement from Applicant’s Agent

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

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

- “We do not accept the points made by EH which we believe have already been fully addressed in great detail in our application. In particular, pages 1 to 14 of the Design and Access Statement (revision B, 12 September 2011) remain entirely relevant.”
- “In our opinion, EH are objecting to the conservatories and veranda purely on the grounds of the application being retrospective. We feel that their arguments are biased and have been predetermined since the outset.”
- “The above point is reinforced by their ‘bully-boy’ tactics and threats to refer the matter to the Secretary of State (if they don’t get their way!). Their attitude is borne-out by their unethical and high handed unauthorised site visit, in respect of which we are in the process of making an official complaint to the relevant authorities.”
- “Not one person who has seen the work at Caythorpe has failed to be impressed and nobody can understand why EH object to the proposals.”
- “How can English Heritage say that the building has been “harmed” when it clearly has not, and in fact has been saved beautifully restored as indeed the Committee will see on their forthcoming visit!”
- “We believe EH have totally misunderstood the history and reading of the building and how this has changed over the years. As a result, EH have misunderstood the application completely.”
- “EH allude that the “appendages” spoil a previously untouched building when is it clear that the building has been constructed over many years and different stages so that the relationship of the component parts has been constantly changing. For example, the Hall itself has been extended at least twice and was originally significantly further

separated from the Coach House which has at some point had the wing added and then the small lower garage (at later dates).”

- “EH have made no mention of the quality and detail of the four years of restoration work that has taken place and that has saved the building for the next 100 years. Surely we must be allowed some credit for all of this effort!?”
- “The kitchen conservatory recessed area has previously been significantly infilled with various buildings as detailed on old Land Registry plans. This contradicts some elements of the view stated by English Heritage.”
- “EH are saying that they would be prepared to consider extensions within this area. In fact any such extension would look very little different from what has already built when viewed from the lawn area to the east of the property.”
- “EH accept the proposal for the huge leisure complex building within the walled garden, and have previously allowed a 20% floor area extension to the walled garden house, yet a 4% increase in the floor area of the Hall (in the form of the conservatories) is unacceptable to them!”
- “How can EH possibly say that the work is “not in the public interest” when it can not be seen by the public?”
- “Without the conservatories and the veranda the property is not suitable for our families’ practical use. We are living in the 21st Century and the property has to be both practical and manageable.”
- “As already stated, the property had previously been split into seven separate ownerships and has now been returned to one.”
- “If the application is rejected, the Hall will have to be split back into multi-occupancy along with applications for further enabling development to recoup significant costs already expended. The only other alternative would be to redevelop the Hall as a Hotel which would inevitably lead to fundamental physical changes to the fabric, and the loss of the use of the property as a family home.”
- “The Walled Garden leisure complex has been amended in line with English Heritage’s previous comments. It appears from their latest response that they have overlooked these amendments. Surely one must question how carefully they are looking at the application documents if this can be the case?”
- “The project as a whole means that the extensive wall along the main road side to the east of the site which is in a terrible state will be saved. This wall is perhaps the most outstanding piece of construction within the village and its reconstruction is a fundamental part of our proposal to reinstate the formal parkland around the Hall as was originally the case. Surely we must be given credit for works of this type?”

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

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, one neighbour letter 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

Officer Evaluation

Key Issues

The key issues in this case is the impact of the proposals on the historic character of the listed buildings.

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 or otherwise of the development should be considered.

Overview

The main thrust of the applicant's justification for these works is that the proposals have relatively little impact 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 have objected to all the retrospective elements in this application on the grounds that they would cause unjustifiable and demonstrable harm to the character of the building.

According to Policy HE9 of PPS5 the impact of alterations to a heritage asset must be balanced against the benefits of bringing the site back into use and securing its long term future. Accordingly, alterations that would normally be considered to cause a degree of harm may be acceptable in certain circumstances where there are greater positive benefits. There is no doubt that the applicant has brought about significant benefits to an important heritage asset which has been neglected for many years including bringing the Hall and grounds into single ownership and major works of restoration.

Whilst the Council's Officers do not wholly agree with English Heritage's assessment, and the majority of the proposals are considered acceptable, there are some elements of the works which are considered to cause significant harm to the character of the listed buildings. The degree of harm and insufficient justification in this case is considered to outweigh the positive benefits of the works as a whole.

Kitchen Conservatory

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

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

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

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 not designed to be an aesthetically pleasing “set piece” as were the main south and east facades. The small scale of the building as well as the design and materials are considered appropriate in this location. The link wall between the service wing and adjacent small coach house appears more akin to a boundary wall and gate than a building when viewed from the courtyard maintaining the impression of two distinct and separate buildings. The conservatory itself does not compromise the historic fabric and is easily reversible. Taking the above into account, this part of the works is not considered to be significantly harmful to the listed building.

Veranda

The veranda, has been constructed on the western elevation facing the courtyard which was clearly built in two stages with differences in the colour of the stonework and window detailing delineating the formal part of the Hall and the more utilitarian service wing. Whilst not wholly inappropriate or incongruous, and more easily reversible than suggested by English Heritage, the veranda cuts across this subtle distinction making it less clear as well as partially obscuring the ground floor windows. As with the kitchen conservatory, it is considered that insufficient justification has been submitted to outweigh the harmful impact indicated above.

Link Between Coach House and adjacent garage

This part of the works has not been mentioned in the applicant's design and access statement although it is clearly shown on the plans. Although in recent years there may have been some sort of roof or car port type structure linking the two buildings, 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 although 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

All of these would be located within the walled garden, which has been sensitively restored, and roughly corresponding in footprint to similar structures that were historically in this location. English Heritage, although supportive in principle, appear to have misunderstood the proposal, referring to plans submitted as part of a previous application showing the leisure building continuing round the corner and joining onto the building at the east end of the walled garden. The current plans have omitted this aspect. 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 around walled garden).

Coach House Doors

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

Other Works

A large new opening with timber doors also appears to have 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, it is assumed to have been carried out by the applicant. Whilst this particular alteration may not be significantly harmful, again no justification has been given.

A replacement door has been installed on the western elevation of the Hall beneath the veranda. The original is not shown on the “pre-existing” elevations, but photographs from the sales brochure taken relatively recently show what appears to be an original historic door. The replacement is an inappropriate modern design.

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

Comments on Applicant’s Statement

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

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

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

Conclusion

Whilst the majority of the proposals are considered to be acceptable, the kitchen conservatory, veranda, replacement front doors and new opening on rear elevation of the Coach House, and replacement door on main Hall courtyard elevation are all considered to have a significantly harmful impact on the historic character of the grade II* listed Hall and grade II listed Coach House. The applicant's efforts to bring the estate back within single ownership and the high quality restoration work already undertaken are commendable and welcome. However there is no evidence to demonstrate that the future viability and long term preservation of this heritage asset can only be achieved by allowing the harmful elements of the proposal. It is therefore considered that the positive benefits of the works carried out by the applicant do not outweigh the significant and unjustified harm to the historic character of the grade II* listed Hall and the grade II listed Coach House.

Crime and Disorder Implications

The application will not raise any significant issues.

Human Rights Implications

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

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

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 the impact on its character has not been demonstrated and that the kitchen conservatory and the veranda have a significantly 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 given in policies HE6, HE7, HE9 and HE10 of PPS5 (Planning for the Historic Environment) and policies 26 and 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 positive benefits of the wider restoration works to the Hall and grounds carried out by the applicant do not outweigh the significant 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 given in policies HE6, HE7, HE9 and HE10 of PPS5 (Planning for the Historic Environment) and policies 26 and 27 of the East Midlands Regional Plan and Policy EN1 of the South Kesteven Core Strategy.

* * * * *

Applicant	Andrew Wood The Old Rectory, Carlby Road, Greatford, Stamford, Lincolnshire, PE9 4PR
Agent	Peter Abell, Peter Wilmot Architects The Old Stables, High Street, Morcott, Rutland, LE15 9DN
Proposal	New driveway to residential property
Location	The Old Rectory, Carlby Road, Greatford, Stamford, Lincolnshire, PE9 4PR
App Type	Full Planning Permission
Parish(es)	Greatford

REPORT

Introduction

This application was due to be determined at the Development Control Committee of 13 December 2011; however, Members expressed concern about the reliability of the information contained within the Protected Species Survey. As a result the application was deferred to allow additional information to be submitted. This was received in the form of a letter from the Ecological Consultant dated 16 December, the letter is reproduced below;

“In response to the Development Control Committee queries the initial Protected Species Survey at The Old Vicarage, Greatford was carried out between 09.00 hrs and 12.30 hrs.

The re-visit to the site on 29th November was to look at the trees at the request of Lincolnshire Wildlife Trust this was carried out between 10.00 hrs and 11.30 hrs.

The Protected Species Survey was carried out at a suitable time of year and all surveys were carried out using nationally recognised standard methodologies.

The tree inspection in November was also carried out at an appropriate time of year as the majority of leaves were off the trees enabling all aspects of the trees to be viewed.

I am somewhat amazed that these questions have been raised at committee as the Lincolnshire Wildlife Trust who reviewed the report did not question the time of day or whether the surveys were carried out at an appropriate time of year”.

Additional consultation was undertaken on the information to both Natural England and Lincolnshire Wildlife Trust. Neither organisation raised objection to the updated information or proposal as a whole with regard to impacts on protected species. Therefore the application is recommended for approval, as per the original committee report, which is drafted below.

For clarification, there is an error in the original committee report in that it states the building refused permission under application S10/1876 was to be built to the northwest of

the proposed drive and located within the paddock. This is in-correct, if the application had of been granted permission the garage would have been erected on land to the east of The Old Rectory.

Application Category

The application is categorised as a full planning application.

Reason for Referral to Committee

A previous application on the site was also determined at the Development Control Committee.

The proposal

The application is for the creation of drive to access The Old Rectory. The new drive would cross a paddock to the south of the property and be approximately 140m in length.

The application site and surroundings

The Old Rectory is a Grade II Listed building set within large grounds and is on the northern most edge of the village. To the south of the dwelling is a paddock and it is across this land that the applicants propose to create a drive. Across the land runs a drain which links to the West Glen River, this is currently culverted and it is proposed to put a new culvert across the drain.

An existing gate provides access to the paddock from Carlby Road. There are a number of mature trees in the immediate locality of the proposed drive although none is specifically covered by a Tree Preservation Order (TPO) although the trees are protected by virtue of their location within the Greatford Conservation Area. Conifers mark the boundary between the application site and roadside so views across the paddock are restricted, save through the gate.

Relevant Site History

Planning application S10/1876 for the 'erection of classic car unit for car storage unit domestic use' was refused permission at the Development Control in April 2011. It was refused for the following reasons;

1. In the opinion of the local planning authority the size and scale of the proposed building, which is to house 36 vehicles for the occupiers of the dwelling known as 'The Rectory', is considered to be of excessive size and scale more akin to a commercial structure rather than being of domestic proportions and its use is likely to beyond that which

could be considered to be ancillary to the enjoyment of the occupiers of the main dwellinghouse.

2. The allowance of a building of this size and scale is likely to have a detrimental visual impact on both the setting of the listed building and this part of the Greatford Conservation Area.

The large outbuilding would have been on land to the northwest of the drive and located on the paddock.

Application S11/1384/CAC, for the 'demolition of timber buildings in Conservation Area' is also under consideration and due to be determined at this development Control Committee.

Policy Considerations

Central Government Planning Policy Guidance

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS5 – Planning for the Historic Environment
PPS7 – Sustainable Development in Rural Areas
PPS9 – Biodiversity and Geological Conservation
PPG13 – Transport
PPS25 – Development and Flood Risk

East Midlands Regional Plan (2009)

Policy 1 – regional Core Objectives
Policy 26 – Protecting and Enhancing the Region's Natural and Cultural Heritage
Policy 27 – Regional Priorities for the Historic Environment

SKDC Core Strategy (2010)

EN1 – Protection and Enhancement of the Character of the District

Representations received

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

Greatford Parish Council noted on the amended plans that they would not object to the application subject to the proposal not increasing the risk of flooding nor allowing an increase in size of the drive, and subject to the following conditions;

That notwithstanding the re-labelling of the old access to the property as exit driveway, two-way traffic along this driveway will continue at least as far as from the Carlby Road to the entrance to The Brimbles (which has been omitted from the drawing); (to avoid adversely affecting the rights of access of the neighbours to their property);

That no trees which are subject to the protections afforded by the provisions of the Greatford Conservation Area may be felled, and that the route of the new entrance driveway shall be set to avoid affecting the root systems of any such trees; (to protect the environment of the area in accordance with SKDC policy EN1);

That the widening of the bridge over the drain uses materials which (while ensuring the bridge is strong enough for vehicles calling at the dwelling) are in keeping with the location within the curtilage of the listed building; (to protect the quality and character of the built fabric and their settings in accordance with SKDC policy EN1)

That any gates at the Carlby Road end of the new entrance driveway shall be set back sufficiently from the road to enable calling vehicles to wait clear of the carriageway; (in the interests of highway safety); the Council considers that it would be perverse not to impose a condition similar to that imposed on application S09/0362 – where the carriageway is wider than that of Carlby Road.

Lincolnshire Heritage note that there are no archaeological features of interest that would be affected by the proposed development

Natural England note that it is not an application that they would normally be consulted upon but ask that consideration be had to protected species, local wildlife sites and biodiversity enhancements.

The Environment Agency does not object to the application but request that a note be added to the decision notice.

Lincolnshire Wildlife Trust has concerns about bats and note that some of the trees have potential for roosts and advise that further information may be required to ensure protected species are not affected.

The consultant Arboriculturalist broadly agrees with the consent of the tree report but requires the imposition of a number of conditions relating to protection during construction, a no dig drive and replacement trees, where required.

Property and facilities of SKDC raise no objection to the re-culverting of the drain with the pipe having a diameter no smaller than the existing.

Representations as a result of publicity

The application has been advertised in accordance with the Council's Statement of Community Involvement, with the closing date for representations being the 10 June 2011. It should be noted that additional consultation was undertaken following the submission of amended plans.

Two letters of objection have been received and express concern about the application on the following grounds;

1. Feel that this piecemeal development prior to re-submitting an application for the large garage previously refused permission
2. Note that the protected species survey has little regard for great crested newts and feel that a more detailed survey may identify bat roosts in the locality.
3. Question whether the bridge to go over the dyke is appropriate structurally and may lead to flooding further upstream if it fails.

Officer evaluation

The drive would be across a paddock to the south of the property but visually, subject to conditions, the proposal would not be prominent or out of character with the area. That said, a note would need to be added to the decision notice to ensure that additional buildings/hardstanding cannot be erected without the benefit of planning permission, the cumulative impact of which would need to be assessed. In addition it is noted that the primary frontage of The Old Rectory is south facing and the creation of the drive would allow views of this attractive facade. There is, therefore, not considered to be any reason to object to the principal of the development.

A ditch crosses the site with a small bridge across it. The application proposes to replace this with a new structure which would have a pipe width no smaller than the existing, this is acceptable.

In terms of impact on highway safety the Highway Authority raise no objection to the application subject to any gates on the Carlby Road entrance being set 5m back from the nearside edge of the carriageway. It is noted that the gates currently in situ are set to the back edge of the footpath but given that the use of the access is likely to increase significantly over and above how it is used currently, the condition is considered to be reasonable and necessary.

A primary issue with the application is impact on a number of trees within a copse that the drive would have to pass through. None of the trees are covered by a TPO; however, they are protected by virtue of being within Greatford Conservation Area. The submitted tree report identifies a total of 34 specimens and of these four are proposed to be removed. One of the trees to be removed is a large Ash to the front of the site, it is not directly affected by the drive but would need to be removed as it is currently unsafe. A Cherry tree identified to be removed is dead. Two Silver Birch are also to be removed, both of which are in poor health and one is proposed to be replaced. The Councils Arboricultural Consultant agrees with the content of the tree report and notes that a track currently passes through the site to access existing stables, which are proposed to be removed. As a result there is not considered to be any reason to object to the proposal subject to the imposition of conditions relating to protection of trees, a no-dig style drive and replacement trees, where appropriate. Other works to existing trees are proposed but these primarily cover removal of dead wood and works of maintenance, not affecting their longevity. However, Lincolnshire Wildlife Trust note some trees may have areas suitable for roosting bats and clarification on this issue is being sought and will be reported to Members.

Concern has been expressed about whether or not other protected species may be on-site e.g. Great Crested Newts; however, a protected species survey has been completed and concludes that there is no evidence of such animals. Furthermore, observations have been made about piecemeal development and whether or not this proposal is a pre-cursor to a further application; the Local Planning Authority can only consider the application before them and not applications in the future, which may or may not be forthcoming.

Conclusion

The creation of the proposed drive would, subject to conditions, not be unduly prominent within the landscape nor raise issues with regard to residential amenity. Nor would the proposal be detrimental to highway safety or trees within the Conservation Area. The risk of flooding would not increase as a result of the proposal or be harmful to protected species. The proposal is therefore deemed to comply with national policy guidance PPS1, PPS3, PPS5, PPS7, PPG13 and PPS25 along with Core Strategy policy EN1; with no other material planning considerations to indicate that the application should be determined otherwise.

SUMMARY OF REASON(S) FOR APPROVAL

The creation of the proposed drive would, subject to conditions, not be unduly prominent within the landscape nor raise issues with regard to residential amenity. Nor would the proposal be detrimental to highway safety or trees within the Conservation Area. The risk of flooding would not increase as a result of the proposal or be harmful to protected species. The proposal is therefore deemed to comply with national policy guidance PPS1, PPS3, PPS5, PPS7, PPS9, PPG13 and PPS25 along with Core Strategy policy EN1; with no other material planning considerations to indicate that the application should be determined otherwise.

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

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

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

2. Any gates to the vehicular access shall be set back a minimum of 5.0 metres from the nearside edge of the carriageway of Carlby Road and shall not open over the highway.

Reason: To enable calling vehicles to wait clear of the carriageway of Carlby Road, in the interests of vehicular safety and to comply with PPG13.

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

2011/08-01G
11016/S/G22/030

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

4. As identified in the submitted tree survey, the drive shall be constructed using no dig construction techniques and a plan showing a section through the drive shall be submitted to and approved in writing by the Local Planning Authority. The drive shall be constructed in accordance with the details as approved.

Reason: To ensure that trees adjacent to the proposed drive will not be unduly affected by the development and to comply with Core Strategy Policy EN1.

5. A sample of materials to be used for the drive shall be submitted to and approved in writing. The details as approved shall be used in construction of the drive.

Reason: To ensure that the development assimilates with the environment and to comply with Core Strategy Policy EN1.

6. 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).

7. No development shall take place until full details of 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 a schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: 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).

Note(s) to Applicant

1. Erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.
2. Please note that this grant of planning permission does not authorise the change of use of the paddock to residential curtilage and any future developments on this land

are likely to require the submission of a planning application.

3. Should any protected species be found during the construction of the drive work should cease and contact be made with appropriate organisations to ensure that identified species are not harmed.

Applicant	Mr A Wood The Old Rectory, Carlby Road, Greatford, Stamford, Lincolnshire, PE9 4PR
Agent	Peter Wilmot Architects The Old Stables, High Street, Morcott, Rutland, LE15 9DN
Proposal	Demolition of timber buildings in Conservation Area
Location	The Old Rectory, Carlby Road, Greatford, Stamford, Lincolnshire, PE9 4PR
App Type	Conservation Area Consent
Parish(es)	Greatford

REPORT

Introduction

This application was due to be determined at the Development Control Committee of 13 December 2011; however, Members expressed concern about the reliability of the information contained within the Protected Species Survey. As a result the application was deferred to allow additional information to be submitted. This was received in the form of a letter from the Ecological Consultant dated 16 December, the letter is reproduced below;

“In response to the Development Control Committee queries the initial Protected Species Survey at The Old Vicarage, Greatford was carried out between 09.00 hrs and 12.30 hrs.

The re-visit to the site on 29th November was to look at the trees at the request of Lincolnshire Wildlife Trust this was carried out between 10.00 hrs and 11.30 hrs.

The Protected Species Survey was carried out at a suitable time of year and all surveys were carried out using nationally recognised standard methodologies.

The tree inspection in November was also carried out at an appropriate time of year as the majority of leaves were off the trees enabling all aspects of the trees to be viewed.

I am somewhat amazed that these questions have been raised at committee as the Lincolnshire Wildlife Trust who reviewed the report did not question the time of day or whether the surveys were carried out at an appropriate time of year”.

Additional consultation was undertaken on the information to both Natural England and Lincolnshire Wildlife Trust. Neither organisation raised objection to the updated information or proposal as a whole with regard to impacts on protected species. Therefore the application is recommended for approval, as per the original committee report, which is drafted below.

For clarification, there is an error in the original committee report in that it states the building refused permission under application S10/1876 was to be built to the northwest of the proposed drive and located within the paddock. This is in-correct, if the application had

of been granted permission the garage would have been erected on land to the east of The Old Rectory.

Application category

The application is for Conservation Area Consent.

Reason for referral to Committee

A previous application on the site was also determined at the Development Control Committee.

The proposal

The application is for the demolition of a number of timber outbuildings to the south of the applicants' property. They include a stable and storage buildings.

The application site and surroundings

Vehicular access to the site is currently from Carlby Road along a track that passes through a copse and over a dyke. The actual buildings are well screened from public view due to a line of conifers that mark the boundary with Carlby Road, with the copse beyond. There is a distance of approximately 35m between Carlby Road and the nearest structure to be removed.

Relevant site history

Planning application S10/1876 for the 'erection of classic car unit for car storage unit domestic use' was refused permission at the Development Control in April 2011. It was refused permission for the following reasons;

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

The large outbuilding would have been on land to the northwest of the drive and located on the paddock.

Application S11/0979/Full, for a 'new drive to residential property' is also under consideration at this Development Control Committee.

Policy Considerations

National Policy Guidance

PPS1 – Delivering Sustainable Development
PPS5 – Planning for the Historic Environment
PPS9 – Biodiversity and Geological Conservation

East Midlands Regional Plan

Policy 1
Policy 26
Policy 27

SKDC Core Strategy

EN1- Protection and Enhancement of the Character of the District

Representations received

Heritage Lincolnshire notes that there are no archaeological features of interest that would be affected by the proposed development.

Greatford Parish Council does not object to the demolition of the buildings subject to there being no protected species within them. However, they question whether or not this application is a pre-cursor to a revised application being submitted for the large garage that was refused permission earlier in the year. In addition they emphasise that no objection to this application should not be viewed as support for the previous proposal; indeed, they question whether the application should be determined prior to a revised application for the garage being submitted.

Natural England note it is not an application that they would normally be consulted on but ask that consideration be had to protected species, Local Wildlife Sites and Biodiversity Enhancement.

The Environment Agency raises no objection to the application.

Lincolnshire Wildlife Trust raises no objection to the application.

Representations as a result of publicity

The application has been advertised in accordance with the Council's statement of Community Involvement, with the closing date for representations being 15 July 2011. It should be noted that additional consultation was undertaken following the submission of amended plans.

Two letters of objection have been received and many of the observations relate to possible future applications for a garage on the site or the driveway application currently under consideration. Whilst not objecting in principle to the demolition of the buildings it is requested that consideration be had to possible impacts on the environment and protected species.

Officer evaluation

The timber buildings are of no great antiquity and some are in a relatively poor state of repair. All of the buildings are well screened by existing vegetation and make no contribution to the character of the Conservation Area. As a result there is not considered to be any reason to object to the application in principle.

A protected species survey has been submitted in support of the application and concludes that there is a low probability of the buildings housing bats, with no recorded evidence of the structures being used as a roost. In addition there was no evidence of barn owls, badgers or reptiles.

Therefore, subject to appropriate conditions, including the protection of existing trees, it is recommended that the application be granted consent.

Conclusion

The buildings are of no great antiquity nor make any contribution to the character of the Conservation Area. Furthermore, there is no evidence that the structures are home to protected species. The proposal is therefore deemed to comply with guidance contained in PPS1, PPS5 and PPS9 along with Core Strategy policy EN1; with no other material planning considerations to indicate that the application should be determined otherwise.

SUMMARY OF REASON(S) FOR APPROVAL

The buildings are of no great antiquity nor make any contribution to the character of the Conservation Area. Furthermore, there is no evidence that the structures are home to protected species. The proposal is therefore deemed to comply with guidance contained in PPS1, PPS5 and PPS9 along with Core Strategy policy EN1; with no other material planning considerations to indicate that the application should be determined otherwise.

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

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

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

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

2011/08 02b

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

3. 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).

Note(s) to Applicant

1. Should protected species be found on site during the demolition of the structures work would need to cease immediately and contact be made with appropriate authorities or qualified individuals who have the authority to handle such animals.

* * * * *

Applicant	Graham Hedley, Stamford Bridge Club 14, Foundry Road, Ryhall, Stamford, PE9 4JA
Agent	Peter Wilmot, Peter Wilmot Architects The Old Stables, High Street, Morcott, Rutland, LE15 9DN
Proposal	Erection of club house (amendments to permission S10/2619)
Location	Stamford & District Indoor Bowling Club Ltd, Exeter Gardens, Stamford, Lincolnshire, PE9 2SA
App Type	Full Planning Permission
Parish(es)	Stamford

REPORT

Introduction

The application was to be determined at the Development Control Committee of 13 December; however, the proposal was deferred to allow Members the opportunity of a site visit. At that meeting Members expressed concern about a number of issues including the high level windows, lighting, proximity to nearby residents and boundary treatments. Officers were asked to negotiate with the agent to overcome highlighted concerns.

Applicants submission

As a result of discussions with the agent two letters have been received; the first notes that the side elevations on the drawing approved under S10/2619/FUL indicated an eave height of 3m whilst the front and rear elevations showed an eave height of 2.3m. They do not consider the building would overbear neighbouring properties. In addition the agent notes that the issue of light spill is one that is hard for them to resolve with the high level windows ensuring that overlooking would not be an issue, this was also suggested by the Crime Prevention Advisor to discourage break-ins.

The second letter identified that the cost of lowering the windows in the rear wall would be prohibitive to their clients, as would increasing the height of the fence. As a compromise it is suggested that a condition could be added to the decision notice requiring black out blinds or curtains to the windows, which would be drawn at night time.

Officer comment

The proposed mitigation put forward by the applicant e.g. a condition requiring curtains or blinds to be closed at night, would not be enforceable, although a note to this affect could be added to the decision notice. The agents have however indicated that the building is not used later than 10pm on Saturday and Sunday nights and that a condition restricting the use of the building would be acceptable.

Notwithstanding that no physical alterations are proposed to the building it is still considered that the application is acceptable in that the structure would neither overbear nor overlook adjacent residential properties. Furthermore, any light spill from the high level windows is considered to have only a minor impact on adjacent residential properties and would not justify a refusal of planning permission.

A pole approximately 5m tall with a light on has been erected in the car park and would need to be investigated separately from this matter.

A copy of the original committee report is drafted below and the recommendation remains the same but with an additional condition restricting the hours of opening for the building. The additional condition, number 4, is drafted below;

The building shall not used outside the hours of 11:00 – 23:00 Monday – Friday and 12:00 – 22:00 Saturday, Sunday and Bank Holidays.

Reason: To ensure that the building is not used at unsociable hours and to comply with South Kesteven Core Strategy policy EN1.

Application Category

This application is categorised as a minor application.

Reason for Referral to Committee

The application is to be determined by the Development Control Committee with it being on land owned by South Kesteven District Council.

The Proposal

The application is for the erection of a single storey building, the main hall of which, excluding the kitchen and toilets etc, would have a floor area of 10.7m by 19m, for use by Stamford Bridge Club.

The application site and its surroundings

The application site comprises land to the east of Stamford and District Indoor Bowls Club. The land was formerly vacant with part of it tarmaced, although not marked out for parking. A number of scrub and more mature trees/bushes were on the site but have now primarily been removed.

Vehicular access to the site is via Exeter Gardens with a mixture of boarded fencing and planting, typically no smaller than 1.8m tall, marking the boundary with adjacent residential properties. To the front of the bowls centre is a number of parking spaces.

However, it should be noted that the building is now largely complete and this application is made to regularise the situation with there being an error on the approved drawings with regard to the eave height of the main hall. The error was that one drawing showed the main hall with an eave height of 2.3m with another indicating 3m; the building has been constructed with an eave height of 3m.

Site History

There is no pertinent planning history to the application site

Policy Considerations

PPS 1: Delivering Sustainable Development

PPG13: Transport

PPG17: Planning for Open Space, Sport and Recreation

PPG24: Planning and noise

East Midlands Regional Plan – policies 1, 2, 28, 41

Core Strategy – EN1

Representations Received

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

Lincolnshire County Council, as highway authority, does not object to the application subject to same conditions attached to permission S10/2619/FULL.

Stamford Town Council expresses concern about the retrospective nature of the application given that building work is almost complete.

Planning Policy raise no objection to the application.

Sport England does not object to the application with the bridge club to be located on an unused corner of the site which would not have a detrimental impact on sport provision.

Representations as a result of publicity

The application has been advertised in accordance with the Councils adopted statement of Community Involvement, the closing date for representations being the 18 August 2011.

Three letters of objection have been received and express concern about the proposal on the following grounds;

1. The combined number of members for both the bridge and bowls club will be too high resulting in noise and disturbance to local residents.
2. Vehicle movements will increase to the detriment of highway safety with the width of the access too narrow.
3. Proposed parking provision, for a total of 27 vehicles, is insufficient for the number of Members.
4. The scale of development and close relationship with neighbouring properties would result in an overbearing impact.
5. Would result in a cramped form of development in the corner of the plot.
6. Question whether the boundary line shown on the location plan is correct.
7. Suggested hours of opening for the building, 11:00-23:00, is too long and will be harmful to the amenity of neighbouring properties.
8. The retrospective nature of the application is a concern and it should be refused permission.
9. Note that the application for the bowls club went to the High Court and feel that this is relevant to the current application.
10. The building is 2.5m, and not 3.6m, from the boundary of properties that front Exeter Gardens.

Officer Evaluation

As noted above the application is submitted with there being a discrepancy on the previously submitted drawings; one showed the eave height of the main building to be 2.3m whilst another showed it at 3m.

Having measured the structure 'as-built' it measures 3.1m on the corner nearest to the drive. This is 0.1m taller than identified on the submitted drawing but within acceptable tolerances, particularly noting that the ground level is hard to define with building works not yet finished. The distance measured between the boarded fence of 9 Exeter Gardens and the building is 3.5m.

The broad principles of the development have not changed from that granted permission under S10/2619 in that the proposal will make use of a formerly redundant part of the site and provide adequate parking provision. Therefore the only aspect under consideration is the fact that the eave height will be 3m and not 2.3m as originally shown on one of the elevations.

The building would still be a long distance from residential properties and it is not considered that the proposal would have an overbearing impact. Windows in the rear elevation would be high up the facing wall and overlooking is not an issue. As a result the principle of development and regularisation of the as built development is acceptable, despite concerns from local residents about overbearing impacts.

It is noted that a number of conditions attached to the original permission are now no longer needed and have been discharged. Therefore the only conditions that are now

pertinent relate to the retention of parking spaces, list of approved plans and implementation of landscaping details.

Section 106 Heads of Terms

No section 106 is required for this application.

Crime and Disorder Implications

The application will not raise any significant issues.

Human Rights Implications

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

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

Conclusion

The principle of the development, on an underused part of the site which would enhance facilities available to the wider community and not be detrimental to existing sports provision, is supported. The design of the building is appropriate given its proposed use and would not be out of character with the area. Furthermore, it is not considered that the building would be detrimental to residential amenity through a dominating, overlooking impact or noise that may be generated, nor would it be detrimental to highway safety or trees that are worthy of retention. In addition, taking into account permission S10/2619, which is for a similar form of development. The application is therefore deemed to comply with core strategy policy EN1 along with guidance contained in PPS1, PPG13, PPG17, & PPS24; with no other material planning considerations to indicate that the application should be determined otherwise.

SUMMARY OF REASON(S) FOR APPROVAL

The principle of the development, on an underused part of the site which would enhance facilities available to the wider community and not be detrimental to existing sports provision, is supported. The design of the building is appropriate given its proposed use and would not be out of character with the area. Furthermore, it is not considered that the building would be detrimental to residential amenity through a dominating, overlooking impact or noise that may be generated, nor would it be detrimental to highway safety or trees that are worthy of retention. In addition, taking into account permission S10/2619, which is for a similar form of development. The application is therefore deemed to comply with core strategy policy EN1 along with guidance contained in PPS1, PPG13, PPG17, &

PPS24; with no other material planning considerations to indicate that the application should be determined otherwise.

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

1. The arrangements shown on the approved plan 2010/20-01d, dated 19 July 2011, for the parking/turning of vehicles shall be available at all times when the premises are in use.

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

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

2010/20 - 01d
2010/20 - 02h

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

3. All hard and soft landscape works, including a replacement tree and grassed areas (drawing number 2010/20 02h), shall be carried out in accordance with the approved details. The works shall be carried out in the first available planting season 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).

4. The building shall not used outside the hours of 11:00 – 23:00 Monday – Friday and 12:00 – 22:00 Saturday, Sunday and Bank Holidays.

Reason: To ensure that the building is not used at unsociable hours and to comply with South Kesteven Core Strategy policy EN1.

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. During the hours of darkness it is respectfully requested that curtains to the high level windows in the rear elevation are closed.

* * * * *

Applicant	Mr & Mrs J Dawson, Twelve Nunns The Old Bakehouse, Main Street, Manthorpe, Bourne, Lincolnshire, PE10 0JE
Agent	
Proposal	Erection of two polytunnels in connection with horticultural business
Location	The Old Bakehouse, Main Street, Manthorpe, Bourne, Lincolnshire, PE10 0JE
App Type	Full Planning Permission
Parish(es)	Toft with Lound & Manthorpe

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 at the request of the District Councillor due to the visual impact of the proposal and local objection. .

The Proposal

The proposal is for the erection of two poly tunnels in connection with horticultural business. The scheme will have a visual impact on the area but in terms of the use of the field its present designated use as agricultural will remain unchanged as horticulture falls within the same use class. The existing dwelling access is to be extended to the field and turning facility provided to ensure vehicles enter and leave the site in a forward direction.

The application site and its surroundings

The site is to the south of The Old Bakehouse located on the south side of Main Street. The existing dwelling is a cottage style unit with outbuildings on the western boundary set in a large rear garden area with the field subject of this application adjoining to the south. There are residential units to the south east and south west of The Old Bakehouse and they will be approximately 55 metres and 36 metres from the proposed tunnels respectively. There are further residential properties to the east of the site that all overlook the adjacent agricultural field which has a stable in the north west corner and is currently used for grazing livestock during certain periods of the year.

Site History

The site has in the past had two large timber poultry units on it mainly in connection with egg production which had deliveries and egg collection on a regular basis which as far as can be recalled did not create any problems..

Planning Considerations

National Policy

Planning Policy Statement 1: Delivering Sustainable Development. (PPS1)

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

South Kesteven Core Strategy

Policy SP1 - Spatial Strategy.

Policy E1 - Employment and Development.

Policy EN1 - Protection and Enhancement of the Character of the District. This is a general policy containing a list of criteria which seeks to preserve and enhance the visual quality and amenity of the built and countryside environments and criteria 2, 4, 5 and 10 refer in this case relating to, local distinctiveness and sense of place, the layout and scale of buildings, the quality and character of the built fabric and visual intrusion.

Representations Received

District Councillor has requested Committee consideration due to the visual impact of the poly tunnels and the Parish Council and several residents are concerned regarding the possible future expansion of the site.

Archaeology – No known affect.

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

Parish Council – No objection if the site can be limited to the two proposed tunnels and sufficient appropriate screening. If this is not possible they would object on overdevelopment of the site and visual impact on this recreational area of the village. If the application is to be approved the Parish Council would wish to see conditions imposed regarding screening, opening hours, no retail element, no storage other than in connection with horticultural uses, control over condition of the tunnels and limited number of deliveries to the site.

The applicants have requested that the following additional information regarding the proposal is considered :- The Evesham site referred to is a larger site than the present

proposal and the aerial photograph of this site does not show that the poly tunnels can barely be seen from ground level, shade netting and planting around the site, as proposed for the Manthorpe site, mitigates visual impact. The “thin end of the wedge” argument in terms of expansion is not really valid as any further extensions would be subject to a further planning application. The Parish Council’s support in principle is welcomed. With regard to conditions it has been stated that the application does not include any retail sales, the position of the tunnels have been carefully considered and a condition relating to distance from a dwelling house is not necessary, as indicated only one delivery a month is expected and time limits on the arrival and departure of these vehicles is felt to prescriptive, the process involves the growing of plants and noisy plant and machinery would not be involved, likewise the site is required for nursery use and general storage again would require a further permission and this is not part of the plans and with regard to screening there is every intention to plant and supplement existing planting to achieve and overall reduction of the visual impact of the proposal but a two year time scale for a fully functional scheme is not achievable.

Representations as a result of publicity

The application has been advertised in accordance with the adopted Statement of Community Involvement. There have been 9 letters of objection received from 5 addresses concerning, Manthorpe is predominantly residential, it is not a sustainable village, the development is not well located, it is a quasi industrial facility, no economic need for this development as crop is not essential to surrounding villages or towns, no long term benefit to the community, poly tunnels have a negative effect on the soil quality, poly tunnels by design and bulk will have greater impact than their dimensions suggest and they are not in keeping with the surrounding countryside, this is not a use of land its development and two previous refusals (a domestic garage in Manthorpe and a golf course in Witham-on-the-Hill) are similar to this proposal. There have been 4 letters of support on grounds of small businesses need to be encouraged, previous use for egg production (two chicken sheds), poly tunnels well screened, traffic increase is negligible and local employment.

Officer Evaluation

Whilst the village of Manthorpe is predominantly residential it is set in a rural area where surrounding fields are agricultural by nature and the use of the land for horticulture falls within this use class. As there is no change to the use of the land the main considerations in this case are the construction of any buildings in connection with this use and in particular two poly tunnels. The main impact on the existing dwelling will be the access to the site and the visual appearance of the tunnels which will be directly to the north of the main views from The Old Bakehouse. The nearest tunnel will be some 80 metres away and with the proposed hedge screening between the garden and the field any impact will be minimised over time. The access is an extension of the access that already serves the dwelling, outbuildings and parking area. The views of the tunnels from Main Street will be minimal as they will only be seen through gaps between the frontage dwellings. However from Wilsthorpe Road and the approach to the village from the north they will have a greater visual impact but this is reduced by existing trees and hedging and with additional supplementary planting will be reduced further to an acceptable level. The overall impact of

the tunnels on the mainly residential nature of the village is also helped by use of green shade netting to the walls which reduce the bulky appearance normally experienced with a completely covered poly tunnel. The residential amenities of the neighbouring occupiers should for the main part remain undisturbed as the nature of the use of the site is not noisy except during deliveries to the site which are limited by the type of use proposed and can be controlled by condition in terms of times when they take place. There is some visual change to the views of the immediate neighbours across what is presently an open field but as the properties are 36 metres and 54 metres respectively this has limited impact especially taking into account existing trees and hedging plus the proposed planting. In terms of loss of privacy, overlooking and general residential amenity the poly tunnels will have no major impact. Taking into account all the above points and the fact that the proposals are directly linked to the agricultural use and nature of the area surrounding the village of Manthorpe it is felt, on balance, that the proposals are acceptable.

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

It is considered that by virtue of the location, scale, design, materials to be used and existing screen plus supplementary planting the proposed poly tunnels would have minimal visual impact and would be well integrated into the rural context of the surrounding area. Apart from some visual impact (at a distance) there would be no detrimental impact on the residential amenities of the occupiers of nearby dwellings or on highway safety.

It is therefore considered that the proposal is in accordance with National Policies PPS1 and PPS7 and Policies E1 and EN1 of the South Kesteven Core Strategy. There are no material considerations that indicate otherwise, although conditions have been attached.

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

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

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

2. The horticultural buildings hereby permitted shall only be used for the purposes of, and in conjunction with the field used for horticulture by the applicants and shall not be used to house livestock.

Reason: In rural areas of the district it is the policy of the district planning authority not to permit development unless it is required in connection with the agricultural/horticultural use of the land and in the interests of residential amenities.

3. The scheme for hedge planting on the southern boundary of the site and supplementary planting to the eastern and northern boundaries of the site shall be implemented in the next available planting season. Any hedging removed, dying, becoming seriously damaged or deceased within 5 years of planting shall be replaced by hedging of a similar size and species to that originally planted.

Reason: To ensure the satisfactory development of the site.

4. Deliveries to the premises authorised by this permission shall not take place outside the hours of 8am to 5pm Monday to Friday, 8am to 1pm on Saturday and at no time on a Sunday or Bank Holiday.

Reason: Deliveries outside these hours would result in unacceptable levels of noise to local residents.

5. No part of the site or buildings hereby permitted shall be used for retail sales without the express written consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to assess any change of use the approved proposal may have on the amenities of the surrounding area.

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