

# REPORT TO DEVELOPMENT CONTROL COMMITTEE

**REPORT OF:** Pat Reid Development Management Service Manager

**REPORT NO:** PLA 937

**DATE:** 21<sup>st</sup> August 2012

<b>TITLE:</b>	<b>S12/0510 – Demolition of existing building and construction of new apartments (extension of timeframe) S08/0892. Former Grantham Tyre and Auto, Rycroft Street, Grantham</b>	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	N/A	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	N/A	
<b>CONTACT OFFICER:</b>	Kevin Cartwright	
<b>INITIAL IMPACT ANALYSIS:</b>  <b>Equality and Diversity</b>	Carried out and Referred to in paragraph (7) below  Not applicable	Full impact assessment Required:  Not applicable
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	N/A	

## 1. RECOMMENDATIONS

That determination of the planning application be delegated to the Development Management Service Manager in consultation with the Chairman and Vice Chairman of the Development Control Committee to approve the planning application subject to the completion of the agreement.

Where the agreement has not been concluded prior to the committee a 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 the necessary contributions essential to make what would otherwise be unacceptable development acceptable have not been forthcoming.**

## **2. PURPOSE OF THE REPORT**

To make members aware of need for a revised legal agreement in relation to the new planning permission.

## **3. DETAILS OF REPORT**

The proposal relates to the demolition of an unattractive malt house building on Rycroft Street to be replaced with 38 Apartments. The layout and scale of the proposal were determined at outline stage.

This application is to extend the life of a previous planning permission. A single objection letter has been received on behalf of the adjacent dental practice in relation to car parking.

### **The application Site and its Surroundings**

The site is located to the south of Grantham town centre, less than 100 metres to the west of London Road (A52) which is one of the main routes into Grantham. The site is in close proximity to Grantham railway station.

The site is roughly rectangular in shape with an area of approximately 0.2 hectares. Access is currently gained off Rycroft Street. The majority of the eastern side of the site is Rycroft Street, the other side of which and at a lower level than the application site, are large retail units that front onto London Road.

To the southern side of Rycroft Street are two dwellings and the former Courthouse building, which has been converted to offices.

To the south of the application site is Nursery Path a pedestrian footpath link between London Road to the east and Launder Terrace to the west. To the south of this footpath is St John's Medical Centre, The Vicarage and St Johns Church.

To the west of the site is a converted warehouse building that is now occupied as a large hair dressing salon with offices to ground floor. The eastern wall of this building adjoins the Malthouse building which is the subject of this application. The Maltings Dental Surgery is sandwiched between this building and Brewery Hill to its north. Beyond this are a mix of other uses including an Automotive Training Centre and car repair workshops.

To the north of the site are a number of high-density residential properties arranged in discreet blocks of 4 units and accessed either off Rycroft Street or Brewery Hill.

## Site History

S03/0541 – Change of use from tool hire premises to the sale of motor vehicles was approved on 23 July 2003

S05/0147 – Demolition of Malthouse and erection of apartments. The application was withdrawn on 31 March 2005.

S07/0325 – Outline Application for Residential Development – The application was withdrawn. This related to issues of ownership of the land that formed part of the proposed access.

S08/0329 – Demolition of Existing malthouse building and construction of new apartments was granted planning permission on 16 June 2008.

S08/0892 - Demolition of malthouse and construct apartments without complying with Condition 15 (S08/329). This application was granted at appeal on 20<sup>th</sup> March 2009. This permitted the development to be constructed without the provision of 100% parking. The Inspector made specific reference to available on street parking.

S12/0510 – Demolition of existing building and construction of new apartments (extension to time frame) S08/0892 – current application.

He stated:

“The appeal site is currently a car sales lot and a disused vacant former malthouse building. The proposed development would have a vehicular access of Rycroft Street which is not linked directly to roads at the rear of the site. Due to the width of the roads parking restrictions are in place although there is still extensive on-street parking available, which appeared to be very well used when I visited the site at around mid-day and in the early evening.

The Council is concerned that should the majority of the occupants of the proposed apartments or their visitors have cars, there could be additional on-street parking as a consequence. However, the appellants state that their scheme designs out the need for 100% on-site parking, that it accords with current national planning policy to reduce dependency on the private car and that the highway authority does not object to the level of parking provision. I note also that there appears to be greater capacity for on-street parking on Rycroft Street and this street is detached from the more congested streets at the rear of the site.

In my view the proposal is fully in accord with the general approach of national planning policy expressed in planning policy statement 1: Delivering Sustainable Development at paragraph 27 and elsewhere and with Policy S1 of the Lincolnshire Structure Plan. Although the Council considers that the level of local bus services is poor, the site is nevertheless in a sustainable location where it is not necessary to provide 100% provision. The location of roads could adequately and safely accommodate the traffic likely to be generated by the scheme. It therefore accords with Local Plan Policy EN1”.

The inspector also considered the objection from the adjacent dental practice as part of the appeal:

“I have regard to the objection to the proposed development from the Maltings Dental Practice. Their concerns relate to increased difficulties in the management of their off-street car park. But this is a private matter. They are also concerned that the proposed pedestrian access onto the footway of Brewery Hill would create conflict with the secondary access in to the car park and new residents would park for short periods on Brewery Hill. I do not share these concerns. In my view, residents would be more likely

to park on Rycroft Street or in the parking area of the apartments. In any event they would be subject to the same on-street parking restrictions as others. The dental practice claims that the Council objected to the reduced parking provision on the grounds of the general amenity of the area and not highway safety. However this is not borne out in the reasons for refusal stated in the decision notice.”

### **Developer Contributions**

A unilateral undertaking was submitted with the appeal and it is necessary for a legal agreement to accompany this extension of time application.

Contributions would include affordable housing, education, and health as per the agreed formula.

It is considered that there has not been a significant change in circumstances since the determination of the previous planning application to justify a request for additional developer contributions.

### **Conclusion**

The matter for consideration is whether or not there has been a material change in circumstances since the determination of the previous planning permission that would lead to a different decision.

One letter of objection has been received from a planning consultant acting on behalf of the adjacent dental practice. Whilst not objecting to the principle of the residential development they do object to the scheme as submitted. They argue that the policies considered by the Inspector no longer exist and have been replaced by more up to date policies. Specifically referring to para 39 of the National Planning Policy Framework which advocates Local authority's setting their own parking standards based on certain criteria, whereas, at the time of the appeal, all development was subject to maximum parking standards set nationally.

Whilst the South Kesteven Core Strategy is silent on parking standards, the emerging Grantham Area Action Plan October 2011 (GAAP) is relevant and can be afforded a degree of weight.

In particular paragraph 3.1.8 of the GAAP states that parking is a key issue in Grantham and on street parking is saturated throughout the town on both weekdays and weekends. Policy MOV1 states that the development should encourage sustainable transport networks by offering alternatives to the use of the private car; and in particular that in order to achieve this, development should deliver an appropriate mix of uses to maximise people's propensity to walk cycle when assessing local goods and services.

Notwithstanding the above, it is considered that the proposed development complies with the thrust of sustainable development contained in the NPPF and echoed in the adopted Core Strategy, specifically Objective 4 which seeks to improve accessibility to jobs, house, and services, and to reduce traffic growth, be ensuring choice to use public transport, walk or cycle, for as many journeys as possible.

It is considered increasing parking spaces on site would be contrary to this objective.

The absence of an objection from the local highway authority or planning policy and the aforementioned appeal decision it is considered that whilst policies have been superseded the golden thread of sustainable development remains. As such it is considered the proposed development accords with policy. There is a presumption in favour of sustainable development unless adverse impacts outweigh the benefits or specific policies indicate against.

As such subject to the signing of an appropriate legal agreement securing developer contributions as per the previous planning application the extension of time application should be granted.

Members may recall that the application was deferred from the previous committee in relation to the maltings building and whether or not the building is a local heritage asset.. Comments have been sought from the Principal Conservation Officer and are taken in full below:

“Planning permission has previously been granted, in 2008, for the demolition of the eastern end of the maltings building at the southern end of Rycroft Street in order to allow for a redevelopment of apartments.

Only the higher part of the existing building is proposed to be demolished in to allow to allow for the erection of an apartment building of similar height to the existing building.

To the south of the site is the listed St John’s Church, whose setting is affected by the existing building.

It is an overtly functional building that detracts from the setting of neighbouring designated and other non-designated heritage assets in the vicinity. These assets include the listed St. John's Church, designed by Anthony Salvin the principal architect of Harlaxton Manor, the unlisted Brewery Hill Maltings, the former Court House and the St. John's Rectory, all of which were identified by the Grantham Townscape Character Assessment (GTCA) as 'positive contributing buildings'. The subject building was not so identified in the GTCA. It is a modern twentieth century building constructed of common bricks with corrugated metal sheet additions to its roof and asbestos sheet additions to its northern side.

The setting of St. John’s Church is affected by the existing building and it will also be affected by the proposed development. However the overall height of the apartment block is to be to the same as that of the existing building.

In my opinion the part of the building to be demolished is not an important feature of Grantham's industrial past that is worthy of retention. The original part of the building to the west, that is not affected by the proposed development is, I suggest of more historic significance, although that has also not been identified in the GTCA as a positive contributing building. It does not meet English Heritage’s listing criteria for this type of building.

Subject to careful choice of materials, the setting of the Church should be somewhat enhanced by the proposed development.

I would suggest however that it be made a condition of any planning permission that a detailed photographic record be made of the building (externally and internally) and

submitted to the local planning authority and the Historic Environment Record for Lincolnshire. Since the last permission PPS5 has been introduced and superseded by the NPPF but both give greater emphasis to non-designated heritage assets than was the case when the original application was considered. Although I do not consider the part of the maltings proposed for demolition under this application to be of particular significance from a local heritage point of view, it is nonetheless important that a record is made of it in the interests of future generations having an understanding of the history and evolution of the town and this area in particular”.

Based on the above comments it is considered that the existing maltings building is not worthy retention. The removal of the building and its replacement with the proposed development would enhance the setting of the Church. It is considered, subject to the additional condition requiring a photographic record to be made of the building, the development is acceptable.

**Suggested Condition**

Prior to the commencement of the development on site, including demolition, the asset, 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 Record.

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

**4. OTHER OPTIONS CONSIDERED**

None

**5. RESOURCE IMPLICATIONS**

No significant impact on resources

**6. RISK AND MITIGATION**

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
2	Legal agreement amended to maximise receipt of developer contributions for local community and mitigate impact of the development

**7. ISSUES ARISING FROM IMPACT ANALYSIS**

Relevant impact addressed in Section 3.

**8. CRIME AND DISORDER IMPLICATIONS**

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

## **9. COMMENTS OF FINANCIAL SERVICES**

There are no specific financial implications associated with this report but It is important to ensure any contributions due from the developer are collected.

## **10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

The current application is for permission to extend the time limit for implementation in respect of the development authorised by planning permission S08/0892. It will be necessary to enter into a S106 agreement to ensure that the obligations contained in the S106 agreement attached to the original planning permission remain in full force and effect in respect of the current application.

## **11. COMMENTS OF OTHER RELEVANT SERVICES**

## **12. APPENDICES:**

Planning submission can be viewed via the following link:

<http://www.southkesteven.gov.uk/index.aspx?articleid=2230&ApplicationNumber=S12/0510>