

**Development Control Committee
5 February 2013**

Additional Information

NB2 – S12/2459

Proposal Erection of 2 dwellings on a vacant site to the south of Radcliffe Road, Stamford

Summary of Information Received

An additional representation has been received from a member of the public.

Information Received

Concern has been expressed about the use of a pedestrian gate between the application site and Newcomb Court, a residential home for people aged over 60. It is requested that the gate be removed so that it does become a 'cut-through' for local residents given possible health and safety concerns and the fears of residents within Newcomb Court, some of whom have poor eyesight and are disabled.

Officer Comment on Information Received

There is no public footpath through the site and any pedestrian access would be for the use of the occupiers of the dwellings only. It would appear to be a civil legal matter between the two site owners about a right of way and not a planning issue.

Alterations to Conditions

None.

Changes to Recommendation:

None.

PWM1 – S11/2371 and PWM2 – S11/2372/LB

Proposal S11/2371: Retention of two conservatories, veranda, extension to Coach House and various structures within the curtilage (including fountain, fencing, CCTV cameras and landscaping works), erection of leisure building, greenhouse and cold frames within existing walled garden, construction of tennis court

Proposal S11/2372/LB: 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

Summary of information received:

Correction to the report for S11/2371 on page 31 of the committee agenda:

The fifth paragraph should say 07 February 2012 and not 10 January 2012.

Additional correspondence received from the applicant:

- Additional statement from Dr C. Miele in response to English Heritage's latest comments received 25 January 2013
- Email from the applicant's solicitor received 25 January 2013
- "Draft Referral to the Secretary of State" prepared by the applicant's solicitor received 25 January 2013
- Letter from the applicant to Members of the Committee received 25 January 2013
- Partial transcript of the Development Control Committee Meeting of 07 February 2012, received 25 Jan 2013

Officer comments on information received and issues raised:

Additional statement from Dr C. Miele

The issues raised have already been discussed in detail in the main report. These additional comments continue to argue that the works are necessary for the reasonable requirements of any large family without providing any compelling evidence to back this up. It is noticeable that he remains silent on the issue of the fountain/pond and gateposts despite the fact that this issue has been specifically addressed by English Heritage.

"Draft Referral to the Secretary of State"

In the case that members continue to be minded to approve, and the listed building consent application is referred to the Secretary of State (SoS), the regulations state that the local planning authority (LPA) must explain their reasons for being minded to approve and the extent to which they have considered English Heritage's concerns. Whilst the arguments put forward by the applicant's representatives can be used as a basis for such a statement (in the case that Members agree with this view), it is important to note that the LPA must put forward a sound case based on their own assessment and not simply refer to the applicant's submission. All of EH's objections must be addressed satisfactorily.

Letter from the applicant

The letter from the applicant of 24 January 2013 contains a number of inaccuracies that need to be addressed.

The reasons why these applications have been brought back to committee are fully explained in the main report, and are recorded in the minutes of the committee meeting of 07 February 2017. It is incorrect to state that officers have their own agenda and are ignoring instructions. The concern of officers has been to ensure that any statement to accompany a referral to the SoS should be robust to avoid it being rejected. Officers are not in a position to put forward such a case (which contradicts their professional assessment) as it would be professionally inappropriate to do so. The applicant was given a further opportunity to gain expert advice with a view to informing a case to be put forward to the SoS should committee continue to be minded to approve.

The statement from Dr C. Miele has not been "simply dismissed" as alleged by the applicant. It has been considered in detail by English Heritage and the Council's officers and discussed in the main report. English Heritage were consulted as it is the statutory duty of the Council to do so. There is no evidence that English Heritage object simply because some of the works are retrospective.

The applicant refers to officers using historic maps as evidence of the fountain being a historic feature whilst denying that the same maps prove extensive structures in the recess where the kitchen conservatory has been built, or that the main house and coach house were historically physically linked.

Officers have carried out extensive research using historic maps and photographs which prove beyond doubt that the fountain/pond is a historic feature. The applicant states that this was never in dispute, but failed to include it on the "pre existing" block plan or refer to its removal in the design and access statement. It should be noted that the fountain/pond is clearly shown in photographs in the 2007 sales brochure in its original position.

As stated in the main report, there is evidence from historic maps and marks on the wall that there was a small insubstantial lean-to structure of some kind within the recess between the main house and service wing as well as the stone “tower” that has been removed. It is unclear what this lean-to structure was or when it was removed. However, other than the relatively small structures mentioned above, there is no evidence whatsoever that this area was extensively built on as stated by the applicant. Furthermore, it is considered highly unlikely that the structure was a formal conservatory being set within a recess which would be shaded for most of the time and attached to the service wing. The “pre existing” plans submitted by the applicant show a lean to conservatory and large opening into the service wing. There is no evidence that any lean-to structure or opening of the type shown was in place at the time when the applicant purchased the property in 2007. Aerial photographs taken in 2003 and 2005 appear to show no such structure in place which is consistent with the floor plan shown in the sales brochure from 2007.

There is also no evidence from any historic maps of a link between the main house and the Coach Houses. All the evidence points to them being separate buildings.

In respect of the gate piers, it is not known when these were originally built, although clearly they were built at a much later date than the house. Notwithstanding the fact that they are made of reconstituted stone rather than cut stone, they have a weathered appearance, and appear to be pre-1948. In the absence of evidence to the contrary, they are therefore considered to be curtilage listed structures. In any case they were clearly designed to form part of the formal landscaping and setting of the eastern elevation and as such have historic significance. The concrete dogs that the applicant refers to (with corroded steel sticking out) on top of the gate piers in their new location do not appear to have any historic significance and were not part of the gate piers in their original location. Photographs taken in 2008, show them to have been placed at the entrance to the walled garden.

Regardless of the applicant’s stated intention to alter the Coach House doors to reflect the appearance of the original, the applications as submitted, and all the elements contained within them must be considered on their own merits. The retrospective elements of the applications cannot be removed or amended as they have come about as a result of enforcement action and a determination must be made. The applicant has been consistently advised by officers to submit a number of separate applications for different elements of the proposal, rather than including everything on a single application. This was to avoid a scenario where if one element is unacceptable, the whole application fails. However he has chosen not to take this advice.

There is no split among officers as alleged. The assessment in the main report is the collective view of the Council’s officers, following a detailed analysis, and

taking into account all the relevant policies and material considerations. As stated in the report, there is likely to be some scope for extensions or alterations that would not cause harm to the significance of the building. However, as yet no formal assessment has been undertaken and no formal view has been expressed by officers on what would be considered to an acceptable alternative to the current proposal. Such an assessment will be undertaken following determination of this application and the Council's officers will work proactively with the applicant to come to achieve an acceptable outcome.

As stated in the main report, it is acknowledged that Caythorpe Hall was in need of investment, as are most historic buildings of that age. However, it was not in an advanced state of decay as suggested by the applicant and had been in continuous use as a dwelling until the applicant purchased the property. This is clearly evident from the sales brochure. The wider works of restoration are welcome in principle and generally supported by officers.

The applicant continues to argue that the public cannot see Caythorpe Hall. Caythorpe Hall is visible from a number of public vantage points including the public footpath that runs across the field to the east, the A607, as well as from the escarpment and wider countryside to the east. In any case whether it is visible from public vantage points has little bearing on the acceptability of the works on the character and significance of the building, its setting or the conservation area in which it is located. It is not clear where the applicant's assertion that officers have suggested that the boundary wall should be left to crumble has come from. Officers are fully supportive of the renovation works to the boundary wall.

The applicant is a property developer with previous experience of historic buildings. What is referred to as "over enthusiasm" was to have committed a criminal offence in allowing the works to the listed buildings to be carried out without having first obtained consent.

The applicant has included a list of works which have been carried out/proposed. This list is not endorsed by officers particularly as the full details of some of the works has not been provided. The general works of restoration and landscaping do not form part of these applications and whilst welcome in principle, cannot be used as justification for those aspects of the proposal which are considered to be harmful. The fact that some of these works are considered unacceptable is the result of a thorough assessment rather than the applicant being penalized, as he suggests.

Some of the descriptions of the works on the list, such as "restoring the linked sections" and removing the "perspex lean to" are misleading. As discussed above there is no evidence of any historic links or of a perspex lean to being in situ at the time the applicant purchased the property. The removal of "old random sheds" is also mentioned. There is evidence that at least one of these

buildings was a historic stone structure. Furthermore, many of the works listed are likely to have needed listed building consent and a full assessment has not been possible “after the event”. The reference to returning the whole property into single ownership refers to the whole estate rather than the hall itself.

Whilst there are some professional differences of opinion between EH and the Council’s officers, there is general agreement on most of the proposal contained in the applications and the degree of harm caused.

Changes to recommendation: No changes

JJ1 - S11/2782

Proposal: Erection of pub/restaurant

Summary of information received:

No additional information received.

Officer's comments on information:

It is recommended that the wording to condition 14 be amended to include reference to the A3/A4 restaurant / pub use.

Changes to recommendation:

Condition 14 be amended as follows:

“Notwithstanding the provisions contained within the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking and re-enacting that Order) this permission shall relate to the use of the premises for A3/A4 restaurant/pub only as defined in the application and for no other purpose.

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

SB2 - S12/2348

Proposal: Erection of 2no new industrial buildings to accommodate plastic recycling plant

Summary of information received:

A response from the Environment Agency has been received which confirms that they withdraw their objection subject to a planning condition requiring a remediation strategy should any contamination, not previously identified, be found at the site.

A response from Anglian Water has been received that confirms there are no assets by Anglian Water within the development site boundary, that there is capacity for foul drainage and suggest a note with regard to the discharge of trade effluent.

Officer's comments on information:

The consultation comments are noted. The proposal may be considered to be in compliance with Core Strategy policy EN2 Flood Risk.

Changes to recommendation:

It is recommended that a further condition is attached to any grant of planning permission as follows:

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that any unforeseen contamination encountered during development is dealt with in an appropriate manner in order to protect controlled waters (ie Sand and Gravel Secondary A Aquifer and surrounding surface drains).

It is recommended that a further note to the applicant is attached as follows:

An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer.

Anglian Water recommends that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

Anglian Water also recommends the installation of a property maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

PJM4 - S12/2286

Proposal Erection of 6 Apartments. (Outline)

Information Received

Additional correspondence has been received from Environmental Services:

Environmental Protection has reviewed the documents submitted by the applicant for the preliminary application and have the following comments.

As the existing site and building had a commercial use there may be the potential for land contamination on the proposed development site. The contaminated land screening questionnaire states that there has been no spillages or storage of liquids during the use as a car repair workshop. However by the very nature of its use the premises would have used products such as oil, lubricating fluids, batteries and had to remove and store such products during car servicing.

I am satisfied that a full phase 1 desktop study or intrusive sampling scheme is not necessary however I would recommend a suitable condition

Alterations to Conditions

11. Should the developer during excavation and construction works of the said development site find any area of the site where it is suspected that the land is contaminated then all works must stop and the local planning authority notified immediately. The developer must submit to the planning authority for approval a scheme for remediating the identified contamination.

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.

Changes to Recommendation:

No change to the recommendation. Approval of Planning Permission subject to conditions stated in the main committee report.

PL1 - S12/3260/FULL

Proposal Two Storey Dwelling, Triple Garage and Workshop

Information Received

Response from Bourne Town Council

Bourne Town Council has no objections as long as the proposed work shop is not used for commercial activity.

Letter from local resident and the points raised are summarized as follows:

Property is totally out of keeping with the surrounding area
Ambiguous address details
Access to this site should be via its address
Dwelling is out of proportion with its neighbours
Possible loss of light or privacy
Future change of use of garages/workshop to a bungalow
Future use of footpath that access crosses
Impact on drainage, sewerage and services
Increase in traffic during construction period

Officer Comments on Information Received

The points raised are noted but do not change the recommendation to approve the application.

Alterations to Conditions

None.

Changes to Recommendation:

No changes to the recommendation contained in the main report.

PL2 - S13/0041/ADV

Proposal 3 Non Illuminated Crests and Signs

Information Received

Response From Bourne Town Council

Bourne Town Council objects to this proposal on the following grounds:

It is out of keeping with the character of the area

Inappropriate signage

Ill thought out proposal

Bourne is not mentioned and therefore it should read "Bourne Community Access Point and Library"

Officer Comments on Information Received

The points raised are noted but do not change the recommendation to approve the application.

Alterations to Conditions

None.

Changes to Recommendation:

No changes to the recommendation contained in the main report.