

**Straightforward List**

**SF.1     S06/0234/25**

Registration Date: 17-Feb-2006

Applicant	Mr K Smitheringale 31, Pawlett Close, Deeping St. James, Peterborough, PE6 8HW
Agent	
<b>Proposal</b>	<b>Change of use of land to residential garden</b>
<b>Location</b>	<b>31, Pawlett Close, Deeping St. James</b>
App Type	<b>Full Planning Permission</b>

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

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

The reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.

Note(s) to Applicant

1. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.

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**SF.2     S06/0374/72**

Registration Date: 13-Mar-2006

Applicant	Tenancy Services, SKDC Council Offices, St Peter's Hill, Grantham, Lincolnshire, NG316PZ
Agent	Rod Wilson, Tenancy Services, SKDC Council Offices, St. Peters Hill, Grantham, NG31 6PZ
<b>Proposal</b>	<b>Construction of crossover and parking spaces</b>
<b>Location</b>	<b>10 &amp; 12, High Street, Swayfield</b>
App Type	<b>Full Planning Permission</b>

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

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

The reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.

Note(s) to Applicant

1. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.
2. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 782070 for appropriate specification and construction information.

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**SF.3**     **S06/0403/12**

Registration Date: 20-Mar-2006

Applicant	South Kesteven District Council Council Offices, St Peter's Hill, Grantham, NG31 6PZ
Agent	Property Services SKDC Council Offices, St Peters Hill, Grantham, Lincs, NG31 6PZ
<b>Proposal</b>	<b>Construction of parking area and improvement of existing cross over</b>
<b>Location</b>	<b>1-10, Stubbs Close, Dyke, Bourne</b>
App Type	<b>Full Planning Permission</b>

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

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

The reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.

Note(s) to Applicant

1. Your attention is drawn to the enclosed Planning Guidance Note No 1 entitled 'Archaeology and Your Development'.
2. Prior to the commencement of any of the access works within the public highway, please contact the Divisional Highways Manager (Lincolnshire County Council) on 01522 782070 for appropriate specification and construction information.

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**SF.4**     **S06/0486/46**

Registration Date: 03-Apr-2006

Applicant	Mr M Cooke The Poplars, Gelston, Grantham, NG322AE
Agent	
<b>Proposal</b>	<b>Two storey extension to dwelling</b>
<b>Location</b>	<b>The Poplars, Gelston</b>
App Type	<b>Full Planning Permission</b>

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

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

The reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.

Note(s) to Applicant

1. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.

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**SF.5     S06/0488/43**

Registration Date: 03-Apr-2006

Applicant	Mr & Mrs R Coney Honington Grange, Frinkley Road, Honington, Grantham, NG322PS
Agent	Michael Credland, John Roberts Architects Ltd 1, James Street, LINCOLN, LN2 1QD
Proposal	<b>Conversion of farm buildings to three holiday lets, office accommodation &amp; conference facilities</b>
Location	<b>Honington Grange, Frinkley Road, Honington</b>
App Type	<b>Full Planning Permission</b>

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.
3. 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 or rooflights (other than those expressly authorised by this permission) shall be inserted in the west facing elevation of the dwelling.

The reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policy/ies EN1 of the South Kesteven Local Plan.
3. The planning authority wish to be in a position to determine the effects that such development would have on the surrounding area and in accordance with Policy/ies EN1 of the South Kesteven Local Plan.

Note(s) to Applicant

1. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.

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Development Control Committee

16 May 2006

SU.1 S05/LB/6435/69

Registration Date: 30-Jun-2005

Applicant	<b>Hegarty &amp; Co</b> C/o Agent
Agent	John Martin & Associates Farm Hall Offices, West Street, Godmanchester, Cambs, PE29 2HG
Proposal	<b>Partial demolition of store, ground floor extensions and internal alterations</b>
Location	<b>10, Ironmonger Street, Stamford</b>

<b>Site Details</b> <b>Parish(es)</b>	<b>Stamford</b> Conservation Area Unclassified road Demolition of any building - BR1 Radon Area - Protection required Listed Building (Grade II*) Area of special control for adverts C9 Area Conservation Policy S1 Town Centre Shopping Area S3 Primary Town Centre Shopping Area Airfield Zone - No consultation required Drainage - Welland and Nene
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**REPORT**

**The Site and its Surroundings**

The Grade II\* listed property is located on the western side of Ironmonger Street and comprises a three storey element of one build with no. 9. In the yard, at the rear is a three storey outbuilding in a poor state of repair, which has been enlarged at different times in the past. The original part was constructed in either the 17th or 18th century and the most recent, upper part in the 20th century.

The outbuilding is not exposed to view from the surrounding thoroughfares but can be seen from the backs of neighbouring properties.

**Site History**

There have been two applicants in recent years. The first was in 2003 (LB.6123) and sought consent for the partial demolition and alteration of the outbuilding. This was refused for the following reason:

It is considered that, in the absence of a comprehensive structural report and specification of necessary repairs, including accurate itemised costings and, also an exploration of possible alternative uses for the building, again including costs and

valuations, the proposal is contrary to Policies C3 and C9 of the South Kesteven Local Plan and Central Government advice contained in PPG15 (Planning and the Historic Environment).

A further application in 2004 (LB.6295) sought consent for removal of the upper two floors and restoration of the retained ground floor with a flat roof. This was refused for the following reason:

The proposal involves the demolition of the upper floors of a large, three storey, part stone/part brick and Collyweston slate roofed outbuilding to the rear of a Grade II\* listed building fronting the western side of Ironmonger Street.

It is considered that, in the absence of a comprehensive structural report and specification of necessary repairs, including accurate itemised costings and, also an exploration of possible alternative uses for the building, again including costs and valuations, the proposal is contrary to Policies C3 and C9 of the South Kesteven Local Plan and Central Government advice contained in PPG15 (Planning and the Historic Environment).

### **The Proposal**

The proposal involves the substantial demolition of the outbuilding and retention of the ground floor with a new pitched roof over the small yard between the outbuilding and the frontage building, in order to provide additional accommodation for the opticians occupying part of the frontage building.

The proposal also involves blocking-up an existing window opening and reducing the size of a door opening in the rear wall of the frontage building.

### **Key Issues**

Impact on character and appearance of the listed building.

### **Policy Considerations**

#### **Central Government Planning Policy Guidance**

##### **PPG15 – Planning and the Historic Environment**

3.16 While it is an objective of Government policy to secure the preservation of historic buildings, there will very occasionally be cases where demolition is unavoidable. Listed building controls ensure that proposals for demolition are fully scrutinised before any decision is reached. These controls have been successful in recent years in keeping the number of total demolitions very low. The destruction of historic buildings is in fact very seldom necessary for reasons of good planning: more often it is the result of neglect, or of failure to make imaginative efforts to find new uses for them or to incorporate them into new development.

3.17 There are many outstanding buildings for which it is in practice almost inconceivable that consent for demolition would ever be granted. The demolition of any Grade I or Grade II\* building should be wholly exceptional and should require the strongest justification. Indeed, the Secretaries of State would not expect

consent to be given for the total or substantial demolition of any listed building without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable (see paragraph 3.11); or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition. The Secretaries of State would not expect consent to demolition to be given simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing historic building.

3.18 Where proposed works would not result in the total or substantial demolition of the listed building or any significant part of it, the Secretaries of State would expect the local planning authority to address the same considerations as it would in relation to an application in respect of alterations or extensions (see paragraphs 3.12 to 3.15 above).

3.19 Where proposed works would result in the total or substantial demolition of the listed building, or any significant part of it, the Secretaries of State would expect the authority, in addition to the general considerations set out in paragraph 3.5 above, to address the following considerations:

- i. the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. Any such assessment should be based on consistent and long-term assumptions. Less favourable levels of rents and yields cannot automatically be assumed for historic buildings. Also, they may offer proven technical performance, physical attractiveness and functional spaces that, in an age of rapid change, may outlast the short-lived and inflexible technical specifications that have sometimes shaped new developments. Any assessment should also take account of the possibility of tax allowances and exemptions and of grants from public or charitable sources. In the rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight should be given to the costs of repair;
- ii. the adequacy of efforts made to retain the building in use. The Secretaries of State would not expect listed building consent to be granted for demolition unless the authority (or where appropriate the Secretary of State himself) is satisfied that real efforts have been made without success to continue the present use or to find compatible alternative uses for the building. This should include the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting the building's condition (the offer of a lease only, or the imposition of restrictive covenants, would normally reduce the chances of finding a new use for the building);
- iii. the merits of alternative proposals for the site. Whilst these are a material consideration, the Secretaries of State take the view that subjective claims for the architectural merits of proposed replacement buildings should not in themselves be held to justify the demolition of any listed building. There may very exceptionally be cases where the proposed works would bring substantial benefits for the community which have to be weighed against the

arguments in favour of preservation. Even here, it will often be feasible to incorporate listed buildings within new development, and this option should be carefully considered; the challenge presented by retaining listed buildings can be a stimulus to imaginative new design to accommodate them.

### Lincolnshire Structure Plan

#### Policy BE3 – Conservation of the Historic Built Environment

Provision will be made to ensure that the character and appearance of the historic built environment is protected and/or enhanced. In particular:

- listed buildings will be protected from demolition, inappropriate alteration or other adverse change to their character or setting.

### South Kesteven Local Plan

#### Policy C4:

Listed building consent will not normally be given for the partial demolition of any listed building or the removal of any object or structure affixed to it or within its curtilage where such action would detract from the intrinsic character or appearance of the building or result in the loss of important features or architectural or historic interest.

#### Policy C6:

Applications for alterations or extensions to a listed building will be considered having regard to the effect of the proposal on the character and appearance of the building, particularly in terms of scale, design and materials to be used.

#### Policy C7:

Proposals for the change of use, or re-use, of listed buildings will be considered having regard to:

1. The desirability of retaining the building in its original use or, where this cannot be achieved, in an appropriate beneficial use.
2. The effect of the proposal on the character of the building, its setting and the environment in general, and the amenities of the occupiers of other nearby properties; and
3. Other local plan policies.

### **Statutory Consultations**

#### Historic Buildings Advisor – comments on original submission:

I am in receipt of details to the above which proposal involves the substantial demolition of a large three storey part stone/part brick Collyweston slate roofed outbuilding located within the yard to the rear of the property. In my opinion, the building is a valuable structure of

considerable antiquity which contributes positively to the character of the historic townscape in the vicinity by way of scale, form and materials (it is readily open to external views to the west of the site) and that it should be retained in its current form, albeit repaired and sensitively adapted to a viable use.

The proposal however is to reduce the building to single storey in height, erect a new roof structure over the remains, and extend the building and roof to cover the small open yard referred to and form a link with the main frontage building on the site.

I would advise that the proposed demolitions will not only cause substantial and significant removal of historic fabric and features but also severely compromise the character, appearance and identity of the building and thereby its contribution to the character of this part of the Conservation Area.

I would also draw attention to the following:-

1. English Heritage advises a suitable assessment of significance for the building to show age, date of construction, previous uses etc. to be prepared by a Buildings Archaeologist.
2. The Structural Engineers Report has in my opinion been prepared on the basis of justifying demolition rather than fully exploring the possibilities and detailing of repairs and refurbishment. I remain of the view based on experience of similarly dilapidated structures and a visual inspection of the building that repair is feasible physically and economically.
3. The ground floor area of the main adjacent frontage building is a reception area to the offices above and could, in my opinion, be readily adapted to also serve the rear building. This could open the key to a viable use. Alternative access from the west should I suggest be more vigorously explored as should alternative uses and perhaps even ownerships.
4. The building has been allowed to fall into neglect over a considerable period of time and the submitted arguments for substantial demolitions are, in my opinion, unjustified not least in respect of the issues referred to in the foregoing.

Comments following submission of a Building Archaeologists Assessment:-

I am in receipt of the Archaeological Building Assessment to the above and report that it is a valuable report of the history of the building and chronicles its development. The report confirms likely 17th century origin and various alterations at key periods in 18th, 19th and 20th centuries. The report also thereby confirms, in my opinion, that the building is of value historically as well as architecturally.

Although the second floor was clearly constructed in the early part of the 20th century that does not in my opinion, in its own right justify demolition particularly as:

- a) the roof is covered in valuable Collyweston slate, and

- b) the form and scale of the building relates well to the form and scale of buildings in the vicinity and it contributes positively to the character of the area.

I remain of the view (previous reports also refer) that the partial demolition of the building is unjustified and that it should be retained in its present form and sensitively restored.

English Heritage:

We have considered the application and although we do not intend to comment in detail on these proposals we offer the following observations to assist with determining the application.

English Heritage advice

Your authority needs to ensure that a suitable assessment of significance for this building is supplied before making a decision on this application. Sufficient information has not been supplied to show the age or date of construction of this building, particularly the stonework, or what use this building was originally constructed for, other than a statement that historically the building was a store. Considering that Stamford contains substantial medieval remnants, your authority should seek information to satisfy itself of the possible age, origins and significance of this building. We would advise that some research is therefore required in order to produce a satisfactory assessment of significance and that this is likely to require the skills of a Buildings Archaeologist. Such a process will ensure that any decision taken is done so on a fully informed basis.

Once the above research is undertaken, your authority needs to satisfy itself that the information supplied to justify substantial demolition of this building fully meets the criteria set out in paragraphs 3.16 to 3.19 of PPG15.

Stamford Civic Society:

The Society considers it unnecessary and undesirable to demolish the top two floors of the rear building and put a flat roof. Our view is that the building is repairable and it is always prudent to retain a structure against unknown future use. Once demolished it is costly and difficult to put it back.

Stamford Town Council:

The Committee feel that a clearer plan needs to be submitted before a decision can be made on this application.

However, they recommend a site visit by the Conservation Officer and that particular note is made of the structure inspection survey.

### **Representations as a result of publicity**

The application has been advertised in accordance with statutory requirements, the closing date for representations being 5 August 2005.

A letter of objection has been received from an interested party who owns a quarter share of the application property. Objections are as follows:

- a) Previous applications did not include creation of a pitched roof over what is a "typical Stamford yard/light void" in an attempt to secure additional office space.
- b) Previous applications proposed a flat roof. This has proved adequate for neighbouring shop extension and should perform equally well in current situation.
- c) Pigeon problem would not be solved by proposed development as existing air conditioning units will remain and more will be added for proposed accommodation.
- d) Air supply to gas boiler of neighbouring shop will be adversely affected by proposed extension.
- e) Proposals extend beyond what is necessary to make the three-storey building safe.

### **Planning Panel Comments**

To be determined by Committee.

### **Applicants Submissions**

The applicants agent has submitted the following Planning Statement in support of the proposal:

#### **1. INTRODUCTION AND BACKGROUND**

- 1.1 This supporting planning statement has been prepared by John Martin & Associates on behalf of Hegarty & Co Solicitors, the applicant in respect of the enclosed planning and listed building consent application for alterations to a rear store associated with a Grade II\* listed building at 10 Ironmonger Street, Stamford, Lincs. The description of development in both cases is:

"Alterations to listed building including partial demolition of store, ground floor extensions and internal alterations"

- 1.2 The applications are made following the refusal of listed building consent for two earlier proposals for works to the store at the site as set out in more detail in section 3 of the report. The latest refusal (dated 17 November 2004) is included as Appendix 1 to this statement.
- 1.3 This Practice was commissioned to advise whether the latest refusal of listed building consent (ref. S04/LB/6295/69) should be subject of an appeal or a revised application, and to progress matters as appropriate. Accordingly, the applications subject of this report have been made after the site has been assessed by a relevant consultant team in order to properly address the reasons for refusal. A significant amount of supporting material is associated

with the applications, including that identified by the Council to have been lacking and set out in the previous refusal notice.

1.4 This demonstrates that the existing rear store building subject of these applications is in very poor condition, would be extremely costly to repair. Even if repaired it is unrealistic to expect an alternative use of the building to be forthcoming, given the nature of the building's position and juxtaposition with its surroundings. In this context the alterations proposed which include the demolition of the first and second floors of the rear store will be shown to be justified in terms of PPG15 advice and development plan policy. In addition, these works will ensure the continued use of the altered store, and by association the continued viable use of the main frontage listed building.

1.5 The planning application is supported by the following drawings and documents:

JMA-H128-01 – 1:1250 Site Location Plan;  
Drawing No. 3 – Plans, sections and elevations prepared by Wilson Heath Architects;  
Structural Engineers Report prepared by MK Design Associations;  
Planning Statement prepared by John Martin & Associates.

1.6 the listed building consent application is supported by the following drawings and documents:

JMA-H128-01 – 1:1250 Site Location Plan;  
Drawing No. 3 – Plans, sections and elevations prepared by Wilson Heath Architects;  
Structural Engineers Report prepared by MK Design Associations;  
Planning Statement prepared by John Martin & Associates.

## **2. SITE DESCRIPTION**

(NOTE: Please refer to site plan included as APPENDIX 2 and photographs included in the MK Design Associates report).

2.1 No. 10 Ironmonger Street comprises a Grade II\* listed building located on the west side of a pedestrianised shopping street in Stamford. As set out in the listing description included at Appendix 3 to this report, the building is constructed of painted stucco and stone slates. The building is listed as part of a consecutive terraced group comprising Nos. 7-14 Ironmonger Street, the remainder of which are Grade II listed.

2.2 This part of Stamford is located within the Conservation Area which covers much of the central part of the town.

2.3 At ground floor level No. 10 accommodates a shop frontage, which is split between Scrivens opticians who occupy the majority of Hegarty & Co Solicitors whose offices are located in the upper floors of the building (see plate 1 of the MK Design Associates report).

- 2.4 to the rear of the attractive frontage building is a three storey building which has historically been used as a store associated with No. 10 Ironmonger Street. This is located to the immediate rear of the frontage building, and partly attached by a single storey, flat roofed link. It is constructed of stone and brick with a Collyweston tiled roof. The building is currently occupied by Scrivens opticians at ground floor level but unused on the upper floors. This rear building is not specifically mentioned in the listing description,
- 2.5 there is an external yard to the rear of Hegarty & Co Solicitors reception area which is enclosed by the rear store and the single storey link. Despite the applicants best endeavours this space has become infested by pigeons and is unattractive and unhygienic. The rear yard is not currently used due to this factor.
- 2.6 As set out in further detail in MK Design Associates' report, the building is in poor condition, the roof is not intact, is subject to movement and the walls are cracked.
- 2.7 The building extends right up to the common boundaries with adjacent properties, and there is no independent access to the building save through Hegarty & Co Solicitors entrance area. Whilst there is a network of passageways in this part of Stamford none of these connect with the rear of the building. Any rear access would be over private land, which whilst having been investigated has been denied by the respective owners (see correspondence included as Appendix 4).

### **3. PLANNING HISTORY**

- 3.1 Two recent applications have been made for proposals relating to the rear outbuilding subject of this application (ref. S03/LB/6123/69 and S04/LB/6295/69). Both sought to demolish the upper floors of the rear building, and provide a flat roof over the existing ground floor accommodation and were refused planning permission.
- 3.2 The previous reason for refusal (associated with application S04/LB/6295/69) read as follows:

The proposal involves the demolition of the upper floors of a large, three storey, part stone/part brick and Collyweston slate roofed outbuilding to the rear of a Grade II\* listed building fronting the western side of Ironmonger Street.

It is considered that, in the absence of a comprehensive structural report and specification of necessary repairs, including accurate itemised costings and, also an exploration of possible alternative uses for the building, again including costs and valuations, the proposal is contrary to Policies C3 and C9 of the South Kesteven Local Plan and Central Government advice contained in PPG15 (Planning and the Historic Environment).

- 3.3 This reason for refusal and the policies referred to above have been considered carefully in preparing this revised application and are commented upon further in section 5 of this statement.

#### **4. PLANNING POLICY CONTEXT**

- 4.1 Relevant planning policies are contained in both central government guidance as well as adopted development plan policies. This is examined below.

##### **Government Guidance**

- 4.2 Government guidance exists in PPG15: Planning and the Historic Environment which is relevant to this application. The guidance note sets out the need for environmental stewardship and the effective protection of all aspects of the historic environment. It notes that historic buildings are an irreplaceable record of the past, which also contributes to our understanding of the present, and adds to local distinctiveness of individual places and settlements (paragraph 1).
- 4.3 Paragraph 3.5 sets out the factors which are generally relevant to the consideration of listed building consent applications. This includes the importance of the building, the particular features of a building which justify its inclusion in the list, the building's setting and contribution to the local scene and the extent to which the proposed works would bring substantial benefits to the community.
- 4.4 Paragraph 3.8 recognises that the best way to ensure the upkeep of historic buildings is to keep them in active use, which usually means an economically viable use. The range of possible uses is an important consideration in any applications affecting a listed building.
- 4.5 Paragraphs 3.16-1.39 of PPG15 concern demolitions. It is recognised that in occasional circumstances demolition may be unavoidable, but listed building controls allow any such circumstances to be fully justified. Clear and convincing evidence is required to justify the total or substantial demolition of listed buildings, with Grade I or Grade II\* buildings being exceptional and requiring the strongest justification. Paragraph 3.17 sets out that consent for demolition should not be granted simply because redevelopment is more attractive to the developer than repair and re-use of a historic building, and includes tests for ensuring that a rigorous process has been undergone by the developer in seeking to find an alternative use for the building.
- 4.6 Paragraph 3.19 sets out a list of considerations which should apply to any proposal for total or substantial demolition. This includes the condition of the building and its repair costs, the adequacy of efforts made to retain the building in use and the merits of the alternative proposals for the site.

##### **Adopted Development Plan**

- 4.7 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the policies of the development plan unless material considerations indicate otherwise. The development plan provisions, and national guidance relevant to these applications are set out below.

### **The Structure Plan**

- 4.8 The Lincolnshire Structure Plan 2001, as proposed for adoption, set out some general policies for the County. In respect of the application proposals, policy 62 is of relevance which protects the character and appearance of the historic environment, stating that ... "listed buildings will be protected from demolition, inappropriate alteration or other adverse change to their character or setting...". The policy also protects conservation areas and their settings from damaging development.

- 4.9 The Deposit Draft Lincolnshire Structure Plan was published in April 2004 to cover the period 2001-2021. The key policy in respect of this matter is policy BE3 which formed the basis of the council's previous reason for refusal. This in fact is identical to policy 62 of the Lincolnshire Structure Plan 2001 as detailed above. Whilst the Plan is only part way through its review process (with the EIP scheduled to commence in July 2005), given that wording is unchanged it can be given greater weight than might otherwise be the case.

### **The Local Plan**

- 4.10 The adopted Local Plan comprises the South Kesteven Local Plan (adopted April 1995). This covered the Plan period 1990-2001. Whilst the review of this plan was commenced, it is understood that this has since been abandoned and therefore this is not commented upon for this reason.
- 4.11 Policies C3 and C9 of the adopted Local Plan re of relevance to this application, and were those against which the previous proposal was refused listed building consent.
- 4.12 Policy C3 states that listed building consent will not normally be given for the total demolition of listed buildings. It is supported by text at paragraph 7.13 which states that consent for total demolition will only be allowed in very exceptional circumstances where supported by evidence which details the condition of the building, the cost of repair, possible alternative uses, and market responses to the offered sale of the building.
- 4.13 Policy C9 concerns buildings in the Conservation Area, and gives protection against proposals which demolish or partially demolish any building which makes an "important contribution to the street scene, environmental quality or character of the area." Supporting text at paragraph 7.20 states that whilst buildings may not be of great architectural or historic value may be important to the wider context of adjacent buildings and open spaces. The loss will be resisted unless it can be shown that the replacement building will preserve or enhance the character or appearance of the area.

## **5. PLANNING ISSUES**

5.1 There are considered to be several issues which are relevant to the consideration of the attached planning application and application for listed building consent. These are considered in turn below.

**i) Justification for the partial demolition of the building**

5.2 It is clear from the above planning policies that there is a strict presumption against the total or substantial loss of listed buildings, or buildings which contribute to the character and appearance of the Conservation Area in all but exceptional circumstances and where supported by an appropriate level of clear and convincing evidence. It will be demonstrated that in this case, such justification exists and forms part of the enclosed applications.

5.3 The building subject of these applications is located to the rear of the frontage property which makes a vital contribution to the street scene of Ironmonger Street. It is this frontage building which has been recognised in the listing descriptions as representing the reason for the buildings Grade II\* listed status. No mention is made of the building subject of these applications in the listing description, and it can therefore be reasonably considered of lesser importance than the main frontage building.

**Condition of the building, including renovation costs**

5.4 As can be seen from MK Design Associates report, the rear building is currently in poor condition, and suffering from 'very severe damage' in terms of the roof, and 'serious structural damage' in terms of the upper masonry which would require at least part of the upper floors of the building to be rebuilt (see paragraphs 5.01 and 5.02). It is stated that the current condition of the building is a health and safety hazard and access to the courtyard area should be restricted to those with protective equipment.

5.5 At paragraph 5.05 of the report, it is stated that it is "not safe or practical to restore the building in its present form." The paragraph continues to set out the extent of works which would be required to renovate the building, and concludes by stating "By the time this is done there will be very little of the original structure left."

5.6 The author of the Structure Survey has also provided details of the nature of works which would need to be carried out to rectify the defects identified in his report and this has been costed by Vic Couzens Building Contractors. The result of this has shown that the costs of repair would be in the order of £110,854. The costs are included as Appendix 5 to this report.

5.7 Such a cost is considered to be prohibitive given the limited potential use of the building, as set out below. PPG15 recognises the need for historic buildings to be kept in viable uses.

**Investigations to find alternative uses**

- 5.8 No. 10 Ironmonger Street is currently well used by Scrivens Opticians at ground floor level, and Hegarty & Co Solicitors on the upper floors. The upper floors of the rear building are not currently in active use.
- 5.9 Currently access to the rear building is possible only through the reception area to Hegarty & Co Solicitors, which is in itself a convoluted and restricted route (see site survey) and across the rear yard area. Stairs then allow access to the upper floors of the building. Scrivens Opticians utilise the ground floor space associated with the building although the rear element of accommodation is currently in poor condition and suffering from leaks from the upper floors of the building. No access exists from the ground floor to the building to the floorspace above, although providing such access could be considered if demand existed for this purpose.
- 5.10 Investigations have been undertaken to ascertain whether either of the current occupiers have a need for more floorspace, either at the current time or as a potential part of any future expansion plans. The written position in respect of Hegarty & Co Solicitors, and Scrivens Opticians are included at Appendix 6 to this statement, and show that additional floorspace is not required.
- 5.11 Logically these are the only operators who could make active use of the upper floors of the building. An access for a third party user would need to be through the Hegarty & Co reception area. This would be totally impractical as all goods and deliveries would need to access through this space and be incompatible with the professional image that the company must present. The letter from Hegarty & Co solicitors included at Appendix 6 also indicates that third party access would not be feasible.
- 5.12 Independent external access to the building is not possible save over private land. Investigations have been carried out as to whether this would be permitted (see correspondence at Appendix 4 to this report) by the owners of No. 17 High Street and 11 Ironmonger Street who cumulatively own the only means of access from Broad Street and Silver Lane, and the High Street. Neither is prepared to allow access to the building over their land.
- 5.13 Notwithstanding this position, our clients have asked their commercial agents Barker Storey Matthews to advise on whether there is potential to let the rear building to any other third party. Their response is included as Appendix 7 to this statement, and shows that in their view this would not be possible. As such the property has not been offered to the market, as it would have been had the building been potentially commercially attractive in a renovated condition.
- 5.14 It is considered that the proposal as supported by the MK Design Associates report and appendices to this statement represents an exceptional case where the partial demolition of this listed rear store is justified by the supporting evidence. As such it complies with the guidance in PPG15 and the exceptions permitted under Local Plan Policy C3.

## **ii) Effect on the proposals on the Conservation Area**

- 5.15 In addition to the listed building issues associated with this application, consideration must also be given to the contribution which the building makes to the Conservation Area. The subject building is not visible from public vantage points on Ironmonger Street, Broad Street or High Street. It is only visible when approaching off a rear passageway off Silver Lane. However this passageway is privately owned and the building is therefore considered to contribute little to the character of this part of the Conservation Area.
- 5.16 The replacement building proposed is considered to preserve the character and appearance of the conservation area. It will provide a traditional pitched roof building in place of the existing flat roofed ground floor link and rear courtyard and provide an improved ground floor retail unit for the tenants. The materials proposed are of high quality and would be in keeping with the site's conservation area location. On this basis it is considered that the Conservation Area will be respected by the proposals which are in line with advice in PPG15, and Deposit Draft Structure Plan policy BE3 and Local Plan Policy C9.

## **iii) Other material planning considerations**

- 5.17 As mentioned above, the rear element of the ground floor accommodation occupied by Scrivens opticians is adversely affected by the poor condition of the upper floors of the building. Whilst repair works have been attempted, leaks continue to occur and a more permanent solution must be found to ensure that the retail units remains tenanted and attractive in the longer term.
- 5.18 The applicant is happy to discuss the design details of the replacement building proposed, as well as the internal alterations which are intended to better organise the ground floor space between the two users. It is expected that the Council would only wish to consider such matters after the matters of principle have been accepted.

## **6. CONCLUSIONS**

- 6.1 This planning statement has set out the relevant considerations in respect of the enclosed applications for planning permission and listed building consent for alterations to 10 Ironmonger Street, including the partial demolition of the rear store and internal alterations. It is supported by relevant plans and a Structural Report prepared by MK Design Associates.
- 6.2 The statement has shown that sufficient justification exists in this case to support the demolition proposals, and provide an attractive replacement building. The current rear store is in poor condition, would require extensive and costly renovation works, when no end user is likely to be forthcoming given the limited access to the property.

- 6.3 Given the supporting material supplied the previous reason for refusal in respect of a similar historic proposal are considered to have been fully addressed and overcome. Clear and convincing evidence such as to meet the strict test of PPG15 and development plan policy is submitted and considered to represent an appropriate justification for the proposal.
- 6.4 On this basis it is hoped that the applications can be supported by South Kesteven District Council.

In addition, a Structural Engineers report has been submitted, the conclusions and recommendations of this are as follows:

- 5.01 It can be concluded that the property has suffered very severe damage which may be categorised as Category 5 in accordance with BRE Digest 251. This damage is confined to roof level where deformations up to 300mm at present on the longer roof slope where a lower eaves is present. A steel framework appears to have been installed to remedy the situation and although this frame will prevent overall collapse local collapse will occur as it is impossible to ensure a watertight covering with this kind of deformation. Water getting into the structure is resulting in deterioration of the timber floors below and finishes at ground floor level. The only safe alternative is to remove and replace the roof and in the Authors opinion this should have been done rather than the bad conservation work that has been carried out.
- 5.02 the upper masonry has serious structural damage which may be classified as Category 3 in accordance with BRE Digest 251. The cause of the cracking is not known but may be related at high levels due to ground movement as a result of defective rainwater pipes or drains. Repair is possible but not really practical due to access difficulties and the large crack widths involved. The front right hand corner at the very least would need to be rebuilt.
- 5.03 There is no headroom under the strengthening beams at roof level so reuse at this level is not possible. Also the floor support timbers are of grossly inadequate size by today's standards for domestic loading let alone office or storage loading. The ground floor is currently occupied by a different user with no access between. Regulations would prevent the upper floors being used anyway without the first floor being made a fire compartment.
- 5.04 the badly deteriorated external lintel and loose brickwork at high level and the defective handrailing are health and safety hazards and access to the courtyard area should be restricted to construction personnel with personal protective equipment. The French doors must not be used for access onto the flat roof area.
- 5.05 In the Authors opinion it is not safe or practical to restore the building in its present form. The roof must be removed and reconstructed with ties to prevent roof spread. The height of the walls would need to be reduced to the lowest eaves level except on the rear gable. This would effectively rule out use of the second floor as a habitable space. The masonry at first floor level would need to be partly demolished and reconstructed and the floor modified

to act as a fire compartment. The windows and the timber lintels will all need to be replaced. By the time this is done there will be very little of the original structure left.

- 5.06 We would appointed after the original proposal was made to demolish the first and second floors but can immediately see that this is the most viable practical option given our findings. The reduction in weight on the foundations should help to stabilise any movement present.
- 5.07 The only other alternative would be to provide a new roof at second floor level and to modify the first floor to become a fire compartment. This would involve considerable disruption to the current tenant and would not resolve issues relating to sound transmission and vibration. In the Authors opinion it is not possible to make viable use of this space with the current tenant arrangement.
- 5.08 The rear elevation will continue to deteriorate as rainwater gets into the masonry at the step in wall thickness. If the building height were reduced below this level this problem would be resolved. It is virtually impossible to maintain the outside of the structure where the building overlooks other properties. Reducing the height of the building would also ease this problem.

An Archaeological Assessment has also been commissioned and the conclusions of this are as follows:

Assessment was undertaken on a building at the rear of 10 Ironmonger street, Stamford as the structure is of historic and architectural significance and proposals have been made for alteration to it.

The assessment has indicated that the examined building was a plain functional structure of probable 17th-18th century date behind a more elaborate street frontage.

Examination of the structure has shown that only three sides of the original building survive. Removal of the fourth, southern, side occurred in the very late 19th century when the building was extended in that direction. Later, in the 20th century, the height of the building was increased by the addition of a new storey constructed of brick. This was roofed with Collyweston slate that was probably salvaged and reused from the original roof. The floor to this new upper storey crossed a blocked window and this relationship suggests that the original first floor of the building was open all the way to the roof. Subsequently, in the late 1970's, a brick passageway was constructed against the east side of the original building and a new entry created.

All of the glazing is late 19th-20th century, though windows in the first floor of the building may be in original apertures. There is evidence that there were fireplaces on the ground and first floor of the building that on the first floor still contains a cast iron range of probable late 19th century date.

In summary therefore, although associated, and probably contemporary, with a significant and elaborate early 18th century building, the assessed structure was not intended to be seen from the highway or publicly accessible. Consequently, it was constructed as a plain and functional building and does not contain any structural or decorative features indicative of either use or original date. Moreover, the building has been much altered in the past so that less than three-quarters of the original structure survives. These alterations included the removal of one entire outer wall and the roof, the blocking of a window, expansion of an entry and construction of lateral and vertical extensions. It is possible that internal divisions were also removed at various times.

## **Conclusions**

Although the application building is located at the rear of properties fronting the surrounding streets and is, therefore, only exposed to view from predominantly private vantage points, and it has been the subject of much unsympathetic alteration in the past, it is nonetheless part of the historic fabric of the town. Moreover, as the Historic Buildings Advisor points out, the building has been neglected by the applicants for a considerable length of time and allowed to fall into its current condition.

Although the requisite detailed information on its structural condition and historical development (absent from the previous applications) has been provided with the current submission and this confirms that there are structural problems and, in part, it only dates from the early 20th century, your Advisor and Officers remain of the opinion that partial demolition, as proposed, is not justified and that it should, therefore, be restored to its current form.

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

1. The proposal involves the removal of the upper floors of a large three-storey part stone/part brick and Collyweston slate roofed outbuilding and an extension, to infill the rear yard, of a Grade II\* listed building fronting the western side of Ironmonger Street.

It is considered that, notwithstanding the recommendations contained in the Structural Engineers report, the proposed works of alteration would have a detrimental effect on the character and appearance of the application building, which currently relates well, in terms of form and scale, to the form and scale of other buildings in the vicinity and makes a positive contribution to the character of the area. The proposal would therefore be contrary to central government guidance contained in PPG15 (Planning and the Historic Environment), Policy BE3 of the Lincolnshire Structure Plan (Deposit Draft - April 2004) and Policies C4, C6 and C7 of the South Kesteven Local Plan.

\* \* \* \* \*

<b>Applicant</b>	<b>Hegarty &amp; Co C/o Agent</b>
<b>Agent</b>	John Martin & Associates Farm Hall Offices, West Street, Godmanchester, Cambs, PE29 2HG
<b>Proposal</b>	<b>Partial demolition of store, ground floor extensions and internal alterations</b>
<b>Location</b>	<b>10, Ironmonger Street, Stamford</b>

<b>Site Details</b> <b>Parish(es)</b>	<b>Stamford</b> Conservation Area Unclassified road Demolition of any building - BR1 Radon Area - Protection required Listed Building (Grade II*) Area of special control for adverts C9 Area Conservation Policy S1 Town Centre Shopping Area S3 Primary Town Centre Shopping Area Airfield Zone - No consultation required Drainage - Welland and Nene
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**REPORT**

**The Site and its Surroundings**

The site and its surroundings have been described in the report to the application for listed building consent, LB.6435.

**Site History**

The site history is as described in the report to LB.6435.

**The Proposal**

The proposal is as described in the report to LB.6435.

**Key Issues**

Impact on character and appearance of the Conservation Area.

Impact on character and appearance of listed building.

**Policy Considerations**

Central Government Planning Policy Guidance

PPG15 – Planning and the Historic Environment

3.16 While it is an objective of Government policy to secure the preservation of historic buildings, there will very occasionally be cases where demolition is unavoidable. Listed building controls ensure that proposals for demolition are fully scrutinised before any decision is reached. These controls have been successful in recent years in keeping the number of total demolitions very low. The destruction of historic buildings is in fact very seldom necessary for reasons of good planning: more often it is the result of neglect, or of failure to make imaginative efforts to find new uses for them or to incorporate them into new development.

3.17 There are many outstanding buildings for which it is in practice almost inconceivable that consent for demolition would ever be granted. The demolition of any Grade I or Grade II\* building should be wholly exceptional and should require the strongest justification. Indeed, the Secretaries of State would not expect consent to be given for the total or substantial demolition of any listed building without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable (see paragraph 3.11); or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition. The Secretaries of State would not expect consent to demolition to be given simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing historic building.

3.18 Where proposed works would not result in the total or substantial demolition of the listed building or any significant part of it, the Secretaries of State would expect the local planning authority to address the same considerations as it would in relation to an application in respect of alterations or extensions (see paragraphs 3.12 to 3.15 above).

3.19 Where proposed works would result in the total or substantial demolition of the listed building, or any significant part of it, the Secretaries of State would expect the authority, in addition to the general considerations set out in paragraph 3.5 above, to address the following considerations:

- i. the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. Any such assessment should be based on consistent and long-term assumptions. Less favourable levels of rents and yields cannot automatically be assumed for historic buildings. Also, they may offer proven technical performance, physical attractiveness and functional spaces that, in an age of rapid change, may outlast the short-lived and inflexible technical specifications that have sometimes shaped new developments. Any assessment should also take account of the possibility of tax allowances and exemptions and of grants from public or charitable sources. In the rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight should be given to the costs of repair;
- ii. the adequacy of efforts made to retain the building in use. The Secretaries of State would not expect listed building consent to be granted for demolition unless the authority (or where appropriate the Secretary of State himself) is satisfied that real efforts have been made without success to continue the

present use or to find compatible alternative uses for the building. This should include the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting the building's condition (the offer of a lease only, or the imposition of restrictive covenants, would normally reduce the chances of finding a new use for the building);

- iii. the merits of alternative proposals for the site. Whilst these are a material consideration, the Secretaries of State take the view that subjective claims for the architectural merits of proposed replacement buildings should not in themselves be held to justify the demolition of any listed building. There may very exceptionally be cases where the proposed works would bring substantial benefits for the community which have to be weighed against the arguments in favour of preservation. Even here, it will often be feasible to incorporate listed buildings within new development, and this option should be carefully considered; the challenge presented by retaining listed buildings can be a stimulus to imaginative new design to accommodate them.

### Lincolnshire Structure Plan

#### Policy BE3 – Conservation of the Historic Built Environment

Provision will be made to ensure that the character and appearance of the historic built environment is protected and/or enhanced. In particular:

- listed buildings will be protected from demolition, inappropriate alteration or other adverse change to their character or setting.

### South Kesteven Local Plan

#### Policy C6:

Applications for alterations or extensions to a listed building will be considered having regard to the effect of the proposal on the character and appearance of the building, particularly in terms of scale, design and materials to be used.

#### Policy C7:

Proposals for the change of use, or re-use, of listed buildings will be considered having regard to:

1. The desirability of retaining the building in its original use or, where this cannot be achieved, in an appropriate beneficial use.
2. The effect of the proposal on the character of the building, its setting and the environment in general, and the amenities of the occupiers of other nearby properties; and
3. Other local plan policies.

#### Policy C9:

In designated Conservation Areas applications for planning permission will be considered having regard to:

- i) The effect of the proposal on the character and appearance of the area;
- ii) The appropriateness of the proposal in terms of design and materials;
- iii) The impact of any new use on the area.

Policy EN1 – the visual quality and amenity of the built and countryside environments of the plan area will be conserved and enhanced.

### **Statutory Consultations**

Historic Buildings Advisor – comments on original submission:

I am in receipt of details to the above which proposal involves the substantial demolition of a large three storey part stone/part brick Collyweston slate roofed outbuilding located within the yard to the rear of the property. In my opinion, the building is a valuable structure of considerable antiquity which contributes positively to the character of the historic townscape in the vicinity by way of scale, form and materials (it is readily open to external views to the west of the site) and that it should be retained in its current form, albeit repaired and sensitively adapted to a viable use.

The proposal however is to reduce the building to single storey in height, erect a new roof structure over the remains, and extend the building and roof to cover the small open yard referred to and form a link with the main frontage building on the site.

I would advise that the proposed demolitions will not only cause substantial and significant removal of historic fabric and features but also severely compromise the character, appearance and identity of the building and thereby its contribution to the character of this part of the Conservation Area.

I would also draw attention to the following:-

1. English Heritage advises a suitable assessment of significance for the building to show age, date of construction, previous uses etc. to be prepared by a Buildings Archaeologist.
2. The Structural Engineers Report has in my opinion been prepared on the basis of justifying demolition rather than fully exploring the possibilities and detailing of repairs and refurbishment. I remain of the view based on experience of similarly dilapidated structures and a visual inspection of the building that repair is feasible physically and economically.
3. The ground floor area of the main adjacent frontage building is a reception area to the offices above and could, in my opinion, be readily adapted to also serve the rear building. This could open the key to a viable use. Alternative access from

the west should I suggest be more vigorously explored as should alternative uses and perhaps even ownerships.

4. The building has been allowed to fall into neglect over a considerable period of time and the submitted arguments for substantial demolitions are, in my opinion, unjustified not least in respect of the issues referred to in the foregoing.

Comments following submission of a Building Archaeologists Assessment:-

I am in receipt of the Archaeological Building Assessment to the above and report that it is a valuable report of the history of the building and chronicles its development. The report confirms likely 17th century origin and various alterations at key periods in 18th, 19th and 20th centuries. The report also thereby confirms, in my opinion, that the building is of value historically as well as architecturally.

Although the second floor was clearly constructed in the early part of the 20th century that does not in my opinion, in its own right justify demolition particularly as:

- a) the roof is covered in valuable Collyweston slate, and
- b) the form and scale of the building relates well to the form and scale of buildings in the vicinity and it contributes positively to the character of the area.

I remain of the view (previous reports also refer) that the partial demolition of the building is unjustified and that it should be retained in its present form and sensitively restored.

English Heritage:

We have considered the application and although we do not intend to comment in detail on these proposals we offer the following observations to assist with determining the application.

English Heritage advice

Your authority needs to ensure that a suitable assessment of significance for this building is supplied before making a decision on this application. Sufficient information has not been supplied to show the age or date of construction of this building, particularly the stonework, or what use this building was originally constructed for, other than a statement that historically the building was a store. Considering that Stamford contains substantial medieval remnants, your authority should seek information to satisfy itself of the possible age, origins and significance of this building. We would advise that some research is therefore required in order to produce a satisfactory assessment of significance and that this is likely to require the skills of a Buildings Archaeologist. Such a process will ensure that any decision taken is done so on a fully informed basis.

Once the above research is undertaken, your authority needs to satisfy itself that the information supplied to justify substantial demolition of this building fully meets the criteria set out in paragraphs 3.16 to 3.19 of PPG15.

Stamford Civic Society:

The Society considers it unnecessary and undesirable to demolish the top two floors of the rear building and put a flat roof. Our view is that the building is repairable and it is always prudent to retain a structure against unknown future use. Once demolished it is costly and difficult to put it back.

Stamford Town Council:

The Committee feel that a clearer plan needs to be submitted before a decision can be made on this application.

However, they recommend a site visit by the Conservation Officer and that particular note is made of the structure inspection survey.

### **Representations as a result of publicity**

The application has been advertised in accordance with statutory requirements, the closing date for representations being 5 August 2005. The representation received has been included in the report to LB.6435.

### **Planning Panel Comments**

To be determined by Committee.

### **Applicants Submissions**

The applications submissions have been included in the report to LB.6435.

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

1. The proposal involves removal of the upper floors of a large three-storey part stone/park brick and Collyweston slate roofed outbuilding and an extension, to infill the rear yard, of a Grade II\* listed building fronting the western side of Ironmonger Street.

It is considered that, notwithstanding the recommendations contained in the Structural Engineer's report, the proposed works of alteration would not only have a detrimental effect on the character and appearance of the application building itself, which currently relates well, in terms of form and scale, to the form and scale of other buildings in the vicinity and, therefore, make a positive contribution to the character of the area but would also constitute the unnecessary incremental erosion of historic fabric from the Conservation Area.

The proposal would, therefore, be contrary to central government guidance contained in PPG15 (Planning and the Historic Environment), Policy BE3 of the Lincolnshire Structure Plan (Deposit Draft - April 2004) and Policies C6, C7, C9 and EN1 of the South Kesteven Local Plan.

\* \* \* \* \*

Applicant	<b>Mr B Cleminson</b> St Catherines Farm, Moorlands Road, Skelton, York, YO30 1YA
Agent	Mr D Shaw 29, Maffit Road, Ailsworth, Peterborough, Cambs, PE5 7AG
<b>Proposal</b>	<b>Erection of 12 flats</b>
<b>Location</b>	<b>R/o Post Office, Church Street, Market Deeping</b>

<b>Site Details</b>	
<b>Parish(es)</b>	<b>Market Deeping</b> Conservation Area Adj authority - Peterborough City - AA7 B Class Road Radon Area - Protection required Adjacent Listed Building Area of special control for adverts C9 Area Conservation Policy S1 Town Centre Shopping Area Drainage - Welland and Nene

## **REPORT**

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

The site is located to the rear of retail premises 1 – 3 Market Place, Market Deeping and the site comprises part of the old post office / Londis car park and part of the grounds of Double and Megson Solicitors.

Access is obtained from Church Street and is located between Tonino's Pizzeria and the old Londis shop near the "Pelican Crossing" and the traffic island at the junction of The Market Place, Bridge Street and Church Street.

### **Site History**

Relevant History.

S05/0925 – Construction of 12 Flats. Refused 22.9.05

### **The Proposal**

Full planning permission is sought for the construction of 12 two bedroom flats in one building on two floors.

The building has an "I" shaped footprint with the roof ridge of the central part being approximately 8m high rising to approximately 9m at either end.. The upper floor flats have "Juliette" balconies to the living spaces and the rear ground floor flats have French doors.

The proposed development will remove 24 car parking spaces from the existing private car park for the old "Londis" shop. Outside the application area, there is a turning area for vehicles servicing the shop and an access to Double and Megson's car park.

Whilst not part of this application, the pedestrian route to the flats and improvements to the side elevation of the shop to improve the environment for residents has been approved as part of application ref S05/0068.

## **Policy Considerations**

### **National Planning Policy**

PPS1 – Delivering Sustainable Development. PPS1 sets out the governments broad aims and objectives on planning policy. The key thread of this policy is the principle of sustainable development, the prudent use of natural resources and social cohesion and inclusion. There are numerous definitions of sustainable development but the basic principles involve the re-use of previously developed sites well related to the existing settlement and easily served by a range of transport choices for future occupants.

PPG3 – Housing. PPG3 specifically outlines the governments objectives in relation to the provision of housing. Whilst pre-dating PPS1, PPG3 also confirms the primacy of delivering sustainable developments. This guidance provides information that is of particular relevance to this proposal on the following matters (relevant paragraph numbers provided):

- 1 Avoid housing development which makes inefficient use of land and provide for more intensive housing development in and around existing centres and close to public transport nodes (para 11).
- 2 The Governments commitment to maximising the re-use of previously-developed land to minimise the amount of greenfield land being taken for development. (para 22).
- 3 Undertaking of a sequential approach to site selection (para 30 and 31).
- 4 Making best use of land, i.e. avoiding developments below 30 to the hectare (para 57-58).
- 5 Defining previously developed land (annex c).

### **Development Plan**

Regional Spatial Strategy for the East Midlands – RSS8. The regional spatial strategy sets the overall housing requirement for the County. It also sets out policies for ensuring sustainable pattern of development, including a sequential approach to the location of development (Policy 2 & 3)

Lincolnshire Structure Plan 1981 and Alteration No. 1. Whilst still forming part of the development plan it is considered that these documents are of little significance to the consideration of this proposal. There is now a replacement Structure Plan, that is close to formal adoption, that should be ascribed significantly more weight as it is reflective of the RSS and national planning policy.

## South Kesteven Local Plan 1995.

Policy H6 – This is a permissive policy that allows for developments in settlements such as Market Deeping that are not specifically identified on the proposals map. Whilst specifically allowing for small groups of dwellings (defined as up to 10) the supporting text does allow for greater numbers where the five criterion are satisfied. Those criterion being:

- i) The impact of the proposal on the form, character and setting of the settlement and on the community and its local environment;
- ii) The availability of utility services;
- iii) The provision of satisfactory access;
- iv) The need to protect open spaces defined on the proposals map as serving an important visual or amenity function; and
- v) The need to avoid the extension of isolated groups of houses and the consolidation or extension of sporadic and linear development.

It must be acknowledged that this development is proposing housing numbers marginally in excess of that originally envisaged by Policy H6. It is in conformity with the determining criteria of H6 except for iii).

Policy EN1 – The Protection and Enhancement of the Environment. This is a general consideration policy that aims at ensuring that new developments do not have an adverse impact upon their environs.

## Other Relevant Policy

Revised deposit draft Lincolnshire Structure Plan 2005. This plan has now been through the Examination in Public and is close to formal adoption. Once adopted it will form part of the formal development plan but due to the advanced stage it is currently at it can be given significant weight. As with all contemporary planning documents the promotion of sustainable development is the central plank of the revised Structure Plan. The Structure Plan translates the regional strategic housing requirement into district allocations. As Members will be aware South Kesteven's allocation has been cut to approximately 9,200, a figure which has largely been accommodated in commitments and urban capacity sites. The revised Structure Plan identifies the settlement hierarchy for the County and classifies The Deepings as a small town.

Additionally the revised Structure Plan adopts a lower than national threshold for the delivery of previously developed sites at 35% of all new dwellings.

## **Statutory Consultations**

Town Council – Continues to objection on the grounds of access onto a busy street.

Housing Strategy Manager :

The site is in an urban area and because there are less than 25 dwellings there is no requirement for affordable dwellings.

Local Highway Authority: Visibility North from the proposed point of access to Church Street is substantially below requirements due to the existing buildings. The close proximity of the existing pedestrian crossing and roundabout where an intensification of vehicles turning right into the site, together with waiting and manoeuvring would be detrimental to highway safety. Request that the application be refused for this reason.

Architectural Liaison – Standard letter received giving crime prevention advice.

### **Representations as a result of publicity**

One letter of objection from an interested party regarding highway safety and traffic .

### **Applicants Submissions**

The regeneration of the whole site will provide a mixed use scheme for Market Deeping Town Centre. This meets planning policy for sustainability. It reuses a previously used but vacant site and provides two important and viable town centre uses.

The possibility of through connections at the rear and side of the site have been examined but this is not possible to achieve due to land ownerships. Other uses have also been examined but are not viable. This proposal for retailing provides the maximum amount of new retail floorspace that is viable.

The plans show the existing trees on site to be retained. Following discussions with Mr Shipman it seems likely that these trees are in poor condition and it may be preferred that they are felled and replaced. We would be pleased to have such a matter conditioned.

#### Car parking

This land is not currently used though much of it was previously car parking. It is not used for car parking associated with the retail unit and there has been, and is no longer, any need for the car parking. The retail has sufficient car parking on other land to more than adequately satisfy its needs. The accompanying illustrative plan demonstrates how vehicles can continue to park and turn within the remaining post office yard.

Planning Policy Guidance Note 3 on Housing has been issued after the adoption of the Local Plan and therefore contains relevant policies on housing.

Paragraph 61 states that Local Authorities should revise their parking standards to allow for significantly lower levels of off street parking provision, particularly for developments in locations such as town centres, where services are particularly accessible by walking, cycling or public transport.

Planning Policy Guidance note 13 on Transport states in paragraph 51 that Local Authorities should not require developers to provide more spaces than they themselves wish.

This site is immediately accessible to shops and other facilities and also to bus stops giving access to Peterborough. The more general policies in PPG 13 therefore dictate that as the option for walking, cycling and public transport are readily available car parking should be minimised. 100% cycle parking provision has been made.

## Design

The scheme has been designed to ensure minimal loss of privacy for adjoining properties. It meets density requirements of PPG 3. It provides for amenity space for the future residents. Materials can be chosen to compliment surrounding buildings.

## Viability of Alternative uses

Although the area of land is quite large, it would prove most unsuitable for either retail or office development. This would be back land development with no visibility or frontage to the High Street/Church Street. There will be no passing trade which is of paramount importance especially for retailers.

The economics of building retail units at a cost of £70 per square foot, plus the land value and on costs and only to receive a return of £5.00/£7.50 per square foot on the Zone A is not viable.

Similarly for offices which would cost more and only to receive a rent in the order of £7.00 per square foot does not stack up.

The viability is unacceptable as it would not produce the right return for a Developer/Investor and secondly, I do not believe that there would be demand from retailers (even local tradesmen) or from office occupiers in this location.

## **Conclusions**

As Members are aware the 2004 Planning and Compulsory Purchase Act places a legal duty upon the decision maker to make decisions in accordance with the development plan unless other material considerations indicate otherwise. It is considered that the proposed development accords with policies relating to design, density and car parking and therefore the key issue of this application is the access and consequent impact on highway safety.

## Access

It is acknowledged that Highways, the Town Council and a neighbour have objected that the access is poor and they consider that this has an adverse impact on highway safety. Yet the access exists lawfully and there is capacity for 57 vehicles to park without the need for planning permission.

The proposal reduces the car parking capacity by 24 spaces and thus there must logically be a reduction in the traffic using the site compared with the existing situation. The reduced visibility exists for both the existing car park and the proposal. The turnover of vehicles will be further reduced compared with the existing situation in that 12 of the

remaining spaces will be only available for residents and therefore the comparison is between 21 spaces available for public parking instead of 57 as existing. It is considered that the 12 residential spaces would turnover at a lower rate than if they were available for parking in connection with the shop.

Your officers conclude that this is acceptable but members should be aware that permitting this development is contrary to Highway advice.

### **Summary of Reason(s) for Approval**

The proposal is in accordance with national and local policies as set out in Planning Policy Statement 1, Planning Policy Guidance Note 3, Policies H1, H2 and H3 of the emerging Lincolnshire Structure Plan 2004 and Policy EN1 of the South Kesteven Local Plan. The issue relating to traffic generation and highway safety is a material consideration and does cause some conflict with Policy H6 but is not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The building shall be constructed of Ibstock Bradgate light buff bricks with dark buff band courses and details above doors/windows, buff Sandtoft Bradgate unless otherwise agreed in writing.
3. The existing natural hedge along the northern and western boundaries of the site shall be retained.
4. 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.
5. Before any development is commenced, details to accord with the Flood Risk Assessment, including location and means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority, and no building shall be occupied until the drainage works have been provided.
6. Any gates to the vehicular access shall be set back a minimum of 15 metres from the nearside edge of the carriageway of Church Street and shall not open over the highway.
7. Before the dwelling(s) is/are occupied, the access and turning space shall be completed in accordance with the approved plan, drawing number 1165AL001A dated 28 December 2005, and retained for that use thereafter.

The reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. In order to ensure that the materials to be used harmonise with existing properties in the locality and that the development as permitted will not deleteriously affect the character of the area and in accordance with Policy/ies \*\* of the South Kesteven Local Plan.
3. These features make an important contribution to the appearance of the area. Their retention will maintain the appearance of the area and help assimilate the development with its surroundings and in accordance with Policy EN1 of the South Kesteven Local Plan.
4. To prevent overlooking to and from the development and to reduce the impact of the development on the appearance of the area and in accordance with Policy/ies H6 and EN1 of the South Kesteven Local Plan.
5. To ensure satisfactory provision is made for the disposal of foul and surface water drainage from the site and in accordance with Policy EN1 of the South Kesteven Local Plan.
6. To enable calling vehicles to wait clear of the carriageway of Church Street in the interests of safety, and in accordance with Policy T3 of the South Kesteven Local Plan.
7. To enable calling vehicles to wait clear of the carriageway of Church Street in the interests of safety, and in accordance with Policy T3 of the South Kesteven Local Plan.

Note(s) to Applicant

1. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.

\* \* \* \* \*

Applicant	<b>Fossitt &amp; Thorne</b> 46, Fydell Street, Boston, PE21 8LF
Agent	CAD Associates Ltd 102/104, Newland, Lincoln, LN1 1YA
Proposal	<b>Erection of 11 dwellings with integral garages</b>
Location	<b>Fossitt &amp; Thorne, Eastgate, Bourne</b>

<b>Site Details</b>	
<b>Parish(es)</b>	<b>Bourne</b> Unclassified road Demolition of any building - BR1 Drainage - Welland and Nene EA: Flood Risk Zone 2/3 (new bld only)

## **REPORT**

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

The application site is located on the south side of the eastern end of Eastgate, near to the junction with Cherry Holt Road. It is currently occupied by Fossitt & Thorne's tyre and exhaust fitting premises, in a functional mono-pitch roofed building that occupies the majority of the site apart from a car park/storage area at the eastern end.

The site has a frontage of 71 metres but a depth of only 11m at its widest point.

Immediately to the rear is the Bourne Eau, a historic watercourse, that was at one time navigable, and beyond that the industrial estate of Graham Hill Way. To the east, between the site and Cherry Holt Road is a pumping station in an area of overgrown grass. To the west is a terrace of three residential properties. On the opposite, northern side of Eastgate are modern, two storey houses facing towards the application site.

There have been several residential developments in recent years on sites of similar depth elsewhere in Eastgate, most recently to the west of The Anchor public house.

### **Site History**

There is no relevant planning history since Fossitt & Thorne first occupied the premises in 1978, only applications for minor developments, such as signage and roller shutter doors.

The site has previously been occupied by a tannery.

### **The Proposal**

It is proposed to demolish the existing building and redevelop the site for residential purposes. The submitted drawings show a terrace of eleven, three-storey, two bedroom dwellings to be constructed predominantly of facing bricks and pantiles but with some of rendered blockwork and slate grey interlocking roof tiles.

Due to the restricted depth of the site, the proposed dwellings would not have gardens, just small (7.5 sq.m.) rear yards. Their main aspect would be southwards, with balconies to lounges on the second floor and 'juliet' balconies to bedrooms on the first floor.

The overall height of the dwellings varies from approximately 11.2m for the tallest to 10.3m and 9.1m for the lower elements.

### **Key Issues**

Highway safety.

Flood risk.

Contamination.

Impact on surroundings.

Loss of industrial land.

Development on Brownfield land.

### **Statutory Consultations**

Local Highway Authority: Requests refusal – see reason 2 below.

Community Archaeologist: If permitted, requests standard condition W8 – Scheme of works.

Environment Agency: If permitted, requests two conditions.

Architectural Liaison Officer: Makes recommendations on lighting, glazing and access control.

Environmental Health: Comments awaited – notified 24 April 2006.

Town Council:

The Committee welcomes residential development on this site but expressed concerns about the narrow road and whether 3-storey buildings would be out of keeping with the area.

Housing Solutions: No requirement for Affordable Housing.

Leisure and Cultural Services: Comments awaited – notified 14 March 2006.

SKDC Policy Section:

Redevelopment for residential purposes would remove a use which causes environmental problems (noise and disturbance) for nearby residents.

It would not result in a significant loss of employment land, as there is more than sufficient outstanding allocations in Bourne to cater for anticipated demand.

## **Policy Considerations**

### Central Government Guidance

PPS1 – Delivering Sustainable Development

PPG3 – Housing (2000)

### Regional Planning Guidance

Regional Spatial Strategy 8

### Lincolnshire Structure Plan

Policy S1 – Promoting Sustainable Development

Policy S2 – Location of Development

Policy H2 – Housing on Previously Developed Land

### South Kesteven Local Plan

Policy E11 – Safeguarding Industrial Land

Policy H6 – Housing on Unallocated Sites

South Kesteven Interim Housing Policy

## **Representations as a result of publicity**

The application has been advertised in accordance with statutory requirements as 'Major Development', the closing date for representations being 14 April 2006. Representations have been received from interested parties.

Planning issues raised:

- a) Uncertainty as to how proposed development will adjoin 50 Eastgate. Both 48 and 50 have rear access via a passage at the western end of the application site. (1)
- b) Overshadowing of houses on opposite side of Eastgate. (1)
- c) Overdevelopment. (1)
- d) Out of keeping with existing development in the area. (1)
- e) Unsafe to put a garage so close to junction with Cherryholt Road. (2)
- f) Loss of privacy. (1)

g) Loss of light. (1)

h) Overlooking. (1)

### **Applicants Submissions**

A contamination report and flood risk assessment have been undertaken on the site. The former concludes that further investigation work will be required prior to the commencement of any development to ensure that any contamination from past use is properly addressed. The FRA confirms, to the Environment Agency's satisfaction, that the proposed development will have no contributing or adverse flooding effects on its own or other properties in the vicinity. The Agency have pointed out however, that this only applies to the risk from the Bourn Eau and not the risk from ground water, drainage systems etc.

In addition the Agents have submitted the following design statement in support of the proposed scheme:

#### 1. INTRODUCTION

1.1 The proposed Design Scheme is to be developed to reflect the existing residential area, but at the same time provide contemporary living aimed predominantly at the 2 bed market.

1.2 The design principles of the scheme are to be formulated following the principal established in the Site Survey and Analysis and the physical features of the site and character of the surrounding built environment.

1.3 The proposals to erect residential dwellings in place of the Automotive Centre, in what is clearly a residential area, provides an excellent opportunity to create a much more pleasant living environment for the residents to this area and would provide an appropriate use for the Brownfield site.

1.4 It is Fossitt & Thorne's intention to relocate the Automotive Centre (in the very near future) to the local industrial area, so there will be no loss of an employment site.

#### 2. STREETS AND BUILDINGS

2.1 The streetscene cannot be classified as a particular style and the external facing materials are not consistent. The range of buildings and materials varies from single, 2 and 2½ storey and natural stone, reconstituted stone, render, buff facing bricks and red facing bricks. Roof finish materials also vary dramatically from concrete interlocking tiles to pantiles and slates. We must therefore conclude that the scheme proposals should endeavour to provide an aesthetically pleasing mix of forms, styles and finishes that are consistent within the development and the existing built environment.

2.2 The recently constructed residential development to the north of the site offers no great architectural merit, as it appears to be typical speculative housing constructed from budget materials which in no way reflect the vernacular of the area. However, that said, the residential development is well established and must surely be disturbed by the number of traffic movement, noise and on-street parking created by the Automotive Centre.

2.3 In order to break up the mass of the building along the street and watercourse frontages and maintain the varying ridgeline heights as the existing built environment, the proposed dwellings range in height from 2½ to 3 storey. By using a varied ridgeline height a

strong visual appearance will be created, especially as this will be complemented by changes in external facing materials.

2.4 A key consideration to the design principle is to create a sympathetic link with the surrounding properties. We are keen to ensure that the scheme proposals reflect the character of the existing buildings in the vicinity.

2.5 Another key consideration is the aesthetic treatments to the south facing elevation of the development, onto the Bourne Eau. This elevation is critical for a number of reasons:

- a) Firstly, the elevation will make a strong visual statement on a prominent corner when travelling north along the B1193 (Cherry Holt Road). For this reason, the elevational treatments should be aesthetically pleasing and reflect its location, i.e. overlooking the watercourse and south facing. We therefore propose to utilise a lot of glazed areas and French doors/Juliette balconies, to create light and airy open plan temporary living spaces. Having consulted with a local firm of Estate Agents within the town, there is definitely a need in the area for this kind of development, as it will provide functional living, within an easily accessible area, ideal for young executives.
- b) Secondly, the south facing aspects looks over towards the industrial area of Cherry Holt Road, therefore we must consider the views from within the proposed development to ensure that the living environment is a pleasant one. We therefore consider through design the most suitable scheme is to incorporate the living space at the second floor level, which will enable the views out in a southerly direction to look over the level of the industrial area. The bedroom accommodation will, as a result, be located at the first floor level.

2.6 The proposals are to form garages at ground floor level to the rear of the property, within a covered frontage. This will enable cars to approach the garage space and wait for the electrically operated garage doors to open without blocking or restricting Eastgate.

2.7 The proposed allocation of one parking space/garaging space per dwelling has been formulated in line with the 'Guide to Parking Provision in Lincolnshire' and 'Planning Policy Guidance PPG13'. The level of car parking proposed falls below the maximum car parking standards indicated in Annex 1 of the 'Guide to Parking Provision in Lincolnshire', but is fully in line with the requirements of PPG13 in encouraging occupants who would not have the use of a car, or are restricted to a single vehicle and therefore use the public transport facilities available in the area. The site is also within walking distance of the local amenities.

2.8 Although the proposed residential units are similar in size and type, they will differ in appearance by the use of different colour bricks and materials. I.e. render and differing roof materials.

2.9 The dwellings are to be constructed in approved red and buff/light brown facing brickwork and painted render with UPVC windows and doors. The roofs are to be finished with pantile or slate roof tiles. Window heads and door heads are to be finished with either brickwork detailing, reconstituted stone or left blank.

### 3. SCALE AND DENSITY

3.1 The size and scale of the dwellings are suitable for the proposed development site, demonstrating an excellent use of this 'Brownfield' site, maximising its potential for 2/3 bedroom town houses in a residential area.

#### 4. VIEW AND FOCAL POINTS

4.1 A key consideration is to create a strong visual statement to both the north and south facing elevations as they play a key role in forming continuity to the existing streetscene and yet define the boundary to the residential zone in this area. The Bourne Eau creates a natural boundary between the residential and industrial/commercial zones in this area.

#### 5. TRAFFIC MOVEMENTS

5.1 The site is served off Eastgate, which leads off the B1193 Cherry Holt Road.

5.2 The proposed development would create a much more pleasant living environment for the existing inhabitants of this area as the number of traffic movements would be significantly reduced, on street parking would be reduced and the noise and general disturbance associated with an Automotive Centre would be removed from the residential area.

5.3 There will be few traffic movements in the area other than peak morning and evening times. It will therefore be a much safer living environment for both pedestrians and vehicles.

5.4 The garages will be retained under private ownership by the residents.

#### 6. POLICY

6.1 The policies referred to are within the existing policy framework provided by Policies H1-H7 of the South Kesteven Local Plan (1995), as the interim Housing Policy is not valid within the town of Bourne.

##### Policy H3

6.2 H3.14 land to the east of Cherry Holt Road and north of the Bourne Eau was zoned for development with the provision of 24 dwellings. This development has not taken place; however there does appear to have been some development in the area with Tannery Close and Wakes Close. The development of H3.14 would appear to be outside the residential zone; however the development of this Brownfield site would appear to create an opportunity to enhance the residential area.

6.3 The Council does not wish any major housing developments to take place at the Deepings. "Accordingly the Council does not wish to promote any further large scale schemes other than those for which planning permission has already been given. Rather it intends that the majority of the demand for new housing in this part of the District be encouraged to be located at Bourne. The consolidation of development in that town will strengthen and improve upon its traditionally important function as a shopping, business and employment focus for its own residential population and that of a wide surrounding rural area."

6.4 H3 also refers to the fact that the majority of modern housing estate development at Bourne has taken place on the western side of town, which is now at its capacity and has contributed to congestion in the town caused by movements to the local jobs and industry to the south-east in the Tunnel Bank area.

6.5 It is therefore considered that this development would provide accommodation in the area of town where it is needed, close to industry and local jobs.

6.6 The impact of the development on the form, character and setting of the settlement, the community and its local environment will be all positive. The scheme proposals will without any shadow of a doubt, create a much more pleasant living environment for all local people. Also a building with little, if any, architectural merit will be replaced with an impressive development of dwellings.

6.7 The area is well built up and long established, therefore there will be good availability for utility services. Please refer to Statutory Information contained within this Statement.

6.8 The roads/access to the development are good and well served.

Policy H6, 2.87

6.9 'In addition to the sites shown on the Proposals Map, there may be some locations within or immediately adjoining the built-up area of the towns and villages identified in Policies H1 to H5, where small sites are capable of development or existing premises are capable of adaptation or extension for residential purposes without detriment to the locality.'

Policy H9

6.10 The development consists of predominantly 2 bed terraced houses, which although they will not be controlled by a Housing Association and be classed as "affordable" by definition. They will however be at the lower end of the market in terms of market value.

### **Planning Panel Comments**

To be determined by Committee.

### **Conclusions**

The redevelopment of the site for residential purposes would undoubtedly improve the amenities of existing residential properties in the area by removing a noisy use and an unsightly building. It would also constitute redevelopment of a 'brownfield' site in a sustainable location.

However, the scheme proposed does not have sufficient regard to its impact on existing residential properties, particularly in terms of its height in relation to those directly opposite on the northern side of Eastgate, on which it will have an overbearing and overshadowing impact.

The Highway Authority also have concerns about the implications for road safety arising from the lack of visibility at the entrances to the proposed garages.

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

1. It is considered that the proposed erection of a terrace of eleven three storey dwellings, with overall heights of approximately 10.25 and 11m, directly opposite and to within 13m of two storey houses on the northern side of Eastgate would have an unacceptably overbearing impact on the occupiers of those properties and severely curtail the amount of natural light they receive.

The proposed development would, therefore, be contrary to Policies H6 and EN1 of the South Kesteven Local Plan and central government guidance contained in PPG3 - Housing 2000.

2. The Director of Highways and Planning, Lincolnshire County Council so requests as visibility east and west from the proposed points of access to the units/garages is substantially below requirements due to the presence of the buildings and their layout. Notwithstanding the lightly trafficked nature of Eastgate, it is considered that vehicles emerging from the access points will be in conflict with traffic, especially pedestrians travelling east and west due to the lack of visibility, contrary to the interests of highway safety.

\* \* \* \* \*

Applicant	<b>Mr &amp; Mrs S Anthony</b> 20a, The Green, Thurlby, Bourne, PE100HB
Agent	
Proposal	<b>Change of use to fish &amp; chip shop (A5)</b>
Location	<b>65, Manor Way, Deeping St. James</b>

<b>Site Details</b> <b>Parish(es)</b>	<b>Deeping St James</b> Unclassified road Drainage - Welland and Nene
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**REPORT****Introduction**

Councillor Ray Auger has requested that this application be referred to the Development Control Committee for the following reason(s):

“Total lack of adequate parking facilities in the area adjacent to the block of shops with flats over, the original parking area at the rear of the shops, is now privately owned and is solely available to the flat owners, at the landlords behest.”

“The limited parking at the ‘hammer head’ adjacent to the retirement flats at Manor House Court-Hanover housing, is very limited in its capacity, and the extra facility of another late night unit, puts further strain on a retirement facility.”

**The Site and its Surroundings**

The site is located in the centre of Deeping St James adjacent to Deeping St James County Primary School. The unit is located in a row of shops with flats above, in an otherwise residential area. There is a parking area located to the rear of the site with signs indicating that this is for private use.

**Site History**

There is no previous planning history for the unit the subject of this application. However several similar applications for change of use to take-aways (application reference numbers Sk.97/0295, Sk.97/0613 and S00/0277) have been approved at adjacent units within the precinct.

**The Proposal**

This is a change of use application to convert the existing but vacant hairdressers to a take-away fish and chip shop (Use Class A5).

**Statutory Consultations**

Highway Authority: No objections

Community Archaeologist: The proposed development does not affect any known archaeological sites.

Environmental Health: No comments at time of writing report, any comments will be reported verbally at the meeting.

### **Representations as a Result of Publicity**

The application has been advertised in accordance with established procedures and representations have been received from interested parties.

The following issues have been raised:

- a) The property is situated within a precinct in which there are already 3 units selling hot take away food as well as a café and an additional outlet will not benefit the resident any further.
- b) There is already a fish and chip shop in Rycroft Avenue only 500 yds from 65 Manor Way so a further one is not required.
- c) The only car parking for prospective customers would be on the street as the car park at the rear of the precinct is privately owned. This will cause potential traffic problems close to a primary school and for residents.
- d) There is already a problem with litter blowing around the area from the current establishments and this will lead to an increase.
- e) If approved the development will result in loss of property values and difficult selling properties.
- f) Increase in noise and disturbance from customer and delivery coming and goings and extraction equipment.
- g) Concerns relating to odours and cooking smells

### **Planning Panel Comments**

The application has not been referred to the Planning Panel as Councillor Auger requested that the Development Control Committee determine the application.

### **Applicants Submissions**

Further to my planning application to change 65 Manor Way, Deeping St James into a Fish and Chip Shop (A5 use), I understand that some objections have been raised concerning the shop being turned into a hot food takeaway. I would therefore like to add the following points:

The shop will not be operated like the other takeaways in the parade, as they open approx 5pm – midnight 7 days a week. Our proposed opening hours are Lunchtimes 11.30am – 1.30pm Monday to Saturday and Evenings 4.00pm – 8.00pm Monday, Tuesday, Saturday and 4.00pm – 9.00pm Wednesday, Thursday, Friday. We will not be open on Sundays.

I understand parking could be an issue, so I surveyed the area for the last 6 weeks every lunchtime and evening (inc Sundays). I found that the times the shop would be open, it does not coincide with school children being dropped off or picked up, the Church on Sundays or most of the evening trade of the other food outlets. Because of this, there was always plenty of parking spaces in and around the vicinity. Taking into consideration that a person would only be in my shop for a maximum of 10 minutes and there would be an average of approx 5 people waiting at any one time, this does not constitute to traffic congestion, especially when people who visit the coffee shop or the Indian Restaurant will be parked for an average of 1 hour. Because we will be situated in a housing estate, I also envisage that the majority of our customers would walk.

Noise has also been raised as an issue. I personally cannot see that this type of shop would cause any extra noise issues, as the majority of people would take their food away. We would not encourage people to stay by providing any seating, and noise generated from our proposed shop would be restricted by the opening hours we have previously mentioned.

With regard to the issues surroundings smell, I have looked at several types of frying equipment. The equipment that we have decided on is the most up to date modern machinery currently available in the industry, with a filtration system of the highest quality using carbon filters. I have been assured that this is the most efficient type of filtration system for omitting any type of odours used in the fast food industry today.

I have also noticed during my survey, that there are currently a number of litter bins in the immediate vicinity of the parade of shops. However, it is important to me that the area is clean and tidy as this is not only good for the area, but would be good for my business. I will therefore provide a bin of my own outside the shop which will be emptied and cleaned daily.

Whilst researching the area of Deeping St James, I have checked the censors profile going back to 1991. This showed that in 1991 there was 6285 people living in the area and in 2001 this had risen to 6932. Although figures for 2006 were not available, the population for this area can only have grown. In addition to this we are aware of current new developments taking place, as well as possible trade coming from local businesses, Deepings Leisure Centre, Rugby Club, Church, Bowls Club, The Deepings Comprehensive School (1337 pupils), Deeping St James County Primary (298 pupils) and any after school events held there.

I have asked a number of local people whether they would support or venture, and the response was very positive.

We are a young local family who have lived in the area for many years, and have friends and family in this community. Because of this, our objective is to not work against, but work with this community offering them a serve which we feel is needed.

In today's society, families don't necessarily have the time to prepare a cooked meal, and although not ideal, people do need fast food outlets and choice to compliment their lifestyles.

I have been made aware that there have been approx 6 objections. Bearing this in mind, surely we can assume that the majority of residents in this area either support or have no problems with a fish and chip shop serving their community.

To summarise, I feel that with a possible 8000+ people in the area, there is a need for another food outlet. There is enough parking to accommodate this and I have addressed the issues of smell, litter and opening hours.

I trust you will take all these points into consideration when discussing my proposed planning permission.

## **Policy Considerations**

### National Planning Guidance

Planning Policy Statement 6 (PPS6): Planning for Town Centres

### South Kesteven Local Plan

Policy EN1 – Protection and enhancement of the Environment

### Material Considerations

There are no policies in the adopted South Kesteven Local Plan 1995 which specifically relate to the change of use from retail (Use Class A1) to hot food take-away (Use Class A5). Policy EN1 of the adopted South Kesteven Local Plan 1995 is however relevant and states that:

Policy EN1 states that:

THE VISUAL QUALITY AND AMENITY OF THE BUILT AND COUNTRYSIDE ENVIRONMENTS OF THE PLAN AREA WILL BE CONSERVED AND ENHANCED. DEVELOPMENT PROPOSALS SHOULD:

- I. INCORPORATE APPROPRIATE LANDSCAPING AND TREE PLANTING WHERE APPROPRIATE;
- II. CONSERVE AND ENHANCE, WHEREVER POSSIBLE, WOODLAND, TREES, HEDGEROWS, WETLAND AND OTHER WILDLIFE HABITATS, WATERCOURSES AND OTHER NATURAL FEATURES, KNOWN ARCHAEOLOGICAL SITES AND FEATURES OF HERITAGE SIGNIFICANCE;
- III. IN RESPECT OF BUILDINGS, REFLECT THE GENERAL CHARACTER OF THE AREA THROUGH LAYOUT, SITING, DESIGN AND MATERIALS;

- IV. NOT INTRUDE INTO THE SETTING OF IMPORTANT BUILDINGS, LANDSCAPE FEATURES OR PROMINENT VIEWS;
- V. WHERE APPROPRIATE, HELP TO ACHIEVE THE IMPROVEMENT OF DERELICT, DEGRADED OR UNDERUSED LAND;
- VI. BE LOCATED WHERE THE HIGHWAY SYSTEM CAN ADEQUATELY AND SAFELY ACCOMMODATE THE VOLUME AND NATURE OF TRAFFIC LIKELY TO BE GENERATED OR INCORPORATE SUITABLE PROPOSALS FOR ALL NECESSARY IMPROVEMENTS; AND
- VII. AVOID POLLUTION OF THEIR SURROUNDINGS BY NOISE, TOXIC OR OFFENSIVE ODOUR OR BY THE RELEASE OF WASTE PRODUCTS

Local residents have objected to the proposed change of use on the grounds that it will result in on street parking and cause highway safety issues. The Local Highway Authority has been consulted on the proposed change of use and has raised no objections to application. It is therefore considered that the proposed change of use will not lead to any significant highway safety or parking issues and that the development complies with point vi of Policy EN1.

Objections have been received relating to noise and disturbance. The applicant has indicated that the premises will only be open between 11:30am – 1:30pm Monday to Saturday and 4:00pm – 8pm Monday, Tuesday, Saturday and 4:00pm – 9:00pm Wednesday, Thursday, Friday with no opening on Sunday. Whilst there are flats directly above the units there are take-away uses already in the precinct and it is not considered that the development will lead to a significant increase in noise and disturbance above and beyond that which already exists. Previous permissions for take-away uses in the precinct have been approved subject to conditions restricting opening times to between 0900hrs to 2330hrs it is therefore recommended that a similar condition be imposed if this application is approved.

In order to ensure that there are no adverse impacts from odours and cooking smell it is recommended that if the application is approved a condition should be imposed requiring details of the extraction equipment to be submitted to and approved in writing by the Local Planning Authority prior to the change of use taking place.

Concern has been raised with regards to litter in the area. The applicant has indicated that he will provide a litterbin outside the premises for customers to use. It is also recommended that a condition be imposed on any consent requiring a bin to be provided prior to the use commencing.

Several letters of objection have received stating that there is no need for an additional take-away use in the area. PPS 6 states “it is not the role of the planning system to restrict competition, preserve existing commercial interests or prevent innovation.” There are no policy grounds for restricting A5 uses in the precinct the fact that there are other similar uses in the area cannot therefore be considered as a reason for refusal.

Issues relating to loss of property values are not material planning considerations and cannot be taken into consideration when determining an application.

## **Conclusions**

The proposed development will not have a detrimental impact on residential amenity or on highway safety. The proposed change of use complies with policy EN1 of the adopted South Kesteven Local Plan 1995 and it therefore recommended for approval subject to no adverse comments being received from Environmental Health.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. Prior to the use commencing, there shall be submitted to and approved by the District Planning Authority details of the means of collection of litter externally of the premises. Such details as may be approved shall be installed prior to the use commencing.
3. The premises shall not be used for business purposes outside the hours of 0900 to 2330 on any day.
4. 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 have been submitted to and approved by the District Planning Authority.

The reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. In the interests of the amenities of the locality and in accordance with Policy EN1 of the South Kesteven Local Plan.
3. The site is close to residential properties, the occupiers of which would be adversely affected by the operation of the use outside of these hours.
4. In order to protect the occupiers of nearby properties from the smells of food preparation and in accordance with Policy EN1 of the South Kesteven Local Plan.

\* \* \* \* \*

Applicant	<b>Mr &amp; Mrs J Eatch</b> The Old Rectory, Rectory Lane, Barrowby, Grantham, Lincs, NG32 1BT
Agent	Mr L E Cragg 10, Hedgefield Road, Barrowby, Grantham, NG321TA
<b>Proposal</b>	<b>First floor extension, extend conservatory, form utility, raise existing wall and erect new gates, detached stables &amp; garage</b>
<b>Location</b>	<b>The Old Rectory, Rectory Lane, Barrowby</b>

<b>Site Details</b>	
<b>Parish(es)</b>	<b>Barrowby</b> Conservation Area C Class Road Radon Area - Protection required Listed Building (Grade II) Area of special control for adverts C9 Area Conservation Policy Airfield Zone - No consultation required Drainage - Lincs

**REPORT**

**The Site and its Surroundings**

The application building, previously the rectory c1588 and now occupied as a dwelling is a listed building which was extensively restored in 1991. It is located in the Barrowby conservation area within a large plot at the corner of Rectory Lane and Rectory Close. The nearest dwellings to the application site are the properties on Rectory Close which house elderly/vulnerable persons.

Site History

SK. 97/0859/06/34 and SK/LB/5022/06/34 – Planning Permission and Listed Building Consent was granted for the erection of a garage, store and boundary wall at The Old Rectory, Rectory Lane, Barrowby on 30th September 1997.

S04/0415 – Creation of New Vehicle Access and Driveway was granted planning permission on 13 May 2004.

The Proposal

The proposal relates to the erection of a first floor extension, extend the existing conservatory, form utility room, raise a section of the boundary wall by 550 mm to an overall height of 1.8 metres, install new drive gates, and construct detached stables/garage.

The first floor element would be located would be located above the existing flat roof and be constructed with a hip roof design and fenestration to match the existing. The conservatory extension would marginally increase the footprint of the conservatory and

replace the existing mono pitch roof with a flat roof incorporating a roof light. The existing parapet wall which forms the rear elevation of the conservatory would remain as existing.

The alterations to part of the boundary wall between the existing hand gate and proposed drive gates would increase the height of the wall to 1.8 metres to match the existing section of wall that fronts Rectory Lane.

The proposed double garage/stable block would be built off the existing boundary wall which fronts onto Rectory Close. It is considered that the proposed detached building is designed to be in keeping with the character and appearance of the host property and would be constructed of matching materials.

#### Policy Considerations

#### **Central Government Policy Guidance**

PPG15 – Planning and The Historic Environment

Lincolnshire Structure Plan (Deposit Draft – April 2004)

Policy BE3 – Conservation of the Historic Built Environment.

#### **South Kesteven Local Plan**

Policy C5 – Development affecting the character and appearance of listed buildings.

Policy C6 – Alterations and extensions to listed buildings

Policy EN1 – Protection and Enhancement of the Environment

Policy H6 – Residential Developments

#### Statutory Consultations

South Kesteven Planning Archaeologist – The proposed development does not affect any known archaeological sites

Local Highway Authority – No observations

Environmental Health

The following conditions to be placed on any permission:

No development shall take place until details of the method of disposing of soiled stable bedding and manure have been submitted to and approved by the local planning authority.

Parish Council

As commented on in a previous application in June 2005 (S05/0821/06). The issue of these proposed alterations as far as the stables and garage are concerned, we feel are detrimental to the outlook of the building as it does stand in the conservation area. For that part we are against. The rest we have no objections.

#### Representations as a result of publicity

The application has been advertised in accordance with statutory requirements. Letters have been received from interested parties.

A summary of the issues raised are listed below:

1. The entrance to the scheme is quite narrow and adjacent to a tight corner.
2. Proposal would result in increased traffic and larger vehicles and trailers entering the site.
3. Casual parking of visitors/guests to the site. Increased on street parking.
4. Excessive smells from any waste and horse manure coming from the development. Some measures to reduce eliminate these should be considered.
5. Intolerable smells.
6. Use would attract rats and break health and safety/hygiene regulations.
7. Reduction in light to the adjacent flats
8. Noise disturbance from the horses. Particularly in the evening.
9. Pigs are not allowed near dwellings. The same should apply to horses and other livestock.
10. No objection to the building works. Concerns regarding the impact on wildlife.
11. Concerns if any trees are lost.
12. The garage/stable adjacent to the boundary would impact on the aspect currently enjoyed by the occupiers of the neighbouring properties.
13. Stables would be too close to the adjacent flats. Unhygienic
14. There is adequate space within the plot to locate the stables elsewhere as an alternative to building on the boundary wall.

#### Comments

Neither the Highway Authority nor the Environmental Health Officer have objected to the proposal (subject to condition).

The planning application does not proposed the removal of any trees. A section of hedge would be remove to allow the construction of the garage/stables.

There is a distance of approximately 26 metres (adjacent to the proposed stables/garage block) between the boundary of application site and the adjacent properties on Rectory Close.

#### Planning Panel Comments

Refer to committee for determination. Panel members to undertake a site visit.

## Conclusions

Extensive negotiations and amendments have taken place during the life of the application. It is considered that the proposed extensions, alterations and detached garage/stable block would not be detrimental to the character and appearance or the setting of the listed building, and as such complies with the current government guidance and local plan policies relating to listed buildings and development within conservation areas. The proposed development is also the subject of listed building consent application (S05/LB/6516) considered elsewhere in this agenda.

Accordingly, the proposed development is not considered detrimental to the character and appearance of the host property, street scene or wider conservation area.

Whilst concern have been raised by the occupiers of the adjacent properties with regard to increase vehicle movements, size of vehicles and on street parking to the detriment of highway safety. No objection has been raised by the local highway authority to the proposed development. It is therefore considered that a refusal of planning permission on these grounds could not be substantiated.

It is considered that the issues of odour/smell nuisance can be adequately controlled by the imposition of the condition requested by the environmental health section regarding a means of disposal of soiled bedding and manure. Particularly, as there is significant separation between the proposed detached stable/garage block and the nearest residential properties on Rectory Close.

It is not considered that the proposed development would result in any significant loss of residential amenity to the adjacent occupiers via overshadowing/overlooking as there is sufficient distance between the application site and the neighbouring properties.

However, as the proposed garage would be constructed off the existing boundary wall the roof tiles/guttering/downpipe would project beyond the boundary of the site and overhang the adjacent footway.

Accordingly, subject to an amended plan showing the garage/stable repositioned so that no part of the proposed development projects beyond the boundary of the site the development is considered acceptable.

## Summary of Reason(s) for Approval

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance Note PPG15, Policy BE3 of the Lincolnshire Structure Plan and Policies C5, C6, EN1 and H6 of the South Kesteven Local Plan. The issues relating to highway safety, visual amenity and residential amenity are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. No development shall take place until details of the method of disposing of soiled stable bedding and manure have been submitted to and approved by the local planning authority. The stables shall operate in accordance with the approved details unless otherwise agreed in writing by the local planning authority.
3. This permission shall be read in conjunction with the submitted application and the amended plan Drawing No. LEC-05-03-173-REV-03 received by the local planning authority from the applicant's agent on 23 March 2006 unless otherwise agreed in writing by the local planning authority.
4. This permission shall be read in conjunction with the submitted application and the amended plan (Drawing No. .... received by the local planning authority from the applicant's agent on .....) unless otherwise agreed in writing by the local planning authority.
5. The garage/stable block hereby permitted shall be used solely for domestic purposes only. It shall not be used for any trade/business use.

The reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 91 of the Town and Country Planning Act 1990.
2. To protect the amenity of adjacent occupiers and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.
3. To define the permission.
4. To define the permission.
5. The use of the stables for a business use would require further consideration by the local planning authority and to protect the amenity of adjacent occupiers and in accordance with Policies EN1 and H6 of the South Kesteven Local Plan.

Note(s) to Applicant

1. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.
2. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
3. 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.
4. This planning permission shall be read in conjunction with the accompanying listed building consent - S05/LB/6516.

\* \* \* \* \*

Applicant	<b>Mr &amp; Mrs J Eatch</b> The Old Rectory, Rectory Lane, Barrowby, Grantham, Lincs, NG32 1BT
Agent	Mr L E Cragg 10, Hedgefield Road, Barrowby, Grantham, NG321TA
<b>Proposal</b>	<b>First floor extension, extend conservatory, form utility, raise existing wall and erection new gates</b>
<b>Location</b>	<b>The Old Rectory, Rectory Lane, Barrowby</b>

<b><u>Site Details</u></b> <b>Parish(es)</b>	<b>Barrowby</b> Conservation Area C Class Road Radon Area - Protection required Listed Building (Grade II) Area of special control for adverts C9 Area Conservation Policy Airfield Zone - No consultation required Drainage - Lincs
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**REPORT**

The Site and its Surroundings

The application building, previously the rectory c1588 and now occupied as a dwelling is a listed building which was extensively restored in 1991. It is located in the Barrowby conservation area within an extensive plot.

Site History

SK. 97/0859/06/34 and SK/LB/5022/06/34 – Planning Permission and Listed Building Consent was granted for the erection of a garage, store and boundary wall at The Old Rectory, Rectory Lane, Barrowby on 30th September 1997.

S04/0415 – Creation of New Vehicle Access and Driveway was granted planning permission on 13 May 2004.

The Proposal

Consent is sought for a first floor extension, extend the existing conservatory, form utility room, raise a section of the boundary wall by 550 mm to an overall height of 1.8 metres, install new drive gates, and construct detached stables/garage.

The first floor element would be located above the existing flat roof and be constructed with a hip roof design and fenestration to match the existing. The conservatory extension would marginally increase the footprint of the conservatory and replace the existing mono pitch roof with a flat roof incorporating a roof light. The existing parapet wall which forms the rear elevation of the conservatory would remain as existing.

The alterations to part of the boundary wall between the existing hand gate and proposed drive gates would increase the height of the wall to 1.8 metres to match the existing section of wall that fronts Rectory Lane.

The proposed double garage/stable block would be built off the existing boundary wall which fronts onto Rectory Close. It is considered that the proposed detached building is designed to be in keeping with the character and appearance of the host property and would be constructed of matching materials.

## **Policy Considerations**

### **Central Government Policy Guidance**

PPG15 – Planning and The Historic Environment

Lincolnshire Structure Plan (Deposit Draft – April 2004)

Policy BE3 – Conservation of the Historic Built Environment.

### **South Kesteven Local Plan**

Policy C5 – Development affecting the character and appearance of listed buildings.

Policy C6 – Alterations and extensions to listed buildings

### **Statutory Consultations**

Historic Buildings Advisor

A number of amendments have been received to address the comments of the Historic Building Advisor. The following is a summary of the comments made by the Historic Building Advisor in relation to the most recent set of amended plans:

The amended plans received on the 13 March address most of the issues I raised previously, and in particular more accurately reflect what in fact exists on the site. A further amended plan has been received, again correcting inaccuracies in the previous drawing, and amending the conservatory fenestration.

The proposals are now in my view satisfactory in principle. Large scale details of the proposed new fenestration should be reserved for subsequent approval, and the proposed new render should match the existing colour, texture and finish.

Parish Council: No objections

### Representations as a result of publicity

The application has been advertised in accordance with statutory requirements. The representations that have been received have been included in report to application S05/1643.

### Planning Panel Comments

Refer to committee for determination. Panel members to undertake a site visit.

### Conclusions

Extensive negotiations and amendments have taken place during the life of the application. It is considered that the proposed extensions, alterations and detached garage/stable block would not be detrimental to the character and appearance or the setting of the listed building, and as such complies with the current government guidance and local plan policies relating to listed buildings and development within conservation areas. This is supported by the comments of the historic buildings advisor who has raised no objection to the principle of the development subject to appropriate conditions regarding fenestration and colour/finish of the render.

However, as the proposed garage would be constructed off the existing boundary wall the roof tiles/guttering/downpipe would project beyond the boundary of the site and overhang the adjacent footway.

Accordingly, subject to an amended plan showing no part of the proposed development projecting beyond the boundary of the site the development is considered acceptable.

### **Summary of Reason(s) for Approval**

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance Note PPG15, Policy BE3 - Conservation of the Historic Built Environment of the Lincolnshire Structure Plan and Policies C5 and C6 of the South Kesteven Local Plan. There are no material planning considerations that indicate against the proposal though conditions have been attached.

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

1. The works hereby permitted shall be begun not later than the expiration of three years from the date of this consent.
2. Before the development hereby permitted is commenced, final details of the materials to be used in the construction of external walls and roofs shall be submitted to and approved in writing by the District Planning Authority. Only such materials as may be agreed shall be used in the development.

3. The proposed render to be used in the development hereby permitted shall match the colour, texture and finish of the render of the existing building unless otherwise agreed in writing by the local planning authority.
4. Large scale details of all external joinery, to a scale of not less than 1:20, to include cross sections to show cills, lintols, etc., sympathetic to the Old Rectory, shall be submitted to and approved in writing by the District Planning Authority prior to the commencement of the development.
5. This permission shall be read in conjunction with the submitted application and the amended plan (Drawing No. LEC-05-03-173-REV-03) received by the local planning authority from the applicant's agent on 3 March 2006 unless otherwise agreed in writing by the local planning authority.
6. This permission shall be read in conjunction with the submitted application and the amended plan (... received by the local planning authority from the applicant's agent on ...) unless otherwise agreed in writing by the local planning authority.

The reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990.
2. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policy/ies C5 and C6 of the South Kesteven Local Plan.
3. These details have not been submitted and the District Planning Authority wish to ensure that the colour and type of materials to be used harmonise with the surrounding development in the interests of visual amenity and in accordance with Policy/ies C5 and C6 of the South Kesteven Local Plan.
4. No such details have been submitted and the district planning authority wish to be in a position to ensure that the proposed details are sympathetic to the listed building and in accordance with Policy/ies C5 and C6 of the South Kesteven Local Plan.
5. To define the permission.
6. To define the permission.

Note(s) to Applicant

1. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
2. 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.

\* \* \* \* \*

NU.3 **S06/0328/35**

Registration Date: 06-Mar-2006

Applicant	<b>Mr &amp; Mrs Bennett</b> Lazy Acres, Gorse Lane, Grantham, NG317UE
Agent	Beresford Webb PO Box 6, Xaghra, Gozo XRA 102, Malta
Proposal	<b>Change of use to private residential gypsy site</b>
Location	<b>Lazy Acres, Gorse Lane, Grantham</b>

<b>Site Details</b> <b>Parish(es)</b>	<b>Grantham</b> C Class Road Radon Area - Protection required Area of special control for adverts EN3 Area of great landscape value Airfield Zone - No consultation required Drainage - Lincs
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## **REPORT**

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

The application site is located on the north side of Gorse Lane, approximately 280m to the west of the bridge over the A1 trunk road and 750m to the south east of the junction of Wyville Road and the A1 slip road.

The site is 'T' shaped with its main frontage and entrance to Gorse Lane and with the western-most side fronting onto Wyville Road. The site wraps around the covered water reservoir to the southwest, a modern bungalow to the southeast and there are open fields to the north.

The site has a long established use as a tourist facility being a touring caravan and camping site. The site is level, well screened from the adjacent roads and has many mature trees. Entrance into the site is from Gorse Lane via a barrier controlled gate and past the managers/owners bungalow.

### **Site History**

Planning permission has been sought for the change of use of this site to a permanent residential caravan site on 6 occasions since 1986. These applications are as follows:

1. SK.35/1389/86 – Change of use to permanent caravan site for 12 vans. Refused on 17 February 1987.

2. SK.35/0378/89 – Use as permanent residential mobile home park. Refused on 18 April 1989.
3. SK.35/0703/89 – Change of use to part residential mobile home park and part touring caravan/tent site. Refused on 26 June 1989. Dismissed at appeal following a Public Inquiry on 9 October 1990.
4. S94/1208/35 – Change of use from touring pitches to residential. Refused on 6 December 1994.
5. S98/1287/35 – Change of use from touring caravan site to residential home site. Refused on 16 February 1999.
6. S05/1417/35 – Change of use from holiday caravan site to residential caravan site. Refused on 12 December 2005.

Each of these applications was refused, as the site is located outside the built up area of Grantham, in open countryside, in a location where permanent development would not normally be permitted unless it is required to serve the use of the land. Copies of the decision notices for the above applications and the public inquiry appeal decision notice are included as an Appendix to this committee agenda, for reference. The most recent refusal, dated 12 December 2005, was on the following grounds:

1. Planning permission has been sought for the change of use of this site to a permanent residential caravan site on five occasions since 1986. Each of those applications was refused as the site is located outside the built up area of Grantham, in open countryside, in a location where permanent development would not normally be permitted unless it is required to serve the use of the land. Application SK.35/0703/89 was refused on 26 June 1989 and was subsequently dismissed at a Public Inquiry appeal on the 9 October 1990 under appeal reference T/APP/E2530/A/89/13821/PS.
2. The site is currently used as a touring caravan site which by its nature is not generally occupied throughout the year, thus maintaining the rural appearance of the area. The Lincolnshire Structure Plan and the South Kesteven Local Plan require that mobile homes conform to policies for the location of permanent residential development. It is considered that the proposed development is contrary to established residential policies within the Development Plan and that the more intensive use of the site for mobile homes will be detrimental to the character of the locality by virtue of its visual intrusion into the landscape.
3. In addition to the above this rural location cannot sustain any new permanent residential development without the need for future occupants to rely on the use of the motor vehicle. It is not, therefore, considered to be a sustainable location for permanent development and the proposal would be contrary to national planning guidance contained in RPG8 – Regional and Spatial Strategy (2002), PPS7 – Sustainable Development in Rural Areas (2004), PPG3 – Housing (2000), PPG13 – Transport (2001) and Policies S1, S2 and S4 of the Lincolnshire Structure Plan Deposit Draft (2004).

It must be noted that the above refusal related to issues of sustainability at reason 3. In dismissing the earlier appeal the Inspector noted, in paragraph 7, that:

“Whilst the site is readily accessible to touring holiday makers it is isolated from all the services required by permanent residents,” and goes on to state “... the isolated position renders the site unsuitable for permanent dwellings in my view, and I consider that the development would amount to a harmful consolidation of this isolated group of dwellings in the open countryside.”

## **The Proposal**

Consent is now sought for the change of use of the site to allow for permanent, private residential gypsy accommodation. The agent of the application has stated, in their supporting documentation, that the site has been used for this purpose for the last 3 years by a gypsy family who have strong ties with the locality.

## **Policy Considerations**

### **National Policy**

#### Circular 1/94 – Gypsy Sites and Planning

This circular offers guidance on the planning aspects of Gypsy sites including: suitable locations; design; development plan policies; consulting with Gypsies and their representatives; and dealing with applications for sites. The intention was “to provide that the planning system recognises the need for accommodation consistent with gypsies’ nomadic lifestyle.”

The circular states, at paragraph 27, that:

*The circular emphasised that “as a rule, it will not be appropriate to make provision for gypsy sites in areas of open land where development is severely restricted, for example, Areas of Outstanding Natural Beauty, Sites of Special Scientific Interest and other protected areas. Gypsy sites are not regarded as being among those uses of land that are normally appropriate in green belts” and that “proposals for gypsy sites should continue to be determined solely in relation to land use factors. Whilst gypsy sites might be acceptable in some rural locations, the granting of permission must be consistent with agricultural, countryside, environmental and green belt policies. The aim should always be to secure provision appropriate to gypsies’ accommodation needs while protecting amenity.”*

The site is within a ‘protected area’ as defined by Policy EN3 of the South Kesteven Local Plan (see below) and, as with the previous application, the change of use of the site has to be determined in accordance with land use factors. For these 2 reasons it is considered that the proposal would be contrary to the provisions of Circular 1/94.

#### Circular 18/94 – Gypsy Sites Policy and Unauthorised Camping

This circular emphasised that local authorities need to act in a humane and compassionate way taking into account the rights and needs of gypsies, land owners and the wider community. The responsibilities to Gypsies and Travellers of local authority services, such as housing, social services, education and health and welfare were emphasised. An additional paragraph added that “Local authorities should try to identify possible emergency

stopping places, as close as possible to the transit routes used by gypsies, where gypsy families would be allowed to stay for short periods.”

RPG8, PP7, PPG3 and PPG13 – These policies are relevant to the application with regard to the unsustainable nature of the proposed development.

#### Lincolnshire Structure Plan

There is no specific Policy within the current Structure Plan relating to gypsy sites but Policies S1, S2 and S4 are relevant to the application with regard to the unsustainable nature of the proposed development.

#### South Kesteven Local Plan

Policy H13 – Residential Caravans and Mobile Homes

Requires that mobile homes conform to policies for the location of permanent residential development.

Policy H10 – Residential Development in the Open Countryside

This policy seeks to prevent any residential development within the open countryside that is not essential to serve a proven need for rural housing associated with agriculture or forestry.

Policy EN3 – Areas of Great Landscaped Value

This policy restricts development in the open countryside, other than for specific uses, and states that any appropriate development shall be sited and landscaped so as to minimise its impact on the environment.

#### **Statutory Consultations**

Local Highway Authority: Require a Transport Assessment to assess the impact of the permanent residential occupation of the site as opposed to the transient use of the site.

Community Archaeologist: No objections.

Environment Agency: No comments made.

#### **Representations as a result of publicity**

The application has been advertised in accordance with established procedures and letters of representation have been received from interested parties.

The following planning issues were raised:

- a) Increase in damage to road verges and increase in levels of litter and materials on site.

- b) Residents are already permanent.
- c) Businesses operate on the site.
- d) Overcrowding of the site.
- e) Increase in large vehicles on narrow roads.
- f) Parking on the road – highway safety.
- g) Is there an established need with an existing site so close by?

### **Planning Panel Comments**

11 April 2006 – The application be determined by the Development Control Committee.

### **Applicants Submissions**

The supporting information submitted by the Agent for the application is also included in the Appendix to this agenda.

### **Conclusions**

There is a long planning history on this site relating to applications seeking some form of permanent residential occupation. On each occasion the planning authority has refused these applications and on one occasion an appeal against a reason for refusal was dismissed following a public inquiry. There is no change to this stance with the current application.

Circular 1/94 advises against the siting of gypsy sites within 'protected areas' (EN3 land) and stresses that planning authorities should determine such applications solely in relation to land use factors. The land use factors in this instance, as with the previous applications, are the agricultural, countryside, environmental and local plan policies.

The site is located in an area of open countryside where permanent residents would not be able to utilise the facilities of the town (shops, schools, doctors surgeries etc) without the use of the motor vehicle. The site is therefore unsustainable and should not be used for any permanent occupation.

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

1. Planning permission has been sought for the change of use of this site to a private residential caravan site on six occasions since 1986. Each of those applications was refused as the site is located outside the built up area of Grantham, in open countryside, in

a location where permanent development would not normally be permitted unless it is required to serve the use of the land. Application SK.35/0703/89 was refused on 26 June 1989 and was subsequently dismissed at a Public Inquiry appeal on the 9 October 1990 under appeal reference T/APP/E2530/A/89/138221/PS. On this basis the proposal would be contrary to Policy H10 of the South Kesteven Local Plan.

2. The site is currently used as a touring caravan site, which by its nature is not generally occupied throughout the year, thus maintaining the rural appearance of the area. Policy H13 of the South Kesteven Local Plan requires that mobile homes conform to policies for the location of permanent residential development. It is considered that the proposed development is contrary to established residential policies within the Development Plan and that the more intensive use of the site for mobile homes will be detrimental to the character of the locality, by virtue of its visual intrusion into the landscape, and would be contrary to Policy EN3 of the South Kesteven Local Plan.
3. In addition to the above this rural location cannot sustain any new permanent residential development without the need for future occupants to rely on the use of the motor vehicle. It is not, therefore, considered to be a sustainable location for permanent development and the proposal would be contrary to national planning policy guidance contained in RPG8 - Regional and Spatial Strategy (2002), PPS7 - Sustainable Development in Rural Areas (2004), PPG3 - Housing (2000), PPG13 - Transport (2001) and Policies S1, S2 and S4 of the Lincolnshire Structure Plan Deposit Draft (2004).

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Applicant	<b>D &amp; B Moss</b> 201, Barrowby Road, Grantham, NG318NW
Agent	
<b>Proposal</b>	<b>Residential development (15)</b>
<b>Location</b>	<b>Land At 201, Barrowby Road, Grantham</b>

<b>Site Details</b>	
<b>Parish(es)</b>	<b>Grantham</b> Radon Area - Protection required Airfield Zone - No consultation required Drainage - Lincs

## **REPORT**

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

The application site is a near rectangular parcel of land measuring 0.54 hectares. Other than a narrow access track to Barrowby Road the site is landlocked between dwellings fronting Barrowby Road to the north and north-east, dwellings fronting Salisbury Close and Manchester Way to the south-east and south and the Crystals car garage to the west.

The site is currently garden land to 201 Barrowby Road and, although overgrown in places, is laid to lawn. There is a split in levels across the site with the southern half of the site being at a lower level. The site is well screened to all of the boundaries.

The bungalow to the south east of the site is within the applicant's ownership and does not form part of the development site. At present the bungalow at 199, the dwelling on the site of 201 and the end terraced dwelling of 203 to the north of the site, use the narrow access track than runs to the east of the site.

### **Site History**

Members will recall that planning permission was granted recently for the erection of 24 dwellings on the Crystal Motors site, immediately to the west of the application site (S05/0980/35). As part of that approval there was a requirement for the upgrade of the access into the site, although it was established that vehicle movements would be reduced.

Planning permission was originally granted for the residential development of the Crystals site, in outline form, in April 1991 (SK.35/0327/91). A later application, SK.35/1078/91, was refused in November 1991 when permission was sought for the development of the Crystals site and the majority of this application for a mixed development of dwellings, flats and a large car garage/showroom.

Since then the only application on the site was an approval in March 1999, under application S99/0101/35, for the erection of a 2-storey extension.

## **The Proposal**

Consent is sought for the residential development of the site for 15 dwellings. To enable the development to take place the existing dwelling of 201 Barrowby Road would be demolished.

Under the provisions of PPG3, a site of 0.54 hectares should yield a development density of at least 15 dwellings so the development meets the PPG3 density requirements. In addition to that the land is classed as brownfield and, as it is sited in what is predominantly a residential area the residential development of the site is accepted in principle.

The proposed access into the site would be via the Crystals site once developed. This would mean that the approved access would have to serve a further 15 dwellings on top of the 24 already allowed for as part of the Persimmon Homes development. Discussions are currently underway with the Highway Authority as to the acceptability of this because comparisons have to be drawn between the capacities of the existing access (based on current traffic movements) and whether the approved access can serve up to 39 dwellings. It is hoped that this issue will be resolved prior to the Committee meeting.

## **Policy Considerations**

### **National Policy**

PPG3 – Housing. The development would be in accordance with this national planning guidance as it would form a brownfield development within an urban area, and would meet the (minimum) density requirement of 30 dwellings per hectare.

### **Lincolnshire Structure Plan**

Policy S2 – The development would be in accordance with this policy as the site is within the urban area and is well served by public transport and local facilities.

Policy H2 – Seeks the provision of a percentage of new housing on previously developed land.

Policy H3 – Seeks a density of new housing development to achieve an average of 30 dwellings per hectare.

Policy H5 – Seeks the provision of ‘affordable’ housing within new development in accordance with up to date housing needs assessments.

### **South Kesteven Local Plan**

Policy H6 – Allows for development that (inter alia) has no resultant impact on the form, character and appearance of the settlement.

Policy EN1 – Allows for development that (inter alia) reflects the general character of the area through layout, siting, design and materials.

## **Statutory Consultations**

Local Highway Authority: Comments awaited based on additional information received from the applicant on 25 April 2006.

Community Archaeologist: No objections.

Environment Agency: No comments made.

LCC Education: Comments awaited – notified 11 April 2006.

## **Representations as a result of publicity**

The application has been advertised in accordance with established procedures and letters of representation have been received from interested parties.

The following issues were raised:

- a) Development should be restricted to bungalows only.
- b) Potential for overlooking and loss of privacy.
- c) Overdevelopment.
- d) Poor site drainage.

## **Planning Panel Comments**

25 April 2006 – The application be determined by the Development Control Committee.

## **Applicants Submissions**

The application has submitted, as part of the application, a Transport Assessment, which identifies the trip calculations for the existing garage site, the development of 24 dwellings on the garage site and the erection of 15 dwellings on the application site. The reports have established that the site could accommodate up to 23 dwellings, therefore allowing a total of 47 dwellings served off the new access without any increase of vehicle movements at that point.

Conscious of this the applicant is only proposing 15 dwellings on the site (a total of 39 off the access) in order that the number of traffic movements does not equal or exceed those that currently use the access onto Barrowby Road.

The Highway Authority is still considering these issues.

## **Conclusions**

The principle of the development of this site is entirely in accordance with national planning guidance and the current development plan. Due to the dwelling numbers provided there is no requirement for affordable housing or the provision of public open space.

### **Summary of Reason(s) for Approval**

The proposal is in accordance with national and local policies as set out in Planning Policy Guidance Note 3, Policies S2, H2, H3 and H5 of the Lincolnshire Structure Plan and Policies H6 and EN1 of the South Kesteven Local Plan. The issues relating to dwelling sizes, privacy, overdevelopment and drainage are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission, and the development must be begun not later than the expiration of two years from the final approval of the reserved matters, or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The following matters are reserved for subsequent approval by the District Planning Authority and no development shall be carried out until these matters have been approved, viz. detailed drawings to a scale of not less than 1/100, showing the siting, design and external appearance of the building(s) including particulars of the materials to be used for external walls and roofs and the landscaping of the site.
3. When application is made for the approval of 'reserved matters', details including location and the means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority and no buildings shall be occupied until the APPROVED drainage works have been provided.
4. Before the development is commenced there shall be submitted to and approved by the District Planning Authority details (including cross-sections) of the relative heights of existing and proposed ground levels of the site and existing adjoining development and roads.
5. No development shall take place until there has been submitted to and approved in writing by the District Planning Authority a plan showing the exact location, species and spread of all trees and hedges on the site and those proposed to be felled or uprooted during building operations together with measures for their protection in the course of development.

The reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
2. The application was submitted in outline only.
3. The application was submitted in outline and no such details have been submitted and in accordance with Policy EN1 of the South Kesteven Local Plan.

4. In the interests of amenity, to ensure a satisfactory development and to ensure that any new development does not impose adversely upon its surroundings and in accordance with Policy H6 of the South Kesteven Local Plan.
5. These features make an important contribution to the appearance of the area. Their retention will maintain the appearance of the area and help assimilate the development with its surroundings and in accordance with Policy EN1 of the South Kesteven Local Plan.

Note(s) to Applicant

1. You are advised that the application site falls within an area which requires protection from Radon. You are advised to contact the District Council's Building Control Services to ascertain the level of protection required, and whether geological assessment is necessary.
2. The ability to develop this site and to allow for the safe free flow of vehicles into and out of the site depends entirely on the adjacent site to the west being developed as approved under application S05/0980/35, dated 23 November 2005.

\* \* \* \* \*

Applicant	<b>Country Field Village Homes</b> Portland Chambers, King Street, Southwell, Notts, NG23 0EH
Agent	Rosamund Nicholson Knapeney Farm, Ossington Lane, Ossington, Newark, Notts, NG23 6ND
<b>Proposal</b>	<b>Variation of conditions 8 &amp; 9 of Approval S04/1829/21</b>
<b>Location</b>	<b>24, Doddington Lane, Claypole</b>

<b><u>Site Details</u></b>	
<b>Parish(es)</b>	<b>Claypole</b> C Class Road Area of special control for adverts Drainage - Lincs

## **REPORT**

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

The site forms a rectangular parcel of land to the west side of Doddington Lane that is currently occupied with a single dwelling. The site is flat and is well landscaped to the boundaries and within the site, although at the time of drafting this report some site clearance works had been undertaken.

There is a single dwelling to the north of the site (20 Doddington Lane) and to the north of that is the recent Bovis development. Opposite the site to the east is a residential development of around 10 years old. Immediately to the east and south of the site are open agricultural fields.

### **Site History**

Outline planning permission was granted for the residential development of the site on 20 January 2005, under application reference S04/1829/1. Condition 6 of the outline planning permission stated:

*The siting of any dwellings on the site shall take the form of road frontage development which should avoid any forms within the western half of the site.*

An application was made towards the end of June 2005, under application reference S05/0893/21, for the variation of condition 6 of the original outline approval to allow for a more comprehensive development of the site by showing a hatched area of land, sweeping around the south-west portion of the site, which would remain undeveloped to provide a break between the built form and the open countryside to the west and south.

Following much debate the application was approved at the Development Control Committee on 13 September 2005 with the following (varied) condition imposed:

*The hatched area on the submitted plan shall not contain any built development and shall form a landscaping belt, in accordance with details to be submitted to and approved in writing by the local planning authority, to screen the development and provide a gentle*

*transition between the built environment and the open countryside to the west and south of the application site. Planting shall be carried out in accordance with the approved details.*

Application S05/1453/21 sought Reserved Matters approval for the erection of 20 dwellings on the site. This application was discussed at the Development Control Committee on 10 January 2006. It was subsequently found that the Reserved Matters application was not pursuant to the conditions imposed on the outline planning permission (S04/1829/21). For this reason the application was withdrawn on 1 March 2006.

## **The Proposal**

In order that a re-submission reserved matters application could be submitted consent is sought for the removal of condition 8 of the outline planning permission and the variation of condition 9 in accordance with a revised plan. The conditions imposed on the outline approval read as follows:

8. The effective width of the access shall be 4.1m.
9. Before the access is commenced to be used the land between the existing highway boundary and the vision splays indicated on the attached plan (drawing no. ADB/Sunman, dated 07/12/04) shall be cleared of all obstructions.

As part of the application a Highway Statement has been prepared and submitted in order to justify the proposal in terms of access, visibility, traffic speeds, traffic numbers and the internal road layout of the site.

The applicants have confirmed, by fax received on 8 March 2006, that they wish condition 9 to be amended in order that it relates to the layout now proposed, as shown on drawing no. 05144/02 Rev C and not the drawing number previously referred to.

## **Policy Considerations**

### **National Policy**

Circular 11/95 – The Use of Conditions in Planning Permission

Section 73 of the Act provides for applications for planning permission to develop land without complying with conditions previously imposed on a planning permission. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of the application under section 73.

Paragraph 14 of the circular states that the Secretaries of State take the view that conditions should not be imposed unless they are both necessary and effective, and do not place unjustifiable burdens on applicants. As a matter of policy, conditions should only be imposed where they satisfy all of the tests described in paragraphs 14-42. In brief, these explain that conditions should be

- i) necessary;

- ii) relevant to planning;
- iii) relevant to the development to be permitted;
- iv) enforceable;
- v) precise; and
- vi) reasonable in all other respects.

Conditions 8 and 9 were imposed on the outline planning application as they were relevant and necessary for the outline proposal at that time. It has since been established that, in order to maximise the development on the site in accordance with the provisions of PPG3, the development as may be proposed under a Reserved Matters application could not be served off a private drive.

The original outline application, having a private drive and therefore reduced visibility splays, would only allow for a development of up to 5 dwellings. The applicant has established, through the submission of a Highway Statement that, due to vehicle movements and their associated speeds, the access visibility can be reduced. In addition, more than 5 dwellings will be proposed, therefore a revised plan has been submitted to show these alterations.

Paragraph 15 of Circular 11/95, states:

In considering whether a particular condition is necessary, authorities should ask themselves whether planning permission would have to be refused if that condition were not to be imposed. If it would not, then the condition needs special and precise justification. The argument that a condition will do no harm is no justification for its imposition; as a matter of policy, a condition ought not to be imposed unless there is a definite need for it. The same principles, of course, must be applied in dealing with applications for the removal of a condition under section 73 or section 73A: a condition should not be retained unless there are sound and clear reasons for doing so.

It is clear that, on this basis, condition 8 and 9 of the outline planning permission are no longer necessary, reasonable or relevant to the consent in their current form, and acceptance can be given to their removal and variation.

The submitted plan (drawing No. 05144/02 Rev C) would have to be tied to any approval by condition in order that it would be that plan that would be relevant to the outline planning permission as opposed to the original drawing (drawing No. ADB/Sunman, dated 07/12/04).

#### South Kesteven Local Plan

Policy H6 – Allows for residential development which (inter alia) is deemed to have an acceptable access provision.

## **Statutory Consultations**

Parish Council:

- “1. In respect of highway statement prepared by BSP Consulting on behalf of Country Fields Village Homes. The thrust of this report was to demonstrate that an increase in dwellings would not have a “significantly different traffic impact despite the larger number of dwellings in the revised proposals”. The following comments are pertinent.
- a) The original proposal was not for seven large executive properties but was for five.
  - b) The peak times of 8-9am and 5-6pm do not accord with actual levels occurring in the village. It is already recognised that residents in these properties are already working outside the district and tend to travel long distances to work requiring earlier starts and later returns than this report covers.
  - c) This development is being compared to areas in the Southeast, Northwest and Tyne and Wear. The Parish Council fails to see how this is a relevant and compatible basis.
  - d) Even on the analysis presented its conclusion (page 5) is that the existing traffic 66% of the traffic that would be generated by a larger number of homes. Another way of expressing this is that there will be a 50% increase in traffic along Doddington Lane, all of which is likely to flow down Main Street on an already heavily congested route.
2. There is no indication on the application form about how drainage is to be dealt with. This is continually causing problems within the village. The application also states there are no trees and hedges and it would appear that the boundary hedges will be removed.
3. Claypole has not been designated as a sustainable village. The Parish Council would like to point out that the excellent school is full, one of the few Lincolnshire Schools which is in this situation. Further development will increase demand for school places and result in primary school children being transported to Long Bennington or other schools in the area.”

Local Highway Authority: Have confirmed by their letter of 17 March 2006 that they have no objections to the removal of condition 8 and would request that condition 9 be varied in such a way that the drawing number originally referred to is altered to 'BSP Consulting drawing No. 05144/02 Rev C, as received on 1 March 2006'.

Community Archaeologist: No objections.

Environment Agency: No comments made.

## **Representations as a result of publicity**

The application has been advertised in accordance with established procedures and letters of representation have been received from interested parties.

The following issues were raised:

- a) The number of dwellings on the site should be limited to a maximum of 5 – creation of dense development by stealth.
- b) Exit is close to a dangerous bend – highway safety.
- c) Current difficulty in the enforcement of conditions on this site.
- d) Access is not suitable as an adopted road.
- e) Exit is opposite pedestrian and cycle path – safety concern.

In addition to the above, letters of support for the application have been received from C Trinidad, 1 Little Barn Court.

### **Planning Panel Comments**

11 April 2006 – Requested that the application be considered by the Development Control Committee.

### **Applicants Submissions**

As referred to above a Highway Statement was submitted as part of the application.

### **Conclusions**

Sufficient information has been provided to enable the Highway Authority to consider the removal and variation of conditions 8 and 9, from outline planning permission S04/1829/21. There are no planning issues relating to this application, notwithstanding the representations received concerning the possible development of more than 5 dwellings on the site. If such an application is made it will be considered on its own merits.

### **Summary of Reason(s) for Approval**

The proposal is in accordance with national and local policies as set out in Circular 11/95 and Policy H6 of the South Kesteven Local Plan. The issues relating to dwelling numbers and highway safety are material considerations but, subject to the conditions attached to this permission, are not sufficient in this case to indicate against the proposal and to outweigh the policies referred to above.

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

1. Application for approval of reserved matters must be made not later than the expiration of two years beginning with the date of this permission, and the development must be begun not later than whichever is the later of the following dates:
  - (a) the expiration of five years from the date of this permission; or
  - (b) the expiration of two years from the final approval of the reserved matters, or, in

the case of approval on different dates, the final approval of the last such matter to be approved.

2. The following matters are reserved for subsequent approval by the District Planning Authority and no development shall be carried out until these matters have been approved, viz. detailed drawings to a scale of not less than 1/100, showing the siting, design and external appearance of the building(s) including particulars of the materials to be used for external walls and roofs and the landscaping of the site.
3. When application is made for the approval of 'reserved matters', details including location and the means of disposal of surface water and foul drainage shall be submitted to and approved by the District Planning Authority and no buildings shall be occupied until the APPROVED drainage works have been provided.
4. No development shall take place until there has been submitted to and approved in writing by the District Planning Authority a plan showing the exact location, species and spread of all trees and hedges on the site and those proposed to be felled or uprooted during building operations together with measures for their protection in the course of development.
5. The existing natural hedge along the east boundary of the site shall be retained except at the point of access.
6. The siting of any dwellings on this site shall take the form of road frontage development which should avoid any built forms within the western half of the site.
7. Before the access is commenced to be used, provision shall be made within the site to the satisfaction of the District Planning Authority for a motor car/motor vehicle to turn to enable it to enter and leave the highway in forward gear.
8. Before the access is commenced to be used the land between the existing highway boundary and the vision splays indicated on the attached plan (drawing no. 05144/02 Rev C, as received on 1 March 2006) shall be cleared of all obstructions.
9. Before any development is commenced the approval of the district planning authority is required to the detailed design of the scheme to provide for the satisfactory disposal of surface water run-off from the development; and such scheme as may be approved shall be carried out before any building is occupied.

The reason(s) for the condition(s) is/are:

1. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.
2. The application was submitted in outline only and in accordance with Policy/ies \*\* of the South Kesteven Local Plan.
3. The application was submitted in outline and no such details have been submitted and in accordance with Policy/ies \*\* of the South Kesteven Local Plan.
4. These features make an important contribution to the appearance of the area. Their retention will maintain the appearance of the area and help assimilate the development with its surroundings and in accordance with Policy/ies \*\* of the South Kesteven Local Plan.

5. These features make an important contribution to the appearance of the area. Their retention will maintain the appearance of the area and help to assimilate the development with its surroundings.
6. Road frontage development prevails within this area and the local planning authority wish to ensure that no new development projects out beyond the line of frontage development already established within this area.
7. The Local Highway Authority so requests to enable vehicles to enter and leave the highway in forward gear in the interests of road safety.
8. The Local Highway Authority so requests to ensure that drivers of vehicles have adequate vision distances when emerging from the access onto the public highway, in the interests of road safety.
9. To ensure that surface water run-off from the development will not adversely affect, by reason of flooding, the amenity of nearby land.

\* \* \* \* \*

**NR.2**    **S06/0487/63**

Registration Date: 03-Apr-2006

Applicant	<b>Mr D Rowlands, Iberdrola Renewables Energies</b> Wellington House, Starley Way, Solihull, West Midlands, B37 7HE
Agent	Hyder Consulting (UK) Ltd HCL House, St Mellons Business Park, Cardiff, CF3 0EY
<b>Proposal</b>	<b>50m tall, steel meteorological mast</b>
<b>Location</b>	<b>Neslam Farm, Sempringham Fen</b>

<b><u>Site Details</u></b> <b>Parish(es)</b>	<b>Pointon &amp; Sempringham</b> Area of special control for adverts Drainage - Lincs EA: Flood Risk Zone 2/3 (new bld only)
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**REPORT**

**The Site and its Surroundings**

The site is located to the East of Billingham and Pointon in the flat fen fields of Sempringham Fen.

Access is obtained from the minor road linking Sempringham and villages east of the South Forty Foot Drain and thence using existing farm tracks to the field.

**Site History**

No relevant History.

## **The Proposal**

Full planning permission is sought for the construction of a 50m high steel meteorological mast supported by stay wires.

This mast will gather data to determine whether the site is suitable for development as a windfarm. The data is required for an Environmental Impact Assessment which will have to be submitted as part of an application for a windfarm.

## **Policy Considerations**

### **National Planning Policy**

PPS22 – Renewable Energy. The Government's energy policy, including its policy on renewable energy, is set out in the Energy White Paper<sup>2</sup>. This aims to put the UK on a path to cut its carbon dioxide emissions by some 60% by 2050, with real progress by 2020, and to maintain reliable and competitive energy supplies.

The development of renewable energy, alongside improvements in energy efficiency and the development of combined heat and power, will make a vital contribution to these aims. The Government has already set a target to generate 10% of UK electricity from renewable energy sources by 2010. The White Paper set out the Government's aspiration to double that figure to 20% by 2020, and suggests that still more renewable energy will be needed beyond that date. The White Paper sets out policies to stimulate the development of new technologies to provide the basis for continuing growth of renewables in the longer term, to assist the UK renewables industry to become competitive in home and export markets and in doing so, provide employment.

Increased development of renewable energy resources is vital to facilitating the delivery of the Government's commitments on both climate change and renewable energy. Positive planning which facilitates renewable energy developments can contribute to all four elements of the Government's sustainable development strategy:

- social progress which recognises the needs of everyone – by contributing to the nation's energy needs, ensuring all homes are adequately and affordably heated; and providing new sources of energy in remote areas;
- effective protection of the environment – by reductions in emissions of greenhouse gases and thereby reducing the potential for the environment to be affected by climate change;
- prudent use of natural resources – by reducing the nation's reliance on ever diminishing supplies of fossil fuels; and,
- maintenance of high and stable levels of economic growth and employment – through the creation of jobs directly related to renewable energy developments, but also in the development of new technologies. In rural areas, renewable energy projects have the potential to play an increasingly important role in the diversification of rural economies.

### **Development Plan**

Regional Spatial Strategy for the East Midlands – RSS8. The regional spatial strategy sets the criteria for renewable energy projects in Policy 41. It includes the criteria to contribute to both local and national objectives for this type of energy production.

Lincolnshire Structure Plan 1981 and Alteration No. 1. Whilst still forming part of the development plan it is considered that these documents are of little significance to the consideration of this proposal. There is now a replacement Structure Plan, that is close to formal adoption, that should be ascribed significantly more weight as it is reflective of the RSS and national planning policy.

#### Other Relevant Policy

Revised deposit draft Lincolnshire Structure Plan 2005. Policy NE8: Renewable Energy sets out the criteria for determining applications for renewable energy.

#### **Statutory Consultations**

Parish Council – No reply to date. Any response will be notified to members.

Defence Estates – has no safeguarding objections to this proposal

Local Highway Authority: No comment.

Black Sluice Internal Drainage Board:

*There is a Board maintained watercourse on the south side of the proposed mast structure (see enclosed plan).*

The Board has a Byelaw that stipulates no structures, including stay wires, shall be placed within 9 metres of the brick of a Board's drain.

#### **Representations as a result of publicity**

Eight letters of objection have been received from interested parties.

Who raised concerns about the following matters:

- a) Part of proposed 6 turbine wind farm have a maximum height of 120m;
- b) Lack of information of intent
- c) Visual Intrusion;
- d) Collision risk
- e) Local Planning Policy;
- f) Inappropriate location;
- g) Cumulative impact;
- h) Reclassification of land;
- i) Is the main application a forgone conclusion;
- j) Sempringham Fen is part of a historic and rural landscape;
- k) The proposed height is questionable given that the hub height of the turbines is 80m;
- l) Intrude on my privacy by being a constant visual irritant;
- m) Impact from construction traffic noise.
- n) No information regarding impact on wildlife and eco-habitat,
- o) Horbling fen is an SSSI and some of the features there may be present at Sempringham Fen. More investigation is required;

- p) If allowed this will start the process towards inappropriate industrialisation in a wild place and there are serious health concerns regarding wind farms.

Any further letters received will be reported.

## **Conclusions**

As Members are aware the 2004 Planning and Compulsory Purchase Act places a legal duty upon the decision maker to make decisions in accordance with the development plan unless other material considerations indicate otherwise. The same section further states that where policies conflict then the last published/adopted document takes precedence. Both adopted plans in the development plan are silent on renewable energy and therefore PPS22 and Companion Guide together with Policy 41 of RSS8 and policy NE8 of the new Structure Plan are relevant. The Key Issues are discussed below.

### Precursor to a larger development

This is an application for a meteorological mast and not the application for the 6 turbines. This application has been submitted because information is needed to determine whether the site is suitable for a wind farm. When consulted about the contents of an Environmental Impact Assessment (EIA) that would be needed for an application for a wind farm your officers noted that in the section regarding site selection the applicant stated that wind measurements would be needed. Without this information the EIA will be incomplete. A theoretical scenario whereby this application is refused and an application for a wind farm is submitted without this wind information, then a refusal on the grounds of lack of information would probably result in an appeal decision that the authority was acting unreasonably and this would give grounds for an award of costs against the authority.

A number of objectors have stated this point and the implication being that if this application is refused then they will not be able to proceed with the next. As stated above that decision may result in a financial penalty that would ultimately be paid by residents.

This application should be determined on its own merits. Any application for a wind farm should also be determined on its own merits and it should be noted that data from this mast may indicate that this site is unsuitable.

### Visual Impact

The mast is to be constructed of galvanised steel that is considered not to create a stark contrast with the sky or landscape background. It is considered that a single mast for a temporary period will not create a significant permanent visual intrusion into the landscape. It is considered that a condition restricting the mast for a maximum of 1 year is a suitable period to record data and that it should be removed earlier if data is not needed for that length of time.

### Other issues raised during publicity

It is considered that the other matters raised will have little adverse impact with respect to this application but are very pertinent to an application for the wind farm. In part the comments will be answered by the EIA in the process of compilation.

Your officers conclude that this development is acceptable.

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

1. The development hereby permitted shall be for a limited period of:
  - a) the period to obtain the necessary wind data; or
  - b) one year from the date of this consent;

whichever is the shorter. The date of completion of data recording shall be submitted to the Local Planning Authority in writing within 1 month of finishing.

2. The mast and any foundations will be removed from the land within a period of 3 months from the date of notification of completion of data recording.

\* \* \* \* \*