



**SOUTH  
KESTEVEN  
DISTRICT  
COUNCIL**

## Planning Committee



### S22/1865

**Proposal:** Proposed courtyard areas, walls, gates and blocking up of existing opening to Cheyne Lane. Works associated with S19/2237.

**Location:** Land Adjacent 3, 5, 22, 24 & 25 Stamford Walk and 16 St Marys Street, Stamford, PE9 2DF

**Applicant:** Mr A Duce

**Agent:** Jamie Burton – Swann Edwards Architecture Ltd

**Application Type:** Full Planning Permission

**Reason for Referral to Committee:** Character and appearance of the proposed courtyard areas – DE1  
Blocking up of access in wall Cheyne Layne which has historical significance – EN6

**Key Issues:** Character and appearance  
Conservation area & Adjacent listed buildings  
Public right of ways

**Technical Documents:** Heritage Impact Statement

#### Report Author

Hannah Nouch, Development Management Planner



01476 406080



Corporate Priority:	Decision type:	Wards:
Growth	Regulatory	Stamford St Mary's

**Reviewed by:** Ellie Sillah Principal Planning Officer

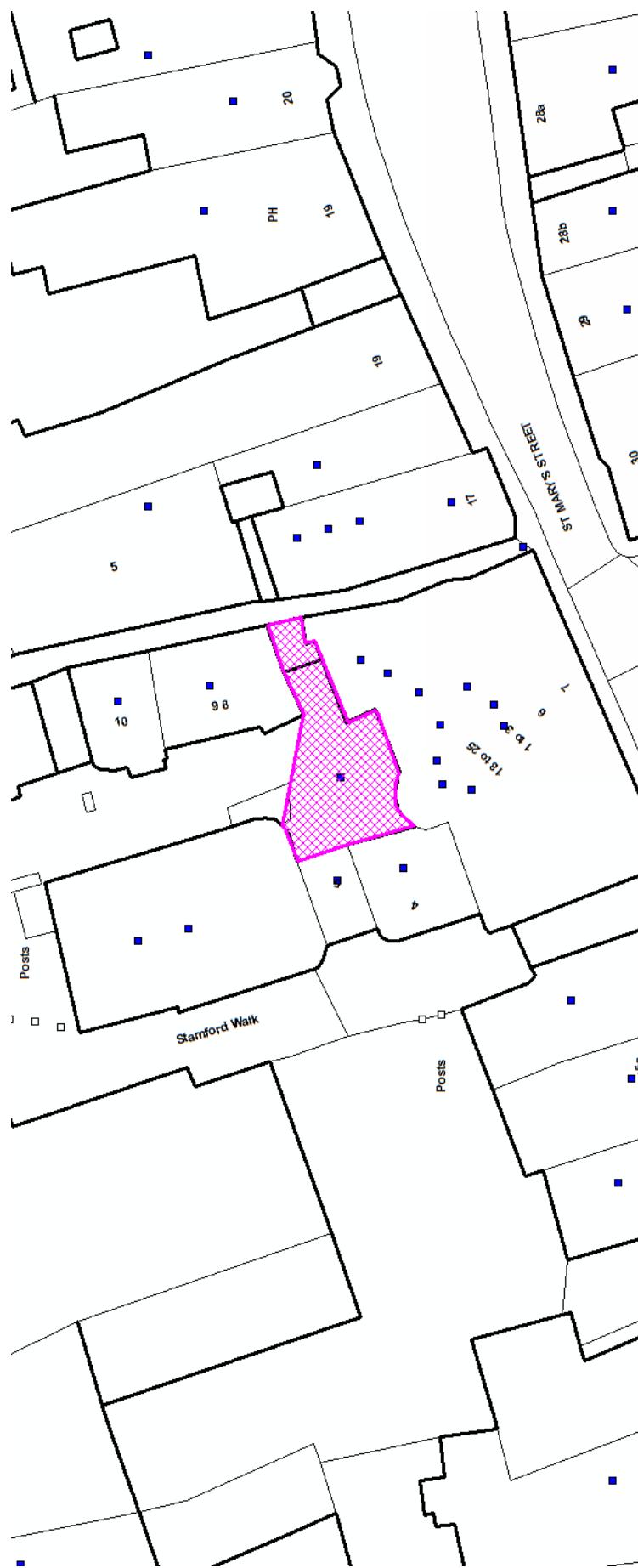
20 March 2023

#### Recommendation (s) to the decision maker (s):

To authorise the Assistant Director - Planning to approve the application subject to the following conditions.



S22/1865 – Land Adjacent 3, 5, 22, 24 & 25 Stamford Walk and 16 St Mary's Street, PE9 2DF



Key



Application  
Boundary



## **1 Description of Site**

- 1.1 The application site is located to the rear of the former Stamford Hotel which is located on St Marys Street in Stamford. The space behind this former hotel forms part of Stamford Walk, of which access can be gained by 3 access points. There are two openings providing access along Cheyne Lane and one access point from further along St Marys Street, which travels alongside the Black Bull.

## **2 Description of Proposal**

- 2.1 The proposed development consists of the creation of courtyard areas within the existing Stamford Walk, directly to the rear of the former Stamford Hotel, to be used as 3 private amenity spaces in connection with the previous approval for part conversion of the former Stamford Hotel into flats. Creation of the courtyard would involve the blocking up of an existing open in the Cheyne Lane which afforded access to Stamford Walk. The courtyard design would consist of a series of Stamford stone walling with white oak timber access gates. The stone walling of the courtyards would adjoin the listed former Stamford Hotel and former Black Bull.
- 2.2 Further to comments from the Conservation Officer the originally submitted plans have been amended from proposed brick walls to Stamford Stone, and the extent of the courtyards has been reduced.

## **3 Relevant History**

- 3.1 S22/1866 – Listed Building Consent - Proposed courtyard areas, walls, gates and blocking up of existing opening to Cheyne Lane. Works associated with S19/2237. – Pending Consideration.
- 3.2 S19/2237 – Full Planning Permission - Conversion and change of use of (Partial) of existing building (Grade II\* Stamford Hotel) into 1x dwellinghouse and 3x flats, with associated internal and external alterations – Approved Conditionally

## **4 Policy Considerations**

- 4.1 **SKDC Local Plan 2011 – 2036**  
Policy DE1 - Promoting Good Quality Design  
Policy SD1 - The Principles of Sustainable Development in South Kesteven  
Policy EN6 - The Historic Environment
- 4.2 **Neighbourhood Plan**  
Stamford Neighbourhood Development Plan
- 4.3 **National Planning Policy Framework (NPPF)**  
Section 12 - Achieving well-designed places  
Section 16 - Conserving and enhancing the historic environment

## **5 Representations Received**

### **5.1 SKDC's Conservation Consultant**

#### **5.1.1 Comments Received 17/2/23**

I am in receipt of amended details to the above which now show a re-aligned and more ordered layout to the proposed boundary walls to be erected at the rear of the building. The walls are also now to be more appropriately constructed in stone with stone copings. The view of the rear of the Hotel from the pedestrian area to the north will now be attractively presented. I note however that the section of wall enclosing the Town House courtyard is still specified to be in brick – I assume this is an oversight on the plans. Also, the site location plan still shows the boundary walls in their original position. Perhaps amendments to the plans to clarify these points should be requested – not least for the avoidance of doubt.

5.1.2 The existing opening onto Cheyne Lane appears to be a modern alteration to the original wall - there is a concrete lintol over the opening and the reveals appear to be comparatively recently formed. In my opinion, if it is confirmed that the opening can be blocked, this would be better carried out in matching stone coursed through with the existing, with the lintol removed.

#### **5.1.3 Comments received 23/2/23**

The points previously raised have now been dealt with.

### **5.2 Lincolnshire County Council Highways**

#### **5.2.1 No Objections.**

### **5.3 Stamford Town Council (comments on original plans)**

5.3.1 Strong objection. The proposed courtyard areas are of poor design and not in keeping with the existing grandeur of the building, contrary to SKDC Local Plan Policy DE1 (Promoting Good Quality Design). The opening to Cheyne Lane has always been used as a Public Right of Way and has historical significance. The blocking up of this opening is contrary to SKDC Local Plan Policy EN6 (Historic Environment) and Stamford Neighbourhood Plan Policy 8 (Historic Environment).

### **5.4 Lincolnshire Fire and Rescue**

5.4.1 We have no representation to make with regards to Application S22/1866. (Included here due reference in evaluation below).

5.4.2 With regards to your enquiry relating to egress in the event of fire, fire safety guidance for non-domestic premises, or for buildings with two or more dwellings, states that where a final exit discharges into an enclosed area, further access to a place of total safety should be available by means of further doors or gates that can be easily opened in a manner similar to the final exit.

5.4.3 Final exit doors should be quickly and easily openable without a key or code in the event of a fire. Where possible, there should be only one fastening. Any device that impedes people making good their escape, either by being unnecessarily complicated to manipulate or not

being readily openable will not be acceptable. This also applies to any external gates within courtyards where premises are non-domestic or serve two or more dwellings.

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

6.1 This application has been advertised in accordance with the Council's Statement of Community Involvement and 3 letters of representation have been received. The points raised can be summarised as follows:

1. Impact on local business trade as a result of the development and resultant construction works
2. Public right of way being blocked by closing the opening in Cheyne Lane
3. Safety concerns in relation to exit routes for No.17a Evaluation

## **7 Evaluation**

### **7.1 Principle of Development**

7.1.1 This proposal is considered to be acceptable in principle and in accordance with Policy SD1 (Principles of Sustainable Development) of the adopted Local Plan subject to assessment against site specific criteria. These include the impact of the proposal on the character or appearance of the area, impact on the residential amenities of neighbouring occupiers, and impact on highway safety, which are discussed in turn as follows.

### **7.2 Impact on the character and appearance of the area**

7.2.1 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that to ensure high quality design is achieved throughout the District, all development proposals will be expected to make a positive contribution to local distinctiveness vernacular and character of the area. Proposals should reinforce local identity and not have an adverse impact on the streetscene, settlement pattern or the landscape / townscape character of the surrounding area. Proposals should be of an appropriate scale, density, massing, height and material, given the context of the area. Part 12 of the NPPF (Achieving well-designed places) states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

7.2.2 The Local Planning Authority is required to ensure that special regard to preserving the Listed Buildings and their settings in relation to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). No harm should be caused with the historical assets and their surroundings requiring to be preserved or enhanced.

7.2.3 The Local Planning Authority is required to ensure that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area, through the Planning (Listed Buildings and Conservation Areas) Act 1990 at Section 72.

- 7.2.4 Furthermore, the importance of considering the impact of development on the significance of designated heritage assets is expressed in the National Planning Policy Framework (NPPF). The NPPF advises that development and alterations to designated assets and their settings can cause harm. These policies ensure the protection and enhancement of the historic buildings and environments. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance should be treated favourably.
- 7.2.5 Policy EN6 (The Historic Environment) states amongst other criteria that the Council will seek to protect and enhance heritage assets and their settings, in keeping with the policies in the National Planning Policy Framework. Proposals will be expected to take into account the Conservation Area Appraisals, where these have been adopted by the Council.
- 7.2.6 Policy 8 of the adopted Stamford Neighbourhood Plan(The Historic Environment) states development will be supported where it conserves or enhances the significance of designated and non-designated heritage assets and their setting, through high quality and sensitive design, taking into consideration appropriate scale, materials and siting in relation to historic views identified within the Stamford Conservation Area Appraisals.
- 7.2.7 Following comments from the SKDC Conservation Consultant on the original proposal, it was considered that the proposed layout and the proposed dividing walls to be erected within the rear courtyard to the building were not satisfactory and amended plans were submitted. The latest version of plans provided show a less complex and sprawling design, with the realignment now being in a more ordered fashion, with stone walls and copings, and timber gates. SKDC's Conservation Consultant confirmed there are now no objections to this scheme as these plans address the previous concerns in terms of appearance and layout. It is considered that this design better respects the layout of this area and now results in minimal intrusion whilst still providing the desired amenity space the proposal relates to.
- 7.2.8 The proposed blocking up of the existing opening in the wall in Cheyne Lane is considered acceptable given that the proposal is for the works to be carried out in matching materials and it has been noted that the information provided by the applicant suggests the opening is of 20<sup>th</sup> Century modern construction and is not of historic significance.
- 7.2.9 The objection from the Town Council is noted however given the above and the revisions to the scheme, the revised proposal is considered acceptable.
- 7.2.10 By virtue of the design, scale and materials to be used, the proposal would be in keeping with the host building, streetscene and surrounding context. The development would not cause harm to the setting of the adjacent listed buildings or the Stamford Conservation Area, in accordance with the Policy 8 of the Stamford Neighbourhood Plan, NPPF Sections 12 and 16 and Policies DE1 and EN6 of South Kesteven Local Plan, and Sections 66 and 72 of the Act.

### 7.3 **Impact on the neighbours' residential amenities**

- 7.3.1 Policy DE1 (Promoting Good Quality Design) of the adopted Local Plan states (amongst other criteria) that all development proposals will be expected to ensure there is no adverse impact on the amenity of neighbouring users in terms of noise, light pollution, loss of privacy and loss of light and provide sufficient private amenity space, suitable to the type and amount of development proposed. Paragraph 130 of the NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.3.2 It has been confirmed that the proposed use of the courtyards would be in connection with the residential units approved under the partial conversion of the Stamford Hotel. The amended courtyard plans have reduced the size of the courtyards, resulting in less of the publicly accessed Stamford Walk Area being extended into, which serves both existing business and residential spaces.
- 7.3.3 Taking into account the nature of the proposal it is considered that there would be no unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with the NPPF Section 12, and Policy DE1 of the Local Plan.
- 7.3.4 **Highway issues**
- 7.3.5 Paragraph 111 of the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.3.6 The proposal would not impact on vehicular access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with the NPPF Section 9.
- 7.3.7 **Public Right Of Way**
- 7.3.8 It has been raised in representation that the existing access which is proposed to be blocked up in Cheyne Lane has an established public right of way. The Case Officer has liaised with both Lincolnshire County Footpaths and SKDC's Legal Team and can confirm that there is no registered right of way in place. Whilst it is noted that there is legislation in Section 31 of the Highways Act which relates to a path used for a continuous period of 20 years or more without interruption or confirmation from the owner that they prohibit its use in this way could become an unofficial right of way, no evidence has been provided that supports this. In addition, for it to become a formal right of way, an application needs to be made to the relevant authority. Nevertheless, approval of planning permission for the proposal would not prevent any such application being made and would not remove any legal right of way.
- 7.3.9 Furthermore, it is considered that there are two additional access points to Stamford Walk, one of which is also accessed via Cheyne Lane only a short distance from the access that it is proposed to close (approximately 15m away). It is the view of the Case Officer that removing the access as proposed would not detrimentally impact on access to this area or the businesses with Stamford Walk due to the adequate and proportionate level of access that would remain in place.



## 7.4 Fire Safety

- 7.4.1 Concerns were raised by both the Ward Councillor and in representation over potential fire safety issues as a result of the gated courtyards and blocking up with access in Cheyne Lane. Lincolnshire Fire and Rescue were consulted on the original plans for the accompanying application S22/1866, but it would be more appropriate to discuss the response within this full planning application. They chose not to make any representations on the scheme but in direct response to the query over the original openings and layout they confirmed that final exit doors should be easily openable without the need for a key or a code and this also applies to external gates within courtyards where premises are non-domestic or serve two or more dwellings. Therefore, as each courtyard and access gate would serve a single premises, this advice is not applicable in this instance. Nevertheless, the proposed plans do not indicate either.

## 8 Crime and Disorder

- 8.1 It is considered that the proposal would not result in any significant crime and disorder implications.

## 9 Human Rights Implications

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

## 10 Conclusion and Planning Balance

- 10.1 It is considered that the proposal would not result in harm to the significance of the Stamford Conservation Area or the setting of the adjacent listed buildings. Whilst it is acknowledged the proposal would result in the blocking up of an existing access point from Cheyne Lane to Stamford Walk, this is not a registered right of way and there would remain sufficient and proportionate access to Stamford Walk, including via an additional existing access within Cheyne Lane.
- 10.2 Therefore, taking the above into account, it is considered that the proposal would be appropriate for its context and would be in accordance with Stamford Neighbourhood Plan Policy 8, NPPF (Sections 12 and 16) and Policies DE1 and EN6 of the South Kesteven Local Plan.
- 10.3 **RECOMMENDATION:** To authorise the Assistant Director of Growth to approve the application subject to the following conditions.

## 11 Conditions

### Time Limit for Commencement

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

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

### **Approved Plans**

- 2) The development hereby permitted shall be carried out in accordance with the following list of approved plans:
  - i. Proposed Plan re. SE-1425-1000C received 23 February 2023  
Unless otherwise required by another condition of this permission.

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

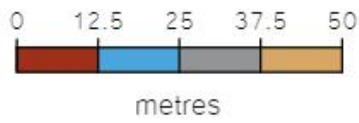
### **Standard Note(s) to Applicant:**

- 1) In reaching the decision, the Council has worked with the applicant in a positive and proactive manner by determining the application without undue delay. As such it is considered that the decision is in accordance with Paragraph 38 of the National Planning Policy Framework (2021).



# Location Plan

Scale: 1:1250

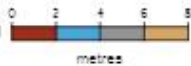


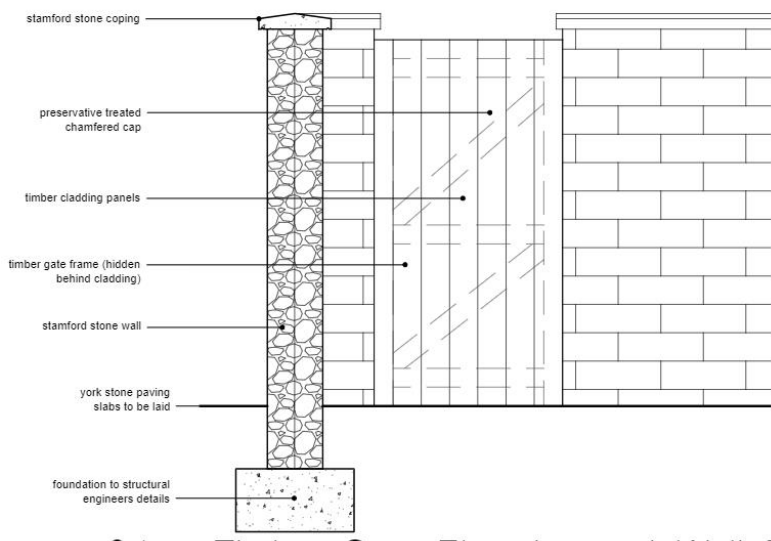
St Marys Street



Courtyard Floor Plan

Scale: 1:200





**GATE TIMBER**  
 American White Oak timber. Planed finish to gate cladding.  
 Treat with 2 coats of clear matt 701 Osmo Natural Oil  
 Woodstain as manufacturers recommendations.

**NB:** On-going treatment of gates will be required. Timber is a natural product and will shrink, swell and change overtime.



Proposed stamford masonry coping stones to be used



Proposed stamford stone walling

# 01 - Timber Gate Elevation and Wall Detail

Scale: 1:20

