



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Planning Committee

8 February 2024



S23/1849

Proposal: Erection of three storey townhouse to provide 1 (no) flat following partial demolition of existing building
Location: 20 Swinegate, Grantham
Applicant: South Kesteven District Council
Application Type: Full Planning Permission – Regulation 3

Reason for Referral to Committee: South Kesteven District Council is Applicant and Owner of the site

Key Issues: Impact on heritage assets
Design Quality and Visual Impact

Technical Documents:

- Detailed Structural Building Survey
- Design and Access Statement
- Written Scheme of Investigation

Report Author

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Corporate Priority:

Growth

Decision type:

Regulatory

Wards:

Grantham St Wulfram's

Reviewed by:

Phil Jordan, Development Management & Enforcement Manager

29 January 2024

Recommendation (s) to the decision maker (s)

To authorise the Assistant Director – Planning to GRANT planning permission, subject to conditions.

S23/1849 – 20 Swinegate, Grantham



Key



Application
Boundary



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1 Description of the site

- 1.1 The application site comprises 20 Swinegate, a 3-storey building positioned on the western side of Swinegate, within the main built-up area of Grantham, to the north of the primary shopping area. The building currently comprises of a vacant shop on the ground floor, and a vacant flat on the first and second floor. The host property is estimated to have been built in the early 20th century and occupies a plot of approximately 43 sq. metres of broadly rectangular land.
- 1.2 The front elevation of the building retains features which are characteristic of the architectural vernacular of the area, including the “moustache” shaped stone lintels and the decorative architraves around the door and shop window. The roof consists of two parts; a steeply pitched gable roof to the front, and a shallow lean-to addition to the rear.
- 1.3 The application building is currently detached; bound to the north by the vacant garage site of the former 20B Swinegate; and to the site by the Watergate Car Park. The application site is situated within an area which is characterised by a mix of uses, including residential and retail land uses.
- 1.4 The existing built form in Swinegate is characterised by two- and three-storey properties with narrow frontages and a high density of development, typical of the town centre location. The buildings are set on, or close to, the footway, which contributes to forming a continuous building line and a strong sense of enclosure along the street.
- 1.5 The application site falls within the Grantham Conservation Area, and is identified as being a positive building, which contributes positively to the character and appearance of the Conservation Area by virtue of its historic scale and character, which is typical of 18th and 19th century buildings in the Conservation Area. As such, whilst the application building does not have a statutory listing, it is deemed to be a non-designated heritage asset.
- 1.6 Furthermore, the site is situated in close proximity to a number of listed buildings, including 21 Swinegate (Grade II Listed), 15 Swinegate (Grade II Listed), 44-46 Swinegate (Grade II Listed), and St. Wulfram’s Church (Grade I Listed).
- 1.7 It is also noted that the site forms part of a larger, approved development scheme for the erection of 20 (no) flats (LPA Ref: S23/0780), which was conditionally granted in July 2023, and initial works have commenced, including the erection of boundary walls to the northern side of the wider development site. The wider site comprises an area of 0.32 hectares of irregular shaped land, which includes the former garage site to the rear of 20-21 Swinegate; the current application site; and part of the adjacent Watergate Car Park.

2 Description of the proposal

- 2.1 The current application seeks full planning permission for the erection of a three-storey townhouse comprising of 1 (no) flat following partial demolition of the existing building.
- 2.2 As referenced above, the current application site forms part of a wider, approved development scheme for the erection of 20 (no) affordable flats (LPA Ref; S23/0780), which was conditionally granted planning permission in July 2023. As part of the approved scheme, the current application building was proposed to be retained and refurbished to comprise of a ground floor entrance / reception area, and upper floor duplex 1-bed apartment.
- 2.3 However, as part of the completion of further investigations prior to the commencement of the development, including the completion of a further intrusive structural investigation by a

Conservation Accredited Structural Engineer, it has been concluded that only the front elevation is capable of being retained and repaired. The roof, all floors and a significant extent of the existing brickwork to the rear elevation and gable walls require replacement in order to comply with the current building regulations and warranty requirements, which would result in compromising the stability of these elevations. As such, it has been concluded that the rear elevation and gabled sides should be demolished.

- 2.4 In the context of above, it is appreciated that the current application has been amended during the determination period. As originally submitted, the application scheme involved the total demolition of the existing building, and subsequent sensitive rebuilding of the architectural features of the front elevation.
- 2.5 However, following initial comments received from Historic England and the Council's Conservation Officer, the scheme has been amended to retain and repair the historic front elevation of the building with demolition now proposed for the remainder of the rear part of the building only.
- 2.6 The current application has been accompanied by a Proposed Site Layout, Proposed Floor Plans and Proposed Elevations, as well as a Conservation Structural Building Assessment and Design and Access Statement, which demonstrates that the front elevation will be retained and reinstated, with damaged brickwork to be repaired or replaced with brickwork salvaged from the demolition of the rear portions of the building. The cracked "moustache" shaped lintels and timber detailing to the shop front will be replaced like for like. The upper floor windows will be replaced with heritage style uPVC windows to fit the existing openings.
- 2.7 The majority of the new-built rear and gable sides would be concealed as part of the wider development scheme. However, elements of the gable walls that would be visible will be constructed in brick. All replacement brickwork will be imperial sized chapel blend finished in a Flemish bond to match the existing building. New brick-faced false chimneys are proposed, and the new roof will follow the same pitch over the front portion of the building and will be finished in clay pantiles.
- 2.8 The overall dimensions of the building have been retained as existing, but the side walls will be rebuilt perpendicular to the front elevation rather than following the existing angle, and the second floor level has been increased by 45mm internally. The ridge, eaves and parapet wall heights will remain as per the existing building. Likewise, the later rear addition to the
- 2.9 The proposed scheme would continue to function as the ground floor entrance to the proposed development of flats, with a duplex apartment on the upper floors. The overall use and amount of development will remain as per the existing planning permission, albeit the internal layout of the building will be reconfigured to allow a more efficient use of the space.

3 Relevant History

Application Ref	Description of Development	Decision
S09/0923	Demolition of existing asbestos / tiled roofed garage prior to redevelopment	Approved Conditionally 08.06.09
S10/1805	Residential development for the creation of nine flats including demolition of the existing building	Approved Conditionally 24.08.16
S19/1129	Submission of details reserved by Conditions 3 (Materials), 4 (Joinery), 5 (Archaeology), 7 (Contamination) and 8 (Boundary Treatments of S10/1805	Conditions Discharged 23.09.19

S21/2094	Erection of a new built sheltered housing scheme of 20 (no) flats with communal facilities and parking, including demolition of outbuilding listed by curtilage to 44-46 Watergate, and alteration / refurbishment of existing building on 20 Swinegate.	Approved Conditionally 02.03.23
S21/2095	Erection of a new built sheltered housing scheme of 20 (no) flats with communal facilities and parking, including demolition of outbuilding listed by curtilage to 44-46 Watergate, and alteration / refurbishment of existing building on 20 Swinegate.	Approved Conditionally 02.03.23
S23/0780	Section 73 application to vary Condition 2 (Approved Plans) of planning permission S21/2094 to amend the position of external doors, increase the overall ridge height of the building, vary the proposed boundary treatments and window materials and reduce the number of parking spaces	Approved Conditionally 27.07.23

4 Policy Considerations

4.1 South Kesteven Local Plan 2011-2036 (Adopted January 2020)

Policy SD1 – The Principles of Sustainable Development in South Kesteven

Policy EN4 – Pollution Control

Policy EN6 – The Historic Environment

Policy DE1 – Promoting Good Quality Design

Policy SB1 – Sustainable Building

4.2 Design Guidelines for Rutland and South Kesteven Supplementary Planning Document (Adopted November 2021)

4.3 National Planning Policy Framework (NPPF) (Published December 2023)

Section 2 – Achieving sustainable development.

Section 4 – Decision-making

Section 11 – Making effective use of land.

Section 12 – Achieving well-designed places.

Section 16 – Conserving and enhancing the historic environment.

5 Representations Received

5.1 Anglian Water

5.1.1 No comments to make

5.2 Environment Agency

5.2.1 No comments to make.

5.3 Grantham Civic Society

5.3.1 No comments received.

5.4 Heritage Lincolnshire

5.4.1 No objection, subject to conditions.

5.4.2 The site for the proposed development lies in an area of archaeological interest located in the historic core of Grantham, within what is considered to be the Anglo-Saxon town. Late-Saxon pottery has been recovered from near St. Wulfram's Church which lies immediate to the east, whilst Grantham House (opposite the Church) has a 14th century core. There are also a number of Listed Buildings close to the development site which gives an indication of the age and significance of the town. An archaeological investigation to the immediate west of the site, in Watergate Car Park, revealed medieval and later remains. Recent trial trenching to the south of the site of the proposed development recovered archaeological remains of medieval and post-medieval date.

5.4.3 The Written Scheme for Historic Building Recording, and Archaeological Monitoring and Recording are both acceptable.

5.5 **Historic England**

Comments on previous scheme (total demolition) – comments on revised proposals to be reported through additional items report.

5.5.1 Having reviewed the submitted structural report our position is that (it appears) at least the front elevation could be retained and repaired using bricks recovered from the demolition of other less stable and prominent parts of the building, it does not appear necessary to drop the entire building and rebuild as a facsimile. Further to the NPPF Part 16, all harm to designated heritage assets requires clear and convincing justification and great weight should be applied to the conservation of significance, with less than substantial harm to significance of the Conservation Area set against public benefits. The LPA should, further to paragraph 201, seek to minimise conflict between any aspect of the scheme and conservation of heritage assets.

5.5.2 In this instance, mindful of the general condition of the building and the scheme context, the repair and retention of at least the front elevation would better address the need to conserve and enhance the character of the Conservation Area and the setting of listed buildings further to the duties under the 1990 Act.

5.6 **Lincolnshire County Council (Highways & SuDS)**

5.6.1 No objections.

5.6.2 The site is located in a central urban area where services and facilities are within a reasonable distance to be accessed via sustainable travel options such as walking, cycling and public transport. Future residents of the development will not be reliant upon the private car and therefore parking is not essential for this proposal.

5.7 **Ministry of Defence**

5.7.1 No safeguarding objections.

5.8 **SKDC Conservation Consultee**

Comments on previous scheme (total demolition) – formal comments on revised proposals to be reported through additional items report.

5.9 Objection

5.10 The proposal to demolish 20 Swinegate will result in less than substantial harm to the Conservation Area and the surrounding listed buildings. The public benefit of this scheme, however, does not outweigh the loss of heritage by the demolition. Whilst the proposals are

of a high-quality design, the historic fabric will be lost and rebuilding in a similar style does not negate the loss caused by the demolition.

5.11 The structure engineer and the CARE engineer both stated that the front elevation of the property is an area which has minimal decay in comparison to the others and is repairable. It is also noted that this is the elevation which has the largest impact on the Conservation Area as the proposed development will enclose the three other elevations.

5.12 As such, it is recommended that the front elevation is retained and repaired with salvaged material from the demolition of the remainder of the property to retain the heritage value of the property and the positive contribution it makes to the street of Swinegate and the Conservation Area as a whole (NPPF, 205). The retained façade can front the new proposed structure, which is of a similar design, form and scale to the existing.

5.13 Whilst this does involve the loss of a significant amount of fabric, the CARE engineer stated that due to the alterations to the existing property over time, such as the “gable walls, rear elevation wall and internal space, there is little original material remaining and the structure overall is no longer in keeping with the building construction, materials or appearance”.

5.14 **SKDC Environmental Protection**

5.14.1 No objections subject to conditions.

6 Representations as a Result of Publicity

6.1 The application has been advertised in accordance with the Council’s Statement of Community Involvement and no letters of representation have been received.

7 Evaluation

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise. The Council adopted the South Kesteven Local Plan 2011-2036 on 30 January 2020, and this forms the Development Plan for the District and is the basis for decision-making in South Kesteven.

7.2 The Local Planning Authority have also adopted a Design Guidelines Supplementary Planning Document (SPD) (Adopted November 2021) and this document is a material consideration in the determination of planning applications.

7.3 In addition, the policies and provisions set out in the National Planning Policy Framework (NPPF) (“the Framework”) (Published December 2023) are also a relevant material consideration in the determination of planning applications.

7.4 Furthermore, as referenced above, it is appreciated that the application site forms part of a wider residential development site, which benefits from planning permission for the erection of 20 (no) affordable flats (LPA Ref: S23/0780), that was approved conditionally in July 2023. This permission has subsequently been commenced, and therefore represents an extant planning permission, and a fallback position against which the current scheme must be assessed.

7.5 **Principle of Development**

7.5.1 The current application seeks full planning permission for the erection of a three-storey townhouse to form 1 (no) apartment, following partial demolition of the existing building.

- 7.5.2 As referenced above, as part of the extant planning permission for the site, the application building was intended to be retained in full and refurbished to provide a ground floor entrance and upper floor duplex 1-bed apartment.
- 7.5.3 In this context, the principle of the use of the site has been established by the extant planning permission, and the current proposals do not seek to amend the use or the quantum of development proposed.
- 7.5.4 Taking the above into account, it is officers' assessment that the application proposals would accord with Policy SP1, SP2 and SP3 of the adopted Local Plan and would accord with the principles of the overall spatial strategy. Consequently, the principle of development is acceptable, subject to material considerations. These matters have been assessed in detail below.

7.6 **Impact on heritage assets**

- 7.6.1 As previously noted, the application site is located within the Grantham Conservation Area and is identified within the Conservation Area Character Appraisal as being a positive, unlisted building which contributes to the significance of the Conservation Area by virtue of its traditional, vernacular architecture, typical of 18th / 19th century townhouses. As such, the host building is deemed to be a non-designated heritage asset.
- 7.6.2 Furthermore, the site is located within close proximity to a number of listed buildings, including 15 Swinegate (Grade II Listed), 21 Swinegate (Grade II Listed), and St Wulfram's Church (Grade I Listed).
- 7.6.3 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard for the desirability of preserving listed buildings and their settings, or any features of special architectural or historic interest which it possesses. Similarly, Section 72 of the Act requires Local Planning Authorities to give special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 7.6.4 In respect of the above, the current application seeks planning permission for the erection of a new three-storey townhouse following partial demolition of the existing building. The current application has been accompanied by a CARE Structural Report (ECSL) (December 2023), which identifies the following key conclusions:
- *In keeping with the conservation principles of Historic England, we would typically aim to retain as much of the original building fabric. However, due to the past modifications and alterations to the existing gable walls, rear elevation wall and internal space, there is little original material remaining and the structure overall is no longer in keeping with the original building construction, materials, or appearance, either internally or externally from the elevations noted. It must also be noted that as part of the approved proposed development plans, the gable and rear walls will be completely concealed with the proposed new structure, therefore the current fabric of the building in these areas will never be visible once the development works are complete.*
 - *The recommendation to completely rebuild these elements with new foundations and masonry wall construction will help to provide a building that eliminates the existing issues with stability and misalignment, but also the water ingress, dampness and mould issues throughout the building that have previous mitigation measures which have been unsuccessful. This will allow the building to retain heat and provide a*

comfortable living space post works with energy efficiency as would be expected in more modern structures these days. It would also be more cost-effective and efficient both long-term and short-term when compared to trying to repair the damaged brickwork and resolving all the damp issues from all directions, using retrofitted products and techniques that typically do not provide long-term fixes in these solutions.

- *Where possible it is also recommended that materials are saved from the demolition process for re-use. Where new materials are deemed to be required these should be sourced locally where possible, as originally constructed to help maintain the building's original character and fulfil the requirements of the Local Authority's sustainability targets.*
- *The front elevation wall is of the most historical importance, as this will be visible from Swinegate post-development works. It is also the elevation in the best condition, and which retains most of its original form.*
- *As part of the planning drawings, the front elevation will remain as original as possible. However, to ensure the stability of the structure and to safeguard the long-term future, repair works are required to the brickwork at the upper levels, mainly the parapet structure. Lintels will need to be replaced with like-for-like components to keep with the original features. Brickwork spalling damage to the front elevation is not as pronounced as the gable walls. Therefore, localised repairs could be carried out using reclaimed bricks possibly saved from the rear elevation.*

7.6.5 It is noted that, as originally submitted, the application proposals sought consent for the demolition of the totality of the existing building. However, following receipt of the CARE structural survey, and comments from Historic England and the Council's Conservation Officer, the scheme was amended to retain and repair the front elevation, and demolish and rebuild the rear part of the structure, in line with the conclusions of the report and the comments from the consultees.

7.6.6 In the context of above, it is appreciated that the proposed development scheme would involve the demolition, and therefore loss of part of a non-designated heritage asset. However, in this case, it is the Case Officer's assessment that the extent demolition proposed is the minimum necessary to secure the long-term future of the building, and therefore, has been robustly justified.

7.6.7 In addition, the application has been accompanied by a Heritage Impact Assessment (Allan Joyce Architects), which identifies the following:

- *The existing building has significant historical and architectural value and its total loss would be detrimental to the surrounding conservation area and the setting of the other Grade II listed buildings in the vicinity. The proposal aims to retain and repair the most significant portion of the building and rebuild the other elements to upgrade the structure to suit contemporary needs.*
- *The historic scale, form and function has been retained as closely as possible in the proposed development. Although there is no commercial function proposed on the ground floor, this area retains a more public function forming a secure reception area for residents and visitors to the proposed development.*
- *The proposal retains and repairs the east elevation facing Swinegate which holds the most architectural value. Characteristic features like the brickwork, 'moustache'*

lintels and timber shop front will be repaired or replaced like for like. Replacement windows to the upper floors will be sliding sash windows of higher quality which are more in keeping with the surrounding area's character. The new roof and floor structures will replicate the original construction and proportions as closely as possible.

- *The rear portions of the building hold less heritage significance owing to several modern additions and changes made over time and these will mostly be concealed by the surrounding new development. Consequently, these are proposed to be demolished and rebuilt to current building standards. Demolition will be carried out carefully to ensure original materials, such as the narrow imperial bricks, can be salvaged and reused to repair the front elevation where possible.*
- *When considered with the surrounding development of flats, this proposal would retain the historic façade of the existing building incorporating it within the reinstated building frontage along Swinegate. Overall, this will have a significantly positive impact on the surrounding area's character and the setting of the nearby heritage assets.*

7.6.8 As stated above, it is appreciated that Historic England and the Council's Conservation Officer objected to the proposed total demolition of the building; and indicated that they would require the front façade of the building to be retained and repaired as a minimum.

7.6.9 The Applicant's have subsequently amended the proposed scheme, in line with the comments received by the consultees and the conclusions of the CARE Structural Survey. A formal re-consultation with Historic England and the Council's Conservation Officer is currently ongoing, and their updated comments will be reported through the late items paper. However, during a site meeting with the Applicant's, Conservation Officer and Case Officer to discuss the revised proposals, the Conservation Officer has indicated their support for the revised proposals subject to conditions requiring further details in relation to the proposed method of securing the front façade during the demolition works, and further details in relation to the use of salvaged or replacement brickwork in the repair of the front elevation. These conditions are proposed to be included within the schedule of conditions detailed below.

7.6.10 Similarly, it is the Case Officer's assessment that the proposed amendments to the scheme would also be consistent with the recommendations made by Historic England. As such, it is anticipated that they will confirm their support for the revised scheme as part of their updated, formal comments.

7.6.11 Taking the above into account, it is the Case Officer's assessment that the proposed partial demolition of the existing structure has been appropriately justified. However, this would result in partial loss of a non-designated heritage asset and, therefore, would result in less than substantial harm to the significance of the Conservation Area and the setting of the nearby listed buildings. Given that the proposed demolition relates to the later additions to the building, which are not of the same architectural value as the front façade, it is the Case Officer's assessment that this harm would be at the lower end of loss than substantial harm. Nonetheless, in accordance with Policy EN6 of the adopted South Kesteven Local Plan and Paragraph 207 of the Framework, this harm falls to be weighed against the public benefits of the scheme. This balance is discussed in detail below.

7.7 **Design Quality and Visual Impact**

- 7.7.1 As referenced above, the current application seeks to retain and repair the front façade of the existing building, whilst demolishing the remainder of the structure will be demolished and rebuilt to current building regulations standards.
- 7.7.2 In this respect, the proposed development would retain the significant architectural features that contribute to the character and historic interest of the existing building, including the 'moustache' shaped lintels and the timber detailing to the shop front.
- 7.7.3 The overall dimensions of the building would be retained as existing, but the side walls will be rebuilt perpendicular to the front elevation rather than following the existing angle; these elevations would be subsumed within the wider development scheme and, therefore, would not materially impact on the character and appearance of the streetscene. Likewise, the later, rear addition to the current building, which does not positively contribute to the character of the building is not proposed to be replaced.
- 7.7.4 The proposed development would seek to re-use brickwork salvaged from the demolition of the rear portion of the structure; however, where new brickwork is required this will be imperial sized chapel brick finished in a Flemish bond to match the existing building. Furthermore, the existing chimneys are not to be retained, but will be replaced with brick faced false chimneys to replicate the original building as closely as possible.
- 7.7.5 Taking the above into account, it is Officers' assessment that the application proposals represent an appropriate appearance, scale, massing and materiality when assessed in the context of the existing building and the approved development scheme. As such, the proposed development would not result in any unacceptable adverse impacts on the character and appearance of the area, or the surrounding streetscene. In light of this, the design quality and visual impact of the development is deemed to be acceptable and would provide a significant public benefit. As such, the application proposals would accord with the Policy DE1 and EN1 of the adopted South Kesteven Local Plan, the Design Guidelines SPD, and Section 12 of the National Planning Policy Framework.

7.8 **Impact on neighbouring land uses**

- 7.8.1 In respect of the potential impact of the development on the amenity of neighbouring land uses, it is appreciated that the proposed development would not entail any changes to the scale of the building, or introduce any additional window openings, and therefore, would not give rise to any additional impacts in respect of loss of light, privacy and outlook in comparison to the existing building and the extant planning permission.
- 7.8.2 With regards to the impacts of demolition and construction activities on the amenity of existing residential properties, it is appreciated that the application site is located within close proximity to a number of residential properties and, therefore, there is the potential for short-term impacts on the amenity of these properties as a result of noise, dust and vehicle movements associated with the construction of the proposed scheme. In view of the above, conditions are proposed to require the development to be carried out in accordance with the Construction Environmental Management Plan which controls the activities of the wider development site.
- 7.8.3 Consequently, subject to the imposition of conditions, it is Officers' assessment that the application proposals would not result in any unacceptable impacts on the amenity of neighbouring land uses. As such, the application proposals would accord with Policy DE1

of the adopted Local Plan, the Design Guidelines SPD, and Section 12 of the Framework in respect of amenity considerations.

7.8.4 Therefore, it is concluded that the application proposals would not give rise to any unacceptable adverse impacts on privacy, light, overshadowing or outlook for existing and future occupants, and would not result in any unacceptable impacts in respect of noise pollution. Thus, the application scheme would accord with Policy DE1 and EN4 of the adopted Local Plan, the Design Guidelines SPD, and Section 12 of the Framework in respect of amenity considerations.

7.9 **Pollution Control**

7.9.1 As stated above, the wider development site comprises of previously developed (brownfield) land, which includes the former garage site located to the rear of 20-21 Swinegate, and the neighbouring Watergate Car Park.

7.9.2 In this regard, the Council's Environmental Protection Team have been consulted on the application proposals and have confirmed that they have no objection, subject to conditions relating to contaminated land and asbestos management. As such, it is proposed that these are included within the recommended schedule of conditions.

7.9.3 In respect of the additional comments made by the Environmental Protection Officer relating to fire protection and sound proofing, these matters are address through building regulations and, therefore, it would not be appropriate to impose planning conditions to secure compliance with these standards.

7.10 **Other Matters**

7.10.1 Heritage Lincolnshire (as Local Archaeological Advisor) have been consulted on the application scheme and have confirmed that they have no objections, subject to conditions requiring the scheme to be carried out in accordance with the submitted Written Scheme for Historic Building Recording, and Archaeological Monitoring and Recording. These matters are proposed to be secured via planning condition.

7.10.2 The proposed application would accord with the adopted Development Plan in respect of all other technical material considerations and, no objections have been received from statutory consultees in relation to these matters.

8 Crime and Disorder

8.1 It is concluded that the proposals would not result in any significant crime and disorder implications.

9 Human Rights Implications

9.1 Article 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 concluded that no relevant Article of the Act will be breached in making this decision.

10 Planning Balance and Conclusions

10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the Local Planning Authority makes decisions in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

10.2 In this respect, the statutory provisions set out in Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 hold considerable weight and importance in

the decision-making process, as established through case law. This requires Local Planning Authorities to have special regard for the desirability of preserving listed buildings and their settings, or any features of special architectural or historic interest which it possesses, as well as giving special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas.

- 10.3 Furthermore, it is appreciated that the current application site forms part of a wider development scheme, which benefits from extant planning permission for the erection of 20 (no) affordable flats (LPA Ref: S23/0780), which was conditionally granted in July 2023. Works have subsequently commenced on the approved scheme and, the extant permission represents a valid fallback position, which is a material consideration in the determination of the current application.
- 10.4 In this case, the current application seeks planning permission for the erection of a three-storey townhouse comprising of 1(no) apartment following partial demolition of the existing 20 Swinegate, Grantham. As part of the extant planning permission, the existing building was intended to be retained and refurbished to form an entrance / reception area and upper floor duplex, 1-bed apartment. In the context of this fallback position, the current application does not seek to amend the approved use and / or increase the quantum of development at the site beyond the fallback position, and therefore, the principle of a single dwelling on the application site has been established as part of the extant permission. Consequently, the proposed development is acceptable in principle, subject to material considerations.
- 10.5 In this respect, the application proposals have been revised to address comments received from the Council's Conservation Officer and Historic England, and the conclusions of the CARE structural survey; which recommended the retention of the front façade. In view of this, it is the Case Officer's assessment that the partial demolition of the existing building has been appropriately justified.
- 10.6 Notwithstanding the above, the proposed development would result in the partial loss of a non-designated heritage assessment, and would result in less than substantial harm to the significance of the Conservation Area and the setting of the nearby listed buildings. However, it is Officer's assessment that this would be at the lower end of less than substantial harm. Nonetheless, in accordance with the requirements of Policy EN6 of the adopted South Kesteven Local Plan, and Paragraph 207 of the Framework, this harm falls to be weighed against the public benefits.
- 10.7 In terms of public benefits, the application building is identified as holding historic interest due to the front façade containing architectural features which are representative of 18th / 19th century townhouses, and contribute to the character and significance of the Conservation Area. The current application scheme proposes to retain and repair these vernacular features of the front façade, and would also provide the opportunity to upgrade the existing building to meet current building regulations standards, thus securing the long-term future of a non-designated heritage assets.
- 10.8 Furthermore, the application proposals would facilitate the re-development of previously developed land within the main built-up area of Grantham and would support the delivery of 20 (no) affordable apartments, for which there is an acute housing need within the locality. These public benefits are a significant public benefit, which Officers' would attribute substantial weight.
- 10.9 Taking the above into account, it is Officers' assessment that the public benefits of the development would outweigh the partial loss of the non-designated 20 Swinegate and the

less than substantial harm to the significance of the Conservation Area and the setting of the nearby listed buildings. As such, the application proposals would accord with Policy EN6 of the adopted Local Plan and Section 16 of the Framework.

- 10.10 Consequently, it is Officers' assessment that the application proposals would accord with the adopted Development Plan when taken as a whole and, the material considerations in this case, including the harm to the Conservation Area and Listed Buildings which is afforded considerable weight and importance, do not indicate that planning permission should be withheld.

11 Recommendation

- 11.1 To authorise the Assistant Director – Planning to GRANT planning permission, subject to the proposed schedule of conditions detailed below.

Schedule of Condition(s)

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:

1. Proposed Floor Plan and Elevation Plan (Ref: 4076/DE03/Rev A)

Unless otherwise required by another condition of this permission.

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

Before the Development is Commenced

Method Statement

- 3) No development shall take place, including any demolition hereby approved, until a detailed Method Statement, which shall outline measures to secure the retained front façade of 20 Swinegate throughout the demolition and construction stages of the proposed development, has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the Method Statement shall be strictly adhered to throughout the demolition and construction period.

Reason: In order to ensure the proposed development does not result in an unacceptable adverse impact on the non-designated heritage asset, in accordance with Policy EN6 of the adopted South Kesteven Local Plan and the policies of the National Planning Policy Framework.

During Building Works

Archaeological Investigations

- 4) The development hereby permitted shall be undertaken in accordance with the Written Scheme of Investigation – Building Recording (PCAS Archaeology) (November 2023) and Written Scheme of Investigation – Archaeological Monitoring and Recording (PCAS Archaeology) (November 2023) (Revision B) submitted and approved as part of this application.

Reason: In order to provide a reasonable opportunity to record the history of the site and in accordance with Policy EN6 of the adopted South Kesteven Local Plan and the policies contained in the National Planning Policy Framework.

Phasing Plan and Timetable

- 5) The development hereby permitted shall be undertaken in accordance with the Phasing Plans (Lindum) (received 24 May 2023), approved under application ref: S23/0982, except where modified by this planning permission, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development as a whole proceeds in an orderly and co-ordinated manner.

Construction Management Plan

- 6) The development hereby permitted shall be undertaken in accordance with the Construction and Traffic Management Plan (Ref: 180677-CTMP), approved under application ref: S23/0982, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property, adjacent to, or downstream of the permitted development during construction and to ensure that suitable traffic routes are agreed, and to ensure that the demolition and construction processes do not give rise to unacceptable adverse impacts on the amenities of neighbouring properties.

Precautionary Ground Contamination

- 7) If, during the development, contamination not previously identified to be present at the site, then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a Remediation Strategy detailing how this contamination is to be dealt with, has been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at, unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

Asbestos Management

- 8) If, during the development, asbestos is identified, a scheme to address the management and / or safe disposal of asbestos and asbestos containing materials must be submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of, where necessary, an asbestos identification survey by a qualified contractor, measures to be adopted to protect human health and the preferred

asbestos disposal route, unless the Local Planning Authority dispenses with any such requirement specifically in writing.

Thereafter, the asbestos management scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to unacceptable risks of pollution to the site and / or workers.

Brickwork Details

- 9) Following the partial demolition of the building hereby approved, but prior to commencement of works to repair the front façade and rebuild the remaining development, further large scale details of the use of salvaged and / or new brickwork in the proposed redevelopment shall have been submitted to and approved in writing by the Local Planning Authority.

Thereafter, the development must be carried out in accordance with the approved details prior to first occupation.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 (Good Quality Design) and Policy EN6 (The Historic Environment) of the South Kesteven Local Plan 2011-2036.

Before the Development is Occupied

Surface Water Drainage Implementation

- 10) Before any part of the development hereby permitted is occupied, the works to provide surface water drainage shall have been completed in accordance with the Flood Risk Assessment and Sustainable Drainage Strategy (Stirling Maynard) (Ref: P22154) (April 2023), approved under application ref: S23/0982.

Reason: To ensure that the permitted development is adequately drained without creating or increasing flood risk to land or property adjacent to, or downstream of, or upstream of the permitted development, and to prevent environmental and amenity problems arising from flooding, in accordance with Policy EN5 (Water Environment and Flood Risk) of the South Kesteven Local Plan.

Biodiversity Mitigation and Enhancement

- 11) Before any part of the development hereby permitted is occupied, all biodiversity mitigation and enhancement measures detailed within the Biodiversity Enhancement Letter (CBE Consulting) (Dated 23 March 2023), as approved under application ref: S23/0780) shall have been completed in accordance with the recommendations of that report.

Reason: To ensure that the proposed development adequately protects Protected Species and achieves a biodiversity net gain, in accordance with Policy EN2 of the South Kesteven Local Plan and the Wildlife and Countryside Act 1981.

External Materials

12) Before any part of the development hereby permitted is occupied, the proposed development must have been completed in accordance with the approved external materials details as set out in the Materials Specification (received 9 November 2023), except where modified by the details approved by Condition 9 above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and in accordance with Policy DE1 (Promoting Good Quality Design) and Policy EN6 (The Historic Environment) of the South Kesteven Local Plan 2011-2036.

Sustainable Buildings

13) Before any part of the development hereby permitted is occupied, the sustainable building measures set out within the Planning Statement – Sustainable Building Measures (Allan Joyce Architects) (24 May 2023), approved under application ref: S23/0982, shall have been completed in full, including provision of electric vehicle charging points.

Reason: To ensure that the development mitigates against and adapts to climate change in accordance with Policy SB1 and SD1 of the South Kesteven Local Plan 2011-2036.

Hard Landscaping

14) Before any part of the development hereby permitted is occupied, all hard landscaping works shall have been carried out in accordance with the details indicated on the Proposed Site & Ground Floor Plan (Ref: 4076/PL04), approved under application ref: S23/0780.

Reason: Hard landscaping makes an important contribution to the development and its assimilation with its surroundings, and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

CCTV Monitoring Scheme

15) Before any part of the development hereby permitted is occupied, the CCTV monitoring scheme, as indicated on the Proposed Site & Ground Floor Plan (Ref: 4076/PL04), approved under application ref: S23/0780, must have been completed in accordance with the approved details.

Reason: In the interests of residential amenity in accordance with Policy DE1 of the adopted South Kesteven Local Plan, and to avoid the development proposals giving rise to crime and / or fear of crime in accordance with Section 12 of the National Planning Policy Framework.

Verification of Ground Remediation

16) Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of the remediation works set out in the Additional Site Investigation Report (Ground Engineering) (April 2023) (Ref: C15891), approved under application ref: S23/0780, and the effectiveness of the remediation, shall have been submitted to and approved in writing by the Local Planning Authority. The report shall include

results of the sampling and monitoring carried out in accordance with the approved report, to demonstrate that the site criteria have been met. The report shall have been submitted by the nominated competent person, and shall include:

- (a) A complete record of remediation activities and data collected as identified in the remediation scheme to support compliance with the identified objectives
- (b) As built drawings of the implemented scheme
- (c) Photographs of the remediation works in progress; and
- (d) Certificates demonstrating that imported and / or material left in situ is free from contamination.

The scheme of remediation shall thereafter be maintained in accordance with the approved details.

Reason: To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

Ongoing

Soft Landscaping Implementation

- 17) Before the end of the first planting / seeding season following the occupation of any part of the development hereby permitted, all soft landscaping works shall have been carried out in accordance with the approved soft landscaping details as detailed on the Proposed Soft Landscaping Plan (Ref: 4076/PL04/Rev B), approved under application ref: S23/0780.

Reason: Soft landscaping makes an important contribution to the development and its assimilation with its surroundings, and in accordance with Policy DE1 of the adopted South Kesteven Local Plan.

Soft Landscaping Protection

- 18) Within a period of five years from first occupation of the development hereby permitted, any trees or plants provided as part of the approved soft landscaping scheme that die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced in the first planting season following any such loss with a specimen of the same size and species, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscaping in accordance with the approved designs and in accordance with Policy DE1 and EN2 of the adopted South Kesteven Local Plan.

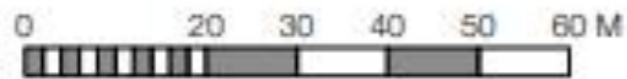
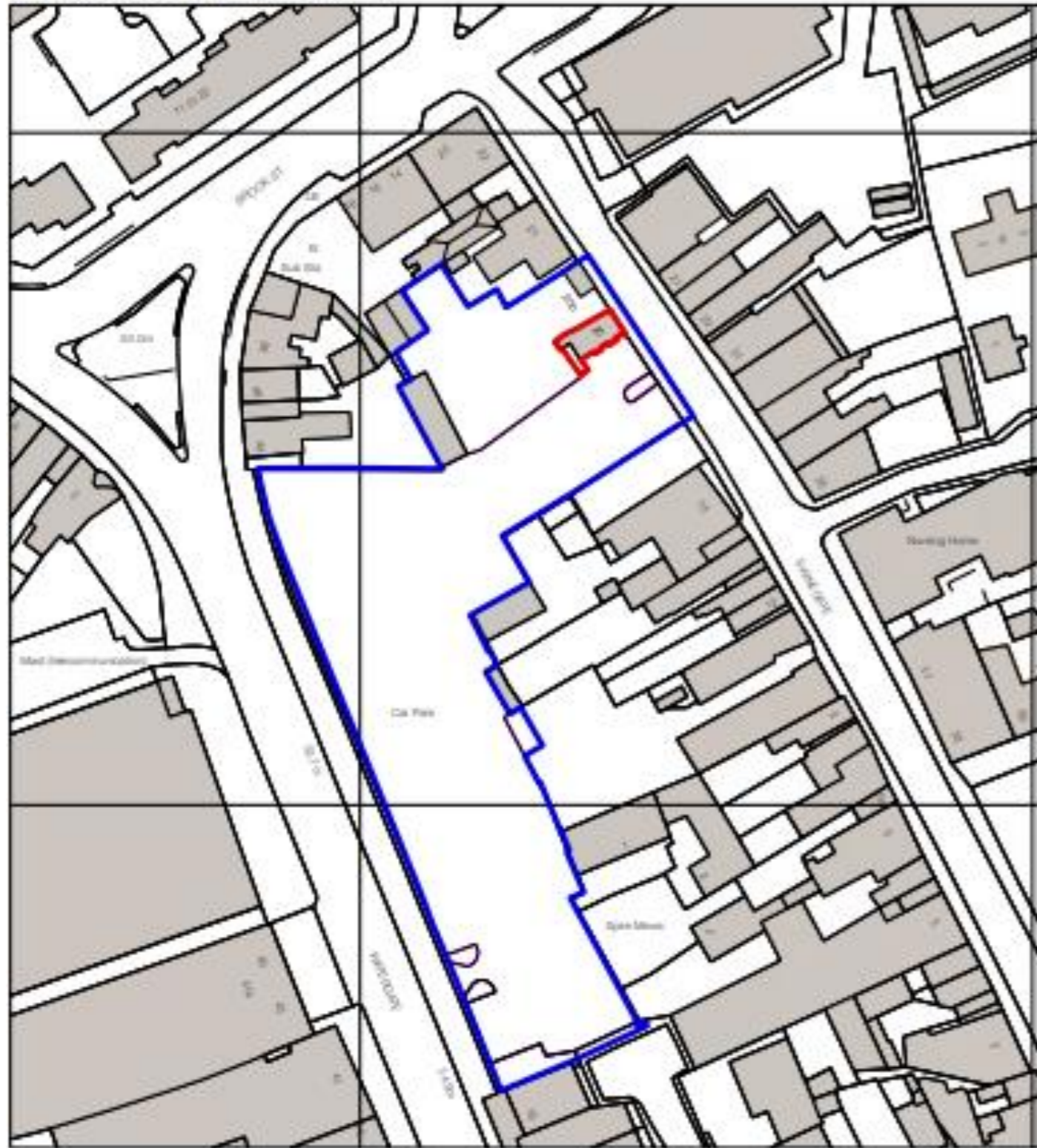
Standard Note(s) to Applicant

- 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 (December 2023).

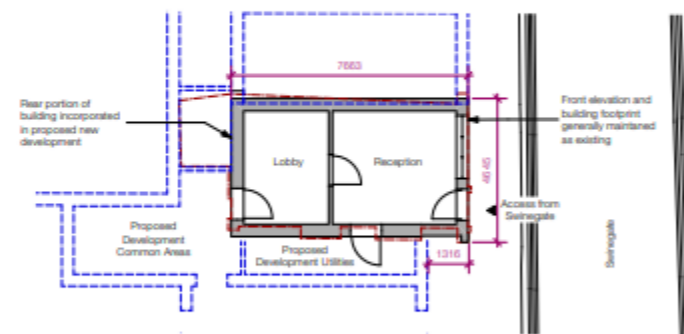
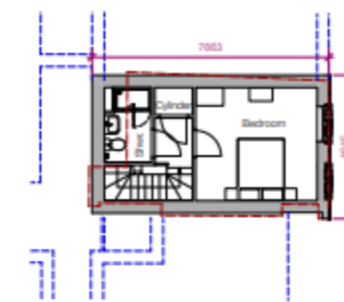
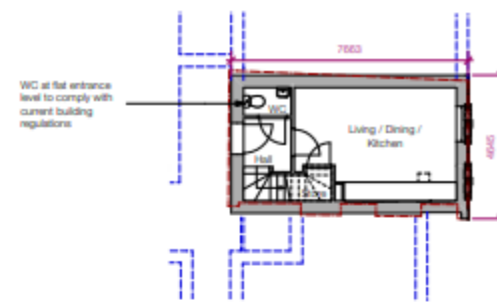
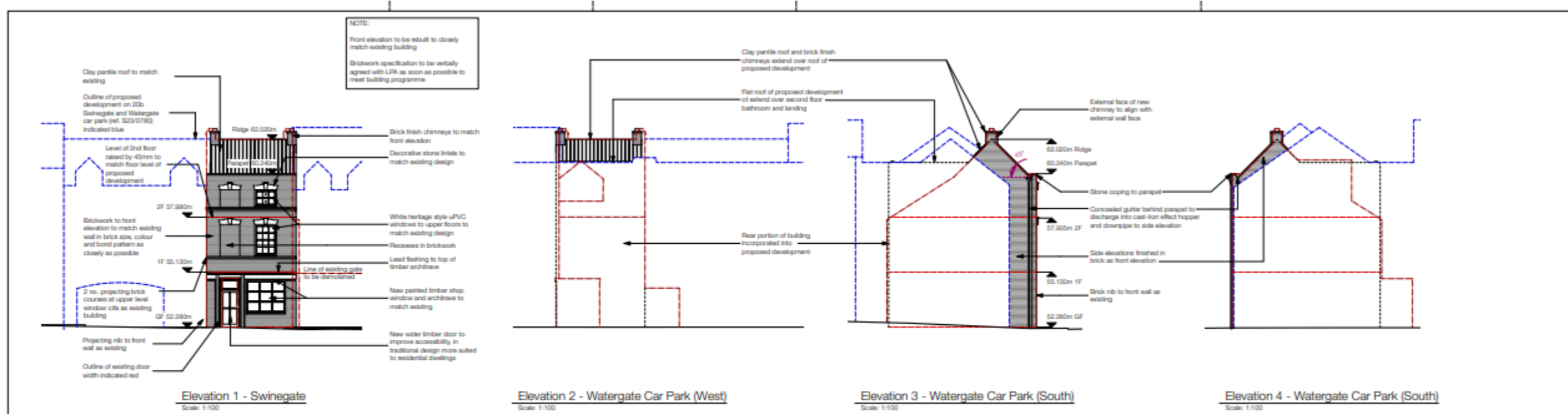
2) Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Site Location Plan

(OS map licence number: 100047514)



Proposed Elevations



Accommodation Schedule

Ground Floor GIA:	25.2 sqm
First Floor GIA:	25.2 sqm
Ground Floor GIA:	25.2 sqm
Total GIA:	75.6 sqm

1b1p Flat GIA: 50.4 sqm (NDSG min. 50sqm)

Key

- Outline of proposed development on 20b Swinegate and Watergate car park (ref. S23/0780)
- Outline of existing building reference
- Extend of new building incorporated in proposed development

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LONDON

Swinegate

Proposed Plans and Elevations

PROJECT NUMBER	SCALE	DATE	BY
4076	1:100	March '23	MS
PROPOSAL NUMBER	VERSION	STATUS	
DE03		Planning	

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