

APPLICATION NO	PA/2011/1453
APPLICANT	Mr I G Spencer Mr D Hardman, Mr M Linley and Mr R Cooper
DEVELOPMENT	Planning permission to retain the change of use of land into residential (private gardens)
LOCATION	2, 4, 6, and 8 King Oswald Road, Epworth
PARISH	EPWORTH
WARD	Axholme Central
CASE OFFICER	Emma Stanley
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Epworth Town Council

POLICIES

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy DS1 (General Requirements) requires a high standard of design in all developments and proposals for poorly designed development will be refused. All proposals will need to consider quality of design, amenity, conservation, resources, utilities and services.

Policy R5 (Recreational Paths Network) seeks to protect existing rights of way from development that removes or restricts the right of way and development that would prejudice public access through the recreational path network will not be granted.

Supplementary Planning Guidance 4 (Public Rights of Way) offers guidance on development that involves public rights of way and seeks to ensure that public rights of way remain attractive, accessible and safe.

CONSULTATIONS

Highways: No objections.

TOWN COUNCIL

Object on the grounds that a narrowed corridor on the public right of way is out of keeping with the open character of the area, contrary to policy R5 of the North Lincolnshire Local Plan and Supplementary Planning Guidance 4 (Public Rights of Way) and should be refused like the previous application (PA/2011/0457).

PUBLICITY

Advertised by way of site notice and letters sent to neighbouring properties. One letter of support has been received, and three letters of objection which raise the following issues:

- the narrowing of the area around the footpath will create an alleyway with hidden spaces and would be out of character with the area
- the development has already begun
- the original green space should be kept as an amenity area with the gap between properties retained
- concerned about antisocial behaviour in the area.

ASSESSMENT

Permission is sought to change the use of part of an area of open space in a residential area into garden land for four properties, and enclose the land with a 2 metre panel fence. A public right of way runs through the open space, with residential properties backing onto the land on both sides. A small area of the land has already been enclosed by these four properties without the benefit of planning permission. The enclosed area varies in depth from approximately 1 to 2 metres, and the application seeks to retain this change of use.

The main issue in determining this application is whether the reduction in the width of the area of open space is detrimental to the open character of the route of the footpath.

The route of the footpath and the grassed area that runs alongside it were left as an area of open space when the houses in the area were first given planning permission. The land was retained by the owner, and not incorporated into the formal open space for the scheme. The owner has now sold a strip of the grassland to four residents who back onto the area of open space. The proposal involves the enclosure of approximately 6 metres of the grassed strip. This will leave a 2 metre strip of grass running alongside the 5 metre wide path, which is surfaced with grey chippings.

The town council and some neighbours have raised concerns about the narrowing of this corridor, and that by allowing the enclosure of this land, the character of the footpath will be adversely affected. It has been suggested that the area be left as it is and that the gap should not be reduced. Concern has also been expressed about antisocial behaviour in the area, and that the narrowing of the corridor will create an unsafe environment. The public rights of way officer has been consulted on the application and has no concerns about the proposal. The route of the path and grass strip will still provide a route through the land that is 7 metres wide, which is considered to be sufficient to enable the accessibility and environment required by policies and supplementary planning guidance.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: IGS/KING OSWALD ROAD/001, IGS/KING OSWALD ROAD/002, IGS/KING OSWALD ROAD/003 and IGS/KING OSWALD ROAD/004.

Reason


For the avoidance of doubt and in the interests of proper planning.


Reasons for approval

The proposed development is in accordance with the North Lincolnshire Local Plan, particularly policies DS1 and R5, and would have no adverse effect on the character of the public right of way.



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