

**APPLICATION NO** PA/2011/1489

**APPLICANT** Mr L Peach

**DEVELOPMENT** Planning permission for the conversion of three farm buildings into two dwellings (resubmission of PA/2011/0589 dated 27/06/2011)

**LOCATION** Barns at Horsegate Farm, North End, Goxhill

**PARISH** GOXHILL

**WARD** Ferry

**CASE OFFICER** Mark Simmonds

**SUMMARY RECOMMENDATION** **Grant permission subject to conditions**

**REASONS FOR REFERENCE TO COMMITTEE** Objection by Goxhill Parish Council  
Officer discretion (moratorium)  
Third party request to address the committee

## **POLICIES**

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

**North Lincolnshire Local Plan:** Policy DS1 (General requirements), policy LC5 (Species protection), policy LC6 (Habitat creation), policy HE5 (Development affecting listed buildings), policy DS16 (Flood risk) and HE9 (Archaeological evaluation).

**North Lincolnshire Core Strategy:** Policy CS1 (Spatial strategy for North Lincolnshire), policy CS2 (Delivering more sustainable development), and policy CS19 (Flood risk).

Policy CS6 (Historic environment) requires all new development to respect, conserve and enhance North Lincolnshire's historic environment, including historic buildings, listed buildings, parks and gardens, ancient monuments and archaeological remains.

## **CONSULTATIONS**

**Highways:** Advise conditions (6 to 8).

**Environment Agency:** Advise conditions.

**Anglian Water Developer Services:** Advise a condition.

**Council's engineer:** No historical record of any surface water flooding. Soakaway should be investigated. FRA recommendations should be incorporated.

**Environmental Protection:** Advise conditions.

**Built Environment Officer:** No objection subject to conditions.

**Historic Environment Officer:** No objection subject to conditions.

## **PARISH COUNCIL**

“Goxhill Parish Council object to this proposal on the grounds that the planning moratorium is still in place and do not wish to see permission granted for an extra two dwellings within the village settlement until it is lifted.”

## **PUBLICITY**

The application has been advertised by site and press notices, and neighbours have been notified by letter. Objections have been received on the following grounds:

- concerns due to the scale of the proposed development; were hoping changes would be sympathetic and aesthetically pleasing and thus only cause minimal disruption
- felt the recommendations by the council to scale the development down were more appropriate
- the proposed parking for four cars would be in direct view of their main living areas, until recently no vehicles had accessed the barns for at least four and a half years
- taking down the old coal shed would make the access better but replacing it with a large window facing their house is unacceptable
- a main concern is drainage; refer to flooding in 2007, nothing has been clarified as to what is going to happen to improve the drains; do not want their property to be more at risk of flooding, already in a vulnerable position; additional water from two new households will put extra strain on an old and struggling system
- the flooding in 2007 was from excessive rainfall, whereas the flood risk assessment concentrates on the risk from the River Humber
- were advised that the land earmarked for the second property was protected under policy LC11 – how can the plans for doubling the size of the barn, and the garden land, be allowed?
- plan number 4 shows three roof windows – these will look directly into the objector’s property, including into bedroom windows, a major infringement on privacy
- the main exit for the property opens directly onto the objector’s land – this would be trespassing
- the rear barn is single-storey, the new proposals should be assessed on the current situation
- disruption and loss of privacy while works take place, builders would need to access neighbours land

## ASSESSMENT

This application seeks permission for the conversion of redundant farm buildings to two dwellings, including the erection of extensions and other alterations to facilitate the development.

**The main issues in determining this application are whether the proposed conversions would have a detrimental impact on the amenities of nearby residents or on the character and appearance of the listed building, whether any inappropriate encroachment into LC11 land would occur and whether there would be any unacceptable risk of flooding to this site or neighbouring sites.**

The application site comprises redundant farm buildings and a rough grassed area which would have formed part of the original farmyard. The frontage building is listed and is a very high quality barn with a clay pantile roof and tumbling gables. The retention of this building, by way of conversion to residential, would be very beneficial to the character and appearance of this part of the settlement. The barns to the rear are smaller and in a less well kept condition.

The proposals involve converting the barns to two dwellings, with the rear barn being substantially extended to create a dwelling. The site is within the development boundary for Goxhill where the principle of residential development is established. The proposals are therefore subject to assessment against normal planning considerations.

The objections refer to loss of privacy and impact upon living conditions, partly based on the scale of the development. The agent was contacted to negotiate a reduction in the scheme down to a single dwelling comprising the frontage barn being converted but the agent declined this approach. They have submitted amended plans which seek to reduce the impact upon the neighbours at Horsegate Farm by widening the access point and demolishing a small projection on the listed frontage barn.

The impact upon neighbours would not be materially harmful. Horsegate Farm's principal elevation, with most of the habitable room windows, is on the opposite side of the building to the site. There are several windows serving habitable rooms of the side facing the site but overall this is the secondary elevation and the impact would be acceptable. The site could be brought back into use as a farmyard without permission, and this fallback position would involve a certain amount of traffic movements.

The dwellings created would not lead to material loss of privacy. The distances and relationship between the site and the neighbours is acceptable. The neighbour to the north is concerned about three roof windows which face their property. The windows are clearly marked on the plans as 'translucent/patterned' glass and a condition can be imposed to ensure an adequate level of obscure glazing is installed and retained.

With regard to the door marked as 'kept and hooked back', this is a design feature which will be a window only, not a door and no access to the neighbour's land would result.

Objectors refer to the allocation of LC11 (open amenity land) on the land to the rear of the buildings and question whether development should be allowed here. The extension to the rear barn would encroach into this designation by a negligible amount and the rear garden would not take away from the function of the LC11 land which is primarily there to keep

breaks in the built form of the settlement and to provide amenity to the wider area through green spaces.

The issue of drainage has been raised by the parish council and by neighbours but neither Anglian Water nor the Environment Agency, nor indeed the council's engineer raise any objection and the reference to an incidence of rainwater flooding at this site is not corroborated by the council's records.

On balance, the proposals are considered acceptable and the application is recommended for approval.

**RECOMMENDATION      Grant permission subject to 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: 1016-002, 1016-100A, 1016-080B, 1016-090B and 1016-055B.

**Reason**

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

3.  
The development shall be carried out in complete accordance with the flood risk assessment submitted with the application prepared by GTCE of Hull and dated October 2001 Rev A; Report Ref: J715-01.

**Reason**

To protect against the risk of flooding and to minimise the potential harm from any incidents of flooding in accordance with policy DS16 of the North Lincolnshire Local Plan and PPS25.

4.  
No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

**Reason**

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

5.  
Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

### **Part 1: Site Characteristics**

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed), including buildings, crops, livestock, pets, woodland and service lines and pipes
  - adjoining land
  - groundwaters and surface waters
  - ecological systems
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

### **Part 2: Submission of Remediation Scheme**

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

### **Part 3: Implementation of Approved Remediation Scheme**

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the

approval in writing of the local planning authority.

#### **Part 4: Reporting of Unexpected Contamination**

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

#### **Reason**

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

6.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use.

#### **Reason**

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

7.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

#### **Reason**

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

8.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning space serving it have been completed and, once provided, the vehicle parking and manoeuvring space shall be retained.

#### **Reason**

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

9.

No development shall take place until a full schedule of all external facing materials has been submitted to and approved in writing by the local planning authority to include all bricks, joinery products, roof coverings, rainwater goods and external finishes, and only the approved materials shall be used.

Reason

In order to retain the character of the listed building in accordance with policy HE5 of the North Lincolnshire Local Plan.

10.

All guttering on the site shall be cast-iron, painted matt black at all times.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policies DS1 and HE5 of the North Lincolnshire Local Plan and policy CS6 of the North Lincolnshire Core Strategy.

11.

Before development commences on site, details of the paintwork/staining to the windows and external doors shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented on site at all times.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policies DS1 and HE5 of the North Lincolnshire Local Plan and policy CS6 of the North Lincolnshire Core Strategy.

12.

Unless otherwise agreed in writing by the local planning authority, all windows, screens, glazed entrance structures and external doors shall be constructed from timber at all times. Before development commences on site, joinery details of the windows and external doors shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented on site at all times.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policies DS1 and HE5 of the North Lincolnshire Local Plan and policy CS6 of the North Lincolnshire Core Strategy.

13.

All works shall be carried out in accordance with the recommendations of the submitted document 'Report on Ecological Survey' received 6 December 2011.

Reason

To protect features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

14.

Notwithstanding the provisions of Classes A, B, C, D, E, F and H of Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order

2008 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting those orders with or without modification, no extensions, alterations, outbuildings or means of enclosure shall be erected on the site other than those expressly authorised by this permission.

**Reason**

To maintain the character of the development in accordance with policy DS1 of the North Lincolnshire Local Plan.

15.

No development shall take place until a schedule of windows to be obscure glazed has been submitted to and approved in writing by the local planning authority. The details shall include the relevant British Standard to which the glazing complies and the level of privacy afforded. Only the approved glazing shall be installed and this glazing shall be retained thereafter.

**Reason**

To protect the privacy of existing neighbours and future occupiers of new dwellings, and to comply with policy DS1 of the North Lincolnshire Local Plan.

16.

No development shall take place until the applicant, or their agents or successors in title, has produced an historic building record of the farm buildings in accordance with a written specification, including a timetable for the recording and for its submission, which has been submitted to and approved in writing by the local planning authority. The record shall be carried out in accordance with the approved details and timings unless otherwise agreed in writing by the local planning authority.

**Reason**

To comply with policy HE9 of the North Lincolnshire Local Plan as the farm buildings are of national and local architectural significance.

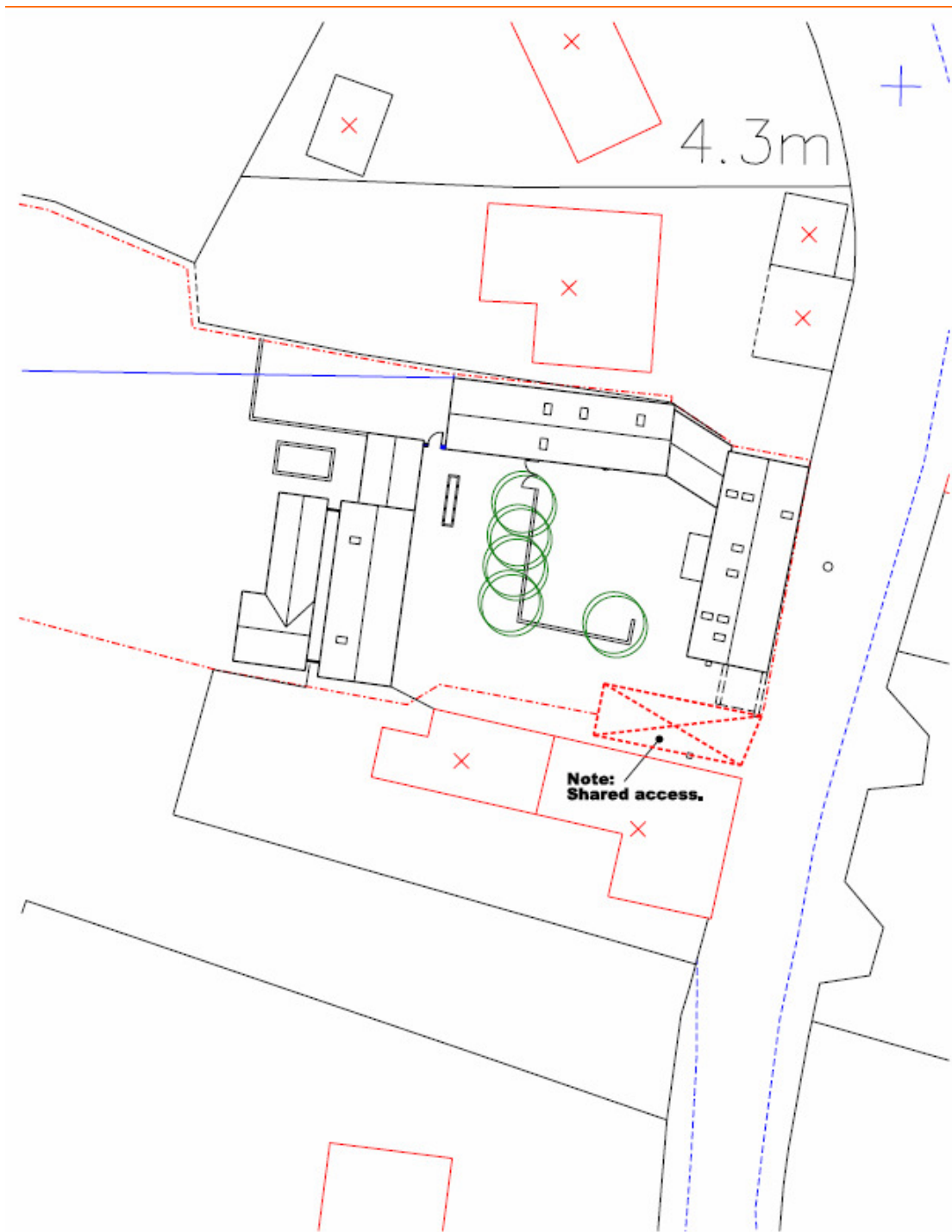
**Reasons for approval**

The council, as local planning authority, has had regard to the relevant policies of the development plan as set out below and considers that, subject to compliance with the conditions attached to the permission, the proposed development would be in accordance with the development plan, would not materially harm the amenity of neighbours, the character of the area, would not lead to an unacceptable risk of flooding and would be acceptable in all other planning considerations.

North Lincolnshire Local Plan: DS1, LC5, LC6, HE5, HE9

North Lincolnshire Core Strategy: CS1, CS2, CS6, CS17





PA/2011/1489 and PA/2011/1493 – PROPOSED LAYOUT  
NOT TO SCALE