

APPLICATION NO	PA/2016/520
APPLICANT	Mr Mark Gaskin
DEVELOPMENT	Planning permission to erect four flats within two buildings (including demolition of existing building)
LOCATION	Land between 14 and 18, High Street, Kirton in Lindsey, DN21 4LX
PARISH	Kirton in Lindsey
WARD	Ridge
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Third party request to address the committee

POLICIES

National Planning Policy Framework: Paragraph 15 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 34 states that plans and decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or style. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 137 states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

North Lincolnshire Local Plan: Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy H10 (Public Open Space Provision in New Housing Development)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy HE2 (Development in Conservation Areas)

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS25 (Promoting Sustainable Transport)

North Lincolnshire Housing & Employment Land Allocations DPD, March 2016

CONSULTATIONS

Highways: No objection.

Archaeology: No objection subject to conditions.

Trees: No objection subject to conditions.

Environmental Health: No objection subject to conditions.

Conservation: No objection subject to conditions.

TOWN COUNCIL

No response received.

PUBLICITY

Neighbouring properties have been notified by letter, and site and press notices posted. One letter of objection has been received citing the following concerns:

- The plans show an existing boundary wall to be redefined by one of the proposed buildings subject to confirmation of ownership. The neighbour states that they own the wall and do not want it to be demolished and replaced by the new building.
- Overlooking will occur as a result of the building to the rear and its orientation.
- There are existing problems with on-street parking in the area and the proposed flats have no off-street parking provision.
- The proposal will result in over-development of a small site.
- Fire safety and access for emergency services.

ASSESSMENT

This application was deferred at the last meeting of the Planning Committee to enable members to visit the site prior to making a decision.

Site

The application site is a plot of land located between 14 and 18 High Street, Kirton. It is located just off the main market place and is within the Kirton conservation area. In addition to this, the adjacent properties to the north and west are grade II listed buildings. There are several trees on the site, including a mature sycamore. Due to the town centre position of the site it is surrounded by a mix of commercial and residential properties, including a modern mews court development to the rear, a chip shop to the west, town hall to the north and a row of terraced properties to the east. There is an existing small building to the rear of the site on a similar building line to other outbuildings in the area.

Proposal

Planning permission is sought for the erection of two detached buildings: one on the site frontage (three-storey) and one to the rear of the site (two-storey); each of these buildings will accommodate two flats. Pedestrian access is gained via High Street to the north and there is no vehicular access or parking area proposed.

This is a resubmission of a scheme which was approved on the site in 2013 (PA/2013/0203). The proposal remains the same and the reason for this application is that the previously approved planning permission lapsed without being implemented.

The main issues to consider in the determination of this application are:

- **whether the proposed development would have an unacceptable impact on the setting of the adjacent conservation area and listed buildings;**
- **whether the proposal would represent over-development of the site;**
- **whether the development would have an unacceptable impact on residential amenity; and**
- **whether the development would be harmful to highway safety in the area.**

Impact on heritage assets

The applicant has designed the proposed flats so that they are sympathetic to and complement the surrounding conservation area, and the town's conservation area appraisal has been considered when developing the design. In particular the building to the front of the site has been designed to appear similar to the adjacent listed building to the west, with its gable built up to the back of the footpath and the building extending backwards into the site. The building to the rear has been designed with a more modern appearance and reflects the mews court development to the south, which it sits next to. The council's conservation officer has been consulted on the application and has confirmed that the design of the buildings is acceptable and that, subject to securing a schedule of suitable facing materials and appropriate windows and doors, the development will not have an adverse impact on the character or appearance of the conservation area, or the setting of adjacent listed buildings.

Over-development

The application site is relatively small; however it is capable of accommodating the two buildings without appearing cramped. Particularly considering the character of existing developments in the area, including Coachyard Mews to the south, which is a dense form of development, this is a town centre location where denser patterns of development are already in existence and are to be expected.

The scale and density of the proposed development will not be out of keeping with the area and, due to the position of the proposed buildings along two existing building lines, will not be detrimental to the appearance of the area.

Amenity

The building to the front of the site has been designed with its habitable room windows in its front and rear elevations and these windows will not result in overlooking of neighbouring properties. There are two kitchen windows proposed in the east-facing elevation of this building; however these windows are to be obscure glazed and non-opening. There are only small rooflights in the western elevation, which will prevent loss of amenity to the occupiers of the proposed flats from the adjacent fish and chip shop and the flue on its eastern wall.

The building to the rear is sited in the back corner of the site adjacent to Coachyard Mews to the south and existing outbuildings to the east. This building has been designed with no windows in its southern and western elevations, with just small rooflights in the southern roof slope to provide light. There are two bedroom windows in the east-facing side

elevation which face onto the blank gable of an existing building. The majority of habitable room windows are located in the front elevation of the proposed building, facing north-east. Overlooking of neighbouring properties on High Street to the north-east is mitigated by the mature sycamore tree and other planting, and the presence of an existing outbuilding to the rear of the nearest neighbouring property. It should also be noted that the proposed building has a very low eaves height of 4.2 metres and as such its windows are set at a low level and direct views downwards. These mitigating factors, coupled with the distance between the new building and the neighbouring property to the north-east, mean that no unacceptable overlooking of neighbouring dwellings will result from the development.

The siting of the new buildings and separation distance to neighbouring dwellings will prevent unacceptable loss of light or overbearing impact.

For these reasons it is considered that the proposed development would not have an unacceptable impact on the amenity of neighbouring residential properties.

Highway safety

There is no vehicular access or off-road parking provision proposed as part of this development. Parking has been raised as a concern by a neighbouring property. However the site is located within the town centre, close to the market place, within easy walking distance of a range of local facilities and served by public transport. Furthermore, there is a public car park located close by within the market place. The council's highways department has been consulted on the application and was involved in pre-application discussions prior to previously approved application PA/2013/0203 being submitted. Highways have confirmed that, due to the town centre location of the development, they have no concerns or objections to the lack of off-street parking. It should also be noted that there are other properties in the area, both historical and more modern, that do not have off-street parking provision. For these reasons it is considered that the proposed development would not have an unacceptable impact on highway safety in the area.

Other matters

The council's tree officer has been consulted on the application and has confirmed that, subject to a condition securing a tree protection scheme, the proposed development will not have an adverse impact on trees to the detriment of the character and amenity of the conservation area. Subject to this condition, the tree officer raises no objection to the proposal and it is considered that trees will be adequately protected.

The council's Environmental Health department has been consulted on the planning application and has requested a condition requiring a contaminated land assessment to be carried out prior to works commencing on site. However Environmental Health have confirmed that they have no record of contamination on the site or any uses that have the potential to generate contamination. Therefore it is considered that the requested condition is unnecessary and would be overly onerous. It should also be noted that the previous application for the same development scheme was approved in 2013 with no contaminated land conditions; nothing has changed on site since this previous approval.

A neighbour has raised concerns relating to fire safety and access for emergency services should there be a fire on site. Should planning permission be approved, the development would have to comply with specific fire regulations under the Building Regulations regime designed to ensure that developments are safe from fire.

Concerns have also been raised with regard to the ownership of a boundary wall and the proposal that this wall be removed. This is not a material planning consideration and as such does not form a valid reason for the refusal of planning permission; it is a private civil matter between the two parties.

Conclusion

The proposed development will not have an unacceptable impact on adjacent heritage assets, the character of the area or residential amenity, nor will it be harmful to highway safety in the area. The development will provide small-scale affordable housing that will support the vitality of the market town of Kirton in Lindsey. On this basis the proposal is considered to be acceptable and should be supported.

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: 12.2796.08, 12.2796.09 and 12.2796.10.

Reason

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

3.

No development shall take place until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings, and to protect the character of the conservation area, in accordance with policies DS1 and HE2 of the North Lincolnshire Local Plan.

4.

No development shall take place until detailed drawings, at a scale of 1:10, of the proposed windows and doors have been submitted to and approved in writing by the local planning authority. Plan.

Reason

To ensure that the building is in keeping with its surroundings, and to protect the character of the conservation area, in accordance with policies DS1 and HE2 of the North Lincolnshire Local Plan.

5.

No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by North Lincolnshire's Historic Environment Record, has been submitted to

and approved in writing by the local planning authority. The strategy shall include details of the following:

- (i) measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to North Lincolnshire's Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

6.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

7.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at North Lincolnshire's Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

8.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of measures to avoid harm to bats and nesting birds during demolition and construction works, including sensitive removal of ivy and timing of works;
- (b) details of nesting and roosting features to be installed on trees and buildings to support pipistrelle bats (*Pipistrellus* spp.) and house sparrows (*Passer domesticus*);
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) proposed timings for the above works in relation to the completion of each building;
- (e) monitoring procedures and remedial measures triggered by monitoring.

Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

9.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features, within two weeks of installation, as evidence of compliance with this condition.

Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

10.

No development shall take place until a tree protection plan and arboricultural method statement have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

Reason

To show the tree and landscape protection measures and to define the methodology for implementing development which has the potential to result in the loss of, or damage to, retained trees.

11.

Demolition, site clearance and construction operations shall be limited to the following days and hours:

- 7am to 7pm Monday to Friday
- 7am to 1pm on Saturdays.

No operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phases without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

For the protection of residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

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.

Informative 1

Developers are advised to contact North Lincolnshire's Historic Environment Record for a discussion about the archaeological mitigation strategy at least 20 working days prior to the proposed commencement of development (email alison.williams@northlincs.gov.uk or telephone 01724 297471).

Measures to achieve preservation by record of any archaeological remains should include a programme of archaeological observation and recording work during all groundwork associated with the development, followed by appropriate assessment, analysis and reporting of the results.

The Historic Environment Record can prepare a brief for this mitigation strategy, alternatively an archaeological contractor may prepare a specification for approval.

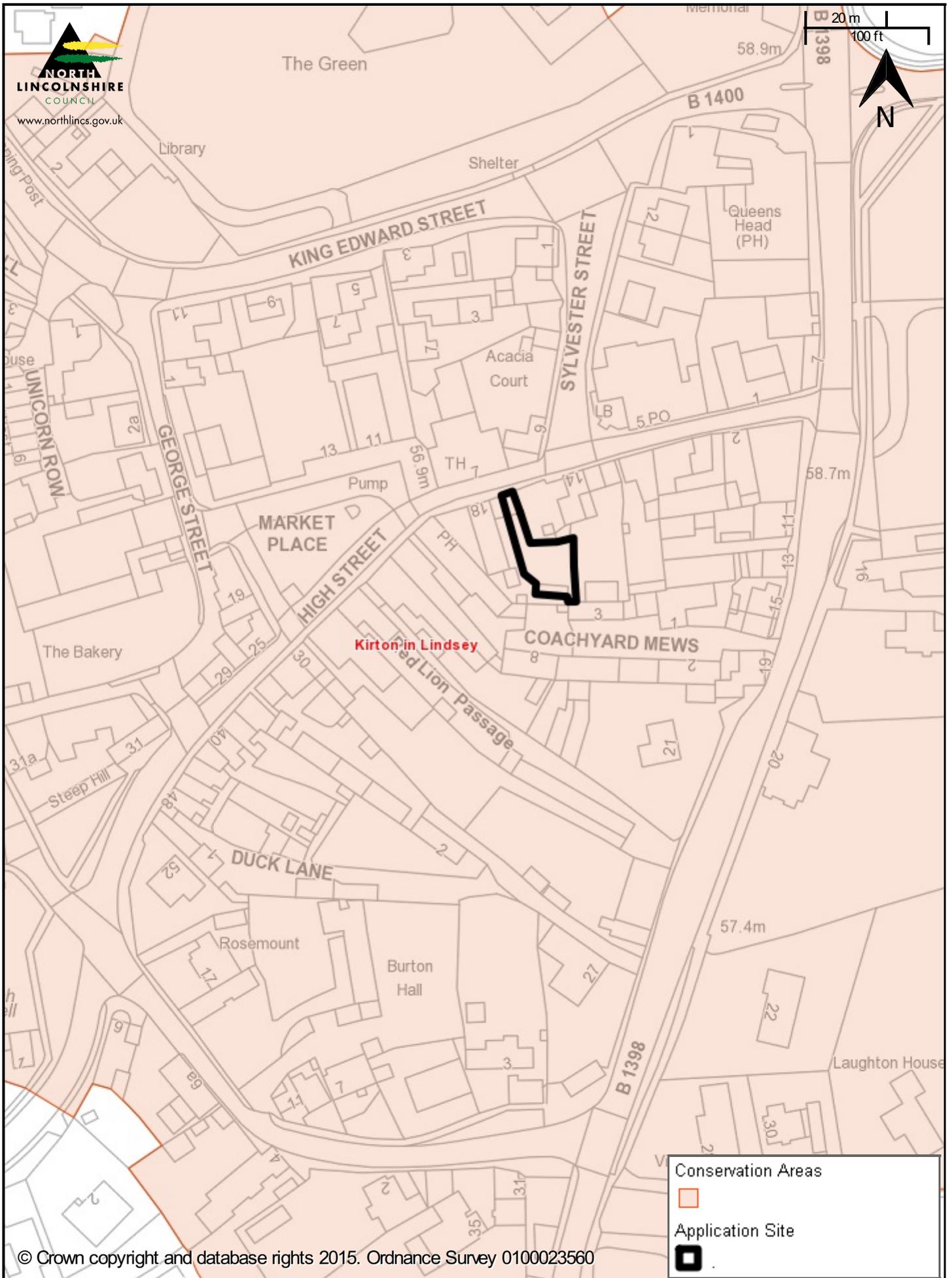
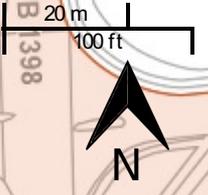
Informative 2

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 3

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



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PA/2016/520

Drawn by: S Barden

Scale @A4 1:1250

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PA/2016/520 Proposed Street Scene - Not to scale



Illustrative Street Scene from High Street (Development to rear removed for clarity)

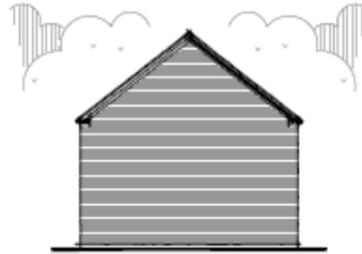


Illustrative Street Scene from within Development

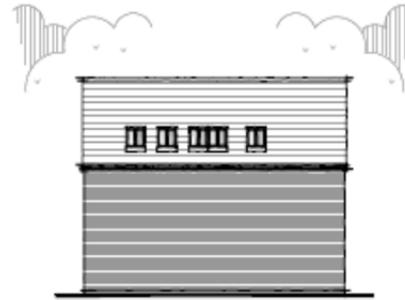
PA/2016/520 Proposed Elevations - Not to scale



Proposed Front Elevation - Units 3 & 4



Proposed Side Elevation - Units 3 & 4



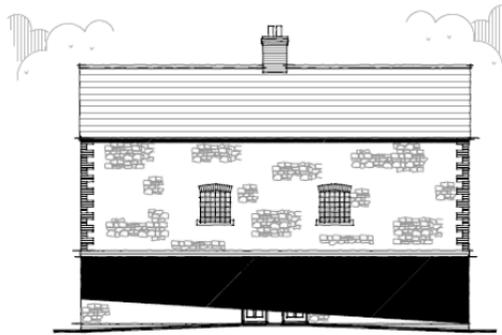
Proposed Rear Elevation - Units 3 & 4



Proposed Side Elevation - Units 3 & 4



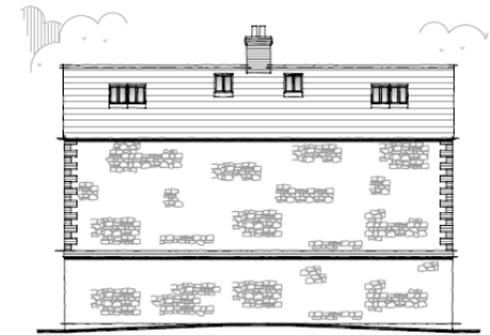
Proposed Front Elevation - Units 1 & 2



Proposed Side Elevation - Units 1 & 2



Proposed Rear Elevation - Units 1 & 2



Proposed Side Elevation - Units 1 & 2

