

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

**PLANNING AND OTHER APPLICATIONS
FOR DETERMINATION BY THE COMMITTEE**

1. OBJECT

- 1.1 To inform the committee about planning applications and other associated matters falling within its terms of reference which are ready for determination.

2. BACKGROUND

- 2.1 This committee is required under its terms of reference to exercise the functions of the council as local planning authority for the purposes of the control of development, including the determination of applications for planning permission and other applications under the Town and Country Planning Acts, General Development Orders, and any Orders or Regulations made thereunder, and in accordance with the council's planning policies.
- 2.2 In exercising these functions the committee is required to have regard to the development plan for the area and any other material considerations. It will also take account of the duty imposed by section 17 of the Crime and Disorder Act 1998 and the requirements of the Human Rights Act 1998.

3. INFORMATION

- 3.1 Items for determination are listed in the attached schedule.
- 3.2 References to standard time limit conditions and standard outline conditions mean the conditions automatically applied by sections 91 and 92 of the Town and Country Planning Act 1990.
- 3.3 Reports will be updated at the meeting if necessary to take account of additional relevant information received after publication.
- 3.4 Plans included with reports are for identification and/or illustrative purposes only.

4. RESOURCE IMPLICATIONS

- 4.1 There are no staffing or financial implications arising from this report.

4.2 Environmental considerations are of major importance when considering planning applications and are set out in the individual reports.

5. RECOMMENDATION

5.1 That the applications be determined in accordance with the recommendations contained in the schedule.

HEAD OF PLANNING

Church Square House
SCUNTHORPE

Reference: MW/JMC/Planning Committee 11 November 2009.doc

Date: 2 November 2009

Background papers used in the preparation of this report:

1. The applications including accompanying plans and ancillary correspondence.
2. Statutory and non-statutory consultation letters and responses.
3. Responses from parish and town councils.
4. Representations from other bodies or individuals.
5. Relevant planning policy documents.
6. Previous relevant planning decisions.

(Pursuant to section 100D of the Local Government Act 1972 any document containing 'exempt information' is excluded from this list.)

Statement of publication's purpose

The Ordnance Survey map data included within this publication is provided by North Lincolnshire Council under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

APPLICATION NO	PA/2008/1577
APPLICANT	Miss S Northard
DEVELOPMENT	Planning permission to change the use of a former Methodist chapel to a dwelling
LOCATION	Former chapel, The Moorings, Jaques Bank, Medge Hall, Crowle
PARISH	CROWLE
WARD	Axholme North
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor John Briggs – concern about the interpretation and implementation of PPS25 on single development plots)
POLICIES	<p>National Planning Policy: Planning Policy Statement 25 (Development and Flood Risk) states that planning applications for new development located in Flood Zones 2 and 3 should be accompanied by a Flood Risk Assessment. This should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed, taking climate change into account. A Flood Risk Assessment will also be required where the proposed development or change of use to a more vulnerable class may be subject to other sources of flooding or where the Environment Agency, Internal Drainage Board and/or other bodies have indicated that there may be drainage problems.</p> <p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy ST3 (Development Limits) states that development outside development boundaries will be considered as development in the open countryside and will only be permitted if it is essential for the purposes of agriculture, forestry or to meet a special need associated with the countryside.</p> <p>The site is located outside of defined development boundaries and as such is in the open countryside. Policy RD2 (Development in the Open Countryside) restricts the granting of planning permission to proposals which are essential to the efficient operation of agriculture or</p>

forestry, appropriate employment and related development, affordable housing to meet a proven local need, essential for the provision of outdoor sport and recreation or the re-use of existing buildings.

Policy RD9 (Re-use and/or Adaptation of Rural Buildings for Residential Use in the Open Countryside) states that proposals for the conversion of rural buildings in the open countryside for residential use will only be permitted if:

- (i) the building is of architectural or historic importance to the rural scene and is of substantial and permanent construction capable of conversion without major alteration;
- (ii) it can be demonstrated that residential re-use or adaptation is the only way to retain a building in viable continued use and/or secure the retention/improvement of the building; and
- (iii) the development will not create a need for new buildings to house activities displaced by conversion;
- (iv) the general design of the conversion retains and respects the original character of the building and is in keeping with its surroundings. Any extension should respect the scale and appearance of the original building; and
- (v) the development will not lead to the loss of habitat for protected species.

Policies DS1 (General Requirements) and DS16 (Flood Risk) also apply.

CONSULTATIONS

Highways: No objection subject to conditions.

Yorkshire Water: No comments/objections.

Environment Agency: Object on the grounds that the Flood Risk Assessment submitted with the application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS25). The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

TOWN COUNCIL

No objection or comments.

PUBLICITY

Neighbouring properties have been notified and a site notice posted. No letters of comment or objection have been received.

ASSESSMENT

The application site is located outside the development boundary for Crowle and is close to the North and South Soak Drains as well as the Stainforth and Keadby Canal. There is a small former Methodist chapel on the site at present and it is proposed to convert this building into a dwelling.

The main issue to consider when determining this application is whether the proposed development will be safe from flooding.

Although the Environment Agency considers the site to be within flood risk zone 2 'medium probability', it is very close to the South Soak Drain and is only defended from flooding to a 1:30 year standard. As a result the application site is at risk from overtopping and breach of the banks. The Environment Agency has objected to the application on the grounds that the Flood Risk Assessment submitted is inadequate as it fails to assess the risk from overtopping or breach scenarios. They have requested that a breach and overtopping analysis for the North and South Soak Drains should be undertaken, taking into account the 1:100 year flood event with an appropriate allowance for climate change.

The current North Lincolnshire Strategic Flood Risk Assessment (SFRA) states that 'the very flat nature of the land, the complexity of the drainage system, the low standard of protection that it affords and the heavy reliance on pumping, mean that during an extreme event flooding could be widespread and in locations that are difficult to predict. Under these circumstances only those places where the ground level is more than 0.5 metres higher than the average ground level in the surrounding area (3.0mOD) should be considered as being safe from flooding. The application site lies at 2mAOD and is therefore classed as being in Flood Zone 3(ii) (high risk, high vulnerability). As such the Environment Agency have also requested that a detailed topographical survey relative to the South and North Soak Drains and the Stainforth and Keadby Canal, to provide an accurate illustration of site levels and possible flood risk to the site.

The Flood Risk Assessment submitted with the application does not provide the necessary information to allow the Environment Agency to assess the flood risk in the area. As such it cannot be proved that the proposed

development will be safe from flooding. Therefore the proposal is contrary to the provisions of PPS25 Annex E and as such is unacceptable.

RECOMMENDATION

Refuse permission for the following reasons:

The submitted Flood Risk Assessment does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS25). The submitted Flood Risk Assessment does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The proposal is therefore contrary to the provisions of PPS25 and to policy DS16 of the North Lincolnshire Local Plan.

APPLICATION NO	PA/2009/0772
APPLICANT	Haxey Parish Council
DEVELOPMENT	Planning permission to erect a multi-use games area with associated floodlights (relocation of previously approved area PA/2005/1809)
LOCATION	Westwoodside Playing Field, Akeferry Road, Westwoodside, Haxey
PARISH	HAXEY
WARD	Axholme South
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Officer discretion
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy DS1 (General Requirements) states that all developments should have a high standard of design, should not result in a loss of amenity, should protect open spaces and not cause pollution.</p> <p>Policy DS12 (Light Pollution) states that planning applications which involve light-generating development, including floodlighting, will only be permitted where it can be demonstrated that there would be no adverse impact on local amenities.</p> <p>Policy R3 indicates that proposals for indoor or purpose-built sports facilities will be encouraged and that existing facilities should be retained or a replacement provided wherever possible.</p> <p>Policy ST2 indicates that Westwoodside is a minimum growth settlement and policy ST3 shows this site outside the development boundary.</p>
CONSULTATIONS	<p>Highways: No objections.</p> <p>Sport England: No objections.</p>
PARISH COUNCIL	No objections.

PUBLICITY

Letters have been sent to neighbouring properties and eight letters of objection have been received raising the following issues:

- impact on trees – a tree survey should be submitted
- the current access onto Akeferry Road is inadequate and the proposed games area will further encourage the use of Holm Road
- the previously approved multi-use games area is in a better location
- use of the area will increase noise and disturbance from the site
- the development will cause traffic and light pollution

ASSESSMENT

Planning permission is sought to construct a multi-use games area (muga) with four floodlighting columns on the existing playing field. The muga measures approximately 35 metres by 18 metres with the lighting columns being 6.7 metres in total. There are no objections in principle to the use of this site for recreational activities as the site is already a playing field with children's equipped play area and pavilion building. The main access to the site is off Akeferry Road, however pedestrian access can be gained from Holm Road.

The playing field lies behind properties on Holm Road and the proposed muga is approximately 38 metres away from the boundary with these properties and 46 metres from the rear of the dwellings themselves. This is considered to be an acceptable distance in planning terms.

The main issue in determining this application is whether the proposal will have an adverse impact on the residential amenities of nearby residents due to light pollution from the floodlights and general noise and disturbance from the games area.

As referred to above, a number of residents have raised objections regarding antisocial behaviour by users of the existing site, and are concerned that the addition of a muga will only increase the use of the site and, in turn, the anti social behaviour. However, as the site is already an active recreational facility, the proposed muga complements the current use of the site and provides an additional facility for the village. How it is accessed and

managed is a matter for the owners of the site and cannot be controlled through the planning process.

The current proposal does not include any proposed alterations to the means of access to the site, which remains on Akeferry Road. Pedestrian access is available from Holm Road and the comments relating to people parking on Holm Road to visit the site or the movements of the ice cream van again relate to antisocial behaviour.

A muga was previously approved to the east of the pavilion but was never implemented (PA/2005/1809). Some residents have commented that that location was better than the one proposed, however it was the same distance from residential properties as the proposed muga. In planning terms the current location is considered to have no greater impact on amenities than that previously approved. That application has now expired.

In terms of increase in disturbance from vehicular traffic, there are no proposed changes to the means of vehicular access, which remains off Akeferry Road. The site is currently a playing field and it is not considered that the proposed muga will increase vehicle movements to the site to the extent that it will be detrimental to the amenities of local residents. The issues that neighbours have raised again relate to antisocial behaviour in and around the existing site and not to the activities on the play area itself.

The proposal also includes four lighting columns and neighbours have concerns about light spill/pollution. The applicants have submitted a lighting report with the application which has been assessed and found to demonstrate that the lights should not create a nuisance to surrounding residents. However, the previous application was approved subject to a condition limiting the use of the lights to between 10am and 10pm daily, and the Environmental Protection team have requested that this condition be repeated. On balance, therefore, it is considered that the proposed games area, in its own right, will not have a significant adverse impact on the amenities of nearby residents.

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 floodlights shall be switched off between the hours of 10pm and 10am every day of the year.

Reason

To protect the amenity of the area and to prevent unjustified light pollution in accordance with policies DS1, RD2 and DS12 of the North Lincolnshire Local Plan.

APPLICATION NO	PA/2009/0825
APPLICANT	MJH Engineering Ltd
DEVELOPMENT	Planning permission to erect a pair of semi-detached houses and detached garages
LOCATION	Land east of 182 Butts Road, Barton-upon-Humber
PARISH	BARTON-UPON-HUMBER
WARD	Barton-upon-Humber
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Applicant request to address the committee
POLICIES	<p>National Planning Policy: Planning Policy Statement 25 (Development and Flood Risk) states that development within Flood Risk Zone 3a 'high probability' shall be assessed against the sequential test and exception test to decide whether the site is suitable for more vulnerable development such as a new dwelling.</p> <p>Regional Spatial Strategy for Yorkshire and the Humber: Policy H1 (Provision and Distribution of Housing) states that the region's housing stock should be improved and increased to provide appropriate accommodation for all households wanting homes.</p> <p>North Lincolnshire Local Plan: Policy H5 (New Housing Development) states that new housing should be in keeping with the scale and character of the settlement and the immediate environment; have an area of private amenity space; and not result in overlooking, loss of privacy, loss of light or other loss of amenity to existing dwellings.</p> <p>Policy H8 (Housing Mix and Design) applies and states that new residential development will be permitted provided that it respects and reflects the form, scale, massing, design, detailing and materials of the local environment.</p> <p>Policies ST2 (Settlement Hierarchy), H1 (Housing Development Hierarchy), DS1 (General Requirements), DS16 (Flood Risk) and LC12 (Protection of Trees, Woodland and Hedgerows) also apply.</p>

CONSULTATIONS

Highways: Object to the proposal on the grounds that the proposed boundary treatment along the eastern edge of the site bisects the visibility splays for vehicle users at the junction of Butts Road and Pasture Road, thereby resulting in a highway safety issue.

Environment Agency: Object to the proposal on the grounds that there is no evidence to demonstrate that the development has passed the flood risk sequential test.

National Grid: Risk is considered negligible.

TOWN COUNCIL

No objections or comments.

PUBLICITY

Neighbouring properties have been notified and no representations have been received.

ASSESSMENT

The application site is a corner plot adjacent to a row of terraced houses along Butts Road and a detached property on Pasture Road. There are a number of trees along the boundary of the site which are protected by a tree preservation order.

A previous planning application for reserved matters (PA/2006/0126) was refused on the grounds that the proposed dwelling would have been out of keeping with the street scene and resulted in overlooking into the rear gardens of existing property. This decision was upheld at the subsequent appeal.

The main issues to consider when determining this application are whether the proposed development overcomes the earlier refusal on design grounds and passes the sequential and exceptions tests of PPS 25, and whether the boundary treatment set out in the applicant's plan is acceptable on highway grounds.

The design now submitted appears to satisfy the original concerns about impact on neighbours and on the overall street scene which were supported on appeal. Furthermore, issues relating to mature protected trees have also been resolved as they have been inspected and deemed to be no longer worthy of retention due to their condition. A replanting scheme would be carried out. There still remains one outstanding matter relating to this site, namely flood risk and the need for any housing scheme to meet the provisions of PPS 25. As indicated above, the Environment Agency has lodged a formal objection on flood risk grounds.

The sequential test in PPS 25 is applied to development in flood risk areas to identify whether there are any other sites within the same settlement that are at less risk of flooding, are developable and could reasonably accommodate a new dwelling. It should be noted that the proposed development fails the sequential test of PPS 25 as there are sites within the settlement of Barton-upon-Humber that are at lesser risk of flooding and available to accommodate a pair of semi-detached dwellings.

Furthermore, had the development passed the sequential test, it would still be subject to the exceptions test as set out in PPS 25. The exceptions test is applied to development in flood risk areas to identify whether the development would provide wider sustainability benefits to the community that outweigh the flood risk and should ensure that the Flood Risk Assessment demonstrates that the development would be safe, without increasing flood risk elsewhere, and, where possible, would reduce flood risk overall. The proposed development would fail the exceptions test of PPS 25 as a pair of semi-detached dwellings on the site would provide no wider community benefit to outweigh the risk of flooding.

The applicant needs to clearly demonstrate that the proposal meets the provisions of PPS 25 both sequentially and to meet the exceptions test but the Environment Agency is firmly of the opinion that such a case has not yet been made.

This is a site that has a significant 'planning history' dating back to the granting of the original outline planning permission for a dwelling in early 2000 and a renewal in 2003. The applicant claims that the plot has been purchased with 'reasonable expectations' of building upon it but the local authority has consistently refused detailed schemes such that the original outline has now expired and a full application has had to be submitted. Furthermore the development of this plot was originally supported at outline stage before PPS 25 was issued. In response, the local authority has a duty to consider all relevant national and local planning guidance before making a decision and the issue of PPS 25 is now a relevant material consideration, whereas when outline permission was originally granted it was not a consideration. It is of course up to the local planning authority to decide whether or not to overturn the Environment Agency's objection if other material

considerations are considered to outweigh the flood risk objection.

In conclusion, it should be noted that all material considerations (except the highways issues relating to boundary treatment), other than PPS 25, have now been resolved. As this proposal is not a 'major' application it is for the local planning authority to determine without reference to the Secretary of State.

Planting is proposed along the eastern boundary of the site. The erection or planting of any boundary treatment along this boundary would result in loss of visibility splays for vehicle users at the junction of Butts Road and Pasture Road. The council's highway department has objected to the proposed development on the grounds of loss of visibility splays for reasons of highway safety.

RECOMMENDATION

Refuse permission for the following reasons:

1.

The proposed development is classified as 'more vulnerable' in Table D2 of PPS 25 and the site is located within Zone 3ii as defined on the Strategic Flood Risk Assessment for North Lincolnshire. The development will only be allowed where it passes a sequential and an exceptions test. It is considered that there are alternative sites in Barton-upon-Humber for residential development which are located in a lower flood risk zone. The proposal therefore fails the sequential test. The proposal also fails the exceptions test as it would not provide wider sustainability benefits to the community that outweigh the flood risk. The proposal is therefore contrary to policy DS16 of the North Lincolnshire Local Plan and advice given in PPS25.

2.

The erection of boundary treatment along the eastern boundary of the site would result in the loss of visibility splays for vehicle users at the junction of Butts Road and Pasture Road to the detriment of highway safety. The proposals fail to comply with policies DS1 (General Requirements) and H5 (New Housing Development).

APPLICATION NO	PA/2009/0918
APPLICANT	Mr Johnson
DEVELOPMENT	Outline planning permission to erect two detached three-bedroomed bungalows with off-road parking to include demolition of an existing dwelling
LOCATION	38 Brethergate, Westwoodside, Haxey
PARISH	HAXEY
WARD	Axholme South
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Support by Haxey Parish Council
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy ST3 (Development Limits) states that development outside development boundaries will be considered as development in the open countryside and will only be permitted if it is essential for the purposes of agriculture, forestry or other special need associated with the countryside.</p> <p>Policy H1 (Housing Development) states that in the open countryside residential development will be limited to that which is essential to enable agricultural or forestry workers to live at or near to their place of work.</p> <p>Policy RD2 (Development in the Open Countryside) states that development in the open countryside will be strictly controlled and should only be permitted where essential to the efficient operation of agriculture or forestry.</p> <p>Policy RD10 (Replacement, Alteration and Extensions to Dwellings in the Open Countryside) allows for the replacement of dwellings on a one for one basis, provided that the replacement is an appropriate scale not detracting from the character of the area.</p>
CONSULTATIONS	Highways: No objections subject to conditions.

PARISH COUNCIL

Supports the application but asks that consideration be given to the suitability of the access being on a corner.

PUBLICITY

Letters have been sent to neighbouring properties. One letter of support has been received.

ASSESSMENT

Outline planning permission is sought to erect two detached bungalows with access on to Brethergate. The existing bungalow on the site is proposed to be demolished. The site is not within the village development boundary and is therefore considered to be development in the open countryside.

The main issue when considering this application is whether there is sufficient justification to support the erection of two dwellings in the open countryside.

The proposal involves the demolition of one bungalow with two being built in its place. The site is in the open countryside, where both national and local policies restrict development to that which is essential for the purposes of agriculture. Whilst policy RD10 of the North Lincolnshire Local Plan allows for the replacement of one dwelling by another, it does not support the erection of numerous dwellings without special justification, or if the development is for the benefit of the agricultural community. In this particular case, no such justification has been put forward therefore the proposal as it stands is contrary to current policy. The application is recommended for refusal.

RECOMMENDATION

Refuse permission for the following reasons:

1.

The application site is in the open countryside outside the confines of any defined settlement boundary, and policies ST3, H1 and RD2 of the North Lincolnshire Local Plan therefore apply. In submitting the application the applicants have failed to provide sufficient justification to satisfy the local planning authority that there is a proven essential need to house a farm or forestry worker near to their place of work, or that there is some other special local need. In the absence of such need, it is considered that the proposal is contrary to policies ST3, H1 and RD2 of the North Lincolnshire Local Plan.

APPLICATION NO	PA/2009/0975
APPLICANT	Norman Jackson Farms Ltd
DEVELOPMENT	Planning permission to retain UPVC windows, doors and fascias
LOCATION	2 Risby Road, Appleby
PARISH	APPLEBY
WARD	Broughton and Appleby
SUMMARY RECOMMENDATION	Grant permission
REASONS FOR REFERENCE TO COMMITTEE	Objection by Appleby Parish Council
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:</p> <ul style="list-style-type: none"> (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area; (ii) the design and layout should respect and, where possible, retain or enhance the existing landform; (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including over-looking or overshadowing; (iv) amenity open space should be retained where possible; (v) no pollution of water, air or land should result. <p>Policy HE2 (Development in Conservation Areas) calls for all development proposals in, or which affect the setting of, conservation areas to preserve or enhance the character and appearance of the area and its setting.</p>

CONSULTATIONS

Highways: No objections.

PARISH COUNCIL

Object to the proposal on the grounds that it is contrary to policy and will harm the outlook of the conservation area.

PUBLICITY

Neighbouring properties have been notified. No objections have been received.

ASSESSMENT

Planning permission is sought for the retention of uPVC windows at 2 Risby Road, Appleby. The property in question is a semi-detached property of late 1950s/early 1960s type construction, which adds little in terms of character to the conservation area. The adjacent semi (4 Risby Road) also has a corresponding application (PA/2009/0976).

The main issue to consider in the determination of this application is whether or not the windows detract from the character of the Appleby conservation area.

2 Risby Road is a semi-detached property which, due to its age, construction and materials, does little to enhance the character of the conservation area, of which it is part. The dwelling is within the Article 4 Direction area and therefore has no permitted development rights. That said, in light of the recent report to the Planning Committee with regard to the status of conservation areas, it is important to consider the effect that these buildings have on the overall setting of the conservation area.

With regard to that report, buildings in a conservation area are graded in accordance with whether they have a positive, neutral or negative impact on the setting of the conservation area. 2 and 4 Risby Road are classed as having a negative impact on the setting of the conservation area.

It is increasingly evident that where windows and doors are concerned, the prevalence of plastic throughout conservation areas means that the application of the original policy within the context established by the guidance offered was at odds with practical assessments in terms of character and appearance.

Therefore, in relation to the character assessment and the fact that the property in question is regarded as having a negative impact, it is important to consider whether the uPVC windows detract from the character and setting of conservation area. The properties are not located on Appleby Road, and being on Risby Road means that they are not in view of the main road running

through Appleby. Therefore it could be argued that the windows will not have a detrimental effect on the conservation area. It is for this reason, and the fact that the building itself does not contribute to the quality of the conservation area, that the application is recommended for approval.

RECOMMENDATION **Grant permission.**

APPLICATION NO	PA/2009/0976
APPLICANT	Norman Jackson Farms Ltd
DEVELOPMENT	Planning permission to retain UPVC windows, doors and fascias
LOCATION	4 Risby Road, Appleby
PARISH	APPLEBY
WARD	Broughton and Appleby
SUMMARY RECOMMENDATION	Grant permission
REASONS FOR REFERENCE TO COMMITTEE	Objection by Appleby Parish Council
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:</p> <ul style="list-style-type: none"> (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area; (ii) the design and layout should respect and, where possible, retain or enhance the existing landform; (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing; (iv) amenity open space should be retained where possible; (v) no pollution of water, air or land should result. <p>Policy HE2 (Development in Conservation Areas) calls for all development proposals in, or which affect the setting of, conservation areas to preserve or enhance the character and appearance of the area and its setting.</p>
CONSULTATIONS	Highways: No objections.

PARISH COUNCIL

Object to the proposal on the grounds that it is contrary to policy and will harm the outlook of the conservation area.

PUBLICITY

Neighbouring properties have been notified. No objections have been received.

ASSESSMENT

Planning permission is sought for the retention of uPVC windows at 4 Risby Road, Appleby. The property in question is a semi-detached property of late 1950s/early 1960s type construction, which adds little in terms of character to the conservation area. The adjacent semi (2 Risby Road) also has a corresponding application (PA/2009/0975).

The main issue to consider in the determination of this application is whether or not the windows detract from the character of the Appleby conservation area.

4 Risby Road is a semi-detached property which, due to its age, construction and materials, does little to enhance the character of the conservation area, of which it is part. The dwelling is within the Article 4 Direction area and therefore has no permitted development rights. That said, in light of the recent report to the Planning Committee with regard to the status of conservation areas, it is important to consider the effect that these buildings have on the overall setting of the conservation area.

With regard to that report, buildings in a conservation area are graded in with whether they have a positive, neutral or negative impact on the setting of the conservation area. 2 and 4 Risby Road are classed as having a negative impact on the setting of the conservation area.

It is increasingly evident that where windows and doors are concerned, the prevalence of plastic throughout conservation areas means that the application of the original policy within the context established by the guidance offered was at odds with practical assessments in terms of character and appearance.

Therefore, in relation to the character assessment and the fact that the property in question is regarded to have a negative impact, it is important to consider whether the uPVC windows detract from the character and setting of conservation area. The properties are not located on Appleby Road, and being on Risby Road means that they are not in view of the main road running through Appleby. Therefore it could be argued that the windows will not have a detrimental effect on the conservation area.

RECOMMENDATION

Grant permission.

APPLICATION NO	PA/2009/1003
APPLICANT	North Lincolnshire Council
DEVELOPMENT	Planning permission to change the use of land to two temporary car parks and communal gardens, construct an access road and erect brick walls at Market Place, High Street and Johnsons Lane, together with the demolition of 6 Johnsons Lane (Phase 1 only)
LOCATION	Market Place, Crowle
PARISH	CROWLE
WARD	Axholme North
SUMMARY RECOMMENDATION	Refer the application to the Secretary of State with a request that permission be granted subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Officer discretion
POLICIES	<p>Planning Policy Guidance Note 15 (Planning and the Historic Environment) provides a full statement of Government policies for the identification and protection of historic buildings, conservation areas and other elements of the historic environment. Additionally, the document explains the role played by local planning authorities and the planning system in their protection.</p> <p>Regional Spatial Strategy for Yorkshire and the Humber: Policy ENV9 (Historic Environment) states that the region will safeguard and enhance the historic environment and ensure that the historical context informs decisions about development and regeneration. Additionally, plans, strategies, investment decisions and programmes should conserve a whole range of regionally distinctive elements of the historic environment, enhance their character and reinforce their distinctiveness.</p> <p>North Lincolnshire Local Plan: Policy HE2 (Development in Conservation Areas) states that all development in conservation areas should preserve or enhance the character and appearance of the area and its setting. Development should be of a standard which respects the appearance and character of the conservation area in terms of its bulk, height, mass, vertical and horizontal emphasis, proportions etc;</p>

harmonise with adjoining buildings and preserve and enhance the street scene; be constructed of appropriate building materials; have a satisfactory means of access which does not detract from the character of the area; retain important landscape and ecological features; and retain important architectural and historical features where possible. Additionally, development should avoid the loss of open areas if they are important to the character of the conservation area and the development should not spoil or destroy attractive views and vistas within it.

Policy HE9 (Archaeological Evaluation) states that where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment will be required. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them. Sites of known archaeological importance will be protected. When development affecting such sites is acceptable in principle, mitigation of damage must be ensured and the preservation of remains in situ is the preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before and during development.

Policy LC12 (Protection of Trees, Woodland and Hedgerows) states that proposals for all new development will, whenever possible, ensure the retention of trees, woodland and hedgerows. Tree preservation orders will be made where trees which contribute to local amenity or local landscape character are at risk.

Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:

- (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area;
- (ii) the design and layout should respect and, where possible, retain or enhance the existing landform;
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell,

fumes, dust or other nuisance, including overlooking or overshadowing;

- (iv) amenity open space should be retained where possible;
- (v) no pollution of water, air or land should result.

Policy DS16 (Flood Risk) states that development will not be permitted within floodplains where it would:

- (i) increase the number of people or buildings at risk; or
- (ii) impede the flow of floodwater; or
- (iii) impede access for the future maintenance of watercourses; or
- (iv) reduce the storage capacity of the floodplain; or
- (v) increase the risk of flooding elsewhere; or
- (vi) undermine the integrity of existing flood defences unless adequate protection or mitigation measures are undertaken.

CONSULTATIONS

Highways: No objections subject to conditions.

Environment Agency: No objections subject to a condition.

English Heritage: No objection.

Severn Trent Water: No objections.

Yorkshire Water: No objections.

TOWN COUNCIL

Support the application.

PUBLICITY

Neighbouring properties have been notified, and site and press notices posted. The following objections have been raised:

- Council money should be spent on visiting some French villages in Brittany and looking at their market places and village squares because they are able to provide all the services without making them look like a carbuncle on the face of the earth.
- Modern, up-to-date styling making glossy, glitzy market places is not necessarily the best way to go.

- It is disappointing that no effort has been made to resolve the issues regarding bus users. The south-bound bus-stop is outside the defined market place and would increase the distance that elderly and disabled bus users would need to travel to access the service.
- The provision of car parking spaces close to the development and accessed by public transport is contrary to the policy of promoting alternative sustainable transport to the car.
- Bus companies are required to conduct a risk assessment on new bus-stops and if this is to prove impractical its use would not be permitted under the Health and Safety at Work Act.
- Interaction between buses and pedestrians is relatively easy to control when compared to other traffic because operating staff can be instructed directly. By offering public transport, buses and pedestrians must be brought together to make the system work.
- Stagecoach East Midlands formally objects to the proposal.

ASSESSMENT

Planning permission is sought to change the use of land to two temporary car parks and communal gardens, construct a new access road and erect brick walls within Crowle town centre. This development is Phase 1 in the delivery of a two-phase master plan which aims to improve and regenerate the heart of Crowle by enhancing Crowle Market Place with public realm improvements and a traffic management scheme. If planning permission is granted for Phase 1, a further planning application will be submitted at a later date that will include detailed plans of the buildings to be erected as Phase 2 on the sites where temporary planning permission is currently sought.

Planning permission is required for the construction of the new road that connects Johnsons Lane and Crowle Market Place to the High Street on the site of The George and Dragon public house. However planning permission is not required for the alterations proposed within the Market Place because this is classed as public highway. As part of the overall scheme, the demolition of several buildings is required: the George and Dragon public house that fronts High Street to the north of the Market Place and three dwellings (2, 4 and 6 Johnsons Lane)

would be demolished to enable long-term redevelopment of the area. 2 and 4 Johnsons Lane and The George and Dragon public house are located within the Crowle conservation area and therefore require conservation area consent for their demolition. This application has been submitted under reference no. PA/2009/1004, which appears elsewhere on this report. The justification as to whether conservation area consent should be granted for the demolition of these buildings is dependent upon the overall redevelopment scheme (Phase 1 and Phase 2) of the master plan being acceptable in terms of its impact upon the conservation area. In particular, the scheme should preserve or enhance the character and appearance of the conservation area. Consequently, both applications are intrinsically linked.

It should be noted that the application for conservation area consent (PA/2009/1004) cannot be determined by North Lincolnshire Council and must be referred to Government Office (Secretary of State). This is because planning legislation prevents local planning authorities from determining applications that involve the demolition of buildings within conservation areas where the local authority has an interest. In this case North Lincolnshire Council is the applicant and therefore the application needs to be referred to Government Office for determination.

The key issues in the determination of this planning application are whether the proposed temporary car parks and communal gardens are acceptable in terms of their short-term contribution to the character and appearance of Crowle conservation area; whether the new access road and traffic management alterations improve road safety and accessibility of the Market Place, and meet the objectives of sustainable development; and whether the long-term economic and regeneration objectives for Crowle town centre outweigh any short-term harmful impacts upon the character and appearance of the conservation area.

Economic and community regeneration

This application has been submitted as part of a comprehensive regeneration strategy from North Lincolnshire Council to attract economic investment to Crowle. One of its overarching aims is to provide a high quality public realm to create an attractive location for business and individuals to invest, thereby increasing retail and business activity, and the overall vitality of the

town. The applicants (NLC) state that Crowle Market Place is currently an underused asset and that the proposed works would facilitate the use of the Market Place as a community space that would bring people together. The opportunities for increased use by the community would help support the vibrancy required to sustain and improve Crowle town centre.

The regeneration issues and wider long-term aims for the master plan are considered to be material planning considerations that should be taken into account in the processing of the planning application. It is essential that these material issues are considered alongside the other issues such as impact upon Crowle conservation area, highways and archaeology:

Impacts upon Crowle conservation area

The primary consideration when assessing the impacts that a proposal has upon a conservation area is whether it will preserve or enhance the character and appearance of the conservation area. Whilst it is possible to predict that the overall impacts upon the conservation area accruing from the replacement of buildings and redevelopments contained in Phase 2 will be positive, it is also necessary to assess the short-term impacts from Phase 1 only, which is the current application, where the buildings have been demolished and temporary car parks and communal gardens created.

The council's conservation area officer has assessed the current scheme is to provide a potential for future development and inward investment which is supported by local people. What is proposed as mitigation is acceptable and is likely to have only a limited impact on character or appearance of the conservation area for the following reasons. Mitigation proposed within the Phase 1 stage involves grassing and provision of walls and fences. The wall proposed for The George and Dragon frontage will provide some compensation in terms of loss of the massing of the existing building, however it will also prevent views into this backland area from the High Street frontage, much in the same way as the existing building does at present. Other than a reduction in the massing of built structure on this frontage there will be little change to the appearance of the conservation area.

On the Market Place frontage the loss of the buildings on the Johnsons Lane frontage will be more than compensated for on the square by the erection of the walling adjacent The Cross Keys. This will provide an

enclosure of the existing open frontage and there is a clear conservation gain in this aspect of the proposal.

With regard to the impact of the proposed new road running south to north between the square and High Street, this follows a desire line route along the backland area. The use of this space will appear intensified from within this area, however the proposed walling and fencing will mean that from High Street and the Market Place it will not be highly visible. Consideration of the impacts upon the conservation area by virtue of demolition of the building proposed is addressed in application PA/2009/1004 for conservation area consent.

Traffic management

One of the primary goals of the Crowle Market Place scheme is to restore its community function within the town as a meeting place. To achieve this aim the applicants propose to remove a number of conflicting functions from the square, particularly the amount of vehicle parking provision and the amount of vehicle activity, including buses in and around the square. Traffic circulation will be improved by one-way traffic entering the Market Place at the existing exit point to the south of the square, connecting with the two-way traffic of Johnsons Lane to the north of the square and the new access road which reconnects with High Street further north. The existing entry point is to be removed. It is proposed to relieve congestion by relocating both existing sets of traffic-lights further south on High Street. Parking provision in the Market Place will be limited to five parking bays and two disabled bays on a short-stay basis only. The existing two-way bus-stop within the Market Place is to be relocated: the north-bound bus-stop will be located on the High Street directly adjacent to the Market Place and the south-bound bus-stop will be located on High Street to the north of the proposed new access road in front of Crowle Community Hub. It is considered that these changes will make the Market Place more user friendly for pedestrians, and ultimately more attractive to the community and is therefore supported from a planning policy perspective, particularly Government guidance contained within the Manual for Streets document. Consideration of whether the traffic management alterations improve road safety and accessibility in a sustainable manner is an issue that the Highways department have considered and subsequently raised no objections to the scheme subject to the

imposition of conditions. Consequently the objections received on transportation issues cannot be supported.

Other issues

The council's archaeology officer has been consulted and has made the following comments:

The applicant has commissioned an archaeological desk-based assessment of Crowle Market Place which contained the results of archaeological monitoring of some of the recent site investigation test pits dug across the site. Archaeological monitoring of two inspection pits on the south side of the Market Place revealed layers containing medieval pottery dating from the 13th to 15th centuries.

The works involved in Phase 1, namely the construction of the new link road, a concrete slab foundation across the Market Place and associated drainage scheme, will have considerable impact below ground and be likely to disturb or destroy archaeological remains at the levels revealed in the recent test pits. Further assessment of the impact is required to inform an appropriate mitigation strategy. This can be controlled by conditions.

With regard to the issue of trees within the conservation area and the proposed alterations to the Market Place that potentially could have an impact upon their vitality, this issue has been considered by the council's tree officers who have recommended a condition. The issue of bats within existing buildings and their protection will be dealt with by the conservation area consent application.

To summarise, the potential harm to the character and appearance of the conservation area (by virtue of loss of structures and massing) is adequately mitigated against by the elements proposed within Phase 1 of the scheme. Additionally, the long-term economic and community regeneration benefits of the overall scheme are considered to significantly outweigh any short-term issues or inconvenience caused.

RECOMMENDATION

The committee resolves to refer the application to the Secretary of State with a request that permission be granted for the development for the reasons set out in this report, and that the permission so granted be 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.

Prior to the commencement of development, details of the walls and fencing to be erected on site shall be submitted to and agreed in writing by the local planning authority. Details shall include scale drawings and a schedule of materials that include the location, height, width, design, bonding, mortar, mix, joint and finish.

Reason

To protect the character and appearance of the conservation area in accordance with policy HE2 of the North Lincolnshire Local Plan.

3.

The Market Place resurfacing works shall be constructed using the materials specified on page 30 of the Design and Access Statement. Any deviation from these materials shall be submitted to and agreed in writing by the local planning authority prior to the commencement of development.

Reason

To protect the character and appearance of the conservation area in accordance with policy HE2 of the North Lincolnshire Local Plan.

4.

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall:

- where possible, incorporate sustainable drainage techniques (SuDS) and provide justification if/where they may be inappropriate;

- ensure that any surface water run-off from the site is limited so there is a reduction in the run-off from the site, as much as is reasonably practicable;
- be able to attenuate, on site, the surface water run-off from the development up to the critical 1 in 100 year event with an appropriate allowance for climate change. The revised drainage calculations must be included to demonstrate this (eg MicroDrainage or similar sewer modelling package calculations which include the necessary attenuation volume).

Reason

To prevent the increased risk of flooding, improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the drainage system in accordance with policy DS13 and DS16 of the North Lincolnshire Local Plan.

5.

No development shall take place until details of the layout and method of constructing the Market Place and all other potentially adoptable areas have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety in accordance with policy T2 of the North Lincolnshire Local Plan.

6.

No development shall take place until details of the method of constructing all within-highway works have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety in accordance with policy T2 of the North Lincolnshire Local Plan.

7.

No development shall take place until details of a construction-phase traffic management plan have been submitted to and approved in writing by the local planning authority. Once approved, the plan shall be implemented and monitored throughout the construction period.

Reason

In the interests of highway safety in accordance with policy T2 of the North Lincolnshire Local Plan.

8.

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 in accordance with policy T2 of the North Lincolnshire Local Plan.

9.

No development shall take place until details of the drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway, have been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety in accordance with policy T2 of the North Lincolnshire Local Plan.

10.

No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by the North Lincolnshire Sites and Monuments Record Office, has been submitted to and approved in writing by the local planning authority prior to the commencement of development. The strategy shall include details of the following:

- (i) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area
- (ii) an assessment of the impact of the proposed development on the archaeological remains
- (iii) measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
- (iv) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (v) post-fieldwork methodologies for assessment and analyses

- (vi) report content and arrangements for dissemination, and publication proposals
- (vii) archive preparation and deposition with recognised repositories
- (viii) 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
- (ix) monitoring arrangements, including the notification in writing to the North Lincolnshire Sites and Monuments Record Office of the commencement of archaeological works and the opportunity to monitor such works
- (x) 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 is of archaeological interest.

11.

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 is of archaeological interest.

12.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Sites and Monuments Record Office 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 is of archaeological interest.

13.

No work shall be undertaken upon the site (including any site clearance works), prior to :

- (a) tree protection zones falling within the site area, as indicated by drawing no. 656_P31_01, being set out and established; and
- (b) physical barriers, as detailed in the method statement of the tree survey and report by Lincolnshire Tree Services referenced 090804 and dated 22 October 2009 (The Tree Report), to create protected areas being erected.

Reason

The existing trees within the Market Place are within the Crowle conservation area and are considered to be of significant amenity value. Therefore the development must not harm the vitality and visual quality of the trees in accordance with policy LC12 of the North Lincolnshire Local Plan.

14.

All tree protection barriers shall be retained for the period of the development.

Reason

The existing trees within the Market Place are within the Crowle conservation area and are considered to be of significant amenity value. Therefore the development must not harm the vitality and visual quality of the trees in accordance with policy LC12 of the North Lincolnshire Local Plan.

15.

Any works within any protected area shall be undertaken strictly in accordance with the scheme of working as detailed under the sub-heading 'retaining trees - long term' of the tree report method statement.

Reason

The existing trees within the Market Place are within the Crowle conservation area and are considered to be of significant amenity value. Therefore the development must not harm the vitality and visual quality of the trees in accordance with policy LC12 of the North Lincolnshire Local Plan.

16.

Works within protected areas that are not in accordance within the tree report must first be agreed in writing by the local planning authority.

Reason

The existing trees within the Market Place are within the Crowle conservation area and are considered to be of significant amenity value. Therefore the development must not harm the vitality and visual quality of the trees in accordance with policy LC12 of the North Lincolnshire Local Plan.

17.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

18.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To ensure the implementation and maintenance of the submitted scheme of landscaping for the proposed development.

APPLICATION NO	PA/2009/1004
APPLICANT	North Lincolnshire Council
DEVELOPMENT	Conservation area consent to demolish 2 and 4 Johnsons Lane, The George and Dragon public house and flat, and associated walls within the site boundary
LOCATION	Market Place, Crowle
PARISH	CROWLE
WARD	Axholme North
SUMMARY RECOMMENDATION	Refer the application to the Secretary of State with a request that consent be granted subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Officer discretion
POLICIES	<p>Planning Policy Guidance Note 15 (Planning and the Historic Environment) provides a full statement of Government policies for the identification and protection of historic buildings, conservation areas and other elements of the historic environment. Additionally, the document explains the role played by local planning authorities and the planning system in their protection.</p> <p>Regional Spatial Strategy for Yorkshire and the Humber: Policy ENV9 (Historic Environment) states that the region will safeguard and enhance the historic environment and ensure that the historical context informs decisions about development and regeneration. Additionally, plans, strategies, investment decisions and programmes should conserve a whole range of regionally distinctive elements of the historic environment, enhance their character and reinforce their distinctiveness.</p> <p>North Lincolnshire Local Plan: Policy HE3 (Demolition in Conservation Areas) requires proposals for the demolition of a building or structure within a conservation area to be assessed against the following:</p> <ul style="list-style-type: none"> • it is proved to be wholly beyond viable repair; or • it is incapable of reasonable beneficial use; or

- it is not of intrinsic architectural, historic or townscape importance and its removal or replacement would enhance the appearance or character of the area; or
- its removal would allow the redevelopment or rehabilitation of an adjacent larger site which is underused, neglected or derelict providing this redevelopment would enhance the character and appearance of the conservation area; or
- sufficient information is provided to enable the impact of the proposal for demolition or redevelopment on the conservation area to be assessed.

Consent for demolition of a building will be conditional upon it not being demolished until either:

- detailed planning permission for the redevelopment of the site has been obtained and the council has had sight of an agreed contract for the carrying out of works of redevelopment; or
- a landscaping and improvement scheme has been submitted and an agreement entered into to maintain the scheme if the site is to be kept in open space use.
- Whenever appropriate, proposals which would entail the loss of historic fabric from a listed building will be conditional upon a programme of recording being agreed and implemented.

CONSULTATIONS

English Heritage: No objections subject to conditions.

The Georgian Group: Object to the demolition of The George and Dragon public house and consider that the demolition would be damaging to the character and appearance of Crowle conservation area. The Group is sceptical that total demolition of the building is indeed required to meet access requirements to the proposed new development. The Secretary of State has made it clear that there should be a general presumption in favour of retaining buildings which make a positive contribution to the character and appearance of the conservation area. Furthermore, the justification provided for the demolition of the public house is insufficient to justify demolition. With regard to the demolition of the two dwellings on Johnsons Lane, the Group wishes to defer to the Victorian Society.

TOWN COUNCIL

Supports the proposal.

PUBLICITY

Neighbouring properties have been notified, and site and press notices posted. No representations have been received.

ASSESSMENT

Conservation area consent is sought for the demolition of The George and Dragon public house which is located on the frontage of High Street to the north of Crowle Market Place and an associated flat, outbuildings and walls, as well as two dwellings, namely 2 and 4 Johnsons Lane further south. The property of 6 Johnsons Lane is also to be demolished, however this is located outside the conservation area and requires approval through the granting of planning permission. If consent is granted for the demolition of these structures and buildings, planning application PA/2009/1003 proposes the temporary uses and more permanent structures that will replace the buildings when removed and also the construction of a new access road.

As this application for consent for demolition within the conservation area was submitted by North Lincolnshire Council as applicants, legislation prevents its determination by North Lincolnshire Council and therefore the application must be referred to the Secretary of State. In the determination of whether to grant consent to demolish, the Secretary of State will need to assess whether what is proposed in replacement is acceptable and therefore planning application PA/2009/1003 will also have to be referred to the Secretary of State because both applications are intrinsically linked and should be determined together.

The key issues in the determination of this application for conservation area consent are whether the justification submitted with this application is sufficient to allow demolition of the buildings.

From a planning policy perspective the proposed demolitions must be assessed against the criteria set out in policy HE3 of the North Lincolnshire Local Plan. As the proposed demolitions would allow the redevelopment of an adjacent larger site that is underused and the overall masterplan redevelopment will enhance the character and appearance of the conservation area, it is considered that the proposal complies with policy HE3 of the North Lincolnshire Local Plan. Furthermore, it is compliant with national planning guidance.

English Heritage have been consulted and offer their general support for the scheme.

English Heritage originally objected to the scheme. However, the updated Masterplan Visualisations, the amended built heritage appraisal and confirmation of North Lincolnshire Council's commitment to Phases 1 and 2 have collectively presented proposals which English Heritage can now support. A condition is required to secure the full recording of The George and Dragon public house.

Conservation and listed building officers within the council's Environment Team have assessed whether the proposed demolition of The George and Dragon public house and 2 and 4 Johnsons Lane has been adequately justified. The initial concerns of conservation area officers have been addressed by an updated built heritage appraisal. The submission explains works undertaken to assess the nature and condition of The George and Dragon public house, which is identified as a building of townscape merit within the conservation area appraisal, and explains its role within the street scene and tests its proposed removal against English Heritage's principles. In summary, the building (of late 18th century origins) was found to possess little in terms of intrinsic value but does have a role in terms of street scene. The report also investigates various alternatives, how the proposal will benefit the public, evidence of need for such works through public consultation exercises and how various policy considerations have been met by the scheme. Therefore it is considered that the development will bring significant improvement to the Market Place and represent a significant enhancement to the character or appearance of the Crowle conservation area.

Given the views expressed by English Heritage and the council's conservation officers, it is considered that the proposed demolitions are necessary for the implementation of the two-stage masterplan and essential for the long-term aspirations of economic and community regeneration. Additionally, the dwellings of 1 and 4 Johnsons Lane are not considered to positively contribute to the character or appearance of the Crowle conservation area and are depicted on the townscape analysis plan as having neutral impact.

RECOMMENDATION

The committee resolves to refer the application to the Secretary of State with a request that consent be granted for the development for the reasons set out in this report, and that the consent so granted be subject to the following conditions:

1.
The works must be begun before the expiration of three years from the date of this consent.

Reason

To comply with section 74(3) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

2.
No works of demolition shall commence until a scheme for the recording of the buildings (The George and Dragon public house) during the course of their demolition has been submitted to and agreed in writing by the local planning authority.

Reason

In accordance with policy HE3 of the North Lincolnshire Local Plan.

3.
No works of demolition shall be commenced until (an) appropriate person(s) have been appointed to undertake the agreed programme of recording as required by condition 2. Details of the appointment shall be submitted to and agreed in writing by the local planning authority prior to any demolition works commencing on site.

Reason

In accordance with policy HE3 of the North Lincolnshire Local Plan.

4.
Works shall be carried out in strict accordance with the method statement included in the 'Protected species survey of buildings and trees in Crowle Market Place' dated August 2009 submitted with the application.

Reason

In order to meet the requirements of the provisions of the Habitat Regulations, PPS9 and policy LC5 of the North Lincolnshire Local Plan.

5.
Details of nest box provision for house sparrows and swifts should be submitted to and approved in writing by the local planning authority prior to the commencement of development.

Reason

In order to meet the requirements of the provisions of the Habitat Regulations, PPS9 and policy LC5 of the North Lincolnshire Local Plan.

6.

All demolition work will take place outside the main birds nesting season (March to September inclusive), or will require the submission of a method statement to be submitted to and approved in writing by the local planning authority as to how nesting birds and their nests are to be protected. Any approved statement should be followed during the development.

Reason

In order to meet the requirements of the provisions of the Habitat Regulations, PPS9 and policy LC5 of the North Lincolnshire Local Plan.

7.

Prior to the commencement of any demolition work, details shall be submitted to and approved in writing by the local planning authority of confirmation that a contract has been entered into for the redevelopment of Crowle Market Place.

Reason

In accordance with policy HE3 of the North Lincolnshire Local Plan.

APPLICATION NO	PA/2009/1041
APPLICANT	The Trustees of GSA Ltd Retirement Benefit Scheme
DEVELOPMENT	Planning permission to retain a gate
LOCATION	6 Market Place, Brigg
PARISH	BRIGG
WARD	Brigg and Wolds
SUMMARY RECOMMENDATION	Grant permission
REASONS FOR REFERENCE TO COMMITTEE	Objection by Brigg Town Council
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy HE2 (Development in Conservation Areas) states that all development proposals in the conservation area should preserve or enhance the character and appearance of the area and its setting. Development should harmonise with adjoining buildings and walls; gates and fences should be of a type traditionally used in the locality.</p> <p>Policy DS1 (General Requirements) states that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area and should not result in loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance. The design and layout should respect and, where possible, retain the existing landform of the site.</p>
CONSULTATIONS	Highways: No objections or comments.
TOWN COUNCIL	Object on the grounds that the gates restrict and prevent access to a public right of way between Springs Way and the Market Place. It is argued that this is a historical right of way through Brigg town centre and access should not be restricted at any time.
PUBLICITY	Neighbouring properties have been notified and a site notice posted. Three letters of objection have been received raising the same issue as Brigg Town Council.

ASSESSMENT

The application site is a lane running to the west of the former Smith Parkinson Ford garage now occupied by Grimley, Smith and Associates and used as offices. The lane runs between Springs Way to the north and Brigg Market Place. At its point with Market Place the lane narrows to 1.5 metres wide. Beyond the buildings that front Brigg Market Place the land is used as private car parking to serve the offices of Grimley, Smith and Associates. The gates are approximately 1.2 metres high and are constructed from wrought-iron.

The main issue in determining this planning application is whether the retention of the gates prevents and restricts access for the public between Springs Way and Brigg Market Place.

It should be noted that the gates are erected on private land to the side of Grimley, Smith and Associates. Planning permission is only required as the gates are above 1 metre and front a highway (Brigg Market Place). Market Lane is not shown as a public right of way on the Definitive Map and it has been confirmed that the land is not a highway. Therefore the principle of erecting a form of boundary treatment such as a gate on private land is considered to be acceptable. The gates do not open onto the highway so no issue has been raised by the council's highway department.

At the previous committee meeting on 14 October a query was raised about whether Market Lane is an adopted highway. Subsequently the council's highway department have confirmed that their records show that Market Lane is not an adopted highway on the Definitive Map.

The applicant has stated that the gates are left open during weekdays to allow continued access between Market Place and Springs Way. However there is no planning requirement for these gates to remain open to the public at any time during the week and, as stated previously, Market Lane is not shown as a public right of way on the Definitive Map. Furthermore the public can still gain access to the Market Place from Springs Way via Cary Lane and Springs Parade. Therefore access to the Market Place is not restricted by the retention of these gates.

RECOMMENDATION

Grant permission.

APPLICATION NO	PA/2009/1091
APPLICANT	Mr J Kershaw
DEVELOPMENT	Planning permission for change of use of shop to residential
LOCATION	27 High Street, Kirton-in-Lindsey
PARISH	KIRTON-IN-LINDSEY
WARD	Ridge
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Third party request to address the committee
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:</p> <ul style="list-style-type: none"> (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area; (ii) the design and layout should respect and, where possible, retain or enhance the existing landform; (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing; (iv) amenity open space should be retained where possible; (v) no pollution of water, air or land should result. <p>Policy S5 (Development in Crowle, Epworth, Kirton-in-Lindsey, Frodingham Road and Ashby High Street District Shopping Centres) – the council will actively promote the development of additional shopping facilities within Crowle, Epworth, Kirton-in-Lindsey, Frodingham Road</p>

and Ashby High Street district shopping centres, of a size and scale compatible with the retail needs and character of the settlement.

In district shopping centres proposals for non-shopping uses (ie those falling outside Class A1) will be permitted provided they do not detract from the centre's shopping function. Proposals will be considered having regard to the existing character and function of the shopping street and the resulting proportion of non-shopping uses.

Policy HE2 (Development in Conservation Areas) calls for all development proposals in, or which affect the setting of, conservation areas to preserve or enhance the character and appearance of the area and its setting.

CONSULTATIONS

Highways: No objections.

TOWN COUNCIL

No objections.

PUBLICITY

Neighbouring properties have been notified and one letter of objection has been received objecting on the grounds that the proposed change of use would be detrimental not only to their business, but also to any prospective residents of the proposed new dwelling.

ASSESSMENT

Planning permission is sought for the change of use of an existing shop to a dwelling, located at 27 High Street, Kirton-in-Lindsey. The property in question is a grade II listed property and is located within the defined Kirton-in-Lindsey conservation area and is also within the defined district shopping centre as identified by policy S5 of the North Lincolnshire Local Plan. Listed building consent has already been granted for works to the building to bring it up to a habitable/usable standard.

The main issues to consider in the determination of this application are whether or not the proposed change of use would harm the character and amenity of the conservation area and whether or not it would be to the detriment of the district shopping centre.

With regard to the first issue and whether or not the proposed change of use of the site would be harmful to the character of the conservation area, it is considered that with respect to the age and state of the property, its re-use should be welcomed. In the applicant's supporting statement it is stated that the building has lain unused in any capacity for more than five years and is in a severely derelict condition.

Upon visiting the site it is apparent that the building in question is indeed in major need of repair. Any proposal to bring the building back up to a standard befitting of the conservation area should therefore be welcomed. Listed building consent has already been granted which will allow for the restoration of the building internally and externally with new windows and doors, which will in turn improve the character of the conservation area. Policy HE2 is supportive of proposals that will improve and/or retain the character of conservation areas and it is considered that in this respect the proposal will bring a currently disused and dangerous listed building into a viable use.

Turning to the issue surrounding the impact that the change of use would have on the district shopping centre of Kirton, it is important to take into account the requirements of Policy S5. Policy S5 does allow for non-retail/commercial uses in district centres provided that any change of use does not impact upon the overall viability of the district centre.

It is apparent that there are a number of units that are still operating on a retail/commercial basis; the site in question lies on the south-western edge of the district centre. Adjacent buildings are used for commercial purposes, therefore it is considered that the proposed change of use would not adversely harm the viability of the district centre. Having said that, it is also important to consider the fact that the property has been empty for more than five years and is in a poor state of repair, which would appear to suggest that a commercial use of the building is no longer viable.

Finally, turning to the letter of objection received, the objector states that the use of the building in question would be incompatible with that of their own due to the nature of the business that is carried out in the adjacent property. The business in question is a talking therapy consultancy and it is claimed that the residential use of the building (by virtue of noise from TVs, washing machines etc) would render the business unable to operate as they have had to move previously for the same reason. That being said, it is considered that a condition could be imposed requiring satisfactory noise attenuation to be installed prior to any development taking place.

In conclusion, it is considered that the proposed change of use of the property would enable a currently disused listed building that is in need of repair to be brought back

to a meaningful use. As the property has been empty for a number of years it is considered that a commercial venture is unviable and would therefore not have a detrimental impact upon the existing district centre. Furthermore, it is considered that, subject to appropriate conditions, noise impact upon the neighbouring business could be negated. Therefore the proposal is recommended for approval in accordance with policies DS1, HE2 and S5 of the North Lincolnshire Local Plan.

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 building shall not be brought into use until any party walls have been sound insulated in accordance with details to be agreed in writing by the local planning authority beforehand.

Reason

To protect the living conditions of nearby dwellings in accordance with policy DS4 of the North Lincolnshire Local Plan.

APPLICATION NO	PA/2009/1118
APPLICANT	Milap Homes
DEVELOPMENT	Planning permission to erect a detached dwelling
LOCATION	Land adjacent to 83 Burnham Road, Epworth
PARISH	EPWORTH
WARD	Axholme Central
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Epworth Town Council
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: Policy H1 (Provision and Distribution of Housing) states that the region's housing stock should be improved and increased to provide appropriate accommodation for all households wanting homes, and that greater emphasis should be placed on meeting local needs in rural areas.</p> <p>North Lincolnshire Local Plan: Policy H5 (New Housing Development) states that new housing should be in keeping with the scale and character of the settlement and the immediate environment; have an area of private amenity space; and not result in overlooking, loss of privacy, loss of light or other loss of amenity to existing dwellings.</p> <p>Policy H8 (Housing Mix and Design) applies and states that new residential development will be permitted provided that it respects and reflects the form, scale, massing, design, detailing and materials of the local environment.</p> <p>Policy T2 (Access to Development) states that all development must be provided with a satisfactory access.</p> <p>Policies ST2 (Settlement Hierarchy), H1 (Housing Development Hierarchy), DS1 (General Requirements) T1 (Location of Development) and DS7 (Contaminated Land) also apply.</p>
CONSULTATIONS	Highways: Advise conditions.

Severn Trent Water Ltd: No objections or comments.

Yorkshire Water: No objection or comments.

TOWN COUNCIL

Object on the following grounds:

- The proposed house constitutes over-development of the site and dominates adjacent bungalows.
- The proposed house is forward of the building line.
- The planting of hedges and trees along the front boundary would impede visibility for vehicle users.

PUBLICITY

Neighbouring properties have been notified and a site notice posted. No letters of representation have been received.

ASSESSMENT

The application site is a former petrol filling station on the corner of Blow Row and Burnham Road in Epworth. A public footpath runs west to east along the northern boundary of the site and the development boundary runs to the back of the site. Neighbouring properties are large, detached bungalows and there are a number of large detached two-storey dwellings along Burnham Road to the south of the site.

Two previous planning applications are relevant to this case. Planning application PA/2009/0336, for the erection of two dwellings, was refused on the grounds that it constituted over-development of the site and would result in an unacceptable level of private amenity space for the occupants of the proposed houses.

The second application (PA/2004/0630) was granted for two large, detached dwellings on the site of the former petrol filling station and 83 Burnham Road. This involved the demolition of the detached bungalow on the adjacent site, namely 83 Burnham Road. It should be noted that the dwelling that forms the basis of this application is proposed on the same footprint as that approved on the same site as part of planning application PA/2004/0630.

The main issues in determining this application are whether the proposed house constitutes over-development of the site, whether it would be forward of the building line, whether it would dominate the adjacent dwelling in terms of its size and scale, and whether the planting of boundary treatment along Burnham Road would reduce visibility for vehicle users.

As noted above, the proposed house is shown to be on the same footprint as that approved under application PA/2004/0630. Similarly the proposed dwelling is the same scale, size and design as that approved under PA/2004/0630. It would be set in from the southern boundary by 1.2 metres and from the northern boundary by approximately 1 metre at its nearest point. There is provision for an area of private amenity space to the rear which measures approximately 100 square metres and sufficient parking area to the front of the proposed house. Therefore the proposed house is not considered to constitute over-development of the site.

The proposed house would be sited forward of the adjacent property, namely 83 Burnham Road. However when the wider street scene is taken into account it is evident that the proposed house would be sited in a similar building line to Isle View which is sited adjacent to 83 Burnham Road and to Vermuyden located to the north. Therefore the proposed house is not considered to be out of keeping with the building line along Burnham Road.

There are two-storey dwellings located beyond the application site to the south along the Burnham Road frontage. These other two-storey dwellings are sited close to the site. Taking into account the built form along this section of Burnham Road the proposed dwelling is not considered to dominate adjacent properties.

A low wall and hedge are proposed to the front of the site. The council's highway department have considered the proposed boundary treatment to the site frontage and have raised no objections from a visibility perspective. A condition can be imposed requiring any form of boundary treatment to be maintained at a maximum height of 1.05 metres along the site frontage. This would ensure that driver visibility is not impeded.

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.

Within three months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

3.

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.

4.

Nothing shall at any time, whether permitted by the Town and Country Planning (General Permitted Development) Order or not, be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

5.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

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

6.

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.

7.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

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

APPLICATION NO	PA/2009/1120
APPLICANT	Ian Fowler & Co
DEVELOPMENT	Planning permission to change the use of traditional farm buildings to two residential properties and reinstate partly demolished building
LOCATION	Barns adjacent to Cleatham Hall Farm, B1400 between Cleatham and Messingham, Cleatham, Manton
PARISH	MANTON
WARD	Ridge
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Applicant request to address the committee
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy ST3 identifies the site as being outside the development boundary of any settlement.</p> <p>Policy RD2 sets out the criteria against which proposed development in the open countryside will be assessed.</p> <p>Policy RD9 (Re-use and/or adaptation of Rural Buildings for Residential Use in the Open Countryside) applies and sets out the criteria whereby rural buildings converted for residential use may be permitted.</p> <p>Policy DS1 (General Requirements) requires a high standard of design for all new developments.</p> <p>Policy HE5 (Development affecting Listed Buildings) – the site lies within the setting of a grade II listed building so this needs to be reflected in design considerations.</p> <p>Planning Policy Statement 7 (Sustainable Development in Rural Areas) requires decisions on development proposals to be based on sustainable development principles, particularly in relation to accessibility.</p> <p>Planning Policy Statement 1 (Delivering Sustainable Development) also applies.</p>

CONSULTATIONS

Highways: Have requested further information.

Environment Agency: Object to the application on the grounds that there is no indication of how foul drainage is to be disposed of.

PARISH MEETING

No objections.

PUBLICITY

Neighbouring properties have been notified, and site and press notices posted. No representations have been received.

ASSESSMENT

Planning permission is being sought to convert a group of farm buildings at Cleatham Hall Farm which is situated off the B1400 between Cleatham and Messingham for two residential properties. The site is adjacent to Cleatham Villa which is a grade II listed building. It is a resubmission of PA/2008/0975 which was refused planning permission under delegated powers because it was considered contrary to policies ST2 and ST3 of the North Lincolnshire Local Plan and PPS1 in that the creation of three residential units outside the development boundary in the open countryside would be against the principles of sustainable development. The applicant was subsequently advised that the local planning authority could only support the creation of one residential unit in this rural location.

The main issues which need to be addressed in determining this application are whether the proposal complies with policy RD9 of the North Lincolnshire Local Plan and whether it would constitute sustainable development.

The existing farm buildings are of a suitable quality and of a substantial enough build to be considered for a residential conversion under the provisions of policy RD9 of the North Lincolnshire Local Plan. The applicant has provided a structural survey and a protected species report, and has marketed the property for the required period of six months prior to submitting the application.

The site is in the open countryside and the number of residential units proposed represents an unsustainable level of development in this rural location. There are no shops or community facilities nearby and the only opportunities for employment would be in agriculture. The nearest settlements are Kirton-in-Lindsey and Messingham, each of which is over two miles away. The site is on a new bus route but the service is infrequent so taking the bus is unlikely to represent a realistic

alternative to the private car. These facts only emphasise that the proposed development is not sustainable in this location and would result in a material degree of environmental harm arising from the car trips likely to be generated.

The decision on this application is supported by a recent appeal decision for conversion of a barn complex into three dwellings at White House Farm at Castlethorpe near Brigg (PA/2008/0688) where the Planning Inspector dismissed the appeal on the grounds of unsustainable development and adverse impact on the character and appearance of the surrounding countryside. Castlethorpe is defined in the North Lincolnshire Local Plan as a rural hamlet, whereas Cleatham Hall Farm is set in an area characterised by a scattering of farmsteads which constitutes an even less sustainable location.

The site has been identified as a potential source for contamination by the Environmental Protection team and in the event that planning permission is granted a desk-top study has been requested. In addition the Environment Team consider that the old buildings may support protective species and accordingly have requested a biodiversity management plan.

RECOMMENDATION

Refuse permission for the following reasons:

1.

The site is in the open countryside outside the development boundary of any settlement as defined by the North Lincolnshire Local Plan. The proposal would represent an unsustainable level of development in this location due to a lack of local facilities and would have an unacceptable impact upon the open countryside due to generating unsustainable car travel and unacceptably compromising the rural character and appearance of the area. The proposal is therefore contrary to the provisions of policies RD2 and RD9 of the North Lincolnshire Local Plan and national guidance set out in PPS7.

2.

North Lincolnshire is predominantly a rural area with numerous similar clusters of barns. If allowed, the development would set a precedent which would make it harder for the local planning authority to resist other similar proposals. The proposal is therefore contrary to policies RD2 and RD9 of the North Lincolnshire Local Plan and in national guidance PPS7.

APPLICATION NO	PA/2009/1134
APPLICANT	Mr T Shephardson
DEVELOPMENT	Planning permission to retain domestic extensions
LOCATION	Poplar View, Soff Lane, Goxhill
PARISH	GOXHILL
WARD	Ferry
SUMMARY RECOMMENDATION	Grant permission
REASONS FOR REFERENCE TO COMMITTEE	Third party request to address the committee
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy ST3 (Development Limits) shows the site to be outside the development boundary of Goxhill which is identified in policy ST2 (Settlement Hierarchy) as a minimum growth settlement.</p> <p>Policy RD2 applies relating to development in the open countryside.</p> <p>Policy RD10 (Replacement, Alterations and Extensions to Dwellings in the Open Countryside) states that extensions to dwellings in the open countryside should be limited to a 20% increase on the original, exclusive of permitted development rights, and should not be substantially higher in elevation.</p> <p>Policy DS5 relates to the design of residential extensions, together with SPG2.</p> <p>Policy DS1 (General Requirements) sets out the standards of design for all new developments.</p>
CONSULTATIONS	Highways: No comments.
PARISH COUNCIL	Consider that the extension does not exceed 20% of the volume of the original dwelling and would not significantly affect the surrounding area.
PUBLICITY	Neighbouring properties have been notified and one letter of objection has been received in which the following

issues have been raised, together with some non-material planning considerations:

- an adjacent industrialist is concerned about the effect of the development on his business and the restriction of growth of businesses in the area
- no ecological survey has been provided – the site lies within 500 metres of a known colony of great crested newts, barn owls, bats and badgers
- the industrial estate is being taken over by residential properties, the occupiers of which may complain about industrial activities being carried out next to them
- concerns about the new access

ASSESSMENT

Planning permission is being sought to retain a single-storey side and rear extension to a detached bungalow to the west of Soff Lane. The proposal is to modify existing internal layout arrangements to the dwelling and provide an additional kitchen area. The site lies adjacent to Goxhill South End Industrial Estate. The previous application relating to this property for a two-storey extension (PA/2009/0292) was refused planning permission on grounds that it was contrary to policy RD10 of the North Lincolnshire Local Plan, being too large and not in keeping with its open countryside setting.

The main issues which need to be addressed in determining this application are whether it complies with the criteria set out in policy RD10 of the North Lincolnshire Local Plan and whether it would have an adverse impact on its surrounds.

The objector's claim that the proposal would prejudice activities on the adjacent industrial estate is difficult to substantiate. The application site is outside the boundary of the industrial area and relates to a modest extension to an established residential property. There is no evidence to support the view that there is an increase in residential uses in the surrounding area and that their presence could result in complaints from residents about detrimental effect on their living conditions from industrial activities.

The Environment Team do not consider that this proposal needs to be assessed against habitat regulations. Highways have not raised any issues about vehicular access to the site.

RECOMMENDATION

Grant permission.

APPLICATION NO	PA/2009/1137
APPLICANT	Cedar Medical Practice
DEVELOPMENT	Planning permission to erect an extension to an existing medical practice
LOCATION	275 Ashby Road, Scunthorpe
PARISH	SCUNTHORPE
WARD	Kingsway and Lincoln Gardens
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor Tony Gosling - detrimental effect on neighbouring properties)
POLICIES	<p>Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.</p> <p>North Lincolnshire Local Plan: Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:</p> <ul style="list-style-type: none"> (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area; (ii) the design and layout should respect and, where possible, retain or enhance the existing landform; (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing; (iv) amenity open space should be retained where possible; (v) no pollution of water, air or land should result. <p>Policy ST2 (Settlement Hierarchy) applies and indicates that this site lies within the Scunthorpe and Bottesford urban area and policy ST3 shows that it lies within the defined development limit.</p>

CONSULTATIONS

Highways: No objections.

PUBLICITY

Neighbouring properties have been notified and three letters of objection have been received objecting on the following grounds:

- size/massing of the proposed extension
- loss of light, in particular to 277 Ashby Road
- loss of privacy, in particular to 277 Ashby Road
- lack of car parking
- noise and light pollution

ASSESSMENT

Planning permission is sought for a single-storey extension to the existing Cedar Medical Practice, located at 275 Ashby Road, Scunthorpe. A previous application (PA/2009/0823) was refused on the grounds that it would have a negative impact upon the neighbouring residential property. The new application is not significantly different from the previous one in terms of its size and scale, but the applicants have resubmitted this scheme and asked the local planning authority to reconsider its original decision to refuse permission.

The main issue is whether or not the proposed extension would lead to a loss of light and loss of privacy to adjoining residential properties due to its overall size and massing.

The existing Cedar Medical Practice was originally a dwelling but, since its change of use into a medical practice, has had a number of extensions to it, which has increased both its size and bulk so that it already has an impact upon the neighbouring residential property. There is already a single-storey rear extension that runs some length of the party boundary and this, coupled with the fact that no. 277 has an existing detached garage adjacent to the shared boundary, means that the majority of the existing extension and its impact is negated.

The previous application (PA/2009/0823) was refused on the grounds that it infringed the 45 degree line drawn from the neighbouring dwelling's nearest window. Whilst not normally used in relation to non-residential extensions, it was felt appropriate and reasonable to use the test due to the residential nature of the area. With the extension being single-storey there was no need to utilise the 30 degree test that is also utilised in extensions.

Following a reassessment of all the issues/considerations raised by this proposal, it is considered that the single-storey nature of the development will not adversely harm the amenity of the adjoining residential property. Whilst the overall bulk and massing of the building has not changed from the original proposal, it is considered, due to nature of the building and the fact that the neighbouring dwelling has existing outbuildings that help mitigate the impact of any extension, that in this case there is no cause for concern in relation to the overall bulk and massing of the proposal.

Turning to the issue surrounding sound and light pollution, after the initial application was refused it was agreed that the high level windows would be sealed shut and obscure glazed to ensure that there was no overlooking, nor any impact with regard to noise pollution emanating from the proposed treatment rooms. Ventilation will be given to the treatment rooms via rooflights which will have no adverse impact upon the adjoining residential property in terms of noise or light pollution.

Finally, with regard to the issue surrounding car parking, the local highway authority has stated that, as with the previous application, it has no concerns with the proposal in relation to possible effects on car parking levels on Ashby Road.

In conclusion, it is considered that, with the changes to the windows and the fact that the adjoining residential property has an existing outbuilding which helps mitigate the impact of the extension, there are no reasons to justify withholding the grant of planning permission. Therefore, in accordance with policy DS1 of the North Lincolnshire Local Plan, the proposal is recommended for approval.

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 materials and finishes of the new areas of brickwork shall match the remainder of the building in colour and texture.

Reason

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

3.

Before the extension is first brought into use, the windows in its southern elevation shall be obscure glazed and non-opening, and shall be retained in that condition thereafter.

Reason

In order to protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

ENFORCEMENT UPDATE – 11 November 2009

Site	Breach of Planning Control	Action
The Old Hall 13 Main Street Althorpe	Installation of uPVC doors and windows in grade II listed building	Listed building consent granted in October 2008 to replace uPVC with timber – works not done – listed building enforcement notice issued requiring works to be done.
2B Queen Street Barton-upon-Humber	Satellite dish on front wall of dwelling house within conservation area without planning permission	Summons issued for failure to return information requisition – case due to be heard by magistrates 28/10/2009