

<b>APPLICATION NO</b>	<b>PA/2009/1088</b>
<b>APPLICANT</b>	J K & D Costello
<b>DEVELOPMENT</b>	Planning permission to erect a detached dwelling (including demolition of existing building)
<b>LOCATION</b>	The Smithy, West Street, Hibaldstow
<b>PARISH</b>	<b>HIBALDSTOW</b>
<b>WARD</b>	Ridge
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Hibaldstow Parish Council

## **POLICIES**

**North Lincolnshire Local Plan:** Policy ST2 (Settlement Hierarchy) identifies Hibaldstow as a minimum growth settlement and the site is located within the settlement boundary (policy ST3).

Policy H5 (New Housing Development) sets out the criteria to control new housing development and to ensure consistency in design and layout. Policies H3 (Previously Used Land), H8 (Housing Mix and Design) and DS1 (General Requirements) also apply.

## **CONSULTATIONS**

**Highways:** Raised questions initially about land ownership but these have now been resolved. Advise conditions (4-7).

## **PARISH COUNCIL**

Object to the application because it does not comply with the criteria set out in policy H5 of the local plan:

- The plot would be over-developed.
- The building to be demolished forms part of the original character of the village.
- New build would not be in keeping with the street scene.

## **PUBLICITY**

Neighbouring properties have been notified and four letters have been received in which the following issues have been raised together with some non-material planning considerations:

- the building to be demolished has heritage value to the village
- the proposed dwelling is too small and out of keeping with its surrounds

- sited differently from existing building
- inadequate open space for the development
- overlooking and overshadowing of properties on opposite side of West Street
- over-sized development for plot size

## **ASSESSMENT**

This application relates to The Smithy which is situated on the south side of West Street near to its junction with the B1206 Redbourne Road. It is proposed to demolish the old single-storey building and replace it with a two-bedroom detached house approximately 4 metres nearer to West Street. The existing building supports a part-time business use for the manufacture and sale of dog kennels, rabbit hutches etc.

**The main issues which need to be addressed in determining this application are whether the demolition/preservation of the old smithy is a relevant planning consideration, whether the proposed dwelling would have any adverse impact on the living conditions of neighbouring residential properties and whether it would be in keeping with its surrounds.**

The parish council and some local residents object to the loss of the old smithy building because of its historic links with the village. However, it is not a listed building nor within a conservation area. It has no special features or aesthetic qualities which may justify its retention.

The comments suggesting that the proposed dwelling is an over-development of the site and not in keeping with its surrounds cannot be substantiated. The scheme provides an area of space for off-street parking and an adequate sized rear garden area. The positioning of the house towards the front of the plot nearer to West Street has been done in order to achieve this rear garden area provision. The surrounding area is characterised by a variety of dwelling types and plot sizes. The design of the dwelling is a simple traditional style which should not detract from the setting of the adjacent listed building. The construction materials have been selected to blend in with adjacent properties.

It is also maintained that the proposed dwelling would result in overshadowing and loss of privacy to the nearest properties on the north side of West Street. However, due to the fact that the proposed site is south of these properties and the orientation of the sun there should be no loss of daylight. In terms of overlooking, the respective dwellings are separated by West Street and there should not be any significant overlooking from facing windows.

The Environmental Protection team have identified the site as being liable to possible land contamination and have requested appropriate conditions to address this matter.

## **RECOMMENDATION      Grant permission subject to the following conditions:**

1.

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

Reason

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

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 092007-01, 092007-02 and 092007-03.

Reason

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

3.

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.

### **4.**

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

### **Reason**

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

5.

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.

6.

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

Reason

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

7.

No other works shall commence on site until the utility apparatus has been relocated in accordance with the email received from BT Openreach dated 25 November 2006.

Reason

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



--- NLLP development boundary

**Application site showing position of proposed dwelling hatched and existing building to be demolished**

9.8m

9.8m

Drawing Title: 2009/1088

OS Grid Ref: SE97750244

Drawn by: KC

Scale: 1:1250

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**Highways and Planning Service**

Service Director,  
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