

APPLICATION NO	PA/2010/0317
APPLICANT	North Lincs Property Holdings Ltd
DEVELOPMENT	Planning permission to remove a 2 metre strip of part of railway embankment land to be incorporated into rear gardens and construct a 3.2 metre high retaining brick wall
LOCATION	Former embankment, west of Harris View, Epworth
PARISH	EPWORTH
WARD	Axholme Central
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Epworth Town Council

POLICIES

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

North Lincolnshire Local Plan: Policy DS1 (General Requirements) requires a high standard of design in all developments and 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 LC14 (Area of Special Historic Landscape Interest) – the Isle of Axholme is designated as an Area of Special Historic Landscape Interest. Within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features.

Development required to meet the social and economic needs of rural communities and small scale tourist and outdoor sport and recreational development will be permitted provided such development is related to the historic landscape and its features.

A high standard of design and siting in new development will be required reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality.

Schemes to improve, restore or manage the historic landscape will be sought in connection with, and commensurate with the scale of, any new development affecting the Area of Special Historic Landscape Interest.

CONSULTATIONS

Highways: No objections.

TOWN COUNCIL

Object to the proposal on the grounds that there is no evidence to suggest that the removal of the embankment is for an essential purpose, and that the development would substantially impose on the amenity value of the embankment which is of high visual importance, a wildlife corridor and a physical boundary that divides the development of Epworth from the open countryside.

PUBLICITY

Neighbouring properties have been notified and one letter has been received objecting on the grounds that the proposed excavation is further eroding the historic embankment and that, despite previous refusals by the council, the applicants are intent on destroying what is left of the former railway embankment.

ASSESSMENT

Planning permission is sought for the excavation of an additional 2 metre strip of the former railway embankment west of Harris View, Epworth, with the erection of a 3.2 metre high retaining wall. The site in question has been subject to a number of previous applications, starting with PA/2008/0506 which proposed the full removal of half the embankment, to provide enlarged plots for proposed new housing. A further application (PA/2008/1653) proposed the removal of 3 metres of the embankment, which again was refused, but allowed at a subsequent appeal by the Planning Inspectorate. The council's view, therefore, that it would be inappropriate to remove parts of the embankment has not been supported at appeal.

The main issues to consider in the determination of this application are whether or not the proposed removal of a further 2 metres of the embankment would be to the detriment of the amenity of the area and would be harmful to what is considered to be the historic environment of the Isle of Axholme.

The proposal for the excavation of the embankment is considered to be of some importance. With the history of the previous refusals, it is the council's view that any removal of the embankment would be potentially harmful to the character and amenity of the area. However the decision by the Planning Inspector is a material consideration in the determination of this application and cannot be ignored even though each application has to be determined on its own merits.

The decision by the Inspector to allow the excavation of 3 metres of the embankment was based on the fact that the embankment would be screened from view by the resulting dwellings that have been allowed on Harris View. Therefore one has to consider whether or not the proposed excavation of a further 2 metres would be so detrimental as to warrant refusal, especially when considering the impact of the new dwellings which will screen some, if not all, of the embankment from view.

Furthermore, the original application was to fully remove half of the embankment (some 15 metres). With the existing 3 metres removed, coupled with the proposed extra 2 metres, this would remove 5 metres of the embankment, the height of which would be some 5 metres. The height of the embankment at this point would therefore be well screened by the new housing proposed on Harris View. With regard to the retaining wall, it is to be constructed in accordance with a submitted structural engineer's report, and having had the report checked internally, there are no concerns about the retaining wall being able to withstand the bulk of the embankment.

Therefore it is considered that on balance, whilst it is accepted that the proposed development will affect an area of land that is considered to be of historic interest, the decision of the Planning Inspector to allow the removal of 3 metres of the embankment, coupled with the screening effect of the proposed new housing on Harris View, means that the majority of the embankment will be screened from view and the removal of a further 2 metres will not have a detrimental effect on the overall character of the area. It is with some reluctance that the scheme is therefore recommended for approval but it is unlikely that a refusal would be supported at appeal by a Planning Inspector.

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: 598/Embt.

Reason

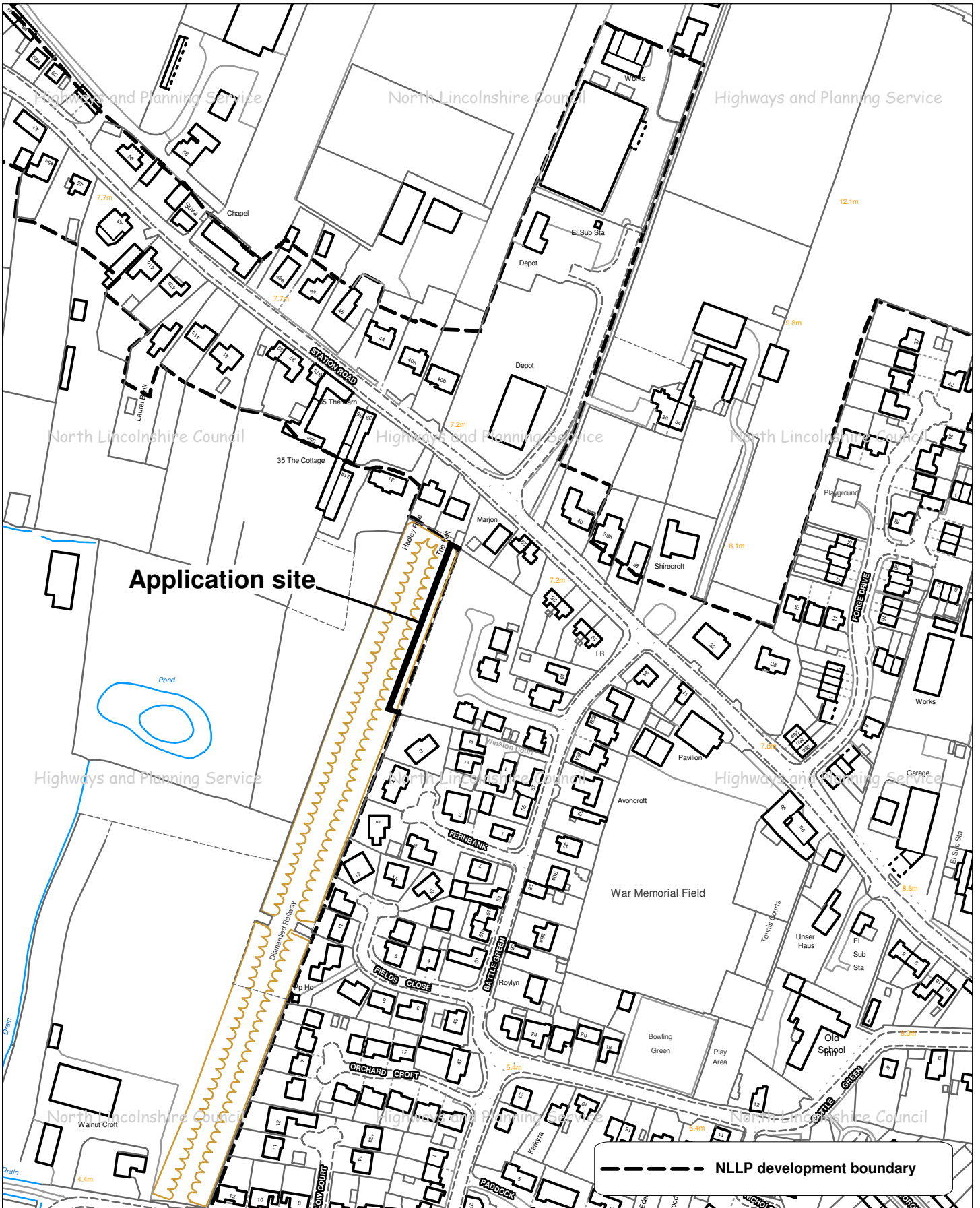
For the avoidance of doubt and in the interests of proper planning.

3.

The retaining wall hereby permitted shall be constructed in accordance with the submitted structural calculations report prepared by Hannah Reed.

Reason

To protect amenity in accordance with policies DS1 and LC14 of the North Lincolnshire Local Plan.



Application site

--- NLLP development boundary

Drawing Title: 2010/0317

OS Grid Ref: SE77540435

Drawn by: KC

Scale: 1:2500

Date: 13/05/2010



Based upon the Ordnance Survey mapping with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright.
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
 NORTH LINCOLNSHIRE COUNCIL 0100023560 2010



Highways and Planning Service
 Service Director,
 G Popple

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