

APPLICATION NO	PA/2011/0901
APPLICANT	Mr P Jackson
DEVELOPMENT	Planning permission to demolish a church hall and erect a terrace of four town houses
LOCATION	St Oswalds Church Hall, Church Street, Crowle
PARISH	CROWLE
WARD	Axholme North
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor Barker – impact on the conservation area and loss of an important building) Objection by the Environment Agency

POLICIES

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

North Lincolnshire Local Plan: Policy HE2 (Development in Conservation Areas) – all development proposals in conservation areas should preserve or enhance the character and appearance of the area and its setting. Policy HE2 contains detailed criteria that all new development must adhere to before permission is granted.

Policy HE3 (Demolition in Conservation Areas) – permission will only be granted for demolition within a conservation area if strict criteria are fulfilled.

Policy HE5 (Development Affecting Listed Buildings) – proposals which damage the setting of a listed building will be resisted.

Policy T2 (Access to Development) – all new development must have a satisfactory access.

Policy DS1 (General Requirements) – provides general design guidance for all new development.

Policy DS16 (Flood Risk) – development will not be permitted within the flood plain unless adequate protection or mitigation measures are undertaken.

North Lincolnshire Core Strategy: Policy CS1 (Spatial Strategy For North Lincolnshire) – the spatial strategy will support the market town of Crowle as a thriving place to live, work and visit and as an important service centre serving the needs of the local community. An appropriate level and range of new housing development will be provided to support market towns.

Policy CS2 (Delivering More Sustainable Development) – development should be focussed on...previously developed land and buildings within the defined development limits of market towns.

Policy CS3 (Development Limits) – the site lies within the development limit of Crowle.

Policy CS5 (Delivering Quality Design in North Lincolnshire) – this policy provides general design guidance for all new development.

Policy CS7 (Overall Housing Provision) – provides general guidance in relation to new housing development. In Crowle a density of 40 to 45 dwellings per hectare should be achieved.

Policy CS6 (Historic Environment) – development in market towns will safeguard their distinctive character and landscape setting.

Policy CS19 (Flood Risk) – development in areas of high flood risk will only be permitted where it can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk, the development should be on previously used land, and a flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere by integrating water management methods into the development.

Other relevant guidance: PPS15 (Development and the Historic Environment) and PPS25 (Development and Flood Risk).

CONSULTATIONS

Highways: No objections.

Severn Trent Water Ltd: No objection subject to conditions.

Yorkshire Water: No objections.

Environment Agency: Object as the sequential test has not been passed. The application site lies within Flood Zone 3a as having a high probability of flooding. Paragraph D5 of PPS25 requires decision-makers to steer new development to areas at the lowest probability of flooding by applying a sequential test. If the objection on sequential test grounds is overcome, then the application will only be acceptable subject to conditions.

TOWN COUNCIL

No objections.

PUBLICITY

Advertised by site and press notice, and adjoining properties notified. Five letters of objection have been received raising the following issues:

- the building should not be demolished but protected due to its architectural and historic merit
- plans have been passed for conversion
- out of character
- the new build would detract from the historic quality of the area

- the development is not sympathetic in character, scale and materials to the neighbouring surroundings
- increased car parking
- increased congestion
- a sensitive development is required as the site is in a conservation area and opposite a listed building
- the building should be constructed from reclaimed materials
- concerns that four dwellings cannot be accommodated on the site
- the building should be converted
- over-development
- the building has fallen into disrepair as no maintenance has been carried out

ASSESSMENT

This proposal is for the demolition of the existing church hall and for the erection of a terrace of four town houses on the site. The dwellings will comprise a lounge, kitchen, WC, hall, two bedrooms, an en suite and a bathroom. The terrace will have sash windows and traditional-styled doors. The building is of a simple design to reflect the simple elevational treatment in the vicinity. A passage-way through the middle of the site provides pedestrian access to the rear gardens/yards. No parking is proposed within the application site. The site is located within the development limit of Crowle and is located with a conservation area. The site is located adjacent and opposite two listed buildings.

The main issues associated with this case are whether the principle of the development is acceptable in policy terms in this location, and the impact the development would have on the amenity of the locality, the conservation area, the setting of adjacent listed buildings, the highway network, the flood plain and the amenity of neighbours.

The site is located within the development limit of Crowle where, in principle, residential development is considered to be acceptable under policies CS1, CS2, CS3, CS5 and CS7 of the adopted Core Strategy. Planning permission was granted in 2010 (PA/2010/1271) for conversion of the building to a block of three terraces. The building is now falling into disrepair. The applicant has submitted details to justify why a conversion scheme is financially unviable. This information has been assessed and it is considered by the local planning authority that it is financially unviable to convert this building at the present time and in the present economic climate. If the site is not redeveloped, the building will continue to fall into disrepair resulting in a detrimental impact on the conservation area, adjacent buildings and the street scene. As a result, the redevelopment of the site will, in the longer term, enhance the conservation area and improve the amenity of the locality.

In terms of the impact on the conservation area, it is considered that the proposal will preserve and enhance it. The terraces have been sensitively designed to be in character with existing buildings. The proposal is an improvement on the existing situation because

the building is now in such a poor state of repair that it detracts from the character and appearance of the conservation area. The proposal therefore accords with policies HE2 and DS1 of the North Lincolnshire Local Plan and CS6 of the council's adopted Core Strategy.

The density of the proposed development is 105 dwellings per hectare. This is a larger density than set out in policy CS7 but, as many of the properties in this area of Crowle are terraced, the development will not be out of character with the street scene. The site is in a sustainable location with good access to a range of facilities and to a full range of transport links. The development is in character with the area and will not have an adverse impact on the amenity of neighbours or on the amenity of the locality. The proposal therefore accords with policies CS5 and CS7 of the council's adopted Core Strategy.

The site is located within an area of high flood risk. There is already an extant permission on the site to convert the building to three dwellings. In terms of flood risk there are few sites sequentially available within Crowle for four dwellings. The housing sites that are available in Crowle are larger housing sites or small infill plots of one or two dwellings. It is therefore considered that there is not a site in Crowle where sequentially four dwellings could be located in a lower flood risk area. In terms of the exceptions test set out in PPS25, it is considered that the proposal will provide a wider community benefit as the conservation area will be enhanced and preserved for future generations. The new development can incorporate better flood protection measures than the conversion and therefore it is considered that the scheme should be supported in terms of flood risk.

In terms of car parking and increased congestion, Highways have raised no objections to the proposal. The site is in a sustainable location close to good transport links and has pedestrian links to the town centre. The permission for the conversion did not provide car parking within the site. It is not considered that traffic congestion will increase to such an extent that a refusal of planning permission can be justified on highway grounds.

The materials of the building can be conditioned to ensure that they do not detract from the character and appearance of the conservation area. The site layout details that four dwellings can be arranged on the site. The proposal is not over-development as it is in character with the conservation area and the street scene. The proposal is acceptable in planning policy terms and is recommended accordingly below.

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: 1 of 3, 2 of 3 and 3 of 3.

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 an archaeological mitigation strategy, as defined in a brief prepared by the North Lincolnshire Historic Environment Record, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
- methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- post-work fieldwork methodologies for assessment and analysis;
- report content and arrangements for dissemination and publication proposals
- archive preparation and deposition with recognized repositories;
- 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

- monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of the archaeological works and the opportunity to monitor such works;
- a list of staff involved in the implementation of the strategy, including the sub-contractors and specialists, and their responsibilities and qualifications.

Reason

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

5.

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

Reason

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

6.

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

Reason

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

7.

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with policies DS1, DS14 and DS16 of the North Lincolnshire Local Plan.

8.

The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment undertaken by Howard J Wroot dated 30 July 2011 and the following mitigation measures detailed within the flood risk assessment:

- flood-proofing measures as detailed in sections 2.5 a) and c) of the flood risk assessment;

- finished floor levels set no lower than 6.6m above Ordnance Datum.

It shall be confirmed in writing to the local planning authority, within one month of completion, that this has taken place.

Reason

In order to reduce the risk and impact of flooding to the proposed development and future occupants in accordance with policy DS16 of the North Lincolnshire Local Plan.

9.

The development permitted by this planning permission shall not be commenced until a scheme to improve the existing surface water disposal system has been submitted to and approved in writing by the local planning authority.

Reason

To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with policies DS14 and DS16 of the North Lincolnshire Local Plan.

10.

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

Reason

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

11.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order re-enacting that order with or without modification), no new window openings shall be created in any wall or roof plane of the dwellings hereby permitted other than those shown on the approved plans.

Reason

In order to safeguard the character and appearance of the building and to safeguard the amenity of neighbours in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

Notwithstanding the provisions of Classes A, B, C, D, E and G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, or any order revoking and re-enacting that order with or without modification, no extensions or alterations shall be carried out to the building, or new buildings erected on the site, other than those expressly authorised by this permission.

Reason

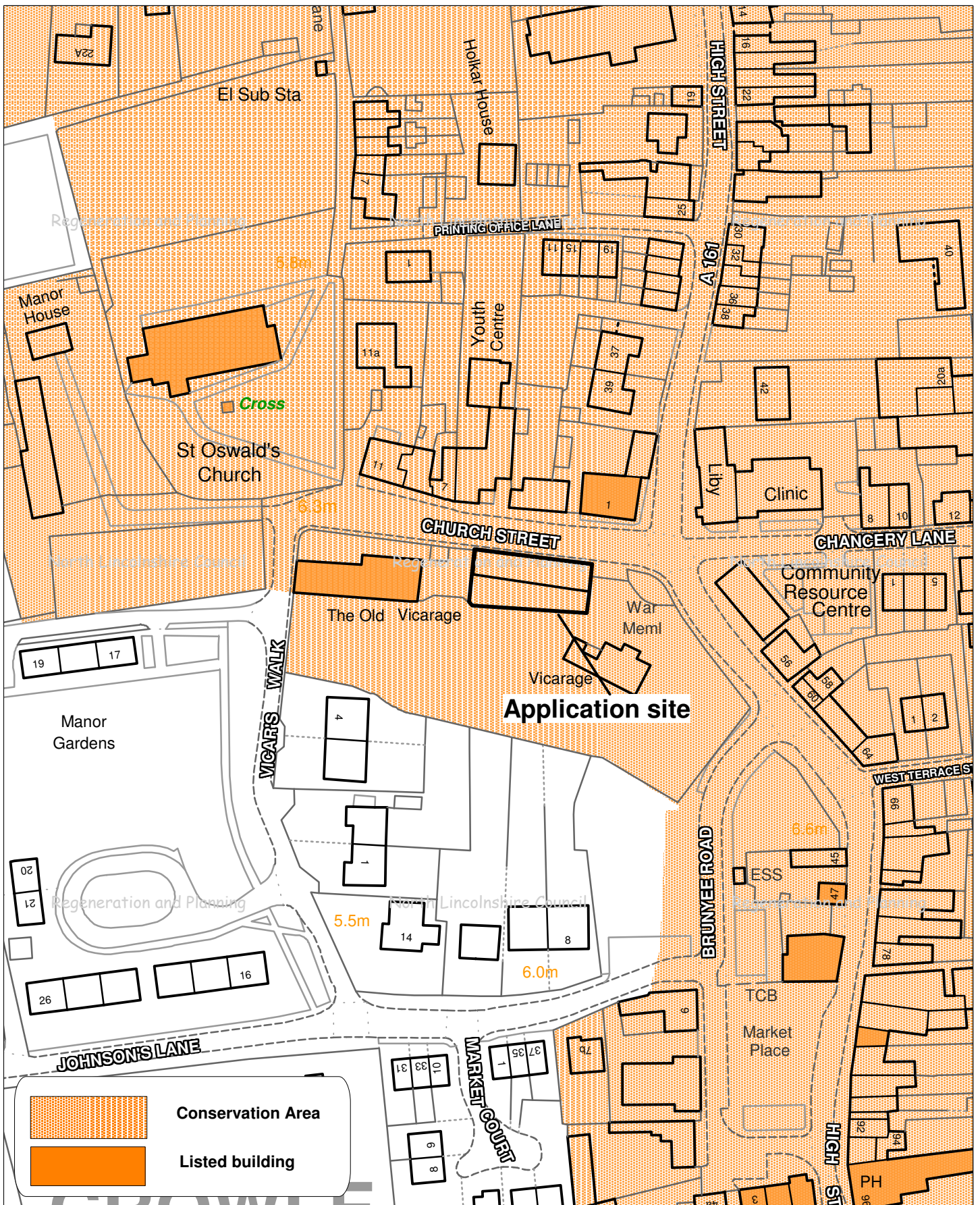
In order to regulate and control this development which is located within a conservation area in accordance with policies DS1 and HE2 of the North Lincolnshire Local Plan.

13.

All windows and external doors shall be constructed from timber and retained as such at all times.

Reason

To ensure a satisfactory standard of development as the site lies within a conservation area, in accordance with policies HE5 and DS1 of the North Lincolnshire Local Plan.



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