

APPLICATION NO	PA/2008/0506
APPLICANT	North Lincs Property Holdings Ltd
DEVELOPMENT	Planning permission to partially remove former railway embankment and construct retaining (Gabion) wall
LOCATION	Former railway embankment, land west of Harris View, Epworth
PARISH	EPWORTH
WARD	Axholme Central
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Objection by Epworth Town Council Third party request to address the committee
POLICIES	Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply. North Lincolnshire Local Plan: 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 application on the grounds that the proposal is contrary to policy LC11 of the North Lincolnshire Local Plan and the site was protected by a TPO.

PUBLICITY

Neighbouring properties have been notified and a site notice posted. Letters of objection have been received commenting on the following grounds:

- the application site is one of special historical interest
- possible impact on privacy and security
- the site was protected by a TPO – what has changed?

ASSESSMENT

Planning permission is sought for the partial removal of the railway embankment to west of Harris View, Epworth. There would be approximately 1300 square metres of the embankment removed and the remainder is to be held in place by a 'gabion' wall, constructed so as to prevent any landslides occurring.

The reason for the application is to allow for existing building plots that are proposed adjacent to the site to have larger gardens. Currently the building plots would suffer from cramped amenity areas and the proposal would allow for the creation of more adequate amenity areas for any new dwellings.

The main issues to consider when determining this application is whether or not the proposed removal of the railway embankment would adversely affect an area of historical importance and whether or not it would adversely affect the amenity of the adjoining properties.

It should be noted that originally this site was subject to an emergency TPO but since the TPO was not confirmed the developer has already cleared the embankment of all vegetation, in preparation of removing part of it. Whilst this is considered to be very presumptuous of the developer, it is not illegal for the developer to have done so. As a TPO or any other statutory designation does not cover the site, any owner could clear the embankment of any vegetation if they wish to.

Policy LC14 of the North Lincolnshire Local Plan does not prevent development in areas of historical importance, but requires that any development that does take place does not adversely harm the character and amenity of the

area. It is considered that the development of housing in front of the east face of the embankment will shield the embankment from view and that the removal of the embankment on one side will not visually harm the amenity of the area. The other side of the bank will remain unharmed and will still take on the appearance of a natural barrier in the landscape.

This site was the subject of an earlier application (2007/0990) which was for the removal of a larger portion of the embankment (2000 square metres) and which was refused.

The applicants now propose to remove a smaller volume of the bank but the scheme still raises issues of concern about:

- impact on the historic landscape to the west – policy LC14 refers – by the partial removal of the embankment
- loss of even part of the embankment will impact adversely on the remaining trees and shrubs on this embankment
- no details have been provided as to the structural integrity of gabions to hold the embankment together
- no details have been supplied to show how the southern edge of the removed embankment is to be retained.

For the above reasons the application is again recommended for refusal.

RECOMMENDATION

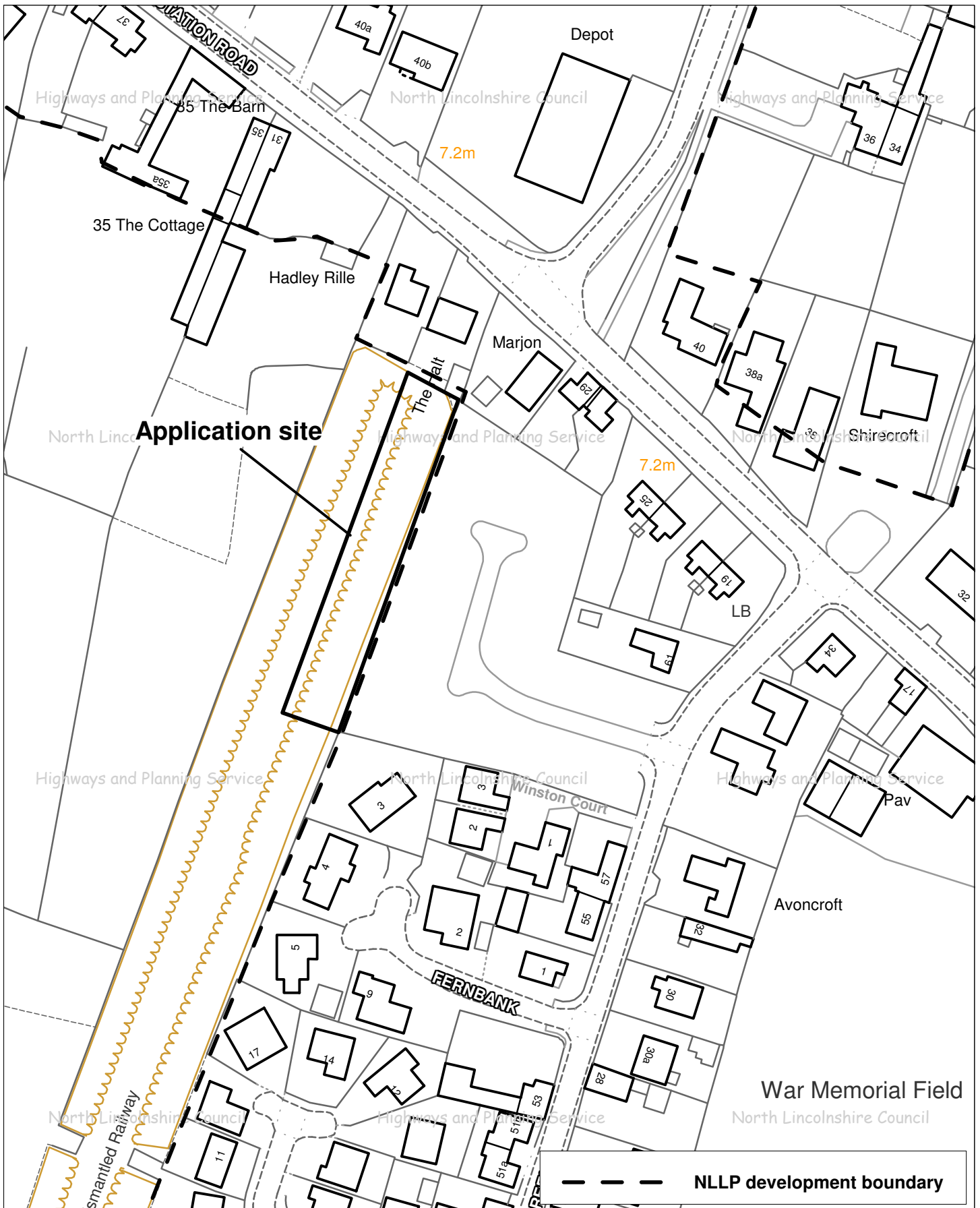
Refuse permission for the following reasons:

1.

The applicant has indicated at paragraph 1.8 of the design and access statement that '...a gabion wall can be successfully constructed...' to provide a retaining facility following removal of the embankment. However, no detailed calculations have been provided to substantiate this claim and consequently the local planning authority is not satisfied that at the present time the structural integrity of the railway embankment is guaranteed. Furthermore, no details of the retaining gabion wall have been shown along its southern frontage adjacent to plot 4 and no. 3 Fernbank.

2.

The railway embankment lies within the historic landscape area of the Isle of Axholme under policy LC14 of the North Lincolnshire Local Plan. The local planning authority is of the opinion that the removal of the eastern half of the embankment would have a detrimental impact upon the mature tree and shrub planting on the western side of the embankment by severing tree roots. Whilst these trees are not covered by a tree preservation order, the embankment, together with its planting, forms an important visual feature of this part of the historic landscape and should not be removed in whole or part. Policy LC12 of the local plan requires all new development to retain, where possible, trees, woodland and hedgerows and this scheme does not satisfy this policy because of its likely impact on planting immediately outside the application site.



Drawing Title: 2008/0506

OS Grid Ref: SE77530433

Drawn by: KC

Scale: 1:1,250

Date: 04/06/2008



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 100013349 2008



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.