

APPLICATION NO	PA/2008/1653
APPLICANT	North Lincs Property Holdings Ltd
DEVELOPMENT	Planning permission to remove part of the former railway embankment and construct a 2.3 metre retaining wall (resubmission of PA/2008/0506)
LOCATION	Former railway embankment, Fernbank, Epworth
PARISH	EPWORTH
WARD	Axholme Central
SUMMARY RECOMMENDATION	Refuse 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: The site lies within an Area of Special Historic Landscape Interest. Policy LC14 applies. Development will not be permitted if it would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features.</p> <p>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.</p> <p>Policy LC12 – proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows.</p> <p>Policy ST3 – development outside development boundaries will be considered as development in the</p>

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.

Policy DS1 – this policy requires all new development to have a high standard of design.

CONSULTATIONS

Highways: No objection.

Environment Agency: Views awaited.

TOWN COUNCIL

Object. This is now the third application for the removal of part of the embankment: this application follows applications 2008/0506 and 2007/0990, both of which were subject to objections from Epworth Town Council and residents who are all keen that this natural barrier to the development of Epworth should remain intact. The council is aware that a tree preservation order (TPO) that covered the embankment has been removed despite strenuous objection from the town council. No explanation for the removal of the TPO has been given.

The existing railway embankment is the planning development line for the whole of the western side of Epworth; to bridge this line would allow access for development that is unprecedented and should not be allowed.

Residents came forward expressing fears from an engineering point of view, regarding the safety and security of the remainder of the bank as such a large proportion was to be removed. The same reasons still apply. The bank, although well established, is a man-made structure and will lose strength and cohesion if a large part is removed.

The TPO should be reinstated on this area of the railway line. Policy LC11 describes the railway line as an important amenity area for Epworth. Under policy LC12 it is stated that TPOs should be made where trees contribute to local amenity and local landscape character, surely this is the case with the railway embankment. The Isle of Axholme is classified as an Area of Special Landscape Interest, the removal of part of the bank and the tree cover it contains will have a detrimental effect upon the area as a whole, breaking the established corridor for the movement of wildlife species and removing the natural barrier.

PUBLICITY

Advertised by site notice and neighbouring properties notified. Three letters of objection have been received raising the following material planning issues:

- contrary to policies DS1 and LC14 of the North Lincolnshire Local Plan
- loss of wildlife, ecology and heritage which is contrary to policy LC11 of the North Lincolnshire Local Plan
- the reduction of trees, hedgerows and part of the wildlife corridor is contrary to SPG3
- the landscape would not be enhanced or conserved
- nature interests will not be conserved, which is contrary to SPG10
- the railway embankment is outside the development boundary for Epworth
- would set a precedent, if approved, for other areas of the railway embankment to be removed
- the retaining wall will pose a safety and security risk
- loss of privacy
- the site may be contaminated
- the retaining wall will cause slippage of soil elsewhere along the railway embankment
- approved dwellings have sufficient garden space already

ASSESSMENT

Planning permission is sought for the removal of a section of the railway embankment that runs along the rear boundaries of the properties to be known as Harris View. The applicant wants to remove an 86 metre section of the bank that would be 3 metres deep. A 2.3 metre wall would be installed against the embankment to prevent landslip. The reason for this is in order for the applicant to extend the garden area of the approved dwellings.

The main issues associated with this case are whether the proposal would adversely affect the character of the area and whether the amenity of adjoining dwellings would be affected.

The railway embankment is located outside the development boundary of Epworth. It forms a natural barrier between the residential area of Epworth and the open countryside.

The area is designated as an Area of Special Historic Landscape Interest (policy LC14) of the North Lincolnshire Local Plan. The railway embankment is an important part of Epworth's heritage and an important landscape feature when seen in conjunction with the relatively flat areas of arable land that surround Epworth.

Under policy LC14 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. In this particular case it is considered that the removal of a section of this embankment would affect the character, appearance and setting of the historic landscape within the Isle of Axholme.

It is accepted that the western side of the railway embankment would remain in situ. The eastern side of the embankment would be partially shielded by the approved dwellings. However, this side of the embankment would still be visible in the street scene. It is not considered that the removal of the embankment to enlarge the gardens of the approved dwellings is sufficient justification to override the detrimental impact the proposal would have on the historic landscape.

The embankment does lie within the open countryside. The removal of the section of embankment is required in order to enlarge the garden areas of the approved dwellings. The development is therefore not required for agriculture or forestry purposes or to meet a special need associated with the countryside. The proposal is therefore contrary to policy ST3 of the North Lincolnshire Local Plan.

It is accepted that an emergency TPO was placed on the railway embankment, but this was not confirmed. As a result, the developer did clear the embankment of vegetation. As the TPO was not confirmed, the developer legally could carry out the removal of the vegetation. Any wildlife on this section of the embankment will be limited, although wildlife will use this area of the embankment to gain access to the southern area of the embankment and surrounding countryside.

It is not considered that the proposed removal of the section of embankment would result in loss of privacy to adjoining neighbours. Concerns relating to safety and security are noted. It is not considered that the removal of the embankment and the installation of a retaining wall would pose any significant safety or security issues to surrounding property.

The applicant has submitted structural calculations in relation to the removal of the embankment and retaining wall. These calculations are being assessed by the council and comments on these calculations will be reported verbally at committee.

RECOMMENDATION

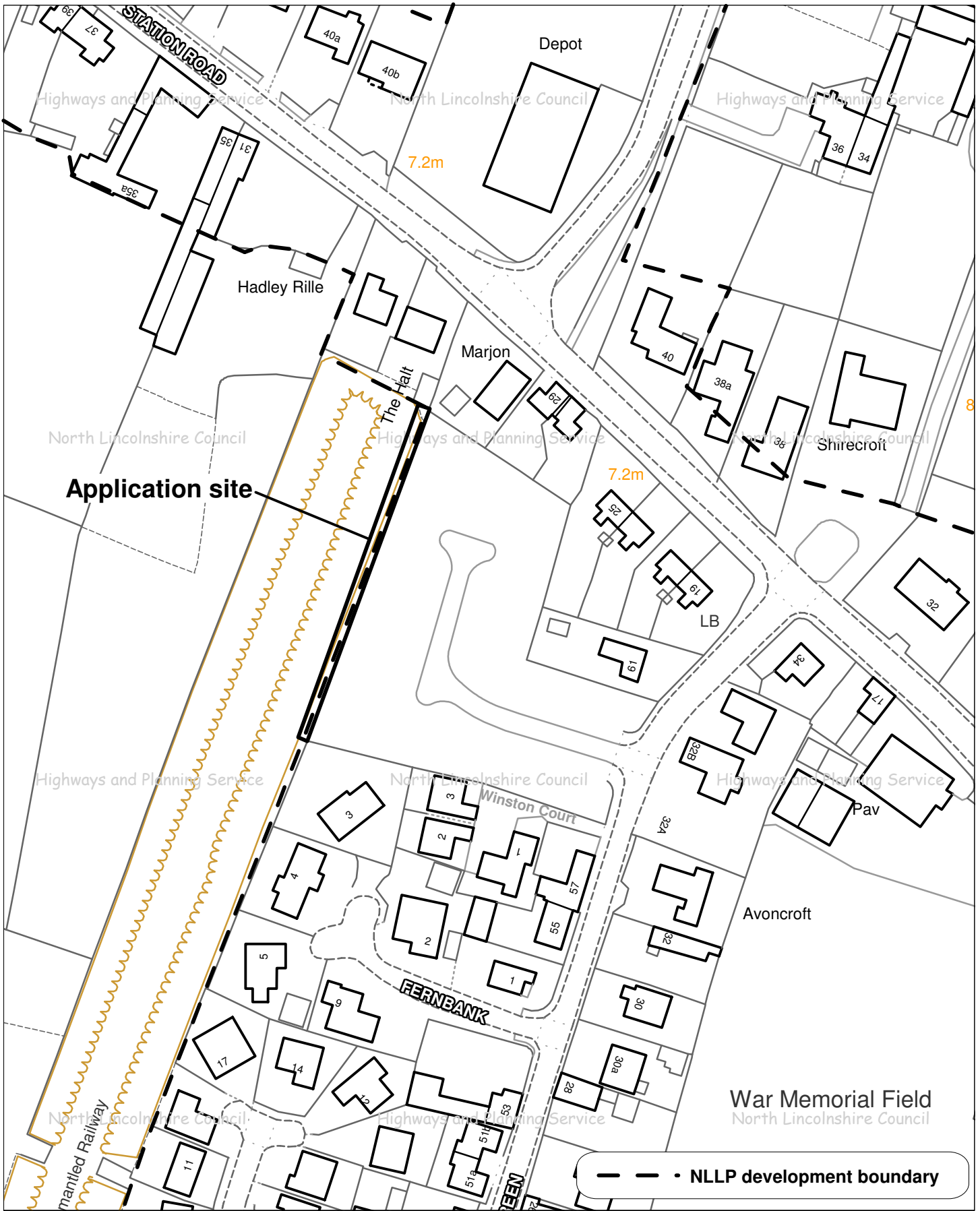
Refuse permission for the following reasons:

1.

The railway embankment lies within the historic landscape area of the Isle of Axholme as defined by policy LC14 of the North Lincolnshire Local Plan. The removal of the section of railway embankment proposed would have a detrimental impact on the character, appearance and setting of this historic landscape and on the countryside itself. The proposal is therefore contrary to policies LC14 and DS1 of the North Lincolnshire Local Plan.

2.

The railway embankment does lie within the open countryside. The removal of the section of embankment is required in order to enlarge the garden areas of the adjacent approved dwellings. The development is therefore not required for agriculture or forestry purposes or to meet a special need associated with the countryside. The proposal is therefore contrary to policy ST3 of the North Lincolnshire Local Plan.



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NORTH LINCOLNSHIRE COUNCIL 0100023560 2009



Highways and Planning Service

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