

<b>APPLICATION NO</b>	<b>PA/2014/0446</b>
<b>APPLICANT</b>	Mr G Durnian
<b>DEVELOPMENT</b>	Planning permission to erect two semi-detached dwellings with associated infrastructure and garages (including demolition of existing public house) in accordance with amended plans received on 9 September 2014
<b>LOCATION</b>	Lions Head, 55 Park Street, Winterton
<b>PARISH</b>	<b>WINTERTON</b>
<b>WARD</b>	Burton Stather and Winterton
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Original objection by Winterton Town Council now withdrawn, however Planning Committee on 22 October 2014 required committee site inspection

## **POLICIES**

**National Planning Policy Framework:** Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide housing supply should not be considered up-to-date.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or

initiative through unsubstantiated requirements to conform to certain development forms or style. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm can be avoided or adequately mitigated. Opportunities to incorporate biodiversity in and around developments should be encouraged.

Paragraph 128 requires applicants to describe the significance of heritage assets and the contribution 'setting' makes to this significance. The level of detail required should be proportionate to the asset's importance and no more than is necessary to understand the potential impact upon significance. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities can require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

#### **North Lincolnshire Local Plan:**

Policy H8 (Housing Design and Housing Mix)

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy HE2 (Development in Conservation Areas)

Policy HE3 (Demolition in Conservation Areas)

#### **North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS25 (Promoting Sustainable Transport)

## **CONSULTATIONS**

**Highways:** No objection subject to conditions.

**Historic Environment Record:** Originally objected to the application due to the adverse impact of the development upon the character and appearance of the Winterton conservation area and the lack of justification for the demolition of a building which is considered to be a building of townscape merit, as designated within the Winterton Conservation Area Appraisal.

This objection has now been lifted following the submission of additional information by the applicants, namely a Cost Analysis Report, which justifies the demolition of the building because its retention and renovation is not considered to be financially viable. Amended plans have also been submitted which depict an acceptable form of design including symmetrical frontages with matching window dimensions and the inclusion of chimneys. It is noted by the council's Conservation Officer that the implemented materials will need to be traditional and of a suitably high standard to ensure the impact upon the conservation area is acceptable.

**Ecology:** Originally objected to the application due to the lack of a bat and bird nesting survey. This document has now been submitted and the council's ecologists no longer object to this application subject to conditions which secure ecological enhancements. The applicant's Bat and Bird Survey did identify evidence of blackbird, wren and foraging pipistrelle bat in the locality. A condition is recommended which will provide replacement/new habitat for bird and bat species.

**Environmental Health:** No objection subject to conditions which protect local amenity and ensure contamination is identified and remediated during the construction process.

**Drainage:** No objection to the application. The site has the potential to be susceptible to and contribute towards surface water flooding. As such, appropriate mitigation should be put into place.

## **TOWN COUNCIL**

Following receipt of amended plans the town council has no objections.

## **PUBLICITY**

Neighbouring properties have been notified by letter, site notices erected around the site and press notices released. Two letters have been received to this application from the same local resident; these letters raise the following concerns:

- There is an acknowledged fault within the Anglian Water local sewerage system which has caused serious flooding at our property on three separate occasions. It would be negligence if further development were allowed on this site before those existing drainage problems have been rectified by Anglian Water.
- When the first application was submitted for the bungalow to the rear of the public house it was stated that it was only one property and therefore the burden on the system would be limited. It is therefore considered that this is further development by stealth.
- Does the demolition of the public house 'fit' with the building's position within the conservation area?

## **ASSESSMENT**

A decision on this application was deferred at the meeting on 22 October 2014 for a committee site inspection.

### **Site assessment**

The site is an existing public house within the settlement of Winterton. The settlement is classified as a Market Town within the North Lincolnshire Core Strategy and as such is considered to be sustainable and capable of accommodating future growth. The settlement contains a range of public services including shops, public houses, schools and public open spaces. Good public transport links are also provided via bus routes into adjacent settlements, in particular Scunthorpe which lies a short distance to the south.

The application site lies within a primarily residential area to the east of the settlement. Residential properties abut all four sides of the application site. The site is accessed off Park Street which is the main road into the settlement from the east. A property within the former car park/garden of the public house was granted planning permission in April 2013 under application reference PA/2013/0106.

### **Proposed development**

This application proposes the demolition of the existing public house and its replacement with two semi-detached properties and the erection of three garages. An access is provided on the western boundary of the site to an already approved bungalow to the rear and the block of three garages. One of the garages already has planning permission (PA/2013/0106) and this seeks to modify its design and add two further garages. These garages will serve the two proposed properties and the recently approved property to the rear. Between the proposed properties and their garages are two private garden areas which extend up to 11.5 metres from the rear elevations of the properties providing sufficient external space to serve both dwellings.

### **Main issues**

**The main issues to be considered in the determination of this planning application are:**

- **principle of development**
- **heritage**

- **ecology**
- **drainage and flood risk**
- **highway safety**
- **residential amenity.**

### **Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising national Planning Practice Guidance (PPG).

The application site is previously developed land. It is located within the settlement limits of Winterton which is designated within the NLLP as a 'Medium Growth Settlement' and within the NLCS as a Market Town. Policy H3 of the NLLP prioritises the development of previously developed sites within settlement limits and does not restrict the principle of developing this site.

Policy CS1 in the NLCS outlines the role of Market Towns in meeting the housing needs of the authority and also meeting the service needs of residents. In meeting the growth needs of the region and settlement, due regard should be had to the historic nature of these settlements. Policy CS2 aims to focus development more precisely, again prioritising previously developed sites and land outside of flood risk areas. Policy CS2 also outlines sustainability principles such as proximity to local services, employment opportunities, public transport and existing infrastructure. It is again considered that the application is acceptable in these respects.

Policies CS7 and CS8 of the NLCS also highlight the council's prioritisation of previously developed land and the reinforcement of Winterton as a market town capable of future growth and expansion.

It is therefore concluded that the site is located within a sustainable location within a sustainable settlement and as such residential development can be considered acceptable on this site.

Due consideration must also be given to the loss of The Lion's Head public house as a community facility; such facilities are protected by policy C2 within the NLLP. The loss of a community facility can only be accepted where it has been demonstrated that the continuation of the existing use is unviable, all options to protect the facility have been explored and/or alternative facilities exist elsewhere within the local centre.

It is estimated that the cost of renovating the existing public house will be in the region of £156,900. The applicant argues that this cost makes the preservation of the public house unviable and it is apparent from site visits that the existing public house has fallen into a state of disrepair. The applicant has also submitted a structural survey which concludes that the site has suffered from a lack of maintenance; this has resulted in the failure of the roof

in places and the ingress of water. There is no damp proof membrane which has resulted in damp becoming evident at ground floor level. Concerns are raised regarding the quality of the brickwork and the external render. It is highlighted that rainwater goods generally discharge to ground. It is therefore accepted in this instance that there are reasons why the renovation of the building for use as a public house would be unviable.

There are two existing public houses within Winterton (The George and Butchers Arms); a third public house has recently been converted into a supermarket. Both existing public houses are located within the town centre of Winterton approximately 700 metres and 820 metres to the west of the site. Winterton has a population of 4,729 people (2001 census) and it is considered that the existing facilities available are sufficient to serve the local population and thrive in this context.

It is therefore concluded that the continuation of the existing use within the existing building is unviable and replacement facilities exist elsewhere within the settlement to meet the needs of the existing population. On the basis of the information submitted and available to officers it is considered that the application complies with policy C2 of the NLLP and it is considered that the principle of developing this site complies with the adopted Development Plan.

The NPPF and PPG offer no guidance specific to the determination of this application. It must be concluded that the application complies with the presumption in favour of sustainable development championed by the NPPF given the sustainable location of the site and the re-use of a currently unused previously developed site.

For the reasons outlined above it is considered that the application complies with policies H3 and C2 of the NLLP, policies CS1, CS2, CS7 and CS8 of the NLCS and the presumption in favour of sustainable development which runs through the NPPF.

## **Heritage**

The site is located within the Winterton conservation area and therefore policies HE2 of the NLLP and CS6 of the NLCS apply. These policies both require new development to preserve or enhance the character and appearance of the area and its setting. The Winterton Conservation Area Appraisal Supplementary Planning Guidance (WCAA) outlines the merits of the Winterton conservation area and the threats to it. Threats have included historic poor quality development which does not respect the conservation area in terms of its layout, architectural features and materials used.

The scheme as originally submitted was considered to harm the character and appearance of the Winterton conservation area due to the development's lack of conformity with existing buildings. Amended plans have since been submitted which are considered to improve the scheme and result in a form of development which will now preserve character and appearance. Chimneys are proposed which improve the appearance of the buildings, conform to the character of surrounding properties and generate a more interesting streetscape. Windows are introduced which comply with local vernacular in terms of their dimensions and symmetry. Rear gables are also removed resulting in a simpler form of development which is characteristic of the conservation area.

Notwithstanding this, it needs to be noted that the existing public house is identified within the WCAA as a Building of Townscape Merit. The deterioration of the building has resulted in the partial loss of this merit and the existing property is considered to be of limited

significance to the appearance of the conservation area. The building was vacant prior to its purchase by the current landowner and it was sold by the brewery after they were unable to find a licensee. The deterioration of the building is unfortunate but the redevelopment of the site should be promoted if a high standard of development is delivered in its place.

Conditions are recommended which secure the submission of materials prior to development commencing on the site. This will ensure high quality materials are used which again reflect local character. The approval of the local planning authority will also be required for window frames, doors and rainwater downpipes and guttering. A condition is also recommended which will secure details of boundary treatments prior to development commencing. Subject to these conditions it is considered that the application complies with policy HE2 of the NLLP.

Policy HE3 of the NLLP places restrictions on the demolition of buildings within conservation areas. This policy requires such applications to be assessed against five criteria:

1. it is proved to be wholly beyond viable repair
2. it is incapable of reasonable beneficial use
3. it is not of intrinsic architectural, historic or townscape importance and its removal or replacement would enhance the appearance or character of the area
4. its removal would allow the redevelopment or rehabilitation of an adjacent larger site which is under-used, neglected or derelict, providing this redevelopment would enhance the character or appearance of the conservation area
5. sufficient information is provided to enable the impact of the proposal for demolition or redevelopment on the conservation area to be assessed.

The application complies with the first of these criteria as it has already been established that the renovation of the building, at a cost of £156,900, is unviable. As such the application complies with policy HE3 of the NLLP. The council's conservation officer has also considered the application and no longer raises any objections to this scheme following the submission of additional justification and improvements to the proposed development.

Section 12 of the NPPF considers the conservation and enhancement of the historic environment. Paragraph 128 requires applicants to consider the significance of a heritage asset. In this instance a Heritage Impact Assessment has been submitted in support of this application, this document concludes that the deterioration of this property has severely diminished the significance of the building as a heritage asset and that the new development will be a positive addition to the character of the area. The existing building is only considered to have 'some' significance within the conservation area. Officers agree with the assessment, but only because of the deterioration in the existing building's appearance.

Paragraph 130 of the NPPF states 'Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.' In this instance it is not considered that the building has been deliberately neglected, the building has deteriorated over a period of time across different landowners and justification has been submitted to demonstrate that the existing use of the site is unviable.

In assessing planning applications which impact upon designated heritage assets authorities are required to have regard to paragraph 131 of the NPPF. Further guidance is provided within the PPG which highlights the importance of considering the significance of designated heritage assets. It is considered that the application site, in its current deteriorated state, is of minor significance to the Winterton conservation area. The retention of the existing building and its renovation would be desirable and it is considered that the unviability of renovation has been proven. The development proposed is considered to make a positive contribution to local character and distinctiveness and therefore the application complies with paragraph 131 of the NPPF.

## **Ecology**

The existing building has been assessed for potential bat roosts and nesting birds. Evidence was identified of historic blackbird and wren nests on the side gable of the building and of pipistrelle bat activity in the area, however the demolition of the existing building is not considered to have an adverse impact upon local biodiversity. The application is considered to provide opportunities for ecological enhancement in the area which are to be secured via condition.

The council's ecologist has not raised any objections to this application.

The application is therefore considered to comply with policies LC5 and LC6 of the NLLP, policy CS17 of the NLCS and Section 11 of the NPPF.

## **Drainage and flood risk**

Concerns have been raised by local neighbours regarding surface water drainage in this area and these concerns are accepted. Development on the application site has the potential to increase surface water run-off; however, opportunities also exist to improve the current situation. It should be noted that the application will result in less roof space and less hardstanding within the site; land will also be turfed and turned to garden thereby slowing surface water run-off from these areas. The two properties proposed are not considered to increase foul discharge over and above discharge rates from the existing public house. Opportunities also exist to attenuate surface water drainage and a condition is recommended which will secure final drainage details to include consideration of sustainable urban drainage systems such as soakaways, attenuation and the re-use of grey water within the properties.

Council drainage officers have not raised any objection to this application.

For the reasons outlined above it is considered that the application complies with policy DS14 of the NLLP, policy CS18 of the NLCS and Section 10 of the NPPF.

## **Highway safety**

Access to the site and the proposed properties is to be taken from the existing access on Park Street. This existing access is currently used by a single property and the public house if it were to come back into use. It is not considered that the application results in intensification in vehicular movements over and above the existing use; as such no highway safety concerns are considered to result from this application.

The site is located within a sustainable position close to services and public transport links. The site is located approximately 600 metres from the nearest shops and town centre and



Park Street is a bus route with the nearest stops approximately 200 metres to the east of the site.

Highways officers have not raised any objections to this application subject to conditions which secure the submission of highways details prior to development commencing.

For the reasons outlined above the application is considered to comply with policies T1, T2 and T19 of the NLLP, policy CS25 of the NLCS and Section 4 of the NPPF.

### **Residential amenity**

Although the site is located to the rear of the pavement there are no properties on the opposite side of Park Street and therefore no loss of privacy. The property to the rear of the site, which was recently approved within the public house car park, is located 26 metres from the rear elevations of the proposed properties. This degree of separation is considered to be acceptable.

Noise and dust during construction works need to be controlled to ensure there is no loss of amenity to adjacent properties and such conditions have been recommended by the council's Environmental Health Officers. Mapping has also indicated that the site lies within 50 metres of a former gas works and therefore a contamination condition is also recommended to ensure remediation is implemented if contamination is identified during construction.

Subject to conditions it is considered that the development proposed will have an acceptable impact upon the residential amenity of the local area in accordance with Core Principle 4 at paragraph 17 of the NPPF.

### **Other issues**

Environmental Health have recommended a full scheme of contamination investigation be undertaken, owing to unidentified buildings on the site and the former use as a public house. Permission was granted for a bungalow (PA/2013/0106) and a condition was imposed in relation to the investigation of contaminated material if it is found during development. To ensure consistency with this approach and the fact that this development relates to the same site, it is considered prudent to recommend the same condition on this proposal.

### **Conclusions**

It is considered that the principle of developing two residential properties on this site is acceptable giving due regard to the current impact of the existing building upon the Winterton conservation area and the unviability of bringing the existing building back into viable use.

The existing building is considered to be of limited significance in terms of its value to the conservation area and the development proposed is considered to acceptably replace the existing unit to be lost. The application is considered to preserve the conservation area which is the main test set out within local and national planning policy and guidance and within the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is considered that the application offers opportunities for ecological enhancements and drainage/surface water run-off improvements which are secured via conditions. Impact

upon residential amenity can also be alleviated via condition to restrict working hours and dust emissions from the site.

In conclusion it is considered that the application is acceptable in principle and all technical matters have been acceptably dealt with. The application complies with the Development Plan and material planning considerations all fall in favour of the development proposed.

**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: TL-043-14-02B - Existing and Proposed Site Plans, TL-043-14-01C - Proposed Floor Plans, TL-043-14-05 - Proposed Elevations and TL-043-14-04A - Proposed Garages.

Reason

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

3.

All works shall be carried out in accordance with section 5 of the submitted Bat and Bird Survey Report, dated 19 June 2014. At least one bat roost unit, as detailed in the submitted Bat and Bird Survey Report, dated 19 June 2014, shall be installed at or above eaves level on the side elevation of each new dwelling, prior to the occupation of either dwelling. The applicant or their successor in title shall submit photographs of the installed bat roosting features, within two weeks of installation, as evidence of compliance with this condition.

Reason

To protect features of recognised nature conservation importance in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

4.

No development shall take place until a full schedule of all external facing materials has been submitted to and approved in writing by the local planning authority to include all joinery products, rainwater goods and external finishes, and only the approved materials shall be used.

Reason

To retain the character of the conservation area in accordance with policies HE2 and HE3 of the North Lincolnshire Local Plan and policy CS6 of the North Lincolnshire Core Strategy.

5.

The dwellings hereby permitted shall be completed, and thereafter retained, to match the external appearance of the bungalow permitted under planning application PA/2013/0106. Any variation to the approved external materials shall be agreed in writing by the local planning authority.

Reason

To retain the character of the conservation area in accordance with policies HE2 and HE3 of the North Lincolnshire Local Plan and policy CS6 of the North Lincolnshire Core Strategy.

6.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

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.

7.

Construction and demolition shall be limited to the following hours:

8am to 6pm Monday to Friday

8am to 1pm on Saturdays.

No construction or demolition activities shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To protect residential amenity.

8.

There shall be no crushing activities on site without prior written approval from the local planning authority.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

9.

Adequate dust suppression shall be used during demolition and dust shall not leave the site boundary during demolition. If dust emissions escape the site boundary at any stage of demolition, all demolition works shall cease until adequate dust suppression is implemented to reduce dust emissions.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

10.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system. The submitted details shall implement, where possible, sustainable urban drainage systems.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

11.

No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwellings are occupied, and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

12.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning space serving it have been completed and, once provided, the vehicle parking and manoeuvring space shall be retained.

Reason

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

13.

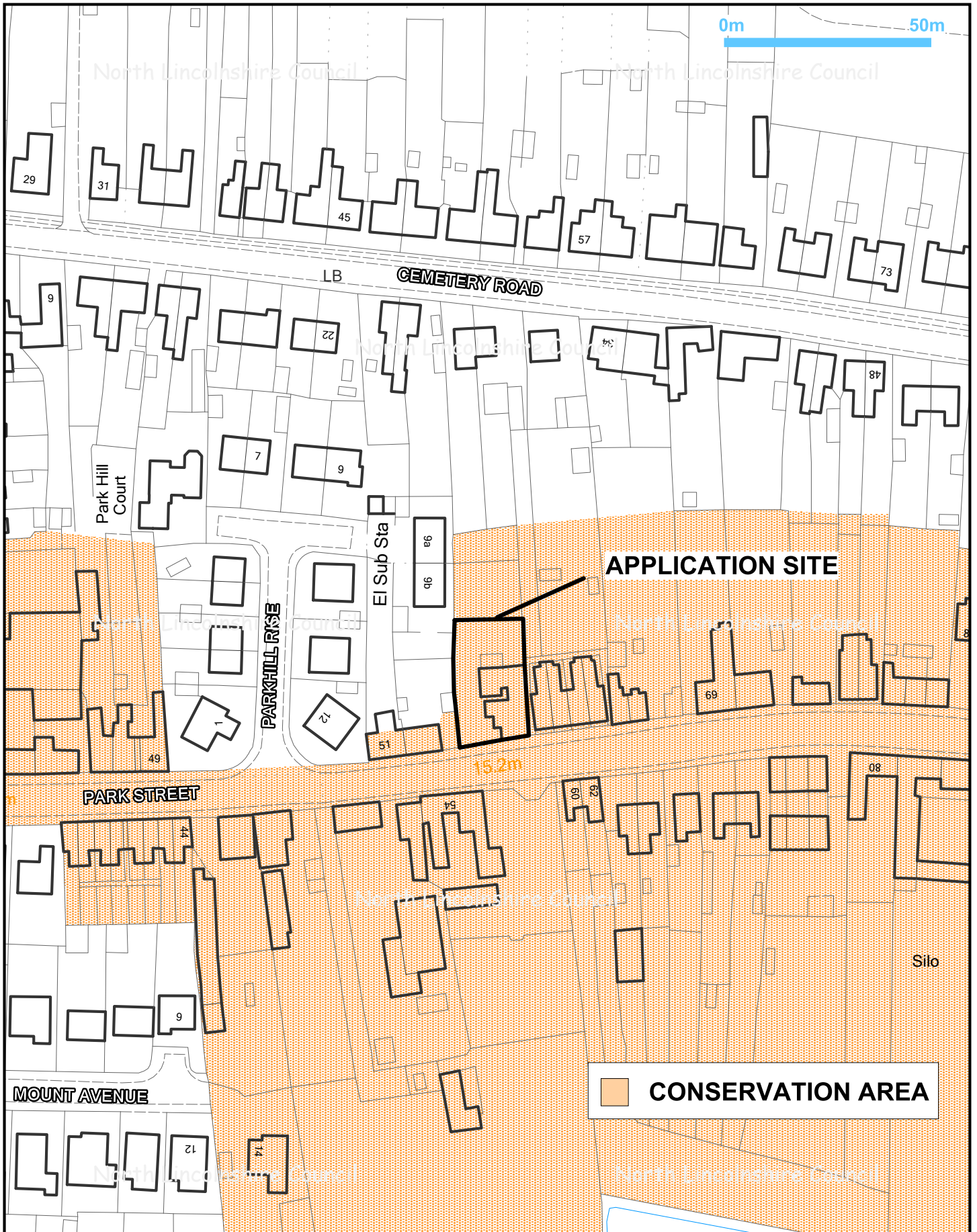
No development shall begin until details of the private driveway, including construction, drainage, lighting and where appropriate signage/street naming arrangements, have been agreed in writing with the local planning authority and no dwelling on the site shall be occupied until the private driveway has been constructed in accordance with the approved details. Once constructed the private driveway shall be retained.

Reason

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

### **Informative**

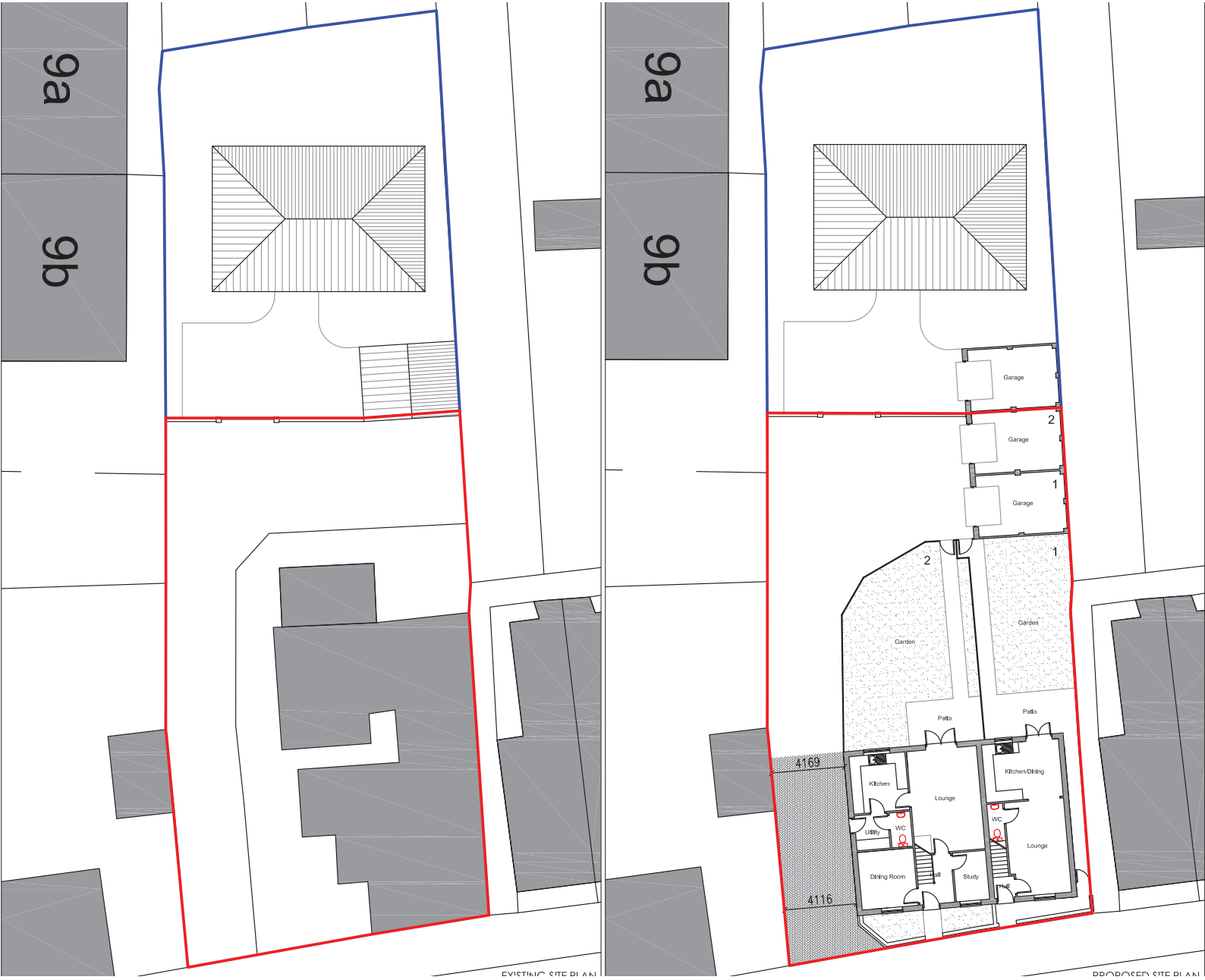
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



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Drawn by: Sue Barden	Date: 04/11/2014	Scale 1:1250	

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# PA/2014/0446 Layout Plan Not to scale



EXISTING SITE PLAN

PROPOSED SITE PLAN

