

<b>APPLICATION NO</b>	<b>PA/2015/0156</b>
<b>APPLICANT</b>	Normanby Estate Holdings Ltd
<b>DEVELOPMENT</b>	Planning permission to convert redundant agricultural building to create one dwelling
<b>LOCATION</b>	The Old Dairy, access road to Little Normanby Farm, Normanby, Burton-upon-Stather
<b>PARISH</b>	<b>BURTON-UPON-STATHER</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>	Departure from planning policy (policy CS9 of Core Strategy)

## **POLICIES**

**National Planning Policy Framework:** Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting.

Paragraph 14 states that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 35 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

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

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.

**North Lincolnshire Local Plan:** Policies H5, H8, DS1, RD2, RD9, T19 and HE3 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS6, CS9 and CS17 apply.

## **CONSULTATIONS**

**Highways:** No objection, but recommend a condition that the dwelling shall not be occupied until the vehicular access and parking spaces have been completed.

**Historic Environment Record:** The Old Dairy formed part of Little Normanby Farm; it has local historic value. No objection subject to conditions securing a photographic record of the building prior to any development commencing.

**Trees Officer:** No objection. The tree report indicates that a laurel bush may be cut back or removed; the loss of this shrub is not considered sufficient to recommend refusal.

**Conservation Officer:** No objection subject to conditions relating to samples of materials, scaled drawings of windows and doors, details of hard surfacing, boundary fencing and mortar mix.

**Environmental Health:** Recommend a condition in relation to a full investigation of contamination, owing to the previous use of the buildings and hours of construction.

**Environment Team (Ecology):** Niches in the external fabric of the building act as bat roosts. Existing roosts and access points should be retained to avoid the need for a European Protected Species Licence. Recommend conditions that a biodiversity management plan is submitted for consideration, and a subsequent condition that the development take place in accordance with the biodiversity management plan. The biodiversity management plan should include the retention and protection of existing bat roost niches and access points.

## **PARISH COUNCIL**

No response received.

## **PUBLICITY**

Neighbouring properties have been notified and a site notice displayed. No letters of representation have been received.

## **ASSESSMENT**

The application site consists of a former dairy building which is part single-storey and part two-storey. Its gable faces towards the access track and is constructed from stone with brick quoin detailing and a pantile roof. The building is located approximately 180 metres to the west of Normanby, in the open countryside. The site access is an unmade single track which serves existing residential properties to the east. The buildings are attached to a collection of agricultural buildings to the north-east. The site lies within the Normanby conservation area.

**The main issues in the determination of this planning application are the principle of development, and its impact on the character and appearance of the conservation area/street scene, and upon residential amenity.**

## Principle

The proposal is to convert a former dairy outside the small rural settlement of Normanby to provide a single residential property. For the purposes of planning the buildings are located in the open countryside, therefore policy RD2 (Development in the Open Countryside) applies. Policy RD2 states that development in the open countryside will be strictly controlled and planning permission will only be granted for development which is for the re-use and adaptation of existing rural buildings. Policy RD9 (Re-use and/or Adaptation of Rural Buildings for Residential Use in the Open Countryside) also applies and states that proposals for the conversion of rural buildings in the open countryside for residential use will only be permitted if:

- (i) the building is of architectural or historic importance to the rural scene and is of substantial and permanent construction capable of conversion without major alteration;
- (ii) it can be demonstrated that residential re-use or adaptation is the only way to retain a building in viable continued use and/or secure the retention/improvement of the building; and
- (iii) the development will not create a need for new buildings to house activities displaced by conversion;
- (iv) the general design of the conversion retains and respects the original character of the building and is in keeping with its surroundings. Any extension should respect the scale and appearance of the original building; and
- (v) the development will not lead to the loss of habitat for protected species.

Taking each of the above bullet points in turn it is worth noting that this building is located within the Normanby conservation area and is considered to be of both historic and architectural importance to the rural scene. This building forms part of the complex of rural buildings identified as Buildings of Townscape Merit in the Normanby Conservation Area Appraisal. It is worth noting that views of this rural building are not readily available; views are restricted to the access track when approaching from the east and south-west. In the wider area the former dairy is densely screened by woodland and trees to all directions. This building provides some degree of built enclosure to the eastern edge of the grouping of rural buildings. The proposal ensures that this will continue, albeit for residential use.

The structural report submitted with the planning application concludes that the building can be converted to another use without the need for major demolition or substantial rebuilding. The repairs outlined in the report are needed as a result of normal maintenance and not as a result of potential conversion. It is worth noting that the plans show a minimal amount of external alterations proposed to both parts of the former dairy. In conclusion it is considered that the agricultural buildings are of architectural/historic merit and are capable of conversion without major alteration.

As part of policy RD9 there is a requirement for marketing evidence to be provided to substantiate the potential loss of agricultural/rural buildings for residential conversion. This information has not been submitted with the planning application. The applicant has, however, submitted a statement in relation to the requirement for a marketing exercise to be undertaken. This statement concludes that the requirement for marketing as part of

policy RD9 is not up-to-date and that the criteria for the conversion of rural buildings within the NPPF should be adhered to. It is accepted that the NPPF, at paragraph 55, states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where development enables the future of a heritage asset (a building of townscape merit within the Normanby conservation area) to be secured and it would re-use redundant/disused buildings and would lead to an enhancement to the immediate setting. The proposal will meet both of these exceptions set out in the NPPF.

There is no need for additional agricultural buildings displaced by the potential conversion to residential use. The applicant is undertaking a review and rationalisation of its estate operations and is seeking to realise the development potential for this particular site. The applicant has a number of other buildings as part of the Normanby Estate which can be utilised for agricultural purposes.

The impact on the character and appearance of the building will be assessed in the subsequent section of this report, particular regard to be given to the location of the agricultural building within the conservation area.

### **Heritage assets**

It has already been established that the proposal is to preserve the longevity of the former dairy. The building is arranged with its gable running perpendicular to the access track, running parallel to another rural building located immediately to the west. The former dairy is of stone construction with a hip roof, with pantile roof tiles to the single-storey section and cement tiles to the two-storey part. In addition there is red brick quoin detailing to the edges of the building and to window and door openings. The existing openings are predominantly timber and painted green; they have brick arches and stone cills. The northern section of the building extends to two storeys in height and there is an existing garage door opening along its western elevation.

The plans show that the number of new openings across the entire scheme will be kept to a minimum; they principally consist of a number of conservation rooflights (five in total) and an external flue, together with two windows to the eastern elevation. The majority of these rooflights (three in total) will be to the rear roof slope of the dwelling. It is worth noting that the key views of this rural building are from the access track to the south; this is where two conservation rooflights and the external flue is proposed, therefore the view will be relatively uninterrupted and the main fabric of the building retained. It is accepted that some alterations will be required to facilitate residential conversion. The larger opening (i.e. the garage doors) will be utilised as a garage to provide off-street parking.

Based on the fact that the number of new openings and features have been kept to a minimum and the existing openings will be utilised, it is considered that the fabric of the rural building will not be compromised in this case. The former dairy, with the exception of the rooflights and external flues, will retain its position and appearance as an agricultural building, against the backdrop of a wider grouping of rural buildings. A raft of conditions which were recommended by the Conservation Officer (in respect of materials, boundary treatments, hard landscaping, window and door specifications and mortar mix) will ensure that the extent of alterations is appropriate in relation to the character and appearance of the former dairy within the conservation area. The buildings are already served by a vehicular access; there will be no requirement for additional driveways. In addition the courtyards will be utilised as shared parking; this will retain its open appearance. The

proposal will therefore retain the sense of enclosure that is provided by the existing grouping of rural buildings at the site. No extensions are proposed to the former dairy. Overall it is considered that residential re-use of this agricultural building will secure the long-term future of buildings which are important to the rural scene in Normanby.

In summary it is considered that the proposal complies with policy RD9 of the North Lincolnshire Local Plan.

Given the position of the rural buildings within the conservation area, the open countryside and the proximity of the protected trees, it is considered prudent to remove permitted development rights from the former dairy, particularly in relation to extensions, alterations, incidental buildings and means of enclosure.

### **Residential amenity**

It is considered that the proposal will not result in loss of residential amenity through overlooking or loss of light. The conversion of the buildings will result in short-term disruption to neighbouring properties, however the works will not harm the long-term amenity of the area. A number of existing openings in the first floor of the east elevation are proposed to serve bedrooms; these will have an outlook onto the area of private amenity space proposed to serve the dwelling. In addition a small area of private amenity space is proposed to the front (west) of the former dairy; this extent of provision is considered sufficient to meet the amenity needs of the proposed occupants.

### **Affordable housing**

It is worth noting that this planning application is considered in conjunction with planning application PA/2015/0154 which seeks to convert the stables and cart shed, located immediately to the west of this site. Cumulatively the conversion of rural buildings at Little Normanby will result in the provision of four dwellings (one as part of this application, three as part of application PA/2015/0154). Policy CS9 (Affordable Housing) of the adopted Core Strategy applies and states that new residential housing development of three or more dwellings in rural settlements must make provision for an element of affordable housing which is accessible to those unable to compete in the general housing market. This policy seeks to achieve the following proportion of affordable housing:

Rural settlements 10%.

The Government introduced changes to Section 106 obligations imposed on small-scale developers, custom and self-builders. The Government considers that affordable housing Section 106 charges can place a disproportionate burden on small-scale developers, including those wishing to build their own homes.

The Government has made the following changes with regard to Section 106 planning obligations:

- (1) Contributions for small-scale developers on sites of 10 units or less, affordable housing and tariff-style contributions should not be sought.
- (2) For designated rural areas, defined under Section 157 of the Housing Act 1985, local authorities may choose to implement a lower threshold of 5 units or less, beneath which affordable housing and tariff-style contributions should not be sought. Within

these designated rural areas, if the 5-unit threshold is implemented, then payment of affordable housing and tariff-style contributions on developments of between 6-10 units should also be sought as a cash payment only and be commuted until after completion of units within the development.

These changes are reflected in the National Planning Practice Guidance. However the total number of dwellings being proposed cumulatively (4) is below the 5-unit threshold, therefore no affordable housing or financial contribution will be sought in this case.

### **Other issues**

Ecology reports have been submitted to cover both the agricultural buildings. No objections have been raised by the council's Ecologist, subject to a condition relating to the submission of a biodiversity management plan; this will secure opportunities for biodiversity enhancement in this case. This management plan secures the retention of the niches and access points for bats.

### **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: 001, 002, 003, 004, 101, 201 and 202.

#### **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.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking space(s) serving it have been completed and, once provided, the parking space(s) shall thereafter be so retained.

Reason

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

5.

No alteration or development shall take place until the applicant, or their agents or successors in title, has produced an historic building record in accordance with a written specification, including a timetable for the recording, which has been submitted by the applicant and approved 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.

The historic building recording 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.

7.

The historic building archive shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of commencement 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.

8.

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

In order to retain the character and appearance of the conservation area in accordance with policy HE3 of the North Lincolnshire Local Plan.

9.

No development shall take place until detailed drawings, at a scale of 1:20, of the proposed windows, rooflights and external doors have been submitted to and agreed in writing by the local planning authority. The window details shall show sections, opening arrangements and glazing bar patterns. Details of the proposed materials and colour finishes shall be included. All works shall be carried out in accordance with the approved details.

Reason

In order to retain the character and appearance of the conservation area in accordance with policy HE3 of the North Lincolnshire Local Plan.

10.

No development shall take place until details of the proposed boundary treatments and hard surfacing materials have been submitted to and agreed in writing by the local planning authority. All works shall be carried out in accordance with the agreed details and thereafter retained.

Reason

In order to retain the character and appearance of the conservation area in accordance with policy HE3 of the North Lincolnshire Local Plan.

11.

No development shall take place until a specification of the mortar mix and a sample panel of the pointing is submitted to and agreed in writing by the local planning authority. All works shall be carried out in accordance with the agreed details and thereafter retained.

Reason

In order to retain the character and appearance of the conservation area in accordance with policy HE3 of the North Lincolnshire Local Plan.

12.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of measures to avoid harm to bats and nesting birds during demolition, vegetation clearance and construction works;
- (b) prescriptions for the retention and protection of existing bat roost niches and access points;
- (c) details of at least three additional bat roosting features to be installed;

- (d) details of nesting sites to be installed to support house sparrows and barn swallows;
- (e) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (f) prescriptions for the planting and maintenance of a mixed native hedgerow in accordance with the submitted design and access statement;
- (g) proposed timings for the above works in relation to the completion of the building.

Reason

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

13.

The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features, within two weeks of installation, as evidence of compliance with condition 14 of this planning permission.

Reason

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

14.

The development hereby permitted shall be carried out in strict accordance with the method and extent of tree protection measures detailed in the Arboricultural Report produced by Mark Feather dated January 2015 and the drawing on page 9 of the report. These tree protection measures shall be retained for the duration of the works. Within the areas so fenced off, the existing ground level shall be neither raised nor lowered and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5 centimetres or more shall be left unsevered.

Reason

To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies DS1 and LC12 of the North Lincolnshire Local Plan.

15.

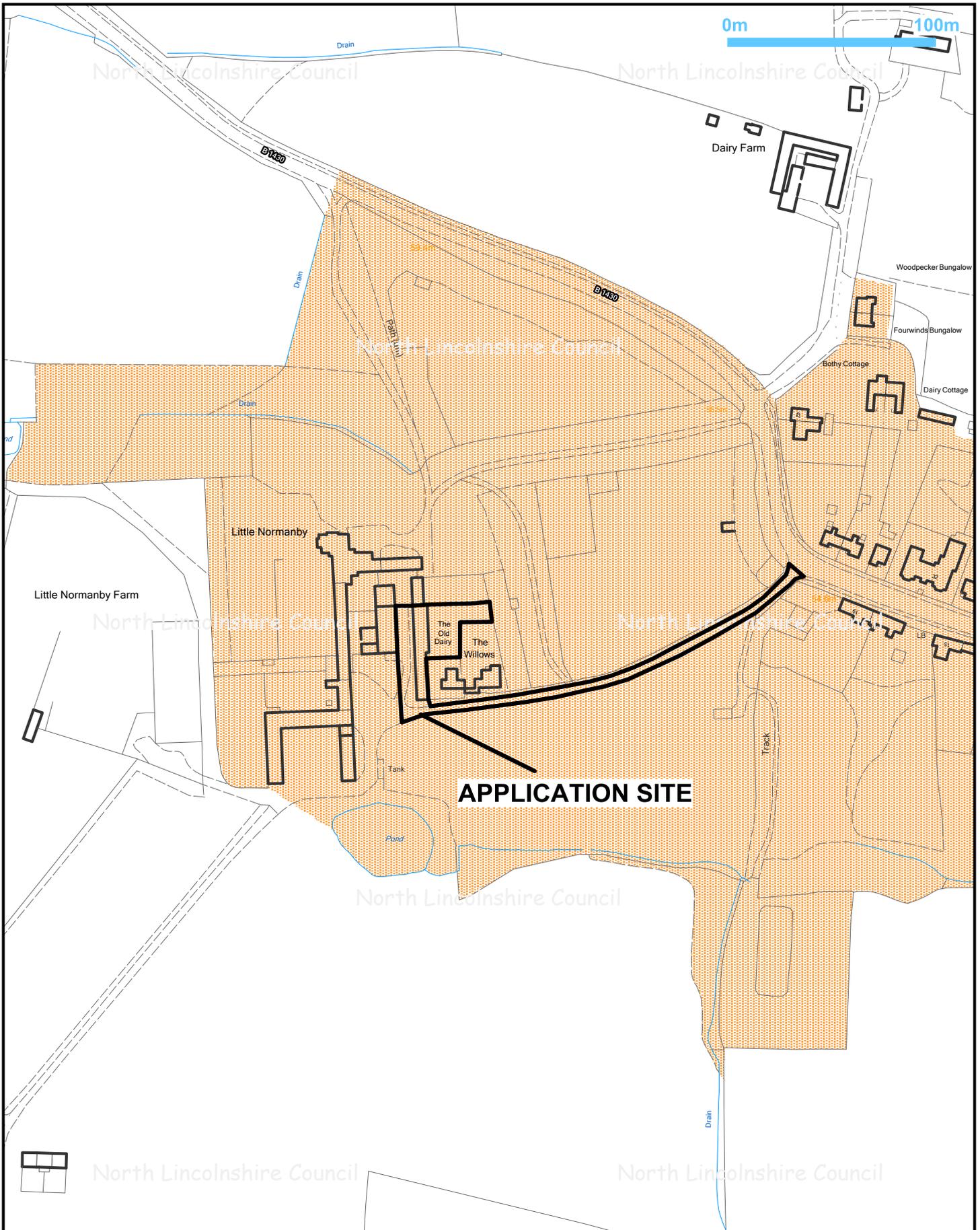
Notwithstanding the provisions of Classes A-E of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, or any order revoking and re-enacting that order with or without modification, no extension, alterations or other improvements shall be erected to the dwelling, and no building or means of enclosure erected other than those expressly authorised by this permission.

Reason

To ensure a satisfactory standard of development and safeguard the conservation area, and to maintain the living standards of the adjoining residential property.

**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.



**APPLICATION SITE**

Title: PA/2015/0156			
Drawn by: Sue Barden	Date: 14/04/2015	Scale: 1:2500	



© Crown copyright and database rights 2015  
Ordnance Survey 0100023560



**Director of Places**  
**Peter Williams**  
BSc,DMS,CEng,MEI,MCMI,AMIMechE

PA/2015/0156 Proposed Layout - Not to scale

