

| | |
|---|--|
| APPLICATION NO | PA/2017/124 |
| APPLICANT | Mr Lince |
| DEVELOPMENT | Planning permission to erect six dwellings on land to the rear of The Red Lion, construct an associated private access and amend access to the public house car park |
| LOCATION | The Red Lion, High Street, Broughton, DN20 0HY |
| PARISH | Broughton |
| WARD | Broughton and Appleby |
| CASE OFFICER | Emma Carrington |
| SUMMARY RECOMMENDATION | Grant permission subject to conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by Broughton Town Council |

POLICIES

National Planning Policy Framework: 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 49 of Core Planning Principle 6 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 56 states that the Government attaches great importance to the design of the built environment. 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 61 states that planning policies and decisions should address the connections between people and places and the integration of new development in to the natural, built and historic environment.

Paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Where a site on which development is proposed, includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 197 states that in assessing and determining development proposals local planning authorities should apply the presumption in favour of sustainable development.

North Lincolnshire Local Plan:

Policy DS1 – General Requirements

Policy H8 – Housing Design and Housing Mix

Policy DS14 – Foul Sewage and Surface Water Drainage

Policy HE5 – Development Affecting Listed Buildings

Policy HE9 – Archaeological Evaluation

Policy T2 – Access to Development

Policy T19 – Car Parking Provision and Standards

North Lincolnshire Core Strategy:

Policy CS1 – Spatial Strategy for North Lincolnshire

Policy CS2 – Delivering More Sustainable Development

Policy DS5 – Delivering Quality Design in North Lincolnshire

Policy CS6 – Historic Environment

Policy CS7 – Overall Housing Provision

Policy CS8 – Spatial Distribution of Housing Sites

CONSULTATIONS

Highways: No objections subject to conditions.

Historic Environment Record (Conservation): No objections subject to conditions.

Historic Environment Record (Archaeology): No objections subject to conditions.

Environmental Protection: Recommends the full range of contaminated land conditions and a noise assessment prior to approval of the application.

Environment Agency: No objections.

S106/CIL Officer: No S106 is required in this instance as the number of dwellings is below the policy threshold of 10 dwellings.

TOWN COUNCIL

Object on the following grounds:

- the proposal is over-development
- proximity of the access to the bus stop and crossroads junction

- width of the access and access for emergency vehicles/waste collection
- the state of the hedge along Church Lane.

PUBLICITY

Advertised by way of site notice, press notice and letters sent to neighbouring properties. Four letters received raising the following issues:

- access to the new pub car park is adjacent to a bus stop and near to a crossroads junction – concerns about visibility
- no pedestrian access is provided across the new development site to High Street, which means that from Church Lane the only pedestrian access is along the rough, unmade snicket path past the church or via Scawby Road, where you have to cross the road twice to use the footpath
- use of Church Lane for parking and access by the new occupants will increase existing access/parking problems
- concern about access to private drains which are located within the pub car park
- new parking proposed close to the new boundary fence could lead to damage and a possible safety hazard for nearby residents
- the forms say no trees to be removed but there are three trees in the car park
- existing right of way will be lost and parking/turning/access made more difficult
- a permeable surface is needed at the new entrance onto High Street to stop surface water run-off onto High Street
- the iron railing on Church Lane should be repaired/improved
- concern about construction traffic affecting Church Lane during building works
- the overgrown hedge on Church Lane should be replaced with a new hedge or wall.

ASSESSMENT

Planning permission is sought to erect six dwellings on land to the rear of The Red Lion public house and create a new separate access for the pub, with new parking layout. The site is within the settlement boundary for Broughton, and is adjacent to a the grade I listed Church of St Mary.

The main issues in the determination of this application are whether the site can be developed without having an adverse impact on the amenities of surrounding residents; whether the proposal has an adverse impact on highway safety and provides sufficient parking/access; and whether the proposal has an impact on heritage assets, namely the Church of St Mary and archaeology.

As the site is within the settlement boundary for Broughton, developing this site for residential purposes is acceptable in principle. The main issues relate to the scale, design

and layout of the proposal, and whether this would have a detrimental impact on highway safety, the amenities of neighbours and the recognised heritage assets of the nearby church of St Mary and archaeological remains which are known to be present. This proposal is a resubmission of PA/2014/0999 for the same proposal, which was withdrawn due to concerns about impact on the church and preservation of any archaeology. Lengthy pre-application discussions have taken place to resolve any potential conflict with heritage assets, and the current proposal reflects those negotiations.

The proposal seeks permission for the erection of two detached dwellings, and two blocks of semi-detached dwellings (six in total), together with a new access onto High Street to serve The Red Lion and remodelling of the car park. The residential development will be served from the existing pub car park access onto High Street. No direct vehicular access is proposed onto Church Lane, with only pedestrian access to serve plots 1, 2, 3 and 4. Each plot has its own private garden area and parking provision, all contained within the site. The dwellings have been designed and located to respect the setting of the Church of St Mary, allowing views of the church through the site, and maintaining views from within the churchyard outwards. The conservation officer has considered the proposal and, subject to conditions in relation to the materials to be used, is satisfied that the setting of the church would be protected by the carefully designed layout. A heritage assessment has been submitted with the application which outlines the issues and measures to ensure that the setting is preserved.

In relation to archaeology, the applicant has submitted an archaeological mitigation strategy that provides for the excavation and recording of any archaeological remains prior to the commencement of and during construction works. The council's archaeologist is satisfied that this strategy is acceptable and, subject to the works being carried out in accordance with the submitted strategy, has no objections to the proposal.

The highways department has been consulted on the proposal and, subject to conditions, is satisfied that the scheme can provide adequate parking and access arrangements for both The Red Lion and the new dwellings. The proposed new access onto High Street to serve The Red Lion is not considered to lack visibility as suggested by local residents and the town council, and sufficient spaces are provided within the site for both the pub and future occupiers of the new dwellings.

The council's environmental protection team has requested the full scope of contaminated land conditions as the site has had previous uses, of which there is no evidence to demonstrate that there is no contamination present. In addition, a noise assessment has been requested, but prior to the application being determined. It is considered reasonable in planning terms to ask the applicant to demonstrate that the future occupiers of the properties will not suffer any noise disturbance from the activities associated with the public house. However, this can be dealt with as a pre-commencement condition, rather than prior to determination.

A number of concerns have been raised about the development by the town council and nearby residents. The town council considers that the proposal is an over-development of the site. However, each dwelling has its own private amenity space, parking provision and means of vehicular access, whilst leaving sufficient space in and around the site to avoid any loss of light or privacy to surrounding properties, or to the new properties themselves. The scale and design of each dwelling is appropriate to the area, and great care has been taken to respect the setting of the adjacent listed church and to ensure that any archaeological remains are preserved/recorded.

Concern has also been expressed about the proposed access onto High Street and the poor visibility at this junction. However, the visibility both into and out of the site is considered to meet the required highway standards. As Church Lane is unadopted, no vehicular access, only pedestrian, is provided on this part of the site. One neighbour is concerned that they will no longer be able to cut through the pub site from Church Lane to High Street, and will either have to use the unmade snicket path around the church, or go round via Scawby Road, which means crossing over twice as there is only a footpath on one side for part of the way. Whilst it may have been desirable to cut through the pub car park, no evidence has been provided to demonstrate that this is a formal right of way and, being private land, does not afford general access to the public.

Access to private drains across the car park is a private matter between the parties involved.

There are some small trees within the car park that appear to be self-set and offer no particular amenity value in the area, and are not protected. Permission is not required to remove these trees, but as they are not of any particular value in terms of their size or species, their loss is not considered to have a significant detrimental impact on the character of the area. There is a large hedge on part of the boundary to Church Lane which has been left to grow unmanaged. This will form part of the boundary to plots 5 and 6, and is considered to add to the character of the development. One neighbour has suggested that the hedge be removed and replaced by something more manageable, but there is no planning reason to require the removal of the hedge, and its management will be a matter for the occupiers of the properties. It borders Church Lane and has no direct impact on residential amenity.

It is therefore considered that the proposal as submitted is acceptable. The scale, layout and design of the properties are considered appropriate for the area, and cause no direct harm to neighbouring properties due to loss of light or privacy. With appropriate conditions, the heritage assets will not be harmed, and highway safety in the area will be maintained. The application is considered to comply with the adopted policies in the local plan and Core Strategy and is recommended for approval.

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: BR/LI/MF/05, BR/LI/MF/06, BR/LI/MF/07, BR/LI/MF/08, BR/LI/MF/09, BR/LI/MF/10 and BR/LI/MF/11.

Reason

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

3.

No development shall take place until details of the provision of adequate vehicle parking facilities serving plots 1 and 2 have been submitted to and approved in writing by the local planning authority.

Reason

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

4.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

5.

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

Reason

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

6.

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.

7.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

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

8.

No dwelling on the site shall be occupied until the new access to the pub car park is open and available for use.

Reason

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

9.

Notwithstanding the fencing details shown on drawing BR/LI/MF/11, a wall shall be erected on the eastern boundary of the car park before the new layout is first brought in to use. Details of the height, position and appearance of the wall shall be submitted to the local planning authority and approved in writing before any development hereby approved is commenced.

Reason

In the interests of the amenities of nearby residents 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.

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 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.

12.

Before the development hereby approved is commenced, a drawing (at a scale of 1:50) showing details of the proposed windows and doors, including cross-sections, and a schedule of materials, shall be submitted to the local planning authority and approved in writing.

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.

13.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the programme of archaeological work in accordance

with the document 'Archaeological Mitigation Strategy: Land Off High Street, Broughton, North Lincolnshire' prepared by Allen Archaeology dated 16/01/2017 and until the following details have been submitted to, and approved in writing by, the local planning authority:

- (i) a scale plan showing the extent of the proposed archaeological excavations and recording
- (ii) 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
- (iii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (iv) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, 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.

14.

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.

15.

The final dwelling shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the written scheme of investigation approved under condition 13 and provision made for analysis, publication and dissemination of results, and archive deposition has been secured.

Reason

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

16.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within one year of the date of 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.

17.

No development shall take place until a noise assessment, demonstrating how the future occupiers of the proposed dwellings will be protected from potential noise disturbance from The Red Lion public house, has been submitted to the local planning authority and approved in writing.

Reason

In the interests of the amenities of the future occupiers of the proposed dwellings in accordance with policy DS1 of the North Lincolnshire Local Plan.

18.

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.

19.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no buildings or extensions shall be erected on the site other than those expressly authorised by this permission.

Reason

To maintain the character of the development in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informative 1

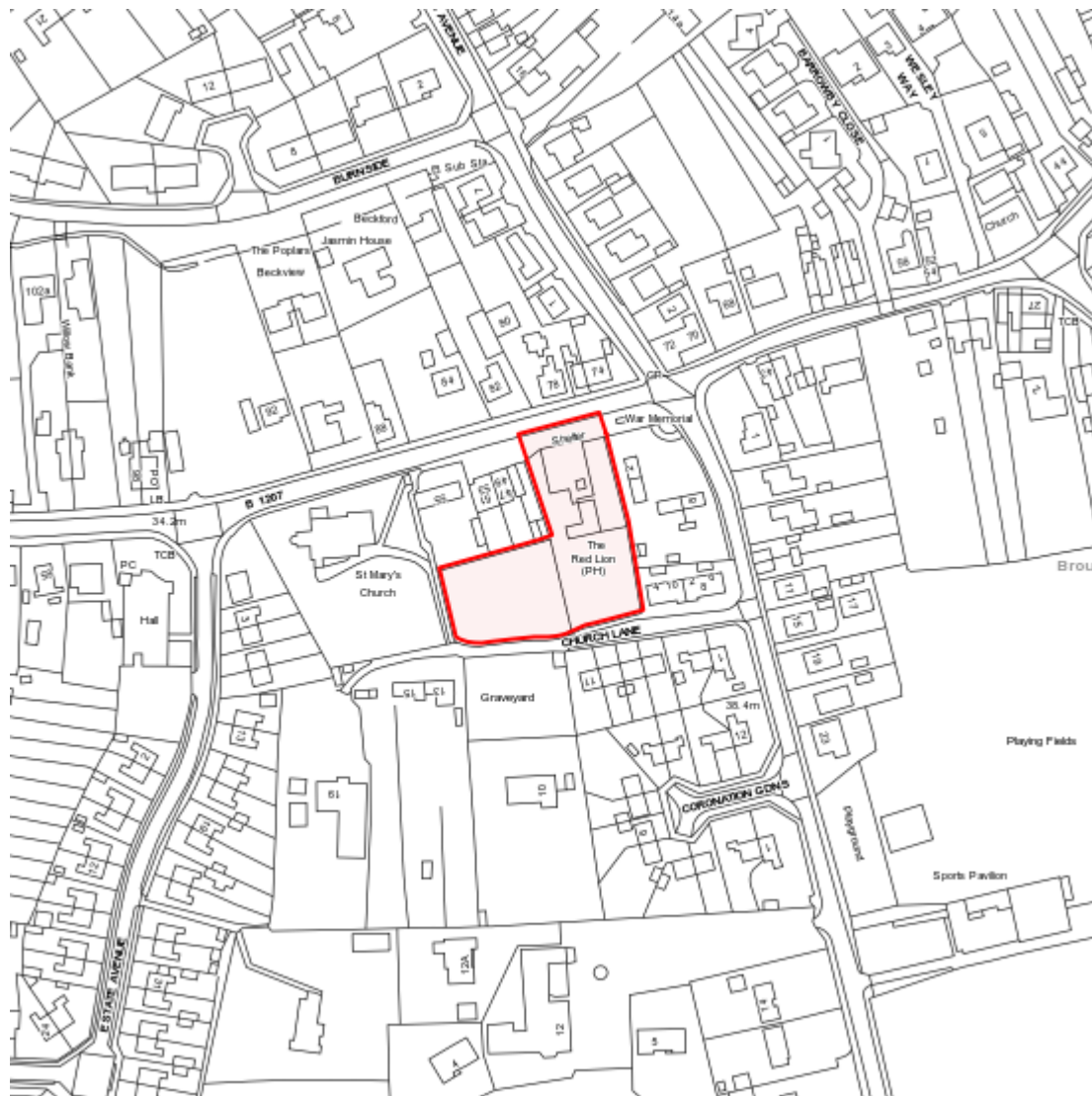
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 2

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.

PA/2017/124 – Site Location



© Crown copyright and database rights 2017 Ordnance Survey 0100023560