

APPLICATION NO	PA/2021/2061
APPLICANT	Mr Mark Wall, NPP Properties Ltd
DEVELOPMENT	Planning permission to remove condition 13 of PA/2019/930 relating to ecology and biodiversity
LOCATION	Tetley House, land south of Tetley, Crowle, DN17 4HY
PARISH	Crowle and Ealand
WARD	Axholme North
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Crowle and Ealand Town Council

POLICIES

National Planning Policy Framework:

Paragraph 55 – Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

North Lincolnshire Local Plan: LC5

North Lincolnshire Core Strategy: CS17

CONSULTATIONS

Highways: No comments or objections to make.

Ecology: The ecologist raises the following concerns: “In the absence of any alternative explanation, it appears to me that the farmhouse building has been demolished contrary to the requirements of condition 13. Given that the other buildings on site all supported bat roosts, there is a significant probability that the farmhouse, in a similar state of disrepair, also supported one or bat roosts. Clearly, the purpose of condition 13 was to prevent demolition of buildings without appropriate bat surveys and mitigation measures being put in place. It appears to be entirely inappropriate to remove condition 13 simply because a building has been demolished, seemingly in breach of the condition.”

LLFA Drainage: No objections.

TOWN COUNCIL

'This council strongly objects to the removal of the ecology and biodiversity clause on this application, which just doesn't solely apply to bats, but has a wider effect on the flora and fauna of the immediate area, i.e. insects, birds, vegetation and indeed the great crested newt that has been proved to have established itself in the surrounding area. To demolish a building of historical interest and attempt to remove this clause is not only fundamentally and morally wrong but will in fact upset the eco balance both immediately and for years to come. The application states the grade two listed buildings adjacent to the site must be protected at all costs from demolition and indeed play a significant role in the ecology and biodiversity of the area.'

PUBLICITY

Advertised by site and press notice. No responses received.

ASSESSMENT

Planning history

PA/2019/930: Planning permission to erect a replacement dwelling and two detached dwellings – approved 23/10/2020

PA/2021/902: Planning permission to erect replacement dwelling (resubmission of PA/2019/930) – refused 16/08/2021

PA/2019/1028: Listed building consent to repair and refurbish carriage house and stable/dovecote – not yet determined

Site characteristics

The site is outside the development boundary for Crowle as identified by the Housing and Employment Land Allocations DPD 2016. The proposal involves the replacement of Tetley Farm House, which is a non-designated heritage asset and the erection of two dwellings for the purpose of enabling two listed buildings ('carriage house/granary range' and 'stable') to be brought back to optimum viable use. These buildings are listed in their own right and are associated with Tetley Hall. The site is also within flood zone 2/3a in accordance with the North and North East Lincolnshire SFRA 2011.

Proposal

This application seeks to remove condition 13 of planning permission PA/2019/930. The condition states:

'Prior to the commencement of any works, including demolition works to Tetley Farm House, the Carriage House and Stables, bat and ecological surveys encompassing the entire site of the proposals shall be submitted to and agreed in writing by the local planning authority.'

Reason

In the interest of protected species and to accord with policy LC5 of the North Lincolnshire Local Plan.'

The applicant wishes to have this condition removed as Tetley Farm House has already been demolished.

The matters to be considered in assessing this proposal relate to ecology.

Ecology

Policy CS17 is concerned with biodiversity and sets out principles for the management of schemes in order to achieve a net gain for wildlife habitat networks. Policy LC5 of the local plan is concerned with protected species. They are reinforced by paragraph 170 of the NPPF. All are considered relevant. The application site, although not formally designated, has importance for nature conservation with, potentially, habitat available for bats within existing redundant structures, though it should be noted that these structures are quite open. There are pre-requisite tests for an EPS licence should bats be found to be present, and the council's ecologist has requested further information be submitted prior to determination.

Tetley Farm House has now been demolished and therefore the condition is no longer wholly precise. Whilst the applicant's request for it to be removed has been met with objection from both the ecologist and the town council, a variation of this condition is unquestionably required given Tetley Farm House no longer exists.

The new condition should read:

'Prior to the commencement of any works, including demolition of the Carriage House and Stables, bat and ecological surveys encompassing the entire site of the proposals shall be submitted to and agreed in writing by the local planning authority.'

Reason

In the interest of protected species and to accord with policy LC5 of the North Lincolnshire Local Plan.'

It is considered that this condition would still achieve the required mitigation for the rest of the site and reflects the fact that Tetley Farm House is no longer in situ. This approach is not an acceptance that the local planning authority condones the demolition of Tetley House Farm, in breach of the planning condition, but is an approach to ensure that the other buildings are not demolished prior to the required bat and ecological surveys being completed and submitted.

Conditions

In discussing how conditions are treated under a section 73 application, Planning Practice Guidance states:

'The original planning permission will continue to exist whatever the outcome of the application under section 73. The conditions imposed on the original permission still have effect unless they have been discharged.'

[online source: Paragraph: 040 Reference ID: 21a-040-20190723]

Therefore, the only condition required is the varied wording of condition 13 discussed above. There is no requirement to reattach any dischargeable or compliance conditions as they still have effect.

Conclusion

One of the tests for conditionality is precision in wording. Given that Tetley Farm House has been demolished the former condition needs regularising to reflect that fact.

RECOMMENDATION Grant permission subject to the following condition:

1.

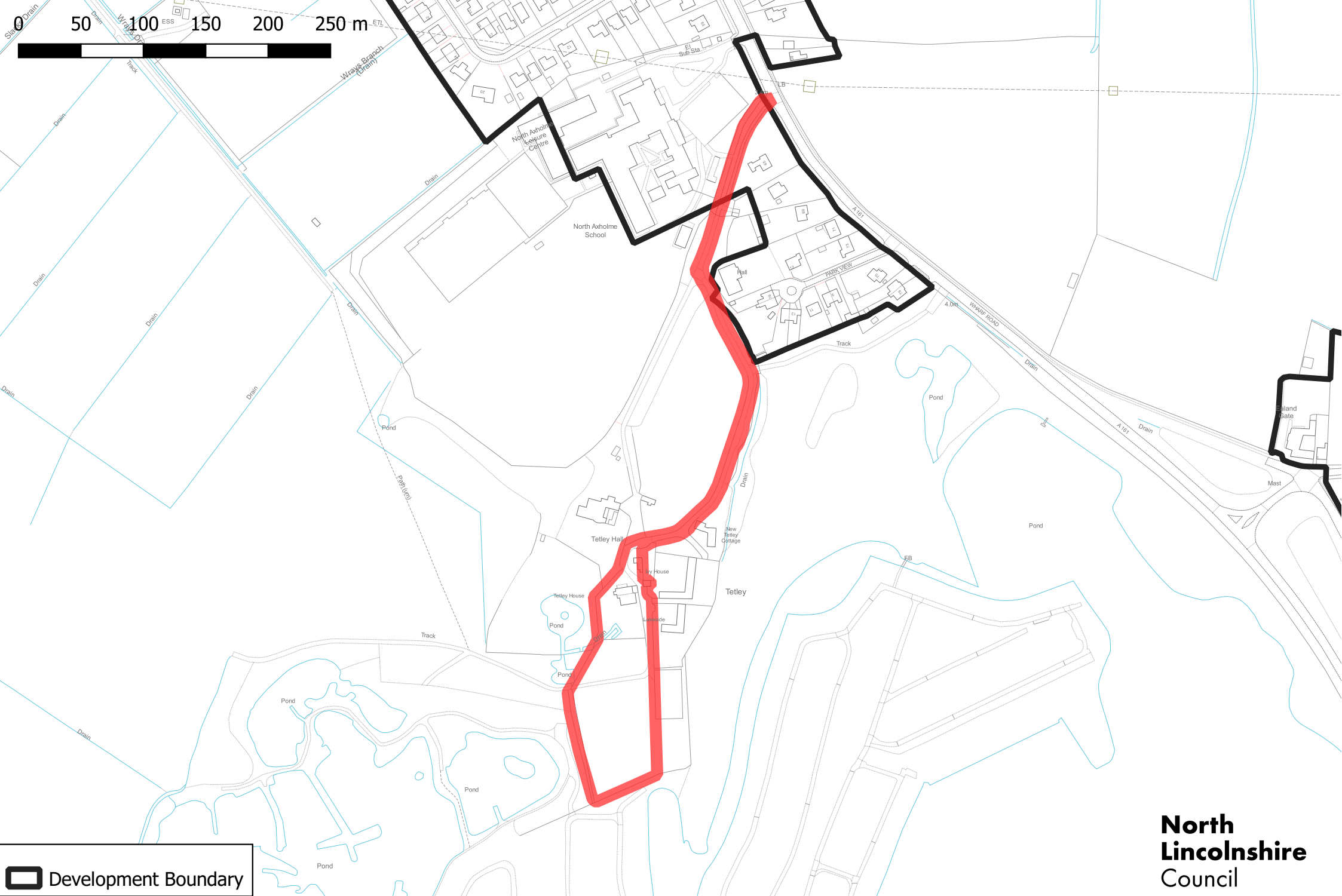
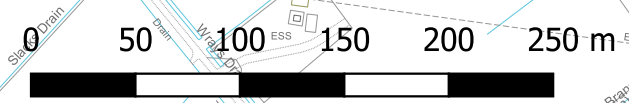
Prior to the commencement of any works, including demolition of the Carriage House and Stables, bat and ecological surveys encompassing the entire site of the proposals shall be submitted to and agreed in writing by the local planning authority.

Reason

In the interest of protected species and to accord with policy LC5 of the North Lincolnshire Local Plan.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 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.



 Development Boundary

**North
Lincolnshire
Council**

PA/2021/2061

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