APPLICATION NO PA/2022/915

APPLICANT Mr Samra Harjit, HI ACE H S Ltd

DEVELOPMENT Planning permission to extend the existing single storey to the

rear of the property, extension works to include a single-storey portion for residential use and a storey-and-a-half section for

commercial use

LOCATION 50-52, High Street, Epworth, DN9 1EP

PARISH Epworth

WARD Axholme Central

CASE OFFICER Emmanuel Hiamey

SUMMARY Grant permission subject to conditions

RECOMMENDATION

REASONS FOR REFERENCE TO COMMITTEE Member 'call in' (Cllrs David Robinson and Tim Mitchell -

significant public interest)

POLICIES

National Planning Policy Framework:

Section 12 – Achieving well-designed places

Section 16 – Conserving and enhancing the historic environment

The Planning (Listed Buildings and Conservation Areas) Act 1990

North Lincolnshire Local Plan:

Policy DS1 – General Requirements

Policy HE2 – Development in Conservation Areas.

Policy HE5 – Development affecting Listed Buildings

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 CS3 – Development Limits

Policy CS5 – Delivering Quality Design in North Lincolnshire

Policy CS6 – Historic Environment

North Lincolnshire Housing & Employment Land Development Plan Document:

Policy TC-1 Development in North Lincolnshire's Town Centres and District Centres

Supplementary guidance:

SPG1 – Design Guidance for House Extensions

Epworth Conservation Area Appraisal was adopted as supplementary planning guidance by North Lincolnshire Council on 22 January 2004.

CONSULTATIONS

Ecology: No objection. The proposal appears unlikely to affect bat roosts. However, planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a measurable net gain in biodiversity in accordance with policy CS17 and the National Planning Policy Framework.

Historic Environment Record: No objection subject to conditions.

Conservation: No objection. The conservation officer initially objected to the application because of concerns over the cubic porch on the western elevation of the single-storey extension. This would protrude from the building line and stand out overtly, drawing the eye and detracting from the rear setting of the building. They recommended that this element be removed from the proposal. The amended plans show the porch has been removed, as has the objection from the conservation officer.

Environmental Protection: Has reviewed the proposal based on potential noise and odour, plus land contamination, and has no objection subject to conditions.

Highways: No objections. The application is acceptable in principle, and the increase in commercial and residential space is modest.

LLFA Drainage: No objections or comments.

TOWN COUNCIL

Support the application.

PUBLICITY

Advertised by site and press notice. No responses have been received.

ASSESSMENT

Site constraints

The application site is partly within and partly outside the development boundary.

Conservation area

Listed buildings

SFRA Flood Zone 1

Within Epworth town centre boundary (policy TC-1)

Planning history

PA/2022/933: Planning permission to erect a three-bedroomed one-and-a-half-storey

dwelling (including demolition of an existing outbuilding) – pending

PA/2022/1299: Listed building consent to extend the existing single-storey to the rear

of the property, the extension works to include a single-storey portion for residential use and a storey-and-a-half section for commercial use –

pending

PA/2020/170: Listed building consent to install an air conditioning unit to the rear -

approved 06/08/2020

PA/2014/1033: Planning permission to change the use of a domestic residential lounge

to form a seating area (Use Class A3) and erect a sun blind on the

front elevation – approved 11/02/2015

PA/2008/1712: Planning permission to retain a kitchen and shop extension

(amendment to a previously approved proposal) - approved

09/02/2009

PA/2008/1713: Listed building consent to retain a kitchen and shop extension

(amendment to a previously approved proposal) - approved

16/01/2009

PA/2008/1009: Listed building consent to erect a kitchen and shop extension (including

demolition of existing shop extension and outbuilding) re-submission of

PA/2008/0644 - approved 22/08/2008

PA/2008/1008: Planning permission to erect a kitchen and shop extension (including

demolition of existing shop extension and outbuilding) re-submission of

PA/2008/0643 - approved 22/08/2008

PA/2008/0643: Planning permission to erect a kitchen and shop extension (including

demolition of existing shop extension and outbuilding) - approved

06/06/2008

PA/2008/0644: Listed building consent to erect a kitchen and shop extension (including

demolition of existing shop extension and outbuilding) - approved

06/06/2008

2/1993/0005 Listed building consent to install a new shop front – approved

12/02/1993

2/1992/0952: Full planning permission to install new shop front – approved

12/02/1993

2/1990/0404 Full planning permission to erect a rear domestic extension – approved

15/08/1990

2/1990/0619: Listed building consent to erect a domestic extension – approved

17/08/1990

2/1989/1251: Full planning permission for a loft conversion to form additional

residential accommodation – approved 09/02/1990

2/1989/1252: Listed building consent for a loft conversion to form additional living

accommodation – approved 09/02/1990

2/1985/0017: Change of use of a dwelling to a restaurant – approved 04/06/1985

2/1979/0467: Full planning permission to erect a shop – approved 04/09/1979.

The site and proposal

Planning permission is sought to extend the existing single-storey to the rear of the property to include a single-storey portion for residential use and a one-and-a-half–storey extension for commercial use at 50–52, High Street, Epworth.

The site is in the heart of the historic market town of Epworth. 50–52 High Street Epworth are on the main High Street and are key architectural buildings within the street scene. The historic significance of both original properties is recognised by their designation as grade II listed buildings, and both are set within the Epworth conservation area.

The listed building comprises a two-storey property constructed of fine red-facing brickwork. The roof is finished in concrete double Roman roof tiles. A fish and chip restaurant is housed on the ground floor with the upper floors utilised as a private residence.

To the rear of the listed property is a single-storey masonry/facing brickwork (parapet) extension which is equally split between commercial use and private residence.

To the rear of the property are extensive private gardens, and a single-storey barn/outbuilding.

Access to the rear of the property is afforded by a private driveway between adjacent property 52c and number 52. There is a full-height swing gate, set back from the highway currently providing private vehicular access.

The application site is partly within and partly outside the development boundary of Epworth. However, in the interests of clarity, the proposal itself would be within the development boundary.

The proposal involves extending the existing single-storey rear extension and increasing its height to form a storey-and-a-half L-shaped extension to provide additional domestic living space for the family residing on the first floor of the main building, as well as a single-storey flat roof extension.

The proposal would have windows in the north and west elevations. The windows would be timber sash-style windows with associated stone cills. The finish for the walls would be red

facing brickwork and the doors would be hardwood timber door-set. The roof covering would be a traditional clay pantile.

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

- the principle of the development
- the layout, siting, and design of the proposed development
- whether the proposal would harm the character of the listed building and conservation area
- whether it would have an amenity impact on neighbouring properties
- whether the development would harm the character of the main house

The principle of the development

This proposal is for an extension to an existing building. The building serves as both residential (first floor) and a fish and chip restaurant (ground floor). The proposed single-storey portion would be utilised for residential use and the storey-and-a-half section for commercial use.

The site is located in the town centre of Epworth. Policy TC-1 (Development in North Lincolnshire's Town Centres and District Centres) states that the council will protect and enhance the following town and district centres. The town centres include Brigg, Barton upon Humber, Crowle and Epworth.

The main aim of this policy is to promote competitive town centre environments and their management and growth; and to recognise the important role of centres as the heart of their communities to support their viability and vitality.

As indicated earlier, this proposal seeks to extend the existing single storey to the rear of the property, extension works to include a single-storey portion for residential use and a storey-and-a-half section for commercial use. The proposal would not affect the functions, infrastructure and services that attract users and investors to the town centre.

Policy DS5 of the North Lincolnshire Local Plan is concerned with residential extensions. It states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, loss of privacy or overbearing impact on adjacent dwellings. Proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

In line with the above policies, the principle of the extensions is acceptable, subject to appropriate design and the town centre would remain vibrant.

Layout, siting and design

Policy DS1 of the local plan expects a high standard of design in all developments in both built-up areas and the countryside, and proposals for poorly designed development will be refused. It requires that all proposals are considered against the quality of design and amenity impact.

Policies DS5 of the local plan and CS5 of the Core Strategy are concerned with visual amenity and require proposals to be sympathetic in design, scale, and materials. In respect of amenity, they state that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

The council's Supplementary Planning Guidance, SPG1 'Design Guidance for House Extensions' advises that any extension must be in keeping with the character of the building and that extensions should not dominate the original building in scale, materials or situation.

The position of the extension to the rear of the main building is the most practical way to increase the size of a dwelling and its living space and is judged acceptable.

Further, the rear extension would have no impact on the street scene. Whilst a rear extension can harm the character of an area and the main building, as well as the amenity of neighbouring properties, the position of this extension is deemed acceptable.

Turning to the increase in height of the existing rear single-storey extension, it would form a storey-and-a-half extension; this would not raise any planning issues in terms of harm to the character of the main building and the street scene since the area is characterised predominantly by a two-storey building.

The position, scale and design of the extensions are acceptable since the materials for the walls and roof would complement the character of the area.

Overall, the extensions have been designed to appear subordinate to the main dwelling and would not visually dominate it or the surrounding area. They would also conform to the character of the main dwelling and the surrounding area, and would not harm the street scene.

Impact on the listed building and the conservation area

Chapter 16 of the NPPF (Conserving and enhancing the historic environment), paragraph 206 states that local planning authorities should look for opportunities for new development within conservation areas and world heritage sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on local planning authorities with regard to conservation areas in the exercise of planning functions: in the exercise of this duty, with regard to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy HE2 Development in Conservation Areas requires that all development proposals in, or which affect the setting of, conservation areas should preserve or enhance the character and appearance of the area and its setting. The criteria that will apply in determining applications for development in conservation areas, among others, include design, harmony with the surroundings, building materials, and retaining important architectural and historical features.

Policy HE5 (Development affecting Listed Buildings) seeks to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. When applications for planning permission relating to a listed building or listed building consent are being assessed, the primary consideration will be the need to preserve or enhance the fabric and character of the building. Permission or consent will not be granted unless it has been demonstrated that the proposed works would secure this objective. Further, the council will encourage the retention and restoration of the historic setting of listed buildings. Proposals that damage the setting of a listed building will be resisted. Whenever appropriate, proposals which would entail the loss of historic fabric from a listed building will be conditional upon a programme of recording being agreed upon and implemented.

Policy CS6 Historic Environment of the Core Strategy states that the council will seek to protect, conserve, and enhance North Lincolnshire's historic environment, as well as the character and setting of areas of acknowledged importance, including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains.

As indicated earlier, the site is partly within the development boundary and within the conservation area of Epworth. Further, the extension would be attached to a listed building.

A tandem application (PA/2022/1299) for listed building consent has been submitted and appears elsewhere on this agenda.

Considering the proposal against the above policies, it is worth noting that the policies do not presume against extensions to listed buildings subject to appropriate design. In this case, all work to the listed building involving alterations and extensions has been reviewed and it is considered that the proposal will not affect the character of the building as a building of special architectural or historic interest. The design and materials are also acceptable.

In general, the details of the proposal have been reviewed and it is considered that the proposed extensions would not harm the character of the listed building or its setting within the conservation area.

Overall, the proposed extensions are considered sympathetic to the appearance of the listed building and the conservation area. The proposal would retain the historic setting of the listed building and would preserve its historic fabric and heritage character.

The conservation officer initially objected to the application; however, following submission of the amended plan removing the porch, the officer has removed the objection. The conservation officer now supports the proposal.

Accordingly, the proposal complies with the relevant policies of the North Lincolnshire Local Plan and Core Strategy, and the National Planning Policy Framework 2019.

Impact on neighbouring properties

As outlined in the layout, siting, and design section above, SPG1 'Design guidance for house extensions' explains that householder extensions 'should not dominate the original building in terms of scale, materials or situation' and policies DS5 and CS5 both seek to ensure that proposals do not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

Having reviewed the details of the proposal, it is unlikely the extensions would raise an issue of overbearing impact, overshadowing or privacy to neighbouring properties due to their scale and position within the site and the proximity to adjacent properties.

The Environmental Protection Team has commented on the application regarding noise and odour. The team indicated that it is unclear from the submitted information whether this will include the installation of any plant such as refrigeration or extraction. Installation of plant systems in residential areas has the potential to give rise to noise nuisance, particularly where the plant is in use during noise-sensitive hours.

If the development includes the installation of plant, the department would recommend the inclusion of a condition to protect residential amenities. In this case, the proposal does not include installation of plant and therefore the planning authority believe the recommended condition is not necessary.

Overall, the extensions would not negatively impact the amenities of neighbouring properties and would therefore align with policy DS5.

Access and parking

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by satisfactory access. Policy T19 is concerned with parking provisions as well as general highway safety.

There is existing access to the rear of the property via a private driveway between adjacent property 52c and number 52. There is an on-street parking space at the front of the property. The proposal also includes two parking spaces.

Highways have no objections to this application because the principle is acceptable and the increase in commercial and residential space is modest.

Notwithstanding the above, the Highways officer has queried whether the two existing parking bays will be retained and whether these are for the commercial or residential element.

During a site inspection, it is evident there are on-street parking spaces in front of the property for public use and therefore it is believed the parking space provided would be a private parking provision for the residents of the property.

Overall, the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan and the National Planning Policy Framework.

Flood risk and drainage

Policy CS19 of the Core Strategy is concerned with flood risk and policy DS14 of the local plan is concerned with foul sewage and surface water drainage.

The site lies in Flood Risk Zone 1 and therefore has a low probability of flooding. The LLFA Drainage Team has no objections or comments to the proposed development. Overall, it is judged that the proposal complies with policies CS19 and DS14.

Landscape impact

The application site is within the setting of the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14). The policy states that within this area development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape or any of its features. Development required to meet the social and economic needs of rural communities and small-scale tourist and outdoor sport and recreational development will be permitted provided such development is related to the historic landscape and its features. A high standard of design and siting in new development will be required reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality. Schemes to improve, restore or manage the historic landscape will be sought in connection with, and commensurate with the scale of, any new development affecting the Area of Special Historic Landscape Interest.

The development site is partly within the Area of Special Historic Landscape Interest of the Isle of Axholme but the proposal is outside and therefore policy LC14 does not apply to the development.

The Historic Environment Record officer has commented on the proposal in line with the policy and has indicated that where the planning authority is minded to grant permission for this application, permitted development rights should be removed by condition to avoid any unregulated extension of the built environment into the protected historic landscape area. The recommended condition will be applied if permission is granted.

Ecology

Turning to ecology, the council's ecologist has no objection to the proposal. However, planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a measurable net gain in biodiversity in accordance with policy CS17 and the National Planning Policy Framework.

The justification for the condition is based on the advice relating to bats, which in turn refers to Natural England's trigger list for developments requiring a bat survey.

The building affected by the proposal dates from the early nineteenth century and is set next to scrubby woodland at the edge of Epworth, so it is expected to have good potential to support bat roosts.

However, the impression is that the proposed new extensions would not affect existing soffits, fascias or roof voids on the main building.

The more recent extension, which would be directly affected, appears to have limited potential for roosting bats, judging from the submitted photos in the Heritage Statement. On balance, a bat survey for the application would not be requested but the recommended condition will be applied should permission be granted.

Conclusion

The principle of the development is acceptable as it meets the terms of policy DS5 of the North Lincolnshire Local Plan.

The siting, layout and design of the extensions are also judged acceptable as they would conform to the character of the main dwelling and would not have a significant adverse impact on the street scene when viewed in the context of the locality. They would also not have a significant amenity impact on surrounding properties. The proposal, therefore, meets the terms of policies DS1, DS5 and CS5.

Overall, the development complies with the relevant policies of the development plan and the National Planning Policy Framework. It is therefore 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:

- Existing Plans and Elevations Dwg. No. 2022 ID 04 SURV1
- Location Plan Dwg. No. 2022 ID 04 LOC1a
- Proposed Plans and Elevations Dwg. No. 2022 ID 04 PL003a.

Reason

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

3.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The document shall include:

- details of bat boxes and nest boxes to be installed;
- restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- proposed timings for the above works in relation to the completion of the dwellings.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

4.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter unless otherwise approved in writing by the local planning authority. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features to the local planning authority, within two weeks of installation, as evidence of compliance with this condition.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

5.

Notwithstanding the provisions of Classes A, B, C, D, E and G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order (2015), or any order re-enacting that order with or without modification, no extensions, buildings or enclosures shall be erected on the site or installed on the building other than those expressly authorised by this permission.

Reason

To protect the historic landscape in accordance with policies LC14 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.

Informative 1

In determining this application, the council, as a 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.

Informative 2

Bats:

All species of bat are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 making all species of bat European Protected Species. Details of the legislation can be found at:

- Wildlife and Countryside Act: http://www.legislation.gov.uk/ukpga/1981/69/contents
- The Countryside and Rights of Way Act: http://www.opsi.gov.uk/acts/acts/2000/ukpga 20000037 en 7#pt3-pb8-l1g81
- The Conservation of Habitats and Species Regulations 2017: http://www.opsi.gov.uk/si/si2010/uksi 20100490 en 1

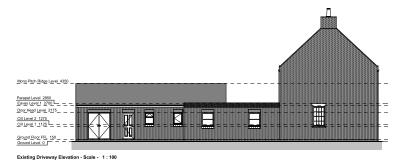
Nesting birds:

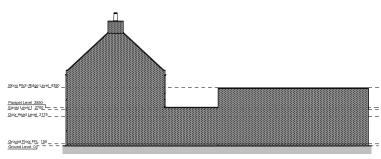
It is an offence under Section 1 of the Wildlife and Countryside Act of 1981 (WCA 1981) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. The WCA 1981 also provides that all wild birds and their eggs are protected and cannot be killed or taken except under licence.



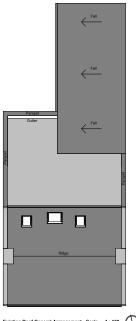
PA/2022/915 Existing plans & elevations (not to scale)



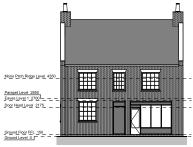




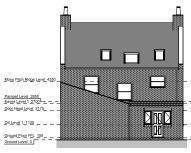
Existing Side Elevation - Scale - 1:100



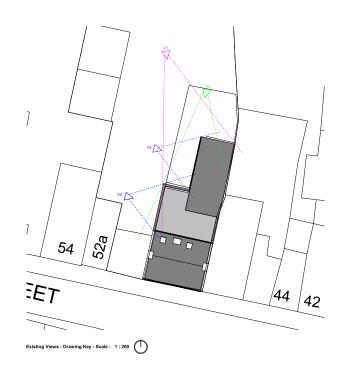
Existing Roof General Arrangement - Scale - 1:100



Existing High Street Elevation - Scale - 1:100



Existing Rear/Garden Elevation - Scale - 1:100



EXISTING RESIDENTIAL AND COMMERCIAL PHOTOGRAPHS







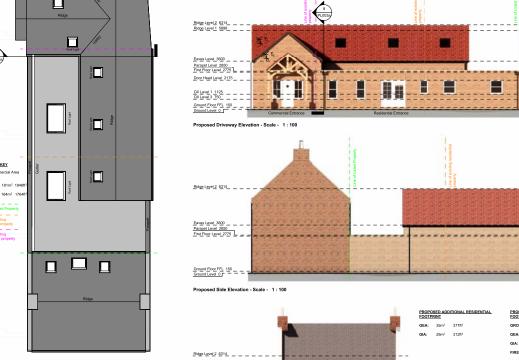






SURVEY DRAWING

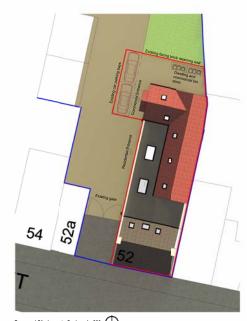




Proposed Ground Floor General Arrangement - Scale - 1:100 Proposed Roof General Arrangement - 1:100 Proposed Roof Genera











Proposed Site Layout - Scale - 1:200

PLANNING DRAWING



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