

<b>APPLICATION NO</b>	<b>PA/2022/933</b>
<b>APPLICANT</b>	Mr Samra Harjit, HI ACE H S Ltd
<b>DEVELOPMENT</b>	Planning permission to erect a three-bedroomed one-and-a-half-storey dwelling (including demolition of existing outbuilding)
<b>LOCATION</b>	50-52 High Street, Epworth, DN9 1EP
<b>PARISH</b>	Epworth
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Jennifer Ashworth
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	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

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

HE2: Development in Conservation Areas

HE3: Demolition in Conservation Areas

H5: New Housing Development (Part Saved)

H7: Backland Development

LC14: Area of Special Historic Landscape

DS1: General Requirements

DS3: Planning Out Crime

DS14: Foul Sewage and Surface Water Drainage

T2: Access to Development

T19: Car Parking Provision and Standards and Appendix 2

## **North Lincolnshire Core Strategy:**

CS1: Spatial Strategy for North Lincolnshire

CS2: Delivering more Sustainable Development

CS3: Development Limits

CS5: Delivering Quality Design in North Lincolnshire

CS6: Historic Environment

CS7: Overall Housing Provision

CS8: Spatial Distribution of Housing Sites

CS17: Biodiversity

CS19: Flood Risk

## **Housing and Employment Land Allocations DPD (2016):**

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

The majority of the site lies within the development limits of Epworth (the garden area is outside the development limit and within the LC14 Area of Historic Landscape Interest). It is within the Town and District Centre, within the Conservation Area and adjacent to a Listed Building as shown on the Proposals Map.

## **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**

**Highways:** No objections, subject to a condition requiring access, parking and turning space to be provided before the dwelling is occupied.

**LLFA Drainage:** No objection subject to an informative relating to upsizing the existing pipe network.

**Severn Trent Water:** No objection subject to the inclusion of an informative relating to the public sewer.

**Environmental Protection:** No objection subject to a condition relating to contamination and the need for a phase 1 assessment.

**HER (Archaeology):** The application site extends into and affects the setting of the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14). Recommends refusal of planning permission as the development would adversely affect the

character, appearance and setting of the historic landscape contrary to the NPPF, Core Strategy policies CS5 and CS6, and local plan policies LC14, LC7, RD2 and DS1.

**HER (Conservation):** Initial objection removed following design changes. Originally requested a design change due to the initial design being considered inappropriate. Following a review of the revised scheme, the HER supports the scheme subject to conditions requiring details of the facing and roofing materials, and scale drawings of the proposed windows and doors with material specification, to be submitted for consideration before installation. All future permitted development rights should be removed from the site.

**Waste Management:** No objection. Waste Management should be referred to at the earliest stage of building design for new properties to include adequate storage areas for waste management facilities and good access for collection crews. Informative information given.

## **TOWN COUNCIL**

At a meeting of their full council on 7 June 2022, it was resolved to support the planning application but subject to concerns about the rooflights looking onto the neighbouring garden.

At an extra-ordinary meeting of their full council on 30 August 2022, it was resolved to object to the planning application and support the comments made by the Conservation Officer that a new design of the dwelling should be submitted.

[It is noted that a new scheme has been submitted and the Conservation Officer's revised comments now show support for the scheme subject to the inclusion of the recommended conditions.]

## **PUBLICITY**

Two press notices and two site notices have been displayed: the first at the start of the application process and the second following receipt of revised plans.

No comments have been received.

## **ASSESSMENT**

### **Planning history**

The following planning history is relevant for the site, which shares a driveway with 52 High Street:

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 front elevation – approved 11/02/2015

2/1993/0005: Installation of a new shop front – approved 12/02/1993

PA/2008/1712: Planning permission to retain a kitchen and shop extension (amendment to previously approved proposal) – approved 09/02/2009

PA/2008/1713: Listed building consent to retain a kitchen and shop extension (amendment to previously approved proposal) approved 16/01/2009

2/1992/0952: Installation of a new shop front – approved 12/02/1993

- PA/2008/0643: Planning permission to erect a kitchen and shop extension (including the 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 the demolition of existing shop extension and outbuilding) – approved 06/06/2008
- PA/2008/1008: Planning permission to erect a kitchen and shop extension (including the demolition of existing shop extension and outbuilding) (re-submission of PA/2008/0643) – approved 22/08/2008
- PA/2008/1009: Listed building consent to erect a kitchen and shop extension (including the demolition of existing shop extension and outbuilding) (re-submission of PA/2008/0644) – approved 22/08/2008
- 2/1979/0467: Erection of a shop – approved 04/09/1979
- PA/2020/170: Listed building consent to install an air conditioning unit to rear – approved 06/08/2020
- PA/2022/915: Planning permission to extend the existing single storey to the rear of the property, carry out extension works to include a single-storey proportion for residential use and a storey-and-a-half section for commercial use – approved 09/09/2022
- PA/2022/1299: Listed building consent to extend the existing single storey to the rear of the property, carry out extension works to include a single-storey proportion for residential use and a storey-and-a-half section for commercial use – approved 09/09/2022.

## **The site and proposal**

Planning permission is sought to erect a three-bedroomed one-and-a-half-storey dwelling (including demolition of an existing outbuilding) at 50–52 High Street, Epworth.

The site is in the heart of the historic market town of Epworth. Numbers 50–52 are on the main High Street and are key buildings within the street scene. The area of land to which this application relates comprises an existing outbuilding and garden land.

The site is within the Epworth conservation area. The existing outbuildings are within close proximity of the grade II listed building of 52 High Street. This property has recently been granted planning permission and listed building consent to extend the existing single storey to the rear of the property, carry out extension works to include a single-storey element for residential use and a storey-and-a-half section for commercial use. This context is important to understand in determining this current application.

The adjacent listed building (52 High Street) 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 52 High Street are extensive private gardens, and a single-storey barn/outbuilding (north-western part of the site) to which this application relates.

Access to the proposed development would be via the existing private driveway between 52 and 52a. 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 limits of Epworth. However, for clarity, the new building would be within the development limits with only the parking area and garden space outside the development limits.

The proposal involves demolition of the existing outbuildings and erection of a new three-bedroom dwelling on the original footprint. The property will include two vehicle parking spaces to the north as well as an area of private amenity garden/space with bin/waste storage. The existing vehicle space for 52 High Street will be retained to the south.

The proposed materials include red facing bricks, timber sash-style windows, hardwood door and traditional clay pantiles.

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

- **principle of development**
- **historic environment**
- **design, character and appearance**
- **residential amenity.**

### **Principle of development**

This proposal is for the demolition of existing outbuildings and the erection of a three-bedroom house. Part of the site (proposed garden and parking area) is outside the development limits within open countryside. As such, policies C3 of the Core Strategy and RD2 of the local plan need to be considered.

The site is within 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 town...centres of 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 demolish existing outbuildings and erect a new residential property to the rear of 52a High Street. The proposal would not affect the functions, infrastructure and services that attract users and investors to the town centre.

The site is within the conservation area. Part of the site (garden/parking) is outside the development limits and subject to policy LC14. The main built form of the development is within the development limits of Epworth as identified within the adopted Housing and Employment Land Allocations Development Plan Document Proposals Map. The site is currently used as garden space and outbuildings (although currently surplus to requirement)

for the existing dwelling. Paragraph 124 of the NPPF places an emphasis on the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Paragraph 71 of the Framework reinforces this position and in discussing windfall sites states policies should resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The NPPF prioritises the use of brownfield land wherever possible. Garden space is not classified as previously developed land.

Policy H7 relates to Backland and Tandem Development. This policy states that development will be permitted where there is no adverse effect on the amenities of any residential premises of adjoining uses through overlooking and loss of privacy, loss of amenity to the adjoining dwellings, or the level of nuisance resulting from the movement of vehicles to and from the proposed dwelling. The policy requires development to preserve the general quality and character of the area and to not unacceptably increase the density of development in that area, result in the loss of important natural and man-made features or lead to an unacceptable proliferation of vehicle accesses to the detriment of the street scene and/or road safety. The proposed dwelling would be erected on the same footprint of the existing outbuildings; therefore, in terms of built form, the application would not conflict with policy H7.

Policy CS3 states that development outside defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry. Development limits ensure that the countryside is protected from inappropriate development and uncontrolled expansion of settlements.

Part of the application site is within the open countryside where residential development is restricted.

Policy RD2 strictly controls development within the open countryside. This policy allows development which is for the replacement, alteration or extension of an existing dwelling. The main built form of the dwelling would be within the development limits and only the private garden and parking space would be outside the development limits. The policy allows for the extension of an existing dwelling. Whilst the dwelling is not existing, it is within the development limits. The use of the land for garden space and parking is considered acceptable at this time and this will be controlled further through the removal of permitted development rights.

Policies CS2 and CS8 of the adopted Core Strategy seek a sequential approach to development focusing first on land within the Scunthorpe Urban Area followed by previously developed land and other suitable infill opportunities to meet identified local need within the Market Towns (including this site). Small-scale developments within the defined development limits of rural settlements to meet local identified need will then be considered. Policy CS1 supports residential development within market towns and identifies them as important service centres serving the needs of local communities across North Lincolnshire. The policy continues to note that all growth will take account of existing infrastructure, environmental constraints and ensure that the distinctive character of the town is protected. An appropriate level and range of new housing development will be provided to support the market towns as sustainable communities.

Policy PS1 establishes a presumption in favour of sustainable development and encourages permission be granted unless material considerations indicate otherwise. In line with policy

H1, the site is available for development, offers a suitable location for development now, and given the proposal is for a single dwelling, then there is a reasonable prospect that housing will be delivered on the site within five years.

Paragraph 3.9 of the HELA states that North Lincolnshire's additional housing requirement will mainly be allocated with the Scunthorpe urban area and North Lincolnshire's market towns. Paragraph 4.141 states, 'The Market Towns of Barton upon Humber, Brigg, Crowle, Epworth, Kirton in Lindsey and Winterton have a vital role to play in supporting North Lincolnshire's rural communities in terms of providing a range of housing, employment, shopping, leisure, education, health and other services.'

The main built form of the proposal is within the development limits of Epworth and would serve to address local need. The site is currently occupied by existing outbuildings which will be demolished to make way for the new residential property. It is considered that the site is suitable for the development of one residential unit and whilst part of the development would fall within the open countryside, this is restricted to an area of open parking for two vehicles and private garden space. The removal of permitted development rights would further control development within this area. It is considered that redevelopment would be in accordance with policies PS1, H1, H7, CS1, CS2, CS3 and CS8 as well as paragraph 78 of the NPPF.

### **Historic environment**

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 HE3 relates to demolition in conservation areas and identifies a series of criteria against which demolition of a building will be assessed. The applicant has demonstrated that the current building is surplus to requirements and not suitable for reuse. Its removal will allow the redevelopment of the site and seek to enhance the overall character of the site and wider conservation area.

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.

The applicant has submitted a Heritage Statement which provides conflicting information to the description of development. The application seeks the demolition of the outbuilding; however, the assessment focuses on the conversion of the outbuilding to create a three-bedroom property. The heritage assessment notes that the outbuilding has been redundant for many years and is no longer required. It goes on to state at section 6.2, 'It is not the most attractive or the best quality building in the area and makes no contribution to the historic setting. Piecemeal repair to the building is not going to be a good sustainable long-term solution for preservation. A formal end use is required for the building to justify the level of investment.' Section 6.8 continues, 'The proposed development is self and well contained and is largely hidden from public view. Its proposed size, scale, massing, etc is similar to the existing outbuilding and would not make a difference to the impact on the adjacent heritage assets. It involves no demolition of key buildings of historical importance or expose the heritage asset to unnecessary harm.'

Whilst the proposal seeks the demolition of the existing outbuilding, it does seek to retain the original footprint for the proposed dwelling. The dwelling will be higher than the existing building of 3.3 metres at 5.9 metres. Whilst the Heritage Assessment assumes conversion, it is noted that the building is not in a suitable condition for conversion and that demolition and new build would be the best option for the site. This is also supported by the council's Conservation Officer who supports the principle of a new replacement building and has no objection to the demolition of the outbuilding or the scale of the new building proposed. The Conservation Officer notes that the existing building has 19th origins of an agricultural outbuilding. However, it has been significantly altered, is in very poor condition and has lost much of its historic significance. Its demolition is considered acceptable as long as it is part of a suitable scheme.

The Conservation Officer considers it important that the design and scale of the new building respects the character of the conservation area and the Area of Special Historic Landscape Interest of the Isle of Axholme (ASHLI) and the setting of the adjacent listed building.

The applicant has worked closely with the case officer and Conservation Officer to redesign the scheme to address the Conservation Officer's comments and has made the following changes:

- First-floor dormers removed and replaced with rooflights to respect the setting of the adjacent listed building as well as views from within and outside looking into the site
- Appearance altered from a cottage to reflect a barn/stable/outbuilding (windows/doors to be conditioned) to respect views from within and outside looking into the site.



The Conservation Officer has removed his earlier objection and has made the following comments:

'The large dormers and porch have been removed which simplifies the appearance of the building, and timber cladding has been added to give it a more rustic appearance.

The only issue is the style of the windows, being multi-pane [they] still have a residential character. Simple timber two-pane casement windows would be more appropriate. This aspect can be controlled by condition.'

The Conservation Officer recommends the inclusion of three conditions: one which ensures all windows and doors are constructed from timber; a second that requires details of the facing and roofing materials, and scale drawings of the proposed windows and doors with material specification, to be submitted for consideration before installation; and a third that removes all future permitted development rights from the site.

The northern part of the application site, which includes the rear garden and parking spaces, extends into and affects the setting of the ASHLI of the Isle of Axholme (local plan policy LC14). The Historic Environment Officer recommends refusal, citing that development would adversely affect the character, appearance and setting of the historic landscape contrary to the NPPF, Core Strategy policies CS5 and CS6, and local plan policies LC14, LC7, RD2 and DS1.

Policy LC14 seeks to protect the area of special historic landscape from encroachment and prevent development that will destroy, damage or adversely affect the character, appearance or setting or any of 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 ASHLI.

On visiting the site and reviewing aerial photographs it is evident that existing development has already encroached into the LC14 policy area within this part of Epworth. The site already forms the rear garden to existing property 52a High Street and includes a clear defensible boundary in the form of mature trees and hedges. A range of children's play equipment is located within this wider space north of the site. No views into or out of the site can be achieved along this northern boundary. The application seeks the replacement of an existing building and does not seek the erection of buildings within the LC14 area. The area of land which overlaps into LC14 land will be used for the parking of two vehicles (open) and garden space. The HER Officer has recommended the removal of permitted development rights within this area to avoid residential sprawl and further extension of the built environment in the protected historic landscape beyond the development limit and this is supported by the case officer. The case officer has assessed the proposals and it is clear when on site that the proposed development is self-contained and will not destroy, damage or adversely affect the character, appearance or setting or any of the features of the LC14 policy area.

It is considered that the benefits of the scheme would outweigh this small incursion into the LC14 area and land outside the development boundary.

### **Design, character and appearance**

Policies H5 (part saved), H7, CS5 and DS1 seek to deliver quality design in North Lincolnshire.

Policy CS5 of the Core Strategy is concerned with delivering quality design in North Lincolnshire. It states, '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.' This is reinforced by local plan policy DS1, and CS5 as noted above.

Policy HE2 (Development in Conservation Areas) requires all development proposals in, or which affect the setting of, conservation areas to preserve or enhance the character and appearance of the area and its setting.

Paragraph 124, sub-section d), of the NPPF requires planning policies and decisions to support development that makes 'efficient use of land taking account of the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.' It is considered that a scheme can be achieved on the site that addresses and maintains the character of the area.

Page 70 of the NPPF discusses previously developed as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole curtilage should be developed) and any associated fixed surface infrastructure. This excludes land in built-up areas such as residential gardens. The application site currently contributes to the making of the character in this area; however, it is considered that a sympathetic design can be achieved which would ensure this character is maintained.

The application seeks full planning permission for a detached property within the existing garden of 52 High Street. The plans confirm that the style of the property will be in keeping with the historic environment within this area and achieve the desired outcomes of the conservation officer. The scheme has been re-designed to ensure the overall design of the building reflects the historic environment and that of the existing outbuildings/barn style. Whilst further work is required to agree the window and door styles, it is considered that this can be secured through appropriately worded conditions.

The proposed dwelling will be sited on the original footprint of the existing outbuildings and the height will be approximately 5.9 metres to ridge height and 2.7 metres to eaves, an increase of 2.6 metres from the existing. The overall design/style is reflective of a barn/outbuilding and pays reference to the historic character of the site and wider conservation area. The western boundary of the site shares a boundary with 54 High Street, which is set much lower than the site. Visually this forms a blank façade within the neighbouring garden. The eaves height of the building will remain unchanged at 2.7 metres but will increase to a ridge height of 5.9 metres. However, this will taper away from the boundary and as such the impact is considered to be minor.

The proposed materials include a red facing brick, red clay roof tile, white timber frame windows and white timber frame door and set. They are considered to be in keeping with the existing character. The design of the windows and doors needs further discussion to be in keeping with a barn style rather than cottage design. The floor plan shows that the building will provide two first-floor and one ground-floor bedroom with an open plan kitchen/dining/living area to the rear of the property at the ground floor.

Windows on the first floor are kept to a minimum with three rooflights on the front elevation and two on the rear which will be obscure-glazed to prevent overlooking. The northern elevation will include one window at first floor and two at ground floor. These will overlook the private garden space.

Externally the existing access will serve the property off High Street and there will be space for two vehicles. This access is shared with properties 52a and 52 who also have designated parking spaces within this area.

Overall, the design of the property is of a high quality and in keeping with the existing property and properties within the wider street scene (subject to window/door design being secured through condition).

### **Residential amenity**

Part saved policy H5, and policies H7 and DS1, refer to residential amenity. They all discuss the need to ensure development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings. Policy H5 states that adjacent land uses should not result in annoyance or detract from the residential amenity which residents of the proposed dwelling should expect to enjoy. Policy DS1 states that there should be no unacceptable overshadowing.

Policy CS5 requires new development to consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area. The function of buildings should also be considered in terms of its appropriateness for the context in which it is located.

It is not considered that the inclusion of this land would have a detrimental impact on the residential amenity of surrounding properties and residents. The removal of permitted development rights in this area would, however, preserve such impacts going forward as well as preventing the uncontrolled spawl of domestic development within the open countryside.

The application has taken account of the recently approved extension to the rear of 52 High Street, as well as the shared access drive, existing garden space to the east and north, and adjoining land to the west. The applicant has sought to keep window openings to a minimum at first floor, whilst those on the rear elevation will be obscure-glazed.

The proposed development will lie on the same footprint as the existing outbuildings north-west of properties 52 and 52a High Street. The height of the building will be the same as existing to eaves level. Whilst the new ridge height is higher, this tapers away from the boundary with 54 and 58 High Street. It is therefore not considered that this element of the proposal will lead to any significant impacts in terms of overshadowing, loss of light, impact on amenity or overbearing impacts.

Whilst there will be an increase in vehicle movements to the site, this is considered minimal and would not lead to amenity concerns.

It is therefore considered that the proposal would not carry any overbearing, overlooking or overshadowing impacts that would be detrimental to the residential amenity rights of adjoining neighbours and aligns with policies DS1, H5, H7 and CS5.

## **Highway safety/access**

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

The applicant has confirmed that two parking spaces will be provided within the site off High Street.

The councils Highways team has no objections to the proposal subject to the inclusion of a condition and an informative. The existing access is utilised by 52 and 52a High Street and it is not considered the addition of one house would lead to significant highway concerns.

The proposal, subject to conditions, is therefore acceptable in highway terms and accords with policies T2 and T19 of the North Lincolnshire Local Plan.

## **Contamination**

Residential development is a sensitive end use. The Environmental Protection team has reason to believe that contamination might be an issue at the site due to the proposed demolition of outbuildings which are likely to contain asbestos and the potential for other contaminants such as petroleum hydrocarbons which are harmful to human health.

They recommend that where a proposed development introduces a vulnerable end use and/or the development site could be affected by a former potentially contaminative land use, the possibility of land contamination should always be considered. The team recommends the inclusion of a condition which secures a phase 1 desk study and subsequent assessment (as required) prior to the commencement of development.

## **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 but does recommend the inclusion of an informative recommending the upsizing of the pipe network.

Seven Water Trent have also commented and note that no surface water should enter the foul water system by any means. An informative regarding public sewers is suggested for inclusion.

Overall, the proposal complies with policies CS19 and DS14.

## **Ecology**

The applicant has submitted an Ecological Impact Assessment [LM0136]EcIA[50-52 High Street, Epworth] Rev A, dated February 2022.

The survey and assessment reports that the existing outbuilding has negligible suitability to support roosting bats. As a result, no further surveys are considered necessary. However, due to the transitory nature of some bat roosts, reasonable avoidance measures have been

included to ensure that roosting bats are protected throughout the demolition phase of the proposal.

The outbuilding was assessed as having suitability to support nesting birds, with three hirundine species nests found within the building. As a result, standard reasonable avoidance measures have been included to ensure that nesting birds are protected throughout the demolition phase of the proposal.

Compensation measures for nesting birds and an enhancement measure for roosting bats have been recommended:

- One bat box is integrated into the northern elevation of the new dwelling, as close to the apex as possible. This will provide an enhancement at site level and add to the range of roosting habitats present in the locality.
- Three likely house martin nest sites will be lost due to the demolition of the outbuilding. Therefore, in order to compensate for this habitat loss, three integrated swift Apus boxes will be integrated into the eaves of the eastern elevation of the new dwelling.

It is recommended, in the interests of biodiversity and the provision of net gains in biodiversity, that this report, and the recommendations contained within, are conditioned and the features, once installed, be retained thereafter.

## **Conclusion**

For the reasons set out in this report, it is considered that the location of the development within the current development limits is justified in this case and the proposal would not result in unacceptable harm in any other way. The scheme is considered to sufficiently accord with the development plan and the NPPF.

## **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:

- Site Location Plan & Proposed Site Layout ref: 2022-ID-04-PL002a

- Site Location Plan ref: 2022-ID-04-LOCa

- Proposed Elevations Floor & Roof Plans Section & 3D Images ref: 2022-ID-04-PL001a.

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 and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

#### Reason

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

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 policy LC14 and HE2 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.

6.

Before the dwelling/building is first occupied, the first-floor rooflights on the rear elevation (west) shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

7.

No above-ground work shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development, as well as scale drawings of all the proposed windows and doors (including material specification), 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 policies HE2, HE5 and DS1 of the North Lincolnshire Local Plan, and policy CS6 of the North Lincolnshire Core Strategy.

8.

Notwithstanding the hereby approved plans, all windows and doors shall be constructed from timber.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policies HE2, HE5 and DS1 of the North Lincolnshire Local Plan, and policy CS6 of the North Lincolnshire Core Strategy.

9.

The development shall be undertaken in accordance with the recommendations set out within the hereby approved Ecological Impact Assessment - [LM0136]EclA[50-52 High Street, Epworth] Rev A, dated 11 February 2022. The recommendations include:

- avoidance measures to be put in place during the demolition phase to ensure the protection of roosting bats and nesting birds;
- compensation/enhancement mitigation, including one bat box integrated into the northern elevation of the new dwelling, as close to the apex as possible and three integrated swift (*Apus apus*) boxes integrated into the eaves of the eastern elevation of the new dwelling.

The Ecological Impact Assessment 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.

### **Informative 1**

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.

### **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/acts2000/ukpga\\_20000037\\_en\\_7#pt3-pb8-l1g81](http://www.opsi.gov.uk/acts/acts2000/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](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.

### **Informative 3**

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the building. For more information email: [planning.apeast@severntrent.co.uk](mailto:planning.apeast@severntrent.co.uk).

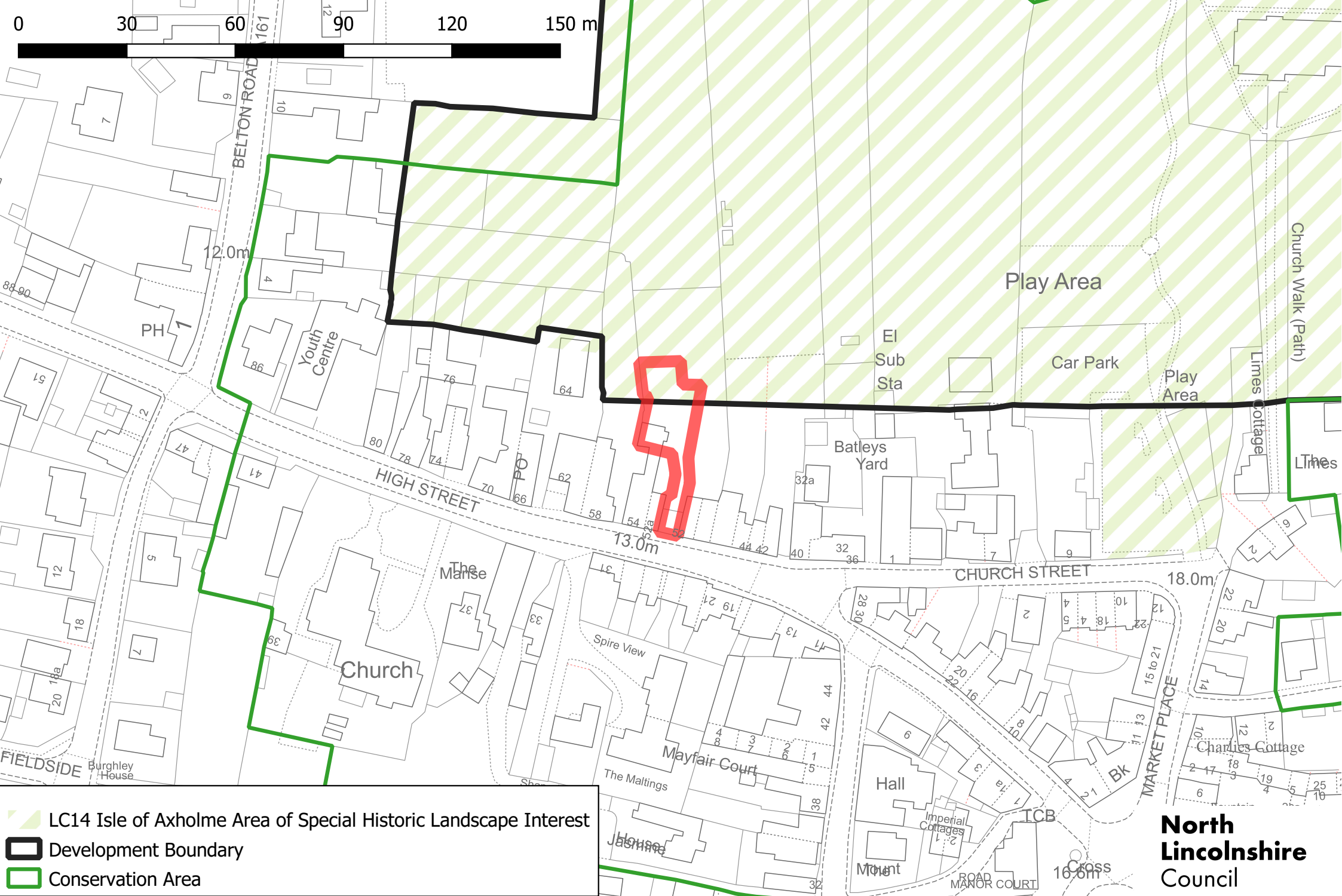
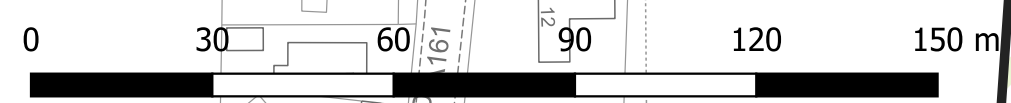
### **Informative 4**

The council's LLFA Drainage Team also suggests you consider upsizing the pipe network, increasing storage around your development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance, it would be

good practice on your behalf to ensure an increased level of resilience for the development and its future occupiers.

### **Informative 5**

The developer's attention is drawn to the informative advice provided within the council's Waste Management team's consultation response dated 16 June 2022.

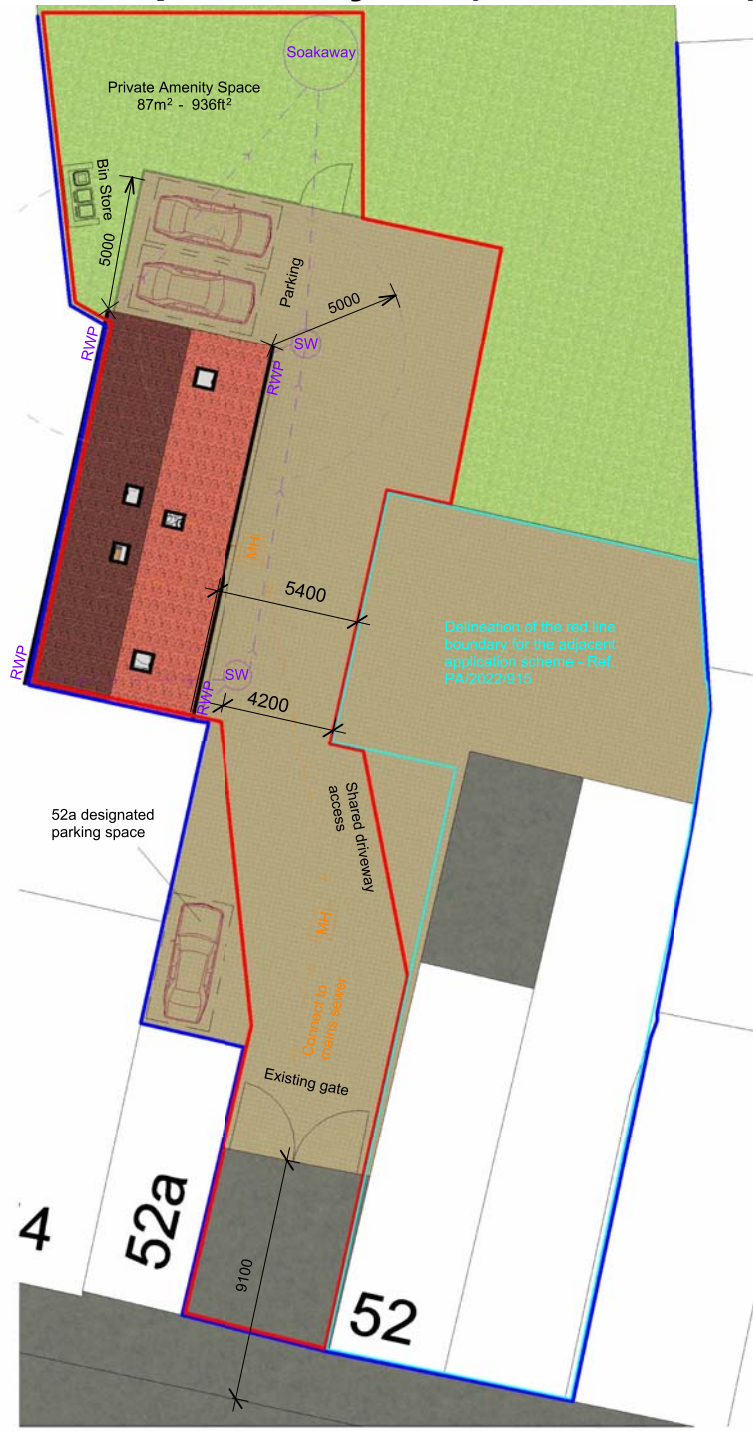


- LC14 Isle of Axholme Area of Special Historic Landscape Interest
- Development Boundary
- Conservation Area

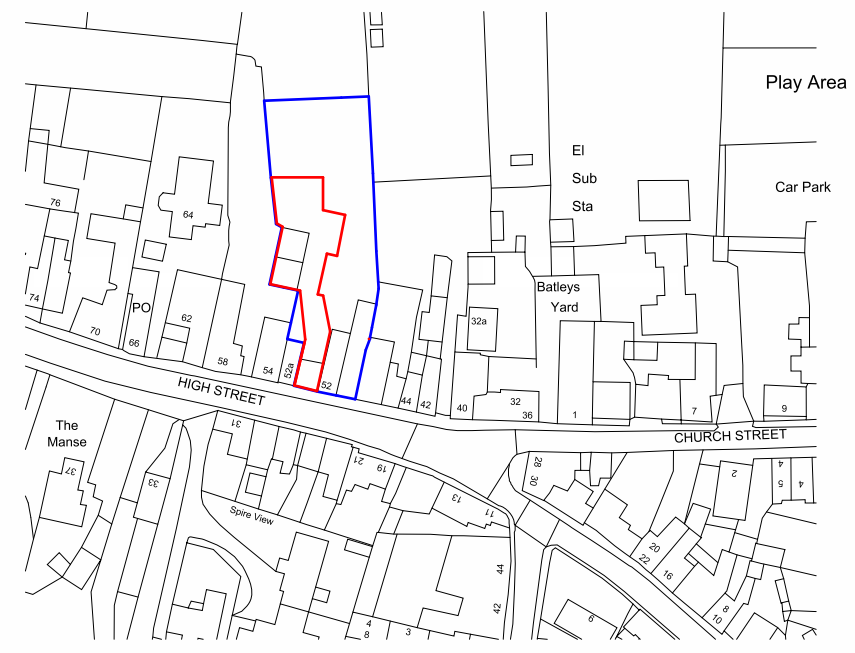
**North  
Lincolnshire  
Council**

**PA/2022/933**

# PA/2022/933 Proposed layout (not to scale)



Proposed Site Layout - Scale - 1 : 200



Location Plan - Scale - 1 : 1250



# AMENDED

Revision	Date	Comment	Drawn by	Checked By
A	19/07/22	Updated to reflect conservation officer comments.	DT	NWH

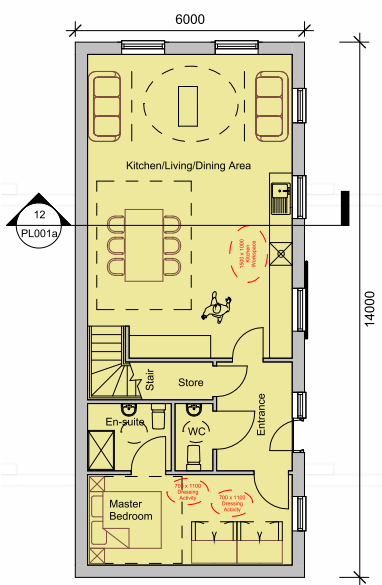
Drawing Scale: As indicated @ A3  
 Proposed Site Layout  
 Oceans 52, High Street, Epworth  
 2022- ID - 04 - **PL002a**



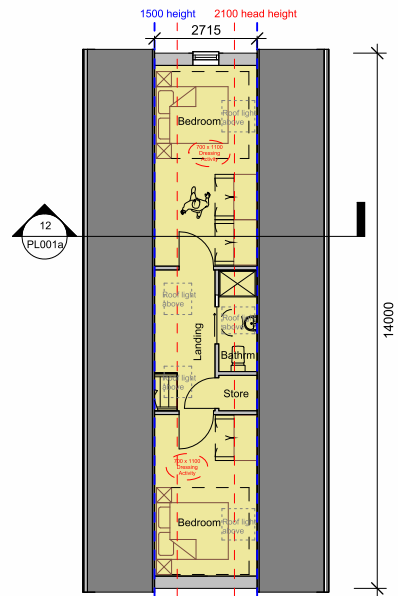
# PLANNING DRAWING

Studio, The Game Farm, West End Road, Epworth, DN9 1LB  
 CIAT Chartered Membership No: 015669

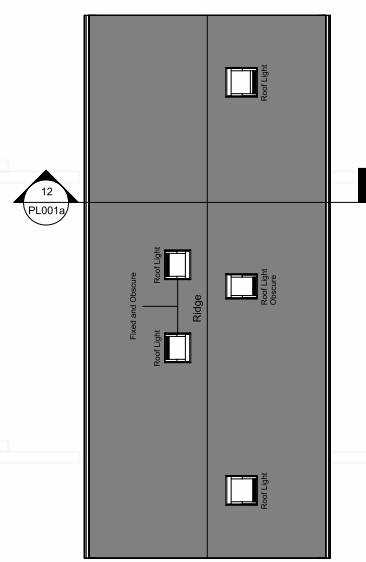




Proposed Ground Floor General Arrangement - Scale - 1 : 100



Proposed First Floor General Arrangement - Scale - 1 : 100

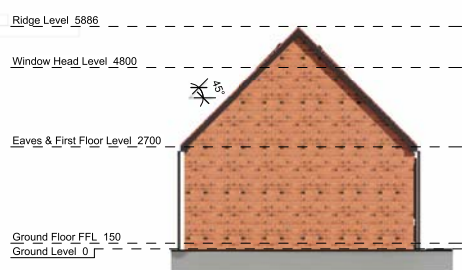


Proposed Roof General Arrangement - Scale - 1 : 100

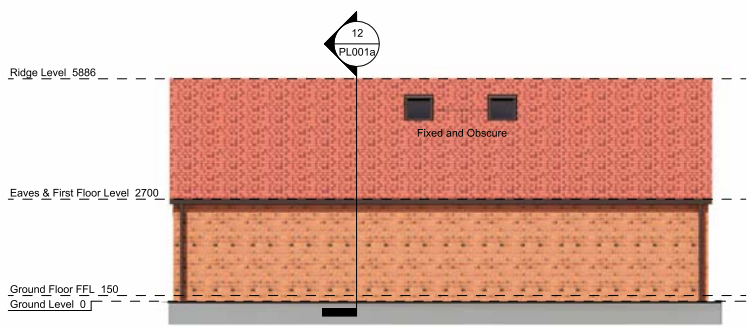


Proposed Leading Elevation - Scale - 1 : 100

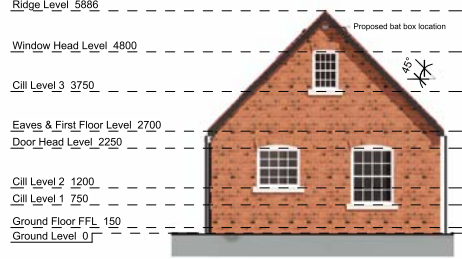
- MATERIALS KEY**
- Red facing brickwork.
  - Red clay roof tile.
  - White timber frame windows.
  - White timber frame door and set.



Proposed Side Elevation - Scale - 1 : 100



Proposed Rear Elevation - Scale - 1 : 100



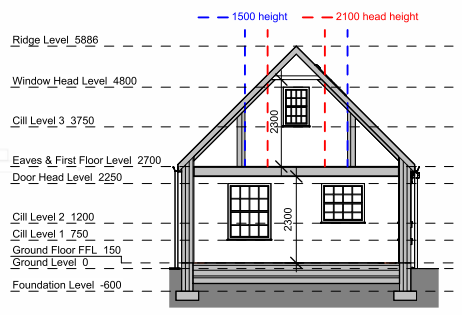
Proposed Garden Elevation - Scale - 1 : 100



Proposed Driveway Visual Image - Scale - 1 : 1

**INDICATIVE SPECIES BOX KEY**

- Indicative bat box as per ecology report.
- Indicative 3 swift apus apus box as per ecology report.



Proposed General Section A-A - Scale - 1 : 100

**ACCOMODATION SCHEDULE**

3 bedroom dwelling - 1 and half storeys

GEA Ground Floor:	85m <sup>2</sup>	915ft <sup>2</sup>
GEA First Floor:	48m <sup>2</sup>	517ft <sup>2</sup>
<b>Total:</b>	<b>133m<sup>2</sup></b>	<b>1432ft<sup>2</sup></b>
GIA Ground Floor:	73m <sup>2</sup>	786ft <sup>2</sup>
GIA First Floor:	39m <sup>2</sup>	420ft <sup>2</sup>
<b>Total:</b>	<b>112m<sup>2</sup></b>	<b>1206ft<sup>2</sup></b>

AMENDED

Revision	Date	Comment	Drawn by	Checked By
A	19/07/22	Updated to reflect conservation officer comments.	DT	NWH

Drawing Scale: As indicated @ A2  
 Proposed General Arrangements, Elevations and Section  
 Oceans 52, High Street, Epworth



Proposed Garden Visual Image - Scale - 1 : 1