

APPLICATION NO	PA/2022/2152
APPLICANT	Sheffield Arms
DEVELOPMENT	Planning permission for the retention of 1800mm high timber waney edge fencing, fence posts and gate
LOCATION	Sheffield Arms, High Street, Burton upon Stather, DN15 9BP
PARISH	Burton upon Stather
WARD	Burton upon Stather and Winterton
CASE OFFICER	Paul Skelton
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Burton upon Stather Parish Council

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 12 – Achieving well-designed places

Chapter 16 – Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

HE2 – Development in Conservation Areas

HE5 – Development affecting Listed Buildings

DS1 – General Requirements

DS5 – Residential Extensions

T19 – Car Parking Provision

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

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policy regarding this application is:

Policy HE1 – Conserving and Enhancing the Historic Environment

CONSULTATIONS

Conservation: No objection subject to a condition requiring the fence to be treated with dark wood stain.

Highways: No objections.

LLFA Drainage: No objections.

Environmental Protection: No complaints have been received regarding dogs barking at the property. In the event that complaints are received, they can be investigated in accordance with the Environmental Protection Act 1990.

PARISH COUNCIL

Raises the following concerns:

- The fence has reduced the car park by six parking spaces, which causes congestion elsewhere with the overspill.
- The confined area is for animals, which cause noise disturbance day and night for neighbouring residents.
- The bins now cause an obstruction in the entrance/exit to the car park forcing delivery vehicles to unload in the road.
- The parish council is not impressed when planning applications are made retrospectively.

PUBLICITY

The application has been advertised by site and press notice – one member of the public has commented as follows:

- Prior to the application being submitted, the fenced-off area was used to house two dogs which is noisy and can also be intimidating. The dogs may return if the application is approved.

- The gate was previously padlocked to prevent the dogs escaping; since the dogs were removed the gate is now rarely padlocked so whatever the applicant claims is stored there can't be that important as to warrant such a huge fence.
- Since the fence has been built it has reduced the already limited car parking space for the pub and the church considerably, as the bins for the pub now take up parking space.
- **The fence itself is an eyesore and totally out of keeping with the conservation area, which has stone walling and was attractive until this fence went up.**

ASSESSMENT

This application was deferred at a previous meeting of the planning committee to allow members to visit the site before making a decision.

Planning history

None relevant to this application.

The site and its location

The site comprises the Sheffield Arms public house which is located on High Street in Burton upon Stather. To the rear is a car park, accessed via Churchgate, and a range of outbuildings.

The site is set within the Burton upon Stather conservation area and there are a number of listed buildings in the immediate area, including the grade I listed Church of St Andrew, grade II Church Farm Cottage to the east of the church, and, further east, the grade II gates, flanking walls and railings which form the southern boundary of The Old Vicarage and Old Vicarage Lodge.

The development

The application is for the retention of a 1.8m high timber waney edge fence, fence posts and gate. The fence runs from the side wall of the rearmost outbuilding associated with the pub to the rear boundary wall of the car park. The enclosure has created a yard storage area for use by the pub.

Planning permission is required due to the Article 4 direction which removes planning permission for, amongst other things, gates, walls and fences.

The main issue for consideration is the impact of the development on the historic environment.

Design and the historic environment

Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires local planning authorities to have special regard to the desirability of, among other things, preserving the setting of listed buildings. This statutory duty is reflected in saved policy HE5 of the local plan, Core Strategy policy CS6 and section 16 of the NPPF.

Similarly, section 72 of the Act sets out that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This is reflected in saved local plan policy HE2, Core Strategy policy CS6 and in section 16 of the NPPF.

The conservation officer has been consulted and advises that the proposed fence, at the rear of the Sheffield Arms, is not in a prominent position in the conservation area. It does not restrict any views to the adjacent listed buildings. They therefore raise no objection to the retention of the fence but recognise that it is not currently stained, making it stand out. The conservation officer therefore recommends a planning condition requiring the fence to be treated in a dark wood stain which will make it blend better with its surroundings.

Subject to the application of dark wood stain, it is considered that the retention of the fence would preserve the setting of the nearby listed buildings and the conservation area in accordance with the statutory requirement set out in the 1990 Listed Buildings and Conservation Areas Act.

Other matters

Concerns have been raised by the parish council and a local resident about noise arising from the keeping of dogs within the fenced off area resulting from the development, although it appears that dogs are no longer kept in the area.

The Environmental Protection officer has been consulted and raises no objection to the development. They advise that no complaints have been made historically regarding noise from dogs and that any future issues in that respect can be properly investigated in accordance with the Environmental Protection Act 1990.

Concerns have also been raised about the loss of car parking/loading space for the pub and consequent implications on surrounding roads. The application sets out that prior to the works the pub car park catered for 15 vehicles. The position of the fence essentially encloses three of those spaces, but the block plan submitted with the application shows that two additional spaces can be provided parallel to the fence. This results in the net loss of one car parking space. Furthermore, there is plenty of available on-street parking within a short walking distance of the pub. It is not considered that the minor change to the parking layout has significantly affected the ability of delivery vehicles to access the site.

The NPPF states that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highways officer has been consulted and made aware of the local concerns, but has raised no objections to the application, noting that no complaints have been made regarding this site. It is not considered that the development could be said to unacceptably impact on safety or cause severe impacts to the road network.

The parish council has also noted that the application is retrospective; however, the planning system is not a punitive one, and legislation allows for development to be permitted retrospectively. In this case, as set out above, no unacceptable planning harms have been identified.

Conclusion and planning balance

Whilst the concerns of the parish council and local resident are noted, it is concluded, having regard to the advice of the relevant specialist consultees, that the development preserves the setting of the nearby listed buildings, and the conservation area, and does not cause any undue harm in respect of amenity or highway issues. It is therefore recommended that the application be approved.

RECOMMENDATION Grant permission subject to the following conditions:

1.

Within two months of the date of this permission, the fence hereby permitted shall be treated in a dark wood stain, details of which have first been submitted to and approved in writing by the local planning authority. The fence shall thereafter be maintained in accordance with the approved details.

Reason

In the interests of visual amenity and to preserve the setting of the conservation area and nearby listed buildings.

2.

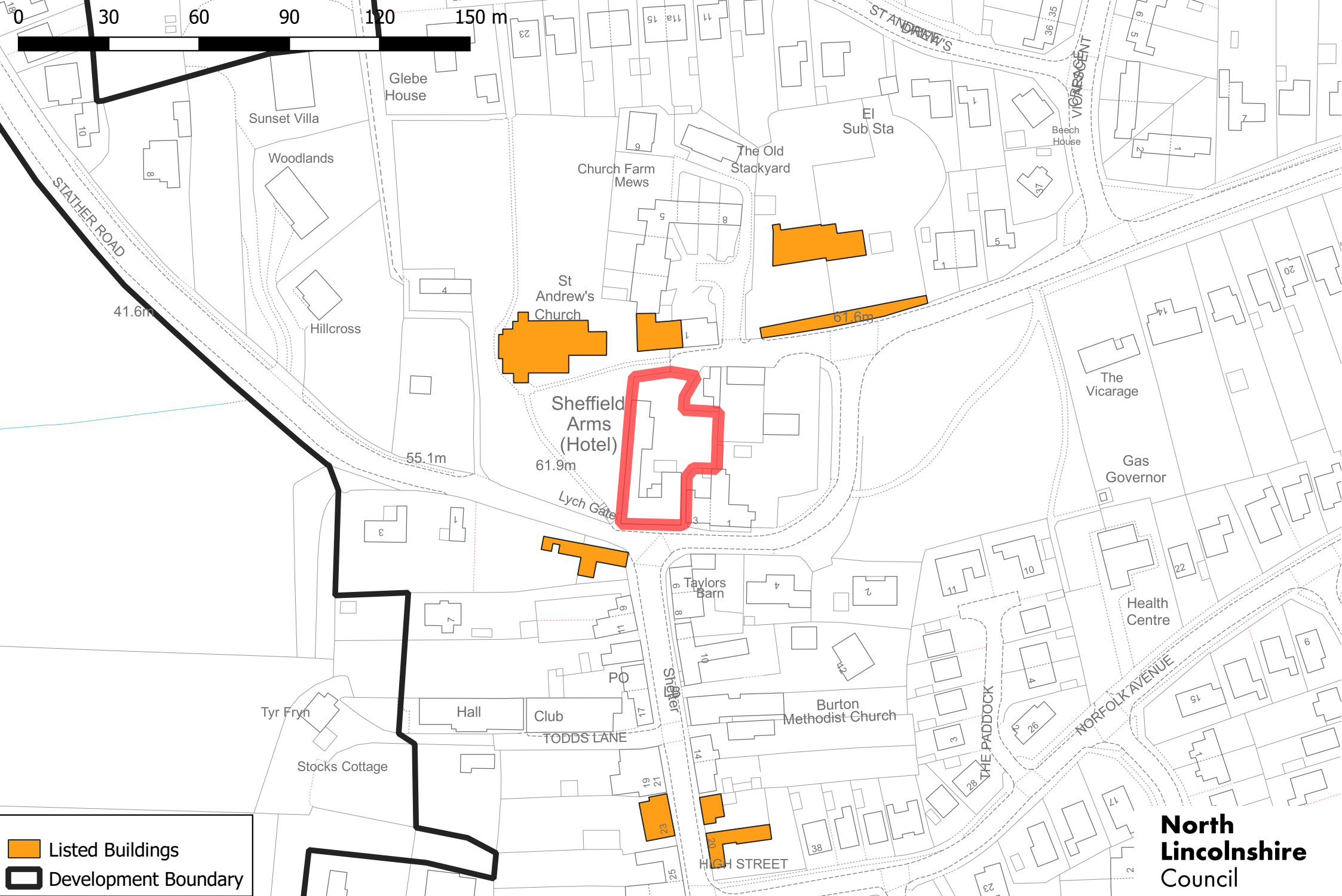
Subject to condition 1 above, the development hereby permitted shall hereafter be maintained in accordance with the following approved drawings: 1209-P-04 (Site layout as proposed) and 1209-P-03 (part Outbuilding Area Elevation as existing & as proposed).

Reason

For the avoidance of doubt, in the interests of visual amenity, and to preserve the setting of the conservation area and nearby listed buildings.

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.



Listed Buildings
 Development Boundary

**North
Lincolnshire
Council**

PA/2022/2152

