

APPLICATION NO	PA/2023/1559
APPLICANT	Mark Wall, NPP Properties
DEVELOPMENT	Application to vary condition 3 of PA/2019/930 dated 23/10/2020 to read "Prior to the occupation of the dwelling marked as plot 1."
LOCATION	Land south of Tetley House, Tetley, Crowle, DN17 4HY
PARISH	CROWLE
WARD	Axholme North
CASE OFFICER	Matthew Gillyon
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Crowle Town Council

POLICIES

National Planning Policy Framework:

- 11 Making effective use of land
- 12 Achieving well-designed places
- 16 Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

- H5 New housing development
- RD2 Development in the open countryside
- RD10 Replacement, alteration and extensions to dwellings in the open countryside
- T2 Access to development
- T19 Car parking provision and standards
- HE5 Development affecting listed buildings
- DS1 General requirements
- DS16 Flood risk

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

CS19 Flood risk

Housing and Employment Land Allocations Development Plan:

PS1 Presumption in favour of sustainable development

Settlement Inset Map 13 - Crowle

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 early 2024.

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

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS10 Development limits

RD1 Supporting sustainable development in the countryside

DQE5 Managing flood risk

HE1 Conserving and enhancing the historic environment

DM1 General requirements

CONSULTATIONS

Highways: No comments or objections to make on this application.

LLFA Drainage: No objections or comments to the proposed development.

TOWN COUNCIL

This council objects to this application. Quoting the original application: '1.0 Condition 3. Prior to the occupation of the dwelling marked as Plot 2 (amended to Plot 1) on the site plan (dwg 4 of 4 dated 27.04.20) all works recommended within the Structural Survey (Capstone, October 2017) to the Stable (and Dovecote) and Carriage House, as well as all of the works within their curtilage, shall be completed. The applicant must evidence these works through

both written documentation and photomontage, and this is to be agreed in writing with the local planning authority.'

Failure to carry out these works is a breach of the conditions stipulated in the original application. Referring to the comments submitted to NLC Planning Department by Alison Williams, Historic Environment Record dated 23 Dec 2022, 'The change of use and proposed alterations would result in a high level of harm to the significance of two these listed buildings, notably the architectural, historic and archaeological interest of these non-domestic buildings.' The full objection should be referred to in detail as it states numerous planning considerations that affect this application.

Additionally, the Dovecote is unique in the fact that the nesting boxes are built into the fabric of the building into all internal walls. The loss of these 18th Century buildings will have a detrimental, negative and irreversible impact on the heritage of the Hamlet of Tetley.

PUBLICITY

A site notice has been displayed; no comments have been received.

ASSESSMENT

Planning history

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

PA/2019/1028: Listed building consent to repair and refurbish carriage house and stable/dovecote – approved 04/08/2022

PA/2021/902: Planning permission to erect replacement dwelling, re-submission of PA/2021/902 – refused 16/08/2021

PA/2021/2053: Planning permission to erect a replacement dwelling, including larger footprint with detached garage (resubmission of PA/2021/902) – approved 10/03/2023

PA/2021/2061: Planning permission to remove condition 13 of PA/2019/930 relating to ecology and biodiversity – approved 09/06/2022

Site constraints

Outside the development boundary

SFRA flood zone 2/3 (a) tidal

The site and proposal

The site was granted permission for a replacement dwelling and two dwellings under planning application PA/2019/930, the previous report stating for the purpose of enabling two listed buildings to be brought back to optimum viable use. This application is looking to alter condition 3, an occupancy restriction, from 'prior to occupancy of plot 2' to 'prior to the occupation of plot 1' due to the order in which the dwellings have been completed.

Development has commenced on the site with the replacement dwelling associated with the application and conditions discharged as per the original application with existing compliance conditions to be carried across to this application.

The main issue in determining this application is whether the variation of condition 3 of PA/2019/930 is acceptable.

Condition 3 reads:

'Prior to the occupation of the dwelling marked as Plot 2 on the site plan (dwg 4 of 4 dated 27.04.20) all of the works recommended within the Structural Survey (Capstone, October 2017) to the Stable (and Dovecote) and Carriage House, as well as all of the works within their curtilage, shall be complete. The applicant must evidence these works through both written documentation and photomontage, and this is to be agreed in writing with the local planning authority.

Reason: In the interest of the historic environment and to align with the terms of this planning permission, in accordance with policies CS6 of the Core Strategy and HE5 of the North Lincolnshire Local Plan'

The applicant seeks the variation of condition 3 which currently states 'prior to the occupation of the dwelling marked as Plot 2...' to 'prior to the occupation of the dwelling marked as Plot 1...'. It is explained that this is due to the permission considering that Plot 2 would be the last dwelling on the site to be occupied. However, this is not the case, with Plot 2 being completed first and the need to change the condition to Plot 1 which will now be completed last.

Whilst the concerns raised by the town council are acknowledged, the proposed variation of condition only alters the occupancy restriction to allow the dwellings to be built/occupied in a different order. The variation in the occupancy condition simply changes the order in which the plots will be occupied, with the rest of the condition remaining the same to ensure the work to the Stable (and Dovecote) and Carriage House is completed prior to the occupation of the last dwelling, as previously agreed.

Varying condition 3 will not absolve the applicant of the need to undertake the previously agreed works or alter the approved scheme in any other way.

Conclusion

The variation of condition 3 from 'prior to occupation of the dwelling marked as Plot 2' to '...Plot 1' is considered to be acceptable, with the rest of the condition detailing work to the Stable (and Dovecote) and the Carriage House remaining in place. The application is therefore recommended for approval.

RECOMMENDATION **Grant permission subject to the following conditions:**

1.

The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Plan (4 of 4 27.04.20)
- Replacement House Elevations (1 of 4 27.4.20)
- Replacement House Floor Plans (2 of 4 27.04.20)
- Garage (3 of 4 27.04.20)

- Plot 1 elevations and floor plans (25.5/2019)
- Plot 2 elevations and floor plans (25.5/2019)
- Tree Protection Plan (July 2019) and Drives for Plots 1 and 2 Plan, Ref: 1045-23, dated 2/10/2023.

Reason

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

2.

Prior to the occupation of the dwelling marked as Plot 1 on the site plan (dwg 4 of 4 dated 27.04.20) all of the works recommended within the Structural Survey (Capstone, October 2017) to the Stable (and Dovecot) and Carriage House, as well as all of the works within their curtilage, shall be complete. The applicant must evidence these works through both written documentation and photomontage, and this is to be agreed in writing with the local planning authority.

Reason

In the interest of the historic environment and to align with the terms of this planning permission, in accordance with policies CS6 of the Core Strategy and HE5 of the North Lincolnshire Local Plan.

3.

Prior to occupation of any of the dwellings, a detailed scheme showing the position and type of boundary treatments shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be retained thereafter.

Reason

In the interest of the historic environment and to accord with policies CS6 of the North Lincolnshire Core Strategy and HE2 of the North Lincolnshire Local Plan.

4.

The development shall be carried out in accordance with the submitted flood risk assessment (ref 20 May 2019 by Howard J Wroot) and the following mitigation measures it details:

- finished floor levels to be set no lower than 4.4 metres above Ordnance Datum (AOD)
- additional flood proofing measures as set out in section 5.1.

These mitigation measures shall be fully implemented prior to occupation and shall subsequently remain in place.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

5.

The drainage scheme shall be implemented in accordance with the approved submitted details under applications PA/2021/1242, PA/2023/1545 and PA/2023/1629, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation, and future adoption and maintenance, of the sustainable drainage features in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

6.

The historic building and archaeological report, and archive, shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of commencement of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because historic buildings will be demolished and archaeologically significant remains may be destroyed during construction groundwork; the proposed recording will ensure that these heritage assets are appropriately recorded and a permanent archive created.

7.

The biodiversity management plan shall be carried out in accordance with the approved details and timings under application PA/2021/1242, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the second dwelling hereby approved, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

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

8.

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

Reason

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

9.

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.

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.

10.

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, and where remediation is necessary a remediation scheme must be prepared, 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.

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.

11.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development normally allowed under Part 1, A–E of Schedule 2 shall be allowed on the replacement dwelling, nor on plots 1 and 2 shown on the approved site plan, without planning permission from the local planning authority.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

