APPLICATION NO PA/2022/850

APPLICANT Mr Paul Mendelson

DEVELOPMENT Planning permission to demolish existing buildings to rear and

construct a two-storey/two-and-a-half-storey rear extension, with associated internal and external alterations to create 9

apartments

LOCATION 15 Market Place, Barton upon Humber, DN18 5DA

PARISH BARTON UPON HUMBER

WARD Barton

CASE OFFICER Tanya Coggon

SUMMARY Subject to the Secretary of State not wishing to call in

associated listed building consent application PA/2022/908,

approve with conditions

REASONS FOR REFERENCE TO COMMITTEE

RECOMMENDATION

Member 'call in' (Cllr Paul Vickers – significant public interest)

Objection by Barton upon Humber Town Council

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 7 Ensuring the vitality of town centres
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed and beautiful places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment framework:

North Lincolnshire Local Plan:

H5 New housing development

H6 Flats above shops and the use of vacant buildings for housing

H8 Housing design and housing mix
HE2 Development in conservation areas
HE3 Demolition in conservation areas
HE5 Development affecting listed buildings
HE6 Demolition of listed buildings
HE9 Archaeological excavation
T2 Access to development
T6 Pedestrian routes and footpaths
T19 Car parking provision and standards
LC5 Species protection
HE9 Archaeological excavation
DS1 General requirements
DS3 Planning out crime
DS7 Contaminated land
DS13 Groundwater protection and land drainage
DS14 Foul sewage and surface water drainage
DS16 Flood risk
North Lincolnshire Core Strategy:
CS1 Spatial strategy for North Lincolnshire
CS2 Delivering more sustainable development
CS3 Development limits
CS5 Design
CS6 Historic environment
CS7 Overall housing provision
CS8 Spatial distribution of housing sites
CS14 Retail development
CS17 Biodiversity
CS18 Sustainable resource use and climate change

CS19 Flood risk

CS25 Promoting sustainable transport

Housing and Employment Land Allocations DPD (2016):

PS1 Presumption in Favour of Sustainable Development

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

SS5 Overall housing provision

SS6 Spatial distribution of housing sites

SS11 Development limits

H2 Housing mix and density

H10 Flats above shops and the use of vacant buildings for housing

HE1 Conserving and enhancing the historic environment

DM1 General requirements

DM3 Environmental protection

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

T1 Promoting sustainable transport

T2 Promoting public transport

T3 New development and transport

T4 Parking

T5 Cycle and motorcycle parking

Other relevant guidance:

Planning (Listed Buildings and Conservation Areas) Act 1990

Barton Conservation Area Appraisal

Barton Supplementary Planning Guidance

Barton Townscape Analysis Area

CONSULTATIONS

Highways: Whilst the level of parking provision does appear to be on the low side, the site is in an extremely sustainable town centre location with excellent access to facilities and public transport services. The NLC parking guide advise 0–0.5 parking spaces per flat in Barton town centre and the proposed parking provision is in line with that. I am pleased to see that cycle parking is proposed and would expect this to be high quality, secure parking. Recommend conditions relating to cycle parking and the submission of a construction management traffic plan.

LLFA Drainage: No objection. The developer needs to be fully aware that the existing surface water drainage system cannot be connected into without providing the required checks to prove that this is an acceptable outfall solution and upstream surface water flood risk mitigation is required to ensure compliance with the 100-year plus climate change flood event. Recommend planning conditions in relation to the submission of a detailed surface water drainage strategy and measures to prevent surface water from hard paved areas of the site onto the highway and to prevent surface water run-off from the highways onto the developed site.

Anglian Water: No objections. The applicant should check for any Anglian Water assets which cross or are within close proximity of the site.

Environmental Protection: Recommend panning conditions in respect of the submission of a noise assessment and mitigation measures, land contamination, submission of a construction environmental management plan (CEMP) and restrictions on site clearance and construction hours.

Historic Environment Record: The application site affects a grade II listed building within the conservation area and the Conservation Officer will provide further detailed advice re these proposals and the built heritage assets. The application site lies within close proximity to the Castledyke Anglo-Saxon cemetery and further burials of this date may be anticipated. The planning application should include measures to ensure that any archaeological evidence impacted by the proposed development is identified and recorded in advance of and during construction, in relation to the historic standing structure and below-ground remains. A written scheme of investigation (WSI) for historic standing building recording and a programme of archaeological monitoring and recording during all groundworks should be submitted prior to determination of the planning application. Should the planning authority ultimately be minded to grant consent, any permission should be subject to conditions securing the implementation of an agreed WSI; pre-commencement conditions would only be necessary where an agreed WSI is not in place.

Conservation: Object (summarised). The proposal, in its current form, is highly inappropriate for a late Georgian listed building, and massively overbearing on both the host building and the townscape, causing a high level of harm to the listed building which will not preserve the listed building or how it is appreciated in its setting; it certainly does not preserve the conservation area. There is no evidence to show why the rear range of the listed building cannot be retained and converted (for example, a structural report from a conservation accredited structural engineer). The proposed development is massive over-development and not at all acceptable. The archaeological heritage statement fails to consider the townscape, views and settings properly and also fails to address the full impact upon significance. Public benefits may accrue from the provision of new housing, but the high cost to statutorily protected buildings and areas is too high a price for ill-conceived development. It is entirely possible that a scheme of high quality design, that both preserves and enhances this listed building, could meet with approval, but this has not been properly investigated. As such, the NPPF requires that all harm should be mitigated and this has not occurred. The NPPF advises too that 'great weight' should be given to the preservation of heritage assets.

Ecology: The site has importance for roosting swifts. Planning conditions are proposed to minimise harm to protected species in accordance with policy CS17 and the National Planning Policy Framework.

Waste and Recycling: General advice in relation to bin storage, access to refuse vehicles, bin sizes and pulling distances.

Barton Civic Society: The sheer size and scale of the proposed development to the rear of a grade II listed building is totally inappropriate and will dominate and overshadow other buildings in the area, and not respect and enhance the status of the listed building. The fourstorey side and rear elevation is over-development of such a small site. The whole site, including rear extensions and boundary wall, is grade II listed and efforts should be made to retain these buildings within the development. The inappropriate glazed balconies with decking as flooring would be seen from Market Place and Castledyke South and are not in keeping with any building in this historic conservation area. The design of the tile-hung dormer and the tile-hung south-facing gable are not compatible with this location. The multiple shared access to the building could leave the shared areas without anyone responsible for them. The allocation of bins and plastic boxes to 11 flats cannot be contained within the proposed inadequate refuse store. The multiple car parking of 11 properties with only proposed parking for 2 suggests that the public car park adjacent to the proposed development would become 'private' parking for the property, reducing the already stretched provisions for the rest of the town's residents and visitors. This area already has car parking issues which would be further exacerbated. The over-intensification and inappropriate development of the small site in an area of steady improvement is detrimental to this historic conservation area.

TOWN COUNCIL

Objects due to the lack of car parking spaces for 11 apartments. They also object to the proposed height of the application as this will have an adverse effect on the area and the surrounding listed buildings. They feel that the loss of the top floor would reduce the height and have less impact on the listed buildings in the surrounding area.

PUBLICITY

The application, including the amended plans, has been advertised by site notices and in the local newspaper. Five letters of objection to both the original and amended plans have been received, raising the following issues:

- lack of car parking
- the development should include car parking
- increase car parking in Barton and the adjacent public car park
- increased congestion
- the building is listed and requires protection
- loss of trees
- out of character.

ASSESSMENT

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

The proposal

The proposal is for the demolition of the existing buildings to the rear (rear range) and the erection of a two- and two-and-a-half-storey rear extension to form nine apartments with internal alterations to the main listed building. The proposal has been amended during the course of the application as the original submission comprises a three-storey extension comprising 11 apartments.

The main listed building fronting Market Place is three-storey and will be retained, the ground floor remaining in retail use with the upper floors remodelled to be used for two apartments. The ground floor of the proposed extension will comprise two apartments, the first floor three apartments and the second floor/roof space two apartments. Each apartment will be one-bedroom, with a kitchen/living area and a bathroom/shower. Access to the apartments is from Castledyke South.

The main access to the retail unit will continue to be from Market Place with another access to the rear. At the rear of the site adjacent to Castledyke South it is proposed to install two car parking spaces, a bike store and refuse store. There are proposed to be small amenity spaces adjacent to the apartments and bike store.

The site is not all on one level and steps up from Market Place towards Castledyke South. The main boundary wall with the public car park is to be retained which screens the proposed ground floor apartments. The rear extension comprises a two- and two-and-a-half—storey rear extension with part of the roof space utilised for apartments, creating dormers, gable ends and a hipped roof. The extension will be constructed from facing brickwork, hardwood doors, stone window cills, clay roof tiles, glazed balustrading and timber decking to balconies. The refuse and cycle store will be constructed from timber with a flat roof. All the proposed apartments in the rear extension will face onto the public car park (east).

The site and planning history

The site is currently vacant and comprises a retail unit on the ground floor with residential above. The building is a grade II listed building of early to mid 19th century with large two-storey flat roof rear extension. Attached to this is a 19th century outbuilding to the southern side of the site. The building is red brick, with clay pantile roof, stone-coped gable ends and brick kneelers. The front of the listed building comprises a traditional shop front with a recessed entrance and separate entrance door, with rounded headed passage entry with rusticated stucco head. The main windows are timber sliding sashes (four panes), with two windows blocked out.

The site is in the town centre area of Barton upon Humber and within the conservation area, which is also covered by an Article 4 Direction. The site is surrounded by various listed buildings within the Market Place. The site forms a group with the other listed buildings to the west. To the east of the site is a public car park and modern toilet block, to the north is the Market Place with a mix of commercial properties with flats above, to the west is commercial and residential development, and to the south are residential properties along Castledyke South. The site is within walking and cycling distances of the full range of services and facilities within Barton upon Humber. The site is also in flood zone 1 in the council's SFRA and is therefore at low risk of flooding.

The planning history for the site essentially relates to the main listed building on the site frontage and includes planning permission and listed building consent for a new shop front, CCTV and satellite dish, and advertisement and listed building consent for advertisements.

The pending listed building consent (LBC) application PA/2022/908 is linked to this planning application and is for the proposed two-/two-and-a-half-storey rear extension.

The main issues associated with the proposal are:

- principle
- listed building and conservation area
- archaeology
- highway safety
- drainage and flood risk
- environmental
- ecology/biodiversity
- residential amenity.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land

Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

Policy CS1 of the NLCS identifies Scunthorpe as being the focus for the majority of new development and growth followed by a greenfield urban extension with a focus on areas to the west of the built-up area, followed by the market towns. Policy CS1 states, 'North Lincolnshire's Market Towns will continue to provide important services for the area's rural communities and support the higher level services provided by Scunthorpe. Levels of growth and development will be more limited reflecting their position in the settlement hierarchy. All growth will take account of existing infrastructure, environmental constraints and ensure that the distinctive character of the town is protected. North Lincolnshire's Market Towns will continue to provide important services for the area's rural communities and support the higher level services provided by Scunthorpe. An appropriate level and range of new housing development will be provided to support the market towns as sustainable communities.'

Policy CS1 of the NLCS identifies Barton upon Humber as being one of a number of market towns, which are considered to be important service centres serving the needs of local communities across North Lincolnshire. Policy CS1 confirms that an appropriate level and range of new housing development will be provided to support the market towns as sustainable communities. The site is within the development limit of Barton-upon-Humber where, in principle, residential development is considered to be acceptable. Barton is identified as a market town in the NLCS. The site is within the town centre area of Barton, in a highly sustainable location within walking and cycling distance of a range of local facilities, services and employment opportunities. The site is close to a number of bus stops with Barton terminus a short distance from the site.

Policy CS8 further sets out that there is a requirement to deliver 724 dwellings in Barton specifically. These figures are a minimum target and do not form a maximum threshold for the delivery of housing, which would run contrary to the provisions of the National Planning Policy Framework which seeks to significantly boost the supply of housing. Therefore, development plan policy confirms the view that Barton is a sustainable settlement with the key facilities, services, employment opportunities and regular public transport to support new housing development.

Policy CS7 of the Core Strategy sets out an aspirational minimum density of 40–45 dwellings per hectare on sites within the market towns. However, this policy also states that whilst housing developments should make efficient use of land, the density of new developments should be in keeping with the character of the area. In this case nine flats are proposed on the site creating a density of approximately 225 dwellings per hectare, contributing to the council's housing land supply and meeting some of our housing need in North Lincolnshire. The site is in a town centre location with flats above shops being prevalent in the area. This density is therefore appropriate for the town centre context of the site and acceptable in terms of policy CS7 of the NSCS.

The Government released an updated NPPF in December 2023. Paragraph 226 makes clear that for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing against the housing requirement (rather than five years). This includes authorities like North Lincolnshire, which have an emerging local plan that has been submitted for examination. These arrangements apply for a period of two years

from the publication date of the revised NPPF. Therefore, full weight can be attributed to the Local Plan and Local Development Framework policies and the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged.

The proposal is considered to represent sustainable development and aligns with the strategic policies of the CS and the HELA DPD. The presumption in favour set out in paragraph 11(c) of the Framework applies. In determining the principle and sustainability of the proposed development, an assessment is required on the technical elements of the proposal which will be discussed below.

Listed buildings and conservation area

In terms of impact on the grade II listed building, this will also be assessed in more detail within the pending linked listed building application PA/2022/908. In terms of this planning application, the proposal will result in substantial harm to the listed building. The existing rear range will be removed, including the 19th century outbuilding which is of architectural and historic merit, and the two-storey flat roof rear extension that has limited architectural and historic merit, but tells part of the story of the development and alterations of the building over time. Regard also needs to be had to Section 66 of the Planning Listed Buildings and Conservation Areas Act 1990.

The conservation officer objects to the proposal as it will cause substantial harm to the listed building. It should be mentioned that the applicant has submitted amended plans reducing the overall bulk of the extension by removing the original three-storey extension; this has reduced the number of units from 11 to 9. The two-/two-and-a-half—storey extension has also been amended in design to be more in character with the existing building and surrounding buildings, the overall height of the extension being reduced.

The amended heritage impact assessment assesses the heritage impacts of the development. This concludes that 'The overall impact of the proposed development in heritage terns on the Grade II listed 15 Market Place can be assessed as Slight to Moderate. This assessment reflects the High significance of the existing building as a Grade II listed three-storey townhouse of early to mid-19th century date with a late 19th century shopfront, occupying a sensitive location within the core of the historic market place, and having significant group value with the adjoining group of properties at Nos. 16-21 Market Place, cross-referenced against the magnitude of impact, assessed as Minor/Moderate.'

The applicant has also submitted a structural survey in relation to the building which recommends that the 'original existing front elements of the property can be refurbished and renovated for the proposed use, without the need for the structural elements to be demolished, rebuilt, or without the need for underpinning, However, the later 1960's/1970's rear additions are very poor and have suffered extensive long term damage from the lack of maintenance, with some areas which are thought may be becoming unstable. Therefore, in light of the proposal it is thought to be prudent to carefully dismantle and remove the highlighted sections of the building as per the plan layouts, so as to ensure the ongoing stability of the proposed new structure.'

With regard to the mid 19th century rear building, the surveyor has confirmed by email that this 'section of the structure has suffered some significant distortion to the rear wall and has been subject to long term ongoing damage. For these reasons, it is our recommendation that the mid 19th century building has issues of stability and is not viable to be retained and as such should be demolished.' The proposed demolition plans show the whole rear range to

be demolished. It is clear from the structural survey that the rear range is suffering from long-term damage and is becoming unstable. The flat-roof rear extensions are not worthy of retaining in any case and evidence has been demonstrated that the early 19th century part of the rear range should also be removed. The Heritage Impact Assessment also states that the '19th century outbuilding has already been subject to extensive late 20th century refurbishment and contains no architectural features or fixtures of interest.' Removal of the rear range of the building has been substantiated and justified in this case in accordance with polices HE5 and HE6 of the NLLP and paragraphs 203 and 206.

There is no doubt that the proposal will change the character and appearance of this listed building and how it is experienced with the town centre and from Castledyke South. It should be noted that minimal changes are proposed to the main listed building on the site frontage which will be internal alterations only. Internally the main listed building will be refurbished to provide a more functional layout for the two apartments proposed on the first and second floors. The whole building is currently vacant and is beginning to fall into disrepair. The NPPF is quite clear in paragraph 202 that if there is evidence of deliberate neglect of a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. However, it is not clear in this case if there has been deliberate neglect as the building is vacant and has been for almost 6 years. The owner has secured the building by boarding up the windows on the rear range with steel and closing off the site to prevent entry. There can be little doubt that the building is falling into disrepair internally and externally as shown in the photographs submitted with the structural survey in November 2023.

Turning to the design of the proposed rear extension, this has been designed to respect the character and appearance of the listed building. The extension will be visible from Market Place but will be screened in part by the adjacent public toilet block and the ground floor by the existing side boundary wall shown to be retained. It is considered that the proposed extension will be a modern, contemporary addition to the listed building and to the conservation area and will be a visual improvement on the existing rear range of the building. The rear extension is lower in height than the main listed building and whilst it is larger than the main listed building, the existing rear range is also significantly larger that the main listed building. The rear extension incorporates some of the architectural features of the main building and will maintain the view of the adjacent attached listed building on the Market Place next door. A cohesive development to the rear of the building will be formed with the contemporary extension sitting alongside the main listed building (a mix of old and new). The building is currently vacant and has been for some time, and the rear range windows are covered by steel shutters. The proposal involves the retention of the main listed building which will be re-furbished and 'fit for purpose' to allow a more functional layout for the two refurbished apartments in the main listed building. The rear range will be removed including the 1960's and 1970's flat-roof extensions which detract from the appearance of the listed building. The preservation of the main listed building, together with its refurbishment, will bring this vacant listed building back into use and preserve and enhance the listed building. On balance, therefore, the proposal aligns with policies HE5 and HE6 of the NLLP, policy CS6 of the NLCS and paragraph 213 of the NPPF.

Having due regard to Section 66 of the Planning Listed Buildings and Conservation Areas Act, this states, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. In this case the main listed building will remain in situ and be brought back into use; it will therefore be preserved for future generations.

In terms of setting, this is defined in the NPPF (Annex 2) as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.' In terms of the setting of 15 Market Place, this will change as the whole rear range of the building will be removed and replaced with a different style and design of rear extension. This listed building is directly surrounded by a number of other listed buildings, including the group of listed buildings in Market Place directly to the west of the application site (15 to 22 Market Place) and 3 (including the Mill), 7 and 9 Market Place lying to the east. To the north (Market Place) is also a group of listed buildings.

The main listed building is to be retained so the proposal will not adversely affect the setting of the listed buildings to the north. In terms of the listed buildings to the east, the main impact will be on 9 Market Place. 9 Market Place has a modern extension to the rear that is in commercial use and lies adjacent to the public car park. The public car park provides a clear gap between two listed buildings, 9 and 15 Market Place. This 'gap' will be retained. Although the proposed rear extension is larger than the existing rear range, the main listed building will remain in situ. The proposed rear extension to some extent runs parallel alongside the more modern rear extension to 9 Market Place. On balance, whilst there will be some harm to the setting of 9 Market Place, this will be fairly limited due to the location of the rear extension, with the public car park between 9 and 15 Market Place and the toilet block on the site frontage. In terms of 3 Market Place and the Mill, these buildings are already partially screened by existing buildings. The view of the Mill will change slightly due to the new rear extension but this will be limited due to the distance from the application site and intervening buildings. In the case of the group of listed buildings to the west, these are terraces. The main listed building is to be retained, therefore the front façade of this group of listed buildings will remain unchanged. Whilst there will be views of the rear extension from Market Place due to the public car park 'gap', the existing rear range already screens most of this group of listed buildings to the rear. Although the proposed rear extension will provide a larger rear extension on the site, there will still be views of part of the adjoining rear aspect of the listed building White Lion Yard.

In terms of setting, there will be a substantial harm to the setting of 15 Market Place and more limited (less than substantial) harm to the setting of adjacent listed buildings. However, whilst this is a substantial harm due the removal of the rear range, this is balanced by the new proposal which will provide a more cohesive redevelopment across the rear of the building than the current situation and the main listed building will be retained. There has been a justification for the loss of the rear range by the structural report and email which confirms that the rear range should be removed due to long-term damage and stability issues.

Planning conditions will be used to ensure acceptable materials and window, balcony and door details are used in the development to match/respect the main listed building to ensure the development will not detract from the main listed building. Planning conditions can also be used to ensure an agreed contract for the scheme is submitted to ensure redevelopment will take place when the rear range is demolished. The proposal in this regard will align with HE3, HE5 and HE6 of the NLLP, CS6 of the CS and paragraph 210 of the NPPF.

In terms of the conservation area, the building makes a positive contribution to it and is of townscape merit. The submitted Heritage Impact Assessment, in terms of impact on Barton conservation area, concluded that 'the overall impact of the proposals on the setting of neighbouring designated and non-designated assets in the vicinity of the site, including the Barton-Upon-Humber Conservation Area, can be assessed as broadly lying within the Slight

to Slight/Moderate range, reflecting a noticeable but localised change to rear views along Castledyke South.'

The proposed extension will add vibrancy to this part of the conservation area. The main view of the building will be from within the public car park. Within the car park are several modern buildings, including a rear addition to 9 Market Place (also a listed building) and the toilet block. To the rear of the site is Castledyke South which in this area comprises a mix of modern and more traditional buildings. It is considered, on balance, that the proposals will preserve and enhance the conservation area by bringing the building back into use, creating apartments within the town centre resulting in additional footfall and vibrancy to the town centre, with the proposed rear extension providing an interesting and contemporary extension to the main listed building, whilst preserving and enhancing the character and appearance of the conservation area overall. Planning conditions will be used to ensure acceptable materials are used in the development to match the main listed building to safeguard the character and appearance of the conservation area, and to ensure that an agreed contract for the scheme is in place and submitted to ensure redevelopment will take place when the rear range is demolished. On balance, therefore, the proposal aligns with policies HE3 and HE5 of the NLLP, policy CS6 of the NLLP and paragraph 203 of the NPPF.

Archaeology

The application site lies in close proximity to the Castledyke Anglo-Saxon cemetery and further burials of this date may be anticipated. The planning application should include measures to ensure that any archaeological evidence impacted by the proposed development is identified and recorded in advance of and during construction, in relation to the historic standing structure and below-ground remains. HER have recommended that a written scheme of investigation (WSI) for historic standing building recording and a programme of archaeological monitoring and recording during all groundworks should be submitted prior to determination of the planning application. The applicant has not submitted this information and in this case it is considered appropriate to use pre-commencement planning conditions to secure an appropriate WSI. Subject to these conditions, the proposal will align with policy HE9 of the NLLP, policy CS6 of the CS and chapter 15 of the NPPF.

Highway safety

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 and general highway safety. Both policies are considered relevant. Policy CS25 of the Core Strategy is also relevant and seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools. The site is within the town centre of Barton where a range of services and facilities are available. The site is also close to a bus route and the train station, and is accessible on foot and by bicycle.

Concerns about the lack of car parking on the site are noted, together with the concerns the public car park will be used for car parking for the apartments. The proposal is for nine dwellings with two car parking spaces. The site is located in a town centre location next door to a public car park. The site is in a highly sustainable location with full access to public transport modes. Occupiers of the proposed dwellings will be well aware of the lack of parking within the site and this may deter those with vehicles from occupying the flats. There is no evidence to suggest occupiers will all park in the car park next door.

The proposal is considered to be acceptable in highway terms and, subject to the planning conditions recommended below, aligns with the NPPF, policy CS25 of the Core Strategy, and policies T1, T2 and T19 of the North Lincolnshire Local Plan.

Drainage and flood risk

In terms of flood risk, the site lies within flood zone 1 in the council's SFRA and is therefore at low risk of flooding. The proposal is compliant in terms of flood risk with flood risk policies within the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan. These policies seek to locate development within areas of low flood risk. As a result, in terms of flood risk, the proposed development is considered to be acceptable.

In terms of drainage, the LLFA and Anglian Water have both been consulted on the proposals. Planning conditions will be imposed on the planning permission in respect of the submission of foul water drainage details to the council for approval. Therefore, subject to an acceptable foul water drainage scheme, the proposal can accord with policy DS14 of the North Lincolnshire Local Plan.

In relation to surface water, Anglian Water and the LLFA have been consulted on the application. The LLFA considers that a detailed surface water drainage scheme for the site will need to be submitted to mitigate against flood risk and to protect water quality. The conditions proposed by the LLFA will be imposed on the planning permission. Given the lack of objection from Anglian Water and the council's own LLFA, it is considered, subject to the recommended conditions, that the proposed development will not result in an unacceptable risk of flooding and will not have a detrimental impact on the local drainage network. The proposal is therefore acceptable in drainage terms and accords with CS18 and CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

Environmental

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. In this case, the submitted site investigations are not considered sufficiently robust and therefore a planning condition will be used to ensure a satisfactory site investigation and remediation scheme is submitted for the site for approval by the council before development takes place.

Policy DS1 of the local plan is partly concerned with impacts upon residential amenity. It states, '...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.'

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release, result in land contamination, pose a threat to current and future surface or underground water resources, or create adverse environmental conditions likely to affect nearby developments and adjacent areas.

Paragraph 191 'a' of the NPPF states, '...mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.' Paragraph 193 of the NPPF states, 'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.'

The NPPF (para 90(f)) recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites. In this case the site is in the town centre surrounded by commercial, residential and community developments, and a public car park. There is potential for noise disturbance from surrounding land uses but this could be mitigated by the use of planning conditions requiring the submission of a noise assessment, mitigation measures and a verification report. Subject to the aforementioned conditions, the proposal would align with policies DS1, DS11 and the NPPF in respect of noise.

Ecology/biodiversity

The site is vacant and had potential for bats. A protected species report has been submitted and there is no evidence of bat roosts in the building and little bat activity in the area. However, 10 pairs of swifts were recorded entering the 'front building' to roost. Swifts are on the UK red list with an estimated 60% decline in the last 25 years.

Concerns about the loss of the tree to the rear of the site are noted. However, this tree has limited amenity value to the area and is within the application site partially screened by the boundary treatment. Planning conditions will be used to ensure biodiversity enhancements are achieved on the site and swift bricks or swift pantile nesting sites are provided in the building. This will also include some planting on the site to mitigate the loss of the tree. Subject to conditions, the proposal will align with policies LC12 of the NLLP, CS5 and CS17 of the CS, and paragraphs 180 and 186 of the NPPF in terms of biodiversity net gain and biodiversity enhancements.

Residential amenity

In terms of amenity impacts, the proposed apartments will primarily face onto the car park to the eastern side of the site and commercial premises. The ground floor is essentially screened by an existing boundary brick wall that is shown to be retained. There are a small number of windows and balconies on the southern elevation which will be visible from properties along Castledyke South. Due to the distance between these windows/balconies and properties on Castledyke South, no overlooking/loss of privacy will be caused by this development. Whilst the proposed extension will be visible from properties along Market Place and Castledyke South, no loss of residential amenity will be caused. In terms of the adjoining dwelling to the west (White Lion Mews), this dwelling is currently enclosed by the existing rear range of the building. This dwelling's aspect will not see any significant change to its outlook, although more wall and roof of the proposed rear range will be visible from this property and from within the courtyard garden/parking area. Part of the rear extension is twostorey, but has been designed with a hipped roof and is lower in height than the main twoand-a-half-storey extension, which reduces the overall bulk of the extension on this neighbour. The proposal will not result in any further demonstrable loss of amenity to this property. The proposal in this regard would align with policies H5 and DS1 of the NLLP, and policy CS5 of the CS.

Pre-commencement conditions

All pre-commencement conditions have been agreed with the applicant.

Planning balance and conclusion

The proposal is acceptable in principle as new dwellings are proposed in a highly sustainable location. The proposal will bring a vacant listed building and the whole site back into use and create additional footfall in the town centre, improving its vitality. In terms of impacts on the conservation area, highway safety, drainage, archaeology, environmental matters, ecology and residential amenity, these impacts are acceptable and where impacts have been identified these can be mitigated by planning conditions.

In terms of impact on the listed building, there is little doubt that substantial harm will be caused to this listed building by the proposed extension, with loss of the rear range. The NPPF is very clear that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In this case the main listed building is to be retained and refurbished to bring it back into use but the whole rear range, including the 19th century part of the rear range, will be lost. In this case, the significant public benefits of the scheme outlined above do outweigh the harm and loss of the early 19th century part of the rear range. The proposal is therefore recommended for approval.

RECOMMENDATION The committee resolves:

- (i) it is mindful to grant permission for the development;
- (ii) the associated listed building application PA/2022/908 be referred to the Secretary of State in accordance with statutory procedures to enable them to consider whether or not they wish to intervene;
- (iii) in the event of the Secretary of State deciding not to intervene, the decision be delegated to the Development Management Lead; and
- (iv) the permission so granted be 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:

- Demolition plan existing elevations
- Demolition plan existing floor plans
- PL K995/02 Rev C Proposed ground floor plan
- PL K995/09 Rev B Proposed front and side elevations
- PL K995-03 Rev B Proposed First Floor Plan

- PL K995-03 Rev B Proposed Second Floor Plan
- PL K995-06 Rev E Proposed Side and Rear Elevations
- EX K995/Location and Block Plan.

Reason

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

3.

The development shall not be brought into use until cycle parking has been provided in accordance with details to be submitted and approved in writing by the local planning authority. The facility shall thereafter be retained.

Reason

To ensure satisfactory cycle parking facilities on the site.

4.

No development shall take place until a construction phase traffic management plan showing details of:

- a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- (ii) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (iii) any abnormal load movements;
- (iv) contractor parking and welfare facilities;
- (v) storage of materials; and
- (vi) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway, as may be required;

has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary.

Reason

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

5.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development

which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off the site, is not increased. SuDS must be fully considered in accordance with current PPG guidance. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on aboveground solutions.

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 maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 165 to 175 of the National Planning Policy Framework.

6.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 5 above, 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 maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 165 to 175 of the National Planning Policy Framework.

7.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 165 to 175 of the National Planning Policy Framework.

8.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

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 maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan,

policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 165 to 175 of the National Planning Policy Framework.

9.

No development shall take place until a scheme for the disposal of foul water has been agreed in writing by the local planning authority. These details shall include connection points and discharge rates. None of the dwellings shall be occupied until it has been connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

10.

No development shall 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

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation. 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 Environment Agency's Land Contamination Risk Management (LCRM) guidance April 2021.

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, 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 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 the site is safe for future users and construction workers in accordance with policy DS7 of the North Lincolnshire Local Plan.

11.

Construction and site clearance operations shall be limited to the following days and hours:

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

No construction or site clearance operations shall take place on Sundays or public holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To safeguard residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

Noise and vibration – The CEMP shall set out the particulars of:

- (a) the works, and the method by which they are to be carried out;
- (b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- (c) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light – The CEMP shall set out the particulars of:

- (a) specified locations for contractors' compounds and materials storage areas;
- (b) areas where lighting will be required for health and safety purposes;
- (c) location of potential temporary floodlights;
- (d) identification of sensitive receptors likely to be impacted upon by light nuisance;
- (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust – The CEMP shall set out the particulars of:

- (a) site dust monitoring, recording and complaint investigation procedures;
- (b) identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) provision of water to the site;
- (d) dust mitigation techniques at all stages of development;
- (e) prevention of dust trackout;

- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (h) a 'no burning of waste' policy.

Reason

To safeguard residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

Part 1

No development shall take place until a noise impact assessment has been submitted to and approved in writing by the local planning authority. The noise impact assessment shall be carried out with reference to:

- National Planning Policy Framework (2023)
- National Planning Practice Guidance (2021)
- ProPG: Planning & Noise, New Residential Development (2017)
- BS 4142:2014 + A1:2019 Methods for rating and assessing industrial and commercial sound
- World Health Organisation Environmental Noise Guidelines for the European Region 2018
- World Health Organisation Guidelines for Community Noise (1999)
- World Health Organisation Night Noise Guidelines for Europe (2009)
- BS8233:2014 Guidance on sound insulation and noise reduction for buildings
- BS7445-2:1991, ISO1996-2:1987 Description of environmental noise. Part 2: Guide to acquisition of data pertinent to land use.

The noise impact assessment report shall provide details of existing background noise levels, likely noise sources which will impact upon the proposed development, mitigation methods to be employed and the resulting predicted level of noise at sensitive locations. Any approved mitigation measures shall be carried out in their entirety before the use of the site commences and shall be retained thereafter.

Part 2

Following installation of the mitigation measures in accordance with the approved technical specification, a verification report that demonstrates the effectiveness of the mitigation measures shall be undertaken. The verification report shall be submitted to and approved in writing by the local planning authority.

Reason

To safeguard the residential amenity of occupiers of the dwellings in accordance with policy DS11 of the North Lincolnshire Local Plan.

18.

Within one month 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 plan shall include details of either 10 swift bricks or 10 swift pantile nesting sites to be installed prior to the occupation of the new apartments.

Reason

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

19.

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 swift 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.

20.

Prior to the occupation of the building, details of the planting on the site shall be submitted to and approved in writing by the local planning authority. The planting scheme shall be carried out on the site before any dwelling is occupied and thereafter retained.

Reason

In the interests of the amenity of the development.

21.

No works shall commence on the approved fencing and gates until details of the materials for the fencing and gates have been submitted to the council for approval and thereafter only the approved materials shall be used on the site.

Reason

To safeguard the character and appearance of the listed building in accordance with policies HE2 and HE5 of the North Lincolnshire Local Plan and CS6 of the Core Strategy.

Informatives

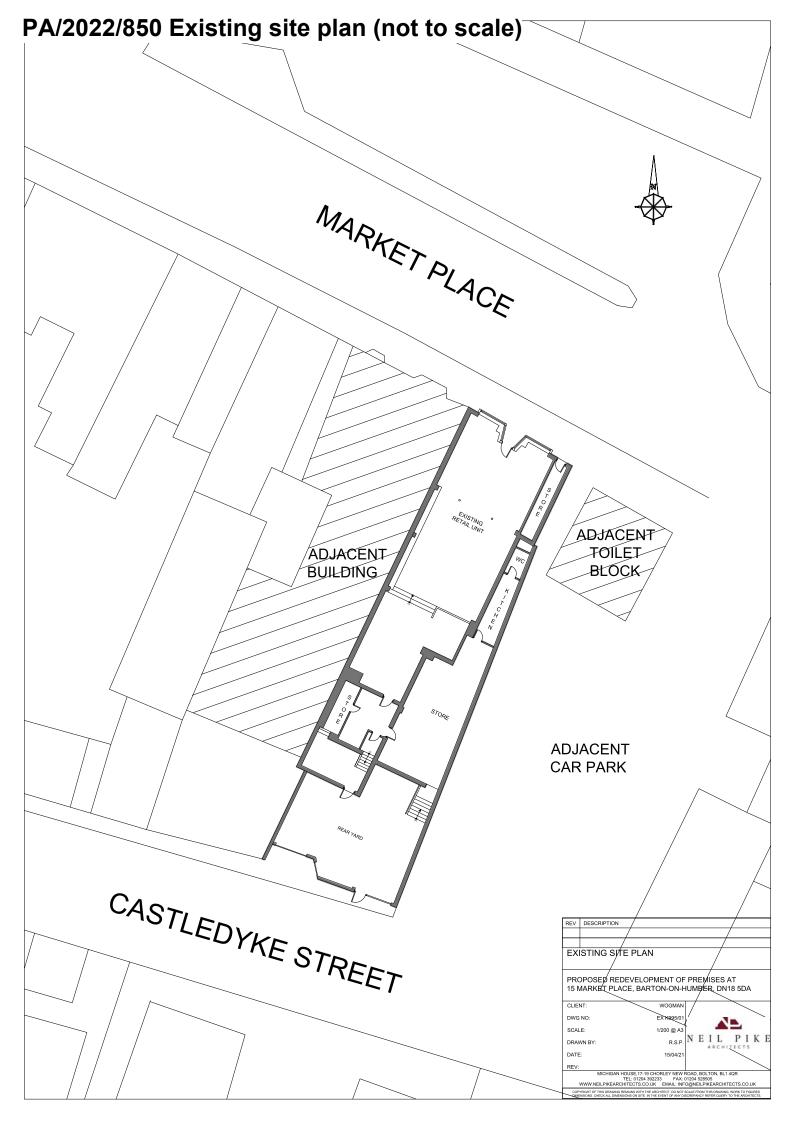
1.

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued:

- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.
- 2. The applicant's attention is drawn to the comments made by the LLFA and Anglian Water.
- 3. 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.





PA/2022/850 Demolition of existing buildings - elevations (not to scale). EXISTING ADJACENT BUILDING **EXISTING SIDE ELEVATION (CARPARK)** = PROPOSED **DEMOLITION** EXISTING REAR ELEVATION **EXISTING FRONT ELEVATION** EXISTING ADJACENT BUILDING REV DESCRIPTION CASTLEDYKE STREET MARKET PLACE **DEMOLITION PLAN - EXISTING ELEVATIONS** PROPOSED REDEVELOPMENT OF PREMISES AT 15 MARKET PLACE, BARTON-ON-HUMBER, DN18 5DA CLIENT: WOGMAN **EXISTING SIDE ELEVATION** DWG NO: EX K995/DEMO2 SCALE: D.D. NEIL PIKE DRAWN BY : | NICHIGAN HOUSE,17-19 CHORLEY NEW ROAD, BOLTON, BL1 4QR TEL: 01204 392233 FAX: 01204 528505 WWW.NEILPIKEARCHITECTS.CO.UK EMAIL: INFO@NEILPIKEARCHITECTS.CO.UK

PA/2022/850 Demolition of existing buildings - floor plans (not to scale)-



