

APPLICATION NO	PA/2020/1869
APPLICANT	Mr Peter Moxon, MXN Investments Ltd
DEVELOPMENT	Planning permission for change of use and associated works for the conversion of the first floor and ground floor entrances of 13 High Street from retail (E(a)) to residential (C3) to provide six one-bedroom flats
LOCATION	13 High Street, Kirton in Lindsey, DN21 4LZ
PARISH	Kirton in Lindsey
WARD	Ridge
CASE OFFICER	Kevin Robinson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Kirton in Lindsey Town Council

POLICIES

National Planning Policy Framework: The extract of policy from the NPPF represents some of the key paragraphs for this assessment. Please note, however, that this list is not exhaustive.

Paragraph 11: Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- (a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- (b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12: The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 38: Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

North Lincolnshire Local Plan: DS1, DS7, T2, HE9

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS25

Housing and Employment Land Allocations DPD: TC1

CONSULTATIONS

Highways: No comments or objections.

Historic Environment Record: No objection.

Conservation: No objection, subject to a condition to control details of windows and doors.

TOWN COUNCIL

'Kirton in Lindsey Town Council object to this planning application. In principle it would consider supporting the provision of small unit flats for the town, especially within the remit of a social housing association to offer some protection to tenants. The location of this application prohibits the Town Council supporting PA/2020/1869 because of the central position of the High Street property and subsequent requirement for on-street vehicle parking of residents and visitors. This is a very real requirement due to the lack of suitable public transport provision serving the town of Kirton in Lindsey and nearby employment locations to enable a commute to work. There is not suitable capacity for such on-street parking at High Street, within the Market Place or at the adjacent street locations.'

PUBLICITY

The application has been advertised by site and press notice. One letter of comment has been received which questions the parking provision.

ASSESSMENT

The history of the site reflects its use as a retail shop. None of the recorded history is considered to be of particular relevance to consideration of this proposal.

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

Policy CS1 of the Core Strategy sets out the overarching spatial strategy for North Lincolnshire, which, amongst other matters, provides that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located within the designated development limit.

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the HELAP. The application site is within the defined town centre and development boundary and is therefore in accordance with policies CS2, CS3 and CS8 of the Core Strategy. Policy TC1 of the HELAP also relates, which seeks to control the types of development within town centre locations. Amongst other uses, the use of upper floors for residential (C3) use is considered to be acceptable in these locations.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11(d) of the NPPF

provides that where the policies which are most important for determining the application are out-of-date, the authority should grant permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2016 to 31 March 2021, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a 3.9 year housing land supply of deliverable sites during the period April 2016 to March 2021.

This statement confirms that North Lincolnshire Council does not currently have a five-year supply of deliverable housing sites. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five-year supply of housing in accordance with paragraph 11 (footnote 7) of the NPPF and they are, therefore, failing to meet short-term housing needs. As such it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly the operation of paragraph 11 of NPPF triggers a tilted balance whereby there is a presumption in favour of sustainable development and development proposals should be approved unless the proposal fails against the above tests from Paragraph 11(d).

Being located within the town of Kirton in Lindsey, and forming the redevelopment of an existing building, there are inherent sustainability benefits to the proposal. As such, the principle of the development proposed is considered to be acceptable. In determining the sustainability of the proposed development, an assessment is required, not only on principle, but also on the technical elements of the proposal, as to whether its benefits are outweighed significantly and demonstrably by any adverse impacts.

The key issues in considering this proposal are:

- **impacts upon the character of the area, including heritage assets**
- **impacts upon residential amenity**
- **highway safety**
- **flood risk and drainage.**

Impacts upon the character of the area, including heritage assets

Policy DS1 states that a 'high standard of design is expected' and that proposals will be considered against two criteria:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area, and
- (ii) the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. 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’ and ‘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.’

Policy H5 is concerned with new housing development. Policy H7, which relates to backland and tandem developments, and paragraph 127 of the NPPF, are also relevant.

Core Strategy policy CS6 (Historic Environment) states, ‘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...’ and ‘Development proposals should provide archaeological assessments where appropriate.’

Policy HE9 states, ‘Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment will be required to be submitted prior to the determination of a planning application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.’

In this respect the existing property is a modern construction within the Kirton in Lindsey conservation area. The proposal seeks to reuse the first floor for residential accommodation to provide six one-bedroom flats. The amendments to the built form would consist of the addition of window openings to the side elevations and a new ground floor entrance to the flats. The proposed alterations to the appearance of the property are only minor in nature and would not materially affect the property’s appearance or its contribution to the street scene and character of the conservation area. Subject to the requested condition to control the materials of the windows to be wooden construction it is not considered that there would be any appreciable effect upon the Conservation Area. The proposal is therefore considered to be acceptable with regard to policies DS1, CS5, H5, CS6 and HE9.

Impacts upon residential amenity

Policy DS1 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 H5 also seeks to require that proposals do not result in adverse impacts upon neighbouring amenity.

In this regard the key issues from the proposal are likely to be the potential impacts from increased activity to the proposed entrance, the potential for increased overlooking from the proposed windows and the potential for noise disturbance between properties within the conversion. The proposed entrance is to the rear to an existing service yard area. The access is between existing dwellings. Whilst the proposal would alter the existing use of this area, it is not considered that the provision of six one-bedroom flats within the town centre would result in significant effects upon neighbouring properties. With regard to the proposed window openings, they would look out at obtuse angles to neighbouring properties and, being of modest size, would not give a significant feeling of increased overlooking. As such,

it is not considered that there would be a significant effect to warrant resistance on these grounds. The conversion of the property into flats would be subject to building regulations and would have to meet those requirements for soundproofing between properties. As such, it is considered that this is addressed separately to planning consideration.

The proposal is not considered to result in any significant effect upon the residential amenity of neighbouring occupiers and would provide suitable amenity to the occupants of the proposed dwellings.

Highway safety

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access and have options for sustainable transport.

The comments of the town council and the representation received from publicity of the application raise concern over parking of vehicles in the locality. The highways officers have been consulted on the proposals and do not raise any objections. The site is located within Kirton in Lindsey town centre and, as such, residents would have access to public transport services from the town, with prospective residents not having expectations for off or on-street car parking availability. Whilst no dedicated car parking provision is made, being located in a sustainable location with access to modes of public transport, it is not considered that there would be an over-reliance upon the private car. The wider area has some on-street parking available and can ultimately be controlled through highways legislation if required. The proposal does not raise any objections from the highways officers in respect of on-street parking and is considered to be acceptable with regard to policy T2 of the local plan.

Flood risk and drainage

Policy DS14 of the North Lincolnshire Local Plan is concerned with both surface water and foul drainage. The application site is not located within an area of designated flood risk. The proposal would not result in changes to the ground conditions or the movement of surface water. Foul drainage will be controlled under building regulations and by the water authority. The proposal is therefore considered to be acceptable in this regard in accordance with the requirements of policy DS14.

Conclusion

The proposal seeks to reuse an upper floor above a retail shop within the town centre of Kirton in Lindsey. The proposal is considered to represent an efficient use of the existing built form serving to increase the housing provision within the area. The proposal would not result in any significant effects upon neighbouring amenity and would not adversely impact upon the conservation area. Whilst no dedicated car parking provision is made, being located in a sustainable location with access to modes of public transport, it is not considered that there would be an over reliance upon the private car. The wider area has some on-street parking available and can ultimately be controlled through highways legislation if required. As such, the proposal is considered to form sustainable development and is recommended for approval subject to conditions.

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: Drawing reference L-MOX_001-04 Rev 1 Proposed Floor Plans; Drawing reference L-MOX-001-05 Rev 1 Proposed elevations.

Reason

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

3.

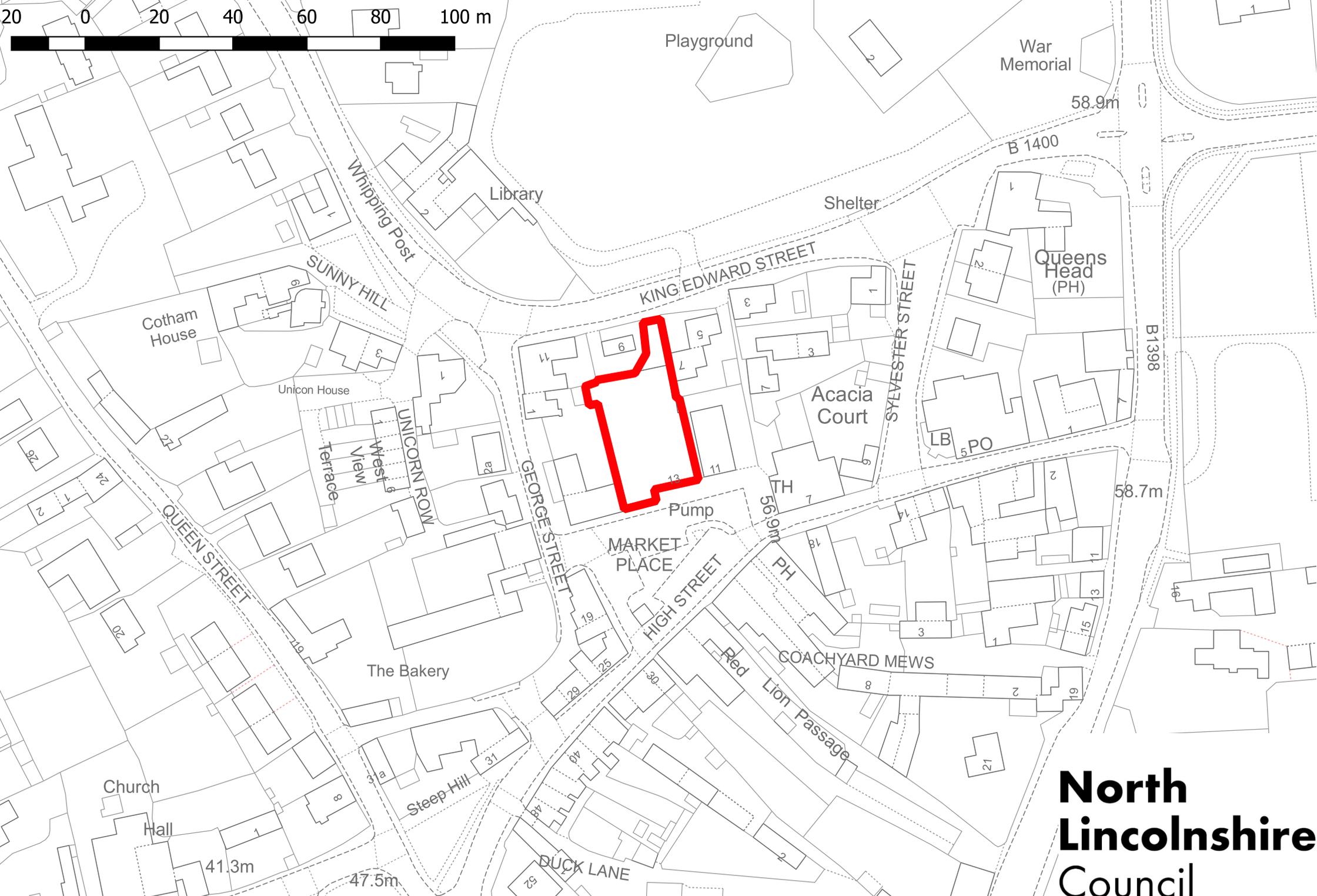
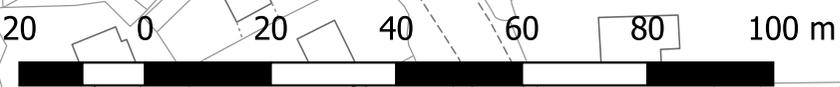
Prior to installation, details of the windows and door shall be submitted to and approved in writing by the local planning authority. Only the approved windows and door shall be installed, and retained as such thereafter.

Reason

In the interest of visual amenity and to protect the character of the conservation area in accordance with policy CS6 of the North Lincolnshire Core Strategy.

Informative

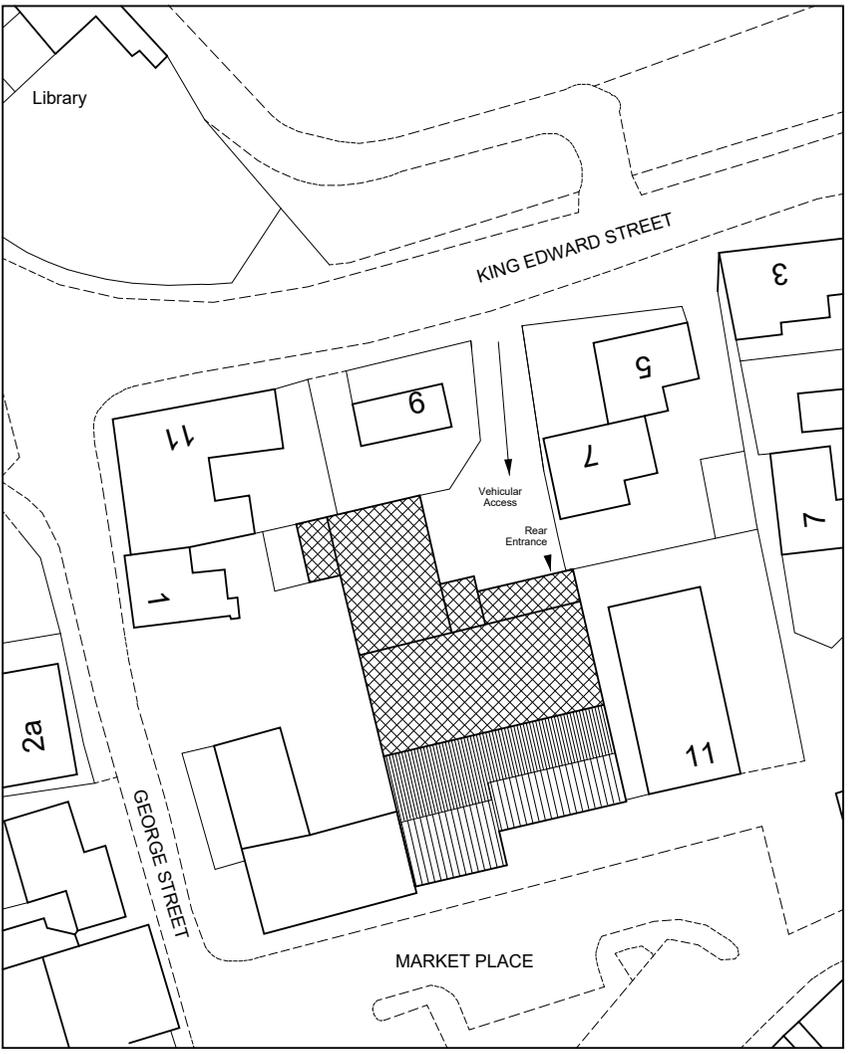
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



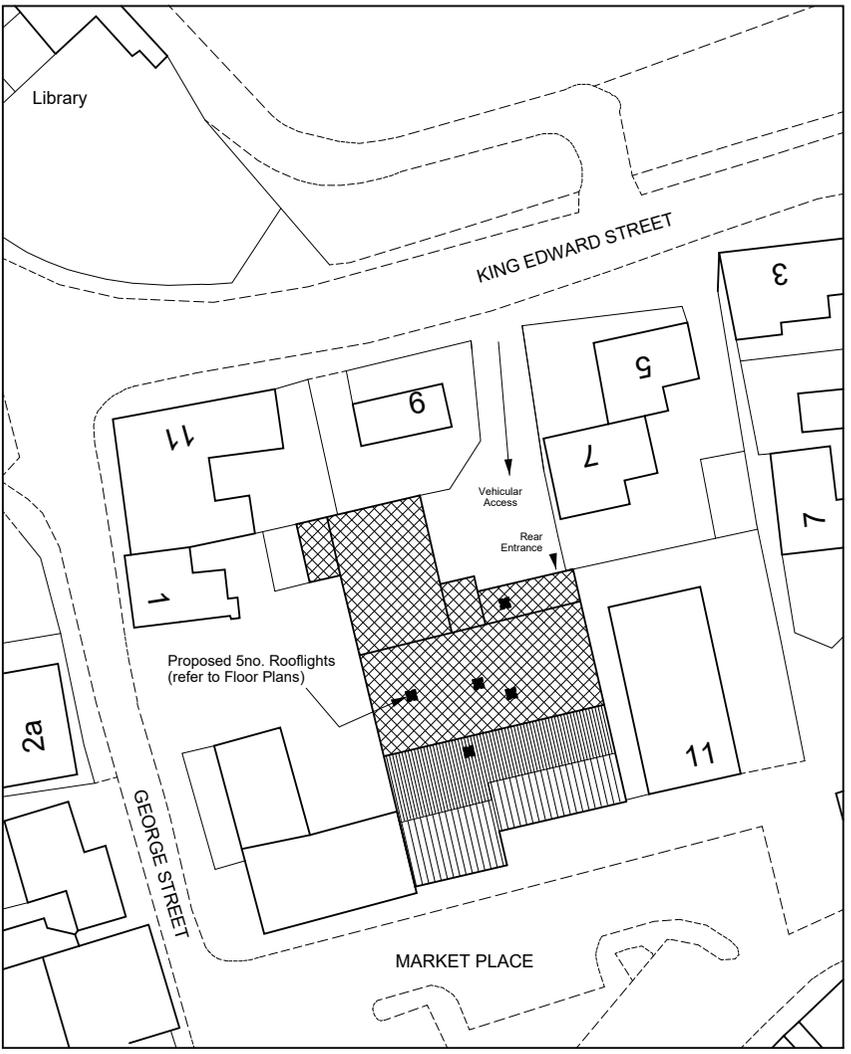
**North
Lincolnshire
Council**

PA/2020/1869

PA/2020/1869 Proposed rooflights (not to scale)



Existing



Proposed

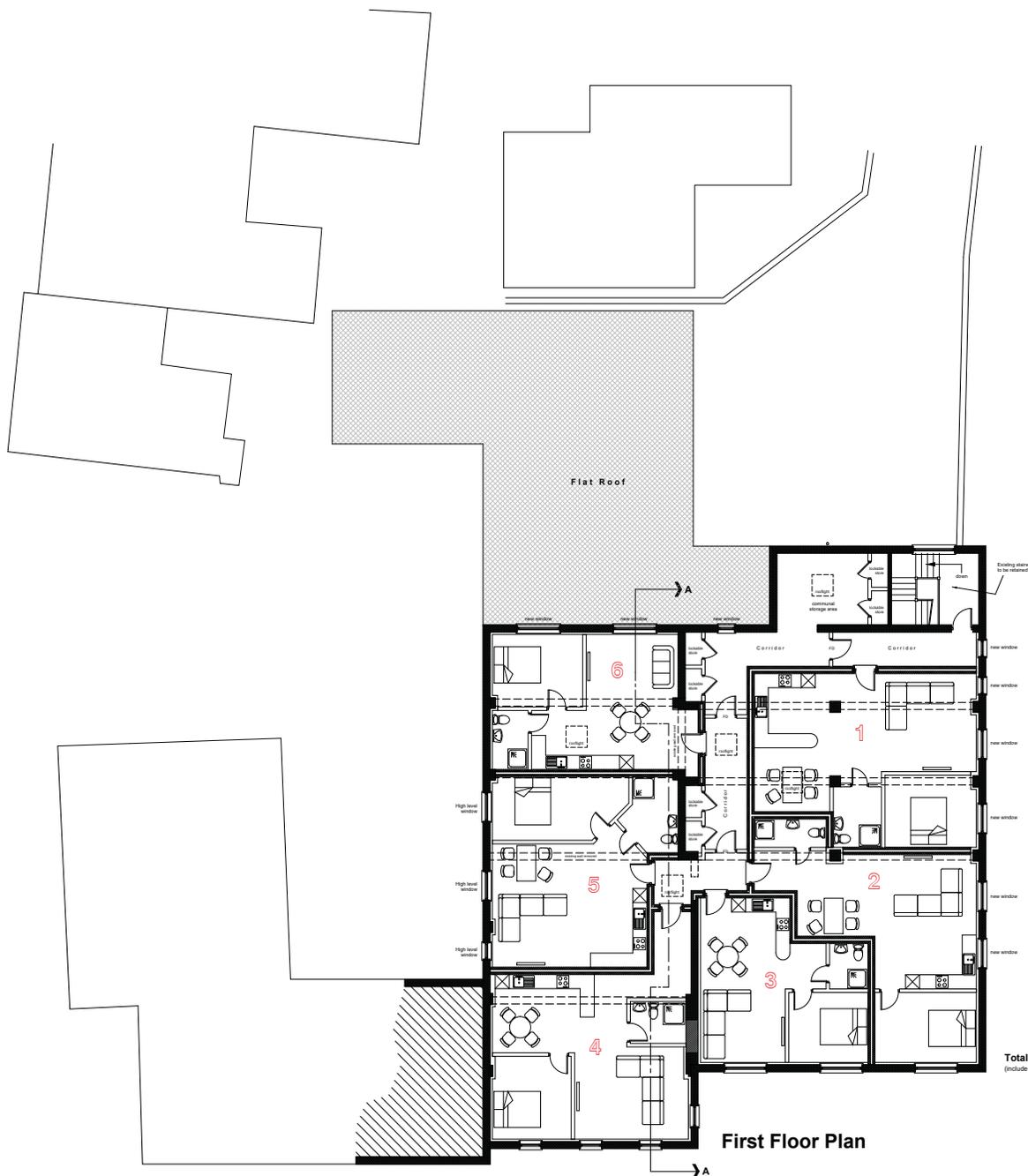


Ordnance Survey (c) Crown Copyright 2020. All rights reserved. Licence number 100022432

This drawing is for Planning purposes ONLY. It should only be used for the project specified and by the clients who commissioned the work. The drawing is not intended as a working drawing for construction. All dimensions should be treated as approximate. The contractor is responsible for all setting-out and construction work carried out on site. © Copyright reserved. JHWalter LLP.

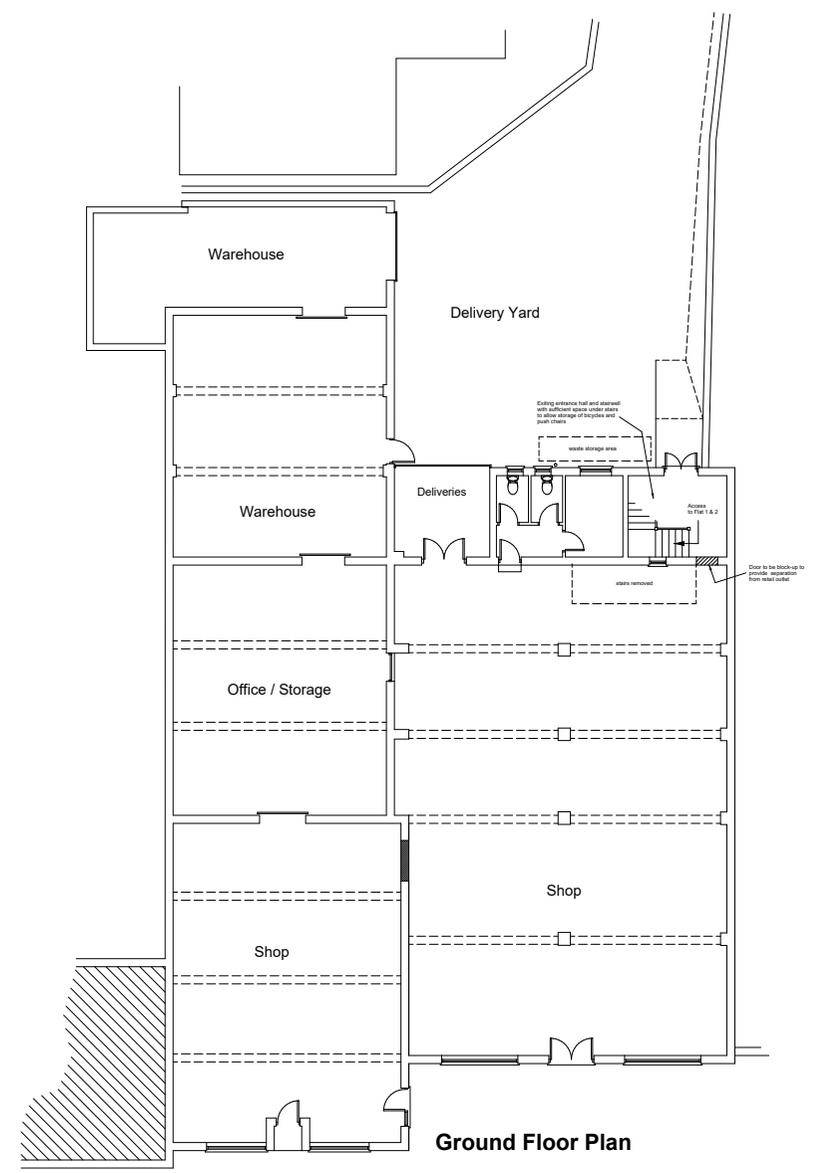
	JHWalter LLP Chartered Surveyors 1 Mint Lane, Lincoln, LN11UD T: 01522 526526 E: info@jhwalter.co.uk www.jhwalter.co.uk	
	MXN Investments Ltd 13 High Street, Kirton-in-Lindsey, DN21 4LZ Proposed Residential Development Block & Roof Plans - EXISTING & PROPOSED	
<p>L-MXN-001-07</p>		
ISO A3 sheet @ Scale 1:500	Date: 01-11-2019	Revision 1
Drawn by: PAW	Checked by:	

Proposed



First Floor Plan

Total Floor Area = 463sqM
(includes GF entrance lobby and stairs)



Ground Floor Plan

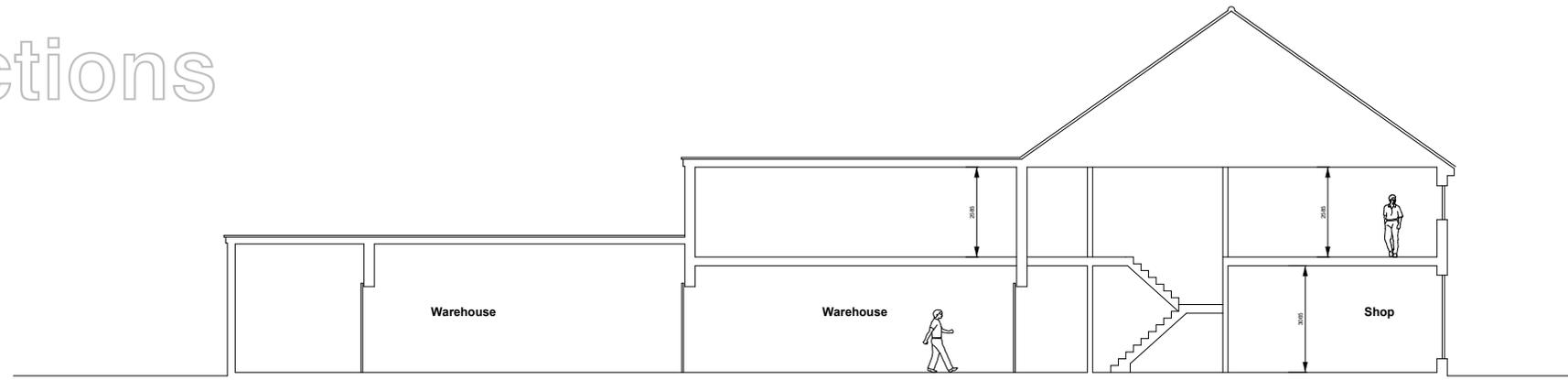


Scale 1:100

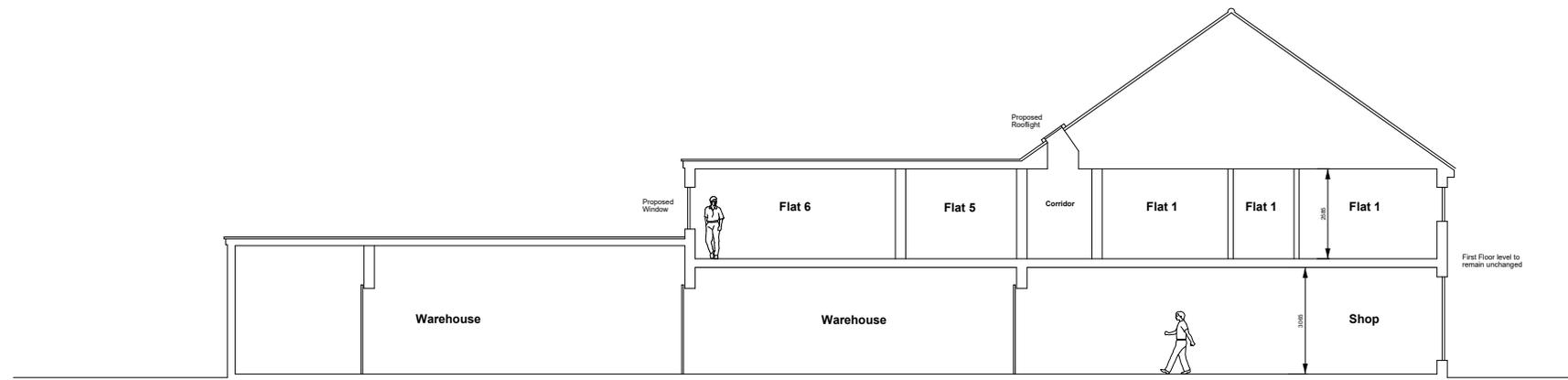
This drawing is for Planning purposes ONLY. It should only be used for the project specified and by the applicant who commissioned the work. The drawing is not intended as a working drawing for construction. All dimensions should be treated as approximate. The contractor is responsible for all setting-out and construction work carried out on site. © Copyright reserved JHWalter LLP

		JHWalter LLP Chartered Surveyors 1 Mint Lane, Lincoln, LN1 1UD T: 01522 526529 E: info@jhwalter.co.uk www.jhwalter.co.uk
MXN Investments Ltd 13 High Street, Kirton-in-Lindsey, DN21 4LZ Proposed Residential Development Floor Plans - PROPOSED L-MOX-001-04		
ISO A1 sheet @ Scale 1:100	Date: 18-09-2019	Revision 1
Drawn by: PAW	Checked by:	

Sections



Existing A - A



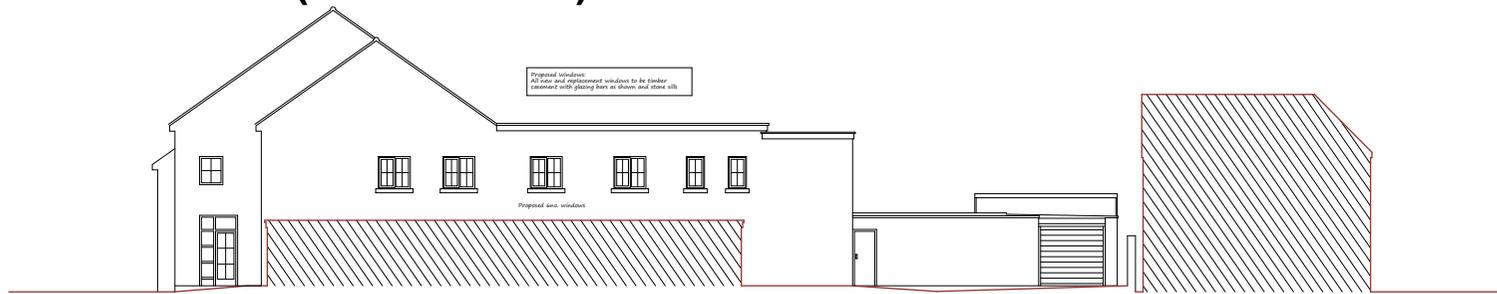
Proposed A - A



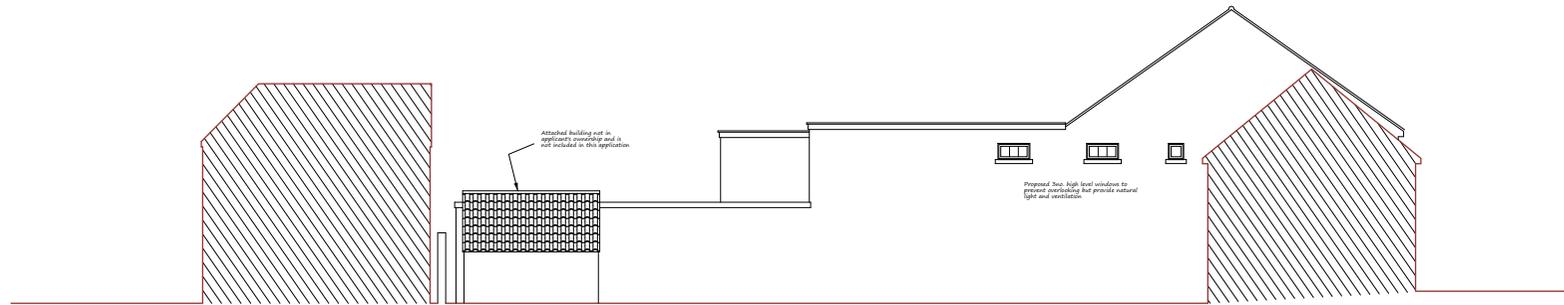
This drawing is for Planning purposes ONLY. It should only be used for the project specified and by the clients who commissioned the work. The drawing is not intended as a working drawing for construction. All dimensions should be treated as approximate. The contractor is responsible for all setting-out and construction work carried out on site. © Copyright reserved JHWalter LLP.

		JHWalter LLP Chartered Surveyors 1 Mint Lane, Lincoln, LN1 1UD T: 01522 526526 E: info@jhwalter.co.uk www.jhwalter.co.uk	
MXN Investments Ltd 13 High Street, Kirton-in-Lindsey, DN21 4LZ			
Proposed Residential Development Sections - EXISTING & PROPOSED L-MOX-001-06			
ISO A2 sheet @ Scale 1:100		Date: 18-10-2020	
Drawn by: PAW		Checked by:	
			Revision 1

Proposed



East Elevation



West Elevation



South Elevation



North Elevation



This drawing is for Planning purposes ONLY. It should only be used for the project specified and by the client who commissioned the work. The drawing is not intended for construction. All dimensions should be treated as approximate. The contractor is responsible for all setting-out and construction work carried out on site. © Copyright reserved JHWalter LLP

 JHWalter LLP Chartered Surveyors 1 Mint Lane, Lincoln, LN11UD T: 01522 526526 E: info@jhwalter.co.uk www.jhwalter.co.uk	
MXN Investments Ltd 13 High Street, Kirton-in-Lindsey, DN21 4LZ Proposed Residential Development Elevations - PROPOSED L-MOX-001-05	
ISO A1 sheet @ Scale 1:100	Date: 18-09-2019
Drawn by: PAW	Checked by:
Revision	
1	