

<b>APPLICATION NO</b>	<b>PA/2021/1321</b>
<b>APPLICANT</b>	Mr Francis Micallef
<b>DEVELOPMENT</b>	Planning permission to erect a two-storey workshop comprising garages, gym facilities, storage and office space
<b>LOCATION</b>	The Old Vicarage, Yorkshire Side, Eastoft, DN17 4PG
<b>PARISH</b>	Eastoft
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	Mark Niland
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Eastoft Parish Council

## **POLICIES**

### **National Planning Policy Framework:**

Paragraph 131 – Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Paragraph 195 – Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

**North Lincolnshire Local Plan:** DS1, DS11, T2, T19, RD2

**North Lincolnshire Core Strategy:** CS2, CS5

## **CONSULTATIONS**

**Highways:** No comments or objections.

**Drainage (Lead Local Flood Authority):** No comments or objections.

**Environmental Protection:** No objections subject to conditions relating to noise: one to prevent the commercial use of the building and the other related to refrigeration, plant and air-conditioning.

**Conservation:** No objection following amended plans, subject to the control of materials.

**Tree Officer:** There are protected trees on this site that have not been properly considered in regard to this proposal nor the root protection areas that would be required around them.

An arboricultural report would be required, and it is surprising that one has not been submitted to give an indication as to the location, species, size and condition of all trees on or adjacent to the site and how they may be impacted if the proposal is given consent. A BS5837:2012 survey is therefore requested. Without one the recommendation is that this application be withdrawn until such time as this information is available and changes made to the application to take account of the trees and their required protection areas, or indeed refused due to their presence and the effect the application would have on these protected trees.

## **PARISH COUNCIL**

Objects to the proposal on the following grounds:

‘Concerns were expressed that the visual impact of the extension would be seen by the residence known as The Vicarage. Visually the extension is at the back of the property and only viewed by field workers and field walkers, however trees would be welcome as a shield. Materials should of course be sourced to enhance the listed building status, see plans PA/2021/1403. If the addition of large offices happens then they are open to non-locals and should attract business rates.’

## **PUBLICITY**

Advertised by site and press notice. No comments have been received.

## **ASSESSMENT**

### **Planning history**

PA/2021/1403: Listed building consent to erect a two-storey workshop comprising garages, gym facilities, storage and office space – not yet determined

PA/2012/1397: Non-material amendment to planning permission PA/2008/1190 dated 08/10/2008 to change the style and size of windows, doors and roof lanterns to orangery, install external flue in attached outbuilding and replace guttering – approved 07/01/2013

PA/2012/1396: Listed building consent to change the style and size of windows, doors and roof lanterns to orangery, install external flue in attached outbuilding and replace guttering (previous application PA/2008/1198) – approved 23/01/2013

PA/2008/1198: Listed building consent to erect an extension and carry out alterations, and erect a detached double domestic garage to the front – approved 08/10/2008

PA/2008/1190: Planning permission to erect an extension and carry out alterations, and erect a detached double domestic garage with a store to the front – approved 08/10/2008

2/1974/0040: Convert existing outbuildings into a dwelling house – approved 11/04/1974

### **Site constraints**

- Flood Zone 2/3a (North and North East Lincs SFRA 2011)
- Open Countryside (HELA DPD 2016)
- Within setting of Grade II listed buildings
- Proximity to trees protected by a TPO

### **Listing description**

#### GV II

Parsonage house, now house, with adjoining carriage house and stables. Mid C19, probably 1855, by J L Pearson. Light brown brick in Flemish bond with rubbed red brick and sandstone ashlar dressings. Welsh slate roof. L-shaped on plan: double-depth house with 3-room, central entrance-hall east front, drawing room and dining room to rear, kitchen wing to rear right with carriage house/stable and stores range beyond. East front: 2 storeys, 3 bays; symmetrical, with central bay breaking forward. Chamfered brick plinth. Steps to panelled door beneath moulded lintel and overlight with geometric glazing bars and coloured margin lights in panelled reveal beneath flat red brick arch and moulded ashlar cornice; first-floor section stepped- in above. 12-pane ground-floor sashes in reveals with projecting stone sills beneath red brick cambered arches. Similar but slightly shorter first-floor sashes. Deep eaves. Hipped roof. Ridge stack with brick band, ashlar cornice and octagonal pots. Similar stacks to rear and right return.

Left return forms garden front: 2 bays, with recessed left bay. Right bay has central section breaking forward, with 12-pane sash beneath brick cambered arch and ashlar cornice, narrower raised section above with 12-pane first-floor sash below similar arch. Left bay has wooden ground-floor canted bay window with French windows and overlight with glazing bars to front, and unequal 10-pane sashes to sides, in Doric surround with tapered pilasters carrying entablature with triglyphs, guttae, moulded cornice, blocking course and flat hood. Central first-floor section above breaks forward with 12-pane sash, narrow 8-pane sash in angle to right, both below cambered brick arches. Right return has irregular fenestration with hung and sliding sashes with glazing bars beneath brick cambered arches. Coped wall with round-headed opening links rear wing to carriage house/stables and stores range. 2-storey section to left, with 2 first-floor openings, has basket-arched carriage entrance to right with 2-fold board doors, pair of board doors and 12-pane sliding sash to left beneath segmental arches; first-floor hatch to right with board door beneath segmental arch, blocked similar opening to left, stepped eaves, ridge stack. Single-storey section to right has sliding sash and pair of board doors beneath segmental arches, coped right gable. Interior of house: original features include open-well staircase with ramped grip handrail, turned newel posts, plain balusters and inserted C20 wrought-iron balusters, profiled cheek-pieces; marble chimney- pieces to 2 ground-floor front rooms, one with carved consoles; moulded plaster cornices, panelled window shutters, 6-pane doors in architraves beneath

moulded cornices. Probably built together with the neighbouring church of St Bartholomew (qv) and school in 1855.

Listing NGR: SE8064816668

### **Site characteristics**

The site lies outside the development boundary for Eastoft though within the curtilage associated with The Old Vicarage. The area proposed for the development is to the west of The Old Vicarage and north of an existing tennis court. There are two groups of trees protected by tree preservation orders in this area: to the south of the development a group made up of one sycamore and four walnuts; to the east a group consisting of two elm, three lime, a sycamore, a walnut and a yew.

The dwelling itself is grade II listed set back from the A161, to the north of St Bartholomew's (grade II listed) and opposite Elm Tree Farmhouse, which is also a listed asset. The dwelling has front curtilage area with parking, and wall garden to the rear, beyond which the curtilage extends to include a tennis court. This application is proposed to the north of that court.

### **Proposal**

Planning permission is sought to erect a two-storey workshop comprising garages, gym facilities, storage, and office space. The proposal is for domestic use and amended plans have been received following conservation and tree concerns.

**The following considerations have therefore been assessed:**

- **principle of development**
- **impact on listed building(s)**
- **character impacts**
- **impact on trees**
- **environmental issues**
- **residential amenity.**

### **Principle of development**

Policy RD2 is concerned with development in the open countryside. Part 'vii' is relevant and states, '...for the replacement, alteration or extension of an existing dwelling'.

The site is located beyond the settlement boundary but within the applicant's residential curtilage. The proposal for a domestic gym and store is therefore considered acceptable and would accord with policy RD2 of the local plan.

### **Impact upon listed building**

Policy HE5 is concerned with development affecting listed buildings. It states that the council will seek to secure the preservation, restoration and continued use of buildings of

special architectural or historic interest. When applications for planning permission relating to a listed building or listed building consent are being assessed, the primary consideration will be the need to preserve or enhance the fabric and character of the building. Policy CS6 of the Core Strategy reinforces this policy by requiring development to protect and enhance the district's historic assets.

A material consideration to this application is the ongoing dilution of the listed building and two key events that have led to the application being acceptable. These events were the conversion of outbuildings to the dwelling in 1974 and in 2008 the erection of a double garage with linked carport. It is this latter development that forms both a visual and physical screen between The Old Vicarage and the area of land that makes up this proposal.

The proposal is located beyond the existing carport and the wall garden, and within the area close to the existing tennis court. The proposal would only be read from vistas to the rear of the plot where the proposed building would sit against the backdrop of the listed dwelling and protected trees. The building along its main stretch has two floors though the first floor is located above the eaves of the building allowing it to stay low in comparison to the dwelling (it is of a comparable height to the carport). The roof materials are grey slate, which would allow the proposal to assimilate with the existing carport. The impact upon the listed building by the presence of the proposal is not unacceptable. Though there is some dilution of setting, its distance beyond the wall garden and carport, its scale, its softening by existing trees and the use of appropriate materials would lead to less than substantial harm. The western elevation is gabled. It was requested that this was hipped to lessen the appearance of massing in the roof of the building, however the impact would overly complicate the functionality of the internal arrangement. The applicant did make all other required changes, including moving the structure away from protected trees, and this gable on its own does not give rise to an amount of harm that would lead to refusal.

The conservation officer has been involved in dialogue and requested some amendments, including moving the building away from the protected trees and carport, as well as materials and hipping the building. Following the amended plans, the officer has confirmed that he is happy with the scheme subject to a condition requiring the addition of a horizontal timber crosspiece in the large rear window.

The materials will be conditioned despite the applicant proposing (in part) a suitable palette that includes timber weather boarding and a slate roof tile. This is because of the sensitivity of the location as well as details of rainwater goods and fenestration materials being omitted. In terms of the horizontal crosspiece, it is believed the officer is referring to the bifold doors, but to have such an obstruction would not allow this opening to be functional and perhaps should have been an objection should the issue have been so great. Instead, should the officer not support the use of a full glazed opening, this can be discussed at the discharge of conditions stage as fenestration/openings will be controlled due to the sensitive location of the building.

It is therefore considered that the proposal is in accordance with policies HE5 of the local plan and CS6 of the Core Strategy.

### **Character impacts**

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy is in two parts: firstly, it sets out, in principle, those development types that are acceptable; and secondly, it sets out a criteria-based approach

to assessing those developments. The second part is of interest here in that it seeks to ensure that the visual amenity of the countryside is not compromised by poor development. Paragraph 'c' of the policy states:

'...the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;'

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.'

The proposal, given its location to the rear, screened by the existing carport and double garage, would make limited impact upon the street scene. Vistas from northerly and westerly locations (within agricultural fields and public rights of way) would experience the building. The building from these viewpoints, however, is softened by the abundance of trees and existing hedgerows. The distinction between the listed asset and the proposal is easily read given its location next to the tennis court and beyond the wall garden. The more modern carport and garage also provide a visual barrier...a tapering from old to new. That said, this building can stand against the backdrop in its own right given the use of evolving facing materials (slate and timber) and its scale. Conditions will be attached with regard to materials, fenestration and rainwater goods.

For the above reasons it is considered that the proposal would align with policies RD2 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.

### **Impact on protected trees**

Policy LC12 of the North Lincolnshire Local Plan is concerned with the protection of trees, woodland and hedgerows. It is relevant to this assessment given that there are groups of protected trees in the vicinity of the proposal site. It states:

'Proposals for all new development will, wherever possible ensure the retention of trees, woodland and hedgerows. Particular regard will be given to the protection of these features within the setting of settlements, the protection of ancient woodlands and historic hedgerows and the amenity value of trees within built-up areas. Tree preservation orders will be made where trees which contribute to local amenity or local landscape character are at risk. Landscaping and tree and hedgerow planting schemes will be required to accompany applications for new development where it is appropriate to the development and its setting.'

There are two groups of protected trees located close to the proposed building (described within the site characteristics section). The applicant has been requested to move the proposal outside the root protection area of the closest protected (oak) tree. The site plan shows that the tree is approximately 7.4m from the east part of the building following amendments. The tree officer has requested a tree survey, however these comments are very recent and after the amendments had been sought. The officer has not been privy to the latest footprint, and it is considered that those comments are outdated. However, to reinforce this protection of the trees (given they are inextricably linked to the historic value of the site and that a root protection area is only speculative in that roots are not always

equally radial from the centre of any tree) a condition on foundation design shall be attached, as will a condition on how these trees will be protected during construction.

Given the mitigation, it is considered that the proposal would align with policy LC12 of the North Lincolnshire Local Plan.

### **Environmental issues**

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states, '...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.'

The council's Environmental Protection Team have been consulted and have no objections to the development subject to conditions relating to the facility not being for commercial purposes and plant, air conditioning and refrigeration being installed in the building. The reason for both conditions is to protect the amenity rights of neighbouring properties. Therefore, given the conditions to be attached, it is considered that the proposal would accord with policy DS11 of the local plan.

### **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.'

The proposed building is a sufficient distance from all neighbouring properties so as not to give rise to unacceptable overshadowing or overbearing impacts. The distance also limits impact from visual intrusion.

The proposal is considered to align with policy DS1 in respect of impacts related to residential amenity.

### **Conclusion**

The proposal would not dilute the setting of the listed building to a level that would warrant refusal. Whilst there is some cross-reading from certain vistas, the existing characteristics of the site (wall garden, modern extension, trees) allow this building to retain sufficient distinction from the asset. Conditions to protect trees and amenity will be attached as well as those to control external materials.

### **Pre-commencement conditions**

The applicant has been given the requisite 10 working days' notice that there is an intention to attach the pre-commencement conditions included in the recommendation.

**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:

102\_Eastoft\_200\_Proposed Barn Elevations Revisions 01

102\_Eastoft\_110\_Proposed Site Location Plan Rev 01

02\_Eastoft\_110\_Proposed Barn FF Layout Rev 01

02\_Eastoft\_110\_Proposed Barn GF Layout Rev 01.

Reason

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

3.

Prior to any above-ground works, details of all external materials, including openings, rainwater goods, roof and walls, to be used in the construction of the building hereby approved shall be submitted to and agreed in writing with the local planning authority. Only the agreed materials shall be used and shall be retained thereafter.

Reason

To protect the historic environment and to accord with policy CS6 of the Core Strategy.

4.

Development other than site clearance shall not commence until details of the foundation designs of the building have been submitted to and agreed in writing with the local planning authority. The development shall be built in accordance with that agreed methodology.

Reason

To protect trees and to accord with policy LC12 of the North Lincolnshire Local Plan.

5.

Before development is commenced, details of the method of protecting the existing trees on the site throughout the construction period shall be submitted to and approved in writing by the local planning authority, and such works as may be so approved shall be carried out before development is commenced, and maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.



Reason

To protect the existing trees on the site in accordance with policy LC12 of the North Lincolnshire Local Plan.

6.

The workshop, garages, gym facilities and storage hereby permitted shall be for private use only and no trade, business or profession shall be carried out from the site without the prior permission in writing of the local planning authority.

Reason

To prevent the uncontrolled introduction of a use which may potentially have an adverse impact on the character of the surrounding area without an opportunity to examine this against the criteria in policy DS4 of the North Lincolnshire Local Plan.

7.

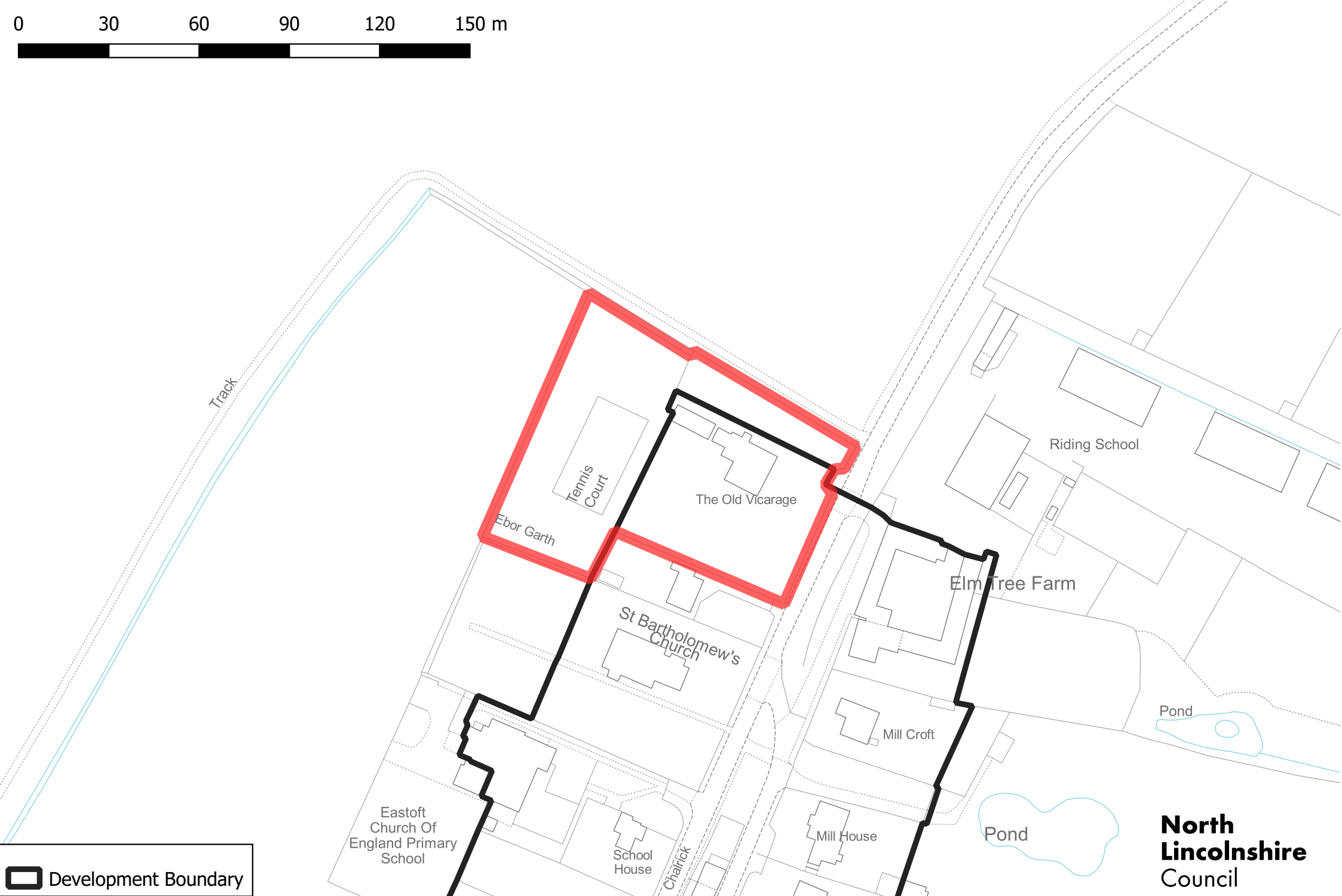
No plant for refrigeration, ventilation or air-conditioning shall be installed until details have been submitted to and approved in writing by the local planning authority. The details shall include an assessment of likely impact of the plant on residential amenity, specifying noise output and any mitigation measures necessary. All plant shall be installed and maintained in accordance with the details approved by the local planning authority.

Reason

To minimise the potential for noise nuisance, and to prevent the loss of amenity to nearby residential 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.

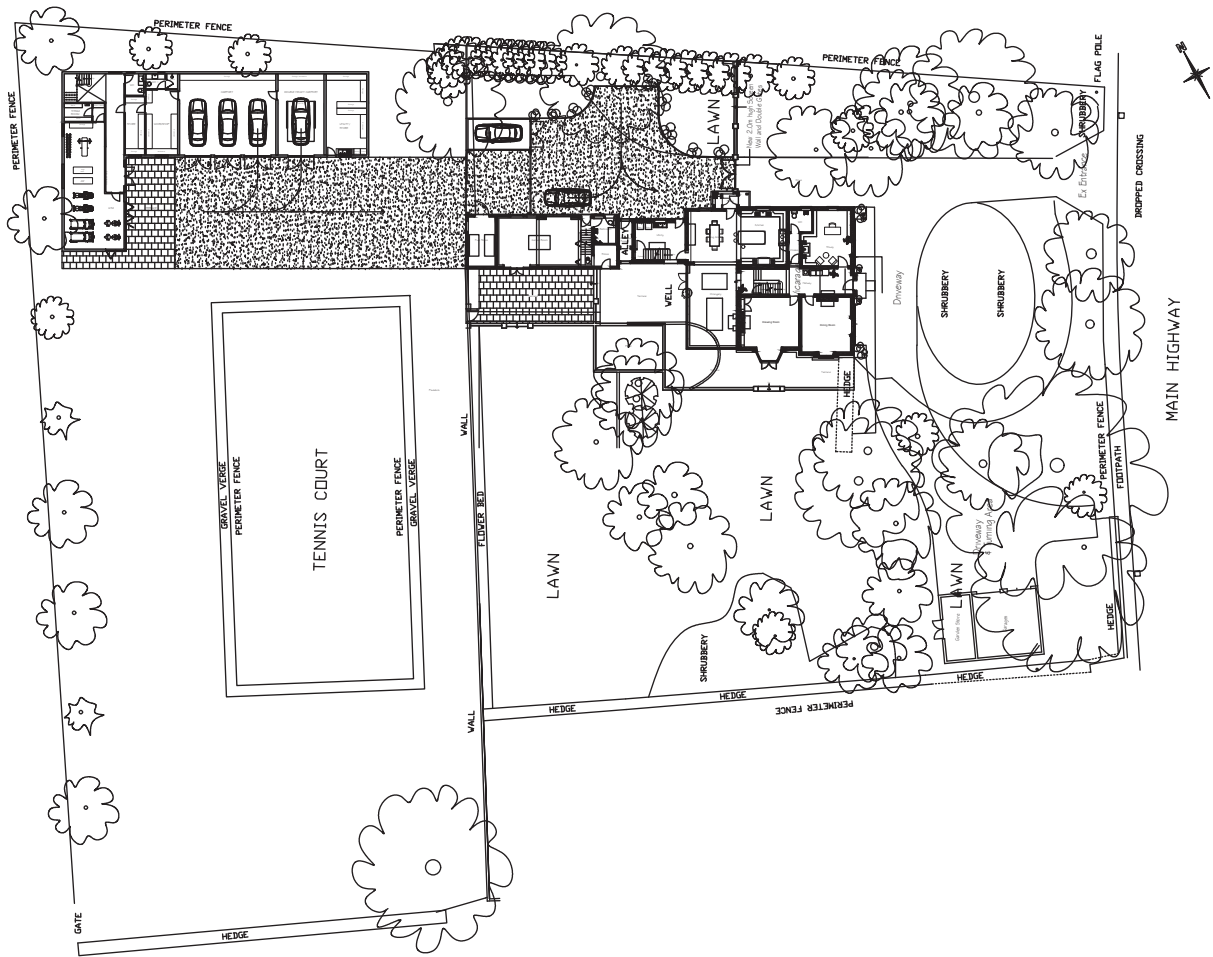


**North  
Lincolnshire  
Council**

**PA/2021/1321**

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**AMENDED**



1. Proposed Site Location Plan

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DRAWINGS NOT FOR CONSTRUCTION

Revision	Date	Description	Author

Notes:

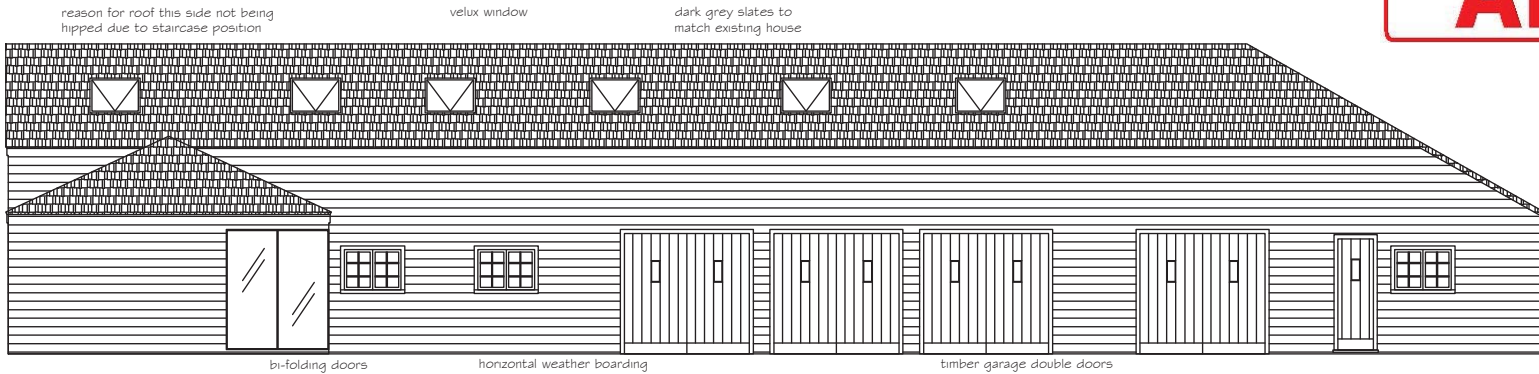
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**Eastoft**  
drawing title  
**Proposed Site Location Plan**

revision  
**01**  
initial issue date  
**04.07.2021**

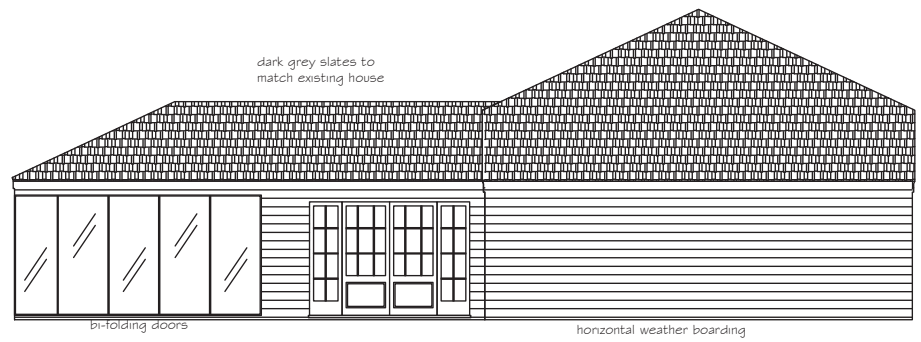
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**102**  
drawing No  
**102\_Eastoft\_110\_Proposed Site Location Plan**



AMENDED



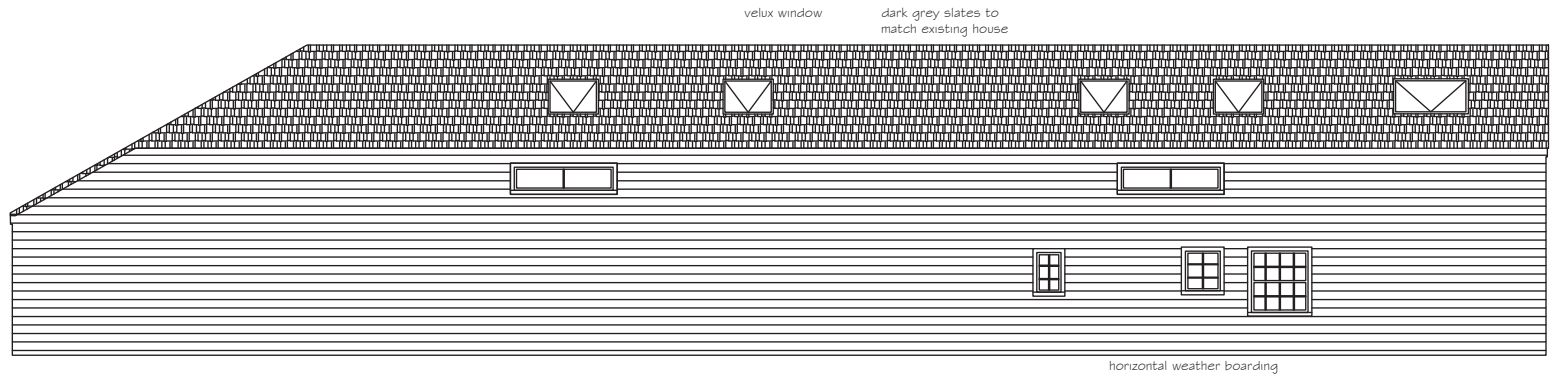
1. SCALE 1:100@A3  
Proposed South Elevation



2. SCALE 1:100@A3  
Proposed East Elevation



3. SCALE 1:100@A3  
Proposed West Elevation



4. SCALE 1:100@A3  
Proposed North Elevation

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Notes:

project  
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drawing title  
**Proposed Barn Elevations**

revision  
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initial issue date  
**04.07.2021**

job no  
**102**  
drawing No  
**102\_Eastoft\_200\_Proposed Barn Elevations**

