

APPLICATION NO	2006/1121
APPLICANT	Mr & Mrs P Leach
DEVELOPMENT	Planning permission to erect a detached house and 6 mews terrace houses and refurbish attached cottage and adjoining retail shop (to include demolition of garage workshop and workshop and stores and derelict house in rear yard)
LOCATION	42-44 Chapel Street, Epworth
PARISH	EPWORTH
WARD	Axholme Central
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Epworth Town Council
POLICIES	<p>Humberside Structure Plan: Epworth is identified as a selected settlement under policy S12.</p> <p>Regional Spatial Strategy for Yorkshire and the Humber: Policy H2 identifies that the sequential approach to housing location should be adopted with brownfield land being developed first. In rural areas housing provision should meet local needs and/or support local services and again should use brownfield land or buildings and should conserve/enhance the character of the small town or village.</p> <p>North Lincolnshire Local Plan: Policy ST2 (Settlement Hierarchy) identifies Epworth as a medium growth settlement.</p> <p>Policy ST3 (Development Limits) permits development within the development limit providing that the settlement can absorb the development without adversely affecting the character of the immediate environment or the settlement as a whole.</p> <p>Policy H1 (Housing Development Hierarchy) states that a lower level of allocations is proposed in the medium growth settlements compatible with their scale, character, location, facilities and existing environmental quality.</p>

Policy H5 (New Housing Development) requires all new housing developments to be well related to existing infrastructure; be in keeping with the scale and character of the settlement; not result in the loss of important open space; comprise development of not more than 3 dwellings; reasonably be expected to commence within the lifetime of the local plan; be appropriate in scale, layout, height, and materials of construction, which are compatible with the character and amenity of the immediate environment; have an appropriately designed access with adequate parking facilities; conserve and retain features of particular architectural, historic, archaeological, landscape or nature conservation importance; provide a sufficient amount of private amenity space unless the development is for flats; and not result in overlooking or loss of privacy of adjacent land uses.

Policy H8 (Housing Design and Housing Mix) requires new residential development to respect and reflect the form, scale, massing, design and detailing of the local environment; to maintain and improve the character of the area; protect existing natural and built features that contribute to the amenity of the area; prioritise the needs of pedestrian movement; provide residents with a sense of identity; and create an appropriate mix of dwelling size and types.

Policy HE2 (Development in Conservation Areas) requires development proposals in or which affect the setting of conservation areas to preserve and enhance the character and appearance of the area by harmonising with adjoining buildings, proposals being of a high standard of design, by retaining important architectural and historic features and avoiding the loss of open areas that contribute to the character of conservation areas.

Policy RD4 (Alternative Uses of Industrial and Commercial Sites in Minimum Growth Settlements) applies and permits changes of use of existing industrial and commercial sites to non-employment uses in minimum and medium growth settlements if evidence is provided of attempts made to sell the site on the property market for the twelve months prior to the application being made; or it can be demonstrated that its continued employment use would harm residential amenity, cause highway or other traffic problems or create other significant adverse impacts.

Policy S5 (Development in Crowle, Epworth, Kirton-in-Lindsey, Frodingham Road and Ashby High Street

District Shopping Centres) states that the council will actively promote additional shopping facilities within these centres.

CONSULTATIONS

Highways: Advise conditions.

TOWN COUNCIL

Object as there is no off-street car parking provided yet Epworth suffers from existing parking problems which have worsened since the last survey was carried out.

PUBLICITY

Neighbouring properties have been notified and a site notice posted. Several letters have been received raising the following concerns:

- As the site is in the conservation area, the frontage should be preserved, not demolished, as the heart of this quaint part of North Lincolnshire would be lost forever. The gain for the owner would result in loss for many other residents of Epworth and foreign visitors which are attracted to the area. If development is granted can a condition be imposed that the house and shop frontage is reinstated thereby hiding the development behind it.
- The corner of Church Street and High Street is very busy and further development will increase traffic problems for the area.
- Please conserve what Epworth has and don't add to its difficulties.
- Change of use of a thriving business to a dense residential development would be harmful to Epworth.
- More car parking must be provided in Epworth as soon as possible and no more houses should be built without adequate off-street parking for at least two cars per property.
- Shops would be preferable to houses in this area as this will change the character of this part of the town.
- Currently the existing infrastructure is barely able to cope with the existing number of domestic properties. Raw sewage runs down the High Street after heavy rain and further development will result in serious environmental health problems in the town.
- Although the roofline has been lowered on units 2 and 3, it will still be higher than the tin roof that exists and

the proposed building will be only 6 feet away from the existing wall.

- The building will still block out some of the skyline for the occupier of the property to the rear of the proposal, namely Spire View.
- There should be no windows overlooking the property of Spire View.
- Why can't a bungalow be built instead of so many properties?
- Increase in noise in a nice quiet secluded area.

ASSESSMENT

The key issue in determining this proposal is whether redevelopment of this site is acceptable in principle and whether the impact upon occupants of properties adjacent to the site and impact upon the conservation area have been remedied.

This application is accompanied by a separate application (2006/1122) for conservation area consent to demolish an existing commercial garage, service and repair workshops, a detached dwelling and workshop and store buildings on the site. These applications are resubmissions of application nos. 2005/1472 and 2005/1473 respectively. The previous planning application was refused because that scheme had an adverse impact upon the existing bungalows to the rear of the site through overlooking and loss of privacy of those properties from first floor windows and also an element of overlooking between two of the units proposed at an unacceptable distance. It is felt that this proposal adequately addresses those reasons for refusal and alterations to the scheme now protect the privacy of the existing bungalows to the rear of the site and prevent an unacceptable level of overlooking between units 1 and 2.

From a policy perspective the site is within the development limit of Epworth and is also within the Epworth conservation area. Consequently the principle of residential development on this site is acceptable subject to the design being appropriate for the site and its surrounding uses. With regard to the issue of principle for development, policy RD4 does require assessment. This policy allows changes of use of existing commercial sites to residential providing that either a twelve month period of advertising proves that commercial use is no longer viable or that environmental benefits would accrue from removing the existing commercial use from that site. In

this particular case, given the site's proximity to the heart of Epworth town centre and to existing residential properties to the rear of the site, and also the fact that the site to the south was granted planning permission on appeal for residential development, it is felt that significant benefits would accrue to the surrounding residential properties by removing a motor vehicle workshop and repairs garage from that part of Epworth. The site is also located within the Epworth shopping area allocated under policy S5. The proposal includes the renovation of the existing retail unit within unit 8 on the frontage of Chapel Street. Consequently, retention of this retail unit supports the vitality of Epworth town centre as a retail function and is backed up by policy S5 of the North Lincolnshire Local Plan. Therefore residential development on this site is considered to comply with policy requirements.

Objections have been received from residents and the town council regarding the lack of provision of any off-street car parking. Highways have been consulted and have raised no objections to the proposal as they feel that a refusal of planning permission could not be adequately justified given that the site to the south that was granted permission at appeal did not require any off-street parking.

With regard to the remaining objections, pressures upon the existing infrastructure do not justify a reason for refusal because it is up to the service providers, for instance drainage and sewage, to ensure that this additional capacity can be adequately dealt with.

With regard to the objection concerning impact upon the existing bungalows to the rear of the site, units 2 and 3 have been amended from the previous scheme. These two units are 2.5 metres from the western boundary wall with Spire View. The height of the units to eaves level is 3.6 metres. The ridge of the roof now stands at 7 metres high and is 5.5 metres from the rear boundary of Spire View. It is felt that this arrangement is acceptable and will not significantly reduce the amount of sunlight or daylight entering the existing bungalows to the rear of the site. In terms of overlooking or loss of privacy, the proposal will not result in any overlooking of the rear garden area or the rear windows of the bungalow to the rear because there are only three Velux windows proposed within the roofline, all are to be obscure glazed to prevent visibility through and all are at a high level (1.8 metres) above the first floor level. The ground floor windows and rear doors

will not reduce privacy because the rear boundary wall will prevent visibility between garden areas. This can also be conditioned.

The objection regarding an increase in noise in a quiet, secluded area is not supported because the development is replacing an existing workshop that abutted the boundary with Spire View and could have generated significant noise levels at unsocial hours to the detriment of the living conditions of the adjoining occupiers of properties without any planning controls being in place.

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 shall be carried out in accordance with the submitted drawings and particulars unless otherwise agreed in writing by the local planning authority in which case the development shall be carried out in accordance with the agreed amended details.

Reason

To ensure that the development is carried out in accordance with the provisions of the Town and Country Planning Act 1990 or any amending legislation.

3.

Any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason

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

4.

No development shall take place until details of the method of improving the footway fronting the site have

been submitted to and approved in writing by the Local Planning Authority.

Reason

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

5.

The works hereby approved under conditions 3 and 4 above shall be completed within three months of the occupation of the last dwelling on the site.

Reason

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

6.

The development hereby permitted shall not be commenced until details of a comprehensive contaminated land investigation has been submitted to and approved by the Local Planning Authority and until the scope of works approved therein have been implemented. The assessment shall include all of the following measures unless the Local Planning Authority dispenses with any such requirements in writing:

- (a) A Phase 1 desk study 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 without delay upon completion.
- (b) A site investigation shall be carried out to fully and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk assessment that adopts the Source-Pathway-Receptor principle and takes into account the site's existing status and proposed new use. Two full copies of the site investigation and findings shall be forwarded to the Local Planning Authority.

Reason

To address potential hazards from the former use of the site in terms of land contamination and to ensure appropriate measures are undertaken as part of the development in accordance with policy DS7 of the North Lincolnshire Local Plan.

7.

Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy to deal with land contamination and/or pollution of controlled waters affecting the site shall be submitted to and approved by the Local Planning Authority. No works, other than investigative works, shall be carried out on the site prior to receipt of written approval of the remediation strategy by the Local Planning Authority.

Reason

To address potential hazards from the former use of the site in terms of land contamination and to ensure appropriate measures are undertaken as part of the development in accordance with policy DS7 of the North Lincolnshire Local Plan.

8.

Remediation of the site shall be carried out in accordance with the approved remediation strategy. No deviation shall be made from this scheme without the express written agreement of the Local Planning Authority.

Reason

To address potential hazards from the former use of the site in terms of land contamination and to ensure appropriate measures are undertaken as part of the development in accordance with policy DS7 of the North Lincolnshire Local Plan.

9.

On completion of remediation, two copies of a closure report shall be submitted to the Local Planning Authority. The report shall provide validation and certification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report.

Reason

To address potential hazards from the former use of the site in terms of land contamination and to ensure appropriate measures are undertaken as part of the

development in accordance with policy DS7 of the North Lincolnshire Local Plan.

10.

If during development, contamination not previously considered is identified then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority.

Reason

To address potential hazards from the former use of the site in terms of land contamination and to ensure appropriate measures are undertaken as part of the development in accordance with policy DS7 of the North Lincolnshire Local Plan.

11.

The walls shall be constructed using a reclaimed brick of aged appearance and the roof shall be clad in red clay pantiles.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

No development shall take place until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

The windows shall be of a sliding sash design and shall be constructed in timber, detailed drawings of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason

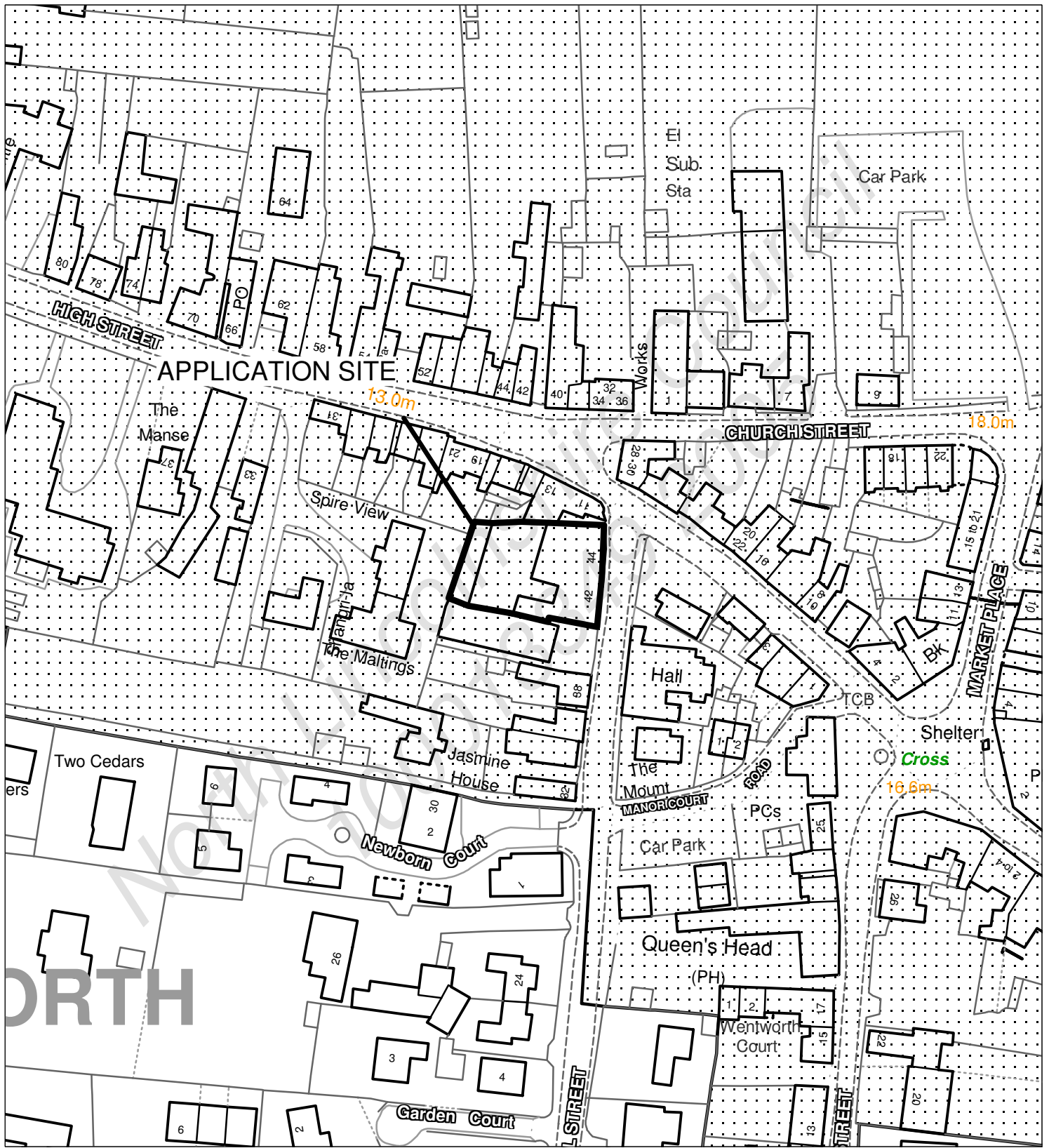
To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

14.

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 or any order revoking and re-enacting that order with or without modification, no extensions or detached buildings shall be erected on the site and no windows shall be inserted within the walls or roof other than those expressly authorised by this permission.

Reason

To ensure the living conditions of nearby dwellings are protected in accordance with policy DS1 of the North Lincolnshire Local Plan.



TITLE: 2006/1121
 SCALE: 1:1250

 CONSERVATION AREA



North Lincolnshire Council
 Planning and Regeneration Service
 Church Square House, Scunthorpe, DN15 6XQ

Reproduced from the Ordnance Survey mapping with the permission of Ordnance Survey on the behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.

Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

NORTH LINCOLNSHIRE COUNCIL 100013349 2005



Unit 1- 3 Bed Detached House

Unit 9 - 2 Bed Cottage

Unit 8 - Retail Shop

CHAPEL STREET ELEVATION

TITLE: 2006/1121

NOT TO SCALE



North Lincolnshire Council
Planning and Regeneration Service
Church Square House, Scunthorpe, DN15 6XQ

Reproduced from the Ordnance Survey mapping with
the permission of Ordnance Survey on the behalf of
the Controller of Her Majesty's Stationery Office
© Crown copyright.

Unauthorised reproduction
infringes Crown copyright and may lead to
prosecution or civil proceedings.

NORTH LINCOLNSHIRE COUNCIL 100013349 2005