

<b>APPLICATION NO</b>	<b>PA/2017/1989</b>
<b>APPLICANT</b>	Mr Lewis Dillon
<b>DEVELOPMENT</b>	Planning permission to erect three pairs of semi-detached houses
<b>LOCATION</b>	Site of the former Railway Inn, Kings Road, Barnetby le Wold, DN38 6HJ
<b>PARISH</b>	Barnetby le Wold
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Leanne Pogson-Wray
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Barnetby-le-Wold Parish Council Departure from the North Lincolnshire Local Plan

## **POLICIES**

**National Planning Policy Framework:** Paragraph 15 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 34 states that plans and decisions should ensure developments that generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or

initiative through unsubstantiated requirements to conform to certain development forms or style. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

**North Lincolnshire Local Plan:**

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy RD2 (Development in the Open Countryside)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS14 (Foul Sewage and Surface Water Drainage)

**North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Housing and Employment Land Allocations DPD, March 2016

**CONSULTATIONS**

**Highways:** Advise conditions.

**Drainage Team:** Advise a condition regarding drainage strategy and implementation.

**Archaeology:** Following initial comments and recommendations, as the site lies within an area where archaeological remains were anticipated, trial trenching and a watching brief have been carried out. The watching brief report is satisfactory. No further recommendations.

**Environmental Health:** Desk-top phase 1 study and phase 2 investigation carried out during the course of the application. Awaiting further comments from Environmental Health regarding the phase 2 report.

## **PARISH COUNCIL**

Objects to the proposal on the grounds that the footings of two of the dwellings have been installed meaning that the archaeological investigation that is part of the planning process cannot be completed. Also the Parish Council believes that the other four dwellings at the rear of the plot sit outside of the parish development boundary.

## **PUBLICITY**

A site and press notice have been posted. No comments have been received.

## **ASSESSMENT**

The application site comprises an area of primarily brownfield land, which was previously the Railway Inn public house and associated garage, car park and garden area. The pub had previously been demolished prior to this application. There are residential properties to the north, south and west and fields to the east.

This application seeks permission to erect three pairs of semi-detached houses: one pair of semis fronting Kings Road facing west, on a similar footprint to the former public house; and two pairs facing north with a new access road proposed off Kings Road to serve these dwellings. Approximately half the site lies within the development boundary for Barnetby with three and a half of the proposed dwellings being within the development boundary. The final pair of semis and half of one dwelling are outside the development limits for the settlement.

**The main issues in determining this application are whether the proposed development would have any adverse impact on the character and appearance of the area, and whether the principle of the development is acceptable in this location.**

The proposed dwellings are traditionally designed three-bedroomed semi-detached houses. A small canopy porch is proposed over the front door and two car parking spaces are provided to each dwelling. The parking spaces to the frontage dwellings are accessed from the proposed access road, plots 3 and 4 have two 'end on' spaces at the side of the dwellings, and plots 5 and 6 each have two spaces proposed to the front of the dwelling. Plots 3 and 4 are set further forward than 5 and 6 to move the dwellings away from a sewer which runs to the rear of the proposed dwellings on these plots. A bin storage area is proposed adjacent to the car parking area close to the front of the site, which will be enclosed by a 1.8 metre high fence. 1.8 metre high fencing is proposed to side boundaries of the dwellings and 0.9 metre high post and rail fencing to the front side boundaries to allow visibility along the driveways. Good sized garden areas are proposed to all of the dwellings.

Whilst part of the site is outside the defined development boundary, the proposal makes use of the natural boundaries of this part of the site and re-develops the area of hardstanding.

It should be noted that the National Planning Policy Framework (NPPF) is a material consideration when determining planning applications. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide the supply of housing should not be considered up-to-date.

A recent Supreme Court judgement (Suffolk Coastal DC Vs Hopkins Homes Ltd [2017] UKSC 37) provides clarity on the policies which are considered 'relevant policies' for the supply of housing. These do not include general restrictive policies such as those restricting development in the open countryside. As such policies RD2 of the North Lincolnshire Local Plan and CS3 of the Core Strategy are considered up-to-date. However, the weight to be afforded to them needs to be balanced against the need to deliver new housing and the broader merits of the scheme when viewed in the context of sustainable development.

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 policy 47 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 49 of NPPF triggers the 'tilted balance' in paragraph 14 of the Framework whereby there is a presumption in favour of sustainable development and development proposals should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits.

There are three dimensions to sustainable development as set out in paragraph 7 of the Framework. These are: economic, social and environmental.

The proposed development would have the social and economic benefits of addressing the current under-supply of housing land by the provision of market housing and there are local facilities within easy reach of the site on foot and a wide range of further services accessible by bicycle and public transport readily available. Therefore the proposal accords with the need to site development in locations with accessible local services. These matters weigh heavily in favour of the proposal in terms of the economic and social dimensions of sustainability.

The proposed development would not significantly alter the character and appearance of the countryside. Given the fact that the site is comparatively enclosed and lies directly adjacent to the defined development boundary and over half of the proposed residential development is within the settlement boundary, it is considered that any impact would be limited in this instance.

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land and the scale of the shortfall limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. Overall it is considered that the proposal represents sustainable development in the context of the Framework and Housing and Employment Land Allocations DPD policy PS1, which sets a presumption in favour of sustainable development. The limited adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. For these reasons the principle of development is considered to be acceptable.

Concerns have been raised by the parish council with regard to archaeology in that footings have been installed prior to determination and this may have an adverse impact on archaeology. However, it should be noted that prior to the development commencing, archaeological trial trenching and a watching brief were carried out and a report was submitted to the local planning authority. The HER officer has no further comments to make based on the findings of the report.

The applicant was made aware that works should not have commenced prior to determination and was advised to stop all works. No further works have been carried out on site.

The proposed development is considered to be an acceptable design and layout on this brownfield site. The siting of two to three dwellings outside of the development limit is not considered to have an adverse impact on the character, setting or appearance of the open countryside and can be justified due to the development which is being proposed within the settlement boundary as part of this application. Developing the natural boundaries of the site, including the hard standing and previously developed land, would improve the character and appearance of the area and would be a sustainable form of development in accordance with the policies outlined above.

It is not considered that the proposal would have any adverse impact on the amenity of any neighbouring properties or on highway safety subject to conditions. The proposal is therefore considered acceptable.

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

1.

The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2017/1989/001, 0048/02 rev B, 0048/04 rev D, 0048/05 rev A, 0048/06 rev A.

Reason

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

2.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development 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.

3.

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 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.

Reason

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

4.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

5.

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

Reason

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

6.

No development shall begin until details of the private driveway, including construction, drainage, lighting and where appropriate signage/street naming arrangements, have been agreed in writing with the local planning authority and no dwelling on the site shall be occupied until the private driveway has been constructed in accordance with the approved details. Once constructed the private driveway shall be retained.

Reason

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

7.

No development shall take place until a detailed Flood Risk Statement and drainage strategy has been submitted to and approved in writing by the local planning authority. This should outline all sources of flood risk (including surface water, ground water and ordinary watercourse) and proposals to mitigate this, and include preliminary drainage layout plans and ground investigation details to support the feasibility of infiltration for the site. SuDS should be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. The development immediately east of the development site (which the applicant owns) lies within an area identified as at high risk of localised flooding.

Reason

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

8.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 7 and shall be completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

#### Reason

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

9.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not 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

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 DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

#### 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, a 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 1990 in relation to the intended use of the land after remediation.

#### Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

#### 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 that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

#### **Informative 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.

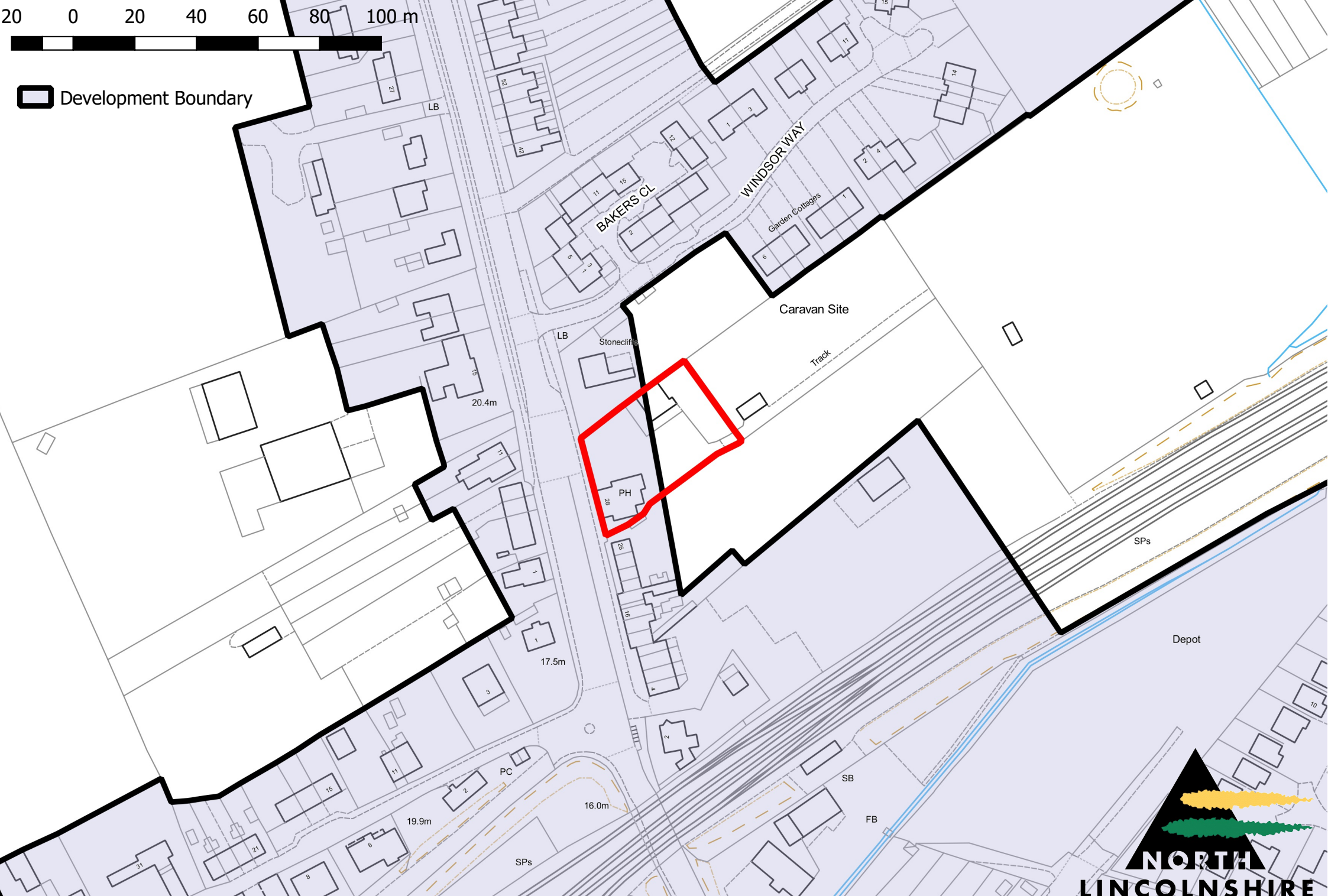
**Informative 2**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 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.

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 Development Boundary

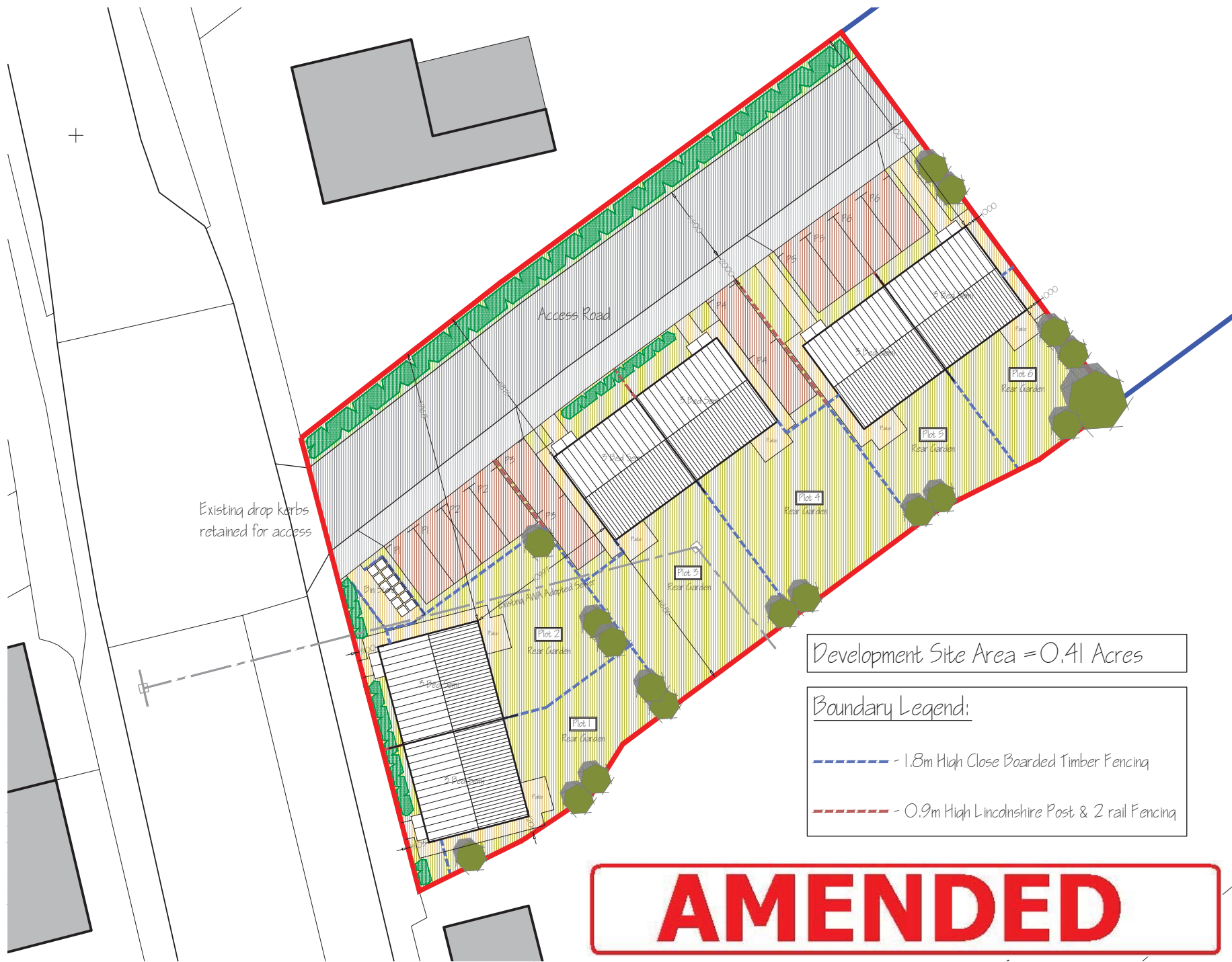
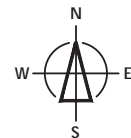


**PA/2017/1989**

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# AMENDED

Rev D: 20.03.18: Drawing and site boundary updated following discovery of existing adopted AVA foul sewer on site. Plots 3 & 4 moved forward to avoid adopted sewer and parking moved to side of plots. Plot 5 & 6 moved north east as a consequence.  
 Rev C: 14.03.18: Line widths increased by approx 1 meter. Site layout altered to suit increased sized units.  
 Rev B: 07.03.18: Additional parking space added to plots 3, 4, 5 & 6.  
 Rev A: 03.03.18: Drawing altered to reflect changes requested by the Planning Officer and Highways Officer in a meeting with the client on the 27.02.18.

Client	
Mr Lewis Dillon	
Project	
Residential Development Former Railway Inn Public House 28 Kings Road Barnetby Le Wold North Lincolnshire	
Drawing Title	
Proposed Site Plan	
Date	Scale
February 2018	1:250 @ A3
Drawn by	Client Ref
CAH	
Drawing No.	Revision
0048 / 04	D