

APPLICATION NO	PA/2018/845
APPLICANT	Spencer Group
DEVELOPMENT	Outline planning permission (with all matters reserved) for residential development, including demolition of existing buildings
LOCATION	C Spencer Ltd, Mill Lane, Barrow upon Humber, DN19 7BD
PARISH	Barrow upon Humber
WARD	Ferry
CASE OFFICER	Leanne Pogson-Wray
SUMMARY RECOMMENDATION	Subject to completion of a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the National Planning Policy Framework there 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 which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 35 of Core Planning Principle 4 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

Paragraph 49 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 housing supply should not be considered up-to-date.

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 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 RD2 (Development in the Open Countryside)

Policy RD5 (Alternative uses of Industrial and Commercial Sites in the Open Countryside)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS11 (Provision and Distribution of Employment Land)

CONSULTATIONS

Highways: No objection subject to conditions, including the requirement of improvements to Mill Lane.

Environmental Health: Advise contamination conditions.

Environment Agency: Advises a condition regarding contamination.

Anglian Water: The sewerage system has capacity for foul water connection.

Drainage: Advise conditions regarding SuDS.

Leisure: An off-site commuted sum of £30,000 would be sought towards improvements at Baysgarth Leisure Centre.

Ecology: A landscape and visual appraisal is required. Advises biodiversity enhancement conditions.

Education: Contributions will be sought for primary and secondary school places. This will be £7,152 per dwelling.

HER: Does not affect any heritage assets of archaeological interest or their settings.

Fire & Rescue: Makes comments regarding access for the fire service/water supply.

Humberside Police: Makes comments regarding secured by design principles.

Strategic Housing: 10% on-site affordable housing is required which would be four or five, depending on final numbers. The application states 10 affordable dwellings. This number would be welcomed, if offered. Affordable housing to be secured by a Section 106 agreement.

Spatial Planning: The proposals conflict with policy CS11 of the Core Strategy as it removes a rural business from the community. It is outside the settlement boundary but the council cannot demonstrate a five-year housing land supply.

PARISH COUNCIL

No objection. Comments that the level of affordable housing is in line with national goals. Disappointed that any leisure contributions would not go towards Barrow Playing Field which is directly adjacent to the site.

PUBLICITY

A site notice has been posted close to the site and a press notice published. No comments have been received.

STATEMENT OF COMMUNITY INVOLVEMENT

The applicant held discussions with the parish council prior to submitting the application. There was no formal debate at this meeting regarding the proposals. No public consultation was held with regard to this proposal.

ASSESSMENT

The application site is a commercial site currently used as offices, storage and workshops. It is operated by the Spencer Group, who are soon to cease use of the site to relocate all of the operations to the Head Office in Hull. Outline planning permission is sought for residential development with all matters reserved. It is estimated that up to 50 dwellings could be accommodated on the site.

The site is a brownfield site on which there are various buildings. It is enclosed by a hedgerow and some small trees. There is residential development to the east of the site, arable farmland to the north and west, and a playing field to the south. It is proposed to retain the vegetation buffer between the existing dwellings and the site to ensure appropriate screening. The site lies outside of but adjacent to the development boundary, with the development boundary running along the eastern boundary of the site.

The main issue in determining this application is whether the principle of residential development is acceptable.

Principle

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 CS sets out a 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. With regard to rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel. Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. 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 outside the designated development limit for Barrow. There are no allocated housing sites within Barrow.

LP saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains part of the development plan, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focussing housing within settlement limits as defined in the HELAP. The application site is entirely outside the defined development boundary for Barrow and is therefore in breach of policies CS2, CS3 and CS8 of the CS and RD2 of the LP. The Sustainable Settlement Survey lists Barrow-upon-Humber as a

larger rural settlement and it is 16/79 on the survey, with five key facilities. This document states that growth of these settlements may be required and whilst considered unsuitable for substantial growth, it is capable of accommodating an allocation within or adjoining the settlement.

Notwithstanding the development plan policies set out above, the 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 and CS3 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: 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 various local facilities within reach of the site on foot (shops, church, hall, public house, primary school etc) and a wide range of further services in Barton accessible by bicycle and public transport, with bus stops close to the site. These matters weigh heavily in favour of the proposal in terms of the economic and social dimensions of sustainability. With regard to environmental benefits, the site currently has a negative visual impact on the area, with open storage and associated industrial use on a transitional site between the settlement and the open countryside. It is also considered likely that the site will be contaminated due to the existing use on the site. The permitted alternative uses (i.e. those not requiring planning permission) would maintain this harm to the locality and it is therefore considered that a development of high quality design with an appropriate landscaping scheme and mitigation against contamination would improve the character and appearance of the area.

It would also reduce noise and disturbance and the number of HGVs and commercial traffic using the area resulting in further environmental benefit.

Policy RD5 of the local plan sets out the council's approach to proposals for alternative uses of commercial sites in the open countryside. This policy is supportive of the change of use of such sites provided that either:

- (i) evidence of attempts made to sell the site on the property market for the 12 months prior to the applications being made, to retain the site for employment use has been fully explored without success; or
- (ii) it can be demonstrated that its continued employment use would harm the character or appearance of the open countryside or a nearby settlement, cause highway or other traffic problems, or be detrimental to residential amenity, or create other significant adverse environmental effects.

In this instance no marketing of the site for commercial activities has been undertaken. However, given the location of the site on the edge of the settlement in the open countryside and adjacent to residential properties, it is considered, for the reasons outlined above, that its continued employment use would have significant adverse environmental effects and that residential development of the site would have environmental benefits that would make this use preferable. On this basis it is considered that the proposed development does not conflict with policy RD6.

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 HELAP 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. Notwithstanding this, were the council to currently have a five-year supply of housing, re-use of this site for residential purposes would be supported under policy RD6. For these reasons, the principle of development is considered to be acceptable.

Landscape

There is no landscape designation on or around the application site. The site is hardstanding with various buildings on the site. The vegetation and hedging around the site provide a natural buffer to the surrounding fields and to the residential dwellings to the east. The council's ecologist has advised a landscape and visual appraisal be submitted. The agent has assessed this within the design and access statement but as the application is for outline permission only it will be difficult to determine proposed landscaping at this stage. The existing use has an adverse visual impact on the landscape and it is considered that residential use with garden areas and an appropriate landscaping scheme would improve the landscape and visual appearance of the area. A condition is proposed to ensure an appropriate landscaping scheme, which should be informed by a landscape and visual impact appraisal.

Highways

The site is served by an existing access on Mill Lane, a two-way single carriageway which varies in width between 5.5 metres and 6.5 metres and is subject to a 30mph speed limit. The proposed development would require improvements to Mill Lane, which is a suggested condition. The Transport Statement submitted with the application concludes that the proposal would have a negligible impact on the highway network. Highways raise no objections to the proposal subject to conditions.

Loss of rural business

The current occupants of the site are relocating all parts of the business activities to their existing Head Office in Hull as part of a wider re-structure of the business. In terms of employment, no job losses have been identified as part of the relocation of the business. Whilst it is accepted that a business will be removed from the site, it should be noted that it is the relocation of the business which has prompted this application, rather than an application for housing on what would continue to be an active commercial site. Other commercial uses could be sought for the site, however the alternative uses within the B8 category could have a far more serious impact on residential amenity, visual amenity, character of the area, environmental impacts and impacts on the highway network, than is currently experienced. It is considered that residential development on the site would improve the current situation in terms of amenity, character and highway safety and in this regard it is considered that the proposal complies with part ii of policy RD5 of the local plan. It is not considered that the existing or permitted uses are appropriate for a site of this size and in this location, close to residential properties. These uses are more suitable within urban areas and on industrial estates. It is considered that, on balance, residential development is the preferred use of the land.

Other issues

As the proposal is for up to 50 dwellings, Section 106 contributions would be sought towards public open space, leisure, affordable housing and possibly education. The parish council has expressed disappointment that leisure funds would go to Baysgarth Leisure Centre rather than Barrow playing field. Baysgarth Leisure Centre is the nearest leisure centre and residents of the proposed dwellings would be expected to use and place additional pressure on this facility. A separate public open space contribution is to be secured for the improvement of recreational facilities within Barrow.

Conclusion

This industrial/commercial site has given rise to numerous complaints to the council in respect of noise and disturbance. The business operates within B1, B2 and B8 which is not considered an appropriate use adjacent to residential properties and outside the settlement boundary. This use is more compatible with an industrial estate or a site within defined settlement boundaries. It is considered that alternative uses, particularly those permitted without the need for planning permission, would be likely to cause significant noise, disturbance, pollution and adverse impact on the highway network. Policy RD5 states that the change of use of existing commercial and industrial uses to non-employment uses in the open countryside will only be permitted if it can be demonstrated that their continued use would harm the character or appearance of the open countryside, or a nearby settlement, cause highway/traffic problems, be detrimental to residential amenity or have

other significant adverse environmental effects. It is considered that the proposal complies with this part of policy RD5 for the reasons outlined above.

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 HELAP 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.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for affordable housing, public open space, leisure contributions and education, for the following amounts:

- **Affordable housing: 10% on-site contributions (5 dwellings)**
- **Leisure contributions: £30,000**
- **Recreation: £36,230.60 off-site contribution and on-site public open space of 500 square metres and a maintenance fee of £20,685.40**
- **Education: £7,152 per dwelling**

(a total of £444,516.02 as contributions with on-site public open space and affordable housing provision), the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Group Manager – Development Management and Building Control upon completion of the obligation;**
- (iii) if the obligation is not completed by 4 January 2019 the Group Manager – Development Management and Building Control be authorised to refuse the application on grounds of failure to agree the terms of a Section 106 agreement contrary to the provisions of the North Lincolnshire Local Plan and Core Strategy; and**

(iv) the permission so granted be subject to the following conditions:

1.

Approval of the details of the layout, scale, and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale, and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

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.

6.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of vehicle parking and turning spaces within the curtilage of 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 policies T2 and T19 of the North Lincolnshire Local Plan.

7.

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.

8.

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.

9.

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.

10.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
- (ii) the number and location of vehicle parking space(s) on 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 policies T2 and T19 of the North Lincolnshire Local Plan.

11.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

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

12.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

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

13.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

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

14.

No works shall be commenced on the penultimate dwelling on the site until the access road has been completed.

Reason

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

15.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

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

16.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

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

17.

No development shall take place until details showing improvements to Mill Lane, including the provision of new/enhanced footways, have been submitted to and approved in writing by the local planning authority.

Reason

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

18.

The proposed improvements to Mill Lane, once approved, shall be completed prior to the occupation of 50% of the units on site.

Reason

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

19.

No development shall take place until a strategy for the management of surface water drainage, that includes the implementation of SuDS, and their adoption and maintenance arrangements, has been submitted to and agreed in writing by the local planning authority. This must be based upon the submitted Flood Risk Assessment & Outline Sustainable Drainage Strategy dated April 2018 by Roy Lobley Consulting Ltd. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document which can be found on the council's website. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

The applicant must:

- (a) provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site or increasing the risk of flooding off-site;
- (b) provide principle/detailed design (surveys, ground investigations, drawings, network details, calculations and modelling showing critical storm details) in support of any surface water drainage scheme, including details on any attenuation system and its discharge rates, and investigation into the condition of the existing outfall and proposed arrangements;
- (c) provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime;

- (d) provide details of the timetable and any phasing of implementation for the drainage scheme.

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.

20.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 19 above 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.

21.

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.

22.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of measures to avoid harm to bats and nesting birds during demolition, vegetation clearance and construction works;
- (b) details of bat roosting features to be installed in at least 10% of new dwellings;
- (c) details of nesting sites to be installed to support swifts, starlings, house sparrows and other nesting birds;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the planting and aftercare of native trees, shrubs and hedgerows of high biodiversity value;
- (g) proposed timings for the above works in relation to the completion of the buildings.

Reason

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

23.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the completion of the approved development, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

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

24.

No development shall take place until proposals for landscaping, informed by a detailed landscape and visual impacts assessment, have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

25.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To enhance the appearance of the development in the interests of amenity.

Informative 1

Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SuDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SuDS, which encourages infiltration such as soakaways or infiltration trenches. In all cases, it should be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaways, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Informative 2

The applicant's attention is drawn to the letter from Humberside Fire and Rescue dated 1 May 2018 and the response from Humberside Police dated 30 May 2018 (both attached).

Informative 3

This application must be read in conjunction with the relevant Section 106 Agreement.

Informative 4

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.

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

1. OBJECT

- 1.1 To inform the committee about planning applications and other associated matters falling within its terms of reference which are ready for determination.

2. BACKGROUND

- 2.1 This committee is required under its terms of reference to exercise the functions of the council as local planning authority for the purposes of the control of development, including the determination of applications for planning permission and other applications under the Town and Country Planning Acts, General Development Orders, and any Orders or Regulations made thereunder, and in accordance with the council's planning policies.
- 2.2 In exercising these functions the committee is required to have regard to the National Planning Policy Framework, the development plan for the area and any other material considerations. It will also take account of the duty imposed by section 17 of the Crime and Disorder Act 1998 and the requirements of the Human Rights Act 1998.

3. INFORMATION

- 3.1 Items for determination are listed in the attached schedule.
- 3.2 References to standard time limit conditions and standard outline conditions mean the conditions automatically applied by sections 91 and 92 of the Town and Country Planning Act 1990.
- 3.3 Reports will be updated at the meeting if necessary to take account of additional relevant information received after publication.
- 3.4 Plans included with reports are for identification and/or illustrative purposes only. Applications and supporting documents can be viewed in full on the planning pages of the council's web site.

4. RESOURCE IMPLICATIONS

- 4.1 There are no staffing or financial implications arising from this report.
- 4.2 Environmental considerations are of major importance when considering planning applications and are set out in the individual reports.

5. RECOMMENDATION

- 5.1 That the applications be determined in accordance with the recommendations contained in the schedule.

GROUP MANAGER – DEVELOPMENT MANAGEMENT AND BUILDING CONTROL

The Civic Centre
Ashby Road
SCUNTHORPE
DN16 1AB

Reference: SR/JMC/Planning Committee 4 July 2018.doc

Date: 25 June 2018

Background papers used in the preparation of this report:

1. The applications including accompanying plans and ancillary correspondence.
2. Statutory and non-statutory consultation letters and responses.
3. Responses from parish and town councils.
4. Representations from other bodies or individuals.
5. Relevant planning policy documents.
6. Previous relevant planning decisions.

(Pursuant to section 100D of the Local Government Act 1972 any document containing 'exempt information' is excluded from this list.)

Statement of publication's purpose

The Ordnance Survey map data included within this publication is provided by North Lincolnshire Council under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

APPLICATION NO	PA/2017/1006
APPLICANT	Mr T Milner
DEVELOPMENT	Outline planning permission for residential development for six building plots with access and layout not a reserved matter
LOCATION	White House Farm, Main Street, Ealand, DN17 4JG
PARISH	Crowle
WARD	Axholme North
CASE OFFICER	Emma Carrington
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Crowle Town Council Member 'call in' (Cllr Julie Reed – significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the NPPF 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 49 of Core Planning Principle 6 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 56 states that the Government attaches great importance to the design of the built environment. 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 61 states that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 197 states that in assessing and determining development proposals local planning authorities should apply the presumption in favour of sustainable development.

North Lincolnshire Local Plan:

Policy DS1 – General Requirements

Policy H5 – New Housing Development

Policy H8 – Housing Design and Housing Mix

Policy DS14 – Foul Sewage and Surface Water Drainage

Policy DS16 – Flood Risk

Policy HE9 – Archaeological Evaluation

Policy T2 – Access to Development

Policy T19 – Car Parking Provision and Standards

Policy LC11 – Areas of Amenity Importance

North Lincolnshire Core Strategy:

Policy CS1 – Spatial Strategy for North Lincolnshire

Policy CS2 – Delivering More Sustainable Development

Policy CS5 – Delivering Quality Design in North Lincolnshire

Policy CS6 – Historic Environment

Policy CS7 – Overall Housing Provision

Policy CS8 – Spatial Distribution of Housing Sites

Policy CS19 – Flood Risk

CONSULTATIONS

Highways: No objections subject to conditions and an informative.

Historic Environment Record (Archaeology): No objections subject to conditions.

Environment Team (Ecology): No objections subject to a condition regarding biodiversity enhancements.

Environmental Protection: No objections subject to a condition relating to contaminated land and hours of construction.

Environment Agency: No objections subject to conditions regarding the submitted Flood risk Assessment.

LLFA Drainage: Recommends conditions and an informative.

Shire Group of IDBs: Advice and recommendations.

TOWN COUNCIL

For a considerable time flooding of surface water and sewage has been a major issue in Ealand, especially in the area relating to this planning application. We as a council feel that more needs to be done to stop the flooding before this development is considered. The full council unanimously voted against this planning application due to reports from many residents about flooding of their properties over the years, and this problem has still not been addressed and certainly not resolved. We feel Severn Trent and the Drainage Board should have more involvement in planning applications of this nature.

PUBLICITY

Advertised by site notice. Over 30 letters have been received raising the following issues:

- If the land is higher than neighbours this will result in unacceptable flooding.
- Some of the land is subject to standing water.
- The existing drainage system cannot cope with run-off and sewage with reverse flow occurring.
- North Lincolnshire Council should improve the surface water drainage system to deal with emergency situations – perhaps some kind of pumping system.
- The north soak drain cannot adequately deal with surface water drainage and the new development will only add further stress to the system.
- The access is not suitable and construction traffic will affect amenity.
- The houses will overlook surrounding bungalows.
- The site should be inspected for contaminants.
- The proposal states single-storey. Can this be changed in the future?
- The proposal will result in the loss of valuable LC11 land.
- Wildlife surveys should be carried out.
- The development is not sustainable.
- The proposal does not pass the sequential or exceptions tests.
- There is no reference to affordable housing.
- The proposal involves building over an existing drain.

ASSESSMENT

Outline planning permission is sought to erect six dwellings on land within the settlement boundary for Ealand. The land is also within a larger area of land allocated as LC11 – Area of Amenity Importance in the North Lincolnshire Local Plan. The land is also in a high flood risk zone (SFRA Flood Zone 2/3a High Probability).

The main issues in the determination of this application are: whether the site can be developed without having an adverse impact on the character of the area, including LC11 land; whether the proposal has an impact on flooding; and whether the development will affect residential amenity.

The application site is within the settlement boundary for Ealand and, as such, residential development in this location is acceptable in principle. The parcel of land is relatively large, and the submitted plans demonstrate that the land can accommodate six plots, together with adequate amounts of private amenity space, parking and access for all the new

properties. The scale of the proposal is not considered to be out of keeping with the area, nor is it considered to be an over-development of the site. The design and access statement states that the properties will be two-storey. As the application is in outline form, the details of the design and impact on neighbours can be considered at the reserved matters stage.

The town council has objected to the proposal mainly on grounds of flood risk and drainage. This concern is also reflected in the many letters received from local residents, who raise concerns about the capacity of the existing drainage system to support both existing and new development in the area, and the additional pressure that any further development will have on this capacity. It has been suggested that no further development be permitted until the drainage system has been improved. Whilst it is clear that there are significant concerns in the community relating to drainage and flood issues, this is not reflected in the consultation responses from the Environment Agency, the internal drainage board, or the council's drainage team. No technical evidence has been provided at this stage to demonstrate the inadequacies of the local drainage system. The applicant has submitted a flood risk assessment, and has addressed the issues relating to the sequential and exceptions tests. This demonstrates that there are no alternative sites available for development that are at a lower risk of flooding than the application site. It also demonstrates that the development will have wider community benefits that, together with suggested flood mitigation measures, satisfy the policy requirements in relation to flood risk. The Environment Agency is satisfied that the FRA addresses the issue of flooding and provides adequate mitigation measures. It is therefore considered that there are no planning reasons at this stage to resist the proposed development on flood risk grounds.

Conditions are proposed to secure the submission and implementation of an acceptable drainage scheme to serve the properties. This scheme will be agreed with the relevant drainage consultees. It is considered that these conditions adequately address the issue of drainage and will prevent unacceptable impact on the local drainage network.

The site lies within an area designated as an Area of Amenity Importance (Policy LC11). This policy seeks to resist development in such areas, where the character of the designation will be adversely affected. In this particular case, it is considered that the extension of the built environment into the area of LC11 is relatively small, and the overall impact on the wider Area of Amenity Importance will not be significant.

Other issues raised include the provision of affordable housing; impact on wildlife; loss of amenity due to overlooking; the access not being suitable and the possibility of the land being contaminated. In relation to affordable housing, the site is below the policy threshold for the provision of any designated affordable units (10 units or less do not require such provision). Consultation responses in relation to ecology, highways and land contamination have all raised no objections subject to conditions. As the scale and design of the properties is not for consideration at this stage, it is not possible to assess whether the design of the proposed dwellings would have an adverse impact on residential amenity due to overlooking. This will be a matter for consideration at the reserved matters stage and can be addressed accordingly once the design and appearance has been submitted for approval.

In conclusion, it is considered that the proposal complies with the relevant policies in the adopted development plan as referred to above, and is a sustainable form of development within the settlement boundary.

RECOMMENDATION Grant permission subject to the following conditions:

1.
Approval of the details of the scale and appearance of the building(s), and the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.
Plans and particulars of the reserved matters referred to in condition 1 above, relating to the scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.
Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.
The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.
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.

6.
The development shall be carried out in accordance with the submitted Flood Risk Assessment dated 20 June 2017, compiled by Howard J Wroot, specifically with finished floor levels set no lower than 4.4 metres above Ordnance Datum. The mitigation measures shall be fully implemented prior to occupation and shall subsequently remain in place.

Reason

To reduce the risk and impact of flooding to the proposed development in accordance with policy DS16 of the North Lincolnshire Local Plan.

7.

No development shall commence until details of the private driveway and the access to it from the highway, including construction, drainage and lighting arrangements, have been submitted to the local planning authority and agreed in writing, 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.

8.

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.

9.

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

Reason

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

10.

At no time shall any more than six dwellings be served by the private driveway as shown on the approved drawings submitted with the application.

Reason

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

11.

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

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

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

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

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

Reason

To protect the amenities of nearby residents in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

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 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.

13.

The development hereby permitted shall be carried out in accordance with the following approved plans: 985 drawing 1 of 2, 985 drawing 2 of 2.

Reason

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

14.

No development shall take place until a detailed flood risk statement and drainage strategy is 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.

Reason

To prevent the increased risk of flooding and to ensure the implementation and maintenance of 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.

15.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 14 above, shall be completed prior to the occupation of any dwelling on the site, and shall thereafter be 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 and to ensure the implementation and maintenance of 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.

16.

No development shall take place until an archaeological mitigation strategy, as defined in a brief prepared by North Lincolnshire's Historic Environment Record, has been submitted to and approved in writing by the local planning authority. The strategy shall include details of the following:

- (i) measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to North Lincolnshire's Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works

- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

17.

The archaeological mitigation strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

18.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at North Lincolnshire's Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

Informative 1

Developers are advised to contact the North Lincolnshire Historic Environment Record for a discussion about the archaeological mitigation strategy at least 20 working days prior to the proposed commencement of development (email alison.williams@northlincs.gov.uk or telephone 01724 297471).

Measures to achieve preservation by record of any archaeological remains should include a programme of archaeological observation and recording work during all groundwork associated with the development, followed by appropriate assessment, analysis and reporting of the results. The Historic Environment Office can prepare a brief for this mitigation strategy; alternatively an archaeological contractor may prepare a specification for approval.

Informative 2

Records indicate that the proposed development site is bounded and has running through it, a watercourse (surface water pipe/culvert or ditch). The application makes no reference to this. Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team on 01724 297522, prior to any further construction works being carried out.

New connections and/or alterations to the watercourse must be consented by North Lincolnshire Council's LLFA Drainage Team in their capacity as Lead Local Flood Authority and/or the local Internal Drainage Board through an Ordinary Watercourse Consent.

Informative 3

Please refer to the Environment Agency's 'Living on the edge - Riverside ownership rights and responsibilities' document which can be found online for further information. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development. Please contact the LLFA Drainage team on 01724 297522 or via email to llfadrainageteam@northlincs.gov.uk for further details.

Informative 4

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 5

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.

APPLICATION NO	PA/2017/1728
APPLICANT	Mr M Lambert, Trumax Building Ltd
DEVELOPMENT	Planning permission to erect three dwellings
LOCATION	13 Church Street, Owston Ferry, DN9 1RG
PARISH	Owston Ferry
WARD	Axholme South
CASE OFFICER	Leanne Pogson-Wray
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Significant public interest Officer discretion

POLICIES

National Planning Policy Framework: Paragraph 14 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 H10 (Public Open Space Provision in New Housing Development)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

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)

Policy CS19 (Flood Risk)

North Lincolnshire Housing and Employment Land Allocations DPD, March 2016

CONSULTATIONS

Highways: Advise conditions.

IDB: Advises a condition regarding surface water drainage.

Drainage Team: Advises a condition regarding SuDS strategy and implementation.

Archaeology: Holding objection. Trial trenching and photographic record required prior to determination.

Environment Agency: Finished floor levels are proposed at an acceptable level. No further comments.

Environmental Health: Site of a previous building, the use of which is unidentified. The application is for a sensitive end use. Contamination conditions therefore proposed.

PARISH COUNCIL

Supports the proposal.

PUBLICITY

A site notice has been posted close to the site. Nine letters of objection and one letter of support have been received. The following material issues have been raised.

- the design is out of keeping with area (original plans)
- parking issues if one space per dwelling (original plans)
- over-development of the site
- three storeys would be overbearing, dominant and out of character (original plans)
- highway safety
- archaeological potential
- services should be upgraded
- loss of privacy (original plans)
- support as previous building was an eyesore.

ASSESSMENT

The application site is primarily a vacant site, with a large brick built outbuilding to the rear of the plot. There is a private access track adjacent to the site, which is outside the applicant's ownership but the applicant has a right of access over. The site lies within the centre of Owston Ferry and is fully within the development boundary. To the west of the site there is a detached rendered two-storey house and to the east a pair of modern semi-detached houses. There are a mix of traditional houses and more modern bungalows opposite.

This application seeks permission for the erection of three dwellings: a pair of semi-detached houses to the frontage with a detached bungalow towards the rear of the site. Private garden areas are proposed to each dwelling, together with off-street parking for two cars. It should be noted that the application is being considered on amended plans, the original submission being for three terraced three-storey houses.

The main issues to consider in the determination of this application are whether the proposed development is acceptable in principle and whether it would have any adverse impact on the amenity of neighbouring properties, on the character and appearance of the area, or on highway safety.

History

The application site has a complex history, the site being formally occupied by a Grade II listed cottage. The cottage was in a poor state of repair and overgrown with vegetation. An application to demolish the cottage was submitted under PA/2017/534; however, during the

course of this application, it became apparent that the structural stability of this cottage was unsafe and the building was subsequently removed on safety grounds in 2017. Following this the site was de-listed. As such, the site must be considered as a vacant plot with no formal designation or listing.

Visual impact

The application was originally submitted for three, three-storey terraced houses with parking to the front of the dwellings and was not considered to be appropriate for the area in terms of design and visual impact. The applicant was advised to reconsider the scheme. Amended plans were subsequently submitted for a pair of semi-detached two-storey houses to the front of the site and a detached bungalow to the rear. The semi-detached houses have incorporated traditional design features such as squared windows with brick arched detail, chimneys and string courses, to be more in keeping with the surrounding traditional dwellings.

Concerns were raised in respect of the original plans regarding character and design of the dwellings and that they were out of character with the area. It is considered that the amended design would overcome these concerns and that the proposal is in keeping with the surrounding area. No further objections regarding character and design have been received following the amended plans, and one letter of objection has been withdrawn following this submission.

Amenity

The proposed semi-detached houses are to be sited to the front of the site, behind the footpath. This is in a similar position to the previous cottage and to the adjacent dwelling. As the dwellings are two-storey and in line with existing properties, it is not considered that they would result in any significant overlooking of neighbouring properties via the front or rear windows. No first-floor side windows are proposed.

With regard to the bungalow, this has been angled so as not to result in any direct overlooking to any neighbouring properties or the proposed pair of semis. There are two small dormer windows proposed in the front roof slope, the closest window being in excess of 24 metres to the rear of the closest dwelling, at an oblique angle, with the access track between. As such it is not considered that the proposed bungalow would result in any overlooking or loss of amenity to neighbouring properties.

Access and highway issues

Concerns were raised in respect of lack of parking to the original application which was proposed at one space per dwelling. This amended scheme includes two off-street spaces for the semi-detached houses, which are to the rear of the houses, accessed from the track to the east. The bungalow will have one external parking space and one parking space within an integral car port. The number and position of car parking spaces are considered to be appropriate to the development and have been agreed by the council's Highways officers.

Objections have been received with regard to the use of the access track to serve the proposed development. The owners of the track do not wish the applicant to use the track for this purpose for reasons appearing to relate to the history of the site and the demolition of the listed building and redevelopment of the site. The owners do not appear to agree to

the re-surfacing of the driveway. It should be noted that the applicant has a legal right of access over the driveway into the application site, which is shown on legal paperwork. Any disputes regarding right of access and improvements are a civil matter and cannot be dealt with under the planning process. As the applicant has an access into the site which is considered to meet the requirements of the Highways team no planning objection is made to this access.

Other matters

An objection has been received from the Historical Environment Record with regard to the submission of a record of the historical building on site (including the remains of the former building which has since been cleared from the site), together with trial trenching for potential archaeological remains. Costings were undertaken for the trial trenching and Archaeology watching brief. With the amount the applicant has spent on the application to date with surveys, plans, land costs etc, together with the estimated build costs of the site, the scheme without the trial trenching would lead to very little profit. Including trial trenching would result in a financial loss for the scheme. The applicant has agreed to conduct an archaeological watching brief whilst works are undertaken. This would ensure accurate recording of any archaeological remains which are found during construction. A condition requesting a photographic record of the existing building on the site is also proposed.

The site is just within zone 2/3a of the SFRA, however it is within EA zone 1 for flood risk. An FRA has been submitted with the application and the Environment Agency is happy with the finished floor levels set out within the document. With regard to the sequential and exceptions test, there is no other land available within the village which could accommodate this development and it is considered that the redevelopment of this site, which is currently an eyesore, would improve the character and appearance of the area. The proposed dwellings are also considered to be safe from flooding. The proposal is therefore considered to comply with the flood risk policies.

Concerns have been raised with regard to the outbuilding being demolished and the potential impact this would have on the neighbouring outbuilding. This is not a planning matter and it is the responsibility of the applicant to ensure that the stability of other properties is not affected by demolition. Building Control should also be involved with substantial demolition.

Conclusion

The proposed development of one pair of semi-detached houses to the site frontage and one bungalow to the rear of the plot is considered to be an acceptable level of development for this brownfield site. The designs of the dwellings are in keeping with the surrounding traditional houses and would not detract from the character of the area or street scene.

The history of the site regarding the former listed building and how this was removed is noted; however, this application must be judged on its own merits, with the site being an undesignated, unlisted site, which is not within a conservation area or subject to any formal land-use allocation.

The proposal would not have any unacceptable adverse impact on the amenity of neighbouring properties or on highway safety. It is considered to comply with the policies set out above and is therefore considered acceptable.

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: 1 of 4, 2 of 4, 3 of 4 and 4 of 4.

Reason

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

3.

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.

4.

No development shall take place until a detailed assessment of the site in respect of drainage is carried out. Historic 1887 maps indicate that a water pump/well exists within the property site boundary. This will require identification and appropriate verification that works have been or will be carried out to remove this feature.

Reason

To prevent the increased risk of flooding to themselves and others, in accordance with policy DS16 of the North Lincolnshire Local Plan and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

5.

No development, demolition or intrusive ground works shall take place until the applicant, or his/her agent or successors in title, has secured the implementation of a programme of building recording and analysis or watching brief. Details are to be submitted to and approved in writing by the local planning authority prior to demolition/development/intrusive ground works commencing. The recording/watching brief is to be undertaken throughout the course of works affecting the below-ground deposits and historic fabric of the building(s) concerned. The watching brief is to be carried out by a professional archaeological consultant or organisation in accordance with the approved details.

The above archaeological strategy shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

6.

A copy of any analysis, reporting, publication or archiving required as part of the watching brief and historic record of the outbuilding shall be deposited at North Lincolnshire's Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the site lies in an area of archaeological interest.

7.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

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.

8.

No development shall take place until a scheme for the provision, implementation and future maintenance of a surface water drainage system has been submitted to and agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

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

9.

The existing vehicular access to the site shall be improved within highway limits 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.

10.

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.

11.

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.

12.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

In the interests of highway safety and to comply with policy T19 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.

APPLICATION NO	PA/2017/2136
APPLICANT	Mr Mark Snowden, Keigar Homes Ltd
DEVELOPMENT	Planning permission to erect five detached dwellings and garages, refurbish outbuilding D, demolish all other existing outbuildings, and associated works
LOCATION	The Manor House, Church Lane, Ulceby, DN39 6TB
PARISH	Ulceby
WARD	Ferry
CASE OFFICER	Andrew Willerton
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from policy

POLICIES

Paragraph 14 states that at the heart of the National Planning Policy Framework there 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 34 states that plans and decisions should ensure developments which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 35 of Core Planning Principle 4 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 49 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 housing supply should not be considered up-to-date.

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 styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 61 states that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 63 states that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm cannot be avoided or adequately mitigated. Opportunities to incorporate biodiversity in and around developments should be encouraged.

Paragraph 123 states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 129 states that 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 assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 135 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 136 states that local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

Paragraph 137 states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance.

Paragraph 139 states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

Paragraph 186 states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development.

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 204 states that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS6 (Historic Environment)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of Housing Sites)

CS17 (Biodiversity)

CS18 (Sustainable Resource Use and Climate Change)

Housing and Employment Allocations DPD:

Inset Map for Ulceby, PS1

North Lincolnshire Local Plan:

H5 (a-m only) (New Housing Development)

H8 (Housing Design and Housing Mix)

HE5 (Development Affecting Listed Buildings)

HE9 (Archaeological Evaluation)

RD2 (Development in the Open Countryside)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

DS1 (General Requirements)

DS14 (Foul Sewerage and Surface Water Drainage)

CONSULTATIONS

Highways: No objection subject to conditions and an informative.

Drainage: No objection subject to conditions to secure the submitted drainage scheme.

Environmental Health: Advises conditions in respect of a remediation scheme and limiting construction hours.

Conservation Officer: Holding objection to require a heritage statement.

Archaeology: Holding objection to require a heritage statement to include field evaluation.

Tree Officer: Advises conditions to secure tree protection measures.

Strategic Housing: No comments received.

Spatial Planning: Advises of planning policy and confirms that the council does not have a five-year housing land supply.

Ecology: States that consent can only be granted if the tests of European Protected Species can be passed and advises a condition to secure a biodiversity management plan.

Section 106 Officer: Confirms that no section 106 agreement will be required.

Historic England: Does not wish to comment and advises the views of the council's own conservation and archaeological advisers be sought.

Internal Drainage Board: No comments to make.

PARISH COUNCIL

No objection to the application.

PUBLICITY

The application has been advertised by site notice and within the local press for a period of not less than 21 days prior to the writing of this report. Two letters of objection have been received raising the following issues:

- highway safety concerns as the site is near to the school and vehicles use the land in front of the existing barns to turn around in
- the Ulceby Parish Plan highlights future development should be for affordable housing
- existing foul and surface water drainage issues will be worsened.

ASSESSMENT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The application site comprises 0.28 hectares of land which currently forms a cluster of farm buildings. The site is adjacent to the Grade I listed St Nicholas' Church and is accessed from Church Lane in Ulceby. A number of the farm buildings are of architectural merit but the building to the north of the site adjacent to the listed Church is not, being of modern construction. Planning permission is sought to erect five detached dwellings and garages, refurbish outbuilding D, demolish all other existing outbuildings, and associated works.

The main issues for consideration with regard to the determination of this proposal are the principle of residential development on the site, the design and appearance of the proposed buildings with regard to their historic context, and whether the proposal would result in an adverse impact on highway safety or harm to biodiversity.

Principle

The application site is outside the HELA DPD defined development limit for the settlement and is, for the purposes of planning, considered to be within the open countryside. NLCS policies CS2 and CS3 are relevant, alongside NLLP policy RD2. Together these policies seek to control development in such a location to that which is justified and essential to that location. In this case the development of five dwellings does not meet these tests. The Spatial Planning team has confirmed that the council only has a 3.9 year supply of housing land as of March 2016 which is under the five-year requirement. According to paragraph 49 of the NPPF locally adopted policies for the delivery of housing should not be considered up-to-date and this proposal requires assessment against paragraph 14 of the NPPF. This

paragraph sets out the presumption in favour of sustainable development whereby permission should only be refused in circumstances where there is demonstrable harm that would outweigh the benefits of the proposal.

Ulceby is considered to be a larger rural settlement within the North Lincolnshire Sustainable Settlement Survey (2016) and is ranked 28th out of the 79 ranked settlements in order of their sustainability. The application is for five dwellings and the site has gained consent previously for three dwellings as part of a barn conversion under PA/2011/1047. The site is adjacent to the development limit for Ulceby and is considered to be brownfield land. Ulceby is a sustainable settlement with three of the key facilities and services comprising a community hall, school and convenience store. Unless other material considerations are found where demonstrable harm is identified the presumption in favour of sustainable development applies and the principle of development is established.

Heritage

The site is adjacent to the Grade I listed St. Nicholas' Church. Historic England does not wish to comment on the proposal but advises the council to consult its own conservation and archaeological advisers. The Conservation Officer has been consulted and has registered a holding objection to the proposal as no heritage statement had been provided at the time of the response. The applicant has now provided such an assessment which considers that the proposal will benefit the setting of the adjacent St. Nicholas' Church given it will replace a modern barn with sensitively designed housing using traditional materials. The proposal retains an existing high brick boundary wall between the site and the church. It is noted that, following demolition of the modern barn building, the new dwellings will be set further away from the boundary wall with the church. The Conservation Officer has not provided comment on the heritage statement and in the absence of a response it is not considered that the proposal would harm the setting of the listed church and would improve its setting following removal of the modern barn.

As the site is adjacent to the church the site is within an archaeologically sensitive location. The Archaeologist has been consulted and has registered a holding objection to the proposal as no heritage statement had been provided at the time of the response. The Archaeologist considers that intrusive archaeological investigation of the site should take place prior to the determination of this application. It is not considered necessary or reasonable to request such works be carried out prior to determination of the application given that the proposal is on previously developed land, the footprint of the proposed building being mostly over the footprint of existing buildings on the site. It is necessary to secure archaeological investigation of the site given its potential for remains through the provision of an archaeological mitigation strategy which can be secured by the imposition of a planning condition.

The proposal involves the demolition of several agricultural buildings which are deemed to be of archaeological merit. The barns themselves are not listed and are not within a conservation area. Accordingly, the principle of demolishing these buildings is permitted under the Town and Country Planning (General Permitted Development) Order 2015 with prior approval only being required in relation to the method of demolition. It is therefore unreasonable to request the retention of the barns as put forward by the conservation officer but it is accepted that this would be preferential. It is recommended that conditions be imposed to secure a historic building survey, the records subsequently being deposited with the council's Historic Environment Record.

Design and amenity

The proposal involves the creation of a number of buildings which have been arranged into a series of courtyards following the layout of the existing buildings on the site. The buildings range in height from single to two-storey and are similar in form to the current buildings. It is proposed to use a range of traditional materials including a natural red clay roof tile and distressed red facing brick with feature areas of brickwork and stone in addition to timber cladding. The materials are considered to be acceptable and create the appearance of a modern barn conversion which is appropriate to site context. It is recommended that conditions be imposed to secure the use of the approved materials.

The site is mostly not bordered by residential properties, the only property being to the south-west of the site. The separation distances to this property are significant and it is not considered the proposal would harm the residential amenity afforded to this property. The layout of the dwellings, including window placement, has been carefully considered to avoid overlooking or overshadowing of the proposed residential properties. Boundary fencing and walls are proposed to enclose private amenity space and it is recommended that conditions be imposed to secure the installation of the boundary features prior to the occupation of the dwellings they serve.

Highway safety

Objections have been received raising concerns over highway safety. The concerns primarily relate to the site being opposite the primary school and vehicles using the frontage of the site to turn in as Church Lane is a 'no through' road. It is not considered that the development of five dwellings would result in significant traffic generation leading to a detrimental impact on the safe operation of the highway. The dwellings are to be served by a gated private drive with a sufficient level of off-road parking proportionate to the scale of dwelling. The Highways team has been consulted on the proposal and has raised no objection subject to conditions which are considered to be reasonable and necessary.

Biodiversity and trees

The application site comprises a number of barns which are proposed to be demolished and replaced with new dwellings. The application is accompanied by a Protected Species Survey which confirms that the existing buildings on the site are used by bats. The Ecologist has confirmed that it is essential the tests of European Protected Species licensing are met in order for the development to proceed. It is considered that there are no satisfactory alternatives to the proposal as the buildings are in a state of deterioration and could be demolished without the need for planning permission. There are benefits to the proposal that outweigh this issue in the public interest comprising the delivery of housing, the tidying of land and betterment to the setting of the Grade I listed St Nicholas' Church. The Ecologist has confirmed that the Favourable Conservation Status test would be passed subject to the measures within the submitted Biodiversity Enhancement Plan being secured by condition. It is considered that the measures within the plan will sufficiently mitigate harm to protected species through sensitive construction measures and provide opportunities for compensatory habitat and biodiversity enhancement as a result of development.

There are a number of protected trees due north of the site within the churchyard which contribute to visual amenity and the setting of the Grade I listed St Nicholas' Church. The Tree Officer requested a Tree Protection Plan which has since been provided by the

applicant. The Tree Officer has reviewed the plan and has advised conditions to secure its implementation to prevent adverse impact on the protected trees.

Other matters

The application is supported by a drainage strategy which has been reviewed by the council's Drainage team. It is noted that objections have been received relating to drainage infrastructure issues. The Drainage team requested additional information to support the drainage strategy, including a comprehensive scheme. The applicant has supplied the information requested which demonstrates that a sustainable surface water drainage scheme is to be employed at the site with infiltration into the permeable chalk layer.

The Environmental Health team has reviewed the submitted phase 1 contaminated land investigation study which demonstrates that the site has elevated levels of lead which will require remediation. Accordingly, the team has advised conditions to secure the submission and subsequent implementation of a remediation scheme. The team also advises conditions to restrict construction hours for the protection of residential amenity.

Objections have been received as the proposal does not deliver affordable homes which are a requirement of the Ulceby Parish Plan. NLCS Policy CS9 sets out a requirement for affordable housing to be provided as the development will deliver more than three dwellings. However, the Section 106 Officer highlights planning case law in relation to the Government's Written Ministerial Statement which prevents local planning authorities from requesting contributions to social infrastructure on schemes for 10 dwellings or less. As this Statement carries material weight, planning obligations for affordable housing cannot be sought.

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: GB/123/02, GB/123/03, GB/123/04, GB/123/08, GB/123/09, GB/123/10, GB/123/11, GB/123/12, GB/123/13, GB/123/14, GB/123/15 and GB/123/16.

Reason

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

3.

Within 3 months of the completion of the new access, 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.

The existing vehicular access to the site shall be improved within highway limits 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.

5.

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.

6.

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.

7.

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.

8.

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.

9.

The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy prepared by EWE Associates Ltd dated February 2018 including the approved drainage scheme as shown on drawing no. GB/123/05 dated 07/111/2017. No dwelling shall be occupied until the approved drainage scheme as shown on drawing no. GB/123/05 dated 07/111/2017 has been completed and the drainage system shall be retained and maintained in accordance with the scheme thereafter.

Reason

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

10.

The development hereby permitted shall only use the materials listed within the approved Materials Schedule unless otherwise agreed in writing by the local planning authority.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy CS5 of the North Lincolnshire Core Strategy and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

11.

No dwelling hereby permitted shall be occupied until the boundary treatments to the perimeter of the private amenity space serving it have been constructed in accordance with the approved boundary treatment details.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

12.

No demolition or construction works affecting the two-storey barn shall commence until the local planning authority has been provided with either:

- (a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorising the specified development to go ahead; or
- (b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

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

13.

Works and biodiversity enhancements shall be carried out strictly in accordance with the submitted Biodiversity Enhancement Plan dated November 2017 and the submitted drawing number GB/123/08. The management prescriptions set out in section 4 of the management plan shall be carried out in their entirety in accordance with the timescales set out in the work programme in 5. Prior to the occupation of the fifth dwelling hereby approved, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the Biodiversity Enhancement Plan. All biodiversity features shall be retained thereafter.

Reason

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

14.

The approved tree protection measures as shown on the approved tree protection plan drawing no. GB/123/17 shall be carried out in accordance with the approved details for the duration of construction works at the site.

Reason

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

15.

The scheme of landscaping and tree planting shown on drawing no. GB/123/08 shall be carried out in its entirety prior to the occupation of the dwellings or within such extended time period as may be agreed in writing with the local planning authority. Any trees, shrubs or bushes removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees, shrubs or bushes of similar size and species to those originally required to be planted unless the local planning authority have given written consent to any variation.

Reason

To ensure the successful establishment of the approved landscaping in accordance with policy CS5 of the North Lincolnshire Core Strategy, and policies H5 and DS1 of the North Lincolnshire Local Plan.

16.

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 2 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 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site

management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 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

For the protection of human health and the environment.

17.

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

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

No operations shall take place on Sundays or public/bank holidays.

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

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

Reason

For the protection of residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

18.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy, to be defined in a Written Scheme of Investigation that has been submitted to, and approved in writing, by the local planning authority. The strategy shall provide for:

- (i) measures to ensure the preservation by record, of archaeological features of identified importance;
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts;
- (iii) post-fieldwork methodologies for assessment and analyses;
- (iv) report content and arrangements for dissemination, and publication proposals;
- (v) archive preparation and deposition with recognised repositories including the Archaeology Data Service;
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy;
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works:
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because development would otherwise harm and destroy archaeologically significant remains; the archaeological mitigation strategy will ensure that any remains are appropriately recorded and a permanent archive created.

19.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the approved archaeological mitigation strategy that shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because development would otherwise harm and destroy archaeologically significant remains; the archaeological mitigation strategy will ensure that any remains are appropriately recorded and a permanent archive created.

20.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with paragraph 141 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because development would otherwise harm and destroy archaeologically significant remains; the archaeological mitigation strategy will ensure that any remains are appropriately recorded and a permanent archive created.

21.

No demolition shall take place until the applicant, or their agents or successors in title, has produced an historic building record in accordance with a written specification, including a timetable for the recording, which has been submitted by the applicant and approved in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the buildings are of local historic importance.

22.

The historic building recording shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the buildings are of local historic importance.

23.

The historic building archive shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of commencement of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan because the buildings are of local historic importance.

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.

APPLICATION NO	PA/2018/58
APPLICANT	Mr Neil Ball
DEVELOPMENT	Outline planning permission to erect a dwelling with appearance, landscaping, layout and scale reserved for subsequent approval
LOCATION	26 Doncaster Road, Westwoodside, DN9 2EA
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework: Paragraph 14 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 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.

Paragraph 100 – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. Local plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local plans should apply a sequential, risk-based approach to the location of development to avoid, where possible, flood risk to people and property and manage any residual risk, taking account of the impacts of climate change by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- safeguarding land from development that is required for current and future flood management;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

Paragraph 101 – The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.

Paragraph 102 – If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate. For the Exception Test to be passed:

- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
- a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted.

North Lincolnshire Local Plan:

H5 (New Housing Development)

H8 (Housing Design and Housing Mix)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

DS1 (General Requirements)

DS3 (Planning Out Crime)

DS7 (Contaminated Land)

DS11 (Polluting Activities)

DS14 (Foul Sewage and Surface Water Drainage)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS7 (Overall Housing Provision)

CS17 (Biodiversity)

CS19 (Flood Risk)

CONSULTATIONS

Highways: No objection in principle to the proposal. A number of conditions are advised relating to the access, surface water run-off and loose material.

Severn Trent Water Ltd: A water supply can be provided under the terms of the Water Industry Act 1991.

Environment Agency: The proposal is located within Flood Zone 1 of the Environment Agency's Mapping System. Based on the submitted FRA, the site levels are above the critical flood level of 4.1 metres above Ordnance Datum (AOD). The EA therefore has no objection.

Environmental Health: The Environmental Health department has no objections subject to conditions relating to land contamination.

Drainage: The LLFA has no objections to the proposed development subject to conditions requiring an effective method of preventing surface water run-off from the highway onto the developed site to be agreed and implemented.

PARISH COUNCIL

The parish council has objected on numerous grounds, which can be summarised as follows:

- The proposal does not appear to fill any local housing need, in particular affordable housing.
- The parish council considers it to be over-development of the site which would harm the character of an area which once had predominately large rural gardens.
- Access is directly onto Doncaster Road and the Byre Court exit is next to it, which raises concerns as to road and pedestrian safety.
- The parish council considers further development of this kind on Doncaster Road would inherently damage its place within the rural setting of Westwoodside.
- The parish council concludes that it is not a windfall site and therefore argues that it is not compatible with the aims of NPPF paragraph 48, policy CS1 of the Core Strategy and Haxey Parish Plan.

PUBLICITY

The application has been publicised by means of a site notice.

ASSESSMENT

Site characteristics

The application site is a plot of land to the side of 28 Doncaster Road, Westwoodside. The plans show a small building within the site that is given the number 26 and the planning agent has confirmed that this building has historically been used in connection with the habitation of no. 28 and has not been used as a separate dwelling. The existing access to the site is via the adjacent private driveway, Byre Court, which also provides access for a small residential cul-de-sac of four dwellings. This piece of land has previously been granted outline planning permission for a dwelling under PA/2013/0259 and other subsequent planning applications that are listed under the planning history section. These permissions allow for two dwellings to the north of the application site, both of which are accessed from Byre Court.

Proposal

The applicant seeks outline permission with means of access to be taken from Doncaster Road and with all other matters reserved for subsequent approval.

The main issues for consideration under this planning application are the principle of development, character impacts, flooding and drainage, highway safety, ground conditions and the amenity of neighbouring properties.

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations Development Plan Document (HELA DPD) adopted in March 2016. Material considerations exist in the form of national planning policy and guidance

contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising Planning Practice Guidance (PPG).

The application site is located within the defined development boundary for Westwoodside, in a sustainable location within walking distance of local services. For these reasons it is considered that the proposal accords with the principles of sustainable development as set out within the policies of the local plan, Core Strategy and National Planning Policy Framework on delivering residential development in appropriate locations. It is therefore considered that the proposal is acceptable in principle.

Flooding and drainage

The site is located within Flood Zone 2/3a of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for 'more vulnerable' development, and there is a requirement for the sequential and exceptions tests to be applied and passed for the proposed dwelling. A revised flood risk assessment (FRA) has been submitted with the planning application.

Sequential test

The applicant has submitted a flood risk assessment, sequential test and exceptions test. This part of Westwoodside is located within Flood Zone 2/3a as identified by the North and North East Lincolnshire SFRA 2011. The applicant has stated that the search for sequentially preferable sites has taken place within the settlement and that a search of online estate agents found only one site to be physically compatible with the proposal, though the asking price made it financially unviable. The applicant therefore considers that there are no sites available which could reasonably accommodate the development and are at a lower risk of flooding (i.e. Flood Zone 1). It is considered that the rural settlement, given its score in the sustainability table, is an agreeable area for geographical search and the methodology for searching alternative sites is acceptable given the scale and nature of the proposal. It is therefore considered that the sequential test is passed in this case.

Exceptions test and FRA

The exceptions test is two folded: the test requires the proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk; and that it will be safe for its lifetime, without increasing flood risk elsewhere and, where possible, reducing flood risk overall.

The applicant has submitted both an FRA as well as a flood evacuation plan. The Environment Agency has been consulted and considers the proposal to be acceptable. The critical flood level for the area is 4.1 metres AOD and the finished floor levels of the proposal are above this height.

The applicant has provided additional information in support of the planning application. This supporting information sets out how the development is considered to be sustainable in terms of proximity to local services and transport routes. In terms of community benefits, the supporting statement highlights the fact that the proposal will provide additional housing and will support local businesses and services.

The second part of the exceptions test requires developers to provide a site-specific flood risk assessment that must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The applicant has provided this information

and suggested in the FRA that infiltration to soakaways will be sought as well as the use of construction materials at low level that will largely be unaffected by water. The site level is at 4.8 metres AOD, clear of advised flood levels. The LLFA has been consulted and, subject to conditions, has no objections to the proposal. The conditions relate to the submission of a drainage scheme showing how the site would be protected from surface water and the second ties the applicant to this scheme. Surface water is normally mitigated at building regulations stage; however, given the flood zone within which the site sits, both conditions are considered necessary.

It is therefore considered that the proposal has passed the exceptions test subject to the conditions outlined above.

Highways

The applicant seeks the approval of the means of access to the proposed development which is to be gained from Doncaster Road. Highways have been consulted on the application and have stated that they have no objections subject to conditions relating to further details of the location and materials of the access, including parking within the site, and other conditions relating to loose materials and surface water.

It is considered, given the mitigation above, that the scheme is fairly mitigated from a highway safety perspective and is acceptable.

Other issues

There is a building on the site currently that has had an ancillary domestic use; the building, however, appears to be self-sufficient. It is considered, in the interests of amenity, that the building could not fairly co-exist with another dwelling on the site without giving rise to unacceptable impacts upon residential amenity. It is therefore considered that a condition should be attached for its removal prior to first occupation of any new dwelling.

RECOMMENDATION Grant permission subject to the following conditions:

1.
Approval of the details of the layout, scale, and appearance of the building(s), and the landscaping of the site (hereinafter called 'the reserved matters'), shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.
Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale, and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of vehicle parking and turning spaces within the curtilage of 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 policies T2 and T19 of the North Lincolnshire Local Plan.

6.

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.

7.

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.

8.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

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

9.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

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.

10.

Prior to first occupation of the dwelling, the building on site shown within the red line boundary shall be demolished and all materials removed from site unless otherwise agreed in writing with the local planning authority.

Reason

In the interests of amenity and in accordance with policies CS5 of the North Lincolnshire Core Strategy and DS1 of the North Lincolnshire Local Plan.

11.

Development shall not commence until details of all external materials to be used in the construction of the dwelling have been submitted to and agreed in writing with the local planning authority.

Reason

To protect the character and appearance of the area in accordance with policy CS5 of the North Lincolnshire Core Strategy.

12.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site has been submitted to and approved in writing by the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

13.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 12 above and shall be completed prior to 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, in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

Informative 1

The proposals show a new access to be provided over a highway drain in the footway. This must be consented by North Lincolnshire Council's LLFA drainage team, in their capacity as Lead Local Flood Authority through an ordinary watercourse consent. Please contact the LLFA drainage team on 01724 297522.

Informative 2

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 3

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.

APPLICATION NO	PA/2018/150
APPLICANT	Mr Richard Johnson
DEVELOPMENT	Planning application to remove condition 1 of PA/2014/1270 dated 11/02/2015 restricting occupation of dwelling to persons employed in the kennels business
LOCATION	Kennels & Cattery, Heron Lodge, access road to Heron Lodge, Broughton, DN20 0BG
PARISH	Broughton
WARD	Broughton and Appleby
CASE OFFICER	Leanne Pogson-Wray
SUMMARY RECOMMENDATION	Grant permission
REASONS FOR REFERENCE TO COMMITTEE	Objection by Broughton Town Council

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the National Planning Policy Framework there 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 which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

Paragraph 49 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 housing supply should not be considered up-to-date.

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.

North Lincolnshire Local Plan:

RD12 (Removal of Agricultural Occupancy Conditions)

DS1 (General Requirements)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering more Sustainable Development)

CS3 (Development Limits)

CONSULTATIONS

Highways: No comments or objections.

TOWN COUNCIL Objects to the proposal on the grounds that it was not intended to be used as a full-time residential property.

PUBLICITY

A site notice has been posted. No comments have been received.

ASSESSMENT

The application property is a large detached house set in substantial grounds. It was built under PA/2003/1821 which included a condition restricting occupation to Mr Sipling (the applicant) in relation to the boarding kennels. A further application was made in 2014 (PA/2014/1270) re-wording this occupancy condition to 'a person solely or mainly employed in the kennels and cattery business at Heron Lodge or a widow or widower of that person or any resident dependant'. This application seeks to remove this occupancy condition to allow free occupancy of the dwelling.

The business formally known as Heron Lodge is no longer operational on the site and all parts of the business have been removed from the site. Planning permission was granted in March 2018 under PA/2018/148 for change of use of the kennels to a printer supply and refurbishment business with ancillary storage.

The main issue in determining this application is whether removing the condition would lead to an unacceptable market dwelling in the open countryside.

A site visit has established that the new use of the kennel buildings has been implemented (with printers and shelf racking being stored on the site) and the previous use as a kennels and cattery is no longer operating. The printer business is now considered to be the authorised use of the former kennels and associated buildings on the site. The condition under PA/2014/1270 restricting occupancy to a person employed in the kennel and cattery business can therefore no longer be complied with as the business has ceased to exist.

It is not considered necessary or appropriate to tie the dwelling to the new business as the business does not require any person to live on site and, due to the nature of the business, there would not be any concerns that this type of business could justify a further dwelling. Whilst it is the intention of the owner of this business to live in the dwelling and operate the business on the site, tying the dwelling to a new business would likely result in a similar situation arising in the future.

If this condition was not removed, the dwelling would not lawfully be able to be occupied and this could potentially lead to the building falling into disrepair which would have an adverse impact on the character of the area and would be a target for crime. The removal of the condition would not lead to any additional pressures on facilities in Broughton or on the highway network as the dwelling already exists. The proposal is therefore considered to be acceptable. As there were no other relevant conditions on the previous application to be re-attached to the recommended consent, an unconditional planning permission is proposed.

RECOMMENDATION: Grant permission.

Informative

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.

APPLICATION NO	PA/2018/598
APPLICANT	Mr James Smith
DEVELOPMENT	Planning permission to erect a pair of semi-detached dwellings
LOCATION	Land adjacent to East View, Station Road, Graizelound, Haxey, DN9 2NJ
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Emma Carrington
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish council

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the NPPF 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 49 of Core Planning Principle 6 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 56 states that the Government attaches great importance to the design of the built environment. 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 61 states that planning policies and decisions should address the connections between people and places and the integration of new development in to the natural, built and historic environment.

Paragraph 197 states that in assessing and determining development proposals local planning authorities should apply the presumption in favour of sustainable development.

North Lincolnshire Local Plan:

Policy DS1 – General Requirements

Policy H5 – New Housing Development

Policy H8 – Housing Design and Housing Mix

Policy DS14 – Foul Sewage and Surface Water Drainage

Policy HE9 – Archaeological Evaluation

Policy T2 – Access to Development

Policy T19 – Car Parking Provision and Standards

North Lincolnshire Core Strategy:

Policy CS1 – Spatial Strategy for North Lincolnshire

Policy CS2 – Delivering More Sustainable Development

Policy CS5 – Delivering Quality Design in North Lincolnshire

Policy CS6 – Historic Environment

Policy CS7 – Overall Housing Provision

Policy CS8 – Spatial Distribution of Housing Sites

CONSULTATIONS

Highways: No objections subject to conditions.

Historic Environment Record (Archaeology): No objections as it is considered that this proposal would not adversely affect the character of the heritage asset (LC14 Historic Landscape) or its setting providing that the design and building materials are appropriate to the area and in accordance with policy.

Environment Team (Ecology): No objections subject to a condition regarding biodiversity enhancements.

Environmental Protection: No objections subject to a condition relating to contaminated land.

Environment Agency: No objections subject to conditions regarding the submitted Flood Risk Assessment.

LLFA Drainage: Advises an informative.

PARISH COUNCIL

‘A large plot which consists entirely of garden as described in the design access statement (DAS) within the building envelope of the rural hamlet of Graizelound. It is inaccurate to describe it as brownfield later in the DAS, as it has not been previously developed and is therefore not a windfall site. We believe one of the key features of rural villages and particular hamlets is the large gardens and impact of their loss affects the overall attraction of them. The overall size of the dwellings is large and will create a dominant feature within its immediate street scene.

While provision is made for turning on the site we have concerns as to the impact of additional vehicles accessing the busy A161 at a point where there is poor visibility due to the curve of the road.

We see no evidence to substantiate it will be affordable housing or that it meets the criteria laid down by government, therefore any grant of permission should include a condition that it meets local authority and government criteria for affordable housing, in the form of a s106 agreement.

The proposal lacks evidence to substantiate the scale of the development or that it meets an identified need CS9. The application is not consistent with NPPF 48 windfall site states “and should not include residential gardens”.

NPPF 53 Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

CS1 5.43 – To support this aim small-scale development will be allowed in rural settlements. However, the scale of new development will be limited and reflect local needs as well as the availability of facilities, services and infrastructure. Development will also make the best use of existing land and buildings within these settlements. Accessibility, in particular by public transport, walking and cycling, will also be a vital consideration. There will be a strong focus on ensuring the existing facilities and services are maintained and enhanced to meet local needs and sustain the quality of life for people in rural communities, as well as the diversification of the rural economy. Where future residential development takes place in these settlements it will be considered to be windfall development.

CS9 – Rural Exception Sites – Planning permission will be granted for the release of small rural exception sites within or adjacent to the development limits or within rural settlements for 100% affordable housing where a local need has been clearly identified. All proposals must be substantiated by evidence that the scale of development proposed meets the identified needs.

8.53 Affordable housing will be secured by a s106 legal agreement to ensure, where applicable, the provision remains affordable indefinitely. It is the council's preference for affordable housing to be transferred by the developer to a Registered Social Landlord working as one of the council's partners.

Haxey Parish Plan. Section housing and development. Action points. Restrict new housing development in certain locations e.g. on greenfield sites and in gardens. There is an issue with the water level in this area which has resulted in properties flooding or emergency vehicles/waste collection and concerns about the state of the hedge along Church Lane.'

PUBLICITY

Advertised by site notice. Two letters have been received raising the following issues:

- A site visit is required to assess the proposal.
- The site is not brownfield but an established wildlife garden.
- The development will change the community for the worst.
- If the dyke on the boundary is not maintained it will block and cause flooding which is already a problem in the area.

- The proposal is an urban development out of keeping with the rural hamlet.
- Parking and access are inadequate which will lead to parking on the road, reducing highway safety and existing poor visibility standards.

ASSESSMENT

Planning permission is sought to erect a pair of semi-detached dwellings within the settlement boundary for Graizelound. The land is currently part of the side garden of the property known as East View. The area is characterised by linear, street frontage development mainly in residential use.

The main issues in the determination of this application are: whether the site can be developed without having an adverse impact on the character of the area, including the historic landscape; whether the proposal would have an adverse impact on highway safety and provides sufficient parking/access; and whether the proposal would have an impact on flooding.

The application site is within the settlement boundary for Graizelound where, in principle, residential development is acceptable. The parcel of land is relatively large and the submitted plans demonstrate that the plot can accommodate a pair of semi-detached dwellings, together with a generous amount of private amenity space, parking and access for both existing and proposed properties. The scale and design of the proposal is not considered to be out of keeping with the area, nor is it considered to be an over-development of the site. There are a mix of house designs and styles in the area, with no particular architectural style or design being predominant. It is therefore considered that the character and appearance of the pair of semi-detached dwellings will not be detrimental to the character of the area.

Objections have been raised on the grounds that the development will create issues in relation to highway safety due to lack of parking and insufficient access/visibility. However, the highways department is satisfied that details submitted with the application are satisfactory, meet the required standards in all areas and will not cause any hazards to highway users to the detriment of highway safety.

Concerns have also been raised about the maintenance of a dyke, which could potentially result in flooding. However, the IDB and the council's drainage team have been consulted, and no concerns have been raised about the issue of flooding on the site. The ditch is clearly marked on the plans and adequate easement is provided to allow continued maintenance of the watercourse. In addition, a flood risk assessment has been submitted with the application, which has been considered by the Environment Agency. No objections have been raised subject to the development being carried out in accordance with the details contained in the FRA. A condition has been recommended to secure this.

Other concerns raised include impact on wildlife; loss of garden area; the site not being a brownfield plot; the development is not a rural exceptions site for affordable housing and a Section 106 is required; and the size and scale of the development is out of keeping with the rural character of the area. No evidence has been provided to demonstrate that any protected species are present on the site. Although the site may have been left to grow in a more natural state rather than being manicured and made more formal, this does not demonstrate that the site is of any wildlife value. The applicant has not applied for planning permission for affordable housing. This is a development for open market housing within

the settlement boundary of Graizelound. Consideration is given to the fact that the site is garden, and therefore not brownfield land, but this does not mean that the site is automatically discounted as being unsuitable for development. Each case is assessed on its own planning merits. In this particular case, the development of this garden area for residential purposes is considered to be appropriate. The scale and design of the dwellings is similar to others in the locality, with similar amounts of amenity space, and is not considered to be detrimental to the character of the area.

It is considered that the proposal complies with the relevant policies of the adopted Development Plan and is therefore recommended for approval.

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: 676.10 and 676.11.

Reason

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

3.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

4.

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

Reason

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

5.

The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) ref 676GRZL, March 2018, by Keystone Architecture and the following mitigation measures detailed within the FRA:

- finished floor levels set no lower than 4.4 metres above Ordnance Datum
- flood resistant construction incorporated as described.

The mitigation measures shall be fully implemented prior to occupation and shall subsequently remain in place.

Reason

To reduce the risk and impact of flooding on the development and future occupants.

6.

Works and biodiversity enhancements shall be carried out strictly in accordance with the submitted Biodiversity Management Plan ref. 676GRZL and the submitted drawings numbered 676.10 and 676.11. All biodiversity features shall be retained thereafter.

Reason

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

7.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

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

Records indicate that the proposed development site is bounded by, or has running through it, a watercourse (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team on 01724 297522, prior to any further construction works being carried out.

Informative 2

Please refer to the Environment Agency's 'Living on the edge - Riverside ownership rights and responsibilities' document which can be found online for further information. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 3

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 4

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.

APPLICATION NO	PA/2018/622
APPLICANT	Mr Singh
DEVELOPMENT	Planning permission for a change of use of three flats to form three HMOs
LOCATION	106-108 Oswald Road, Scunthorpe, DN15 7PA
PARISH	Scunthorpe
WARD	Town
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Mashook Ali – significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the National Planning Policy Framework there 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 which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 35 of Core Planning Principle 4 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 51 states that local planning authorities should identify and bring back into residential use empty houses and buildings in line with local housing and empty homes strategies. They should normally approve planning applications for change to residential use and any associated development from commercial buildings where there is an identified need for additional housing in that area.

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 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: Policies DS1, H5, H8, T1, T2 and T19 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS5, CS7 and CS8 apply.

CONSULTATIONS

Highways: No objection.

Environmental Health: No objection.

Humberside Fire and Rescue: It is a requirement for domestic premises that adequate access for fire-fighting is provided to all buildings or extension to buildings.

PUBLICITY

A site notice had been displayed. Two letters of objection have been received raising the following issues:

- over-development
- increase in noise, disruption and antisocial behaviour, particularly at weekends
- lack of outside space
- the only area for outdoor space is a car park to the frontage
- issues with bin storage and capacity
- complaints have been lodged about antisocial behaviour
- impact on living conditions.

ASSESSMENT

The application site is a former office which resembles a pair of semi-detached houses, together with a flat-roof extension to the south-east. Prior approval was granted for it to be converted to three flats in 2017 under reference PA/2017/775. The main bulk of the building is two-storey in height and faces towards Oswald Road; the flat-roof single-storey section faces towards Station Road. The area is mixed in its uses with residential properties located to the east along Station Road and commercial uses (including a vets, residential care home and accountancy firm) along Oswald Road. Planning permission is being sought to change the use of three flats (Use Class C3) to form three Houses in Multiple Occupation (HMOs) to provide up to 20 bedrooms with shared facilities.

The main issues in the determination of this application are the principle of development and impact on residential amenity.

Principle

The proposal is for the change of use of three flats located within the settlement boundary of Scunthorpe into three HMOs containing 20 bedrooms with shared facilities and an area of hardstanding to the side and rear. The plans demonstrate that this building is a large detached two-storey and single-storey building capable of conversion for 20 bedrooms with shared facilities with no external alterations proposed. Policies CS2 and CS8 of the adopted Core Strategy apply and state that the focus of housing should be on previously developed land and buildings within the development boundary of Scunthorpe; the proposal is therefore considered to accord with these planning policies. The plans show that the building(s) can be easily adapted to form three HMOs.

In addition, the building is located in a sustainable location within walking distance of Scunthorpe town centre with its range facilities, and close to the bus and rail stations to enable access to sustainable modes of travel. Given the proximity to the town centre and sustainable modes of travel, it is not considered necessary for off-street parking spaces to be provided (as there is less reliance on the private motor car); however, there is an area of hardstanding in excess of 300 square metres to the south (facing Station Road) which can be utilised as off-street parking if required.

Residential amenity

The proposal is for the change of use of the building; no internal building work is proposed to facilitate the change of use. There will therefore be no disruption to local businesses or neighbouring properties during any construction period. Objections have been raised on grounds of noise, disruption and antisocial behaviour arising from occupants utilising the hard paved area to the south of the building. It is worth noting that Environmental Health have raised no objection to the proposed change of use on noise nuisance or loss of residential amenity grounds. It is noted that the increase in the number of the occupants of this building has the potential to result in the congregation of people in the external areas surrounding the building; however, any issues associated with noise and antisocial behaviour will be dealt with under separate legislation by the appropriate departments and bodies (Environmental Health and the Police).

Policy H5 of the North Lincolnshire Local Plan applies and states that provision should be made within the curtilage of each dwelling (except for upper-storey flats) for an area of private amenity open space. It should be noted that this development is not for 20 self-contained residential units within the building, therefore no dwellings are being created. In addition, there is no requirement for living accommodation on upper floors to have private amenity space. This site is located in relatively close proximity to Scunthorpe town centre with its facilities and within walking distance of public open space and parks. On balance it is considered that as no dwellings are being created by the development, there is no requirement for private amenity space to be provided.

There is sufficient space to the south of the building to provide an area for bin storage and collection.

In conclusion, it is considered that the proposed development complies with the relevant development plan policies and is therefore recommended for approval.

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: 001, 003 and 004.

Reason

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

Informative

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.

APPLICATION NO	PA/2018/722
APPLICANT	Mr Steve Burdett
DEVELOPMENT	Outline planning permission to erect one detached dwelling and detached garage with access not reserved for subsequent approval
LOCATION	Land adjacent 48 Outgate, Ealand, DN17 4JD
PARISH	Crowle
WARD	Axholme North
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Third party request to address the committee

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the NPPF 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 49 of Core Planning Principle 6 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 56 states that the Government attaches great importance to the design of the built environment. 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 61 states that planning policies and decisions should address the connections between people and places and the integration of new development in to the natural, built and historic environment.

Paragraph 197 states that in assessing and determining development proposals local planning authorities should apply the presumption in favour of sustainable development.

North Lincolnshire Local Plan: Policies H5, H7, H8, DS1, LC14, T1, T2 and T19 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS5, CS6, CS7 and CS8 apply.

CONSULTATIONS

Highways: Following receipt of additional information and an amended plan, recommend two conditions and an informative relating to works within the highway.

Environment Agency: No objection. Advises that the development will only meet the requirements of the NPPF if the measures set out in the submitted flood risk assessment are secured by a planning condition. Therefore advise a condition requiring the development to be undertaken in accordance with the flood risk assessment, including finished floor levels set no lower than 4.4 metres AOD.

LLFA Drainage: No objection, but advise that Severn Trent should be consulted with respect to foul drainage proposals for the site.

TOWN COUNCIL

No objection.

PUBLICITY

A site notice has been displayed. Two letters of objection have been received raising the following issues:

- The proposal would add to surface water and foul drainage issues in Ealand.
- The driveway is left clear to enable further development in the future.
- The current drainage system is not capable of accommodating additional dwellings.
- There have been instances of foul drainage overflow in the village.
- Outline planning permission exists for three dwellings on the land.
- Severn Trent Water should be consulted.
- The application is contrary to policies DS14 of the North Lincolnshire Local Plan and CS19 of the Core Strategy.

ASSESSMENT

The application site is a vacant piece of land located within the defined settlement boundary for Ealand, within flood zone 2/3a. It is bordered by residential properties to both sides and a new detached house with garage has recently been constructed on the adjacent plot to the west. Outline planning permission is being sought to erect a detached house and garage with means of access not reserved for subsequent consideration.

The main issues in the determination of this planning application are the principle of development, flood risk and impact on residential amenity.

Principle

This proposal is to erect a detached dwelling on land which forms garden to the side of the host property. The site is located within the settlement boundary for Ealand and the area is residential in nature; there is, therefore, a presumption in favour of development for the erection of a new dwelling. The dwelling is proposed to be located within Ealand; policy CS2 (Delivering More Sustainable Development) of the adopted Core Strategy states that small-scale development should be focused within the defined development limits of rural settlements to meet identified local needs. The site is considered to be a suitable infill plot

within the defined settlement boundary for Ealand (rural settlement) and represents a sustainable location for residential development in terms of policies CS1, CS2 and CS7 of the Core Strategy, policy H5 of the North Lincolnshire Local Plan and paragraphs 14 and 49 of the National Planning Policy Framework.

Flood risk

The site is located within Flood Zone 2/3a of the North Lincolnshire Strategic Flood Risk Assessment. As the proposal is for 'more vulnerable' development, there is a requirement for the sequential and exceptions tests to be applied and passed for the proposed dwelling. A flood risk assessment (FRA) has been submitted with the planning application, which contains an assessment of the exceptions test. It is worth noting that the Environment Agency has already considered the contents of the Flood Risk Assessment and advised a condition that the development take place in accordance with the mitigation measures set out therein; the finished floor levels for the dwelling are to be set 30 centimetres above that level at 4.4 metres AOD.

The proposed development needs to be assessed against the sequential and exceptions tests. Whilst no information has been submitted within the flood risk assessment to investigate the availability of sites within the defined settlement boundary for both Crowle and Ealand (Crowle parish), an online check shows that there are two sites available within Crowle that could accommodate the level of development being proposed; however, they are located at the same level of flood risk. There are no sites within Ealand which are at a lower risk of flooding. It is considered that the sequential test is passed in this case.

The exceptions test then needs to be applied. The applicant has provided additional information in support of the planning application; this is contained within the FRA. This supporting information sets out how the development is considered to be sustainable in terms of proximity to local services and transport routes. In terms of community benefits, the supporting statement highlights the fact that the construction of the dwelling will create jobs for local tradesmen and will support local services, and all materials will be sourced locally. In order to pass the exceptions test a development must meet the following criteria.

Essentially, the two parts to the test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and, where possible, reducing flood risk overall.

It is considered that the FRA satisfactorily demonstrates that the development will be safe without increasing flood risk elsewhere. In addition, it is considered that sufficient justification has been submitted with the application to demonstrate that the proposal will deliver sustainable development in this part of Ealand and will be of wider community benefit, in that it will support existing services within the defined market town of Crowle. The proposal is therefore considered to provide wider sustainability benefits which outweigh flood risk. Subsequently the exception test is passed in this case and the proposal is considered to comply with policies DS16 of the North Lincolnshire Local Plan, CS19 of the Core Strategy or the National Planning Policy Framework in terms of flood risk.

The planning application form states that surface water drainage will be disposed of via soakaways. Given that this is an area where surface water drainage matters are known to exist and that soakaways may not be a suitable means of surface water disposal then it is

considered prudent to recommend a condition that the method of surface water disposal is submitted for consideration. In addition, this is an area where there is a known issue with misconnections of drainage systems into the foul sewer (which is foul only and not a combined foul and surface water sewer); it is therefore considered prudent to recommend a condition that no surface water is disposed of via the foul sewer at any time. No consultation response has been received from Severn Trent Water in respect of foul drainage proposals for the dwelling; however, given the concern raised by the two objectors, together with the consultation response from LLFA Drainage, it is considered prudent to recommend a condition that details of the method of foul drainage disposal are submitted for consideration.

Residential amenity

The proposal is seeking outline planning permission with means of access to be considered and all other matters reserved for subsequent consideration (through the submission of a reserved matters planning application). Matters relating to the position and heights of windows, orientation of the dwelling and scale of the dwelling would be considered at reserved matters stage; the potential loss of residential amenity arising from this subsequent planning application would be assessed at that stage of the planning process. Notwithstanding this, an indicative plan has been submitted with the planning application, this shows that there will be sufficient land to serve as private amenity space for the host and proposed property.

Highway safety

There is sufficient land to the front of the proposed dwelling to provide a minimum of two off-street parking spaces, together with a turning space and a driveway to serve the host property. Highways have considered the proposals (by way of an amended plan) and raise no objections on highway and pedestrian safety grounds.

Conclusion

It is considered that the proposed development accords with the relevant policies of the adopted development plan and is recommended for approval.

RECOMMENDATION Grant permission subject to the following conditions:

1.
Approval of the details of the layout, scale, and appearance of the building(s) and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.
Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale, and appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: 1025 1 of 1 dated 11 June 2018.

Reason

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

6.

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.

7.

No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwelling is occupied and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

8.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

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

9.

At no time shall surface water be discharged into the foul sewer.

Reason

To define the terms of the permission and to ensure that the site is safe from flooding without increasing flood risk elsewhere.

10.

The development shall be carried out in accordance with the approved Flood Risk Assessment by Howard J Wroot, dated 12 April 2018, in particular finished floor levels being set no lower than 4.4 metres AOD.

Reason

To reduce the potential impact of flooding in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

11.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

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

12.

The parking and turning facilities shall be constructed in accordance with the submitted details shown on drawing 1025 1 of 1 dated 11th June 2018 and once provided shall thereafter be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 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.

APPLICATION NO	PA/2018/792
APPLICANT	Mrs Melanie Thompson
DEVELOPMENT	Outline planning permission for residential development with all matters reserved
LOCATION	Carr Lane, Redbourne, DN21 4QZ
PARISH	Redbourne
WARD	Ridge
CASE OFFICER	Leanne Pogson-Wray
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan Objection by Redbourne Parish Council Significant public interest

POLICIES

National Planning Policy Framework: Paragraph 14 states that at the heart of the National Planning Policy Framework there 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 which generate significant movements are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 35 of Core Planning Principle 4 states that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

At paragraph 37 it states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 48 states that local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing

Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

Paragraph 49 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 housing supply should not be considered up-to-date.

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 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 RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy LC11 (Area of Amenity Importance)

Policy DS1 (General Requirements)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

CONSULTATIONS

Highways: No objections subject to conditions.

Environmental Health: Sensitive end use. Previous unknown building on site. Advise a contamination condition.

IDB: Advise a condition regarding surface water drainage.

Drainage: Initially objected to the application as insufficient information was provided regarding the number of dwellings proposed and no FRA was submitted. It should be noted that this is not a major development and an FRA is not required. Anglian Water does not have a surface water drain in the vicinity. If infiltration is not feasible an above ground or alternative solution will be required. North Lincolnshire Council has a surface water carrier drain in the highway (1 metre deep) and this could be connected into if feasible at greenfield run-off rate (Ordinary Watercourse Consent required). However, upgrades to the system may need to be carried out by the developer if that drain is found to be running to capacity currently.

A detailed condition is proposed to ensure appropriate foul and surface water drainage is achieved, this condition will include the need for feasibility of infiltration, details of SuDS, details of attenuation, discharge rates etc.

Environment Agency: No comments.

Ecology: Judging from aerial photos, the application site appears to support only commonplace and widespread habitats. It appears unlikely to support protected and priority species other than hedgehogs and nesting birds. No ecological surveys will be required with this application.

Spatial Planning: Redbourne is 64th in the North Lincolnshire Settlement Survey with a public house in the village. The site is outside the development boundary in an area of LC11 land. Little justification has been provided with the application with regard to the loss of LC11 and impact on character, visual amenity and wildlife, or on how it meets sustainable development.

PARISH COUNCIL

Object to the proposal on the following grounds:

- foul and surface water drainage problems
- highway impacts/concerns regarding access
- no information regarding number and types of dwellings
- would like to be consulted on any section 106 agreement.

PUBLICITY

A site and press notice were posted and 15 letters of representation have been received (14 letters of objection, one letter of comment). The following material issues have been raised:

- drainage/sewage issues
- the site is outside the development boundary
- lack of services and facilities (only has a pub, facilities are in Hibaldstow)
- limited/no detail regarding housing types and numbers

- increase in traffic on a narrow lane
- only conservation area in village and should remain so
- loss of trees and hedges
- limited bus service to Hibaldstow
- Redbourne is at capacity
- impact on wildlife
- impact on the character of the LC11 area.

ASSESSMENT

The application site is an area of overgrown paddock in the centre of Redbourne. The site is surrounded on all sides by residential development. The conservation area lies to the south of the application site, but this site is outside the conservation area. There is a hedgerow to the front boundary with a field gate into the site. There is a block-built outbuilding on the site which is unused.

This application seeks outline permission for residential development. No details on numbers of dwellings or house types have been submitted and all matters are reserved for subsequent approval. There are a number of large dwellings around the site, particularly on High Street and School Lane. As such it is considered that this site would be more appropriate for a smaller number of larger dwellings. A condition is proposed for a maximum of nine dwellings on the site.

The main issue in determining this application is whether the principle of residential development is acceptable.

Principle

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 CS sets out a 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. With regard to rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel. Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to

building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. 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 outside the designated development limit for Redbourne. There are no allocated housing sites within Redbourne.

LP saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains part of the development plan, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focussing housing within settlement limits as defined in the HELAP. The application site is entirely outside the defined development boundary for Redbourne and is therefore in breach of policies CS2, CS3 and CS8 of the CS and RD2 of the LP.

Notwithstanding the development plan policies set out above, 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 and CS3 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 paragraph 47 of the NPPF and they are, therefore, failing to meet short-term housing needs. As such it is proven 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 some local facilities within reach of the site on foot (a public house within the village and a footpath to Hibaldstow) and a wide range of further services accessible by bicycle and public transport readily available in nearby settlements. Furthermore, paragraph 55 of the NPPF confirms that with regard to the vitality of rural communities, where there are groups of smaller settlements, development in one village may support services in a village nearby. In this instance, given its proximity and the range of services available, it is reasonable to assume that the proposed development would make use of facilities in the nearby village of Hibaldstow. The proposal therefore accords with the need to site development in locations with accessible local services and to support the vitality of rural communities. These matters weigh heavily in favour of the proposal in terms of the economic and social dimensions of sustainability. With regard to environmental impact, whilst the site is designated as LC11 land, it is a piece of private land surrounded by residential development on all sides and is considered to have limited impact or benefit in respect of visual amenity or the character of the area. Furthermore, it is considered that a development of high quality design with an appropriate landscaping scheme would have the potential to improve the appearance of the area.

It should also be noted that the site is fully surrounded by residential development and is within the centre of the village. Therefore, whilst it is outside the defined settlement boundary, it would not result in an extension to the outer extremities of the settlement and/or encroachment into the open countryside. As such the proposal is not considered to have an unacceptable impact on the rural character of the settlement or the surrounding landscape.

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 HELAP 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.

Landscape

The site is designated as LC11 (Land of Amenity Importance) by the local plan. There are three other areas of LC11 land, all of which are in the public domain, are well landscaped and offer greater amenity benefit to Redbourne. This area of land is an overgrown paddock area with a hedge to the front boundary and is closed from the public with no access. It is not considered that this piece of land has a significant impact on the visual amenity to the area. Policy LC11 states that where development which involves the loss of such areas is permitted, measures should be taken to minimise their impact or make a positive contribution. This can be achieved by good design with an appropriate landscaping scheme. For the reasons outlined above, it is considered that the loss of this area of open paddock land would result in adverse impact that demonstrably outweighs the benefits of

the proposed development in respect of the provision of housing to meet the identified shortfall.

Highways

Concerns have been raised in respect of the access and potential impact on the highway network as the road is narrow in places. No access details have been submitted with the application and the access arrangements will be detailed as part of any subsequent reserved matters application. Highways have been consulted and raise no objections to the proposal on highway safety grounds subject to conditions.

Drainage

Comments have been made regarding the potential for flooding and drainage issues, with surface water and sewage problems. Having checked with Building Control, there is a main sewer which runs immediately to the north of the site along Carr Lane, which is controlled by Anglian Water. Anglian Water are obliged to accept foul water from new development, however a condition will be proposed to ensure that appropriate drainage is achieved. The Drainage team initially objected to the application on the grounds that insufficient information was submitted with regard to numbers of dwellings and flood risk information. As the application is for minor development and will be for a maximum of nine dwellings, this information is not required prior to determination and a condition is therefore proposed for both foul and surface water drainage. This condition will ensure that an acceptable drainage scheme is agreed prior to development commencing on site.

Other issues

Concerns have been raised in respect of wildlife on the site. Wildlife is present in any undeveloped land which is vegetated and this, in itself, should not prevent development. The site is not designated as being of special ecological importance, nor has the presence of any protected or priority species been identified. Notwithstanding this, a biodiversity enhancement condition is proposed, together with a landscaping scheme which will be required to be submitted as part of any subsequent reserved matters application, to ensure that biodiversity features and appropriate replacement planting are secured on the site.

Comments have been made with regard to the loss of the only conservation area. It should be noted that this site sits adjacent to, but is not located within, the Redbourne conservation area. The design of the development is reserved for subsequent approval and an acceptable design will have to be provided as part of any subsequent reserved matters application, with the impact on the setting of the conservation area being one aspect that will be considered. Therefore the currently proposed (outline) development will not result in a demonstrable harmful impact on the Redbourne conservation area.

The parish council has made comments regarding section 106 agreements. As it is proposed to limit the number of dwellings to a maximum of nine, the development does not trigger the need for contributions.

Conclusion

The site is sited within the main body of Redbourne village, albeit outside the development boundary. The site is fully surrounded by residential development and the development boundary wraps fully around the site.

Whilst there is only a public house and a church within the village, there is a public footpath which links the village to Hibaldstow, which is 1.5 miles away. Hibaldstow has a number of facilities which would be supported by this development, which is promoted by the NPPF. There are also five bus routes which run through the village to various locations. The site is close to the A15 which has excellent further transport links to Scunthorpe and Lincoln. As such it is considered that the settlement is suitable for some growth and the proposed site, being in the main body of the village, is considered an appropriate location for development.

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 HELAP 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.

RECOMMENDATION Grant permission subject to the following conditions:

1.
Approval of the details of the layout, scale, and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.
Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale, and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.
Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of vehicle parking and turning spaces within the curtilage of 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 policies T2 and T19 of the North Lincolnshire Local Plan.

6.

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.

7.

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.

8.

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.

9.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
- (ii) the number and location of vehicle parking space(s) on 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 policies T2 and T19 of the North Lincolnshire Local Plan.

10.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

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

11.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

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

12.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

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

13.

No works shall be commenced on the penultimate dwelling on the site until the access road has been completed.

Reason

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

14.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-

enacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

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

15.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

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

16.

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.

17.

Not more than nine dwellings shall be erected on the site.

Reason

To define the terms of the permission and to help ensure that the development is in keeping with the character of the surrounding area in accordance with policy DS1 of the North Lincolnshire Local Plan.

18.

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.

19.

No development shall take place until a biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of measures to avoid harm to bats, hedgehogs and nesting birds during vegetation clearance and construction works;
- (b) details of at least three bat roosting features to be installed in new dwellings;
- (c) details of at least five nesting sites to be installed to support a variety of bird species;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the planting and aftercare of native trees, shrubs and/or hedgerows of high biodiversity value;
- (g) proposed timings for the above works in relation to the completion of the buildings.

Reason

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

20.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features, within two weeks of installation, as evidence of compliance with this condition.

Reason

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

21.

No development shall take place until a detailed surface water drainage scheme and flood risk assessment outlining all sources of flood risk (including surface water, ground water and ordinary watercourse) and proposals to mitigate this, based on SuDS principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

The applicant must:

- (a) provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site or increasing the risk of flooding off-site;
- (b) provide principle/detailed design (surveys, ground investigations, drawings, network details, calculations and modelling showing critical storm details) in support of any surface water drainage scheme, including details on any attenuation system and its discharge rates, and investigation into the condition of the existing outfall and proposed arrangements;
- (c) provide details of how the scheme shall be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime;
- (d) provide details of the timetable for and any phasing of implementation for the drainage scheme.

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.

22.

The drainage scheme shall be implemented in accordance with the approved submitted details required by the above condition (condition number 21 above) 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.

23.

No development shall take place until a scheme for the disposal of foul water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

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

Informative

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.

APPLICATION NO	PA/2018/804
APPLICANT	North Lincolnshire Council
DEVELOPMENT	Planning permission to erect an education and visitor centre
LOCATION	Visitor Centre, Messingham Road, Bottesford
PARISH	Bottesford
WARD	Bottesford
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Bottesford Town Council

POLICIES

National Planning Policy Framework: Paragraph 11 states that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 14 – at the heart of the NPPF 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 17 states that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Paragraph 34 – developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 35 – plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore developments should be located and designed, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.

Paragraph 37 – planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 56 – 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 – planning 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 styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 70 – local planning authorities should plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

Paragraph 73 states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.

North Lincolnshire Local Plan:

Policy T1 – Location of Development

Policy T2 – Access to Development

Policy DS1 – General Requirements

Policy DS14 – Foul Sewage and Surface Water Drainage

Policy DS11 – Polluting Activities

Policy DS16 – Flood Risk

Policy RD2 – Development in the Open Countryside

Policy LC11 – Areas of Amenity Importance

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 CS19 – Flood Risk

Policy CS22 – Community Facilities and Services

Policy CS23 – Sport, Recreation and Open Space

CONSULTATIONS

Public Rights of Way: On the basis that the bridleway is not obstructed or made difficult to use then no objection is raised.

Shire Group of IDBs: No objection. Comments made in respect of surface water disposal and no obstructions within 9 metres of the edge of a watercourse without the consent of the IDB.

Environment Agency: The building would be located in flood zone 1 with flood zones 2 and 3 affecting the southern areas of the site. Owing to the proximity to Bottesford Beck there should be no raising of flood levels in areas at risk of flooding and any works within 8 metres of the Beck may be covered by the Environmental Permitting Regulations.

Environmental Health: No further comments to make in relation to contaminated land, no remediation is required and no protection measures are required for groundwater.

Providing that natural alluvial clays are not situated within a depth of less than 0.3 metres in soft landscaped areas, no remedial measures will be required. However, clarification is required with regard to the proposed finished ground levels. If there is an intention to re-use site-derived excavated soils or import naturally occurring unpolluted soils a Materials Management Plan may be required. Clarification is required from the applicant with regard to the matter.

TOWN COUNCIL

Object on the grounds of insufficient parking provision, flood risk and proximity to neighbouring properties.

PUBLICITY

A site notice has been displayed. No comments have been received.

ASSESSMENT

The application site comprises a grassed area adjacent to Bottesford Beck on the edge of Bottesford. The site is outside the development limits for the urban area and sits to the south of residential properties located on Messingham Road and Hallbrook Court. The site is adjacent to a cluster of trees and it is understood that a mains drain runs adjacent to the site.

Full planning permission is sought for the construction of a visitor centre. This application is a resubmission of planning application PA/2017/422, the amendment being a reduction in the floor area from 150 square metres to 118 square metres and in its overall width. The proposed centre would be developed in the form of a single, detached building featuring a hipped roof design. The building would be limited to single-storey only and would contain toilets and a small kitchen area. The remaining area within the building would be an open plan visitor facility.

The main issues in the determination of this planning application are the principle of development (incorporating design), impact on residential amenity and flood risk.

Principle

Policy RD2 of the North Lincolnshire Local Plan applies and states that planning permission will only be granted for development which is essential for the provision of outdoor sport, countryside recreation or local community facilities. It is considered that a visitor centre comprises a development essential for the provision of countryside recreation and outdoor

sport; the use is therefore acceptable in principle. The proposal will increase the range of facilities at the site and will be directly linked to a network of public rights of way which traverse the site. The principle of development was established through the granting of planning permission for the proposed visitor centre in this location under planning application PA/2017/422.

The proposed visitor centre is to be located on land which is designated as an Area of Amenity Importance under policy LC11 of the North Lincolnshire Local Plan. Policy LC11 states that development will only be permitted in an Area of Amenity Importance where it would not adversely affect its open character, visual amenity or wildlife value or compromise the gap between conflicting land uses. In this case it is evident that the siting of the proposed visitor centre will not compromise the open views across the Bottesford Beck Linear Park and will not impact upon its biodiversity value (a grassed area) or conflict with the public rights of way which form the linear park. The proposed visitor centre is considered to be a compatible use with the linear park as it constitutes a facility for countryside recreation and won't compromise the gap between land uses.

The proposed building is a simple, hipped roof structure which would be single-storey only. The plans show that the proposed building will be constructed from blockwork with vertical profile timber cladding over, aluminium openings and profile roof tiles; the use of vertical profile timber boarding as the predominant external facing material is considered acceptable given the transitional nature of the site on the edge of the settlement. The proposal is relatively small-scale and it is considered that it would not have an unacceptable impact on the character of the site or surrounding area.

Residential amenity

It is noted that the site is located directly to the south of residential properties. However, it is also acknowledged that the building is single-storey only and features a hip roof design which slopes away from the nearest dwelling. It is therefore considered, on balance, that the proposal would not unacceptably impact on privacy/light levels at any neighbouring dwelling.

Whilst the use of the site as a visitor centre (with small kitchen) would result in some increases in noise/disturbance, it is considered that these are likely to be low-level and would not unacceptably impact on neighbouring living conditions.

Flood risk/drainage

The Environment Agency has confirmed that the site is in flood zone 1, therefore the development is considered to be safe from flooding without increasing flood risk elsewhere. Furthermore, the details for the method of both surface and foul water have been submitted and this is considered to be acceptable. A condition is therefore recommended that the development take place in accordance with the submitted scheme for drainage disposal.

Highways

The proposal would not benefit from any dedicated off-street parking and it is understood that the proposal may attract further visitors to the area. However, the site is located in a sustainable location with good access to public transport links. Furthermore, it is considered likely that a significant portion of visitors would visit the site on foot.

In light of these factors, and given that the site sits adjacent to an existing lay-by that would provide some parking provision, it is considered that the scheme would not unacceptably compromise vehicular or pedestrian safety. It is worth noting that a Traffic Regulation Order has been approved for the lay-by along the eastern side of Messingham Road which would restrict parking to a maximum of a three-hour period during social hours of the day.

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: BS(0)01 D and BS(0)02 E, 14849-H-DR-101 T1 and 14849-H-DR-102 T2.

Reason

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

3.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

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.

4.

The education and visitors centre hereby approved shall not be brought into first use until such time as the drainage proposals shown on drawings 14849-H-DR-101 T1 and 14849-H-DR-102 T1 have been implemented in their entirety and the building is connected to the approved system.

Reason

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

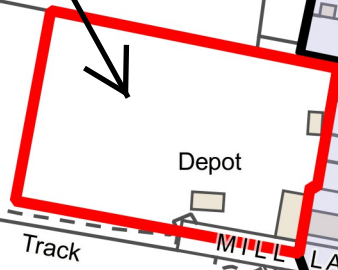
Informative

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.

60 0 60 120 180 240 300 m

Development Boundary

Application site



Depot

Track

Pavilion

Playing Field

MILL LANE

HIGHFIELDS

BLACKS MITHS

SILVER STREET

BARTON LANE

ROWAN
CHESTNUT RISE

HARVEST

MILL FIELDS WAY
THE GROVE

PO

Sch

Track

Manor Farm

Path

22m

Path

18m

21m

7m

A1077

B1402

FERRY ROAD



NORTH LINCOLNSHIRE COUNCIL

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