

**APPLICATION NO** PA/2017/1216

**APPLICANT** Mrs Wilson

**DEVELOPMENT** Outline planning permission to erect 9 dwellings to include demolition of existing cottage and outbuildings with means of access not reserved for subsequent approval

**LOCATION** Land at the Old Smithy, 6 Barnetby Lane, Elsham, DN20 0RB

**PARISH** Elsham

**WARD** Brigg and Wolds

**CASE OFFICER** Shaun Robson

**SUMMARY** **Grant permission subject to conditions**

**RECOMMENDATION**

**REASONS FOR** Objection by Elsham Parish Council

**REFERENCE TO**

**COMMITTEE**

**POLICIES**

**National Planning Policy Framework:**

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 14 – Meeting the challenge of climate change, flooding and coastal change

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

**North Lincolnshire Local Plan:**

Policy H8 – Housing Design and Housing Mix

Policy T2 – Access to Development

Policy T19 – Car Parking Provision and Standards

Policy DS1 – General Requirements

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 CS5 – Delivering Quality Design in North Lincolnshire

Policy CS7 – Overall Housing Provision

Policy CS8 – Spatial Distribution of Housing Sites

Policy CS19 – Flood Risk

Policy CS25 – Promoting Sustainable Transport

**CONSULTATIONS**

**Highways:** No objections subject to conditions.

**Drainage:** No objections subject to conditions.

**Environmental Health:** No objections subject to conditions.

**Ecology:** No objections subject to conditions.

**Tree officer:** Object on the grounds that a tree report should be supplied. A report has subsequently been provided.

**Waste and Recycling:** Object on the grounds that the indicative layout is unsatisfactory from a waste collection view.

**Historic Environment Record:** No objections subject to conditions.

**Spatial Planning:** No objections.

**PARISH COUNCIL**

Object.

**PUBLICITY**

The application has been advertised by site notice. Twenty-eight letters of objection have been received raising the following summarised concerns:

- The proposal has been insufficiently advertised.

- The proposal would be detrimental to highway safety.
- The proposal would have an adverse impact on the character of the site and surrounding area.
- The proposal would have an unacceptable impact on trees.
- The proposed dwelling density is too high.
- Services in the area cannot support developments of this nature and this is not a sustainable location.
- The proposal would encroach beyond development limits for the village.
- The proposal would harm neighbouring living conditions.
- The proposal may increase flood risk/drainage problems.
- The site may contain contaminated land.
- There may be bats at the site and other ecological interests.
- The proposal may be disruptive during the construction phase.

One letter of support has been received.

## **ASSESSMENT**

This application was deferred at the last meeting of the planning committee to enable members to visit the site prior to making a decision.

### **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 saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land and Allocations Development Plan Document (HELADPD).

Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

It is noted that the site falls partly outside the settlement boundary for Elsham and is therefore partly within the open countryside. The current development plan resists residential development of the nature proposed within the open countryside and the proposal therefore conflicts with the plan in this regard.

However, Central Government places high importance on new homes being delivered throughout the country to address the chronic shortage. The council is unable to demonstrate a five-year supply of housing land. In such circumstances the Supreme Court has clarified that paragraph 14 of the NPPF is triggered, which states a presumption in

favour of sustainable development. Policies that affect the supply of housing but are not policies for the supply of housing will not be out-of-date as far as paragraph 49 of the NPPF is concerned, but the weight to be given to them in the balancing exercise will almost inevitably be reduced in the absence of a five-year housing land supply. The weight to be afforded to such policies should also be decided in the context of the overreaching need to significantly boost the supply of housing (paragraph 47 of the NPPF). Such policies include those relating to settlement limits and general open countryside policies.

In this context, and whilst the conflict with policy is noted, it is considered that significant weight must be afforded to the provision of new housing in the area. The benefits of this increase in housing provision are not considered to be outweighed by the conflict with spatial strategy in this instance.

The broad principle of development is therefore considered acceptable.

## **Design**

Outline planning permission is sought for nine dwellings within the site. All matters are reserved with the exception of access. The application is supported by an indicative layout plan which shows five plots along the site frontage, and four 'backland' plots.

It is acknowledged that the proposed dwelling density at the site would be higher than the prevailing densities within the area. However, subject to sensitive design at reserved matters stage, including consideration of heights, footprints and materials, it is considered that the proposal would not have a detrimental impact on character to the point worthy of refusal.

It is therefore considered that the proposed scheme would not have a detrimental impact on the character of the area and accords with policies DS1 of the NLLP and CS5 of the NLCS, and relevant guidance contained within the NPPF.

## **Highways**

The site is located in close proximity to the existing settlement boundaries and benefits from good access to public transport links and local services. It is therefore considered that the scheme would be located within a sustainable location.

The council's Highways team has offered no objections to the access, layout (indicative) or parking arrangements (indicative) subject to appropriate conditions. Whilst it is accepted that the proposal would result in an increase in vehicular movements, it is not considered that the scale of the development would place unacceptable strain on the existing highway network.

It is therefore considered that the scheme would not have an unacceptable impact on vehicular or pedestrian safety and sufficiently accords with policy in this regard.

## **Flood risk/impact on drainage**

The application site is not located within an area known to be at risk of flooding according to current local and national flood risk maps and it is not envisaged that the type/scale of development would place unacceptable strain on existing drainage infrastructure. Furthermore, the proposal would not be at unacceptable risk from flooding and would not give rise to an increase in flood risk in the locality.

## **Land contamination**

The proposal is supported by a phase I land contamination report which has been deemed acceptable by the council's Environmental Health team. Conditions are recommended to ensure this matter is adequately addressed during the construction phase.

## **Impact on residential amenity**

The submitted site plan shows that nine dwellings could be provided with sufficiently-sized rear garden areas. There is sufficient space to ensure that future residents would be provided with a sufficiently high standard of living environment.

Subject to a considered design at reserved matters stage, it is considered that the site can accommodate nine well-sized dwellings without resulting in an unacceptable degree of harm to neighbouring living conditions.

It is therefore considered that the proposal would provide a sufficiently high standard of living environment within the site without unacceptably impacting on living conditions at any neighbouring dwelling.

The proposal is considered to accord with the relevant criteria in policies CS1, CS2 and CS5 of the Core Strategy and policies DS1, H5 and H1 of the North Lincolnshire Local Plan.

## **Trees/ecology**

The applicant has provided a detailed tree report which demonstrates that none of the trees within the site are of category A status. Furthermore, none of the trees within the site are the subject of a Tree Preservation Order.

To accommodate nine dwellings within the site it will be necessary to remove a number of trees within the site. The indicative layout suggests adequate space would be available for soft landscaping and potentially replanting. Subject to this matter being fully addressed at reserved matters stage, it is considered that the removal of trees within the site does not represent a barrier to the grant of planning permission.

The applicant has also provided an ecological report which demonstrates some limited ecological value at the site. The council's ecologist has offered no objections to the scheme subject to conditions. The proposal is therefore considered acceptable in this regard.

## **Heritage**

The council's HER team have stated that site contains potential archaeological remains and conditions should be attached to address this matter. There are no other significant heritage impacts arising from the proposed development.

## **Other issues**

Access to the site for refuse collection can be dealt with fully at reserved matters stage.

The application has been advertised in full accordance with relevant legislation.

The proposal will result in some inevitable disruption during the construction process but this would provide insufficient grounds to refuse the scheme.

## **Conclusion**

The proposed development would make a small yet valuable contribution towards housing provision in the locality and would result in a sustainable form of development. It is therefore concluded that the proposal sufficiently accords with adopted planning policy and guidance. There are not considered to be any material considerations which would justify the refusal of this application.

## **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.

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.

6.

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 on buildings on plots 8 and 9 as shown on the submitted drawings;
- (c) details of 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 and shrubs of high biodiversity value, as well as heritage fruit tree varieties, including medlar;
- (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.

7.

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 occupation of the ninth 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 management plan.

#### Reason

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

8.

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

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

No construction 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 residential amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

9.

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.

10.

Within three 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.

11.

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.



12.

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.

13.

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.

14.

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.

15.

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.

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 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.

**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 paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

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Moulgrave

El  
Sub Sta

Development Boundary

GP

24.8m

Quarry  
(disused)

HALL LANE

BARNETBY LANE

31.8m

Pit  
(disused)

Parklands



**NORTH  
LINCOLNSHIRE**  
COUNCIL

**PA/2017/1216**

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