

APPLICATION NO	PA/2019/67
APPLICANT	Trustees of Lt Col R Sutton Nelthorpe's Trust
DEVELOPMENT	Planning permission to erect three linked dwellings and associated works, including demolition
LOCATION	Land west of Home Farm, Main Street, Sturton, Scawby DN20 9DL
PARISH	Scawby
WARD	Ridge
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from local plan

POLICIES

National Planning Policy Framework:

Paragraph 47 – Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 189 – 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. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 192 – In determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and

- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 202 – Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

North Lincolnshire Local Plan: DS1, DS7, DS11, HE5, T2, T19, DS14, RD2

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS19

CONSULTATIONS

Highways: No objection subject to the imposition of conditions.

Archaeology: No objections subject to conditions.

Conservation: No objections subject to the control of materials.

Environmental Health: No objections subject to the imposition of land contamination conditions as well as the restriction of construction hours.

Waste and Recycling: Bins must be brought to an adopted road for collection.

Ecology: No comments received.

PARISH COUNCIL

No objections to the proposed development.

PUBLICITY

A site notice has been displayed as well as press advertisement in accordance with Article 15 of the DMPO 2015 as amended.

ASSESSMENT

Relevant planning history

PA/2011/1069: Planning permission for the conversion of redundant farm buildings to form two dwellings – approved 31/10/2011

Permission is sought to erect three linked dwellings to enable completion of the above planning permission. The applicant has submitted a justification as well as viability which demonstrates the financial costings of bringing the curtilage barns back into use. The previous permission is considered extant and works have begun on site; this was confirmed by officer email on 17 January 2014.

Proposal

Planning permission to erect three linked dwellings and associated works, including demolition.

Principle of development

The site is located outside the development boundary for Scawby as identified by the Housing and Employment Land Allocations DPD 2016 and is within a group of historic properties associated with Home Farm to the east. There is a listed building to the west at Manor Farm.

Policy CS1 of the Core Strategy states that, in the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings. Tourism development will also be supported, in particular the development of green tourism making the most of the area's important natural and built environments.

Policies CS2 and CS3 attempt to restrict development within the open countryside stating that any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.

Paragraph 47 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales, unless a longer period has been agreed by the applicant in writing.

Paragraph 202 states that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

The applicant has provided justification that the proposed development is required as enabling development in order to survive the existing curtilage listed barns. It is considered that sufficient evidence has been provided to demonstrate that the development is required in order to complete the barn conversions to residential. It is considered, then, that material considerations in the interest of protecting and enhancing the historic environment indicate that there is reason to support a departure from the plan.

Conservation

Policy CS6 of the Core Strategy is concerned with the Historic Environment. It states that the council will seek to protect, conserve and enhance North Lincolnshire's historic environment, as well as the character and setting of areas of acknowledged importance, including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains. All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value. Policy HE5 of the North Lincolnshire Local Plan is concerned with listed buildings and is also considered relevant.

The conservation officer has been consulted and has stated that, given that the proposal would allow for the completion of the listed barn conversions, on balance, the scheme is considered acceptable. The applicant proposes a large amount of built form that will be subdivided into three cottages. The built form is considered appropriate and in a location that would not compete with the historic form of the sites. Furthermore, a large agricultural building has been demolished which improves the wider visual amenity.

Therefore, subject to the imposition of a condition controlling materials, as well as a condition preventing occupation of the third cottage until works to the listed barns have been completed and signed off, the proposal accords with policies CS6 and HE5.

Archaeology

Core Strategy policy CS6 states that 'The council will seek to protect, conserve and enhance North Lincolnshire's historic environment as well as the character and setting of areas of acknowledged importance, including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains...' and 'Development proposals should provide archaeological assessments where appropriate.'

Policy HE9 states that 'Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment, to be submitted prior to the determination of a planning application, will be required. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.'

The applicant has submitted an archaeological desk-based assessment and a written scheme of investigation. The council's archaeologist has reviewed the information and has no objections subject to the imposition of conditions. Given the historic sensitivity of the area, the conditions are considered appropriate and will be attached. Therefore, subject to the aforementioned mitigation, the proposal is considered to accord with policy CS6 of the North Lincolnshire Core Strategy and HE9 of the North Lincolnshire Local Plan.

Highways

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by a satisfactory access. Policy T19 of the local plan is concerned with parking provision, as well as general safety, and is also considered relevant.

The applicant has demonstrated an adequate access, as well as sufficient off-street parking provision. The council's Highways department has reviewed the application and has no objections subject to the imposition of conditions. Waste and recycling have made comment in that a service vehicle will not access the private drive; given the red line boundary extends to the adopted road, a condition relating to bin storage will be attached to any permission.

Therefore, subject to the aforementioned mitigation, the proposal has the potential to accord with policies T2 and T19 of the North Lincolnshire Local Plan.

Land contamination

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The environmental health officer has assessed the scheme and recommends a condition requiring the submission of a desk-top study, and remediation and verification reports. Given that this was previously a working farm, the condition is considered appropriate and will be attached to any permission.

Amenity

Policy CS5 of the Core Strategy is concerned with raising design standards in North Lincolnshire whilst H5 of the local plan is concerned with new housing developments; both are considered relevant. Policy RD2 of the local plan seeks to protect the open countryside and is also relevant, whilst policy DS1 is partly concerned with the protection of residential amenity.

The proposal shows an acceptable scheme that would limit impact on residential amenity. It is considered that a scheme of boundary treatments should be submitted, given the arrangement of the adjoined cottages. The proposal also allows for adequate amenity areas and is a sufficient distance from all neighbouring properties not to give rise to any unacceptable impingement upon residential amenity.

Therefore, subject to the aforementioned mitigation, the proposal is in accordance with the aforementioned planning policies.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst policy DS14 of the local plan is concerned with foul sewage and surface water drainage. The application site is located within flood zone 1 and is therefore a preferred place for development in terms of flood risk.

The council's drainage team has been consulted but has not responded. It is considered, however, that surface water will be adequately mitigated at building regulations stage. Furthermore, given the residential form located around Main Street, it is evident that a network for foul sewage exists. This will be mitigated by external legislation, namely section 106 of the Water Industries Act 1991.

The proposal is therefore considered to be in accordance with the aforementioned planning policies.

Environmental issues

Policy DS11 of the local plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release. Policy DS1 is also concerned with the protection of amenity.

The council's Environmental Health Department has assessed the planning application and states that there is a requirement for a construction environmental management plan in order to mitigate neighbouring amenity during construction. The condition requires the management of construction working hours to mitigate unacceptable impacts upon neighbouring amenity.

Given the above mitigation, it is considered that the proposal would accord with policy DS11 of the North Lincolnshire Local Plan.

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:

2325C/10, 2325C/14; 2325C/11; 2325C/12

Reason

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

3.
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.

4.
No dwelling on the site shall be occupied until the private driveway has been completed, to a standard to be agreed beforehand in writing with the local planning authority, up to its junction with the vehicular access to that dwelling.

Reason

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

5.
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.

6.

Construction, demolition 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, demolition 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 residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

No groundworks associated with the demolition of the extant agricultural building, site preparation works or construction of the new 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 accord with a brief provided by North Lincolnshire Historic Environment Record and shall include details of the following:

- measures to ensure the preservation by record of archaeological features of identified importance
- methodologies for the recovery of archaeological remains, including artefacts and ecofacts
- post-fieldwork methodologies for assessment and analyses
- report content and arrangements for dissemination, and publication proposals
- archive preparation and deposition with recognised repositories
- 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
- 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
- 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 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site does contain or potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

8.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least 10 days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site does contain or potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

9.

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 commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site does contain or potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

10.

Prior to any above-ground works, samples of all external materials used in the construction of the dwellings shall be available to view on site. No further development shall take place unless written confirmation has been sent by the local authority as to their appropriateness. The materials shall then remain in perpetuity.

Reason

In the interest of protecting the historic environment and in accordance with policy CS6 of the North Lincolnshire Core Strategy.

11.

Prior to any above-ground works, detailed drawings of all openings at a scale of 1:20, including cross-sections, shall be submitted to and agreed in writing with the local planning authority.

Reason

In the interest of protecting the historic environment and in accordance with policy CS6 of the North Lincolnshire Core Strategy.

12.

Prior to occupation of the third dwelling hereby approved, the residential conversion of the listed barns shown within the blue boundary on the submitted block plan reference 2325C/10, shall be completed in accordance with extant planning permission PA/2011/1069. Within one month of the conversion works being finished, evidence of completion shall be submitted to and agreed in writing by the local planning authority.

Reason

In the interest of the historic environment and to accord with policy CS6 of the North Lincolnshire Core Strategy.

13.

Prior to occupation of the first dwelling, a scheme for the treatment of boundaries shall be submitted to and agreed in writing with the local planning authority. The scheme shall be retained that way thereafter.

Reason

In the interest of amenity and in accordance with policy DS1 of the North Lincolnshire Local Plan.

14.

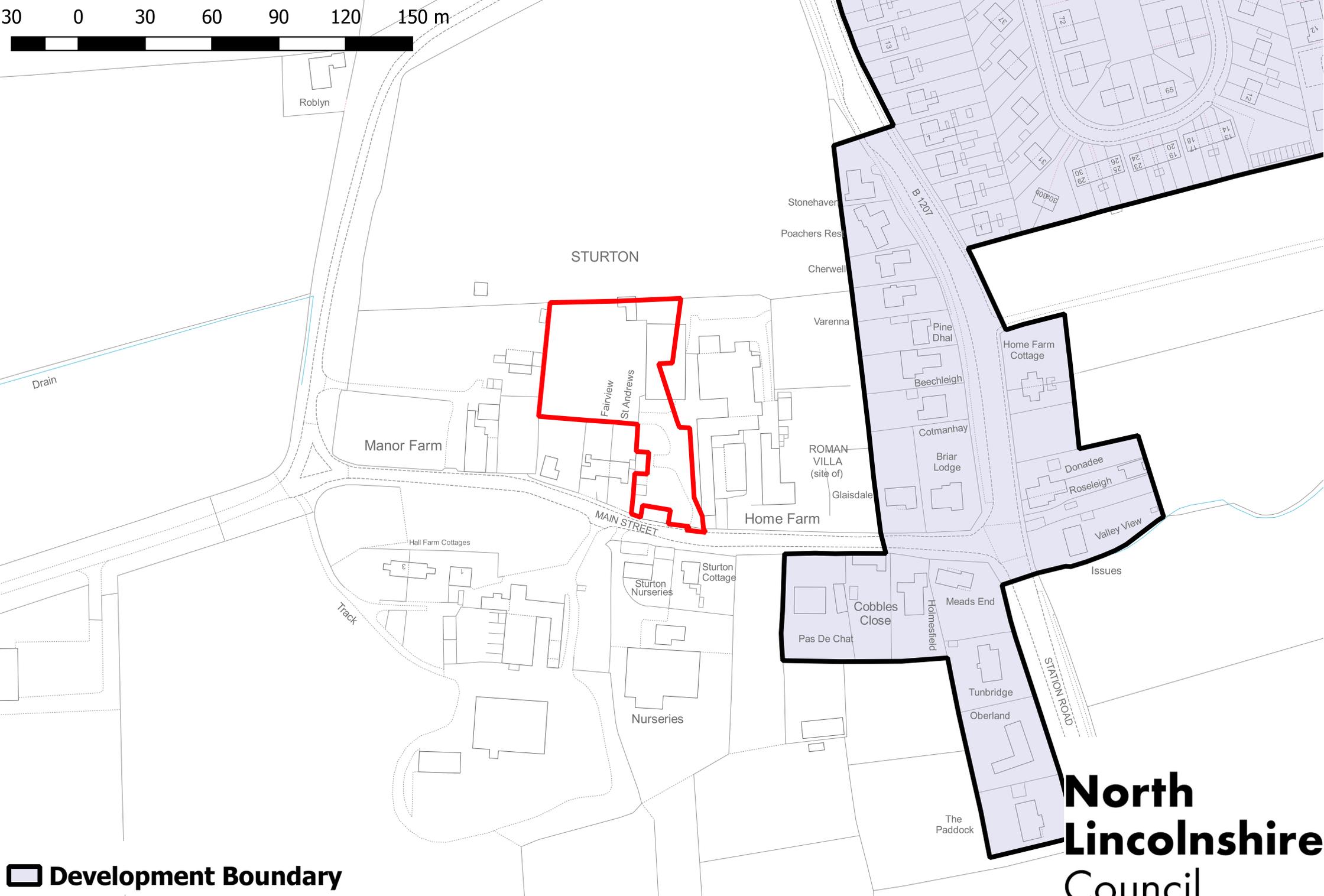
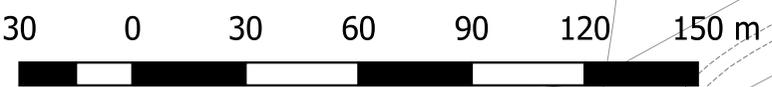
Prior to the first occupation, a scheme showing how bins will be stored shall be submitted to and agreed in writing by the local planning authority. The storage shall be retained thereafter.

Reason

To protect amenity and in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



 Development Boundary

PA/2019/67

PA/2019/67 Block plan (not to scale)

New 1.2m high timber Lincolnshire post + rail fencing to be installed to boundary

New bushes + hedging to be planted generally as shown

Existing surrounding site to be cleared from farming equipment and stored materials.

3no. new four-bedroom dwellings located on existing paddock

New bushes + hedging to be planted generally as shown

Existing neighbouring boundary to be retained + new planted hedgerow

New designated visitor car parking spaces

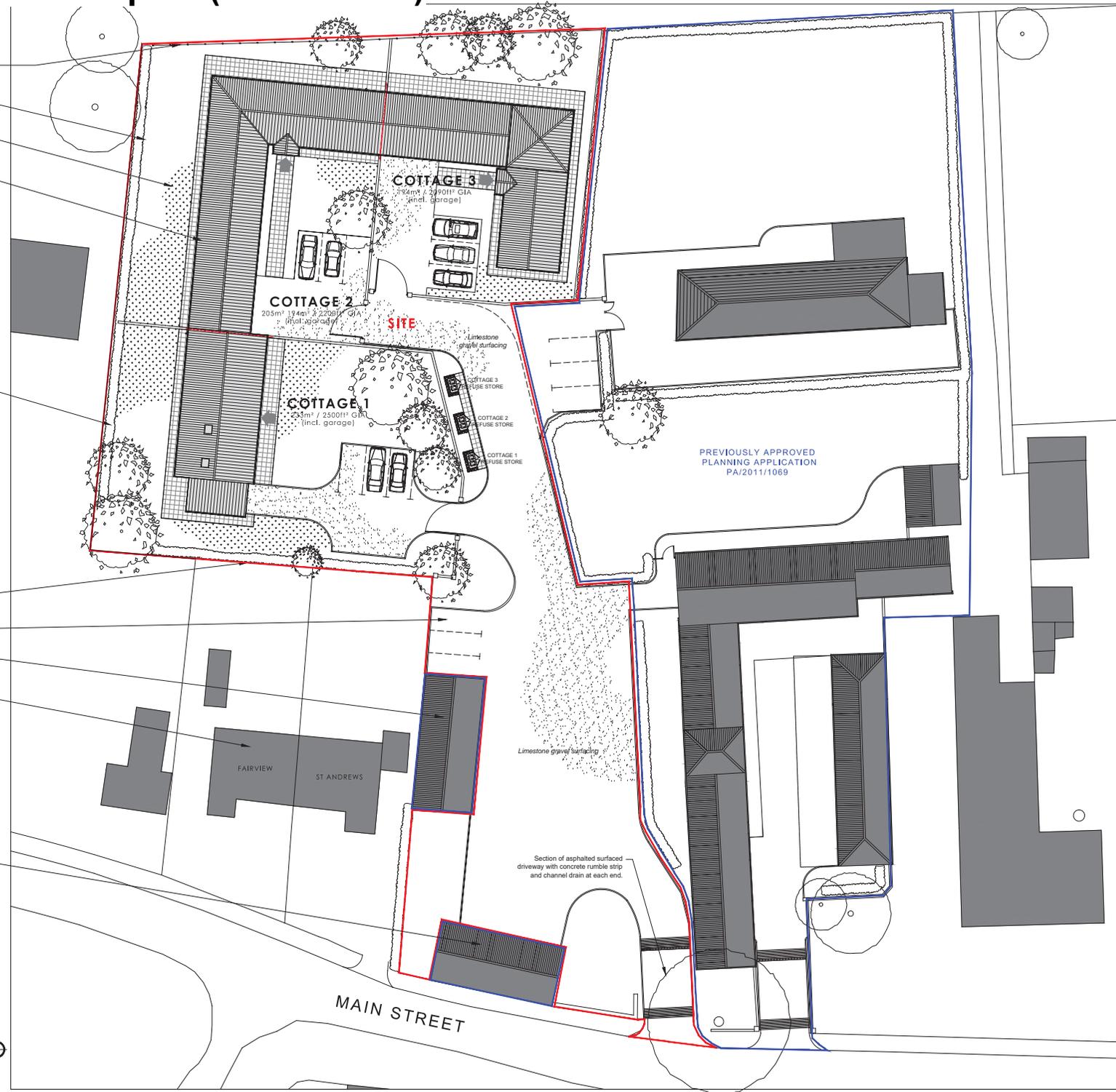
Existing cartshed to be retained.

Neighbouring 1970's residential semi-detached properties.

Existing cartshed to be retained.

PROPOSED SITE BLOCK PLAN

1:200 @ A1



KEY

- = Existing trees
- = New planted trees
- = New hedgerows
- = New 1.2m high timber post and rail fencing
- = Limestone gravel surfacing
- = Concrete block paving
- = Grassed areas

- Notes -

All dimensions to be verified on site. Figured dimensions to take preference to those scaled; all dimensions are approximate.

New construction shown in thick outline only, and existing walls shown shaded. All discrepancies to be clarified with project Architect.

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Rev	Revisions	Date	Drawn	Checked

Drawing status:			
PLANNING			
Client: The Trustees of Lt Col R Sutton Nelthorpe's Will Trust			
Drawing title: PROPOSALS: Site Block Plan			
Project: NEW 3no. DWELLINGS: Home Farm, Sturton Lane, Sturton, N. Lincs			
Drawn by: D.C	Checked by: C.M.S	Date: 10.12.2018	
Project number: 2325C	Scale: 1:200	Original paper size: A1	
Drawing number: 2325C / 10	Rev.: -		

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