

APPLICATION NO	PA/2020/366
APPLICANT	Mr Ben Spink
DEVELOPMENT	Planning permission for external landscaping works, including enhancement of existing ponds, in connection with a new build dwelling
LOCATION	Land adjacent to Thornton Hall Gardens, Station Road, Thornton Curtis, DN39 6XF
PARISH	Thornton Curtis
WARD	Ferry
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Officer discretion – this application should be read alongside PA/2020/171 which is a departure from the development plan

POLICIES

National Planning Policy Framework: Paragraph 127 – Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 170 – Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

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.

North Lincolnshire Local Plan: DS1, RD2, HE2, T2, T19, LC12

North Lincolnshire Core Strategy: CS5; CS6, CS17

CONSULTATIONS

LLFA Drainage Team: No objections or comments.

Highways: No objections subject to the imposition of conditions.

Tree Officer: The submitted information contains no detail about the existing trees on the site, although they appear to be mature, and would have large canopies and root systems.

Neither has any detailed information been provided about the indicative tree planting included in the submission.

There is a concern that the mature trees may be affected by the creation of ponds close to them, but, without information about the protection areas required, it cannot be demonstrated that tree roots and canopies are not affected.

Further information showing appropriate protection areas (using BS 5837:2012 recommendations) around trees close to and potentially affected by the ponds and development would assist in demonstrating that they would not be unduly affected by the proposals.

Archaeology: The council's archaeologist has advised that a written scheme of investigation should be provided prior to determination. However, should the application be recommended for approval despite that advice, then conditions are advised.

PARISH COUNCIL

No objections.

PUBLICITY

The application has been publicised by both site and press notice in accordance with Article 15 of the Development Management Procedure Order 2015 as amended.

ASSESSMENT

Planning history

PA/2020/171: Planning permission to erect a detached dwelling and car port - pending.

Site characteristics

The site lies within the wider grounds of Thornton Hall, close to where the former nursery is located. This application was submitted alongside PA/2020/171 which seeks, under paragraph 79 of the National Planning Policy Framework (NPPF), to erect a new dwelling in the open countryside. However, concerns were raised at validation that including this land within the red line boundary would have, by default, allowed for a disproportionate amount of residential curtilage. The decision was taken to separate the applications; this was agreed by the applicant. This application should therefore be read in conjunction with planning application PA/2020/171 which is also presented to members as its overall merits as a proposal are inextricably linked with the application for landscaping.

The proposed landscaping does not constitute development and as such does not require consent. The elements of this proposal that require planning permission are the summerhouse as well as the enlargement of existing ponds representing engineering work, and the internal access track that loops from the potting shed, along the north of the site, towards the site of application PA/2020/171. This track is fully permeable and would only allow one vehicle to traverse it at a time.

It is not considered that matters of principle need to be addressed given the garden already exists; the works simply invite a greater amount of biodiversity within the existing natural environment, whilst the erection of the 'summerhouse' is a building that offers weatherproof

enjoyment of this landscaped setting. Furthermore, this application is considered to be at a distance that would not impinge upon the setting of Thornton Hall and this is reinforced by the conservation officer's response to PA/2020/171, so policies surrounding the historic environment are not discussed, though they are prevalent to the aforementioned accompanying application which should be read alongside this proposal. This proposal is not a departure from the local plan and is before members as it is entwined with PA/2020/171 which is a departure.

The assessment will focus on the following issues:

- **archaeology**
- **highways**
- **trees and landscaping**
- **ecology.**

Archaeology

Core Strategy policy CS6 (Historic Environment) states, 'The council will seek to protect, conserve and enhance North Lincolnshire's historic environment as well as the character and setting of area 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, '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.' Furthermore, as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification in line with paragraphs 193 to 197 of the NPPF.

The applicant has provided a geophysical survey report. The site is located within the setting of Thornton Hall and its stable block; the Hall is listed grade II* and the stables are grade II. The archaeologist states:

'...the site lies within the shrunken medieval village of Thornton Curtis; crop and soil marks visible on aerial photos of the area to the east of the present village reveal the remains of buried trackways, property boundaries and house sites extending across a wide area that incorporates the later site of Thornton Hall and its landscaped parkland.

The applicant has submitted an archaeological geophysical survey with the application. The survey, undertaken in 2018, covered a small area of the site only, where the dwelling is proposed. The survey did not cover the wider area of the application site where the wildlife ponds are proposed.' However, it should be noted that the ponds are existing on site and this application seeks a modest enlargement of them. Recent discussions have confirmed that the council's archaeologist does not object subject to the imposition of conditions, which are considered sufficient to mitigate any potential harm to buried heritage and will be attached to any permission granted. Therefore, subject to this mitigation, the proposal is considered acceptable in terms of its impact on archaeology.

Trees and landscaping

Policy LC12 of the North Lincolnshire Local Plan is concerned with the protection of trees. It states, 'Proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows. Particular regard will be given to the protection of these features within the setting of settlements, the protection of ancient woodlands and historic hedgerows, and the amenity value of trees within built-up areas.'

The applicant has submitted a tree survey and the tree officer has made an assessment. There are concerns on record that relate to the ponds; however, the concerns relate to the trees to the west of those ponds. The ponds are being slightly excavated to the east and therefore the trees to the west will be unaffected by the works. The officer has also recommended a condition to protect the trees during construction. Given that these are covered within the arboricultural report, a condition linked to that document will be attached to any permission to secure protection of the trees.

It is therefore considered that the proposal would accord with policy LC12 of the North Lincolnshire Local Plan.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 of the local plan is concerned with parking provision and general safety and is also relevant. Policy CS25 of the Core Strategy is concerned with sustainable transport and paragraphs 102–111 of the NPPF are concerned with promoting sustainable transport; all are considered relevant.

The council's Highways team have no objections to the proposal. Conditions have been put forward by the officer in respect of safety issues that relate to planning application PA/2020/171 and mitigation will be sought through that application.

It is considered that the proposal would accord with policies T2 and T19 of the North Lincolnshire Local Plan.

Ecology

Policy CS17 of the North Lincolnshire Core Strategy is concerned with biodiversity and, along with paragraph 170 of the NPPF, sets out biodiversity management principles for all proposals to follow.

The underlying reason for the proposed landscaping is to introduce new wildlife habitat networks into the gardens as well as re-siting a summer house in order to enjoy the landscaped setting. The enlargement of the ponds and planting across the site would create habitats for biodiversity to prosper. The proposal is therefore considered to be in accordance with policy CS17, as well as paragraph 170 of the NPPF.

Conclusion

The proposal is considered acceptable, given that it is an improvement of an already existing use. The proposal would update the gardens as well as increase the existing biodiversity on site. It should be read alongside PA/2020/171, although this site does not form part of the residential curtilage associated with that application.

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: 6377-092; Elevations/photos of summerhouse received by email on 11/06/2020.

Reason

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

3.

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 accord with a brief provided by the North Lincolnshire Historic Environment Record and shall include details of the following:

- (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
- (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 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 potentially contains archaeologically significant remains that the development would

otherwise destroy; the archaeological mitigation strategy is required in order 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.

4.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least one week/seven 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 potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order 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.

5.

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 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 potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order 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.

6.

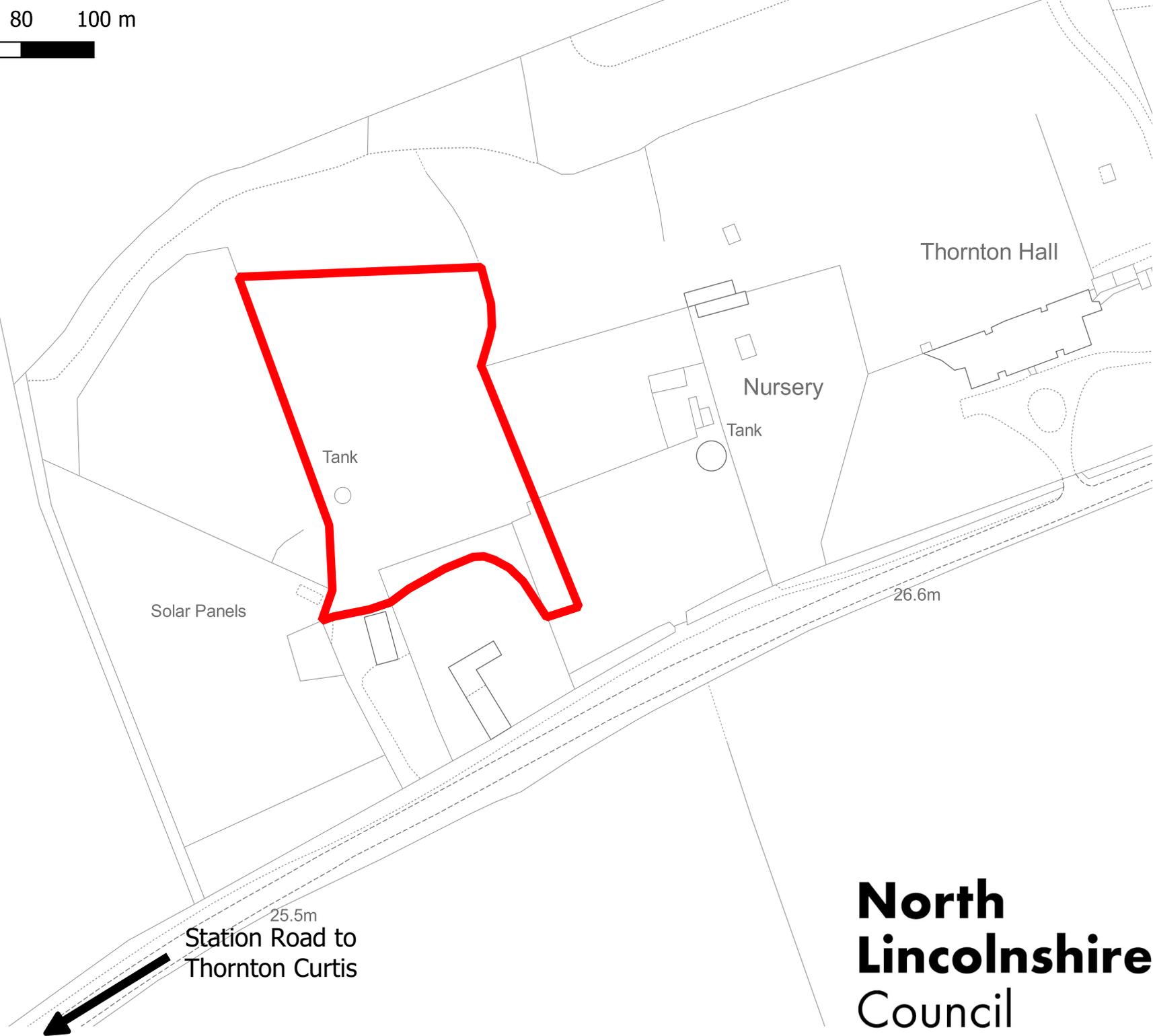
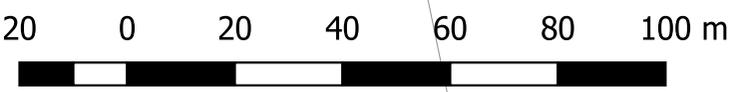
The application shall be carried out in accordance with the tree protection measures contained within the Tree Report by Environments for People dated November 2019.

Reason

In the interests of trees and to accord with policy LC12 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.



PA/2020/366

**North
Lincolnshire
Council**

PA/2020/366 Proposed block plan (not to scale)

REV: DRAWN: DETAILS: DATE:
v01 TDW Preliminary Issue Mar 2020



Proposed Site Plan
1:200

id architecture	
TITLE:	Proposed Site Plan
CLIENT:	Mr Spink
PROJECT:	Everest Landscape Works
LOCATION:	Land adjacent Thornton Hall Gardens
DRAWN BY:	TDW
CHECKED BY:	As Noted
SCALE:	A1
DATE:	© October 2019
STAGE:	Planning Application/ Submittal
DRG NO:	6377 / 092
REV:	v01
<p>Tel: 01472 211166 E: info@idarchitecture.co.uk W: idarchitecture.co.uk</p>	