

APPLICATION NO	PA/2019/930
APPLICANT	Mr Mark Wall, NPP Properties Ltd
DEVELOPMENT	Planning permission to erect a replacement dwelling and two detached dwellings
LOCATION	Land south of Tetley House, Tetley, Crowle, DN17 4HY
PARISH	Crowle
WARD	Axholme North
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from local plan Objection by Crowle Town Council

POLICIES

National Planning Policy Framework:

Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 – Planning law requires that applications for planning permission 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 54 – 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 55 – Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Paragraph 79 – Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting
- (d) the development would involve the subdivision of an existing residential dwelling, or
- (e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Paragraph 155 – Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 159 – If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

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, RD10, H5

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS17, CS18, CS19

CONSULTATIONS

Highways: No objection subject to conditions relating to the laying out of hard paved areas and a construction phase management plan.

Environment Agency: No objection subject to conditions relating to flooding.

Drainage (Lead Local Flood Authority): No objection subject to conditions.

Yorkshire Water: No objections.

Environmental Protection: No objections subject to land contamination conditions.

Historic Environment Record: No objection subject to conditions.

Conservation: Supports the proposal. The figures are reflective of the enabling work and the proposed development would not overly impact upon the setting of listed buildings.

Ecology: The ecologist has issued a holding objection requiring further information in relation to bats. Having had dialogue with the officer, a condition restricting any works to the listed buildings or any works of demolition of Tetley farmhouse would provide sufficient mitigation.

Trees: Requested an arboricultural survey which has been submitted but no further comments have been received. The works are all outside the root protection area of trees, however a document showing protective measures has also been supplied.

TOWN COUNCIL

In conjunction with planning application PA/2019/1028, objects on grounds of adverse effects to a grade II listed building and historic context in the removal of grade II listed buildings/structures without planning permission.

PUBLICITY

The proposed development has been advertised in accordance with Article 15 of the Development Management Procedure Order 2015 (as amended) by means of both site notice and press advertisement. No letters of comment or objection have been received.

ASSESSMENT

Site characteristics and constraints

The proposal is outside the development boundary for Crowle as identified by the Housing and Employment Land Allocations DPD 2016. The proposal involves the replacement of a

non-designated heritage asset and the erection of two dwellings for the purpose of enabling two listed buildings ('carriage house/granary range' and 'stable') to be brought back to optimum viable use. These buildings are listed in their own right and are associated with Tetley Hall. The site is also within flood zone 2/3a in accordance with the North and North East Lincolnshire SFRA 2011.

Planning principle

Policy CS1 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 seek to control 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.

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. Firstly, it sets out in principle those development types that are supported in the open countryside:

Part 'v' allows for '...the re-use and adaptation of existing rural buildings;' and

Part 'vii' allows for '...the replacement, alteration or extension of an existing dwelling;'

The second part of the policy sets out provisions for assessment of those development types.

Policy RD10 is concerned with replacement dwellings in the open countryside. It states that replacement dwellings will be approved providing that, '...the replacement dwelling would not exceed the volume of the original dwelling, which it is to replace, by more than 20%, exclusive of the normal permitted development rights, and would not be substantially higher in elevation;'

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 proposal involves the erection of a replacement dwelling (Tetley House) and the adaptation of rural listed buildings, and in order to achieve that, enabling development for the erection of two further dwellings. The adaption works and the erection of a replacement

dwelling, are acceptable in principle and are not a departure from the plan; however, the enabling development would result in the erection of two market dwellings in the open countryside. This element of the proposal is contrary to the development plan and as such would normally be considered unacceptable in principle. That said, paragraph 47 of the NPPF tasks the decision-taker to consider other material considerations, whilst paragraph 202 asks local planning authorities to consider a departure on the grounds of enabling development should it secure the future conservation of a heritage asset.

Therefore, whilst the erection of two market dwellings is a departure, **the key issues for consideration are whether or not the repair and restoration of the heritage assets are proportionate to the amount of enabling development applied for, the impact of this development upon the open countryside and historic environment, and whether or not there are alternatives, other than the enabling route, to secure the long-term survivability of the listed buildings.**

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.

In terms of conservation, there are multiple considerations within this assessment: firstly, the impact of the proposal upon the setting of listed buildings; secondly, whether or not there is any alternative to the enabling development; and lastly, whether or not the amount of enabling development applied for is commensurate with the works required to bring the Stable (and Dovecote) and the Carriage House back into optimal viable use.

Impact upon the setting of the listed buildings

Tetley Hall, the Stable (and Dovecote) and the Carriage House are all grade II listed buildings. The Hall is located north of Tetley Farm House and north-west of the Stable and Carriage House. Tetley Farm House is not listed, nor is it a building of townscape merit, despite it dating back to the same period as the Stable and Carriage House, but it is considered a non-designated heritage asset. The conservation officer has no objection to Tetley Farm House being replaced, given the proposal fairly resembles the original property following an amended design (and because it is unviable to repair). The proposed built form, architectural detailing and control of materials used would offset any objection that the conservation officer earlier expressed. However, the conservation officer considers the dwelling to be important as it creates a 'buffer' or screen between the historic setting and the site of the enabling development, which is located south of Tetley Farm House. The officer summarises:

In addition, due to its location and orientation, it will create an effective boundary and visual barrier to Tetley Hall, the listed stable and granary house from the proposed new enabling development, thus reducing the impact on the setting of the listed buildings. The replacement Tetley House building, listed stable (when refurbished) and granary, and

Tetley Hall, will create an attractive group of traditional buildings separate and distinct from the more surrounding modern development.

and

There will be some harm to the setting of Tetley Hall, and the adjacent listed stables and granary, by the new dwellings (plots 1 and 2). This will be mitigated by the repair of the listed stables and granary, and the replacement of Tetley House, which will result in a significant heritage gain and an improvement to the immediate setting of Tetley Hall.

The conservation officer does not therefore consider that the setting of the three listed buildings would be overly impinged. Policy HE5 states, ‘...Proposals which damage the setting of a listed building will be resisted.’ However, given the assessment by the conservation officer, this clearly is not the case. Inevitably, there will be some impact upon the historic environment from the erection of two dwellings in the open countryside; however, they are located at a distance and have a buffer (in the form of the replacement dwelling) so as to not give rise to any unacceptable impacts upon the setting of the listed buildings. Furthermore, there is new development in the vicinity that is more intrusive upon the existing historic environment.

Enabling development and heritage assets

Paragraph 202 of the NPPF allows local planning authorities to consider enabling development as a method of securing the long-term survivability of heritage assets. Historic England set out good practice advice in ‘Enabling Development and Heritage Assets’ (June 2020) to guide decision-takers through the relevant considerations when making an assessment of such applications.

The guidance advises that the case for enabling development rests on there being a conservation deficit. A conservation deficit is defined as ‘...The amount by which the cost of repair (and conversion to optimum viable use (if appropriate)) of a heritage asset exceeds its market value on completion of repair and conversion, allowing for all appropriate development costs.’ The conservation officer has stated ‘...Having considered the structural report and financial viability statement submitted as part of the application, it is accepted that repairing the building is not viable.’

Enabling development is a planning mechanism which permits departure from planning policies in appropriate cases and so enables the conservation of a relevant heritage asset in cases where, otherwise, the future of the asset would not be secured. It is not in the public interest to pursue enabling development if there are alternative means of delivering the same outcome for the heritage asset, such as other sources of public or private investment. The guidance describes it as being ‘[an]...inefficient way of raising money for the conservation of heritage assets, because it is likely that only a small percentage of the value of the new development is put towards the repairs and maintenance – the other percentage going on the costs of the enabling development.’

In terms of alternatives, whilst the applicant has not communicated that a search for grant funding has occurred, the conservation officer does state, ‘...Having looked at the report and the amount of work specified, the sum identified for the buildings’ repair is realistic and would require funding by grant, which in this case the buildings are not eligible for, or by enabling development.’ Therefore, it appears that enabling development is the only realistic route to achieve the heritage gain and that no other alternatives reasonably exist. The

length of time this application has been with the planning department, and the ongoing dialogue between the conservation officer and the applicant, suggests that all other reasonable efforts to secure some funding have been made.

Lastly, in terms of securing the enabling works, the good practice states:

...Using conditions and planning obligations as appropriate to ensure the repair and maintenance of the asset can be secured and enforced. This will usually necessitate setting a standard for the conservation works, and making the funds to do so available as early as possible in the course of the scheme. This would ideally be at the outset and almost certainly before completion or occupation of the enabling development. Planning obligations should only be used where it is not possible to ensure the repair and maintenance of the asset via planning conditions.

It is therefore considered in this instance, should permission be granted, that the enabling works could be fairly secured through a planning condition. The applicant has provided a structural detailing of what is required to bring the listed buildings back to optimum viable use and this has been carried out by Capstone who are CARE accredited.

Proportionality of enabling works

The applicant has provided a breakdown that the enabling works would cost around £290,000, a breakdown of the build cost of the two dwellings, and their full valuation, which has been confirmed by an estate agent. Plot 1 has been valued at £475,000 (construction costs of £295,100) and plot 2 at £525,000 (construction costs of £317,097). The agent states:

‘As can be seen from the above figures, the properties are valued at £1,000,000 and costs of construction total (for both properties) £612,197, giving a profit margin of £387,803.’

and

‘This gives a margin over the costs of repairs to the heritage assets of £85,000.’

It must be noted that the works outlined by Capstone do not include 1st or 2nd fix plumbing or electric, and that this application has been with the local planning authority for some time. The above £85,000 buffer may not necessarily represent profit; however, what is clear is that the two dwellings are financially required to be able to carry out the enabling works and the minimal buffer would potentially protect the scheme from entering into a conservation deficit following recent events that may affect the market.

The conservation officer has stated on proportionality, ‘In my opinion the redevelopment of this site is long overdue. Ultimately, the planning department needs to be satisfied that the level of new build can be justified to achieve the repair of the listed stables and granary which, looking at the submitted quotation, is in the region of £250,000 (excluding the eclectics and plumbing which is not part of the repair specification). This work has been specified by Capstone structural engineers who are CARE registered. These engineers are identified by the Institution of Civil Engineers (ICE) and the Institution of Structural Engineers (IStructE), are skilled in the conservation of historical structures and sites, and are also recommended by Historic England. Having looked at the report and the amount of work specified, the sum identified for the buildings’ repair is realistic and would require funding by grant, which in this case the buildings are not eligible for, or by enabling development.’

Therefore, subject to conditions controlling materials and preventing occupation of plot 2 until the works to the listed buildings have been completed, in accordance with Capstone's recommendations, the proposal would accord with policies CS6 of the Core Strategy and HE5 of the local plan.

Flooding and drainage

Policy CS19 of the Core Strategy is concerned with flood risk, and states that development in areas of high flood risk will only be permitted where it meets the following prerequisites:

1. It can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk.
2. The development should be on previously used land. If not, there must be no reasonable alternative developable sites on previously developed land.
3. A flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere, by integrating water management methods into the development.

The site is located within Flood Zone 2/3a within the North Lincolnshire SFRA 2011. The applicant is therefore required to submit a flood risk assessment, as well as pass both the sequential and exceptions tests, given the move to a more vulnerable flood risk classification (see also paragraphs 100, 101 and 102 of the National Planning Policy Framework).

Sequential test

The applicant has not provided any information on sequential testing. However, the site for the enabling development is naturally within the ownership of the applicant and cannot be positioned in a lower flood zone due to this fact. Furthermore, there are conflicting heritage concerns in that the location chosen by the applicant represents the least intrusive upon the historic environment. The sequential test is therefore passed.

Exceptions test

NPPF paragraph 160 states that:

For the exception test to be passed it should be demonstrated that:

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) 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 wider sustainability benefits of this proposal are in the environmental benefits from securing the long-term survivability of listed buildings and it is considered that this outcome for the historic environment would provide sufficient wider sustainability benefits to the community. Part 'a' is therefore considered to be passed.

Policy CS19 of the Core Strategy is concerned with flooding, whilst policy DS14 of the North Lincolnshire Local Plan is concerned with both surface water and foul drainage; both are relevant.

The applicant has submitted a flood risk assessment and outline drainage strategy. The Shire Group, Environment Agency, the LLFA and Severn Trent Water have all been consulted and have no objections to the scheme, subject to conditions. It is considered that this mitigation would make the scheme safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible reducing flood risk overall; part B of the exceptions test is therefore considered to be passed. Conditions recommended by consultees relate to control over surface water disposal and information on the existing pond; the conditions are considered to meet the tests for conditionality.

Therefore, subject to the aforementioned mitigation, it is considered that the proposal would accord with policies CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

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.'

The applicant has submitted a heritage statement in accordance with paragraph 189 of the NPPF. The council's archaeologist has reviewed the information and has stated, with regard to non-designated heritage assets of archaeological interest, that the proposed demolition of buildings and construction of new dwellings would result in loss of archaeological evidence equivalent to substantial harm to upstanding and any buried remains. The officer goes on to state that there are no objections subject to the conditions which would provide sufficient mitigation. Given the historic sensitivity of the area, the conditions are considered appropriate and will be attached to any forthcoming permission. Therefore, subject to the aforementioned mitigation, the proposal is considered to accord with policies CS6 of the Core Strategy and HE9 of the North Lincolnshire Local Plan.

Character

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. Firstly, the policy sets out, in principle, those development types that are acceptable; secondly, it sets out a criteria-based approach to assessing those developments. The second part is of interest here in that it seeks to ensure that the visual amenity of the countryside is not compromised by poor development. Paragraph 'c' of the policy states:

'...the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;'

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. It states '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' and 'Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.' Policy RD10 also seeks to limit the amount of additional volume a replacement dwelling within the open countryside secures through planning.

Policy H5 of the local plan, which is concerned with new housing development, and policy LC7, which is concerned with landscape protection, and paragraph 127 of the NPPF, are also considered relevant.

It should be acknowledged that the applicant's requirement to achieve an end value that would not leave a conservation deficit has necessitated the proposal for two large dwellings. This is acknowledged within the assessment of character. The dwellings are sited behind the proposed replacement dwelling, which forms a physical barrier between the historic setting and the proposed enabling development.

Tetley Hall is accessed south of North Axholme School and the track runs towards the grounds of Tetley House, the Carriage House and Stables, as well as Ivy House and Lakeside. The two dwellings proposed as enabling development would be located south of all the aforementioned built form. Despite the scale of the proposals, there would be limited wider impacts upon the open countryside. Plot 1 takes on the appearance of a more traditional farmstead, though perhaps larger than would be expected of one located in this part of the Isle of Axholme. There is a symmetrical appearance to the principal elevation through a central porch and even distribution of openings. On the rear there is a balcony and smaller dual-pitched extension. The use of chimney stacks give the property a rural aesthetic. Plot 2 takes on a Georgian thematic which is evident in the main body of the dwelling and the arrangement of sash windows, though the porch appears more rural. The Georgian theme is diluted by the addition of a side 'wing' which ultimately ends in a double garage, though this is clearly to make the dwelling more functional than that of a traditional Georgian arrangement. Given there would be limited impact upon the wider open countryside, the built form of the dwellings is considered acceptable and the materials can be controlled through a planning condition.

An important consideration is the position of boundary treatments and the proposed materials. It is considered that in such a sensitive location an inappropriate boundary could undermine a suitable scheme, impacting both the open countryside and the historic environment. A condition relating to boundary treatments will therefore be applied to any permission.

RD10 of the local plan placed a volume increase restriction upon the additional floor space of a replacement dwelling in the open countryside. The replacement scheme, when considering permitted development rights, would not be over 20% of the existing property. Furthermore, the proposal would fairly resemble the dwelling it is set to replace and is therefore appropriate in character terms. The site is extremely sensitive due to its proximity to listed buildings, as well as being located within the open countryside. For these reasons, and the fact that a character altering amount of built form could take place under permitted

development rights, it is considered that there is sufficient justification in this instance to remove those householder rights for the replacement dwelling and the two enabling plots.

Given the constraints of the large amount of enabling required, the proposal is considered to align with policies RD2, RD10, H5 and HE5 of the local plan, and CS5 and CS6 of the Core Strategy.

Ecology

Policy CS17 is concerned with biodiversity and sets out principles for the management of schemes in order to achieve a net gain for wildlife habitat networks. Policy LC5 of the local plan is concerned with protected species. They are reinforced by paragraph 170 of the NPPF. All are considered relevant. The application site, although not formally designated, has importance for nature conservation with, potentially, habitat available for bats within existing redundant structures, though it should be noted that these structures are quite open. There are pre-requisite tests for an EPS licence should bats be found to be present, and the council's ecologist has requested further information be submitted prior to determination. However, as the site is complex, and following dialogue with the ecologist, a condition restricting any demolition of Tetley Farmhouse or works to the listed buildings prior to this information being received and agreed with the local planning authority would provide sufficient mitigation.

The European Protected Species tests must be met in order to grant future consent for development of this site, should the presence of bats be found, as works would potentially affect bat habitats. The tests relate to imperative reasons for overriding public interest, no satisfactory alternative and that the activity must not harm the long-term conservation status of the species.

The applicant has identified potential harm, stating within the ecological report that the Farm House and outbuildings recorded roost suitability for bats and as such recommended further survey work so as to propose a scheme where the ecological harm can be compensated for and mitigated as much as possible. It is considered then at this stage of the proposal to prevent any development of the Farmhouse and Outbuildings would allow this to be achieved. In respect of the tests, there is clearly an overriding public interest in that it would result in the return to optimal viable use of designated heritage assets, that there is no alternative, as potential habitats would be located within those assets, and there is clearly potential through conditionality to create new habitats should the need arise; there is also an abundance of woodland in the vicinity.

Subject to a restrictive condition requiring further ecological works to be submitted and agreed with the local planning authority, as well as those that seek a net gain for biodiversity, being attached, it is considered that the proposal would align with policies CS17 of the Core Strategy and LC5 of the local plan, as well as paragraph 170 of the NPPF.

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 shown on plan an acceptable access arrangement as well as ample off-street parking provision. The council's Highways Development Control team has been consulted and has no objection subject to conditions relating to the laying of hard paved areas prior to occupation and a construction phase traffic management plan. Therefore, subject to the aforementioned mitigation, the proposal would 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, along with remediation and verification reports. The works relate to the demolition of an existing farmhouse, improvements to listed buildings and the erection of two new dwellings on greenfield land. It is considered, given the active agricultural history of the site and without any information to the contrary, that the imposition of this condition is reasonable.

The proposal would therefore accord with policy DS7 of the North Lincolnshire Local Plan.

Amenity

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

The two new dwellings are, given their scale, set out within proportionate grounds. Therefore there will be limited, and certainly no unacceptable, overshadowing, overlooking or overbearing impact upon existing or future residents. The plots provide proportionate amenity space also. Visual amenity is discussed under character. Therefore, subject to the aforementioned mitigation, the proposal is in accordance with the aforementioned planning policies.

Environmental issues

Policy DS11 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 team has assessed the application and has no comments in respect of noise, light, odour or dust. Furthermore, environmental legislation would mitigate any related problems during construction. Given the above, it is considered that the proposal would accord with policy DS11 of the Core Strategy and conditions are not required.

Pre-commencement conditions

There is a requirement under the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 for local planning authorities to either agree the imposition of pre-commencement conditions or give requisite notice that they will be attached. Section 4 sets out the following:

(4) A notice referred to in paragraph (1)(a) must include—

- (a) the text of the proposed pre-commencement condition;
- (b) the full reasons for the proposed condition, set out clearly and precisely;
- (c) the full reasons for the proposed condition being a pre-commencement condition, set out clearly and precisely; and
- (d) notice that any substantive response must be received by the authority or, as the case may be, the Secretary of State no later than the last day of the period of 10 working days beginning with the day after the date on which the notice is given.

This process has been adhered to and so all pre-commencement conditions attached are considered to be in accordance with the above legislative requirements.

Conclusion

The proposal is considered to be in accordance with paragraph 202 of the NPPF. The long-term survivability of the designated heritage assets is considered to represent a sufficiently sound enough material consideration to support a departure from the plan. The two dwellings proposed would appear to be commensurate with the amount of enabling work that is required. A condition will prevent occupation of the second dwelling until the works identified within the Capstone report have been completed to the satisfaction of the local planning authority. All other conditions that lead to mitigation are outlined within this report.

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: Site Plan (4 of 4 27.04.20), Replacement House Elevations (1 of 4 27.4.20), Replacement House Floor Plans (2 of 4 27.04.20), Garage (3 of 4 27.04.20), Plot 1 elevations and floor plans (25.5/2019), Plot 2 elevations and floor plans (25.5/2019), Tree Protection Plan (July 2019).

Reason

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

3.

Prior to the occupation of the dwelling marked as Plot 2 on the site plan (dwg 4 of 4 dated 27.04.20) all of the works recommended within the Structural Survey (Capstone, October 2017) to the Stable (and Dovecote) and Carriage House, as well as all of the works within their curtilage, shall be complete. The applicant must evidence these works through both written documentation and photomontage, and this is to be agreed in writing with the local planning authority.

Reason

In the interest of the historic environment and to align with the terms of this planning permission, in accordance with policies CS6 of the Core Strategy and HE5 of the North Lincolnshire Local Plan.

4.

Prior to any above-ground works, details of all external materials, including those for the replacement dwelling and the enabling development, shall be submitted to and agreed in writing with the local planning authority. The materials shall include all facing materials, all openings and rainwater goods, as well as details of hard and soft landscaping.

Reason

In the interest of the historic environment and to accord with policies HE2 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.

5.

Prior to occupation of any of the dwellings, a detailed scheme showing the position and type of boundary treatments shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be retained thereafter.

Reason

In the interest of the historic environment and to accord with policies CS6 of the North Lincolnshire Core Strategy and HE2 of the North Lincolnshire Local Plan.

6.

The development shall be carried out in accordance with the submitted flood risk assessment (ref 20 May 2019 by Howard J Wroot) and the following mitigation measures it details:

- finished floor levels to be set no lower than 4.4 metres above Ordnance Datum (AOD)
- additional flood proofing measures as set out in section 5.1.

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

Reason

To reduce the risk of flooding to the proposed development and future occupants.

7.

No development shall take place until a detailed flood risk statement and drainage strategy has been submitted to and approved in writing by the local planning authority.

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 features in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

8.

No development shall take place until a detailed survey of the existing pond and watercourse network surrounding the proposed development has been submitted to and agreed in writing with the local planning authority. This should include all incoming/outgoing connections and its possible conflict with the proposed developments.

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 features in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

9.

The drainage scheme shall be implemented in accordance with the approved submitted details required by conditions 7 and 8 above, 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 features in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

10.

No demolition shall take place until the applicant, or their agents or successors in title, has secured the implementation of an Historic Building Record, 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 equivalent to Historic England's Level 2 building survey. The historic building recording 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 North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan as the buildings are a heritage asset of local historic value that form part of a group of historic buildings. Demolition will result in the loss of historically significant evidence; the proposed historic building record will ensure that such evidence is appropriately recorded and a permanent archive created.

11.

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 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 could contain 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.

12.

The historic building and archaeological report, and 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 paragraph 199 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because historic buildings will be demolished and archaeologically significant remains may be destroyed during construction groundwork; the proposed recording will ensure that these heritage assets are appropriately recorded and a permanent archive created.

13.

Prior to the commencement of any works, including demolition works to Tetley Farm House, the Carriage House and Stables, bat and ecological surveys encompassing the entire site of the proposals shall be submitted to and agreed in writing by the local planning authority.

Reason

In the interest of protected species and to accord with policy LC5 of the North Lincolnshire Local Plan.

14.

No development shall take place until the applicant or their successor in title has submitted a biodiversity metric assessment and biodiversity management plan to the local planning authority for approval in writing. The document shall include:

- (a) details of measures required to provide at least 10% biodiversity net gain in accordance with the Defra biodiversity metric 2.0 compared to submitted drawing number HW/20/02;
- (b) details of bat boxes and bat bricks to be installed on at least two houses;
- (c) details of swift boxes and sparrow terraces to be installed on at least two houses each;

- (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;
- (g) prescriptions for the provision of a wildlife gardening leaflet for each new resident;
- (h) proposed timings for the above works in relation to the completion of the dwellings.

Biodiversity units should be delivered on site, within the red line boundary shown on submitted Location Plan number HW/20/01. Those that cannot viably be delivered on site should be delivered locally on land controlled by the applicant or successor in title, according to a local plan or strategy.

Reason

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

15.

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 occupation of the second 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.

16.

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.

17.

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.

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.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development normally allowed under Part 1, A–E of Schedule 2 shall be allowed on the replacement dwelling, nor on plots 1 and 2 shown on the approved site plan, without planning permission from the local planning authority.

Reason

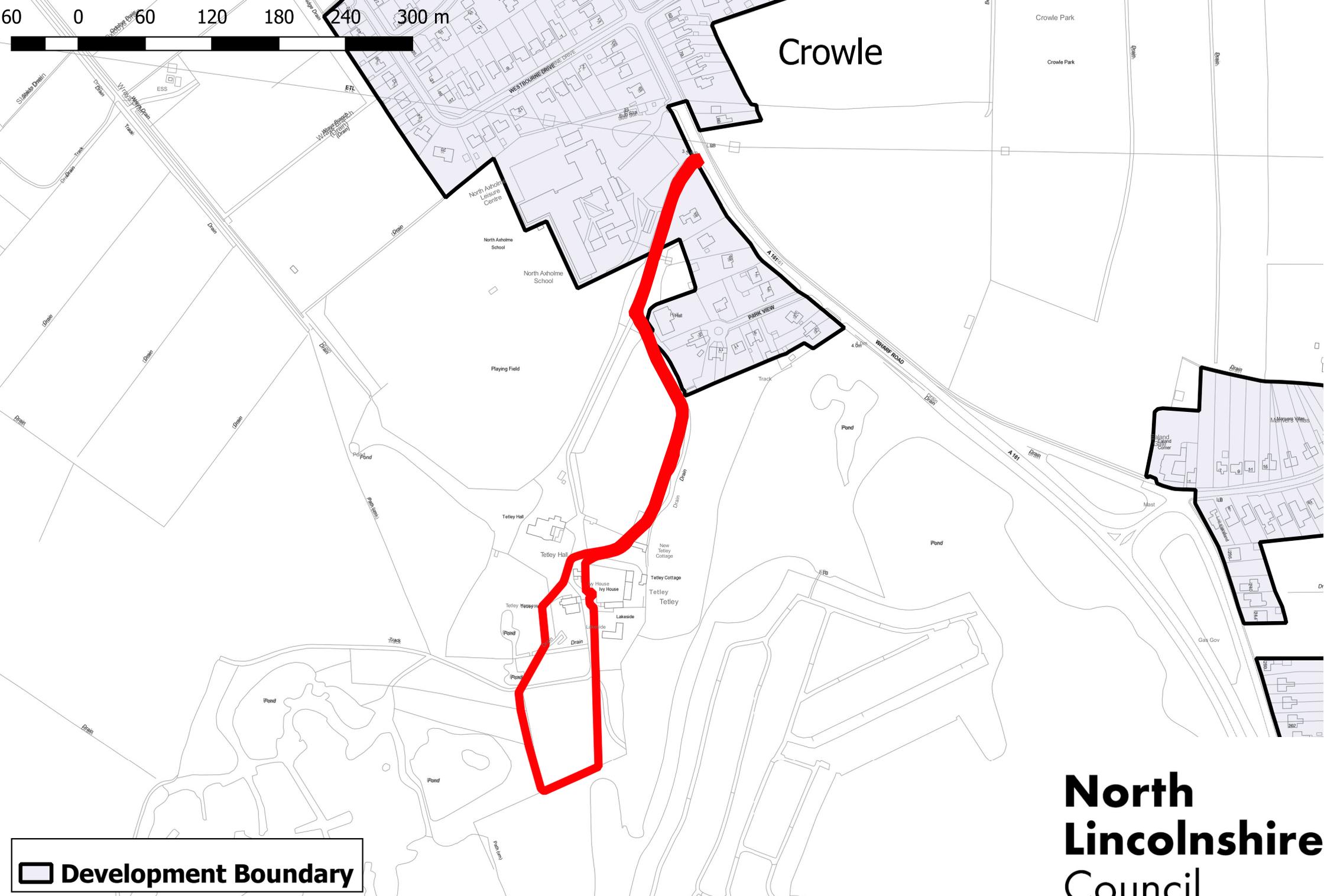
To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

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.



Crowle

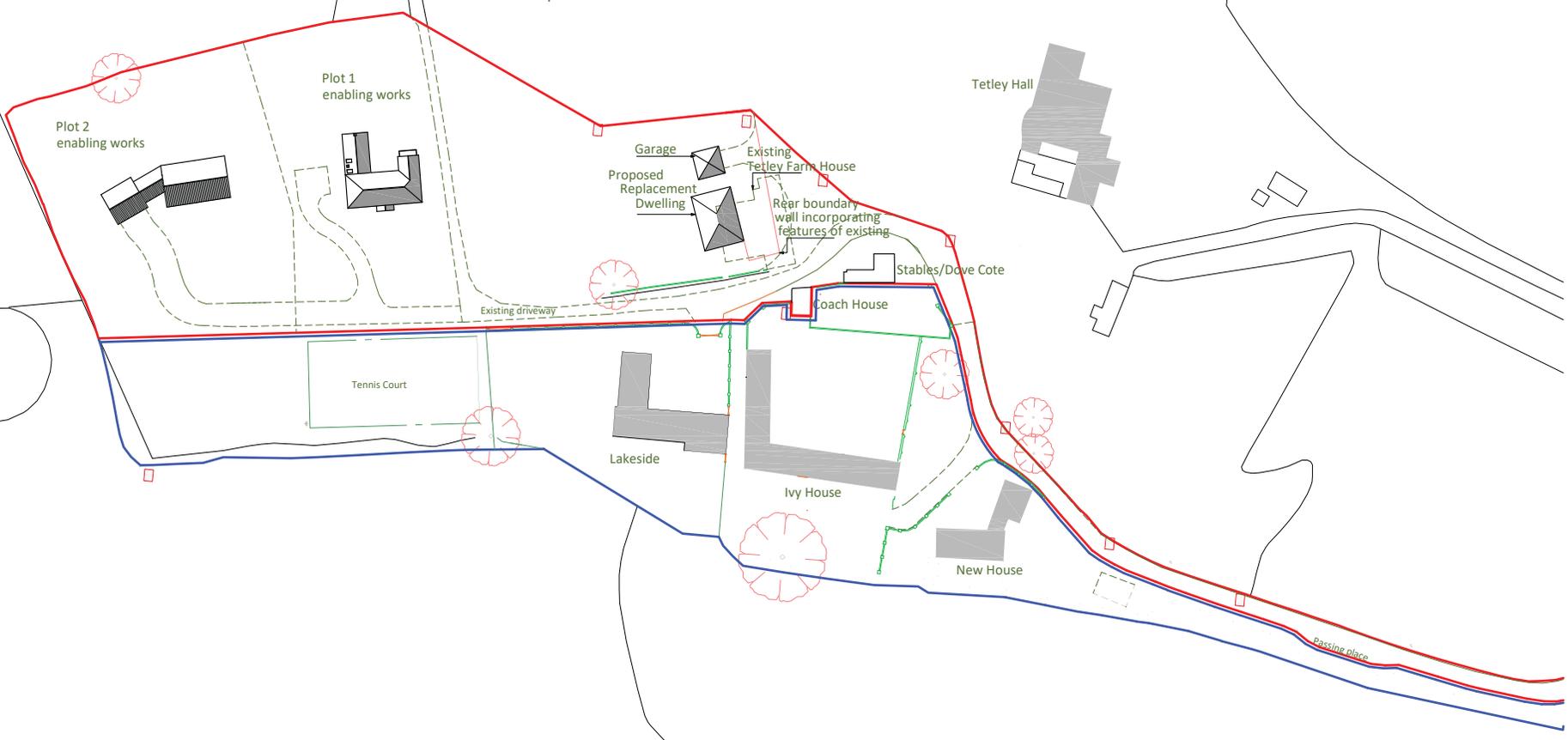


Development Boundary

PA/2019/930

North
Lincolnshire
Council

AMENDED



Howard J Wroot BSc MRICS Chartered Surveyor 240 Wharf Road, Ealand Scunthorpe DN17 4JN	Tel 01724 711068 Fax 01724 710174 Mob 07947 226577	Client	NPP Properties Ltd			Proposal	Residential Development at Lakeside, Tetley, Crowle, Scunthorpe, DN17 4HY
		Date	27/4/20	Dwg No	4 of 4		
		Scale	1:1000	Ref No	1045		

