

APPLICATION NO	PA/2019/1984
APPLICANT	Mr Keith Simpson
DEVELOPMENT	Planning permission to erect six semi-detached dwellings, following the demolition of existing buildings, including associated works
LOCATION	The Haymaker, 75 Main Street, Bonby, DN20 0PY
PARISH	Bonby
WARD	Brigg and Wolds
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Objection by Bonby Parish Council Significant public interest

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development, paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- (a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- (b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - (i) (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - (ii) (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking** this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or

- (i) (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (ii) (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (iii) (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities, at paragraph 92 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- (b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- (d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

North Lincolnshire Local Plan: Policies C2, H5, H8, HE9,T2, T19, DS1, DS7, DS14 and DS16 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS17, CS18, CS19 and CS22 apply.

CONSULTATIONS

Highways: No objection subject to conditions.

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

Anglian Water: Views awaited.

Environmental Protection: No objection subject to conditions.

Historic Environment Record: No objection subject to conditions.

PARISH COUNCIL

The parish council's comments are reproduced in full below:

Objection.

1. Number and Design of the Proposed Residential Dwellings

(a) North Lincolnshire Development Framework Core Strategy CS7: Overall Provision cites net density ranges for residential development sites as:

- Scunthorpe town centre: 45–70 dwellings per hectare
- Within Scunthorpe and Market Towns development limits: 40-45 dwellings per hectare
- Within rural settlements and the countryside: 30–35 dwellings per hectare

The proposal for 6 number residential dwellings on this site area of 0.118ha represents a density level of 50 per hectare, a level which is clearly only appropriate for a town location not a small rural village. It should also be noted for comparison purposes that the two recently approved local developments listed below are both less than half the recommended density within a rural setting:

Saxby All Saints (1 mile) – 7x 3- and 4-bedroom residential dwellings – site area 0.48ha density of 14.5 dwellings per hectare

Worlaby (1.8 miles) – 33x 3- and 4-bedroom residential dwellings – site area 3.85ha density of 8.5 dwellings per hectare

- (b) The proposal is for 2½ storey homes with balconies at the rear, this will result in at least 7 number of properties being directly overlooked, and overshadowed, destroying their privacy and access to light. In addition, it should be noted that save for a small number of loft conversions on private homes, there are no 2½ storey houses in the village.
- (c) The design of the properties would be detrimental to the streetscape of Bonby, the proposed properties are in the style of a townhouse and are not at all in keeping with our rural village location.
- (d) It should also be noted that the current residential accommodation at the Haymaker is one of the original village cottages that is over 100 years old, the pub was joined to this cottage when it was built in 1970, and whilst the pub is obviously of more modern design, the original cottage remains relatively intact.

- (e) It is known that with the increase in house prices nationally, young people are being forced to live with their parents for longer, so whilst the current proposal makes provision for 12 off road parking spaces, it is highly probable that in a rural setting a family of 4 with 2 adult children would have up to 4 vehicles per household. These additional vehicles would be parked on the roadside at a place in the village where visibility is already an issue.
- (f) Residents with local historical knowledge gathered over the last 50 years have concerns re flooding on the site of the Haymaker. The current building is known to flood, as a result of excess surface water from the many springs along the Wold Bank, replacing the existing building with 6 semi-detached units would further compound this issue and potentially put each of the units at risk of frequent flooding.

2. The Permanent Loss of a Public House in Bonby

- (a) Prior to the current ownership from 1970 through to 2012 the Haymaker had always been the life of the village, with sports teams including darts, pool and football, theme night functions, bands and quizzes. It was not only supported by the local community but by many of the low village communities. The Haymaker has been a valuable thriving community asset for 42 of the 49 years since it has been built. It was not only supported by the local community but by many of the low village communities as well.
- (b) The permanent loss of a public house in Bonby will result in members of the community having to travel much further, having a negative impact on the environment and adding to the carbon footprint of Bonby residents. The next nearest public houses to the Village of Bonby are in order of distance:

The Nelthorpe Arms, South Ferriby – 3.5 miles

The Hope and Anchor, South Ferriby – 3.9 miles

Public Houses in Barton-upon-Humber – 4.5 miles

The Whistle and Flute, Barnetby-le-Wold – 4.7 miles

- (c) Planning permission for the following new housing developments in the neighbouring Low Villages will result in the community, and therefore the potential customer base for the Haymaker expanding:

Saxby-All Saints (1 mile) – 7x 3- and 4-bedroom residential dwellings

Worlaby (1.8 miles) – 33x 3- and 4-bedroom residential dwellings

- (d) Tourism is becoming increasingly important to the Village, Bonby has the only caravan site in the area, and direct access to the newly constructed and popular Ancholme Way via Carr Lane, facilities such as a Village Pub are paramount to supporting tourism, and indeed the Haymaker is featured in the Low Villages Tourism Guide.
- (e) A village pub adds a premium to house prices within that village of between 3% and 5%. The loss of the Haymaker in Bonby will have a negative impact on house prices for all residents of Bonby.

- (f) The above proposal is clearly contradictory to Section 3 of the National Planning Policy Framework (Supporting a prosperous rural economy) which requires planning authorities to promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. This [is] important particularly when linked to the housing developments in neighbouring villages. N Lincs need to consider the need to promote healthy communities, particularly with an ageing population and need for community facilities not just more houses, to support the increasing problems associated with social isolation etc.
- (g) Similarly, the above proposal is also clearly contradictory to Section 8 of the National Planning Policy Framework (Promoting Healthy Communities) provides that planning policies and decisions should, amongst others, guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.
- (h) The proposal is also inconsistent with paragraphs 83 and 92 of the National Planning Policy Framework which state that:
83. Planning policies and decisions should enable:
- (d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - (b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - (d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- (i) This proposal is also clearly contradictory to several sections of North Lincolnshire Development Framework Core Strategy as referenced below:

CS1: SPATIAL STRATEGY FOR NORTH LINCOLNSHIRE

Supporting thriving rural communities and a vibrant countryside through the protection and enhancement of local services, creating opportunities for rural economic diversification and the promotion of tourism.

- Rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

CS22: COMMUNITY FACILITIES AND SERVICES

The loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need.

Points 9.33, 14.26 and 14.37 through to 14.41 state that:

9.33 – The Market Towns and Rural Settlements are key locations for improving the quality of life and the environment. In recent years a number of rural settlements have seen a decline in their services. It is important that this trend is reversed so that such settlements can become thriving, inclusive and sustainable communities, through economic growth and diversification. This could be promoted through rural business development, sustainable tourism, rural affordable housing schemes and appropriate leisure opportunities in the wider countryside. New development, including conversions should be of a scale and character appropriate to each settlement or location where a social or economic need is demonstrated. These factors will not be at the expense of the quality of the rural environment.

14.26 – The social and cultural infrastructure of a settlement provided by local services and community facilities can add vibrancy to communities and by providing a focus for activities and foster community spirit. They are essential ingredients contributing to the quality of life for many residents. Many projects are being carried out around the area in order to improve, refurbish or create additional community facilities. They can also provide an essential service to communities and their potential loss can have adverse consequences in the form of unsustainable travel patterns and social exclusion.

14.37 – The policy is needed to protect and improve community facilities. The provision of local community facilities and services is essential to the quality of life of local residents and will reduce the need for people to travel to obtain essential services.

14.38 – Any loss of community facilities will not be supported, unless an alternative facility to meet local needs is available, or can be provided, at an equally accessible location, or all options for continued use have been fully explored and none remain that would be financially viable.

14.39 – Proposals involving the loss of community facilities including land in community use, for example relating to facilities such as community/village halls, village shops and post offices, schools, colleges, nurseries, places of worship, health

services, care homes, convenience stores, libraries and public houses will not be supported.

14.40 – Working in partnership with other providers and the voluntary sector, the council will seek to ensure that community facilities and services are provided in the most effective and accessible way. In rural communities, existing services must be protected as much as possible, as their loss can have a major impact on communities.

14.41 – Details of the approach to be adopted in relation to the addition or potential loss of community facilities will be addressed in the General Policies DPD. The approach must include the close involvement of the local community itself and be informed by the context and priorities set by the Sustainable Community Strategy.

3. The Value of a Public House to the Community of Bonby

- (a) The Haymaker was built by Herbert Clark a longstanding village resident, in response to drink driving becoming illegal in 1967. He wanted to build a pub for the community of Bonby to enable residents to gather and socialise without risk of breaking the new law. Residents in the Village still remember the opening of the Haymaker, then called Pandora's Box on 1st August 1970 very fondly. It was built as an asset of community value for the benefit of the community of Bonby
- (b) Bonby Parish Council has consulted the community on the above proposal, asking whether residents were in support of the proposal or objected to the proposal and asking for respondents to give reasons for their opinion. Of the 22 responses received 91% objected with only 2 responses in favour (all consultation replies attached – Appendix 1).

Reasons given from the 2 responses in support were:

- removes the eyesore that the pub has become;
- no reason given.

Some of the reasons given for objection were:

- The Haymaker has a great deal of history to the village.
- It has been the foundation heart of this community for many years (up until current owners).
- Feel that 6 [houses] is too many to build.
- Bonby needs a public house essential for the community.
- It should be restored to a village pub and used to rebuild the community.
- There is not enough off-street parking.
- It would be a travesty to lose such an historic building from the village.
- The dwellings appear more like town houses and not appropriate for our village.

- (c) If further evidence is required of the economic and social importance of pubs, this is unequivocally proven by the following studies:

Pubs and Places: The Social Value of Community Pubs – Rick Muir, Institute for Public Policy Research, January 2012 Assesses the social value of community pubs, showing why pubs matter and why there should be concern about the current state of the pub trade. Includes sections on pub closures and the economic contribution of pubs.

Friends on Tap: The Role of Pubs at the Heart of the Community – Professor Robin Dunbar, Oxford University, January 2016. Examines the extent to which community pubs offer an enriching social environment.

Young Adults and the Decline of the Urban English Pub: Issues for Planning – Marion Roberts and Tim Townshend for the Joseph Rowntree Foundation, in Planning Theory & Practice, 14:4, 2013, 455-469. Concludes that the traditional pub is a site for restrained and responsible social interaction for young adults.

Village Pubs as a Social Propellant in Rural Areas: an Econometric Study – Ignazio Cabras and Carlo Reggiani, economists at Northumbria University and University of York Published in the Journal of Environmental Planning and Management, 2010. Found that villages with a thriving pub are 40/50% more likely also to have community social events and activities. Pubs are more important to the social side of village life than ever before.

Community Cohesion and Village Pubs in Northern England: an Econometric Study – Matthew Mount and Ignazio Cabras, Regional Studies, 2015. Using data from 715 rural parishes, showed the importance of pubs for maintaining rural areas in the region.

4. Viability of The Haymaker as a business

- (a) An audit of the last 6 years accounting returns for The Haymaker (freely available at Companies House) show that under the current tenure, this was a thriving business up until 2017. Comments can be found as evidence on TripAdvisor feedback supporting more recently The Haymaker had not been run as well; resulting in it not achieving its potential, despite it having been a thriving establishment in the past.
- (b) Local knowledge and recollection cite this public house as being a thriving business and the heart of the community prior to its current ownership, both under its current name of The Haymaker and also under its previous guise as Pandora's Box.
- (c) It should also be noted that in the application the class of business is stated as class A3 – Restaurants and Cafés. This building was built for the community by Herbert Clark in 1969 as a Public House, class A4, and indeed has continuously been used by residents exclusively for the purpose of purchase and consumption of alcohol on the premises, throughout the current owners' tenure. Several residents attended the Extraordinary meeting who confirmed that they have consistently used the pub solely for the purpose of purchasing and consuming alcohol on the premises without purchasing food, weekly from its opening in 1970 to its recent closure in the summer of this year. They were not stopped from doing so throughout the 6–7 years the current owners have had the Haymaker. It should also be noted that whilst the current owners deterred other residents from just coming in for a drink, in the last 6

months prior to closure they did open it up to allow anyone to drink in there without purchasing food. Unfortunately, this was not taken up by many residents due to the bad feeling that they had created within the Village.

- (d) The Nelthorpe Arms in South Ferriby is evidence that in the right hands, small village pubs can be reinvigorated, and there is no reason why the Haymaker should not be commercially viable with the right management.
- (e) If the applicant claims it is not viable, then those claims should be tested using CAMRA's Public House Viability Test (attached – Appendix 2) – the test should be carried out by the planners themselves so that they have an objective assessment as to whether, if properly run, the pub could be a viable business.
- (f) Whilst we understand that the Haymaker has been offered for both sale and lease, we believe that this has been done for a relatively short period of time at an inflated price in both cases, therefore the applicant should be required to supply clear evidence that the Haymaker has been marketed as a going concern at a reasonable price and for a significant length of time, including details of where the pub was offered for sale and by whom e.g. specialist licensed trade agents. If there is insufficient evidence of a comprehensive marketing campaign, the application should be refused and not be reconsidered before such a campaign has taken place.

PUBLICITY

Advertised by site notice. One letter of no objection and three letters of support have been received raising the following issues:

- The pub is an eyesore and dwellings will be an improvement.
- It is difficult to make a profit in a small village.
- The public house has little use.

Over 50 letters of objection have been received raising the following issues:

- loss of a community facility
- the pub served three adjacent villages linked by footways
- insufficient car parking
- the pub was a profitable business; the new owners made the business unviable
- the site was for sale at an unrealistic price and so no takers, and was offered for tender at a high price and there were no takers
- parking restrictions should be imposed on Main Street
- overlooking/loss of privacy
- out of character

- there is no need for these dwellings in Bonby
- affordable/starter homes should be provided
- contrary to NPPF
- density contrary to policy CS7 of the Core Strategy
- contrary to planning policies
- loss of tourism
- not sustainable
- should be reverted back to a pub
- flooding
- no change of use from the pub to a restaurant
- as business has been transferred it must be viable
- increase in car journeys
- PA/2017/1404 is being built on the adjacent plot
- too many dwellings proposed
- adverse impact on local school places
- the residence is a listed building
- should be run as a community pub
- highway hazards from vehicles turning into Main Street
- lack of visibility
- it is nominated as an ACV
- need for archaeological work to be carried out
- additional hazards to pedestrians.

ASSESSMENT

The proposal

This proposal is for the demolition of an existing restaurant to erect six semi-detached, four-bedroom dwellings on a site in Bonby. Bonby is identified as a rural settlement in the HELAP. The Haymaker was originally a public house and has been operating in more recent times as a restaurant. It is a community facility. The restaurant is now closed and the restaurant business has been transferred to Elsham Golf Club.

The proposed dwellings will face Main Street with two car parking spaces in front of each of them, accessed from Main Street. The proposed dwellings are of a similar design with gables on the front elevation and canopies to form an open porch, and will be constructed from brick, render and grey roof tiles. The dwellings will be three-storey with dormer windows, and gable windows with balconies on the rear elevations. A mix of modern and traditional design dwellings are proposed on the site. They will be sited lower than Main Street due to site levels. A streetscape elevation shows the dwellings to all be of equal height, with each pair gradually positioned higher following the natural level topographical changes of the site from north to south. The site is located adjacent to residential properties and the village hall.

The main issues associated with this proposal are whether it complies with policy and, if so, whether the impact on the community of Bonby is acceptable; also, whether the proposal is acceptable in terms of impact on the character of the area, on neighbours, on the highway, on drainage for the area, on archaeology and contamination need to be addressed.

Principle of development

Policy CS1 of the Core Strategy states of development within Rural Settlements, "...Rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement."

Policy CS2 is concerned with delivering more sustainable development. It states, "...Small-scale developments within the defined development limits of rural settlements to meet identified local needs" would constitute a sustainable development. Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies which guide the supply of housing should not be considered up-to-date. In this case the site is located within the development boundary of Bonby where, in principle, residential development is considered to be acceptable.

Loss of community facilities

The Localism Act 2011 introduced provisions to help communities safeguard land and buildings for a community purpose. The Haymaker was added in January 2020 as an asset of community value (ACV). In terms of the weight given to this as part of the planning assessment, there is local policy which considers the loss of community facilities as well as the NPPF (paragraph 92). The assessment of the proposal against these policies therefore reflects its status as a community asset.

Policy C2 of the North Lincolnshire Local Plan is concerned with community facilities in minimum growth settlements, Rural Hamlets and Villages in the open countryside. The settlement hierarchy within the Core Strategy describes Bonby as a rural settlement and therefore policy C2 is considered relevant. The policy states that "Proposals which would lead to the loss of key village services (uses falling under Classes A1, A2, A3, C1, C2, D1 and D2 of the Town and Country Planning (Use Classes) Order 1987), including the

change of use of vacant premises to uses outside these classes located in rural local centres, will only be permitted where it can be demonstrated that these facilities are not economically viable and that all options for their continuance have been fully explored, and/or an accessible replacement facility exists elsewhere in the local centre.” (At the time of the local plan adoption, drinking establishments and restaurants were Class A3 Food and Drink.)

Furthermore, policy CS22 of the Core Strategy, which deals with community facilities and services, states, “The loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need.” Both of the above policies are reinforced by paragraph 92 of the NPPF (refer to policy section above).

There are no other restaurants or public houses in Bonby. There is a shop/post office within the village. Policy C2 of the NLLP states that the loss of these services will only be supported if it is demonstrated that the facilities are not economically viable or an accessible replacement facility exists elsewhere. Policy CS22 states that [loss will be resisted unless] there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need. Paragraph 92(c) of the NPPF states that “[policies and decisions should]...guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.” The applicant has submitted financial figures which show that the facility has been unviable over a three-year period and made significant losses in the years 2016–2019. The premises has not been trading since August 2019 and the steakhouse restaurant business has transferred to Elsham Golf Club.

The marketing details of the business/site have been provided in the form of two letters stating that the freehold of the Haymaker Steakhouse was marketed from April 2008 to March 2012 with three viewings and no offers. The property was then marketed on a new leasehold from February 2019 to July 2019 with two viewings and no offers. The other letter states that the property was marketed for 1+ year from April 2016 with one enquiry, one viewing and no requests for further details. The property was marketed on various websites. It is clear that some marketing has taken place, although there are significant ‘gaps’ in the marketing period. However, no details of the price of the property for sale and lease have been submitted to the council. Therefore, it cannot be evidenced, in terms of policy CS22 of the Core Strategy, if there is actually no longer a need for the land or building in any form of community use. Policy C2 of the North Lincolnshire Local Plan states that proposals leading to the loss of key village services will only be permitted if the premises are not economically viable and that all options for their continuance have been fully explored, and/or an accessible replacement facility exists elsewhere in the local centre. The proposal may show the business to be unviable through the accounts submitted but the marketing does not adequately demonstrate that all options for continuance have been explored and there is no accessible replacement facility within the settlement of Bonby.

The main day-to-day facility in Bonby is a small village post office/shop. There is no other restaurant/public house in the village. The nearest restaurant/public houses are in South Ferriby, over 5 kilometres away. Due to the distance involved, it is likely that residents would use private vehicles to access these facilities, thereby increasing the need to travel. The council does not consider that it has been adequately demonstrated that there is no longer a need for the land or building in any form of community use and the loss of the

community asset is not offset by other facilities in the immediate area, thereby increasing the need to travel. The number of letters of objection suggests that there is support from residents and a need for this building for a community use, and the building is now currently listed as an ACV. It is therefore considered that the proposal is not in accordance with policies C2 of the local plan and/or CS22 of the Core Strategy, nor paragraph 92 of the NPPF.

Highway safety

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 is concerned with parking provision as well as general highway safety; both policies are considered relevant. The council's Highways department has assessed the submission and has no objection to the proposal subject to the imposition of conditions, relating to, amongst other things, the provision of an enhanced footway arrangement, the laying out of hard areas, surface water, drainage details, construction of the proposed access roads and a construction phased traffic management plan. It is therefore considered that the proposal is in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

Flooding and drainage

Policy CS19 of the Core Strategy is concerned with flood risk; policy DS14 of the NLLP 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, and represents a previously developed site. The LLFA has been consulted and has no objections to the proposal subject to the imposition of conditions relating to a strategy for the management of surface water created by the development.

In terms of foul drainage, the site will already be connected to the network; however, it is unclear whether or not this is fit for the purpose for the six dwellings. Anglian Water has been consulted but to date has not made any comment. That said, the applicant would be subject to separate legislation: sections 106–109 of the Water Industries Act 1991 relate to 'communication of drains and private sewers with public sewers' and it is considered that this is sufficient mitigation. It is understood that Anglian Water would have an obligation to take any flows generated by the development should planning permission be granted and would have to ensure that any additional capacity required is created. The proposal is therefore considered to be in accordance with the aforementioned planning policies.

Environmental issues

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states that planning permission for development 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 of the local plan is also concerned with protecting amenity.

The council's Environmental Health team has assessed the planning application and has stated that there is a requirement to mitigate the impact of construction on local residents by restricting construction hours and site clearance operations. This could be dealt with by a planning condition. Given the above mitigation, it is considered that the proposal would accord with policy DS11 of the North Lincolnshire Local Plan.

Land quality

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 applicant has not submitted a sufficient level of information in relation to land quality and the EHO has recommended that a full suite of contamination conditions be attached to any approval. The site has been used as a public house and restaurant and there is potential for contaminants on the site such as hydrocarbons. Again this matter could be dealt with by a planning condition. It is therefore considered that the proposal is in accordance with policy DS7.

Archaeology

In terms of archaeology, HER has been consulted and considers that the site lies within an area where archaeological remains are anticipated and construction works may destroy archaeological evidence. A programme of archaeological monitoring and recording should be maintained during construction groundwork. This issue could be dealt with by planning conditions. The proposal therefore accords with policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

Character and design

In terms of character, six semi-detached dwellings are proposed. The density of the development is higher than proposed for rural settlements set out in policy CS7 of the Core Strategy (at 50 dwellings per hectare) but this must be balanced against the contribution the scheme will make towards the council's five-year land supply, the fact that the site is located within the development limit of Bonby, that the site is a brownfield site and that, in design terms, the properties resemble three detached dwellings on the front elevation. It also has to be acknowledged that the densities set out in policy CS7 are aspirational minimum densities for new development and do not place a limit on maximum densities, which are largely dictated by site constraints and the character of the surrounding area. It has been demonstrated that six dwellings could be provided on the site with adequate amenity space and parking provision. Main Street comprises a mix of housing types and designs. Streetscape elevations have been submitted which demonstrate that the development will not have an adverse impact on the character and amenity of the locality. The proposed dwellings will create a vibrant development that does not significantly harm the overall character of Bonby. In terms of character and design, therefore the proposal accords with policies CS2, CS5 and CS7 of the Core Strategy, and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

Amenity

Policy DS1 of the North Lincolnshire Local Plan is partly concerned with impact upon residential amenity. It states that "...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing." In this case, due to the orientation and distance of adjoining residential properties from the site, no overlooking issues will arise from windows in the front elevations, or from bathroom and en-suite windows in the side elevations which could be required to be obscured glazed through a planning condition. The rooflights in the side elevations are at a high level within the roof and therefore any overlooking will be marginal.

Balconies are proposed on the rear elevations of all the proposed dwellings and concerns from adjoining neighbours in relation to overlooking are noted. The dwellings to the rear of the application site are Fieldview, The Mullings and Rowley House.

There is a distance of over 30 metres from the proposed development to Fieldview. Some of the balconies will overlook the garden of Fieldview but not significantly due to the distances between the dwellings.

There is a distance of over 40 metres from the proposed development to The Mullings. There will be a marginal element of overlooking into the garden area of The Mullings.

In terms of Rowley House, there will be an element of overlooking from some of the balconies into the driveway area of this property and a smaller element of overlooking to the rear garden. Rowley House has some windows in its northern elevation but they are not the only windows to these rooms, so again there will be an element of overlooking into this property, but at an oblique angle. Therefore, whilst there will be elements of overlooking as a result of the proposed development, this is not considered significant enough to justify refusal of the scheme.

Other issues raised

Comments have been made that the cottage on the site is listed. This is not the case. The building is not listed. It has been designated an ACV. There is a need for dwellings in North Lincolnshire, particularly in light of the lack of five-year land supply of deliverable sites. The council cannot insist the dwellings are affordable/starter homes as the number of dwellings proposed is under the threshold for a Section 106 to be required. There is no evidence to suggest that the proposed six dwellings will have adverse impact on the provision of school places. In terms of highway concerns and parking restrictions, no objections have been received from the highway authority.

Conclusion

In terms of the planning balance, it is considered that the proposed dwellings comply with policy in terms of being located within the development boundary of Bonby and being located on a brownfield site. The dwellings are considered acceptable in terms of design, siting and scale, although it is accepted that the balcony areas will result in a small element of overlooking to adjoining properties. The proposal will also make a modest contribution to the council's housing land supply.

However, although the business from the submitted accounts appears to be unviable, no details of the price of the property for sale or lease have been submitted to the council and there have been significant 'gaps' in the marketing periods, some of these periods being historic. There has been only limited marketing undertaken recently to explore current interest in the property and again no details of pricing have been provided for this limited period of marketing. Therefore, it cannot be evidenced, in terms of policy CS22 of the Core Strategy, that there is actually no longer a need for the land or building in any form of community use and there are no accessible replacement facilities within the settlement of Bonby. The proposal will lead to the loss of a community use in a settlement with limited services and will increase the need to travel. The proposal is therefore contrary to paragraph 92 of the National Planning Policy Framework, policy C2 of the North Lincolnshire Local Plan and policy CS22 of the Core Strategy.

RECOMMENDATION: Refuse permission for the following reasons:

The proposal will result in the loss of a valued facility/service within the rural settlement of Bonby. The council does not consider that it has been adequately evidenced that there is no longer a need for the building in any form of community use. In addition, there is no alternative means of meeting such a need, as there is no accessible replacement facility in Bonby. Accordingly, the proposal is contrary to paragraph 92 of the National Planning Policy Framework, policy CS22 of the Core Strategy and policy C2 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.