

Public Document Pack

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

Wednesday, 16 December 2020

Chairman: Councillor Nigel John
Sherwood

Venue: Virtual Meeting
Microsoft Teams

Time: 2.00 pm

E-Mail Address:
tanya.davies@northlincs.gov.uk

AGENDA

1. Substitutions
2. Declarations of Disclosable Pecuniary Interests and Personal or Personal and Prejudicial Interests, significant contact with applicants, objectors or third parties (Lobbying) and Whipping Arrangements (if any).
3. To take the minutes of the meetings held on 21 October 2020 as a correct record and authorise the chairman to sign. (Pages 1 - 10)
4. Applications deferred from previous meetings for a site visit. (Pages 11 - 52)
5. Major Planning Applications. (Pages 53 - 154)
6. Planning and other applications for determination by the committee. (Pages 155 - 278)
7. Any other items, which the chairman decides are urgent, by reasons of special circumstances, which must be specified.

Note: All reports are by the Group Manager - Development Management and Building Control unless otherwise stated.

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

21 October 2020

PRESENT:- Councillor N Sherwood (Chair)

Councillors Evison (Vice-Chairman), J Davison, L Foster and Southern.

Councillor(s) England, Hannigan, O’Sullian, Rose and wells attended the meeting in accordance with Procedure Rule 37(b).

This was a Microsoft Teams Virtual Online Meeting.

2045 **DECLARATIONS OF PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, SIGNIFICANT CONTACT WITH APPLICANTS OR THIRD PARTIES (LOBBYING) AND WHIPPING ARRANGEMENTS (IF ANY)**

The following members declared that they had been lobbied:-

Councillor Hannigan
Application PA/2020/603 Minute 2048 (i)

Councillor Marper
Application PA/2020/333 Minute 2049 (ii)

Councillor Rose
Application PA/2020/865 Minute 2049(v)

Councillor C Sherwood
Application PA/2020/1073 Minute 2049(x)

Councillor Wells
Application PA/2020/603 Minute 2048 (i)

2046 **MINUTES – Resolved** – That the minutes of the proceedings of the meeting held on 26 August 2020, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the Chairman.

2047 **APPLICATIONS DEFERRED FROM PREVIOUS MEETING** – In accordance with the decisions at the previous meeting, members had undertaken site visits prior to the meeting. The Group Manager - Development Management submitted reports and updated them orally.

(i) PA/2020/982 by Mr & Mrs S Stothard for planning permission to erect a dwelling, including demolition of existing garage at land rear of Milkwood, Melton Road, Wrawby, DN20 8SL.

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Resolved – That planning permission be granted in accordance with the recommendations contained within the officer’s report.

2048 **MAJOR APPLICATIONS** – The Group Manager – Development Management submitted a report containing details of major applications for determination by the committee, including summaries of policy context, representations arising from consultation and publicity and assessment of the applications.

(i) PA/2020/603 by Mr Mark Snowden, Keigar Homes Ltd for outline planning permission for residential development and associated public open space with all matters reserved for subsequent consideration at land off Ferry Road, Barrow upon Humber.

A number of objectors spoke against the application. In doing so they shared a number of concerns raised by local residents. The concerns were based around the access road proposed for the development being too narrow, with a potential for increased traffic that they felt would increase bottle necks. They stated that the infrastructure was not capable of accommodating the development as the school and doctors were already at capacity, with a poor bus service route. A large degree of concern was based on danger to the local wildlife in the open countryside and the affects the development would have on them.

The application tried to ease some of the objectors concerns and referred to a public consultation process that had taken part earlier in the year, and shaped the application. He stated that Barrow had five of the seven key facilities, it had excellent traffic links, and was identified as a good natural growth area in a sustainable location. He said there was a need for housing development in the area and this provided a good opportunity also to contribute to the five year housing land supply.

Cllr Hannigan spoke as the local ward member and highlighted that in his view the area had already had its fair share of new developments, and there was no requirements for 64 more dwellings in the area. He stated it was out of the development boundary and in the open countryside, and a major concern was the highways infrastructure as the area was already busy and the access proposed would be a great concern.

Cllr Wells also spoke as a local ward member and objection to the application. He stated that there was already water problems in Barrow and the development would have a detrimental affect on residents., it would put extra pressure on a system already unable to cope in some areas. He said Barrow had water table problems, and additional housing would add to the problems.

Cllr Evison had sympathy with the residents ad previous speakers but also stated that if granted there was a number of conditions to protect certain situations and

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if this was to go to appeal and won, those conditions would be lost and leave the development wide open for the developers to ignore any conditions.

Cllr L Foster agreed with the residents and objectors and felt that the application was contrary to policy, and the developers continue to use the lack of a five year housing land supply to support their applications. He stated that the committee needed to consider the local residents and the local infrastructure and what affect this would have on them as he felt it would be detrimental to the area.

Resolved – That planning permission be granted in accordance with the recommendations contained within the officer’s report.

2049 **PLANNING AND OTHER APPLICATIONS** – The Group Manager – Development Management submitted a report incorporating a schedule containing details of applications for determination by the committee including summaries of policy context, representations arising from consultation and publicity and assessment of the applications. The Head of Development Management updated the reports orally where appropriate. Other officers attending gave advice and answered members’ questions as requested.

(i) PA/2019/930 by Mr Mark Wall, NPP Properties Ltd for planning permission to erect a replacement dwelling and two detached dwellings at land south of Tetley House, Tetley, Crowle, DN17 4HY.

Resolved – That planning permission be granted in accordance with the recommendations contained within the officer’s report.

(ii) PA/2020/333 by Mr James Tune for planning permission to create a new access (resubmission of PA/1999/0967) at Tyr Fryn, Todds Lane, Burton upon Stather, DN15 9DG.

An objector spoke against the application, and urged the committee to refuse planning permission. He had a number of concerns, including the proposed access route, trees on the development, and the stability of the banks to the boundaries.

Cllr Marper spoke as the local ward member and in doing so also raised concerns with regard the bank and possible subsidence, and the issues of vehicles driving over a public footpath.

Resolved – That the application be deferred to the next meeting to allow the committee to visit the site.

(iii) PA/2020/623 by Mr Steve Burdett, Pentire Properties Ltd for planning permission to erect two detached dwellings with associated car parking (including demolition of existing dwelling) at The Paddocks, King Edward Street, Belton, DN9 1QN.

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Resolved – That planning permission be granted in accordance with the recommendations contained within the officer’s report.

(iv) PA/2020/862 by Mr David Booth for planning application for change of use of land to form residential curtilage, and site annexe in association with Oak Barn at Chapel, High Street, Luddington, DN17 4QY.

Resolved – That planning permission be granted in accordance with the recommendations contained within the officer’s report.

(v) PA/2020/865 by Mr J Coggon, Coggon Brothers Ltd for planning permission to erect extensions to an agricultural building comprising a general-purpose agricultural building and potato store, including hard standing and ancillary site works (resubmission of PA/2019/320) at Field 7478, land north-west of North Street, West Butterwick.

The agent spoke on behalf of the agent indicating that the site had been established since 1836 and the buildings are dated and would no longer be viable if not extended. The development would also help alleviate problems with parking on the road, and access improved. The extensions are required to continue with the business and would cause no harm to the area. It would create more local jobs.

Cllr Rose the local ward member spoke in support of the application. He supported the growth of local businesses. He wished for it to be painted green .

It was raised by committee whether there should be a tree planting scheme to add additional screening and minimise the impact on the landscape.

It was moved by Cllr Evison and seconded by Cllr Davison –

That planning permission be granted with 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: 1 of 4 – Elevations; 2 of 4 – Floor Plan; 3 of 4 – Proposed Site Plan and 4 of 4 – Proposed Location Plan.

Reason

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

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3.

The walls and roof of the building(s) hereby approved shall be finished in Olive Green steel sheeting as shown on drawing no: 1 of 4 – Elevations and shall be retained as such thereafter.

Reason

To protect the character and appearance of the area in accordance with policies DS1, RD2 and LC14 of the North Lincolnshire Local Plan.

4.

No above-ground work shall take place until proposals for a scheme of tree planting have been submitted to and approved in writing by the local planning authority.

Reason

The development site is located within a sensitive landscape and screening of the building(s) is required to satisfactorily mitigate their impact on the character and appearance of the area in accordance with policies DS1, RD2 and LC14 of the North Lincolnshire Local Plan.

5.

The approved scheme of tree planting shall be carried out within 12 months of development commencing (unless a longer period is agreed in writing by the local planning authority). Any trees which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

The development site is located within a sensitive landscape and screening of the building(s) is required to satisfactorily mitigate their impact on the character and appearance of the area in accordance with policies DS1, RD2 and LC14 of the North Lincolnshire Local Plan.

6.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased.

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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.

7.

The drainage scheme shall be implemented in accordance with the approved submitted details, completed prior to the occupation of the approved building(s), 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.

Additional informatives

1.

Our records indicate that the proposed development site is bounded by, or has running through it, a watercourse (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team on 01724 297522, prior to any further construction works being carried out.

Please refer to the Environment Agency's 'Living on the edge – Riverside ownership rights and responsibilities' document which can be found online for further information. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

2.

The proposals indicate new connections into the watercourse. This must be consented by the local Internal drainage board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA drainage team on 01724 297522 or by email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Motion Carried.

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(vi) PA/2020/962 by Mr David Dowbusz, M&J Pido Properties SPV Ltd for planning permission to change the use of a dwelling to a seven-person house in multiple occupation (HMO), including loft conversion, and two-storey and single-storey extensions to rear at 34 Ferry Road, Scunthorpe, DN15 8QE

An objector spoke identifying concerns relating to loss of a family dwelling, loss of privacy and overshadowing of neighbouring properties.

Cllr Sullivan ward member spoke objecting to the application as over development on a small site and the impact it would have on the community.

Cllr Evison had concerns with the application and in particular the detriment it would have on the neighbours. He felt there would be parking problems and went against a number of planning policies.

It was moved by Cllr Evison and seconded by Cllr Davison –

That planning permission be refused for the following reasons –

1.

The proposed development would, as a result of the intensification of residential use, result in an unacceptable level of noise and disturbance to neighbouring residential properties. The proposal is therefore contrary to policies DS1, DS4 and H5 of the North Lincolnshire Local Plan.

2.

There is insufficient off-street parking to cater for the proposed use as a seven-person HMO. As such, the proposal will result in an increase in on-street parking which will exacerbate existing issues of on-street parking in the area, to the detriment of the free and safe flow of vehicles using the local highway network. The proposal is therefore contrary to policies DS1, H5 and T19 of the North Lincolnshire Local Plan.

Motion Carried.

(vii) PA/2020/1017 by Mr Gary Baker, Oak Tree Fishery for planning permission for the permanent siting of a mobile home in connection with a fishing business at Oak Tree Fishery, Station Road, Graizelound, DN9 2NQ.

Resolved – That planning permission be granted in accordance with the recommendations contained within the officer's report

(viii) PA/2020/1035 by Mr Andrew Frost for planning permission to erect a two-storey dormer bungalow and porch at land adjacent to 154 High Street, Burringham, DN17 3LY.

Resolved – That planning permission be granted in accordance with the recommendations contained within the officer's report

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(ix) PA/2020/1062 by Mr G Johnston, Normanby Estate Company Ltd for outline planning permission to erect three dwellings (following the demolition of an existing agricultural outbuilding) with all matters reserved for subsequent consideration at 23 Springhead Farm, High Street, Flixborough, DN15 8RL.

An objector addressed the committee with various concerns and in particular site access and the highway.

The agent spoke supporting the application stating that it was infill with high quality homes, and there was no highway objection.

Cllr Marper spoke as ward member raising whether this was sustainable development.

Resolved – That planning permission be granted in accordance with the recommendations contained within the officer’s report

(x) PA/2020/1073 by Mr Andrew for planning permission to remove garage to rear, erect garage to side and replace conservatory with single-storey rear extension at 2 Atkinson Avenue, Brigg, DN20 8PP.

The agent spoke in favour of the application and Cllr C Shewood addressed the committee as the local ward member.

It was moved by Cllr Evison and seconded by Cllr Davison –

That planning permission be granted 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: 2 ATKINSON AVE/200 – Proposed Plans & Elevations and Boundary Treatments; and YHFRQ13742981751580 – Block Plan.

Reason

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

Motion Carried.

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(xi) PA/2020/114 by Mrs Karen Durham for outline planning permission to erect a dormer bungalow with all matters reserved for subsequent consideration at Ash Lodge, Barrow Road, Goxhill, DN19 7LN.

Resolved - That planning permission be granted in accordance with the recommendations contained within the officer's report.

(xii) PA/2020/1241 by Mr M Knowles for planning permission to erect replacement dwelling following demolition of existing dwelling at 2 Nethergate, Westwoodside, DN9 2DR.

Resolved – That planning permission be granted in accordance with the recommendations contained within the officer's report.

(xiii) PA/2020/1277 by Mr D Trimm for planning permission to erect a two-storey side and rear extension at 87 Redbourne Road, Hibaldstow, DN20 9NW.

Resolved – That planning permission be granted in accordance with the recommendations contained within the officer's report.

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

APPLICATIONS DEFERRED FROM PREVIOUS MEETING FOR SITE VISITS

1. OBJECT

- 1.1 To consider items which have been deferred at a previous meeting to allow members to visit the sites before making a decision.

2. BACKGROUND

- 2.1 The applications listed on the attached schedule were deferred at a previous meeting of the planning committee to allow members to visit the sites prior to determining them.
- 2.2 Members will visit the sites separately sometime prior to the date of this meeting.

3. INFORMATION

- 3.1 The reports relating to the deferred items are attached. The reports have been updated since the previous meeting where appropriate.

4. RESOURCE IMPLICATIONS

- 4.1 There are no staffing or financial implications arising from this report.
- 4.2 Environmental considerations are of major importance when considering planning applications and are set out in the individual reports.

5. RECOMMENDATION

- 5.1 That the applications be determined in accordance with the recommendations contained in the schedule.

GROUP MANAGER – DEVELOPMENT MANAGEMENT AND BUILDING CONTROL

Church Square House
30–40 High Street
SCUNTHORPE
DN15 6NL

Ref: CB/JMC/Planning committee 16 December 2020.docx
Date: 7 December 2020

Background papers used in the preparation of this report:

1. The applications, including accompanying plans and ancillary correspondence.
2. Statutory and non-statutory consultation letters and responses.
3. Responses from parish and town councils.
4. Representations from other bodies or individuals.
5. Relevant planning policy documents.
6. Previous relevant planning decisions.

(Pursuant to section 100D of the Local Government Act 1972 any document containing 'exempt information' is excluded from this list.)

Statement of publication's purpose

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APPLICATION NO	PA/2020/545 (MAJOR APPLICATION)
APPLICANT	Mrs Elizabeth Marrows
DEVELOPMENT	Outline planning permission for the erection of up to 34 dwellings, following the demolition of existing dwelling and outbuildings (appearance, landscaping, layout and scale reserved for subsequent consideration)
LOCATION	Land at 65 Marsh Lane, Barton-upon-Humber, DN18 5JD
PARISH	Barton upon Humber
WARD	Barton
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Subject to the completion of a section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Paul Vickers – significant public interest) Significant public interest Objection by Barton-upon-Humber Town Council

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy HE9 (Archaeological Excavation)

Policy H10 (Public Open Space Provision in New Housing Development)

Policy C1 (Educational Facilities)

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy R1 (Protected Playing Fields)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy T6 (Pedestrian Routes and Footpaths)

Policy DS1 (General Requirements)

Policy DS7 (Contaminated Land)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS22 (Community Facilities and Services)

Policy CS23 (Sport, Recreation and Open Space)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

CONSULTATIONS

Highways: We note that the submitted layout is almost identical to that submitted with the pre-application, with the exception of the units facing onto Marsh Lane. There are now three, which we feel may cause potential issues with creating a suitable access to the site. None of the other points raised appear to have been addressed with regard to road layout and parking etc. We suspect that to achieve the appropriate access road layout and in-curtilage parking arrangements it may be necessary to reduce the number of units. We would be looking for a contribution towards the cost of resurfacing Marsh Lane, the estimated cost of which is £30,000.00. We would advise that we would look to secure a contribution via an s106 agreement of £6,000.00. Highways also advises a number of conditions in relation to access, parking and highway safety.

Recycling: Please refer to the North Lincolnshire Council's Waste Planning Guidance with regard to unadopted roads. Bin collection areas will need to be created and where properties are situated on or accessed by unadopted private roads they should be provided with a refuse collection point nearest to the highway accessible by the RCV. This collection point should be sufficient to accommodate the number of bins likely to be placed out on a given collection day.

Environment Agency: The site is in Flood Zone 3 of our Flood Map for Planning, indicating a high probability of flooding in the absence of defences. Our tidal hazard mapping also shows that the site has a hazard rating of 'danger for all' (allowing for climate change) in case of a breach in the defences near the site, with associated flood depths of over 2.0 metres.

Sequential test: In accordance with the National Planning Policy Framework (NPPF) (paragraph 158), development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the local planning authority to determine if the sequential test has to be applied and whether or not there are other sites available at lower flood risk. Our flood risk standing advice reminds you of this and provides advice on how to apply the test.

Exception test: Our comments on the proposals relate to the part of the exception test that demonstrates the development is safe. The local planning authority must decide whether or not the proposal provides wider sustainability benefits to the community that outweigh flood risk. Should you be satisfied that the proposal satisfies the above requirements, the proposed development will only meet the requirements of the NPPF if the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of planning conditions.

There are some errors in the submitted flood risk assessment (FRA), including misinterpretation of our tidal breach modelling. In addition, definitive land level information/topographical survey for the site has not been provided. However, based on the available evidence, including defence standard and Humber water levels, we judge that the proposed safe level for habitable accommodation of 6.9 metres above Ordnance Datum (AOD) is appropriate. The FRA states that to achieve this level, the ground floor garages

will also need to be raised considerably above ground level. We therefore advise you to consider whether this may lead to difficulties in relation to any surrounding dwellings before granting permission. The details of flood resistance and resilience measures have not been confirmed. If flood water is excluded from the ground floor, the hydraulic pressure of flood water exceeding 600 millimetres in depth could affect the integrity of the buildings and therefore special attention will need to be given to the construction methods of these properties. Recommend conditions in relation to the submitted FRA and no additional extensions to provide habitable/living accommodation.

Drainage (Lead Local Flood Authority): No objection subject to conditions in relation to the submission of a surface water drainage scheme for the site and the submission of details to provide an effective method of preventing surface water run-off from hard paved areas onto the highway.

Anglian Water: The foul drainage from this development is in the catchment of Barton On Humber Water Recycling Centre that will have available capacity for these flows. The sewage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application, the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The local planning authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse. Should the proposed method of surface water management change to include interaction with Anglian Water operated assets, we would wish to be reconsulted to ensure that an effective surface water drainage strategy is prepared and implemented.

Environmental Protection: No objection subject to conditions in relation to contamination, restrictions of construction and operating hours, the submission of a CEMP and a noise assessment, and provision for electric vehicle charging points.

Historic Environment Record: These proposals do not adversely affect any recorded heritage assets of archaeological interest or their settings.

Ecology: There is no likely significant effect on the Humber Estuary SAC/SPA/Ramsar site. The proposal would result in a net loss of habitat, contrary to policies CS5, CS17 and LC12. Habitat has already been removed, contrary to good practice and our SPG on 'Trees and Development'. I object to the application as it stands. If permission is ultimately granted, biodiversity enhancements will need to be secured in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 2.0.

Natural England: No objection and agree with the council's HRA conclusions of no likely significant effects upon the Humber Estuary SPA, SAC and Ramsar.

Trees: Concerned that there are quite a few trees and green infrastructure identified for removal in this location, including trees considered to be worthy of retention (B category trees: T1 – a silver birch, G3 – a group of three good quality trees, two oak and a sycamore), with insufficient information as to which of them they are removing and that sufficient protection areas will be given to whichever remain. It is suggested that they need to consider significant replacement green infrastructure to mitigate the loss of vegetation and that the B category trees be given sufficient space in order to be retained into the medium to long term. They have given locations for protective fencing but as they haven't given information about the required protection areas around the trees, which is based on their canopy and trunk girth, it is not possible to determine if they have given sufficient protection around the trees and the indicative locations for housing may be too close. This may mean that there may be a need to reconsider the location and/or number of dwellings on this site.

Network Rail: No objection in principle, but some requirements must be met. These include funding for palisade fencing along the boundary of the former crossing on Marsh Lane to mitigate the risk of trespass. All surface and foul water arising from the works must be collected and diverted away from Network Rail property. Soakaways must be located to discharge away from railway infrastructure. Advises drainage, boundary fencing, method statements and sound proofing should be the subject of conditions.

Public Health: Recommends:

- to support the comments/recommendations made by Spatial Planning;
- to support the comments made by the LLFA;
- to support the conditions requested by the Environment Agency;
- to support the planning condition requested by Anglian Water;
- to support the comments made by the local authority tree officer;
- consultations take place with local Primary Care services to assess the impact of the development on local services;
- that notice is taken of the 10 principles of Active Design developed by Sport England and considered in the layout of the development;
- that electrical charging points are included in the design and layout of the development for the charging of cars;
- that houses are built to be energy efficient and affordable to run;
- the allocation of 20% affordable housing as required is specified and adhered to as a planning condition.

Environmental Health: Advises conditions relating to contamination, the provision of electric vehicle charging points, restrictions on hours of construction and operation, and the submission of a construction environmental management plan (CEMP) and noise assessment.

Humberside Police: No objection. Comments on design in relation to crime prevention.

Humberside Fire and Rescue: Advises that adequate access for fire-fighting will need to be provided to all buildings, and the provision of adequate water supplies for fire-fighting appropriate to the proposed risk should be considered.

Leisure Services: An off-site contribution of £29,217 is required towards the anticipated costs of undertaking facility improvements to gym and shower change areas at the catchment leisure centre of Baysgarth Leisure Centre, Hub and Library.

Education: Contributions will be sought for both primary and secondary school places. The figure based on 2020/21 calculations is £8,508 per dwelling.

Barton Civic Society: Barton upon Humber Executive Committee has concerns with regard to the traffic issues on Marsh Lane whilst the dwellings, and associated infrastructure, are being constructed, and subsequently with the number of vehicles entering and leaving the proposed development once the dwellings are occupied.

TOWN COUNCIL

Object. Concerns regarding possible flooding of the development site, in view of the comments put forward by the LLFA Drainage Team and Anglian Water. Also, road safety concerns for the access/egress road to the proposed development from Marsh Lane. Currently, two vehicles cannot pass each other on Marsh Lane due to residents' cars parked on the west side, virtually making it a single track road. Unfortunately, there is nowhere else for the residents to park and proposals for an additional 68 cars to use this as an access/egress to the development site will compound current traffic problems. The development site is not allocated land and is classified as a Flood Risk Zone 3a, with a high flood risk possibility. The site and adjacent playing field act as a flood plain during heavy rainfall with a tidal drain into Barton Haven running along the northern boundary.

PUBLICITY

The proposal has been advertised by site notices and in the press. One response of 'no objection' has been received, together with over 35 responses objecting to the application on the following grounds:

- flooding
- loss of trees
- unsuitable access
- lack of turning area
- sewage infrastructure at full capacity
- exceptions test cannot be passed
- schools at full capacity
- doctor's and dentist at full capacity
- other housing sites are available

- road in poor repair
- on-street parking
- drainage issues
- low water pressure
- highway safety compromised
- traffic assessment not accurate
- flooding risk to adjacent dwellings
- trees planted adjacent to a dyke may compromise the removal of water
- soakaways cannot be used on this site
- sequential test is insufficient
- loss of wildlife
- density too high
- emergency access
- alternative access should be used
- width of road too narrow to accommodate the development
- overlooking
- noise pollution
- no leisure contribution
- bats exist in the area
- overhead lines
- insufficient car parking on the site
- contamination
- subsidence
- loss of habitat.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been submitted with the application.

ASSESSMENT

This application was deferred at a previous meeting of the planning committee to allow members to visit the site before making a decision.

The proposal

The applicant has agreed to amend the description of the proposal so that the outline application is now for up to 34 dwellings and layout is a reserved matter. The layout submitted as part of this application is therefore indicative only. Access is to be determined at this outline stage. Scale, appearance, layout and landscaping are all reserved matters. The access to the site is from Marsh Lane. The indicative layout shows three dwellings located on the site frontage with Marsh Lane and the remainder of the dwellings to the west of Marsh Lane.

The site

The site is located within the development boundary of Barton. It is within flood zone 2/3a and is therefore at high risk of flooding. The site currently comprises a dwelling with various outbuildings within a large plot. The site contains a number of trees, shrubs and grassland, although it must be noted that the site has been cleared. To the north is the railway line, to the south and west are the recreation grounds, and to the east are residential properties along Marsh Lane, and beyond this the football and cricket ground. The site is 0.8 hectares and yields a housing density of 42.5 dwellings per hectare if all 34 dwellings were to be erected on the site.

Planning history

A similar proposal was submitted under PA/2019/1694 which was withdrawn due to objections from consultees and neighbours. The applicant sought pre-application advice before PA/2019/1694 was submitted.

The main issues associated with the proposal are whether it is acceptable in principle, and if so, whether its impact on the highway, flood risk, drainage, the amenity of the area and the amenity neighbours is also acceptable.

Principle

The application site is wholly within the development limit for the settlement. Barton is identified as a market town in the Core Strategy, contains a number of key services and facilities, and is considered to be a sustainable settlement. It scored 69 points in the North Lincolnshire Sustainable Settlement Survey (2019) and was 2nd overall out of all the settlements in North Lincolnshire on sustainability grounds. The settlement survey looks at key features which make up sustainability, which are primary school, secondary school, doctors and community facilities. Barton upon Humber is a market town/large service centre and has seven of the seven key facilities – public house; village hall/church hall/community centre; primary school. There is a need for housing in North Lincolnshire as the council currently does not have a five-year land supply. The housing density proposed on the site aligns with policy CS7 of the Core Strategy which seeks a density of 40–45 dwellings per hectare within the development limits of market towns. The scheme is located adjacent to a recreation ground but will not prejudice the use of the playing field. The principle of residential development in this location is broadly acceptable and accords with the overarching strategic policies CS1, CS2, CS3, CS7 and CS8 of the Core Strategy, policy

R1 of the North Lincolnshire Local Plan and the principles set out in the NPPF in this regard.

Highways

In terms of highways, concerns from residents and the town council are noted. Access is to be determined at this outline stage. A transport assessment has been submitted with the application and Highways have been consulted on the proposal. They consider that the proposed access, subject to planning conditions, is acceptable and accords with policy T2 of the North Lincolnshire Local Plan. The layout of the site is now a reserved matter and through the reserved matters application the number of dwellings and car parking arrangements for the dwellings will need to be submitted, which Highways and the public will be able to comment on. In terms of comments made in relation to the surface of Marsh Lane, it is acknowledged that Marsh Lane requires resurfacing works. As a result, Highways have requested a financial contribution towards the resurfacing of Marsh Lane from the applicant of £6,000. The applicant has agreed to this contribution. Comments made in relation to inaccuracies of the Transport Assessment are noted. However, this has been assessed by Highways. They consider that the proposal is acceptable in highway terms, subject to the S106 contributions and planning conditions which will be imposed on any planning permission. It is also noted that Marsh Lane is a narrow road and that concerns have been raised relating to existing issues with on-street parking; however, Highways officers have raised no objections with regard to the suitability of this road to serve as the means of access/egress for the proposed development. The proposal therefore aligns with policies T2 and T19 of the North Lincolnshire Local Plan.

A condition has been recommended to secure a construction phase traffic management plan, which will be subject to agreement by Highways. This will ensure that construction traffic is carefully planned for and does not prejudice the free and safe flow of vehicles along Marsh Lane.

Flood risk and drainage

In terms of flood risk, the site lies in flood zone 2/3a and is therefore at high risk of flooding. Many objectors have raised concerns over the flooding and flood risk associated with the site. The applicant has submitted a Flood Risk Assessment (FRA) with the application. The Environment Agency has not objected to the application but has recommended conditions. Due to the flood risk associated with the site, the ground floors of the properties will have to be used for non-habitable accommodation only, such as garages/WCs. The ground level of the site will also need to be raised. The average level of the site is 3.2 AOD. The upper floors will need to accommodate the habitable accommodation with a safe level of 6.9 AOD. The FRA suggests that the levels of the development will be:

- ground floor (non-habitable living space) – finished floor level 3.800 metres AOD; flood proofing should be provided up to 4.400 metres AOD. (Exclusion)
- first floor – finished floor level 6.900 metres AOD or above, and a place of safety shall be provided at 6.900 metres AOD.

A planning condition is proposed to establish the levels the dwellings will be constructed at, as the site is not one level. The scale, layout and appearance of the dwellings will be assessed at reserved matters stage to ensure they are in character with the area and would not be overbearing on adjacent properties or on the area in general.

Given the development is for 'more vulnerable' residential development in a high flood risk zone, the proposal will only be supported where it can be demonstrated that the sequential and exceptions test set out in the NPPF are passed in order for the development to be considered acceptable in terms of flood risk. The applicant has submitted a sequential test with the application. The council is satisfied that there are no other sequentially preferable sites available within the settlement boundary of Barton for this size and type of development that lie in a lower flood risk area. As a result the sequential test is passed.

The exceptions test then has to be applied. 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 would be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, would reduce flood risk overall.

In terms of sustainability, the dwelling would provide employment for local tradespeople during construction. The location of the development is within the development boundary of Barton and its proximity to local shops and services etc, together with good access to public transport, all demonstrate a sustainable location. The scheme will make a valuable contribution towards the council's five-year housing land supply. The development will provide affordable housing on the site and contributions towards biodiversity, play equipment, education, leisure and resurfacing Marsh Lane will be provided. The dwellings will support local services and contribute to Barton's local economy. On this basis, it is considered that the wider sustainability benefits of the development outweigh the flood risk. It has been demonstrated that the development is safe without increasing flood risk elsewhere. The exceptions test is therefore considered to be passed. Furthermore, the council's LLFA drainage team has no objection and the Environment Agency has confirmed, subject to conditions, that the development is safe from flooding and would not increase flood risk to neighbouring land. These conditions will be placed on any planning permission. The proposal accords with the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

In terms of drainage, many objections have been received in relation to drainage issues associated with the site and Marsh Lane. Anglian Water has been consulted and in terms of foul water has stated that there is available capacity for these flows. A condition requiring details of the disposal of the foul water to be submitted to the council for approval is recommended and Anglian Water would be consulted on these details. As a result, the proposal, in terms of foul water, is considered to be acceptable.

In terms of surface water, Anglian Water and the LLFA have been consulted. The LLFA has no objections to the proposal subject to pre-commencement conditions, which are recommended to be imposed on any planning permission. Anglian Water is unable to provide comments on the suitability of the surface water management and has requested that the local planning authority seeks the advice of the LLFA. The LLFA has requested conditions in relation to surface water disposal, and the LLFA, Anglian Water and the Environment Agency will be consulted on these details. Network Rail has also commented on drainage for the site to ensure that surface and foul water is collected and diverted away from Network Rail property. They will also be consulted on the details for the disposal of

foul and surface water for the site for safety reasons. The recommended conditions would secure a suitable, detailed drainage scheme prior to works commencing on site.

This aspect of the proposal, subject to conditions, would therefore accord with policies CS18 and CS19 of the Core Strategy, and policies DS14 and DS16 of the North Lincolnshire Local Plan.

Archaeology

In terms of archaeology, HER have been consulted and raise no objections to the proposal as it does not adversely affect any record heritage assets or archaeological interest, or their settings. The proposal therefore raises no archaeological implications.

Biodiversity

The applicant has submitted a Biodiversity Net Gain (BNG) and Biodiversity Enhancements Report with the application. In terms of biodiversity, the proposal has no significant effect on the Humber Estuary SPA, SAC and Ramsar. This has been agreed by Natural England. The site has been subject to extensive site clearance which has resulted in a net loss of habitat. Swamp vegetation, scrub and woodland habitat has been removed. The retained and proposed trees are limited to boundary trees and scattered individual trees rather than a woodland habitat with structure. Even with the mitigation measures proposed in the submitted biodiversity reports, that include a SUDS pond, tree and shrub planting, wildflower area, and native hedgerows with trees, the proposal results in a 62% loss of biodiversity. This aspect of the proposal does not accord with policies CS5 and CS17 of the Core Strategy and policy LC12 of the North Lincolnshire Local Plan, and the council's ecologist therefore objects to the development.

A planning condition can be used to ensure the proposed biodiversity enhancements are carried out on the site in accordance with the submitted biodiversity reports. The council's ecologist considers that a section 106 agreement will be required to secure 2.28 units of off-site biodiversity enhancements – either delivered by the applicant or, as a last resort, as a tariff of £25,080 to be paid towards the creation of habitats locally in accordance with the Biodiversity Opportunity Map and the Greater Lincolnshire Nature Strategy. The applicant has agreed an S106 contribution of £25,080 to secure 2.28 units of off-site biodiversity enhancements.

The loss of habitat on the site is regrettable and has already occurred by the site clearance carried out. The loss of habitat can be compensated through biodiversity enhancements on the site and by the provision of off-site biodiversity enhancements.

Hedgerows and trees

In terms of hedgerows and trees, an arboricultural report dated March 2020 has been submitted with the application which states that the majority of the trees on the site are on the boundaries of the site and are to be retained. However, a number of trees are shown to be removed to facilitate the development. It is acknowledged that the site has been cleared, which has been discussed in the biodiversity section of this report. Planning permission was not required to clear the site and the trees on the site are not protected by tree preservation orders or within a conservation area. Tree protective fencing is proposed to protect the remaining trees during construction. In terms of the loss of some of the trees on the site, these can be compensated through an extensive landscaping scheme that will need to be submitted within the reserved matters application which the tree officer and residents will

have the opportunity to comment on. The comments in relation to the protective fencing are noted and planning conditions will be used to ensure details of the root protection zones of trees to be retained, with construction and protective fencing details, are submitted for consideration. The scale, layout and appearance of the proposed dwellings (which are reserved matters) will need to be carefully designed to ensure the trees can be safeguarded during development and retained thereafter. The proposal, in terms of hedgerows and trees, is considered, on balance, to be acceptable, subject to conditions and therefore accords with policy LC12 of the North Lincolnshire Local Plan, and policies CS5 and CS16 of the Core Strategy.

Character impacts

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.’ Policies H5 of and H8 the local plan, which are concerned with new housing development, and paragraph 127 of the NPPF, are also relevant, though the criteria-based nature of policy H5 lends itself better to the assessment of any subsequent reserved matters application.

The proposal, in scale terms, would clearly represent a fairly significant addition to Barton and would alter the character and appearance of the site. It is considered that the visual impact of the scheme would be significant for some neighbouring properties along Marsh Lane and the development would be visible from the recreation ground. However, a suitable design, layout and mix of dwellings on the site could be designed to be in character with this area of Barton which comprises a mix of housing types and designs. The use of landscaping and boundary treatments would also mitigate some of the impacts on the surrounding land uses and eventually the site would effectively be integrated into this area of Barton. As a result, in terms of the impact the development would have on the character of this area of Barton, it is considered to be acceptable and would accord with policies H5 and DS1 of the North Lincolnshire Local Plan, and policy CS5 of the Core Strategy.

Contamination and environmental issues

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. The Environment Agency has provided generic advice in terms of land contamination and the water environment. Environmental Health has been consulted on the proposal and proposes a contamination condition requiring a Phase 1 site investigation, and remediation and verification reports to be submitted before development commences on the site. This condition would be imposed on any forthcoming planning permission and the proposal, in terms of contamination, would align with policy DS7 of the North Lincolnshire Local Plan.

Policy CS18 of the Core Strategy is concerned with sustainable resource use and climate change. Its purpose is to promote development that utilises natural resources as efficiently and sustainably as possible. Two points of this policy are relevant:

- (10) ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water; and

- (12) supporting new technology and development for carbon capture and the best available clean and efficient energy technology, particularly in relation to the heavy industrial users in North Lincolnshire, to help reduce CO₂ emissions.

Environmental Health has assessed the proposal in relation to the Institute of Air Quality Management Land Use Planning and Development Control: Planning for Air Quality January 2017 and proposes a condition that, prior to development, a scheme for electric vehicle charging points shall be submitted to and agreed in writing with the local planning authority. The request is considered to be in accordance with the above policy requirements and will be attached to any forthcoming permission to mitigate the impact upon air quality generated by the development. This condition will be imposed on any planning permission granted and would accord with Chapter 9 of the NPPF, policy CS18 of the Core Strategy and DS11 of the local plan by making a positive impact upon the reduction of polluting activities.

A condition to manage construction working hours is considered necessary to mitigate unacceptable impact upon neighbouring amenity, and will be imposed on any planning permission granted. The submission of a construction environmental management plan is also required to safeguard residents' amenity during construction. The site is close to the railway line and therefore the submission of a noise assessment has been requested by Environmental Health to ensure that adequate mitigation measures, such as sound proofing/ventilation are installed in the proposed dwellings to safeguard the amenity of potential occupiers in terms of noise. This can be dealt with by condition. The proposal would accord with policies DS1 and DS11 of the North Lincolnshire Local Plan.

Impact on neighbours

In terms of neighbours, concerns about overlooking/loss of privacy have been raised. It is accepted that, due to the flood risk of the site, habitable accommodation will need to be provided on the first floor. Non-habitable accommodation, such as garages, toilets etc, would have to be provided on the ground floor. Comments in relation to the levels the dwellings will need to be built above the site levels are noted. The site is adjoined by a number of properties along Marsh Lane. It is considered that the dwellings could be designed to avoid overlooking/loss of privacy to neighbours by careful positioning of habitable windows in the proposed dwellings and through boundary treatments. This issue will be assessed in more detail at the reserved matters stage where the appearance, scale and layout of the dwellings will need to be submitted. Neighbours will also have the opportunity to comment on any reserved matters application submitted.

In terms of the scale of the dwellings, this is also a reserved matter which neighbours will also have the opportunity to comment on. It is accepted that the dwellings will need to be built above ground level with habitable accommodation on the upper floor due to the flood risk of the site. Planning conditions would be used to secure details of the levels the dwellings would be constructed at. A carefully designed scheme with the roof space potentially utilised for habitable accommodation would ensure the dwellings were not overly domineering to neighbours or in the street scene. The indicative layout shows acceptable separation distances between the proposed dwellings and the existing properties on Marsh Lane. The proposal, on balance, would accord with policy CS5 of the Core Strategy, and policies RD2, H5 and DS1 of the North Lincolnshire Local Plan.

Planning obligations

Policy CS27 is concerned with planning obligations and states that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town & Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005, seek obligations that are necessary to make proposals acceptable in planning terms. The tests for planning obligations are set out in Part 11, section 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It states: (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The legal test is also set out in planning policy under paragraph 56 of the National Planning Policy Framework 2018.

Affordable housing

Policy CS9 is concerned with affordable housing and requires schemes for new residential housing in market towns to contribute 20% of the scheme for affordable tenure.

The applicant has agreed to provide 20% of affordable housing on site; this is therefore policy compliant. The affordable housing will be provided by affordable rent, shared ownership for example.

Informal open space and leisure contribution

Policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states, '(i) ...New housing developments on allocated and windfall sites of 0.5 hectares or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents.' This is reinforced by policy CS22 of the North Lincolnshire Core Strategy; both are considered relevant. The applicant has agreed to provide on-site public open space in order to comply with policy CS22, together with a financial contribution of £22,940.40 for North Lincolnshire to maintain this land or an estate management company be set up. The location, size and layout of the open space to be provided on the site will be secured within the S106 agreement.

An off-site contribution of £33,668.00 is required towards the maintenance and new equipment of an existing area of play. The applicant is willing to agree this contribution.

An off-site leisure contribution of £29,217 has also been requested towards Baysgarth Leisure Centre to improve the shower and changing room facilities. The applicant is willing to agree this contribution. This accords with policy CS23 of the Core Strategy.

Biodiversity

A contribution is requested as the proposal will result in a net loss of habitat, although a number of biodiversity enhancements will take place on the site. The net loss in habitat

units, taking into account on-site enhancements, is 1.97 biodiversity units when Defra's Biodiversity Metric Version 2.0 is applied. In order to compensate for this, an off-site contribution of £25,080 is required to provide compensatory off-site habitat creation. This will secure measurable net gains for biodiversity. This will align with paragraphs 174 and 175 of the NPPF and policies CS5 and CS17 of the Core Strategy which seek to ensure that proposals will secure net gains in terms of biodiversity.

Education

Policy C1 states that where major new housing proposals would result in an increased demand for education facilities, which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, to secure the provision of, or contribution towards, new or extended facilities. The response from the education department to this application is that primary and secondary contributions are required, which are calculated as £229,716. (This figure excludes affordable, one-bed and over 55 dwellings.) The issue of school capacity raised by objectors is noted. The S106 contribution requested by education will enable the schools to be expanded. The applicant has agreed to the financial contribution for education.

Highways

A financial contribution of £6,000 is requested towards resurfacing work along Marsh Lane. The applicant has agreed to this.

Obligations summary

The proposed on and off-site contributions are considered to be CIL compliant as well as policy compliant. The proposal would therefore align with policies CS9, CS17, CS22, CS23 and CS25 of the North Lincolnshire Core Strategy; policies C1, T2 and H10 of the North Lincolnshire Local Plan, and paragraph 56 of the NPPF.

Other issues raised

Issues such as the doctor's and dentist's being at full capacity are noted. However, no response has been received from the Primary Care/GP Practices. Public Health do not object to the proposal. The issue of overhead lines is a matter for the applicant/developer to address. There is no evidence submitted to suggest the land has subsidence issues. The issue that other housing sites should be developed has been raised. The council works with developers, landowners and agents to bring sites with planning permission forward for delivery, but some sites have not come forward for delivery for a variety of reasons, including viability issues, low land values, land ownership, and implications arising from Covid-19, for example.

In terms of comments made by Network Rail, these are noted and an informative is proposed on any planning permission to draw the applicant's attention to these comments. In terms of the boundary fencing adjacent to Network Rail's boundary, this will be a condition on any planning permission for the development and Network Rail will be consulted on the boundary treatment. Network Rail has requested that the palisade fencing along the boundary of the former level crossing on Marsh Lane is upgraded as they feel there will be an increased risk of trespass at the former crossing site from the development. There is no evidence to suggest that this would be the case and it is therefore unreasonable to request this through a planning condition or S106 agreement. This is a

matter for Network Rail to ensure their assets are secured. Comments in relation to drainage are noted and assessed in the drainage section of this report. The developer will need to ensure that the use of crane and plant on the site adjacent to Network Rail's property complies with Network's Rail's requirements. Comments that earthworks and excavations to be carried out near the railway undertaker's boundary fence need to be submitted to the local planning authority for approval are noted and these will be dealt with by a planning condition. Details of method statements are a matter for the developer to agree with Network Rail. A construction traffic management plan and details of a noise assessment to establish the type of soundproofing (if required) are all proposed within the recommended conditions.

Pre-commencement conditions

All pre-commencement conditions attached to this recommendation have been agreed with the applicant in accordance with the Town and Country Planning (Pre-commencement conditions) Regulations 2018.

Conclusion

To conclude, the site is located within the development boundary of Barton in a highly sustainable location. The proposal would contribute to the council's five-year land supply (currently four years) and employment opportunities would be created during construction of the dwellings. The proposal would provide affordable housing on the site and public open space. The site is acceptable in terms of flood risk, subject to conditions. A scheme could be designed to prevent any adverse impact on neighbours. The loss of habitat on the site is regrettable, but extensive site clearance has already occurred. Biodiversity enhancements could be achieved on site and off-site compensation to secure net biodiversity gains can be provided through an S106 agreement. It is considered, given the assessment above, that no adverse impacts related to the development exist that would significantly and demonstrably outweigh the benefits that would follow from a well-designed residential scheme in this location. When the planning balance is applied, the proposal is considered acceptable in planning terms.

Heads of terms

S106 contributions	
Affordable housing	20% of the development (7 dwellings based on 34 dwellings on the site)
Off-site recreation	Towards the maintenance and new equipment of an existing area of play – £33,668.00
On-site informal open space	10 square metres per dwelling and £22,940.40 for North Lincolnshire to maintain this land or an estate management company to be set up
Education	£229,716 for primary and secondary places per dwelling, excluding affordable and any over 55's products

Leisure off-site contribution and location	£29,217 towards anticipated costs of building improvements and additional sports equipment at Baysgarth Leisure Centre
Biodiversity off-site contribution	To secure 2.28 units of offsite biodiversity enhancements – either delivered by the applicant or, as a last resort, as a tariff of £25,080 to be paid towards the creation of habitats locally in accordance with the Biodiversity Opportunity Map and the Greater Lincolnshire Nature Strategy
Highways	A financial contribution of £6,000 towards the cost of resurfacing Marsh Lane

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 for the contributions set out in the ‘Heads of terms’ specified above, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Group Manager – Development Management and Building Control upon completion of the obligation;**
- (iii) if the obligation is not completed by 31 May 2021 the Group Manager – Development Management and Building Control be authorised to refuse the application on grounds of inadequate provision of essential community benefits;**
- (iv) the permission so granted be subject to the following conditions:**

1.

Approval of the details of the scale and appearance of the building(s), and the layout and landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the scale and appearance of any buildings to be erected, and the layout and landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: 19 01 202 (the access to and within the site only) and 19 01 002.

Reason

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

6.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of the vehicle parking space(s) within the curtilage of the site;

have been submitted to and approved in writing by the local planning authority.

Reason

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

7.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

8.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

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

9.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
- (ii) the number and location of vehicle parking space(s) on the site;

have been submitted to and approved in writing by the local planning authority.

Reason

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

10.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

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

11.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

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

12.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

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

13.

No works shall be commenced on the penultimate dwelling on the site until the access road has been completed.

Reason

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

14.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

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

15.

No development shall 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, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway as may be required;

has been submitted 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.

16.

No development shall take place (or building/property to be occupied) until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must be based upon the submitted Surface Water Drainage Strategy Calculation Package, submitted by J H Collins, ACRA Consulting Engineers, Issue 01, Dated 6th May 2020.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood

Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

To prevent the increased risk of flooding to themselves and others, and to the adjacent railway, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

17.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 16 above, 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, and to the adjacent railway, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

18.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraph 163 of the National Planning Policy Framework.

19.

No development shall take place until a scheme for the disposal of foul water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

20.

The development permitted by this planning permission shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated 24 September 2019, reference number FRA-BART101, compiled by ACRA Consulting and the following mitigation measures detailed within the FRA:

- the ground floors of the properties to be used for non-habitable accommodation (garage/WC/utility) only;
- finished floor levels of the habitable first floors to be set no lower than 6.9 metres above Ordnance Datum (AOD);
- appropriate flood resilience and resistance measures to be incorporated into the proposed development.

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

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

21.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, amending and re-enacting that Order with or without modification), no extensions to provide additional habitable/living accommodation shall be erected/installed to any dwelling on the site or erected/installed on any part of the site without the prior approval in writing of the local planning authority.

Reason

To reduce the risk and impact of flooding to the proposed development and future occupants in accordance with policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

22.

Before development commences on site, details of all the finished floor levels at which all the dwellings will be constructed shall be submitted to and approved in writing by the local planning authority. Only the approved scheme shall be implemented on the site.

Reason

To ensure the dwellings are in character with the area and to safeguard the amenity of adjoining dwellings in accordance with policy CS5 of the Core Strategy, and policies H5 and DS1 of the North Lincolnshire Local Plan.

23.

No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted to the site boundaries including to the northern boundary of the site have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwellings are occupied and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan and to safeguard railway safety.

24.

Before development is commenced, an updated schedule of all the trees to be retained on the site with details of the protection areas around the existing trees and the method of protecting the existing trees on the site throughout the construction period shall be submitted to and approved in writing by the local planning authority, and such works as may be so approved shall be carried out before development is commenced, and maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

Reason

In order to safeguard the existing trees on the site in accordance with policy LC12 of the North Lincolnshire Local Plan.

25.

No development shall take place until a noise impact assessment has been submitted to and approved in writing by the local planning authority. The noise impact assessment shall be carried out with reference to:

- National Planning Policy Framework (2019);
- National Planning Practice Guidance (2014);
- ProPG: Planning & Noise, New Residential Development (2017);
- Calculation of Railway Noise 1995;
- World Health Organisation Environmental Noise Guidelines for the European Region 2018;
- World Health Organisation Guidelines for Community Noise (1999);
- World Health Organisation Night Noise Guidelines for Europe (2009);
- BS8233:2014 Guidance on sound insulation and noise reduction for buildings;
- BS7445-2:1991, ISO1996-2:1987 Description of environmental noise. Part 2: Guide to acquisition of data pertinent to land use.

Part 1

The assessment report shall provide details of existing background noise levels, likely noise sources which will impact upon the proposed development, mitigation methods to be employed and the resulting predicted level of noise at sensitive locations. Any approved mitigation measures shall be carried out in their entirety before any dwelling on the site is occupied and shall be retained thereafter.

Part 2

Following installation of the mitigation measures in accordance with the approved technical specification, a verification report that demonstrates the effectiveness of the mitigation measures shall be undertaken. The verification report shall be submitted to and approved in writing by the local planning authority.

Reason

To protect the amenity of future occupiers from railway noise in accordance with policy DS1 of the North Lincolnshire Local Plan.

26.

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.

27.

Prior to the occupation of any dwelling on the site, a scheme for the provision of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management Land Use Planning and Development Control:

<http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

and contemporaneous electrical standards including:

- Electrical Requirements of BS7671:2008;
- IET Code of Practice on Electrical Vehicle Charging Equipment installation 2012 ISBN 978-1-84919 515-7.

The approved scheme shall be installed in full and retained in perpetuity thereafter.

Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with the National Planning Policy Framework.

28.

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

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To safeguard the residential amenity of adjoining dwellings in accordance with policy DS1 of the North Lincolnshire Local Plan.

29.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

Noise and vibration – the CEMP shall set out the particulars of:

- (a) the works, and the method by which they are to be carried out;
- (b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- (c) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light – the CEMP shall set out the particulars of:

- (a) specified locations for contractors' compounds and materials storage areas;

- (b) areas where lighting will be required for health and safety purposes;
- (c) the location of potential temporary floodlights;
- (d) identification of sensitive receptors likely to be impacted upon by light nuisance;
- (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust – the CEMP shall set out the particulars of:

- (a) site dust monitoring, recording and complaint investigation procedures;
- (b) identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) provision of water to the site;
- (d) dust mitigation techniques at all stages of development;
- (e) prevention of dust trackout;
- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (h) a 'no burning of waste' policy.

Reason

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

30.

Works and biodiversity enhancements shall be carried out strictly in accordance with the submitted document, 'Biodiversity Net Gain (BNG) and Biodiversity Enhancements Report'. The management prescriptions set out in sections 4.2 to 4.5.7 and section 6.0 to 7.2 of the management plan shall be carried out in their entirety in accordance with the timescales set out. Prior to the occupation of the 30th dwelling, 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. All biodiversity features shall be retained thereafter.

Reason

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

31.

Prior to the commencement of works on the site, full details of any excavation and earthworks to be carried out near Network Rail's boundary fencing shall be submitted to

and approved in writing by the local planning authority. Thereafter only the approved works shall be carried out on the site.

Reason

To ensure the safety of the adjacent railway line and associated infrastructure.

32.

No more than 34 dwellings shall be erected on the site at any time.

Reason

In the interests of the amenity of the locality and in the interests of residential amenity.

Informative 1

This application must be read in conjunction with the relevant Section 106 Agreement.

Informative 2

The applicant's attention is drawn to the comments made by Network Rail. The applicant/developer will need to ensure that the necessary consents are obtained from Network Rail.

Informative 3

The applicant's attention is drawn to the comments made by the LLFA, the Environment Agency, Humberside Fire and Rescue, and Waste and Recycling.

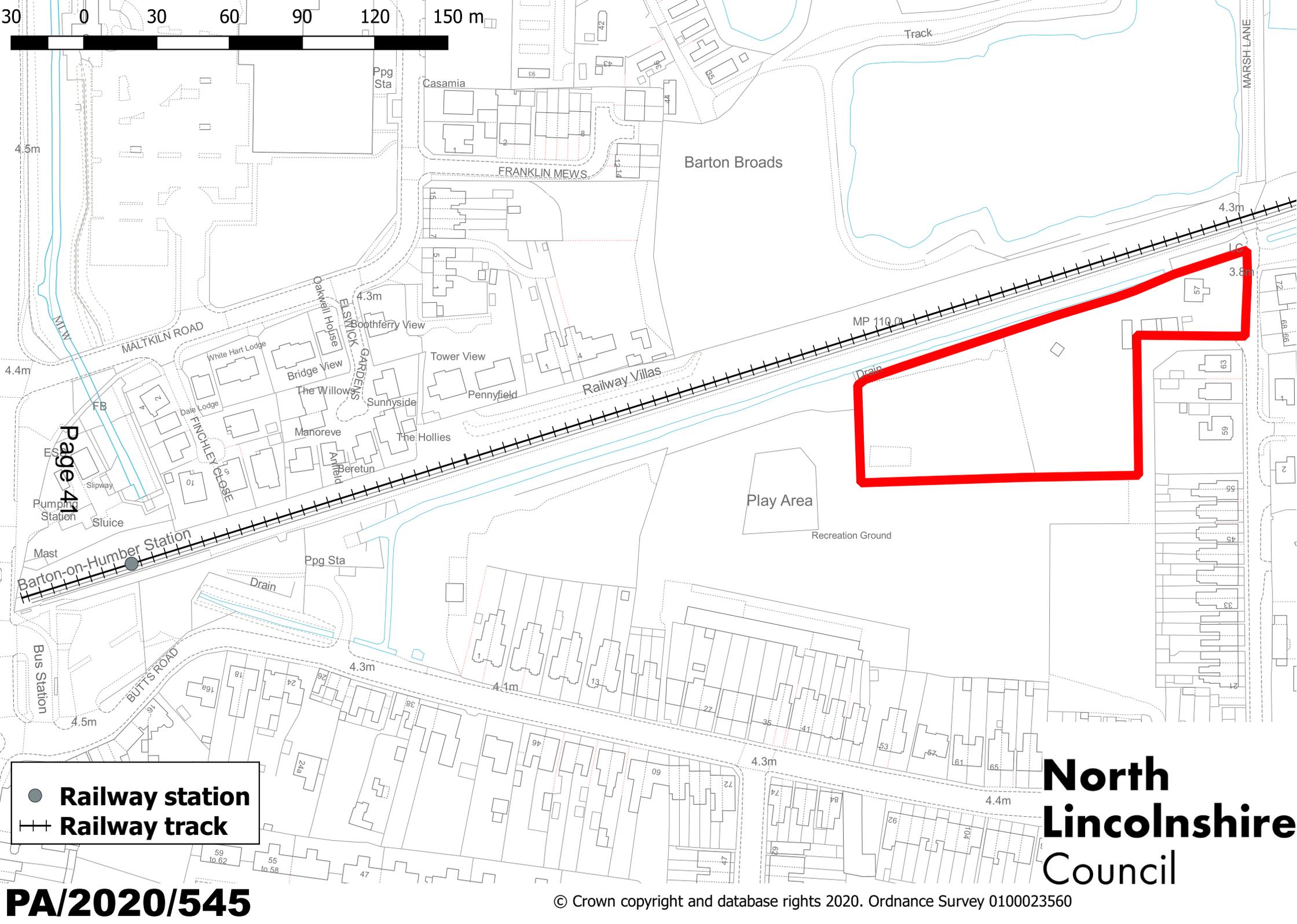
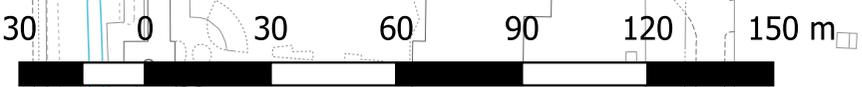
Informative 4

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 5

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



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● Railway station
+ Railway track

**North
Lincolnshire
Council**

PA/2020/545

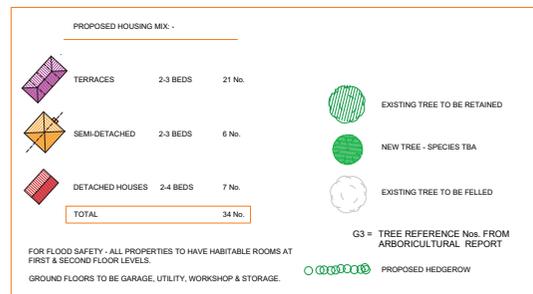
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PA/2020/545 Indicative site layout (not to scale)



Page 42

Proposed Site Plan
SCALE 1:500



General Notes		
NOTES: -		
This drawing must NOT be scaled.		
Work shall not commence until planning and building regulation approvals have been obtained in full.		
All dimensions and levels to be checked on site by contractor and any discrepancies to be reported to the architect and client prior to commencement of work on site.		
All drains & services to be located by contractor.		
This drawing is for building control purposes only. Detail design and specification shall be the sole responsibility of the contractor.		
The Contractor is to allow for those items of work which are not specifically identified in the Contract Documents but which it is reasonable to expect an experienced contractor to identify from them as being necessary (such as but without prejudice to the foregoing - screws, noggin, supports, flashings etc).		
Copyright		
Ettridge Architecture Ltd retains copyright of these designs. This drawing must not be reproduced without the consent of the architect. A third party who does not have a licence or sub-licence to use the design will not be entitled to use the drawings without the consent of the architect.		
Amendments		
Rev	Amendment	Date
ETTRIDGE ARCHITECTURE LTD		
17 PRINCES DOCK STREET HULL EAST RIDING OF YORKSHIRE HU1 2LP		
(T) 07795 145796		www.ettridge.net
Project: Housing Scheme Marsh Lane Barton upon Humber DN18 5JD		
Client: M. Farnham + L. Marrows		
Drawing Title: Proposed Site Plan		
Compass: 	Phase: PLANNING	
Drawn by: JD	Checked by: DE	
Drawing No: 19 01 202	Scale: 1:500 @ A1 Date: March 2020	

APPLICATION NO	PA/2020/1059
APPLICANT	Mr Kevin Hamilton
DEVELOPMENT	Planning permission to erect a detached dormer bungalow and garage
LOCATION	18 West Street, Barnetby le Wold, DN38 6JP
PARISH	Barnetby le Wold
WARD	Brigg and Wolds
CASE OFFICER	Andrew Cotton
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Rob Waltham and Carl Sherwood – significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 7 states, 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'.

Paragraph 8 states, 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- (b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing; and
- (c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, for decision-taking, this means:

- '(c) approving development proposals that accord with an up-to-date development plan without delay; or
- (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 planning permission unless:
 - (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
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.'

Paragraph 12 states, 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 38 states, 'Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.'

Paragraph 54 states, '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 59 states, 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.'

Paragraph 70 states, 'Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.'

Paragraph 73 states, 'Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where

the strategic policies are more than five years old. The supply of specific deliverable sites should, in addition, include a buffer (moved forward from later in the plan period) of:

- (a) 5% to ensure choice and competition in the market for land; or
- (b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
- (c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.'

Paragraph 74 states, 'A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- (a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
- (b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.'

Paragraph 75 states, 'To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.'

Paragraph 163 states, 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.'

North Lincolnshire Local Plan:

Policy H7 (Backland and Tandem Development)

Policy H5 (New Housing Development)

H8 (Housing Design and Housing Mix)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS7 (Overall Housing Provision)

Policy CS17 (Biodiversity)

CONSULTATIONS:

LLFA Drainage Team: No objection/comments.

Environmental Protection: No objection subject to conditions.

Highways: No objection/comments.

PARISH COUNCIL

No response at time of writing.

PUBLICITY

Advertised by site notice. A number of responses have been received raising the following concerns:

- traffic issues with comings and goings/noise from vehicles accessing the site
- out of building line
- overlooking, overshadowing, loss of privacy
- the site is currently not in residential use
- much taller than a standard bungalow
- a window in the side elevation at first floor level results in a loss of privacy for existing residents.

ASSESSMENT

This application was deferred at a previous meeting of the planning committee to allow members to visit the site before making a decision.

Site and proposal

The application site is land to the rear of 18 West Street, Barnetby. The site is bounded by residential properties fronting West Street and open fields to the north-west. Access to the highway is taken from an existing access to the south of 18 West Street.

Planning permission is sought to erect a dormer bungalow dwelling and detached garage. The footprint would be 10 metres by 14 metres with a single-storey rear sunroom projecting a further 3.7 metres from the rear elevation.

The property would benefit from a lounge, kitchen/diner, utility room, bathroom and bedroom with en-suite to the ground floor. To the first floor would be a second bedroom with en-suite, bathroom and second lounge.

The main issues in the determination of this application are the principle of development, visual amenity, design and heritage, residential amenity and highways.

Principle of development

The application site is within the development limit for Barnetby le Wold as defined by the HELA DPD. The site is considered to be greenfield development. Planning policy aims to steer new residential development towards sustainable locations. Barnetby le Wold is a sustainable settlement. The proposed development is considered to constitute sustainable development and accords with policies CS1, CS2 and CS3, and as such is acceptable in principle.

Visual amenity and design

Paragraphs 124 and 130 of the National Planning Policy Framework express the importance of good design, high quality buildings and improving the character and quality of an area.

Core Strategy policy CS5 (Delivering Quality Design in North Lincolnshire) 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. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. 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 H5 of the local plan relates to new housing development and seeks to ensure that it is within the settlement boundary and that, inter alia, the size and scale is commensurate with the settlement.

Policy H7 of the local plan also relates as the proposed dwelling is located in a backland position. This policy requires that new backland development does not affect the quality and character of the area by unacceptably increasing density, resulting in loss of important natural and man-made features or by resulting in the proliferation of vehicular accesses to the detriment of the street scene.

The plot is situated within the settlement boundary to the rear of the existing residential properties on West Street. The surrounding area is extremely varied in terms of architectural style, plot size, scale of properties and has a non-uniform building line. Although set back from the street scene, the proposed dwelling and garage would be of a traditional design which would sit well within its setting. The development will make use of an existing access point and will have limited impact upon the street scene along West Street.

Having regard to the neighbouring plots of land, it is considered that the plot size would respect the local character of the area and prevailing plot size and would not result in a cramped form of development.

Residential amenity

Given the orientation of the proposed property, which would result in habitable room windows maintaining a suitable separation distance with neighbouring properties’ windows and private amenity spaces, it is not considered that the proposal would result in loss of privacy to neighbouring properties.

Specific concerns have been raised with regard to the ridge height of the proposed dwelling and a window proposed at first floor level in the side elevation, and the potential impact these may have on the neighbouring property to the south. Amended plans have been submitted and a new site notice displayed. The amended plans show the ridge height has been reduced and the window in the side elevation altered to a high-level window to prevent overlooking. It is considered, given these alterations, that there would be no significant loss of privacy, overshadowing or overbearing effect upon the property to the south.

There would be no window at first floor level in the front elevation of the proposed property, and as such the nearest property to the east, 18 West Street, would not be detrimentally affected, particularly given the proposed detached garage and presence of an existing boundary treatment.

As a whole the proposal is not considered to result in a significant loss of light, overshadowing or overbearing impact.

Highways

The proposed development would utilise the existing site access off West Street. This access has historically been used to serve the site, and it is not considered that the proposed residential property would result in a significant increase in comings and goings from the site. The council's highways department have reviewed the proposal and raise no concerns or objection.

Pre-commencement conditions

The recommendation includes some pre-commencement conditions. The agent and applicant have been consulted on these in accordance with the Town and Country Planning (Pre-commencement conditions) Regulations 2018 and agree to the authority imposing such conditions should the application be approved.

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: Amended Elevations dated 25/09/20, Front elevation not showing detached garage dated 25/09/20, Amended block plan dated 24/09/20, all as received by North Lincolnshire Council 28/09/20.

Reason

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

3.

Prior to their first use on the site, samples of the external facing materials to be used shall be submitted to and approved in writing by the local planning authority and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (i) Part 1, Class A (enlargements, improvements or other alterations)
- (ii) Part 1, Class B (additions etc to the roof of a dwellinghouse)
- (iii) Part 1, Class C (other roof alterations), and
- (iv) Part 1, Class E (incidental buildings, enclosures, swimming or other pools).

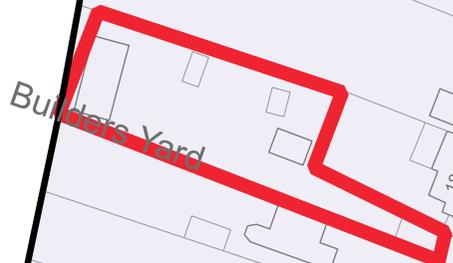
Reason

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.

Barnetby Le Wold



Builders Yard

The Paddocks

El Sub Sta

Church

Track

SMITHY LANE

Track

OLD POST OFFICE LANE

QUEEN'S ROAD

WEST STREET

LB

Pond

21.1m

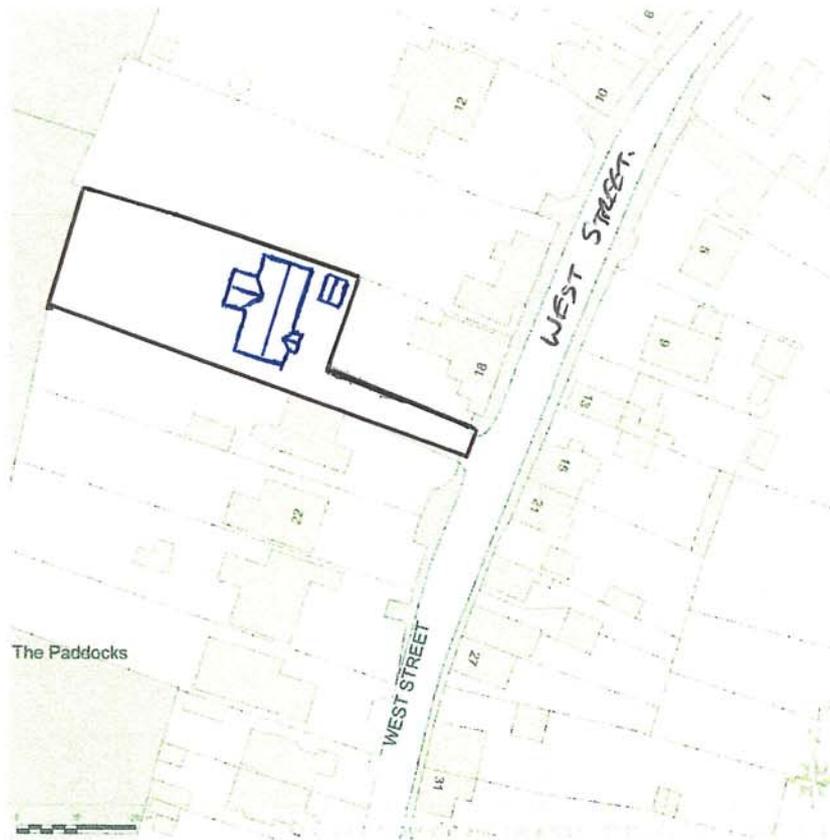
22.9m

25.7m

Development Boundary

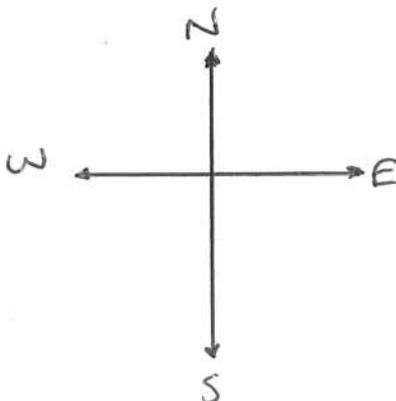
North Lincolnshire Council

NEW BUILD LOCATION PLAN
AREA 2 HA
SCALE 1:1250 on A4
CENTRE COORDINATES: 505780, 409364



Supplied by Streetwise Maps Ltd
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24/09/2020 11:25

The area outlined in Blue is the location line of the New Build, Ja Jo House, West Street, Barnetby, North Lincolnshire, DN386JP

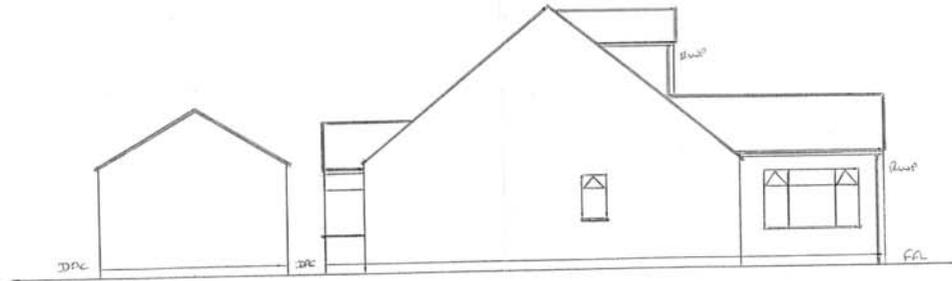


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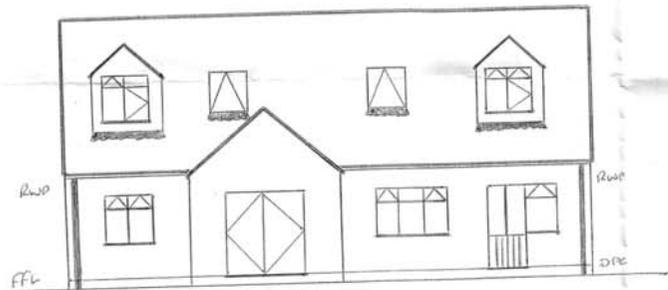
FRONT ELEVATION
WEST



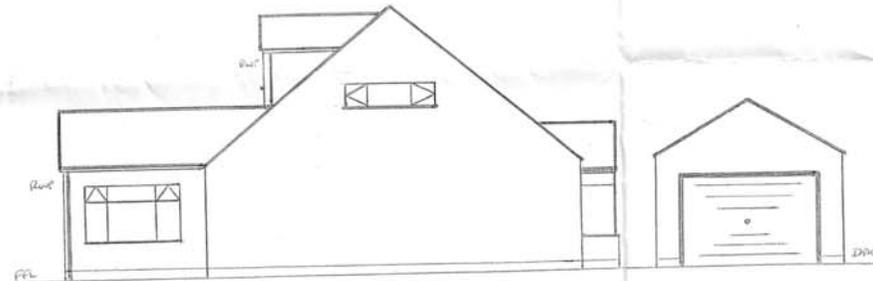
SIDE ELEVATION
SOUTH



REAR ELEVATION
EAST



SIDE ELEVATION
NORTH



RECEIVED
28 SEP 2020

ELEVATION LAYOUTS	
DETACHED DORMA BUNGALOW	
DRAWN BY: A J BUILDINGS	
CUSTOMER: MR + MRS HAMILTON	
JA JO HOUSE, WEST STREET,	
BARNGBY, NL, DN386JP.	
SCALE: 1:100	DATE 25/09/2020
MOBILE: 07708073566	
EMAIL: a.jonny@btinternet.com	

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

MAJOR PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

1. OBJECT

- 1.1 To inform the committee about major planning applications which are ready for determination.

2. BACKGROUND

- 2.1 This committee is required under its terms of reference to exercise the functions of the council as local planning authority for the purposes of the control of development, including the determination of applications for planning permission and other applications under the Town and Country Planning Acts, General Development Orders, and any Orders or Regulations made thereunder, and in accordance with the council's planning policies.
- 2.2 In exercising these functions the committee is required to have regard to the National Planning Policy Framework, the development plan for the area and any other material considerations. It will also take account of the duty imposed by section 17 of the Crime and Disorder Act 1998 and the requirements of the Human Rights Act 1998.

3. INFORMATION

- 3.1 Items for determination are listed in the attached schedule.
- 3.2 References to standard time limit conditions and standard outline conditions mean the conditions automatically applied by sections 91 and 92 of the Town and Country Planning Act 1990.
- 3.3 Reports will be updated at the meeting if necessary to take account of additional relevant information received after publication.
- 3.4 Plans included with reports are for identification and/or illustrative purposes only. Applications and supporting documents can be viewed in full on the planning pages of the council's web site.
- 3.5 Members will visit the sites separately prior to the date of this meeting if deemed necessary by the Chairman of the Planning Committee in consultation with the Group Manager – Development Management and Building Control.

4. RESOURCE IMPLICATIONS

- 4.1 There are no staffing or financial implications arising from this report.
- 4.2 Environmental considerations are of major importance when considering planning applications and are set out in the individual reports.

5. RECOMMENDATION

- 5.1 That the applications be determined in accordance with the recommendations contained in the schedule.

GROUP MANAGER – DEVELOPMENT MANAGEMENT AND BUILDING CONTROL

Church Square House
30–40 High Street
SCUNTHORPE
DN15 6NL

Reference: CB/JMC/Planning committee 16 December 2020.docx
Date: 7 December 2020

Background papers used in the preparation of this report:

1. The applications including accompanying plans and ancillary correspondence.
2. Statutory and non-statutory consultation letters and responses.
3. Responses from parish and town councils.
4. Representations from other bodies or individuals.
5. Relevant planning policy documents.
6. Previous relevant planning decisions.

(Pursuant to section 100D of the Local Government Act 1972 any document containing 'exempt information' is excluded from this list.)

Statement of publication's purpose

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APPLICATION NO	PA/2020/1333
APPLICANT	Mr W Foster-Thornton
DEVELOPMENT	Outline planning permission to erect up to 144 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration
LOCATION	Land off Burringham Road, Ashby Parklands, Scunthorpe
PARISH	Ashby Parkland
WARD	Burringham and Gunness
CASE OFFICER	Kevin Robinson
SUMMARY RECOMMENDATION	Subject to the completion of a section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Josh Walshe – significant public interest) Departure from the development plan – outside development limit
POLICIES	

National Planning Policy Framework: The extract of policy from the NPPF represents some of the key paragraphs for this assessment. Please note, however, that this list is not exhaustive.

Paragraph 11: 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) 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) 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
- (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:
 - (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
 - (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.

Paragraph 12: The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 34: Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

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 56: Planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development, and
- (c) fairly and reasonably related in scale and kind to the development.

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 190: Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

North Lincolnshire Local Plan: DS1, DS7, DS11, RD2, H10, C1, T2, T19, HE9, LC4

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS9, CS17, CS18, CS22, CS26

CONSULTATIONS

Highways: No objections. Recommend conditions in respect of highway works and request a Section 106 contribution towards public transport.

Education: Request a contribution for both primary and secondary school places.

Environment Agency: No objections, but recommend a condition in respect of implementing the Flood Risk Assessment.

Drainage (Lead Local Flood Authority): No objections, but recommend conditions relating to drainage.

Trees and Landscape: Confirm that the submitted arboricultural report is accurate and that the proposal suitably considers the need for root protection areas and locations proposed for development.

Spatial Planning: This proposal for residential development is in the open countryside and contrary to the council's adopted development plans. As the council cannot demonstrate a five-year housing land supply, paragraph 11 of the NPPF applies and the application should consider any adverse impacts of granting permission when assessed against the policies within this framework taken as a whole or specific policies indicate development should be restricted. It must be demonstrated why the development meets the three dimensions of sustainable development.

Humberside Police – Community Safety: No objections, but informatives provided for any subsequent reserved matters proposal.

Environmental Protection: No objections, but recommend conditions relating to land contamination, electric vehicle charging points, hours of construction activity and a construction environmental management plan.

Historic Environment Record: No objections, but recommend a condition requiring an archaeological mitigation programme to identify, sample and record any archaeological interest at the site.

Recycling: No objections.

Natural Environment – Initial concerns regarding biodiversity net gain was raised. Further to discussions the Officer has now requested and agreed to condition and planning obligation to secure ten percent biodiversity nett gain for the proposal.

PARISH COUNCIL

Object on the grounds of the amount of traffic likely to be generated by the proposal, and that, whilst the improvements to the roundabout (application PA/2020/1295) are welcome, they are not considered adequate to manage the increased traffic.

PUBLICITY

The application has been advertised by press and site notice.

Concerns have been raised against the proposal on the following grounds:

- the flood risk of the site
- the land condition
- impact on existing utilities
- highway safety and traffic speed
- impact on residential amenity.

STATEMENT OF COMMUNITY INVOLVEMENT

The application is supported by a report on the community consultation undertaken which advises that the applicants attended an Ashby Parkland Parish Council meeting on 8 January 2019 and held a public consultation event on 9 January 2019. The consultation event has a record of 48 attendees.

ASSESSMENT

Outline planning permission is sought for a residential development of up to 144 dwellings with means of access to be considered (all other matters are reserved for subsequent consideration). The application site falls outside the existing development boundary for Scunthorpe and Bottesford.

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary

of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

Policy CS1 of the Core Strategy sets out the overarching spatial strategy for North Lincolnshire, which, amongst other matters, provides that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located outside the designated development limit for Scunthorpe and Bottesford.

Local plan saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains part of the development plan, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the HELAP. The application site is entirely outside the defined development boundary for Scunthorpe and is therefore in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the North Lincolnshire Local Plan.

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.

A recent Supreme Court judgement (Suffolk Coastal DC v Hopkins Homes Ltd [2017] UKSC 37) provides clarity on the policies which are considered 'relevant policies' for the supply of housing. These do not include general restrictive policies such as those restricting development in the open countryside. As such, policies RD2 and CS3 are considered up-to-date. However, the weight to be afforded to them needs to be balanced against the need to deliver new housing and the broader merits of the scheme when viewed in the context of sustainable development.

The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2016 to 31 March 2021, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a 3.9 year housing land supply of deliverable sites during the period April 2016 to March 2021.

This statement confirms that North Lincolnshire Council does not currently have a five-year supply of deliverable housing sites. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five-year supply of housing in accordance with paragraph 11 (footnote 7) of the NPPF and they are, therefore, failing to meet short-term housing needs. As such it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly, the operation of paragraph 11 of NPPF triggers a tilted balance whereby there is a presumption in favour of sustainable development and development proposals should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits (paragraph 11, b, ii).

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental.

The proposal would provide an abundance of economic benefits which are demonstrated within the scheme and the wider submission. These include benefits to the local economy during the construction phase and, upon occupation of the large residential development, support to existing services and amenities in Scunthorpe, the preferred place for development. In terms of social sustainability, the capture of affordable housing, as well as the creation of public open spaces and the off-site contributions towards local leisure facilities, would make this scheme sustainable from a social perspective. Furthermore, the applicant has also agreed to the full contributions towards education, which would ensure that the output of the development is fully mitigated within this area. A further benefit in this regard would be the provision of a woodland walkway for the neighbouring Lindsey Lodge Hospice.

Environmentally there would be some impact upon the wider open countryside. The applicant has the opportunity to mitigate this somewhat at the design stage, and by capturing a net gain for biodiversity and appropriate planting. A further offset is that the scheme would also include SuDs techniques that would improve the environmental sustainability of the scheme.

The planning gain achieved through this proposed development would make the scheme acceptable. The proposal for residential development in this location is considered, on balance, to represent a sustainable form of development in accordance with paragraph 11 of the NPPF.

In determining the sustainability of the proposed development, an assessment is required, not only on principle, but also on the technical elements of the proposal as to whether any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal.

Planning obligations

Policy CS27 is concerned with planning obligations and states that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will secure the necessary infrastructure through the negotiation of planning

obligations pursuant to Section 106 of the Town & Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005.

The tests for planning obligations are set out in Part 11, Section 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It states:

- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

The legal test is also set out in planning policy under paragraph 56 of the National Planning Policy Framework 2018.

Affordable housing

Policy CS9 is concerned with affordable housing and requires schemes for new residential housing in Scunthorpe Urban and Market Towns to contribute 20% of the scheme for affordable tenure. Ideally 70% of affordable housing supplied should be 70% for rent and, where possible, the housing should be provided on site, but an off-site contribution may be acceptable.

The applicant has agreed to provide 20% of affordable housing on site; this complies with the policy.

Public open space

Policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states that '(i)...New housing developments on allocated and windfall sites of 0.5 hectares or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents.' This is reinforced by policy CS22 of the North Lincolnshire Core Strategy; both are considered relevant.

The applicant has agreed to 10 square metres per dwelling, to be maintained by an estate management company, and the proposal therefore complies with policy in this regard.

Education

Policy C1 states that where major new housing proposals would result in an increased demand for education facilities, which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, to secure the provision of, or contribution towards, new or extended facilities.

A contribution of £8,508 per dwelling towards primary and secondary school places has been agreed.

Highways

Highways officers have confirmed the off-site works required to improve the highway network to the necessary standard for the proposed development. A contribution of £29,808 has been agreed for improvements to the Burringham Road/Scotter Road roundabout.

A contribution for £3,456 to provide two weekly bus tickets per dwelling has also been agreed.

Biodiversity

The Ecology Officer initially raised concerns in relation to the loss of grassland habitat at the site. Following discussions it has now been agreed that subject to the inclusion of an obligation to require the provision of a scheme of habitat creation on site and the provision of offsite habitat creation to amount to a ten percent increase that there are no objections on biodiversity grounds.

Obligations summary

Subject to the signing of a Section 106 agreement to secure the above, the proposal would align with policies CS9 and CS22 of the North Lincolnshire Core Strategy, policies C1 and H10 of the North Lincolnshire Local Plan, and paragraph 56 of the NPPF.

Flooding and drainage

Policy CS19 of the Core Strategy is concerned with flood risk. It 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 development.

The site is located within Flood Zone 2/3a within the North Lincolnshire SFRA 2011 (though just outside this area in the Environment Agency Mapping system). The applicant is therefore required to submit a flood risk assessment as well as sequential and exceptions tests given the move to a more vulnerable flood risk classification (see also paragraphs 100, 101 and 102 of the NPPF).

Sequential test

The applicant has submitted a robust sequential test after agreeing the geographical area of search prior to submission. The sequential test puts forward a methodology as to why certain sites have been screened out. The pool of sites has been taken from within the Scunthorpe and Bottesford Urban Area, sites identified within the SHELAA 2019, HELADPD and the Brownfield Land Register. Sites have been rejected on the basis of being too small or far greater in area compared to the proposal of up to 144 dwellings/5.24 hectares in area. In addition, those sites of similar size are found either to not be available

and/or are located within flood zone 2/3a. It is therefore considered that the applicant has suitably identified available sites within the search area and that none would be considered to be sequentially preferable to that proposed. Given this, it is considered that the sequential test is passed.

Exceptions test

NPPF paragraph 160 states:

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 reducing flood risk overall.

The applicant has listed a number of sustainable benefits that the scheme would bring about, including (but not limited to) market and affordable housing, proximity to employment areas, services and amenities, provision of open space, biodiversity enhancement and SuDs. It is considered that the scheme would provide wider sustainability benefits and part 'A' of the exceptions test is considered 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 Environment Agency and LLFA have responded to the consultation exercise and have no objections to the scheme subject to the imposition of conditions. It is considered that this mitigation would make the development 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 passed. Conditions from consultees relate to control over both surface water and foul sewage disposal; the conditions are considered to pass 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.

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 seeks to erect up to 144 dwellings with means of access to be considered at this stage. The council's Highways and Transport teams have been consulted. The applicant has submitted proposed drawings showing access onto Burringham Road, as well as transport assessment reports and a travel plan. Highways have no objections subject to

the imposition of conditions to mitigate highway safety, both during and after construction. Further conditions relate to the submission and monitoring of a travel plan.

Public transport is also to be promoted for the occupants of the proposed dwellings through the inclusion within the S106 agreement for two weekly bus tickets per dwelling.

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

Archaeology

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

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

The applicant has submitted an archaeological desk-based assessment, geophysical survey and deposit modelling. The consultation response advises that any approval should be subject to an appropriately worded condition to require further investigation and recording. Such a condition is considered necessary and reasonable, and should be attached to any permission granted. 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.

Ecology

Policy CS17 of the Core Strategy and paragraph 170 of the NPPF relate to biodiversity. Paragraph 118 of the NPPF states, in part, that a net gain for biodiversity should be achieved. Policies LC3, LC4 and LC5 of the North Lincolnshire Local Plan are also relevant.

The application is supported by a preliminary ecological appraisal: no significant habitats or protected species are identified at the site. The supporting appraisal advises that, once a layout is identified at reserved matters stage, a scheme for the improvement of biodiversity can be provided. In addition, suitable landscaping will be controlled at the reserved matters stage. Discussions with the Ecological Officer have established that through the provision of a legal obligation that the development of the site can secure a ten percent nett increase in biodiversity habitat through a mixture of on-site and offsite enhancement/ provision.

The proposal is therefore in accordance with policies CS17 of the Core Strategy; LC3, LC4 and LC5 of the North Lincolnshire Local Plan; and paragraph 170 of the NPPF.

Environmental issues

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises

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

The council's Environmental Health department has assessed the planning application and has stated that there is a requirement for a construction environmental management plan in order to mitigate neighbouring amenity during construction. The advised condition requires the developer to submit information relating to lighting, and the control of dust and noise. Furthermore, an additional condition that would manage construction working hours is considered necessary to mitigate unacceptable impacts upon neighbouring amenity.

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

Air quality/sustainable resource

Policy CS18 is concerned with sustainable resource use and climate change. Its purpose is to promote development that utilises natural resources as efficiently and sustainably as possible. Two points of this policy are relevant:

- (10) Ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water.
- (12) Supporting new technology and development for carbon capture and the best available clean and efficient energy technology, particularly in relation to the heavy industrial users in North Lincolnshire, to help reduce CO₂ emissions.

The council's Environmental Health department has made an assessment of the proposal and has proposed a condition that, prior to development, a scheme for electric charging points should be submitted to and agreed in writing with the local planning authority. The request is considered to be in accordance with the above policy requirements and will be attached to any permission; this is to mitigate the impact upon air quality generated by the development.

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 submitted sufficient information for the Environmental Health Officer (EHO) to conclude that clarification on the existing work, and further assessment and identification of necessary mitigation measures are needed with regard to potential land contamination. The conditions will be attached to any permission granted and are considered to pass the tests for conditionality. Given the aforementioned mitigation, the proposed development is considered to accord with policy DS7 of the North Lincolnshire Local Plan.

Indicative plans

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 of the local plan seeks to protect the open countryside and is also relevant.

The applicant has shown on an indicative plan that a scheme for up to 144 dwellings is achievable. However, there are constraints, such as the archaeological interest, the provision of surface water drainage and on-site open space, which should be 'designed in' at the reserved matters stage. The proposal of 'up to' allows flexibility for constraints to be fully mitigated during the design process.

A number of neighbour letters raise queries over the location of dwellings, house type and size in relation to residential amenity. These are details which would be addressed at reserved matters stage. However, there is nothing within the proposal as made which would indicate that a suitable scheme cannot be achieved.

It is considered that a scheme could be achieved that would retain the sense of place of this part of Scunthorpe, whilst also not giving rise to any unacceptable impingement upon future and existing amenity rights.

Heads of terms

Affordable housing

Number of dwellings or commuted sum	20% of the development
Trigger point	5 dwellings on occupation of the 20 th dwelling 5 dwellings on occupation of the 40 th dwelling 5 dwellings on occupation of the 60 th dwelling 5 dwelling on occupation of the 80 th dwelling 9 dwellings on occupation of the 100 th dwelling
How many years do the council require to spend the contribution?	Affordable units to be retained in perpetuity

Education

Contribution amount	£8,508 per dwelling towards primary and secondary £978,420 total if all 144 dwellings are built; this excludes affordable houses
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Trigger point	30% on occupation of the 1 st dwelling 30% on occupation of the 30 th dwelling 40% on occupation of the 80 th dwelling
How many years do the council require to spend the contribution?	5 years

Open Space

On-site informal open space	10 square metres per dwelling, to be maintained by an estate management company
On-site formal open space	To provide a LEAP and LAP on site which will be maintained by an estate management company
Trigger point	Estate management company to be set up prior to occupation of the 1 st dwelling On-site open space, LEAP and LAP on occupation of the 80 th dwelling

Leisure

Off-site contribution	£116,754 total £9,273 Scunthorpe indoor bowls centre improvements – contribution to the cost of a replacement rink carpet £51,922 towards sports hall and fitness equipment at The Pods Leisure Centre £55,559 towards swimming pool improvements and equipment at The Pods Leisure Centre
Trigger point	50% on occupation of the 60 th dwelling 50% on occupation of the 90 th dwelling
How many years do the council require to spend the contribution?	5 years

Highways

Contribution amount	£29,808 for improvements to the Burringham Road/Scotter Road roundabout
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Trigger point	On occupation of the 80 th dwelling
How many years do the council require to spend the contribution?	5 years

Public transport

Contribution amount	£3,456 to provide two weekly bus tickets per dwelling
Trigger point	On occupation of the 1 st dwelling
How many years do the council require to spend the contribution?	5 years

Other considerations

Queries over the existing utilities infrastructure are raised within the neighbour comments received.

Pre-commencement conditions

The pre-commencement conditions included within the recommendation have been agreed with the applicant.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for the contributions set out in the above Heads of terms, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Group Manager – Development Management and Building Control upon completion of the obligation;**
- (iii) if the obligation is not completed by 16 June 2021, the Group Manager – Development Management and Building Control be authorised to refuse the application on grounds of inadequate provision of essential community benefits, and highway and public transport improvements; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

No above-ground works shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of the vehicle parking space(s) within the curtilage of the site;

have been submitted to and approved in writing by the local planning authority.

Reason

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

7.

Within three months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interest of highways safety and to accord with policy T1.

8.

No development shall take place until details showing the provision of a footway across the whole of the site frontage have been submitted to and approved in writing by the local planning authority.

Reason

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

9.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

10.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

11.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

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

12.

No dwelling served by the private driveway shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

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

13.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
- (ii) the number and location of vehicle parking space(s) on the site;

have been submitted to and approved in writing by the local planning authority.

Reason

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

14.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

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

15.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established. Once established the required visibility splays shall be at all times be maintained.

Reason

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

16.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

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

17.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

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

18.

The final travel plan shall be submitted to and approved in writing by the local planning authority within six months of the proposed development being brought into use and all conditions and requirements of the plan, once approved, shall be implemented and retained at all times.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

19.

The travel plan, once approved and in place, shall be subject to monitoring on an annual basis for a period of three years from the approval date. The monitoring report on the impact of the travel plan shall be submitted to the local planning authority on the first of January each year following the grant of planning permission. All amendments to the approved travel plan identified as a result of the monitoring process shall be implemented and retained.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

20.

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.

21.

Prior to the occupation of the 75th dwelling, the off-site highway works shall be completed in accordance with drawing LBR-BWB-GEN-XX-DR-TR_104 S2 P2.

Reason

In the interest of highways safety and to secure the necessary works off site, in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

22.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document, which is available to view online. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

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 maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

23.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraph 163 of the National Planning Policy Framework.

24.

The details submitted in pursuance of the outline permission shall be accompanied or preceded by the submission to the local planning authority of an archaeological strategy for mitigation set out in a written scheme of investigation (WSI), to be approved in writing by the local planning authority prior to the commencement of development. The strategy shall accord with a brief provided by North Lincolnshire Historic Environment Record and shall include details of the following:

- (i) measures to ensure the preservation by record of archaeological features of identified importance
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) measures to ensure the preservation by record of identified geo-archaeological sequences, including sampling, scientific dating and palaeo-environmental analysis
- (iv) post-fieldwork methodologies for assessment and analyses
- (v) report content and arrangements for dissemination, and publication proposals
- (vi) archive preparation and deposition with recognised repositories, including the ADS
- (vii) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the WSI
- (viii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (ix) a list of all staff involved in the implementation of the WSI including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because development would otherwise harm, destroy, or render inaccessible to future investigation, archaeologically significant remains, including geo-archaeological sequences; the archaeological and geo-archaeological mitigation strategy will ensure that any remains are appropriately recorded and a permanent archive created to further public understanding of the archaeological interest of the site.

25.

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

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because development would otherwise harm, destroy, or render inaccessible to future investigation, archaeologically significant remains, including geo-archaeological sequences; the archaeological and geo-archaeological mitigation strategy will ensure that any remains are appropriately recorded and a permanent archive created to further public understanding of the archaeological interest of the site.

26.

The development shall not be fully occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the written scheme of investigation approved under condition 25 above, provision made for analysis, publication and dissemination of results, and archive deposition has been secured.

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 development would otherwise harm, destroy, or render inaccessible to future investigation, archaeologically significant remains including geo-archaeological sequences; the archaeological and geo-archaeological mitigation strategy will ensure that any remains are appropriately recorded and a permanent archive created to further public understanding of the archaeological interest of the site.

27.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record and North Lincolnshire Museum Service within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because development would otherwise harm, destroy, or render inaccessible to future investigation, archaeologically significant remains including geo-archaeological sequences; the archaeological and geo-archaeological mitigation strategy will ensure that any remains are appropriately recorded and a permanent archive created to further public understanding of the archaeological interest of the site.

28.

The development shall be carried out in accordance with the submitted flood risk assessment (EWE Associates Ltd, Final Report Rev A, March 2019) and the following mitigation measures it details:

- finished ground floor levels to be set no lower than 4.2 metres above Ordnance Datum (AOD)
- finished first floor levels to be set no lower than 5.4 metres AOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with policies CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

29.

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, 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 the site is safe for future users and construction workers in accordance with Policy DS1 of the North Lincolnshire Local Plan.

30.

A scheme for the provision of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management Land Use Planning and Development Control (<http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>) and contemporaneous electrical standards, including:

- Electrical Requirements of BS7671:2008;
- IET Code of Practice on Electrical Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7.

The approved scheme shall be installed in full and retained in perpetuity thereafter.

Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with the National Planning Policy Framework.

31.

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

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

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

32.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

Noise and vibration – the CEMP shall set out the particulars of:

- (i) the works, and the method by which they are to be carried out;
- (ii) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including and noise limits; and
- (iii) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light – the CEMP shall set out the particulars of:

- (i) specified locations for contractors' compounds and materials storage areas;
- (ii) areas where lighting will be required for health and safety purposes;
- (iii) the location of potential temporary floodlights;
- (iv) the identification of sensitive receptors likely to be impacted upon by light nuisance;

- (v) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust – the CEMP shall set out the particulars of:

- (i) site dust monitoring, recording and complaint investigation procedures;
- (ii) identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (iii) provision of water to the site;
- (iv) dust mitigation techniques at all stages of development;
- (v) prevention of dust trackout;
- (vi) communication with residents and other receptors;
- (vii) a commitment to cease the relevant operation if dust emissions are identified, either by regular site monitoring or by the local authority;
- (viii) a 'no burning of waste' policy.

Reason

In the interest of neighbouring amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

33.

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) an assessment of biodiversity loss based on the habitat and hedgerow baseline from the Ecological Appraisal Report reference 1148 Revision 01;
- (b) details of measures required to provide at least 10% biodiversity net gain in accordance with the Defra biodiversity metric 2.0;
- (c) details of sensitive working practices to avoid harm to bats, hedgehogs, badgers and nesting birds.
- (d) details of bat boxes and bat bricks to be installed on at least 15% of houses, targeted close to retained woodland and open water;
- (f) details of nesting sites to be installed to support a variety of other species, including starling, house martin, house sparrow and tree sparrow;
- (g) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;

- (h) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (i) prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- (j) details of wetland habitat to be created and managed as part of sustainable drainage;
- (k) prescriptions for the creation and management of at least one hectare of flower-rich open mosaic habitat, comprising mostly acid grassland and neutral grassland;
- (l) details of how habitats on site will connect with semi-natural habitats to the north and south;
- (m) appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
- (n) procedures for monitoring and ongoing management of created habitats;
- (o) measures to avoid light, noise and water pollution, fly-tipping and other factors that would harm habitats and species;
- (p) prescriptions for the provision of a wildlife gardening leaflet for each new resident;
- (q) 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 the submitted Location Plan. Those that cannot viably be delivered on site should be delivered locally, according to a local plan or strategy.

Reason

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

34.

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 50th and 100th dwellings 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 Core Strategy.

Informative 1

This application must be read in conjunction with the relevant Section 106 Agreement.

Informative 2

- (a) Our records indicate that the proposed development site is bounded by an IDB maintained watercourse on the northern boundary. Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team on 01724 297522, prior to any further construction works being carried out.

Please refer to the Environment Agency's 'Living on the edge – Riverside ownership rights and responsibilities' document which can be found online for further information. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

- (b) Alterations and/or connections into this watercourse must be consented by the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team on 01724 297522 or via email for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.
- (c) A highway drain exists on the existing footway on Burringham Road. The proposals show a new access to be provided over this feature. This must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, through an Ordinary Watercourse Consent. Please contact the LLFA Drainage team on 01724 297522 or via email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.
- (d) Geological records indicate the site to be underlain by sand and gravels. Investigation is required to determine groundwater levels within these deposits. We have some concerns on the current proposed design and its interaction with potential groundwater levels. Further investigation needs to be carried out at detailed design stage.
- (e) The area lies within the Lincolnshire Lakes Area Action Plan. There should be a clear consideration on how this development may or may not impact on the overall Lincolnshire Lakes overarching drainage strategy, including the adjacent proposed development PA/2020/1295, which provides highway improvements on Burringham Road as part of the Lincolnshire Lakes scheme.
- (f) There needs to be a clear indication from the Internal Drainage Board (IDB) that the proposed site layout maintains adequate access arrangements for maintenance of the IDB maintained watercourse on the northern boundary and the lagoon to the east of the site (significant drainage features).

Informative 3

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 4

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



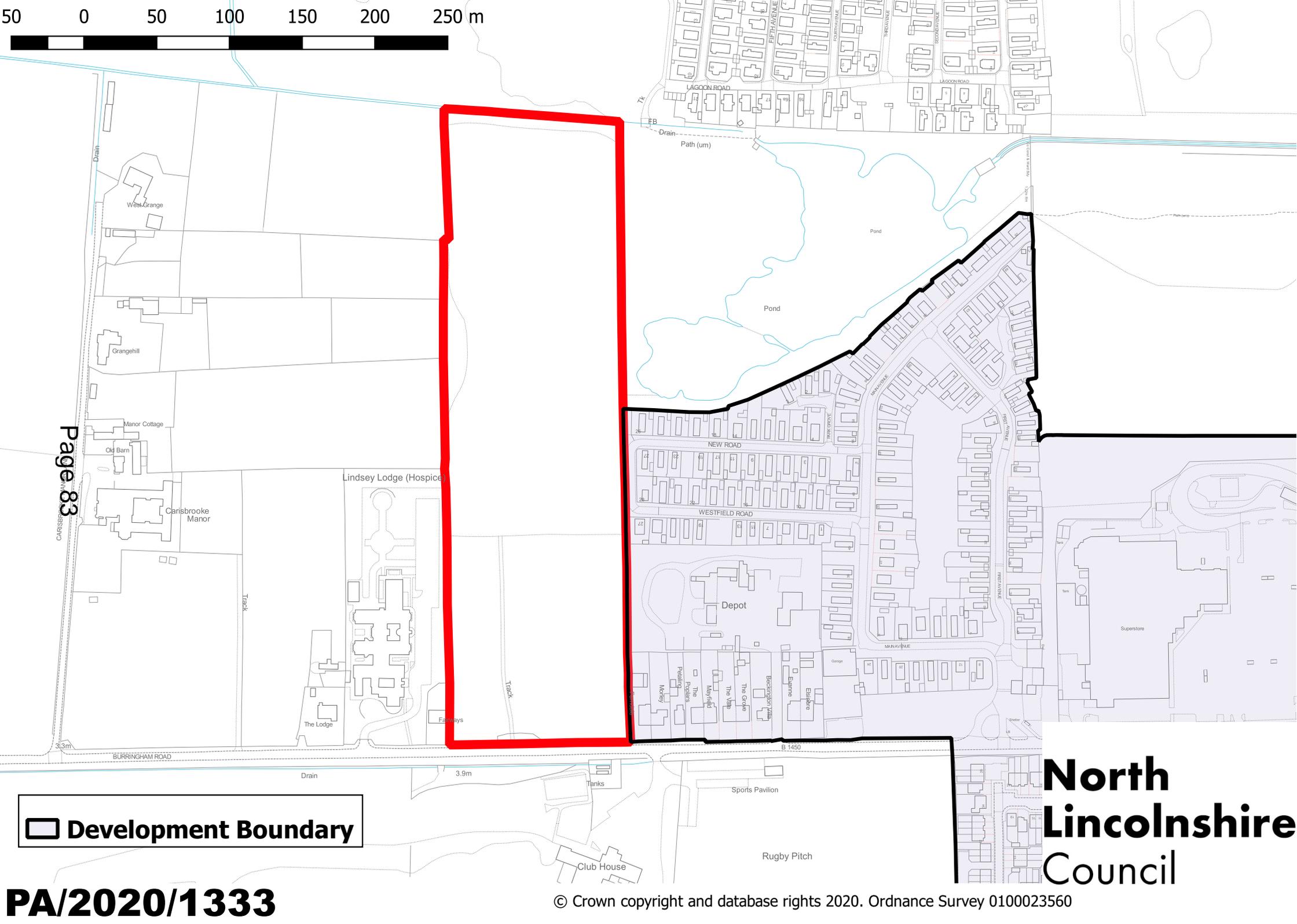
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 **Development Boundary**

PA/2020/1333

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**North
Lincolnshire
Council**



PA/2020/1333 Indicative layout (not to scale)

INDICATIVE SITE LAYOUT 1:500 @ A0
LAND NORTH OF BURRINGHAM ROAD, SCUNTHORPE

AUGUST 2020



Key

-  Existing Trees
-  Proposed Shared Green Areas
-  Proposed Swale
-  Proposed Houses
-  Proposed Green Area for Lindsey Lodge
-  LEAP (800 sq. metres)
-  Woodland Walk
-  1.8m High Close-Boarded Timber Fence



APPLICATION NO	PA/2019/1904
APPLICANT	Mr T Webster, WFW Developments Ltd
DEVELOPMENT	Planning permission to erect 28 affordable dwellings with associated access and other works
LOCATION	Old Railway Sidings, A18 from Althorpe to Gunness, Althorpe, DN17 3HN
PARISH	Keadby with Althorpe
WARD	Axholme North
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Subject to a Section 106 agreement, grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Objection by Keadby with Althorpe Parish Council

POLICIES

National Planning Policy Framework:

Paragraph 12: The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 34: Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

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 56: Planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Paragraph 57: Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

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

North Lincolnshire Local Plan: DS1, DS7, DS11, RD2, H10, T2, T19, HE9, LC5, H5

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS9, CS17, CS18, CS19, CS22, CS26

CONSULTATIONS

Highways: No objections subject to conditions.

Network Rail: No objections subject to conditions to mitigate impacts upon their infrastructure as well as the amenity of future residents.

Environment Agency: Removed objection following amended FRA.

Drainage (Lead Local Flood Authority): The LLFA maintains an objection which echoed that initially raised by the IDB (though the IDB have since removed their objection). A further concern relates to Network Rail apparatus (though they have not objected). Concerns do exist surrounding the drainage strategy; however, an inspector has considered already that the site would be able to achieve one.

Environmental Protection: No objections subject to conditions relating to noise, air quality, land contamination and those that seek to mitigate the construction phase.

Historic Environment Record: No objections.

Ecology: The application site is a mosaic of habitats of near-Local Wildlife Site quality, with potential for protected and priority species.

S106 Officer: Only recreation contributions are required.

Humberside Police (Designing Out Crime): No objections.

Isle of Axholme and North Nottinghamshire Water Level Management Board: No objections.

Spatial Planning: As the proposal is for 100% affordable housing, a local need must be clearly identified. All proposals must be substantiated by evidence that the scale of development proposed meets the identified needs.

The ground levels set are below the required critical flood level of 4.1 metres above Ordnance Datum and must be agreed with the Environment Agency to ensure safe development if planning permission were to be allowed.

PARISH COUNCIL

Objects to the proposal for the following reasons:

At this time Keadby has severe problems with the disposal of sewage and surface water yet the application proposes that foul sewage is connected to an already overloaded network. There would need to be an independent network not connected to the existing network. It is also noted that there are no accompanying documents with comments on sewage and surface water from Severn Trent.

The proposed site access requires a filter lane, for safety reasons. There should be an on-site play area for the children who would live in the new dwellings as it is not reasonable to expect them to travel safely, on foot, to either the Keadby or Althorpe Play Areas.

It should be noted that these comments are based on the submission that the development was initially for 30 market dwellings; the proposal has ultimately ended up being for 28 affordable. Nevertheless, the comments are still material to the planning consideration.

PUBLICITY

The application has been advertised by means of site notice in accordance with article 15 of the Development Management Procedure Order 2015 (as amended).

No comments have been received.

STATEMENT OF COMMUNITY INVOLVEMENT

No evidence of community involvement has been submitted.

ASSESSMENT

Relevant planning history

PA/2015/1173: Outline planning permission for new dwellings and access road with some matters reserved (resubmission of PA/2015/0657) – refused 10/11/2015.

PA/2016/1315: Outline planning permission for a residential development of up to 14 dwellings, including means of access – refused 18/01/2017.

PA/2017/464: Outline planning permission for up to 14 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration (resubmission of PA/2016/1315) – appeal allowed 14/05/2018.

Site characteristics

This site is located on the southern edge of Keadby, to the west of the A18 and adjacent to Althorpe train station. It is bounded to the north by the railway line, to the east by the A18 and to the south and west by agricultural land. The site is transitional in character with more in common to a cleared brownfield site that would have featured as part of the sidings and in conjunction with the commercial premises opposite, rather than being akin to adjacent agricultural land. More recently an inspector allowed an appeal on the western part of the site for 14 dwellings (PA/2017/464) considering the proposal to represent sustainable development. Members should note that this permission is still extant.

The site has a history of commercial permissions prior to that, following an earlier allocation for employment use in the North Lincolnshire Local Plan (2003). Planning permission was granted for container storage and access in 2014 (PA/2014/0755) and previously for the erection of 14 industrial units on the site (PA/2007/2066), which was later extended in 2011 (PA/2011/0421).

The site is bisected from the settlement of Keadby by the railway line and is within the open countryside. However, it is within easy walking distance of Althorpe train station and services within Keadby itself, with a footpath link. The village of Althorpe is also accessible.

Proposal

Planning permission is sought to erect 28 affordable dwellings for sale or rent with a mix of 13 three-bedroom dwellings and 15 two-bedroom dwellings.

The key principal consideration is whether or not the proposal aligns with policy CS9 of the adopted Core Strategy. There is also a requirement to offer material weight to the existing permission for 14 dwellings on the site that was allowed at appeal.

Principle of development

Policy CS9 of the North Lincolnshire Core Strategy is concerned with affordable housing. The policy is split into two parts: firstly, it relates to the percentage of affordable units that should be provided as part of any market dwelling led schemes; and secondly, it sets out provisions for fully affordable schemes known as 'rural exception sites'. The policy states in relation to the latter:

'Planning permission will be granted for the release of small rural exception sites within or adjacent to the development limits or within rural settlements for 100% affordable housing where a local need has been clearly identified. All proposals must be substantiated by evidence that the scale of development proposed meets the identified needs.'

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy is also in two parts, the first part setting out in principle what types of developments are acceptable. In this instance paragraph 'iii' is relevant; it states '...affordable housing to meet a proven local need' is considered as an acceptable form of development. The latter part of policy RD2 seeks to mitigate those development types that are considered acceptable by setting out the following criteria:

- (a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries
- (b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan
- (c) 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
- (d) the development would not be detrimental to residential amenity or highway safety
- (e) account is taken of whether the site is capable of being served by public transport
- (f) the development is sited to make the best use of existing and new landscaping.

The application does not explore alternative sites; however, there is an extant permission on the western side of the proposal site to erect 14 market dwellings. The site has therefore been considered sustainable for the purposes of residential development already by the Planning Inspectorate. The applicant has submitted a robust application with a full suite of documents that make up the design solution. An ecology report, which outlines mitigation, has been submitted, as well as a contextual analysis within the design and access statement that explains how points B–F of policy RD2 are complied with. Importantly, included with this application is a housing needs survey. It should be noted that there is no objection from the council's housing team.

Paragraph 77 of the NPPF is concerned with rural housing and states, 'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.'

North Lincolnshire Council cannot at present demonstrate a five-year land supply for the delivery of housing. There is a clear shortfall within the area of housing of all types. The proposal is for 28 affordable dwellings. The applicant has submitted a housing needs assessment (2Cities, 2020). The statement explains how the tenure type and mix has been driven by the council's Housing Strategy and is based on housing-related policy within the NPPF. The council's housing team have not challenged nor objected to the needs assessment provided by the applicant.

The submission has therefore sufficiently evidenced the need for affordable housing in the area and the requirement for the specific tenure split that has been proposed through both the council's Housing Strategy and national planning policy. It is considered to align with policies CS9 of the North Lincolnshire Core Strategy and RD2 of the North Lincolnshire Local Plan, as well as paragraph 77 of the NPPF, and is considered acceptable in principle. Lastly, it is also of note that this application would weigh heavily in terms of social sustainability in comparison to the extant permission on the site that allows for 14 market dwellings.

Planning obligations

Policy CS27 of the Core Strategy is concerned with planning obligations and states that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town & Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005, seek to ensure that the development proposal (achieves the following):

1. meets the reasonable cost of new infrastructure and improvements to existing infrastructure made necessary by the proposal in order to support, for example, affordable housing, maintenance payments, highway infrastructure, nature conservation, transport initiatives, utilities, education, community facilities, health, leisure and recreation provision, public art and waste management; and/or
2. mitigates the impact(s) of the development; and/or
3. offsets the loss of any significant amenity or resource through compensatory provision elsewhere; and/or
4. provides for the ongoing maintenance of facilities provided as a result of the development.

The tests for planning obligations are set out in Part 11, section 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It states:

- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

The legal test is also set out in planning policy under paragraph 56 of the National Planning Policy Framework 2018.

Affordable housing

The proposal is for a rural exception site and complies with policy CS9 of the Core Strategy as well as paragraph 77 of the NPPF. This element of the proposal will be secured and reaffirmed through the Section 106 process.

Public open space

Policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states, '(i)...New housing developments on allocated and windfall sites of 0.5 hectares or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents.' This is reinforced by policy CS22 of the North Lincolnshire Core Strategy; both are considered relevant.

The applicant has agreed to provide £33,668.00 as an off-site contribution whilst also providing 10 square metres on-site informal space per dwelling (280 square metres in total), and a further £11,415.20 for North Lincolnshire Council to maintain this land or an estate management company. This will be secured through a Section 106 agreement.

Education

Policy C1 of the local plan states that where major new housing proposals would result in an increased demand for education facilities which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, in order to secure the provision of, or contribution towards, new or extended facilities.

No contribution is required towards education as the proposed scheme is 100% affordable.

Obligations summary

The proposed on and off-site contributions are considered to be CIL compliant as well as policy compliant. The proposal would therefore align with policies CS9 and CS22 of the North Lincolnshire Core Strategy, as well as policies C1 and H10 of the North Lincolnshire Local Plan and paragraph 56 of the NPPF.

Flooding and drainage

Policy CS19 of the Core Strategy is concerned with flood risk. It 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 sequential and exceptions tests given the move to a more vulnerable flood risk classification (see also paragraphs 100, 101 and 102 of the NPPF).

Sequential test

The applicant has submitted a robust sequential test and strong justification of the geographical area of search. The sequential test puts forward a methodology as to why certain sites have been screened out. The pool of sites has been taken from the SHLAA 2014 Review, previous planning applications and allocations within the HELA DPD, of which there are none in Keadby. Sites have been rejected on the basis of being spatially incompatible, and/or located within flood zone 2/3a. The only reasonable alternative has already been built out. Furthermore, this site has previously passed a sequential test for 14 dwellings, which is material. It is therefore considered that the sequential test is passed.

Exceptions test

NPPF paragraph 160 states:

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.

There are a number of sustainable benefits that the scheme would bring about, including (but not limited to) affordable housing, energy efficient homes, proximity to employment areas, sustainable transport links, provision of open space, biodiversity enhancement and SuDs. It is considered that the scheme would provide wider sustainability benefits and part 'A' of the exceptions test is considered passed.

The applicant has submitted a flood risk assessment and outline drainage strategy. The IDB, Environment Agency, LLFA and Severn Trent Water have all been consulted. The IDB have removed early objections as there were dwellings located within a 9 metre strip of the watercourse; these dwellings have now been removed, reducing the overall number to 28. The IDB have stated, notwithstanding any permission gained, that no development can occur within this strip, including planting. A condition is recommended in relation to surface water; however, it is suggested that 'the suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted.' The LLFA have maintained an objection to the proposal stating that a 9 metre easement should be agreed with the IDB (these comments came after the IDB removed their objection) and that Network Rail agree the layout with respect to the access. Network Rail have no objections. It is a material consideration that the site has an extant permission and the planning inspector considered that conditions relating to surface water provided sufficient mitigation, despite the LLFA's comments. It would be unreasonable, in planning terms, not to agree with the inspector's assessment despite an overall increase in 14 dwellings.

At the time of writing, the Environment Agency have stated that the updated flood risk assessment (FRA) showing finished floor levels would be sufficient to overcome their objection. However, a detailed response has not yet been received, though one is anticipated. That said, the inspector attached a condition to the extant permission that finished floor levels shall be set no lower than 5.24 metres above Ordnance Datum (AOD) (this covers the western parcel of the site). The applicant's updated FRA states that a finished floor level of 5.39 metres AOD will be imposed on the east side of the site (due to

topography and increased vulnerability to flooding), whilst a finished floor level of 5.24 metres AOD will be imposed on the west (which includes plots 1-11 inclusive), and will be imposed as part of any condition.

The proposed development will require a new connection to the Severn Trent Water sewer network where available, which would be subject to agreement with STW via a Section 106 (Water Industry Act 1991) application.

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.

Ecology

Policy CS17 of the North Lincolnshire Core Strategy is concerned with protecting and promoting wildlife habitat networks, Policy LC5 is concerned with protected species. Paragraph 175 of the NPPF sets out biodiversity management principles; both are considered relevant.

The applicant has provided a preliminary ecological report by Ramm Sanderson. Subsequently, and through dialogue with the applicant, the council's ecologist has been consulted and has stated, '...The application site is a mosaic of habitats of near-Local Wildlife Site quality, with potential for protected and priority species.' In relation to protected species, the ecologist states that there is potential for breeding birds, reptiles and hedgehogs, foraging bats and invertebrates.

It is noted that the site contains Japanese knotweed and careful mitigation is outlined in the applicant's report. In relation to existing biodiversity, it introduces proposals for mitigation and biodiversity enhancement, which is welcomed. On consideration, the ecologist recommends the imposition of conditions relating to a biodiversity management plan.

The conditions are considered to pass the tests for conditionality and will be duly attached. Subject to the aforementioned conditions, the proposal would accord with policy CS17 of the Core Strategy, as well as paragraph 175 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 is concerned with parking provision, as well as general highway safety; both policies are considered relevant. The applicant proposes 28 affordable dwellings. The application is for full planning permission and so all matters are considered. The council's Highways team has been consulted and has no significant concerns. The officer states:

'I have no significant concerns regarding this application in principle. There is an existing right-turn holding lane serving the site and while the access does sit just within the 30mph speed limit there is ample visibility for vehicles exiting the site on the traffic approach side to cater for the derestricted section of road leading up to this point. I do have a couple of issues with the proposed layout, which are:

- the right-turn holding lane on the A18 is not shown on the layout – while it looks as though this feature ties in with the proposed new/upgraded access to the site, it should be shown, as should the improvements to the footway fronting the site;

- excessive use of private driveways and the proximity of the first one to the site access;
- the width of carriageway through the double bends – this should accommodate refuse vehicles passing through without impeding traffic travelling in the opposite direction; adequate forward visibility for all vehicles should also be demonstrated;
- the width of verge on the northern side of the road at the western end of the site.

These points will need clarification or slight amendments and...with the above comments in mind, I advise that the following conditions are applied to any permission that you may be minded to grant on the above application.'

The officer goes on to propose conditions which would require the finer points of the access to be agreed, along with footway improvements. Other conditions are compliance-related and are used to mitigate any potential impingement upon the proposed road networks, as well as to ensure that all dwellings are accessible by vehicle prior to their occupation. There is also a proposed removal of high planting near the access point.

Therefore, subject to the aforementioned mitigation, it is considered that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan.

Network Rail

The proposal site abuts Network Rail land and so they are a statutory consultee in this process. They have reviewed the submission and have no objections to the proposal subject to a number of conditions and an informative. The conditions relate to drainage, boundary fencing and safety barriers, and method statements, soundproofing, lighting and landscaping. The proposed conditions are considered to be required to protect the railway line and stakeholders from the development, as well as mitigating impacts to future residents from the railway.

Conditions relating to sound proofing are succinct with those put forward by Environmental Protection and so the reason for that condition relates to mitigating the amenity of future residents. The conditions relating to boundaries and barriers are important to prevent rail/road incursion and trespass. Therefore, despite the plans submitted, control over these issues will still remain. Furthermore, conditions relating to landscaping are required to protect the line and infrastructure (such as signal boxes/encroachment over the line) and although a full scheme of landscaping has been submitted, the retention of control is also needed to protect the railway infrastructure.

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 site has a planning history that relates to an industrial past as a railway sidings. The Environmental Protection officer (EPO) states that the applicant should submit a Phase 1 report for the department's consideration prior to the application being determined, in accordance with national policy guidance. This will allow the council to decide whether or not further assessment of the site is required and ensure that appropriate conditions are applied which render the development safe and suitable for use, prior to use. However, they

also state that, should the case officer recommend approval, conditions would mitigate. Given that an inspector has made an assessment in relation to the western part of this site already and considered that conditions are suitable as mitigation, then it would be unreasonable in this instance to request that this information is provided prior to determination. Therefore, the condition put forward by the EPO will be attached.

The applicant has accepted this and therefore, subject to its attachment, the proposed development is considered to accord with policy DS7 of the North Lincolnshire Local Plan.

Environmental issues

Policy DS11 of the local plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the 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, result in land contamination, pose a threat to current and future surface or underground water resources, or create adverse environmental conditions likely to affect nearby developments and adjacent areas. Policy DS1 of the North Lincolnshire Local Plan is also concerned in part with impacts upon amenity; both are considered relevant.

The applicant has submitted a noise risk assessment: Noise and Vibration Consultants Ltd, Noise & Vibration Assessment, Proposed Residential Development (Phase 2) at Old Railway Sidings, Althorpe, Scunthorpe, dated 25 July 2019, reference no. R19.0709/DRK.

This has been reviewed by the EPO who has no objections subject to the imposition of a condition requiring the developer, prior to development, to demonstrate that sufficient noise attenuation against impacts emanating from external noise has been submitted to and agreed in writing with the local planning authority. Network Rail have made similar comments relating to protecting the amenity of future residents from the noise of the railway; this condition is considered to mitigate all concerns in relation to impacts coming from external noise.

As an extension to the noise issue, the EPO has also recommended a condition controlling construction hours to minimise disturbance. This is also considered necessary and will be duly attached.

Air quality/sustainable resource

Policy CS18 of the Core Strategy is concerned with sustainable resource use and climate change. Its purpose is to promote development that utilises natural resources as efficiently and sustainably as possible. Two points of this policy are relevant:

- (10) ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water
- (12) supporting new technology and development for carbon capture and the best available clean and efficient energy technology, particularly in relation to the heavy industrial users in North Lincolnshire, to help reduce CO₂ emissions.

The council's Environmental Health department has made an assessment of the proposal and has proposed a condition that, prior to development, a scheme for electric vehicle

charging points should be submitted to and agreed in writing by the local planning authority. The request is considered to be in accordance with the above policy requirements and will be attached to any permission; this is to mitigate the impact upon air quality generated by the development.

Character and amenity

Policies CS5 of the Core Strategy and RD2 of the local plan are considered relevant. Policy H5 of the North Lincolnshire Local Plan is also concerned with new housing development. The first part of the policy sets out what is considered acceptable in principle (the policy fails to acknowledge the acceptability of rural exceptions sites that are considered acceptable by RD2). The second part of the policy sets out a criteria-based assessment against which to test proposals for housing. It states:

‘All new housing developments should meet the following criteria:

- (a) Development should be well related to existing infrastructure including education, community and health facilities, roads, footpaths and cycleways, public transport services, water supply and other utilities.
- (b) The development does not result in the loss of important open space.
- (c) The development is in keeping with the scale and character of the settlement.
- (d) Development of more than three dwellings can reasonably be expected to commence within the lifetime of the local plan.
- (e) The scale, layout, height and materials of the development are in keeping and compatible with the character and amenity of the immediate environment and with the settlement as a whole.
- (f) Any development has an adequate and appropriately designed access which will not create any traffic or road safety hazard.
- (g) Adequate parking within the curtilage of the site is provided in order to ensure that no on-street parking occurs which would be to the detriment of the free and safe flow of vehicles using the public highway.
- (h) The development should ensure the conservation and retention of features of particular architectural, historic, and archaeological, landscape, nature conservation importance or existing features which make an important contribution to the character or other amenity of the site or the surrounding area.
- (i) Provision is made within the curtilage of each dwelling (except for upper storey flats) for an area of private amenity open space.
- (j) Development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings.
- (k) Proposals do not result in unacceptable ribbon development.
- (l) Adjacent land uses will not result in annoyance or detract from the residential amenity which residents of the proposed dwellings could expect to enjoy.

- (m) Where appropriate and/or necessary new development should include substantial and suitable landscaping.

The applicant proposes a mix of two and three-bedroom dwellings, all two-storey. Subject to an appropriate palette of materials, the housing mix is considered to be sympathetic to the wider area. The scheme is well designed, offering space about dwellings, both proposed and existing; this results in the provision of adequate private amenity and also limited overshadowing. Furthermore, all openings are carefully considered and positioned such that they would not give rise to an acceptable level of overlooking.

The level of parking provision is acceptable and Highways have no objection. Furthermore, there is no requirement for a bin storage condition, given that all dwellings have access to the rear.

In terms of wider character, there will clearly be an impact upon the open countryside simply by the introduction of built form in this location. The impact, however, is mitigated by the well-designed scheme, the control of materials and housing mix, and the fact that the proposal abuts a railway siding. The inspector surmises in PA/2017/464 that residential development on this brownfield site would represent visual betterment to the open countryside and given its current appearance this is difficult to refute. The social benefits derived from this proposal would far outweigh any harm to the visual amenity of the countryside.

It is therefore considered that the proposal would not impinge upon existing or future residential amenity rights to a level that would warrant refusal. The scheme is well designed and, given its location close to the development boundary, would not carry unacceptable impacts that would detract from the countryside vernacular in this location. The proposal accords with policies H5 of the local plan and CS5 of the North Lincolnshire Core Strategy.

Pre-commencement condition

The local planning authority now has a duty under the Pre-commencement Conditions Regulations Act (2018) to agree or give notice of any pre-commencement conditions that will be attached to a permission. All those discussed within this report and to be attached have already been agreed with the applicant.

Heads of terms

On-site affordable housing	28 affordable dwellings
On-site informal open space	10 square metres per dwelling and £11,415.20 for North Lincolnshire to maintain this land, or an estate management company to be set up and no contribution required
Off-site recreation	£33,668.00 towards the maintenance and improvements of an existing open space and area of play close to the development

Trigger point	Informal open space and maintenance fee on occupation of the 20 th dwelling Off-site recreation on occupation of the 20 th dwelling
How many years do the council require to spend the contribution?	10 years

Conclusion

The proposal site is considered to be suitable, especially by providing social housing so close to the services of Keadby and its sustainable transport links. The proposal is in full and would contribute to bridging the shortfall of housing that North Lincolnshire is currently experiencing. All conditions with reasoning are outlined within the report. The proposal, by virtue of being a rural exception site, is not a departure from the plan; furthermore, the extant outline planning permission is a material consideration.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for commuted sums outlined above and for 28 on-site affordable houses, off-site recreation, and provision and maintenance of open space within the development site, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Group Manager – Development Management and Building Control upon completion of the obligation;**
- (iii) if the obligation is not completed by 31 April 2021, the Group Manager – Development Management and Building Control be authorised to refuse the application on grounds of failure to make an otherwise unacceptable proposal acceptable in planning terms;**
- (iv) the permission so granted be 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 1000 Rev 03; House Type Type A A0101; House Type B B0101 02; House Type C C0101 01.

Reason

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

3.

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 cover the area defined by the 'ownership boundary' depicted on Figure 2 of the submitted document 'Old Railway Sidings, Althorpe12712_R02_Ecological Assessment' and shall include:

- (a) an assessment of biodiversity loss based on up-to-date habitat and hedgerow baseline survey;
- (b) details of measures required to provide at least 10% biodiversity net gain in accordance with the Defra biodiversity metric 2.0;
- (c) details of sensitive working practices to avoid harm to bats, hedgehogs, badgers, reptiles and nesting birds;
- (d) details of bat boxes and bat bricks to be installed on at least 15% of houses;
- (e) details of swift boxes and sparrow terraces to be installed on at least 15% of houses combined;
- (f) details of nesting sites to be installed to support a variety of other bird species;
- (g) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (h) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (i) prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- (j) prescriptions for the creation and ongoing maintenance of flower-rich open mosaic habitats for invertebrates;
- (k) procedures for monitoring and ongoing management of created habitats;
- (l) prescriptions for the provision of a wildlife gardening leaflet for each new resident;
- (m) proposed timings for the above works in relation to the completion of the dwellings.

Biodiversity units should be delivered on site, within the 'ownership boundary' depicted on Figure 2 of the submitted document 'Old Railway Sidings, Althorpe12712_R02_Ecological Assessment'. Those that cannot viably be delivered on site should be delivered locally, according to a local plan or strategy.

Reason

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

4.

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 29th 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 Core Strategy.

5.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of the vehicle parking space(s) within the curtilage of the site;

have been submitted to and approved in writing by the local planning authority.

Reason

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

6.

No development shall take place until details of improvements to the existing footway fronting the site and its connection with the village of Keadby have been submitted to and approved in writing by the local planning authority. Once approved, all works to the footway shall be completed prior to the occupation of the fifth dwelling on site.

Reason

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

7.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

8.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

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

9.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
- (ii) the number and location of vehicle parking space(s) on the site;

have been submitted to and approved in writing by the local planning authority.

Reason

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

10.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

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

11.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

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

12.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

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

13.

No works shall be commenced on the penultimate dwelling on the site until the access road has been completed.

Reason

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

14.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

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

15.

No dwelling served by a shared private driveway shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

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

16.

Prior to the first occupation the developer must provide details of the trespass-proof fence located adjacent to Network Rail's boundary. It shall be retained thereafter.

Reason

In the interests of safety and in accordance with policy DS1 of the North Lincolnshire Local Plan.

17.

Prior to the first occupation a scheme of Armco or similar barriers across the site shall be submitted to and agreed in writing with the local planning authority.

Reason

To prevent road/rail incursion.

18.

No development within 10 metres of the Network Rail boundary shall commence until a method statement, including an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan, has been submitted to and approved in writing by the local planning authority.

Reason

To protect the railway line and associate infrastructure.

19.

Notwithstanding the submitted plans, no development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development. The landscaping scheme shall be retained thereafter.

Reason

To enhance the appearance of the development in the interests of amenity and to protect the railway line from obstruction.

20.

Prior to any development, details of all external lighting to be used in both the construction and operational phases shall be submitted to and agreed in writing with the local planning authority.

Reason

To prevent any confusion with the signalling arrangements of the railway and in accordance with policy DS11 of the North Lincolnshire Local Plan.

21.

No development shall take place until a noise mitigation scheme has been submitted to and approved in writing by the local planning authority. As a minimum this noise mitigation scheme shall include:

- details of noise mitigation measures;
- predicted noise levels to be achieved at sensitive locations as a result of the noise mitigation scheme;
- details of how the noise mitigation scheme will be maintained for the lifetime of the development.

The noise mitigation scheme shall be implemented before occupation of the development and shall be retained thereafter.

Reason

To protect the amenity of the residents of the proposed dwellings.

22.

Prior to the first occupation, a scheme for the provision of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be installed in full and retained thereafter.

Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with the National Planning Policy Framework and policy DS11 of the North Lincolnshire Local Plan.

23.

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.

24.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

No construction, demolition or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

In the interests of amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

25.

No development shall take place until a drainage scheme for the disposal of surface water and foul sewage has been submitted to and approved in writing by the local planning authority.

Reason

To protect the development from flooding in accordance with policies CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

26.

The drainage scheme shall be implemented in accordance with the approved details, completed prior to the occupation of any dwelling, and thereafter retained and maintained in accordance with the scheme for the lifetime of the development.

Reason

To protect the development from flooding in accordance with policies CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

27.

The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA), prepared by BSP Consulting, ref: 19-0102/FRA-DS, dated May 2019, (Revision, November 2020).

Reason

To protect the development from flooding in accordance with policies CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

28.

Prior to any above-ground works, the finished floor levels of all dwellings shall be submitted to and agreed in writing with the local planning authority.

Reason

To protect future residents from flooding and to accord with policy CS19 of the Core Strategy.

29.

Prior to any above-ground works, details of all external materials to be used in the construction of dwellings shall be submitted to and agreed in writing with the local planning authority.

Reason

To protect the character or the open countryside in accordance with policy RD2 of the North Lincolnshire Local Plan.

Informative 1

This application must be read in conjunction with the relevant Section 106 Agreement.

Informative 2

Method statements may require to be submitted to Network Rail's Asset Protection Project Manager for approval prior to works commencing on site, the contact details for whom are:

Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 3B
George Stephenson House
Toft Green
YORK
Y01 6JT

Email: assetprotectionlneem@networkrail.co.uk.

These should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate, an asset protection agreement will have to be entered into. Where any works cannot be carried out in a 'fail-safe' manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic, i.e. 'possession' which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally, if excavations/piling/buildings are to be located within 10 metres of the railway boundary, a method statement should be submitted for Network Rail's approval.

Please note, Network Rail will be unable to agree to discharge of a method statement condition without direct discussion and agreement with their Asset Protection Team and the developer entering into a Basic Asset Protection Agreement (where appropriate). They advise the developer to discuss their proposals with Asset Protection prior to applying for the discharge of condition.

Informative 3

Once planning permission has been granted, and at least six weeks prior to works commencing on site, the Asset Protection Project Manager (OPE) MUST be contacted. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work, or any works to be carried out on site that may affect the safety, operation, integrity or access to the railway.

Informative 4

The developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently, every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario trains could run 24 hours a day and the soundproofing should take this into account. Network Rail notes that the noise assessment

includes recommendations to mitigate against railway noise which should help meet this requirement.

Informative 5

The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure, or undermine, damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then they must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass, which is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Informative 6

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3 metres of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3 metres of overhead electrical equipment or supports.

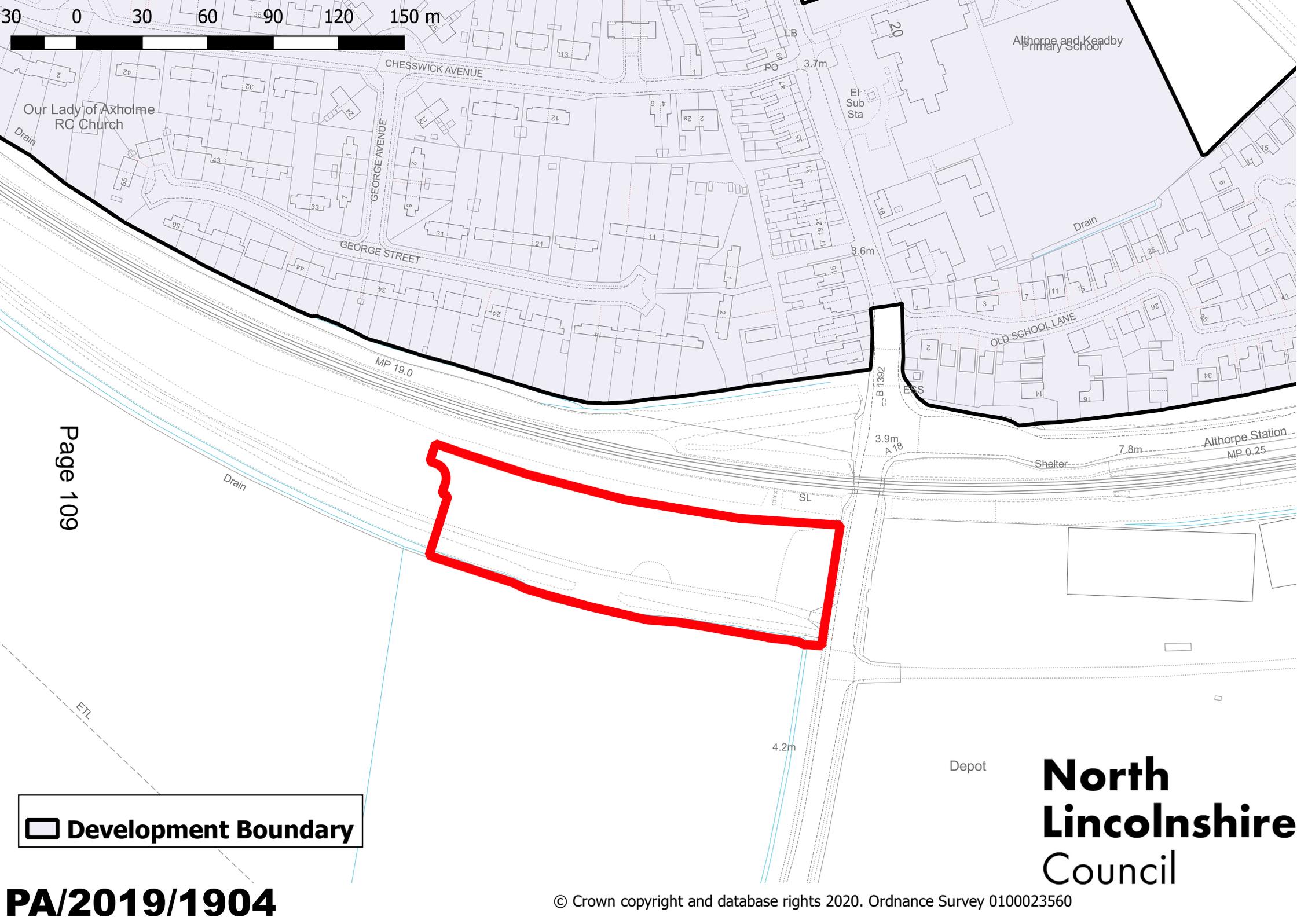
Informative 7

All excavations/earthworks carried out in the vicinity of Network Rail property/structures must be designed and executed such that no interference with the integrity of that property/structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the local planning authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

Informative 8

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

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Our Lady of Axholme RC Church

Althorpe and Keadby Primary School

El Sub Sta

Althorpe Station
MP 0.25

Depot

 Development Boundary

North Lincolnshire Council

PA/2019/1904

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AMENDED



- House Type A
2 Bed 4 Person
- House Type B
2 Bed 4 Person
- House Type C
3 Bed 5 Person



RevID	Comment	Date
01		24/10/2019
02		29/09/2020
03		06/10/2020

Drawing Status: **INFORMATION**

Drawing Name: **Site Plan**

Layout ID	Drawing Scale	Revision
1000	1:500	03

APPLICATION NO	PA/2020/248
APPLICANT	Partner Construction & Acis Group
DEVELOPMENT	Planning permission to erect 20 dwellings comprising 10 rent to home buy, five shared ownership and five open market dwellings
LOCATION	Land adjacent to the pumping station, Ings Lane, Hibaldstow
PARISH	Hibaldstow
WARD	Ridge
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Subject to a section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Hibaldstow Parish Council Member 'call in' (Councillor Neil Poole – significant public interest)
POLICIES	

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

Policy RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy H10 (Public Open Space Provision in New Housing Development)

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy T6 (Pedestrian Routes and Footpaths)

Policy DS1 (General Requirements)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS17 (Biodiversity)

Policy CS19 (Flood Risk)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

CONSULTATIONS

Environment Agency: Following receipt of an access plan showing the boundary fencing moved away from the watercourse, the previous objection is removed. Recommend a condition in respect of foul drainage disposal and confirmation that there is sufficient capacity to treat and dispose of water from the development.

Humberside Fire and Rescue: It is a requirement for domestic premises that adequate access for fire-fighting is provided to all buildings or extensions to buildings.

Historic Environment Record: The application has the potential to affect designated and non-designated heritage assets. The applicant has submitted an Archaeological Heritage

Statement in accordance with NPPF 189 and the HER's pre-application advice. The heritage statement satisfactorily demonstrates that the proposals will not affect the setting of Hibaldstow Mill, a scheduled monument and listed building.

A geophysical survey of the site was carried out last summer and a report deposited with the HER; the survey did not identify any below-ground features of potential archaeological origin (NB. Report not submitted with application). The heritage statement concludes that the site does not contain significant archaeological remains; the HER concurs with this assessment and therefore no objection and no further recommendations.

Anglian Water: Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developer's cost under Section 185 of the Water Industry Act 1991. The development site is within 15 metres of a sewage pumping station. This asset requires access for maintenance and will have sewerage infrastructure leading to it. For practical reasons therefore it cannot be easily relocated. Anglian Water consider that dwellings located within 15 metres of the pumping station would place them at risk of nuisance in the form of noise, odour or the general disruption from maintenance work caused by the normal operation of the pumping station.

The foul drainage from this development is in the catchment of Hibaldstow Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option.

Leisure: The provision of high quality and accessible leisure facilities in North Lincolnshire is essential to improving the health, community cohesion, prosperity and wellbeing of our residents. Core Strategy policy CS22 states that developers will be expected to make an appropriate contribution towards necessary improvements or additional provision for community services and facilities arising from their development proposals. A request is made for an off-site leisure contribution towards the cost of improving catchment leisure facilities, in this case Ancholme Leisure Centre and Brigg Recreation Ground. A 'sports facility calculator' is used to determine the value of a contribution and therefore, based on the additional population, a contribution of £17,615 would be sought.

Neighbourhood Services: No public rights of way appear to be affected and there does not appear to be any opportunities for new connections to such; no objection.

Ecology: The site has limited biodiversity value at present and negligible potential for protected species. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with the National Planning Policy Framework.

LLFA Drainage: Following receipt of additional information, recommend conditions in respect of the submission and implementation of a surface water drainage scheme.

Shire Group of IDBs: The application lies within the IDB district and comments are made in respect of the suitability and method of surface water drainage disposal.

Waste Services: Comments made in relation to road sizes, ground clearances and turning areas for refuse vehicles, highway construction and that each dwelling will be supplied and integrated into the fortnightly bin collection. Sufficient space should be made for bin collection and storage.

Access Officer – Capital and Buildings: Education contributions will be sought for both primary and secondary school places. The calculation per dwelling, based on 2019/20 figures, is £7,453 and this will be inflated on 1 April annually.

Highways: No objection, but recommend 11 conditions and an informative in relation to works within the highway. In addition, recommend that the speed limit is amended to accommodate the development, which should be secured through a Section 106 Agreement.

Environmental Health: Recommend conditions in respect of investigating any unexpected contamination, the installation of electric vehicle charging points, construction and site working hours and the submission of a construction environmental management plan.

PARISH COUNCIL

Object on the following grounds:

- outside the settlement boundary
- it is questioned whether this is a rural exceptions site
- infrastructure not considered adequate
- support the comments made by statutory consultees
- the housing needs report does not substantiate approval.

PUBLICITY

The application has been advertised by press notice and site notices have been displayed. Twenty-six letters of objection have been received (a number from the same address) raising similar issues to the parish council, together with the following issues:

- the Catchwater Drain forms a natural boundary to the village and contains wildlife
- Hibaldstow has been inundated with new development which delivers affordable housing
- the proposal is financially driven
- the proposal is located outside of the defined settlement boundary

- loss of high grade agricultural land
- the proposed development will not result in sustainable, integrated communities
- negative impact on the area
- increase in fear of crime in an area with antisocial behaviour issues
- no need for additional affordable housing
- the supporting documentation has been skewed to present an uneven picture for housing need in Hibaldstow
- impact on the character and appearance of the rural landscape
- the area is prone to flooding, particularly in winter months
- there are infill opportunities elsewhere in the settlement
- foul drainage capacity issues
- not a sustainable location
- increase in crime and antisocial behaviour
- the development would result in the use of private cars
- the housing should only be for existing residents
- increase in traffic and potential for accidents
- impact on amenity from the existing pumping station
- the development should incorporate additional surface water attenuation measures
- impact on local services
- the site is home to endangered or threatened wildlife species
- not in keeping with the character of the village
- lack of employment opportunities within Hibaldstow
- there are existing empty affordable homes within the settlement
- over-development
- greenfield land should not be built upon
- no clear evidence of need for this development
- a rural exception site cannot go ahead without the support of the parish council.

STATEMENT OF COMMUNITY INVOLVEMENT

The applicant has submitted a Statement of Community Involvement document in support of this planning application. This document states that, following pre-application discussions with the local planning authority, a public consultation event was held at Hibaldstow Village Hall on 8 August 2018, and notification was undertaken in the form of a leaflet drop to 200 properties which surround the site a week in advance of the meeting.

Following the meeting the scheme was amended to include four additional properties to ensure the scheme was viable to deliver the affordable housing.

ASSESSMENT

This application is a resubmission of PA/2018/2447. The application was considered by members and refused on the following grounds:

1. Insufficient evidence has been provided to prove that there is a demonstrable need for the proposed affordable housing to serve the settlement of Hibaldstow. The proposal is therefore contrary to policy CS9 of the North Lincolnshire Core Strategy.
2. The proposal would introduce a significant amount of built form on a greenfield site outside the identified development boundaries for Hibaldstow that would urbanise the existing rural landscape. The proposal is therefore contrary to policies CS2 of the North Lincolnshire Core Strategy and policy RD2 of the North Lincolnshire Local Plan.

The submission includes a housing needs survey which states that there is a clear need for affordable housing in Hibaldstow. The applicant has also submitted an access plan to show that sufficient clearance from the Catchwater Drain to the western boundary of the site can be achieved to allow access for the Environment Agency to undertake maintenance to the watercourse.

The site

The application site extends to 0.91 hectares in area and is located on the eastern edge of Hibaldstow, adjacent to, but outside of, the settlement boundary. The site forms the south-western corner of a larger agricultural field and has a pumping station and a drain along its western boundary. The site is accessed from Ings Lane to the south and there are existing residential properties to the west and south-west, with a number of dwellings in linear form along the southern side of Ings Lane to the south-east. The site is relatively flat and has a partial hedgerow along its southern boundary with Ings Lane. Planning permission is being sought to erect a housing development with associated parking, access and garden areas; the mix of housing includes 15 affordable housing units and five market dwellings.

The main issues in the determination of this planning application are the principle of residential development (including viability), impact on the character and appearance of the countryside, flood risk, impact on residential amenity and highway matters.

Principle

The application site is located outside, but adjacent to, the defined settlement boundary for Hibaldstow and potentially represents a departure from the North Lincolnshire Local Plan. However, policy CS9 of the North Lincolnshire Core Strategy is concerned with affordable housing. This policy is split into two parts: firstly, it relates to the percentage of affordable

units that should be provided as part of any market dwelling led schemes; and secondly, it sets out provisions for fully affordable schemes known as 'rural exception sites'. The policy states in relation to the latter (rural exception sites):

'Planning permission will be granted for the release of small rural exception sites within or adjacent to the development limits or within rural settlements for 100% affordable housing where a local need has been clearly identified. All proposals must be substantiated by evidence that the scale of development proposed meets the identified needs.'

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. This policy, too, is in two parts. The first part sets out in principle the types of developments which are acceptable. In this instance paragraph 'iii' of RD2 is relevant; it states, '...affordable housing to meet a proven local need' is considered an acceptable form of development. The latter part of policy RD2 seeks to mitigate those development types that are considered acceptable. It states:

- (a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries;
- (b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan;
- (c) 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; and
- (d) the development would not be detrimental to residential amenity or highway safety; and
- (e) account is taken of whether the site is capable of being served by public transport; and
- (f) the development is sited to make the best use of existing and new landscaping.

This application does not explore alternative sites; however, as stated in the report for planning application PA/2018/2447, given the scale of the scheme and the appreciation of the existing built form of Hibaldstow, a residential development for 20 dwellings would not likely be achieved within the settlement boundary. The applicant has submitted a robust application with a full suite of accompanying documents that make up the design solution. The plans show that the green corridor along the western boundary of the site, along with the drainage ditch, will be retained; this preserves a buffer between the existing built form and the site, and the contextual analysis of the design and access statement explains how points B–F of policy RD2 are complied with. In addition, more critically to the consideration of this application, the applicant has submitted a housing needs survey.

Paragraph 77 of the NPPF is concerned with rural housing and it states, 'In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.'

North Lincolnshire Council cannot at present demonstrate a five-year land supply for the delivery of housing. There is a clear shortfall within the area of housing of all types. The proposal is for 15 affordable dwellings with five market dwellings required in order to make the scheme deliverable and this is supported by viability. The applicant has submitted a planning statement which includes a section on affordable dwellings. The statement explains how the tenure type and mix has been driven from dialogue with NLC's Strategic Housing officer. The proposal is also a result of pre-application advice where the location and constraints related to it were underlined and not considered unacceptable.

The planning application submission has therefore sufficiently evidenced the need for affordable housing in the area and the requirement for the specific tenure split that has been proposed through both pre-application discussions as well as the material contained within the planning statement and the housing needs survey. The proposal for a 75/25 split of affordable and market dwellings is, therefore, (subject to agreement with the viability information and the other sections of this report) considered to align with policies CS9 of the Core Strategy and RD2 of the North Lincolnshire Local Plan, as well as paragraph 77 of the NPPF and is considered acceptable in principle.

The proposed development would have the social and economic benefits of addressing the current under-supply of housing land by the provision of five market houses. Investment in construction and related employment would represent a benefit, as would the support which the additional population would produce for the local economy. The North Lincolnshire Sustainable Survey 2019 ranks the settlement of Hibaldstow as 16th out of the 76 settlements scored within the survey and is classified as a Larger Rural Settlement, having six of the seven key facilities. Local facilities include a public house, doctor's surgery, two convenience stores, a primary school, church, church hall and village hall within easy reach of the site on foot, and a wide range of further services accessible by bicycle and public transport available to access Brigg and Scunthorpe. Therefore, the proposal accords with the need to site development in locations with accessible local services. These matters weigh heavily in favour of the proposal in terms of the economic and social dimensions of sustainability.

Viability

Paragraph 77 of the NPPF is concerned with rural exception sites and is quoted in the previous section of this report. It allows for a proportion of market dwellings in order to support the delivery of the wider affordable housing. Paragraph 57 is concerned with viability and it states:

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'

The council's Section 106 officer has reviewed the applicant's viability information and considers it correct. The financial parameters have not been revised since they were

considered in the previous application and therefore the viability information is agreed again. The council have therefore accepted the position that there is a requirement for five market dwellings in order to make the whole proposal deliverable. The timing of occupation of these units will be secured within the Section 106 agreement.

Impact on countryside and design

The plans show that the development is designed as an inward-facing residential cul-de-sac consisting of pairs and a terrace of hipped-roof bungalows with the southern (side) elevations facing towards Ings Lane. Essentially the proposal will introduce a new residential cul-de-sac consisting of 20 houses on the northern side of Ings Lane; this is consistent with the development pattern in this part of Hibaldstow where two cul-de-sacs are located to the north; this includes The Millfield and part of Ings Lane. Therefore, the introduction of a residential cul-de-sac, which contains single and two-storey dwellings, is considered to be in keeping with the existing settlement pattern in Hibaldstow. The site layout plan shows that the eastern side of the development will predominantly consist of single-storey bungalows, with a pair of semi-detached houses located towards the northern aspect of the scheme; this allows views of the existing built framework of Hibaldstow to be achieved. The development will not be viewed as an isolated form of development in the countryside.

The proposed development would alter the character and appearance of the countryside. However, that would apply to any greenfield site, including those allocated for housing development in the Housing and Employment Land Allocations DPD, and would be an inevitable consequence of the authority striving to meet housing need. Given the fact that the site is proposed to not extend any further northwards than the existing pattern of built development in Hibaldstow, that the site lies directly adjacent to the defined development boundary and existing built development and that the openness of the field would largely be retained in the wider rural landscape context it is considered that the landscape impact would be limited in this instance. The plans show that the mature trees along the western boundary and towards the north-eastern boundary (those which border the drain) will be retained; this will contribute towards the natural screening of the residential development. Furthermore, any built development on this site would be viewed against the built framework of Hibaldstow to the west and south-west and not as an isolated form of residential development in the rural landscape.

Objections have been raised on the grounds that the erection of a 1.8 metre high close-boarded fence would result in the domesticising of the landscape; however, it is considered that views of the development and the eastern boundary (close-boarded fence) would be limited to travelling towards Hibaldstow in a westerly direction along Ings Lane.

In terms of the development layout, the plans show that the dwellings will be equally spaced at regular intervals, with the off-street parking proposed to either the side or front. It is considered that the development has a spacious layout and the provision of the gardens to the western side of the site allows separation distance to existing properties located on the cul-de-sac to the west, and for the necessary clearance to be provided for maintenance of the drainage ditch. The principal elevations of all dwellings will have an outlook onto the access road and the rear windows onto the private amenity spaces to the east and west respectively. Each dwelling will have a minimum of two off-street parking spaces and a large area of private amenity space to the rear; this is considered sufficient to meet the needs of the proposed occupants. The pairs and terrace of bungalows have been designed with a balanced appearance to both the front and rear elevations and an additional

bathroom window to the side elevation which breaks up the mass of brickwork. The inclusion of an entrance canopy to the front elevation adds visual interest and the proposed external materials of construction (namely an Edenhall Leamington Wine brick and a Russell Grampian Anthracite tile) will ensure visual assimilation with the appearance of existing houses located along Ings Lane to the west and south-west. The two pairs of semi-detached houses will have a balanced appearance and will be of a gable roof design. The entrance door will be framed by an entrance canopy and the first floor windows will be in vertical alignment with ground floor openings. The plans show that all windows to both the houses and bungalows will feature a combination of brick and stone headers and cills. No issues are raised in relation to the scale/height of the proposed housing and the plot sizes are considered to be commensurate with the scale of the dwellings proposed.

Flood risk/drainage

Part of the site (along the western boundary bordering the drainage ditch) is located within flood zone 2/3a as set out in the North Lincolnshire Strategic Flood Risk Assessment. The remainder of the site is located within flood zone 1. A Flood Risk Assessment (FRA) has been submitted with the planning application; this document, at paragraph 4.7, states that the proposed plots do not encroach into the higher area of flood risk and that it is private amenity space that is proposed in zone 2/3a. In addition, the FRA states that the proposed finished floor levels of the dwellings would be above the 1:100 year storm event. The FRA has been assessed by the Environment Agency and no objection has been raised on flood risk grounds. In response to this matter, it is considered that the dwellings are not located within the areas of highest flood risk and therefore the development is considered to be safe from flooding without increasing flood risk elsewhere. In addition, it is not considered necessary to apply the sequential or exceptions test in this case. The additional plan (titled the EA access plan) has been considered by the Environment Agency and the previous objection has been withdrawn as the plan shows sufficient clearance to the watercourse can be achieved.

In terms of surface water drainage, it is proposed that ground infiltration or discharge to a watercourse may be suitable. In order to ascertain whether ground filtration is suitable, the FRA identifies that further investigative work may be required. In its conclusion, to dispose of surface water via soakaways into the watercourse is the preferred option, with an attenuation pond proposed in the northern part of the site designed to accommodate a 1:30 year up to 1:100 year flood event. Given the requirement for further investigation, it is considered reasonable to recommend conditions in respect of the submission and implementation of a method of surface water drainage disposal. With regard to foul drainage disposal, it is proposed to connect to the existing foul sewer. Anglian Water are obligated to accept the additional foul drainage flows from the proposed development.

It is therefore considered, subject to the imposition of a condition requiring a scheme for surface water drainage to be submitted, that the proposal would accord with policies CS19 of the North Lincolnshire Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

Residential amenity

The proposed site layout shows a spacious development and the proposal is not considered to result in loss of amenity to either existing houses to the west or between the dwellings within the development itself. It is considered that the level of off-street parking provision and private amenity space is sufficient to meet the needs of the occupants of

each proposed dwelling. Issues have been raised in relation to disturbance and the movement of vehicles during the construction period; it is considered that there is sufficient space within the site to accommodate construction vehicles and materials during the construction period and the conditions recommended by Environmental Health in respect of construction/site clearance working hours and the submission of a construction environmental management plan (CEMP) are considered sufficient to safeguard residential amenity in this case. It is inevitable that there will be some disturbance to existing residential properties during the construction period; however, this noise and disturbance will be short term and will not harm the long-term amenity of these residents.

Issues have been raised in respect of the proximity of the existing pumping station and the potential for noise disturbance and odour to proposed occupants of the development. It is considered that any potential purchaser of a dwelling on this site would be acutely aware of this existing building and its proximity to the development site. In addition, no objections or comments have been received from Environmental Health in respect of the potential for noise disturbance from the existing pumping station.

Highways

The proposal has been considered by Highways and no objections have been received on grounds of impact on highway or pedestrian safety. The site is considered to be well connected to the main settlement of Hibaldstow with an existing highway footpath to the front of the site which provides access on foot along Ings Road into the settlement and its range of local facilities/services. In addition, no dwellings are proposed to face onto Ings Lane and sufficient parking provision is proposed within the site; the potential for vehicles to be parked within the public highway is therefore considered to be negligible in this case.

This proposal is for the erection of 20 dwellings. The Transport Statement submitted with the application concludes that the development proposals may generate a maximum of nine movements in and out during peak hours, which is below the 30 movements threshold set out in the technical data. The documents states that the proposed development would have no material impact on the highway network in terms of its capacity or safety.

It is recommended by Highways that improvements may be required to the width of the existing section of highway (Ings Lane) and for hedge clearance to achieve the necessary visibility splays. It is also recommended by Highways that the speed limit should be reduced outside of the site (from 60 mph to 30 mph) and this would be secured through a section 106 agreement.

There is no requirement for the applicant to be responsible for improvements to the existing road surface along Ings Lane and it is considered that the proposed development will not generate traffic movements over and above a limit which would be deleterious to its existing condition. Therefore, subject to the aforementioned mitigation, the proposal has the potential to accord with policies T2 and T19 of the North Lincolnshire Local Plan.

Planning obligations

An education contribution is required; this is expressed per dwelling, excluding affordable units. The financial contribution is £7,736 per dwelling; however, this figure is due to change as the fee is inflated annually on 1 April, therefore the price per dwelling will be increased accordingly. The contribution is required to increase both primary and secondary school

capacity within the area. This contribution is secured in accordance with policy CS27 of the adopted Core Strategy and SPG8 'Developer Contributions to Schools'.

Under the guidance of policy H10 of the North Lincolnshire Local Plan, for sites of 0.5 hectares or more (as in the case here) the developer is expected to provide open space on a scale and form appropriate to serve the needs of residents, or alternatively to provide commuted payments towards off-site recreational open space provision within the catchment area. In this case a financial contribution towards open space improvements in the catchment of £6,642.60 will be sought, this would be secured via a Section 106 Agreement.

Fifteen dwellings are proposed to be affordable houses in this scheme. In this case the affordable housing will be obtained through a Section 106 agreement. Also, a traffic regulation order needs to be made along Ings Lane to ensure the speed limit is reduced from 60 mph to 30 mph to the front of the site; this is a requirement in respect of highway safety and would be secured via a Section 106 Agreement.

Other issues

Issues have been raised in relation to the impact of the development upon protected species and wildlife. An ecology report and water vole survey has been submitted with the application; these documents conclude that no evidence of water vole activity was identified along the western boundary and recommendations are made within the ecology report to ensure biodiversity enhancement across the site which consist of the following:

- the retained section of hedge could be diversified through 'beating up' and any gaps filled in
- a strategy for encouraging invertebrates should be incorporated
- bird and bat boxes could be installed into a number of suitable new builds, aimed at attracting declining garden birds such as house sparrow, starling and swift, and crevice-dwelling bats.

Based on the above, it is considered that biodiversity enhancement can be secured through a planning condition. Impact on view is not a material planning issue and will not be assessed in this case.

Pre-commencement conditions

The applicant has agreed to the imposition of pre-commencement conditions in respect of the submission of a construction environmental management plan (CEMP), a surface water drainage disposal scheme and details of the proposed access road.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990, a contribution of £6,642.60 towards the improvement of open space in the local catchment, provision of 15 on-site affordable houses, a commuted sum of £7,736 per eligible dwelling towards primary and secondary school improvements and highway improvements to reduce the speed limit along Ings Lane, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Head of Development Management upon completion of the obligation;**
- (iii) if the obligation is not completed by 16 June 2021 the Head of Development Management be authorised to refuse the application on grounds of inadequate provision of essential community benefits and highway improvements; and**
- (iv) the permission so granted be 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: 001 A, 002 R, 003 E, 004 B, 005 A, F112-1, F136-1, AIATPP B, R/2172/3, R/2172/1B and R/2172/2A.

Reason

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

3.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and agreed in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and include an assessment of the hydrological and hydrogeological context of the development. This should be based on the Flood Risk Assessment and Drainage Strategy produced by Patrick Parsons Engineering Consultancy dated December 2018. Additional ground investigations will be required to account for the 12 month seasonal fluctuations for the presence of groundwater. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1:100 year critical storm (including allowance for climate change) will not exceed the run-off from the existing site and include details of how the approved scheme is to be maintained and managed for the lifetime of the development. SuDS must be considered.

Reason

To establish an appropriate method of surface water drainage disposal and to prevent the increased risk of flooding to the site, and to ensure the implementation and future adoption/maintenance of sustainable drainage features in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the Core Strategy.

4.

The drainage scheme shall be implemented in accordance with the approved details, completed prior to the occupation of any dwelling on the site, and thereafter retained and maintained for the lifetime of the development unless otherwise agreed in writing by the local planning authority.

Reason

To establish an appropriate method of surface water drainage disposal and to prevent the increased risk of flooding to the site, and to ensure the implementation and future adoption/maintenance of sustainable drainage features in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the Core Strategy.

5.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

6.

No above-ground works shall take place until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the local planning authority. The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management Land Use Planning and Development Control <http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf> and contemporaneous electrical standards including:

- Electrical Requirements of BS7671:2008; and
- IET Code of Practice on Electrical Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7.

The approved scheme shall be installed in full and retained in perpetuity thereafter.

Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with the National Planning Policy Framework.

7.

Construction operations shall be limited to the following hours:

- 7am to 7pm Monday to Friday
- 7am to 1pm on Saturdays.

No construction operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction and demolition phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To define the terms of the permission and in the interests of safeguarding residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

Noise and vibration – the CEMP shall set out the particulars of:

- (a) the works, and the method by which they are to be carried out;
- (b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- (c) a scheme for monitoring noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light – the CEMP shall set out the particulars of:

- (a) specified locations for contractors' compounds and materials storage areas;
- (b) areas where lighting will be required for health and safety purposes;
- (c) location of potential temporary floodlights;
- (d) identification of sensitive receptors likely to be impacted upon by light nuisance;
- (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust – the CEMP shall set out the particulars of:

- (a) site dust monitoring, recording and complaint investigation procedures;
- (b) identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) provision of water to the site;
- (d) dust mitigation techniques at all stages of development;
- (e) prevention of dust trackout;
- (f) communication with residents and other receptors;

- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (h) a 'no burning of waste' policy.

Reason

To define the terms of the permission and in the interests of safeguarding residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

9.

No above-ground works shall take place until details of all within-highway works required to widen/improve the existing carriageway on Ings Lane and provide an appropriate footway connection to the site have been submitted to and agreed in writing by the local planning authority.

Reason

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

10.

No more than 10 dwellings shall be occupied on the site until such time as all within-highway works agreed under condition 9 above have been completed.

Reason

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

11.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

12.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and, once provided, the vehicle parking spaces shall be retained.

Reason

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

13.

No dwelling served by the private driveway shall be occupied until it has been constructed in accordance with details, including the following, to be submitted to and agreed in writing by the local planning authority:

- the proposed method of forming access from the highway, including the required visibility splays
- the method of constructing/paving the drive
- the provision of adequate drainage features
- the provision of suitable lighting arrangements
- the provision of a suitable bin collection facility
- the provision of street name plates that include the words 'Private Drive'.

The development shall be constructed in accordance with the agreed details and once constructed it shall thereafter be retained.

Reason

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

14.

No development shall take place until details of the drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway, have been submitted to and approved in writing by the local planning authority.

Reason

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

15.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

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

16.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays, has been set out and established.

Reason

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

17.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

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

18.

The penultimate dwelling on the site shall not be occupied until the access road has been completed in accordance with the agreed details.

Reason

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

19.

No above-ground works shall take place until a final construction phase traffic management plan has been submitted and approved by the local planning authority. This plan shall align with the framework traffic management plan (TMP) submitted in the Transport Statement. Once approved, the plan shall be implemented, reviewed and amended as necessary throughout the construction period.

Reason

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

20.

The scheme of landscaping and tree planting shown on drawings R/2172/2A, R/2172/1B and R/2172/3 shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced or within such extended time period as may be agreed in writing with the local planning authority. Any trees, shrubs or bushes removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees, shrubs or bushes of similar size and species to those originally required to be planted unless the local planning authority have given written consent to any variation.

Reason

To secure the timely completion and successful establishment of the approved scheme of landscaping for the site.

21.

Within three months of the commencement of development, a biodiversity management plan shall be submitted to the local planning authority for approval in writing. The plan shall include:

- (a) details of measures to avoid harm to nesting birds and hedgehogs during demolition, vegetation clearance and construction works;
- (b) details of at least three bat roosting features to be installed in new dwellings;
- (c) details of nest boxes to be installed to support house sparrow, starling and other garden birds;

- (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 retention and improvement of existing hedgerows;
- (g) a scheme for the provision of invertebrate habitats;
- (h) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (i) a commitment to provide each new dwelling with a wildlife gardening advice pack to be approved in writing by the local planning authority;
- (j) proposed timings for the above works in relation to the completion of the dwellings.

Reason

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

22.

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 completion of the approved development, 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.

Informative 1

This application must be read in conjunction with the relevant Section 106 Agreement.

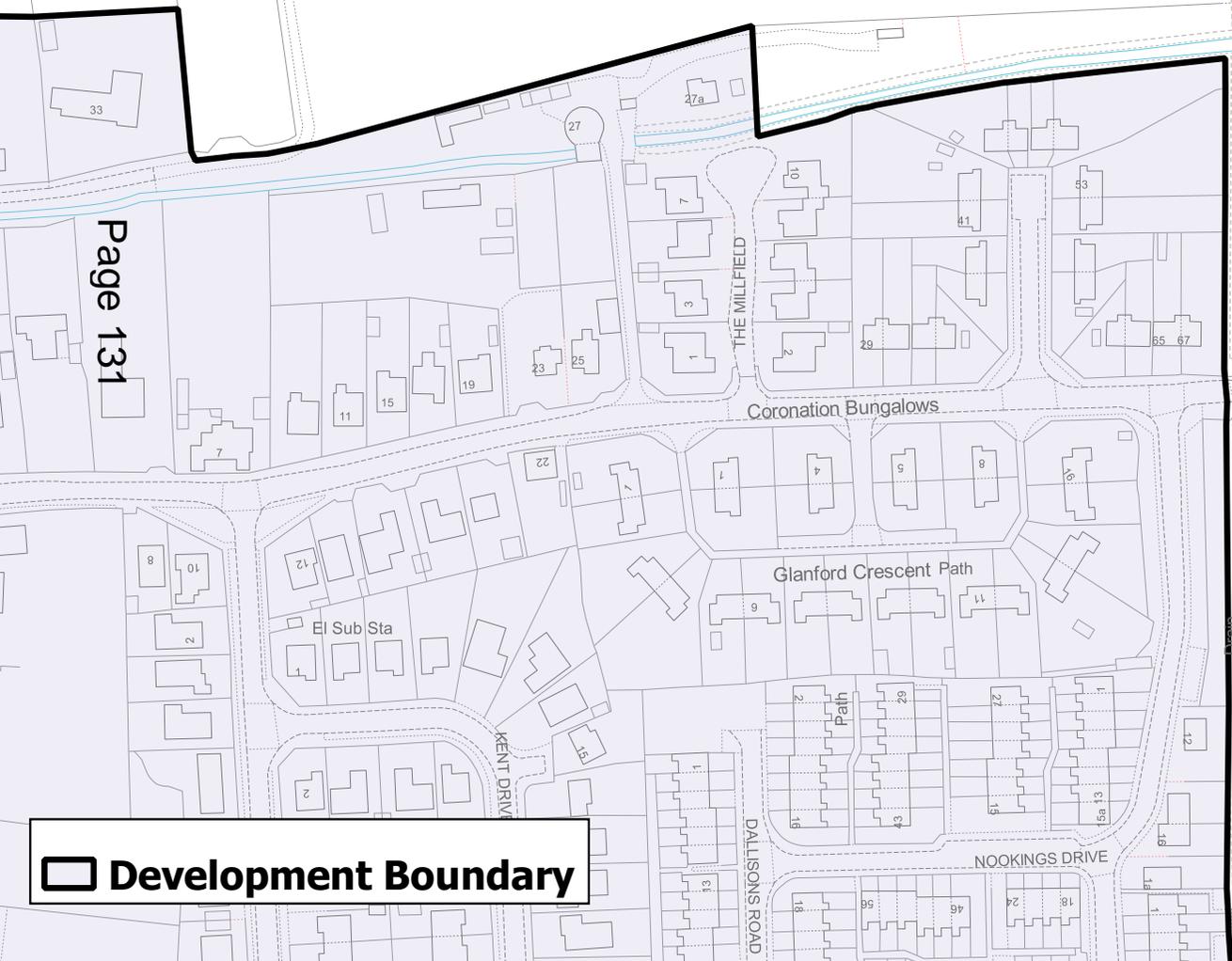
Informative 2

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 3

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



 **Development Boundary**

CODE	TYPE	STOREY	NO	SQM	TOTAL SQM	SQFT	TOTAL SQFT
F136	2 BED 3P	1	16	62.3	996.8	670	10720
F112	3 BED 5P	2	4	83.7	334.8	901	3604
			20		1331.6		14324

Note:
Do not scale from this drawing.
This drawing is copyright of Ergo Projects Ltd.
All dimensions to be checked prior to any work commencing. Any discrepancies to be reported to Ergo Projects immediately.

AMENDED



TOTAL SITE AREA
= 2.26 Acres - 0.91 Hectares

ALLOCATED PARKING BAY

VISITOR PARKING BAY

- R Plots 6-10 moved east, EA access added between plots 5&6 parking and fence line 09.09.20 to the rear of plots 2-10 moved east
- Q Fence line to the rear of plots 2-10 moved east for access 09.09.20
- P private drive extended to northern boundry following meeting on 26.11.18 26.11.18
- O Subs basin added following receipt of engineers drawing 09.11.18
- N 4no. F136 added 04.10.18
- M Bell mouth radius amended to 10m 12.07.18
- L Visitor parking bays omitted as requested by NLC Highways 11.07.18
- K 2 storey house types moved further to email received from MS on 11.07.18 11.07.18
- J Alteration to northern boundary following email from MS on 3.7.18 03.07.18
- I Further minor alts following Clients Request 22.06.18
- H Ings Lane road width amended to 5.5m 07.06.18
- G F104 replaced with the F136. 23.05.18
- F SUDs added and private drive omitted. 22.05.18
- E Minor alts to allow for less square site area. 20.03.18
- D Unit numbers increased to 16 as requested by MS 15.03.18
- C Unit numbers increased to 14 as requested by BC on 30.01.18 30.01.18
- B 2no 3 bed houses added as requested my ME on 25.1.18 30.01.18
- A Easement and additional VP bays added following email from MS on 4.10.17 10.10.17

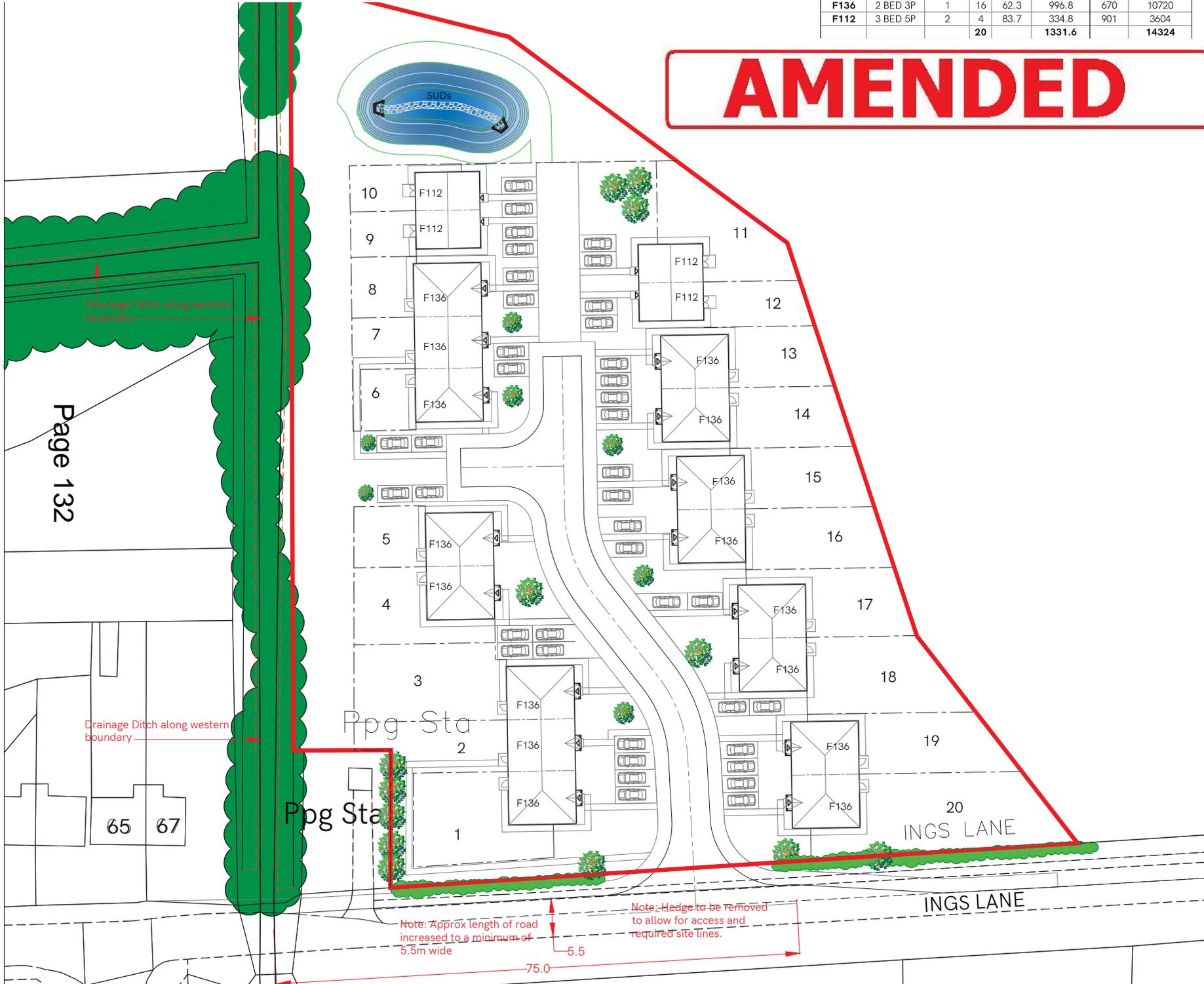
ergo

0191 229 0231
info@ergoprojects.co.uk
Azure Business Centre, High Street,
Newburn, Newcastle upon Tyne. NE15 8LN
www.ergoprojects.co.uk

PROJECT:
Land off Ings Lane
Hibaldstow

TITLE:
Proposed
Site Layout

DRAWING PURPOSE: Planning	DATE OF DRAWING: 10.2017	DRAWN BY: ME
SCALE: 1:500	SHEET SIZE: A3	REVISION: R
PROJECT NO: 406	DRAWING NO: 002	



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Drainage Ditch along western boundary

Drainage Ditch along western boundary

Note: Approx length of road increased to a minimum of 5.5m wide

Note: Hedge to be removed to allow for access and required site lines.

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APPLICATION NO	PA/2020/362
APPLICANT	Mr Kim Stones, Kim Stones Ltd
DEVELOPMENT	Planning permission to erect 15 lodges, three glamping pods, a reception and office, and new vehicular access
LOCATION	Ponds, Poles Bank, Wroot
PARISH	Wroot
WARD	Axholme South
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr David Rose – significant public interest) Significant public interest

POLICIES

National Planning Policy Framework: Sections 6, 9, 12 and 14 apply

North Lincolnshire Local Plan: Policies RD2, LC5, LC7, R12, DS1, DS11, DS16, T1, T2, T19 and R5 apply

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS15, CS17 and CS19 apply

CONSULTATIONS

Highways: No objection, but recommend conditions.

Environment Agency: “The amended FRA has addressed our concerns adequately for us to withdraw our objection to the application, subject to the imposition of conditions should planning permission be granted.

Thank you for confirming by email that a planning condition would be used to ensure the lodges can only be used for short term or holiday use. This is particularly important given ‘the scheme is for the siting of 15 lodges which will be provided on sale by sale basis and likely to be purchased by occupants who wish to fish at the lakes’ (Design and Access Statement section 5.1).

Our position is based on the flood risk vulnerability classification of the development being ‘more’ rather than ‘highly’ vulnerable. Based on the planning practice guidance to the NPPF, we consider this to be the appropriate classification providing the lodges and pods are for short term holiday use only (and subject to a specific warning and evacuation plan). Lodges for permanent residential use are classed as highly vulnerable and the PPG makes it clear that such developments are not appropriate in Flood Zone 3; we would therefore object to such use. Recommend conditions that the development take place in accordance

with the mitigation measures set out in the FRA and the lodges are for short term occupation only.”

Doncaster East Internal Drainage Board: The Board-maintained Wroot Common Drain, an open watercourse, exists adjacent to the site on the southern and western boundaries and to which Byelaw and the Land Drainage Act 1991 applies. The applicant is advised that the Board’s written Byelaw consent will be required prior to development commencing. Comments made in relation to the Board’s consent being required for any works in close proximity or adjacent to the watercourse and no development should take place until a scheme for surface water drainage has been agreed with LLFA Drainage.

Drainage (Lead Local Flood Authority): No objection, but recommends conditions in relating to the submission and implementation of a surface water drainage scheme, and to prevent surface water run-off from the site onto the public highway and from the highway into the site.

Environmental Protection: The application for residential development is a sensitive end use. In addition, mapping held by this department suggests the site may have been used for agricultural purposes. Therefore, there is the potential for contaminants such as PAHs, metals, petroleum hydrocarbons, and asbestos on site, which are harmful to human health. It is the developer’s responsibility to assess and address any potential contamination risks, however no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level. Recommend a condition in relation to contaminated land investigation, installation of vehicle charging points and that further details of the proposed combined heat and power (CHP) system are provided prior to the determination of the planning application.

Neighbourhood Services: Common Lane, which runs along the outer western perimeter of the site, carries Public Footpath 151, as shown on the 'County of Lincoln, Parts of Lindsey (Isle of Axholme)' definitive map. This is therefore a highway, albeit for pedestrian traffic only. The applicant's block plan indicates two gateways into the site off Common Lane – one about 12 metres north of Poles Bank only, the other about 165 metres north of it. Common Lane is a pedestrian highway maintainable at the public expense and thus the surface of which is vested in North Lincolnshire Council as highway authority. It must not then be altered, disturbed or damaged without our prior formal approval.

If each of the above-described provisions is adhered to, Neighbourhood Services do not object to this application from the perspective of public rights of way and open access.

Ecology: The application site supports some habitats of value, though intensive fish-stocking will inevitably limit the biodiversity value of the open water. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 2.0.

Waste Services: Comments made in relation to access and highway construction for refuse vehicles, bin collection dates and storage requirements, and recycling.

Campaign to Protect Rural England (CPRE): Objects on the grounds that the site is located in the open countryside, visual impact, it is located in flood zone 3 and poor infrastructure surrounding the site.

PARISH COUNCIL

Objects on the following grounds:

- Wroot is a small village with limited amenities and cannot support increases in the local population
- the site is flat, open countryside with poor infrastructure and services
- impact on landscape character and wildlife
- impact on local roads and increases in traffic
- increase in built development in the countryside
- impact on the character and appearance of the area.

PUBLICITY

Site notices have been displayed; 103 letters of objection have been received raising similar issues to the parish council together with the following additional issues:

- over-development
- increase in the local population
- the proposal would disrupt the quiet ambience of the local area
- insufficient infrastructure to support the development
- increase in crime
- the local road infrastructure cannot support this development
- increase in the risk of accidents
- increase in noise
- too many types of this business already in the area, including 7 Lakes and Lindholme Lakes
- competition with existing tourism accommodation
- it is the first phase of a much larger development
- impact on the rural landscape
- devaluation of property prices
- increase in pollution from the CHP boiler
- impact on local ecology, including protected species

- it will not bring significant investment or employment to the area
- the ecological survey was undertaken at the wrong time of the year and isn't representative of the wildlife quality of the site
- semi-permanent occupation of the lodges is an issue.

A letter has also been received from Andrew Percy MP which highlights the concerns of the local constituents and echoes a number of the issues raised by them, particularly in respect of the condition of the public highway, highway safety and the generation of traffic. Additional issues include impact on the settlement of Wroot, that the development is contrary to policy RD2 of the NLLP and that it represents speculative development in the countryside. Finally, issues are raised in relation to no need being demonstrated for the development, that it is in a high flood risk zone and impact on the countryside.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been submitted with this application.

ASSESSMENT

The existing site comprises a fishing ponds business extending to 3.73 hectares; this forms a smaller part of an existing fishing ponds site known as Alderfen Fisheries. It is located approximately 650 metres to the north-east of Wroot and is accessed from Common Lane in its south-western corner, which in turn is accessed from Poles Bank to the south. The site is in the open countryside and in flood zone 2/3a. Planning permission is sought to erect 15 lodges, three glamping pods, a reception/office and shop building with associated parking, a new access from Poles Bank, package treatment plant, and combined heat and power (CHP) system.

The main issues are the principle of development (incorporating impact on the character and appearance of the countryside) and flood risk.

Principle

The proposal is for the creation of a new business in the open countryside; it is a tourism use which will operate alongside the existing fishing lakes business. Of direct relevance to this proposal is policy RD2 of the North Lincolnshire Local Plan (NLLP) which states that development in the open countryside will be strictly controlled and only permitted if it is employment-related development appropriate to the open countryside. Policy CS3 of the adopted Core Strategy (CS) echoes this policy approach and states the following in respect of development outside defined settlement boundaries:

'Development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will 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.'

In terms of national planning policy, the NPPF, at paragraphs 83 and 84, states the following:

'Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through the conversion of existing buildings and well-designed new buildings;’

and

‘Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).’

It is worth noting that the NPPF is not discriminatory about the types of businesses to be located in a rural area, save they are grown in a sustainable manner and that they may be sited in locations not well served by public transport. This is an existing fishing lakes business. The proposal is for the change of use of land that forms part of an established fishing lakes business for tourism use, which, if permitted, would result in the siting of 15 holiday lodges and three glamping pods, along with a shop/office building, in the open countryside. A planning statement has been submitted with the application which sets out the sustainability credentials of the proposal and states that it is considered to meet the three overarching objectives of sustainability (as defined in the NPPF) as it will provide accommodation for short and long stays, will result in expenditure locally (thereby supporting local businesses), will create four full-time and two part-time jobs, will improve health and well-being by increasing access to leisure and recreational facilities within a well-designed and safe environment, will improve biodiversity, will help the business move to a low carbon economy, and additional tree planting/landscaping and surface water drainage attenuation will help to address climate change considerations. The document also states that the scheme will maximise the use of electrical vehicle charging points and combined heat and power. Finally, the applicant references a number of tourist attractions and towns/cities in the area which the proposal could support.

Policy R12 (New Caravan and Camping Facilities) of the NLLP is relevant and states that new caravan and camping facilities (both touring and static) will be granted planning permission provided:

- (i) the development is closely associated with existing or proposed recreational and tourist attractions and is of an appropriate scale having regard to the size and type of attraction with which it is associated; and
- (ii) the site can be suitably screened by existing land forms and/or the provision of a scheme of landscaping; and
- (iii) the provision of any built development is restricted to those essential facilities which are required to service the site.

In granting planning permission conditions will be imposed, where necessary, restricting the use of the site to holiday lettings.

The first issue to consider is whether establishing new tourist accommodation in the countryside is sustainable in the context of the NPPF and policy CS3 of the adopted CS, and whether it complies with policy R12 of the NLLP. The proposal does have the potential to support the fishing lakes business established on the site and is a recognised form of

outdoor recreation; however, it is unclear from the supporting information whether the tourist accommodation is directly linked to the fishing lakes business, and whether it is for short-term holiday lets or long-term holiday investment whereby a unit is occupied for the majority of the year without being vacated. Whilst it is accepted that the proposed holiday accommodation could serve the purpose of supporting the existing fishing lakes business, no business case has been put forward with this application to substantiate whether this type (and level) of accommodation is required in this rural location, whether the holiday accommodation is tied to the existing business established on the site (especially as it could easily be run separately from the fishing business), and whether there is additional market demand for this type of accommodation in this part of North Lincolnshire, particularly as there are a number of these types of tourism sites (Lindholme Lakes, Seven Lakes) which offer similar types of tourist accommodation tied to fishing lakes.

In addition, there is no supporting information from local tourism boards or holiday companies to demonstrate support or demand for tourist accommodation of this type in North Lincolnshire, and the supporting information is somewhat contradictory as a number of the local attractions referenced at Appendix 1 of the Planning Statement are family-led attractions, yet the supporting documents state the accommodation will not be aimed at the family holiday market. The case put forward with the planning application (in the planning statement and design and access statement) is based on the fishing ponds already being established on the site rather than how the holiday accommodation is linked to that attraction and whether the scale of holiday accommodation proposed (18 units) is commensurate to that attraction. For this reason the proposed development is considered to be contrary to policy R12 of the North Lincolnshire Local Plan.

This location is not within walking distance of any settlements that have the necessary level of amenities/services that could support the level of tourist accommodation proposed on this fishing ponds site. In addition, the site is not well served by public transport, nor is it accessible to sustainable modes of travel. The nearest settlement of Wroot has very limited services, which include a public house and a shop with limited opening hours, and whilst it is within walking distance of the site (approximately 650 metres to the edge of the settlement), pedestrian access to Wroot is via a narrow unlit section of public highway with no highway footpath. There are limited services/amenities available in Wroot and therefore occupants of the holiday accommodation are more likely to travel by car to Epworth or Haxey/Westwoodside to access services. Given the rural location of the business and its distance from any amenities/services required to meet the needs of those occupying the proposed holiday accommodation, it is considered the proposed development does not promote the use of public transport or walking and instead will promote greater car usage. The site is therefore considered to be in an unsustainable location, remote from everyday services and facilities. Policy CS2 of the Core Strategy promotes sustainable development and sets out criteria against which all new developments should be assessed in this regard. These criteria include minimising the need to travel and making necessary journeys possible by public transport, cycling and walking. Due to the relatively remote nature of the site, together with its distance from local facilities, the proposed development would not minimise the need to travel and would promote reliance on the private car to access local facilities/amenities.

In terms of the environmental dimension of sustainability, the applicant has put forward a comprehensive planting/landscaping scheme and stated the use of electric vehicle charging points and CHP would help to address climate change considerations. It is worth noting that the provision of electrical vehicle charging points would form a requirement under any planning condition if the application were to be approved. No details of the CHP plant have

been provided as to its height, design/appearance or its stack/flue height and the block plan does not show its position. On this basis the local planning authority cannot assess whether it will have an impact on residential amenity through the effects of noise/vibration or air quality (this is consistent with the consultation response from Environmental Health) or whether this element of the proposals could have an impact on the character and appearance of the rural landscape.

The application site consists of land which is used as a fishery. There are three sizeable lakes separated by modest areas of planting. A considerable amount of landscaping and planting has taken place around the lakes and towards the site boundaries, as evidenced in the applicant's design and access statement. The surrounding countryside is considerably more open in its appearance. It comprises large expansive open fields set in a flat landscape with limited amounts of trees and hedgerows and very few features which add a vertical emphasis to the rural landscape on approach to the site from Idle Bank into Wroot along Poles Bank. Development is restricted to mainly isolated farmsteads and dwellings, and modest-sized settlements.

The proposal would significantly increase the amount of built development on the site, in particular by virtue of the proposed holiday lodges. As a result, it would not reflect its less developed surroundings, nor can it be said to be typical of the few types of development that are in this area. In addition, the increase in the amount of built development on the site would contrast markedly with the expansive and open nature of the landscape in the area. Although the lodges would be single-storey (maximum ridge height of 3.5 metres), they would be sited on the embankments around the lake and even if the adjustments related to flood risk considerations were minor (to achieve finished floor levels of 1.6 metres AOD), this would have the potential to make them more noticeable in this flat landscape. The proposal would also be fairly well spaced out on the site and this would make its influence more apparent.

As the site is approached along Poles Bank in a northerly direction from Wroot and along Poles Bank in a westerly direction from Idle Bank (towards Wroot) the proposed holiday lodges, being located around the edges of the pond, would be evident and would appear as a discordant feature in the rural landscape. In addition, walkers would experience views of these lodges from Common Lane, a public footpath that runs a course north to south immediately to the west of the site. The additional landscaping proposed would serve to screen the proposals in the longer term (once it becomes established), however the lodges would be viewed as a discordant feature in the rural landscape. The proposed development is not considered to comply with policy RD2 of the NLLP in this regard, where it concerns development not being 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. To this end it is considered the environmental dimension of sustainability has not been met and therefore the proposal does not constitute a form of sustainable tourism in this regard; it is therefore considered contrary to policies CS3 of the adopted CS and paragraph 83 of the NPPF.

Flood risk

The site is located in flood zone 2/3a as defined in the North Lincolnshire Strategic Flood Risk Assessment (SFRA); this is the highest level of flood risk. The applicant has submitted an updated Flood Risk Assessment (FRA) for this planning application, and the Environment Agency has removed their objection to the proposal on the basis the holiday accommodation will be occupied for short-term lets only. The FRA states that the finished

floor levels of the proposed lodges and glamping pods can achieve 1.6 metres AOD, this is significantly below the Critical Flood Level of 4.1 metres AOD. The Environment Agency accepts that the finished floor levels above the critical flood level cannot be realistically achieved and recommends conditions that the accommodation only be occupied for short-term lets and the development takes place in accordance with the mitigation measures set out in the applicant's FRA.

The proposal for holiday lets in the lodges and the glamping pods constitute a 'more vulnerable' use and therefore this aspect of the development requires the application of both the sequential and exceptions test (subject to a specific warning and evacuation plan). The site is at the same risk of flooding and the holiday accommodation is required on the site to diversify the income of the applicant (existing fishing lakes business) and therefore the sequential test is considered to be passed in this case.

The exceptions test then needs to be applied. Essentially, the two parts to the test require proposed development to show that it would provide wider sustainability benefits to the community that outweigh flood risk, and that it would be safe for its lifetime, without increasing flood risk elsewhere and, where possible, reducing flood risk overall. Subject to the conditions recommended by the Environment Agency, it is considered that the FRA satisfactorily demonstrates that the development would be safe without increasing flood risk elsewhere. However, the applicant has provided no information within their FRA as to how the development is considered to be of wider sustainable community benefit. It is considered that the proposed development would not provide wider sustainability benefits that outweigh flood risk; the exceptions test is therefore not considered to be passed. In conclusion, the applicant has not demonstrated that the proposal would provide wider sustainable benefits to the community which outweigh flood risk. The proposal is therefore considered to be contrary to policies DS16 of the local plan, CS19 of the Core Strategy and the NPPF in terms of flood risk.

Other issues

A number of objections have been received in relation to highway safety. The application has been considered by the council's highways department and no objections have been raised on pedestrian or highway safety grounds.

A number of local objectors have raised issues in respect of protected species on the site. In response to this, a preliminary ecological appraisal report has been submitted in support of the application. The report has been considered by the council's ecologist and its findings and recommendations are accepted. Conditions are recommended in respect of the submission of a species protection plan and biodiversity management plan, which should ensure sufficient measures are in place to safeguard protected species during the construction process and ensure biodiversity enhancement from the proposed development. This would comply with policies LC5 of the NLLP and CS17 of the adopted CS.

Conclusion

In the opinion of the local planning authority, the applicant has provided insufficient information to demonstrate the need for the accommodation in this rural location and how the scale of holiday accommodation is proportionate to the existing fishing lakes business established at the site. Also, it is considered that the proposed development is in an unsustainable location remote from local amenities and services, and the proposal will

introduce built form into the flat, open, rural landscape. Therefore, the proposal is not considered to constitute sustainable tourism in accordance with policy CS3 of the adopted CS and paragraph 83 of the NPPF.

In addition, the applicant has not demonstrated that the proposal would provide wider sustainable benefits to the community which outweigh flood risk; the exceptions test has therefore not been passed. The proposal is therefore considered to be contrary to policies DS16 of the local plan, CS19 of the Core Strategy and the NPPF in terms of flood risk.

Finally, no details have been provided in relation to the proposed combined heat and power plant to be installed on the site. Therefore, the local planning authority cannot accurately assess whether it will impact on residential amenity or be detrimental to the character and appearance of the open countryside. For these reasons the planning application is recommended for refusal.

RECOMMENDATION Refuse permission for the following reasons:

1.
Insufficient information has been submitted to demonstrate whether the proposed development is closely linked with existing tourist attractions and how the scale of holiday accommodation proposed is commensurate with the existing fishing ponds business established on the site. The proposal is therefore contrary to policy R12 of the North Lincolnshire Local Plan.

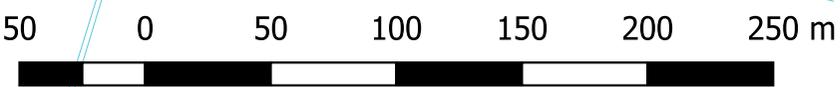
2.
The proposal is in an unsustainable location, in the open countryside, away from local amenities/services and sustainable modes of travel. It would therefore increase car dependency in this location. In addition, the proposal would increase the amount of built development on the site and would be viewed as a discordant feature in this open, flat, rural landscape, to the detriment of its character and appearance. The proposed development is not considered to constitute sustainable tourism and is therefore contrary to policies DS1 and RD2 of the North Lincolnshire Local Plan, CS3 and CS5 of the adopted Core Strategy and Paragraph 83 of the National Planning Policy Framework.

3.
The proposed development is classified as 'more vulnerable' in terms of flood risk and the site is located in flood zones 2/3a as defined in the North Lincolnshire Strategic Flood Risk Assessment. The Planning Practice Guidance states that development should only be allowed where it passes the sequential and exceptions tests. The applicant has not demonstrated that the proposal would provide wider sustainable benefits to the community which outweigh flood risk and the exceptions test has therefore not been passed. The proposal is therefore considered to be contrary to policies DS16 of the local plan, CS19 of the Core Strategy and the National Planning Policy Framework in terms of flood risk.

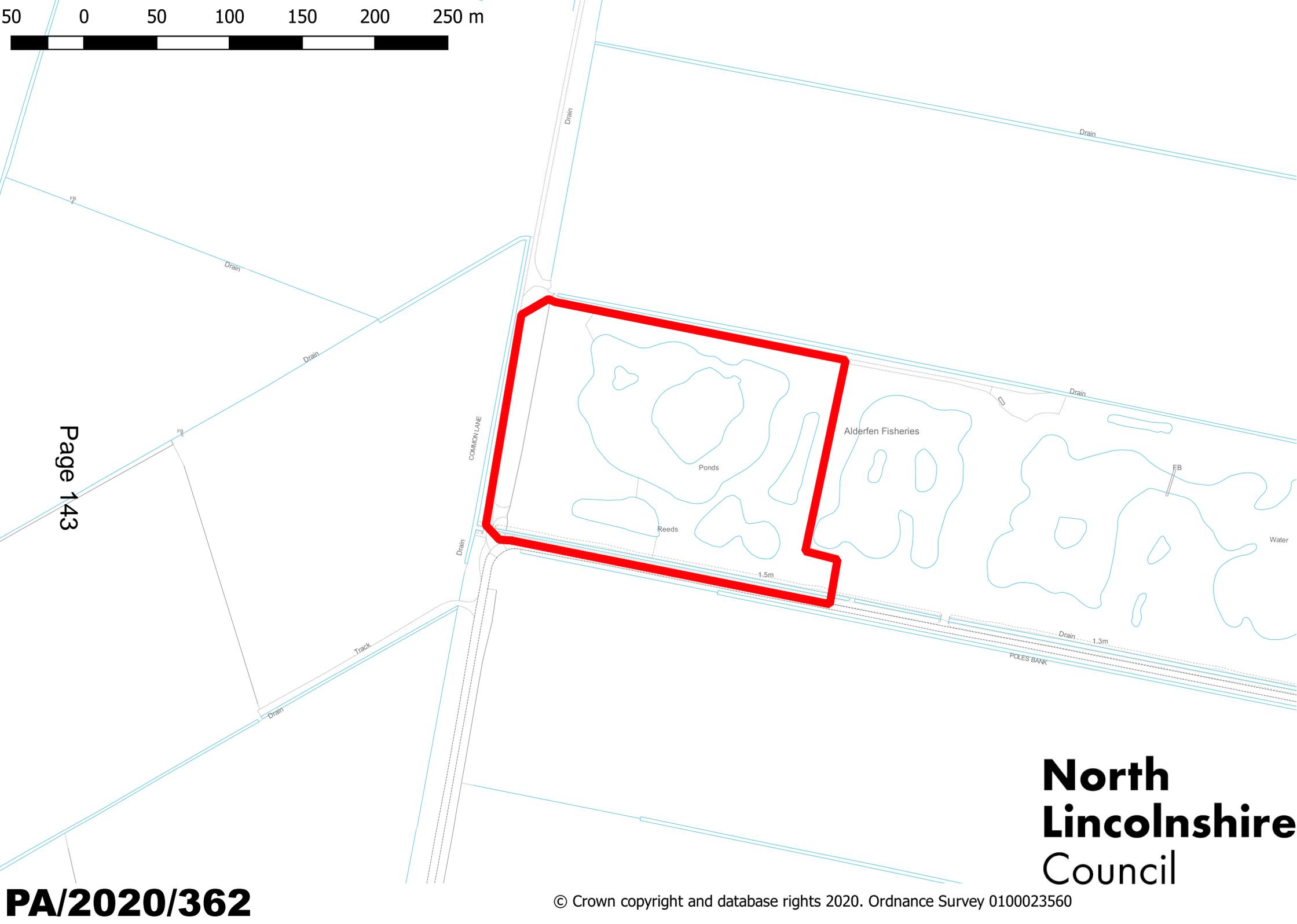
4.
No details have been provided in relation to the proposed combined heat and power (CHP) plant to be installed on the site. Therefore, the local planning authority cannot accurately assess whether the proposed CHP plant would impact on residential amenity through the potential effects of noise, vibration or air quality and whether this part of the development proposals would have an adverse visual impact on the character and appearance of the rural landscape. The proposal is therefore considered contrary to policies DS1, RD2 and DS11 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.



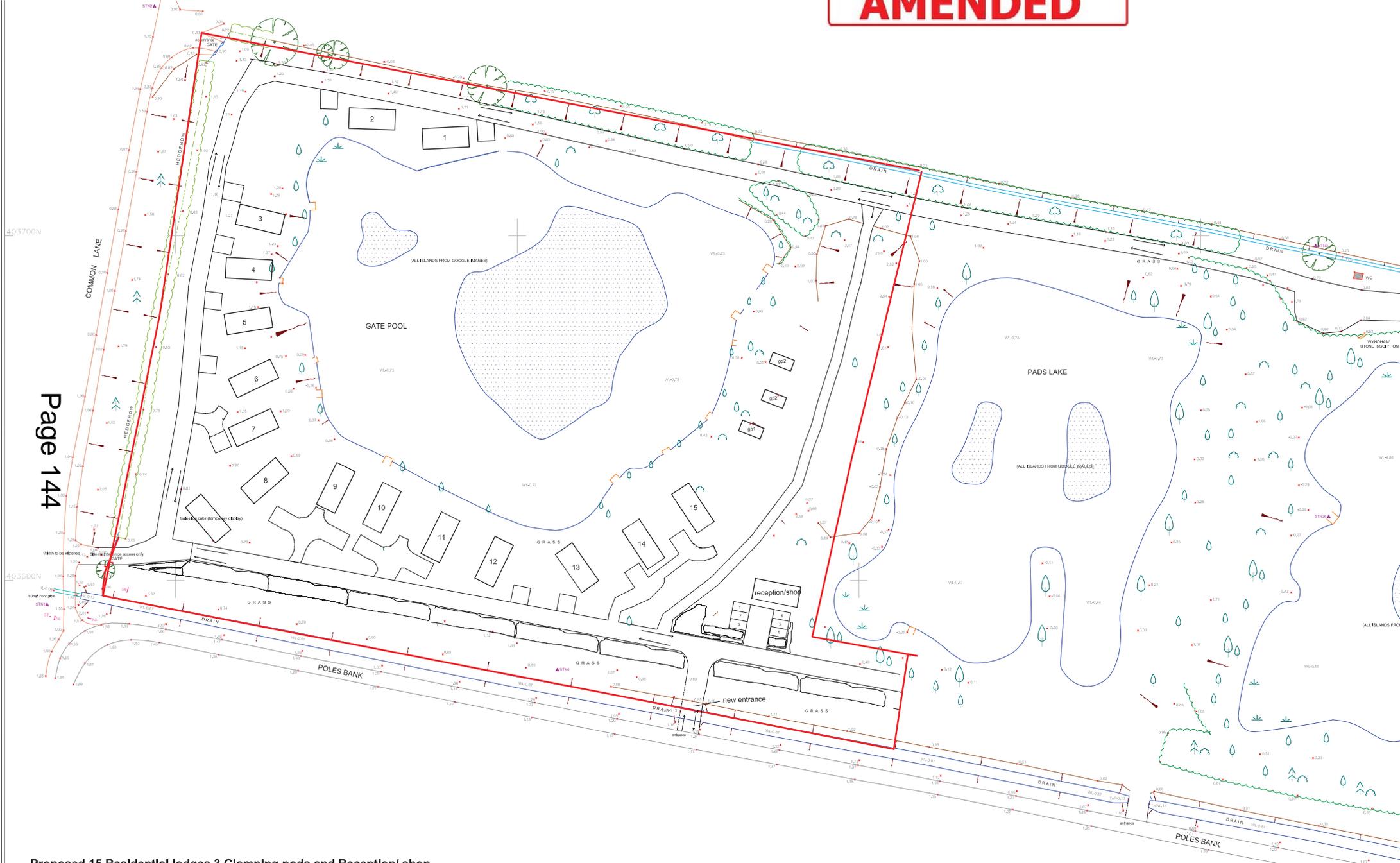
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**North
Lincolnshire
Council**

PA/2020/362

AMENDED



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Proposed 15 Residential lodges, 3 Glamping pods and Reception/ shop
 @ Alderfen Fisheries, Pole Bank, Wroot
 For Mr Stones
 Site Plan 1:500
 Prints to scale on A1 paper

JK PLANNING AND DESIGN SERVICE LTD
 6 Fair Holme View, Armthorpe, Doncaster, DN3 3TW
 Tel: 01302 830436
 Email: jasonklrk5@aol.com

APPLICATION NO	PA/2020/1413
APPLICANT	Modernistiq (Harrogate) Ltd, Modernistig (Harrogate) Ltd
DEVELOPMENT	Application for approval of reserved matters following outline planning permission PA/2017/1975 dated 11/03/2020 for the erection of up to 23 dwellings, namely appearance, landscaping, layout and scale
LOCATION	Horse Shoe House, 119 Westgate Road, Westgate, Belton, DN9 1PY
PARISH	Belton
WARD	Axholme Central
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant approval subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Tim Mitchell and David Robinson – significant public interest)

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

Policy RD2 – Development in the Open Countryside

Policy H5 – New Housing Development

Policy H8 – Housing Design and Housing Mix

Policy T2 – Access to Development

Policy T19 – Car Parking Provision and Standards

Policy LC14 – Area of Special Historic Interest

Policy DS1 – General Requirements

Policy DS14 – Foul Sewage and Surface Water Drainage

Policy DS16 – Flood Risk

North Lincolnshire Core Strategy:

Policy CS1 – Spatial Strategy for North Lincolnshire

Policy CS2 – Delivering More Sustainable Development

Policy CS3 – Development Limits

Policy CS5 – Delivering Quality Design in North Lincolnshire

Policy CS6 – Historic Environment

Policy CS7 – Overall Housing Provision

Policy CS8 – Spatial Distribution of Housing Sites

Policy CS9 – Affordable Housing

Policy CS19 – Flood Risk

Policy CS25 – Promoting Sustainable Transport

Housing and Employment Land Allocations DPD:

Policy PS1 – Presumption in Favour of Sustainable Development

CONSULTATIONS

Public Health: Supports the comments made by the LLFA and the request for the condition to be applied by Severn Trent Water Limited. They recommend that electrical charging points are included in the design and layout of the development for the charging of vehicles and the houses are built to be energy-efficient and affordable to run. The allocation of affordable housing as specified at 10% is adhered to as a planning condition.

Local Lead Flood Authority: Comment that the submitted details are unacceptable. They still require the Flood Risk Assessment & Drainage & SuDS Strategy to demonstrate that the proposals are acceptable.

Environmental Health: No adverse comments to make.

Severn Trent Water Limited: Recommend a condition requiring drainage plans for the disposal of surface water and foul sewage to be submitted to and approved by the local planning authority and an informative.

Historic Environment Record: Object to the site layout as proposed as it would adversely affect the character, appearance and setting of the historic landscape, contrary to the NPPF, LC14, Core Strategy policy CS6, and other local policy.

Humberside Police – Community Safety: No objection to the proposals.

Recycling: No issues with the application; however, provide standard advice on waste management in line with the council's Waste Planning Guidance.

Environment Agency: No comments to make.

Highways: No objection subject to conditions.

Humberside Fire Brigade: No objection; however, provide standard advice on access for the fire service and water supplies for fire-fighting.

Yorkshire Water Services: No comments received.

PARISH COUNCIL

Requested an extension of time to provide comments till 23 October 2020. However, no response received at the time of writing this report.

PUBLICITY

A press and site notice displayed under Article 15 of the DMPO 2015 as amended.

No comments have been received.

ASSESSMENT

This is a reserved matters application for the erection of 23 dwellings at Horse Shoe House, 119 Westgate Road, Westgate, Belton. This application follows the grant of outline planning permission PA/2017/1975 at appeal on 11 March 2020 (ref: APP/Y2003/W/19/3230500) subject to conditions. The reserved matters for which approval is sought are appearance, landscaping, layout and scale.

Site characteristics

The site consists of a broadly rectangular parcel of land measuring approximately 0.9 hectares in size. It is located within the small rural settlement of Westgate, which is physically connected to the larger settlement of Belton to the east. The site currently comprises a dwelling adjacent to Westgate Road, and outbuildings and paddocks to the rear. It is close to the junction of Westgate Road and Carrhouse Road. Access is gained via Westgate Road to the north, with the existing 119 Westgate Road proposed for demolition to facilitate this.

The site is bounded by residential dwellings to the west and north. To the south, it is bounded by a landscaped parcel of land belonging to properties on Carrhouse Road and to the east by an open field. The site is outside the defined settlement boundary for Westgate,

Belton and Carrhouse and predominantly within Flood Zones 2/3a (high risk) and the southern section within Flood Zone 1 (Low Risk). It is wholly within the Isle of Axholme Area of Special Historic Landscape Interest designated under policy LC14 of the North Lincolnshire Local Plan (NLLP).

Main issues

As the principle of residential development and its access have been approved, the main issues are appearance, landscaping, layout and scale.

The key issues to be assessed in the determination of this application are:

- **the principle of development;**
- **the impact of the design and scale of the development on the character of the site and the surrounding area;**
- **impact upon the residential amenity of neighbouring properties;**
- **impact on highway safety;**
- **impact on flood risk;**
- **the appropriateness of the proposed landscaping scheme; and**
- **other matters.**

The residents have not raised concerns and the parish council has not submitted comments. Notwithstanding the above, local members have called in the application for determination by the planning committee. No specific planning reason was given for the call in and, therefore, it is not evident whether the matters to be discussed were considered by the Inspector during the appeal process.

Planning history and principle of development already approved

Outline planning permission to erect up to 23 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration on land off Westgate Road, Westgate, Belton was refused on the basis that the number of residential units proposed, and their location, is unsustainable. The proposed development would also result in unacceptable encroachment into Belton Open Field, an area of historic landscape interest, which would adversely affect its setting and was therefore contrary to policies CS2 and CS6 of the North Lincolnshire Core Strategy, and policies LC14 and DS1 of the North Lincolnshire Local Plan.

The applicant appealed against the decision of the council to refuse the application, the decision was overturned, and the application was approved on the basis that the adverse impacts identified would not significantly and demonstrably outweigh the benefits of the development. Accordingly, the proposal would accord with the presumption of sustainable development, as set out in the Framework. Consequently, the material consideration outweighs the conflict with the development plan as a whole and planning permission should be granted for the development subject to conditions.

The outline permission establishes the principle of development as acceptable on this site and any subsequent changes in legislation or regulation cannot be applied retrospectively to it.

Matters for consideration

This application deals with matters of detail pursuant to the outline planning permission, that is, the layout, scale and general appearance of the scheme as specified in condition 1.

Layout, siting and design

Policy CS5 of the North Lincolnshire Core Strategy is concerned with 'Delivering Quality Design in North Lincolnshire'. It requires all new development in North Lincolnshire to be well designed and appropriate for their context. It requires new development to contribute to creating a sense of place. Under the policy, the council encourages contemporary design, if it is appropriate for its location and is informed by its surrounding context. A 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.

The density of the site has been agreed with the approval of the outline planning permission and deemed appropriate to the character of the surrounding area.

The number of dwellings was also considered at the outline stage and this reserved matters application has been applied for within the parameters of that 'in principle' decision. The layout plan submitted shows cul-de-sacs with a dead-end street that create a sense of a private community. The site comprises the following mix of dwellings and the dwellings have separate driveways and garages. They also have front and rear gardens.

Type 1: 8 semi-detached 3-bedroom

Type 2: 6 detached 4-bedroom

Type 3: 4 detached 4-bedroom

Type 4: 5 detached 5-bedroom.

The appearance of the dwellings does not raise an issue since the main material would be brick faced with grey roof tiles, which is not out of character with North Lincolnshire. The roofs, elevations, windows, doors, porches and garages are deemed suitable. This is appropriate and in keeping with the area and immediate surroundings, and reflects the local vernacular.

Regarding the scale of the dwellings, the different building heights and massing within the proposed development will relate to one another and their impact on the quality of the spaces immediately around them.

Concerns have been raised by the Historic Environment Record to the site layout as proposed due to the adverse effect on the character, appearance and setting of the historic landscape contrary to the NPPF, LC14, Core Strategy policy CS6 and other local policy.

It is the case that the house types are two-storey; however, the ridge heights are not excessively tall. The heights are comparable to the variable ridge heights of nearby

dwellings. A condition requiring the approval of finished floor levels will be imposed to ensure that plots on the site are not overly dominant.

Overall, the house designs and the overall appearance of the proposal are appropriate as they create positive and attractive building alignment and frontages, and adequate provision has been made for space around buildings with appropriate use of materials.

Amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states:

‘...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.’

Policy H5 of the North Lincolnshire Local Plan is concerned with new housing developments and is also considered relevant.

The dwellings have an acceptable level of separation distance and orientation from the neighbouring properties so as not to give rise to unacceptable overbearing or overshadowing impacts. To ensure that adequate levels of privacy are maintained, the windows would face the road. Overall, all windows are in a position that would not give rise to unacceptable visual intrusion. It is therefore considered that the proposal complies with policies DS1 and H5 of the North Lincolnshire Local Plan.

Landscaping

Regarding landscaping, the Inspector concluded that the proposal would have an unacceptable effect on the character and appearance of the area, the Belton Open Field and the Isle. However, in taking all considerations together, the harm as regards conflict with the development plan policies would be on a moderate scale. On balance, the Inspector judged that the benefits of housing provision and affordable housing, as well as the economic and social benefits of the proposed new housing, would outweigh the moderate harm.

This judgement is the basis for the submission of the landscaping scheme. Following a review, most of the trees on the site are on its periphery within the site boundary hedging. The proposal does not include the loss of the existing trees, as they are located at the periphery and would not interfere with the development. Consequently, the existing trees and hedging on the site boundary are to be retained and new trees planted. The level of landscaping provided is judged appropriate.

Affordable housing

As this is a reserved matters application, the matter of S106 is not being revisited as this relates to the principle of development, which was established under the outline planning permission.

Highways

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by satisfactory access. Policy T19 is

concerned with parking provision as well as general highway safety; both policies are considered relevant.

The housing scheme shows that each house would have a car parking space within the plot. It is considered that the proposed layout provides an appropriate level of car parking. No concerns have been raised regarding the adequacy of the access. Access was a matter which was approved as part of the outline planning permission and, as such, the principle of the access has already been established.

Highways have no objections to the proposal subject to conditions. Pre-commencement conditions were imposed on the outline permission with regard to various highway issues, including the submission of a construction management plan. The permission requires these conditions to be discharged before the development is commenced. Overall, it is considered that, subject to the conditions, the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan.

Other matters

The outline permission dealt with issues such as flood risk, drainage and SuDS strategy on the site. Whilst the Local Lead Flood Authority and Severn Trent Limited have not objected in principle to the approval of the reserved matters, there is still a requirement to discharge outstanding conditions on the outline permission with regard to these issues.

Issues of ecology form part of the matters that the Planning Inspector dealt with at the outline planning permission stage. The conditions imposed are required to be discharged before the commencement of development. As a two-part permission these conditions still apply and require formal discharge following any approval of the reserved matters.

The council has due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considers that there would be no significant or unacceptable increase in crime or disorder as a result of the recommended decision. The council has also had due regard to its duty under public health and considers that there would be no significant or unacceptable impact as a result of the recommended decision.

Conclusion

As indicated earlier, the application is for approval of reserved matters, namely appearance, landscaping, layout and scale. The reserved matters under consideration are acceptable and consistent with the approved outline planning permission. Pre-commencement conditions imposed on the outline permission by the Inspector will allow for the few remaining technical details to be satisfactorily met before development commences. The proposed development complies with the North Lincolnshire Local Plan and the Core Strategy and is recommended accordingly.

RECOMMENDATION **Grant approval subject to the following conditions:**

1.

The development hereby permitted shall be carried out in accordance with the following approved plans: 3172-DEN-X-XX-DR-A-1002; 3172-DEN-X-XX-DR-A-1003; CE-WR-1762-DW01-V1.2; 3172-DEN-X-XX-DR-A-2010; 3172-DEN-X-XX-DR-A-2001; 3172-DEN-X-XX-DR-A-2002; 3172-DEN-X-XX-DR-A-2004; 3172-DEN-X-XX-DR-A-2003; 3172-DEN-X-XX-DR-A-2005; 3172-DEN-X-XX-DR-A-2006; 3172-DEN-X-XX-DR-A-2007; 3172-DEN-X-XX-DR-A-2008; 3172-DEN-X-XX-DR-A-1000; 3172-DEN-X-XX-DR-A-4000; 3172-DEN-X-XX-DR-A-2009.

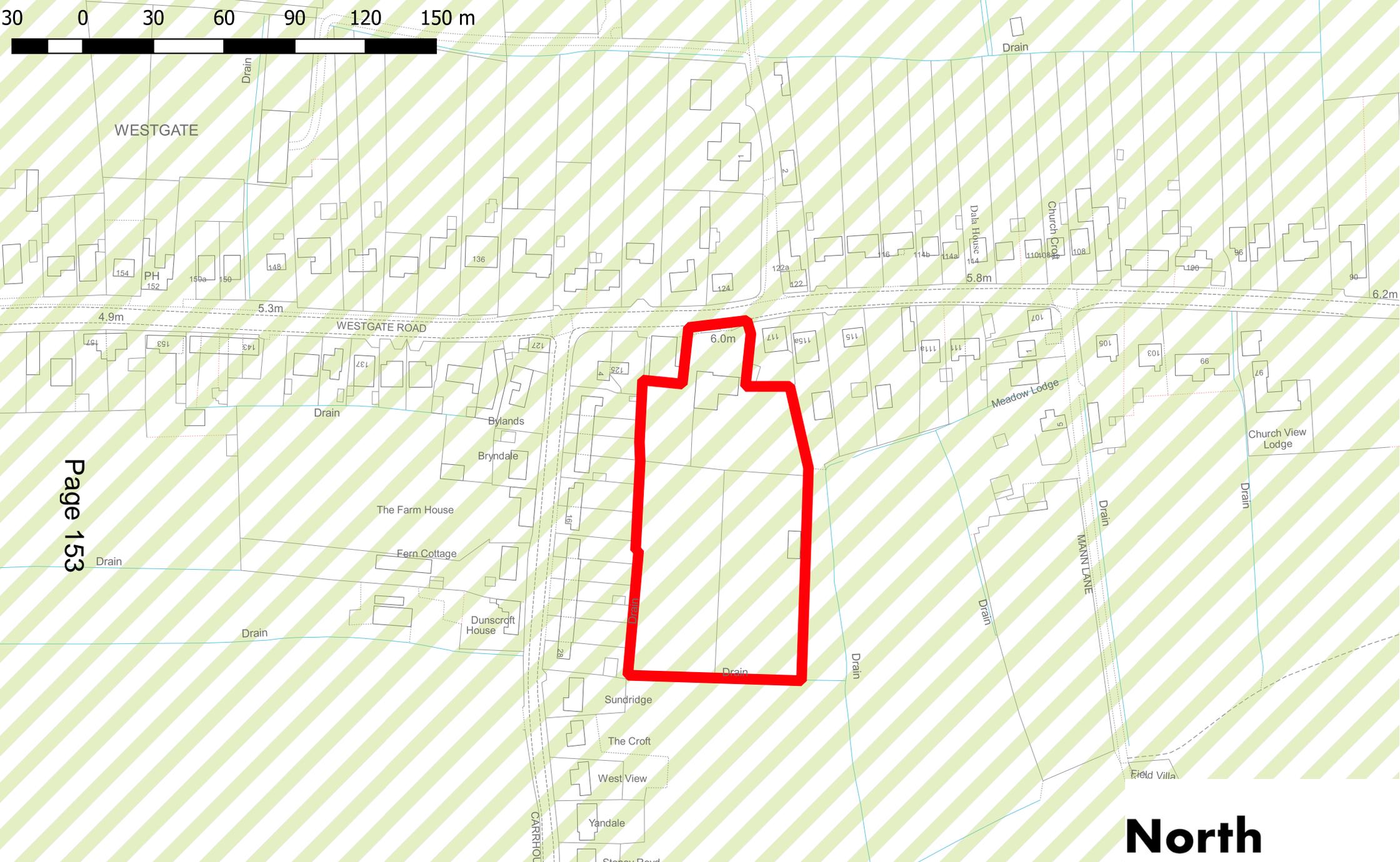
Reason

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

Informative

This approval follows on from the grant of outline planning permission by the Inspector at appeal (ref: APP/Y2003/W/19/3230500). All conditions on that permission remain applicable to the site.

30 0 30 60 90 120 150 m



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LC14 Isle of Axholme Area of Special Historic Landscape

**North
Lincolnshire
Council**

PA/2020/1413

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AMENDED

C:\Users\den\OneDrive - Den Architecture Ltd\3172 Westgate Road Belton\020
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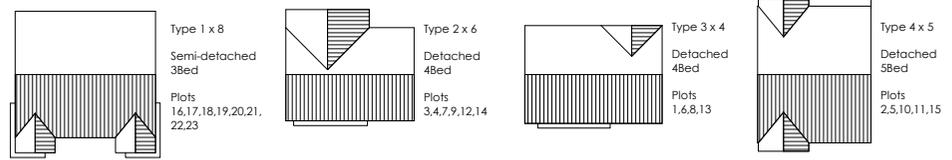
Northpoint:



Rev	Date	Amendments	By	Chkd
A	16/09/20	Plot extended to site boundary to provide maintenance access to adjacent field	LD	ADP
B	22/09/20	Plot 1 position updated	LD	ADP



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den
architecture

8 Wharf Street, Leeds, LS2 7EQ
 17 Grosvenor Street, London, W1K 4GG
 T: 0113 244 5038
 info@den.uk.com
 www.den.uk.com

Project:
Proposed Residential Development, Westgate Road, Belton

Client:
Modernista (Harrrogate) Ltd

Draw Title:
Proposed Site Plan

Date: July 20	Scale: 1 : 200	Drawn: LD	Checked: ADP
Project No: 3172	Site: A1	Status: Planning	
Drawing Number: 3172-DEN-X-XX-DR-A-1002	Revision: B		

For landscape:
 Refer to the Detailed Landscape scheme by Crestwood Environmental Ltd

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

1. OBJECT

- 1.1 To inform the committee about planning applications and other associated matters falling within its terms of reference which are ready for determination.

2. BACKGROUND

- 2.1 This committee is required under its terms of reference to exercise the functions of the council as local planning authority for the purposes of the control of development, including the determination of applications for planning permission and other applications under the Town and Country Planning Acts, General Development Orders, and any Orders or Regulations made thereunder, and in accordance with the council's planning policies.
- 2.2 In exercising these functions the committee is required to have regard to the National Planning Policy Framework, the development plan for the area and any other material considerations. It will also take account of the duty imposed by section 17 of the Crime and Disorder Act 1998 and the requirements of the Human Rights Act 1998.

3. INFORMATION

- 3.1 Items for determination are listed in the attached schedule.
- 3.2 References to standard time limit conditions and standard outline conditions mean the conditions automatically applied by sections 91 and 92 of the Town and Country Planning Act 1990.
- 3.3 Reports will be updated at the meeting if necessary to take account of additional relevant information received after publication.
- 3.4 Plans included with reports are for identification and/or illustrative purposes only. Applications and supporting documents can be viewed in full on the planning pages of the council's web site.

4. RESOURCE IMPLICATIONS

- 4.1 There are no staffing or financial implications arising from this report.
- 4.2 Environmental considerations are of major importance when considering planning applications and are set out in the individual reports.

5. RECOMMENDATION

- 5.1 That the applications be determined in accordance with the recommendations contained in the schedule.

GROUP MANAGER – DEVELOPMENT MANAGEMENT AND BUILDING CONTROL

Church Square House
30–40 High Street
SCUNTHORPE
DN15 6NL

Reference: CB/JMC/Planning committee 16 December 2020.docx

Date: 7 December 2020

Background papers used in the preparation of this report:

1. The applications including accompanying plans and ancillary correspondence.
2. Statutory and non-statutory consultation letters and responses.
3. Responses from parish and town councils.
4. Representations from other bodies or individuals.
5. Relevant planning policy documents.
6. Previous relevant planning decisions.

(Pursuant to section 100D of the Local Government Act 1972 any document containing 'exempt information' is excluded from this list.)

Statement of publication's purpose

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APPLICATION NO PA/2020/390

APPLICANT FKX Ltd

DEVELOPMENT Advertisement consent for the installation of two sets of LED internally illuminated built up flexface box system advertisements

LOCATION Wren Kitchens, Falkland Way, Barton upon Humber, DN18 5RX

PARISH Barton upon Humber

WARD Barton

CASE OFFICER Andrew Law

SUMMARY RECOMMENDATION **Grant consent subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Objection by Barton upon Humber Town Council

POLICIES

National Planning Policy Framework:

Paragraph 132 states that the quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

National Planning Practice Guidance:

Advertisements

Paragraph 016 (ID: 18b-026-20140306) identifies that Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, insofar as they are material, and any other relevant factors.

Paragraph 079 (ID: 18b-079-20140306) provides guidance on considerations affecting amenity. It confirms that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. It is, however, a matter of interpretation by the local planning authority as it applies in any particular case.

In practice, ‘amenity’ is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement, where residents or passers-by will be aware of the advertisement. So, in assessing amenity, the local planning authority would

always consider the local characteristics of the neighbourhood; for example, if the locality has important scenic, historic, architectural, or cultural features, the local planning authority would consider whether it is in scale and keeping with these features.

North Lincolnshire Local Plan:

Policy DS1 (General Requirements)

Policy DS18 (Advertisement Control)

Policy DS12 (Light Pollution)

North Lincolnshire Core Strategy: No specific policies of relevance.

CONSULTATIONS

Highways: No comments or objections to make.

Environmental Protection: This department considers that the information submitted is inadequate to demonstrate that the signage will not be visible from the surrounding area and therefore would recommend refusal of the application on the grounds that it is contrary to policy DS12. If approved recommend that it is conditioned that the sign not be illuminated during hours of darkness.

TOWN COUNCIL

Object to the roof-mounted illuminated sign only. The proposed roof-mounted 'Wren' sign would be 125 feet long x 25 feet high with the top of the sign at 75 feet above ground level and facing west. It is totally out of place in the buildings' rural location. When the existing factory was built, it was designed to be as unobtrusive as possible, with a great deal of thought and expense put into landscaping to shield the buildings from outside of the site boundary. The proposed roof-mounted sign would be a total illuminated area of 3100 square feet and be visible for miles around. When illuminated this would create a huge source of light pollution.

PUBLICITY

This application has been advertised by the display of a site notice. One letter of objection has been received on the following grounds:

1. It is not difficult to find the site and the entrance already has two large signs welcoming visitors. Furthermore, the landscaping has been designed to ensure that the industrial buildings are not visible from outside of the site perimeter. The base of the 'Wren' sign will be mounted facing west at 15.75 metres above ground level and have a maximum height of 23.5 metres above ground level. The sign will cast light towards the Keigar Homes housing development to the west.

The viewpoint supplied from the Keigar Homes development is taken from a point opposite the site entrance and is at a lower point than many of the properties on the housing development. The properties sites towards the Barrow Road/Falkland Way junction are set at a much higher level.

2. There is also a safety issue as the sign will be visible from the Humber Bridge. This is the only place (with the exception of the Keigar Homes development) around the town of Barton upon Humber that this sign will be seen when illuminated. Due to the size of the sign it will be a distraction to drivers on the bridge thus possibly causing them to lose concentration.
3. One other concern is that light pollution is a major concern for wildlife and we are encouraged to reduce it, this 3,100 square foot illuminated sign would be the single largest source of light pollution in the area.

ASSESSMENT

Site and surrounds

The application site is the existing Wren Kitchens factory (The Nest) located off Falklands Way on the eastern edge of the settlement of Barton upon Humber. The site is currently occupied by a large kitchen manufacturing factory set centrally within the site, with a large area of car parking to the western side of the site and extensive landscaping, including a drainage lagoon and earth bunds and tree planting around the perimeter of the site.

There is a public footpath immediately to the north of the site, with open fields beyond. To the east the site is bounded by a parcel of land which is in the ownership of the applicant and which is currently being developed under planning permission PA/2020/460 to provide a new factory building and car parking area as an extension to the existing Wren Kitchens manufacturing site. To the south the site is bounded by Options Barton, a specialist school, with the A1077 (Barrow Road) beyond. To the west the site is bounded by Falklands Way with a large housing estate beyond, which is currently being built out, with several phases already completed. The Falklands Way industrial estate sits adjacent to the north-west corner of the Wren Kitchens site and is subject to allocations for further industrial development along its eastern edge.

Constraints

The application site is located within the defined development limit for Barton upon Humber and is not located within any conservation area or adjacent to any listed building. The site is not subject to any formal ecological or landscape designation; however, the eastern edge of the Wren Kitchens site is identified as a landscaping buffer, which can be seen by the significant landscaping along this side of the site at present.

The site is located approximately 0.6 kilometres to the south of the Humber Estuary which is subject to a number of formal designations (Ramsar, SPA, SSI and SAC).

Proposed development

This application seeks advertisement consent to erect new signage to the western elevation of the existing building adjacent to the main site pedestrian entrance.

The signage comprises two sets of internally LED illuminated built up aluminium flexface box systems with white flexface skins. The first set ('wren') would be fixed to newly installed structural framework on top of the western elevation and would measure 7.675 metres high by 38 metres wide. The second set ('KITCHENS') would be fixed directly to the western elevation of the existing building and would measure 3.315 metres high by 28.36 metres wide.

Both signs would be extremely large, with the first sign sitting above the roof level of the building and the second sign sitting directly below on the western side of the building.

The only issues for consideration in the determination of this application are the potential impacts of the proposed signage on safety and amenity.

Principle

Regulation 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 requires that local planning authorities control the display of advertisements in the interests of amenity and public safety, taking into account the provisions of the development plan, insofar as they are material, and any other relevant factors.

Paragraph 132 of the NPPF confirms that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Further to the above, policy DS18 of the North Lincolnshire Local plan relates specifically to the display of advertisements and as such is the most relevant development plan policy in the determination of this application. This policy states that applications for the display of adverts will be granted provided that:

- (i) the advertisement is appropriately positioned in relation to the design of the building and is of an appropriate scale; and
- (ii) the advertisement does not create a hazard to public safety; and
- (iii) advertisements are kept to the minimum to avoid clutter which would detract from the character of the building and street scene; and
- (iv) where a sign is lit, the type and level of illumination is appropriate to the location; and
- (v) the construction, materials and colour of the advertisement are sympathetic to the building and locality.

Based upon the above, it is considered that the display of advertisements in this location is acceptable in principle and that the determination of the application will be dependent upon an assessment of the potential impacts upon the amenity of the locality and public safety.

Amenity

Paragraph 079 (ID: 18b-079-20140306) of the National Planning Practice Guidance confirms that factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. It is, however, a matter of interpretation by the local planning authority as it applies in any particular case.

Policy DS18 as described above considers amenity in respect of the appropriateness of the position and scale of the advertisement in relation to the building, the number of advertisements present in respect of clutter, the level of illumination, and the colour and materials used in construction.

Firstly, it must be acknowledged that both of the proposed advertisements are extremely large (7.6 metres by 38 metres and 3.3 metres by 28 metres) and that they will be visible within the wider area. As such there will be an impact upon the character and visual amenity of the area. However, the fact that an advertisement can be seen does not necessarily mean that it has an unacceptable impact on the amenity of an area. Indeed, the purpose of an advertisement dictates that it will be visible. The assessment that must be made is whether the scale of the signage proposed is appropriate for its location, bearing in mind the context of the application site and the wider locality, and the design of the building it is to be attached to.

In this instance the signage will be attached to an extremely large industrial building (approximately 375 metres by 278 metres at its longest and widest parts) that forms part of a wider industrial site, which is currently being developed. Whilst the signage is of a much larger scale than any other advertisements in the area and would be inappropriate for the vast majority of sites and buildings, the submitted visualisations demonstrate that, due to the size and scale of the existing building to which it will be attached, the signage can be accommodated in its proposed location without appearing disproportionate. In this regard it must also be noted that the applicant is in the process of constructing a further factory building to the east of the existing, under planning permission PA/2020/460, which will be of a similar footprint and taller than the existing building on site. Therefore, the advertisements will be viewed in the context of the existing very large industrial building and against the backdrop of further very large-scale development. On balance it is considered that the proposed signage will not be disproportionate to the building that it will be attached to or when considered in the context of the site.

With regard to potential impact on the amenity of neighbouring properties, consideration has to be given to the residential properties on the Keigar Homes estate off Falklands Way to the west and in particular those properties that front Orangeleaf Way and have their rear elevations facing east towards the position of the proposed signage. These properties are the nearest sensitive receptors to the proposed advertisements. Viewpoints of the site and the proposed advertisements from this housing estate have been provided as part of the application, with additional viewpoints being requested from first floor level. This viewpoint analysis shows that the signage will be visible from the residential properties to the west, but that there will be a significant degree of screening offered by existing landscaping around the site – particularly with regard to the main habitable rooms at ground floor level. The additional first floor viewpoints show that this screening will be less effective when the site is viewed from first floor windows. It is also noted that properties on Orangeleaf Way do not benefit from the same level of perimeter landscaping as those opposite the entrance to the Wren Kitchens site; however, there is a perimeter bund and landscaping adjacent to the drainage lagoon which will provide some screening from these properties, as well as scattered tree planting in the verge along the western side of Falklands Way.

Notwithstanding the existing landscape screening, it has to be acknowledged, in accordance with the concerns raised by the Environmental Protection officer, that the signage that stands proud of the building's roof will be visible from the residential properties to the west of Falklands Way, particularly when it is illuminated. As such there will be some impact upon the amenity of these properties. However, as well as the screening shown on the viewpoints, consideration must also be given to the mitigation that will be provided by the separation distance between these residential properties and the signage. The western elevation of the building where the signs are proposed is located approximately 590 metres from the rear elevation of the nearest residential property. This separation distance is

significant and when combined with the landscaping within and around the site provides mitigation against the scale of the signage and the impact on neighbouring properties.

The council's Environmental Protection department has raised specific concerns relating to the illumination of the proposed signage and the impact that this could have on residential properties. This is primarily based upon an assessment that the signage will be visible from these properties. Due to the distances involved there is no concern raised with regard to light spillage or light pollution of the properties to the west. Rather, the concerns relate to the impact on the occupiers' enjoyment of their properties. Notwithstanding the concerns raised by the Environmental Protection officer, it is considered that the significant separation distance between the signs and neighbouring properties, coupled with a degree of screening offered by existing landscaping, will provide a significant degree of mitigation in this regard. Discussions have taken place with the applicant's agent in relation to the concerns raised in respect of the illumination of the signage and a condition has been suggested which could control the hours that the signage is allowed to be illuminated. Such a condition would provide further mitigation of the impacts of the signage during the evening. The applicants have suggested a restriction preventing illumination between the hours of midnight and 6am. Having duly considered this suggestion it is considered that such a restriction would need to be in place earlier in the evening to achieve a sufficient level of mitigation. As such, it is recommended that, should the planning committee be minded to grant advertisement consent for the proposed signage, this should be subject to a condition that the signs are not illuminated between 10pm and 6am. Subject to this condition it is recommended that suitable mitigation will exist to ensure that no unacceptable loss of amenity to the neighbouring residential properties to the west will occur. It is also noted that, should objections be raised in respect of illumination following installation of the signage, the council's Environmental Protection department would retain powers to investigate the potential for a statutory nuisance under their own legislation.

Finally, with respect to amenity, consideration needs to be given to the potential impact on the general character and visual amenity of the locality. Concerns have been raised that the application site is rural in nature and that signage of this scale and with illumination would be out of keeping and harmful to the character of the area. It cannot be contested that the proposed signage will have an impact on the character of the wider area; however, it must be noted that the application site is a large and well established industrial site. Whilst the site sits on the eastern edge of the settlement, where there is a transition into the open countryside, the site immediately to the east is currently being developed as an extension to the Wren Kitchens site and will ultimately house another factory building of larger height and scale, and the associated access roads and parking areas. Both the existing site and the site of the new factory building, including their parking areas, will be floodlit. Furthermore, there is an existing industrial estate to the north-west of the site and a housing estate to the west, which both benefit from street lighting. Therefore, whilst the wider area is a mix of rural and urban, the site itself cannot be said to be located in a wholly rural setting. The proposed signage will represent the largest single source of light within this area; however, given the site context, this is not considered to be inappropriate. The lighting modules used within the signage will use LEDs and are designed to minimise light spillage. Consideration has been given to the use of external illumination, which can sometimes be less harsh visually; however, given the size of the signs and the level of lighting that would be required, this would result in significantly more light spillage and illumination of a much wider area. Once again, whilst such a large illuminated sign would not be acceptable in a lot of locations, the size and nature of the site and its surrounds, including the consented development to the east, mean that the proposed signage can be accommodated without an unacceptable impact on the character of the area.

There is a public footpath a short distance to the north of the site and other recreational paths along the southern bank of the River Humber. However, it is unlikely that these footpaths will be used frequently during the hours of darkness and the signage will be viewed in the context of a very large, established industrial development. Furthermore, the materials proposed in the construction of the signage are considered to be appropriate given the industrial nature of the site, and the proposed signage will not result in a proliferation of adverts on the building resulting in clutter.

For the reasons outlined above, and having given due regard to the concerns raised by the Environmental Protection officer, the town council and local residents, it is considered that, whilst the proposed signage will, due to its scale and illumination, have an impact on amenity, this impact would be suitably mitigated to a level which is not unacceptable.

Safety

Concerns have been raised that the signage, due to its size and illumination, would pose a danger to motorists, particularly those travelling south along the Humber Bridge. This is because the signage will be visible from the bridge, particularly during the evening when it is illuminated. Viewpoints presented with the application confirm that the signs will be visible from the Humber Bridge and the North Bank of the Humber and it is noted that at present the Wren Kitchens site can be seen when travelling along the bridge, albeit at a significant distance. The visuals demonstrate that, whilst very large, the signage will be viewed from the bridge at such a distance and relatively obtuse angle that it will not be unduly oppressive or distracting to drivers. Furthermore, the signage will be visible from a straight section of carriageway which is subject to speed restrictions. For these reasons the signage is not considered to present any unacceptable distraction or danger to motorists using the Humber Bridge.

In addition to the above, the council's Highways department has provided comment on the application and confirmed that they have no objections to the proposed advertisements with respect to highway safety.

With regard to other safety considerations, the signage will be located on the existing building which is set centrally within a large site, and is fenced off and not accessible by the public. Therefore, the signage poses no other risks to public safety.

Conclusion

The proposed advertisements are extremely large and would likely represent some of the largest, if not the largest, advertisements within the authority area. These advertisements would, due to their size and scale, be considered disproportionate and unacceptable in a large number of locations and sites. However, as detailed above, the signs are considered to be appropriate in this instance due to the context and characteristics of the application site and the surrounding area. Furthermore, separation distances to sensitive receptors and existing landscaping on and around the site will, subject to conditions, provide suitable mitigation to prevent the unacceptable impingement of residential amenity. On balance it is considered that the proposals are acceptable.

RECOMMENDATION **Grant consent subject to the following conditions:**

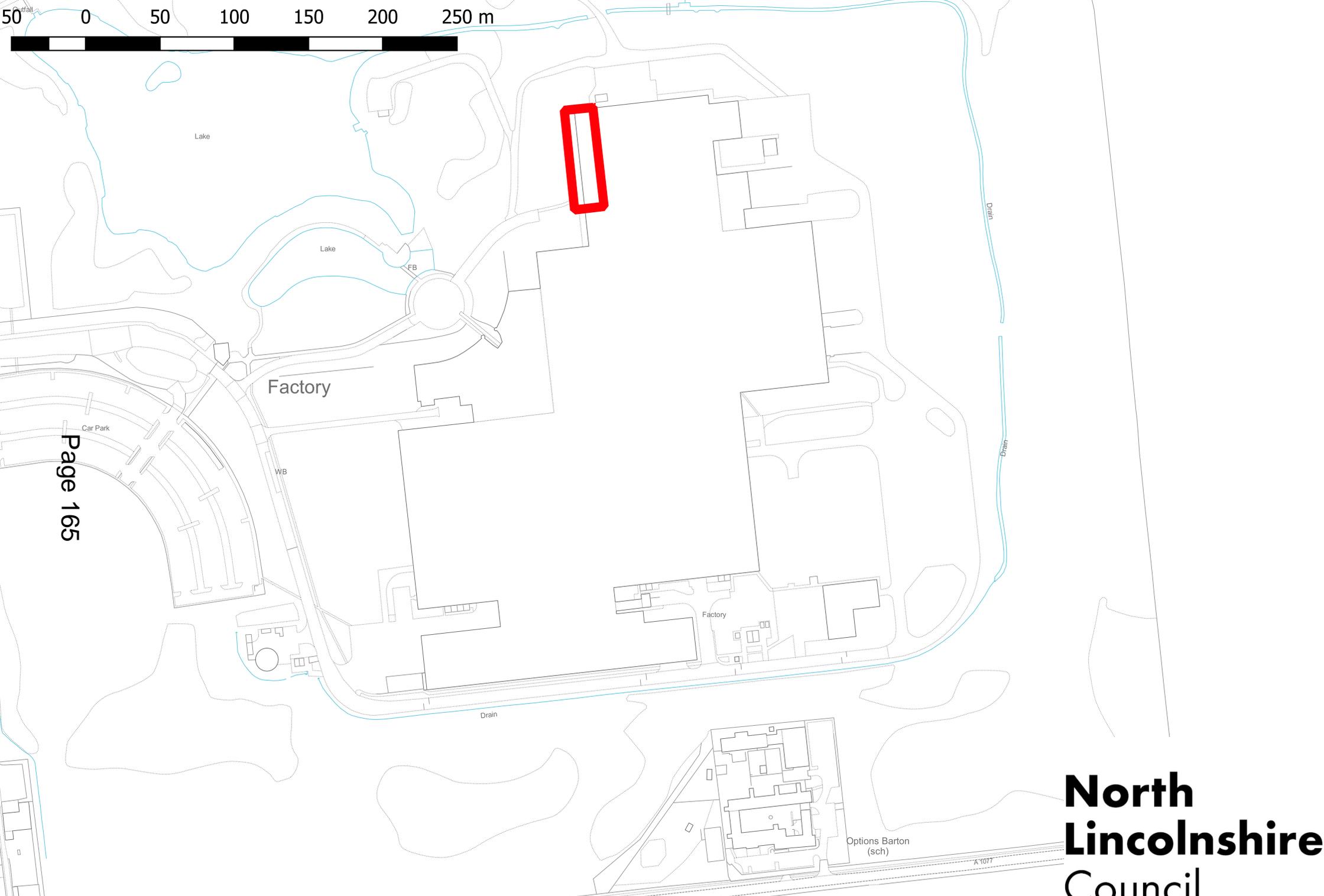
1.

The signage hereby approved shall not at any time be illuminated between the hours of 10pm and 6am.

Reason

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

50 0 50 100 150 200 250 m



Lake

Lake

FB

Factory

Car Park

Page 165

WB

Factory

Drain

Drain

Drain

Options Barton (sch)

A1017

**North
Lincolnshire
Council**

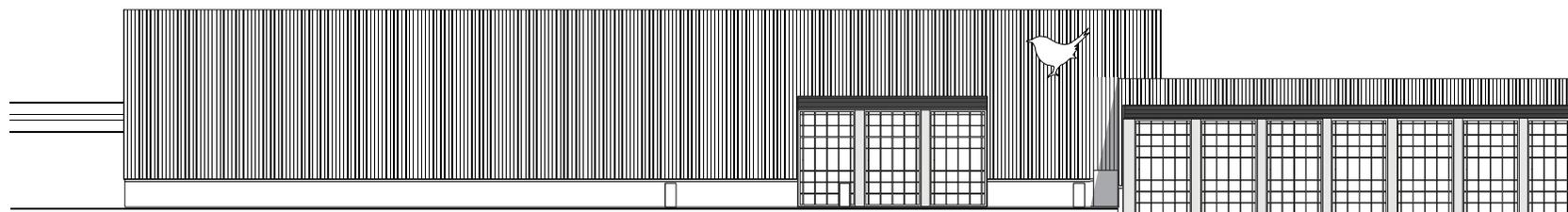
PA/2020/390

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WREN – The Nest, Barton

Proposed Elevations

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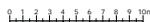
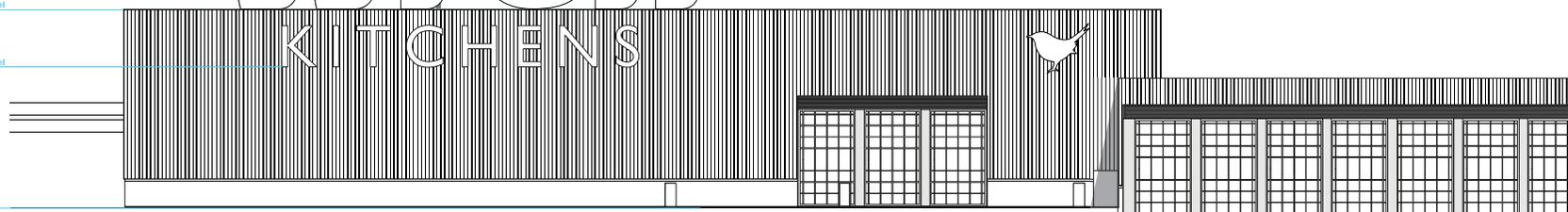
EXISTING

wren
KITCHENS

15,750mm Floor Level

11,200mm Floor Level

00,00 Floor Level



1:200 A1

PROPOSED

WREN – The Nest, Barton

Site Visuals



Existing



Proposed

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WREN – The Nest, Barton

Proposed Day/Night Visuals

View from Reception Entrance



WREN – The Nest, Barton

Proposed Day/Night Visuals

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WREN – The Nest, Barton

Proposed Day/Night Visuals

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WREN – The Nest, Barton

Proposed Day/Night Visuals



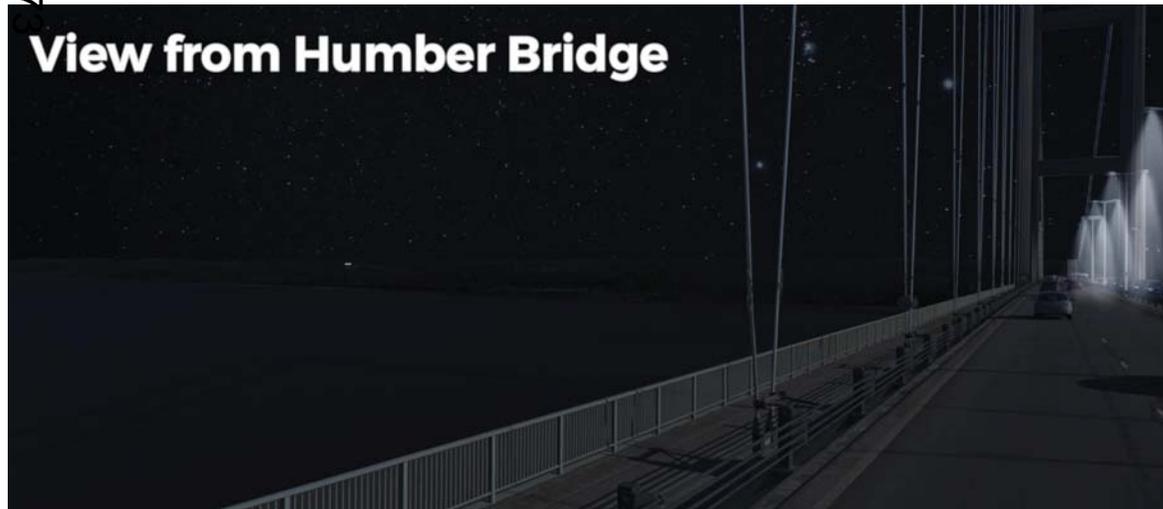
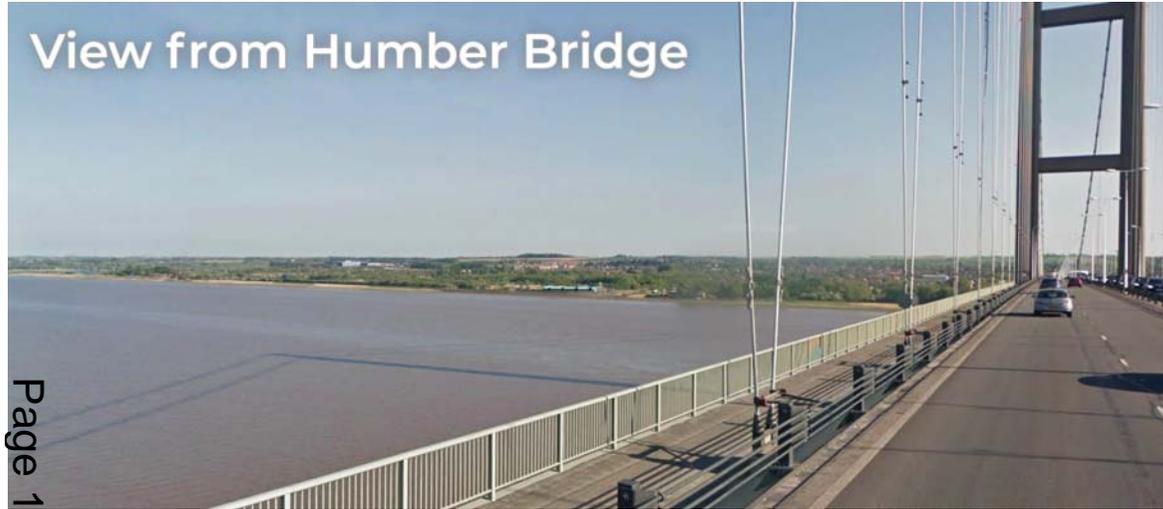
WREN – The Nest, Barton

Proposed Day/Night Visuals



WREN – The Nest, Barton

Proposed Day/Night Visuals



Page 17

evated view

Page 174



evated view



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APPLICATION NO	PA/2020/1115
APPLICANT	Infinite Holdings Ltd
DEVELOPMENT	Planning permission to erect a technical (non-service) crematorium facility, including associated works and infrastructure
LOCATION	Plot 26 Bloom Lane, Normanby Enterprise Park, Scunthorpe, DN15 9GE
PARISH	Flixborough
WARD	Burton upon Stather and Winterton
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Elaine Marper, Ralph Ogg and Helen Rowson – significant public interest)

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

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

Paragraph 178 – Planning policies and decisions should ensure that:

- (a) a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- (b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- (c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Paragraph 187 – Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:

- (a) assess the significance of heritage assets and the contribution they make to their environment; and
- (b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.

North Lincolnshire Local Plan: DS1, DS7, DS11, DS14, DS16, LC5

North Lincolnshire Core Strategy: CS1, CS3, CS5, CS6, CS11, CS17, CS19

HELA DPD: SCUE-1

CONSULTATIONS

Highways: No objections subject to conditions.

Environment Agency: No objections subject to conditions relating to contamination.

Archaeology: Initially objected stating that there is insufficient information in the application to conclude that there will be no effects on the heritage assets arising from the proposals. This objection has now been removed following further clarification on the potential impact on heritage assets.

Drainage (Lead Local Flood Authority): No objections subject to conditions relating to the mitigation of surface water.

Network Rail: No objections.

Environmental Protection: No objections subject to conditions on air quality, land contamination and noise

Ecology: The ecologist has stated that the proposal may affect great crested newts, other protected and priority species and an area of diverse habitat structure. Consent can only be given if sufficient evidence is presented that the tests of the European Protected Species (EPS) licensing are met.

PARISH COUNCIL

The parish council...are strongly against the application. There is significant public interest and they would like the application to be called in to committee.

PUBLICITY

The proposal has been advertised by site notice. One objection has been received from Bulten Ltd, an adjacent company, which raises the following concerns:

- The application appears not to address discharge of material to atmosphere generated by the incineration process.
- The application does not appear to identify the height of any plumes being emitted from stacks.
- It is proposed that the site be operated on a 24 hour/7 day basis. What will be the traffic impact in terms of volume and vehicle type?
- The application suggests that waste from the whole of the East Midlands and possibly further afield will be processed on the site. What is the volume to be handled?
- The proximity of the proposed site to our warehouse may bring unwanted contaminants to our products which in turn may be passed on to our clients.
- The location is wholly unsuitable for such an enterprise and other sites must exist within the East Midlands area.

UPDATE

This item was deferred at November's planning committee following receipt of a late consultation response from Ecology. The deferral has allowed the applicant a reasonable amount of time to respond to the ecologist's comments and the planning officer to consider both. Ultimately, as the proposal may affect great crested newts, sufficient evidence should be presented to show that the tests of European Protected Species licensing are met, the assessment of which is within the Ecology section below.

ASSESSMENT

Normanby Enterprise Park is situated to the north of Scunthorpe and comprises land that formed part of the Normanby Park Steel Works which closed down in 1981. The proposal site is located within an allocated Employment Zone SCUE-1 as identified by the Housing and Employment Land Allocations DPD 2016. The proposal is to erect a 'technical crematorium' that deals with incineration but with no associated services. The plot is accessible by using the existing road network serving Normanby Enterprise Park.

The proposed development was formally screened under the EIA Regulations prior to submission of the application and this screening exercise confirmed that the proposal does not constitute EIA development.

The assessment will focus on the following issues:

- **principle of development**
- **environmental issues**
- **land quality**
- **archaeology**
- **highways**
- **drainage**
- **character.**

Principle of development

Policy Allocation SCUE-1 sets out the tests against which any proposal located within the allocation will be judged. It states that land at Normanby Enterprise Park (35.10 hectares) is allocated for employment use. The site will be developed in accordance with the following site-specific criteria:

- The site should be developed for a mix of B1 (Business/Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution) uses.

Policy CS1 of the Core Strategy, which represents the overall spatial strategy for North Lincolnshire, states, 'Opportunities for economic development will be provided within existing established employment locations as well as on additional sites. Focus will be on the town centre and areas to the north of the Scunthorpe urban area around the Normanby Enterprise Park'.

This proposal, which is industrial in its basic nature, is considered to align with both the allocation and the spatial strategy in principle and is therefore considered acceptable.

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.

Both the council's Environmental Protection Officer (EPO) as well as the Environment Agency (EA) have been consulted. The applicant has submitted stack height calculations in terms of air quality and a noise assessment. The EPO has no objections to the proposal subject to the imposition of conditions. The department is satisfied with the submitted stack height information, in terms of mitigating against air pollutants, and has recommended the imposition of a condition to control the height of flues. Notwithstanding this fact, the operation will require an environmental permit that is regulated by the local authority, which will control emissions to air. Therefore, in air quality terms, this proposal is considered acceptable.

With regard to noise, the EPO is agreeable with the Noise Assessment submitted by NJD Environmental Associates. It is considered that a condition linking the operational noise to that identified by the report is sufficient mitigation. This condition will therefore be attached. The EA comments express concern and mitigation towards managing the risks posed to controlled waters by this development and these are discussed within the land quality section.

It is therefore considered, subject to the aforementioned mitigation, that the proposal would align with policies DS1 and 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 submitted a phase 1 desktop study; however, as mentioned, the site has historically formed part of Normanby Park Steel Works. The EPO states:

'Historically the report identifies the site as open grass fields (OS maps 1885–86). There were no changes to the site until 1948 when a railway embankment is shown crossing the site from east to west. By 1956 a second railway and possible cutting crosses the northern part of the site. By 1966 earthworks are shown in the south-west corner of the site, but unfortunately the northern area is not covered by mapping. By 1978 the southern railway has expanded and is shown to be up to 30 metres wide. An electricity cable now crosses the northern boundary of the site. A sizeable pond and pits are shown to enter the south-west corner of the site. By 1980 an area of potential reworking is shown on the north-west side of the railway embankment. By 2002 the northern railway has been removed and realigned beyond the site boundary. By 2010 the site is shown with a drain marked within the northern boundary.'

Therefore, notwithstanding the submitted desk top survey, the EPO has requested a condition which seeks remediation and verification reports. The EA has been consulted and has stated that controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary A aquifer. The application's Phase 1 Desk Study report demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will, however, be required before built development is undertaken. They believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority. In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework (NPPF).

The proposed condition fairly echoes that put forward by the EPO and any permission will therefore be subject to this mitigation. It is considered then that, subject to a full land contamination condition, the proposal at this stage aligns with policy DS7 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.'

Allocation SCUE-1 states that a heritage assessment will be required to demonstrate that the development will have no adverse impact on the historic environment. Particular regard will need to be taken of the impact of any proposals upon those elements which contribute to the significance of the scheduled monument to the west of this allocation and to the moated site which lies within this site. Development proposals should ensure that those elements which contribute to their significance are conserved.

The applicant has submitted a heritage statement in accordance with paragraph 189 of the NPPF and SCUE-1. The archaeologist has been consulted and has withdrawn earlier concerns about the smoke levels from the chimneys adversely affecting the public experience of the moated site. The applicant had confirmed that 'the only possible visible emission is on very cold days when you may see a visible vapour plume (like when you breathe out on a frosty morning) created from the water vapour in the flue gases, but this will be short-lived and typically limited to a few occasions per year subject to winter ambient external temperatures.'

It is therefore considered that the proposal would align with policies CS6, HE9 and Allocation SCUE-1.

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.

SCUE-1 also states that vehicular access should be from existing distributor roads that serve the wider Enterprise Park. There should be no new accesses directly onto the B1430 Normanby Road. The highway authority may be seeking contributions from developers for improvements to Normanby Road and the Normanby Road/Mannaberg Way roundabout.

The proposal is accompanied by a Transport Statement and the council's sustainable transport officer has stated that, based on the information, they have no comments to make. The applicant has also shown on plan an acceptable access arrangement, as well as ample off-street parking provision. The council's Highways Development Control team have been consulted and have no objection subject to conditions relating to the laying of hard paved areas prior to use. The site is located within an established enterprise park and has good access to the strategic highway network. Therefore, subject to the aforementioned mitigation, the proposal would accord with policies T2 and T19 of the North Lincolnshire Local Plan.

Drainage

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 site is located within flood zone 1 in accordance with the North and North East Lincolnshire SFRA 2011.

SCUE-1 states that a flood risk assessment should be prepared as part of the application process to assess and mitigate the risk of flooding from surface water drainage. Where practical, sustainable urban drainage systems should be incorporated into the development.

The applicant has provided a Flood Risk Assessment and Drainage Strategy, prepared by Anthony Jones, Waterco Ltd. Notwithstanding this, the council's drainage team (LLFA) has requested conditions relating to surface water. They state, '...We are unsure why the proposed outfall has not been surveyed with respect to providing a suitable solution without the need to provide a pumped solution. A pumping station should be the last option. There is a watercourse on the northern boundary that could be utilised as a positive outfall solution. This should be investigated further. There are design issues to be considered and investigated further with respect to the design of the permeable paving system and increasing the size of the existing pond...Notwithstanding the above, the LLFA Drainage Team has no objection to the proposed development (subject to conditions).'

The conditions recommended by the drainage team will provide adequate mitigation in respect of surface water drainage, are considered to meet the tests for conditionality and will be attached to any permission. The proposal is therefore in accordance with policies CS19 and DS14, as well as SCUE-1.

Character and landscaping

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.

The applicant has shown on plan that the site would be softened with planting and a pond, as well as a hawthorn hedge. Much of this assimilates the site with the more rural nature to the north and is considered appropriate. The building itself, with flues, will obviously be prominent; however, it is read against the existing buildings located within the Normanby Enterprise Park and is, in any case, within an employment zone allocation. As expected, the building would have an industrial appearance; however, the palette of materials put forward, as well as the colourway, is considered appropriate. The applicant has detailed both the block and elevation plans with planting areas, boundaries and a pond, and these will therefore be secured through the approved plans condition.

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. These are reinforced by paragraph 170 of the NPPF; SCUE-1 also states that an ecology survey will be required.

The applicant initially provided an ecology assessment and has shown on plan methods for increasing biodiversity within the site, including the creation of a pond and the planting of native species. Following the recent consultation response from the council's ecologist, the applicant has submitted a statement and supporting evidence on crematoriums in general. The ecologist has stated:

'At the moment, in the absence of mitigation, short-term impacts of the development include the killing and/or injury of individual great crested newts and common amphibians present, which would result in an offence. Permanent, long-term impacts include the loss of approximately 0.675 hectares of terrestrial habitat through vegetation clearance. There is also potential to cause pollution of nearby aquatic habitats during construction works, all of which may result in an offence and potentially reduce the favourable conservation status of great crested newts in the local area.'

Due to this the local planning authority must consider and record the results of the following tests:

- no satisfactory alternatives
- overriding public interest.

The ecologist then states, '...If you, as the case officer, feel that, for planning reasons, there are overriding economic or social reasons for the proposal, then you will need to provide clear written evidence of this with any committee report or record of decision. Otherwise, there may be difficulty in obtaining an EPS licence...If there is no such evidence, the application should be refused.'

Given that, in this instance, the case officer can only make a recommendation, members must apply this test in their decision-making.

No satisfactory alternatives

The applicant has responded to this test by stating that the principle of the development has already been accepted and that the site is located within an allocation for industrial use. It is therefore likely that, even if the proposed development is not pursued (i.e. the 'do nothing' scenario), then the site will be developed for another alternative purpose, perhaps with a greater built footprint and thus potentially impacting the local great crested newt population to a greater degree. A further updated response states that there is an extant permission on the site. The applicant goes on to state that the proposed development does not require a large site and that other employment allocations within SCUE-1 are larger and not cost-effective for the applicant to purchase. Furthermore, the applicant has stated that the following requirements are necessary:

1. Electricity – Phase 3 power, 1000 amps of supply, 480 kW, 71kVA
2. Gas – pressure of 50 mbar and a flow rate of 1000m³/h
3. Water and drainage – an appropriate amount for their usage.

and,

'In addition to this, the nature of the business model of a technical crematorium requires access to major national road routes for access to other regions in England as well as within the local region itself. There are also many considerations regarding neighbourhood and neighbouring businesses that, while not mandatory, need to be considered due to the nature of the business and the social response to such. It is also important to be cognisant of the number of other crematoria in the catchment area with North Lincolnshire (population over 170,000) being appropriate for an additional crematorium, although as the business model is very different to the traditional crematoria this is less of an issue. Finally, access to an educated source of potential employees to fill technical engineering roles in operating the machine is needed, in addition to the office operations that will accompany the establishment. After many months spent assessing alternative sites in North East Lincolnshire (around Grimsby), Hull and East Riding, among others, the Scunthorpe area, and specifically the Normanby Industrial Park, was the only location that fulfilled every single requirement outlined above.'

The applicant is correct in that the proposal site does form part of an allocation; however, little or no planning weight can be given to the applicant's comments in relation to larger sites being non-cost-effective. Furthermore, no evidence of this extant outline permission has been provided and a search on planning history does not confirm that a building can be sited in this location. Again, it is true that an application for something more intrusive to the great crested newt population could be submitted on the site; however, such an application would need to pass the same test for the EPS licence.

In their planning statement the applicant states:

'However, unlike traditional crematoria, which provide for secular and non-secular ceremonies, often in extensive grounds with ancillary buildings such as chapels, this facility will not receive visiting members of the public/guests (or hearses/funeral corteges). It will be far more compact in nature and the focus will be on the technical process of cremation.'

and,

'It is intended to run 24 hours a day, 7 days a week and serve a large geographic catchment extending from North Lincolnshire into the East Midlands region, and possibly further afield.'

The applicant has not identified why the geographical search for alternative sites is focused on solely within SCUE-1 and, whilst an argument has been made that the site is suitable, an opposing argument is not made as to why others are not suitable. Given that the business seeks to attract 'customers' (Mercury document) from North Lincolnshire as well as the East Midlands, it is expected that the search area for alternative sites should be succinct with their business model or at the very least provide reasoning based upon sustainability principles why every location outside of SCUE-1 is dismissed. It is unlikely that there are no other accessible areas to find an educated source of potential employees to fill technical engineering roles or that the utility requirements (electric/gas/water and drainage) are not available at other sites.

Assessing the submission and justification, it is considered that the applicant has failed to demonstrate that there are no alternative sites that could host the proposed development.

Overriding public interest

The test here is that 'the proposed development must meet a purpose of preserving public health or public safety, or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. The applicant has stated on these grounds:

'Taking into account Natural England's Guidance Note (WML-G24) regarding "European Protected Species and the Planning Process", it is considered there are imperative reasons of overriding public interest for the proposed development which includes the following:

- It serves a clear function in respect of providing a necessary service alternative for local people for a low cost. According to the Coop funeral care and research undertaken by Mercury (see attached), the average cost of a funeral with a cremation in the UK in 2019 was over £3,000. This cost generally includes the crematorium's fee, the minister or celebrant's fee, the funeral director's fee and any costs associated with the paperwork or forms needed for a cremation. The UK funeral market is currently subject to an in-depth investigation by the competition regulator over concerns that funerals have become unaffordable for many. The proposed development will therefore offer a much cheaper, direct cremation service (to a wide geographical area) where family members can choose their own way to remember someone at a much lower cost – likely in the region of £600.
- It satisfies the relevant national and local planning policies. The site is lies within an allocated employment zone and the principle of the development of this site has been established via the extant outline consent for B1/B2/B8 development (discussed in more detail in the 'satisfactory alternative' section below).
- The ground that forms the Site and wider Park is brownfield land and forms part of a large regeneration scheme, having been reclaimed from former steelworks/railway siding use.
- The proposal would result in additional jobs, during and post construction, and would make a positive contribution to local economic growth.'

There are clearly public benefits from this type of proposal; however, the applicant has failed to make a case that the 'public interest' overrides the potential impacts upon great

crested newts. Whilst a service such as a crematorium should be accessible to everyone, the applicant has not justified their proposal in that there is a need or a lack of capacity in similar local crematoriums; if there is no demonstrable need for this facility then its weight against potential harm to great crested newts is diminished. Furthermore, whilst the cost of using the facility may appear reasonable, this cannot be controlled by planning. It is therefore considered that, whilst public benefits do exist from such a facility, the applicant has failed to demonstrate why these benefits override the ecological harm.

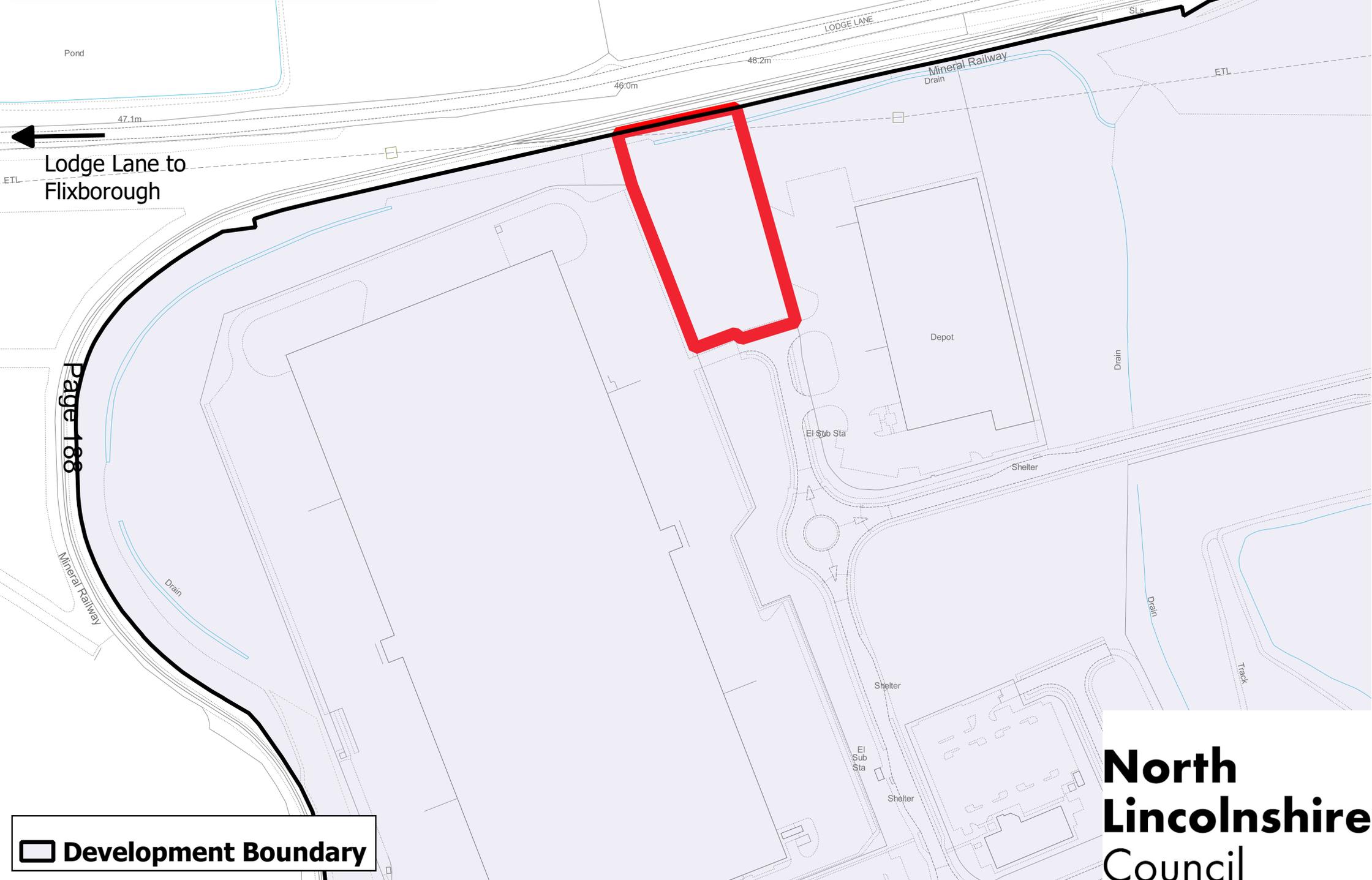
On this basis, it is considered that the proposal fails the tests for EPS and is contrary to policies CS17 of the Core Strategy and LC5 of the North Lincolnshire Local Plan.

Conclusion

The proposal is considered to align with the requirements set out under SCUE-1, as well being acceptable in principle. However, given the likely potential harm to great crested newts, the applicant is required to pass the tests for European Protected Species licensing. These tests are failed for the reasons discussed in this report.

RECOMMENDATION Refuse permission for the following reason:

The applicant has failed to demonstrate that there are no satisfactory alternatives to the proposal site or that there are sufficient overriding economic or social reasons that would outweigh the potential harm to protected species. Insufficient evidence has therefore been presented that the tests of European Protected Species (EPS) licensing would be met. Subsequently, the proposal is considered to be contrary to policy LC5 of the North Lincolnshire Local Plan and paragraph 175 of the National Planning Policy Framework.



Pond

47.1m

49.0m

48.2m

49.4m

Lodge Lane to Flixborough

Page 188

LODGE LANE

Mineral Railway
Drain

ETL

Depot

El Sub Sta

Shelter

Drain

Mineral Railway

Drain

Track

Shelter

El Sub Sta

Shelter

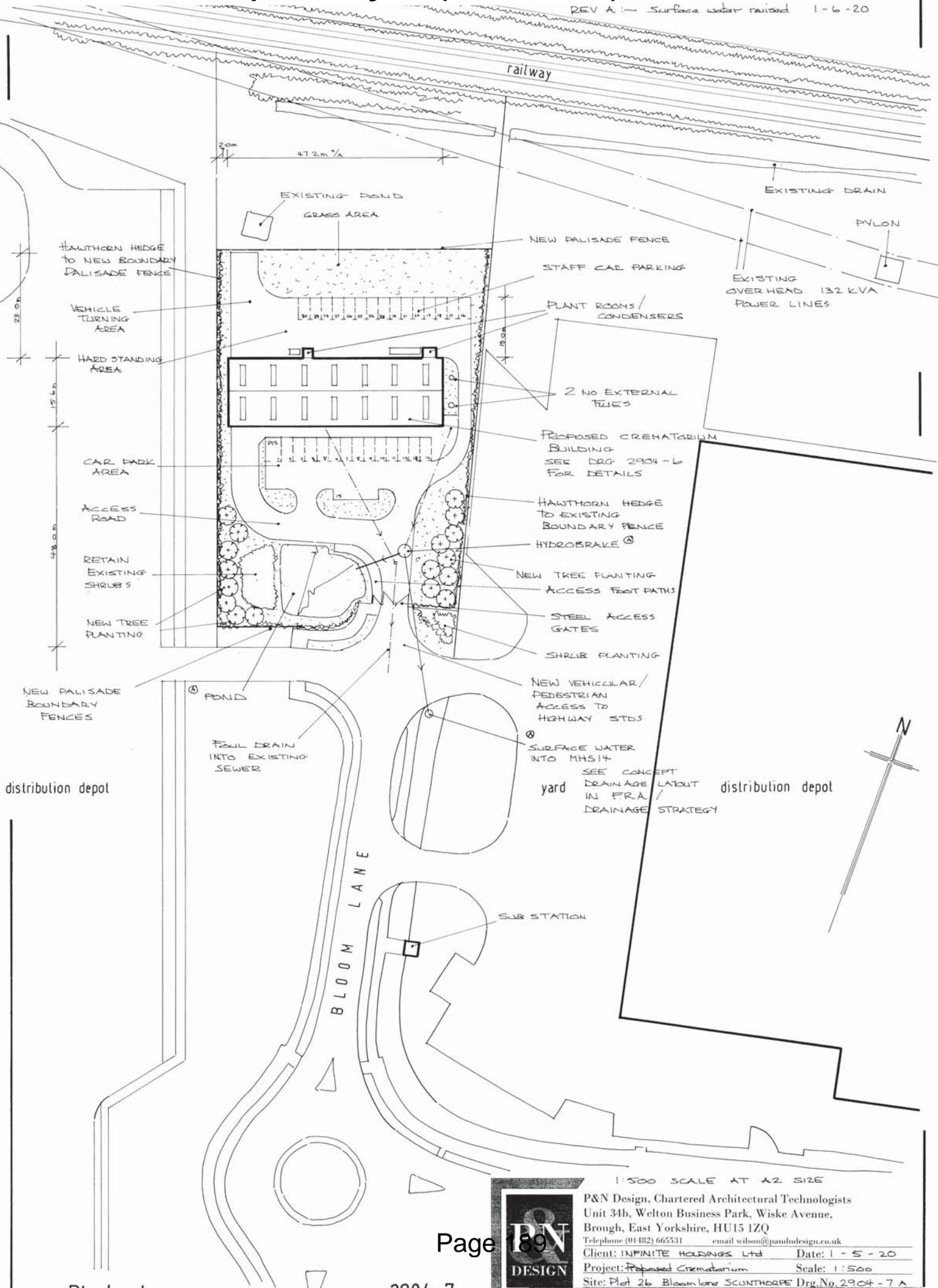
Development Boundary

North
Lincolnshire
Council

PA/2020/1115

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REV A: Surface water raised 1-6-20



distribution depot

distribution depot

SEE CONCEPT DRAINAGE LAYOUT IN F.R.A. / DRAINAGE STRATEGY

1:500 SCALE AT A2 SIZE



P&N Design, Chartered Architectural Technologists
 Unit 34b, Welton Business Park, Wiske Avenue,
 Brough, East Yorkshire, HU15 1ZQ
 Telephone (01482) 665531 email wilson@pandn.co.uk
 Client: INFINITE HOLDINGS LTD Date: 1-5-20
 Project: Proposed Crematorium Scale: 1:500
 Site: Plot 2b Bloom Lane SCUNTHORPE Drg.No. 2904-7A

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APPLICATION NO	PA/2020/1311
APPLICANT	Mr Garry Hirst, Delta Salvage Ltd
DEVELOPMENT	Planning permission to erect an insulated steel-framed structure for storage and distribution (B8 use class), including associated hard-standing
LOCATION	Sandtoft Gateway, Sandtoft Road, Westgate, Belton, DN9 1FA
PARISH	Belton
WARD	Axholme Central
CASE OFFICER	Kevin Robinson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework:

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 80 – Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

North Lincolnshire Local Plan:

DS1 (General Requirements)

DS16 (Flood Risk)

RD2 (Development in the Open Countryside)

T1 (Location of Development)

T2 (Access to Development)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS11 (Provision and Distribution of Employment Land)

CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape)

CS17 (Biodiversity)

CS19 (Flood Risk)

Housing and Employment Land Allocations DPD: Employment land allocation Sandtoft Business Park, a 55.3 hectare site identified under policy SANE-1 for B1 and B8 uses as a logistics park.

CONSULTATIONS

Highways: No comments or objections.

Drainage (Lead Local Flood Authority): No objections raised. Conditions are recommended in respect of surface water drainage of the site.

PARISH COUNCIL

No response received.

PUBLICITY

The application has been advertised by means of a site notice adjacent to the access to the site. No comments have been received.

ASSESSMENT

The application site is off Sandtoft Road, between Belton and Sandtoft and to the rear of existing building associated with Delta Salvage. The site is bounded by the applicant's existing salvage yard (Delta Salvage) to the east and south, and by former runways to the north and west. In the wider context the site is surrounded by car storage and breaking facilities to the north, east and west and there is an operational airfield (Sandtoft Airfield) and roof tile manufacturing business to the south, beyond Sandtoft Road. Therefore, whilst the site lies outside of any defined development boundary and as such is located in the open countryside for the purpose of planning, the surrounding area is predominantly industrial in nature. The site is located within flood zone 2/3a of the Strategic Flood Risk Assessment for North Lincolnshire.

Planning history

PA/2020/1458: Planning permission to erect a brick structure for the purpose of storage and distribution (B8 use class).

This application is still being considered.

PA/2020/386: Planning permission to erect a steel-framed building for storage and distribution – approved.

This building is currently under construction and is situated approximately 11.6 metres to the south of this current proposal.

PA/2019/390: Planning permission to erect an industrial brick building (B8 use class) and associated hard-standing – approved.

PA/2017/1336: Planning permission to erect a steel-framed building for B8 use, including associated hard-standing to the entrance of the proposed structure – approved.

PA/2016/1578: Planning permission to erect an insulated steel-framed building, including associated hard standing – approved.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations Development Plan Document (HELA DPD) adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising Planning Practice Guidance (PPG).

The application site is outside any defined development limits within the HELA DPD and as such is considered to be in the open countryside for the purpose of planning. Policy RD2 of the NLLP sets out the council's approach to proposals for development in the open countryside. The policy states that land within the open countryside will be strictly controlled and only development which is appropriate to the open countryside will be permitted. Policy CS3 of the North Lincolnshire Core Strategy is a similar policy which seeks to restrict development outside development boundaries to that which is essential for the functioning of the countryside.

Whilst the site is located outside of any defined development boundary, it should be noted that it is surrounded by existing industrial and commercial development. Therefore the character of the area is industrial in nature and not rural as would normally be expected in the open countryside. The proposed development effectively comprises the erection of a building within a cluster of similar buildings, all within the wider industrial landscape. This proposal also has to be considered with regard to the wider policy context of the area which is promoted under allocation SANE-1 of the HELA DPD for large-scale industrial development. The application site is located a short distance outside of the SANE-1 allocation, but is within an established industrial area adjacent to it and is surrounded by

existing and proposed (allocated) industrial land. Therefore, whilst the site is located in the open countryside as defined by planning policy, the proposed industrial development is considered to be acceptable in this location due to the industrial nature of the area.

It should also be noted that, in addition to the previous extensions of the adjacent Delta Salvage site (see planning history), other extensions of industrial sites outside development limits have been approved in this location in recent years. In these instances significant weight was given to the fact that the development would support the expansion of existing businesses and safeguard jobs. Similarly, the proposed development would support the expansion of the existing business to the benefit of the local economy. This is in line with guidance contained within section 3 of the NPPF which seeks to promote economic growth in rural areas.

On balance, despite the fact that the application site lies outside of any established development limit and the development is therefore contrary to local planning policy which seeks to restrict development in the open countryside, the economic benefit of the development would outweigh any conflict with policy, particularly given the fact that there would be limited impact on the character and appearance of the open countryside in this instance. It is therefore considered that the proposal would align with paragraph 47 of the NPPF in that there are material considerations that would indicate a departure from the plan is appropriate in this instance.

Amenity

There are no residential properties immediately adjacent to the application site: the nearest dwellings are some distance to the east, separated from the site by adjacent industrial premises. On this basis there is limited potential for the development to adversely affect the amenity of neighbouring properties. The council's Environmental Health department has raised no concerns or objections to the proposal. Given the distance to neighbouring residential properties, the presence of existing industrial development between the site and these properties, and the lack of objection from the council's Environmental Health officers, it is considered that the proposed would have no unacceptable impact on residential amenity.

Highways

As outlined above, there is an existing access immediately adjacent to the application site, which serves the Delta Salvage site. This has been designed as a commercial access to serve an industrial business and will provide direct access to the proposed development. The access provides good visibility when entering and leaving the site and as part of the proposal a large off-street parking and turning area would be provided. The council's Highways department has been consulted on the application and has raised no concerns or objections. On this basis it is considered that the access arrangements are acceptable and the proposal would not be harmful to highway safety.

Flooding and drainage

The site is located within flood zone 2/3(a) of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for general industry in a high flood risk zone; this constitutes a 'less vulnerable' use. Applying the Flood Zone and Flood Risk Table in the National Planning Practice Guidance, the proposed (less vulnerable) development is considered to be appropriate in this location. Notwithstanding this, a detailed Flood Risk Assessment

(FRA) has been submitted in support of the application along with a drainage strategy. The Environment Agency (EA) has been consulted on the application and has not responded to date. Notwithstanding this, the proposal seeks further commercial development within an existing site.

However, the council's drainage team has been consulted and has no objections subject to the imposition of conditions. The drainage team states, '...Although the proposed drainage scheme for this development would seem compliant, we have some concerns about the existing drainage systems, connections and overall discharge rate into the downstream network and its connectivity to/from this development. The applicant proposes to discharge into an existing watercourse with a run-off rate of 5 litres/second; the council's drainage team appears to have no issue with this and has looped the drainage strategy into the wording of the condition. Whilst the drainage team may raise valid points in relation to the existing drainage on site, it is outside the remit of planning to mitigate something unrelated to what is applied for. The conditions are considered to fail the test of being related to the development and the test of reasonableness in this instance. Furthermore, watercourse consent would be required, as well as mitigation at building regulations stage.

Land contamination

The council's Environmental Protection Officer has not responded to the consultation. However, in line with the recent approval approximately 11.6 metres to the south, it is considered that any unforeseen contamination can be suitably addressed through a condition. The condition would require the developer to cease work and report any unforeseen contamination found during construction. This condition will be attached to any permission, given the industrial processes/uses that are abundant in the area.

Conclusion

Whilst the application site is located outside of any defined development boundary, and industrial development is not normally acceptable in such locations, the site is adjacent to an existing industrial business and is otherwise surrounded by industrial development. The proposed development would directly support the expansion of a local business, securing employment and thereby benefiting the local economy, which is strongly supported by the NPPF. Furthermore, it has been demonstrated that the development would not have an adverse impact on the existing highway network or the amenity of residential properties, and poses no unacceptable risk of flooding. For these reasons it is considered that the proposed development is acceptable and that this application should be supported subject to conditions.

Pre-commencement condition

The pre-commencement condition included within the recommendation has been agreed with the applicant.

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: drawing reference ESD0800_LP Final - Location Plan; un-referenced drawing - Proposed East and West Elevations; un-referenced drawing - Proposed North and South Elevations; un-referenced drawing - Proposed Ground Floor Plan.

Reason

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

3.

No development shall take place until a detailed surface water drainage scheme for the site and adjacent development (PA/2020/386) has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. Surface water discharge from the site must be restricted to greenfield run-off rate or as agreed with the Internal Drainage Board.

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

4.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 3 above, completed prior to the occupation of any 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 structures in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

5.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

6.

The external materials shall be made up of those described within section 7 of the planning application form unless otherwise agreed in writing with the local planning authority.

Reason

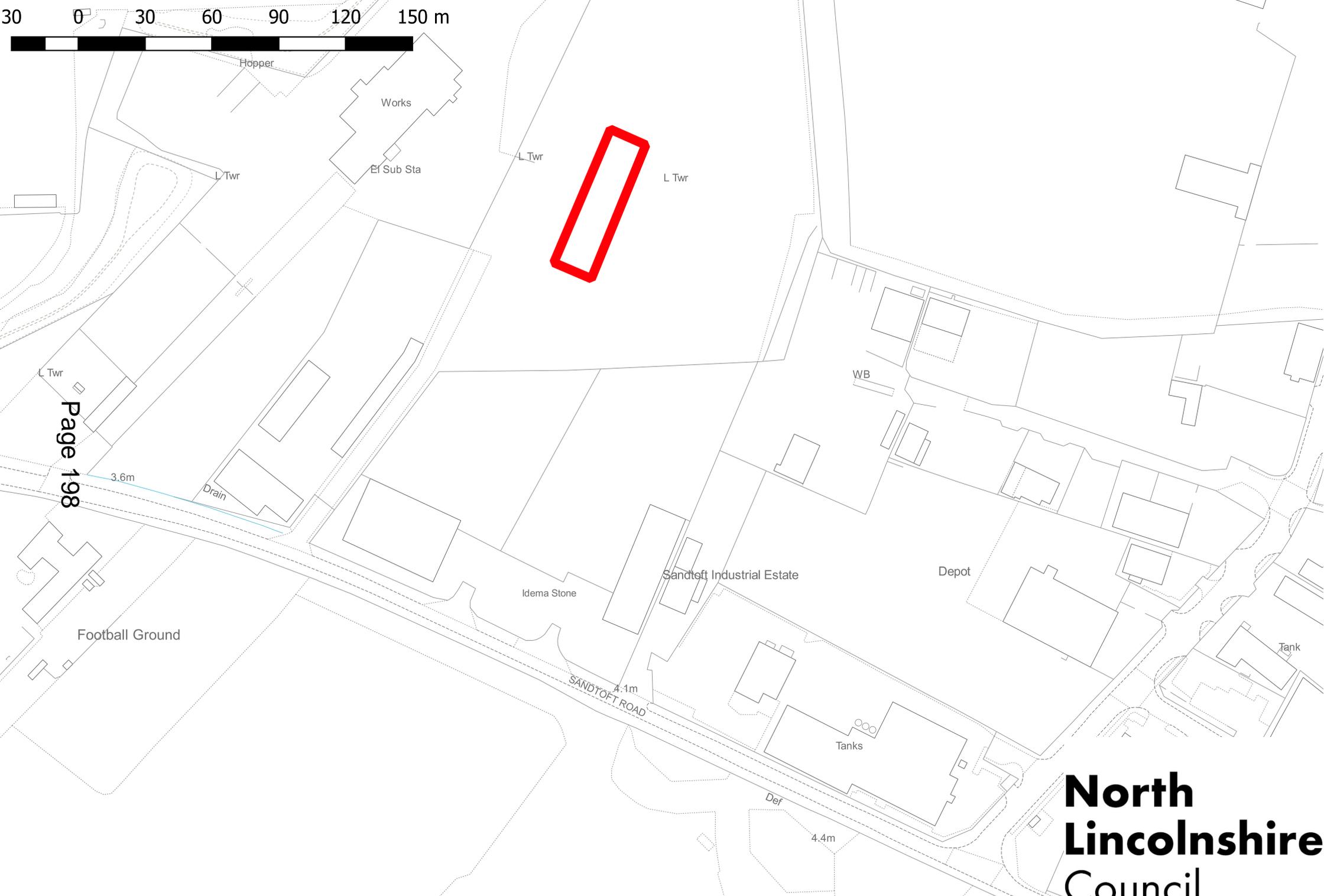
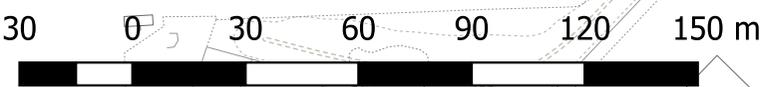
In the interest of visual amenity and to accord with policy CS5 of the Core Strategy.

Informative 1

The proposals indicate a new connection into the downstream network. This must be consented by the local Internal Drainage Board through an Ordinary Watercourse Consent. Please contact the LLFA Drainage team on 01724 297522 or by email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 2

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



Page 198

3.6m

Drain

4.1m

SANDTOFT ROAD

4.4m

Football Ground

Idema Stone

Sandtoft Industrial Estate

Depot

Tanks

Tank

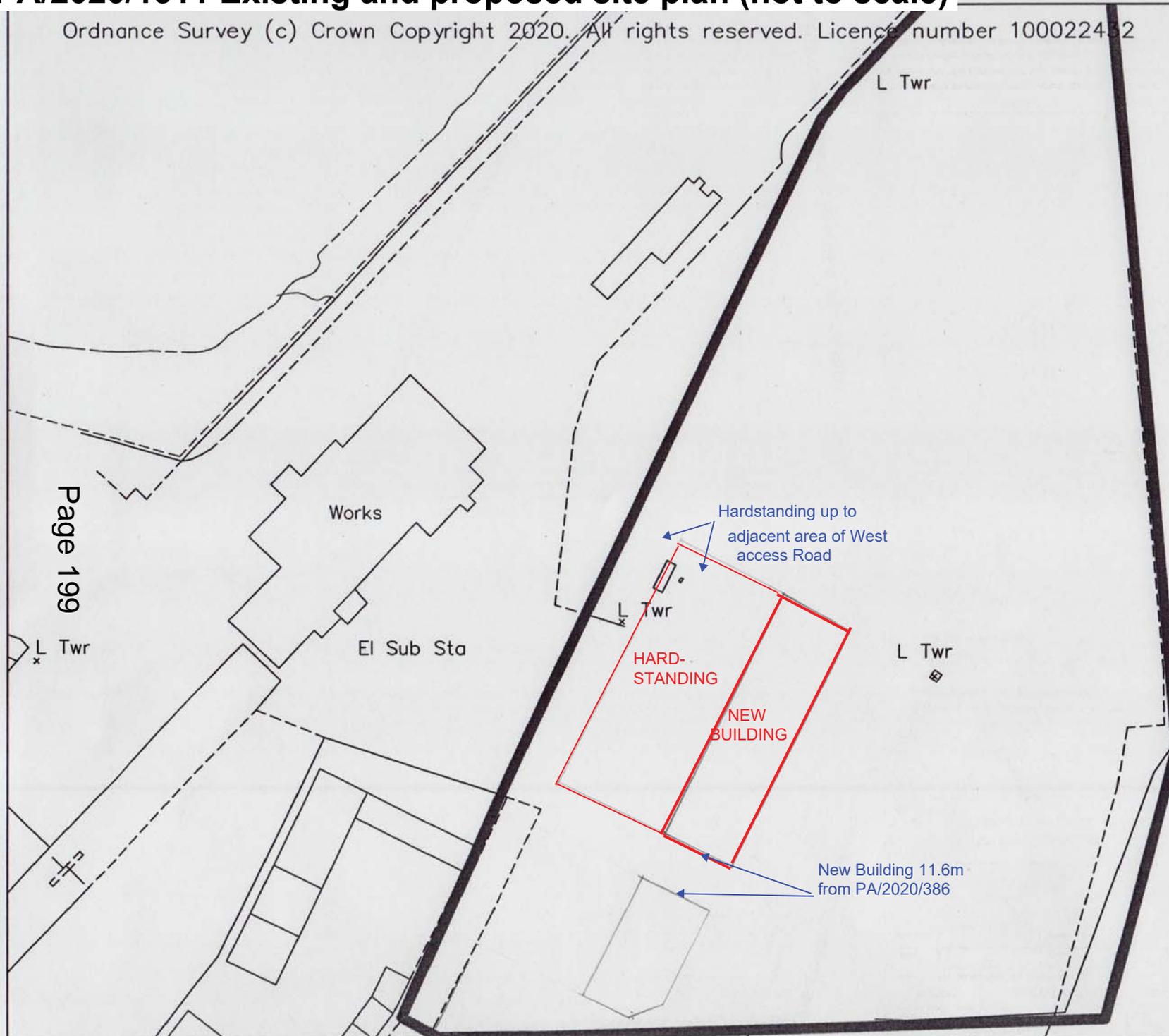
**North
Lincolnshire
Council**

PA/2020/1311

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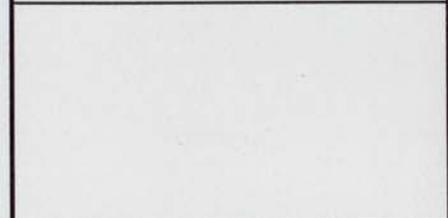
PA/2020/1311 Existing and proposed site plan (not to scale)

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Rev	Date	Drawn	Description	Ch'kd
-	-	-	-	-

Rev	Date	Drawn	Description	Ch'kd
-	-	-	-	-



Unit 2,
 Cedar Business Centre,
 Barnsley Road,
 Hemsworth. T: +44 [0] 1924 918153
 West Yorkshire E: info@esdsurveying.com
 WF9 4PU W: www.esdsurveying.com

Client
 Delta Salvage

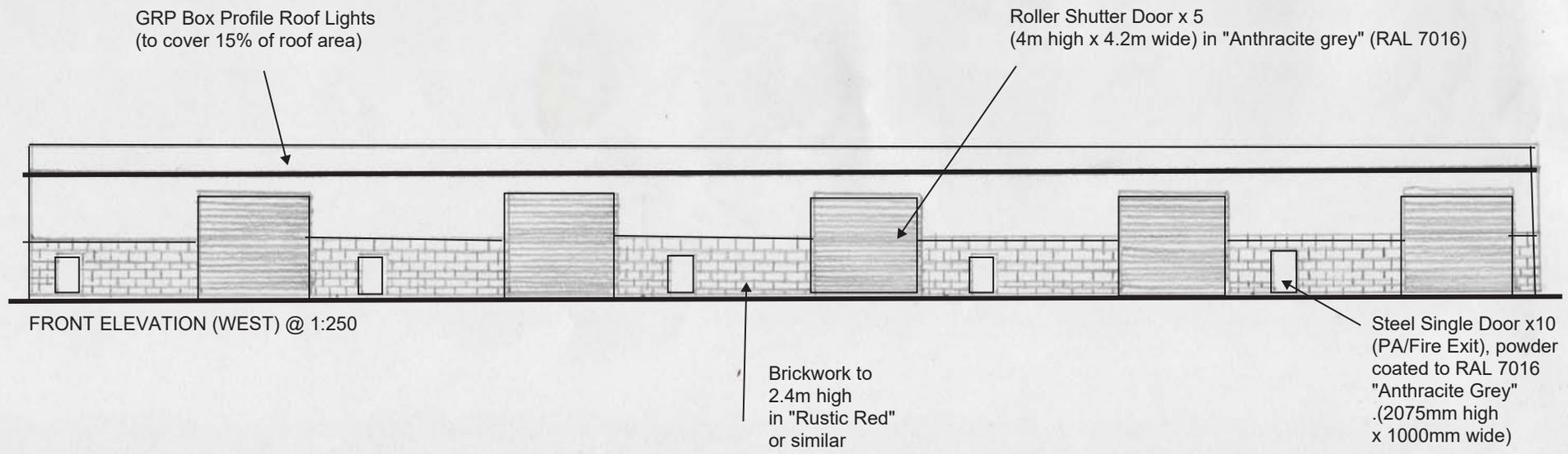
Site
 Sandtoft Rd, Belton,
 Doncaster DN9 1PN

Title
 OS Tile
 Location Plan

Surveyed		Drawn	
Check	-	Date	25/02/2020
Scale	[A4 Sheet] 1/1250	DWG Ref (Layout No)	ESD0800_LP
Job No	ESD0800		Status
		Rev	Ø

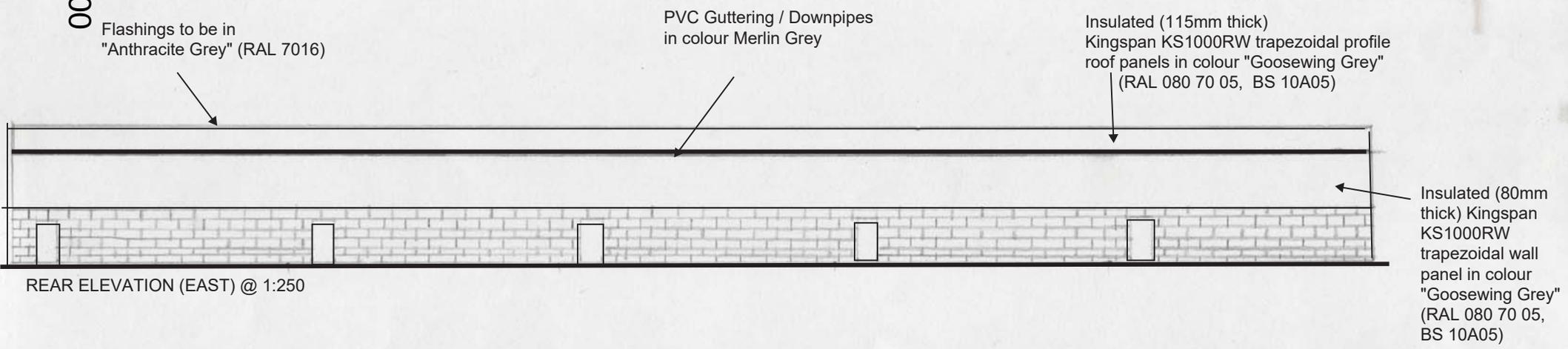
PA/2020/1311 Proposed east and west elevations (not to scale)

PA/2020/1311/03



FRONT ELEVATION (WEST) @ 1:250

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REAR ELEVATION (EAST) @ 1:250

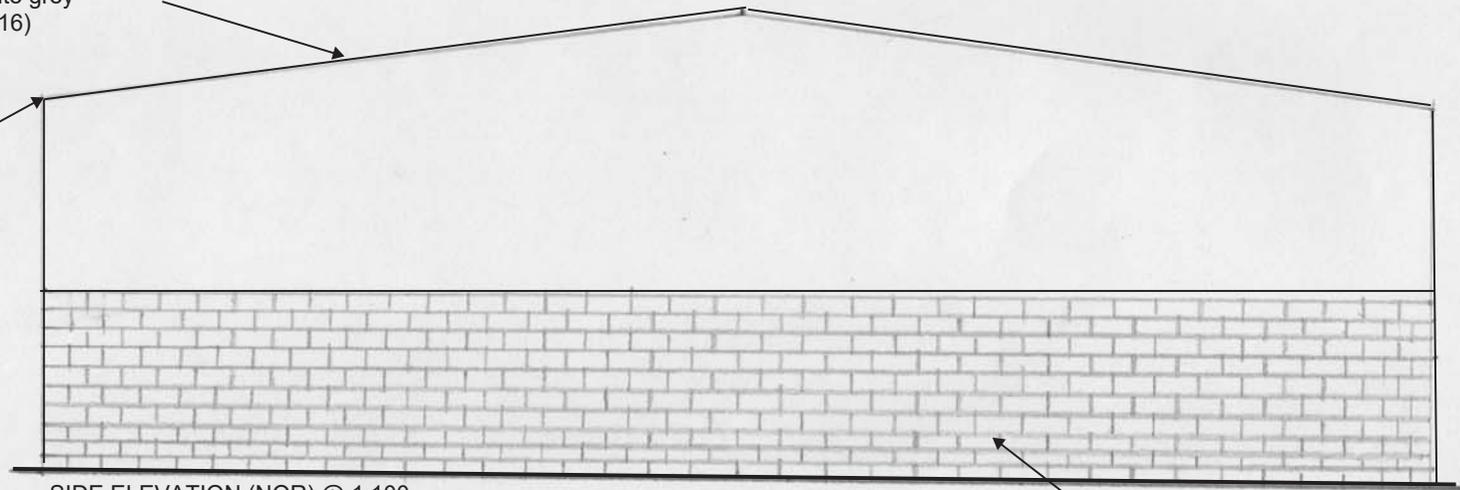


PROJECT	Proposed Storage Building: Delta Salvage, Belton, Doncaster, DN9 1PN		
TITLE	PROPOSED EAST AND WEST ELEVATIONS		
SCALE:	DATE	DRG No.	REV.
		@ 1:250	-

REV	DETAIL	INT	DATE

Flashings to be in "anthracite grey" (RAL 7016)

PVC Guttering / downpipes in colour "Merlin Grey"

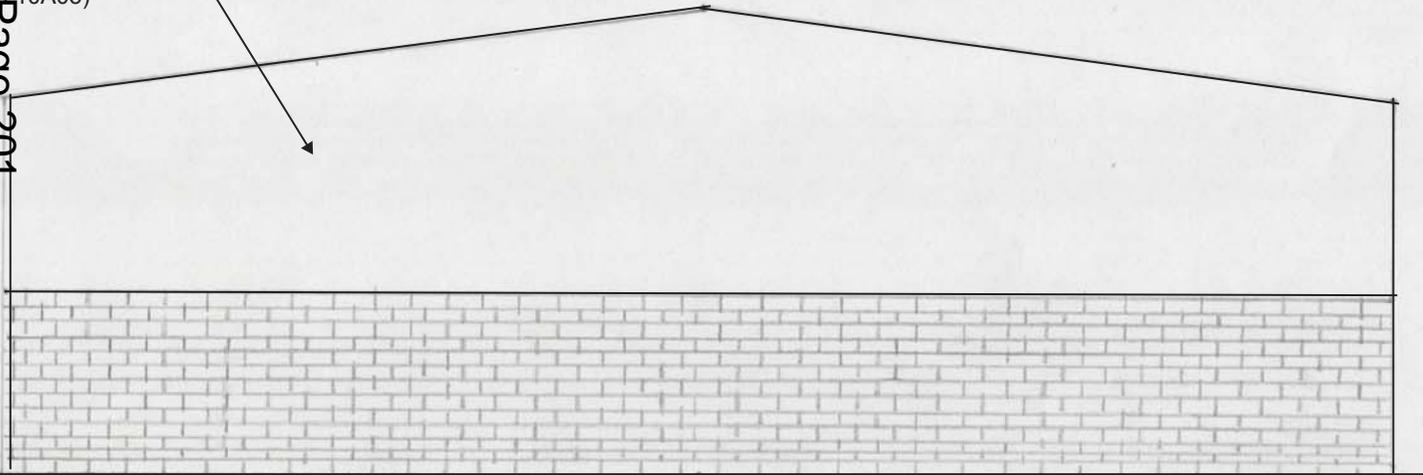


SIDE ELEVATION (NOR) @ 1:100

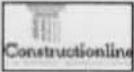
Brickwork to 2.4m high in "Rustic Red" or similar

Insulated (80mm) thick Kingspan KS1000RW trapezoidal wall panel in colour "Goosewing Grey" (RAL 080 70 05. BS 10A05)

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SIDE ELEVATION (SOU) @ 1:100

  	PROJECT		Proposed Storage Building: Delta Salvage, Belton, Doncaster, DN9 1PN		
	TITLE		PROPOSED NORTH & SOUTH ELEVATIONS		
	SCALE:		DATE	DRG No.	REV.
REV	DETAIL	INT	DATE	1:100 @ A4	-

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APPLICATION NO	PA/2020/1354
APPLICANT	Mr Paul Chapman
DEVELOPMENT	Planning permission to erect six two-storey detached dwellings and change the use of the main building of the Duke William Motel to residential use (and demolish an existing side extension to the Duke William and rear chalets)
LOCATION	Duke William Hotel, 27 Church Street, Haxey, DN9 2HY
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr David Rose – significant public interest) Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework:

Paragraph 11 – 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) 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) 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

- (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:
 - (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
 - (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.

Paragraph 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 can 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.

North Lincolnshire Local Plan:

Policy DS1 – General Requirements

Policy DS14 – Foul Sewage and Surface Water Drainage

Policy DS16 – Flood Risk

Policy H5 – New Housing Development

Policy T2 – Access to Development

Policy T19 – Car Parking Provision and Standards

LC14 – Area of Special Historic Landscape Interest

North Lincolnshire Core Strategy

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering More Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design in North Lincolnshire

CS6 – Historic Environment

CS7 – Overall Housing Provision

CS8 – Spatial Distribution of Housing Sites

CS19 – Flood Risk

CS22 – Community Facilities and Services

CONSULTATIONS

Environmental Protection (Contaminated Land): No adverse comments to make subject to conditions.

Spatial Planning: Confirms that the proposal does conform to the council's adopted development plans. The applicant has provided evidence that the facility has been unviable over a period of time, efforts have been made to continue the facility and an accessible replacement facility exists elsewhere in the local centre.

Conservation officer: No objection subject to conditions.

CPRE: Objects to the proposal. The proposal does not comprise a sustainable form of development at this location which, if approved, could result in a harmful impact on the area's character.

Severn Trent Water: No adverse comments to make, subject to a condition and an informative.

LLFA Drainage Team: No objection, subject to the imposition of conditions and an informative comment.

IANN Water Level Management Board: No adverse comments to make. However, comment that no development should be commenced until the local planning authority, in consultation with the Lead Local Flood Authority, has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system.

Historic Environment Record: Recommends this application should be refused because it would adversely affect the historic landscape of the Isle of Axholme, a heritage asset of national significance. The proposed dwellings to the rear would adversely affect the character, appearance and setting of the historic landscape of the Isle of Axholme, specifically the character and setting of the core historic landscape of the Ancient Open Strip Fields north of Haxey and the Early Enclosed Land, as well as of the historic settlement form and listed buildings that contribute to the character, setting and legibility of the historic landscape. They have indicated that if the planning authority is minded to grant permission contrary to the HER advice, an appropriate condition should be imposed removing all permitted development rights to avoid inappropriate structures and buildings in the designated historic landscape. In addition, standard archaeological conditions would be

appropriate to secure the implementation of a programme of historic building recording in advance of demolitions, and archaeological monitoring and recording during construction.

Highways: No adverse issues to raise, subject to conditions.

PARISH COUNCIL

Haxey Parish Council objects to the proposal on the basis that it would not be in full conformity with the development plan. Development at this location would not constitute sustainable development and there would be a negative impact on the setting of Heritage Assets and the Area of Special Historic Landscape Interest. The development at this location would not be in keeping with the character and nature of the settlement. The development fails to deliver quality design and lacks a good standard of amenity.

PUBLICITY

Advertised by press and site notice.

A total of 233 valid letters of comment have been received. This includes multiple comments received from the same household. All issues raised have been considered. The letters raise the following material issues:

Objection

- detrimental effect of the demolition on the adjacent listed building
- car parking and highways implications on Church Street
- impact on ancient hedgerow which borders a public footpath and is in the Area of Special Historic landscape
- concerns with surface water within the village
- concerns with waste collection
- concerns with the detrimental effect on the street scene and heritage
- concerns with site contamination
- concerns with loss of employment
- concerns with loss of tourist accommodation and impact on local tourism
- concerns over compliance with the current North Lincolnshire Council policies set out in the Core Strategy and Local Plan
- concern over the reasons the Planning Inspector upheld the decision to refuse the previous application
- concerns with over-development of the site
- significantly detrimental to the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI)

- concerns with overshadowing and overlooking into the property to the east
- concerns over the design of the development
- concerns with loss of valuable public amenity
- concerns with impact upon a listed building
- concerns with impact upon the Haxey Hood.

Support

- Supports the development on the basis that there are two other public houses in the village and the country is desperately short of housing.
- The number of dwellings has now been reduced compared to the previous application.
- The dwellings now fall within the development boundary of Haxey and do not encroach on LC14 land.
- The site is screened from open countryside to the north by a 20 feet high dense conifer hedge which will remain.
- The parking and access facilities all conform to Highways' requirements.
- The development will not add to parking problems on Church Street as every dwelling has two off-road parking spaces.
- The Duke William Motel has been closed for over a year due to lack of use and support from the community.
- The Duke William is rapidly becoming derelict and is now an unsightly part of Church Street.
- The site should be developed with much needed housing which will benefit Haxey.
- Haxey Hood is not relevant to the proposal.

ASSESSMENT

The site is within the development boundary of Haxey which is identified by the Housing and Employment Land Allocations DPD 2016. It is bounded by a listed building (23 and 25 Church Street) to the west, a road to the south, vehicular access to the east and the rear of the plot is outside the development boundary for Haxey, though it is a developed plot and within the Area of Special Historic Landscape.

This proposal is a revision of PA/2018/814 (planning permission to erect seven two-bedroomed detached bungalows, and a two-storey detached dwelling adjacent to the Duke William, and change the use of the main building of the Duke William to residential use, including demolition of an existing side extension to the Duke William and rear chalets). The application was refused by the council and the decision for the refusal was upheld at appeal.

The planning inspector, on balance, judged that the council lacks a five-year supply of deliverable housing sites. As such, policies which are most important for determining the application are to be considered out of date and the tilted balance is engaged, as set out by Paragraph 11 of the Framework.

The inspector's view was that the proposal would make a modest contribution to local housing supply, in the form of seven bungalows, a four-bedroom home and conversion of the public house into a dwelling, with associated socio-economic benefit, during and after construction. The proposal would also provide investment into the fabric of the main Duke William building, albeit as a residence rather than a public house.

Nonetheless, there would be significant harm to the character and appearance of the area and they concluded that there would be harm arising from the proposed development's impact on the area of special historic landscape interest and the setting of the listed building.

The inspector also recognised that the Framework sets out a presumption in favour of sustainable development, but even where the tilted balance is engaged, the benefits of additional housing do not necessarily outweigh all other concerns.

The inspector highlighted that case law has found that even where policies can be considered out of date, this does not mean that they carry no weight. The balancing exercise remains a matter of planning judgement and as such, given the harm identified, concluded that the adverse impacts of the proposed development would significantly and demonstrably outweigh the public and other benefits, when assessed against the policies in the Framework taken as a whole and therefore the proposal failed to comply with the relevant policies of the development plan and national guidance.

The key difference between the current proposal and the previously refused application is the site boundary and the layout of the dwellings. The site boundary has been decreased to the limit of the development boundary, and six two-storey detached dwellings are proposed, together with the change the use of the main building of the Duke William Motel to residential, which is a decrease by a two-storey detached dwelling.

The main issues to consider in this application are whether the reasons for the previous refusal has been addressed and whether this design is appropriate.

Principle of development

Policy CS1 of the Core Strategy states that development within rural settlements 'will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. The development will be limited and should consider 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.'

It also states of development within the open countryside, '...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, the development of green tourism making the most of the area's important natural and built environments.'

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 sustainable development.

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. It states that development will generally be resisted in these areas unless it relates to a typical countryside use or is related to tourism unless it is '...for the re-use and adaptation of existing rural buildings.'

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.

A recent Supreme Court judgement (Suffolk Coastal DC v Hopkins Homes Ltd [2017] UKSC 37) provides clarity on the policies which are considered 'relevant policies' for the supply of housing. These do not include general restrictive policies such as those restricting development in the open countryside. As such, policies RD2 and CS3 are considered up-to-date. However, the weight to be afforded to them needs to be balanced against the need to deliver new housing and the broader merits of the scheme when viewed in the context of sustainable development.

The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2016 to 31 March 2021, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a 3.9 year housing land supply of deliverable sites during the period April 2016 to March 2021.

This statement confirms that North Lincolnshire Council does not currently have a five-year supply of deliverable housing sites. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five-year supply of housing in accordance with paragraph 11 (footnote 7) of the NPPF and they are, therefore, failing to meet short-term housing needs. As such it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly, the operation of paragraph 11 of NPPF triggers a tilted balance whereby there is a presumption in favour of sustainable development and development proposals should be approved unless the adverse impacts significantly and demonstrably outweigh the benefits (paragraph 11, b, ii).

At present, the built form of the hotel extends into the open countryside. However, this development shows that all the dwellings are located within the settlement boundary, is considered acceptable in principle and the proposal should be approved.

Loss of community facilities

The Localism Act 2011 introduced provisions to help communities safeguard land and buildings for a community purpose. The Duke William was registered in 2018 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 Haxey as a rural settlement and therefore policy C2 is considered relevant. The policy states, '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 were A3.)

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.' The above policies are reinforced by paragraph 92 of the NPPF.

Currently, there are no changes to the number of public houses indicated in the previous application. As indicated earlier, there are three public houses within Haxey and another in the wider ward in Westwoodside. Only one of these pubs (the Loco) is closed, of which the applicant is licensee. The facility is temporarily closed as having both the Duke and the Loco open is financially unviable. The Kings Arms is now open after being closed for some time, as are the Duke and, in the wider area, the Carpenters Arms, which is located within Westwoodside.

Policy C2 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 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. Paragraph 92(c) of the NPPF guards 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 period, together with a scheme of marketing of the premises. The facility has also been advertised but there have been no takers. Furthermore, there are other available facilities that are accessible within the locality and these can meet the day-to-day needs of residents. It is therefore considered that the proposal is in accordance with policies C2 of the local plan and CS22 of the Core Strategy, and paragraph 92 of the NPPF, as the loss of the community asset is offset by other facilities in the area, as well as it being proved to be unviable.

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 applicant has submitted a layout plan showing the access arrangement and parking provision to satisfy the visibility requirements of Highways. The council's Highways department has assessed the submission and has no adverse comments to make on the application subject to the imposition of conditions relating to, amongst other things, the laying out of hard areas, surface water, lighting, the relocation of services, drainage details and construction of the proposed access roads.

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 and policy DS14 of the NLLP is concerned with foul sewage and surface water drainage. The LLFA Drainage Team have indicated that there is insufficient detail to enable a full assessment to be carried out for the proposed development. However, due to the scale of the development, the LLFA Drainage Team have no objection to the proposals, subject to the imposition of conditions and an informative.

North Nottinghamshire Water Level Management Board has indicated that the suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted, but this can be dealt with by condition. Yorkshire Water Services has not responded at the time of writing this report; however, they stated in response to the previous application that there is a right to a connection under the 1991 Water Industries Act.

In terms of foul drainage, the site is already connected to the network. Severn Trent Water has not raised any issue subject to conditions. It is worth noting that this is subject to separate legislation: sections 106–109 of the Water Industries Act 1991, which relate to 'communication of drains and private sewers with public sewers' and it is considered that this is sufficient mitigation. The proposal is therefore in accordance with the 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 Protection (Contaminated Land) officer, following consideration of the information submitted, has recommended a condition be attached to any permission granted. The condition requires the developer to submit information relating to lighting and the control of dust and noise during construction. Furthermore, to mitigate the impact of construction on residents, the Environmental Health officer also proposes construction hours. These will be attached to any permission, being both necessary and reasonable.

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

Land quality

On 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 Environmental Health officer has recommended that a full suite of contamination conditions be attached to any approval.

Given the site has already been previously developed and functions as a hotel, this is the same end use as the proposed residential use and it is therefore considered that the impact on receptors would not be worse than existing. It is considered that a condition requiring the developer to stop work and report any unforeseen contamination should be attached; this is considered to pass the test of reasonableness, where the full suite of conditions would fail.

The above conditions will be duly attached and are in accordance with the tests for conditionality outlined within Planning Practice Guidance (formally Circular 11/95). It is therefore considered that the proposal is in accordance with policy DS7.

Archaeology

Part of the site is located within the Area of Special Historic Landscape Interest of the Isle of Axholme. Policy LC14 of the North Lincolnshire Local Plan is therefore relevant and states ‘...Within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features.’

The archaeologist has recommended refusal on the basis plots 2–4 and the land to the rear is located within the core historic landscape character zone of the Ancient Open Strip Fields north of Haxey. However, the Heritage Statement does not describe the effects of development on the character and setting of the landscape heritage asset and therefore the proposed development would be an unacceptable extension and intrusion of the built environment into the historic landscape, contributing to adverse character change and erosion of the setting affecting the legibility of the landscape and the listed buildings that share this setting.

It must be noted that the built form of the existing hotel/motel does extend into the LC14 policy area and encroaches into the open countryside. It is considered that a level of harm already exists. Notwithstanding the above, this revised application has decreased the built area into the development boundary to ensure that the dwellings do not extend into the LC14 area. That said, the proposal would intensify the amount of built form in this area which would have a more localised character impact (rather than impacting upon the wider LC14 policy area per se). It is therefore considered that the proposal has minimal impact on the open countryside.

Character and historic environment

Policy CS6 of the Core Strategy is concerned with the historic environment and 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. The Duke William is located next to a listed building (25 Church Street) and within the setting of St Nicholas's Church, which is a grade 2 listed building. The applicant proposes the retention of the Duke William (with the removal of subsequent extensions and original outbuildings to the rear), the erection of a detached dwelling fronting Church Street and five bungalows to the rear.

The conservation officer has assessed the application and has no objection to it. The officer has indicated that, should the planning committee be mindful to approve the application, then appropriate conditions should be attached requiring details of the facing and roofing materials, and scale drawings of the proposed windows and doors (with material specification) to be submitted for consideration before installation. It is therefore considered that the proposal complies with policies CS6 of the Core Strategy and HE2 of the North Lincolnshire Local Plan. Any permission will be subject to the agreement of external facing materials.

Layout, siting, and design

Policies DS1 of the local plan (General Requirements) and CS5 of the Core Strategy (Delivering Quality Design in North Lincolnshire) seek a high standard of design in all developments in both built-up areas and the countryside. They require that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area and the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

This development is judged to be infill development and is reasonable. Having reviewed the details of the proposal, together with comments from consultees, this revised submission has decreased the number of dwellings and limits the layout of the development within the settlement boundary and is therefore satisfactory. The scale of the development and the height would not be out of character with the area. The proportions and arrangement of the doors and the windows are in keeping with the traditional style and therefore appropriate for the area. Overall, the layout and the design of the dwellings would not have a significant adverse impact on the setting of the adjacent listed building and would have minimal visual impact on the street scene.

Amenity

Policy DS1 of the North Lincolnshire Local Plan is partly concerned with impact upon residential amenity. It states, '...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.' The applicant proposes six bungalows to the rear of the existing public house. All the private amenity areas would be small, although proportionate to the scale of the dwelling on offer. Currently, there is no information in relation to boundary treatments, however this issue can be secured through planning condition.

In line with policy, the built form would not give rise to any unacceptable residential amenity impacts in relation to overbearing/overshadowing, both within the site and outside of it; this relates to the separation distances as well as the alignment of and between dwellings. Furthermore, all openings are in a position that would not give rise to an unacceptable level of visual intrusion. It is therefore considered that the proposal would align with policy DS1 of the North Lincolnshire Local Plan.

Letters of comment

Turning to the letters of comment, several letters of objection and in support of the application has been received. The concerns raised by the objectors have been addressed in the report.

Conclusion

In conclusion, it is considered that the revised submission has addressed the reasons for refusal given by the appeal inspector as outlined in the report, which include harm to the character and appearance of the area and from the proposed development's impact on the area of special historic landscape interest and the setting of the listed building. As specified in the report, the issue of the benefits of additional housing not necessarily outweighing all other concerns has been addressed by the reduction in the scale of the development and limiting it within the settlement boundary. The balancing exercise remains a matter of planning judgement and as such, given that the harm identified in the previous application has been minimised, and the anticipated adverse impacts of the proposed development have been significantly and demonstrably mitigated in the revised submission, the proposal complies with the relevant policies of the development plan and national guidance.

Pre-commencement conditions

All pre-commencement conditions attached to this recommendation have been agreed with the applicant in accordance with the Town and Country Planning (Pre-commencement conditions) Regulations 2018.

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 Location Plan, Floor Plan Dwelling 1 & 2 (1467/3), Floor Plan Dwelling 27A & 4 (1467/7), Floor Plan Dwelling 5 (1467/9), Floor Plan Public House (1467/11), Elevations and Floor Plan of 27A Garage (1467/13), Floor Plan & Elevations of Dwelling 2 Garage (1467/12), Site Plan (1467), Elevations of Public House (1467/10), Dwelling 1&2 (1467/2), Dwelling 3 (1467/4), Dwelling 5 (1467/8), Dwelling 27A (1467/6), Floor Plan of Dwelling 3 (1467/5).

Reason

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

3.

No development shall take place until details showing the relocation of the existing street lighting column, telegraph pole and water board marker have been submitted and approved in writing by the local planning authority.

Reason

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

4.

No other works shall be commenced on the site until the access road junction with the adjacent highway, including the required visibility splays and relocation of the existing street lighting column, telegraph pole and water board marker, has been set out and established.

Reason

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

5.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

6.

Nothing shall at any time, whether permitted by the Town and Country Planning (General Permitted Development) Order or not, be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

7.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed and once provided, the vehicle parking spaces shall be retained.

Reason

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

8.

No dwelling served by the private driveway shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;

- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

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

9.

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.

10.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

Noise and vibration – the CEMP shall set out the particulars of:

- (a) the works, and the method by which they are to be carried out;
- (b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- (c) a scheme for monitoring noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light – the CEMP shall set out the particulars of:

- (a) specified locations for contractors' compounds and materials storage areas;
- (b) areas where lighting will be required for health and safety purposes;
- (c) the location of potential temporary floodlights;

- (d) identification of sensitive receptors likely to be impacted upon by light nuisance;
- (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust – the CEMP shall set out the particulars of:

- (a) site dust monitoring, recording and complaint investigation procedures;
- (b) identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) provision of water to the site;
- (d) dust mitigation techniques at all stages of development;
- (e) prevention of dust track out;
- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (h) a 'no burning of waste' policy.

Reason

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

11.

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

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

No construction or site clearance operations shall take place on Sundays or public/bank holidays.

HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To protect the amenity of the locality for people living nearby in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

13.

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered.

Reason

To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

14.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 13 above, 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 maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

15.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraph 163 of the National Planning Policy Framework.

16.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

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 maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

17.

Prior to the commencement of any above-ground works, a scheme for the positioning and appearance of all boundary treatments shall be submitted to and agreed in writing with the local planning authority.

Reason

In the interests of amenity and appearance in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.

18.

Prior to the commencement of any above-ground works, a scheme showing the storage of bins shall be submitted to and agreed in writing with the local planning authority.

Reason

In the interests of amenity and appearance in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.

19.

No works above ground shall commence until details of all external facing materials have been submitted to and agreed in writing with the local planning authority.

Reason

To protect character and in accordance with policies CS5 and CS6 of the North Lincolnshire Core Strategy.

Informative 1

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the building.

Informative 2

Geological records indicate the site to be underlain by mudstones which is a relatively impermeable deposit. Some investigation into the existing surface water drainage arrangements for current public house building and associated outbuildings should also be carried out.

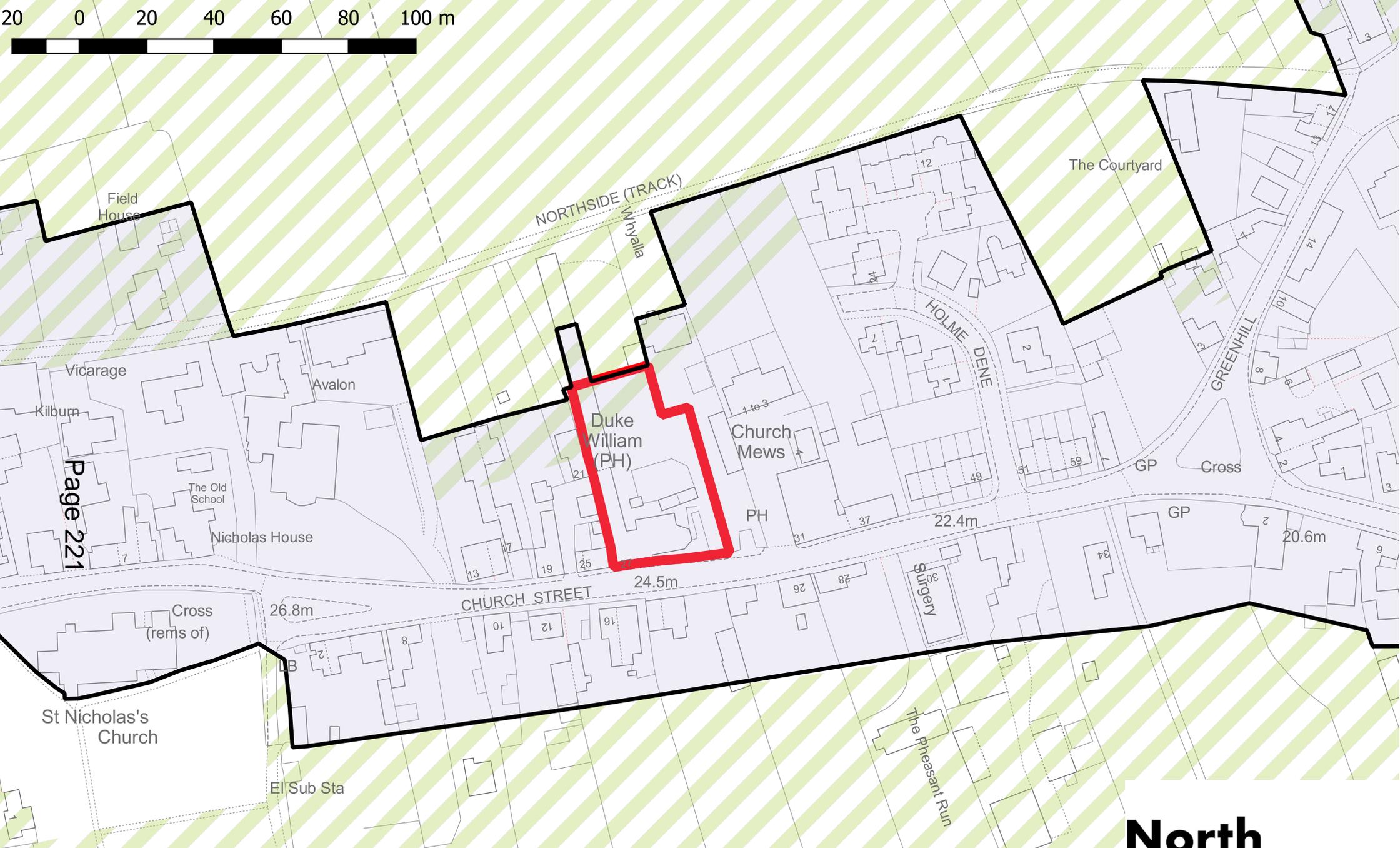
Informative 3

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 4

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



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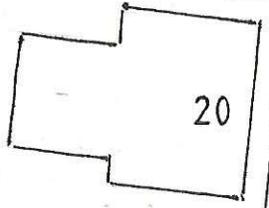
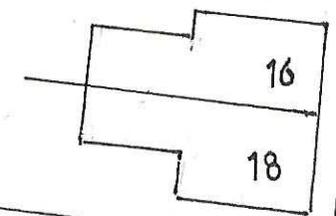
-  Development Boundary
-  LC14 Isle of Axholme Area of Special Historic Landscape

**North
Lincolnshire
Council**

PA/2020/1354

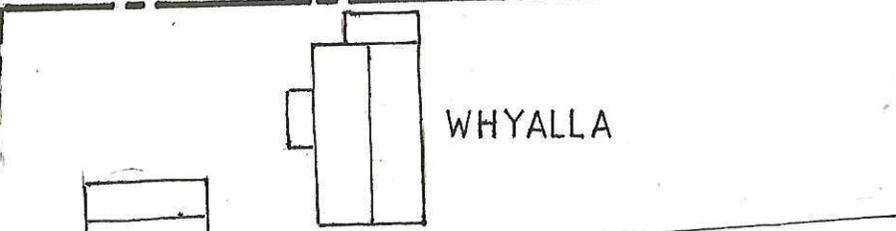
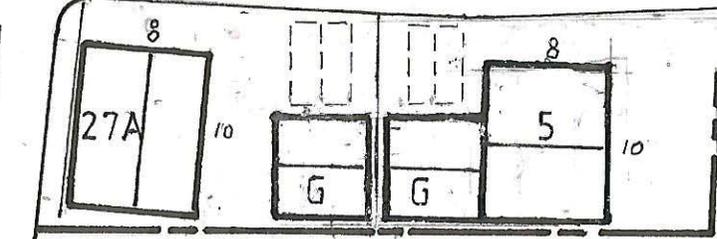
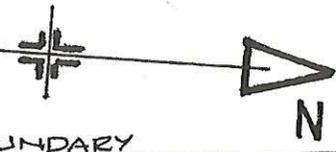
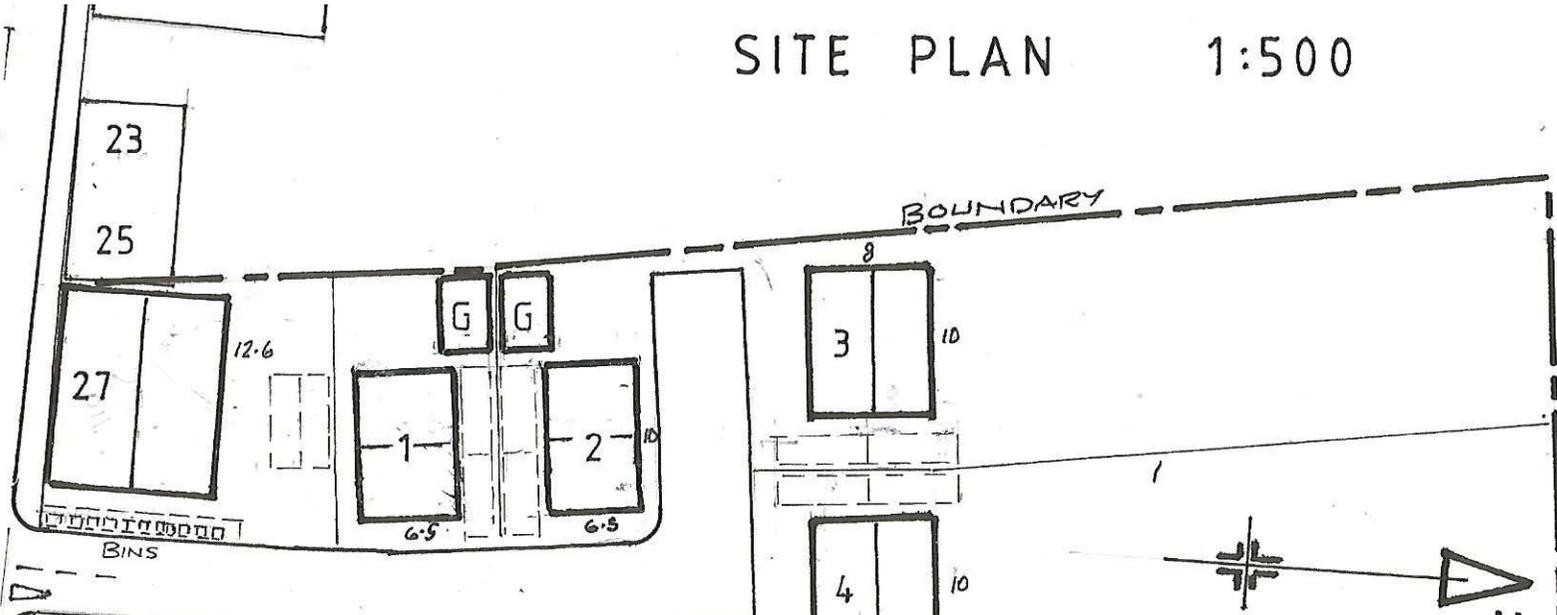
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SITE PLAN 1:500

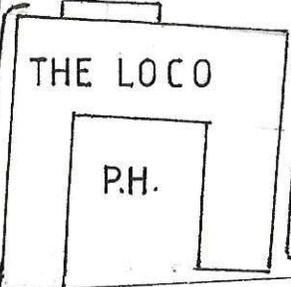


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CHURCH STREET



THE MEWS



PROPOSED DEVELOPMENT OFF CHURCH STREET, HAXEY, DONCASTER, DN9 2HY

1467

APPLICATION NO PA/2020/1365

APPLICANT Mrs Rebecca Proctor

DEVELOPMENT Planning permission to replace all windows and external doors

LOCATION Camasstraddan, 41 Main Street, Saxby All Saints, DN20 0QF

PARISH Saxby All Saints

WARD Brigg and Wolds

CASE OFFICER Nick Salt

SUMMARY RECOMMENDATION **Refuse permission**

REASONS FOR REFERENCE TO COMMITTEE Member 'call in' (Cllrs Rob Waltham and Carl Sherwood – significant public interest)

POLICIES

National Planning Policy Framework: Section 16

North Lincolnshire Local Plan: DS1, DS5, HE2

North Lincolnshire Core Strategy: CS5, CS6

Supplementary guidance: Saxby All Saints Conservation Area Appraisal

CONSULTATIONS

Highways: No comment or objection.

LLFA (Drainage): No comment or objection.

Conservation: Object, request an amended application.

This property is a modern 1970's property in the Saxby All Saints Conservation Area. It is situated on Main Street, the main through route in the conservation area and the most important street that contains the majority of the historic properties.

The majority of the buildings in the conservation area are small, two-storey cottages. Some of these properties were built in the 18th century as single-storey houses, but were raised to two storeys in the 19th century.

These buildings face the highway, and are either located on the back edge of the pavement or slightly back from the street, with small front gardens enclosed by hedges. Typically, these cottages are detached brick whitewashed buildings of three bays with a central door, timber multi-paned sliding sash windows, timber-boarded doors, and orange clay pantile roofs.

All these buildings have traditional timber casement or sliding sash windows and are a key area characteristic that contributes to the character of the conservation area.

The majority of the traditional buildings in the conservation area have traditional timber windows.

As you travel along Main Street a key visual characteristic is the 18th and 19th century cottages and houses with their timber windows and doors.

The Saxby All Saints Conservation Area Appraisal, an adopted document, set out to preserve and enhance the character of the conservation area, states as a recommendation to discourage the use of modern materials and detailing, particularly uPVC windows and doors.

An adopted SPG for Saxby states that materials for new development in Saxby All Saints will usually be chosen to match existing buildings in the area. For instance, new walls should be red/brown brick and consideration may be given to colourwashing. Roofs should be covered in Lincolnshire clay pantiles. Windows should be made from timber and be traditionally detailed vertical or horizontally sliding sashes, painted rather than stained. Top-hung false sashes or plastic windows are not suitable.

This policy is in place to conserve the area's character and should therefore be adhered to.

41 Main Street is next to 35/37 Main Street, a pair of 18th century cottages classed as buildings of townscape merit which make an important contribution to the character of the conservation area. Putting plastic windows in the adjacent property would detract from the character of the building and, as this site is in a prominent position on Main Street, would detract from the character of the conservation area.

There are some plastic windows in the conservation area, the majority of which have been installed without permission and are exempt from action due to the length of time they have been in.

It is important that the plasticisation of the conservation area does not continue as this will have a detrimental impact on it.

Recommend that the application is amended to have timber 'like for like' windows on the front elevation to protect the character of the conservation area. UPVC windows in the other elevations are acceptable as they are less visible and there is less harmful impact.

Paragraph 196 of the NPPF directs that less than substantial harm should also be weighed against the public benefits of the proposal. There are no public benefits arising from this application, which is insufficient to outweigh the harm identified.

If the application is not amended to have timber windows on the front elevation, it should be refused for non-compliance with council policy HE2 and section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990, and section 196 of the NPPF.

PARISH COUNCIL

Saxby All Saints Parish Council does not object and leaves recommendations to those that the Conservation Officer may make.

PUBLICITY

Advertised by site and press notice. No comments received.

ASSESSMENT

Site and proposal

The application site forms the residential curtilage of a property on the main road through Saxby and forms half of a semi-detached pair of dwellings. Both properties are two-storey.

The proposals comprise the replacement of all existing timber-framed casement windows with oak coloured, plain glass, double-glazed uPVC windows and the replacement of timber doors to the front and side of the property with composite doors.

Material considerations

The following considerations are relevant to this proposal:

- **residential amenity**
- **impact upon appearance and the historic environment.**

Residential amenity

Policy DS5 of the North Lincolnshire Local Plan is concerned with residential extensions. It states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

The applicant does not propose to insert any new openings nor enlarge existing openings and therefore there is no increase in overlooking. No new built form is proposed. It is therefore considered that the proposal would not carry any overbearing, overlooking or overshadowing impacts that would be detrimental to the residential amenity rights of adjoining neighbours and aligns with policy DS5.

Design and appearance

Policy HE2 is concerned with development within conservation areas. Both policies DS5 and CS5 are concerned with visual amenity, the former stating that proposals should be sympathetic in design, scale and materials. The key test is the impact of the proposal on the character and appearance of the conservation area, in that any development should 'preserve or enhance' these aspects.

The council's conservation officer was consulted on this application as it is within the Saxby conservation area. The conservation officer provided the detailed comments listed above, noting that the applicant could revise the application to ensure that the front elevation windows were timber, and a like-for-like replacement for the existing. UPVC windows on the secondary elevations to the side and rear would not have as great an impact on the character of the area, not being as visible. The case officer has spoken with the applicant and suggested this amendment to overcome a likely refusal recommendation, but the applicant has declined and considers the proposal to have no adverse impact.

It is acknowledged that the dwelling is relatively modern, and the existence of uPVC windows in the vicinity is also noted. These do carry weight in reducing the net impact of non-traditional window types on the street scene and the historic character of the area. However, the majority of the traditional buildings in the conservation area have traditional timber windows. This includes the adjacent properties of 35/37 Main Street, a pair of 18th century cottages classed as buildings of townscape merit that make an important contribution to the character of the conservation area. Installing uPVC windows in this property would detract from the character of the adjacent building, and as the site is in a prominent position on Main Street, would detract from the character of the conservation area.

Whilst the resulting harm from uPVC windows on the front elevation as proposed may not be substantial, paragraph 196 of the National Planning Policy Framework directs that less than substantial harm should also be weighed against the public benefits of the proposal. There are no public benefits arising from this application that would outweigh the harm identified.

Whilst the applicant's comments that there are existing uPVC windows in the area are noted, the case officer could not identify recent cases where this had been granted planning approval in the area. Such examples are therefore likely to be older or have been carried out without planning approval.

For this reason, it is considered that the proposal for uPVC windows in this sensitive conservation area would not be traditional in type and appearance and would neither preserve nor enhance the character and appearance of the nearby buildings of townscape merit. As a result, the proposal would not be in keeping with the Saxby All Saints Conservation Area Appraisal, local plan policy HE2, Core Strategy policy CS6, section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 196 of the National Planning Policy Framework.

RECOMMENDATION Refuse permission for the following reason:

UPVC windows in this sensitive conservation area would not be traditional in type and appearance, and would neither preserve nor enhance the character and appearance of the nearby buildings of townscape merit, and the wider Saxby conservation area. As a result, the proposal would not be in keeping with the Saxby All Saints Conservation Area Appraisal, policy HE2 of the North Lincolnshire Local Plan, policy CS6 of the Core Strategy, section 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 196 of the National Planning Policy Framework.

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.



Council
Villas

Field
House

Field House Farm

22.6m

GP

B1120

North Acre

SAXBY HILL

Carrdale

Manor Farm

Memorial

Frederic

Half
side
Cott

Page 227

Moats

20.4m

Manor
House

Beech
House

Saxby All Saints

Tall
Trees

Wold Rising

Park View

LCB

Chestnuts

LB

The Old
Post House

19.7m

Elm

Honeysuckle Cottage

Clematis
Cottage

Rectory House

All Saints'
Church

**North
Lincolnshire
Council**

 **Development Boundary**

PA/2020/1365

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APPLICATION NO	PA/2020/1452
APPLICANT	Mr Tony Pearson
DEVELOPMENT	Outline planning permission to erect a dwelling with appearance, landscaping, layout and scale reserved for subsequent consideration
LOCATION	Land between 47 and 51 Akeferry Road, Westwoodside, DN9 2DU
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr David Rose – significant public interest)

POLICIES

National Planning Policy Framework:

Paragraph 7 states, 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'.

Paragraph 8 states, 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) an economic objective – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity, and by identifying and coordinating the provision of infrastructure.
- (b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing; and
- (c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and

pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, for decision-taking, this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:
 - (vi) 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
 - (vii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.'

Paragraph 12 states, 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 38 states, 'Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.'

Paragraph 54 states, 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable using conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

Paragraph 59 states, 'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.'

Paragraph 70 states, 'Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.'

Paragraph 73 states, 'Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where

the strategic policies are more than five years old. The supply of specific deliverable sites should, in addition, include a buffer (moved forward from later in the plan period) of:

- (a) 5% to ensure choice and competition in the market for land.
- (b) 10% where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or
- (c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.'

Paragraph 74 states, 'A five-year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:

- (a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
- (b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.'

Paragraph 75 states, 'To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.'

Paragraph 163 states, 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.'

North Lincolnshire Local Plan:

Policy DS1: General Requirements

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

Policy LC14: Area of Special Historic Landscape Interest

Policy LC7: Landscape Protection

Policy LC12: Protection of Trees, Woodland and Hedgerows

Policy H5: New Housing Development

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering More Sustainable Development

Policy CS3: Development Limits

Policy CS5: Design

Policy CS6: Historic Environment

Policy CS7: Overall Housing Provision

Policy CS17: Biodiversity

Policy CS18: Sustainable Resource use and Climate Change

Policy CS19: Flood Risk

CONSULTATIONS

Historic Environment Record (Archaeology): Recommends refusal of planning permission as the proposal would adversely affect the character, appearance and setting of the historic landscape contrary to the NPPF, local planning policy LC14 and Core Strategy policy CS6.

Tree Officer: No adverse comments to make on the application subject to conditions to ensure that the trees on the site are retained are protected during work.

IANN Water Level Management Board: No objections to the proposal subject to a condition requiring a scheme for the provision, implementation, and future maintenance of a surface water drainage system.

The LLFA Drainage Team: No objection to the proposed development subject to conditions.

Environmental Protection (Contaminated Land): Comments that the application for residential development is a sensitive end use. It is the developer's responsibility to assess and address any potential contamination risks; however, no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level. Consequently, recommends the imposition of conditions.

Highways: No adverse comments to make on the application subject to conditions.

Yorkshire Water Services Ltd: No response received.

Environment Agency (Sustainable Places): No objection to the application because the levels are well above the critical flood level of 4.1 metres AOD established in the SFRA for this area.

PARISH COUNCIL

No objections.

PUBLICITY

Site and press notices have been posted.

Six responses have been received, including multiple letters from the same household. All issues raised have been considered and are summarised below:

Objection

- the siting and scale of the proposal
- the extension beyond the development boundary
- the development would adversely affect the character of the historic landscape
- concern about traditional farm buildings in the area
- this planning proposal is the same as previously rejected proposals
- the proposed house would be out of character with the street scene
- the proposal would overwhelm the adjacent properties

Support

- the historic landscape would not be compromised
- the proposal is outline application and therefore the size, character, style and footprint of the building does not form part of this application.

ASSESSMENT

Planning history

PA/2004/1255: Outline planning permission to erect a detached dwelling and garage was refused on 19 August 2004 on the basis that the proposal failed to comply with policy DS16 because the site is within an area at high risk of flooding and no flood risk assessment had been submitted that would allow consideration of the development, and Westwoodside is included in the list of minimum growth settlements in policy ST2 of the North Lincolnshire Local Plan. The development was also contrary to policies H1 and ST3 of the plan as it was outside the development boundary for the settlement and was not essential for the purposes of agriculture or forestry.

PA/2011/1405: Outline planning permission to erect a dwelling with all matters reserved for subsequent consideration was refused on 12 January 2012 on the basis that the site was in the open countryside and outside the development boundary for Westwoodside. The development was not for agricultural or forestry purposes. The development was also classified as more vulnerable and is located within zone 3 Flood Risk. The proposal could only be allowed if it passed a sequential and an exception test. In this case, insufficient information was submitted to demonstrate that the application passed the sequential test.

- PA/2017/1330: Planning permission to erect a detached two-storey dwelling with integral garage was refused on 16 October 2017 on the basis that the dwelling, by virtue of its scale, bulk and design, would be out of character with the area and visually intrusive within the street scene. It would also result in an overbearing impact on adjacent property and the balcony would overlook the neighbour's private garden area. The trees alongside the road have amenity value; however, no tree survey had been submitted with the application and it was therefore contrary to policy LC12.
- PA/2018/1292: Planning permission to erect a detached dwelling was refused on 14 December 2018 on the basis that the dwelling, by virtue of its scale and design, would have an adverse visual impact on the character and setting of the Area of Historic Landscape Interest, would be out of character with the area and would have an adverse visual impact on the street scene and amenities of the locality.
- PA/2019/2094: Planning permission to erect a dwelling, including associated works, was refused on 14 August 2020 on the basis that the proposed dwelling, by virtue of its scale, mass, design and siting, would have an adverse visual impact on the character, appearance and setting of the Area of Special Historic Landscape Interest (policy LC14). Also, the proposed dwelling, by virtue of its scale, mass, design and siting, was considered to be out of character with the surrounding area and would have an adverse visual impact on the street scene and the amenity of the locality.

Planning appeal

Appeal reference APP/Y2003/W/19/3223414 for a new dwelling on an infill site between 47 and 51 Akeferry, Road was dismissed on 14 December 2018 on the basis that the proposal would result in conflict with the landscape and heritage protection policies of the development plan which should be afforded considerable weight. It would also conflict with the policies of the Framework when taken as a whole. The situation with regard to the adjoining farmhouse and the impact of the proposal on the former farmstead had not been fully considered by the parties, but even without including the harm that would result to the setting of this non-designated heritage asset, the benefits of the proposal would not outweigh the harm that would result to the character and appearance of the area due to the scale and design of the proposed house. Overall, material considerations, including the Framework, did not indicate that a decision that would not accord with the development plan should be reached.

Site and proposal

The site is in a residential area within the development boundary of Westwoodside. It is bounded by dwellings to the east and west, and a road to the north. The rear (south) is bounded by a field. The site is screened at the frontage by various trees, mature hedging and bushes. Immediately to the west are redundant agricultural buildings.

Outline planning permission is sought to erect one dwelling on land adjacent to 47 Akeferry Road with appearance, landscaping, layout and scale reserved for subsequent consideration.

That said, the submission is accompanied by an indicative layout and supporting information (a design statement, flood risk assessment, tree survey report and site screening assessment). The application is the sixth resubmission of a proposal for a dwelling on the plot. It is an attempt to address the issues that resulted in refusal of the previous applications.

The main issues in considering the application are:

- **principle of development;**
- **impact on local highways;**
- **impact on site drainage and flooding;**
- **impact on ecology;**
- **impact on landscape character; and**
- **impact on residential amenity.**

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy CS1 of the Core Strategy is concerned with the overarching spatial strategy for North Lincolnshire. Westwoodside is in the tier of larger rural settlements. This policy supports thriving rural communities and a vibrant countryside. It states that development will be limited and should consider 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 sets out a sequential approach to development on certain land types. It states that development should be focused on, among other things, small-scale developments within the defined development limits of rural settlements to meet identified local needs.

Policy CS8 relates to the Spatial Distribution of Housing Sites. The policy indicates, among other things, that new housing within the rural settlements will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel. In this case, the policy permits development for the infilling of a small gap within the development boundary.

The proposal is wholly located within the development boundary of Westwoodside and would represent an infill development set within a residential area. In addition, it is located within walking distance of the numerous local services and facilities within Westwoodside and would add to the housing supply for North Lincolnshire.

Consequently, Westwoodside represents a sustainable location for residential development in terms of policies CS1, CS2, CS7 and CS8 of the Core Strategy, policy H5 of the North Lincolnshire Local Plan and the requirements in the National Planning Policy Framework.

In comparing this proposal with the previously refused proposals, as indicated earlier, those proposals were refused on various grounds, including the design of the dwelling, impact on neighbours, impact on trees, impact on the setting of the Area of Special Historic Landscape Interest and flood risk.

This application is a revised scheme to overcome the previous reasons for refusal. In this proposal, the site has been significantly altered to ensure that it wholly falls within the development boundary. Accordingly, the issue of the Area of Special Historic Landscape Interest has been mitigated. Furthermore, as this is an outline planning application only, with matters of appearance, landscaping, layout, and scale reserved for subsequent consideration, issues such as the design of the dwelling, impact on neighbours and impact on trees are not currently under consideration.

Overall, the principle of the proposed development is considered acceptable.

Impacts on site drainage and flooding

The site lies in flood zone 2/3a and is therefore at high risk of flooding. A Flood Risk Assessment (FRA) has been submitted with the application, which contains an assessment of the sequential and exceptions tests.

The Environment Agency has not raised objection to the application because the levels are well above the critical flood level of 4.1metres above Ordnance datum established in the SFRA for this area. It is considered that the FRA satisfactorily demonstrates that the development will be safe without increasing flood risk elsewhere. Furthermore, the LLFA Drainage Team has no objection to the proposed development subject to the imposition of conditions.

Consequently, the proposal is considered to comply with policy DS16 of the North Lincolnshire Local Plan, policy CS19 of the Core Strategy and the National Planning Policy Framework in terms of flood risk.

Impact on trees

At the southern boundary of the application site (beside the road) is a large mature hedge that forms the boundary to the south. The Tree Officer has confirmed that the arboricultural report submitted is accurate in terms of the trees on the site, their size, species, condition and retention values. There is a need to ensure that the trees on the site to be retained are protected during any development, and the information submitted with the arboricultural report regarding protective fencing and the use of 'no dig' protection should be conditioned to assist in the prevention of stress and potential death of the trees. The proposal complies with policy LC12: Protection of Trees, Woodland and Hedgerows.

Impacts on local highways and access

Although access is not being sought to be approved as part of this outline application, it should be noted that access to the site would be via Akeferry Road. It is believed that access to the site can be achieved. Furthermore, due to the size of the application site, it is likely that safe parking and turning of vehicles in and out of the site can be provided without posing a danger to other vehicles using Akeferry Road. Highways has no adverse comments to make on the application subject to the imposition of conditions. It is therefore considered that the proposal complies with policy T2: Access to Development and policy T19: Car Parking Provision and Standards.

Impact on residential amenity

In terms of amenity standards, consideration must be given to the amenity impact for any dwelling on the site, as well as the potential impact upon occupants of surrounding properties. Whilst the reasons for previous refusals include impact on amenity, this is an outline application and therefore no details of the dwelling have been submitted to assess the impact on residential amenities in the area. This would be assessed at the reserved matters stage.

Archaeology

The Historic Environment Record (Archaeology) have objected to the proposal. The council's archaeologist has indicated that the application site lies within the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14) and this area is designated for its unique historic landscape retaining the pattern of ancient open strip fields, enclosures and turbaries surrounding the villages on the Isle. In addition, the site is located within the early enclosures between Westwoodside and Haxey and within the historic plot of the adjoining farmstead, abutting one of the two extant historic barns. The proximity of the proposed dwelling would dominate the adjacent historic buildings. At the rear, the application boundary extends beyond the development limit for Westwoodside into open countryside. The effect of the proposed dwelling on the historic landscape would be an unacceptable extension and intrusion of the residential built environment into the historic landscape, contributing to adverse character change and erosion of the setting and legibility of the landscape.

The concerns of the Historic Environment Record are noted. It is worth noting also that the adopted HELADPD proposals map shows the site fully within the development boundary. Regarding the Area of Special Historic Landscape Interest of the Isle of Axholme, a planning balance must be made regarding impact on the landscape and the provision of sustainable residential development. As this is an outline application, it is considered that, with appropriate design, landscaping and boundary treatment to best preserve and enhance the surrounding area at the reserved matters stage, the impact on the landscape can be mitigated. The provision of housing, given the council's current lack of a five-year housing land supply and the minimal impact the proposal would have, are considered to outweigh the impact on the historic landscape.

The HER officer has noted that should the authority grant consent contrary to recommendation, then an appropriate condition to remove permitted development rights to avoid further inappropriate buildings appearing in the designated historic landscape should be attached. As indicated earlier, this is an outline application only and such a recommendation can only be considered at the reserved matters stage.

Objections

Having noted the contents of various objections and the assessment above, the authority is uncertain as to how the issues raised affect this development since the key issues do not form part of this assessment. Nonetheless, this is an issue that will need to be addressed through a reserved matters application, where the council will be able to assess the details of the proposal. The authority do not consider the block plan of the development as causing harm to the significance of the nearby heritage assets, specifically, the proximity to the adjacent historic buildings and the Area of Special Historic Landscape Interest of the Isle of Axholme.

Conclusion

The principle of the development is supported as the application site is located within the development boundary where a dwelling is normally supported.

In addition, the applicant has demonstrated the impact of the proposed development on trees, highways, access and residential amenity is likely to be mitigated. The proposed access would potentially be adequate and safe. On archaeology, the concerns raised by the HER officer have been addressed and it is judged that a planning balance must be made regarding impact on the landscape and the provision of sustainable residential development. The provision of housing, given the council's current lack of a five-year housing land supply and the minimal impact of the proposal, is considered to outweigh the impact on the historic landscape. It is worth noting that this proposal is significantly different from the previous proposals which were refused as the key issues for refusal have been deferred to the reserved matters stage. As such, the proposal follows all relevant policies of the North Lincolnshire Local Plan, the Core Strategy and the NPPF.

Pre-commencement conditions

All pre-commencement conditions attached to this recommendation have been agreed with the applicant in accordance with the Town and Country Planning (Pre-commencement conditions) Regulations 2018.

RECOMMENDATION Grant permission subject to the following conditions:

1.
Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.
Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.
Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of vehicle parking and turning spaces within the curtilage of the site; have been submitted to and approved in writing by the local planning authority.

Reason

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

6.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

7.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

8.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

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

9.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

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 maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

10.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraph 163 of the National Planning Policy Framework.

11.

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

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation. 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, 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.

12.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

13.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To secure the timely completion and successful establishment of the approved scheme of landscaping for the site.

14.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

15.

No development shall take place until details of the positions, design, materials, and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwelling is occupied, and once built/planted it shall be retained thereafter.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

16.

The development hereby permitted shall be carried out in accordance with the following approved plans: Site location Plan PC180A/01 dated 14th September 2020 and Tree Survey Plan PC180A/02 dated 19th December 2019.

Reason

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

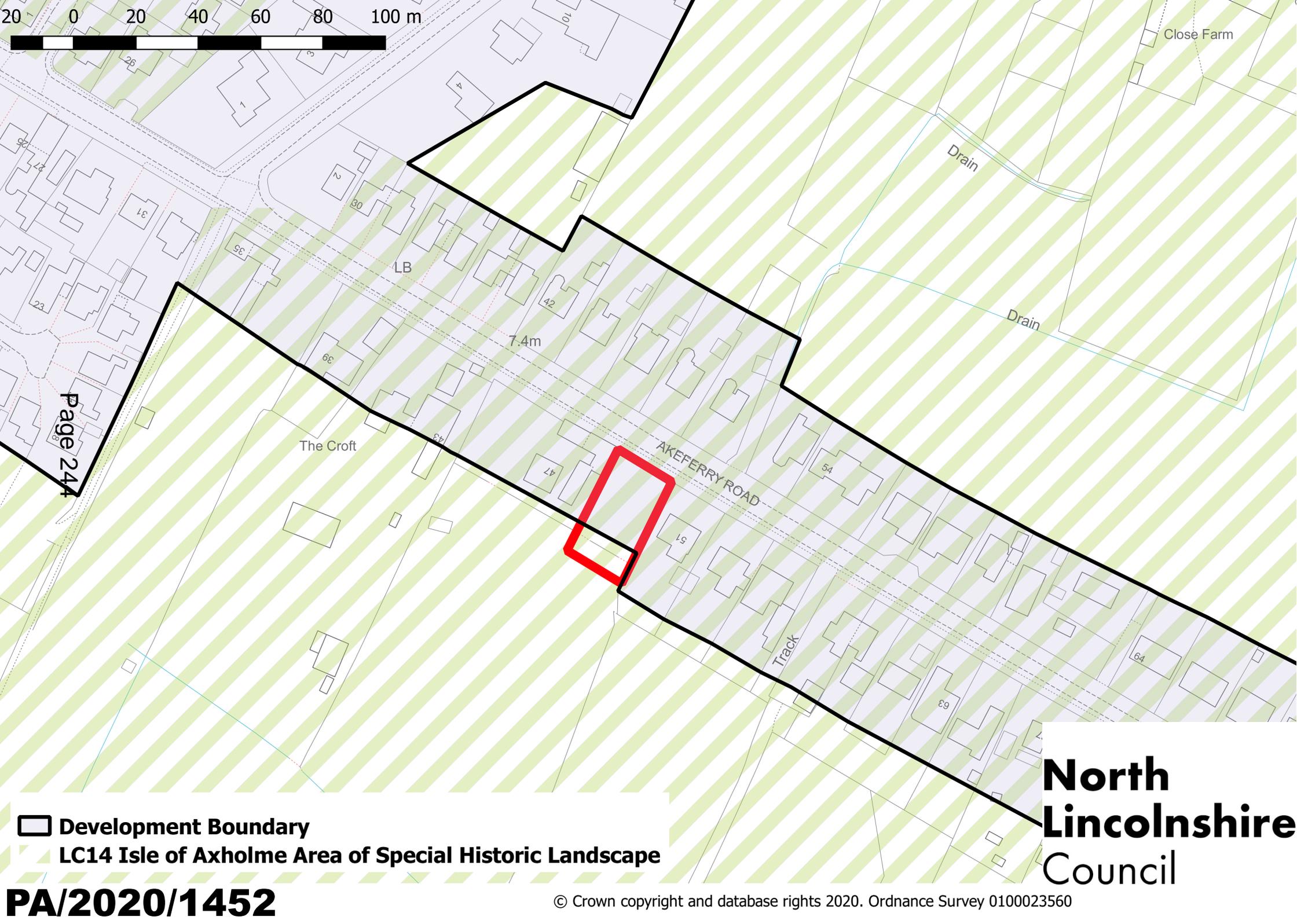
Informative 1

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 2

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



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Close Farm

Drain

Drain

LB

7.4m

The Croft

AKEFERRY ROAD

Track

Development Boundary

LC14 Isle of Axholme Area of Special Historic Landscape

North
Lincolnshire
Council

PA/2020/1452

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APPLICATION NO PA/2020/1459

APPLICANT Mr R Hewson

DEVELOPMENT Planning permission to erect a replacement dwelling, including demolition of existing dwelling

LOCATION Melwood Grange, Melwood Hill, Epworth, DN9 1AA

PARISH Epworth

WARD Axholme Central

CASE OFFICER Brian McParland

SUMMARY RECOMMENDATION Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Departure from the development plan

POLICIES

National Planning Policy Framework: Section 12 – Achieving well-designed places

North Lincolnshire Local Plan: DS1, DS7, DS14, DS16, RD2, RD10, T2, T19

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS18, CS19

CONSULTATIONS

Highways: No objection, but recommend two compliance conditions in that vehicle parking must be provided before the dwelling is occupied and no loose material shall be placed on the driveway/parking near the highway (10 metres).

Drainage: No objection, but recommend two pre-commencement conditions (i.e. details of preventing surface water run-off).

Archaeology: No objection, but recommend four conditions (i.e. details of archaeological mitigation, notification of commencement of the archaeological site works, a copy of reporting, analysis and archiving of mitigation strategy, removal of permitted development rights).

Environmental Protection: No objection, but recommend a compliance condition relating to contaminated land.

TOWN COUNCIL

No objection received.

PUBLICITY

The application has been advertised by a site notice and in the press as a departure from the local plan. No comments have been received.

ASSESSMENT

The main issues to be considered are whether adequate justification can be demonstrated with regard to the principle of the development, impact on character and design, archaeology, neighbouring amenity, drainage, land quality and highways.

The site

The site is outside the development limit for Epworth, in the open countryside within the wider area of the Isle of Axholme. The site is occupied by a former farmhouse – Melwood Grange dated between 1824–1841, of two-storey height with a low-pitched hipped roof and asymmetrical frontage typical of this period. The footprint is rectangular on a north–south axis with a two-storey rear wing largely hidden from view and a single-storey side extension with a flat roof. The Victorian farm buildings are arranged around a U-shaped courtyard on the north side of the farmhouse, which have largely been replaced with modern farm buildings. The main farmhouse is now derelict. The site benefits from dense landscaping along the west boundary. The site is within Flood Zone 1 (low risk), is not within a conservation area, does not affect any listed buildings and does not relate to any tree preservation orders.

Proposal

Planning permission is sought to erect a detached, three-storey, seven-bedroom replacement dwelling, including the demolition of an existing dwelling. The proposed dwelling would be finished with a large hipped roof with two front-facing dormers serving a loft conversion (second floor). The dwelling would benefit from a linked single-storey garage, finished with a pitched roof and two front-facing dormers. Rooflights are proposed throughout the development. Proposed materials include red brick (walls) and grey tiles (roof).

Principle

The application site is outside the settlement boundary and the proposal would represent a departure from the North Lincolnshire development plan. In determining whether the principle of residential development outside the settlement boundary is acceptable in this instance, it is necessary to consider whether the proposed development is acceptable in planning policy terms.

Given the location of the application site, policy RD2 of the North Lincolnshire Local Plan is considered relevant. Development within the open countryside is strictly controlled and policy RD2 outlines the criteria for development within the open countryside.

Section vii) states, ‘Planning permission will only be granted for the replacement, alteration or extension of an existing dwelling.’

Given the proposal is for the replacement of an existing dwelling, it would fall under section vii) of policy RD2. The proposal would also satisfy provisions a–f outlined within policy RD2.

Likewise, the proposal would satisfy policy RD10 of the North Lincolnshire Local Plan (replacement dwellings within the open countryside).

The proposal would not preclude policies RD2 and RD10 of the local plan. Considering the context of the existing dwelling, the principle of development for a new dwelling, on balance, would be acceptable at this location, subject to the considerations below.

Impact on character and design

The National Planning Policy Framework (NPPF) attaches great importance to the design of the built environment. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and amenity. In respect of impact on character, policy DS1 states that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area.

The site is within an Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14); within this area the policy states that a high standard of design and siting in new development will be required reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality. Policy LC7 (Landscape Protection) is also relevant which states, 'Where development is permitted within rural settlements or within the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted.'

The application site is situated at the north end of the ridge of high ground southeast of Epworth that extends towards Owston Ferry. The ridge is within the historic landscape character zone of the Early Enclosed Land (EEL) that buffers and forms the setting of the ancient open strip fields (AOSF) character zone on the lower ground to the immediate north of the site and to the west between Epworth and Haxey. The characteristics of the EEL zone are clearly legible across this area and can be appreciated from within the surrounding fields and landscape around the site. The site is in a prominent location on the brow of the hill above the town and is clearly seen from the roadside travelling through the landscape. It is also visible within the historic landscape, including views from several of the ancient tracks and meres within the AOSF land to the north and east of the site, and against the skyline when viewed from the flat low-lying landscape to the east.

The council's archaeologist has no objection to the proposal given it is a replacement dwelling rather than a new plot. They also acknowledge the considerable design of the proposed replacement; however, this would not warrant a recommendation for refusal. The recommending officer acknowledges the proposed replacement dwelling would be larger; however, it would be of the same size if the existing dwelling was extended by way of permitted development rights. It is understood the site benefits from dense landscaping along the west boundary which offers some mitigation and is considerably set back from the roadside by 56 metres. Once more, the dwelling would benefit from traditional materials (red brick/grey tiles) and features (dormers) which are conservative to the locality. Additionally, the proposed design concept of the replacement dwelling would have a rather rural impression which would be in keeping with the open countryside vernacular. It is also noted the replacement dwelling would be sited within a large plot and so would rest

comfortably. The recommending officer is satisfied the proposed replacement dwelling would not destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features.

It is considered the proposed replacement dwelling, by way of its design, conservative detailing and use of appropriate materials, would be of a high standard of design and siting in that it would reflect the traditional character of the historic landscape and would reflect the character, appearance and setting of the local area. As such, the proposal would be in accordance with policies DS1, RD2, LC7, LC14 and CS5.

Archaeology

Policy HE9 (Archaeological Evaluation) states, 'Sites of known archaeological importance will be protected. When development affecting such sites is acceptable in principle, mitigation of damage must be ensured and the preservation of the remains in situ is a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before and during development.'

The HER database has been checked and our records indicate that Melwood Grange is the possible location of a Premonstratensian Cell of Sulby Abbey established at Melwood Grange by the late 12th century. The Cell pre-dated the Carthusian Priory founded at (Low) Melwood in 1397–8. The Premonstratensian holdings (and possibly buildings) were transferred to the Carthusian Priory in 1399.

The heritage statement further considers the location of the monastic cell, concluding the evidence is slight but cannot be entirely discounted. Groundwork associated with any construction on this site may therefore encounter archaeological remains even where later development has caused disturbance.

Considering the above, if approved, conditions relating to archaeology have been recommended (i.e. to secure a programme of archaeological monitoring and recording work during construction and removing permitted development rights to protect the special historic landscape).

Impact on the amenity of neighbours

Policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and amenity. In respect of impact on amenity, policy DS1 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.

There are no neighbouring residential buildings. It is considered that the proposal, by way of its design and location, would not prejudice existing neighbouring amenity through the of loss of daylight, overshadowing, overbearing impact or loss of privacy. As such, the proposal would be in accordance with policies DS1 and CS5.

Drainage

Policy CS19 of the Core Strategy and DS16 of the local plan are concerned with flood risk, whilst policy DS14 of the local plan is concerned with foul sewage and surface water drainage.

The council's LLFA drainage team have been consulted and have no objection, subject to conditions relating to surface water run-off, which are included in the recommendation.

Land quality

Policy DS7 of the 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 council's Environmental Protection team has provided comment and outlined that, given the residential development is a sensitive end use, that the applicant has not submitted any information with regard to land quality, and that demolition of the existing property has the potential to give rise to contamination, a condition relating to land contamination should be attached to any planning approval.

Highways

Policy T2 of the North Lincolnshire Local Plan 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 team has been consulted and has no objection, subject to conditions relating to vehicle parking and no loose material on the highway.

Conclusion

Whist the proposal is within the open countryside, it would not preclude the relevant policies within the local plan, given it is for the replacement of an existing dwelling. On balance, the proposal is a justified departure from the development plan.

Pre-commencement conditions

The pre-commencement conditions included within the recommendation have been agreed with the applicant.

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: 009 – Existing Site Plans; Site Plans; Ground Floor Set Out; First Floor Set Out; Second Floor Set Out; Section Views; Simple Plans; Design, Access and Planning Statement; Heritage Statement; Preliminary Ecological Appraisal; Visuals.

Reason

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

3.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

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

4.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken to the satisfaction of the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

5.

If during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

6.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

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 maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

7.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been

approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraph 163 of the National Planning Policy Framework.

8.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy, to be defined in a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. The strategy shall accord with a brief provided by the North Lincolnshire Historic Environment Record and shall include details of the following:

- (i) measures to ensure the preservation by record of archaeological features of identified importance
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories, including the ADS
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

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

9.

The applicant shall notify the planning authority in writing of the intention to commence the archaeological site works at least one week/seven days before commencement. Thereafter,

the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason

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

10.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of completion of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

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

11.

Notwithstanding the provisions of Classes A, B, C, D, E and G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any order re-enacting that order with or without modification, no extensions, buildings or enclosures shall be erected on the site or installed on the building other than those expressly authorised by this permission.

Reason

To protect the historic landscape in accordance with policies LC14 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.

Informative 1

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

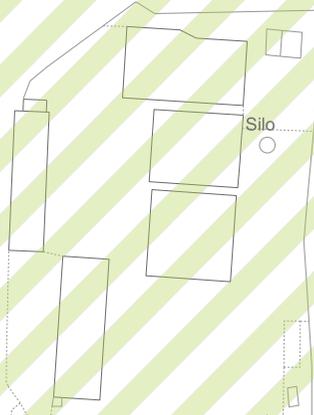
Informative 2

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



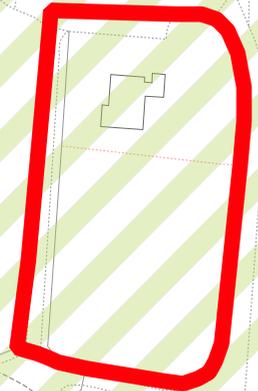
28.5m

Drain
MELWOOD HILL



Silo

Melwood Grange



30.6m

CR

Und

29.0m

Drain

Track

Page 254

LC14 Isle of Axholme Area of Special Historic Landscape

**North
Lincolnshire
Council**

PA/2020/1459

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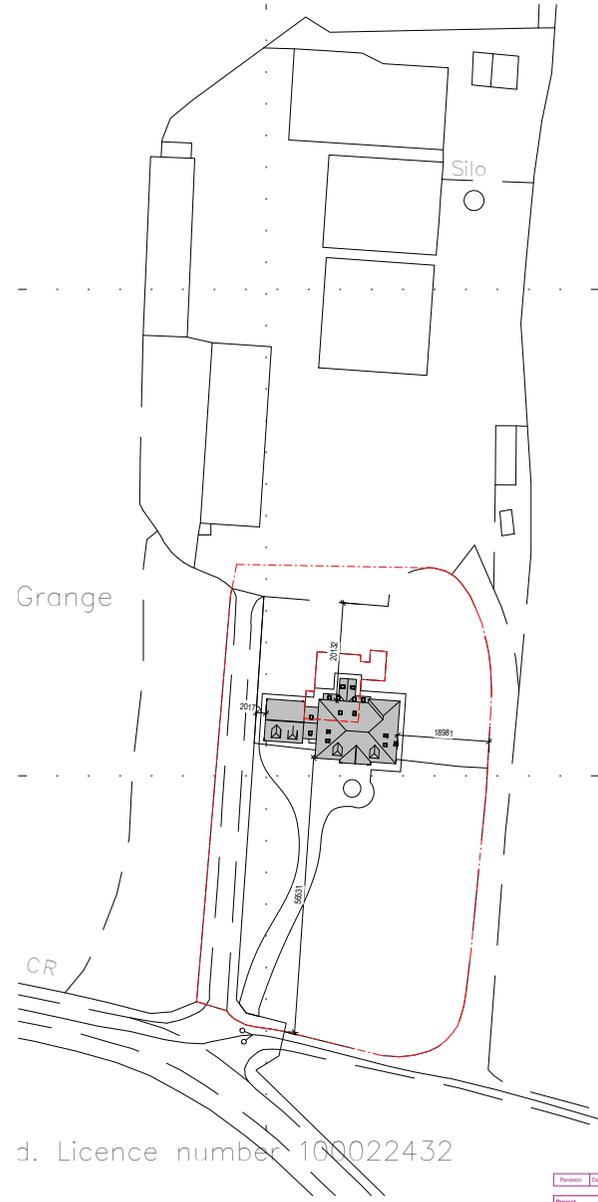
PA/2020/1459 Existing and proposed layout (not to scale)

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Site Location Plan
1: 1250



Block Plan
1: 500

Revision	Description	Checked By	Date
Project R.Hewson_2020			
Drawing title Site Plans			
Project file Melwood Grange, Epworth		Scale of A1 As indicated	Revision
ARCHITECTURAL DRAWING SERVICES			

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APPLICATION NO	PA/2020/1504
APPLICANT	Absolute Children's Services
DEVELOPMENT	Planning permission for change of use from a dwellinghouse (Class C3) to a children's home (Class C2) for up to four young people
LOCATION	Pennyfields, 35 Washinghall Lane, Eastoft, DN17 4PR
PARISH	Eastoft
WARD	Axholme North
CASE OFFICER	Nick Salt
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs John Briggs and Julie Reed – significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 11 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision taking, this means approving proposals that accord with the development plan without delay or where the development plan is absent, silent or out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole or where specific policies in the framework indicate development should be restricted.

Paragraph 47 states that planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise and that the National Planning Policy Framework forms a material consideration.

Paragraph 80 states that significant weight should be placed on the need to support economic growth through the planning system.

Paragraph 91 states that planning decisions should promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, create safe and accessible environments where crime and disorder do not undermine the quality of life or community cohesion, and safe and accessible developments.

Paragraph 92 states that planning decisions should plan positively for the provision of local services to enhance the sustainability of communities and residential environments and ensure that an integrated approach is taken when considering the location of community facilities and services.

Paragraph 124 states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

North Lincolnshire Core Strategy:

- CS1 – Spatial Strategy for North Lincolnshire
- CS2 – Delivering More Sustainable Development
- CS3 – Development Limits
- CS5 – Delivering Quality Design in North Lincolnshire
- CS19 – Flood Risk
- CS22 – Community Facilities and Services

Housing and Employment Land Allocation DPD:

Inset Map for Eastoft

North Lincolnshire Local Plan:

- H16 – Nursing and Rest Homes
- T1 – Location of Development
- T2 – Access to Development
- DS1 – General Requirements
- DS3 – Designing Out Crime
- DS4 – Changes of Use in Residential Areas
- DS16 – Flood Risk

CONSULTATIONS

Environment Agency: No objection to the application as submitted. The proposed change of use is within the 'more vulnerable' flood risk classification and the Flood Risk Assessment has identified appropriate means to reduce risk to future occupants.

A condition is recommended requiring accordance with the submitted Flood Risk Assessment.

Highways: No comments or objections.

Drainage Team (Lead Local Flood Authority): No comment or objection.

Waste Management: Provide an informative on bin storage etc.

Environmental Protection: No objection, but recommend a condition restricting the use to a children's home only to control noise.

PARISH COUNCIL

Objects to the application noting the following:

The village has no facilities to offer 8–18 year olds; a playground on the small side serves smaller children. There is a very limited bus service which would enable teenagers to lead an independent life. There is no village shop just a pub. The village hall holds no sessions of interest for children of this age.

The planning mentions a S26 appeal which has no bearing on this new application.

In the past a house became used as a care home in the village and destruction to property and vehicles occurred even though that child was a looked after child. Nearby properties do not wish this home to be granted planning.

PUBLICITY

Site and press notices posted. No comments have been received.

ASSESSMENT

The application site comprises the residential curtilage of a detached dwelling on a relatively large plot to the southern end of Eastoft. The dwelling is a two-and-a-half-storey building with two ancillary outbuildings and gardens to the front and rear. It is bounded by fields to the east and south, with the residential properties of number 37 to the west and number 33 to the north. The site is approximately 0.4 acres.

Planning permission is sought to change the use of this dwelling (C3 use) into a residential care home (C2 use), specifically for a residential children's home for a maximum of four young people, along with up to four carers at any one time. It should be noted that the C2 use being sought is not specific for age groups and covers residential care for children, adults and the elderly. The occupation demographic could change within this use class without the need for further permissions.

The main issues in the determination of this application are:

- **the principle of development and sustainability;**
- **landscape and appearance;**
- **flood risk;**
- **impact upon residential amenity; and**
- **access and parking.**

Principle of development and sustainability

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material

considerations indicate otherwise. In this instance, the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. The Interim Planning Policy for Residential Care Homes/Institutions forms local guidance for the assessment of proposals for residential care homes/institutions. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The application site is located within the development limit for Eastoft as shown in the HELA DPD. The application site is within flood zone 2/3 as identified by the North Lincolnshire Strategic Flood Risk Assessment – flood risk will be considered later in this report.

The North Lincolnshire Settlement Survey (2019 revision) ranks Eastoft 35th out of the 76 settlements scored within the survey. Eastoft provides four key facilities and services and is less than 4.83 kilometres from the larger settlement of Crowle, where there is a range of key services and facilities. There is a residential nursing home for elderly people in Crowle, but none currently in Eastoft.

The Interim Planning Policy for Residential Care Homes/Institutions criterion a) requires that conversions of residential properties to residential care homes/institutions or the erection of new ones will only be permitted provided that they are located in sustainable locations with good access to key facilities such as shops, schools, health, leisure and other community facilities. This criterion points towards policies CS1, CS2 and CS22 of the NLCS, and H16 and T1 of the NLLP. These policies together set out the spatial strategy for North Lincolnshire which steer development to the most sustainable locations and indeed H16 specifically indicates that residential care homes should be sited in the larger, more sustainable settlements, which Eastoft is not. However, the scale of the proposal should be taken into account and it should be noted that the existing dwelling could house a similar, or greater number of children as part of a family unit without the need for planning permission. There are currently no plans to physically extend the size of the site dwelling.

The Interim Planning Policy for Residential Care Homes/Institutions continues to discuss through other criteria to require: that satisfactory access, parking and servicing facilities are provided; that the development should be safe and accessible for all; that the development should not result in an adverse impact upon neighbouring residential properties through increased noise and disturbance or have an adverse effect upon the character of the area; should not require substantial alteration or extension; and be served by an appropriate level of amenity space. These matters are assessed in turn below.

The council has recently approved two similar applications: PA/2017/1963 and PA/2019/77. In the case of 2017/1963 in Low Burnham, the scheme was initially refused by the planning committee but subsequently allowed at appeal. Within their appeal decision, the Inspector found that the proposal would represent a sustainable use of the site. The Inspector acknowledged the fact that there were limited facilities and services within that particular village. However, given the scale of operation (similar to that proposed) and the 'fallback' use of the site as a dwelling, which could house a similar number of children, it was concluded that the proposal was a sustainable use of the site. This recent appeal proposal/decision is directly comparable and relevant to the current planning application and is a material consideration that should be given weight in its determination. The current scheme is similar to PA/2019/77, which was approved by the planning committee in June

2019. This scheme was for a home for five children at a site on the outskirts of Castlethorpe.

It is considered that the proposal site in Eastoft is marginally more sustainable in terms of its settlement boundary location and access to services, than the above. Overall, the proposal is considered to be sustainable and acceptable in principle as per the aforementioned policies.

Landscape and appearance

Policies DS1 and CS5 are both concerned with visual amenity and that proposals should be sympathetic in design, scale and materials.

Policy H16 relates specifically to nursing and rest homes and related uses, and is therefore of importance to this application for the expansion of such a facility. Part (ii) requires such development to have no adverse effects upon the character of the surrounding area, reinforcing the policy themes above.

The site is well screened by hedging and its positioning, set well back from the road and at the edge of the village. The building itself would not be materially altered. Planting and landscaping within the site would be retained for the purposes of sensory gardens for the resident young people and for screening between the site and neighbouring properties.

It is not considered that the proposal would result in any adverse visual impacts.

Flood risk

The site lies within a high-risk flood area identified on the council's Strategic Flood Risk Assessment as being within Flood Zone level 2/3(a). The proposed C2 use is classed as a 'vulnerable use', as is the existing C3 use. A flood risk assessment was therefore required with this application and has been submitted.

The Environment Agency have reviewed the submitted flood risk assessment (FRA) and have concluded that they are satisfied with the measures therein. The FRA measures shall be secured by condition.

Subject to compliance with such a condition, the proposal meets the requirements of Core Strategy policy CS19 and local plan policy DS16 in terms of mitigating flood risk.

Residential amenity

Policy DS1 is partly concerned with ensuring that development (including changes of use) does not unduly impact on neighbouring amenity in terms of noise, smell, fumes, dust or other nuisance and notes that no pollution of water, air or land should result which poses a danger or creates detrimental environmental conditions.

The care home would facilitate accommodation for four young people and up to four carers at any one time. There is a potential for increased comings and goings from vehicles due to shift changes and the transportation of residents to schools etc. This is unlikely to be highly dissimilar to a single residential dwelling; it is not considered that there would be any significant changes in character, noise or disturbance to what would be expected from a large family dwelling. As such, it is not considered that the proposed use would have any significant impact on the amenity of nearby residents.

Furthermore, the retention of significant natural screening and fencing, and the large site plot, would reduce potential for impacts on the amenity of neighbouring properties 33 and 37.

The council's Environmental Protection team has reviewed this application and recommend a condition to ensure that the use is for a children's home only. Given the above, and the proposed condition on occupancy levels, it is not considered that such a condition is necessary or reasonable.

Access and parking

Local plan policies T2 and T19 require appropriate access and parking arrangements on development sites. It is likely that some minimal increase in vehicle usage on the site and use of the adjacent highway will result from the change of use. With up to four carers on site at any one time, and visitors for the four resident young people, parking demand and intensity of use is not likely to be significant, however, or out of keeping with the surrounding residential nature of the area.

The site has an existing driveway/lane and access which would be retained, featuring good visibility in both directions. The submitted site plans show ample turning space within the site frontage, along with parking for five vehicles, which would be retained. There are no objections from the Highways authority and the proposals are considered acceptable with regard to access and parking matters.

Conclusion

The wider principle of the development is in keeping with the aims and themes of both national and local policy. The proposal and the site are considered sustainable due to the relatively modest intensity proposed, the size and location of the site and the recent North Lincolnshire decision history referenced in this report. Other material considerations such as flood risk, amenity and highways impacts have been considered, with no significant unacceptable impacts regarded as likely.

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: 20,119-P-001 Rev C - Location Plan; 20,119-P-001 Rev B - Site Layout; 20,119-P-002 Rev B - Highways layout and 20,119-P-003 Rev B - Proposed plans and elevations.

Reason

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

3.

The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA), 21 September 2020, Version 1.0, reference 2566L, and the following mitigation measures detailed within the FRA:

- sleeping to be restricted to first floor and above
- flood resilience measures to be incorporated where practicable at ground floor level.

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

Reason

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

4.

No more than four residents under care shall be resident at the site at any one time, unless otherwise approved in writing by the local planning authority.

Reason

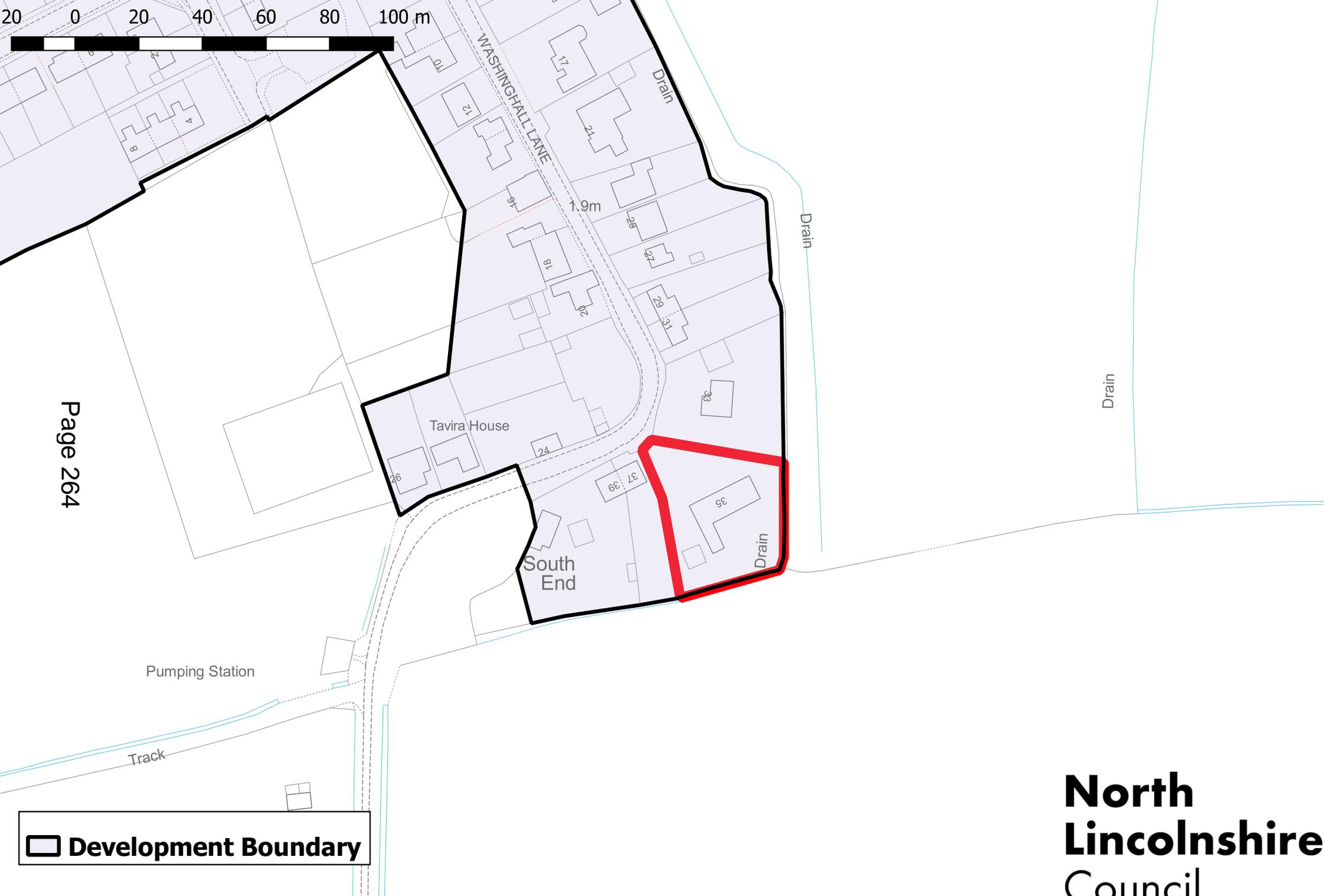
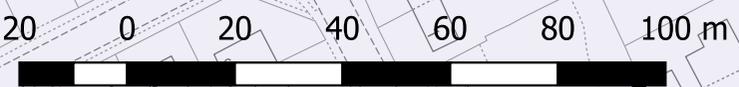
The potential impacts of the development have been assessed on the basis of four resident young people.

Informative 1

Please refer to the response issued from Waste Management dated 29/10/20 for details on refuse collection etc.

Informative 2

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



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 **Development Boundary**

**North
Lincolnshire
Council**

PA/2020/1504

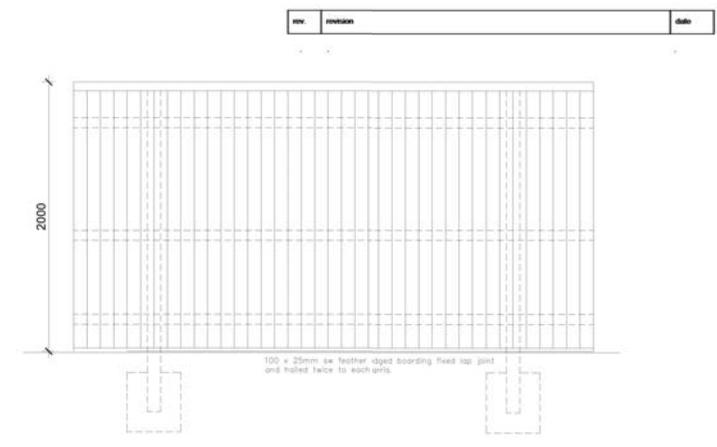
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PA/2020/1504 Proposed layout (not to scale)

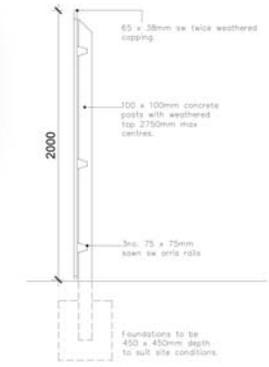


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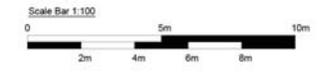
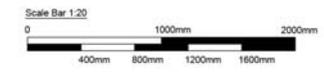
Proposed Site Layout
Scale 1:100



Proposed Boundary Fencing Elevation
Scale 1:20



Proposed Boundary Fencing Section
Scale 1:20



STATUS		Planning Application	
		Wilson Architects Ltd 100, Market Street, Leicester, LE1 7DQ 01533 417210 info@wilsonarchitects.co.uk www.wilsonarchitects.co.uk <small>Registered Company in England. VAT Registered no. 264245296</small>	
		Two Colton Square, Leicester, LE1 10H 0116 255 4559	
CLIENT		Steve Deeks	
PROJECT		35 Washinghall Lane, Eastoft, DN17 4PR	
TITLE			
Proposed Site Layout/ Neighbouring Amenity Plan			
SCALE	1:100 @ A1	DRAWN BY	AW
DRAWING NUMBER	20,119-P-101	REV	B

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APPLICATION NO	PA/2020/1511
APPLICANT	Mr Keith Selby
DEVELOPMENT	Outline planning permission to erect two dwellings with all matters reserved for subsequent consideration
LOCATION	42 Jeffrey Lane, Belton, DN9 1LT
PARISH	Belton
WARD	Axholme Central
CASE OFFICER	Kevin Robinson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Belton Parish Council

POLICIES

National Planning Policy Framework: The extract of policy from the NPPF represents some of the key paragraphs for this assessment. Please note, however, that this list is not exhaustive.

Paragraph 11 – 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) 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) 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

- (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:
- (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
 - (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.

Paragraph 12 – The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 34 – Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

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 56 – Planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

North Lincolnshire Local Plan: DS1, DS7, DS11, RD2, H7, H10, C1, T2, T19, HE9, LC7

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS9, CS17, CS18, CS22, CS26

CONSULTATIONS

Highways: No objections, but recommend conditions relating to access.

Drainage (Lead Local Flood Authority): No objections, but recommend a condition in respect of ground suitability for infiltration.

Severn Trent Water: No objections, but an informative is requested in relation to the lack of public sewers in the locality.

Isle of Axholme and North Nottinghamshire Water Level Management Board: No objection.

Environmental Protection: No objections. However, note that the site is adjacent to a dismantled railway line and has potential for land contamination. A condition to address potential land contamination is therefore recommended.

Recycling Team: Advise that waste and recycling containers will need to be presented at the roadside.

PARISH COUNCIL

Object. Concerns raised that the plot is too small for houses and the entrance to the site is narrow. Consider the plot is more suited to a single property.

PUBLICITY

A notice has been displayed adjacent to the site. No comments have been received.

ASSESSMENT

Outline planning permission is sought to erect two dwellings, with access, appearance, landscaping, layout and scale all reserved for later consideration.

Site characteristics

The application site comprises the rear garden land of 42 Jeffrey Lane in Belton. The site is bordered to the north, east and south by residential properties. To the west is the former railway line, which is now a public right of way.

Planning history

PA/2018/1526: Outline planning permission to erect a single dwelling, with access and layout reserved for subsequent consideration – approved 11 April 2019.

The key issues for this proposal include:

- **the principle of development;**
- **impact upon the character of the area;**
- **impact upon residential amenity;**
- **impact upon highway safety;**

- **land contamination and drainage.**

Principle of development

Belton is identified as a rural settlement within the North Lincolnshire Core Strategy and the site is located within the development limit of the settlement.

Policy CS1 states of these areas: '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.'

Furthermore, policy CS2 sets out a sequential approach to land types where development should be focused. It states, '...Small-scale developments within the defined development limits of rural settlements to meet identified local needs' are appropriate.

Policy CS7 is concerned with the overall housing provision of the district. It states that housing development will be required to make efficient use of land but the density of new development should be in keeping with the character of the area and should support the development of sustainable, balanced communities. For rural communities this is based upon 30–35 dwellings per hectare.

Policy CS8 is concerned with the spatial distribution of housing sites. It states that new housing within rural settlements will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

Furthermore, it states of greenfield sites: 'Development on greenfield sites will only be allowed where it can be demonstrated that this will bring additional community benefits, contributing to building sustainable communities and is acceptable in terms of its impact on the high quality environment of the urban space and adjoining countryside.'

The proposal is in outline form for the erection of a pair of semi-detached dwellings to be considered. It is accepted that the proposal is in accordance with the overarching spatial strategy for North Lincolnshire and, subject to a more detailed assessment upon character, the proposal and other policies within the plan, is considered acceptable in principle.

Impact upon the character of the area

Policy DS1 states that a 'high standard of design is expected' and proposals will be considered against two criteria:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area, and
- (ii) the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

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 H5 (concerned with new housing development), policy H7 (relating to backland and tandem developments) and paragraph 127 of the NPPF are also relevant.

In this respect the proposal is located to the rear of the dwellings facing Jeffrey Lane. The properties would be accessed from a private driveway which runs to the side of 42 Jeffrey Lane. Given the existing dwellings behind Jeffrey Lane on Aldam Drive/Hilton Close and the existing grain of development, it is not considered that the proposal would result in any appreciable impacts from being backland development. The proposal indicates that the dwellings would be a pair of semi-detached properties. Whilst the details are held for a future reserved matters submission, it is not considered that there is anything within the proposal or the site which would raise concern that a suitable scheme cannot be achieved.

As such, the proposal is considered to be acceptable in this regard and complies with the requirements of the development plan and guidance in national policy.

Impact upon residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states, '...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.'

Policy H5 also seeks to require that proposals do not result in adverse impacts upon neighbouring amenity.

The proposal would result in two additional dwellings to the rear of the existing dwelling. The properties' final details are reserved for future consideration. However, it is considered, subject to the internal layout and the direction of window openings, that a suitable design could be achieved to respect the residential amenity of neighbouring properties.

The proposal is therefore considered to be acceptable in this regard and complies with policies DS1, H5 and H7.

Impact upon highway safety

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision, as well as general highway safety.

An indicative layout has been provided that shows sufficient space for vehicles to access, park and leave the site in a forward gear. The highways officers have not raised any objections, subject to conditions to control the access. As such, there is not considered to be any conflict with the requirements of policies T2 and T19.

Land contamination and drainage

With regard to land contamination and drainage, the site is located to the rear garden of existing dwellings. Being situated adjacent to a former railway line, it is considered that there is potential for ground contamination.

Policy DS7 of the North Lincolnshire Local Plan is concerned with land contamination. 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. Conditions will be imposed and/or a planning obligation entered into to secure the implementation of such a scheme at the appropriate time in the development process, and to otherwise restrict and control the development.

The council's Environmental Health department have been consulted and have stated that, given the historic use as a railway close to the site, there is the potential for it to have been affected by contaminants such as metals, petroleum hydrocarbons and PAHs, and a full suite of contamination conditions is recommended. However, it is considered, given the land has formed amenity space for some time, that the condition is unreasonable. Instead, a monitoring condition that would require the developer stop work and report any unforeseen contamination is considered appropriate. Given the aforementioned mitigation, it is considered that the proposal would align with policy DS7 of the North Lincolnshire Local Plan.

With regard to drainage, the Lead Local Flood Authority, Severn Trent Water and the Isle of Axholme Drainage Board have all been consulted and no objections have been raised; however, informatives and conditions are recommended to advise and control any subsequent drainage proposal.

Conclusion

The proposal is located within a sustainable location and serves to increase the number and variety of dwellings offered in the locality. It is not considered that there would be any adverse impacts upon residential amenity or upon the character of the area from the proposal itself. As such, it is considered that permission should be granted.

Pre-commencement conditions

The pre-commencement conditions included within the recommendation have been agreed with the applicant.

RECOMMENDATION Grant permission subject to the following conditions:

1.
Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

2.
Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

The application has been made under Article 5(1) of the Town & Country Planning (Development Management Procedure) (England) Order 2015.

3.

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

4.

The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

To comply with the provisions of Section 92 of the Town and Country Planning Act 1990.

5.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

In the interests of controlling potential contamination and to ensure that the site is safe for its end use, in accordance with policy DS7.

6.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of the vehicle parking space(s) within the curtilage of the site;

have been submitted to and approved in writing by the local planning authority.

Reason

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

7.

Adequate vehicle access and parking facilities serving the existing dwelling shall be retained in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

8.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

9.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

10.

No dwelling served by the private driveway shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

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

11.

No development shall take place until ground investigation details to support the feasibility of infiltration for the site have been submitted to and approved in writing by the local planning authority. Infiltration tests should comprise full-scale tests to demonstrate long-term effectiveness and suitability.

Reason

To prevent the increased risk of flooding to themselves and others, in accordance with policy DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

Informative 1

Geological records indicate the site to be underlain by clays, silts and mudstones, which are relatively impermeable deposits.

Severn Trent Water advise that although statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011.

Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the building.

Should you require any further information please contact Severn Trent Water to discuss.

Informative 2

The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.



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**North
Lincolnshire
Council**

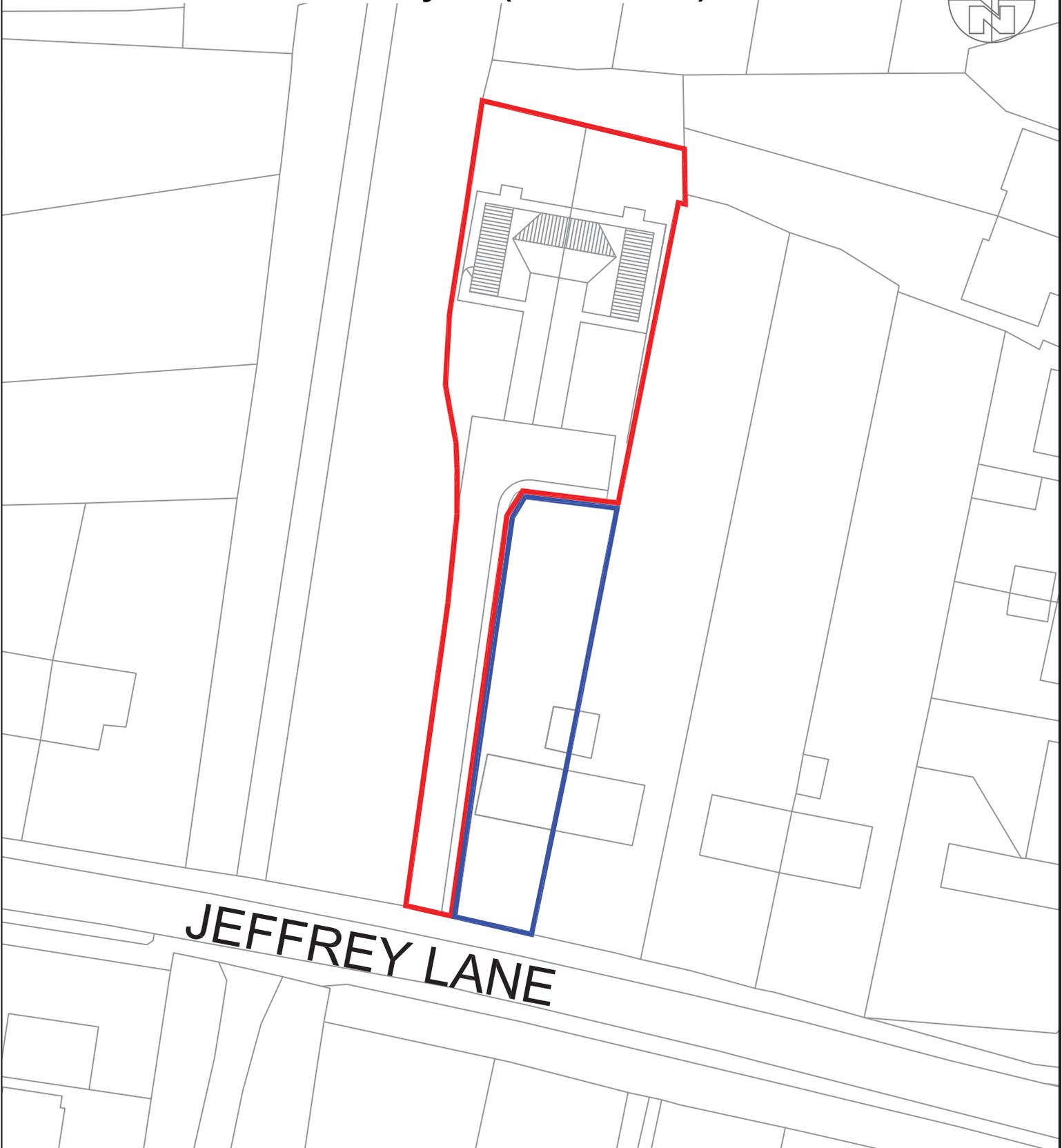
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PA/2020/1511 Indicative layout (not to scale)



JEFFREY LANE

Drawing Title		
SITE PLAN JEFFREY LANE, BELTON		
Ref.	Scale @ A4	Date
LNJL 004	1:500	SEPT/20



enquiries@marksimmondsplanningservices.co.uk

Mark Simmonds
Director
Mark Simmonds Planning Services Ltd
Mercury House
Willoughton Drive
Foxby Lane
Gainsborough
DN21 1DY

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