

# Public Document Pack

## NORTH LINCOLNSHIRE COUNCIL

### PLANNING COMMITTEE

27 January 2021

**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 November 2020 as a correct record and authorise the chairman to sign. (Pages 1 - 6)
4. Applications deferred from previous meetings for a site visit. (Pages 7 - 36)
5. Major Planning Applications. (Pages 37 - 50)
6. Planning and other applications for determination by the committee. (Pages 51 - 142)
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

18 November 2020

**PRESENT:-** Councillor N Sherwood (Chair)

Councillors Evison (Vice-Chairman), Bainbridge, J Davison and Grant.

Councillor(s) Briggs, Marper, Ogg and Rowson attended the meeting in accordance with Procedure Rule 37(b).

This was a Microsoft Teams Virtual Online Meeting

2050 **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 a personal interest:-

Councillor Briggs

Declared a general interest as a member of the Fire Authority and the Isle of Axholme Water Management Board.

The following members declared that they had been lobbied:-

Councillor Evison

Application PA/2020/538 Minute 2054 (iii)

Cllr Marper

Applications PA/2020/1422 and PA/2020/333 Minutes 2054 (viii) and 2052 (i)

Cllr Ogg

Application PA/2020/1016 Minute 2054 (v)

Cllr N Sherwood

Application PA/2020/538 Minute 2054 (iii)

2051 **MINUTES – Resolved** – That the minutes of the proceedings of the meeting held on 23 September 2020, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the Chairman.

2052 **APPLICATIONS DEFERRED FROM PREVIOUS MEETING** – In accordance with the decisions at the previous meeting, members had undertaken site visits on the morning of the meeting. The Group Manager - Development Management submitted reports and updated them orally.

**PLANNING COMMITTEE**  
**18 NOVEMBER 2020**

(i) 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.

Cllr J Davison felt agreed that access was on a steep hill, however he thought the siting seemed fine, no highway problems and therefore stated it should be approved but with a condition for private cars only.

**Resolved** – That planning permission be granted in accordance with the recommendations contained within the officer’s recommendation, with the addition of the following conditions:

1.

The access hereby approved shall at no time be used for commercial traffic in association with any business use.

Reason

In the interest of highway safety and to protect the amenity of neighbouring properties in accordance with policies DS1 and T2 of the North Lincolnshire Local Plan.

2.

With the exception of the tarmac dressing shown on drawing number RDS 11533/02(A), extending 11.7 metres from the public highway into the site, the access hereby approved shall be constructed using a ‘no-dig’ solution consisting of a cellular system as detailed in paragraph 8.11 of the submitted Arboricultural Report dated 2 September 2020 and there shall be no excavation of the existing earth bank.

Reason

To ensure the proper protection of existing trees on and adjacent to the site, and to ensure that the structural integrity of adjacent land is not compromised, in accordance with policies DS1 and LC12 of the North Lincolnshire Local Plan and policy CS16 of the North Lincolnshire Core Strategy.

**PLANNING COMMITTEE**  
**18 NOVEMBER 2020**

2053 **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/2019/1414 by L O’Riordan for outline planning permission for residential development of up to 66 dwellings with all matters reserved for subsequent consideration at land to the rear of 99 North Street, Winterton, DN15 9QW.

Three members of the public addressed the committee raising concerns with regard to the application. They did not feel that Winterton had the capacity or infrastructure to support the development, and already had enough development and housing available in the area.

Cllr Rowson also raised her concerns as the ward member against the application, and the Chairman read out a letter from the local MP also raising concerns about the application and urged the committee to refuse the application.

Cllr Evison stated there was nothing positive in the report with regard to the application. He said there was drainage and highway issues, it was outside the development boundary, and out of character with the area.

It was moved by Cllr Evison and seconded by Cllr J Davison:

That planning permission be refused for the following reason:

1.

The proposed development, by virtue of its location outside the defined settlement boundary for Winterton and the scale of development proposed, is considered to have a significant urbanising effect on the northern edge of the settlement by introducing a significant level of built form into the rural landscape, to the detriment of its open character and appearance. In addition, the proposal is considered to be out of keeping with the settlement character in this part of Winterton which is characterised by linear residential development. Therefore, the development is considered contrary to policies RD2, H5 and DS1 of the North Lincolnshire Local Plan, and CS5 and CS8 of the adopted Core Strategy.

**Motion Carried.**

(ii) PA/2020/545 by Mrs Elizabeth Marrows for 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) at land at 65 Marsh Lane, Barton-upon-Humber, DN18 5JD.

**PLANNING COMMITTEE**  
**18 NOVEMBER 2020**

Cllr Evison felt it would be beneficial for the committee to visit the site before making a decision to allow them to see the layout, and the existing dwelling.

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

(iii) PA/2020/870 by Mr Halmshaw, John Halmshaw Partners for planning permission to erect 16 dwellings with garages, including associated boundary, highway, landscaping and drainage works at warehouse No 5, High Street, Wootton, DN39 6RW.

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

(iv) PA/2020/952 by Keadby Developments Ltd for planning permission for the creation of a biodiversity enhancement area (comprising the use of 70,000 cubic metres of excavated soil) at land north-west and west of Keadby Power Station, Keadby, DN17 3EF (in Keadby, Crowle and Belton Parishes).

The agent addressed the committee in support of the application.

Cllr Briggs spoke as the local ward member, and addressed concerns with the application. He urged the committee to defer the application for more exploration work to be carried out and reported to committee before a decision was taken

Cllr Evison agreed that it would be sensible to defer the application for more ground work to be carried out on the application.

**Resolved** – That the application be deferred, and brought back to a future committee for consideration.

(v) PA/2020/1015 by Mr Rowe, RS Motorhomes for planning permission for change of use of agricultural buildings to use for the manufacture, fabrication, and sale of motorhomes and associated works at Bull Hassocks Farm, Idle Bank, Westwoodside, DN9 2BQ.

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

2054 **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/2020/90 by Mr Mashook Ali for planning permission for change of use from a recruitment agency to a taxi office, including alterations to existing

**PLANNING COMMITTEE**  
**18 NOVEMBER 2020**

window to form window and door openings at 78 Mary Street, Scunthorpe, DN15 7PX.

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

(ii) PA/2020/382 by Mr Chapman for outline planning permission to erect dwelling with all matters reserved for subsequent consideration at land adjacent to The Retreat, 80 Godnow Road, Crowle, DN17 4EE.

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

(iii) PA/2020/538 by Mr M Wright for planning permission to erect seven dwellings with associated garages, and vehicular and pedestrian access (including demolition of existing dwelling) at Conway, Thornton Road, Goxhill, DN19 7HN.

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

(iv) PA/2020/959 by Mr Chris Bingham for planning permission to erect dwelling, including demolition of existing agricultural building at Apple Tree Cottage, Brackenhill Road, East Lound, DN9 2LR.

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

(v) PA/2020/1016 by Mr Gavin Ogg for planning permission for change of use of land for the erection of four glamping pods at College Farm, Back Street, Alkborough, DN15 9JN.

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

(vi) PA/2020/1059 by Mr Kevin Hamilton for planning permission to erect a detached dormer bungalow and garage at 18 West Street, Barnetby le Wold, DN38 6JP.

Cllr C Sherwood addressed the committee as the local ward member, and in doing so urged the committee to visit the site before they made a decision, as he has some concerns with the proposals.

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

(vii) PA/2020/1115 by Infinite Holdings Ltd for planning permission to erect a technical (non-service) crematorium facility, including associated works and infrastructure at Plot 26 Bloom Lane, Normanby Enterprise Park, Scunthorpe, DN15 9GE.

**PLANNING COMMITTEE**  
**18 NOVEMBER 2020**

The Group Manager Development Management and Building Control gave an update to the committee and requested that the application be deferred following receipt of late information that had been received and required consideration in the report.

**Resolved** – That the application be deferred, and brought back to a future committee for consideration.

(viii) PA/2020/1422 by Mr Richard Corbert, Trustees of the Elwes Children's 1989 Settlement for outline planning permission to erect three dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration at 36 The Old Hall, North Street, Roxby, DN15 0BL.

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

## **NORTH LINCOLNSHIRE COUNCIL**

### **PLANNING COMMITTEE**

#### **APPLICATIONS DEFERRED FROM PREVIOUS MEETING FOR SITE VISITS**

##### **1. OBJECT**

- 1.1 To consider items which have been deferred to allow members to visit the sites.

##### **2. BACKGROUND**

- 2.1 The applications listed on the attached schedule were deferred at a previous meeting of the committee to allow members to visit the sites before making a decision.
- 2.2 Members will undertake the site visits separately at some point prior to the meeting.

##### **3. INFORMATION**

- 3.1 The reports relating to the deferred items are attached. The reports have been updated since the last 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 27 January 2021.docx  
Date: 18 January 2021

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

**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 previous objections following amended flood risk assessment.

**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**

### **Update**

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

Since the initial report was written the Environment Agency has confirmed that they wish to remove their earlier objections and now recommend approval subject to the imposition of a condition linking the development to the details contained within the Flood Risk Assessment as well as conditions relating to land quality. These latter conditions, however, are mitigated by similar conditions proposed by Environmental Protection.

### **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 CO<sub>2</sub> 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

<b>On-site affordable housing</b>	28 affordable dwellings
<b>On-site informal open space</b>	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
<b>Off-site recreation</b>	£33,668.00 towards the maintenance and improvements of an existing open space and area of play close to the development
<b>Trigger point</b>	Informal open space and maintenance fee on occupation of the 20 <sup>th</sup> dwelling  Off-site recreation on occupation of the 20 <sup>th</sup> dwelling
<b>How many years do the council require to spend the contribution?</b>	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 shall be carried out in accordance with the submitted flood risk assessment (FRA) (BSP Consulting, December 2020, ref. ORSK-BSP-ZZ-XX-RP-C001-P05) and the following mitigation measures it details:

- finished floor levels shall be set in accordance with the annotated site plan in Appendix E of the FRA, page 61 of the FRA document.

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 policy CS19 of the Core Strategy.

28.

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](mailto: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**

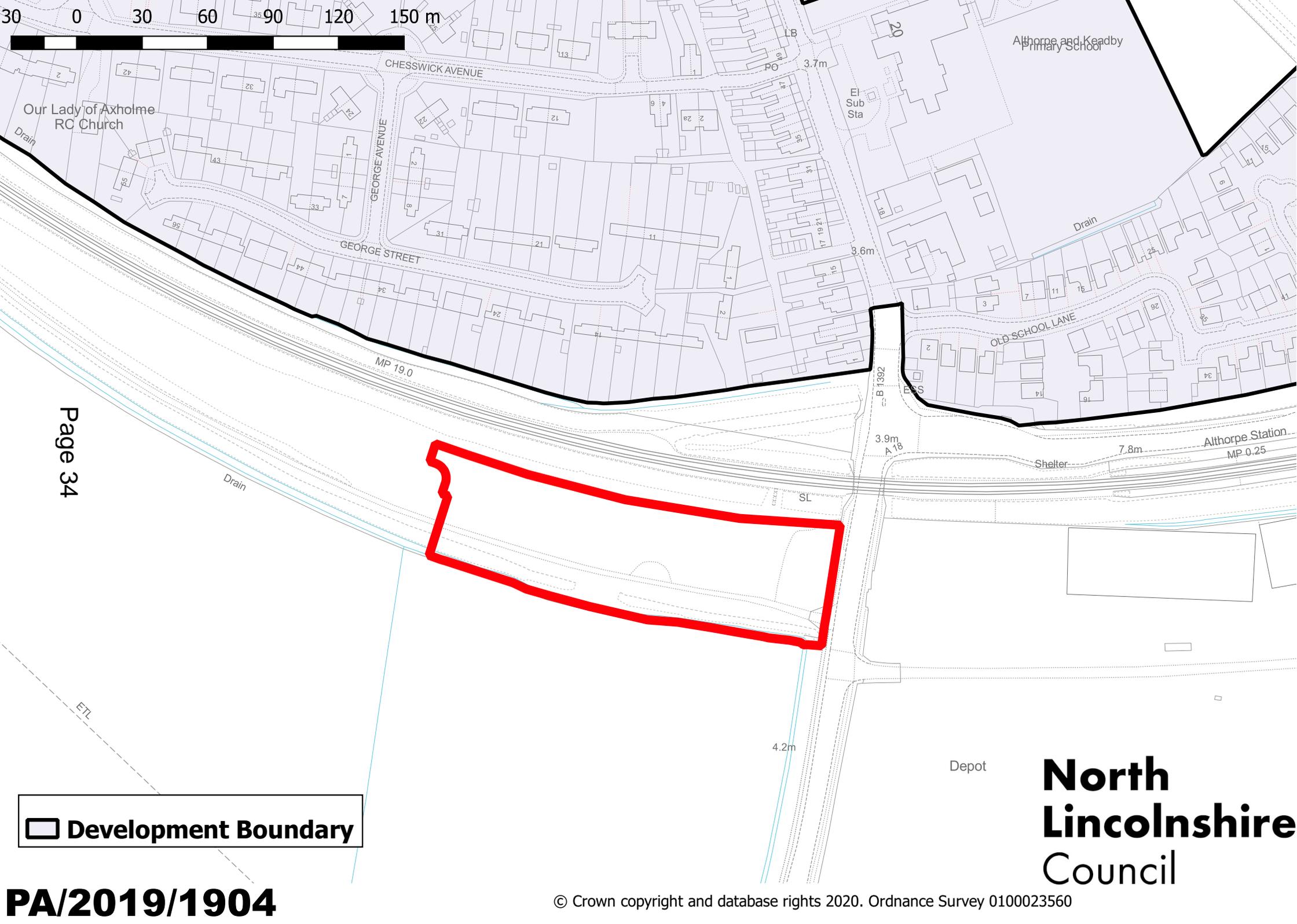
All excavations/earthworks carried out in the vicinity of Network Rail property/structures must be designed and executed such that no interference with the integrity of that property/structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should 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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Page 34

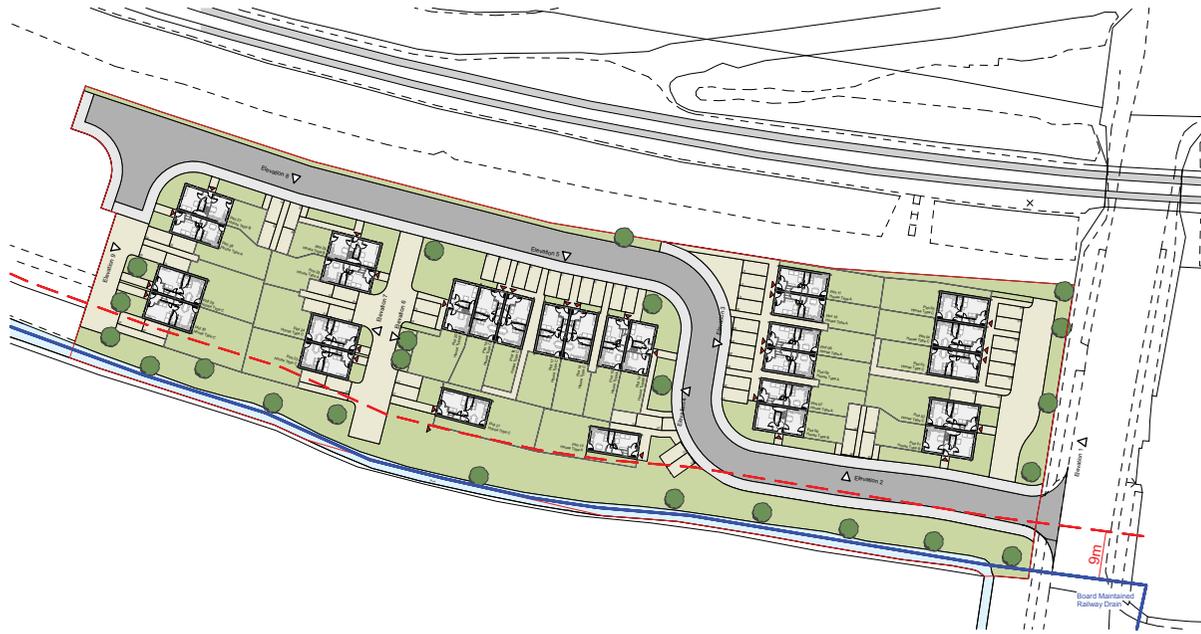
 Development Boundary

**North  
Lincolnshire  
Council**

**PA/2019/1904**

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**AMENDED**



Site Plan

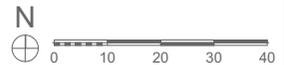
1:500



Roof Plan

1:500

- 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
<b>1000</b>	<b>1:500</b>	<b>03</b>

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## **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 at some point before the 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 27 January 2021.docx

Date: 18 January 2021

#### **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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<b>APPLICATION NO</b>	<b>PA/2020/764</b>
<b>APPLICANT</b>	Mrs Smith
<b>DEVELOPMENT</b>	Planning permission to change the use of a paddock to a children's eco-nursery, including the erection of an office, teaching lodge and polytunnel, and other associated alterations
<b>LOCATION</b>	Field south-east of Catchwater Farm, Butterwick Road, Messingham, DN17 3PL
<b>PARISH</b>	Messingham
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Neil Poole – significant public interest) Significant public interest

## **POLICIES**

**National Planning Policy Framework:** Sections 6, 12, 15 and 15 apply.

**North Lincolnshire Local Plan:** Policies DS1, DS9, DS16, RD2, C4, T1, T2, T19

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

## **CONSULTATIONS**

**Highways:** No objection, recommend conditions.

**Health and Safety Executive:** Does not advise on safety grounds against the granting of planning permission.

**Shire Group of IDBs:** No objection, comments made in relation to surface water disposal.

**Environment Agency:** No objection, recommend a condition.

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

**Drainage (Lead Local Flood Authority):** No objection.

**Public Health:** No objection, support the recommendations of both the Environment Agency and the IDB.

**Environmental Protection:** No objection, recommend conditions.

## **PARISH COUNCIL**

No objection, request that consideration be given to the impact on neighbouring residential properties and highway safety.

## **PUBLICITY**

A site notice was displayed; 24 letters of objection have been received raising the following issues:

- competition with existing children's nurseries and potential job losses
- not a sustainable location
- lack of information with the planning application
- environmental sustainability
- not accessible for walking
- the location choice is opposite to the sustainable merits of the application
- no footpath provision
- no travel plan
- too many nurseries
- it is located in the countryside
- pedestrian and highway safety issues
- lack of parking provision
- no public transport.

Two letters of support have also been received.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

No Statement of Community Involvement has been submitted with this application.

## **ASSESSMENT**

The application site is an agricultural field, which extends to 1.08 hectares in area and is outside the defined settlement boundary for Messingham, to the west of the Catchwater cross-roads (where Butterwick Road intersects North Moor Road/Lane). It is a rectangular piece of land bounded by watercourses along three of its boundaries and has an existing gated field access from Butterwick Road to the north. There is a row of residential properties to the north-east and a fishing lakes business to the west. This application seeks to establish a change of use of the land for an eco-children's nursery on this agricultural field consisting of an office block, classroom, allotments, car park and poly tunnels.

**The main issues in the determination of this application are the principle of development, 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. 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 for development which 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:

*Planning policies and decisions should enable:*

a) *the sustainable growth and expansion of all types of business in rural areas, both through 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 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 proposal is for the change of use of land to establish an eco-children's nursery. The location has been chosen to take account of the activities required in a countryside location such as outdoor learning, educating children on how to live more sustainably, developing an appreciation for nature, growing fruit and vegetables, rearing animals and reducing waste (including that generated from the proposal). The applicant proposes semi-permanent buildings and structures which are designed to be in keeping with the rural nature of the proposal and the promotion of spirituality, managing emotions and moral well-being in a quiet rural setting. It is considered that the proposal complies with policies RD2 of the NLLP and CS3 of the CS as it is employment-related development appropriate to a countryside setting as the range of services being offered and business ethos (outdoor learning, outdoor play, learning about nature etc) requires a rural setting which could not reasonably be accommodated in defined settlement limits. In addition, the applicant is not proposing to develop the whole site as they are seeking to grow the business organically; this is consistent with the NPPF which requires them to be grown in a sustainable manner and the site offers room for expansion in the future.

Policy C4 of the NLLP applies and sets out the criteria for considering sites for children's day care provision. Applying this criteria to the development proposals, it will provide a safe environment for children, being located away from the car park and from Butterwick Road; there are facilities for visitor and staff parking, and servicing; and there is landscaping in the form of hedge and tree planting along all boundaries, including the northern boundary facing towards Butterwick Road. In addition, there are opportunities to supplement this landscaping but for the reasons set out in the next section of this report this is not considered to be a requirement at this time. The plans show there is provision for public and staff parking and this area is kept separate from the main teaching block and reception area; no objections have been received from Highways in relation to the level of parking provision or on grounds of highway safety. A condition is recommended by Environmental Health limiting the hours of operation of the nursery from 7.30am to 6.30pm Monday to Friday; this is consistent with the hours recommended in policy C4 in a residential area. It is worth noting that policy C4 does not specify that a countryside location is not an appropriate site for a children's day nursery.

A number of objectors have raised issues in relation to the location of the site in that it is not a sustainable location and that the business being eco in its ethos is questioned owing to its proposed location in the countryside. It is noted that this site is located in the countryside, outside of any defined settlement boundary, and is not close to bus stops or sustainable modes of travel, and it does not have a highway footpath serving it. However, the business model is one that requires a rural location and Highways have not objected to the proposal on pedestrian or highway safety grounds, and the proposal is not considered to result in an alien or discordant form of development in the rural landscape. In addition, the nature of a children's nursery is that parking provision is normally a requirement for drop-off and pick-up purposes and therefore these types of business generate traffic regardless of whether they are located within the built framework of a settlement or within the countryside. The applicant has put forward the environmental credentials of the site in that energy will be generated from on-site renewables (solar panels), waste will be reduced by composting, rainwater harvesting and waterless composting toilets, and food products will be grown on the site. These factors, together with the eco-nursery business model, are considered benefits which outweigh the potential harm to the rural location of the site. The proposal is thus considered to comply with policies RD2 and C4 of the NLLP, C3 of the adopted CS and guidance in the NPPF.

### **Impact on rural landscape**

The applicant has already undertaken some works on the site which consist of the formation of the car parking area and some fencing. However, the introduction of the semi-permanent buildings, including the classroom, office and polytunnel, has the potential to impact on the character and appearance of the rural landscape. The largest of these buildings is the classroom which measures 17 metres by 7.782 metres, with an overall height of 3.9 metres. This building will be located approximately 25 metres to the south of the vehicular entrance and will be constructed from timber walls with a dark shingle roof. Similarly, the proposed office building will be of timber construction and measures 5.1 metres by 4.8 metres, with a ridge height of 2.38 metres. The majority of these structures and buildings will be located in the central part of the site, away from the site entrance. In addition, there is mature tree and hedge planting along all boundaries of the site and further screening is provided by a dense wooded area to the east and south-east. Therefore, it is considered that the built aspects of the proposal will not be highly visible in the open countryside, and given the materials of construction (i.e. timber) and low heights (classroom 3.9 metres, office 2.38 metres and polytunnel 2.54 metres), these buildings/structures will

not form alien or discordant features in the rural landscape. In addition, the nature of these buildings/structures are that they are not permanent and can easily be removed from the site when no longer required.

## **Flood risk**

The site is located in flood zone 2/3a as defined in the North Lincolnshire Strategic Flood Risk Assessment or SFRA. A Flood Risk Assessment (FRA) has been submitted with the application, which has been reviewed by the Environment Agency and no objections have been received on flood risk grounds. The response from the Environment Agency states that the site level is slightly below the critical flood level of 4.1 metres AOD as established in the SFRA. However, the Environment Agency has not objected to the proposal and recommends a condition that the development takes place in accordance with the mitigation measures set out in the FRA. On this basis it is considered that the development is safe without increasing flood risk elsewhere.

The proposal is for a 'more vulnerable' use (non-residential uses for health services, nurseries and educational establishments) in a high flood risk area, therefore there is a requirement for both the sequential and exceptions test to be applied and passed. The applicant has submitted an updated FRA which includes additional details of the sequential and exceptions test. The applicant has applied the sequential test and set out the radius of the search area to that which would reasonably be located within the catchment of the proposed children's nursery; this takes into account the villages of Messingham and Scotter and the southern edges of Scunthorpe. The sequential test was applied using an online search of available sites and through contacting property agents in the area. Two sites in Scunthorpe were identified but were discounted on account of them being located on industrial estates and the sites do not provide the space and setting required for an eco-nursery. A site was identified on Wendover Road in Messingham but this was located within the settlement boundary (an inappropriate setting for an eco-nursery) and had planning permission for residential development. Given the requirement for a rural setting to provide a children's eco-nursery, it is considered that the sequential test is 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 condition recommended by the Environment Agency, it is considered that the FRA satisfactorily demonstrates that the development would be safe without increasing flood risk elsewhere. In respect of the exceptions test, the updated FRA states that the proposal will have socio-economic and environmental benefits, there is demand for an additional children's nursery in this area and the nursery will be a relatively unique offer in the area. As stated previously in this report, it is considered that the proposal complies with policies RD2 of the NLLP and CS3 of the CS as it is employment-related development appropriate to a countryside setting, as the range of services being offered and business ethos (outdoor learning, outdoor play, learning about nature etc) requires a rural setting which could not reasonably be accommodated in defined settlement limits. On this basis it is considered that the proposal would provide wider sustainability benefits that outweigh flood risk; the exceptions test is considered to be passed. In conclusion, the applicant has satisfactorily demonstrated that the proposal would provide wider sustainable benefits to the community which outweigh flood risk. The proposal is therefore considered to comply with policies DS16 of the local plan, CS19 of the Core Strategy and the NPPF in terms of flood risk.

## **Other issues**

A number of objectors have raised issues relating to the impact on existing children's nurseries in the Messingham area. It should be noted that competition to existing businesses is not considered to be a material planning issue and therefore it will not be assessed in this case.

## **Conclusion**

In the opinion of the local planning authority, the development proposals represent a form of employment-related development which is appropriate in a rural setting. Furthermore, the proposed children's eco-nursery will be sufficiently screened and will not form an alien or discordance feature in the rural landscape. In addition, the applicant has satisfactorily demonstrated that the proposed development would provide wider sustainable benefits to the community which outweighs flood risk and the thus the proposal is considered to comply with policies DS16 of the local plan, CS19 of the Core Strategy and the NPPF in terms of flood risk. The application is therefore recommended for approval.

## **Pre-commencement conditions**

The applicant has agreed to a pre-commencement condition being imposed, if planning permission is granted, requiring the submission of a contaminated land investigation report.

## **RECOMMENDATION      Grant permission subject to the following conditions:**

1.  
The development must be begun before the expiration of three years from the date of this permission.

### **Reason**

To comply with section 91 of the Town and Country Planning Act 1990.

2.  
The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2020/764/01, 2020/764/P1, 2020/764/O1, 2020/764/O2, 2020/764/L1, 2020/764/L2, 2020/764/L3, 2020/764/L4, 2020/764/L5 and 2020/764/L6.

### **Reason**

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

3.  
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.

4.

The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) and in particular the following mitigation measures detailed within the FRA:

- all buildings to be set at or above existing site levels
- flood emergency procedures to be in place.

#### Reason

To reduce the risk and impact of flooding to the development and future users.

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.

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.

7.

The proposed new facilities shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it 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.

8.

No signage of any kind associated with the proposal shall be positioned within the limits of the adopted highway.

Reason

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

9.

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.

10.

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.

11.

The hours of operation for the children's eco-nursery hereby permitted shall be restricted to the following:

- Monday to Friday: 7.30 am to 6.30 pm
- Saturdays, Sundays, bank/public holidays: closed.

Reason

To define the terms of the permission and in the interests of safeguarding residential amenity in accordance with policies DS1 and C4 of the North Lincolnshire Local Plan.

**Informative 1**

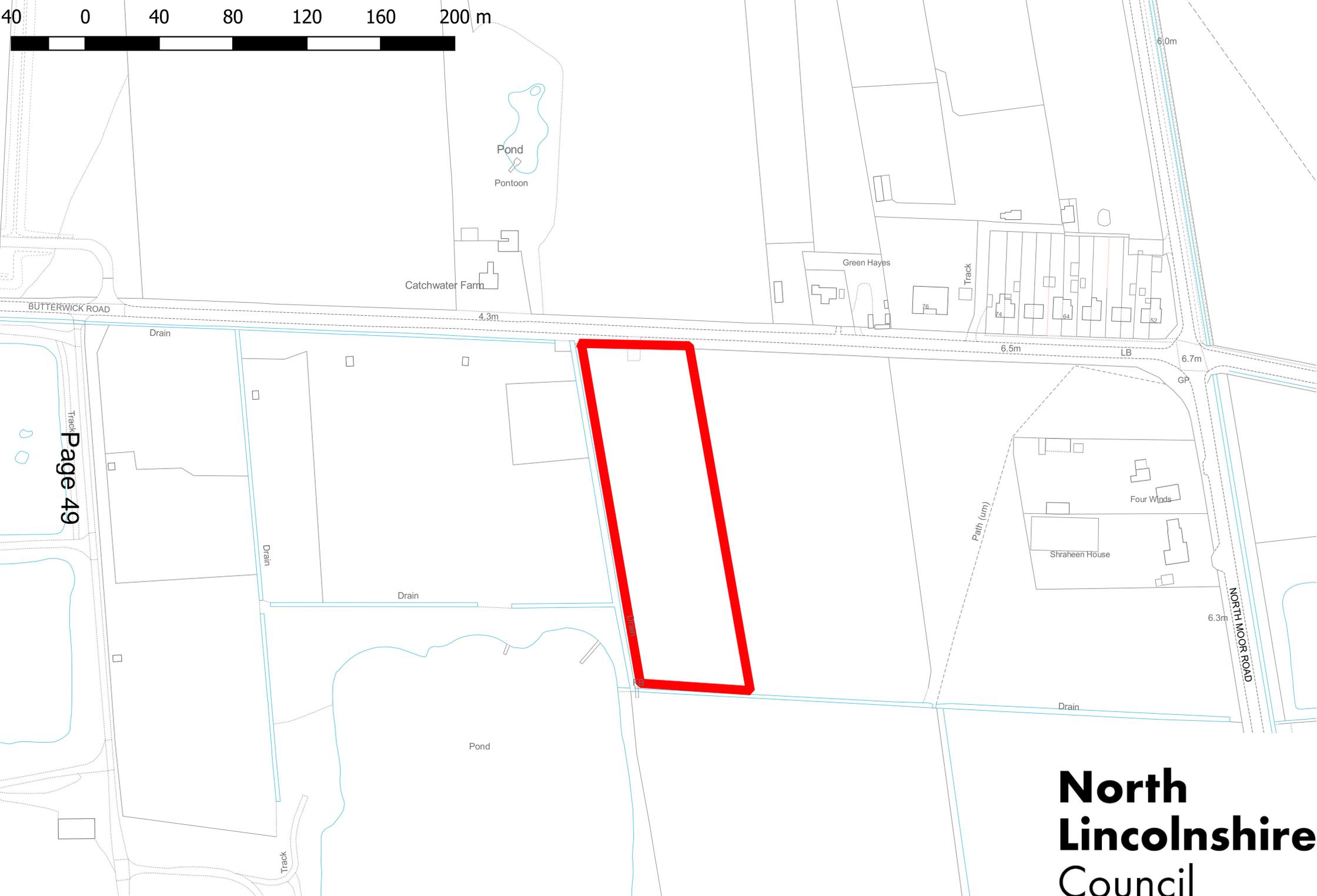
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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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Track  
Page 49

**North  
Lincolnshire  
Council**

**PA/2020/764**

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# PA/2020/764 Proposed layout (not to scale)

Kate s Medow, Butterwick Road, Messingham, North Lincolnshire, DN17 3PL



Site Plan shows area bounded by: 487681.25, 404025.0 488081.25, 404425.0 (at a scale of 1:2500), OSGridRef: SE8788 422. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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## 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 27 January 2021.docx

Date: 18 January 2021

#### **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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<b>APPLICATION NO</b>	<b>PA/2020/1066</b>
<b>APPLICANT</b>	Mr M Richards
<b>DEVELOPMENT</b>	Outline planning permission for up to five dwellings and associated works with appearance, landscaping, layout and scale reserved for subsequent consideration
<b>LOCATION</b>	Butchers Arms, White House Lane, West Halton, DN15 9AZ
<b>PARISH</b>	West Halton
<b>WARD</b>	Burton upon Stather and Winterton
<b>CASE OFFICER</b>	Emma Sheppard
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllrs Elaine Marper, Ralph Ogg and Helen Rowson – 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 109 states, 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

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

Paragraph 182 states, 'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

### **North Lincolnshire Local Plan:**

Policy DS1 (General Requirements)

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 DS1 (General Requirements)

Policy DS13 (Groundwater Protection and Drainage)

Policy DS14 (Foul Sewage and Surface Water Drainage)

### **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 CS8 (Spatial Distribution of Housing Sites)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

### **Housing and Employment Land Allocations DPD:**

Inset Map for West Halton

Policy PS1 (Presumption in Favour of Sustainable Development)

### **CONSULTATIONS:**

**Highways:** Advise conditions relating to access, parking and turning of vehicles.

**Drainage (Lead Local Flood Authority):** Originally objected to the application due to the failure to provide a flood risk assessment. This was subsequently submitted and the objections withdrawn subject to the imposition of several conditions relating to surface water drainage.

**Environmental Protection:** Originally objected to the application due to the failure to provide a noise impact assessment. This was subsequently submitted and the objections withdrawn subject to the imposition of a condition seeking the installation of an acoustic barrier/wall prior to occupation of the development.

## PARISH COUNCIL

Objects for the following reasons:

### 1. Effect on the public house:

- current use is as a beer garden and car parking, the latter being necessary for the size of the establishment and given its context; this will restrict social functions
- restricting the space will be inadequate for the continued operation of the pub
- insufficient retention of parking
- concerns over where the smokers will go
- concerns over deliveries and lack of space
- application forms not filled out correctly

### 2. Access to the development:

- no separate pedestrian access
- parking is inadequate; infrequent nature of public transport therefore most residents have two vehicles
- bin storage facilities?
- access is over land not owned by the applicant

### 3. Relevance of recent appeal decisions:

- appeal decisions relate to development outside the settlement boundaries but none relate to issues raised in the PC objection and none relate to any impact upon existing services

### 4. Compliance with planning procedures:

- failure to provide an existing block plan

## 5. Drainage:

- SUDS system to be provided; however, flash floods in the recent past raise concerns that this would make things worse
- no mention of drainage from the public house
- no evidence provided that the site is capable of handling the water
- foul drainage issues – can the existing pumping station handle the increase in load?

## 6. Public consultation:

- failure to comply with paragraph 128 of the NPPF which seeks to promote public engagement.

## **PUBLICITY**

A site notice has been posted and 25 objections received. The points are summarised below:

- increase in traffic
- loss of pub parking
- flooding issues
- property values will decrease
- disruption during construction
- issues with sewers
- plot of land isn't big enough
- being rushed through - Covid to cash in
- layout plans out of date
- pub will close
- disrupt village power
- impact on pub social events; these will inevitably reduce or even stop – marquees for weddings, bonfires, parking for the hunts
- loss of views

- houses being built will stop live music at the pub
- not conducive to sustainable infill
- outside the defined settlement boundary
- doctors and local schools won't cope
- applicant isn't local so unaware of village concerns
- part of the building was a slaughter house; what provision has been made to test for anthrax spores during groundworks?
- poor grammar and punctuation in the statement
- all three dwellings are inaccurate; the pumping station is not in the correct place
- gross over-development.

## **ASSESSMENT**

### **Site**

Covering an area of 0.18 hectares, the application site comprises a parcel of land at the rear of The Butchers Arms public house. The site is bordered to the west and south-west by residential development along Walker Close and Water Lane and beyond White House Lane to the north. A pumping station adjoins the southern boundary, which is accessed along the eastern part of the site. Beyond the site to the east lies open agricultural land.

The public house itself is within the settlement boundary of West Halton, whilst the site of the proposed dwellings is outside the boundary and therefore defined as within the open countryside.

The Design and Access statement confirms that the site is not currently being used effectively or efficiently, with some informal car parking on the hardstanding and storage on the grassed area. Existing vehicular access points to the site are located to the east and west sides of the public house.

There are no designated heritage assets in the immediate vicinity of the site. The nearest listed building (The Hollies Farmhouse) is a short distance to the south but is not viewed in the same context. The site is not within a conservation area but it should be noted that there is a slight difference in land levels, the site to the rear being at a lower level than the pub itself.

### **Proposal**

Permission is sought to erect up to five dwellings. The application is in outline form with all matters reserved other than access. Whilst these properties will have their own residential curtilages, the current access to the east of the pub will be utilised to serve the dwellings. This is intended to open out in front of the proposed dwellings with turning facilities and parking provision.

Whilst there is no requirement to submit plans at outline stage, an indicative site layout plan has been submitted that demonstrates five dwellings on the site.

### **Material considerations**

Outline planning permission is sought to erect up to five dwellings, together with access. Appearance, landscaping, layout and scale are all reserved for subsequent consideration; however, indicative layouts and plans have been provided and these will be examined against relevant policy.

**The main issue in the determination of this application is the principle of the development and whether the site can be developed without having an adverse impact on the character of the site and surrounding area. Other issues below will be considered based on the submitted information:**

- **flood risk and drainage**
- **contamination**
- **noise**
- **access and parking**
- **indicative plans.**

### **Principle of development**

The application site lies on the southern side of White House Lane. Due to its location, the access to the site is within the settlement boundary of West Halton. The siting of the dwellings and their associated amenity space, however, lie outside of any defined development boundary and are therefore classed as being within the open countryside for the purposes of planning. The main issue is whether the principle of developing this site for residential purposes is acceptable in policy terms.

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011), and the Housing and Employment Land Allocations DPD (2016).

Policy RD2 of the North Lincolnshire Local Plan sets out the type of development that is appropriate in the open countryside and the criteria against which all applications in the countryside will be assessed. Policy RD2 only supports residential development in the countryside where it is to meet some essential countryside need, such as farm workers' dwellings. Policy CS3 of the Core Strategy also restricts development in the countryside to that which is essential to the functioning of the countryside. The proposed development is contrary to these policies as it is for market housing not essential to the functioning of the countryside, or any rural business, nor does it meet any special need such as providing affordable housing.

Given the siting, the proposed development would be outside the defined development boundary for West Halton and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 and Footnote 7 (page 6) of the NPPF states the presumption in favour of sustainable development applies for applications involving the provision of housing where the local planning authority cannot demonstrate a five year supply of housing and that housing applications should be considered in the context of the presumption in favour of sustainable development.

Late in 2020 the council started to review the Five Year Housing Land Position Statement. As part of this review the council has identified that the deliverability of a number of the sites has changed due to planning permissions having lapsed or a delay in delivery due to site funding changes. The initial review has identified that the council housing land supply has reduced from five years to four years. The council has prepared a Housing Delivery Action Plan in accordance with the NPPF and PPG. The Action Plan will assist in securing a five year land supply. Some of the actions include reviewing the windfall allowance calculation and working with developers to bring forward outline planning applications.

The revised Five Year Housing Land Supply Position Statement is due at any time. Any decisions therefore made by the planning authority will take account of the presumption in favour of sustainable development as set out in Paragraph 11 of the NPPF. The current local policies relating to housing will carry reduced weight during this period.

In such circumstances paragraph 11 d) relating to decision-taking is engaged, which means, '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.'

Footnote 7 to paragraph 11 explains:

'This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.'

Whilst policy CS1 sets out the principal elements that make up the overall spatial strategy, policy CS2 sets out how this will be implemented using a sequential approach to the location of future development that is based on the settlement hierarchy and taking into account other sustainability criteria. This meets national and regional planning policy requirements to deliver development in the most appropriate places. It also states that accessibility to new developments is a key consideration to ensure sustainability. As such development should be located where it is readily accessible by sustainable forms of transport including public transport, walking and cycling, and where the need to travel is minimised.

In relation to the dimensions of sustainable development under paragraph 8 of the Framework, there are three dimensions to sustainable development. These relate to economic, social and environmental. The proposal would accord with the economic role, through its construction and the expenditure of the future occupiers. With regard to the

social role, this too would make a positive contribution to addressing the deficit in the housing land supply, albeit a very limited contribution. From an environmental perspective, the site lies adjacent to the settlement boundary and therefore is in an accessible location for local services. A bus stop along Short Lane/Church Side is within the 400 metre threshold set out in the accessibility criteria of the Housing and Employment Land Allocations DPD ensuring no requirement for reliance on the car as the primary means of transport and therefore complying with the environmental role.

The development would therefore be acceptable in terms of a sustainability perspective. It should also be noted that sustainable development is the key emphasis of the National Planning Policy Framework, which sets out a presumption in favour of sustainable development.

Based on the supporting information, the proposed development is contrary to policies CS3 of the Core Strategy and RD2 of the local plan as it is predominantly for market housing not essential to the functioning of the countryside, or any rural business. However, restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. It is acknowledged that the proposed site falls directly adjacent to the settlement boundary. On balance, therefore, it is considered that the proposal does represent sustainable development in the context of the NPPF and Housing and Employment Land Allocations DPD policy PS1 and would benefit from this presumption in favour.

### **Visual amenity/landscape character**

Paragraphs 124 and 130 of the NPPF 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 H7 of the local plan relates to Backland and Tandem Development. It states, ‘..backland development or tandem development will be permitted provided that:

- i) there is no adverse effect on the amenities of any residential premises or adjoining use through:
  - a) overlooking and loss of privacy;
  - b) loss of amenity area to the adjoining dwellings;
  - c) the level of nuisance resulting from the movement of vehicles to and from the proposed development.
- ii) it would not affect the general quality and character of the area in which it is located by:
  - a) unacceptably increasing the density of development in that area;
  - b) resulting in the loss of important natural and man-made features;

- c) leading to an unacceptable proliferation of vehicular accesses to the detriment of the street scene and/or road safety.'

The indicative site plan shows the dwellings would be sited to the rear of the pub and offset from the properties to the west along Walker Close and Water Lane to the south-west. The surrounding area has no overriding character with regard to property styles and sizes, with both semi-detached and detached properties, and two-storey dwellings and bungalows in evidence.

Policy H8 (Housing Design and Housing Mix) applies and states that new residential development will be permitted provided that it incorporates a high standard of layout which maintains, and where possible improves and enhances, the character of the area and protects existing natural and built features, landmarks or views that contribute to the amenity of the area.

Due to the existing site constraints, the dwellings could only be achieved to the rear of the public house. In terms of access, the existing site access to the pub and the car park is to be utilised. The indicative plan shows that the proposed dwellings would be set back a considerable distance from the street scene and behind the existing built form of the public house, and therefore would not contribute directly to the wider street scene but would only be visible from small glimpses between existing buildings. It is therefore considered that very limited to no views of the proposed dwellings would be achievable from White House Lane.

Issues regarding massing, design and landscaping will be considered in detail as part of a reserved matters application; however, an indicative site layout plan has been submitted which demonstrates that the dwellings could be accommodated within the site that would achieve a minimum separation distance of 14 metres between the proposed dwellings and the side/rear elevations of the bungalows on Walker Close and 18 metres to 'Harvesters Rest' along Water Lane. Further to this, an approximate distance of 13 metres will be retained to the rear of the site that borders the garden area of 'Harvesters Rest'. It is therefore considered that the proposal would not result in a cramped form of development.

Given the proximity of the dwellings to their boundaries, permitted development rights would need to partly be removed by the use of a condition, should permission be granted. This would ensure future occupants would have to apply for planning permission to erect any extensions, outbuildings or garages to the dwellings without further approval by the local planning authority, which otherwise could lead to an erosion of space around the dwellings and affect the overall composition of the properties, along with ensuring any further built form is suitably managed given its siting.

The proposal would lead to the loss of a significant amount of hardstanding at the rear of the pub. Whilst additional built form is proposed, additional landscaping and planting would improve the visual appearance of the site. The landscaping and appearance of the scheme would be dealt with through the reserved matters application.

Subject to the above conditions, and on balance, the proposed development is considered acceptable without detriment to the site itself or the wider street scene. The proposal is therefore considered to be in line with policies DS1, H7 and H8 of the local plan and policy CS5 of the Core Strategy.

## **Residential amenity**

Policy DS5 of the local plan seeks to ensure that the living conditions of existing neighbours are taken into consideration with respect to light, noise, disturbance, loss of privacy, outlook and whether or not a scheme causes an overbearing or overshadowing impact.

Policy H5 of the local plan relates to 'New Housing Development' and states that all new housing developments should meet certain criteria, inter alia, '..development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings...'

Whilst a 'site plan' and 'massing view plan' have been submitted, these are purely indicative as the application only seeks outline consent with appearance, landscaping, layout and scale reserved for subsequent consideration. No specific details have been provided of the appearance and scale of the dwellings with only the indicative massing plan indicating these could be two-storey.

It is considered that the dwellings could be designed, with the appropriate orientation, window layout and landscaping, to limit any adverse overlooking, overbearing impact and shadowing. The impact on residential amenity in terms of overlooking and loss of privacy would be re-visited at the reserved matters stage when the scale and appearance of the dwellings can be fully assessed.

Whilst only an indicative site plan has been submitted, the site area would allow for modest private garden areas to be provided to serve the proposed dwellings. It is therefore considered that the proposed development could achieve an acceptable level of amenity for future occupants of the development.

Whilst it cannot be contested that there will be an intensification on the site through the proposed development, the proposed dwellings would be accessed via an existing access to the east of the public house with a driveway laid out that would lead to a turning head and parking provision in front of the new dwellings. Given it is an existing access to be utilised which currently serves a car park and storage area, it is not considered that the proposed development would cause any perceived detrimental impact upon neighbouring residents so significant as to warrant refusal in this instance.

With regard to the protection of the amenity to potential occupiers, this is addressed in the 'Noise' section below.

The appearance, scale and layout of the proposed dwellings would be considered at reserved matters stage, upon which neighbours would have further opportunity to comment. The proposal therefore accords with policies DS1, H5, H7 and RD2 of the North Lincolnshire Local Plan and policies CS1, CS2, CS5 and CS7 of the Core Strategy.

## **Highway safety**

The plans show that the development would be accessed via an existing access to the east of the pub from White House Lane. This is intended to open out in front of the proposed dwellings with turning facilities and parking provision to serve the new dwellings.

No objections have been raised by the highways department in relation to highway safety, and conditions are recommended to ensure that adequate parking, access and turning can be provided to ensure compliance with policies T2 and T19 of the local plan.

## **Contaminated land**

This application for residential development is a sensitive end use. In addition, contamination might be an issue at the site as it has previously been developed as a car park. 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.

Whilst the submission fails to include a Phase 1 report, the Environmental Health team were consulted and commented that despite the omission of the report, a condition can be imposed which would ensure details are submitted to address the contamination issues and render the development safe and suitable for use prior to use.

## **Noise**

Paragraph 182 of the National Planning Policy Framework states, '...Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.'

The proposed development is immediately adjacent to an existing business, a public house. There is therefore the potential for activities at the public house to negatively impact on the proposed development, such as extraction/chiller plant, comings and goings of patrons and entertainment. There is also an existing pumping house adjacent to the proposed development. A Noise Impact Assessment has been submitted at the request of Environmental Health.

All noise sources have been assessed and the report recommends the inclusion of an acoustic fence to protect the outside areas of the development from noise. It is proposed that the new boundary treatment to the public house curtilage should be a solid barrier at least 1.8 metres high. To be effective in practice, a barrier should have no cracks or gaps, be continuous to the ground, and have a surface density of at least 10 kilograms per square metre, such as a timber fence with overlapping board, a brick wall, or a combination of both.

Based on the report and its findings, a condition is to be imposed to ensure that, prior to first occupation, an acoustic barrier/wall is installed to the north and west boundaries of the site with the public house.

With regard to construction hours, a condition was recommended limiting construction to the hours of 8am to 6pm. However, the Environmental Health department has changed its stance on construction hours recognising the constraints COVID-19 has placed on construction, and in light of Government guidance on this matter, it is considered that a start time of 7am can be allowed in this circumstance.

With the safeguard of conditions referenced above, this will ensure the amenity of occupiers of the dwellings will be mitigated and is therefore in compliance with policy DS1 of the North Lincolnshire Local Plan and the requirements within the NPPF.

## **Flooding/drainage issues**

Policies CS18 and CS19 of the Core Strategy and DS14 of the North Lincolnshire Local Plan are considered relevant. The latter allows for the imposition of conditions for the disposal of foul and surface water should mitigation be required.

The LLFA drainage team were notified of the application and originally objected due to the failure to provide a flood risk assessment (FRA) and principle drainage strategy as the development falls within the lower threshold assessment levels. Upon submission and review of the FRA subsequently submitted, the LLFA team withdrew the objection subject to conditions relating to surface water drainage for the site and the submission of an effective method of preventing surface water run-off from paved areas onto the highway and from the highway onto the developed land. These are to be imposed on any forthcoming planning permission.

With the safeguard of attached conditions, the proposal would align with policies CS18 and CS19 of the Core Strategy and DS14 of the North Lincolnshire Local Plan, and the requirements within the NPPF.

## **Other issues**

Policy H10 (Public Open Space Provision in New Housing Development) of the North Lincolnshire Local Plan applies and states that on sites of less than 0.5 hectares, the developer will be expected to make an appropriate commuted payment to off-site recreational open space provision within the catchment area and to contribute to future maintenance in accordance with supplementary planning guidance. The site area is 0.18 hectares; however, further to recent appeal decisions taken within North Lincolnshire that appear to have been directed by a recent appeal determined by the Secretary of State for Communities and Local Government (SOS vs West Berkshire and Reading Borough Council [2016] EWCA Civ 441), the council will not be requiring any contributions to affordable housing or social infrastructure on sites that propose 10 dwellings or less.

Several comments from neighbours make reference to property values decreasing. This is not a material planning consideration in the determination of an application and therefore the local planning authority cannot withhold permission should the application be otherwise deemed acceptable.

Disruption during construction has been raised. This is something that can be controlled by condition. Further to this, any issues surrounding noise would be dealt with through Environmental Health legislation.

With regard to the comment that the plot of land isn't big enough, this is an application for outline planning permission only, but with an indicative layout that shows the number of dwellings could be accommodated comfortably; however, the details relating to appearance, landscaping, layout and scale would be addressed as part of any subsequent reserved matters application.

With regard to impact upon pub activities and that the pub will close, there is no evidence to show that the pub would close should the application be approved.

Possible strain on existing services/utilities that would be caused by the development are noted. However, there is no evidence to suggest that the proposed additional dwellings would result in any demonstrable harm being caused to existing services/utilities.

With respect to the comment that houses being built would stop live music at the pub, a noise impact assessment has been submitted that addresses any impact upon the pub.

In relation to additional strain on sewers and drainage issues, the council's drainage team has no objections to the proposal, subject to the imposition of conditions.

With regard to the comment that part of the building was a slaughter house and what provision has been made to test for anthrax spores during groundworks, this is controlled through a contaminated land condition.

### **Planning balance and conclusion**

The principle of residential development in this area is considered to be acceptable and in accordance with both national and local planning policy. Due to the existing character and appearance of the site, a subsequent reserved matters application should ensure compatibility of design with the traditional, semi-verdant street scene.

It is considered that the site is of sufficient size to accommodate acceptable plot sizes and a suitable layout to provide adequate parking, turning and access as shown, and sufficient amenity for occupants and existing neighbouring properties.

### **Pre-commencement conditions**

The pre-commencement conditions that are included within the recommendation have been agreed with the applicant/agent.

### **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.

The existing vehicular access to the site shall be improved within highway limits 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 policy 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 and turning space serving it have been completed and, once provided, the vehicle parking and manoeuvring space shall be retained.

Reason

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

9.

No dwelling served by any shared private driveway on site 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 policy T2 of the North Lincolnshire Local Plan.

10.

Prior to the occupation of the development, an acoustic barrier or masonry wall shall be erected on the north and west boundaries of the site with the public house. A detailed technical specification of the acoustic barrier or wall shall be submitted to and approved in writing by the local planning authority. The specification shall include details of the location, size and design of the barrier, with predicted noise reduction over the frequency spectrum. The approved acoustic barrier or wall shall be installed prior to commencement of the use of this site and shall be maintained thereafter.

Reason

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

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 water;
  - 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 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 Flood Risk Assessment & Drainage Strategy, dated October 2020, ref: 218/gfw/ba/fra/1020. 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.

13.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 12 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.

14.

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.

15.

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.

16.

Construction and demolition operations shall be limited to the following hours:

- 7am to 7pm Monday to Friday

- 8am to 1pm on Saturdays.

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

HGV movements shall not be permitted outside these hours during the construction or demolition phase without prior written approval from 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 residential amenity and to comply with policy DS1 of the North Lincolnshire Local Plan.

17.

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 enable the local planning authority to exercise control over the development in order to safeguard the character and appearance of the development itself and the locality in general, by ensuring there are no inappropriate extensions, buildings or other alterations within the curtilage of the dwelling and to prevent unacceptable harm being caused to the residential amenity of occupiers of adjoining property, having regard to policies DS1 and DS5 of the North Lincolnshire Local Plan, policy CS5 of the Core Strategy and relevant guidance within the National Planning Policy Framework.

### **Informative 1**

The applicant's attention is drawn to the comments made by Waste and Recycling Services dated 3 August 2020.

### **Informative 2**

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

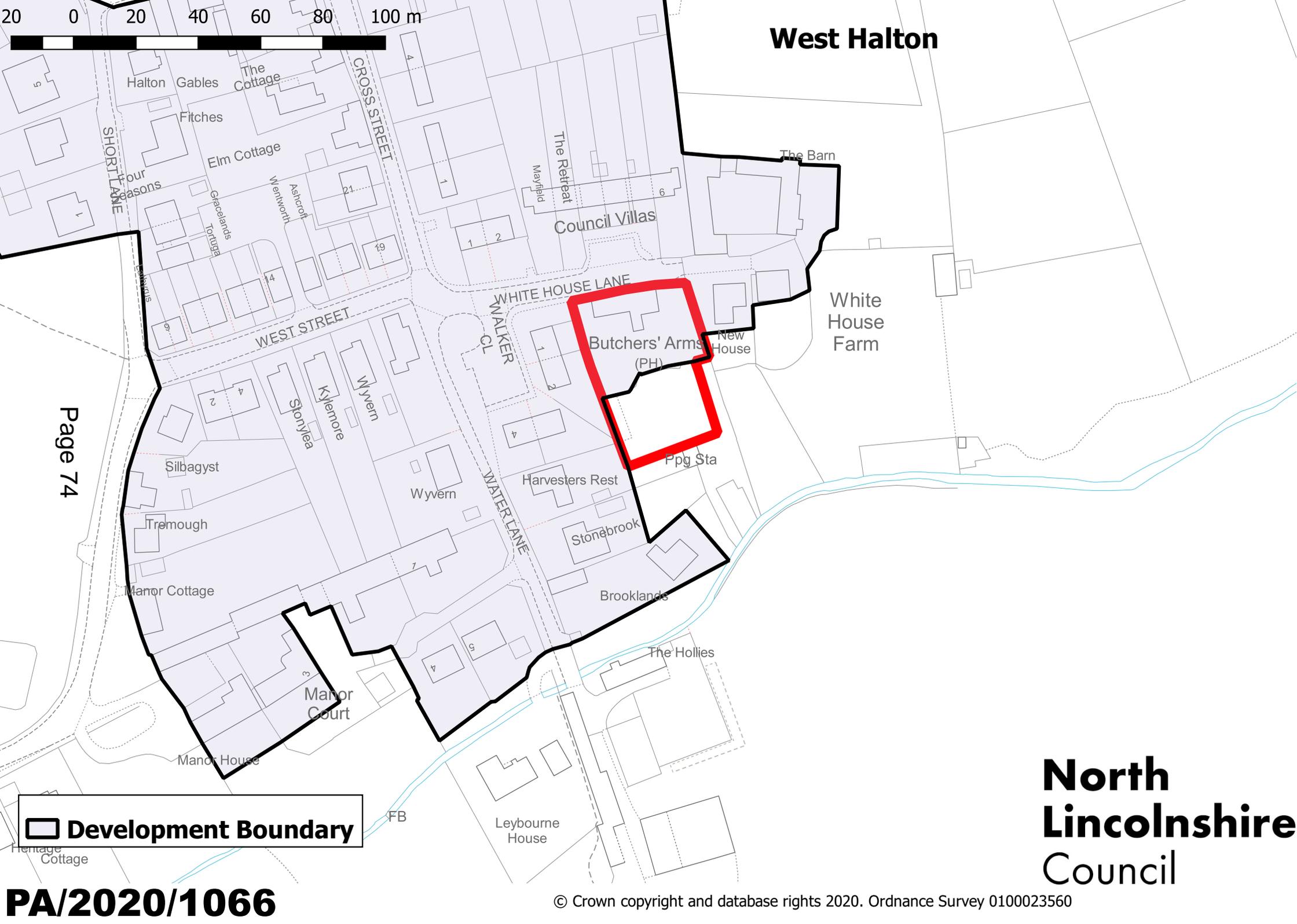
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

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West Halton



Page 74

Development Boundary

North  
Lincolnshire  
Council

PA/2020/1066

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# Indicative Layout

LAND AT BUTCHERS ARMS, WEST HALTON

## SCHEDULE

Total Units	5	Gross Site Area (Acres)	0.45
Gross Site Area (HA)	0.1619	Net Site Area (Acres)	0.32
Net Site Area (HA)	0.129	Density (per acre)	15.69
Density Units (Per HA)	38.78	Density (Sqft / Acre)	12784.10

### Units Schedule

Ref	No Beds	Description	Sq M	Sq Ft	Total Plot	Total Sq M	Total Sq Ft	Coverage
<b>Two Bedroom Units</b>								
270	2	2 Bed Semi / Terr	70	753.47	3	210	2280.42	55.56%
<b>Three Bedroom Units</b>								
384	3	3 Bed Semi / Terr / Det	84	904.17	2	168	1808.34	44.44%
<b>Total</b>			<b>5</b>	<b>378</b>	<b>5</b>	<b>4088.75</b>	<b>100.00%</b>	

### KEY

- Proposed Building
- Roofline
- Primary Entrance
- Site Boundary
- Roads
- Existing Buildings
- Existing Trees & Hedges
- Indicative Landscaping
- Tree Removed
- High Wall
- Retaining Wall
- Bin Collection Point



Date	Rev	Description	Drawn/Chkd

Planning

Richards Developments

Land At Butchers Arms, West Halton

Indicative Layout

Date	Drawn/Chkd	Scale
JUN 2020	AP/HH	1:500

**GEORGE F. WHITE**

PLANNING ARCHITECTURE DEVELOPMENT

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Project Number	Dwg No.	Revision
BDL704289	001	-

Page 75

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<b>APPLICATION NO</b>	<b>PA/2020/1354</b>
<b>APPLICANT</b>	Mr Paul Chapman
<b>DEVELOPMENT</b>	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)
<b>LOCATION</b>	Duke William Hotel, 27 Church Street, Haxey, DN9 2HY
<b>PARISH</b>	Haxey
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Emmanuel Hiamey
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	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 informative comment.

**IANN Water Level Management Board:** No adverse comments to make. However, commented 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. This is contrary to local plan policies LC14, LC7 and DS1, and Core Strategy policy CS6. Also, the proposal would not be in accord with paragraphs 192 or 200 of the National Planning Policy Framework as the proposed development would not make a positive contribution to local character and distinctiveness, and would detract from the significance of the historic landscape at this location. 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. However, the northernmost part of the site is within the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI).

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, the layout of the site and the scale of the dwellings. The site boundary has been decreased to the limit of the development boundary, and six two-storey 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 and bungalow.

**The main issues to consider in this application are whether the reasons for the previous refusal have 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, and 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 a 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. There are three public houses within Haxey and another in the wider ward in Westwoodside. The Duke William Motel is the only one closed since 10 November 2019 due to lack of use and continued losses. The Loco is located 10 metres from the Duke William Motel and offers an accessible alternative facility.

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 10 years, together with a scheme of marketing of the premises. The facility has also been advertised but there have been no takers. Furthermore, other available facilities are accessible within the locality and these can meet the day-to-day needs of residents.

These matters were reflected in the appeal statement for the previous refusal (PA/2018/814). The Inspector appointed by the Secretary of State's judgement was that the financial statement is unaudited; this may still be the case for this application. Furthermore, while the Loco offers an alternative pub facility nearby, the Duke William has 'kerb appeal' with an attractive traditional main frontage, and its location on the main 'spine' road through Haxey gives it some prominence. Moreover, the Duke William has a cultural heritage profile

as part of the traditional annual Haxey Hood event. The volume of passionate community support for the retention of the pub use, and the asset of community value registration, indicate potential customer interest in the Duke William.

These matters have been considered in this application, and it appears there has been no customer interest to take over the Duke William and run it as it exists, because there is no indication in the public comments to suggest there has been an attempt to take over the Duke William and bring it back to community use. Also, the applicant has indicated that there has not been an offer since it was put on the market. It is therefore considered that if the Duke William is not brought into use shortly, it runs the risk of complete run-down. There is also a possibility that there would be repeated applications for a change of use to a dwelling.

Given the above, while the Duke William has a special place in terms of appeal and history at Haxey, the proposal would not result in unnecessary loss of valued facilities and services and would not reduce the community's ability to meet its day-to-day needs. The proposal is judged reasonable and 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 is 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 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, the 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 25 Church Street, a grade II listed building, and within the setting of St Nicholas's Church, a grade 1 listed building. The applicant proposes the retention of the Duke William (with the removal of subsequent extensions and original outbuildings to the rear) and the erection of six two-storey dwellings 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.

Turning to the comments of the Historic Environment Record officer, who recommends refusal, the officer identifies that plots 3 and 4 would sit within the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI), along with much of plot 2, and the vehicular turning head and hard surfacing, as well as the land to the rear of the field at the rear of the plot located within the core historic landscape character zone of the Ancient Open Strip Fields north of Haxey.

It is worth noting that the application site, shown edged red on the site location plan, is within the development boundary of Haxey and includes all land necessary to carry out the proposed development. Nevertheless, the northern half is within the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI).

It is also worth noting, in judging whether the development is appropriate, that a balanced judgement has to be made between development, policy CS3 – Development Limits, which supports development within the settlement boundary, and National Planning Policy Framework (NPPF) 2019, which makes provision for the presumption in favour of sustainable development, and policy LC14 – Area of Special Historic Landscape Interest, which generally seeks to protect the open countryside.

In this case, on balance, it is judged that the development would not have a significant adverse impact on the designation of the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI). Plus, the benefit of the development would significantly and demonstrably outweigh any impact on the ASHLI when weighed against the policies in the Framework.

### **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 a 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 two-storey dwellings 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 a 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 includes 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 and roofing materials and scale drawings of the proposed windows and doors (with material specification) 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.

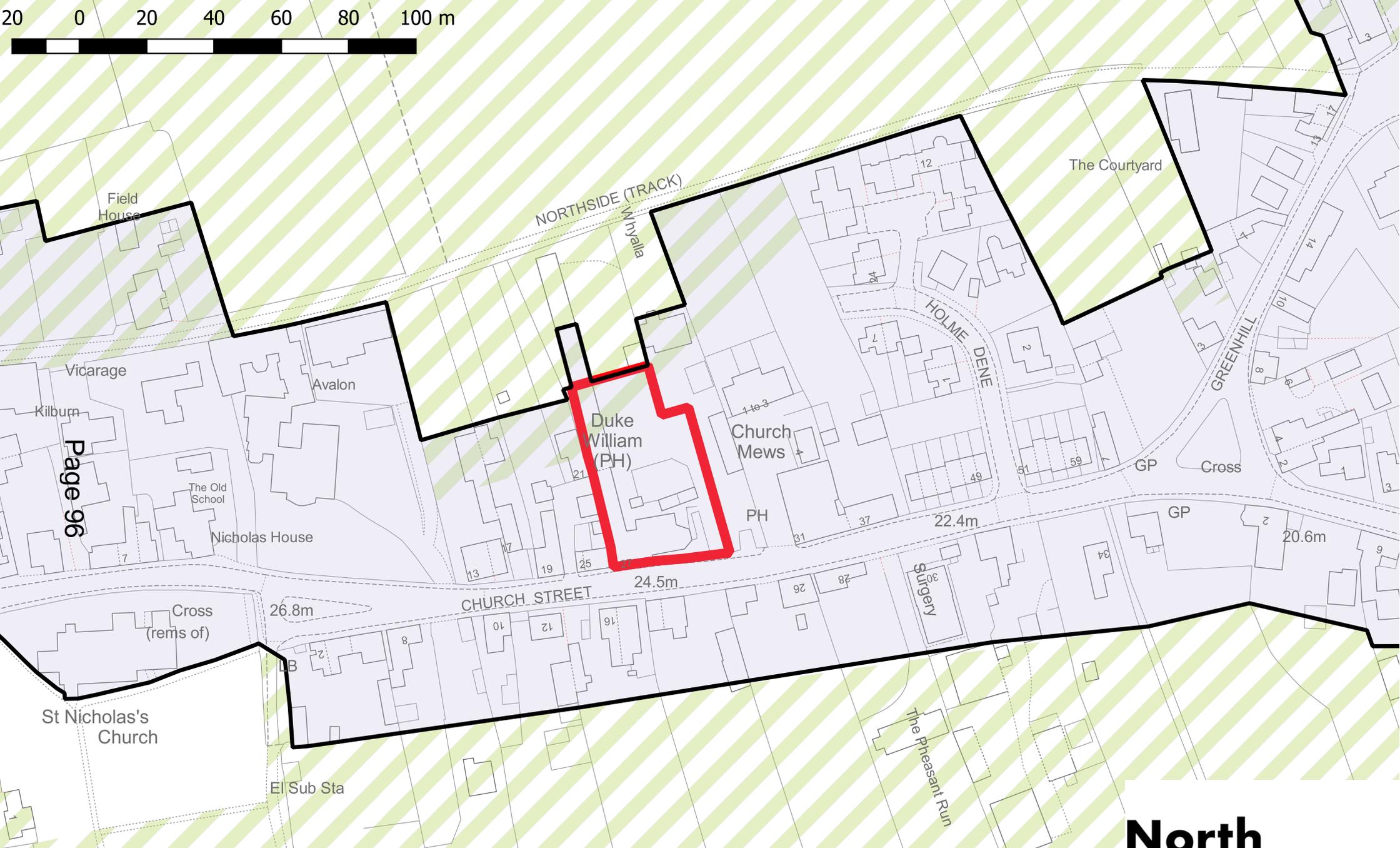
#### **Informative 3**

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.

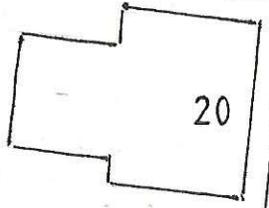
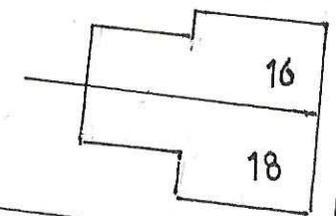


 **Development Boundary**  
 **LC14 Isle of Axholme Area of Special Historic Landscape**

**North  
 Lincolnshire  
 Council**

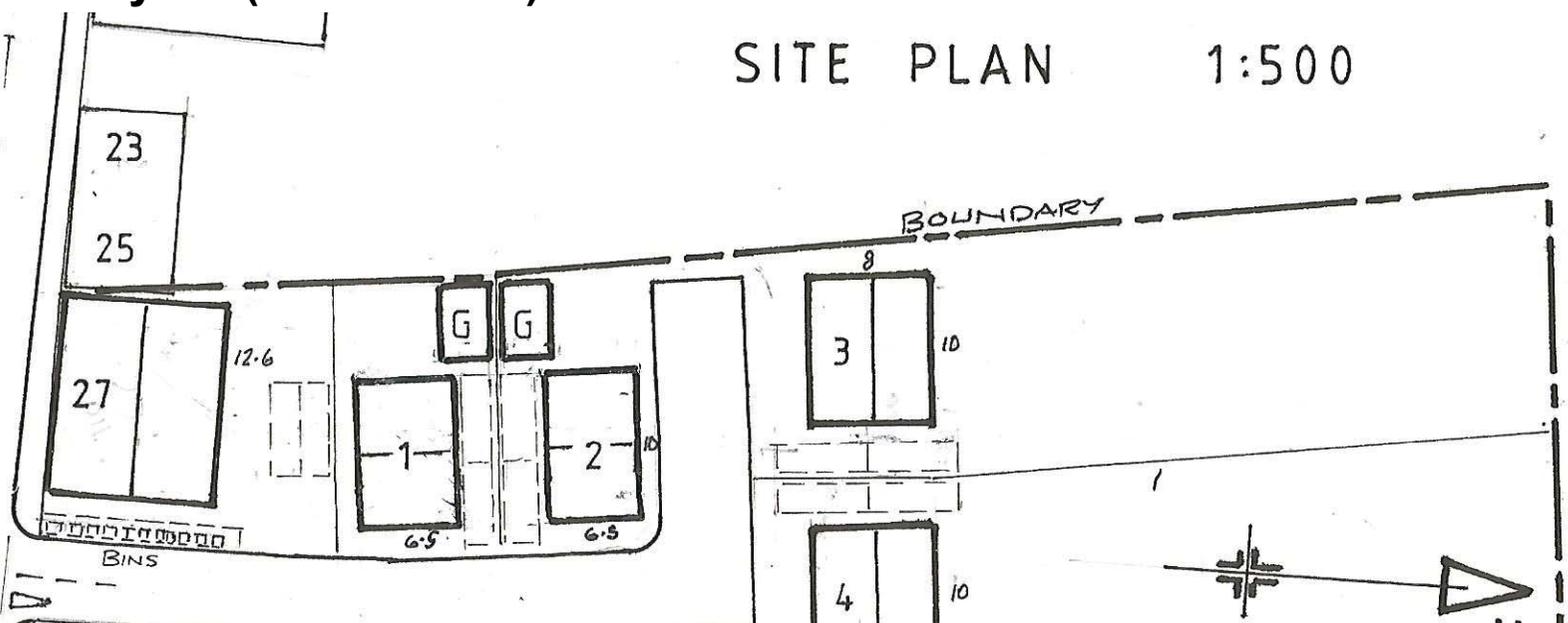
**PA/2020/1354**

SITE PLAN 1:500



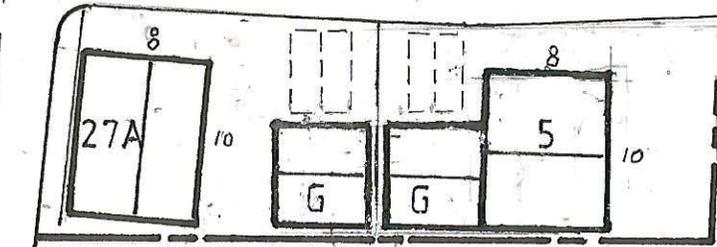
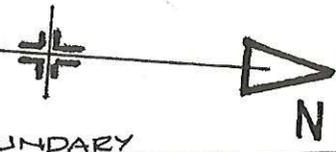
CHURCH STREET

Page 97



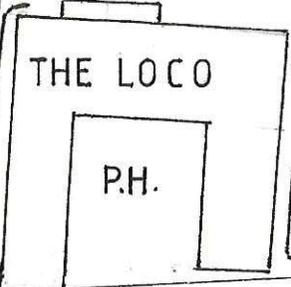
BOUNDARY

BOUNDARY



WHYALLA

THE MEWS



PROPOSED DEVELOPMENT OFF CHURCH STREET, HAXEY, DONCASTER, DN9 2HY

1467

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<b>APPLICATION NO</b>	<b>PA/2020/1365</b>
<b>APPLICANT</b>	Mrs Rebecca Proctor
<b>DEVELOPMENT</b>	Planning permission to replace all windows and external doors
<b>LOCATION</b>	Camasstraddan, 41 Main Street, Saxby All Saints, DN20 0QF
<b>PARISH</b>	Saxby All Saints
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Nick Salt
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	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**

This application was deferred at the planning committee on 16 December 2020 for further consideration and discussion with the applicant.

### **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 existing front elevation timber-framed casement windows with timber windows and the replacement of timber doors to the front and side of the property with composite doors. Windows on the side and rear elevations would be replaced with oak coloured, plain glass, double-glazed uPVC.

### **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 had spoken with the applicant and suggested this amendment to overcome a likely recommendation of refusal, but the applicant declined and considered the proposal to have no adverse impact.

Following deferral by the planning committee on 16 December, the applicant agreed to submit amendments to the proposal to reflect the above.

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 on the front elevation of 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. The use of timber windows here would ensure that this character is retained.

Subject to the submitted amendments, it is considered that the proposal for uPVC windows to the secondary elevations and timber replacement windows to the front elevation in this sensitive conservation area would sufficiently preserve the character and appearance of the nearby buildings of townscape merit. As a result, the proposal would be in keeping with the Saxby All Saints Conservation Area Appraisal, local plan policy HE2, Core Strategy policy CS6, section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and section 196 of the National Planning Policy Framework.

**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; Block Plan; Front elevation amended; Rear elevation; Side elevation.

**Reason**

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

3.  
No development shall take place until details of the front elevation timber window frames to be used have been submitted to and approved in writing by the local planning authority and only the approved window frames shall be used.

**Reason**

In the interests of the character and appearance of the dwelling and wider conservation area in accordance with policy HE2 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.



Council  
Villas

Field  
House

Field House Farm

22.6m

GP

B1120

North Acre

SAXBY HILL

Carrdale

Manor Farm

Fountain

High  
side  
Cott

Page 104

Moats

39

41

# Saxby All Saints

20.4m

Manor  
House

Beech  
House

Tall  
Trees

Wold Rising

Path (um)

Park View

LCB

LB

Chestnuts

The Old  
Post House

19.1m

Elm

Honeysuckle Cottage

Clematis  
Cottage

Rectory House

All Saints'  
Church

# North Lincolnshire Council

 **Development Boundary**

<b>APPLICATION NO</b>	<b>PA/2020/1401</b>
<b>APPLICANT</b>	Mr H Maxfield
<b>DEVELOPMENT</b>	Outline planning permission to erect a dwelling with all matters reserved for subsequent consideration
<b>LOCATION</b>	Osborne House, Carr Road, Ulceby, DN39 6TX
<b>PARISH</b>	Ulceby
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Emmanuel Hiamey
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from the North Lincolnshire Local Plan and Core Strategy

## **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):

- 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;
- 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
- 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 with 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 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, also, 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 109 states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

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 H1: Housing Development Hierarchy

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 DS1: General Requirements

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

#### **North Lincolnshire Core Strategy:**

CS1: Spatial Strategy for North Lincolnshire

CS2: Delivering more Sustainable Development

CS3: Development Limits

CS5: Design

CS7: Overall Housing Provision

CS8: Spatial Distribution of housing sites

CS19: Flood risk

## **CONSULTATIONS**

**North East Lindsey Drainage Board:** Does not object to the proposal subject to conditions requiring a scheme for the implementation of surface water drainage.

**Highways:** No objections, but recommend conditions relating to access and parking.

**Environmental Protection (Contaminated Land):** As the proposed development has a sensitive end use, recommend a condition relating to odorous, discoloured or otherwise visually contaminated material.

## **PARISH COUNCIL**

No objections or comments.

## **PUBLICITY**

A site notice has been posted. No comments have been received.

## **ASSESSMENT**

Outline planning permission is sought to erect a dwelling with all matters reserved for subsequent consideration. The proposed scheme would result in the delivery of one additional dwelling at the site which would help to contribute to the mix of housing types within the locality.

The site is located outside the development boundary in the open countryside. It is situated in the settlement of Ulceby Skitter which is designated a Rural Settlement in the Countryside by the Core Strategy. It contains a two-storey semi-detached dwelling. The area is characterised by a mix of dwellings (single-storey detached dwellings, semi-detached dwellings, two-storey detached dwellings and two-storey dwellings) and agricultural fields.

The proposal seeks to subdivide the curtilage of Osborne House, Carr Road, Ulceby Skitter along the side to erect a dwelling. The plot would measure 670 square metres and would be accessed from the public road (Carr Road).

## **Principle of the development**

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 saved policies of the North Lincolnshire Local Plan (NLLP) and the North Lincolnshire Core Strategy (NLCS). Material considerations exist in the form of national policy and guidance

contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

**The main planning considerations are:**

- **whether the principle of development is acceptable and in line with the relevant policies of the North Lincolnshire Local Plan, the Core Strategy, the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG);**
- **whether the layout, siting and design is appropriate within the context of the site and surrounding landscape;**
- **whether any environmental impacts can be appropriately mitigated; and**
- **whether the site can be sufficiently serviced by the required infrastructure.**

Policies controlling the supply of housing are 'most important' for determining this application when considering the application against NPPF Paragraph 11. The council does not, at present, have a five-year supply of immediately available housing land and thus these development plan policies are 'out of date' in NPPF terms. Paragraph 11(d) of the NPPF is therefore engaged. This states that permission should be granted unless the application of policies in the Framework provides a clear reason for refusing permission or the adverse impacts of granting consent significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

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 CS sets out a spatial strategy for North Lincolnshire, which, amongst other matters, provides that, in the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings.

Policy CS3 of the CS 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 in the open countryside as Ulceby Skitter has no defined development boundary.

Policy CS8 of the CS 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. Regarding rural settlements in the countryside, the policy states that new housing development will be strictly limited. Consideration will be given to development that relates to agriculture, forestry or to meet a special need associated with the countryside. All development should not have an adverse impact on the environment or landscape.

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, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is outside the nearest settlement boundary of Ulceby and would not meet the criteria for development within the open countryside as outlined in policy RD2 of the local plan. The proposal is thereby considered to conflict with policies CS2, CS3 and CS8 of the Core Strategy.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 and Footnote 7 (page 6) of the NPPF states the presumption in favour of sustainable development applies for applications involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of housing and that housing applications should be considered in the context of the presumption in favour 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.

It is acknowledged that the local planning authority cannot demonstrate a five-year housing land supply; therefore, the housing policies are considered out of date. As such the 'tilted balance' and paragraph 11(d) of the NPPF, which is a material consideration in determining planning applications, is relevant and states, '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.'

There are three dimensions to sustainable development as set out in paragraph 8 of the NPPF: *economic*, *social*, and *environmental*. Investment in construction and related employment would represent an economic benefit, as would the additional population within the local economy, which would also represent social benefit. In environmental terms this proposal is deemed to have minimal impact as it is currently garden land to an existing dwelling. Furthermore, it is within a short walking distance of Ulceby Station providing sustainable transport options.

A key determination in the principle of development is balancing the impact of harm against the associated benefits, as per paragraph 11(d) of the NPPF. Although the proposal would conflict with development plans (that is, policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan).

This is an infill development, where the proposal seeks to split the curtilage of Osborne House, Carr Road. In this case, the plot currently forms part of a developed site and therefore this development would not be worse than the existing development in terms of spreading development into the countryside. The proposal would also provide the benefit of

a dwelling contribution within the locality, consistent with the surrounding area. Additionally, the existing dwelling was allowed at the location at the time, as sustainable development and this proposal would not alter the current sustainable value, as per paragraph 8 of the NPPF. Consequently, the benefit of the proposal would significantly and demonstrably outweigh the harm in policy terms.

On balance, it is considered that although the development plans would preclude such type of development, in the absence of a five-year housing land supply and the presumption in favour of sustainable development stipulated within the NPPF, the principle of development would be acceptable, subject to compliance with other relevant policies.

### **Layout, siting and design**

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'. Impact on neighbouring residential amenity would be considered at the reserved matters stage.

Following the site inspection, it was evident that the plot is long, narrow, and rectangular. It is on level ground as the ground level with neighbouring properties. The block plan shows the plot measures 670 square metres. The splitting of the plot for this development and the size will integrate well into the surrounding area which has an informal layout.

The plot size can accommodate a single house that can be designed and positioned to respect the privacy and amenities of the immediate side neighbours and fit in with the character of the area.

The indicative block plan shows the dwelling is positioned further back from the road to protect the appearance of the street scene as seen from the nearby dwellings. It also shows that adequate spacing between the dwelling and the surrounding properties can be achieved.

The garden ground remaining for the existing house is adequate, with separate access taken directly from the road. The proposal is unlikely to be detrimental to the amenities of the neighbours or the wider amenity of the area.

Overall, this is an application for outline planning permission and therefore the layout, siting and design of the dwelling would be fully reviewed under a subsequent reserved matters application. The proposal would accord with the NPPF; policies CS1, CS2, CS5, CS7 and CS8 of the Core Strategy; and policy DS1 of the North Lincolnshire Local Plan.

### **Highway matters**

Policy T2 of the North Lincolnshire Local Plan 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. Highways have no objections to the proposal, however recommend conditions relating to access and parking facilities. Accordingly, it is believed the proposed access would be satisfactory and a condition will be attached to any grant of permission requiring details to be submitted.

## **Flood risk and drainage**

The site lies within flood zone 1 according to the council's SFRA. A brief flood risk statement has been included in the design statement. The area is in flood zone 1, which has less than a 0.1% chance of flooding in any year; this is sometimes known as having a 1:1000 year chance.

North East Lindsey Drainage Board does not object to the proposal subject to conditions requiring a scheme for the implementation of surface water drainage. They have commented that Skitter Beck Branch 8 runs at the south-west of the site and for any proposed temporary or permanent works or structure within any watercourse consent must be sought.

Having done a check on the GIS map of the location of the Skitter Beck Branch 8, it is clear the development is not within the designation of the Skitter Beck Branch 8 and the separation distance is significant. As such it is not anticipated a consent would be refused by North East Lindsey Drainage Board.

Overall, it is believed there are very few restrictions in terms of flood risk to development in flood zone 1 areas, except for development over 1 hectare in size, which must have a flood risk assessment undertaken as part of a planning application. The Drainage team has recommended conditions relating to surface water run-off, which are considered appropriate to ensure that water run-off would not have an unacceptable impact on surrounding properties or the highway. The plot is, therefore, suitable for a single house.

## **Conclusion**

Infill development within the Ulceby Skitter settlement area will provide an opportunity for a house plot on already developed land. The site can accommodate a single dwelling house within the terms of the development plan and without detriment to the essential amenities and privacy of the neighbouring property. Safe and visually acceptable access can be formed.

Notwithstanding the above, as this is an application for outline planning permission, the design and appearance of the dwelling would be fully considered at the reserved matters stage. The development is recommended for approval and it is recommended that the committee agrees to the reason for departing from the North Lincolnshire Local Plan and the Core Strategy as outlined in the report.

## **Pre-commencement conditions**

The pre-commencement conditions included in the recommendation have been agreed by 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.

The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan: 20/017/01 and Topographical Details: 20/017/02.

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 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.

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 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.

9.

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.

10.

No development shall take place until a scheme for the disposal of foul and surface water has been agreed in writing by the local planning authority and the dwelling shall not 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.

11.

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.

12.

No development shall take place 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. Any discharge into a water course maintained by the North East Lindsey Drainage Board will require consent from the Board under the Land Drainage Act.

**Reason**

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

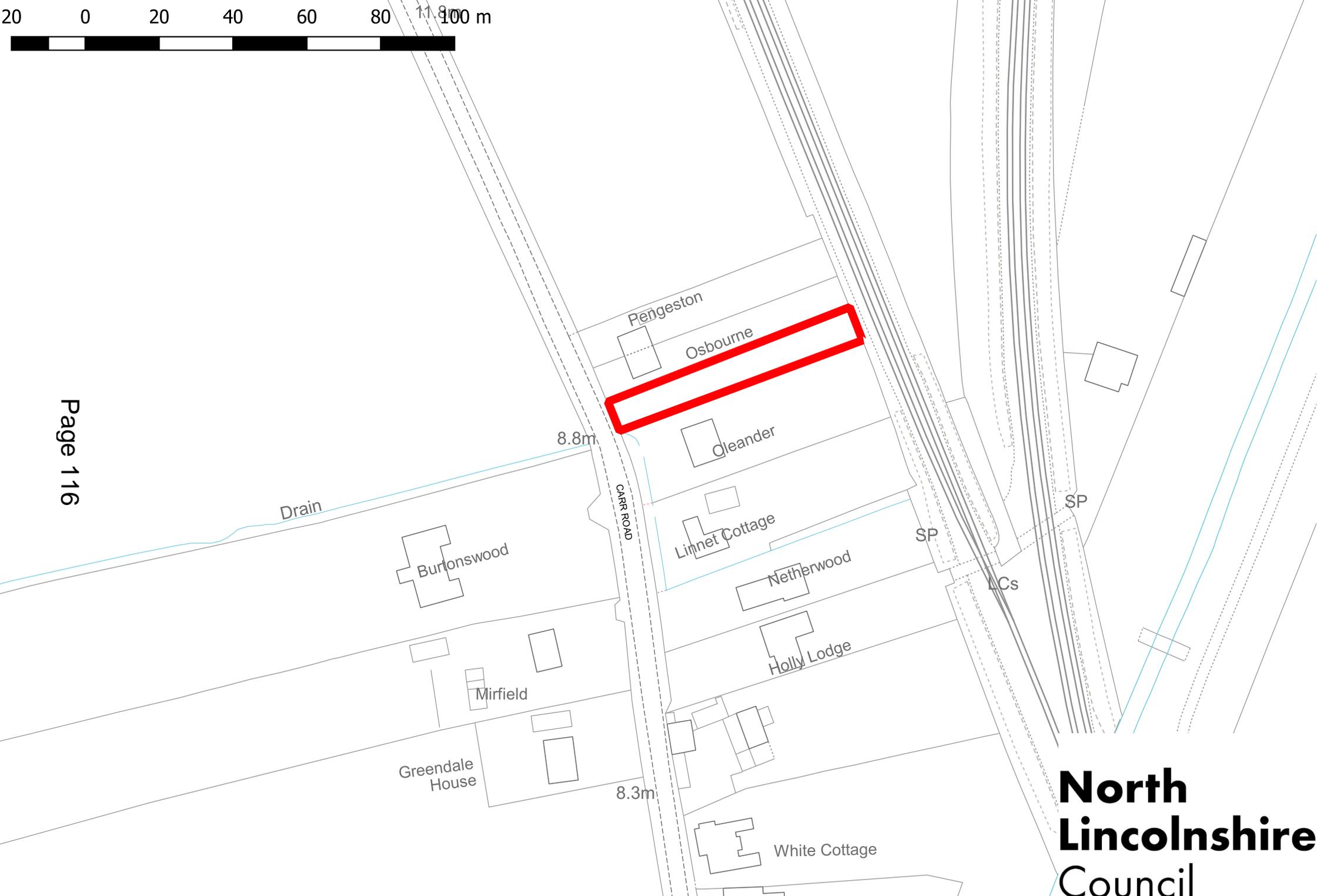
**Informative 1**

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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**APPLICATION NO** PA/2020/1585

**APPLICANT** Mr R Ellis, Wilton Cobley Ltd

**DEVELOPMENT** Planning permission to erect a two-storey side extension and raise the roof of existing dwelling, erect a detached garage and a detached bungalow in the rear garden

**LOCATION** Fairview, Coronation Road, Ulceby, DN39 6SX

**PARISH** Ulceby

**WARD** Ferry

**CASE OFFICER** Nick Salt

**SUMMARY RECOMMENDATION** Grant permission subject to conditions

**REASONS FOR REFERENCE TO COMMITTEE** Objection by Ulceby Parish Council

## **POLICIES**

**National Planning Policy Framework:** The NPPF is reflective of the guidance contained within the NPPG. The following sections of the NPPF are considered of direct relevance to the current proposal:

Paragraph 14 states, ‘...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.’ The NPPF makes it clear that sustainable development comprises three strands: economic, social and environmental. It also states that sustainable developments should be approved without delay.

Paragraph 19 states that planning ‘...should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.’

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 56 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.

Paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or style. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 64 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 and the way it functions.

The overarching message of the NPPF is that LPA's should adopt a positive and pro-active approach to planning proposals, particularly those that result in sustainable development.

#### **North Lincolnshire Local Plan:**

Policy DS1 (General Requirements)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy H7 (Backland and Tandem Development)

Policy H8 (Housing Design and Housing Mix)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

#### **North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS5 (Design)

Policy CS7 (Overall Housing Provision)

### **CONSULTATIONS**

**Highways:** No objection subject to conditions requiring completion of works to the vehicular access and parking prior to occupation.

**Environmental Health:** Considering the sensitive end use of the proposed development, recommends the following condition.

'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 by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.'

**LLFA Drainage:** No objection subject to conditions to prevent surface water run-off.

### **PARISH COUNCIL**

Objects to the application on the following grounds:

- traffic generation and associated highway safety concerns, and inadequate drainage resources serving this area of the village;

- considers this 'back land' development and feels it is inappropriate in this instance.

## **PUBLICITY**

Site and press notices posted – no comments received.

## **ASSESSMENT**

### **Site characteristics**

The application site is the residential curtilage of an existing two-storey traditional dwelling fronting Coronation Road, known as 'Fairview'. The full site area, including the existing dwelling, extends to approximately 0.11 hectares. The site is relatively long with a large rear garden area extending to the west (rear) of the dwelling. The site bounds the curtilage of a new dwelling adjacent to 'Laurels' to the south, and bounds 'The Cottage' to the north. The western end of the site also bounds the rear gardens of Spruce Lane properties.

There is a detached garage to the northern boundary which serves Fairview. Access to the site is via Coronation Road to the northern side of the dwelling.

The site is within the defined settlement boundary of Ulceby as defined in the HELADPD. The site is not within a high-risk flood zone or conservation area.

There is no recent or relevant planning history on this site.

### **Proposal**

The application proposes to divide the site to form two separate dwelling curtilages, creating a new proposed development site of around 0.05 hectares to the rear of the existing property of Fairview.

Part of the proposal seeks approval for a rear two-storey extension which would sit perpendicular to the main dwelling. The works would see the removal of the stepped brick side extension on the northern end of the property, and the removal of the existing detached garage. The rear extension would be built to match the existing dwelling. The roof ridge of Fairview would also be raised by approximately 1.2 metres, from 6.6 metres to 7.8 metres.

Also proposed is a new detached dormer bungalow on the western part of the site. The new dwelling would sit approximately 18 metres to the west of the rear elevation of the existing. It would sit to the southern boundary with the dwelling under construction to the south.

The proposal includes a new detached single-storey double garage which would be shared between the existing property of Fairview and the new dwelling. This would sit between the two dwellings at the southern boundary. The existing access from Coronation Road would be retained and shared between both properties.

### **The main issues in the determination of this application are:**

- **the principle of the development;**
- **design and appearance;**

- **impact upon residential amenity;**
- **highway and parking matters.**

### **Principle of development**

The application site is located within the development boundary of Ulceby, as defined by the Housing and Employment Land Allocations Development Plan Document (HELADPD). Ulceby is a rural settlement.

Central Government places high importance on new homes being delivered throughout the country to address the chronic shortage. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development, which gives increased weight where a five-year housing land supply has not been identified. North Lincolnshire does not have an identified five-year housing supply, and therefore this additional weight is afforded in the assessment of this application for a new unit of housing.

The wider principle of the new dwelling element of the application is acceptable as the site is within the defined settlement boundary. 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. 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. A similar proposal was granted approval on the site immediately to the south in 2015 (PA/2015/0535), and the new dwelling there is currently under construction. As the proposed site sits behind the existing dwelling of Fairview, it is regarded as tandem development. Policy H7 is therefore relevant. The key tests of this policy are impact on residential amenity and design and appearance, which will be assessed later in this report.

In terms of sustainability, Ulceby ranked 18<sup>th</sup> overall in the North Lincolnshire Sustainable Settlement Survey (2019) with five key services and facilities. The site is approximately 0.8 kilometres (a nine minute footpath walk) from the centre and local services such as the post office and convenience store. The closest bus stops are a little over a 100 metre walk from the application site, and Ulceby railway station is situated around 1.6 kilometres to the east (accessible by road, cycle and bus). It is considered that the site is sustainable and suitable for an additional housing unit.

Whilst the specific impacts of the proposed development will be assessed below, the broad principle of the addition of a dwelling on this site is considered acceptable and in accordance with both national and local policy.

The principle of the extension to the existing dwelling at Fairview is also considered acceptable as the site is within a settlement boundary and not within a conservation area, nor is it listed. The specific impacts of the alterations to Fairview will also be discussed below.

### **Design and appearance**

Policy CS5 of the North Lincolnshire Core Strategy is concerned with delivering quality design in North Lincolnshire. 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. 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.'

Firstly, the alterations to the existing dwelling of Fairview are considered. The removal of the existing side extension and detached garage would have a positive impact on the character and appearance of the site and street scene, with the frontage of the brick built dwelling reverting to a more traditional appearance. The raised roof would not result in a loss of this essential character or appearance with the general form and fenestration layout of the front elevation being retained. The rear extension would be partially visible from the street. It would be set down from the main roof ridge and would not be of a size or design considered incongruous or inappropriate when considered with the design of the existing building or the semi-traditional nature of the street scene as a whole. The extensions to the existing dwelling and related alterations would not harm the character or appearance of the site and surrounding area and are considered acceptable.

Secondly, the proposed shared garage and detached bungalow to the rear are considered. In terms of site layout, the dwelling would constitute tandem development, sitting behind Fairview. Such development can be acceptable where it would not adversely impact on development density in the area. The dwelling would sit within a cluster of dwellings, but would retain approximately 200 square metres of rear amenity space, in addition to sufficient parking and manoeuvring space, separate from Fairview. It is considered that the site as existing could comfortably accommodate two separate sites as proposed. The previous 2015 approval on the site immediately adjacent to the south is noted for its similarity to the current proposal, sitting behind the existing property of The Laurels. The new dwelling would be well-screened by the proposed garage and the existing dwelling to the east; nevertheless, it is important that adequate design is demonstrated appropriate to the site context.

With regard to the design of the dwelling, the form of the dormer bungalow would ensure that it does not dominate Fairview or detract from the impact of that traditionally styled building on the Coronation Road street scene. A condition ensuring that finish materials match or are similar to Fairview will be added to any approval. The overall form and design of the bungalow, with its pitched roof and dormers, is modest and would have a relatively neutral impact on the street scene. Sufficient landscaping and boundary treatments should ensure further improvements to visual amenity.

Overall, the design and appearance of the proposed dwelling and the extended existing dwelling would be appropriate within the context of the site and surrounding area, and are considered to accord with the relevant policies, particularly H7 of the local plan and CS5 of the Core Strategy.

### **Residential amenity**

Policy DS1 (iii) 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.

With regard to residential amenity impacts from the proposals on the neighbouring properties to the north and south, risk of overlooking, overbearing and shadowing have been considered. The rear extension on Fairview would be approximately 12 metres north of The Laurels, and therefore no shadowing or overbearing impact is likely. Overlooking

from this extension has been considered and the absence of any first-floor side elevation windows on the extension would limit any such impact.

The new bungalow would sit a minimum of 2.3 metres north of the dwelling to the south, which was approved in 2015. The north elevation of that property has two ground floor windows serving a utility room and a bathroom. The proposed dwelling would have one ground floor bathroom window on its southern elevation. As these are not considered primary habitable rooms, and due to the hedging between the respective properties, no overlooking between them would occur.

For the reasons above and considering the proximity to the shared boundary of these two properties, it is not considered that there would be any unacceptable shadowing or overbearing impacts. No buildings would be erected within close proximity to The Cottage to the north likely to impact residential amenity. The north elevation first floor window proposed would serve the landing and unacceptable overlooking is unlikely.

Overlooking between the front elevation of the new bungalow and the rear elevation of Fairview have been considered. The midpoint of the front dormer of the bungalow would be 4.3 metres above ground level. The shared garage in front of this would be 4.7 metres high to the ridge. This would restrict direct views into or onto the ground floor windows and garden of Fairview. The dormer window would be approximately 20 metres from the closest respective window on Fairview, thus limiting the severity of overlooking between bedroom windows.

There would be an increase in activity commensurate with the addition of an additional dwelling. This may have some risk in terms of noise etc, however not to a degree which would be abnormal for a residential area such as this. The use of the existing driveway and access between the two properties would not expand the location of vehicle activity in any significant way.

Overall, it is considered that no unacceptable impacts on the residential amenity of neighbours would result from the proposal and no objections have been received to the application. The proposal is considered to accord with the relevant criteria in policies CS1, CS2 and CS5 of the Core Strategy and policy DS1 of the North Lincolnshire Local Plan.

## **Highways**

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety; both policies are considered relevant.

Access to the new dwelling would be shared using that serving the existing Fairview dwelling. Highways have no objection to this and it would avoid creating a new opening onto the road, thereby limiting impact on highway safety from the increase in traffic likely from one additional dwelling.

The site is located within the existing settlement boundaries and benefits from reasonably good access to public transport links and local services. There are shops and other services within a 10-minute walk from the site, accessible via public footpath. It is therefore considered that the scheme would be within a sustainable transport location.

The council's Highways team has offered no objections to the proposed layout or parking arrangements subject to conditions ensuring that these arrangements are appropriately

surfaced and in place prior to occupation. The application layout proposes four off-street spaces for the two dwellings combined which is considered acceptable given the scale and sustainable location of the site. Whilst it is accepted that the proposal would result in an increase in vehicular movements, it is not considered that the scale of the development would place unacceptable strain on the existing highway network.

### **Other matters**

As previously noted, the new dwelling would have access to over 200 square metres of rear amenity/garden space. Fairview would retain approximately 80 square metres of such space. This is considered acceptable considering the scale of the dwellings.

The contamination condition recommended by the council's Environmental Health team is considered reasonable given the sensitive end use (dwelling) proposed.

The surface water run-off conditions suggested by the LLFA Drainage team are considered appropriate to ensure that any water run-off does not harm amenity or highway safety and is managed appropriately.

### **Conclusion**

Subject to the satisfaction of planning conditions, the proposal is considered to accord with the NPPF, local plan and Core Strategy policies for the reasons outlined above and is recommended for approval.

### **Pre-commencement conditions**

The pre-commencement conditions below have been agreed with the applicant/agent.

### **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: F2984 - A1 - 01A - Location Plan, proposed floor plans and elevations (existing dwelling); F2984 - A1 - 02A - Proposed Site Plan, Floor plans and elevations (new dwelling).

#### **Reason**

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

3.  
The existing vehicular access to the site shall be improved within highway limits 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 policy 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 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.

5.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking space(s) serving it have been completed and, once provided, the parking space(s) shall thereafter be so retained.

Reason

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

6.

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 by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

In the interest of the safety of site users.

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 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.

9.

The materials and finishes of the new areas of brickwork on both the existing and proposed dwellings, and the proposed garage building, shall match the existing dwelling on the site in colour and texture.

#### Reason

In the interests of the character and appearance of the site and surrounding area.

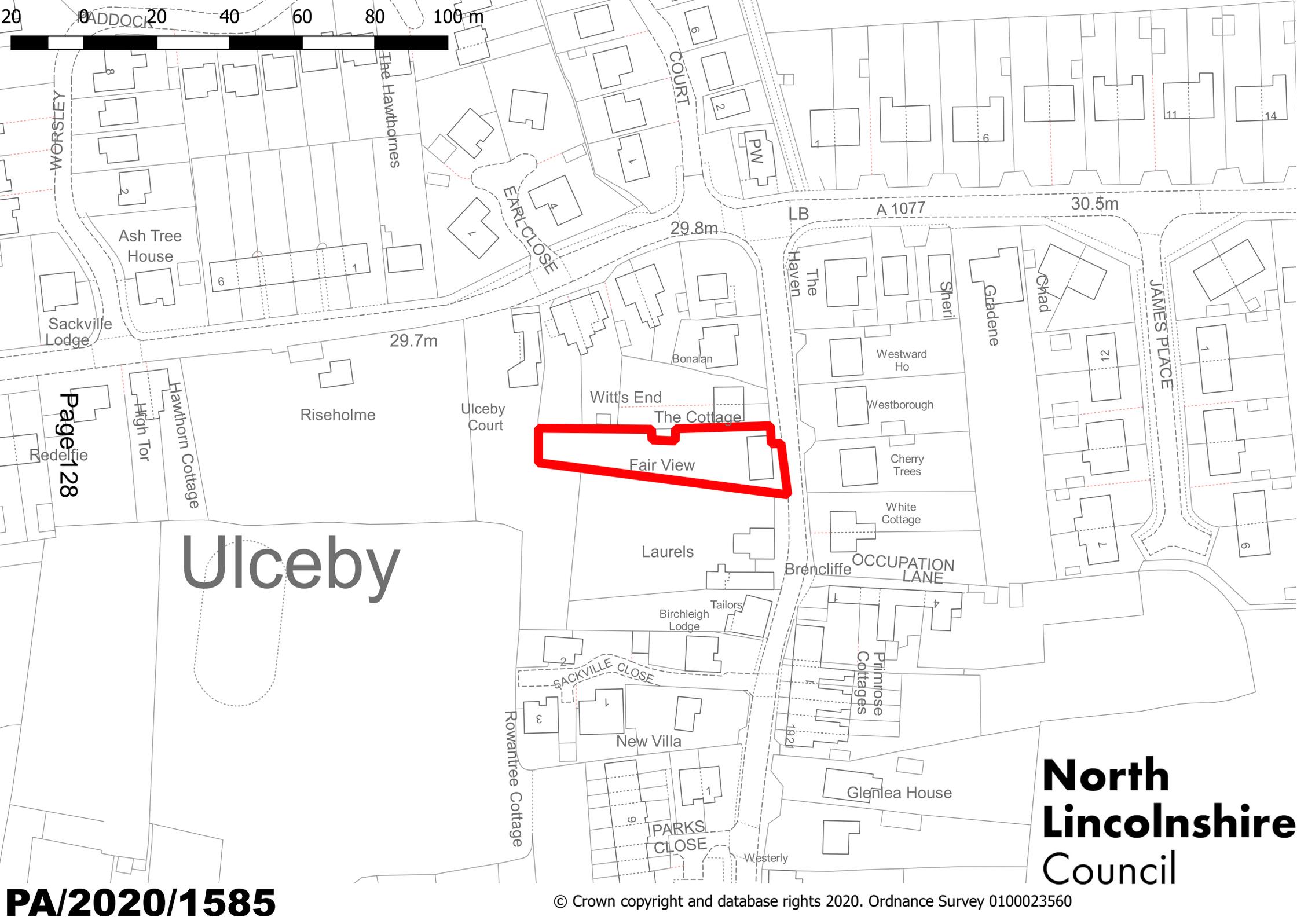
#### **Informative 1**

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.



Page 128

# Ulceby

# North Lincolnshire Council

**PA/2020/1585**

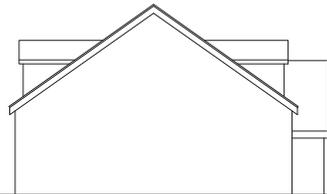
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# PA/2020/15185 Proposed layout and elevations (not to scale)

new build dwelling



front elevation



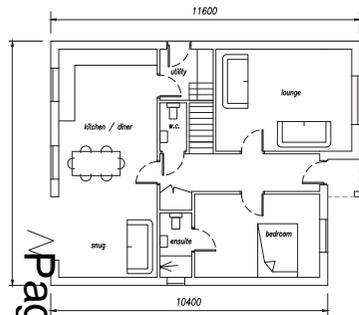
side elevation



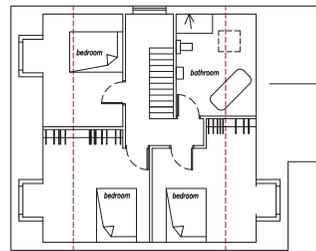
side elevation



rear elevation



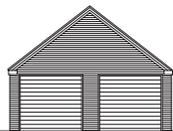
ground floor plan



first floor plan

Page 129

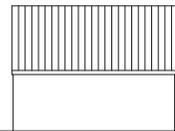
shared garage



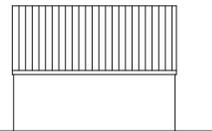
front elevation



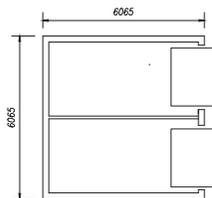
rear elevation



side elevation



side elevation



ground floor plan



site plan

**NOTES**

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All materials used on this drawing are to be used in strict accordance with the manufacturer's written instructions with current CE marking.

REV A - planning amendments - Oct 2020

Proposed Development at Litchby	Proposal Drawing
1:100, 1:200 @ A1	F2984 - A1 - D2A
Aug 2020	

**flarevisual**  
architecture

Flare Visual Ltd  
The Terrace  
Granttham St,  
Litchby  
LN218BD

07789685755 | mail@flarevisual.co.uk | www.flarevisual.co.uk

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<b>APPLICATION NO</b>	<b>PA/2020/1592</b>
<b>APPLICANT</b>	Mr Stephen Wells
<b>DEVELOPMENT</b>	Planning permission to erect an agricultural building for general purpose use
<b>LOCATION</b>	Land south-east of Railway Street, Barnetby le Wold,
<b>PARISH</b>	Barnetby le Wold
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Nick Salt
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllrs Rob Waltham and Carl Sherwood – significant public interest)

## **POLICIES**

**National Planning Policy Framework:** Sections 6 and 12

**North Lincolnshire Local Plan:**

RD2 (Development in the Open Countryside)

RD14 (Agricultural and Forestry Buildings)

DS1 (General Requirements)

**North Lincolnshire Core Strategy:**

CS3 (Development limits)

CS5 (Delivering quality design in North Lincolnshire)

## **CONSULTATIONS**

**Highways:** No objection, but advise a condition regarding surfacing material.

**Drainage (Lead Local Flood Authority):** No objection or comment.

## **PARISH COUNCIL**

No response received.

## **PUBLICITY**

Advertised by press and site notice – no comments have been received.

## **ASSESSMENT**

### **Site**

The application site is a corner of a 1 acre field (approximately) directly adjacent to the development boundary of Barnetby le Wold on Railway Street. To the north is a cluster of agricultural/commercial buildings. The railway line is approximately 130 metres south, and a neighbouring farm is 130 metres west.

### **Proposal**

Proposed is a barn for the storage of hay, other materials required for the operation of the farm, and related uses associated with the existing farm holding. The applicant farms sheep on the land surrounding the application site and rents further land in the area for this purpose.

The barn would be sited 8 metres south of the road in the northern corner of the field. The barn would cover a footprint of approximately 190 square metres, and be of a steel-framed, Yorkshire boarded and concrete walling construction. The height of the pitched roof barn would be 5.8 metres to the ridge and approximately 4.6 metres to the eaves.

### **Principle of the development**

In terms of the principle of the development, the site is located within the open countryside where development is strictly controlled under policies RD2 of the North Lincolnshire Local Plan and policy CS3 of the Core Strategy. RD2 provides a number of exceptions to the general presumption against development in the countryside. One of these is for development which is necessary for agriculture.

The barn is required in order for the applicant to store hay in connection with the existing agricultural use on the surrounding land. The agricultural need for a barn for the storage of hay for use on the farm is accepted and the wide principle of such development on this site considered acceptable in meeting one of the exemptions for countryside development outlined in policy RD2.

In principle, the erection of the new storage barn is acceptable with regard to policies RD2 of the North Lincolnshire Local Plan and CS3 of the Core Strategy.

### **Impact on the open countryside**

The barn would be within an area classed as open countryside. However, it sits directly adjacent to the development boundary of Barnetby as outlined in the HELA DPD 2016. As previously noted, there are clusters of buildings within close proximity to the site to the north and west, and the railway is at the bottom of the field to the south. The site is not therefore in a highly exposed, undeveloped area. The siting of the building close to existing buildings and in the corner of the field would reduce its visual impact on the surrounding countryside.

The height of the building (5.8 metres to the ridge) and footprint would be appropriate in size for the use proposed. The use of Yorkshire boarding would ensure a sympathetic appearance in relation to the surrounding rural/built context. There is existing hedging to the field boundaries which would provide a degree of natural screening to the development, further mitigating any visual impact.

The impact of the building on the appearance of the landscape is therefore considered to be modest when the existing site context is considered. The proposal therefore accords with policies CS3 and CS5 of the Core Strategy and RD2, RD14 and DS1 of the North Lincolnshire Local Plan.

### **Residential amenity**

The site is adjacent to the residential property of 54 Railway Street to the east. This dwelling would be situated approximately 25 metres from the east elevation of the barn. Due to the eaves height of 4.6 metres and separation distance from number 54, it is considered that any impact on residential amenity is unlikely. No intensive livestock housing is proposed on the site, and the use of the barn is not considered likely to result in unacceptable noise disturbance etc.

### **Highway matters**

No highways objection has been received. The existing field access will be used for the new barn, and there is unlikely to be any notable increase in farm traffic as a result of its use. The proposed access arrangements are therefore considered to be acceptable subject to the appropriate surfacing of the entrance area, and accord with policy T2 of the North Lincolnshire Local Plan.

### **Other matters**

The site lies within a flood plain in an SFRA flood zone 1, meaning lower risk. Given the location and the proposed use of the building, flood risk in this case is not considered to be a significant issue.

### **Conclusion**

The proposal is considered to meet the exemption criteria for development in the countryside and the agricultural need is accepted. Conditions controlling the use of the building and access are considered appropriate in regulating the use and ensuring protection of residential amenity and highway safety.

### **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: Location Plan; Plan 1 - Block Plan; Plans 2, 3, 4, 5 - Elevations; Plan 6 - Floor Plan.

#### **Reason**

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

3.

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.

4.

The building hereby approved shall be used ancillary to the agricultural use of the site and for no other purpose(s) without the prior approval in writing of the local planning authority.

Reason

To regulate and control development on the site, which is located within the open countryside, where development is strictly controlled under policies CS3 of the Core Strategy and RD2 of the North Lincolnshire Local Plan.

5.

At no time shall livestock be housed in this building on an intensive basis.

Reason

In the interests of the residential amenity of the nearby dwellings in accordance with policy DS1 of the North Lincolnshire Local Plan.

#### **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.



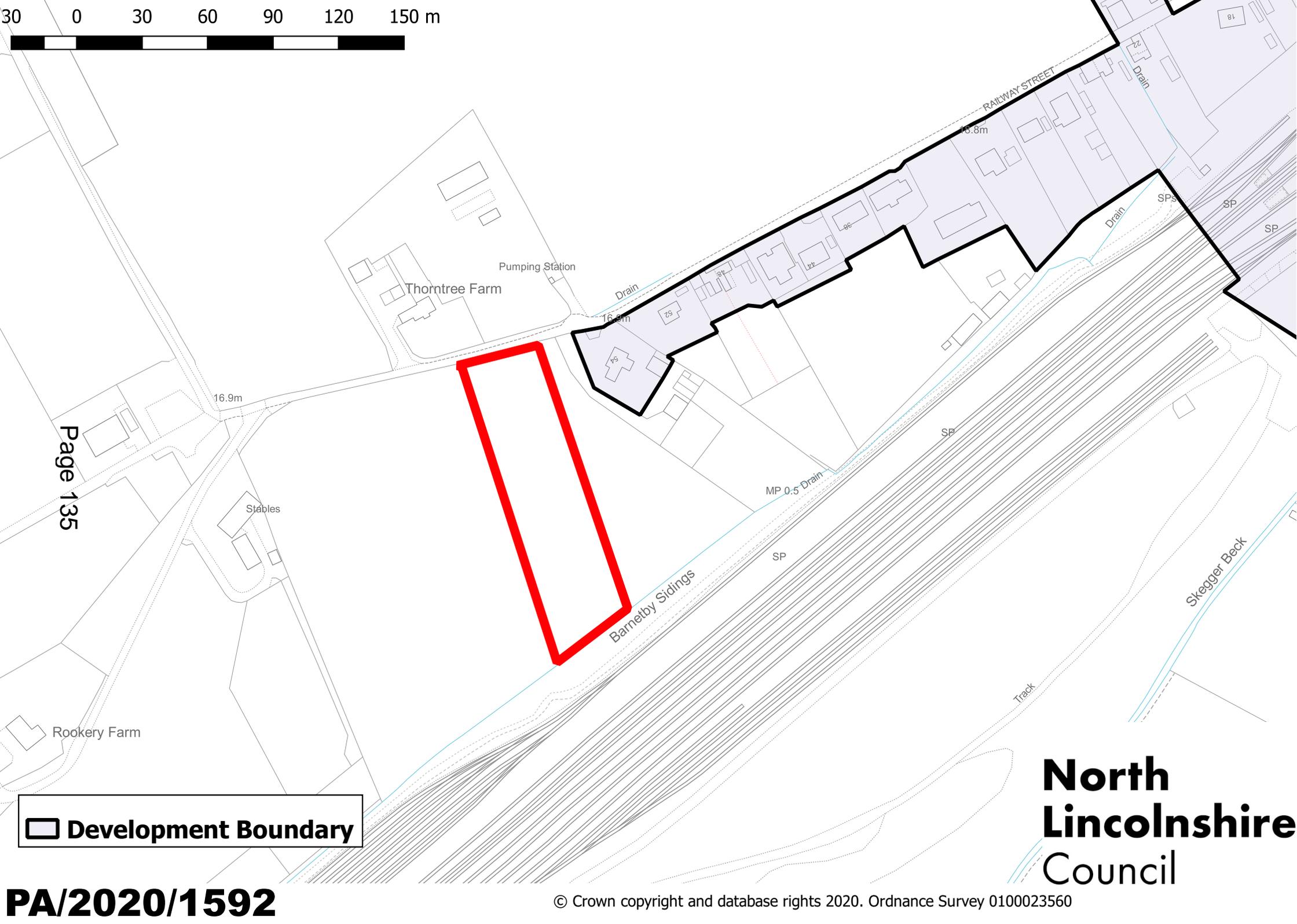
Page 135

 **Development Boundary**

**PA/2020/1592**

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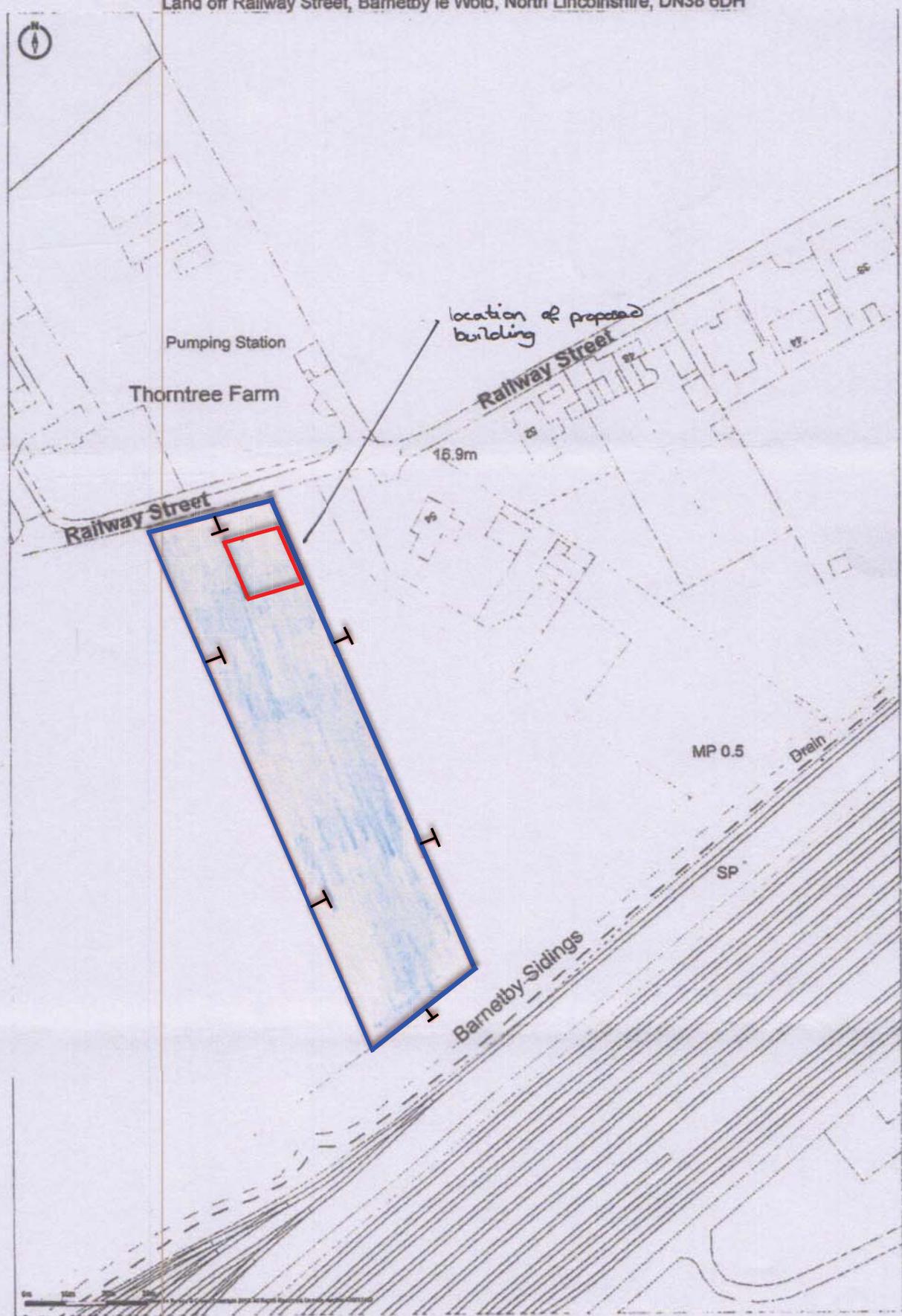
**North  
Lincolnshire  
Council**



Location of proposed building

Land off Railway Street, Barnetby le Wold, North Lincolnshire, DN38 6DH

Plan 1



Promap v2  
LANDMARK INFORMATION

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<b>APPLICATION NO</b>	<b>PA/2020/1849</b>
<b>APPLICANT</b>	Mr Syed Ahmad
<b>DEVELOPMENT</b>	Planning permission to erect a single-storey front extension.
<b>LOCATION</b>	127 Cliff Gardens, Scunthorpe, DN15 7BL
<b>PARISH</b>	Scunthorpe
<b>WARD</b>	Town
<b>CASE OFFICER</b>	Jessica Pacey
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllrs Mashook Ali and Lorraine Yeadon – the site is beyond the existing building line)

## **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 127 – Planning policies and decisions should ensure that developments:

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

crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

**North Lincolnshire Local Plan:** DS1, DS5

**North Lincolnshire Core Strategy:** CS1, CS2, CS5

## **CONSULTATIONS**

**Highways:** No objections or comments.

## **PUBLICITY**

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

## **ASSESSMENT**

### **Site characteristics**

The application site relates to 127 Cliff Gardens, a semi-detached property located within Scunthorpe. The property is within the defined settlement boundary where the principle of residential extensions is acceptable.

### **Proposal**

The applicant seeks planning permission to erect a single-storey, porch-like extension to the principal (front) elevation of their property.

The plans show that this will project approximately 1.8 metres from the principal elevation of the dwelling for approximately 2.44 metres. It will have a pitched roof that will be at an approximate height of 3.45 metres. It will have a small window opening in both of its side elevations and a door opening to the front.

The proposed materials will match those of the host dwelling.

**The following considerations are relevant to this proposal:**

- **residential amenity**
- **character impacts.**

### **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 proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

## **Impact on the locality**

Due to the location of the extension, it will be visible within the street scene and could potentially dilute it; however, it is noted that other examples on the northern side of Cliff Gardens show changes have been made to existing principal elevations of properties. Also, under the permitted development rights, the applicant could erect a front extension of up to 3 square metres by 3 metres in height. Due to the proposal only marginally exceeding these limits and the fact that other nearby properties have been subject to alterations on the principal elevation, it is considered not to detract from the character and appearance of the host dwelling and surrounding area. As such, the proposal is considered acceptable and in accordance with policies CS5 of the Core Strategy and DS5 of the North Lincolnshire Local Plan.

## **Impact on neighbours**

The front extension is at a scale and a sufficient distance from neighbouring properties so as not to give rise to unacceptable loss of residential amenity to the front openings.

Therefore all elements of this application are considered to not carry any overbearing, overlooking or overshadowing impacts that would be detrimental to the residential amenity rights of adjoining neighbours and align with policy DS5 of the local plan.

## **RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: DRG. No. AS/20/02DRG and DRG. No. AS/20/04 A.

Reason

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

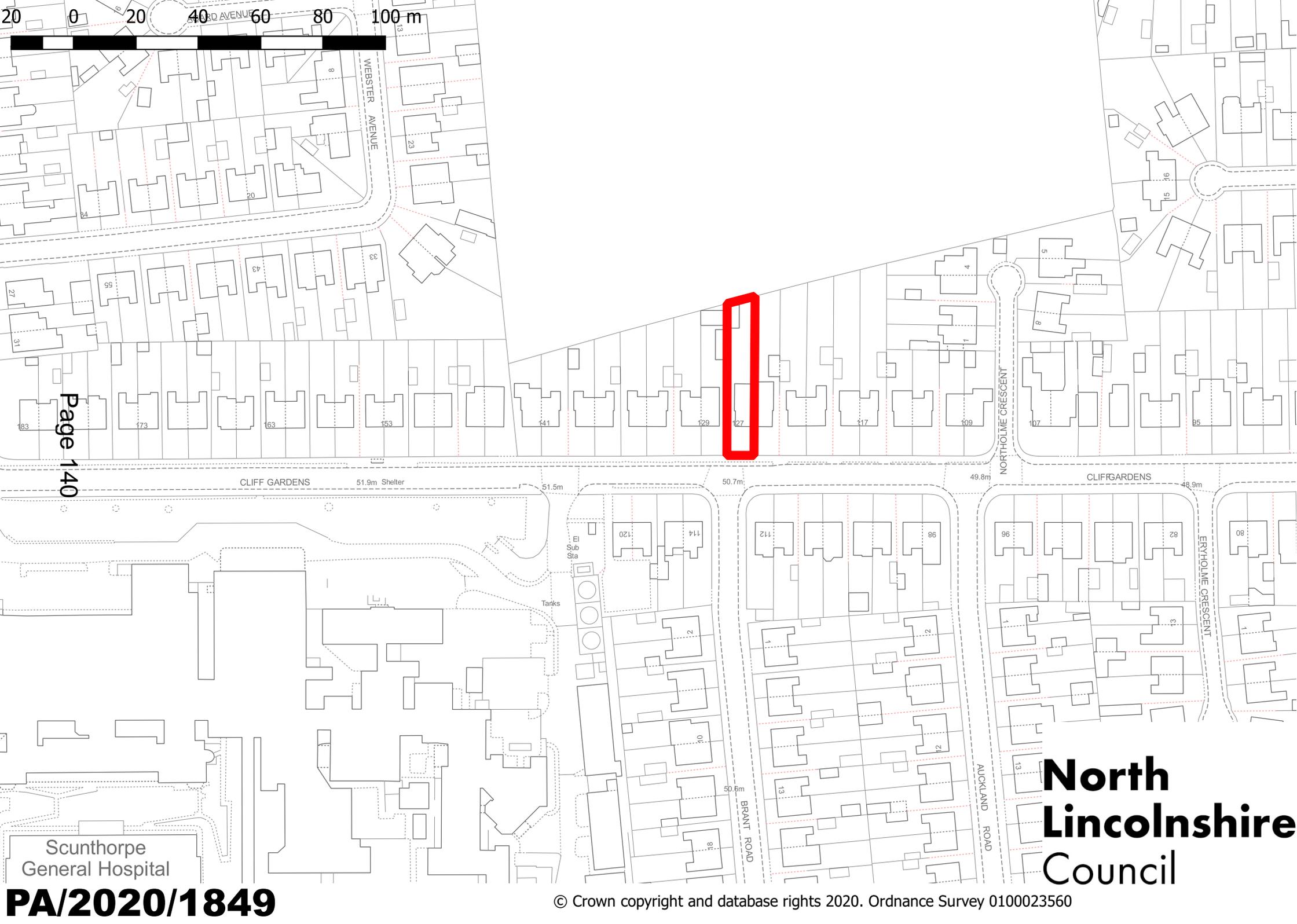
3.

The materials and finishes of the new areas of brickwork shall match the remainder of the building in colour and texture.

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.

20 0 20 40 60 80 100 m



Page 140

Scunthorpe General Hospital

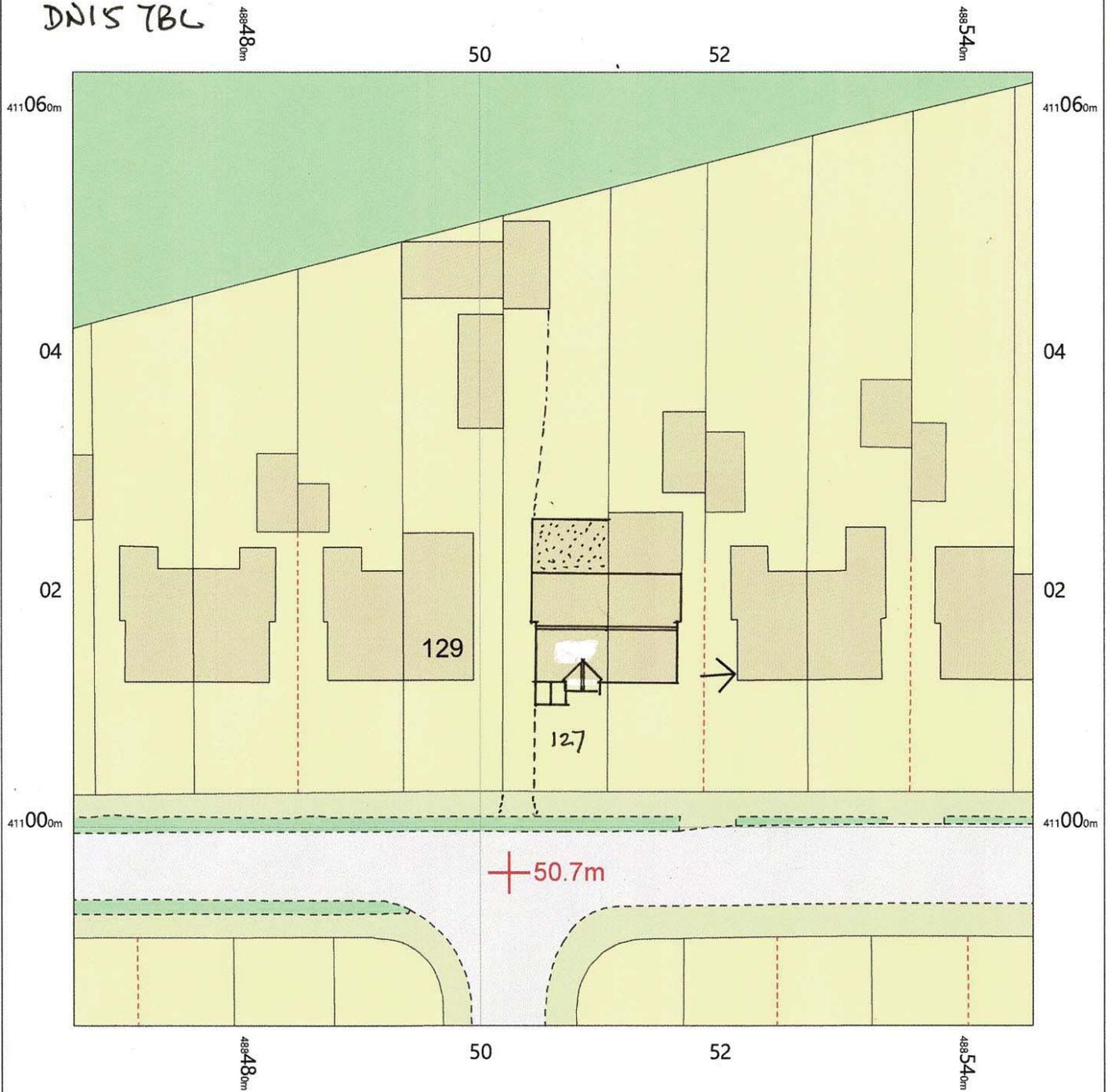
PA/2020/1849

North Lincolnshire Council

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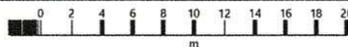
# PA/2020/1849 Block plan (not to scale)

MR. A. SYED  
 127 CLIFF GARDENS  
 SCUNTHORPE  
 DN15 7BL



"PROPOSED BLOCK PLAN"

DRG. NO. AS/20/04A



Monday, November 9, 2020, ID: BW1-00915226  
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1:500 scale print at A4, Centre: 488506 E, 411023 N

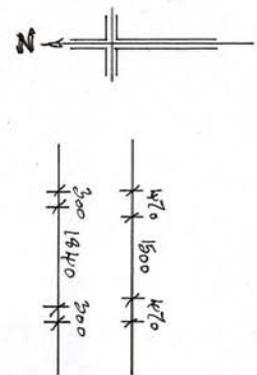
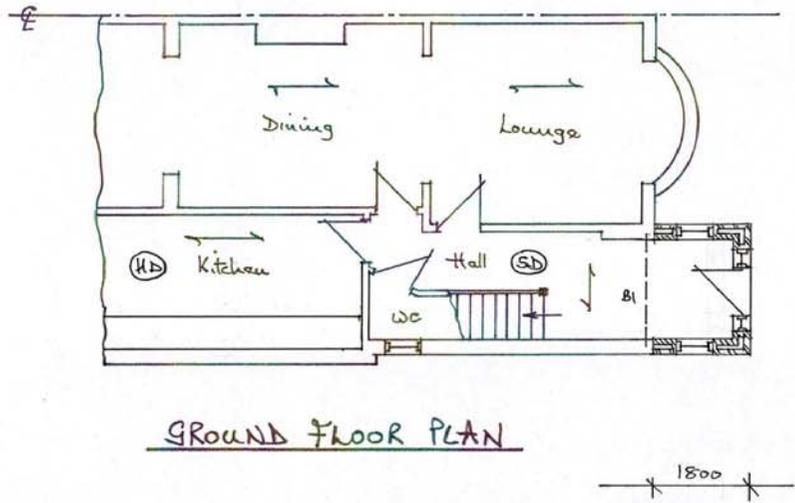
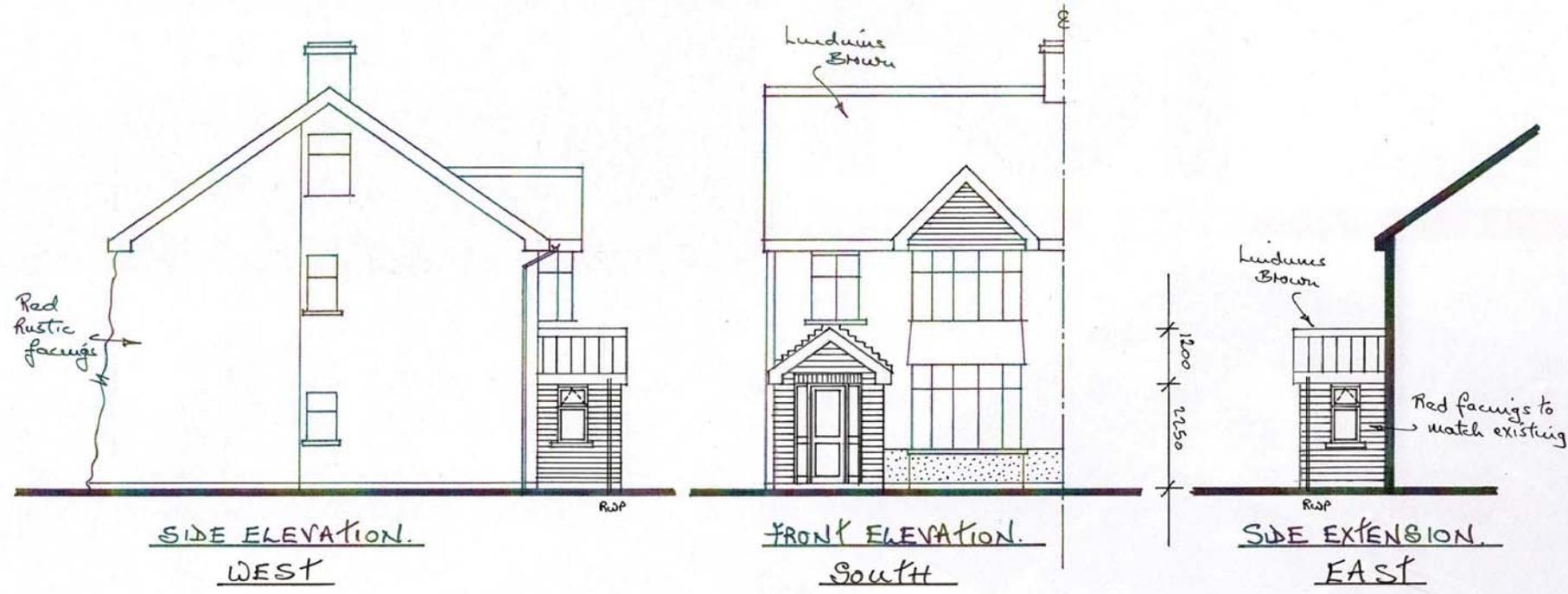
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Page 141



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HD - denotes mains wired & interlinked heat detector with battery back-up.  
 SD - denotes mains wired & interlinked smoke detector with battery back-up & include one on first floor landing also.  
 Note: New beam BI to be set within existing floor depth & new porch ceiling to be set level with existing hall ceiling.

MR. A. SYED  
 127 CLIFF GARDENS  
 SCWTHORPE  
 NTH. Lincs DN15 7BL

PROPOSED FRONT  
 PORCH EXTENSION

DRAWN BY:  
 JEM MANAGEMENT SERVICES  
 45 OSWALD ROAD  
 SCWTHORPE 07764 922416

DATE: NOVEMBER 2020  
 SCALE: 1/100 @ A3

DRG. NO: AS/20/02  
 REV.