

Public Document Pack

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

24 February 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). (Pages 1 - 2)
3. To take the minutes of the meetings held on 16 December 2020 as a correct record and authorise the chairman to sign. (Pages 3 - 14)
4. Applications deferred from previous meetings for a site visit. (Pages 15 - 56)
5. Major Planning Applications. (Pages 57 - 112)
6. Planning and other applications for determination by the committee. (Pages 113 - 290)
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

**DECLARATIONS OF PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS
AT MEETINGS**

(to be completed by relevant members present at the meeting below)

MEETING: Planning Committee **DATE:** 24 February 2021 **Member Name:** _____

Page Number	Agenda Item Number or Application Number	Nature of Interest (Disclosable Pecuniary, Personal or Personal and Prejudicial)	Reason/Nature of Declaration
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DECLARATIONS OF LOBBYING

Agenda Item Number or Application Number	Lobbied By
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 2</p>	

DECLARATIONS OF WHIPPING ARRANGEMENTS (SCRUTINY PANELS and relevant QUASI-JUDICIAL MEETINGS ONLY)

Name/Group	Agenda Item Number or Application Number	Nature of Whipping Arrangements

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16 December 2020

PRESENT: - N Sherwood (Chairman)

J Evison (Vice Chairman), J Davison, L Foster and D Southern

Councillors J Briggs, T Mitchell, R Ogg, N Poole, D Rose, C Sherwood, K Vickers, P Vickers, J Walshe and D Wells attended the meeting in accordance with Procedure Rule 37(b).

The meeting was held at the Virtual Meeting Microsoft Teams.

2057 **SUBSTITUTIONS**

There were no substitutions at this meeting.

2058 **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).**

The following members declared a personal interest:-

Councillor Rose

Minute(s) 2061 (iii), 2062 (iv) and 2062 (v) - Application(s) PA/2020/362, PA/2020/1354 & PA/2020/1452

Nature of Interest - Chair of CPRE Northern Lincolnshire Chair of CPRE Yorkshire and the Humber

The following members declared that they had been lobbied:-

Councillor Briggs

Application PA/2020/1504 2062(viii)

Cllr J Davison

Application PA/2020/1354 Minute 2062 (iv)

Cllr Evison

Application PA/2020/545 & PA2020/1059 Minute 2060(i) and 2060 (ii)

Cllr L Foster

Application PA/2020/1333 Minute 2061 (i)

Cllr Mitchell

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Application PA/2020/1413 Minute 2061 (iv)

Cllr Poole
Application PA/2020/248 Minute 2061 (ii)

Cllr N Sherwood
Application PA/2020/1365 Minute 2062 (iv)

Cllr Southern
Application – PA/2020 1452 Minute 2062 (v)

Cllr P Vickers
Application – PA/2020/545 Minute 2060 (i)

Cllr Walshe
Application – PA/2020/1333 Minute 2061 (i)

2059 TO TAKE THE MINUTES OF THE MEETINGS HELD ON 21 OCTOBER 2020 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN.

Resolved – That the minutes of the proceedings of the meeting held on 21 October 2020, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the Chairman.

2060 APPLICATIONS DEFERRED FROM PREVIOUS MEETINGS FOR A SITE VISIT.

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.

(i) 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

The agent stated that a great deal of work had been carried out on the application in conjunction with all statutory bodies including Yorkshire Water and the Highways Agencies on all aspects to meet requirements. He indicated further detailed information would then be submitted as the reserved matters stage. He stated that the flood risk water would be managed properly, and development of this kind does take place in flood zones all the time. On the highways issues he said that significant contributions would be made for improvements on Marsh Lane, and would lead to future benefits for the residents.

Councillors P and K Vickers as the local ward members urged the committee to refuse the application after receiving numerous objections to the

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application. They had concerns about the flood risk in the area and associated problems on Marsh Lane, as they felt it was a very difficult area and could not be improved as it was a very narrow lane. It would cause increased traffic problems and felt it was against a number of planning policies.

Cllr Evison stated he had severe problems with the application. He stated he knew the area very well and it was a narrow lane that would be difficult to expand. He said it was a flood risk area that had flooded, and was not suitable for the proposed development. He quoted a number of planning policies that it was contrary to, and felt there was more suitable areas available in Barton to develop on.

Cllr J Davison after visiting the site agreed with the previous speaker and was astounded by the narrowness of the lane, and felt it was more like a farmer's dirt track than a road, he also had concerns that the football entrance was also down there and would lead to even more traffic problems.

Cllr L Foster having visited the site and listened to the comments from the local ward members, who he believes had the in depth knowledge of the area was minded to agree due to the flood risk was an unsuitable development for the area. However, he did not agree with the highway concerns as he did not see it affecting the access and egress, and felt residents would when built park their vehicles on their own drives.

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

That planning permission be refused for the following reasons –

1.

The local planning authority considers that Marsh Lane is not suitable in terms of its width and overall condition to provide a satisfactory access to serve the proposed development. This is exacerbated by the high levels of on-street parking along Marsh Lane. The proposal would result in a significant increase in vehicles accessing Marsh Lane leading to increased hazards to vehicular and pedestrian users to the detriment of highway safety. The proposal is therefore contrary to policies T2 and H5 of the North Lincolnshire Local Plan, and paragraphs 108 and 109 of the National Planning Policy Framework.

2.

The site lies in flood zone 2/3a (tidal) and is therefore at high risk of flooding. In order to comply with the submitted Flood Risk Assessment, land raising would be required on the site and the finished floor levels of the habitable first floors would need to be set no lower than 6.9 metres above Ordnance Datum (AOD). This would result in a residential development that would be out of scale and very domineering in relation to the surrounding area to the detriment of the character and appearance of the locality. The proposal is therefore contrary to policy CS5 of the Core Strategy, and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

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Motion Carried.

(ii) 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.

The applicant outlined the reasons for the application and in doing so indicated that the dormer bungalow was for the applicant to retire to, and meet the needs of his families' circumstances. He stated it had been designed to adhere to the privacy of neighbouring properties, and minimise any impact.

Cllr C Sherwood spoke as the local ward member and asked that the objector's views in the report be taken into consideration due to the position of the dormer.

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

2061 **MAJOR PLANNING APPLICATIONS.**

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

(i) PA/2020/1333 by Mr W Foster-Thornton for outline planning permission to erect up to 144 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration at Land off Burringham Road, Ashby Parklands, Scunthorpe.

The agent for the development stated the development outlined would benefit the wider community, and had developed the application working with Lindsey Lodge Hospice who was the neighbouring property. She stated it was infill development within the limits of the local plan.

Cllr Walshe as the local ward member had concerns with the application around drainage and highways, and asked the committee to amend conditions 22 and 23 if approved to agree foul water management and the highway issues.

The Group Manager Development Manager and Building Control indicated that the conditions for the water management could be amended but the condition for the highways would have to be sorted through the Section 106 agreement with the applicant.

Cllr Evison agreed with the previous speakers and moved to grant permission with the amendment to the condition.

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Resolved – That planning permission be granted in accordance with the recommendations contained within the officers report, with amendment to the following condition:

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

Reason

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

(ii) PA/2019/1904 by Mr T Webster, WFW Developments Ltd for planning permission to erect 28 affordable dwellings with associated access and other works at Old Railway Sidings, A18 from Althorpe to Gunness, Althorpe, DN17 3HN

Cllr Briggs addressed the committee with regard to the application, and in doing so urged the committee to have a look at the site and access before making a decision.

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

(iii) PA/2020/248 by Partner Construction & Acis Group for planning permission to erect 20 dwellings comprising 10 rent to home buy, five shared ownership and five open market dwellings at land adjacent to the pumping station, Ings Lane, Hibaldstow.

Two objectors addressed the committee with their concerns to the proposed development. They indicted that a rural exception site should be driven by local need, and this was not the case in this application. Hibaldstow already had its allocation of social housing, with a lot of ongoing development already approved for the area. It would have a negative impact of the area, increased traffic on an already busy road, and possible drainage issues.

The agent referred to the application and highlighted it was a re-submission of an old one, and in the re-submission a great deal of work had been carried out with officer's to rectify any issues that were a problem last time. He indicated that there had been overwhelming evidence to suggest the need for the development, including some affordable housing in the area, along with the provision of 16 bungalows. He stated that there would be a full financial contribution to the area, and whilst it was beyond the settlement boundary, due to the affordable housing exception policy it was acceptable.

Cllr Poole raise his concerns with regard to the application on behalf of a number of residents. He agreed with the objectors but had an issue with the flooding aspect, and soak away systems that had previously failed. The pumping station was also in a low lying area next to the River Ancholme and

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flooding could be a problem. He urged the committee to refuse the application as there was insufficient evidence to demonstrate the need for the development in Hibaldstow and was contrary to a number of planning policies.

Cllr Evison stated there was no demonstrative evidence for affordable housing in Hibaldstow, and the application was contrary to the following policies CS9, CS2, CS5, CS8, RD2 and DS1. He said the scheme would urbanise the rural landscape, there was flooding issues, and noise issues from the pumping station and could not support the application.

Cllr J Davison agree with the objectors and their knowledge of the survey carried out that he felt was not independent, and agreed there was no affordable housing need in Hibaldstow.

Cllr L Foster stated that agents and applicants keep using the five year land supply as a reason for approval, and it was always going to be an issue until the new local plan was approved. He stated that development was a large scheme outside the development boundary and he could not support it.

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

That planning permission be refused for the following reasons –

1.
Insufficient evidence has been provided to prove that there is a demonstrable need for the proposed affordable housing to serve the settlement of Hibaldstow. The proposal is therefore contrary to policy CS9 of the North Lincolnshire Core Strategy.

2.
The proposal would introduce a significant amount of built form on a Greenfield site outside the identified development boundaries for Hibaldstow that would urbanise the existing rural landscape. The proposal is therefore contrary to policies CS2, CS5 and CS8 of the North Lincolnshire Core Strategy, and RD2 and DS1 of the North Lincolnshire Local Plan.

Motion Carried.

(iv) PA/2020/362 by Mr Kim Stones, Kim Stones Ltd for planning permission to erect 15 lodges, three glamping pods, a reception and office, and new vehicular access at Ponds, Poles Bank, Wroot.

The agent spoke in favour of the application.

Cllr Rose the local ward member spoke against the application for the reasons contained within the officer's report, and following concerns from local residents.

Resolved – That planning permission be refused in accordance with the

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reason contained within the officer's report.

(v) PA/2020/1413 by Modernistiq (Harrogate) Ltd, Modernistig (Harrogate) Ltd for application for approval of reserved matters following outline planning permission PA/2017/1975 dated 11/03/2020 for the erection of up to 23 dwellings, namely appearance, landscaping, layout and scale at Horse Shoe House, 119 Westgate Road, Westgate, Belton, DN9 1PY.

The agent spoke on the application and referred to the officer's report. He thanked the officer for recommending grant permission, and stated the development complied with all policies and the local plan. He stated that it was for reserved matters and following an appeal to the inspectorate who approved permission highlighted that the inspector said the benefits outweighed any harm that would be caused by the development.

Cllr Mitchell spoke as the local ward member against the application following objections from the community. He referred to the officer's report and stated that the comments from Belton Parish Council had been omitted but were on the planning portal, and therefore felt the committee did not have all the information in front of them. He also informed the committee that there were ongoing meetings with council officer's regarding the financial assessment and Section 106 agreement, and those meetings were still to take place so felt the application should be deferred until the committee had all the relevant information available to them.

Cllr Evison felt there was more work to be completed on the application and it should be deferred until it was all ready to come back to the committee.

Resolved - That the application be deferred to a future meeting to allow the committee to receive all the relevant information.

2062 **PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE.**

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/2020/390 by FKX Ltd for advertisement consent for the installation of two sets of LED internally illuminated built up flexface box system advertisements at Wren Kitchens, Falkland Way, Barton upon Humber, DN18 5RX.

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

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(ii) PA/2020/115 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.

An objector spoke on the application and had concerns with the application, particularly around possible smells that would be omitted from the site, increased traffic, and making the area busier for local residents.

The agent referred to the previous application that was present to committee the previous month that was for approval, and further information since had been presented raising concerns for the wildlife on site. She highlighted the benefits of the proposal and tried to reassure the committee of any concerns raised.

Cllr Ogg as the local ward member also raised concerns with regard to the possible smells, smoke and additional traffic.

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

(iii) PA/2020/1311 by Mr Garry Hirst, Delta Salvage Ltd for planning permission to erect an insulated steel-framed structure for storage and distribution (B8 use class), including associated hard-standing at Sandtoft Gateway, Sandtoft Road, Westgate, Belton, DN9 1FA.

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

(iv) PA/2020/1354 by Mr Paul Chapman for 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) at Duke William Hotel, 27 Church Street, Haxey, DN9 2HY.

The Group Manager Development Management and Building Control gave a verbal update to the committee requesting that the item be deferred for further information to be considered.

Resolved – That the application be deferred to a future meeting to allow for further information to be considered.

(v) PA/2020/1365 by Mrs Rebecca Proctor for planning permission to replace all windows and external doors at Camasstraddan, 41 Main Street, Saxby All Saints, DN20 0QF.

Cllr C Sherwood addressed the committee as the local ward member, and in doing so urged the committee to take some sympathy with the application, and treat it on its own merits. He stated that the officer's report said the door could be UPVC but the windows had to be wood. The cost of the wood

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windows would be substantially more for the applications, and there was other properties down the streets with UPVC windows that did not look out of place.

Cllr Evison felt that he could not go against the officer's recommendation to refuse the application as there was a line to follow in conservation areas.

Cllr L Foster agreed there was a line to follow in conservation areas, however, he did have sympathy with the applicants, and felt that there should be some compromise available between the officer's and the applicant to come up with a suitable outcome.

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

That planning permission be refused in accordance with the recommendations contained within the report.

It was then moved by Cllr L Foster and seconded by Cllr Southern as an amendment –

That the application be deferred to allow for further discussion to be held with the applicant.

Amendment Carried.
Substantive Motion Carried.

(vi) PA/2020/1452 by Mr Tony Pearson for outline planning permission to erect a dwelling with appearance, landscaping, layout and scale reserved for subsequent consideration at land between 47 and 51 Akeferry Road, Westwoodside, DN9 2DU.

The agent spoke and referred to an appeal that went to the inspector on this application. In doing so stated that the inspector indicated that the specific nature of the property would not have any effect on the historic pattern of the fields, and that the planning officer in his report stated that it should be approved. He felt there was no legal planning reason to refuse the application.

Cllr Rose as the Local Ward member urged the planning committee to refuse the application due to the adverse impact it would have on the historic landscape. He stated that the application had been refused on numerous occasions, and also by the appeal inspectorate who felt that the benefits would not outweigh the harm. He said it was contrary to policies, and all the reasons it was refused for previously were still relevant.

Cllr Evison and Cllr Davidson indicated they could not support the application as there was not enough detail on the scale and mass of the property, and should be refused on the grounds it was previously refused on.

Cllr L Foster and Cllr Southern stated they had no objections to the proposal as it was only for outline permission at this stage, and the detail would follow.

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They felt the application had done everything within their power taking into considerations the reasons for refusal previously.

The Group Manager for Development Management and Building Control informed committee members that the application could not be refused on the same grounds as the last time as the application before them is for outline whilst the previous application was a full application.

It was moved by Cllr Evison and seconded by Cllr Davidson-

That planning permission be refused for the following reason –

1.

The proposal would introduce an unacceptable character impact through the visual intrusion of an extension of the residential environment into the historic landscape. The development would therefore have an adverse impact on the character, appearance and setting of the Isle of Axholme Area of Special Historic Landscape and its national significance. Filling the gap through development of this plot would alter and damage the character and setting of the historic landscape where there are clear views of the farmstead within the historic landscape. The proposal is therefore contrary to policies H3, ST3, LC12 and LC14 of the North Lincolnshire Local Plan.

Motion Carried.

(vii) PA/2020/1459 by Mr R Hewson for planning permission to erect a replacement dwelling, including demolition of existing dwelling at Melwood Grange, Melwood Hill, Epworth, DN9 1AA.

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

(viii) PA/2020/1504 by Absolute Children's Services for planning permission for change of use from a dwellinghouse (Class C3) to a children's home (Class C2) for up to four young people at Pennyfields, 35 Washinghall Lane, Eastoft, DN17 4PR.

The agent informed the committee that they were seeking permission for a children's for the current growing demand. He said it would be therapeutic care for four young people, moving out of the busy urban areas, into a more quiet rural setting that was proven to be good for their mental health. He felt the Parish Council had stereotyped in their objection, and all planning grounds had been covered by the applicant, and that all statutory consultees were happy.

Cllr Briggs spoke as the Local Ward member and had numerous concerns regarding the proposal. He felt it was a commercial enterprise being place in a rural community and the infrastructure in the area was not suitable for young people, with limited services and amenities. He also stated that the Parish Council had previous experience of this kind of commercial enterprise

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in a rural setting and it had a detrimental effect on the area. He stated it was not in keeping with the area, it would have a detrimental impact on the residential area, and was contrary to a number of planning policies.

Cllr Evison and Davison felt the application should be refused as it was not located in the right place. They appreciate the requirements for these homes, but also felt the views of the local ward member were reasonable, and that young people want to be in urban settings where there is more activities going on.

Cllr L Foster felt there was no planning terms to refuse the application, and felt there was a need for these places in all settings.

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

That planning permission be refused for the following reason –

1.

The proposal, which is not located within the Scunthorpe and Bottesford Urban Area, Barton upon Humber or Brigg, represents an unsustainable use as it is not readily accessible to local services. Furthermore, the proposal would have an impact on the character of the area by introducing a commercial enterprise in an area which is predominantly residential in character, and is considered to be detrimental to residential amenity through noise and disturbance. The proposal is therefore contrary to policies DS1 of the North Lincolnshire Local Plan, CS1, CS2 and CS5 of the North Lincolnshire Core Strategy, and guidance contained within the Interim Planning Policy for Residential Care Homes/Institutions.

Motion Carried.

(ix) PA/2020/1511 by Mr Keith Selby for outline planning permission to erect two dwellings with all matters reserved for subsequent consideration at 42 Jeffrey Lane, Belton, DN9 1LT.

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

2063 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE SPECIFIED.**

There were no other items for consideration by the committee at this meeting.

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NORTH LINCOLNSHIRE COUNCIL

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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 planning 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 24 February 2021.docx
Date: 15 February 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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APPLICATION NO	PA/2020/764
APPLICANT	Mrs Smith
DEVELOPMENT	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
LOCATION	Field south-east of Catchwater Farm, Butterwick Road, Messingham, DN17 3PL
PARISH	Messingham
WARD	Ridge
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	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

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

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

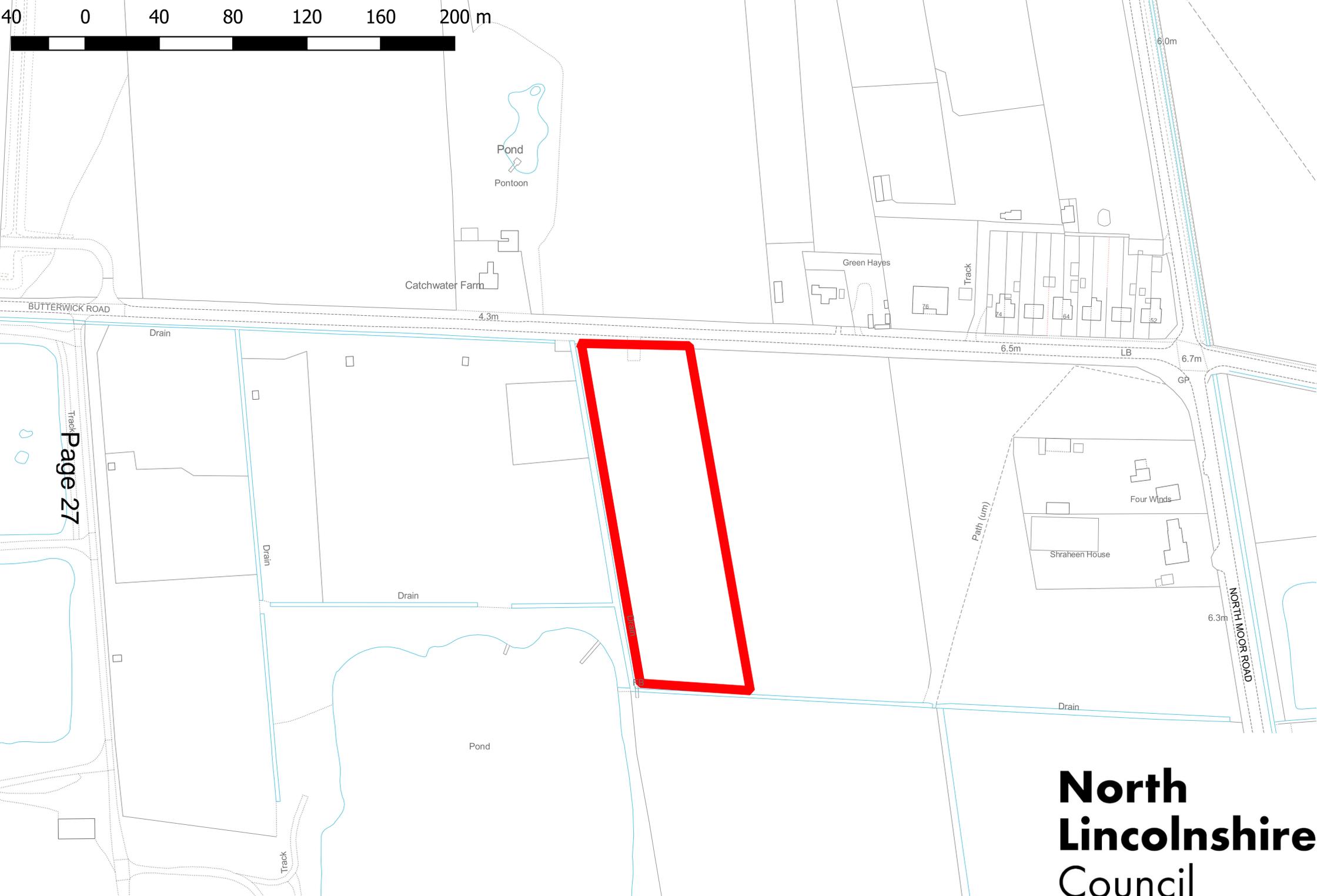
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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.

40 0 40 80 120 160 200 m



Track
Page 27

**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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APPLICATION NO	PA/2020/1066
APPLICANT	Mr M Richards
DEVELOPMENT	Outline planning permission for up to five dwellings and associated works with appearance, landscaping, layout and scale reserved for subsequent consideration
LOCATION	Butchers Arms, White House Lane, West Halton, DN15 9AZ
PARISH	West Halton
WARD	Burton upon Stather and Winterton
CASE OFFICER	Emma Sheppard
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Elaine Marper, Ralph Ogg and Helen Rowson – significant public interest)

POLICIES

National Planning Policy Framework:

Paragraph 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

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

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:

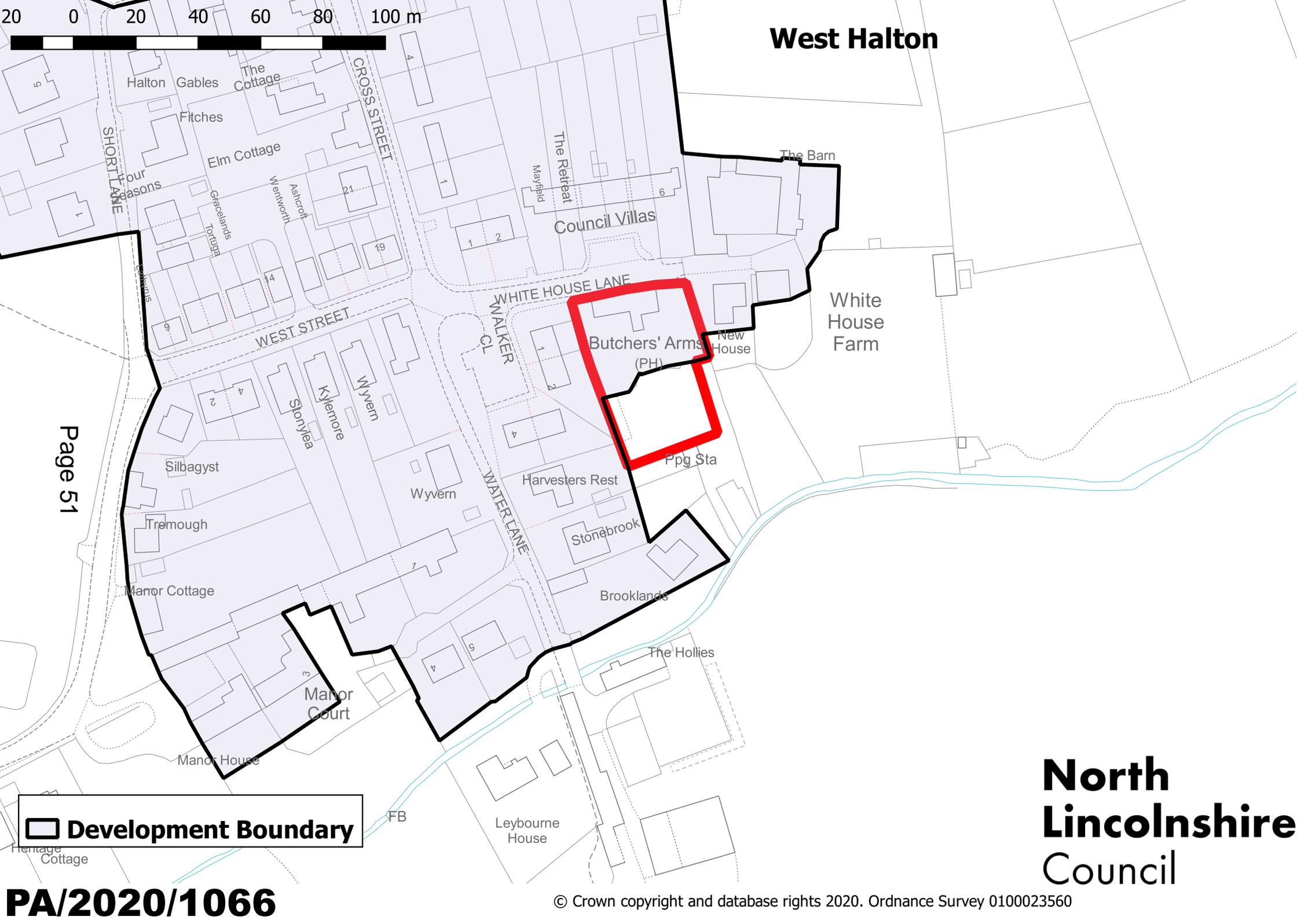
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

20 0 20 40 60 80 100 m

West Halton



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 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
Two Bedroom Units								
270	2	2 Bed Semi / Terr	70	753.47	3	210	2280.42	55.56%
Three Bedroom Units								
384	3	3 Bed Semi / Terr / Det	84	904.17	2	168	1808.34	44.44%
Total			5	378	5	4088.75	100.00%	

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	Status	
Richards Developments	Client	
Land At Butchers Arms, West Halton	Project	
Indicative Layout	Drawing Title	
JUN 2020	AP/HH	Scale
1:500		
GEORGE F. WHITE PLANNING ARCHITECTURE DEVELOPMENT www.georgefwhite.co.uk		
Project Number	Dwg No.	Revision
BDL704289	001	-



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40 0 40 80 120 160 200 m



North Moor Road to
Scotter Road South
into Scunthorpe



To East Butterwick



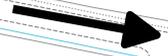
Pond
Pontoon

Catchwater Farm

Green Hayes

Track

Butterwick Road to
Messingham



Page 53

6.5m

LB

6.7m

GP

Bridge Farm

Four Winds

Shraheen House

6.3m

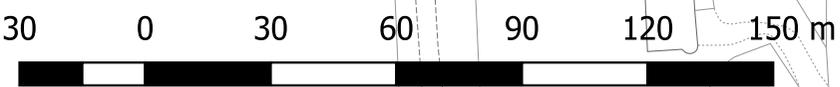
Pond

North Moor Road
South to Scotter



**North
Lincolnshire
Council**

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18.9m
North to Whitton

Alkborough Lane to
West Halton Lane to
Alkborough

Page 55

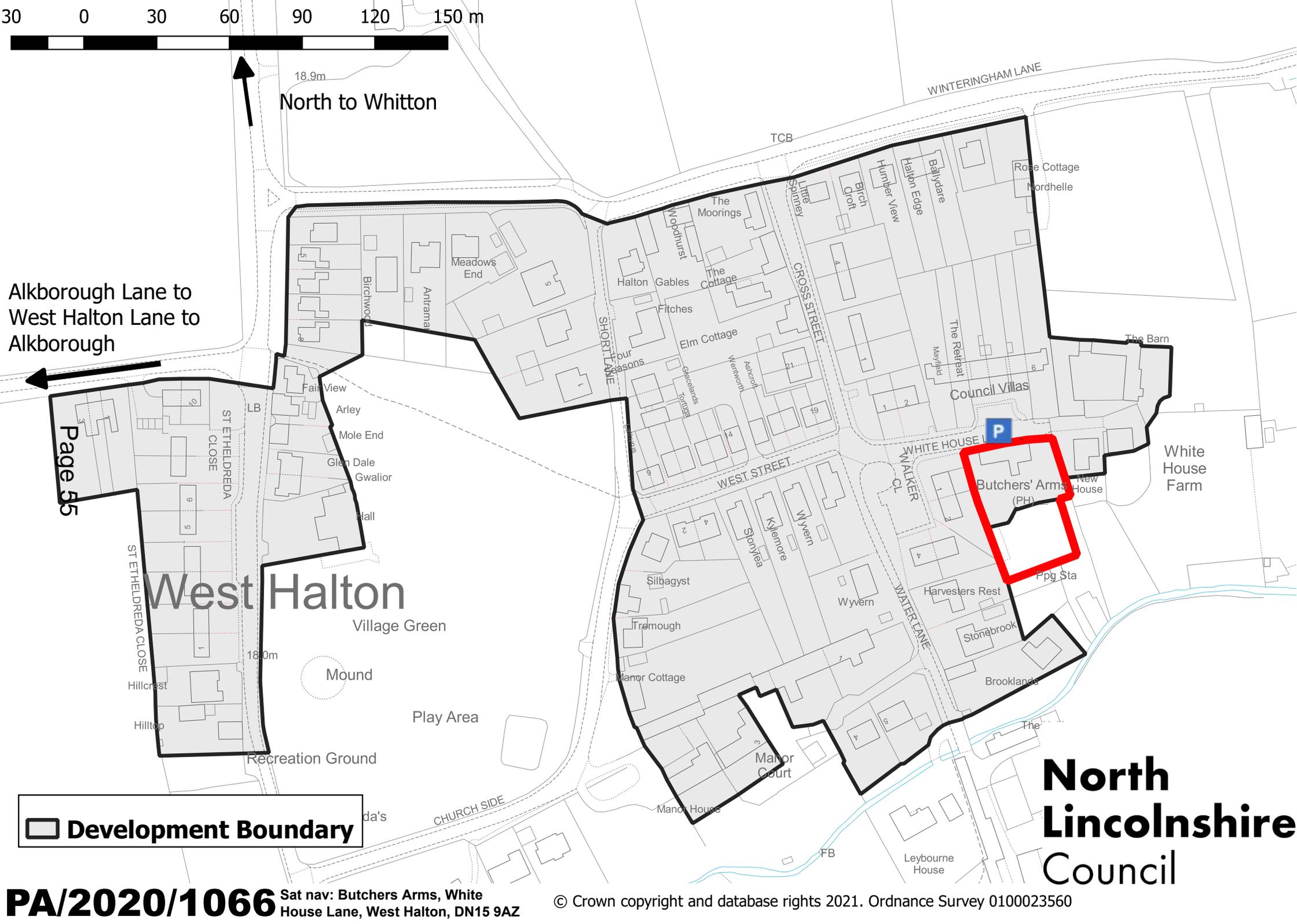
 **Development Boundary**

PA/2020/1066

Sat nav: Butchers Arms, White House Lane, West Halton, DN15 9AZ

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**North
Lincolnshire
Council**



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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 some time 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 24 February 2021.docx

Date: 15 February 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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APPLICATION NO	PA/2020/554
APPLICANT	Mr Steven Ibbotson, Cyden Homes Ltd
DEVELOPMENT	Hybrid application comprising full planning permission to erect five dwellings and outline planning permission for 94 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration.
LOCATION	Land at Brigg Road, access located between 57 and 71 Brigg Road, Messingham
PARISH	Messingham
WARD	Ridge
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Subject to a Section 106 Agreement, grant full and outline planning permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Significant public interest Contrary to policy Member 'call in' (Cllr Neil Poole – significant local interest and outside the development boundary)

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and Enhancing the Historic Environment

North Lincolnshire Local Plan:

Policy RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy HE2 (Development in Conservation Areas)

Policy HE5 (Development Affecting Listed Buildings)

Policy HE9 (Archaeological Excavation)

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

Policy C1 (Educational Facilities)

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy T6 (Pedestrian Routes and Footpaths)

Policy DS1 (General Requirements)

Policy DS7 (Contaminated Land)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

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

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS22(Community Facilities and Services)

Policy CS23 (Sport, Recreation and Open Space)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

CONSULTATIONS

Highways: No objections subject to conditions relating to road safety, access and parking. Bus taster tickets should be provided and a Traffic Regulation Order is required for the site access.

Environment Agency: Does not wish to comment on the application. In response to the amended Flood Risk Assessment (FRA) and Drainage Strategy, the EA confirms the site is located in Flood Zone 1 and is not at risk of fluvial or tidal flooding. The EA notes that foul sewage will be discharged to the main foul sewerage system and the FRA states that Severn Trent Water have confirmed there is capacity to accept this.

Drainage (Lead Local Flood Authority): No objections subject to conditions requiring the submission of a surface water drainage scheme and a scheme to prevent surface water run-off from hard paved areas within the site onto the highway.

Severn Trent Water: Has not responded to consultations.

Shire Group of Internal Drainage Boards: Comments that the proposed drainage rate is acceptable subject to a consent application to the IDB. No objections in principle if surface water is to be disposed of via a soakaway system, but ground conditions may not be suitable and percolation tests should be undertaken. No objection in principle providing the Water Authority is satisfied the existing system will accept the additional flow. If surface water is discharged into any ordinary watercourse, consent is required from the IDB. No obstructions are permitted within 9 metres of the edge of any ordinary watercourse without consent from the IDB.

Environmental Protection: Conditions are requested relating to contamination, electrical vehicle charging points, restrictions on construction and site clearance operations, and the submission of a CEMP.

Historic Environment Record: No objection.

Ecology: The site of this outline application is of comparable value to sites protected by saved policy LC4 of the North Lincolnshire Local Plan and supports a threatened species. The outline proposal is contrary to policy CS17 of the Core Strategy and, as it stands, results in an objection from an ecological perspective. The full application for five dwellings is more acceptable. If the application is to be approved despite the objections, then significant ecological compensation and biodiversity enhancements will be required.

S106 officer: Contributions for education, affordable housing, leisure, biodiversity, open space, a LEAP and transport will be required.

Leisure: In the circumstances, if this development is approved, no on-site formal leisure provision (as opposed to informal recreation and open space requirements, which are addressed by others) would be sought. Instead, to allow the developer to maximise the development potential of the site, an off-site leisure contribution would be sought towards the cost of providing an artificial turf football pitch.

A 'sports facility calculator' has been developed by Sport England for planning obligation purposes associated with leisure facilities. A contribution of £34,581 would be required towards the anticipated costs if this application is successful.

Education: Primary and secondary contributions are required totalling £688,504 excluding affordable and any over 55's products.

NL CCG Primary Care/GP Practices: No response.

Waste and Recycling: The bin collection areas shown on the site location plan are not positioned or of an adequate size in relation to where properties are situated on unadopted private roads.

Humberside Fire and Rescue Service: Adequate access for fire-fighting needs to be provided to all buildings or extensions to buildings. Adequate provision of water supplies for fire-fighting appropriate to the proposed risk should be considered.

Tree Officer: Comments that a timeline and method statement, with regard to root protection areas, need to be in place before works commence.

PARISH COUNCIL

To original plans: Messingham is a village and has reached its target population. Any further development of this size would urbanise the village and change its character. The village infrastructure is not coping with the existing demand from residential properties, increasing numbers of foul water issues, resulting in WCs not flushing and raw sewage entering local waters courses. This is a public health issue. There should be a moratorium on all development in the village until the existing foul water infrastructure issues are resolved. A development of this size would generate an increased number of vehicle movements emerging onto an already busy road that in parts suffers from congestion due to parked vehicles and is subject to traffic monitoring due to speeding. The development is outside the current development boundary. The parish council has recently submitted an objection to the local plan preferred options document to defend any extension to the present development boundary.

To amended plans: Reiterate their initial comments.

PUBLICITY

The application has been advertised by site and press notices, and placed on the council's website. Over 100 letters of objection have been received to the original and amended plans. Four letters have been received raising no objection and two in support.

The material planning issues raised in the responses are:

- Brigg Road cannot support extra traffic from the development
- increased parking
- schools at capacity
- inadequate infrastructure
- doctor's surgery at full capacity
- the site should remain undeveloped
- there is sufficient housing for the area
- the drainage system is already at full capacity
- loss of wildlife and habitats
- dangerous access
- increased crime
- the land floods
- maintenance of watercourses and operation of flood defences is required
- a surface water management strategy is required
- the scheme should not result in flooding elsewhere
- the site is green belt land
- contrary to policy
- increased noise and disturbance
- there are few employment opportunities in Messingham
- unsustainable development
- lack of public transport
- loss of privacy
- danger to pedestrians

- increased air pollution
- cemetery at capacity
- outside the development boundary
- loss of character
- loss of community
- out of scale with the village
- lack of amenity space
- urbanisation
- over-development
- water supply pressure issues
- maintenance of attenuation pond
- further development proposed
- overlooking
- loss of farmland
- loss of light
- need to ensure S106 contributions are used in Messingham
- overshadowing
- visual impact
- no social benefits
- disruption during drainage connections
- additional recreational facilities should be provided
- the application is premature as the new local plan has not been adopted
- the development is too dense for the site and area
- lack of landscaping
- loss of view
- road accidents in the transport assessment are only those reported, not those unreported

- a children's park should be provided adjacent to the proposed development
- adverse impact on the public footpath
- loss of trees
- the site has been ploughed
- boundary treatments are required to safeguard privacy
- recent approvals for housing in Messingham
- bungalows should be located adjacent to existing residential properties
- loss of hedgerows
- speeding.

The letters of support raise the following issues:

- much needed quality housing will be delivered
- an improved drainage solution will be provided
- affordable housing will be provided
- the access is safe
- contributions to community facilities will be provided
- sustainable form of development
- development will support existing services and facilities in Messingham
- additional employment opportunities.

A number of letters raise no objection to the proposed five dwellings but object to the proposed 94 dwellings.

STATEMENT OF COMMUNITY INVOLVEMENT

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

ASSESSMENT

The proposal

This is a hybrid application **that seeks both outline and full planning permission for two different parts of the same site as follows:**

- full planning permission to erect five dwellings; and

- outline planning permission for 94 dwellings, with appearance, landscaping, layout and scale reserved for subsequent consideration, with only the access to be determined at this outline stage.

The two elements of the application are intrinsically linked, with the main access to the site from Brigg Road located on the site frontage. Two detached dwellings are also located on the site frontage with three dwellings (one pair of semis and one detached dwelling) located directly behind these two dwellings. (These five dwellings form the application for full planning permission.) The access from Brigg Road provides access to four of the dwellings subject to the full application and to all the dwellings subject to the outline application. One additional access from Brigg Road will serve plot 1 which forms part of the full planning application for the five dwellings. The proposed 94 dwellings, which form the outline application, will be located on the rest of the site. The submitted layout plan shows an attenuation pond and public open space on the site to the rear of existing properties on Brigg Road.

The application has been amended by the submission of tree root protection areas, trees to be retained, additional drainage information, ecology and biodiversity enhancement plans and reports, provision of public open space on the site, arboricultural and drainage reports, and an updated flood risk assessment. The applicant has also submitted a viability report for the development that has been independently assessed by an expert in this field.

Planning history

There is no relevant planning history for the site.

The site

The site is approximately 3.83 hectares and is grade 3 agricultural land that is not currently in active production; it has recently been ploughed. Part of the application site (the site of the five dwellings) is within the development boundary for Messingham, whilst the majority lies outside it. The site will be accessed off Brigg Road. It is bounded by residential properties on the southern (Brigg Road and Ash Grove) and western (East Green) boundaries. The northern and eastern boundaries are bounded by some hedgerows and ditches with agricultural fields beyond. The site is not level – it slopes down from the northern boundary to the southern and eastern boundaries. The level change is approximately 32.5 metres above Ordnance datum (AOD) to 30.5 metres AOD. The site lies in Flood Zone 1 in the council's Strategic Flood Risk Assessment and is therefore at low risk of flooding.

It must be noted that the site is a preferred option site in the emerging New Local Plan (Land to the North of Brigg Road – H1P-24p) for residential development of 92 dwellings. Little weight can be given to these matters as the New Local Plan is in its early stages of the process to adoption with the preferred options consultation stage completed earlier last year.

The main issues to consider in the determination of this application are the principle of development; impact on the character and appearance of the area; amenity; highway safety; impact on biodiversity; flood risk and drainage; archaeology, contamination and viability.

Principle

Part of the application site is within the development boundary for Messingham, the majority of the site lying outside it. The area of the site within the development boundary comprises the main access into the site and the site of the proposed five dwellings, the subject of the full planning application. There is, therefore, a presumption in favour of residential development of these five dwellings and the associated accesses. This aspect of the proposal would, in principle, align with Core Strategy strategic policies CS2, CS3 and CS8.

The majority of the application site is outside the defined settlement boundary for Messingham and the proposal would represent a departure from the North Lincolnshire Local Plan. As the site is mainly outside the development boundary of Messingham, in determining whether the principle of residential development outside the settlement boundary is acceptable in this instance, it is necessary to consider whether the proposed development is sustainable in planning policy terms.

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 rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

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

The overall strategy for North Lincolnshire, as set out by policy CS2, sets out a sequential approach for development: firstly in Scunthorpe, followed by the market towns and then rural settlements. The bulk of housing requirement for North Lincolnshire under this strategy is allocated for Scunthorpe at 82% of the total housing requirement with 18% in the market towns of Barton upon Humber, Brigg, Crowle, Kirton in Lindsey and Winterton. There are no allocated housing sites within the rural settlements.

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

LP 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 aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The majority of the application site is outside the defined development boundary for Messingham and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy, and RD2 of the North Lincolnshire Local Plan.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up-to-date.

A recent review of the of the Five Year Housing Land Position Statement has identified that the council's housing land supply has reduced from five years and six dwellings, to four years. The council has prepared a Housing Delivery Action Plan in accordance with the National Planning Policy Framework and Planning Policy Guidance. 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 and other residential schemes that have been granted planning permission.

The revised Five Year Housing Land Supply Position Statement is still awaiting update and as such any decisions 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 which are most important for determining the application will carry reduced weight during this period.

National Planning Practice Guidance paragraph 008 states that, in decision-taking, if an authority cannot demonstrate a five-year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework.

Given the current five-year land supply deficit, it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly the 'tilted balance' in paragraph 11 of the NPPF is triggered, whereby there is a presumption in favour of sustainable development and development proposals should be approved 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 Framework: economic, social and environmental.

Economic

Investment in construction and related employment would represent a benefit whilst the dwellings and associated infrastructure were being constructed. The additional population would provide support to the local economy in terms of residents using the facilities, businesses and services located in Messingham. The proposed dwellings would also generate council tax revenue for the council.

Social

In terms of the social benefits, the proposal would contribute to the council's housing land supply by providing a significant number of dwellings on the site. A LEAP and a significant level of public open space would be provided on the site.

Environmental

In terms of the environmental dimension, the proposal would result in landscaping and biodiversity enhancements on the site. Pedestrian and cycle paths would be provided within the development and pedestrian links can be provided from the site into the central area of Messingham. SuDs would be incorporated into the development. These are all benefits of the scheme. However, the application would significantly alter the character and appearance of the countryside in this area, particularly given the scale of development proposed, and result in the loss of some hedgerows and trees.

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land and the scale of the shortfall limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. In determining the sustainability of the proposed development, an assessment not only relies upon planning principle but also whether the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or if any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal.

Messingham itself is identified as a rural settlement by the Core Strategy and ranks 9th overall in the North Lincolnshire Sustainable Settlement Survey 2019. It contains all seven of the key facilities, which include a primary school, convenience shops, public house, village hall/church hall/community centre. Messingham has good public transport links, with a number of bus services providing access to the larger settlements of Brigg, Kirton in Lindsey and Scunthorpe, for example. It is a larger rural settlement and is considered to be a sustainable settlement due to the facilities and access to facilities it has. These material factors, along with the holistic assessment, including technical analysis, will allow an assessment to be made of the sustainability of this proposed development.

Highways

In terms of highway issues, many comments have been received relating to access to the site from Brigg Road, the safety of this junction, parked cars along Brigg Road and speeding issues. The issue of speeding is a matter for the police to address through their law enforcement powers. The accesses serving the proposed development are both from Brigg Road. In relation to the outline application, access is not a reserved matter – it is to be determined at outline stage. The access will be a private road. The applicant has submitted a transport assessment with the application. The plans and transport assessment have

been assessed by Highways. Highways have raised no objection to the proposals subject to a number of planning conditions relating to the layout and construction of the access, adequate car parking, and the submission of a construction phase traffic management plan.

Highways have also requested a contribution be made for an undertaking for the implementation of parking restrictions to protect the junction. This would only be implemented after a period of monitoring and would be subject to the statutory process. This is required in order to establish if parking restrictions are required around the junction for highway safety reasons. Highways have requested that bus taster tickets be provided to residents of the development. The applicant will provide details of these through the submission of a travel plan which is proposed as a planning condition. These aspects of the proposal would accord with policies CS5 and CS25 of the Core Strategy, policy T2 of the North Lincolnshire Local Plan and Chapter 9 of the NPPF.

Highways have raised no objections to the proposal and therefore it is acceptable in highway and parking terms, subject to the S106 contributions and conditions which will be imposed on any planning permission. The proposal therefore aligns with policies T2 and T19 of the North Lincolnshire Local Plan.

Flood risk and drainage

The site is located within Flood Zone 1 of the council's SFRA 2011 and is therefore at low risk of flooding. The SFRA is the most up-to-date flood risk assessment for North Lincolnshire. The applicant has submitted a Flood Risk Assessment with the application, which includes drainage information. The Environment Agency does not wish to comment on this application. As the site lies within an area at low risk of flooding, the proposal is considered to be acceptable in terms of flood risk and aligns with the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

In terms of drainage, concerns from residents and the parish council are noted. The applicant has submitted a Drainage Statement for the site. Severn Trent Water has been consulted on the proposal, but has not commented on the application. In terms of the disposal of foul water, many residents have commented on the sewage system in Messingham. No technical evidence has been submitted to demonstrate that the sewage system cannot accept additional flows. If the developer wishes to connect to the sewerage network they would need to serve notice under Section 106 of the Water Industry Act 1991. A planning condition will be used to ensure that details of the disposal of foul water from the site are submitted to the council for approval and Seven Trent Water would be consulted on the scheme. The proposal would therefore accord with policies CS18 and CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

In terms of surface water disposal, concerns from residents are noted. The LLFA, Severn Trent Water and the Environment Agency have all been consulted on the proposal. The Environment Agency does not wish to comment on the proposal and Severn Trent Water has not responded. Following concerns from the LLFA, the applicant has submitted an amended drainage statement and letters from the landowner/tenants confirming that they maintain the ditches to the northern and eastern boundaries of the site. The applicant has also confirmed that they intend to improve the section of highway drainage on Brigg Road (outside the red line application site boundary) to improve conveyance of surface water from this and upstream housing developments. The LLFA has carefully assessed all the submitted information and recommends planning conditions requiring the submission of a detailed surface water drainage scheme, together with details showing an effective method

of preventing surface water run-off from hard paved areas within the site onto the highway. This aspect of the proposal, subject to conditions, would therefore accord with policies CS18 and CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

Character impacts

Policy CS5 of the North Lincolnshire Core Strategy is relevant. It states, ‘...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place’ and ‘Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.’ Policy H5 of the local plan, which is concerned with new housing development, and paragraph 127 of the NPPF, are also relevant, though the criteria-based nature of policy H5 lends itself better to the assessment of any subsequent reserved matters application.

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

Paragraph ‘c’ of the policy states: ‘...the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;’

The proposal, in scale terms, would clearly represent a significant addition to the existing settlement and would alter the character and appearance of the site. The site has no formal landscape designation. It is considered that the visual impact of the scheme would be significant for neighbouring properties; the visual impacts would be less significant from wider areas with retained hedgerows providing some screening. An extensive landscaping scheme for the site, once established, would mitigate some of the visual impacts on the landscape and a number of trees and hedgerows are to be retained. The proposed development could effectively be integrated into the landscape and create a new edge of settlement consistent with the surrounding landscape setting. It is considered that a scheme could be achieved that would retain the sense of place in this area of Messingham, whilst also not giving rise to any unacceptable impingement upon future and existing amenity rights. As a result, in terms of the impact the development would have on the character of this area of Messingham, it is considered to be acceptable and would accord with part of policy RD2 of the North Lincolnshire Local Plan, as well as CS5 of the Core Strategy.

In terms of the five dwellings, full details of the layout and design of these dwellings have been submitted. A number of residents have raised no objections to these five dwellings which are located within the development boundary of Messingham. Brigg Road comprises a mix of housing types and designs. The proposal layout of the dwellings would not result in an adverse visual impact on this area of Brigg Road, the two dwellings on the site frontage effectively following the existing frontage pattern of this area of Brigg Road. The design of the dwellings would not be out of character with this area of Brigg Road and does not result in demonstrable loss of amenity to adjoining dwellings. This part of the application would accord with policies CS2, CS3, CS7, CS8 of the Core Strategy, policies H5, H8 and DS1 of the North Lincolnshire Local Plan and chapter 12 of the NPPF.

Archaeology

In terms of archaeology, the applicant has carried out field evaluation comprising a geophysical survey of the site followed, as necessary, by the excavation of trial trenches to confirm survey results. The results did not identify any significant archaeological features. No further archaeological work is recommended in connection with the development of this site and the proposal aligns with policy HE9 of the North Lincolnshire Local Plan, policy CS6 of the Core Strategy and paragraph 189 of the NPPF.

Biodiversity

In terms of biodiversity, the proposal would result in a net loss of habitat on the site which is contrary to policies CS5 and CS17 of the Core Strategy. This has been exacerbated by the site being ploughed after the application was submitted. However, no planning consent from the council was required to plough this land. A number of biodiversity enhancements can be obtained through planning conditions, including landscaping details and a biodiversity management plan. As part of the proposed scheme a number of trees and hedgerows would be retained and this can be conditioned accordingly.

To compensate for the net loss of habitat on the site, an S106 contribution is required. The shortfall in habitat units, taking into account on-site enhancements, is 11.2 habitat units when Defra's Biodiversity Metric Version 2.0 is applied to the site. To compensate for this, an off-site contribution of £123,200 is required to provide compensatory off-site habitat creation. The council's preferred approach would be to deliver species rich grassland in the local area. This would secure measurable net gains for biodiversity. Planning conditions will also be used to secure biodiversity enhancements on the site should permission be granted. This would align with paragraphs 170, 174 and 175 of the NPPF and policies CS5 and CS17 of the Core Strategy.

Hedgerows and trees

In terms of hedgerows and trees on the site, these have all been identified on the submitted plans and accompanying arboricultural reports. To facilitate the development a small number of trees and part of the existing hedgerows on the site boundaries are shown to be removed. It must be noted that none of the trees on the site are protected by a tree preservation order. The arboricultural report includes details of the tree and hedgerow protection measures to be installed on the site during construction to safeguard them during the build. These will form a condition on any planning permission. The tree officer has been consulted on the plans and raises no objections to the proposals. In terms of the full application for the five dwellings, trees are shown on this plan. Residents have expressed concern over the lack of trees associated with this part of the development. Details of these trees and shrub planting have been submitted and are acceptable. It is therefore appropriate to attach a condition that would ensure this landscaping scheme is implemented on site within the first planting season following the occupation of the dwellings. In terms of the outline application, landscaping is a reserved matter. Through the reserved matters application the council would also ensure a comprehensive and acceptable landscape is provided for the site. Comments from residents relating to ownership of some of the trees on the site are noted. This is a matter for the applicant and the relevant landowner to resolve. In terms of hedgerows and trees the proposal is considered acceptable and accords with policies CS5 and CS16 of the Core Strategy, and policies LC12 and DS1 of the North Lincolnshire Local Plan.

Residential amenity

In terms of residential amenity, the site would change from agricultural land to a residential housing estate. In terms of the outline application, it is considered that a scheme could be designed and laid out on the site to ensure that overlooking and privacy issues were avoided. This matter would be assessed at 'reserved matters' stage when residents would have the opportunity to comment on the details submitted. Within the reserved matters application details of the appearance, layout and scale of the proposed dwellings would have to be submitted for determination. The site is not level so planning conditions would be used to secure details of the levels at which the dwellings would be constructed to ensure that they would not result in loss of amenity to adjoining dwellings. Details of the boundary treatments for the new dwellings can also be secured by planning conditions to safeguard residential amenity. The proposal can accord with policy CS5 of the Core Strategy, and policies RD2, H5 and DS1 of the North Lincolnshire Local Plan.

In terms of the five dwellings, the detailed design and layout of these dwellings have been submitted. These dwellings comprise two detached dwellings on the site frontage with three dwellings (one pair of semis and one detached dwelling) located behind. The boundary treatments to these properties have been marked on the plans and comprise 1.8 metre high fencing and 1.8 metre high walls, which secures privacy between dwellings. The positioning, layout and design of these dwellings on the site would ensure adequate separation distances between properties to avoid demonstrable overlooking and loss of privacy. This part of the scheme would accord with policies CS2, CS3, CS7, CS8 of the Core Strategy, policies H5, H8 and DS1 of the North Lincolnshire Local Plan, and chapter 12 of the NPPF.

Contamination and environmental issues

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. The site comprises agricultural land that is currently not in active production. The site's agricultural use has the potential to have introduced contaminants to the site which may be harmful to human health. A Phase II Site Appraisal has been submitted with the application; a revised site appraisal has also been submitted. Environmental Health has been consulted on the proposal and has proposed a contamination condition requiring the developer to submit a written method statement to the council if contaminated material is found to be present on the site. This condition would be imposed on any forthcoming planning permission and the proposal, in terms of contamination, would align with policy DS7 of the North Lincolnshire Local Plan.

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

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

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

A condition to manage construction working hours is considered necessary to mitigate unacceptable impacts upon neighbouring amenity and will be imposed on any planning permission granted. The submission of a construction environmental management plan is also required to safeguard residents' amenity during construction. Subject to these conditions, it is considered that the proposal would accord with policies DS1 and DS11 of the North Lincolnshire Local Plan.

Deliverability

In terms of deliverability of the scheme, the applicant has submitted a delivery statement to demonstrate that the site is deliverable and, should planning permission be granted, there is a realistic possibility of the site being developed. The applicant has stated that, *'if this application were to be approved, in terms of delivery following a subsequent Reserved Matters application early in the new year, we would expect to be on site in the summer of 2021 and the first occupation to be in December 2021. We would anticipate the build rate to be between 20-25 dwellings per year.'* There is therefore a clear intention for the applicant to deliver the development on the site.

Planning obligations and viability

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

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

The legal test is also set out in planning policy under paragraph 56 of the National Planning Policy Framework 2019.

Affordable housing

Policy CS9 is concerned with affordable housing and requires schemes for new residential housing in rural settlements to contribute 10% of the scheme for affordable tenure.

Public open space and leisure contribution

Policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states, '(i) ...New housing developments on allocated and windfall sites of 0.5 ha 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 990 square metres of on-site public open space in order to comply with policy CS22. The location of the open space to be provided on the site would be secured within the S106 agreement. A local equipped area for play (LEAP) would also be provided on the site and maintained by an estate/resident management company. The design and layout of the LEAP would be dealt with by a planning condition and through the reserved matters application. This would be made explicit in the Section 106 agreement.

A leisure contribution has also been requested in the form of an off-site financial contribution of £34,581 towards the cost of providing an artificial turf football pitch in the locality/catchment area of Messingham. This accords with policy CS23 of the Core Strategy.

Biodiversity

A contribution is requested as the proposal would result in a net loss of habitat, although a number of biodiversity enhancements would take place on the site. The shortfall in habitats units, taking into account on-site enhancements, is 11.2 habitat units when Defra's Biodiversity Metric Version 2.0 is applied. To compensate for this, an off-site contribution of £123,200 is required to provide compensatory off-site habitat creation. This would secure measurable net gains for biodiversity. The council would seek to deliver species rich grassland in the catchment area. This would align with paragraphs 174 and 175 of the NPPF and policies CS5 and CS17 of the Core Strategy which seek to ensure that proposals will secure net gains in terms of biodiversity.

Education

Policy C1 states that where major new housing proposals would result in an increased demand for education facilities, which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, to secure the provision of, or contribution towards, new or extended facilities. The response from the education department to this application is that primary and secondary contributions are required, which are calculated as £688,504. (This figure excludes affordable, one-bed and over-55 dwellings.) The issue of school capacity raised by objectors is noted. It is accepted that the primary school is near to capacity. The S106 contribution requested by education would enable the school to be expanded.

Traffic Regulation Order

A financial contribution of £2,500 towards amending the existing traffic regulation order for the site access on Brigg Road is requested in the interests of highway safety.

Viability

Paragraph 57 of the NPPF states, '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.’ Within policy CS27 (Planning Obligations), the supporting text for this policy states, ‘It is important that development costs, including the cost of implementing planning obligation agreements, should not prejudice development that supports North Lincolnshire Council’s aspiration to see the regeneration, improvement and revitalisation of the area. If it is claimed that a development is unable to support the costs of a planning obligation (other than those essential to allow the development to proceed) then this could be the subject of negotiations. In such cases, the developer will have to demonstrate non-viability via an “open book” approach.’

The applicant has concerns that the S106 contributions required would make the scheme unviable. As a result the applicant has submitted a viability report. This has been independently assessed by a professional expert in this field who has concluded that the scheme is unable to support any affordable housing but could support a total S106 package of £582,327. Alternatively, if 10% affordable (all intermediate dwellings, as shown in the applicant’s appraisal) were provided, the scheme would be viable if the total S106 package was capped at £367,788.

In this case the local planning authority’s approach is for the applicant to provide an S106 contribution of £582,327 towards education and the Traffic Regulation Order (TRO). These are the contributions most required to provide additional school places for local schools and for highway safety. Open space and a LEAP would also be provided on the site through the S106.

It is acknowledged that the full contribution towards education cannot be provided, and there will be no financial contributions towards biodiversity or leisure, and no affordable housing will be provided on the site. The scheme will still provide a substantial sum towards education. The provision of 99 homes on this site would provide a high number of dwellings on the site, contributing positively to the council’s housing land supply and would provide a mix of housing types on the site. Therefore, on balance, the removal and reduction of some of the S106 contributions will allow for the delivery of this residential scheme on this site and the scheme therefore complies with the relevant policies in the NPPF and Core Strategy which confirm that there can be flexibility with regard to obligations that would make a scheme financially unviable.

Other issues raised

A number of people have raised the issue that the site is Green Belt land. The site is not Green Belt land, it is open countryside. The area of North Lincolnshire has no Green Belt land. Land ownership issues have been raised and these are private matters for the applicant to resolve. Concerns relating to the doctor’s surgery being full to capacity are noted. The Primary Trust has been consulted and has not responded. There is no technical evidence to suggest that this surgery is full to capacity. The issue of the lack of space at the cemetery is also noted, but is not a planning matter. The loss of farmland is noted, but this is Grade 3 agricultural land and is therefore not the best and most versatile agricultural land which is located within Grades 1 and Grades 2. The land is also not in active agricultural production. The issue of the proposal resulting in increased crime in the area is noted, but no evidence has been submitted to support this claim. A subsequent reserved matters application would need to ensure that it would accord with crime prevention design principles.

Pre-commencement conditions

All pre-commencement conditions attached to this recommendation have been agreed with the applicant and therefore accord with the requirements set out by the Planning Pre-commencement Regulations 2018.

Conclusion

The proposal has been subject to a full assessment giving due consideration to responses from technical consultees and third parties. In light of the independent assessment of the applicant's viability report, the applicant has also agreed to the heads of terms set out below. There has been substantial local opposition to the proposal and the material points have been considered under the relevant sections within this report, whilst other issues raised may be more pertinent to be considered at the reserved matters stage when the actual, appearance, landscaping, scale and layout of the outline scheme can be assessed in more detail. It must be also noted that many objectors are not objecting to the five dwellings the subject of the full planning application. It is considered, given the assessment above, that no adverse impacts related to the development exist that would significantly and demonstrably outweigh the benefits that would follow from a well-executed residential scheme in this location. Overall, 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, which sets a presumption in favour of sustainable development.

Heads of terms

S106 contributions	
On-site recreation	On-site LEAP. Estate/resident management company set up to maintain LEAP. The submission of a detailed scheme for the LEAP will be a condition and subject to the reserved matters application.
On-site public open space	On-site informal public open space of 990 square metres with an estate/resident management company set up – no financial contribution required. The submission of a detailed scheme for the public open space will be a condition and subject to the reserved matters application.
Education	£579,827 for primary and secondary places
Highways	A financial contribution of £2,500 towards amending the existing traffic regulation order for the site access

RECOMMENDATION

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

- (i) it is mindful to grant full planning permission to erect five dwellings and outline planning permission for 94 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration;
- (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 August 2021 the Group Manager – Development Management and Building Control be authorised to refuse permission on grounds of inadequate provision of essential community benefits;
- (iv) the full planning 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: 183/002 Rev C (Site layout), 183/004 (Proposed site and landscape layout plan for plots 1-5), 183/102 (Floor plans and elevations - Plot 03 House type dH403 Plot 04-05 House type sH303), 183/027 (site location plan) and 183/101 (Floor plans and elevations - Plot 01 House type dH402 Plot 02 House type dH414).

Reason

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

3.

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

Reason

In the interests of highway safety.

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.

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 other than shown on the approved drawings 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 (Brigg Road).

Reason

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

6.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking spaces serving it have been completed for this approved development 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.

7.

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.

8.

No dwelling on the site shall be occupied until the access road to serve the approved dwellings 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.

9.

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.

10.

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.

11.

The penultimate dwelling on this site shall not be occupied until the access roads to serve this approved development have been completed.

Reason

In the interests of highway safety.

12.

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.

13.

No development shall take place until a construction phase traffic management plan showing details of:

- all associated traffic movements, including delivery vehicles and staff/construction movements;
- any abnormal load movements;
- contractor parking and welfare facilities;
- storage of materials; and
- traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway along with appropriate methods of cleaning the highway as may be required;

has been submitted and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

In the interests of highway safety.

14.

No development shall take place (or building/property to be occupied) until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must be based upon the submitted Flood Risk Assessment, Version 2, submitted by RM Associates Ltd, dated December 2020; the Drainage Statement, Version 2, submitted by Hall Infrastructure Design Ltd, dated 17 December 2020; and letters from the owners/tenants of the northern and eastern boundaries dated 12 July 2020 and 14 July 2020.

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

15.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 14 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.

16.

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.

17.

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

Reason

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

18.

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

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

19.

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

- 7.30am to 6pm Monday to Friday

- 7.30am 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 safeguard the amenity of residents in accordance with policy DS1 of the North Lincolnshire Local Plan.

20.

All the approved landscaping shown on drawing number 183/004 shall be carried out within the first planting season following the occupation of any dwelling on the site (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

To ensure an acceptable landscaping scheme on the site in accordance with policies CS5 of the North Lincolnshire Core Strategy and DS1 of the North Lincolnshire Local Plan.

21.

The methods of protecting the existing trees and hedgerows to be retained on the site as specified in the submitted arboricultural method statement report for the site throughout the construction period shall be adhered to at all times and shall be maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

Reason

To safeguard the existing trees and hedgerows on the site in accordance with policy LC12 of the North Lincolnshire Local Plan.

22.

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

Reason

To ensure the dwellings are in character with the area, and to safeguard the amenity of adjoining dwellings in accordance with policy CS5 of the North Lincolnshire Core Strategy, and policies H5, RD2, and DS1 of the North Lincolnshire Local Plan.

23.

No above-ground works shall take place until a full schedule of the external materials for all the dwellings to be constructed on the site has been submitted to and approved in writing by the local planning authority. Thereafter only the approved materials shall be used on the dwellings.

Reason

To ensure the dwellings are in character with the area, and to safeguard the amenity of adjoining dwellings, in accordance with policy CS5 of the North Lincolnshire Core Strategy, and policies H5, RD2 and DS1 of the North Lincolnshire Local Plan.

and the grant of outline planning permission for 94 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration be subject to the following conditions:

24.

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.

25.

Plans and particulars of the reserved matters referred to in condition 24 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.

26.

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.

27.

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.

28.

The development hereby permitted shall be carried out in accordance with the following approved plans: 183/002 Rev C proposed site layout.

Reason

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

29.

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.

30.

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

Reason

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

31.

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.

32.

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 (Brigg Road).

Reason

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

33.

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.

34.

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.

35.

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.

36.

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.

37.

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.

38.

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.

39.

The penultimate dwelling on site shall not be occupied until the access roads have been completed.

Reason

In the interests of highway safety.

40.

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.

41.

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. The submitted travel plan will need to make reference to the provision of bus taster tickets to be provided to residents of the development.

Reason

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

42.

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.

43.

No development shall take place until a construction phase traffic management plan showing details of:

- all associated traffic movements, including delivery vehicles and staff/construction movements;
- any abnormal load movements;
- contractor parking and welfare facilities;
- storage of materials; and
- traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway along with appropriate methods of cleaning the highway as may be required;

has been submitted and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

In the interests of highway safety.

44.

No development shall take place (or building/property to be occupied) until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must be based upon the submitted Flood Risk Assessment, Version 2, submitted by RM Associates Ltd, dated December 2020, the Drainage Statement, Version 2, submitted by Hall Infrastructure Design Ltd, dated 17 December 2020, and letters from the owners/tenants of the northern and eastern boundaries dated 12 July 2020 and 14 July 2020.

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

45.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 44 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.

46.

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.

47.

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

Reason

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

48.

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

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.

49.

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

- 7.30am to 6pm Monday to Friday

- 7.30am 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 safeguard the amenity of residents in accordance with policy DS1 of the North Lincolnshire Local Plan.

50.

The methods of protecting the existing trees and hedgerows to be retained on the site as specified in the submitted arboricultural method statement report for the site throughout the construction period shall be adhered to at all times and shall be maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

Reason

To safeguard the existing trees and hedgerows on the site in accordance with policy LC12 of the North Lincolnshire Local Plan.

51.

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

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

and contemporaneous electrical standards, including:

- Electrical Requirements of BS7671:2008;

- IET Code of Practice on Electrical Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7.

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

Reason

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

52.

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

Reason

To ensure the dwellings are in character with the area, and to safeguard the amenity of adjoining dwellings in accordance with policy CS5 of the North Lincolnshire Core Strategy, and policies H5, RD2 and DS1 of the North Lincolnshire Local Plan.

53.

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 and noise limits; and
- (c) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light: The CEMP shall set out the particulars of–

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

Dust: The CEMP shall set out the particulars of–

- (a) site dust monitoring, recording and complaint investigation procedures;

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

Reason

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

54.

No above-ground works shall take place until a full schedule of the external materials for all the dwellings to be constructed on the site have been submitted to and approved in writing by the local planning authority. Thereafter only the approved materials shall be used on the dwellings.

Reason

To ensure the dwellings are in character with the area, and to safeguard the amenity of adjoining dwellings, in accordance with policy CS5 of the North Lincolnshire Core Strategy, and policies H5, RD2, and DS1 of the North Lincolnshire Local Plan.

55.

The reserved matters for layout and appearance shall show the position, layout and appearance of the on-site recreational open space and the position and equipment for the local equipped area for play (LEAP) to be provided on the site. The recreational open space and LEAP shall be retained thereafter.

Reason

To mitigate the development in planning terms by creating an appropriate level of recreational activities to serve the development and to accord with policies H10 of the North Lincolnshire Local Plan, and CS22 and CS23 of the North Lincolnshire Core Strategy.

56.

Within six months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall include:

- (a) details of bat boxes and bat bricks of at least two different specifications to be installed on at least 20 houses;

- (b) details of swift boxes and sparrow terraces to be installed on at least 20 houses combined;
- (c) details of nesting sites to be installed to support a variety of other species, including starling, house martin and garden birds;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- (g) details of wetland habitat to be created and managed as part of sustainable drainage;
- (h) appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
- (i) procedures for monitoring and ongoing management of created habitats;
- (j) measures to avoid light, noise and water pollution, fly-tipping and other factors that would harm habitats and species;
- (k) prescriptions for the provision of a wildlife gardening leaflet for each new resident;
- (l) proposed timings for the above works in relation to the completion of the dwellings.

Reason

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

57.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 50th and 90th dwelling hereby approved, the applicant, or their successor in title, shall submit a report to the local planning authority providing evidence of compliance with the biodiversity management plan.

Reason

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

58.

No dwelling shall be occupied until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority and once built/planted it shall be retained.

Reason

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

59.

No more than 94 dwellings shall be erected on the site at any time.

Reason

To safeguard the character and appearance of the amenity of the locality and the amenity of adjoining neighbours.

Informative 1

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

Informative 2

Our records indicate that the proposed development site is bounded by a watercourse (surface water pipe/culvert or ditch) on the western, northern and eastern boundaries. Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team on 01724 297522, prior to any further construction works being carried out. Please refer to the Environment Agency's 'Living on the edge - Riverside ownership rights and responsibilities' document which can be found online for further information. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Alterations and/or connections into the above watercourse(s) must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, and/or the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team on 01724 297522 or via email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development

Informative 3

The applicant's attention is drawn to the additional comments made by the LLFA, Waste and Recycling and Humber Fire and Rescue Service.

Informative 4

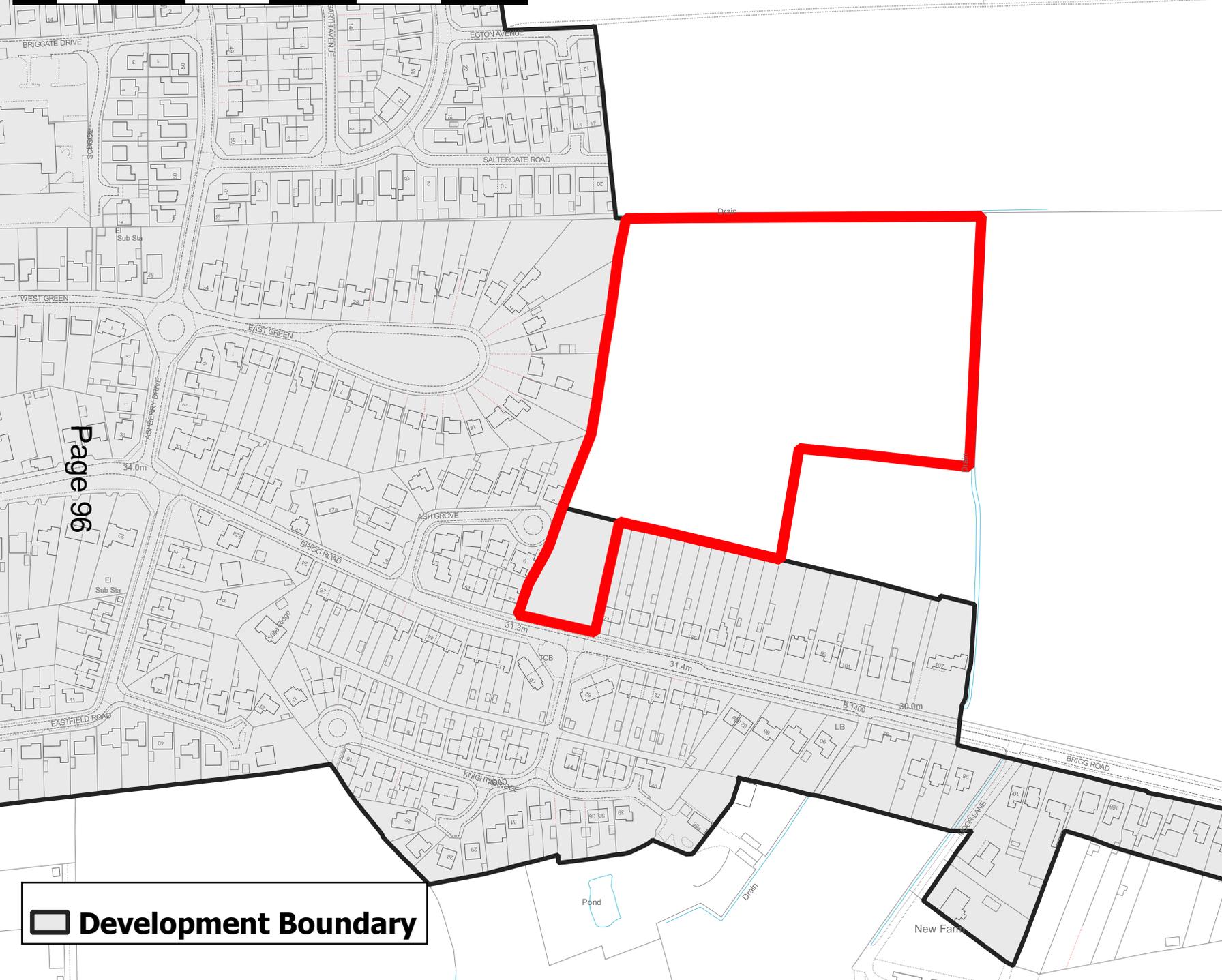
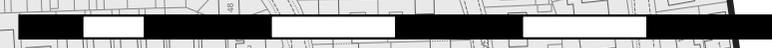
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

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

Informative 5

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

50 0 50 100 150 200 250 m



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 **Development Boundary**

**North
Lincolnshire
Council**

PA/2020/554

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PA/2020/554 Proposed and indicative layouts (not to scale)

This drawing is a copyright and no portion should be used without consent. No dimensions are to be scaled off this drawing. All dimensions are to be verified on site.



- Legend**
- 1800mm high brick wall (colour to match House plot)
 - 1800mm high timber fence
 - 1000mm high timber post and rail fence
 - 300mm deep grassed swale 3000mm wide
 - Proposed Tree Planting
 - 100% - FAGUS sylvatica Common Beech Hedge
 - Root Protection area
 - 6m Easement from centre line of Ditch/Drain

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AMENDED

Rev C - Drainage easement Shown to maintain Ditch	19.05.20
Rev B - RPA shown	30.04.20
Rev A - Plot Numbers Revised	28.02.20

Proposed Residential Development at
Land at Brigg Road
Messingham
Lincolnshire

Proposed Site Layout
Scale 1:500 - A1

August 2019
Drg No. 183 / 002 Rev C



Cyden Homes Limited
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Proposed Layout

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APPLICATION NO	PA/2020/952
APPLICANT	Keadby Developments Ltd
DEVELOPMENT	Planning permission for the creation of a biodiversity enhancement area (comprising the use of 70,000 cubic metres of excavated soil)
LOCATION	Land north-west and west of Keadby Power Station, Keadby, DN17 3EF (in Keadby, Crowle and Belton Parishes)
PARISH	Belton
WARD	Axholme Central
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs John Briggs and Julie Reed – significant public interest) Objection by Keadby with Althorpe Parish Council

POLICIES

National Planning Policy Framework: Sections 12, 14 and 15 apply.

North Lincolnshire Local Plan: Policies RD2, DS1, DS13, DS15, DS16, LC5 and LC6 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS16, CS17, CS18 and CS19 apply.

CONSULTATIONS

Highways: No objection.

Environment Agency: No objection, but recommend an informative relating to permit requirements for activities in proximity to EA-maintained assets/watercourses.

Drainage (Lead Local Flood Authority): No objection, but recommend conditions.

Natural England: Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. No objection.

Canal and River Trust: No objection – direct impacts on the Stainforth and Keadby Canal will be limited.

Environmental Health: No objection, but recommend conditions.

Network Rail: No objection, but comments made relating to drainage, excavation and earthworks, and abnormal loads in close proximity to Network Rail maintained assets.

Historic Environment Record: The proposal does not adversely affect any heritage assets or their settings. No further recommendations.

Ecology: Sensitive working methods will be required to take account of the protected and priority species. The proposal will employ good practice methods to increase the area of priority habitat. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to secure biodiversity enhancement in accordance with policy CS17 of the Core Strategy and the National Planning Policy Framework. Supports the application.

PARISH/TOWN COUNCILS

Keadby with Althorpe Parish Council: Objects on the following grounds:

- The proposal with no seeding would result in two large spoil heaps.
- It will be detrimental to visual amenity .
- Seeding and planting should be a condition of any planning approval.
- The opportunity to make this a community asset should be investigated further.

Crowle and Ealand Town Council: Comments that adequate sewerage and drainage infrastructure should be implemented.

PUBLICITY

The application has been advertised by site and press notice. One response has been received making the following observations:

- The material to be deposited is on a former power station – potential for contaminants.
- The site is not in Belton, Crowle or Amcotts.
- It is a tactic of the applicant to save time/expense associated with transporting waste to a tip.
- Bonnyhale Road is a statutory highway.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been submitted.

ASSESSMENT

The site consists of an area of land to the west and north west of the Keadby 2 Power Station site, extending to approximately 16.5 hectares. The site is within the open countryside and consists of two sections of land: an area for soil storage to the west of Keadby Power Station; and a second section to the north of the Stainforth and Keadby Canal, adjacent to agricultural fields to the west. Planning permission is sought to create a

biodiversity enhancement area (BEA) through the deposition of 70,000 cubic metres of surplus soil extracted from the Keadby 2 Power Station project. This consists of the creation of two earth mounds with a maximum overall height of 12.5 metres in order to create a BEA.

Update

This application was deferred at the planning committee meeting in November 2020 as members made a request for the applicant to liaise with the local parish/town councils to determine whether there were opportunities for the public to have access to the site and if the proposals to allow the land to self-vegetate could be re-considered.

The main issues in the determination of this application are the principle of development (incorporating ecological considerations) and impact on the character and appearance of the rural landscape.

Principle

The site is located outside of any defined settlement boundary, in the open countryside. Policy RD2 of the North Lincolnshire Local Plan (NLLP) applies and states that development in the open countryside will be strictly controlled and only permitted for development which is essential to the provision of outdoor sport, countryside recreation or local community facilities. In addition, policy CS3 of the adopted Core Strategy (CS) states that development outside of the defined development limits will be restricted to other uses which require a countryside location. Policies LC6 (Habitat Creation) of the NLLP and CS17 (Biodiversity) of the CS are not restricted to development inside defined settlement limits and both policies advocate the creation of new wildlife habitats which would ensure development will produce a net gain in biodiversity by designing in wildlife. In addition, paragraph 175 of the National Planning Policy Framework (NPPF) states that when determining planning applications, local planning authorities should apply the following principles:

- development whose primary objective is to conserve or enhance biodiversity should be supported, while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

The applicant has submitted a planning statement setting out the planning merits of the proposal and highlighting that a number of options for the re-use of this surplus soil have been considered, the option being considered having been selected due to the following benefits/factors:

- a significant reduction in soil being transported to landfill or waste disposal site
- the limited biodiversity value of the existing site
- compatibility with neighbouring land uses
- the biodiversity works can be delivered alongside existing biodiversity commitments associated with the Keadby 2 Power Station project

- materials will be transported via existing roads and tracks, and once at the location, all vehicle movements will be via pre-defined routes; ground protection measures will be used as appropriate to minimise ground compaction
- materials will be deposited to form mounds with:
 - the coarsest and most free-draining substrates located towards the surface of the mounds, and the least favourable substrates (e.g. heavier loams) located towards the bottom;
 - minimal compaction and sculpting – open mosaic habitat (OMH) does not require an even level surface and compaction would be detrimental for establishment of OMH species;
 - a scalloped outer face to maximise aspects and microhabitats for plants and invertebrates;
 - an undulating topography to provide small-scale cliffs suitable for use by burrowing invertebrates
- no seeding or planting – natural regeneration from bare mineral soils is optimal for the establishment of OMH of high ecological value; this is how the existing high biodiversity value of the wider area, including the Ash Tip, has established
- avoids existing constraints, including the gully to the north used by badgers as a movement corridor, the existing wetland and orchid translocation areas.

The proposal seeks to establish biodiversity enhancement through the formation of two earth bunds, which are intended to provide additional habitat for basking and foraging reptiles, opportunities for ground nesting species on the barer ground, open bare ground for invertebrates and foraging opportunities for other fauna such as badgers and bats. It is noted that the proposal will result in the loss of 3 hectares of poor semi-improved grassland, scattered scrub and ephemeral/short perennial grassland, but the enhancement proposals will seek to recreate and extend the areas of high value OMH landscape. The applicant has submitted a number of supporting documents setting out the ecological considerations of the scheme; these have been considered by both Natural England and the council's ecologist, with the consideration of alternative options being welcomed and no objections to the proposals being raised. In addition, the decision to allow the mounds to self-vegetate is supported by these consultees and the proposal is therefore considered acceptable as it will deliver biodiversity gains. The proposal is thus considered to comply with policies LC6 of the NLLP and CS17 of the CS, and paragraph 175 of the NPPF as it will deliver net gains for biodiversity and ensure that 70,000 cubic metres of surplus construction waste (soil) will not be transported to landfill, thus reducing the number of vehicle trips, reducing the impact on the highway network and re-using surplus material associated with construction of the Keadby 2 Power Station project. The principle of development is therefore considered to be acceptable and complies with the policies listed above, which seek to secure biodiversity enhancement.

Impact on countryside

The proposal will result in the formation of two earth mounds at an overall maximum height of 12.5 metres; this has the potential to impact on the character and appearance of the rural

landscape from a visual amenity perspective. However, it is worth noting that the area of land on which the earth mounds and soil storage areas are proposed contains a number of wind turbines (each 125 metres high) to the south and the existing power station to the east, and the modelled height of the BEA is lower than the main landform of the Keadby Ash Tip located in close proximity to the site. The submitted cross-sectional drawings demonstrate that the level of the earth mounds will be approximately 5.6 metres above the existing site levels and therefore the formation of these soil features will not be significantly higher than the existing landform or the land levels on adjacent sites, and over time will become self-vegetated. These earth mounds will be visible from the public footpath, which runs a course along the southern side of the Stainforth and Keadby canal to the south of the site; however, once the mounds begin to self-vegetate they will assimilate into the rural landscape over a short period of time. Given that the proposals to allow the mounds to self-vegetate are supported from an ecological perspective by both Natural England and the council's ecologist, it is not considered reasonable or necessary to recommend a condition that these features are supplemented by additional landscaping or requires a scheme for the mounds to be seeded. The area to the north-east of the BEA to be used for soil storage will take place immediately on an existing consented area for the storage of materials associated with the Keadby 2 Power Station project and will not result in new areas of material storage in the open countryside.

Taking into account the existing landform and appearance of the rural landscape surrounding the site, the formation of two earth mounds for the purposes of biodiversity enhancement is not considered to form an alien or discordant feature in the countryside. The proposal is considered to comply with policies RD2 of the NLLP, and CS3 and CS5 of the adopted CS.

Other issues

The site is located within flood zone 2/3a as defined in the North Lincolnshire Strategic Flood Risk Assessment (SFRA). A Flood Risk Assessment (FRA) has been submitted with the application, the conclusions of which are that the nature of surface water run-off could change as a result of the development but such a change is unlikely to result in an increase in flood risk. The proposal is considered to be water compatible development (amenity open space, nature conservation and biodiversity) and this flood risk vulnerability is considered to be appropriate in a high flood risk zone when Table 3: Flood risk vulnerability and flood zone 'compatibility' of the National Planning Policy Guidance is taken into account. In addition, no objection to the proposal has been raised by either the Environment Agency or LLFA Drainage on flood risk grounds. The proposal is thus considered to be acceptable in flood risk terms.

The supporting information has been considered by Environmental Health and no objection has been received on grounds of the suitability of the material to be utilised to form the earth mounds for the BEA. The proposal is not considered to impact on residential amenity through noise or general disturbance and a condition is recommended to ensure that construction activities take place during social hours of the day; this is consistent with the consultation response received from Environmental Health.

In response to the objection from Keadby with Althorpe Parish Council, the applicant has sent additional information, which states that the land is located within the undertaking of the wider Keadby 2 Power Station project which is ongoing, and with the number of construction vehicles passing in close proximity to the site it would not be safe to allow public access to this land.

Further update

Following the previous deferral of this application, the applicant has recently provided an update.

With regard to community liaison, the applicant has engaged with Keady and Althorpe Parish Council and joined the Keady Regeneration Group to discuss how they can contribute towards the development of the area at a grass-roots level, and to enter dialogue with this group as they will require their future engagement into the potential Keady 3 Power Station proposals. This dialogue is ongoing and separate from the planning application under consideration.

With regard to public access to the BEA, the applicant has made it clear this will not be appropriate as the site forms part of the operational power station (which in itself is critical infrastructure), thereby resulting in a public safety issue; it would also have the potential counter effect of disturbance to the BEA. The applicant has considered the potential for the BEA to be landscaped rather than allow it to be self-vegetated. However, they state that this land is of limited biodiversity value at present and the approach to allow it to self-vegetate has been based on the recommendations of qualified ecologists. Comparison is drawn with how the nearby Ash Tip has developed from an ecological perspective. In addition, no objection has been received from the council's ecologist or Natural England to this approach.

Based on the above, it is evident that the applicant has sought to engage with the local parish council and this is an application for biodiversity enhancements that would make use of surplus soil. Given the nature of the application, it is considered that any request for developer contributions towards local projects or improvements would not meet the statutory tests of planning obligations in regulation 122 of the Community Infrastructure Levy 2019 (as amended) which are:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Such a request for developer contributions may be more appropriate in the case of the Keady 3 Power Station which is a major infrastructure project. The applicant has already engaged in dialogue with the Keady Regeneration Group to discuss this going forward. It is considered, on safety grounds, that public access to an operational power station site is not appropriate and the approach to allow the land to self-vegetate is acceptable in ecological terms. The applicant has therefore clearly demonstrated, to the satisfaction of the local planning authority, that they have engaged with the parish council and on this basis the development proposals are considered to be acceptable.

Conclusion

The proposal to create a biodiversity enhancement area (BEA) is considered to comply with policies LC6 of the NLLP and CS17 of the CS, and paragraph 175 of the NPPF, as it will deliver net gains for biodiversity and ensure that 70,000 cubic metres of surplus construction waste (soil) will not be transported to landfill, thus reducing the number of vehicle trips, reducing the impact on the highway network and re-using surplus material

associated with construction of the Keadby 2 Power Station project. In addition, the mounds, once self-vegetated over a period of 12–18 months will not result in an alien or discordant feature in the rural landscape. The proposal is considered acceptable in planning policy terms and is subsequently recommended for approval.

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: A01, BEA/FIGURE/03 and BEA/FIGURE/04.

Reason

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

3.

Works and biodiversity enhancements shall be carried out strictly in accordance with section 3 of the submitted ecology report. Within six months of the commencement of development, a biodiversity management plan shall be submitted to and agreed in writing with the local planning authority. The plan shall include:

- (a) the aims and objectives of the plan, including proposed indicators of success;
- (b) details of the ecological requirements of target species and habitats, and the ecological trends affecting them;
- (c) plans and details of habitats to be created and managed to support the target species, including details of earthworks, substrates and topography;
- (d) ongoing management measures to be implemented to maintain habitats in favourable condition;
- (e) timing of proposed works.

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.

Reason

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

5.

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

Reason

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

6.

Working hours shall be limited to the following days and hours:

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

No 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 define the terms of the permission and in the interests of safeguarding residential amenity. These hours are permitted making an allowance for the current Covid-19 Pandemic.

7.

The development shall be carried out in accordance with the submitted Flood Risk Assessment dated June 2020, reference 0280278, prepared by ERM Europe Ltd.

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 Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

Informative 1

Drainage: All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run-off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run-off and sewage effluent should be handled in accordance with local council and water company regulations.

Excavations/earthworks: 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.

Abnormal Loads: From the information supplied, it is not clear if any abnormal loads will be using routes that include any Network Rail assets (e.g. bridges). Network Rail would have serious reservations if, during the construction or operation of the site, abnormal loads will use routes that include Network Rail assets. Network Rail would request that the applicant contacts their Asset Protection Project Manager to confirm that any proposed route is viable and to agree a strategy to protect their asset(s) from any potential damage caused by abnormal loads. They also advise that where any damage, injury or delay to the rail network is caused by an abnormal load (related to the application site), the applicant or developer will incur full liability.

Informative 2

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained from the Environment Agency for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal);
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal);
- on or within 16 metres of a sea defence;
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert;
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you do not already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk.

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.

200 0 200 400 600 800 1000 m



OUTGATE

Keadby Bour

South Moor Drain

Keadby Common

Ealand Grange

North Pilfrey Farm

South Soak Drain

Ealand Warpings

Shemfield and South Yo

Railway House

Three Rivers

Keadby Grange

Hatfield Waste Drain

River Torne

Pilfrey Bridge

LC14 Isle of Axholme Area of Special Historic Landscape

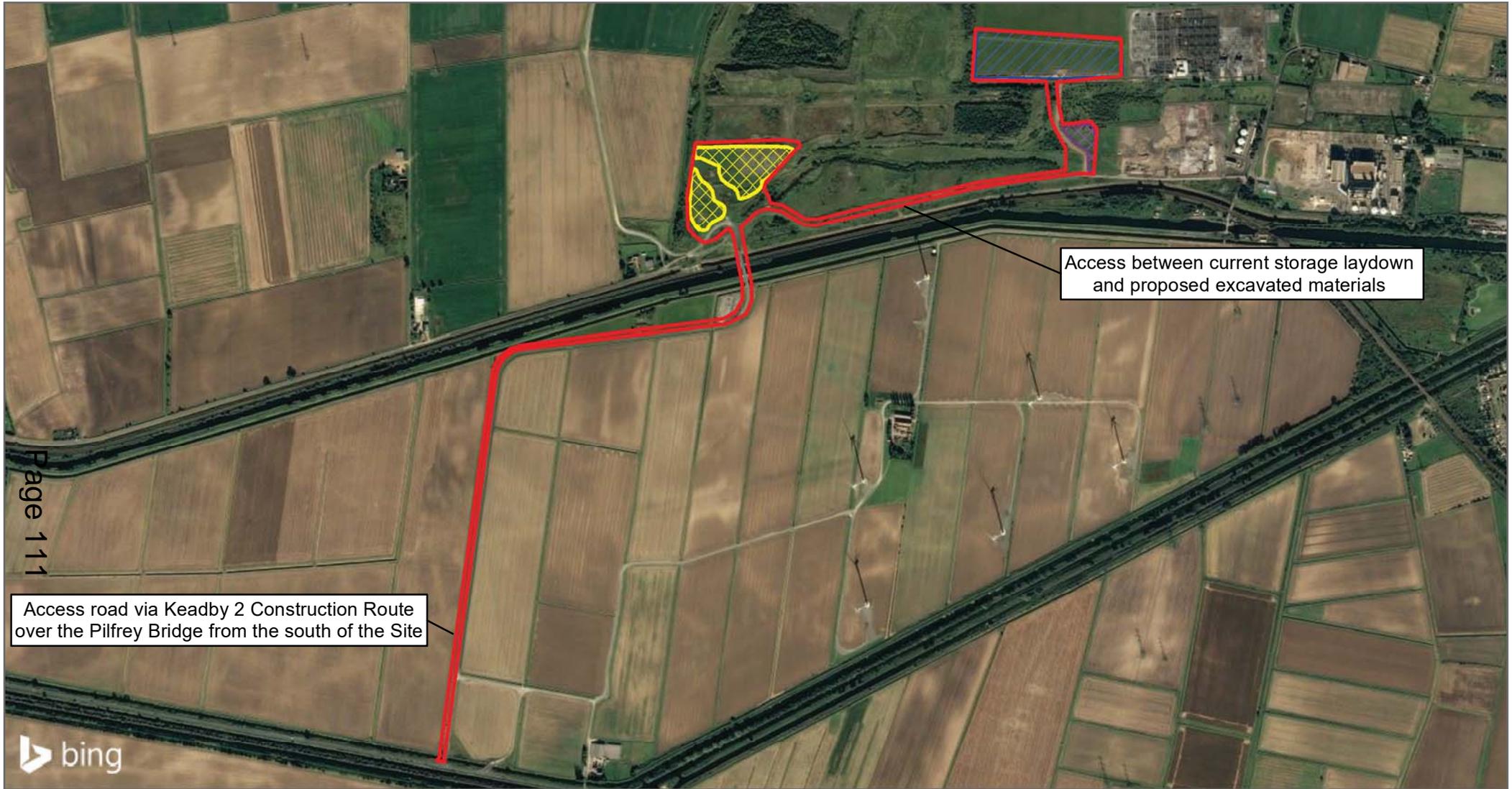
North Lincolnshire Council

PA/2020/952

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Page 109

PA/2020/952 Proposed layout (not to scale)



Legend

- Keadby II MMO Draft Redline Boundary
- Existing Keadby II Laydown Area
- Current Temporary Storage Area
- Area to contain proposed ecological enhancement (Option 5)

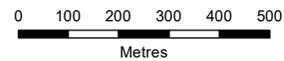


Figure 1:
Site layout including current temporary material storage area, proposed enhancement location and existing access roads.

SCALE: 1:7,500
SIZE: A4
PROJECT: 0280278
DATE: 03/06/2020

VERSION: A01
DRAWN: LST
CHECKED: JS
APPROVED: AC



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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 24 February 2021.docx

Date: 15 February 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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APPLICATION NO	PA/2019/2037
APPLICANT	Mr Anthony Hopkins, Wroot Farming Company
DEVELOPMENT	Planning permission to site a temporary agricultural worker's dwelling, including associated works
LOCATION	Land at Church Farm, Field Lane, Wroot, DN9 2BU
PARISH	Wroot
WARD	Axholme South
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Refuse permission

REASONS FOR REFERENCE TO COMMITTEE Member 'call in' (Cllr Ron Allcock – significant public interest)

POLICIES

National Planning Policy Framework: Parts 5, 12 and 14 apply.

North Lincolnshire Local Plan: Policies H5, H8, DS1, DS16, RD2, T2 and T19 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS7 and CS19 apply.

CONSULTATIONS

Highways: No objection, subject to conditions.

Environment Agency: The site lies in Flood Zone 1 of our Flood Map for Planning although (*just*) within Zone 2/3a of the North and North East Lincolnshire Strategic Flood Risk Assessment (SFRA) November 2011.

Based on the submitted Flood Risk Assessment, the site levels are well above the critical flood level of 4.1 metres above Ordnance Datum (AOD) established in the SFRA for this area. Therefore, no objection to the application and no further comments to make.

Doncaster East Internal Drainage Board: The site is within the Doncaster East Internal Drainage Board district. There are no Board maintained watercourses in close proximity to the site. 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. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Board's district:

- existing catchments and sub-catchments to be maintained
- surface water run-off limited to 1.4 l/s/ha for pumped and lowland catchments.

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted. Soakaways should be designed to an appropriate standard and to the satisfaction of the approving authority in conjunction with the local planning authority. If the suitability is not proven the applicant should be requested to re-submit amended proposals showing how the site is to be drained. Should this be necessary this Board would wish to be re-consulted.

PARISH COUNCIL

No objection.

PUBLICITY

A site notice has been displayed; no comments have been received.

ASSESSMENT

The application site consists of an agricultural parcel of land, which has been established as a vineyard since 2018. The site is located to the south of Wroot, to the east of Field Lane, in the open countryside. It is within Flood Zone 2/3a as defined in the North Lincolnshire Strategic Flood Risk Assessment (SFRA). There is an existing agricultural shed on the site towards the southern field boundary and St Pancras Church. Wroot lies to the north. Planning permission is sought to erect a temporary agricultural worker's dwelling on the land in the form of a mobile home.

The main issues in the determination of this application are the principle of development (essential need) and flood risk.

Principle

Due to its location outside of any defined development boundary, the application site is considered to be in the open countryside for the purposes of planning. Residential development is only permitted in the open countryside by policy RD2 of the North Lincolnshire Local Plan where, amongst other policy requirements, the dwelling is demonstrated to be essential for the efficient operation of agriculture or forestry. National planning policy and planning case law has directed that essential need is normally only justified by the submission of functional and financial tests.

Prior notification was granted for the erection of an agricultural building in 2011; this is the building which is currently located towards the southern boundary of the field. The applicant has submitted a functional need assessment, along with a planning statement and financial records. The supporting information sets out the case for justifying the requirement for a temporary dwelling; it provides a policy appraisal and financial information to substantiate the financial test. This supporting information submits that there is a specific need for the applicant to live on site due to the nature of the operation and the value of the crop produced. The justification for a dwelling on the site is set out in the supporting information as follows:

- It will be more feasible to run and operate the business from the site, alongside running other businesses.

- A dwelling would allow for immediate security breaches to be answered.
- A dwelling would ensure that security, and health and safety issues, associated with the business are responded to.
- There are no dwellings to purchase within the village to serve the functional need; a dwelling on the site would reduce the need for financial outlay for a dwelling.
- 24-hr presence would allow constant pest control.
- Certain operations associated with vineyards can only be undertaken during certain parts of the day.
- Irrigation is required to deal with frost.
- It would allow the business to expand with aspirations to open a shop in the future and grow vine stock for other vineyards.
- It would reduce car journeys.

The supporting case goes on to state that the applicant does not have a dwelling associated with their various businesses, which also include a water irrigation company and arable farming, all established in and around Wroot. In terms of the financial position of the vineyard business, the supporting information states that the business is likely to become established and financially viable and audited accounts have been submitted to demonstrate this. The supporting information goes on to state a temporary dwelling would not have any adverse impact on the character of the area, the development would be safe from flooding and the application reflects the needs of an expanding, long-established rural business. Additional information has also been received which seeks to substantiate the applicant's case still further; this includes reference to paragraph 79 of the NPPF and that there is substantiated evidence of break-ins at the site (issues with security).

The key issue in the determination of this application is whether the reasons set out in the applicant's supporting statements, outlined above, are sufficient to constitute an essential need for a full-time worker to reside on site 24 hours per day. This is a fledgling business set up within the last three years and, other than a section of the supporting statement highlighting that there are 1000 vines on the site, there is no information about the size of the agricultural business (the vineyard), no breakdown of the demands of the business in terms of working hour requirements (it is acknowledged that the supporting statement highlights this is available on request), or whether the business is financially sound and profitable. Therefore, the local planning authority cannot accurately assess whether the size of the holding/needs of the business are proportionate to demonstrating there is a need for a dwelling (albeit temporary) on the site.

The case for the application is primarily based on the security and pest control aspects of the business. This could be mitigated to some extent through investment in additional security measures, including CCTV, an alarm system and security lights, and in pest control. In addition, no information has been submitted to substantiate why the applicant cannot meet the functional needs of the business (and similarly those of their other businesses) from their existing property in Wroot, which has the business address (Wroot Water Limited) registered at a residential property in the same settlement; this is located 0.5 miles or approximately 800 metres to the north of the site via the public highway – a car

journey of approximately two minutes. It is considered that this short distance allows the applicant to attend the site in swift response to any emergencies or requirements outlined in the supporting statement and to attend to their other business interests in and around Wroot.

Some financial information has been submitted with the application, which shows the business to be profitable, although the extent of profit is commensurate with the recent establishment of the vineyard and therefore it does not take into account the need for a worker to earn a wage from the business, and the financial information (in terms of profitability) is based on profit projections by the year 2023 rather than the existing financial position of the business. To this end, it is considered that the financial needs of the business have not demonstrated the requirement for a full-time worker to reside at the site for a temporary period of time. The supporting information (the planning statement at paragraph 6.2) attests that the vineyard business has been operational for almost two years (the statement was written in November 2019) and is projected to become profitable as a stand-alone business in the next few years.

In conclusion, it is considered that the applicant could reasonably reside locally (as is the current situation) and undertake the functional requirements outlined in the supporting statement and, in taking into account the financial information submitted with the planning application, it has not been demonstrated that the financial position of the business substantiates the requirement for a full-time worker to reside at the site for a temporary period of time. It is therefore considered that there is no essential need for a rural worker (the applicant in this case) to live temporarily at their place of work in the countryside.

Flood risk

The site is located within Flood Zones 2 and 3a in the Strategic Flood Risk Assessment; this is the highest level of flood risk. A flood risk assessment has been submitted with the planning application, which demonstrates that the land level at the site is above the critical flood level established for this area and that finished floor levels would be set at a minimum of 4.4 metres above Ordnance Datum (AOD). The Environment Agency has raised no objection to the proposed development on flood risk grounds. As the proposal is for 'more vulnerable' development in a high flood risk zone, it needs to be assessed against the sequential and exceptions test. As it has been considered that there is no need for the applicant to reside on the site, the applicant has failed to provide evidence that there are no sites available which are at lower risk of flooding and which could accommodate a dwelling. Due to a lack of information, it is considered that the sequential test is failed in this case.

Other issues

The introduction of a mobile home to be used in connection with an agricultural enterprise has the potential to have an impact on the character of the rural landscape, particularly by way of a visual impact. However, given the site is well screened along its northern and southern boundaries by existing hedge planting, that the mobile home is temporary in nature (and thus can be removed from the site), and it would be viewed in conjunction with the existing agricultural building on the site, it is considered that the introduction of a mobile home would not adversely affect rural landscape character in this case. In the event that planning permission is granted for a temporary dwelling at the site then the occupation of the dwelling should be conditioned with a restrictive occupancy condition. This is considered on the merits of the special circumstances set out to support a dwelling in a rural area where development is strictly controlled.

RECOMMENDATION Refuse permission for the following reasons:

1.

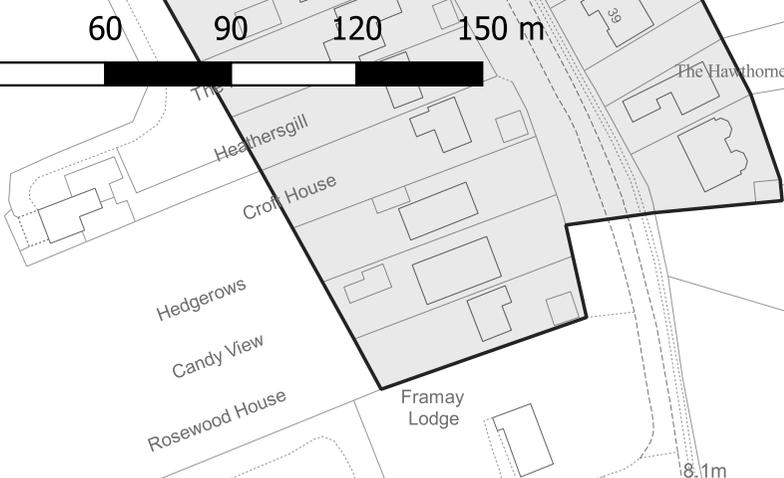
The local planning authority is of the opinion that insufficient information has been submitted to require the applicant to reside at the site 24 hours a day on a temporary basis, and that the financial information submitted with the application fails to demonstrate a financial need for a dwelling to be located at the site. The functional and financial tests have therefore not been met in demonstrating the requirement for a dwelling in connection with agriculture. In addition, any functional need at the site could be adequately met from the applicant's existing place of residence, which is located close to the site, within the settlement of Wroot. The proposed development is therefore contrary to policies RD2 of the North Lincolnshire Local Plan, CS2 and CS3 of the adopted Core Strategy and paragraph 79a of the National Planning Policy Framework.

2.

The proposed residential development is classified as 'more vulnerable' in terms of flood risk vulnerability and the site is located in flood zones 2/3a as defined in the North Lincolnshire Strategic Flood Risk Assessment. The Planning Practice Guidance states that development should only be allowed where it passes the sequential and exceptions test. Given that there is no functional or financial need for a temporary agricultural worker's dwelling on the site and the applicant has provided no evidence as to whether there are any sites which are at lower risk of flooding, the proposal fails the sequential test. The proposal is therefore contrary to policies DS16 of the North Lincolnshire Local Plan, CS19 of the North Lincolnshire Core Strategy and paragraphs 157 and 158 of the National Planning Policy Framework.

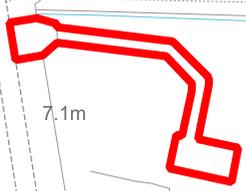
Informative

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



The Manor

St Pancras's Church



8.1m

7.1m

7.7m

Drain

Drain

FIELD LANE

Field House Farm

Page 120

2.9m

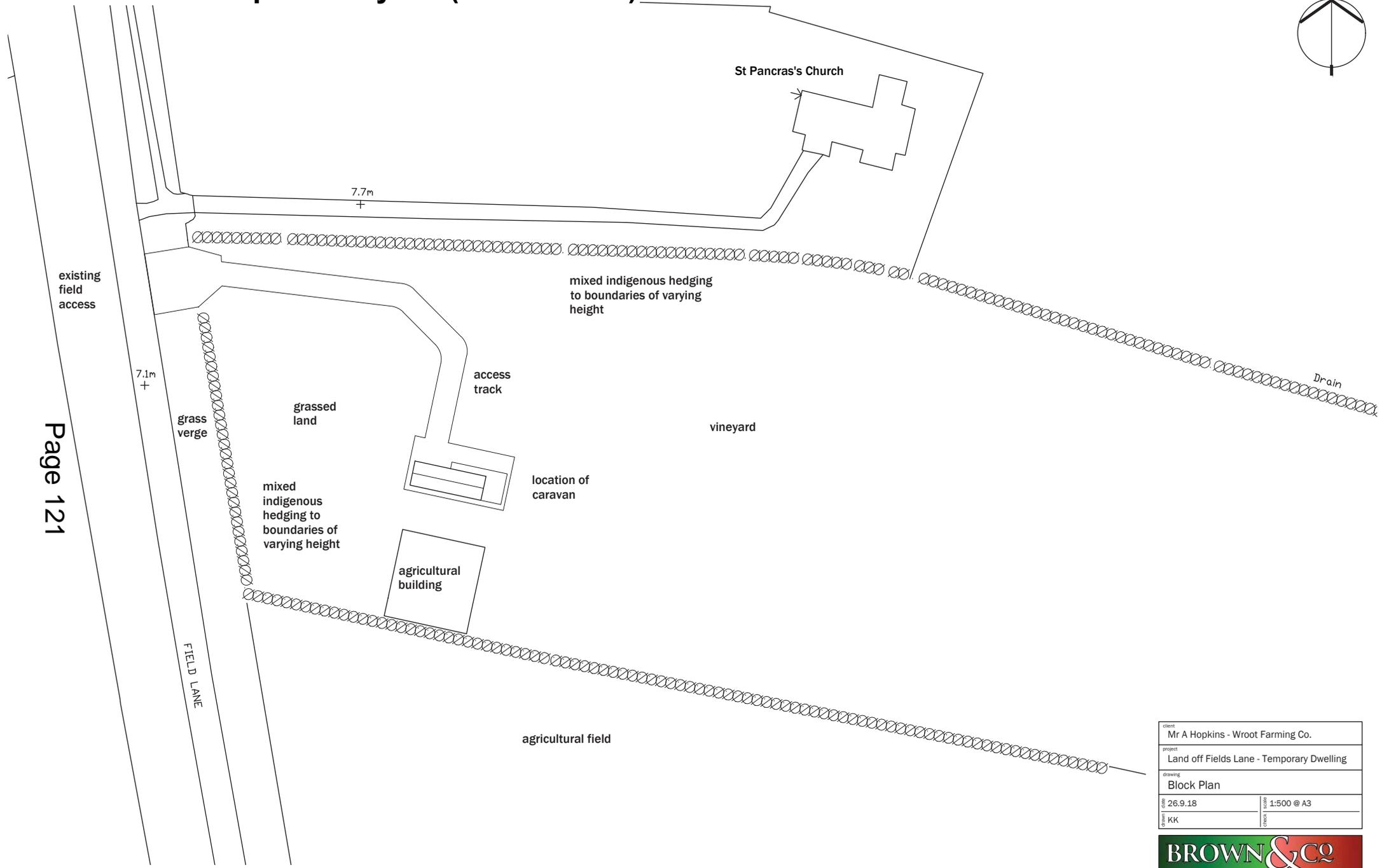
 **Development Boundary**

**North
Lincolnshire
Council**

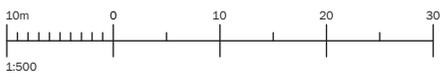
PA/2019/2037

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PA/2019/2037 Proposed layout (not to scale)



Page 121



client Mr A Hopkins - Wroot Farming Co.	
project Land off Fields Lane - Temporary Dwelling	
drawing Block Plan	
date 26.9.18	scale 1:500 @ A3
drawn KK	checked

BROWN & CO
ARCHITECTURE + PLANNING
 Brown & Co. 6 Market Place, Brigg, North Lincolnshire, DN20 8HA.
 T: 01652 694833 - W: www.brown-co.co.uk
 Brown & Co Registered Office: Granta Hall Farm, Street, Grimsby, Lincolnshire, NG21 6QZ.
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APPLICATION NO	PA/2020/613
APPLICANT	Mr Terry Milner
DEVELOPMENT	Outline planning permission for six residential building plots with appearance, landscaping and scale reserved for subsequent consideration
LOCATION	White House Farm, Main Street, Ealand, DN17 4JG
PARISH	Crowle
WARD	Axholme North
CASE OFFICER	Nick Salt
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Julie Reed – significant public interest) Contrary to the development plan Objection by Crowle Town Council

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 9 states, 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.' It also explains that the three overarching objectives are not criteria against which every decision can or should be judged.

Paragraph 10 states that at the heart of the Framework is a presumption in favour of sustainable development.

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 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 59 states that 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.'

Section 7 – Ensuring the vitality of town centres

Section 12 – Achieving well-designed places

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

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Design)

CS6 (Historic Environment)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of housing sites)

CS17 (Biodiversity)

CS19 (Flood Risk)

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 HE9 (Archaeological Evaluation)

Policy LC5 (Species Protection)

Policy LC11 (Areas of Amenity Importance)

Policy DS1 (General Requirements)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

CONSULTATIONS

Spatial Planning: The site is within the development limit of Ealand; housing development is therefore acceptable in principle.

The proposal conforms with policy CS8 of the Core Strategy (Spatial Distribution of Housing Sites), which states that new housing within rural settlements will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

The site is within SFRA Flood Zone 2/3a Tidal. A Flood Risk Assessment has been submitted as part of the application, which contains the required sequential and exception test in line with policy CS19 of the Core Strategy and the North Lincolnshire Development and Flood Risk Guidance Note (April 2013). The mitigation measures identified within the Flood Risk Assessment will provide safe development.

The application provides little justification on the loss of the LC11 designation and the impact this proposal will have on the character, visual amenity and wildlife value.

Ealand contains three out of the seven key facilities and services which include primary school, public house and village hall.

The proposal is contrary to the council's adopted development plan.

Highways: In principle the layout is acceptable and will afford space for a refuse vehicle to turn. On reflection the footpath is not really necessary as it does not connect with the highway and as such it would probably be more appropriate to create a shared surface along the entire length of the driveway. As the plot sizes are reasonably generous, Highways question the need for the visitor parking area. Whilst not against the idea in principle, they would have some concerns as to how it would be maintained.

The arrangement of the plots is such that no further development can be accessed from this private driveway. Advise a condition to reinforce this.

The section of drive running between the existing properties will need improving and widening to cater for the development. Propose a condition to this end.

Finally, the proposed development is for six dwellings wholly served by a private driveway and as such it will be necessary for the highway authority to issue the relevant exemptions to the APC's upon issue of building regulations approval should permission ultimately be granted.

Drainage (Lead Local Flood Authority): Initially objected due to insufficient drainage and flooding measures. Further to a recent meeting with the developer and the Internal Drainage Board, there are still a number of design issues that need resolving at detailed design stage (refer to notes to developer). Taking this into consideration, the LLFA withdraws its objection subject to the imposition of suitable conditions relating to surface water drainage, and relevant informatives.

Doncaster East Internal Drainage Board: Standard informative comments supplied advising surface water drainage to be agreed with the Lead Local Flood Authority.

Environment Agency: Proposed development would only meet NPPF requirements in relation to flood risk if a condition is included to ensure finished floor levels are set no lower than 4.4 metres above Ordnance Datum as stated in the submitted Flood Risk Assessment.

Environmental Protection: Recommend a condition requiring a phase 1 desk study into whether the land is contaminated.

The proposed development is situated in close proximity to residential dwellings. Noise generated during the construction phase has the potential to impact on residential amenity. Therefore, recommend the inclusion of a relevant condition.

Ecology: Bat and barn owl field signs have been recorded. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with policy CS17 of the Core Strategy, the National Planning Policy Framework and Biodiversity Metric 2.0.

Historic Environment Record: The application lies within an area where archaeological remains are anticipated and construction works may disturb or destroy archaeological evidence. A programme of archaeological monitoring and recording should therefore be maintained during construction groundwork.

The applicant should submit a written scheme of investigation (WSI) for archaeological mitigation to be considered with this application. This procedure is in accordance with NPPF paragraph 199, and local planning policies CS6 and HE9. Where the planning authority is minded to grant consent prior to the submission of a mitigation WSI, pre-commencement conditions would be required to secure the archaeological mitigation scheme.

Recycling: Information provided for the attention of the applicant with relation to highway construction, and bin storage and collection.

TOWN COUNCIL

Crowle and Ealand Town Council previously strongly objected on grounds of flooding and drainage at this location. The council upholds and reiterates previous objections. 'Building on this site will have major detrimental effects in the area, with neighbouring properties especially being put at high risk from adverse effects from this application if permitted.'

PUBLICITY

Advertised by site notice. Twenty-one responses have been received, objecting to the application on the following grounds:

- discrepancy in the application details
- previous flooding and drainage issues in the area
- flood risk to surrounding properties
- overlooking risk
- insufficient access
- risk to protected species including bats and snakes
- existing pumping station incapable of supporting additional dwellings
- lack of local amenities
- biodiversity harm
- fails sequential and exception flood risk tests.

ASSESSMENT

Site description

The application site is a farm and fields located within the settlement boundary of Ealand behind a row of dwellings along Main Street.

The site is not within a conservation area, nor does it comprise a listed building. It is within SFRA Flood Zone 2/3 (a), meaning higher flood risk. The site also lies within a larger area of land allocated as LC11 (Area of Amenity Importance) in the North Lincolnshire Local Plan.

Recent planning history

PA/2017/1006: Outline planning permission for residential development of six building plots with access and layout not a reserved matter – refused, and subsequent appeal dismissed May 2019 for the following reason:

Insufficient information has been provided to demonstrate that the proposed development of six dwellings would not have an unacceptable impact on the existing drainage system and would not result in an increased risk of flooding to neighbouring properties. The proposal is therefore contrary to policy DS14 of the North Lincolnshire Local Plan, policy CS19 of the North Lincolnshire Core Strategy and paragraph 163 of the National Planning Policy Framework.

Proposal

Outline planning permission is sought to erect six detached dwellings served by a single cul-de-sac. The dwellings would sit within similarly sized plots, served by a footpath, with visitor parking along the eastern boundary.

Material considerations

The main issues in the determination of this planning application are the principle of the development and whether the site can be developed without having an adverse impact on the character of the area, including LC11 land. Other issues below will be considered based on the submitted information:

- **flood risk and drainage**
- **ecology**
- **contamination**
- **access**
- **layout**
- **indicative plans.**

The current application is effectively a revised resubmission of PA/2017/1006, which was refused due to flooding concerns – specifically a lack of information, with the decision upheld at appeal. The appeal inspector agreed with this decision and noted a lack of evidence in the submitted Flood Risk Assessment to demonstrate that the proposal met the sequential test for flood risk. Matters relating to flooding and drainage will be assessed in the report below with due regard to the site context, previous decision, objections raised, the submitted information and consultee responses.

Principle of development

As this is an outline application, the key consideration is the acceptability in principle of six dwellings on this site.

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), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land and Allocations Development Plan Document (HELADPD). 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).

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

Policy CS8 relates to 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. With regard to rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel. CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. 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. 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. North Lincolnshire does not have an identified five-year housing supply, and therefore a tilted balance is applied in support of this application for six new housing units.

The site is within the development boundary of Ealand as shown in the Housing and Employment Land Allocations DPD and, as such, residential development in this location is acceptable in principle. The parcel of land is relatively large, and the submitted plans demonstrate that the land can accommodate six plots, together with adequate amounts of private amenity space, parking and access for all the new properties.

In considering the sustainability of a site, consideration must be given to the dimensions as outlined in paragraph 8 of the NPPF: economic, social and environmental.

The investment in construction and related employment would represent a small economic benefit, as would the support which the additional population would have the potential to produce for the local economy.

The proposed scheme would result in the delivery of six additional dwellings at the site which would help to contribute to the mix of housing types within the locality and would contribute towards meeting local need in North Lincolnshire more broadly.

The site is a socially sustainable location for residential development as it is within walking distance of the centre of Ealand. Ealand contains three out of the seven key facilities and services, which include primary school, public house and village hall – a residential development of this size is considered sustainable with regard to transport and services access. The site is also located on a bus route to Scunthorpe and is a ten minute walk or two minute cycle ride to the train station.

Environmentally, sufficient landscaping and a biodiversity management plan (as discussed below) could provide a net gain for biodiversity on the site. Careful design and landscaping could ensure environmental benefit.

It is considered that the proposal would meet the test of the three sustainability dimensions and would be a sustainable and suitable form of development within an existing settlement boundary. The proposal therefore accords with guidance in the NPPF and policies CS1, CS2, CS3 and CS8 of the Core Strategy subject to the considerations below.

Impact on LC11 Area of Amenity Importance

The application site falls within land covered by local plan policy LC11 – that is, an Area of Amenity Importance. Policy LC11 is aimed at controlling development within these areas to protect their open character and visual amenity. It states that within important amenity areas, development will only be permitted where it would not adversely affect their open character, visual amenity or wildlife value, or compromise the gap between conflicting land uses. Where development is permitted, measures shall be taken to minimise their impact or, where necessary, make a positive contribution to such areas.

The Spatial Planning team have commented on the application and are of the view that the application provides little justification on the loss of the LC11 designation and the impact this proposal will have on the character, visual amenity and wildlife value.

This area of the LC11 does, however, lie close to the existing built development in Ealand, and the development proposed would be a relatively modest extension of this, not encroaching significantly into the LC11 area. Part of the site area is presently occupied by buildings in its current form. Undoubtedly there would be an adverse impact on the openness and visual amenity of the land; however, due to the scale of the development, this is not considered unacceptably significant as to outweigh the overall acceptability in principle of the proposal, or to significantly harm the wider LC11 designation.

This was accepted by the case officer when assessing the previous scheme on this site, and also noted by the appeal inspector, who did not seek to refuse the appeal on the basis of LC11 impact. This impact forms part of the wider planning balance of the proposal and will be weighed against other negative and positive contributions considered in this report.

Landscaping and appearance are reserved matters, which would be fully assessed at that stage.

Ecology

Local plan policy LC5 states that planning permission will not be granted for development which would have an adverse impact on species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended). Where there may be effect, planning conditions should ensure appropriate management of the impact. This policy is supported by Core Strategy 17, which seeks to ensure biodiversity net gain.

Concerns from local residents relating to impacts on bats and other species have been noted.

The council's ecologist initially reviewed this proposal and required a preliminary ecological appraisal to establish whether there was a need for detailed species surveys. Following an ecology report submitted by the applicant in January 2021 and reviewed by the ecologist, there is no objection to the application subject to adequate conditions. These conditions would require the submission of a species protection plan (with specific regard to the protection of any potential owls and bats within the buildings to be demolished), prior to any development affecting the existing garage or stables. A biodiversity management plan is also required by condition to be submitted within three months of commencement, detailing measures for biodiversity net gain on the site following completion of development.

Subject to the adequate addressing of these conditions, the proposal is acceptable on ecological grounds with a managed risk to wildlife and potential for biodiversity net gain. It is therefore considered to be in accordance with Core Strategy policy CS17 and local plan policy LC5.

Flood risk and drainage

The site lies within flood zone 2/3a according to the council's SFRA. The previous proposed scheme on this site was refused due to insufficient information being provided to demonstrate that the proposed development of six dwellings would not have an unacceptable impact on the existing drainage system and would not result in an increased risk of flooding to neighbouring properties.

There has been a significant level of objection to this application, the key concern being flood risk, concerns regarding surface water drainage and the impact of the proposal on the existing drainage/sewage network. It is therefore essential that any proposed development on this site does not exacerbate flood risk in the area, and provides an appropriate drainage scheme.

The current proposal has been reviewed by the Lead Local Flood Authority and the Environment Agency, with no outstanding objections from either, following the submission of a revised drainage plan (30/09/20), subject to conditions concerning site levels and surface water drainage.

The previous application (PA/2017/1006) case officer considered that the proposal for six dwellings on this site met the sequential test set out in the NPPF (paragraph 157). This requires evidence to be provided demonstrating that there are no suitable alternative sites in the area. The appeal inspector for the above took the view that the sequential test was not met as it did not consider the wider region for potential sites, and the area was limited to a smaller radius.

NPPF paragraph 158 states:

'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.'

The applicant has provided a supporting document outlining three sites in the vicinity, which they conclude are not reasonably available or appropriate. It is considered that the sequential test is passed in this case as the alternative sites identified in the Crowle and Ealand area are also within higher flood risk areas. It is considered that the subsequent exceptions test is also met in that the development would provide wider sustainability benefits to the community (vitality of the village of Ealand via modest growth) that outweigh the flood risk; and 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. Subject to adequate measures to avoid any increase in material flood risk, the development would provide net benefits to the area (social and economic) as discussed above, which would outweigh the siting within a high flood risk area.

With regard to the last point above, the drainage scheme has been revised to account for initial LLFA concerns, with drainage ditch improvements proposed. Strict conditions are proposed which require a further drainage strategy details to be submitted. The strategy should be based on the details and drainage plan agreed between the applicant and the LLFA and IDB. This plan provides for various mitigation and drainage measures including filter drains and water tanks, a culvert, ditch improvements to the drainage ditches to the west of the site and a new connecting drain to these improved ditches.

Appropriate site levels have been demonstrated on the submitted topographical plan which show the plots able to achieve a height of 4.4 metres AOD at finished floor level, with a maximum site level increase of 1.35 metres. This would reduce the risk of flooding within the site.

The proposed drainage plan, subject to the satisfaction of the further planning conditions, would reduce the risk of increased off-site flooding and would improve the existing drainage system in the area, offsetting the impact of the six new dwellings.

It is considered therefore, on balance, that the flood risk within and near to the site would be managed to an acceptable degree. As such, the benefits of sustainable development on this site and contribution to the housing shortfall outweigh the drawback of its location within a level 2/3a flood zone.

Land contamination

Policy DS7 is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The Environmental Health team note that the application for residential development is a sensitive end use. In addition, they state that the site's former use as a farm provides reason to believe that contamination might be an issue. Agricultural sites have the potential

to be impacted upon by contaminants such as hydrocarbons, agrochemicals and asbestos, which are harmful to human health. They have requested a full site survey to establish any land contamination issues. This shall be secured by condition before the commencement of any works. Subject to there being no insurmountable contamination issues, there is no objection in this regard.

Access

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

The council's highways team have reviewed the submitted layout plan and have no objections subject to conditions requiring implementation of the access and parking as appropriate, prior to occupation.

The existing access has safe visibility onto the highway, and there is sufficient space for resident and visitor parking for the six plots. The proposed footpath would provide safe separation from traffic within the site, and provide a link to the footpath on the eastern side of Main Street and the village centre.

Layout

The six housing plots would have an average of 750 square metres in area. This is considered appropriate for the provision of a detached dwelling, off-street parking, and suitable outdoor amenity space in each case. The proposed layout would also adequately facilitate sufficient drainage measures within the site and to each plot.

The layout is considered appropriate in that impacts on the existing dwellings along Main Street could be controlled and avoided – these impacts will be addressed at reserved matters stage along with the scale and appearance of the dwellings.

Indicative plans

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. Based on the submitted plans, however, sufficient separation space could be achieved between respective habitable room windows so as to avoid overlooking, taking into account the modestly raised site levels to 4 metres, and 4.4 metre AOD finished floor levels.

Design and scale would be fully assessed at reserved matters stage if outline permission is granted.

Conclusion

This application for outline planning permission requires a careful balance between flood risk and the need for housing within North Lincolnshire. The site is within the development boundary and is broadly acceptable in principle.

Whilst the site is within an area at high risk of flooding, and existing drainage issues have been identified, it is considered that successful mitigation of this risk is achievable on site if carefully managed in accordance with the submitted drainage plan and with suitable planning conditions. The application meets the sequential and exceptions tests as set out in the National Planning Policy Framework. Furthermore, the lack of objection from the relevant flood and drainage authorities, following lengthy negotiations with the applicant, lends weight to the balance in favour of the acceptability of the proposal.

No other concerns have been identified which cannot be addressed via pre-commencement works or at the reserved matters stage.

Pre-commencement conditions

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

RECOMMENDATION Grant permission subject to the following conditions:

1.
Approval of the details of the scale and appearance of the buildings, 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 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.

The development hereby permitted shall be carried out in accordance with the following approved plans: EWE/2561/01 Rev A - SW & FW Drainage; 985-20 - Location and Proposed Block Plan.

Reason

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

6.

The development shall be carried out in accordance with the submitted flood risk assessment (Howard J Wroot Chartered Surveyor, 07/04/2020) and the following mitigation measures it details:

- finished floor levels shall be set no lower than 4.4 metres above Ordnance Datum (AOD) as stated within section 4.2.ii.

These mitigation measures shall be fully implemented prior to occupation, and subsequently retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk and impact of flooding to the proposed development and future occupants, in accordance with the North and North East Lincolnshire Strategic Flood Risk Assessment (2011) and the National Planning Policy Framework (2019).

7.

No demolition or development affecting the existing garage or stables, as identified in the submitted Preliminary Ecological Appraisal Report, shall take place until a species protection plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) the results of at least one bat emergence/re-entry survey of all buildings to be altered or demolished. The bat survey shall be carried out between May and August in accordance with section 7.1 of Collins, J. (ed) 2016 Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The survey report shall indicate what mitigation measures are to be undertaken in the event of one or more bat roosts being discovered, including details of any licenses required to legitimise the proposed works;
- (b) details of measures to avoid harm to bats, barn owls, hedgehogs and nesting birds during demolition, vegetation clearance and construction works.

Reason

To protect features of recognised nature conservation importance in accordance with saved policy LC5 of the North Lincolnshire Local Plan and policy CS17 of the Core Strategy.

8.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall cover the land within the red and blue line boundaries shown on the submitted location plan and shall include:

- (a) details of at least two bat roosting features to be installed;
- (b) details of nesting sites to be installed to support house martins, house sparrows and starlings;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (f) details of wetland habitat to be created as part of sustainable drainage;
- (g) details of how the measures proposed will provide at least 10% biodiversity net gain in accordance with the Defra biodiversity metric 2.0;
- (h) proposed timings for the above works in relation to the completion of the buildings.

Reason

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

9.

The biodiversity management plan and species protection 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 sixth dwelling, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan and species protection plan.

Reason

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

10.

No development shall commence until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage scheme shall accord with the approved drainage plan EWE/2561/01 Rev A (02/02/21) unless otherwise agreed in writing by the local planning authority and shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

The drainage scheme shall take into account the notes to developer included within the LLFA Drainage response dated 26/10/2020 and 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.

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.

11.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 10 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.

12.

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.

13.

No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site is 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 Councils Local Plan & Policies CS18 and CS19 of the North Lincolnshire Councils Core Strategy and paragraphs 155, 157, 163 & 165 of the NPPF.

14.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy, to be defined in a

written scheme of investigation that has been submitted to and approved in writing by the local planning authority. The strategy shall accord with a brief provided by North Lincolnshire Historic Environment Record and shall include details of the following:

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

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

15.

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

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be

prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

16.

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

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

17.

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.

18.

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.

19.

At no time shall any more than six dwellings be served by the proposed private driveway as indicated within the application.

Reason

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

20.

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant

linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation.

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation

scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

In the interests of the safety of construction workers and future site users.

21.

Construction operations shall be limited to the following hours:

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

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

HGV movements shall not be permitted outside these hours during the construction 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

For the protection of residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informative 1

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

<http://m.northlincs.gov.uk/public/publications/RiparianGuidance/index.html#page=1>.

Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 2

Alterations to the watercourse network passing through and surrounding the site must be consented by the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team on 01724 297522 or by email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 3

Connection into the 600 millimetre diameter drain on Main Street is a council asset and this must be consented by the LLFA Drainage Team through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed (not exceeding 5 litres/second). Please contact the LLFA Drainage team on 01724 297522 or by email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 4

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

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

Informative 5

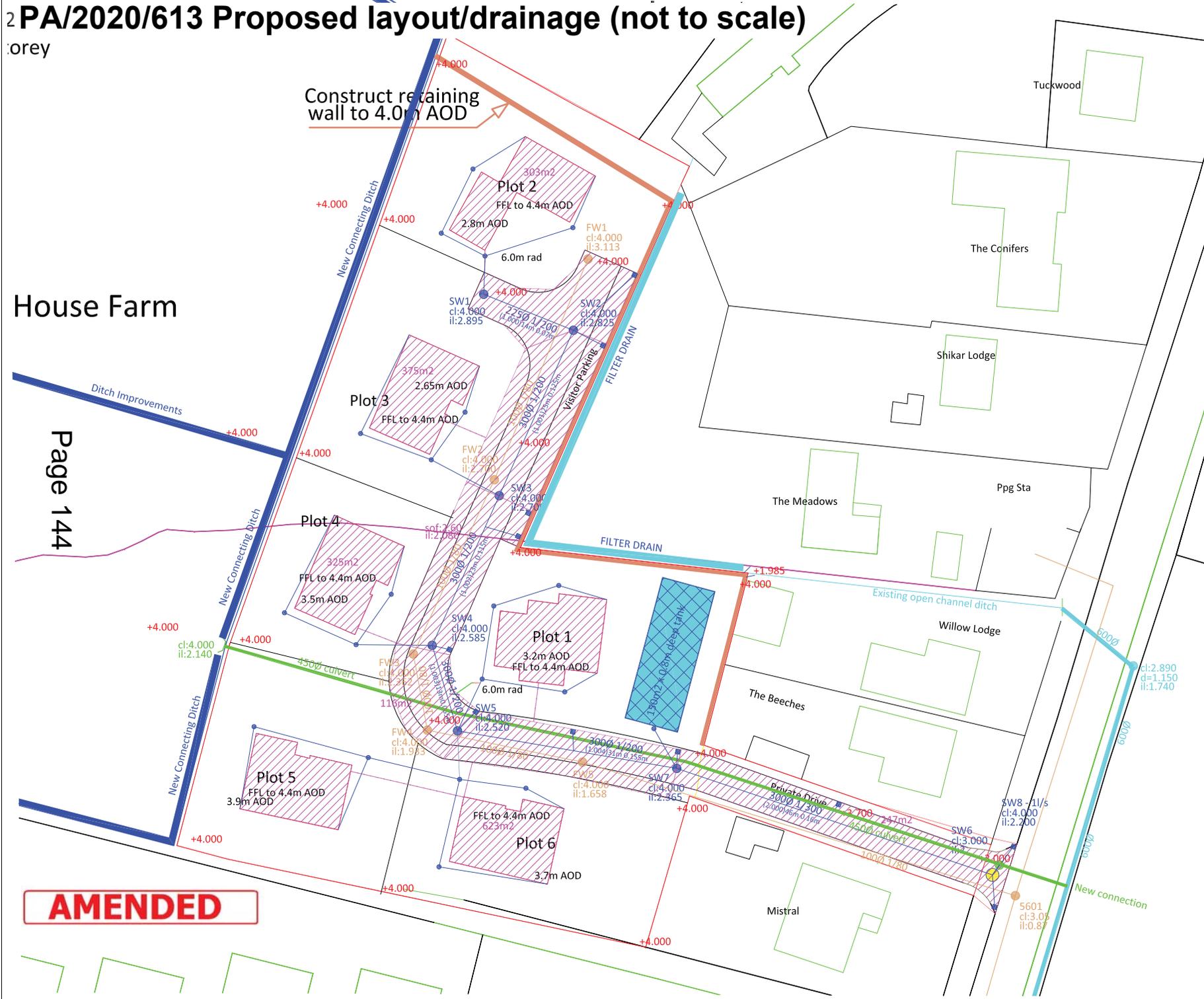
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

2 PA/2020/613 Proposed layout/drainage (not to scale)

orey

House Farm

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NOTES

1. Driveway and car park surfacing design and construction to Engineer's Specification (by others).
2. All dimensions are in millimetres unless otherwise stated.
3. Pre-cast concrete products shall comply with the relevant provisions of BS 5911 and be "Kite-Marked".
4. Manhole covers and frames, grids and frames shall comply with the relevant provisions of BS EN 124. D400 class manhole cover to be used within trafficked areas. A15 class manhole cover to be used in untrafficked areas.
5. Do not scale from this drawing, if in doubt ask.

Proposed Discharge rate of 1l/s based on practical minimum.
Occupier should undertake inspection of control manholes upstream and clear when required.

KEY:

- Roofed and Paved Areas draining to grate tank 1.089m²
Roofed areas to sealed downpipes
- Total Site Area 6000m²
- SW FPIC Manhole
- SW Concrete Manhole with 300mm deep sump and control of 1l/s
- FW FPIC Manhole
- Proposed Grate Tank 1.50m² by 0.6m deep with minimum 0.6m cover, 100yr+CC50% peak volume during duration of 1200 minutes
- Existing Public Culverted Watercourse
- Proposed culvert extension through site 4500
- Indicative Levels
- Headwall into watercourse
- Proposed Gully

REV	DESCRIPTION	DATE
0	For Approval	29/03/20
A	For Approval	02/02/21

EWE Associates Ltd
 EWE Associates Limited
 7 Waverley Close
 Burton Upon Stather
 Scunthorpe
 DN15 5DT
 Tel: 07875 972270
 Email: lea.favill@eweassociates.com

PROJECT	White House Farm Ealand Crowle	
CLIENT	Mr Peter Milner	
DRAWING TITLE	SW & FW Drainage	
SCALE	1:250	DATE 02/02/21
DRAWN BY	CHECKED BY	REVISION
LjF	JF	A
DRAWING No	EWE/2561/01	

AMENDED

APPLICATION NO	PA/2020/751
APPLICANT	Mr D Fenwick
DEVELOPMENT	Planning permission to erect a sustainable dwelling (including demolition of existing outbuilding)
LOCATION	Land south of Fairview, Brook Lane, Scawby Brook, DN20 9JZ
PARISH	Scawby
WARD	Ridge
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from development plan

POLICIES

National Planning Policy Framework:

Paragraph 47 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 54 – Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

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

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

- (e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Paragraph 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.

Paragraph 131 – In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

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

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

- (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

North Lincolnshire Local Plan:

DS1, HE02, T2, 19, LC12

North Lincolnshire Core Strategy:

CS5 – Delivering Quality Design

CS6 – Historic environment

CS17 – Biodiversity

CS18 – Sustainable Resources

CS25 – Sustainable Transport

CONSULTATIONS

Highways: No objections subject to conditions.

Drainage (Lead Local Flood Authority): No objections to the proposal. The department does point out that the site is in a location with a high probability of flooding and there is potential for surface water flood risk events. The department has put forward an informative as the pond and watercourse network on the eastern and southern part of the site remain in riparian ownership.

Tree Officer: No comments.

Environmental Protection: No objections subject to a condition relating to land contamination.

Ecology: Issued a holding objection. An ecology report has been submitted to overcome these concerns.

Environment Agency: The EA has removed an earlier objection as the house has been relocated within Flood Zone 1 within their mapping system and they have no issue with the outhouse remaining within flood zone 3. The EA has also requested a condition be attached that would ensure the proposal is carried out in connection with the submitted Flood Risk Assessment.

PARISH COUNCIL

Supports the application.

PUBLICITY

A site notice and press notice have been posted in accordance with Article 15 of the Development Management Procedure Order 2015 (as amended).

Responses have been received in support of the application, which state that the design is interesting, would blend into its location and also respects the neighbouring amenity. Another considers the design 'innovative' and they are especially pleased to have been consulted and informed by the applicant. Lastly, the application is championed for its appearance, and two of the responses have no concerns over flooding.

ASSESSMENT

Site constraints

Open Countryside – Housing and Employment Land Allocations DPD 2016

Flood Zone 2/3a Fluvial – North and North East Lincolnshire SFRA 2011

Planning history

No direct history exists for the site in question; however, permission was sought for a dwelling on the neighbouring site in 2016, which was refused (PA/2016/0061).

Site characteristics

The site is located to the southern end of a low density residential grouping around Scawby Brook. It is accessed from Brook Lane and this site, along with a property called Burnside, are located at the end of this track. Residential form has slowly increased around the brook over the 20th century and this is evidenced by the applicant's Design and Access Statement through historic mapping. The area is washed over by Flood Zone 2/3a and is at risk from fluvial flooding.

The site itself is abutted on the eastern boundary by a watercourse and has a large pond to the southern end. Trees around the centre of the site cut the site into two and visually dilute its elongated nature/parameters. An existing timber building is located to the north-east of the site.

The following issues are considered relevant to the assessment of this application:

- **principle of development**
- **flooding**
- **highways**
- **trees**
- **amenity**
- **ecology.**

Principle of development

The applicant is proposing a carbon neutral dwelling that is to display high levels of sustainability on an environmental front as well a design influenced by existing site characteristics. The proposal is modest in scale and massing and the applicant seeks approval under paragraph 79 of the NPPF as the design is of exceptional quality in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

There is a discrepancy between this national policy and this council's local policy framework. Local policies that revolve around development within the open countryside, such as RD2 of the North Lincolnshire Local Plan and Core Strategy policies CS1, CS2 and CS3, only allow developments that are essential to the functioning of the open countryside and make no allowances for innovative or exceptional designs.

The justification for such policies surrounding design in the open countryside date back to 1997 and to Gummars Law, and manifest in policy through Planning Policy Guidance 7: Countryside – the opportunity to secure permission for new country houses to continue the centuries-old tradition of building stately homes in the English countryside. Following the inception of the NPPF and the coalition government, the policy made it into the first edition as paragraph 55 and has evolved to what we now have as paragraph 79.

Given the justification and the gap in the local policy framework, the principle of this application must be against the two points outlined above.

Is [the proposal] truly outstanding or innovative, reflecting the highest standards in architecture, and would [it] help to raise standards of design more generally in rural areas?

Having read the design and access statement, the proposal appears to take its context from existing site characteristics – the form of the dwelling is elongated, which marries with the parameters of the site, and some of the rooms are raised on 'stilts', which retains the vista through the trees.

The applicant has put forward a site analysis considering solar, wind, existing blue features (pond, watercourse) and green features (trees, green space) as well as key vistas within the site. This analysis is visually communicated, though is also reinforced through bullet points and contained within the Design and Access Statement (D&A). It is recommended that members consider this document alongside the plans in order to understand how the design solution has been arrived at. Fig 29 of this document allows us to understand the relationship the house will have with its surrounds. The green corridor, which is to the east of the built form, also contains the watercourse; the proximity of the dwelling to this side of the site allows for a close connection between the two. The bedrooms, which are westerly of the main body of the dwelling, are strategic in that they allow the continuation of the verdant vista when looking from north to south (and back again). Members are requested to look at fig 30 of the D&A which is a sketch of the dwelling looking northward from behind the pond. A key characteristic of the design is assimilation – the connection of the dwelling with nature – and although the physical form of the dwelling has roots in a modernist aesthetic, the proposed use of softer materials allows this form to assimilate,

notwithstanding its strong geometric presence. The unobtrusive ground level timber deck is a good example of how hierarchy is given over to the natural environment; the functional space would largely be unseen, whilst the use of timber external materials, which would silver, would offer constant change, the same as the trees give a finite feeling (as opposed to the insuperability of typical materials associated with a modernist approach), and the abundance of glazing would reflect the natural environment.

The design is clearly evolved from the site itself, rather than manipulating the existing site in order to retrofit the proposal. The design and layout concepts are based on linearity as well as the experiences a person has when immersed in the site. This has led the architect to put forward a design framework when considering how the house should look and function. The framework is based on the journey and verticality, as well as nature and nurture. This has only been fully understood from dialogue with the architect and the stages of the design journey told in more detail through an updated D&A. Figures 23–26 (inclusive) visually guide how the architect has arrived at the proposed design. Much of this resonates with local policy CS5, which seeks a contextual approach to design.

In terms of achieving its environmental standards, the applicant proposes to take guidance from the LETI Climate Emergency Design Guide. LETI use a mantra ‘Whole Life Carbon’, which is the sum of operational carbon and embodied carbon. In lay terms, the operational phase relates to how the building gets energy and the embodied carbon relates, in the main, to the materials that are used. The applicant states:

‘The new dwelling will have net zero operational carbon in that it will not burn fossil fuels, will be 100% powered by renewable energy and will achieve a level of energy performance in use in line with the national climate change targets. No carbon-offsetting is intended within this project. Electric car charging points are to be sited within the outbuilding as well as battery storage for the solar generated electricity. An electrically operated air source heat pump will power both heating and hot water within the house. The landscape strategy has been designed to include ground mounted solar panels, which can respond to the direction and angle of the sun and are more efficient than standard fixed roof-mounted panels. The panels are sited at the north end of the site in one of the sunniest parts of the site. Battery storage can be accommodated in the adjacent outbuilding.’

and

‘Where possible the building can re-use materials and products from demolished buildings and is designed for disassembly so that the materials and products within the building can be re-used in future buildings. Best practice targets for embodied carbon considerations within the LETI report acknowledge that only proportions of recycled and recyclable materials will be possible for many projects.’

It is considered that a condition linking any permission to these environmental design strategies would ensure that the proposed development would offset the need to travel by motorised vehicle (the applicant drives an electric car, though in planning terms this cannot be enforced). The condition would ensure that the dwelling will be powered ‘100%’ by renewable energy, whilst a condition controlling materials would allow the applicant to demonstrate how the materials are in accordance with the ‘embodied carbon’ ethos.

Paragraph 79 asks the decision takers to take a view on whether or not the proposal is outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas. This is somewhat subjective; the

scheme is certainly unique as it is steeped in the context of the site. The architect's subjective experiences and reading of the site have pulled through into the design before us and this journey/analysis is clearly communicated through the D&A, and its relationship to the site is understood. Through its combination of environmental benefits, contextual approach to the appearance, and soft approach to the natural environment, the proposal finds reference points to build upon. The design story told by the D&A also allow us to understand that this scheme would represent some of the highest architectural standards in comparison to the dwellings routinely put before members. In terms of raising design standards in rural areas, this offers us a point of reference to build upon; and any authority that is subject to high volumes of proposals for residential development within the open countryside would be aware, looking at this scheme, that more can be asked in design terms from other proposals; this would certainly, if not drive, add support to that idea.

Would [the proposal] significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area?

The framework of the design is based on existing site constraints, including the setting and characteristics of the wider area. These are communicated within the journey undertaken in the D&A, and the final design solution arrives at a proposal that would be fully absorbed into the site without impinging negatively upon the positive elements already inherent. The natural elements of the site retain hierarchy, the verdant vista through the trees remains intact and encapsulates the nature/nurture ethos that was integral to the architect's approach and subsequent output.

The proposal is therefore considered to satisfy the tests set out under paragraph 79 and it is considered to be in accordance with it. Given the high quality proposal and sensitive location, it is considered that there is justification for the removal of permitted development rights for extensions and outbuildings. Furthermore, any permission granted will be subject to a condition requiring materials to be agreed.

Flooding and drainage

The site is located within Flood Zone 2/3a of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for 'more vulnerable' development, and the sequential and exceptions tests need to be applied and passed for the proposed dwelling.

A flood risk assessment (FRA) has been submitted with the application, together with a separate sequential test. It is worth noting that the Environment Agency has considered the content of the Flood Risk Assessment and recommends a condition in respect of finished floor levels, and flood resistant design and construction techniques.

The applicant has provided a sequential test that explores the nearby settlement of Scawby Brook as well as Brigg which has areas within flood zone 1 for available sites. It is considered that the geographical area of search is appropriate as it includes the search of one of North Lincolnshire's market towns.

The applicant also sets out an appropriate methodology for the search for sites that is proportionate to the erection of a single dwelling. The applicant has searched online estate agents and puts forward some alternative sites. The reasoning behind them being discounted is sufficiently robust.

For completeness of the flood risk assessment, the exceptions needs to be applied. Essentially, the two parts to the test require proposed development to show that it will

provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere, and where possible reduce flood risk overall.

It is considered that the FRA satisfactorily demonstrates that the development will be safe without increasing flood risk elsewhere and this is reinforced through comments from the Environment Agency and the council's drainage team. The FRA considers mitigation measures in respect of floor levels, emergency access and egress, flood warning and evacuation, and flood resilience. It is considered that sufficient justification has been submitted with the application to demonstrate that the proposal will deliver sustainable development in Scawby Brook and Brigg that would outweigh flood risk (this relates to an assessment weighed against flood risk only). The proposal is therefore considered to provide wider sustainability benefits which outweigh flood risk, which is partly the purpose of the test, and subsequently the exception test is passed in this case. The proposal is considered to comply with policies DS16 of the North Lincolnshire Local Plan, CS19 of the Core Strategy and the National Planning Policy Framework in terms of flood risk.

Highways

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

The proposal is located in a remote location and this is reflected by its justification under paragraph 79. The proposal would not comply with the sustainable transport policies given its reliance upon the car or other motorised transport. That said, taken as a whole, the proposal does exude high environmental characteristics and so these impacts are somewhat offset.

In terms of highway safety, the Highways Development Control Team have reviewed the submission and have no objections subject to the works around the highway being completed in accordance with the plan. Another condition ensuring all areas are surfaced prior to occupation is also recommended. It is considered that the proposal would accord with policies T2 and T19 of the North Lincolnshire Local Plan.

Trees

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

The trees on site are inextricably linked to the design of the dwelling. Some trees would be lost and others would be required to be cut back. It is considered that a dwelling in this location would encourage the ownership and responsibility to maintain the trees. After all, a partial tree house would not really have the same effect if there were no trees present. The council's tree officer has no comments to make. Furthermore, it would make no sense to control the further loss of trees; this would not allow the applicant flexibility going forward should the need to fell arise if one tree becomes troublesome. There is inherent trust in this

design that the trees are an integral part of it and the applicant's altruistic approach to the natural environment is sufficient to not warrant mitigation on this issue. It is therefore considered that the proposal would accord with policy LC12 of the North Lincolnshire Local Plan.

Amenity

Part of policy DS1 is concerned with amenity. Policy H7 is concerned with tandem and backland developments. Both are relevant. Part of DS1 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 proposal is a sufficient distance from all other dwellings so as to not give rise to any unacceptable overshadowing or overbearing impact, whilst its separate access track would mean that noise from the movement of vehicles would be mitigated sufficiently, despite being made of gravel. Lastly, all openings are positioned such that they would not be intrusive upon neighbouring amenity. The proposal is therefore considered to align with part of policy DS1, as well as H7, of the North Lincolnshire Local Plan.

Ecology

Policy CS17 of the Core Strategy and paragraph 170 of the NPPF relate to biodiversity. Paragraph 170 states, in part, that a net gain for biodiversity should be achieved.

The council's ecologist has read the submitted preliminary ecological appraisal and protected species reports and states that the survey methods used and the survey effort deployed are appropriate for the site in question. The officer adds:

'The surveys revealed no evidence of bat roosts or great crested newts and low potential for the latter, as the on-site pond is stocked with carp. Common bird species were recorded nesting in and around the outbuildings, and bats are likely to use the area for foraging.'

Conditions therefore relate to a biodiversity management plan and another reinforcing it. The applicant is happy to accept these as they align with ethos of the development. The proposal subject to planning conditions relating to bio-diversity enhancement is therefore in accordance with policies CS17 of the Core Strategy and paragraph 170 of the NPPF

Land quality

Policy DS7 of the local plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The council's environmental health officer has stated that a phase 1 desk top study is required, followed by remediation and verification reports. Given the inert planning history of the site, this is considered unreasonable and a monitoring condition requiring the developer to address any contamination found during construction would form appropriate mitigation should permission be granted. It is therefore considered that the proposal is in accordance with policy DS7.

Conclusion

The proposal is considered to meet the tests of innovation, merit and ability to raise rural design standards set out by paragraph 79 of the NPPF. Justification exists for the removal of permitted development rights for extensions, alterations and outbuildings to retain the exemplar offering made by the applicant. Other conditions are proposed to mitigate other issues that may arise from this development, such as impact upon archaeology and highway safety. Surface water will be mitigated at building regulations stage, as well as possibly foul water, if there is no sufficient link close by; alternatively the Water Industries Act 1991 would mitigate its disposal. The proposal is considered to be of sufficient merit to allow a new isolated home within the open countryside.

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: 2020 027269 06 C; 2020 027269 07 C; 2020 027269 05 C.

Reason

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

3.

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

Reason

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

4.

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) rev A by Brown & Co. In particular:

- the proposed dwelling shall be situated in Flood Zone 1 as stated in the FRA and shown in Figure 2: Block Plan;
- finished floor levels shall be set no lower than 5 metres above Ordnance Datum (AOD).

Reason

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

5.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out

until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

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

6.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing.

Reason

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

7.

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 approved dwelling, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

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

8.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development shall be allowed under Part 1 of Schedule 2, Classes A–E (inclusive) without the prior written consent of the local planning authority.

Reason

To retain the architectural merit of the proposal in accordance with paragraph 79 of the National Planning Policy Framework and to meet the design approach set out by policy CS5 of the North Lincolnshire Core Strategy.

9.

The proposal shall be carried out in accordance with the LETI Climate Emergency Design Guide as well as the Environmental Sustainability section of the Design and Access Statement. These renewable features shall be retained thereafter.

Reason

In the interest of climate change and to accord with policies CS5 and CS18 of the North Lincolnshire Core Strategy.

10.

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

Reason

In the interest of character and climate change, and to accord with policies CS5 and CS18 of the North Lincolnshire Core Strategy.

Informative 1

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

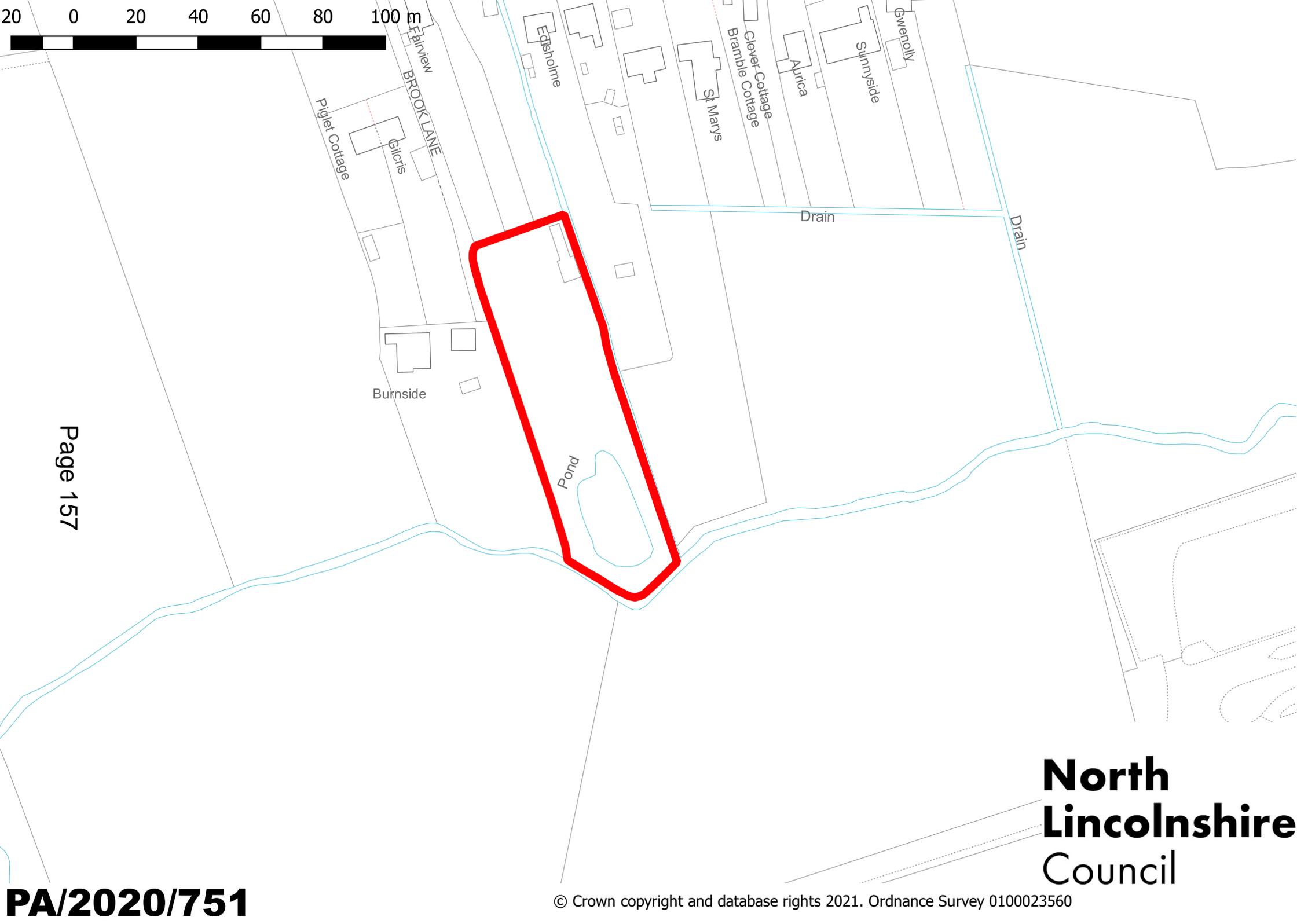
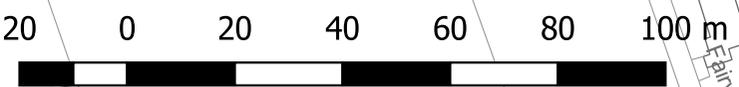
Please refer to the Environment Agency's 'Living on the edge - Riverside ownership rights and responsibilities' document which can be found online for further information. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 2

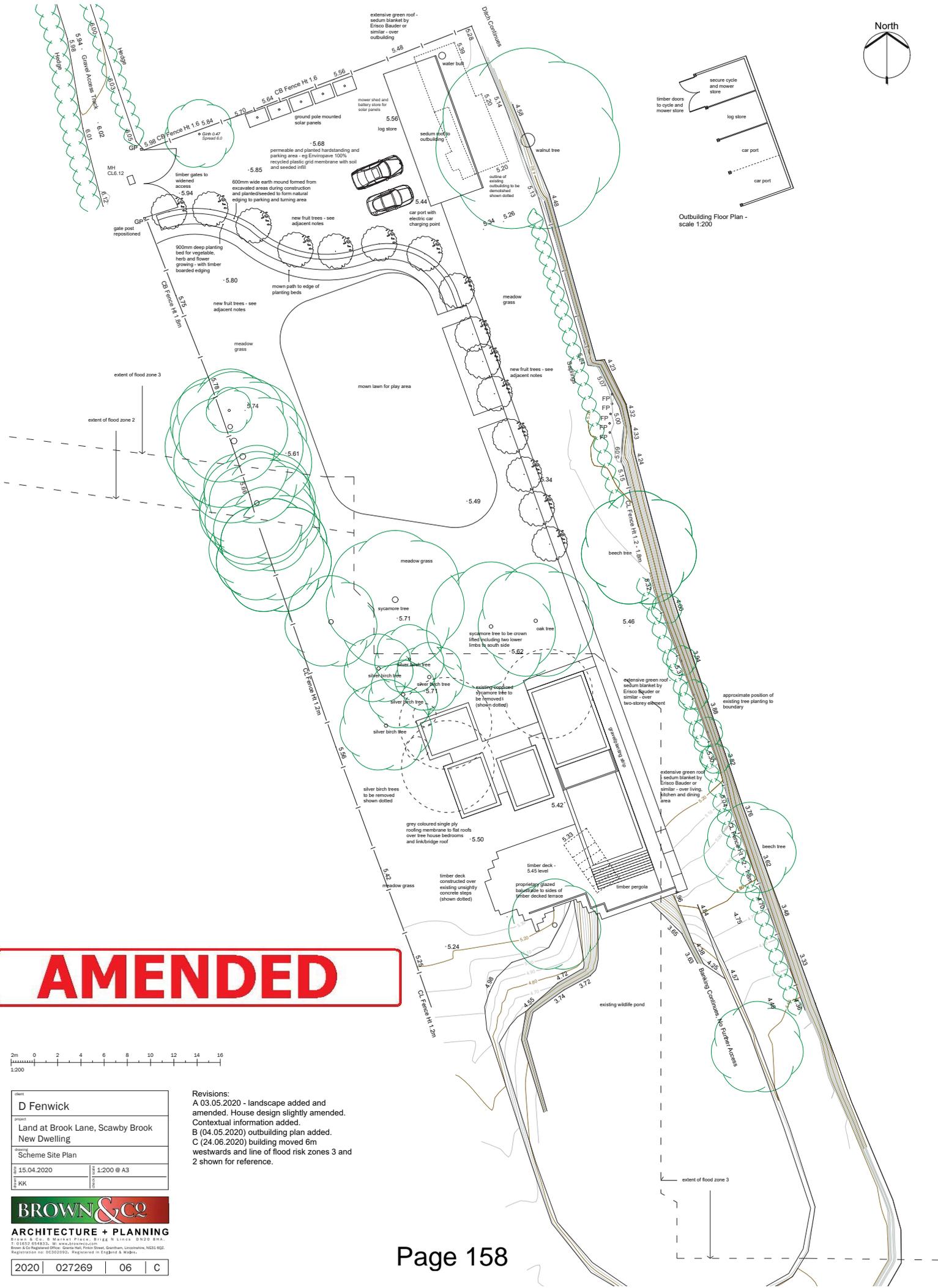
Alterations and/or connection into the watercourses must be consented by the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team on 01724 297522 or by email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

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.



PA/2020/751 Proposed layout (not to scale)



AMENDED



client	D Fenwick
project	Land at Brook Lane, Scawby Brook New Dwelling
drawing	Scheme Site Plan
date	15.04.2020
scale	1:200 @ A3
drawn by	KK

Revisions:
 A 03.05.2020 - landscape added and amended. House design slightly amended. Contextual information added.
 B (04.05.2020) outbuilding plan added.
 C (24.06.2020) building moved 6m westwards and line of flood risk zones 3 and 2 shown for reference.

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APPLICATION NO	PA/2020/1494
APPLICANT	Mr R Sodha
DEVELOPMENT	Hybrid application comprising full planning permission to change the use of a public house to a dwelling with associated works and outline planning permission for three dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration.
LOCATION	King William IV, 177 Scawby Road, Scawby Brook, DN20 9JX
PARISH	Scawby
WARD	Ridge
CASE OFFICER	Kevin Robinson
SUMMARY RECOMMENDATION	Grant full and outline planning permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan Objection by Scawby Parish Council

POLICIES

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

Paragraph 11: Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

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

For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

Paragraph 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.

North Lincolnshire Local Plan: DS1, DS7, RD2, T2, T19, HE9

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS7, CS8, CS22

CONSULTATIONS

Highways: No objections, subject to conditions relating to access.

Drainage (Lead Local Flood Authority): No objections, subject to a condition with regard to drainage and an informative relating to a potential culvert within the site.

Environmental Protection: No objections, subject to conditions relating to potential contamination of the land and to control noise and dust during development.

Historic Environment Record: No objections on archaeological grounds.

Waste and Recycling: Advise the location for bin collections should be considered.

PARISH COUNCIL

Response received advising the details of the scheme raise no objection. However, as the site is outside the development limits, they object.

PUBLICITY

Advertised by site and press notice. Three comments have been received raising the following concerns:

- loss of the public house as a community facility with no other facility in the village;
- would be reliant on private car for travel.

ASSESSMENT

The proposal is a hybrid submission for full planning permission to change the use of an existing public house to a single dwellinghouse and outline planning permission (with details of access) for three dwellings on the associated land to the rear of the public house. The public house is within the settlement development limits while the remainder of the proposal is in the open countryside.

The conversion of the public house would result in its loss as a community facility. Policy CS22 of the Core Strategy 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.' In this regard the applicant has stated that there are eight further public houses in neighbouring Brigg and that the public house has previously been marketed for sale unsuccessfully. It is noted that there is a combined development limit of Brigg, Scawby Brook and Castlethorpe. As such, it is considered that the loss of the public house would not be contrary to the aims of policy CS22. This part of the proposal in re-using an existing building within the development limits is therefore considered to be acceptable in principle.

Turning to the remainder of the proposal, which is in outline form, for the erection of three dwellings on land to the rear of the public house, this part of the site falls outside the development limits.

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

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

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. Policy CS8, whilst restricting housing outside

development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

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

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

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

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11(d) of the NPPF provides that where the policies which are most important for determining the application are out-of-date, the authority should grant 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.

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 proposal fails against the above tests from Paragraph 11 (d).

Paragraph 12 goes on to state, '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.'

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

The proposal would provide economic benefits which are demonstrated within the scheme. These include the benefits to the local economy during the construction phase and, upon occupation of the resulting residential development, the support to existing services and amenities in Brigg, Scawby Brook and Castlethorpe. The settlement scores highly in sustainability terms as a preferred place for development. In terms of social sustainability, the loss of the public house would be to its detriment; however, as assessed earlier, this part of the proposal is considered to be acceptable in policy terms. On balance, therefore the proposal is considered to result in some economic benefits, whilst being neutral in social effects.

Environmentally there would be very limited impact upon the wider open countryside. The site is constrained by existing development to all but the rear boundary and would not be prominent in any views. A further offset is that the scheme would also include SuDs techniques that would improve the environmental sustainability of the scheme.

The proposal for residential development in this location is not considered to impact upon any protected areas or assets of particular importance and, on balance, the proposal does represent a sustainable form of development in accordance with paragraph 11 (d) (i) of the NPPF.

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

The key issues in this regard for the proposal are considered to be:

- **impacts upon the character of the area**
- **impacts upon residential amenity**
- **highway safety**
- **flood risk and drainage**
- **heritage and archaeology**

Impacts upon the character of the area.

Policy CS5 of the Core Strategy is concerned with raising design standards in North Lincolnshire, whilst policies H5 and H7 of the local plan are concerned with new housing

developments and backland sites; both are considered relevant. Policy RD2 of the local plan seeks to protect the open countryside and is also relevant.

As noted above, the application site has existing residential development to the east and west with the public house to the northern boundary and open fields to the southern boundary. Whilst details of the proposed dwellings are not known at this stage, it is considered, given the existing variety within the immediate locality, that a suitable scheme could be achieved for the proposed three new build properties. With residential properties already in depth to the neighbouring sites, the proposal would not introduce a new characteristic of backland development or be obtrusive within the locality. The proposed conversion of the public house is considered to retain the key features of the building and would not result in any detrimental impacts upon the character of the area.

The proposal is therefore considered to be acceptable in this regard with the requirements of policies CS5, H5, H7 and RD2.

Impacts upon residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states, ‘...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.’

Policy H5 also seeks to require that proposals do not result in adverse impacts upon neighbouring amenity.

The proposal contains full details for the conversion of the public house and is in outline form only for the three properties proposed to the rear. The proposal is accompanied by an indicative layout with the properties running down the site. It is considered that the public house conversion is sympathetically laid out so as not to result in any significant impacts of overlooking and it would not increase massing to cause overshadowing or oppression. Furthermore, the change from the public house use could result in lower activity levels, the site being in residential use adjacent to exist dwellings.

The proposed outline submission does not include details of siting or design. Notwithstanding this, it is considered that the site has sufficient space to allow for a suitable layout to be achieved with good levels of amenity provided. The proposal is considered to be acceptable in this regard with policies DS1 and H5.

Highway safety

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety.

The proposal seeks to utilise the existing access serving the public house. Two off-street parking places would be provided to the converted public house. The indicative layout plan demonstrates that suitable parking provision can be achieved and turning facilities made available for vehicles to leave the site in a forward gear. The council’s Highways officers have been consulted and raise no objections subject to conditions to control the details of the access and parking. Details of access are therefore considered to be acceptable with regard to the requirements of policies T2 and T19.

Flood risk and drainage

Policy DS14 of the North Lincolnshire Local Plan is concerned with both surface water and foul drainage. The site is not within an area of designated flood risk. The proposal would result in changes to the ground conditions and the movement of surface water. The requested conditions in relation to foul and surface water should serve to ensure that the site is suitably drained in accordance with the requirements of policy DS14.

Heritage and archaeology

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

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

The council's archaeologist has been consulted on the application and confirms that the site has no known archaeological interest. As such there is not considered to be any appreciable concerns in this regard.

Land contamination

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release. Policy DS1 of the local plan is also concerned with the protection of amenity.

The Environmental Protection Officer has requested a condition to ensure suitable protection from land contamination at the site. It is considered, given the previously developed nature of the site, that such a condition is necessary and reasonable.

Conclusion

The proposal is located partly within and partly outside the defined development limits of Brigg, Scawby Brook and Castlethorpe. In light of the council's housing supply position, the relevant test for proposals for housing development is set out in the NPPF. It is considered that the proposed developments meet the test and are sustainable. As such, the application is recommended for approval, subject to conditions to control the reserved matters and other details as necessary.

RECOMMENDATION

Grant full planning permission to change the use of a public house to a dwelling with associated works and outline planning permission for three dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration:

the grant of full planning permission to change the use of a public house to a dwelling with associated works, 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 - reference: 2020/029690 01; Proposed Plan - reference: 2020/029690 05; Proposed Elevation - reference 2020/02960 06.

Reason

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

and the grant of outline planning permission for three dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration, subject to the following conditions:

3.

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.

4.

Plans and particulars of the reserved matters referred to in condition 3 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.

5.

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.

6.

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.

7.

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.

8.

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

9.

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.

Reason

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

10.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 9 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.

11.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to

and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

12.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking 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.

Informative 1

- (i) Records indicate that the proposed development site has a watercourse running through it (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team on 01724 297522, prior to any further construction works being carried out. Please refer to North Lincolnshire Council's 'Guide to Watercourses and Riparian Ownership', which details riparian rights and responsibilities: <http://m.northlincs.gov.uk/public/publications/RiparianGuidance/index.html#page=1>. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.
- (ii) Connection into the watercourse must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, and/or the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team on 01724 297522 or by email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.
- (iii) An Anglian Water foul sewer passes through the development site. Please contact Anglian Water for further information.

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.



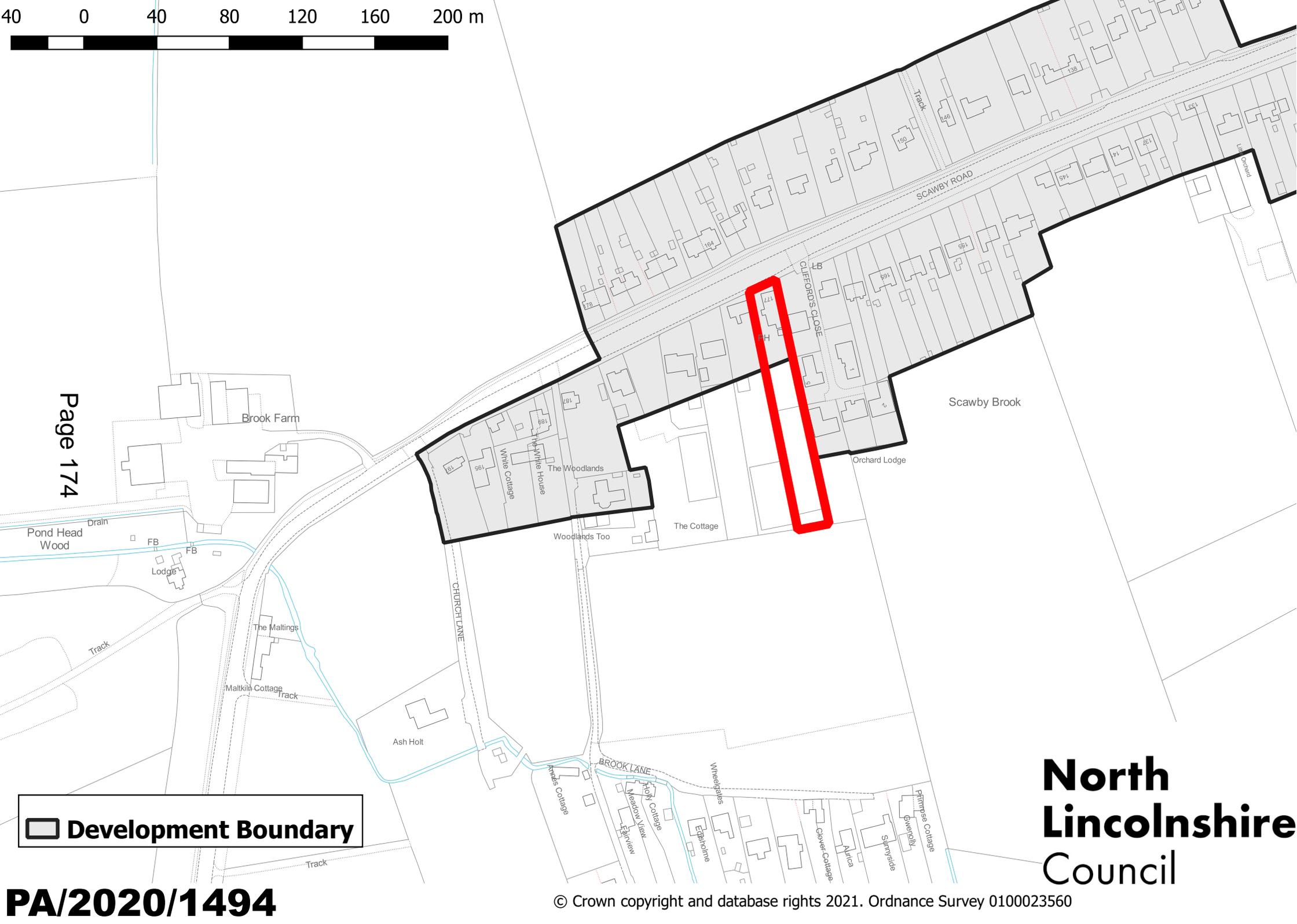
Page 174

 Development Boundary

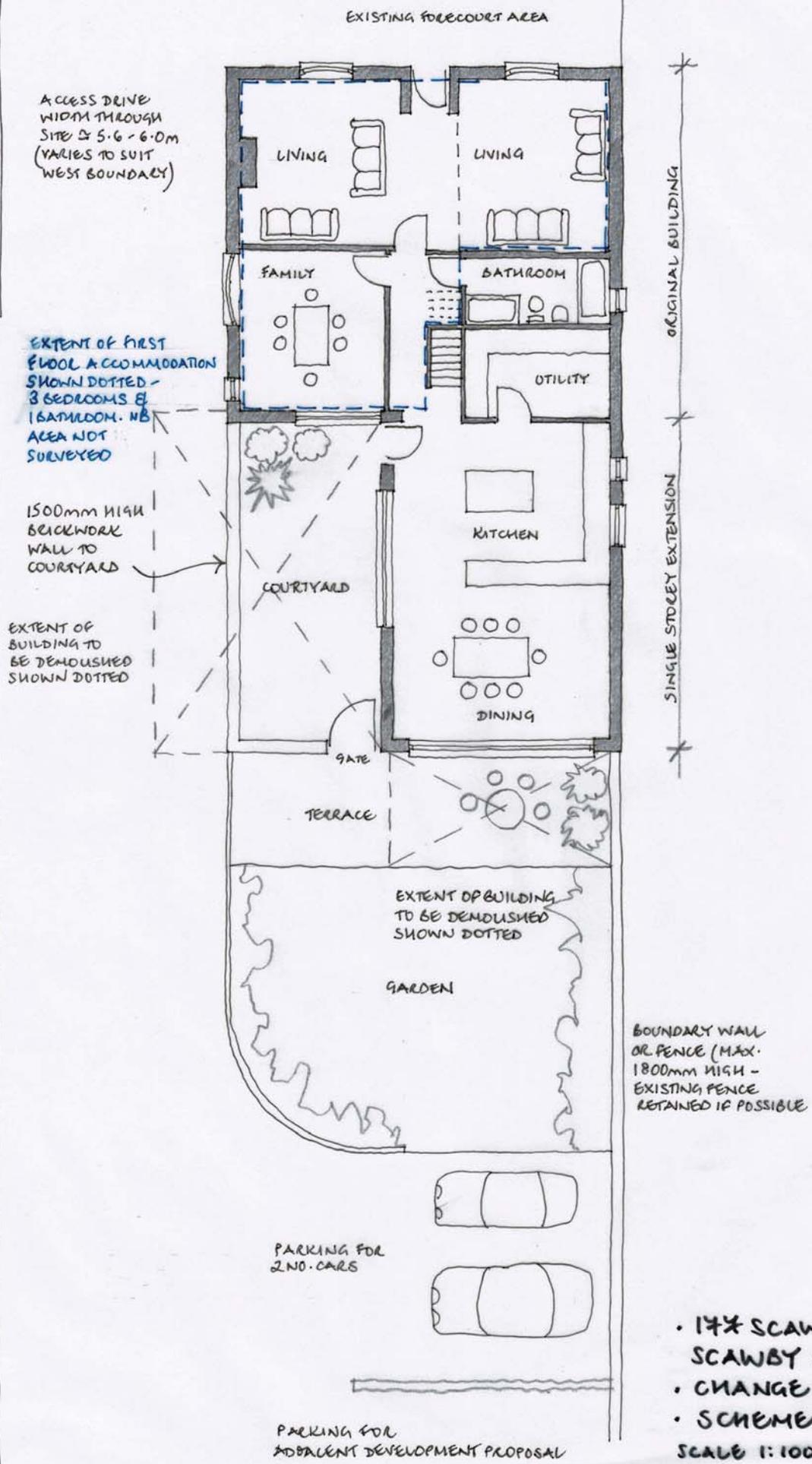
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**North
Lincolnshire
Council**

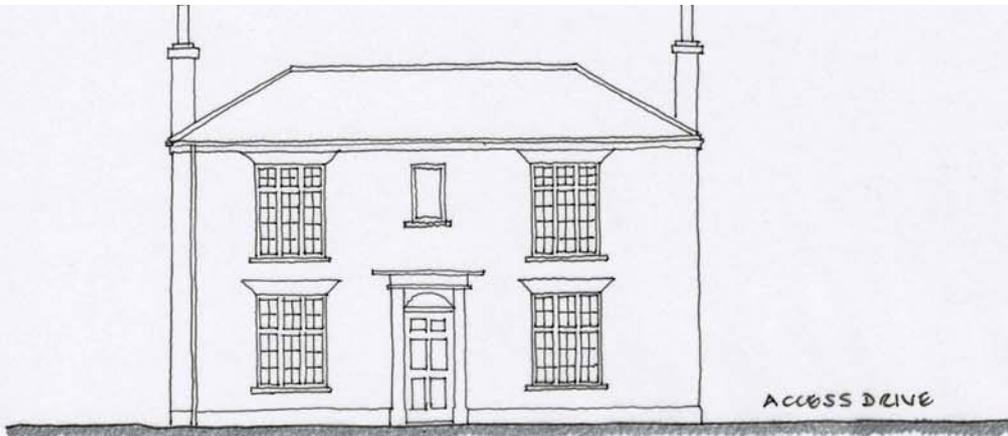


PA/2020/1494 Proposed change of use plan (not to scale)



- 17X SCAWBY ROAD SCAWBY BRIDLE
- CHANGE OF USE
- SCHEME - PLAN
- SCALE 1:100 JUNE 2020
- DRWG NO. 029690.05

PA/2020/1494 Proposed change of use elevations (not to scale)



NORTH ELEVATION

EXISTING SIDE
EXTENSION
DEMOLISHED

NOTE: SCHEME DRAWINGS
BASED ON RESTRICTED SURVEY
INFORMATION AVAILABLE AT
TIME OF CARRYING OUT
MEASUREMENT SURVEY (JUNE 2020)



WEST ELEVATION EXISTING WINDOWS
RETAINED

GLAZING TO KITCHEN/DINER

NEW SINGLE STOREY
PITCHED ROOF EXTENSION
CONCRETE ROOF TILES
WHITE RENDEROED WALLS

LINE OF BRICKWORK WALL
TO COURTYARD SHOWN DOTTED



SOUTH ELEVATION

GLAZING TO KITCHEN/DINING

SINGLE STOREY PITCHED
ROOF EXTENSION - EXISTING
PARAPET DETAIL TO EAST
BOUNDARY RETAINED

LINE OF
BRICKWORK
WALL TO COURTYARD
SHOWN DOTTED

EXISTING
DORMER

SINGLE STOREY
PITCHED ROOF
EXTENSION

BOUNDARY
FENCE

EAST ELEVATION

EXISTING WINDOWS TO EAST ELEVATION
RETAINED & OPAQUE GLAZED

PA/2020/1494 Indicative site plan (not to scale)



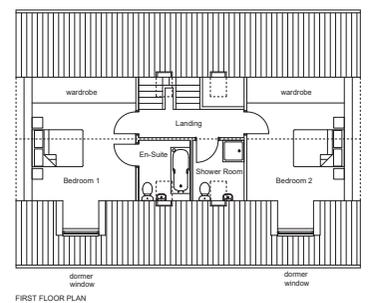
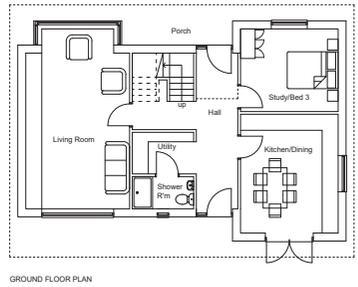
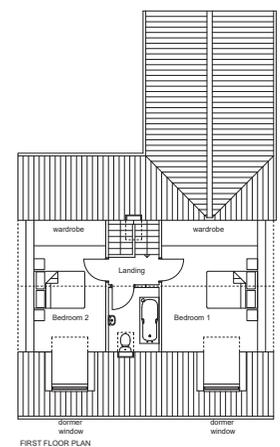
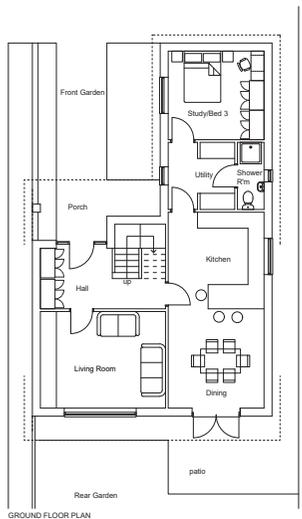
extent of outline application shown dotted purple

Revisions:
A (19.06.20) extents of hybrid application shown dotted for clarity - green for change of use application and purple for outline planning application.

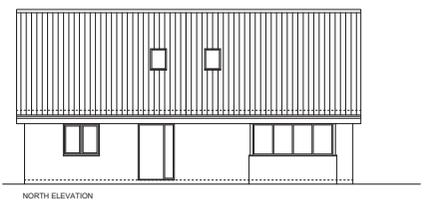
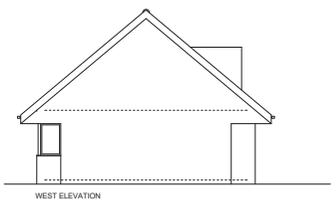
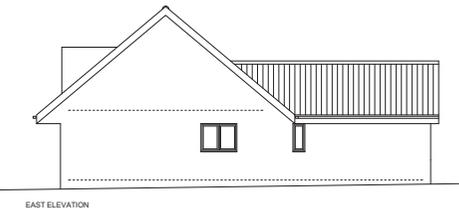
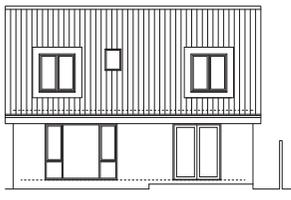
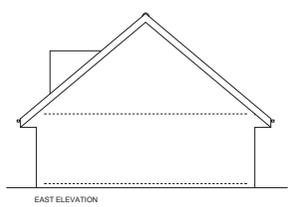
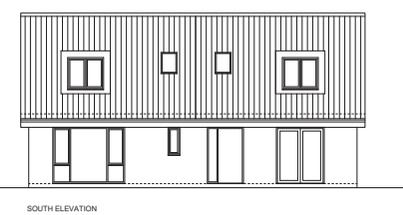
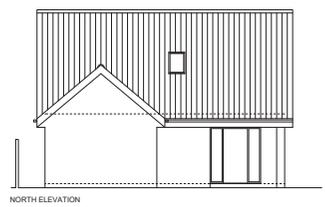
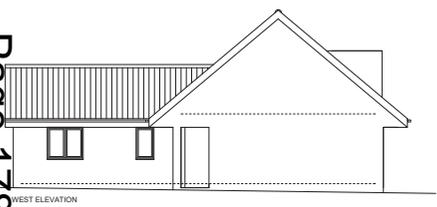
Mr R Sodha	
177 Scawby Road, Scawby Brook	
New Dwellings and Change of Use	
Indicative Site Plan	
28.06.2020	1:200 @ A1
KK	EPW



PA/2020/1494 Indicative house plans and elevations (not to scale)

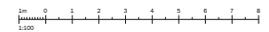


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HOUSE TYPE 1

HOUSE TYPE 2



Mr R Sodha	
177 Scawby Road, Scawby Brook New Dwellings	
Indicative House Plans and Elevations	
28.06.2020	1:100 @ A1
RR	LPW

BROWN & CO
ARCHITECTURE + PLANNING

2020 029690 03

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APPLICATION NO	PA/2020/1522
APPLICANT	Mr & Mrs M Johnson
DEVELOPMENT	Outline planning permission to erect a detached dormer bungalow with all matters reserved for subsequent consideration
LOCATION	Land at Levels Farm, 98 Outgate, Ealand, DN17 4JD
PARISH	Crowle
WARD	Axholme North
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Departure from the development plan

POLICIES

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
- (iii) 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 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 158 – The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS17 (Biodiversity)

Policy CS19 (Flood Risk)

Policy CS25 (Promoting Sustainable Transport)

North Lincolnshire Local Plan:

Policy RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy T1 (Location of Development)

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)

CONSULTATIONS

Highways: No objections subject to conditions.

Environment Agency: No objections.

Drainage (Lead Local Flood Authority): No objections subject to a condition stipulating that surface water shall not be discharged into the foul sewer system.

Severn Trent Water: 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. No surface water shall enter the foul system by any means.

Yorkshire Water: No comments received other than acknowledgment of consultation.

Environmental Protection: No objections subject to a condition relating to land contamination.

Isle of Axholme and North Nottinghamshire Water Level Management Board: No objection subject to a condition.

TOWN COUNCIL

No objection subject to adequate control of surface and foul water.

PUBLICITY

The proposal has been advertised by both site and press notice in accordance with Article 15 of the Development Management Procedure Order 2015.

One response has been received, which does not object to the principle of the development but has concerns for any future reserved matters application. In part it states:

'The only objection we would have is if, in the future, the existing owners or any new owners started using [the] access from the west side of the property as they have already installed two gates directly across from our farm entrance which have been covered with wood to make them look like part of the fence. As this lane is only for access to farms and their dwellings we would not want this to change in the future.'

ASSESSMENT

Planning history

PA/1998/0412: Erect a domestic extension – approved 08/05/1998

- 2/1990/1002: Erect a detached bungalow – refused 18/12/1990
- 2/1989/1433: Erect a detached bungalow and garage – approved 12/02/1990
- 2/1988/0453: Erect a detached dwelling (outline) – approved 18/07/1988

Site constraints

Open Countryside Housing and Employment Land Allocations DPD

Flood Zone 2/3a North and North Lincolnshire SFRA 2011

Site characteristics

The site is within existing garden land associated with Levels Farm. This dwelling and the proposed site are outside the settlement boundary, though do abut it. The garden contains large conifers which at present prevent views into the site. Opposite there is a working farm as well as a row of residential properties to the west, to the south of the site is a residential dwelling, whilst to the east is all open countryside.

Ealand is 14th in the overall settlement hierarchy, containing four of the seven identified key facilities (Sustainable Settlement Survey 2016, North Lincs).

Proposal

This is an application for outline permission only, with all matters reserved for subsequent consideration.

The key assessment is whether or not Ealand is sustainable enough to support an additional dwelling and whether there are unacceptable character impacts upon the open countryside.

Principle of development

Policy CS1 of the North Lincolnshire Core Strategy is concerned with the overarching spatial approach to development across the district. The proposal is outside of any recognised development boundary, in the open countryside. Of these areas the policy states:

In the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings. Tourism development will also be supported, in particular the development of green tourism making the most of the area's important natural and built environments.

Policy CS2 sets out a sequential approach to land type where development is focussed. Unsurprisingly agricultural land within the open countryside is not prioritised. Instead, it states of these areas:

Any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a

countryside location, or which will contribute to the sustainable development of the tourist industry.

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy is in two parts: the first sets out what is acceptable in principle, where only residential uses that are essential to the open countryside would be supported; the second caveats those development types that are acceptable.

The proposal, whilst abutting the settlement boundary of Ealand, is wholly located within the open countryside. It is therefore considered unacceptable in principle and contrary to policies CS1, CS2 and CS3 of the North Lincolnshire Core Strategy, and RD2 of the North Lincolnshire Local Plan.

Flooding and drainage

The site is within Flood Zone 2/3a of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for 'more vulnerable' development, and there is a requirement for the sequential and exceptions tests to be applied and passed for the proposed dwelling.

A flood risk assessment (FRA) has been submitted with the application, along with a separate sequential test. It is worth noting that the Environment Agency has considered the content of the Flood Risk Assessment and recommends a condition in respect of finished floor levels, and flood resistant design and construction techniques.

The proposed development needs to be assessed against the sequential and exceptions tests. The applicant has provided a sequential test that explores the nearby settlement of Crowle as well as Ealand, which has areas within flood zone 1 for available sites.

The sequential test shows a search of online estate agents and reasons why those sites have a geographical area of search around both Ealand and Crowle, and this is considered acceptable. The sequential test unearths some sites: the larger sites in Ealand are dismissed as this proposal is for a single dwelling, and good reasons are given for discounting those identified in Crowle. The sequential test is therefore considered to be passed.

For completeness of the flood risk assessment, the exceptions test will be applied. Essentially, the two parts to the test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere, and where possible reduce flood risk overall.

It is considered that the FRA satisfactorily demonstrates that the development will be safe without increasing flood risk elsewhere and this is reinforced through comments from the Environment Agency and the council's drainage team, though the latter insist on a condition that no surface water will be directed to the foul network (Severn Trent also request this). The IDB has also recommended a condition but given that the proposal relates to a single dwelling, it is considered that sufficient mitigation exists as part of the building regulations process, whilst there are legislative requirements should the applicant seek to direct surface water towards a watercourse. The FRA considers mitigation measures in respect of floor levels, emergency access and egress, flood warning and evacuation, and flood resilience. It is considered that sufficient justification has been submitted with the application to demonstrate that the proposal will deliver sustainable development in Crowle and Ealand that would outweigh flood risk (this relates to an assessment weighed against flood risk

only). The proposal is therefore considered to provide wider sustainability benefits which outweigh flood risk, which is partly the purpose of the test; subsequently, the exception test is passed in this case and the proposal is considered to comply with policies DS16 of the North Lincolnshire Local Plan, CS19 of the Core Strategy and the National Planning Policy Framework in terms of flood risk.

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 council's highways team have assessed the application and have no objections to the proposal from a highway safety perspective subject to the imposition of conditions. However, some of the conditions proposed would duplicate those already controlled by the reserved matters and will not be attached. The application is for outline permission only and layout, as well as access, would mean the mitigation would extend to the reserved matters process.

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

Character and appearance

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

Paragraph 'c' of the policy states:

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

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. It states, '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' and 'Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

Policy H5 of the local plan, which is concerned with new housing development, policy LC7 of the local plan, which is concerned with landscape protection, and paragraph 127 of the NPPF are also considered relevant, though the criteria-based nature of policy H5 lends itself better to the assessment of any subsequent reserved matters.

The applicant has shown a modest size dwelling located on the plot with sufficient private amenity. The plot already is residential curtilage associated with number 98 and it is considered in this location there would be limited wider impact upon the open countryside. All other design issues are controlled by the reserved matters stage. Policies CS5 of the

Core Strategy and H5 of the local plan should be used to form a design solution at a detailed design stage.

Land quality

Policy DS7 of the local plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The council's environmental health officer has stated that there is requirement for a phase 1 desk top study, remediation report and verification report, given the existing use of the land. However, given that the proposal relates to existing residential curtilage, it is considered that a monitoring condition, requiring the developer to return should contamination be found during construction, would form appropriate mitigation should permission be granted. It is therefore considered that the proposal is in accordance with policy DS7.

Planning balance

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 were most important to determining the application should not be considered up-to-date.

A recent review of the Five Year Housing Land Position Statement has identified that the council's housing land supply has reduced from five years and six dwellings to four years. The council is preparing 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 still awaiting update; as such, any current decisions made by the planning authority should 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. 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).

It is considered that there are limited adverse impacts in relation to the proposal and, notwithstanding its countryside location, it is considered that the benefits of this scheme would not be outweighed 'significantly nor demonstrably' by any adverse impacts.

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.

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.

Surface water shall not be disposed of through the foul sewer network unless otherwise agreed in writing with the local planning authority.

Reason

In the interests of flooding and to accord with policy CS19 of the North Lincolnshire Core Strategy.

8.

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.

Informative 1

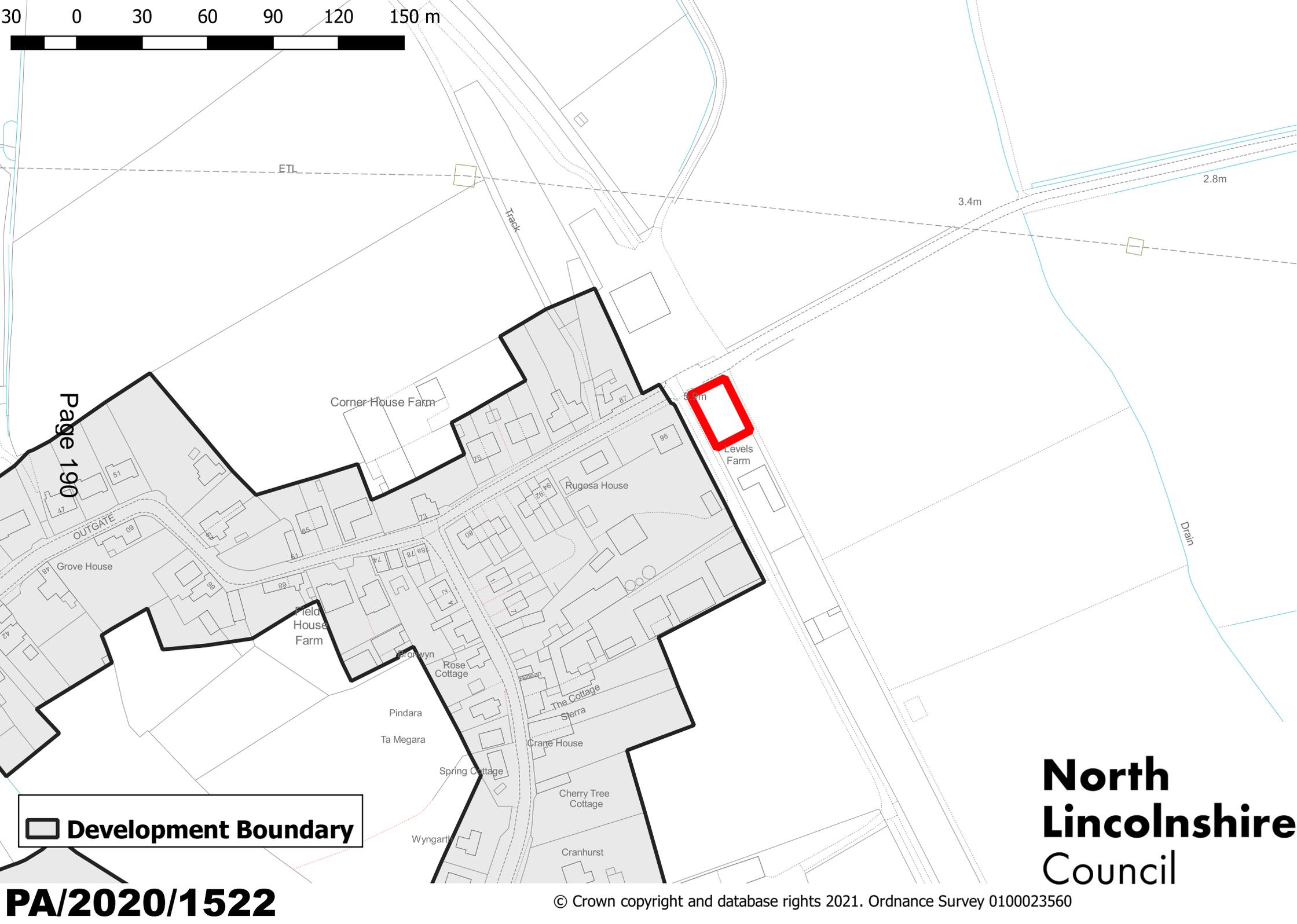
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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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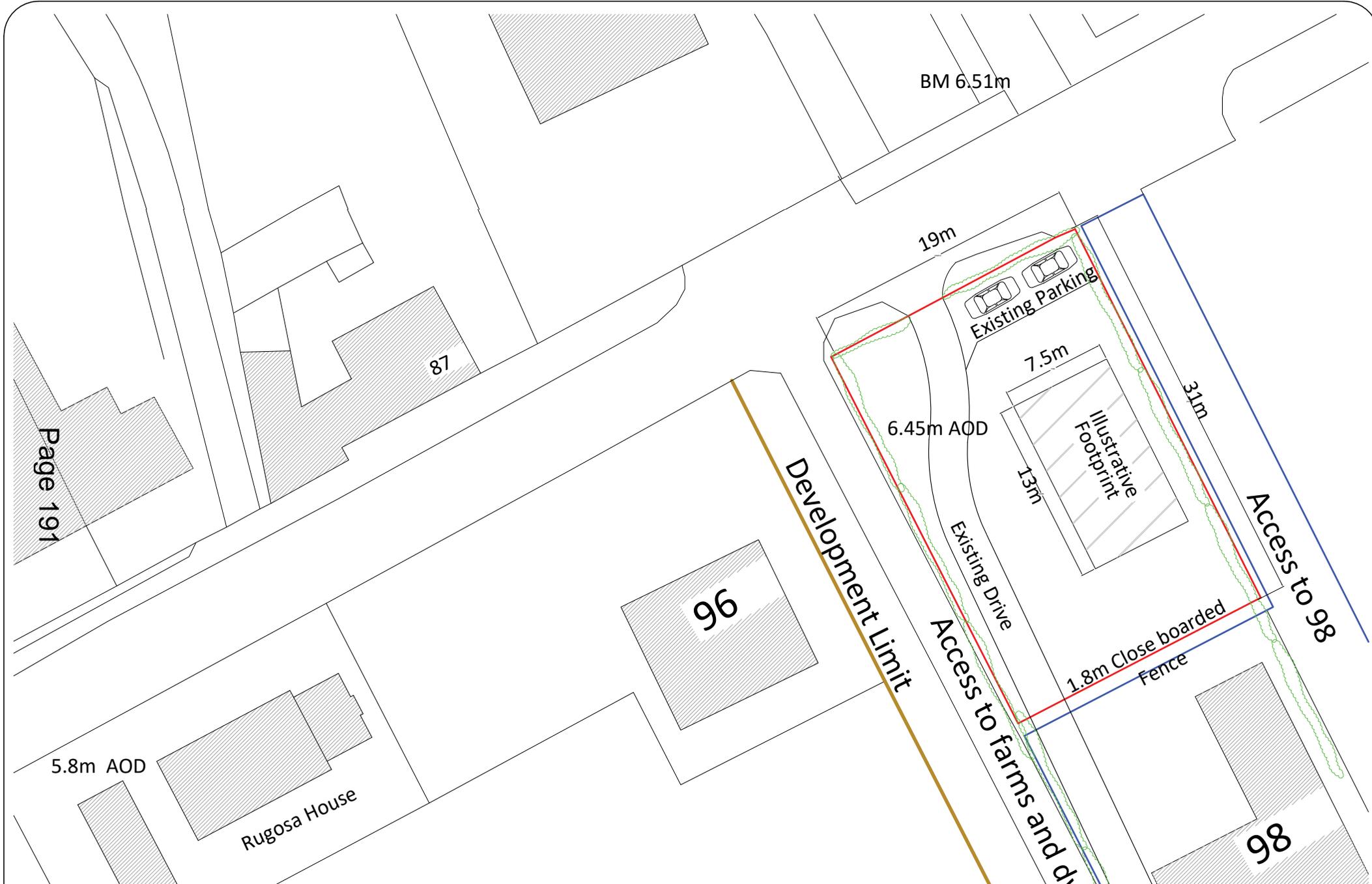
 **Development Boundary**

PA/2020/1522

**North
Lincolnshire
Council**

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PA/2020/1522 Indicative layout (not to scale)



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Howard J Wroot BSc MRICS Chartered Surveyor 240 Wharf Road, Ealand Scunthorpe DN17 4JN	Tel 01724 711068 Fax 01724 710174 Mob 07947 226577	Client	Mr & Mrs M Johnson			Proposal	Detached Dormer Bungalow to front of 98 Outgate, Ealand, Scunthorpe.	
		Date	1/10/20	Dwg No	1 of 2			
		Scale	1:250	Ref No	1102	Drawing	Block Plan	

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APPLICATION NO PA/2020/1563

APPLICANT Mr Martin Cawkwell

DEVELOPMENT Planning permission to erect a rear access garden boundary wall with dwarf walls leading over covered culvert

LOCATION Homefield, Thorn Lane, Goxhill, DN19 7JE

PARISH Goxhill

WARD Ferry

CASE OFFICER Mark Niland

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Objection by Goxhill Parish Council

POLICIES

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

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and 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, T19, RD2, RD10

North Lincolnshire Core Strategy: CS5

CONSULTATIONS

Highways: No objections subject to a condition linking the development to the submitted plans.

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

PARISH COUNCIL

Objects to this planning application on the basis that the wall, despite being revised, is still a danger and obscures the view of all road users and pedestrians.

PUBLICITY

The proposal has been publicised by site notice in accordance with Article 15 of the Development Management Procedure Order 2015 and subsequent revisions.

A representation in support has been received which states, ‘...Given the amendments to the existing wall as shown on the plan for this construction, I feel that the application should be approved.’

ASSESSMENT

Planning history

PA/2019/2116: Planning permission to create new access, erect boundary wall and erect detached garage – refused.

PA/2020/1561: Planning permission to erect a garden building – approved.

Constraints

Open Countryside – Housing and Employment Land Allocations DPD 2016.

Site characteristics

The proposal site represents rear curtilage associated with Homefield. The dwelling is accessed from Thorn Lane though the garage is only visible from Church Side. The dwelling is one of a group that make up a hamlet that is detached from Goxhill and located wholly within the open countryside in accordance with the HELA DPD 2016. The dwelling and curtilage abut an open field to the east. A previous application, which included a rear access and boundary treatments, was refused. The applicant has amended the boundary wall and proposes planting to the front of the boundary to soften the appearance.

The following considerations are relevant to this proposal:

- **residential amenity**
- **character and appearance**
- **highway safety**
- **drainage.**

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

The works relate to the rear boundary and a culvert over the watercourse. This point of the property is to the rear and away from all other dwellings. 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.

Appearance

Policy DS5 of the local plan and CS5 of the Core Strategy are concerned with visual amenity, the former stating that proposals should be sympathetic in design, scale and materials. Countryside policy RD2 is also considered relevant.

The rear wall is urban in appearance and previously considered inappropriate for its location next to open countryside fields. The applicant has attempted to overcome this by proposing some planting to the front of the wall. The planting needs further consideration but could work in softening the appearance of the wall. Given it is on the bank of a watercourse, however, the correct species should be used to achieve the correct height and density without impeding the watercourse. A landscaping condition is therefore proposed to mitigate this issue. The applicant does not show what gate will be installed; this has the potential to be harmful upon the open countryside and will need to be controlled given the lack of detail submitted. Lastly, there would perhaps be an issue in relation to character at night should inappropriate lighting be installed at the access on the rear boundary; a condition is also recommended removing the ability to light up this access without first having it agreed by the local planning authority; this also has highway safety repercussions. It is therefore considered, with the afore-mentioned mitigation and the amendments made to the wall by the applicant, that the proposal is in accordance with policies DS5, RD2 and RD10 of the local plan, as well as CS5 of the Core Strategy.

Highway safety

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

The highways department have been consulted and have no objection to the proposal providing any permission is linked to the submitted plans. The parish have objected on highway safety grounds. Given the specialist advice from Highways, it is considered that there are insufficient grounds to disagree with their assessment. It is therefore considered, subject to the aforementioned mitigation, that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan.

Drainage

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 are considered relevant. The application site is located within flood zone 1 and is therefore a preferred place for development in terms of flood risk.

The LLFA has been consulted and has no objection providing that conditions are attached requiring details to be submitted showing how the transfer of surface water from the curtilage to the highway (and vice versa) is to be mitigated. Given that pooling of surface water on the highway could lead to safety impingements, this condition will be attached to any permission granted.

It is therefore considered, in respect of flooding and drainage, subject to the aforementioned mitigation, that the proposal is in accordance with policy DS16 of the local plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 155, 157, 163 and 165 of the NPPF.

Conclusion

The proposal has previously been refused under delegated powers; however, there are grey areas with this application. The applicant considers the rear wall to be permitted development, being under 2 metres in height. However, the previous decision is partly based on the premise that the wall is adjacent to the highway and so can only be 1 metre in height. The grey area is the intervening land use, in this case the watercourse. There are appeal decisions to support both stances. However, the applicant has made a small change and the mitigation measures discussed in this report attempt to assimilate the urban appearance of the wall into the open countryside, namely landscaping conditions, control of gate design and lighting. This is considered sufficient to manage the development going forward.

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: MCC04, MCC01.

Reason

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

3.

Prior to the first use of the access, details of the planting shall be submitted to and agreed in writing with the local planning authority. The planting shall thereafter be retained.

Reason

In the interest of character and to accord with policy CS5 of the North Lincolnshire Core Strategy.

4.

Prior to the first use of the access, details of the gate to be installed shall be submitted to and agreed in writing with the local planning authority. The gate shall be retained thereafter.

Reason

In the interest of character and to accord with policy CS5 of the North Lincolnshire Core Strategy.

5.

No lighting shall be installed on the rear boundary or the access at any time unless otherwise first agreed in writing with the local planning authority.

Reason

In the interest of character and to accord with policy CS5 of the North Lincolnshire Core Strategy.

6.

The access shall not be used until details showing an effective method of preventing surface water run-off from the highway onto the developed site have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

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

7.

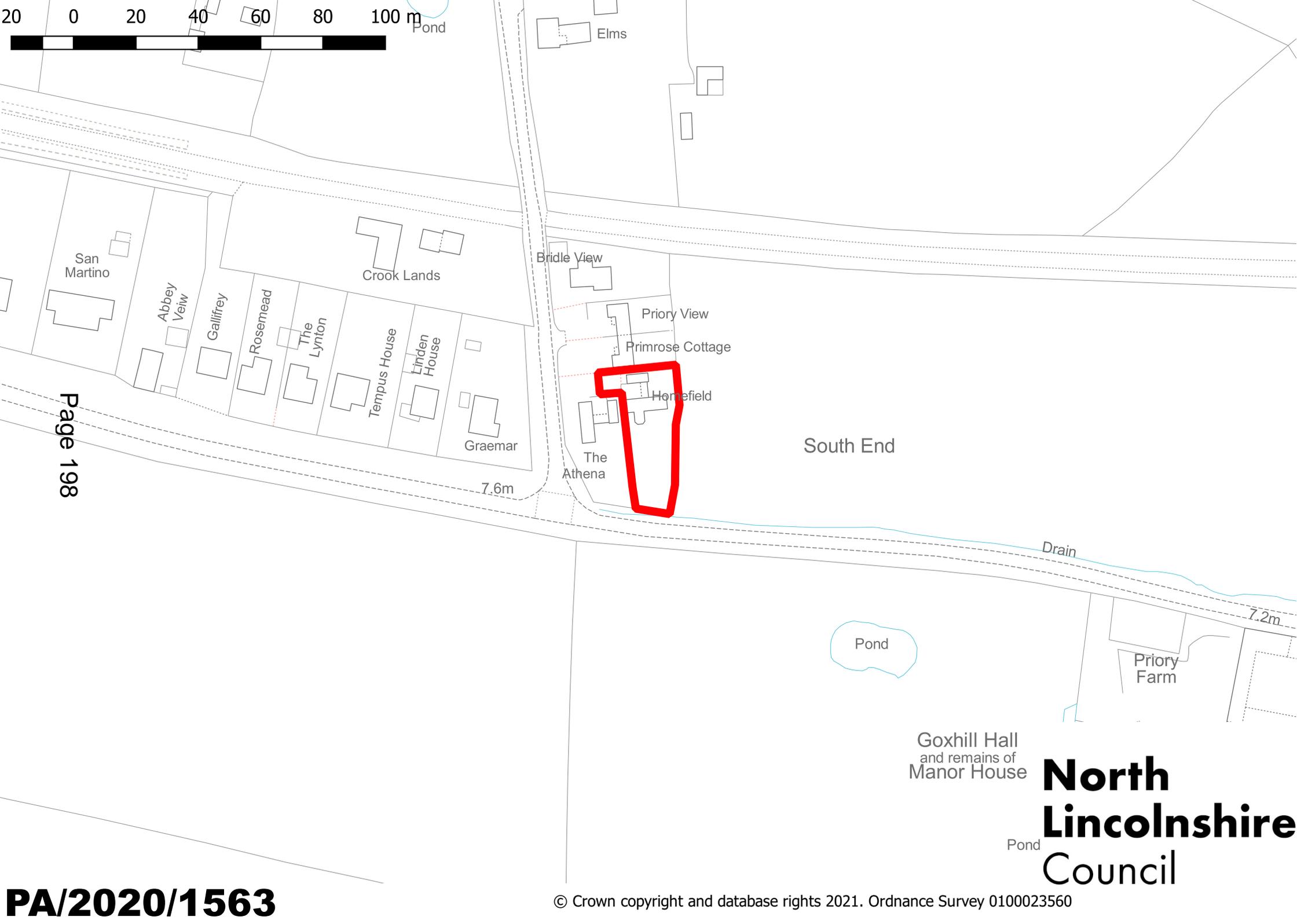
The access shall not be used until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities 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.

Informative

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



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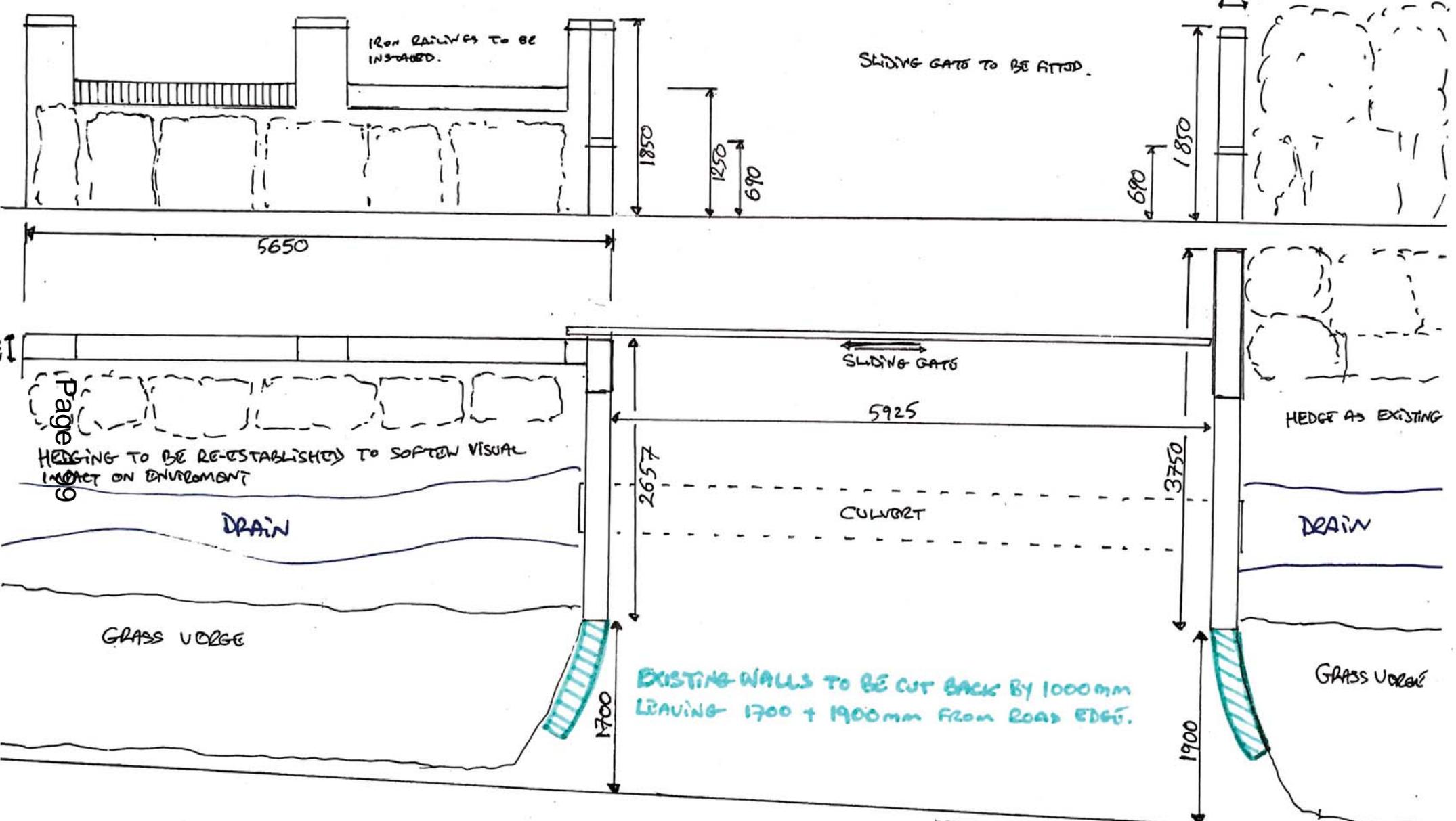
7.2m

Goxhill Hall
and remains of
Manor House

Pond
**North
Lincolnshire
Council**

PA/2020/1563 Wall details (not to scale)

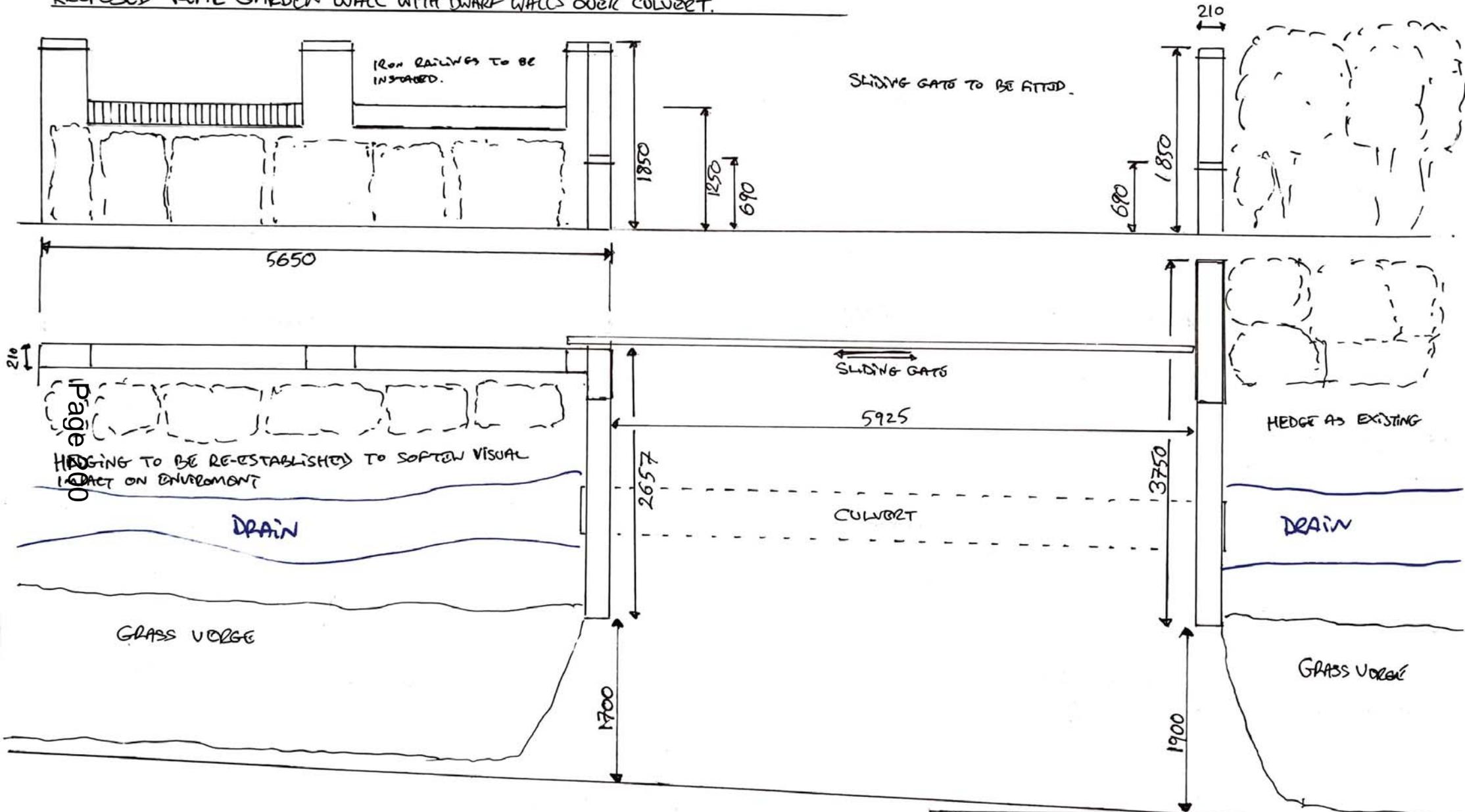
PROPOSED REAR GARDEN WALL WITH DWARF WALLS OVER CULVERT.



SOUTHEND / CHURCH SIDE
UNCLASSIFIED ROAD

PROJECT	1:50 SCALE
REAR GARDEN WALL WITH DWARF WALLS OVER CULVERT. ACCESS INTO REAR GARDEN OF 'HOMERFIELD'	MEASUREMENTS IN mm
Plotting 51079 : North 47 0599	PLAN # MCC05

PROPOSED REAR GARDEN WALL WITH DWARF WALLS OVER CULVERT.



SOUTHEND / CHURCH SIDE
UNCLASSIFIED ROAD

PROJECT.

REAR GARDEN WALL WITH DWARF WALLS OVER CULVERT. ACCESS INTO REAR GARDEN OF 'HOMFIELD'

ENCLOSURE 51079 : NORTH 420599

1:50 SCALE

MEASUREMENTS IN MM

PLAN # MCC04

08/10/2020

APPLICATION NO	PA/2020/1732
APPLICANT	A & E Fowler, Ian Fowler & Company
DEVELOPMENT	Outline planning permission for a residential development of up to nine dwellings with all matters reserved for subsequent consideration
LOCATION	Farmyard off South View Avenue, Burringham
PARISH	Burringham
WARD	Burringham and Gunness
CASE OFFICER	Andrew Law
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Josh Walshe – significant public interest) Departure from development plan (outside development boundary)

POLICIES

National Planning Policy Framework: Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development and that at a very high level...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 identifies the three overarching objectives in achieving sustainable development through the planning system. These objectives 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 well-being; 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 9 states that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

It also explains that the three overarching objectives are not criteria against which every decision can or should be judged.

Paragraph 10 states that at the heart of the Framework is a presumption in favour of sustainable development.

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.'

Decision-making

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 47 explains the requirement in planning law that applications for planning permission must be determined in accordance with the local plan, unless material considerations indicate otherwise.

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 55 explains that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Delivering a sufficient supply of homes

Paragraph 59 states that 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 63 states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas. To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.

Paragraph 68 states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out relatively quickly. 'To promote the development of a good mix of sites local planning authorities should...support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.'

Paragraph 77 states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Paragraph 78 states that to promote sustainable development in rural areas, 'housing should be located where it will enhance or maintain the vitality of rural communities.' It goes on to explain that, where there are groups of smaller settlements, development in one village may support services in a nearby village.

Promoting sustainable transport

Paragraph 108 requires that when assessing specific applications for development, 'it should be ensured that:

- (a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- (b) safe and suitable access to the site can be achieved for all users; and
- (c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety can be cost effectively mitigated to an acceptable degree.'

Paragraph 109 states that 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.'

Making effective use of land

Paragraph 117 requires planning policies and decisions to 'promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.'

Paragraph 118 requires planning policies and decisions to:

- (a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- (b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- (c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- (d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and
- (e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Achieving well-designed places

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 'Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

Meeting the challenge of climate change, flooding and coastal change

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

Paragraph 165 requires major developments to incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Conserving and enhancing the natural environment

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

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

Paragraph 178 states that planning policies and decisions should ensure that:

- (a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- (b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- (c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Paragraph 179 makes it clear that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 180 states, ‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;

- (b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- (c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.'

Conserving and enhancing the historic environment

Paragraph 187 requires local planning authorities to maintain or have access to a historic environment record, which should be used to assess the significance of heritage assets and predict the likelihood that currently unidentified heritage assets will be discovered in the future.

Paragraph 197 requires the effect of an application upon a non-designated heritage asset's significance to be taken into account and where applications directly, or indirectly, affect non-designated heritage assets, 'a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Annex 1: Implementation

Paragraph 212 explains that the policies in the NPPF are material considerations, which should be taken into consideration when determining planning applications.

Paragraph 213 goes on to explain that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Weight should be given to these policies according to their consistency with the Framework.

National Planning Practice Guidance (PPG)

North Lincolnshire Local Plan:

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

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

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy LC5 (Species Protection)

Policy LC7 (Landscape Protection)

Policy HE9 (Archaeological Excavation)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS7 (Contaminated Land)

Policy D14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Food Risk)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

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

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS25 (Promoting Sustainable Transport)

CONSULTATIONS

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

Highways: No objection subject to standard conditions.

Recycling Team: No objection. Make informative comments regarding bin storage and collection.

Environment Agency: No objection subject to a condition to ensure that the development is carried out in accordance with the submitted Flood Risk Assessment.

Drainage (Lead Local Flood Authority): There are still detailed design issues to resolve; however, due to the relatively small-scale of the development, it is recommended that these issues can be resolved through conditions to secure a detailed drainage scheme prior to commencement. Subject to these conditions no objection is raised.

Severn Trent Water: No response received.

Environmental Protection: No objection subject to conditions relating to land contamination and construction hours.

Historic Environment Record: Holding objection. Recommend that archaeological trial trenching is undertaken prior to the determination of the planning application.

Ecology: The site has negligible biodiversity value at present and negligible potential for protected species. Conditions are proposed to minimise any potential harm and to secure biodiversity enhancement in line with planning policy.

Scunthorpe and Gainsborough Water Management Board (WMB): Comments made in relation to the method of disposal for surface water drainage and that the consent of the board, together with an agreed rate of discharge would be required if it is discharged into an ordinary watercourse. Recommend an informative in relation to any surface water discharge into any watercourses requiring the consent of the Water Management Board.

PARISH COUNCIL

No response received at the time of writing this report.

PUBLICITY

The application has been advertised by site notice. Objections have been received raising the following concerns:

- previous proposal for housing on the land refused
- the site is floodplain and protects properties on South View
- history of flooding due to tidal surge
- there is a huge traffic problem along South View Avenue and this will make it worse
- will worsen on-street parking
- access too close to junction with High Street
- local school at capacity and will struggle to cope with additional children
- lack of services
- nearest shop is 3 miles away
- inadequate bus service
- drainage issues in the village will be exacerbated
- will change the character of the village
- design left open to allow for further development
- no requirement for extra houses

- Lincolnshire Lakes will provide any housing need (6000 houses).

ASSESSMENT

Proposed development

This application seeks outline planning permission for a residential development of up to nine dwellings. All detailed matters (access, layout, scale, appearance and landscaping) are reserved for future consideration and as such this proposal seeks only a determination of the principle of residential development on the site.

The proposal includes the removal of the existing grain store building and all associated infrastructure.

Site and surrounds

The application site comprises a parcel of agricultural land just below 0.4 hectares in area to the south side of South View Avenue on the outskirts of Burringham. At present the site houses a large grain store building with associated infrastructure and hard standing.

The site is surrounded by existing residential properties to the north and west, and by agricultural fields to the south and east. The existing ribbon development on the north side of South View Avenue continues for some distance to the east of the site.

Constraints

The application site is immediately adjacent to, but wholly outside, the defined development boundary for Burringham. As such, the site is considered to be within the open countryside. The site is currently used for agricultural purposes and is not formally allocated for any land use as part of the development plan.

The site is within flood zone 2/3a of the North and North East Lincolnshire Strategic Flood Risk Assessment due to its proximity to the River Trent, and as such is in an area at high risk of flooding.

The site is not within a conservation area, nor is it within or close to any listed buildings.

It is not covered by an ecological or landscape designation and there are no protected trees on or adjacent to the site.

Planning history

The application site forms part of a much larger site, including the agricultural field to the east, which was subject to a previous application (PA/2018/820) for 47 dwellings. This previous application was refused by the planning committee for the following reasons:

1. The proposal, by virtue of its location in the open countryside, outside the confines of any detailed settlement boundary, would introduce harmful character impacts upon the open countryside by urbanising the existing rural landscape. The proposal is therefore contrary to the aims of policies CS2 and CS8 of the North Lincolnshire Core Strategy, and RD2 of the North Lincolnshire Local Plan. In addition, the site is in an unsustainable location that is remote from local services and public transport, and is therefore contrary to paragraph 11 of the National Planning Policy Framework.

2. The applicant has failed to demonstrate, to the satisfaction of the local planning authority, that the current drainage system can adequately deal with the foul water generated by 47 additional dwellings. The proposal is therefore contrary to policies DS14 and DS16 of the North Lincolnshire Local Plan, and CS19 of the North Lincolnshire Core Strategy.

An appeal was subsequently submitted and ultimately dismissed by the Planning Inspectorate in March 2020. The Inspector responsible for determining the appeal upheld the local planning authority's reason for refusal in respect of sustainability and character impacts, but did not agree with the second reason for refusal in respect of drainage. The Inspector granted a partial award of costs against the local planning authority with regard to the second (drainage) reason for refusal, which was considered to be unsubstantiated.

Whilst the current application site forms part of this previous application, it should be noted that the site area has been reduced significantly from approximately 2.2 hectares to approximately 0.4 hectares. The current application site comprises the site of the existing grain store building and associated infrastructure only, and removes all open fields from the proposal site. The scale of development proposed has also been significantly reduced from 47 dwellings to up to nine dwellings.

The main issues to consider in the determination of this application are whether the principle of residential development is acceptable and whether the previous reasons for refusal have been overcome through the reduction in scale of the proposed development.

Principle

Outline planning permission is sought for a residential development of up to nine dwellings. All matters are reserved for subsequent consideration. The site falls wholly outside the development boundary for Burringham.

Policy context

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.

There is no adopted neighbourhood plan for Burringham and as such the development plan 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). The most relevant development plan policies in respect of establishing the principle of residential development on this site are considered below.

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

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. With regard to rural settlements, the policy states that

new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel. Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located outside the designated development limit for Burringham. There are no sites within Burringham that are currently allocated for residential development.

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

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the HELAP. The application site is entirely outside the defined development boundary for Burringham and is therefore in breach of policies CS2, CS3 and CS8 of the CS and RD2 of the LP.

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this conflict with the development plan means that the proposed development will be unacceptable in principle unless other material considerations indicate otherwise. This matter will be discussed in the concluding section of this report where material considerations such as national planning policy and the overarching need to deliver new housing will be considered as part of the planning balance, following an assessment of the relevant technical considerations below.

Landscape and character impact

As discussed in the planning history section of this report, a previous planning application for residential development of this site (PA/2018/820) was refused on character grounds. This previous application was determined by the local planning authority to have an unacceptably urbanising effect on the rural landscape, a view which was subsequently upheld by the appointed Inspector at appeal.

The current proposal, whilst still for residential development, is significantly different to that previously refused. Most notably, both the site area and scale of the proposed development have been greatly reduced. A fresh assessment of landscape and character impact is therefore required to ascertain whether these changes have addressed the previous refusal in respect of its impact on the character of the area.

The application site now stands at just under 0.4 hectares in size (previously 2.2 hectares) and constitutes a parcel of land which currently houses a large grain store building,

associated infrastructure and hard standing. Agricultural buildings and land do not constitute brownfield land for the purposes of planning, as other previously developed land does. However, with respect to the visual and character impacts of the development, the fact that the application site is now restricted to land which already houses built form has to be acknowledged, as does the fact that the existing building is of considerable height and massing and, due to its age and utilitarian design, could be considered to have a negative visual impact upon the eastern approach to the settlement.

Alongside the reduction in site area and the removal from the application site of all land which has not been previously developed, the proposal itself has significantly reduced from 47 dwellings down to a scheme of up to nine dwellings. This is an important consideration as it meaningfully reduces the visual impact of the development and because the previous refusal related to an 'urbanisation of the rural landscape'. In this regard it is noted that the previous proposal represented a significant extension to the eastern edge of Burringham into the open countryside and would have seen open fields replaced by a housing estate with a significant built footprint and urban appearance. The currently proposed scheme, due to its more modest scale, would be much more appropriate to its siting on the edge of a rural settlement and would replace existing built form without extending the footprint of the settlement through additional encroachment into the open fields to the east.

With regard to the previous application, the Inspector, in dismissing the appeal, confirmed that:

'The character of this gateway into the village would be changed, from a reasonable rural appearance into one of a built-up residential street. This would subsequently lead to the loss of openness, which forms the character and appearance of the countryside in this locality.'

In this regard the inspector gave significant weight to the flat, open nature of the area and the loss of openness that would result from the development of the agricultural fields that currently form the entrance to the settlement when approaching from the east. In contrast, the current proposal for up to nine dwellings would have minimal impact upon the open aspect of this approach as the proposal is limited to a parcel of land that is currently home to a large building. The replacement of the existing agricultural building with a much more modest form of residential development would have a significantly reduced impact on the character and appearance of the area; indeed, there is the potential for betterment through the delivery of a well-designed and landscaped residential development on a site which is currently of little aesthetic value.

For these reasons it is considered that the visual and character impacts of the proposed development are largely mitigated through the reduction of the site area and scale of development proposed and that the proposal as presented in this application would no longer have an unacceptable impact on the rural character of the area. As such, the previous reason for refusal in respect of the character and appearance is considered to be appropriately addressed and the proposed development now accords with policies CS8 of the CS and RD2 of the LP.

It should also be noted that as this proposal is for outline permission with all matters (including layout, scale, appearance and landscaping) reserved for subsequent consideration, the local planning authority would still retain control over the eventual design and appearance of the development to ensure that the final scheme is of appropriate quality.

Drainage

Another of the reasons previously given for refusal of PA/2018/820 related to the ability of the existing drainage network to accommodate additional development. In this regard the reduction of the proposal from 47 dwellings to up to nine dwellings will obviously have a marked bearing on the impact of the development in respect of drainage. Not only does the current proposal seek consent for 38 less dwellings, but it also restricts the development to a parcel of land which is currently covered by a large agricultural building and hard standing. Therefore, there will be a much lesser discharge of foul and surface water into the existing network, as well as no loss in attenuation as the open fields to the east will remain undeveloped.

Notwithstanding the above comments, it should be noted that the council's drainage team have raised no objection to the proposed development subject to conditions securing the submission, agreement and implementation of a detailed drainage scheme to serve the development. This accords with the approach put forward in policy DS14 of the LP which confirms that details of foul sewage and surface water drainage can be agreed by the imposing of conditions.

The concerns of local residents regarding flooding and the historical information of flood issues in the area is understood. However, the technical evidence provided by the applicants and the response from the council's expert drainage officers demonstrate that an appropriate drainage strategy can be conditioned to ensure that both foul and surface water is appropriately drained.

The local planning authority was unable to substantiate any overriding drainage issue when defending the previous appeal for a much larger development and the Inspector took the view that this matter could be suitably addressed through the recommended conditions.

Flood risk

The application site is within an area known to be at risk of flooding according to National flood risk maps and the local planning authority's Strategic Flood Risk Assessment. However, a Flood Risk Assessment (FRA) has been produced in support of the application confirming that the proposed development would be safe from flooding and would not increase the flood risk to other properties. A sequential and exceptions test have been carried out in accordance with policy CS19 of the CS. This concluded that the tests are passed and that the development of this site would be appropriate subject to mitigation and flood resilient construction. This assessment has been reviewed by the Environment Agency who have confirmed that they have no objection to the proposed development on flood risk grounds subject to a condition requiring the development to be in accordance with the FRA.

Flood risk did not form a reason for refusing the previous application on the site and was not raised as a matter of concern by the Inspector when determining the appeal.

Highways

A number of concerns have been raised by local residents in respect of highway safety. These relate to existing problems in the area with on-street parking, speeding and congestion as well as the proximity of the proposed access to the junction of South View Avenue and High Street.

Firstly, it should be noted that access is a matter which is reserved for subsequent consideration; as such, the access point shown on the indicative layout is illustrative only and the exact position will be agreed at the reserved matters stage, should outline consent be granted. Notwithstanding this point, the access point shown on the indicative plan is sited much further from the junction with High Street than the existing access into the site, which serves the grain store. Furthermore, the access point is shown to be onto a relatively straight section of road with good visibility in either direction, which is also subject to a 30mph speed restriction that extends a considerable distance to the east of the site beyond the final dwelling on the north side of South View Avenue.

The indicative layout also demonstrates that the application site is sufficient to allow for the construction of nine dwellings, each served by a minimum of two off-street parking spaces. As such, the proposed development is unlikely to result in any significant level of additional on-street parking.

The council's Highways officers have reviewed the submitted information, including the indicative layout, and have raised no objections or concerns with the proposed development subject to a number of standard conditions to ensure that the requisite details of access and parking design are submitted and agreed prior to construction.

For these reasons it is considered that the proposed development will accord with policies T2 and T19 of the LP and will not result in any unacceptable impact on highway safety.

It is further noted that highway safety did not form a reason for refusing the previous application on the site and was not raised as a matter of concern by the Inspector when determining the appeal.

Heritage

The HER officer has raised concerns that the proposal could result in harm to archaeological assets within the site and has requested that on-site evaluation work be carried out prior to determination. A holding objection has been lodged until this work has been undertaken.

Whilst the presence of potential archaeological remains is noted, it is considered that a proportional approach to this matter would be for conditions to be used to ensure a full archaeological evaluation of the site takes place prior to a reserved matters application being submitted. Given the scale of the proposed development, the nature of the site and the fact that the proposal is in outline form only, it is considered that this would be a more appropriate and less onerous approach to archaeological investigation and mitigation. Such an approach was proposed in respect of the previous application and was not disputed by the Inspector when determining the appeal.

Subject to such conditions, it is considered that the scheme would not have any unacceptable impact on heritage assets and would accord with policies HE9 of the LP and policy CS6 of the CS.

It is further noted that archaeology did not form a reason for refusing the previous application on the site and was not raised as a matter of concern by the Inspector when determining the appeal.

Land contamination

The proposal would introduce a sensitive receptor (residential dwellings) to the site. Given the previous use of the land, any approval would need to be accompanied by conditions ensuring adequate investigative, and if required mitigatory, works would take place prior to the commencement of development to ensure human health would be adequately protected. Appropriate conditions in this regard have been recommended by the council's Environmental Protection team. Subject to such controls it is considered that the scheme would be acceptable in this regard and would accord with policy DS7 of the LP.

It is further noted that land contamination did not form a reason for refusing the previous application on the site and was not raised as a matter of concern by the Inspector when determining the appeal.

Ecology

The council's ecologist has confirmed that the site has negligible biodiversity value at present and negligible potential for protected species. Conditions are proposed to minimise any potential harm and to secure biodiversity enhancement in line with policy CS17 of the CS.

Residential amenity

The submitted indicative site plan shows that nine dwellings could be provided with sufficiently sized rear garden areas. There is sufficient space to ensure that future residents would be provided with a sufficiently high standard of living environment.

Subject to a considered design at reserved matters stage, it is considered that the site can accommodate nine well-sized dwellings without resulting in an unacceptable degree of harm to neighbouring living conditions. It will be crucial to ensure that any reserved matters application strikes the appropriate balance between the need to protect residential amenity, the need to respectfully relate to the character of the area, and the need to provide high quality accommodation within the site.

It is accepted that there would be some disruption to local residents during the construction phase. This impact can be sufficiently mitigated by controls on construction hours, and would be a temporary impact which is subject to further control through external legislation.

It is therefore considered that the proposal would provide a sufficiently high standard of living environment within the site without unacceptably impacting on living conditions at any neighbouring dwelling.

Sustainable development and the planning balance

Notwithstanding the development plan policies set out in the principle section of this report above, the NPPF is a material consideration when determining planning applications.

Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and 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 permission unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides 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 of paragraph 11 clarifies that policies will be considered to be out-of-date where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test indicates that the delivery of housing was less than 75% of the housing requirement over the previous three years. In such circumstances the presumption in favour of sustainable development should apply.

The latest position on the council's five year housing land supply confirms that, including a 20% buffer, the council can only demonstrate a 3.9 year supply of housing. The consequence of this shortfall is to demonstrate that current policies are failing to deliver a five-year supply of housing and that the policies which are most important for determining the application are out-of-date in accordance with paragraph 11 of the NPPF.

Given the current five year land supply deficit, it is considered that there is a clear and demonstrable need for housing development within North Lincolnshire. Accordingly, the 'tilted balance' in paragraph 11 of the NPPF is triggered, 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. There are three dimensions to sustainable development as set out in paragraph 8 of the Framework. These are: economic, social and environmental.

The proposed development would have the social and economic benefits of addressing the current under-supply of housing land by the provision of market housing. Investment in construction and related employment would represent a benefit, as would the support which the additional population would produce for the local economy.

In terms of the environmental dimension, the development would clearly result in the loss of agricultural land. Whilst the site is not subject to any formal landscape designation, the impact of development on non-designated landscapes is still a consideration and is addressed in detail in the landscape and character impact section of this report. As mentioned above, the site is bounded by residential development to the north and west and currently houses development in the form of a large agricultural building and associated infrastructure. Therefore, the site is comparatively well contained and the proposal would not see the loss of openness which is a characteristic of the area.

The proposed development would alter the character and appearance of the countryside. However, that would apply to any agricultural site, including those allocated for development in the HELAP, and would be an inevitable consequence of the authority striving to meet housing need. Given the fact that the site is comparatively enclosed and lies directly adjacent to the defined development boundary and existing residential development, it is considered that the landscape impact would be limited in this instance.

This is something which can be further mitigated at the reserved matters stage when the layout and landscaping of the proposal is considered.

The council's ecologist has confirmed that the site is currently of limited biodiversity value and that, subject to conditions, the development is unlikely to have an adverse impact on protected species. The site is not designated as being of specific ecological importance, nor is it adjacent to such an area. The proposal would ultimately result in ecological benefit through the submission of a formal landscaping scheme at reserved matters stage and through the imposition of a condition to secure biodiversity enhancements.

Overall, the site is considered to be of low environmental sensitivity and the magnitude of change to the character of the landscape and public views will be minor. Although there would be some limited harm to the character and appearance of the area and a conflict with the development plan in this respect, the extent of harm does not weigh heavily in the balance and the environmental dimension of sustainable development would therefore be achieved.

Whilst the Inspector dismissed the previous appeal on the grounds that the proposed development of 47 dwellings was unsustainable, this was largely due to the scale of development proposed, which was confirmed to represent an approximate 13% increase in population size. As discussed above, the current proposal of nine dwellings is much more proportionate to the size of the settlement and represents a much lower (approximately 2.5%) increase. It is considered that the range of services available is sufficient to accommodate such growth and the additional population will support local facilities rather than resulting in an unacceptable burden upon them.

Whilst it is acknowledged that Burringham is a village with a modest range of accessible facilities, it is one of the larger rural settlements within North Lincolnshire and is identified as such within the 2016 Sustainable Settlement Survey. The proposed development of nine dwellings is not considered to be excessive or out of keeping with the size and nature of the settlement and is far more proportionate to the level of accessible services than the previous proposal for 47 dwellings. The application site is located in acceptable proximity to the local services and community facilities available and the development would provide further support for such services and facilities. Therefore, the proposal accords with the need to site development in locations with accessible local services. These matters weigh heavily in favour of the proposal in terms of the economic and social dimensions of sustainability.

Conclusion

The proposal involves a conflict with the development plan in that it would result in new dwellings in the open countryside. There are no other technical reasons which would prevent the grant of planning permission. The conflict with the current development plan needs to be considered in light of the lack of a five-year land supply.

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land and the scale of the shortfall limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. Overall, it is considered that the proposal represents sustainable development in the context of the Framework and HELAP policy PS1, which sets a presumption in favour of sustainable development.

The limited adverse impact of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. For these reasons, the principle of development is considered to be acceptable in this instance.

Pre-commencement conditions

The applicant/agent have been asked for their agreement to the pre-commencement conditions included in the recommendation; at the time of writing a response is awaited.

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 Plan IF/20/01.

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.

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

Reason

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

8.

The proposed dwelling(s) shall not be occupied until the footway has been provided across the whole of the site frontage in accordance with the approved details.

Reason

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

9.

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

Reason

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

10.

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

Reason

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

11.

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

Reason

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

12.

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

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

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

Reason

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

13.

No development shall 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, prepared by EWE Associates, Rev0, dated October 2020.

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

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

Reason

To prevent the increased risk of flooding to themselves and others, 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.

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.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site characteristics

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;

- groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

Part 2: Submission of remediation scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of approved remediation scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

To ensure the site is safe for future users and construction workers.

16.

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

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

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

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

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

Reason

To protect residential amenity.

17.

The development shall be carried out in accordance with the submitted flood risk assessment (EWE Associates Ltd, Rev0, October 2020) and the following mitigation measures it details:

- finished floor levels shall be set no lower than 4.65 metres above Ordnance Datum (AOD)
- first floor levels shall be set no lower than 6.24 metres AOD.

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

Reason

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

18.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity metric assessment and biodiversity management plan to the local planning authority for approval in writing. The document shall include:

- details of measures required to provide at least 10% biodiversity net gain in accordance with the Defra biodiversity metric 2.0;
- details of bat boxes and bat bricks to be installed on at least three houses;
- details of swift boxes and sparrow terraces to be installed on at least three houses each;
- restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;

- details of wetland habitat to be created as part of sustainable drainage;
- prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- proposed timings for the above works in relation to the completion of the dwellings.

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

Reason

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

19.

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 seventh dwelling hereby approved, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

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

20.

Prior to the submission of the first reserved matters, the applicant shall submit the results of archaeological field evaluation (stage one) and have agreed in writing by the local planning authority an archaeological mitigation strategy (stage two), that provides the following:

Stage one

- the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area comprising geophysical survey followed by the excavation of trial trenches in accordance with a brief provided by the North Lincolnshire Historic Environment Record
- an assessment of the impact of the proposed development on the archaeological remains
- the submission of an updated written scheme of investigation for the approval in writing of the local planning authority setting out mitigation proposals that include the following:

Stage two

- measures to ensure the preservation in situ or by record of archaeological features of identified importance

- methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- post-fieldwork methodologies for assessment and analyses
- report content and arrangements for dissemination, and publication proposals
- archive preparation and deposition with recognised repositories
- a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because the site has the potential to contain significant archaeological remains, including human remains, that the development would otherwise destroy. The evaluation strategy is required in order to assess the archaeological significance and the impact of the proposals, and to inform a subsequent archaeological mitigation strategy to preserve archaeological evidence in situ or by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The stage two archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

21.

No development shall take place until the applicant, or their agents or successors in title, has provided the local planning authority with written confirmation that they have secured the implementation of the programme of archaeological work set out in the approved written scheme of investigation for archaeological mitigation (stage two).

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because the site has the potential to contain significant archaeological remains, including human remains, that the development would otherwise destroy. The evaluation strategy is required in order to assess the archaeological significance and the impact of the proposals, and to inform a subsequent archaeological mitigation strategy to preserve archaeological evidence in situ or by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The stage two archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

22.

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

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because the site has the potential to contain significant archaeological remains, including human remains, that the development would otherwise destroy. The evaluation strategy is required in order to assess the archaeological significance and the impact of the proposals, and to inform a subsequent archaeological mitigation strategy to preserve archaeological evidence in situ or by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The stage two archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

Informative 1

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

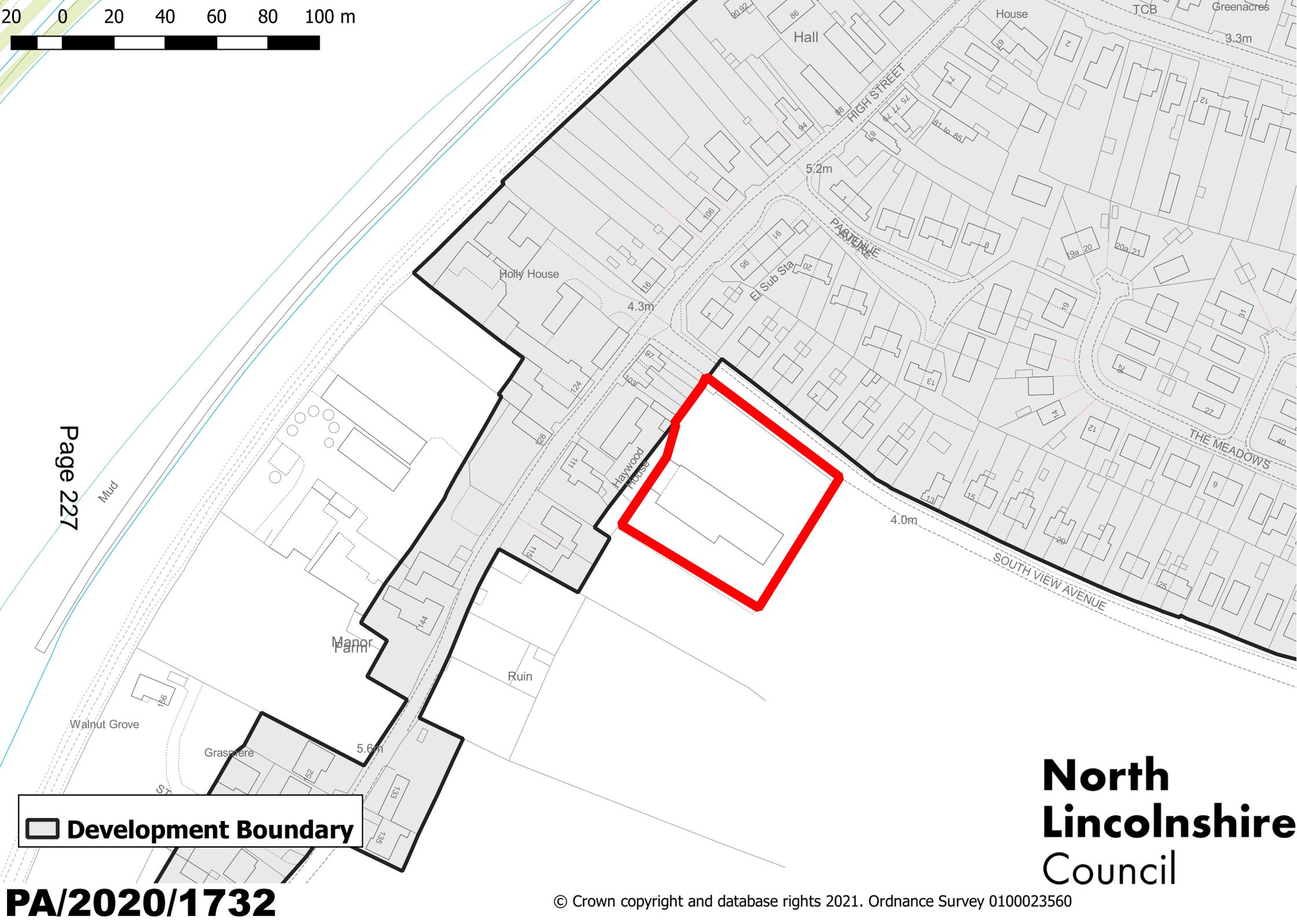
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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



 **Development Boundary**



PA/2020/1732 Indicative layout (not to scale)

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client:
Ian Fowler & Co - Land off
 South View Avenue, Burringham, Scunthorpe

project:
Proposed Residential Development

drawing title:
Proposed Block Plan

drawn by: NwP	date: 10.10.2020	scale: 1 / 500 @ A3
drawing No: IF / 20 / 03		rev:

APPLICATION NO	PA/2020/1746
APPLICANT	Mr R Lockwood
DEVELOPMENT	Outline planning permission for the erection of four dwellings, including demolition of existing dilapidated barn (with all other matters reserved for subsequent consideration)
LOCATION	Land adjacent to 4 Thornton Road, Wootton, DN39 6SJ
PARISH	Wootton
WARD	Ferry
CASE OFFICER	Kevin Robinson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Contrary to policy - Outside the development boundary

POLICIES

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

Paragraph 11: Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

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

For decision-taking this means:

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

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

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

Paragraph 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.

North Lincolnshire Local Plan: DS1, DS7, RD2, T2, T19, HE9

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS7, CS8

CONSULTATIONS

Highways: No objections subject to conditions requiring details of the access and parking facilities.

Drainage (Lead Local Flood Authority): No objections subject to conditions requiring surface water drainage details.

Environmental Protection: No objections subject to conditions relating to land contamination and construction hours.

Historic Environment Record: No objections.

Conservation: No objections.

PARISH COUNCIL

No objections, but request a footpath be provided to the front of the site.

PUBLICITY

The application has been advertised by site and press notice. No comments have been received.

ASSESSMENT

The application is in outline form with all matters reserved for subsequent consideration. The proposal would require the demolition of the existing barns on site.

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

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

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

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

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

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

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11(d) of the NPPF provides that where the policies which are most important for determining the application are out-of-date, the authority should grant 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.

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 proposal fails against the above tests from Paragraph 11 (d).

Paragraph 12 goes on to state, '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.'

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

The proposal would provide economic benefits which are demonstrated within the scheme. These include the benefits to the local economy during the construction phase and, upon occupation of the resulting residential development, the support to existing services and amenities in Wootton. On balance, therefore, the proposal is considered to result in some economic benefits, whilst being neutral in social effects.

Environmentally there would be very limited impact upon the wider open countryside. The proposal site would not be prominent within views of the settlement. The proposal would result in a notable change in the appearance of the site. A further offset is that the scheme would also include SuDs techniques that would improve the environmental sustainability of the scheme.

The proposal for residential development in this location is not considered to impact upon any protected areas of assets of particular importance. On balance, the proposal does

represent a sustainable form of development in accordance with paragraph 11 (d) (i) of the NPPF.

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

The key issues in this regard for the proposal are considered to be:

- **impacts upon the character of the area;**
- **impacts upon residential amenity;**
- **highway safety;**
- **flood risk and drainage;**
- **heritage and archaeology**
- **impacts upon the character of the area.**

Policy CS5 of the Core Strategy is concerned with raising design standards in North Lincolnshire, whilst policy H5 of the local plan is concerned with new housing developments. Policy RD2 of the local plan seeks to protect the open countryside and is also relevant.

The proposal seeks to develop the site following the demolition of the existing barns. The proposal is in outline form with all matters reserved. Notwithstanding this, the proposal is supported by an indicative layout which shows how the four dwellings could be accommodated within the site. It is considered that the proposal would not result in an obtrusive expansion of the settlement and at the limited scale of four units would be able to be suitably accommodated within the site to reflect the existing character formed by the neighbouring properties at 2 and 4 Thornton Road. It is therefore considered that the proposal is acceptable in this regard in line with policies CS5, H5 and RD2.

Impacts upon residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states, ‘...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.’

It is therefore considered that the proposal would be in accordance with policy DS1 of the North Lincolnshire Local Plan.

Policy H5 also seeks to require that proposals do not result in adverse impacts upon neighbouring amenity.

In this regard, whilst the details of the properties, their location and window positions are still to be considered, there is nothing within the proposal to indicate that a suitable scheme cannot be achieved. Careful consideration of window openings and relationships between

properties would be required and would form part of a reserved matters application. The proposal is considered to suitably accord with this requirement of policies DS1 and H5.

Highway safety

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety.

Details of the access are not proposed within the submission and should be addressed within a reserved matters application. Notwithstanding this, the council's Highways team has been consulted and has advised conditions to address the access requirements for the site. Subject to the proposed conditions, it is considered that the proposal is acceptable in this regard with policies T2 and T19.

Flood risk and drainage

Policy DS14 of the North Lincolnshire Local Plan is concerned with both surface water and foul drainage. The application is site not within an area of designated flood risk. The proposal would result in changes to the ground conditions and the movement of surface water. The requested conditions relating to foul and surface water should serve to ensure that the site is suitably drained in accordance with the requirements of policy DS14.

Heritage and archaeology

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

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

The council's conservation officer and archaeologist have been consulted on the application and have confirmed that the site does not have any known archaeological interest. Given the separation distance to any designated heritage assets, it is not considered that there would be any appreciable impacts upon their settings. As such, there is not considered to be any appreciable concerns in this regard.

Land contamination

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release. Policy DS1 of the local plan is also concerned with the protection of amenity.

The Environmental Protection Officer has requested a condition to ensure suitable protection from any land contamination at the site. It is considered, given the previously developed nature of the site, that such a condition is necessary and reasonable.

Conclusion

The proposal seeks outline approval with all matters reserved for four dwellings. The site is outside the defined development boundary of the settlement. In light of the council's housing supply position, the relevant test for proposals for housing development is set out in the NPPF. It is considered that the proposed development meets the test and is sustainable. As such, the application is recommended for approval subject to conditions to control the reserved matters and other details as necessary.

Pre-commencement conditions

The pre-commencement conditions 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), 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: Site Location Plan - Sheet 0001.

Reason

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

6.

Within three months of the commencement of development, the applicant, or their successor in title, shall submit a biodiversity metric assessment and biodiversity management plan to the local planning authority for approval in writing. The document shall include:

- details of measures required to provide at least 10% biodiversity net gain in accordance with the Defra biodiversity metric 2.0;
- details of bat boxes and bat bricks to be installed on at least two houses;
- details of swift boxes and sparrow terraces to be installed on at least two houses each;
- restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- proposed timings for the above works in relation to the completion of the dwellings.

Biodiversity units should be delivered on site, within the red and blue line boundaries shown on the submitted location plan. Those that cannot viably be delivered on site should be delivered locally on land controlled by the applicant or successor in title, according to a local plan or strategy.

Reason

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

7.

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 seventh 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.

8.

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.

9.

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.

10.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

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

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

Reason

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

11.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning facilities serving it have been completed in accordance with details to be submitted to and approved in writing beforehand with the local planning authority and, once provided, the vehicle parking and turning facilities shall be retained.

Reason

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

12.

No 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.

13.

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.

14.

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.

15.

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

- the proposed method of forming access from the highway, including the required visibility splays;
- the method of constructing/paving the drive;
- the provision of adequate drainage features;
- the provision of suitable bin collection facilities adjacent to the highway;
- the provision of suitable lighting arrangements; and
- 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.

No development shall take place until details showing the improvements to the footway across the whole of the site frontage have been submitted 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.

Informative 1

Bats

All species of bat are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017, making all species of bat European Protected Species. Details of the legislation can be found at:

- Wildlife and Countryside Act:

<http://www.legislation.gov.uk/ukpga/1981/69/contents>

- The Countryside and Rights of Way Act:

http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_7#pt3-pb8-l1g81

- The Conservation of Habitats and Species Regulations 2010:

http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1

Nesting birds

It is an offence under Section 1 of the Wildlife and Countryside Act of 1981 (WCA 1981) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. The WCA 1981 also provides that all wild birds and their eggs are protected and cannot be killed or taken except under licence.

Informative 2

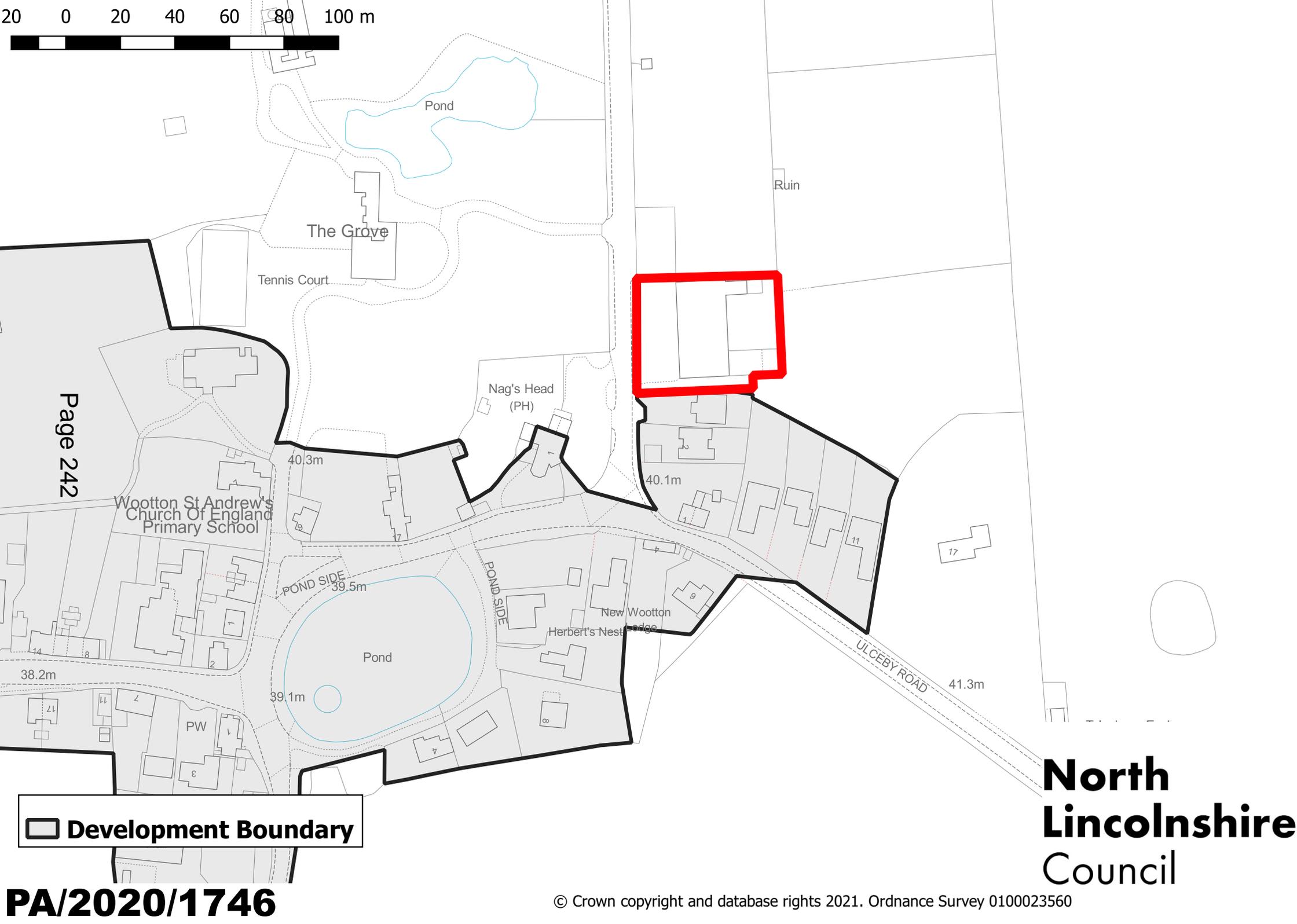
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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.

20 0 20 40 60 80 100 m



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Pond

The Grove

Tennis Court

Ruin

Nag's Head (PH)

40.3m

40.1m

Wootton St Andrew's Church Of England Primary School

POND SIDE 39.5m

POND SIDE

Pond

New Wootton Herbert's Nest

38.2m

39.1m

ULCEBY ROAD

41.3m

Development Boundary

North Lincolnshire Council

PA/2020/1746

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PA/2020/1746 Indicative layout (not to scale)

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THORNTON ROAD



01 Proposed Plan (Indicative)
Scale: 1:500@A3



DWG. NO	Land adjacent to 4 Thornton Rd	SHEET 1005	REV -
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Wootton

Do not scale from this drawing
For planning purposes only

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APPLICATION NO PA/2020/1756
APPLICANT Mr & Mrs M Taylor
DEVELOPMENT Planning permission to erect a detached bungalow
LOCATION Animal Farm, North End, Goxhill, DN19 7JX
PARISH Goxhill
WARD Ferry
CASE OFFICER Mark Niland
SUMMARY RECOMMENDATION Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Objection by Goxhill Parish Council

POLICIES

National Planning Policy Framework:

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

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

Paragraph 157 – All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- (a) applying the sequential test and then, if necessary, the exception test as set out below;
- (b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
- (c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and

- (d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

Paragraph 158 – The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

Paragraph 160 – The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. 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.

Paragraph 161 – Both elements of the exception test should be satisfied for development to be allocated or permitted.

North Lincolnshire Local Plan:

- RD2 – Development in the Open Countryside
- H5 – New Housing Development
- H7 – Backland and Tandem Development
- T2 – Access to Development
- T19 – Car Parking Provision and Standards
- HE5 – Development affecting a Listed Building
- DS1 – General Requirements
- DS16 – Flood Risk

North Lincolnshire Core Strategy:

- CS1 – Spatial Strategy for North Lincolnshire
- CS2 – Delivering More Sustainable Development
- CS5 – Delivering Quality Design in North Lincolnshire
- CS6 – Historic Environment

CONSULTATIONS

Environmental Protection: No objections subject to conditions.

Highways: No objection subject to conditions.

Conservation: No objection subject to conditions.

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

Environment Agency: No objection subject to conditions but note it is for the planning authority to determine if a sequential test is satisfied.

PARISH COUNCIL

Objects:

1. The planning application is outside the planning line.
2. The dwelling is to be situated on a greenfield site and any developments of any greenfield sites outside the development boundary would be vehemently opposed to by Goxhill Parish Council as we believe it would significantly damage the character of the village and negatively affect the aesthetics and traditions of Goxhill.
3. The dwelling will be situated on land that has a current level 3 flood risk rating, which has previously been subjected to excessive surface water.
4. The development will drastically encroach on the privacy of the neighbouring houses.

PUBLICITY

A site notice has been displayed in accordance with Article 15 of the Development Management Procedure Order 2015 (as amended).

Objections have been received to this application and the material concerns are summarised below:

- drainage issues
- located in vulnerable flood zone
- character impacts
- residential amenity impacts
- ecology impacts
- heritage impacts
- plans are incorrect.

ASSESSMENT

Planning history

PA/2020/596: Erection of a dwelling – refused.

Constraints and allocations

- The site is within Flood Zone 2/3a.
- The garden is within the open countryside.

Site characteristics

This application forms part of the residential garden of Animal Farm, Goxhill. The site is located both within and outside the defined settlement boundary for Goxhill. The site is in close proximity to a grade II listed building and within SFRA flood zone 2/3a. Animal Farm itself is a detached two-storey property with a large residential garden. There is a large outbuilding within the rear garden.

Proposal

Full planning permission is sought to erect a single-storey dwelling. The dwelling would be located entirely within the development boundary with the residential garden outside the development boundary. Access would be taken from North End running between the existing property at Animal Farm and Hadley Ridge to the south. The large outbuilding appears to be retained on the proposed plans, however would be sited within the curtilage of the proposed property.

The main issues in the determination of this application are the principle of development, flood risk, heritage, visual amenity, residential amenity, land contamination and highway issues.

Principle of development

Policy CS1 sets out the overarching spatial strategy for North Lincolnshire. Goxhill is considered to be a larger rural settlement. Of these areas the policy states:

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

Policy CS2 is concerned with delivering more sustainable development. It sets out a sequential approach to land types where development should be focussed, with the third priority being '...Small-scale developments within the defined development limits of rural settlements to meet identified local needs.'

The dwelling itself would be entirely within the development boundary with the residential garden sitting outside the development boundary. The existing residential garden at Animal Farm is already outside the development boundary and as such it is not considered that the land remaining as residential garden, whether that be for the existing property or this

proposal, would have an impact upon the character or openness of the countryside. Therefore, it is considered that the principle of continuing to use the site for residential purposes is acceptable and the proposal would align with the overarching spatial strategy.

Flood risk and drainage

The proposal is located within flood zone 2/3a (tidal) in accordance with the North and North East Lincolnshire SFRA 2011. Policy CS19 is considered relevant. The applicant was advised at the pre-application stage that any application should be accompanied by a flood risk assessment, and sequential and exceptions test. The advice went on to state that the applicant would be required to explore less vulnerable flood zones (after justifying a geographical area of research) setting out a methodology and reasons as to why these sites have been discounted (if indeed they can be). Planning application PA/2020/596 was submitted, which did not contain a sequential test, and was refused on the following grounds:

‘The applicant has failed to provide sufficient evidence that there are no alternative sites at lower risk of flooding that could accommodate the proposal. The proposed development is therefore contrary to policy CS19 of the North Lincolnshire Core Strategy and paragraph 157 of the National Planning Policy Framework.’

This time the applicant has submitted a sequential and exceptions test, and a flood risk assessment.

Sequential test

The applicant sets out a methodology for the sequential test and states that a 1 kilometre radius has been searched. There is no justification as to why this is the case when it may have been more appropriate to confine the search within the parameters of the assessment. The methodology goes on to state the following criteria have been applied:

- within 1 kilometre of the proposed plot
- a substantial plot, equal to the size of the proposed plot
- same or better plot benefits and requirements as detailed in para 1b
- not on a ‘through road’.

Searches were made prior to the submission using ‘Plot finder’ and ‘Right move’ – nothing appeared that would meet the above criteria.

At the time of writing this report the case officer also carried out a test looking at the above criteria, given that the geographical area of search (1 kilometre radius) was a confusing area to search. Following a review, it was clear that there was no availability within the settlement for such a dwelling, given the criteria of the search. It is therefore considered, in this instance, that the sequential test is passed.

Exceptions test and flood risk assessment

The exceptions test is in two parts: it requires the proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it

will be safe for its lifetime, without increasing flood risk elsewhere, and where possible reducing flood risk overall.

The applicant has provided additional information in support of the application. This supporting information sets out how the development is considered to be sustainable in terms of proximity to local services and transport routes. In terms of community benefits, the supporting statement highlights the fact that the proposal will provide additional housing and will support local businesses and services. The use of building regulations compliant fabrics also underlines how the development attempts to mitigate itself from climate change.

The flood risk assessment states that the finished floor levels of the dwelling would be set no lower than 4.9 metres above Ordnance Datum (AOD) and that flood resistant design and construction techniques will be incorporated to at least 300 millimetres above finished floor levels. The EA has no objection to the development subject to a condition linking any permission to the above datum point. The LLFA has no objection subject to a condition controlling a surface water strategy; given the site location, it is considered that such a condition would be appropriate. It is considered that the FRA satisfactorily demonstrates that the development will be safe without increasing flood risk elsewhere. The FRA considers mitigation measures in respect of floor levels, emergency access and egress, flood warning and evacuation, and flood resilience. It is considered that sufficient justification has been submitted with the application to demonstrate that the proposal will deliver sustainable development in Goxhill and will be of wider community benefit in that it will support existing services within the defined rural settlement.

Therefore, the proposal is considered to provide wider sustainability benefits which outweigh flood risk. Subsequently, the exception test is passed in this case and the proposal is considered to comply with policies DS16 of the North Lincolnshire Local Plan and CS19 of the Core Strategy, and the National Planning Policy Framework, in terms of flood risk.

Historic environment and character

The proposal straddles the settlement boundary though the built form is wholly within it. The amenity area already functions as residential curtilage despite being outside the settlement boundary. The assessment therefore concentrates on character impacts, not only within the settlement but also upon the open countryside.

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

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

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. It states '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' and 'Design which is inappropriate

to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

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

Policy HE5 is concerned with development affecting listed buildings. It states that the council will seek to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. When applications for planning permission relating to a listed building or listed building consent are being assessed, the primary consideration will be the need to preserve or enhance the fabric and character of the building. Permission or consent will not be granted unless it has been demonstrated that the proposed works would secure this objective. The council will encourage the retention and restoration of the historic setting of listed buildings. Proposals which damage the setting of a listed building will be resisted. Whenever appropriate, proposals which would entail the loss of historic fabric from a listed building will be conditional upon a programme of recording being agreed and implemented.

There is a grade 2 listed threshing barn located on the opposite side of the street; however, the host property, 'Animal Farm', separates the two. Given this, the conservation officer has no objections subject to the control of materials, which, given the site's proximity to the listed building, it is considered appropriate to do. The scale of the proposal is acceptable with the applicant proposing a bungalow and all living accommodation being on the ground floor. Its low height means that the dwelling would be screened, having minimal impact upon the street scene and the historic environment.

Subject to the control of materials then, the proposal is considered to align with policies H5, HE5 and RD2 of the local plan, as well as policy CS5 of the Core Strategy.

Residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states, '...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.' Policy H7 relates to tandem and backland development and states, '...development will be permitted provided that: (i) there is no adverse effect on the amenities of any residential premises or adjoining use through:...(c) the level of nuisance resulting from the movement of vehicles to and from the proposed development.'

The proposed property would create an access running between the existing property at Animal Farm and the adjacent property, Hadley Ridge, to the south. The space is currently occupied by the front garden area of Animal Farm and contains only pedestrian access. Due to the orientation of Animal Farm, its front elevation faces south, at 90 degrees from North End. The existing boundary treatment between Animal Farm and Hadley Ridge currently consists of established well-maintained vegetation. The proposed access track would result in the removal of this vegetation on the applicant's land, with the track bounded to its northern and southern sides by 1.8 metre fencing. The proposed access would be approximately 6 metres from the side gable of the adjacent Hadley Ridge. There would undoubtedly be an increase in noise and disturbance for the residents of Hadley Ridge as a result of vehicle movements along the proposed access track; however, it is unlikely that

this would be so significant as to warrant refusal as the access would only serve one three-bedroom property and as such comings and goings would be relatively limited.

The garden space serving the current property at Animal Farm is large and would be dramatically reduced as a result of the proposed development. The surrounding properties in the immediate vicinity along North End are mainly sited within large plots. However, within the wider area along Ruards Lane and The Close properties have more modest plot sizes; it is therefore considered that the proposed reduced plot size is acceptable and would be in keeping with the surrounding area.

The residential amenity space for the proposed dwelling is very large, however the land is already in residential use and as such this is considered acceptable. The positioning of windows in the proposed property is considered to be acceptable and would not result in overlooking or a loss of privacy for neighbouring properties. Given the above, the proposal is considered to comply with policies DS1 and H7 of the 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.

The council's Highways department has made an assessment and has no objection subject to a condition relating to the laying out of hard paved areas. This will be attached to any permission granted; it is considered necessary in relation to highway safety/parking provision. It is therefore considered that the proposal would align with both T2 and T19 of the North Lincolnshire Local Plan.

Land contamination

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The council's land contamination officer has been consulted and has stated that a monitoring condition that would require the developer to stop work and report any unforeseen contamination found during construction would suffice. Given the aforementioned mitigation, the proposed development is considered to accord with policy DS7 of the North Lincolnshire Local Plan.

Conclusion

The proposed dwelling was previously refused on failing the sequential test. It is considered that this application meets that test. All other matters are considered acceptable and conditions in some instances are proposed to mitigate where required. The applicant has agreed to the pre-commencement conditions and the application is therefore recommended for approval.

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: MT-001-20-01 P1; MT-001-20-03 P1.

Reason

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

3.
Prior to any above-ground works, details of all external materials shall be submitted to and agreed in writing with the local planning authority. They shall be retained thereafter.

Reason

In the interest of character and to accord with policies HE5 and DS1 of the North Lincolnshire Local Plan.

4.
The development shall be carried out in accordance with the flood risk assessment dated November 2020 by Roy Lobley Consulting and the following mitigation measures detailed within the flood risk assessment:

- finished floor levels set no lower than 4.9 metres above Ordnance Datum (AOD)
- flood resistance measures as described.

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

Reason

To reduce the risk of flooding to themselves and others and to accord with policy CS19 of the North Lincolnshire Core Strategy.

5.
If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without

unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

6.

Prior to development a scheme for the disposal of surface water shall be submitted to and agreed in writing with the local planning authority. Once implemented, the approved scheme shall be retained thereafter.

Reason

In the interest of flooding and to accord with policy CS19 of the Core Strategy.

7.

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.

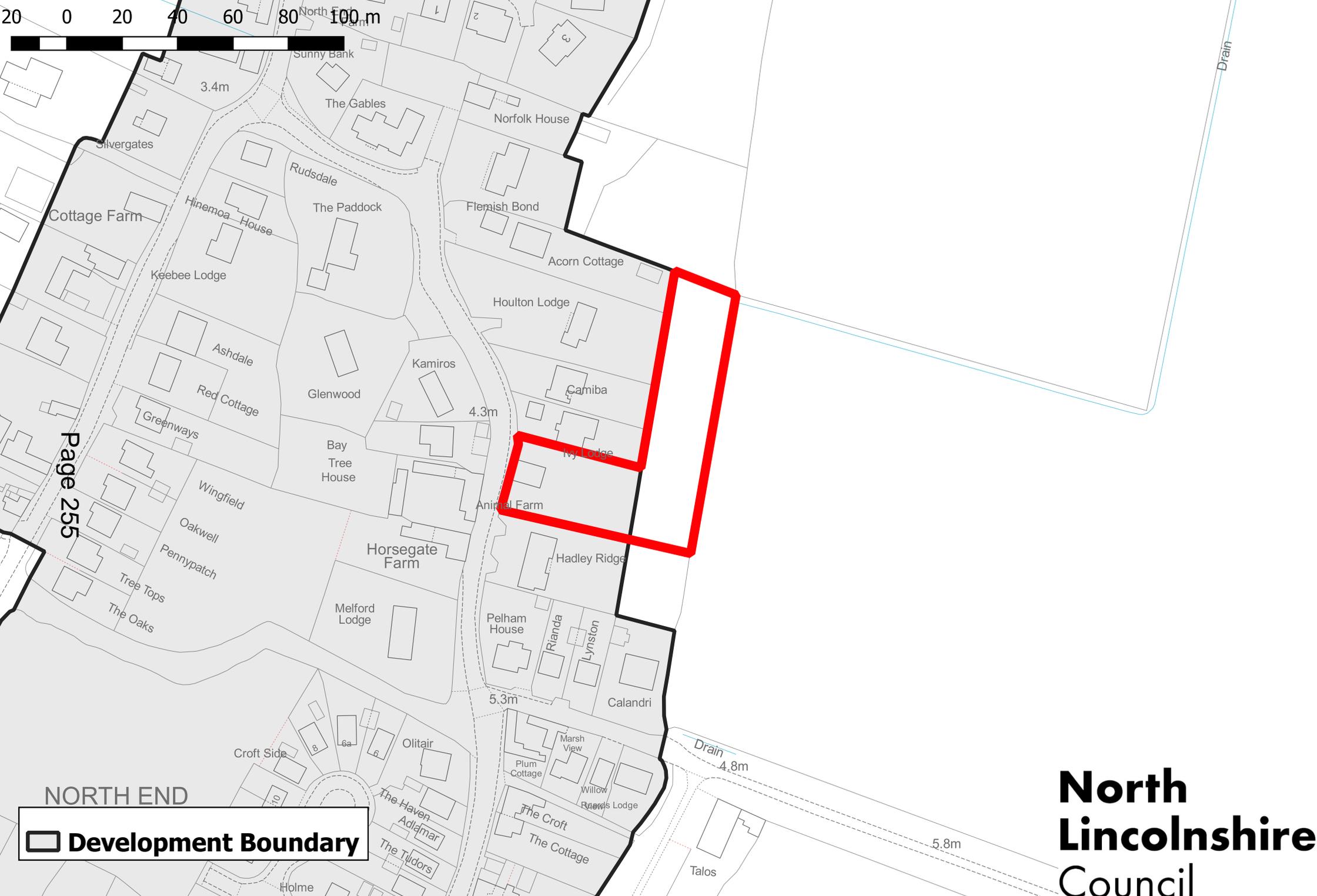
Reason

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

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.

20 0 20 40 60 80 100 m



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 **Development Boundary**

**North
Lincolnshire
Council**

PA/2020/1756

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PA/2020/1756 Proposed layout (not to scale)

NORTH
Block Plan
Scale 1:200

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Proposed Block Plan

Notes:-
 This Drawing is for planning purposes only further design & development together with a full topographical survey shall be required to meet with the building regulations & any other current regulations applicable.
Dwelling Construction & parameters:-
 Timber Frame Construction by Timber Frame Specialist /Manufacture.
 Exterior walls:- Composite cladding color off white exact colour to be confirmed & samples submitted to the L.A for approval.
 Windows & doors:- Double glazed Composite Aluminum colour RAL 7016 Anthracite grey.
 Facias & soffits:- Colour RAL 7016 Anthracite grey.
 Roof tiles:- Eternit fibre cement slates colour grey
 Privacy fencing:- 1.8m high feather edge with concrete posts lowering at end of splayed driveway to public highway.
 Surface water:- To be discharged to the pond & allowed to soakaway.
 Foul water:- to be connected into the public foul water sewer located in the public highway
 Vehicle access & driveway:- 4m drive way with turning space across the plot with turning circle to front of dwelling with a permeable concrete pavers from the public highway & splayed entrance to a min of 10m to the frontage of the dwelling the turning circle & frontage of the driveway to be loose chipping's stone on a permeable aggregate sub-base with matching stones to the perimeter
 Parking turning circle:- to the front of the dwelling for two cars

P1	CD	27/10/20	Drawing Issued For Comment		
Rev	Name	Date	Description		
Drawn	CD	27/10/20	Planning Application No		File No
Chkd			Pre Planning application	PRE/2018/15	001
Survey	CD	22/02/20			

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Design | Draught | The perfect Solution

LABC
Approved

Preliminary Drawing

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Scale	1:200				
Title	Proposed Block Plan of Detached Dwelling Bungalow				
Address	Animal Farm, North End Goxhill North Lincolnshire DN19 7JX				
Paper Size	A1				Rev No
Applicant	Mr & Mrs M. Taylor				P1
Tel	Drg No				MT-001-20-03

These drawings are issued for Outline Planning Submission only Full Planning Permission shall be obtained prior to commencement of work the work may not be started until such a time as a formal approval notice is issued. Note that the Local Authority Building Control Dept must be notified prior to start on site & that the Local Authority has Granted Planning Permission & that any Planning conditions are met. The Government's Standard Assessment Procedure for assessing the energy performance of dwellings is applicable to self-contained dwellings of the total floor area not exceeding 450m². The procedure shall be determined to meet the compliance of the required building regulations any deviation to the building fabrics specified at the design stage & not complying to the SAP assessment at the completion stage of the building shall be the responsibility of the person, persons that authorised the deviation from the design specifications.

APPLICATION NO	PA/2020/1794
APPLICANT	Mr Mark Wall, NPP Properties Ltd
DEVELOPMENT	Planning permission to erect a storage/warehouse building (Use Class B8)
LOCATION	Talasey House, Belton Road, Sandtoft, DN8 5SX
PARISH	Belton
WARD	Axholme Central
CASE OFFICER	Kevin Robinson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework: Paragraph 47 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 80 – Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

North Lincolnshire Local Plan:

DS1 (General Requirements)

DS16 (Flood Risk)

RD2 (Development in the Open Countryside)

T1 (Location of Development)

T2 (Access to Development)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS11 (Provision and Distribution of Employment Land)

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

CS17 (Biodiversity)

CS19 (Flood Risk)

Housing and Employment Land Allocations DPD: Employment land allocation Sandtoft Business Park, a 55.3 hectare site identified under policy SANE-1 for B1 and B8 uses as a logistics park.

CONSULTATIONS

Highways: No objections subject to a condition requiring access, parking and turning facilities to be in place prior to occupation.

Environment Agency: No objections.

Drainage (Lead Local Flood Authority): No objections subject to a condition requiring the submission and approval of a flood risk assessment and drainage strategy.

Doncaster East Internal Drainage Board: No objections, but advise that surface water run-off to receiving watercourses should not be increased and that the lead local flood authority should advise on drainage.

Severn Trent Water: No objections, but recommend a condition and an informative with regard to drainage.

Environmental Protection: No objections, but advise a condition with regard to any unforeseen land contamination, along with an informative in relation to unexploded ordnance.

PARISH COUNCIL

No objections.

PUBLICITY

The application has been advertised by means of a site notice displayed near to the entrance. Three comments have been received, raising the following concerns:

- HGV access to the site and the ability to turn within the site

- surface water drainage.

ASSESSMENT

The application site is off Belton Road, between Belton and Sandtoft, and to the rear of the existing building. The site is formed by the existing premises (Talasey House) with the trolley bus museum to the west, further commercial development (including the policy allocation SANE-1) to the north and existing commercial to the east. To the opposite side of the highway are a mixture of residential units and a less intensive grain of further commercial uses. Therefore, whilst the site lies outside of any defined development boundary and as such is within the open countryside for the purpose of planning, the surrounding area is appreciably industrial in nature. The site is within flood zone 2/3a of the Strategic Flood Risk Assessment for North Lincolnshire.

Planning history

PA/2012/0520: Planning permission to erect new office and warehouse facilities – approved.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations Development Plan Document (HELA DPD) adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising Planning Practice Guidance (PPG).

The application site is outside of any defined development limits within the HELA DPD and as such is considered to be in the open countryside for the purpose of planning. Policy RD2 of the NLLP sets out the council's approach to proposals for development in the open countryside. The policy states that land within the open countryside will be strictly controlled and only development which is appropriate to the open countryside will be permitted. Policy CS3 of the North Lincolnshire Core Strategy is a similar policy which seeks to restrict development outside development boundaries to that which is essential for the functioning of the countryside.

Whilst the site is outside of any defined development boundary, it should be noted that it is surrounded by existing industrial and commercial development. Therefore, the character of the area is industrial in nature and not rural as would normally be expected in the open countryside. The proposed development effectively comprises the erection of a building within a cluster of similar buildings, all within the wider industrial landscape. This proposal also has to be considered with regard to the wider policy context of the area which is promoted under allocation SANE-1 of the HELA DPD for large-scale industrial development. The application site is located a short distance outside of the SANE-1 allocation, but is within an established industrial area adjacent to it and is surrounded by existing and proposed (allocated) industrial land. Therefore, whilst the site is in the open countryside as defined by planning policy, the proposed industrial development is considered to be acceptable in this location due to the industrial nature of the area.

It should also be noted that other extensions of industrial sites outside development limits have been approved in this area in recent years. In these instances significant weight was given to the fact that the development would support the expansion of existing businesses and safeguard jobs. Similarly, the proposed development would support the existing business to the benefit of the local economy. This is in line with guidance contained within section 3 of the NPPF which seeks to promote economic growth in rural areas. On balance, despite the fact that the application site lies outside of any established development limit and the development is therefore contrary to local planning policy which seeks to restrict development in the open countryside, the economic benefit of the development would outweigh any conflict with policy, particularly given the fact that there would be limited impact on the character and appearance of the open countryside in this instance. It is therefore considered that the proposal would align with paragraph 47 of the NPPF in that there are material considerations that would indicate a departure from the plan is appropriate in this instance.

Amenity

There are residential properties to the opposite side of Belton Road, however the proposal would not in itself result in any increased activity but rather provide additional storage to the existing operation at the site. On this basis there is limited potential for the development to adversely affect the amenity of neighbouring properties above those activities which already exist at the site. The council's Environmental Health department has raised no concerns or objections to the proposal and it is considered that the proposed development would have no unacceptable impact on residential amenity.

Highways

As outlined above, there is an existing access to the application site, and no increase in trips generated would result. The council's Highways department has been consulted on the application and has raised no concerns or objections subject to a condition requiring the parking and turning facilities shown on the proposed plans to be in place prior to the building being brought into first use. The comments of the neighbours are noted, however in this instance the proposal would not result in any significant alteration to the existing situation. On this basis it is considered that the access arrangements are acceptable and the proposal would not be harmful to highway safety.

Flooding and drainage

The site is located within flood zone 2/3(a) of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for general industry in a high flood risk zone; this constitutes a 'less vulnerable' use. Applying the Flood Zone and Flood Risk Table in the National Planning Practice Guidance, the proposed (less vulnerable) development is considered to be appropriate in this location. Notwithstanding this, a detailed Flood Risk Assessment (FRA) has been submitted in support of the application along with a drainage strategy. The Environment Agency (EA) has been consulted on the application and has not raised any objection. Notwithstanding this the proposal seeks further commercial development within an existing site. The council's drainage team has been consulted and has no objections subject to the imposition of conditions. Subject to such conditions it is considered that the proposal would be satisfactory in terms of flood risk and drainage impacts.

Land contamination

The council's Environmental Protection Officer has not responded to the consultation and it is considered that any unforeseen contamination can be suitably addressed through a condition requiring the developer to cease work and report any unforeseen contamination found during construction. This condition will be attached to any permission, given the industrial processes/uses that are abundant in the area.

Conclusion

Whilst the application site is located outside of any defined development boundary, and industrial development is not normally acceptable in such locations, the site is adjacent to existing industrial businesses and is within an area of commercial activity. The proposed development would directly support the expansion of a local business, securing employment and thereby benefiting the local economy, which is strongly supported by the NPPF. Furthermore, it has been demonstrated that the development would not have an adverse impact on the existing highway network or the amenity of residential properties, and poses no unacceptable risk of flooding. For these reasons it is considered that the proposed development is acceptable and that this application should be supported subject to conditions.

Pre-commencement conditions

The pre-commencement conditions included in the recommendation have been agreed verbally with the applicant's agent; a confirmation email is awaited.

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: Floor Layout ref: 1045-20 DWG 1 dated 30/10/20; Elevations ref: 1045-20 DWG 2 dated 30/10/20; Block Plan ref: 1045-20 DWG 3 dated 30/10/20.

Reason

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

3.
No development shall take place until a detailed flood risk statement and drainage strategy has been submitted to and approved in writing by the local planning authority. This should outline all sources of flood risk (including surface water, ground water and ordinary watercourse) and proposals to mitigate this, and include preliminary drainage layout plans. SuDS should be considered. Full ground investigations must be carried out along with a feasibility assessment for infiltration. Infiltration tests should comprise full-scale tests to demonstrate long-term effectiveness and suitability. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document.

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.

4.

The proposed new unit shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it have been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

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

5.

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 in writing 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. No surface water shall be discharged into the foul sewage system by any means.

Reason

To ensure that the development is provided with a satisfactory means of drainage and reduce the risk of creating or exacerbating a flooding problem, and to minimise the risk of pollution.

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 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.

Informative 1

Severn Trent Water advises 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 obtaining a solution which protects both the public sewer and the building.

Informative 2**Unexploded Ordnance**

As the site is on a former military airfield there is the potential for unexploded ordnance which could present a risk to the development. As such, the applicant is advised to ensure that good practice guidance is followed in relation to the potential presence and management of risks associated with unexploded ordnance. Guidance can be obtained from this link:

<https://www.ice.org.uk/knowledge-and-resources/best-practice/unexplodedordnance>

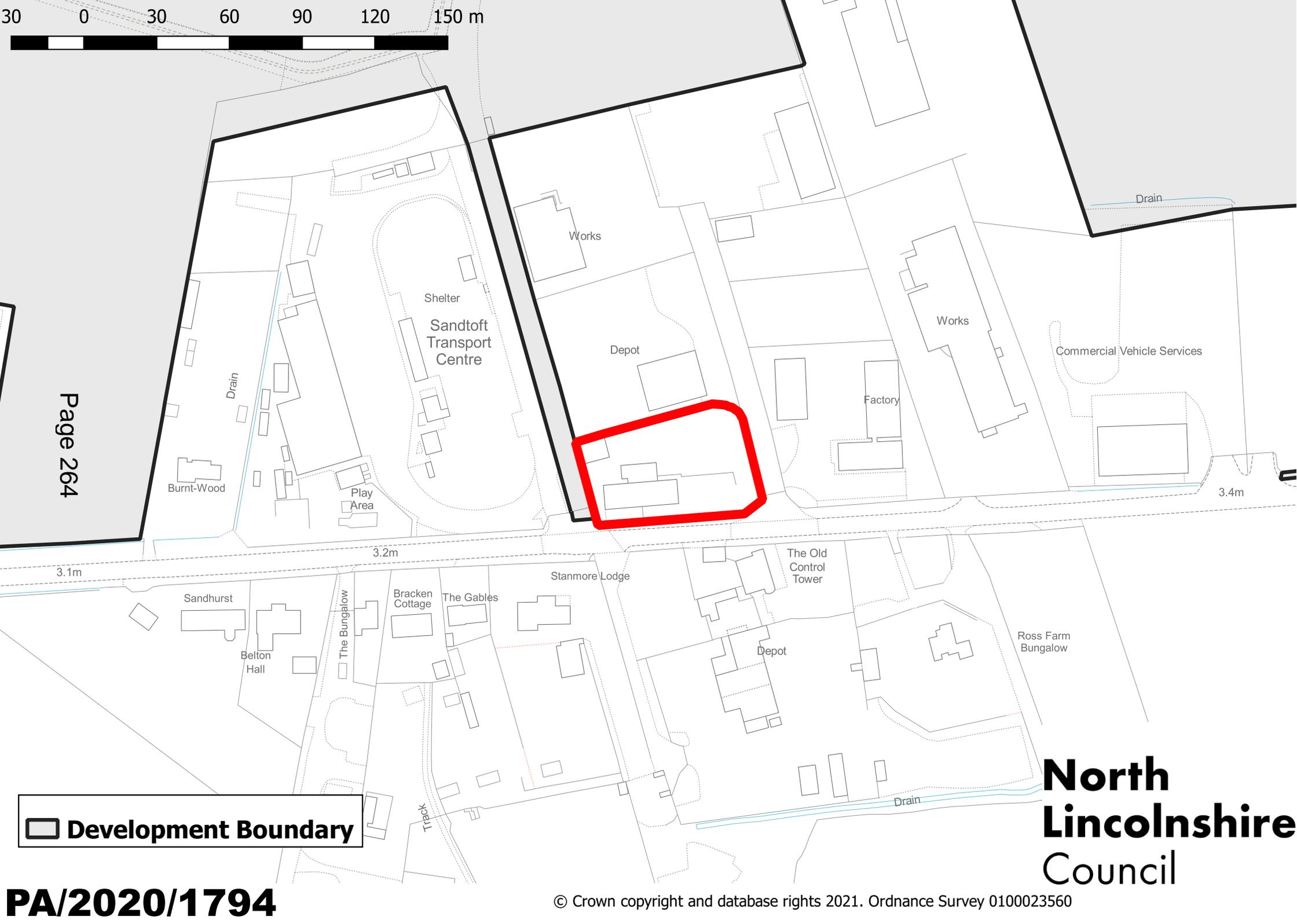
Informative 3

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

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

Informative 4

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



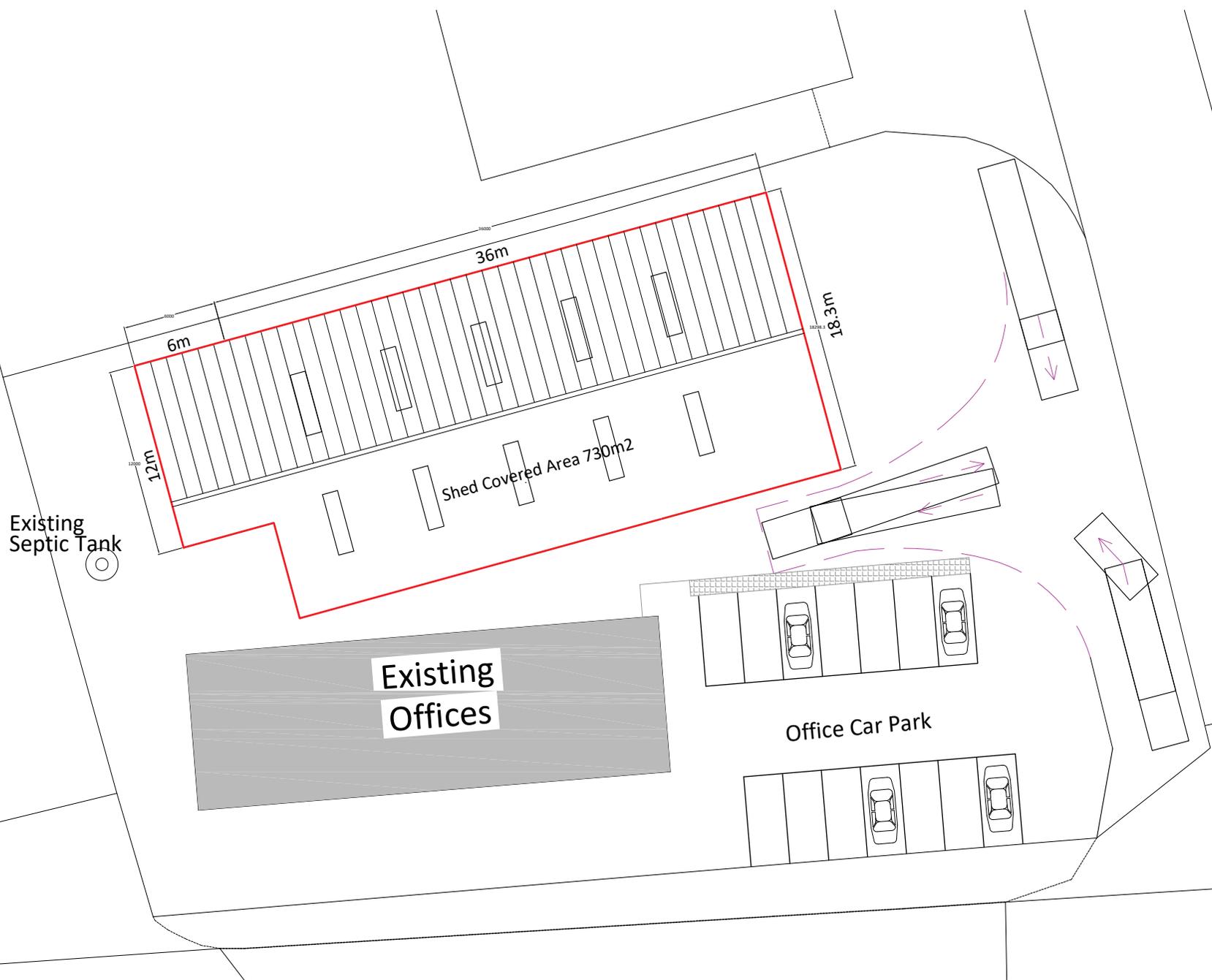
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 **Development Boundary**

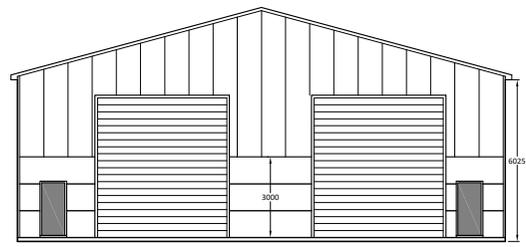
**North
Lincolnshire
Council**

PA/2020/1794 Proposed layout (not to scale)

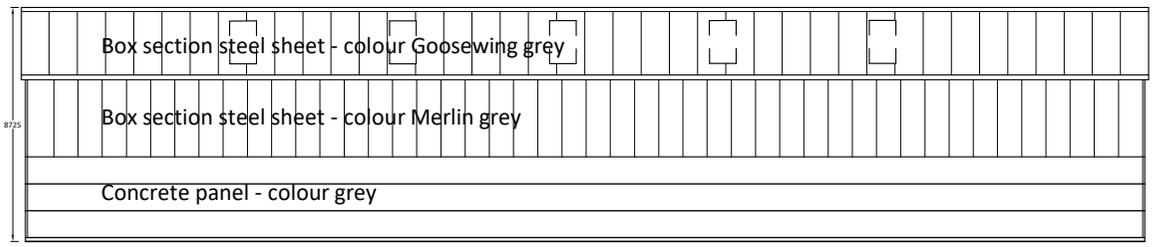
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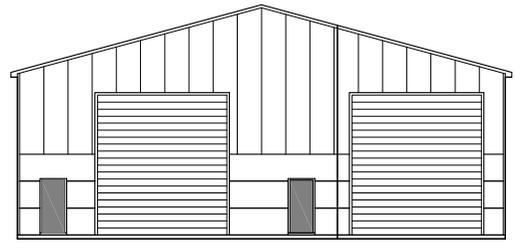
Howard J Wroot BSc MRICS Chartered Surveyor 240 Wharf Road, Ealand Scunthorpe DN17 4JN	Tel 01724 711068 Fax 01724 710174 Mob 07947 226577	Client	Talasey Ltd		Proposal	New Storage Shed - Talasey Ltd Belton Road, Sandtoft, DN8 5SX.		
		Date	30/10/20	Dwg No				3 of 4
		Scale	1:250	Ref No				1045-20



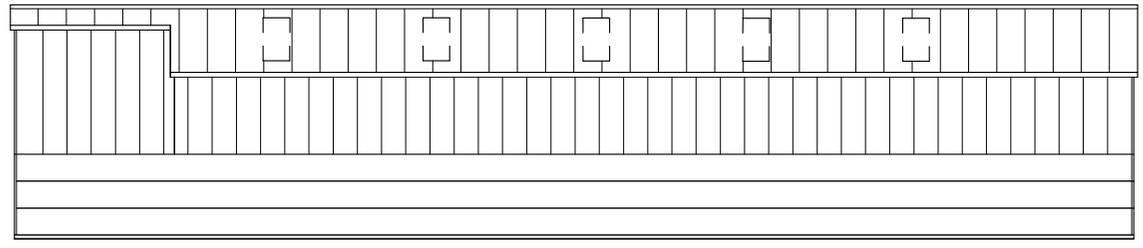
East Elevation



North Elevation



West Elevation



South Elevation

APPLICATION NO	PA/2020/1869
APPLICANT	Mr Peter Moxon, MXN Investments Ltd
DEVELOPMENT	Planning permission for change of use and associated works for the conversion of the first floor and ground floor entrances of 13 High Street from retail (E(a)) to residential (C3) to provide six one-bedroom flats
LOCATION	13 High Street, Kirton in Lindsey, DN21 4LZ
PARISH	Kirton in Lindsey
WARD	Ridge
CASE OFFICER	Kevin Robinson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Kirton in Lindsey Town Council

POLICIES

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

Paragraph 11: Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

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

For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

Paragraph 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.

North Lincolnshire Local Plan: DS1, DS7, T2, HE9

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS25

Housing and Employment Land Allocations DPD: TC1

CONSULTATIONS

Highways: No comments or objections.

Historic Environment Record: No objection.

Conservation: No objection, subject to a condition to control details of windows and doors.

TOWN COUNCIL

'Kirton in Lindsey Town Council object to this planning application. In principle it would consider supporting the provision of small unit flats for the town, especially within the remit of a social housing association to offer some protection to tenants. The location of this application prohibits the Town Council supporting PA/2020/1869 because of the central position of the High Street property and subsequent requirement for on-street vehicle parking of residents and visitors. This is a very real requirement due to the lack of suitable public transport provision serving the town of Kirton in Lindsey and nearby employment locations to enable a commute to work. There is not suitable capacity for such on-street parking at High Street, within the Market Place or at the adjacent street locations.'

PUBLICITY

The application has been advertised by site and press notice. One letter of comment has been received which questions the parking provision.

ASSESSMENT

The history of the site reflects its use as a retail shop. None of the recorded history is considered to be of particular relevance to consideration of this proposal.

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

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

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

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

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the HELAP. The application site is within the defined town centre and development boundary and is therefore in accordance with policies CS2, CS3 and CS8 of the Core Strategy. Policy TC1 of the HELAP also relates, which seeks to control the types of development within town centre locations. Amongst other uses, the use of upper floors for residential (C3) use is considered to be acceptable in these locations.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11(d) of the NPPF

provides that where the policies which are most important for determining the application are out-of-date, the authority should grant 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.

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 proposal fails against the above tests from Paragraph 11(d).

Being located within the town of Kirton in Lindsey, and forming the redevelopment of an existing building, there are inherent sustainability benefits to the proposal. As such, the principle of the development proposed is considered to be acceptable. In determining the sustainability of the proposed development, an assessment is required, not only on principle, but also on the technical elements of the proposal, as to whether its benefits are outweighed significantly and demonstrably by any adverse impacts.

The key issues in considering this proposal are:

- **impacts upon the character of the area, including heritage assets**
- **impacts upon residential amenity**
- **highway safety**
- **flood risk and drainage.**

Impacts upon the character of the area, including heritage assets

Policy DS1 states that a 'high standard of design is expected' and that proposals will be considered against two criteria:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area, and
- (ii) the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. It states, ‘...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place’ and ‘Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.’

Policy H5 is concerned with new housing development. Policy H7, which relates to backland and tandem developments, and paragraph 127 of the NPPF, are also relevant.

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

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

In this respect the existing property is a modern construction within the Kirton in Lindsey conservation area. The proposal seeks to reuse the first floor for residential accommodation to provide six one-bedroom flats. The amendments to the built form would consist of the addition of window openings to the side elevations and a new ground floor entrance to the flats. The proposed alterations to the appearance of the property are only minor in nature and would not materially affect the property’s appearance or its contribution to the street scene and character of the conservation area. Subject to the requested condition to control the materials of the windows to be wooden construction it is not considered that there would be any appreciable effect upon the Conservation Area. The proposal is therefore considered to be acceptable with regard to policies DS1, CS5, H5, CS6 and HE9.

Impacts upon residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states, ‘...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.’

Policy H5 also seeks to require that proposals do not result in adverse impacts upon neighbouring amenity.

In this regard the key issues from the proposal are likely to be the potential impacts from increased activity to the proposed entrance, the potential for increased overlooking from the proposed windows and the potential for noise disturbance between properties within the conversion. The proposed entrance is to the rear to an existing service yard area. The access is between existing dwellings. Whilst the proposal would alter the existing use of this area, it is not considered that the provision of six one-bedroom flats within the town centre would result in significant effects upon neighbouring properties. With regard to the proposed window openings, they would look out at obtuse angles to neighbouring properties and, being of modest size, would not give a significant feeling of increased overlooking. As such,

it is not considered that there would be a significant effect to warrant resistance on these grounds. The conversion of the property into flats would be subject to building regulations and would have to meet those requirements for soundproofing between properties. As such, it is considered that this is addressed separately to planning consideration.

The proposal is not considered to result in any significant effect upon the residential amenity of neighbouring occupiers and would provide suitable amenity to the occupants of the proposed dwellings.

Highway safety

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access and have options for sustainable transport.

The comments of the town council and the representation received from publicity of the application raise concern over parking of vehicles in the locality. The highways officers have been consulted on the proposals and do not raise any objections. The site is located within Kirton in Lindsey town centre and, as such, residents would have access to public transport services from the town, with prospective residents not having expectations for off or on-street car parking availability. Whilst no dedicated car parking provision is made, being located in a sustainable location with access to modes of public transport, it is not considered that there would be an over-reliance upon the private car. The wider area has some on-street parking available and can ultimately be controlled through highways legislation if required. The proposal does not raise any objections from the highways officers in respect of on-street parking and is considered to be acceptable with regard to policy T2 of the local plan.

Flood risk and drainage

Policy DS14 of the North Lincolnshire Local Plan is concerned with both surface water and foul drainage. The application site is not located within an area of designated flood risk. The proposal would not result in changes to the ground conditions or the movement of surface water. Foul drainage will be controlled under building regulations and by the water authority. The proposal is therefore considered to be acceptable in this regard in accordance with the requirements of policy DS14.

Conclusion

The proposal seeks to reuse an upper floor above a retail shop within the town centre of Kirton in Lindsey. The proposal is considered to represent an efficient use of the existing built form serving to increase the housing provision within the area. The proposal would not result in any significant effects upon neighbouring amenity and would not adversely impact upon the conservation area. Whilst no dedicated car parking provision is made, being located in a sustainable location with access to modes of public transport, it is not considered that there would be an over reliance upon the private car. The wider area has some on-street parking available and can ultimately be controlled through highways legislation if required. As such, the proposal is considered to form sustainable development and is recommended for approval subject to conditions.

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

1.

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

Reason

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

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing reference L-MOX_001-04 Rev 1 Proposed Floor Plans; Drawing reference L-MOX-001-05 Rev 1 Proposed elevations.

Reason

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

3.

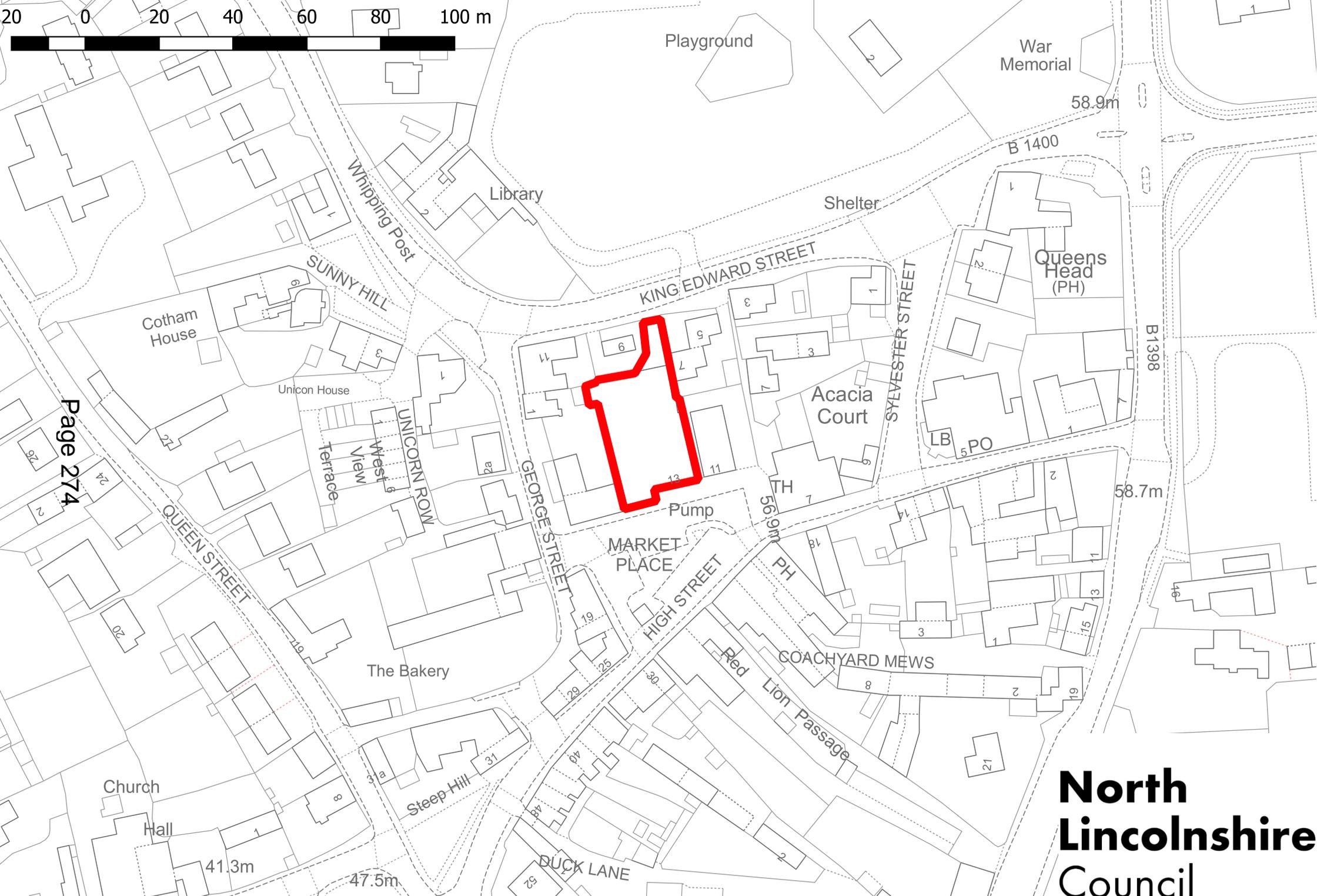
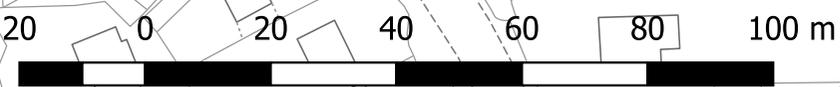
Prior to installation, details of the windows and door shall be submitted to and approved in writing by the local planning authority. Only the approved windows and door shall be installed, and retained as such thereafter.

Reason

In the interest of visual amenity and to protect the character of the conservation area in accordance with policy CS6 of the North Lincolnshire Core Strategy.

Informative

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



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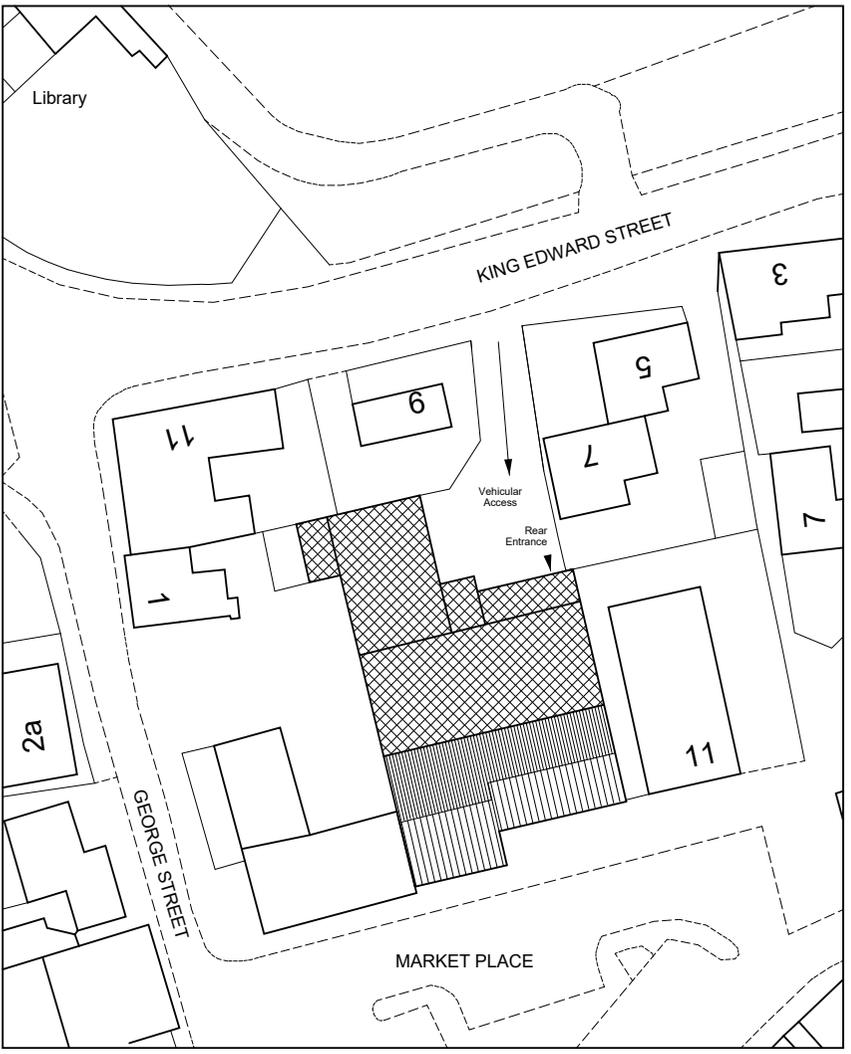
**North
Lincolnshire
Council**

PA/2020/1869

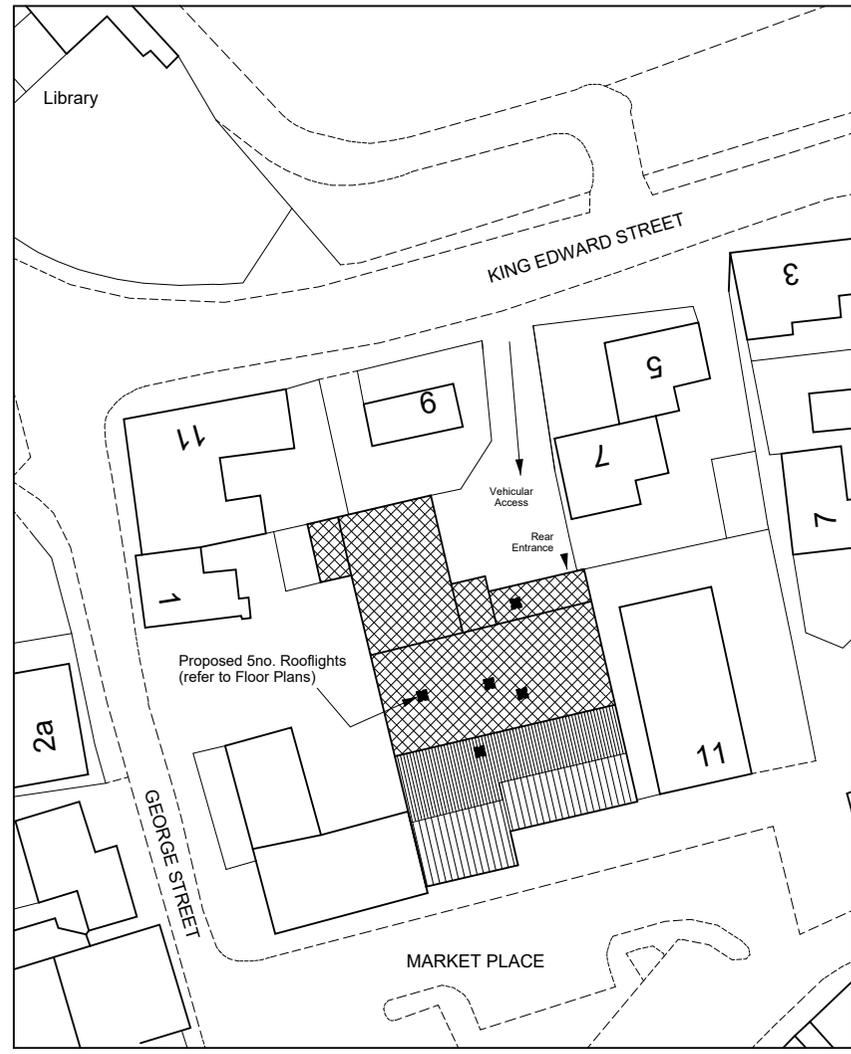
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PA/2020/1869 Proposed rooflights (not to scale)

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Existing



Proposed



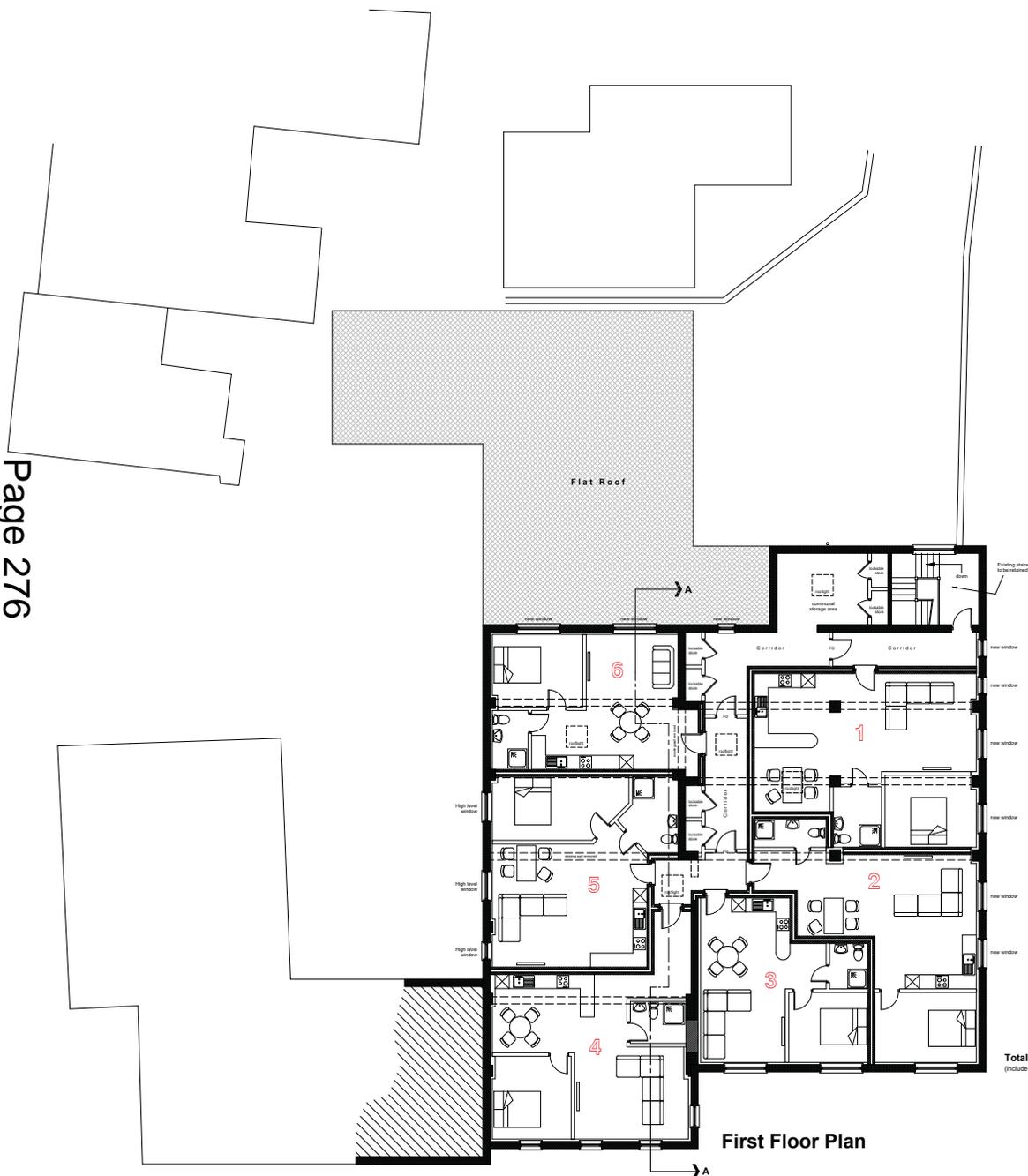
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MXN Investments Ltd 13 High Street, Kirton-in-Lindsey, DN21 4LZ Proposed Residential Development Block & Roof Plans - EXISTING & PROPOSED		
L-MXN-001-07		
ISO A3 sheet @ Scale 1:500	Date: 01-11-2019	1
Drawn by: PAW	Checked by:	

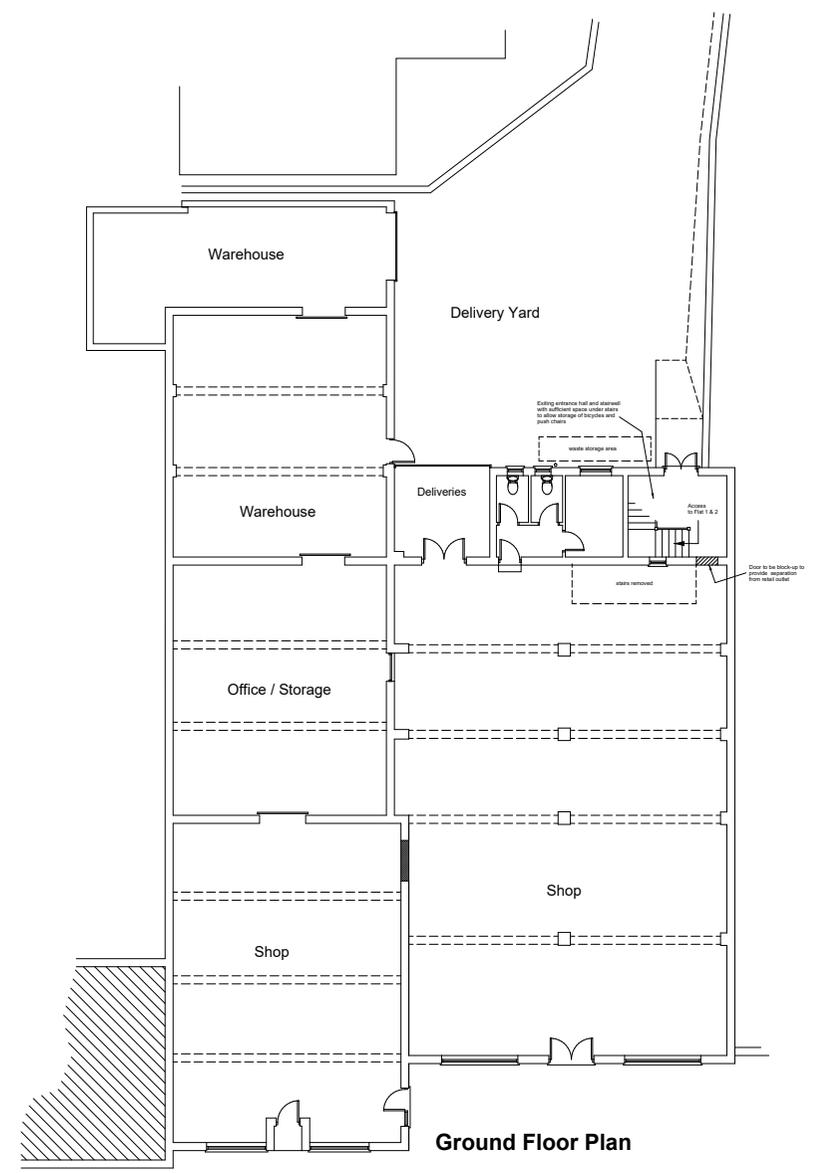
Proposed

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First Floor Plan

Total Floor Area = 463sqM
(includes GF entrance lobby and stairs)



Ground Floor Plan

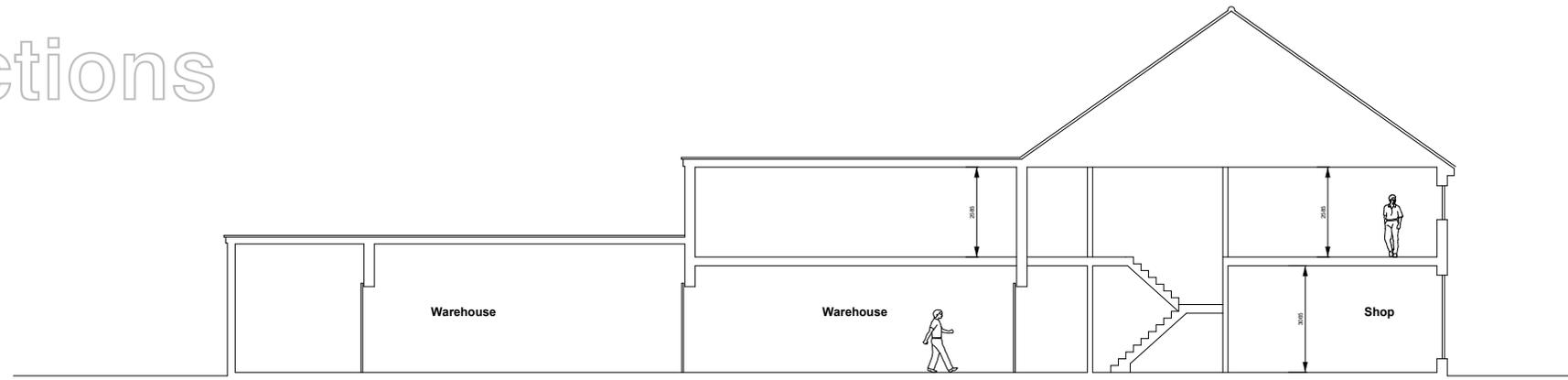


Scale 1:100

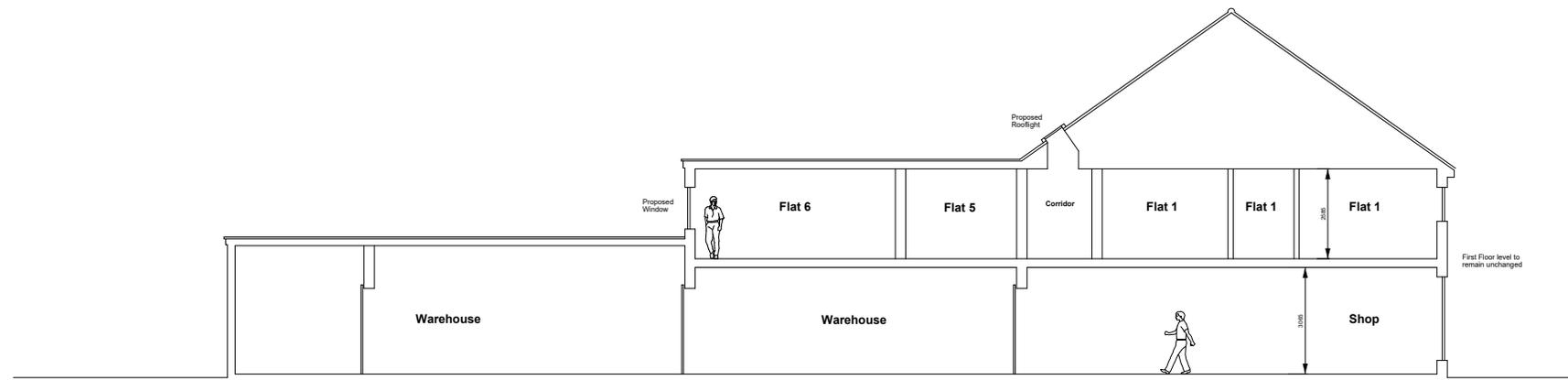
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MXN Investments Ltd 13 High Street, Kirton-in-Lindsey, DN21 4LZ Proposed Residential Development Floor Plans - PROPOSED L-MOX-001-04		
ISO A1 sheet @ Scale 1:100	Date: 18-09-2019	Revision 1
Drawn by: PAW	Checked by:	

Sections



Existing A - A



Proposed A - A

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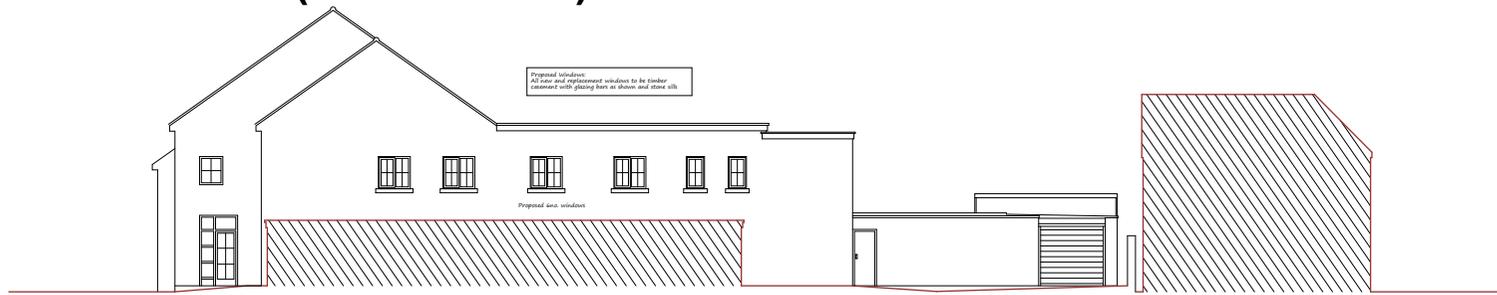
JHWalter JHWalter LLP Chartered Surveyors
 1 Mint Lane, Lincoln, LN1 1UD
 T: 01522 526526 E: info@jhwalter.co.uk
 www.jhwalter.co.uk

MXN Investments Ltd
 13 High Street, Kirton-in-Lindsey, DN21 4LZ

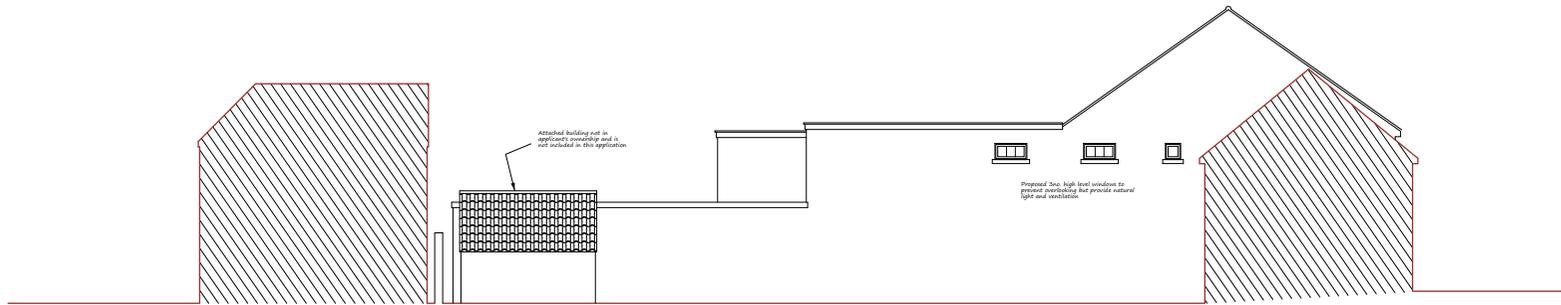
Proposed Residential Development
 Sections - EXISTING & PROPOSED
L-MOX-001-06

ISO A2 sheet @ Scale 1:100	Date: 18-10-2020	Revision 1
Drawn by: PAW	Checked by:	

Proposed



East Elevation



West Elevation



South Elevation



North Elevation



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MXN Investments Ltd 13 High Street, Kirton-in-Lindsey, DN21 4LZ Proposed Residential Development Elevations - PROPOSED L-MOX-001-05	
ISO A1 sheet @ Scale 1:100	Date: 18-09-2019
Drawn by: PAW	Checked by:
Revision	
1	

APPLICATION NO	PA/2020/1928
APPLICANT	Mr Tim Jackson
DEVELOPMENT	Planning permission to erect a dwelling
LOCATION	26 Hollingsworth Lane, Epworth, DN9 1EY
PARISH	Epworth
WARD	Axholme Central
CASE OFFICER	Nick Salt
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Tim Mitchell and Cllr David Robinson – significant public interest) Objection by Epworth Town Council

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed places

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)

Policy CS25 (Promoting Sustainable Transport)

North Lincolnshire Local Plan:

Policy DS1 (General Requirements)

Policy DS7 (Contamination)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

CONSULTATIONS

Highways: No objections, subject to conditions.

Drainage (Lead Local Flood Authority): The application suggests permeable surfacing is to be used but provides no details to support this. Taking this into consideration, the LLFA Drainage Team has no objection to the proposed development subject to the imposition of a relevant planning condition.

TOWN COUNCIL

Objects to this application – ‘over-development of the site’; impact on the appearance of the street scene; and footprint the same as the previous proposal.

PUBLICITY

A site notice has been displayed and six responses have been received, objecting to the proposal on the following grounds:

- Over-development of plot
- out of keeping with street scene
- lack of access to the rear
- overbearing on number 28
- loss of privacy during construction
- exacerbation of parking issues
- no floor dimensions
- impact on neighbours during construction
- insufficient garden space
- harm to the environment/biodiversity.

ASSESSMENT

Site description

The application site is the eastern part of an existing site (26 Hollingsworth Lane) which is proposed to be subdivided (to a new site area of 218.8 metres) to create a detached new dwelling between numbers 26 and 28. The site is on the southern side of the road, which displays a variety of housing designs and layouts – mostly detached or semi-detached with front and rear amenity/parking areas.

Number 26 to the west is a modest, red brick, two-storey dwelling which has approval (see below) for a more contemporary extension to the front. This would provide a front-facing gable similar to that on number 28, which is a larger dwelling to the east. There is existing access from the road which would be retained.

Recent planning history

PA/2020/761: Planning permission to erect a dwelling - refused July 2020 for the following reasons:

1. The proposed dwelling and plot subdivision, by virtue of its cramped and narrow size and form relative to the neighbouring properties, would not accord with Local Plan policy DS1 or Core Strategy policy CS5 in that it would be inappropriate within the context of the existing street scene. The height of the dwelling would exceed the adjacent dwellings in a manner which would result in a disjointed and overdeveloped frontage.
2. The proposal would carry unacceptable impacts upon the residential amenity rights of neighbouring dwellings by virtue of its scale and siting allowing for an unacceptable level of visual intrusion into Greengate Crescent properties and shadowing on 28 Hollingsworth Lane. Accordingly, the proposal is contrary to policy DS1 of the Local Plan.
3. The proposed dwelling would be provided with an insufficiently sized rear garden area. As the frontage would be occupied with parking, this would be the only useable amenity space for the occupants of a four-bedroom property. The garden area would be substantially smaller than those in the surrounding properties and would be cramped. Access to and from the rear of the dwelling would be via a narrow path along the western elevation less than 1 metre in width. Outdoor amenity space for future occupants would therefore be of unacceptable size and quality contrary to Local Plan policy DS1.

PA/2020/234: Planning permission to erect two-storey front and single-storey rear extensions at 26 Hollingsworth Lane – approved April 2020. This application was for the extension of the existing dwelling to be retained.

Proposal

This application seeks to subdivide the existing plot of number 26 to create a new three-bedroom detached dwelling with two storeys. The frontage of the dwelling would accommodate parking for up to two vehicles and a grassed area. The building would take

the form of a hipped roof house, with a ridge height of 7.5 metres and an eaves height of approximately 5.3 metres. The application also proposes a flat roof annex to the rear kitchen/dining area featuring a roof lantern and patio doors.

The rear garden would be accessed via a path running the length of the western elevation to an area of approximately 40 square metres.

The proposed finishes would largely be contemporary with off-white render, grey window frames and a slate roof on a simple design and form.

Material considerations

The main issues in the determination of this application are:

- **the principle of development;**
- **impact on the character and appearance of the street scene;**
- **impact upon neighbouring residential amenity;**
- **the amenity of future occupants;**
- **highway safety and parking.**

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land Allocations Development Plan Document (HELADPD). 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).

Central Government places high importance on new homes being delivered throughout the country to address the chronic shortage. 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 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, policy CS1 is considered up-to-date. However, the weight to be afforded to it 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.

A recent review of the of the Five Year Housing Land Position Statement has identified that the council's housing land supply has reduced from five years and six dwellings, 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 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 and would contribute towards meeting local need, albeit to a limited degree.

The broad principle of residential development on this site is therefore considered acceptable, subject to detailed considerations below.

Design, siting and visual amenity

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.' The proposed contemporary design would not strictly be in keeping with the general street pattern; however, as the existing property on the site and the surrounding properties are not of any particular architectural merit, this would not be unacceptable in principle.

The subdivided site resulting from this development would create a somewhat cramped plot, substantially smaller and narrower than those of the surrounding properties. The sense of openness between the properties in this part of Hollingsworth Lane would be reduced. It is acknowledged, however, that the properties to the south side of Hollingsworth Lane to the west vary in size and some have similarly narrow plots.

This proposal is a revised scheme following the refusal of the previous larger scheme and discussions between the applicant and the case officer. The ridge height of the proposed dwelling, at approximately 7.5 metres, has been set down relative to the previously refused scheme and would be below that of the larger dwelling at number 28 to the east and similar to number 26 to the west. The hipped roof design would reduce the bulk of the proposed dwelling and provide a visual break from the adjacent terrace, thus maintaining a degree of visual separation necessary to reduce impact on the character of the street. The front elevation would match that of number 26.

On balance, the site is constricted as reflected in the development proposed. However, the design of the proposal would not have an unacceptably severe impact on the character and appearance of the street scene inasmuch as to outweigh the benefit of an additional dwelling and contribution to the housing shortfall. In this respect the proposal would accord with local plan policy DS1 or Core Strategy policy CS5 in that it would not be inappropriate within the context of the existing street scene.

Residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states, '...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.'

The proposed dwelling would run to the boundary with number 28 to the east, creating some degree of a tunnelling effect, overbearing impact and loss on that property. The ground floor side elevation windows to number 28 do not appear to serve habitable rooms, however, and the reduced ridge of the proposed dwelling would limit impact on the second-floor side window of number 28. The proposed property would be set forward from number 28 by approximately 1.5 metres at the front elevation, however number 28 would retain sufficient openness and outlook. Given the window layouts in number 26 (as existing and proposed), and the distances to the Greengate properties to the south, no overshadowing or overbearing impact is likely to occur in relation to any other neighbouring dwellings.

Two first floor rear bedroom windows are proposed which would look towards the properties to the rear. These would be at a distance of approximately 15 metres from the rear elevation of 2 Greengate Crescent. At first floor level any perceived overlooking would have a reduced impact when compared with previously proposed second floor windows. The level of overlooking would not exceed that from number 28 and is not considered likely to result in any severe loss of privacy.

Noise nuisance has been raised as a concern in letters of objection, however it is not considered that this would exceed levels typical for a residential area such as this. Additionally, Environmental Health have not raised this as a concern.

It is considered that the proposal would not give rise to unacceptable harm to residential amenity and would accord with policy DS1 of the North Lincolnshire Local Plan.

Future occupant amenity

The proposed internal layouts would ensure that future residents would be provided with a sufficiently high standard of living environment within the dwelling. The submitted site plan shows that the proposed dwelling would be provided with a 40 square metre rear garden area, and grassed front garden. The garden area would be smaller than those in surrounding properties and would be somewhat cramped. The garden combined size would be suitable, however, for a smaller three-bedroom property as currently proposed. On balance, outdoor amenity space for future occupants would therefore be of acceptable size and quality.

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 site is located within the existing settlement boundaries and benefits from good access to public transport links and local services. It is therefore considered that the scheme would be located within a sustainable location.

The council's Highways team has offered no objections to the proposed layout or parking arrangements, subject to appropriate conditions. The site features a minimum of two off-street spaces for the new dwelling whilst retaining sufficient parking for number 26, 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.

It is therefore considered that the scheme would not have an unacceptable impact on vehicular or pedestrian safety and sufficiently accords with policy in this regard. The use of the existing access would not create additional highway safety concerns other than the modest intensification of use.

Other matters

The Environmental Protection team have been consulted on this application but have not responded. They did comment on the previous proposal on this site and requested a full site survey to establish any land contamination issues.

It is considered, given the site is part of an existing residential curtilage, that a condition should be imposed requiring appropriate action to be taken if any unexpected contamination is found during site clearance and construction.

Conclusion

In summary, the broader principle of the proposed dwelling in this area is acceptable and in accordance with national and local policy.

The previous proposal for a dwelling on this site was refused on the basis of scale and design, resulting in harmful potential impacts on visual and residential amenities.

It is considered that the current proposal addresses these concerns adequately through a reduction and redesign of the dwelling, thus limiting the harm to the adjacent residential occupants and the street scene.

On balance, the provision of an additional dwelling in a sustainable location outweighs the reduced risk of harm to the above.

Pre-commencement conditions

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

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

- 2.

The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Site Plans; PL02 Rev B - Proposed Floor Plans; PL03 Rev B - Proposed Elevations.

Reason

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

3.

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.

4.

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.

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.

The proposed new vehicle parking facility shall not be brought into use, for number 26 Hollingsworth Lane, until the vehicular access serving it has been completed within highway limits.

Reason

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

7.

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

Reason

In the interests of controlling potential contamination and to ensure that the site is safe for its end use, in accordance with policy DS7.

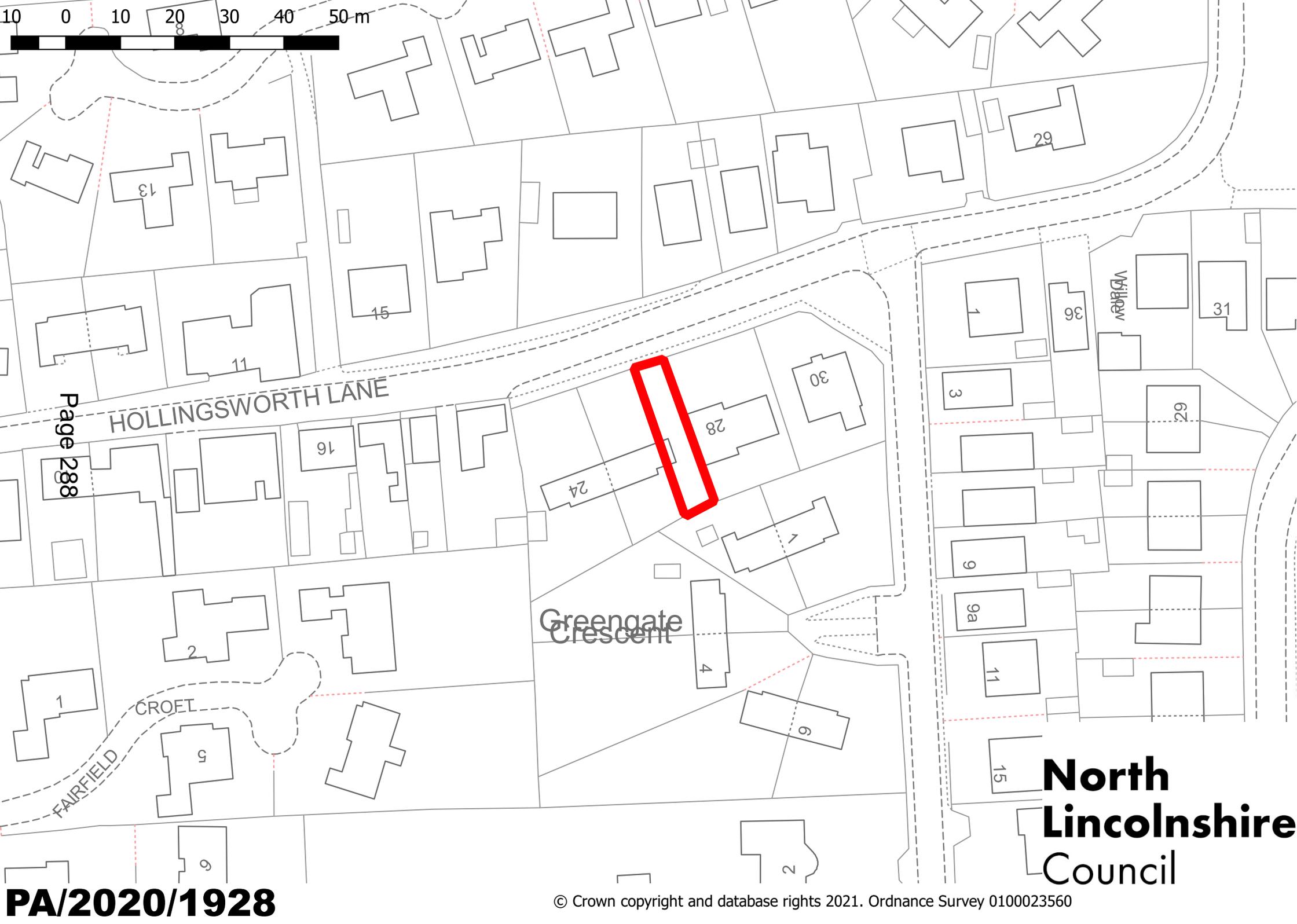
Informative 1

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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HOLLINGSWORTH LANE

Greengate
Crescent

FAIRFIELD
CROFT

WILLOW

**North
Lincolnshire
Council**

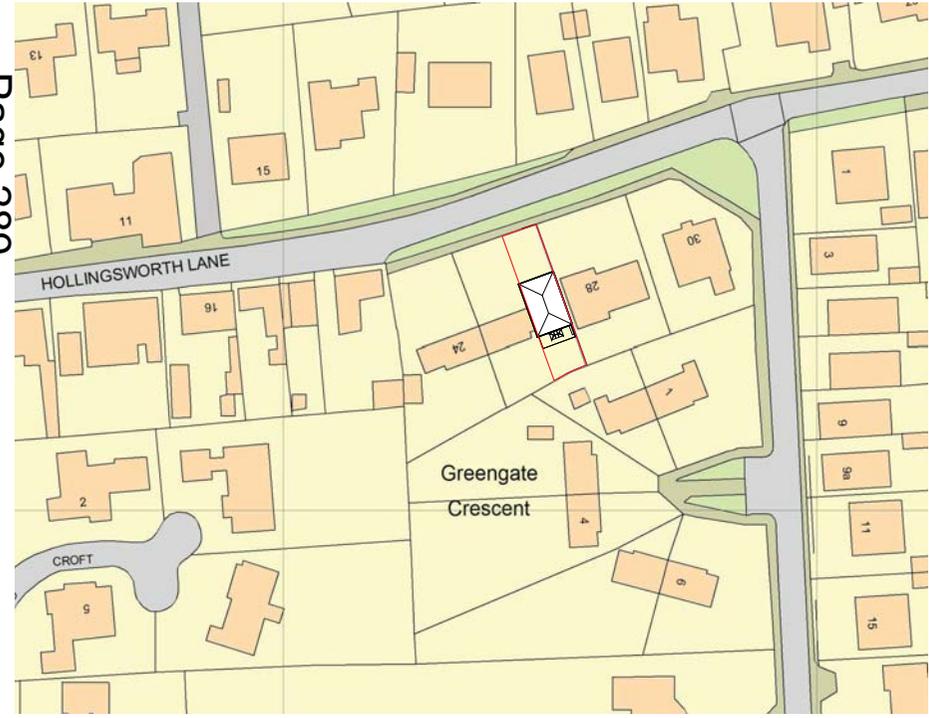
PA/2020/1928

PA/2020/1928 Proposed layout (not to scale)

TOTAL PROPOSED SITE AREA (M²)
 26A HOLLINGSWORTH LANE - 218.8M² (RED BOUNDARY)
 DWELLING FOOTPRINT - 78M²

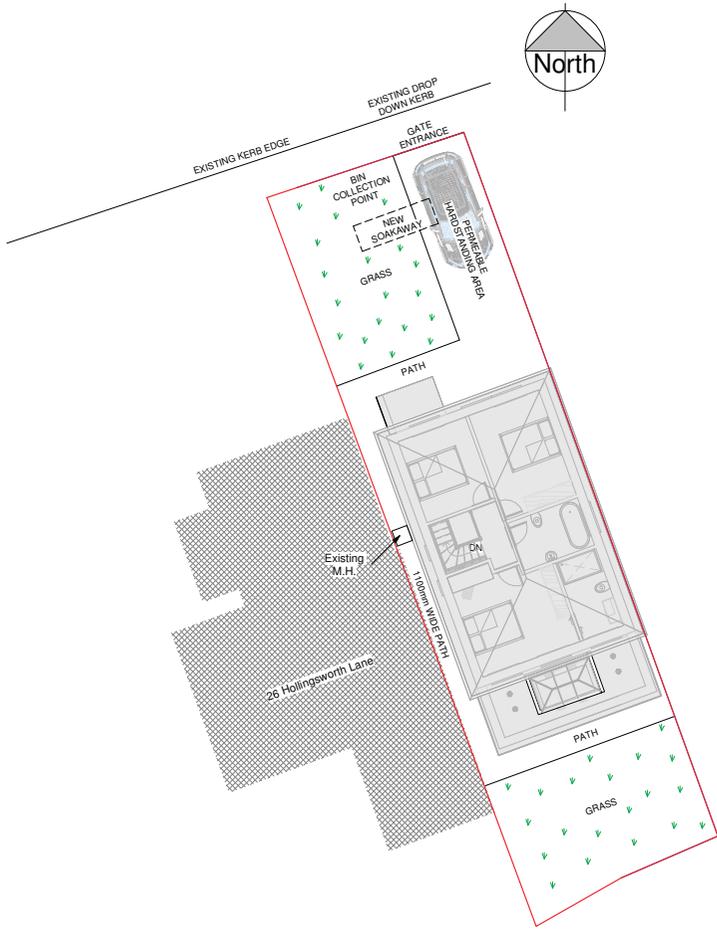


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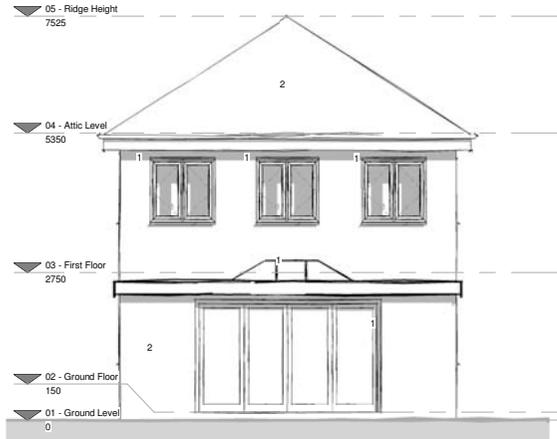
Page 289

00 - Site Layout
 1 : 500

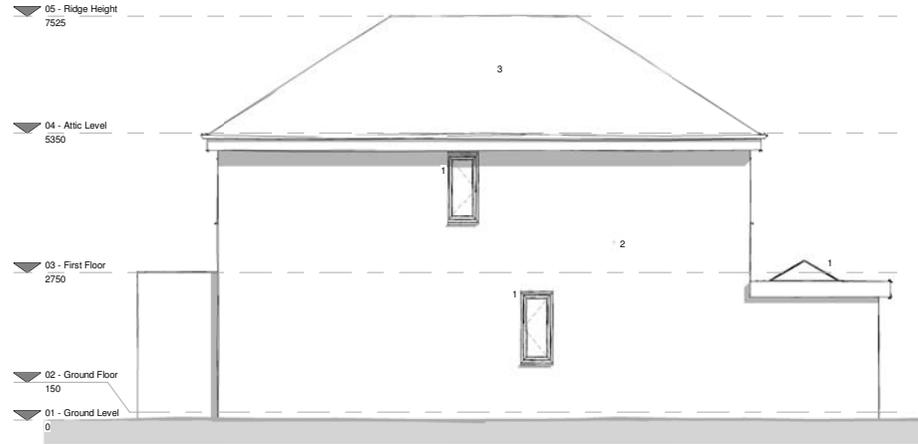


00 - Site Plan
 1 : 100

PA/2020/1928 Proposed elevations (not to scale)



Rear Elevation
1 : 50



Right Side Elevation
1 : 50

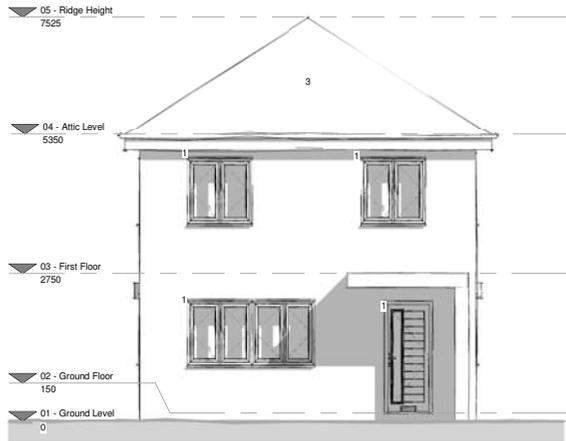
1 - GREY FLUSH WINDOWS



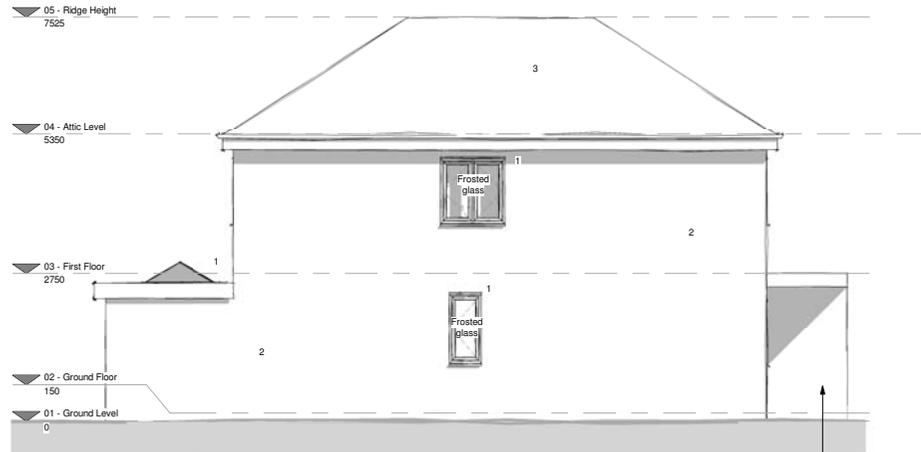
2 - OFF WHITE RENDER



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Front Elevation
1 : 50



Left Side Elevation
1 : 50

3 - GREY SLATE TILES



CANOPY INSPIRATION