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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

26 April 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 24 February 2021 and 24 March 2021 as a correct record and authorise the chairman to sign. (Pages 3 - 28)
4. Applications deferred from previous meetings for a site visit - (Pages 29 - 50)
5. Major Planning Applications - (Pages 51 - 98)
6. Planning and other applications for determination by the committee (Pages 99 - 208)
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:** 26 April 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
Page 1			

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

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

24 February 2021

PRESENT: - N Sherwood (Chairman)

Councillors J Evison (Vice-Chair), S Bainbridge, L Foster, M Grant, R Hannigan, D Southern, P Vickers, D Wells and E Marper.

Councillors R Allcock, J Briggs, T Foster, T Mitchell, N Poole, J Reed and J Walshe attended the meeting in accordance with Procedure Rule 1.37(b).

This was a Microsoft Teams Virtual Online meeting.

2071 **SUBSTITUTIONS** - Councillor E Marper substituted for Councillor J Davison.

2072 **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 member declared a personal and prejudicial interest -

Councillor T Foster

Application: PA/2020/554 (Minute: 2075(i))

Interest: Personal friend of an interested party.

The following member declared a personal interest –

Councillor T Mitchell

Application: PA/2020/1928 (Minute: 2076(xii))

Interest: Member of same community group as owner of adjacent property.

The following members declared that they had been lobbied –

Councillor R Allcock

Application: PA/2020/2037 (Minute: 2076(i))

Councillor S Bainbridge

Application: PA/2020/613 (Minute: 2076(ii))

Councillor J Briggs

Application: PA/2020/613 (Minute: 2076(ii))

Councillor J Evison

Application: PA/2020/613 (Minute: 2076(ii))

Councillor L Foster

Application: PA/2020/613 (Minute: 2076(ii))

PLANNING COMMITTEE
24 February 2021

Councillor M Grant
Application: PA/2020/613 (Minute: 2076(ii))

Councillor R Hannigan
Application: PA/2020/613 (Minute: 2076(ii))
Application: PA/2020/1756 (Minute: 2076(ix))

Councillor T Mitchell
Application: PA/2020/1928 (Minute: 2076(xii))

Councillor N Poole
Application: PA/2020/554 (Minute: 2075(i))
Application: PA/2020/764 (Minute: (2074(i))

Councillor J Reed
Application: PA/2020/613 (Minute: 2076(ii))

Councillor N Sherwood
Application: PA/2020/613 (Minute: 2076(ii))

Councillor D Southern
Application: PA/2020/613 (Minute: 2076(ii))
Application: PA/2020/1066 (Minute: 2074(ii))

Councillor P Vickers
Application: PA/2020/613 (Minute: 2076(ii))

Councillor J Walshe
Application: PA/2020/1732 (Minute: 2076(vii))

Councillor D Wells
Application: PA/2020/613 (Minute: 2076(ii))
Application: PA/2020/1563 (Minute: 2076(xi))
Application: PA/2020/1746 (Minute: 2076(viii))

2073 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 16 DECEMBER 2020 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN - Resolved** – That the minutes of the proceedings of the meeting held on 16 December 2020, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the Chairman.

2074 **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.

PLANNING COMMITTEE
24 February 2021

(i) PA/2020/764 by Mrs Smith for 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 at Field south-east of Catchwater Farm, Butterwick Road, Messingham, DN17 3PL.

An objector addressed the committee and opposed the application due to its adverse impact on providing local employment in the countryside. Messingham was currently served by two children's nurseries which were not at full capacity. Allowing this application may result in the existing nurseries closing and local people becoming unemployed. The proposed development would not add anything new or innovative to Messingham as the two existing providers could offer exactly the same facilities. The proposed site was not in the village, there was no public footpath leading to the site and was not served by any public transport.

Councillor Poole, as local ward member, addressed the committee. He too was concerned that the proposed site was not served by a public footpath. Access to the site was off a national speed limit road and all users of the nursery had to travel to the site by car. Councillor Poole also had serious concerns about the floor height of the development in relation to nearby fields. It would only be 20 cm higher than the level of nearby fields. There was also no statement on the application that stated the need for the development. He respectfully requested that the application be deferred for further work to be carried out with the applicant on a number of the conditions.

Councillor T Foster also spoke as a local ward member. He concurred with the representation made by Councillor Poole.

Councillor Evison agreed more work needed to be carried out on the travel plan, and further consultation with the application was required before making a decision.

Resolved – That the application be deferred to allow council officers to discuss the application with the applicant, with particular emphasis on conditions 7, 9 and 10 and the proposed floor levels of the development.

(ii) PA/2020/1066 by Mr M Richards for outline planning permission for up to five dwellings and associated works with appearance, landscaping, layout and scale reserved for subsequent consideration at Butchers Arms, White House Lane, West Halton, DN15 9AZ.

An objector spoke on behalf of a number of residents raising concerns on the impact the proposal would have on the community as it would directly affect the public house. He stated it was an essential community site, and this would reduce the viability of the pub. He highlighted the number of family events, and outdoor socialising would be lost, and it was the only pub within the vicinity. There was also concerns for access to the pumping station on the site.

PLANNING COMMITTEE
24 February 2021

The agent spoke and indicated it was an application for outline planning permission and was for the principal of the development. He indicated that the applicant had commissioned policy reports that addressed any concerns raised by consultees and was happy to see the Planning Officer was happy with it and recommended grant permission. He also stated that the development would meet the council's housing needs and any concerns about the future of the pub were confirmed in the officer's report that there was no evidence the pub would close if the application was approved.

Councillors Ogg and Marper spoke on behalf of a number of their residents against the application. They had various concerns with it including the fact that it was contrary to a number of policies. It was detrimental to the village and the community. Issues with the sewage pumping station situated behind the development, and it was outside the development boundary.

Councillors Hannigan and Grant were also against the proposal having visited the site and listening to the objections and the concerns raised.

It was moved by Councillor Marper and seconded by Councillor Hannigan –

That planning permission be refused for the following reasons –

1.

The proposed development was contrary to policy RD2 of the North Lincolnshire Local Plan, policies CS2, CS3 and CS8 of the North Lincolnshire Core Strategy and guidance in the National Planning Policy Framework in that the site lied outside the defined settlement boundary of West Halton in the open countryside, and was therefore located in an unsustainable location, remote from local services and public transport. In addition, no evidence had been provided to justify a special need for new dwellings in this location.

2.

By reason of the relationship with the neighbouring properties along Walker Close and Water Lane, the proposed development would result in a significant intensification of the site which currently does not exist. This would result in undue noise and disturbance from vehicular traffic and the general use to the detriment and quietude of the occupiers of the existing properties immediately to the west and south-west and was thereby contrary to policies H5 and DS1 of the North Lincolnshire Local Plan, and policy CS5 of the Core Strategy.

Motion Carried

2075 **MAJOR PLANNING APPLICATIONS** - The Group Manager – Development Management and Building Control 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

PLANNING COMMITTEE
24 February 2021

assessment of the applications.

(At this stage of the proceedings, having declared a personal and prejudicial interest Councillor T Foster left the virtual meeting for the following item).

(i) PA/2020/554 by Mr Steven Ibbotson, Cyden Homes Ltd for 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 at land at Brigg Road, access located between 57 and 71 Brigg Road, Messingham.

An objector addressed the committee and expressed his concern to the committee on a number of issues.

Councillor Rose addressed the committee on behalf of local residents in his capacity as Chair of the Campaign to Protect Rural England (CPRE) Northern Lincolnshire and Regional Chair of CPRE for Yorkshire and the Humber. The CPRE were concerned about the size of the proposed development and the significant enlargement of the village, the problems of traffic along Brigg Road and the issues of access and egress to the site. There would also be an increase pressure on local services and amenities and the concern of drainage and sewerage. It was outside the development boundary of the village and was therefore contrary to policies CS2, CS3 and CS8 of the Core Strategy and policy RD2 of the Local Plan. There would also be a loss of hedgerows and trees and resulting in a loss of habitats and be contrary to CS5 and CS17 of the Core Strategy. The proposed site was also subject to flooding.

The applicant spoke in support of the application. The hybrid application would deliver much needed housing to North Lincolnshire. Messingham was a sustainable village and had excellent public transport connections to nearby towns and villages. The applicant had submitted a transport assessment and vehicle movement survey to the council's Highways department, who had subsequently not objected to the application. A flood risk assessment had been submitted and a sustainable drainage system would be installed at the site. There were no adverse impacts to the development that were outweighed by the benefits.

The Chairman read out a letter from Holly Mumby-Croft, the Member of Parliament who served the village of Messingham. The letter emphasised the problem of flooding at the development site. The majority of the site was outside the development boundary and was in open countryside. The proposed site would be detrimental to the character and appearance to the open countryside. The village infrastructure was also unable to absorb a development of this size and scale. A number of local residents had contacted the office to share their concerns about the proposed development site.

Councillor Poole, local ward member agreed with the observations made by the two objectors and the local Member of Parliament. Councillor Poole

PLANNING COMMITTEE
24 February 2021

raised concerns about flood risk and drainage issues at the site and provided the committee with a chronology of flood and sewerage related issues in Messingham.

It was moved by Councillor Evison and seconded by Councillor Hannigan –

That the application be refused for the following reasons -

1.

The proposed development was contrary to policies RD2 of the North Lincolnshire Local Plan, and CS2, CS3 and CS8 of the adopted Core Strategy, in that the majority of the site was located outside of a defined settlement boundary and was not for specific purposes associated with a rural location, which included agriculture, forestry or to meet a special need associated with the countryside.

2.

The proposed development, by virtue of the majority of the site being outside the defined settlement boundary for Messingham and the scale of development proposed, was considered to have a significant urbanising effect on the eastern edge of the settlement by introducing a significant level of built form into the rural landscape, to the detriment of its open character and appearance. Therefore, the development was considered contrary to policies RD2, H5 and DS1 of the North Lincolnshire Local Plan, and CS5 and CS8 of the adopted Core Strategy.

3.

The applicant had failed to demonstrate, to the satisfaction of the local planning authority, that the current drainage system could adequately deal with the foul water or surface water generated by the development. The proposal was therefore contrary to policies DS14 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

Motion Carried

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

A representative of the applicant addressed the committee and explained the history of the application. The applicant was committed to creating a bio-diversity area that enhance the local area. The site could not be accessible to the public due to it being a working power station, with safety being of paramount importance.

Councillor Reed, as local ward member spoke on the application, to encourage the applicant to use the excess soil productively to create a community benefit. Flooding was a real concern in the area. Using the excess soil to raise the embankment was much more beneficial than it just

PLANNING COMMITTEE
24 February 2021

being left to serve no purpose.

Councillor Briggs addressed the committee as the local ward member and urged the committee to hold a site visit before making a decision.

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

2076 **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/2019/2037 by Mr Anthony Hopkins, Wroot Farming Company for planning permission to site a temporary agricultural worker's dwelling, including associated works at land at Church Farm, Field Lane, Wroot, DN9 2BU.

The agent spoke in favour of the application. The application was for a temporary dwelling to support the vineyard. The site now contained over 3,000 vines. The rationale behind the application was to protect the vines from frost, security presence at the site, protect the vines from vermin and ensure vine maintenance.

Councillor Allcock, as local ward member, spoke in support of the application. The vineyard employed local people and the temporary accommodation would ensure the sites short term future. There had been no objections to the application from the council's Highways department, Environment Agency, Internal Drainage Board or Wroot Parish Council. The applicant had submitted all required documentation that demonstrated the need for the temporary dwelling.

It was moved by Councillor Evison and seconded by Councillor Hannigan –

That planning permission be granted in accordance with the following conditions and reasons –

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.

PLANNING COMMITTEE
24 February 2021

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 2019|01, 2019|6832|02 and Static Caravan Plans and Elevations.

Reason

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

3.

The occupation of the temporary accommodation (static caravan) shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.

Reason

Permission was granted only after taking account of the particular personal circumstances involved and therefore as an exception to policies RD2 of the North Lincolnshire Local Plan and CS3 of the adopted Core Strategy.

4.

The use of the caravan for temporary residential accommodation shall be discontinued on or before seven years from the date of this permission, the caravan removed from the site and the land restored to its previous condition to the satisfaction of the local planning authority.

Reason

Permission was granted only in the light of the short-term need for the development.

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.

PLANNING COMMITTEE
24 February 2021

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.

Additional informatives:

1.

The Internal Drainage 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 1.4l/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.

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.

Motion Carried

(ii) PA/2020/613 by Mr Terry Milner for outline planning permission for six residential building plots with appearance, landscaping and scale reserved for subsequent consideration at White House Farm, Main Street, Ealand, DN17 4JG.

An objector to the application addressed the committee and shared his concerns over potential flooding at the site. The flood risk at the site was extremely high. In 2019, the Planning Inspector found that the site had failed the sequential test, with alternative sites to be considered. There were also issues with foul drainage at the site.

The applicant's agent spoke in support of the application. The application

PLANNING COMMITTEE
24 February 2021

had previously been refused when it was considered by the committee for reasons of insufficient information being provided by the applicant to demonstrate that the application would not have an adverse impact on the existing drainage system. The committee had recently approved planning applications in Ealand that resulted in two applications for a further 55 dwellings in the village. An additional six bungalows would not have an adverse impact on the local drainage infrastructure. The proposed drainage system at the site had been approved by the council's drainage team.

Councillor Briggs as local ward member addressed the committee. He stated that he was not against development in Ealand. However, no development could be permitted until a sewerage and water management scheme for the area was enhanced. Therefore, he could not support this application.

Councillor Reed, as local ward member also addressed the committee, and stated that, in her opinion, there was insufficient information submitted by the applicant to demonstrate that the development would not have an adverse impact on neighbouring properties.

It was moved by Councillor Evison and seconded by Councillor Hannigan –

That planning permission be refused for the following reasons –

1.

Insufficient information had 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 was 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.

Motion Carried

(iii) PA/2020/751 by Mr D Fenwick for planning permission to erect a sustainable dwelling (including demolition of existing outbuilding) at land south of Fairview, Brook Lane, Scawby Brook, DN20 9JZ.

The agent spoke in support of the application and referred to the officer's report recommending approval. The application was exceptional and innovative in design. It would be a carbon neutral family home and as environmentally friendly as possible.

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

(iv) PA/2020/1494 by Mr R Sodha for 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

PLANNING COMMITTEE
24 February 2021

appearance, landscaping, layout, and scale reserved for subsequent consideration at King William IV, 177 Scawby Road, Scawby Brook, DN20 9JX.

The applicant's agent addressed the committee and spoke in support of the application. The application was a hybrid application incorporating full planning permission to change the use of the public house into one dwelling and outline planning permission for three dwellings. The King William public house had unfortunately not made a profit for a number of years and attempts to make the building viable had been unsuccessful. It was therefore agreed that the building be converted in to one dwelling alongside a proposal for three further dwellings.

Councillor Hannigan asked the committee if they could have a site visit on this application before making a decision as he felt they needed to have a look at the site.

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

(v) PA/2020/1522 by Mr & Mrs M Johnson for outline planning permission to erect a detached dormer bungalow with all matters reserved for subsequent consideration at land at Levels Farm, 98 Outgate, Ealand, DN17 4JD.

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

(vi) PA/2020/1563 by Mr Martin Cawkwell for planning permission to erect a rear access garden boundary wall with dwarf walls leading over covered culvert at Homefield, Thorn Lane, Goxhill, DN19 7JE.

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

(vii) PA/2020/1732 by A & E Fowler, Ian Fowler & Company for outline planning permission for a residential development of up to nine dwellings with all matters reserved for subsequent consideration at farmyard off South View, Burringham.

An objector spoke against the application. He was concerned that the application was at the detriment of the residents of Burringham. The infrastructure was insufficient to cope with an additional nine dwellings. The highways infrastructure was also unable to manage additional vehicle movements from the new dwellings. Burringham was at saturation point for planning applications and could not cope with any more dwellings.

The applicant's agent addressed the committee and spoke in support of the planning officer's recommendation. The application had been reduced to less than 20 per cent of the previous applicant at the site. Previous objections

PLANNING COMMITTEE
24 February 2021

related to the visual impact of the scheme, appropriate level of growth in Burringham and drainage and flooding in the area. All of which had now been addressed. There were no objections from the Environment Agency, council's drainage section or any other professional organisation.

The Chairman read out a letter received from the Andrew Percy, local Member of Parliament which included the village of Burringham. There had, unfortunately, been many recent examples of flooding in Burringham, particularly over the last ten years. There were many flooding issues that remained unresolved and there was genuine concern in the village that this development would only exacerbate the existing problems in Burringham.

Councillor Walshe, local ward member spoke to support the objections of local residents. Surface water flooding was a major concern in the village. In 2007 and 2013 there had been serious incidents of flooding in Burringham which had adversely affected many properties in the village. The highways infrastructure would be compromised by additional vehicle movements from the proposed site.

It was moved by Councillor Evison and seconded by Councillor Marper –

That planning permission be refused 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 was 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 was in an unsustainable location that was remote from local services and public transport and was therefore contrary to paragraph 11 of the National Planning Policy Framework.

2.

The applicant had failed to demonstrate, to the satisfaction of the local planning authority, that the current drainage system could adequately deal with the foul water generated by up to nine additional dwellings. The proposal was therefore contrary to policies DS14 and DS16 of the North Lincolnshire Local Plan, and CS19 of the North Lincolnshire Core Strategy.

Motion Carried

(viii) PA/2020/1746 by Mr R Lockwood for outline planning permission for the erection of four dwellings, including demolition of existing dilapidated barn (with all other matters reserved for subsequent consideration) at land adjacent to 4 Thornton Road, Wootton, DN39 6SJ.

Councillor Wells spoke on the application and whilst he did not have a

PLANNING COMMITTEE
24 February 2021

problem with the proposal, he was concerned with the path frontage across the site and requested that an additional condition be included to cover the footpath.

Resolved – That planning permission be granted in accordance with the officer’s recommendations with the addition of the following condition:

15.

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

(ix) PA/2020/1756 by Mr & Mrs M Taylor for planning permission to erect a detached bungalow at Animal Farm, North End, Goxhill, DN19 7JX.

An objector spoke at the meeting against the application. She was concerned that the application would compromise the privacy of nearby residents. The windows would overlook neighbouring properties. The development required the demolition of a wall that had been built for many many years. Flooding was also a major concern. The site had recently flooded which had an adverse impact on neighbouring properties. The applicant did not own any of the boundary’s that surrounded the application site.

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

(x) PA/2020/1794 by Mr Mark Wall, NPP Properties Ltd for planning permission to erect a storage/warehouse building (use ClassB8) at Talasey House, Belton Road, Sandtoft, DN8 5SX

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

(xi) PA/2020/1869 by Mr Peter Moxon, MXN Investments Ltd for 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 at 13 High Street, Kirton in Lindsey, DN21 4LZ.

The applicant’s agent addressed the committee, supported the planning officer’s recommendation, and spoke in support of the application. The site was in a highly sustainable location in the heart of Kirton-in-Lindsey. Local amenities were less than a minute walk away. There were no objections from the council’s highways department.

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

PLANNING COMMITTEE
24 February 2021

(xii) PA/2020/1928 by Mr Tim Jackson for planning permission to erect a dwelling at 26 Hollingsworth Lane, Epworth, DN9 1EY.

Councillor Mitchell, local ward member spoke in support of local residents and the town council who had objected to the application. The site was over developed with an unacceptable loss of amenity to neighbouring properties. It also had an unacceptable impact on the street scene.

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

2077 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE SPECIFIED** - There were no urgent items considered at the meeting.

Public Document Pack

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

24 March 2021

PRESENT: - Councillor N Sherwood (Chairman)

Councillors J Evison (Vice-Chair), S Bainbridge, J Davison, L Foster, M Grant, P Vickers, D Wells, C O'Sullivan and C Sherwood

Councillors Briggs, T Foster, Marper, Mitchell, Robinson, Rowson, Ogg and Poole attended the meeting in accordance with Procedure Rule 1.37(b).

This was a Microsoft Teams Virtual Online meeting.

2078 **SUBSTITUTIONS** - Councillor C Sherwood substituted for Councillor R Hannigan and Councillor C O'Sullivan substituted for Councillor D Southern.

2079 **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 member declared a personal and prejudicial interest -

Councillor J Evison
Application: PA/2020/250 (Minute: 2085)
Reason: Applicant

The following members declared a personal interest –

Councillor S Bainbridge
Application: PA/2020/250 (Minute: 2085)
Reason: Member of North Lincolnshire Council

Councillor J Davison
Application: PA/2020/250 (Minute: 2085)
Reason: Member of North Lincolnshire Council

Councillor L Foster
Application: PA/2020/250 (Minute: 2085)
Reason: Member of North Lincolnshire Council

Councillor M Grant
Application: PA/2020/250 (Minute: 2085)
Reason: Member of North Lincolnshire Council

Councillor T Mitchell
Application: PA/2020/1928 (Minute: 2081 iv)
Interest: Member of same community group as owner of adjacent property.

PLANNING COMMITTEE
24 March 2021

Councillor D Rose
Application: PA/2021/20 (Minute 2083 iv)
Reason: Chair of Campaign to Protect Rural England (North Lincolnshire)

Councillor C Sherwood
Application: PA/2020/250 (Minute: 2085)
Reason: Member of North Lincolnshire Council

Councillor N Sherwood
Application: PA/2020/250 (Minute: 2085)
Reason: Member of North Lincolnshire Council

Application: PA/2020/1971 (Minute 2084 ii)
Reason: Resident of Wrawby.

Councillor C O'Sullivan
Application: PA/2020/250 (Minute: 2085)
Reason: Member of North Lincolnshire Council

Councillor P Vickers
Application: PA/2020/250 (Minute: 2085)
Reason: Member of North Lincolnshire Council

Councillor D Wells
Application: PA/2020/250 (Minute: 2085)
Reason: Member of North Lincolnshire Council

The following members declared that they had been lobbied –

Councillor E Marper
Application: PA/2019/568 (Minute: 2082 i)

Councillor T Mitchell
Application: PA/2020/1928 (Minute: 2081 iv)
Application: PA/2020/2028 (Minute: 2082 iii)

Councillor N Poole
Application: PA/2020/764 (Minute: 2081 i)
Application: PA/2020/1418 (Minute: 2082 ii)

Councillor D Robinson
Application: PA/2020/2028 (Minute: 2082 iii)

Councillor C Sherwood
Application: PA/2020/1494 (Minute: 2081 iii)

Councillor N Sherwood
Application: 2019/809 (Minute: 2084 i)
Application: PA/2020/1494 (Minute: 2081 iii)

PLANNING COMMITTEE
24 March 2021

2080 **TO TAKE THE MINUTES OF THE MEETING HELD ON 27 JANUARY 2021 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN - Resolved** – That the minutes of the proceedings of the meeting held on 27 January 2021, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the Chairman.

2081 **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/2020/764 by Mrs Smith for 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 at field south east of Catchwater Farm, Butterwick Road, Messingham, DN17 3PL.

Prior to consideration of this item, Councillor T Foster, local ward councillor spoke to express his concerns over the 40 mph speed limit that was in place on the road where the application was sited.

Councillor N Poole, local ward councillor also addressed the committee. He confirmed that council officers had now spoken with the applicant and it was agreed that the minimum floor height be 0.5 metres and that it be included in condition 4. Councillor Poole also had concerns over the requirement for the travel plan to be reviewed annually which, in his opinion, was evidence that council officers had concerns about the application location. Consequently, a temporary planning permission for a period of three years may be appropriate to attach to the conditions.

Councillor J Evison agreed with the statement made by Councillor Poole. He agreed that the minimum floor height of 0.5 metres was acceptable and that a three year permission was also a prudent measure to include on the conditions. Therefore, he was minded to grant the application.

Councillor J Davison too agreed with Councillor Poole. The development was not accessible via public transport and users had to travel down a bumpy narrow road. Therefore, to review the application in three years time would be appropriate.

Resolved – That planning permission be granted in accordance with the recommendations contained within the report, subject to the inclusion of the following conditions -

The development hereby permitted shall be removed and the land restored to its former condition on or before the expiration of three years from the date of this permission in accordance with details to be submitted to and agreed in writing by the local planning authority.

PLANNING COMMITTEE
24 March 2021

Reason: Permission is granted for a temporary period in order to assess the impact of the development on the area in accordance with policies RD2, DS16, T1 and T2 of the North Lincolnshire Local Plan, and CS3 and CS19 of the adopted Core Strategy.

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 (other than in the case of the offices and classrooms) to be set at or above existing site levels (the classrooms and offices to be set a minimum of 0.5 metres above existing ground levels)
- flood emergency procedures to be in place.

Reason

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

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

Councillor J Briggs, local ward member addressed the committee to share his concerns over the addition of such a large spoil heap on the landscape. The soil could, in his opinion, be used more productively to benefit the River Trent bank. Local residents had suggested numerous schemes to benefit the community, which had not even been considered. The current application would add no real benefit to the local environment.

Councillor J Evison stated that he was disappointed that the applicant had not engaged with the council over the application. He agreed with the ward councillor and stated that the height of the earth mounds was too intrusive on the environment and was not in keeping with the landscape.

Councillor P Vickers stated that he was in agreement with the comments made by the local ward member and Keadby with Althorpe Parish Council and that the application should be refused.

It was moved by Councillor J Evison and seconded by Councillor P Vickers –

That planning permission be refused for the following reasons:

1.

The proposed development, by virtue of the height of the proposed earth mounds above existing ground levels, the volume of material to be stored and its proximity to the canal towpath to the south (Stainforth and Keadby Canal),

PLANNING COMMITTEE
24 March 2021

was considered to result in a visually prominent form of biodiversity enhancement which formed an alien and discordant feature in the rural landscape, to the detriment of its character and appearance. Accordingly, the proposal is considered contrary to policies RD2 and DS1 of the North Lincolnshire Local Plan and CS5 of the adopted Core Strategy.

Motion Carried

(iii) PA/2020/1494 by Mr R Sodha for 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 at King William IV, 177 Scawby Road, Scawby Brook, DN20 9JX.

Prior to consideration of the item, the applicants agent addressed the committee. She stated that the application would result in no adverse impact on the character of the area or neighbouring properties. It was a sustainable development. There would be no adverse impact on street scene or area. The application would support the local economy and environment. The pub had struggled to make a profit for a number of years and attempts to sell the premises had not been successful. Therefore, a change of use to a residential conversion would be the most appropriate use of the building. The loss of the King William would not result in the loss of a community facility.

Councillor N Poole, local ward member stated that it was always sad when a public house had to close. However, it was important that the building be utilised and not left boarded up.

Councillor J Evison stated that he was happy to grant the application, subject to the inclusion of an additional condition that ensured that the porch was not re-built.

Councillor J Davison stated that he supported the application.

Resolved – That planning permission be granted in accordance with the recommendations contained within the report, subject to the inclusion of the following condition -

Notwithstanding the provisions of Schedule 2 Part 1 Class D of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), there shall be no provision of any porch to the dwelling hereby approved for conversion from the former King William IV public house.

Reason: To satisfactorily protect the character and appearance of the area and the residential amenities of future and neighbouring occupiers, in accordance with policy CS5 of the North Lincolnshire Core Strategy and policy DS1 of the North Lincolnshire Local Plan.

PLANNING COMMITTEE
24 March 2021

(iv) PA/2020/1928 by Mr Tim Jackson for planning permission to erect a dwelling at 26 Hollingsworth Lane, Epworth, DN9 1EY.

Councillor T Mitchell addressed the committee as local ward councillor. He stated the similarities between the current application and PA/2020/761, which was refused by the committee. The footprint of the application was exactly the same as the previous application. There would be a loss of amenity too at the adjacent property. Therefore, the application should again be refused.

Councillors J Evison and C Sherwood stated that, in their opinion, the footprint of the development site was smaller than the previous application.

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

2082 **MAJOR PLANNING APPLICATIONS** - The Group Manager – Development Management and Building Control submitted a report containing details of major applications for determination by the committee, including summaries of policy context, representations arising from consultation and publicity and assessment of the applications.

(i) PA/2019/568 by Mr Mark Graves, Maltgrade Ltd for outline planning permission for up to 29 dwellings (a mix of houses and bungalows) with all matters reserved for subsequent consideration at land adjacent to Rogate, 30 Silver Street, Winteringham, DN15 9ND.

Three objectors addressed the committee and spoke against the application. They stated that the application was not sympathetic to the current layout of the village and the site was outside the development boundary of the village. The site was on open agricultural land and was subject to flooding. The original application was for 29 two-bedroom bungalows. The application was now for a mixture of 2, 3 and 4 bedroom dwellings. The application would likely increase the size of the village by 10 per cent. The village could not sustain a development of this size and would have an adverse impact on the village carbon footprint. Winteringham does not feature as a settlement designated for development in the local plan. The committee had also previously refused an application for a similar size development adjacent to the site in the village. Local amenities were at saturation point and could not support a new large development in the village. The site was prime agricultural land and contained a large number of species.

Councillors E Marper and H Rowson, local ward members spoke in support of the objectors to the application and respectfully requested that the committee refuse the application.

The council's Group Manager – Development Management and Building Control informed the committee that the applicant had requested that the application be deferred to allow them to undertake the necessary fieldwork referenced in the holding objection by the council's Archaeologist.

PLANNING COMMITTEE
24 March 2021

Resolved - That planning permission be refused in accordance with the officer's recommendation.

(ii) PA/2020/1418 by Mr S Kapil, Rosemoor Developments for outline planning permission for residential development with all matters reserved for subsequent consideration at land to the rear of 36 Messingham Lane, Scawby, DN20 9BA.

Two objectors addressed the committee and spoke against the application. They suggested that the application and associated building works would destroy animal habitats at the proposed site. The development would result in a significant number of extra vehicle movements. The site was prime arable farmland and should be protected to allow crops to be grown. There was no medical practice in the village, the local school was oversubscribed and there was minimal public transport in the area. A similar application at the site was previously refused by the committee. The application would have an adverse impact on the appearance and character of the open countryside. There were a number of dwellings which had recently been built in the village that had not been sold, therefore, was any further development in the area needed? The site was not in the North Lincolnshire Local Plan and was designated as an area of historical landscape interest.

Councillors T Foster and Poole, local ward members, spoke against the application. Road safety was a real concern for many local residents. There was no footpath close to the development site. Scawby was at capacity and could not sustain further development in the village. The application site was prone to flooding and was not appropriate for development. The resubmission of the application did not address any of the reasons why it was previously refused by the committee. The application site was outside of the existing development boundary and not included in the new North Lincolnshire Local Plan.

Councillor J Evison stated that it was a small rural community. The application was contrary to policy CS9 of the North Lincolnshire Core Strategy as there was a large amount of greenfield site already in this community. He was also concerned that the planning application was an attempt to urbanise a rural landscape and was contrary to policies CS8 and DS1 of the North Lincolnshire Local Plan.

Councillor J Davison believed that due to the 5-year housing supply issue the planning officer had to recommend granting the application. However, as a result of the application being on grade 2 agricultural land, the application should be refused.

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

That the application be refused for the following reasons -

1.

PLANNING COMMITTEE
24 March 2021

The proposal was located within the open countryside on grade 2 agricultural land and was considered unacceptable in principle. The applicant had failed to demonstrate that any material considerations exist that would justify a departure from the development plan. The proposal would have an unacceptable impact upon the character and appearance of the open countryside and was contrary to policies CS2, CS3, CS5 and CS8 of the Core Strategy as well as DS1, RD1 and RD2 of the North Lincolnshire Local Plan.

2.

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

3.

Insufficient information had been provided to demonstrate that the proposed development would not result in an increased risk of flooding to the site or adjacent land. In particular, the applicant had failed to demonstrate that a suitable drainage strategy, based on the principles of SuDS, can be achieved on site. The proposal was therefore contrary to policy CS19 of the North Lincolnshire Core Strategy, and policies DS14 and DS16 of the North Lincolnshire Local Plan.

Motion Carried

(iii) PA/2020/2028 by Modernistiq Harrogate Ltd for application for the modification of planning obligations attached to PA/2017/1975 at land off Westgate Road, Westgate, Belton.

Councillor T Mitchell, local ward member addressed the committee. He stated that the planning application was opposed by the parish council and many local residents. There was concern as to the motives of the developer for wanting to modify the section 106 agreement.

Councillor D Robinson, local ward member stated that it was disappointing to see this application to modify the section 106 agreement given the large community benefit it would bring. Unfortunately, the landowner would not move on the price of the site despite the fact that the 23 houses would generate significant profit.

Resolved – That the existing planning modification be modified in accordance with the recommendations contained within the report.

2083 **PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** - The Group Manager – Development Management and Building Control 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

PLANNING COMMITTEE
24 March 2021

attending gave advice and answered members' questions as requested.

(i) PA/2020/1345 by Mr Adrian Axe for planning permission to convert existing barn to residential and erect two detached dwellings with associated works at Barn, Station Road, Owston Ferry.

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

(ii) PA/2020/1729 by Mr Daniel Smith for planning permission to erect a first-floor extension to the front and a two-storey extension with balcony to the rear, with associated external alterations at Cemetery Lodge, 30 Wrawby Road, Brigg, DN20 8DT.

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

(iii) PA/2020/2050 by Mr L Kirkland for planning permission to erect a two storey and single storey extension to the rear of Rotherlea, A161 between Epworth and Haxey, Low Burnham, DN19 1DA.

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

(iv) PA/2021/20 by Mr and Mrs S Watson for planning permission to erect a dwelling at Lavenham House, Fields Road, East Lound, DN9 2LR.

Prior to consideration of this item, an objector addressed the committee and stated that she had been a resident of East Lound for over 20 years. In her opinion, infill applications were not appropriate for the village. Allowing this application would set a precedent for the development of any other infill plot in the village. Flash flooding was a real concern in East Lound that had affected many properties on the village, resulting in flooded gardens and properties. The proposed application would also face directly into her kitchen window, resulting in a loss of amenity. The application was outside of the development boundary and had previously been refused on appeal. Access to the application site was also very narrow.

The applicant's agent spoke in support of the application. He commented that the planning officers report and recommendation supported the proposal. The application was not in a conservation area and the council's archaeologists had not objected to the proposal. The proposed development was a modern style building with a contemporary feel. The site was within flood zone 1 which was preferable. There were no objections to this planning application from the council's drainage engineers. The development was designed as a two-storey house as it was for an older gentleman with a medical condition to assist him in meeting his future needs.

Councillor D Rose, local ward member stated that he had serious concerns for this development. The main issues raised were drainage and flooding as

PLANNING COMMITTEE
24 March 2021

there was a history of flooding on the site. The ditch was said to be inadequate for heavy rainfall and would not be suitable for future development due to surface water flooding. The development site was in a special historical landscape and planning decisions needed to be kept consistent. Councillor Rose said that in 2005 the application was refused on appeal and should be refused again.

Councillor J Davison stated that he would like to look at the site. In addition, he wanted clarification on a number of drainage issues from the council's drainage team.

Councillor N Sherwood said he too would like to have a site visit before voting on this planning application.

It was then moved by Councillor J Davison and seconded by Councillor N Sherwood -

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

Motion Carried

2084 **APPLICATIONS FOR APPROVAL OF RESERVED MATTERS FOLLOWING THE GRANT OF OUTLINE PERMISSION** - The Group Manager – Development Management and Building Control submitted a report outlining applications for reserved matters.

(i) PA/2019/809 by Mr Aaron Grantham for application for approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to outline application PA/2018/1697 dated 24/07/2020) for erection of a replacement gatehouse dwelling at Lindholme Lakes, West Carr, Epworth, DN9 1LF.

The applicant's agent addressed the committee and confirmed that the requested theft and crime report had now been submitted. Theft and crime were an ongoing problem and there had recently been a quad bike stolen in the area. The design for this planning application had been carefully thought out. This was family accommodation with a gatehouse for the property that allowed clear views down the various lanes for security. The internal drainage board needing to consent to the drainage at the site was a separate matter to planning. A drainage objection had now been withdrawn and, as a result, the application should now be granted.

Councillor J Evison reiterated that the planning application had already been granted. Therefore, the reserved matters application should also be granted.

It was then moved by Councillor J Evison and seconded by Councillor J Davison –

That planning permission be granted for the following reasons -

PLANNING COMMITTEE
24 March 2021

1.

The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan 1962 MJ O4 Rev B (March 2021); Proposed Floor Plans 1962 MJ O1 Rev B (April 2019); Elevations 1 of 2 1962 MJ O2 (April 2019); Elevations 2 of 2 1962 MJ O2 (March 2019).

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

2.

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: To protect the character of the open countryside and to accord with policies RD2 and DS1 of the North Lincolnshire Local Plan.

Motion Granted

(ii) PA/2020/1971 by Mr Quirke for application for approval of reserved matters following the grant of outline permission PA/2019/1912 dated 13/02/2020 for a single dwelling, namely access, appearance, landscaping, layout and scale at land adjacent to Whitegate Stables, Star Carr Lane, Wrawby, DN20 8SG.

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

(Prior to consideration of the following item (Minute 2085 refers), Councillor J Evison, having declared a personal and prejudicial interest, left the virtual meeting).

2085 **APPLICATION BY A MEMBER OF THE COUNCIL** - PA/2020/250 by Mr and Mrs J Evison for planning permission to erect a single storey rear extension at 11 Beck Hill, Barton upon Humber, DN18 5HQ.

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

2086 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE SPECIFIED** - There were no urgent items considered at the meeting.

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

APPLICATIONS DEFERRED FROM PREVIOUS MEETING FOR SITE VISITS

1. OBJECT

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

2. BACKGROUND

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

3. INFORMATION

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

4. RESOURCE IMPLICATIONS

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

5. RECOMMENDATION

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

DEVELOPMENT MANAGEMENT LEAD

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

Ref: CB/JMC/Planning committee 26 April 2021.docx
Date: 15 April 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/2021/20
APPLICANT Mr & Mrs S Watson
DEVELOPMENT Planning permission to erect a dwelling
LOCATION Lavenham House, Fields Road, East Lound, DN9 2LR
PARISH Haxey
WARD Axholme South
CASE OFFICER Brian McParland
SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework:

Paragraph 8 – 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 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 11(d) – Plans and decisions should apply a presumption in favour of sustainable development:

- (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.

North Lincolnshire Local Plan: DS1, DS4, DS7, DS14, RD2, LC14, T2, T19

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS18, CS19

CONSULTATIONS

Highways: No objection subject to a condition relating to access, parking and turning.

Drainage (Lead Local Flood Authority): No objection subject to a condition requiring the submission of a flood risk statement and drainage statement.

Historic Environment Record: No objection subject to a condition removing permitted development rights to avoid unregulated upwards extension of the dwelling that would negatively affect the setting of the protected historic landscape.

Ecology: No objection.

PARISH COUNCIL

Objects on the following grounds:

This area is poorly drained and has a history of flooding; further development may exacerbate the problem.

It is regarded as backland development, there being only two properties to the rear, both of which are old and, by location, historic.

It is as identified in the Design and Access Statement (DAS) as being outside the building envelope. The purpose of building envelopes is to stop urban sprawl. East Lound is located in the Isle of Axholme Historic Environment (LC14) and observation of building envelopes is particularly important. The parish council agrees with the DAS that HERS should form part of the consultation process and welcomes this recommendation.

Access will be by Fields Road – this is an old track and not, as the name suggests, a metalled or adopted highway. The status of this road is not determined, and it is being considered for registration with a lower status in the future. Both tracks that could be used to service this property are not suitable for further increases in traffic use and therefore the parish council considers access an issue and considers this does not meet the needs of policy T2.

East Lound is a rural settlement and in the Sustainable Settlement Survey 2016 scored 65, which is at the lower end of the score, and is classed as minimum growth. North Lincolnshire Settlement Survey 2018 (2019 Revision) states that development away from the defined settlements is unlikely to meet all the elements of sustainable development, particularly access to a range of services, except those normally acceptable in the countryside.

The settlement has no amenities and it is considered the vast majority of people access amenities either at Haxey or the larger conurbations by vehicle. While the local plan encourages less polluting development, it is clear in the case of East Lound that it is more likely to create a need for more polluting travel, either for work or to access amenities, a point the parish council makes quite often, as in their view this section of the local plan is mis-quoted in relation to rural areas.

The DAS states an economic objective: 'land of the right type in the right places and right time to support growth.' This site is located within the LC14, outside the development limits and the parish council considers it fails this test.

The DAS states a social objective to provide a range of homes. Once more it is clear the area has a range of private dwelling developments, yet little or no social housing and affordable housing; again, the parish council considers it therefore does not meet any identified housing need or social objective.

The DAS states the environmental objective: 'to contribute to protecting and enhancing our natural built and historic environment.' While presenting a well-designed modern dwelling, it is within the LC14 and is out of character with older properties close by, and given its location does not take account of North Lincolnshire Council's North Lincolnshire Countryside Design Summary.

It does not in their opinion accord with the development plan. In particular, due to its location, it should be weighed against the policies relating to the LC14 and rural development section of the local plan, which is specific in restricting development, in particular non-agriculture and forestry development, and again identified in the DAS.

In assessing this proposal any grant of permission would almost certainly set a precedent and give rise to further development of what are largely rural properties that have characteristic large gardens and lead to changing the whole character of this hamlet and impact on the character of the LC14.

PUBLICITY

The application has been advertised by site and press notice as a departure from the local plan. Three responses have been received, two in support and one objection. The one objection received is summarised below and will be addressed in the body of the report:

- a previous planning application was refused (PA/2005/1127)
- impact on flooding
- impact on the LC14 (historic land)
- impact on privacy

- the proposal would set a precedent.

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 main issues to be considered are whether adequate justification can be demonstrated regarding the principle of the development, and impact on character and design, neighbouring amenity, drainage, land quality, ecology and highways.

The site

The application site forms part of the rear garden serving Lavenham House. The site of is a generous size and benefits from trees, grassland, vegetation and residential garden features (greenhouse and wooden garage etc). It is acknowledged that Lavenham House lies within the inner edge of the designated rural settlement of East Lound; however, the rear garden would be within the open countryside and straddle the settlement boundary.

The site is not within a conservation area, does not relate to a listed building and does not relate to any tree preservation orders (TPOs). It is within SFRA flood zone 1 (low), and it does fall within policy LC14 land (Area of Special Historic Landscape Interest) in the Isle of Axholme.

Proposal

Full planning permission is sought to erect a single-storey detached dwelling and a single-storey detached garage/workshop to the north-west corner of the application site.

The proposed three-bedroom family dwelling would have an irregular footprint consisting of a main section, finished with a single pitched roof, and two adjoining portions to the north and south, both finished with flat roofs. An adjacent car port is noted to the west elevation attached to the dwelling. Proposed materials include, render, stone, timber (walls), metal and membrane (roofs). The proposed dwelling would benefit from a modest garden and the site would be defined by a new 1.8 metre high timber fence (and a rendered wall to the west). Reciprocal planting is also suggested along the site boundaries.

The proposed garage/workshop would occupy the same location as the existing garage; however, it would have a larger footprint. The proposed garage would have the following design: a width of 10 metres by a depth of 7.5 metres, with a maximum height of 3 metres, finished with a flat roof.

The proposed dwelling would be accessed via Fields Road (from the west). A drive and turning area are also provided.

Principle of development

The site is located outside the adjacent settlement boundary and the proposal would represent a departure from the development plan. In determining whether the principle of residential development outside the settlement boundary is acceptable in this instance, it is necessary to consider whether the proposed development is 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).

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

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

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

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

There are three dimensions to sustainable development as set out in paragraph 8 of the NPPF: economic, social and environmental. The additional population with the occupation of the dwelling and self-build nature of the proposal would represent an economic benefit. Notably, the site is near Haxey with its wider selection of services available. In terms of environmental benefits, there is a footpath to the south which is well connected to the surrounding locality and would encourage footfall connectivity. There are also two bus stops along Brackenhill Road to the west, within a five-minute walk from the site. The location of the dwelling would support and sustain the existing services in the local area. Moreover, it is considered the location of the proposal would not be dependent on car travel. The above matters weigh heavily in favour of the proposal in terms of the economic, social and environmental dimensions of sustainability. As a result, it is considered the proposed dwelling would be situated within a sustainable location.

The application site is within the open countryside and in an Area of Special Historic Landscape Interest (policy LC14). As such, a clear reason for refusing the development must be outlined. The application site abuts the settlement boundary and it is acknowledged there are two existing dwellings to the north of the application site (The Cottage and Rose Cottage); both dwellings are in residential use. This would result in the application site being considered a gap site, albeit situated closer to the settlement boundary than both The Cottage and Rose Cottage. Considering this, it is suggested, given the location of the dwellings to the north, that the northern edge of the East Lound

settlement boundary has incidentally been extended which would encompass the application site. As a result, the proposed dwelling would represent a form of infill-type development.

A key determination in the principle of development is balancing the impact of harm against the associated benefits, as per paragraph 11(d) of the NPPF. Although the proposal would be in conflict with development plans (that is, policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan), the proposal would provide the benefit of a modest dwelling contribution on a brownfield site (residential garden) outside development limits, which is less protected and within a locality which generally consists of existing housing and built-up features. Furthermore, regarding policy LC14 (Area of Special Historic Landscape Interest) the council's archaeologist has no objection to the proposal. As such, there is little evidence to suggest the proposal would give rise to adverse impacts which would significantly and demonstrably outweigh the benefits.

On balance, it is considered that, although the development plans would preclude such type of development, in the absence of a five-year housing land supply and in the presumption in favour of sustainable development stipulated within the NPPF, whilst considering the surrounding pattern of development, the principle of development would be acceptable, subject to the considerations below.

Impact on character and design

The NPPF attaches great importance to the design of the built environment. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy DS1 of the North Lincolnshire Local Plan (adopted May 2003) and policy CS5 of the Core Strategy (adopted June 2011) are concerned with quality of design and amenity. In respect of impact on character, policy DS1 states that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area. Policy LC14 states the Isle of Axholme is designated as an area of Special Historic Landscape Interest. Within this area, development will not be permitted which would destroy, damage, or adversely affect the character, appearance or setting of the historic landscape, or any of its features.

The proposed dwelling would front onto Fields Road track and would not be visible from the main street scene of Brackenhill Road due to the siting of the in-situ corner dwelling (South View) which would provide a sufficient degree of obscurity. The proposed dwelling would be well-balanced within the plot. The proposed planting and boundary treatments would improve integration whilst offering a degree of visual mitigation. The single-storey/flat-roof nature of both the dwelling and the garage/workshop would result in a low-impact design which would not visually compete with the neighbouring dwellings. It is acknowledged that the proposal would appear as a moderately contemporary proposal; however, it would preserve the rural context of the site. Additionally, the proposal would improve the appearance and attractiveness of the site in the interest of placemaking. The council's archaeologist has no objection to the proposal, subject to the removal of permitted development rights (upward extension).

The proposed amenity space to the rear would be sufficient to meet the needs of the occupants of the proposed dwelling; however, given the proximity of the dwelling to its side and rear boundaries and the general character of space within the wider area, permitted development rights would need to partly be removed through the use of a condition

(enlargement, extensions and outbuildings/enclosures). This would ensure future occupants would have to apply for planning permission to erect any extensions, outbuildings/garages to the dwelling.

It is considered that the proposal would not prejudice the character, appearance and setting of the local area. Furthermore, the proposal would not adversely affect the character, appearance or setting of the historic landscape, or any of its features. As such, the proposal would be in accordance with policies DS1 and LC14 of the North Lincolnshire Local Plan, and policies CS5 and CS6 of the Core Strategy.

Neighbouring amenity

Policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and amenity. In respect of impact on amenity, policy DS1 states that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

The proposed dwelling would be set-in from the north boundary and would be of a modest single-storey design; the amenities of the two properties to the north (The Cottage and Rose Cottage) would therefore not be detrimentally impacted. Additionally, the boundary treatments along the north site boundary would mitigate. It is acknowledged that the proposed garage/workshop would be larger than the in-situ garage and closer to the shared north boundary; however, it would be of a conventional single-storey design and of an overall modest scale which would not detrimentally impact the amenities of Rose Cottage.

It is considered that the proposal would not prejudice neighbouring amenities and, as such, would be in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst policy DS14 of the local plan is concerned with foul sewage and surface water drainage.

The council's drainage team have been consulted and have no objections subject to a pre-commencement condition requiring a flood risk statement and drainage strategy to be submitted for approval, given the historical issues with flooding in the area. The comments of the parish council are noted, however based on the comments received from the drainage team the attached pre-commencement conditions are considered adequate in addressing this issue.

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

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 not provided a comment (or objection); however, given the vulnerable use, a phase 1 desk top study, remediation report and verification report will be required. The host site is currently in domestic use; however, given that the applicant has not submitted any information with regard to land quality, a condition relating to land contamination will be attached to any planning approval.

Ecology

The application site appears to be amenity grassland of negligible biodiversity value. No ecological surveys are required. The council's ecologist has no objections to the proposal and does not wish to impose any conditions. Informatives have been recommended regarding wildlife and biodiversity enhancements.

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 applicant seeks to create a new access from Fields Road with parking provided on site. The council's highways department have no objection to the proposal subject to a condition regarding access, parking and turning. The comments of the parish council are noted, however based on the comments received from the highways department the attached pre-commencement conditions are considered adequate in addressing this issue.

Other matters

It is noted that planning permission has previously been refused on the site (PA/2005 /1127) and the proposal could set a precedent for this type of development; however, each planning application is assessed on its own individual merits and it is considered that this proposal would accord with the relevant planning criteria.

The site is within a low-risk flood zone; however, the site experiences some localised flooding. As such, the drainage team have been consulted and request a detailed flood risk statement and drainage strategy by way of a condition.

Conclusion

Whilst the proposal is within the open countryside and in an area of Special Historic Landscape Interest, this does not outweigh the benefit of providing a family dwelling house, subject to conditions. On balance, the proposal is a justified departure from the development plan and is considered to comply with the overarching paragraph 11(d) of the NPPF.

Pre-commencement conditions

These 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: Watson-2020-01 Location Plan Existing Site Survey; Watson-2020-04 Proposed Site Plan Proposed Sections; Proposed Floor Plan Watson-2020-02; Watson-2020-03 Proposed Elevations and Views; Heritage Appraisal & Impact Assessment; Design, Access & Planning Statement.

Reason

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

3.

Notwithstanding the submitted details on any of the approved documents, no development shall take place until a detailed flood risk statement and drainage strategy has been agreed in writing by the local planning authority. Both shall outline all sources of flood risk, including surface water, ground water and ordinary watercourse, and proposals to mitigate, and include preliminary drainage layout plans. The flood risk statement and drainage strategy shall include details for the incorporation of SUDS, and any adoption and maintenance arrangements. The dwelling shall not be occupied until it is connected to the approved drainage system.

Reason

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

4.

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.

5.

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

Reason

To ensure that risks from land contamination to 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.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling (including additions and/or alterations to the roof) hereby permitted, including any new buildings or enclosures, without the prior written approval of the local planning authority.

Reason

To satisfactorily protect the character and appearance of the area and the residential amenities of future and neighbouring occupiers, in accordance with policy CS5 of the North Lincolnshire Core Strategy and policy DS1 of the North Lincolnshire Local Plan.

7.

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

Reason

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

8.

No above-ground development shall take place until details of the positions, design, materials and type of boundary treatment (including gates) to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwelling is occupied, and once built/planted it shall be retained.

Reason

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

9.

The proposed detached garage/workshop hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling to the rear of Lavenham House, Fields Road, East Lound, DN9 2LR.

Reason

To maintain the living standards of the adjoining residential properties/the surrounding residential area and to enable any alternative use to be assessed against the criteria in policy DS4 of the North Lincolnshire Local Plan.

Informative 1

Ideally vegetation clearance works should be carried out outside the bird nesting season, which is broadly March to August inclusive.

If vegetation is cleared during this time, then checks must be made for active bird nests and any harm to such nests must be avoided.

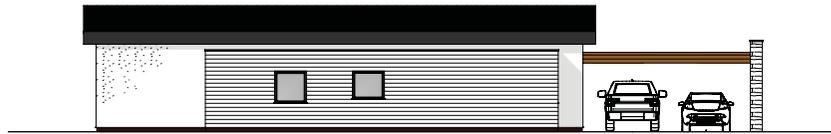
We encourage the delivery of biodiversity enhancements as set out in the design and access statement.

Informative 2

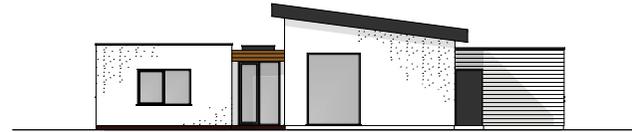
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

PA/2021/20 Proposed elevations and images (not to scale)

PROPOSED DWELLING



PROPOSED NORTH ELEVATION
1:100



PROPOSED EAST ELEVATION



PROPOSED SOUTH ELEVATION



PROPOSED WEST ELEVATION



PROPOSED NEW DWELLING AND DETACHED GARAGE



PROPOSED DETACHED GARAGE



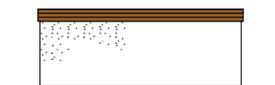
PROPOSED NORTH ELEVATION
1:100



PROPOSED NORTH ELEVATION
1:100



PROPOSED NORTH ELEVATION
1:100



PROPOSED NORTH ELEVATION
1:100

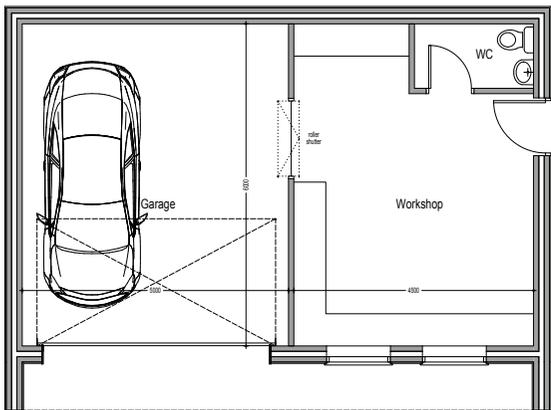
Page 44


Cadworx Ltd
 Architectural design and 3d Visualisations
 Linden House, Bracken Hill Road
 East Lound, Nr Doncaster DN9 2LR
 tel 01427 753232
 dsmy@3dcadworx.com

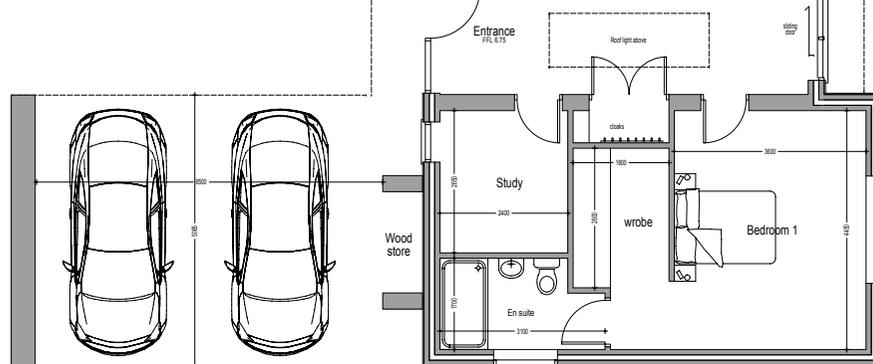
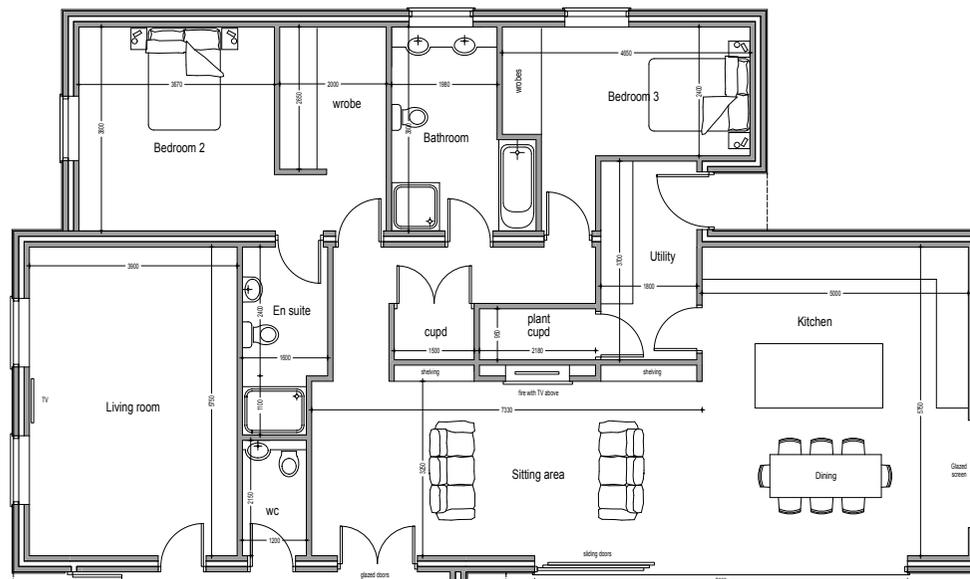
• Project
 • PROPOSED NEW SINGLE STOREY DWELLING
 • FIELDS ROAD
 • EAST LOUND
 • MR AND MRS WATSON

Title:
 • PROPOSED ELEVATIONS
 • AND VIEWS

Scale 1@100 @A1	Date 11-2020	Drawn DS
Drawing No. WATSON - 2020 - 03		



PROPOSED DETACHED GARAGE
Scale 1:50



PROPOSED SINGLE STOREY DWELLING
Scale 1:50



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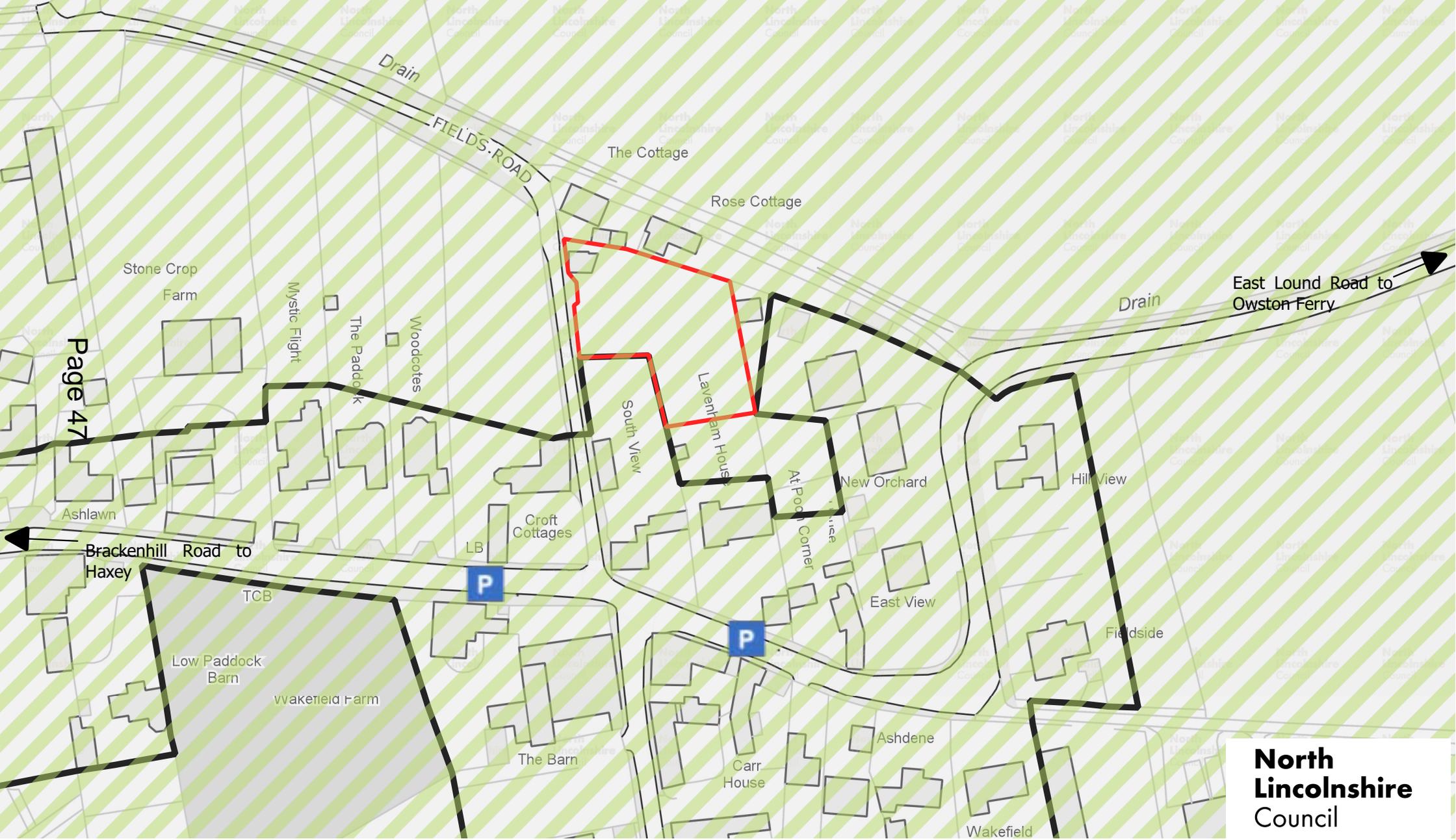
- Project
- PROPOSED NEW SINGLE STOREY DWELLING
- FIELDS ROAD
- EAST LOUND
- MR AND MRS WATSON

Title:
• PROPOSED FLOOR PLAN

Scale	Date	Drawn
1@50 @A1	11-2020	DS

Drawing No.
WATSON - 2020 - 02

 lc14
 development_boundary



Page 47

**North
Lincolnshire
Council**

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PLANNING COMMITTEE

26 April 2021

APPLICATIONS FOR DETERMINATION

Page	Appn No	Applicant	Parish	Ward	Recommendation
Site Visits					
3	PA/2021/20	Mr & Mrs S Watson	Haxey	Axholme South	Grant permission subject to conditions
Major Applications					
16	PA/2020/660	Rafkins (Scunthorpe) Leisure Park Ltd	Gunness	Burringham and Gunness	Grant permission subject to conditions
40	PA/2020/1626	Mr & Mrs Besford	Haxey	Axholme South	Grant permission subject to conditions
Applications					
52	PA/2020/1117	Mr Cherry, Cherry Tree Homes Ltd	Epworth	Axholme Central	Grant permission subject to conditions
63	PA/2020/1599	Mr Michael Torr	Belton	Axholme Central	Grant permission subject to conditions
76	PA/2020/2043	Mr J Oates-Smith	Belton	Axholme Central	Grant permission subject to conditions
82	PA/2020/2084	Mr Martyn Robinson	Winterton	Burton upon Stather and Winterton	Grant permission subject to conditions
90	PA/2021/6	Mr Martin Phillips, Ongo Developments	Scunthorpe	Brumby	Grant permission subject to conditions
100	PA/2021/119	Mr & Mrs Terry & Vicky Johnson	Epworth	Axholme Central	Grant permission subject to conditions
112	PA/2021/170	Mr Brader	Barnetby le Wold	Brigg and Wolds	Grant permission subject to conditions
126	PA/2021/169	Mr Brader	Barnetby le Wold	Brigg and Wolds	Grant permission subject to conditions

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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 Development Management Lead.

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.

DEVELOPMENT MANAGEMENT LEAD

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

Reference: CB/JMC/Planning committee 26 April 2021.docx

Date: 15 April 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/2020/660
APPLICANT	Rafkins (Scunthorpe) Leisure Park Ltd
DEVELOPMENT	Planning permission for mixed use development: hotel (Class C1), gym (Class D2), retail units (Class A1), food and drink and drive-thru restaurants (Class A3/A5), with access, car parking, landscaping and associated works
LOCATION	Land off Jack Brownsword Way, Scunthorpe
PARISH	Gunness
WARD	Burringham and Gunness
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Josh Walshe – significant public interest and highway concerns)

POLICIES

National Planning Policy Framework:

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

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

Paragraph 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 86 – Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 87 – When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Paragraph 109 – 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 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 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 159 – If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.

Paragraph 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 175 – (d) 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.

North Lincolnshire Local Plan:

S7, T1, T2, LC15, HE5, DS1, DS3, DS7, DS12, DS14, DS16, T19

North Lincolnshire Core Strategy:

CS1, CS2, CS3, CS5, CS6, CS14, CS16, CS17, CS18, CS19, CS25

Housing and Employment Land Allocations:

PS1, TC1

CONSULTATIONS

Highways: No objections subject to conditions.

Environment Agency: Recommends the updating of the FRA regarding resilience measures. If this is not the case, conditions are recommended controlling an appropriate resilience scheme and finished floor levels, as well as to protect ground water.

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

Anglian Water: The application site falls outside of their geographical remit.

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

Ecology: The ecologist states that no mitigation has been proposed for the loss of existing species or habitats. Whilst a small amount of landscaping is proposed, the design does not appear to have been designed with biodiversity enhancement as a guiding principle. The

ecologist therefore objects to the proposal. However, if there are any overriding reasons why the application is to be approved, then conditions are put forward as mitigation.

IDB: The IDB has no objection in principle but advises that ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year.

Spatial Planning: It would be extremely difficult to accommodate all the uses and parking provision required in a town or district centre location. However, the hotel/gym part of the proposal is specifically a town centre use that would benefit the regeneration of Scunthorpe town centre by being in a more central location. Such uses cannot be classed as solely drawing in clients/customers from the existing Gallagher Retail Park/North Lincolnshire Shopping Park and have a much wider function and attraction. Those shopping in the vicinity may use the restaurants as a draw but are unlikely to use the hotel and gym at the same time. It is noted, however, that there is no disaggregation requirement to do so.

Public Rights of Way: No public rights of way, greens, commons or other access land appear to be affected by this proposal. We therefore have no objection to what is proposed on these grounds.

Humberside Police – Designing Out Crime Officer: No objection but puts forward advice in relation to the cycle shelter and motorcycle parking bays.

PARISH COUNCIL

No comments have been received from Gunness Parish Council.

PUBLICITY

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

One objection has been received which states:

‘The main priority for this development should be an upmarket social restaurant/bar area to attract chains like Nando's and Pizza Express to Scunthorpe (look at Valley Centertainment in Sheffield). The four retail spaces should be changed to restaurants to make this an eating out area, leaving retail for the town centre. The drive thru's should be scrapped to attract proper restaurants and not fast food chains.’

The comments about the town centre are material to this assessment although the control over what moves into the units is outside of the scope of planning.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been evidenced.

ASSESSMENT

Planning history

- PA/2005/2051: Full planning permission to erect a restaurant (A3), including the formation of a new vehicular access point and car parking area to serve both the proposed restaurant and the previously approved health and fitness centre – granted 15/02/2006
- PA/2003/1830: Full planning permission to vary condition 1 of planning permission 2002/1885 in order to read ‘the development shall be begun no later than 5 January 2005’ – 16/03/2004
- PA/2003/0359: Full planning permission for two Class A3 restaurant units, a hotel, and a health and fitness centre, with associated car parking – granted 18/05/2005
- PA/2002/1885: Full planning permission to vary condition 3 of outline planning permission 1997/0830 – granted 04/03/2003
- PA/2000/1071: Approval of reserved matters following the grant of outline planning permission 1997/0830 to erect three fast-food units, a health and fitness club, and a hotel with associated car parking, landscaping and road access – granted 05/01/2001
- PA/2000/0982: Section 73 consent to vary condition 2 of outline planning permission 1997/0830 to extend the reserved matters submission deadline to 12 September 2001 – granted 06/10/2000
- PA/1997/0830: Outline planning permission to construct buildings and external works for use under Classes A3, B1, C1 and D2 - granted 12/09/1997
- 7/1989/0212: Outline planning permission to erect buildings for Business Use Class B1(a): 50-bedroom hotel, fast-food unit, petrol station, car wash, and leisure unit – granted 20/07/1989

Site constraints

- SFRA Flood Zone 2/3(a) Tidal (North and North East Lincolnshire SFRA 2011)
- Located close to a Secondary B aquifer
- Edge-of-town retail

Site characteristics

The site forms part of a wider rectangular piece of land with the former Frankie & Benny’s restaurant to the north-east and Scunthorpe United stadium to the south. There are a number of food and drink uses in the immediate vicinity, including Pizza Hut, KFC, McDonalds and Frankie & Benny’s. There is also a public house and a hotel in close proximity to the site. There are retail and food/drink uses slightly further from the site, but still close to it, including Next, Tesco, B&Q, Costa Coffee, Debenhams, M&S and more. All of these are within the Gallagher Retail Park.

To the west of the site there is a footway link providing pedestrian access over the M181 and beyond to the settlement of Gunness. To the south there is a field located next to Glanford Park where SUFC train.

Proposal

Planning permission is sought for mixed use development: hotel (Class C1), gym (Class D2), retail units (Class A1), food and drink, and drive-thru restaurants (Class A3/A5) with access, car parking, landscaping and associated works.

Since the application was submitted, a change to the Use Classes Order has been introduced. This change groups all the above uses under Class E (with the exception of C1 Hotels).

The key considerations for this proposal are:

- **principle of development;**
- **flood risk and drainage;**
- **ecology;**
- **highways;**
- **character and appearance;**
- **environmental issues;**
- **air quality/sustainable resource;**
- **land contamination; and**
- **pre-commencement conditions.**

Principle of development

Scunthorpe is classed as a major sub-regional town in the settlement hierarchy set out in the Core Strategy DPD. Policy CS1 states that it will be the focus for the majority of new development and growth, including housing, employment, retail, sustainable transport links, and higher order services and facilities to serve North Lincolnshire, and the town centre will be the main focus of new retail, leisure, commercial office and cultural developments in the area.

As part of the urban renaissance programme, significant regeneration will take place within the town centre to provide new retail opportunities, a new market hall, and cultural and leisure facilities, as well as enhancements to the public realm and urban fabric. The use of high quality and innovative design will be supported in the town centre and mixed use development will be encouraged.

Policy CS2 supports the wider development strategy by seeking to deliver development in sustainable locations. Scunthorpe is considered to be a key location for development. In particular, the use of previously developed land is supported. Any proposals should seek to meet the sustainability principles outlined in the policy in relation to accessibility.

A 'sequential approach' will also be applied to ensure that development is, where possible, directed to those areas that have the lowest probability of flooding, taking into account the vulnerability of the type of development proposed, its contribution to creating sustainable communities and achieving the sustainable development objectives of the plan. Where development does take place in the flood plain, mitigation measures should be applied to ensure the development is safe.

Policy CS3 states that development limits will be applied to all settlements (except for rural settlements in the countryside). These are defined on the settlement inset maps within the Housing and Employment Land Allocations DPD (March 2016). The site is within the defined settlement boundary for Scunthorpe.

Retail – sequential approach

Policy CS14 sets out the retail hierarchy and aims to support the vitality and viability of the town and district centres in the area. Town and district shopping centre boundaries are shown on settlement inset plans in the Housing and Employment Land Allocations DPD (March 2016). Where development is proposed in edge of centre or out of centre locations, developers are required to comply with the sequential approach to site selection. This approach is further reinforced in policies TC1 and S8 respectively.

Paragraphs 86 and 87 of the NPPF state:

'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.'

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.'

Additional guidance on the application of the sequential approach is provided in the 'Planning Practice Guidance - updated July 2019' with a checklist that sets out the considerations that should be taken into account whilst determining the sequential test. They are:

- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre. It is important to set out any associated reasoning clearly.
- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the sequential test is passed.

In line with paragraph 86 of the National Planning Policy Framework, only if suitable sites in town centre or edge of centre locations are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering what a reasonable period is for this purpose, the scale and complexity of the proposed scheme and of potentially suitable town or edge of centre sites should be considered.

The application has been accompanied by a retail sequential test which requires assessing against the provisions of the development plan (policies quoted above), the NPPF (particularly paragraphs 86 and 87) and the Planning Practice Guidance's sequential test checklist. It is noted that NPPF paragraph 90 concludes by stating that where a proposal fails to satisfy the sequential test, it should be refused.

With regard to the sequential test, Scunthorpe Town Centre, Frodingham District Centre and Ashby High Street District Centre were all identified, during pre-application discussions, as areas of search. The applicant lists the alternative sites that were explored:

- ST1: Asda Car Park, Carlton Street
- ST2: Carlton Street East Long Stay Car Park
- ST3: Former TJ Hughes, Mary Street
- ST4: West Street/Chapel Street Car Park
- ST5: Home Street Short Stay Car Park
- ST6: Former Scunthorpe Market Site
- ST7: King Street/Winterton Road Long Stay Car Park
- ST8: Land east of Winterton Road
- ST9: Land north of Glebe Road.

As part of the sequential test, the applicant has demonstrated that many of the identified sites are unsuitable to accommodate the proposed development without disaggregation. The only possible exception is the former Scunthorpe Market site which has been discounted on the grounds of the possible town centre need for the market car park, poor connectivity of the site to the strategic highway network (SRN) and that it is slightly smaller in area than the proposal site. An argument is put forward that the loss of existing town centre parking and the space that this development would require, along with the parking provision required for this development, would mark the site as being unsuitable, especially as there would also be issues with servicing and deliveries; the site is bounded by Home Street to the east and Church Street to the west, but is currently one-way. Furthermore, it is likely that the proximity of residential uses at Crosby Flats and the maisonettes would carry amenity related issues due to activity. It is possible that this would place certain restrictions on business/commercial activity in terms of the way and times they operate. The drive-thru uses would certainly not be absorbed well in this scenario and therefore the applicant's arguments of 'suitability' hold true in this regard.

Disaggregation of uses

Of course, if the proposal could be broken down/separated into individual uses, then some of the sites considered within the retail sequential test may be suitable. However, site disaggregation, by its absence in the NPPF and Planning Practice Guidance, is a factor to which little weight can be given. There is, therefore, no requirement to disaggregate a scheme to fit available land within a town or district centre. However, it is noted that a degree of flexibility should be applied in the format/scale of a proposal to consider whether a town centre site could accommodate the scheme, and this is the policy position we are fronted with.

In case law terms there are also examples of how inspectors uphold the notion that disaggregation of uses is not something that should be expected of a developer. The applicant presents a series of cases where inspectors support that disaggregation of a proposal should not take place. In one of the more famous cases, 'Rushden Lakes', the Secretary of State supported the inspector's stance that the retail sequential test should only search sites that can accommodate the whole proposal (and not elements of it):

'...The sequential test relates entirely to the application proposal and whether it can be accommodated e.g. on a town centre site.' (2014, APP/G2815/V/12/2190175, paragraph 8.48)

A furthering point in case law terms is the grant of planning permission for an out of centre factory outlet centre (FOC) at Scotch Corner issued in December 2016 (APP/V2723/V/15/3132873 & APP/V2723/V/16/3143678). In this case the SoS endorsed his inspector's conclusions on the sequential approach as follows:

'In carrying out the sequential test it is acknowledged that whilst Framework paragraph 24 [now paragraph 86] indicates that applicants should demonstrate flexibility on issues such as format and scale, it does not require the applicant to disaggregate the scheme. The sequential test seeks to see if the application, i.e. what is proposed, can be accommodated on a town centre site or on sequentially preferable sites.'

It is somewhat frustrating that a scheme seemingly made up of numerous and unrelated planning units cannot be disaggregated; however, the applicant presents a robust argument that is backed by both policy and planning case law.

Summary of principle

Therefore, without the ability to split the uses, the proposal has satisfied the tests set out in policy and the PPG as regards the retail sequential test. The argument put forward surrounding disaggregation is well known in planning and difficult to refute. The proposal is made up of E and C1 classes which will benefit the socio-economic landscape of Scunthorpe, despite being in an edge of town location. The retail uses amount to less than 1000 square metres, whilst the restaurants, drive-thru's, hotel and gym all complement the existing uses at Gallagher Retail. In terms of flexibility, the proposed units are not overly large in floor space terms. The hotel, for example, is large but this is due to its height; it is unlikely, therefore, that there could be a reduction in floor space so that some of the alternative sites would become acceptable. Furthermore, members should note that the application site has been subject to previous permissions that related to leisure uses, albeit under a dated policy framework. The proposal is therefore considered acceptable and would align with the aforementioned planning policies relating to principle.

Flooding and drainage

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

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

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

Sequential test

The applicant has submitted a robust sequential test submitted by DLP. The assessment of potential sites took as its starting point land within the defined centres and at the edge of defined centres set out below, with sites elsewhere and out of centre carrying no sequential preference in retail policy terms, as discussed in the Planning & Sequential Assessment.

The centres considered are:

- Scunthorpe Town Centre
- Frodingham Road District Centre
- Ashby High Street District Centre.

This is succinct with the overarching spatial strategy set out by policy CS1 of the North Lincolnshire Core Strategy. The methodology for site searches relates to the space requirements needed by this proposal, as well as connections to movement frameworks for pedestrian and vehicle access. (This aligns with the disaggregation argument put forward and discussed in the principle section.) The methodology is also considered acceptable.

Reasoning for discounting the sites that are explored within flood zone 1 are considered sufficiently robust and it is clear that there are no alternative sites that would be succinct with the spatial strategy that are available in flood zone 1; the sequential test is therefore passed.

Exceptions test

NPPF paragraph 160 states that for the exception test to be passed it should be demonstrated that:

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and

- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The applicant has put forward strong socio-economic reasoning as to why the proposal is sustainable within a covering letter. The applicant states:

'The proposed development would deliver a wide range of benefits through further investment to the north-west of Scunthorpe in an established retail and leisure location. Benefits include the creation of over 100 FTE jobs in a sustainable location close to bus stops and existing and future residential development.

Further benefits include the creation of opportunities for local supply chains to benefit through providing goods, services and skills and further job opportunities through construction of development. Additional economic benefits are associated with the visitor economy through provision of a hotel close to Glanford Park Football Stadium.

The development would also result in an improved offer of social and leisure activities in an established visitor location, therefore contributing towards the social and cultural wellbeing of local residents.'

The benefits then of the proposal are clear in socio-economic terms. Environmentally the land is brownfield and is fairly described as scrubland, although wildlife habitat networks have begun to prosper. There would clearly be some environmental damage due to the loss of these habitats; however, on balance of all three pillars of sustainability, the wider public benefits are weighted greater. This element of the exceptions test is therefore passed.

Policy CS19 of the Core Strategy is concerned with flooding, whilst policies DS14 and DS16 of the North Lincolnshire Local Plan are concerned with both surface water and foul drainage; all are relevant. The second part of the exceptions test is more technical, and the development needs to be safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible reducing flood risk overall.

The LLFA, IDB, Environment Agency and the Water Board have all been consulted. The LLFA, following meetings and a request for additional information, now consider, subject to conditions in relation to surface water, that the proposal is acceptable. The EA has expressed concerns surrounding resilience measures and requested an update to the FRA to recognise the critical flood level (i.e. from sources other than the Trent) and to strengthen their advice on resilience. The information has not been forthcoming though there has been dialogue. Ultimately, conditions controlling the datum point and methodology of resilience measures would be attached to any forthcoming permission, as well as conditions relating to finished floor levels and an evacuation plan. A condition reinforcing that no sleeping accommodation can be provided at ground level would also be included. The EA has also requested conditions relating to ground water protection and these too would be attached. The IDB, at this stage, has no objection but will be looped into any discussion on the proposed surface water drainage strategy that will form a condition.

It is therefore considered, subject to the mitigation outlined above, that a drainage scheme can be achieved and a development that would not be harmful to ground water. The proposal then is considered to align with policies CS19 of the Core Strategy, and DS14 and DS16 of the local plan, as well as paragraphs 148 to 169 of the NPPF.

Ecology

Policy CS17 is concerned with biodiversity and so too, in part, is policy CS5; both are reinforced by paragraph 175 (d) of the NPPF. Policy CS17 sets out principles for managing and improving the district's wildlife habitat networks and states:

'The council will promote effective stewardship of North Lincolnshire's wildlife through:

1. safeguarding national and international protected sites for nature conservation from inappropriate development;
2. appropriate consideration being given to European and nationally important habitats and species;
3. maintaining and promoting a North Lincolnshire network of local wildlife sites and corridors, links and stepping stones between areas of natural green space [emphasis added];
4. ensuring development retains, protects and enhances features of biological and geological interest and provides for the appropriate management of these features [emphasis added];
5. ensuring development seeks to produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for [emphasis added];
6. supporting wildlife enhancements that contribute to the habitat restoration targets set out in the North Lincolnshire's Nature Map and in national, regional and local biodiversity action plans [emphasis added];
7. improving access to and education/interpretation of biodiversity sites for tourism and the local population, providing their ecological integrity is not harmed.'

The ecologist states that the site supports typical Scunthorpe brownfield habitats '...scrub, semi-improved neutral grassland and ephemeral/short perennial vegetation close to tree belts and a pond. Such habitats could support a good diversity of invertebrate species, including pollinators.' The officer goes on to state that the no mitigation has been proposed for the loss of existing species or habitats and whilst some landscaping is proposed the development has not been designed with biodiversity enhancement as a guiding principle.

The applicant has submitted a preliminary survey, reptiles survey and landscaping plan. The ecologist confirms that there is no evidence of reptiles nor Great Crested Newts and the concern relates to the overall net loss of biodiversity. The applicant has provided a landscaping plan that shows some planting in and around the car parking areas and to the rear and fore of buildings. However, given that this site has benefited from being left, wildlife habitat networks have emerged and this scheme would result in a large net loss of that.

Paragraph 47 of the NPPF states, '...Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.' The application site benefits from previous planning permissions: PA/1997/0830 and the subsequent reserved matters PA/2000/1071. The outline allowed for development all the way along the M181 to where SUFC train, though the reserved matters (which were phased) were only agreed up to a point where the

Travelodge ends. (The remaining land approved under the outline no longer has a permission as the applicant failed to meet the timeframe for submitting reserved matters.) The result is that the applicant does have an extant permission to lay hard standing for car parking across half of this proposal site without requiring planning permission. This means that where this can occur the biodiversity that has prospered can be destroyed and in planning terms this would mean that there is a lesser overall net loss of biodiversity.

This material consideration offers sufficient justification to impose conditions on any approval. It is unlikely, given the amount of development and the size of the site, that a biodiversity management plan would result in achieving a net gain, but it would close the gap in terms of the total net loss of biodiversity. Therefore, whilst the proposal is contrary to policy CS17 and paragraph 175 (d) of the NPPF, there are material considerations that indicate a departure may be supported, whilst the inclusion of conditions would reduce the amount of overall loss.

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. Both are considered relevant. Policy CS25 of the Core Strategy is concerned with sustainable transport and is also relevant, as are paragraphs 102–111 of the NPPF.

The applicant has submitted a transport assessment and framework travel plan. The proposal is located at an edge of town location but is highly accessible by both public transport and other sustainable modes such as on foot or bicycle. The application includes parking for around 158 vehicles as well as cycle storage/parking. The councils' highways team has been consulted and considers the proposals to be acceptable subject to conditions. These relate not only to the provision of access roads and parking prior to the first use, but also to delivery/servicing and construction management plans, as well as the re-siting of the cycle park. This latter point is also discussed by the designing out crime officer. The cycle park at present is not to a secure enough standard but, despite comments, its location is acceptable. Any lack of natural surveillance can be bolstered by security cameras and control of access so it can be improved in its current location; it is therefore not considered necessary to relocate it. Much of the designing out crime theory emanates from the Defensible Space principles put forward by Oscar Newman (1971), where one element is weak, for example natural surveillance; this can be mitigated by greater control over accessing the facility and/or the addition of CCTV (increase in surveillance). Therefore, its location is not paramount and in any case it is difficult to see where it could be relocated without posing a risk to highway safety, furthermore existing uses should as the Travelodge offer protection through surveillance of the facility. What is considered necessary is the ability to control the overall security of the cycle park (lockable devices, transparent elevations etc and this would be achieved sufficiently through condition.

Highways have also stated, 'We would also advise that any S106 should include some financial contribution for improvements to cycle signs and lines in the vicinity of the site and along the A18 to encourage and promote cycling. Also, a contribution towards the proposed M&S bus stop.' A condition is proposed regarding signage which would mitigate the need to secure this element through legal agreement. Whilst a financial contribution towards a bus stop at M&S could be requested in principle, there is no breakdown of costings or what would be a proportionate amount given that there is already an abundance of uses at

Gallagher Retail. Also the comments suggest that there is an existing need for this and a need generated by this development. Furthermore, there is no information substantiating why the existing bus stop at Tesco is not sufficient. The request, through its lack of detail, therefore, would fail to meet the tests for obligations set out within the CIL regulations and cannot be requested of the developer.

A final note is that the member 'call in' in part relates to highway concerns; this area suffers from heavy congestion and this is compounded on match days at Scunthorpe United. This is an existing issue and is not one created by this development, though clearly on a match day it will add to it. It is therefore considered, subject to the aforementioned mitigation, that the proposal would accord with policies T2 and T19 of the local plan, and CS25 of the Core Strategy, as well as paragraphs 102–111 of the NPPF.

Character and appearance

Policy CS5 of the Core Strategy seeks to deliver quality design within North Lincolnshire. It sets out an interpretive criteria base for applicants to consider during their design journey, which state:

'New development in North Lincolnshire should:

- contribute towards creating a positive and strong identity for North Lincolnshire by enhancing and promoting the image of the area through the creation of high quality townscapes and streetscapes;
- ensure it takes account of the existing built heritage from the earliest stages in the design process, in particular terms of scale, density, layout and access;
- incorporate the principles of sustainable development throughout the whole design process. This will include site layout, minimising energy consumption, maximising use of on-site renewable forms of energy whilst mitigating against the impacts of climate change, for instance flood risk;
- create safe and secure environments, which reduce the opportunities for crime and increase the sense of security for local residents through the use of Secured by Design guidance;
- consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area. The function of buildings should also be considered in terms of its appropriateness for the context in which it is located
- create attractive, accessible and easily distinguished public and private spaces that complement the built form;
- support sustainable living and ensure that a mix of uses, which complement one another, are incorporated;
- provide flexibility in that new and existing buildings and spaces are able to respond to future social, technological, environmental and economic needs;
- be easily accessible to all users via recognisable routes, interchanges and landmarks that are suitably connected to public transport links, community facilities and services

and individual communities and neighbourhoods in North Lincolnshire. Buildings and spaces should be accessible by all sections of the community, and ensure that the principles of inclusive design are reflected;

- incorporate appropriate landscaping and planting which enhances biodiversity or geological features whilst contributing to the creation of a network of linked greenspaces across the area. Tree planting and landscaping schemes can also assist in minimising the impacts of carbon emissions upon the environment;
- integrate car parking provision within the existing public realm and other pedestrian and cycle routes.'

The applicant has submitted a robust Design and Access Statement that sets out its framework for design through principles that align with those above from policy CS5. The applicant provides a contextual analysis of the surrounding area considering transport and movement frameworks, neighbouring uses, style and form of buildings as well as green space and proximity to residential properties. The document states that the proposed layout has derived, through consideration of the existing site, its immediate context, connections with the surroundings and how the new development will function with regard to the existing highways, and that the siting of the buildings plays an important role in how the site relates visually to the Gallagher Retail Park.

Mass is considered, links and permeability, as well as the palette of materials; it is a text book approach to explain the design narrative and one that reflects both of the Urban Design Compendiums. Designing out crime is considered along with a sustainability strategy. The upshot is that a scheme has been offered that is not only in keeping with the rest of the Gallagher retail park, but one that will modernise it and improve the overall aesthetic. The hotel, which is over three storeys (four in total in respect of the building, but there are separate ground floor uses), is a mixture of metal cladding and brickwork. This building would have a wide-ranging impact and would be seen on approach to Scunthorpe, as well from a distance in the locality. At present Glanford Park and the Farmhouse Pub are viewed on approach to Scunthorpe, as is Tesco Extra. There is a clear distinction at this point that you are entering an urban environment. The hotel will positively add to this approach showcasing a new bespoke hotel. The area is buoyant with commercial activity and this proposal reinforces that positive representation.

The other buildings are in keeping with what is around them but will be largely unseen until in the centre of Gallagher Retail Park. Therefore, the built form, whilst far reaching, could be described as typical of an edge of centre retail park and finishing materials follow suit. The elevation plans are detailed and so materials will be secured through the approved plans condition.

The proposal is considered to fully comply with the principle set out by policy CS5 of the Core Strategy. The only exception is that both the designing out crime officer and Highways have requested a more secure cycle park. (This is discussed in the Highways section). A condition can be attached to any forthcoming permission to prevent use until details of access control/security improvements of this facility have been submitted to and agreed in writing with the planning authority. Therefore, subject to the aforementioned mitigation, it is considered that the proposal is in accordance with policy CS5.

Environmental issues

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

The council's Environmental Health department has assessed the application and considers that a construction environmental management plan is required to mitigate neighbouring amenity during construction. The recommended condition requires the developer to submit information relating to lighting and the control of dust and noise. An additional condition to manage construction working hours is also considered necessary to mitigate unacceptable impacts upon the amenity of neighbouring uses, as well as patrons servicing those uses.

In operational terms the proposal is located on a site that would be in keeping with other uses, even complementary, and represents a continuation of what is already contained within Gallagher Retail Park. Given the above mitigation, it is considered that the proposal would accord with policy DS11.

Air quality/sustainable resource

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

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

The councils Environmental Health department has assessed the proposal and proposes a condition that, prior to development, a scheme for electric charging points is submitted to and agreed in writing with the local planning authority. In terms of construction, the applicant has submitted air quality information that the Environmental Protection Officer recommends the development is linked to. These requests are considered to be in accordance with the above policy requirements and will be attached to any permission to mitigate impact upon air quality generated by the development.

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 applicant has submitted a Geo-environmental Assessment, which notes contaminants of concern; these include heavy metals, inorganics, asbestos, VOCs, PAHs, petroleum

hydrocarbons, methane and carbon dioxide. Further investigation is recommended; however, no proposals for this investigation have been put forward. Furthermore, the site is close to a Secondary B aquifer and therefore control over contaminants is vital (along with that of ground water as put forward by the Environment Agency which will also be attached). The EPO recommends then that a full robust condition, which would require a desk-based study, remediation and verification reports, should be attached to any permission.

It is therefore considered, subject to such a condition, that the proposal would accord with policy DS7 of the North Lincolnshire Local Plan.

Conclusion

The applicant has demonstrated that there are no suitable alternative sites for this development within identified town or district shopping centres, both in retail and flood risk terms. The proposal would carry high socio-economic benefits for the locality in the creation of business and jobs. There would be a net loss of biodiversity though this loss is mitigated somewhat by the existing fallback position to formulate car parking across much of the site as well as a condition requiring a biodiversity management plan. There are strict conditions surrounding flooding and resilience measures as well as those to protect groundwater as the proposal site is close to a Secondary B aquifer. There are also conditions to mitigate the construction phase of the development.

Ultimately, on balance, the proposal does represent a sustainable form of development that would have both social and economic benefits for the principal settlement of North Lincolnshire, despite it being an edge of town development.

Pre-commencement conditions

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 sets out a requirement for planning authorities to agree or give requisite notice to applicants regarding the attachment of pre-commencement conditions. This process has been followed.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

2.
The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 13776-098D
Existing Site Plan 13776-099C
Proposed Site Plan 13776-101D
Proposed Unit 01-05 GA Plans 13776-111C
Proposed Unit 01-05 GA Plans 13776-112C

Proposed Unit 01-05 Roof Plan 13776-113B
Proposed Unit 01-05 GA Elevations 13776-114A
Proposed Unit 06-08 Plans 13776-115A
Proposed Unit 06-08 GA Elevations 13776-116B
Proposed Unit 09 GA Plans 13776-117A
Proposed Unit 09 Elevations 13776-118A
Proposed Unit 10 GA Plans 13776-119A
Proposed Unit 10 Elevations 13776-120B
Proposed Boundary Treatment Plan 13776-121A
Proposed Site Sections 13776-122A
Landscape Plan 13776-VL-L01 13776-VL-L01A

Reason

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

3.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and 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.

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 drainage scheme shall be implemented in accordance with the approved submitted details required by condition 3 above, be completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future 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.

5.

Prior to each phase of development approved by this permission, no development shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

(i) A preliminary risk assessment which has identified:

- all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors;
 - potentially unacceptable risks arising from contamination at the site.
- (ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- (iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- (v) Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

6.

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

7.

No development shall take place until information has been submitted to and agreed in writing with the local planning authority detailing appropriate resistance/resilience measures that are to be incorporated across the development in respect of flooding. They shall be retained thereafter.

Reason

In the interest of flood risk prevention and to accord with policy CS17 of the Core Strategy.

8.

Prior to the first use of any building, an evacuation escape plan shall be submitted to and agreed in writing with the local planning authority. The methodology for escape from flooding shall thereafter be followed in the event of an emergency.

Reason

To protect from flooding and to accord with policy CS19 of the North Lincolnshire Core Strategy.

9.

No sleeping facilities shall be provided at ground level by the hotel at any time.

Reason

To protect from flooding and to accord with policy CS19 of the North Lincolnshire Core Strategy.

10.

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

- (a) an assessment of biodiversity loss based on the habitat and hedgerow baseline from the Preliminary Ecological Appraisal Report Reference number ER-4401-01-B dated 14/09/2019;
- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra biodiversity metric 2.0;
- (c) details of sensitive working practices to avoid harm to hedgehogs and nesting birds;
- (d) details of bat boxes or bat bricks to be installed;
- (e) details of swift boxes and sparrow terraces to be installed;
- (f) details of nesting sites to be installed to support other birds species;
- (g) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (h) prescriptions for the planting and aftercare of trees and shrubs of high biodiversity value;
- (i) proposed timings for the above works in relation to the completion of the buildings.

Biodiversity units should be delivered on site, within the red line and blue line boundaries shown on the submitted Location Plan. Those that cannot viably be delivered on site should be delivered locally, according to a local plan or strategy.

Reason

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

11.

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 commencement of use of the retail units 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.

12.

The mitigation measures described in Table 7.1 and 7.2 of the Air Quality Assessment, reference LDE2078-001 dated March 2020, shall be implemented in full for the duration of the proposed construction works.

Reason

To protect residential amenity and accord with policy DS1 of the North Lincolnshire Local Plan.

13.

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 retained thereafter.

Reason

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

14.

No plant for refrigeration, ventilation or air-conditioning shall be installed until details have been submitted to and approved in writing by the local planning authority. The details shall include an assessment of likely impact of the plant on residential amenity, specifying noise output and any mitigation measures necessary. All plant shall be installed and maintained in accordance with the details approved by the local planning authority.

Reason

To protect residential amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

15.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

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

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

Reason

To protect amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

16.

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:

- the works, and the method by which they are to be carried out;
- the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- 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:

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

Reason

To protect residential amenity to accord with policy DS1 of the North Lincolnshire Local Plan.

17.

No development shall take place until details of the private access road, including construction, drainage, lighting, servicing and the provision of suitable pedestrian crossing points into the development, have been submitted to and approved in writing by the local planning authority.

Reason

In the interest of highway safety and to accord with policy DS1 of the North Lincolnshire Local Plan.

18.

The development shall not be brought into use until the private access road has been completed in accordance with the approved details.

Reason

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

19.

The development shall not be brought into use until:

- (i) the access roads to the service and customer parking area;
- (ii) adequate cycle parking;
- (iii) the loading, off-loading and turning areas for all vehicles; and
- (iv) the parking spaces and access aisles (including surface markings);

have been provided in accordance with approved details and once provided all of these facilities shall thereafter be so retained.

Reason

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

20.

The proposed development shall not be brought into use until a delivery/servicing management plan (including delivery times) has been submitted to and approved in writing by the local planning authority. Once approved the delivery/servicing plan shall be implemented reviewed and updated as necessary.

Reason

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

21.

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

Reason

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

22.

No signage associated with the development shall be positioned within the limits of the adopted highway.

Reason

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

23.

The cycle park shall not be used until further details relating to security improvements have been submitted to and agreed in writing with the local planning authority.

Reason

In the interest of designing out crime and to accord with policy DS3 of the North Lincolnshire Local Plan.

Informative 1

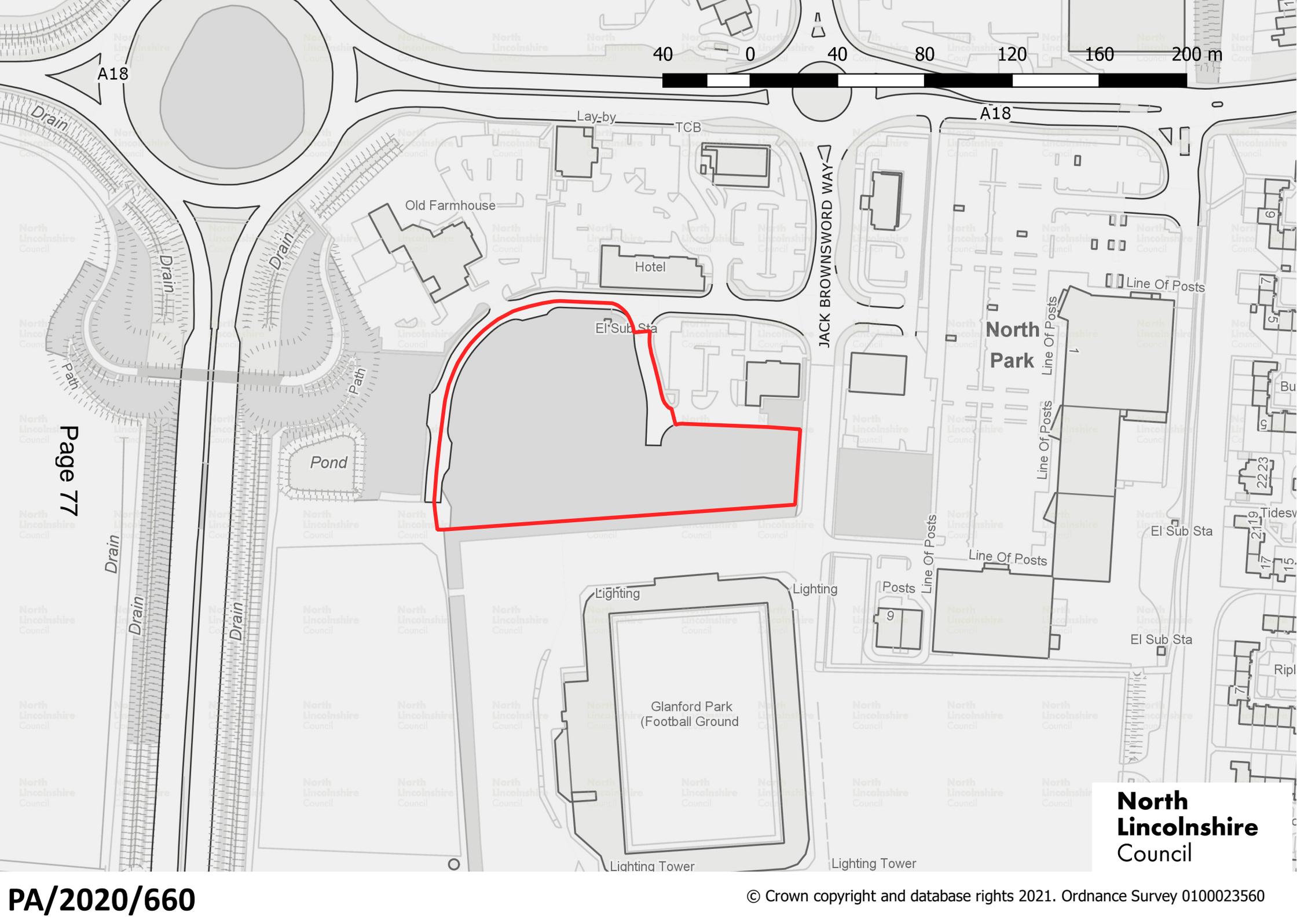
Our records indicate that the proposed development site is bounded by a watercourse (surface water pipe/culvert, pond or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. 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' detailing riparian rights and responsibilities. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 2

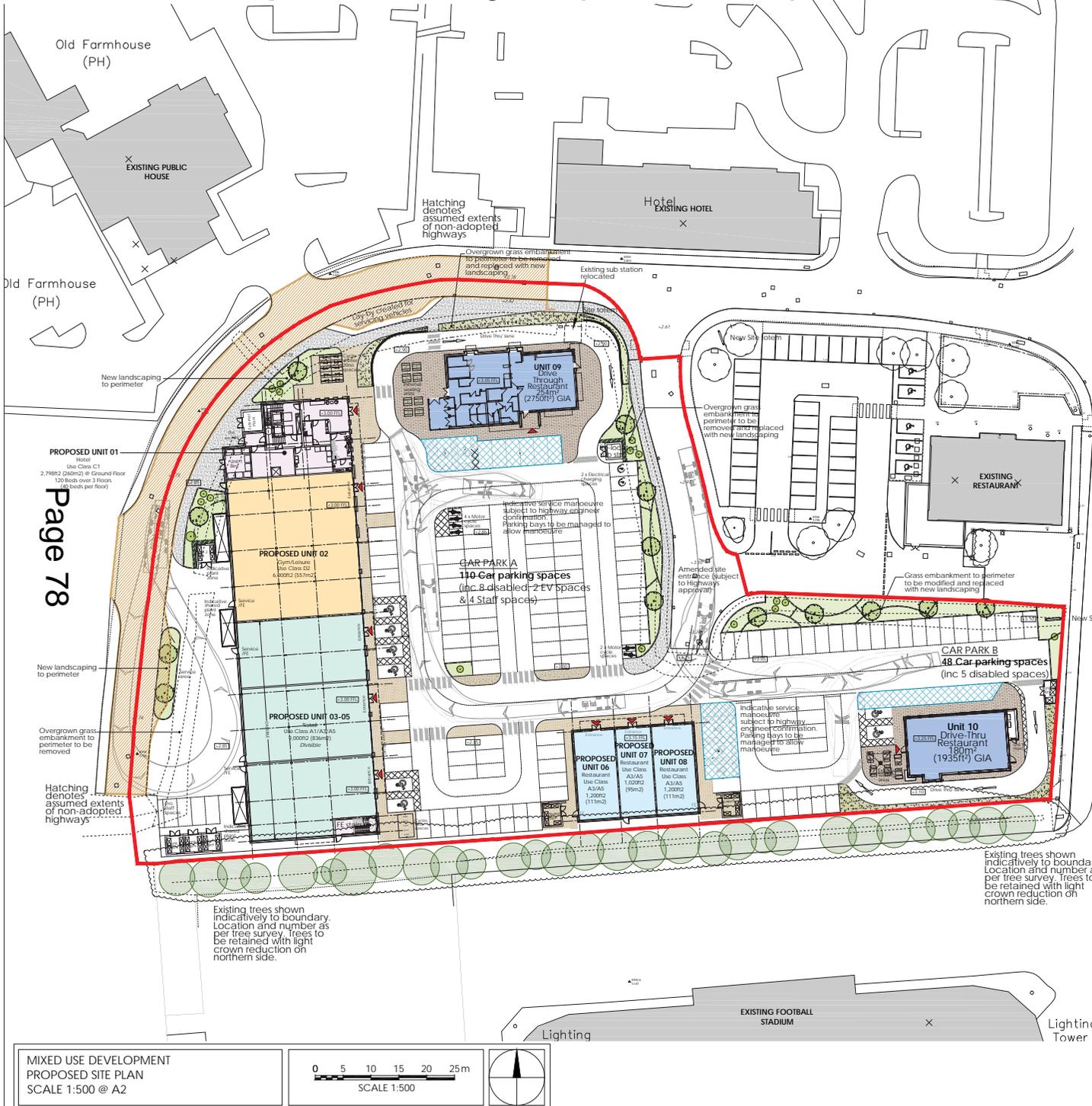
Alterations and/or connections into these watercourses must be consented by the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team on 01724 297522 or by email to llfadrainageteam@northlincs.gov.uk 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/2020/660 Proposed site layout (not to scale)



Schedule		sqft	sqm	Notes
Unit 1	Hotel	42,065	3,908	120 Beds over 3 floors plus 2,798sqft/ 260sqm of ground
Unit 2	Gym	6,000	557	
Unit 3-5	Retail (Divisible)	9,000	834	
Unit 6	Restaurant	1,200	111	
Unit 7	Restaurant	1,020	95	
Unit 8	Restaurant	1,200	111	
Unit 9	Drive Thru Restaurant	2,750	254	
Unit 10	Drive Thru Restaurant	1,935	180	
Total	Gym	6,000	557	
Total	Hotel	42,065	3,908	120 Beds over 3 floors plus 2,798sqft/ 260sqm of ground
Total	Restaurant	8,105	751	
Total	Retail	9,000	834	
Total	Overall Plus 120 Bed Hotel	65,170	6,052	
Overall Car Parking		158	Including 4 staff spaces, 13 disabled & 2 EV Charging 6 no. motorcycle spaces	

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Note:
Assumed site boundary and site constraints subject to confirmation.
All Legal easements and extent of existing underground services locations are subject to confirmation.

- Hatching denotes area of car park to be managed for servicing
- Application boundary 2.87 Acres (1.163 Hectares)

Page 78

MIXED USE DEVELOPMENT
PROPOSED SITE PLAN
SCALE 1:500 @ A2

0 5 10 15 20 25m
SCALE 1:500
NORTH

D	30.03.20	Client name updated and levels amended	CM	LEEB
C	20.03.20	Red line and area amended to suit comments	CM	LEEB
B	18.03.20	Topographical survey included	CM	LEEB
A	06.03.20	Updated to suit latest floor plans	RG	LEEB
Rev	Date	Description	Rev By	Chk'd By

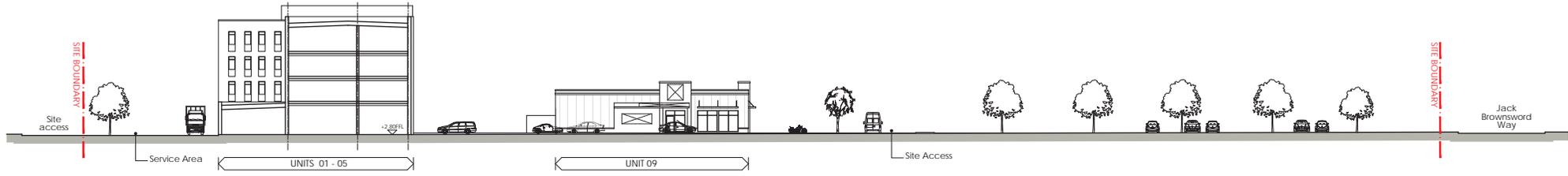
Project title	PROPOSED DEVELOPMENT GALLAGHER RETAIL PARK DONCASTER ROAD SCUNTHORPE	Drawing title	PROPOSED SITE PLAN
Client	RAFKINS (SCUNTHORPE) LEISURE PARK LTD	Job-Dwg No	13776-101
Status	PLANNING	Rev	D
Scale	1:500	Drawing Size	A2
Date	JAN 20	Drawn By	RG
		Checked	LEEB

2 St. Johns North, Wakefield, Wt1 3QA t. 01924 291800
 Carvers Warehouse, 77 Dale Street, Manchester, M1 2HG t. 0161 2388555
 The Old Rectory, 79 High Street, Newport Pagnell, MK16 6AB t. 01908 211577
 101 London Road, Reading, RG1 5BY t. 0118 9507700
 10 Gees Court, St Christophers Place, London, W1U 1JU t. 0207 4091215

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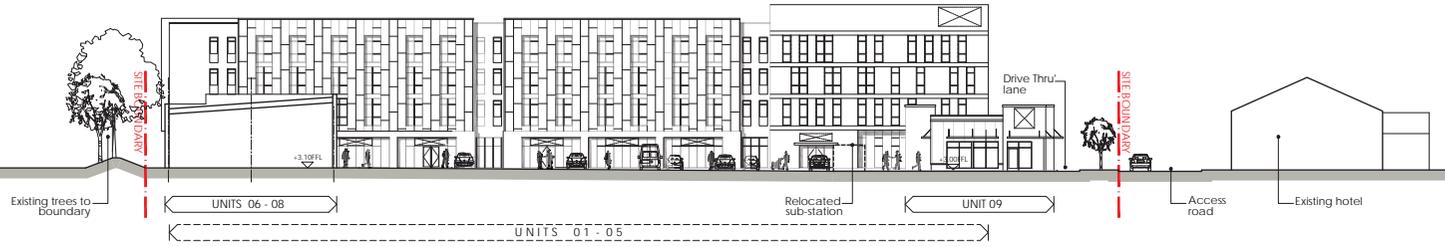
PA/2020/660 Proposed site sections (not to scale)

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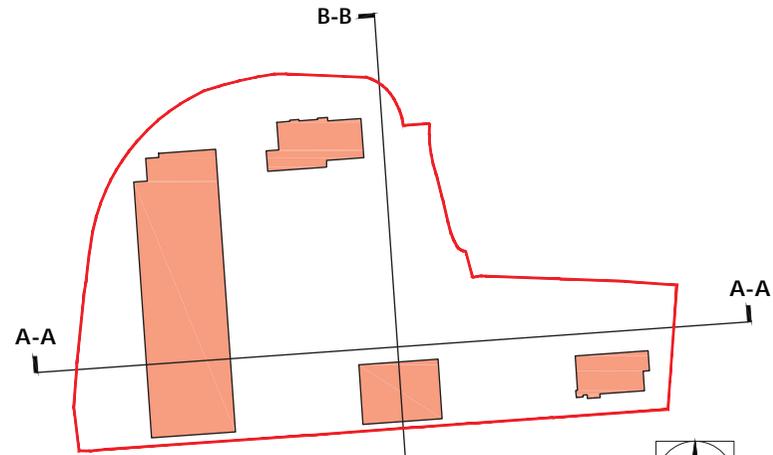


PROPOSED SECTION A-A
SCALE 1:500

Page 79

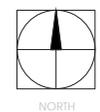


PROPOSED SECTION B-B
SCALE 1:500



SITE SECTION KEY
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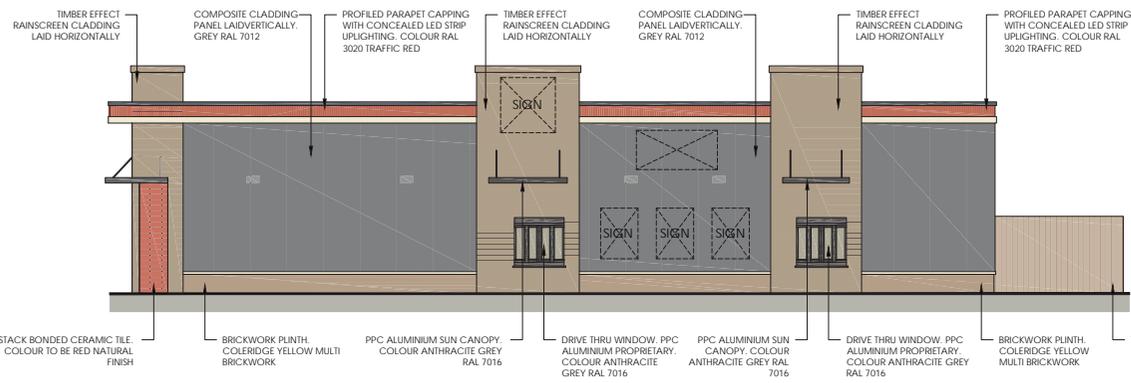
MIXED USE DEVELOPMENT
PROPOSED SITE SECTIONS
SCALE 1:500 @ A3



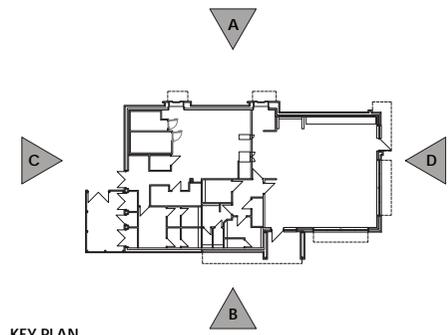
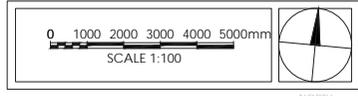
Rev	Date	Description	Rev By	Chkd By
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Project Title		PROPOSED DEVELOPMENT		
Client		GALLAGHER RETAIL PARK DONCASTER ROAD SCUNTHORPE		
Status		PLANNING		
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Date	MAR 20	Drawn By	CM	Checked
Drawing Title		PROPOSED SITE SECTIONS		
Job-Dwg No	13776-122		Rev	A
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		www.harrispartnership.com		

PA/2020/660 Unit 09 Proposed elevations (not to scale)

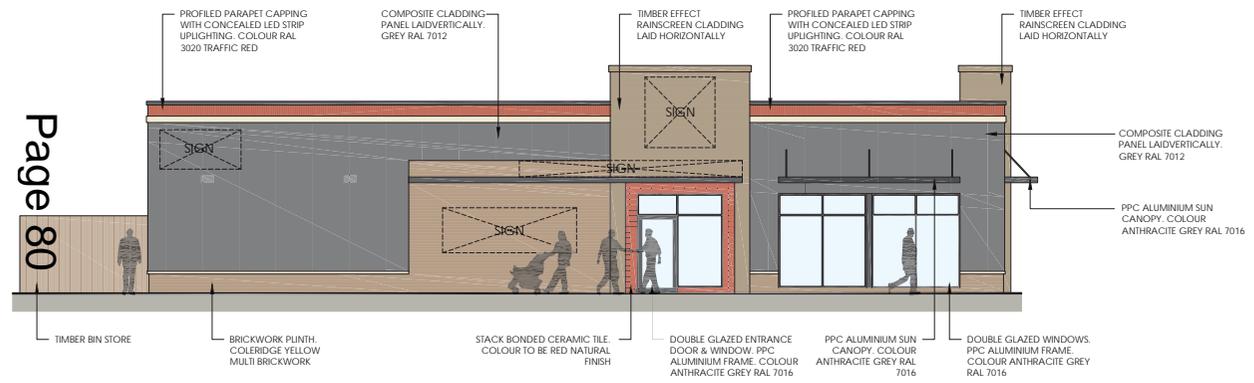
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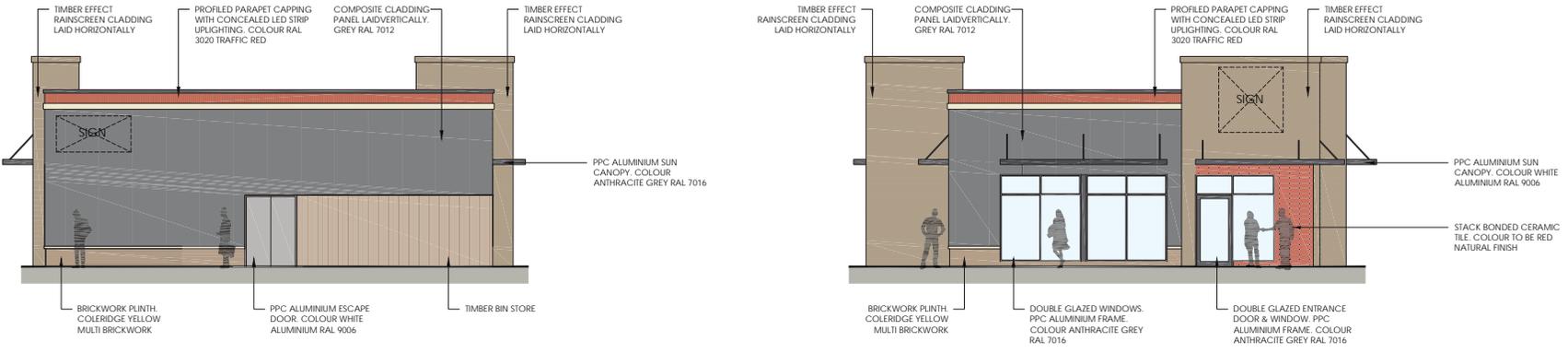
PROPOSED NORTH ELEVATION A
SCALE 1:100



KEY PLAN
NOT TO SCALE



PROPOSED SOUTH ELEVATION B
SCALE 1:100



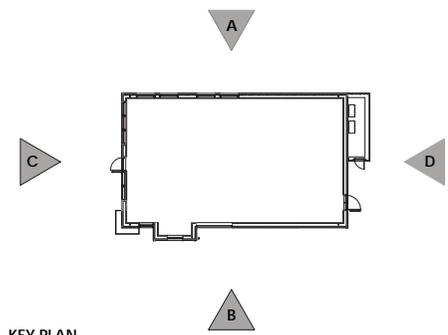
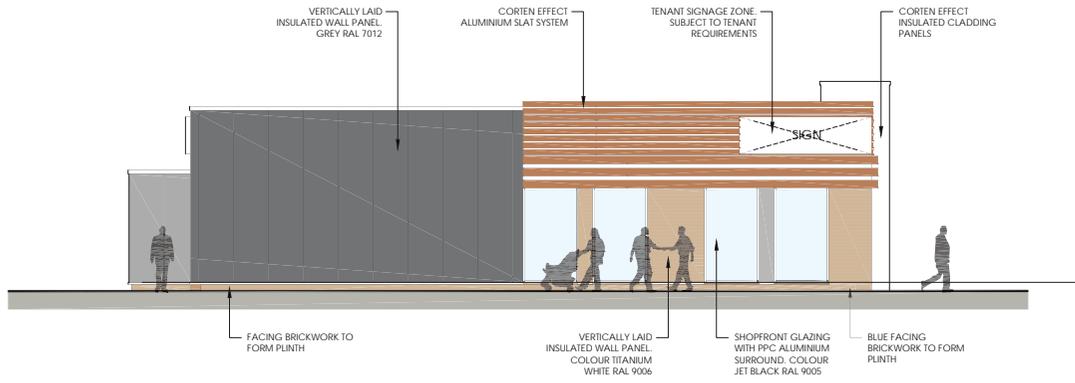
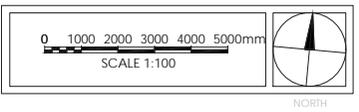
PROPOSED WEST ELEVATION C
SCALE 1:100

PROPOSED EAST ELEVATION D
SCALE 1:100

Page 80

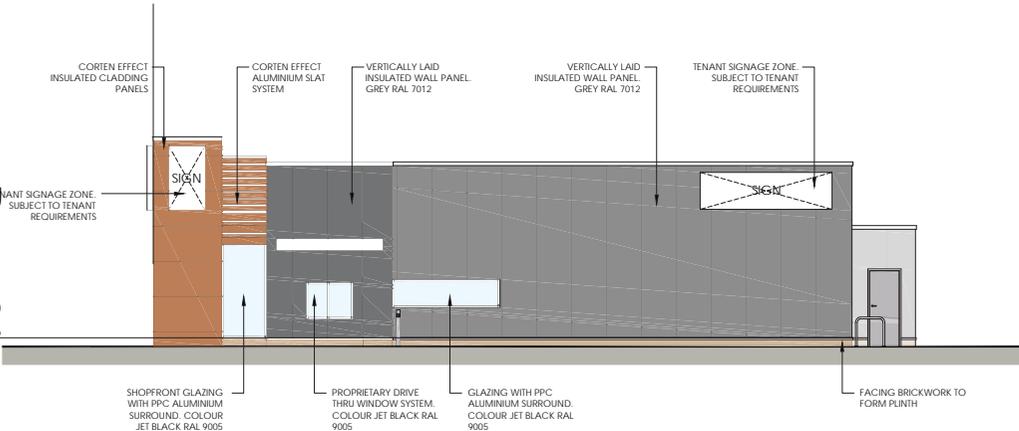
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GALLAGHER RETAIL PARK DONCASTER ROAD SCUNTHORPE				
Client: RAFKINS (SCUNTHORPE) LEISURE PARK LTD				
Status: PLANNING				
Scale: 1:100		Drawing Size: A2		
Date: MAR 2020	Drawn By: RG	Checked: LEEB		
Drawing Title: PROPOSED UNIT 09 ELEVATIONS				
Job/Dwg No: 13776-118			Rev: A	
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				<p>ARCHITECTS www.harrispartnership.com</p>

PA/2020/660 Unit 10 Proposed elevations (not to scale)

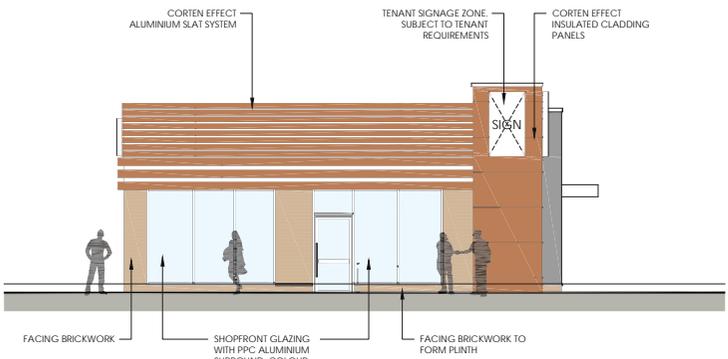


PROPOSED NORTH ELEVATION A
SCALE 1:100

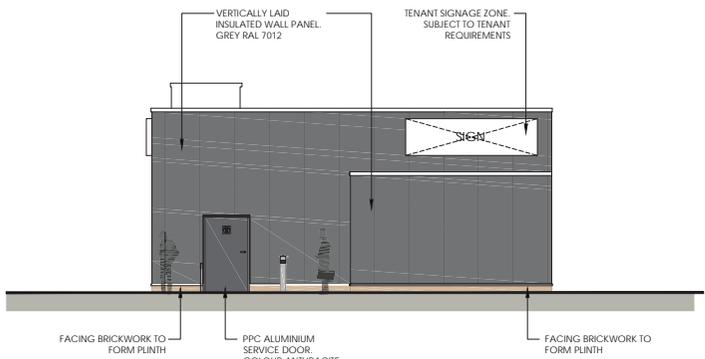
Page 81



PROPOSED SOUTH ELEVATION B
SCALE 1:100



PROPOSED NORTH ELEVATION C
SCALE 1:100



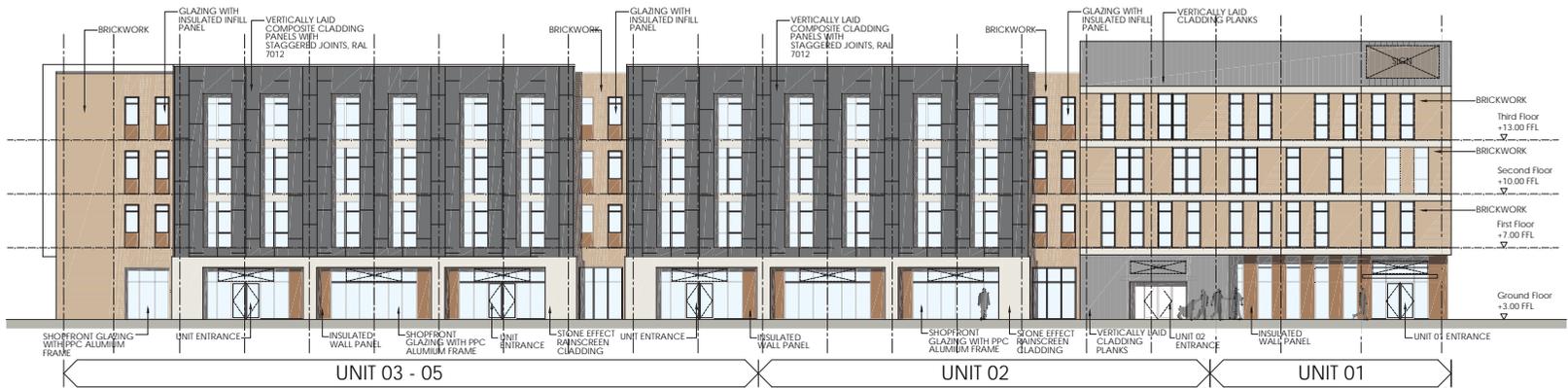
PROPOSED NORTH ELEVATION D
SCALE 1:100

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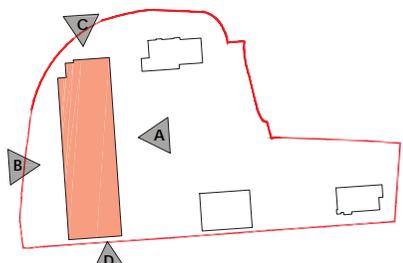
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A	30.03.20	Client name updated	CM	LEEB
Rev	Date	Description	Rev By	Chkd By
Project Title: MIXED USE DEVELOPMENT				
GALLAGHER RETAIL PARK DONCASTER ROAD SCUNTHORPE				
Client: RAFKINS (SCUNTHORPE) LEISURE PARK LTD				
Status: PLANNING				
Scale: 1:100		Drawing Size: A2		
Date: MAR 2020	Drawn By: RG	Checked: LEEB		
Drawing Title: PROPOSED UNIT 10 ELEVATIONS				
Job/Dwg No: 13776-120				Rev: B
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PA/2020/660 Units 01-05 Proposed elevations (not to scale)

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PROPOSED ELEVATION A - EAST ELEVATION
SCALE 1:200



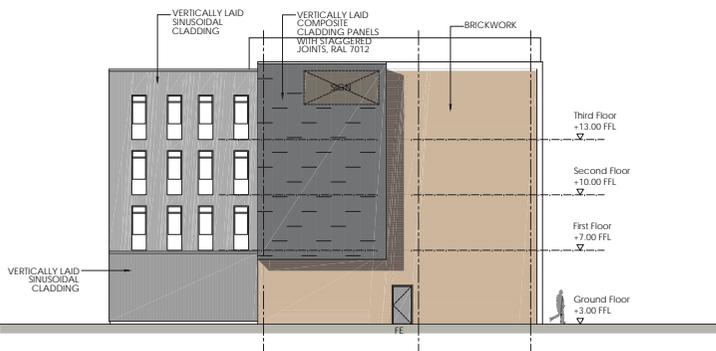
ELEVATION KEY PLAN
Not to Scale



PROPOSED ELEVATION B - WEST ELEVATION
SCALE 1:200

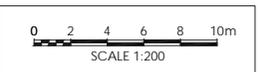


PROPOSED ELEVATION C - NORTH ELEVATION
SCALE 1:200



PROPOSED ELEVATION D - SOUTH ELEVATION
SCALE 1:200

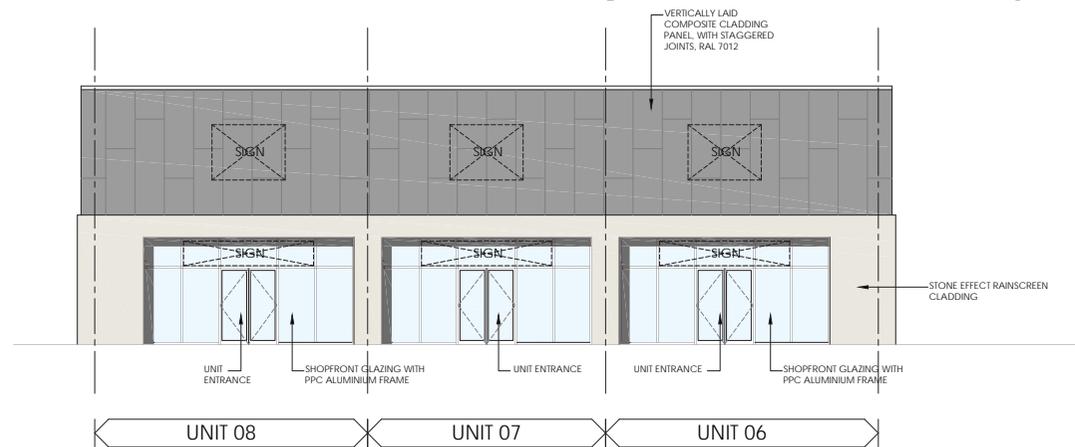
MIXED USE DEVELOPMENT
PROPOSED UNIT 01-05 ELEVATIONS
SCALE 1:200 @ A2



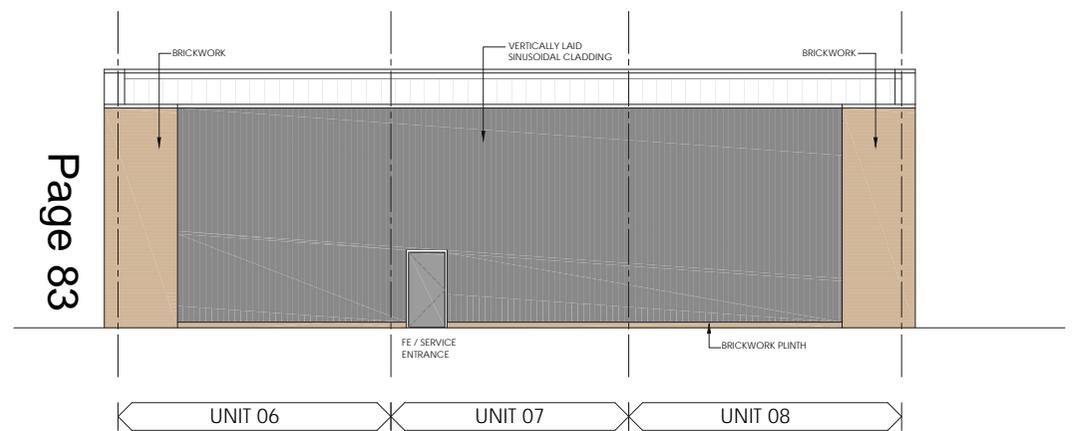
A	30.03.20	Client name updated, and levels amended	CM	LEEB
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Project Title: MIXED USE DEVELOPMENT GALLAGHER RETAIL PARK DONCASTER ROAD SCUNTHORPE				
Client: RAFKINS (SCUNTHORPE) LEISURE PARK LTD				
Status: PLANNING				
Scale:	1:200	Drawing Size:	A2	
Date:	MARCH 20	Drawn By:	CM	Checked: LEEB
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Job/Dwg No:	13776-114			Rev: A
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Page 82

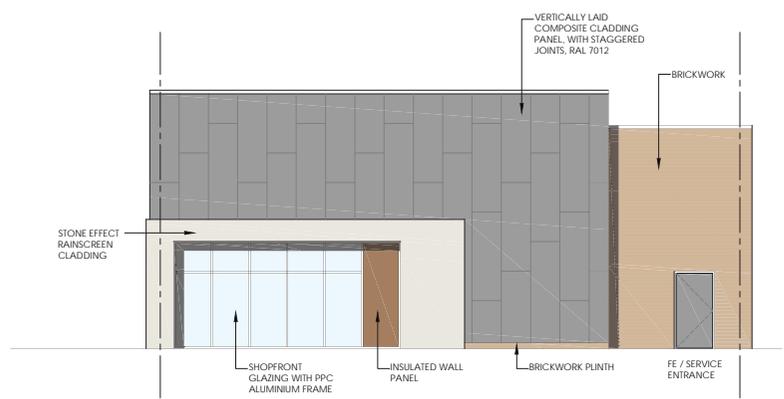
PA/2020/660 Units 06-08 Proposed elevations (not to scale)



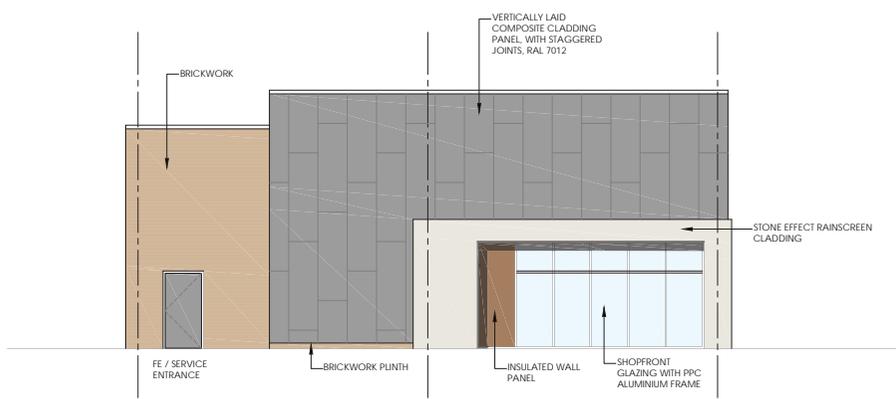
PROPOSED NORTH ELEVATION A
SCALE 1:100



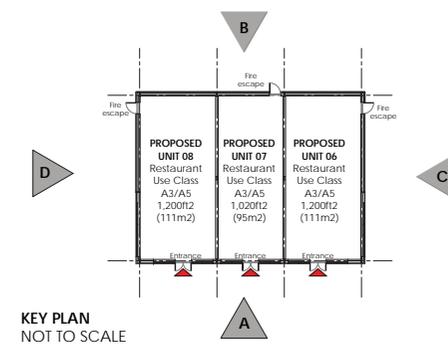
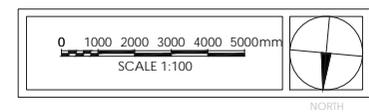
PROPOSED SOUTH ELEVATION B
SCALE 1:100



PROPOSED WEST ELEVATION C
SCALE 1:100



PROPOSED EAST ELEVATION D
SCALE 1:100



Page 83

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B	22.06.20	East elevation door amended to suit plan layout	CM	LEEB
A	30.03.20	Client name updated	CM	LEEB
Rev	Date	Description	Rev By	Chkd By

Project Title
MIXED USE DEVELOPMENT
GALLAGHER RETAIL PARK
DONCASTER ROAD
SCUNTHORPE

Client
RAFKINS (SCUNTHORPE) LEISURE PARK LTD

Status
PLANNING

Scale
1:100

Drawing Size
A2

Date
MAR 2020

Drawn By
CM

Checked
LEEB

Drawing Title
PROPOSED UNIT 06, 07 & 08 ELEVATIONS

Job-Dwg No
13776-116

Rev
B

- 2 St. Johns North, Wakefield, WF1 3QA t. 01924 291800
- Carvers Warehouse, 77 Dale Street, Manchester, M1 2HG t. 0161 2388555
- The Old Rectory, 79 High Street, Newport Pagnal, MK16 5AB t. 01908 211577
- 101 London Road, Reading, RG1 5BY t. 0118 9507700
- 10 Grees Court, St Christophers Place, London, W1U 1JU t. 0207 4091215

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APPLICATION NO	PA/2020/1626
APPLICANT	Mr & Mrs Besford
DEVELOPMENT	Planning permission to convert a barn into a dwelling, with a single-storey rear extension, detached garage and new vehicle access
LOCATION	38 High Street, Haxey, DN9 2HH
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Kevin Robinson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish 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 11 sets out the presumption in favour of sustainable development and confirms that, for decision-taking, this means:

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

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

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

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

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

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

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

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

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

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

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

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

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

North Lincolnshire Local Plan:

Policy RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy LC7 (Landscape Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy LC14 (Area of Special Historic Landscape Interest)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS7 (Overall Housing Provision)

Policy CS17 (Biodiversity)

CONSULTATIONS

Highways: No objections. Conditions relating to access and parking are requested.

Drainage (Lead Local Flood Authority): No objections. Request a condition requiring the drainage details to be submitted for approval.

Historic Environment Record: No objection. Request a condition removing permitted development rights for the resulting dwelling.

Conservation: Response received which confirms that the barn has no designated heritage protection. The assessment notes that the barn's frontage remains mostly intact, and the extension is single-storey and to the rear to minimise visual intrusion. No objections are raised.

PARISH COUNCIL

Raise objections on the loss of the railing frontage to number 38.

PUBLICITY

The application has been advertised by means of a site notice displayed adjacent to the site. No comments have been received.

ASSESSMENT

Planning history

PA/2003/0432: Planning permission to convert a barn to a dwelling – approved 14/05/2003 and confirmed as having been implemented. It should be noted that this approval also allowed provision for the access to 38 High Street.

The proposal site seeks permission to convert the barn to a dwelling with the provision of a detached garage. The garage is located within the defined development limits and to the rear of the neighbouring property at 38A. The proposal also includes provision for a new access onto High Street for number 38 and indicates the location for the parking facilities serving that property.

As identified above, **the key considerations for this type of development in this location and at this time, given the current five-year housing land supply are:**

- **the principle of the development proposed;**

- **the impact upon the character and form of the locality;**
- **highway safety;**
- **residential amenity; and**
- **flooding and drainage.**

The principle of the development

The built form of the proposal, whilst having some of its garden area extending beyond, is located within the defined development limits of Haxey. Policy H5 seeks to direct development toward the built form of settlements. Furthermore, with an extant approval under reference PA/2003/0432, it is considered that the barn conversion to residential is acceptable and supported in principle. The proposed detached garage would serve the new barn conversion. Located within the defined development limit, it is also considered to be an appropriate form of development and therefore acceptable in principle.

The proposed access serving number 38 is also approved under the extant permission and therefore can be carried out under that approval.

Impact upon the character and form of the locality

Policy DS1 of the local plan states that a 'high standard of design is expected' and sets out two criteria against which proposals will be considered:

- (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 and 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.

Policy LC14 of the local plan relates to the area beyond the development limits and states that proposals are required to meet the social and economic needs of the rural community and high standards of design reflecting the traditional character of buildings, using materials sympathetic to the locality. In this regard, whilst covering part of the site, none of the proposed development falls within the designation.

The site is contained by properties to the east and west. The barn abuts the highway and is prominent in views along High Street. Advice from the conservation officer confirms that, whilst there is no statutory protection for the barn as a heritage asset, there is a degree of historic interest to the building and its retention is considered desirable. The officer also notes that the proposed conversion retains the majority of the features of the barn. The rear extension would not be readily visible in views from High Street due to the tight grain of the

built form to either side. Subject to controlling the use of suitable materials in the extension, it is not considered that there would be any appreciable impact upon the character of the area and that the interest of the barn would be retained. In this regard the proposal is considered to be acceptable against the requirements of policies DS1, CS5, and H5.

The proposed rear garage is of a size and scale commensurate with a rear outbuilding. It is considered that, located to the rear of the property and to number 38A, the garage would not be prominent in public views from High Street or long distance views from the open countryside to the south. As such, it is not considered that there would be a significant effect against policies DS1, CS5 and H5 in this regard.

The proposal to provide a new access to number 38, as noted above, already benefits from the extant approval. As such, whilst the comments from the parish council are noted, it is considered that there is a fall-back position which allows for the access. The removal of the railing to the frontage of the property is considered to be a loss to the character of that property and to the area. There is, however, no protection afforded to the walling/railings. The applicant has advised that the railings are in a poor state of repair and that they will be removed shortly. Given that the walling and railings can be removed without requiring any permission and that there is an extant approval to create the new access to number 38, it is considered that the proposal accords with the requirements of policies DS1, CS5 and H5.

The comments from the HER Officer are noted. However, as the site is within the defined limits for Haxey and is currently garden curtilage to the existing property at 38 High Street, it is not considered that the removal of permitted development rights is reasonable and therefore is not recommended to be attached to any permission granted.

Highway safety

Policy T2 requires all development to be provided with a satisfactory access. In larger developments it should be served adequately by:

- (i) being readily accessible by a choice of transport modes; and
- (ii) existing public transport services and infrastructure; or
- (iii) additions or extensions to such services linked directly to the development; and
- (iv) the existing highway network.

Paragraph 109 of the NPPF advises, 'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

The highways officer has been consulted on the application and, subject to conditions to control the construction of the access, it is not considered that there would be any unacceptable impact upon highway safety. The proposal is therefore considered to be acceptable in this regard with policy T2 and guidance in the NPPF.

Residential amenity

Policies H7 and DS1 of the local plan require that proposals do not adversely impact upon the amenity of their locality.

In this regard, the proposal is for residential use within a predominantly residential area and therefore would not, in principle, pose any concern. The proposed conversion would have its main window openings facing toward High Street and down the plot at first floor, and would have kitchen and secondary family room windows to the side elevation facing toward number 38A. Toward number 38 there would be a single utility room window. As such it is not considered that there would be significant effects of overlooking from the proposal upon neighbouring properties. The proposed extension is single-storey and would not result in an increase in massing or relationship considered to be oppressive or significantly increase the potential for overshadowing to occur. As such, there is no significant effect from the proposed barn conversion on neighbouring properties.

The proposed garage would be sited to the rear of number 38A beyond the rear boundary, within the existing plot to number 38. Given the location and the single-storey nature of the proposal, it is not considered that there would be significant impacts of overlooking, overshadowing or oppression to warrant resistance on these grounds.

The proposed access to number 38, as noted benefits from the extant approval. Notwithstanding this, it is not considered that there would be a significant effect from the access and rear parking as indicated to warrant resistance on these grounds.

The proposal is considered to be acceptable in this regard in line with policies H7 and DS1.

Flooding and drainage

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

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

The Lead Local Flood Authority drainage officer has been consulted on the proposal and raises no objections subject to conditions to control the drainage of the site. It is considered, subject to these conditions, that the proposal is acceptable in this regard.

Other considerations

The barn has already been subject to alterations to the roof for the implementation of the existing permission. As such, and having visited the site, there was no indication of the site being highly likely to be occupied by protected species, with no evidence of either bats or owls using the building for habitat. As such, it is considered, subject to an informative attached to any approval granted in relation to the protection afforded under the Wildlife and Countryside Act 1981, that the proposal is acceptable in this regard.

The barn is within a residential garden and has been for some time. As such, it is not considered that there is a high likelihood of the site having been used for the storage of chemicals or that the ground is contaminated. It is therefore not considered that there is any

requirement for further investigation and a condition relating to unforeseen contamination is sufficient in this regard.

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:

- Proposed Site Plan dated 24 February 2021
- Proposed floor plans reference 1478/20/02
- Proposed elevations referenced PA/2020/1626/05
- Proposed Section reference PA/2020/1626/01
- Proposed Section reference PA/2020/1626/03
- Proposed Section reference PA/2020/1626/04
- Garage elevations reference PA/2020/1626/08

Reason

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

3.
Adequate vehicle access, parking and turning facilities serving the existing dwelling shall be retained in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

4.
No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

5.
The dwelling shall not be occupied until the vehicular access to it and the vehicle parking 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.

6.

No development shall take place until details of the external facing materials and window joinery to be used have been submitted to and approved in writing by the local planning authority and only the approved materials shall be used.

Reason

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

7.

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

Reason

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

8.

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

Reason

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

Informative 1

Should any protected species be discovered on site you are advised to obtain your own advice and to proceed in line with Wildlife and Countryside Act 1981 (As amended).

Informative 2

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

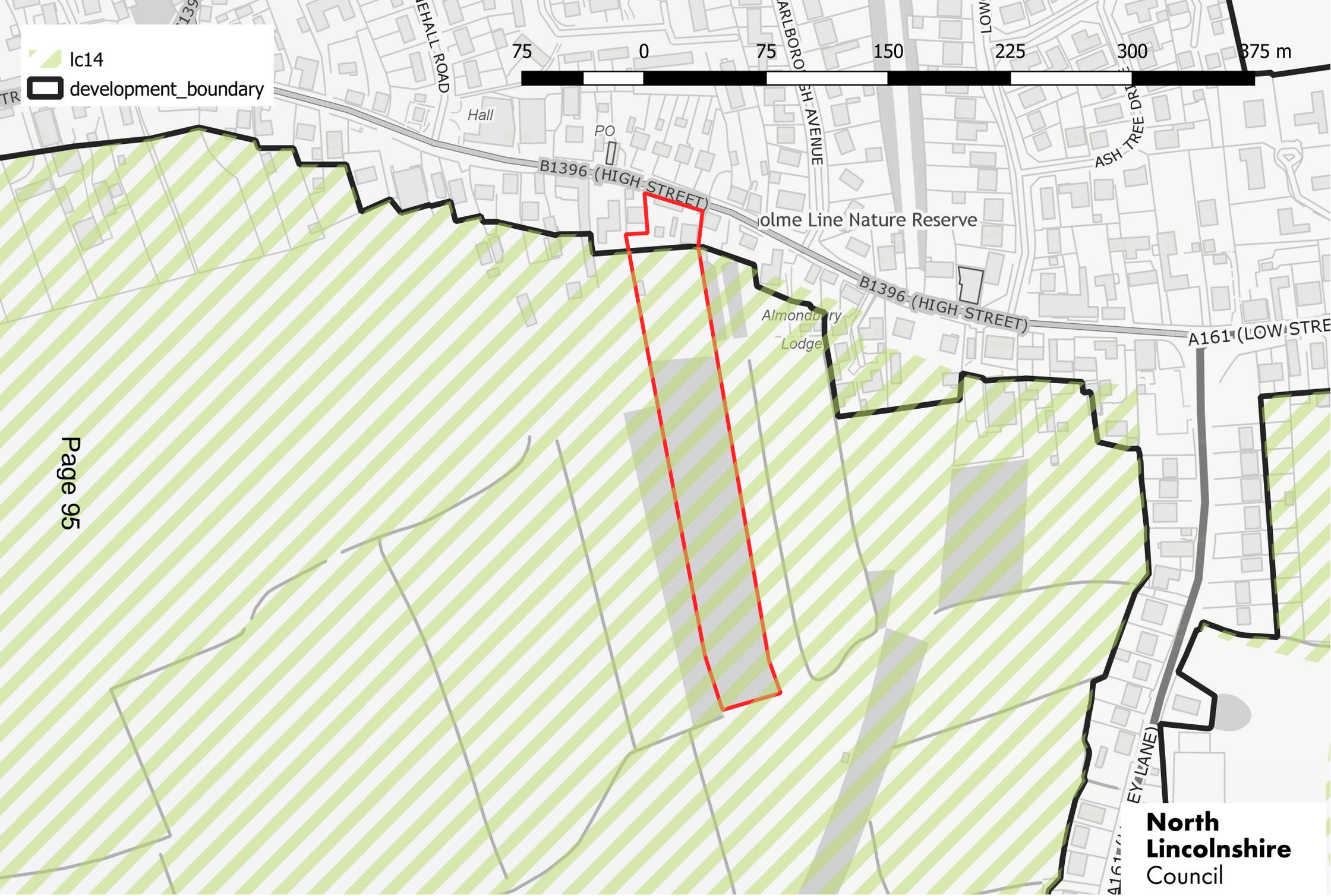
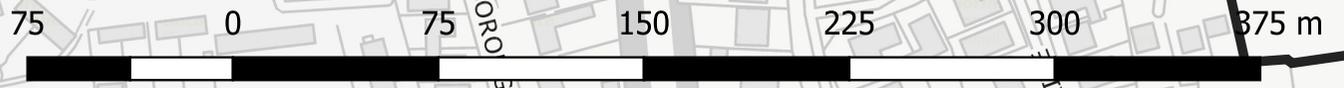
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;

- 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

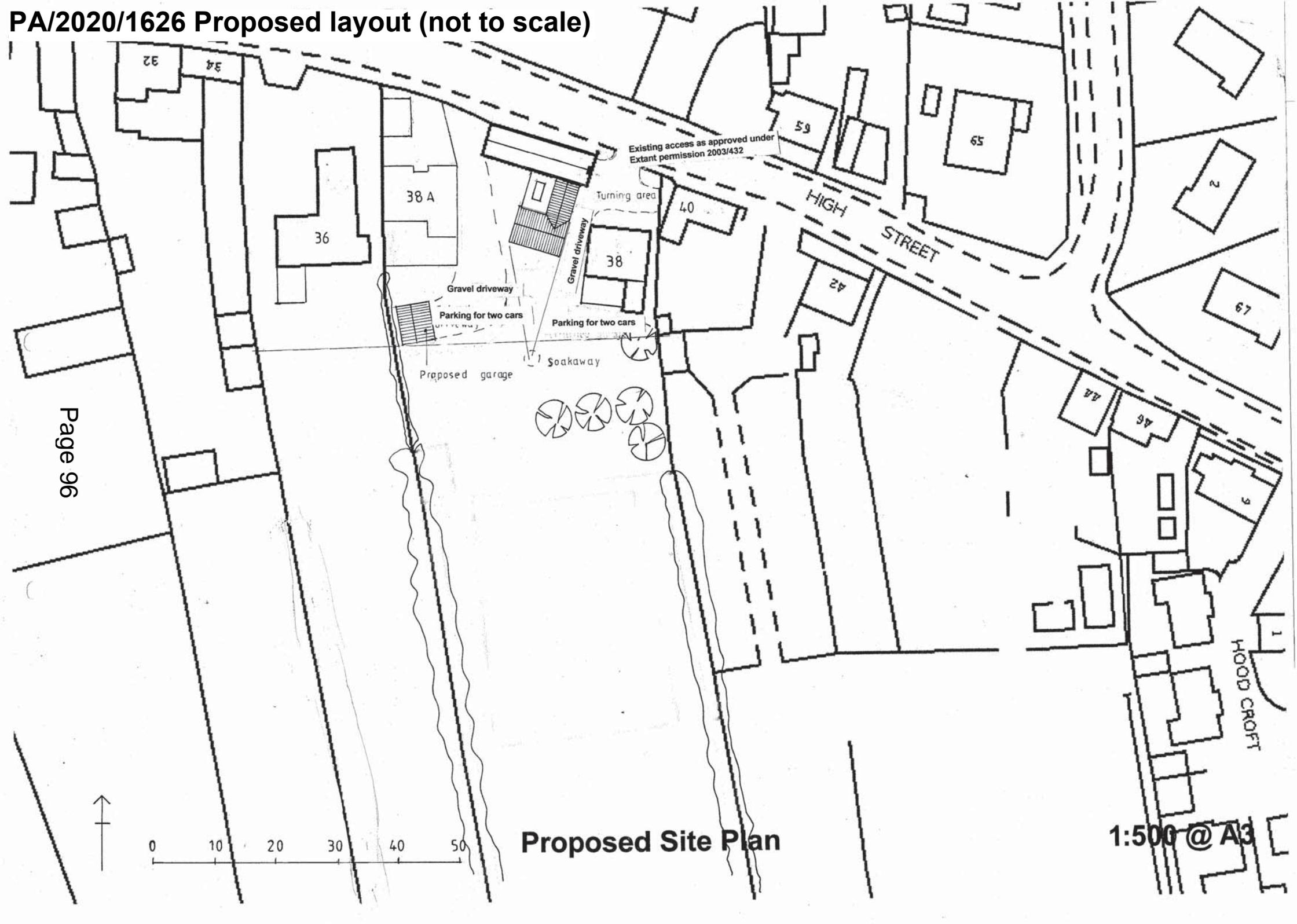
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

lc14
development_boundary



Page 95

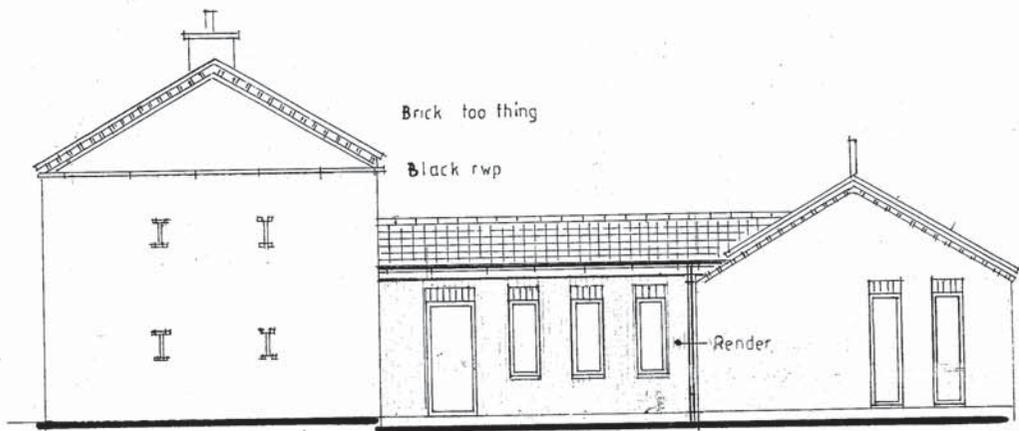
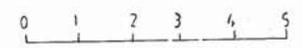
**North
Lincolnshire
Council**



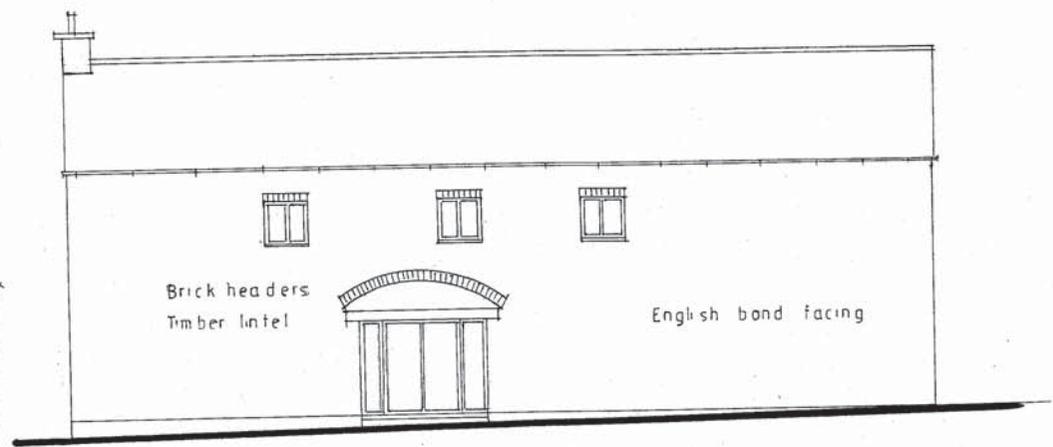
Proposed Site Plan

1:500 @ A3

HOOD CROFT



Proposed West Elevation

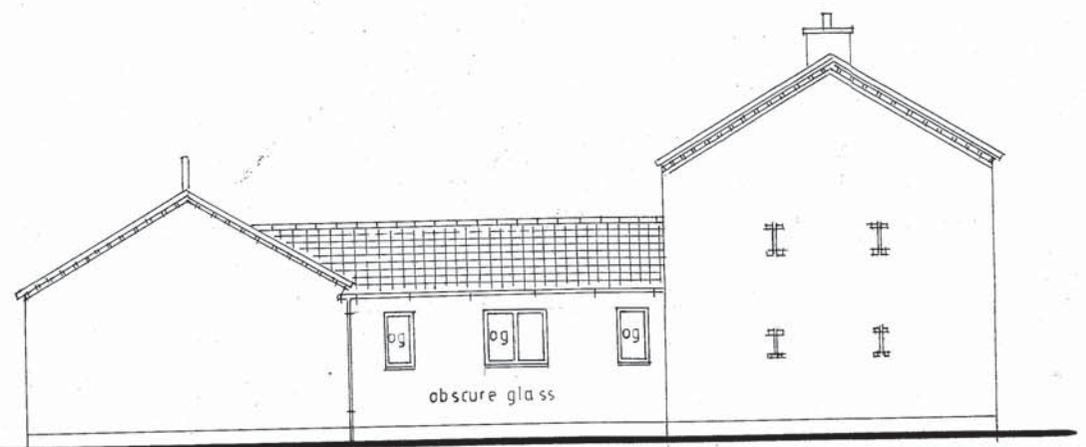


Proposed North Elevation

Page 97

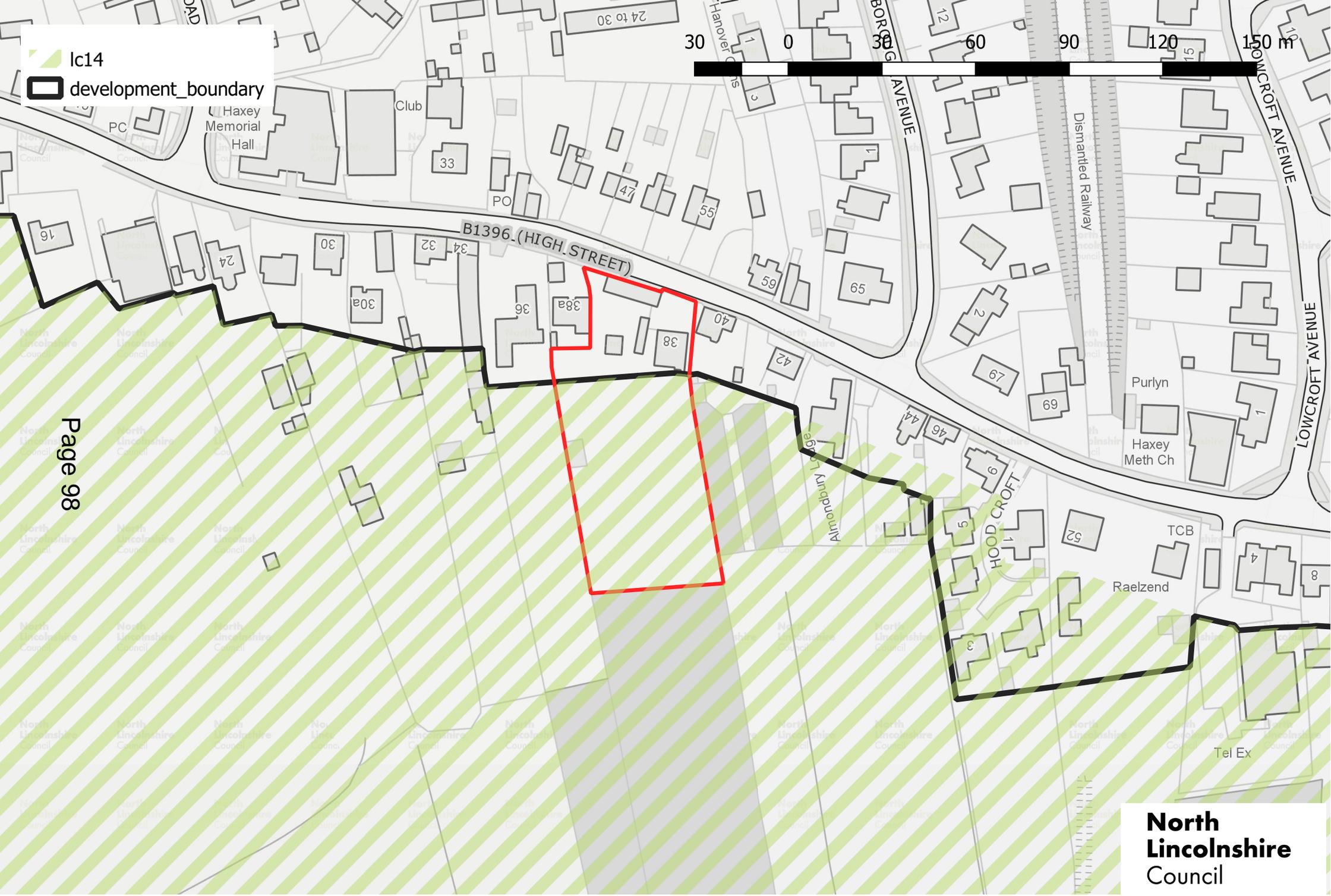
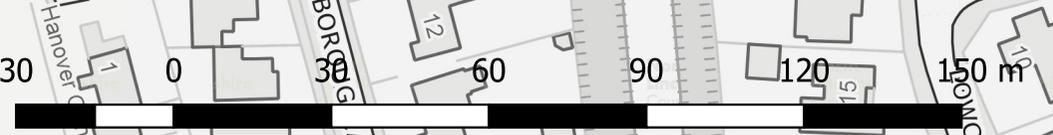


Proposed South Elevation



Proposed East Elevation 1:100 @ A3

 Ic14
 development_boundary



Page 98

**North
Lincolnshire
Council**

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.

DEVELOPMENT MANAGEMENT LEAD

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

Reference: CB/JMC/Planning committee 26 April 2021.docx

Date: 15 April 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/2020/1117

APPLICANT Mr Cherry, Cherry Tree Homes Ltd

DEVELOPMENT Planning permission to erect three dwellings and associated garages

LOCATION 7 Belton Road, Epworth, DN9 1JL

PARISH Epworth

WARD Axholme Central

CASE OFFICER Brian McParland

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Objection by Epworth Town Council
Significant public interest

POLICIES

National Planning Policy Framework: Section 12

North Lincolnshire Local Plan: DS1, DS7, DS11, LC12, H7, H8, T2, T19

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS18, CS19

CONSULTATIONS

Highways: No objection, but recommend conditions relating to access, parking, turning and cutting back the hedge.

Environmental Protection: No objection, but recommend a condition relating to contaminated land.

Ecology: No objection, but recommend conditions requiring a protected species method statement and a biodiversity management plan.

Tree Officer: No objection, but recommend a condition relating to root protection of the protected trees.

Drainage: No objection, but recommend a condition requiring the submission of a flood risk assessment and drainage strategy.

Archaeology: No objection.

TOWN COUNCIL

Objects as the proposal is over-development of the site by virtue of the size and number of proposed properties.

PUBLICITY

The application has been advertised by site notice and in the press. The responses received are summarised below:

- overlooking and loss of privacy
- boundary fencing too low
- drainage issues
- access and highway issues
- impact on ecosystems and wildlife
- impact on/loss of trees
- bin and waste management
- location of bins – smell and odour.

ASSESSMENT

The main issues to be considered are whether adequate justification can be demonstrated with regard to the principle of the proposed development, along with impact on character and design, neighbouring amenity, drainage, land quality, ecology, trees and the highway.

The site

The application site is on the east side of Belton Road and is garden land to the rear of 7 Belton Road; it is occupied by detached garages along the south boundary (to the rear of number 94). The site is within the development limit of Epworth and is within SFRA flood zone 1 (low). It is not within a conservation area and does not relate to a listed building. It is acknowledged that the site benefits from two tree preservation orders (TPOs) in the north-west corner of the site and one adjacent to the south boundary within the curtilage of number 94.

Proposal

Full planning permission is sought to erect three detached dwellings with associated garages. The site has been divided into three separate plots and the proposal includes the removal of the existing garages on the site.

Plot 1 would be to the north-east corner of the site and would be a one-and-a-half-storey dwelling (chalet style) finished with a pitched roof and rooflights at first floor. The dwelling would benefit from a detached single-storey garage along the north boundary.

Plot 2 would be to the north-west corner of the site and would be of a bungalow design finished with a hipped roof. The dwelling would benefit from an attached single-storey garage along the east elevation and would be finished with a pitched roof.

Plot 3 would be to the west side of the site and would also be of a bungalow design finished with a hipped roof. The dwelling would benefit from an attached single-storey garage along the east elevation finished with a hipped roof.

Each dwelling would benefit from four bedrooms. Materials are still to be determined. The proposal seeks to use the existing access serving number 7 from Belton Road, subsequently creating a shared access. A bin collection area has been designated along the access. A modest single-storey garage is also proposed to serve the existing dwelling (7 Belton Road) and would be sited to the rear.

Principle of development

Development limits for each settlement are set out in the Housing and Employment Land Allocations Development Plan Document and are strongly supported as a key tool in ensuring future development occurs in sustainable locations. The site is situated within the development limits of Epworth, which is defined in the Core Strategy as a market town. As a market town, Epworth is a very sustainable settlement with a range of services and facilities to support new housing. The market towns of Epworth, Barton-upon-Humber, Brigg, Crowle, Kirton in Lindsey and Winterton, along with the Scunthorpe urban area, are intended to cater for the majority of new residential development in North Lincolnshire. Moreover, housing is needed as the council currently does not have a five-year land supply, to which this proposal would make a modest contribution. Furthermore, it is also acknowledged that the proposal would improve the existing context of the vacant land.

In light of the above, the principle of residential use of the site in this location is acceptable (subject to the considerations below) and would accord with the overarching strategic policies of the Core Strategy and the principles set out in the National Planning Policy Framework (NPPF) in this regard.

Impact on character and design

The NPPF attaches great importance to the design of the built environment. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy DS1 of the North Lincolnshire Local Plan (adopted May 2003) and policy CS5 of the Core Strategy (adopted June 2011) are concerned with quality of design and amenity. In respect of impact on character, policy DS1 states that the design and external appearance of a proposal should reflect or enhance the character, appearance and setting of the immediate area. Policies H7 and H8 of the North Lincolnshire Local Plan are also considered relevant.

Many of the dwellings within the immediate area appear to benefit from a range of design principles (i.e. different size of plots with no consistent setbacks etc); subsequently, there is no uniformity in the pattern of development. Although the proposed dwellings would be to the rear of numbers 9, 9a and 11, it would not be a harmful form of backland development and would not be out of character with the local area.

The proposed dwellings would each have a footprint which is considered simple and would be well-balanced, given the size of their rear garden amenity spaces and the proposed turning and manoeuvring spaces within the site; the proposal is therefore not considered to

result in a contrived or cramped form of residential development. In addition, the proposed amenity space for each dwelling would be sufficient to meet the needs of the occupants; however, given the proximity of the dwellings to the site boundaries and the general character of space within the wider area, permitted development rights would need to be partly removed by condition, should permission be granted. This would ensure future occupants would have to apply for planning permission to any erect any extensions, outbuildings or garages to the dwellings.

The proposed dwellings would be of a modest, low-built bungalow and chalet design which would not be readily visible from the street scene. Based on the site and surrounding context, the introduction of three dwellings of the scale proposed would create an appropriate mix of dwelling size and type and would not be at odds with the character and appearance of the immediate area. Materials are still to be confirmed. It is acknowledged that the proposal would alter the green space which currently exists and is enjoyed by neighbouring residents; however, this space (the site) is not a protected amenity space.

It is considered that the proposed new dwellings, by way of their design, location, residential style and sensitive proportion, would be a befitting form of development. As such, the development would be in accordance with policies DS1, H7, H8 and CS5.

Neighbouring amenity

Policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and amenity. In respect of impact on amenity, policy DS1 states that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing. Policy H7 of the North Lincolnshire Local Plan is also considered relevant.

With regard to loss of privacy, massing and scale, the proposed dwellings would be of a single-storey bungalow design (plots 2 and 3) and so there would be no overlooking. It is acknowledged that plot 1 would be slightly larger compared with plots 2 and 3, given its chalet design; however, it would only be marginally larger and would have no east-facing fenestrations. Specifically, the rear rooflights of plot 1 would back onto properties (1, 3 and 5 Tottermire Lane). However, the deep rear gardens serving these properties (30 metres) would provide an adequate separation distance. This, coupled with the existing boundary treatments and the presence of rear residential enclosures (garden sheds etc), would mitigate harmful overlooking. Furthermore, it is acknowledged that plot 3 would be situated adjacent to the east site boundary shared with neighbouring properties 9, 9a and 11 to the east; however, given the low-built nature of plot 3 and the east–west orientation of the sun, the proposal would not result in a detrimental loss of sunlight to these properties. Holistically, the site would back onto the rear gardens of Tottermire Lane to the north and High Street to the south; however, this has influenced the design of the proposal (i.e. setback of plot 3 from the south boundary and the overall low-built nature of the proposal).

The proposed bin/refuse collection point would be adjacent to the rear amenity space serving 5 Belton Road, but no other details have been provided. Given there is potential for the bin/refuse collection point to cause smell and odour, concerns which would impact the amenities of number 5, further details are required with regard to means of enclosure, which can be secured by condition.

For these reasons it is considered that the proposed dwellings would not prejudice neighbouring amenities and the proposal would be in accordance with policies DS1, H7 and CS5.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst policy DS14 of the local plan is concerned with foul sewage and surface water drainage. The application site is located within flood zone 1 and therefore is a preferred place for development in terms of flood risk.

The council's drainage team has been consulted and has no objections subject to a pre-commencement condition requiring a flood risk statement and drainage strategy to be submitted for approval, given the historical issues with flooding in the area.

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 site is proposed to be a vulnerable use. The council's Environmental Protection team has reviewed the application and the submitted land quality report. They have no objection but recommend a contamination of land condition.

Ecology

The ecologist has suggested conditions which will secure the necessary mitigation measures and prevent unacceptable harm to protected and priority species. Subject to the requested conditions, it is considered that the proposed development is acceptable with regard to its impact on ecology.

Impact on trees

Policy LC12 of the local plan states that regard will be given to the protection of trees within the setting of settlements. It is acknowledged that the application site falls within a settlement and there are trees protected by TPOs within the site.

The council's tree officer has reviewed the application and the submitted tree report, and has no objection subject to a root protection condition.

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 applicant has submitted a report with regard to highway safety. The council's highways department has made an assessment and has no objection, subject to conditions relating to vehicle parking, access and turning spaces. It is considered that the proposal would be in accordance with policies T2 and T19.

Other matters

Boundary and drainage details have been secured by condition.

Conclusion

Whilst the proposed dwellings would alter the existing site context, they would not conflict with relevant local plan policies and would provide a contribution of three, four-bedroom single family dwellinghouses within the settlement boundary. Furthermore, the proposal would not result in over-development of the site which would result in an adverse impact on the surrounding character of the area and/or the neighbouring amenity.

Pre-commencement conditions

The recommended pre-commencement conditions 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: 20-036-1 Location Plan; 20-036-2 Rev C Site Plan; 20-036-05 Rev B Plot 3; 20-036-04 Rev A Plot 2; 20-036-3 Plot 1; 20-036-6 Garage Plot 1; 20-036-7 Additional Garage; Technical Note, Sanderson Associates Prepared by Carl Hoyle 28.01.2021; 4052 Phase 1 Geoenvironmental Risk Assessment; 211120/CHE Arboricultural Method Statement; Design & Access Statement.

Reason

For the avoidance of doubt and in the interest 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 Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

4.

The dwellings 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.

5.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation.

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

- (i) a survey of the extent, scale, and nature of contamination:
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;

- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and a proposal of the preferred option(s).

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

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

6.

No development shall take place until a protected species method statement has been submitted to and approved in writing by the local planning authority. The method statement shall include details of measures to avoid harm to hedgehogs, bats and nesting birds during vegetation clearance and construction works.

Reason

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

7.

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 include:

- (a) details of at least two bat roosting features to be installed;
- (b) details of nesting sites to be installed to support house sparrows and starlings;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) proposed timings for the above works in relation to the completion of the buildings;
- (e) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value.

Reason

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

8.

The protected species method statement and 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. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features and planted trees and shrubs, within two weeks of installation, as evidence of compliance with this condition.

Reason

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

9.

During construction, no plant, equipment or materials shall be placed within the root protection areas of the existing trees protected by a tree preservation order. The root protection areas shall be calculated in accordance with BS5837:2012.

Reason

To protect the integrity of the protected trees.

10.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling (including additions or alterations to the roof) hereby permitted, including any new buildings or enclosures, without the prior written approval of the local planning authority.

Reason

To satisfactorily protect the character and appearance of the area and the residential amenities of future occupiers, and to accord with policies CS5 of the North Lincolnshire Core Strategy and DS1 of the North Lincolnshire Local Plan.

11.

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

Reason

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

12.

The dwelling shall not 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. The agreed boundary treatment shall be built/planted before the dwellings are occupied and once built/planted it shall be retained.

Reason

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

13.

The dwellings shall not be occupied until enclosure details for the bin/refuse collection point have been submitted to and approved in writing by the local planning authority. The enclosure shall be made/constructed in accordance with the agreed details before the dwellings are occupied and once made/constructed it shall be retained.

Reason

To ensure there is no unacceptable loss of amenity in terms of smell and odour to 5 Belton Road.

Informative 1

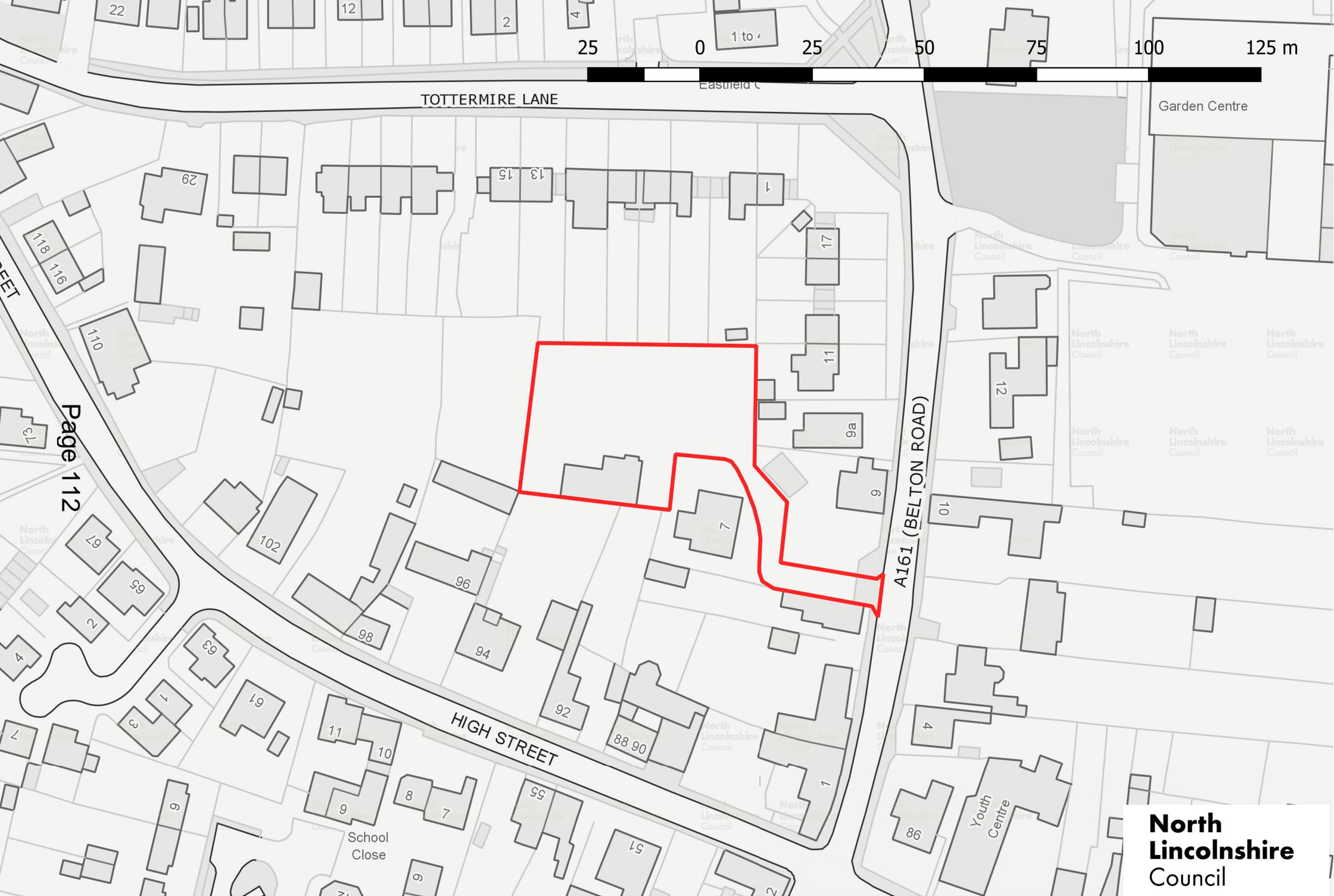
The hedge to the eastern boundary will require cutting back before any of the dwellings are occupied.

Informative 2

The applicant should review the comments provided by the recycling team, i.e. waste management guidance.

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 112

AMENDED

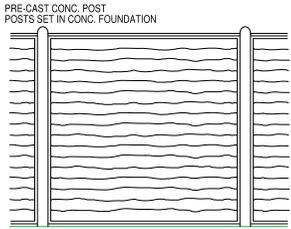


Page 113

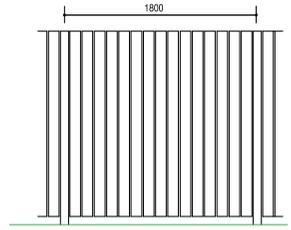


KEY

-  denotes proposed shrub planting
-  denotes proposed tree planting



1800 HIGH LARCH LAP FENCE



1800 HIGH SCREEN FENCE

REV A - NOV 20 - PLOTS 2 AND 3 AMENDED
 REV B - NOV 20 - PLOT 3 AMENDED
 REV C - FEB 21 - PLOT 3 AMENDED

CHERRY TREE HOMES LTD

**7 BELTON ROAD
 EPWORTH
 DN9 1JL**

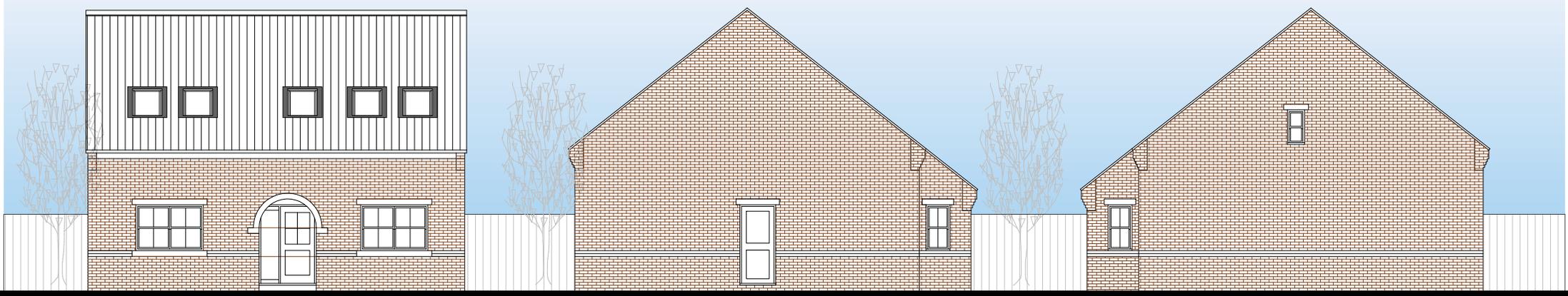
SITE PLAN

scale	date	drawn	checked
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drawing no	revision		
20 - 036 - 2	C		

C3 Architecture Planning & Design Ltd

Tel 07963 686613
 web www.c3planninganddesign.co.uk
 email info@c3planninganddesign.co.uk

PA/2020/1117 Plot 1 (not to scale)

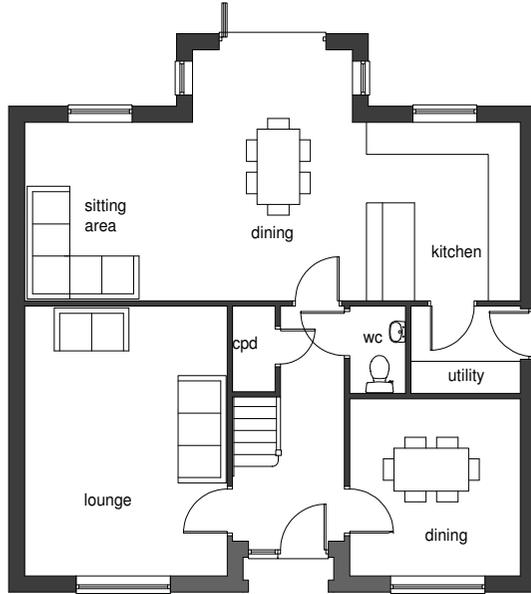


front elevation

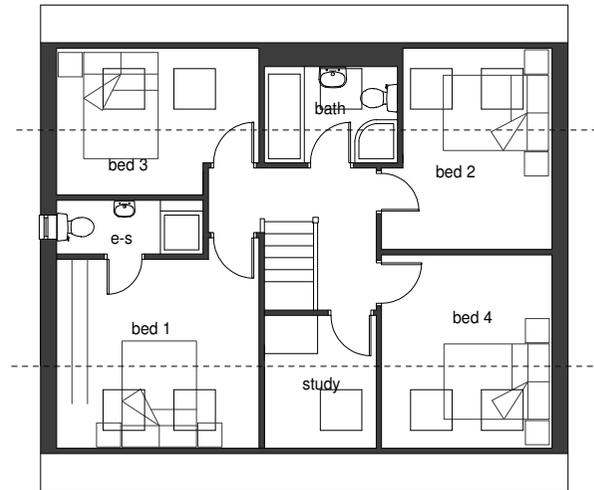
side elevation

side elevation

Page 114



ground floor plan



first floor plan



rear elevation

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**7 BELTON ROAD
EPWORTH
DN9 1JL**

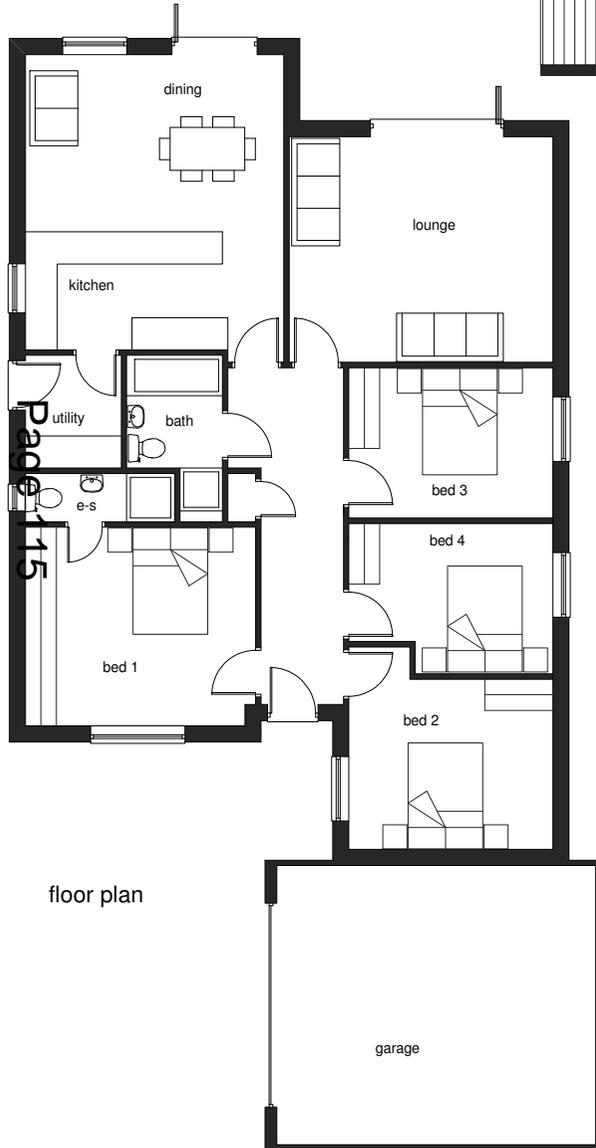
PLOT 1

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drawing no	revision		
20 - 036 - 3			

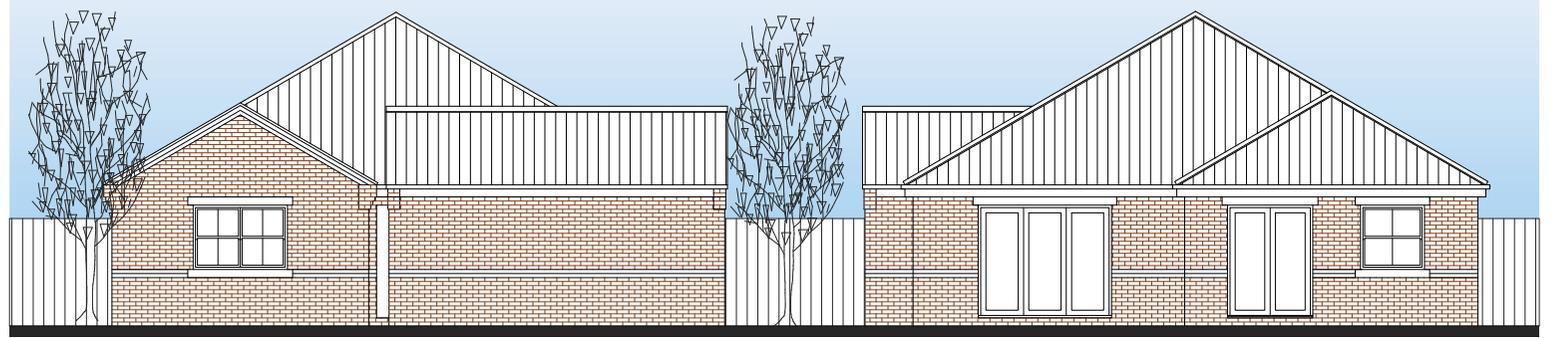
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AMENDED

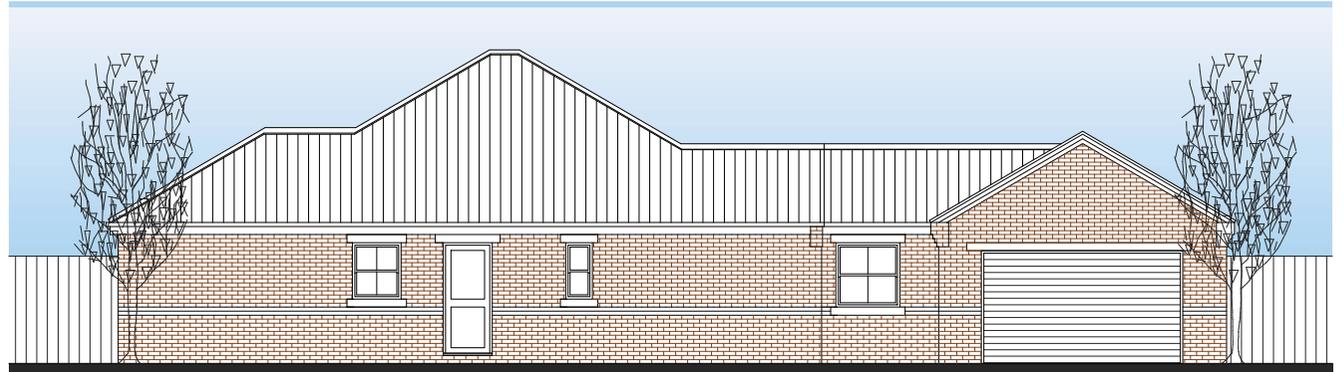


floor plan

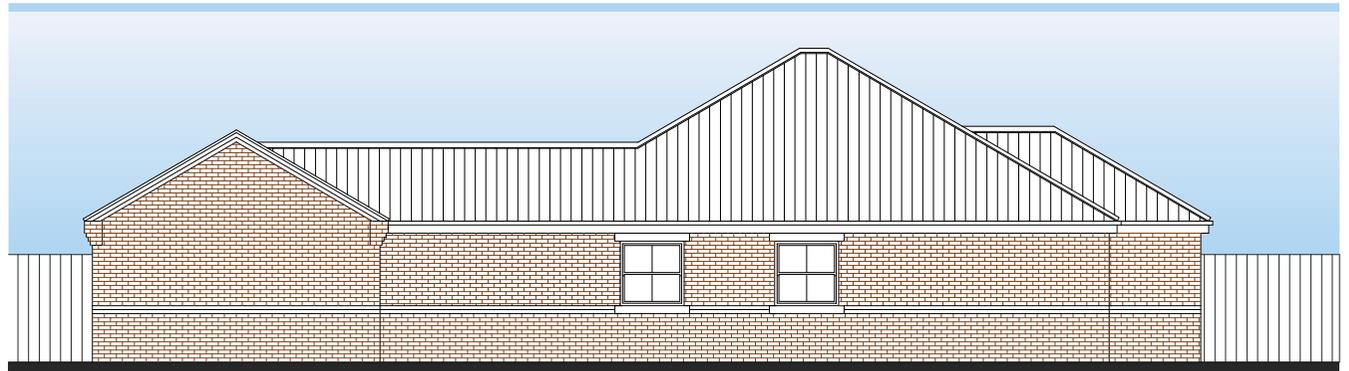


front elevation

rear elevation



side elevation



side elevation

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**7 BELTON ROAD
EPWORTH
DN9 1JL**

PLOT 2

scale	date	drawn	checked
1:100 @ A3	July 20	PB	
drawing no	revision		
20 - 036 - 4	A		

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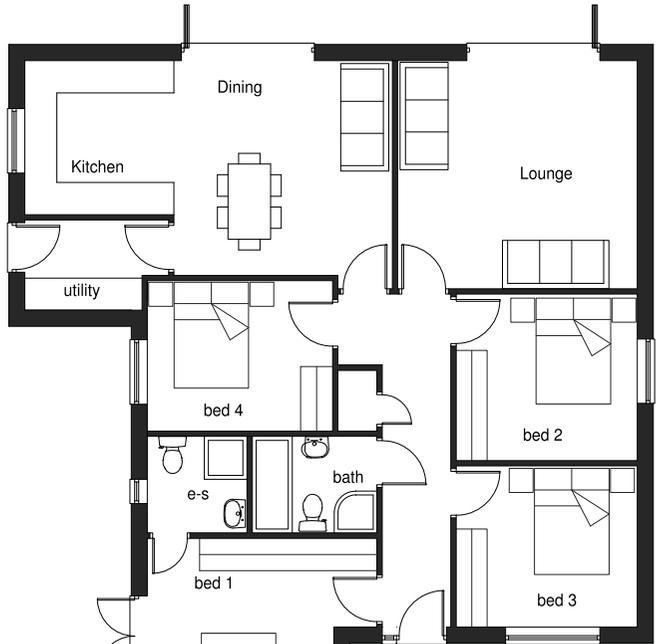
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front elevation



side elevation



floor plan



side elevation



rear elevation

Page 116

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**7 BELTON ROAD
EPWORTH
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PLOT 3

scale	date	drawn	checked
1:100 @ A3	July 20	PB	
drawing no	revision		
20 - 036 - 5	B		

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APPLICATION NO PA/2020/1599
APPLICANT Mr Michael Torr
DEVELOPMENT Planning permission to convert barn into dwelling
LOCATION 36 Westgate Road, Westgate, Belton, DN9 1QG
PARISH Belton
WARD Axholme Central
CASE OFFICER Brian McParland
SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Departure from the development plan

POLICIES

National Planning Policy Framework:

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

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

North Lincolnshire Local Plan: DS1, DS4, DS7, DS14, HE9, RD2, RD9, LC14, T2, T19

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS18, CS19

CONSULTATIONS

Highways: No objection, but recommend a condition relating to access, parking and turning.

Environmental Protection: No objection, but recommend a condition relating to contaminated land.

Ecology: No objection, but recommend conditions relating to biodiversity enhancements.

Environment Agency: No objection. 'The property lies in Flood Zone 1 of our Flood Map for planning although partly 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 established in the SFRA for this area.'

Drainage: No objection, but recommend a condition requiring the submission of a flood risk statement and drainage strategy.

Historic Environment Record: No objection, but recommend conditions requiring a programme of historic building recording of the barn; to ensure the design, landscaping and building materials are appropriate to the historic character; and removing permitted development rights to avoid the unregulated extension of the built environment into the special historic landscape.

'The applicant has submitted amended plans and drawings and provided additional information as requested in my previous memo.'

The preferred option would be to retain the buildings for use associated with agriculture, however the residential conversion of the barn will retain much of the original fabric and appearance of the historic building and is the most current viable use consistent with its conservation.

On balance, I am satisfied that the benefits of retaining this historic building and the contribution it makes to the historic landscape character and setting outweigh the negative effects of residential conversion that will result from extending the domestic environment into the historic landscape.'

PARISH COUNCIL

No objection.

PUBLICITY

The application has been advertised by a site notice and in the press. No responses received.

ASSESSMENT

The main issues to be considered are whether adequate justification can be demonstrated with regard to the principle of the development, impact on character and design, impact on the Isle of Axholme Area of Special Historic Landscape Interest, neighbouring amenity, drainage, land quality, ecology and highways.

The site

The application site is on the north side of Westgate Road and is occupied by an agricultural barn with an adjacent farmhouse (36 Westgate Road). The site is within the open countryside and the nearest settlement is Belton to the east. The site is not within a conservation area, is within SFRA flood zone 1 (low), does not relate to a listed building and does not affect any protected trees. The site does fall within policy LC14 land (Area of Special Historic Landscape Interest) in the Isle of Axholme.

Proposal

Full planning permission is sought to convert a barn into a dwelling. The dwelling would occupy a similar footprint to the existing barn and would maintain the existing two-storey appearance and the existing dropped roofline towards the west elevation, with an adjacent new exterior spiral staircase also proposed along the west elevation. The conversion would be served by a new single-storey rear projection. Minor external improvements are proposed and external materials to match existing. The proposed works also include internal alterations and the addition of a first-floor level. The proposed dwelling is considered a three-bedroom single family dwelling.

Principle of development

The application site is outside the settlement boundary and the proposal would represent a departure from the development plan. In determining whether the principle of residential development outside the settlement boundary is acceptable in this instance, it is necessary to consider whether the proposed development is sustainable in planning policy terms.

In relation to policy RD2 of the local plan (development in the countryside), there is scope for the re-use and adaptation of existing buildings in the open countryside under section v) provided that the proposal meets certain criteria (appropriate location etc). It is considered that the proposal does satisfy policy RD2. Regarding policy RD9 of the local plan, this policy sets out the council's approach to proposals for the residential conversion of rural buildings in the open countryside and states that such conversions will only be permitted if:

- (i) the building is of architectural or historic importance to the rural scene and is of substantial and permanent construction capable of conversion without major alteration:
- (ii) it can be demonstrated that residential re-use or adaptation is the only way to retain a building in viable continued use and/or secure the retention/improvement of the building; and
- (iii) the development will not create a need for new buildings to house activities displaced by conversion:
- (iv) the general design of the conversion retains and respects the original character of the building and is in keeping with its surroundings. Any extension should respect the scale and appearance of the original building; and
- (v) the development will not lead to the loss of habitat for protected species.

The application site is clearly of substantial construction and whilst it is of limited architectural merit, the council's Historic Environment Record has confirmed that the barn is

an asset of local historic value which contributes to the local landscape and should be retained. A structural report has been provided which demonstrates the barn is robust and there are no concerns in respect of its stability; subsequently, the barn is capable of conversion without major alteration. Furthermore, the proposed conversion to residential accommodation remains workable and practicable. Therefore, the proposal would satisfy parts (i) and (iii) of policy RD9.

No marketing information has been submitted as part of the application. The applicant has submitted details in which alternative uses of the site have been considered such as a potato merchant, but limited space is an issue and so is not possible. The storage of agricultural equipment has also been considered; however, the agricultural equipment would be too large for the barn. The applicant has also stated that the barn is no longer part of the working farm and is in a state of disrepair, as shown on photographs submitted with the application. Importantly, the barn lies directly to the rear of residential properties (32 and 36 Westgate Road). Therefore, it is considered that commercial employment uses are unlikely to be acceptable in this location and that residential re-use would be the only appropriate use of the barn. On this basis, it is considered unlikely that the buildings would be viable for commercial use in their current state. Therefore, the proposal would satisfy part (ii) of policy RD9. Full compliance with policy RD9 is also dependent upon the design of the conversion being acceptable and there being no loss of habitat for protected species; these issues are assessed within the body of this report.

There is a need for housing in North Lincolnshire as the council currently does not have a five-year land supply and the proposed new dwelling would make a modest contribution. Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 79 states that planning policies and decisions should avoid development of isolated homes in the countryside unless, (under section (c)) 'the development would re-use redundant or disused buildings and enhance its immediate setting.' In this case the proposal would re-use a redundant barn and enhance the immediate setting of the area in the interest of placemaking. As such, the proposal would be in accordance with paragraph 79 of the NPPF.

The proposal would not conflict with the relevant policies within the local plan and would be in accordance with paragraph 79 (c) of the NPPF. As such, the principle of development of the barn conversion would be acceptable, subject to the considerations below.

Impact on character and design

The NPPF attaches great importance to the design of the built environment. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area. Policy DS1 of the North Lincolnshire Local Plan (adopted May 2003) and policy CS5 of the Core Strategy (adopted June 2011) are concerned with quality of design and amenity. In respect of impact on character, policy DS1 states that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area.

The conversion has been designed to be sympathetic to the original structure, retaining its form and massing and making use of existing openings and limited new openings, where possible. A front elevation cladding feature is proposed which would be sympathetic to the existing barn door. A small, single-storey rear extension is proposed as part of the conversion and would serve as a living room and study (and would replace a similar rear extension); however, this has been designed to be sympathetic to the main structure, which

will remain the dominant visual feature. Materials used in the conversion will match the existing structure. As such, the proposal would satisfy part (iv) of policy RD9.

The proposed conversion would result in a new dwelling with a traditional and befitting appearance which would retain many of the key features of the original barn. The conversion will secure the long-term retention and maintenance of the barn, which is currently in a state of disrepair, and would benefit the appearance of the area and the character of the landscape. As such, the proposal would be in accordance with policy DS1 of the local plan and policy CS5 of the Core Strategy.

Impact on the Isle of Axholme

Policy LC14 designates the Isle of Axholme as an area of Special Historic Landscape Interest. Within this area, development will not be permitted which would destroy, damage, or adversely affect the character, appearance or setting of the historic landscape, or any of its features.

The council's archaeologist has commented as follows:

'The application site is located within the historic landscape character zone of the Early Enclosed Land (EEL) that forms the setting to the ancient open strip fields (AOSF) in this part of the Isle. The site is on the opposite side of Westgate to Belton Fields, one of the best-preserved areas of AOSF in the Isle. The EEL block of land north of Westgate retains the characteristic features of the EEL historic landscape described above, with clear open views from within and across the historic landscape, looking towards and out from the site, including from the Westgate roadside.

The EEL around Westgate dates from the 19th century or earlier. The farmhouse and barns at 36 Westgate are of late 18th/19th century date and are shown on the 1st edition Ordnance Survey map of 1885. The farmstead was one of a number that lay between the crossroads to the east and the main Westgate settlement to the west of Belton Field. It is the most complete example to survive along the length of Westgate opposite Belton Fields.

The roadside farmhouse at number 36 has been altered over the years, but the farm buildings on the site, including the barns to the rear and to the east side of the farmhouse, appear relatively little changed with no loss of buildings and only slight changes to their footprint. The farm buildings are constructed in local brick and pantile and make a valuable contribution to the agricultural character of the historic landscape along Westgate as the most complete 19th century survival. The farmstead is a heritage asset of local historic value that provides legibility to the historic landscape and an appreciation of its setting.

The applicant's heritage assessment does not identify or describe the farmstead and farm buildings as a heritage asset, nor does it include photographs of the buildings or their setting relative to the historic landscape other than a single high-level aerial view. The applicant's supplementary letter explores the options for continued use of the farm buildings for agricultural related purposes, but it is concluded that these would not be feasible. The conversion to residential use is thus likely to be the most viable use to sustain the existing structure and its future conservation.

The Structural Appraisal report includes some useful information and photographs. The main barn has a hayloft and attached two-storey granary and some of the roof timbers

appear to be original. The map evidence suggests that the front elevation of the barn has been altered to the west where a projecting section has been removed.

The structural report concludes “that the premises are constructed in a permanent and robust manner and that there are no major constraints or concerns in respect of its overall stability, nor ultimately its suitability and sustainability for conversion for other purposes, including residential usage.” Furthermore, the report recommends “The premises are of some historical interest and therefore we would advocate retention of original features wherever possible and the conversion works should be undertaken sympathetically utilising conservation materials including repointing work in NHL3.5 mortar mix, use of clay pantiles and re-use of original timberwork wherever possible.”

The land to the rear of the barn is open to the EEL fields behind and there is no visible physical boundary between the property and the historic landscape, emphasising the legibility of the landscape and the agricultural role of the barn.

In view of the contribution of the barn to the historic landscape character and setting, the preferred option would be to retain the buildings in agricultural use and maintain the historic function and association between the farmstead and historic landscape.

The effect of residential conversion of the barn will be to change the character of the historic farmstead and farm buildings within the setting of the historic landscape contributing to the erosion of the legibility of the heritage assets and their historic function. The effects of the domestic built environment, currently confined to the roadside, will extend to the rear property boundary and intrude further into the historic landscape and the wide-open views of the site from within the countryside and from the road.

The change to domestic use would introduce further inappropriate elements into the historic landscape such as boundary fences, hard paved drives and surfaces and external lighting; landscaped gardens and associated domestic and recreational structures, as well as otherwise permitted development. Such items would not be related to the traditional features and uses of the historic landscape and would harm the character.

On balance, I am satisfied that the benefits of retaining this historic building and the contribution it makes to the historic landscape character and setting outweigh the negative effects of residential conversion that will result from extending the domestic environment into the historic landscape.

Any permission should be subject to conditions that secure the following:

- a programme of historic building recording of the historic farmstead prior to conversion work;
- details of the design, landscaping and building materials to ensure they are appropriate to the historic character;
- removal of permitted development rights within the residential curtilage to avoid the unregulated extension of the built environment into the special historic landscape.’

Considering the above and subject to conditions, the proposal would not adversely affect the character, appearance or setting of the historic landscape, or any of its features. As such, the proposal would be in accordance with policy LC14 of the North Lincolnshire Local Plan, and policies CS5 and CS6 of the Core Strategy.

Neighbouring amenity

Policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and amenity. In respect of impact on amenity, policy DS1 states that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

The proposal would be of a modest design and there would be no east elevation fenestrations and no first-floor south elevation fenestrations. The proposal does include an external spiral staircase along the west elevation; however, the neighbouring property (40 Westgate Road) would be set back by approximately 50 metres and separated by outbuildings. There are no other residential properties in proximity to the site. Furthermore, the proposed development would not increase the scale or massing of the barn. For these reasons, it is considered the proposed conversion would not prejudice neighbouring amenities. As such, the proposal would be in accordance with policy DS1 of the local plan and policy CS5 of the Core Strategy.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst policy DS14 of the local plan is concerned with foul sewage and surface water drainage.

The council's drainage team have been consulted and have no objections subject to a pre-commencement condition requiring the submission of a flood risk statement and drainage strategy, given the historical issues with flooding in the area.

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

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 site is proposed to be a vulnerable use; however, the applicant has not submitted any information regarding land quality. A condition in relation to contamination of land is recommended.

Ecology

The ecologist has suggested conditions which will secure the necessary mitigation measures and prevent unacceptable harm to protected and priority species. Subject to the requested conditions, it is considered that the proposed development is acceptable with regard to its impact on ecology. The proposal would satisfy part (v) of policy RD9 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 site is served by an existing means of access from Westgate Road and has sufficient off-road parking available. The

council's highways department has no objection to the proposal, subject to a condition. It is therefore considered that the proposal would be in accordance with policies T2 and T19.

Conclusion

Whilst the proposal is within the open countryside and in an area of Special Historic Landscape Interest, it would not conflict with the relevant local plan policies. On balance, the proposed barn conversion would comply with the overarching paragraph 79 (c) of the NPPF which has been given significant weight.

Pre-commencement conditions

The pre-commencement conditions included in the recommendation 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: 005 Site Plan as Existing; 001 Barn Ground Floor Plan as Existing; 002 Barn Elevation as Existing; 009 Barn Ground Floor Plan as Proposed; 010 Barn First Floor Plan as Proposed; 008 Rev A Barn Elevations as Proposed; 003 Garage Floor Plan as Existing; 004 Garage Elevations as Existing; Heritage Statement; Design, Access & Planning Statement; Structural Appraisal Report; additional Archaeology information (letter); Ecological Impact Assessment.

Reason

For the avoidance of doubt and in the interest 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 Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

4.

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.

5.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation.

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

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

(iii) an appraisal of remedial options, and a proposal of the preferred option(s).

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

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

6.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an Historic Building Record, to be defined in a Written Scheme of Investigation that has been submitted to, and approved in writing, by the local

planning authority. The strategy shall accord with a brief provided by North Lincolnshire Historic Environment Record equivalent to Historic England's Level 2 building survey. The historic building recording shall be carried out in accordance with the approved details and timings.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan, as the historic farm buildings are a heritage asset of local value and are within the important historic landscape. Conversion will result in the loss of historically significant evidence; the proposed historic building record will ensure that such evidence is appropriately recorded, and a permanent archive created.

7.

The historic building report shall be deposited at the North Lincolnshire Historic Environment Record and the archive at North Lincolnshire Museum within six months of the date of commencement of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the significance of historic buildings will be affected; the proposed recording will ensure that the heritage asset is appropriately recorded and a permanent archive created.

8.

No development shall take place until detailed drawings at a scale of 1:10 of the proposed windows have been submitted to and approved in writing by the local planning authority.

Reason

To comply with policies RD9 and HE9 of the North Lincolnshire Local Plan as the barn is a heritage asset of local significance.

9.

No development shall take place until details of the external facing materials to be used have been submitted to and approved in writing by the local planning authority and only the approved materials shall be used.

Reason

To comply with policy CS6 of the Core Strategy, and policies RD9 and HE9 of the North Lincolnshire Local Plan, as the barn is a heritage asset of local significance.

10.

Notwithstanding the provisions of Classes A, B, C, D, E and G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, or any order re-enacting that order with or without modification, no extensions, buildings or enclosures shall be erected on the site or installed on the building other than those expressly authorised by this permission.

Reason

To protect the historic landscape in accordance with policies LC14 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.

11.

No development shall commence until the local planning authority has been provided with either:

- (a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorizing the specified development to go ahead; or
- (b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

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

12.

Works and biodiversity enhancements shall be carried out strictly in accordance with sections F.4.2, F.5.2 and G of the submitted Ecological Impact Assessment document dated August 2020. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features, within two weeks of installation, as evidence of compliance with this condition. All biodiversity features shall be retained thereafter.

Reason

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

Informative 1

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

Informative 2

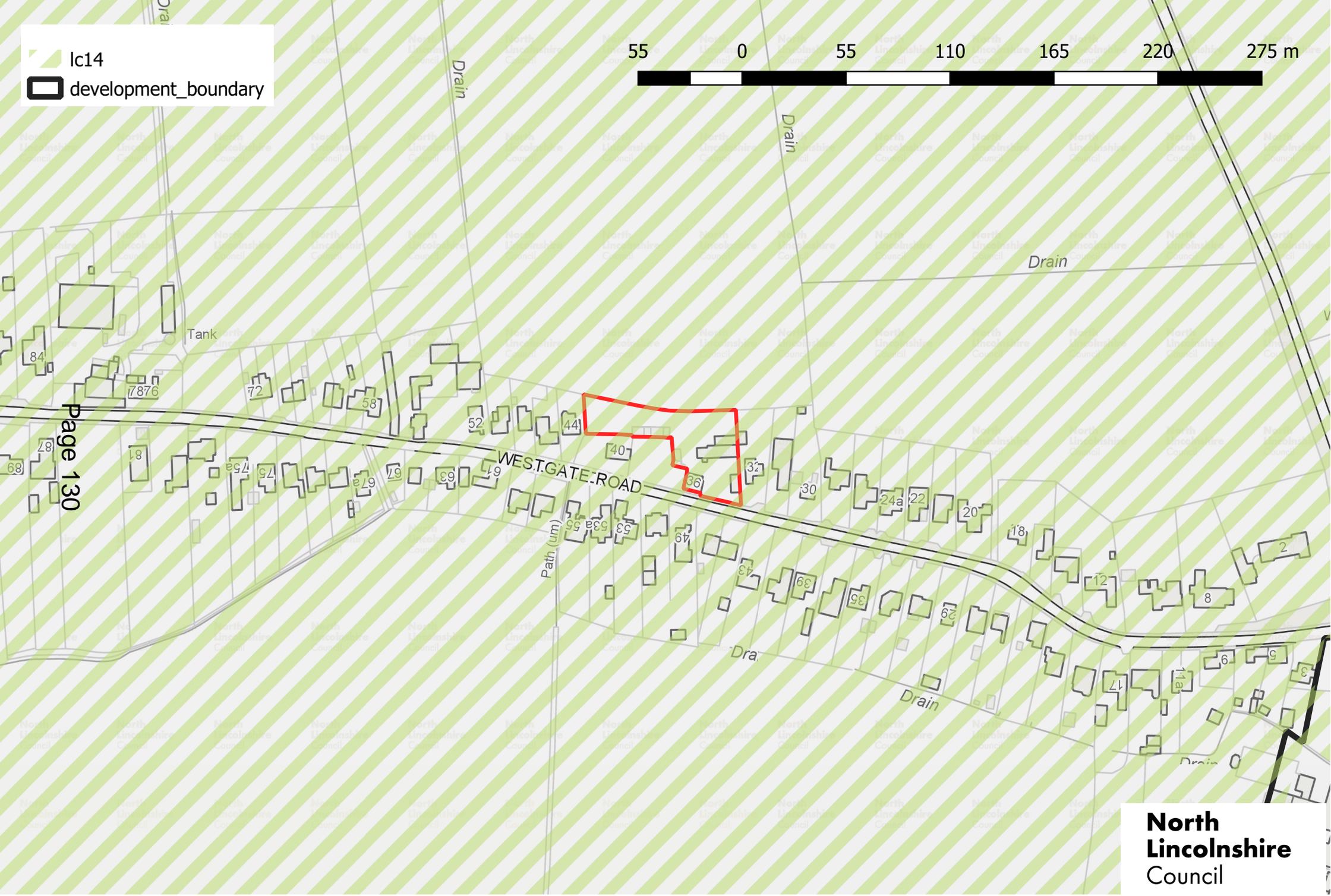
Connections must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, or the local Internal Drainage Board through an Ordinary Watercourse Consent, and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team on 01724 297522 or by email to llfadrainateteam@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.

lc14
development_boundary

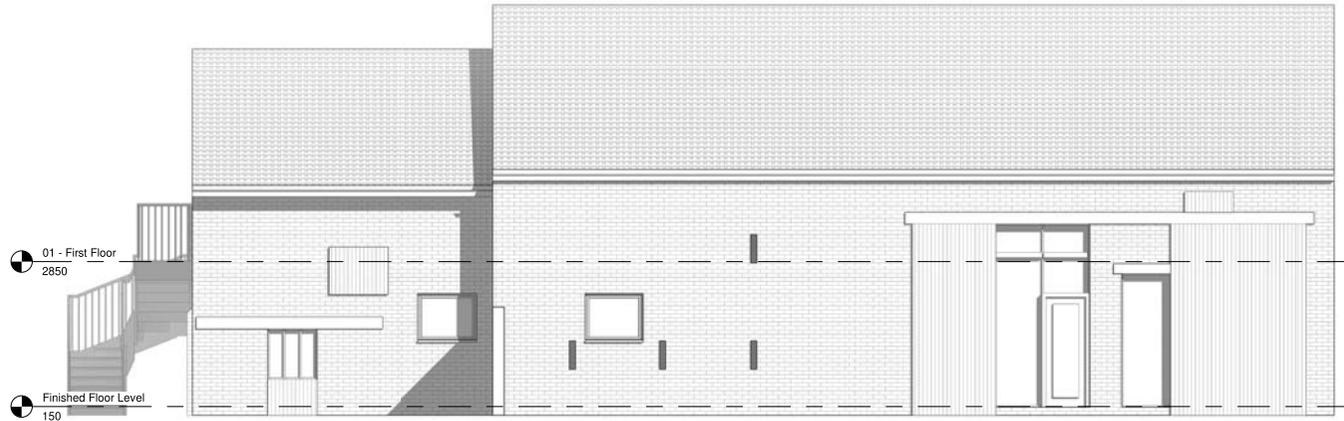


Page 130

North
Lincolnshire
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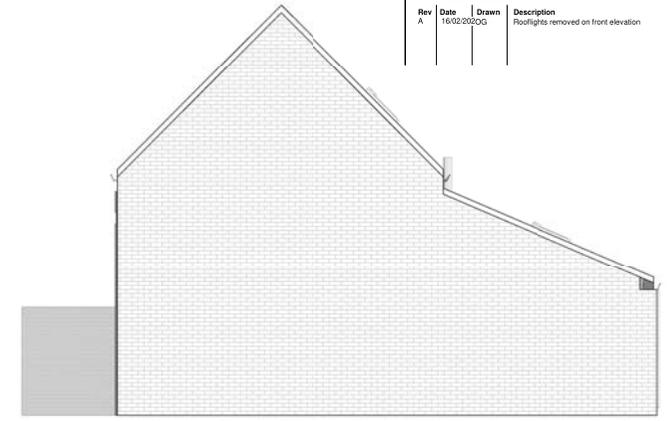
PA/2020/1599 Proposed elevations (not to scale)

Notes			
Figured dimensions only to be taken from this drawing. Do not scale. If in doubt ask.			
Rev	Date	Drawn	Description
A	16/02/2020	OG	Footlights removed on front elevation



Barn- South Elevation As Proposed

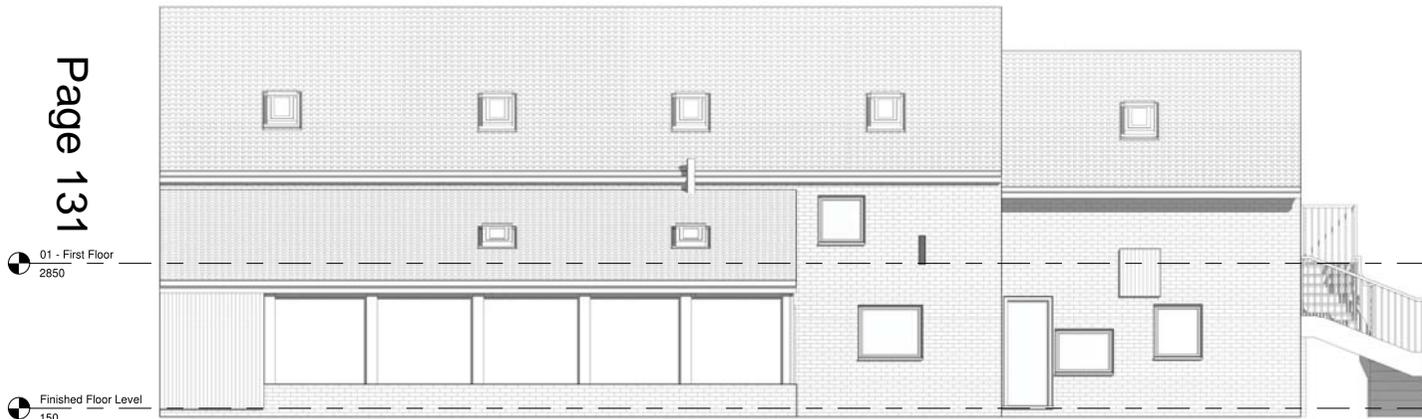
1 : 50



Barn- East Elevation As Proposed

1 : 50

Page 131



Barn- North Elevation As Proposed

1 : 50



Barn- West Elevation As Proposed

1 : 50

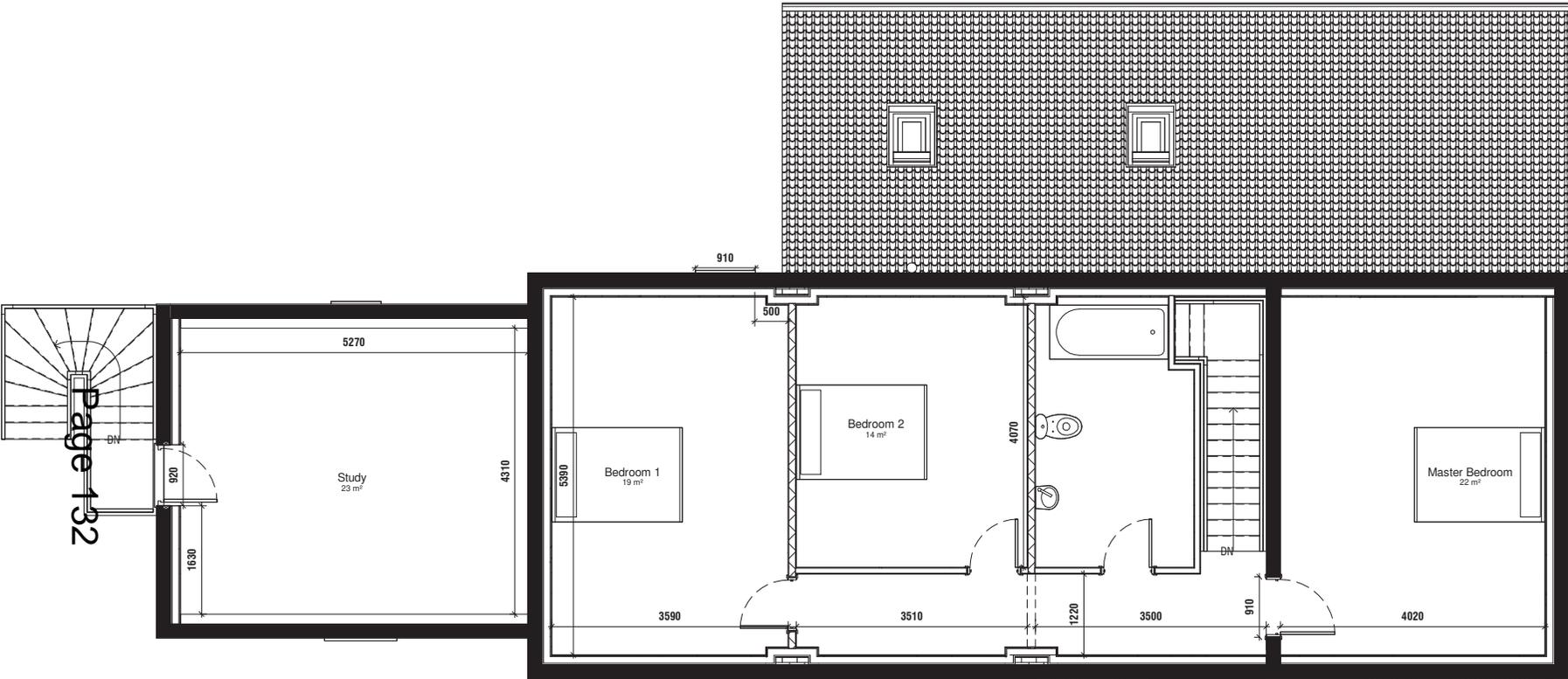
AMENDED

MaxDesign			
Architecture Planning Consultancy			
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t: 01302 867509		m: 07734 939 044	
e: design@maxdesignconsultancy.co.uk		w: maxdesignconsultancy.co.uk	
status: PRELIMINARY			
client:			
project: 36 Westgate Road, Belton			
title: Barn Elevations As Proposed			
scale: 1 : 50		date: AUG 2020	
project no.: 2107	drawn: OG	number: 008	rev: A

A1

PA/2020/1599 Proposed first floor (not to scale)

Notes			
Figured dimensions only to be taken from this drawing. Do not scale. If in doubt ask.			
Rev	Date	Drawn OG	Description



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status: **PRELIMINARY**

project:
36 Westgate Road, Belton

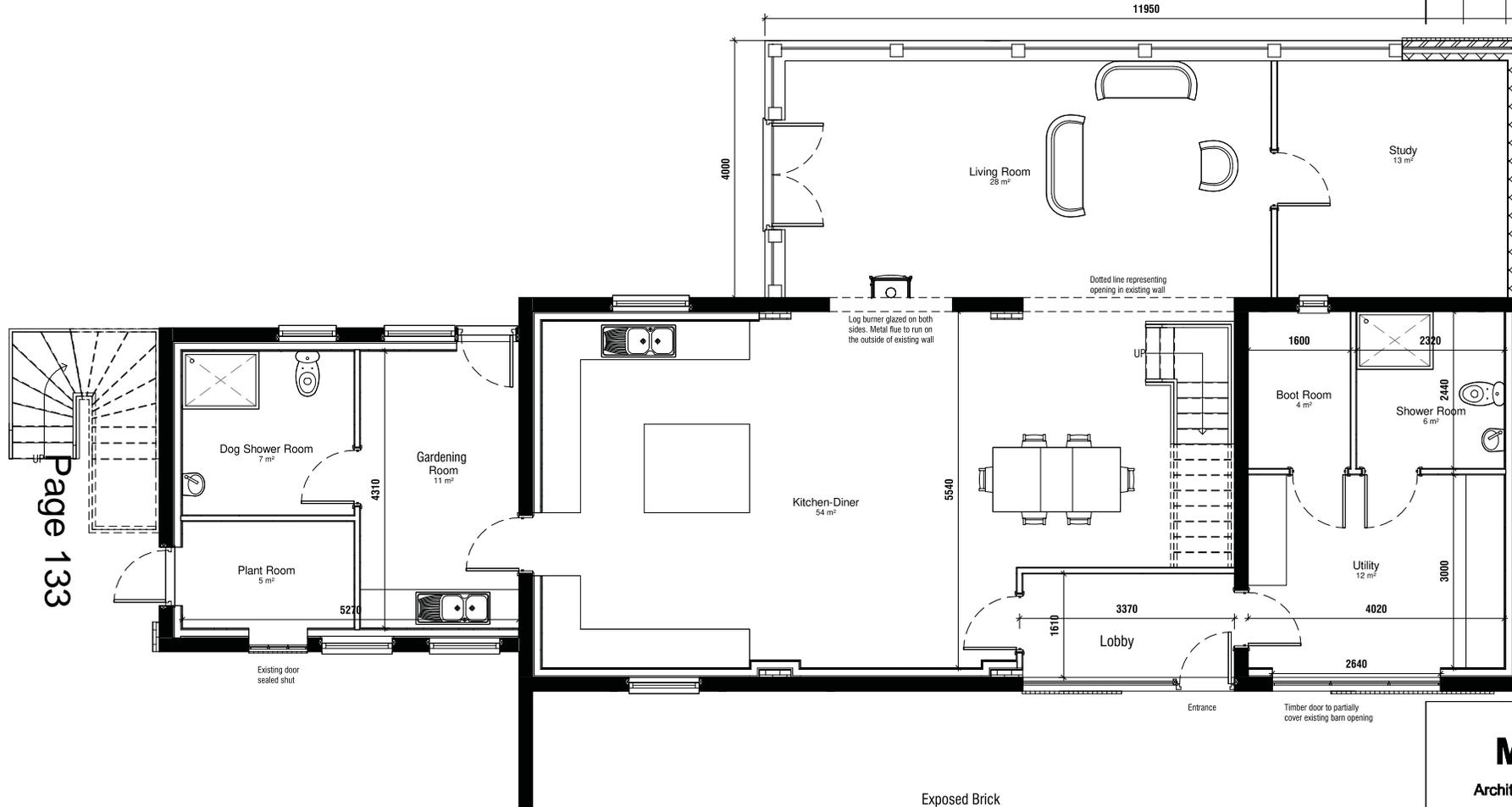
title:
Barn First Floor Plan As Proposed

scale: **1 : 50** date: **SEP 2020**

project no.: 2107	drawn: OG	number: 010	rev:
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PA/2020/1599 Proposed ground floor (not to scale)

Notes			
Figured dimensions only to be taken from this drawing. Do not scale. If in doubt ask.			
Rev	Date	Drawn OG	Description



Page 133

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status: **PRELIMINARY**

project: **36 Westgate Road, Belton**

title: **Barn Ground Floor Plan As Proposed**

scale: **1 : 50** date: **SEP 2020**

project no.: 2107	drawn: OG	number: 009	rev:
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A2





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APPLICATION NO	PA/2020/2043
APPLICANT	Mr J Oates-Smith
DEVELOPMENT	Planning permission to erect a first floor throughout, create a small extension to the rear, and alter ground-floor elevations and layout
LOCATION	2 Westgate Road, Westgate, Belton, DN9 1QG
PARISH	Belton
WARD	Axholme Central
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan
POLICIES	
	National Planning Policy Framework: Section 12 – Achieving well-designed places
	North Lincolnshire Local Plan:
	DS1 (General Requirements)
	DS5 (Residential Extensions)
	RD2 (Development in the Open Countryside)
	RD10 (Replacement, Alteration and Extensions to Dwellings in the Open Countryside)
	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)
	Supplementary guidance
	SPG1 Design Guidance for House Extensions

CONSULTATIONS

Drainage (Lead Local Flood Authority): Have not responded to the consultation.

Highways: Have not responded to the consultation.

PARISH COUNCIL

No objections.

PUBLICITY

Site notice displayed. No comments received.

ASSESSMENT

The site is located outside the development boundary of Belton along Westgate Road. The site contains a detached dwelling and outbuildings set in a large garden. The dwelling is sufficiently set back from the road and has existing access to the site taken from Westgate Road.

The site is bound by Westgate Road to the south, the A161 to the east, 8 Westgate Road to the west and a field to the north screened by mature trees and high growing vegetation. It contains a single-storey detached dwelling with a porch at the front, extension at the rear and garage attached to the gable. The surrounding area is predominately residential and characterised by a mix of a single-storey and two-storey dwellings.

Permission is sought to raise the roof of the existing dwelling to form a two-storey dwelling. The proposed extension will add floor over the existing dwelling, plus a minor extension at the rear (northern elevation) to accommodate a balcony. The height of the existing dwelling is 4.6 metres from the ground to the ridge and the extension would increase the ridge level to 7.3 metres from the ground to the ridge.

The existing dwelling has windows in the north elevation (rear), east elevation (gable), west elevation (gable) and south elevation (front). The proposed extension would have windows in those same elevations and their design would replicate the existing windows.

The applicant has submitted calculations of the floor space and the calculation in cubic metres of the original dwelling and the extension. The existing dwelling has a floor area of 244.7 square metres and its volume is 587.3 cubic metres. The proposed extension would have a floor space of 252.8 square metres and a volume of 606.7 cubic metres.

Key issues

The main issues to be considered in the determination of this application are:

- **the principle of the development;**
- **whether the extension would harm the character and appearance of the main house;**
- **whether it would harm the street scene;**

- **whether it would impact the amenities of adjacent properties.**

The principle of the development

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, loss of privacy or overbearing impact to adjacent dwellings. It also requires that proposals should be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

Policy RD2 of the North Lincolnshire Local Plan (Development on the Open Countryside) requires that development in the open countryside is strictly controlled. It goes on to state that planning permission will only be granted for certain types of development, including for the replacement, alteration or extension of an existing dwelling, provided that specific criteria are met.

Policy RD10 of the North Lincolnshire Local Plan (replacement, alteration and extensions to dwellings in the open countryside) requires that the volume of the proposed extension or alteration does not exceed that of the original dwelling by more than 20%, exclusive of the normally permitted development rights, and that the original dwelling forms the dominant visual feature of the dwelling as extended. As indicated earlier, the applicant has submitted calculations of the floor space and the calculation in cubic metres of the original dwelling and the extension. The dwelling has a floor area of 244.7 square metres and a volume of 587.3 cubic metres. The proposed extension would have a floor space of 252.8 square metres and a volume of 606.7 cubic metres. The overall extension would exceed the original dwelling by 100% and therefore does not meet the terms of the policy.

The council's Supplementary Planning Guidance, SPG1 'Design Guidance for House Extensions', also advises that any extension must be in keeping with the character of the building and that extensions should not dominate the original building in scale, materials or situation.

The NPPF attaches great importance to the design of the built environment and recognises that good design is a key aspect of sustainable development. The NPPF stresses the importance of planning positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces, and wider area development schemes. It maintains that planning policies and decisions should not attempt to impose architectural styles and they should not stifle innovation, originality, or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is recognised, however, that it is proper to seek to promote and reinforce local distinctiveness.

Consistent with the principle of extending a dwelling, the above policies and guidance do not presume against extension of dwellings and therefore the principle of the development is acceptable.

Layout, siting and design

With regard to layout, siting and design, as outlined earlier, policies DS5 and CS5 are concerned with visual amenity. In respect of the siting, the footprint of the existing property would be retained since the proposed extension will add a floor over the existing dwelling to

form a two-storey dwelling. While it would include a minor extension at the rear (northern elevation) to accommodate a balcony, all together, it is judged acceptable.

In terms of the layout of the site, the alteration would be an internal layout of the existing ground floor. This is acceptable because internal alterations of an existing building (that is not 'listed') do not require permission.

Concerning the height of the extension, generally, an additional storey or raised roof is acceptable on detached properties where it is in the right location and of appropriate scale and does not harm the character of the property or surrounding amenities. In this case, the extension (which raises the height of the ridge) would be acceptable because the street already lacks uniform roof heights and the site is set back significantly from the road. It is therefore judged that the extension is an exceptional case and appropriate for the surrounding area, plus it would not harm the street scene.

As indicated earlier, the proposed extension would have windows within the same elevations as existing. Their design would replicate the existing windows and therefore does not raise an issue.

Materials for the extension would conform to the character of the dwelling. The materials chosen for the first-floor extension are proposed to closely match the existing dwelling. It is proposed that the grey stone block ground pattern texture within the existing gables will be re-used to form quoin details on the first floor; a smooth finish through-coloured render coating would be applied to the building's external walls.

Impact on neighbouring properties

In terms of impact on neighbouring properties, the site is bounded by road and mature trees to the east and road to the south (Westgate Road) at a considerable distance. At the north, the site is bounded by a field.

The only concern is impact on the amenity of the property to the west (8 Westgate Road), which is a single-storey dwelling, in terms of privacy.

In this case, the windows at ground floor in the west elevation would be screened by the existing outbuilding. With regard to the windows at first floor in the west elevation, it is evident that the extension is set back at a reasonable distance from the rear building line of 8 Westgate Road and the separation distance from the extension to the common boundary would be approximately 14 metres.

Policy requires that new development should not result in a significant adverse impact upon the privacy afforded to neighbouring residents, both within dwellings and in any private garden ground/amenity space. What constitutes an acceptable level of privacy depends on several factors.

Having considered the windows at first floor in the west elevation to habitable rooms at 8 Westgate Road, there would not be an issue because the windows would not look out directly into the habitable rooms. Notwithstanding the above, while the windows would serve a gymnasium, to avoid any unanticipated privacy impact, the windows at first floor in the west elevation should be fitted with obscure glass to protect the privacy of the adjacent dwelling. The proposed condition to install obscured windows has been agreed in writing with the applicant.

The proposed balcony on the north elevation (rear) would face the field and therefore would not result in overlooking on any private garden or amenity space of a neighbouring dwelling.

Highway safety

Policy T2 of the local plan states that all development should be served by satisfactory access. Policy T19 is concerned with parking provision. Both are considered relevant. Highways have not commented on the application; however, it is believed that there would not be an issue with the existing access.

Regarding parking provision, a dwelling with more than four bedrooms is required to provide three parking spaces. In this case, there is sufficient ground within the site to provide off-street parking to meet the council's parking standards and therefore there is no issue with parking provision. Accordingly, the extension would comply with policies T2 and T19.

Flood zone

The application site is within SFRA Flood Zone 1, which has a low probability of flooding. Also, this proposal seeks to raise the roof of the existing dwelling to form a two-storey dwelling and is not deemed to be affected by other sources.

While the LLFA Drainage Team has not responded, it is believed that any flooding matter would not be worse than the current situation and it is unlikely to raise a significant flooding issue such that the LLFA Drainage Team would object, and would not warrant refusal.

Conclusion

In conclusion, the principle to erect a first-floor extension, create a small extension to the rear, and alter ground floor elevations and layout is acceptable and the visual appearance of this proposal is appropriate. While the extension will increase the prominence of the house in the area, it will not dominate the area nor significantly harm the character of the street scene such that it should be refused. Overall, while the proposal is a technical departure from policy RD10 (Replacement, Alteration and Extensions to Dwellings in the Open Countryside), in light of the scale (i.e. increase over 20%), it is considered to remain appropriate development and in accordance with the aims of the North Lincolnshire Local Plan and Core Strategy.

The proposal is appropriate in terms of layout, siting, and design and would have a negligible impact on the character and appearance of the surroundings. The proposal is therefore considered to be an acceptable departure from policy RD10 and is 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: Dwg. No. 107-A1-03 Rev.A, Dwg. No. 107-A2-101 Rev.A, Dwg. No. 107-A2-103 Rev.B, Dwg. No. 107-A2-104 Rev.B and Dwg. No. 107-A4-01 Rev.B.

Reason

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

3.

Before the first-floor extension is first occupied, the windows in the first-floor west elevation, facing 8 Westgate Road, shall be fitted with obscure glazing to a minimum of level 3 in accordance with the Pilkington Scale of Obscuration and once installed they shall be retained in that condition thereafter.

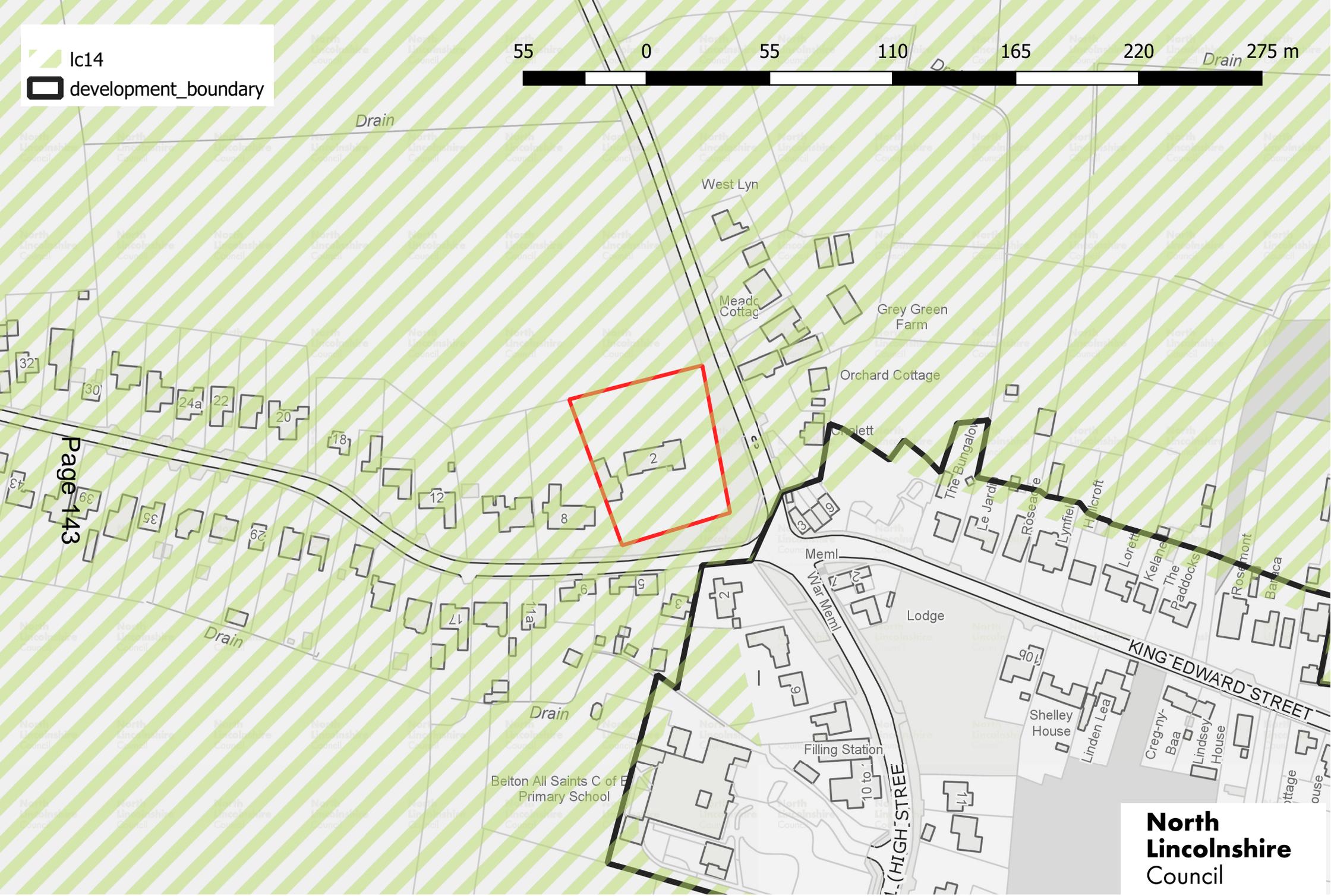
Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

Informative

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

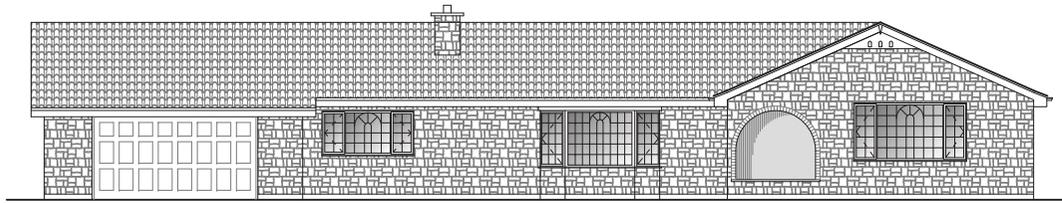
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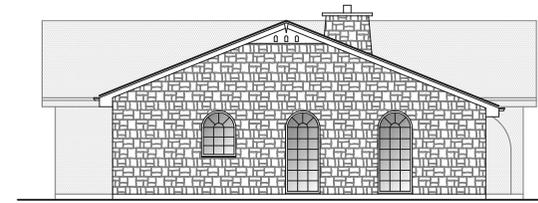
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PA/2020/2043 Existing plans and elevations (not to scale)

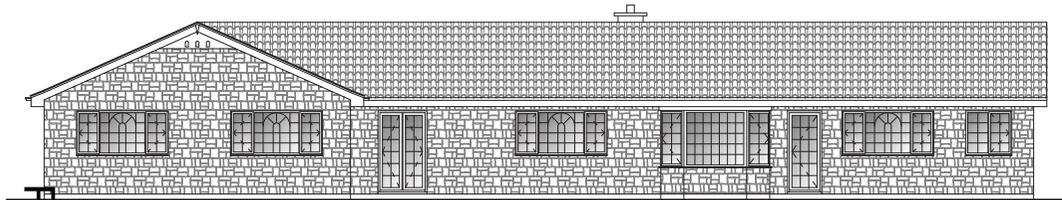
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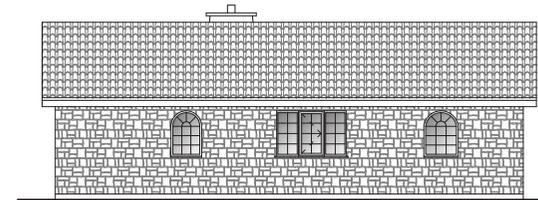
EXISTING SOUTH ELEVATION



EXISTING WEST ELEVATION

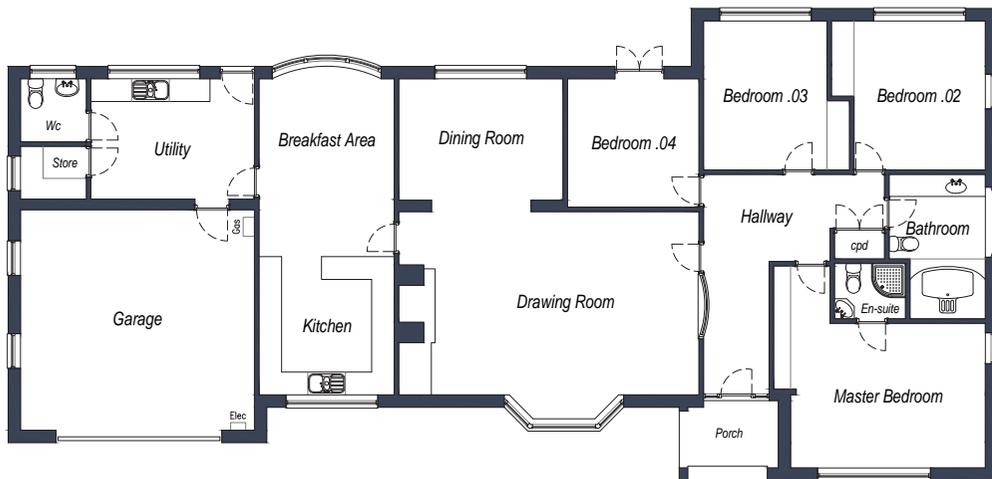


EXISTING NORTH ELEVATION



EXISTING EAST ELEVATION

Page 144



EXISTING GROUND FLOOR PLAN

A	Issued for Planning Approval.	LR	18.12.20
P02	Elevations Added.	LR	20.11.20
P01	First Issue.	LR	18.11.20
rev	description	by	date

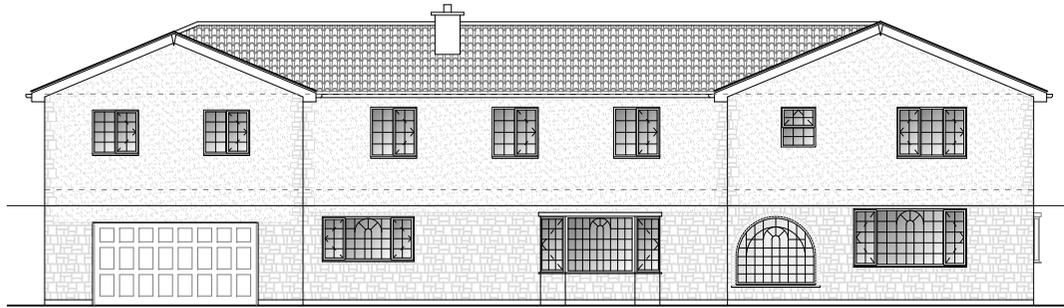
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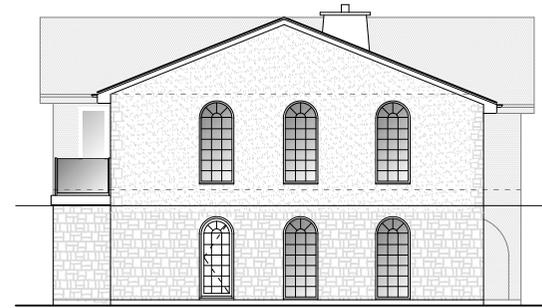
client		
Mr J Oates Smith		
19 Isle Close, Crowle		
drawing title		
Adding additional floor to Existing Bungalow + Alterations to Ground Floor Layout at 2 Westgate Road, Belton.		
Existing Elevations & Floor Plan		
drawn by	date	scale
LR	16.11.20	1:100 @ A2
status	Record	chkd.
		appd.
drawing number	revision	
107-A2-101	A	

PA/2020/2043 Proposed plans and elevations (not to scale)

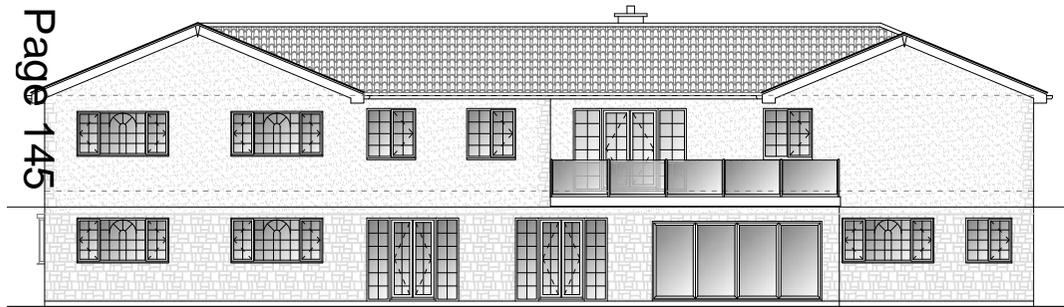
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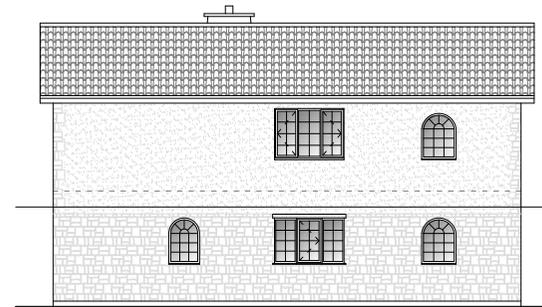
PROPOSED SOUTH ELEVATION



PROPOSED WEST ELEVATION



PROPOSED NORTH ELEVATION

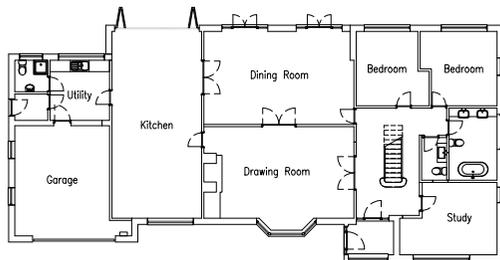


PROPOSED EAST ELEVATION

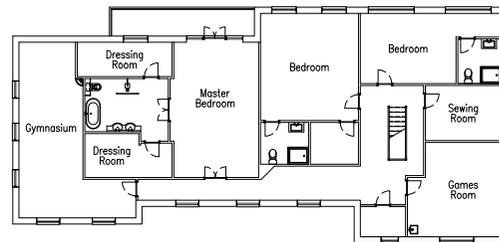
Page 145

B	Minor amendments to north & south elevation.	LR	11.01.21
A	Issued for Planning Approval.	LR	18.12.20
P01	First Issue.	LR	18.12.20
rev	description	by	date

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GROUND FLOOR REFERENCE PLAN
 (Scale 1:200)



FIRST FLOOR REFERENCE PLAN



client		
Mr J Oates Smith		
19 Isle Close, Crowle		
drawing title		
Adding additional floor to Existing Bungalow + Alterations to Ground Floor Layout at 2 Westgate Road, Belton.		
Proposed Elevations & Reference Plans		
drawn by	date	scale
LR	14.12.20	1:100 @ A2
status	Planning	chkd.
		appd.
drawing number	revision	
107-A2-104	B	

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APPLICATION NO	PA/2020/2084
APPLICANT	Mr Martyn Robinson
DEVELOPMENT	Outline planning permission to erect a dwelling with layout, scale, appearance, access and landscaping all reserved for subsequent consideration
LOCATION	Land at Booth House Farm, Winterton, DN15 9UP
PARISH	Winterton
WARD	Burton upon Stather and Winterton
CASE OFFICER	Brian McParland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework:

Paragraph 8 – 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 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 11(d) – Plans and decisions should apply a presumption in favour of sustainable development:

- (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.

North Lincolnshire Local Plan: DS1, DS7, DS14, RD2, T2, T19

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS18, CS19

CONSULTATIONS

Highways: No objection subject to conditions relating to the location and layout of access, parking and turning; and preventing discharge of loose material onto the highway.

Drainage: No objection subject to conditions requiring the submission of details showing an effective method of preventing surface water run-off onto and from the highway.

Environmental Protection: No objection but recommend a compliance condition relating to contaminated land.

TOWN COUNCIL

Supports this outline application in order to support an excellent local business, but would like more accurate information on the exact location, size, structure and materials when submitted.

PUBLICITY

The application has been advertised by a site notice and in the press as a departure from the local plan. No responses have been received.

ASSESSMENT

Outline planning permission is sought to erect a dwelling.

The main issue to be considered is whether adequate justification can be demonstrated with regard to the principle of the development.

The site

The application site is on the west side of Northlands Road, benefits from a hedge along the east boundary and appears to be agricultural land. An existing residential dwelling – Booth House Farm and Booth House Farm Shop – are to the north-west of the application site. Both buildings are under the ownership of the applicant and are accessed by a lane to the north. The surrounding area is used for agricultural rotation; nevertheless, residential

properties are noted to the immediate east and south. The application site is within the open countryside; however, it abuts the northern edge of the Winterton settlement boundary. It is within SFRA flood zone 1 (low risk). It is not within a conservation area, does not relate to any listed buildings and there are no protected trees on the site or nearby.

Principle of development

The site is located outside the adjacent settlement boundary and the proposal would represent a departure from the development plan. In determining whether the principle of residential development outside the settlement boundary is acceptable in this instance, it is necessary to consider whether the proposed development is 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).

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

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

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

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

There are three dimensions to sustainable development as set out in paragraph 8 of the NPPF: economic, social and environmental. Investment in construction and related employment would represent an economic benefit, as would the additional population within the local economy. In terms of social benefits, services, including the Community Academy, are available within the settlement of Winterton to the south and could be readily accessed as they are within a 10–12-minute walk (less than 800 metres) of the site. In terms of environmental benefits, the site would be situated along Northlands Road, which is a main road artery into the settlement of Winterton served by an adjacent footpath; coupled with

the close proximity of the settlement of Winterton, the location of the site would encourage footfall connectivity (less need for car travel). Subsequently, the location of the proposed dwelling would support and sustain existing services in Winterton. Moreover, the proposed new dwelling would not be dependent on car travel given the availability of other forms of travel (walking and cycling etc). The above matters weigh heavily in favour of the proposal in terms of the economic, social and environmental dimensions of sustainability. As a result, it is considered the proposed dwelling would be situated within a sustainable location.

A key determination in the principle of development is balancing the impact of harm against the associated benefits, as per paragraph 11(d) of the NPPF. Although the proposal would conflict with the development plan (that is, policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan), the proposal would contribute to the supply of dwellings within a locality which consists of existing housing to the immediate east and south. Additionally, it is determined that the new dwelling would be within a sustainable location, as per paragraph 8 of the NPPF. In light of this, there is little evidence to suggest that the proposal would result in adverse impacts which would significantly and demonstrably outweigh the benefits.

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

Impact on the amenity of the locality

In terms of the appearance, layout and scale of the proposed dwelling, this would be dealt with under a subsequent reserved matters application. It is considered that one dwelling on the site could be designed to be in character with surrounding properties. The site is a substantial size and could accommodate a dwelling without creating a cramped appearance within the street scene. The proposal would therefore accord with the NPPF; policies CS1, CS2, CS5, CS7 and CS8 of the Core Strategy; and policy DS1 of the North Lincolnshire Local Plan.

Impact on residential amenity

In terms of impact on residential amenity, the council is satisfied that a dwelling could be located on this substantially sized plot without adversely affecting the amenity of adjoining residents. This issue would be assessed in more detail through the submission of a subsequent reserved matters application where the appearance, scale and layout would be considered. The proposal would therefore accord with the NPPF; policies CS1, CS2, CS5, CS7 and CS8 of the Core Strategy; and policy DS1 of the North Lincolnshire Local Plan.

Highways

In terms of access, this could be from either Northlands Road or the lane to the north. Both roads serve existing residential properties. Highways have raised no objections to the proposal subject to conditions which would be imposed on any planning permission granted. The proposal would therefore accord with policies T2 and T19 of the North Lincolnshire Local Plan.

Land quality

Policy DS7 of the local plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted,

and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The council's Environmental Protection Team has provided comment and, given the residential development is a sensitive end use and that the applicant has not submitted any information with regard to land quality, a condition relating to land contamination is recommended to be attached to any planning approval.

Ecology

The site appears to be grassland with limited potential to support protected or priority species and the hedging along the east appears to be of low value. No ecological surveys are required.

Conclusion

Whilst the proposal is within the open countryside, which would potentially harm the existing site context, this does not outweigh the benefit of providing a dwellinghouse, subject to conditions. On balance, the proposal is a justified departure from the development plan and is considered to comply with the overarching paragraph 11(d) of the NPPF.

Pre-commencement conditions

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

RECOMMENDATION Grant permission subject to the following conditions:

1.
Approval of the details of the layout, scale and appearance of the building, 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 thereto 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 BR/RA/CG/ROBINSON.

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 space(s) within the curtilage of the site;

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

Reason

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

7.

Adequate vehicle access and parking facilities serving the existing dwelling shall be retained in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

8.

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

Reason

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

9.

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

Reason

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

10.

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

Reason

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

11.

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.

12.

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.

13.

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

Reason

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

14.

The dwelling shall not 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. The agreed boundary treatment shall be built/planted before the dwelling is occupied and once built/planted it shall be retained.

Reason

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

Informative 1

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

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

Informative 2

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

development_boundary



Path (um)

Silos

Booth House Farm

Track

Track

Page 155

176

149

164

139

150

129

138

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Lincolnshire
Council**

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APPLICATION NO	PA/2021/6
APPLICANT	Mr Martin Phillips, Ongo Developments
DEVELOPMENT	Planning permission to erect four dwellings, including demolition of existing garages
LOCATION	Land between Chaucer Avenue and Chapman Avenue
PARISH	Scunthorpe
WARD	Brumby
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Significant public interest

POLICIES

National Planning Policy Framework:

Chapter 2 (Achieving Sustainable Development)

Chapter 4 (Decision-making)

Chapter 5 (Delivering a Sufficient Supply of Homes)

Chapter 9 (Promoting Sustainable Transport)

Chapter 11 (Making Effective Use of Land)

Chapter 12 (Achieving Well-designed Places)

Chapter 14 (Meeting the Challenge of Climate Change, Flooding, and Coastal Change)

North Lincolnshire Local Plan:

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

North Lincolnshire Core Strategy:

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 CS19 (Flood Risk)

CONSULTATIONS

Environmental Protection: No objections. A Remediation Implementation Plan has been submitted, which concludes that a cover system is required in the garden and soft landscaping areas. Considering the above, the department finds the proposal acceptable subject to a condition being attached to any permission granted.

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

Highways: No objection subject to conditions.

Historic Environment Record: The proposal does not adversely affect any heritage assets or their settings. Therefore, no recommendation to make.

PUBLICITY

Site notice posted. Forty-nine responses have been received raising the following concerns:

- increased traffic on the road
- houses in the area have no off-street parking (cars are parked on the street)
- the garages to be demolished are regularly used by homeowners on this street
- the development would diminish the value of properties in the area
- drainage
- road safety
- access for emergency vehicles.

ASSESSMENT

Proposal and site description

The site is located within the development boundary of Scunthorpe. The site is 9 Chaucer Avenue and 10 Chapman Avenue, Scunthorpe. The site partly contains garages for letting and is partly used as informal car parking space for nearby residents.

This proposal is infill development, and the application seeks permission to erect a pair of semi-detached two-storey dwellings, with associated access, parking and amenity space following demolition of existing garages. The dwellings would contain a kitchen/dining and living room on the ground floor and three bedrooms on the first floor.

The proposed finish for the walls would be bricks and the roof covering would be tile, incorporating solar panels. Two car parking spaces would be provided for each dwelling.

The demolition of the garage structures will involve the partial demolition and stabilising of the rear garage wall which forms the boundary with adjoining gardens. The cross-walls between the garages are to be retained in part, temporarily, to act as buttresses along the length of the wall. Once complete, the lower retaining element of the garage wall will be safely removed (in small sections) and rebuilt as a structural retaining brick boundary wall. The wall will be constructed just above the retaining level. At the adjacent garden level, a new 1.8 metre high close-boarded timber fence will be provided to secure the gardens. Demolition and construction, where possible, will be in quick succession and any temporary fencing will be provided to ensure ongoing security to the existing side gardens.

At the Chaucer Avenue entrance dropped kerbs are to be incorporated to improve pedestrian movement along the adopted footpath.

Key issues

The main issues to consider in the determination of this application are:

- **the principle of the development;**
- **impact on scale and character of the surrounding area;**
- **impact on neighbouring amenities;**
- **highways, access, and parking;**
- **flood risk and drainage; and**
- **landscaping.**

Principle of development

The application site is allocated within the development boundary of Scunthorpe, where development is supported by policy CS3 of the Core Strategy (Development Limits) as a key tool in ensuring that future development occurs in sustainable locations. They also ensure that the countryside is protected from inappropriate development and no uncontrolled expansion of settlements will take place.

The NPPF sets out the 'presumption in favour of sustainable development' and states that development that accords with the development plan should be approved without delay. Having specific regard to residential developments, the NPPF requires local planning authorities to 'boost significantly the supply of housing.'

From the above, the principle of residential development on the site is acceptable.

Layout, siting and design

Paragraphs 56 and 58 of the National Planning Policy Framework, policy CS5 of the Core Strategy (Delivering Quality Design in North Lincolnshire) and policy DS1 of the local plan (General Requirements) requires all new developments, including associated landscaping, regardless of location, to adhere to high standards of design.

In considering the siting, the applicant has indicated that permission is sought for the demolition of the garages within the site, which are proving difficult to let. Given the significant drive towards sustainable development and making the best use of land within urban areas, this site is judged a suitable infill site for residential development.

The site layout plan contains the position of the houses, their spaces, boundaries, highways, access arrangement, amenity areas and the overall shape of the houses, and is considered to represent a decent layout.

On design, it is judged that the dwellings represent a high quality of design, demonstrating a relatively traditional architecture, and incorporating a few attractive design features that fit in well with the character, scale, and design of the surrounding properties, including the material for the finish of the wall and the roof covering.

Overall, the design of the proposed development is acceptable in the context of the character and appearance of the site and immediate area.

Amenity standards

Policy DS1 of the local plan expects a high standard of design in all developments, in both built-up areas and the countryside, and proposals for poorly designed development will be refused. It requires all proposals to be considered against the quality of the design and amenity, among others. Further to this, the NPPF advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Having reviewed the details of the design, the proposal largely meets the principles of policy DS1 and the NPPF, in terms of the impact of the development on surrounding properties in terms of its character, impact on the privacy of neighbouring properties, overbearing impact and overshadowing.

Overall, it is unlikely there would be an issue because of the scale of the dwellings, the layout of the site and the positioning of the windows.

Access and parking

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

The proposal shows private amenity spaces (gardens) have been positioned behind the dwellings and would be fenced to a height of 1.8 metres with separate access restricted to residents only from Chaucer Avenue and Chapman Avenue, and a turning area would be formed within the site to serve the properties, plus two dedicated car parking spaces per plot. The car parking bays will be hard-surfaced.

It is worth noting that this access arrangement was discussed with Highways between August and November 2020 and the advice provided has been taken on board. Highways have no objection to the proposals, subject to conditions, which will be applied to any grant of permission.

Overall, it is considered, subject to the conditions, that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan and the National Planning Policy Framework.

Flood risk and drainage

Policy CS19 of the Core Strategy is concerned with flood risk and policy DS14 of the local plan is concerned with foul sewage and surface water drainage.

The site lies within Flood Risk Zone 1 and therefore has a low probability of flooding. The applicant has submitted a Flood Risk Assessment, including a drainage and SuDS strategy. The submitted document looks at the existing site drainage and ground conditions, and assesses flood risk and any required mitigation measures. It contains an outline of drainage strategy and design (including SuDS) and a SuDS maintenance regime.

The report concludes that the site is within Flood Zone 1 and is not at significant risk of flooding from any source. Surface water disposal will be to soakaways located in the rear gardens of the residential properties. The SuDS maintenance schedule would be followed. The proprietary infiltration storage crates would be lined with a permeable felt geotextile membrane and include a sump and access hatch for maintenance.

The surface water drainage system would be maintained by Ongo Developments. Foul effluent would discharge via gravity to the 225 millimetre public foul sewer along the grass verge of Chapman Avenue via a new connection. The foul water drainage system would be maintained by Ongo Developments with the last pipe of the foul water drainage system offered for adoption to Severn Trent Water.

Overall, the level of risk and safeguards available are appropriate to the development.

The LLFA Drainage Team has no objection to the proposed development subject to the imposition of conditions.

Contamination land

The NPPF states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Policy DS11 is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell, or noise, do not pose a danger by way of toxic release. Policy DS1 is also concerned with the protection of amenity.

The Environmental Protection team, following consideration of the application, has no objection subject to a condition relating to implementation of the agreed remediation. The recommended condition will be applied to any grant of permission. The proposal would therefore accord with policy DS11 of the North Lincolnshire Local Plan.

Archaeology

As indicated earlier, the Historic Environment Record has commented that the proposal does not adversely affect any heritage assets or their settings. They therefore have no objection to the development.

Community involvement

The applicant has confirmed community involvement in the development. The design statement indicates that public consultation, including local councillors, took place between August and September 2020. Due to Covid-19 related restrictions at the time, it was considered that a community type drop-in event would not be a suitable format for consultation. Instead, a letter and web-based consultation took place. This involved a letter drop advising of a web address where development plans for the site could be viewed. This also gave access to a digital comments form. A hard copy of the consultation drawing and comments form to be completed was also included in the letter drop, for those who do not have access to the internet.

Public comments

Turning to concerns raised by the public, on the matter of parking, the applicant commissioned Local Transport Projects Ltd (LTP) to undertake a parking study in association with Bridges Road and Chaucer Avenue in the Westcliff area. The survey concluded that the maximum recorded total occupancy across all three existing parking areas (Bridges Road, Chaucer Avenue and Chapman Avenue) was 29 vehicles, with a minimum total occupancy of 14 vehicles. One parking area at Chapman Avenue is to be retained, with the capacity to accommodate 21 vehicles. It is expected that most vehicles currently utilising the remaining two parking areas would utilise the area to be retained. This would result in a maximum residual demand of 8 vehicles, based upon a maximum total occupancy of 29.

On-street parking surveys demonstrate a maximum overall on-street parking occupancy on local streets of 46% during the surveyed periods (Sunday at 7am), with a minimum overall occupancy of 28% (Monday at 1pm). There is, therefore, significant reserve capacity on local streets to accommodate the displaced residual parking demand.

It is concluded from the assessments within this parking study that the proposed retained communal and on-street parking provision is suitable to accommodate the likely peak parking demand, without resulting in a significant impact on the local highway network. This appears to have the support of Highways, as they have not raised any issues.

On the concerns of impact on property values, this is not a relevant planning matter for consideration in the assessment of this application.

The drainage concern has been addressed in the Flood Risk and Drainage section of this report.

On privacy, the windows would be located at the front (facing the road) and the rear (facing the garden) of the dwellings and are therefore unlikely to take away the privacy of neighbouring properties.

Conclusion

The proposed development would be compatible with the character of the site and its surroundings in terms of its design – including size, scale, height, massing, layout. The siting and design of the buildings would ensure that the development would have no undue impact on the amenity of surrounding occupiers by way of overshadowing or loss of daylight, and a satisfactory level of separation would be achieved between facing residential elevations to ensure no unacceptable impact through loss of privacy.

The proposal would allow for safe and convenient access and circulation for all modes of transport and includes sufficient off-street parking provision to ensure the development would have no detrimental impact on the safe and efficient operation of the highway network connecting the driveway to the site.

Pre-commencement conditions

The recommended conditions (including pre-commencement) 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: Dwg. No. 44802/022 Rev. B, Dwg. No. 19804/03, Dwg. No. 19804/04. Dwg. No. 19804/05 Rev. B, Dwg. No. 19804/02 Rev. B, Dwg. No. R/2420/1A, Dwg. No. 19802/020 Rev. B, Dwg. No. 19802/021 Rev. B, Dwg. No. 19804/07 Rev. A.

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 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.

4.

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.

5.

The local planning authority has reviewed and agreed Parts 1 and 2 of the below condition. However, **Parts 3 and 4** still require to be 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 the Environment Agency's Land Contamination Risk Management (LCRM) guidance, October 2020.

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 the site is safe for future users and construction workers.

6.

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.

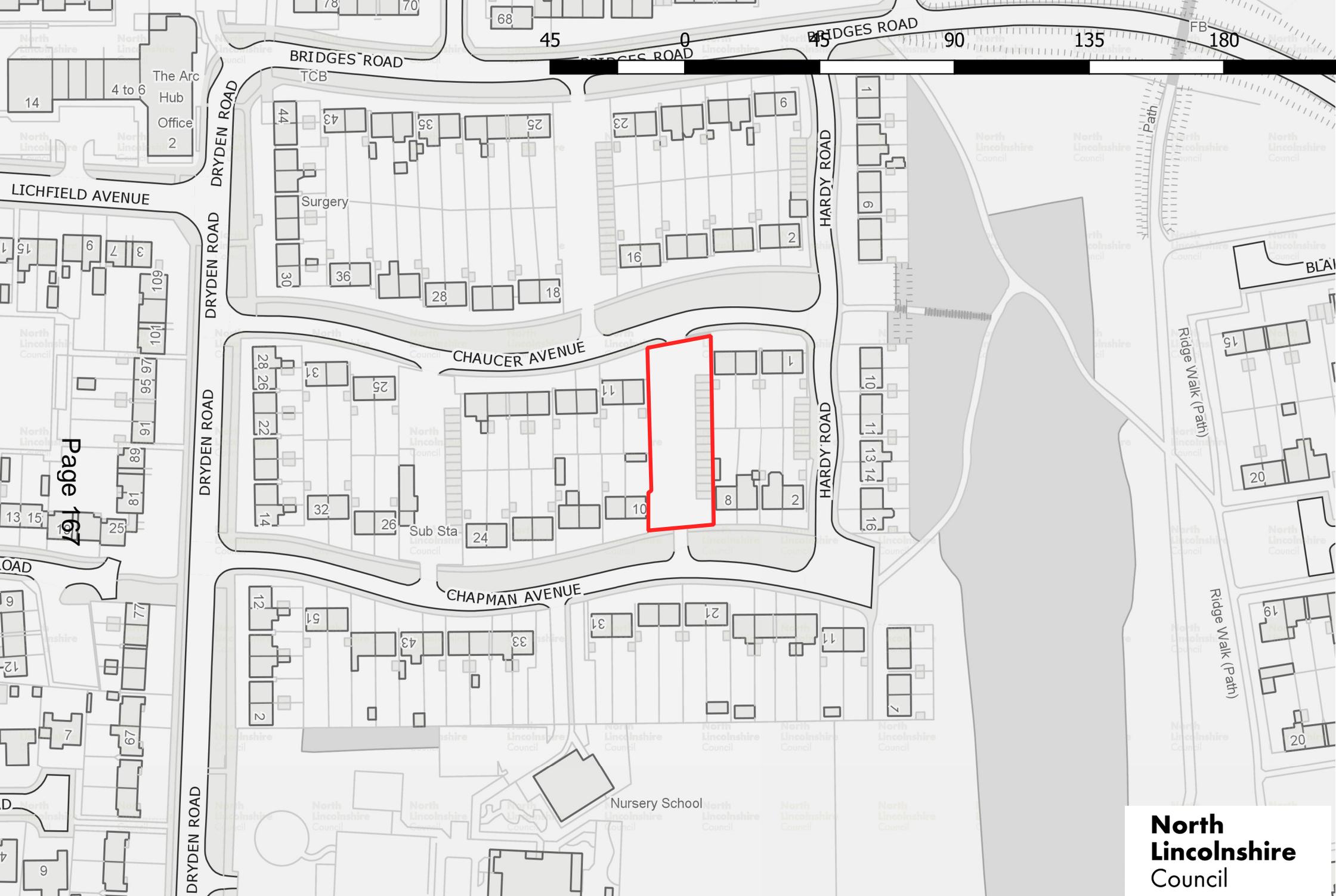
Informative 1

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

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

Informative 2

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



Page 167

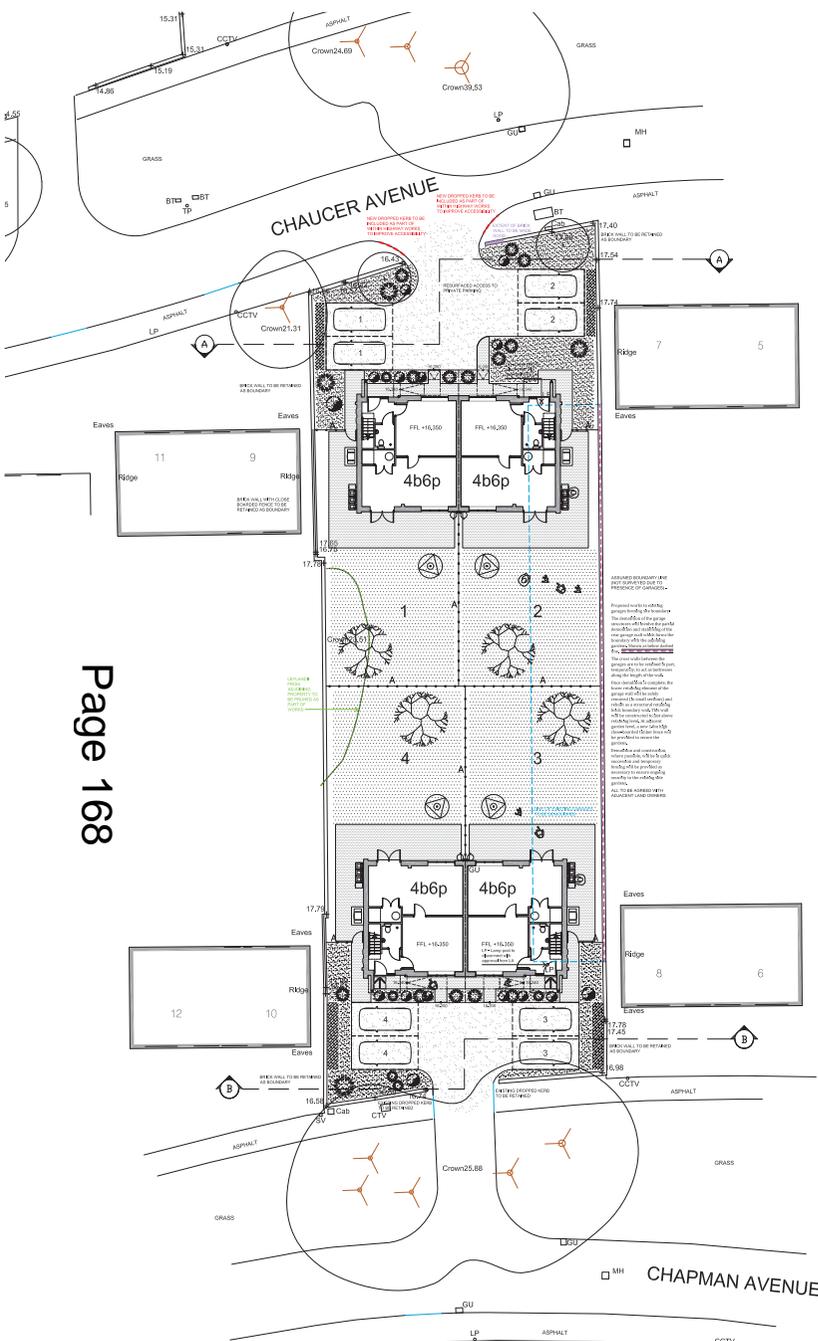
**North
Lincolnshire
Council**

PA/2021/6 Proposed layout (not to scale)

NOTES
 Do not scale from this drawing. Only figured dimensions are to be taken from this drawing.
 Contractor must verify all dimensions on site before commencing any work or stop drawings.
 Report any discrepancies to the architect before commencing work. If this drawing exceeds the quantity taken in any way the architect are to be informed before the work is placed.
 Work shall be the Contractor (Design & Management) Regulations 2015 in so far as they apply.
 Pre-Construction Health and Safety Information has been produced by the Principal Designer and a Principal Contractor has produced a Construction Phase Health and Safety Plan.
 This drawing is copyright and must not be reproduced without consent of BSB Architecture.
 This drawing originates from the CAD file:
 S:\2019\19804_Chaucer Avenue_Scunthorpe\010_BSB Drawings\020_Current Issues\025_Approval\19804_03_Location Plan_06A_Block Plan_05B_Proposed Site Layout\06A_Site Layout.dwg

REVISIONS

Rev	Description	Drawn	Date	Chk	Date
A	Layout updated to reflect change in	jim	06.11.20	jnh	06.11.20
B	Extent of rear patio amended to client's requirements; boundary clarified where garages are to be decided.	jim	03.12.20	jnh	03.12.20



Page 168



SECTION A-A AS PROPOSED

Chaucer Avenue site
 Northern access of Chaucer Avenue



SECTION B-B AS PROPOSED

Chaucer Avenue site
 Southern access of Chapman Avenue



SCHEDULE OF ACCOMMODATION:

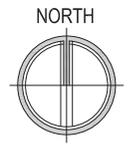
4nr 4b6p dwellings - 111msq
 2nr parking spaces each

BOUNDARY TREATMENTS:

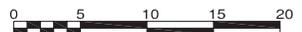
- A** 100mm high 100mm wide solid brick boundary with concrete posts.
- B** 100mm high 100mm wide solid brick boundary with concrete posts, topped with a 100mm high 100mm wide concrete coping.
- C** 100mm high 100mm wide solid brick boundary with concrete posts, topped with a 100mm high 100mm wide concrete coping, and a 100mm high 100mm wide concrete coping.

KEY:

- IMPERVIOUS PAVED FOR DRIVE** - Areas to be paved for the drive.
- ROTARY DRIVE**
- PROPOSED TREES** - To be planted and other trees to be retained.
- GRAVEL DRIVEWAY** - 100mm thick gravel.
- HEAVY GRASS** - 100mm thick gravel.
- TURF** - Turf to be laid and water garden areas.
- GRAVEL PLAY AREA** - To be laid in the play area.
- PCC PAVED PLACES** - 100mm thick PCC to be laid in the paved areas.



CHAUCER AVENUE SITE LAYOUT AS PROPOSED



BSB Architecture

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 Tower Street
 Kingston upon Hull HU1 1BS
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RIBA #

CLIENT
 Ongo Developments

PROJECT
 Carbon Neutral Affordable Homes,
 Chaucer Avenue, Scunthorpe,
 North Lincolnshire

DRAWING TITLE
 Proposed Site Layout
 (over Topographical Survey)
 and Site Sections A-A & B-B

Drawing Status	Scale	Sheet Size
Planning	1:200 / 1:100	A1
Drawn	jim	Date 10/06/20
Checked	jnh	Date 10/06/20

Drawing No. 19804/05
 Revision B

APPLICATION NO PA/2021/119

APPLICANT Mr & Mrs Terry & Vicky Johnson

DEVELOPMENT Planning permission to erect a detached dwelling

LOCATION Land to the rear of 44 South View, Fieldside, Epworth

PARISH Epworth

WARD Axholme Central

CASE OFFICER Nick Salt

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Objection by Epworth Town Council

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: Promoting sustainable transport

Chapter 12: Achieving well-designed places

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 positively and creatively...Decision-makers at every level should seek to approve applications for sustainable development where possible.'

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

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

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

requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should, also, include a buffer (moved forward from later in the plan period) of:

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

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

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

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

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

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

North Lincolnshire Core Strategy:

CS1: Spatial Strategy for North Lincolnshire

CS2: Delivering more Sustainable Development

CS3: Development Limits

CS5: Delivering Quality Design in North Lincolnshire

CS7: Overall Housing Provision

CS8: Spatial Distribution of housing sites

CS19: Flood risk

North Lincolnshire Local Plan:

Policy H1: Housing Development Hierarchy

Policy H5: New Housing Development

Policy H7: Backland and Tandem Development

Policy H8: Housing Design and Housing Mix

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

Policy DS1: General Requirements

Policy DS7: Contamination

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

Highways: Advise conditions requiring parking, turning and access to be provided prior to occupation.

LLFA Drainage: No objections subject to the imposition of pre-commencement conditions on surface water drainage.

Environmental Protection: Recommend a condition requiring mitigation if unexpected contamination is found on the site during development.

Waste Management: Standing advice provided for the attention of the applicant. Off-street storage required for bins.

Isle of Axholme and North Nottinghamshire Water Level Management Board: There are no Board-maintained watercourses in close proximity to the site. Standing advice is provided.

TOWN COUNCIL

Objects to this application for the following reasons (summarised):

- Drainage: 'There was no draining research of investigation and from the local community representations the ETC felt it was an issue that had not been addressed.'
- Tandem development: 'This is generally not considered appropriate by planning.'

- Contamination: ‘No assessment on any possible contamination – land had previously been used for heavy duty farming equipment and thus there is a risk the land is contaminated by fuels etc.’
- Impact on the local community: ‘The ETC feels this development, if permitted, would have a detrimental effect on the local community and neighbours.’

PUBLICITY

Advertised by site notice. Ten responses have been received objecting to the application on the following grounds:

- overlooking and loss of privacy
- impact on property values
- loss of sunlight
- drainage issues (blockages)
- noise
- impact on view from garden
- refer to tandem development policy.

The applicant’s agent has provided a detailed response to the objections, which can be summarised as follows:

- impact on house values is not a material consideration
- noise would be normal for a residential area
- good separation distances and window layouts would negate any overlooking risk
- no significant loss of light due to height of the proposed dwelling and siting
- no drainage or contamination issues identified.

ASSESSMENT

Site description

The application site forms the rear garden area of a two-storey dwelling at Southview, 44 Fieldside in Epworth. The existing building on the site is an attractive traditional red brick two-storey dwelling with substantial rear garden, and some outbuildings and parking space to the rear. It is bounded by 44a to the west (built on previously subdivided land associated with the site) and the terraced and semi-detached dwellings of 36 to 42 Fieldside and 3 to 9 Stanfield Road.

The terraced dwellings on the southwest side of Coronation Crescent bound the site to the north at a 45 degree angle. The site is not in close proximity to any listed building and is not

within any conservation area. It lies with SFRA Level 1 flood zone – not at high risk of flooding.

Proposal

This planning application proposes the subdivision of the site and the creation of a separate plot to the rear with a detached two-and-a-half-storey dwelling. The proposed plot would measure 334 square metres, with a 115 square metre rear garden, a building footprint of 72 square metres and parking/turning space to the front. The dwelling would be angled at approximately 45 degrees relative to number 44, following the angle of the northern boundary, with the front elevation facing southeast. A cycle shed is proposed to the western boundary and bin storage at the end of the driveway/parking area to the eastern boundary.

The main considerations in the determination of this application are:

- **the principle of the development;**
- **impact on the character and appearance of street scene, and design;**
- **the residential amenity of neighbours;**
- **access and parking.**

Principle of development

Core Strategy policy CS1 sets out a spatial strategy for North Lincolnshire, which 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 existing development boundaries being the primary focus. Regarding 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.

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.

It is acknowledged that the local planning authority cannot demonstrate a five-year housing land supply: therefore, the housing policies are considered out of date. In the absence of relevant up to date development plan policies, the balance is tilted in favour of sustainable development and granting planning permission except where the benefits are 'significantly and demonstrably' outweighed by the adverse impacts or where specific policies in the NPPF indicate otherwise.

The site is within the existing settlement boundary of Epworth, in what is considered a sustainable location within walking distance to the town centre and bus services. The proposal would constitute tandem development which is considered acceptable provided that appropriate densities and amenities are retained. The proposal would provide a modest contribution of one unit to the existing housing shortfall in North Lincolnshire.

Subject to a detailed consideration of other material and policy considerations below, the broad principle of an additional dwelling on this site is acceptable. It is considered that the site is large enough to be subdivided into adequately sized plots.

Design and appearance

Policy CS5 of the North Lincolnshire Core Strategy is concerned with delivering quality design in North Lincolnshire. It states, '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

This is reinforced within the local plan in policies H5, which requires development to be in keeping with the character of its surroundings, and DS5 which also relates to good residential design. In backland/tandem (policy H7) sites such as this, development will be permitted provided it would not affect the general quality and character of the area through an unacceptable increase in density. The density of the site and the surrounding rural settlement would remain appropriate for the area.

The proposed dwelling would be sited behind the existing site dwelling at number 44, with the southernmost corner of the building being approximately 12 metres from the rear elevation of number 44. It would be sited centrally within the smaller plot. A new access and parking area would be created for number 44 to the frontage. The essential character and appearance of the existing dwelling on the site would, however, be retained.

The proposed plot to the rear would be smaller than number 44, and 44a to the west. The surrounding area is, however, characterised by a mix of dwellings and plot sizes. The properties to the immediate north and east of the site are terraced and generally feature smaller plots than many of the larger dwellings elsewhere in Epworth. The garden proposed, and the garden retained for number 44, would not be unusually small for the wider area, being 115 square metres and 176 square metres respectively. The 72 square metre footprint of the building is not considered excessive and the plot would comfortably accommodate the proposed dwelling without appearing cramped or contrived.

The proposed dwelling would be angled at approximately 45 degrees relative to number 44 and the other dwellings along Fieldside. Due to its siting to the rear of number 44, its visual impact on the existing building line and character and appearance of the street scene would be limited, however. The dwelling would be visible from Fieldside set between numbers 44 and 44a, although at a further distance and with views partially restricted by the sites in front.

The two-and-a-half-storey design and ridge height of 8.6 metres, along with modest 72 square metre footprint, would ensure that the dwelling does not appear dominant relative to number 44 or the adjacent dwellings. The use of brick in this location would better reflect

the character and appearance of the surrounding context and neighbouring dwellings and can be secured by condition. The fenestration layout and general low-key design of the dwelling would respect the appearance of the area.

Overall, the design and appearance of the proposed dwelling would be appropriate for the site and surrounding area, and would have a limited impact on the wider character and appearance of the publicly visible street scene. It is considered to accord with relevant policies, particularly DS1, H5 and H7 of the local plan and CS5 of the Core Strategy.

Residential amenity

Policy DS1 (iii) states that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

A number of complaints have been received from neighbours in relation to concerns over loss of sunlight (overshadowing) and/or loss of privacy (overlooking).

With regard to overshadowing, the height of the proposed dwelling at 8.6 metres and the proposed eaves height of 5.6 metres have been considered in relation to the scale and positioning of the proposed dwelling relative to the neighbouring dwellings and gardens/amenity spaces. Over 12 metres would be retained between number 44 and the new dwelling, thus negating any risk of substantial mutual shadowing between these properties. There would be over 21 metres separation distance between the proposed dwelling and the rear elevations of the Coronation Crescent and Stanfield Road dwellings, and a similar distance to number 44a to the southwest. There would be no overshadowing impact on the habitable room windows of the neighbouring dwellings and therefore no loss of light into the dwellings themselves. There would be some loss of sunlight into the rear gardens of some of the Coronation Crescent dwellings during winter afternoon/evening hours. These gardens would, however, retain good access to sunlight the majority of the time and good outlook. The proposal would not result in an unacceptable loss of amenity in this regard.

In terms of overlooking, the proposed dwelling would have two windows to the gables facing southwest or northeast – the second-floor southwest window would serve the stairs/landing, and the first-floor southwest window would serve a bedroom. These windows would not directly face into or onto any corresponding neighbouring windows within 21 metres, due to the proposed angle of the dwelling. Ground-floor front elevation windows would face onto the boundary treatment to the dwellings southeast of the site. There would be two-bedroom windows at first-floor level facing southeast, with the second-floor window serving storage space. The first-floor windows would be over 30 metres away from the rear elevations of the Stanfield Road properties. These windows would have angled views onto the rear gardens of some of these properties, though the angled layout of the dwelling would reduce the 'perceived overlooking' impact. There would be some overlooking from the rear of the dwelling onto parts of the rear gardens of two Coronation Crescent properties. The overlooking risk to the rear gardens of some of the neighbouring properties has been considered and is mitigated somewhat by the angle and siting of the proposed dwelling. On balance, the level of overlooking into parts of the rear gardens which may result would not be so sufficient as to cause significant harm to the residential amenity of the occupants of the neighbouring dwellings, inasmuch as to tip the balance towards a refusal of this application.

The level of noise likely to be generated by the residential use of the proposal would not likely be unusual for a residential area. Overall noise in the immediate area is unlikely to significantly increase.

Overall, it is not considered that the proposal would result in any unacceptable impacts on the residential amenity of neighbours. The application would therefore accord with local plan policies DS1, H5 and H7 with regard to amenity.

Access and parking

The proposed dwelling would utilise the existing access from Fieldside to number 44. A new opening would be provided for number 44 to the western side of the southern boundary. The addition of an additional access onto Fieldside in this location is not considered likely to result in a significant impact on highway capacity or safety.

Highways have reviewed the application and do not object subject to conditions requiring the parking, turning and access arrangements to be in place prior to occupation of the new dwelling.

Parking for two vehicles has been shown on the proposed site plan which is considered sufficient for a dwelling of this size in Epworth.

The site is within walking distance of key amenities and bus services, and sustainable transport is therefore possible.

The proposal accords with local plan policies T1, T2 and T19 in this regard.

Other matters

Policy CS19 of the Core Strategy is concerned with flood risk, whilst policy DS14 of the local plan is concerned with foul sewage and surface water drainage. The site is not within a high-risk flood zone and no flood risk assessment has been required. It is considered that the planted gardens to the proposed site and to number 44 to be retained would provide soakaway potential. The proposed site plan shows an underground rainwater harvesting tank for all surface water, which would further limit the potential for surface water run-off onto neighbouring properties. LLFA Drainage have raised no objections subject to the imposition of pre-commencement conditions on surface water drainage. Subject to the successful discharge of conditions on surface water run-off to and from the new access to number 44, it is considered that the proposed dwelling and alterations to the existing dwelling would not result in any significant drainage or flooding concerns.

Objectors have raised the issue of impact on property resale values and impact on private views. These are not a material planning considerations.

Conclusion

In summary, it is acknowledged that there is a degree of contention around this application, specifically in relation to residential amenity. The proposal is acceptable in principle and would provide an additional dwelling to the area with some limited economic and housing supply benefits. The likely impacts of the dwelling have been fully assessed, with design and siting considered to be acceptable, and no contamination, highways or drainage issues identified.

Concerns relating to loss of privacy and light have been considered and assessed in this report. It is not considered that there would be any unacceptable impacts on the residential amenity and living conditions of neighbours sufficient to warrant a refusal of this application.

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: PA/2021/119/01 Location Plan; PA/2021/119/02 Site Plan; PA/2021/119/03A-D Plans and Elevations.

Reason

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

3.
No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

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

4.
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.

5.
The proposed new vehicle parking and turning facility shall not be brought into use until the vehicular access serving it has been completed within highway limits.

Reason

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

6.

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

Reason

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

7.

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

Reason

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

8.

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

Reason

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

9.

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

Reason

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

Informative 1

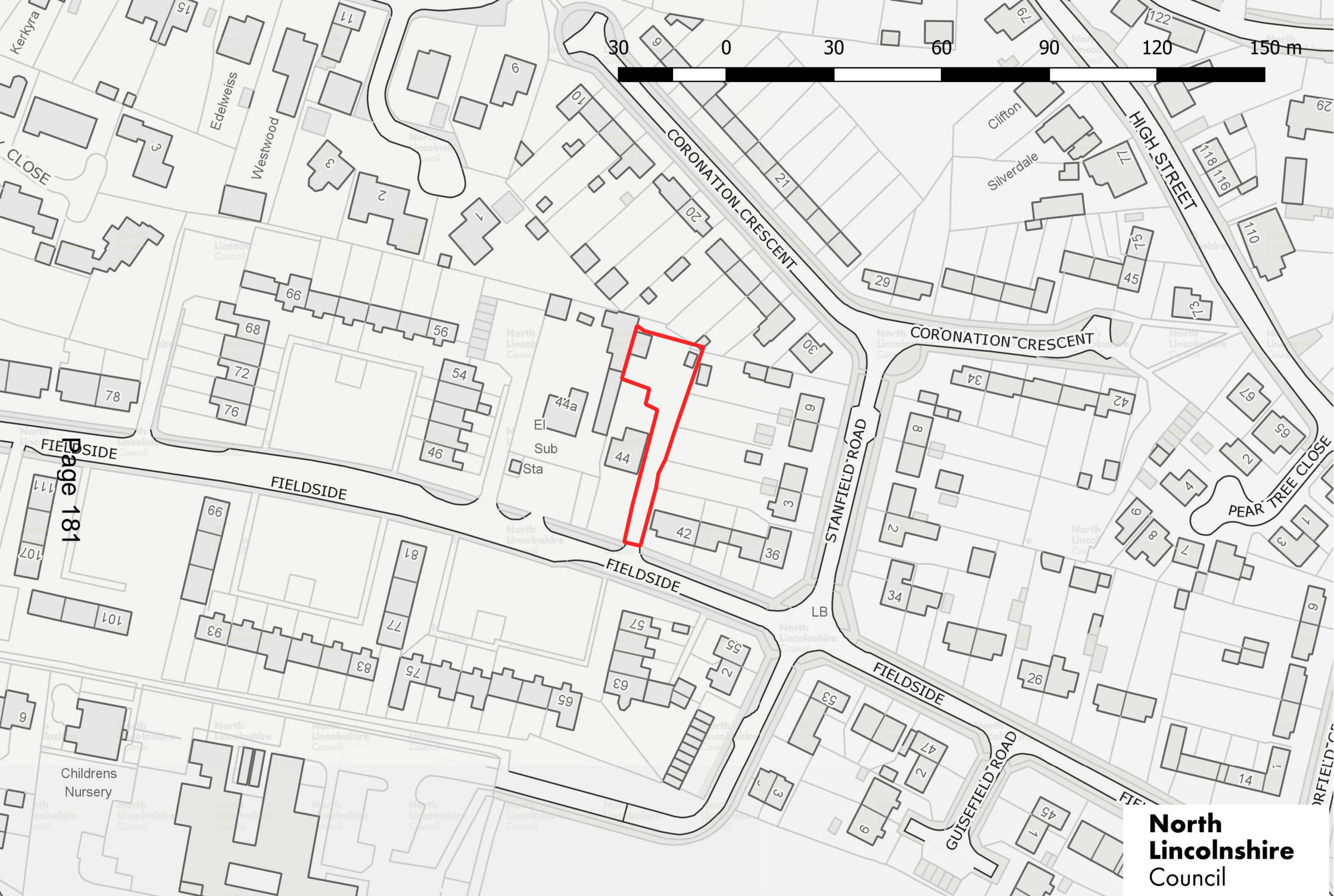
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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.

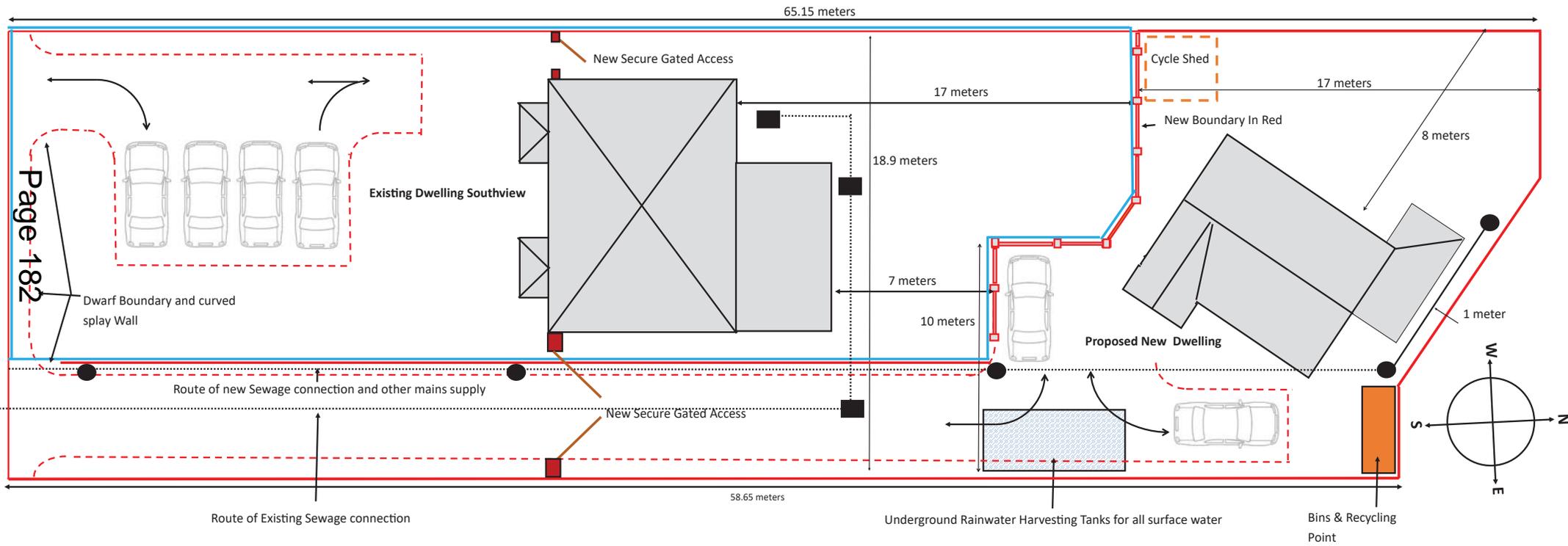


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Page 181

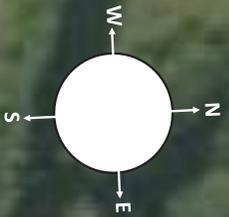
**North
Lincolnshire
Council**

PA/2021/119 Proposed layout (not to scale)

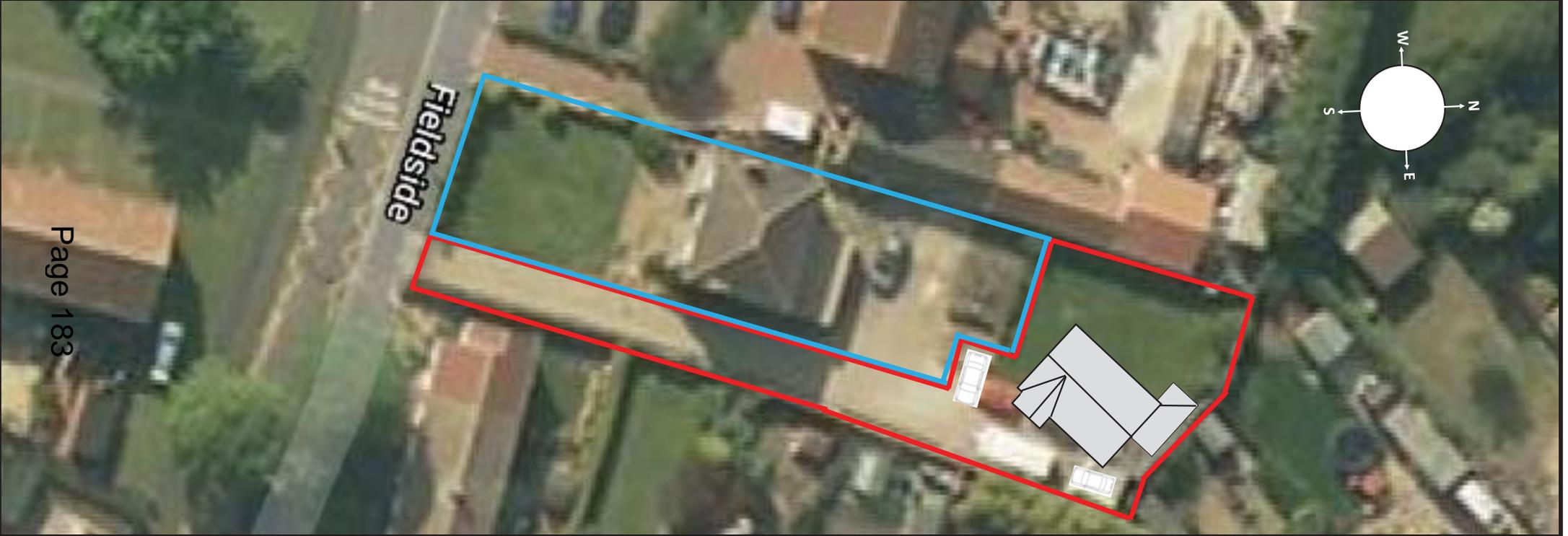


Scale 1-100

PA/2021/119/02

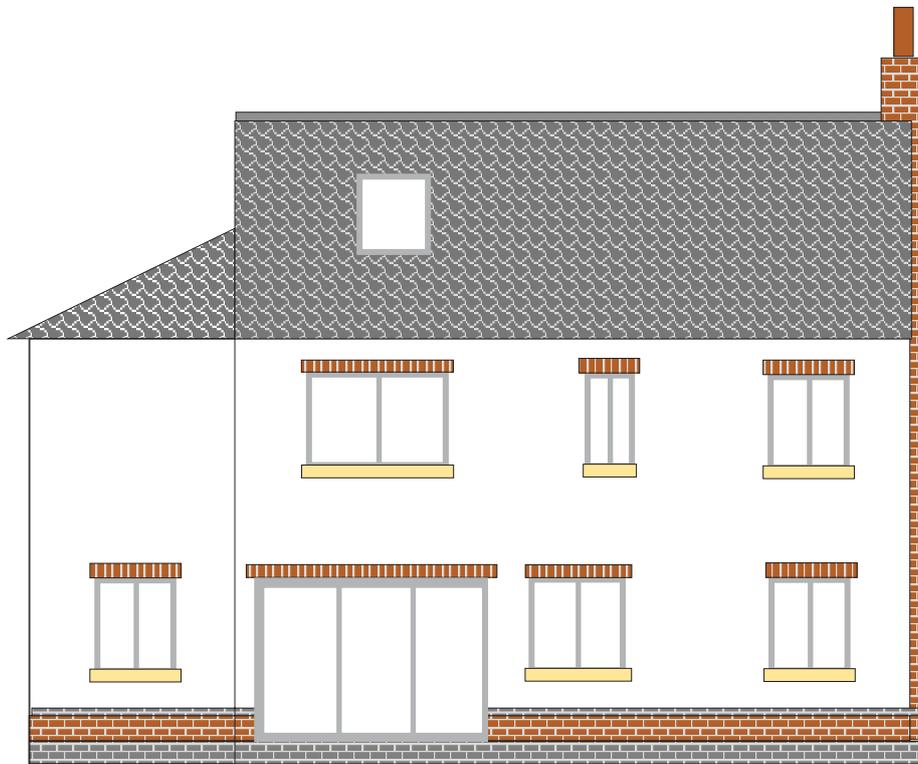


Fieldside





South East Elevation

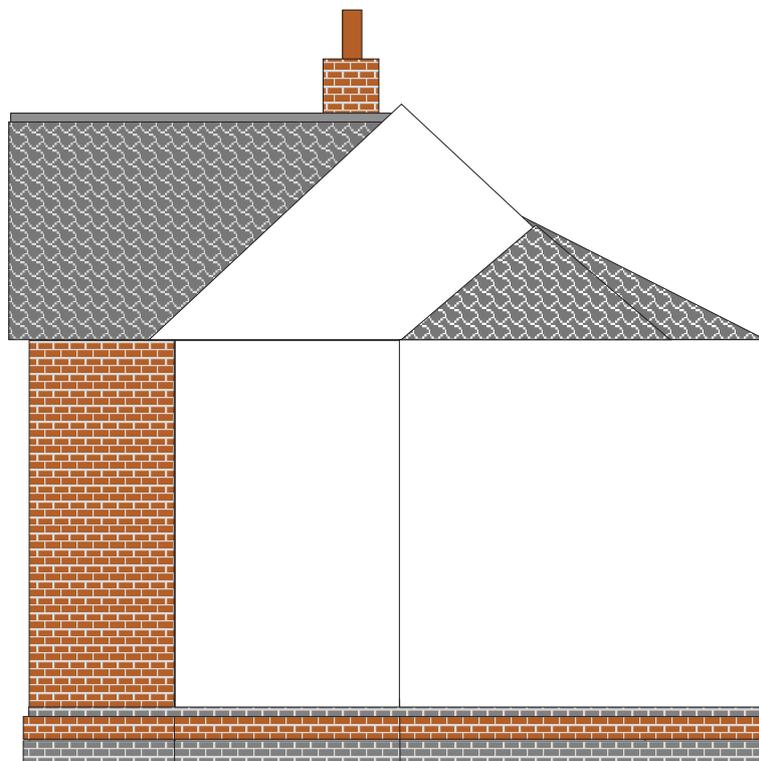


North West Elevation

Scale 1-100



South West Elevation



North East Elevation

Scale 1-100

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APPLICATION NO	PA/2021/170
APPLICANT	Mr Brader
DEVELOPMENT	Outline planning permission to erect three detached dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration
LOCATION	Land rear of 81–85 St Barnabas Road, Barnetby le Wold
PARISH	Barnetby le Wold
WARD	Brigg and Wolds
CASE OFFICER	Kevin Robinson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member ‘call in’ (Cllr Rob Waltham – significant public interest)

POLICIES

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

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

For plan-making this means that:

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

For decision-taking this means:

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

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

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

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

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

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

North Lincolnshire Local Plan: DS1, DS7, DS11, RD2, H5, H7, H10, C1, T2, T19, HE9, LC7.

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

Housing and Employment Land Allocations DPD: Barnetby le Wold Proposals Map

CONSULTATIONS

Highways: No objections subject to conditions to secure details.

Drainage (Lead Local Flood Authority): No response received at the time of writing.

Environmental Protection: No objections subject to a condition to address potential land contamination. [Further comments on the submitted phase 1 report are awaited and will be reported verbally at the committee.]

Historic Environment Record: No objections.

PARISH COUNCIL

No response received.

PUBLICITY

A site notice has been displayed. Objections have been received from five neighbouring properties raising the following concerns:

- land level differences and potential for overlooking and overshadowing of neighbouring gardens; the property at 83 St Barnabas Road has dormer windows to the rear
- vehicles on the access driveway would pass existing properties' windows causing noise
- the access adjacent to the school would pose a danger to schoolchildren, impact upon pedestrian safety and parking during school drop-off and collection
- part of the access is bridleway which will be affected
- parking within the site will be limited
- the site has been previously refused for development
- land drainage to the site
- impact on wildlife
- impacts from construction traffic
- bin collection will be from the access.

ASSESSMENT

Planning history

PA/2004/2181: Outline planning permission for two dwellings (resubmission of 2004/1840) – approved 28/01/2005

PA/2004/1840: Outline planning permission to erect three dwellings – refused 07/12/2004 on the grounds that the character of the area is formed by frontage development.

This proposal relates to the development of land to the rear of 81–85 St Barnabas Road, Barnetby. The site was last in use as a bowling green. It is located to the rear of existing dwellings on St Barnabas Road and is accessed by an existing unmade track running between residential properties.

Main considerations

As identified above, the key considerations for this type of development in this location and at this time, given the current five-year housing land supply, are:

- **the principle of the development proposed;**
- **impact upon the character and form of the locality;**
- **highway safety;**
- **residential amenity;**
- **flooding and drainage and contaminated land; and**
- **ecology.**

The principle of the development

The application site falls outside the development limits of Barnetby. Whilst, historically, the North Lincolnshire Local Plan included the site within the development limits, the current HELA DPD places the site adjacent to but outside the defined boundary. As such, in considering this application, the site is outside the limit and therefore within open countryside.

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

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

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 HELA DPD. The application site is entirely 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 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide the supply of housing should not be considered up-to-date.

A recent 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 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, and 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 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).

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental. There are clear principle benefits emanating from additional residential development in relation to economic benefits from an increased number of people in the area as well as potential for local construction firms/tradespeople. There are also social benefits associated with gaining additional housing provision, creating additional dwellings for an aging population and also offering opportunities for further accommodation to increase the offer within the village. Clearly, additional built form would also have potential for negative impacts upon the environment. In determining the sustainability of the proposed development, an assessment not only relies upon planning principle but also the technical elements of the proposal. Only at that

point can it be established whether or not any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal.

The impact upon the character and form of the locality

Policy DS1 of the local plan expects a high standard of design and states 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 RD2 of the local plan is concerned with development within the open countryside. Firstly, it sets out in principle those development types that are acceptable; and secondly, it takes 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 Core Strategy is also relevant and 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 is concerned with new housing development and policy H7 relates to backland and tandem development. Both are relevant, along with paragraph 127 of the NPPF, though its criteria-based nature lends itself better to the assessment of any subsequent reserved matters application.

The site is located to the east of the settlement abutting the defined settlement limit and is contained by properties to the west. The proposal would be to the rear of existing properties and would therefore form backland development. Policy H7 requires that there would be no adverse effect upon either amenity (addressed later in this assessment) or character of the area. The proposal is in outline form with appearance, landscaping, layout and scale reserved for subsequent consideration. Notwithstanding that the site is to the rear of existing properties, given the existing built form of the locality, it is not considered that the proposed dwellings would be seen as an appreciable intrusion into the open countryside beyond. They would be seen within the context of residential development and would not result in any significant impact or adverse encroachment upon the wider open countryside. It is considered, on balance, and given the presumption in favour of housing, that the proposal would not result in significant impacts to warrant resistance on these grounds.

Whilst careful consideration would be needed at reserved matters stage for the scale and layout of the proposal, it is considered that a suitable scheme could be achieved in this regard. As such, there is no objection in principle to the proposal in this location.

Highway safety and accessibility

Policy T2 of the local plan requires all development to be provided with a satisfactory access. Larger developments should be served adequately by:

- (i) being readily accessible by a choice of transport modes; and
- (ii) existing public transport services and infrastructure; or
- (iii) additions or extensions to such services linked directly to the development; and
- (iv) the existing highway network.

Policy H7 requires that consideration is also given to the whether proposals result in the proliferation of vehicular access points.

A number of comments have raised that the proposed access is formed by a public right of way/bridleway. Having searched the definitive map, there is no defined public right of way along the access or through the site.

Comments received in relation to the location adjacent to the school, the pavement to the side of the adopted highway and parking concerns are noted. With regard to the location next to the school, it is not uncommon for there to be residential access points near to schools. Highways have been consulted on the application and find it acceptable, subject to a number of conditions relating to the access and formation of the driveway. The driveway would be privately owned and maintained and therefore any parking would be trespass and subject to control in that regard. Subject to the recommended conditions, it is considered that there would be no significant highway impacts from the proposal.

Residential amenity

Policies DS1, H5 and H7 of the local plan outline requirements to ensure that proposals do not adversely impact upon the amenity of their locality. In this regard the proposal does not seek layout, scale or design and, as such, these remain a reserved matter. The proposal does include an indicative layout. Comments received relating to impacts upon amenity are noted, as is the topography of the site. The proposal shows that the properties could be orientated so that their side elevations face toward the existing properties. Subject to careful design at the reserved matters stage, it is considered that a suitable scheme could be achieved to ensure no significant effects occur. Any land raising would also need to be considered at that reserved matters stage. However, it is considered prudent to attach an informative to any permission granted to consider this in the preparation of the reserved matters and that a cross section/street scene would be required to demonstrate the relationship.

Comments relating to the access running adjacent to existing properties have also been raised. It is considered that such a relationship is not uncommon and that, with only three dwellings to the rear, the vehicle movements would not be so significant as to warrant resistance on these grounds.

The proposal is therefore considered to be acceptable in this regard.

Flooding and drainage and contaminated land

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

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

The site is located within Flood Zone 1 within the North Lincolnshire SFRA 2011. It is considered, subject to a condition requiring details as to how the site will be drained, that there are no objections to the proposal in this regard.

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

The applicant has submitted a site investigation following the Environmental Health Officer's (EHO) comments. Updated comments are expected and where necessary will be verbally updated at the committee. Notwithstanding this, subject to suitable conditions to control land contamination, the proposed development is considered to accord with policy DS7 of the North Lincolnshire Local Plan.

Ecology

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

The site is not designated for any known ecological interest and does not have any features which would raise concerns. The landscaping and layout reserved matters will provide opportunity to secure suitable planting to help promote biodiversity at the site.

Conclusion

The site is located adjacent to the boundary of the settlement as defined in the HELA DPD. The proposal can be suitably accommodated within the site without significant detrimental impacts upon the wider open countryside or character of the locality. Relevant statutory and internal consultees have been consulted on the proposal and no objections have been raised. Subject to careful consideration in terms of design, scale and layout, it is considered that a suitable scheme could be achieved. The proposal is therefore recommended for approval subject to conditions.

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

1.

Approval of the details of the appearance of the building(s), the landscaping of the site, the layout of the development and the scale of the proposal (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 appearance of the building(s), the landscaping of the site, the layout of the development and the scale of the proposal 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 element of dwg 1140.02.

Reason

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

6.

No development shall take place until details of:

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

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

Reason

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

7.

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.

8.

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.

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.

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.

11.

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

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;

- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

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

Reason

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

12.

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

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

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

Reason

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

13.

No dwelling on the site shall be occupied until the private driveway has been completed, to a standard to be agreed beforehand in writing with the local planning authority, up to its junction with the vehicular access to that dwelling.

Reason

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

14.

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

Reason

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

15.

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

Reason

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

16.

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

17.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation.

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

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

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

To ensure the site is safe for future users and construction workers.

 development_boundary



St Barnabas
C of E
Primary School

Barnetby le Wold

Page 201

**North
Lincolnshire
Council**

PA/2021/170 Indicative layout (not to scale)

All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications will be those drawings or associated documents are to be referred to keystonearchitecture.

Do not scale from these drawings - Fit out + as.

All materials shall be fixed, applied or mixed in accordance with the manufacturers written instructions, recommendations and specifications. Variations to specified materials shall be agreed in writing with keystone architecture.

The Contractor shall take into account everything necessary for the proper execution of the works and to the satisfaction of the Local Authority, whether or not indicated on the drawings or in the specifications.

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Location Plan
scale 1:1250



Block Plan
scale 1:500



Indicative Site Plan
scale 1:200

Page 202

rev	amendment	date
01	Proposed Dwellings	11/10/22
02	Site Plans	Dec 21
03	Planning	drawn by JCB
04	as noted	drawn by JCB

APPLICATION NO PA/2021/169
APPLICANT Mr Brader
DEVELOPMENT Planning permission to create private drive access
LOCATION Land east of St Barnabas Road, Barnetby le Wold
PARISH Barnetby le Wold
WARD Brigg and Wolds
CASE OFFICER Kevin Robinson
SUMMARY RECOMMENDATION Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Officer discretion

POLICIES

National Planning Policy Framework: Paragraph 109 – Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

North Lincolnshire Local Plan: T2

North Lincolnshire Core Strategy: CS5

Housing and Employment Land Allocations DPD: Barnetby le Wold Proposals Map

CONSULTATIONS

Highways: No objection, but recommend conditions be attached to any permission granted.

PARISH COUNCIL

No response received.

PUBLICITY

The application has been advertised by site notice. Three responses have been received raising the following objections:

- the access is adjacent to the school
- the width of the road is unsuited to large delivery vehicles
- hazards to pedestrians, including schoolchildren

- part of the access is on a bridleway
- width of the road
- school times are particularly busy.

ASSESSMENT

Planning permission is sought to provide a new access to land to the rear of 81–83 St Barnabas Road in Barnetby. The application is made as an accompaniment to pending application reference PA/2021/170. That application seeks outline planning permission to erect three dwellings and includes access details. This application has been confirmed by the applicant’s agent as seeking to secure the access separately to allow for formalised access to the paddock/field, and also for the separate proposal to allow an access to be provided and allow the individual plots to be applied for separately as self-build developments in the future.

Details of the access in relation to the outline application are addressed under that application. It is only as an access to the field that is being considered under this application.

The key issues in considering this application are therefore:

- **the principle of the development;**
- **highway safety; and**
- **visual amenity.**

The principle of the development

The access is proposed to serve the field to the rear of 81–85 St Barnabas Road. The road and access are located within the defined development limits and the provision of an access is considered to be acceptable in principle, subject to being acceptable in highway safety terms and with regard to the visual amenity of the locality.

Highway safety

Policy T2 of the local plan requires that all development must be provided with a satisfactory access. In larger developments it should be served adequately by:

- (i) being readily accessible by a choice of transport modes; and
- (ii) existing public transport services and infrastructure; or
- (iii) additions or extensions to such services linked directly to the development; and
- (iv) the existing highway network.

Paragraph 109 of the NPPF is also relevant, advising that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

One comment received raises the concern that the proposed access is formed by a public right of way/bridleway. Having searched the definitive map, there is no defined public right of way along the access or through the site.

Comments received in relation to the location adjacent to the school, the pavement to the side of the adopted highway and parking concerns are noted. With regard to the location next to the school, it is not uncommon for there to be a variety of access points near to schools. Highways officers have been consulted on the application and find it acceptable, whilst recommending a number of conditions relating to the access and its formation. Concerns have been raised in relation to parking occurring on the access for school drop-off and collection. The access would be privately owned and maintained, and therefore any parking would be trespass and subject to control in that regard. Subject to the recommended conditions, it is not considered that there would be any significant highway impacts from the proposal.

Visual amenity

Policy DS1 of the local plan expects a high standard of design and states 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.

In this regard the proposed access is of a scale and construction commensurate with its location within the village and would not be overly obtrusive or result in an incongruous feature in the street. As such, it is not considered that there would be any appreciable effect upon the character of the area. The proposal is therefore considered to acceptable in this regard

Conclusion

The site is located within the boundary of the settlement as defined in the HELA DPD. The proposal seeks access to the existing field, albeit there is a separate application for development of the site. Relevant statutory and internal consultees have been consulted on the application and have raised no objections. The proposal is therefore 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: Shared Drive Access DWG 1140.01 rev A.

Reason

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

3.

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

Reason

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

4.

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

Reason

In the interests of highway safety and to comply with policies T2 and T19 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.

development_boundary



St Barnabas
C of E
Primary School

School Cottages
7 to 6

ST BARNABAS ROAD

CUTHBERT AVENUE

ST. BARNABAS ROAD

ST BARNABAS ROAD

SMITHY LANE

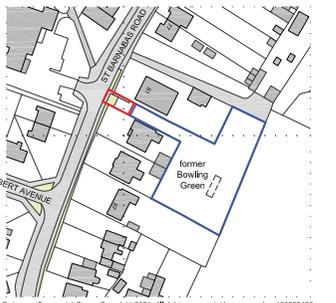
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Barnetby le W

**North
Lincolnshire
Council**

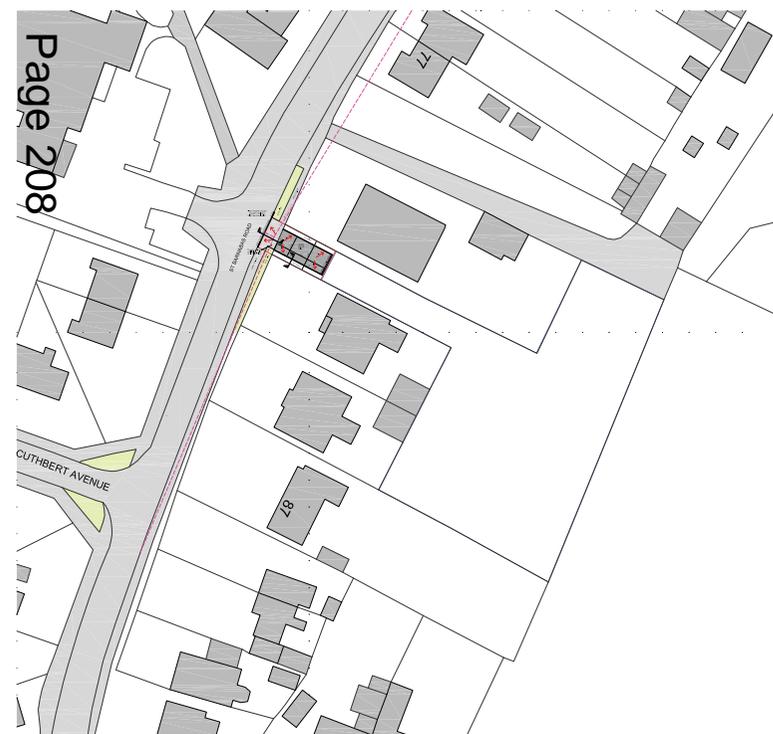
Page 207

PA/2021/169 Proposed layout (not to scale)



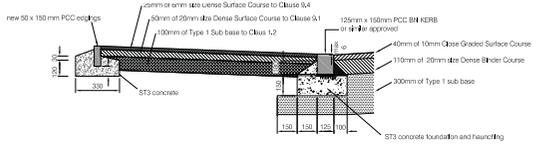
Location Plan
scale 1:1250

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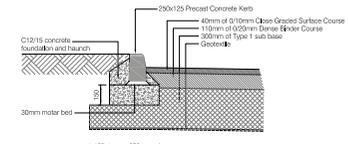


Block Plan
scale 1:500

Page 208



1-1
Footpath / Dropped Kerb Detail
scale 1:20



2-2
Shared Access Drive Kerb Detail
scale 1:20

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Site Plan
scale 1:100

rev	amendment	date
A	Shared Access Drive Details Added	05/01/21

stage	date	drawn by
Planing	Oct 20	JCB