

Public Document Pack

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

2 June 2021

Chairman: Councillor Nigel John Sherwood **Venue:** Church Square House,
High Street, Scunthorpe

Time: 2.00 pm **E-Mail Address:**
tanya.davies@northlincs.gov.uk

AGENDA

1. Substitutions
2. Declarations of Disclosable Pecuniary Interests and Personal or Personal and Prejudicial Interests, significant contact with applicants, objectors or third parties (Lobbying) and Whipping Arrangements (if any).
3. To take the minutes of the meeting held on 26 April 2021 as a correct record and authorise the chairman to sign. (Pages 1 - 6)

Applications Deferred From the Previous Meeting for a Site Visit 7 - 8

4. PA/2020/1117 - Planning permission to erect three dwellings and associated garages at 7 Belton Road, Epworth. (Pages 9 - 26)
5. PA/2021/6 - Planning permission to erect four dwellings, including demolition of existing garages on land between Chaucer Avenue and Chapman Avenue, Scunthorpe. (Pages 27 - 40)

Major Planning Applications for Determination by the Committee 41 - 42

6. PA/2019/2064 - Planning permission to erect four agricultural buildings for poultry rearing, together with associated feed bins, infrastructure and new highway access at Hall Farm, Middlegate Lane, Bonby (Pages 43 - 60)
7. PA/2020/1949 - Planning permission for the change of use of land to permit the siting of static caravans at Brookside Caravan Park, Stather Road, Burton-upon-Stather (Pages 61 - 72)
8. PA.2020/2063 - Outline planning permission for a residential development of up to 16 dwellings with all matters reserved for subsequent consideration at land north of Egton Avenue, Messingham (Pages 73 - 104)

Planning and Other Applications for Determination by the Committee 105 - 106

9. PA/2019/609 - Advertisement consent for 16 internally illuminated fascia signs, 11 internally illuminated other signs and three non-illuminated other signs at the

- site of a new petrol station, Ferriby Road, Barton-upon-Humber (Pages 107 - 118)
10. PA/2020/427 - Outline planning permission to erect a dwelling with appearance, landscaping, layout and scale reserved for subsequent consideration at land adjacent to Homeacres, Luddington Road, Garthorpe (Pages 119 - 132)
 11. PA/2020/1643 - Planning permission to vary condition 2 of PA/2020/41 to include garage and gable dormer at rear and change the window materials at 27 School Lane, Appleby (Pages 133 - 140)
 12. PA/2020/1872 - Planning permission to erect a dwelling with associated works at The Vicarage, 5 Paul Lane, Appleby (Pages 141 - 150)
 13. PA/2020/1973 - Planning permission for an extension to an existing dwelling to provide two dwellings as holiday accommodation at 1 and 2 Grange Farm Cottages, Station Road, Thornton Curtis (Pages 151 - 164)
 14. PA/2021/22 - Planning permission to erect a garage/garden room at 8 The Old School Yard, Redbourne (Pages 165 - 172)
 15. PA/2021/240 - Planning permission for a change of use of the Duke William motel to a single dwelling, including demolition of part of the restaurant at The Duke William Hotel, 27 Church Street, Haxey (Pages 173 - 192)
 16. PA/2021/291 - Planning permission to erect a dwelling with associated access and landscaping at 111 Fountain House, Scawby Road, Scawby Brook (Pages 193 - 202)
 17. PA/2021/362 - Outline planning permission for three dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration, and alteration to transition/drop kerb at land to the rear of 2, 2A and 4 North Cliff Road, Kirton-in-Lindsey (Pages 203 - 218)
 18. PA/2021/271 - Planning permission to erect a prefabricated modular building at the Frank Morgan School of Flying, Plot 5A adjacent to Hangar 2, Franklin Way, Humberside Airport, Kirmington (Pages 219 - 226)
 19. 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.

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

26 April 2021

PRESENT: - N Sherwood (Chairman)

Councillors S Bainbridge, J Davison, L Foster, M Grant, R Hannigan, D Southern, P Vickers, D Wells and C Sherwood.

Councillors Mitchell, Ogg and Rowson attended the meeting in accordance with Procedure Rule 1.37(b).

This was a Microsoft Teams Virtual Online meeting.

2087 **MINUTES SILENCE - MR ARTHUR BUNYAN** - The Chairman informed the Committee of the sad and untimely passing of former North Lincolnshire Councillor and Planning Committee Chairman Arthur Bunyan. Therefore, as a mark of respect, the Committee observed a minutes silence.

2088 **SUBSTITUTIONS** - Councillor C Sherwood substituted for Councillor J Evison.

2089 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING) AND WHIPPING ARRANGEMENTS (IF ANY)** - The following members declared that they had been lobbied –

Councillor L Foster
Application: PA/2021/6 (Minute: 2093(v))

Councillor T Mitchell
Application: PA/2020/1117 (Minute: 2093(i))
Application: PA/2021/119 (Minute: 2093(vi))

2090 **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 - Resolved** – That the minutes of the proceedings of the meetings held on 24 February and 24 March 2021, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the Chairman.

2091 **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.

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(i) PA/2021/20 by Mr & 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. Haxey Parish Council had also objected to the planning application.

The applicant's agent spoke in support of the application. He acknowledged the concerns of the resident to the north. However, this was a single storey application that was being proposed. There would be a fence, mature trees and landscaping between the objector and the applicant's plot. The property would not have an adverse impact on the residents. The council's Highways department or Archaeologists had not objected to the application. The property was not a listed building nor in a conservation area. There were numerous other properties of similar size and design in East Lound. The site was also within flood zone 1 which was preferable and there were no objections to this planning application from the council's drainage engineers.

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

2092 **MAJOR PLANNING APPLICATIONS** - The Group Manager – Development Management submitted a report containing details of major applications for determination by the committee, including summaries of policy context, representations arising from consultation and publicity and assessment of the applications.

(i) PA/2020/660 by Rafkins (Scunthorpe) Leisure Park Ltd for 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 at land off Jack Brownsword Way, Scunthorpe.

Prior to consideration of the item, the Chairman read out a letter submitted by local ward member Councillor Walshe who was unable to attend the meeting. The letter referred to the observations of local residents, who expressed concern about the increased traffic movements the application may bring to Doncaster Road. Matchday car parking was already an issue in the locality, which this application may exacerbate.

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

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(ii) PA/2020/1626 by Mr & Mrs Besford for planning permission to convert a barn into a dwelling, with a single-storey rear extension, detached garage and new vehicle access at 38 High Street, Haxey, DN9 2HH.

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

2093 **PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** - The Group Manager – Development Management submitted a report incorporating a schedule containing details of applications for determination by the committee including summaries of policy context, representations arising from consultation and publicity and assessment of the applications. The Head of Development Management updated the reports orally where appropriate. Other officers attending gave advice and answered members' questions as requested.

(i) PA/2020/1117 by Mr Cherry, Cherry Tree Homes Ltd for planning permission to erect three dwellings and associated garages at 7 Belton Road, Epworth, DN9 1JL.

Prior to consideration of the application, an objector addressed the committee. She informed members that there were 17 objections to the application. Principal objections to the application were access to the proposed housing estate and impact on the already busy Belton Road. Local residents were concerned that school buses and emergency vehicles would struggle to navigate the road due to the increased traffic movements and the access to the site only being 40 metres away from traffic lights. The application would also result in a loss of amenity for at least four properties.

Councillor T Mitchell spoke as the local ward member. He agreed with all the points made by the objector previously, especially the inadequate access route to the four property plot. Due to the width and layout of the access, vehicles would find passing oncoming vehicles a real challenge. The council's Highways department estimated that the access road was only 4.5 metres wide. The Department for Transport manual for streets recommends a minimum carriageway of 5.5 metres. Were vehicles to meet on the access road, one vehicle would have to reverse down the road, which caused a safety risk. Vehicles would also have to wait and park on the footpath, whilst waiting for a gap in the traffic or for the traffic lights to change. The applicants traffic study did not address the issues caused by the access road.

Councillor J Davison was of the opinion that the committee would benefit from a site visit, to consider for themselves the issues raised by the speakers.

It was then moved by Councillor J Davison and seconded by Councillor C Sherwood.

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

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Motion Carried

(ii) PA/2020/1599 by Mr Michael Torr for planning permission to convert barn into dwelling at 36 Westgate Road, Westgate, Belton, DN9 1QG.

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

(iii) PA/2020/2043 by Mr J Oates-Smith for planning permission to erect a first floor throughout, create a small extension to the rear, and alter ground-floor elevations and layout at 2 Westgate Road, Westgate, Belton, DN9 1QG.

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

(iv) PA/2020/2084 by Mr Martyn Robinson for outline planning permission to erect a dwelling with layout, scale, appearance, access and landscaping all reserved for subsequent consideration at land at Booth House Farm, Winterton, DN15 9UP.

Prior to consideration of the application, the applicants agent addressed the committee. The applicant ran a successful farm shop that was located behind the site as well as running Booth House Farm. The farm shop was very popular with Winterton residents and customers from further afield. The shop ensured the viability and sustainability of the farm. Approving the application would allow the applicant to expand his business with a minimum loss of agricultural land.

Councillor Rowson, local ward member addressed the committee and respectfully requested that the members grant the application.

Councillor Ogg, local ward member also addressed the committee and agreed that the application should be granted.

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

(v) PA/2021/6 by Mr Martin Phillips, Ongo Developments for planning permission to erect four dwellings, including demolition of existing garages at land between Chaucer Avenue and Chapman Avenue, Scunthorpe.

Prior to consideration of the item, the applicant’s agent addressed the committee. He stated that the applicant had sort options for developing carbon neutral homes which would demand a carbon reduction of 100 per cent against current building regulation targets. The scheme was one of two projects being pioneered by Ongo as a blueprint for all future homes. Carbon neutral homes not only benefit the environment but also residents through reduced running costs. The homes would be offered at affordable rent rates and provided an opportunity to reuse a brownfield site in flood risk zone one

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within the development boundary of Scunthorpe. The surface water strategy had been developed in accordance with the council's drainage hierarchy and building regulations. The development would not be a burden on the existing surface water network and would not increase the risk of flooding elsewhere. Following a public consultation, the application was reduced from three sites down to two leaving one site dedicated to parking, which was deemed sufficient for all individuals who would reside at the properties.

Councillor J Davison was concerned about the number of objections recorded against this application, the majority of which concentrated on potential parking issues. He was therefore of the opinion that the committee would benefit from a site visit, to consider for themselves the issues raised by the objectors.

It was then moved by Councillor J Davison and seconded by Councillor C Sherwood.

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

Motion Carried

(vi) PA/2021/119 by Mr & Mrs Terry and Vicky Johnson for planning permission to erect a detached dwelling at land to the rear of 44 South View, Fieldside, Epworth.

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

(vii) PA/2021/170 by Mr Brader for outline planning permission to erect three detached dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration at land rear of 81–85 St Barnabas Road, Barnetby le Wold.

The Group Manager – Development Management informed the committee that the council's Ecologist had requested additional information from the applicant which may assist the members when determining the application. Therefore, deferring consideration of the application may be a prudent course of action.

It was then moved by Councillor N Sherwood and seconded by Councillor C Sherwood -

That consideration of the application be deferred to allow the applicant an opportunity to respond to the request for additional information from the council's Ecologist.

Motion Carried

(viii) PA/2021/169 by Mr Brader for Planning permission to create private

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drive access at land east of St Barnabas Road, Barnetby le Wold.

The Group Manager – Development Management informed the committee that the council’s Ecologist had requested additional information from the applicant which may assist the members when determining the application. Therefore, deferring consideration of the application may be a prudent course of action.

It was then moved by Councillor N Sherwood and seconded by Councillor C Sherwood -

That consideration of the application be deferred to allow the applicant an opportunity to respond to the request for additional information from the council’s Ecologist.

Motion Carried

- 2094 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE SPECIFIED** - The Director: Governance and Partnerships provided a verbal update on how meetings of the committee may be administered in the future.

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 on the morning of the meeting.

3. INFORMATION

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

4. RESOURCE IMPLICATIONS

4.1 There are no staffing or financial implications arising from this report.

4.2 Environmental considerations are of major importance when considering planning applications and are set out in the individual reports.

5. RECOMMENDATION

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

GROUP MANAGER – DEVELOPMENT MANAGEMENT AND BUILDING CONTROL

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

Ref: CB/JMC/Planning committee 02 June 2021.docx
Date: 21 May 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

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 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.

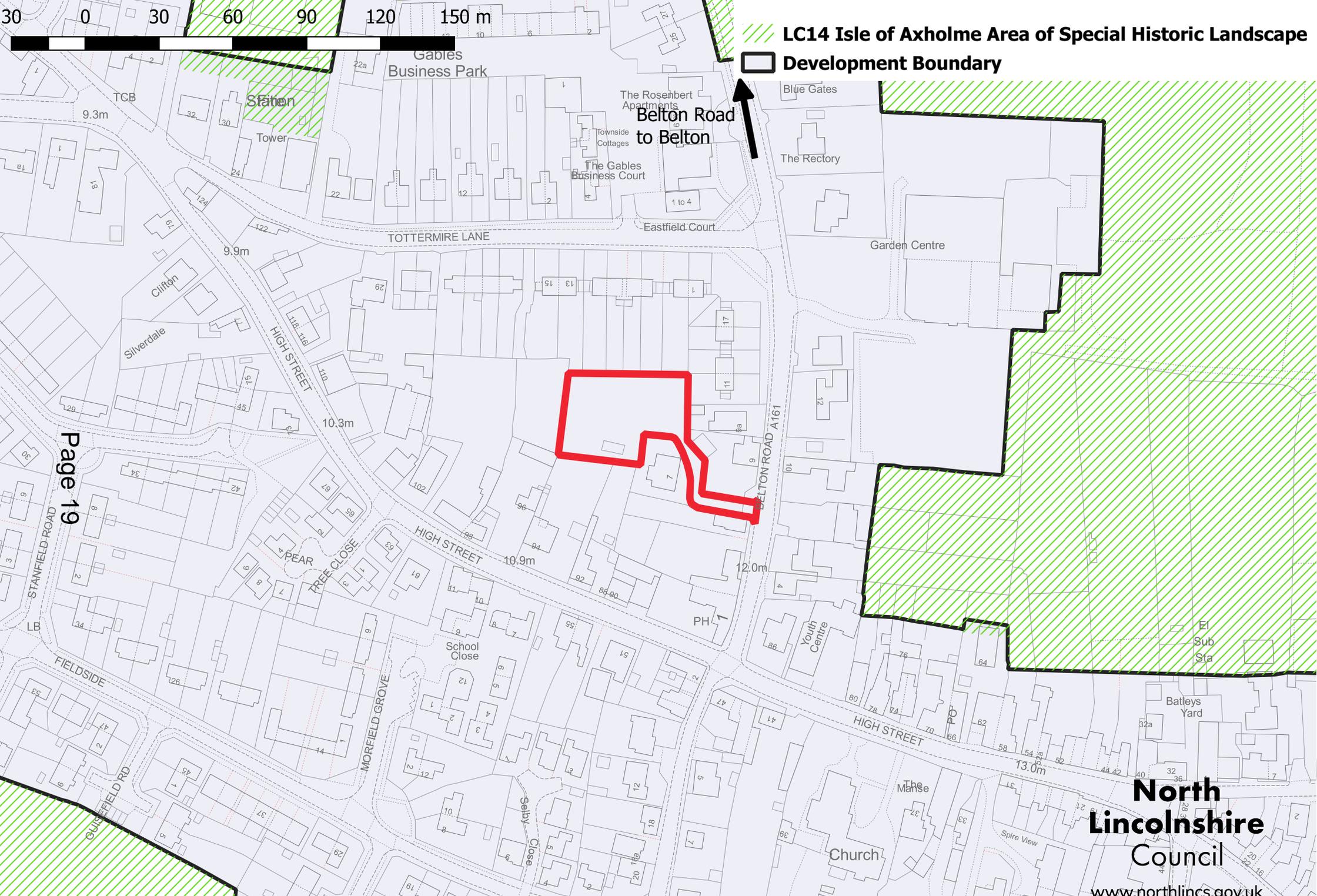
Informative 3

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.



LC14 Isle of Axholme Area of Special Historic Landscape

Development Boundary



Page 19

North Lincolnshire Council

www.northlincs.gov.uk

PA/2020/1117

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AMENDED

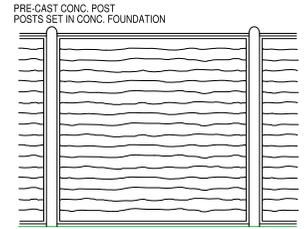


Page 20

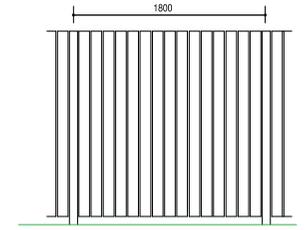


KEY

-  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
1:500 @ A3	July 20	PB	
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

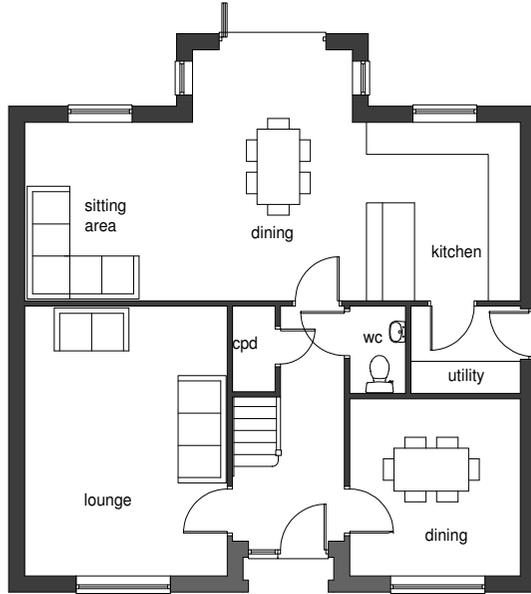


front elevation

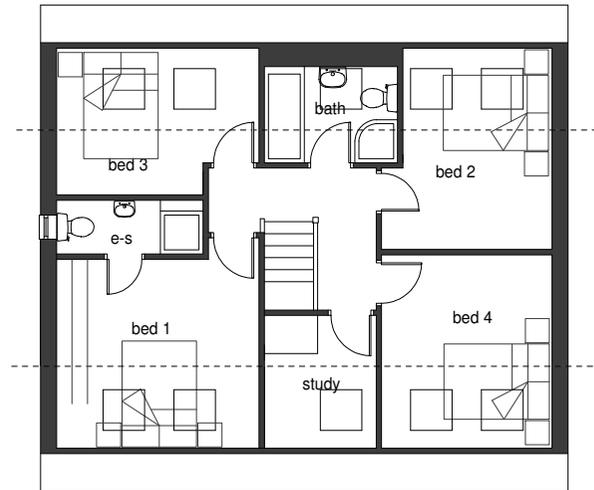
side elevation

side elevation

Page 21



ground floor plan



first floor plan



rear elevation

CHERRY TREE HOMES LTD

7 BELTON ROAD
EPWORTH
DN9 1JL

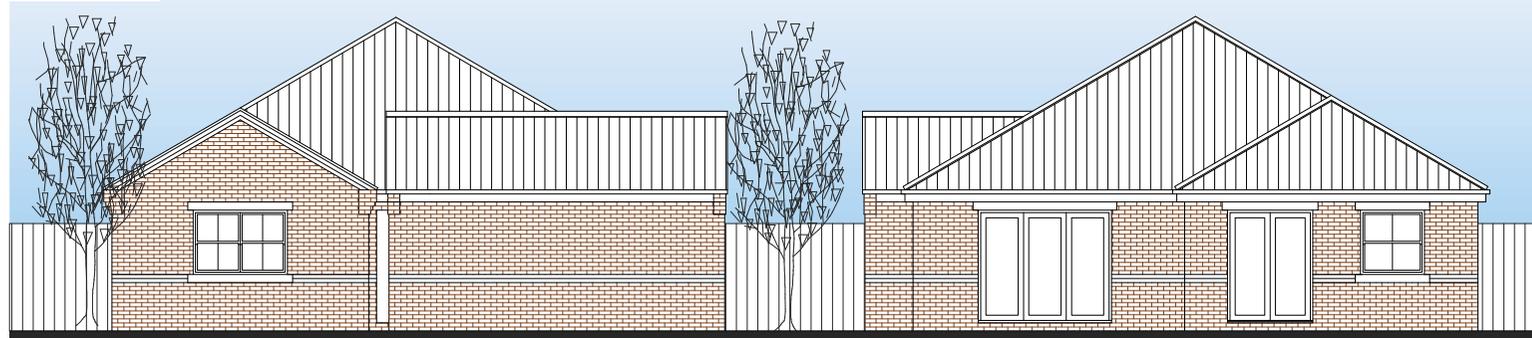
PLOT 1

scale	date	drawn	checked
1:100 @ A3	July 20	PB	
drawing no	revision		
20 - 036 - 3			

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AMENDED

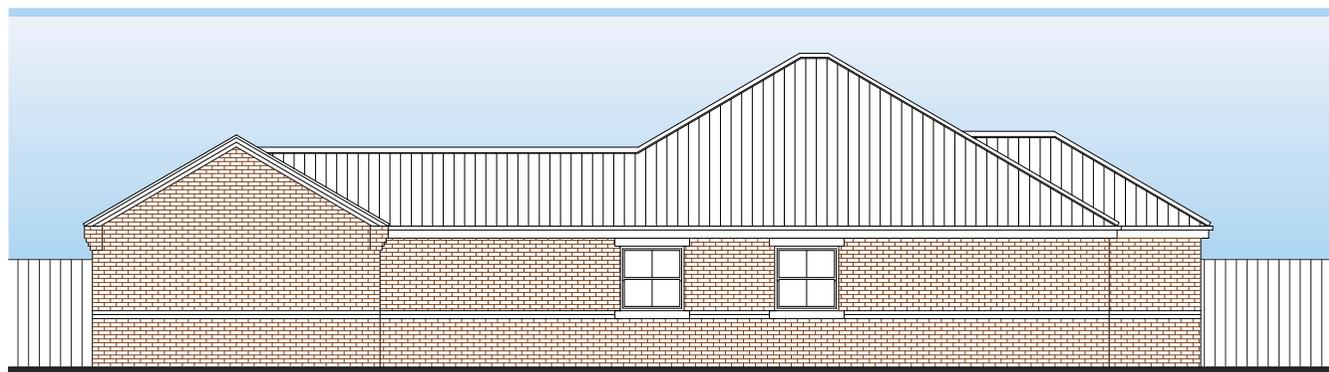


front elevation

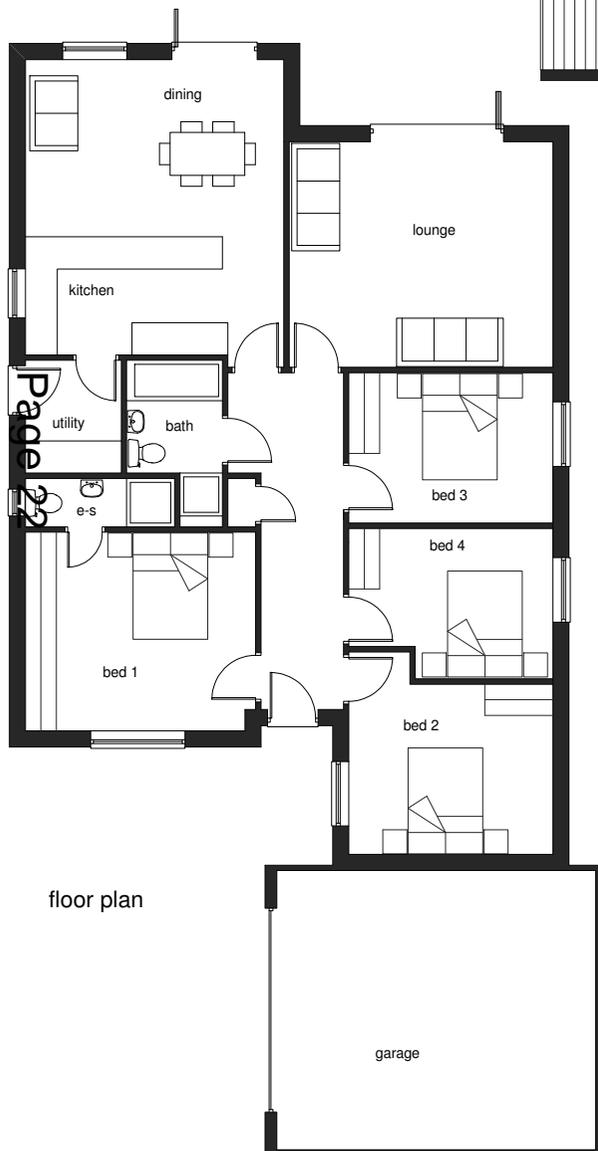
rear elevation



side elevation



side elevation



floor plan

CHERRY TREE HOMES LTD

**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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front elevation



side elevation



floor plan

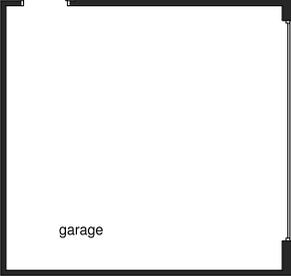


side elevation



rear elevation

Page 23



garage

CHERRY TREE HOMES LTD

**7 BELTON ROAD
EPWORTH
DN9 1JL**

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/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, Scunthorpe
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

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

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.

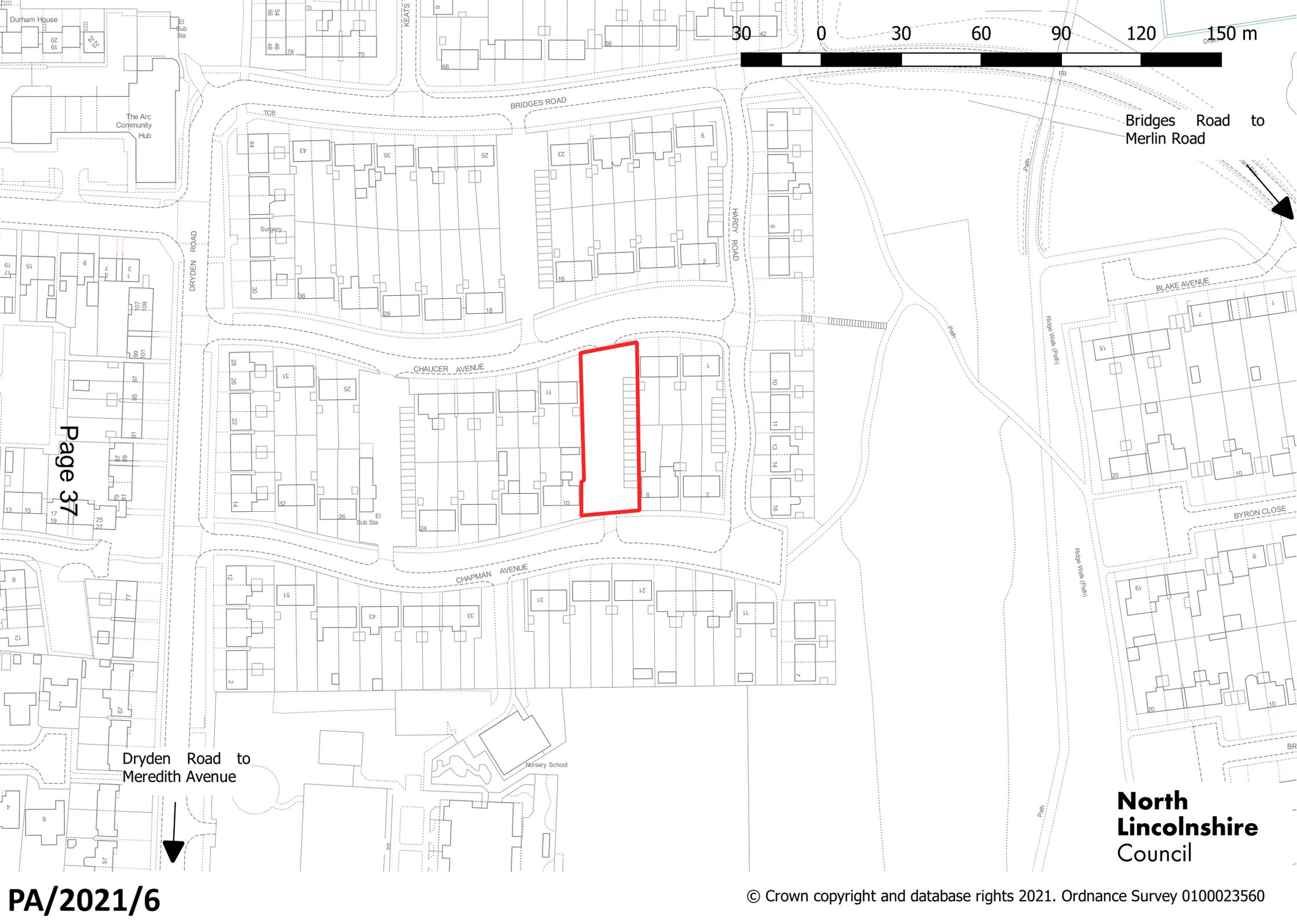
Informative 1

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.



Bridges Road to Merlin Road

Dryden Road to Meredith Avenue

**North
Lincolnshire
Council**

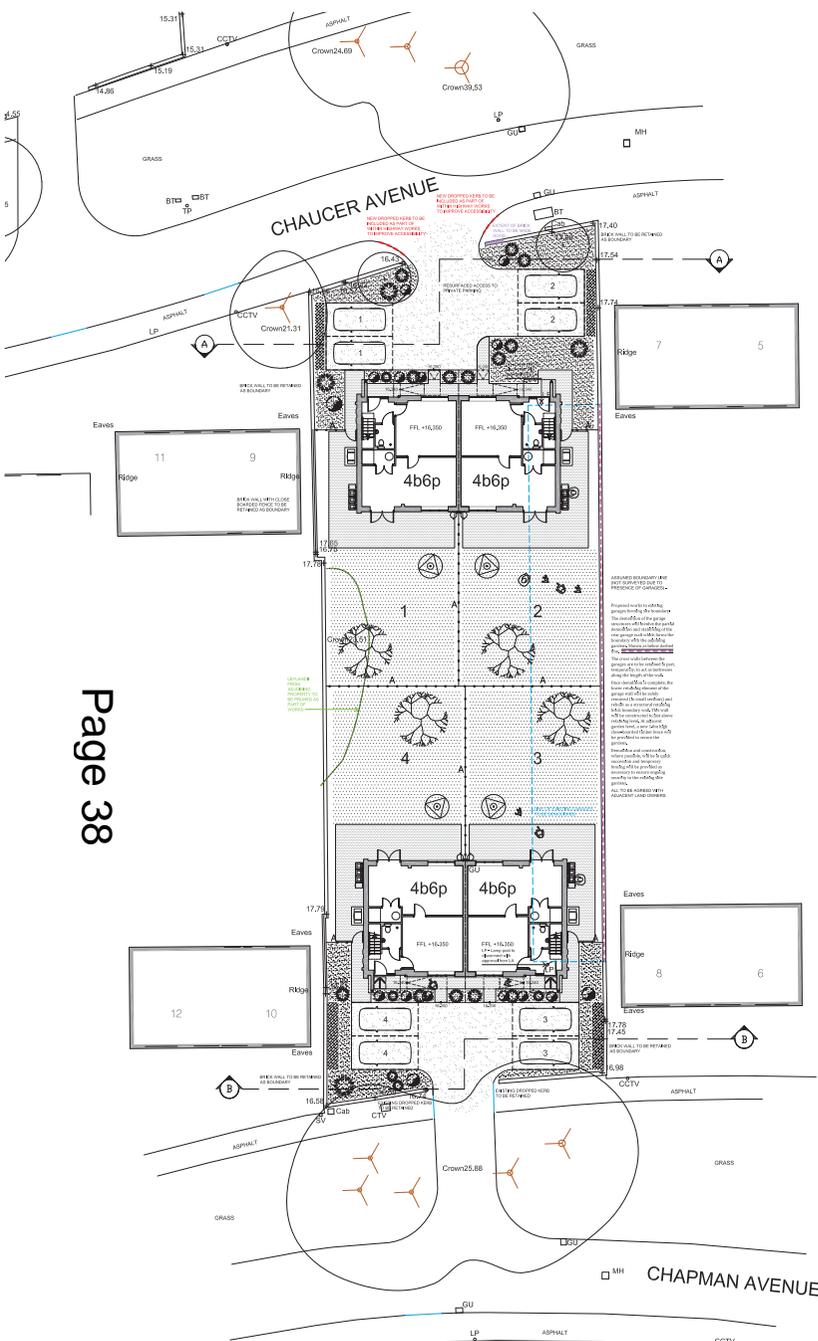
Page 37

PA/2021/6 Proposed layout (not to scale)

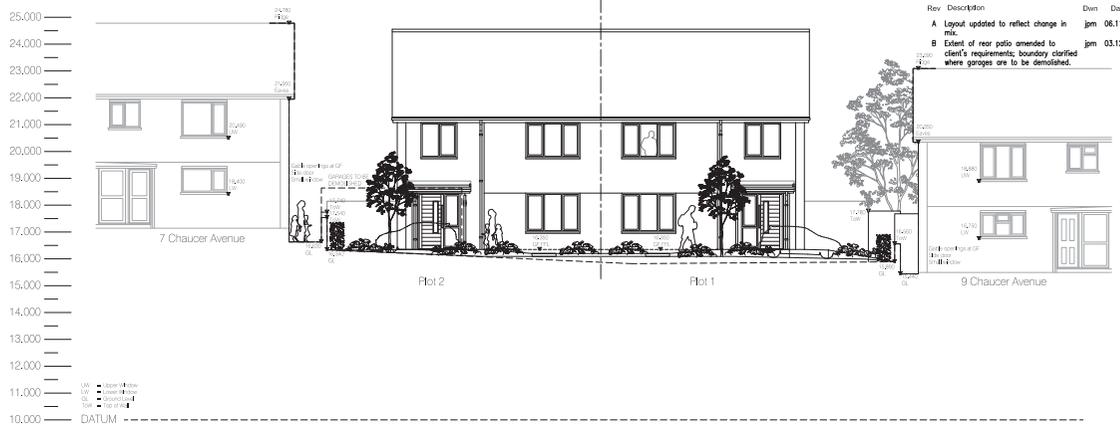
NOTES
 Do not scale from this drawing. Only figured dimensions are to be taken from this drawing.
 Contractor must verify all dimensions on site before commencing any work or shop drawings.
 Report any discrepancies to the architect before commencing work. If this drawing exceeds the quantity taken in any way the architect are to be informed before the works proceed.
 Work shall be the Contractor (Design & Management) Regulations 2015 in respect to all work until the Construction Health and Safety Information has been produced by the Principal Designer and a PHHS Contractor has produced a Construction Phase Plan and Safety Plan.
 This drawing is copyright and must not be reproduced without consent of BSB Architecture.
 The drawing originates from the CAD file:
 S:\2019\19804_Chaucer_Avenue_Scunthorpe\010_BSB Drawings\020_Current Issue\025_Approval\19804_03_Location Plan_06A_Block Plan_05B_Proposed Site Layout\06A_SitePlan.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



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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:

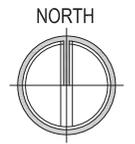
4nr 4b6p dwellings - 111msq
 2nr parking spaces each

BOUNDARY TREATMENTS:

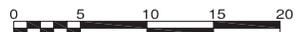
- A** 100mm high 100mm wide raised kerb with concrete posts. 100mm high 100mm wide raised kerb with concrete posts. 100mm high 100mm wide raised kerb with concrete posts. 100mm high 100mm wide raised kerb with concrete posts.
- B** 100mm high 100mm wide raised kerb with concrete posts. 100mm high 100mm wide raised kerb with concrete posts. 100mm high 100mm wide raised kerb with concrete posts. 100mm high 100mm wide raised kerb with concrete posts.

KEY:

- IMPERVIOUS PAVED FOR DRIVE** - Areas to be paved in the driveway.
- ROTARY DRIVE** - Rotary drive.
- PROPOSED TREES** - To be planted in the courtyard.
- GRAVEL DRIVEWAY** - Gravel driveway.
- HEAVED** - Heaved.
- TURF** - Turf to be laid in the garden areas.
- GRAVEL PLAY AREA** - Gravel play area.
- PCC PAVED PLACES** - PCC paved places.



CHAUCER AVENUE SITE LAYOUT AS PROPOSED



BSB Architecture

The Deep Business Centre
 Tower Street
 Kingston upon Hull HU1 1BS
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 Email: info@bsbarchitecture@gmail.com

RIBA #

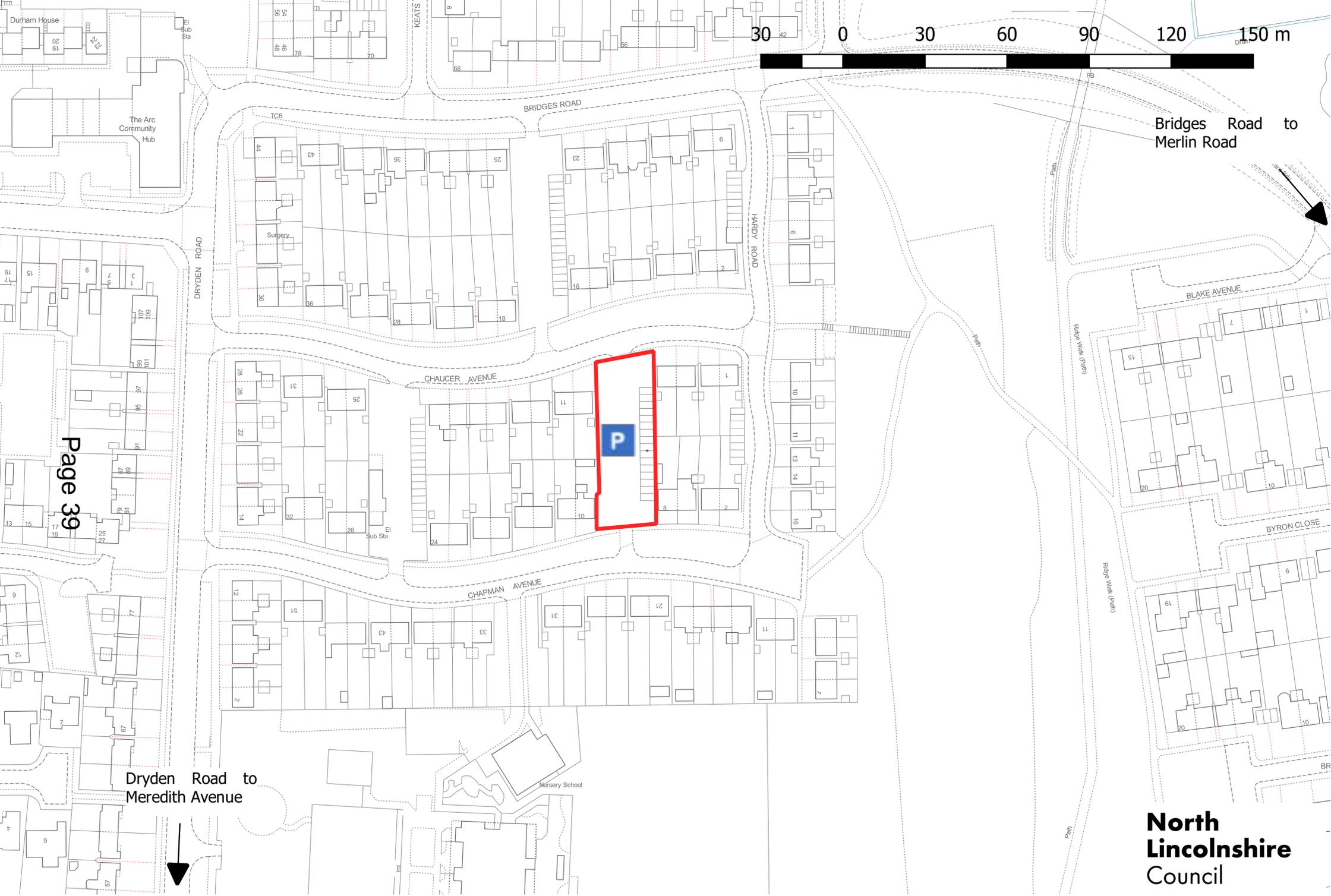
CLIENT
 Ongo Developments

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



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**North
Lincolnshire
Council**

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

MAJOR PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

1. OBJECT

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

2. BACKGROUND

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

3. INFORMATION

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

4. RESOURCE IMPLICATIONS

- 4.1 There are no staffing or financial implications arising from this report.

- 4.2 Environmental considerations are of major importance when considering planning applications and are set out in the individual reports.

5. RECOMMENDATION

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

GROUP MANAGER – DEVELOPMENT MANAGEMENT AND BUILDING CONTROL

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

Reference: CB/JMC/Planning committee 02 June 2021.docx

Date: 21 May 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

The Ordnance Survey map data included within this publication is provided by North Lincolnshire Council under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

APPLICATION NO	PA/2019/2064
APPLICANT	Mr Keith Wilson, International Energy Crops Ltd
DEVELOPMENT	Planning permission to erect four agricultural buildings for poultry rearing, together with associated feed bins, infrastructure and new highway access
LOCATION	Hall Farm, Middlegate Lane, Bonby
PARISH	Bonby
WARD	Brigg and Wolds
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Refuse permission

REASONS FOR REFERENCE TO COMMITTEE Member call in (Councillors Rob Waltham and Carl Sherwood)
Significant public interest

POLICIES

National Planning Policy Framework: Sections 6, 9 11, 12, 15 and 16 apply.

North Lincolnshire Local Plan: Policies RD2, RD14, RD15, T1, T2, LC7, HE9, DS1, DS11 and DS16 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS11, CS16, CS18 CS19 and CS25 apply.

Supplementary Planning Guidance 5 (SPG5) (North Lincolnshire Landscape Character Assessment and Guidelines)

Supplementary Planning Guidance 3 (SPG3) (Design in the Countryside)

CONSULTATIONS

Highways: No objection, but recommend conditions.

Environment Agency: No objection. An environmental permit for this operation was issued on 10 April 2017 (PP3236DA), which is still valid.

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

Anglian Water: No objection or comments.

Environmental Protection: Following receipt of additional information in respect of noise and odour modelling, no objection subject to the imposition of a condition in respect of noise levels for fixed plant and machinery.

Historic Environment Record: Following receipt of amended landscaping proposals, the previous holding objection is removed and conditions are now recommended.

Humberside Fire and Rescue: Commercial premises are required to provide adequate access for fire-fighting to all buildings or extensions to buildings.

Trading Standards: No issues to report.

Natural England: After reviewing the document provided, we note that a desk study of the surrounding area has been carried out, which indicates that historically (over 10 years ago) large numbers of pink-footed geese (an important component species of the waterbird assemblage notified as part of the Humber Estuary Special Protected Area) were recorded within the vicinity of the proposed development.

Whilst no recent survey data has been provided, we understand that the land has been used to grow Miscanthus crops and therefore it would be unlikely that the area would provide suitable foraging for geese and swans during the winter months. Furthermore, the proposed development is relatively close to a road and agricultural buildings, reducing the likelihood of the suitability of the habitat due to disturbance impacts.

In conclusion, Natural England concurs that the proposed development site is unlikely to provide important supporting habitat for bird species associated with the Humber estuary designated sites. As no recent bird survey data has been provided, we recommend that the enhancement measures that are outlined within the report are secured to ensure that the development does not impact on potentially nearby foraging geese and swans within the winter months.

Ecology: The proposal is not likely to harm designated sites, or protected or priority habitats or species. The proposal will have no likely significant effects on the Humber Estuary SAC, SPA or Ramsar sites. The landscaping proposals include species appropriate within the Wolds landscape, but in a rectangular block that may have its own landscape impacts. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek biodiversity enhancement in accordance with the National Planning Policy Framework.

PARISH COUNCILS

Bonby Parish Council: Object on the following grounds:

- cumulative impact from the anaerobic digester on odour
- location on the slope and proximity to residential properties will result in issues relating to odour emissions
- contrary to Sections 6, 12 and 15 of the NPPF and policy CS23 of the Core Strategy
- noise from ventilation, vehicles servicing the unit and the cycles of operation
- impact on the peace and tranquillity of this rural area
- impact on road and pedestrian safety
- impact of built development on rural landscape

- prominent location of the edge of the escarpment
- impact on the enjoyment of the countryside by walkers and cyclists
- no public consultation.

Saxby All Saints Parish Council: Object on the following grounds:

- the proposal will significantly alter the character of the landscape
- the proposal will dominate the landscape
- area is designated as 'high landscape value'
- potential for variants of avian flu and risk to human health

Worlaby Parish Council: Object on the following grounds:

- position to be north-east further up the escarpment nearer the B1218
- re-positioning will lessen the visual impact on Middlegate Lane
- re-positioning will lessen any odour problems
- re-positioning will lessen the track required.

PUBLICITY

The application has been advertised by press and site notices. One hundred and thirty seven letters of objection have been received raising similar issues to the respective parish councils, together with the following issues:

- benefits of scheme outweighed by environmental harm
- impact of factory farms upon the environment
- ethical and health issues associated with intensive livestock units
- link between intensive farming and wider health issues
- industrialisation of the landscape
- cruelty to animals
- piecemeal approach to development proposals
- no changes in the proposal from the application previously refused
- impact on tourism
- no guarantee or certainty relating to the means of access and egress from the site
- increase in traffic and congestion on local roads

- obnoxious and offensive smells
- increase in HGV traffic along local highway network
- dust generation
- contamination risk to local groundwater
- restrictions on the routeing of HGVs should be considered
- impact on wildlife and protected species
- the proposal breaches the EA guidelines for acceptable odour levels
- impact of the access track upon the rural landscape
- vermin ingress
- local highway infrastructure is unsuitable
- impact on view
- issues with the removal of waste/bedding
- proximity to residential properties
- impact on the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB)
- loss of high grade agricultural land
- low employment generation
- contrary to policies LC7 and LC10 of the North Lincolnshire Local Plan
- impact on the proposed community orchard
- it should be relocated
- impact on enjoyment of the Viking Way
- noise from vehicle movements
- landscaping will take time to establish
- odour modelling data is subjective.

The Countryside Charity Northern Lincolnshire (formerly the CPRE): Objects on the following grounds:

- the proposed application is sited on land within the open countryside which is highly valued in terms of its landscape quality and amenity value to both residents and visitors to the area alike

- poor infrastructure networks surrounding the site.

Two letters of support have also been received.

STATEMENT OF COMMUNITY INVOLVEMENT

The applicant has not undertaken any public consultation prior to the submission of the planning application and no statement of community involvement has been submitted.

ASSESSMENT

The application site consists of an agricultural field (arable production) towards the top of the ridge above the village of Bonby. There are two existing agricultural barns approximately 109 metres to the south-west of the site; these buildings are accessed from Middlegate Lane. The land is in agricultural use and forms part of a network of larger agricultural fields which generally run in a west to east direction towards Brigg Road (B1206) and the A15. The topography of the land is such that it rises in a general west to east direction towards the top of the ridge at a maximum height of 90–95 metres. The land is part of Hall Farm, Middlegate Lane, Bonby, which is a parcel of approximately 600 acres of arable land. The farm is currently used for the growing of Miscanthus and the existing buildings to the north of Middlegate Lane are used for biomass in association with the drying and storage of this product.

This application seeks planning permission for the erection of a new poultry unit at Hall Farm in Bonby. This consists of the erection of four poultry sheds measuring 116.88 metres by 24.69 metres each, with a ridge height of 6.24 metres. The poultry sheds are proposed to accommodate 62,500 birds with a total capacity of 250,000 birds. The plans also include the provision of associated infrastructure which consists of bulk bins, hardstanding and concrete aprons, dirty water containment tanks and a new vehicular access track from Bonby Lane measuring 2.7 kilometres in length. The proposed buildings would be used for the rearing of broilers from day old chicks through to finished table weight. This is a resubmission of PA/2017/564 which was refused at a planning committee meeting on 30 August 2017 and subsequently dismissed at appeal.

This application constitutes EIA (Environment Impact Assessment) development and an Environmental Statement has been submitted for consideration.

The main issues in the determination of this application are the principle of development, its impact on the character and appearance of the countryside/landscape, its impact on residential amenity (incorporating noise, odour and light) and highway issues.

Principle

The National Planning Policy (NPPF) supports the sustainable growth and expansion of all types of business and enterprise in rural areas, through both the conversion of existing buildings and well-designed new buildings. This also includes the development and diversification of agricultural and other land-based rural businesses. In this case it is confirmed that the proposal is for an agricultural use. (It was confirmed in the Planning Inspector's decision in relation to appeal APP/Y2003/17/3186363 they consider the proposed use to be agricultural.) The existing agricultural business is based on arable cropping producing Miscanthus.

It is noted within the submitted Design and Access Statement that the proposal is to diversify the applicant's existing agricultural business into poultry rearing. Policy RD2 of the North Lincolnshire Local Plan applies and states that planning permission will only be granted for development which is essential to the efficient operation of agriculture or forestry and which cannot reasonably be accommodated within defined development boundaries. Given that the proposal would result in the diversification and expansion of an established agricultural business within a rural area, and that the scale of development proposed could not reasonably be accommodated in the nearest settlements of Bonby, Worlaby or Saxby All Saints, it is considered that the proposed development is acceptable in principle.

Environmental impacts

The application is accompanied by an Environmental Statement (ES) which describes and analyses the results of the Environmental Impact Assessment (EIA). The main environmental impacts identified are as follows:

Landscape impact

Government guidance contained within the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions. The proposal is for the erection of four poultry sheds and associated feed bins, hardstanding and access road on land located in the countryside.

Landscape and Visual Impact Assessment (LVIA) is used to systematically identify and assess the nature and significance of the effects of a proposed development on the landscape as an environmental resource and on people's views and visual amenity. The study area for the LVIA was a 4 kilometre radius around the site to ensure coverage of all sensitive areas and receptors. The site is located on land which is defined as Open Rolling High Farmland – Lincolnshire Wolds Escarpment Top character area of the Lincolnshire Wolds Landscape Character Type, of the North Lincolnshire Landscape Character Assessment & Guidelines (NLLCA). It is worth noting that this area is no longer designated as an Area of High Landscape Value under policy LC8 of the North Lincolnshire Local Plan as this not a saved planning policy.

Section 7 (Landscape and Visual Impact) of the Environmental Statement outlines the characteristics of the site, specifically in relation to the landscape classification and its value, the use and nature of the land, the topography, field boundary cover and sites of conservation interest. It is informed by the LVIA submitted with the planning application. The ES goes on to identify the nature and location of sensitive receptors to the site and sets out a Zone of Theoretical Visibility (ZTV) to analyse the extent and distance to which the development could theoretically be visible. ZTV analysis uses terrain data only and doesn't take into account any screening that vegetation or the built environment may provide. As part of the assessment a number of viewpoint locations up to a distance of 4 kilometres from the site were selected. These included public rights of way and other accessible land such as the public highway; these viewpoints are accepted as being representative of accurate views from various distances and sensitive receptors within the vicinity of the site.

The site is devoid of hedgerow cover and is a large rectilinear field with small belts of woodland to the north-west on the escarpment and there is an existing farm building within the same field to the south-west; this is consistent with the character assessment of this area

contained within the North Lincolnshire Landscape Character Assessment & Guidelines and is highlighted in the Landscape and Visual Assessment submitted with the planning application. The vast majority of land in the surrounding area is agricultural in nature and there are examples of other agricultural holdings containing agricultural buildings in the vicinity, but very few of which are located on the top of the slope.

Given the separation distances involved it is considered that there would be no significant intervisibility with listed buildings in Bonby or with the Saxby All Saints conservation area. The line of mature trees which line the top of the scarp will screen views when looking in a north-north-easterly direction from Saxby Road (B1204) between Bonby and Saxby All Saints.

The conclusions of the LVIA are that the proposed development will have no significant effects on any of the landscape elements, landscape character or landscape designations which have been assessed as part of the application. In addition, in assessing visual effects, it states there may be moderate to slight adverse effects to some of the visual receptors which will reduce over time (once the proposed landscaping becomes established) and there will be no significant visual effects. The LVIA concludes the proposed development is considered acceptable in terms of its likely landscape and visual effects. It is worth noting that since the previous application was considered in 2017 the applicant has revised the proposals and mitigation (in terms of landscape and visual impact) in the form of the following measures:

- reduction in the length of the proposed poultry sheds from 237.5 metres to 116.88 metres
- introduction of a 20 metre deep planting belt around the perimeter of the sheds and the gapping up of existing hedges (with native planting)
- cutting into the slope by up to 3 metres to reduce the built impact of the proposal.

It is accepted that the mitigation measures (principally consisting of the landscaping and the cutting into the slope) would help to reduce the built visual impact of the proposal. However, given the scale of development proposed (four poultry sheds with a combined width of 124 metres) and its prominence on top of the escarpment, it will have a prominent visual impact in the receiving rural landscape. Furthermore, with the exception of the existing agricultural shed to the south-west there are very few buildings or settlements which are visually prominent on the escarpment top or edge and the rural landscape in this part of North Lincolnshire is reflective of the Landscape Character Type of Open Rolling High Farmland-Lincolnshire Wolds Escarpment Top as defined in the North Lincolnshire Landscape Character Assessment and Guidelines. It is considered that the introduction of these four poultry sheds (and the associated feed bins and extraction flues), regardless of their reduction in number (from 8 to 4), with an overall width of 124 metres and heights of 6.24 metres to the ridge of the sheds and 7.3 metres to the top of the flues would dwarf the existing building in terms of their built footprint, scale and visual impact. Whilst it is noted that the buildings are proposed to be orientated with their narrowest part facing towards Middlegate Lane, it would still introduce a significantly large and bulkier form of built development into the rural landscape than is currently experienced.

The Planning Inspector, in considering the previous proposal at appeal, made the following observations in respect of recreational users of Middlegate Lane and the views of the site from the lower lying farmland and river valley to the west:

'The LVIA concludes that visibility of the development would be at its highest on Middlegate Lane itself, and that the sensitivity of road users is at worst "medium". However, local residents have indicated that Middlegate Lane is a well-used recreation route for cyclists and walkers. When considering the nature of the views available from this location and the general character of the area, there is nothing before me that would lead me to question this assertion. I have also been provided with some Council literature which identifies Middlegate Lane as part of recreational walking routes. As such, while the majority of road users may simply be passing by, there is likely to be some for whom the enjoyment of the landscape is more than incidental. The sensitivity of such receptors would be high and should not be disregarded.'

and:

'From the low lying farmland, the northernmost units would be visible and these would be seen in the context of the existing sheds. These sheds stand out on the skyline and if the development were to be added to the overall built form in this location it would materially erode the mainly open and undeveloped character of the escarpment top, particularly if it is the height of feed bins and fans that are most prominent. The development would create a new defined element in the view which would draw the eye and cause material harm to the landscape. Moreover, owing to the distinct lack of other buildings on the escarpment top, the significant increase in the built form would have more than a small magnitude of impact. There would also be nearer views available from the valley bottom along Carr Lane from which the development is also likely to be more prominent on the skyline.'

It is considered that even with the mitigation measures proposed by the applicant, the proposed development would have a similar harmful visual impact upon the character and appearance of the rural landscape and to those individuals (receptors) who experience the landscape and its qualities in this part of North Lincolnshire. It is accepted that the 20 metre deep landscaping buffer would help to screen the visual effects of the development over time, but this would take time to establish and would be a direct consequence of development taking place, and this landscaping in itself would form a contrived and artificial landscaping feature on the escarpment, particularly as there are few examples along this part of the rural landscape where clusters of trees with sharp edges and in rectangular blocks are used for landscaping purposes on the escarpment top.

The viewpoints assessed showed that, although the development would be visible to some degree from most viewpoints, the potential for significant effect is limited. In terms of views from public rights of way, the viewpoint analysis shows that views of the proposed buildings will be available; these views will be at a distance but the visual impact of development relies on the implementation and establishment of the landscaping to mitigate these views. Given the site's location atop the escarpment and the regular use of local roads and public rights of way by recreational users, it is considered that the scale, size and height of this intensive livestock unit being introduced into this sensitive landscape would erode the beauty (and the enjoyment) of this part of the countryside and would cause material harm to its landscape character and visual impact. In conclusion, it is considered that the visual impact of the development would cause material harm to the landscape character and appearance of the rural landscape and the landscaping would form a contrived form of screening which is at odds with the character and appearance of the countryside. The proposal is thus considered contrary to policies RD2, RD14, LC7 and DS1 of the North Lincolnshire Local Plan, SPG5 and CS2, CS3 and CS5 of the adopted Core Strategy.

Residential amenity/odour

A significant number of objections have been received on grounds of odour and noise disturbance to residential properties in both Bonby and Saxby All Saints. Policy RD15 of the North Lincolnshire Local Plan applies and states that proposals for new intensive livestock units and associated structures, or the expansion of existing intensive livestock units, will only be permitted provided that:

- (i) (the units are not located within 800 metres of the Scunthorpe and Bottesford Urban Area, principal or medium growth settlement; or
- (ii) within 400 metres of a minimum growth settlement; or
- (iii) within 200 metres of an individual dwelling, excluding those connected with the livestock operation.

It should be noted that the proposed intensive livestock unit will not be located within any of the distances specified in policy RD15 of the North Lincolnshire Local Plan. Policy DS1 states that development should not result in unacceptable loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance, while policy DS11 states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release, result in land contamination, pose a threat to current and future surface or underground water resources, or create adverse environmental conditions likely to affect nearby developments and adjacent areas.

However, paragraph 183 of the National Planning Policy Framework states that local planning authorities should focus on whether the development itself is an acceptable use of the land, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

This type of development requires an Integrated Pollution Prevention and Control (IPPC) permit from the Environment Agency, and such a permit has been granted to operate this proposed intensive livestock unit. The IPPC permit covers issues such as on-site noise, emissions and waste generated on site and their management as well as issues of concern in relation to the surrounding environment. The above said, the local planning authority will need to be satisfied that the proposed use can be regulated effectively, without undue environmental harm.

The proposed development is of a nature that has the potential to produce noise and odours. There are some residences in the area surrounding the site of the proposed poultry unit, the nearest sensitive receptor or residential property being approximately 530 metres to the south-west. Odour, ammonia and noise are issues that have been assessed within the Environmental Statement. The applicant has also submitted a noise impact assessment and data on odour emissions in response to the original consultation response from Environmental Health.

The Odour Impact Assessment uses computer modelling to assess the impact of odour emissions from the proposed broiler chicken rearing buildings. The odour emission rates from the proposed poultry houses have been assessed and quantified based upon an emissions model that takes into account the internal odour concentrations and ventilation rates of the

poultry houses. The odour emission rates obtained were then used as inputs to an atmospheric dispersion model which calculates odour exposure levels in the surrounding area. The assessment concludes that the results of the modelling indicate that, should the proposed development of the poultry unit at Hall Farm proceed, the concentration at the nearest sensitive receptor (Grange Farm) for the worst year is predicted to be 2.2 ouE/m³ as a 98th percentile at this location and 1.8 ouE/m³ as an average across the five years of data. Impacts at all other receptors, including those in the valley to the south, are predicted to be below 1ouE/m³ as a 98th percentile. The impact is regarded by the applicant to be negligible and not significant at residences. The supplemental information provided by the applicant odour consultant in response to the original Environmental Health response also takes into account potential cumulative odour effects from the Anaerobic Digestion Plant to the north east. Having considered the additional information from the applicant Environmental Health has no further comments to make in relation to the odour assessment for this development. It is considered that the applicant has submitted information that adequately assesses this issue and which is consistent with the recognised industry standards. In addition to this, the applicant can employ odour and dust mitigation measures which has the potential to reduce odour emissions still further; these mitigation measures are detailed within the ES.

An issue raised by the Planning Inspector in their report is the potential for passers-by to be aware of the development and the odours emanating from the poultry sheds are likely to be moderately offensive in nature. This is noted by the applicant in their additional information in that it would result in a noticeable odour to the immediate vicinity of the site, particularly after 18–20 days of the cycle. It is accepted that people enjoying the countryside in the vicinity of the site (walkers, runners, cyclists etc) would experience some extent of odour from the poultry sheds, however such an odour would be transient in its occurrence without harming the long-term enjoyment of the rural landscape.

Similarly, the Ammonia Report states the use of the proposed buildings is for the rearing of broilers from day old chicks through to finished table weight. The broiler rearing cycle operates on an all in, all out system, and each cycle takes 45 days. The broilers are reared for approximately 38 days following which the building is cleaned out in preparation for the next batch of birds. The buildings are empty for cleaning and preparation for 10 days at the end of the growing cycle. The proposed unit will operate with up to 7.5 flocks per birds per annum. At the end of each flock cycle, the poultry manure is removed from the buildings with the process taking approximately 2 hours per bird area, or 1–2 working days for the whole site. In terms of mitigation, the report states that because the proposed facility is not predicted to affect designated ecological sites (SAC, SPA, Ramsar, SSSI) the impact arising from ammonia is not significant and no further mitigation is required. The conclusions of the Ammonia Report are as follows:

‘The assessment shows that, not allowing for mitigation/offsetting of emissions, no designated ecological sites are likely to be affected by the proposed scheme, with only Natural Assets (LWS) showing impacts above 1%. The impact at the Humber Estuary is therefore insignificant, either alone or in combination with other schemes and no further assessment is required.

The results of this assessment are consistent with those for the larger (500,000 bird) schemes for which the ammonia impacts were regarded as acceptable by consultees.’

The local planning authority is satisfied that the Environmental Permit would ensure that odour and waste arising from the proposal is controlled by the Environment Agency to their statutory standards. Whilst there is the potential for odour, given the above, the local planning

authority is satisfied that that the proposed poultry unit can be regulated effectively, without causing materially detrimental levels of odour pollution to residential properties.

Noise

Concern has also been raised by interested parties in relation to the potential for noise pollution. The Noise Impact Assessment (NIA) submitted with the planning application considers the potential of noise from two sources, namely plant noise and transport noise, and has been conducted to determine the typical background noise levels at the nearest residential properties to the proposed poultry units. The NIA concludes the noise impact will be negligible during the day and evening and very low during the night and the proposed development will not result in an adverse noise impact at the nearest dwellings. The council's Environmental Health department has reviewed the NIA and raised no objection in relation to noise. Conditions are recommended in relation to the extraction fans being installed and maintained in accordance with the NIA, in respect of construction working hours and in relation to the noise levels not exceeding those stated in the NIA at any residential boundary; these conditions are considered sufficient to protect residential amenity from noise pollution in this case.

Lighting

Detailing about proposals for lighting, in particular those of an external nature, is limited, and given the rural location of the proposal, there is the potential for light pollution to impact on protected species and for the lighting up of the rural night sky. The ES states lighting on the site will be kept to a minimum to prevent light spill and no use of high intensity lighting is proposed. In light of this, a condition is recommended that should any external lighting be proposed then details of such lighting, together with its luminance levels, should be submitted for consideration. Care will need to be taken to ensure that the level of lighting is proportionate to the scale of the proposal and that any lighting scheme is not excessive for a rural landscape.

Highways

Appendix 5 of the ES contains a Transport Note. A number of objections have been received from members of the public in relation to the routing of traffic to the site (including HGVs and construction traffic), the condition of local roads being affected by the proposal, increased risk of accidents, cumulative impact from the existing anaerobic digestion plant and potential for congestion along the local highway network. The supporting information states that there have been no recorded collisions between 2014 and 2018 along the track the proposed site access will be served from. The supporting information states the following in anticipated traffic movements during each 48 day cycle:

'The development proposals will generate a maximum daily HGV movement of 16 two-way movements (8 in, 8 out) for one day during each 48 day cycle. There will also be three days generating between 20 two-way movements and 30 two-way movements. The maximum daily car, van and tractor movements which would be generated by the development proposals would be 10 two-way movements (5 in, 5 out) during day 44 of the 48 day cycle. The majority of operational days (39 in total) will generate between zero and four two-way movements.'

The supporting drawings include details of the routing for traffic to and from the site; this is from the M180–A15–B1206 (Brigg Road)–Bonby Lane for a distance of 200 metres and then

via a new access and track (the existing track will be improved) through the field to the north of the agricultural buildings on Bonby Lane. With the exception of a 200 metre section of Bonby Lane being utilised in order to join the new vehicular access, it is noted that no part of the local highway network (consisting of the majority of Bonby Lane and Middlegate Lane) will be used to gain access and egress to the proposed development. No objection has been received from Highways in relation to the proposed access, the projected vehicular numbers or on pedestrian and highway safety grounds. Conditions are recommended relating to a scheme for preventing access to the site from Middlegate Lane and the improvement of the proposed access track; these conditions will ensure that no HGV movements take place along Bonby Lane and Middlegate Lane. Based on the information submitted within the ES, it is considered that the proposed development will not have an unacceptable impact upon the local highway network to the detriment of road safety.

In addition to this it is worth noting the Planning Inspector's observations in respect of highway safety/impacts in respect of planning application PA/2017/564 (Planning Appeal 3186363) which was for a more intensive livestock operation:

'I am satisfied that the development would not result in material harm to highway safety or the road network. Even at the most intensive periods, traffic will be most likely spread throughout the day and thus the number of vehicles accessing the site at any one time will not be high. There would only be a relatively short distance between Brigg Road and the new access. This is unlikely to result in significant risks in terms of conflict with traffic from the anaerobic digestion plant.'

and,

'Interested parties have provided photographs showing damage to verges and HGVs that have fallen into ditches. Ostensibly these vehicles relate to the nearby anaerobic digestion plant. The risk associated with large vehicles meeting on this lane would be reduced by the short distances between the main road and new access. I am not convinced that additional HGV movements would inevitably result in unacceptable safety problems. Any concerns over the potential effect on Middlegate Lane could be addressed by a condition restricting access to the site from this location. There is therefore insufficient evidence to conclude that the development would have an unacceptable impact on highway safety or that the residual cumulative impacts on the road network would be severe. As above, a lack of harm in this respect is insufficient to outweigh my other concerns.'

Other issues

A flood risk assessment and drainage strategy has been submitted with the planning application. This document concludes that the site is located within flood zone 1 and the proposals are considered to be 'less vulnerable' in flood risk terms. The primary risk to the site is identified as surface water flooding resulting from the drainage network during an extreme rainfall event. It is proposed to dispose of drainage to soakaways and the report demonstrates that the flood risk to the site is reasonable and acceptable providing the surface water drainage is carried out in accordance with the method set out in the report.

Given the scale of development proposed, the topographical nature of the land and the sensitivity of groundwater in this location, care must be taken in selecting and adopting a surface water drainage scheme for the development. Given the potential to incorporate Sustainable Urban Drainage or SuDS in a drainage scheme and accounting for the response received from LLFA Drainage, a condition is recommended requiring the submission of a

comprehensive surface water drainage scheme to be agreed for the site before development commences. Such a condition would ensure that a suitable drainage scheme is agreed and that the proposed development does not result in an increased risk of flooding in the area.

An archaeological evaluation report has been submitted with the planning application, which includes the results of trial trenching for the site. The evidence suggests that, despite the abundance of prehistoric and Roman activity in the area, the current site has a negligible archaeological potential. It is quite possible, given the environmental evidence from works to the east-northeast of the site, that the site was a wooded area on the margins of cultivated land and settlements, until cleared for agriculture from the medieval period onwards. The evaluation trenching methodology was appropriate for the nature and scale of these works. It has indicated that the site has negligible archaeological potential.

Given the nature and scale of the groundwork associated with the construction of the new access track, the Historic Environment Record (HER) does not consider that this impact would amount to a significant adverse effect and does not wish to object to the application.

Conditions are recommended in respect of the submission and implementation of an archaeological mitigation strategy. The applicant has also revised the landscaping proposals for the site and these will secure the preservation of the archaeological remains at the site.

An ecological appraisal has been submitted as part of the ES. This appraisal concludes there will be no impact of major or intermediate significance on habitats or protected species, there will be no significant loss of habitat as a result of the proposals, the planting of trees will provide an intermediate positive effect and any potential negative impacts can be minimised through the proposed mitigation measures. Natural England has considered the proposals and discounted the site as being suitable habitat for geese and swans (including pink footed geese) on account of the growing of the *Miscanthus* crop and the proximity to a road and agricultural buildings and recommend the enhancement measures within the ecological appraisal are secured by planning condition; this is a view shared by the council's ecologist in their latest response. In addition, the council's ecologist raises no objections to the proposals and recommends conditions requiring the submission and implementation of a biodiversity management plan; these conditions would ensure the necessary biodiversity enhancement from the development (in compliance with the NPPF) and would allow for revisions to the planting scheme where it is considered necessary and appropriate.

The welfare of animals or the morality of intensive livestock units and the conditions is regulated under separate legislation and is not a material planning consideration in this case; therefore this matter will not be formally assessed. Other than in the case of the landscape impacts of the proposal (which have been assessed in an earlier section of this report), impact on view is not a material planning issue and will not be assessed in this case.

Conclusion

It is noted that the proposal would have benefits associated with it. However, the visual impact of the buildings would cause material harm to the appearance of the area and the impact on landscape character and visual impact would cause material harm and is not outweighed by the benefits of the scheme. In addition, the proposed tree planting as mitigation is considered to result in a contrived form of landscaping which is at odds with the character and appearance of the rural landscape. To this end the proposed development is considered to be contrary to policies DS1, LC7, RD2 and RD14 of the North Lincolnshire Local Plan, SPG5 and CS2, CS3 and CS5 of the adopted Core Strategy.

RECOMMENDATION Refuse permission for the following reason:

1.

The proposed intensive livestock unit, by virtue of its height (6.24 metre to the ridge and 7.3 metres to the top of the shed), scale (four sheds at 124 metres by 117 metres), mass, height and location on the top of the escarpment is considered to result in material harm to the landscape character and visual amenity of the open countryside. In addition, the proposed landscaping block is considered to form a contrived and artificial landscaping scheme which is at odds with the character and appearance of the open countryside. The proposal is thus considered contrary to policies RD2, RD14, LC7 and DS1 of the North Lincolnshire Local Plan, CS2, CS3 and CS5 of the adopted Core Strategy and SPG 5 North Lincolnshire Landscape Character Assessment and Guidelines.

Informative

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



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**North
Lincolnshire
Council**

PA/2019/2064

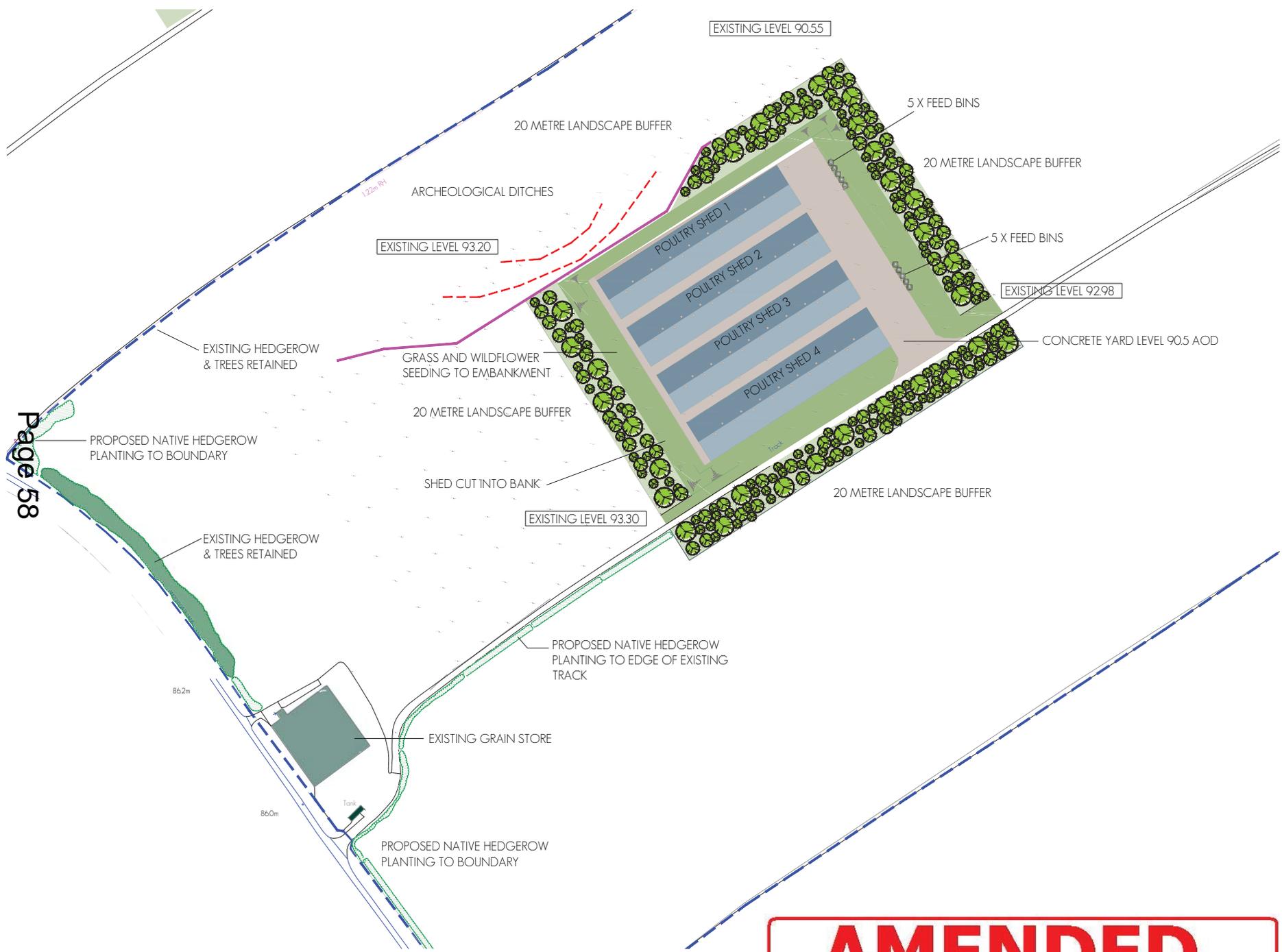
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PA/2019/2064 Proposed layout (not to scale)



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 be checked on site.

Site Area
 5.457 Ha



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AMENDED

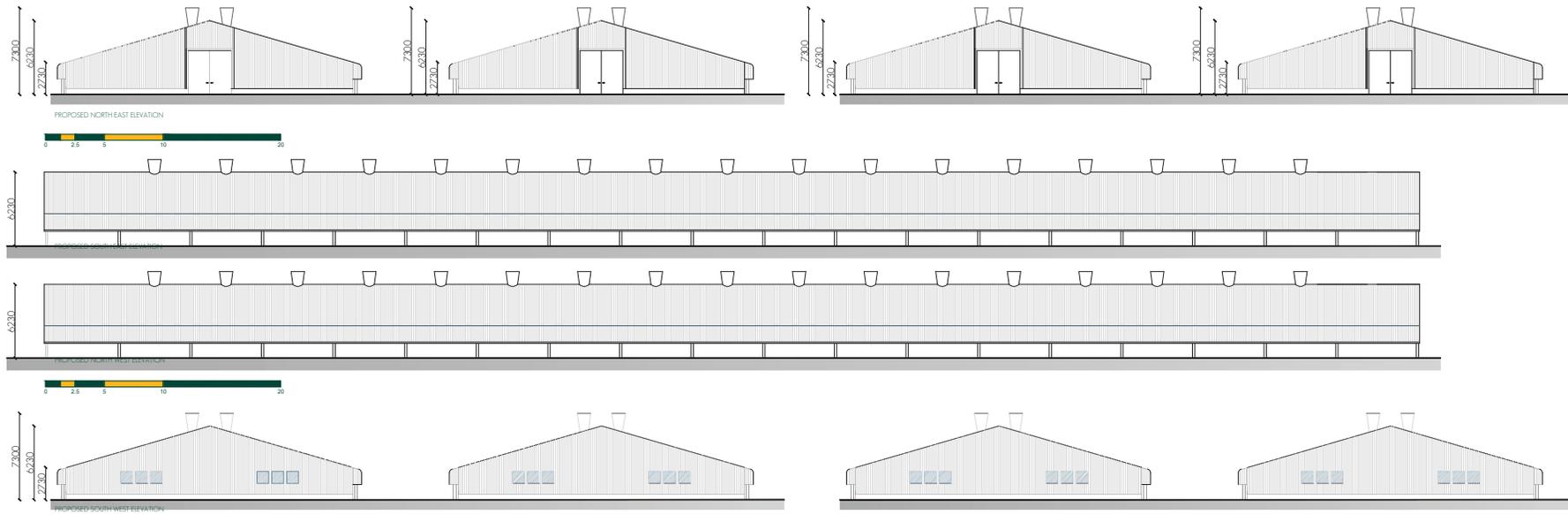
Amendments:
 A. Address information included on landscaping 2011/10
 B. Amended landscaping for archaeological ditches 18/2/2019

BERRYS
 PROPERTY BUSINESS PLANNING
 01743 271697 | 512 6RG
 www.berrysuk.com

Client: IEC, Ltd
 Project: Proposed Poultry Units, Hill Farm, Bonby
 Drawing: Site Plan

Drawing	Rev	Scale	Prepared	Drawn By
SK3121_P_02	8	1:1000	A11	AW
			Date	2015 19

PA/2019/2064 Proposed elevations (not to scale)



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Amendments

BERRYS
PROPERTY BUSINESS PLANNING
01743 271697 | 512 6RG
www.berrysuk.com

Client
IEC, Ltd

Project
Proposed Poultry Units, Hill Farm, Bonby

Drawing
Proposed Elevations

Drawing
SK3121_P_04

Rev	Scale	Prop	Drawn By
1	1:200	A1	AW

Date 2015 19

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APPLICATION NO	PA/2020/1949
APPLICANT	Mr Chris Barrett, Brookside Caravan Park
DEVELOPMENT	Planning permission for the change of use of land to permit the siting of static caravans
LOCATION	Brookside Caravan Park, Stather Road, Burton upon Stather, DN15 9DH
PARISH	Burton upon Stather
WARD	Burton upon Stather and Winterton
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Elaine Marper – significant public interest) Objection by Burton upon Stather Parish Council

POLICIES

National Planning Policy Framework:

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

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

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

water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

- (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175 – When determining planning applications, local planning authorities should apply the following principles:

- (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- (c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- (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: DS1, DS7, DS11, T2, T19, RD2, R12, H7

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS15, CS17, CS19

CONSULTATIONS

Highways: No objections subject to conditions.

Anglian Water: No objections.

Environmental Protection: Recommend refusal on noise grounds.

Historic Environment Record: No objections or further recommendations.

Designing Out Crime Officer: No observations.

Ecology: No objections subject to conditions.

Natural England: No objections.

PARISH COUNCIL

The parish council has the following concerns if the caravan park were to be enlarged:

- the impact it would have on local residents due to over-development of the site
- the extra traffic movement and noise it would create
- the impact on the local sewerage services and utilities
- concerns about the badgers as they will stray further than anticipated.

PUBLICITY

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

Objections have been expressed against the application centring on highways and drainage issues. However, noise/amenity and disturbance, as well as ecology and character issues, are also of concern.

STATEMENT OF COMMUNITY INVOLVEMENT

The applicant has not evidenced any community consultation.

ASSESSMENT

Planning history

- 7/1991/0102: Change of use of land to station 20 touring caravans – refused 30/05/1991, but allowed under appeal T/APP/J2020/A/91/189199/PB
- PA/2000/0775: Planning permission to increase the number of touring caravan sites from 20 to 35 – approved 23/02/2005
- PA/2007/1341: Planning permission to change the use of land to form an extension to an existing caravan park (to provide an additional 35 caravan pitches, including a maximum of 15 static), create a new vehicular access and visitor car parking, site an additional mobile unit for use as a reception/administration office, and erect a 1.8 metre high fence – approved 05/12/2007
- PA/2016/1568: Vary condition 8 of planning permission PA/2007/1341 dated 05/12/2007 to allow the siting of 22 static caravans – approved 08/03/2017
- PA/2012/1254: Planning permission to change the use of land to permit the siting of static caravans – refused 07/11/2019
- PA/2020/276: Planning permission to change the use of land to permit the siting of static caravans – refused 15/05/2020, and dismissed under appeal APP/Y2003/W/20/3257186

Site characteristics

The proposal relates to the change of use of an area of open countryside to site a further 22 static caravans. At present the site has permission to site 22 static caravans and a number of touring caravans. The touring area is located to the north of the reception building and to the west of the area allotted for static caravans. The site is located outside the defined

development limits for Burton upon Stather, within the open countryside as identified by the Housing and Employment Land Allocations DPD 2016. The site is also within the 'Trent Levels' which is identified as having landscape importance by the North Lincolnshire Landscape Character Assessment. The site is just outside but close to a functional flood plain as identified by the SFRA 2011 and close to Flood Zone 2/3a.

Effectively, the applicant is seeking to extend the site into greenfield countryside land which would double the number of static caravans at Brookside Caravan Park, utilising the existing access arrangement from Stather Road. The application has been refused on two separate occasions, the last refusal being appealed and subsequently dismissed (see planning history). However, the inspector's report is clear that only one of the reasons for refusal was upheld, namely ecology. This application has provided further information and mitigation in relation to that issue and the local planning authority, under discretionary powers set out by Section 70A of the Town and Country Planning Act 1990, has agreed to determine the application as there has been significant change since the refusal.

Previous reason for refusal

1. The development would be detrimental to the character and appearance of the open countryside and the nearby settlement in terms of siting, scale, massing and design, and would not represent sustainable tourism. The proposal is therefore considered contrary to the aims of policies RD2 of the North Lincolnshire Local Plan and CS15 of the North Lincolnshire Core Strategy.
2. The development would be detrimental to the residential amenity rights of existing residents by virtue of intensification of use as a caravan site and an increase in associated vehicular trips. The proposal is considered to be contrary to policies DS1, H7 and RD2 of the North Lincolnshire Local Plan.
3. Insufficient information has been provided to make an assessment upon the ecological impacts of the development. The proposal is considered to be contrary to policies CS5 and CS17 of the North Lincolnshire Core Strategy, saved policies RD2 and R13 of the North Lincolnshire Local Plan as well as Paragraphs 170 and 175 (d) of the NPPF.
4. The applicant has failed to justify the need for an extension to the existing caravan site or that this would be of an appropriate scale, having regard to the size and type of attraction with which it is associated. The proposal is therefore considered contrary to the aims of policy R12 of the North Lincolnshire Local Plan.

Appeal outcome

1. In relation to the impacts upon character and appearance the inspector states, "...I conclude, on this issue, that the proposal would have an acceptable impact on the character and appearance of the area. In this regard, the proposal does not conflict with LP Policy R12 and the thrust of Policy RD2. It is also consistent with the Framework in this regard, as stated."
2. In relation to the impacts upon existing living conditions the inspector states "...I conclude, on this issue, that the proposal would not have a significant adverse effect on the living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance. In this regard, the proposal does not conflict with LP Policies DS1, H7 and RD2, which among other things, require that development does not cause unacceptable loss of amenity to neighbours."

3. In relation to ecology concerns the inspector states "...therefore conclude, on this issue, that the proposal would adversely affect badgers, a protected species using the site. Thus, there is significant conflict with Policies CS17 and CS5 of the North Lincolnshire Core Strategy 2011 (CS); and Policy R13 of the North Lincolnshire Local Plan 2003 (LP), which amongst other things, seek to protect and enhance the natural assets of the district, ensure unavoidable impacts on biodiversity and wildlife are appropriately mitigated, and produce net gains in biodiversity. It would also be contrary to paragraph 170 of the Framework, which seeks to protect and enhance sites of biodiversity value, minimise impacts on and providing net gains for biodiversity. The Council also cites conflict with LP Policy RD2, but it is of limited relevance to this main issue and does not add anything that is not covered by the aforementioned policies."
4. In relation to the justified expansion the inspector states "...The Council also considers that there is a lack of clear justification for the development. My attention is drawn to LP Policy RD2, which generally seeks to strictly control development in the open countryside and ensure the impact on the countryside is minimised. In my judgement the proposal could fall under criteria ii) employment related development appropriate in the countryside. Irrespective, I give greater weight to LP Policy R12 as it specifically relates to caravan and camping facilities and indicates that these will be supported subject to a number of criteria. These include that the development is closely associated with existing recreational and tourist attractions, is an appropriate scale, and can be suitably screened. In addition, Policy CS15 of the CS is generally supportive of sustainable tourism. Paragraph 83 of the Framework seeks to enable the sustainable growth and expansion of all types of rural business, including rural tourism developments which respect the character of the countryside. For the reasons given above, the proposal complies with these policies and the Framework, so does not require further detailed justification."

Topics for consideration

Following the above appeal decision, it was clear that the inspector had no issues with the three of the four reasons for refusal and only dismissed the appeal on grounds of ecology. The applicant has only made changes to the proposal that would be of benefit to protected species. The applicant has relocated some of the static caravans so that this is an exclusion zone for badger setts.

Given the outcome of the appeal, it is considered that the applicant has overcome the other reasons for refusal with only the issues of ecology necessary as part of this assessment. Of course, other mitigation is required that can be dealt with by conditions.

Ecology

Policy CS17 of the North Lincolnshire Core Strategy is concerned with biodiversity and seeks to achieve a net gain whilst also protecting existing wildlife habitat networks. Paragraph 170 of the NPPF reinforces this policy setting out biodiversity management principles. Both are considered relevant. Core Strategy Spatial Objective 10, policies CS5 and CS16 and Saved Local Plan Policies LC5, LC7 and RD2 should also be considered.

Both Natural England and the council's ecologist have been consulted. Natural England has no objections to the proposal. The council's ecologist has assessed the impacts upon protected species, stating:

'I have read the preliminary ecological appraisal report (PEA). The survey methods used and the survey effort deployed are appropriate for the site in question. Although the survey work was carried out at a suboptimal time of year (November), I do not feel that a survey carried out at a more suitable time would have revealed significantly different results.

The proposal would largely affect semi-improved amenity grassland of low botanical diversity. The adjoining woodland appears to be unremarkable in habitat terms.

However, the proposal would also affect badger sett entrances that form part of a main sett that lies mostly within the adjoining woodland. This was a reason for refusal of PA/2020/276 – a decision that was upheld at appeal.

The standing advice says, "Extra surveys must be done if there are active setts or foraging grounds. Use these surveys to:

- prove that a sett is in current use;
- monitor use of the sett and determine if it's a significant sett for the group;
- estimate territorial boundaries;
- identify locations for mitigation measures.

A further badger survey has now been carried out. Whilst no attempt has been made to estimate territorial boundaries, the survey does demonstrate that the sett is active and identifies the main sett entrances (increased from one to four), badger trails and snuffle holes within the application site. The development boundary lies around 15 metres from the nearest sett entrance (at present). It is proposed that a post and rail fence should be used to provide separation between the badger sett and the static caravans.

Planning Circular 06/2005 states that, "The likelihood of disturbing a badger sett, or adversely affecting badgers' foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions."

The proposed stand-off of 15 metres from the sett is likely to be of some use, but it is not at all clear why this distance has been chosen – no evidence or justification is provided. Furthermore, with a post and rail fence, people and dogs are still likely to enter the exclusion area. A strengthened approach to badger mitigation will be required to make the proposal acceptable in terms of saved policy LC5 and the planning circular.'

The ecologist goes on to recommend conditions relating to a protected species plan and these will be attached given the comments relating to both the type of barrier and its distance from woodland are unsupported. Furthermore on this point, Natural England has no objection to the proposal. Lastly, the ecologist has carried out a determination of the likely significant effects (LSE) under the Habitats Regulations and determined that there would not be any likely significant effects upon the nearby Humber Estuary SAC/SPA/Ramsar site as a result of this development. Conditions will also be attached relating to biodiversity management in line with the aforementioned policies which seek to achieve a net gain.

Environmental Issues

Policy DS1 is partly concerned with impacts upon residential amenity. It states, '...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.' Policy DS11 is also concerned with pollution control and is also considered relevant.

The council's Environmental Protection team have assessed the application and recommend refusal on noise grounds. The officer states:

'The Design and Access Statement predicts the development will increase the volume of cars accessing the site during peak season and at weekends, creating a maximum of 21 additional cars per day accessing the site. However, the additional cars may come and go throughout the day, thereby potentially increasing the car movements by an unknown number in excess of 21. The additional movement of vehicles has the potential to negatively impact on the residents living either side of the access to the park and on those residents which back on to the caravans.

In the Design and Access Statement, the applicant has reported the results of an automated traffic count carried out during November 2019 in support of the application. However, this department does not consider November as a peak time and a sample over a week in winter is not representative of traffic during busier summer months. Therefore this department does not consider this sufficient evidence to support the granting of planning permission.

In addition to the above, this department has served an abatement notice on Burton Kennels, which is in close proximity to the proposed development, for noise nuisance. The kennels have a defence of best practice, this department is therefore unable to take action to prevent the noise nuisance continuing. This department is concerned that noise from the kennels will impact on the occupiers of the caravans. The location of the caravans may lead to complaints of excessive noise from the dogs barking which this department will be unable to resolve.'

However, this topic was assessed by the inspector at appeal:

'I conclude, on this issue, that the proposal would not have a significant adverse effect on the living conditions of the occupiers of neighbouring properties with particular regard to noise and disturbance. In this regard, the proposal does not conflict with LP Policies DS1, H7 and RD2, which among other things, require that development does not cause unacceptable loss of amenity to neighbours.'

and

'Although not part of the refusal reasons, I have noted the concerns that were raised in relation to the proximity of the caravans to the dog kennels. There is evidence that the kennels may shut down, but the potential for resumption of the use would remain. I am mindful that existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. However, this appears to be an existing problem, and whilst the proposals would bring caravans closer to the kennels, there are already residential properties that are much closer. Moreover, the caravans would not be occupied as permanent residences. It is therefore not a determinative matter that warrants further examination in this appeal.'

The inspector's assessment is material to this application and given that the issues raised by both Environmental Protection and local residents have already been considered and

dismissed by an inspector, the planning assessment cannot support a reason for refusal in relation to impacts upon amenity through occupational noise, noise during construction or noise and disturbance through vehicle movements. The proposal is therefore considered to accord with both policies DS1 and DS11 of the North Lincolnshire Local Plan. Conditions are proposed to ensure the static caravans do not become permanent units of residential accommodation.

Conclusion

The only reason for refusal upheld by the inspector was on ecological grounds. This matter has been overcome and the council's ecologist and Natural England have no objections. Conditions are recommended in respect of this matter relating to protected species and biodiversity. Further conditions are recommended to ensure that the caravans are not used for permanent residence and relating to highway issues.

Pre-commencement conditions

The pre-commencement condition included in the recommendation has been agreed with the applicant.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

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

Site Plan IP/BC/02 dated DEC 20.

Reason

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

3.
The use of the site shall be for short-term holiday lets only and no caravan shall be occupied on the application site for more than 28 consecutive days in any 12 month period.

Reason

The site is for holiday lettings only and is inappropriate for permanent residential development, in accordance with policies DS1 and RD2 of the North Lincolnshire Local Plan.

4.
No caravan on the application site shall be occupied between 1 December and 31 January.

Reason

The site is for holiday lettings only and is inappropriate for permanent residential development, in accordance with policies DS1 and RD2 of the North Lincolnshire Local Plan.

5.

At no time shall the site marked by the red line boundary on the location plan exceed 21 static caravan pitches.

Reason

To define the terms of the permission and protect the open countryside, and for reasons relating to protected species, in accordance with policies DS1, RD2 and LC5 of the North Lincolnshire Local Plan.

6.

No development shall take place until a species protection plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of measures to avoid harm to hedgehogs, badgers and nesting birds during demolition, vegetation clearance and construction works;
- (b) details of dog-proof fencing, signage and site rules to minimise disturbance to badgers and other wildlife.

Reason

To conserve and enhance biodiversity in accordance with policies LC5 of the North Lincolnshire Local Plan 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 bat roosting features to be installed;
- (b) details of nesting sites to be installed to support a variety of bird species;
- (c) restrictions on lighting to avoid impacts on badger setts and foraging areas, bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (e) details of how the measures proposed will provide at least 10% biodiversity net gain in accordance with the Defra biodiversity metric 2.0;
- (f) proposed timings for the above works in relation to the installation of static caravans.

Reason

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

8.

The biodiversity management and species protection plans 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 installation of the 20th static caravan, the applicant or their successor in title shall submit a report to the local planning authority providing evidence of compliance with the biodiversity management plan and species protection plan.

Reason

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

9.

Prior to the laying of any hard-standing for the pitching of static caravans, a surface water drainage strategy shall be submitted to and agreed in writing with the local planning authority. The approved drainage scheme shall then be implemented in accordance with the agreed details prior to the first occupation.

Reason

To prevent the increase in flooding to themselves and others and to accord 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.

10.

The service road shown on the site layout plan shall be laid, sealed and hardened prior to the first occupation.

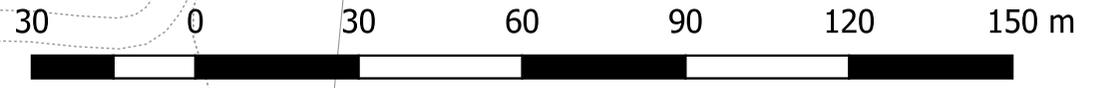
Reason

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

Informative

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

 Development Boundary



Burton Stather

Brookside
Country Park

El Sub Sta

6.2m

130
128

124

LB 114

106

104

STATHER ROAD

62

92

78

68

64

Kennels

60

**North
Lincolnshire
Council**

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W/B

PA/2020/1949 Existing and proposed caravans (not to scale)

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CLIENT
Brookside Caravan Park
Stather road
Burton Upon Stather
DN15 9DH

JOB TITLE
Caravan Expansion

DWG. TITLE
Location Plan A3

SCALE 1=1250
DRN SH

DWG. NUMBER
IP/CB/01

DATE Dec 20
REV -

APPLICATION NO	PA/2020/2063
APPLICANT	Mr Steve Sowerby, T G Sowerby Developments Ltd
DEVELOPMENT	Outline planning permission for a residential development of up to 16 dwellings with all matters reserved for subsequent consideration
LOCATION	Land north of Egton Avenue, Messingham
PARISH	Messingham
WARD	Ridge
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Subject to a section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Messingham Parish Council Member 'call in' (Cllr Neil Poole – significant public interest) Significant public interest

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and Enhancing the Historic Environment

North Lincolnshire Local Plan:

Policy RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy HE2 (Development in Conservation Areas)
Policy HE5 (Development Affecting Listed Buildings)
Policy HE9 (Archaeological Excavation)
Policy H10 (Public Open Space Provision in New Housing Development)
Policy C1 (Educational Facilities)
Policy LC5 (Species Protection)
Policy LC6 (Habitat Creation)
Policy LC7 (Landscape Protection)
Policy LC12 (Protection of Trees, Woodland and Hedgerows)
Policy T1 (Location of Development)
Policy T2 (Access to Development)
Policy T19 (Car Parking Provision and Standards)
Policy T6 (Pedestrian Routes and Footpaths)
Policy DS1 (General Requirements)
Policy DS7 (Contaminated Land)
Policy DS14 (Foul Sewage and Surface Water Drainage)
Policy DS16 (Flood Risk)

Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)
Policy CS2 (Delivering More Sustainable Development)
Policy CS3 (Development Limits)
Policy CS5 (Delivering Quality Design in North Lincolnshire)
Policy CS6 (Historic Environment)
Policy CS7 (Overall Housing Provision)
Policy CS8 (Spatial Distribution of Housing Sites)
Policy CS9 (Affordable Housing)

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

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS22 (Community Facilities and Services)

Policy CS23 (Sport, Recreation and Open Space)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

Policy CS7 (Overall Housing Provision)

CONSULTATIONS

Highways: If the proposal is considered in isolation, then it may be acceptable in principle. However, from the layout they would appear to be retaining the option to develop the land to the east in the future, which I would have concerns about. Surely maintenance access to the adjacent land could be retained from the end of the existing highway. During the 'Call for Sites' process we did look at allocations off Egton Drive and raised concerns about the suitability of the existing infrastructure to accommodate further development. These comments are still valid and whilst I have no objections to this proposal as the vehicle movements will be minimal, I would not be supportive of any further development which may come forward in the future. The proposed layout appears to show potential connections into the land to the east, however I am taking the layout as indicative as the application is for outline permission. Recommends conditions in relation to road safety, access and parking.

Public Right of Way: The proposed access road crosses the footpath of course, but as long as the developer has satisfied himself that all drivers will have the lawful authority needed not to transgress section 34(1)(b) of the Road Traffic Act 1988 (e.g. courtesy of landowner dedication), there shouldn't be a conflict of interest. Looking at the site plan, the footpath should still be eminently accessible from Egton Avenue beyond the development's eastern perimeter.

Recycling: General comments in relation to refuse collections and access for refuse vehicles.

Environment Agency: Do not wish to comment on the application.

Drainage (Lead Local Flood Authority): There are still a number of detailed design issues that need to be resolved. For example the adoption of pipe under adoptable permeable paving layer needs further discussions with the water authority and discussions and agreements with downstream riparian watercourse owners are required to enable free discharge from the development site. We also note that space is available on the eastern boundary for SuDS features. No objection subject to conditions requiring the submission of a surface water drainage scheme and a scheme to prevent surface water run-off from hard paved areas within the site onto the highway and informative comments.

Severn Trent Water: With regard to sewerage, the following condition is recommended:

The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. A sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will need to be determined to allow these works to be completed before any additional flows are connected. Planning Practice Guidance and section H of the Building Regulations 2010 detail surface water disposal hierarchy. The disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and there is no watercourse is available as an alternative other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted, before a discharge to the public sewerage system is considered. No surface water shall enter the foul water system by any means.

NHS North Lincolnshire: If this proceeds to full application recommends:

- consultations take place with local Primary Care services to assess the impact of the development on local health services;
- to support the planning conditions requested by the LLFA;
- to support the comments made by the Section 106 Officer;
- to support the planning conditions requested by Environmental Protection;
- that notice is taken of the 10 principles of Active Design developed by Sport England and considered in the layout of the development;
- that electrical charging points are included in the design and layout of the development for the charging of vehicles;
- that houses are built to be energy efficient and affordable to run;
- the allocation of affordable housing as required is specified and adhered to as a planning condition.

Sport England: The provision of high quality and accessible leisure facilities in North Lincolnshire is essential to improving the health, community cohesion, prosperity and wellbeing of our residents. New evidence bases for recreation in sports halls and swimming pools have been received. These show that, although busy, there is capacity within these elements at the catchment recreation facilities to cope with the additional demand that would be caused by this proposed development, were it to be successful. There is a clearly identified need in the newly adopted Playing Pitch Strategy (PPS) and the local football facilities plan (LFFP) to provide a floodlit full size football compatible artificial turf pitch (FATP) serving this area. Developer contributions would be used towards meeting these costs. Sports facility calculators have been developed by Sport England for planning obligation purposes associated with recreation facilities. These calculators are used to determine the value of

contribution required as a consequence of the development. Across North Lincolnshire as a whole, the average occupancy is 2.36. Applying this to the calculation forecasts an additional population of 38. The appropriate Sports Facility Calculator has been run just for this element and the required recreation contribution from this development would be £930 towards the anticipated capital costs should this application be successful.

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

Humberside Police: The applicant has fully considered Crime Prevention through Environmental Design measures and Secured by Design, which is evidenced throughout the Design and Access Statement. No objections to this outline application.

Environmental Protection: No objection subject to conditions relating to a written statement being required if contaminated material is discovered during development, electrical vehicle charging, restrictions on construction and site clearance operations, and the submission of a construction environmental management plan (CEMP).

Historic Environment Record: No objection. The proposal would be unlikely to adversely affect any heritage assets of archaeological interest or their settings.

Ecology: No objection. The proposals broadly align with the adopted Landscape Assessment and Guidelines document (SPG5). Planning conditions are proposed to minimise harm to protected and priority species and habitats, and to seek biodiversity enhancement in accordance with policy CS17 of the Core Strategy, the National Planning Policy Framework and Biodiversity Metric 2.0.

S106 Officer: Contributions are required towards affordable housing, education, leisure and open space.

Education: The Department for Education expects local authorities to seek developer contributions towards school places that are created to meet the need arising from housing development. Developer contributions for education are secured by means of a planning obligation under Section 106 of The Town and Country Planning Act 1990. This planning application has been carefully considered against the known and projected pupil numbers for this area and account has been taken of housing developments that have approved planning applications or pending planning applications that have been validated prior to this application. Both primary and secondary education contributions are sought in respect of this development.

PARISH COUNCIL

Objects for the following reasons:

- the proposed development is in breach of the existing development boundary and is not included in the preferred options of the new local plan
- present ongoing foul and surface water issues in the village and concerns over the increased pressure the proposed development would place on the present ineffective and already overloaded system that currently results in raw sewage entering watercourses and overflowing inspection covers – the parish council reiterates that there should be a

moratorium on all development in Messingham until the existing foul water infrastructure issues are resolved

- Egton Avenue is a narrow road and the proposal would exacerbate existing traffic congestion problems – the road is not wide enough for vehicles to pass and waste collection vehicles have to reverse into the road.

PUBLICITY

The application has been advertised by site and press notices, and placed on the council's website. Over 34 responses have been received objecting to the application. Comments have also been received raising no objection and one in support. The material planning issues raised in the responses are:

- outside the development boundary
- unsafe access
- increase in traffic
- detrimental impact on local services
- inadequate drainage infrastructure
- right of access may be impeded
- surface water issues
- further development may occur
- contrary to policy
- contrary to the emerging local plan
- out of character
- adverse impact on landscape
- adverse visual impact
- one-and-a-half–storey properties should not be considered in this location
- loss of green space
- increased noise and disturbance
- additional hardstanding, access and driveways will increase surface water run-off
- schools are overcrowded
- loss of agricultural land
- hazards to pedestrian safety

- impact on public footpath during construction
- emergency vehicles cannot access the site
- loss of wildlife
- loss of privacy
- no need for additional houses in Messingham
- the field floods
- development may result in flooding to neighbouring properties
- the council has a five-year supply of deliverable sites
- the site is in the green belt
 - Egton Avenue is narrow and refuse vehicles have to reverse into the road
 - increased congestion.

The letter of support raises the following issues:

- there is a need for more bungalows in Messingham
- the public footpath will not be affected
- the housing stock in Messingham will be enhanced.

STATEMENT OF COMMUNITY INVOLVEMENT

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

ASSESSMENT

The proposal

This is an outline application for up to 16 dwellings with all matters reserved. An indicative site layout has been submitted, together with a Design and Access Statement. Although access is a reserved matter, access to the site is likely to be from Egton Avenue. The Design and Access Statement refers to the building of single and one-and-a-half-storey dwellings on the site. A development of 16 dwellings would yield approximately a housing density of 14 dwellings per hectare.

Planning history

There is no relevant planning history for the application site.

The site

The site is an agricultural field of grade 3 agricultural land value. The site is primarily outside the development boundary of Messingham. To the east of the site is the remainder of the agricultural field within the applicant's ownership. To the south is Egton Avenue, a cul-de-sac

essentially comprising bungalows and to the west is Kealholme Road with the rear gardens of primarily bungalows adjoining the western boundary of the application site. To the north is agricultural land. A public right of way (PROW) is located along the southern boundary of the site which links to Briggate Farm and beyond to the east and to Kealholme Road to the west. The site is within Flood Zone 1 in the council's Strategic Flood Risk Assessment and is therefore at low risk of flooding.

The main issues to consider in the determination of this application are the principle of development; impact on the character and appearance of the area; amenity; highway safety; impact on the public right of way (PROW); impact on biodiversity; flood risk and drainage; archaeology and contamination.

Principle

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

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

Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire, which, amongst other matters, provides that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement. Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus.

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

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

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently

defined in the HELAP, and the application site is located primarily outside the designated development limit for Messingham.

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

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

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

A revised review of the of the Five Year Housing Land Position Statement has identified that the council's housing land supply has reduced from five years and six dwellings to four years. The council has prepared a Housing Delivery Action Plan in accordance with the National Planning Policy Framework and Planning Practice Guidance. The Action Plan will assist in securing a five-year land supply; some of the actions include reviewing the windfall allowance calculation, and working with developers to bring forward outline planning applications and other residential schemes that have been granted planning permission.

The revised Five Year Housing Land Supply Position Statement is still awaiting update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period.

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

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

- (iv) 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
- (v) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

Economic

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

Social

In terms of the social benefits, the proposal would contribute to the council's housing land supply by providing a significant number of dwellings on the site. The applicant has indicated that bungalows or one-and-a-half-storey dwellings would be provided on the site. The council's Local Housing Needs Assessment has identified a need to provide housing for older people in North Lincolnshire as the proportion of older people in the population continues to increase. Affordable housing would also be secured through a S106 agreement which would benefit the community of Messingham. A significant level of public open space would be provided on the site.

Environmental

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

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

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

Highways

In terms of highway issues, many comments have been received in relation to the access to the site, including the suitability of Egton Avenue for additional traffic and emergency and refuse vehicles. The access to the site is a 'reserved matter' and would therefore be further assessed through any reserved matters application submitted. It is likely the access would be from Egton Avenue. Highways have raised no objections to the proposal subject to a number of highway conditions which will be imposed on any forthcoming planning permission. The proposal is therefore considered acceptable in highway and parking terms, and aligns with policies T2 and T19 of the North Lincolnshire Local Plan.

Public Right of Way (PROW)

A PROW adjoins the site on the southern boundary along a grass verge. Concerns from neighbours about access along the PROW are noted, but the applicant is not intending to restrict access to the PROW. The council's PROW Officer raises no objection to the proposal as it will have no adverse impact on the PROW. The developer will need to ensure the PROW is not obstructed during construction of the development. The development will form linkages to this PROW and pedestrian routes to the main services and facilities in Messingham. The proposal accords with policy T6 of the North Lincolnshire Local Plan, policies CS5 and CS5 of the Core Strategy, and paragraphs 102 and 110 of the NPPF.

Flood risk and drainage

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

In terms of drainage, concerns from residents and the parish council are noted. The applicant has submitted a drainage report for the site. Severn Trent Water has been consulted on the proposal and has commented that drainage plans for the disposal of surface water and foul sewage need to be submitted to and approved by the local planning authority before development commences. This would form a condition on any forthcoming planning permission. Severn Trent Water also considers that a sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. There is no technical evidence that has been submitted to demonstrate that the sewage system cannot accept additional flows. If the developer wishes to connect to the sewerage network they would need to serve notice under Section 106 of the Water Industry Act 1991. A planning condition will be used to ensure that details of the disposal of foul water from the site are submitted to the council for approval and Severn Trent Water would be consulted on the scheme. The proposal would therefore accord with policies CS18 and CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

In terms of surface water disposal, concerns from residents are noted. The LLFA, Severn Trent Water and the Environment Agency have all been consulted on the proposal. The Environment Agency does not wish to comment on the proposal and Severn Trent Water has

responded and considers that 'the disposal of surface water by means of soakaways should be considered as the primary method. If this is not practical and no watercourse is available as an alternative, other sustainable methods should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water shall enter the foul water system by any means.' The LLFA has carefully assessed all the submitted information and recommends planning conditions requiring the submission of a detailed surface water drainage scheme, together with details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway. These are proposed as planning conditions and both the LLFA and Severn Trent Water would be consulted on them. This aspect of the proposal, subject to conditions, would therefore accord with policies CS18 and CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

Character impacts

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

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

Paragraph 'c' of the policy states: '...the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;' The proposal, in scale terms, would clearly represent a fairly significant addition to the existing settlement and would alter the character and appearance of the site which is an agricultural field. The site has no formal landscape designation. It is considered that the visual impact of the scheme would be quite significant for neighbouring properties and from the adjacent PROW. The visual impacts would be less significant from wider areas with retained and new hedgerows and trees providing some screening. If the buildings were single-storey/one-and-a-half-storey, this would further mitigate the impact on the landscape. An extensive landscaping scheme for the site, once established, would mitigate some of the visual impacts on the landscape. The proposed development could effectively be integrated into the landscape and create a new edge of settlement consistent with the surrounding landscape setting. It is considered that a scheme could be achieved that would retain the sense of place in this area of Messingham, whilst also not giving rise to any unacceptable impingement upon future and existing amenity rights. As a result, in terms of the impact the development would have on the character of this area of Messingham, it is considered to be acceptable and would accord with part of policy RD2 of the North Lincolnshire Local Plan, as well as CS5 of the Core Strategy.

Archaeology

In terms of archaeology, the HER officer raises no objection to the proposal. No further archaeological work is recommended in connection with the development of this site and the proposal aligns with policy HE9 of the North Lincolnshire Local Plan, policy CS6 of the Core Strategy and paragraph 189 of the NPPF.

Biodiversity

The applicant has submitted an ecological appraisal with the application. The survey revealed that the site is largely arable farmland with low potential to support protected or priority species, with some species-poor rough grassland, scrub and species-poor hedgerows. There is a single ash tree adjacent to the site (within the applicant's ownership) with the potential to support roosting bats which should be retained. The applicant has confirmed his intention to retain this tree. The council's ecologist has raised no objections to the proposal subject to biodiversity conditions. Planning conditions will be used to secure biodiversity gains and enhancements on the site should permission be granted. This would align with paragraphs 170, 174 and 175 of the NPPF and policies CS5 and CS17 of the Core Strategy.

Hedgerows and trees

There are some hedgerows on the site. A hedgerow forms the northern boundary and another forms a small part of the western boundary. These hedgerows have been assessed in the preliminary ecological appraisal and there is no evidence to suggest that they are 'old' landscape features' and they are not species rich. The report suggests that a hedgerow on the eastern boundary should be planted with various species. Again, the ash tree adjacent to the application site (within the applicant's ownership), which has potential to support roosting bats, should be retained. The council's ecologist has assessed the proposal and concurs that 'the survey revealed that the site is largely arable farmland with low potential to support protected or priority species. There is some species-poor rough grassland, scrub and species-poor hedgerows.' Planning conditions can be used to ensure hedgerows are identified to be retained as part of the development and details of tree protection methods for these hedgerows and the adjacent ash tree are submitted. Landscaping is a reserved matter and will be dealt with through any reserved matters application. The indicative layout shows an extensive landscaping scheme on the site and the council will seek to ensure an acceptable landscaping scheme is provided. The proposal therefore aligns with policies LC12 and DS1 of the North Lincolnshire Local Plan, and policies CS5 and CS16 of the Core Strategy.

Residential amenity

In terms of residential amenity, the site would change from agricultural land to a residential housing estate. In terms of the outline application, it is considered that a scheme could be designed and laid out on the site to ensure that overlooking and privacy issues were avoided. Bungalows are located to the western and southern boundaries of the site. The applicant is proposing single or one-and-a-half-storey dwellings, which would reduce their impact on adjacent neighbours and would be in character with this area of Messingham. The council would therefore support these types of properties on the site. Within the reserved matters application details of the appearance, layout, landscaping, access and scale of the proposed dwellings would have to be submitted for determination, which residents would have the opportunity to comment upon. Details of the boundary treatments for the new dwellings can also be secured by planning conditions to safeguard residential amenity. The proposal would

therefore accord with policies CS5 and CS7 of the Core Strategy, and policies RD2, H5 and DS1 of the North Lincolnshire Local Plan.

Contamination and environmental issues

In terms of contamination, the applicant has submitted a geotechnical and geo-environmental site investigation. Environmental Health has assessed this report and agrees with its conclusion that 'both topsoil and natural ground are therefore considered suitable for re-use in the development and no remedial measures are considered to be necessary'. Environmental Health recommends a contamination condition requiring the developer to submit a written method statement to the council if contaminated material is found to be present on the site. This condition would be imposed on any forthcoming planning permission and the proposal, in terms of contamination, would align with policy DS7 of the North Lincolnshire Local Plan.

Policy CS18 of the Core Strategy is concerned with sustainable resource use and climate change. Its purpose is to promote development that utilises natural resources as efficiently and sustainably as possible. Two points of this policy are relevant: (10) ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water; and (12) supporting new technology and development for carbon capture and the best available clean and efficient energy technology, particularly in relation to the heavy industrial users in North Lincolnshire, to help reduce CO₂ emissions.

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

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

Deliverability

The applicant is a local developer operating in North Lincolnshire. The developer has submitted an updated delivery statement with the application to demonstrate when the development will be delivered. This delivery statement sets out that if permission is granted, a discharge of condition application and a reserved matters application will be submitted at the end of Q3 in 2021. If the reserved matters application were approved, development would commence in Q2 of 2022 and would be completed in Q2 of 2023. There is, therefore, a clear intention from the developer to deliver the development on the site.

Planning obligations

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

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

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

Affordable housing

Policy CS9 is concerned with affordable housing and requires schemes for new residential housing in rural settlements to contribute 10% of the scheme for affordable tenure. On this scheme of 16 dwellings this would be two affordable dwellings. The applicant has agreed to this contribution.

Education

Policy C1 states that where major new housing proposals would result in an increased demand for education facilities, which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, to secure the provision of, or contribution towards, new or extended facilities. The response from the education department to this application is that primary and secondary contributions are required, which are calculated at £7,736 per dwelling. (This figure excludes affordable, one-bed and over-55 dwellings.) The issue of school capacity raised by objectors is noted and it is accepted that the primary school is near to capacity. The S106 contribution requested by education would enable the school to be expanded. The applicant has agreed to this contribution.

Open space

Policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states, '(i) ...New housing developments on allocated and windfall sites of 0.5ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents.' This is reinforced by policy CS22 of the North Lincolnshire Core Strategy. Both are considered relevant. The area of informal open space on site required for a development of this size is 10m² per dwelling. Therefore, 160m² of informal open space is required on this site. For North Lincolnshire Council to maintain the informal open space it will be £6,412.60 or an estate management company needs to be set up. The applicant has agreed to provide 160m² of on-site public open space in order to comply with policy CS22, with the council to maintain this open space. The applicant has agreed to this contribution.

The location of the open space to be provided on the site would be secured within the S106 agreement, with its overall layout determined at reserved matters stage.

Leisure

A leisure contribution has also been requested in the form of an off-site financial contribution of £930 towards the cost of providing an artificial turf football pitch in the locality/catchment area of Messingham. There is a clearly identified need in the newly adopted Playing Pitch Strategy (PPS) and the local football facilities plan (LFFP) to provide a floodlit full-size football compatible artificial turf pitch (FATP) serving this area. This need is agreed by Sport England and leisure services. Developer contributions would be used towards meeting these costs. This accords with policy CS23 of the Core Strategy. The applicant has agreed to this contribution.

Other issues raised

A number of people have raised the issue that the site is green belt land. The site is not green belt land, it is open countryside. The area of North Lincolnshire has no green belt land.

Concerns relating to the doctor's surgery being full to capacity and the comments made by NHS North Lincolnshire are noted. The NL CCG Primary Care/GP Practices have not commented on the application. There is no technical evidence to suggest that this surgery is full to capacity.

The loss of farmland is noted, but this is grade 3 agricultural land and is therefore not the best and most versatile agricultural land which is located within grades 1 and 2 agricultural land.

The issue of access for refuse vehicles would be assessed at the reserved matters stage.

Comments in relation to further development adjacent to the application site are noted, however planning law dictates that each case is 'determined on its merits'.

Pre-commencement conditions

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

Conclusion

The proposal has been subject to a full assessment giving due consideration to responses from technical consultees and third parties. The applicant has also agreed to the heads of terms set out below. There has been substantial local opposition to the proposal and the material points have been considered under the relevant sections within this report, whilst other issues raised may be more pertinent to be considered at the reserved matters stage when the actual appearance, access, landscaping, scale and layout of the scheme can be assessed in more detail. It is considered, given the assessment above, that no adverse impacts related to the development exist that would significantly and demonstrably outweigh the benefits that would follow from a well-executed residential scheme in this location. Overall, it is considered that the proposal does represent sustainable development in the context of the NPPF and Housing and Employment Land Allocations DPD policy PS1, which sets a presumption in favour of sustainable development.

Heads of terms

S106 contributions	
Affordable housing	10% of the development (two dwellings)
Education	£7,736 for primary and secondary places
On-site public open space	10m ² per dwelling and £6,412.60 for North Lincolnshire to maintain this land. The submission of a detailed scheme for the public open space will be a condition and subject to the reserved matters application.
Off-site leisure	A financial contribution of £930 towards the provision of a floodlit full-size football compatible artificial turf pitch (FATP) to serve the community.

RECOMMENDATION

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

- (i) it is mindful to grant outline planning permission for the erection of up to 16 dwellings with appearance, landscaping, access, layout and scale reserved for subsequent consideration;**
- (ii) the decision be delegated to the Development Management Lead upon completion of the obligation;**
- (iii) if the obligation is not completed by 31 December 2021 the Development Management Lead be authorised to refuse the application on grounds of provision of essential community benefits;**
- (iv) the permission so granted be subject to the following conditions:**

1.

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

Reason

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

2.

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, the means of access to the site

and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: location plan drawing no 19824/05.

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 proposed dwelling(s) shall not be occupied until the footway has been provided across the whole of the site frontage in accordance with the approved details.

Reason

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

9.

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

Reason

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

10.

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

Reason

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

11.

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

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.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

15.

No development shall begin until details of:

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

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

Reason

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

16.

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.

17.

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

Reason

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

18.

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

Reason

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

19.

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

Reason

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

20.

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

Reason

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

21.

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

- (i) a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- (ii) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (iii) any abnormal load movements;

- (iv) contractor parking and welfare facilities;
- (v) storage of materials; and
- (vi) 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.

Reason

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

22.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must be based upon the submitted Flood Risk Assessment, prepared by Eastwood and Partners, Job No: 45393, Issue No: 3, dated: 17 December 2020.

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

Reason

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

23.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 22 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan,

policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

24.

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.

25.

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.

26.

The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development is provided with a satisfactory means of drainage, to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, in accordance with policy DS14 of the North Lincolnshire Local Plan.

27.

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 submitted Preliminary Ecological Appraisal dated November 2020;
- (b) details of measures required to provide at least 10% biodiversity net gain in accordance with the Defra biodiversity metric 2.0;
- (c) details of sensitive working practices to avoid harm to bats, hedgehogs, badgers and nesting birds;

- (d) details of bat boxes and bat bricks to be installed on at least two houses;
- (e) details of swift boxes and sparrow terraces to be installed on at least two of houses each;
- (f) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (g) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (h) prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- (i) proposed timings for the above works in relation to the completion of the dwellings.

Biodiversity units shall be delivered on site, within the red line and blue line boundaries shown on submitted Location Plan number 19824/05.

Reason

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

28.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 15th dwelling hereby approved, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

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

29.

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

Reason

In the interests of the amenity of the locality in accordance with policies LC12 and DS1 of the North Lincolnshire Local Plan.

30.

The reserved matters for layout and appearance shall show the position, layout and appearance of the on-site recreational open space to be provided on the site. The recreational open space shall be retained thereafter.

Reason

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

31.

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

Reason

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

32.

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

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

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

Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in accordance with the National Planning Policy Framework and policy CS18 of the Core Strategy.

33.

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

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

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

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

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

There shall be no deviation from these hours without the prior approval of the local planning authority.

Reason

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

34.

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 and 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.

Dust – the CEMP shall set out the particulars of:

- site dust monitoring, recording and complaint investigation procedures;
- identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;

- provision of water to the site;
- dust mitigation techniques at all stages of development;
- prevention of dust trackout;
- communication with residents and other receptors;
- a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- a 'no burning of waste' policy.

Reason

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

35.

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

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan, and policy CS5 of the Core Strategy.

36.

No more than 16 dwellings that are bungalows and/or one-and-a-half-storey bungalows shall be erected on the site at any time.

Reason

To safeguard the character and appearance of the locality and the amenity of neighbours in accordance with policies DS1, H5 and H8 of the North Lincolnshire Local Plan, and policies CS5 and CS7 of the Core Strategy.

Informative 1

The applicant's attention is drawn to the comments made by Humberside Fire and Rescue Service and Humberside Police.

Informative 2

Our records indicate that outfall watercourses appear to exist outside the red line boundary to the north and east of the proposed development site. 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.

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

Informative 3

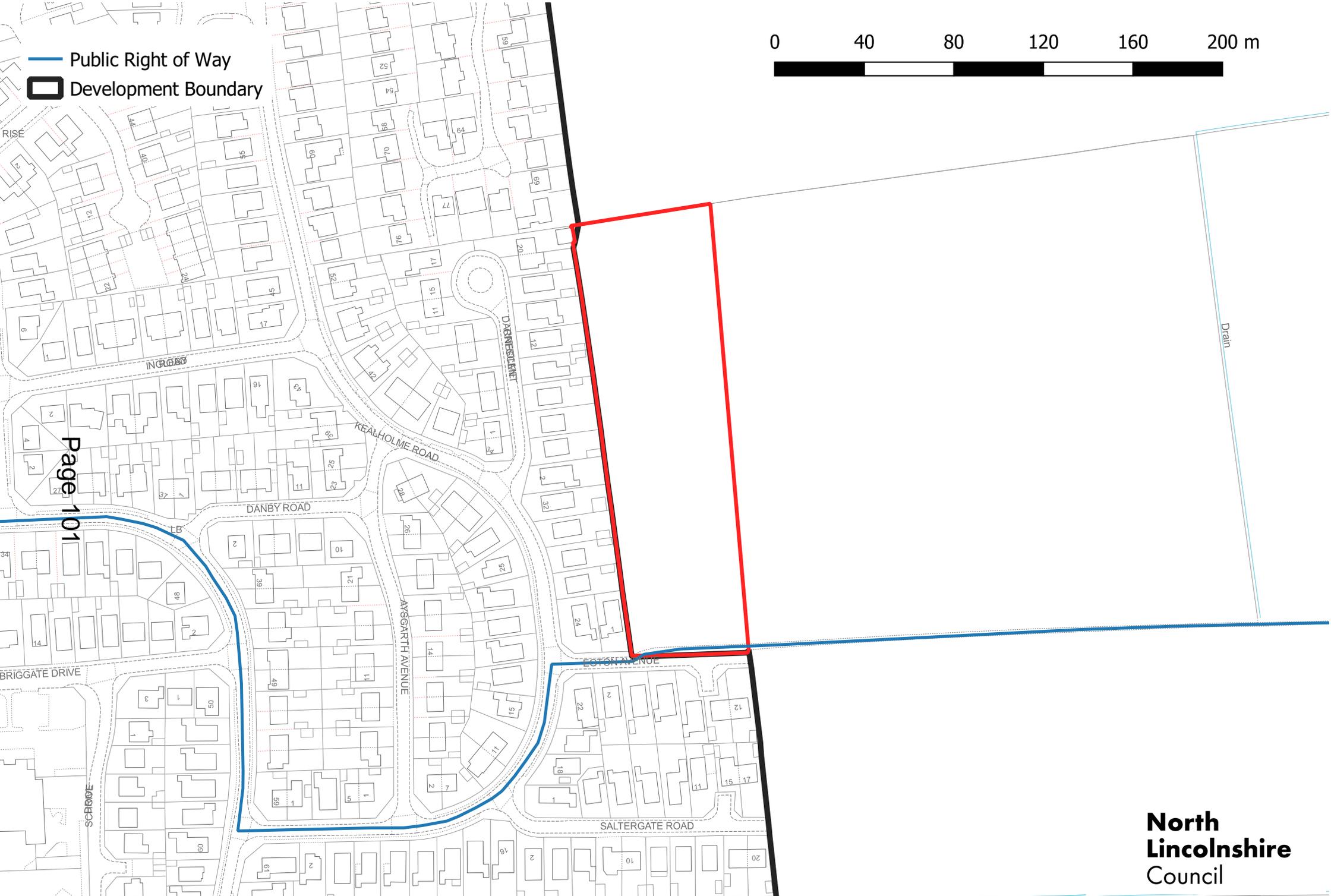
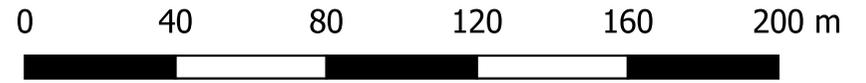
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

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

Informative 4

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

Public Right of Way
Development Boundary



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North
Lincolnshire
Council

PA/2020/2063

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PA/2020/2063 Adjoining land (not to scale)

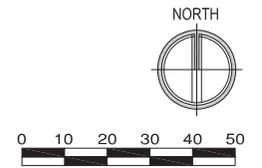
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 Report any discrepancies to the architect before commencing work. If this drawing exceeds the quantities taken in any way the architect is to be informed before the work is initiated.
 Work within the Construction (Design & Management) Regulations 2015 is not to start until 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.
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 S:\2019\19624_Egton Avenue, Messingham\010_BSB Drawings\020_Current Issue\025_Approval\19624_05_Outline Site Layout_05_Location Plan.dwg



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REVISIONS

Rev	Description	Own	Date	Chk	Date



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RIBA

CLIENT
T G Sowerby Developments Ltd

PROJECT
**Residential Development,
 Egton Avenue, Messingham
 North Lincolnshire DN17 3SY**

DRAWING TITLE
Location Plan

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Drawing Status For Information	Scale 1:1250	Sheet Size A3
Drawn jpm	Date 17/12/20	Checked jnh
Checked jnh	Date 17/12/20	

Drawing No. **19824/05** Revision **/**

PA/2020/2063 Illustrative site layout (not to scale)

NOTES
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 C:\Users\Joni\Desktop\Egton Avenue\19824_03_Illustrative Site Layout.dwg

REVISIONS				
Rev	Description	Drawn	Date	Chk Date



SCHEDULE OF ACCOMMODATION

A - 10nr - 3 BEDROOM

B - 6nr - 2 BEDROOM

SITE AREA: 1.06 Ha

DENSITY: 15 dwellings/ Ha

PARKING: TBC

BUNGALOW TYPE
 ACCOMMODATION



BSB Architecture

The Deep Business Centre
 Tower Street
 Kingston upon Hull - HU1 4BG
 Tel: 01482 329 276
 Fax: 01482 213 602
 Email: info.bsbarchitecture@gmail.com

RIBA

CLIENT
T G Sowerby Developments Ltd

PROJECT
**Residential Development,
 Egton Avenue, Messingham
 North Lincolnshire DN17 3SY**

DRAWING TITLE
**Illustrative Site Layout
 for 16nr Dwellings
 (using Topographical Data)**

Drawing Status	Scale	Sheet Size
Planning (Outline)	1:500	A3
Drawn	Date	
jpm	20/11/20	
Checked	Date	
jnh	20/11/20	

Drawing No. Revision

19824/03 /

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

1. OBJECT

- 1.1 To inform the committee about planning applications and other associated matters falling within its terms of reference which are ready for determination.

2. BACKGROUND

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

3. INFORMATION

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

4. RESOURCE IMPLICATIONS

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

5. RECOMMENDATION

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

GROUP MANAGER – DEVELOPMENT MANAGEMENT AND BUILDING CONTROL

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

Reference: CB/JMC/Planning committee 02 June 2021.docx

Date: 21 May 2021

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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APPLICATION NO	PA/2019/609
APPLICANT	Mr Mohamed Tayab, Eurogarages
DEVELOPMENT	Advertisement consent for 16 internally illuminated fascia signs, 11 internally illuminated other signs and three non-illuminated other signs
LOCATION	Site of new petrol station, Ferriby Road, Barton upon Humber
PARISH	Barton upon Humber
WARD	Barton
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant consent subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Paul Vickers – significant public interest) Objection by Barton upon Humber Town Council

POLICIES

National Planning Policy Framework: Section 12 applies.

North Lincolnshire Local Plan: Policies DS1, DS12 and DS18 apply.

North Lincolnshire Core Strategy: Policy CS5 applies.

CONSULTATIONS

Highways: No comment or objections.

Environmental Health: Concern over the position and height of the totem sign and the potential for loss of amenity to the properties on Wilderspin Heights, 50m from the signage. No information has been submitted to demonstrate whether the lighting to the totem sign will have a negative impact on residential amenity and this could be exacerbated by it being illuminated 24 hours a day. Unless the applicant can submit information to demonstrate there will be no adverse impact on residential amenity this department recommends refusal of the application.

Highways England: No objection.

Barton Civic Society: Object on the grounds the totem sign is visually intrusive due to its unnecessary height and it should be reduced.

TOWN COUNCIL

Object on the following grounds:

- the height and illuminance of the lighting needs to be reduced

- it impacts negatively on residential amenity
- the garage occupies an elevated position in relation to the Lidl foodstore and therefore the number of signs and brightness of the lighting needs to be reduced
- cumulative impact from the Lidl and totem signs adjacent to the site entrance.

PUBLICITY

A site notice has been displayed. Sixteen letters of objection (a number of which are from the same objectors) have been received raising the following issues:

- it will create a halo of light pollution over a wide area
- Environmental Health is investigating issues associated with the existing Lidl signage
- light and noise pollution
- the orientation and height of the totem sign in relation to dwellings on Wilderspin Heights
- out of keeping on an important entrance into the town
- it should be externally illuminated
- restricted hours of illumination should be considered
- illuminated signage is excessive and out of keeping
- impact on residential amenity and sleep patterns
- no requirement for signage on the north-eastern elevation of the building.

ASSESSMENT

The application site comprises a petrol filling station with associated shop, food outlets (within the shop) and car parking. It is located to the south of the A1077, to the east of the A15, to the west of the Lidl foodstore and to the north-east of a Starbucks drive-through coffee shop. The petrol station is located on the western side of Barton upon Humber on the main western approach road and is sited within the defined settlement boundary with residential properties to the north and east of the site. Advertisement consent is sought to display a number of internally illuminated signs on the faces of the petrol station building and on a totem sign at the entrance to the site.

The main issues in the determination of this planning application are whether the proposed signage is out of keeping with the character and appearance of the area and impact on residential amenity.

Street scene

It is accepted this is a visually prominent site as you enter Barton upon Humber in a westerly direction from the A1077 and A15 respectively. It is occupied by a Lidl foodstore, a petrol filling station and a drive-through coffee shop, facilities which are typically located on main access roads on the edge of settlements. The most visually prominent element of the

proposals is the totem sign which is located at the entrance to the site, at the point where the access road meets the roundabout on the A1077. The amended plans show this sign to be 10m in height and orientated with its signage facing north-west and south-east, which results in it facing the roundabout and towards the Lidl car park. It is worth noting that this totem sign has been in situ for approximately 18 months and it is only the signage element (i.e. the company names) which are illuminated within the context of the totem itself. In addition, the source of illumination is static and internally fitted, which ensures the totem sign does not form a strident or visually distracting form of advertisement within the street scene.

The height and location of the totem sign are noted. However, this totem sign is viewed in conjunction with existing totem signs in close proximity, and which advertise the petrol station operator and the Lidl food store respectively. Given there are existing signs with significant vertical emphasis, it is considered the retention of the totem sign is acceptable in visual amenity terms and not out of keeping with the character and appearance of the street scene. It is also worth taking into account the location in which the petrol station and its signage sits in relation to Barton upon Humber and the immediate proximity to the A15 and the A1077. This is an edge of settlement location on a main highway thoroughfare, where petrol stations and other highway-related services are normally located, along with the totem signage associated with them. This occurs at locations across the UK where petrol stations with extended service offerings have advertisements in the form of totem signs to display the range of services on offer.

It is also proposed to display internally illuminated signs on the petrol station shop itself; these total nine on the building, together with a smaller totem which is located immediately to the west of the main elevation and is internally illuminated. The signage on the various elevations of the petrol station building is considered proportionate to the size of the buildings on which it is located, where it doesn't result in a visually dominant form of advertisement. The totem sign is viewed against the built backdrop of the petrol station building and its canopy and therefore is not considered to result in a visually prominent form of development/-advertisement within the street scene.

In addition to this signage, it is proposed to display a number of signs (already in situ) to the drive-through coffee shop to the south; this unit is occupied by Starbucks and the majority of the signage is proposed to the front and rear of the building. As this is a drive-through facility, a number of additional signs are anticipated in that regard and the extent and scale of advertisements are considered proportionate to the size of the building to which they directly relate. The most visually prominent adverts consist of an internally illuminated Starbucks fascia sign along the western elevation of the building and two internally lit rounded signs which are positioned facing east and west either side of a central pillar which projects above the coffee shop. None of these signs are considered to be visually obtrusive in their scale, colour or form of illumination and the advertisements do not create a hazard to public safety or result in the elevations of the coffee shop appearing cluttered or visually distracting. The signage is therefore considered to comply with policy DS18 of the North Lincolnshire Local Plan.

Residential amenity

A number of objections have been received on the basis of loss of amenity through light spill, the height of the totem, its hours of illumination and its siting to the front of the petrol station (to the north). It should be noted all of the objections from nearby residents, in addition to those received from Barton Town Council and Barton Civic Society, were received prior to the plans being amended and the orientation of the totem sign being altered so that it now

faces a north-west/south-east axis. In addition, a plan has been received showing the extent and level of illuminance to the signage within the totem and this shows only the company names within the sign to be illuminated. As noted above, the totem sign has now been in situ for approximately 18 months and its level of illumination and orientation are such that it doesn't project towards residential properties on Wilderspin Heights to the north. On this basis, therefore, it is considered that its retention will not result in loss of residential amenity through light or other disturbance. In addition, the level, type and extent of illuminance within the totem sign is considered acceptable and doesn't result in a strident or distracting feature in the street scene. Given the petrol station is open 24 hours and the sign no longer projects towards residential properties (thus negating issues relating to light pollution and spill), it is considered neither reasonable nor necessary to recommend a condition restricting the hours of illumination in this case. The application is therefore recommended for approval.

RECOMMENDATION Grant consent.

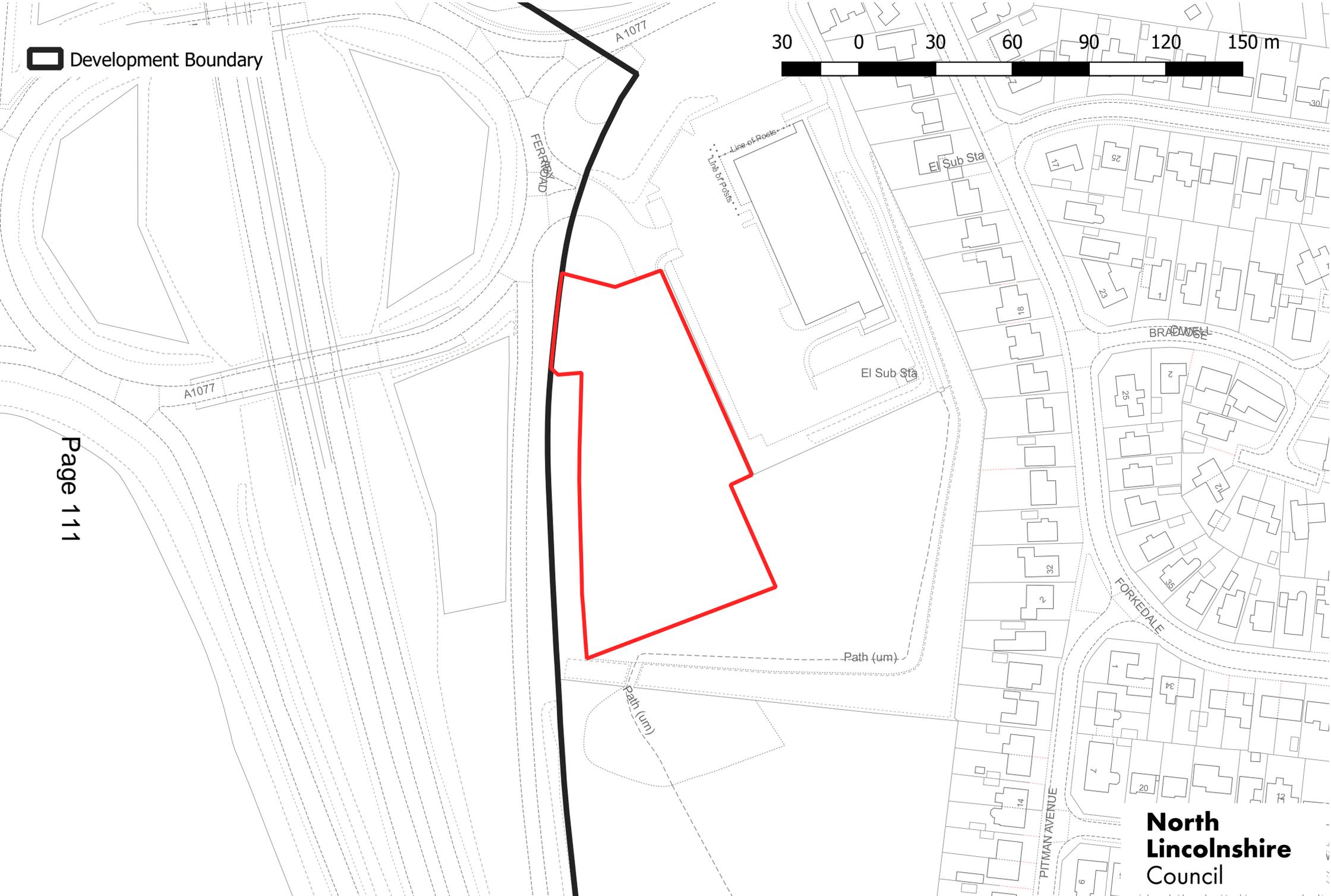
Informative

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.

 Development Boundary



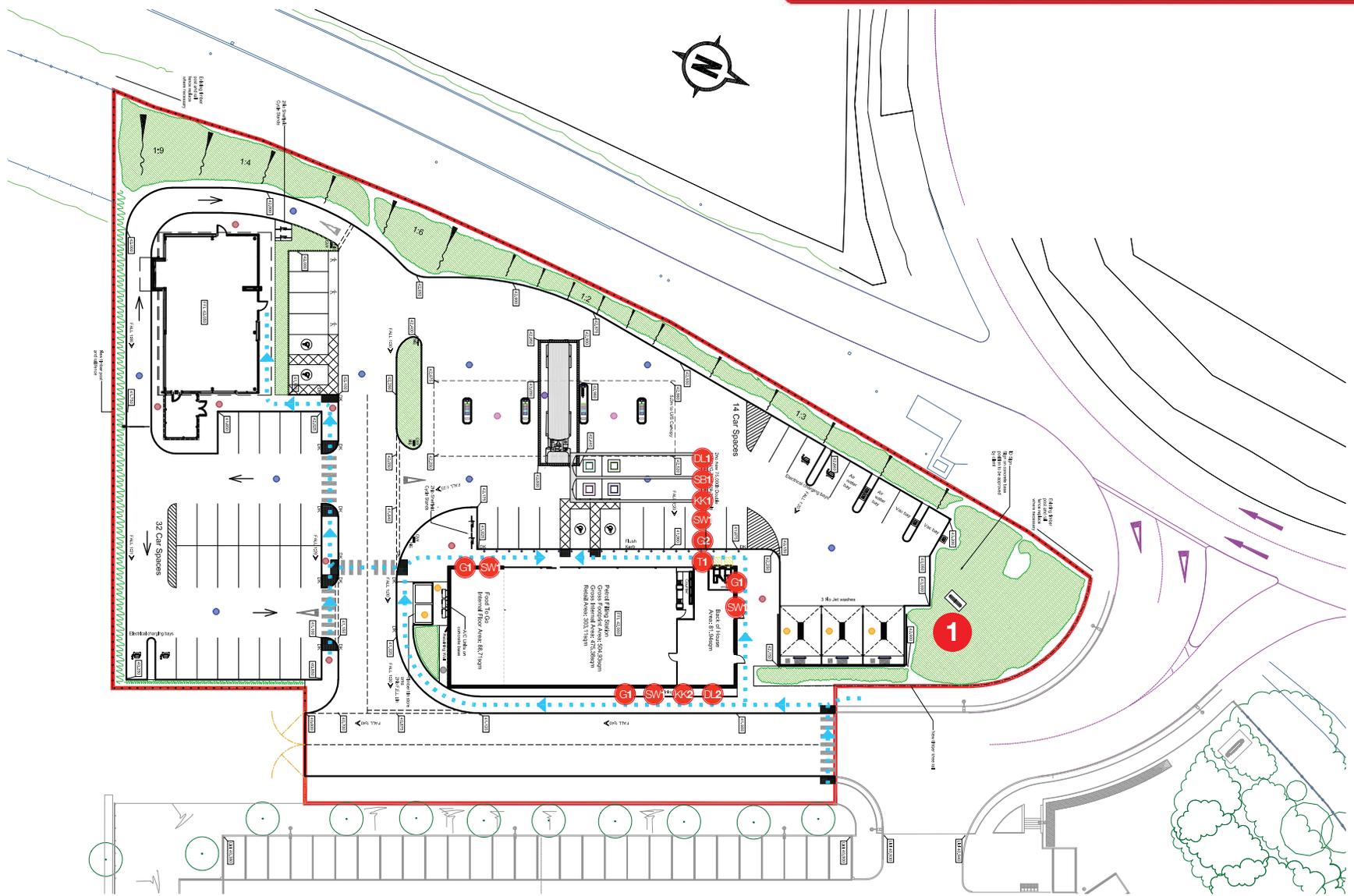
Page 111



**North
Lincolnshire
Council**

AMENDED

FULL SITE PLAN - Barton - Upon - Humber



Scale 1:500

Page 112

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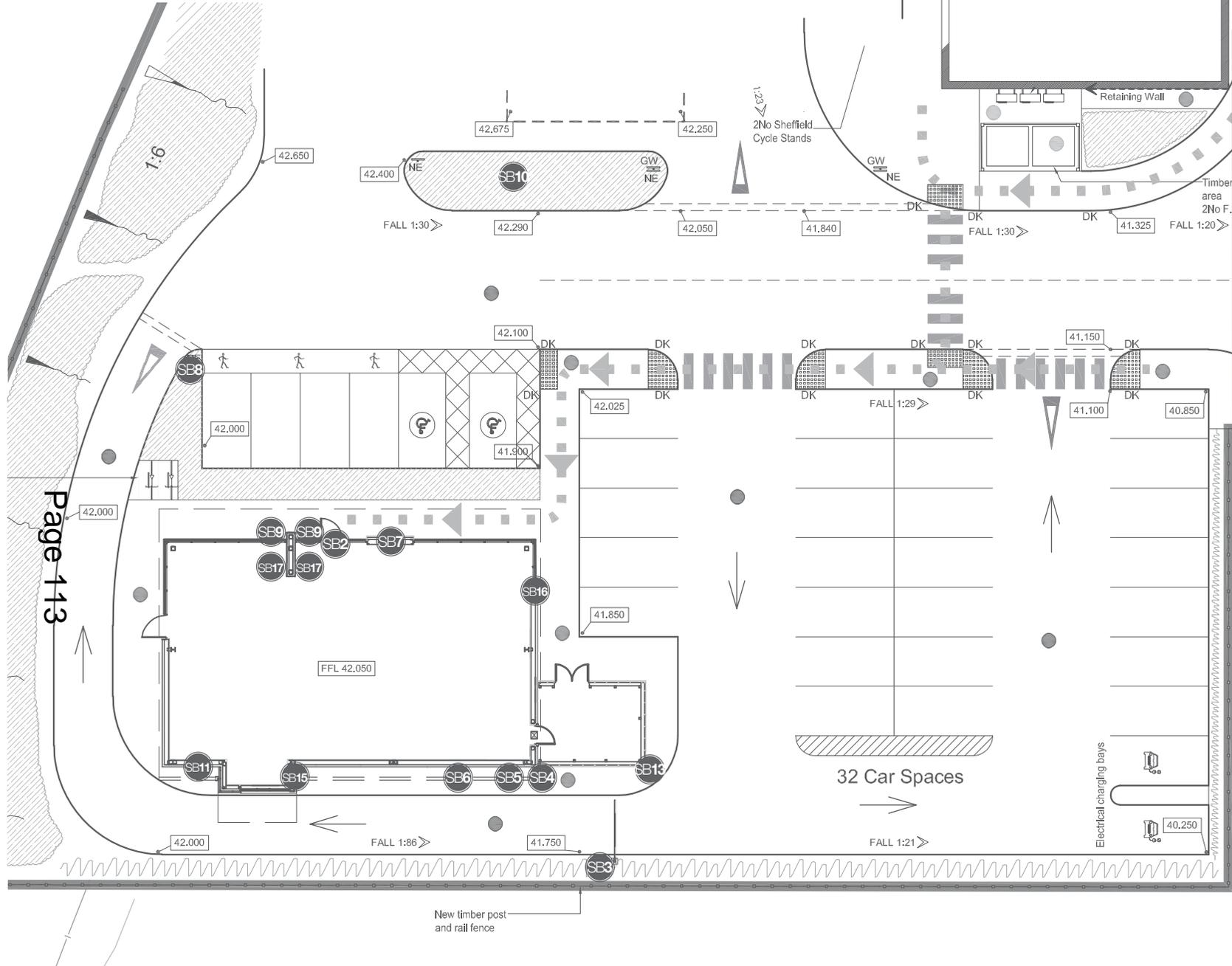
0116 270 6228
 info@signs-nis.co.uk
 www.signs-nis.co.uk

Client: Euro Garages	Drawing no: 19-082
Address: Ferriby Road, Barton-Upon-Humber, DN18 5LE	Job location: Jobs/Euro Garages/Sites/Barton-upon-Humber
Drawn by: DW	Rev: 5
	Date: 31/07/19

- Revision notes:**
- Initial issue
 - Vape company revised to Dinner Lady Krispy Kreme added to totem
Coming soon vinyls to Krispy Kreme
 - Requested changes
 - New Vape Store logo added
 - Subway removed
 - Totem rotated

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PA/2019/609 Starbucks layout (not to scale)



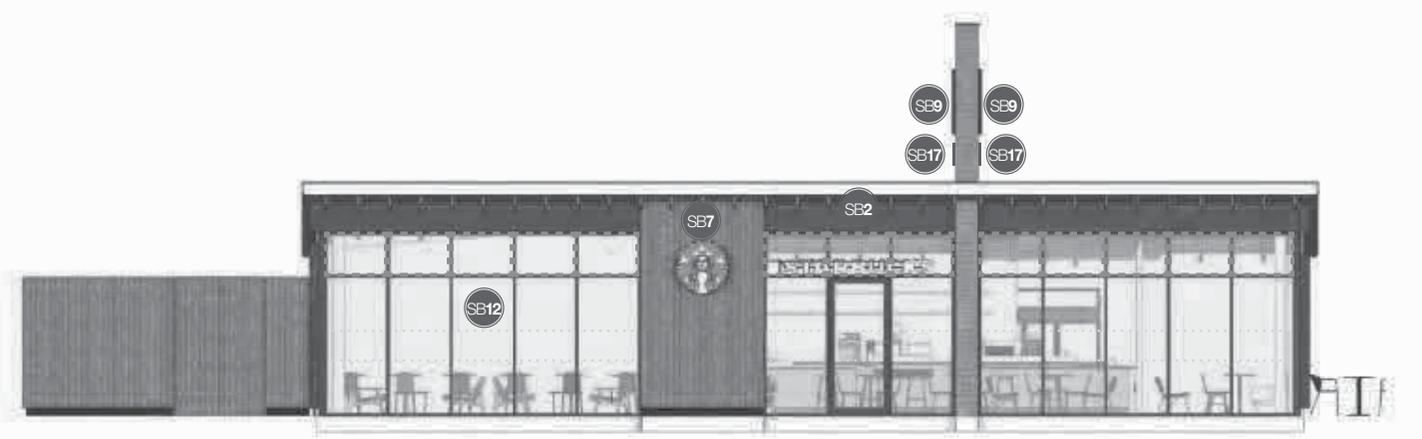
Key

- 1** 1 Off, 12m EG Totem
- SB2** 305mm Wordmark **STARBUCKS**
- SB3** Clearance Bar
- SB4** Preview Menu Board
- SB5** Speaker Canopy
- SB6** 5 Panel Menu
- SB7** 1 off 1200mm Single sided Siren Roundels
- SB8** No Entry/ Thank You Directional
- SB9** 2 off 1500mm Single sided Siren Roundels
- SB10** Banner frame
- SB11** Wall mounted directional
- SB12** Window manifestations
- SB13** Drive Thru Directional
- SB14** Solar Film
- SB15** Frosted Vinyl
- SB16** 355mm Wordmark **STARBUCKS**
- SB17** Wall mounted directional

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PA/2019/609 Starbucks front and left elevations (not to scale)

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FRONT ELEVATION - 1:100



LEFT ELEVATION - 1:100

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Client: Euro Garages
Address: Ferriby Road,
Barton-Upon-Humber,
DN18 5LE

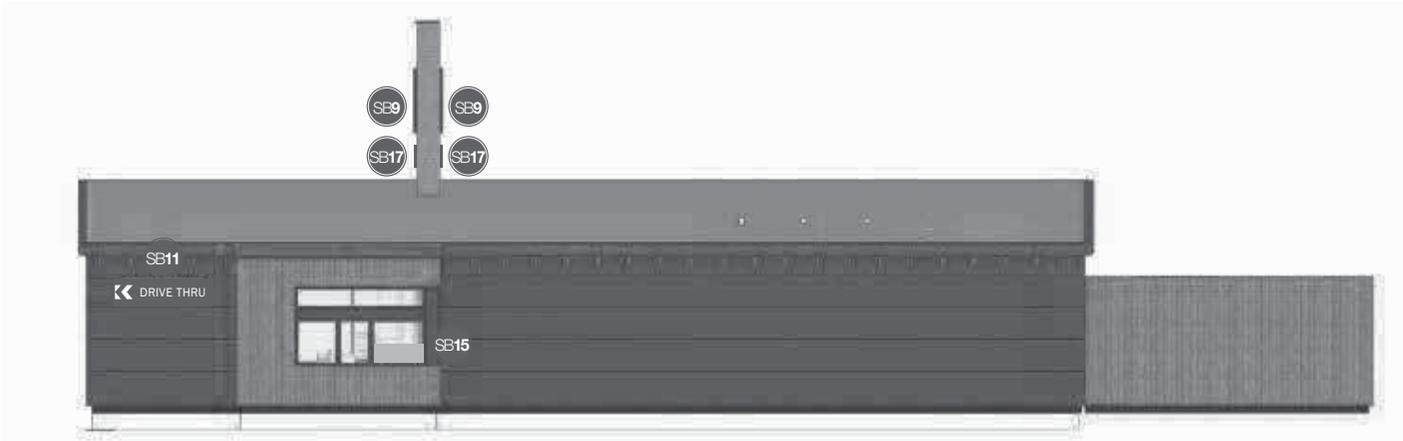
Drawing no: 19-082
Job location: Jobs/Starbucks/Sites/Barton-upon-Humber
Drawn by: DB **Rev:** 0 **Date:** 04/03/19

Revision notes: 0) Initial issue

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PA/2019/609 Starbucks drive-thru and right elevations (not to scale)

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DRIVE THRU ELEVATION - 1:100



RIGHT ELEVATION - 1:100

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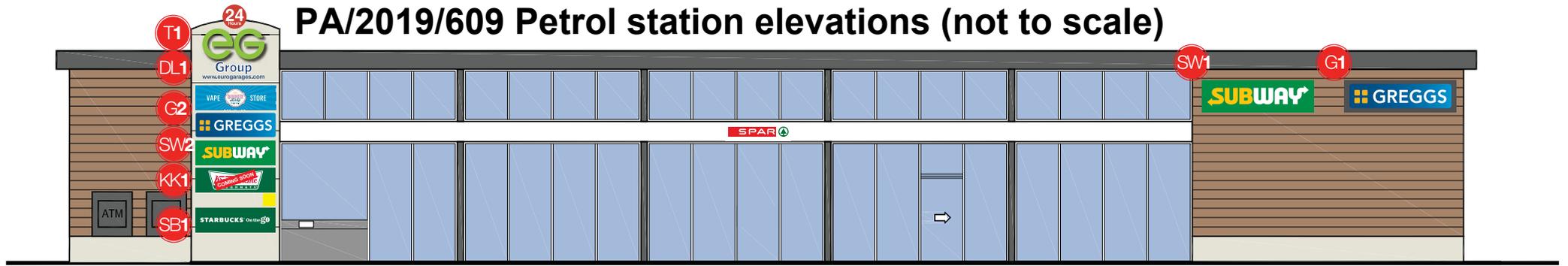
Client: Euro Garages
Address: Ferriby Road,
Barton-Upon-Humber,
DN18 5LE

Drawing no: 19-082
Job location: Jobs/Starbucks/Sites/Barton-upon-Humber
Drawn by: DB **Rev:** 0 **Date:** 04/03/19

Revision notes: 0) Initial issue

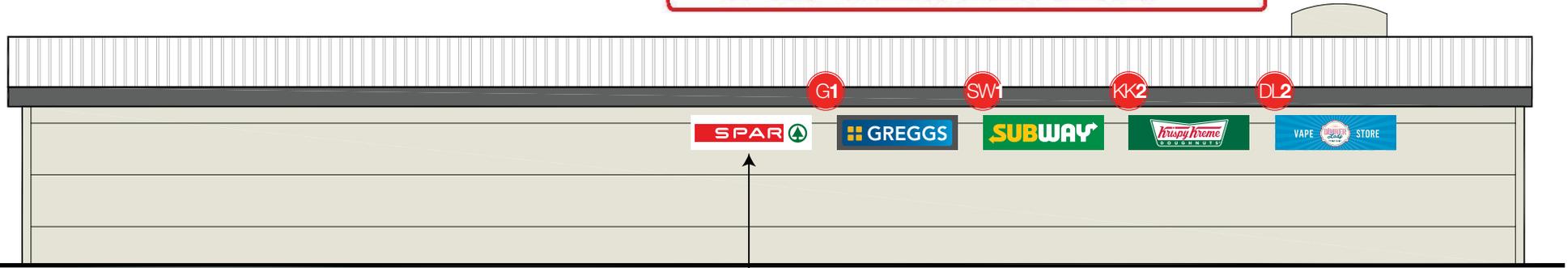
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PA/2019/609 Petrol station elevations (not to scale)



Forecourt / South West Elevation 1:100

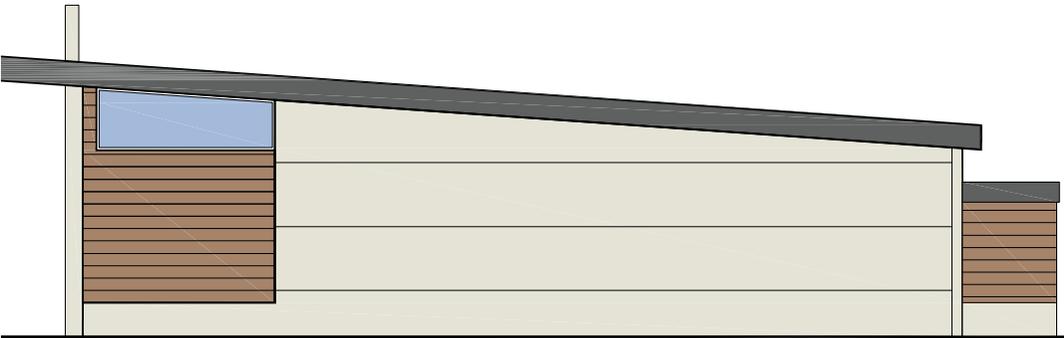
AMENDED



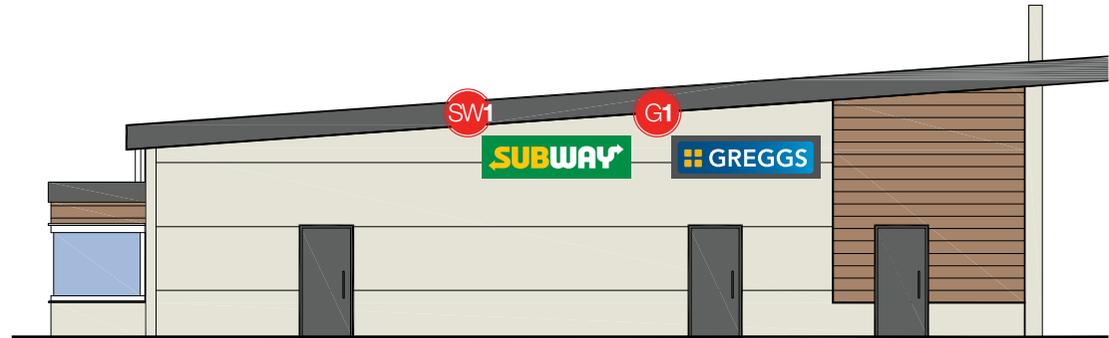
North East Elevation 1:100

Separate planning application by others

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South East Elevation 1:100



North West Elevation 1:100

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Client: Euro Garages

Address: Ferriby Road,
Barton-Upon-Humber,
DN18 5LE

Drawing no: 19-082

Job location: Jobs/Euro Garages/Sites/Barton-upon-Humber

Drawn by: DW

Rev: 3

Date: 31/07/19

Revision notes: 0) Initial issue

- 1) Vape company revised to Dinner Lady
Krispy Kreme added to totem
Coming soon vinyls to Krispy Kreme
- 2) Requested changes
- 3) New Vape Store logo added

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Non-Illuminated
 Illuminated 320cdm2

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Client: Euro Garages		Drawing no: 19-082	
Address: Ferriby Road, Barton-Upon-Humber, DN18 5LE		Job location: Jobs/Euro Garages/Sites/Barton-upon-Humber	
Drawn by: DW	Rev: 5	Date: 31/07/19	

Revision notes: 0) Initial issue
 1) Vape company revised to Dinner Lady
 Krispy Kreme added to totem
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 2) Requested changes
 3) New Vape Store logo added
 4) Subway removed
 5) Totem rotated

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APPLICATION NO	PA/2020/427
APPLICANT	Mr T S Nothard, Homeacres Farm Ltd
DEVELOPMENT	Outline planning permission to erect a dwelling with appearance, landscaping, layout and scale reserved for subsequent consideration
LOCATION	Land adjacent to Homeacres, Luddington Road, Garthorpe, DN17 4RU
PARISH	Garthorpe and Fockerby
WARD	Axholme North
CASE OFFICER	Nick Salt
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework:

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

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

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

pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

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

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

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

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

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

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

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

Paragraph 159 further notes, '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 relates to the exception test: '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 163 sets out that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable), it can be demonstrated that:

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- (b) the development is appropriately flood resistant and resilient;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed; and
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Design)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of Housing Sites)

CS16 (Landscape, Greenscape and Waterscape)

CS19 (Flood Risk)

North Lincolnshire Local Plan:

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy RD2 (Development in the Open Countryside)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy DS1 (General Requirements)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

CONSULTATIONS

Highways: Advise conditions on access and parking details, and preventing loose material and access visibility obstruction.

Environment Agency: The proposed finished floor levels are below the critical flood level of 4.1m above Ordnance Datum (AOD) established in the North and North East Lincolnshire Strategic Flood Risk Assessment (November 2011). However, the submitted Flood Risk Assessment (FRA) has explained the restrictions of the existing site level (3.2m AOD) and proposed floor levels raised at least 0.65m above this together with resilience measures. Providing the proposed dwelling is two-storey, we have no objection to the application subject to the imposition of the relevant planning condition.

Yorkshire Water: No comments.

Drainage (Lead Local Flood Authority): No objection subject to conditions on surface water drainage.

Environmental Protection: Initially requested a screening assessment to assess any contamination within the site. The department is satisfied with the submitted screening assessment and recommends a condition requiring notification and mitigation if unexpected contamination is found.

PARISH COUNCIL

No comments or objections.

PUBLICITY

Advertised by site and press notice. No comments received.

ASSESSMENT

Site

The application site forms 900m² of the side garden of 'Homeacres', a detached farmhouse to the southwest corner of Garthorpe, on the north side of Luddington Road. The site is separated from the settlement boundary of Garthorpe and Fockerby by an access lane and

strip of land to the east. There are various farm buildings to the north. The site is relatively flat and features planting and hedging along the eastern boundary and some trees to the southern boundary.

The application site is not within a conservation area, nor does it comprise or fall within 30m of a listed building. The site is located within SFRA Flood Zone 2/3a, meaning a high flood risk.

Planning history

There is no recent or relevant planning history for the site.

The application makes reference to 2/1989/0697, which granted planning approval for a pair of semi-detached dwellings to the east of the site. This approval has expired.

Proposal

Outline planning permission is sought to erect a detached dwelling on the site. Appearance, landscaping, layout and scale are reserved for subsequent consideration, with only access considered as part of this outline application.

A new vehicular access is proposed to the southern boundary onto Luddington Road.

Assessment

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

- **flood risk**
- **drainage**
- **access and parking**
- **contamination.**

Principle of development

As this is an outline planning application with all other matters, save for access, reserved, the key consideration is the acceptability in principle of a dwelling on this site.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land and Allocations Development Plan Document (HELADPD). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The site is outside the settlement boundary of Garthorpe and Fockerby as defined in the Housing and Employment Land Allocations DPD and as such there is a general presumption against development. The erection of a market dwelling within the 'open countryside' would not meet any of the exceptions to this presumption set out in local plan policy RD2. Nevertheless, this must be weighed against national policy as discussed below.

Central Government places high importance on new homes being delivered throughout the country to address the chronic shortage. Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide the supply of housing should not be considered up-to-date.

A recent review of the of the Five-Year Housing Land Position Statement has identified that the council's housing land supply has reduced from five years and six dwellings, to four years. The council has prepared a Housing Delivery Action Plan in accordance with the NPPF and PPG. The Action Plan will assist in securing a five-year land supply; some of the actions include reviewing the windfall allowance calculation and working with developers to bring forward outline planning applications.

The proposed scheme would result in the net delivery of one additional dwelling at the site which would modestly contribute to the mix of housing types within the locality and towards meeting local need in North Lincolnshire.

Residential development on this site has the potential to meet the economic (through construction jobs and potential attraction of workers to North Lincolnshire), social (if adverse impacts are limited from the development), and environmental (if such impacts are limited) tests of the NPPF.

With regard to sustainability of the site, it is adjacent to an existing residential area and served by public footpaths from the other side of the access road to the east. The site is within walking distance of some essential services and public transport links. Garthorpe and Fockerby is a settlement which is small with limited services, however the provision of one additional dwelling is not considered likely to put strain on the settlement and/or constitute an unsustainable development. The site is therefore considered to be sustainable in relation to its proximity to existing transport services.

The site is considered, for planning purposes, to be within the open countryside. It is, however, between an existing dwelling and the settlement boundary. A new dwelling here, if designed and sited appropriately, would not result in a notable extension to the settlement or encroachment into the countryside, occupying a plot of land which is currently part of the curtilage of an existing dwelling.

Whilst the proposal would not meet the exceptions for rural development set out in policy RD2, regard is given to its unique infill position close to the existing settlement boundary and the tilted balance applied by the NPPF due to the housing supply shortfall. On balance, the proposal is therefore considered to be acceptable in principle, subject to the following considerations.

Flood risk

The site lies within flood zone 2/3a according to the council's SFRA. Careful consideration must therefore be given to the suitability of a dwelling on this site.

As the site is within a high-risk flood zone, the sequential test must be applied to ensure that there are no suitable alternative sites in the area at a lower 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. As all of Garthorpe and Fockerby is within a high-risk zone, the sequential test is considered passed. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding.

It is considered that the subsequent exceptions test is also met in that the development would provide wider sustainability benefits to the community (vitality of the settlement and rural area through modest growth and the modest creation of jobs) that outweigh the flood risk; and the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall. Subject to adequate measures to avoid any increase in material flood risk, the development would provide net benefits to the area (social and economic) as discussed above, which would outweigh the siting within a high flood risk area.

The current proposal has been assessed by the Environment Agency who have reviewed the submitted Flood Risk Assessment (FRA) and consider the proposal to acceptably mitigate flood risk to future occupants if in accordance with the details submitted:

- The dwelling shall have two storeys.
- Finished floor levels shall be set no lower than 3.85m above Ordnance Datum (AOD).
- Flood resilience measures shall be incorporated to at least 5.05m AOD.
- Flood door barriers shall be fitted.

Subject to the above, the proposal would accord with sections (b)-(e) of paragraph 163 of the NPPF.

It is considered therefore, on balance, that the flood risk within and near to the site would be managed to an acceptable degree. The sequential and exception tests are considered to be passed. As such, the economic, social and environmental benefits of sustainable development on this site and contribution to the tilted balance applied due to the current housing shortfall outweigh the drawbacks of its location within a level 2/3a flood zone.

Overall, and subject to the design meeting the relevant conditions at reserved matters stage, this proposal for outline planning permission is, in principle, in accordance with Core Strategy policy CS19 and local plan policy DS16 in relation to flood risk.

Drainage

The development lies within an area identified as at medium to high risk of localised flooding. The council's drainage team requests pre-commencement conditions relating to surface water drainage. These conditions are considered appropriate to ensure that the on-site drainage is appropriately managed and that the development does not result in unacceptable water run-off into neighbouring properties or onto the highway, risking both amenity and highway safety.

These details could be provided at reserved matters stage and it is not considered that appropriate drainage is unachievable.

Access and parking

Access is the only detailed matter which has not been reserved. 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 highway safety. Both policies are considered relevant.

The council's Highways team has reviewed the application and has no objection to the access location subject to the provision of further detail. It is considered that further details regarding layout and visibility splays could be provided at the reserved matters stage, and conditions are recommended to secure appropriate parking and access either through the reserved matters stage or through discharge of the conditions thereafter.

It is considered that adequate visibility in both directions when leaving the site could be achieved. The addition of one dwelling along the road is not considered likely to result in a significant intensification of use of the nearby highway network insomuch as to result in a risk to highway safety or capacity.

Pedestrian footpaths would be easily accessed directly to the east of the site providing walkway access to bus services.

With regard to parking, it is considered that two parking spaces could feasibly be accommodated within the site, which would meet the parking standards.

Land contamination

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

The Environmental Health team notes that the application for residential development is a sensitive end use and is on a site where previous uses are not fully known. As such, they have requested a condition requiring any unexpected contamination found during development to be reported and mitigated. Subject to the above, the proposal is considered to be in accordance with local plan policy DS7.

Other matters

No indicative scale or design has been provided; these matters are reserved and therefore not for consideration at this outline stage. The applicant does note that the dwelling would be two-storey. This would be required to overcome flood risk concerns in any case. The design of the dwelling should take into account the surrounding built and natural context and should not dominate the site or street scene visually.

Regard should be had to landscaping and the retention of existing trees and hedging, where possible, in any future reserved matters proposal. The trees along Luddington Road to the south of the site are a key part of its character and appearance and provide an attractive graduated break between the residential area and the open countryside.

Conclusion

The wider principle of residential development in this area is considered to be acceptable, having regard to the flood risk and rural location, balanced against the sustainable benefits of the proposal and the tilted balance of national planning policy in favour of the proposal.

Any subsequent reserved matters application should ensure compatibility of design with the rural location and adjacent farm dwelling. It is considered that the site is of sufficient size to accommodate the dwelling and a suitable layout to provide adequate parking, turning and access as shown.

It is therefore recommended that this outline planning application is approved.

Pre-commencement conditions

The inclusion of these has been agreed with the applicant/agent.

RECOMMENDATION Grant permission subject to the following conditions:

1.
Approval of the details of appearance, landscaping, layout and scale of the building(s) (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

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

2.
Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

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

3.
Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

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

4.
The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later

Reason

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

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: 1009-20 1 Site Location and Block Plans.

Reason

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

6.

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

Reason

In the interests of the safety of construction workers and future occupants.

7.

No development shall take place until a detailed flood risk statement and drainage strategy have 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.

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.

8.

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

Reason

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

9.

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

Reason

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

10.

The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) dated 12 March 2020 by Howard J Wroot and the following mitigation measures detailed within the FRA:

- The dwelling shall have two storeys.
- Finished floor levels shall be set no lower than 3.85m above Ordnance Datum (AOD).
- Flood resilience measures shall be incorporated to at least 5.05m AOD.
- Flood door barriers shall be fitted.

Reason

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

11.

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.

12.

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.

13.

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.

14.

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

Reason

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

15.

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

Reason

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

Informative 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
College Farm



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**North
Lincolnshire
Council**

PA/2020/427

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APPLICATION NO PA/2020/1643

APPLICANT Mr & Mrs Tom Steer

DEVELOPMENT Planning permission to vary condition 2 of PA/2020/41 to include garage and gable dormer at rear and change the window materials

LOCATION 27 School Lane, Appleby, DN15 0AL

PARISH Appleby

WARD Broughton and Appleby

CASE OFFICER Mark Niland

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Objection by Appleby Parish Council

POLICIES

National Planning Policy Framework:

Paragraphs 184–202 Conserving the Historic Environment

North Lincolnshire Local Plan: DS1, T2, T19, HE2

North Lincolnshire Core Strategy: CS2, CS5, CS6

Appleby Neighbourhood Plan: AP1, AP2, AP3

CONSULTATIONS

Highways: No objections subject to conditions.

Conservation: Objects to the use of uPVC windows as inappropriate.

PARISH COUNCIL

Appleby Parish Council do not approve this proposed change to conditions to allow the fitting of uPVC windows.

Appleby Neighbourhood Plan (ANP) Policy AP2 states that:

Proposals should demonstrate where appropriate the Parish and/or the Appleby Conservation Area Design Statement have been taken into account, which in turn states that windows and doors should be wood/timber. Our original approval agreed to the then design to include the material for doors and windows to be white painted wood. Furthermore, the

Appleby Conservation Area Supplementary Planning Guidance also states that windows and doors should be made of wood to preserve character.

PUBLICITY

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

ASSESSMENT

Planning history

PA/2020/41: Planning permission to erect a detached bungalow – approved 06/03/2020.

Site characteristics

The site is located within the development boundary for Appleby and within the conservation area as identified by the Housing and Employment Land Allocations DPD 2016. The site currently is existing garden land associated with 27 School Lane. The applicant has submitted a design and access statement, as well as a heritage statement.

The dwelling on this site has previously been approved and there is no requirement to revisit matters of principle. The changes proposed by this application are:

- inclusion of a detached garage;
- change in window type to uPVC; and
- an additional rear dormer.

The following considerations are relevant to this proposal:

- **residential amenity;**
- **impact upon the historic environment;**
- **highway safety.**

Residential amenity

Policy DS1 of the North Lincolnshire Local Plan is concerned with protecting amenity levels. It states that planning applications should not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours. Policy H5 is concerned with new housing and is also considered relevant. Part of policy AP3 of ANP is concerned with amenity and supports small scale residential schemes that will not adversely impact upon the residential amenities of neighbouring properties.

The proposal is at a sufficient distance as to not give rise to any unacceptable levels in relation to overbearing impact or overshadowing. There is a window in the western elevation serving the first floor from the gable dormer. This would look into the neighbour's private amenity area giving rise to unacceptable levels of visual intrusion. However, this can be

overcome through an obscuration condition which will be attached should permission be granted.

In terms of the siting, scale and design of the garage there is limited impact by way of being overbearing or overshadowing. It is therefore considered that the proposal would not carry any overbearing, overlooking or overshadowing impacts that would be detrimental to the residential amenity rights of adjoining neighbours and aligns with policies DS1 and H5 of the North Lincolnshire Local Plan and policy AP3 of ANP.

Impact upon the historic environment

Policy HE2 of the local plan is concerned with development within conservation areas. It states that all development proposals in, or which affect the setting of, conservation areas should preserve or enhance the character and appearance of the area and its setting. Policy CS6 of the Core Strategy is also concerned with protecting and enhancing the historic environment. Both are considered relevant.

Policy AP2 (b) of the ANP states, '...the design reinforces the character of the village or rural area by respecting the local vernacular building character in terms of scale, form, materials used, plot density, special architectural and landscaping features, whilst safeguarding and enhancing the heritage assets of the area and the natural environment.' This is also considered relevant to any assessment. AP2 (j) states, '...the design ensures that buildings are flexible to meet the changing needs of future generations.' These two policies are reinforced by AP3 (b) which states, '...are in keeping with the scale, form and character of their surroundings, including the density of existing development, and meet with the provisions of Policy AP2.'

The applicant proposes a detached garage that is of a scale and appearance in keeping with others in the area and the materials match those the house is built from. The gable dormer to the rear has limited impacts upon the street scene and is again made up of matching materials; these materials are annotated on the plans and are therefore controlled by the approved plans condition.

The applicant also proposes to change the windows to uPVC. Under the original application the openings were to be timber and were subsequently signed off as such during the discharge process. The applicant now seeks to install uPVC, of which both a sample and brochure have been provided. Both the parish council and the conservation officer object, centred on the material type that is to be installed.

In assessing this matter, the applicant has provided background information on where the approved facing materials have come from. The stone used is an Ancaster Stone (central Lincolnshire), the quoins and brickwork are a modern red brick (which are also different in size to the typical Appleby brick), and the roof tiles are a modern Sandtoft.

Ancaster is a limestone and is reflective of the limestone used in Appleby but quarried from further afield. The facing brick and roof tiles, however, are modern replicas that seek to imitate the style of a traditional Appleby cottage. These materials have been signed off and agreed and there were no objections. Turning then to the use of uPVC, this same framework for assessment must again be used as it would seem unreasonable to allow modern materials in part of the building but not others without fair assessment. The assessment then in this instance must not be based upon what materials the windows are made of but rather **'are the windows proposed appropriate for this dwelling in this location'**.

The windows proposed are painted uPVC in Old English White. The windows would have glazing bars and would 'seek to imitate' the traditional timber windows of a traditional Appleby cottage. The applicant has provided both samples and a brochure. Another consideration to add at this point is that there is an abundance of uPVC already in this area of Appleby. The objections from the parish council and conservation officer are fair in the regard that this property was granted permission as it was distinctly approved given that it reflected a traditional Appleby cottage. However, given that the same scrutiny was not placed upon the facing materials it is not reasonable to do so regarding the openings. The dwelling is almost complete and from site visit it must be said that the applicant has well executed the design, and the appearance of the dwelling does imitate a traditional Appleby cottage despite the use of some modern materials. It is not considered that the use of uPVC (of the quality proposed) would dilute its aesthetic and given that there is no argument for authenticity (new build, some modern materials) these windows are considered appropriate.

AP2 (b) states, '...the design reinforces the character of the village...'. It is considered that the proposal does align with this policy even though modern materials have been used in part and this is clearly evident from a site visit. Notwithstanding the fact that uPVC (flush sash) is considered acceptable, the applicant has not identified the specific units for each opening. A condition is recommended requiring details of the flush sash uPVC windows, including glazing bars, to be submitted to and agreed in writing with the local planning authority and once agreed the windows shall thereafter be retained.

It is therefore considered that the proposal aligns with the aforementioned planning policies of the Core Strategy, Local Plan and Neighbourhood Plan.

Highways

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. Both policies are considered relevant. Policy AP2 of ANP requires that proposals can be accessed safely from the highway incorporating sufficient off-street parking.

The erection of the garage would not impinge the existing use of the access and the parking provision is still ample. It is therefore considered that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan and policy AP2 of ANP.

Conclusion

This application is a variation of condition and the applicant has a discharge of the conditions associated with the original application still open. Given this permission would replace that, all relevant conditions will be re-attached. A time limit condition is not required given the dwelling is almost complete and an additional condition relating to the windows will be added.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Block Plan TS/19/02 A
Elevations TS/19/04 C
Garage TS/20/05

Reason

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

2.

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.

3.

Before the first occupation of the extension hereby permitted the window in the west elevation serving the dormer shall be fitted with obscured glazing to a minimum of level 3 of the "Pilkington" scale of obscuration or equivalent and any part of the window that is less than 1.7 metres above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.

Reason

To protect the amenity of neighbouring properties in accordance with policies DS1 and DS5 of the North Lincolnshire Local Plan.

4.

Prior to their installation the details of the exact specification, including glazing bars of the Upvc flush sash windows, shall be submitted to and agreed in writing with the local planning authority. They shall thereafter be retained.

Reason

To protect the historic environment, in accordance with policy HE2 of the North Lincolnshire Local Plan.

5.

Notwithstanding the approved plans, no occupation shall commence until details of all materials to be used in the construction of the proposal, including the framework for the openings, doors and rainwater goods, have been submitted to and agreed in writing with the local planning authority.

Reason

To protect the historic environment, in accordance with policy HE2 of the North Lincolnshire Local Plan.

Informative

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

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CHURCH SIDE

Issues

North Brook

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The Gables

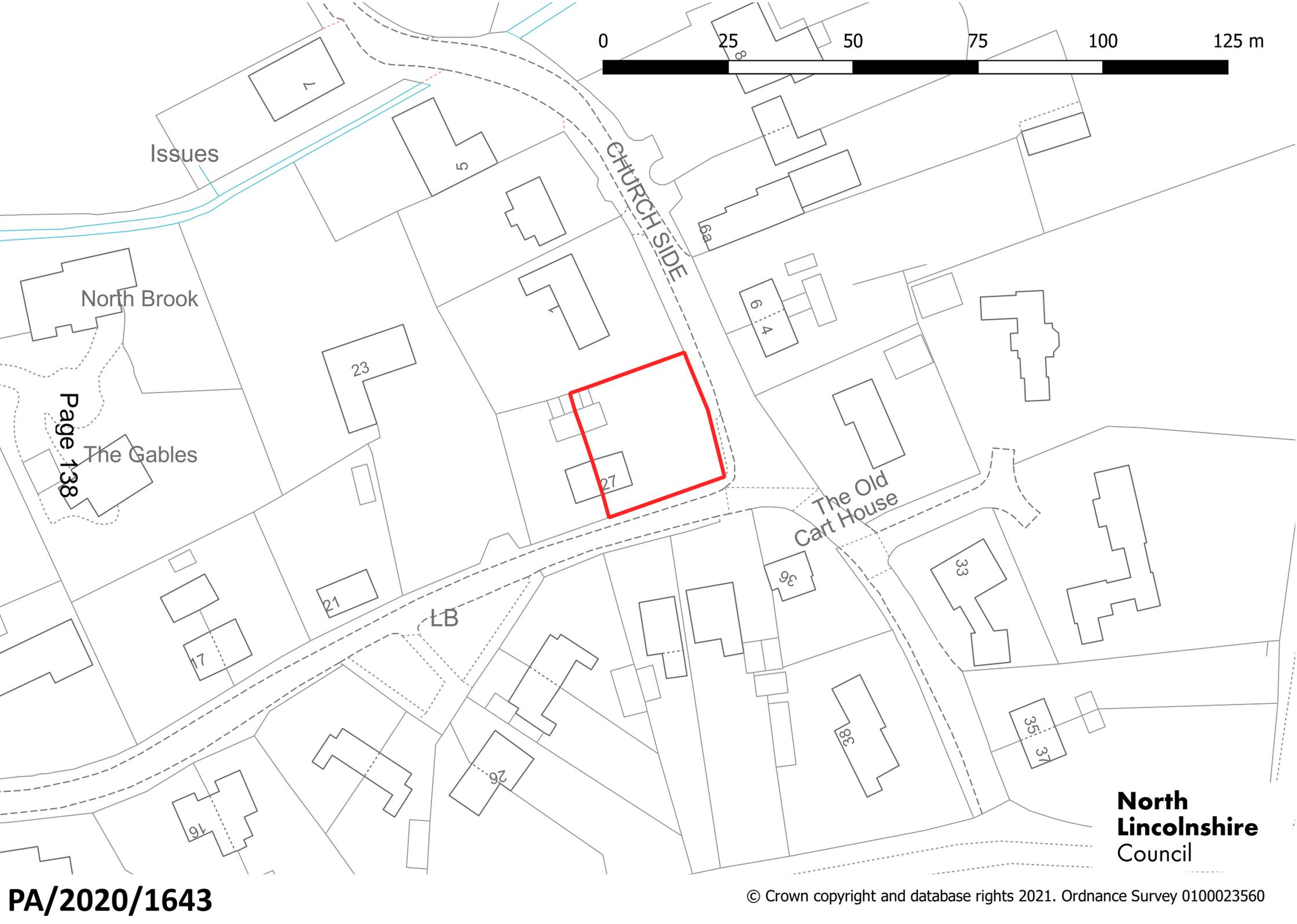
The Old Cart House

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North
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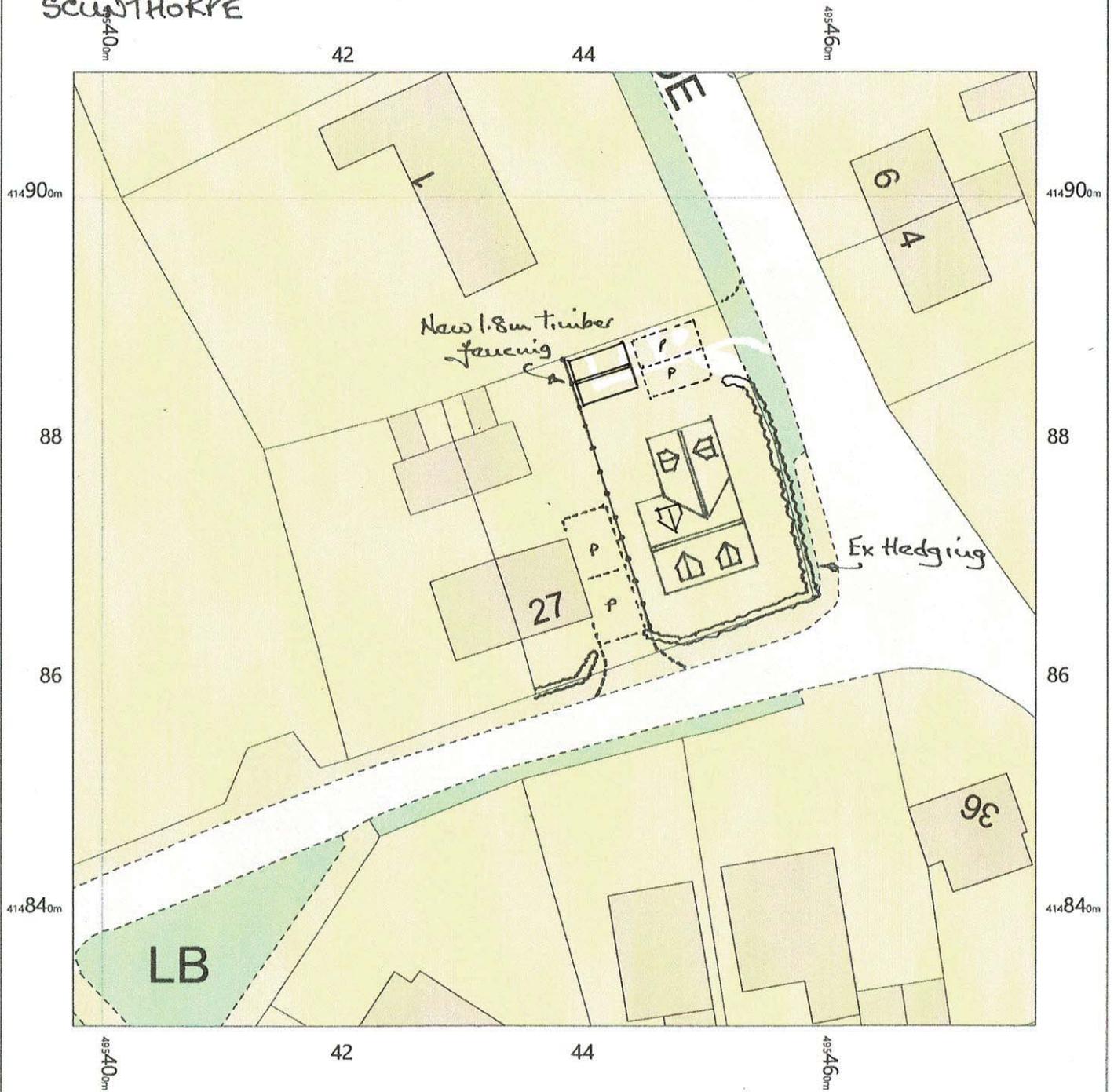
PA/2020/1643

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PA/2020/1643 Proposed layout (not to scale)

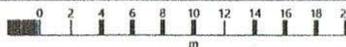
MR. T. STEER
 27 SCHOOL LANE
 APPLEBY
 SCUNTHORPE



^s PROPOSED BLOCK PLAN

DRG. N: TS/19/02A

REVISED



Monday, August 12, 2019, ID: BW1-00820615
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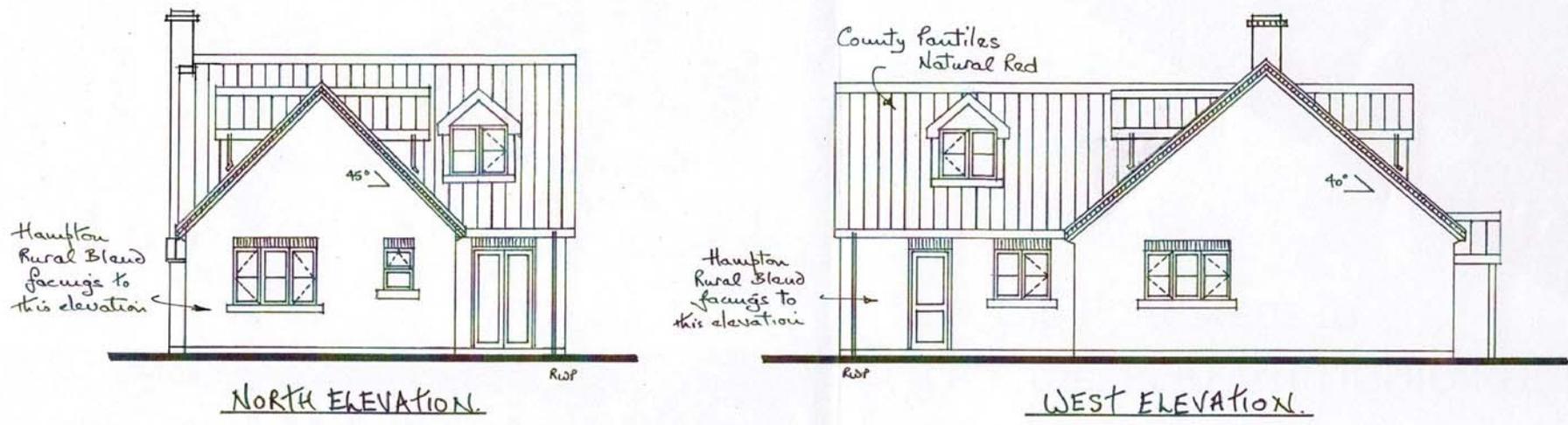
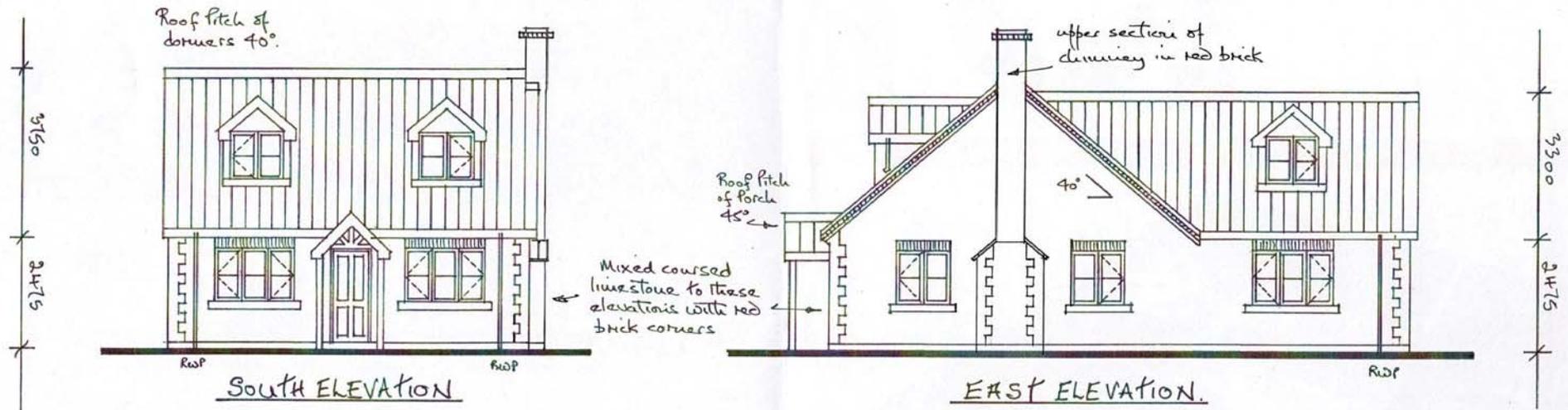
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PA/2020/1643 Proposed elevations (not to scale)



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<p>MR. T. STEER 27 SCHOOL LANE APPLEBY SCUNTHORPE</p>	<p>PROPOSED DORMER BUNGALOW</p>	<p>DRAWN BY: JEM MANAGEMENT SERVICES 45 OSWALD ROAD SCUNTHORPE 07764 922416</p>	<p>DATE: DECEMBER 2019 SCALE: 1/100 @ A3</p>	<p>DRG.N° 15/19/04 REV. 'C'</p>
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APPLICATION NO	PA/2020/1872
APPLICANT	Dr Syed Shafqat
DEVELOPMENT	Planning permission to erect a dwelling with associated works
LOCATION	The Vicarage, 5 Paul Lane, Appleby, DN15 0AR
PARISH	Appleby
WARD	Broughton and Appleby
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Objection by Appleby Parish Council

POLICIES

National Planning Policy Framework:

Paragraph 193 – When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 – Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Substantial harm to or loss of:

- (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

North Lincolnshire Local Plan: DS1, DS7, DS11, T2, T19, HE2, HE5, H5, H7

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS25

Appleby Neighbourhood Plan: AP1, AP2, AP3, AP13

CONSULTATIONS

Highways: No objection subject to conditions.

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

Historic Environment Record: No objections.

Conservation: The conservation officer responded with detailed design advice that the applicant has followed and submitted amended plans to do so. Subsequently, the conservation officer has removed the objections.

PARISH COUNCIL

The parish council objected to the original scheme stating that there was no evidence that the policy from the Appleby Neighbourhood Plan (ANP) had been taken into consideration. Subsequently, this led to the submission of an amended scheme. The parish continues to object on the following grounds:

The proposed application does not fit with a number of the following policies, particularly in relation to scale, form and materials used (it is acknowledged that the window frames and doors are now specified as timber and not uPVC), as well as the setting in relation to the adjacent 'The Cottage', which is a grade II listed building, and The Vicarage, being a building of townscape merit, to a lesser extent. The development does not serve to enhance the local character of the conservation area, as required in the policies, due to its style and size.

PUBLICITY

The application has been publicised by means of a site notice and press advertisement in accordance with article 15 of the Development Management Procedure Order 2015 (and subsequent revisions).

The application has been subject to some local objection stating that the proposal would affect the setting of the nearby listed building, affect residential amenity, raises highway safety concerns, would be out of character, impact upon the conservation area, and generally not accord with the Appleby Neighbourhood Plan.

A letter of support has also been received stating that the ANP is frequently quoted and misrepresented by others and the resident is in support of this new build project.

ASSESSMENT

Planning history

PA/2018/2519: Consent to fell a conifer tree within the conservation area – granted 11/02/2019

PA/2017/1569: Consent to carry out various arboricultural works to trees within the conservation area – granted 15/03/2018

PA/1998/0632: Planning permission to erect a two-storey domestic – granted 28/07/1998

7/1989/1020: Permission to erect a 6ft larch lap fence topped with 2ft trellis – granted 01/02/1990

Site constraints

- Appleby conservation area – HELA DPD 2016

- Setting of a grade II listed building

Site characteristics

The site is located to the south, but within the curtilage, of The Vicarage and to the north of The Cottage, which is a grade II listed dwelling fronting Paul Lane. Appleby has a definite character that comes from the consistent use of limestone, red brick and pantiles on the buildings, and the abundance of hedges and trees that provide a marked contrast to the openness of the surrounding landscape. The existing conservation area has two main elements: Ermine Street, including part of Paul Lane; and Church Lane, including parts of Churchside and Haytons Lane.

Paul Lane extends to Ermine Street at one end and connects to Beck Lane and School Lane at the other where there is a park and open space. The Vicarage is described within the appraisal as a building of townscape merit and is afforded space around it; the dwelling is set back from Paul Lane with a grand entryway. The Cottage, on the other hand, fronts Paul Lane, directly informs the street scene and is somewhat of a landmark dwelling; this historically and aesthetically holds hierarchy over the street scene. These buildings do not align with the materials mentioned in the above paragraph and are quite unique in that regard within Appleby.

Paul Lane has another side that is not really characterised within the conservation area appraisal, where a series of linked bungalows with pool parking impose themselves upon the street scene. The buildings are utilitarian and functional with low grassed areas to the front and are made up of brown facing brick, concrete interlocking tiles with white UPVC windows and some doors. These dwellings, whilst functional and a needed tenure/property type, detract from the existing historic environment.

Proposal

The applicant seeks to erect a dwelling with associated garage. **The key issues for consideration are:**

- **impact upon the historic environment;**
- **impact upon residential amenity; and**
- **impact upon highway safety.**

Matters relating to principle are not discussed. The proposal is sited wholly within the settlement boundary for Appleby and residential development is supported in this location by the overarching spatial strategy (CS1) as well as the Appleby Neighbourhood Plan (AP3).

Impact upon the historic environment

Policy HE2 of the North Lincolnshire Local Plan is concerned with development in conservation areas and sets out a criteria-based approach to assessing such proposals.

Policy HE5 of the local plan is concerned with development affecting the setting of listed buildings. The policy states that proposals which damage the setting of a listed building will be resisted.

Policies CS5 and CS6 of the Core Strategy are also relevant: CS5 tasks developers with finding context within a new proposal, whilst CS6 seeks to protect and enhance the area's historic assets.

Policies AP1/2 and 13 of the Appleby Neighbourhood Plan are all relevant, as well as the Parish Design Statement. One of the key design principles to consider is AP2 'B' which states:

'...the design reinforces the character of the village or rural area by respecting the local vernacular building character in terms of scale, form, materials used, plot density, special architectural and landscaping features, whilst safeguarding and enhancing the heritage assets of the area and the natural environment;'

The applicant's amended plans propose a bungalow dwelling with living accommodation above the eaves. The dwelling has gabled dormers to the principal elevation and on a rear side pitch, as well as being intersected with a gable hosting a kitchen and bedroom above; the gable is glazed to the rear. The materials are white render to the faces, dressed with a red facing brick on the bottom and edges of the elevations (as well as the chimney), and low chimney stack; all openings are proposed to be timber. The roof tiles have been changed to slate at the conservation officer's request. A detached dual-pitched single garage is also proposed which reflects, both architecturally and in use of materials, the proposed dwelling. The dwelling is set back from Paul Lane and existing planting to be retained would further dilute its impact. The dwelling would also be located to the north of The Cottage (grade II listed) though, given that it is 'tucked away' and its scale is not challenging, it is unlikely to be overly detrimental to the setting of the listed building. Furthermore, the applicant has provided clear justification within the heritage statement that this harm is not significant.

This part of Appleby has a broad housing mix; the greatest impact that this proposal would have in terms of the historic environment is the reduction in space around The Vicarage. The dwelling is designated as a building of townscape merit and so is locally listed. Paragraph 193 of the NPPF is relevant and states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Before submitting this application, the applicant requested pre-application advice to understand what level/amount of development, if any, would be supported. The conservation officer stated that one dwelling would be appropriate providing that the space between the principal elevation of the proposal and Paul Lane is retained. At this stage, the significance of both The Vicarage and The Cottage were considered and the advice given was that a single dwelling would be appropriate. This was understood and justification provided to support the proposal in the Design, Access and Heritage Statement. Clearly, there is harm through intensifying the built form between the two aforementioned properties, but this results in less than substantial harm given the siting, scale and appearance of the proposed dwelling, and paragraph 193 of the NPPF is therefore not applicable.

The conservation officer has been involved in ongoing dialogue with the applicant and that advice has shaped the scheme now being considered. The officer is in support of the proposal, but some residents and the parish council believe it to be contrary to policy and detrimental to the historic environment. However, given the aforementioned housing mix; the less than substantial harm to The Vicarage and The Cottage; and the appropriateness of the scale, siting, form and appearance; the proposal is considered to align with policies HE2 and

HE3 of the local plan; CS5 and CS6 of the Core Strategy; AP1, AP2 and AP13 of the ANP; as well as paragraphs 193 and 194 of the NPPF. The plans are fully detailed, including all materials discussed and can therefore be secured through the approved plans condition.

Residential amenity

Part of policy DS1 of the local plan and part of policy AP3 of ANP are concerned with amenity. Policies H5 (new housing) and H7, which is concerned with tandem and backland developments, are both relevant. Part of 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; and AP3 supports small scale residential schemes that will not adversely impact upon the residential amenities of neighbouring properties.

The proposal is a sufficient distance from all other dwellings when considering its scale so as to not give rise to any unacceptable overbearing or overshadowing impacts, and its separate access would mean that noise from vehicles would be sufficiently mitigated. The applicant has provided a plan showing these separation distances. Lastly, most openings are positioned such that they would not be unacceptably intrusive upon neighbouring amenity, with the exception of the gable dormer serving bedroom 4; this allows views across the rear garden of The Vicarage and so will be conditioned to be obscure-glazed. The proposal is therefore considered to align with that part of policy DS1, as well as H5 and H7, of the North Lincolnshire Local Plan and AP3 of ANP.

Highway safety

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access and policy T19 is concerned with parking provision, as well as general safety. Policy CS25 of the Core Strategy is concerned with sustainable transport; policy AP2 of ANP requires that proposals can be accessed safely from the highway incorporating sufficient off-street parking and paragraphs 102–111 of the NPPF are concerned with promoting sustainable transport. All are considered relevant.

The proposal would comply with the sustainable transport policies and paragraphs given its location within the development limits of Appleby, which is served by public transport. In terms of highway safety, Highways have reviewed the submission and have no objections subject to the works around the access being laid out prior to occupation. It is considered, subject to the aforementioned mitigation, that the proposal would accord with policies T2 and T19 of the North Lincolnshire Local Plan and AP2 of ANP.

Land contamination

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 recommended a monitoring condition be attached to any permission granted, requiring the developer to stop work and report any unforeseen contaminants. Given the inert planning history of the site, this is considered reasonable and would form appropriate mitigation. It is therefore considered that the proposal is in accordance with policy DS7.

Conclusion

The proposal is considered to be appropriate in scale, siting, form and appearance and would not detract from the character of the existing conservation area. Nor would it overly impinge the setting of the grade II listed building. The proposal would be easily absorbed into the locality and would further reflect the housing mix that is abundant along Paul Lane.

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: H&D - 5 APP - 2020 - 2005 Rev B; H&D - 5 APP - 2020 - 2003 Rev B.

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

The window of the gabled dormer serving bedroom 4, as shown on drawing H&D - 5 APP - 2020 - 2003 Rev B, shall be obscured to level 3 of the Pilkington scale (or equivalent) and any part below 1.7 metres from finished floor level of that room shall be non-opening or top hung. It shall be retained in that form thereafter.

Reason

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

Informative 1

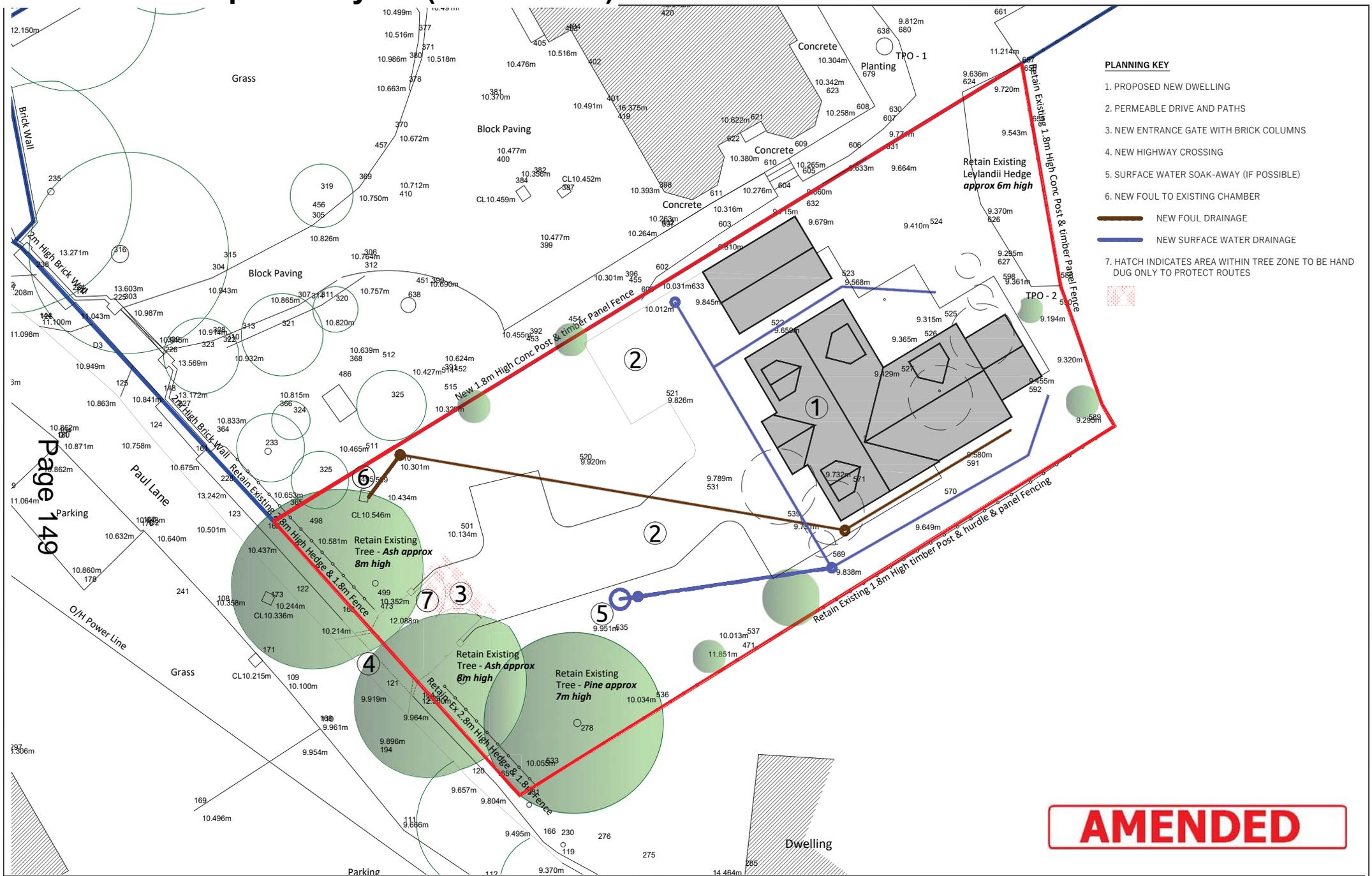
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

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.

PA/2020/1872 Proposed layout (not to scale)



- PLANNING KEY**
1. PROPOSED NEW DWELLING
 2. PERMEABLE DRIVE AND PATHS
 3. NEW ENTRANCE GATE WITH BRICK COLUMNS
 4. NEW HIGHWAY CROSSING
 5. SURFACE WATER SOAK-AWAY (IF POSSIBLE)
 6. NEW FOUL TO EXISTING CHAMBER
 7. HATCH INDICATES AREA WITHIN TREE ZONE TO BE HAND DUG ONLY TO PROTECT ROUTES
-  NEW FOUL DRAINAGE
 NEW SURFACE WATER DRAINAGE
- 

AMENDED

PROPOSED SITE PLAN

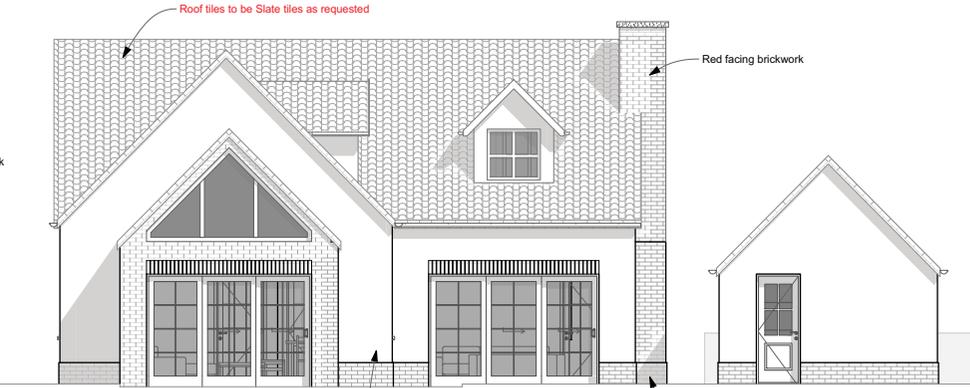
Page 149



Client	DR SYED SHAFQAT	Date	10/2020
Project	5 PAUL LANE, APPLBY	Scale	1:100 @ A1
Title	PROPOSED SITE PLAN	Drawn	SY
Drawing Number		Revision	
H&D - 5 APP - 2020 - 2003		B	



PROPOSED FRONT ELEVATION - STREET FACING
Scale 1:50 @ A1



PROPOSED REAR ELEVATION
Scale 1:50 @ A1



PROPOSED SIDE ELEVATION - FACING THATCH COTTAGE
Scale 1:50 @ A1



PROPOSED SIDE ELEVATION - FACING No. 5
Scale 1:50 @ A1

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5 PAUL LANE, APPLBY		Scales @ A1 1:50	Layout Title Revised Elevations	Drawing Number H&D - 5 APP - 2020 - 2005	REV B
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APPLICATION NO	PA/2020/1973
APPLICANT	Mr Jago Chapman
DEVELOPMENT	Planning permission for an extension to an existing dwelling to provide two dwellings as holiday accommodation
LOCATION	1 and 2 Grange Farm Cottages, Station Road, Thornton Curtis, DN39 6XA
PARISH	Thornton Curtis
WARD	Ferry
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan Objection by Thornton Curtis Parish Council

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)

R14 (Hotel and Guest House Accommodation)

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)

CS15 (Culture and Tourism)

Supplementary guidance

SPG1 Design Guidance for House Extensions

CONSULTATIONS

Drainage (Lead Local Flood Authority): No objections subject to the imposition of conditions. Historical records suggest that this property is located within an area of localised flood risk. Taking this into consideration, advise further investigation and analysis of this site and area is carried out to assess flood risk to the site from the adjacent land and highway.

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

Highways: Advise conditions.

PARISH COUNCIL

Objects to the application. The council is concerned at the gradual creation of a housing estate on the property known as The Grange, which originally held a single dwelling with an annexe. Approval has already been given to three dwellings. This application will increase the number by another two, creating a four-property terrace from existing semi-detached farm cottages.

The council is also concerned that, if approved, it would encroach onto the site of the attached dwelling (PA/2019/2015), leaving insufficient space to build such property as detailed on the plans.

The council further believes that new builds in this location (which is not within the Thornton Curtis [development boundary] as shown in the local plan) constitute building in the open countryside, which is restricted and contrary to the development plan.

PUBLICITY

Site notice posted. No comments have been received.

ASSESSMENT

The site is located outside the development boundary of Thornton Curtis, along Station Road. The site contains a two-storey semi-detached dwelling with outbuildings at the rear. The dwelling has a sufficient amenity area to the side (west).

The site is bounded by the adjoining dwelling (2 Grange Farm Cottages) to the west and surrounded by a field to the north and east. The dwelling fronts Station Road.

Permission is sought for an extension to the existing dwelling to provide two dwellings as holiday accommodation. The volume of the extension would be approximately 200% of the size of the existing semi-detached property. The extension would be similar in height to the existing dwelling and the design would match the design of the existing dwelling. The windows and doors would be similar. Largely, the design would copy the existing dwelling.

A design and access statement has been submitted, which provides background to the proposal and the context of the site. It justifies the proposed holiday cottages and indicates

that the existing two cottages are to be upgraded to enhance their appearance, with some modification to the rear elevation, including new double doors.

The proposed holiday cottages would be on the side of 1 Station Road within the existing garden land. They would be available to rent to visitors and tourists wishing to visit the small-holding and benefit from the on-site farm diversification activities and wishing to visit North Lincolnshire and the wider area and benefit from the wider local tourism activities.

The statement concludes that the site offers a chance to enhance an existing pair of farm cottages and utilise a vacant garden infill plot to provide much-needed tourist/visitor accommodation for the site and wider area. The proposals would complement the plan to create an on-site farm diversification business for the applicant's son to benefit from in terms of his quality of life, development and to find his place in the working world whilst having the nearby help of his immediate family. Based on the merits of the scheme and the wider economic contribution it would provide, it is requested that this application be supported.

Key issues

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

- **the principle of development;**
- **whether the extension would harm the character and appearance of the main house;**
- **whether it would harm the street scene; and**
- **whether it would impact the amenities of adjacent properties.**

The principle of the development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land and Allocations Development Plan Document (HELADPD). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The site is outside the settlement boundary of Thornton Curtis as defined in the Housing and Employment Land Allocations DPD and as such, there is a general presumption against development.

Policy RD2 of the North Lincolnshire Local Plan (Development in the Open Countryside) requires development in the open countryside to be strictly controlled. Planning permission will only be granted for development which is essential to the efficient operation of agriculture or forestry; employment-related development appropriate to the open countryside; affordable housing to meet a proven local need; for diversification of an established agricultural business; and for the replacement, alteration or extension of an existing dwelling, provided that specific criteria are met.

The criteria include that:

- the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries;
- the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan;
- the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;
- the development would not be detrimental to residential amenity or highway safety;
- account is taken of whether the site is capable of being served by public transport; and
- the development is sited to make the best use of existing and new landscaping.

In this case, the applicant has confirmed in the design and access statement that the site forms part of a wider small holding containing a mix of residential and farming-related commercial structures. The family run a long-established business based in Thornton Curtis known as W H Dale Ltd and have been an important business and employer in the village. The family is taking an active role in helping to build a sustainable local farm diversification business, including a café with farm animal petting open to the public and for school visits. Furthermore, it is hoped that the new holiday cottages will provide much needed tourist and visitor accommodation not only to the immediate farm business but also to the wider area, giving local business and tourism a boost.

From above, the proposal would meet the terms of policy RD2 of the North Lincolnshire Local Plan in that it is outside the development boundary (in the open countryside), the extension is appropriate and the development cannot be accommodated within the defined development boundary, plus it is sited to make the best use of existing garden.

It is also essential to the efficient operation of farming diversification and business based in Thornton Curtis known as W H Dale Ltd. It is employment-related development appropriate to the open countryside. It would also provide much-needed tourist and visitor accommodation in the village.

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 volume of the extension would be 200% of the semi-detached dwelling and 100% of the volume of both cottages (1 and 2 Station Road) and therefore does not meet the terms of the policy.

Notwithstanding the above, the council is departing from policy RD10 because the extension achieves a high standard of design and complements the original building by reflecting its design, massing, scale and finishing materials. Specific features, such as doors, windows, and roof style and eaves, particularly reflect the existing dwelling's shape, size, alignment and architectural integrity. It is also judged that the extension would not have a detrimental impact on the character and appearance of neighbouring properties and the street scene

through poor design, siting or excessive bulk. The extension does not significantly reduce the amount of daylight or sunlight enjoyed by adjoining properties, would not reduce privacy through direct overlooking from windows and would not significantly reduce the amount of usable amenity space for the adjoining or adjacent property to an unacceptable degree.

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

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.

In keeping with policy RD2 of the North Lincolnshire Local Plan (Development in the Open Countryside), the principle of extending a dwelling is acceptable. With regard to policy RD10 of the North Lincolnshire Local Plan (Replacement, Alteration and Extensions to Dwellings in the Open Countryside), while the proposal is contrary to the policy, as outlined above, it would meet the overall aim of policy RD10, which is intended to ensure that extensions to existing dwellings in the open countryside are allowed only where necessary. Furthermore, any new construction should reflect the style, scale and character of the local architecture. In general, the principle of development is acceptable.

Holiday accommodation

Policy R14 of the local plan supports hotel and guest house accommodation in the open countryside outside defined settlement boundaries. In this case, from the design and access statement, it appears the development would involve the change of use of residential premises, combined with the erection of dwellings and therefore meet the aims of the policy.

Policy CS15 of the Core Strategy (Culture and Tourism) states that a balanced and socially inclusive cultural and evening economy will be promoted within North Lincolnshire by supporting uses such as museums, theatres, restaurants, café bars and leisure uses within Scunthorpe town centre and market towns. Elsewhere, schemes that extend the range of cultural and evening economy uses will be supported where they are consistent with the size and function of the centre.

The above policies seek to support the continuing development of sustainable tourism in North Lincolnshire by focusing on the area's natural and built assets.

In this case, while there are three tourism accommodations in Thornton Curtis (Thornton Hunt Inn, Pine Lodge Bed and Breakfast, and Villa Farm Cottage), an additional tourism accommodation would not raise an issue.

Layout, siting and design

Policies DS5 and CS5 are concerned with visual amenity. In respect of the siting, the two dwellings would not raise an issue as there is sufficient garden space to accommodate them.

In terms of design, it would copy the existing dwellings (1 and 2 Station Road) and would not unreasonably reduce sunlight or daylight, or result in overshadowing, loss of privacy or an overbearing impact to existing dwellings. It would also be sympathetic in design, scale and materials to the existing dwellings.

Concerning the height of the two dwellings, the ridge height would be like that of the existing dwellings. In this case, it would be appropriate in scale and would not harm the character of the existing dwellings or surrounding amenities. The position and design of the proposed windows and doors would conform to the existing dwellings and therefore does not raise an issue.

The finish for the walls and the roof covering would also complement the existing dwellings (bricks and tile).

Overall, as detailed in the principle of the development section, as reasons for the council departing from Policy RD10, the layout, siting and design of the proposed dwellings would be acceptable because they would not a negative impact on the existing properties, the surrounding area and the street scene and is judged acceptable.

Impact on neighbouring properties

In terms of impact on neighbouring properties, as indicated earlier, there would not be an issue regarding sunlight or daylight, overshadowing, loss of privacy or overbearing impact to existing dwellings. It is important to stress that no objections have been received following the posting of the site notice.

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. Highways have not objected to the application but advise conditions to be applied to any permission granted.

Considering the business scheme (holiday accommodation), off-street parking and turning area should be considered. In this case, there is a sufficient garden area at the side of the dwelling to be upgraded for car parking provision. Highways' advice is therefore supported. 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 prospect of flooding. The LLFA Drainage Team has no objections to the proposed development subject to conditions. They have commented that historical records suggest this property is within an area of localised flood risk. Taking this into consideration they advise that further investigation and

analysis of this site and area is carried out to assess flood risk to the site from the adjacent land and highway. These conditions would be applied to any permission granted.

Parish council comments

The parish council has drawn attention to several applications in the area. These include:

- PA/2013/1194: Planning permission to convert a granary into a dwelling at The Grange, Station Road – approved 11 November 2013
- PA/2013/1195: Planning permission to carry out an extension to The Grange and convert an existing outbuilding into dependent relative accommodation, including associated alterations – approved 11 November 2013
- PA/2016/909: Planning permission to erect a detached dwelling to replace an existing building to be demolished at The Granary, The Grange, Station Road – approved 31 August 2016
- PA/2016/1460: Planning permission to demolish an existing dwelling and erect a detached dwelling with detached garage to the rear, and erect a demarcation/retaining wall (with access steps) at the northern edge at The Grange, Station Road – approved 23 November 2016
- PA/2017/1907: Planning permission to erect a detached single-storey dwelling on land adjacent to the site of the former Grange, Station Road – refused 19 March 2018
- PA/2017/1909: Planning permission to erect stables and ancillary outbuildings at the former granary at The Grange, Station Road – approved 25 May 2018
- PA/2019/1316: Planning permission to erect an agricultural worker's dwelling at Grange Farm, Station Road – refused 2 October 2019
- PA/2019/2115: Planning permission to erect a single-storey farm dwelling at The Grange, Station Road – approved 3 August 2020

From the above, the only applications refused in the area are PA/2017/1907 and PA/2019/1316.

It is judged that the planning history above does not have direct implication for this application. It is therefore unclear why the parish council want the history of the above applications to be considered in the assessment of this application.

In response to the parish council's objection on grounds of gradual creation of a housing estate, it is worth noting that each application is assessed on merit and any future or further development on the site and the area would be assessed based on the terms of the local development plan.

Regarding the concern that this application would increase the number of dwellings by another two, creating a four-property terrace from existing semi-detached farm cottages, the development plan does not presume against the erection of terrace properties subject to compliance with the development plan.

The parish council is also concerned that, if approved, it would encroach onto the site of the attached dwelling. The applicant owns both properties, as shown by the red line on the existing site location plan. In addition, there is no evidence that the development would encroach on the adjoining property.

The council further believes that new builds in this location constitute building in the open countryside, which is restricted and contrary to the development plan. This has been addressed in the principle of the development section and judged to meet the terms of the development plan.

Conclusion

In conclusion, the principle to erect two dwellings extension to the existing semi-detached dwellings is acceptable. The proposed development as a local farm diversification business, to include a café with farm animal petting open to the public as well as holiday accommodation is judged acceptable.

The siting, layout, scale and visual appearance of these two dwellings are satisfactory and meet the terms and criteria provided under RD2 (Development in the Open Countryside). While the proposal is a technical departure from policy RD10 (Replacement, Alteration and Extensions to Dwellings in the Open Countryside), as highlighted in the principle of the development section, the proposal would meet the overall aim of the policy, which is intended to ensure that extensions to existing dwellings in the open countryside are allowed only where necessary. With regard to policies DS5 of the local plan and CS5 of the Core Strategy, the layout, siting and design of the extension is judged acceptable since it would not impact negatively on the adjoining properties and would be appropriate for the surrounding area, plus it would not harm the street scene.

The holiday accommodation would provide jobs, which is important to the local economy. A separate licence would be required to operate the holiday accommodation.

All things considered, it is appropriate development and in accordance with the overall aims of the North Lincolnshire Local Plan and Core Strategy. It is therefore judged acceptable departure from policy RD10 and is recommended for approval.

Pre-commencement conditions

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

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: Dwg. No. 638-20-01, Dwg. No. 638-20-02, Dwg. No. 638-20-03, Dwg. No. 638-20-04, and Dwg. No. 638-20-05.

Reason

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

3.

No development shall take place until a detailed flood risk statement and drainage strategy has been submitted to and approved in writing by the local planning authority. This should outline all sources of flood risk (including surface water, groundwater and ordinary watercourse - the development lies within an area identified as at risk of localised flooding) and proposals to mitigate this and include preliminary drainage layout plans. SuDS should be considered. Full ground investigations must be carried out along with a feasibility assessment for infiltration. Infiltration tests should comprise full-scale tests to demonstrate long-term effectiveness and suitability. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document.

Reason

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

4.

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.

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.

6.

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

Reason

To ensure that the future development has appropriate risk management procedures in place to address the issue of elevated arsenic levels and to comply with the provisions of policy DS7 of the North Lincolnshire Local Plan in relation to contaminated land.

7.

The proposed development shall not be brought into use until the vehicle parking facilities have been provided in accordance with submitted details.

Reason

In the interests of highway safety and to comply with policy 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.



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**North
Lincolnshire
Council**

PA/2020/1973 Existing and proposed block plans (not to scale)



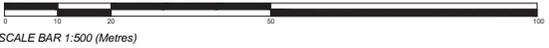
NOTES:
 1. NOT TO SCALE. THE DRAWING IS FOR INFORMATION ONLY.
 2. THE CONTRACTOR IS TO CHECK ALL DIMENSIONAL ASPECTS PRIOR TO COMMENCEMENT AND REPORT ANY DISCREPANCIES TO THE ARCHITECTURAL CONSULTANT IMMEDIATELY.
 3. THE CONTRACTOR IS TO CHECK ALL DIMENSIONAL ASPECTS PRIOR TO COMMENCEMENT AND REPORT ANY DISCREPANCIES TO THE ARCHITECTURAL CONSULTANT IMMEDIATELY.
 4. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO COMPLY WITH CURRENT BUILDING REGULATIONS, WHETHER OR NOT SPECIFICALLY EXPECTED IN THE DRAWING.
 5. THE DRAWING IS TO BE READ IN CONJUNCTION WITH ANY SPECIFIC STRUCTURAL OR GEOTECHNICAL SUPPORTING INFORMATION.
 6. IF IN DOUBT, ASK.

THE DRAWING IS THE COPYRIGHT OF THE ARCHITECTURAL CONSULTANT AND MUST NOT BE REPRODUCED WITHOUT WRITTEN CONSENT. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING AND CHECKING ALL DIMENSIONS ON THE SITE TO COMPLY WITH THE DRAWING AND REPORTING BACK TO THE ARCHITECTURAL CONSULTANT ANY DISCREPANCIES. ALL MATERIALS SPECIFIED ON THE DRAWING ARE TO BE USED IN STRICT ACCORDANCE WITH MANUFACTURER'S WRITTEN INSTRUCTIONS AND CURRENT CODES OF PRACTICE.

Page 162

EXISTING BLOCK PLAN
1:500

PROPOSED BLOCK PLAN
1:500



Revisions:

PROJECT:
Proposed 2 No. dwellings & alterations of existing dwellings:-

TITLE:
Existing & Proposed Block Plans

DRAWING NUMBER:
638-20-02

SCALE:
As Shown @ A1

DATE:
September 2020

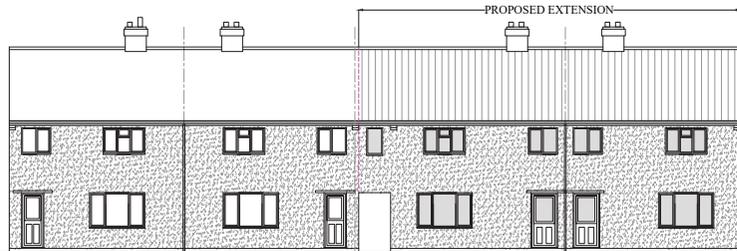
DAVID HICKINSON
ARCHITECTURE

t: 07811114985
e: davehickinson@hotmail.co.uk
w: www.davidhickinsonarchitecture.co.uk

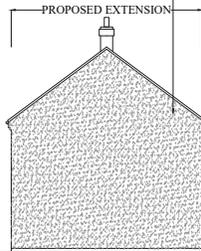
PA/2020/1973 Existing and proposed elevations and floor plans (not to scale)

NOTES:
 1. DO NOT SCALE THIS DRAWING.
 2. VERIFY ALL DIMENSIONS AND LEVELS IMMEDIATELY.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE LOCAL AUTHORITY.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE LOCAL AUTHORITY.
 5. THE DRAWING IS TO BE READ IN CONJUNCTION WITH ANY SPECIALIST CONSULTANT'S TECHNICAL SUPPORTING INFORMATION.
 6. P.P. IN CORNER ASK.

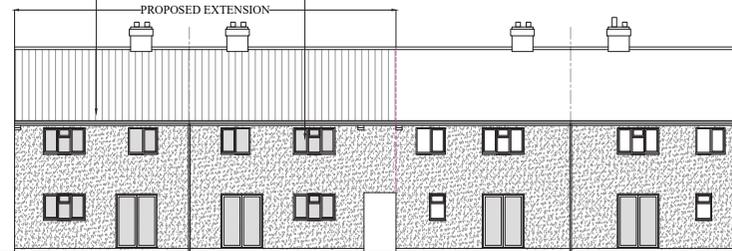
THIS DRAWING IS THE COPYRIGHT OF THE ARCHITECTURAL CONSULTANT AND MUST NOT BE REPRODUCED WITHOUT WRITTEN CONSENT. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE LOCAL AUTHORITY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY APPROVALS FROM THE LOCAL AUTHORITY. ANY DISCREPANCIES, ALL MATERIALS SPECIFIED ON THIS DRAWING ARE TO BE USED IN STRICT ACCORDANCE WITH MANUFACTURER'S WRITTEN INSTRUCTIONS AND CURRENT CODES OF PRACTICE.



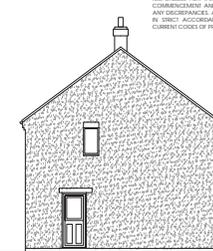
PROPOSED SOUTH FACING ELEVATION (FRONT)
1:100



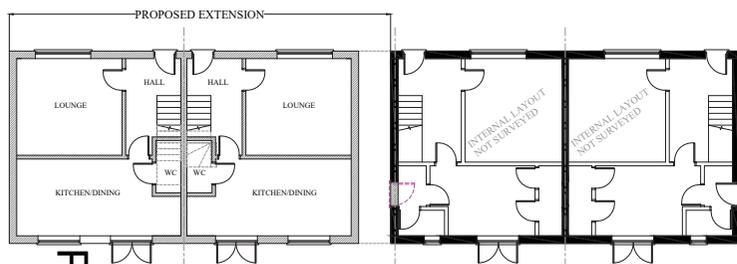
PROPOSED EAST FACING ELEVATION (SIDE)
1:100



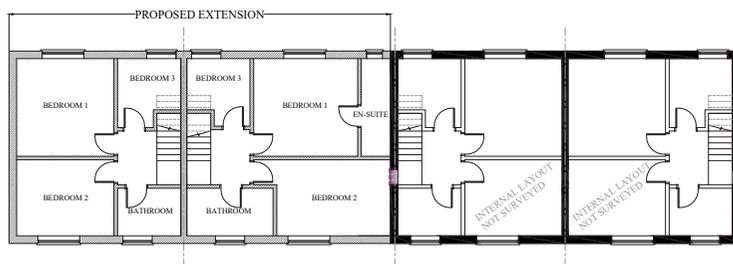
PROPOSED NORTH FACING ELEVATION (REAR)
1:100



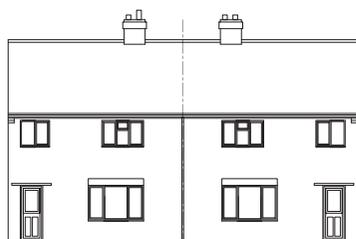
PROPOSED WEST FACING ELEVATION (SIDE)
1:100



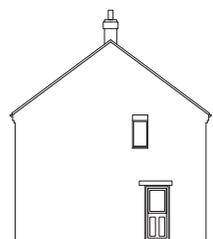
PROPOSED GROUND FLOOR PLAN
1:100



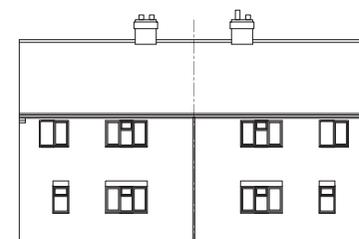
PROPOSED FIRST FLOOR PLAN
1:100



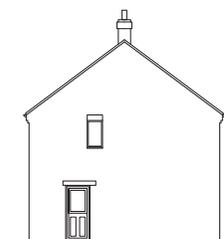
EXISTING SOUTH FACING ELEVATION (FRONT)
1:100



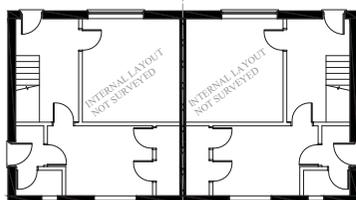
EXISTING EAST FACING ELEVATION (SIDE)
1:100



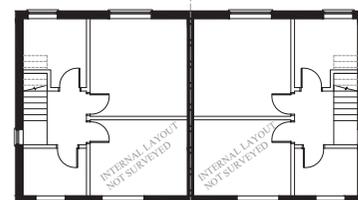
EXISTING NORTH FACING ELEVATION (REAR)
1:100



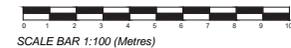
EXISTING WEST FACING ELEVATION (SIDE)
1:100



EXISTING GROUND FLOOR PLAN
1:100



EXISTING FIRST FLOOR PLAN
1:100



SCALE BAR 1:100 (Metres)

DRAWING NUMBER:
638-20-03

DAVID HICKINSON
ARCHITECTURE

Revisions:

PROJECT:
Proposed 2 No. dwellings & alterations of existing dwellings:-

TITLE:
Floor Plans & Elevations

SCALE: As Shown @ A1 **DATE:** September 2020

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w: www.davidhickinsonarchitecture.co.uk

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APPLICATION NO PA/2021/22
APPLICANT Mr & Mrs Eamonn Dunne
DEVELOPMENT Planning permission to erect a garage/garden room
LOCATION 8 The Old School Yard, Redbourne, DN21 4QN
PARISH Redbourne
WARD Ridge
CASE OFFICER Emmanuel Hiamey
SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Objection by Redbourne Parish Council

POLICIES

National Planning Policy Framework:

Section 12: Achieving well-designed places

North Lincolnshire Local Plan:

DS1 General Requirements

DS5 Residential Extensions

DS14 Foul Sewage and Surface Water Drainage

DS16 Flood Risk

T2 Access to Development

T19 Car Parking Provision and Standards

North Lincolnshire Core Strategy:

CS1 Spatial Strategy for North Lincolnshire

CS2 Delivering More Sustainable Development

CS3 Development Limits

CS5 Delivering Quality Design in North Lincolnshire

CS19 Flood risk

Supplementary guidance:

SPG1 Design Guidance for House Extensions

CONSULTATIONS

Highways: No objections.

Drainage (Lead Local Flood Authority): No objections.

PARISH COUNCIL

Objects to this planning application on the following grounds:

- Main sewerage/drainage runs directly underneath the proposed development, potentially compromising these utilities for neighbouring properties, and potentially causing access issues for essential maintenance.
- Surface water run-off into neighbouring properties – insufficient land surrounding the proposed building to act as soakaway and may result in additional water on neighbouring land.
- The entrance onto Carr Lane is approximately 13ft wide, Carr Lane is a single track at this point, and the exit is bordered by high hedges/fences from neighbouring properties, and a telegraph pole on one side. The vehicular access to the narrow entrance to this development will present a significant hazard to both the other road users and pedestrians. There is no safe visibility on either side of the exit directly onto the narrow public highway of Carr Lane. It should be noted that the application form states that there is no new or altered vehicle access proposed to or from the public highway, whilst the plan shows that this is not the case.
- A structure of this kind is unsuitable and will not be in keeping with other properties in the area.
- Proximity to neighbouring properties would result in significant loss of privacy, overlooking and potential loss of light for these properties.

PUBLICITY

A site notice has been posted. Five responses have been received and the issues raised include the following:

- the location of the garage is out of keeping with the surrounding area
- the design of the garage would be obstructive and unsuitable for the area
- the garage would be erected on sewage drains that serve the surrounding properties
- the lane is not currently vehicular access
- concern about loss of privacy
- concerns about noise

- concern about loss of daylight or sunlight.

ASSESSMENT

Site and proposal

Planning permission is sought to erect a garage/garden room to the rear of 8 The Old School Yard, Redbourne. The property is a large, detached dwelling, located at the end of a cul-de-sac, with an integral garage and sufficient car parking provision at the front.

The primary access to the dwelling is from the cul-de-sac. The siting of the proposed garage is midway along a secondary access to the dwelling, taken from Carr Lane, which is a long narrow strip of land currently not in use as an access. The street scene of Carr Lane is characterised by two-storey detached properties, with separate access to each dwelling.

The garage would measure 2.49m by 17m and would be single-storey with a flat roof. It would contain a garage and gymnasium, games room and garden room. The garage door would face Carr Lane, and a separate entrance would face the dwelling to provide access to the gymnasium, games room and garden room. There would be no windows in the sides of the building.

The main issues to consider in determining this application are:

- **the principle of the development;**
- **whether the siting, layout and design are appropriate;**
- **whether the garage would impact the character of the main house; and**
- **whether it would harm the amenities of neighbouring properties.**

Principle of development

Policy DS5 (Residential Extensions) indicates that planning applications for residential extensions and the erection of garages, outbuildings, walls, and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

In this case, the principle of erecting the garage is acceptable subject to compliance with other relevant policies of the North Lincolnshire Local Plan and the Core Strategy.

Siting, layout and design

Policy DS1 (General Requirements) requires 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. Policy CS5 (Delivering Quality Design in North Lincolnshire) supports developments that are well designed and appropriate for their context.

In considering the siting, domestic curtilage is usually a garden but can include parking areas and a driveway. In principle, the curtilage of a specific house is defined on a case-by-case basis and is dependent on the dwelling's own planning unit, which could exclude access.

In this case, when considering the lawful use of the site as access, it is in the ownership of the applicant but not part of the relevant planning unit as the curtilage of the dwelling since it is a driveway to the site. However, as the site is unused access in the ownership of the applicant, on balance, it is judged that an alternate use could be considered. In this case, the siting of the garage would be considered appropriate.

Turning to the layout of the garage and the impact on the surrounding area, the garage would follow the building line. While the site is not related to the adjacent properties, the garage would be seen together with them and therefore would not be out of character with the area.

Accordingly, the siting of the garage is acceptable and would not appear prominent on the street scene or harm the character of the area.

Regarding the design, such a long narrow garage is unusual; however, it would not be overly visible from the road on the sides and therefore the impact would be minimal. Overall, the position, scale and design of the garage are satisfactory.

Impact on adjacent properties

In terms of impact on adjacent properties, having reviewed the position and scale of the garage plus the separation distance from the adjacent properties, it is judged that the garage would not impact them in terms of being overbearing, overshadowing or privacy.

Highways

Policies T2 and T19 are concerned with access to development and parking, respectively. These policies require all development to be served by satisfactory access and parking provision. While there is existing primary access and parking provision for the dwelling, an additional garage for the dwelling would not raise an issue.

Highways have not objected to the proposal and during telephone discussions have commented that since the site is an existing access and Carr Lane is not a classified road, they have no issue with reversing into the road and visibility splay at the junction where the access joins the road.

Flood zone

The application site is within SFRA Flood Zone 2/3 (a) Fluvial, an area of medium to high probability of flooding. Policy DS14 (Foul Sewage and Surface Water Drainage) requires satisfactory provision to be made for the disposal of foul and surface water from new development. The LLFA Drainage Team has not objected to the application. Consequently, it is judged that the proposal is designed to be flood resilient and would not raise an issue regarding surface water. The proposal therefore meets the terms of the policy.

Parish council comments

As indicated earlier, Redbourne Parish Council has objected to this planning application on the basis that there is main sewerage/drainage directly underneath the proposed development that could potentially be compromised.

The supposed drains on the site do not show up in the planning constraints and the LLFA Drainage team has not commented on them. In this case, it is believed that the alleged drains are not the main sewerage/drainage infrastructure. Additionally, it is expected that the

applicant would take responsibility for any damaged drains. It is worth noting that this is a private matter.

Regarding the parish council's concerns about access to the site by neighbouring properties to carry out essential maintenance on utilities within it, this is not a relevant planning matter to be considered in the assessment of this application. It would also be a private matter.

Concerns about surface water have been addressed in this report. The concern about visibility splays from the access point on Carr Lane has also been addressed in this report. The design of the garage, privacy, overlooking and potential loss of light have again been addressed in this report.

Comments received

The concerns raised by the public, such as the location of the garage, its design, sewage drains, vehicular access, loss of privacy, and loss of daylight or sunlight have all been addressed in this report.

Conclusion

The siting, design, and appearance of the proposal are acceptable and will not significantly impact the character and amenities of adjacent properties or the street scene to warrant refusal.

The proposal complies with the relevant policies of the North Lincolnshire Local Plan, North Lincolnshire Core Strategy and SPG1: Design Guidance for House Extensions, as well as the National Planning Policy Framework. The proposal is therefore recommended for approval.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

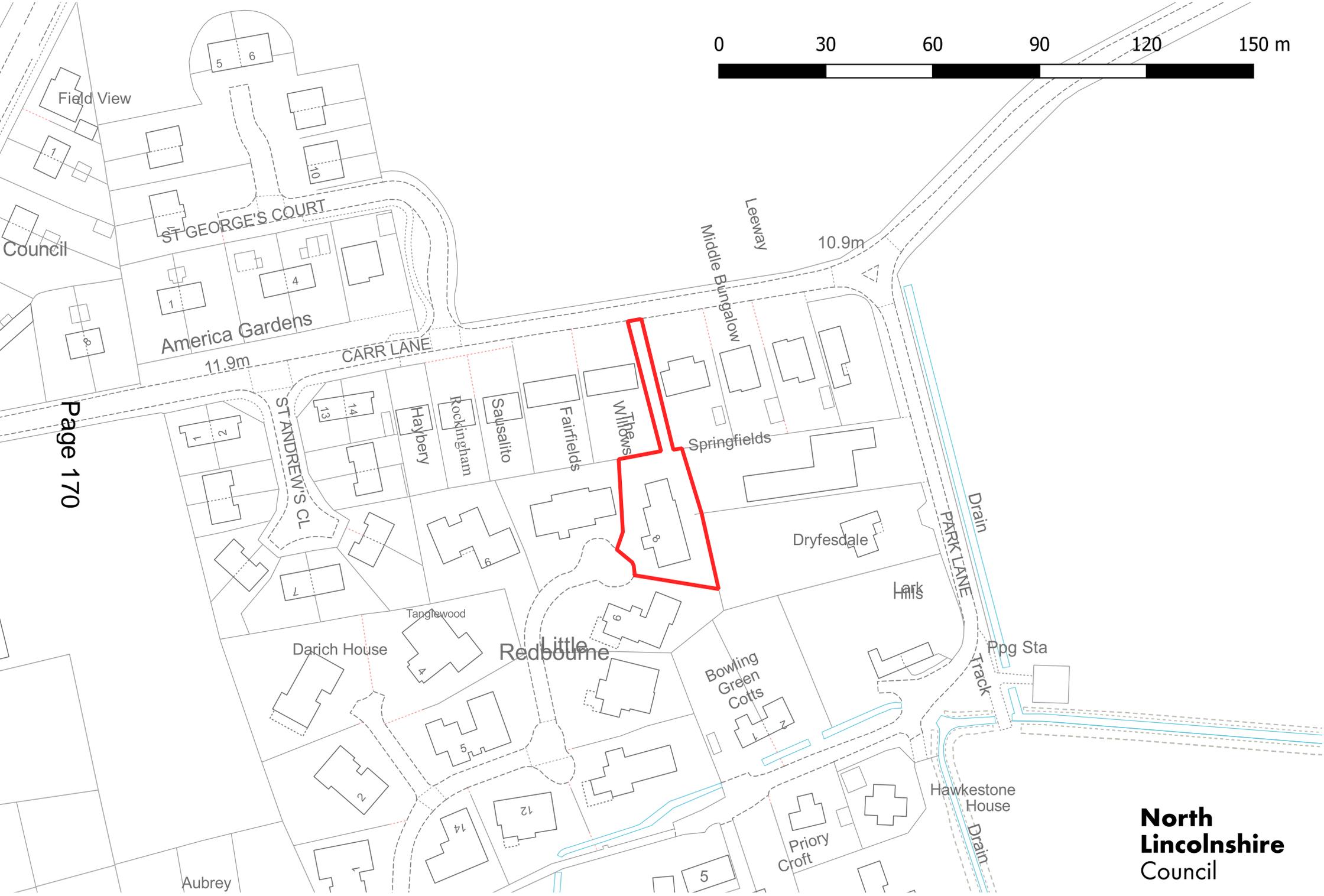
The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Reference No. 20 24 106.

Reason

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

Informative

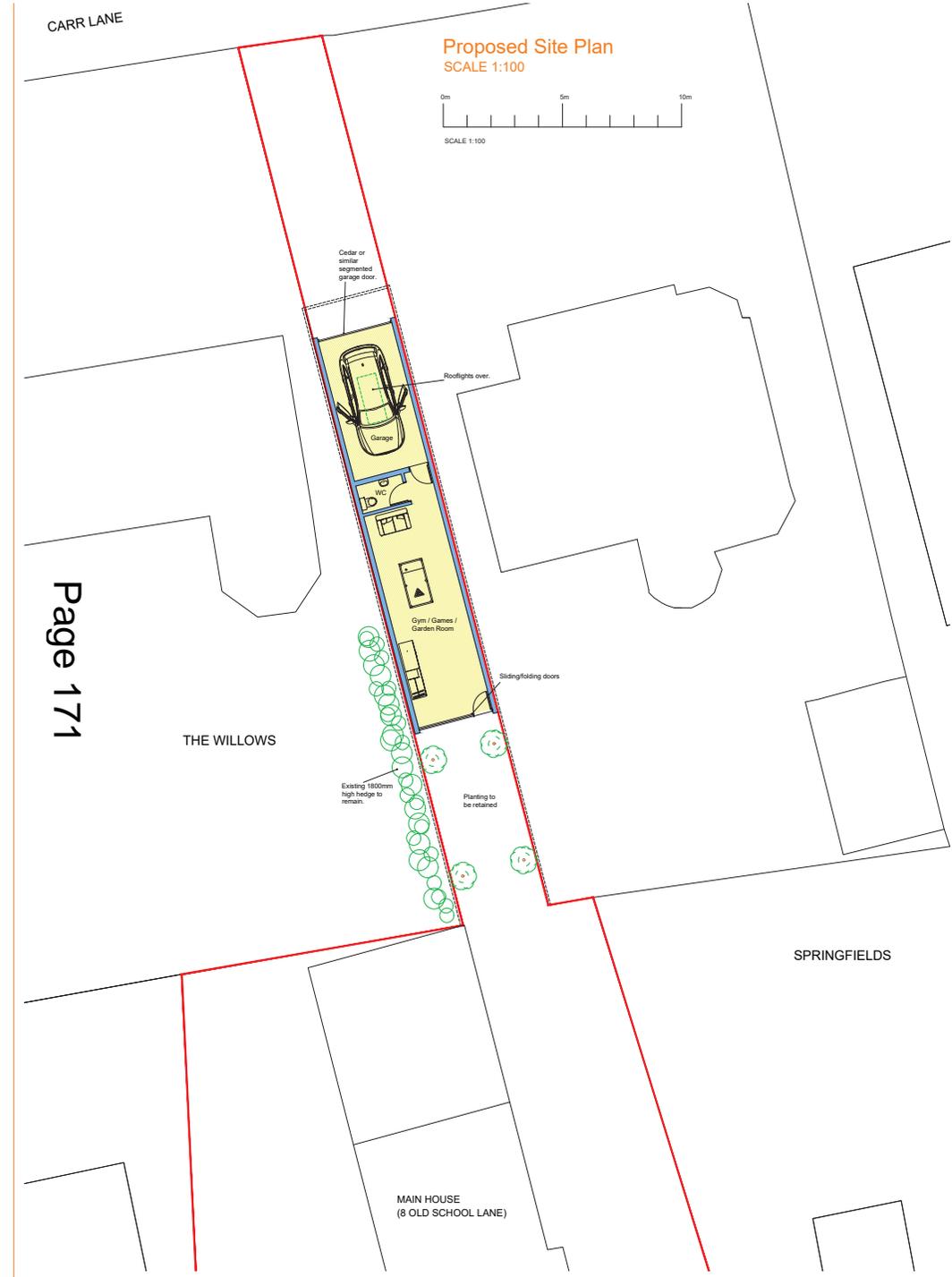
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



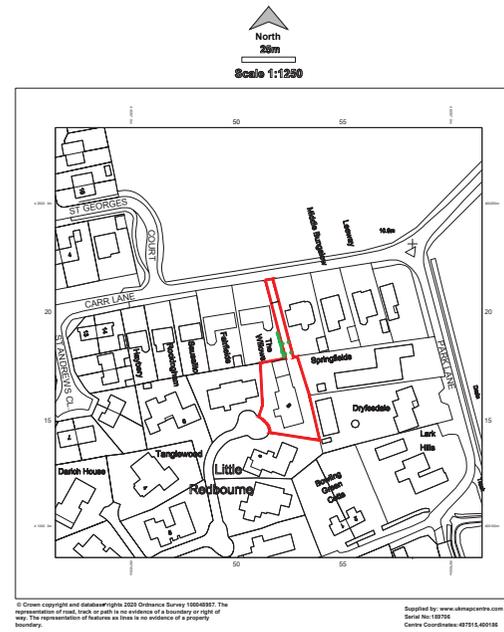
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**North
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Council**

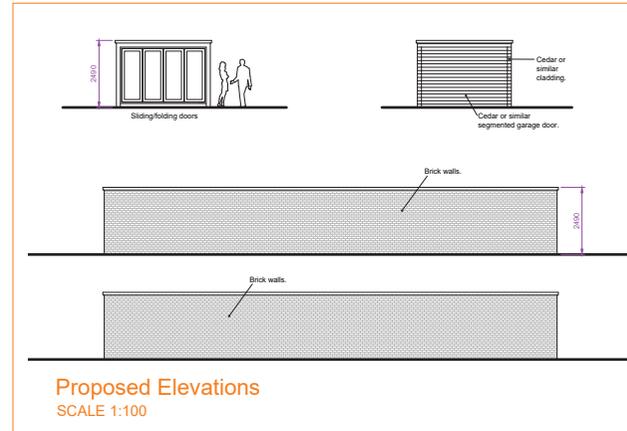
PA/2021/22 Plans and elevations (not to scale)



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OS Map
SCALE 1:1250



Proposed Elevations
SCALE 1:100

General Notes								
NOTES: -								
This drawing must NOT be scaled.								
Work shall not commence until planning and building regulation approvals have been obtained in full.								
All dimensions and levels to be checked on site by contractor and any discrepancies to be reported to the architect and client prior to commencement of work on site.								
All drains & services to be located by contractor.								
This drawing is for building control purposes only. Detail design and specification shall be the sole responsibility of the contractor.								
The Contractor is to allow for those items of work which are not specifically identified in the Contract Documents but which it is reasonable to expect an experienced contractor to identify from them as being necessary (such as but without prejudice to the foregoing - screws, noggin, supports, flashings etc).								
Copyright								
Eltridge Architecture Ltd retains copyright of these designs. This drawing must not be reproduced without the consent of the architect. A third party who does not have a licence or sub-licence to use the design will not be entitled to use the drawings without the consent of the architect.								
Amendments								
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Rev	Amendment	Date						
<p>ETTRIDGE ARCHITECTURE LTD</p> <p>17 PRINCES DOCK STREET HULL EAST YORKSHIRE HU1 2LP</p> <p>(T) 01482 770159 www.eltridge.net</p> <p>Project: 8 Old School Yard School Lane Redbourne DN21 4QN</p> <p>Client: Eamonn Dunne</p> <p>Drawing Title: Garage & Garden Room Proposed Proposed Plan, Elevations & OS Map</p>								
Compass:								
Phase:	PLANNING							
Drawn by: CN	Checked by: DE							
Drawing No: 20 24 106	Scale: 1:1250 / 1:100 @ A1	Date: JANUARY 2021						

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APPLICATION NO	PA/2021/240
APPLICANT	Mr Paul Chapman
DEVELOPMENT	Planning permission for a change of use of the Duke William motel to a single dwelling, including demolition of part of the restaurant.
LOCATION	The Duke William Hotel, 27 Church Street, Haxey, DN9 2HY
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr David Rose – significant public interest) and objection from the Haxey Parish Council.

POLICIES

National Planning Policy Framework:

Paragraph 2 – Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

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.

In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to outweigh the benefits significantly and demonstrably, provided all the following apply:

- (a) the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made
- (b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.
- (c) the local planning authority has at least a three-year supply of deliverable housing sites (against its five-year housing supply requirement, including the appropriate buffer as set out in paragraph 73), and
- (d) the local planning authority's housing delivery was at least 45% of that required over the previous three years.

Under chapter 8 (Promoting healthy and safe communities), paragraph 92 – To provide the social, recreational, and cultural facilities and services the community needs, planning policies and decisions should:

- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- (b) consider and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

- (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- (d) ensure that established shops, facilities, and services can develop and modernise, and are retained for the benefit of the community; and
- (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

North Lincolnshire Local Plan:

C2 – Community Facilities in Minimum Growth Settlements and Rural Hamlets and Villages in the Open Countryside

DS1 – General Requirements

DS14 – Foul Sewage and Surface Water Drainage

DS16 – Flood Risk

T2 – Access to Development

T19 – Car Parking Provision and Standards

LC14 – Area of Special Historic Landscape Interest

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering More Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design in North Lincolnshire

CS6 – Historic Environment

CS19 – Flood Risk

CS22 – Community Facilities and Services

CONSULTATIONS

Highways: Advise an informative to be applied to any permission granted.

Drainage (Lead Local Flood Authority): No objections or comments.

CPRE (North Lincolnshire): Does not object to the application but has raised concerns regarding the lack of details on outdoor amenity space as part of the application. They have commented that the applicant has drawn the red line tight around the building on the site, in comparison to the other land (outlined blue) within the applicant's ownership. The council should clarify whether any garden/amenity space is to be included and what is the boundary treatment. Due to the lack of information presented regarding car parking, CPRENL can

understand why other commentators have assumed that the proposal is approved, a further application would be submitted to develop housing on the rest of the land in the ownership of the applicant.

Conservation: No objection.

PARISH COUNCIL

Objects, raising the following issues:

- (a) Concerns seemingly about the outbuildings to the immediate rear, the overriding concern being the very future of the existing bedroom chalets and car park if such conversion takes place.
- (b) Concern that permission to convert the main pub building would give the applicant what could become a rather unassailable toehold, perhaps particularly so were dilapidation to take place, in terms of a subsequent application to develop the rear and side land and thus gain an indirect route, that which has so far been totally and utterly dismissed.
- (c) There is an overwhelming majority to retain the Duke 'pub', expressed at the public meeting held in February 2018, which remains convincing evidence of the massive desire to reject this further application.
- (d) Query the application refers to 'motel', but for around 300 years the Duke has been an important village community 'pub'.
- (e) Concern the ownership certificate in the application form appears to be incorrect (the applicant owns only 50% of the issued share capital) and therefore it seems likely that this application is not valid.
- (f) Concern that the application form refers to four existing parking spaces, but there appear to be no such spaces within the area designated by red edging on the plan submitted.
- (g) In paragraph 8 of his Design and Access Statement, the applicant claims that 'the pub has been financially unviable for 10+ years' and states that accounts to support such claim have been submitted. No such accounts have been made available for public inspection. The parish council takes the view that if financial documents are relied upon in support of this application, then all relevant accounts should be made available for public scrutiny.
- (h) The applicant has not produced irrefutable evidence that the facilities of the Duke are no longer economically viable, and this application thus fails to satisfy such requirements as laid down in policy C2 of the local plan.
- (i) The Design and Access Statement refers to the 'Kings further along Church Street. That is a major error that casts doubt on the veracity of such a statement as a whole.
- (j) Concern regarding the chalet rooms to the rear (north) of the main pub building was the pub to become a private residence. Were those rooms to be allowed to fall into disrepair such could become the foundation for a further application for planning permission made overall to mirror the earlier two unanimously refused applications.

- (k) The fact that the main pub building, and restaurant have been boarded-up and allowed by the applicant and/or Duke William (Haxey) Limited to fall into disrepair to create a blight on the street scene is certainly not a reason to support this application.
- (l) Concern that NLC planners do not appear to have attributed either sufficient weight or appropriate importance to the pub and restaurant building be designated an Asset of Community Value (ACV).
- (m) The 'Sales Particular Cover Letter' (RTA Business Sales dated 7 December 2009) appearing on the NLC portal is meaningless. It provides no evidence whatsoever that the Duke was marketed as such.
- (n) Duke William occupies a fundamentally vital position in the historic tradition of Haxey life and community wellbeing, including the Haxey Hood. Just because the applicant has proved unable to manage the business in an attractive profitable manner there is no reason to allow the asset to be lost – to do so would be a condemnation of this generation and its representatives.
- (o) Conversion of the main pub building to a private house would not constitute or provide affordable housing and would make no contribution to the overall housing supply in North Lincolnshire.
- (p) Concerns about parking: the application is unclear as to where the siting and access would be. The site plan makes no indication at all.
- (q) The Duke provides important amenities for visitors; any loss of even part of its facilities would adversely impact attracting visitors to Haxey and the immediate area and make the business less viable.

PUBLICITY

A site notice has been posted and a total of 246 responses have been received. These include multiple comments from the same household. All issues raised have been considered. The comments raise the following material issues:

Objection

- (a) There is no evidence that the business is economically unviable other than information provided by the current owners.
- (b) There has been no exploration of the continuance of the business if managed by another investor/owner.
- (c) No evidence can be found that demonstrates the property was marketed for sale on the open market and at a realistic price.
- (d) There is no 'like-for-like' accessible replacement facility in the village.
- (e) The bed spaces are required to support the local economy and are still regularly used by visitors or contractors coming to the area.
- (f) There is a demand by locals for a facility such as this that can accommodate large events both in and outside the building as it previously held.

- (g) The building is an Asset of Community Value and should be protected and maintained as a community building as referred to in paragraph 92 of the National Planning Policy Framework.
- (h) The planning inspector, responding to the appeal on planning application PA/2018/814 concerning this site, referred to the cultural and heritage profile of the building, particularly about the Haxey Hood event and the volume of passionate community support for the retention of the pub.
- (i) The demolition of the restaurant part of the building would negatively impact the street scene and character of Church Street, particularly its impact on the historic feel to the western end of Church Street.
- (j) There are no facilities similar to Duke William locally for functions and events. Similar applications have previously been rejected by North Lincolnshire Council and Bristol. It is felt that the business has been purposely run down to develop the site and that, in the right hands, the business could be profitable. There is doubt that the business has ever been advertised for sale or leasehold. It would be a great shame to lose a historical building from within the village as it has connections to the Haxey Hood.
- (k) 'The Duke' was always a most popular pub. With its central position and size, it could be informally seen as a central 'hub' and the foremost mutual meeting place for local community leisure and social activities. Space and facilities are unmatched in the village and the suggestion that 'The Loco' could be an equivalent amenity is no good reason. Space is considerably smaller, there is a lack of car parking space, minimal dining area and fewer beds for accommodating visitors. Similarly, 'The Kings Arms' does not offer the opportunity of space and facilities that can be found at 'The Duke.'
- (l) The motel-type accommodation at the rear is surely another asset to the village. It was believed some time ago that this, along with the dining room, was flourishing. Therefore, the apparent lack of attention and minimal improvement to the premises is difficult to understand. If 'The Duke' were put up for sale, then every attempt would have been made by the owners to demonstrate that it is a realistic rate for such a public house – flourishing or failing. If it had been on the market for a realistic figure, it would have sold. Further to that (and it is still debated), there appears to have been no notification of this intended sale. It now appears that local people were also unaware of the intended sale.
- (m) Evidence of trade going to adjacent neighbouring public houses establishes that there was a demand for such a public house and does not prove that people were staying at home with cheaper takeaway drinks etc., a reason frequently stated for 'the Duke's lack of patrons. Taking the other pubs as a model, surely 'Duke William', with the right input, minimal investment, fresh enthusiasm and appropriate contact with local people, could be returned to a healthy and worthy public house with a more sustainable income – one important in a village the size of Haxey.

Support

- (a) Policy CS22 of the Core Strategy states that the loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need.

- (b) Policy C2 of the North Lincolnshire Local Plan requires the need to demonstrate that: (i) facilities are no longer economically viable; and that (ii) all options for their continuance have been fully explored; and/or (iii) an accessible replacement facility exists elsewhere in the local centre. This application meets this criterion as follows.
- (c) The Duke William has been financially unviable for over 10 years and the bar and restaurant has been closed since November 2019. An account statement has been submitted alongside this application which demonstrates a huge decline in turnover over the last 10 years. The deficit has been accumulated through a steady decline instead of a sudden drop in sales, and any attempt to relaunch the business would therefore be demonstrably likely to be unsuccessful. This accounts statement has been accepted by NLC as valid for the previous two applications from the applicant.
- (d) The applicant has invested heavily in the business over the years with the addition of extra motel rooms. He has also provided live entertainment, quiz nights, karaoke nights and open mike nights in attempts to attract customers. These attempts all failed due to a lack of interest and support.
- (e) The loss of a community facility would be easily set off by the existing alternative, The Loco. This adjacent public house is located just a few metres away in Church Street and offers identical facilities to the Duke William Motel with a large public bar area, a bespoke restaurant and rooms available for overnight stays. The Kings Arms public house is nearby on Low Street and is also available as a community facility, notwithstanding the current restrictions due to the COVID-19 lockdown. The Kings Arms has been closed several times in recent years due to lack of support and customers which would indicate that there is insufficient demand for three similar facilities in Haxey.
- (f) The property is already accepted as residential use on the first floor; therefore, the change of use only applies to the motel and the reception area on the ground floor to enable the whole property to become a fully residential use. Therefore, the closure of the Duke William Motel as described would not cause any significant harm to the local community or the local economy.
- (g) The Duke William Motel closed in November 2019 due to a lack of custom and support from the local community because of the lack of demand for the motel rooms. Comments stating that it was a valued community asset are unfounded and this is clearly illustrated by the accounts statement.
- (h) The previous application for housing to the rear of the motel was refused for one specific reason which was the impact the proposal would have on the historic landscape. This application, therefore, addresses that issue completely since it is a change of use to an existing building. The proposed refurbishment of a derelict and boarded up old building will enhance the street scene and be more in keeping with the historic core of Haxey.
- (i) It should also be recognised that there is a national shortage of housing and North Lincolnshire Council cannot meet the five-year housing supply requirements. New housing should therefore be encouraged.
- (j) The Duke William has not been run as a functioning pub for more than two years. It is not needed as a pub in the village as there are already pubs offering the same facilities,

one the next door. Rather than having the pub boarded up and looking unsightly any longer, the renovation would vastly improve the appearance of the High Street.

- (k) The pub trade was in rapid decline before Covid, and the situation has changed dramatically since people have had no choice but to stay at home. The conversion into a residential property would tidy Church Street up, which currently looks very shabby. Haxey parish is not big enough to sustain three pubs, let alone four: it's time to let one go and, hopefully, the other three will survive.

ASSESSMENT

The Duke William is a two-storey building with an extension adjoined to the east. It is located within the development boundary of Haxey which is identified by the Housing and Employment Land Allocations DPD 2016.

Planning permission is sought for the change of use of the Duke William Motel to a dwelling, including the demolition of the restaurant extension adjoined to the east.

The Duke William fronts Church Street to the south. It is bounded by a listed building (23 and 25 Church Street) to the west and has private vehicular access to the east. The rear of the plot is the extended motel rooms. The Duke William is not a listed building and the site is not within a conservation area.

By way of background, there have been several planning applications on the site. These include:

PA/2020/1354: Planning permission to erect six two-storey detached dwellings and change the use of the main building of the Duke William Motel to residential use (and demolish an existing side extension to the Duke William and rear chalets) – refused by the planning committee and an appeal dismissed 28/01/2021.

PA/2018/814: Planning permission to erect seven two-bedroomed detached bungalows and a two-storey detached dwelling adjacent to the Duke William and change the use of the main building of the Duke William to residential use (including demolition of an existing side extension to the Duke William and rear chalets) – refused by the planning committee and an appeal dismissed 25/10/2019.

The key reasons for the refusal of both applications are:

1. The proposal, by virtue of its siting and intensification of built form, would introduce an unacceptable character impact through the visual intrusion of an extension of the residential environment into the historic landscape. The development would therefore have an adverse impact on the character and appearance of the Isle of Axholme Area of Special Historic Landscape and its national significance.

The proposal is therefore considered to be contrary to paragraph 170 of the National Planning Policy Framework and policy LC14 of the North Lincolnshire Local Plan.

2. The proposal would fail to preserve the character and appearance of the historic core of the settlement. The bungalows would create a modernising effect that will detract from the rear setting of 25 Church Street, the grade II listed building, the new

development being seen from the rear of the property. This is contrary to policy HE5 and section 66 of the 1990 listed building Act, as well as policy CS6 of the North Lincolnshire Core Strategy.

3. The proposal would represent an over-development of the site resulting in an overly dense development that would not be in keeping with the local vernacular. The dense built form would also have an impact upon the residential amenity of future and existing residents. The proposal is therefore contrary to policies DS1 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.
4. The proposal would introduce three residential dwellings beyond the development limits and into the open countryside which would have a detrimental effect upon the character of the area. The proposal is contrary to policies CS3 of the North Lincolnshire Core Strategy and RD2 of the North Lincolnshire Local Plan.

It is worth noting that this application is not a revision of either of the refused application as it is limited to the change of use of the Duke William Motel and the demolition of the restaurant extension adjoined to the east only. For the avoidance of doubt, it does not include the erection of dwellings. Accordingly, it would not introduce an unacceptable character impact through the visual intrusion of an extension of the residential environment into the historic landscape and would not harm the character and appearance of the historic core of the settlement. It would not represent an over-development of the site resulting in an overly dense development as it would not introduce residential dwellings beyond the development limits.

As indicated earlier, this proposal involves a change of the Duke William Motel to fully residential use as a dwelling with the demolishing of the restaurant extension adjoined to the east.

A site plan, floor plans and elevations have been submitted alongside this application. The proposal would contain five bedrooms on the first floor and a lounge, kitchen, dining, TV room and drawing room on the ground floor.

The applicant has submitted an access and design statement and financial statements for 2009–2019. The latter cannot be made public under The Data Protection Act 2018; however, they set out the agent hired to advertise the property for sale and the reasons for applying for the change of use as summarised below:

- (i) the facilities are no longer economically viable,
- (ii) all options for their continuance have been fully explored; and/or
- (iii) an accessible replacement facility exists elsewhere in the local centre.

Duke William has been financially unviable for over ten years and the bar and restaurant has been closed since November 2019. (An account statement has been submitted alongside this application.)

The deficit has been accumulated through a steady decline rather than a sudden drop in sales, and any attempt to relaunch the business would therefore be demonstrably likely to be unsuccessful.

The loss of a community facility would easily be set off by the existing alternative, The Loco. This adjacent public house is located only a few metres away in Church Street.

'The Kings' further along Church Street is available as a local community facility as a public house, notwithstanding current restrictions due to the COVID-19 lockdown.

Duke William is already accepted as a residential use on the first floor and, therefore, the change of use only applies to the motel and reception area on the ground floor to enable the whole property to become a fully residential use.

Therefore, the closure of the Duke William Motel as described would not cause any significant harm to the local community or the local economy.

Main issues

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

- **the principle of the development;**
- **the change of use from a public house to a dwelling;**
- **impact on the residential amenities of neighbouring occupiers;**
- **impact on the adjacent listed building;**
- **whether the demolition is appropriate; and**
- **highway and parking issues.**

Principle of the development

This proposal would lead to the loss of a public house in the village but would leave the village with other pubs such as The Loco (adjacent) and 'The Kings' (further along Church Street). This is considered to represent a loss of a local facility, but the addition of a new dwelling to the local housing stock.

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.

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

Policy CS2 (Delivering More Sustainable Development) of the Core Strategy states that development should be focused on small-scale developments within the defined development limits of rural settlements. It supports development that contributes to achieving sustainable economic development to support a competitive business and industrial sector.

Policy CS3 (Development Limits) is 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 application site is located within the development boundary of Haxey, where development is supported by Policy CS3.

Policy CS22 (Community Facilities and Services) of the Core Strategy further indicates that unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need, development resulting in their loss will be resisted.

Policy C2 (Community Facilities in Minimum Growth Settlements and Rural Hamlets and Villages in the Open Countryside). This policy supports the retention of community facilities in rural local centres as essential in maintaining the long-term vitality and viability of these areas. Proposals for change of use of vacant premises to non-community uses located in rural local centres will only be permitted where it can be demonstrated that these facilities are not economically viable and that all options for their continuance have been fully explored, and/or an accessible replacement facility exists elsewhere in the local centre.

Paragraph 92, Part C of the NPPF requires planning policies and decisions to 'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.'

The requirement in the NPPF is mirrored in local plan policy C2 (Community Facilities in Minimum Growth Settlements and Rural Hamlets and Villages in the Open Countryside) and Policy CS22 (Community Facilities and Services) of the Core Strategy as outlined above.

In considering whether it can be demonstrated that these facilities are not economically viable financial statements submitted with the application demonstrate that the Duke William motel has been unviable for a period of time. Regarding marketing of the motel, all things considered, the council believes that the letter from the RTA Business Sales Specialist, dated 7 December 2009, is acceptable certification of marketing of the business and deemed adequate for the processing of the application.

The marketing of the business is an attempt to secure suitable alternative business or local community re-use of the Duke William Motel by the public. Unfortunately, there is no evidence of a buyer or an offer made for the business from the public who could operate the business successfully.

In terms of whether an accessible replacement facility exists elsewhere in the local centre there are other public houses within Haxey and another in the wider ward in Westwoodside. The Duke William Motel has been closed since 10 November 2019 due to lack of use and continued losses. The Loco public house is located 10 metres from the Duke William Motel and offers an accessible alternative facility.

During a site inspection, it was observed that the main pub building, and restaurant is in disrepair and look unsightly in the street. The pub would require considerable investment and if not refurbished early and brought into use, it would deteriorate further to a point where it would not be economically viable to refurbish.

In this case, on balance, the benefit of the refurbishment and the change of use to a dwelling outweigh the benefit of operating an unviable business and the risk of further deterioration of the business because of no evidence of taker who will run the business as a motel.

Several residents have objected to this proposal raising concerns about the way the pub has been marketed; others have raised doubt over its marketing and indicated that the viability explanation lacks robustness because a change of use of the Duke William Motel would result in the loss of one of the community facilities among other concerns which are not relevant for

consideration in this application. The parish council has also raised concerns about the loss of the public facility, its marketing and its viability.

The council acknowledges that the Motel has had issues to contend with, which have made it unviable to continue operating as a public house. From the objections, it appears that the community is not happy with the way the public house has been run, contrary to the views of the management of the public house, but this is not within the remit of the council to decide.

It is also worth noting that for a variety of reasons, the community have a special attachment to the pub, which is at the centre of the objections. While this is reasonable, it does not solve the issue of the viability of the business and taker of the business.

Overall, considering the key determinants of the development, on balance, the impact of harm to the against the associated benefits, as per paragraph 11(d) of the NPPF, Policies CS1, CS2, CS3 and CS22 of the Core Strategy and Policy C2 of the local plan, it is judged that the proposed change of use to a dwelling is practical and the benefit outweighs the current unviable business and the deterioration of the building and should be supported.

The principle of the development is therefore acceptable as there is evidence the Duke William Motel is not a viable business and no prospective buyer has come forward following the marketing of the business. There is no longer a need for the Duke William Motel in any form of community use, and whilst the proposed loss of the public house is regrettable, it can be seen from the above that the village would still be served by other public houses.

Change of use to a dwelling.

There is no specific policy in the Local Development Plan for determining developments for a change of use of a building to a dwelling within a development boundary.

The Government's policies for meeting new housing needs are based on the principles of focusing new development on existing towns and villages, making the best use of existing housing and land which has already been developed. This approach is reflected in the overall strategy of the local plan, in the housing chapter and Policy DS1: General Requirements, which requires 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.

In this case, it is judged that proposals for the change of use of a building for residential use will be acceptable if the building is capable of conversion. It has been demonstrated that residential use is one way to retain a building in viable continued use and secure the retention or improvement of the building, and the development will not create a need for new buildings to house the activities displaced by the change of the use of the building (i.e., motel).

In terms of design, the change of use would retain and respects the original character of the building and is in keeping with its surroundings.

There is no evidence to indicate that the building is not structurally sound, and it is therefore concluded that the proposed conversion to residential use is consistent with this policy. The proposed change of use, therefore, complies with the relevant development plan policies for housing.

Regarding the NPPF objective of boosting the supply of housing through plan-making and the maintenance of a five-year supply of housing land, in the text of the NPPF (45), as part of the approach, plans and decisions should support efforts to identify and bring back into

residential use empty homes and other buildings. The proposed residential use is therefore consistent with the NPPF's housing policies.

Impact on the adjacent listed building

As indicated earlier, the site is not within a conservation area; however, it is adjacent to a listed building (23 and 25 Church Street) to the west.

Policy HE5 (Development affecting Listed Buildings) seeks to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. When applications for planning permission relating to a listed building or listed building consent are being assessed, the primary consideration will be the need to preserve or enhance the fabric and character of the building. Permission or consent will not be granted unless it has been demonstrated that the proposed works would secure this objective. The conservation officer has no objection to the proposals and therefore it is judged that the change of use of the Duke William Motel to a dwelling, including the demolition of the restaurant extension adjoined to the east, would not harm the setting of the listed building.

Impact on the residential amenities of neighbouring occupiers

Policy DS1: General Requirements requires 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 indicates 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 an amenity open space in the area should be retained, wherever possible. It also requires that no pollution of water, air or land should result which poses a danger or creates detrimental environmental conditions.

The change of use of the property would not result in any external changes – only the layout inside the property would need to be redesigned to meet the needs of future occupiers. The cellar of Duke William is to be backfilled with hardcore and concrete as this is not suitable for any residential purposes.

It is considered that residential use would be acceptable in this location given that the public house is situated in an established residential area. The loss of the public house may have a positive effect on the amenity of residents who live closest to the property by removing a potential source of late-night noise and disturbance. It is not considered that residential use of the premises would have a detrimental impact upon the amenities of the surrounding area or the wider setting that would justify the refusal of this application on this ground.

Overall, it is not considered that the proposed change of use would have any negative effect upon the amenity of adjacent residents.

Demolition of part of a building

Planning permission is required for the demolition of buildings of any size in a conservation area or affecting a listed building. Other than this, planning permission is not required for the demolition of small buildings. The demolition of the restaurant extension adjoined to the east does therefore not require permission.

Highway safety

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 development would utilise the existing access off Church Street which runs to the east of the site and there is ample space to the rear of the property for parking in line with the required standards. Whilst concerns have been raised regarding parking, this is just making use of what is already there and which would have been used by customers of the public house when it was still operating. Highways have not objected to the proposal but have advised an informative to be applied to any permission granted.

To conclude, the proposed change of use is unlikely to lead to any substantial increase in vehicle movements using these spaces over and above that which could potentially be generated under its lawful use as a pub, and as such, it would not be reasonable to object to the proposal on this basis.

Other matters

A significant number of representations have been received, both in support and objecting to this proposal. Several of the concerns raised by the public and by the Haxey Parish Council are related.

The majority of the issues are alleged and relate to the buildings and land outside the application site boundary. It is worth noting that the buildings and land at the rear of the site are in the ownership of the applicant and have significant planning history. Notwithstanding this, each application is assessed on merit, considering aspects of the planning history that are relevant to the application.

The matter of the change of use of the Duke William Motel to a dwelling, as part of the previous applications, has not been rejected since the reasons for refusal of the previous applications do not refer to the change of use of the motel itself.

Concerning the buildings and land at the rear, this proposal would not impact directly on these buildings or land and would not significantly change the current usage and therefore there is no issue.

Other private issues have been raised that are not relevant planning matters for consideration in the assessment of this application.

The concerns raised that are relevant to this application have been addressed in this report.

Conclusion

This application is accompanied by information in support of the proposal which seeks to demonstrate that the business is not viable and shows a trading loss, including the marketing of the property. Whilst information such as the publications in which the adverts appeared, along with web addresses for websites on which it was marketed and the dates from and to the advert appeared, has not been submitted, on balance, the council accepts the agreement with RTA Business Sales dated 7 December 2009 that it has been marketed.

From the financial statements submitted with the application, it is considered that the existing use of the Duke William Motel is no longer commercially viable. Furthermore, an acceptable level of means of retaining the public house has been explored by marketing it, but no interest has been shown by any prospective buyer and the business is therefore considered no longer commercially viable.

Additionally, the application has demonstrated that the premises could be used to provide a dwelling and there are alternative community facilities and services to meet the community need.

For the reasons set out above, it is accepted that reasonable attempts have been made to secure business re-use of this site and that there is a lack of demand for community use. In all other respects, the proposed change of use of the premises to a dwelling raises no substantive residential amenity, visual amenity or highway safety concerns. It is therefore considered to conform with the relevant policies of the North Lincolnshire Local Plan and the Core Strategy and the application 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: Existing Plan Ref No. LIDW 001, Location Plan Ref No. LIDW 002, Proposed Plan Ref No. LIDW 003, Floor Plan 1467/11, Elevations 1467/10.

Reason

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

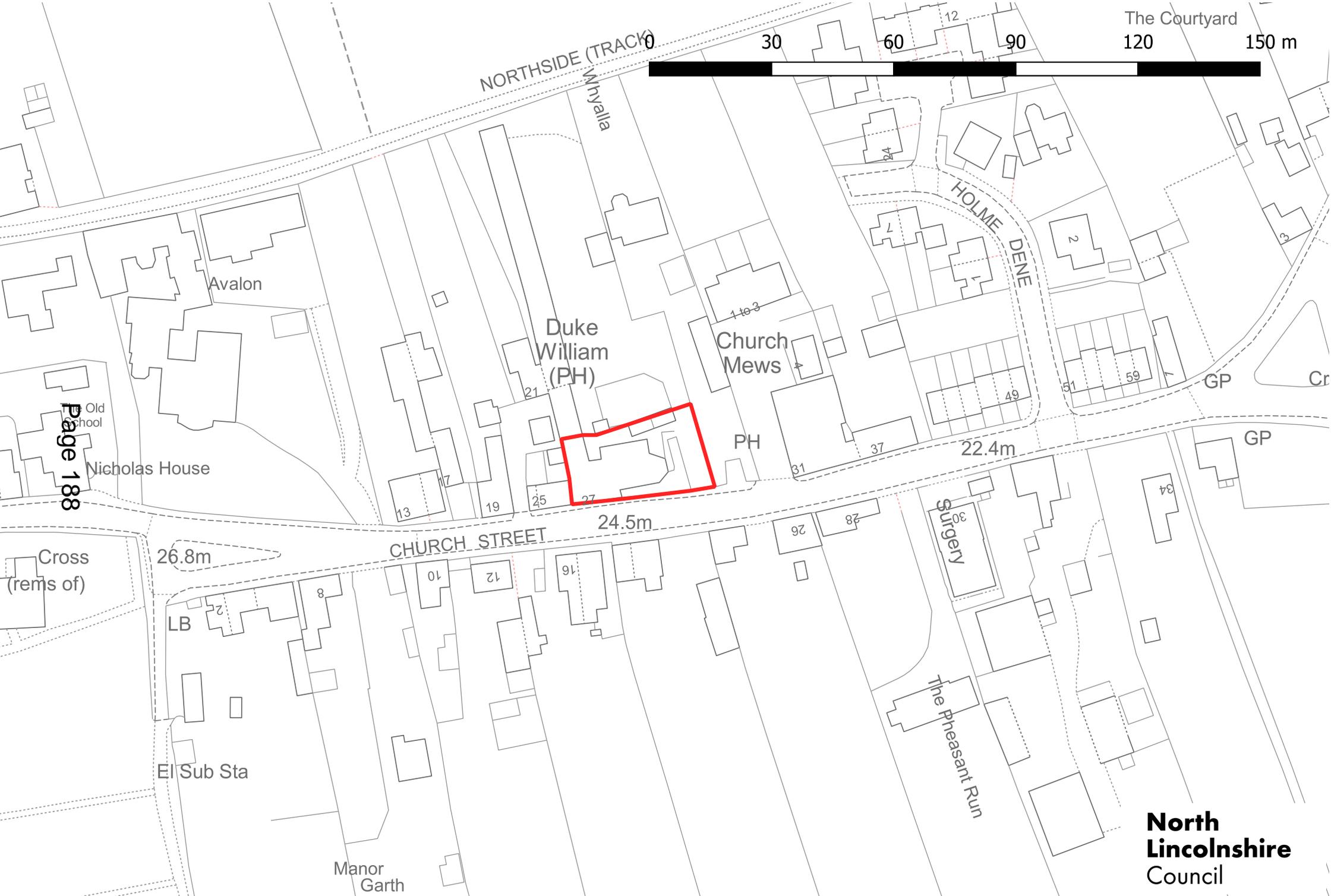
Informative 1

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

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

Informative 2

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



NORTHSIDE (TRACK)

Mykella

HOLME DENE

CHURCH STREET

Duke William (PH)

Church Mews

Avalon

Nicholas House

Surgery

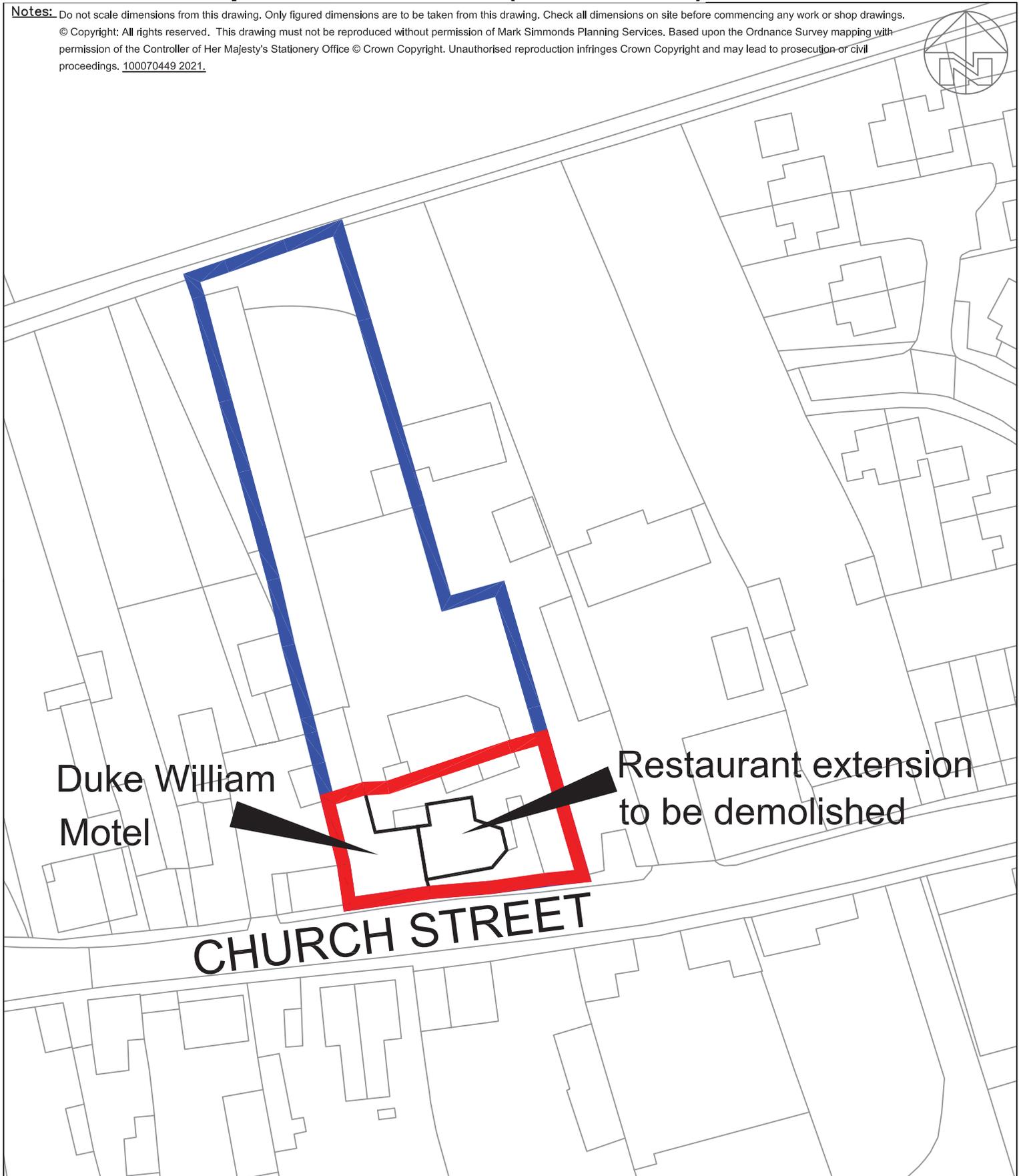
The pheasant Run

Manor Garth

**North
Lincolnshire
Council**

PA/2021/240 Proposed demolition (not to scale)

Notes: Do not scale dimensions from this drawing. Only figured dimensions are to be taken from this drawing. Check all dimensions on site before commencing any work or shop drawings.
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Drawing Title

PROPOSED PLAN
CHURCH STREET
HAXEY

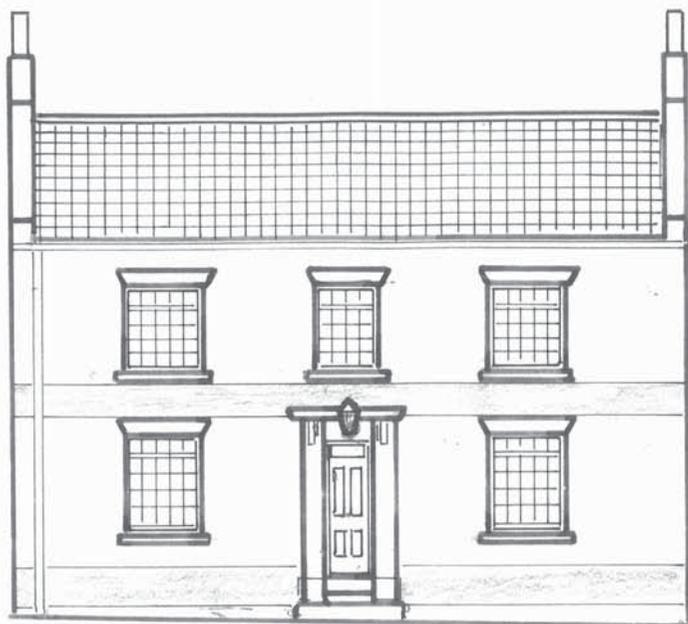


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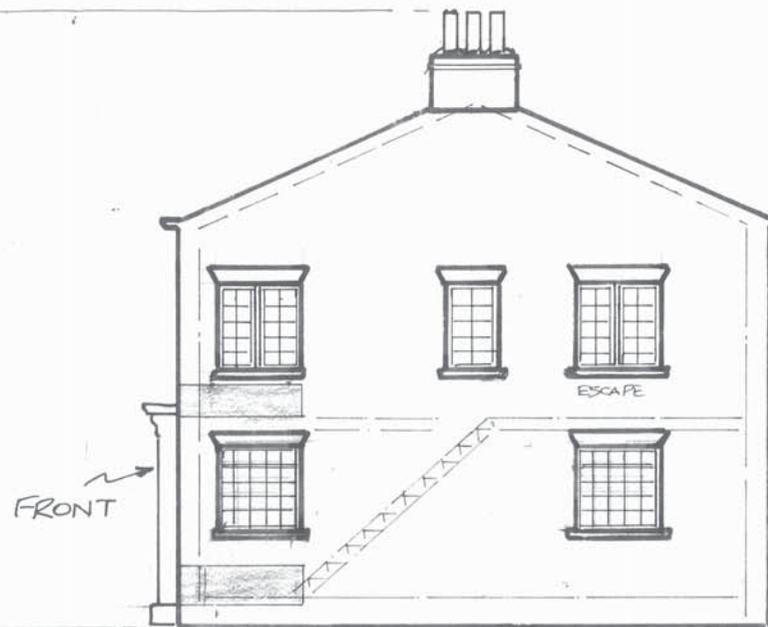
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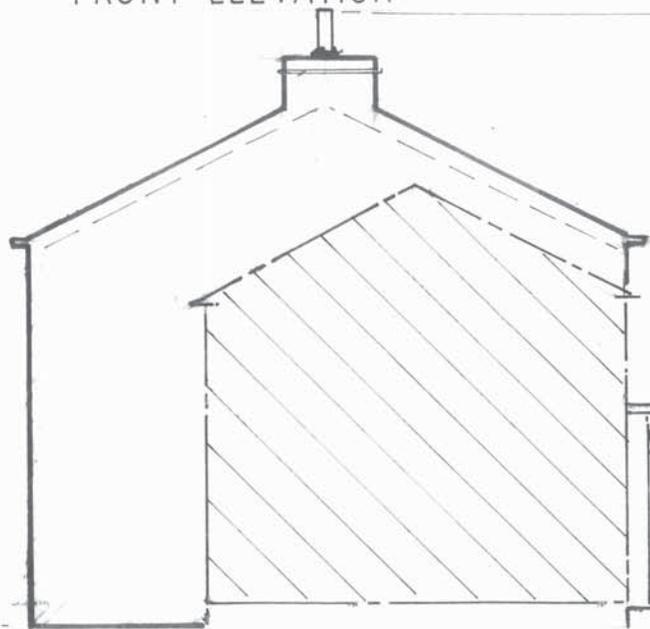
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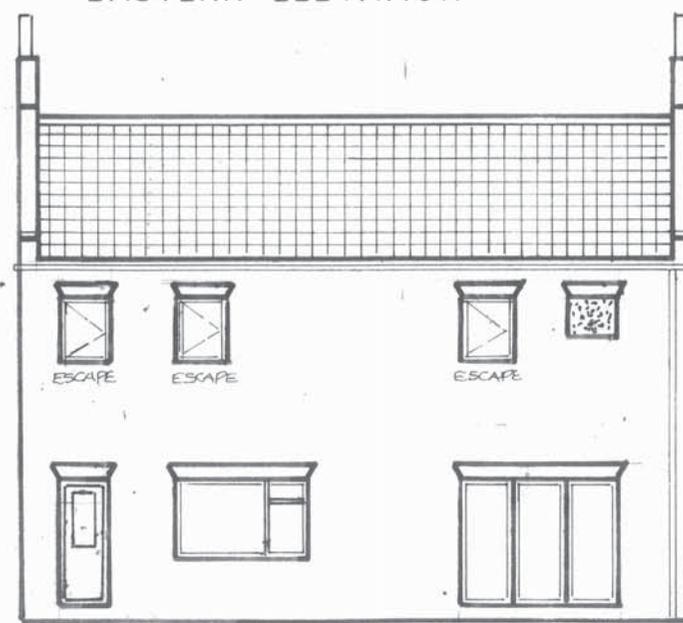
FRONT ELEVATION



EASTERN ELEVATION



WESTERN ELEVATION



REAR ELEVATION

PUBLIC HOUSE ~ REVISIONS TO ELEVATIONS

Page 190

SCG

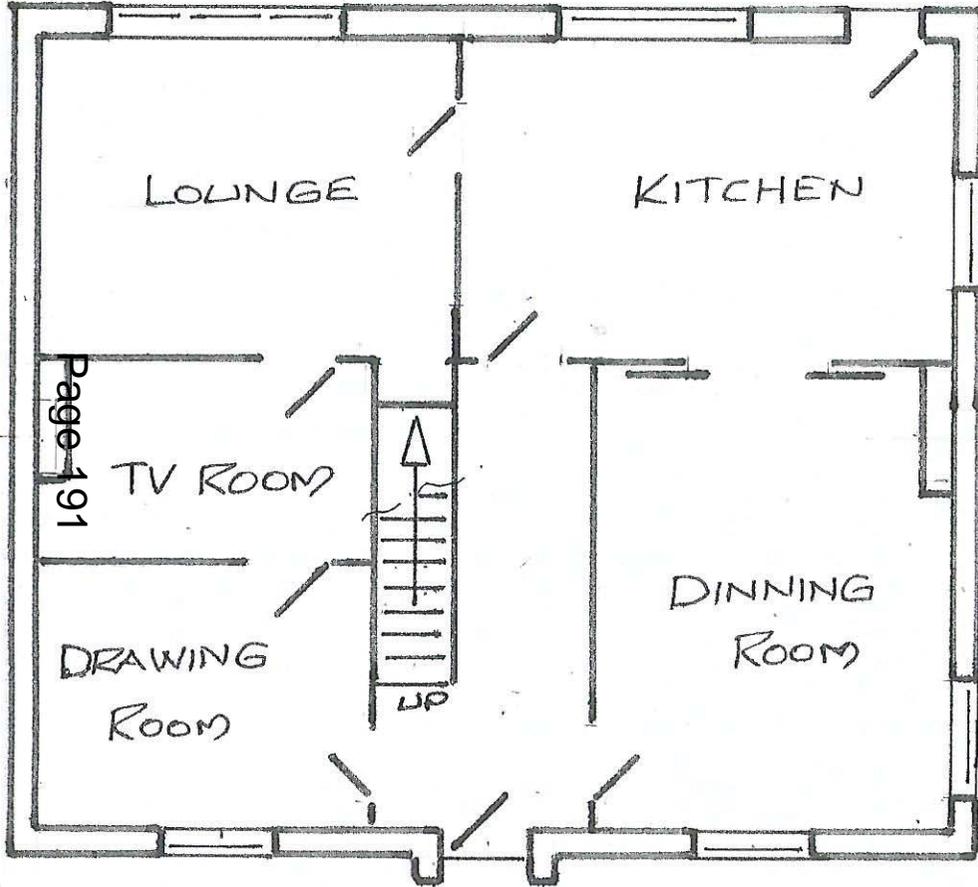
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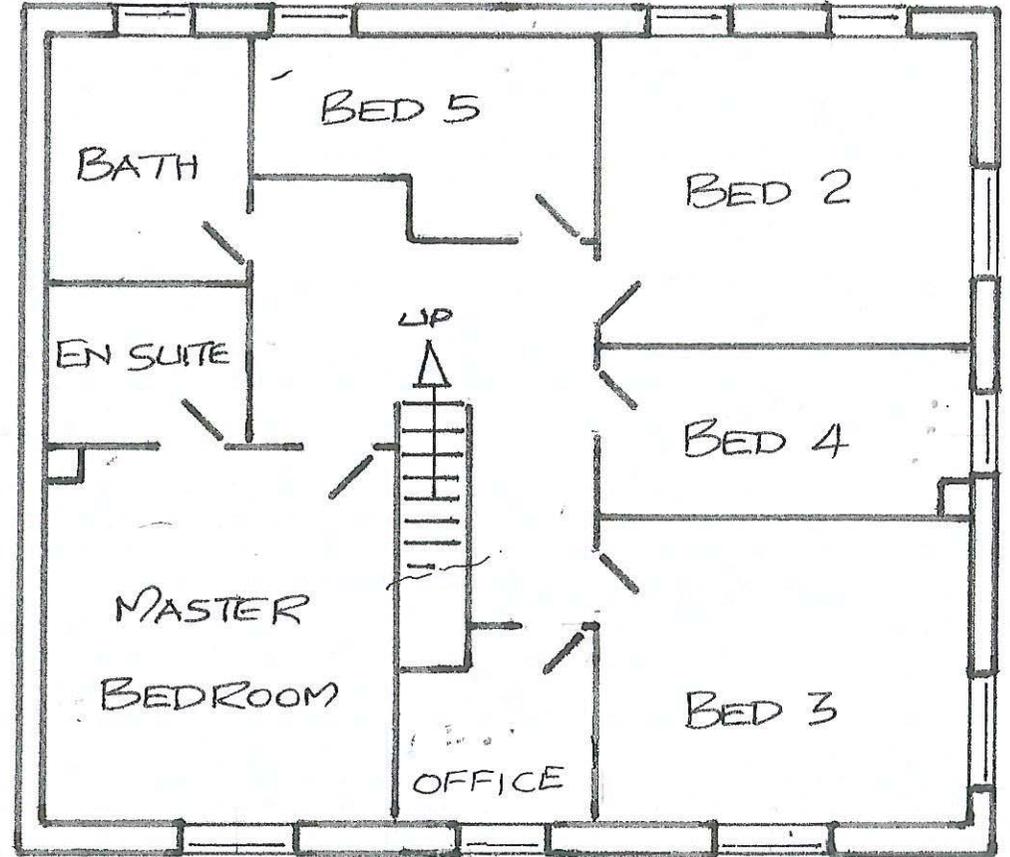
FLOOR PLANS

1:100

GROUND FLOOR



FIRST FLOOR



01427 728397

SCG

DUKE WILLIAM

SEE SITE PLAN.

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APPLICATION NO	PA/2021/291
APPLICANT	Mr & Mrs Clements
DEVELOPMENT	Planning permission to erect a dwelling with associated access and landscaping
LOCATION	111 Fountain House, Scawby Road, Scawby Brook, DN20 9JX
PARISH	Scawby
WARD	Ridge
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, but recommend a condition relating to access, parking and turning.

Drainage (Lead Local Flood Authority): No objection.

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

PARISH COUNCIL

No objections to the application but the proposed development is outside the current development line and therefore the parish council feels it must raise an objection.

PUBLICITY

Advertised by site and press notice as a departure from the local plan. No responses have been received.

ASSESSMENT

The main issues to be considered are whether adequate justification can be demonstrated with regard to the principle of the development, and its impact on the locality, residential amenity, land quality, ecology and the highway.

The site

The application site is on the south side of Scawby Road and is currently amenity space serving number 111, which is north-west of the site. The site is flat and currently undeveloped, and benefits from surface vegetation. It is situated behind a parade of housing (numbers 95 to 101) and north-east of a commercial unit known as KP Contractors. The site and the land immediately to the south are both within the applicant's ownership.

The application site is within the open countryside, but abuts the edge of the Brigg settlement boundary. It is within SFRA flood zone 1 (low risk), is not within a conservation area, does not relate to any listed buildings, and there are no protected trees on the site or in the nearby vicinity.

Proposal

Full planning permission is sought to erect a dwelling with associated access and landscaping.

Principle of development

As the application site is outside the adjacent settlement boundary, 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 Brigg 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 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, the services available in the immediate area of Scawby Brook and those within the wider area of Brigg to the east (the Ancholme Leisure Centre and ALDI, etc) could be readily accessed as they are within a five to ten minute walk (less than 800m) from the site. In terms of environmental benefits, the site would be situated along Scawby Road, which is a main road into Brigg, served by an adjacent footpath and frequent bus stops. Considering this, coupled with the proximity of Brigg, 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 the existing services in Scawby Brook and Brigg. Moreover, the location of the proposed new dwelling would not be dependent on car travel given the availability of other forms of travel (walking, cycling and bus). 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 set out in paragraph 11(d) of the NPPF. Although the proposal would be in conflict with the development plan (policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan), it would provide the benefit of a dwelling contribution within a locality which consists of existing housing to the immediate north, east and west. Additionally, it is determined that the location of the new dwelling would be within a sustainable location, as set out in 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.

It is therefore considered, on balance, that although the development plan 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, the principle of development would be acceptable, subject to the considerations below.

Impact on the locality

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 and policy CS5 of the Core Strategy are concerned with quality of design and amenity. In respect of impact on character, policy DS1 states that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area.

The proposed dwelling would have three bedrooms and would be of a traditional single-storey design, finished with a cross-gable roof; the materials can be controlled by condition. The proposed footprint would be simple and rest well within the plot. The front elevation would benefit from symmetrical fenestrations and features; its composition is considered balanced, whilst modest, and would be characteristic of the local area. Based on the character and appearance of the existing street scene, the introduction of a single storey dwelling of the appearance and scale proposed would not be at odds with the character and appearance of the street scene and the immediate area. Notwithstanding this, as the dwelling would be situated behind a parade of housing and so would not be readily visible from the street scene, the proposal would have a limited impact on the character of the area.

The proposed amenity space would be sufficient to meet the needs of the occupants. The driveway would be of adequate size and depth to accommodate the movement and manoeuvring of vehicles into the site. Based on the amount of parking and private amenity space available to the occupants, and the fact that the dwelling would be set in from the site curtilages, the proposal would not result in a contrived or cramped form of residential development when viewed in the context of the site. Boundary details are to be confirmed by condition.

With regard to the surrounding pattern of development, there is an existing detached dwelling to the east (93 Mill Place), situated behind the rearmost building line serving the proposed dwelling. Given the linear lines used to designate the development limit, this dwelling is within the settlement; however, given the unique position of number 93 it could be argued that the development limit has indirectly been extended to encompass the application site within the settlement. Additionally, number 93 would relate well with the proposed setting of the proposed dwelling in the interest of the pattern of development.

The proposed new dwelling, by way of its 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 of the local plan and CS5 of the Core Strategy.

Impact on residential 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 of a conventional single-storey design. Considering its low-built, low-impact nature and the fact it would be set back 20m from the rear elevations of numbers 95–101 (to the north) and 93 Mill Place (to the south-east), it is unlikely to detrimentally impact their amenities or those of any neighbouring properties. There are no properties to the south.

For these reasons, the development would be in accordance with policies DS1 of the local plan and CS5 of the Core Strategy.

Highways

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

Access to the site would be from the in-situ private driveway currently serving number 111 and KP Contractors. 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.

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 residential development is a sensitive end use and given that the applicant has not submitted any information regarding 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 boundary features appear 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

These have been agreed with applicant/agent.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

2.
The development hereby permitted shall be carried out in accordance with the following approved plans: SB/CL/MF/04 Existing Site Layout; SB/CL/MF/06 Block Plans; SB/CL/MF/05 Proposed Site Layout; SB/CL/MF/02 Proposed Floor Layout Proposed Roof Plan; SB/CL/MF/03 Proposed Elevations; Design & Access Statement.

Reason

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

3.
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.

4.
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.

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.

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.

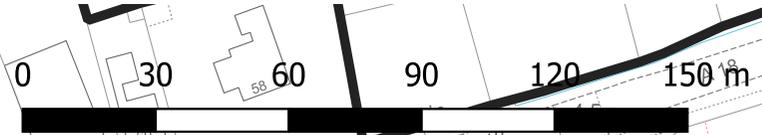
Reason

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.

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.

 Development Boundary



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**North
Lincolnshire
Council**

PA/2021/291 Proposed elevations (not to scale)



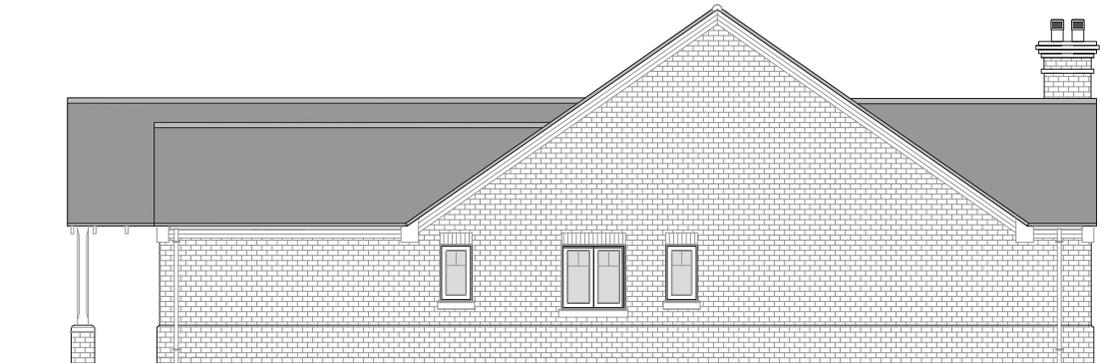
proposed front (west) elevation
scale 1:200



proposed rear (east) elevation
scale 1:200



proposed side (south) elevation
scale 1:200



proposed side (north) elevation
scale 1:200

Proposed residential development
Rear of 111 Scawby Road, Scawby Brook, Brigg
Client: Mr. & Mrs. Clements

Issue Status	
Accepted	
Planning	X
B. Regs	
Construction	

Title:
proposed elevations

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APPLICATION NO	PA/2021/362
APPLICANT	Messrs D Capell & D Churchill
DEVELOPMENT	Outline planning permission for three dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration, and alteration to transition/drop kerb
LOCATION	Land to the rear of 2, 2A and 4 North Cliff Road, Kirton in Lindsey
PARISH	Kirton in Lindsey
WARD	Ridge
CASE OFFICER	Nick Salt
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework:

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

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

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

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

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

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

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

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

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

Section 7 – Ensuring the vitality of town centres

Section 12 – Achieving well-designed places

Section 16 - Conserving and enhancing the historic environment

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Design)

CS6 (Historic Environment)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of housing sites)

CS17 (Biodiversity)

CS19 (Flood Risk)

North Lincolnshire Local Plan:

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy HE2 (Development in Conservation Areas)

Policy HE5 (Development affecting Listed Buildings)

Policy RD2 (Development in the Open Countryside)

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)

Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

CONSULTATIONS

Highways: No objection subject to conditions on access and parking details and provision.

Drainage (Lead Local Flood Authority): The proposed development lies on a steep sloping site and is within an area where there is the potential for springs to be present. The flood risk assessment provided does not make reference to surface and groundwater flooding. In addition, there would appear to be a watercourse present on the western boundary that requires further investigation and mitigation.

Taking the above into consideration, the LLFA Drainage Team has no objection to the proposed development subject to the imposition of relevant planning conditions and informative comments.

Historic Environment Record - Archaeology: The application site is adjacent to a listed building with the southern area lying within the Kirton in Lindsey Conservation Area and the Conservation Officer should be consulted on the proposal. The nature and scale of this proposal does not adversely affect any known heritage assets of archaeological interest or their settings. No further recommendations for archaeology.

Conservation: No objection. The site is on the northern edge of the Kirton conservation area and within the setting of the Old Court House, listed grade II. The heritage statement says

that it is likely that the properties would be single-storey, which is acceptable. Regarding the listed building, the important part of the setting and views are through the existing park from North Cliff Road and King Edward Street, which are unaffected by the development.

Single-storey dwellings, well designed with traditional materials and designs, will be seen as acceptable. The closest building should have its garden on the boundary to the listed building. They will be viewed as subsidiary and part of the area's character. They will need to have a traditional style and detailing, and be constructed from traditional materials. Similarly, well designed traditional single-storey buildings will sit within the existing built form on the northern aspect of the conservation area. As long as they are well designed for the historic area they would be acceptable.

On this occasion landscaping, layout and scale can be considered at the reserved matters stage. An informative is recommended that any proposed buildings will have to be single-storey and of traditional design and appearance associated with the Kirton conservation area.

Environmental Protection: The application for residential development is a sensitive end use. In addition to this, historical mapping identifies the site was formerly used as an allotment. Historical horticultural practices have the potential to introduce contaminants to the site that are harmful to human health such as organochlorine pesticides, arsenic, cadmium, copper, lead and zinc.

It is the developer's responsibility to assess and address any potential contamination risks, however no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level.

Recommend a condition requiring a full site survey to identify any contamination.

TOWN COUNCIL

Supports this application, noting that although the site lies outside the formal development boundary for the town and the southern boundary sits within the Kirton in Lindsey Conservation Area, due to the location close to the town's retail centre and the infill nature of the development, the town council considers the suitability of the proposal. It is noted, however, that no access will be possible to or from the site from the town's green which is protected land in trust.

PUBLICITY

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

- the proposed access is not sufficient for emergency vehicles
- the area is unsuitable for development
- 'excessive' development
- contrary to the development plan – not within the settlement boundary
- not included in council's list of brownfield sites
- previous refusal on this site approximately 20 years ago

- overlooking risk, loss of privacy
- impact on property value
- other applications in the area for development outside the settlement boundary refused
- no housing need in Kirton
- issues with the applicant's submitted planning statement
- removal of wildlife habitat
- uncertainty over the future scale and design of dwellings – two-storey would be unsuitable
- concerns over the potential height of any future boundary to the access.

ASSESSMENT

Site description

The application site is an area of land to the north of The Green in Kirton in Lindsey, accessed via an existing field access from North Cliff Road to the east. The main part of the site consists of two 'squares' of land outside of, but bounding, the defined settlement boundary of the town as identified in the Housing and Employment Land Allocations DPD. The access is within the settlement boundary.

The site bounds the conservation area to the south and is also adjacent to Old Court House to the south. There are open fields to the north. The site is within SFRA Flood Zone 1 – an area of lower flood risk.

The application site bounds numbers 2, 2A and 4 to the east and numbers 6 and 10 to the south-west.

Proposal

Outline planning permission is sought to erect three detached dwellings served by an existing access from North Cliff Road. The access would be slightly amended to increase the size and provide a new section of dropped-down kerbing.

Appearance, landscaping, layout and scale are matters reserved for subsequent consideration.

Material considerations

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

- **flood risk and drainage**
- **land contamination**

- **access**
- **heritage impact.**

Principle of development

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land and Allocations Development Plan Document (HELADPD). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

Policy CS1 of the Core Strategy sets out a spatial strategy for North Lincolnshire which seeks to support the market towns of Barton upon Humber, Brigg, Crowle, Epworth, Kirton in Lindsey and Winterton as thriving places to live, work and visit, and as important service centres serving the needs of local communities across North Lincolnshire.

Policy CS8 relates to the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. It states that the market towns of Barton upon Humber, Brigg, Crowle, Kirton in Lindsey and Winterton will have approximately 18% houses built overall equating to 2,171 new dwellings, of which 840 will be provided from sites that already have planning permission or are under construction. CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Central Government places high importance on new homes being delivered throughout the country to address the chronic shortage. Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development, which gives increased weight where a five-year housing land supply has not been identified. The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2016 to 31 March 2021, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a 3.9 year housing land supply of deliverable sites during the period April 2016 to March 2021. North Lincolnshire does not have an identified five-year housing supply, and therefore a tilted balance is applied in support of this application for three new housing units.

The site is outside the development boundary of Kirton in Lindsey as shown in the Housing and Employment Land Allocations DPD. Whilst local plan policy RD2 provides for exceptions to the presumption against development in the open countryside, the erection of new market dwellings as proposed is not one of them. As such, residential development in this location is

contrary to the adopted development plan. However, in applying the tiled balance outlined above, there is a presumption in favour of the development provided that it meets the tests of sustainability and that there are no identified adverse impacts likely which would be so severe as to tip the balance against the acceptability of the proposal.

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

The investment in construction and related employment would represent a small economic benefit, as would the support which the additional population would have the potential to produce for the local economy. The proposal would support the local settlement of Kirton in Lindsey in accordance with policy CS1.

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

The site is a socially sustainable location for residential development as it is within walking distance of the centre of Kirton. Kirton in Lindsey contains seven out of the seven key facilities and services. A residential development of this size is considered sustainable with regard to transport and services access. The site is also located near to a bus route to Scunthorpe and Lincoln.

Environmentally, sufficient landscaping and protection of existing trees and planting, where possible, could provide protection and/or enhancement for biodiversity on the site. Careful design and landscaping could ensure environmental benefit.

It is considered that the proposal would meet the test of the three sustainability dimensions and would be a sustainable and suitable form of development contributing to overall housing provision within North Lincolnshire.

Flood risk and drainage

The site lies within flood zone 1 according to the council's SFRA. Whilst in principle it is not considered that flood risk on and off the site would be significantly increased, or that there is significant risk to life for future occupants through flooding, the following is noted.

With regard to localised flooding and drainage, the council's drainage team have been consulted. The proposed development lies on a steep sloping site and is within an area where there is the potential for springs to be present. The flood risk assessment provided does not make reference to surface and groundwater flooding. In addition, the drainage team state that there appears to be a watercourse on the western boundary that requires further investigation and mitigation.

It is considered that any outstanding concerns relating to the above can be addressed via a full drainage strategy in tandem with the site layout proposals at reserved matters stage. Further conditions on controlling surface water run-off would ensure that any risk of localised or surface flooding within the site or to the immediate neighbours is addressed, in accordance with Core Strategy policy CS19 and policy DS16 of the local plan.

Land contamination

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

The Environmental Health team have been consulted and request a full contamination survey. As the site constitutes former gardens and an allotment, a pre-commencement condition for a full survey is not considered reasonable, and instead a condition requiring reporting and mitigation of any contamination found during development is considered sufficient and shall be added.

Access

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

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

The existing access has safe visibility onto the highway, and there is sufficient space within the application site for appropriate levels of parking for the three dwellings. No concerns have been raised by Highways in relation to access for emergency vehicles, an issue raised in the objections.

Further details pertaining to intra-site access for vehicles and pedestrians will be required at the reserved matters stage along with the layout, and through conditions. Nevertheless, the proposed access as shown is considered to be acceptable in principle.

Heritage impact

Whilst appearance, scale and layout are all reserved matters, consideration has been given to whether three dwellings could feasibly be accommodated within the site without harming the setting of the adjacent conservation area and listed building.

As noted in this report, the council's conservation officer has been consulted and does not object to the proposal in principle. The applicant's planning statement notes that the dwellings are likely to be single-storey. They should be designed to have a low visual impact and to fit with the existing character and appearance of the area. There is no indication that this would not be achievable on the site through the use of careful and sympathetic design and landscaping.

Other matters

An objection to the application notes the potential for overlooking from the new dwellings and resulting adverse impact on the residential amenity of neighbours. If designed as single-storey dwellings, it is considered that careful siting and layout through the reserved matters stage could avoid any unacceptable amenity impacts.

Concerns are raised over the terminology within the submission such as the word 'likely'. As above, detailed design matters, including boundary treatments and the scale and design of the dwellings, are reserved matters.

Impact on property value is noted in an objection but is not a material planning consideration.

Letters of representation have disputed some parts of the submitted planning statement, specifically the claim that it 'identifies that this site is in a sustainable location and provides much needed housing'. The stated dimensions of the access lane (4.85m wide) have also been disputed. The applicant has confirmed that 4.85m is available with the exception of the area alongside the mentioned pillar, which has a projection of 230mm and that the access at this point has an available width of 4.63m. The submitted plans are to scale and have received no objection from Highways. The proposed access provision has been considered by Highways and in the assessment of this proposal and there are no outstanding concerns which cannot be addressed via the planning conditions set out below.

Fire appliance access requirements are covered under building control regulations, and must be a minimum of 3.7m between kerbs and 3.1m between gates. The access proposed meets these requirements and there are no planning concerns relating to this.

Conclusion

This application for outline planning permission requires a careful balance between the need for housing within North Lincolnshire and the need to preserve the character and appearance of the adjacent conservation area and listed building.

It is considered that adverse heritage impacts could be avoided at the design stage. Furthermore, there are no outstanding flooding, contamination or other issues which cannot be addressed at the reserved matters stage.

Therefore, the tilted balance in favour of the provision of three additional housing units in North Lincolnshire applies, and is considered to tip the planning balance in favour of the proposal, despite its location within the open countryside.

Pre-commencement conditions

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

RECOMMENDATION Grant permission subject to the following conditions:

1.
Approval of the details of the layout, scale and appearance of the buildings, and the landscaping of the site, (hereinafter called 'the reserved matters') shall be obtained from the local planning authority in writing before any development is commenced.

Reason

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

2.
Plans and particulars of the reserved matters referred to in condition 1 above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site,

shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: A0001 Location Plan; A0002 Block Plan.

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.

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

Reason

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

11.

No dwelling 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 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.

13.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on the current national guidance will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

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

14.

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.

15.

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

Reason

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

16.

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

Reason

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

Informative 1

Our records indicate that the proposed development site is bounded by a watercourse on the western boundary (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

Our records indicate that the proposed development site is bounded by an ordinary/riparian watercourse/highway drain along the eastern boundary. The proposals show a new access to be provided over and/or connection into the watercourse. This must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, and/or the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team on 01724 297522 or via email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 3

The proposed dwellings should be single-storey and of traditional design and appearance associated with the Kirton in Lindsey Conservation Area.

Informative 4

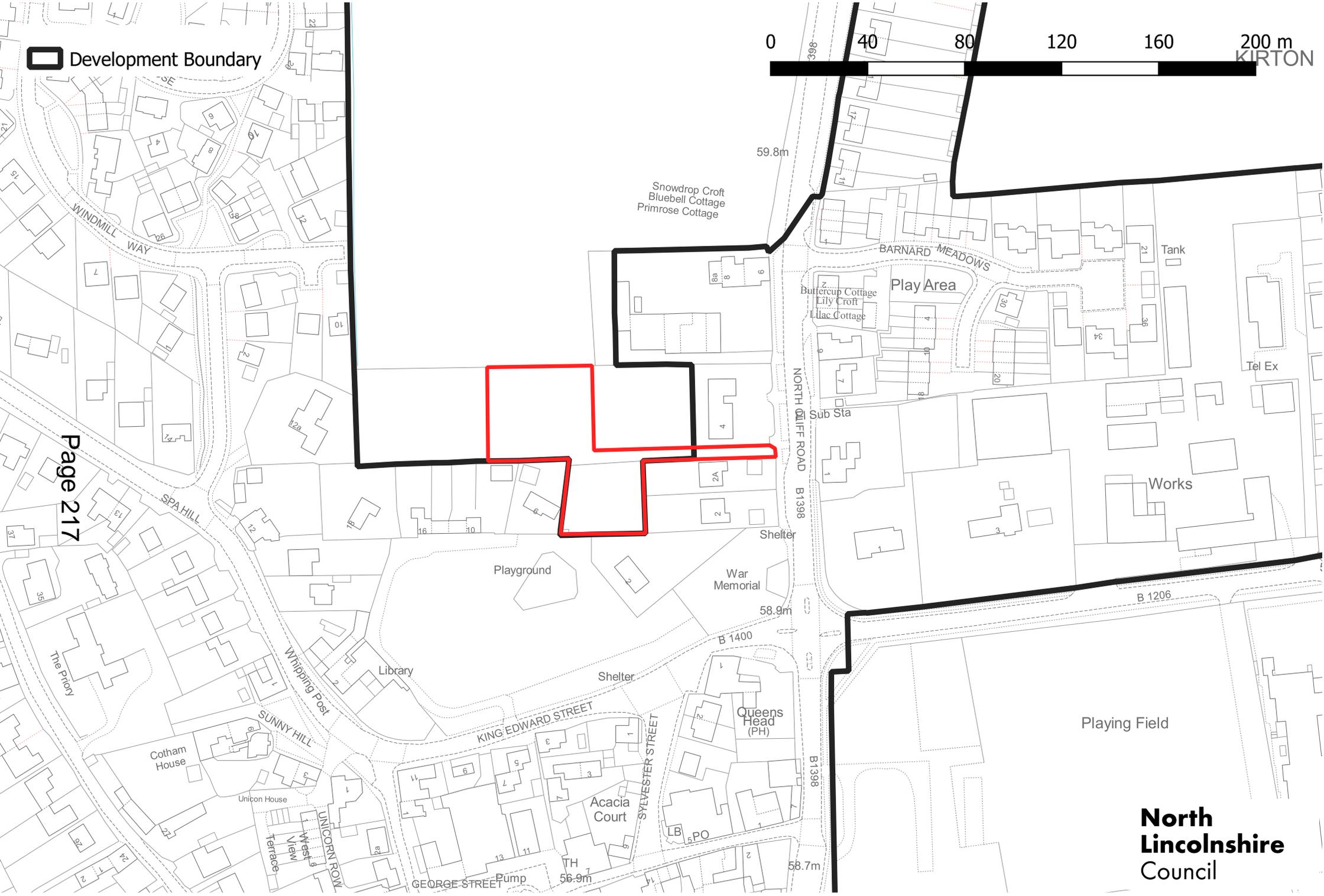
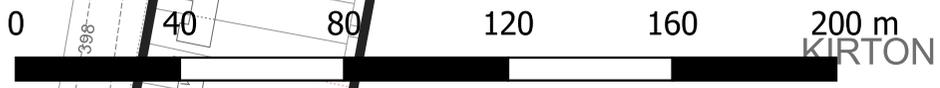
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

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

Informative 5

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

 Development Boundary



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**North
Lincolnshire
Council**

PA/2021/362

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APPLICATION NO	PA/2021/271
APPLICANT	Mr Richard Hannigan, Frank Morgan School of Flying
DEVELOPMENT	Planning permission to erect a prefabricated modular building
LOCATION	Frank Morgan School of Flying, Plot 5a adjacent to Hangar 2, Franklin Way, Humberside Airport, Kirmington, DN30 6YH
PARISH	Kirmington
WARD	Ferry
CASE OFFICER	Nick Salt
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Application by a member of the council on behalf of flying school

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

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 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.’

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

North Lincolnshire Local Plan:

Policy DS1: General Requirements

Housing and Employment Land Allocations DPD:

Policy HUME-1

CONSULTATIONS

Highways: No comments or objections.

Environmental Protection: Due to the current use of the site as an airfield there is the potential for the site to have been impacted upon by contaminants such as hydrocarbons and PFAS. Advise a condition relating to unexpected contamination.

Drainage (Lead Local Flood Authority): No objections or comments.

PARISH COUNCIL

No comments received.

PUBLICITY

Advertised by site notice. No comments received.

ASSESSMENT

Site description

The application site is part of the wider Humberside International Airport and forms part of a cluster of commercial buildings along Franklin Way and the west of the runway and airport terminal.

The site itself is approximately 200m² and currently consists of two small commercial buildings, with a larger building to the immediate west and the airport to the east. The site has been operated as part of a flying school, although is currently derelict.

Proposal outline

Proposed is a replacement prefabricated building measuring 64.8m², with a ridge height of approximately 3.2m. The building would be used for the established flying school and house all associated administration tasks, including those required by the Civil Aviation Authority. It would contain a briefing room used to conduct pre- and post-flight briefings for trainee pilots. It would also be used for theoretical lectures and for sitting online examinations in connection with the flying school.

Assessment

The key considerations in the assessment of this application are:

- **the principle of the development; and**
- **visual impact.**

Principle of development

The proposed development would relate to an established use on the site – that of a flying school. The expansion of the flying school would be considered an appropriate form of development for the area, given the airport location.

The building would not expand the built development outside the existing building line or into the taxi areas for the airport. The proposal would make a modest contribution to economic growth, as the applicant anticipates the employment of one additional full-time employee.

The site is within the development boundary of Humberside Airport as identified in the Housing and Employment Land Allocations DPD. Policy HUME-1 of the HELA DPD states that the site should be developed for a mix of B1 (Business/Light Industrial) and B8 (Storage and Distribution) uses, and ancillary uses which support or are associated with the airport functions. The proposal is considered to be ancillary to existing airport uses and the principle of the development is considered to be acceptable.

Design and appearance

The site is located within a commercial area which is not particularly sensitive in terms of design. It is therefore concluded that the scheme would not have an unacceptable impact on the character of the site or surrounding area. The building would sit alongside substantially larger commercial buildings and would replace an existing similarly sized building.

The industrial appearance and scale of the building would be in keeping with the appearance of the area and surrounding context in accordance with local plan policy DS1 and Core Strategy CS5.

Other matters

The site is not in close proximity to any residential use or other use which would be impacted by the additional industrial development.

The proposal would not result in any alterations to the existing access/egress arrangements at the site and would be unlikely to result in a significant increase in vehicle movements to and from the site. With these factors in mind, and given the lack of objection from Highways, it is considered that the scheme would not have an unacceptable impact on highway safety or capacity.

The council's Environmental Protection team have reviewed the proposal and note that, due to the current use of the site as an airfield, there is the potential for the site to have been impacted upon by contaminants such as hydrocarbons and PFAS. As such, a condition is recommended requiring any unexpected contamination to be dealt with in conjunction with the planning authority. This condition is considered to be reasonable for this proposal and shall be added to any approval.

Conclusion

In summary, the proposed building would support an established use (flying school), which is considered appropriate development for the site location at Humberside Airport. No unacceptable visual, amenity, highway or other impacts have been identified, and the proposal is therefore considered to accord with the relevant local and national planning policy as outlined above.

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:

- TQRQM21047103143569 - Location Plan;
- TQRQM21047101637219 - Block Plan;
- PBSE7795 rev A - Plans and Elevations.

Reason

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

3.

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 site users.

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.

SGHIPHQL WAY

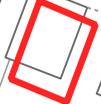
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Car Park

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URR ROAD



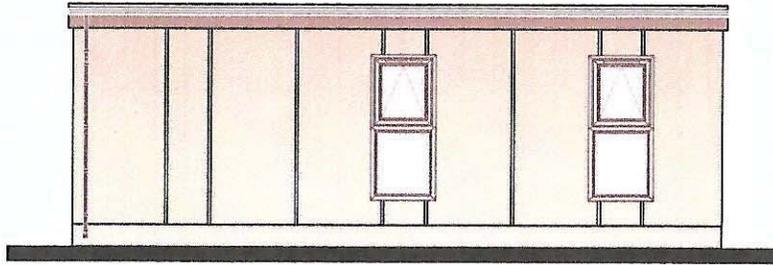
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EI Sub Sta

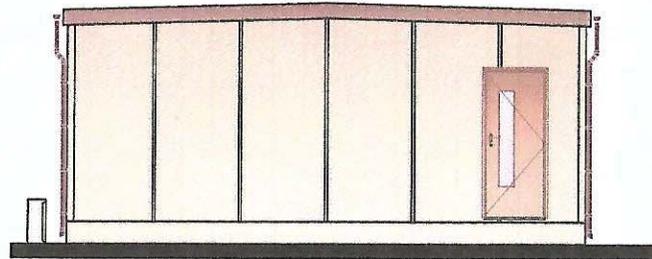
FRANKLIN WAY

**North
Lincolnshire
Council**

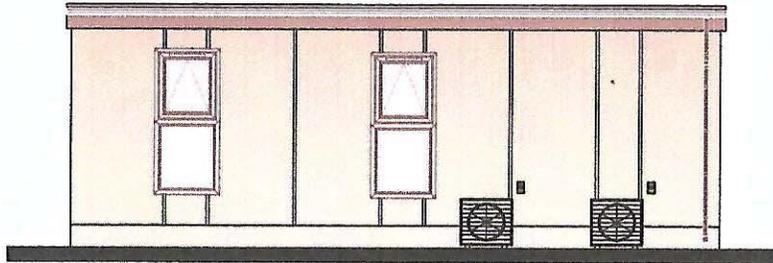
PA/2021/271 Proposed elevations (not to scale)



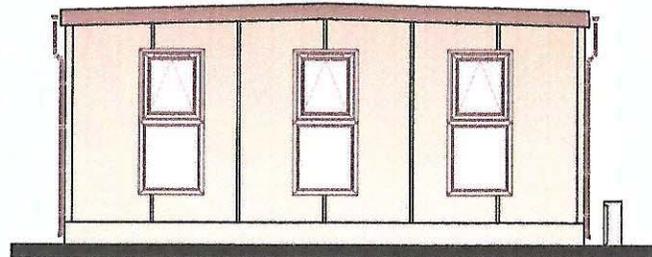
Elevation A



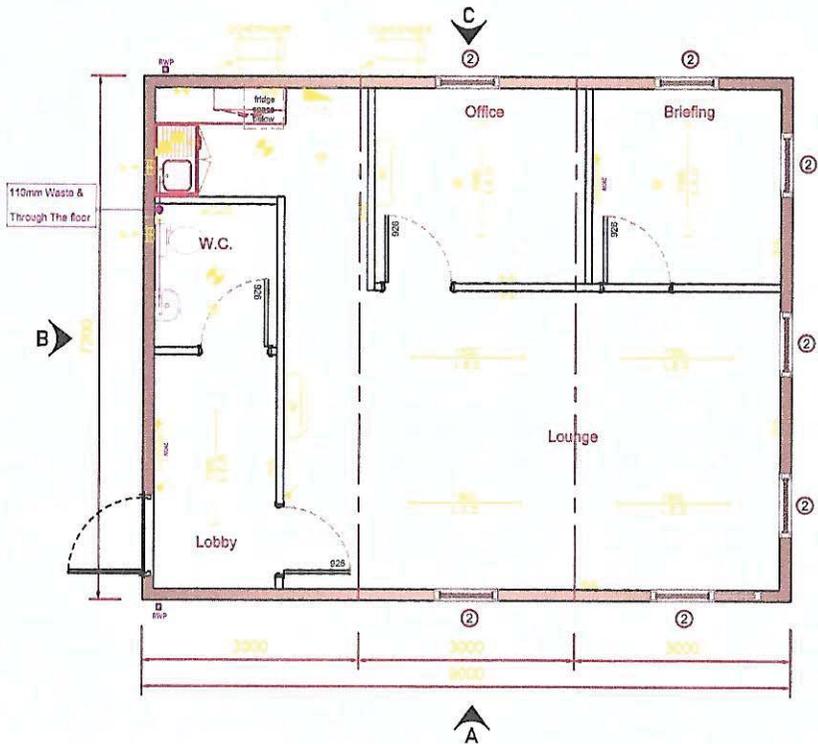
Elevation B



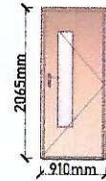
Elevation C



Elevation D



Extrenal Doors & Windows



Window Type 2
 600mm wide x 500mm high
 White upvc, double glazed
 4000mm² (table vent) per sash
 Restrictor stays (100mm)
 and lockable handles

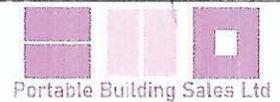
Building Specification

Main Body: Goosewing Grey, 10A05
 Finish: Plastic Coated Steel
 Corners: Goosewing Grey, 10A05
 Door: White uPVC
 Windows: White uPVC
 Flooring: TBC

Drawing Legend

- Distribution Board
- Electrical Inlet
- Single 13Amp Socket (450mm AFFL)
- Double 13Amp Socket (450mm AFFL)
- Double 13Amp Socket (1100mm AFFL)
- H/L Single Switch Fused Spur
- Below Work Top Level Single Switched Spur
- Switched Spur
- Unswitched Spur
- Telephone Outlet Socket (450mm AFFL)
- Data Point
- 20A DP Isolator
- 45A DP Isolator
- 6A Double Pole Pulswitch
- 20A Double Pole Lightswitch (1200 AFFL)
- HL Convector Heater
- Convector Heater
- Tubuler Heater
- Under Sink Water Heater
- Emergency Lighting
- Internal Bulkhead Light
- Fluorescent Light With Diffuser
- Category 2 Lighting
- LED Tubular Lighting
- Vapor Proof Fluorescent Light
- External Bulkhead Lighting
- Passive Infrared Sensor
- Extractor Fan
- Air Conditioning Condenser
- Air Conditioning Unit
- Cold Water Point
- Rainwater Down Pipe
- Foul Outlet
- Frost Thermostat

REV	DATE	DESCRIPTION	BY
A	04/01/2021	Layout updated	S.A.A.



Frank Morgan Project: Refurbished 3 bay Office Drawing: Plan & Elevations	
Drawn By: S.A.A.	Date: 05/01/2021
Checked By: A3	Scale: 1:75
Drawing Number: PBSE7795	Rev: A

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