

# Public Document Pack

## NORTH LINCOLNSHIRE COUNCIL

### PLANNING COMMITTEE

22 September 2021

**Chairman:** Councillor Nigel John  
Sherwood

**Venue:** Conference Room,  
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). (Pages 1 - 2)
3. Applications deferred from previous meetings for a site visit. (Pages 3 - 4)
  - (a) PA/2021/1032 Outline Planning Permission to erect a dwelling with all matters reserved for subsequent consideration at 14 Gollands Lane, Westwoodside, DN9 2AX (Pages 5 - 18)
  - (b) PA/2021/1033 Planning Permission for change of use of garage/outbuilding to restaurant/cafe (Use Class A3) [now Class E (Commercial, business and service)] and associated works at Garage/outbuilding at 2 Westgate Road, Westgate, Belton, DN9 1QG (Pages 19 - 30)
4. Major Planning Applications. (Pages 31 - 32)
  - (a) PA/2021/715 Outline Planning Permission for up to 34 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration (including demolition of existing workshop, polytunnel and stable) at Fruit Farm, 58 Station Road, Epworth, DN9 1JZ (Pages 33 - 54)
5. Planning and other applications for determination by the committee. (Pages 55 - 56)
  - (a) PA/2021/1097 Outline Planning Permission to erect a two-storey dwelling

with appearance, landscaping, layout and scale reserved for subsequent consideration at Pond Farm, Trentside Road, Kelfield, DN9 1AG (Pages 57 - 70)

- (b) PA/2021/1180 Outline Planning Permission to erect five dwellings with all matters reserved for subsequent consideration and demolition of existing dwelling at 18 Manor Road, Bottesford, DN16 3PA (Pages 71 - 82)
  - (c) PA/2021/1336 Application for permission in principle to erect up to three dwellings at land adjacent to 51 The Nooking, Haxey (Pages 83 - 92)
6. 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**

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

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

**MEETING:** Planning Committee

**DATE:** 22 September 2021

**Member Name:** \_\_\_\_\_

Page Number	Agenda Item Number or Application Number	Nature of Interest (Disclosable Pecuniary, Personal or Personal and Prejudicial)	Reason/Nature of Declaration
Page 1			

**DECLARATIONS OF LOBBYING**

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

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

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

## **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 in the morning on the day 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 22 September 2021.docx  
Date: 13 September 2021

**Background papers used in the preparation of this report:**

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

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

**Statement of publication's purpose**

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<b>APPLICATION NO</b>	<b>PA/2021/1032</b>
<b>APPLICANT</b>	Steven Hall
<b>DEVELOPMENT</b>	Outline planning permission to erect a dwelling with all matters reserved for subsequent consideration
<b>LOCATION</b>	14 Gollands Lane, Westwoodside, DN9 2AX
<b>PARISH</b>	Haxey
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Nick Salt
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in (Cllr David Rose – significant public interest) Objection by Haxey Parish Council

## **POLICIES**

### **National Planning Policy Framework:**

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

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

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

Paragraph 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 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 60 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.'

With regard to highways, paragraph 111 notes that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 130 relates to design, and states that planning policies and decisions should ensure that developments:

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

Paragraph 197 states that in determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

**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)

CS19 (Flood Risk)

**North Lincolnshire Local Plan:**

Policy H5 (New Housing Development)

Policy H7 (Backland and Tandem Development)

Policy H8 (Housing Design and Housing Mix)

Policy H9 (Housing Density)

Policy LC14 (Area of Special Historic Landscape Interest)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

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)

Inset Map for Westwoodside

## CONSULTATIONS

**Highways:** No objection subject to conditions on the provision of acceptable parking and access arrangements.

**Historic Environment Record:** Recommends refusal. The application is within the Area of Special Historic Landscape Interest of the Isle of Axholme (Local Plan Policy LC14). This area is designated for its unique historic landscape retaining the pattern of ancient open strip fields and enclosures surrounding the villages on the Isle. The application site is located within the Ancient Open Strip Fields (AOSF), the core historic landscape character type of the highest significance.

The proposed dwelling would be an unacceptable extension and intrusion of the built environment into the historic landscape, contributing to adverse character change and affecting the setting and legibility of the character. This would contribute to the erosion of what makes the landscape of the Isle an area of Special Historic Landscape Interest and could encourage further inappropriate applications within the AOSF at Westwoodside.

The Historic Environment Record recommends refusal of planning permission as the development would adversely affect the character, appearance and setting of the historic landscape contrary to the NPPF, Core Strategy policies CS5 and CS6 and local plan policies LC14, LC7 and DS1.

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

**Environmental Protection:** Considering the proposed sensitive end use of the development, this department would recommend a monitoring condition regarding contamination.

## PARISH COUNCIL

Objects, making the following comments.

- The site forms part of a street scene that was formerly social housing and the layouts of the properties on Gollands Lane is a number of blocks of single semi-detached dwellings served by an access along Gollands Lane. Gollands Lane itself is single track with some passing places. While the properties are fairly unremarkable, they represent a very characteristic type of housing and gardens for the time they were built and give the area its own character within Westwoodside.
- The proposal falls within the building envelope and would be forward of the current building line of the properties along Gollands Lane.
- While this is garden development it has to be viewed within the context of the layout of the properties that form the area. The proposal is garden development of the side gardens of the semi-detached dwelling abutting Gollands Lane along the frontage of Gollands Lane and can be viewed as currently not infill for the purposes of the local plan and therefore not commensurate with NPPF 70 which states: Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Local plan H5 (c) (e) (f) and H7. These are saved policies and have not been revised or updated in line with NPPF 70 and therefore have to be considered against the current policy.

- The granting of permission would set a precedent and could lead to similar developments that would destroy the character of this area and other similar sites and increase the volume of traffic that already uses Gollands Lane.
- The housing type is not social or affordable and is considered market housing for which no current local plan identifies the need in Westwoodside.
- As it is outline permission at this time, we cannot assess the impact on privacy or amenity of other properties, other than to comment on its proximity to the roadside and scale would be imposing and dominant.

## **PUBLICITY**

Advertised by site and press notice. Eight comments of objection have been received, raising the following concerns:

- overlooking potential
- loss of view
- increased traffic on the lane
- limited parking in the area
- concerns over the telegraph pole
- drainage concerns and building control issues
- sited too close to the road
- visual impact from increased hardstanding
- uncertainty over ownership of part of the site
- potential for a precedent to be set in the area
- access and driveway is already shared between four properties
- no clarity on repositioning of telegraph pole
- potential landslide issues
- images used are out of date as 20 and 18 Gollands Lane have had two-storey extensions
- concerns over the positioning of the propane gas tank
- poorly served by public transport.

## **ASSESSMENT**

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

## Site

The application site forms the residential curtilage of 14 Gollands Lane on the west side of Gollands Lane in Westwoodside, a narrow lane linking the north and south of the village with a row of semi-detached two-storey dwellings sat above, and at an acute angle to, the lane. The site lies within the development boundary of Westwoodside as defined in the Housing and Employment Land Allocations DPD. It is not within a conservation area and does not affect a listed building, but it is within the Isle of Axholme Area of Special Historic Landscape Interest. It is in a lower risk (SFRA Level 1) flood zone.

The two-storey semi-detached dwelling has a side lawn beyond a single-storey side extension, with timber fencing bounding the lane below. Numerous neighbouring dwellings feature two-storey side extensions including numbers 18 and 20, which have been constructed in recent years. Access to number 14 is currently shared with neighbouring dwellings, including the adjoining dwelling at number 16 to the northwest.

## Proposal

Outline planning permission is sought to erect a single additional dwelling on the site. Access, appearance, landscaping, layout and scale are all reserved matters. As such, the proposal seeks to establish whether an additional dwelling on this site could feasibly be accommodated without unacceptable harm resulting.

**The main issue in the determination of this application is the principle of the development and whether the site can be developed sustainably without having an adverse impact on the character of the site and surrounding area.**

## Principle of 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 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 located wholly within the defined development boundary of Westwoodside as per the Housing and Employment Land Allocations DPD and, as such, there is a general presumption in favour of development. Policy CS1 of the Core Strategy is concerned with the overarching spatial strategy for North Lincolnshire. Westwoodside is in the tier of larger rural settlements. This policy supports thriving rural communities and a vibrant countryside. It states that development will be limited and should consider levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Core Strategy policy CS2 sets out a sequential approach to development on certain land types. It states that development should be focused on, among other things, small-scale developments within the defined development limits of rural settlements to meet identified local needs. Policy CS8 relates to the spatial distribution of housing sites. The policy indicates, among other things, that new housing within the rural settlements will create

opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

Further to the above, Central Government places high importance on new homes being delivered throughout the country to address the chronic shortage. North Lincolnshire Council has recently demonstrated in August 2021 that it has a five-year housing land supply, and there is no 'tilted balance' in favour of the proposal for housing as a result. Nevertheless, the proposed scheme would result in the net delivery of one additional housing unit at the site which would modestly contribute to the mix of housing types within the locality.

Residential development on this site has the potential to meet the economic (via 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 the sustainability of the site, it is within an existing residential area and within close proximity to some essential services, including convenience stores and bus services. 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 for a modest increase in density by one dwelling, in relation to its proximity to existing community and transport services.

The proposal would result in tandem development adjacent to the existing dwelling at number 14. Local plan policy H7 states that such development will be generally acceptable provided that there are no unacceptable adverse impacts on amenity or the appearance of an area.

It is considered, therefore, that the application site is in a sustainable location within an existing development boundary and would not result in an encroachment of built development into the surrounding countryside. The broad principle of development is acceptable, subject to the further considerations below, specifically with regard to impact on the Area of Special Historic Landscape Interest.

### **Indicative plans and heritage impact**

Whilst all matters are reserved, the applicant has provided an indicative site plan for the proposal, and the following comments should be taken as advice.

Policy CS5 of the North Lincolnshire Core Strategy is concerned with delivering quality design in North Lincolnshire. It states that "...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable."

This is reinforced within the local plan in policies H5, which requires development to be in keeping with the character of its surroundings, and DS1 which also relates to good residential design. As noted above, policy H7 is also relevant in this regard.

The Historic Environment Record (Archaeology) have objected to the proposal. The council's archaeologist has indicated that the application site lies within the Area of Special

Historic Landscape Interest of the Isle of Axholme (local plan policy LC14) and this area is designated for its unique historic landscape retaining the pattern of ancient open strip fields, enclosures and turbaries surrounding the villages on the Isle. The concerns of the Historic Environment Record are noted. It is worth noting also that the adopted HELADPD proposals map shows the site fully within the development boundary. Regarding the Area of Special Historic Landscape Interest of the Isle of Axholme, a planning balance must be made regarding impact on the landscape and the provision of sustainable residential development. As this is an outline application, it is considered that, with appropriate design, landscaping and boundary treatment to best preserve and enhance the surrounding area at the reserved matters stage, the impact on the landscape can be mitigated. The provision of housing, and the minimal impact the proposal would have, are considered to outweigh the impact on the historic landscape – subject to careful, modest and sympathetic design.

Any detailed design should take into account the modest scale and design of the existing dwellings on Gollands Lane and should be sympathetic to the adjoining and adjacent dwellings. The development must not dominate the site. The indicative site plan provided shows a dwelling which would extend the built development on the site to within close proximity of the lane, which sits lower than the site itself below a grass bank. A dwelling is unlikely to be acceptable which would break with the existing pattern of development on the lane to this degree, which is characterised by varied distances from the lane but with all dwellings set well back from the eastern site boundaries. A two-storey element close to the lane in particular is likely to result in an overbearing appearance from the lane, and harm to the character and appearance of the street scene and surrounding landscape.

Consideration should also be given to landscaping and the retention of natural boundary treatments and trees where possible. The planting of trees is also encouraged, which would help to reduce the impact of the proposal and preserve the semi-rural appearance of the street scene.

The applicant is advised to consider a layout and design which respects the existing pattern of development, does not overbear on the adjacent highway, and does not unacceptably harm the historic landscape. With that in mind, development as shown on the indicative site plan is unlikely to be acceptable. However, it is considered that a sustainable and appropriately designed dwelling could feasibly be accommodated on the site, particularly given the existence of large two-storey side extensions on neighbouring properties along the lane.

### **Other matters**

The site is within a lower risk flood zone and it is not considered that an additional dwelling here, subject to adequate drainage, would increase the risk of local flooding. Consequently, the proposal is considered to comply with policies DS14 and DS16 of the North Lincolnshire Local Plan, policy CS19 of the Core Strategy and the National Planning Policy Framework in terms of flood risk.

Numerous concerns have been raised in objections relating to detailed design, including drainage, the existing telegraph pole, the positioning of a propane gas tank, access and parking, and impact on amenity. These matters are not for consideration at this outline stage, which does not relate to any specific design.

Matters relating to potential landslips would be dealt with at building control stage if and when applicable. With regard to precedent, each planning application is considered on its

own merits. Nevertheless, the constraints posed by the site, and Gollands Lane more generally, are unlikely to encourage unacceptable levels of development.

Local plan policy DS7 relates to contamination. In order to prevent harm to future construction workers or site occupants, a condition requiring any unexpected contamination to be dealt with in tandem with the council shall be added as recommended by the Environmental Protection team.

Although access is not sought to be approved as part of this outline application, it should be noted that access to the site would be via Gollands Lane and likely shared with number 14 and neighbouring properties. It is therefore believed that access to the site can be achieved. Due to the size of the application site, it is likely that safe parking and turning of vehicles in and out of the site can be provided without posing a danger to other vehicles using Gollands Lane. Highways has no adverse comments to make on the application subject to the imposition of two conditions. It is therefore considered that the proposal complies with policy T2: Access to Development and policy T19: Car Parking Provision and Standards.

In terms of amenity standards, consideration must be given to the amenity impact for any dwelling on the site, as well as the potential impact upon occupants of surrounding properties. It is considered that the development could be accommodated whilst preserving an adequate and useable rear amenity space for number 14, and privacy and natural light to neighbouring dwellings.

## **Conclusion**

The wider principle of residential development here is considered to be acceptable, with sustainable, appropriate development being potentially feasible.

Any subsequent reserved matters application should ensure compatibility of design with the street scene, accounting for the size of the plot and the need to respect the building pattern along the Lane. The concerns raised regarding impact on the historic landscape are also a key factor and future design must be sensitive to this heritage asset. It is considered that the site is of sufficient size to accommodate a dwelling as shown on the indicative site plan provided whilst avoiding unacceptable impacts on the amenity of neighbouring residents, and providing adequate parking, turning and access, in addition to retaining adequate amenity space for number 14.

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

## **Pre-commencement conditions**

The pre-commencement condition recommended has been agreed with the applicant.

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

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

Reason

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

2.

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

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

No development shall take place until details of:

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

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

Reason

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

6.

The 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.

7.

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

#### Reason

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

#### **Informative 1**

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

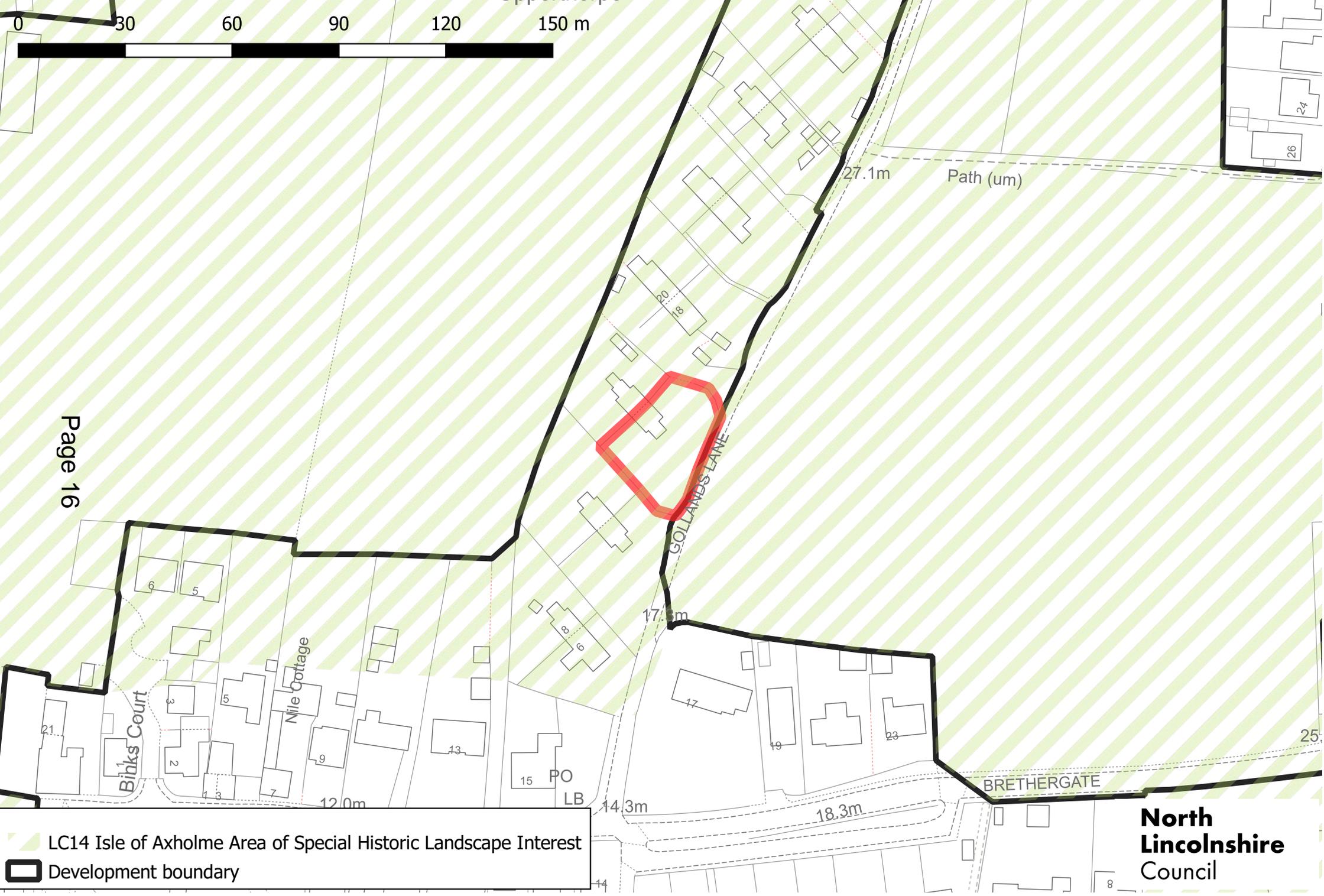
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

#### **Informative 2**

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

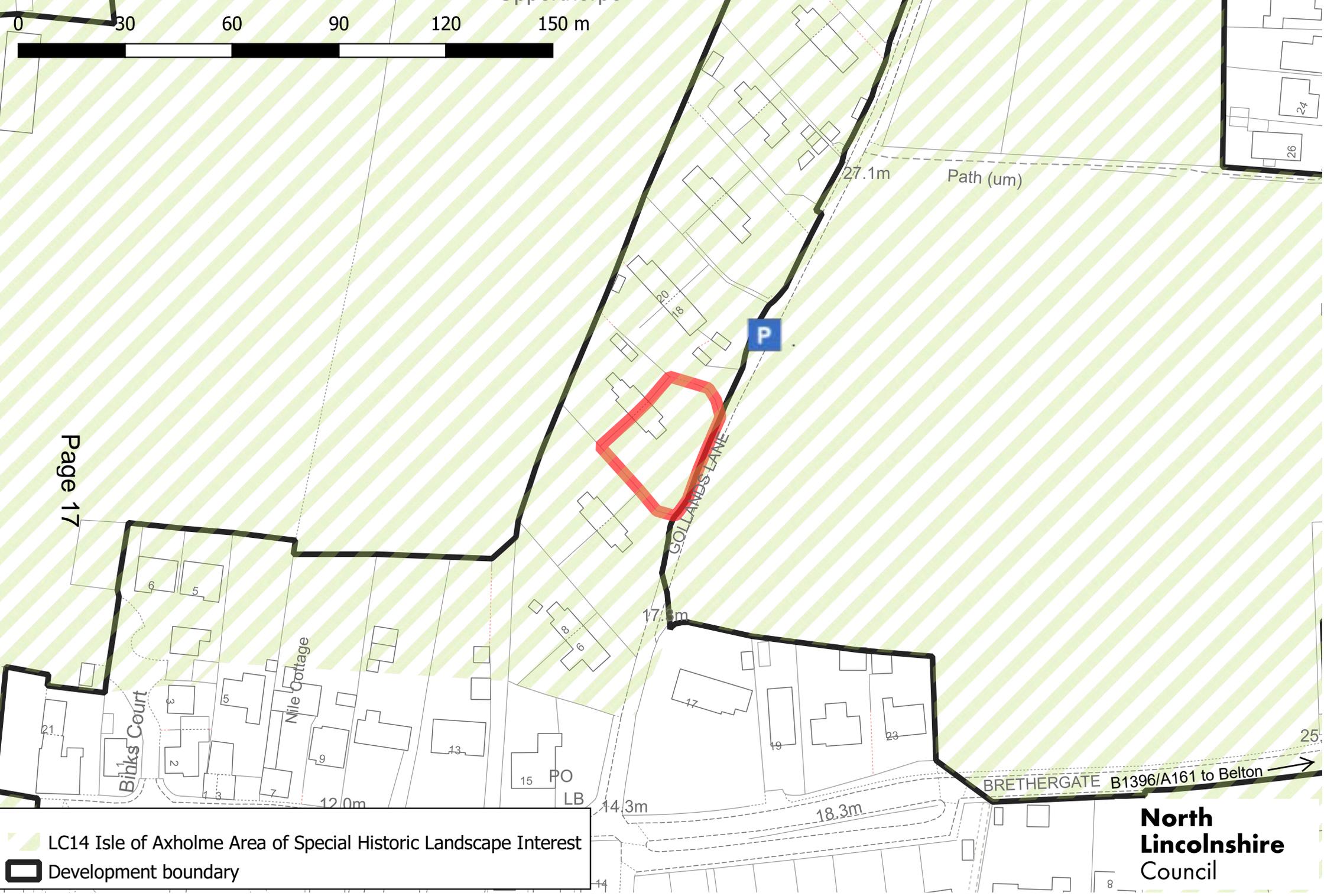


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 LC14 Isle of Axholme Area of Special Historic Landscape Interest  
 Development boundary

**North  
Lincolnshire  
Council**



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 LC14 Isle of Axholme Area of Special Historic Landscape Interest  
 Development boundary

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Lincolnshire  
Council**

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<b>APPLICATION NO</b>	<b>PA/2021/1033</b>
<b>APPLICANT</b>	Mr J Oates Smith
<b>DEVELOPMENT</b>	Planning permission for change of use of garage/outbuilding to restaurant/café (Use Class A3) [now Class E (Commercial, business and service)] and associated works
<b>LOCATION</b>	Garage/outbuilding at 2 Westgate Road, Westgate, Belton, DN9 1QG
<b>PARISH</b>	Belton
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Emmanuel Hiamey
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Tim Mitchell – significant public interest)

## **POLICIES**

### **National Planning Policy Framework:**

Chapter 6: Building a strong, competitive economy

Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider development opportunities. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

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

Policy RD2: Development in the Open Countryside

Policy DS1: General Requirements

Policy DS4: Changes of Use in Residential Areas

Policy DS11: Polluting Activities

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

Policy S9: Restaurants and Hot Food Takeaway Establishments

**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 CS14: Retail Development

Policy CS19: Flood Risk

**CONSULTATIONS**

**Environmental Protection:** No objection subject to conditions relating to noise, and extraction or filtration.

**Historic Environment Record:** No objection.

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

**Highways:** No objection subject to conditions.

**PARISH COUNCIL**

Belton Parish Council has no objection to the application but recommends the owner makes enough parking available for the number of people expected and ensures it is as unobtrusive as possible with deliveries, noise and concerns over school drop-off and pick-up times where the road is busy.

**PUBLICITY**

A site notice has been posted. Fourteen responses have been received raising the following concerns:

- the property boundary
- parking spaces
- pedestrian safety at the access
- the café would take away business from similar food outlets in the area
- noise nuisance
- increased traffic
- drainage systems

- flooding.

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

The site is bounded by Westgate Road to the south, the A161 to the east, 8 Westgate Road to the west and a field to the north screened by mature trees and high growing vegetation. It currently has permission to increase the height of the existing single-storey detached dwelling to form a two-storey dwelling.

This proposal seeks permission for a change of use of the existing garage to a restaurant or café. The proposed other works relate to internal alterations, which would be limited to forming a new accessible/unisex WC and infrastructure works associated with the disposal of wastewater. Other alterations to facilitate a change of use from a garage/outbuilding to a café include the installation of new windows to the principal (east) elevation and an air conditioning system and a cooking extract vent.

The café area would accommodate 25 seats and contain a counter or servery area. There would be a new accessible unisex toilet, commercial kitchen provision for separate food preparation, cooking and service/washing and a storage area separate from the kitchen area. Parking is to be provided for three vehicles (including one accessible parking space).

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

- **the principle of the development;**
- **whether the change of use of the existing garage to a restaurant or café would harm the character and appearance of the dwelling;**
- **whether the loss of the garage would negatively impact existing domestic parking spaces;**
- **whether the change of use of the existing garage to a restaurant or café would raise issues of traffic safety;**
- **whether the change of use of the existing garage to a restaurant or café would harm the street scene; and**
- **whether a change of use of the existing garage to a restaurant or café would impact the amenities of adjacent properties.**

### **The principle of the development**

Chapter 6 of the NPPF (Building a strong, competitive economy) requires that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic

growth and productivity, considering both local business needs and wider development opportunities. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, and the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Policy RD2 of the North Lincolnshire Local Plan (Development in the Open Countryside) requires development in the open countryside to be strictly controlled. This policy sets out the council's overall development control policy for development within the open countryside. It aims to balance the needs and benefits of economic activity with maintaining and/or enhancing the quality of the countryside. It promotes the positive benefits of rural diversification by ensuring the long-term social and economic vitality of rural areas. It states that planning permission will only be granted for certain types of development, including the re-use and adaptation of existing rural buildings, provided that the development would not be detrimental to the character or appearance of the open countryside, or a nearby settlement, in terms of siting, scale, massing, design and use of materials, and the development would not be detrimental to residential amenity or highway safety.

Policy DS4 (Changes of Use in Residential Areas) of the local plan states that within residential areas, favourable consideration will be given to proposals for a change of use from residential to other uses, provided that the development will not adversely affect the appearance and character of a residential area or residential amenity by noise, vibration, traffic generation, reduction in road safety, odorous emissions (by way of dust, smell, fumes, smoke, soot, ash or grit) or other adverse environmental conditions. The purpose of this policy is related to policy DS3, which seeks to help encourage the growth and development of small businesses but to maintain control over the impact that business activity, carried out at home, can have on the surrounding area.

Policy S9 (Restaurants and Hot Food Takeaway Establishments) states that proposals for restaurant and hot food takeaway establishments will be permitted in town, district and local centres subject to the following criteria:

- (a) the premises are not located where individually or cumulatively they would harm the occupiers of nearby residential properties because of noise and disturbance, litter or on-street parking;
- (b) the development must not create a road safety hazard or create traffic congestion, due to it being located on a bend, junction, hill or any other restriction on the public highway;
- (c) suitable off or on-street parking is available on or near the premises to avoid detriment to road safety or residential amenity;
- (d) a suitable fume extraction system and refuse storage area is installed to ensure that the amenity of nearby residents is protected from the emission of smells and fumes;
- (e) when planning permission is granted for restaurants and hot food takeaway establishments, the council will consider whether it is desirable to impose conditions, including limiting the hours that the premises may remain open, to avoid possible loss of amenity to nearby residents resulting from noise and disturbance.

In this case, while the site is outside the development boundary, it is located at the edge of the settlement boundary, which is a residential area and not visually detached from the town. It is also worth noting that there is no defined town centre and there is a fish and chip takeaway nearby.

The planning authority believes that while this policy is limited to town, district and local centres a case can be made for this proposal given the unique position of the site. Regarding sustainability, the North Lincolnshire Local Plan primarily seeks to ensure that development provides jobs; improves shopping, leisure, transport and education facilities; increases economic prosperity; and provides for the needs of all residents whilst at the same time protecting and improving the natural and built environment. On balance, the proposal would provide a useful service to shoppers and local residents and improve the quality of life by providing jobs, which would contribute to the economy of the town and make the town a better place for all residents.

In general, the principle of development is acceptable.

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

Policy CS5 (Delivering Quality Design in North Lincolnshire) of the Core Strategy sets out the key design principles for all new development in North Lincolnshire. It aims to ensure that development supports the creation of a high-quality built environment that is attractive to residents, investors and visitors.

Policy DS1 of the local plan states that a high standard of design is expected in all developments in both built-up areas and the countryside, and proposals for poorly designed development will be refused. All proposals will be considered against the quality of design, amenity impact, conservation, resources and utilities and services.

Concerning the quality of design, the site is an existing domestic garage, and the proposal would be limited to internal and minor external changes. Furthermore, the development would not increase the footprint of the existing garage. Consequently, the quality of the design of the existing garage would not significantly be altered and would therefore not significantly affect the appearance and character of the residential property or the area.

### **Impact on neighbouring residential amenity**

In terms of impact on neighbouring residential amenity, Policy DS11 (Polluting Activities) 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. This policy is designed to control pollution and to limit and reduce nuisances such as noise, smells and dirt. Criteria d) of Policy S9 is also relevant and states "a suitable fume extraction system and refuse storage area is installed to ensure that the amenity of nearby residents is protected from the emission of smells and fumes..." In this case, the main concerns relate to smoke, fumes, smell and noise. Having considered smoke, fumes and smell, the applicant has shown extraction vents would be fitted. While details have not been provided, it is likely an extraction filter hood would be installed to filter cooking fumes before releasing them through a vent in an outside wall. It is believed this

would be an effective form of filtration that would remove grease, odours and excess moisture from the air in the cooking environment. It is worth noting that no concerns have been raised by Environmental Protection in this regard. In terms of noise, the building has enclosures that would reduce the amount of noise emitted. Furthermore, the proposal would have a minimal detrimental impact on the amenity of neighbouring property by the noise/disturbance that could potentially be created by customers, particularly vehicles, arriving at the site.

There would be a suitable refuse storage area to ensure the amenity of nearby residents is protected from the emission of smells and fumes.

Overall, the Environmental Protection team has no objection to the proposal, but has indicated that the change of use to Use Class A3 (restaurants and cafés) [replaced by Class E (Commercial, business and service) in the amended Use Classes Order, September 2020] has the potential to introduce new noise sources to the area such as the coming and going of patrons, and noise from plant and extraction. With this in mind, the department has recommended the inclusion of conditions to minimise any potential noise impact if planning permission is granted. From the above, it is concluded that the proposal would not lead to a significant noise nuisance to the detriment of the amenities of neighbouring properties.

## **Highways**

Policy T2 of the local plan states that all development should be served by satisfactory access. Policy T19 is concerned with parking provision. Policy S9 criteria b) states “the development must not create a road safety hazard or create traffic congestion, due to it being located on a bend, junction, hill or any other restriction on the public highway”; and c) suitable off or on-street parking is available on or near the premises to avoid detriment to road safety or residential amenity...” Concerning the loss of the existing car parking space (garage), it is worth noting that the site has sufficient amenity space at the front of the property to accommodate the required car parking space for the dwelling and the three car parking spaces for customers of the proposed restaurant/café. Highways have not objected to the application but have recommended a condition be applied to any permission granted requiring that the proposed new unit is not brought into use until the parking spaces serving it has been completed in accordance with the approved details, and once completed shall be retained. Accordingly, the change of use of the garage/outbuilding to Class A3 (restaurants and cafés) [now Class E (Commercial, business and service)] and associated works would comply with policies T2, T19 and S9.

## **Flood zone**

The application site is within SFRA Flood Zone 1, which has a low probability of flooding. Also, the garage is existing and has drainage infrastructure for surface water. The Drainage team has no objections or comments to the proposed development. Accordingly, it is unlikely that the proposed change of use of the existing garage to a restaurant or café would raise an issue of surface water flooding that would warrant refusal of the proposal.

## **Public comments**

In response to comments received from the public with regard to concerns about the property boundary, the planning authority does not engage in property boundary litigation. It is also important to note that the applicant has signed the self-certification certificate of

ownership (Certificate A). With regard to parking spaces, pedestrian safety and traffic, Highways has not raised any issues and it is therefore judged that the proposal is acceptable in this regard. Further clarification is at the Highways section of this report. Concerns about drainage and flooding have been addressed in the flood zone section of this report, and concerns about noise under the section on impact on neighbouring residential amenities.

## **Conclusion**

In conclusion, the principle of the change of use of the existing garage to a restaurant or café is acceptable and given there would not be significant alterations to the exterior of the building, it would not have any negative impact on the character of the dwelling or the character of the area.

It is also judged that the proposed change of use of the existing garage to a restaurant or café would not result in a significant adverse impact on neighbouring amenities in terms of noise nuisance, considering the conditions recommended relating to opening times.

It is believed that this proposal would provide a job and a welcoming environment for residents to meet for teas and coffees during the day. Satisfactory parking provision and vehicular access can be afforded off Westgate Road and the proposal would not be detrimental to highway safety. The proposal would therefore comply with the NPPF.

## **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. 114-A4-01 B, Dwg. No. 114-A3-03 B, Dwg. No. 114-A2-05 P02, Dwg. No. 114-A2-04 P02, Dwg. No. 114-A3-04 B, and Dwg. No. 114-A3-02 B.

### **Reason**

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

3.  
The hours of operation of the restaurant or café shall be restricted to:

- 10am to 6pm Monday to Friday; and
- 10am to 4pm on Saturdays, Sundays and bank/public holidays.

### **Reason**

To minimise the potential of noise nuisance and prevent loss of amenity to nearby residential properties in accordance with policies DS1 and DS4 of the North Lincolnshire Local Plan.

4.

No plant for extraction or filtration shall be installed until details have been submitted to and approved in writing by the local planning authority. The details shall include a scheme for the extraction and filtration of cooking odours and should identify the final discharge point of cooking odours from the extraction and filtration system. The details shall also include an assessment of the likely noise impact of the plant on residential amenity, specifying noise output and any mitigation measures necessary. All plants shall be installed and maintained in accordance with the details approved by the local planning authority.

Reason

To minimise the potential for noise nuisance and prevent loss of amenity to nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

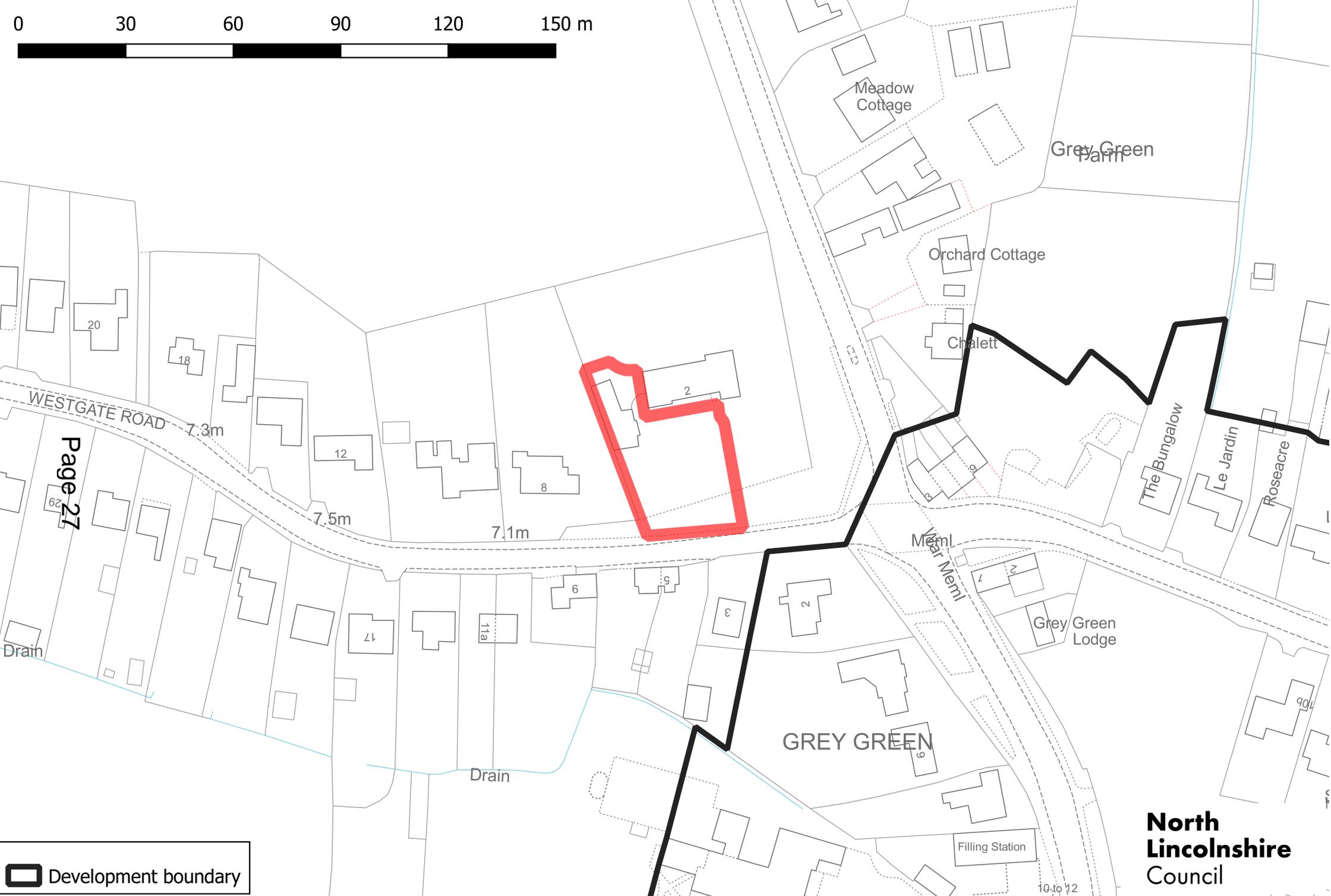
The proposed restaurant/café shall not be brought into use until the parking spaces serving it has been completed in accordance with the approved details and once completed the parking spaces shall be retained.

Reason

In the interests of highway safety and to comply with policy 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 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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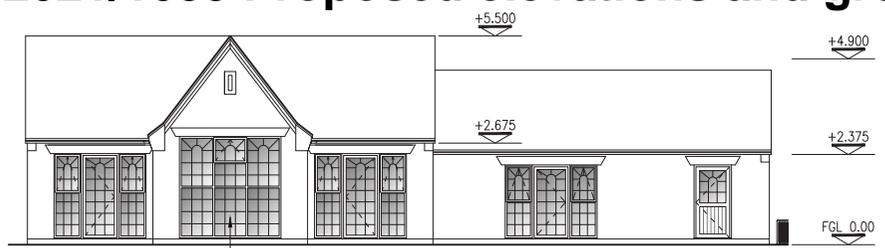
 Development boundary

**PA/2021/1033**

**North  
Lincolnshire  
Council**

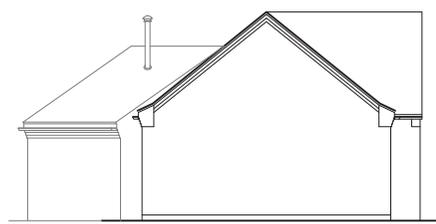
# PA/2021/1033 Proposed elevations and ground floor plan (not to scale)

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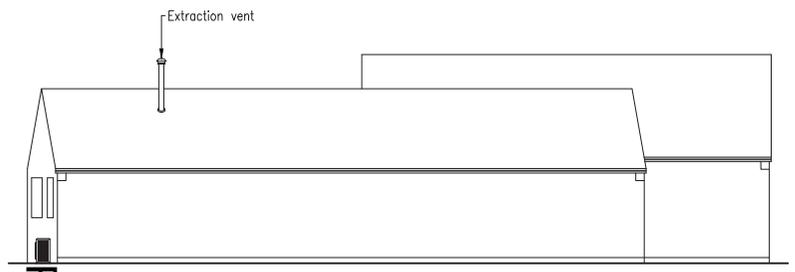


New Golden Oak PVCu windows c/w Georgian bars in glass to match existing

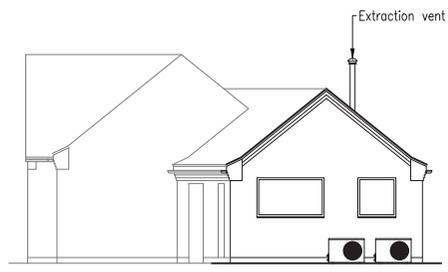
PROPOSED WEST ELEVATION



PROPOSED NORTH ELEVATION  
(As Existing)

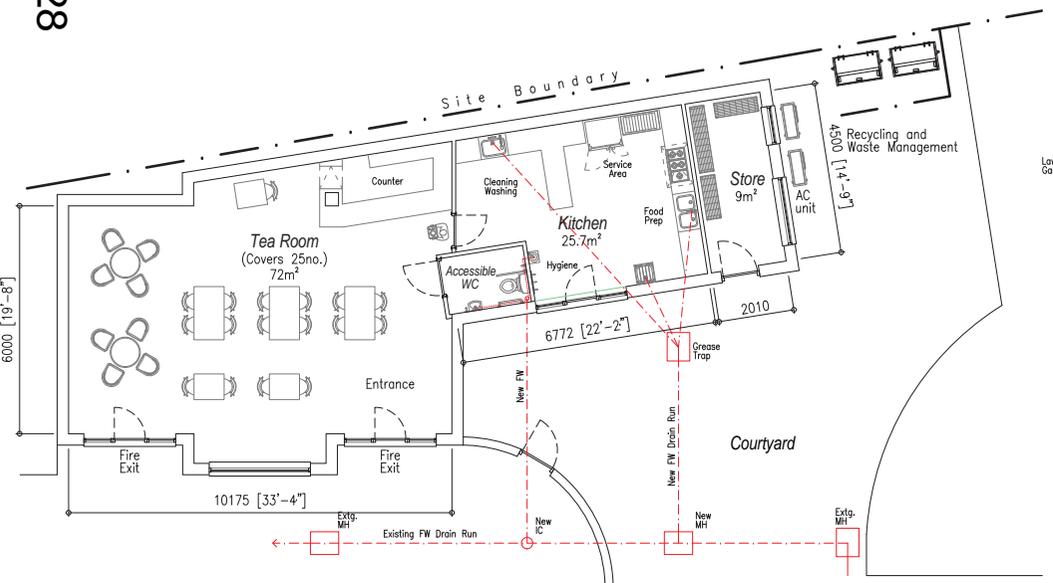


PROPOSED EAST ELEVATION  
(Existing)



PROPOSED SOUTH ELEVATION  
(As Existing)

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PROPOSED FLOOR PLAN

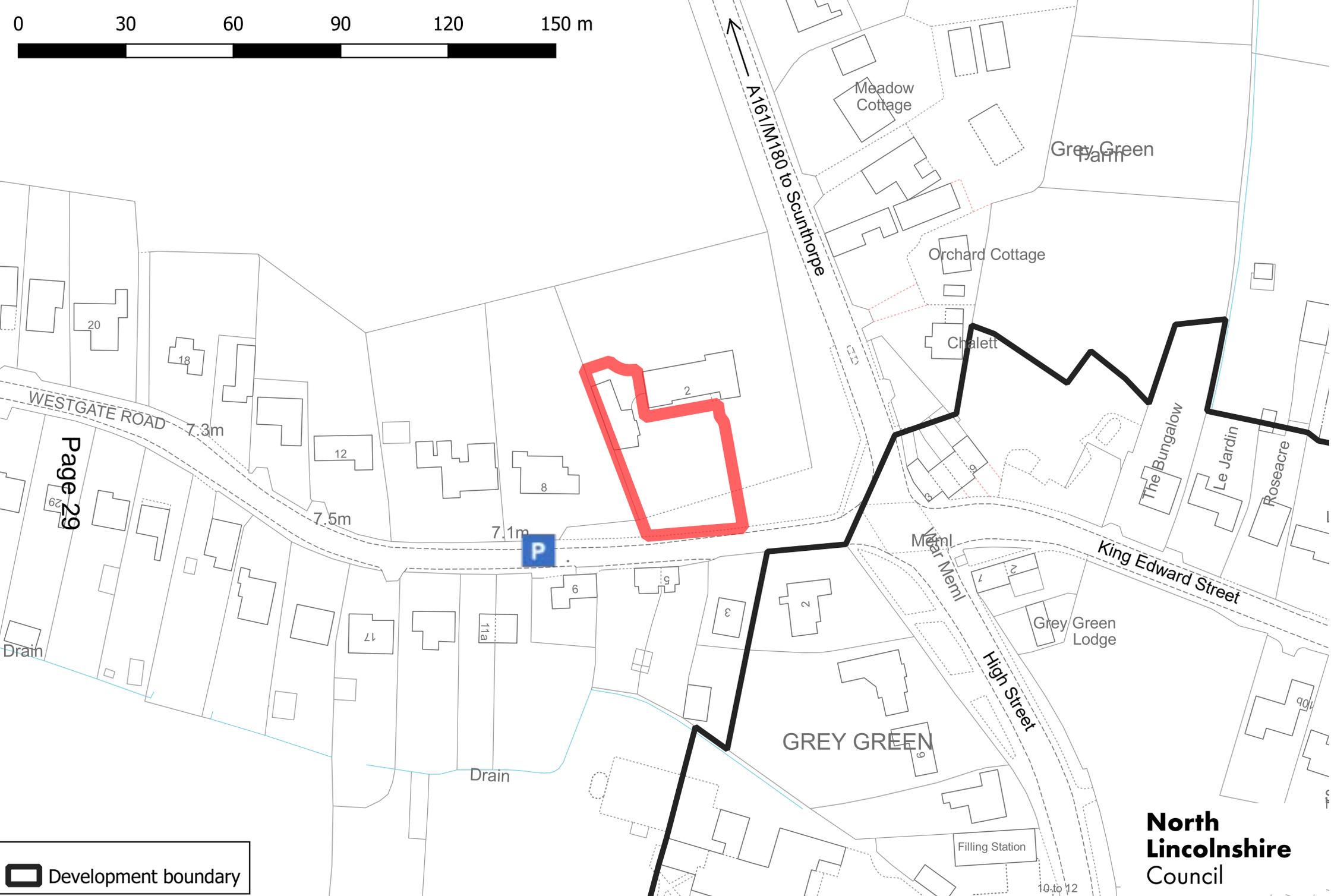
Room Layouts are Indicative Only  
Client to confirm location of appliances

P02	Revised & Resubmitted for Planning Approval	LR	01.07.21
P01	Issued for Planning Approval	LR	28.05.21
rev	description	by	date

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client <b>Mr J Oates Smith</b> 2 Westgate Road, Belton.		
drawing title Change of use of Existing Outbuildings to A3 (Restaurants and Cafes) Including Car Parking at 2 Westgate Road, Belton.		
Proposed Elevations & Floor Plan		
drawn by	date	scale
LR	21.05.21	1:100 @ A2
status	Approval	chkd. appd.
drawing number	114-A2-05	revision P02



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Development boundary

PA/2021/1033

Sat nav: 2 Westgate Road, Belton, DN9 1QG

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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 in the morning on the day 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 22 September 2021.docx

Date: 13 September 2021

#### **Background papers used in the preparation of this report:**

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

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

#### **Statement of publication's purpose**

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<b>APPLICATION NO</b>	<b>PA/2021/715</b>
<b>APPLICANT</b>	Mr Colin Parker
<b>DEVELOPMENT</b>	Outline planning permission for up to 34 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration (including demolition of existing workshop, polytunnel and stable)
<b>LOCATION</b>	Fruit Farm, 58 Station Road, Epworth, DN9 1JZ
<b>PARISH</b>	Epworth
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Mark Niland
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllrs Tim Mitchell and David Robinson – significant public interest)  Significant public interest

## **POLICIES**

### **National Planning Policy Framework:**

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

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

Paragraph 55 – Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 58 – Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability

assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Paragraph 95 – It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- (a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- (b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

Paragraph 167 – 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 such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- (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.

Paragraph 169 – Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the lead local flood authority;
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.

Paragraph 174 – 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 185 – Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- (b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- (c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 195 – Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

Paragraph 197 – In determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 – 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 203 – The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

**North Lincolnshire Local Plan:**

DS1, DS3, DS7, DS11, DS14, DS16, T1, T2, T19, RD2, HE9, LC5, HE5, C1, H10

**North Lincolnshire Core Strategy:**

CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS17, CS18, CS19, CS22, CS23, CS25, CS26

**CONSULTATIONS**

**Highways:** The existing boundary wall to the east of the access needs to be removed for visibility splays to be achieved. This is possible in drawing 0200-SK01 but does not appear possible in PL(A)150. These comments are therefore based on drawing 0200-SK01. Recommend conditions relating to access, splays, footways, internal layouts, driveways and surfacing materials, amongst other conditions to mitigate construction and those related to sustainable transport. Ultimately, and subject to this mitigation, Highways would not object to the proposal.

**Environment Agency:** The previous use of the proposed development site includes fuel storage, which presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located on secondary A aquifer associated with the Sutton Sand Formation.

The application's 'Phase 1 Environmental Assessment' (reference 18137 V2, July 2019) demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will, however, be required before built development is undertaken. An intrusive investigation has been proposed. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

**Drainage (Lead Local Flood Authority):** Object to the proposed development for the following reasons:

The outline planning application does not provide an acceptable principle drainage and SuDS strategy. This should include preliminary drainage layout plans, topographical survey and outline hydraulic calculations for a 1 in 100 year storm event plus CC based on SuDS principles, including adoption/maintenance proposals. The proposals also indicate a new (restricted discharge) connection into the highway drainage system on Station Road. This is not a public sewer and therefore the developer has no 'as of rights' connection into this drain. Any additional flows into this drain must be fully modelled by the developer and upgrades to this drainage system may be required to facilitate the connection (at the developer's expense).

This must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed.

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

Consequently the proposal fails to comply 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 NPPF.

**CPRE:** The Northern Lincolnshire local group of CPRE, The Countryside Charity ('CPRENL') objects to this proposal which does not conform with local or national planning policies, on the following grounds:

1. the proposal is outside the adopted (and proposed) development limits within the open countryside
2. the site is not all brownfield land
3. the detrimental impact on the historic landscape of the Isle of Axholme
4. the detrimental impacts on the Epworth conservation area
5. the detrimental impact on highway safety.

**Public Health:**

- Consultations should take place with local primary care services to assess the impact of the development on local services.

- Notice should be taken of the 10 principles of active design developed by Sport England and considered in the layout of the development.
- Houses should be built to be energy efficient and affordable to run.
- Electrical charging points should be included.
- Support the comments made by Environmental Protection.
- Support the recommendations made by the Environment Agency.
- Support the comments made by the LLFA.
- If this proceeds to a full planning permission, the stated 20% allocation to affordable housing should be adhered to.

**Environmental Protection:** Extensive comments have been made, including that a full suite of conditions is required in terms of land contamination, requiring a phase desk top study, remediation report, verification report and monitoring. In respect of air quality, a condition is recommended requiring electrical vehicle charging points to be provided. Conditions are also put forward requiring a construction environmental management plan to be submitted, and setting out construction hours to mitigate impacts during the construction phase.

A noise impact assessment should be submitted prior to the application being determined.

**Historic Environment Record:** Recommends refusal as the development would adversely affect the character, appearance and setting of the historic landscape contrary to the NPPF, Core Strategy policies CS5 and CS6, and local plan policies LC14, LC7, RD2 and DS1. Potential archaeological significance has not been adequately assessed contrary to paragraph 189 of the NPPF and local plan policy HE9.

**Education:** Primary and secondary education contributions are sought in respect of this development. The amount per eligible house for both is £8,049.

**Conservation:** In accordance with paragraph 196 of the NPPF, the harm to the significance of the listed buildings 58 Station Road and Barn 10 metres to the south and Maws Mill should be weighed against the public benefits of the proposal.

Special regard to the desirability of preserving the setting of the listed buildings has not taken place contrary to section 66.1 ('the Listed Buildings Act') and council policies HE5 and CS6.

The application should therefore be refused.

**Ecology:** Given current indicative proposals, biodiversity net gain does not appear likely to be achievable on site. In that case the application should be refused as being contrary to policy CS17 of the Core Strategy. If there are overriding reasons why the development should go ahead, then on- and off-site biodiversity enhancements will be required in line with the mitigation hierarchy.

## **Section 106 Officer:**

Affordable Housing – As the site falls within Epworth, current policy states that 20% of the development should be provided for affordable housing, which, on this proposed development, equates to seven dwellings. This should be secured through a section 106 agreement to have some form of perpetuity.

Education – The education department is seeking primary and secondary contributions which equate to £8,049 per dwelling, excluding affordable products.

Recreation – To maximum development on site, the recreation department have requested a contribution of £15,894 towards the cost of improvements to football changing facilities and £14,483 for natural turf pitch improvements. £12,217 towards the cost of the proposed fitness studio at Epworth Leisure Centre and £2,182 for improvements to indoor bowling facilities at Scunthorpe would be required if this application is successful.

Open space – Under council policy for a development of this size, the council would not request the provision of a local area of play on site; instead, it would request the contribution in financial form with spending of the monies at an area of recreation off site, within close proximity of the application site. The off-site financial contribution towards the improvements of an existing area of play amounts to £33,668.00. The council would, however, request on-site informal open space of 10sqm per dwelling. Confirmation is required from the council's neighbourhood services team as to whether they would take open space in this area.

Highways have yet to respond but may seek a contribution – to be confirmed once a response has been received.

Biodiversity – If biodiversity net gain cannot be secured on site by condition, this may have to be secured through a section 106 agreement as an off-site contribution. This will be confirmed by the ecologist.

**Spatial Planning:** The policy team have provided comments though these are now dated (and this is expanded upon within the report). The comments provided concluded:

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

Neighbourhood Services: Public Footpath 49 (FP49) runs parallel to the north side of Station Road, thus cutting across the proposed access to the development perpendicularly. The NPPF states at paragraph 98 that 'planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.' That said, there is no particular reason why FP49 should prevent this development from proceeding, providing the crossing at the access road is designed with pedestrian safety in mind. Other than crossing the access road, FP49 appears not to be much affected physically.

However, on page 41 of the Design and Access Statement, under the heading 'Vehicle Access', it states that 'the existing public footpath will be closed off to the rear of the Chapel with the new footpath used as an alternative. This will improve safety and security to people currently accessing the footpath.' But the chapel lies outside the application site, according to the location plan and figure 1 on page seven of the Design and Access Statement. Moreover, the legal maxim is 'once a highway, always a highway', so FP49 can be neither diverted nor stopped up other than by order. Diverting or stopping up under the Town and Country Planning Act 1990 would be necessary for implementation of the permission, not merely desirable, (the noted potential for future development referred to for the land either side of the current site notwithstanding).

**Tree Officer:** There is concern that this submission would see a net loss of green infrastructure through the removal of lots of trees, many of which have been identified within the arboricultural information submitted as being worthy of retention. However, this information as to which trees are in such a condition that they should be retained is not then considered with regard to the location of dwellings and built environment. This application is also within the LC14 historic landscape.

**Waste and recycling:** Set outs guidance with regard to distances from bins to kerb sides, space standards and where service vehicles need to cross a highway/footway. Surfacing guidance, relevant to the weight of refuse vehicles, has also been provided.

## **TOWN COUNCIL**

Objects to the application, stating:

- the development is outside the development boundary for Epworth;
- the development falls within the North Lincolnshire Local Plan LC14 designated area of protection of historic land and its unique characteristics;
- the application would put added stress on the infrastructure of the town;
- there are already significant issues with drainage and flooding in this area and there is inadequate provision for drainage in this application;
- concern over the protection of Epworth, its character and history, with particular reference to the conservation area, and that larger housing developments will ultimately spoil all that is unique and attractive about the town (Core Strategy CS7).

## **PUBLICITY**

Advertised by site and press notice.

A large number of representations have been received which express concerns over the proposed development. The material issues raised in the third party responses received are listed below:

### **Objections:**

- impact upon the existing services of the town
- impact upon the historic landscape

- urbanisation of the open countryside
- biodiversity and ecology concerns
- impact on drainage infrastructure
- highway safety
- impact upon the built historic environment
- impact upon the natural environment
- impact upon existing amenity.

**Support:**

- more homes for residents and families
- support of local business
- support for services.

**STATEMENT OF COMMUNITY INVOLVEMENT**

The applicant has not provided any evidence of recent public consultation on this proposal. Emails have been received which refer to a sample study taken some time ago relating to parking provision within the town, however this does not relate to this planning assessment.

**ASSESSMENT**

**Relevant planning history**

- 2/1977/0661: Change of use from livestock smallholding to smallholding and riding stables – granted with conditions 09/12/1977.
- 2/1978/0025: Erect an agricultural building to be used partly as an indoor school and partly as a fodder and implement store – granted with conditions 10/03/1978.
- PA/1998/1117: Convert listed barn to dwelling, demolish second barn and erect garage block/store, erect walls and alter access – granted with conditions 23/10/1998.
- 2/1984/0028: Construct vehicular access – granted with conditions 06/03/1984.
- 2/1983/0137: Erect lean-to gallery and spectator area – granted with conditions 29/03/1983.
- PA/1998/1178: Convert grade II listed barn into dwelling – granted with conditions 06/11/1998.
- PA/2000/0045: Continue use of part of an existing building as a timber store (for a period of 10 years) – granted with conditions 10/03/2000.

PA/2017/1502: Change of use of building and adjacent land to an agricultural building and land for the storage of farm equipment – granted with conditions 07/12/2017.

### **Site constraints:**

Open countryside HELA DPD 2016

Setting of listed buildings

Area of Special Historic Landscape Interest of the Isle of Axholme (ASHLI)

### **Site characteristics**

The site is located to the north of Station Road with an existing access between numbers 56 and 60. There are two listed buildings within close proximity of the proposed access: 58 Station Road and 'Barn located 10m south of 58 Station Road'. With the exception of the access mouth, the site is wholly located both within the open countryside and the ASHLI.

On site at present is a sweeping access leading to a parking area and to the front a large, corrugated building for which, in 2017, a change of use was granted for the storage of agricultural machinery. Beyond this building is a retaining wall and steps up to a manicured landscape, predominantly laid to grass with large trees. The site extends northwards in linear form away from Station Road (and so the settlement). There is a cluster of built form already to the east of this site that extends away from the settlement in linear form. The site slopes upwards from Station Road northwards.

### **Proposal**

Planning permission is sought to demolish the existing workshop, polytunnel and stable and erect up to 34 dwellings with means of access to be considered also at this stage. The application is supported by a Design and Access Statement as well as indicative plans. Given the proposal and the site constraints, **the following issues are relevant to this assessment:**

- **principle of development**
- **planning obligations**
- **historic landscape**
- **impact on listed buildings**
- **noise**
- **flood risk and drainage**
- **highway safety**
- **environmental issues**
- **air quality**

- **land contamination**
- **ecology.**

### **Principle of development**

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). There is no adopted neighbourhood plan for Epworth.

Policy CS1 of the Core Strategy sets out a spatial strategy for North Lincolnshire, which, amongst other matters, states that in the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings. Tourism development will also be supported, in particular the development of green tourism making the most of the area's important natural and built environments.

Policy 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. It goes on to state that in rural settlements in the countryside and in the open countryside outside development limits, housing development will be strictly limited. Consideration will be given to development, which relates to agriculture, forestry or to meet a special need associated with the countryside. Development should not have an adverse impact on the environment or landscape.

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

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

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 entirely outside the defined development boundary for Epworth with the exception of the access point. The site has in part been previously developed, however the proposal does extend significantly beyond the limits of this brownfield land. Furthermore, the proposed use

is not essential to the functioning of the open countryside. The proposal is therefore contrary to policies CS1, CS2, CS3 and CS8 of the Core Strategy and RD2 and DS1 of the local plan and is considered unacceptable in principle.

### **Planning obligations**

Policy CS27 is concerned with planning obligations and states that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town & Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005, seek obligations that are necessary to make proposals acceptable in planning terms.

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

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

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

### ***Affordable housing***

Policy CS9 is concerned with affordable housing and requires schemes for new residential housing in rural settlements to contribute 10% of the scheme for affordable tenure. Ideally 70% of affordable housing supplied should be for rent and, where possible, the housing should be provided on site, but an off-site contribution may be acceptable.

### ***Public open space and leisure***

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

The recreation department has requested a contribution of £15,894 towards the cost of improvements to football changing facilities and £14,483 for natural turf pitch improvements. £12,217 towards the cost of the proposed fitness studio at Epworth Leisure Centre and £2,182 for improvements to indoor bowling facilities at Scunthorpe would be required towards the anticipated costs if this application is successful.

With regard to open space, under council policy for a development of this size, the council would not request the provision of a local area of play on site; instead, it would request the contribution in financial form with the money being spent on an area of recreation off site, within close proximity of the application site. The off-site financial contribution towards the

improvements of an existing area of play amounts to £33,668.00. The council would, however, request on-site informal open space of 10sqm per dwelling; confirmation is required from the council's neighbourhood services team as to whether they would take open space in this area.

### **Education**

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

A response from the education team is that there is a requirement for contributions to both primary and secondary places for eligible dwellings.

### **Obligations summary**

The proposed on- and off-site contributions are considered to be CIL compliant as well as policy compliant. The proposal would therefore align with policies CS9 and CS22 of the North Lincolnshire Core Strategy, C1 and HC10 of the North Lincolnshire Local Plan, and paragraph 56 of the NPPF.

The heads of terms have been put to the applicant in respect of education, public open space, leisure, recreation, and affordable housing. The applicant has not agreed the requested contributions required to mitigate the impacts of the development and make it policy compliant; nor have they submitted a viability statement to demonstrate that the contributions would make the proposed residential development financially unviable. The proposal is therefore considered contrary to policies CS22, CS23 and CS7 of the Core Strategy, as well as paragraph 58 of the NPPF and policies C1 and H10 of the local plan.

### **Historic landscape**

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

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

Policy LC14 is also relevant, its states, '...within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features.'

Development required to meet the social and economic needs of rural communities and small-scale tourist and outdoor sport and recreational development will be permitted provided such development is related to the historic landscape and its features.

A high standard of design and siting in new development will be required reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality.

Schemes to improve, restore or manage the historic landscape will be sought in connection with, and commensurate with the scale of, any new development affecting the area of Special Historic Landscape Interest.

Local plan policies LC7 and RD2 will also apply as the development is within the open countryside. Policy LC7 Landscape Protection states, 'Development which does not respect the character of the local landscape will not be permitted'. Policy RD2 Development in the Open Countryside requires that such development is strictly controlled, stating that only certain essential development that meets very specific criteria will be permitted.

The design objectives of Core Strategy CS5 and local plan policy DS1 are also relevant. Core Strategy CS5 Delivering Quality Design requires new development in North Lincolnshire to 'ensure it takes account of the existing built heritage from the earliest stages in the design process, in particular terms of scale, density, layout and access.' With regard to design, local plan policy DS1 General Requirements, Quality of Design criteria sets out. 'The design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area.'

The HER have been consulted and offer a reading of the area, describing the historical relationship that this site has (close to Ellers Field) with the wider ASHLI. The HER also point out the importance of 58 Station Road and its role in historic open strip farming. The officer states, 'This legibility is important to the understanding of the character and setting of the historic landscape, and of the role of the listed farm house, barn and the mill to the agricultural landscape history of the Isle. The modern industrial units on the former railway depot site and housing estates to the east of the application site has resulted in some loss of character and setting to this part of the AOSF historic landscape along Station Road; this makes the surviving character and setting surrounding the application site more important to preserve the legibility.'

and

'The legibility of the historic landscape in this part of Ellers Field along Station Road was highlighted as an important contribution to an appreciation of the historic setting in an appeal decision at 14 West End Road to the west of the current application site (ref: APP/Y2003/W/18/3211573).'

The Historic Environment officer ultimately recommends refusal of the application and comments within the assessment of the application:

'The effect of this application therefore would be to extend the built form of Station Road deep into the historic landscape of the ancient open strip field. The legibility of the landscape, and the views that allow an appreciation of this character and setting would be lost. The listed farm and barn at the southern end of the site would be largely cut off from the historic landscape that forms their setting. These effects would erode and damage the existing character and legibility of the AOSF as well as the setting of the listed buildings that together form part of the nationally important historic landscape in this location.

The proposed development would therefore be an unacceptable visual intrusion and extension of the built environment into the historic landscape. This intrusion, including the

cumulative intrusion of further development the application could give rise to, would contribute to adverse character change and cause harm to the setting of the core historic landscape of Ellers Field as well as the listed buildings that share this setting, thus adversely affecting the ability to appreciate these heritage assets, further harming their significance.'

This proposal then is considered contrary to local plan policies LC14, LC7, RD2 and DS1, and Core Strategy policies CS5 and CS6, and would adversely affect the historic landscape of the Isle of Axholme, a heritage asset of national significance. The proposed development would extend the residential built environment beyond the development limit where it would introduce a major change to the use and appearance within the historic landscape.

### **Impact on the setting of listed buildings**

Paragraph 195 of the NPPF states, '...Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'

Paragraph 203 states, '...The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Policy HE5 of the local plan is concerned with development affecting listed buildings. It states (in part), '...Council will encourage the retention and restoration of the historic setting of listed buildings. Proposals which damage the setting of a listed building will be resisted.'

Core Strategy policy CS6 Historic Environment states, 'The council will seek to protect, conserve and enhance North Lincolnshire's historic environment as well as the character and setting of area of acknowledged importance including historic buildings, conservation areas, listed buildings (both statutory and locally listed).'

The conservation officer has based their assessment on the English Heritage Guidance Document 'The Setting of Heritage Assets is used to evaluate the impact on the setting and significance of the listed buildings'. In terms of assets that will be affected, they are:

- Barn approximately 10 metres south of No. 58 Station Road, Epworth. Threshing barn. 1780. Red-brown brick, colour-washed to front and sides. Pantile roof. 2-storey height.
- Maws Mill. This is a unique single tower that has not been extended. It is built c1820 four storeys in height with a tapered tower presently not in use. It is a landmark building and sits in a prominent position in an elevated location in the open countryside north of Epworth.
- The application proposes to demolish 56 Station Road, a 19th century townhouse and a non-designated heritage asset which is also within and contributes to the setting of the adjacent listed buildings.

Using the Historic England guide, the officer has assessed the degree to which these settings make a contribution to the significance of the asset, and has questioned and assessed the effects of the proposed development on that significance. The conservation officer has stated:

‘All three listed buildings [the officer designates the non-designated asset in error here] can be seen together from the surrounding footpaths in their green natural and historic landscape as described.

Should the proposal take place this will not be the case and the rear setting of 58 Station Road and listed barn will consist of a modern housing estate which will totally change the character and appearance of the rear setting from an open agricultural setting to a modern dense built form. This will have a negative impact on the setting and significance of the listed buildings.

The housing would also totally alter the character and appearance of the rear setting which is presently an eighteenth century farm in its original agricultural rural landscape. The modern housing would be seen as a significant modern discordant feature and alter how 58 Station Road and the adjacent listed barn is experienced.

It will also negatively impact on the setting of Maws Mill which, whilst altered with some modern farm buildings, still has a strong rural character opposed to that of a modern housing estate.

This will have a negative impact on the aesthetic significance, in other words the ways in which people draw sensory and intellectual stimulation from a place and its historic significance, and the ways in which past people, events and aspects of life can be connected through a place to the present (Historic England – Conservation Principles).

The new development will seriously impede the appreciation of the historical, aesthetic significance of the listed buildings and the level of harm is significant.

The application proposes to demolish 56 Station Road, a non-designated heritage asset which is also within and contributes to the setting of the adjacent listed buildings.’

Ultimately, and given the officer’s reading of the setting, the proposed development would be contrary to policy HE5 of the North Lincolnshire Local Plan, policy CS6 of the Core Strategy, and paragraphs 195 and 203 of the NPPF.

## **Noise**

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that 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.

Paragraph 185 ‘a’ of the NPPF states, ‘...mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life’.

All are considered relevant.

Environmental Protection have been consulted and have stated in relation to noise, ‘...The proposed development is in close proximity to commercial/industrial premises on Station Road. These premises have the potential to cause adverse noise impact. This department therefore recommends a noise impact assessment is undertaken prior to determination.’

The applicant has been made aware of the comments and no information on noise has been received. Therefore, at present, insufficient information has been submitted in relation to noise to demonstrate that the scheme will not cause adverse impacts upon both local business and residents that would be unacceptable. The proposal is therefore contrary to policy DS11 of the North Lincolnshire Local Plan and paragraph 185 of the National Planning Policy Framework.

### **Flood risk and 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 LLFA Drainage Team has been consulted and objects to the proposed development for the following reasons:

- The outline planning application does not provide an acceptable principle drainage and SuDS strategy. This should include preliminary drainage layout plans, topographical survey and outline hydraulic calculations for a 1 in 100 year storm event plus CC based on SuDS principles, including adoption/maintenance proposals.
- The proposals also indicate a new (restricted discharge) connection into the highway drainage system on Station Road. This is not a public sewer and therefore the developer has no ‘as of rights’ connection into this drain. Any additional flows into this drain must be fully modelled by the developer and upgrades to this drainage system may be required to facilitate the connection (at the developer’s expense). This must be consented by North Lincolnshire Council’s LLFA Drainage Team, in their capacity as Lead Local Flood Authority through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed.

The Environment Agency has also been consulted and no objections have been raised. The Internal Drainage Board and sewerage undertakers have not responded to consultation.

It is considered, given the LLFA’s comments, that insufficient information has been provided to demonstrate that the proposed development can be served by an acceptable drainage strategy and that it will not result in increased risk of flooding to the site and/or adjacent land. The proposal is therefore contrary to policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 167 and 169 of the NPPF.

### **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 and general highway safety. Both policies are considered relevant.

The applicant seeks to create a new access from Station Road that would involve the demolition of a dwelling. Highways have been consulted and have no objections to the access arrangement and have proposed conditions they feel are required to mitigate the development from a highway safety perspective and during the construction process.

In terms of sustainable transport, the only commentary received is that there would be no objections. The site is in an accessible area close to paths that link the site to the centre of Epworth; it is also served by public transport though the frequency is unclear. It is likely, however, that the proposal would still rely on motorised transport to access larger service centres and employment zones. However, it should be noted that neither Highways Development Control nor Sustainable Transport have raised any objection.

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

### **Environmental issues/amenity**

Policy DS1 of the local plan 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 considered acceptable.

The Environmental Protection team have been consulted and have no objections to the proposal in terms of environmental issues in relation to the operational phase of the development other requiring electrical vehicle charging points to improve air quality. In terms of mitigating the construction phase, they have requested a condition be attached requiring a construction environmental management plan to be submitted, as well as one controlling noise and dust. These conditions are considered to meet the tests for conditions set out within planning policy and would be attached to any permission.

It is therefore considered that the proposal would be in accordance with policy DS1 of the North Lincolnshire Local Plan.

### **Air quality**

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

- (10) Ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water.
- (12) Supporting new technology and development for carbon capture and the best available clean and efficient energy technology, particularly in relation to the heavy industrial users in North Lincolnshire, to help reduce CO<sub>2</sub> emissions.

The council's Environmental Health Department have made an assessment of the proposal and have proposed a condition that, prior to development, a scheme for electric 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 permission to mitigate the impact upon air quality generated by the

development. It is considered that the imposition of this condition would not only satisfy policy CS18 of the Core Strategy, but also DS11 of the local plan by making a positive impact upon the reduction of polluting activities.

### **Land contamination**

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

The environmental protection officer has recommended a phase 1 site investigation, including remediation and verification reports, be submitted to and agreed with the local planning authority, the remediation strategy being prior to works commencing. Given the aforementioned mitigation, the proposed development is considered to accord with policy DS7 of the North Lincolnshire Local Plan.

### **Ecology**

Policy CS17 of the Core Strategy, as well as paragraph 174 of the NPPF, relates to biodiversity. Paragraph 174 'd' states, in part, that a net gain for biodiversity should be achieved, '...minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;' Policy LC7 is also considered relevant.

The council's ecologist has been consulted and has stated that a preliminary ecological survey is required as well as further information on biodiversity enhancement prior to determination. The applicant is aware of the comments and has not provided any additional information at this stage. It is therefore considered that insufficient information has been submitted to be able to determine the likely impacts upon protected species. The proposal is therefore considered contrary to policy LC7 of the North Lincolnshire Local Plan.

### **Conclusion**

The proposed development, which seeks to erect market dwellings in the open countryside, is considered unacceptable in principle. Furthermore, the site is located within the Historic Landscape of the Isle of Axholme and represents an unacceptable scheme that would erode its special designated character. The applicant has provided insufficient information as regards both ecology and noise and so potential impacts are unknown and cannot be mitigated. The LLFA also objects to the proposal on flooding grounds, whilst the applicant has also failed to agree to the heads of terms which are required to mitigate the strain on services, provision and infrastructure caused by the development. The proposal is therefore not acceptable and is recommended for refusal for these reasons.

### **RECOMMENDATION      Refuse permission for the following reasons:**

1.

The proposal to erect up to 34 market dwellings within this location, outside the defined development boundary, would have an urbanising effect that is out of keeping with the traditional ribbon development along Station Road. The proposal not only fails to understand the intrinsic beauty of the open countryside but also conflicts with the strategic aims of the development plan. The proposal is therefore contrary to policies CS1, CS2, CS3 and CS8 of the Core Strategy, and DS1 and RD2 of the North Lincolnshire Local Plan, as

well as paragraphs 12, 47 and 180 of the National Planning Policy Framework, and is considered unacceptable in principle.

2.

The proposal would place demands on local schools and leisure facilities, affordable housing requirements, and public open space and recreational activities. These demands could not be absorbed without securing obligations that would mitigate the strain placed upon existing infrastructure by the development. The proposal is therefore considered contrary to policies CS7, CS22 and CS23 of the Core Strategy, C1 and H10 of the North Lincolnshire Local Plan, and paragraph 58 of the National Planning Policy Framework.

3.

The proposed development would have significant and irreversible impacts upon the setting of designated and non-designated historic assets. The proposal is therefore contrary to policy HE5 of the North Lincolnshire Local Plan, policy CS6 of the Core Strategy and paragraphs 195 and 203 of the National Planning Policy Framework.

4.

The proposal would erode and damage the existing character and legibility of the ancient open field strips as well as the setting of the listed buildings that together form part of the nationally important historic landscape in this location. The proposed development would therefore be an unacceptable visual intrusion and extension of the built environment into the historic landscape and would contribute to irreversible character change of this part of the ASHLI. This proposal is therefore considered contrary to policies DS1, LC7, LC14 and RD2 of the North Lincolnshire Local Plan, and policies CS5 and CS6 of the Core Strategy.

5.

Insufficient information has been provided to determine the impact upon protected species. The proposal is therefore considered contrary to policy LC5 of the North Lincolnshire Local Plan.

6.

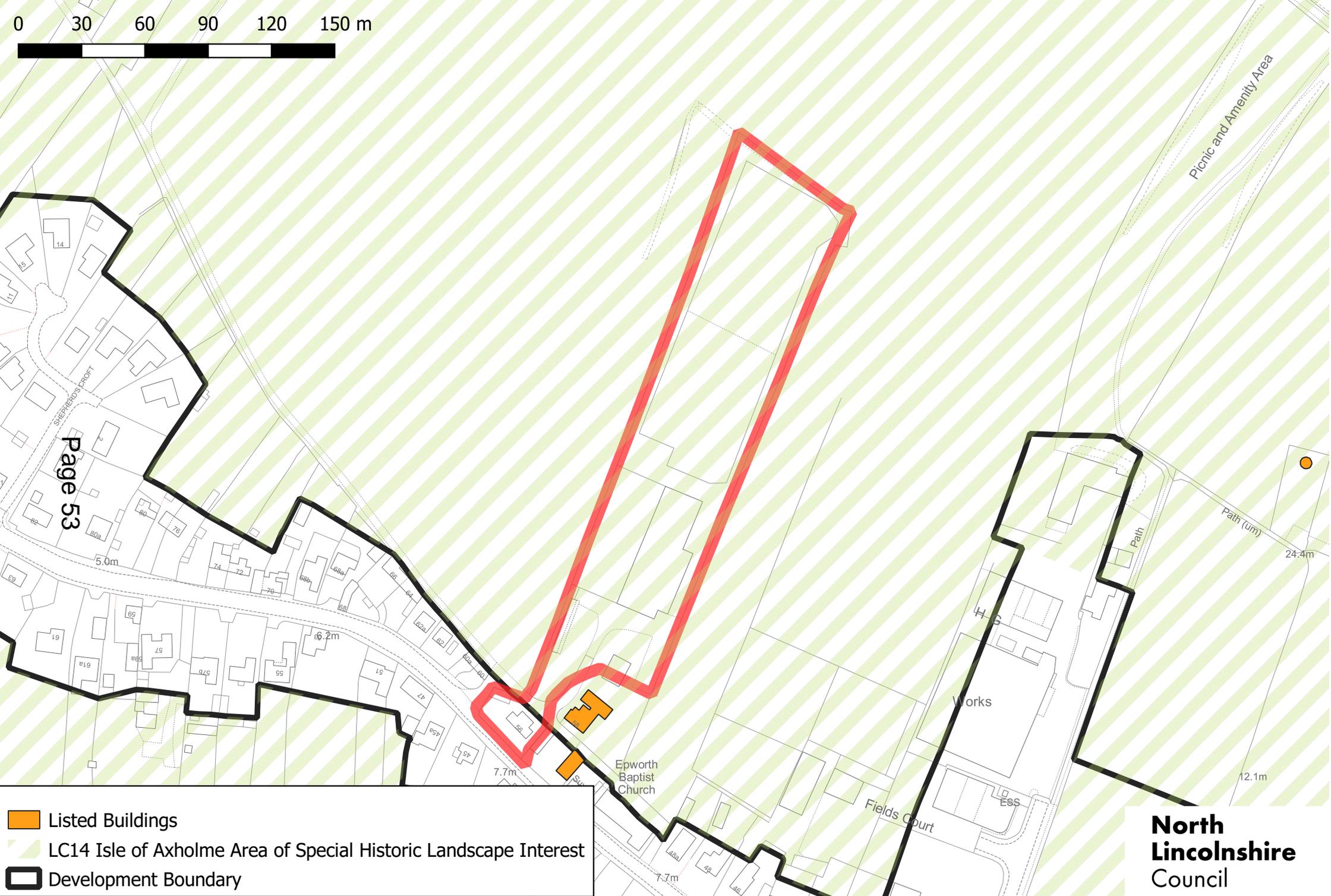
Insufficient information has been submitted in relation to noise to demonstrate that the scheme would not cause unacceptable adverse impacts upon both local business and residents. The proposal is therefore contrary to policy DS11 of the North Lincolnshire Local Plan and paragraph 185 of the National Planning Policy Framework.

7.

The proposal does not provide an acceptable principle drainage and SuDs strategy and is therefore contrary to policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 167 and 169 of the National Planning Policy Framework.

### **Informative**

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



-  Listed Buildings
-  LC14 Isle of Axholme Area of Special Historic Landscape Interest
-  Development Boundary

**North  
Lincolnshire  
Council**

**PA/2021/715**

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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 22 September 2021.docx

Date: 13 September 2021

#### **Background papers used in the preparation of this report:**

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

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

#### **Statement of publication's purpose**

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<b>APPLICATION NO</b>	<b>PA/2021/1097</b>
<b>APPLICANT</b>	Mr F Temperton, F W Temperton & Son
<b>DEVELOPMENT</b>	Outline planning permission to erect a two-storey dwelling with appearance, landscaping, layout and scale reserved for subsequent consideration
<b>LOCATION</b>	Pond Farm, Trentside Road, Kelfield, DN9 1AG
<b>PARISH</b>	Owston Ferry
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Nick Salt
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr David Rose – significant public interest) Support by Owston Ferry Parish Council

## **POLICIES**

### **National Planning Policy Framework:**

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

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

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

Paragraph 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 47 makes clear that '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 130 states, 'Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

With regard to flood risk, Paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Further, paragraph 161 notes that all plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change, except for applications for the repowering of existing wind turbines, a proposed wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing, so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- (a) applying the sequential test and then, if necessary, the exception test as set out below;
- (b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
- (c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and
- (d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

Paragraph 162 states that 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 163 also states that 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 164 states, '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 167 states 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)

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 LC14 (Area of Special Historic Landscape Interest)

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)

### **CONSULTATIONS**

**Highways:** No objection, but recommend conditions relating to the provision of appropriate access and parking for the existing dwelling, driveway materials and entrance visibility.

**Environmental Protection:** Residential development is a sensitive end use. The application site is directly adjacent (immediately north and east) to an existing farm that includes barns and a crew yard used for farm stock (online map dated April 2019 shows cattle on straw beds).

The agent has confirmed that the intention is for the dwelling to provide market housing and it will not be connected to the farm. There is, therefore, significant potential for noise, odour and flies from the adjacent facility to impact on residential amenity and cause a statutory nuisance. In the department's experience, these issues result in complaints that can be difficult to resolve.

It is the department's view that it is not suitable to locate residential development in such close proximity to an existing farm. Therefore, the department recommends refusal of the application unless the applicant is able to demonstrate the site's suitability.

The applicant has submitted a Screening Assessment Form which states that the current and former use of the site is agricultural/brownfield land. Historical records show that several outbuildings were previously on site; aerial photography now shows these are not present and shows the site overgrown with vegetation.

Agricultural sites have the potential to give rise to contaminants such as asbestos, PAHs, heavy metals, and other unknown contaminants. These contaminants have the potential to be harmful to human health and as the proposed application is for residential development, this is a sensitive end use.

It is the developer's responsibility to assess and address any potential contamination risks, however no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level.

Advise a pre-commencement condition requiring a full site contamination survey.

**LLFA Drainage:** No objection subject to relevant planning conditions and informative comments.

**Environment Agency:** The submitted Flood Risk Assessment (FRA) proposes, based on a breach calculation, that ground floor habitable accommodation will be at or above 6.53m AOD. The Agency considers this would meet the National Planning Policy Framework's requirements in relation to flood risk.

However, the FRA also states that the site level is around 5.0m AOD; this means that the proposed floor level will be difficult to achieve unless the ground floor is restricted to non-habitable accommodation, which is not made clear in the FRA. No objection subject to a condition.

**Isle of Axholme and North Nottinghamshire Water Level Management Board:** There are no Board-maintained watercourses in close proximity to the site. General advice provided.

**HER Archaeology:** The application is within the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14). This area is designated for its unique historic landscape retaining the pattern of ancient open strip fields and enclosures surrounding the villages on the Isle. The application site also affects the settings of two listed buildings and it is important that the Conservation Officer is consulted on this proposal.

The Heritage Statement submitted with the application is inadequate as it fails to identify the heritage assets or describe their significance, including the contribution of their settings, contrary to paragraph 194 of the NPPF. The HER advises a holding objection until further information is provided to allow the effects of the proposal on the historic landscape character and the listed buildings to be adequately assessed in line with national and local planning policy. This information is required prior to the determination of this application. The application should not be determined, except for a refusal, until this information is submitted and any appropriate mitigation measures agreed to avoid adverse impact or adequately mitigate loss of heritage interest. Following receipt of this information, where the planning authority may be minded to grant outline planning permission, robust conditions securing the scale and design of the proposed dwelling in accordance with policies LC14 and HE5 would be required.

**Conservation:** The application is within the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14). The Heritage Statement submitted with the application is inadequate as it fails to identify the heritage assets or describe their significance, including the contribution of their settings, contrary to paragraph 194 of the NPPF. There are two listed buildings opposite the development site that have not been taken into account: Trentholme and The Cottage, which date from the 17th century.

Due to the sensitivity of the site, the application should not be determined with an outline planning permission but with a full application where the position, scale, size and appearance of any building can be fully considered prior to determination, with the design informed by a suitable heritage statement. The heritage statement should concentrate on the impact on the setting of the listed buildings. The guidance that should be used is The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition).

## **PARISH COUNCIL**

Supports the application.

## **PUBLICITY**

Advertised by site and press notice. No responses have been received.

## **ASSESSMENT**

### **Site and proposal**

The application site is a 930m<sup>2</sup> rectangular plot which sits behind a boundary wall on the northern side of North Street in Kelfield, a small hamlet 1 mile east of Owston Ferry. The application site forms part of a farm which includes a yard adjoining the site to the north, and several barns. Agricultural buildings bound the site to east and Pond Farm Cottage to the west.

In terms of constraints, the site is outside of any defined settlement boundary as per the adopted Housing and Employment Land Allocations DPD and is in a high-risk flood zone (SFRA Level 2/3a Fluvial). There is a listed building (The Dutch Cottage) on the opposite side of the road. The application site is within the Isle of Axholme Area of Special Historic Landscape Interest.

The proposal seeks outline planning approval for a two-storey dwelling. Matters relating to siting, layout, scale and landscaping are reserved, with access the only detailed matter for consideration at this stage.

**The main considerations in the determination of this application are the principle of the development and whether the site can provide sustainable development without unacceptable flood risk or other impacts, and the acceptability of the proposed access.**

### **Principle of development**

As this is an outline planning application with all other matters (except for access) reserved, the key consideration is the acceptability in principle of a dwelling on this site. Kelfield, including the application site, is located outside of any HELADPD defined development boundary and the proposal for a market dwelling in this location is a departure from the North Lincolnshire Local Plan.

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

settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel. Policy CS8 goes on to clarify that in rural settlements in the countryside, and in the open countryside outside development limits, housing development will be strictly limited. Consideration will be given to development, which relates to agriculture, forestry or to meet a special need associated with the countryside. Development should not have an adverse impact on the environment or landscape.

There is a general presumption against development in the countryside, outlined in Core Strategy policy CS3, which states that development outside the defined settlement boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as those related to agriculture, forestry or other uses that require a countryside location or will contribute to the sustainable development of the tourist industry. The application site falls outside of any settlement boundary defined in the adopted Housing and Employment Land Allocations DPD and does not meet any of the exemption criteria as detailed in local plan policy RD2 or Core Strategy policy CS3. Whilst the supporting statement notes that, historically, agricultural buildings existed on the site, these no longer exist and do not appear to have been present on the site since at least 2008.

Whilst the submitted supporting statement claims that the site is brownfield (due to previous farm buildings on site), the following is relevant. Annex 2 of the NPPF defines brownfield land or previously developed land as land which is or was occupied by a permanent structure but specifically excludes, inter alia, land that is or was occupied by agriculture or forestry buildings. There is no evidence to suggest the buildings that were on the site were used for anything other than in relation to the surrounding agricultural uses – indeed this appears to be confirmed via historic imagery submitted; therefore, the site does not accord with the NPPF's definition of previously developed land. No justification has been put forward to substantiate the specific need for a market dwelling in this countryside location; it is considered that a market dwelling does not constitute a dwelling for the specific circumstances associated with this countryside location set out in policies RD2 and CS3.

Central Government places high importance on new homes being delivered throughout the country to address the chronic shortage. North Lincolnshire Council recently demonstrated (August 2021) that it has a five-year housing land supply and there is no 'tilted balance' in favour of the proposal for housing as a result. Nevertheless, the proposed scheme would result in the net delivery of one additional housing unit at the site which would modestly contribute to the mix of housing types within the locality.

The proposed development would provide modest social and economic benefits through the provision of a new market house and additional residents supporting the rural economy. In addition, the small investment in construction and related employment would provide limited benefit, as would the support which the small increase in population would produce for the local economy. Kelfield is 1 mile from Owston Ferry, a larger rural village, with development in Kelfield likely to give support to the services provided in Owston Ferry. The erection of a single market dwelling would, however, not contribute so significantly to the economy of the neighbouring settlement as to outweigh all other material considerations. It is also noted that there is no pedestrian footpath linking Kelfield and Owston Ferry and that this section of North Street is unlit; as such, there would likely be a reliance on the private motor car to access the limited services available within Owston Ferry.

It is considered that the proposal does not 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. For this reason, the broad principle of development is not considered to be acceptable in this case.

### **Flood risk**

Following on from the above, a second element in relation to the broader acceptability of the proposal is flood risk. As noted previously, the site lies within an area which is a high-risk flood zone as per the council's SFRA (Level 2/3a Fluvial) and the Environment Agency mapping (Zone 3).

Policies DS16 of the North Lincolnshire Local Plan and CS19 of the Core Strategy set out the council's approach to development in areas at risk of flooding. These policies seek to direct new development to areas at lowest risk of flooding and only permit development in areas of high risk where it provides wider sustainability benefits to the community that outweigh flood risk, is on previously developed land, and a Flood Risk Assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere. All plans should apply a sequential, risk-based approach to the location of development. The NPPF notes that 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. As noted earlier in this report, paragraph 163 of the NPPF also states that 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.

Within Flood Zone 3 areas, development classed by the National Planning Practice Guidance as 'More Vulnerable' (including residential dwellings as proposed), must pass both the Sequential and Exceptions tests.

Given the desire to erect a new dwelling on a windfall site that is not zoned for development, and given the lack of comparable available sites in Owston Ferry that are outside the high-risk flood zone, it is accepted that no other sites would meet the specific requirements of this proposal, and the sequential test is passed. However, it is not accepted that the economic, social and environmental benefits of a new dwelling in this countryside location would outweigh the identified flood risk, and the exceptions test is not considered passed. On balance, the identified benefit of an additional housing unit in the area, and any modest economic benefit brought about during construction, would not outweigh the flood risk on the site.

With regard to site specific flood risk, the Environment Agency has reviewed the submitted Flood Risk Assessment and has no objections to the proposal. The submitted FRA proposes, based on a breach calculation, that ground floor habitable accommodation will be at or above 6.53m AOD. This would meet the National Planning Policy Framework's requirements in relation to flood risk. A condition requiring finished floor levels of all habitable accommodation to be set no lower than 6.53 metres above Ordnance Datum (AOD), i.e. above ground floor level, could be added if the application were recommended for approval. However, as the existing ground level is 5m AOD, this would require the ground floor to be used for non-habitable accommodation only.

The applicant has provided reference to an appeal decision (APP/Y2003/A/11/-2167029) in support of the application, in terms of flood risk and the exceptions test. The site in that case was an infill plot in Eastoft, and the Inspector considered that the site was sustainable, with those sustainability benefits outweighing flood risk on the site. It is not considered that this appeal is directly comparable to the current site and proposal. Specifically, Eastoft is a defined rural settlement as per CS1 of the Core Strategy, with some limited services. The Inspector's report made clear that the proposal met the tests of sustainability due to its location within the village and modest scale, and this outweighed the flood risk. The current application site and proposal is in Kelfield, which is a small rural hamlet not defined by the HELADPD and considered to be in the countryside. Kelfield has no services within and is served by Owston Ferry, which is not readily accessible by foot. As has been discussed in the previous section, the site is not considered sustainable in terms of residential development, and the same planning balance does not apply in this case.

As such, the proposal is considered unacceptable as the location within a high flood risk area has not been adequately justified and the exceptions test is not passed.

With regard to localised flooding and drainage, the council's Drainage team have been consulted. They recommend conditions to control surface water run-off to 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 DS16 of the local plan.

### **Access**

Turning to access, the Highways department have been consulted and raise no objections to the proposal subject to conditions. The site would be large enough to accommodate turning facilities within the site to allow access and egress in a forward gear and suitable parking. Access would be onto a straight section of the adjoining road and is unlikely to carry any unacceptable risk to highway safety, subject to appropriate visibility splays and construction. In this regard, subject to the above, the application can be considered to accord with local plan policies T2 and T19.

### **Heritage**

The application site lies within the Area of Special Historic Landscape Interest of the Isle of Axholme (ASHLI). This area is locally designated for its unique historic landscape retaining the pattern of ancient open strip fields and enclosed fields surrounding the villages on the Isle, and the Turbaries (areas of historic peat cutting). This historic landscape is considered to be of national importance and local plan policy LC14 applies which states, 'The Isle of Axholme is designated as an area of Special Historic Landscape Interest. Within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features. Development required to meet the social and economic needs of rural communities and small-scale tourist and outdoor sport and recreational development will be permitted provided such development is related to the historic landscape and its features. A high standard of design and siting in new development will be required reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality. Schemes to improve, restore or manage the historic landscape will be sought in connection with, and commensurate with the scale of, any new development affecting the area of Special Historic Landscape Interest.'

Core Strategy CS6 specifically refers to the importance of the Isle's historic landscape and that the council will conserve its significance through 'Safeguarding the nationally significant medieval landscapes of the Isle of Axholme (notably the open strip fields and turbaries.'

The application is within the setting of the grade II listed building known as Dutch Cottage, of 17th century origin with its unique Dutch gables, and the adjacent listed building, Trent Holme. The council's HER officer and conservation officer both recommend a more detailed heritage statement outlining impacts of the proposed design on the landscape and setting of the Isle of Axholme, the hamlet of Kelfield and the nearby listed buildings.

It is considered, however, given the mix of the surrounding buildings, including farm outbuildings, older and more modern dwellings within Kelfield, that these matters could be addressed at the reserved matters stage. A dwelling on this site would have a visual impact, but would likely sit alongside an existing cluster of buildings and could be designed in a vernacular sympathetic manner to respect the sensitive historic setting.

It is not considered that it can be concluded at this outline stage that a dwelling on the application site would result in unacceptable visual impacts on the protected heritage assets.

### **Other matters**

Policy DS7 is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. The Environmental Health team note that the application for residential development is a sensitive end use. As such, a condition requiring suitable mitigations to be agreed with the council in the event of any unexpected contamination being discovered during development shall be secured. Subject to there being no insurmountable contamination issues, there is no objection in this regard.

Policy H5 1) of the local plan requires that adjacent land uses are considered when determining applications for residential development, particularly with regard to the potential for existing land uses to detract from the residential amenity that proposed dwellings could expect to enjoy. The application site is directly adjacent (immediate north and east) to an existing farm which includes barns and a crew yard used for farm stock (an online map dated April 2019 shows cattle on straw beds). The proposal is for a market dwelling, not connected to the farm. Therefore, there is a significant potential that noise, odour, and flies from the adjacent facility will impact on residential amenity and cause a statutory nuisance. It is considered, therefore, that the location of the site directly adjoining a working farm yard would not be compatible with a new market dwelling in that an insufficient standard of amenity for future occupants would be achieved.

Policy DS1 (iii) states that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing. The importance of protecting neighbour amenity is reiterated in policy RD10. It is considered, due to the location of the site, that there would be no unacceptable impact on the amenity of any nearby dwellings. In any case, the proposal is outline and any such impact could be mitigated through appropriate design at the reserved matters stage.

## **Conclusion**

In summary, the proposal for a dwelling in this rural location does not meet the exceptions to the presumption against development in the countryside and would not constitute sustainable development. The site is in a high-risk flood zone, and given the lack of sustainability, no adequate reason has been provided as to why development is appropriate here. Furthermore, the site abuts a working farm yard which is likely to give rise to unacceptable noise and associated impacts to the detriment of future occupants of any dwelling erected.

As such, the proposal is recommended for refusal for the three reasons outlined.

## **RECOMMENDATION      Refuse permission for the following reasons:**

1.

The siting of the proposed market dwelling outside of any defined development boundary and in an unsustainable location does not meet any of the policy exemptions. No evidence has been submitted to justify a special need for a dwelling in this location. The proposal is therefore contrary to policies RD2 of the North Lincolnshire Local Plan, and CS2, CS3 and CS8 of the North Lincolnshire Core Strategy.

2.

The proposed development would not provide sufficient social, economic or environmental sustainability benefits sufficient to outweigh the location within a high-risk flood zone, and resulting risk from flooding. As such, the proposal does not pass the exceptions test set out in paragraph 164 of the National Planning Policy Framework in that the development would not provide wider sustainability benefits to the community that outweigh the flood risk. The proposed development is therefore contrary to policy CS19 of the North Lincolnshire Core Strategy and paragraph 164 of the National Planning Policy Framework.

3.

The application for residential development is a sensitive end use. The application site is directly adjacent (immediately north and east) to an existing farm which includes barns and a crew yard used for farm stock. The noise and odour impact from the farm would have an unacceptable impact on the living conditions of future occupants of a market dwelling not connected to agriculture due to the proximity of the farm yard. In this regard, the proposal is contrary to policy DS1 and H5 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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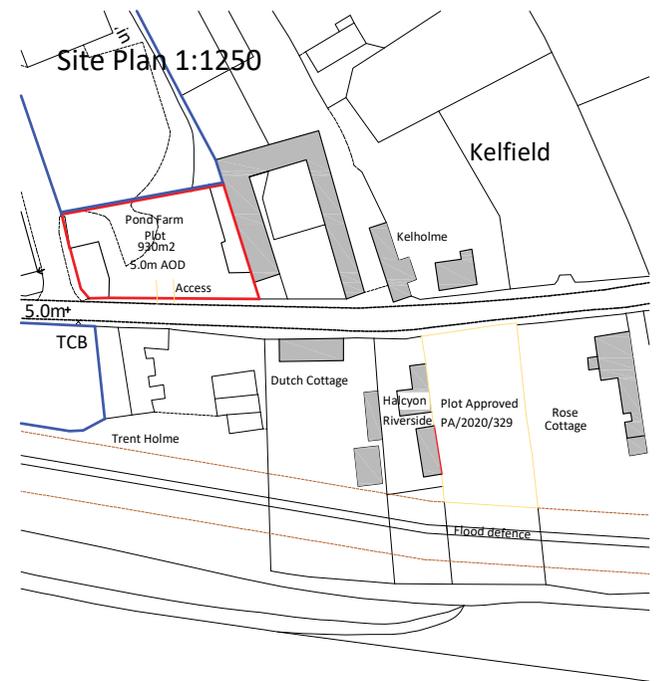
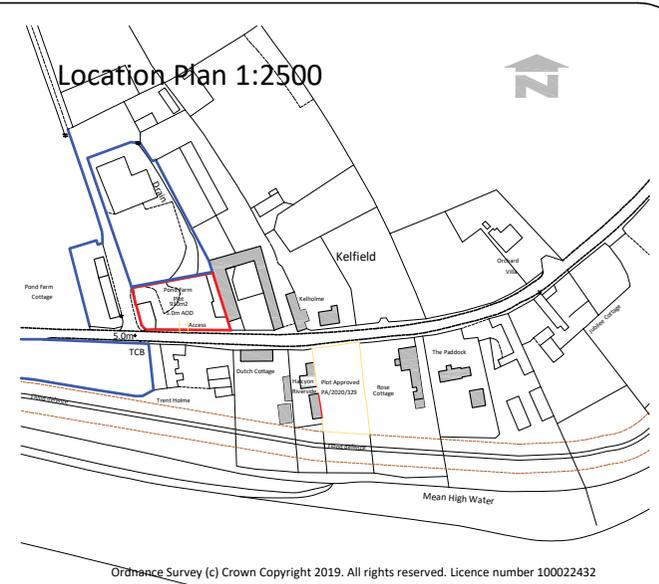
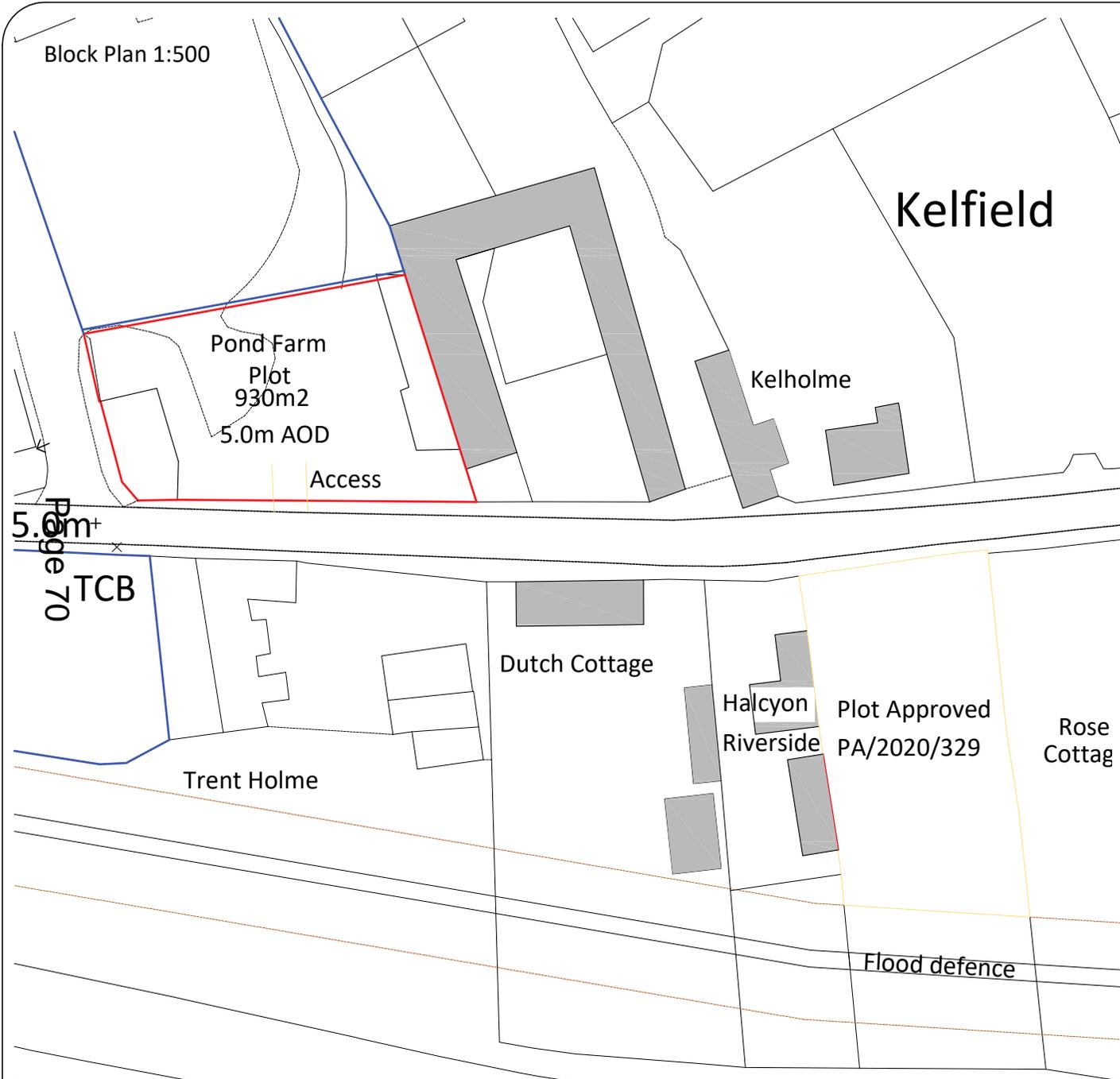
 Listed Buildings  
 LC14 Isle of Axholme Area of Special Historic Landscape Interest

EER, Co Const & UA Bdy

River Trent

**North  
Lincolnshire  
Council**

# PA/2021/1097 Access position (not to scale)



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Client	F W Temperton & Son		
Date	10/6/21	Dwg No	1 of 1
Scale	As noted	Ref No	1063

Proposal	Residential building plot at Pond Farm Trentside Road, Kelfield Owston Ferry DN9 1AG
Drawing	Location Block and Site Plans



<b>APPLICATION NO</b>	<b>PA/2021/1180</b>
<b>APPLICANT</b>	Mr Paul Evans
<b>DEVELOPMENT</b>	Outline planning permission to erect five dwellings with all matters reserved for subsequent consideration and demolition of existing dwelling
<b>LOCATION</b>	18 Manor Road, Bottesford, DN16 3PA
<b>PARISH</b>	Bottesford
<b>WARD</b>	Bottesford
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Janet Longcake – significant public interest)

## **POLICIES**

**National Planning Policy Framework:** Sections 5 and 12 apply.

**North Lincolnshire Local Plan:** Policies DS1, H5, H8, H10, T1, T2 and T19 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS5, CS7, CS8, CS9 and CS27 apply.

## **CONSULTATIONS**

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

**Drainage (Lead Local Flood Authority):** Object to the proposal on the following grounds:

The development falls within our lower threshold assessment levels (5–9 properties) and provides no information to support the proposals. There would seem to be no positive surface water drainage outfall within the vicinity of the development should it be unfeasible for infiltration.

Although the applicant has provided a flood risk assessment and suggested a variety of SuDS features and their maintenance requirements, they have not proposed anything to date. Whilst we appreciate the type of development would not warrant the larger open SuDS features (ponds, wetlands), we still ask that an appropriate level of source control features (filter drains, permeable paving, rain gardens, water butts) are fully investigated.

- The outline planning application does not provide a principle drainage strategy. This should include preliminary drainage layout plans, topographical survey and outline hydraulic calculations for a 1 in 100 year storm event plus CC based on current national guidance and be based on SuDS principles, including adoption/maintenance proposals.

- The outline planning application does not provide desktop ground investigation details to support or oppose the feasibility of infiltration for the site.

Consequently, the proposal fails to comply 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 NPPF.

**Environmental Protection:** This application for residential development is a sensitive end use. It is the developer's responsibility to assess and address any potential contamination risks, however no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level. Taking into account the above advice, the applicant should submit a Phase 1 report for this department's consideration prior to the application being determined in accordance with national policy guidance. This will allow the council to decide whether or not further assessment of the site is required and ensure that appropriate conditions are applied which render the development safe and suitable for use prior to use. Recommend conditions in respect of contaminated land investigation and construction working hours.

**Historic Environment Record:** I have checked the HER database for known and potential heritage assets that may be affected. The proposal does not adversely affect any heritage assets or their settings. No further recommendations.

**Spatial Planning:** The site is within the development limit of Scunthorpe and therefore in principle the proposals conform with the development plan. This application for five houses conforms with Core Strategy policy CS7 (Overall Housing Provision). The principal focus for housing is previously developed land and buildings within the development limits of Scunthorpe.

Housing density within Scunthorpe development limits is 40–45dph. This proposal is below the housing density for Scunthorpe. Scunthorpe is a major sub-regional town and scored 75 points in the North Lincolnshire Settlement Survey (2019) and was 1<sup>st</sup> overall out of all the settlements in North Lincolnshire on sustainability grounds. The settlement survey looks at key features which make up sustainability: primary school, secondary school, doctors and community facilities. Scunthorpe is a market town/large service centre and has seven of the seven key facilities: public house; village hall/church hall/community centre; primary school.

As the application is within the development limit of Scunthorpe, in principle development would be supported. The density of the site is, however, below the policy requirement.

**Recycling:** It is unclear without clear scaled plans of the proposed road whether there is adequate space for a refuse collection vehicle (RCV) to fit on the proposed road. The road layout also lacks a turning area which would result in the RCVs reversing further than is considered safe within a development.

Therefore, householders would be required to take their waste to the nearest adopted highway accessible by the RCV and present at a pre-agreed collection point.

The collection point should be conveniently located with easy access for residents:

- Residents should not have to take their waste and recycling more than 30 metres to a bin storage area.
- Residents should not have to take their bins more than 25 metres to a collection point, (usually kerbside) in accordance with Building Regulations Approved Document H Guidance.

**Section 106 Officer:** No contribution will be sought in this case.

### **TOWN COUNCIL (Bottesford)**

No response received.

### **PUBLICITY**

Site notices have been displayed and two responses have been received objecting to the proposal on the following grounds:

- increase in traffic
- increase in vehicular movements along the local highway
- local amenities, including the drainage, cannot cope with additional housing
- impact on highway and pedestrian safety
- impact on local services such as schools and doctors' surgeries.

### **ASSESSMENT**

This application site consists of a large, detached dwelling set within a spacious plot with garden to the front and rear. The site extends to 0.28 hectares (2800 square metres) in area and is located within the defined settlement boundary for Scunthorpe, within flood zone 1. The site is accessed via a long driveway approach from Manor Road to the south and the land surrounding the site is residential in nature. Outline planning permission is sought to demolish the existing house on the site and erect five dwellings with all matters reserved.

**The main issues in the determination of this application are the principle of development, and impact on the character and appearance of the area and upon residential amenity.**

#### **Principle**

The application site is located within the settlement boundary for Scunthorpe which is designated as the main focus for the majority of new development and growth, including housing. This accords with policy CS1 (Spatial Strategy for North Lincolnshire) of the Core Strategy. Policy CS2 (Delivering More Sustainable Development) states that development should be focused on previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions.

Policy H8 (Housing Design and Housing Mix) of the local plan applies and states that new residential development will be permitted provided it incorporates a high standard of layout that maintains, and where possible improves and enhances, the character of the area, and protects existing natural and built features, landmarks or views that contribute to the amenity of the area. This site constitutes developable land within the settlement boundary of Scunthorpe and Bottesford and is located within walking and cycling distance of local services and amenities, and sustainable modes of travel. There is therefore a presumption in favour of residential development on this site. In addition, the proposal would result in the net gain of four additional houses which would contribute to the housing land supply in North Lincolnshire.

### **Street scene and settlement character**

Manor Road and the surrounding streets have a defined character with large dwellings set within spacious plots, set back from the highway to the south. The character around the site changes to an extent to the west with detached dwellings arranged in a denser setting within a cul-de-sac (Wayside Close). Similarly, the character of development changes to the east of the site (along Manor Road, towards the junction with Cambridge Avenue) with pairs of semi-detached dwellings set back from the highway with off-street parking spaces and large rear gardens. Taking into account the existing settlement character in this part of Bottesford (including the cul-de-sac development to the west) it is considered the introduction of the five dwellings will not be at odds with the prevailing character of the area.

The site area of 0.28 hectares equates to approximately 560 square metres per plot, sufficient space in which to accommodate five dwellings with associated parking and private amenity space. Notwithstanding this, an indicative layout plan has been submitted demonstrating that five dwellings can be accommodated on the site, together with the provision of private gardens, two off-street parking spaces per dwelling and vehicular turning areas, and that the dwellings can be positioned in line with neighbouring dwellings to both the east and west to ensure the residential development is in keeping with the immediate locality.

The comments made by Spatial Planning in relation to density of the development are noted. The site is 0.28 hectares in area, which equates to a density of approximately 18 dwellings per hectare. This figure of 18 dwellings per hectare is below the density of 40–45 dwellings per hectare set out in policy CS7 of the Core Strategy. However, policy CS7 does advocate that, whilst housing development will be expected to make an efficient use of land, the density of new development should be in keeping with the character of the area. The surrounding area is characterised by a modern residential cul-de-sac to the west and rows of semi-detached houses to the east. The development is considered to reflect the character of development whilst retaining a sense of openness within the street scene (based on the submitted plan, which is indicative only). Due to the openness that will be retained as a result of the development, together with the spacious pattern of development, it is considered that, although the proposal falls below the thresholds set out in policy CS7, it is acceptable in this instance.

### **Residential amenity**

Outline planning permission is sought with all matters reserved for subsequent consideration (through the submission of a reserved matters application). Matters relating to the position and heights of windows, orientation and scale of the dwellings and the position of the highway access would be considered at reserved matters stage. The potential loss of

residential amenity arising from this subsequent application would be assessed at that stage of the planning process. An indicative plan has been submitted with this application, which shows that separation distances of 20m can be achieved between habitable room windows on the rear most plots and existing houses on Jacklins Approach to the north.

A condition is recommended requiring details of all boundary treatments to serve the five plots to be submitted for consideration; this would allow the local planning authority to ensure that the boundary sections which border the gardens of existing residential properties are secured with appropriate boundary treatments and to clarify whether the hedge along the front and eastern boundaries of the site would be retained.

### **Other issues**

The site is within flood risk zone 1; a flood risk assessment is therefore not required. As this site is identified on National Surface Water Drainage Maps (Gov.uk) as being at a very low risk of flooding from surface water drainage, there is no requirement for a surface water drainage scheme to be submitted for consideration in this case. Given the existing house is connected to a soakaway in terms of surface water disposal and that it is proposed to dispose of surface water from the five dwellings in the same way, it is considered that this matter will be dealt with sufficiently via a condition to secure a detailed drainage scheme prior to works commencing. No information or evidence has been presented with the objectors' comments to substantiate whether there are existing surface water drainage issues in this part of Bottesford.

In their consultation response Environmental Health has recommended a contaminated land investigation be undertaken, owing to the unknown previous use of the site and that residential development is a sensitive end use. However, the site has been in residential use as a dwelling with private garden surrounding it; the end use will be therefore be the same as existing and a condition requiring contaminated land investigation is considered neither necessary nor reasonable in this case. A less onerous condition has been recommended to deal with any unexpected contamination should it be encountered during construction.

Highways have considered the proposal and raise no objection to the development on grounds of pedestrian or highway safety. The proposed development will inevitably result in an increase in traffic movements to and from the site and onto the public highway, however such an increase in vehicular movements is not considered to be above that which is expected in a residential area. In addition, there is sufficient space to the front of the site (adjacent to the access) in which to provide an area for refuse collection, which will be addressed when the layout is considered at the reserved matters stage.

### **Conclusion**

The proposed development would make a valuable contribution towards housing provision in the locality and is a sustainable form of residential development. Furthermore, the proposal would not have a harmful impact on the character of the area, would not result in unacceptable harm to vehicular or pedestrian safety, has adequately addressed any drainage issues, and would not result in unacceptable harm to neighbouring living conditions. It is therefore concluded that the proposal sufficiently accords with adopted planning policy and guidance, and the application is recommended for approval.

## **Pre-commencement conditions**

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

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

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

#### **Reason**

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

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

#### **Reason**

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

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

#### **Reason**

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

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

#### **Reason**

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

5.  
The development hereby permitted shall be carried out in accordance with the following approved plans: LNMR 001.

#### **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 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.

7.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

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

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

Reason

To define the terms of the permission and in the interests of safeguarding residential amenity.

8.

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.

9.

No above-ground works shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the 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.

10.

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.

11.

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.

12.

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

Reason

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

13.

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 before any above ground works commence. 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.

14.

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.

15.

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

Reason

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

**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



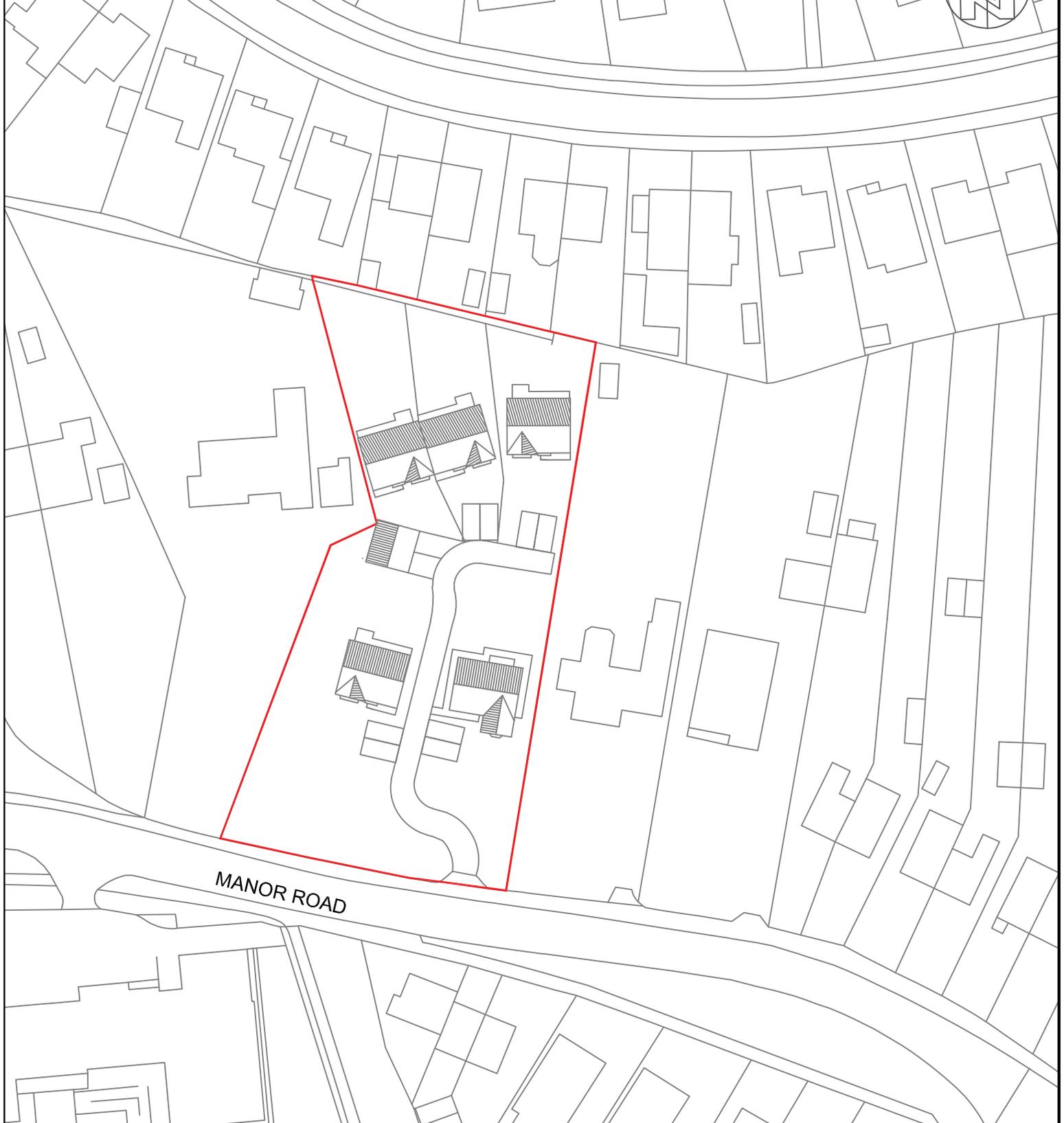
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**North  
Lincolnshire  
Council**

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# PA/2021/1180 Indicative layout (not to scale)



MANOR ROAD

PROPOSED SITE PLAN  
MANOR ROAD SCUNTHORPE



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Ref:  
LNMR 005

Scale @ A4  
1:750

Date  
APR/21

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<b>APPLICATION NO</b>	<b>PA/2021/1336</b>
<b>APPLICANT</b>	N Brown & C Osborne
<b>DEVELOPMENT</b>	Application for permission in principle to erect up to three dwellings
<b>LOCATION</b>	Land adjacent to 51 The Nooking, Haxey
<b>PARISH</b>	Haxey
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Kevin Robinson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission in principle</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	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 127 states that planning policies and decisions should ensure that developments:

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

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

**North Lincolnshire Local Plan:**

Policy H5 (New Housing Development)

Policy RD2 (Development in the Open Countryside)

Policy T1 (Location of Development)

Policy LC14 (Area of Special Historic Landscape Interest)

**North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

**Housing and Employment Land Allocations DPD:**

Inset 23 – Haxey

Policy PS1 (Presumption in Favour of Sustainable Development)

**CONSULTATIONS**

**Highways:** No objections subject to conditions requiring details of the access.

**Waste Services:** Make informative comments regarding the requirements for waste collection from the site.

**Anglian Water:** Have no objections or comments.

**Environmental Protection:** Request information on the investigation and, if necessary, remediation of the site with regard to land contamination.

**LLFA Drainage:** No objection subject to conditions requiring the submission and implementation of a detailed drainage scheme.

**Historic Environment Record:** Advise that three new dwellings in this location would be an over-development of the roadside resulting in the unacceptable extension and intrusion of the built environment into the historic landscape. Recommend refusal on these grounds.

## **PARISH COUNCIL**

Objects to the proposal on the following grounds:

'The site is outside the development limits of Haxey, in the historic Isle of Axholme landscape LC14. It has not been previously developed. This site has been proposed for inclusion previously in land allocation process but rejected and remains outside the building envelope of Haxey, several applications have also been made to develop but again have been refused; we see nothing that changes these previous decisions. It is our view that until it is included in the building envelope through the proper legal and democratic process, it should be refused. Any application, should it be included in the building envelope, should then be subject to planning rules relating to rural village policies. This proposal is not consummate with policy CS3; it is subject to CS1, RD1 of the local plan and NPPF 70.'

Objections are also raised in relation to the proximity to the school opposite the site.

## **PUBLICITY**

A site notice has been displayed adjacent to the frontage of the site. No comments have been received.

## **ASSESSMENT**

### **Site**

The application site is a 0.19 hectare parcel of land located to the northern edge of the settlement of Haxey. The site abuts the dismantled railway line to the west, is open to the north, has neighbouring properties at 51 and 53 The Nooking to the east, and the Haxey Church of England Primary School on the opposite side of the road to the south. The site is bordered to the road and to the west by mature hedges and to the north and east is open.

The site lies within the Isle of Axholme Area of Historic Landscape Interest.

### **Planning history**

There are historic applications relating to the site, the most recent being:

PA/2018/1620: Outline planning permission to erect a dormer bungalow with all matters reserved for subsequent consideration – refused 05/11/2018.

PA/2018/684: Outline planning permission to erect a detached dormer bungalow with appearance, landscaping, layout and scale reserved for subsequent consideration – refused 06/06/2018.

There is also a more recent approval for permission in principle on the opposite side of Haxey that has a number of similarities with the proposal:

PA/2019/1117: Application for permission in principle to erect one to three dwellings on land adjacent to 61 Haxey Lane – approved at committee in August 2019.

### **Proposal**

This application seeks 'permission in principle' for residential development of one to three dwellings on the site.

## Permission in principle

The permission in principle consent route is an alternative way of obtaining planning permission for housing-led development, which separates the consideration of matters of principle for proposed development from the technical detail of the development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in principle; and the second (technical details consent) stage is when the detailed development proposals are assessed.

Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed. The granting of technical details consent has the effect of granting planning permission for the development. Other statutory requirements may apply at this stage such as those relating to protected species or listed buildings. An application for technical details consent must be in accordance with the permission in principle that is specified by the applicant.

A decision on whether to grant permission in principle on a site following a valid application must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework (NPPF) and national guidance, which indicate otherwise.

The scope of permission in principle is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage. Matters such as visual amenity, residential amenity, impact upon highway safety, drainage, ecology, heritage and environmental protection considerations will be dealt with as part of any future application for technical details consent.

It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development.

**The only consideration relevant to the determination of this application is whether the principle of development is acceptable with respect to the location, land use and amount of development proposed.**

## Policy context

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 CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. With regard to rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel. Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high

quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

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

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

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that for decision-taking this means:

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

## **Location**

The application site is located directly adjacent to the defined development boundaries for Haxey, with the boundary running along the western and southern extents of the site. On this basis the site would normally be considered to be within the open countryside for the purpose of planning. However, the principle of a very similar location for residential development was considered by the inspector during the determination of a recent appeal on a similar site on Haxey Lane (APP/Y2003/W/19/3220869) who made the following comment:

“The appeal site and neighbouring dwellings appear to be outside the development boundary of the villages of Haxey and Graizelound as defined in the local development framework. However, there is clearly a well-established ribbon development along the eastern side of Haxey Lane such that the built form of these villages approach each other at the appeal site. Therefore, notwithstanding the development boundaries, the site appears to be located within the village of Haxey and immediately adjacent to the village of Graizelound.”

In this regard the inspector goes on, in his conclusion, to confirm that:

“Policy RD2 refers specifically to development in the open countryside but as I have found that the appeal site is within the village of Haxey, this policy is not directly relevant.”

This assessment ultimately supported the granting of permission in principle for frontage development at the site as granted under reference PA/2019/1117.

Whilst the Inspector is discussing a different site, there are a number of parallels to this proposed site. The sites both immediately about the development limits and have development to the side running away from the settlement. It is therefore considered that the approach taken previously under approval PA/2019/1117 is notable and must be given due regard in considering this proposal.

This proposal would result in the infilling of a gap in an otherwise built up frontage of properties along The Nooking. The proposal could be controlled at technical details stage to ensure that the development runs in a linear form with frontage only onto The Nooking. It is therefore considered that there would not be any appreciable encroachment into the Isle of Axholme Area of Historic Landscape Interest (policy LC14) and would not have any detrimental impact of encroachment of the settlement into open countryside locations.

The site is currently grassland with mature hedgerows to the frontage and to the western boundary. Details of any necessary biodiversity gain can be addressed through the technical details stage, however there is not considered to be any ecological justification against the principle of developing the site for up to three residential properties.

Haxey is a larger rural settlement and is the largest village in the Isle of Axholme providing a range of local services and facilities, with public transport links to larger centres. The settlement scored 45 points in the North Lincolnshire Settlement Survey (2016), ranking 9<sup>th</sup> out of all of the settlements in North Lincolnshire for sustainability. As well as being sustainable in its own right, the village of Haxey performs an important role in supporting and providing facilities for adjacent, smaller, settlements such as Graizelound, East Lound and Westwoodside. Consequently, it is considered that the application site is a sustainable location for residential development with respect to the accessibility of services and facilities.

It is acknowledged that the proposal would be contrary to Core Strategy policy CS3 and local plan policy RD2, which seek to strictly control development outside of defined development boundaries. However, as noted above, the inspector for the recent appeal gave minimal weight to conflict with these policies when considering the merits of an appeal for similar infill development adjacent to the development boundary. This is due to the fact that the inspector considered that site to form part of the village of Haxey and to not be located in the wider countryside. Given the extent of built form bounding the site and that there would be no further encroachment into open countryside from this proposal, it is considered that the same approach is applicable. It is also noted that the restrictive approach of policies RD2 and CS3 is inconsistent with the more positive approach towards development contained in the National Planning Policy Framework. Given this recent appeal decision and the fact that the site lies between existing ribbon development, directly adjacent to the defined development limits of Haxey, it is considered that little weight can be attributed to the conflict with policy CS3. On this basis the presumption in favour of sustainable development should apply.

## **Land use**

The application site is currently grassland. It is abutted to the east and south by existing residential development and to the further west by the extent of the settlement of Haxey. The development of the site will not see the loss of any special resource and, given the existing pattern of development in the area, residential development of the site to continue the existing ribbon development along Haxey Lane is considered to be an appropriate use of the site. This proposed development will provide a contribution towards the supply of housing in the area and would support existing services and facilities in the settlement of Haxey. Therefore, the development aligns with the aims of the NPPF and in particular paragraph 78, which seeks to promote housing to enhance and maintain the vitality of rural communities.

## **Amount of development**

The proposal is for residential development of one to three dwellings. The proposal is therefore considered to constitute small-scale infill development, which reflects the density and development pattern of housing found in the surrounding area. The scale of development is therefore considered to be acceptable and proportionate to its context.

## **Other considerations**

Haxey Parish Council have raised concerns in relation to the proximity to the school opposite the site. In this regard details of the access to the properties would be considered at technical details stage. It is not uncommon to have residential properties near to schools. There are inherent sustainability benefits from such proximities. As the details of the access can be suitably considered at the next stage and given the limited number of up to three properties, it is not considered that the location of the site opposite the school would substantiate a reason to resist the proposal.

## **Conclusion**

Permission in principle can only be considered on grounds of location, land use and amount of development. Matters such as visual amenity, residential amenity, highway safety etc. cannot be considered at this stage and will be considered as part of any future application for technical details consent.

The proposed development would have social and economic benefits by providing up to three new dwellings. There would be a modest benefit to the economy during the construction phase that would help support local shops and services. These benefits weigh heavily in favour of the development.

Applying the planning balance, it is considered that no adverse impacts would result from the development that would significantly and demonstrably outweigh the social and economic benefits identified above. On this basis it is recommended that permission in principle be granted.

**RECOMMENDATION      Grant permission in principle.**

0 30 60 90 120 150 m



Dismantled Railway

Axholme Line Nature Reserve

EPWORTH ROAD

19.7m

GP

B 1396

THE NOOKING

Haxey C of E Primary School

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 LC14 Isle of Axholme Area of Special Historic Landscape Interest

 Development boundary

**North  
Lincolnshire  
Council**

**PA/2021/1336**

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