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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

15 December 2021

Chairman: Councillor Nigel John
Sherwood

Venue: Church Square House,
High Street,
Scunthorpe

Time: 2.00 pm

E-Mail Address:
tanya.davies@northlincs.gov.uk

AGENDA

1. Substitutions
2. Declarations of Disclosable Pecuniary Interests and Personal or Personal and Prejudicial Interests, significant contact with applicants, objectors or third parties (Lobbying) and Whipping Arrangements (if any). (Pages 1 - 2)
3. To take the minutes of the meetings held on 17 November 2021 as a correct record and authorise the chairman to sign. (Pages 3 - 12)
4. Applications deferred from previous meetings for a site visit. (Pages 13 - 14)
 - (a) PA/2021/391 Planning permission to erect single-storey extensions to existing dwelling (dormer storey to one wing) at The Game Farm, rear of 28 West End Road, Epworth, DN9 1LB (Pages 15 - 28)
5. Major Planning Applications. (Pages 29 - 30)
 - (a) PA/2020/1417 Planning permission to erect nine dwellings with associated works at land to the rear of The Wheatsheaf Hotel, 152 Westgate Road, Westgate, Belton, DN9 1QB (Pages 31 - 52)
 - (b) PA/2021/1210 Application for approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to outline planning permission PA/2018/1716 dated 06/02/2020 for up to 48 residential dwellings at B1207 Station Road, Hibaldstow (Pages 53 - 66)
6. Planning and other applications for determination by the committee. (Pages 67 - 68)

- (a) PA/2020/903 Planning permission to erect a hay barn (approximately 48 square metres) and alter stables approved under PA/2017/1022 at land adjacent to Holly Lodge, West Hann Lane, Barrow Haven, Barrow upon Humber, DN19 7HD (Pages 69 - 80)
- (b) PA/2020/1676 Planning permission to erect a bungalow for use as an agricultural dwelling at Manor Farm, West Halton Road, Coleby, DN15 9AL (Pages 81 - 92)
- (c) PA/2021/411 Planning permission for change of use from public house to convenience store, and erect front extension at The Red Lion, 45 High Street, Broughton, DN20 0HY (Pages 93 - 108)
- (d) PA/2021/667 Planning permission to create four self-contained residential dwellings at Christ Church, Barrow Road, New Holland, DN19 7RZ (Pages 109 - 120)
- (e) PA/2021/1247 Planning permission to the change of use of land for equestrian purposes, and erect a stable block and agricultural barn at Alandale, Station Road, Graizelound, DN9 2NN (Pages 121 - 128)
- (f) PA/2021/1286 Planning permission for change of use from a motel to residential, including demolition of restaurant extension at Duke William Hotel, 27 Church Street, Haxey, DN9 2HY (Pages 129 - 142)
- (g) PA/2021/1321 Planning permission to erect a two-storey workshop comprising garages, gym facilities, storage and office space at The Old Vicarage, Yorkshire Side, Eastoft, DN17 4PG (Pages 143 - 154)
- (h) PA/2021/1403 Listed Building Consent to erect a two-storey workshop comprising garages, gym facilities, storage and office space at The Old Vicarage, Yorkshire Side, Eastoft, DN17 4PG (Pages 155 - 164)
- (i) PA/2021/1451 Outline planning permission to erect four dwellings with all matters reserved for subsequent consideration at Castlefield Yard, Station Road, Hibaldstow, DN20 9DU (Pages 165 - 186)
- (j) PA/2021/1624 Outline planning permission to erect a dwelling and move vehicular access, with appearance, landscaping, layout and scale reserved for subsequent consideration at Stanmar Lodge, 127 Akeferry Road, Graizelound, DN9 2NF (Pages 187 - 200)
- (k) PA/2021/1631 Planning permission to alter an existing outbuilding within the curtilage of a Grade II listed building at Park Farm, Uppertorpe Hill, Westwoodside, DN9 2AL (Pages 201 - 208)
- (l) PA/2021/1699 Listed Building Consent to alter an existing outbuilding within the curtilage of a Grade II listed building at Park Farm, Uppertorpe Hill, Westwoodside, DN9 2AL (Pages 209 - 216)

- (m) PA/2021/1763 Outline planning permission to erect a detached dwelling with all matters reserved for subsequent consideration at land adjacent 22 York Road, Kirton in Lindsey, DN20 4PS (Pages 217 - 228)
 - (n) PA/2021/1775 Planning permission to remove agricultural occupancy condition 9 of outline planning permission 7/40/1974 dated 30/05/1974 at Kerroo Moor, Scotter Road, Messingham, DN17 3QE (Pages 229 - 234)
 - (o) PA/2021/1795 Planning permission to erect a rear extension at 21 Church Street, Haxey, DN9 2HY (Pages 235 - 242)
7. Any other items, which the chairman decides are urgent, by reasons of special circumstances, which must be specified.

Note: All reports are by the Group Manager - Development Management and Building Control unless otherwise stated.

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NORTH LINCOLNSHIRE COUNCIL

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

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

MEETING: Planning Committee

DATE: 15 December 2021

Member Name: _____

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

DECLARATIONS OF LOBBYING

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

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

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

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

17 November 2021

PRESENT: - N Sherwood (Chairman)

C Ross (Vice Chairman), S Bainbridge, J Davison, M Grant, R Hannigan, D Southern and D Wells

J Reed, J Briggs, D Robinson, R Allcock, N Poole and J Longcake

The meeting was held at the Church Square House, High Street, Scunthorpe.

2148 **SUBSTITUTIONS**

There were no substitutions at the meeting.

2149 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING) AND WHIPPING ARRANGEMENTS (IF ANY).**

The following members declared a personal interest –

Councillor J Briggs

Application: general

Nature of Interest: member of the Fire Authority and the Isle of Axholme Water Management Board.

The following members declared that they had been lobbied –

Councillor J Davison

Application: PA/2021/1287

Councillor N Poole

Application: PA/2021/1210, PA/2021/1034 and PA/2021/1240

Councillor D Robinson

Application: PA/2021/1033

2150 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 20 OCTOBER 2021 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN.**

Resolved – That the minutes of the meeting held on 20 October 2021, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the Chairman.

2151 **APPLICATIONS DEFERRED FROM PREVIOUS MEETINGS FOR A SITE VISIT.**

In accordance with the decisions at the previous meeting, members had

PLANNING COMMITTEE
17 November 2021

undertaken site visits on the morning of the meeting. The Group Manager – Development Management submitted reports and updated them orally.

2151i **PA/2021/223 OUTLINE PLANNING PERMISSION TO ERECT DWELLINGS, REVISE ACCESS TO HIGHWAY, AND DEMOLISH EXISTING DWELLING AND STRUCTURE, WITH APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED FOR SUBSEQUENT CONSIDERATION AT 91 BARROW ROAD, BARTON UPON HUMBER, DN18 6AE**

The agent addressed the committee and referred to the officers report that he felt was an accurate reflection on the application to recommend approval. He indicated that there were no objections from Highways, there was no heritage value on the land, and that the application would only provide gains all around.

Cllr K Vickers spoke as the local ward member as he was concerned about the loss of the archaeology heritage on the land, and felt that substantial harm would be caused to the historic heritage. He stated it was against a number of planning policies, and said the access was not acceptable and urged the committee to refuse the application.

Cllr Hannigan referred to the site visit, and the concerns with regard to archaeology, and stated that this was not to be underestimated, and felt that once the site was excavated there would be no assurance that the valuable remnants would not be lost forever. He stated a number of planning policies to which the application did not adhere, he said it was out of character, over development and the road safety was another issue.

Cllr Grant felt that the officers report and conditions covered everything required, and the Highways felt it was safe to proceed.

It was moved by Cllr Hannigan and seconded by Cllr Wellls –

That planning permission be refused for the following reasons –

1.
The proposed development would result in a substantial level of harm to archaeology of national importance that is of demonstrably equivalent significance to a scheduled monument and thus should be considered subject to the policies for designated heritage assets. The lack of an appropriate mitigation strategy that makes adequate provision for excavation and recording before and during development and is capable of delivery, together with the lack of any justification for the substantial harm to the heritage asset, run contrary to paragraphs 190, 193, 194, 195 and 199 of the NPPF, and to policy CS6 of the Core Strategy and saved policies HE8 and HE9 of the North Lincolnshire Local Plan.

2.
The proposed development would constitute an overdevelopment of the application site and result in a cramped form of development at odds with the character and appearance of the surrounding area. The proposals are

PLANNING COMMITTEE
17 November 2021

therefore contrary to policies H5 and DS1 of the North Lincolnshire Local Plan, and policies CS5 and CS7 of the Core Strategy.

3.

The applicant has failed to demonstrate that the proposed access would not be to the detrimental safety of both existing and future users of the highway. The proposal would lead to residual cumulative impacts upon the existing road network and is contrary to policy T2 of the North Lincolnshire Local Plan.

Motion Carried.

2151ii **PA/2021/313 PLANNING PERMISSION FOR CONDENSED PUBLIC HOUSE WITH TAKEAWAY, NEW COMMERCIAL UNIT (USE CLASS E), TWO ADDITIONAL RESIDENTIAL UNITS WITH RETENTION OF EXISTING LANDLORD ACCOMMODATION, AND ASSOCIATED WORKS AT THE BAY HORSE, SHORE ROAD, GARTHORPE, DN17 4AD**

Cllr Briggs spoke as the local Ward Member who was in support of the Public House, but had concerns about the low provision for parking on the site. He did not feel the flats were in keeping with the character of the village, and the access/egress to the site would cause problems. He felt it was over development and could not support the application in its current form.

Cllr J Davidson said the site visit had been very informative and the dilapidated old pub was a large waste of space. He felt the development would bring like back to the village and there was adequate parking.

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

2151iii **PA/2021/855 OUTLINE PLANNING PERMISSION TO ERECT A DETACHED DWELLING WITH APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED FOR SUBSEQUENT CONSIDERATION AT ORCHARD HOUSE, 12 BARNETBY LANE, ELSHAM, DN20 0RB**

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

2151iv **PA/2021/1121 PLANNING PERMISSION TO VARY CONDITION 2 OF APPROVED APPLICATION PA/2020/874 (AMENDED DRAWINGS TO REFLECT AMENDMENTS TO PROPOSED DWELLING) AT LAND SOUTH OF CHURCH STREET, ELSHAM, DN20 0RG**

A neighbour who was objecting to the proposal addressed the committee with several concerns. These included, loss of privacy, overshadowing, out of keeping with the neighbouring cottages, it was an overbearing proposal and possibly two and a half times larger than an average house. He said their quality of life would be disrupted and urged the committee to refuse the application.

The agent referred to the site visit allowing the committee members to see

PLANNING COMMITTEE
17 November 2021

the full extent of the site itself. He indicated that the plot extended to over one acre, and there was many large properties within the same area. He stated it satisfied planning policies and the planning officer who had recommended to grant permission.

Cllr Hannigan stated it was a very large site and felt it could accommodate the proposal as it would fit on the plot, and would be the same height as the previous property.

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

2152 MAJOR PLANNING APPLICATIONS.

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

2152i PA/2020/1483 PLANNING PERMISSION TO CONSTRUCT ADDITIONAL VEHICLE STORAGE AREA WITH ASSOCIATED ON-SITE INFRASTRUCTURE TO INCLUDE ACCESS BRIDGE AT CLOUGH LANE, KILLINGHOLME, DN40 3JP

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

2152ii PA/2021/1210 APPLICATION FOR APPROVAL OF RESERVED MATTERS (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) PURSUANT TO OUTLINE PLANNING PERMISSION PA/2018/1716 DATED 06/02/2020 FOR UP TO 48 RESIDENTIAL DWELLINGS AT B1207 STATION ROAD, HIBALDSTOW

Speaking as a local Ward member Cllr Poole raising concerns around drainage issues, and felt that a full plan on the drainage and surface water should be drawn up before a decision is taken on the application.

Cllr Hannigan agreed that with the climate changing the committee needed full plans and assurance from the Drainage Team that the scheme is fit for purpose before a decision is taken.

Resolved – That the application be deferred in order for the drainage condition attached to outline planning permission PA/2018/1716 to be considered and discharged.

2153 PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE.

The Group Manager – Development Management submitted a report incorporating a schedule containing details of applications for determination by the committee including summaries of policy context, representations arising from consultation and publicity and assessment of applications. The Head of Development Management updated the reports orally where appropriate. Other officers attending gave advice and answered members'

PLANNING COMMITTEE
17 November 2021

questions as requested.

2153i **PA/2021/37 APPLICATION FOR PERMISSION IN PRINCIPLE TO ERECT UP TO THREE DWELLINGS (INCLUDING DEMOITION OF EXISTING GARAGES) AT THE BAY HORSE, SHORE ROAD, GARTHORPE, DN17 4AD**

Cllr Briggs addressed the committee with some concerns as the local Ward Member. He stated that the residents also had concerns about the development and the affects it would have on the character of Garthorpe.

Cllr J Davison felt the proposal was a reasonable request on a derelict piece of land, and detailed matters would be considered at a later date.

Cllr Grant was against the proposals as he felt that the big field behind could be used as an infill plot, and parking issues would become a problem.

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

2153ii **PA/2021/391 PLANNING PERMISSION TO ERECT SINGLE-STOREY EXTENSIONS TO EXISTING DWELLING (DORMER STOREY TO ONE WING) AT THE GAME FARM, REAR OF 28 WEST END ROAD, EPWORTH, DN9 1LB**

The agent informed the committee that the owners wanted to create a four bedroom home that would improve the character of the site, removing the dilapidated outbuildings that were currently there and in disrepair.

Cllr J Davison having looked at Google Maps stated he found it difficult to envisage what the development would like, and would like a site visit to take a look before making a decision.

It was then moved by Councillor J Davison and seconded by Councillor Grant

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

Motion Carried

2153iii **PA/2021/479 OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT WITH ALL MATTERS RESERVED FOR SUBSEQUENT CONSIDERATION AT LAND OFF CHESSWICK CRESCENT, KEADBY, DN17 3DQ**

Speaking to the committee the agent outlined the application and in doing so highlighted that the Parish Council was in support of the application, and there was also significant local support. He stated that it was best use of the land and very sustainable. The application had been reduced substantially from 13 to 5 dwellings in a residential area that would only benefit the area, and supply affordable housing.

PLANNING COMMITTEE
17 November 2021

Cllr J Davison referred to previous applications on the site that had been refused due to road access, and he felt nothing in the application had changed on those grounds and therefore felt it should also be refused.

Cllr Grant said there was problems with access/egress and was also on a main bus route, therefore, the original reasons for refusal still stood.

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

- 2153iv **PA/2021/1006 PLANNING PERMISSION TO ERECT THREE SPECIALIST HOUSING UNITS AND A DETACHED SPECIALIST ACTIVITY SPACE, INCLUDING PARKING PROVISION AT LAND TO THE WEST OF THE TUDORS, MOOR ROAD, BOTTESFORD, DN17 2BS**

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

- 2153v **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**

An objector attended the meeting and spoke against the application. The site was situated on a narrow, hazardous road. Emergency services would be restricted and may encounter difficulties were they to access the site. The application would have a detrimental impact to the safety of all road users. Granting the application would add additional stress to the drainage infrastructure. There would only be three car parking spaces available, with potentially 12 cars requiring places to park. Noise from customers accessing the site would adversely impact the amenities of local residents. The village was unable to cope with businesses of this type.

The applicant responded and detailed for the committee his extensive career in hospitality and saw this as a semi-retirement project in a village setting. He indicated there would be limited opening hours, not a lot of deliveries to the site, it would mainly be based on afternoon tea and piano music playing in the background. He stated there would be 10 parking spaces available which would be ample for the proposal.

Cllr Robinson addressed his concerns to the committee and felt it would breach planning regulations. He said it was situated on a corner plot where parking is an issue and it would cause more problems, along with daily school parking also in that vicinity.

Cllr J Davison having visited the site was concerned with it being on the corner of a congested area, along with the school being in close proximity to the proposal. He didn't feel the parking was adequate and there would be highway safety implications. He said it was contrary to a number of planning policies and was against approval of the application.

PLANNING COMMITTEE
17 November 2021

Cllr Grant Felt double yellow lines around the area could solve the parking issues, and there was other take aways within the area so he could not see what the problem was as parking was provided.

Cllr Bainbridge supported the application as did the Parish Council.

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

That planning permission be refused for the following reasons –

1.

By reason of the provision of a proposed parking arrangement, and the consequent potential impact resulting from on-street parking on Westgate Road, the proposal would cause highway safety impacts on this residential street. The proposed development is therefore contrary to policies T19 and S9(ii) of the North Lincolnshire Local Plan.

2.

The proposal would have an adverse impact on residential amenities and would therefore be contrary to policies S9(i) and DS4 of the North Lincolnshire Local Plan which apply to proposals for restaurants, cafés and hot food takeaway establishments and changes of use in residential areas.

Motion Carried.

2153vi **PA/2021/1110 PLANNING PERMISSION FOR A TEMPORARY CHANGE OF USE FOR THE STORAGE OF PREFABRICATED UNITS AT SLATE HOUSE FARM, REDBOURNE ROAD, HIBALDSTWO, DN20 9NN**

Cllr Poole addressed the committee as the local ward member as he had concerns after reading the officer's report that there was no travel plan included, and queried it with the relevant officer present.

The Highway's representative informed the committee that the scale of the development did not warrant a travel plan.

Cllr Hannigan stated that he knew the site very well and felt it was suitable for the development.

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

2153vii **PA/2021/1197 PLANNING APPLICATION TO REMOVE CONDITIONS 3 AND 12 OF PA/2009/1081 TO ALLOW FOR THE UNRESTRICTED OCCUPANCY OF TWO COTTAGES AT HOLIDAY COTTAGES, DON FARM, COMMON MIDDLE ROAD, CROWLE, DN17 4EZ**

The agent spoke on behalf of the applicant and informed the committee that the applicant no longer run the holiday cottages and a family member wished to use them as family homes, and requested that the condition restricting that be removed.

PLANNING COMMITTEE
17 November 2021

Cllr J Davison felt that the holiday lets had been the original reason why permission was granted, and there should be no reason to allow amendments.

Cllr Grant stated that had the application requested permission for a permanent family home in the initial application it would have been granted, and therefore he saw no reason why the application should not be granted permission.

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

That planning permission be refused.

It was moved by Cllr Grant and seconded by Cllr Bainbridge as an amendment-

That planning permission be granted.

Amendment Lost
Motion Lost

It was then moved as a further motion by Cllr N Sherwood that permission be granted and seconded by Cllr Ross –

That planning permission be granted.

Motion Carried.

2153viii **PA/2021/1287 PLANNING PERMISSION TO RETAIN CHANGE OF USE OF GARAGE TO HOME HAIRDRESSING SALON AT 46 HIGH LEYS ROAD, BOTTESFORD, DN17 2QA**

A neighbour spoke in objection to the application, outlining that the business was fully operational 6 days a week, with increased traffic flows, and could possibly be converted into anything they chose to do. He also said it could lead to them having to sell their property in the future as the opening hours to 7pm were unacceptable, with no privacy.

The applicant stated that due to family circumstances changing it meant someone had to be at home, but also had to earn a living. In speaking to the committee he referred to many other hairdressers working this way with no problems, and that he had consulted all the appropriate authorities and certified to the appropriate standards.

Cllr Longcake spoke as the local Ward Member on behalf of a number of local residents who had concerns. She was worried that standards had not been met, and potential parking issues along with the privacy of neighbouring properties.

Cllr Hannigan appreciated times had changed and businesses were now running from home, but did have concerns about the opening times

PLANNING COMMITTEE
17 November 2021

stipulated. He felt that that the application should be approved but with more suitable opening hours

Resolved – That planning permission be approved in accordance with the officer's report and the addition of the following condition:

1.
Hours of operation shall be limited to:
 - 9am to 6pm Monday to Friday; and
 - 9am to 1pm on Saturdays.

The hairdressing salon shall remain closed on Sundays and public/bank holidays.

No electrical equipment shall be operated or deliveries received outside the operating hours outlined above.

Reason

To regulate and control the use on the site, which is located in a residential area, to protect the amenity of neighbours in accordance with policy DS1 of the North Lincolnshire Local Plan.

2154 APPLICATIONS FOR APPROVAL OF RESERVED MATTERS

The Group Manager – Development Management and Building Control submitted a report outlining applications for reserved matters.

2154i PA/2021/1034 APPLICATION FOR APPROVAL OF RESERVED MATTERS (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) PURSUANT TO OUTLINE PLANNING PERMISSION PA/2017/392 DATED 15/06/2018 FOR SIX FOUR-BEDROOMED DETACHED DWELLINGS AND INTEGRAL GARAGES AT LAND NORTH OF THISTLE DOWNS, SCOTTER ROAD, MESSINGHAM, DN17 3QE

Speaking in objection to the application a local resident felt that the proposal was not appropriate, would have a negative impact on the area, and had great concerns regarding the drainage and maintenance of a pipe that runs through the problems that would be problematic.

Cllr Poole spoke against the application with great concerns over the drainage and surface/foul water discharge. He indicated that they had had problems in this area previously with standing water and residents unable to flush their toilets. He urged the committee to defer the application until a full complete plan had been developed to manage the drainage and surface water discharge.

Cllr J Davison agreed with the last speaker and requested the application be deferred until they had sight of a full scheme for the surface and foul water discharge.

Resolved – That the application be deferred until more detailed informative is provided.

PLANNING COMMITTEE
17 November 2021

- 2154ii **PA/2021/1240 APPLICATION FOR APPROVAL OF RESERVED MATTERS (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) PURSUANT TO OUTLINE PLANNING PERMISSION PA/2018/792 DATED 06/08/2018 FOR SIX DWELLINGS AT CARR LANE, REDBOURNE, DN21 4QZ**

An objector raised a number of concerns on the applications and urged to committee to refuse the application. She raised a number of issues including no drainage scheme being available, flooding issues, traffic safety and the detrimental effect that it would have on the area.

The agent felt that all aspects had been addressed by the conditions. The drainage issues would be solved through soakaways as land was available, and highlighted that the access had been deemed appropriate by the highways Authority with no loss of amenity to neighbouring properties.

Cllr Poole as the local Ward member felt that there was a lack submission on the drainage implications, and queried how the committee could take a decision when they did not have sufficient details to do so. He urged the committee to defer the application for further detail.

Cllr J Davison indicated that Redbourne had had previous flooding issues, and any future scheme needs to be adequate and a professional opinion obtained. He said the full scheme needed to be produced before they could make a decision.

Resolved – That the application be deferred for further information to be obtained.

- 2155 **ADOPTION OF WORLABY PARISH NEIGHBOURHOOD PLAN**

Resolved – That the Worlabby Parish Neighbourhood Plan be adopted and referred to Full Council for approval.

- 2156 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE SPECIFIED.**

No further items to discuss.

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.

DEVELOPMENT MANAGEMENT LEAD

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

Ref: CB/JMC/Planning committee 15 December 2021.docx
Date: 6 December 2021

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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APPLICATION NO	PA/2021/391
APPLICANT	Mr & Mrs Nick Webster-Henwood
DEVELOPMENT	Planning permission to erect single-storey extensions to existing dwelling (dormer storey to one wing)
LOCATION	The Game Farm, rear of 28 West End Road, Epworth, DN9 1LB
PARISH	Epworth
WARD	Axholme Central
CASE OFFICER	Brian McParland
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Support by Epworth Parish Council

POLICIES

National Planning Policy Framework: Section 12

Paragraph 192: 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 200: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

North Lincolnshire Local Plan: DS1, RD2, RD10, LC7 and LC14

North Lincolnshire Core Strategy: CS1, CS2, CS5 and CS6

CONSULTATIONS

Highways: No objection.

Drainage (Lead Local Flood Authority): No objection.

Environmental Protection: No objection.

Archeology: 'The application adversely affects the Area of Special Historic Landscape Interest of the Isle of Axholme (Local Plan Policy LC14) and lies outside the Development Boundary.

- 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 in a well-preserved area of the historic landscape adjacent to the Ancient Open Strip Field character area of Ellers Field.
- The scale and design of the proposed house site would be highly visible and dominant in the historic landscape.
- The effect of the proposed dwelling on the historic landscape is not justified; the proposed development 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.
- 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, RD2, DS1.'

PARISH COUNCIL

Supports the application.

PUBLICITY

Advertised by site and press notice. Two responses have been received, one in support and one objecting on grounds of backland development.

ASSESSMENT

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

The site

The application site is within the open countryside and is occupied by a dwelling known as 'Game Farm', which is a conventional single-storey dwelling with a pitched roof and a conservatory. The site was also previously occupied by a number of outbuildings, however these appear to have been removed.

The application site is within SFRA flood zone 1 (low), is not within a conservation area, does not relate to any listed buildings and there are no tree preservation orders (TPOs) within the vicinity. It is acknowledged that the site lies within policy LC14 land which is an Area of Special Historic Landscape Interest (The Isle of Axholme).

The proposal

Planning permission is sought to erect single-storey extensions to the existing dwelling (dormer storey to one wing).

The main issues to be considered are whether adequate justification can be demonstrated regarding the proposal's principle of development, impact on the character of the area and design, and impact on the amenity of neighbours.

Principle of development

Policy RD2 (Development in the Open Countryside) is considered relevant which states that development in the open countryside will be strictly controlled. Planning permission will only be granted for development which is:

'(vii) for the replacement, alteration or extension of an existing dwelling.'

Provisions (a) – (f) are also listed.

The proposed extension would relate to an existing dwelling; therefore, the proposal would fall within the scope of policy RD2, section (vii). Considering this, policy RD10 (Replacement, Alterations and Extension to Dwellings in the Open Countryside) is also relevant which states proposals to replace, extend or alter dwellings in the open countryside will only be permitted provided that:

'(ii) the volume of the proposed extension or alteration does not exceed that of the original dwelling by 20%, exclusive of the normal permitted development rights, and the original dwelling forms the dominant visual feature of the dwelling as extended.'

The proposed extensions (including the car port), by way of their design, would appear as the dominant visual features of the dwelling which would visually compete with the original dwelling. As such, the proposal would be in conflict with policy RD10 section (ii) of the local plan.

Impact on the character of the area and design

Policies DS1, RD10 and RD2 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and amenity. In respect of impact on character, policy DS1 states that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area. Policy LC14 states that development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features.

The council's archaeologist has provided the following comment:

'The application site lies outside the Development Boundary for Epworth in the open countryside within the ASHLI (Area of Special Historic Landscape Interest of the Isle of Axholme) covered by LC14 policy area and the applicant has not adequately justified how the siting, scale and design of the proposal would accord with the requirements of Local Plan policy LC14.'

The application site lies on the edge of the Ancient Open Strip Field known as Eller's Field, one of the best-preserved areas of the core historic landscape character in the Isle. The application site is bounded to the east by the track that leads into the southwestern part of the field from West End Road.

The houses to the west of the site fronting West End Road are within the Early Enclosed Land that buffers Ellers Field and forms the setting of the AOSF (Ancient Open Strip Fields). The long narrow gardens extend to the public footpath along their north boundary and preserve the form of plots enclosed from the open field. The differences between these two character zones are clearly legible in the landscape around the application site.

The removal of the former game farm outbuildings has opened up the site around the bungalow allowing views from the access lane across the EEL (The Early Enclosed Land) to the rear of the dwellings along West End Road and improving the legibility of the historic character of the landscape adjacent to the AOSF at the entrance to Ellers Field.

The current bungalow is a simple single-storey structure less than 5 metres high. No. 28 West End Road, at the southern end of the plot containing the application site is a relatively modest dormer bungalow fronting the road. The bungalow to the rear is barely visible from the road behind no. 28 or from field access track alongside. The scale of the existing bungalow and the north elevation with two small windows is not overly intrusive when viewed from within Ellers Field.

The proposed dwelling is considerably larger than the existing bungalow, nearly tripling the footprint of the domestic accommodation area, the ridge height rising to 5.5m. The single-storey wing along the western boundary is approximately 12m long providing additional domestic accommodation and a carport for four cars facing onto a large courtyard. The proposed rear elevation facing onto the AOSF is increased from 7.5m to over 20m in length with a considerable expanse of roof and glazing overlooking the historic landscape to the rear.

The much-extended dwelling would be clearly visible behind no. 28 West End Road and from the field access track alongside. It would be highly visible from within the surrounding historic landscape in both the AOSF and EEL character areas, appearing intrusive and dominant in the view. Furthermore, it will detract from the settlement form of the EEL character as roadside dwellings within long narrow plots preserving the legibility of the AOSF.

The visual intrusion of the proposed dwelling into the historic plot that lies on the edge of the EEL zone surrounding Ellers Field AOSF would result in a loss of the legibility of the historic landscape at this location. In an appeal decision for a site just 150m east of the current application site, the Inspector noted that the change in character between the early enclosed land and the AOSF of Ellers Field was highly legible to public appreciation and as such the appeal site made an important contribution to the historic setting. The appeal was dismissed on the grounds of unacceptable harm to the Special Historic Landscape Interest (Appeal Ref: APP/Y2003/W/18/3211573).

The proposed dwelling would introduce further mass of the built form into the historic landscape setting and would increase the potential for the introduction of other domestic elements into the setting such as additional outbuildings, garden structures, hard paving, boundary fencing, external lighting, and other permitted development. The scale of the proposed carport for four cars may be considered excessive given the property has

extensive external space for parking. Because of this the proposed dwelling is an over-development of a backland plot that would adversely affect the existing character of both the AOSF and the EEL, eroding the character and setting and the legibility of the of the character zones as well as the setting of the traditional settlement form that together form part of the nationally important historic landscape in this location. As such, the proposed dwelling would be an unacceptable encroachment into the Area of Special Historic Landscape.

I would be concerned that granting permission for such an incursion in the LC14 zone will make other applications in this location more difficult to resist and result in further degradation of this nationally significant historic landscape character type and specifically Ellers Field`.

In light of the above, the proposed development, by way of its design, would adversely affect the historic landscape of the Isle of Axholme, a heritage asset of national significance, and specifically the character of the Early Enclosed Land and the setting of the core historic landscape of Ellers Field Ancient Open Strip Field, as well as the historic settlement form, that contribute to the character, setting and legibility of the historic landscape. Furthermore, the proposal fails to make a positive contribution to local character and distinctiveness and would detract from the significance of the historic landscape at this location. The application fails the key objective of the NPPF to conserve the historic environment for this and future generations. As such, the proposal would conflict with paragraphs 192 and 200 of the NPPF, local plan policies RD2, RD10, LC14, LC7 and DS1, and Core Strategy policies CS5 and CS6.

Impact on the amenity of neighbours

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

The application site is sufficiently set back from the plots serving the neighbouring properties along West End Road which would mitigate amenity impacts. There are no properties adjacent to the application site.

It is considered that the proposal would not prejudice neighbouring amenity. As such, the development would be in accordance with policies DS1, RD10, RD2 and CS5.

Conclusion

The proposed extensions would be a departure from the local plan and would prejudice the historic landscape.

RECOMMENDATION Refuse permission for the following reasons:

1.

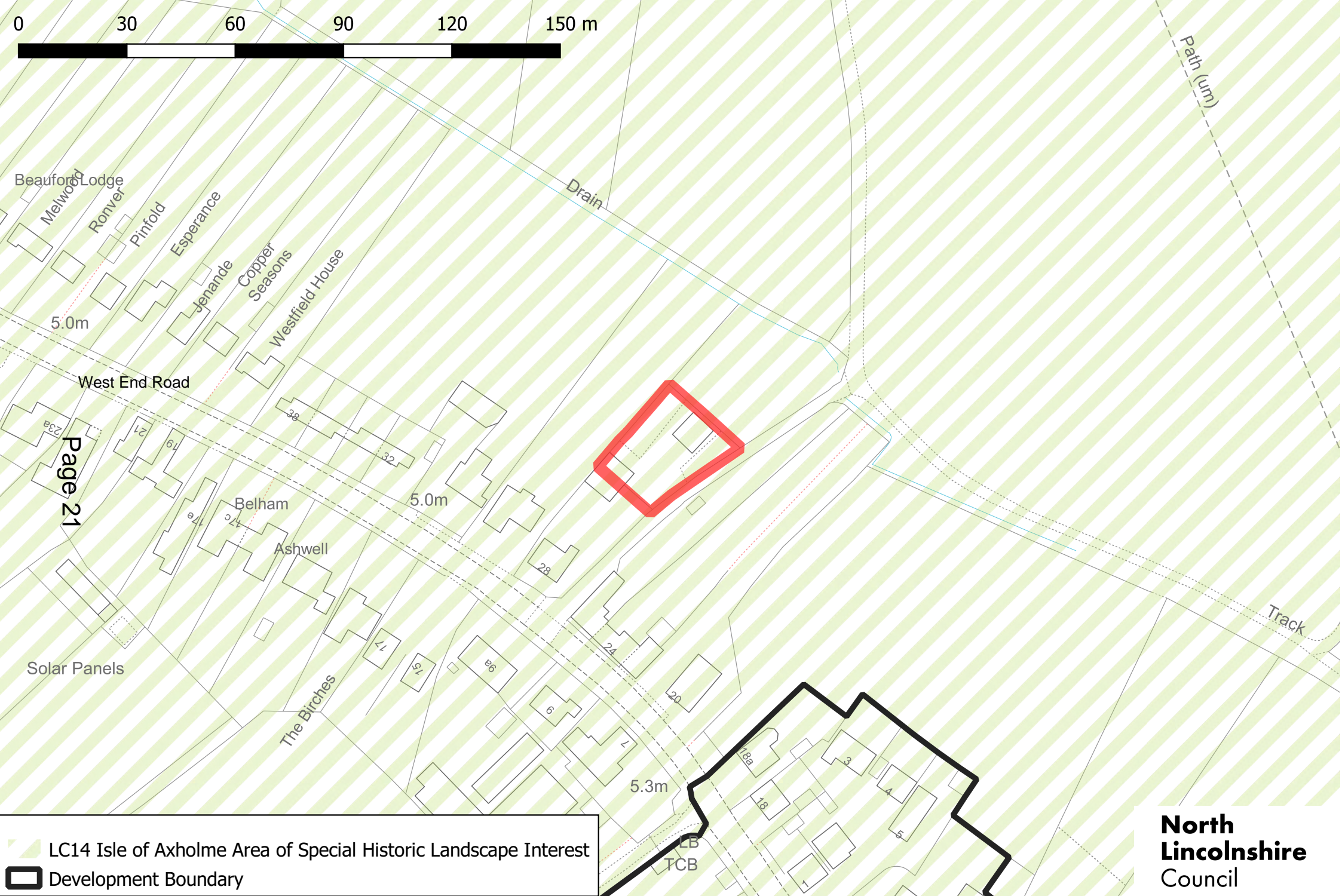
The proposed extensions (including the car port), by way of their design, would appear as the dominant visual features of the dwelling which would visually compete with the original dwelling. As such, the proposal would be in conflict with policy RD10 section (ii) of the North Lincolnshire Local Plan.



2.

The proposed extensions, by way of their design, would adversely affect the historic landscape of the Isle of Axholme, a heritage asset of national significance, and specifically the character of the Early Enclosed Land and the setting of the core historic landscape of Ellers Field Ancient Open Strip Field, as well as the historic settlement form, that contribute to the character, setting and legibility of the historic landscape. Furthermore, the proposal fails to make a positive contribution to local character and distinctiveness and would detract from the significance of the historic landscape at this location. The application fails the key objective of the NPPF to conserve the historic environment for this and future generations. As such, the proposal would conflict with paragraphs 192 and 200 of the NPPF, policies RD2, RD10, LC14, LC7 and DS1 of the North Lincolnshire Local Plan, and policies CS5 and CS6 of the Core Strategy.

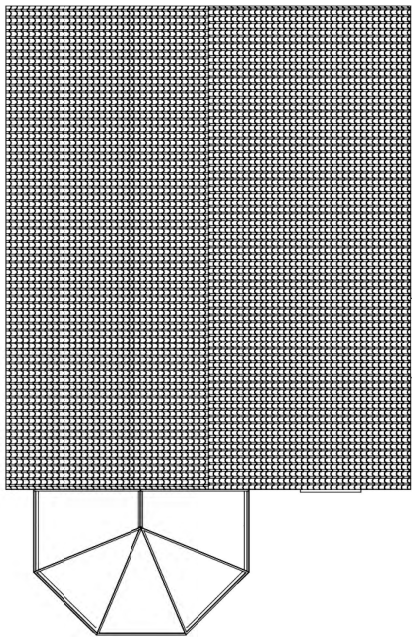
Informative

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

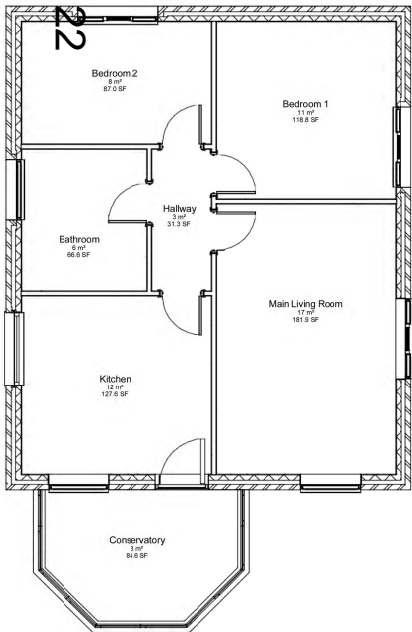


 LC14 Isle of Axholme Area of Special Historic Landscape Interest
 Development Boundary

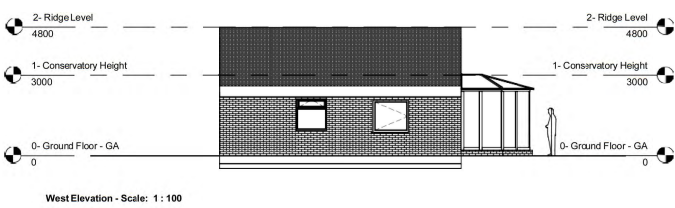
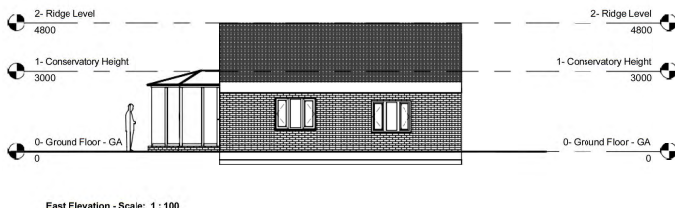
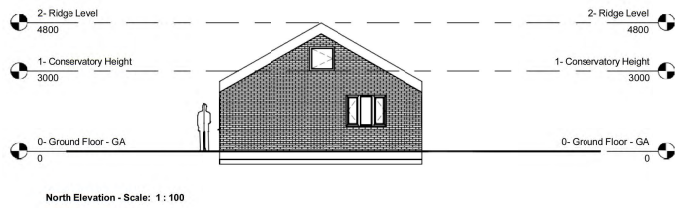
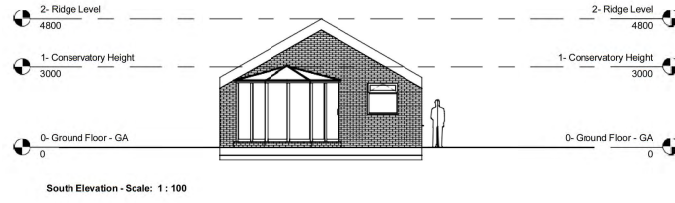
**North
Lincolnshire
Council**



Ridge Level - Scale: 1: 5f



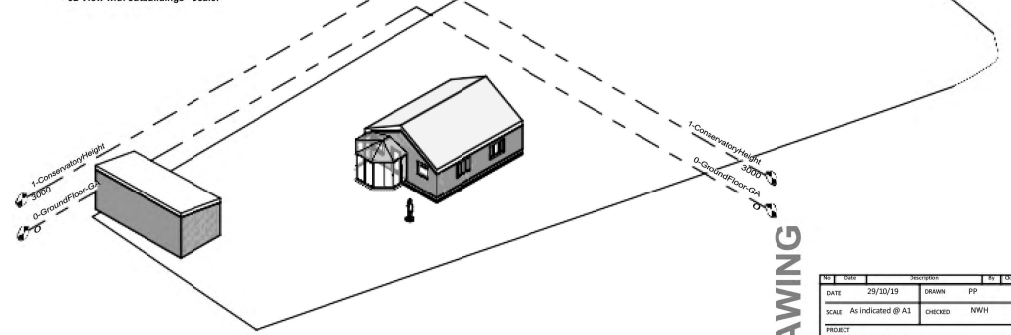
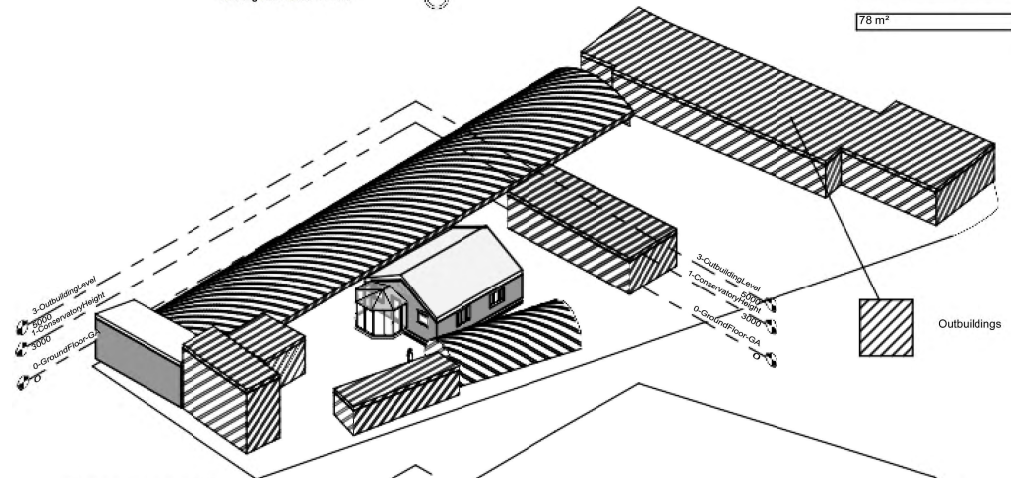
Ground Floor - GA - Scale: 1: 50



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 Materials used in conformity with relevant British or European Standards/Codes of practice or materials known to be deleterious to health & safety must be used or specified on this project.
 Note: All dimensions must be checked on site against construction/manufacture. This drawing should not be scaled from.

Room Schedule			
Number	Name	Internal Area	Internal Sq Ft
1	Conservatory	8 m ²	85 ft ²
2	Kitchen	12 m ²	128 ft ²
3	Main Living Room	17 m ²	182 ft ²
4	Bathroom	6 m ²	67 ft ²
5	Bedroom 1	11 m ²	119 ft ²
6	Bedroom 2	8 m ²	87 ft ²
7	Hallway	3 m ²	31 ft ²
Grand total: 7		65 m ²	698 ft ²

Gross Area Schedule (Gros...)	
Gross Building Area	
78 m ²	

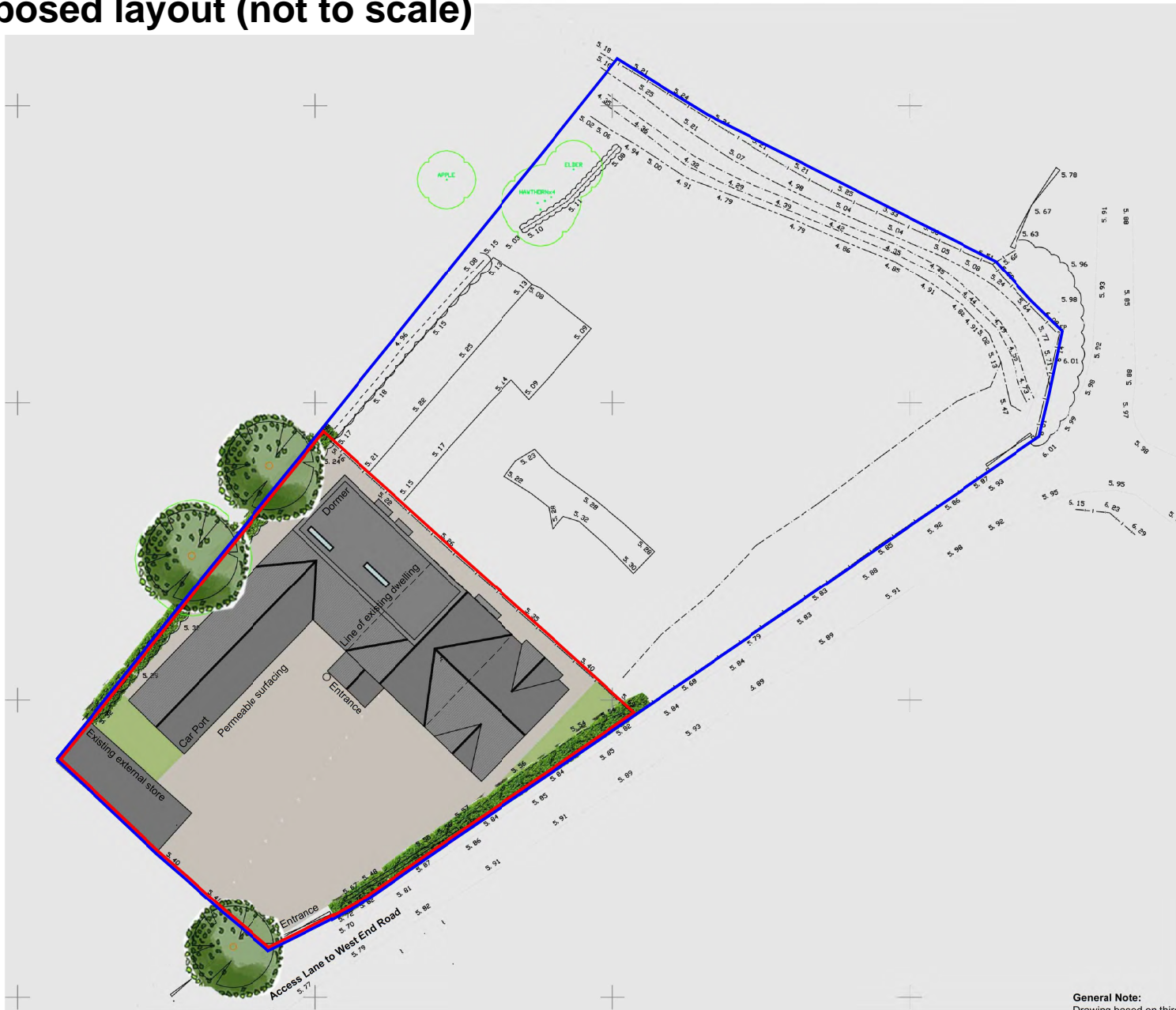


SURVEY DRAWING

No.	Date	Description	By	Rev.
DATE	29/10/19	DRAWN	PP	
SCALE	As indicated @ A1	CHECKED	NWH	
PROJECT: The Game Farm Epworth				
DRAWN BY TITLE: Existing Site and Survey Drawing				
Drawing No: 2019- ID - 37 - SURV001				

isleDesign
architecture

Rev. 11 High Street, Epworth, North Lincolnshire, DN9 1ET
 M: 0751 224561 F: 08427 671480
 E: info@isledesign-architecture.com
 C&A Chartered Membership No. 225889



General Note:
 Drawing based on third party measured land survey data, namely:
 Geo survey drawing - 20020-13-T-E

Date: March 2021
 Proposed Site Master plan
 Drawing scale 1:200 @ A2
 The Game Farm, West End Road, Epworth, North Lincs

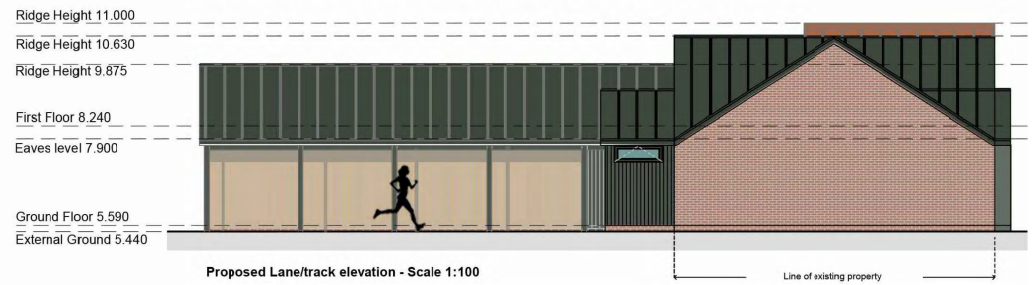


2019-ID-37-PL003






PLANNING DRAWING

No 12 High Street, Epworth, North Lincs
 M: 07917 224361 T: 01427 671480
 E: nwh@sleDesign-architecture.com
 CIAT Chartered Membership No: 015666

PA/2021/391 Proposed elevations (not to scale)



Material Key:

-  Standing seam copper cladding - natural finish
-  Standing seam pressed metal cladding - Anthracite Grey
-  Charred vertical 'larch' cladding
-  Aluminum windows - RAL 9005 'Jet Black'
-  Facing Brickwork

Page 24

Date: March 2021
 Proposed General Elevations
 Drawing scale 1:100 @ A2
 The Game Farm, West End Road, Epworth, North Lincs



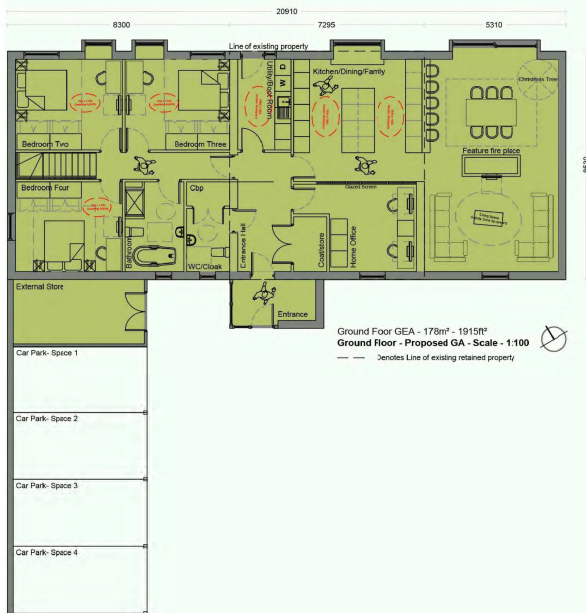
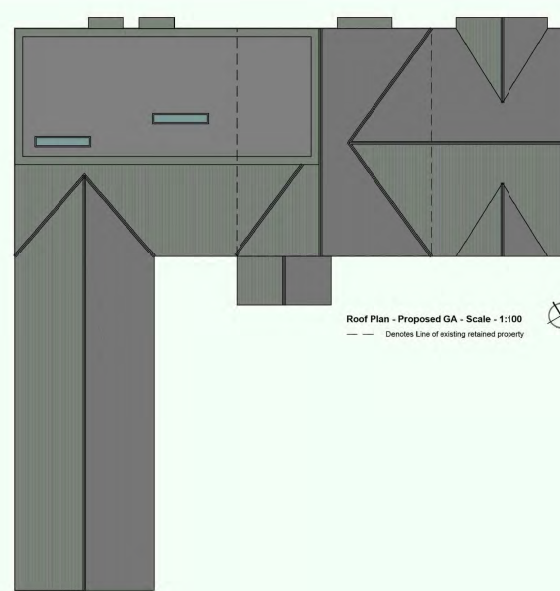
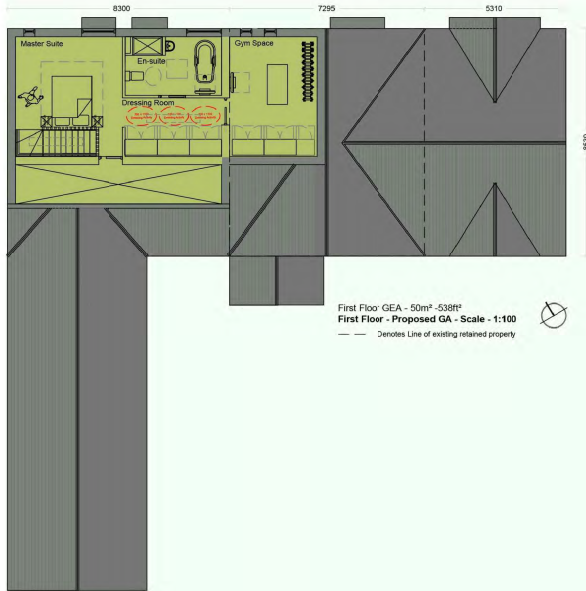
2019-ID-37-PL002

PLANNING DRAWING

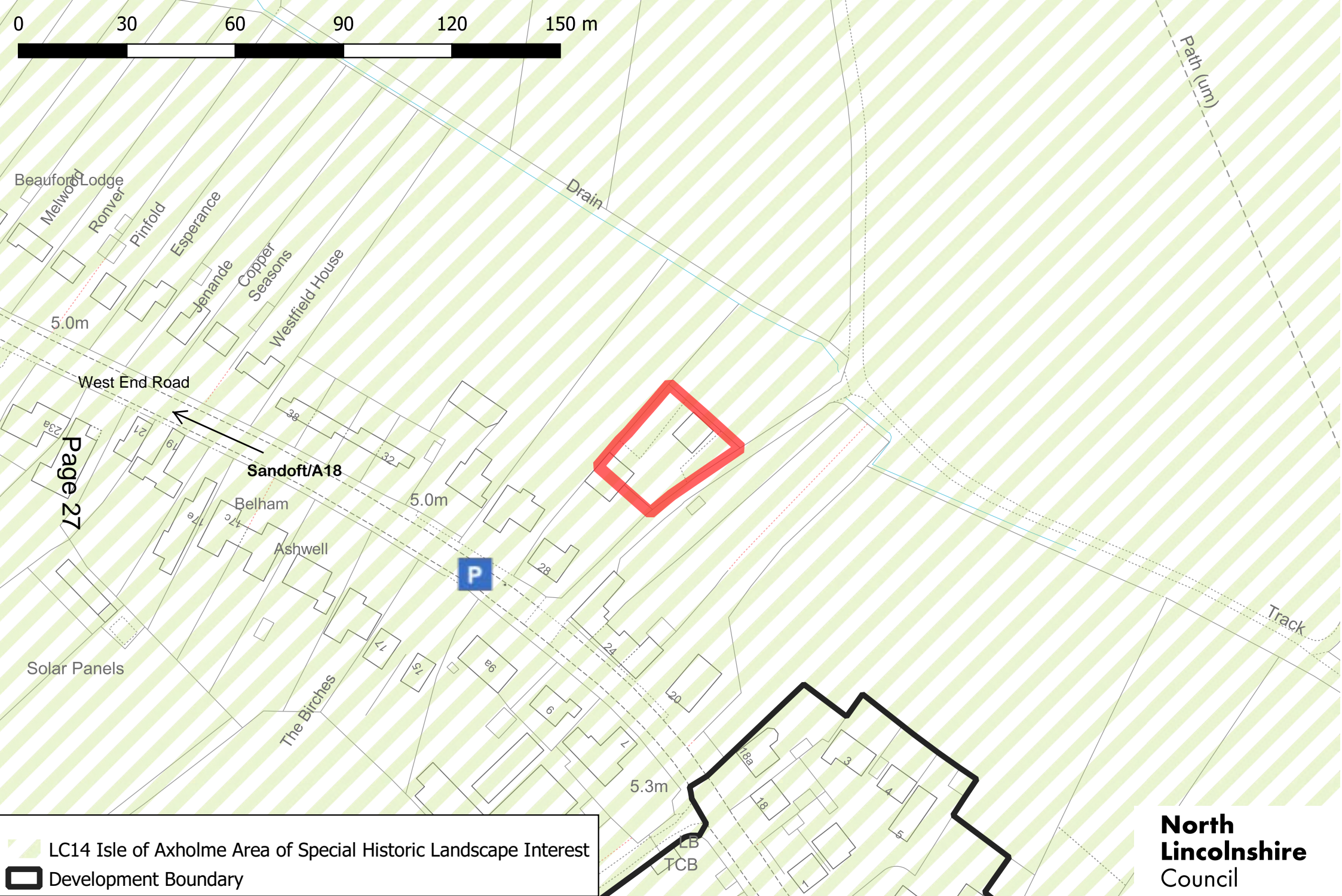
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 E: nwh@sleDesign-architecture.com
 CIAT Chartered Membership No: 015666



PA/2021/391 Proposed floor plans (not to scale)

Page 25



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

**North
Lincolnshire
Council**

Page 27

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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 Development Management Lead.

4. RESOURCE IMPLICATIONS

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

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

5. RECOMMENDATION

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

DEVELOPMENT MANAGEMENT LEAD

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

Reference: CB/JMC/Planning committee 15 December 2021.docx

Date: 6 December 2021

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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APPLICATION NO	PA/2020/1417
APPLICANT	Mr R Mills, North Lincs Property Ltd
DEVELOPMENT	Planning permission to erect nine dwellings with associated works
LOCATION	Land to the rear of The Wheatsheaf hotel, 152 Westgate Road, Westgate, Belton, DN9 1QB
PARISH	Belton
WARD	Axholme Central
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Tim Mitchell and David Robinson – community interest)

POLICIES

National Planning Policy Framework:

Chapter 2 Achieving sustainable development

Chapter 4 Decision making

Chapter 5 Delivering a sufficient supply of homes

Chapter 6 (Building a strong, competitive economy)

Chapter 8 (Promoting healthy and safe communities)

Chapter 9 (Promoting sustainable transport)

Chapter 11 Making effective use of land

Chapter 12 Achieving well-designed places

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

Chapter 15 (Conserving and enhancing the natural environment)

North Lincolnshire Local Plan:

Policy H1 Housing Development Hierarchy

Policy H8 Housing Design and Housing Mix

Policy T2 Access to Development

Policy T19 Car Parking Provision and Standards

Policy RD2 Development in the Open Countryside

Policy DS1 General Requirements

Policy DS14 Foul Sewage and Surface Water Drainage

Policy DS16 Flood Risk

Policy LC7 Landscape Protection

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 CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS19 (Flood Risk)

Policy CS25 (Promoting Sustainable Transport)

CONSULTATIONS

Education: No objection and comments that educational contributions will not be sought for this development as it falls under the threshold of 15 dwellings for a medium growth area.

Yorkshire Water Services: No comments.

Humberside Fire Brigade: No objection or adverse comments.

Environment Agency: No objection.

Recycling officer: No objection or adverse comments.

Environmental Protection: No objection subject to conditions.

Isle of Axholme & North Nottinghamshire Water Level Management Board: There are no Board-maintained watercourses near the site.

Historic Environment Record: Objects to the application.

Severn Trent Water: No objection subject to a condition and an informative.

Public Health: No objection.

Spatial Planning: Recommended that this proposal 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 the NPPF applies and the application should be considering any adverse impacts of granting permission when assessed against the policies within this Framework taken as a whole or specific policy indicate development should be restricted. It must be demonstrated why the development meets the three dimensions of sustainable development. **[Note: these comments were submitted prior to the confirmation that the local planning authority has demonstrated a five-year supply of housing.]**

Section 106 Officer: As the application is for less than 10 dwellings, no section 106 contribution is required for affordable housing, education or leisure. With regard to recreation, for a development of this size there is no requirement for an area of play on site, however, requests 10sqm per dwelling of informal open space on site. For North Lincolnshire Council to maintain the 160sqm it will be £5,542.60. Alternatively, an estate management company can be set up and no contribution will be required.

Highways: Initially had concerns with the proposal and commented that the proposed layout would need to be amended. However, having reviewed the revised drawing, they have no objection subject to conditions.

Drainage (Lead Local Flood Authority): Initially objected to the application, however, following receipt of the revised drawing, has withdrawn the objection subject to conditions, informative comments and notes to the developer.

PARISH COUNCIL

Objects on the following grounds:

- environmental, historical and drainage
- increase in traffic
- impact on local services such as the schools, doctor's and other amenities.

PUBLICITY

Advertised by site and press notice. Six responses have been received, including three from the same household. The concerns raised are as follows:

- overlooking
- privacy
- pedestrian and vehicular access
- the public right of way
- trees and hedges
- flood risk

- biodiversity and geological conservation
- the view from the property
- noise nuisance
- the development will put excessive pressure on the infrastructure of the village
- drainage and flooding
- road traffic.

STATEMENT OF COMMUNITY INVOLVEMENT

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

ASSESSMENT

Site description and proposal

Planning permission is sought to erect nine dwellings, including associated works, on land to the rear of The Wheatsheaf hotel, 152 Westgate Road, Westgate, Belton, DN9 1QB. The site measures 0.37 hectares and is located on Westgate Road which adjoins the village of Belton, in the Isle of Axholme area of North Lincolnshire.

The site was previously used as a paddock. It is bounded by the public house car park and the public house to the south, which fronts Westgate Road. To the east are a manege and agricultural building. There is an open field to the west separating the site from the properties alongside Green Lane and an open field to the north.

The original proposal for ten dwellings has been reduced to nine.

The nine dwellings proposed comprise three pairs of semi-detached dwellings and three detached dwellings. The semi-detached dwellings would be three-storey properties containing three bedrooms, all with gardens. The three detached dwellings would be two-storey properties containing three bedrooms. The materials for the walls of the dwellings are brickwork and the roof covering would be clay pantile.

Access to the site would be taken from Westgate Road via the existing car park of the public house.

Boundary treatments would include 1100mm timber rail and post fence to the rear of each plot and 1800mm close-boarded timber fence is proposed to divide the plots at the rear. Landscaping would include trees and planting native to the surrounding area.

Planning considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP) and the North Lincolnshire Core Strategy (NLCS). Material considerations exist in the form of national policy and guidance

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

The main planning considerations in this case are:

- **the principle of development**
- **design and character**
- **impact on neighbouring amenity**
- **impact on highway safety and the level of parking**
- **impact on archaeology**
- **impact of potential land contamination**
- **the risk of flooding and the proposed surface water drainage strategy.**

The principle of development

The North Lincolnshire Five Year Housing Land Supply Statement states that North Lincolnshire can demonstrate a 5.64-year supply between 1 April 2021 to 31 March 2026. Accordingly, the local planning authority has demonstrated a five-year supply of housing and housing applications should be considered in the context of the local development plan.

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing that seek to restrict housing outside settlements should not be considered up to date if a five-year supply cannot be demonstrated. The presumption in favour of sustainable development means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application when assessed against the policies of the NPPF.

In this case, the local planning authority has demonstrated a five-year supply of housing, and therefore this application should be considered in the context of the local development plan.

The site is outside the development boundary of Belton on Westgate Road and therefore the principle of the development on the site would be judged by whether such a development is appropriate for the countryside and whether it is sustainable and consistent with the local development plan.

Policy CS2: Delivering More Sustainable Development sets out how the principle elements of policy CS1 will be implemented using a sequential approach to the location of future development that is based on the settlement hierarchy and taking into account other sustainability criteria.

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

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

It requires that all future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Proposals should comply with the following sustainable development principles:

- Be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport. It should be compliant with public transport accessibility criteria as set out in the Regional Spatial Strategy.
- Be located where it can make the best use of existing transport infrastructure and capacity, as well as taking account of capacity constraints and deliverable transport improvements particularly in relation to junctions on the Strategic Road Network
- Where large freight movements are involved, the use of rail and water transport should be maximised.
- Contribute towards the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities.
- Contribute to achieving sustainable economic development to support a competitive business and industrial sector.
- Ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives.
- Ensure the appropriate provision of services, facilities and infrastructure to meet the needs of the development, but where appropriate it is to be recognised that a phased approach may not be required on small scale development proposals.

Policy CS3 provides that outside development boundaries development will be restricted to that which is essential to the functioning of the countryside. To summarise, the application site is within the open countryside and is strictly contrary to local planning policy which seeks to protect such areas from inappropriate uses.

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 (policies CS2 and CS3).

Policy CS8 of the Core Strategy 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. About rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

The policies above aim at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. In line with the terms of the above policies, the principle of development is not acceptable, in that the application site is outside

the settlement boundary, and it would not meet the criteria for development within the open countryside.

Further, the site is not a brownfield site within a development boundary and does not 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 consistent with the aim of policy CS8.

Overall, the proposal is thereby considered to conflict with policies CS2, CS3 and CS8 of the Core Strategy.

Since the proposal conflicts with policies CS2, CS3 and CS8 of the Core Strategy, a full assessment of the proposal and supporting documents should be carried out to establish if they are of sufficient weight to merit departing from the development plan.

The supporting documents submitted with the application include:

- Drawings (site plan, location plan, block plans, floor plans and elevation plans)
- Drainage Assessment
- Archaeological Evaluation Report
- WSI for Archaeological Trenching
- Design & Access Statement
- Heritage Statement
- Flood Risk Assessment.

As indicated earlier, the local planning authority has demonstrated a five-year supply of housing and therefore the development plan remains up to date. For decision making, this means the principle of the development is contrary to the local development plan as outlined above.

Layout, siting and landscape impact

Paragraph 127 of the NPPF 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;
- (d) establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractively, 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 128 of the NPPF requires that 'design quality should be considered throughout the evolution and assessment of individual proposals.'

Local plan policy DS1 (General Requirements) expects a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. All proposals will be considered against the criteria of quality of design, amenity impact, conservation, resources, utilities and services.

Core Strategy policy CS5 Delivering Quality Design in North Lincolnshire 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 if it is appropriate for its location and is informed by its surrounding context. A 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.

Local plan policy LC7 Landscape Protection requires that where development is permitted within rural settlements or the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development that does not respect the character of the local landscape will not be permitted.

Local plan policy LC14 Area of Special Historic Landscape Interest indicates that the Isle of Axholme is designated as an area of Special Historic Landscape Interest. Within this area, development will not be permitted that would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of 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.

As set out in the report, Belton is a rural settlement, and the general development pattern on Westgate Road is a linear form of dwellings alongside the road. The site is outside the development boundary, in an area designated for its unique historic landscape retaining the pattern of ancient open strip fields and enclosures surrounding the villages on the Isle. The application area is located in a well-preserved area of the historic landscape within the Early Enclosed Land character zone that forms the setting of the Ancient Open Strip Fields in Belton Field.

Having reviewed the details of the proposal, the layout of the site, the position of the dwellings and access arrangements do not raise an issue as they represent a reasonable layout as the roads and dwellings are arranged and relate to one another.

On design, the materials for the finish of the walls (brickwork) and the roof coverings (clay pantile) would not raise an issue as they would fit in well with the character of the area. The concern with the design is the scale of the dwellings. Belton has mainly single-storey

dwellings, with few two-storey properties. This proposal seeks a mix of two-storey and three-storey dwellings, which would be out of character with the area. The dwellings would therefore not conform to the character of the wider area and represent a poor quality design.

On the siting of the development, it would be more appropriate for the development to respect the linear form of the settlement, by placing the dwellings along the existing roadside. Regrettably, the siting of the development is inappropriate as the development would not respect the pattern of development along Westgate Road.

Regarding landscape impact, the effect of the proposed dwellings on the historic landscape would be an unacceptable extension and intrusion of the residential built environment into the historic landscape, contributing to adverse character change and erosion of the setting and legibility of the landscape.

The impression of the landscape is open countryside with high legibility of the historic characteristics that contribute to the character, appearance and setting of the historic landscape surrounding Belton Field. Residential use, other than in connection with agriculture, has no direct association with the historic landscape and is considered inappropriate development in this part of the landscape.

Overall, the development would not comply with policies CS5 of the Core Strategy; DS1, LC7 and LC14 of the North Lincolnshire Local Plan; or the NPPF.

Impact on the amenity of neighbouring properties

As indicated earlier, policies DS1 and CS5 expect a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. They require all proposals to be considered against the quality of the design and amenity, among other things. Further to this, the NPPF advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Having reviewed the details of the proposal, particularly the position of the dwellings and the separation distance from nearby properties, it is not likely there would be any privacy, overbearing or overshadowing impacts because the site is bounded by the public house car park to the south, manege and agricultural building to the east, and an open field to the west and north.

Flooding and drainage

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

The aim is to steer new development to Flood Zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 (areas with a medium probability of river or sea flooding), applying the exception test if required. Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in flood zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the exception test if required. Within each flood zone, surface water and other sources of

flooding also need to be taken into account in applying the sequential approach to the location of the development.

The site lies in flood zone 2/3a and is therefore at high risk of flooding. A Flood Risk Assessment (FRA) dated September 2020 has been submitted which contains an assessment of the sequential and exceptions tests.

The sequential test was undertaken solely considering vacant sites within and immediately adjacent to the settlement boundaries of Belton (Sites 1 to 3). One site was identified and discounted in the test as it does not comply with the condition of paragraph 158 of the NPPF, Flood Zone 2/3(a) Tidal, which is the baseline through the sequential test as well as the remainder of this site-specific flood risk assessment.

The report indicates that one of the two other sites identified has a lower flood risk, but is significantly too small to accommodate the dwellings. The second site is disconnected from the urban settlement of Belton and has a greater capacity to accommodate housing. As a result, the proposed residential scheme cannot be located elsewhere in a location with lower flood risk.

In brief, the sequential test has been applied and it is concluded that there are no alternative sites to steer the residential scheme elsewhere to a location with lower flood risk. As a suitable site has not been found in Flood Zone 1, suitability of sites in flood zone 3 (areas with high probability of river or sea flooding) can be considered, taking into account the flood risk vulnerability of land uses and applying the exception test.

The exception test has been applied as set out in the NPPF. It is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily while allowing necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

With regard to the exception test, while the site lies in Flood Zone 1 of the Environment Agency Flood Map for Planning, it is within Zone 2/3a of the North and North East Lincolnshire Strategic Flood Risk Assessment (SFRA) November 2011.

It is therefore acknowledged that the site has a higher flood risk (Flood Zone 2/3a Tidal) when considering climate change effects as per the North Lincolnshire SFRA and requires an exception test.

The Planning Policy Statement states that for the exception test to be passed:

1. it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by an SFRA where one has been prepared;
2. the development should be on developable, previously-developed land or, if it is not on previously developed land, that there are no reasonable alternative sites on developable previously-developed land; and
3. an FRA must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

To demonstrate that the development provides wider sustainability benefits to the community that outweigh flood risk, the applicant has provided a sustainability appraisal of

the development (economic, social objective and environmental) as part of the Flood Risk Assessment dated September 2020.

The sustainability appraisal outlines the following benefits:

Social benefits

Regarding social benefits, the report indicates that the development would promote healthier communities. The residential scheme will not be out of the catchment of public transport service. Cycling is also a feasible mode of transport to meet day-to-day needs. As a result, there will be low reliance on private car usage which will contribute to reducing carbon emissions and air pollution in the area. Albeit limited, the future occupiers will have easy access to services and facilities in the town centre of Belton and further away. The new residents will not suffer from social isolation and will have opportunities to strengthen links with the local community.

Further, it would enhance skills, qualifications and the overall employability of the population. Albeit temporary, the proposals will provide employment opportunities to tradesmen and training to apprentices. These will not only be for those involved in the construction works but also those working for indirect businesses.

It would improve accessibility to education, employment, recreation, countryside health, community services and cultural facilities for all sectors of the community. The future occupiers will benefit from one primary school and pre-school in Belton. There is plenty of rural businesses in the area and further industrial and service industries are available relatively near (17 miles) in Scunthorpe. Belton has a pharmacy and GP service. A general hospital is based in Scunthorpe.

It would provide a sufficient and appropriate mix of housing that is affordable, decent and designed to a high standard. The scheme will be of a high-quality design. As detailed in other documents that accompany the application, the external appearance of the scheme will be sympathetic to the residential character of the locality and sensitive to the countryside of the wider location. The accommodation will be appropriate to family needs with good levels of amenities.

It would encourage participation in cultural, leisure and recreational activities including in the countryside. The future residents will benefit from two public libraries relatively nearby (one in Crowle and the other in Epworth) and spaces for countryside enjoyment out of the town.

Environmental benefits

On environmental benefits, the development would minimise the risk of flooding. This is demonstrated in the Flood Risk Assessment dated September 2020. The document assesses the current extent of flood risk on the site and the opportunities to address any flood increase in a sustainable manner.

It would adapt to the impacts of climate change on the built and natural environment. The Flood Risk Assessment recommends a set of measures to adapt the development to the increase in flood risk because of the climate change effect.

It will make the best use of previously developed land and existing buildings. The residential scheme will be on land traditionally used for a paddock. Although the land has not been

previously developed, most of the site context is characterised by residential development along Westgate Road.

It will improve air quality. The proposed location of the development will discourage the use of high pollutant conventional cars as there will be realistic opportunities to use environmentally friendly modes of transport.

It will reduce greenhouse gases emissions, particularly from transport. The proposed location of the development will discourage the use of high pollutant conventional cars as there will be realistic opportunities to use environmentally friendly modes of transport.

It will protect and enhance biodiversity and important wildlife habitats within and outside designated sites. There is no evidence of significant biodiversity or wildlife on the paddock land.

Economic benefits

The development would maintain and strengthen the local economy to promote future economic prosperity for North Lincolnshire in rural and urban areas. The construction of the houses will generate opportunities for employment and job training. The development will swell high-quality designed housing stock in North Lincolnshire.

It would create vibrant towns and village centres in both rural and urban areas. The residential scheme will allow existing residents to remain in Belton and/or attract new neighbours to the village. Both benefits will have a positive impact on the sustainability of the local community.

It would support and improve the economic activity for rural areas through the retention of local facilities. The scheme will allow existing residents to remain in Belton and/or attract new neighbours to the village and therefore the retention and financial viability of services and facilities are ensured for the mid and long term.

To demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The FRA report indicates that the main source of flood risk is the River Trent. The River Trent flood defences consist largely of earth embankments that are sufficiently high to prevent overtopping during events with a 1.0% (fluvial) annual probability of occurrence. The defences are generally in good to fair condition (grades 2 and 3).

The other sources of flood risk are the other three main river watercourses (River Torne, South Level Engine Drain and Warping Drain) and the local IDB systems. Having regard to the conditions of their defences, which are classed as 'good to fair' (grades 2 and 3), the main river watercourses provide a nominal 1:10 years (10% annual probability) standard of protection to the surrounding area, although the River Torne's standard rises to 1:30 years (3% annual probability) if freeboard is taken into account. The IDB's systems are understood to be capable of accommodating the 2.0% annual probability event.

The report concludes that although much of the land is adequately protected against water levels with a 1.0% (fluvial) annual probability of occurring in the Trent, nevertheless the very flat and low-lying nature of the land, the complexity of the drainage system, the low standard of protection it affords and the heavy reliance on pumping mean that during an extreme event flooding could be widespread and in locations that are difficult to predict.

Therefore, mitigation measures will be proposed to be incorporated into the development which will protect the lifetime of the development and occupiers as well as prevent flood risk exacerbation should excessive flooding events occur.

The mitigation measures include:

1. finished floor levels of the ground floor of the houses shall be raised to 4.3m AOD (300mm freeboard above critical flood levels at 4.1m AOD)
2. all habitable accommodation shall be provided on the first floor level of the house
3. UPVC windows and doors with sealed double-glazed units
4. waterproof materials should be used for walls and floors below flood level.

The FRA report concludes that the actual risk to this development is not as high as to refuse planning permission for the residential development and that even if flooding should reach this site, the impact would be feasibly addressed through the mitigation measures.

The robustness of the proposal in terms of wider sustainability benefits to the community, as shown in the report and assessed against the Key Sustainability Issues contained in the Sustainability Appraisal of the Core Strategy DPD, is believed to outweigh flood risk and the details of the report demonstrate that the residential scheme meets the criterion. Accordingly, the exception test is passed for the proposed development.

The planning authority has no adverse comments to make on the assessment of the Sequential Test and Exceptional Test as the applicant has successfully demonstrated that there are no reasonably available alternative sites at a lower risk of flooding. The sustainability appraisal outlined in the report also demonstrate that the wider sustainability benefits to the community that outweigh flood risk. Consideration has been given to the impact of the flood risk management infrastructure within the Flood Zones considering the range of flood risk management maintenance scenarios and mitigation and judged that the proposed uses of the site are suitable in terms of their vulnerability.

The Drainage Team initially objected to the application. However, following receipt of the revised drawing indicating a 2-metre easement to maintain the watercourse on the eastern boundary, the team has noted that the Internal Drainage Board need to confirm this is an acceptable clearance to enable maintenance to be carried out moving forward. In addition, there are still fundamental design issues that need resolving.

Notwithstanding the above, the Drainage Team has withdrawn their objection to the proposed development subject to the imposition of the planning conditions, informative comments and notes to the developer.

Highways

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

Highways initially raised concerns about the proposed layout of the site. They were also concerned that too many dwellings were proposed to be served by a private drive with

potential conflict between residents, pub customers and deliveries, from both pedestrian and vehicular movements.

They recommended that the access road should abut the existing adopted highway to be considered for adoption. This could be achieved by realigning parking spaces in the car park and constructing a section of the car park as an adopted highway.

Following the amendment of the plans, Highways have updated their comments and have no objection to the application subject to conditions.

Historic Environment Record

Policy HE9 (Archaeological Evaluation) requires that where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment be submitted prior to the determination of an application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.

The Historic Environment officer in her initial comments dated 14 October 2020 commented that records show that the Westgate area has the potential to contain archaeological remains of a Roman and Medieval settlement. Recent archaeological investigation along Westgate Road to the southeast of the application site has revealed evidence of Roman occupation and a settlement site is likely located in the vicinity.

The officer commented that the applicant has submitted a Heritage Statement in accordance with paragraph 189 of the NPPF, which reproduces the HER archaeological data that does not identify the archaeological potential of the application site and is not informed by any archaeological surveys of the site.

Because the site has the potential to include heritage assets of archaeological interest, in particular relating to human remains, adequate information is required about the significance of any such assets to properly assess the impact of the proposed development, and thereby to inform the decision-making process in accordance with the NPPF and local planning policies. An archaeological field evaluation is required to provide this information.

The Archaeological Trial Trench Evaluation Report dated 19 March 2021 was submitted for further review. In their comments dated 6 April 2021 the Historic Environment Record officer indicated that the methodology put forward in the WSI for the excavation of sample trial trenches is satisfactory.

However, they advised that the timeline for the on-site work and assessment reporting is included in the WSI with a report of the trench results anticipated at the end of May. The results will inform the assessment of significance and subsequent archaeological mitigation strategy as appropriate; this may require alterations to the design and layout of the proposals or further archaeological work to offset any harm. Accordingly, the Historic Environment Record maintains its holding objection.

An updated Archaeological Trial Trench Evaluation Report dated 28 May 2021 was submitted. The Historic Environment Record comments on the report dated 11 June 2021 that further to the previous memo in response to this application dated 14 October 2020 the applicant has commissioned an archaeological field evaluation in accordance with paragraph 189 of the NPPF and local plan policy HE9.

The evaluation comprised the excavation of five trial trenches to sample the area of the application site. Only features of modern date were encountered in the trenches and it can be concluded that the application site has little or no potential to contain significant archaeological remains that would merit any further archaeological mitigation.

The focus of this memo is therefore the key heritage issue of the effect of the proposals on the ASHLI and reiterates the previous recommendations in relation to this, meaning the Historic Environment Record maintains their objection on the application 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.

Environmental Protection

The NPPF states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Policy DS11 is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell, or noise, do not pose a danger by way of toxic release. Policy DS1 is also concerned with the protection of amenities.

Environmental Protection (Contaminated Land), following consideration of the application, has no objection subject to conditions. The officer has commented that the application 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.

The officer recommends that where a proposed development introduces a vulnerable end-use and/or the development site could be affected by a former potentially contaminative land use, the possibility of land contamination should always be considered. In these circumstances, a Phase 1 assessment should be submitted as a minimum, which includes a desktop study, a site walkover and a conceptual site model. A condition would be applied to any grant of permission.

On noise nuisance, Environmental Protection have indicated that the proposed site is close to a public house and there is, therefore, the potential for an adverse noise impact on residential amenity. Sources of noise from these premises may include, but are not limited to: plant for extraction, ventilation and refrigeration, noise from patrons arriving and leaving, and noise from the venue itself such as entertainment. This department has received complaints in the past relating to noise from such facilities which have proved difficult to resolve.

At this stage, the department does not have sufficient information from the applicant to assess the likely impact of noise. Therefore, should this application be recommended for approval, a condition requesting a noise impact assessment should be applied. The noise assessment should provide details of existing background noise levels, likely noise sources that will impact upon the proposed development, mitigation methods to be employed and the resulting predicted level of noise at sensitive locations.

Further, should this application be recommended for approval, to prevent residents and other sensitive receptors from being affected during construction of the proposed development, construction conditions should be applied to the decision.

Section 106

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

Policy H11 (Affordable Housing Provision in the Scunthorpe and Bottesford Urban Area) states that the council will secure the provision of affordable housing on allocated and windfall residential sites of 1 hectare or more or for sites with 25 or more dwellings. On all such sites in Scunthorpe, excluding the allocated NW Scunthorpe site, 5 to 10% of the units should be affordable. On sites in Bottesford and the site at NW Scunthorpe, 10 to 15% of the units should be affordable. The council's preference for affordable housing is subsidised housing for rent provided by a Registered Social Landlord (RSL) or other social body. In certain circumstances, tenants of registered social landlords have a right to acquire ownership of their dwellings.

This scheme was initially for 10 dwellings. However, as indicated earlier, the number of dwellings has been reduced to nine. The applicant and the S106 Officer have agreed on the heads of terms for the development.

The following contributions are required in connection with the proposed development and the infrastructure demands generated by it:

Open space provision

£5,542.60 towards existing facilities within Westgate, Belton.

Public comments

The concerns regarding overlooking, privacy, drainage, and flood risk have been addressed in the report. With regard to the concerns about pedestrian and vehicular access, Highways have no objection to the application and it is believed the conditions and measures recommended would mitigate any impacts of development road traffic.

Regarding the concerns about the view from a nearby property, views are not relevant planning matters and therefore this has not been considered in the assessment. Concerns about noise nuisance have been addressed in the report.

On concerns that the development will put excessive pressure on the infrastructure of the village, infrastructure includes roads, schools, water supply, hospitals, waste management systems, among others. A section 106 agreement is an agreement between a developer and a local planning authority about measures that the developer must take to reduce their impact on the community. The S106 will vary depending on the nature of the development and based on the needs. The most common obligations include:

- public open space

- affordable housing
- education
- highways
- town centre improvements
- health.

In this case, the Section 106 officer has agreed on heads of terms with the provision of open space and therefore it is believed that the development would meet other infrastructure requirements.

Belton Parish Council comments

Turning to the concerns of Belton Parish Council, the environmental, historical and drainage concerns have been addressed in the report. The concerns about an increase in traffic and local services have also been addressed above.

On the planning history of the previously refused site (PA/2017/1212), adjacent to this site, it is worth noting that each application is assessed on its merit. Also, PA/2017/1212 was refused on the basis that the site lies outside a defined settlement, in the open countryside, and is in an unsustainable location, remote from local services and public transport. In addition, no evidence has been provided to justify a special need for a dwelling in this location.

Notwithstanding the above, this application has been recommended for refusal because the principle of the development is not acceptable and the siting would have an adverse landscape impact.

Conclusion

In conclusion, this application is for nine residential developments outside the settlement boundary of Belton and is contrary to local development plan policies in terms of the principle of sustainable locations for new development.

In this case, the local planning authority has demonstrated a five-year supply of housing, and therefore this application should be considered in the context of the local development plan.

The proposal conflicts with policies CS2, CS3 and CS8 of the Core Strategy because the site is outside the development boundary of Belton and the development is not appropriate for the countryside. Further, the development is not sustainable at the site.

In addition, 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.

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

1.

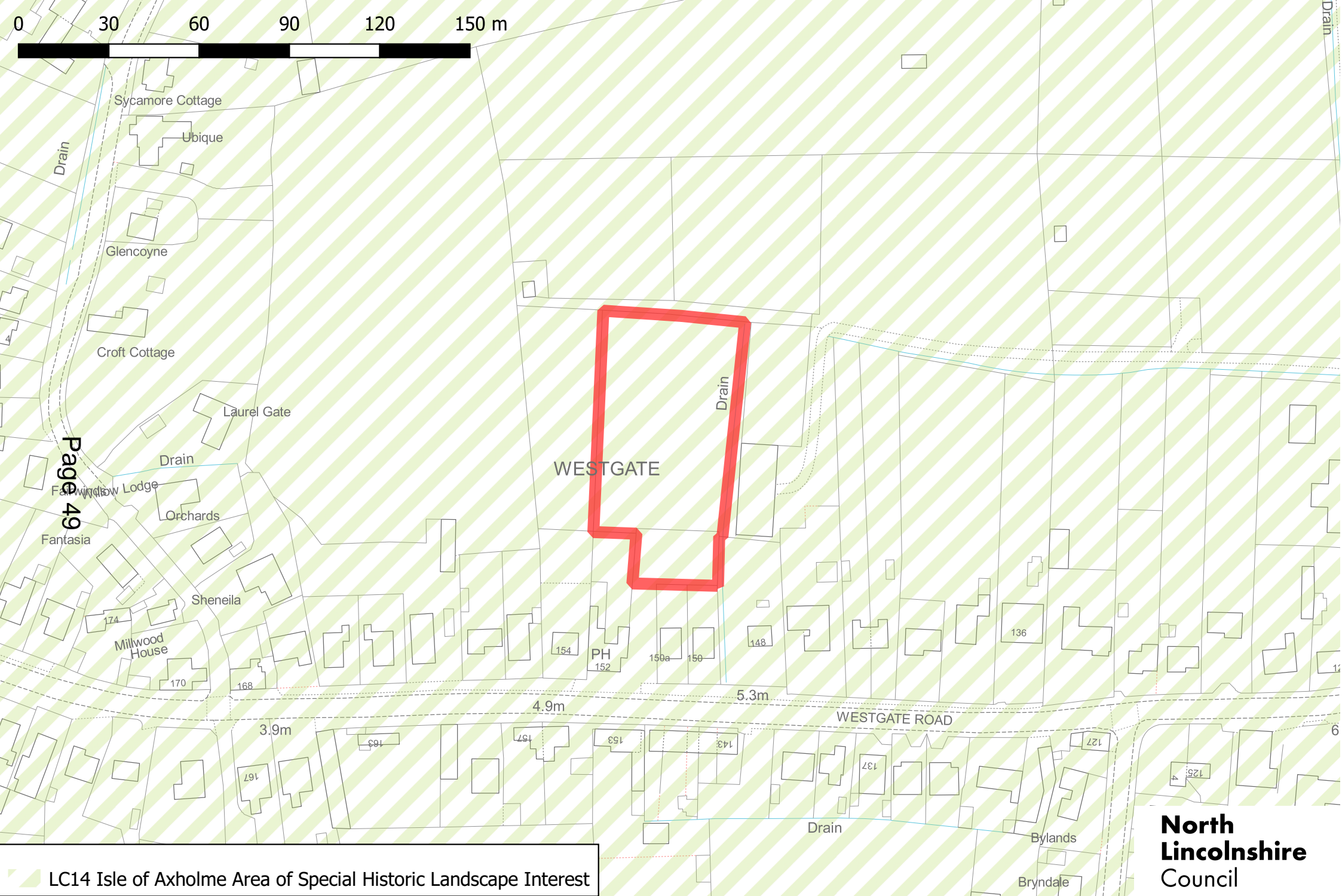
The proposed development is contrary to policies CS2, CS3 and CS8 of the North Lincolnshire Core Strategy and saved policy RD2 of the North Lincolnshire Local Plan in that the site lies outside of a defined settlement, in the open countryside, and is located in an unsustainable location, remote from local services and public transport. In addition, no evidence has been provided to justify a special need for this development in this location.

2.

The site is in an Area of High Landscape Value and the proposed development would not make a positive contribution to local character and distinctiveness, and would detract from the significance of the historic landscape at this location. The development is contrary to policies LC14, RD2, LC7 and DS1 of the North Lincolnshire Local Plan, and policies CS5 and CS6 of the Core Strategy, and would not be in accord with paragraphs 192 or 200 of the National Planning Policy Framework. The application fails the key objective of the NPPF to conserve the historic environment for this and future generations.

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.



Page 49

LC14 Isle of Axholme Area of Special Historic Landscape Interest

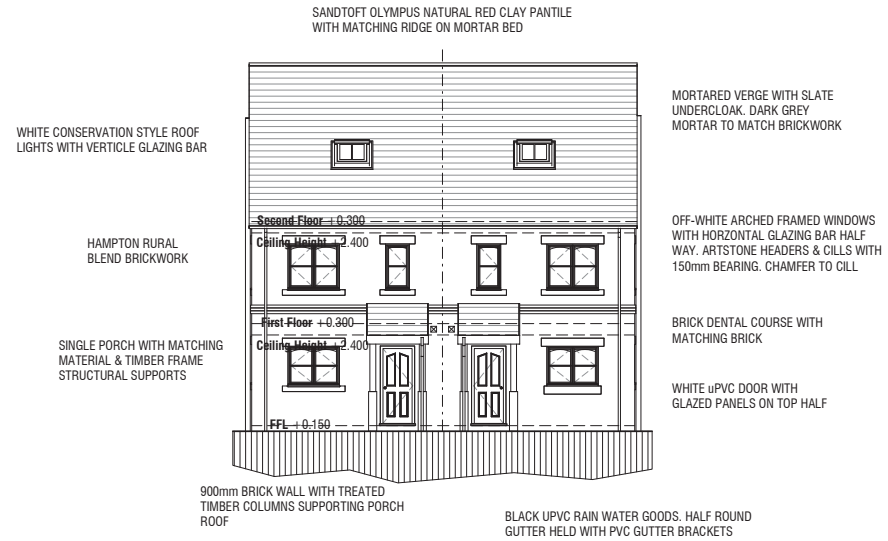
North Lincolnshire Council

PA/2020/1417

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PA/2020/1417 Proposed elevations (semi-detached) (not to scale)

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



FRONT ELEVATION

1 : 100



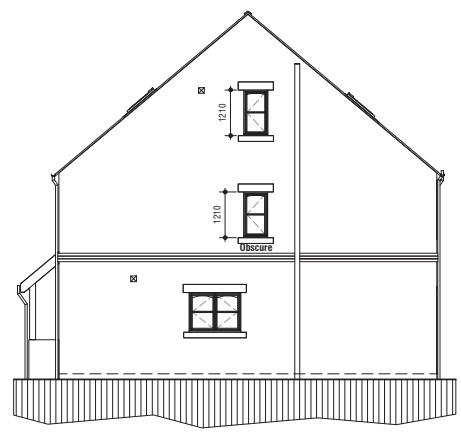
REAR ELEVATION

1 : 100



LEFT SIDE ELEVATION

1 : 100



RIGHT SIDE ELEVATION

1 : 100

Page 51

MaxDesign [®] Architecture Planning Consultancy			
The White House, 278 Bawtry Road, Doncaster DN4 7PD			
t: 01302 867509	e: design@maxdesignconsultancy.co.uk		m: 07734 939 044 w: maxdesignconsultancy.co.uk
status: PLANNING			
client: North Lincs Property Ltd.			
project: The Wheatsheaf, Belton			
title: Elevation			
scale: 1 : 100		date: AUG 2020	
project no.: 2096	drawn: ZY	number: 003	rev:

A2

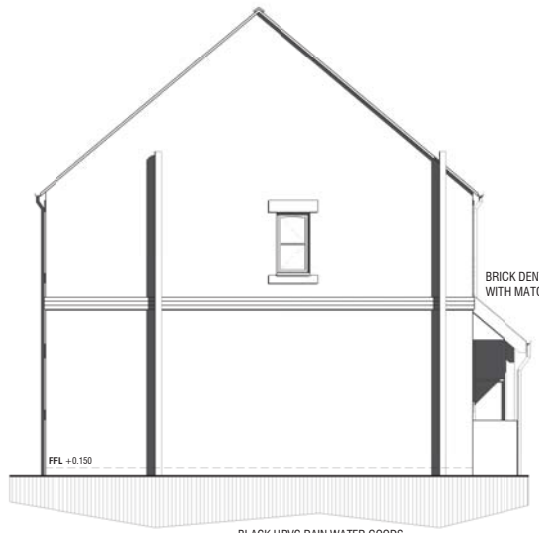
PA/2020/1417 Proposed elevations (detached) (not to scale)

Notes			
Figured dimensions only to be taken from this drawing. Do not scale if in doubt ask.			
Rev	Date	Drawn	Description
A	11.06.20	ZY	Bed 3 window altered



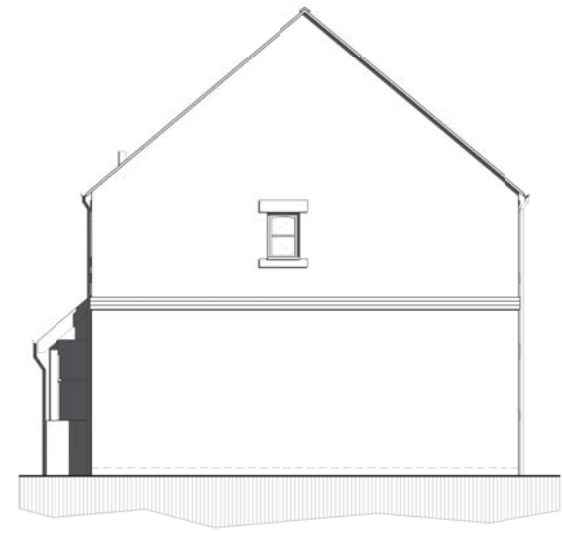
FRONT ELEVATION
1 : 50

BLACK UPVC RAIN WATER GOODS.
HALF ROUND GUTTER HELD WITH
PVC GUTTER BRACKETS

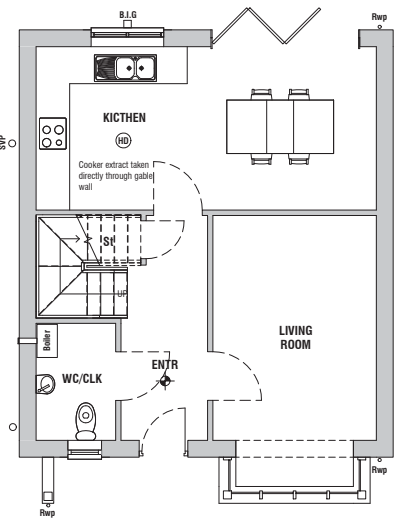


RIGHT SIDE ELEVATION
1 : 50

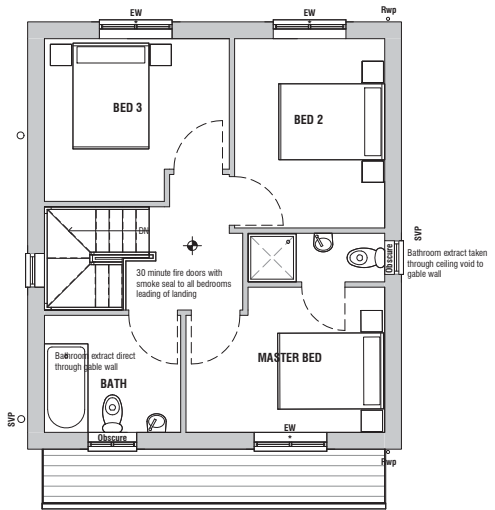
BLACK UPVC RAIN WATER GOODS.
HALF ROUND GUTTER HELD WITH
PVC GUTTER BRACKETS



LEFT SIDE ELEVATION
1 : 50



GROUND FLOOR PLAN
1 : 50



FIRST FLOOR PLAN
1 : 50



REAR ELEVATION
1 : 50

Internal Area:
84 sqm / 904 sq.ft

MaxDesign Architecture Planning Consultancy			
The White House, 278 Bawtry Road, Doncaster DN4 7PD			
t: 01302 867809		m: 07734 939 044	
e: design@maxdesignconsultancy.co.uk		w: maxdesignconsultancy.co.uk	
status: SCHEME			
client: North Lincs Property Ltd.			
project: The Wheatstheaf			
title: Housetype GA			
scale: 1 : 50		date: FEB 2021	
project no.: 2096	drawn: ZY	number: 002	rev: A

APPLICATION NO	PA/2021/1210
APPLICANT	Mr Bryn Iwanyckyj, Albemarle Homes Ltd
DEVELOPMENT	Application for approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to outline planning permission PA/2018/1716 dated 06/02/2020 for up to 48 residential dwellings
LOCATION	B1207 Station Road, Hibaldstow
PARISH	Hibaldstow
WARD	Ridge
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant approval subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Neil Poole – significant public interest) Significant public interest

POLICIES

National Planning Policy Framework:

Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 56 – Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Paragraph 130 – Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

North Lincolnshire Local Plan: DS1, DS7, DS11, RD2, H5, T2, T19

North Lincolnshire Core Strategy: CS5, CS17, CS18

CONSULTATIONS

Environmental Protection: No comments to make.

Refuse Collection: Offers generic advice on the dimensions required for service vehicles to negotiate adopted and unadopted roads, and on highway construction requirements.

Drainage (Lead Local Flood Authority): No objections to the proposed layout, however the developer needs to be mindful that the carrying out of further tests (groundwater monitoring wells) and assessments of groundwater seasonal fluctuations and proposed outfalls may necessitate a review of viable surface water drainage solutions which may affect the proposed layout.

We await this information at discharge of conditions stage.

Highways: No objections subject to conditions.

Anglian Water: Desktop analysis has suggested that the proposed development would lead to an unacceptable risk of flooding downstream. It is highly recommended that the developer engages with Anglian Water at their earliest convenience to develop a feasible drainage strategy.

If they have not done so already, they should submit a pre-planning enquiry to Anglian Water so that they can work with the developer towards a feasible mitigation solution.

If a foul or surface water condition is applied by the local planning authority to any decision granted, they require the following information prior to recommending discharging the condition:

- a feasible drainage strategy agreed with Anglian Water detailing the discharge solution including:
 - development size;
 - proposed discharge rate (should a pumped connection be required, the minimum pumped discharge rate is 3.8l/s);

- connecting manhole discharge location (no connections can be made into a public rising main);
- notification of intention to connect to the public sewer under S106 of the Water industry Act; and
- a feasible mitigation strategy in agreement with Anglian Water (if required).

PARISH COUNCIL

No objection, but supports residents' comments.

The application is outside the development boundary of the parish. The parish council asks that the application is carried out in full accordance with the conditions set out in the decision document.

It is hoped that the comments received from the developer in June are followed through:

“We do, however, value the views of the parish council and residents and will try and incorporate appropriate comments within the proposals during the reserved matters planning application determination period. As you will know, the scheme will naturally continue to evolve throughout this process.”

PUBLICITY

Advertised by site and press notices. Twelve objections have been received, the material points of which are summarised below:

- flooding and drainage
- scale of properties to the rear of Trafford's Way
- development poorly served by paths
- few amenities to support and public transport serving the village is inadequate
- out of character
- impact upon sense of plan (tranquillity frequently mentioned)
- inadequate green space
- air quality
- doctors and schools cannot cope
- not in accordance with the indicative plans submitted as part of the outline
- impact upon residential amenity
- impacts during construction
- effect on wildlife.

STATEMENT OF COMMUNITY INVOLVEMENT

Not as part of the reserved matters.

UPDATE

Following the Planning Committee's decision to defer this item on the basis that it was not clear whether the submitted drainage strategy would be commensurate with the details of the reserved matters, the applicant has put forward some supporting information. This was received on 6 December 2021 and at the time of writing the Lead Local Flood Authority (LLFA) have not had chance to view it; however, it does document the email exchange between the LLFA and the drainage engineers. The applicant taking on this advice is two months into a six-month programme of ground water monitoring. Information has been provided for the first two months and it is on this basis that the applicant believes the principal drainage strategy is achievable.

The applicant has put forward the following points on the surface water drainage they would like members to consider:

- In accordance with the hierarchy of surface water, consideration should firstly be given to discharge to soakaway/infiltration, and watercourse, in that priority order, before a connection to sewer will be considered.
- Infiltration: An intrusive ground investigation has been carried out by Lithos, report reference 4013/1 dated April 2021. It was confirmed that a relatively high ground water table was present across the site, preventing the use of traditional deeper soakaways. However, the calculated infiltration rates above the natural ground water table level gave reasonable infiltration rates ranging between 6.88×10^{-5} and 1.19×10^{-5} , suggesting that a shallow infiltration solution should be feasible.
- Watercourse: The nearest watercourse to the site is unnamed, located approximately 210m to the south-west of the site. However, considering the topography of the site in relation to the watercourse, any connection would require an adoptable pumping station.
- Sewer: There are no public surface water sewers recorded within the vicinity of the site.
- Based on the above, the use of infiltration was considered the most viable and sustainable solution and this was discussed with the LLFA.
- A consultation was carried out with the LLFA that confirmed that the developer should fully explore alternative shallow and/or above-ground SuDS features before buried piped drainage and pumped solutions are considered. Also, groundwater should be assessed further due to the high water table. A copy of the consultation response is presented in Appendix B.
- Communication with the LLFA continued and it was also confirmed, following their own inspections on neighbouring developments upstream and downstream, that minimal groundwater exists currently and, therefore, it was the LLFA's opinion that infiltration could be a feasible option.

- It was suggested that on-site soakaway testing was carried out to confirm infiltration rates, but also, given the time of year (March 2021), that groundwater monitoring should be carried out as soon as possible as ground water levels should be at their highest.
- Taking the LLFA comments on board, in conjunction with the Lithos intrusive ground investigation, with confirmed infiltration rates within the shallow material and recorded ground water levels, a proposed drainage feasibility design was prepared and submitted to the LLFA. The email received, also presented in Appendix B, confirmed that the proposals were acceptable in principle. The proposed drainage feasibility design was also submitted with the reserved matters application.

It should be noted that the LLFA are best placed to answer questions in relation to this process. Also, it is material to any decision of the reserved matters to note that the surface water drainage scheme is secured through pre-commencement condition. Should the scheme/reserved matters require amendments in order to achieve an acceptable surface water drainage strategy then this is a burden solely on the applicant.

ASSESSMENT

Relevant planning history

PA/2018/1716: Outline planning permission with all matters reserved for the erection of up to 48 dwellings – approved 06/02/2020.

Site characteristics

The site abuts Station Road to the east and Manton Lane to the north, and is outside the development boundary for Hibaldstow as identified by the Housing and Employment Land Allocations DPD 2016. The perimeter of the site is lined by hedging making views from Station Road improbable; the planting is less dense along Manton Lane.

A route of overhead lines runs diagonally across the site. The site also abuts the settlement boundary (it effectively bisects it) both to the north and to the south. The site is located across the road from playing fields and an LC11 allocated area.

Proposal

Outline planning permission has been granted for the erection of up to 48 dwellings. **This outline permission is part of the justification that North Lincolnshire Council can demonstrate a five-year land supply at present.**

Subsequently, these are the outstanding reserved matters that follow on from that permission and have been submitted within the conditional time frame set out by it. This application puts forward a scheme of 48 dwellings with a single vehicular access point from Station Road. The scheme also includes landscaping.

Highways (access and road/footway layout)

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

Highways have not objected and put forward a list of conditions to be attached to any approval. However, comparing these conditions to those put forward and attached as part of the outline permission, it is clear that nearly all of the mitigation sought under this application has already been applied at outline stage. It would be both unnecessary and unreasonable to reattach such conditions at this stage.

One exception is a proposed compliance condition requiring the applicant to complete the footway across the whole site frontage prior to occupation. This will duly be attached.

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.

Scale, layout and appearance

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

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

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

Policy H5 of the local plan, which is concerned with new housing development, is also considered relevant (although parts 'i' & 'ii' are superseded by policy CS1 of the Core Strategy, the remainder of the policy is intact).

Paragraph 130 of the NPPF 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.'

The applicant has submitted a design justification document to support the proposal. Amended layout plans and an additional house type have also been submitted to overcome existing residents' concerns in relation to amenity impacts.

A single access point is proposed from Station Road and continues westerly where it terminates at plots 11 and 8. It is made up to adoptable standards halfway along its route. The adopted road turns 90 degrees northward and ultimately ends in two bell mouths from where private drives emanate serving the remaining dwellings within the scheme. Dwellings reinforce this route, most presenting their principal elevation to the street scene, with some exceptions on corner plots. Due to this layout, rear amenity spaces display a high level of defensible space characteristics. This point is reaffirmed by an appropriate selection of boundary treatments across the development consisting of a mix of walling, planting and solid timber.

In residential amenity terms many objections relate to impact upon the dwellings on Trafford's Way. However, the separation distances, with the exception of plot 1 (with 61 Station Road), which is side to side with the nearest property, are all over 20 metres rear elevation to rear elevation. This distance is considered sufficient to offset any unacceptable levels of visual intrusion as well as overshadowing/overbearing issues.

At a wider spatial scale it is of material importance that this development sits north of Trafford's Way. The impact upon the dwellings fronting Manton Lane is also acceptable: the existing hedgerow is to be retained and the road width (as well as dwellings on this boundary being set in) would prevent any unacceptable impact upon the amenity of existing residents close to the site.

Internally the proposed separation distances are sufficient, and the positioning of openings (house types next to compatible house types) is also designed in a sensitive manner. Private amenity space is also proportionate: larger amounts of garden are naturally given over to larger dwellings. Most plots have garage access.

In terms of character a key vista is Station Road, where nine dwellings are presented to the street scene. Along this row the main access, as well as the surface water basin, provide respite from urban form. Furthermore, the existing hedgerow is to remain between access points, and this further softens the development presence along Station Road. Again the hedge is retained along Manton Road, trees are to be planted and the dwellings are set back into the development. These features are an acknowledgement of the semi-rural setting within which the scheme is located. Clearly, looking eastward from the A15, there would be an urbanising impact given the amount of form that is located on the arable field; however, these views already experienced the settlement as a backdrop and so are not wholly unacceptable. The applicant also proposes to soften the boundary with a native hedgerow and again the planting of trees.

The dwellings themselves provide a sufficient mix of house types; many exude a Georgian-esque aesthetic with the faux window at first floor and flat-roof door canopy, though this proposal holistically is not strict to that era, with other dwellings presenting gable features to the street scene. The dwellings collaborate well together with some side facing and a mix of double and single garages all adding interest to the roofscape. Dwellings are also detailed around the eaves and headers above windows with sills below.

In terms of materials the applicant has stated within the design justification that these are to be agreed with the local planning authority during the course of the application. However, an agreement has not yet been made and a condition has been accepted (this is in part due to availability). The existing dwellings in the area are of a darker brick, those further north of the site are 1950's semi-detached and are of red brick (though one or two have been rendered cream), and to the south the dwellings are again of a darker brick, some modified on lower floors with render. Whilst buff or light brick might not be appropriate, the applicant has scope to introduce a broad palette. Darker red brick would, on the surface, relate to existing properties, but a uniform scheme would perhaps not be absorbed as well, reflecting the ongoing aesthetic morphology that occurs in residential areas. It is fair to say that if some properties came forward as a render option (in and amongst darker brick properties) this would link more successfully to the existing urban grain. However, at this stage, given that sufficient information is not present with the application, materials will be controlled by condition.

Therefore, subject to the control of materials, the proposal is considered to align with policies RD2, LC7 and H5 of the North Lincolnshire Local Plan, policy CS5 of the Core strategy and the aforementioned paragraphs of the NPPF.

Landscaping

Policy CS5 is in part concerned with landscaping; it states, '...Incorporate appropriate landscaping and planting which enhances biodiversity or geological features whilst contributing to the creation of a network of linked greenspaces across the area. Tree planting and landscaping schemes can also assist in minimising the impacts of carbon emissions upon the environment.'

Paragraph 131 of the NPPF states, '...Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.'

Paragraph 135 of the NPPF states, '...Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).'

Paragraph 174 (b) of the NPPF states [decisions should contribute by] '...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.’

The applicant proposes to retain the hedgerows along the northern, southern and eastern boundaries whilst a native hedgerow is proposed to the west. There is a mix of planting throughout the scheme with trees planted along northern and western boundaries and many dotted around the layout as well as the infiltration basin. Conditions are proposed to ensure that the landscaping scheme has a good chance of survivability.

The proposals are considered appropriate and would work well in assimilating the scheme into its semi-rural setting. The trees and hedgerows on the northern and western boundaries soften the screen from the outside and would go some way towards allowing the development to be more easily absorbed into the locality.

Other matters

The LLFA has objected stating that there is insufficient information in relation to surface water to assess whether the layout is appropriate. The thought process from the LLFA is correct and the drainage should be designed first, the layout after. However, just because the reserved matters are in front of the local planning authority before the drainage strategy doesn't mean the applicant has not considered it and it has not informed the plans being assessed now. Conditions on the outline permission required a drainage scheme to be submitted to and agreed in writing with the local planning authority and this prevents any development from occurring. Should this layout be inappropriate and not allow for an acceptable surface water drainage strategy then the applicant will need to resubmit the scheme in order to suit. The risk is on the applicant at this stage and due to the strength of an already imposed drainage condition there is no planning reason to resist the development on drainage grounds.

Conclusion

The detailed design of this scheme is considered fully acceptable; only conditions controlling materials and those to ensure the landscaping can become established and rooted will be applied.

RECOMMENDATION Grant approval subject to the following conditions:

1.

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

Site Plan 20120 01 Rev G

Planting Plan 3832 (1 of 2) 201

Planting Plan 3832 (2 of 2) 202 (NOTWITHSTANDING PLOTS 7 AND 8)

Bungalow 2B4P Detached – DWG: 20120_HT_03

Type B Elevations and Floor Plans 3B5P - DWG: 20120_HT_03

Type A Elevations 2B4P Semi-Detached – DWG: 20120_HT_02

Type A Floor Plans 2B4P Semi-Detached – DWG: 20120_HT_01

Type Q Elevations 3B6P – DWG: 20120_HT_10

Type N Elevations and Floor Plans 4B8P – DWG: 20120_HT_08

Type L Elevations and Floor Plans 3B5P – DWG: 20120_HT_07

Type C1 Elevations and Floor Plans 3B5P – DWG: 20120_HT_04

Double Garage DWG 20120_HT_13
Single Garage DWG 20120_HT_11
Landscape Master Plan 3832 101 Rev B (NOTWITHSTANDING PLOTS 7 AND 8)
Boundary Treatment Details 20120 DWG 04
Boundary Treatment Layout 20120 03
Type K Elevations and Floor Plans 4B8P – DWG: 20120_HT_06
Type E-SA Elevations and Floor Plans 4B7P – DWG: 20120_HT_05
Type Q Floor Plans 3B6P – DWG: 20120_HT_09
Twin Garage Floor Plans and Elevations DWG: 20120_HT_12

Reason

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

2.

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

Reason

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

3.

All the approved landscaping shall be carried out within twelve months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

In the interest of character, trees and bio diversity and to accord with policies LC12 of the Local Plan, CS5 and CS17 of the Core Strategy.

4.

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

Reason

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

5.

Prior to occupation, details relating to landscaping on plots 7 and 8 shall be submitted to and agreed in writing by the local planning authority. The landscaping shall be retained thereafter.

Reason

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

6.

Prior to any above-ground works details of finished floor levels of all dwellings shall be submitted to and agreed in writing by the local planning authority. The scheme shall thereafter be built out in accordance with those agreed details.

Reason

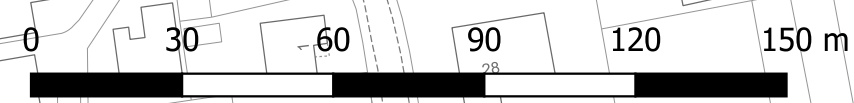
To protect amenity and accord with policy DS1 of the North Lincolnshire Local Plan.

Informative 1

This planning permission does not supersede nor override the requirements or consenting process for work involving overhead lines.

Informative 2

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



Page 64

18.2m

15.5m

Gas Gov

Recreation Ground

Hall

TRAFFORDS WAY

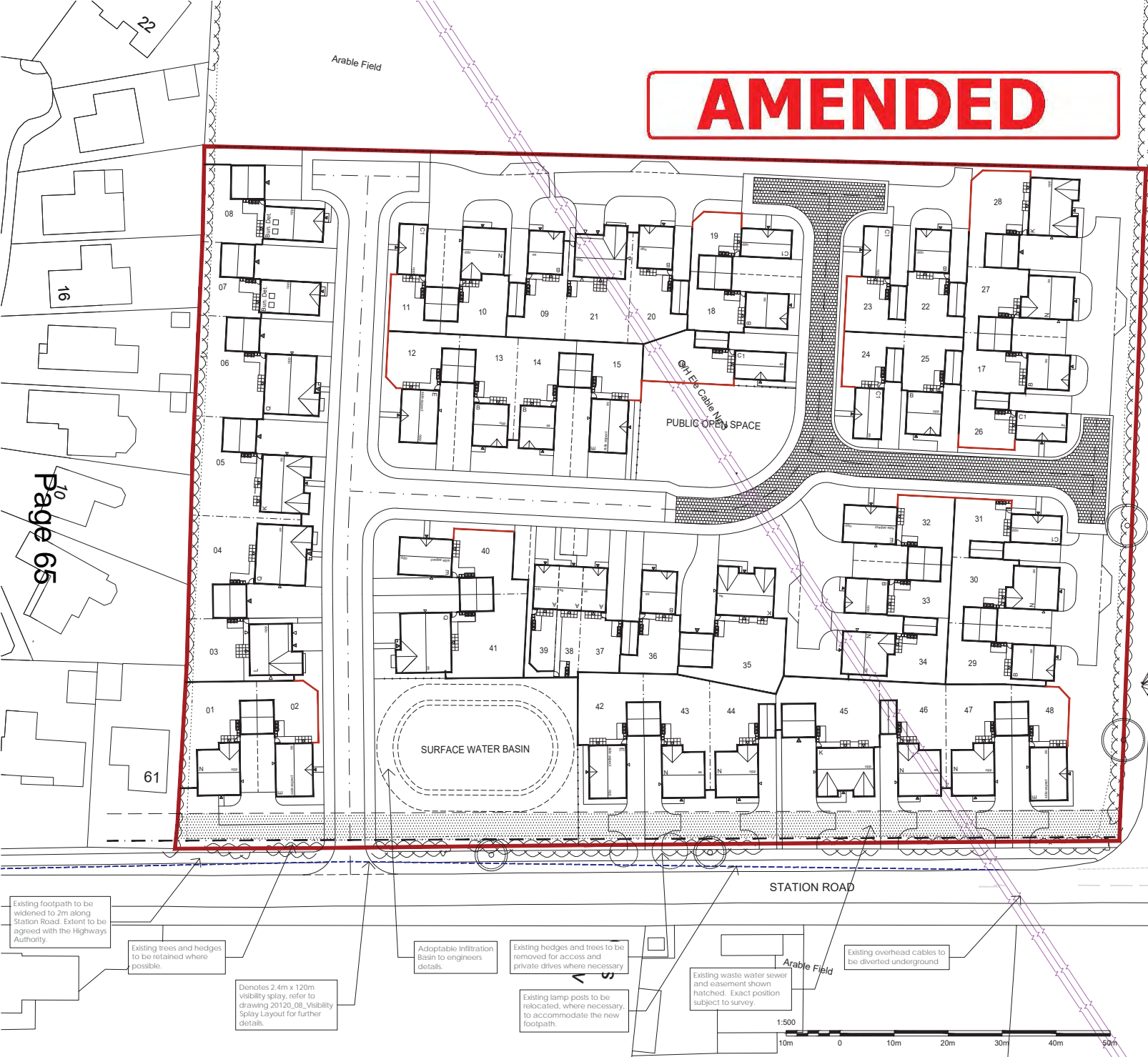
Development Boundary

PA/2021/1210

North Lincolnshire Council

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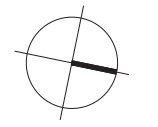
AMENDED



Page 65

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Note: Layout to be read in conjunction with the engineers drawings and landscape layout.



- BOUNDARY TREATMENTS**
- Denotes 1.8m high close-boarded fence.
 - Denotes 1.8m high divisional fence.
 - Denotes 1.8m high wall.
 - Denotes 0.6m high knee rail.
 - Denotes access gates to private gardens.

- SURFACE FINISHES**
- Denotes block paving to secondary access streets.
 - Denotes shared access drives and private driveways.

- LANDSCAPING**
- Denotes existing trees to be retained (scanted line denotes root protection area).
 - Denotes existing trees to be removed.
 - Denotes hedge planting to be retained.
 - Denotes proposed landscaping.

- GENERAL**
- Denotes access to properties.
 - Denotes hard standing surface for waste and recycling bin storage.

Rev.	Date	Description	By	Check
01	03.08.21	Plan 7 & 8 amended to be burglar free	AC	AB
02	07.08.21	Type O footpath updated	AC	AB
03	16.03.21	Public Open Space moved to front of site	AC	AB
04	22.07.21	Plan amended to reflect clients comments	AC	AB
05	18.07.21	Revised to incorporate increased aspect	AC	AB



PROPOSED SITE LAYOUT

Proposed Residential Development
 Station Road, Hibaldstow.

Job No.	City No.	Drawn	Rev.
20120	01	CSW	G
Scale	Date	Shape	FOR PLANNING
1:500 @ A2	JULY 2021		

mssl planning & design ltd
 10 West Gate, Hibaldstow Park,
 Cleithra Avenue, Hibaldstow Park,
 Leicestershire LE12 7DQ
 0151 732 5650
 www.mssldesign.co.uk

Existing footpath to be widened to 2m along Station Road. Extent to be agreed with the Highways Authority.

Existing trees and hedges to be retained where possible.

Denotes 2.4m x 120m visibility splay, refer to drawing 20120_08_Visibility Splay Layout for further details.

Adoptable Infiltration Basin to engineers details.

Existing hedges and trees to be removed for access and private drives where necessary.

Existing lamp posts to be relocated, where necessary, to accommodate the new footpath.

Existing waste water sewer and easement shown hatched. Exact position subject to survey.

Existing overhead cables to be diverted underground.

1:500
 10m 0 10m 20m 30m 40m 50m

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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.

DEVELOPMENT MANAGEMENT LEAD

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

Reference: CB/JMC/Planning committee 15 December 2021.docx

Date: 6 December 2021

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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APPLICATION NO	PA/2020/903
APPLICANT	Mr M Matthews
DEVELOPMENT	Planning permission to erect a hay barn (approximately 48 square metres) and alter stables approved under PA/2017/1022
LOCATION	Land adjacent to Holly Lodge, West Hann Lane, Barrow Haven, Barrow upon Humber, DN19 7HD
PARISH	Barrow upon Humber
WARD	Ferry
CASE OFFICER	Brian McParland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Richard Hannigan – significant public interest) Objection by Barrow upon Humber Parish Council

POLICIES

National Planning Policy Framework: Section 12

North Lincolnshire Local Plan: DS1, RD2, T2 and T19

North Lincolnshire Core Strategy: CS1, CS2, CS3 and CS5

CONSULTATIONS

Highways: No objection.

Archaeology: No objection.

Given the development is retrospective, the archaeologist was also asked to comment on the archaeology conditions attached to the previous application (PA/2017/1022). Their response was:

'...it is clear from the email that I received from the archaeologist at the time that the excavations for the previously approved building were adequately monitored, photographed, and recorded.

As there were no archaeological features or finds noted during this site monitoring visit, I would not consider it necessary to recommend any further monitoring during the construction of the current proposal for an enlarged building on the same footprint. It is still the case that the effects of the retrospective hay barn and enlarged stable building on the setting and significance of the Barrow Castles scheduled monument has not been assessed. I would suggest that the applicant is asked to submit photographs from along West Hann Lane looking across the area of the monument on the north side of the road towards the hay barn. This will ensure we

have sufficient information to assess the application in line with policy and can document the process considering the public interest in this application.

Regarding compliance conditions 4 and 5 of PA/2017/1022, we can take the view that the archaeologist's email and photographs demonstrate that the agreed archaeological mitigation strategy was carried out in accordance with condition 4, and that the information constitutes a sufficient report to update the HER database and make the information publicly available and thereby satisfies condition 5.'

The agent then provided photos, to which the archaeologist replied:

'...whilst these photographs do not illustrate the view from further west along West Hann Lane looking over the scheduled area towards the built stables/hay barn, they do however provide useful visualisation of the scale and appearance of the buildings and surrounding vegetation to supplement the drawn plans and elevations. Together with Google street view, I'm satisfied that there are no impacts on the setting of the scheduled monument that extends to the north side of West Hann Lane. I confirm that I have no further comments to make in relation to the current application and archaeology.'

Environmental Protection: Objects to the proposal on grounds of impact on neighbouring amenity through noise and smell.

PARISH COUNCIL

Objects:

'In view of the major alterations to the original plan, the fact that work has been going ahead in contravention of the planning approval and the proposed overall size of the operation when completed, Barrow Parish Council wishes to lodge its strong objections to this planning application.'

PUBLICITY

Advertised by site and press notice. Ten objections have been received which are summarised below:

- principle of development
- poor design
- noise/disturbance
- traffic/highway safety
- flood risk
- biodiversity impacts
- potential residential use
- inaccuracies in description.

ASSESSMENT

The main issues to be considered are whether adequate justification can be demonstrated with regard to the principle of the development, neighbouring amenity and highway issues.

The site

The application site is on the north side of West Hann Lane, north-east of the adjacent dwelling, Holly Lodge. The surrounding area is flat agricultural land used for agricultural rotation.

The site is within the open countryside, falls within SFRA flood zone 2/3 (a), is not within a conservation area, does not relate to any listed buildings and there are no tree preservation orders on the site or in the nearby vicinity.

Planning history

PA/2016/93: Planning permission to erect a general-purpose agricultural building with adjoining multi-use loose boxes – refused 23/03/2016 and dismissed on appeal 14/02/2017

PA/2017/1022: Planning permission to erect a four-bay stable block and tack room/feed store – approved 29/08/2017

Proposal

Planning permission is sought to erect a hay barn (approximately 48 square metres) and alter stables approved under PA/2017/1022. It is acknowledged the retrospective stable was not built in accordance with the plans submitted as part of the approval of PA/2017/1022. As such, this application seeks to formally approve the varied stable design.

Principle of development

Policy CS2: Delivering More Sustainable Development states any development that takes place outside the defined development boundaries of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry. Policy CS3 provides that outside development boundaries development will be restricted to that which is essential to the functioning of the countryside.

Policy RD2 of the North Lincolnshire Local Plan applies, which states development in the open countryside will be strictly controlled and planning permission will only be granted for development which is '(iv) essential for the provision of outdoor sport, countryside recreation, or local community facilities.'

The hay barn is used as storage situated within the paddock. The stable block serves horses/ponies. As such, the development would fall within the scope of section (iv) of policy RD2 and the accompanying provisions. Subject to the considerations below, it is considered the proposal would be in accordance with policies RD2, and CS2 and CS3 of

the Core Strategy. Furthermore, the principle of development has already been established by way of the previous approval (PA/2017/1022).

Impact on the locality

Policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and amenity. In respect of impact on character, policy DS1 states that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area. Policy RD2 is also considered relevant.

Regarding the stable (as built), it has the following dimensions (approximately): 23m deep by 7.3m wide by 4.5m high. The external enclosed area of the stable is 170m², finished with a tiled pitched roof and red brick facing. Importantly, the stable provides 11 bays, however the agent has confirmed there would be a maximum of eight horses/ponies kept within the stable. This can be secured by way of a condition.

The approved stable (PA/2017/1022) was for a similar stable design, albeit some minor external alternations have been introduced (more stable door openings and the approved hipped roof changed to a pitched roof for the now as-built scheme). Overall, the design has remained largely the same. Importantly, the approved stable was to provide only four bays for horses/ponies but the number of horses/ponies to be kept was unrestricted (not controlled by condition). The as-built stable has 11 bays as a result of internal alterations; however, as previously stated, the agent has confirmed there would be a maximum of eight horses/ponies kept within the stable. This can be secured by way of a condition.

The hay barn is a new feature that does not benefit from any previous planning approval. It would have the following dimensions (approximately): 6.5m wide by 8m deep by 4m high, finished with a pitched roof and clad in pre-painted verdant metal sheeting. The hay barn is situated to the north of the stables and so would be adequately obscured from West Hann Lane.

It is acknowledged the stable and hay barn are both low-impact developments, being of single-storey design and located away from boundaries shared with the nearest neighbouring site. The site is also adequately screened by over 2m high landscaping that visually mitigates the impact upon the wider area. Notwithstanding this, the stable, in terms of size, would be appropriate for the application site and is of a similar footprint to that already approved.

It is considered the stable (as built) and the hay barn, by way of their design, would be a befitting form of development which would not prejudice the character of the open countryside. As such, the development would be in accordance with policies DS1, RD2 and CS5.

Impact on residential amenity

Policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy are concerned with quality of design and amenity. In respect of impact on amenity, policy DS1 states that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing. Policy RD2 is also considered relevant.

There is one neighbouring property to the south-west (Holly Lodge). It is situated approximately 58 to 65m from the stable and hay barn which have been positioned to the other side of the site to reduce any potential impacts. In terms of scale, mass and design there would be no impact on the neighbouring amenity.

The principle of the stable and the keeping of horses/ponies is not the subject of this application, given the original approval. The slightly enlarged stable and the new hay barn, in terms of design, would be modest forms of development and unlikely to impact the neighbouring amenity. Third party comments received are particularly concerned with the increase in the number of bays within the stable (11), however the applicant has agreed to keep a maximum of eight horses/ponies within the stable, which can be controlled by condition. Importantly, the previous approval (PA/2017/1022) did not restrict the number of horses/ponies to be kept within the stable. Although the number of bays has increased from 4 to 11 (as built), these are internal alterations. Further, it is important to note that the use of the paddock land is for unrestricted equine purposes; however, in this instance, the local planning authority can only condition the stable block and not the land. On balance, restricting the number of horses/ponies within the stable by way of this application would protect the amenity of Holly Lodge and beyond the original approval.

With regard to the planning history of the site and addressing LRD Planning's objection letter (third party), the previous planning refusal (PA/2016/93) was for a much larger agricultural building situated closer to the west boundary shared with Holly Lodge where amenity impacts would be more profound. This application is materially different to the previous refusal and appeal dismissal (situated further to the north-east corner of the plot).

Environmental Protection have objected to the development on the grounds that 'the increase to 11 bays would result in more horses than what has already been approved (four bays) (PA/2017/1022) and would harmfully impact the amenities of Holly Lodge.' In response to this, the already approved application (PA/2017/1022) did not restrict the number of horses/ponies to be kept, given the absence of a limiting condition, and so the number of horses/ponies was left uncontrolled. The use of the recommended condition by the applicant (limiting the number of horses/ponies within the stable to eight) allows the local planning authority to limit the impact on neighbouring amenity within the scope of policy.

On balance, it is considered the stable and hay barn would not prejudice neighbouring amenities. As such, the proposal would be in accordance with policies DS1 and RD2 of the local plan, and CS5 of the Core Strategy.

Highways

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

The site would be accessed via West Hann Lane and vehicle movements would be consistent and in keeping with the already approved application (PA/2017/1022). The original area of hardstanding/parking (that still remains) next to the entrance gate is capable of parking 10 cars as it was previously. Importantly, the stable (if approved) would be limited to eight horses/ponies. The applicant has provided some vehicle movement details (eight car-type visits a day at peak use and one or two vehicles servicing the unit a week (farrier, ad hoc supplies, visitors).

This application only relates to the formal consent of the retrospective development of the stable and hay barn. There will be no further impact on the highway than what has already been approved. No objection has been received from Highways.

Other matters

- In response to LRD Planning's objection letter, it is noted the site is within flood zone 2/3(a). The drainage team did provide a comment in relation to impermeable areas, however these are not the subject of the application. This application only relates to the roof area of the hay barn and any consequences of the marginal increase in roof area of the stable, for this is the subject of the application.
- Biodiversity surveys were not required as the application relates only to the stable and hay barn and the plot is not considered to be a high biodiversity amenity area.
- The agent was made aware of inaccuracies which were rectified (amended site and the materials for the hay barn).
- It appears, based on the submitted plans, the stable would be 57m from the rear elevation of Holly Lodge.
- The principle of development has already been established by way of the previous planning approval (PA/2017/1022).
- The application site was reviewed by the planning enforcement team as to whether the site is a paddock. No further action was taken. Additionally, in approving PA/2017/1022, the use of the land was not questioned nor was a change of use applied for. Furthermore, in the previous planning report the site was referred to as a paddock.
- Comments have also been received with regard to enforcement issues. The enforcement officer reviewed the application and provided the following response:

'...the original planning permission, albeit for four bays, was not restricted to that; or four horses. Post-build it could have been split into as many bays as they wanted (similar to a shop being split – no material change). In essence, the application is an amendment to the positioning of the stable by about 2 metres – it is almost 'de minimis'.

The use of the land associated with the stables may be used for grazing horses without the need for planning permission (grazing is not a material change of use)...
- If the stable or hay barn was converted to residential use, then a full application would be required.

Conclusion

Whilst the proposal is within the open countryside, it would not conflict with the policies of the local plan. It is considered the in-situ development would be acceptable.

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

1.

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

AR266-(AB)105 Site Location OS
AR266-(AB)130 P1 Revised Site Plan
AR266-(AB)128 P1 Revised Floor Plan & Elevations
AR266-(AB)129 Haybarn – Plans & Elevations
Planning Statement – Addendum
Planning Statement.

Reason

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

2.

The stable hereby permitted shall be limited to a maximum number of eight horses (including ponies) at any one time and shall be limited to the use of horses/ponies only, unless agreed in writing by the local planning authority.

Reason

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

3.

The barn shall be restricted to the storage of fodder, animal feed, animal bedding and associated animal goods. No livestock (including horses/ponies) shall be permanently stabled within the barn.

Reason

To protect residential amenity in accordance with policy DS1 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.



Page 76



The Carrolls

WEST HANN LANE

Holly Lodge

Pond

Drain

4.2m

**North
Lincolnshire
Council**

PA/2020/903



AMENDED

haybarn

proposed
stables

DO NOT SCALE THIS DRAWING
USE DIMENSIONS
SPECIFIED
BEFORE MANUFACTURE

Site Plan Issued 14/06/2020

TITLE
Revised Site Plan

PROJECT
Proposed Stables -
Barrow Haven

CLIENT
Mr M Matthews

DRAWN
AR265-JAB/130 P1

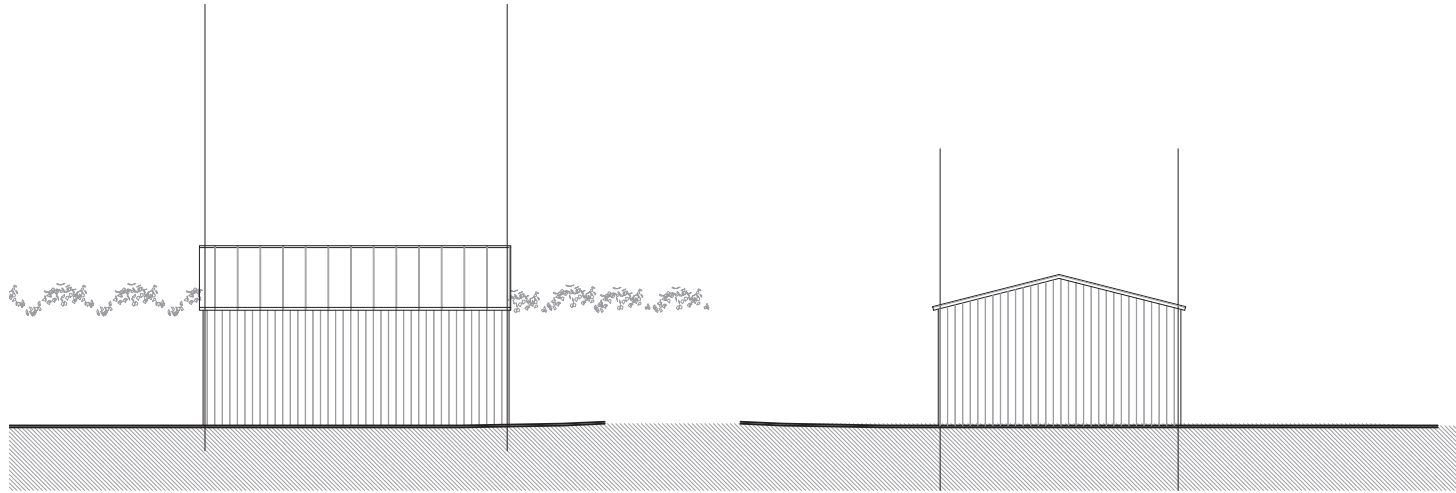
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14.06.20

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Archemi Architects

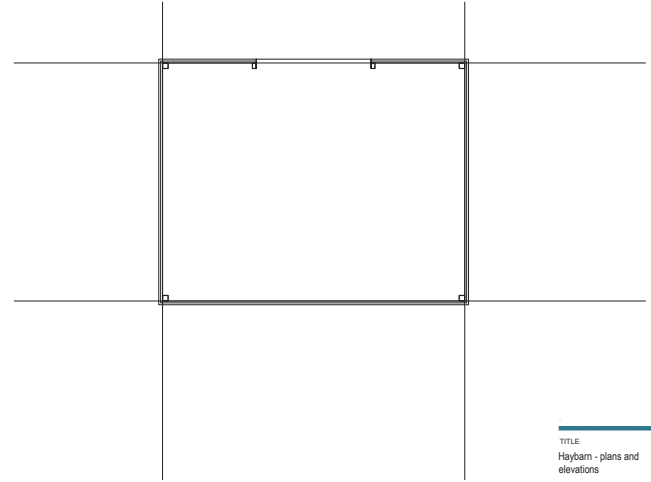




Elevation looking south (from menage)

End elevations

Floor Plan



TITLE
Haybarn - plans and elevations

PROJECT
Proposed Stables - Barrow Haven

CLIENT
Mr M Matthews

DRAWN
AR266-(AB)129

DRAWN DATE
aps 14.06.20

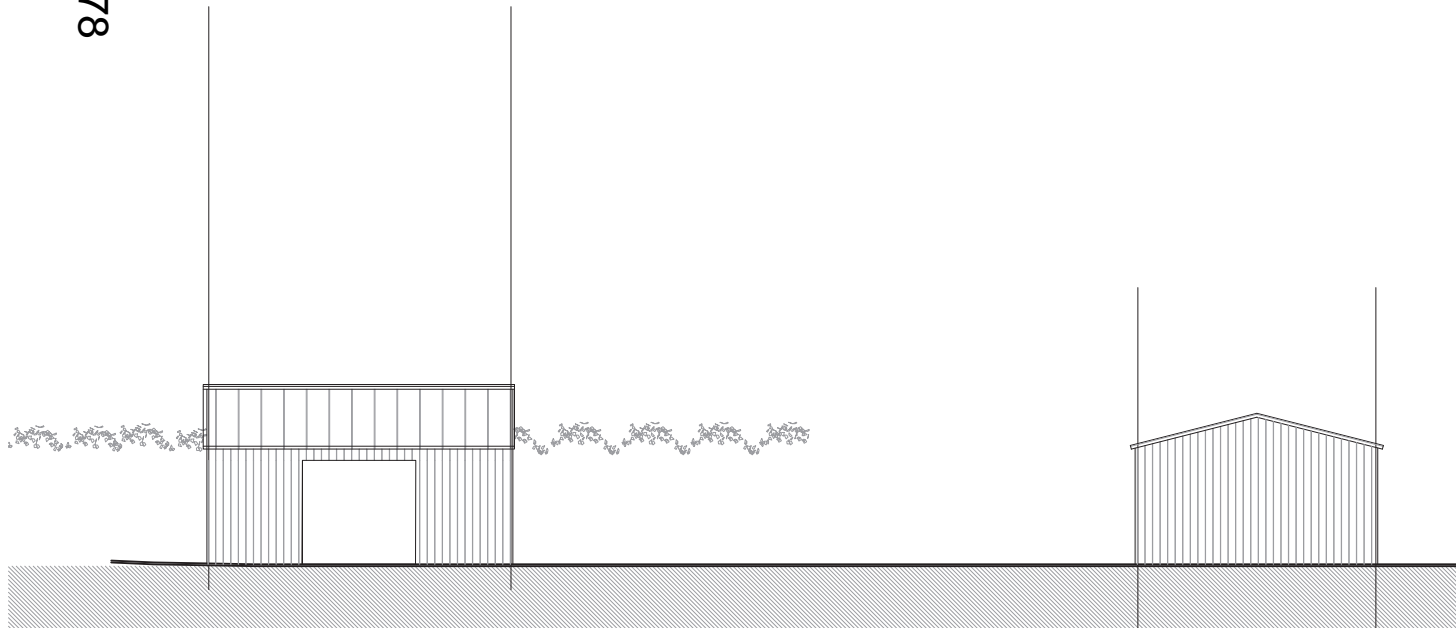
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Archemi Architects



Page 78

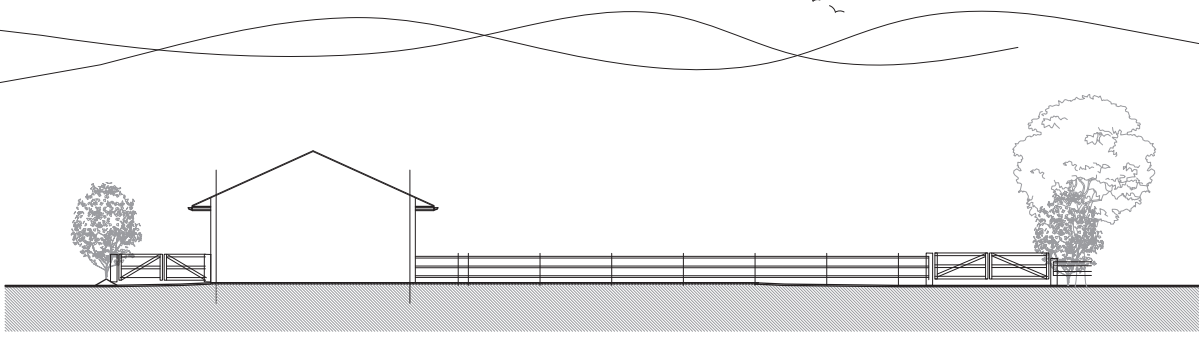


Elevation looking north (from boundary)

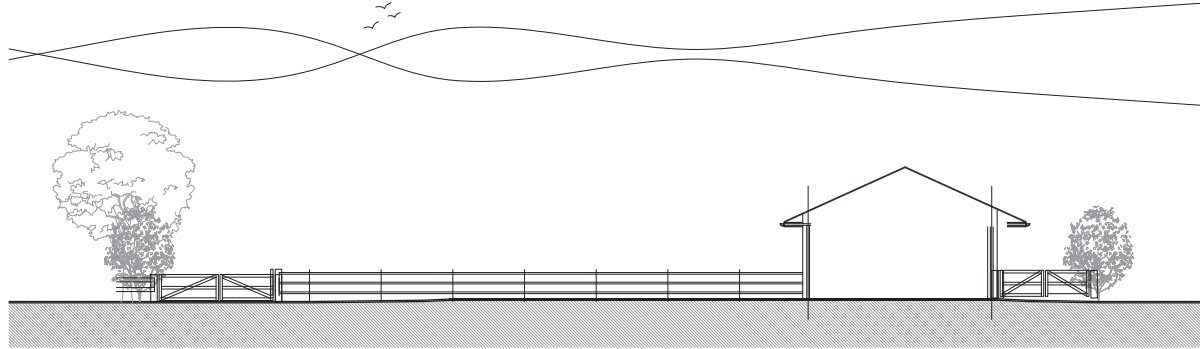
End elevations

PA/2020/903 Proposed stables (not to scale)

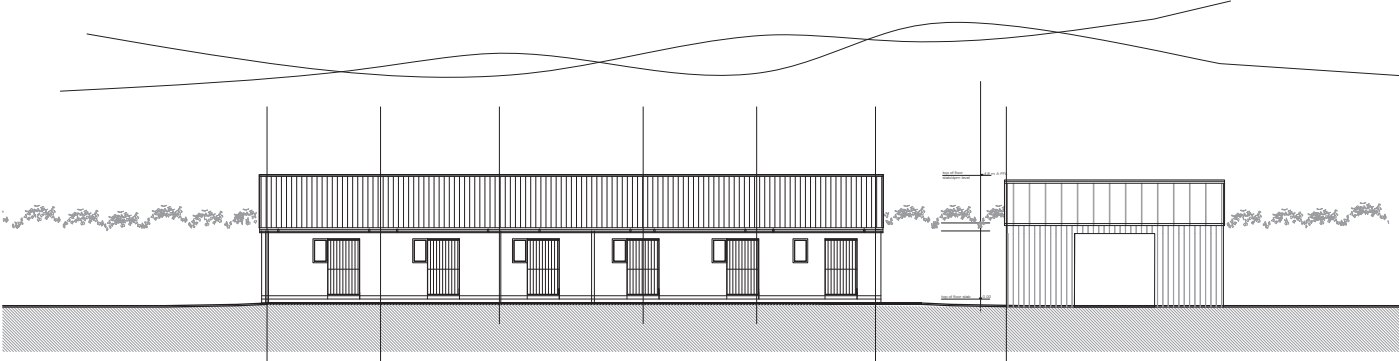
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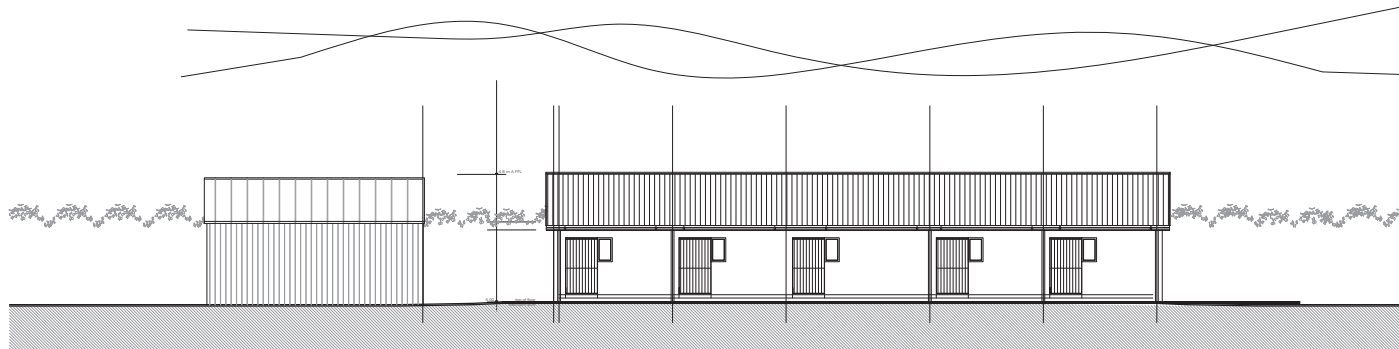
Elevation looking south (towards west hann lane)



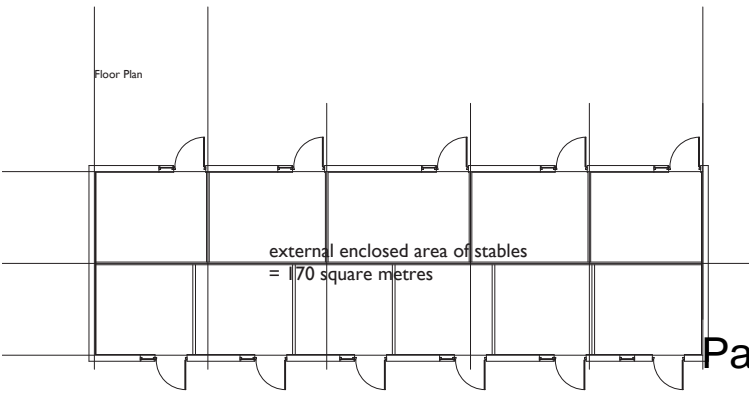
Elevation looking north (from west hann lane)



Elevation looking southeast (from menage)

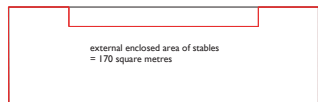


Elevation looking north (from boundary)



Floor Plan

external enclosed area of stables
= 170 square metres



original enclosed area = 149.46 square metres

PROJECT
Proposed Stables -
Barrow Haven

CLIENT
Mr M Matthews

DATE
ARC016/AB/128 p1

DATE
14.06.20

SCALE (S.A.)
1:100, 200

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APPLICATION NO	PA/2020/1676
APPLICANT	Mr Robert Knapton
DEVELOPMENT	Planning permission to erect a bungalow for use as an agricultural dwelling
LOCATION	Manor Farm, West Halton Road, Coleby, DN15 9AL
PARISH	West Halton
WARD	Burton upon Stather and Winterton
CASE OFFICER	Brian McParland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Ralph Ogg – significant public interest)

POLICIES

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

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

North Lincolnshire Local Plan: DS1, DS4, DS7, DS14, RD2, RD11, LC7, LC14, T2, T19

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

CONSULTATIONS

Highways: No objection and recommended a condition in relation to access, parking and turning.

Drainage: No objection and recommended conditions in relation to surface water run-off.

Environmental Protection: No objection and recommended conditions in relation to contaminated land and occupation of the dwelling.

PARISH COUNCIL

No comments received.

PUBLICITY

Advertised by site and press notices. No comments have been received.

ASSESSMENT

The main issues to be considered are whether adequate justification can be demonstrated with regard to the principle of the proposed development, its impact on the locality and on residential amenity, highway issues and land quality.

The site

The site is on the west side of West Halton Road and is a flat agricultural field immediately north of Manor Bungalow which relates to Manor Farm. A previous application for an agricultural dwelling (PA/2020/206) was refused for reasons including the need for the agricultural dwelling was not adequately justified and its proposed design.

The site is within the open countryside, falls within SFRA flood zone 1 (low risk), is not within a conservation area, does not relate to any listed buildings and there are no tree preservation orders on the site or in the nearby vicinity.

Proposal

Planning permission is sought to erect a bungalow for use as an agricultural dwelling.

Principle of development

In terms of the principle of the development, the site is located within the open countryside where residential development is strictly controlled. There is scope for an agricultural dwelling within the open countryside within policy RD2 (Development in the Open Countryside) of the North Lincolnshire Local Plan (2003), under section (i) which states 'planning permission will only be granted for development which is:...(i) essential to the efficient operation of agriculture or forestry;'. In addition, policy RD11 (New Agricultural Dwellings) is also considered relevant and states (by way of provisions i – viii), the applicant must demonstrate there is no other viable option of other accommodation, the proposed dwelling is located within the holding of existing buildings, the applicant must demonstrate a functional test for a full-time worker to live on site, the dwelling would be of an appropriate size, the agricultural unit has been in existence for more than three years and the proposed occupation of the dwelling would be restricted to an agricultural worker, external

appearance would reflect local buildings and means of access is acceptable. Subject to the below, the proposal would meet the stipulated provisions (i – viii).

Paragraph 79 of the National Planning Policy Framework (NPPF) advises that local planning authorities should avoid new isolated houses in the open countryside unless there are special circumstances such as (a) *the essential need for a rural worker to live permanently at or near their place of work in the countryside*. Therefore, in terms of paragraph 79, an agricultural dwelling will only be acceptable on this site if it is demonstrated that there is an essential need for an agricultural worker to live on the site.

Essential need and functional test

The applicant has submitted information in relation to the essential need/functional test for an agricultural dwelling and an agricultural worker to live on the site.

The farm is known as Manor Farm which is to the rear of the application site (west). Manor Farm extends over 460 acres and has been in the family for three generations. The farm grows crops based on a rotation, i.e. cereals, oil seeds, sugar beets and potatoes. The farm also accommodates 60 horses.

The applicant and his son live together but as part of future succession planning a separate dwelling for the applicant's son is required allowing the two farmers to live independently whilst they both work. The additional agricultural worker (the applicant's son) will be required 24 hours a day 7 days a week to take care of the livestock (i.e. horses, animal health, crops, feeding, maintenance etc) whilst also improving farm security. Additionally, being within approximately 100 yards, the farm would be easily accessible from the proposed dwelling so the agricultural worker could easily administer their farming duties. Considering the size of the enterprise the labour requirement would give rise to 2+ agricultural workers.

Multiple occupancy of the extant dwelling is not suitable for the applicant's son and his future family given the needs of a single family. There are no adequate buildings on site that can be sub-divided given they are all in use and essential to the growing farm business. There are no reasonably close properties for rent within the area (1 mile radius); it would be simply impractical for an agricultural worker to live far away from the farm base, especially given this would not allow the agricultural worker to care for the farm and the horses. It is suggested that if the farm and the horses are to be properly cared for and the security requirements of the farm are to be dealt with then it is necessary for the agricultural worker to live at the farm on a permanent basis.

The labour requirement on site justifies a 24/7 presence by way of an agricultural worker and the recommending officer is satisfied there are no other available dwellings that could fulfil the functional need of the enterprise. Furthermore, the size of the farm, the number of horses and general crop maintenance would require intense management that would be difficult to achieve remotely. It has been demonstrated there is a functional/essential need for a full-time agricultural worker to reside on the site 24/7 to fulfil the needs of the enterprise. The occupation of the proposed dwelling will be limited to an agricultural worker and can be controlled via an agricultural occupancy condition.

It is considered the proposed agricultural dwelling to be occupied by an agricultural worker located within the open countryside would not be contrary to the local development plan policies. As such, the proposal would be in accordance with the NPPF, policies RD2 and

RD11 of the North Lincolnshire Local Plan and policies CS1, CS2, CS3 and CS5 of the Core Strategy. As such, the principle of development would be acceptable, subject to the considerations below.

Impact on the locality

Policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy are concerned with quality of design and amenity. In respect of impact on character, policy DS1 states that the design and external appearance of a proposal should reflect or enhance the character, appearance and setting of the immediate area. Policy RD11 (ii) and (iv) are also considered relevant.

The proposed dwelling would be of a bungalow design and would be a modest development given the low-impact single-storey form. The dwelling would have three bedrooms and a pitched roof with a central dual-pitched porch feature to the front (east-facing). Proposed materials include facing brick and a tiled roof. The neighbouring property to the south (Manor Bungalow) is of a similar single-storey bungalow design. Furthermore, the proposed dwelling would be of an appropriate size and located next to an outbuilding relating to Manor Farm which lies approximately 10 metres to the north.

It is considered the proposed new dwelling, by way of its design and sensitive proportion, would be a befitting form of development which would not prejudice the character of the open countryside. As such, the development would be in accordance with policies DS1, RD2, RD11 and CS5.

Impact on residential amenity

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

There is one neighbouring dwelling to the south (Manor Bungalow); however, the proposed dwelling would be of a low-impact single-storey design and would be situated approximately 5 metres from the shared south boundary which would mitigate impacts.

For this reason, it is considered the proposed dwelling would not prejudice neighbouring amenities. As such, the proposal would be in accordance with policies DS1, RD2 and RD11 of the local plan and CS5 of the Core Strategy.

Highways

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

The site would be accessed via a shared lane which joins West Halton Road. A large parking forecourt is also proposed to the front of the dwelling. The council's highways department has made an assessment and has no objection, subject to a condition. It is considered the proposal would be in accordance with policies T2 and T19.

Land quality

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

This application for residential development is a sensitive end use. In addition, the site's use as a farm may give rise to contamination as agricultural sites have the potential to be impacted upon by contaminants such as hydrocarbons, agrochemicals and asbestos, which are harmful to human health. 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.

The council's Environmental Protection team has been consulted and has no objection subject to conditions.

Conclusion

Whilst the proposal is within the open countryside, it would not preclude the policies of the local plan. Likewise, the applicant has adequately demonstrated there is an essential need for an agricultural worker to live on the site which can be controlled by condition. It is considered the proposal is an acceptable form of development and has overcome the reasons given for refusing the previous application, PA/2020/206.

Pre-commencement conditions

These have been agreed with the applicant/agent.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

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

20054/001 Existing Location, Block and Site Plan;
20054/010 Proposed Block and Site Plan;
20054/011 Proposed Plans and Elevations;
Design and Access Statement;
Appraisal of Need.

Reason

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

3.

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

Reason

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

4.

The dwelling shall not be occupied until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwelling is occupied and once built/planted it shall be retained.

Reason

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

5.

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

Reason

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

6.

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

Part 1: Site Characteristics

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

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

written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

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

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in

accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

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

Reason

To ensure that the 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 works, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

7.

The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture, or a widow or widower of such a person, and to any resident dependants.

Reason

To protect residential amenity.

8.

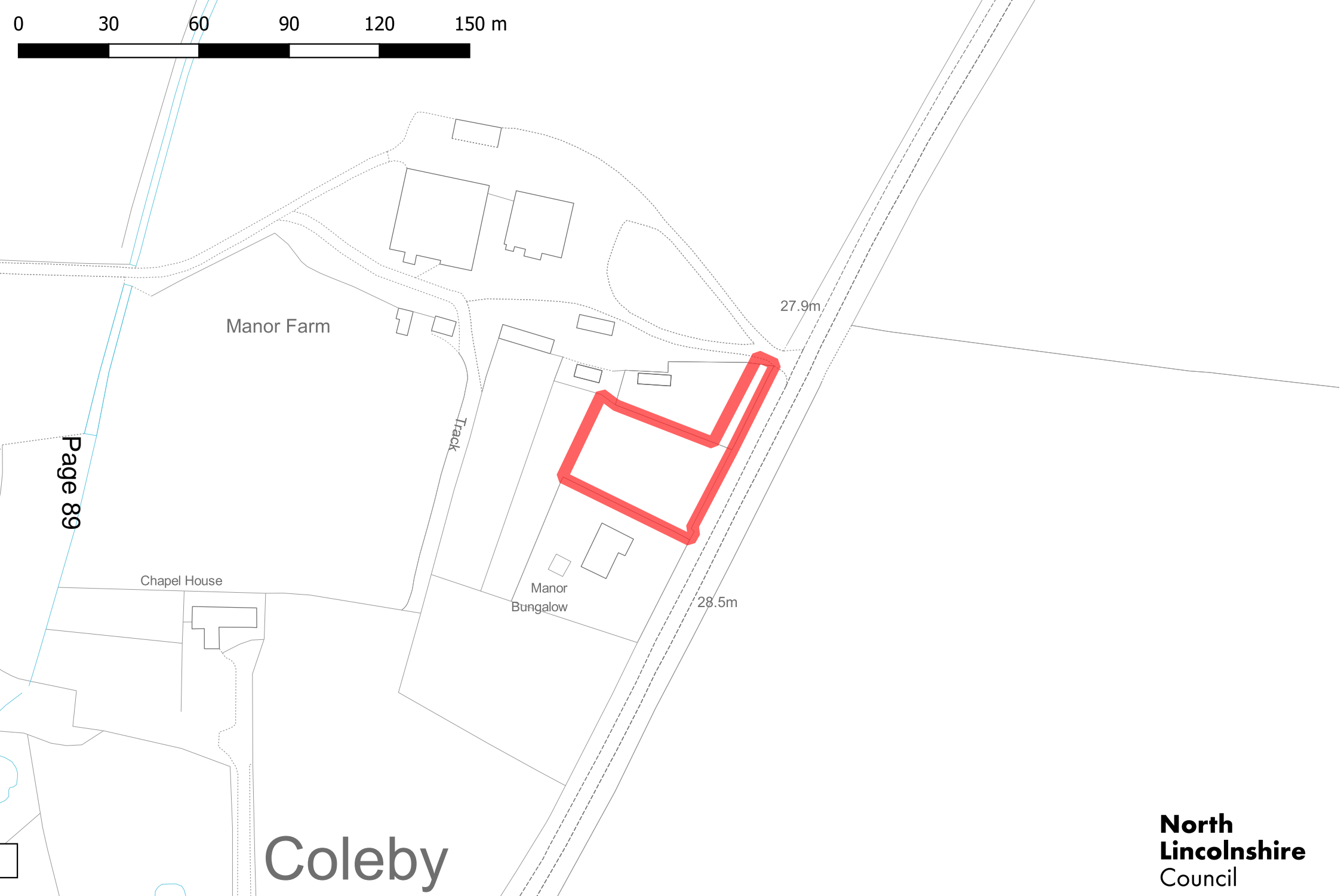
No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities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

Reason

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

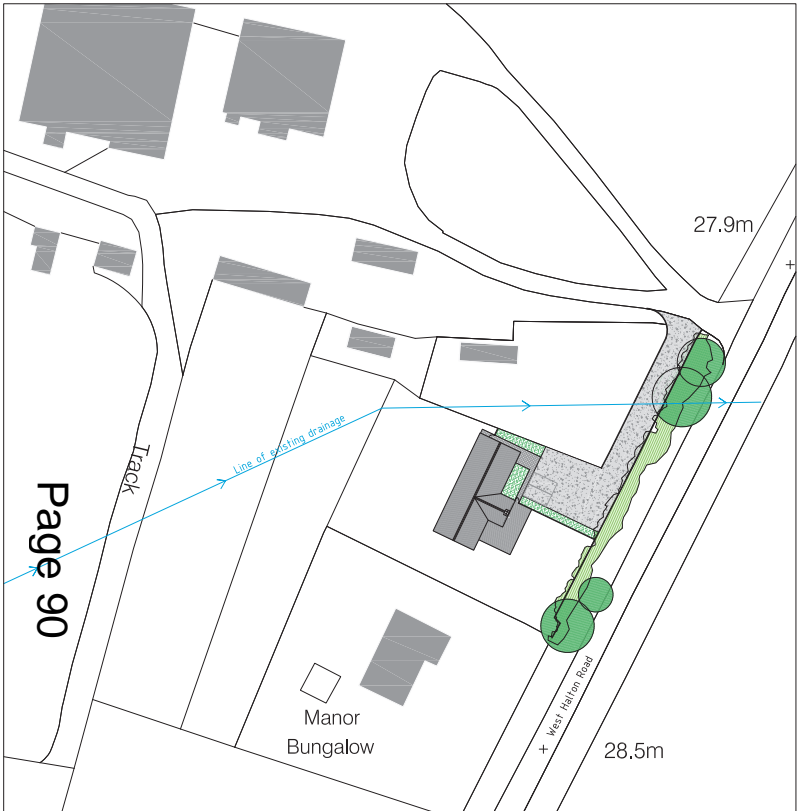
Informative

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.

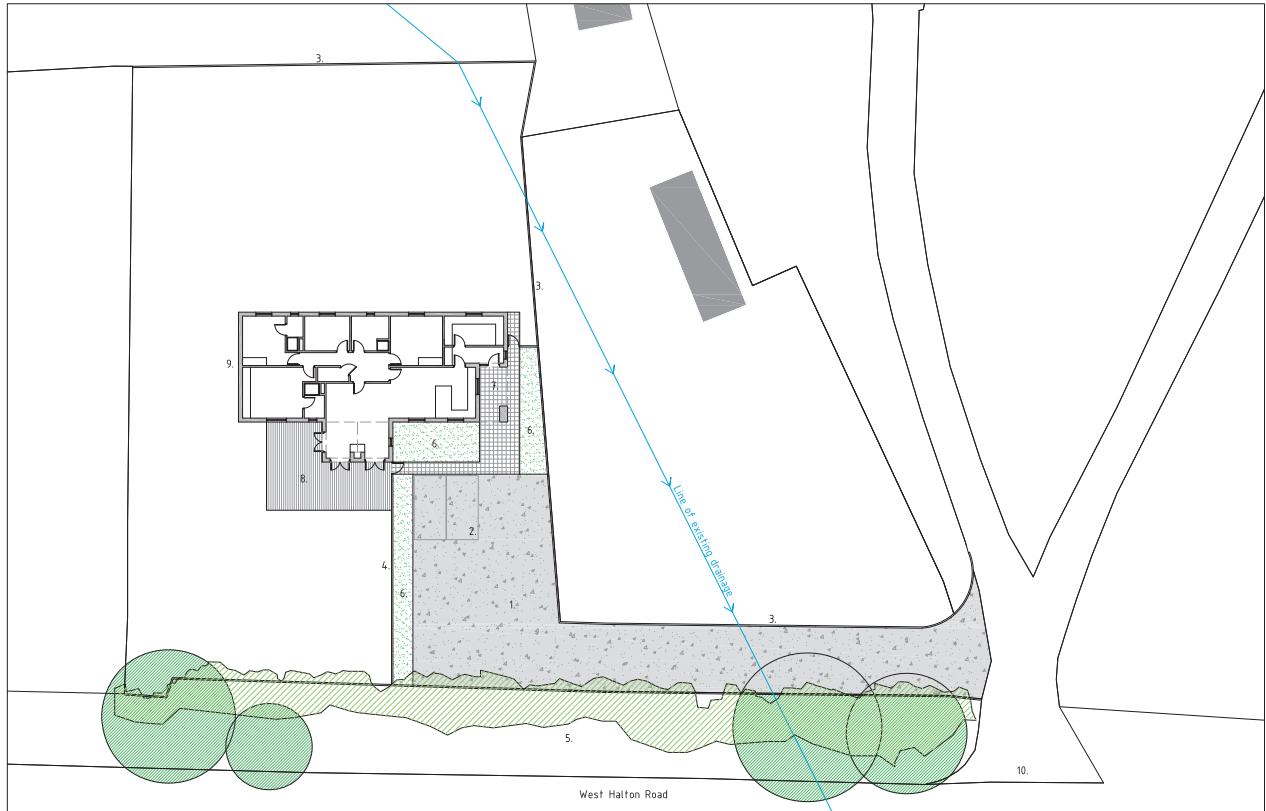


Page 89

**North
Lincolnshire
Council**



PROPOSED BLOCK PLAN
Scale 1:500



PROPOSED SITE PLAN
Scale 1:200

1. New gravel driveway (allowing rainwater percolation)
2. Parking spaces
3. New estate railings
4. Close boarded fencing (privacy)
5. Existing mature hedgerow and trees retained
6. Planting beds
7. Covered porch
8. South facing Terrace
9. No windows to reduce overlooking
10. Existing entrance into site

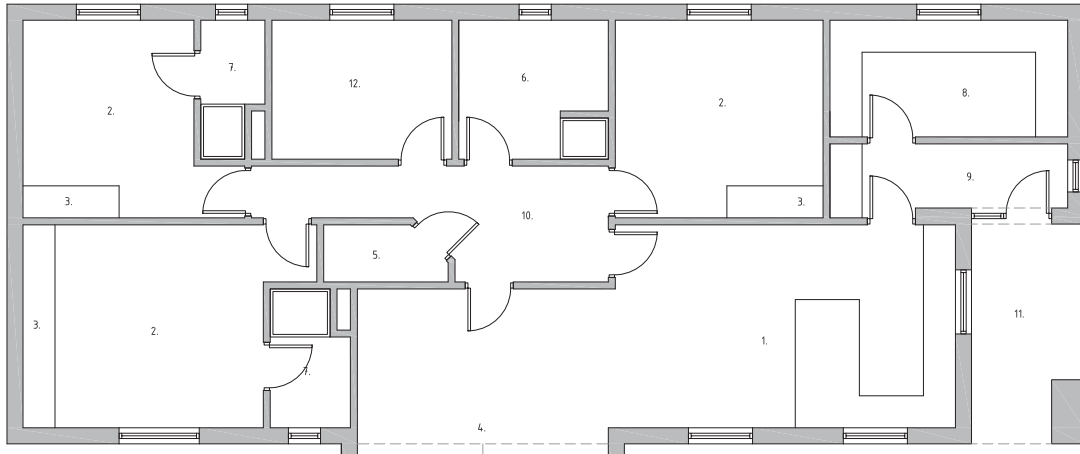
id architecture

TITLE: Proposed Block and Site Plan
 CLIENT: Mr R Knapton
 PROJECT: New Dwelling
 LOCATION: Manor Farm, Coleby
 DRAWN BY: JL
 CHECKED BY: JL
 SCALE: Various
 SIZE: A1
 DATE: October 2020
 STAGE: Planning

DRG NO: **20054/ 010**

REV:

PA/2021/1676 Proposed plan and elevations (not to scale)

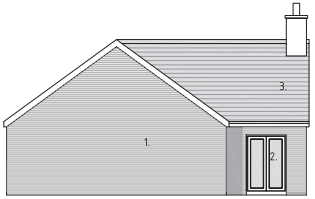


- PROPOSED GROUND FLOOR PLAN**
 Scale 1:50
- 1. Kitchen/ Dining
 - 2. Bedroom
 - 3. Wardrobe
 - 4. Lounge
 - 5. Storage
 - 6. Bathroom
 - 7. En-Suite
 - 8. Utility/ Boot room
 - 9. Lobby
 - 10. Hall
 - 11. Covered porch
 - 12. Office



PROPOSED SOUTH EAST ELEVATION
 Scale 1:100

- 1. Facing brickwork
- 2. uPVC Windows/Doors
- 3. Tiled roof
- 4. Recessed Porch



PROPOSED SOUTH WEST ELEVATION
 Scale 1:100

- 1. Facing brickwork
- 2. uPVC Windows/Doors
- 3. Tiled roof



PROPOSED NORTH EAST ELEVATION
 Scale 1:100

- 1. Facing brickwork
- 2. uPVC Windows/Doors
- 3. Tiled roof
- 4. Recessed porch



PROPOSED NORTH WEST ELEVATION
 Scale 1:100

- 1. Facing brickwork
- 2. uPVC Windows/Doors
- 3. Tiled roof

id architecture

TITLE: Proposed Plans and Elevations
 CLIENT: Mr R Knagton
 PROJECT: New Dwelling
 LOCATION: Manor Farm, Coleby
 DRAWN BY: JL
 CHECKED BY: JL
 SCALE: Various
 SIZE: A1
 DATE: October 2020
 STAGE: Planning

DRG NO: **20054/ 011**

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APPLICATION NO	PA/2021/411
APPLICANT	Mr Darren Lince, Durable Systems Ltd
DEVELOPMENT	Planning permission for change of use from public house to convenience store, and erect front extension
LOCATION	The Red Lion, 45 High Street, Broughton, DN20 0HY
PARISH	Broughton
WARD	Broughton and Appleby
CASE OFFICER	Martin Evans
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor Rob Waltham – significant public interest)

POLICIES

National Planning Policy Framework:

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

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

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

Paragraph 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 81 states 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, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

Paragraph 84 states that planning policies and decisions should enable:

- (d) 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.

Paragraph 93 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;...
- (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;

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.

Paragraph 203 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining an 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 Core Strategy:

CS1: Spatial Strategy for North Lincolnshire

CS2: Delivering More Sustainable Development

CS3: Development Limits

CS5: Delivering Quality Design in North Lincolnshire

CS6: Historic Environment

CS14: Retail Development

CS22: Community Facilities and Services

North Lincolnshire Local Plan:

DS1: General Requirements

T2: Access to Development

T19: Car parking provision and standards

Housing & Employment Land Allocations DPD

Planning (Listed Buildings and Conservation Areas) Act 1990:

'66 General duty as respects listed buildings in exercise of planning functions.

- (1) In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

CONSULTATIONS

Historic Environment Record: 'The Red Lion is an attractive early 20th century public house. It is a non-designated heritage asset and afforded some protection in the NPPF. It is also within the setting of four listed buildings: a grade I listed church, two C18 houses and a war memorial. In principle the change of use is supported as a lot of these type of buildings, where their existing use is no longer viable, are being demolished for housing. This proposal will ensure the longer-term conservation of the building. Pre-application advice was provided on this application and recommendations were put forward on the design of the shopfront which has been incorporated into this application. The shopfront has been designed on traditional lines. This includes a fascia with a cornice supported by columns topped with a console supported on a plinth with a brick stallriser. The four bays line up with the existing building giving a symmetrical appearance. I would recommend one design addition that the columns are fluted which is common on traditional shopfronts which will provide more visual interest. All elements of the shopfront need to be constructed from timber. This can be secured by condition. The traditional form of the shopfront will ensure it sits well with the building and the surroundings. However, it is important that the materials and details are of an appropriate standard and recommend the following conditions.

- that all the structural elements in the shopfront (fascia cornice, consoles, columns, plinths and window frames) shall be constructed from timber
- that the columns on the shopfront are fluted
- that scale 1:20 elevations and cross-sections are provided of the shopfront for consideration prior to installation.

I would also consider removing permitted development rights on the building as the upper floor windows need to be retained as they contribute to the character of the building.'

Highways: 'We have noticed from the site plan that the site access appears to narrow from 5m to 3.7m. We are unclear why this is, and we would prefer to see a more consistent width along the length of the site access, to allow two vehicles to safely pass each other.'

and:

'The principle of establishing the access to the east of the pub has been established in PA/2017/124. Whilst the proposals will lead to a net increase in vehicle numbers accessing the site, it is unlikely that there will be a significant number of 'new' trips, particularly in peak hours, and most trips are likely to be 'pass-by' trips. The proposed number of parking spaces is less than the maximum recommended number based on our parking guidelines. However, the site is in a sustainable location, with the majority of the town within walking distance of the store. The nature of the proposal also means that there will be a high turnover of visitors using the parking spaces. I would therefore suggest that the following conditions should be applied to any permission you may be minded to grant (list includes a delivery/servicing management plan; cycle parking; bus stop amendments; provision of vehicle facilities; a construction phase traffic management plan and an informative regarding works within the highway.

Lead Local Flood Authority: No objections.

TOWN COUNCIL

Objects on the following grounds:

- serious concerns about the impact on a neighbouring business and the potential loss of the post office
- concerns about its close proximity to a poor junction and the risks associated with that
- concerns about the aesthetics due to any extension being forward of the building line and spoiling the link between the War Memorial and the Church.

Environmental Protection: No objections. Request conditions relating to land contamination; for the provision of the proposed refrigeration equipment; and opening and delivery hours.

PUBLICITY

Advertised by site notice to the front of the site. A petition containing 265 signatures against the proposal and a further 152 letters of objection have been received which are summarised as follows:

- dangerous location near the crossroads and additional traffic will harm highway and pedestrian safety, the new access would interfere with the bus stop and street furniture, narrow proposed access and small car park
- unnecessary change of use – the shop is not needed
- increase in crime
- loss of property value

- effect on/competition with two existing stores in Broughton that may result in the closure of the post office, which would disproportionately affect older people – the village is well served by the two existing stores
- loss of the most effective public house in Broughton, loss of a meeting place for local people (detrimental to mental health) – the pub could survive with proper backing, loss to a local walking group
- the site could be used as flats instead of a public house
- a supermarket would spoil the High Street
- harm to surrounding heritage assets and the street scene, particularly due to the front extension which is poorly designed and would be covered in adverts
- bright lighting will harm amenity
- disturbance to neighbours
- the proposal will promote gatherings and antisocial behaviour
- minimal employment generated – employment gains would be offset by closures arising from the proposal
- issues would arise from a large chain supermarket – Brigg has accessible supermarkets for Broughton
- pedestrian disabled access is not considered
- the proposed opening hours are longer than the pub's meaning more disturbance
- the Thatch Inn is very small and the working men's club is members only.

Proposal

Planning permission is sought to change the use of a public house to a convenience store and erect a single-storey extension to the front of the building. Part of the rear wing of the building would be demolished. It is proposed to install a new vehicular access directly to the east of the building. The access would be 5m wide for at least the first 10m, narrowing to 3.7m and would provide access to a car park with 13 car parking spaces. A footpath is proposed parallel to the vehicular access. The existing access to the west is to be fenced off from the proposal and would provide access to a recently permitted housing development (PA/2017/124). This access arrangement is currently subject to application PA/2021/1868 (see below) which seeks to create a single divided public house and housing access.

ASSESSMENT

History

PA/2017/124: Planning permission to erect six dwellings on land to the rear of The Red Lion, construct an associated private access and amend access to the public house car park – approved 27/8/2020.

PA/2021/1868: Application to vary condition 2 of PA/2017/124 to allow for revised access and car parking arrangements, alter boundary treatment and provide soft landscaping – not yet determined.

The principle of the development proposed

Loss of a public house and gain of a retail unit

NPPF paragraph 93 requires policies and decisions to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Broughton is classified as a rural settlement within the Core Strategy settlement hierarchy. Policy CS1 part c states 'Rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.'

Policy CS2 sets a sequential approach for development with small-scale developments within the defined development limits of rural settlements to meet identified local needs being third. The policy also encourages developments to be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport; ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives.

The site is within the Broughton development limit referred to in policy CS3 and defined in the Housing & Employment Land Allocations DPD.

Policy CS14 Retail Development states 'The council will work with partner organisations to identify, protect and enhance the following hierarchy of vital and viable town, district, and local centres in North Lincolnshire:... 5. Local Centres/Corner Shops– To fulfil their role in providing vital day-to-day shopping facilities for local communities in both urban and rural areas, the retention and enhancement of Local Centres and corner shops will be supported.'

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

The existing public house use is considered to be a community facility. The Old Thatch public house is 350m to the east of the application site along High Street. The Dog and Rat is currently closed. The former is considered to constitute an acceptable alternative means of meeting the communities need for a public house. The loss of the public house would not reduce the ability of the local community to meet its day to day needs because of this alternative facility. The gain of a retail unit would be an enhancement to the village centre.

Impact upon the character of the area

NPPF 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 CS6 requires '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'.

Policy DS1 requires that a 'high standard of design is expected' and identifies that proposals will be considered against two criteria being:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and
- (ii) the design and layout should respect and where possible retain and/or enhance the existing landform of the site.

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

The Red Lion is an attractive early 20th century public house. It is considered to be a non-designated heritage asset to which paragraph 203 of the NPPF applies. It is also within the setting of four listed buildings: a grade I listed church, two C18 houses, and a war memorial. The proposed ground floor extension is considered to have a suitably detailed design that has a strong design relationship to the original architectural form of the building. Decorative console brackets, pilasters, fanlights, cornicing and front brick stallrisers are proposed. The finer details and external finishing materials of the extension are important matters that require conditions to ensure an appropriate design. This includes the need for fluted rather than straight pilasters and a timber shopfront. The impact of the proposal upon this non-designated heritage asset and the setting of adjacent listed buildings is considered acceptable, subject to such conditions. The Historic Environment Record raises no objection subject to conditions. The proposal is considered to preserve the setting of the adjacent listed building in accordance with the statutory test. The design, impact on the character of the area and heritage matters are considered acceptable subject to conditions.

Neighbouring amenity

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

The existing public house use may have attendant impacts such as noise and disturbance from patrons and vehicles, amplified music, use of external facilities, smoking and exuberant behaviour.

The proposed convenience store use will generate its own impacts. Proposed open hours are 7am to 10pm seven days a week including bank holidays. Whilst this will remove potential late-night impacts associated with public house use, the convenience store may result in relatively intensive use of its car park, via a new access, compared to public house

use, delivery disturbance, noise from refrigeration equipment etc, and the increased comings and goings of customers. Litter may also be an issue.

In general terms, a convenience store is considered to be a more neighbourly use than a public house.

The new access and wider proposal are not considered to give rise to harm to residential amenity for residents of 2, 4 or 6 Scawby Road by virtue of noise and disturbance, including vehicle movements. It should be noted a new access was approved in this location via application PA/2017/124. There is an existing car park to the rear of the public house that will have had some impact on neighbours albeit the proposed access is in closer proximity to these residents. The provision of the additional access in close proximity to said neighbours is not considered to be harmful.

It is considered necessary to condition the provision of a litter bin to encourage customers not to litter the area. A further condition is needed to ensure refrigeration and cooling systems are installed and maintained in accordance with the submitted details and manufacturers instructions to prevent harmful noise. Opening and delivery times shall be limited to the proposed opening hours in the interests of residential amenity. No objections have been raised by the Environmental Protection Officers.

It is considered that the change of use would not result in harm to neighbouring amenity subject to conditions.

Highways

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

The submitted transport assessment demonstrates the site is not located in an area with significant highway accident problems; the new access is safe without significant implications for the bus stop nor visibility; that sufficient customer and delivery parking are proposed; and that the site is in a sustainable location to a range of transport modes.

The access would be 5m wide for at least the first 10m, narrowing to 3.7m and provides access to a car park with 13 car parking spaces. A footpath is proposed parallel to the vehicular access. Highways request for widening of this access to reflect the previous permission PA/2017/124 is noted. However, this permission allocated parking spaces along the access effectively narrowing it to 3.7m, as is currently proposed. The proposed access arrangements are considered acceptable.

The following table shows the net traffic generated by the proposals taking into account the likely traffic generated by the existing pub/restaurant.

	Arrivals	Departures	Total
AM 08:00 – 09:00	31	28	59
PM 17:00 – 18:00	27	30	57
Weekend 13:00 – 14:00	-1	1	0
Weekend 17:00 – 18:00	15	26	41

Table 6.2.4: Net traffic flows

As Highways raise no objection to the highway impacts of the proposal, they are considered acceptable.

Land contamination

A condition is recommended to deal with contamination found during the course of development.

Other considerations

The following seeks to address some of the objections raised. A number of the neighbour objections relate to the potential for impacts from the proposal upon existing retail services within the settlement and on the post office. Competition between businesses is not a material planning consideration nor is impact on property prices. As such these comments are not material to the consideration of the application as made. Highway matters including road safety, capacity, access, parking and delivery facilities and bus stop impacts are considered acceptable. There is not considered to be an unacceptable risk of crime or antisocial behaviour related to the proposal. The impact of the proposal upon the host property as a non-designated heritage asset is considered appropriate as is the impact on the setting of adjacent listed buildings. The loss of the public house is acceptable because there is an alternative nearby. A convenience store is an appropriate addition to the area. No lighting is proposed. Impact upon residential amenity is considered in detail above. Employment gains are minimal. The end operator of the convenience store is not a material planning consideration. Disabled access can be via the path to the side of the building. Proposed opening hours are reasonable and conditioned.

Conclusion

The change of use of the public house to a convenience store is considered acceptable in principle due to the availability of an alternative public house in close proximity. The proposal is well designed and would not harm the character of the area, nor heritage assets. There would be no harm to residential amenity or highway safety.

Pre-commencement conditions

These have been agreed by the applicant.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

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

DLRL/BR/MF/02
DLRL/BR/MF/03
DLRL/BR/MF/04

DLRL/BR/MF/05.

Reason

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

3.

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

Reason

In the interests of human health and the water environment.

4.

The refrigeration and cooling system shall be installed and maintained in accordance with the manufacturers instructions and the following submitted details:

- DAIKIN CVP-R410A Integrated refrigeration, heating and cooling brochure
- DAIKIN R410A Refrigeration system brochure
- Sound Calculation PDF.

Reason

In the interests of residential amenity.

5.

Prior to their use in the development, details of the external finishing materials shall be submitted to and approved in writing by the local planning authority. Development shall proceed in accordance with the approved details.

Reason

To secure good design.

6.

Notwithstanding the submitted details:

- all the structural elements in the shopfront (fascia cornice, consoles, columns, plinths and window frames) shall be constructed from timber;
- the columns on the shopfront shall be fluted;
- prior to installation of the permitted shopfront, drawings at a scale of 1:20, including elevations and cross-sections, shall be submitted to and approved in writing by the local planning authority. Development shall proceed in accordance with the approved details.

Reason

To secure an appropriate extension to this non-designated heritage asset.

7.

The opening hours of the convenience store shall be:

- 7am to 10pm Monday to Sunday.

No deliveries shall take place outside of the opening hours.

Reason

In the interests of residential amenity.

8.

The proposed development shall not be brought into use until a delivery/servicing management plan (including delivery times) has been submitted to and approved in writing by the local planning authority. The development shall operate in accordance with the approved details.

Reason

In the interests of highway safety and residential amenity.

9.

The proposed development shall not be brought into use until details of secure cycle parking facilities have been submitted to and approved in writing by the local planning authority. The approved facilities shall be provided prior to first use of the permitted development.

Reason

To encourage sustainable modes of transport.

10.

The proposed development shall not be brought into use until the amendments to the existing bus stop have been provided in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety.

11.

The development shall not be brought into use until:

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

have been provided and all these facilities shall thereafter be so retained.

Reason

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

12.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Development shall proceed in accordance with the approved details.

Reason

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

13.

A customer litter bin shall be provided near the store entrance upon commencement of the use hereby permitted and it shall thereafter be retained.

Reason

To prevent litter in the area in the interests of amenity.

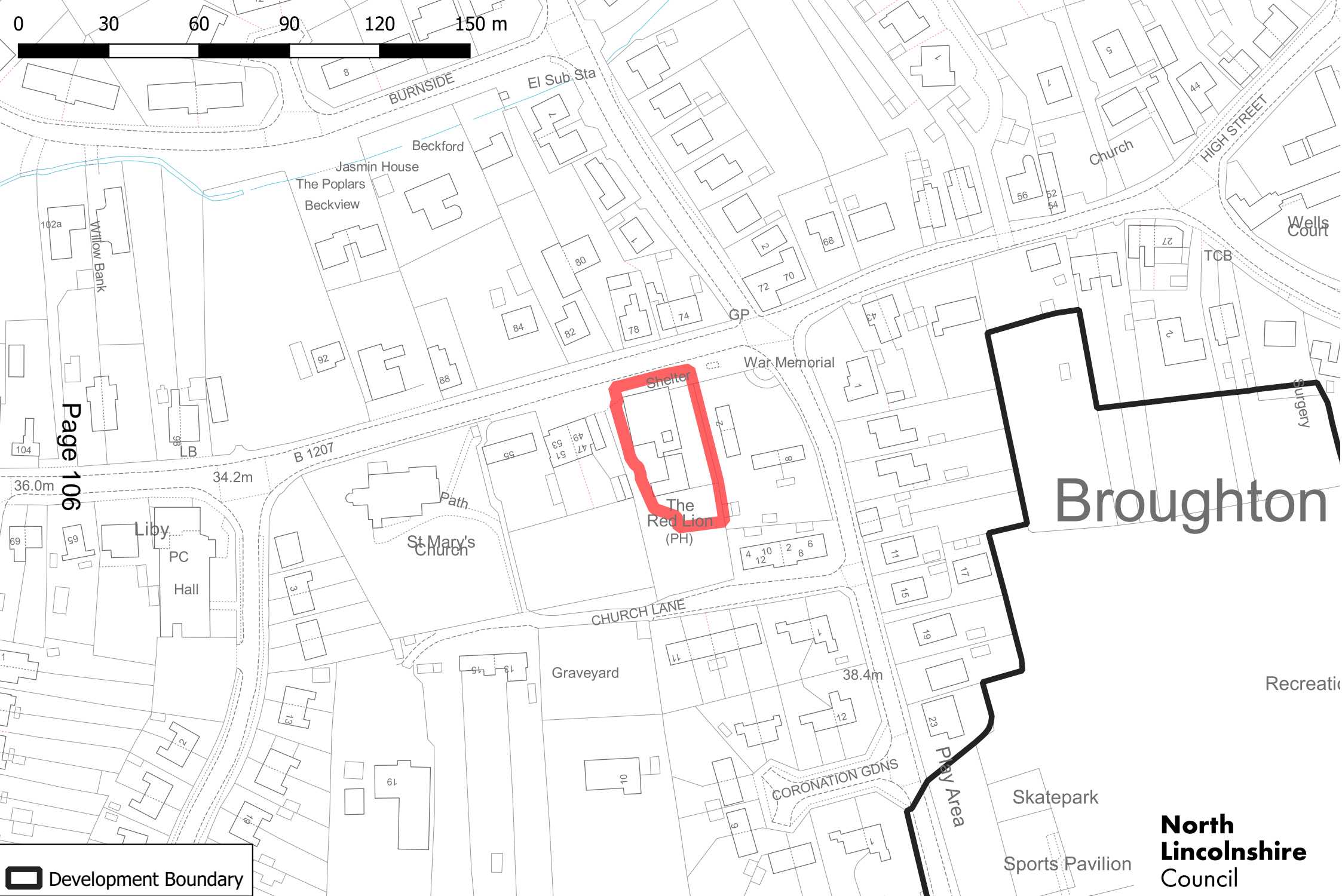
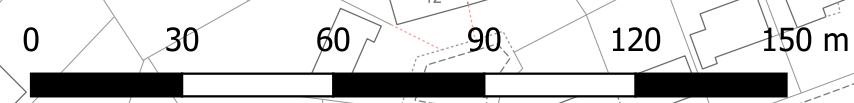
Informative 1

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

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

Informative 2

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



Page 106

Broughton

Development Boundary

PA/2021/411

**North
Lincolnshire
Council**

PA/2021/411 Existing and proposed layout (not to scale)



site location plan
License No: 100048957
scale 1:1250



Page 107



existing block plan
to include extant permission (PA/2017/124)
scale 1:500



proposed block plan
to include extant permission (PA/2017/124)
scale 1:500



Pre-Application Enquiry - Change of Use/ Extension
Red Lion PH, High Street, Broughton

Client: Mr. D. Lince

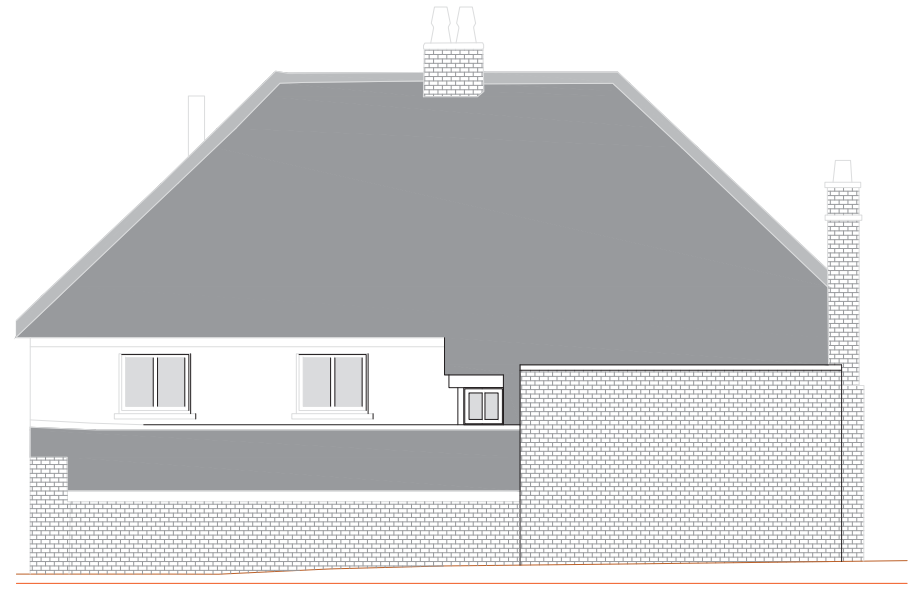
Issue Status	
Consultation	
Planning	X
B Regs	
Construction	

Title:
site location plan
existing block plan
-incorporating extant permission
proposed block plan
-incorporating extant permission

PA/2021/411 Proposed front elevation (not to scale)



proposed front (north) elevation
scale 1:50



proposed rear (south) elevation
scale 1:50



proposed side (east) elevation
scale 1:50

Page 108



Pre-Application Enquiry - Change of Use/ Extension
Red Lion PH, High Street, Broughton

Client: Mr. D. Lince

Issue Status	
Localisation	
Planning	X
B. Regs	
Construction	

Title:
proposed elevations



Draw No: DLRL/BR/MF/03
Scale: as indicated @ A1
Date: 03/07/2020

APPLICATION NO	PA/2021/667
APPLICANT	Mr Paul Needham
DEVELOPMENT	Planning permission to create four self-contained residential dwellings
LOCATION	Christ Church, Barrow Road, New Holland, DN19 7RZ
PARISH	New Holland
WARD	Ferry
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by New Holland Parish Council

POLICIES

National Planning Policy Framework:

Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 198 – In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

North Lincolnshire Local Plan: DS1, DS7, DS11, T2, T19

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

CONSULTATIONS

Highways: No objections subject to conditions.

Environment Agency: No objections subject to a condition requiring that all ground floors are non-habitable.

Drainage (Lead Local Flood Authority): Objects to the proposal.

Environmental Protection (Housing): As the occupation of the development has not been identified (single family let, freehold, leasehold, multiple occupation), this development has

the potential to be a Section 257 House in Multiple Occupation (HMO) under the Housing Act 2004, should Building Control Approval not be granted.

Therefore, the development must comply with current Building Regulations and have approval granted, otherwise it will require an HMO licence under The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licenses) (England) Regulations 2018 due to the potential number of occupants.

Should the development not comply with current Building Regulations and it be classified as a Section 257 House in Multiple Occupation, the owner must also ensure that they are complying with The Management of Houses in Multiple Occupation (England) Regulations 2006.

Environmental Protection: No objections subject to conditions relating to land contamination and control of construction hours.

HSE: Does not advise, on safety grounds, against the granting of planning permission in this case.

Historic Environment Record: There are commemorative plaques contained within the church. Request that, prior to determination, arrangements are made for their conservation.

Environment Agency: No objections subject to conditions.

PARISH COUNCIL

Objects as there are currently highway concerns on Barrow Road and this will add to the congestion problem. Although there are allocated parking spaces it is thought this is not sufficient. Also, the proposal is in a flood zone.

PUBLICITY

Advertised by site notice. One response has been received expressing concerns in relation to school capacity, highway safety, waste, residential amenity and children's play.

ASSESSMENT

Planning history

None relevant.

Site constraints

- Flood Zone 2/3a Tidal
- Undesignated Heritage Asset

Site characteristics

The proposal relates to the conversion of Christ Church, New Holland which is within the settlement development boundary. The church fronts Barrow Road close to the junction with Oxmarsh Lane. The church is also located just south of Manchester Square which has a number of protected trees and is allocated as an area of amenity importance. The entire

area is washed over by flood zone 2/3a as identified by North and North East Lincolnshire SFRA 2011.

The church itself is very imposing, presenting the main clerestory opening toward the street scene and a series of smaller ones on other elevations. The principal opening is framed by a stone gable with parapet and this form is echoed in a linear shape towards the west. A tower is located just behind the principal façade and is right sided. There are numerous buttresses along either side with openings in between, with the vestibule to the rear southern elevation. The gardens are to the south with a row of terraced properties to the north. There are no on-street parking restrictions.

Proposal

Planning permission is sought to create four self-contained flats within the existing Christ Church building. The original proposal was for five units, however, given its location within flood zone 2/3a, the ground floor cannot be used for habitable purposes.

The following issues are relevant to this assessment:

- **principle of development**
- **undesignated asset**
- **flood risk and drainage**
- **residential amenity**
- **character and appearance**
- **environmental issues**
- **land contamination**
- **highways.**

Principle of development

Policy CS1 sets out the overarching spatial strategy for North Lincolnshire. It states that ‘...Rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.’

Policy CS2 sets out a sequential approach to where development should be focussed, point 3 states, ‘...Small-scale developments within the defined development limits of rural settlements to meet identified local needs’ are acceptable. The policy goes on to set out a list of sustainability principles to guide developers and decision makers.

Policy CS22 is concerned with community facilities and services. It states, ‘...The loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need.’

The church has remained vacant for a number of years with no other communal use coming forward. The applicant states within the design and access statement:

'The fact that no other use has been found for the church in the period of vacancy demonstrates that there is no ecclesiastical use for the building and that no other community uses have come forward. As is often the case with relatively old buildings such as this, the cost of restoring the building for another use would be prohibitively expensive. A residential conversion is a suitable way forward in this instance, giving the building a beneficial use with no extension and few external alterations.'

The proposal represents an adaptive reuse of a non-designated heritage asset that is located well within the settlement limits. The proposal is therefore considered to be acceptable in principle.

Flood risk and drainage

Policy CS19 of the Core Strategy is considered relevant. It states that '...The council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk-based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood. Development in areas of high flood risk will only be permitted where it meets the following prerequisites:

1. It can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk.
2. The development should be on previously used land. If not, there must be no reasonable alternative developable sites on previously developed land.
3. Increasing flood risk elsewhere by integrating water management methods into development.'

Policy CS18, which is concerned with sustainable resources, is also relevant, as are policies DS14 and DS16 of the local plan.

Both the LLFA and the Environment Agency (EA) have been consulted. The LLFA objects to the proposal stating:

'The development falls within our lower threshold assessment levels (5 to 9 properties) but provides no information to support the proposals.

- The 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 SuDS principles, including adoption/maintenance proposals. The existing drainage on the developed site, including existing and proposed outfalls, requires further consideration.
- The outline planning application does not consider the use of sustainable drainage systems (SuDS) for the development.
- 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.'

It is considered, however, that the objection in this instance is unreasonable in planning terms. There is no additional built form proposed and so no net increase in surface water created by the change of use of the building. There is an area shown on plan to the south of the building that is proposed for parking though no details of the surface type have been submitted. The area is mainly laid to grass with a concrete walkway leading to the rear vestibule. It is considered that a condition requesting further details of the parking surfaces is appropriate. Should the applicant seek to formulate an impermeable surface then details of how captured water will be channelled should be submitted for agreement. A standard surface water drainage condition will be attached to cover this. There is no clarity whether or not infiltration is possible but given that there is no increase in form and so no net increase in surface water, a refusal on the basis that a principle drainage strategy has not been submitted is not something that could rationally be supported or reaffirmed through a planning recommendation.

The EA have removed earlier objections subject to the imposition of conditions. The original proposal was for five apartments, however this has been reduced to four as the EA does not consider the internal levels at ground floor to be safe for habitable rooms. Furthermore, given that weight is given to keeping the non-designated asset aesthetically the same, resilience measures are not an appropriate route. Therefore, the objections resulted in the need to reduce the intensity of the residential use to four apartments with non-habitable rooms at ground floor. The EA condition reinforces this use at ground to be non-habitable in perpetuity.

Given the proposal is for a change of use, the sequential test is not required. Furthermore, the adaptive reuse of the asset, along with the benefit of increasing local housing provision, means that the benefits from the development far outweigh the risk from flooding. It is considered, given the proposal does not seek to erect an amount of built form that would result in a net increase in surface water, that the proposal aligns with policies CS18 and CS19 of the Core Strategy, and DS14 and DS16 of the local plan.

Undesignated asset

Policy CS6 relates to the Historic Environment. It states that '...The council will seek to protect, conserve and enhance North Lincolnshire's historic environment, as well as the character and setting of areas of acknowledged importance including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains. All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value.'

Paragraph 198 of the NPPF relates to statues, plaques, memorials and monuments. It states, '...In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.'

The applicant seeks to retain the external appearance of the building whilst formulating internal floors that would allow for functional dwellings. The only concern raised relates to

archaeology in that internally there are two commemorative plaques to the fallen of the First and Second World Wars. The department had requested that prior to determination these arrangements are set and agreed. Following dialogue, the department understands that these plaques were located in a local community centre two years ago. A condition to evidence this will be attached.

Furthermore, the applicant shows on the site plan a scheme for the schedule of boundary treatments, though no elevations have been attached. Potentially a scheme of timber treatment may not be acceptable unless it can be demonstrated that the impact they would introduce to Christ Church would not overly dilute its character. Therefore, a condition on boundary treatments will be attached. Lastly, it is considered that sufficient justification exists for the removal of permitted development rights for householder development to protect and enhance the character of Christ Church in perpetuity.

It is therefore considered, subject to such conditions and that only internal changes are proposed to the building, that the proposal would accord with policy CS6 of the Core Strategy and paragraph 198 of the NPPF.

Residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It 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’.

Given that there is no increase in form, the proposal would not have a net increase by way of overshadowing or overbearing impact upon neighbouring properties. The installation of internal floors, coupled with the move to a residential use, would have some increase in overlooking/perception of being overlooked from clerestory openings, however these openings are stained and would not allow for a level of outlook upon neighbouring properties that would result in unacceptable overlooking. There are changes to the fenestration at ground level, but these would be screened by existing treatments and the back gable on dwellings each side of the plot. Rooflights are proposed but, given their height, any visual intrusion would be limited.

It is therefore considered that the impact upon residential amenity is acceptable and would accord with policy DS1 of the North Lincolnshire Local Plan.

Environmental issues

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states, ‘...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.’

The council’s Environmental Health department have made an assessment of the proposal and have no objection relating to environmental impacts subject to controlling construction hours with the purpose of protecting existing amenity rights.

The proposal, given the aforementioned mitigation, is in accordance with policy DS11 of the North Lincolnshire Local Plan.

Land contamination

Policy DS7, which is concerned with land contamination, is relevant. The Environmental Protection Officer has been consulted and has stated that there are no objections subject to the imposition of a condition requiring a phase I and II study, remediation and verification reports.

However, given that there are no internal excavation works, it would seem unreasonable to attach such a condition given it is already used (for communal purposes) by the same sensitive receptor. Therefore, a monitoring condition would suffice requiring the applicant to cease works and report any unforeseen contamination should it be found during construction.

Highways

Policy T2 of the local plan states that all development should be served by a satisfactory access. T19 is concerned with parking provision and is also considered relevant.

The applicant proposes to form an access to allow for off-street parking provision to the south of the church. At present this is a pedestrian access. Highways DC have no objection subject to conditions relating to access and parking provision. The applicant has proposed four spaces for plots 1 and 2, three for plot 3 and two for plot 4 along with a visitor bay. It is therefore considered that the proposal would accord with policies T2 and T19 of the local plan.

Conclusion

The proposal represents an adaptive reuse of an undesignated heritage asset and is located well within the settlement limits of New Holland. Conditions are proposed to mitigate flood risk, protect amenity and highway safety, and to ensure that historic artefacts are recorded and kept, in line with paragraph 198 of 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:

Site Plan PLN Rev C 003

Elevations and Floor Plans PLN REV C 002.

Reason

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

3.

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.

4.

Any proposed dwelling shall not be occupied until the private driveway has been constructed, in accordance with the approved details, up to the junction of the vehicular access serving it.

Reason

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

5.

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

Reason

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

6.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

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

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

Reason

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

7.

The ground floor of the properties hereby approved shall be used as entrance porch and hall, utility room, storage, bathroom and/or garage (and as annotated on approved drawing DN19-1953, PLN-C-002) and for no other, habitable, accommodation. The first-floor living accommodation shall be at a level of at least 2.6 metres above ground level as shown on approved drawing DN19-53, PLN-B-003. These mitigation measures shall be fully implemented prior to occupation and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

In accordance with the details of the application and to ensure there is no sleeping or vulnerable living accommodation on the ground floor to protect the inhabitants of the property from the risk of flooding in accordance with the National Planning Policy Framework.

8.

Prior to occupation, and notwithstanding the approved plans, a scheme for the treatment of boundaries shall be submitted to and agreed in writing with the local planning authority and, once implemented, shall thereafter be retained.

Reason

In the interest of character and to accord with policy CS6 of the Core Strategy.

9.

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

Reason

To minimise the impact of the development on the historic environment in accordance with policy CS6 of the Core Strategy.

10.

Prior to occupation, a scheme for the management of surface water shall be submitted to and agreed in writing with the local planning authority. Once implemented, it shall thereafter be retained.

Reason

In the interest of flooding and to accord with policy CS19 of the Core Strategy.

11.

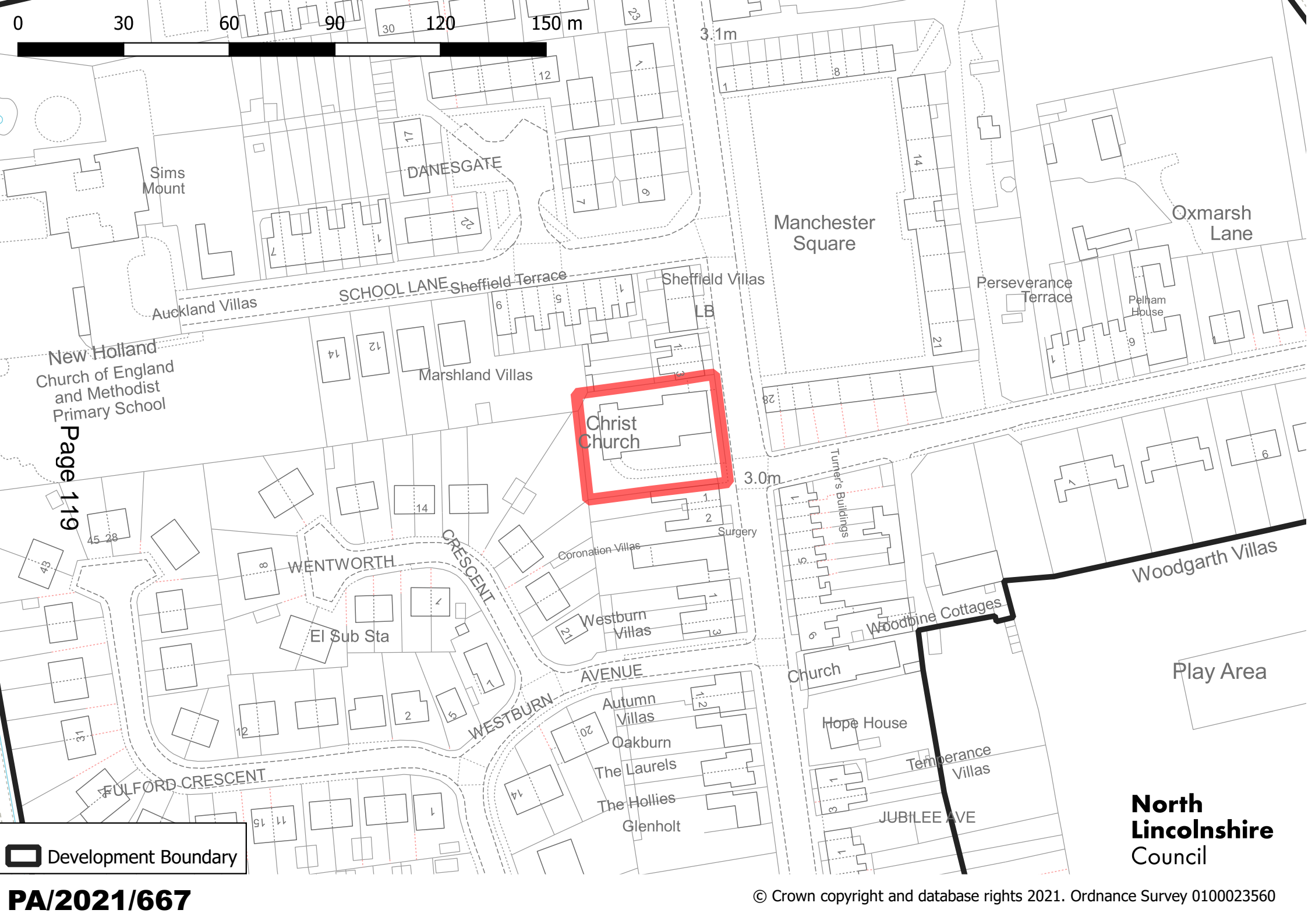
No conversion works of Christ Church shall take place until the applicant, or their agents, or their successors in title have provided information on the details, location and methodology for recording of the war memorial plaques. The information should be submitted by the applicant and approved in writing by the local planning authority.

Reason

In the interest of the historic environment and to accord with policy CS6 of the Core Strategy.

Informative

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



0 30 60 90 120 150 m

New Holland
Church of England
and Methodist
Primary School

Page 119

Christ Church

 Development Boundary

PA/2021/667

**North
Lincolnshire
Council**

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PA/2021/667 Proposed elevations and plans (not to scale)

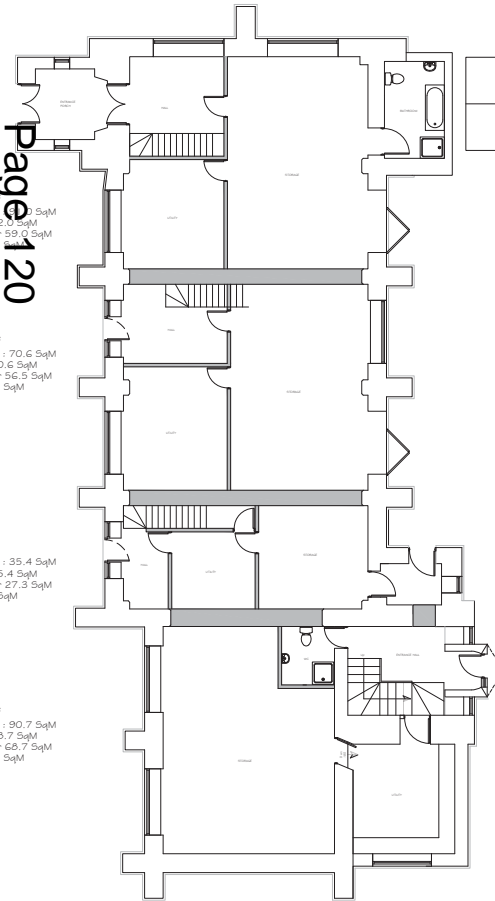


Front 'South' Elevation
As Proposed

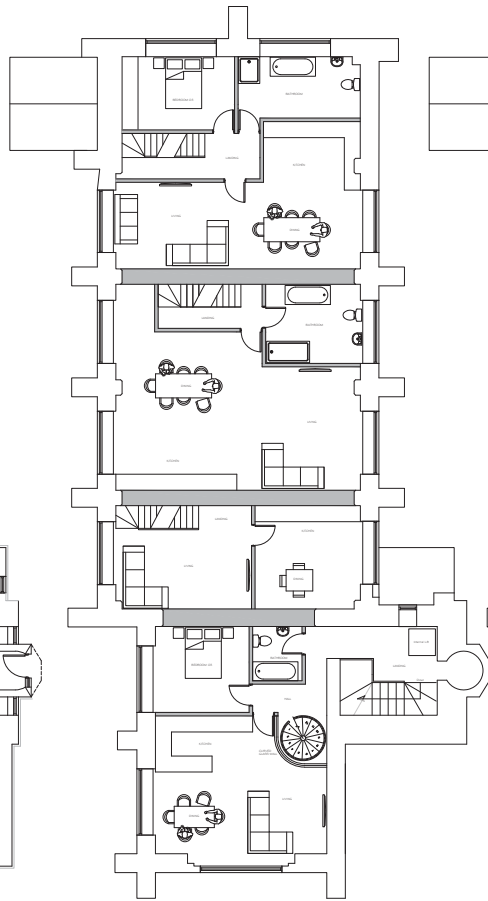


Rear 'North' Elevation
As Proposed

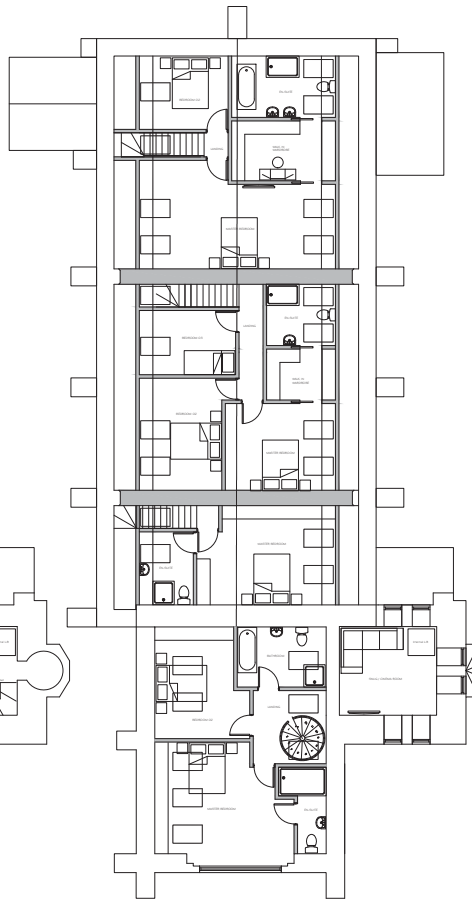
AMENDED



Ground Floor
As Proposed



First Floor
As Proposed



Second Floor
As Proposed



Side 'East' Elevation
As Proposed



Side 'West' Elevation
As Proposed

Page 120

Plot 01
3 Bed House
Ground Floor : 70.0 SqM
First Floor : 72.1 SqM
Second Floor : 59.0 SqM
Total : 222.0 SqM

Plot 02
3 Bed House
Ground Floor : 70.6 SqM
First Floor : 70.6 SqM
Second Floor : 56.5 SqM
Total : 197.7 SqM

Plot 03
1 Bed House
Ground Floor : 35.4 SqM
First Floor : 35.4 SqM
Second Floor : 27.3 SqM
Total : 99.1 SqM

Plot 04
3 Bed House
Ground Floor : 90.7 SqM
First Floor : 68.7 SqM
Second Floor : 68.7 SqM
Total : 228.1 SqM



Phone: 01462 441948
Email: info@architectural.co.uk
www.architectural.co.uk
13 Havelock Road, Kingston Upon Hull, E. Yorks HU2 2AA

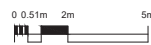
CLIENT
Mr Beetham
Chris Church, Barrow Road, New Holland,
DN19 7RN

PROJECT TITLE
Proposed Conversion of Church to
Residential

DRAWING TITLE
Plans as Proposed

DRAWING PHASE
Planning

SCALE	DATE	DRN
Various @ A1	01/07/20	LOB
	NOTES	BY REV
01/07/20	Planning Statement	LOB A
01/07/20	Planning Amendments	LOB B
01/07/20	Planning Amendments	LOB C



1:100

Project no: DN19-1953 Stage: PLN Rev: C Sh: 002

APPLICATION NO	PA/2021/1247
APPLICANT	Mrs Sally Jackson
DEVELOPMENT	Planning permission to the change of use of land for equestrian purposes, and erect a stable block and agricultural barn
LOCATION	Alandale, Station Road, Graizelound, DN9 2NN
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework: Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

North Lincolnshire Local Plan: RD2, DS1, DS11, DS14, T2, T19

North Lincolnshire Core Strategy: CS1, CS5, CS19

CONSULTATIONS

Highways: No comments or objections.

Environment Agency: Given the scale and nature of the proposed development, we do not wish to object to the application or request that an amended FRA be submitted.

Environmental Protection: No objection subject to a condition preventing the facility being used for commercial purposes.

Historic Environment Record: No objection – the site is outside the LC14 policy area.

PARISH COUNCIL

Objects, making the following comments:

The stables extend into the open countryside in a linear form outside the curtilage of the property and will impact on its surroundings. It would be more acceptable if it were cluster form within the curtilage of the dwelling.

The Design and Access Statement identifies the provision for outdoor sport/recreation and appropriate location; this council does not disagree, however the current layout may impact the character of the area and loss of high value agricultural land.

PUBLICITY

Advertised by site notice – no comments received.

ASSESSMENT

Planning history

PA/2002/1766: Planning permission to erect dependent relative accommodation – refused 13/03/2003

PA/2003/1016: Planning permission to erect an extension – approved 28/08/2003

PA/2006/0093: Planning permission to erect a conservatory – approved 21/02/2006

Site constraints

- Open countryside (HELA DPD)
- Flood zone 2/3a fluvial

Site characteristics

The site is located within close proximity to the dwelling known as Alandale. It is within the open countryside and flood zone 2/3a. The dwelling is accessed from and fronts Haxey Gate Road and the proposal site is on associated land to the east of this dwelling.

Proposal

Permission is sought to erect a barn and stables, and change the of use of land to the rear of the curtilage area to equine.

The main issues for consideration are:

- **the principle of development;**
- **flood risk;**
- **character effect on the countryside;**
- **environmental issues.**

Principle of development

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

Policy RD2 is concerned with development within the open countryside. Firstly, it sets out in principle what development types are acceptable and secondly, the criteria against which to assess those developments. Part 'iv' states (permission will be granted for development) '...essential for the provision of outdoor sport, countryside recreation, or local community facilities'.

The applicant proposes a change of use of land for equine use to the rear of the dwelling's curtilage as well as associated stabling. A barn is also proposed which appears to be located within the residential curtilage. It is considered that all the proposals align with the aforementioned planning policies and so are acceptable in principle.

Flood risk

Policy CS19 is concerned with flood risk. It states, 'The council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood. Development in areas of high flood risk will only be permitted where it meets the following prerequisites:

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

Policy DS14 of the local plan is concerned with surface and foul water drainage and is also considered relevant.

The applicant has submitted an FRA that both the LLFA and the Environment Agency have reviewed. Neither has any objections to the development. The land levels fall below the critical levels suggested to be achieved by the EA, however they have stated that given the modest scale and intent of the proposal they have no objections to the development. The proposal is therefore considered to align with policies DS14 and CS19.

Character and landscape

Part 2 of policy RD2 of the local plan is relevant. Part 'c' states, '...the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;' Policy CS5 of the Core Strategy is also relevant, it states:

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

The stable measures approximately 3.65m to the ridge and provides five stables and a tack room. The barn is larger, standing at 4.3m to the eaves, but has a shallow pitch. Both fixtures are common sights within the open countryside: the barn is metal clad on top of a small brick course and the stables are completely timber. Both would have an appearance that is commensurate with the open countryside and harm would therefore be limited. In terms of the equine use, naturally associated paraphernalia would be on the land, however there are a number of plots that have an equine use in the area, and this is considered acceptable.

It is therefore considered, subject to a condition relating to the finish colour of the buildings, that the proposals would accord with both RD2 and CS5.

Environmental issues

Policy DS11 is concerned with polluting activities. It states, ‘...Planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise do not pose a danger by way of toxic release; result in land contamination; pose a threat to current and future surface or underground water resources; or create adverse environmental conditions likely to affect nearby developments and adjacent areas.’ Policy DS1 is a general development standards policy and is also considered relevant.

Environmental Protection have been consulted and have no objections subject to a condition preventing the facility being commercial. This relates to the knock-on impact of noise, movements and other pollutants from the equine use.

In terms of amenity, the buildings are in a location sufficiently away from other properties not to give rise to overshadowing or overbearing impacts. Lastly, no lighting has been proposed – this, should it be in situ, would require planning permission in its own right.

Conclusion

The proposal is considered acceptable in principle and only limited wider harm upon the character of the open countryside would result as part of the development.

Pre-commencement conditions

There are no pre-commencement conditions.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

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

Stable Plan LIHG 003;
Proposed Site Plan LIHG 004.

Reason

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

3.

Prior to any works to the stable and barn hereby approved, details of the external finishes shall be submitted to and agreed in writing with the local planning authority.

Reason

To protect character and accord with policy RD2 of the North Lincolnshire Local Plan.

4.

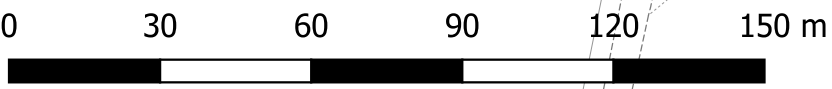
The proposed facility shall be solely for domestic use and the enjoyment of the owner of the site. At no time shall this facility be used for commercial purposes.

Reason

To protect residential amenity in accordance with policy DS1 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.



Page 126

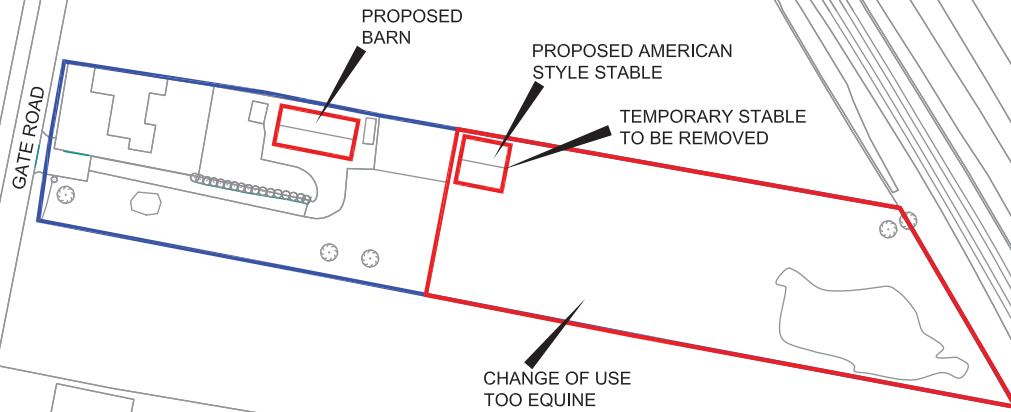


North Lincolnshire Council



PA/2021/1247 Proposed layout (not to scale)

Page 127



Drawing Title		
PROPOSED SITE PLAN GATE ROAD HAXEY		
Ref:	Scale @ A3	Date
LIHG 004	1:1250	JUL/21
enquiries@marksimmondsplanningservices.co.uk Mark Simmonds Director Mark Simmonds Planning Services Ltd Mercury House Willoughton Drive Foxby Lane Gainsborough DN21 1DY		

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APPLICATION NO	PA/2021/1286
APPLICANT	Mr Paul Chapman
DEVELOPMENT	Planning permission for change of use from a motel to residential, including demolition of restaurant extension
LOCATION	Duke William Hotel, 27 Church Street, Haxey, DN9 2HY
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Significant public interest Member 'call in' (Cllr David Rose – significant public interest) Objection by Haxey Parish Council
POLICIES	

National Planning Policy Framework:

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

Paragraph 11 – Plans and decisions should apply a presumption in favour of sustainable development. For plan-making, this means that:

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

For decision-taking this means:

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

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

Paragraph 92 – Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- (a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- (b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas; and
- (c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

North Lincolnshire Local Plan:

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

DS1 – General Requirements

DS14 – Foul Sewage and Surface Water Drainage

T2 – Access to Development

T19 – Car Parking Provision and Standards

LC14 – Area of Special Historic Landscape Interest

H5 – New Housing Development

HE5 – Development affecting Listed Buildings

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering More Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design in North Lincolnshire

CS6 – Historic Environment

CS7 – Overall Housing Provision

CS8 – Spatial Distribution of Housing Sites

CS22 – Community Facilities and Services

CONSULTATIONS

Highways: No objection, but recommend an informative relating to works within the public highway.

Environmental Health: Recommend a condition in respect of contaminated land investigation.

Conservation: No objection.

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

PARISH COUNCIL

Objects on the following grounds:

- This is the fifth application in three years and nothing has changed in terms of the development proposals.
- No fresh evidence has been presented in respect of the economic viability of the building.
- The sales particulars show the motel to be profitable and financially attractive.
- Questions were raised into the future use of the outbuildings to the rear of the site.

- There is an overwhelming majority to retain the Duke 'pub', expressed at the public meeting held in February 2018, which remains convincing evidence of the massive desire to reject this further application.
- For 300 years the Duke William has been an important village community pub.
- Concern the ownership certificate in the application form appears to be incorrect (the applicant owns only 50% of the issued share capital) and therefore it seems likely that this application is not valid.
- The applicant claims that 'the pub has been financially unviable for 10+ years' and states that accounts to support such claim have been submitted. No such accounts have been made available for public inspection. The parish council takes the view that if financial documents are relied upon in support of this application, then all relevant accounts should be made available for public scrutiny.
- On behalf of the owner the applicant himself actually agreed that the main pub and restaurant building be designated an Asset of Community Value (ACV). In the previous applications NLC planners do not appear to have attributed either sufficient weight or appropriate importance to such designation. The Duke William remains an ACV and must be protected as such.
- The applicant has failed to demonstrate that all options for continuance of the pub and restaurant have been fully explored and this application thus fails to satisfy policy C2. Such also fails as no potential replacement with similar facilities exists.
- The fact that the main pub building and restaurant have been boarded-up and allowed by the applicant and/or Duke William (Haxey) Limited to fall into disrepair to create a blight on the street scene is certainly not a reason to support this application.
- The 'Sales Particular Cover Letter' (RTA Business Sales dated 7 December 2009) appearing on the NLC portal is meaningless. It provides no evidence whatsoever that the Duke William was marketed as such.
- Duke William occupies a fundamentally vital position in the historic tradition of Haxey life and community wellbeing, including the Haxey Hood. Just because the applicant has proved unable to manage the business in an attractive profitable manner there is no reason to allow the asset to be lost – to do so would be a condemnation of this generation and its representatives.
- Conversion of the main pub building to a private house would not constitute or provide affordable housing and would make no contribution to the overall housing supply in North Lincolnshire.
- Concerns about parking: the application is unclear as to where the siting and access would be. The site plan makes no indication at all.
- The Duke William provides important amenities for visitors; any loss of even part of its facilities would adversely impact attracting visitors to Haxey and the immediate area and make the business less viable.

PUBLICITY

A site notice has been displayed and a significant number of objections (185) have been received in relation to this planning application (a number of which have used a generic template and some are from anonymous contributors). These raise similar issues to the parish council together with the following:

- inappropriate development
- the pub is an Asset of Community Value (ACV)
- impact on the listed building
- the previous reason for refusing the application remains valid
- the pub should remain in use for the community
- there is no 'like for like' community facility
- the business has been marketed at an inflated price
- it is contrary to policy CS2
- demolition of the restaurant will impact on the character and appearance of the area
- it offers local accommodation for tourists, workers and contractors
- CAMRA guidance should be applied to measure the economic viability of the business
- accounts have not been made available for public viewing.

ASSESSMENT

The Duke William is a two-storey motel and public house building with a single-storey restaurant extension adjoined to the east. It fronts Church Street (B1396) to the south and is constructed from red brick with a slate tiled roof. It is located within the development boundary for Haxey and is in flood zone 1. It has an existing vehicular access from Church Street to the side (to the east) which provides access to a range of adjoining outbuildings, a car park and grassed area to the rear. The Duke William fronts Church Street to the south and is bounded by a listed building (23 and 25 Church Street) to the west. The rear of the plot is the extended motel rooms. The Duke William is not a listed building and the site is not within a conservation area.

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

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

PA/2021/240: Planning permission for a change of use of the Duke William motel to a single dwelling, including demolition of part of the restaurant – refused by the planning committee on 04/06/2021

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

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

Of these, PA/2021/240 is most relevant as this current proposal is a resubmission of that application, which was refused by the planning committee on the following grounds:

‘The proposal will result in the loss of a valued facility/service within the rural settlement of Haxey. The council does not consider that it has been adequately evidenced that the facility is not economically viable and that all options for its continuance have been fully explored, and that there is no longer a need for the building in any form of community use. Accordingly, the proposal is contrary to paragraph 92 of the National Planning Policy Framework, policy CS22 of the Core Strategy and policy C2 of the North Lincolnshire Local Plan.’

The main considerations in the determination of this application are the principle of development, impact on residential amenity, impact on the setting of the listed building, and parking and highway issues.

Principle

The proposed development, which involves the change of use of the existing building to a dwelling, would result in the loss of a public house and motel, which is considered to be a community facility in planning terms. Paragraph 92 Part C of the NPPF requires planning policies and decisions to ‘guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.’

Policy C2 of the North Lincolnshire Local Plan (NLLP) applies and states that proposals for change of use of vacant premises to non-community uses in rural local centres will only be permitted where it can be demonstrated that these facilities are not economically viable and that all options for their continuance have been fully explored, and/or an accessible replacement facility exists elsewhere in the local centre.

Policy CS22 of the adopted Core Strategy (CS) echoes a similar approach and states the loss of such community facilities should be resisted unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need.

In respect of the policies above, it is noted the proposal, if permitted, would result in the loss of a community facility. However, it is considered there are additional pubs within Haxey (Kings Arms and The Loco) and in the neighbouring settlement of Westwoodside (Carpenters Arms) within the same parish which could sufficiently meet the replacement

need of the facility. In addition, The Loco public house is 10 metres from the Duke William motel and offers an accessible alternative facility.

In considering whether it can be demonstrated the business is economically viable, the business accounts show the Duke William was not operating viably prior to its closure. The applicant has submitted an access and design statement and financial statements for 2009 to 2019. The financial statement cannot be made public under The Data Protection Act 2018, but they set out the agent hired to advertise the property for sale and the reasons for applying for the change of use. The Duke William has been financially unviable for over 10 years and the bar and restaurant has been closed since November 2019. (An account statement has been submitted alongside this application.)

In considering whether it can be demonstrated that these facilities are not economically viable, financial statements submitted with the application demonstrate that the Duke William motel has been unviable for a period of time. Regarding marketing of the motel, all matters taken into consideration, the local planning authority is of the opinion the letter from the RTA Business Sales Specialist, dated 7 December 2009, is acceptable certification of marketing of the business and therefore considered adequate for the processing of the application. The marketing of the business is an attempt to secure suitable alternative business or local community re-use of the Duke William motel by the public. There is some supporting evidence of interested parties submitted with the planning application, however the extent of this interest this was solely on downloading the sales particulars and there is no evidence of a buyer or an offer made for the business from the public who could operate the business successfully.

During the site visit, it was observed by the case officer that the main pub building, and associated restaurant is boarded up and is in a visible state of disrepair. This has also been observed in a number of the representations received from members of the public. It is considered the pub would require considerable investment to upgrade and refurbish and if it continued to stay in its existing condition it would potentially deteriorate further to a point where it would not be economically viable to refurbish. The proposal would also deliver a dwelling in a sustainable location in the historic core of Haxey, close to existing community facilities and sustainable modes of travel. This would also contribute towards the housing supply figure in North Lincolnshire and ensure the building stays in a good state of visible repair.

In this case, on balance, the benefit of the refurbishment and the change of use to a dwelling outweighs the benefit of operating an unviable business and the risk of further deterioration of the business as there is no evidence of interested parties who will run the business as a motel.

A number of objections have been received raising concerns about the way the pub has been marketed and its price. Others have raised doubt over its marketing and indicate that the viability explanation lacks robustness because a change of use of the Duke William motel would result in the loss of a community facility. Similarly, Haxey Parish Council has raised concerns about the loss of the public facility, its marketing, and its viability. The local planning authority acknowledges the issues facing the business which have ultimately resulted in it being unviable to continue operating as a public house.

From the objections, it is evident there is local objection to the way in which the public house has been managed. This is clearly contrary to the views of the management of the public house, but is not within the remit of the council to decide. It is also worth noting that,

for a variety of reasons, the community have a special attachment to the pub, which is at the centre of the objections. While this is reasonable, it does not solve the issue of the viability of the business, any business interest and subsequently whether an alternative use of the building (in this case residential) should be considered.

In conclusion, considering the main issues in the determination of this application, on balance, the impact of harm, when assessed against the associated benefits, as per paragraph 11(d) of the NPPF, policies CS1, CS2, CS3 and CS22 of the Core Strategy and policy C2 of the local plan, it is considered by the local planning authority the proposed change of use to a dwelling is acceptable, the benefit outweighs the current unviable business and the deterioration of the building, and should be supported.

The principle of development is therefore considered acceptable as there is sufficient supporting evidence the Duke William motel is not a viable business, and no prospective buyer has come forward following its marketing. There is no longer a need for the Duke William motel in any form of community use, and whilst the proposed loss of the public house is unfortunate, the settlement of Haxey would still be served by other public houses in accessible locations.

Residential amenity

It is considered that residential use would be acceptable in this location given the public house is situated in an established residential area. The change of use of the public house could have a positive effect on the amenity of residents who live closest to the property by removing a potential source of late-night noise and disturbance. As the new windows proposed in the upper floor side elevation of the converted dwelling (in its eastern wall) will have an outlook onto the new garden serving the dwelling and across the access road to the site, it will not give rise to overlooking in this case. In addition, it is considered there is sufficient residual space (following demolition of the restaurant) of approximately 360m² with which to provide an area of private amenity space to the side of the dwelling and to provide a minimum of two off-street parking spaces. A condition is recommended requiring details of the proposed method of boundary treatment to be erected around the area to the side of the dwelling to allow the local planning authority to ensure the garden is sufficiently screened from both the highway footpath and the access to the rear of the site.

Impact on the street scene/listed building

The plans show the only external change to be the demolition of the later single-storey extension to the side of the building and the installation of a number of windows in its eastern elevation (to serve three bedrooms at first floor and a dining room and kitchen at ground floor). The plans also show the traditional appearance of the building along its principal elevation adjacent the highway footpath to the front will remain unaltered and the chimneys to each end of the roof slope and the timber portico that frames the front door will be retained. The new windows proposed in the side elevation of the building will be proportionate to the size of existing openings and will include the same cill and header detailing. In terms of design, the change of use would retain and respect the original character and features of the building and is in keeping with the appearance of neighbouring residential properties. The proposal will also bring the building back into use, albeit an alternative residential use and this will ensure the appearance of the building is maintained and doesn't fall into visual disrepair.

Policy HE5 (Development affecting Listed Buildings) seeks to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. When applications for planning permission relating to a listed building or listed building consent are being assessed, the primary consideration will be the need to preserve or enhance the fabric and character of the building. Permission or consent will not be granted unless it has been demonstrated that the proposed works would meet this objective. The conservation officer has raised no objection to the proposals and given the limited external alterations (including demolition of the restaurant extension) proposed to the building it is considered the proposed conversion will not harm the setting of the adjacent listed building.

Highway safety

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. The development would utilise the existing access off Church Street which runs to the east of the site and there is ample space to the side and rear of the property to provide a minimum of two off-street parking spaces. Highways have raised no objection to the proposal on pedestrian or highway safety grounds and the proposed development is not likely to result in an increase in vehicle movements compared to when the public house and motel was in operation. The proposed change of use is therefore considered to be acceptable on highway safety grounds.

Other issues

Environmental Health has recommended a condition for contaminated land investigation as a result of the restaurant extension being demolished. Given there is existing built form on this part of the site and it will be used as garden and parking as a result of the change of use, it is considered neither reasonable or necessary to recommend a condition for contaminated land investigation in this case. Should any unexpected contamination be encountered then a condition is recommended to ensure this is investigated.

In relation to the buildings and land at the rear, this proposal would not impact directly on these buildings or land and would not significantly change the current usage and therefore there is no issue. Other private issues have been raised that are not relevant planning matters for consideration in the assessment of this application. The concerns raised that are relevant to this application have been addressed in this report.

Conclusion

This application is accompanied by information in support of the proposal which seeks to demonstrate that the business is not viable and shows a trading loss, including the marketing of the property. Whilst information such as the publications in which the adverts appeared, along with web addresses for websites on which it was marketed and the dates from and to the advert appeared, have not been submitted, on balance, the council accepts the agreement with RTA Business Sales dated 7 December 2009 that it has been marketed.

From the financial statements submitted with the application, it is considered that the existing use of the Duke William motel is no longer commercially viable. Furthermore, an acceptable level of means of retaining the public house has been explored by marketing it, but no interest has been shown by any prospective buyer and the business is therefore considered no longer commercially viable. Additionally, the application has demonstrated

that the premises could be used to provide a dwelling and there are alternative, accessible community facilities and services to meet the community need.

For the reasons set out above, it is accepted that reasonable attempts have been made to secure business re-use of this site and that there is a lack of demand for community use. In all other respects, the proposed change of use of the premises to a dwelling raises no substantive residential amenity, visual amenity or highway safety concerns. It is therefore considered to conform with the relevant policies of the North Lincolnshire Local Plan and the Core Strategy and the application is recommended for approval.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: LIDW 002, LIDW 003, Proposed Floor Plans and Proposed Elevations.

Reason

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

3.

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

4.

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 dwelling is first occupied and once built/planted it shall be retained.

Reason

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

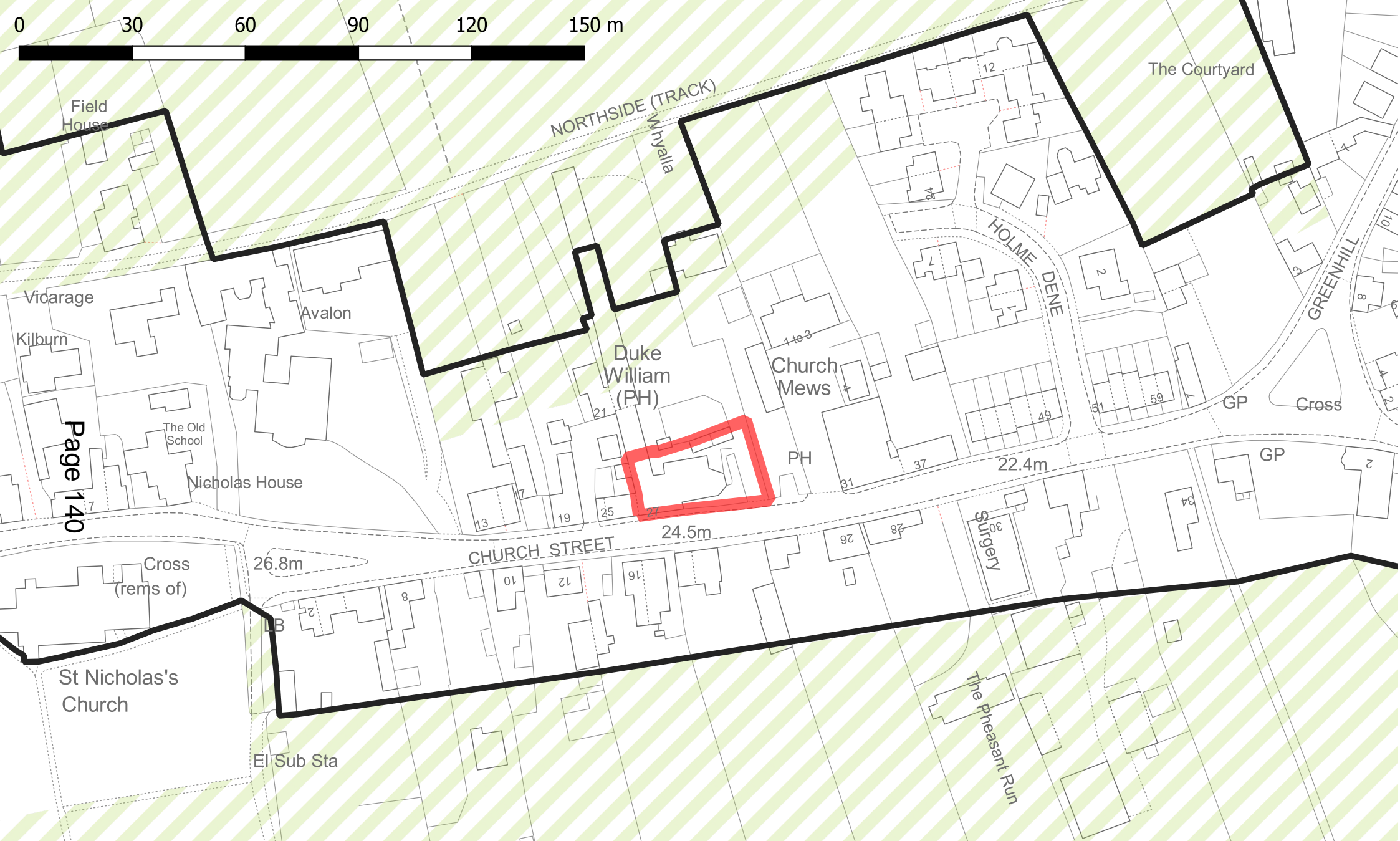
Informative 1

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



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

Informative 2

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



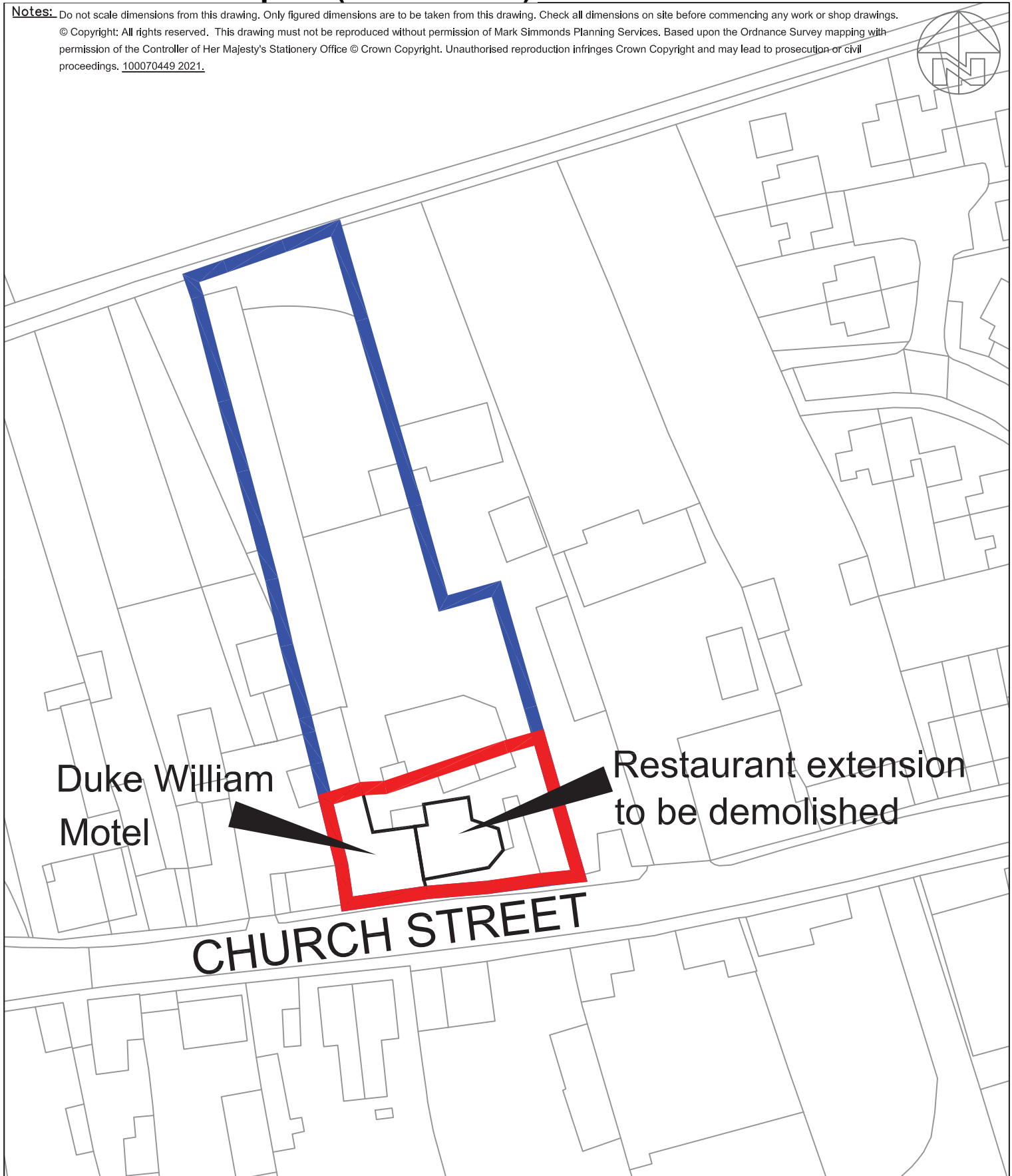
Page 140

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

**North
Lincolnshire
Council**

PA/2021/1286 Site plan (not to scale)

Notes: Do not scale dimensions from this drawing. Only figured dimensions are to be taken from this drawing. Check all dimensions on site before commencing any work or shop drawings.
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Drawing Title

PROPOSED PLAN
CHURCH STREET
HAXEY



enquiries@marksimmondsplanningservices.co.uk
Mark Simmonds
Director
Mark Simmonds Planning Services Ltd
Mercury House
Willoughton Drive
Foxby Lane
Gainsborough
DN21 1DY

Ref: LIDW 003 Scale @ A4 1:750 Date FEB/21 Page 141

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APPLICATION NO	PA/2021/1321
APPLICANT	Mr Francis Micallef
DEVELOPMENT	Planning permission to erect a two-storey workshop comprising garages, gym facilities, storage and office space
LOCATION	The Old Vicarage, Yorkshire Side, Eastoft, DN17 4PG
PARISH	Eastoft
WARD	Axholme North
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Eastoft Parish Council

POLICIES

National Planning Policy Framework:

Paragraph 131 – Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

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.

North Lincolnshire Local Plan: DS1, DS11, T2, T19, RD2

North Lincolnshire Core Strategy: CS2, CS5

CONSULTATIONS

Highways: No comments or objections.

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

Environmental Protection: No objections subject to conditions relating to noise: one to prevent the commercial use of the building and the other related to refrigeration, plant and air-conditioning.

Conservation: No objection following amended plans, subject to the control of materials.

Tree Officer: There are protected trees on this site that have not been properly considered in regard to this proposal nor the root protection areas that would be required around them.

An arboricultural report would be required, and it is surprising that one has not been submitted to give an indication as to the location, species, size and condition of all trees on or adjacent to the site and how they may be impacted if the proposal is given consent. A BS5837:2012 survey is therefore requested. Without one the recommendation is that this application be withdrawn until such time as this information is available and changes made to the application to take account of the trees and their required protection areas, or indeed refused due to their presence and the effect the application would have on these protected trees.

PARISH COUNCIL

Objects to the proposal on the following grounds:

‘Concerns were expressed that the visual impact of the extension would be seen by the residence known as The Vicarage. Visually the extension is at the back of the property and only viewed by field workers and field walkers, however trees would be welcome as a shield. Materials should of course be sourced to enhance the listed building status, see plans PA/2021/1403. If the addition of large offices happens then they are open to non-locals and should attract business rates.’

PUBLICITY

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

ASSESSMENT

Planning history

PA/2021/1403: Listed building consent to erect a two-storey workshop comprising garages, gym facilities, storage and office space – not yet determined

PA/2012/1397: Non-material amendment to planning permission PA/2008/1190 dated 08/10/2008 to change the style and size of windows, doors and roof lanterns to orangery, install external flue in attached outbuilding and replace guttering – approved 07/01/2013

PA/2012/1396: Listed building consent to change the style and size of windows, doors and roof lanterns to orangery, install external flue in attached outbuilding and replace guttering (previous application PA/2008/1198) – approved 23/01/2013

PA/2008/1198: Listed building consent to erect an extension and carry out alterations, and erect a detached double domestic garage to the front – approved 08/10/2008

PA/2008/1190: Planning permission to erect an extension and carry out alterations, and erect a detached double domestic garage with a store to the front – approved 08/10/2008

2/1974/0040: Convert existing outbuildings into a dwelling house – approved 11/04/1974

Site constraints

- Flood Zone 2/3a (North and North East Lincs SFRA 2011)
- Open Countryside (HELA DPD 2016)
- Within setting of Grade II listed buildings
- Proximity to trees protected by a TPO

Listing description

GV II

Parsonage house, now house, with adjoining carriage house and stables. Mid C19, probably 1855, by J L Pearson. Light brown brick in Flemish bond with rubbed red brick and sandstone ashlar dressings. Welsh slate roof. L-shaped on plan: double-depth house with 3-room, central entrance-hall east front, drawing room and dining room to rear, kitchen wing to rear right with carriage house/stable and stores range beyond. East front: 2 storeys, 3 bays; symmetrical, with central bay breaking forward. Chamfered brick plinth. Steps to panelled door beneath moulded lintel and overlight with geometric glazing bars and coloured margin lights in panelled reveal beneath flat red brick arch and moulded ashlar cornice; first-floor section stepped- in above. 12-pane ground-floor sashes in reveals with projecting stone sills beneath red brick cambered arches. Similar but slightly shorter first-floor sashes. Deep eaves. Hipped roof. Ridge stack with brick band, ashlar cornice and octagonal pots. Similar stacks to rear and right return.

Left return forms garden front: 2 bays, with recessed left bay. Right bay has central section breaking forward, with 12-pane sash beneath brick cambered arch and ashlar cornice, narrower raised section above with 12-pane first-floor sash below similar arch. Left bay has wooden ground-floor canted bay window with French windows and overlight with glazing bars to front, and unequal 10-pane sashes to sides, in Doric surround with tapered pilasters carrying entablature with triglyphs, guttae, moulded cornice, blocking course and flat hood. Central first-floor section above breaks forward with 12-pane sash, narrow 8-pane sash in angle to right, both below cambered brick arches. Right return has irregular fenestration with hung and sliding sashes with glazing bars beneath brick cambered arches. Coped wall with round-headed opening links rear wing to carriage house/stables and stores range. 2-storey section to left, with 2 first-floor openings, has basket-arched carriage entrance to right with 2-fold board doors, pair of board doors and 12-pane sliding sash to left beneath segmental arches; first-floor hatch to right with board door beneath segmental arch, blocked similar opening to left, stepped eaves, ridge stack. Single-storey section to right has sliding sash and pair of board doors beneath segmental arches, coped right gable. Interior of house: original features include open-well staircase with ramped grip handrail, turned newel posts, plain balusters and inserted C20 wrought-iron balusters, profiled cheek-pieces; marble chimney- pieces to 2 ground-floor front rooms, one with carved consoles; moulded plaster cornices, panelled window shutters, 6-pane doors in architraves beneath

moulded cornices. Probably built together with the neighbouring church of St Bartholomew (qv) and school in 1855.

Listing NGR: SE8064816668

Site characteristics

The site lies outside the development boundary for Eastoft though within the curtilage associated with The Old Vicarage. The area proposed for the development is to the west of The Old Vicarage and north of an existing tennis court. There are two groups of trees protected by tree preservation orders in this area: to the south of the development a group made up of one sycamore and four walnuts; to the east a group consisting of two elm, three lime, a sycamore, a walnut and a yew.

The dwelling itself is grade II listed set back from the A161, to the north of St Bartholomew's (grade II listed) and opposite Elm Tree Farmhouse, which is also a listed asset. The dwelling has front curtilage area with parking, and wall garden to the rear, beyond which the curtilage extends to include a tennis court. This application is proposed to the north of that court.

Proposal

Planning permission is sought to erect a two-storey workshop comprising garages, gym facilities, storage, and office space. The proposal is for domestic use and amended plans have been received following conservation and tree concerns.

The following considerations have therefore been assessed:

- **principle of development**
- **impact on listed building(s)**
- **character impacts**
- **impact on trees**
- **environmental issues**
- **residential amenity.**

Principle of development

Policy RD2 is concerned with development in the open countryside. Part 'vii' is relevant and states, '...for the replacement, alteration or extension of an existing dwelling'.

The site is located beyond the settlement boundary but within the applicant's residential curtilage. The proposal for a domestic gym and store is therefore considered acceptable and would accord with policy RD2 of the local plan.

Impact upon listed building

Policy HE5 is concerned with development affecting listed buildings. It states that the council will seek to secure the preservation, restoration and continued use of buildings of

special architectural or historic interest. When applications for planning permission relating to a listed building or listed building consent are being assessed, the primary consideration will be the need to preserve or enhance the fabric and character of the building. Policy CS6 of the Core Strategy reinforces this policy by requiring development to protect and enhance the district's historic assets.

A material consideration to this application is the ongoing dilution of the listed building and two key events that have led to the application being acceptable. These events were the conversion of outbuildings to the dwelling in 1974 and in 2008 the erection of a double garage with linked carport. It is this latter development that forms both a visual and physical screen between The Old Vicarage and the area of land that makes up this proposal.

The proposal is located beyond the existing carport and the wall garden, and within the area close to the existing tennis court. The proposal would only be read from vistas to the rear of the plot where the proposed building would sit against the backdrop of the listed dwelling and protected trees. The building along its main stretch has two floors though the first floor is located above the eaves of the building allowing it to stay low in comparison to the dwelling (it is of a comparable height to the carport). The roof materials are grey slate, which would allow the proposal to assimilate with the existing carport. The impact upon the listed building by the presence of the proposal is not unacceptable. Though there is some dilution of setting, its distance beyond the wall garden and carport, its scale, its softening by existing trees and the use of appropriate materials would lead to less than substantial harm. The western elevation is gabled. It was requested that this was hipped to lessen the appearance of massing in the roof of the building, however the impact would overly complicate the functionality of the internal arrangement. The applicant did make all other required changes, including moving the structure away from protected trees, and this gable on its own does not give rise to an amount of harm that would lead to refusal.

The conservation officer has been involved in dialogue and requested some amendments, including moving the building away from the protected trees and carport, as well as materials and hipping the building. Following the amended plans, the officer has confirmed that he is happy with the scheme subject to a condition requiring the addition of a horizontal timber crosspiece in the large rear window.

The materials will be conditioned despite the applicant proposing (in part) a suitable palette that includes timber weather boarding and a slate roof tile. This is because of the sensitivity of the location as well as details of rainwater goods and fenestration materials being omitted. In terms of the horizontal crosspiece, it is believed the officer is referring to the bifold doors, but to have such an obstruction would not allow this opening to be functional and perhaps should have been an objection should the issue have been so great. Instead, should the officer not support the use of a full glazed opening, this can be discussed at the discharge of conditions stage as fenestration/openings will be controlled due to the sensitive location of the building.

It is therefore considered that the proposal is in accordance with policies HE5 of the local plan and CS6 of the Core Strategy.

Character impacts

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy is in two parts: firstly, it sets out, in principle, those development types that are acceptable; and secondly, it sets out a criteria-based approach

to assessing those developments. The second part is of interest here in that it seeks to ensure that the visual amenity of the countryside is not compromised by poor development. Paragraph 'c' of the policy states:

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

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

The proposal, given its location to the rear, screened by the existing carport and double garage, would make limited impact upon the street scene. Vistas from northerly and westerly locations (within agricultural fields and public rights of way) would experience the building. The building from these viewpoints, however, is softened by the abundance of trees and existing hedgerows. The distinction between the listed asset and the proposal is easily read given its location next to the tennis court and beyond the wall garden. The more modern carport and garage also provide a visual barrier...a tapering from old to new. That said, this building can stand against the backdrop in its own right given the use of evolving facing materials (slate and timber) and its scale. Conditions will be attached with regard to materials, fenestration and rainwater goods.

For the above reasons it is considered that the proposal would align with policies RD2 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.

Impact on protected trees

Policy LC12 of the North Lincolnshire Local Plan is concerned with the protection of trees, woodland and hedgerows. It is relevant to this assessment given that there are groups of protected trees in the vicinity of the proposal site. It states:

'Proposals for all new development will, wherever possible ensure the retention of trees, woodland and hedgerows. Particular regard will be given to the protection of these features within the setting of settlements, the protection of ancient woodlands and historic hedgerows and the amenity value of trees within built-up areas. Tree preservation orders will be made where trees which contribute to local amenity or local landscape character are at risk. Landscaping and tree and hedgerow planting schemes will be required to accompany applications for new development where it is appropriate to the development and its setting.'

There are two groups of protected trees located close to the proposed building (described within the site characteristics section). The applicant has been requested to move the proposal outside the root protection area of the closest protected (oak) tree. The site plan shows that the tree is approximately 7.4m from the east part of the building following amendments. The tree officer has requested a tree survey, however these comments are very recent and after the amendments had been sought. The officer has not been privy to the latest footprint, and it is considered that those comments are outdated. However, to reinforce this protection of the trees (given they are inextricably linked to the historic value of the site and that a root protection area is only speculative in that roots are not always

equally radial from the centre of any tree) a condition on foundation design shall be attached, as will a condition on how these trees will be protected during construction.

Given the mitigation, it is considered that the proposal would align with policy LC12 of the North Lincolnshire Local Plan.

Environmental issues

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states, '...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.'

The council's Environmental Protection Team have been consulted and have no objections to the development subject to conditions relating to the facility not being for commercial purposes and plant, air conditioning and refrigeration being installed in the building. The reason for both conditions is to protect the amenity rights of neighbouring properties. Therefore, given the conditions to be attached, it is considered that the proposal would accord with policy DS11 of the local plan.

Residential amenity

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

The proposed building is a sufficient distance from all neighbouring properties so as not to give rise to unacceptable overshadowing or overbearing impacts. The distance also limits impact from visual intrusion.

The proposal is considered to align with policy DS1 in respect of impacts related to residential amenity.

Conclusion

The proposal would not dilute the setting of the listed building to a level that would warrant refusal. Whilst there is some cross-reading from certain vistas, the existing characteristics of the site (wall garden, modern extension, trees) allow this building to retain sufficient distinction from the asset. Conditions to protect trees and amenity will be attached as well as those to control external materials.

Pre-commencement conditions

The applicant has been given the requisite 10 working days' notice that there is an intention to attach the pre-commencement conditions included in the recommendation.

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:

102_Eastoft_200_Proposed Barn Elevations Revisions 01

102_Eastoft_110_Proposed Site Location Plan Rev 01

02_Eastoft_110_Proposed Barn FF Layout Rev 01

02_Eastoft_110_Proposed Barn GF Layout Rev 01.

Reason

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

3.

Prior to any above-ground works, details of all external materials, including openings, rainwater goods, roof and walls, to be used in the construction of the building hereby approved shall be submitted to and agreed in writing with the local planning authority. Only the agreed materials shall be used and shall be retained thereafter.

Reason

To protect the historic environment and to accord with policy CS6 of the Core Strategy.

4.

Development other than site clearance shall not commence until details of the foundation designs of the building have been submitted to and agreed in writing with the local planning authority. The development shall be built in accordance with that agreed methodology.

Reason

To protect trees and to accord with policy LC12 of the North Lincolnshire Local Plan.

5.

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

Reason

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

6.

The workshop, garages, gym facilities and storage hereby permitted shall be for private use only and no trade, business or profession shall be carried out from the site without the prior permission in writing of the local planning authority.

Reason

To prevent the uncontrolled introduction of a use which may potentially have an adverse impact on the character of the surrounding area without an opportunity to examine this against the criteria in policy DS4 of the North Lincolnshire Local Plan.

7.

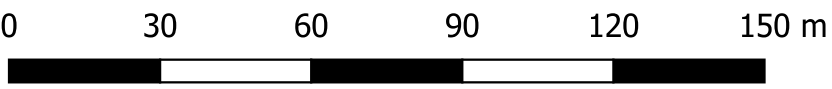
No plant for refrigeration, ventilation or air-conditioning shall be installed until details have been submitted to and approved in writing by the local planning authority. The details shall include an assessment of likely impact of the plant on residential amenity, specifying noise output and any mitigation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

Reason

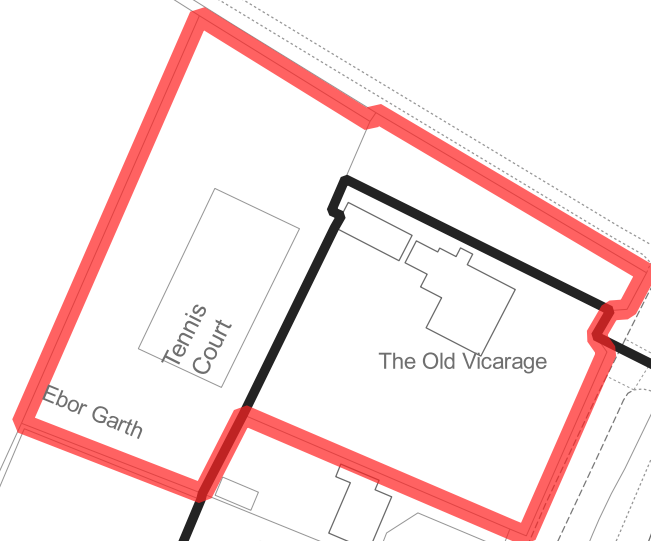
To minimise the potential for noise nuisance, and to prevent the loss of amenity to nearby residential properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

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.



Track



Tennis Court

Ebor Garth

The Old Vicarage

St Bartholomew's Church

Mill Croft

Mill House

Eastoft Church Of England Primary School

School House

Chalrick

Riding School

Elm Tree Farm

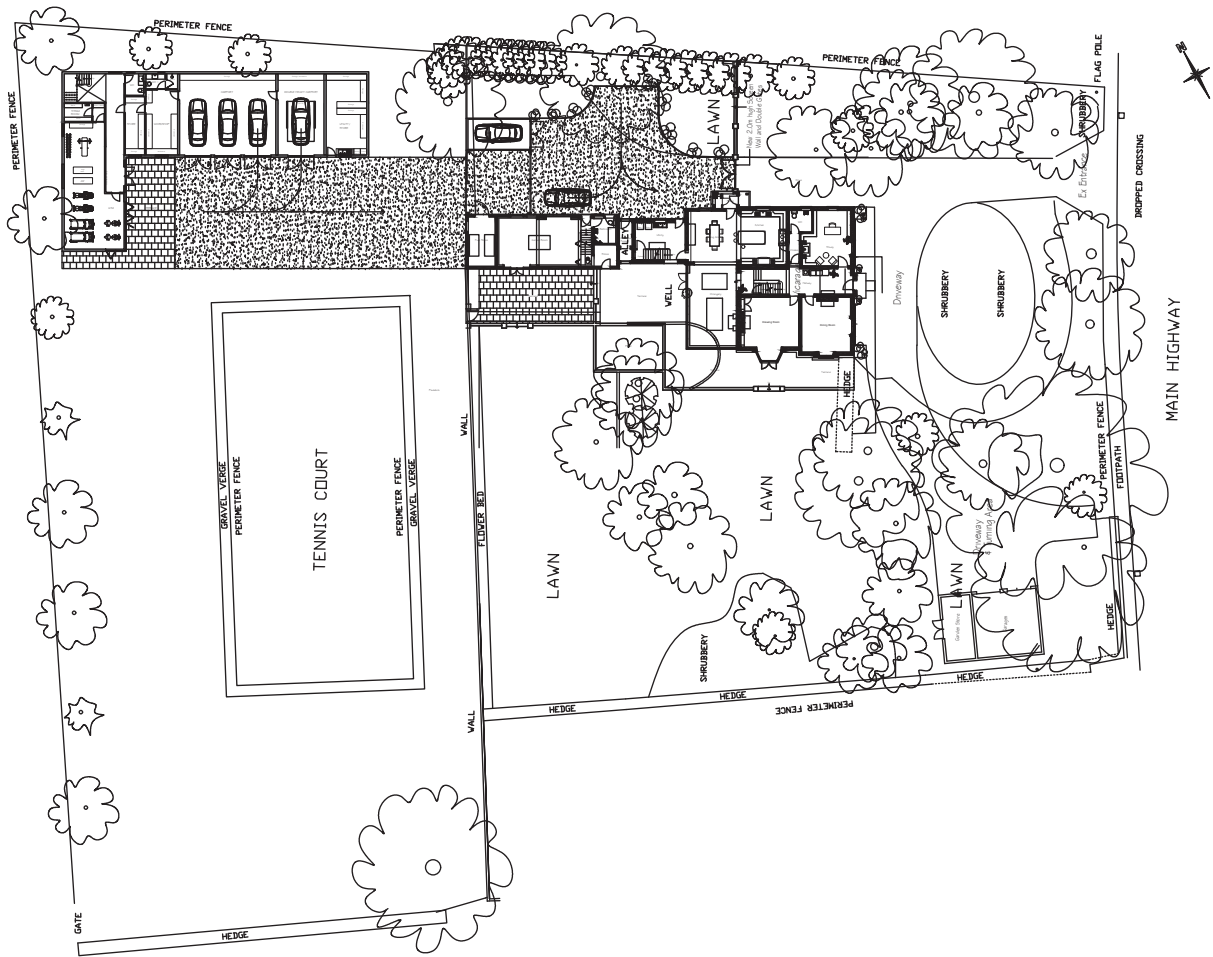
Pond

Pond

Development Boundary

North Lincolnshire Council

AMENDED



1. Proposed Site Location Plan

This drawing is the property of Sehem Design. Do not scale from this drawing, all dimensions must be checked on site before any works are undertaken

DRAWINGS NOT FOR CONSTRUCTION

Revision	Date	Description	Author

Notes:

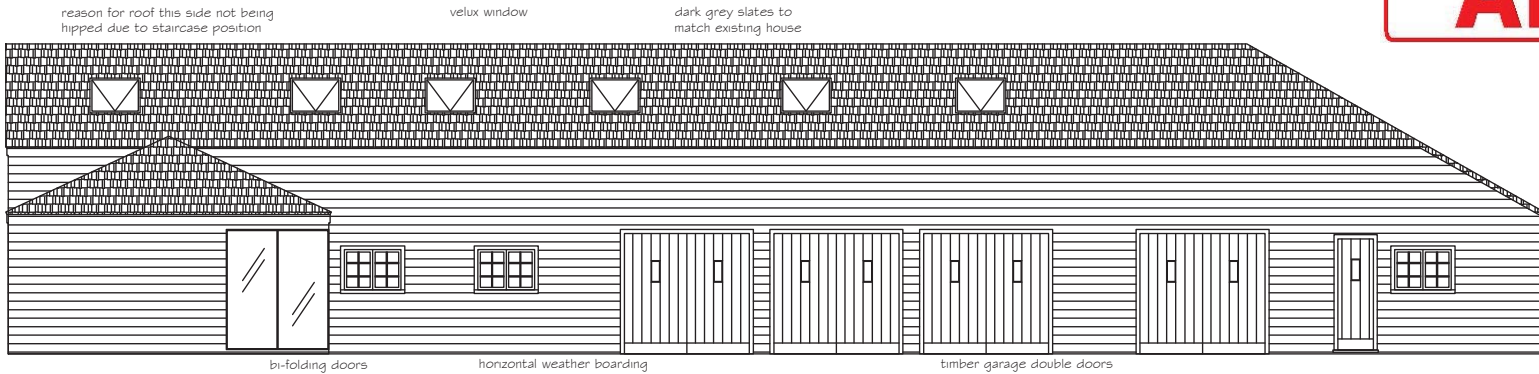
project
Eastoft
 drawing title
Proposed Site Location Plan

revision
01
 initial issue date
04.07.2021

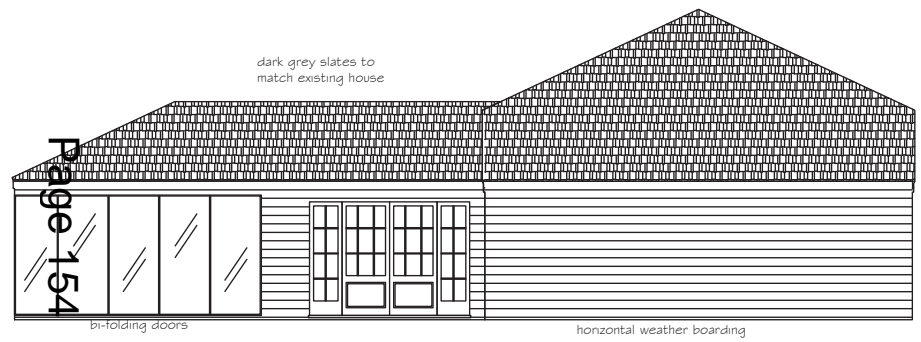
job no
102
 drawing No
102_Eastoft_110_Proposed Site Location Plan



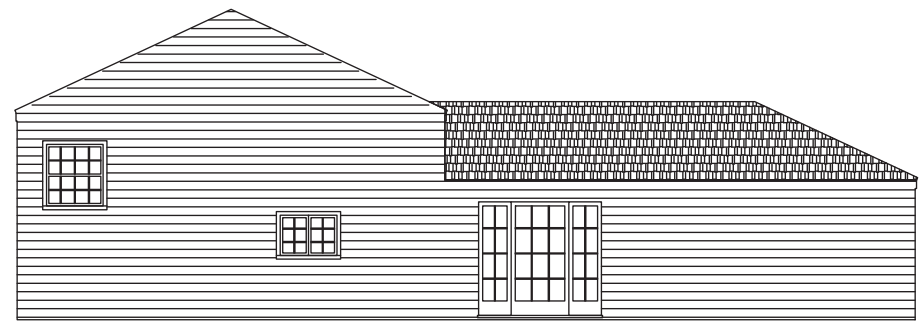
AMENDED



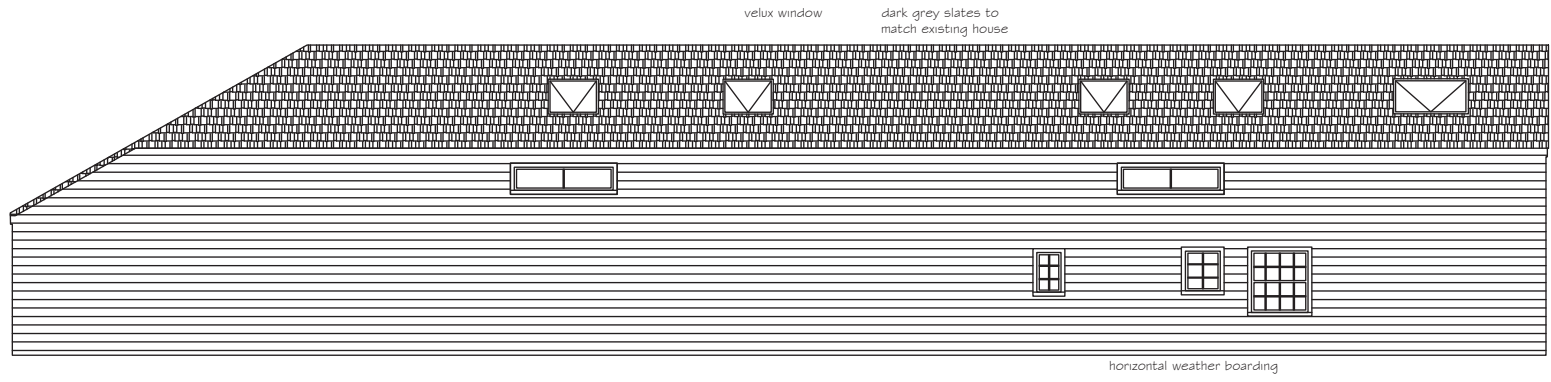
1. SCALE 1:100@A3
Proposed South Elevation



2. SCALE 1:100@A3
Proposed East Elevation



3. SCALE 1:100@A3
Proposed West Elevation



4. SCALE 1:100@A3
Proposed North Elevation

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DRAWINGS NOT FOR CONSTRUCTION

Revision	Date	Description	Author

Notes:

project
Eastoft
drawing title
Proposed Barn Elevations
job no
102
drawing No
102_Eastoft_200_Proposed Barn Elevations

revision
01
initial issue date
04.07.2021



APPLICATION NO	PA/2021/1403
APPLICANT	Mr Francis Micallef
DEVELOPMENT	Listed building consent to erect a two-storey workshop comprising garages, gym facilities, storage and office space
LOCATION	The Old Vicarage, Yorkshire Side, Eastoft, DN17 4PG
PARISH	Eastoft
WARD	Axholme North
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Grant consent subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Eastoft Parish Council

POLICIES

National Planning Policy Framework:

Paragraph 131 – Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

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.

North Lincolnshire Local Plan: HE5

North Lincolnshire Core Strategy: CS6

CONSULTATIONS

Conservation: No objection following amended plans, subject to the control of materials.

PARISH COUNCIL

Objects to the proposal on the following grounds:

'Concerns were expressed that the visual impact of the extension would be seen by the residence known as The Vicarage. Visually the extension is at the back of the property and only viewed by field workers and field walkers, however trees would be welcome as a shield. Materials should of course be sourced to enhance the listed building status, see plans PA/2021/1403. If the addition of large offices happens then they are open to non-locals and should attract business rates.'

PUBLICITY

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

ASSESSMENT

Planning history

- PA/2021/1321: Planning Permission to erect a two-storey workshop comprising garages, gym facilities, storage and office space – not yet determined
- PA/2012/1397: Non-material amendment to planning permission PA/2008/1190 dated 08/10/2008 to change the style and size of windows, doors and roof lanterns to orangery, install external flue in attached outbuilding and replace guttering – approved 07/01/2013
- PA/2012/1396: Listed building consent to change the style and size of windows, doors and roof lanterns to orangery, install external flue in attached outbuilding and replace guttering (previous application PA/2008/1198) – approved 23/01/2013
- PA/2008/1198: Listed building consent to erect an extension and carry out alterations, and erect a detached double domestic garage to the front – approved 08/10/2008
- PA/2008/1190: Planning permission to erect an extension and carry out alterations, and erect a detached double domestic garage with a store to the front – approved 08/10/2008
- 2/1974/0040: Convert existing outbuildings into a dwelling house – approved 11/04/1974

Site constraints

- Flood Zone 2/3a (North and North East Lincs SFRA 2011)
- Open Countryside (HLEA DPD 2016)
- Within setting of Grade II listed buildings
- Proximity to trees protected by a TPO

Listing description

GV II

Parsonage house, now house, with adjoining carriage house and stables. Mid C19, probably 1855, by J L Pearson. Light brown brick in Flemish bond with rubbed red brick and sandstone ashlar dressings. Welsh slate roof. L-shaped on plan: double-depth house with 3-room, central entrance-hall east front, drawing room and dining room to rear, kitchen wing to rear right with carriage house/stable and stores range beyond. East front: 2 storeys, 3 bays; symmetrical, with central bay breaking forward. Chamfered brick plinth. Steps to panelled door beneath moulded lintel and overlight with geometric glazing bars and coloured margin lights in panelled reveal beneath flat red brick arch and moulded ashlar cornice; first-floor section stepped- in above. 12-pane ground-floor sashes in reveals with projecting stone sills beneath red brick cambered arches. Similar but slightly shorter first-floor sashes. Deep eaves. Hipped roof. Ridge stack with brick band, ashlar cornice and octagonal pots. Similar stacks to rear and right return.

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The main consideration in determining this application is the impact of the proposal on the listed building(s).

Impact upon listed building

Policy HE5 is concerned with development affecting listed buildings. It states that the council will seek to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. When applications for planning permission relating to a listed building or listed building consent are being assessed, the primary consideration will be the need to preserve or enhance the fabric and character of the building. Policy CS6 of the Core Strategy reinforces this policy by requiring development to protect and enhance the district's historic assets.

A material consideration to this application is the ongoing dilution of the listed building and two key events that have led to the application being acceptable. These events were the conversion of outbuildings to dwelling in 1974 and in 2008 the erection of a double garage with linked carport. It is this latter development that forms both a visual and physical screen between The Old Vicarage and the area of land that makes up this proposal.

The proposal is located beyond the existing carport and the wall garden, and within the area close to the existing tennis court. The proposal would only be read from vistas to the rear of the plot where the proposed building would sit against the backdrop of the listed dwelling and protected trees. The building along its main stretch has two floors though the first floor is located above the eaves of the building allowing it to stay low in comparison to the dwelling (it is of a comparable height to the carport). The roof materials are grey slate, which would allow the proposal to assimilate with the existing carport. The impact upon the listed building by the presence of the proposal is not unacceptable. Though there is some dilution of setting, its distance beyond the wall garden and carport, its scale, its softening by existing trees and the use of appropriate materials would lead to less than substantial harm. The western elevation is gabled. It was requested that this was hipped to lessen the appearance of massing in the roof of the building, however the impact would overly complicate the functionality of the internal arrangement. The applicant did make all other required changes, including moving the structure away from protected trees, and this gable on its own does not give rise to an amount of harm that would lead to refusal.

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The materials will be conditioned despite the applicant proposing (in part) a suitable palette that includes timber weather boarding and a slate roof tile. This is because of the sensitivity

of the location as well as details of rainwater goods and fenestration materials being omitted. In terms of the horizontal crosspiece, it is believed the officer is referring to the bifold doors, but to have such an obstruction would not allow this opening to be functional and perhaps should have been an objection should the issue have been so great. Instead, should the officer not support the use of a full glazed opening, this can be discussed at the discharge of conditions stage as fenestration/openings will be controlled due to the sensitive location of the building.

It is therefore considered that the proposal is in accordance with policies HE5 of the local plan and CS6 of the Core Strategy.

Conclusion

The proposal would not dilute the setting of the listed building to a level that would warrant refusal. Whilst there is some cross-reading from certain vistas, the existing characteristics of the site (wall garden, modern extension, trees) allow this building to retain sufficient distinction from the asset.

RECOMMENDATION Grant consent subject to the following conditions:

1.
The works must be begun before the expiration of three years from the date of this consent.

Reason

To comply with Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

102_Eastoft_200_Proposed Barn Elevations Revisions 01
102_Eastoft_110_Proposed Site Location Plan Rev 01
02_Eastoft_110_Proposed Barn FF Layout Rev 01
02_Eastoft_110_Proposed Barn GF Layout Rev 01.

Reason

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

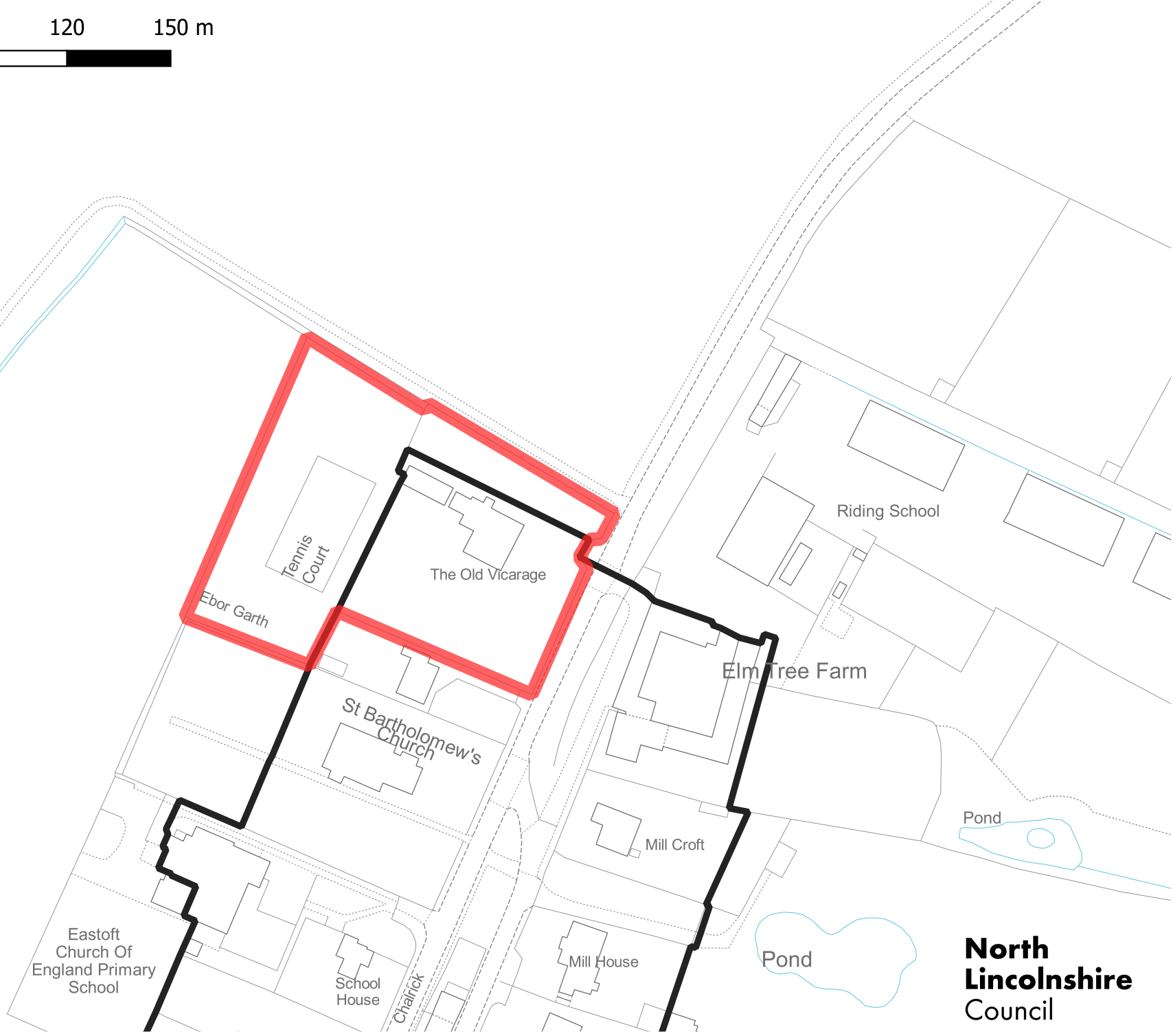
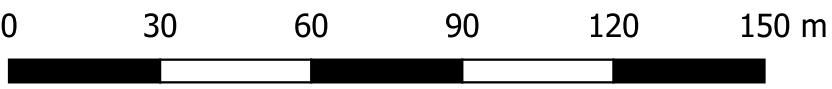
3.
Prior to any above-ground works details of all external materials, including openings, rainwater goods, roof and walls, to be used in the construction of the building hereby approved shall be submitted to and agreed in writing with the local planning authority. Only the agreed materials shall be used and shall be retained thereafter.

Reason

To protect the historic environment and to accord with policy CS6 of the Core Strategy.

Informative

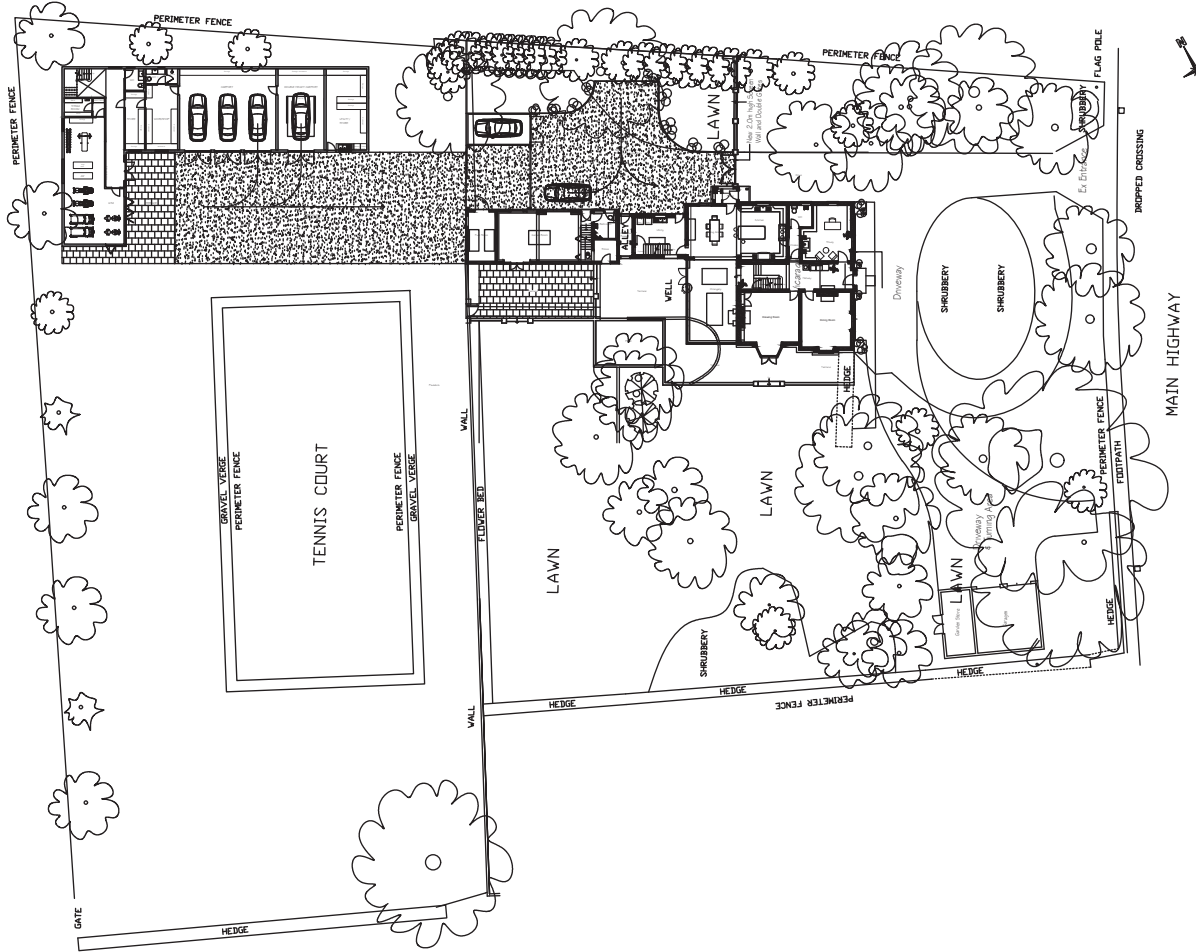
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



 Development Boundary

**North
Lincolnshire
Council**

AMENDED



1. Proposed Site Location Plan

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Do not scale from this drawing, all dimensions must be checked on site before any works are undertaken

DRAWINGS NOT FOR CONSTRUCTION

Revision	Date	Description	Author

Notes:

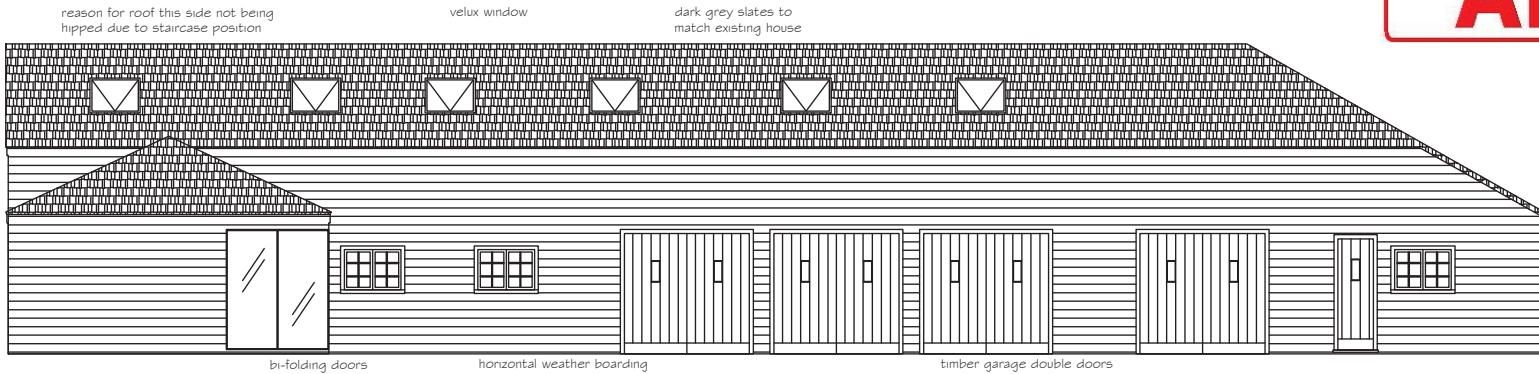
project
Eastoft
drawing title
Proposed Site Location Plan

revision
01
initial issue date
04.07.2021

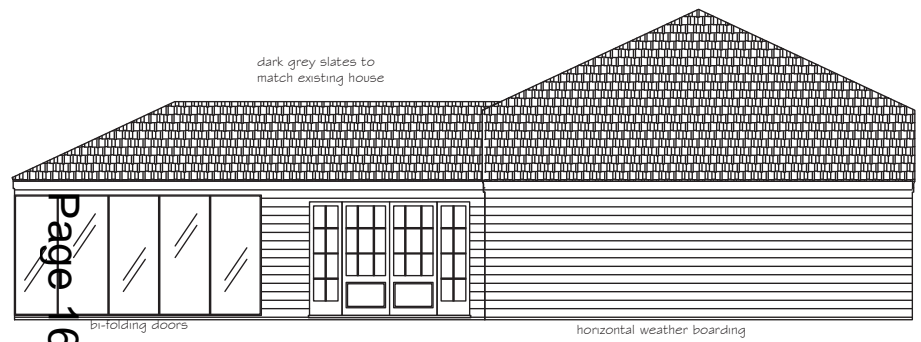
job no
102
drawing No
102_Eastoft_110_Proposed Site Location Plan



AMENDED



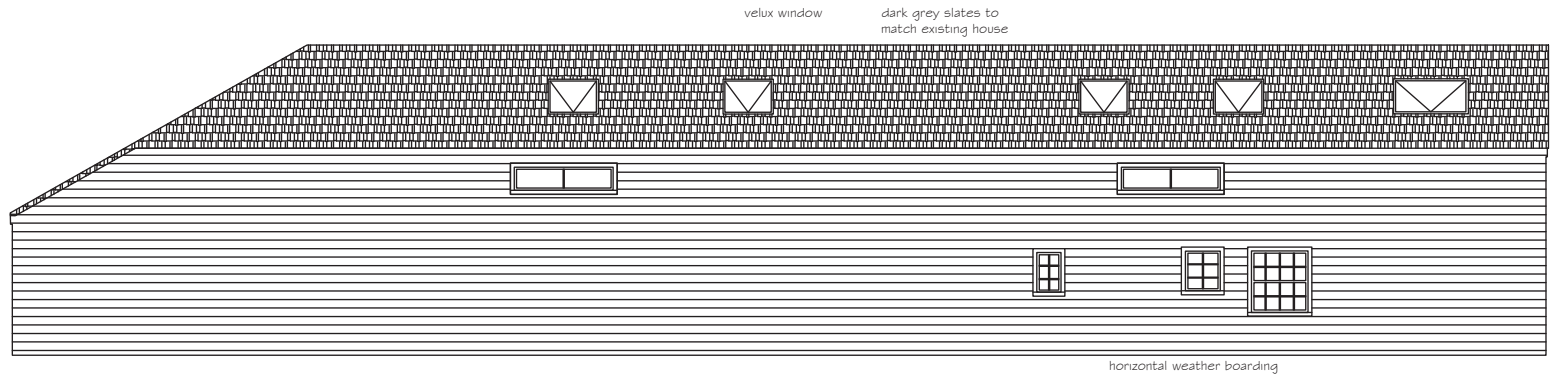
1. SCALE 1:100@A3
Proposed South Elevation



2. SCALE 1:100@A3
Proposed East Elevation



3. SCALE 1:100@A3
Proposed West Elevation



4. SCALE 1:100@A3
Proposed North Elevation

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DRAWINGS NOT FOR CONSTRUCTION

Revision	Date	Description	Author

Notes:

project
Eastoft
drawing title
Proposed Barn Elevations

revision
01
initial issue date
04.07.2021

job no
102
drawing No
102_Eastoft_200_Proposed Barn Elevations



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APPLICATION NO	PA/2021/1451
APPLICANT	P & A Coxon
DEVELOPMENT	Outline planning permission to erect four dwellings with all matters reserved for subsequent consideration
LOCATION	Castlefield Yard, Station Road, Hibaldstow, DN20 9DU
PARISH	Hibaldstow
WARD	Ridge
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan Objection by Hibaldstow Parish Council

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision making

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

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

Chapter 15: Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

Policy H1: Housing Development Hierarchy

Policy H5: New Housing Development

Policy H8: Housing Design and Housing Mix

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

Policy RD2: Development in the Open Countryside

Policy DS1: General Requirements

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering more Sustainable Development

Policy CS3: Development Limits

Policy CS5: Design

Policy CS7: Overall Housing Provision

Policy CS8: Spatial Distribution of housing sites

Policy CS19: Flood risk

CONSULTATIONS

Environment Protection: No objection subject to conditions.

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

Waste and Recycling: No objection.

Highways: No objection subject to conditions.

Ecology: No objection subject to conditions.

PARISH COUNCIL

Objects to the application as it is outside the parish development boundary.

PUBLICITY

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

ASSESSMENT

Description of site and proposed development

Outline planning permission is sought to erect four dwellings at Castlefield Yard, Station Road, Hibaldstow.

The site is outside the development boundary, off Station Road. Hibaldstow is defined as a Rural Settlement' in the Core Strategy. It is currently a haulage yard and has a hard bare surface. The applicant has confirmed that all activities of the haulage yard would cease if planning permission is granted.

The site is rectangular and measures approximately 0.1 hectares. The site adjoins existing residential developments on three sides and a field. Existing access to the site is taken from Station Road to the east.

An indicative block plan has been submitted for consideration which shows the footprint of the four proposed dwellings, along with the driveway. The site would be served by a private drainage arrangement. The provision includes a new soakaway which is yet to be confirmed.

Planning considerations

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

The key issues for consideration are:

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

Principle of the development

Policies controlling the supply of housing are most important for determining this application when considering it against NPPF paragraph 11.

To demonstrate a five-year housing land supply, the council must identify specific 'deliverable' sites sufficient to provide 2,011 dwellings between 1 April 2021 and 31 March 2026 in accordance with the NPPF and PPG.

The council had undertaken annual site visits to confirm the progress of sites under construction, and the trajectory had been updated accordingly. Trajectory and five-year supply figures had also been updated based on communication with landowners and developers throughout the year and taking account of the information provided through the proformas consultation exercise. Overall, there were 86 sites that met the relevant requirement set out in the NPPF 2021 and the PPG.

The North Lincolnshire Five Year Housing Land Supply Statement states that North Lincolnshire currently could demonstrate a 5.64-year supply between 1 April 2021 to 31 March 2026. Accordingly, the local planning authority has demonstrated a five-year supply

of housing and that housing applications should be considered in the context of the local development plan.

Policy CS2: Delivering More Sustainable Development sets out how the principal elements of policy CS1 that make up the overall spatial strategy, will be implemented using a sequential approach to the location of future development that is based on the settlement hierarchy and taking into account other sustainability criteria. Policy CS2 allows for “Small scale developments within the defined development limits of rural settlements to meet identified local needs.”

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

All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Proposals should comply with the overall spatial strategy together with the following sustainable development principles:

- be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport, and it should be compliant with public transport accessibility criteria as set out in the Regional Spatial Strategy
- be located where it can make the best use of existing transport infrastructure and capacity, as well as taking account of capacity constraints and deliverable transport improvements particularly in relation to junctions on the Strategic Road Network
- where large freight movements are involved the use of rail and water transport should be maximised
- contribute towards the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities.
- contribute to achieving sustainable economic development to support a competitive business and industrial sector
- ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives
- ensure the appropriate provision of services, facilities and infrastructure to meet the needs of the development, but where appropriate it is to be recognised that a phased approach may not be required on small scale development proposals.

Policy CS3 provides that outside development boundaries, development will be restricted to that which is essential to the functioning of the countryside. In local planning terms, the site is outside the development boundary of Hibaldstow and within the open countryside. As indicated earlier, development outside the defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as those related to agriculture, forestry or other uses that require a countryside location or will

contribute to the sustainable development of the tourist industry. To summarise, the application site is within the open countryside and is strictly contrary to local planning policy which seeks to protect such areas from inappropriate uses and unsustainable development.

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 (policies CS2 and CS3).

Policy CS8 of the Core Strategy 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. About rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

The policies above aim at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD.

Having reviewed the proposal in line with the above policies, the proposed development does not fit into any of the exceptions set out in policies CS2, CS3 and CS8 of the Core Strategy, which is why it has been advertised as a departure from the development plan.

Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. It is therefore considered that the only issue which is still a debate is whether any material planning considerations would outweigh the otherwise unsustainable location of the site.

It is necessary therefore to consider two main issues concerning the proposals: firstly, whether any material considerations would indicate that a decision not following the development plan is justified, and secondly whether the development would cause unacceptable harm.

The documents submitted with the application include the following:

- drawings (site and location plans)
- Phase I Desk Study Report
- Planning Statement/Arboricultural Report
- an email with an attachment in support of the proposal.

The Phase I Desk Study Report contains a preliminary assessment of the ground conditions in addition to the related geotechnical properties and associated potential constraints, and an assessment of the potential risks to human health and controlled waters receptors.

The planning statement includes an arboricultural report. The statement focuses on the current use of the site and summarises the services at Hibaldstow as outlined in the North Lincolnshire Settlement Survey 2019 as well as the North Lincolnshire Five Year Housing

Land Supply target. The arboricultural report focuses on the continuous line of mature hedging along the western, northern and southern boundaries of the site. It concludes that there are no large trees on the site and there are no plans to remove hedging.

The email was submitted as a response to the case officer's request to demonstrate the sustainability of the site, as it is outside the development boundary and does not comply with policies related to development in the countryside.

The email and the attachment appear to be in dispute with the North Lincolnshire Five Year Housing Land Supply Statement, which concludes that the local planning authority has demonstrated a five-year supply of housing. It also refutes the development boundary and suggests that the site is within the development boundary for Hibaldstow. On the sustainability of the site, the email claims that the site is the 16th most sustainable place in North Lincolnshire out of 76 places as far as services and resources are concerned.

The applicant has also cited reasons for the approval of a nearby application to retain an existing detached annexe (PA/2017/1092) as a justification. The reasons for the approval of PA/2017/1092 state:

'The annexe hereby permitted shall not be occupied other than for the purposes ancillary to the dwelling known as 199 Burringham Road, and for the avoidance of doubt shall not be sold, let or otherwise occupied as a separate unit of accommodation.

Reason: To prevent the establishment of a separate unit of residential accommodation without appropriate standards of open space, access and parking space, which would be contrary to policies DS1 and T2 of the North Lincolnshire Local Plan.'

The planning authority view in terms of the location of the site is based on the guidance of the NPPF. The NPPF advises that when planning for development through the local plan process the focus should be on existing service centres and land within or adjoining existing settlements. The site lies immediately adjacent to the settlement boundary of Hibaldstow and is predominantly bounded by residential properties. It is within walking distance of Hibaldstow centre which has several facilities expected within a larger village.

Further, the site is currently a haulage yard and the local development plan defines a brownfield site as previously developed land which is, or was, occupied by a permanent (non-agricultural) structure, and associated fixed surface infrastructure. It indicates that previously developed land may occur in both built-up and rural settings.

From above, the site is in a sustainable location and meets the NPPF's core approach to sustainable development. For the above reasons, the planning authority considers the policy principle of residential development at the site is acceptable.

The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application when assessed against other policies of the local development plan as a whole.

Landscape and visual impact

Paragraph 127 of the NPPF 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;
- (d) establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractively, 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 128 of the NPPF requires design quality to be considered throughout the evolution and assessment of individual proposals.

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

Core Strategy policy CS5 (Delivering Quality Design in North Lincolnshire) requires all new development in North Lincolnshire to be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design if it is appropriate for its location and is informed by its surrounding context. A 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.

Following the site inspection, it was evident the site is currently in use as a haulage yard and it is screened by mature hedging and bounded by residential developments on three sides (east, west and south).

Though an indicative layout has been provided, as this is an outline application, all matters are reserved. The indicative layout shows that the development would use an existing access point from Station Road. It also demonstrates that the site can accommodate four dwellings with adequate garden space and access to serve them.

It is judged that the development would result in an extension of the village, although not into an undeveloped part of the countryside, as this would only be within the extent of the existing haulage yard. The planning authority believes that the site could be developed to a high standard taking into account the countryside setting.

Overall, a detailed proposal could meet with the aims of policy as part of an application for reserved matters.

Impact on the amenity of neighbouring properties

As indicated earlier, policies DS1 and CS5 expect a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. They require all proposals to be considered against the quality of the design and amenity, among other things. Further to this, the NPPF advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The site shares boundaries with residential properties to the south-east and west and a field to the north. The indicative layout that has been provided is considered to demonstrate that there is adequate space within the site to accommodate the proposed development and that the proposal could create a good standard of amenity for future occupants and maintain good standards of amenity for neighbouring residents.

As this application is for outline planning permission, the design details of the dwellings have not been provided. These would be considered at the reserved matters stage. Any potential loss of residential amenity arising from this development would therefore be assessed at that stage of the planning process. Based on the above, it is considered that the proposal is acceptable and would comply with policies DS1 of the local plan and CS5 of the Core Strategy.

Environmental protection

The NPPF states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Policy DS11 is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell, or noise, do not pose a danger by way of toxic release. Policy DS1 is also concerned with the protection of amenities.

Environmental Protection has confirmed that the application for residential development is a sensitive end use. It is the developer's responsibility to assess and address any potential contamination risks. The applicant has submitted a Phase 1 Desk Study report in support of the application. The desk-based assessment is not currently robust enough to allow a site investigation to be adequately scoped and therefore further information should be included in the desk-based assessment and site conceptual model before proceeding with the detailed design of Phase 2. However, if the council is minded to determine the application without the information required under National Planning Policy guidance, then the department would recommend the inclusion of a condition, which would be applied to any permission granted.

On noise, Environmental Protection has indicated that the proposed development is in close proximity to commercial/industrial premises on Station Road. These premises have the potential to cause adverse noise impacts. The department therefore recommends a noise impact assessment be undertaken before determination. As this is an outline planning permission, the requirement for the noise assessment can be conditioned and assessed at

the reserved matters stage. On construction noise, the team has indicated that to prevent local residents and other sensitive receptors from being affected during construction of the proposed development, a working hours condition should be attached to any permission granted.

In general, the Environmental Protection team has not objected to the application subject to conditions and it is believed that the terms of the conditions may well be met and have the potential to mitigate the concerns of the team.

Highways

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

Highways have no objection subject to conditions, which would be attached to any permission granted. In principle, the proposed access point would accord with the standards set out by the council.

Drainage

Policy DS14 (Foul Sewage and Surface Water Drainage) requires satisfactory provision to be made for the disposal of foul and surface water from new development, by agreeing details before planning permission is granted, imposing conditions on planning permissions or completing planning agreements to achieve the same outcome. Policy DS16 (Flood Risk) requires that new development should not be at risk from flooding.

The site lies within flood zone 1 according to the council's SFRA. The LLFA Drainage officer has no objection to the development. Nevertheless, they have commented that the development falls within their lower threshold assessment levels (5/9 dwellings or over 500m² hard paved areas). The development proposes SuDS but provides no information to support the proposals. Notwithstanding the above, given the scale of the development, there is the likelihood that infiltration will be feasible and they therefore recommend the imposition of planning conditions.

Ecological impact

The council's ecologist has read the submitted ecological appraisal and commented that the application site is largely hardstanding, with boundary hedgerows that are due to be retained. On that basis, the site has limited potential for protected species. Notwithstanding the above, the officer has recommended conditions.

Hibaldstow Parish Council's comments

As indicated earlier, Hibaldstow Parish Council objects to this application as it is outside the parish development boundary. This is confirmed in the report. However, the planning material consideration potential as a fallback position is of sufficient weight as a material planning consideration to justify departure from the local development plan policies concerning development in the countryside and the unsustainability of the location with which it conflicts.

New build dwellings on the site would deliver the same sustainability benefits and would not result in increased harm or conflict with the development plan or national planning policy.

Given the above and the reasons outlined in the report, it is judged that the principle of the development is acceptable.

Conclusions

In conclusion, the development is for outline planning permission for four dwellings that lie outside the development limits of Hibaldstow as defined in the local development plan. The site is not identified as a housing allocation in the North Lincolnshire Local Development Plan.

The council can currently demonstrate a deliverable five-year housing land supply as set out in the North Lincolnshire Five Year Housing Land Supply Statement. In accordance with NPPF paragraph 11(d), the local plan's relevant policies for the supply of housing can be considered up to date.

This development proposal is considered to represent a departure from the development plan and policy guidance contained within the NPPF. The site is not considered to be unsustainable as to warrant refusal given its location and the current land use as a haulage yard. Any visual impact of the proposal would be localised and unlikely to result in any harmful protrusion into the open countryside. There are also no residential amenity, highway, landscape/arboricultural or ecological objections.

Considering the low level of harm caused by the development, in the context of the countryside, the planning authority is of the view that the low adverse impacts would not significantly and demonstrably outweigh the benefits of this proposal.

On balance, it is considered that the development would comply with the NPPF and there are sufficient grounds to depart from the local development plan. The proposal is therefore recommended for approval subject to conditions.

Pre-commencement conditions

Pre-commencement conditions have been agreed with the applicant/agent.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

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

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

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

Dwg. No. 2070 / 001 Rev. B

Reason

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

6.

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

- (i) an assessment of biodiversity loss based on the submitted existing site plan;
- (ii) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Small Sites metric;
- (iii) details of bat boxes and nest boxes to be installed;
- (iv) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (v) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (vi) prescriptions for the planting and aftercare of hedgerows, trees and shrubs of high biodiversity value;
- (vii) proposed timings for the above works in relation to the completion of the dwellings.

Biodiversity units should be delivered on site, within the red line boundary shown on the submitted location plan. Those that cannot viably be delivered on site should be delivered locally, according to a local plan or strategy.

Reason

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

7.

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

Reason

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

8.

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

Part 1: Site Characteristics

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

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

The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

To ensure the site is safe for future users and construction workers.

9.

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

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

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

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

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

Reason

To protect residential amenity.

10.

No development shall take place until a comprehensive noise assessment has been submitted to and approved in writing by the local planning authority. The assessment shall take into account all existing and proposed new noise sources associated with the development and should identify what appropriate noise attenuation measures are to be put in place to ensure that local residents and commercial businesses will be protected from any undue noise disturbance.

The noise impact assessment shall be carried out with reference to:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (2014)
- ProPG: Planning & Noise, New Residential Development (2017)
- BS 4142:2014 + A1:2019 Methods for rating and assessing industrial and commercial sound
- World Health Organisation Environmental Noise Guidelines for the European Region 2018
- World Health Organisation Guidelines for Community Noise (1999)
- World Health Organisation Night Noise Guidelines for Europe (2009)
- BS8233:2014 Guidance on sound insulation and noise reduction for buildings

- BS7445-2:1991, ISO1996-2:1987 Description of environmental noise. Part 2: Guide to the acquisition of data pertinent to land use.

The noise impact assessment shall provide details of existing background noise levels, likely noise sources which will impact upon the proposed development, mitigation methods to be employed and the resulting predicted level of noise at sensitive locations. Any approved mitigation measures shall be carried out in their entirety before the use of the site commences and shall be retained thereafter.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

11.

The details to be submitted in respect of reserved matters for any phase of development shall include a scheme for the provision of surface water drainage for the site (including the existing shared driveway/access road) and shall include the following criteria:

- (a) any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse
- (b) peak run-off from a brownfield site should be attenuated to a minimum of 70% of any existing discharge rate (existing rate taken as 1.4litres sec/ha or the established rate whichever is the lesser for the connected impermeable area)
- (c) discharge from "greenfield sites" taken as 1.4 lit/sec/ha (1:1yr storm)
- (d) no above-ground flooding to occur up to the 100 year plus climate change critical flood event (based on current national guidance)
- (e) a range of durations should be used to establish the worst-case scenario
- (f) the suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology
- (g) a scheme for the provision of a positive outlet of surface water from the site
- (h) adoption and maintenance agreements for all surface water and SuDS drainage features.

If a full sustainable urban drainage system (SuDS) scheme is incapable of being delivered, then comprehensive justification of this must be submitted.

Reason

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

12.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 11 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

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

13.

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

Reason

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

14.

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

Reason

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

15.

No development shall take place until details 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.

16.

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

Reason

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

17.

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

Reason

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

18.

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.

19.

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.

20.

No dwelling served by the private driveway shall be occupied until it has been constructed in accordance with details including:

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;

- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

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

21.

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.

Informative 1

Bats: All species of bat are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 making all species of bat European Protected Species. Details of the legislation can be found at:

- Wildlife and Countryside Act:
<http://www.legislation.gov.uk/ukpga/1981/69/contents>
- The Countryside and Rights of Way Act:
http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_7#pt3-pb8-l1g81
- The Conservation of Habitats and Species Regulations 2017 (legislation.gov.uk):
http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1

Nesting birds: It is an offence under Section 1 of the Wildlife and Countryside Act of 1981 (WCA 1981) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. The WCA 1981 also provides that all wild birds and their eggs are protected and cannot be killed or taken except under licence.

Informative 2

The applicant is advised to contact the council's Waste Management team at the earliest stage of building for guidance relating to the provision of adequate storage areas for waste management facilities and good access for refuse collection vehicles.

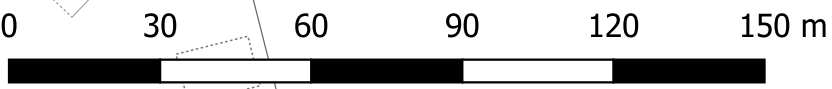
Informative 3

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

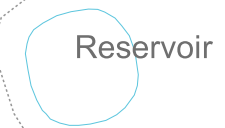
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

Informative 4

In determining this application, the council, as local planning authority, has taken account of the guidance in 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.



Page 184



Reservoir

ETL

15.0m

STATION ROAD

17.3m

MANTON COURT

Manton Court

Cavendish Cottage

CASTLE KEEP

ELLIS WAY

Firdaussi

 Development Boundary

**North
Lincolnshire
Council**

PA/2021/1451

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notes:
 This drawing is to be read in conjunction with all related drawings. Do not scale from this drawing. All dimensions must be checked and verified on the ground concerning any work or existing site drawings. The engineer should be notified immediately of any discrepancy. This drawing is copyright and remains the property of Philip Bingham Architectural and Planning unless a separate agreement has been offered otherwise.
 All foundation details and requirements are to be determined on site by the building inspector and/or structural engineer. Drainage issues are assumed and are to be confirmed by the builder during construction.
 Ramps and steps are shown notionally and will be determined by an on-site survey and level. A2 to current building regulations.

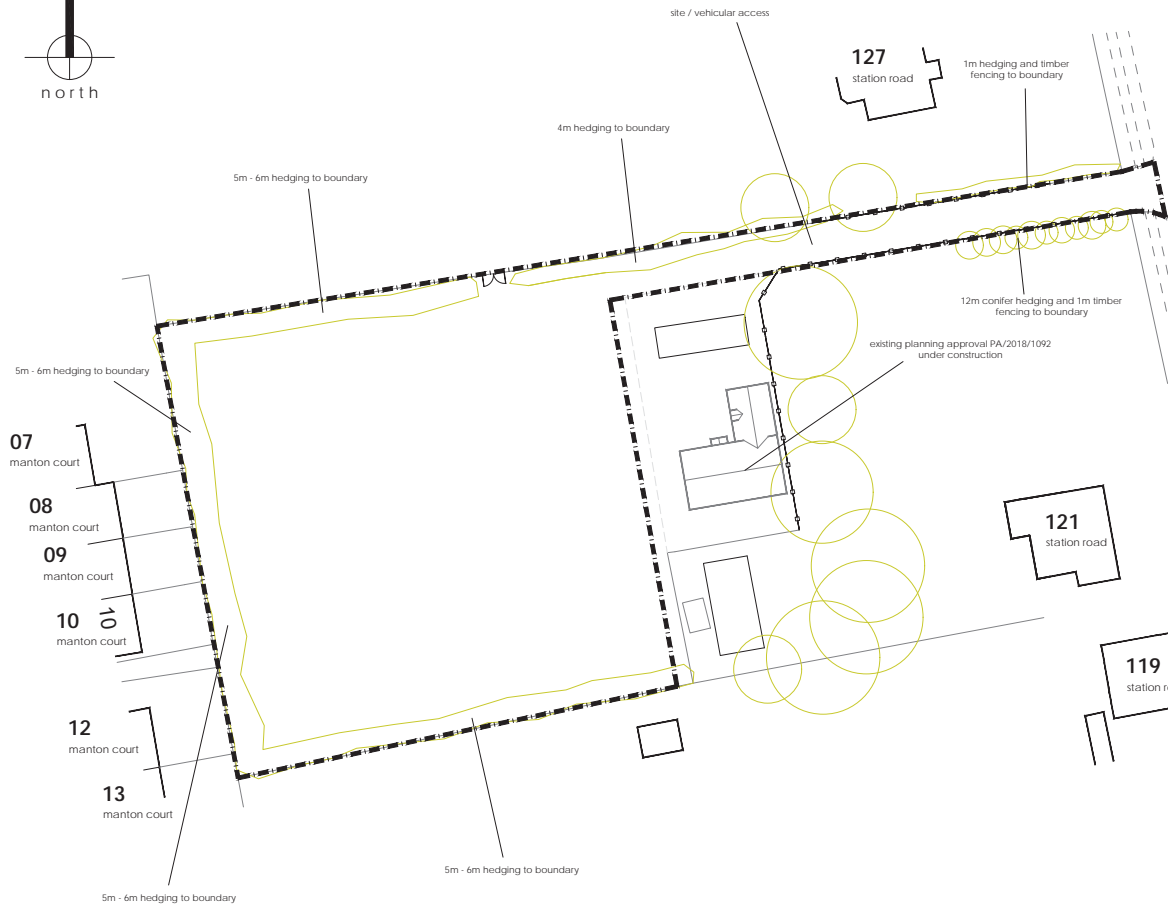
2070 / 002

client:
Mr. P. Coxon
 Castlefield, Station Road, Hibaldstow. DN20 9DU

scheme:
 Outline Planning Application for 4 Dwellings on Land off Station Road, Hibaldstow

existing and proposed site plans

drawn by: P. Bingham	date: 15 July 2021	
checked by: n/a	revision: C	
	status: PLANNING	
A issued for 'APPROVAL'	19 July 2021	PLB
B plot 01 widened by 2m	20 July 2021	PLB
C issued for 'PLANNING'	21 July 2021	PLB



NOTE: trees and hedging shown notionally

14a market place, horsea, east riding of yorkshire. HU18 1AW
 01964 533777 - info@pbap.uk



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APPLICATION NO	PA/2021/1624
APPLICANT	Stanley Farr
DEVELOPMENT	Outline planning permission to erect a dwelling and move vehicular access, with appearance, landscaping, layout and scale reserved for subsequent consideration
LOCATION	Stanmar Lodge, 127 Akeferry Road, Graizelound, DN9 2NF
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Deborah Oikeh
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework: Section 11, 12, 14

North Lincolnshire Local Plan: DS1, DS7, DS11, DS16, H5, T2, T19 and LC14

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

CONSULTATIONS

Highways: No objection subject to conditions.

Environment Agency: No objection subject to a condition.

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

Environmental Protection: No objection subject to conditions.

Historic Environment Record: No objection.

PARISH COUNCIL

The parish council objects for the following reasons:

- the proposed site for development is an excellent garden adjoining Akeferry Road and A161, hence developing this site may affect the character of the whole area
- disagrees with the applicant's proposal on height restriction
- the proposed access may impact highway safety and visibility splay

- flood risk and drainage concerns.

PUBLICITY

Advertised by site notice – no comments received.

ASSESSMENT

Proposal and site characteristics

Outline planning permission is sought to erect a dwelling with appearance, landscaping, layout and scale reserved for subsequent consideration. Access is included at this outline stage. The site comprises a bungalow and an attached garage to the west of the site along Akeferry Road, off the A161 (Haxey Lane) in Graizelound. The portion of the site to be developed is to the east of the bungalow abutting the A161.

Planning history

- 2/1986/0465: Outline permission to erect a detached bungalow and garage – approved 19/09/86
- 2/1988/0461: Approval of reserved matters in relation to 2/1986/0465 – approved 18/07/88

Site constraints

- The development would be within the development boundary for Graizelound according to the HELA DPD 2016.
- The site is within SFRA flood Zone 2/3a fluvial.
- The site is designated under policy LC14 – Area of Special Historic Landscape Interest.

Principle of development

Graizelound is classed as a rural settlement according to the settlement hierarchy of the council. Policies CS1 and CS3 of the Core Strategy are primarily concerned with the spatial strategy for North Lincolnshire and how development limits are applied to the settlement hierarchies. Both policies stipulate the use of development limits in the urban, market towns and rural areas with the aim of creating vibrant rural settlements through the protection and enhancement of local services. Policy CS1 in particular states 'rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility.'

Policy CS2 requires a sequential approach to be followed with development focused on Scunthorpe, then previously developed land and buildings within the defined development limits of North Lincolnshire's Market Towns, followed by other suitable infill opportunities then appropriate small-scale greenfield extensions to meet identified local needs, followed by small-scale developments within the defined development limits of rural settlements to meet identified local needs. A sequential approach will also be followed to direct development to areas with the lowest probability of flooding.

Policy CS8 states, '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.'

In this regard, the proposed single dwelling represents a small-scale development and is set within an established settlement with existing local services and functional transport infrastructure. Whilst the dwelling would be sited in a garden visible from the road, the garden is sizeable and could accommodate a moderate-sized dwelling without creating an adverse or unacceptable impact on the character of the area. Additionally, the development would be within walking distance of some local facilities and services. Therefore, the proposal is in accordance with the aims of the North Lincolnshire Core Strategy policies CS1, CS2, CS3 and CS8 which respectively are 'to ensure that rural settlements thrive as healthy communities' and that 'development is not dispersed or separated from the main body of settlement'. Therefore, in principle, the proposed residential development is acceptable.

Character and appearance

Policy DS1 states that a 'high standard of design is expected' and proposals will be considered against two criteria:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and
- (ii) the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

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

Policy LC14 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'. It further states, '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.'

In this respect, the site is located adjacent Stanmar Lodge and adjoins the A161. There are a number of properties closely abutting the A161 (south), for instance East View, Clare Cottage and Tam House. Given that the garden is a spacious plot of land, a design that will respect the existing layout along the A161 and Akeferry Road is therefore achievable. Additionally, the HER has raised no objection and considers the proposal would not adversely affect the character of the setting provided the design and materials are appropriate to the area.

Height restriction

A restriction in height to single-storey or bungalow has been discussed with the applicant. To protect the street scene and character of the area, an appropriate massing and scale of development has been agreed and is recommended for the proposed dwelling.

Impact on residential amenity

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

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

The proposal would result in one additional dwelling to the side of the existing dwelling (Stanmar Lodge). Although the property’s final details are reserved for future consideration, it is considered that a suitable scheme that respects neighbours’ residential amenity is achievable, subject to appropriate internal layout, daylight assessment and the direction of window openings.

The proposal is therefore considered to be acceptable in this regard and complies with policies DS1 and H5.

Highway safety

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

Although, there is no existing access to the site, an indicative access layout to the west of the site has been proposed in the site location plan. The highways officers have not raised any objections, subject to conditions to control the access and parking on site. With regard to visibility splays, the highways officers have recommended a height restriction of 1.05 metres above the level of the carriageway of any proposed wall, fence or hedge. Therefore, the proposal is not considered to conflict with the requirements of policies T2 and T19.

Flood risk and drainage

The proposed site for residential development is situated within SFRA flood Zone 2/3a fluvial and hence is classed as a ‘more vulnerable’ residential development. Consequently, a flood risk assessment was submitted alongside the representations. Sections 161 to 164 of the NPPF specify the need for a sequential flood risk-based approach to development through the application of a sequential test, followed by an exception test, if necessary. An exception test is only conducted where it is not possible for a development to be located in areas at lower risk of flooding.

The applicant limited the search for alternative sites to the settlement of Graizelound in which the entire area predominantly falls within the same flood zone (2/3a) and no alternative sites were identified. The sequential test is therefore passed and the exception test applies. The exception test, on the other hand, must satisfy two criteria for it to be passed, namely:

- it must demonstrate that the development would provide wider sustainability benefits to the community that outweigh the risk; and

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

The proposal would enhance the three aspects of sustainability (social, economic and environmental elements) through the provision of employment to local tradesmen, reduction of carbon footprint by sourcing for construction materials locally and completing the new build to code 3 level sustainable housing (which is above the Building Regulations energy efficiency requirement).

It is therefore considered that the sustainability benefits and lifetime safety of the proposal outweigh the flood risk associated with the development, hence the exception test is also passed. Additionally, the LLFA drainage team and the Environment Agency have been consulted and have raised no objection subject to conditions. The EA has agreed that the development should be carried out in accordance with the flood risk assessment submitted by the applicant and floor levels be set no lower than 4.4 metres above Ordnance Datum. It is therefore assessed that the proposal accords with policies DS16 and CS19 of the North Lincolnshire Local Plan.

Land contamination

Policy DS7 of the local plan relates to 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. However, the applicant has not submitted a contaminated land assessment.

The council's Environmental Protection team have recommended conditions relating to land contamination given that the residential development is a sensitive end use and these will be attached to any permission granted.

Conclusion

The proposal is located within the settlement boundary in a sustainable location served by existing services and infrastructure. Whilst the proposed site is a large garden adjacent to Stanmar Lodge, there is sufficient space to accommodate a dwelling without a significant impact on the neighbouring amenity or character of the area. On this premise, it is assessed that the proposed dwelling would enhance housing delivery and enable the efficient use of land in accordance with the NPPF.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

2.

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

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

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

Site, location and block plans 1150 dated 08/09/21

Flood Risk Assessment

Heritage Statement

Design and Access Statement.

Reason

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

6.

No development shall take place until details of:

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

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

Reason

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

7.

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

Reason

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

8.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken 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.

9.

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.

10.

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

Reason

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

11.

The dwelling shall be a single-storey bungalow.

Reason

To ensure the development reflects the character of adjacent development in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been

approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

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

13.

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

Reason

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

14.

The development shall be carried out in accordance with the approved flood risk assessment dated 8 September 2021 by Howard J Wroot and the following mitigation measures detailed within the FRA:

- finished floor levels shall be set no lower than 4.4 metres above Ordnance Datum.

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

Reason

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

15.

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

Part 1: Site Characteristics

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

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The

contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

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

This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance October 2020.

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

Informative 1

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

Informative 2

Our records indicate that the proposed development site is bounded by an ordinary/riparian watercourse/highway drain along the boundary. The proposals show a new access to be provided over and/or connection into the watercourse. This must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, and/or the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team by email for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 3

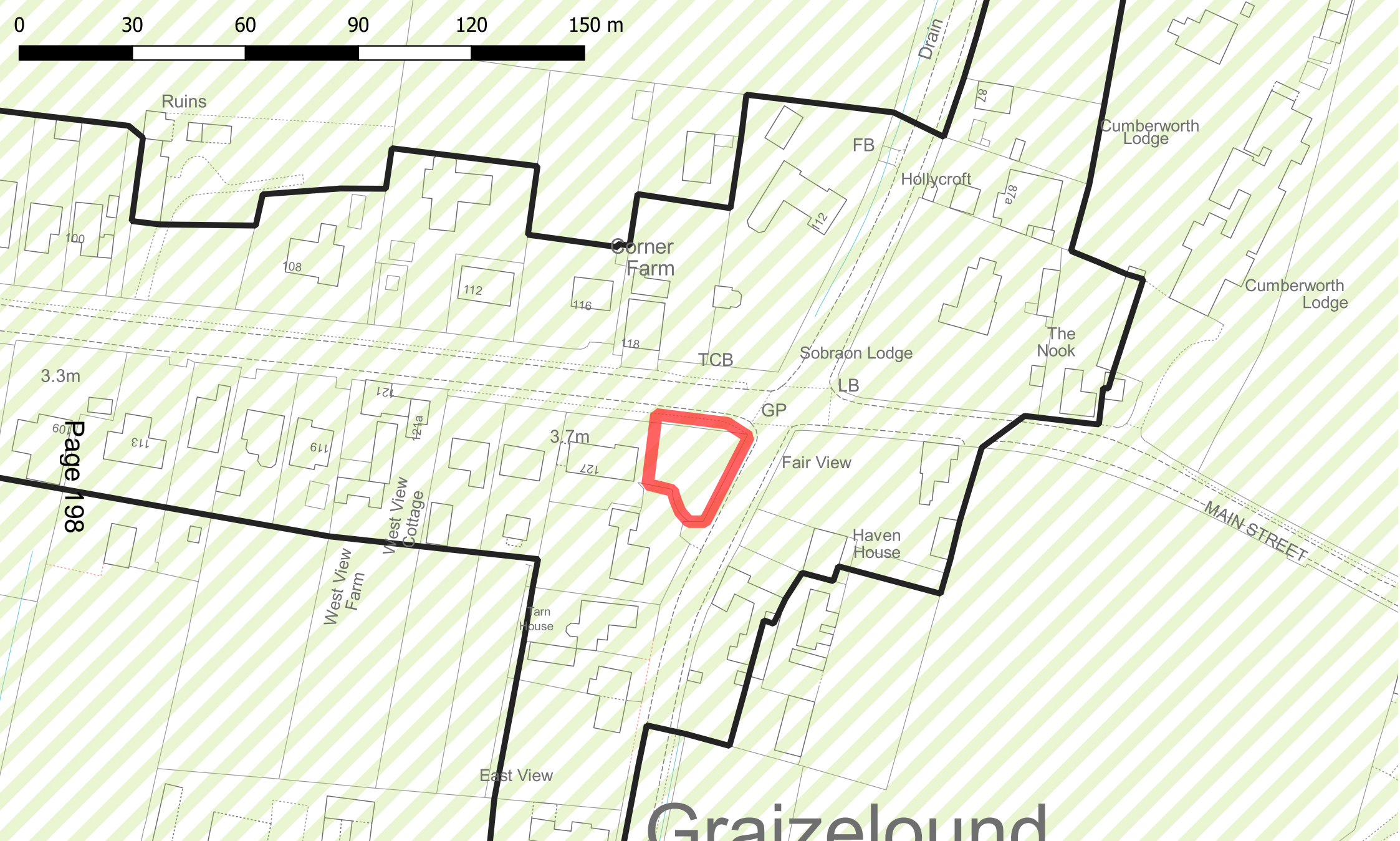
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

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

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

Informative 4

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



Graizelound

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

**North
Lincolnshire
Council**

Page 198

3.3m

3.7m

Ruins

Corner Farm

FB

Hollycroft

Cumberworth Lodge

Cumberworth Lodge

The Nook

Sobraon Lodge

TCB

LB

GP

Fair View

Haven House

MAIN STREET

West View Farm

West View Cottage

East View

Farm House

100

108

112

116

118

112

87

87a

60

113

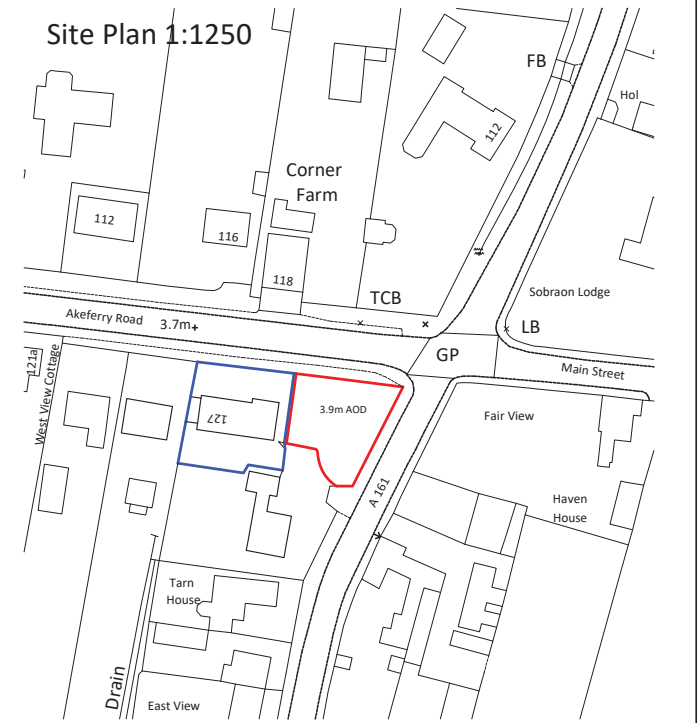
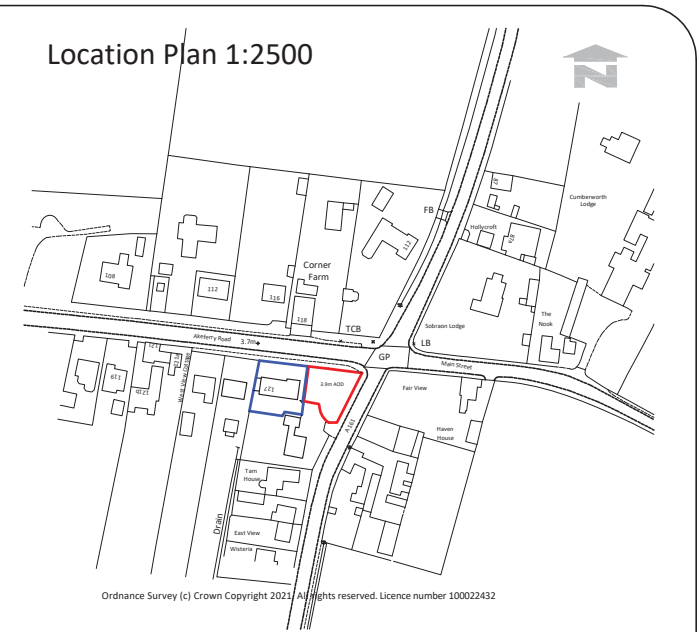
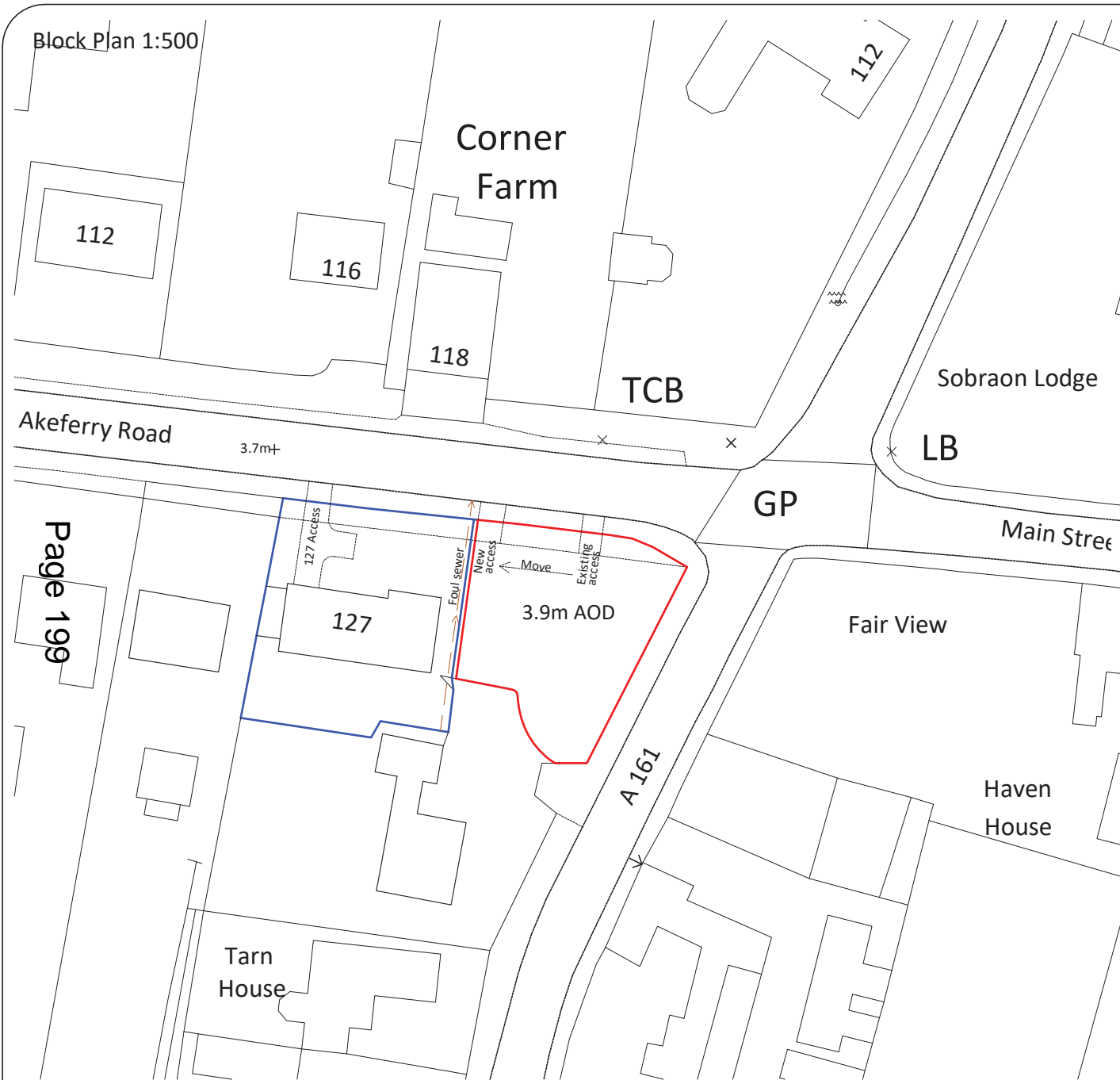
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PA/2021/ Proposed access (not to scale)



Howard J Wroot BSc MRICS
Chartered Surveyor
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Scunthorpe DN17 4JN

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Client	Mr Stanley Farr		
Date	8/9/21	Dwg No	1 of 1
Scale	As noted	Ref No	1150

Proposal	Single building plot at Stanmar Lodge, 127 Akeferry Road, Graizelound, DN9 2NF
Drawing	Location, Block and Site Plans



Page 199

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APPLICATION NO	PA/2021/1631
APPLICANT	Henderson
DEVELOPMENT	Planning permission to alter an existing outbuilding within the curtilage of a Grade II listed building
LOCATION	Park Farm, Upperthorpe Hill, Westwoodside, DN9 2AL
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Deborah Oikeh
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework: 78

North Lincolnshire Local Plan: DS1, DS5, T2, T19, HE5, DS14, DS16

North Lincolnshire Core Strategy: CS1, CS5, CS6, CS19

CONSULTATIONS

Highways: No objections or comments.

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

Conservation: Recommended design change.

PARISH COUNCIL

Objects with the following queries:

Will the addition of windows and alteration to the building affect its overall impact on the listed building?

Is the proposed change of use the most viable use for protecting the asset?

It is difficult to assess what use it will have and whether it forms an ancillary use to the main property.

PUBLICITY

Advertised by site and press notice. No comments received.

ASSESSMENT

Planning history

2/1988/0257: Listed building consent for the replacement of all windows and door frames to front and rear – approved 17/05/1988

PA/2005/1222: Planning permission to erect a conservatory – approved 14/09/2005

PA/2005/1223: Listed building consent to erect a conservatory – approved 14/09/2005

Proposal and site characteristics

This proposal relates also to listed building consent application PA/2021/1699, which appears elsewhere on this agenda. The application seeks to alter an outbuilding within the curtilage of a grade II listed building, to create guest accommodation. The site comprises a detached two-storey property designated as a grade II listed building, an outbuilding and a garage at the rear of the property within the development boundary of Westwoodside which is defined as a Rural Settlement in the Core Strategy.

Site constraints

The outbuilding to be altered is within the curtilage of a grade II listed building.

Principle of development

Policy CS1 of the Core Strategy states, ‘...Rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should 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.’

Policy CS6 of the Core Strategy 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. All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value.’

Policy HE5 is concerned with development affecting listed buildings and further reinforces the council’s vision to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. It particularly addresses this type of application and further states, ‘Alterations and additions should not adversely affect the essential character of the building, should be in keeping with its architectural style and features and should harmonise with its surroundings.’

Additionally, policy HE5 recognises the need to put into continued use listed buildings or buildings within their curtilage. Section 14.30 under policy HE5 states, ‘Some listed buildings are no longer required for their original use and there is a danger that they could lie empty and fall into disrepair, causing an eyesore and increasing pressure for them to be demolished. Therefore, there is a need to be flexible in considering alternative uses for such buildings if that use holds the key to a building’s preservation. For such a change of

use to be acceptable, it should maintain the integrity of the building in terms of its appearance and character.'

Whilst the proposal is in a rural settlement, it is within the development boundary of Westwoodside and, hence, acceptable in principle. Moreover, the location for the proposed development is within a sustainable community served by existing infrastructure.

Character and appearance

Policies CS5 and CS6 of the North Lincolnshire Core Strategy, and policy DS1 of the local plan, are concerned with the quality of design of a proposal and its impact on the appearance and character of the area. Policy CS6 specifically relates to North Lincolnshire's historic buildings and environment and seeks to protect their character and appearance. Policy CS5 on the other hand relates to all development and states, '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place'. 'Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.' Policy DS1 further corroborates policy CS5 and reiterates 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.'

The HER was consulted on the impact of the alteration on the heritage asset and the outbuilding itself. The HER response is: 'It is accepted that there will have to be some alterations on the building to enable the change of use. There is no objection to the internal alterations as the new wall does not negatively impact on the character of the outbuilding or the adjacent principal listed building.' The HER recommends a change of the window design into a more traditional design appropriate to the age and character of the historic site. The plan has been amended accordingly to address the issue of the style of windows and a condition has been attached to ensure the recommendations are upheld if planning permission is granted.

The scheme would now incorporate the use of timber horizontal sliding sash windows and an orange clay pantile roof to match existing. This is assessed as such that will ensure the outbuilding remains in keeping with the character of the listed building and its environment.

Amenity

Policies DS1 and DS5 of the North Lincolnshire Local Plan are concerned with residential extensions. Policy DS5 specifically applies to residential extensions and states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed provided that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

The outbuilding is a single-storey structure at the rear of the property, hence partly obscured by the main building. Additionally, the alteration would not result in an increase in scale or openings as the works to be carried out are internal. Therefore, it is assessed that the alteration to the outbuilding would not adversely impact neighbouring amenity.

Highways

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

The site can be accessed via Upperthorpe Hill and Commonside utilising the existing access. The Highways team have also confirmed that they have no objection to the proposal.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst DS14 and DS16 of the local plan are concerned with flood risk, drainage and foul water.

In this regard, the Lead Local Flood Authority have been consulted and have no objections to the proposal.

Other matters

A few concerns were raised by the parish council about the proposed use and the alteration of the outbuilding which are addressed below:

With regard to the impact of the addition of windows to the building, the HER recommended a sliding sash window which is more traditional and appropriate to the age and character of the historic site.

The outbuilding at the moment is used for general storage and at present the interior and roof remain in a state of disrepair. Therefore, the interior and roof of the outbuilding would need repairs in any case. Whilst the proposed use of the building is for guest accommodation for family and friends, the plans show the building can only serve a guest at a time. It is considered the restrictive use at any one time would put the outbuilding in effective use without creating a detrimental impact on the heritage's setting. Additionally, the new use (class C1) and the current use (residential building, class C3) are both under class C. However, being a designated asset, an application for listed building consent under reference PA/2021/1699 has been submitted.

Policy HE5 states, 'For a change of use to be acceptable, it should maintain the integrity of the building in terms of its appearance and character.' Whilst the building would be internally partitioned for it to be used sustainably, it is assessed that the internal alteration would not negatively impact on the character of the outbuilding and the adjacent listed building. Therefore, it is assessed the proposal would fulfil the council's vision (policy HE5) of ensuring the viable use of heritage assets and buildings in their curtilage.

Conclusion

The proposal is located within the development boundary of Westwoodside and flood zone 1 which makes it acceptable in principle. The new use (single guest accommodation) would put the building in viable use without adversely impacting the setting and character of the building and the heritage asset. It is therefore considered that this proposal accords with policy HE5 amongst others.

Pre-commencement condition

The condition to install the recommended windows has been agreed with the applicant/agent.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

To comply with section 18(1)a of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.

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

- Location plan and existing & proposed block plan 001, both dated Sept '21
- Proposed floor and elevation plans 003 dated Sept '21.

Reason

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

3.

No development shall be carried out until details of the window have been submitted to and approved in writing by the local planning authority.

Reason

To protect the character and appearance of the heritage asset within the curtilage.

4.

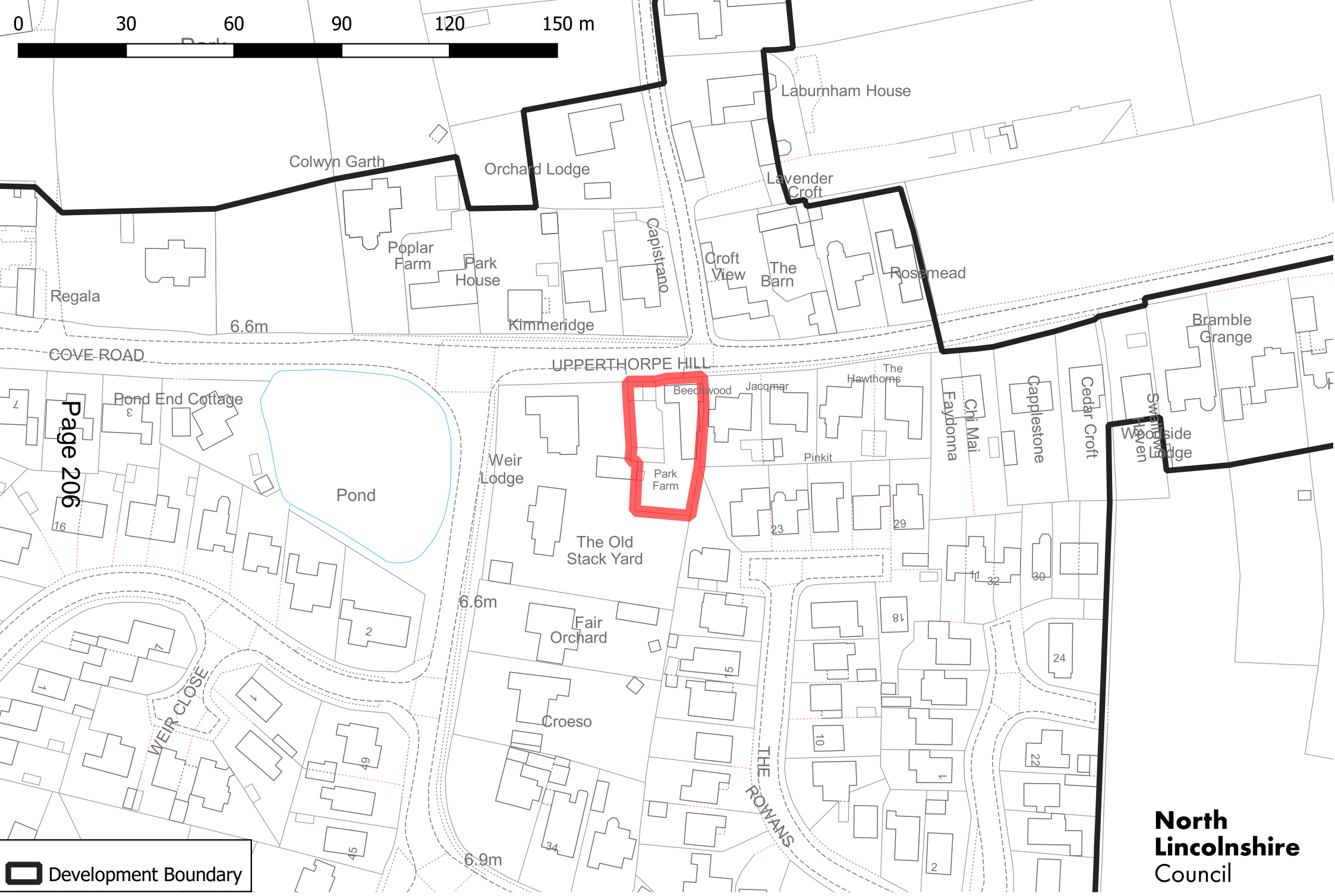
The guest accommodation with drawing numbers 001 and 003 hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Park Farm, Upperthorpe Hill, Westwoodside, DN9 2AL.

Reason

To prevent the establishment of a separate unit of residential accommodation without appropriate standards of open space, access and parking, which would be contrary to policies DS1 and T2 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.



Page 206

 Development Boundary

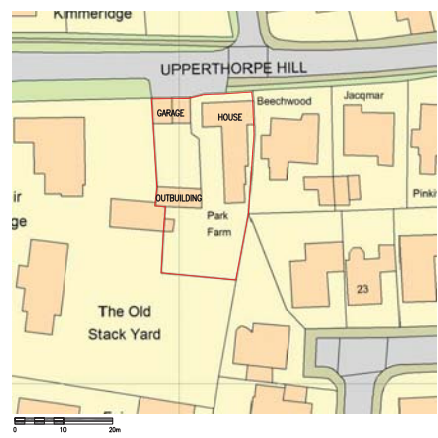
PA/2021/1631

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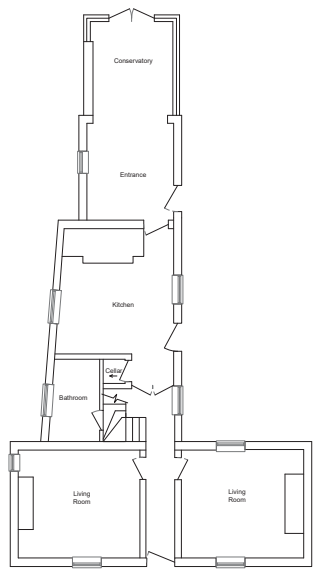


LOCATION MAP

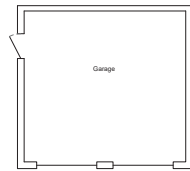


EXISTING & PROPOSED BLOCK PLAN

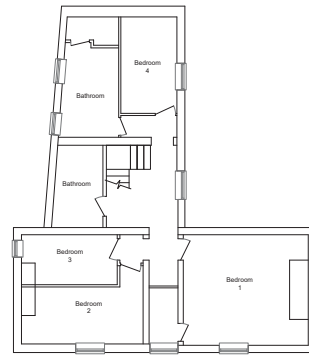
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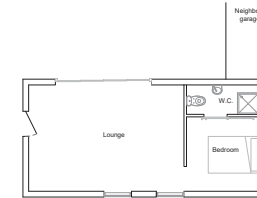
GROUND FLOOR PLAN (HOUSE)



GARAGE



FIRST FLOOR PLAN (HOUSE)



OUTBUILDING

Page 208

HOUSE & GARAGE ELEVATIONS



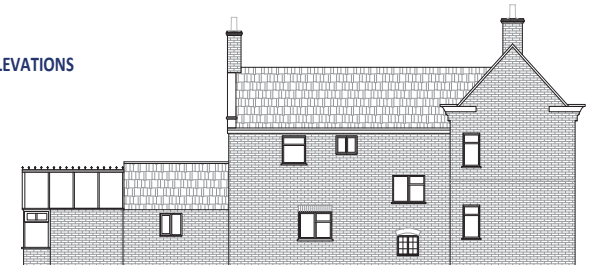
FRONT ELEVATION

HOUSE & GARAGE ELEVATIONS



SIDE ELEVATION

SIDE ELEVATION



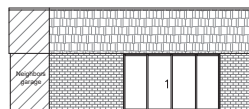
OUTBUILDING ELEVATIONS



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



1. NEW HARDWOOD DOOR/WINDOW FRAMES



REAR ELEVATION

Project Name: **Change of use outbuilding to guest room**
 Project Address: **Park Farm, Upperthorpe Rd, Westwoodside DN9 2AL**

Drawing Title: **Proposed Plans & Elevations**

Drawn: **CH** Checked: **KD** Approved: **CH**

Date: **SEPT 2021** Rev: **B**
 Scale: **1:50 & 1:100 @ A1**

Drawing No. **003**

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 E: info@centrelinesdesign.co.uk

APPLICATION NO	PA/2021/1699
APPLICANT	Henderson
DEVELOPMENT	Listed building consent to alter an existing outbuilding within the curtilage of a Grade II listed building
LOCATION	Park Farm, Upperthorpe Hill, Westwoodside, DN9 2AL
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Christopher Bradley
SUMMARY RECOMMENDATION	Grant consent subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework: Chapters 2, 4, 12 and 16

North Lincolnshire Local Plan: HE5, DS1, DS5

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

CONSULTATIONS

Highways: No comments or objections.

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

Conservation: In principle there is no objection to the change of use to guest accommodation as this will provide a use for the building and ensure its long-term conservation and maintenance. It is accepted that there will have to be some alterations on the building to enable the change of use. There is no objection to the internal alterations as the new wall does not negatively impact on the character of the outbuilding or the adjacent principal listed building. Where there is an issue is with the style of the windows, which are a very modern style. This will impact negatively on the outbuilding and the setting of the adjacent principal listed building. I recommend the windows are changed with a more traditional design appropriate to the age and character of the historic site. There would be no objection to the use of timber horizontal sliding sash windows in this instance.

PARISH COUNCIL

Object with the following points:

1. Will the addition of windows and alteration to the building affect its overall impact on the listed building? All windows and doors should be of the same type and appropriate to the character of the listed building.
2. Is the proposed change of use the most viable use for protecting the asset?
3. It would appear additional internal alteration would be required, such as an internal wall, in order for it to be used sustainably as a dwelling.
4. It is difficult to assess what use it will have and whether it forms an ancillary use to the main property.
5. HER should be consulted as the experts.
6. Information required on the auxiliary use for the alteration.

PUBLICITY

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

ASSESSMENT

The site

The site contains the grade II listed Park Farm with a garage to the north-west and the outbuilding to the south-west of the main dwelling. The outbuilding walls are on the western boundary of the site adjacent to the neighbouring outbuilding.

The site is situated to the north of Westwoodside, at the foot of Uppertorpe Hill. It is within the development boundary and outside the LC14 (Area of Special Historic Landscape Interest) boundary, which is to the north. The site is surrounded by housing on all sides with the pond on the west beyond Commonsides. The proposal is in harmony with the listed building and the surrounding residential areas.

The proposal

Listed building consent is sought to make alterations to the outbuilding, a curtilage listed building. This is in conjunction with householder application PA/2021/1631.

The work is to restore the pantile roof, retain the brickwork, add new timber horizontal sliding sash windows and timber doors, and add two internal walls to create a separate WC, bedroom and lounge areas. The material retention and new installations of the proposal will be consistent with the listed building, subject to conditions. This will also enhance the listed building by restoring the original material and giving the outbuilding a sustainable use.

Heritage assets

The main issue associated with this proposal is its impact on this curtilage listed building and on the setting of the listed main dwelling on the site.

Policy HE5 of the North Lincolnshire Local Plan is concerned with development affecting listed buildings. It states that the council will seek to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. When applications for planning permission relating to a listed building or listed building consent

are being assessed, the primary consideration will be the need to preserve or enhance the fabric and character of the building.

Policy CS6 of the Core Strategy aims to ensure that North Lincolnshire's important sites and areas of historic and built heritage value are protected, conserved, and enhanced so that they continue to make an important contribution to the area's scene and the quality of life for local people.

The design objectives of Core Strategy policy CS5 and local plan policy DS1 are also relevant in the determination of this application. 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.' Local plan policy DS1 (General Requirements, Quality of Design) criteria sets out that 'The design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area.'

The NPPF requires that when considering the impact of a proposed development great weight should be given to conservation and any harm or loss should require clear and convincing justification. This policy recommends that local authorities should take account of the desirability of sustaining and enhancing heritage assets, the positive contribution heritage assets make, and the desirability of new development making a positive contribution to local character and distinctiveness.

In this particular case, the building is a curtilage building that is being used as a store. The proposed use of the building as guest accommodation will bring the building into habitable use and will conserve and preserve this curtilage listed building. This aspect of the proposal therefore aligns with chapters 12 and 14 of the NPPF, policies CS5 and CS6 of the Core Strategy and policies HE5, DS1 and DS5 of the North Lincolnshire Local Plan.

The existing brickwork will be retained and the pantile roof will be restored. The proposed alterations include the addition of new timber windows, rooflights and doors. Following concerns from the Heritage Officer in relation to the proposed windows, the plans have been amended to reflect traditional timber sash windows that can be found on the main dwelling house. The internal alterations essentially comprise internal walls and door to form a lounge, bedroom and WC within the building, which have been kept to a minimum to retain its open internal character. The Heritage Officer does not object to the amended application. Planning conditions can be used to ensure the external windows and doors are constructed from timber and joinery details, including the colour/staining of the windows and doors, are submitted for approval. This will safeguard the character and appearance of the building and ensure that the proposed external alterations will not harm the setting of the listed building (main dwelling) on the site. The proposal therefore aligns with chapters 12 and 14 of the NPPF, policies CS5 and CS6 of the Core Strategy, and policies HE5, DS1 and DS5 of the North Lincolnshire Local Plan.

Other issues raised

The comments made by Haxey Parish Council are noted. The windows have been amended to match the main listed building on the site. The details of the new windows and doors will be conditioned to ensure that they will be in character with the main listed building and the existing building. The proposed change of use as guest accommodation will be ancillary to the main dwelling and can be conditioned accordingly through planning application PA/2021/1631. The internal alterations have been kept to a minimum to retain

the open internal rural character of the building. The building is not proposed to be used as a dwelling.

Conclusion

The proposal will retain this curtilage listed building in situ and secure its long-term viability and use. Subject to conditions, it will also preserve and enhance its character and appearance. The proposal therefore aligns with chapters 12 and 14 of the NPPF, policies CS5 and CS6 of the Core Strategy and policies HE5, DS1 and DS5 of the North Lincolnshire Local Plan.

RECOMMENDATION Grant consent subject to the following conditions:

1.

The works must be begun before the expiration of three years from the date of this consent.

Reason

To comply with Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Plans and Elevations: Rev B.

Reason

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

3.

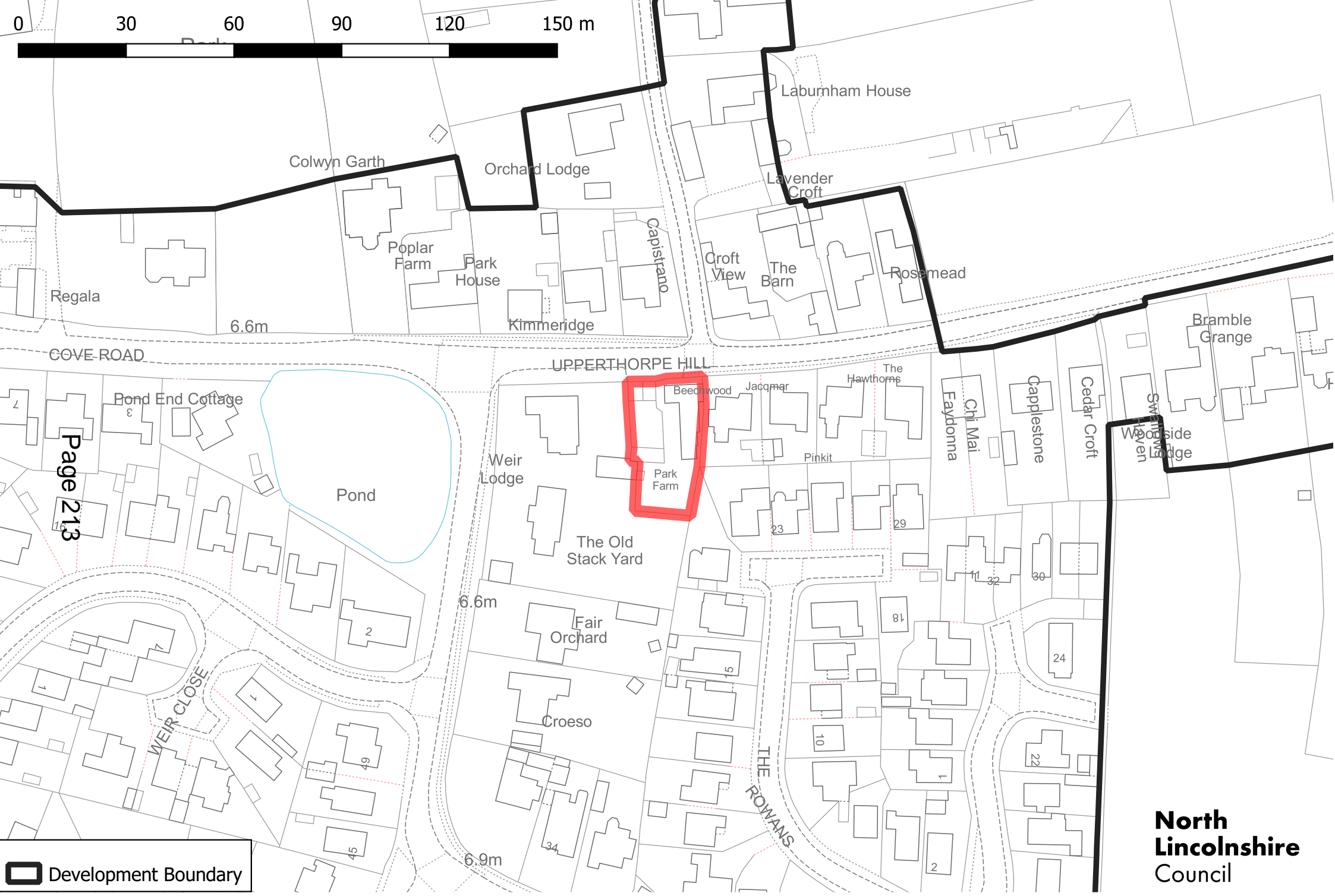
No windows, rooflights or any external doors shall be installed in the building until joinery details drawn to a scale of 1:10 or 1:20, including the colour/staining of the new windows and doors, have been submitted to and agreed in writing by the local planning authority. Thereafter only the approved windows and doors shall be installed in the building.

Reason

To preserve and enhance the building in accordance with policies CS6 of the Core Strategy and HE5 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.



Page 213

Development Boundary

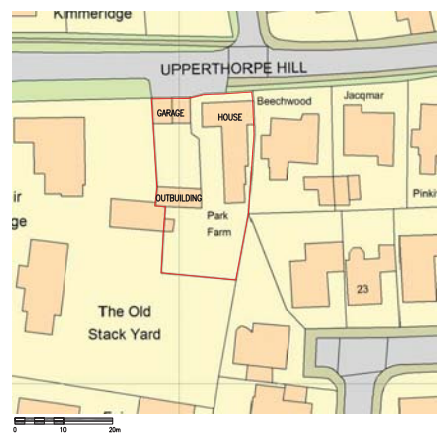
PA/2021/1699

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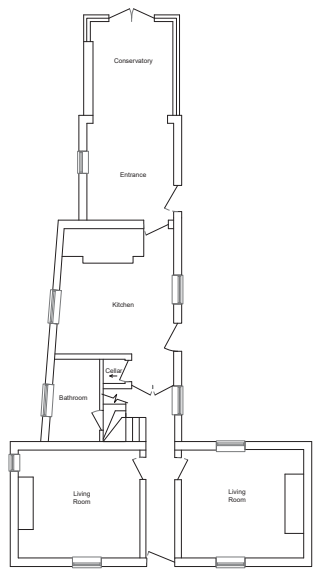


LOCATION MAP

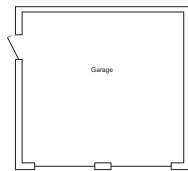


EXISTING & PROPOSED BLOCK PLAN

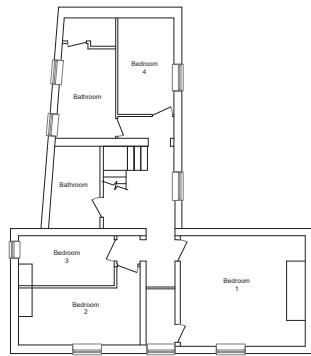
AMENDED



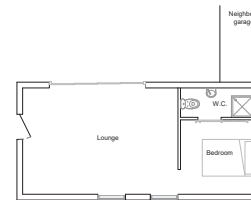
GROUND FLOOR PLAN (HOUSE)



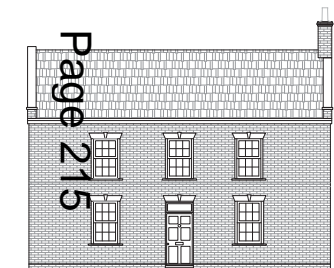
GARAGE



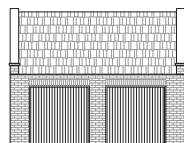
FIRST FLOOR PLAN (HOUSE)



OUTBUILDING



FRONT ELEVATION

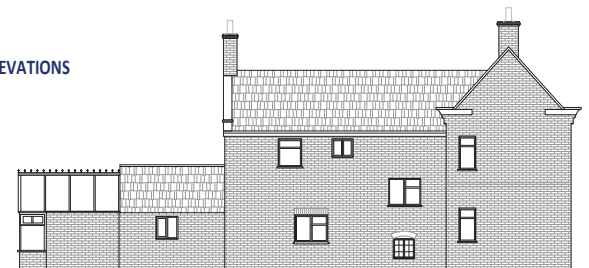


HOUSE & GARAGE ELEVATIONS



SIDE ELEVATION

HOUSE & GARAGE ELEVATIONS



SIDE ELEVATION

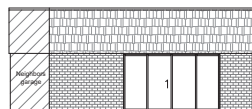


FRONT ELEVATION

OUTBUILDING ELEVATIONS



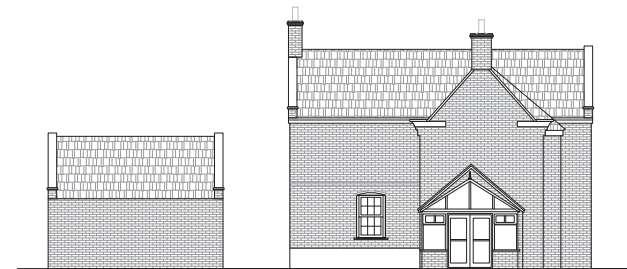
SIDE ELEVATION



REAR ELEVATION



1. NEW HARDWOOD DOOR/WINDOW FRAMES



REAR ELEVATION

Project Name: **Change of use outbuilding to guest room**
 Project Address: **Park Farm, Upperthorpe Rd, Westwoodside DN9 2AL**

Drawing Title: **Proposed Plans & Elevations**

Drawn: **CH** Checked: **KD** Approved: **CH**

Date: **SEPT 2021** Rev: **B**
 Scale: **1:50 & 1:100 @ A1**

Drawing No. **003**

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APPLICATION NO	PA/2021/1763
APPLICANT	Mrs K Flear
DEVELOPMENT	Outline planning permission to erect a detached dwelling with all matters reserved for subsequent consideration
LOCATION	Land adjacent to 22 York Road, Kirton in Lindsey, DN20 4PS
PARISH	Kirton in Lindsey
WARD	Ridge
CASE OFFICER	Martin Evans
SUMMARY RECOMMENDATION	Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Departure from the development plan

POLICIES

National Planning Policy Framework:

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

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

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

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

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

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

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

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

Paragraph 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.'

North Lincolnshire Local Plan: DS1, DS7, DS14, H5, RD2, T2 and T19.

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS7, CS8, CS17 and CS18.

Housing and Employment Land Allocations Development Plan Document (DPD)

CONSULTATIONS

Highways: Support the proposal and recommend a condition regarding provision of vehicle parking facilities.

Drainage (Lead Local Flood Authority): No objections.

Environmental Protection: Given the historic military land, recommends a phase 1 contaminated land assessment is submitted prior to determination or alternatively a comprehensive contaminated land assessment condition is attached to any planning permission.

TOWN COUNCIL

No objection or further comment to make regarding this application.

PUBLICITY

A site notice has been displayed. One letter of support has been received stating:

'Despite the site not being located within the developed footprint curtilage map for Kirton in Lindsey, currently it is located within the draft insert map for Kirton in Lindsey for the local plan currently undergoing a round of consultation. Therefore, I think the application for one new dwelling should be granted permission as it represents good use of land that is currently fundamentally already part of the town despite it is currently classified as a brownfield site in the open countryside.'

ASSESSMENT

Site characteristics

The application site comprises a parcel of land containing a tree within the curtilage of 22 York Road, Kirton in Lindsey. The dwelling at 22 York Road is located to the north-west of the application site and the junction of two elements of York Road is to the south-east. The site forms part of a former RAF residential housing estate.

Proposal

Outline planning permission is sought to erect a detached dwelling, with all matters reserved for subsequent consideration. The indicative plan shows a dormer bungalow with attached garage and vehicular access to York Road to the south. This is purely indicative and may change at reserved matters stage if the proposal is approved.

The key issues for this proposal include:

- **the principle of development;**
- **impact upon residential amenity;**
- **impact upon highway safety;**
- **land contamination and drainage;**
- **biodiversity and trees.**

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).

Central Government places high importance on new homes being delivered throughout the country to address the chronic shortage. Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide the supply of housing should not be considered up to date. A recent review of the of the Five-Year Housing Land Position Statement in August 2021 has identified that North Lincolnshire Council can demonstrate a five-year housing land supply. There is therefore no tilted balance applied through paragraph 11 of the NPPF.

Kirton in Lindsey is classified as a Market Town in the settlement hierarchy of the Core Strategy. Policy CS1 sets out the spatial strategy will focus on supporting Kirton in Lindsey as a Market Town. Levels of growth and development will be more limited reflecting its position in the settlement hierarchy. An appropriate level and range of new housing development will be provided to support the market towns as sustainable communities. Policy CS2 requires a sequential approach is followed with development focused on Scunthorpe, then previously developed land and buildings within the defined development limits of North Lincolnshire's Market Towns including Kirton in Lindsey, followed by other suitable infill opportunities then appropriate small-scale greenfield extensions to meet identified local needs. Any development that takes place outside the defined development limits of settlements will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. A sequential approach will also be followed to direct development to areas with the lowest probability of flooding.

Policy CS3 and the Housing and Employment Land Allocations DPD show that the Kirton in Lindsey development limit is approximately 430m to the west of the application site at Mill Lane. Policy CS3 states, 'Development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as those related to agriculture, forestry or other uses which require a countryside location or that will contribute to the sustainable development of the tourist industry.' Policy CS5 requires development to be well designed and appropriate for its context. Policy CS7 requires a mix of housing types. Policy CS8 states that in the open countryside, outside development limits, housing development will be strictly limited, and development on greenfield sites will only be allowed where it can be demonstrated that this will bring additional community benefits, contributing to building sustainable communities and is acceptable in terms of its impact on the high-quality environment of the urban space and adjoining countryside. This proposal is contrary to policies RD2 of the local plan, and CS2 and CS3 of the Core Strategy, which seek to restrict development in the countryside unless certain exceptions are met.

The proposal is located 430m beyond the development limit of Kirton in Lindsey and can therefore be considered contrary to the aforementioned series of policies that look to strictly control such development in the countryside.

The emerging local plan evidence base includes the North Lincolnshire Settlement Survey 2018 (2019 Revision). Kirton in Lindsey is ranked 5th out of 76 settlements in North Lincolnshire. The settlements have been scored based on the services and facilities available within each settlement boundary, and a rank attributed based on the overall outcome. Its facilities and services are very good. It is considered residents are likely to be able to meet their day-to-day needs within the town for minor food shopping, some employment opportunities, education and medical appointments. Some travel outside of the town is likely for employment and larger food stores. There are regular bus services to and from Gainsborough, Lincoln and Brigg. There is also a train station in the town.

The application site is approximately 1.48km from the High Street in the centre of Kirton in Lindsey and can be accessed along a lit footway from the junction of York Road with the B1400. This is considered an accessible walking distance for many people and would constitute a relatively short cycle journey along a good quality route.

There is a reasonable prospect of future occupants of the development not being heavily reliant on the private motor car to access day-to-day services and facilities. The site is considered to be a sustainable location for residential development. It is noteworthy that this former RAF housing estate and base has its own development limit within the emerging local plan. The application site is considered to have the characteristics of an infill site because it is located between other residential dwellings, albeit in a location that is considered under rural restraint policies.

Policy CS19 states, 'The council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere.' The site is in flood zone 1 which is low risk and suitable for housing development.

The site is considered to have good sustainability credentials and the proposal would not result in any significant identifiable harm. It is considered these are significant material considerations that justify a departure from the development plan policies relevant to the principle of development. It is recommended that the principle of development is acceptable for these reasons.

Impact upon residential amenity

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

Policy H5 also requires ‘development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings.’

The outline nature of this application means full design details will be provided if outline permission is granted. 22 York Road has no side openings within the main body of the dwelling. It does have a two-storey rear projecting bay window. The south-east facing ground and first-floor windows of this feature are clear glazed and would likely cause significant overlooking of any future residential development on the application site. The blue line on the site location plan shows the applicant owns this property. Therefore, it is possible to recommend a condition that these windows, which would otherwise make the proposal unacceptable due to overlooking, be changed to obscure glazing prior to occupation of the proposed development and that they remain so in perpetuity thereafter. The remaining windows of the host property have a less direct overlooking relationship with the application site such that no harmful overlooking would arise. It will be possible to design a dwelling at reserved matters stage that does not cause or suffer from harmful mutual overlooking with the host property.

Ample garden and parking space will remain for the host property post development. The indicative plan shows it is possible to achieve a gap of approximately 15m to the dwellings on the eastern side of York Road which is sufficient to prevent harm to residential amenity.

The proposal would not result in the unacceptable loss of residential amenity in accordance with policies DS1 and H5 of the North Lincolnshire Local Plan.

Impact upon highway safety

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

Access and layout are reserved. York Road is a lightly trafficked area with low road speeds. Traffic generated by the proposal and the potential access location do not give rise to concerns in principle. The host property would retain ample access and parking facilities post development. Highways support the proposal subject to a condition requiring provision of vehicle facilities prior to occupation of the dwelling, which is necessary.

As such there is considered to be no conflict with the requirements of policies T2 and T19 subject to these conditions.

Land contamination and drainage

Policy DS7 relates to contaminated land. Environmental Protection recommend a comprehensive contaminated land condition in the absence of a phase 1 assessment on the basis that historical mapping identifies the site is located on historic military land, which may give rise to contamination including heavy metals, hydrocarbons, and organic/inorganic compounds, all of which are harmful to human health. However, the site

is currently in residential use and in the absence of evidence of such contaminative activities having taken place such a request is considered disproportionate given the current use of the site and lack of contaminative adjacent uses. An unexpected contamination condition is proportionate and recommended.

Policy DS14 states, 'The council will require satisfactory provision to be made for the disposal of foul and surface water from new development, either by agreeing details before planning permission is granted, or by imposing conditions on a planning permission.' Such details can be secured by condition.

Biodiversity and trees

Policy CS17 requires 'Ensuring development seeks to produce a net gain in biodiversity by designing in wildlife.' The proposal will result in the loss of a medium-sized tree and domestic garden. This is not considered to cause fundamental harm to the character of the area. Replacement planting can be secured under the landscaping reserved matter, which would also constitute an ecological enhancement. Ecological enhancements will be conditioned.

Conclusion

The proposal is located beyond the development limit of Kirton in Lindsey. The proposed market housing is contrary to development plan policies relevant to the principle of development. However, the proximity of the site to Kirton in Lindsey and the services and facilities it provides means the site is considered to be a sustainable location for housing development. The sustainable location, coupled with the absence of identifiable significant harm, means there are material considerations that outweigh the policy conflict such that the principle of development is acceptable. No harm to residential amenity, the character of the area or highway safety would arise, and the ability to address technical matters such as land contamination, drainage and ecological enhancements by the use of conditions result in a recommendation that outline planning permission is granted subject to conditions.

RECOMMENDATION Grant permission subject to the following conditions:

1.
Approval of the details of the layout, scale and external 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 siting, design and external 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 dwelling shall not be occupied until the vehicular access to it and the vehicle parking space(s) serving it have been completed and, once provided, the parking space(s) shall thereafter be so retained.

Reason

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

6.

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

The details to be submitted in respect of reserved matters for any phase of development shall include a scheme for the provision of surface and foul water drainage works. The details approved shall be installed prior to occupation of the dwelling.

Reason

In accordance with policy DS14 of the North Lincolnshire Local Plan.

8.

Prior to the occupation of the dwelling, a scheme of ecological enhancements shall be submitted to and approved in writing by the local planning authority. The details agreed shall be installed within six months of the first occupation of the dwelling and shall thereafter be retained.

Reason

To secure ecological enhancements in accordance with policy CS17 of the Core Strategy.

9.

Prior to the first occupation of the development hereby permitted, the south-east facing ground and first floor windows of the rear two-storey bay window of 22 York Road shall be obscure glazed and thereafter remain so in perpetuity.

Reason

To prevent unacceptable overlooking of the proposed dwelling and garden, and to make the proposal acceptable, in accordance with policy DS1 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.

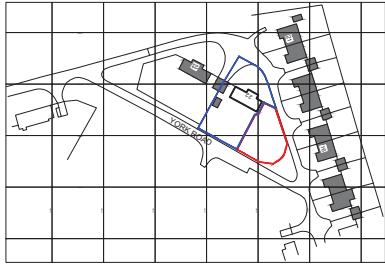


Page 226

**North
Lincolnshire
Council**

Location Plan

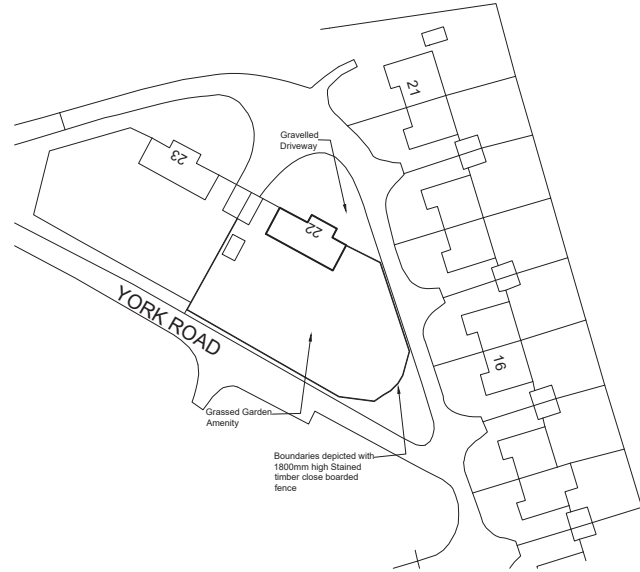
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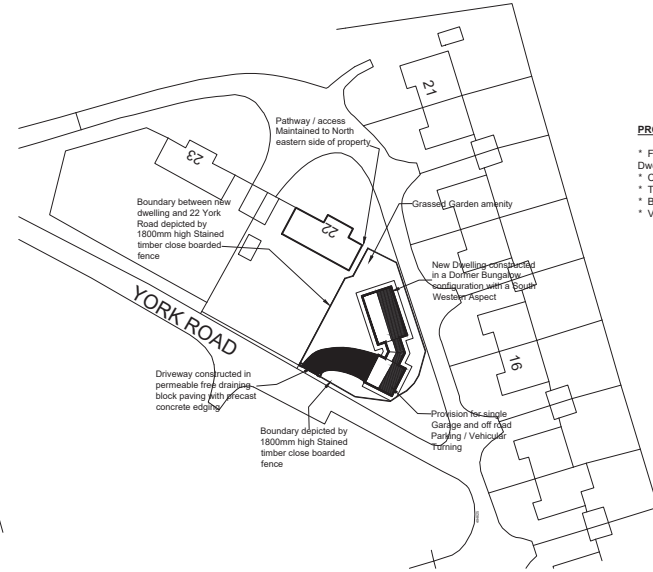
Existing Site Plan

1:500



Proposed Site Plan

1:500



PROPOSED MATERIALS TO NEW DWELLINGHOUSE

- * Frost resistant Brown facing Brickwork to match colour and texture of existing Dwelling House
- * Concrete interlocking Plain tiles to match colour and appearance of existing
- * Thermally broken Upvc windows and doorsets
- * Black Upvc Gutters Downpipes and rainwater goods
- * Velux Rooflight windows to Dormer part of dwelling

DRAWING STATUS:
FOR DISCUSSION

Mr and Mrs A Flear

PROJECT:
Proposed Detached Dwelling.
Land adjacent (East) the existing Dwelling
House of 22 York Road, Kirton in Lindsey

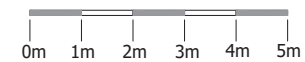
DRAWING TITLE:
Location Plan, Existing and Proposed
Site Plans

DATE:
June 2021

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APPLICATION NO	PA/2021/1775
APPLICANT	Mrs Doreen Ann Wilson
DEVELOPMENT	Planning permission to remove agricultural occupancy condition 9 of outline planning permission 7/40/1974 dated 30/05/1974
LOCATION	Kerroo Moor, Scotter Road, Messingham, DN17 3QE
PARISH	Messingham
WARD	Ridge
CASE OFFICER	Kevin Robinson
SUMMARY RECOMMENDATION	Grant permission
REASONS FOR REFERENCE TO COMMITTEE	Objection by Messingham Parish Council

POLICIES

National Planning Policy Framework:

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

For plan-making this means that:

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

For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or

- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 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.

North Lincolnshire Local Plan: DS1, DS7, RD2, T2, T19, LC7

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS17, CS18

CONSULTATIONS

Highways: No objections or comments.

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

PARISH COUNCIL

Objects to the application as the property is in the open countryside, outside the development boundary. Removal of the agricultural restriction would set a precedent for future development outside the development boundary.

PUBLICITY

Advertised by site notice. No comments have been received.

ASSESSMENT

Planning history

7/40/74: Outline planning permission to erect loose boxes, barn and dwellinghouse in connection with Brood Mare Farm – approved 30/05/1974

7/339/74: Detailed particulars relating to the erection of loose boxes, barns and dwellinghouse granted outline planning permission 30/05/1974 – approved 20/09/1974

Paragraph 38 of the NPPG states, ‘In deciding an application under section 73, the local planning authority must only consider the disputed conditions that are the subject of the application – it is not a complete re-consideration of the application.’

Paragraph 35 of the NPPG explains that the original planning permission will continue to exist whatever the outcome of the application under section 73. Decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission.

Paragraph 56 of the NPPF gives guidance upon the imposition of conditions on planning approvals and provides the following:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification. Whilst the approval in question predates the NPPF by some considerable time, these principles are long held within planning and are the relevant ones for considering attaching conditions to a planning approval.

Permission is sought to remove agricultural occupancy condition 9 on outline planning permission 7/40/1974 dated 30/05/1974.

The condition attached to the 1974 approval restricts the occupancy of the property known as Kerroo Mooar with the following restriction:

‘The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in section 290 of the Town and Country Planning Act 1971, or in forestry or a dependant of such a person residing with him (but including a widow or widower of such a person).’

The reasoned justification for the condition was given as:

‘The site is in a rural area where it is the policy of the district planning authority, in the interests of safeguarding the rural character and appearance of the area, not to permit development unless it is required to meet a local agricultural need. Permission has been granted only in light of local agricultural need.’

This submission seeks to remove this condition from the planning permission for the dwelling thereby allowing freedom of occupation as an unrestricted dwelling.

The property, as noted above, was granted permission in 1974 as part of a development titled as being ‘to erect loose boxes, barn and dwellinghouse in connection with Brood Mare

Farm, Scotter Road, Messingham'. Within the file is a consultation response from the Department of Agriculture, Fisheries and Food dated 7 May 1974 within which it confirms:

'The breeding of horses does not constitute an "agricultural activity" for the purposes of this Ministry in connection with the Town and Country Planning Acts.'

There is also a response letter from the planning officer acknowledging that the breeding of horses does not constitute agricultural activity.

Notwithstanding this, permission was granted, on the 10 April 1974, for the dwelling and was made subject to the agricultural occupancy condition (9).

This application is made by the original applicant's widow, Mrs Wilson. Mrs Wilson has indicated that they did keep horses at the property but, due to a long running land drainage issue with Severn Trent, the horse rearing enterprise did not materialise.

Mrs Wilson has also confirmed that Mr Wilson was in employment until his retirement as a civil engineer and that she was employed as a legal secretary until retirement.

The main consideration in the determination as to whether the condition can be removed is whether it was properly attached to the original permission. As noted above, the six tests relevant to attaching conditions to planning approvals are, are they:

- **necessary;**
- **relevant to planning;**
- **and to the development to be permitted;**
- **enforceable;**
- **precise; and**
- **reasonable in all other respects.**

All six tests must be passed in order for a condition to be imposed upon an approval.

Necessary and relevant to planning

The planning condition, in wider terms of supporting the aim of controlling the development of residential dwellinghouses in the open countryside, is considered to be a key planning aim and therefore the condition in that respect is necessary and relevant to planning.

Relevant to the development to be permitted

As noted above, the proposal does not meet the definition of agriculture and therefore a condition tying the occupation of the property to an agricultural worker was not relevant. Given this, the condition imposed fails the test for conditions to be imposed on planning approvals.

Enforceable

The details provided by the applicant indicate that neither of the occupants have ever been employed in an agricultural role. The relevant time frame for enforcement action in such instances is set out in section 171B of the Town and Country Planning Act 1990 and is 10 years as a breach of condition. As this has been breached from the first occupation of the property it is considered that the condition is not enforceable. Given this, the condition imposed fails the test for conditions to be imposed on planning approvals.

Precise

The wording of the condition is considered to be suitably precise in that it only allows occupation of the dwelling by a person solely or mainly employed, or last employed, in the locality in agriculture.

Reasonable in all other respects

In this regard the condition is not considered to be reasonable as the restriction does not relate to the development for which approval was sought. Given this, the condition imposed fails the test for conditions to be imposed on planning approvals.

The condition is considered to fail the tests for imposition on the approval granted and it is considered that it should not have been attached. Condition 9 is therefore recommended to be removed. As outlined above, under a section 73 application to vary or remove a condition, the local authority has the power to consider all other conditions attached to the extant permission and amend and remove those required to do so as necessary. In this regard the property is in situ and there are no conditions considered necessary to be brought forward from the original permission.

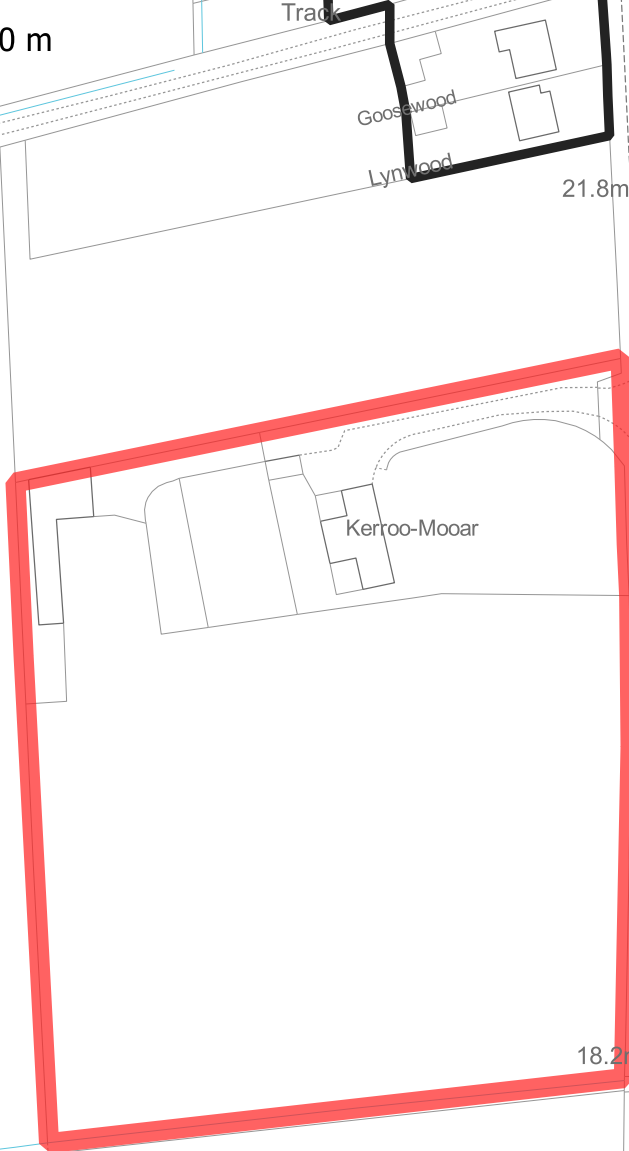
RECOMMENDATION Grant permission.

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.



Page 234



 Development Boundary

PA/2021/1775

**North
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APPLICATION NO	PA/2021/1795
APPLICANT	Benson
DEVELOPMENT	Planning permission to erect a rear extension
LOCATION	21 Church Street, Haxey, DN9 2HY
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Martin Evans
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

Planning (Listed Buildings and Conservation Areas) Act 1990:

'66 General duty as respects listed buildings in exercise of planning functions.

(1) In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

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.'

North Lincolnshire Local Plan: LC14, HE5, T2, T19, DS1, DS5, DS14 and DS16

North Lincolnshire Core Strategy: CS5, CS6 and CS19

Supplementary Planning Guidance 1

CONSULTATIONS

Drainage (Lead Local Flood Authority): No objections.

Highways: No objections.

PARISH COUNCIL

Objects, with the following comments:

'This gained permission for a lawful certificate (PA/2013/1131) to what was an outbuilding. This application is for a second-storey rear extension. It should not create overshadowing or privacy issues. It is to the rear of number 25 which is a listed building, the whole part of this proposal forms a particularly characteristic area of the village and we consider the development would impact on and detract from this.

Concerns are also raised about the lack of parking with residents in the area parking on the street.'

PUBLICITY

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

ASSESSMENT

Planning history

There is no relevant history to the site.

Site characteristics

The application site comprises a dwelling to the west of the Duke William public house within a residential area. The site is within the Haxey development limit and Area of Special Historic Landscape Interest. 23 and 25 Church Street to the south are a grade II listed building.

The following considerations are relevant to this proposal:

- residential amenity
- design
- heritage and landscape impacts
- highways and drainage.

Policy DS5 of the North Lincolnshire Local Plan is concerned with residential extensions. It states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing or overbearing impacts, or loss of privacy to adjacent dwellings. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

Policy DS1 requires that a 'high standard of design is expected' and identifies that proposals will be considered against two criteria being:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and

- (ii) the design and layout should respect and where possible retain and/or enhance the existing landform of the site.

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

The statutory test and policy CS6 of the Core Strategy and HE5 of the North Lincolnshire Local Plan require the proposal preserves the setting of the adjacent listed building. Policy CS6 of the Core Strategy 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. All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value.'

Policy HE5 is concerned with development affecting listed buildings and further reinforces the council's vision to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. It particularly addresses this type of application and further states, 'Alterations and additions should not adversely affect the essential character of the building, should be in keeping with its architectural style and features and should harmonise with its surroundings.'

Policy LC14 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.'

The design of the rear extension would be a first-floor extension on the same footprint as the ground-floor extension. The eaves and ridge height would be subservient to the main building. Matching materials are proposed. The proposal is well designed.

The proposal would be adjacent to a very large projection of the public house to the east and an extensive residential garden to the west. No harm would arise to residential amenity as a result of the restrained design and lack of immediate neighbouring dwellings.

The proposed extension is screened from the adjacent listed buildings by the intervening host property such that the proposal would preserve the setting of the listed building in accordance with the statutory test and related development plan policy.

No harm would arise to the Area of Special Historic Landscape Interest given the modest scale and residential setting of the proposal within the development limit of Haxey.

Highways

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

No comments or objections have been made by the Highways department. There is sufficient capacity within the surrounding road network to accommodate one additional bedroom's worth of parking demand.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst DS14 and DS16 of the local plan are concerned with flood risk, drainage and foul water.

In this regard, the Lead Local Flood Authority have been consulted and have no objections to the proposal.

Conclusion

The proposal is well designed and would not harm residential amenity, heritage assets nor the Area of Special Historic Landscape Interest. It is recommended that planning permission is granted.

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:

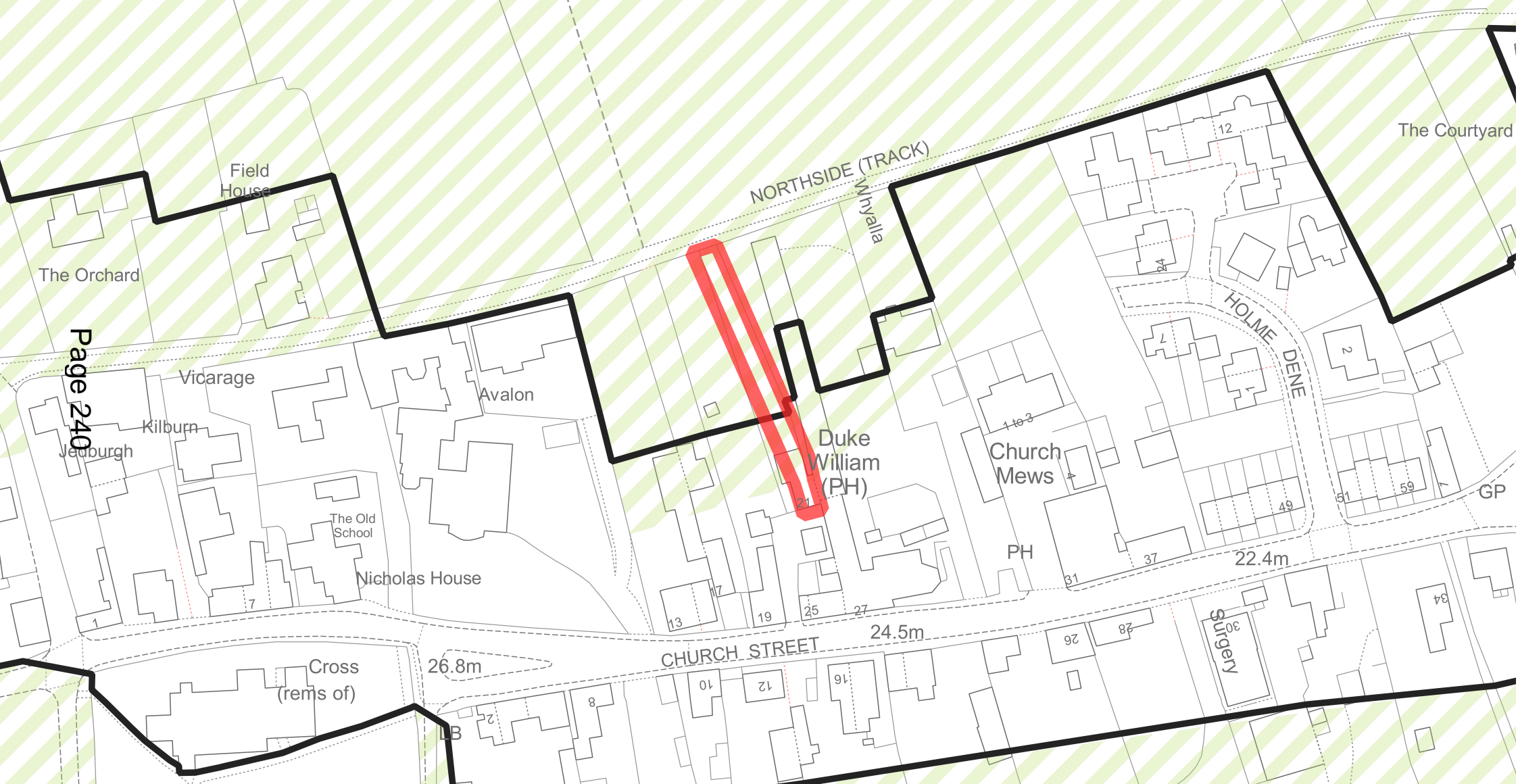
001 Rev A
003 Rev A

Reason



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

Informative

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



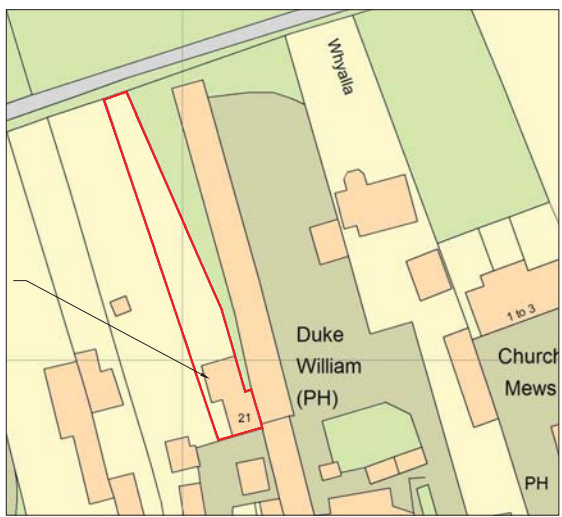
Page 240

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

**North
Lincolnshire
Council**



LOCATION MAP
SCALE 1:1250



EXTENSION ABOVE
EXISTING GROUND
FLOOR LOUNGE

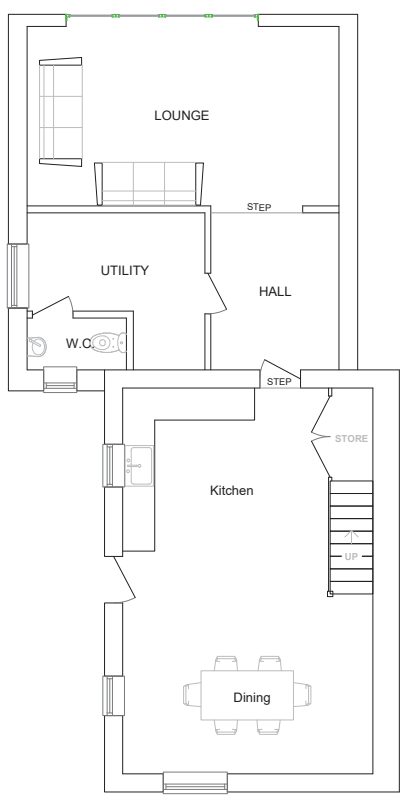
EXISTING & PROPOSED SITE PLAN
SCALE 1:500

Project Name: **Second Storey Rear Extension**
 Project Address: **21 Church Street, Haxey DN9 2HY**
 Drawing Title: **Location Map and Site Layout**
 Drawn: **CH** Checked: **KD** Approved: **CH**

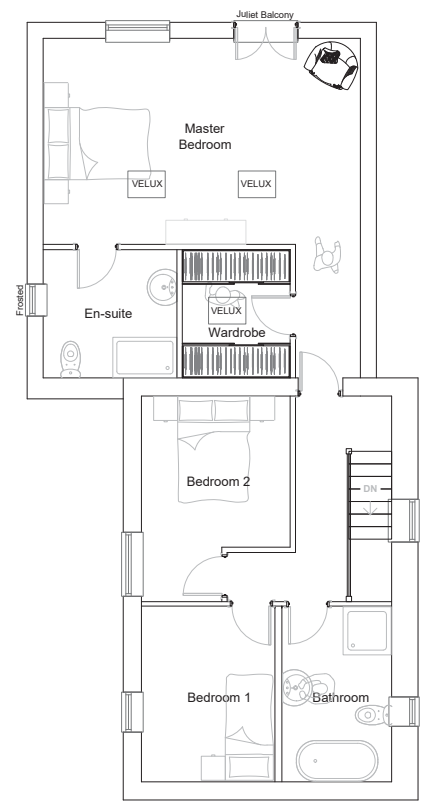
Date: Sep 2021 Rev: A
 Scale: 1:1250 & 1:500 @ A1
 Drawing No. **001**
 Centreline Design Consulting Ltd.
 11 Wood Street, Haxey, DN9 2HY
 T: 01724 410150 M: 07834 918720
 E: info@centreline-design.co.uk

PA/2021/1795 Proposed plans and elevations (not to scale)

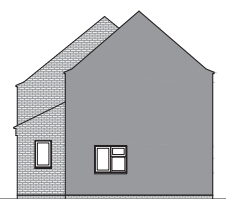
Page 242



GROUND FLOOR PLAN



FIRST FLOOR PLAN



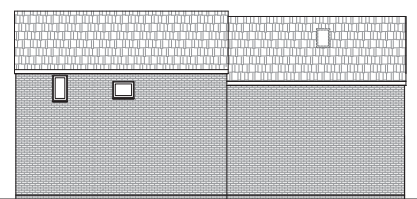
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Project Name: **Reserved matters for new dwellings**
 Project Address: **Land Off Jossey Lane, Scawthorpe DN5 7XZ**
 Drawing Title: **Proposed Plans & Elevations**
 Drawn: **CH** Checked: **KD** Approved: **CH**

Date: **JULY 2021** Rev: **A**
 Scale: **1:50 & 1:100 @ A1**
 Drawing No. **003**
 Centreline Design Consulting Ltd.
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