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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

9 March 2022

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 9 February 2022 as a correct record and authorise the chairman to sign (to follow). (Pages 3 - 10)
4. Major Planning Applications. (Pages 11 - 12)
 - (a) PA/2021/1330 Outline Planning Permission for up to 20 dwellings with all matters reserved for subsequent consideration (re-submission of PA/2020/672) at land off Scotter Road/High Street, Messingham (Pages 13 - 40)
5. Planning and other applications for determination by the committee. (Pages 41 - 42)
 - (a) PA/2021/894 Planning Permission to erect two retail units and one drive-thru unit (Class E) with associated access, parking, drainage and landscaping at Kingsway House, land east of Kingsway Road, Scunthorpe, DN16 2AE (Pages 43 - 70)
 - (b) PA/2021/1826 Outline Planning Permission to erect three dwellings (all matters reserved for subsequent consideration) at land to the north of Habrough Lane, Kirmington (Pages 71 - 86)
 - (c) PA/2021/2070 Planning Permission for material change of use of land to a

caravan site for one caravan at land east of Newlands Lane, Epworth (Pages 87 - 100)

- (d) PA/2021/2122 Planning Permission to erect a dwelling at land adjacent to 'The Barn', Wakefield Farm, Carr Lane, East Lound (Pages 101 - 116)
 - (e) PA/2021/2143 Planning Permission to erect a replacement dwelling and garage at New House, Hook Road, Amcotts, DN17 4AZ (Pages 117 - 130)
 - (f) PA/2021/2201 Planning Permission to erect six semi-detached dwellings with associated works (re-submission of PA/2019/1984) at The Haymaker, 75 Main Street, Bonby, DN20 0PY (Pages 131 - 180)
 - (g) PA/2022/21 Outline Planning Permission to erect one dwelling with all matters reserved for subsequent consideration at land rear of Leaden House, Cherry Lane, Barrow upon Humber, DN19 7AX (Pages 181 - 194)
6. Any other items, which the chairman decides are urgent, by reasons of special circumstances, which must be specified.

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

NORTH LINCOLNSHIRE COUNCIL

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

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

MEETING: Planning Committee **DATE:** 9 March 2022 **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

Public Document Pack Agenda Item 3

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

9 February 2022

PRESENT: - N Sherwood (Chairman)

N Sherwood (Chairman), C Ross (Vice Chairman), L Foster, J Davison, M Grant, R Hannigan, C O'Sullivan and D Wells

J Evison, T Foster, T Mitchell, R Ogg and N Poole

Tanya Davies

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

2180 **SUBSTITUTIONS**

Cllr O'Sullivan for Cllr Southern
Cllr L Foster for Cllr Bainbridge.

2181 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING) AND WHIPPING ARRANGEMENTS (IF ANY).**

The following member declared a personal interest –

Councillor Mitchell

Application: PA/202/225

Nature of Interest: Member of the Isle of Axholme Drainage Board.

The following members declared that they had been lobbied –

Cllr Evison – PA/2020/1628

Cllr L Foster – PA/2021/970 and PA/2020/1628

Cllr Grant – PA/2020/1628

Cllr Hannigan – PA/2021/970 and PA/2021/1742

Cllr Ross – PA/2020/1628

Cllr N Sherwood – PA/2020/1628

Cllr Wells – PA/2021/970

2182 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 12 JANUARY**

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2022 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN.

Resolved – That the minutes of the meeting held on 12 January 2022, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the Chairman.

2183 APPLICATIONS DEFERRED FROM PREVIOUS MEETINGS FOR A SITE VISIT.

In accordance with the decision at the previous meeting, members had undertaken site visits on the morning of the meeting. The Group Manager – Development Management submitted reports and updated them orally.

2184 PA/2021/970 PLANNING PERMISSION TO ERECT 18 DWELLINGS WITH ASSOCIATED ACCESS ROAD AND GARAGING, AND CREATE A PUBLIC FOOTPATH AND OPEN SPACE AT LAND OFF FERRY ROAD EAST, BARROW UPON HUMBER

The applicant addressed the committee outlining the development and proposals. He indicated that this was the final phase of the development, it was well placed, in a sustainable location, provisions of bungalows and a substantial Section 106 contribution.

Cllr J Davison stated that the site visit had been useful, and was satisfied that the concerns of the Parish Council had been covered, and the site was good.

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

2185 PA/2021/1612 OUTLINE PLANNING PERMISSION TO ERECT FOUR DWELLINGS, GARAGES AND ASSOCIATED WORKS WITH SCALE, APPEARANCE AND LANDSCAPING RESERVED FOR SUBSEQUENT CONSIDERATION AT GREY GREEN FARM, WOODHOUSE ROAD, WOODHOUSE, BELTON, DN9 1QQ

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

2186 PA/2021/1683 PLANNING PERMISSION TO ERECT A STATUE WITH ASSOCIATED WORKS AT WINTERTON JUNIOR SCHOOL, WEST STREET, WINTERTON, DN15 9QG

A resident member speaking in support of the proposal and on behalf of a resident group indicated the significance of having the statue, and specifically the location close to the school, due to the aspirations it would providing the young people. He stated it would be near the school gate that children would pass daily and the message was to 'aim high, the sky is the limit', and that it was not just another piece of street art.

Cllr Ogg spoke as the local ward member sating that he was not sure that it was the most appropriate site, and awaited the feedback from the committees site visit.

Cllr Ross felt that the statue, design, materials were out of character within

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the conservation area, and contrary to planning guidance.

Cllr J Davison did not feel it was the right location for the statue, it was close to the footpath and could be easily vandalised. He felt there was other locations that would be better.

Cllr Gant support the application and felt the children would respect the statue, and would not vandalise it outside the school.

Cllr O’Sullivan stated there was a statue in the Crosby and Park Ward that had never been vandalised on an old school site, and felt the proposal should be supported.

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

That planning permission be refused for the following reason –

1.

The proposed statue, by virtue of its design and materials, is considered to be out of character and appearance with the Winterton Conservation Area. The statue would not preserve or enhance the conservation area and would have an

adverse impact on it. The development is therefore contrary to guidance in Section 16 of the National Planning Policy Framework: Conserving and Enhancing the Historic Environment; policies CS5 and CS6 of the Core Strategy; policies HE2 and DS1 of the North Lincolnshire Local Plan and the council’s Winterton Townscape Analysis.

Motion Carried.

2187 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.

2187a PA/2020/1628 PLANNING PERMISSION TO ERECT 317 DWELLINGS, INCLUDING ASSOCIATED GARAGES, ACCESS ROAD, PLAYGROUND, PONDS AND PUBLIC OPEN SPACE AT PHASES 5 AND 6 FALKLAND WAY, LAND OFF CANBERRA VIEW, BARTON UPON HUMBER, DN18 5GR

The applicant informed the committee that this was the final phase of the development. He indicated it was a sustainable development with good transport links, and great facilities. He stated it was allocated land for development and an ongoing site.

Cllr Evison spoke as the local ward member and whilst he was not objecting to the development he queried the flooding and drainage documentations.

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He had concerns with the drainage capacity and the service liability of the drains.

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

2188 **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 reports orally where appropriate. Other officers attending gave advice and answered members' questions as requested.

2189 **PA/2021/999 PLANNING PERMISSION TO ERECT SIX HOLIDAY LODGES (RE-SUBMISSION OF PA/2020/1251) AT FORMER SITE OF PRIESTHOWS, BUTTERWICK ROAD, MESSINGHAM, DN17 3PA**

Cllr Poole spoke against the application as the local ward member. In doing so he queried the business case for the expansion as there was no establishment of need, and was in the open countryside. He stated it was allocated on a flood one, there was no detail for the floor height finish to prevent future flooding. He stated it was two thirds of a mile with no public footpath and no street lighting that meant there was no link to the infrastructure for the leisure facilities.

Cllr T Foster also spoke as the ward member reiterating what Cllr Poole had stated, and was also very concerned that there was no business plan available.

Cllr J Davison having listened to the ward members concerns he did not understand why they needed chalets there. He said the drainage and flood issues were a concern and no details had been provided on the proposals.

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

That planning permission be refused for the following reason –

1.

Insufficient information has been provided to demonstrate that the proposed development would not result in an increased risk of flooding to the site or the adjacent land and properties. In particular, the applicant has failed to provide an adequate surface water drainage scheme. The application does not fully consider SuDS nor has an assessment of the hydrological and hydrogeological context of the development been explored. The proposal is therefore contrary to policy CS19 of the North Lincolnshire Core Strategy and policies DS14 and DS16 of the North Lincolnshire Local Plan.

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Motion Carried.

- 2190 **PA/2021/1742 PLANNING PERMISSION TO INSTALL AN EXTERNAL EXTRACTION CHIMNEY FLUE AND STAIRCASE AT CO-OP STORE, SPRUCE LANE, ULCEBY, DN39 6UL**

Cllr Hannigan stated he was not against the application, however, had received concerns from local residents whose gardens were to the rear, as to the height and colour of the chimney. He moved that a condition be attached to the approval along with the chimney being black instead of silver.

Resolved – That planning permission be granted in accordance with the officer's report with the following amendment to condition 7 –

7.

The flue from the extraction chimney shall terminate at a minimum height of 1m above the roof ridge and should be black in colour. Details of any changes proposed to the flue shall be submitted to and approved in writing by the local planning authority prior to implementation.

Reason: To protect residential amenity.

- 2191 **PA/2021/1850 OUTLINE PLANNING PERMISSION TO ERECT FOUR DETACHED DWELLINGS WITH APPEARANCE, LANDSCAPING AND ACCESS RESERVED FOR SUBSEQUENT CONSIDERATION (PART OF ACCESS ROADWAY COMPLETED) AT ELSHAM HOUSE, BRIGG ROAD, WRAWBY, DN20 8RH**

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

- 2192 **PA/2021/1873 PLANNING PERMISSION TO VARY CONDITION 2 OF PREVIOUSLY APPROVED PA/2020/2012 DATED 17/06/2021 TO AMEND HOUSE TYPE ON PLOT 2 AT 52 HUNTERS LODGE, HIGH STREET, HAXEY, DN9 2HH**

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

- 2193 **PA/2021/1889 PLANNING APPLICATION TO REMOVE CONDITION 4 OF 7/1977/824 TO ALLOW FOR OCCUPATION OF THE DWELLING OTHER THAN BY A PERSON SOLELY OR MAINLY EMPLOYED, OR LAST EMPLOYED, IN AGRICULTURE AT AMER ROSE, MESSINGHAM INGS ROAD, MESSINGHAM, DN17 3AW**

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

- 2194 **PA/2021/2150 PLANNING APPLICATION TO REMOVE CONDITION 1 OF 7/1978/611 TO ALLOW FOR OCCUPATION OF THE DWELLING OTHER THAN BY A PERSON SOLELY OR MAINLY EMPLOYED, OR LAST**

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EMPLOYED, IN AGRICULTURE AT AMER ROSE, MESSINGHAM INGS ROAD, MESSINGHAM, DN17 3AW

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

- 2195 **PA/2021/2055 PLANNING PERMISSION TO ERECT A TWO-STOREY ENTRANCE/STAIR CORE TO FRONT OF PROPERTY, WINDOW ADDITIONS AND INTERNAL RECONFIGURATION OF DWELLING (INCLUDING DEMOLITION OF EXISTING CONSERVATORY) AT THE GAME FARM, WEST END ROAD, EPWORTH, DN9 1LB**

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

- 2196 **PA/2021/2237 PLANNING PERMISSION TO ERECT A REPLACEMENT DWELLING (INCLUDING DEMOLITION OF EXISTING DWELLING) AT PALE CLOSE, SAND PIT LANE, ALKBOROUGH, DN15 9JG**

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

- 2197 **PA/2021/2255 PLANNING PERMISSION TO ERECT 5 DETACHED DWELLINGS AT FORMER SIR SOLOMON INN, KING EDWARD STREET, BELTON, DN9 1QN**

Cllr Mitchell spoke as the local ward member and was very concerned with the application and the lack of detail with regard to the drainage. He indicated there had been no assessment made and the drainage was not feasible, and not suitable for the development. He also had concerns surrounding the highways that would lead to loss of amenity for neighbouring properties. He stated it filed to comply with planning policies and should be deferred for further details or refused.

Cllr Hannigan felt that the applicant had failed to submit a suitable flood assessment, and the committee was aware of how good/bad the drainage might be. He also stated it was against a number of planning policies.

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

That planning permission be refused for the following reason –

1.

Insufficient information has been provided to demonstrate that the proposed development would not result in an increased risk of flooding to the site or adjacent land. In particular, the application has failed to provide an acceptable flood risk assessment and principle drainage strategy. This should outline all sources of flooding and proposals to mitigate this, including preliminary drainage layout plans, topographical survey and outline hydraulic calculations, including an indicative discharge rate for a 1 in 100 year storm event plus climate change which should be based on the current National Guidance and on SuDS principles, including adoption/maintenance proposals. The proposal is therefore contrary to policies CS18 and CS19 of the North Lincolnshire Core Strategy, policy DS16 of the North Lincolnshire

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Local Plan and paragraphs 159 to 169 of the National Planning Policy Framework.

Motion Carried.

- 2198 **APPLICATIONS FOR APPROVAL OF RESERVED MATTERS FOLLOWING THE GRANT OF OUTLINE PERMISSION FOR DETERMINATION BY THE COMMITTEE**
The Group Manager – Development Management Lead submitted a report outlining an application for reserved matters.
- 2199 **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**
Resolved – That planning permission be granted in accordance with the recommendations contained within the officer’s report.
- 2200 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE SPECIFIED.**

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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 09 March 2022.docx

Date: 28 February 2022

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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

APPLICATION NO	PA/2021/1330
APPLICANT	Mr Philip Jackson
DEVELOPMENT	Outline planning permission for up to 20 dwellings with all matters reserved for subsequent consideration (resubmission of PA/2020/672)
LOCATION	Land off Scotter Road/High Street, Messingham
PARISH	Messingham
WARD	Ridge
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Subject to the completion of a section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Messingham 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 47 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

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

Paragraph 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 57 – Planning obligations must only be sought where they meet all of the following tests:

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

Paragraph 111 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 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.

Paragraph 180 – When determining planning applications, local planning authorities should apply the following principles:

- (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- (c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- (d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering more Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design

CS17 – Biodiversity

CS18 – Sustainable Resources

CS19 – Flood Risk

CS25 – Promoting sustainable transport

North Lincolnshire Local Plan:

T2 – Access to Development

T19 – Parking Provision

LC5 – Species Protection

LC11- Areas of Amenity Importance

DS1 – General Requirements

DS11 – Polluting Activities

H5 – New Housing

CONSULTATIONS

Highways: No objections subject to conditions.

Environment Agency: Does not wish to make any comments on the application.

Humberside Fire and Rescue: The consultee gives standard advice on access to water services and access for fire services.

LLFA Drainage: The application currently provides a very basic level of information. There is no mention of the surface water drainage system 'parish drain' that exists along the full length of the western boundary. This is a riparian drain and provides critical flood risk mitigation for the village and so it is vital that this drainage feature is fully addressed. However, given the scale of the development, the LLFA Drainage Team has no objection to it subject to conditions relating to surface water.

Police (Designing Out Crime Officer): No objections but offers advice for the reserved matters stage.

Severn Trent Water: States that 'Foul is proposed to connect into a public foul water sewer, which will be subject to a formal section 106 sewer connection approval. A sewer modelling study will be required to determine the impact this development will have on the existing system and its flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, a reasonable amount of time will be needed to allow these works to be completed before any additional flows are connected.'

Whilst not objecting, due to the S106 adoption process which sits outside of planning, requests an informative is attached should permission be granted.

Section 106 Officer: Requests have been made towards education, leisure and affordable housing. The applicant has agreed with the heads of terms that are set out below.

Environmental Protection: No objection subject to conditions relating to noise and land contamination, and (to protect amenity during construction) requiring an environmental management plan and specifying construction hours.

Historic Environment Record: No comments to make.

Spatial Planning: This application for residential development conforms to policies. However, careful consideration needs to be given to the LC11 designation and the low density of the site.

Ecology: No comments received.

PARISH COUNCIL

Objects to the application for the following reasons:

- The proposed development is on LC11 land – loss of an 'Area of amenity importance' land in the adopted local plan and loss of habitat for protected species.
- Present ongoing drainage and sewerage issues in the close vicinity. Concerns over the increased pressure that will be placed on the present ineffective and already overloaded system. During periods of heavy rainfall the nearby Manor Farm development experiences WCs not flushing and overflowing inspection covers resulting in raw sewage entering water courses. Requests there be a moratorium on all future developments in the village until existing foul water infrastructure issues have been resolved.

- Highway concerns regarding road safety issues for the safe access and egress with the A159 and close proximity to the junction with Brigg Road.
- Messingham has already reached its target population. The village infrastructure is not coping with the existing demand from residential properties.
- North Lincolnshire Council has already met its land supply figure.

PUBLICITY

The site has been advertised by both site and press notice. A number of objections have been received that are summarised into the following material comments:

- flooding and drainage concerns
- highway safety
- loss of amenity land
- concerns over design
- bats/protected species
- access to willow court
- impact on infrastructure
- village saturated with houses
- residential amenity.

STATEMENT OF COMMUNITY INVOLVEMENT

No information has been submitted in relation to any public consultation carried out.

ASSESSMENT

Site allocations

This site is designated as an Area of Amenity Importance (LC11) as identified by the Housing and Employment Land Allocations DPD. The proposal is wholly located within the settlement boundary for Messingham as identified by the HELA DPD. The site is located within flood zone 1 as identified by the North and North East Lincolnshire SFRA 2011.

Site characteristics

The site is within the settlement boundary for Messingham and is abutted by residential development to the north, west and south. To the east is an electricity substation north of the restaurant. The site hosts an existing dilapidated barn and hardstanding, and the rest is scrubland. A watercourse runs along the western boundary of the site.

Messingham itself is described within the settlement hierarchy as being a larger rural settlement. The village has many services and amenities and is also served well by public

transport. The village is just north of the shared boundary with West Lindsey and south of Yaddlethorpe and Bottesford. The village is sustainable according to the sustainable settlement survey, having all of the key facilities.

Proposal

Outline planning permission is sought for up to 20 dwellings with all matters reserved for subsequent consideration (resubmission of PA/2020/672). **The assessment will focus on the following issues:**

- **planning principle**
- **planning obligations**
- **flooding and drainage**
- **character and amenity**
- **ecology**
- **highway safety**
- **air quality**
- **land contamination.**

Planning principle

Messingham is considered to be a rural settlement by the North Lincolnshire Core Strategy though it ranks eighth within the sustainable settlement survey, having seven of the seven key facilities within that settlement. 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 take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.’

Policy CS2 is concerned with delivering more sustainable development. It sets out a sequential approach to where development should be focused; bullet point 3 states, ‘...Small scale developments within the defined development limits of rural settlements to meet identified local needs.’

This proposal for residential development is therefore considered generally acceptable in principle given the site is within the settlement limits and would represent a small scale considering the size of the village. The site is close to the settlement centre where a plethora of services and amenities exist. Policy CS7 of the Core Strategy sets out densities and states that 30 to 35 dwellings per hectare is acceptable for rural settlements. This proposal would represent the lower end of the density range. However, the site is close to a restaurant and other dwellings, and site characteristics may dictate that this lower number is more preferable in the interest of amenity and character.

The policy states, '...Housing development will be required to make efficient use of land but the density of new development should be in keeping with the character of the area and should support the development of sustainable, balanced communities.'

Policy CS8 is concerned with the spatial distribution of housing. The site is predominantly greenfield with the exception of the barn and associated hardstanding. It states, '...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.'

and

'Flood risk will be taken into account, as this will be a determining factor in the distribution and location of housing.'

Policy LC11 of the North Lincolnshire Local Plan is concerned with areas of amenity importance; this site is allocated as such. It states, '...within important amenity areas, development will only be permitted where it would not adversely affect their open character, visual amenity or wildlife value or compromise the gap between conflicting land uses.'

A previous application on this site resulted in a dismissed appeal (APP/Y2003/W/20/-3265136). That proposal was for up to 30 dwellings and the application was refused on not being acceptable in planning terms (failing to agree to obligations that would mitigate the externalities brought about by the development), and for not providing a preliminary ecological appraisal or an outline drainage strategy.

The latter point is now somewhat mute given the reduction in size of the scheme, though additional information has been submitted and the LLFA no longer object. Furthermore, negotiations on obligations have taken place and requests are agreed as well as the submission of a preliminary ecological survey; these are discussed later in the report.

The proposal is therefore considered to align 'in principle' with the aforementioned policies providing that levels of local service provision, infrastructure capacity and accessibility are taken into account, the density of the proposal meets the requirements of policy CS7 (this point is expanded upon in the obligations section) and that it can be demonstrated that the proposal will bring additional community benefits, meet identified local needs as tasked by policy CS2, contribute to building sustainable communities and that flood risk is taken into account. Furthermore, the site is allocated as an area of amenity importance within the local plan and the proposal will only be approved if it would '...not adversely affect their open character, visual amenity or wildlife value or compromise the gap between conflicting land uses'.

Planning obligations

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

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

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

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

Affordable housing

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

The applicant has agreed to provide 10% of affordable housing on site. This therefore complies with the policy and represents 2 of the 20 dwellings proposed.

Public open space

Policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states, '(i)...New housing developments on allocated and windfall sites of 0.5 ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents. Or alternatively, where appropriate, to provide commuted payments for this provision to be made off-site, either individually or in combination with existing or other proposed recreational sites and facilities.' This is reinforced by policy CS22 of the North Lincolnshire Core Strategy; both are considered relevant.

The applicant has confirmed that 10m² per dwelling of on-site informal open space will be provided. The space within the red line boundary is sufficient to accommodate this and the reserved matters will identify its location. On this point an estate management company will, through legal agreement, be tasked to maintain the space for 10 years. A contribution towards leisure is also proposed and this amounts to £12,611 towards improving local natural turf pitches and a further £1,151 towards a 3g pitch in sub area 4.

The proposal is therefore in accordance with policy H10 of the North Lincolnshire Local Plan.

Education

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

Whilst Education have requested both primary and secondary contributions the request is not supported by sufficient justification. In the recent appeal on this site the inspector concluded that the justification for primary places (the workings behind understanding capacity) did not meet with the legal tests for obligations (set out above).

Based upon Education's findings and the inspector's, a contribution is only sought for secondary places; this contribution equates to £4,838 per dwelling. The proposal is therefore in accordance with policy C1 of the North Lincolnshire Local Plan.

Drainage

Policy CS19 is concerned with flood risk whilst policies DS14 and DS16 are concerned with foul sewage and surface water drainage. The site is located within flood zone 1 and is therefore a preferred place for development in terms of flood risk. Paragraphs 155 to 165 (inclusive) of the NPPF are also considered relevant.

Paragraph 165 states, 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

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

An application for up to 30 dwelling has recently been refused and an appeal dismissed partly due to information surrounding a principle drainage strategy.

The applicant has provided some information as part of this application. The LLFA have been consulted and have stated the following:

'The application currently provides a very basic level of information. There is no mention of the surface water drainage system 'parish drain' that exists along the full length of the western boundary. This is a riparian drain and provides critical flood risk mitigation for the village and so it is vital that this drainage feature is fully addressed.

However, given the scale of the development, the LLFA Drainage Team has no objection to the proposed development...(subject to conditions).'

Severn Trent have also made comment and whilst they are unsure whether or not capital works are required, they have no objections due to the adoption process (s106 agreement) being a legislative requirement relating to the adoption of sewer networks. They state that a scheme can be achieved and is mitigated through the aforementioned legislation.

It is therefore considered that sufficient information has been provided in this instance by the applicant to demonstrate that a suitable drainage scheme can be achieved on site that would accord with the principles of SuDS and prevent flooding to existing and future residents. The proposal is therefore in accordance with policies CS18 and CS19 of the

North Lincolnshire Core Strategy, DS14 and DS16 of the North Lincolnshire Local Plan and paragraphs 155, 157, 163 and 165 of the NPPF.

Character and amenity

Policy CS1 in part states, '...Any development that takes place should be in keeping with the character and nature of the settlement. Policy CS7 of the Core Strategy sets out densities and states that 30 to 35 dwellings per hectare is acceptable for rural settlements. The policy also states, '...Housing development will be required to make efficient use of land but the density of new development should be in keeping with the character of the area...'

Policy LC11 of the local plan states, '...Within important amenity areas, development will only be permitted where it would not adversely affect their open character, visual amenity or wildlife value.

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

Policy H5 of the local plan, which is concerned with new housing development, policy LC7 of the local plan, which is concerned with landscape protection, and paragraph 127 of the NPPF, are also considered relevant.

The application is for outline planning permission with all matters reserved. The site is abutted on three sides by residential form and there is currently a barn on the site and a well-established restaurant to the north. The site is allocated as an 'Area of Amenity Importance' and these are known for either (or both) their open character and visual contribution to the locality (offering a break in urban form) as well as their potential wildlife value. The existing site is largely unseen and therefore not experienced (other than by the dwellings which back onto and overlook it) by the majority of residents of Messingham. It is therefore considered to have limited value as regards character or visual amenity.

Recent residential developments in this area are of a density that would fairly reflect the requirement under policy CS7 to reach 30 to 35 dwellings per hectare. The applicant proposes up to 20; given the site constraints and the on-site provision of open space, this is considered acceptable. Policy CS7 also caveats the density numbers allowing for character traits to dictate. This is an instance where the lower density may well be suitable given the location of the site close to commercial premises.

All other matters relating to design are left for subsequent consideration at the reserved matters stage. In respect of the remit for decision making under this application then the proposed development is considered to align with the aforementioned planning policy.

Ecology

Policy CS17 is concerned with biodiversity and sets out principles for the management of a scheme in order to achieve a net gain for wildlife habitat networks, Policy LC5 of the local plan is concerned with protected species. They are reinforced by paragraph 170 of the NPPF. Policy LC11 of the local plan states, '...Within important amenity areas, development will only be permitted where it would not adversely affect their open character,

visual amenity or wildlife value.’ It should be noted that the previous application on this site was in part refused and dismissed at appeal for not providing a preliminary ecological appraisal.

The applicant has provided a preliminary ecological appraisal by Archer Ecology. The report states that in section 4.2.1 ‘...the ecological walkover survey did not identify any habitats of significant value to nature conservation on a county, regional or national scale. All habitats encountered were assessed as having either low or moderate nature conservation value on a site and/or local scale.’

Species considered by the report include amphibians, reptiles, birds, bats, badgers and hedgehogs. The only potential is for bats located within the ancillary shed. The report under sections 4.3.9–11 states:

‘The majority of buildings occurring on the site did not present any observable features with a potential to support roosting bats. However, the small ancillary shed exhibited several potential roosting features located underneath the roof pantiles.’

Considering the quality and limited abundance of potential roosting features, the building was assessed as having ‘low’ potential to support roosting bats. However, a small ancillary building did show signs for potential and the recommendation set out within the above report states that survey work should be carried out prior to any alteration or demolition of this building. A condition will therefore be attached to any permission granted requiring a protected species survey reflecting that recommendation.

The proposal then is considered to have a limited impact upon protected species. Both the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 also offer external legislative mitigation for any development affecting protected species. The proposal is outline at this stage and is for ‘up to 20 dwellings’ within a large area; flexibility therefore exists in terms of the location of dwellings. The preliminary report also puts forward mitigation recommendations and this document will therefore be conditioned as an approved document in that the recommendations set out within it should be adhered to. This will sit alongside the conditions relating to protected species surveys. A condition relation to biodiversity and management plans will also be included to ensure a net gain in line with local and national planning policy.

Therefore, sufficient information has been provided to determine the impact upon protected species and the wider wildlife value of the site. The proposal is therefore in accordance with policies LC5 and LC11 of the North Lincolnshire Local Plan and CS17 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 are considered relevant.

The proposal is in outline form and Highways have been consulted. They have no objections subject to conditions. Highways have asked for the following conditions to be attached:

- The layout and location of access.
- Further condition on layout, drainage, and construction of access road.

The above two conditions are already controlled by the details of access as the application is for outline only. Drainage conditions are also in place that would duplicate some of the requirements of the condition, whilst the finer details of the access (such as construction and visibility) are part of the detailed design stage also (as access is controlled). Therefore, these conditions are unnecessary.

- No dwelling on site shall be occupied until the access road has been completed

This condition is compliance and would ensure that works are carried out and will be attached to any permission.

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

This condition will be attached given it allows safe access to the site for construction purposes and would also limit the impact upon amenity.

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

This condition will be attached as it would ensure pedestrian access to dwelling is achievable.

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

A condition is already requested to ensure that no dwelling will be occupied until the vehicular access and parking space serving it have been completed, so this condition is unreasonable and unnecessary.

- Highway planting.

This condition will be attached as it protects service strips and any shared surface road.

- Construction phase management plan.

This condition will be attached to ensure the impact upon the locality is mitigated during the construction phase.

- No loose material on any driveway or parking area.

This condition will be attached in order to protect highway safety for future users of the development.

- No dwelling served by any shared private driveway on site shall be occupied until it has been constructed in accordance with details including:
 - the proposed method of forming access from the highway, including the required visibility splays;
 - the method of constructing/paving the drive;

- the provision of adequate drainage features;
- the provision of suitable bin collection facilities adjacent to the highway;
- the provision of suitable lighting arrangements; and
- the provision of street name plates that shall include the words 'Private Drive'.

This condition will be attached.

Mitigation exists in that access, layout and landscaping are reserved for later consideration. On a sustainable transport front the proposal in this location is considered sustainable, allowing access and support to transport modes other than the car. 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.

Air quality/sustainable resource

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

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

The council's Environmental Health department has assessed the proposal and recommend a condition requiring a scheme for electric vehicle charging points to be submitted to and agreed in writing with the local planning authority. This is considered to be in accordance with the above policy requirements and will be attached to any permission granted to mitigate the impact upon air quality generated by the development.

Land contamination

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

The EHO has assessed the scheme and recommends a condition requiring a desk top study, remediation and verification reports. The works relate to the demolition of an existing barn. It is considered, given the active agricultural history of the site and without any information to the contrary, that the imposition of this condition is reasonable. Subject to this mitigation the proposal would accord with policy DS7 of the North Lincolnshire Local Plan.

Noise

Policy DS11 is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be

permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release. Policy DS1 is also concerned with the protection of amenity.

The council's Environmental Health department has assessed the application and has stated, '...This site is located adjacent to The Stables restaurant and Wise Owl Farm Nursery which has an outdoor play area. These sources have the potential to cause an adverse noise impact for the proposed dwellings. Therefore, subject to a noise impact assessment being agreed at condition stage, as well as conditions mitigating the construction phase, the proposal is considered to accord with both DS11 and DS1 in this regard.

Environmental issues/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 DS11 is also concerned with pollution control and is considered relevant.

The Environmental Protection team has been consulted and request conditions controlling construction hours and requiring a construction environmental management plan to be submitted and agreed. These will be attached.

Conclusion

The proposal to erect up to 20 dwellings at outline with all matters reserved for subsequent approval is considered acceptable in principle and subject to the conditions outlined within this report as well as the heads of terms is recommended for approval.

Heads of terms

Affordable housing

Number of dwellings	2 dwellings (10% of the development)
House type	To be confirmed
Trigger point	2 dwellings on occupation of the 10 th dwelling
How many years does the council require to spend the contribution?	Affordable units to be retained in perpetuity

Education

Contribution amount	£4,838 per dwelling towards secondary, excluding affordable products
Trigger point	30% on occupation of the 1 st dwelling

	30% on occupation of the 8 th dwelling 40% on occupation of the 15 th dwelling
How many years does the council require to spend the contribution?	10 years

Open space

Onsite informal open space	10m ² per dwelling on site as informal open space; estate management company can be set up
Trigger Point	Estate management company set up on occupation of the 1 st dwelling Open space to be set out on occupation of the 12 th dwelling and contribution paid if required
How many years does the council require to spend the contribution?	10 years

Recreation

Contribution amount	£12,611 towards improving natural turf pitches at Holme Meadow, £1,151 towards a 3G artificial turf football facility in sub area four
Trigger point	On occupation of the 12 th dwelling
How many years does the council require to spend the contribution?	10 years

Pre-commencement conditions

The applicant has been informed of the pre-commencement conditions that will be attached to any permission. The notice period is greater than 10 working days and therefore in line with the requirements set out by the Pre-commencement Conditions Regulations:

RECOMMENDATION Grant permission subject to the following conditions:

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 (or other appropriate legislation) providing for affordable dwellings, education contributions and maintenance of open space within the development, the committee resolves:

- (i) it is mindful to grant permission for the development;
- (ii) the decision be delegated to the Development Management Lead upon completion of the obligation;

(iii) if the obligation is not completed by 30 September 2022 the Development Management Lead be authorised to refuse the application on grounds of not being acceptable in planning terms; and

(iv) the permission so granted be subject to the following conditions:

1.

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

Reason

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

2.

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

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

The 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 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) discharge from 'greenfield sites' taken as 1.4 lit/sec/ha (1:1yr storm)

- (c) no above-ground flooding to occur up to the 100 year plus climate change critical flood event (based on current national guidance)
- (d) a range of durations should be used to establish the worst-case scenario
- (e) the suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology
- (f) a scheme for the provision of a positive outlet of surface water from the site
- (g) 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.

6.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 5 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.

7.

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

Reason

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

8.

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

Reason

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

9.

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

Reason

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

10.

No dwelling on the site shall be occupied until the access road has been completed to at least base course level and adequately lit from the junction with the adjacent highway up to the access to the dwelling.

Reason

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

11.

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

Reason

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

12.

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

Reason

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

13.

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

Reason

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

14.

No development shall take place until a noise impact assessment has been submitted to and approved in writing by the local planning authority. 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
- BS5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Noise
- BS5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Vibration
- BS7445-2:1991, ISO1996-2:1987 Description of environmental noise, Part 2: Guide to acquisition of data pertinent to land use.

The noise impact assessment report 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.

Following installation of the mitigation measures in accordance with the approved technical specification, a verification report that demonstrates the effectiveness of the mitigation measures shall be undertaken. The verification report shall be submitted to and approved in writing by the local planning authority.

Reason

In the interest of amenity and to accord with policy DS11 of the North Lincolnshire Local Plan.

15.

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.

16.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

Noise and vibration – The CEMP shall set out the particulars of:

- (a) the works, and the method by which they are to be carried out;
- (b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- (c) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light – The CEMP shall set out the particulars of:

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

Dust – The CEMP shall set out the particulars of:

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

Reason

To protect amenity and to accord with policy DS11 of the North Lincolnshire Local Plan.

17.

No development shall take place on the site until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the local planning authority.

Reason

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

18.

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

Part 1: Site Characteristics

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

- (i) a survey of the extent, scale and nature of contamination;

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

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

19.

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

Reason

To conserve biodiversity in accordance with saved policy LC5 of the North Lincolnshire Local Plan and policy CS17 of the Core Strategy.

20.

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:

- (a) an assessment of biodiversity loss based on the submitted location plan;
- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Small Sites metric;
- (c) details of bat boxes and nest boxes to be installed;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) prescriptions for the creation and management of the pond and raised landforms;
- (f) prescriptions for the planting and aftercare of locally native wildflowers, hedgerows, trees and shrubs of high biodiversity value;
- (g) proposed timings for the above works in relation to the completion of the dwelling.

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.

21.

The species protection plan and biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 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.

22.

The proposal shall be carried out in accordance with the recommendations set out within the preliminary ecological appraisal by Archer Ecology unless otherwise agreed in writing with the local planning authority.

Reason

In the interest of ecology and species protection, and in accordance with policy LC5 of the North Lincolnshire Local Plan.

23.

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

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

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

Reason

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

24.

No dwelling served by any shared private driveway on site shall be occupied until it has been constructed in accordance with details including:

- the proposed method of forming access from the highway, including the required visibility splays;
- the method of constructing/paving the drive;
- the provision of adequate drainage features;
- the provision of suitable bin collection facilities adjacent to the highway;
- the provision of suitable lighting arrangements; and
- the provision of street name plates that shall include the words 'Private drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

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

Informative 1

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

Informative 2

Our records indicate that the proposed development site is bounded by a watercourse (surface water drain) on the western boundary. 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 via email to llfadrainageteam@northlincs.gov.uk prior to any further construction works being carried out. Please refer to North Lincolnshire Council's 'Guide to Watercourses and Riparian Ownership' detailing rights and responsibilities. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 3

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

Informative 4

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
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 5

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 6

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

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NORTH LINCOLNSHIRE COUNCIL

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 09 March 2022.docx

Date: 28 February 2022

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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

APPLICATION NO	PA/2021/894
APPLICANT	Almscliffe Dhesi Developments
DEVELOPMENT	Planning permission to erect two retail units and one drive-thru unit (Class E) with associated access, parking, drainage and landscaping
LOCATION	Kingsway House, land east of Kingsway Road, SCUNTHORPE, DN16 2AE
PARISH	Scunthorpe
WARD	Kingsway with Lincoln Gardens
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Subject to the completion of a section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Tony Gosling – significant public interest) Departure from the development plan Significant public interest

POLICIES

National Planning Policy Framework: Sections 2, 4, 6, 7, 8, 11, 12 and 15 apply.

North Lincolnshire Local Plan: Policies S8, T1, T2, T4, T8, T19, DS1, DS3, DS14, DS16 LC5 and LC12 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS5, CS14, CS16, CS17, CS19, CS22 and CS25 apply.

Housing and Employment Allocations Development Plan Document (HELADPD):

SCUH-15 (Former Kingsway House) which states the site is a 0.41 hectare site allocated for housing (16 dwellings)

TC-1 Development in North Lincolnshire's Town Centre and District Centres

CONSULTATIONS

Highways: The site is in an extremely sustainable location with good walking, cycling and public transport connections. It is also conveniently located within walking distance for UCNL and college students and nearby residents. The nature of the proposals is unlikely to generate a significant number of new vehicle trips on the network, as the majority of trips in these situations tend to be existing trips which pass by or divert to access the facilities. However, it is acknowledged that the proposals will alter vehicle movements in the area. We are aware that the section of Ashby Road between Lloyds Avenue and the Queensway roundabout does get very busy at peak times. This has been discussed with the applicants and they have agreed a S106 contribution towards the refurbishment of the traffic signals at

Lloyds Avenue/Ashby Road. I would also recommend a S106 contribution to extend the existing TRO on Lloyds Avenue if parking issues are occurring, following an agreed monitoring period. Recommend conditions and financial contributions towards the refurbishment of traffic signals and to extend the Traffic Regulation Order along Lloyds Avenue.

Humberside Fire and Rescue: It is a requirement for domestic premises that adequate access for fire-fighting is provided to all buildings or extensions to buildings.

Ecology: Conditions are proposed to minimise harm to protected and priority species and habitats and to seek a net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and the Defra Small Sites Metric.

Environmental Protection: Following receipt of additional information (noise assessment), no objection, but recommend a number of conditions.

Spatial Planning: The 0.4ha site is currently allocated as Proposed Housing Site SCUH-15 in the 2016 Housing and Employment land Allocations DPD with a capacity of 16 dwellings. Within the 2020 Preferred Options North Lincolnshire Local Plan the site is not allocated for housing but just falls within the development limit for Scunthorpe. SCUH-15 will remain an allocated housing site until it is considered further through the Local Plan process and subsequent adoption in approximately 18 months' time.

Where development is proposed in edge of centre or out of centre locations, developers are required to comply with the sequential approach to site selection. This approach is further reinforced in policy TC1 and policy S8 respectively.

With regard to the sequential test, Scunthorpe Town Centre, Frodingham District Centre and Ashby High Street District Centre have been identified as areas of search. As part of the sequential test, the applicants have demonstrated that the majority of the identified sites are unsuitable to accommodate the proposed development without disaggregation. The only possible exception is the Former Ashby Market Site which has been primarily discounted on grounds of operational access for the coffee drive-thru unit and that it would not be 'beneficial to the overall health of the town centre'. This site has been marketed by the council with a preference for housing forming part of a wider regeneration of the immediate area.

With regard to the proposal, it would be extremely difficult to accommodate all the uses and parking provision required in a town or district centre location. The site is currently allocated for housing within the 2016 Housing and Employment Land Allocations DPD. However, this allocation is unlikely to be carried through to adoption within the new North Lincolnshire Local Plan. Given that the site has been allocated for five years without coming forward for residential development and is likely to be de-allocated in the new Local Plan it is considered that an alternative use is appropriate.

LLFA Drainage: Following positive discussions with the developer the previous objection is withdrawn and conditions recommended.

Tree Officer: The site is bounded by trees, most of which are protected by a Tree Preservation Order (TPO). The majority of the trees are to be retained, however there is concern in relation to the extent and proximity of hardstanding the applicants wish to place within the root protection of these trees. The applicants will therefore need to place the hard

landscaping areas outside the root protection areas or utilise construction methods which do not cause severance of the roots. If the applicants are unable to accommodate the movement of parking areas to ensure trees are not damaged then consideration should be given to refusal of the application.

PUBLICITY

The application has been advertised by site notice. In response, 100+ letters of objection have been received. A pro-forma template containing 100+ mixed letters of objection and support has also been received raising the following issues:

- the sequential approach to site selection is flawed
- the council should still assess retail impact
- issue of trade diversion from Brumby Corner
- the post office could close
- impact on the local district shopping area
- the proposal is contrary to the NPPF and local plan policy
- loss of trees protected by a TPO
- additional traffic and noise
- proximity to similar amenities
- increased traffic congestion
- noise from deliveries
- increase in antisocial behaviour
- litter
- impact on the visual amenity of the area
- impact on house prices
- the area should be kept as a green space
- these amenities already exist in the area
- access to the site is too narrow
- no need for more shops
- inappropriate use in a residential area
- unnecessary development

- impact on pedestrian safety
- proximity to and impact on the junction of Lloyds Avenue and Ashby Road
- too many empty retail units in Scunthorpe
- it should remain as an allocated housing site
- increase in vermin and rodent infestation.

In addition, 5 letters of support and some additional representations within the pro-forma template which supported the scheme have been received. These letters support the scheme on the following grounds:

- no convenience shops in this area
- it will increase choice and is convenient
- sustainable location
- it will create jobs
- it will improve the area and the design is acceptable
- it offers facilities for the public using the park.

STATEMENT OF COMMUNITY INVOLVEMENT

Within section 9 of the applicants' Planning Statement it states the applicants have engaged with local elected representatives ahead of the planning application submission. A meeting was held with the three ward members on 3 March 2021 and an additional meeting with the Leader of the Council and Head of Economy and Growth on 29 March 2021.

Following the meeting with local ward councillors a letter was distributed to local residents on behalf of local councillors Gosling, Rayner and Wilson asking for feedback about the emerging proposals for the site. This letter resulted in limited feedback being received about the proposals and one request for a virtual one-to-one meeting from a resident living close to the site, which took place on 17 March 2021. This meeting provided an opportunity to discuss the benefits of the proposals and allowed the project team to understand local concerns, such as potential traffic increases and noise disturbance.

The pre-application process described above has helped to inform residents living close to the site about the emerging proposals and has helped to identify areas of concern that need to be addressed in the planning submission. However, it is acknowledged that the feedback received is limited and may not be representative of broader public opinion by residents living further away from the proposed site and who may benefit from the greater choice, employment opportunities and new facilities that the application represents.

ASSESSMENT

The application site consists of an area of open grassland which is bordered by a low wall and a number of mature lime trees which are protected by a tree preservation order (TPO). The site extends to 0.4 hectares, is located within the defined settlement boundary for

Scunthorpe and formerly had a three-storey block of flats on it. This was known as Kingsway House and was demolished more than 10 years ago. The site borders Ashby Road to the east, Lloyds Avenue to the south, Kingsway to the west and the A18 to the north. It has an electricity substation along its western boundary. Planning permission is sought to erect two retail units (to be occupied by Co-op and Cooplands), a drive-thru coffee shop (to be occupied by Starbucks) and associated car parking and landscaping works.

The main issues in the consideration of this application are the principle of development, impact on the street scene, highway issues, impact on residential amenity and impact on trees.

Principle

Retail impact

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising of the Planning Practice Guidance (PPG).

Amongst the aims of the North Lincolnshire Local Plan are those ensuring a buoyant local economy whilst preserving the vitality and viability of the existing network of town centres and supporting a defined retail hierarchy within the area. It advocates a sequential approach designed to direct new retail development to appropriate locations. Scunthorpe town centre is identified as the largest retailing centre with its position atop the shopping hierarchy of North Lincolnshire (Chapter 5 of the NLLP relates to this).

Planning permission is sought to erect two retail units and a drive-thru coffee shop on a site outside the defined town centre boundaries for both Scunthorpe and Ashby. In addition, the scheme proposes uses which are defined within the NPPF at Paragraph 86 and Annex 2 as main town centre uses and as such there is a requirement to assess the impact of new retail development upon the town centre and for the sequential test to be applied. These policies seek to ensure main town centre uses are restricted to a town centre location and the sequential test seeks to demonstrate whether there are any edge of centre or out of centre sites (following a sequential approach which considers sites within town centres first) which are suitable and viable. For the purposes of assessment this site is in an out of centre location, being more than 300m from the Scunthorpe town centre boundary. In addition, policy CS14 (Retail Development) of the adopted Core Strategy (CS) advocates a similar approach to the NPPF in that it seeks to ensure the existing retail and function of centres is safeguarded and that any development will not adversely impact upon the vitality and viability of these centres. The NPPF, at paragraph 89, states:

‘When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set

floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 square metres of gross floorspace). This should include assessment of:

- (a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- (b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).'

It is worth noting there is no locally set floorspace threshold for retail and leisure development and the proposal is for 729 square metres of floorspace. This is well below the default threshold set out in the NPPF and as such an impact assessment could not be required from the applicants in this case.

Policy S8 of the North Lincolnshire Local Plan (NLLP) is relevant in the determination of this application in that it sets out the council's approach to proposals for out-of-centre retail and leisure development. Policy S8 states, 'Planning permission will only be permitted for out-of-centre retail and leisure development where:

- (i) a clear need for the development has been demonstrated;
- (ii) the developer can demonstrate that there are no sites for the proposed use within or at the edge of the town centre that are suitable, viable for the proposed use and likely to become available within a reasonable time period;
- (iii) the proposal, in addition to the cumulative effects of recently completed developments and outstanding planning permissions, will have no adverse impact on the vitality and viability of existing town or district centres and the rural economy. In all cases, applications shall be accompanied by a retail impact assessment; and
- (iv) the site is, or can be made, accessible by a choice of means of transport, including public transport, walking and cycling.'

Notwithstanding the above, policy S8 should be read in the context of more recent policy within the NPPF (Chapter 7), which also sets out a need for sequential and impact tests but no longer includes a needs test for proposed new development. The first criteria set out in policy S8 is therefore in conflict with and has effectively been superseded by the NPPF.

Within their Planning Statement the applicants have put forward a sequential assessment of sites within the Scunthorpe urban area. This also includes consideration to flexibility in design and layout of the proposed development. When considering the sequential assessment (and sites therein) the applicants have put forward the following operational requirements of their development:

- a site which can allow for the safe manoeuvring of customer and delivery vehicles
- a site which has sufficient space to accommodate one drive-thru unit alongside the associated signage, turning space, waiting bays and other materials
- a prominent road frontage with the ability to attract passing trade

- a site that is accessible by a choice of means of transport
- a site which can allow for the provision of dedicated service areas to accommodate regular HGV deliveries through the week.

The assessment goes on to state a sequentially preferable site would have to be approximately 0.4 hectares or 4035 square metres in area but in order to demonstrate flexibility sites 10% larger and smaller have been considered (these are sites between 0.36 and 0.44 hectares in area). The assessment considered six sites within Scunthorpe town centre and two on the edge of the town centre, all of which were discounted on a mix of grounds which include availability, still in use as car parks, small size of units or the site area is too large. It is worth noting that two of the intended occupants of these units (Starbucks and Cooplands) already have representation within Scunthorpe town centre and as such it would not be a requirement for them to duplicate this representation. At paragraph 7.39 a site at Winterton Road in Scunthorpe has been identified but this is much larger in site area and unavailable.

The sequential assessment then focuses on Ashby High Street as a district centre. One of the four sites identified is the former Ashby Market site which extends to 0.45 hectares in area (400 square metres larger than the proposed site) and is vacant and available. This site has been identified by one of the objectors as being the site on which the applicants' assessment is flawed in respect of it being discounted. This site has been discounted by the applicants on the grounds that access would have to be taken from the rear of the site (from School Road) where there is no prominent road frontage available and which would require the relocation of a bus stop lay-by which occupies the majority of the site frontage. It is the opinion of the local planning authority that this site, whilst comparable in size, being vacant and available, and located along Ashby High Street, would not be able to achieve the necessary prominent road frontage (which is an operator requirement) as vehicular access would be taken from School Road to the rear and drive-thru coffee shops occupy locations on highways where a visual presence can be sought and where traffic movements are of a level which would support them. In addition, the proposal would require the removal of a bus stop and associated lay-by which occupies the site frontage. This would have to be relocated elsewhere and the site has no existing vehicular access from Ashby High Street.

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

In case law terms there are also examples of how Planning Inspectors uphold the notion that disaggregation of uses is not something that should be expected of a developer. The applicant has cited the applicable Planning Case Law on the topic of disaggregation within their Planning Statement which concludes they have considered the application proposals as a whole, whilst applying some flexibility in terms of scale and format as required by planning policy. It is considered the applicant has presented a robust argument in relation to disaggregation of floor space/uses which is reinforced by both planning policy and Case Law and the argument relating to disaggregation is difficult to contest.

The sequential test then considers two edge of centre sites (at Oswald Road and Sheffield Street) and these are discounted on the grounds of them not being sequentially preferable. In conclusion, the Planning Statement concludes there are no sequentially preferable sites which are available, suitable or viable and as such the sequential test is considered to be passed.

Having reviewed the sequential test provided by the applicants and giving due regard to the objections raised on behalf of the Spar convenience store and by members of the public, it is considered that the site selection is appropriate and that the applicants' argument that the application site is the most appropriate location to accommodate the proposed development, compared with the other sites, is acceptable. In summary, it is considered that the applicants have adequately justified the sequential approach taken and that the sequential test has been passed. It is worth noting Spatial Planning has reviewed the Planning Statement and concluded it would be extremely difficult to accommodate all the uses and parking provision within a town or district centre location and the former Ashby Market site has been marketed by the council with a preference for housing, forming part of a wider regeneration of the area.

There is also the requirement to consider the potential impact of the proposal upon the local shopping centre established at Brumby Corner approximately 320 metres to the south-east of the site. This is an established local shopping area which contains a convenience store, post office, takeaways, coffee shop/ice cream parlour, hairdresser's and children's nursery. A number of objectors have raised the issue of the need for the development and the potential impact on this district shopping centre and the proximity to it. This is an established shopping centre with a mix of uses and has functions the proposed development does not, including a hot food takeaway, post office and hairdresser's, and occupies a prominent position on the corner of Ashby Road and West Common Lane with good walking, cycling, bus stop and parking provision. Brumby Corner is located in a residential area within walking distance of local colleges and areas of employment so it serves an existing community function. It is considered this local shopping area will continue to serve the same function with its mix of services and amenities, its prominent location and parking provision as a result of the proposed development.

Given the relative proximity to this local shopping centre there may be some trade diversion but the location of the proposal will serve a residential area and colleges in a sustainable location which is accessible by a choice of transport. There are a balanced range of services within the local shopping area (at Brumby Corner) which will be sustained and the proposal will increase choice. It will provide a community function (by increasing the range of convenience and retail provision) in a sustainable and accessible location and provide jobs, and the development is of a design which can successfully be assimilated into the site without detriment to the character and appearance of the street scene (design will be discussed in a subsequent section of this report). In conclusion, it is considered the proposal is sustainable, will redevelop a brownfield site (formerly housing), will provide socio-economic benefits and it has been satisfactorily demonstrated this is an acceptable site for retail development in sequential test terms.

Compliance with policy SCUH-15

The site was allocated for residential development in the 2016 Housing and Employment Land Allocations Development Plan Document (HELADPD) for up to 16 dwellings. Policy SCHU-15 identifies the site as being currently available for development, situated in a

sustainable location within walking distance of local services, within flood zone 1 and suitable for residential development. The proposed use of the site for retail therefore represents a clear and obvious departure from the HELADPD.

It is acknowledged that North Lincolnshire Council does currently have a five-year supply of deliverable housing sites and that the proposed development, if approved, would result in the loss of an allocated housing site that could deliver up to 16 dwellings towards meeting the council's housing targets. However, this site is proposed as an unallocated site in both the emerging North Lincolnshire Local Plan Preferred Options 2020 document and the North Lincolnshire Local Plan Publication (2021), and it has been confirmed by Spatial Planning in their consultation response that this site has been allocated for nearly six years without coming forward for residential development and is likely to be de-allocated in the new Local Plan. An alternative use of the site could therefore be considered appropriate.

On this basis, it is considered that the redevelopment of this site can only be achieved if an alternative (non-residential) development proposal is promoted. The applicants propose to bring forward a deliverable retail-led proposal (anchored by Starbucks, Co-op and Cooplands) that is appropriate for the site and would facilitate the sustainable redevelopment of this brownfield site in the short term.

For the reasons outlined in the paragraphs above, notwithstanding the identified conflict with adopted policy SCHU-15 of the Housing and Employment Land Allocations DPD, the proposed development is generally in accordance with the relevant development plan policy and the material considerations set out in the NPPF and NPPG. Furthermore, giving due consideration to the supporting information put forward in the Planning Statement to demonstrate that the site is unlikely to be delivered for residential development in accordance with policy SCHU-15, it is considered that the proposed development would constitute an acceptable and appropriate development in principle despite this policy conflict.

Impact on the street scene

The proposal is for the erection of two retail units and a drive-thru coffee shop. The supporting drawings show the erection of two adjoining retail units sited towards the northern part of the site, set back from the Ashby Road frontage to allow parking provision, landscaping and pedestrian access to the east. The drive-thru coffee shop is proposed towards the southern part of the site with a central car parking area between the respective built elements. It is proposed to provide 45 car parking spaces and 16 cycle spaces and a drive-thru lane which is located in the south-east corner of the site.

The plans show the two retail units will have a mono-pitch shallow roof and will be constructed of modern materials, namely a mix of grey horizontal cladding panels with a brick base and vertical timber cladding around the entrance and shop window areas. The timber cladding is broken up by sections of glazing which form the shop entrances and windows and the roof will be a lightweight profile steel covering with aluminium fascias and soffits. The entrance to the shops will face east towards Ashby Road and the delivery areas and bin/plant enclosures proposed to the rear of the shop units.

The proposed drive-thru coffee shop utilises a similar pallet of materials to be applied to its exterior faces and features a timber clad panel which will add visual interest and provide an area for advertisement to be placed. Again, the coffee shop is of modern appearance and

materials of construction and would assimilate with the appearance of the two retail units proposed within the same development site. The coffee shop is set back from the highway frontage on Ashby Road, which allows for the existing trees to provide visual amenity to the site frontage and for the drive-thru lane to be accommodated. The coffee shop has been designed with its main entrance facing north towards the car park and the building has been orientated with its bulkier section facing east to west, which allows a greater sense of openness across the site and provides for parking in the centre.

Each of the units has a shallow roof line and will not result in visually dominant or incongruous forms of built development within the street scene. This is aided by the position of the buildings set back within the site. The existing protected trees will be maintained around the perimeter of the site, which will soften the appearance of the development and continue to contribute to the visual amenity of this prominent corner site. Some of the additional landscaping along the eastern side of the site helps to break up the massing of hardstanding which forms the car parking spaces. It is considered the proposed retail development, in terms of its layout, design and appearance, can be successfully assimilated into the street scene without resulting in an alien or discordant form of built development. There are similar types of small-scale retail development in Scunthorpe which have been erected/redeveloped in recent years in residential areas (for example Glebe Road, Carlton Street, Westcliff Precinct redevelopment) and in conclusion it is considered there is no objection to the proposed development on design or visual amenity grounds in this case.

Highway issues

The proposal is for a small retail development with means of access proposed via a new vehicular access from Kingsway along the western boundary. In addition, a pedestrian access is proposed from Ashby Road to the east, which will allow connectivity with the local residential area and pedestrian permeability through the site. A number of objections have been received citing grounds of objection as increased traffic congestion, impact on the local highway network, impact upon highway and pedestrian safety, and concerns over the adequacy of the access road and access point to accommodate additional flows of traffic (including delivery vehicles).

The concerns raised by objectors are noted, however Highways have considered the supporting information submitted with the application (consisting of plans and a Transport Statement) and raise no objection to the proposal on highway or pedestrian safety grounds. The Transport Statement forecasts that 35 additional two-way movements during the AM weekday period, 32 during the PM weekday period and 35 during peak hours on Saturdays, and the traffic proposals, can be accommodated on the surrounding road network without having a severe impact. The level of car parking and cycle provision is considered commensurate to the amount of development being proposed, which includes provision for four accessible spaces and four electrical vehicle charging points. Highways have commented that this is a sustainable location with good walking, cycling and public transport connections, but acknowledge that vehicle movements in the area will be altered, notably those at the junction of Lloyds Avenue with Ashby Road which is busy at peak times. A number of conditions are proposed, along with a request for financial contributions of £20,000 towards the refurbishment of the traffic signals at Lloyds Avenue/Ashby Road and £3,000 towards extending the existing Traffic Regulation Order (TRO) along Lloyds Avenue to prevent indiscriminate parking in the highway within the vicinity of the site. This would be secured through a Section 106 Agreement. In addition, Highways have

recommended a condition requiring the submission of a delivery/servicing management plan to allow the local planning authority to ensure the timings and types of delivery vehicles are appropriate to the site and to its residential surroundings.

In light of this, subject to the highway improvements to be sought through a Section 106 Agreement, it is considered the development is acceptable in highway and pedestrian safety terms and the proposals accord with policies T1, T2 and T19 of the North Lincolnshire Local Plan in this regard.

Residential amenity

A number of the objectors raise issues relating to increases in noise, littering, antisocial behaviour and vermin/rodent activity. The proposed development is in close proximity to residential properties and has the potential to result in noise disturbance to occupants of these properties during the construction and operational phases of development. Having reviewed the supporting information and the additional noise assessment information submitted on the part of the applicants, Environmental Health have raised no objections to the proposal on residential amenity grounds. They have recommended a number of conditions relating to opening and delivery hours for the units, details of all plant and machinery to be installed, a restriction on HGV movements and construction hours, and the submission of a construction environment management plan. The imposition of these conditions is considered sufficient to safeguard residential amenity in this case.

In terms of an increase in litter and vermin activity, it is the responsibility of future site operators, through good site management and sufficient bin coverage across the site, to ensure these issues are appropriately mitigated. The potential for an increase in antisocial behaviour would be a matter for the police to investigate should the need arise.

Loss of trees

There are a number of lime trees on the site which are protected by a tree preservation order. Policy LC12 of the NLLP therefore applies and 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.'

An arboricultural report has been submitted with the application, which is supported by a Tree Constraints Plan and a Tree Protection Plan. The arboricultural report states that four trees are to be removed as part of the development, including two lime trees protected by a TPO. One of the protected lime trees (T14) identified for removal has significant dieback, a low life expectancy and is unsuitable for retention. The other protected lime tree (T1), along with two hawthorn trees (T2 and T13), are identified for removal as they would conflict with the site layout and the provision of the buildings and associated hardstanding. Given the condition of the protected lime tree T14, it is considered that its felling, whilst regrettable, is required on account of its health and for the development to be accommodated on the site.

The concerns of the council's tree officer in respect of the removal of trees, the provision of hard landscaping within the root protection areas (RPAs) and canopy reduction are noted. However, it is considered that the works identified to the protected trees (canopy reduction) can be assessed in the context of the planning application and that, with the employment of no-dig solutions within the RPAs, the canopy reduction works are necessary to ensure the long-term retention of these trees, which will continue to positively contribute to the visual amenity of the street scene. It is worth noting the protected trees shown to be retained along the northern and eastern boundaries of the site. These trees (10 in total), together with four replacement trees to be planted within new landscape beds along the boundary of the site, and a new section of native species hedge proposed to the western boundary, will add to the visual amenity of the street scene.

A key point to consider is that this site is currently allocated under policy SCUH-17 in the HELADPD as a housing site to accommodate 16 dwellings. It is therefore likely that vehicular access to the site would be taken from a similar position on Kingsway (as per the development proposals under consideration) and the provision of 16 dwellings, together with associated hardstanding (driveways and parking), would have required the removal of the trees in the centre of the site, including those protected by the TPO. Conditions are recommended that the development takes place in strict accordance with the method and extent of tree protection measures identified within the report (and its accompanying plans) and that no dig measures are employed in those parts of the site where hard landscaping is proposed within the RPA of trees. This will ensure sufficient protection to the trees during the construction period. In conclusion, it is considered the removal of the two protected lime trees and two hawthorn trees is regrettable, but any redevelopment of this brownfield site would likely require their removal, the development proposals can be successfully integrated into the site (following the implementation of the mitigation measures set out in the arboricultural report) and this will ensure the long-term retention of these trees, which in turn will contribute to the visual amenity of the street scene.

Other issues

Devaluation of property prices is not a material planning issue and will not be assessed in this case. Biodiversity enhancement can be delivered as part of the proposals via additional planting and the installation of bat boxes and nest boxes on new buildings and within trees. This aligns with the consultation response from the council's ecologist.

A Flood Risk Assessment and Drainage Strategy has been submitted with the application. This was reviewed by LLFA Drainage and an initial objection received on the grounds of the principle drainage strategy not being acceptable. Following discussions with the developer, LLFA Drainage have agreed to remove their previous objection and recommend conditions in respect of the submission and implementation of a surface water drainage scheme.

Conclusion

In conclusion, it has been satisfactorily demonstrated that an alternative use of this allocated housing site can be delivered in this sustainable location that will provide additional choice, convenience and a number of jobs. In addition, the principle of a small-scale retail development is considered acceptable on this brownfield site as it is within walking and cycling distance of residential properties and colleges and has direct access to sustainable modes of travel. It has also been demonstrated the proposal will not be

detrimental to highway or pedestrian safety and will retain the majority of the protected trees on the site, subject to mitigation in the form of financial contributions towards within-highway improvements and works to the protected trees. Finally, the development can be successfully assimilated into the street scene without forming an alien or discordant form of development and sufficient mitigation is in place through the recommended conditions to ensure residential amenity is safeguarded through the construction and operational phases of development. The application is therefore recommended for approval.

Pre-commencement conditions

The pre-commencement conditions recommended have been agreed with the applicants' agent.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 (or other appropriate legislation) providing for highway improvements, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Development Management Lead upon completion of the obligation;**
- (iii) if the obligation is not completed by 9 September 2022 the Development Management Lead be authorised to refuse the application on grounds of the development not making sufficient improvements to the public highway to mitigate the impact of the development proposals; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

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

Reason

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

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 1914 PL 101, 1914 PL 105, 1914 PL 108, 1914 PL 120, 1914 PL 121, 1914 PL 122, 1914 PL 123, 1914 PL 125, 1914 PL 126, 1914 PL 127, 1914 PL 128, KWS 01, KWS 03, 812/LA1 and 812/LA2.

Reason

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

3.

The proposed development shall not be brought into use until:

- the access road to the service and customer parking area;

- the pedestrian accesses to the site;
- the loading, off-loading and turning areas for all vehicles;
- the parking spaces and access aisles (including surface markings); and
- the cycle parking spaces;

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

Reason

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

4.

Prior to the development being brought into use the existing access to the site shall be improved within highway limits in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

5.

The proposed development shall not be brought into use until off-site within-highway works (including the provision of 'Keep Clear' markings on Lloyds Avenue and dropped/tactile crossing points at Lloyds Avenue/Kingsway Residential Road) have been completed.

Reason

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

6.

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

Reason

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

7.

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

- (i) a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;

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

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

Reason

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

8.

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

Reason

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

9.

No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, have been submitted to and approved in writing by the local planning authority. The total cumulative rating level of the noise emitted from the fixed plant shall not exceed existing background levels as determined in report reference NJD20-0115-001R Dated April 2021. The noise levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS4142:2014.

Reason

To protect residential amenity.

10.

Opening and delivery hours for the two retail units and the drive-thru coffee shop hereby permitted shall be restricted to 6am to 10pm Monday to Sunday, including public/bank holidays.

Reason

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

11.

No HGVs shall be permitted on the site outside the hours of 7am to 7pm Monday to Sunday, including public/bank holidays, unless agreed in writing by the local planning authority.

Reason

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

12.

Construction operations shall be limited to the following hours:

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

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

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

Reason

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

13.

No stage of the development hereby permitted shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

Noise and vibration – The CEMP shall set out the particulars of:

- (a) the works, and the method by which they are to be carried out;
- (b) the noise and vibration attenuation measures to be taken to minimise noise and vibration resulting from the works, including any noise limits; and
- (c) a scheme for monitoring the noise and vibration during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

Light – The CEMP shall set out the particulars of:

- (a) specified locations for contractors' compounds and materials storage areas;

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

Dust – The CEMP shall set out the particulars of:

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

Reason

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

14.

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:

- (a) an assessment of biodiversity loss based on the habitat and hedgerow baseline from the submitted 'Existing Site Layout' drawing ref 1914 PL 101;
- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Small Sites metric;
- (c) details of bat boxes and nest boxes to be installed;
- (d) details of trees, shrubs and plants for pollinators to be planted;
- (e) proposed timings for the above works in relation to the completion of the buildings.

Biodiversity units should be delivered on site, within the red line 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.

15.

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 operation of the buildings, 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.

16.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The development lies within an area identified as at risk of localised flooding and therefore suitable mitigation measures need to be included in the proposed design.

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

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 159 to 169 of the National Planning Policy Framework.

17.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 16 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 159 to 169 of the National Planning Policy Framework.

18.

No above-ground works shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site and from the site onto the public highway 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 159 to 169 of the National Planning Policy Framework.

19.

The scheme of landscaping and tree planting shown on drawings 812/LA1 and 812/LA2 shall be carried out in its entirety within a period of 12 months beginning with the date on which development is commenced or within such extended time period as may be agreed in writing with the local planning authority. Any trees, shrubs or bushes removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees, shrubs or bushes of similar size and species to those originally required to be planted unless the local planning authority have given written consent to any variation.

Reason

To define the terms of the permission, in the interests of visual amenity and to ensure the landscaping scheme is delivered in a timely manner.

20.

The development hereby permitted shall be carried out in strict accordance with the method and extent of tree protection measures detailed in the Arboricultural Impact Assessment produced by Weddle Landscape Design, dated January 2021, including the method and extent of tree protection, works to existing trees and no dig construction areas identified on drawing KWS 03 dated January 2021. The tree protection measures shall be retained for the duration of the construction works. Within the areas so fenced off, the existing ground level shall be neither raised nor lowered (except as may be approved by the local planning authority as part of the development) and no materials, equipment, machinery or temporary buildings or surplus soil shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots encountered with a diameter of 5 centimetres or more shall be left unsevered.

Reason

To ensure the work is carried out in a correct manner to protect the health of the trees and their contribution to the visual amenity and character of the local landscape.

Informative 1

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

Informative 2

The existing surface water drainage system for this site needs thorough investigation, including existing connections into the Severn Trent Water outfall.

Informative 3

Discharge rates to be agreed with Severn Trent Water. They may accept betterment as opposed to the current (impractical) proposed discharge rate of 0.8 litres/second. This will help determine the volume of upstream storage requirement for the development.

Informative 4

The current proposed surface water drainage design seems very convoluted and could be simplified using a series of sustainable drainage solutions: filter strips and conveyance permeable paving to low-trafficked parking areas, for example.

Informative 5

58 cubic metres of additional storage has been identified. This needs to be included in the detailed surface water drainage design.

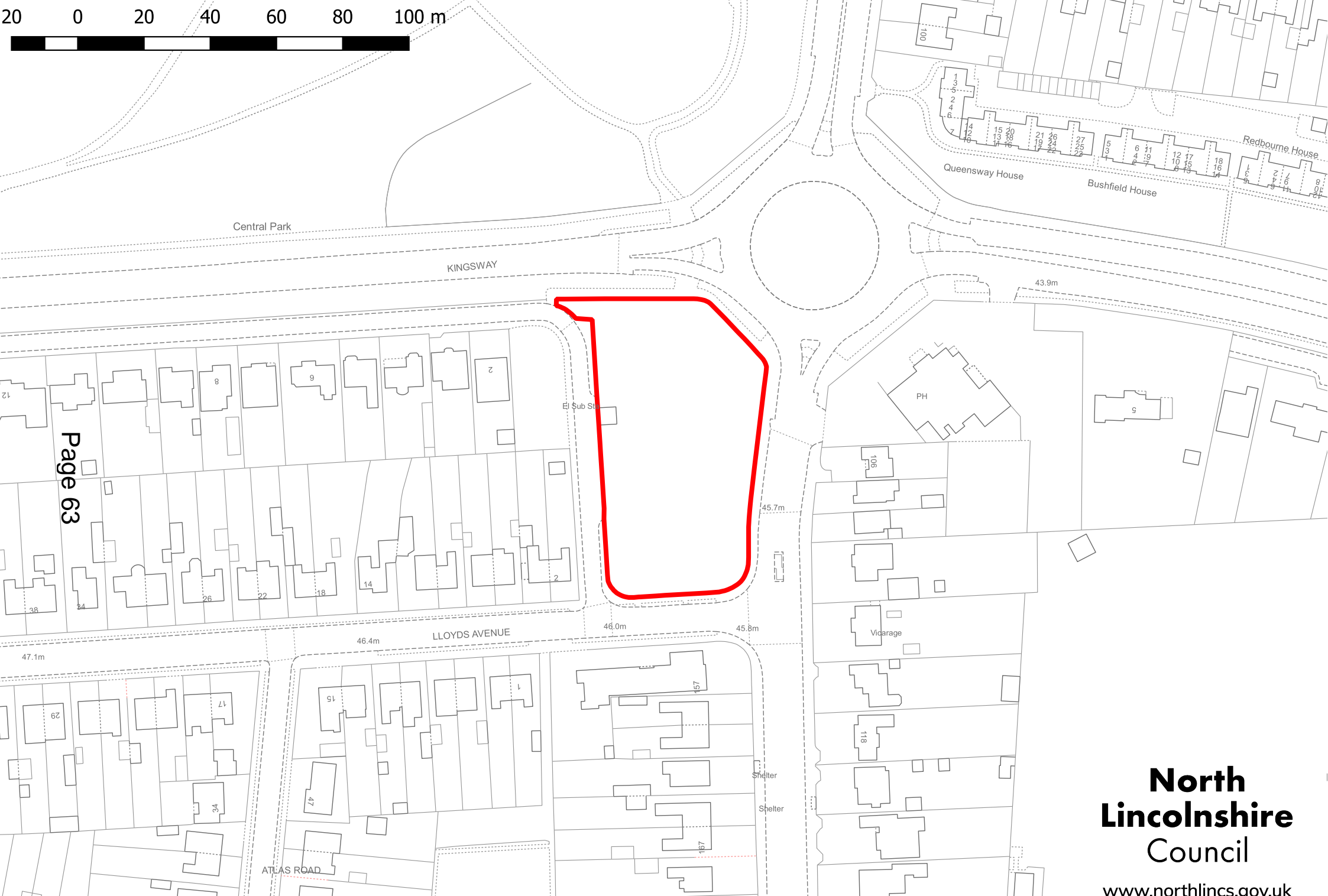
Informative 6

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 7

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.



Central Park

KINGSWAY

Queensway House

Bushfield House

Redbourne House

El Sub St

PH

Vicarage

Shelter

Shelter

ATLAS ROAD

LLOYDS AVENUE

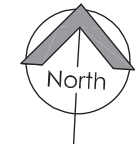
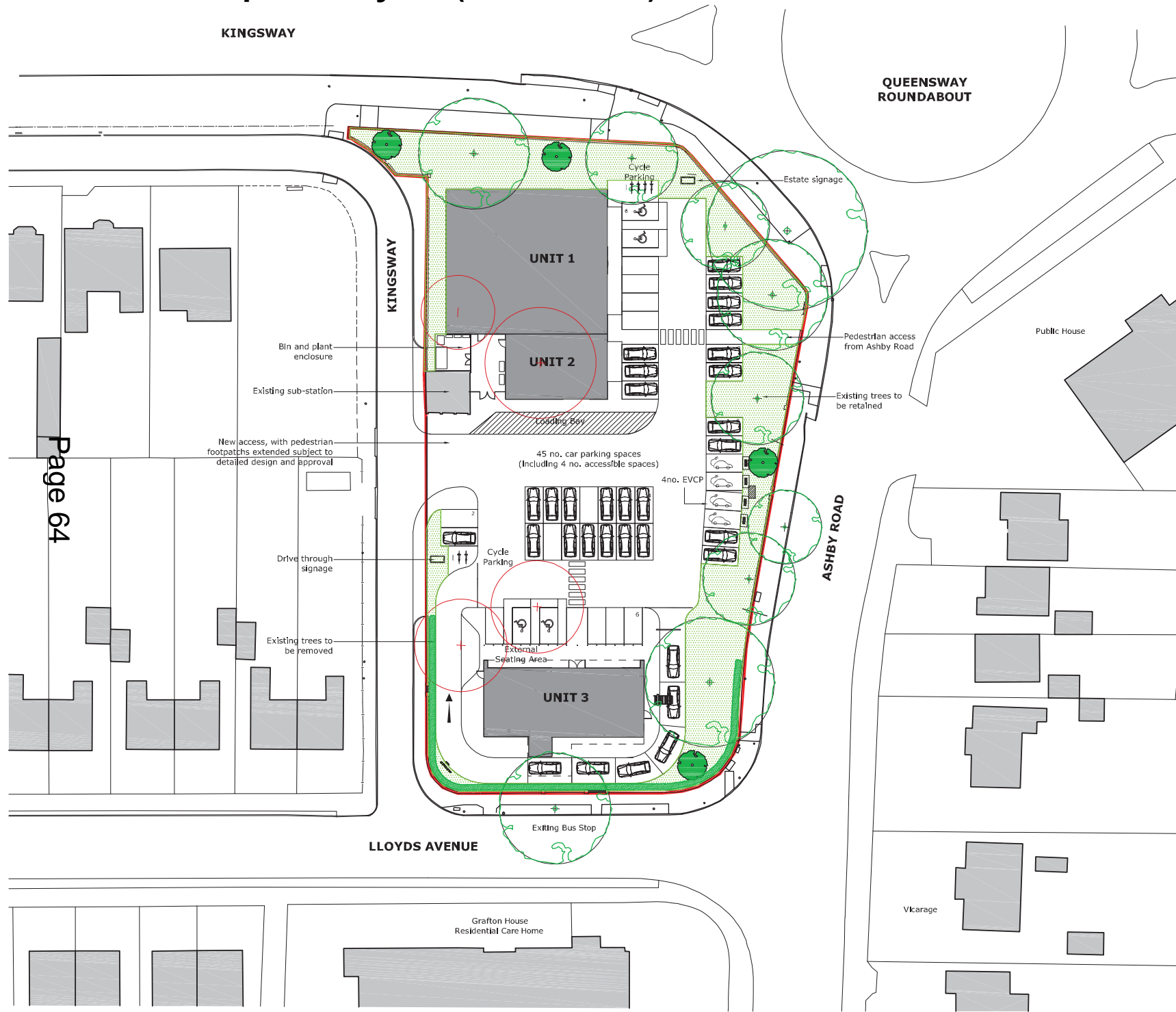
Page 63

**North
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Council**

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PA/2021/894

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 NOTES

SCHEDULE OF ACCOMMODATION

- UNIT 1: Convenience Store
4,337 sq.ft (403 sq.m)
- UNIT 2: Retail Unit
1,200 sq.ft (110 sq.m)
- UNIT 3: Coffee Drive Through
2,325 sq.ft (216 sq.m)

KEY

- Site/application boundary
Site area: 0.4 hectares (4035 sq.m)
- Existing trees to be retained
- Existing trees to be removed
- Proposed trees - refer to Landscape Architect's drawing for details

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PLANNING

PROJECT: PROPOSED DEVELOPMENT, KINGSWAY HOUSE, KINGSWAY, SCIENTICORP

TITLE: PROPOSED SITE PLAN 1:500

DRAWN BY: 1914 PL 105

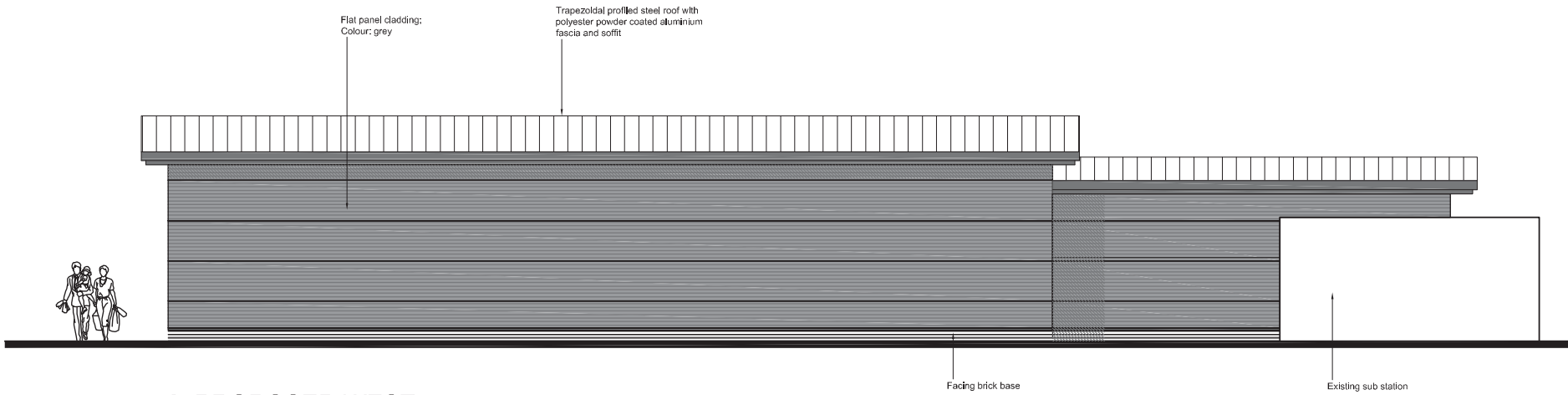
BY/RECORDED: NG DATE: MAY 2021

SCALE: 1:500

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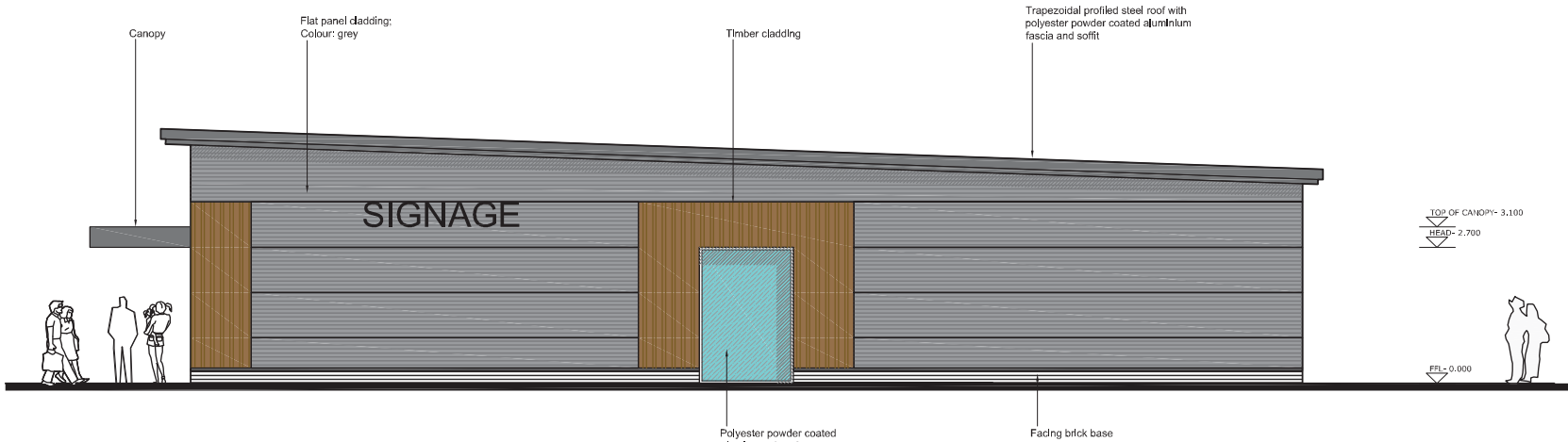
PA/2021/894 Units 1 & 2 North & West Elevations (not to scale)

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 10/2021



3. PROPOSED WEST ELEVATION (REAR)

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4. PROPOSED NORTH ELEVATION (SIDE)

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PLANNING

PROJECT: PROPOSED DEVELOPMENT, KINGSWAY HOUSE, KINGSWAY, SCIENTHORPE

TITLE: UNIT 1&2, PROPOSED ELEVATIONS 3 & 4

DRAWN BY: 1914 PL 123

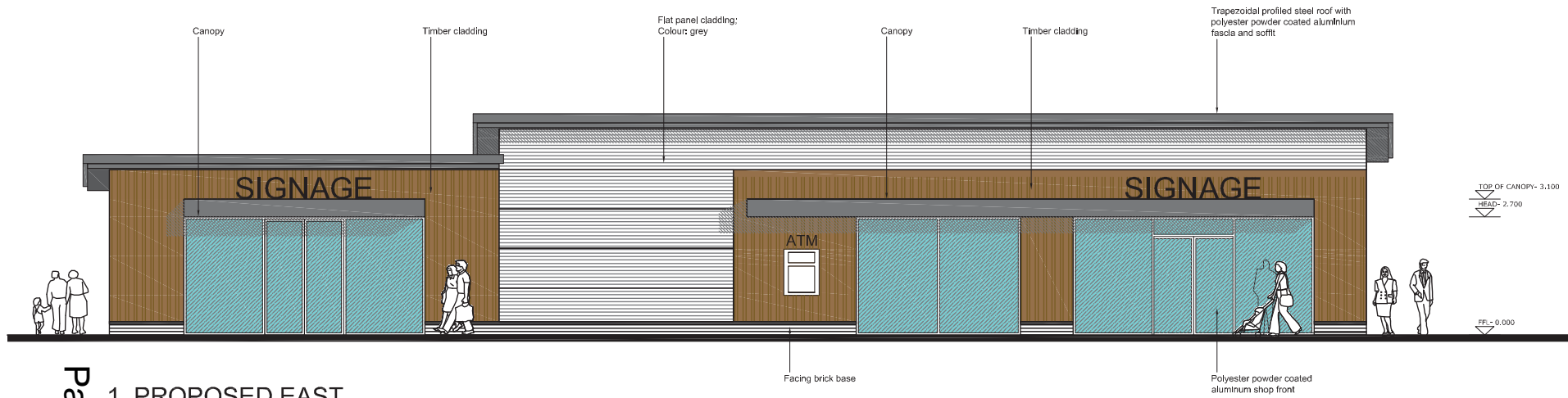
BY/RECORDED: DPE DATE: MAY 2021

SCALE: 1:100

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 Tel: 0115 3433550 Email: info@ellishealey.com

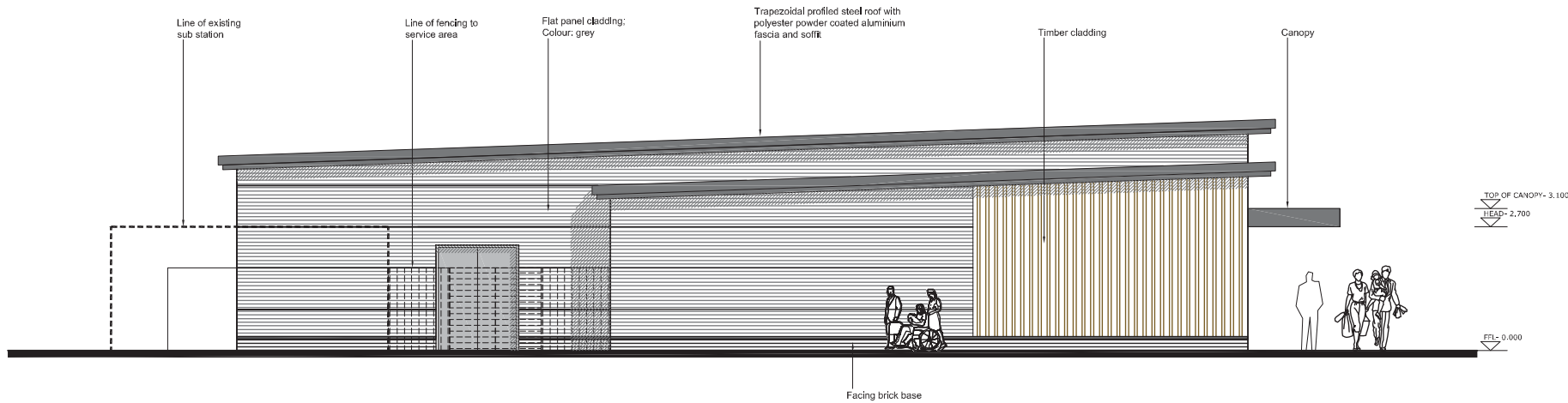
PA/2021/894 Units 1 & 2 South & East Elevations (not to scale)

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 NOTES



1. PROPOSED EAST ELEVATION (FRONT)

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2. PROPOSED SOUTH ELEVATION (SIDE)

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PLANNING

PROJECT: PROPOSED DEVELOPMENT KINGSWAY HOUSE, KINGSWAY SCIENTHORPE

TITLE: UNIT 1&2 PROPOSED ELEVATIONS 1 & 2

DRAWING NO: 1914 PL 122

BY/RECORDED: NG DATE: MAY 2021

SCALE: 1:100

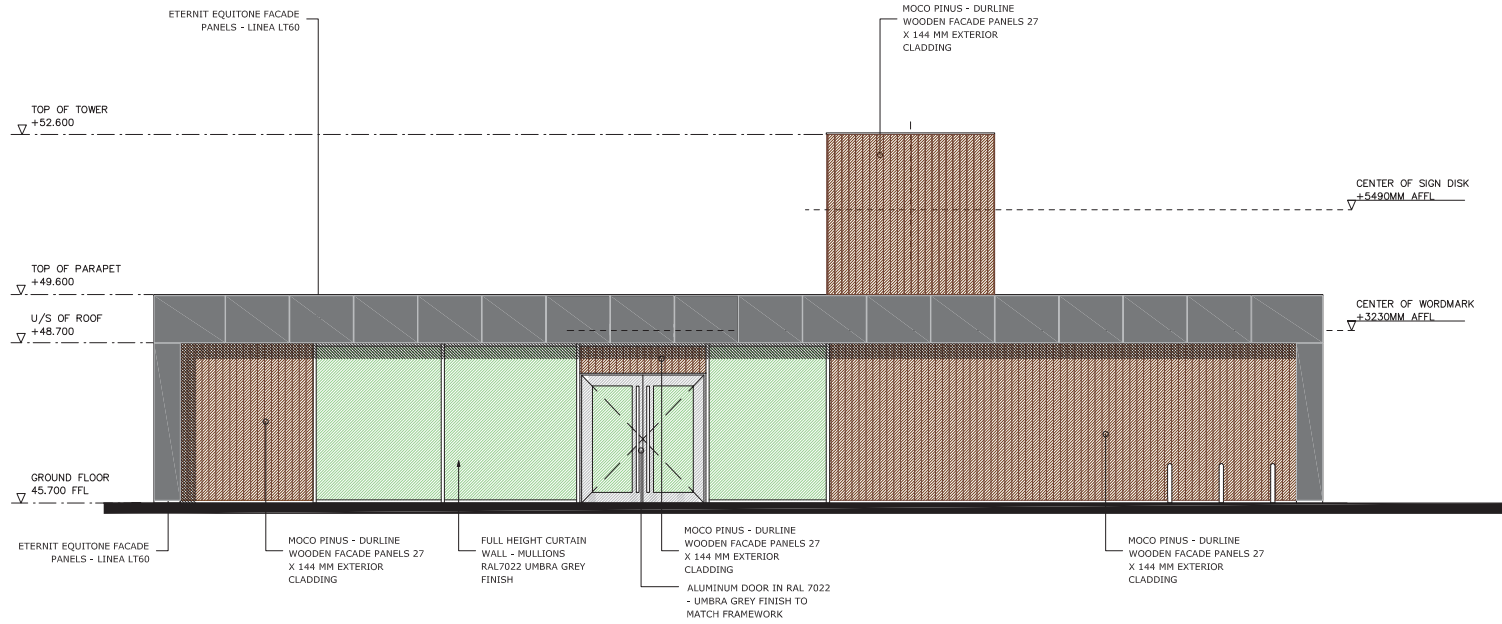
7000 Kingsway, Queen Road, Leeds, LS11 3QS
 TEL: 0113 2433550 Email: info@ellishealey.com

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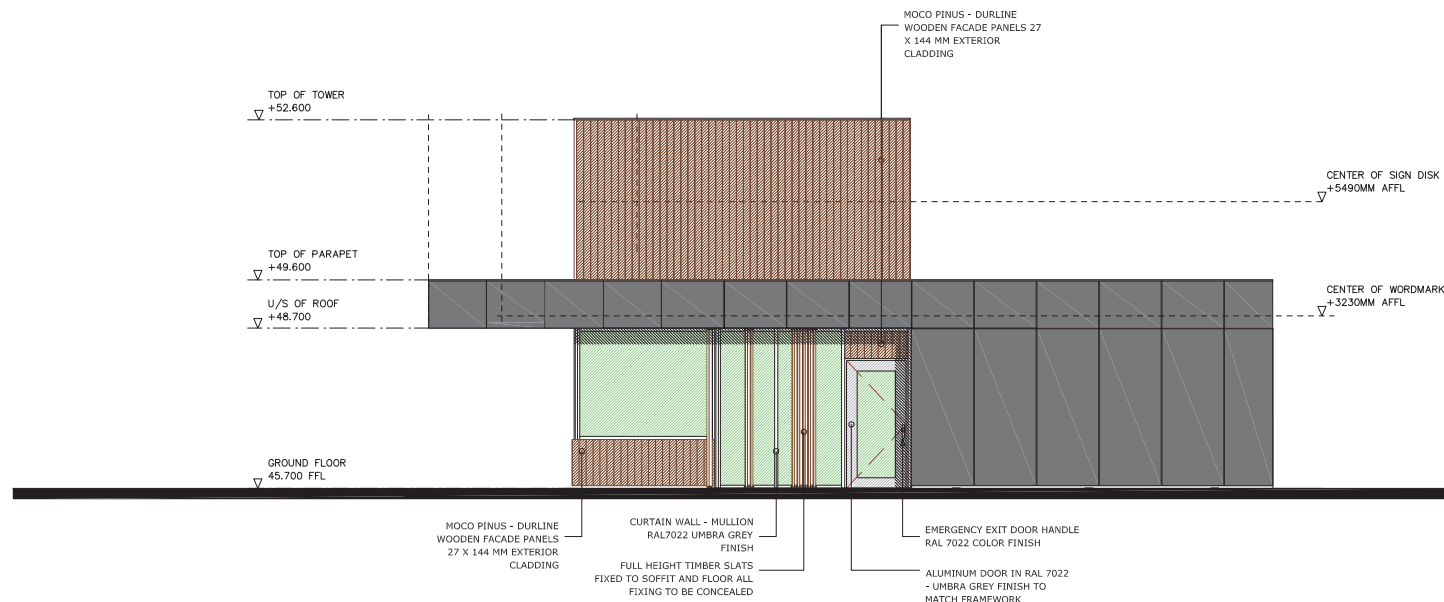
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NOTES

Signage shown Indicatively subject to separate signage application



1. NORTH ELEVATION (MAIN ENTRANCE)



2. EAST ELEVATION (SIDE ENTRANCE)

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PLANNING

PROJECT: PROPOSED DEVELOPMENT
KINGSWAY HOUSE, KINGSWAY
SOUTHORPE

TITLE: PROPOSED UNIT 3
ELEVATIONS 1 & 2

DRAWING NO: 1014 PL 127

BY/DESIGNED: DPE DATE: MAY 2021

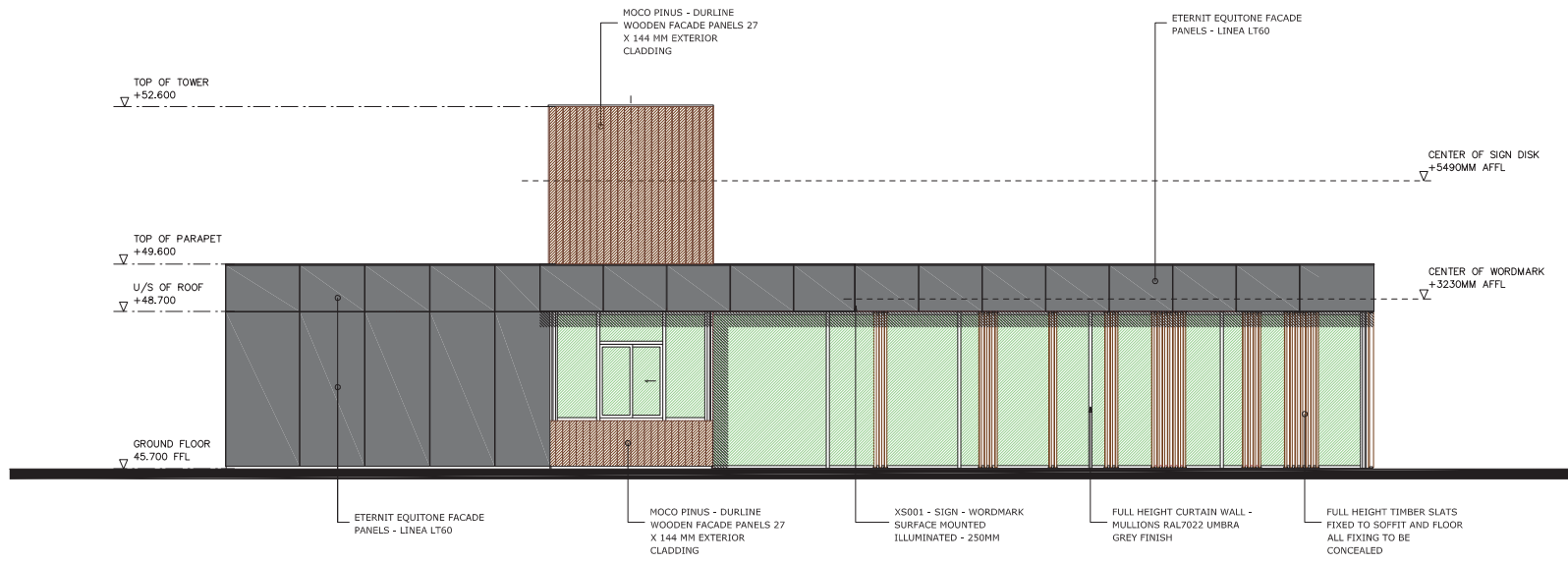
SCALE (S): 1:50 OR 1:100 @A3

Ellis Healey, 100a Road Levels, 1011 600
Tel: 0113 345000 Email: info@ellishealey.com

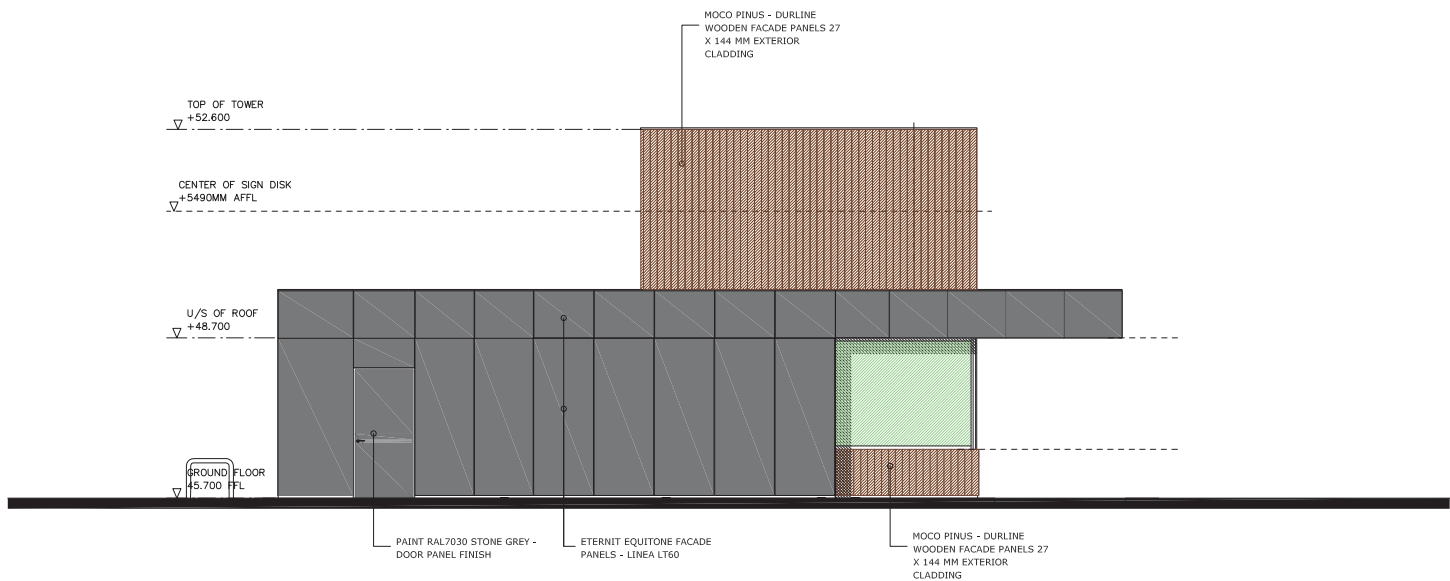
PA/2021/894 Unit 3 South & West Elevations (not to scale)

All site dimensions shall be verified by the contractor on site prior to work commencing.
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 NOTES

Signage shown Indicatively subject to separate signage application



3. SOUTH ELEVATION (REAR)



4. WEST ELEVATION (SIDE)

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PLANNING

PROJECT: PROPOSED DEVELOPMENT
 KINGSWAY HOUSE, KINGSWAY
 SOUTHORPE

TITLE: PROPOSED UNIT 3
 ELEVATIONS 3 & 4

DRAWING NO: 1914 PL 128

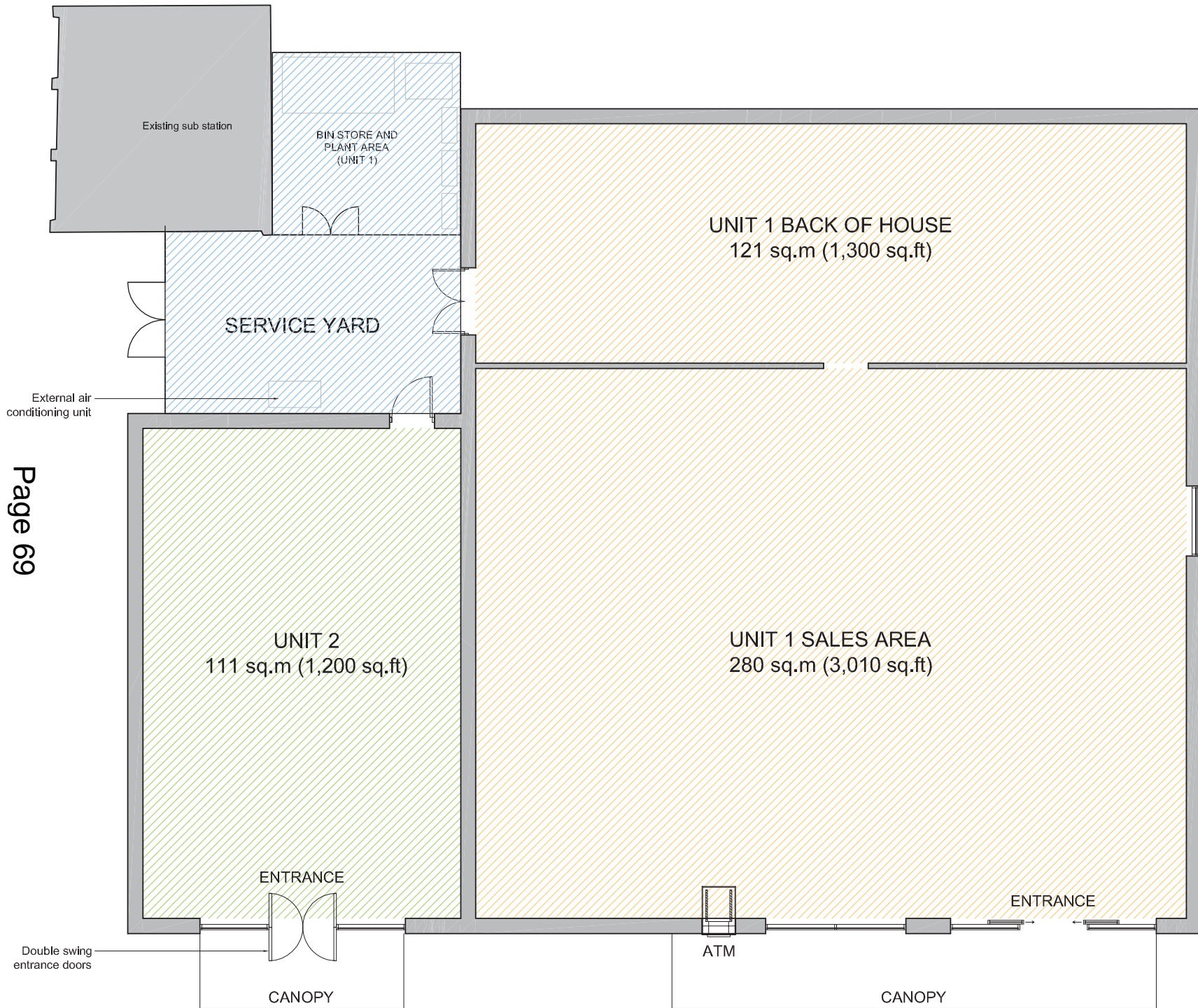
BY/CHECKED: DPE DATE: MAY 2021

SCALE (S): 1:50 OR 1:100 @A3

Drawn/Checked/Issue/Rev/Level: 1/01/1/000
 TEL: 0113 3455000 GMAIL: info@ellishealey.com

PA/2021/894 Units 1 & 2 Ground Floor Plan (not to scale)

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AREA SCHEDULE	
UNIT 1 GIA:	402 sq.m
UNIT 2 GIA:	111 sq.m
SERVICE YARD:	60 sq.m
GROSS EXTERNAL AREA:	620 sq.m
CANOPY AREA:	37 sq.m

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PLANNING

PROJECT: PROPOSED DEVELOPMENT, KINGSWAY HOUSE, KINGSWAY SCIENTHORPE

TITLE: UNIT 1&2 FLOOR PLAN

DRAWING NO: 1914 PL 120

BY/RECORDED: NG DATE: MAY 2021

SCALE: 1:100





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PA/2021/894 Unit 3 Ground Floor Plan (not to scale)

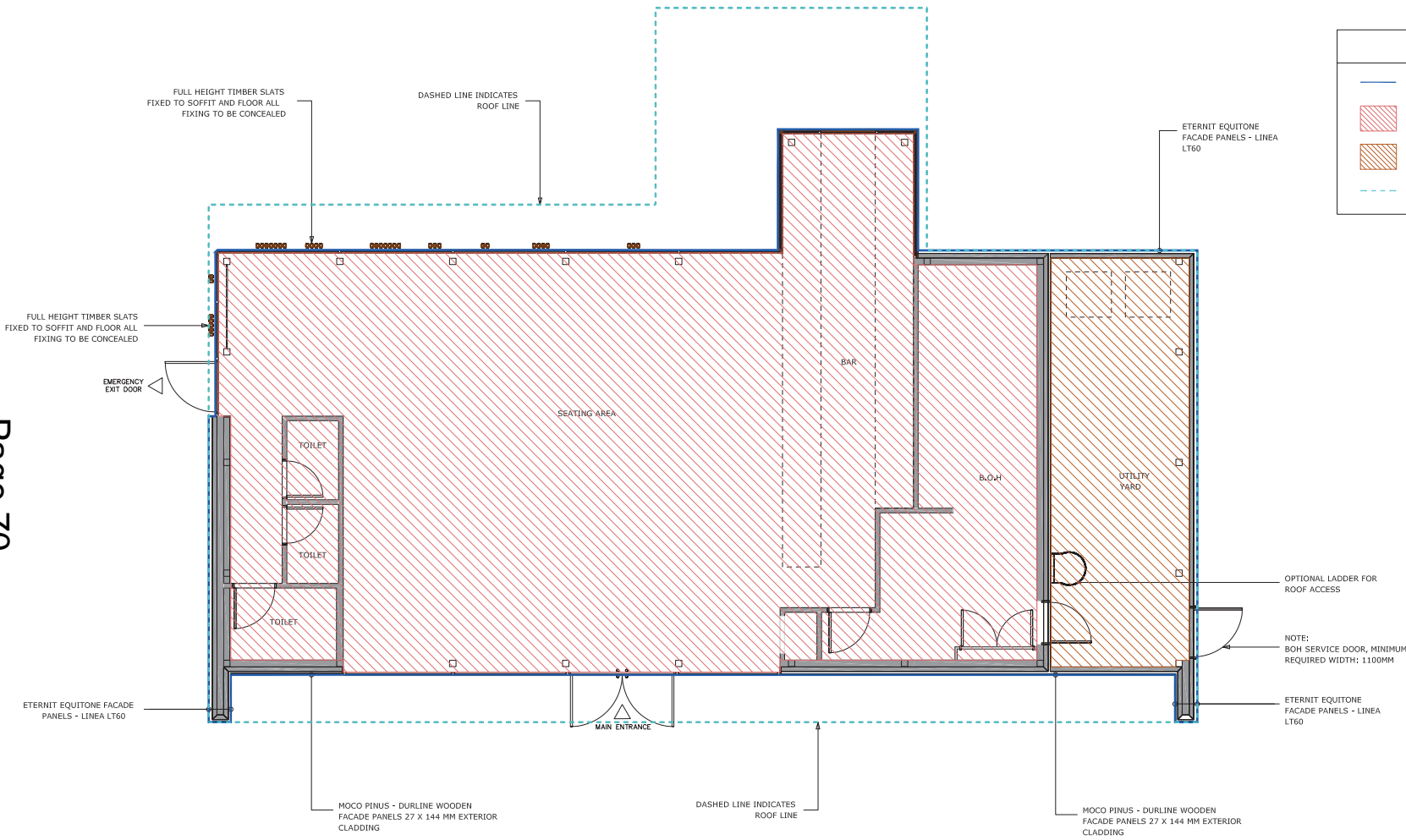
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NOTES

Area Schedule		
	GEA -	214 sq m
	GIA building area -	171 sq m
	GIA external yard area -	27 sq m
	Canopy area -	270 sq m

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PLANNING

PROJECT: PROPOSED DEVELOPMENT
KINGSWAY HOUSE, KINGSWAY
SCUNTHORPE

TITLE: PROPOSED UNIT 3
GROUND FLOOR PLAN

DRAWING NO: 1914 PL 125

BY/CHECKED: DPE DATE: MAY 2021

SCALE (A1): 1:50 OR 1:100 @A3

Ellis Healey Architecture Limited, 1511 1500
Tel: 0113 3450000 Email: info@ellishealey.com

APPLICATION NO	PA/2021/1826
APPLICANT	Mr & Mrs Jenkins
DEVELOPMENT	Outline planning permission to erect three dwellings (all matters reserved for subsequent consideration)
LOCATION	Land to the north of Habrough Lane, Kirmington
PARISH	Kirmington
WARD	Ferry
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan Member 'call in' (Cllr Richard Hannigan – significant public interest)

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

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:
 - (v) 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
 - (vi) 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 Core Strategy (2011):

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS7 (Overall Housing Provision)

CS8 (Spatial Distribution of Housing Sites)

CS17 (Biodiversity)

CS19 (Flood Risk)

CS25 (Promoting Sustainable Transport)

CS27 (Planning Obligations)

North Lincolnshire Local Plan (2003) (saved policies):

H5 (New Housing Development) (part saved)

H8 (Housing Design and Housing Mix)

H10 (Public Open Space Provision in New Housing Development)

LC5 (Species Protection)

LC7 (Landscape Protection)

LC12 (Protection of Trees, Woodland and Hedgerows)

RD2 (Development in the Open Countryside)

DS1 (General Requirements)

DS3 (Planning Out Crime)

DS14 (Foul Sewage and Surface Water Drainage)

DS16 (Flood Risk)

T1 (Location of Development)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

Appendix 2

Housing and Employment Land Allocations DPD (2016): The proposal site is outside the defined development limit for Kirmington and is located within the open countryside as shown on Inset Map 26.

CONSULTATIONS

LLFA Drainage Team: No objection subject to conditions requiring a detailed flood risk statement and drainage strategy, and an effective method of preventing surface water run-off from within the site onto the highway and vice versa, to be submitted and agreed; and informative comments relating to an existing watercourse within the site.

Highways: Recommend conditions and an informative relating to access and parking be attached to any permission granted.

Tree Officer: This site appears to be outside the development boundary for the village and is presently used as an agricultural field bounded by hedge line along Habrough Lane and part of Limber Road.

If the planning authority is minded to give consent for this outline permission, the retention of the hedge line should be considered and improved upon with other landscaping detail required at the appropriate time.

HER (Archaeology): The proposal does not adversely affect any heritage assets of archaeological interest or their settings. No comments or objections.

Environmental Protection: Recommends a condition requiring the identification, evaluation and remediation of potential sources of contamination prior to any development taking place, and the reporting and handling of any unexpected contamination found during development.

PARISH COUNCIL

The parish council objects to this amended application due to the village lacking facilities and the school is not under-subscribed. It is also very close in proximity to a watercourse/beck and in an area that floods. It is not in the development area of the village. It is outside the village footprint, extending the village too far into the open countryside. It unacceptably changes the horizon of the village and is not in keeping with the rural nature of the village.

PUBLICITY

A site notice has been displayed and 10 responses have been received, which are summarised below:

- the land is open countryside and outside the development boundary
- no mention of 'special need' for the dwellings
- the indicative layout shows a much greater footprint for the properties than existing dwellings in Ransom Court
- the water course on the northern edge of the site provides a natural logical boundary to the settlement
- allowing the development would weaken the argument for further land to be developed
- bus service 4x ceased operation in February 2020
- no public transport available eastwards towards Grimsby, Cleethorpes and Immingham
- there would be a reliance on the private car
- existing planning permissions in the area include affordable housing on site and are on previously developed land/or within the development boundary
- in the appeal decision APP/Y2003/W/20/3248192 dated 4 September 2020 the inspector concluded that housing in an unsuitable countryside location outside a defined settlement would substantially harm the intrinsic rural character of Kirmington village
- the applicant argues that the site is sustainable and that there can be little reliance on the private car; however, reliance on car use will be high as many of the services referred to throughout the statement will in fact require a vehicle: doctors, dentist, shops, leisure facilities and cultural facilities (the local pub excluded)
- the development does not bring sufficient benefit to the village to allow for development on greenfield land; this conflicts with policy CS8
- Barnetby train station is not accessible by any realistic means other than by car
- moreover, according to the bus timetable provided in section 6.2 of the planning statement, it would not be possible for someone to achieve a full 7.5 or 8 hour working day in either Brigg or Scunthorpe with the public transport servicing the village

- the development is not sustainable
- the adverse impacts (greater number of car journeys, loss of greenfield land and associated biodiversity, pressure on the local school, increased water run-off, flood risk and pressure on local sewerage systems) will outweigh the benefits
- the site adds to the character of the village; development would result in its loss
- the land is prone to flooding during heavy rainfall/often waterlogged.

ASSESSMENT

Planning history

The following planning history is relevant:

PA/2019/745: Outline planning permission for nine dwellings (landscaping reserved for subsequent consideration) – refused 22/11/2019, appeal dismissed 04/09/2020.

Planning designations/considerations

The site lies within the open countryside outside the development limits of Kirmington.

The site is not within a conservation area and there are no tree preservation orders or listed buildings on or within close proximity of the site.

The site is within SFRA Flood Zone 1, which is identified as low risk of flooding. It is not within an Air Quality Management Area. The site is identified as Grade 2: Very Good on the Agricultural Land Classification Yorkshire and The Humber (ALC003)(Updated 2011/11/18).

The site

The application site comprises paddock land located to the south of Kirmington and is bordered by Limber Road to the west and Habrough Lane to the south. The site extends to 0.19 hectares in area and is outside of, but adjacent to, the defined settlement boundary for Kirmington; it is therefore in the open countryside. A line of trees and hedges runs along the eastern and southern boundaries of the site, and it is bordered by Skitter Beck along its northern boundary, which requires a 7m easement to be provided. Existing residential properties are located to the north and north-east. Outline planning permission is sought to erect three dwellings with all matters reserved for subsequent consideration.

The main issues in the determination of this application are the principle of residential development and its effect on the rural character of Kirmington.

Principle

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

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

The planning history demonstrates that an earlier application for nine dwellings on this and a wider part of the site was dismissed at appeal on 4 September 2020. The Planning Inspector considered the cases before him and in paragraph 18 concludes:

“Consequently, taking into account all of the factors discussed above, and being mindful of paragraph 103 of the Framework, I am not satisfied that the appeal site is a suitable location for residential development. I therefore conclude that the proposed development would conflict with Policy RD2 of the NLLP and Policies CS2, CS3, and CS8 of the NLCS which collectively aim to deliver sustainable development, protect the countryside and ensure that new housing is located in sustainable locations where there is an identified local need. It would also conflict with paragraphs 8 and 78 of the Framework which aim to achieve sustainable development and also to promote it in rural areas.”

and in paragraph 20:

“Consequently, taking into account all of the factors discussed above, I conclude that the proposed residential development would, by virtue of its scale and location, substantially harm the intrinsic rural character of Kirmington. It would, therefore, conflict with the requirements of Policies H5 and DS1 of the NLLP and Policies CS3 and CS8 of the NLCS which collectively seek to ensure that new development is of a scale appropriate to its location and that it also does not harm the character of a settlement or the setting of an area. It would also conflict with paragraph 170 of the Framework which recognises the intrinsic character and beauty of the countryside.”

The applicant has failed to demonstrate any significant changes have taken place within the settlement relating to sustainability, since the Inspector’s report was issued on 04/09/2020 to justify a change to this position.

The Settlement Survey 2019 ranks Kirmington as 37th out of 76 settlements, which is capable of taking residential infill development of an appropriate scale within or adjoining the settlement. The site is not an infill site and whilst it does adjoin the settlement boundary there is an existing natural boundary (Skitter Beck) to the north which separates the site and the settlement, which also requires a further 7m easement beyond this before development can begin. Allowing development to take place on this part of the site would leave land further north-west of the site (to the rear of the plot) and to the south vulnerable to challenge and future development within the countryside.

The survey highlights that Kirmington is a smaller Rural Settlement. The scoring for the settlement highlights the following:

- **Conveniences:** The settlement scores 5 out of a possible 21 points. Understanding this further, the score relates to there being the following available within the village – a public house, a post box and commercial services. There is no supermarket or convenience store, café, restaurant or market.
- **Community services:** The settlement scores 6 out of a possible 20 points. There are a mobile library, a place of worship, a playground, and sports and leisure pursuits.

- Living environment and community safety: The settlement scores 0 out of a possible 6 points.
- Health and Education: The settlement scores 3 out of a possible 16 points. There is a local primary school, however no doctors, dentist, pharmacy, further education or secondary school, and people would need to travel outside the settlement to access these services.
- Transport and access to employment: The settlement scores 5 out of a possible 12 points. The settlement scores low on this, having access to a bus stop which provides only a daily service, rather than an hourly one. The settlement is, however, only 30 minutes from an employment centre, although the reliance would be on the private car due to the limited bus service.
- Tourism: The settlement scores 1 out of a possible 1 point. The settlement includes a guest house service.

Other than tourism the site scores significantly less than half the available points for each of the categories. This demonstrates that the settlement is not rich with services and facilities to serve a local community and that there is a heavy reliance on travel outside the settlement to access other services. This same information was used in the council's appeal statement to the Inspector at the time. This is the information on which the decision was based at that time and has not changed. If anything, services within the area with regard to buses have declined.

Another change to the position is that at the time of the appeal the council accepted that they could not demonstrate a five-year housing land supply and therefore the NPPF was engaged. The council's updated position is that it does have a five-year housing land supply. However, regardless of this position, the sustainability credentials of the site cannot be realised. The council has not been provided with sufficient evidence to demonstrate a positive change in the sustainability of the settlement that would outweigh the harm that development within the open countryside would bring. The proposal is also for market housing, as was the previous application (PA/2019/745), albeit that application was for nine dwellings, whereas this application is for three.

As such, the previous assessment of the site under application PA/2019/745 remains valid and this current assessment has been updated to reflect the new proposal for three dwellings on the site. However, the principle arguments remain the same. The council's position remains that the site is not a suitable location for residential development.

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

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

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located outside the defined development limit for Kirmington. There are no allocated housing sites within Kirmington.

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

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

The applicant has submitted a planning statement that sets out the above policies in chapter 5 . However, no analysis or cross-reference of these policies is presented and no justification under the policies is provided. The report concludes and accepts that the site is outside the defined settlement boundary. It goes on to report that the site is not an isolated site and its proximity to key services and facilities would make the site sustainable (paragraph 7.1). However, no evidence is provided to back this statement. The council's evidence contained within the Settlement Survey 2019 and the Inspector's report ref. APP/Y2003/W/20/3248192 relating to the previous application PA/2019/745 provides evidence to prove otherwise.

The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2019 to 31 March 2024, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a five-year housing land supply of deliverable sites for the period April 2019 to March 2024. Whilst the council agrees with the applicant that even where a local planning authority can demonstrate a five-year housing land supply, this must be recognised as a minimum figure in light of the NPPF which significantly boosts the supply of new homes, it is not considered that this site is suitable for residential development and that other more favourable sites are available within the local authority's area.

Paragraph 8 of the NPPF sets out three dimensions to sustainable development: economic, social and environmental.

It is acknowledged that investment in construction and related employment would represent a benefit, as would the support that the additional population would provide for the local economy. However, it is considered the level of benefit that would be generated by the provision of three properties would not outweigh the harm in this instance and there are more suitable sites within the area that should be considered first.

Whilst the proposal would increase the local population, there would continue to be a reliance on the private car to access facilities in Ulceby and Great Limber and the wider range of services in Brigg and Barton upon Humber, with a lack of access to any facilities within Kirmington, particularly given the number of dwellings being proposed in this case

(three). The proposal is not for affordable housing and does not constitute dwellings for specific circumstances associated with this countryside location – it is for three market houses.

With the exception of the Marrowbone and Cleaver public house, the primary school and the mobile library (visiting) there are no additional public services or amenities within Kirmington and there is a reliance on the settlements of Ulceby, Brigg and Barton upon Humber for day-to-day needs.

Kirmington has a fairly limited bus service and, given the lack of facilities within the settlement, it is considered the development would necessitate the use of a private motor vehicle. Policy CS2 of the Core Strategy promotes sustainable development and sets out criteria against which all new developments should be assessed in this regard. These criteria include minimising the need to travel and making necessary journeys possible by public transport, cycling and walking, and making sure that people have access to community and cultural facilities that they need for their daily lives. Due to the distance from local facilities and the number of dwellings proposed, the proposed development would not minimise the need to travel and would promote reliance on the private car to access everyday facilities. The development would therefore be contrary to policy CS2.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. With regard to rural settlements (as in the case of Kirmington), 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. In the open countryside, outside development limits, development will be strictly limited and only permitted if it relates to agriculture, forestry or to meet a special need associated with the countryside.

Policy CS2 of the Core Strategy echoes a similar sequential approach to development in that it seeks to focus development in the Scunthorpe urban area followed by development within the defined development limits of North Lincolnshire's market towns and rural settlements.

Given the position of the application site outside the defined settlement boundary for Kirmington (in the open countryside), that the local planning authority can demonstrate a five-year housing supply of deliverable sites, and that policies relating to a sequential approach to development are considered up-to-date in the context of this application, then it is considered that the proposal is contrary to policies CS2 and CS8 of the adopted Core Strategy in that development is not focused in Scunthorpe or the market towns and does not represent small-scale infill development within the defined development limits of a rural settlement that maintains the viability of the settlement (three dwellings).

Policy RD2 of the North Lincolnshire Local Plan sets out the type of development that is appropriate in the open countryside and the criteria against which all applications in the countryside will be assessed. Policy RD2 only supports residential development in the countryside where it is to meet some essential countryside need, such as farm workers' dwellings. Policy CS3 of the Core Strategy also restricts development in the countryside to that which is essential to the functioning of the countryside.

The applicant has provided justification within the supporting planning statement to substantiate the development in terms of its countryside location. However, the

development does not constitute dwellings for specific circumstances associated with this countryside location; it is for market dwellings. Based on the supporting information, the proposed development is contrary to policies RD2 and CS3 as it is for market housing not essential to the functioning of the countryside or any rural business.

In terms of the environmental dimension, the proposal, whilst in outline form, would significantly alter the character and appearance of the countryside, particularly given the introduction of three separate driveways/access points onto the main highway and three large-sized detached properties which, whilst single-storey, will be prominent when travelling into and out of the settlement along Limber Road and Habrough Lane. The Planning Inspector, in his report relating to nine dwellings on the site, makes the following points:

Paragraph 19: "As the proposal is outside the visibly clear settlement boundary in this area, I consider it to be out of character with the existing built-form of the village and its established pattern of development."

This position remains unchanged whether the development is for one or nine houses. The existing built form establishes the pattern of development within this area. Any development of this site would conflict with this.

Paragraph 20: "Moreover, given that the appeal site is largely surrounded by open agricultural land and that the proposal would introduce new housing with an associated access road to a greenfield site, I consider that it would have an adverse visual impact thereby significantly harming the area's intrinsic rural character."

This position remains unchanged whether the development is for one or nine houses. The land around the development site has not changed in the time since the appeal was dismissed and this new application being made.

Paragraph 21: "I consider the existing residential development to be a clear linear boundary which defines the limits of the settlement. As such, I also therefore consider that the proposal would represent an undesirable incursion into this more open rural land thereby harming its setting and character."

This position remains unchanged whether the development is for one or nine houses.

The proposal has the potential to destroy the greened appearance of the site and result in built form extending further south and east into the countryside. The introduction of three new dwellings on a site that is outside the development boundary for Kirmington, would have an urbanising effect on the southern and south-eastern edges of the settlement, to the detriment of the open character of the rural landscape. The landscape impact would therefore be significant. In addition, there is no further residential development to the south of the site and the development would therefore extend built form into the rural landscape.

Whilst it is accepted that the development of three new dwellings would provide social, economic and environmental benefits, there is significant conflict with the development plan and those of the Framework and as such the proposal cannot be considered sustainable development in accordance with paragraph 11 of the Framework. The inspector at the time of the previous appeal considered that, given the substantial harm (which still exists in relation to this new application and has not been sufficiently demonstrated otherwise by the applicant), the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework

as a whole, including its presumption in favour of sustainable development. This position remains valid.

Based on the above, it is considered that the position remains unchanged and the applicant has failed to outline any changes in policy or any other material factors that justify the site, within the open countryside, coming forward for development. The proposed development is not acceptable in principle as it is contrary to policies RD2 of the North Lincolnshire Local Plan and CS2, CS3 and CS8 of the adopted Core Strategy in that the site is located outside of a defined settlement boundary and is not for specific purposes associated with a rural location which include agriculture, forestry or to meet a special need associated with the countryside.

In addition, it is considered that the proposed development, by virtue of its location outside the defined settlement boundary for Kirmington, is considered to have an urbanising effect on the southern edge of the settlement by introducing a significant level of built form into the rural landscape, to the detriment of its open and greened character and appearance.

Design/appearance

The proposal is made in outline at this time and an indicative site layout plan has been provided.

The indicative layout suggests the properties would be positioned addressing the highway frontage along Limber Road to the west and would be set back from the main highway to allow for access and parking provision. The plots would also include a good-sized garden to the rear. The applicant has suggested within the supporting Planning Statement that the dwellings would be single-storey to reduce potential for overbearing impacts as well as reducing the visual impact.

The pattern of development is not considered to be out of keeping with the settlement character of Kirmington to the north and north-west and the heights of the dwellings is generally consistent with the prevailing height of dwellings along Ransom Court.

Residential amenity

The plans are indicative at this time and all matters are reserved for subsequent consideration. The indicative layout seeks to erect three large, detached properties set back from the main highway off Limber Road. Three separate access points will be positioned off Limber Road to serve the properties. The plans indicate sufficient space for the parking of two vehicles, but more information would need to be provided to demonstrate that there is adequate turning provision within the site to negate the need for reversing onto Limber Road.

There is sufficient space within the site to provide additional parking. The plan also shows the provision of private amenity space to the rear of each dwelling. The properties are positioned very close to each other and do not provide much separation distance between the plots. Whilst the indicative plan shows a good-sized rear garden space, the scale and massing of the dwellings would need to be addressed to include greater separation between the plots. It would be recommended that no windows, other than obscured glazed, be positioned within the side elevation (north) of plot 1, which is the closest plot to the bungalows located off Ransom Court. The properties are considered to be set far enough away from the properties on Ransom Court as to not result in any issues of overbearing impact, loss of light, loss of sunlight or impacts relating to privacy.

Details regarding boundary treatments would need to be provided taking into account the tree officer's comments.

In conclusion, the proposed development is not considered to result in loss of residential amenity to existing properties in this case.

Impact on view is not a material planning issue and will therefore not be formally assessed in this case.

Other issues

Flood risk and drainage

The LLFA Drainage Team have been consulted and comment that full consideration must be given to the existing adjacent watercourse, highway culvert with respect to bank levels and its potential to overtop and flood the development. It is advised that finished floor levels must be raised above the adjacent watercourse and/or comparable with the adjacent highway. It is considered that, through good design, the majority of localised flooding can be mitigated and is not cost prohibitive to the development.

Issues have been raised about the existence of the watercourse and that the land is prone to flooding and saturation. It is noted that Skitter Beck runs a course through the site along the northern boundary in a west to east direction. The plans show that a 7 metre deep easement would be provided along the northern boundary, which would allow access for the Internal Drainage Board to maintain the watercourse.

The LLFA Drainage team have recommended a series of conditions should planning permission be granted.

Highways

No issues have been raised by Highways in respect of the impact of the development upon highway and pedestrian safety. The department have recommended a series of planning conditions and an informative should the application be granted permission.

Environmental Protection

The application for residential development is a sensitive end use. In addition, historical mapping indicates the site has been used as an agricultural field. Agricultural sites have the potential to be impacted upon by contaminants such as metals, hydrocarbons, pesticides and herbicides which are harmful to human health.

In its current form the Environmental Protection team consider that the application does not comply with national and local planning policy guidance. Subject to the inclusion of an appropriately worded condition, the team does not have any objection to the proposal.

Conclusion

It is considered that the proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan and CS2, CS3 and CS8 of the adopted Core Strategy in that the site is located outside of a defined settlement boundary and is not for specific purposes associated with a rural location, which include agriculture, forestry or to meet a special need associated with the countryside. In addition, given the location of the development, it is

considered to have an urbanising effect on the southern edge of the settlement by introducing new built form into the rural landscape, to the detriment of its open character and appearance.

RECOMMENDATION Refuse permission for the following reasons:

1.

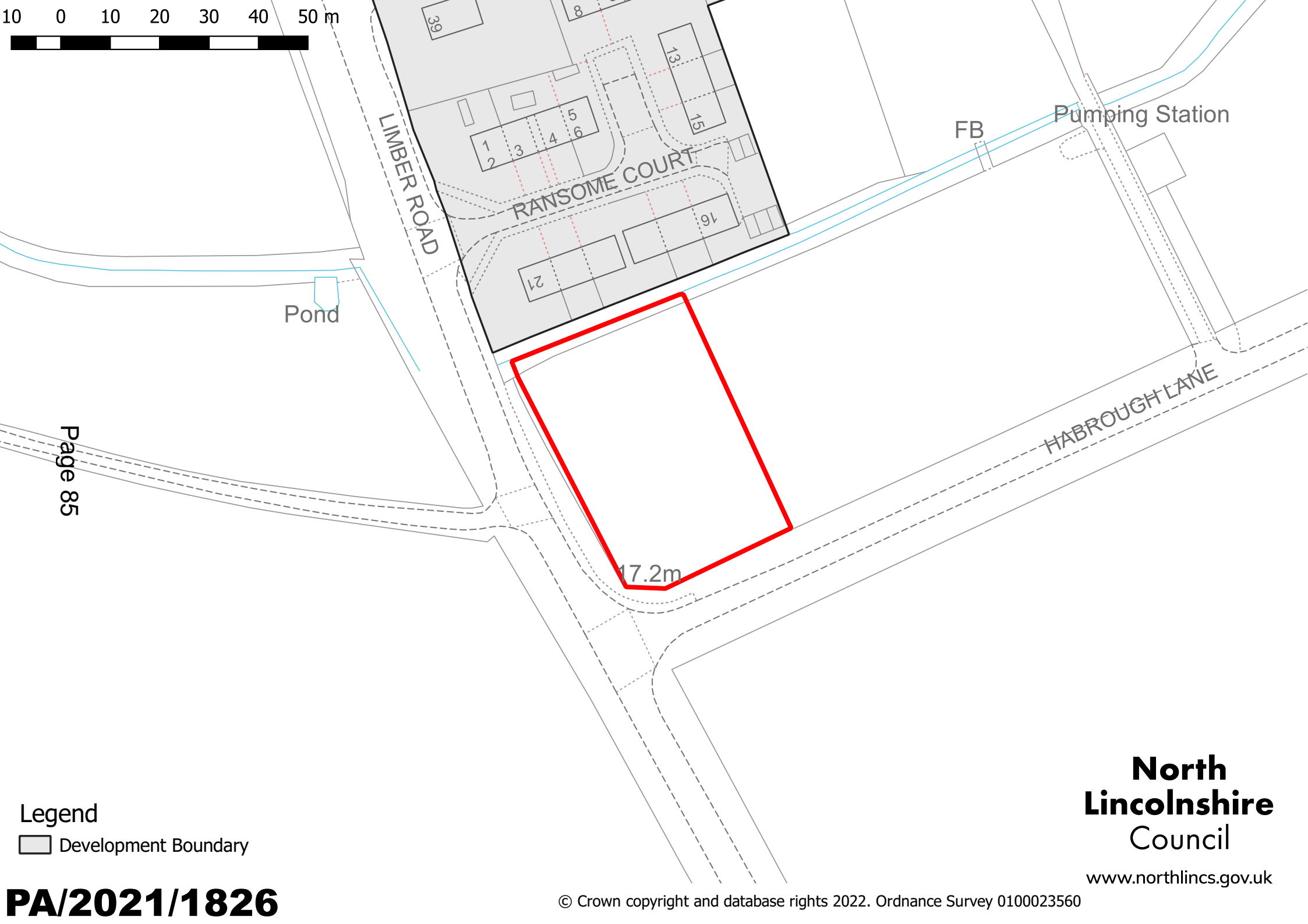
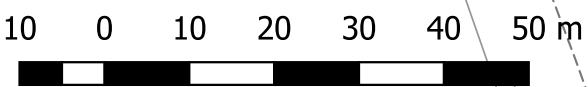
The proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan and CS2, CS3 and CS8 of the adopted Core Strategy in that the site is outside of a defined settlement boundary and is not for specific purposes associated with a rural location, which include agriculture, forestry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

2.

The proposed development, by virtue of its location outside the defined settlement boundary for Kirmington and the scale of development proposed (three dwellings), is considered to have an urbanising effect on the southern edge of the settlement by introducing built form into the rural landscape, to the detriment of its open character and appearance. Therefore, the development is considered contrary to policies RD2, H5, and DS1 of the North Lincolnshire Local Plan and CS5 and CS8 of the North Lincolnshire Core Strategy.

Informative

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



Pond

FB

Pumping Station

Page 85

17.2m

Legend
Development Boundary

**North
Lincolnshire
Council**

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PA/2021/1826

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APPLICATION NO	PA/2021/2070
APPLICANT	Mrs Lisa Bray
DEVELOPMENT	Planning permission for material change of use of land to a caravan site for one caravan
LOCATION	Land east of Newlands Lane, Epworth
PARISH	Epworth
WARD	Axholme Central
CASE OFFICER	Martin Evans
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan
POLICY	

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.

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

Paragraph 162 states, 'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.'

Paragraph 163 states, 'If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.'

North Lincolnshire Local Plan: DS1, DS16, RD2, RD14, LC7, LC14, T2 and T19

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS6, CS19

Housing and Employment Land Allocations Development Plan Document (DPD)

CONSULTATIONS

Highways: No objections.

LLFA Drainage: No objections.

Environmental Protection: Recommends conditions regarding contamination found during construction and linking occupation to the business.

Environmental Health and Housing: No comment if this is for an agricultural worker.

Historic Environment Record (Archaeology): Summary of advice:

- The site is within the Area of Special Historic Landscape Interest of the Isle of Axholme (Local Plan Policy LC14) within the Early Enclosed Land character type.
- The Paddocks is the site of a former small farmstead first recorded on the 1st edition OS map of 1887 that appears to have survived until the 1960s or later.

- A temporary dwelling in connection with an established agricultural business in the historic landscape would be considered acceptable in this location.
- No objection subject to standard conditions removing permitted development rights to avoid the unregulated extension of the built environment into the protected historic landscape area.

Environment Agency: The proposed location of the temporary dwelling/mobile home is within Flood Zone 2 of our Flood Map for Planning and Zone 2/3a of your Strategic Flood Risk Assessment (SFRA). The submitted flood risk assessment does not fully comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change section, paragraph 030. It does not assess the risks to the site in detail, refer to the SFRA or confirm the finished floor level of the temporary dwelling, only that of a future permanent one. However, the site level is approximately 4.0 metres AOD and thus close to the critical flood level of 4.1 metres AOD established for this location in the SFRA. In addition, the mobile home brochure indicates a raised floor level. We therefore do not wish to object to the application or request that a revised FRA is submitted.

Severn Trent Water: Provides guidance on foul and surface water drainage options and an informative regarding public sewer potential.

TOWN COUNCIL

Supports the proposal subject to appropriate landscaping.

PUBLICITY

A site notice has been displayed. One general comment has been received, summarised below:

- The appearance of the historic landscape is being compromised by the two static caravans already on the site.
- If granted, could it be conditioned that it is painted to blend in with the countryside and landscaping is added to disguise the impact.

ASSESSMENT

Planning history

Land to the north-east within the farm:

PA/2021/1045: Planning permission to erect a general-purpose agricultural building – approved 02/09/2021.

Site characteristics

The application site comprises a parcel of land that forms part of a larger farm holding in the countryside to the east of Epworth. The site is within a flat open landscape within SFRA Flood Zone 2/3 (a) Fluvial and an area of special historic landscape interest. To the north-east of the application site is an existing agricultural building which contains a number of sheep pens and is also used for general agricultural storage. To the north-east of this

building crushed material has been installed in preparation for the construction of the building permitted under PA/2021/1045.

Proposal

Planning permission is sought for the material change of use of land to a caravan site for one caravan. The application form refers to this being a temporary dwelling and the planning statement refers to the three-year rule. The agent has confirmed a temporary three-year planning permission is sought. The caravan was already in place at the time of the officer site visit. A further caravan was in place adjacent to the applicant caravan. The farm worker explained the second caravan was in place because they had recently bought it and were still deciding what to do with it.

The following considerations are relevant to this proposal:

- **the principle of development**
- **residential amenity**
- **highway issues**
- **flood risk and drainage**
- **contamination.**

Principle of development

The application site is located far beyond the development limit of Epworth as defined in the Housing and Employment Land Allocations Development Plan Document (DPD). Policy CS1 supports a vibrant countryside. Policies CS2 and CS3 require any development that takes place outside the development limit to 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.

Policy RD2 also permits development essential to the efficient operation of agriculture provided the open countryside is the only appropriate location and the development cannot reasonably be accommodated within defined development boundaries; the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials; the development would not be detrimental to residential amenity or highway safety; account is taken of whether the site is capable of being served by public transport; and the development is sited to make the best use of existing and new landscaping.

NPPF paragraph 80 states:

'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;'

The amended appraisal of need submitted by the applicant sets out that the farming operation, known as Newlands Paddocks, is a 30 acre farm that has been in the applicant's family ownership for 12 years. It is a sheep breeding and rearing business but is going to expand into pig rearing within the building permitted under PA/2021/1045 and for which ground preparation has commenced. The farm produces hay and straw for their own use and for sale to other farmers, and rears pedigree sheep.

The flock of 90 ewes plus 3 rams produces 160 lambs on average each year. Added to this the straw and hay sales have resulted in a current gross margin level of £16,000 per annum. The pig rearing will produce a gross margin in the region £19,000 per annum.

The proposed pig farm unit will accommodate 800 pigs which arrive on the farm as weaners at 3 weeks old and reared to 11 weeks when they are sold into the food chain. Six batches of pigs will be reared per annum.

The appraisal of need seeks to justify the proposal based, in part, on the now revoked PPS7 as well as relevant national and development plan policies. Whilst this assessment refers to some planning policy that is no longer in force it does serve to demonstrate an essential need for an agricultural worker to live on the site in accordance with the aforementioned development plan and national policies on the following basis. There is a need to oversee the welfare and breeding programme of existing sheep and proposed pig farm operations. The site is remote from other dwellings and the applicant lives beyond the council boundary which means there are no reasonably available alternative dwellinghouses the farm operation could make use of that provided the required proximity to the livestock.

The pig building has not yet been completed but ground preparation works have commenced.

It is considered reasonable to grant a temporary three-year planning permission to allow the expanded farming operation to establish itself, and at the end of this temporary period to allow the local planning authority to consider whether a further temporary planning permission is appropriate or whether a permanent, better designed dwelling would be appropriate. Further conditions will be required to limit the application site to a single caravan and that it is occupied by an agricultural worker.

Policy CS6 states, 'The council will promote the effective management of North Lincolnshire's historic assets through:

- safeguarding the nationally significant medieval landscapes of the Isle of Axholme (notably the open strip fields and turbaries) and supporting initiatives which seek to realise the potential of these areas as a tourist, educational and environmental resource.'

Policy LC14 states, 'The Isle of Axholme is designated as an area of Special Historic Landscape Interest. Within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features. Development required to meet the social and economic needs of rural communities and small scale tourist and outdoor sport and recreational development will be permitted provided such development is related to the historic landscape and its features.'

Policy LC7 requires, 'special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted.'

Policy RD14 states, 'Agricultural and forestry buildings which require planning permission or prior notification should be sited in close proximity to existing buildings and designed to utilise existing land forms and vegetation to minimise visual impact.'

The site is within the Area of Special Historic Landscape Interest of the Isle of Axholme within the Early Enclosed Land character type. The caravan is conspicuous in this open landscape. The Paddocks is the site of a former small farmstead first recorded on the 1st edition OS map of 1887 that appears to have survived until the 1960s or later. A temporary dwelling in connection with an established agricultural business in the historic landscape would be considered acceptable in this location. The HER raises no objection on this basis and recommends a condition removing permitted development rights to avoid the unregulated extension of the built environment into the protected historic landscape area. Such a condition is considered unnecessary because the planning permission will be limited to a single caravan.

There is not considered to be a need for landscaping because it would further enclose the characteristic open landscape the policy seeks to preserve. The supportive comments of Epworth Town Council are noted and there is not considered to be a need for landscaping in this instance. The caravan is grouped with the existing building on the site in accordance with policy RD14. The comments of a local resident refer to the second caravan on the site. This is not part of the application before the local planning authority. Their suggestion that the caravan be painted to help it blend in with the countryside is a reasonable one given that there will be no landscaping conditions to mitigate the visual impact. A condition is attached requiring the caravan to be painted green within three months of the date of the permission.

The impact upon the character and appearance of the countryside and the Area of Special Historic Landscape Interest are acceptable.

Residential amenity

Policy DS1 requires that 'No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.'

The proposal is removed from residential receptors. No harm to residential amenity would arise from the proposal.

Highways

Policies T2 and T19 are concerned with providing safe access and sufficient parking. Highways raise no objections to the proposal. Access is provided by a farm track which is also a public right of way and sufficient parking is provided adjacent to the caravan. These access and parking arrangements are acceptable. No harm to highway safety would arise.

Flood risk and drainage

NPPF paragraph 159 states, 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or

future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.’

Paragraph 162 states, ‘The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.’

Paragraph 163 states, ‘If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.’

Policy CS2 states, ‘A “sequential approach” will also be applied to ensure that development is, where possible, directed to those areas that have the lowest probability of flooding, taking account the vulnerability of the type of development proposed, its contribution to creating sustainable communities and achieving the sustainable development objectives of the plan. Where development does take place in the flood plain, mitigation measures should be applied to ensure that the development is safe.’

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. 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 elsewhere by integrating water management methods into development.

Development within the Lincolnshire Lakes area will comply with the flood management principals set out in the Western Scunthorpe Urban Extension Exception Test Strategy. Any further flood management proposals will have to be agreed by both the council and the Environment Agency during the process of the Lincolnshire Lakes Area Action Plan. Development proposals in flood risk areas which come forward in the remainder of North Lincolnshire shall be guided by the Strategic Flood Risk Assessment for North Lincolnshire and North East Lincolnshire. This will ensure that proposals include site specific flood risk assessments which take into account strategic flood management objectives and properly apply the Sequential and, where necessary, Exception Tests.’

Policy DS16 states, ‘Development will not be permitted within floodplains where it would:

- (i) increase the number of people or buildings at risk; or

- (ii) impede the flow of floodwater; or
- (iii) impede access for the future maintenance of watercourses; or
- (iv) reduce the storage capacity of the floodplain; or
- (v) increase the risk of flooding elsewhere; or
- (vi) undermine the integrity of existing flood defences unless adequate protection or mitigation measures are undertaken.'

The Strategic Flood Risk Assessment (November 2021) states, '4.53 The areas shown as FZ2/3a on these maps should be considered as Flood Zone 3 as defined in NPPF when preparing development plans, making planning allocations or determining planning applications and informing the sequential test.'

The Planning Practice Guidance (PPG) is clear the flood risk sequential test applies to the proposed change of use of land to a caravan site. The land in occupation and ownership of the farm is shown within the documentation for planning application PA/2021/1045. Almost the entire farm is within SFRA Flood Zone 2/3 (a) Fluvial. Only the far south-western fringes of the farm are in flood zone 1. It would be unreasonable to require the caravan to be located within this area at lower risk of flooding because it is too far away from the related livestock buildings to allow the occupants to oversee the livestock, which is the fundamental reason for this application. Therefore, the area of search for the flood risk sequential test is the immediate surroundings of the existing and proposed livestock buildings. This area is subject to the same level of flood risk which means it is not possible to locate the proposal in an area at lower risk of flooding. The sequential test is passed for these reasons.

The PPG states, 'The Exception Test should only be applied as set out in Table 3 following application of the Sequential Test.' NPPF Annex 3 classifies caravans for permanent residential use as 'Highly vulnerable'. Table 3 indicates that highly vulnerable development in flood zone 3a 'should not be permitted'. Table 3 does not allow the exceptions test to be applied to the proposal.

In the event of a flood the occupants of the caravan could walk approximately 70m south to land within their ownership that is in flood zone 1 or alternatively drive to the junction of the farm track with Newlands Lane which is in flood zone 1. The actual vulnerability of residents of the caravan to flood risk is considered to be reduced by the location on the periphery of flood zone 2/3a and their ability to move to safe areas within their land ownership or elsewhere a short distance away.

The proposal is considered to provide wider sustainability benefits to the community by allowing the continued management and expansion of an agricultural business with associated benefits to the rural economy. There are no reasonable alternative previously developed sites for the proposal. The proposal would not make flood risk worse elsewhere.

The Environment Agency raises no objections to the site-specific flood risk assessment, despite noting technical deficiencies it contains. The EA requests no conditions nor does the LLFA. Foul drainage is to septic tank to which the General Binding Rules apply. This will be highlighted by informative.

In the event permission is granted it would be necessary to condition a flood risk evacuation plan to ensure safe escape for residents in the event of a flood and that the finished floor level of the caravan is 4.1m AOD.

Based on the above considerations, the need for an agricultural worker to live on the application site is considered to be essential to the effective operation of agriculture. This need outweighs the associated flood risk implications. This represents a departure and justifiable exception to flood risk policy.

Contamination

Environmental Protection recommend a condition regarding contamination found during development. The development has already been carried out making this condition unnecessary.

Conclusion

The principle of a temporary planning permission for an agricultural worker's caravan is acceptable. The impact upon the area of historic landscape interest is acceptable. No harm to residential amenity, highway safety or through contamination would arise. There is conflict with flood risk policy but this is considered to be outweighed by the essential need for an agricultural worker to live on the site. It is recommended that planning permission is approved.

RECOMMENDATION Grant permission subject to the following conditions:

1.
The occupation of the caravan shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason

To ensure the caravan remains available to meet the needs of the business, as permission is granted only in the light of the special justification for the accommodation, in accordance with policy RD2 of the North Lincolnshire Local Plan.

2.
The use of land hereby permitted shall cease and the land reinstated to its former condition on or before the date three years from the date of this planning permission.

Reason

Permission has only been given for a temporary period in order for the applicant to demonstrate an essential need in relation to agriculture and to allow the expanded farming operation to establish itself, and at the end of this temporary period to allow the local planning authority to consider whether a further temporary planning permission is appropriate or whether a permanent, better designed dwelling would be appropriate in accordance with policy RD2 of the North Lincolnshire Local Plan.

3.
The development hereby permitted shall be carried out in accordance with the following approved plans:

DRWG/PA/2021/2070/01
1:500 scale block plan.

Reason

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

4.

The caravan shall have internal finished floor levels set no lower than 4.1 metres above Ordnance Datum (AOD).

Reason

To minimise the risk of flooding in accordance with policy DS16 of the North Lincolnshire Local Plan.

5.

Only one caravan shall occupy the site at any one time.

Reason

To prevent the over-proliferation of caravans on the site which would harm the landscape.

6.

Within three months of the date of this planning permission the caravan shall be painted green.

Reason

To mitigate the landscape impact of the proposal.

7.

Within three months of the date of this planning permission, a flood risk evacuation plan shall be submitted in writing to the local planning authority. Upon approval of the plan, the caravan shall be occupied in accordance with the details it contains.

Reason

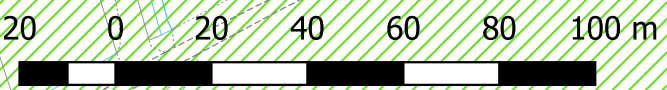
To ensure the safety of residents in the event of a flood.

Informative 1

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

Informative 2

The septic tank General Binding Rules should be adhered to.



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Legend

LC 14 Isle of Axholme Area of High Landscape value

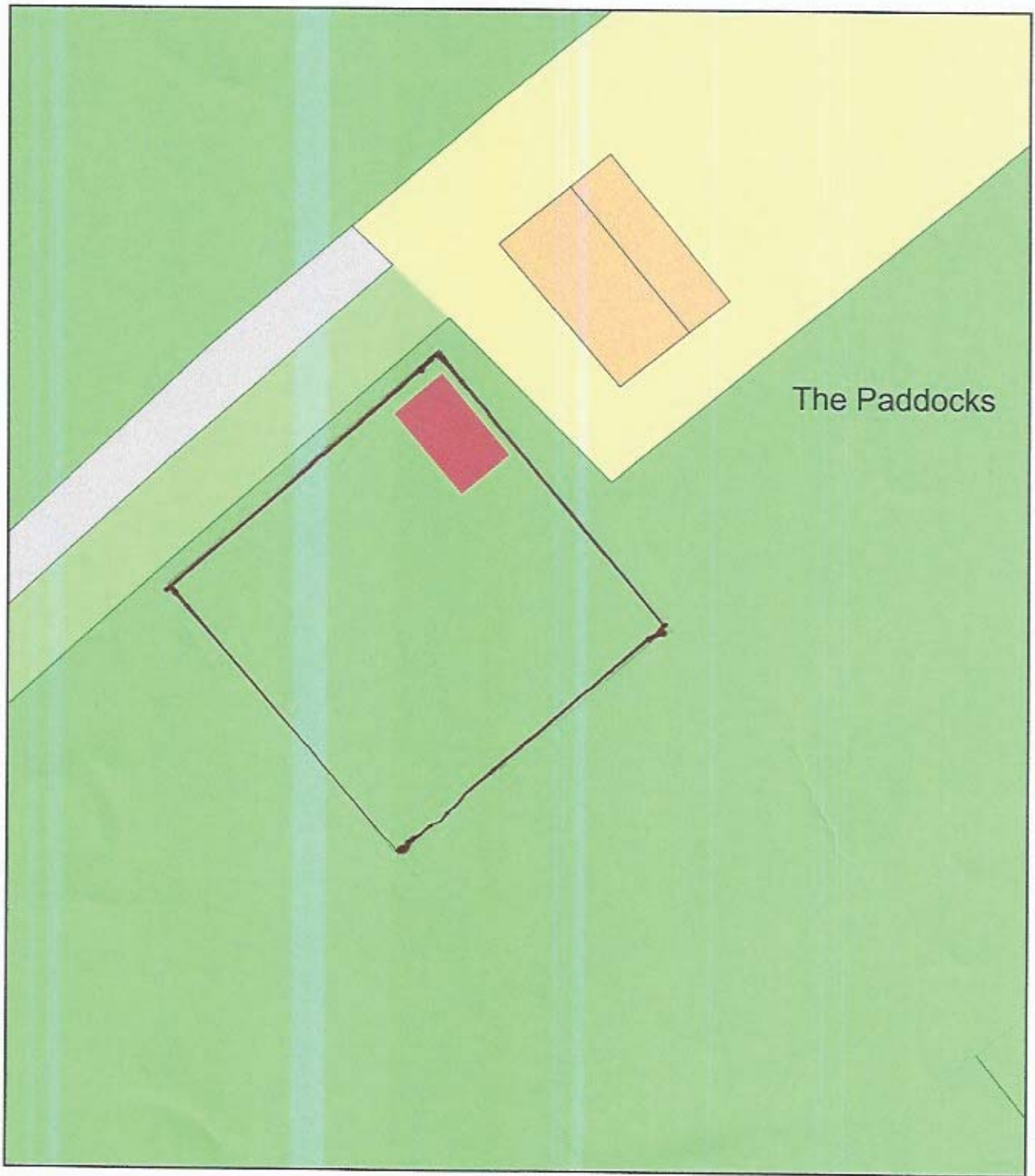
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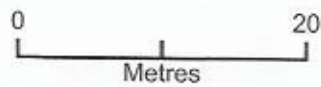
PA/2021/2070

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NEWLANDS PADDOCKS



The Paddocks



Plan Produced for: MRS LISA BRAY

Date Produced: 05 Jan 2022

Plan Reference Number: TQRQM22005124007075

Scale: 1:500 @ A4

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APPLICATION NO	PA/2021/2122
APPLICANT	Mr & Mrs N Hall
DEVELOPMENT	Planning permission to erect a dwelling
LOCATION	Land adjacent to 'The barn', Wakefield Farm, Carr Lane, East Lound
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

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 General Requirements

DS7 Contaminated Land

DS14 Foul Sewage and Surface Water Drainage

H5 New Housing Development

H8 Housing Design and Housing Mix

T2 Access to Development

T19 Car Parking Provision and Standards

LC14 Areas of Special Historic Landscape Interest

North Lincolnshire Core Strategy:

CS1 Spatial Strategy for North Lincolnshire

CS2 Delivering more Sustainable Development

CS3 Development Limits

CS5 Delivering Quality Design in North Lincolnshire

CS7 Overall Housing Provision

CS8 Spatial Distribution of Housing Sites

CS17 Biodiversity

Housing and Employment Land Allocations Development Plan Document (DPD)

PS1 Presumption in favour of sustainable development

Inset 74 – East

CONSULTATIONS

Highways: Support the proposal subject to conditions.

LLFA Drainage: Recommend conditions to prevent surface water flowing from the site onto the highway and vice versa.

Environmental Protection: Recommends a contaminated land condition.

Historic Environment Record (Archaeology): Summary of advice:

- The proposed development is located within the Area of Special Historic Landscape Interest of the Isle of Axholme (Local Plan, 2003, Policy LC14).
- This area is designated for its unique historic landscape retaining the pattern of ancient open strip fields and enclosures surrounding the villages on the Isle.
- The proposed site is located within the Early Enclosed Land in the historic core of East Lound village.
- The scale and design of the proposed dwelling does not take account of its historic surroundings and is an over-development of the plot that would affect the appearance of the adjacent historic built form and settlement.
- 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 and DS1.

PARISH COUNCIL

Objects stating:

The Planning Statement is well presented and identifies local plan policy. The site is in the rural hamlet of East Lound, the plot is paddock and regarded as agriculture. It is in the building envelope and meets the infill policy of the Local plan and NPPF. It is regrettable that the loss of such spaces within rural hamlets inevitably affects the character of the hamlet, and that local plan policy does not recognise this. It will not affect the street scene but is close to the neighbouring property to the south, concerns of overshadowing or effect on privacy could be allayed by setting the proposed dormer bungalow further from the boundary. The dwelling is proposed to be a dormer bungalow and elderly accommodation is needed in the area in the form of bungalows. We consider it would not meet this need having a second storey. It is not affordable or social housing and does not meet the needs of the area and is considered market housing and has no identified need.

and:

Proposed new local plan policy – policy H5 Housing for older people:

- a. Encourage the incorporation of adaptable features within all new residential development to meet household needs over time; and on large strategic sites developers will be required to deliver specific provision to meet older people's needs including bungalows, level access flats and supported homes; and

NLC new local plan identifies a need for older people housing in the form of bungalows, it clearly recognises level access in flats, and it would seem obvious the same applies to bungalows. Dormers have a second floor which would present issues of access and safety for the elderly.

The parish council's comments have been rejected in the past relating to housing need and in particular social and affordable in favour of market housing for which there is no proven need.

PUBLICITY

A site notice has been displayed and one response has been received objecting to the proposal on the following grounds:

- the site is within an area of amenity importance and special historic landscape interest contrary to policies LC11 and LC14; harmful design that does not reflect the traditional character of the buildings in the area in terms of height (two-storey instead of one-storey) and lack of symmetry
- harm to residential amenity of The Holt by virtue of size, scale, massing and overshadowing of the proposed dwelling
- loss of privacy to The Holt by overlooking the kitchen and bedroom windows
- inadequate disposal of surface water
- no ecological statement to show how the loss of wildlife habitat will be mitigated.

ASSESSMENT

Planning history

None.

Site characteristics

The application site is located on the west side of Carr Lane and is flat land between the barns serving Wakefield Farm to the north and the single-storey bungalow to the south known as The Holt. The surrounding area is predominantly residential and characterised by dwellings of mixed character. The site is within the East Lound development limit, SFRA flood zone 1 (low risk), and the Area of Special Historic Landscape Interest.

Proposal

This is an application for planning permission for a dormer bungalow with associated access to Carr Lane, turning area and rear garden.

The key issues for this proposal include:

- **the principle of development;**
- **design and character impacts;**

- **impact upon residential amenity;**
- **impact upon highway safety;**
- **land contamination and drainage; and**
- **biodiversity.**

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 Five-Year Housing Land Position Statement in August 2021 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.

Policy CS1 sets out that the rural settlement of East Lound will be supported as a thriving sustainable community, 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 establishes a sequential approach will be adopted with development focused on Scunthorpe, then market towns, then small-scale developments within the defined development limits of rural settlements to meet identified local needs. Policy CS3 and the Housing and Employment Land Allocations DPD show that the site is within the East Lound development limit. Policy CS5 requires development to be well designed and appropriate for its context. Policy CS7 requires a mix of housing types.

There are no local services within East Lound. However, the settlement is located within the parish of Haxey which has a number of local services including shops, a primary school, playing fields and a village hall a short distance to the west. It is considered that the erection of one dwelling could reasonably result in these local services within Haxey being supported by the occupants of the proposed development. As noted in paragraph 79 of the NPPF, 'Where there are groups of smaller settlements, development in one village may support services in a village nearby.'

The proposal is located within the development limit of East Lound in a relatively sustainable location with access to a range of service and facilities. It is considered the

proposal complies with the development plan policies relevant to the principle of development, namely CS1, CS2, CS3 and the Housing and Employment Land Allocations DPD. There is considered to be a need for all types of housing within the council area. The parish council refers to a need for bungalows and to emerging local plan policy H5. However, this policy requires bungalows on large strategic sites which does not apply to the application site.

Design and character impacts

Policy DS1 expects a 'high standard of design' and identifies that proposals will be considered against two criteria:

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

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

The proposal entails a modest chalet bungalow with well proportioned dormer windows and a brick and tile finish. This is in keeping with the character of the adjacent bungalows. The proposal therefore complies with policies DS1 and CS5.

Impact upon the Area of Special Historic Landscape Interest

The historic landscape of the Isle is a heritage asset of historic interest as defined in the NPPF and is clearly identified as such in the local plan (Landscape and Conservation section), as well as on the relevant area inset and proposals maps. Within the LC14 policy area the Ancient Open Strip Fields (Miller, AOSF) form the historic character core of the Isle of Axholme historic landscape. The Early Enclosed Land (Miller, EEL), created by piecemeal enclosure of blocks of former strips into small irregular fields, buffers the AOSF together with the surrounding Recent Enclosed Land (Miller, REL) on the low-lying former wetlands. These three historic landscape character zones encompass the majority of the LC14 policy area, together with other discrete character areas, such as the important Turbaries and Moorland Allotments (Miller, RM&T), Designed Landscape (Parkland), and the Settlement and Building Types.

The historic landscape character of the Isle of Axholme is the sum of these historic landscape character zones and types. The LC14 policy area includes all the character zones and types within the designated area and seeks to protect the character, appearance and setting of the historic landscape as a whole. The essential character and appearance of the AOSF historic landscape type is of open unenclosed agricultural land and the lack of any physical boundary features, including hedgerows and fences; other characteristics of this landscape include the roads, common ways and access tracks known locally as meres; a general absence of farms in the open fields, these being located in the built-up settlement areas; and the presence of visual reference points such as church, mill and water towers that afford legibility to the core historic landscape and form part of its setting. Also

characteristic of the ancient open field landscape are areas of piecemeal enclosure, frequently found around the fringes of the open strip fields and the settlements where they form the immediate setting of the AOSF. This 'Early Enclosed Land' (EEL) comprising amalgamated blocks of strips within the former open fields served as 'home closes' for stock-keeping and mixed farming, and date from the late-medieval period onwards. Early, in this context, does not necessarily refer to the period at which the enclosure happened, but to the character of an individual strip, or group of strips, enclosed directly from the open field. These early enclosed fields are typified by their narrow long or irregular shape, with sinuous boundaries that retain the S-shaped ploughing curve of the former cultivated strips; often hedged, the character of the EEL is in marked contrast to the unenclosed, AOSF that they frequently buffer.

Elsewhere enclosures with regular straight boundaries, frequently formed by ditches, were laid out when the marshlands surrounding the Isle were drained to create farmland from the 17th century onwards. The enclosures of this 'Recent Enclosed Land' (REL) are largely devoid of upstanding boundary features and maintain the characteristic open aspect of this historic landscape, even where such enclosures are combined into blocks of large modern fields. The enclosed landscape character types are important in their own right and in terms of their spatial associations with each other, and with the remaining areas of the open strip fields at the core of the historic landscape, surrounding the villages of the Isle, and also with the Turbaries. The individual historic landscape character areas share their settings with the other character type areas, and together they form the overall setting of the historic landscape character. The evolution over time of these distinctive historic character types with their differing and contrasting physical features and appearance that add to their legibility are what make the Isle of Axholme a 'Special Landscape'. The persistence of these elements of the former landscape and the resultant openness of the core area remains the dominant characteristic of the contemporary landscape of historical importance.

This remnant landscape is acknowledged as the best example of very few surviving landscapes of this type in the country, with the Isle of Axholme being by far the largest of the three best-known survivors. For these reasons the Isle of Axholme historic landscape is of national importance, however is not capable of formal designation as a heritage asset under current legislation, which relates specifically to Listed Buildings, Conservation Areas and Scheduled Monuments. Historic landscape assessment policy LC14 states the Isle of Axholme is designated as an area of Special Historic Landscape Interest. Within this area, development will not be permitted which would destroy, damage, or adversely affect the character, appearance or setting of the historic landscape, or any of its features.

The proposed dwelling lies within the ASHLI covered by the LC14 policy area (Inset 74, Local Plan, 2003) with an adjoining Area of Amenity Land (Local Plan policy LC11). The proposed house plot lies within the historic core of East Lound within the Early Enclosed Land (EEL) historic character zone that encompasses the village of East Lound. The characteristics of the EEL zone are clearly legible across this area south of the village. These can be appreciated from the Brackenhill Road frontage looking across the Area of Amenity Land towards the proposal site and from within the historic landscape to the south-west of the site including from the public right of way. There are also views across the site from Carr Lane looking out across the historic landscape. Carr Lane is a narrow road off the main village street. At the north end where the plot is located there are a number of 19th century buildings including the historic barns to the rear of Wakefield Farm adjacent to the plot and several traditional roadside properties fronting onto the lane opposite the site and extending further down the east side of the lane. South of the proposed plot there are three

modern bungalows. The proposed plot is a narrow rectangle sandwiched between the historic barns to the north and the single-storey bungalow to the south.

The council's archaeologist objects to the proposal and recommends refusal based primarily on the scale and design of the proposed dwelling which they consider does not take account of its historic surroundings and is an over-development of the plot that would affect the appearance of the adjacent historic built form and settlement.

The site is located in an area with a variety of property designs, ages, heights and finishing materials. There is no prevailing building line in the area. The scale, mass and design of the proposals for a modest dormer bungalow are considered appropriate within this context. Development of this infill plot would have minimal impact upon the Area of Special Historic Landscape Interest.

The design and impact upon the ASHLI are considered acceptable and the site is not within an area of amenity importance, contrary to received objections.

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 that 'development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings'.

The proposed block plan shows a separation distance of approximately 2m between the side elevation of The Holt and the proposed dwelling. The side elevation of The Holt contains a clear glazed utility room window and door and an obscure glazed utility window; an obscure glazed bathroom window; clear glazed bedroom/office window; and an obscure glazed en-suite. There are also two rooflights.

These side openings currently benefit from a relatively low side fence which provides outlook and light from the undeveloped application site. However, it should be noted a 2m high fence could be erected along this common boundary without planning permission which would do much to remove this outlook and the level of light received by these rooms. These openings are north-facing meaning they would not receive direct sunlight. The only habitable room opening is the clear glazed bedroom/office window. The proposed dwelling would be located further east than The Holt which means an element of outlook and light is likely to be retained for this room. The impact upon these side openings is not considered to amount to a reason for refusal, particularly given fence permitted development rights as a fall-back position. The proposal has ground and first-floor side bathroom windows that are to be obscure glazed, as well as a ground-floor clear glazed utility room door and window. It is considered necessary to condition that all of these side openings are obscure glazed to prevent harmful mutual overlooking. The projection of the proposal beyond the front elevation of The Holt is considered acceptable, noting the presence of the garage of The Holt directly to the front. The dwelling known as 'The Barn' to the north of the site is more distant with a separation distance of approximately 10m.

The proposal would not result in unacceptable harm to residential amenity despite objections to the contrary. The proposal is therefore considered to be acceptable in this regard 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 appropriate parking provision.

The proposal entails a suitable access with garaging, parking and turning for three or more cars which is acceptable. Highways raise no objection and recommend the following conditions:

- to secure improvements to the existing vehicular access [the existing access is not being used, making this condition unnecessary];
- no loose material on the driveway [this is necessary and recommended];
- no item above 1.05m in height across and 2m into the site frontage [this is necessary and recommended];
- the provision of vehicle facilities prior to occupation [this is necessary and recommended].

The details are considered suitable and the impact on highway safety is acceptable.

Land contamination and drainage

Policy DS7 relates to contaminated land. Environmental Protection recommend a condition for contaminated land which is necessary given previous uses of the site.

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.' The LLFA raises no objections subject to conditions regarding the flow of water from the highway to the site and vice versa. Foul drainage is proposed to mains sewer and surface water to soakaway. Foul and surface water drainage details are secured by condition.

Biodiversity

Policy CS17 requires 'Ensuring development seeks to produce a net gain in biodiversity by designing in wildlife'. The site is of negligible ecological value. Ecological enhancements are secured by condition in accordance with this policy.

Conclusion

The proposal is acceptable in principle. The proposal is suitably designed and would not harm the area of historic landscape interest. No harm to residential amenity or highway safety would arise, and the ability to address technical matters such as land contamination, drainage and ecological enhancements by condition mean it is recommended that planning permission is granted subject to conditions.

Pre-commencement conditions

Pre-commencement conditions 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:

CWX-HALL-2021-01A

CWX-HALL-2021-02.

Reason

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

3.

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

Part 1: Site Characteristics

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

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

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

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

To ensure the site is safe for future users and construction workers.

4.

Before the dwelling is first occupied all south-facing openings shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and retained in that condition thereafter.

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties and the privacy of future occupants of the dwelling in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

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

Reason

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

6.

Nothing shall at any time, whether permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or not, be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

7.

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.

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 paragraphs 159 to 169 of the National Planning Policy Framework.

9.

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

Reason

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 paragraphs 159 to 169 of the National Planning Policy Framework.

10.

No development shall take place until a detailed foul and surface water drainage strategy have been submitted to and approved in writing by the local planning authority. SuDS should be considered. Full ground investigations must be carried out along with a feasibility assessment for infiltration. Infiltration tests should comprise full-scale tests to demonstrate long-term effectiveness and suitability. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. The drainage scheme shall be implemented in accordance with the approved submitted details, 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, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

11.

No development above ground level shall take place until proposals for ecological enhancements have been submitted to and approved by the local planning authority. The approved enhancements shall be installed within 12 months of development being completed and shall thereafter be retained.

Reason

To secure biodiversity enhancements in pursuance of policy CS17 of the North Lincolnshire Core Strategy.

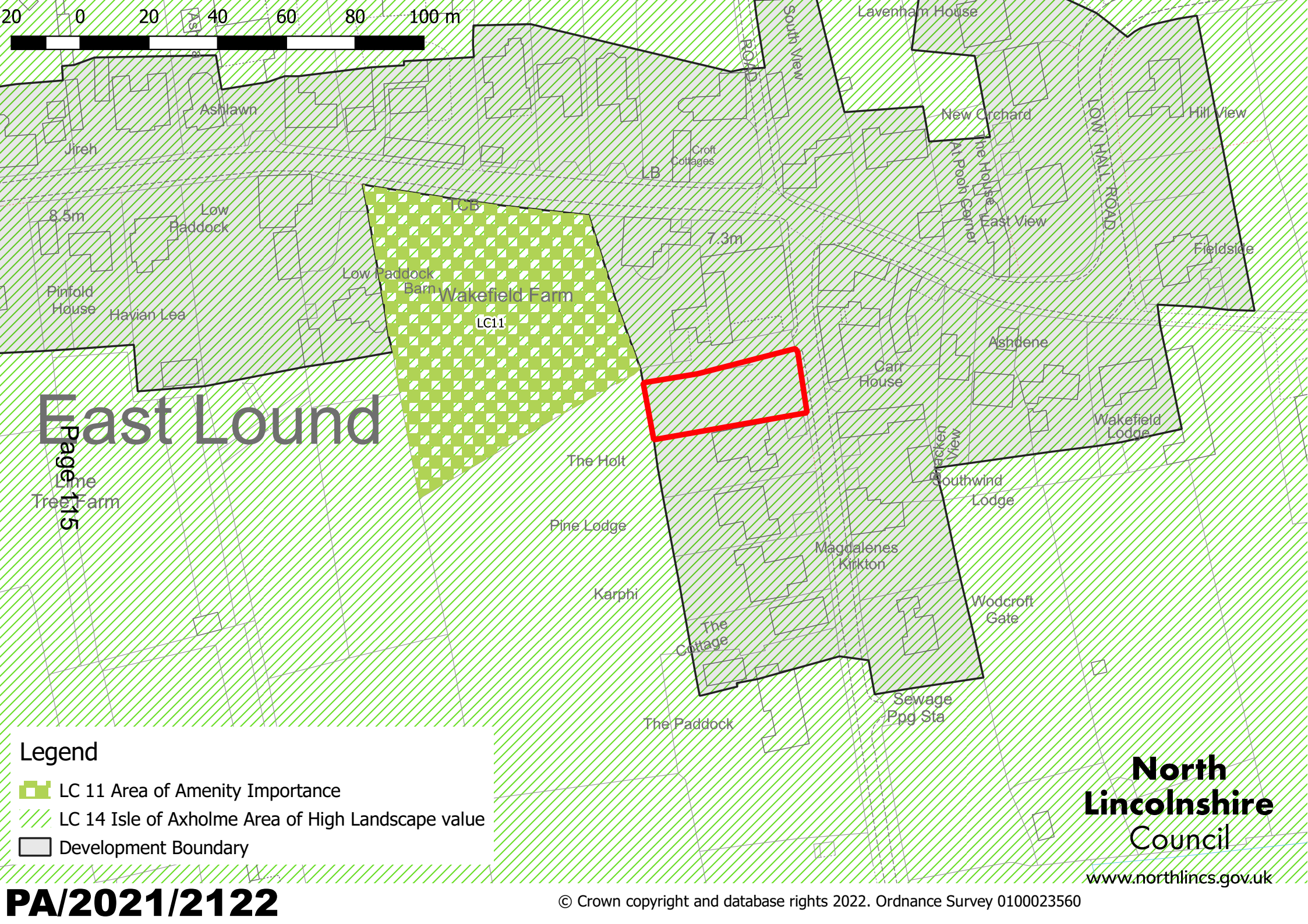
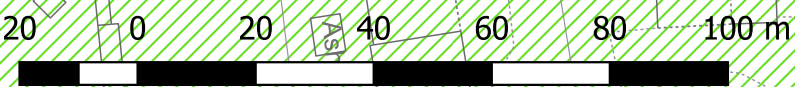
Informative 1

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

Informative 2

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

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



East Lound

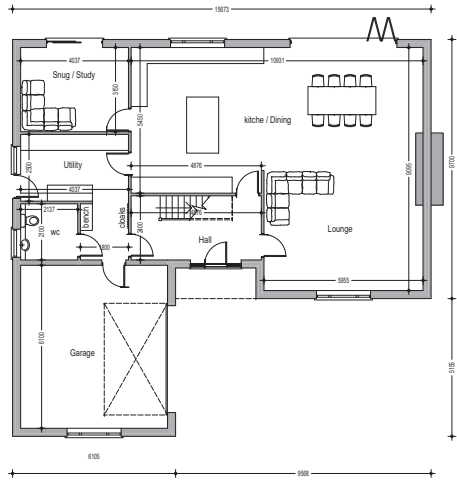
Page 115

- Legend**
- LC 11 Area of Amenity Importance
 - LC 14 Isle of Axholme Area of High Landscape value
 - Development Boundary

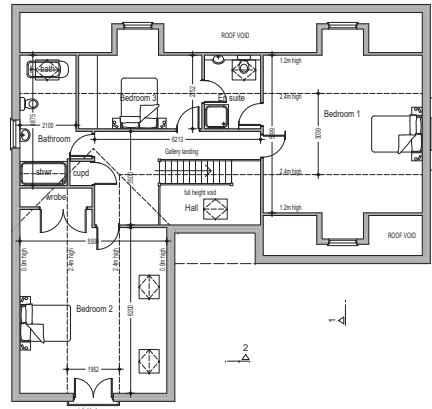
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Lincolnshire
Council**

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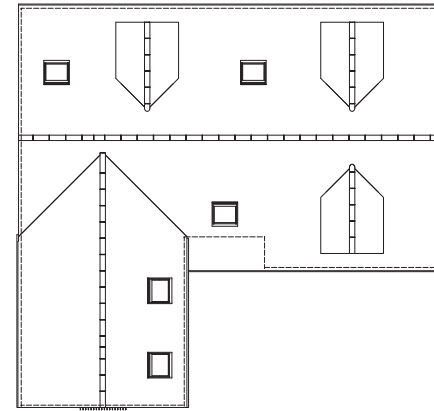
PA/2021/2122 Proposed plans (not to scale)



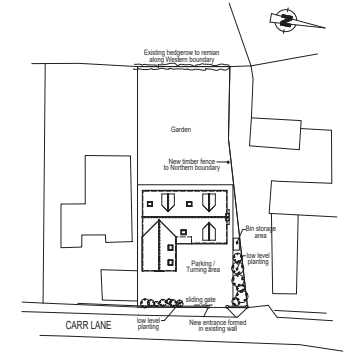
PROPOSED GROUND FLOOR PLAN
1:100



PROPOSED FIRST FLOOR PLAN



PROPOSED ROOF PLAN



PROPOSED SIDE - NORTH - ELEVATION



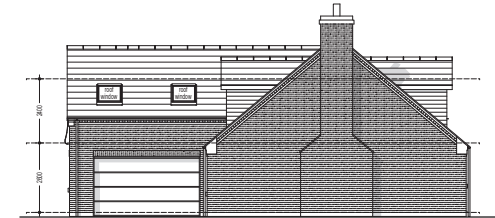
PROPOSED FRONT - EAST - ELEVATION
1:100



PROPOSED SIDE - SOUTH - ELEVATION



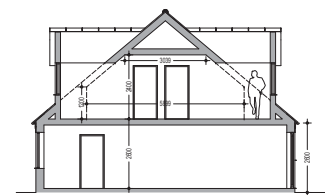
PROPOSED REAR - WEST - ELEVATION



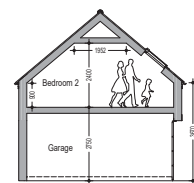
PROPOSED FRONT IMAGE



PROPOSED REAR IMAGE



PROPOSED SECTION 1 - 1
1:100



PROPOSED SECTION 2 - 2



facing bricks - Wienerberger Hathaway Brindled



Roof Tiles - Wienerberger Rivius



Windows - upvc cream mock sash

PROPOSED MATERIALS
 facing bricks - Wienerberger Hathaway Brindled
 Roof Tiles - Wienerberger Rivius
 Dorma Cheeks - Anthracite cladding
 Windows - upvc cream mock sash with stone cills and brick headers
 Guttering - upvc black half round



Cadwork Ltd
 Architectural design and 3D Visualisations
 Linden House, Bracken Hill Road,
 East Lound, Nr Doncaster DN9 2LR
 tel 01427 753232
 danny@cadwork.com

Project
 • PROPOSED NEW DWELLING
 • THE BARN, WAKEFIELD FARM
 • CARR LANE
 • EAST LOUND

Title:
 • PROPOSED PLANS AND ELEVATIONS

Scale 1:100 @ A1	Date 11-2021	Drawn DS
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Drawing No. CWX-HALL-2021-01A

A B C D E F G H I

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APPLICATION NO	PA/2021/2143
APPLICANT	Mr & Mrs Eynon
DEVELOPMENT	Planning permission to erect a replacement dwelling and garage
LOCATION	New House, Hook Road, Amcotts, DN17 4AZ
PARISH	Amcotts
WARD	Axholme North
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework (revised 2021): Sections 2 (Achieving sustainable development), 4 (Decision-making), 5 (Delivering a sufficient supply of homes, 11 (Making effective use of land) and 12 (Achieving well-designed places)

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

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

Paragraph 11 – Plans and decisions should apply a presumption in favour of sustainable development. 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:
 - (vii) 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
 - (viii) 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.

Section 6 refers to building a strong, competitive economy.

Paragraph 81 – 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.

Paragraph 82 recognises planning policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

Section 11 – Making effective use of land

Paragraph 119 – Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

Paragraph 120 (d) – planning policies and decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

Paragraph 123 – Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans.

North Lincolnshire Local Plan (2003) (saved policies):

RD2: Development in the Open Countryside

RD10: Replacement, Alterations and Extensions to Dwellings in the Open Countryside

H5: New Housing Development (part saved)

DS1: General Requirements

DS3: Planning Out Crime

DS14: Foul Sewerage and Surface Water Drainage

T2: Access to Development

T19: Car Parking Provision and Standards and Appendix 2

North Lincolnshire Core Strategy (2011):

CS1: Spatial Strategy for North Lincolnshire

CS2: Delivering more Sustainable Development

CS3: Development Limits

CS5: Delivering Quality Design in North Lincolnshire

CS7: Overall Housing Provision

CS19: Flood Risk

Housing and Employment Land Allocations DPD (2016):

PS1: Presumption in Favour of Sustainable Development

The site lies outside the development limits of Amcotts and is unallocated as shown on Proposals Map Inset 3 Amcotts and Flixborough Industrial Estate.

The North and North East Lincolnshire Strategic Flood Risk Assessment, November 2021

CONSULTATIONS

Highways: No comments or objections to make.

LLFA Drainage: No comments or objections to the proposed development.

Environmental Protection: No objection but considering the sensitive end use of the development, should the application be approved, this department recommends the inclusion of a condition requiring details to be submitted of any contamination found during development and how it is to be dealt with.

PARISH COUNCIL

No comments to make.

PUBLICITY

Advertised by site notice – no comments received.

ASSESSMENT

Relevant planning history

There is no relevant planning history for the development site.

Constraints

The site lies within the open countryside outside the development limits of Amcotts and is unallocated as shown on Proposals Map Inset 03 Amcotts and Flixborough Industrial Estate.

The site is not within a conservation area and there are no listed buildings or tree preservation orders on or within close proximity of the site.

The site is within SFRA Flood Zone 2/3 (a) Tidal, meaning a higher flood risk. It is not within an Air Quality Management Area. It is identified as Grade 2: Very Good on the Agricultural Land Classification Yorkshire and The Humber (ALC003) (Updated 2011/11/18).

The site

The site comprises an existing detached residential property and private garden land which appears vacant and unkempt. The garden is not maintained and includes areas of rubble, with some large trees and shrubs around the boundary of the site. There is an old, detached garage and a series of outbuildings within the rear garden of the property. The site is surrounded on all sides by open fields. Hook Lane provides the eastern boundary to the site beyond which is agricultural land. The existing property is set back from Hook Lane and provides adequate parking for two cars. Existing planting forms a boundary around the site. This property is largely screened from the wider area by existing planting, albeit there are intermittent gaps where plants have died or been cleared.

Proposed development

Full planning permission is sought to erect a replacement detached five-bedroom dwelling with attached garage. The proposed dwelling will be set slightly forward of the original dwelling but will still be set back from the main highway and will provide a larger area of private garden space to the rear. The existing detached garage and outbuildings will be demolished and the new garage will be integral to the main dwelling.

The main issues in the determination of this application are the principle of development, impact on amenity, design and flood risk.

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 and Allocations Development Plan Document (HELADPD). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG). The site is outside of

any settlement boundary as defined in the Housing and Employment Land Allocations DPD and as such there is a general presumption against development.

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

Policies CS2 and CS3 of the Core Strategy state, of development outside the defined development limits, '...Any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.'

Policy RD2 strictly controls development within the open countryside but does support development for the replacement, alteration or extension of an existing dwelling provided that:

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

The erection of a replacement dwelling within the 'open countryside' is one of the exceptions to this presumption set out in local plan policy RD2.

Policy RD10 of the North Lincolnshire Local Plan is relevant and relates specifically to dwellings located in the open countryside. It sets out the criteria against which replacement dwellings and extensions to existing dwellings in the countryside will be assessed. This policy requires that replacement dwellings do not exceed the volume of the original dwelling by more than 20%, exclusive of normal permitted development rights, and would not be substantially higher in elevation.

Compliance with policy RD10 is also dependent upon the impact of the proposed development on the character and appearance of the area and the amenity of neighbouring properties; these issues are assessed below.

Paragraph 149 of the NPPF relates to replacement dwellings in the Green Belt provided the new building is in the same use and not materially larger than the one it replaces. It does not reference replacement dwellings within the countryside. Policy RD10 is from the 2003 North Lincolnshire Local Plan and could be considered as out of date. As such, only limited weight should be attached to the 20% requirement.

Whilst the proposal is technically for a replacement dwelling, the submitted plans are larger than the original dwelling on the site. The original property did include a detached garage and several outbuildings. The principle of development has been accepted previously, and the detached garage and outbuildings have been considered acceptable previously.

The current proposal would introduce a larger property on the site. The proposed garage would also be larger than the existing, albeit integral and not detached as is the existing one. The main part of the property (minus the garage) would not be as deep as the original property but would be wider. The proposed dwelling will take the property, including garage and outbuildings (excluding greenhouse) from approximately 520.95 cubic metres to 743 cubic metres. This would result in a 43% increase in volume. The proposed development is considered to be on the large size, being over 40% the size of the original dwelling, and could be considered disproportionate. An assessment of the scale, massing and design needs to be undertaken.

Whilst the proposed development would exceed the 20% volume outlined within RD10, it is considered that future applications for extensions to the existing property could still be brought forward and increase the volume to a similar level. The current Schedule 2, Part 1, Class A allows for the enlargement of a dwelling, however does not permit development which would exceed 50% of the total curtilage. The proposed dwelling would not exceed 50% of the total curtilage. The applicant would also be allowed to extend either 6m single-storey to the rear or 3m as a double-storey to the rear. Class AA also allows for the construction of additional storeys 'up to two additional storeys, where the existing dwellinghouse consists of two or more storeys'.

To further protect from over-development of this site, it is recommended that permitted development rights be removed from the site through an appropriately worded condition. It is also recommended that the existing garage and outbuildings are demolished prior to occupation.

Subject to the inclusion of the above condition, and the criteria of policy RD2 and wider policies set within the local plan and Core Strategy being met, the principle of development is considered acceptable.

Material considerations

Residential amenity

Part-saved policy H5 establishes a set of criteria for new housing developments. Policy H5 requires development to not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings. The proposed dwelling is set within its own private plot, includes existing landscaping on its boundaries (other than a few breaks in planting which allows glimpses into the site) and is located some distance from the nearest residential properties to the north, including Hook House Farm and residential properties further north off Middle Lane. In terms of residential amenity, the

proposed development is considered to not lead to any of the identified impacts set out within policy H5.

Design

Policies RD2, H5 (part-saved), CS5 and DS1 seek to deliver quality design in North Lincolnshire.

Policy CS5 of the North Lincolnshire Core Strategy is concerned with delivering quality design in North Lincolnshire. It states that ‘...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.’ This is reinforced by local plan policies RD2, DS1 and by RD10 as noted above.

The current application seeks to create a detached residential property on the site which reflects a similar character to the existing dwelling. The dwelling will include a bay window similar to the existing property and the proposed integral garage will reflect the dual pitch of the existing detached garage, albeit 1.5-storeys in height to include a bedroom above.

The development would also be wider than the existing property but would not take up as much of the rear private garden space. The layout would be more usable than the current design which sits the garage within the rear garden with a large tarmac area. The applicant has not confirmed the details for the driveway or boundary treatments.

The current proposal would be achieved via a full rebuild rather than alterations to the original dwelling. The proposal is well positioned within the plot, provides sufficient amenity/private garden space around the property and the development would not exceed 50% of the curtilage of the property.

The main dwelling is to the front of the site, and the alterations include a slightly higher property, mainly due to raising floor levels to assist with flood risk, which the LLFA Drainage Team have no objections to. The final height of the property would be 9.6 metres to ridge height, which includes 450 millimetres raised floor level to improve flood protection which the original property, at 7.9 metres in height, did not include. Similar developments have been approved up to 10 metres in height. Although this is noted to be an increase, and noticeable in the street scene, it is not considered that this would have an adverse impact on the character of the area. It is considered that the scale and overall form of the replacement dwelling would be acceptable, having similar characteristics to the original property and introducing a design to meet modern living requirements. The provision of the integral garage and bedroom above would not introduce an unacceptable visual aspect to the site and would not unacceptably increase the visual impact of the site on the surrounding countryside. The current proposal is not considered likely to result in visual harm to the character and appearance of the countryside, over and above that achievable through the extant approval.

The proposed materials are considered to be in keeping with this countryside location. The applicant has set out that the following materials will be used for the development:

- Walls – Desimpel Hathaway brindled or similar brick

- Roof – Sandtoft Cassius or similar tile
- Windows Upvc
- Doors – Upvc/composite.

The application form suggests the boundary treatments will remain, however this area is in much need of replacement and improvement. The existing fence is old and the planting surrounding the site is patchy and unkempt. The existing site includes areas of cleared vegetation which provides views into the rear garden of the site. There is a small wire and post fence between the existing vegetation that appears old and broken. It is recommended that a condition be attached to agree boundary treatments for the site.

The applicant has yet to confirm the proposed finish and materials for the driveway. The planning team would wish this to be designed to be in keeping with the proposed dwelling and this countryside location.

It is recommended that the demolition of the existing garage and outbuildings be a condition of development.

Other matters

Highways/access

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

The proposed development does not propose any alterations to the existing approved access into the site and on-site parking. The applicant has confirmed that two parking spaces are to be provided on the site. Appendix 2 of the local plan sets out the parking requirements for new build residential properties. The application suggests that the property to be built will have five bedrooms. The council's Highways team have assessed the submission and have no objections subject to conditions.

Flood risk and drainage

The application site sits within flood zone 2/3a (Tidal) of the Strategic Flood Risk Assessment for North Lincolnshire and as such is in a high flood risk zone.

The NPPF addresses planning and flood risk. Paragraphs 159 to 169 set out a requirement for the completion of a strategic flood risk assessment as well as a sequential test on sites which are identified as at risk of flooding and then, if necessary, an exceptions test. Paragraph 162 states:

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

In cases of redevelopment of existing properties (for example, replacement dwellings) such proposals will not require a sequential test provided they will not be placed at an unacceptable level of flood risk, irrespective of the risk posed to the existing dwelling. Section 7, Appendix B of the North and North East Lincolnshire Strategic Flood Risk Assessment, November 2021 highlights a need for a Flood Risk Assessment to be prepared for all development proposals within SFRA Flood Zone 2/3. Paragraph 7.17 states where proposals are for replacement dwellings a sequential test will not be required provided they do not expose people to an increase in flood risk. Whilst the site is for an increase in size of over 20% and will increase the number of bedrooms, the applicant has agreed to the demolition of existing outbuildings and the existing garage on the site which will further reduce the amount of hardstanding on site.

Policy CS19 of the Core Strategy sets out the council's approach to development in areas at risk of flooding. These policies seek to direct new development to areas at lowest risk of flooding and only permit development in areas of high risk where it provides wider sustainability benefits to the community that outweigh flood risk; is on previously developed land; and a flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere.

The proposal has been assessed by the LLFA team who have not raised any issues with the submission documents or proposals. The applicant has recommended that the ground floor level should be set at 4.1 metres AOD with flood resilient construction materials used for all parts of the building below 4.7 metres AOD as a minimum. It is therefore recommended that a condition be included that references the accompanying Flood Risk Assessment and the proposed mitigation measures set out within.

The applicant has provided a flood risk assessment as part of his submission and has committed to raising the floor levels to address the potential for flood risk. This provides an improved position on the existing dwelling which does not take into account the potential for flooding within the area.

Whilst the works would increase the footprint of the previous dwelling, the site includes a large area of existing hardstanding (paving/tarmac) which the development would extend onto, as well as a detached garage and outbuilding (which are to be demolished). It is, therefore, not considered that the current proposal would result in any increased flood risk on or off the site.

Environmental Protection

Considering the sensitive end use, Environmental Protection have recommended a condition requiring details to be submitted of any contamination found during development and how it is to be dealt with. This condition is viewed as reasonable and will be included accordingly.

Pre-commencement conditions

The pre-commencement conditions relating to driveway materials and boundary treatments have been agreed with the applicant.

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

1.

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

Reason

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

2.

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

Location Plan - dated 10-09-2021

Elevation & Section Plans - DWG. No. E/02/02/032/21/A

Floor Plans - DWG. No. E/01/02/032/21/A

Existing Site Plan - DWG No. E/03/03/032/21/A.

Reason

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

3.

The external materials to be used in the construction of the development hereby approved shall be as provided in section 7 of the application form.

Reason

In the interest of the visual amenity of the area.

4.

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

Reason

To protect human health.

5.

Development shall proceed fully in accordance with the mitigation measures (for example, finished floor levels) set out in the approved flood risk assessment (dated September 2021), and the applicant shall confirm completion of the approved scheme in writing within one month thereafter.

Reason

To reduce the potential impact of flooding in accordance with policy CS19 of the North Lincolnshire Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

6.

Notwithstanding the provisions of Schedule 2, Part 1, Classes A, AA, B, C, D and E of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015, or any order revoking and re-enacting that order with or without modification), no extensions, roof extensions, separate buildings or outbuildings

shall be erected to the dwelling hereby permitted or within its curtilage without planning permission having been obtained from 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 and the amenity of neighbours in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

Prior to first occupation of the hereby approved dwelling, the existing garage and two outbuildings on the site (as shown on Drawing No. E/03/03/032/21/A dated 18-02-2022) will be demolished.

Reason

To protect the character of the surrounding area, impact on amenity and to protect the countryside from over-development in line with policies RD10, H5 and DS1 of the North Lincolnshire Local Plan.

8.

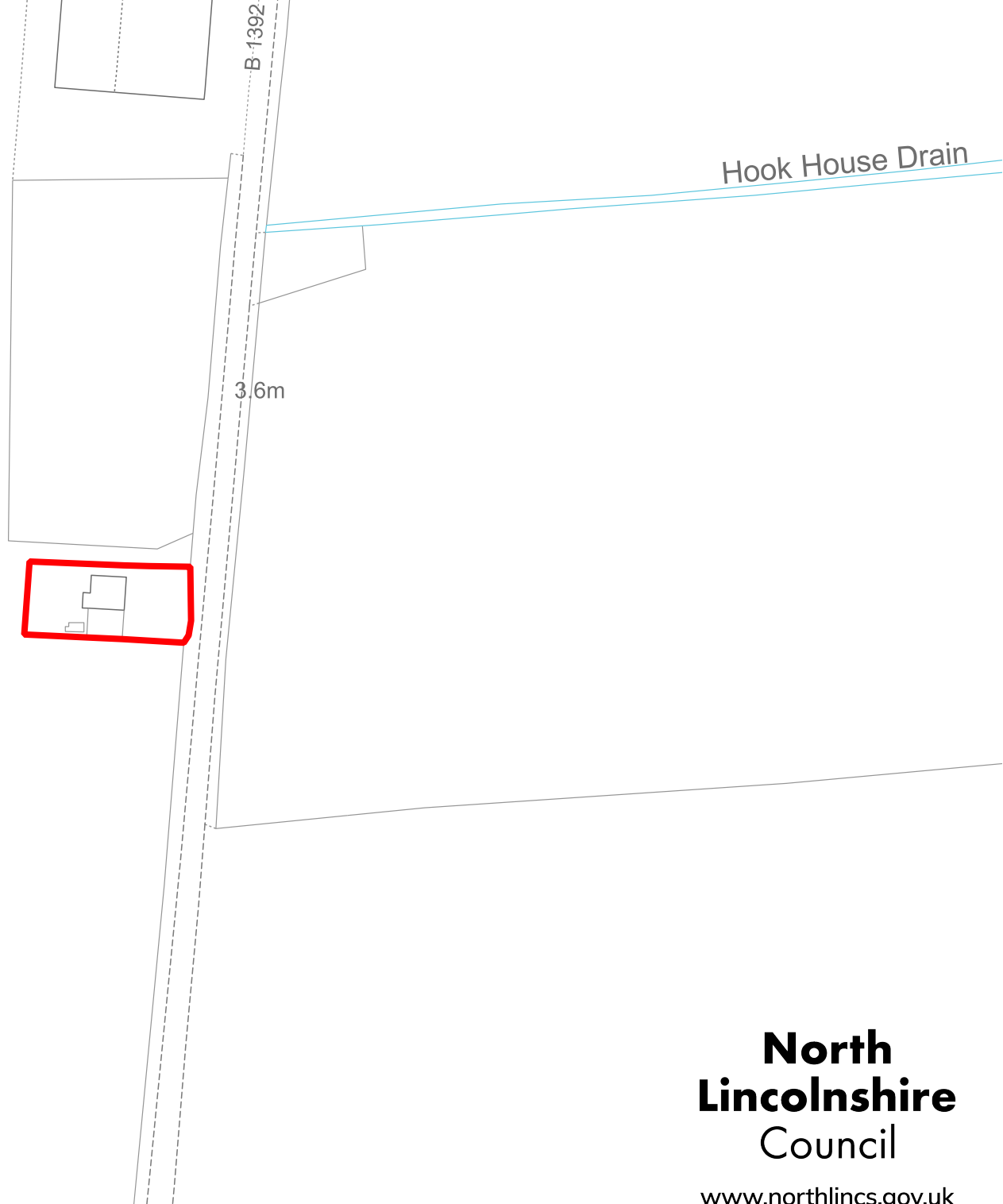
No development shall take place until proposals for boundary treatments (including any proposed walls, fencing or planting) and the proposed materials for the driveway have been submitted to and approved in writing by the local planning authority.

Reason

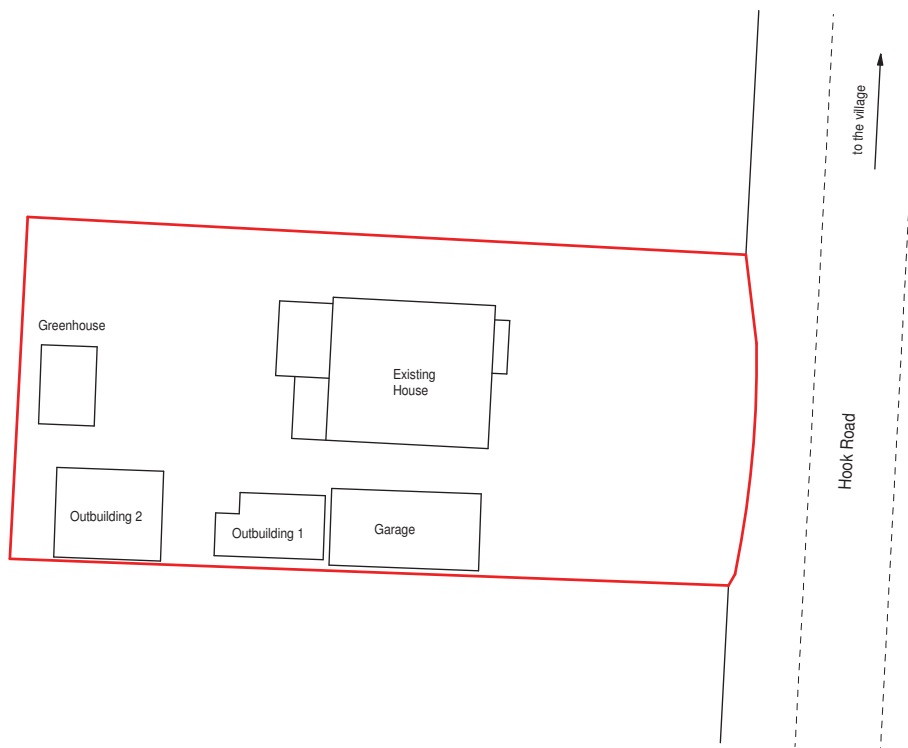
In the interests of visual amenity and to protect the character of the local area in line with Policy DS1 of the North Lincolnshire Local Plan.

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.



PA/2021/2143 Existing site layout (not to scale)



Total volume of existing buildings = 540.19 m³
 (includes 19.24 m³ greenhouse).

Height of existing house (ground level to ridge) = 7.90m

Height of new house (ground level to ridge) = 9.60m including
 and additional 450mm raised floor level to improve flood protection.

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NOTE:
 THIS DRAWING IS INTENDED FOR CONSULTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. ADDITIONAL INFORMATION, STRUCTURAL DESIGN AND/OR AMENDMENTS MAY STILL BE REQUIRED. DO NOT START WORK UNTIL YOU ARE IN POSSESSION OF ALL CORRESPONDING APPROVALS, APPROVED SUPPORTING DOCUMENTS AND APPROVED DRAWINGS. ADDITIONAL DESIGN OR ADMINISTRATION DUE TO STARTING WORKS WITHOUT FULL APPROVAL WILL BE CHARGED FOR.

ALL DIMENSIONS ARE APPROXIMATE & MUST BE CHECKED ON SITE

Drawing title.
EXISTING SITE PLAN

Revisions.

Client.
MR & MRS J. EYNON

Drawing No.
E/03/03/032/21/A

Scale.
1:250

Date.
18-02-2022

Project.
**REPLACEMENT DWELLING, NEW HOUSE,
 HOOK ROAD, AMCOTTS**

R M Potterton Ltd.
Architectural Services

2A Northfield Road
 Messingham
 Scunthorpe
 North Lincolnshire
 DN17 3SA

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 Mobile: 07944 302278
 rmpotterton@hotmail.co.uk

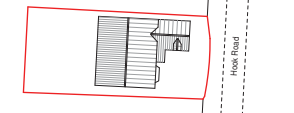
PA/2021/2143 Proposed elevations (not to scale)

Sandfort Cassius or similar dark grey tiles on 50 x 25mm battens on breathable membrane on prefabricated roof trusses to BS 5268 at 450mm c/c, all in accordance with manufacturer's design & installation details. Pitch as indicated.
Truss design calculations to be supplied for checking by Building Control - request conditional approval. All bracing in 100 x 25mm timber.
All tiles to be mechanically fixed including edge and hip tiles. 20 x 15mm galvanneal steel straps to wall plates, up gables and at ceiling level crossing min. 3 No. members on noggins min. 38mm wide.
Roof insulation to be 150mm mineral wool laid over right angles to battens below.
12.5mm plasterboard and skim to ceilings.



FRONT ELEVATION (EAST).

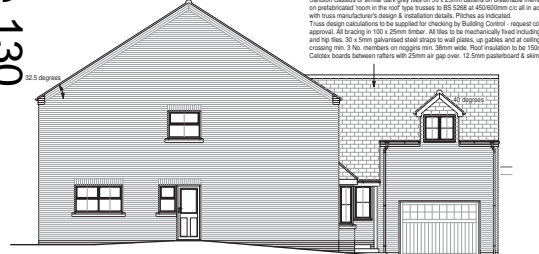
EXISTING SITE PLAN 1:500



PROPOSED SITE PLAN 1:500

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Sandfort Cassius or similar dark grey tiles on 50 x 25mm battens on breathable membrane on prefabricated trusses in that roof trusses to BS 5268 at 450mm c/c all in accordance with manufacturer's design & installation details. Pitches as indicated.
Truss design calculations to be supplied for checking by Building Control - request conditional approval. All bracing in 100 x 25mm timber. All tiles to be mechanically fixed including edge and hip tiles. 20 x 15mm galvanneal steel straps to wall plates, up gables and at ceiling level crossing min. 3 No. members on noggins min. 38mm wide. Roof insulation to be 150mm mineral wool laid over right angles to battens below.
12.5mm plasterboard & skim to ceilings.



SIDE ELEVATION (SOUTH).

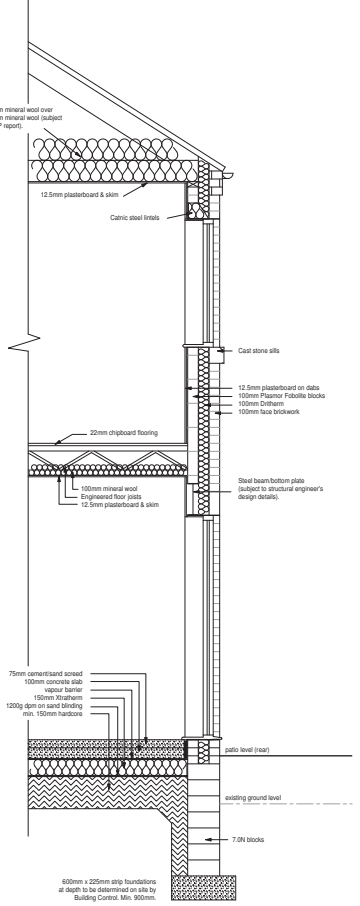


REAR ELEVATION (WEST).

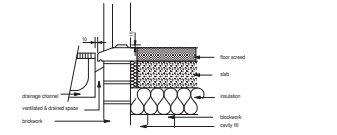
AMENDED

Building Regulations Compliance Notes:

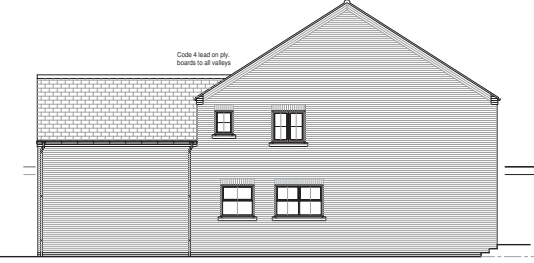
EXCAVATE FOR & CONSTRUCT CONCRETE STRIP FOUNDATIONS / SUBSTRUCTURE AS SECTION BLOCKWORK BELOW GROUND TO BE 750mm MIN. BLOCKS 300mm x 100mm WIDE AS APPROPRIATE. CAVITY WALLS ABOVE DPC ALSO AS SECTION UP TO WALL PLATE / UP GABLES ETC.
STAINLESS STEEL WALL TIES AT 450 c/c VERTICALLY, 750 c/c HORIZONTALLY AND 225 c/c VERTICALLY AT OPENINGS.
CAVITIES CLOSED USING PROPRIETARY CAVITY CLOSERS WITH THERMAL RES. MIN. 0.45W/m2k.
INTERNAL BLOCK WALLS IN 100mm BLOCKS ON 450mm x 225mm STRIP FOUNDATIONS WHERE INDICATED. NON LOAD BEARING WALLS TO BE OFF 225mm THICKED SLAB BLOCK WALLS FINISHED INTERNALLY WITH 12.5mm PLASTERBOARD ON DABS & SKIM. MAIN ROOF STRUCTURE IN PREFABRICATED TRUSSES TO BS 5268 AT 600mm MAX. c/c AT INDICATED PITCHES. TRUSS CALCULATIONS TO BE SUBMITTED FOR APPROVAL PRIOR TO WORK COMMENCING.
ALL LONGITUDINAL & DIAGONAL WINDBRACING IN 100mm x 25mm SOFTWOOD ALL TO BS 5268 OR PLY/OSB SHEATHING.
30mm x 5mm GALV. STRAPS TO WALL PLATES, UP GABLES AT CEILING LEVEL AT 20m c/c CROSSING AT LEAST 30m MEMBERS ON MIN. 38mm NOGGING.
ROOF COVER TO BE CONCRETE/CLAY TILES ON 50mm x 25mm BATTENS ON BREATHABLE MEMBRANE.
CATNIC STEEL LINTELS OVER ALL EXTERNAL OPENINGS WITH DPC OVER.
INSTALLATION ALL IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS. REINFORCED CONCRETE LINTELS TO INTERNAL OPENINGS AND TO WALLS WHERE ANY DRAINING PASS UNDER.
MANS FED LINKED SMOKE DETECTORS TO BS 5446 PT 1 & IN ACCORDANCE WITH APPROVED DOCUMENT B OF CURRENT BUILDING REGULATIONS.
INTERNAL WALLS SURROUNDING BEDROOMS AND ROOMS CONTAINING WC's TO HAVE RESISTANCE TO SOUND.
ALL STUD WALLS TO BE MIN. 75mm STUD, 25mm THICK MINERAL WOOL/FIBREGLASS BATS (WHERE SHOWN WITH VOIR) & PLASTERBOARD FINISH MIN. MASS 100kg/m3. CONCRETE BLOCK WALLS TO HAVE MIN. MASS PER UNIT AREA OF 120 Kg/m3. PLASTERBOARD ON DABS & SKIM FINISH TO BOTH SIDES.
AIRCOTE WALLS WITH PLASTER FINISH SHOULD HAVE MIN. MASS OF 75 Kg/m3. ALL GAPS AND JOINTS TO BE FILLED AND WELL SEALED.
ALL WINDOWS TO HABITABLE ROOMS TO HAVE OPENING LIGHTS MIN. 1.2m2 RESPECTIVE FLOOR AREAS AND TRICKLE VENTS TO HEADS PROVIDING MIN. 8000mm2 VENTILATION TO HABITABLE ROOMS, 4000mm2 TO NON-HABITABLE ROOMS.
ALL HOT TAPS TO BE FITTED ON THE LEFT HAND SIDE AND WATER AT BATH TAPS TO BE LIMITED TO 48 DEGREES C.
SANITARY FITTINGS TO HAVE ANTI SYPHON TRAPS AND TO DISCHARGE TO S.V.P's BACK INLET GULLIES AND CONNECTED TO MAINS DRAINAGE VIA 100mm DIA. POLY. PIPEWORK AND PREFORMED CHAMBERS WHERE INDICATED.
ALL DRAINS TO BE AT 1:40 GRADIENT AND BED & SURROUND IN COMPRESSIBLE FILL MATERIAL.
ALL OPENINGS FORMED BY DRAINS WHICH PASS THROUGH THE BUILDING CONSTRUCTION ARE TO BE MASKED AND SEALED TO PREVENT ENTRY FROM FILL, VERMIN AND GASES.
SURFACE WATER TO DISCHARGE TO SOAKAWAYS MIN. 5.0m FROM BUILDINGS VIA 100mm DIA. HALF ROUND CUTTERS AND 65mm DIA. FALL PIPES. 100mm DIA. POLY. DRAINAGE AT 1:40 FALLS TO SOAKAWAYS TO BRE 365. PERCOLATIONS TEST TO BE CARRIED OUT AND RESULTS SUPPLIED FOR CHECKING BEFORE WORK COMMENCES. REQUEST A CONDITIONAL APPROVAL.
ALL RELEVANT PIPEWORK TO HAVE INSULATION THICKNESS EQUAL TO PIPE DIAMETER OR 40mm MAX. INCLUDING ANY PIPE RUNS THROUGH UNHEATED SPACES.
RESPONSIBILITY FOR ACHIEVING COMPLIANCE WITH THE REQUIREMENTS OF PT 1 HEAT PRODUCING APPLIANCES RESTS WITH THE PERSON CARRYING OUT THE WORK. THAT PERSON MUST PREPARE A REPORT SHOWING THAT MATERIALS & COMPONENTS APPROPRIATE TO THE INTENDED APPLICATION HAVE BEEN USED & THAT FLUES HAVE PASSED APPROPRIATE TESTS.
THE COUNCIL MAY REQUEST A COPY OF THE REPORT.
HEATING & HOT WATER SYSTEMS SHALL BE INSPECTED AND COMMISSIONING CERTIFICATE ISSUED AT COMPLETION OF INSTALLATION TO CONFIRM THAT APPROPRIATE PROVISION HAS BEEN MADE FOR THE SYSTEMS EFFICIENT OPERATION FOR THE PURPOSES OF CONSERVATION OF FUEL & POWER.
THE CERTIFICATE TOGETHER WITH MANUFACTURERS OPERATING AND MAINTENANCE INSTRUCTIONS MUST BE AVAILABLE FOR OCCUPANTS USE. A DURABLE NOTICE CONTAINING INFORMATION ON THE PERFORMANCE CAPABILITIES OF THE HEATINGS, FIREPLACES, FLUES AND CHIMNEYS SHALL BE AFFIXED IN A SUITABLE PLACE IN THE BUILDING FOR THE PURPOSES OF ENABLING COMBUSTION APPLIANCES TO BE SAFELY INSTALLED.
ALL WINDOWS TO COMPLY WITH PART L REQUIREMENTS (U' VALUE OF 1.4 W/m2k OR BETTER).
WINDOW & DOOR FRAMES TO OVERLAP THE CLOSERS BY MIN. 30mm. APPLY SEALANT TO FRONT & BACK OF FRAMES AND SILLS.
EFFICIENT LIGHTING TO BE FITTED THROUGHOUT THE DWELLING UNLESS SAP REPORT DICTATES OTHERWISE.
IT SHALL BE PROVIDED BY FIXED LIGHTING FITTINGS WHICH ONLY TAKE LAMPS HAVING A LUMINOUS EFFICACY GREATER THAN 40 LUMENS PER CIRCUIT / WATT, i.e. FLUORESCENT TUBES AND COMPACT FLUORESCENT LAMPS, NOT GLS TUNGSTEN LAMPS WITH BAYONET CAP OR EDISON SCREW BASES.
BUILDING TO BE CONSTRUCTED IN ACCORDANCE WITH ROBUST CONSTRUCTION DETAILS TO REDUCE UNWANTED AIR LEAKAGE.
APPROACH AND ACCESS TO THE BUILDING TO BE IN ACCORDANCE WITH APPROVED DOCUMENT M. FRONT DOOR TO HAVE DRAINED ACCESSIBLE THRESHOLD IN ACCORDANCE WITH APPROVED DOC. M AND WITH MIN. CLEAR OPENING WIDTH OF 775mm. PROPERTY TO HAVE PARKING AREA MIN. 3.0m WIDE WITH FIRM SURFACE TO FACILITATE DISABLED ACCESS.
INTERNAL DOOR WIDTHS TO COMPLY WITH PART M.
WALL MOUNTED SWITCHES & SOCKET POSITIONS TO COMPLY WITH PART M. GLAZING IN CRITICAL LOCATIONS TO BS 6206 1981 (SAFETY GLASS).
ALL ELECTRICAL WORK REQUIRED TO COMPLY WITH APPROVED DOCUMENT P TO BE CARRIED OUT BY A PERSON COMPETENT TO DO SO. A CERTIFICATE ISSUED BY A COMPETENT PERSON TO PROVE THAT THE INSTALLATION HAS BEEN TESTED & COMPLES WITH PART P MAY BE REQUESTED BY BUILDING CONTROL.
PART Q.
SECURE DOORSETS SHOULD BE EITHER MANUFACTURED TO A DESIGN THAT HAS BEEN SHOWN BY TEST TO MEET THE SECURITY REQUIREMENTS OF BRITISH STANDARD PUBLICATION PAS24:2012 OR DESIGNS AND MANUFACTURED IN ACCORDANCE WITH APPENDIX E.
LETTER PLATES WHERE PROVIDED SHOULD HAVE A MAXIMUM APERTURE OF 260mm x 40mm AND BE LOCATED AND/OR DESIGNED TO HINDER ANYONE ATTEMPTING TO REMOVE KEYS WITH STICKS AND/OR INSERT THEIR HAND FOR EXAMPLE BY INCORPORATING A FLAP OR OTHER FEATURE TO RESTRICT ACCESS.
THE MAIN DOORS FOR ENTERING THE DWELLING SHOULD HAVE A DOOR VIEWER UNLESS OTHER MEANS EXIST TO SEE CALLERS, SUCH AS CLEAR GLASS WITHIN THE DOOR OR A WINDOW NEXT TO THE DOORSET. THE SAME DOORSET TO HAVE A DOOR CHAIN OR DOOR LIMITER.
WINDOWS TO BE MADE TO A DESIGN THAT HAS BEEN SHOWN BY TEST TO MEET THE SECURITY REQUIREMENTS OF BRITISH STANDARD PUBLICATION PAS24:2012 SUITABLE TERMINAL ACCESS POINT TO BE PROVIDED FOR CONNECTION BY INTERNET SERVICE PROVIDER.



TYPICAL SECTION (REAR).



TYPICAL HOUSE THRESHOLD DETAIL
PART M (Floor construction may vary). NTS



SIDE ELEVATION (NORTH).



NOTE: THIS DRAWING IS INTENDED FOR CONSULTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. ADDITIONAL INFORMATION, STRUCTURAL DESIGN AND/OR AMENDMENTS MAY STILL BE REQUIRED. DO NOT START WORK UNTIL YOU ARE IN POSSESSION OF ALL CORRESPONDING APPROVALS. APPROVED SUPPORTING DOCUMENTS AND APPROVED DRAWINGS. ADDITIONAL DESIGN OR ADMINISTRATION DUE TO STARTING WORKS WITHOUT FULL APPROVAL WILL BE CHARGED FOR.
ALL DIMENSIONS ARE APPROXIMATE & MUST BE CHECKED ON SITE

Drawing title ELEVATIONS, SECTIONS & NOTES		Client MR & MRS J. EYNON	
Revisions REV. A - JANUARY 2022: FRONT GABLE WINDOW AMENDED (GARAGE WINDOW OMITTED).		Date E/02/02032/21/A	Date 10-09-2021
Project REPLACEMENT DWELLING, NEW HOUSE, HOOK ROAD, AMCOTTS		Scale at A1 1:50, 1:25, 1:100	Address 2A Northfield Road Messingham Scunthorpe North Lincolnshire DN17 3SA
		Telephone: 01724 761752 Mobile: 07944 302278 rmpotterton@hotmail.co.uk	

R M Potterton Ltd.
Architectural Services

APPLICATION NO	PA/2021/2201
APPLICANT	Mr Keith Simpson
DEVELOPMENT	Planning permission to erect six semi-detached dwellings with associated works (resubmission of PA/2019/1984)
LOCATION	The Haymaker, 75 Main Street, Bonby, DN20 0PY
PARISH	Bonby
WARD	Brigg and Wolds
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Bonby Parish Council Significant public interest

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development, paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- (a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects
- (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 neighbour-hood 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.

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

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 highquality 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.

Paragraph 93 – To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

- (b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- (d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

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

H5 – New housing Development

H8 – Housing Design and Housing mix

HE9 – Archaeological Evaluation

DS1 – General Requirements

DS7 – Contaminated Land

DS11 – Polluting Activities

DS14 – Foul Sewage and Surface Water Drainage

DS16 – Flood Risk

LC15 – Species Protection

T2 – Access to Development

T19 – Car Parking Provision and Standards

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering More Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design in North Lincolnshire

CS6 – Historic Environment

CS7 – Overall Housing Provision

CS8 – Spatial Distribution of Housing Sites

CS17 - Biodiversity

CS18 – Sustainable Resource use and Climate Change

CS19 – Flood risk

CS22 – Community Facilities and Services

CONSULTATIONS

Highways: Support subject to conditions relating to parking, access, an enhanced footway arrangement on the site frontage and the submission of a construction phase traffic management plan.

LLFA Drainage: No objections subject to conditions relating to surface water disposal from the site and measures to prevent surface water on the highway.

Anglian Water: Views awaited.

Environmental Protection: No objections subject to conditions relating to contamination and restrictions on working hours to protect the amenity of residents during construction.

HER (Archaeology): The application site lies within an area where archaeological remains may be anticipated. Mitigation proposals to offset the harm to any archaeological remains should be set out in a Written Scheme of Investigation (WSI) and submitted prior to determination of the planning application. Mitigation should comprise a programme of archaeological monitoring and recording to be undertaken during the construction groundworks. Where the planning authority is minded to grant consent, any permission should be subject to conditions securing the implementation of an agreed WSI.

Ecology: Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and The Defra Small Sites Metric.

PARISH COUNCIL

As this is an unchanged resubmission of PA2019/1984, the original objection from Bonby Parish Council to this application remains unchanged and should be considered in full against PA/2022/2201.

In addition, it is noted that at appeal it was cited that the main reason for dismissal was that the appellant had failed to provide adequate evidence to demonstrate that the building known as The Haymaker is no longer needed as a community facility. Whilst that may have been in question at the time of the original application, there is now substantial evidence to

the contrary, demonstrating beyond doubt that The Haymaker is very much required as a community facility.

As a result of the property being placed on the market in early 2021, the Low Villages Community Pub Group was formed. Bonby Parish Council commissioned a valuation on the property from the Valuation Office Agency, and it should be noted that the resulting valuation was less than half the asking price of the property. It should also be noted that any purchaser would be required to spend a substantial sum on refurbishing and re-fitting the building as a public house (this is detailed in the Valuation Office Agency Report).

The Low Villages Community Pub Group raised sufficient funds to enable a formal offer of purchase to be made for the valuation figure on 26th July 2021. This offer has been refused. It should be noted that to raise this sum of money in such a short space of time further demonstrates the support from the Low Villages Community in retaining The Haymaker as a public house.

Consequently, the development proposal still fails to accord with policy C2 of the North Lincolnshire Local Plan 2003 or with policy CS22 of the North Lincolnshire Local Development Framework: People; Places; Spaces – Core Strategy 2011 which both seek to resist the loss of community facilities unless it is not economically viable, there is no longer a need for the building in any form of community use and/or there is no acceptable alternative to meeting that need.

Furthermore, it also still fails to accord with the advice handed down at paragraph 92c) of the National Planning Policy Framework that decision makers should guard against the unnecessary loss of valued local facilities such as public houses, particularly where this would reduce the community's ability to meet its day-to-needs.

It also remains that the density and design of the proposed properties remains of major concern to the village, and is completely out of keeping with other properties in Bonby.

In summary, Bonby Parish Council maintains robust objections to this proposal.

Bonby Parish Council's original objection to the previous application PA/2019/1984 is appended and will need to be taken into consideration in the determination of this current application.

PUBLICITY

Advertised by site notices. Thirty-one responses have been received objecting to the proposal and one in support. The objections raise the following issues:

- Low Villages Pub Group Limited established to demonstrate there is an interest in the premises being used for community purposes, and following this a business plan is progressing
- change to a steak house curtailed many community activities
- survey undertaken and 76% of households felt there was a need for a pub and various functions

- an offer for the site below the asking price (based on an evaluation by the District Valuer and costs to make the premises operational) was submitted in July 2021 and was rejected by the applicant's agent
- the business plan is well underway, grant funding is available and a funding group has been established
- there is a need for this community facility in Bonby
- there are no alternative premises available
- other pubs in North Lincolnshire on the market at lower prices with less repairs required – the market value is unrealistic
- there was a lack of demand for a steak house; there is demand for a public house
- all opportunities to re-open have not been considered
- Covid has increase demand for local facilities
- lack of forthcoming financial information from the owners
- tourism in the area has increased, which will support the business
- other villages are interested in the facilities Bonby has to offer
- potential for working with existing community facilities in Bonby to provide the community facilities the community wishes
- increased congestion
- only remaining village pub of the four Wolds villages
- the site should be used as community facility
- highway safety issues
- out of character
- over-development
- overlooking
- lack of car parking
- surface water flooding
- the building should be preserved
- Asset of Community Value
- important for wellbeing and village life

- interest in purchasing the premises for a community facility
- a decision should be deferred until the Community Benefit Society business plan has been assessed
- the dwellings will have small gardens
- the business can be viable
- previous application PA/2017/1404 granted a dwelling on the site
- starter homes should be provided.

The response in support raises the following issues:

- The Haymaker has not been supported by the community.
- The Haymaker has been on the market for years and hasn't been sold.
- The community group are not offering anything a well run village hall couldn't provide.

ASSESSMENT

The site and proposal

This proposal is for the demolition of an existing public house/restaurant to erect six semi-detached, four-bedroom dwellings on a site in Bonby. Bonby is identified as a rural settlement in the HELAP and the site is within the development boundary. The Haymaker was originally a public house and has been operating in more recent times as a restaurant. It is a community facility. The restaurant has been closed since 2019 and the restaurant business has been transferred to Elsham Golf Club. The Haymaker is listed as an Asset of Community Value.

The proposed dwellings will face Main Street with two car parking spaces in front of each of them, accessed from Main Street. The proposed dwellings are of a similar design with gables on the front elevation and canopies to form an open porch, and will be constructed from brick, render and grey roof tiles. The dwellings will be three-storey with dormer windows, and gable windows with balconies on the rear elevations. A mix of modern and traditional design dwellings are proposed on the site. They will be sited lower than Main Street due to site levels. A streetscape elevation shows the dwellings to all be of equal height, with each pair gradually positioned higher following the natural level topographical changes of the site from north to south. The site is located adjacent to residential properties and the village hall.

Members may recall that in 12 May 2020 a similar application was refused at planning committee. This was because the council did not consider that it has been adequately evidenced that there was no longer a need for the building in any form of community use. In addition, there was no alternative means of meeting such a need, as there is no accessible replacement facility in Bonby. Accordingly, the proposal was 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 applicant then lodged an appeal against the refusal of planning permission. The appeal was dismissed on 16 November 2020. The Inspector stated:

“the Appellant has failed to provide satisfactory evidence to demonstrate that the building known as The Haymaker is no longer needed as a community facility. Consequently, the development proposal fails to accord with Policy C2 of the North Lincolnshire Local Plan 2003 or with Policy CS22 of the North Lincolnshire Local Development Framework: People; Places; Spaces – Core Strategy 2011 which both seek to resist the loss of community facilities unless it is not economically viable, there is no longer a need for the building in any form of community use and/or there is no acceptable alternative to meeting that need.”

and

“it would fail to accord with the advice handed down at Paragraph 92c) of the National Planning Policy Framework that decision makers should guard against the unnecessary loss of valued local facilities such as public houses, particularly where this would reduce the community’s ability to meet its day-to-needs.”

This appeal decision is a material consideration in the determination of this application. The original committee report and the Inspector’s appeal decision notice are appended to this report.

The main issues associated with this proposal are whether it complies with policy and, if so, whether the impact on the community of Bonby is acceptable. The proposal must also be assessed in terms of impact on the character of the area, on neighbours, on the highway, on drainage for the area and on archaeology, and contamination needs to be addressed. It must also be assessed whether the reasons in the Inspector’s decision notice for dismissing the appeal for PA/2019/1984 have been overcome within this application.

Principle of development

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

Policy CS2 is concerned with delivering more sustainable development. It states, ‘...Small-scale developments within the defined development limits of rural settlements to meet identified local needs’ would constitute a sustainable development. Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11 of the NPPF states plans and decisions should apply a presumption in favour of sustainable development. In this case the site is located within the development boundary of Bonby where, in principle, residential development is considered to be acceptable.

The Localism Act 2011 introduced provisions to help communities safeguard land and buildings for a community purpose. The Haymaker was added in January 2020 as an asset of community value (ACV). In terms of the weight given to this as part of the planning assessment, there is local policy which considers the loss of community facilities as well as the NPPF (paragraphs 92 and 93). The assessment of the proposal against these policies therefore reflects its status as a community asset.

Policy C2 of the North Lincolnshire Local Plan is concerned with community facilities in minimum growth settlements, Rural Hamlets and Villages in the open countryside. The settlement hierarchy within the Core Strategy describes Bonby as a rural settlement and therefore policy C2 is considered relevant. The policy states that 'Proposals which would lead to the loss of key village services (uses falling under Classes A1, A2, A3, C1, C2, D1 and D2 of the Town and Country Planning (Use Classes) Order 1987), including the change of use of vacant premises to uses outside these classes located in rural local centres, will only be permitted where it can be demonstrated that these facilities are not economically viable and that all options for their continuance have been fully explored, and/or an accessible replacement facility exists elsewhere in the local centre.' (At the time of the local plan adoption, drinking establishments and restaurants were Class A3 Food and Drink.)

Furthermore, policy CS22 of the Core Strategy, which deals with community facilities and services, 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.' Both of the above policies are reinforced by paragraph 93 of the NPPF (refer to policy section above).

There are no other restaurants or public houses in Bonby. There is a shop/post office within the village that appears to incorporate a vegan café/counter and a village hall. Policy C2 of the NLLP states that the loss of these services will only be supported if it is demonstrated that the facilities are not economically viable or an accessible replacement facility exists elsewhere. Policy CS22 states that [loss 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. Paragraph 93(c) of the NPPF states, '[policies and decisions should]...guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.'

The applicant has submitted financial figures which show that the facility has been unviable over a three-year period and made significant losses in the years 2016 to 2019. The premises has not been trading since August 2019 and the steakhouse restaurant business has transferred to Elsham Golf Club. Whilst the owners of The Haymaker still live on the premises, the business is closed and the building is falling into disrepair.

Following the appeal decision for PA/2019/1984, the applicant has submitted additional robust marketing details for the site. The site has been marketed once again with a local estate agent continuously from January 2021. The premises were available for sale through offices in Brigg but also Scunthorpe, Barton upon Humber and Epworth and via the residential department and also commercial department of the local estate agency. The property was also listed for sale on the major property portals including Rightmove, Zoopla and OnTheMarket. The premises are still being marketed with a For Sale sign displayed on the site and the premises are still advertised on the estate agent's website. There has been one offer (see section below) for the premises. The estate agent has also confirmed that since the application was submitted no further offers have been made. In terms of price, the premises are marketed at £395,000 freehold as a former public house/restaurant with owner accommodation and early/immediate vacant possession. The estate agent has submitted a letter confirming the extent of the marketing and level of interest from January 2021 to October 2021:

(a) Viewings – 2

(b) Email requests – 47

(c) Last 30 days – 5 potential purchasers have researched the property in detail

(d) Offers – 1.

In terms of the price of £345,000, the estate agent has confirmed that the asking price was pitched fairly and realistically to potentially attract buyers. The asking price reflected the extensive size of the property, being around 388 square metres (gross external floor area), together with the fact that the property stood in grounds of around a third of an acre with large existing tarmacadam 21-bay car parking. The desirability of Bonby was also reflected in the recommendations with regard to the asking price. Although objectors have suggested other public houses in North Lincolnshire were marketed at a lower price, it is difficult to make comparisons when sites and locations are all different. There is no compelling evidence to suggest the price the premises is marketed at is not realistic.

In this case, in July 2021 the Low Villages Pub Group submitted an offer for the premises. This offer was substantially less than the asking price of £395,000. The offer was low due to the high costs to make the premises operational. This offer was rejected by the owner and there appears to have been no further negotiation from either side in relation to the offer. In addition, no details have been submitted of the offer, including the breakdown to make the premises viable and the proposed use(s). There are no details of any business plan and no firm details of any funding that is in place/has been secured by the Low Village Pub Group.

The premises are an Asset of Community Value and the owner has followed the procedures associated with an Asset of Community Value. The owner gave notification to the council of the intention to dispose of the premises on 1 February 2021. The interim moratorium period ended on 14 March 2021. The full moratorium triggered by Bonby Parish Council ended on 31 July 2021. The protected period ends on 31 July 2022. The owner does not have to sell the property to a local community group so long as the owner has allowed them the opportunity to express their interest and enter a bid for the property. The owner can dispose of the Asset of Community Value on the open market once the Full Moratorium has expired (31 July 2021), and will be able to do so for a period of 18 months (beginning from the date the owner first notified the local authority of their intention to dispose of the property). This period is referred to as the 'Protected Period' which ends on 31 July 2022.

The owner is under no obligation to accept this offer from this community group. It is at face value – only an offer; there is no evidence that even if the owner accepted the offer it would translate into a sale and allow the premises to be run as a public house or other community facility. Indeed, the Inspector in his appeal notice stated, '... if the residents of Bonby do wish to see the building re-invigorated for use as a public house or some other multi-use community facility it is now incumbent upon them to come forward with a viable, sustainable proposal.' The level of opposition to the current proposal is noted but a facility such as a public house in a village with a sparsely populated hinterland can only stay open in the long term if it is used regularly by local people. With this in mind the community has come forward with an offer, but sadly to date, it does not appear to be a viable, sustainable proposal. Therefore, from the evidence that has been submitted, including the extensive marketing carried out with the only offer being from the Low Villages Community Pub Group, the fact that the accounts for the premises show it made a loss from 2016 to 2019 (before it closed), the fact that the premises have been closed for almost three years, that there other public houses in South Ferriby (albeit a short drive/cycle ride away) and there is an existing village hall and shop in Bonby, it is found on balance that there is no longer a need for the premises to be in any form of community use. The proposal therefore accords

with policies CS22 of the Core Strategy and C2 of the NLLP, and paragraph 93 of the NPPF.

In conclusion, considering the main issues in the determination of this application, on balance, the impact of harm, when assessed against the associated benefits; policies CS1, CS2, CS3 and CS22 of the Core Strategy; and policy C2 of the local plan; and the deterioration of the building, it is considered by the local planning authority that the proposal is acceptable, the benefit of residential development outweighs the current unviable business that has ceased trading, and the application should therefore be supported. The principle of development is therefore considered acceptable as there is sufficient supporting evidence that The Haymaker is not a viable business. Whilst a prospective buyer has come forward following its marketing, the offer submitted was too low for the applicant to accept. The applicant is under no obligation to accept a low offer. There appears to have been no further negotiation between the parties involved and no further offers have been received. There is no longer a need for The Haymaker in any form of community use, and whilst the proposed loss of The Haymaker is unfortunate, the settlement of Bonby would still be served by other community facilities and there are public houses/restaurants in accessible locations, albeit they are outside of the settlement of Bonby.

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. Both policies are considered relevant. Comments from objectors in relation to the level of car parking on the site, the access and the location of the development on the site are all noted. The council's Highways department has assessed the submission and has no objection to the proposal subject to the imposition of conditions relating to, amongst other things, the provision of an enhanced footway arrangement, the laying out of hard areas, surface water, drainage details, construction of the proposed access roads and a construction phase traffic management plan. It is therefore considered, subject to planning conditions, that the proposal is in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

Flooding and drainage

Policy CS19 of the Core Strategy is concerned with flood risk; policy DS14 of the NLLP is concerned with foul sewage and surface water drainage. The application site is located within flood zone 1 (lowest level of flood risk) and is therefore a preferred place for development in terms of flood risk, and represents a previously developed site. Comments from objectors that the site has flooded are noted. The LLFA has been consulted and has no objections to the proposal subject to the imposition of conditions relating to a strategy for the management of surface water created by the development. These conditions are proposed to be imposed on the planning permission. The proposal would align with policies CS18 and CS19 of the Core Strategy and policy DS14 of the NLLP.

In terms of foul drainage, the site will already be connected to the network; however, it is unclear whether or not this is fit for the purpose for the six dwellings. Anglian Water has been consulted but to date has not made any comment. That said, the applicant would be subject to separate legislation: sections 106–109 of the Water Industries Act 1991 relating to 'communication of drains and private sewers with public sewers' and it is considered that this is sufficient mitigation. It is understood that Anglian Water would have an obligation to take any flows generated by the development should planning permission be granted and

would have to ensure that any additional capacity required is created. Planning conditions are proposed for the submission of details of the foul water to the council for approval. Anglian water would be consulted on these details. The proposal, subject to a planning condition, is therefore considered to be in accordance with the aforementioned planning policies.

Environmental issues

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states that planning permission for development will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release. Policy DS1 of the NLLP is also concerned with protecting amenity. The council's Environmental Health team has assessed the application and has stated that there is a requirement to mitigate the impact of construction on local residents by restricting construction hours and site clearance operations. This could be dealt with by a planning condition. Given the above mitigation, it is considered that the proposal would accord with policy DS11 of the North Lincolnshire Local Plan

Land quality

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. The applicant has not submitted a sufficient level of information in relation to land quality and the Environmental Health Officer has recommended that a full suite of contamination conditions be attached to any approval. The site has been used as a public house and restaurant and there is potential for contaminants on the site such as hydrocarbons. Again, this matter could be dealt with by a planning condition. It is therefore considered that the proposal is in accordance with policy DS7.

Archaeology

In terms of archaeology, HER has been consulted and considers that the site lies within an area where archaeological remains are anticipated and construction works may destroy archaeological evidence. A programme of archaeological monitoring, excavation and recording should be maintained during construction groundwork associated with the development commonly known as a 'watching brief'. The archaeological fieldwork would be followed by post-excavation assessment, reporting, analysis and publication of any results as required. This matter can be dealt with by planning conditions, including the submission of a Written Scheme of Investigation (WSI). The proposal therefore accords with policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

Biodiversity and landscaping

Policy CS17 of the Core Strategy, as well as paragraph 174 of the NPPF, relates to biodiversity. Paragraph 174 states, 'planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity.' Paragraph 180 of the NPPF states, 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity. Policy LC5 of the North Lincolnshire Local Plan does not allow planning permission to be granted for

development that would have an adverse impact on protected species. Following comments from the council's ecologist, the applicant has carried out a bat survey on the site/building. The surveyor found no evidence of bats roosts and negligible bat roosting potential in the restaurant and associated buildings. This report has been assessed by the council's ecologist who considers the report acceptable subject to conditions to minimise harm to protected and priority species and habitats and to seek a net gain in biodiversity. A landscaping condition is also proposed to ensure an acceptable landscaping scheme is provided on the site. Subject to these conditions, the proposal will align with policy LC5 of the North Lincolnshire Local Plan and policy CS17 of the Core Strategy.

Character and design

In terms of character, six semi-detached dwellings are proposed. The density of the development is higher than proposed for rural settlements set out in policy CS7 of the Core Strategy (at 50 dwellings per hectare) but this must be balanced against the fact that the site is located within the development limit of Bonby, that the site is a brownfield site and that, in design terms, the properties resemble three detached dwellings on the front elevation. It also has to be acknowledged that the densities set out in policy CS7 are aspirational minimum densities for new development and do not place a limit on maximum densities, which are largely dictated by site constraints and the character of the surrounding area. It has been demonstrated that six dwellings could be provided on the site with adequate amenity space and parking provision. Main Street comprises a mix of housing types and designs, and streetscape elevations have been submitted which demonstrate that the development will not have an adverse impact on the character and amenity of the locality.

The proposed dwellings will create a vibrant development that does not significantly harm the overall character of Bonby. Furthermore, the Inspector, in his decision notice, did consider that the site was suitable for housing and did not raise any issues in relation to the character and design of the dwellings. In terms of character and design, therefore, the proposal accords with policies CS2, CS5 and CS7 of the Core Strategy, and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

Amenity

Policy DS1 of the North Lincolnshire Local Plan is partly concerned with impact 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.' In this case, due to the orientation and distance of adjoining residential properties from the site, no overlooking issues will arise from windows in the front elevations, or from bathroom and en-suite windows in the side elevations which could be required to be obscured glazed through a planning condition. The rooflights in the side elevations are at a high level within the roof and therefore any overlooking will be marginal.

Balconies are proposed on the rear elevations of all the proposed dwellings and concerns from adjoining neighbours in relation to overlooking are noted. The dwellings to the rear of the application site are Fieldview, The Mullings and Rowley House. There is a distance of over 30 metres from the proposed development to Fieldview. Some of the balconies will overlook the garden of Fieldview but not significantly due to the distances between the dwellings. There is a distance of over 40 metres from the proposed development to The

Mullings. There will be a marginal element of overlooking into the garden area of The Mullings.

In terms of Rowley House, there will be an element of overlooking from some of the balconies into the driveway area of this property and a smaller element of overlooking to the rear garden. Rowley House has some windows in its northern elevation but these are not the only windows to these rooms, so again there will be an element of overlooking into this property, but at an oblique angle. Plot 1 of the proposed development will be located close to the boundary with Rowley House. The existing building and garden area of The Haymaker are also located adjacent to this boundary. However, in front of Rowley House is the village hall car park so the relatively open aspect to the rear of Rowley House will still largely remain. Planning conditions will be used to ensure the bathroom and en-suite windows at first-floor level are obscured glazed to protect privacy. Therefore, whilst there will be small elements of overlooking as a result of the proposed development, this is not considered significant enough to justify refusal of the scheme. In addition, the Inspector's decision did not make any reference to amenity issues raised by the proposed development. The proposal therefore aligns with policies H5, H8 and DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

Other issues raised

Comments have been made that the cottage on the site should be preserved. This is not a listed building, but it has been designated an ACV. There is a need for dwellings in North Lincolnshire. The council cannot insist the dwellings are affordable/starter homes as the number of dwellings proposed is under the threshold for a Section 106 to be required. In terms of highway concerns, parking restrictions and drainage concerns, no objections have been received from the highway authority or the LLFA.

Pre-commencement conditions

All pre-commencement conditions have been agreed with the applicant.

Conclusion

This application seeks full planning permission to erect six semi-detached dwellings and associated works. The proposal will lead to the loss of a community facility. This committee report has set out all the planning policies and material planning issues associated with the proposal. The information submitted with the application provides evidence that the business is not viable and shows a trading loss from 2016 to 2019 and that the premises have been actively marketed with a local estate agent for over a year. Whilst one offer has been received from a community group this offer has not been accepted by the owner as it was considered to be too low and the owner is not obliged to accept this offer. The premises have also been closed since 2019.

It is considered, on balance, that despite the single offer received the existing use of The Haymaker as a public house/restaurant is no longer commercially viable. Furthermore, an acceptable level of means of retaining the public house/restaurant has been explored by marketing it, but little interest has been shown by any prospective buyer and the business is therefore considered no longer commercially viable. There are other community facilities in Bonby and there are other public houses/restaurant in the neighbouring village of South Ferriby. In all other respects, the proposed development raises no substantive residential amenity, visual amenity or highway safety concerns. On this basis the proposed

development is considered to be acceptable and is recommended for approval subject to the conditions and planning obligations set out below.

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:

(100-01) Rev P1
(100-01) Rev P1
(100-02) Rev P1
(100-03) Rev P1
(100-04) Rev P1
(100-05) Rev P1
(100-06) Rev P1
(100-07) Rev P1
(100-08) Rev P1
(100-09) Rev P1
(00)-01 Rev S1.

Reason

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

3.
No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

4.
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

5.

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

Reason

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

6.

No dwelling shall be occupied until an enhanced footway arrangement has been provided across the whole of the site frontage including:

- extension/widening of the existing facility;
- resurfacing ;
- the removal of any redundant access points; and
- the relocation of existing street furniture;

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 accessibility in accordance with policies T2 and DS1 of the North Lincolnshire Local Plan, and CS5 of the Core Strategy.

7.

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

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

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

Reason

In the interests of highway safety in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

No development shall take place until a detailed surface water drainage scheme for the site (including surveys of existing outfalls) has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

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

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

9.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 8 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 159 to 169 of the National Planning Policy Framework.

10.

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 paragraphs 159 to 169 of the National Planning Policy Framework.

11.

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 159 to 169 of the National Planning Policy Framework.

12.

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

Reason

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

13.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy, to be defined in a written scheme of investigation that has been submitted to, and approved in writing, by the local planning authority. The strategy shall accord with a brief provided by North Lincolnshire Historic Environment Record and shall include details of the following:

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

- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

14.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least seven days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

15.

The final dwelling constructed on site shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved written scheme of investigation, and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

16.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

17.

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

Part 1: Site characteristics

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

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

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

Part 2: Submission of remediation scheme

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

Part 3: Implementation of approved remediation scheme

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

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

Part 4: Reporting of unexpected contamination

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

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

Reason

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

18.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

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

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

Reason

To protect residential amenity in accordance with policy DS1 and DS11 of the North Lincolnshire Local Plan.

19.

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:

- (a) an assessment of biodiversity loss based on the habitat and hedgerow baseline within the red line boundary of the submitted Existing Site Plan drawing number (00)-02;
- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Small Sites metric;
- (c) details of bat boxes and nest boxes to be installed;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (g) 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.

20.

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 fifth 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.

21.

No development shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To enhance the appearance of the development in the interests of amenity.

22.

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 interests of the amenity of the locality in accordance with policy CS5 of the Core Strategy.

23.

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

Reason

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

24.

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.

25.

Before any dwelling is first occupied, the bathroom and en-suite window in its side elevation, shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

Reason

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

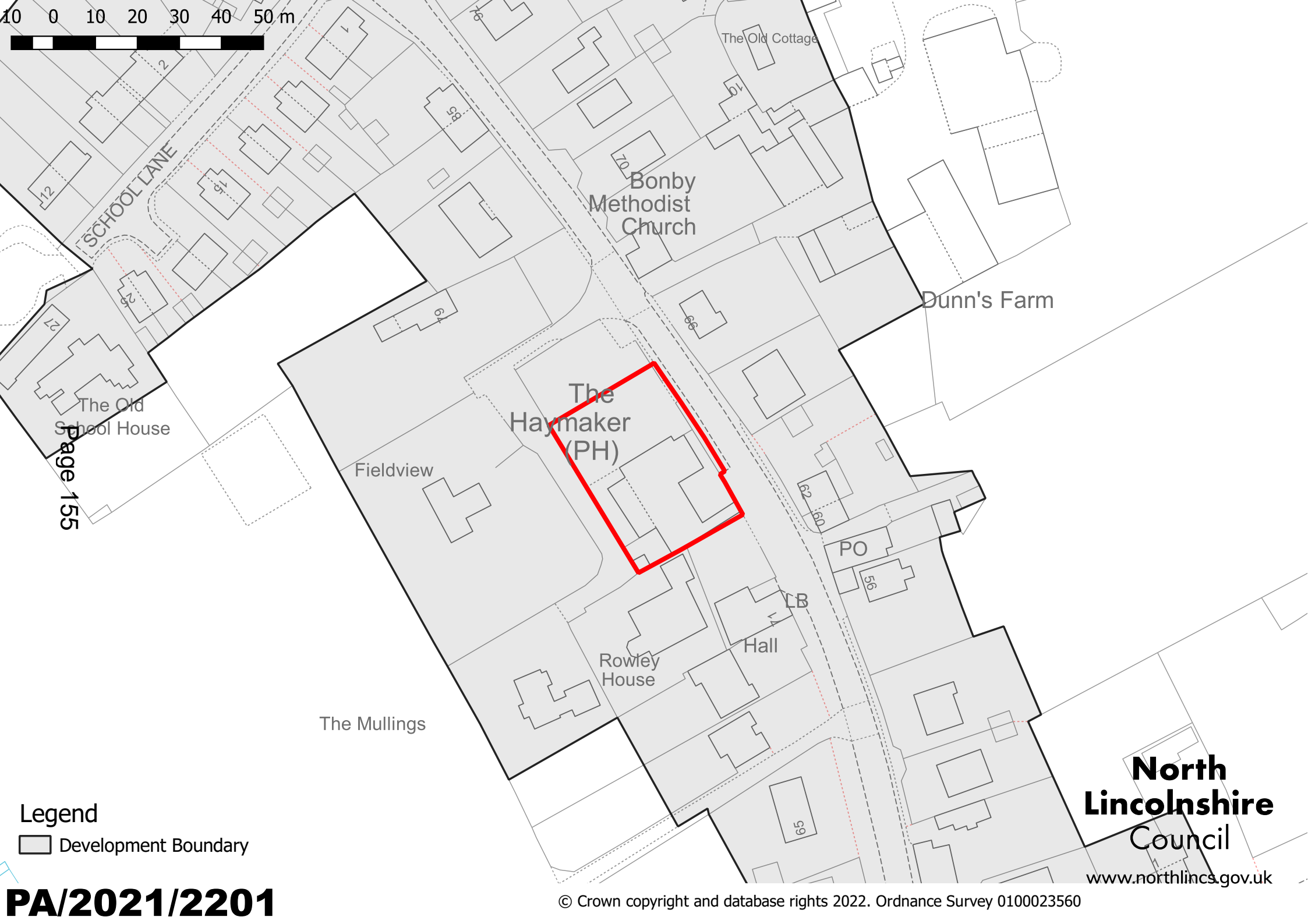
Informative 1

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

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

Informative 2

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



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Legend
Development Boundary

**North
Lincolnshire
Council**

www.northlincs.gov.uk

PA/2021/2201 Proposed layout (not to scale)



Site Area	Existing Footprint of demolished building
1,180m ² 0.29 Acres 0.118 Hectares	
Proposed Gross Internal Area (GIA)	
Plots 1 & 6	Plots 2, 3, 4 & 5
Ground Floor: 60.6m ²	Ground Floor: 60.6m ²
First Floor: 60.6m ²	First Floor: 60.6m ²
First Floor: 34.8m ²	First Floor: 32.3m ²
Total GIA: 156.0m²	Total GIA: 153.5m²

Notes:
1. This drawing is a site plan and does not show the location of all services and utilities and should be checked before construction.
2. The site plan is not to scale.
3. The site plan is not to scale.
4. The site plan is not to scale.
5. The site plan is not to scale.
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7. The site plan is not to scale.
8. The site plan is not to scale.
9. The site plan is not to scale.
10. The site plan is not to scale.

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Site Plan
Scale - 1:100 @ A1

THE HAYMAKER STEAK HOUSE
PLANNING SUBMISSION

PLANNING			
ar ² architects ltd			
Unit 11, South Business Centre, Broughton, East Yorkshire, YO21 10B T: 01482 55 55 55 E: info@ar2architects.co.uk			
Project	Job Number	AR307-19	
SITE OF THE HAYMAKER STEAK HOUSE 79 MAIN STREET BOHBY, BRIDGLI, DN20 0PY			
Client MR & MRS SIMPSON			
Drawing Title PROPOSED SITE PLAN		Drawing Size A1	
Drawn By MSP	Date 08.11.2019	Scale 1:100	Check PL

APPLICATION NO	PA/2019/1984
APPLICANT	Mr Keith Simpson
DEVELOPMENT	Planning permission to erect six semi-detached dwellings, following the demolition of existing buildings, including associated works
LOCATION	The Haymaker, 75 Main Street, Bonby, DN20 0PY
PARISH	Bonby
WARD	Brigg and Wolds
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Objection by Bonby Parish Council Significant public interest

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development, paragraph 11 states that 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) (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) (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

- (i) (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:
 - (ii) (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (iii) (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.

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities, at paragraph 92 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;
- (b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
- (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- (d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
- (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

North Lincolnshire Local Plan: Policies C2, H5, H8, HE9,T2, T19, DS1, DS7, DS14 and DS16 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS17, CS18, CS19 and CS22 apply.

CONSULTATIONS

Highways: No objection subject to conditions.

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

Anglian Water: Views awaited.

Environmental Protection: No objection subject to conditions.

Historic Environment Record: No objection subject to conditions.

PARISH COUNCIL

The parish council's comments are reproduced in full below:

Objection.

1. Number and Design of the Proposed Residential Dwellings

(a) North Lincolnshire Development Framework Core Strategy CS7: Overall Provision cites net density ranges for residential development sites as:

- Scunthorpe town centre: 45–70 dwellings per hectare
- Within Scunthorpe and Market Towns development limits: 40-45 dwellings per hectare
- Within rural settlements and the countryside: 30–35 dwellings per hectare

The proposal for 6 number residential dwellings on this site area of 0.118ha represents a density level of 50 per hectare, a level which is clearly only appropriate for a town location not a small rural village. It should also be noted for comparison purposes that the two recently approved local developments listed below are both less than half the recommended density within a rural setting:

Saxby All Saints (1 mile) – 7x 3- and 4-bedroom residential dwellings – site area 0.48ha density of 14.5 dwellings per hectare

Worlaby (1.8 miles) – 33x 3- and 4-bedroom residential dwellings – site area 3.85ha density of 8.5 dwellings per hectare

- (b) The proposal is for 2½ storey homes with balconies at the rear, this will result in at least 7 number of properties being directly overlooked, and overshadowed, destroying their privacy and access to light. In addition, it should be noted that save for a small number of loft conversions on private homes, there are no 2½ storey houses in the village.
- (c) The design of the properties would be detrimental to the streetscape of Bonby, the proposed properties are in the style of a townhouse and are not at all in keeping with our rural village location.
- (d) It should also be noted that the current residential accommodation at the Haymaker is one of the original village cottages that is over 100 years old, the pub was joined to this cottage when it was built in 1970, and whilst the pub is obviously of more modern design, the original cottage remains relatively intact.

- (e) It is known that with the increase in house prices nationally, young people are being forced to live with their parents for longer, so whilst the current proposal makes provision for 12 off road parking spaces, it is highly probable that in a rural setting a family of 4 with 2 adult children would have up to 4 vehicles per household. These additional vehicles would be parked on the roadside at a place in the village where visibility is already an issue.
- (f) Residents with local historical knowledge gathered over the last 50 years have concerns re flooding on the site of the Haymaker. The current building is known to flood, as a result of excess surface water from the many springs along the Wold Bank, replacing the existing building with 6 semi-detached units would further compound this issue and potentially put each of the units at risk of frequent flooding.

2. The Permanent Loss of a Public House in Bonby

- (a) Prior to the current ownership from 1970 through to 2012 the Haymaker had always been the life of the village, with sports teams including darts, pool and football, theme night functions, bands and quizzes. It was not only supported by the local community but by many of the low village communities. The Haymaker has been a valuable thriving community asset for 42 of the 49 years since it has been built. It was not only supported by the local community but by many of the low village communities as well.

- (b) The permanent loss of a public house in Bonby will result in members of the community having to travel much further, having a negative impact on the environment and adding to the carbon footprint of Bonby residents. The next nearest public houses to the Village of Bonby are in order of distance:

The Nelthorpe Arms, South Ferriby – 3.5 miles

The Hope and Anchor, South Ferriby – 3.9 miles

Public Houses in Barton-upon-Humber – 4.5 miles

The Whistle and Flute, Barnetby-le-Wold – 4.7 miles

- (c) Planning permission for the following new housing developments in the neighbouring Low Villages will result in the community, and therefore the potential customer base for the Haymaker expanding:

Saxby-All Saints (1 mile) – 7x 3- and 4-bedroom residential dwellings

Worlaby (1.8 miles) – 33x 3- and 4-bedroom residential dwellings

- (d) Tourism is becoming increasingly important to the Village, Bonby has the only caravan site in the area, and direct access to the newly constructed and popular Ancholme Way via Carr Lane, facilities such as a Village Pub are paramount to supporting tourism, and indeed the Haymaker is featured in the Low Villages Tourism Guide.

- (e) A village pub adds a premium to house prices within that village of between 3% and 5%. The loss of the Haymaker in Bonby will have a negative impact on house prices for all residents of Bonby.

- (f) The above proposal is clearly contradictory to Section 3 of the National Planning Policy Framework (Supporting a prosperous rural economy) which requires planning authorities to promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. This [is] important particularly when linked to the housing developments in neighbouring villages. N Lincs need to consider the need to promote healthy communities, particularly with an ageing population and need for community facilities not just more houses, to support the increasing problems associated with social isolation etc.
- (g) Similarly, the above proposal is also clearly contradictory to Section 8 of the National Planning Policy Framework (Promoting Healthy Communities) provides that planning policies and decisions should, amongst others, 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; and ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community.
- (h) The proposal is also inconsistent with paragraphs 83 and 92 of the National Planning Policy Framework which state that:
83. 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.
92. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- (a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - (b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - (c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - (d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - (e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- (i) This proposal is also clearly contradictory to several sections of North Lincolnshire Development Framework Core Strategy as referenced below:

CS1: SPATIAL STRATEGY FOR NORTH LINCOLNSHIRE

Supporting thriving rural communities and a vibrant countryside through the protection and enhancement of local services, creating opportunities for rural economic diversification and the promotion of tourism.

- 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.

CS22: COMMUNITY FACILITIES AND SERVICES

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.

Points 9.33, 14.26 and 14.37 through to 14.41 state that:

9.33 – The Market Towns and Rural Settlements are key locations for improving the quality of life and the environment. In recent years a number of rural settlements have seen a decline in their services. It is important that this trend is reversed so that such settlements can become thriving, inclusive and sustainable communities, through economic growth and diversification. This could be promoted through rural business development, sustainable tourism, rural affordable housing schemes and appropriate leisure opportunities in the wider countryside. New development, including conversions should be of a scale and character appropriate to each settlement or location where a social or economic need is demonstrated. These factors will not be at the expense of the quality of the rural environment.

14.26 – The social and cultural infrastructure of a settlement provided by local services and community facilities can add vibrancy to communities and by providing a focus for activities and foster community spirit. They are essential ingredients contributing to the quality of life for many residents. Many projects are being carried out around the area in order to improve, refurbish or create additional community facilities. They can also provide an essential service to communities and their potential loss can have adverse consequences in the form of unsustainable travel patterns and social exclusion.

14.37 – The policy is needed to protect and improve community facilities. The provision of local community facilities and services is essential to the quality of life of local residents and will reduce the need for people to travel to obtain essential services.

14.38 – Any loss of community facilities will not be supported, unless an alternative facility to meet local needs is available, or can be provided, at an equally accessible location, or all options for continued use have been fully explored and none remain that would be financially viable.

14.39 – Proposals involving the loss of community facilities including land in community use, for example relating to facilities such as community/village halls, village shops and post offices, schools, colleges, nurseries, places of worship, health

services, care homes, convenience stores, libraries and public houses will not be supported.

14.40 – Working in partnership with other providers and the voluntary sector, the council will seek to ensure that community facilities and services are provided in the most effective and accessible way. In rural communities, existing services must be protected as much as possible, as their loss can have a major impact on communities.

14.41 – Details of the approach to be adopted in relation to the addition or potential loss of community facilities will be addressed in the General Policies DPD. The approach must include the close involvement of the local community itself and be informed by the context and priorities set by the Sustainable Community Strategy.

3. The Value of a Public House to the Community of Bonby

- (a) The Haymaker was built by Herbert Clark a longstanding village resident, in response to drink driving becoming illegal in 1967. He wanted to build a pub for the community of Bonby to enable residents to gather and socialise without risk of breaking the new law. Residents in the Village still remember the opening of the Haymaker, then called Pandora's Box on 1st August 1970 very fondly. It was built as an asset of community value for the benefit of the community of Bonby
- (b) Bonby Parish Council has consulted the community on the above proposal, asking whether residents were in support of the proposal or objected to the proposal and asking for respondents to give reasons for their opinion. Of the 22 responses received 91% objected with only 2 responses in favour (all consultation replies attached – Appendix 1).

Reasons given from the 2 responses in support were:

- removes the eyesore that the pub has become;
- no reason given.

Some of the reasons given for objection were:

- The Haymaker has a great deal of history to the village.
- It has been the foundation heart of this community for many years (up until current owners).
- Feel that 6 [houses] is too many to build.
- Bonby needs a public house essential for the community.
- It should be restored to a village pub and used to rebuild the community.
- There is not enough off-street parking.
- It would be a travesty to lose such an historic building from the village.
- The dwellings appear more like town houses and not appropriate for our village.

- (c) If further evidence is required of the economic and social importance of pubs, this is unequivocally proven by the following studies:

Pubs and Places: The Social Value of Community Pubs – Rick Muir, Institute for Public Policy Research, January 2012 Assesses the social value of community pubs, showing why pubs matter and why there should be concern about the current state of the pub trade. Includes sections on pub closures and the economic contribution of pubs.

Friends on Tap: The Role of Pubs at the Heart of the Community – Professor Robin Dunbar, Oxford University, January 2016. Examines the extent to which community pubs offer an enriching social environment.

Young Adults and the Decline of the Urban English Pub: Issues for Planning – Marion Roberts and Tim Townshend for the Joseph Rowntree Foundation, in Planning Theory & Practice, 14:4, 2013, 455-469. Concludes that the traditional pub is a site for restrained and responsible social interaction for young adults.

Village Pubs as a Social Propellant in Rural Areas: an Econometric Study – Ignazio Cabras and Carlo Reggiani, economists at Northumbria University and University of York Published in the Journal of Environmental Planning and Management, 2010. Found that villages with a thriving pub are 40/50% more likely also to have community social events and activities. Pubs are more important to the social side of village life than ever before.

Community Cohesion and Village Pubs in Northern England: an Econometric Study – Matthew Mount and Ignazio Cabras, Regional Studies, 2015. Using data from 715 rural parishes, showed the importance of pubs for maintaining rural areas in the region.

4. Viability of The Haymaker as a business

- (a) An audit of the last 6 years accounting returns for The Haymaker (freely available at Companies House) show that under the current tenure, this was a thriving business up until 2017. Comments can be found as evidence on TripAdvisor feedback supporting more recently The Haymaker had not been run as well; resulting in it not achieving its potential, despite it having been a thriving establishment in the past.
- (b) Local knowledge and recollection cite this public house as being a thriving business and the heart of the community prior to its current ownership, both under its current name of The Haymaker and also under its previous guise as Pandora's Box.
- (c) It should also be noted that in the application the class of business is stated as class A3 – Restaurants and Cafés. This building was built for the community by Herbert Clark in 1969 as a Public House, class A4, and indeed has continuously been used by residents exclusively for the purpose of purchase and consumption of alcohol on the premises, throughout the current owners' tenure. Several residents attended the Extraordinary meeting who confirmed that they have consistently used the pub solely for the purpose of purchasing and consuming alcohol on the premises without purchasing food, weekly from its opening in 1970 to its recent closure in the summer of this year. They were not stopped from doing so throughout the 6–7 years the current owners have had the Haymaker. It should also be noted that whilst the current owners deterred other residents from just coming in for a drink, in the last 6

months prior to closure they did open it up to allow anyone to drink in there without purchasing food. Unfortunately, this was not taken up by many residents due to the bad feeling that they had created within the Village.

- (d) The Nelthorpe Arms in South Ferriby is evidence that in the right hands, small village pubs can be reinvigorated, and there is no reason why the Haymaker should not be commercially viable with the right management.
- (e) If the applicant claims it is not viable, then those claims should be tested using CAMRA's Public House Viability Test (attached – Appendix 2) – the test should be carried out by the planners themselves so that they have an objective assessment as to whether, if properly run, the pub could be a viable business.
- (f) Whilst we understand that the Haymaker has been offered for both sale and lease, we believe that this has been done for a relatively short period of time at an inflated price in both cases, therefore the applicant should be required to supply clear evidence that the Haymaker has been marketed as a going concern at a reasonable price and for a significant length of time, including details of where the pub was offered for sale and by whom e.g. specialist licensed trade agents. If there is insufficient evidence of a comprehensive marketing campaign, the application should be refused and not be reconsidered before such a campaign has taken place.

PUBLICITY

Advertised by site notice. One letter of no objection and three letters of support have been received raising the following issues:

- The pub is an eyesore and dwellings will be an improvement.
- It is difficult to make a profit in a small village.
- The public house has little use.

Over 50 letters of objection have been received raising the following issues:

- loss of a community facility
- the pub served three adjacent villages linked by footways
- insufficient car parking
- the pub was a profitable business; the new owners made the business unviable
- the site was for sale at an unrealistic price and so no takers, and was offered for tender at a high price and there were no takers
- parking restrictions should be imposed on Main Street
- overlooking/loss of privacy
- out of character

- there is no need for these dwellings in Bonby
- affordable/starter homes should be provided
- contrary to NPPF
- density contrary to policy CS7 of the Core Strategy
- contrary to planning policies
- loss of tourism
- not sustainable
- should be reverted back to a pub
- flooding
- no change of use from the pub to a restaurant
- as business has been transferred it must be viable
- increase in car journeys
- PA/2017/1404 is being built on the adjacent plot
- too many dwellings proposed
- adverse impact on local school places
- the residence is a listed building
- should be run as a community pub
- highway hazards from vehicles turning into Main Street
- lack of visibility
- it is nominated as an ACV
- need for archaeological work to be carried out
- additional hazards to pedestrians.

ASSESSMENT

The proposal

This proposal is for the demolition of an existing restaurant to erect six semi-detached, four-bedroom dwellings on a site in Bonby. Bonby is identified as a rural settlement in the HELAP. The Haymaker was originally a public house and has been operating in more recent times as a restaurant. It is a community facility. The restaurant is now closed and the restaurant business has been transferred to Elsham Golf Club.

The proposed dwellings will face Main Street with two car parking spaces in front of each of them, accessed from Main Street. The proposed dwellings are of a similar design with gables on the front elevation and canopies to form an open porch, and will be constructed from brick, render and grey roof tiles. The dwellings will be three-storey with dormer windows, and gable windows with balconies on the rear elevations. A mix of modern and traditional design dwellings are proposed on the site. They will be sited lower than Main Street due to site levels. A streetscape elevation shows the dwellings to all be of equal height, with each pair gradually positioned higher following the natural level topographical changes of the site from north to south. The site is located adjacent to residential properties and the village hall.

The main issues associated with this proposal are whether it complies with policy and, if so, whether the impact on the community of Bonby is acceptable; also, whether the proposal is acceptable in terms of impact on the character of the area, on neighbours, on the highway, on drainage for the area, on archaeology and contamination need to be addressed.

Principle of development

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

Policy CS2 is concerned with delivering more sustainable development. It states, "...Small-scale developments within the defined development limits of rural settlements to meet identified local needs" would constitute a sustainable development. Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies which guide the supply of housing should not be considered up-to-date. In this case the site is located within the development boundary of Bonby where, in principle, residential development is considered to be acceptable.

Loss of community facilities

The Localism Act 2011 introduced provisions to help communities safeguard land and buildings for a community purpose. The Haymaker was added in January 2020 as an asset of community value (ACV). In terms of the weight given to this as part of the planning assessment, there is local policy which considers the loss of community facilities as well as the NPPF (paragraph 92). The assessment of the proposal against these policies therefore reflects its status as a community asset.

Policy C2 of the North Lincolnshire Local Plan is concerned with community facilities in minimum growth settlements, Rural Hamlets and Villages in the open countryside. The settlement hierarchy within the Core Strategy describes Bonby as a rural settlement and therefore policy C2 is considered relevant. The policy states that "Proposals which would lead to the loss of key village services (uses falling under Classes A1, A2, A3, C1, C2, D1 and D2 of the Town and Country Planning (Use Classes) Order 1987), including the

change of use of vacant premises to uses outside these classes located in rural local centres, will only be permitted where it can be demonstrated that these facilities are not economically viable and that all options for their continuance have been fully explored, and/or an accessible replacement facility exists elsewhere in the local centre.” (At the time of the local plan adoption, drinking establishments and restaurants were Class A3 Food and Drink.)

Furthermore, policy CS22 of the Core Strategy, which deals with community facilities and services, 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.” Both of the above policies are reinforced by paragraph 92 of the NPPF (refer to policy section above).

There are no other restaurants or public houses in Bonby. There is a shop/post office within the village. Policy C2 of the NLLP states that the loss of these services will only be supported if it is demonstrated that the facilities are not economically viable or an accessible replacement facility exists elsewhere. Policy CS22 states that [loss 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. Paragraph 92(c) of the NPPF states that “[policies and decisions should]...guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs.” The applicant has submitted financial figures which show that the facility has been unviable over a three-year period and made significant losses in the years 2016–2019. The premises has not been trading since August 2019 and the steakhouse restaurant business has transferred to Elsham Golf Club.

The marketing details of the business/site have been provided in the form of two letters stating that the freehold of the Haymaker Steakhouse was marketed from April 2008 to March 2012 with three viewings and no offers. The property was then marketed on a new leasehold from February 2019 to July 2019 with two viewings and no offers. The other letter states that the property was marketed for 1+ year from April 2016 with one enquiry, one viewing and no requests for further details. The property was marketed on various websites. It is clear that some marketing has taken place, although there are significant ‘gaps’ in the marketing period. However, no details of the price of the property for sale and lease have been submitted to the council. Therefore, it cannot be evidenced, in terms of policy CS22 of the Core Strategy, if there is actually no longer a need for the land or building in any form of community use. Policy C2 of the North Lincolnshire Local Plan states that proposals leading to the loss of key village services will only be permitted if the premises 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. The proposal may show the business to be unviable through the accounts submitted but the marketing does not adequately demonstrate that all options for continuance have been explored and there is no accessible replacement facility within the settlement of Bonby.

The main day-to-day facility in Bonby is a small village post office/shop. There is no other restaurant/public house in the village. The nearest restaurant/public houses are in South Ferriby, over 5 kilometres away. Due to the distance involved, it is likely that residents would use private vehicles to access these facilities, thereby increasing the need to travel. The council does not consider that it has been adequately demonstrated that there is no longer a need for the land or building in any form of community use and the loss of the

community asset is not offset by other facilities in the immediate area, thereby increasing the need to travel. The number of letters of objection suggests that there is support from residents and a need for this building for a community use, and the building is now currently listed as an ACV. It is therefore considered that the proposal is not in accordance with policies C2 of the local plan and/or CS22 of the Core Strategy, nor paragraph 92 of the NPPF.

Highway safety

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety; both policies are considered relevant. The council's Highways department has assessed the submission and has no objection to the proposal subject to the imposition of conditions, relating to, amongst other things, the provision of an enhanced footway arrangement, the laying out of hard areas, surface water, drainage details, construction of the proposed access roads and a construction phased traffic management plan. It is therefore considered that the proposal is in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

Flooding and drainage

Policy CS19 of the Core Strategy is concerned with flood risk; policy DS14 of the NLLP is concerned with foul sewage and surface water drainage. The application site is located within flood zone 1 and is therefore a preferred place for development in terms of flood risk, and represents a previously developed site. The LLFA has been consulted and has no objections to the proposal subject to the imposition of conditions relating to a strategy for the management of surface water created by the development.

In terms of foul drainage, the site will already be connected to the network; however, it is unclear whether or not this is fit for the purpose for the six dwellings. Anglian Water has been consulted but to date has not made any comment. That said, the applicant would be subject to separate legislation: sections 106–109 of the Water Industries Act 1991 relate to 'communication of drains and private sewers with public sewers' and it is considered that this is sufficient mitigation. It is understood that Anglian Water would have an obligation to take any flows generated by the development should planning permission be granted and would have to ensure that any additional capacity required is created. The proposal is therefore considered to be in accordance with the aforementioned planning policies.

Environmental issues

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

The council's Environmental Health team has assessed the planning application and has stated that there is a requirement to mitigate the impact of construction on local residents by restricting construction hours and site clearance operations. This could be dealt with by a planning condition. Given the above mitigation, it is considered that the proposal would accord with policy DS11 of the North Lincolnshire Local Plan.

Land quality

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. The applicant has not submitted a sufficient level of information in relation to land quality and the EHO has recommended that a full suite of contamination conditions be attached to any approval. The site has been used as a public house and restaurant and there is potential for contaminants on the site such as hydrocarbons. Again this matter could be dealt with by a planning condition. It is therefore considered that the proposal is in accordance with policy DS7.

Archaeology

In terms of archaeology, HER has been consulted and considers that the site lies within an area where archaeological remains are anticipated and construction works may destroy archaeological evidence. A programme of archaeological monitoring and recording should be maintained during construction groundwork. This issue could be dealt with by planning conditions. The proposal therefore accords with policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

Character and design

In terms of character, six semi-detached dwellings are proposed. The density of the development is higher than proposed for rural settlements set out in policy CS7 of the Core Strategy (at 50 dwellings per hectare) but this must be balanced against the contribution the scheme will make towards the council's five-year land supply, the fact that the site is located within the development limit of Bonby, that the site is a brownfield site and that, in design terms, the properties resemble three detached dwellings on the front elevation. It also has to be acknowledged that the densities set out in policy CS7 are aspirational minimum densities for new development and do not place a limit on maximum densities, which are largely dictated by site constraints and the character of the surrounding area. It has been demonstrated that six dwellings could be provided on the site with adequate amenity space and parking provision. Main Street comprises a mix of housing types and designs. Streetscape elevations have been submitted which demonstrate that the development will not have an adverse impact on the character and amenity of the locality. The proposed dwellings will create a vibrant development that does not significantly harm the overall character of Bonby. In terms of character and design, therefore the proposal accords with policies CS2, CS5 and CS7 of the Core Strategy, and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

Amenity

Policy DS1 of the North Lincolnshire Local Plan is partly concerned with impact 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." In this case, due to the orientation and distance of adjoining residential properties from the site, no overlooking issues will arise from windows in the front elevations, or from bathroom and en-suite windows in the side elevations which could be required to be obscured glazed through a planning condition. The rooflights in the side elevations are at a high level within the roof and therefore any overlooking will be marginal.

Balconies are proposed on the rear elevations of all the proposed dwellings and concerns from adjoining neighbours in relation to overlooking are noted. The dwellings to the rear of the application site are Fieldview, The Mullings and Rowley House.

There is a distance of over 30 metres from the proposed development to Fieldview. Some of the balconies will overlook the garden of Fieldview but not significantly due to the distances between the dwellings.

There is a distance of over 40 metres from the proposed development to The Mullings. There will be a marginal element of overlooking into the garden area of The Mullings.

In terms of Rowley House, there will be an element of overlooking from some of the balconies into the driveway area of this property and a smaller element of overlooking to the rear garden. Rowley House has some windows in its northern elevation but they are not the only windows to these rooms, so again there will be an element of overlooking into this property, but at an oblique angle. Therefore, whilst there will be elements of overlooking as a result of the proposed development, this is not considered significant enough to justify refusal of the scheme.

Other issues raised

Comments have been made that the cottage on the site is listed. This is not the case. The building is not listed. It has been designated an ACV. There is a need for dwellings in North Lincolnshire, particularly in light of the lack of five-year land supply of deliverable sites. The council cannot insist the dwellings are affordable/starter homes as the number of dwellings proposed is under the threshold for a Section 106 to be required. There is no evidence to suggest that the proposed six dwellings will have adverse impact on the provision of school places. In terms of highway concerns and parking restrictions, no objections have been received from the highway authority.

Conclusion

In terms of the planning balance, it is considered that the proposed dwellings comply with policy in terms of being located within the development boundary of Bonby and being located on a brownfield site. The dwellings are considered acceptable in terms of design, siting and scale, although it is accepted that the balcony areas will result in a small element of overlooking to adjoining properties. The proposal will also make a modest contribution to the council's housing land supply.

However, although the business from the submitted accounts appears to be unviable, no details of the price of the property for sale or lease have been submitted to the council and there have been significant 'gaps' in the marketing periods, some of these periods being historic. There has been only limited marketing undertaken recently to explore current interest in the property and again no details of pricing have been provided for this limited period of marketing. Therefore, it cannot be evidenced, in terms of policy CS22 of the Core Strategy, that there is actually no longer a need for the land or building in any form of community use and there are no accessible replacement facilities within the settlement of Bonby. The proposal will lead to the loss of a community use in a settlement with limited services and will increase the need to travel. The proposal is therefore contrary to paragraph 92 of the National Planning Policy Framework, policy C2 of the North Lincolnshire Local Plan and policy CS22 of the Core Strategy.

RECOMMENDATION: Refuse permission for the following reasons:

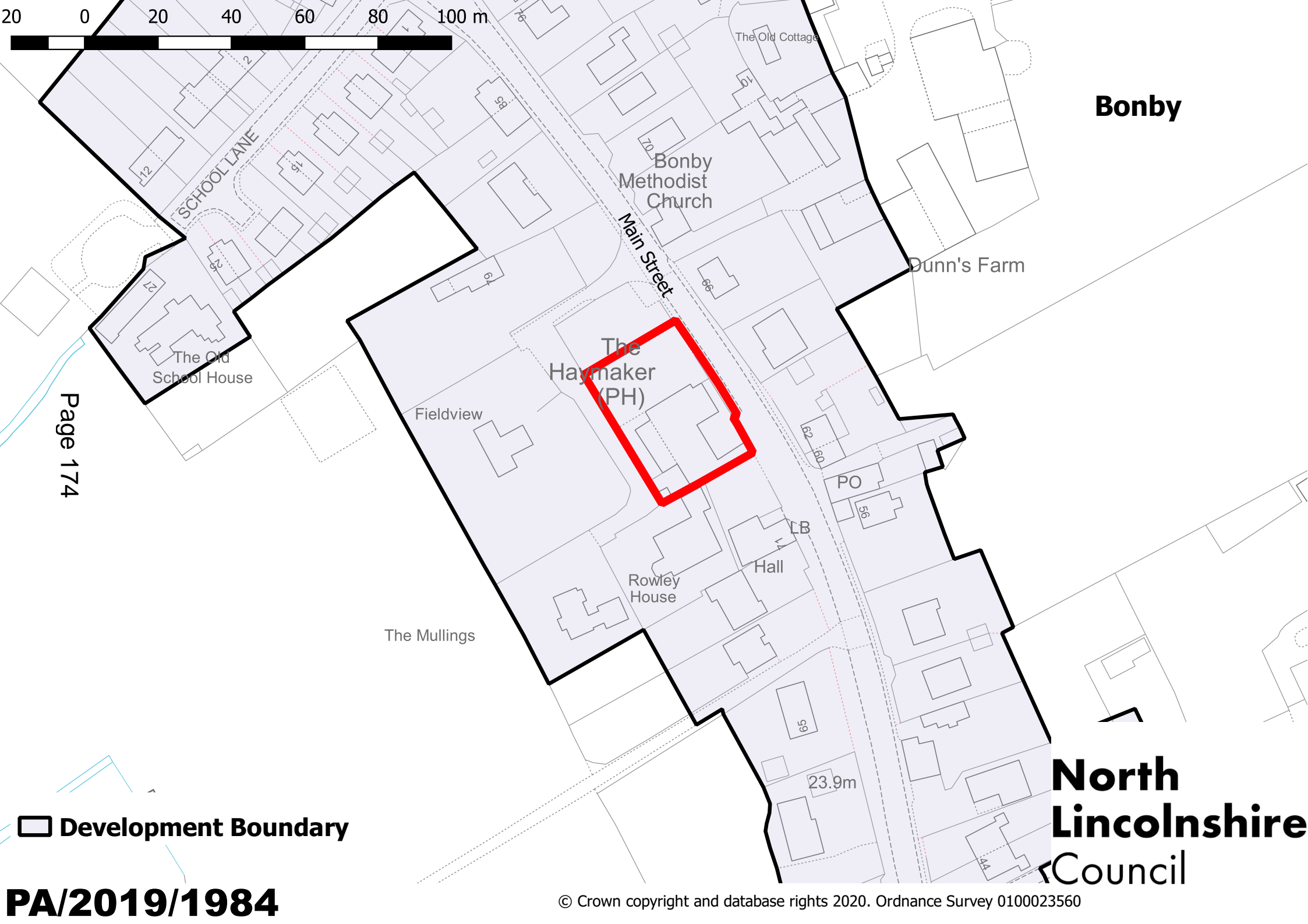
The proposal will result in the loss of a valued facility/service within the rural settlement of Bonby. The council does not consider that it has been adequately evidenced that there is no longer a need for the building in any form of community use. In addition, there is no alternative means of meeting such a need, as there is no accessible replacement facility in Bonby. 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.

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.



Bonby



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 **Development Boundary**

**North
Lincolnshire
Council**

PA/2019/1984

PA/2019/1984 Proposed layout (not to scale)

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Site Area	Existing Footprint of demolished building
1,180m ² 0.29 Acres 0.118 Hectares	
Proposed Gross Internal Area (GIA)	
Plots 1 & 6	Plots 2, 3, 4 & 5
Ground Floor: 60.6m ²	Ground Floor: 60.6m ²
First Floor: 60.6m ²	First Floor: 60.6m ²
First Floor: 34.8m ²	First Floor: 32.3m ²
Total GIA: 156.0m²	Total GIA: 153.5m²

Notes:
1. This drawing is a site plan and does not show the location of all services including but not limited to gas, water, electricity, drainage, sewerage, and telecommunications.
2. The location of all services should be confirmed with the relevant utility companies.
3. The location of all services should be confirmed with the relevant utility companies.
4. The location of all services should be confirmed with the relevant utility companies.
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8. The location of all services should be confirmed with the relevant utility companies.
9. The location of all services should be confirmed with the relevant utility companies.
10. The location of all services should be confirmed with the relevant utility companies.

Site Plan
Scale - 1:100 @ A1



Appeal Decision

Site visit made on 28 October 2020

by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th November 2020

Appeal Ref: APP/Y2003/W/20/3255113

The Haymaker, 75 Main Street, Bonby DN20 0PY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mr & Mrs Simpson against the decision of North Lincolnshire Council.
 - The application Ref PA/2019/1984, dated 18 November 2019, was refused by notice dated 14 May 2020.
 - The development proposed is the demolition of an existing vacant restaurant and attached owner / occupier flat, and the erection of 6 semi-detached family homes.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Appellant has provided adequate evidence to demonstrate that the building known as The Haymaker is no longer needed as a community facility.

Reasons

3. The appeal property known as The Haymaker is in the village of Bonby in North Lincolnshire. Just over 500 people live within the village. The site comprises a large 2-storey building which was constructed in the 1970s for a public house, an accommodation flat and a car park. The building was last used as a steak house, but this use terminated in 2019. It now appears to be vacant.
4. The development proposal comprises the demolition of The Haymaker and flatted accommodation and the erection of 6 semi-detached dwellings with 4 or more bedrooms.
5. The building was opened as a purpose-built public house in August 1970 when it was known as 'Pandora's Box'. It operated as a public house until around 2011/2012 at which time it was converted into a steak house restaurant. That restaurant operated until August 2019 when, following trading difficulty, the business was relocated to Elsham Golf Club. At that point The Haymaker ceased commercial operation and closed.
6. In January 2020 the Council designated the building as an Asset of Community Value (ACV) under s.91 of the Localism Act 2011. As a consequence, the owner is required to give notice to the Council of any intention to dispose of the land whom, in turn, is required to inform the relevant community group and provide

it with an opportunity to purchase the site or building. If that group wishes to make a bid it then has a 6-month period in which to raise funds. So far, neither the Parish Council nor any other community body has submitted any proposal to the Council for the re-use of The Haymaker.

7. The annual accounts show that the steak house restaurant made a loss after tax from 2015/16 through to 2018/19 which, with one exception, year on year got progressively larger. The owner of the building has made 3 attempts to sell The Haymaker. First, it was marketed for sale between 2008 and 2012 by Sidney Phillips, a firm specialising in licensed premises. During this period there were 3 viewings and no offers. It was again marketed for sale for a period of around a year in 2016 jointly by Sidney Phillips and Guy Simmonds, another firm specialising in licensed premises. This resulted in just 1 viewing and no offers. Finally, it was marketed on a leasehold basis in 2019 by Sidney Phillips and this produced 2 viewings and no offers.
8. However, no details have been provided as to what the value or the asking price of the property was and whether it was marketed as a public house or as a restaurant. Similarly, no details have been provided as regards the terms of the leasehold. In the absence of these details it is not possible to make a robust assessment as to the viability of The Haymaker as a public house or other community facility.
9. There are 2 other community facilities within the village. The Village Hall is adjacent to The Haymaker. It hosts the Village Hall Charity, a pre-school playgroup, a monthly book swap, parish council meetings, the Women's Institute, quiz and bingo evenings and is available for hire for functions such as parties and receptions. It appears to be well used.
10. Opposite the village hall is the Village Shop. This incorporates a post-office, a vegan café and take away and it also has a license for the sale of alcohol. It was listed as an ACV by the Council in 2014.
11. Beyond the village there are public houses at South Ferriby (The Nelthorpe Arms and The Hope and Anchor) around 3.5 miles away, at Barton-upon-Humber (The Sloop Inn) around 4.5 miles away and at Barnetby-Le-Wold (The Whistle and Flute) about 4.5 miles away. In addition, there is a bar at the nearby golf club and on the local caravan site.
12. Although residents of Bonby have to use private transport to travel to these establishments it is also likely that were The Haymaker to reopen as a public house it would be reliant upon car-borne trade drawn from the wider area known as the Low Villages¹.
13. A survey undertaken by Bonby Parish Council in response to the planning application for the redevelopment of the site for housing elicited 22 responses. 20 of those objected to the proposed redevelopment. There were also over 50 objections to the planning application.

¹ The 5 Low Villages comprise South Ferriby, Horkstow, Saxby All Saints, Bony and Worlaby.

14. Reference has been made to academic papers and studies about the social and economic importance of the public house². These show that an operational village public house can help maintain village and rural vitality and can encourage restrained and responsible social interaction amongst younger people. Reference was also made by some objectors to the positive effects that a public house can have on local house prices.
15. None of the papers cited were provided and so it is not possible to scrutinise the data or evaluate the strength and robustness of their conclusions. Nevertheless, it seems reasonable to assume that a responsibly run, vibrant public house, would contribute positively to community vitality and that this might have knock-on effects in terms of local house prices.
16. Reference was also made to another public house in the area, The Nelthorpe Arms at South Ferriby, that has been re-invigorated by new ownership. Whether The Haymaker might be capable of re-invigoration is not possible to say although CAMRA has devised a public house viability test which could be used to evaluate its prospects.
17. A public house provides a community facility which is quite distinct from that provided by a Village Shop or a Village Hall. Whilst a Village Shop does provide essential services and an opportunity for social interaction during the day it cannot provide the same level of opportunity for conviviality in the evening.
18. Similarly, although a Village Hall can provide a range of activities to suit a wide variety of interests it cannot meet the same basic social need with the same regularity as that provided by a local public house. Consequently, neither the Village Shop nor the Village Hall provide an acceptable or suitable alternative to a local public house.
19. Submissions were made to the effect that the former public house was once the hub of the community and ran sports teams, quiz nights and other associated activities. Some objectors have claimed that locals felt alienated when it became a 'food only' establishment.
20. However, notwithstanding the above, it is an inescapable fact that many public houses in rural areas have closed over the past 10-20 years due to a combination of factors including cheaper home-based alcohol consumption, drinking and driving laws and a fundamental change in societal tastes and habits. These factors probably had a bearing on the closure of the public house in 2011/2012. It is also clear that the former steak house restaurant was not a financially viable business operation.
21. Nevertheless, the demolition and the redevelopment of a former public house is a near irreversible act which should only be implemented where there is clear and convincing evidence that all reasonable opportunities to re-open have been properly considered. This is even more so when it is listed as an ACV which is a

² Muir, R (2012) *Pubs and places: The social value of community pubs*. Institute for Public Policy Research.
Dunbar, R (2016) *Friends on tap: The role of pubs at the heart of the community* (Publisher unspecified).
Roberts, M and Townshend, T (2013) "Young adults and the decline of the urban English pub: Issues for planning". *Planning Theory & Practice* 14 (4) 455-469.
Cabras, I and Reggiani, C (2010) "Village pubs as a social propellant in rural areas: An econometric study", *Journal of Environmental Planning and Management* (volume / page details not provided)
Mount, M and Cabras, I (2015) "Community cohesion and village pubs in northern England: An econometric study", *Regional Studies* (volume / page details not provided).

consideration that I must have regard to. Furthermore, it is a consideration that I attach considerable weight to.

22. The evidence put forward by the Appellant is not clear and convincing since it fails to show the basis upon which the building was marketed. It is not clear if the building was marketed as a public house notwithstanding that this was its function until around 2011/2012.
23. Inevitably, a sense of realism is needed in considering the prospect of the building as a public house or some other community facility. The village is quite small, the surrounding area has a sparse population and there are several operational public houses located not too far away.
24. However, if the residents of Bonby do wish to see the building re-invigorated for use as a public house or some other multiuse community facility it is now incumbent upon them to come forward with a viable, sustainable proposal. The level of opposition to the current proposal is noted but a facility such as a public house in a village with a sparsely populated hinterland can only stay open in the long term if it is used regularly by local people.
25. For the above reasons, the Appellant has failed to provide satisfactory evidence to demonstrate that the building known as The Haymaker is no longer needed as a community facility. Consequently, the development proposal fails to accord with Policy C2 of the North Lincolnshire Local Plan 2003 or with Policy CS22 of the North Lincolnshire Local Development Framework: People; Places; Spaces – Core Strategy 2011 which both seek to resist the loss of community facilities unless it is not economically viable, there is no longer a need for the building in any form of community use and / or there is no acceptable alternative to meeting that need.
26. Furthermore, it would fail to accord with the advice handed down at Paragraph 92c) of the National Planning Policy Framework that decision makers should guard against the unnecessary loss of valued local facilities such as public houses, particularly where this would reduce the community's ability to meet its day-to-needs.

Other Matters

27. The site would be suitable for housing. Furthermore, if a productive use is not found for the building reasonably soon then its fabric will further deteriorate to the detriment of the street scene and the wider village. These are considerations that I have had regard to, but they do not outweigh the fundamental conflict with the Development Plan that has been identified.

Conclusion

28. For the above reasons the appeal should be dismissed.

William Walton

INSPECTOR

APPLICATION NO	PA/2022/21
APPLICANT	Mr J Hackney
DEVELOPMENT	Outline planning permission to erect one dwelling with all matters reserved for subsequent consideration
LOCATION	Land rear of Leaden House, Cherry Lane, Barrow upon Humber, DN19 7AX
PARISH	Barrow upon Humber
WARD	Ferry
CASE OFFICER	Martin Evans
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr David Wells – “the applicant is a Barrow upon Humber Parish Councillor and I believe the decision should be taken independently with the full local information that the Parish Council has not commented on as the application as he is a councillor”)

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.

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

Paragraph 162 – The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

North Lincolnshire Local Plan: DS1, DS7, DS14, DS16, H5, H7, LC12, T2, T19 and RD2

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS7, CS8, CS17 and CS19

Housing and Employment Land Allocations Development Plan Document (DPD): PS1

The site lies outside the development limits of Barrow upon Humber and is unallocated as shown on Proposals Map Inset 6 - Barrow upon Humber.

CONSULTATIONS

Highways: Support the proposal, recommending conditions.

LLFA Drainage: Recommend conditions regarding a flood risk statement and drainage strategy, and to prevent water flowing from the site onto the highway and vice versa, together with an informative regarding the underlying geology.

Environmental Protection: Recommends a condition relating to any contamination found during construction.

Tree Officer: There are many trees that need to be considered. Presently the access would see the potential removal of many mature trees. An arboricultural report to BS5837:2012 is suggested as being required to see if there is an ability to develop this site.

Environment Agency: ‘As identified in the submitted flood risk assessment (FRA), the site lies within Flood Zone 3 of the Flood Map for Planning. With reference to our tidal hazard mapping (2115 breach scenarios) it is partly within the “low hazard” area, where modelled

depths are 0–0.25m. The FRA proposes a finished floor level solely on the basis of a previous proposal for the site. We therefore recommend the following planning condition in accordance with our local flood risk standing advice: “Finished floor levels of the dwelling hereby permitted shall be set no less than 300mm above pre-existing ground level.” Sequential test advice is provided.

PARISH COUNCIL

As this applicant is a fellow councillor, Barrow upon Humber Parish Councillors do not wish to comment on this application.

PUBLICITY

A site notice has been displayed. One response has been received from a resident noting the refusal of PA/2018/633 and that very little has changed, hence the previous ruling should be upheld.

ASSESSMENT

Planning history

PA/2018/633: Planning permission to erect a two-storey dwelling with detached garage – refused 02/07/2018 for the following reasons:

1.

Due to its siting, scale, massing and design, the proposal conflicts with the existing built form in this location and would be detrimental to the character and appearance of the countryside. The proposal is therefore not contextually relevant to its setting. Furthermore, the applicant has failed to demonstrate the sustainability of the proposal in terms of its economic, social and environmental impacts and it is considered that the identified harm to the character and appearance of the area would outweigh any benefits of the proposed development. The proposal is therefore contrary to policies CS1, CS2, CS3 and CS5 of the North Lincolnshire Core Strategy, policy RD2 of the North Lincolnshire Local Plan and paragraph 14 of the National Planning Policy Framework.

2.

The applicant has failed to demonstrate that there are no suitable sites available within an area of lower flood risk. The proposal is therefore contrary to policy CS19 of the North Lincolnshire Core Strategy.

An appeal against the refusal of planning permission (reference APP/Y2003/W/18/-3212091) was dismissed on 09/01/2019 with the Inspector deciding:

‘7. The design of the proposed house is an attractive, well-proportioned modern dwelling incorporating a number of traditional design features and materials.

However, while such a property might be in keeping with houses along Cherry Road, the proposed location of the building and the accompanying detached garage would introduce a significant built form into the countryside.

8. The dwelling would be outside the existing build-line of properties on Cherry Road and would be in a prominent position. While there are some structures at Weaver Cottage to the east that are also beyond the build-line these appear to be in horticultural use and therefore would be an appropriate rural development. In any event there appear to be no other buildings for some distance north and west of the site. While it would be located to the rear of the existing house on the site the proposed dwelling would be highly visible from the footpath that passes close to the rear of the site along the flank boundary of the adjacent property at The Paddock.
9. Therefore, the proposed development would not accord with Saved Policy RD2 of the Local Plan or Policies CS1, CS2, CS3 and CS5 of the Core Strategy...
12. Notwithstanding the identification of the appeal site in Flood Zone 3 and the requirement for a sequential test and if necessary the exception test to be applied, no other sites have been identified or analysed. While the FRA does provide great detail about potential mitigation measures there is no detailed assessment of the potential for these measures to increase flood risk elsewhere. There is also no assessment of the wider sustainability benefits to the community that might arise from the proposal. Therefore, neither of the requirements of the exception test is addressed or satisfied.
13. In the absence of a properly formulated and applied sequential test and, if necessary, exception test the proposed development would not accord with Policy CS19 of the Core Strategy, which seeks to ensure that developments avoid areas at risk of flooding and apply sequential test to all proposals in flood risk areas. The scheme also fails to comply with the advice in the Framework.'

Site characteristics

The site is within the rear garden of Leaden House and within the open countryside in accordance with the HELA DPD. It is also within Flood Zone 2/3a in accordance with the SFRA 2021.

Proposal

Outline planning permission is sought to erect one dwelling with all matters reserved for subsequent consideration. The indicative layout shows the access to the west of that serving the host property and a dwelling located in the rear garden of Leaden House.

The following considerations are relevant to this proposal:

- **the principle of development**
- **impact upon the character of the area**
- **impact upon residential amenity**
- **impact upon highway safety**
- **land contamination and drainage**
- **biodiversity.**

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 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.

Barrow upon Humber is classified as a Rural Settlement in the settlement hierarchy of the Core Strategy.

Policy CS1 sets out the spatial strategy for North Lincolnshire stating, 'The spatial vision and the future development requirements will be delivered through the spatial strategy for North Lincolnshire as outlined below and on the key diagram. The spatial strategy will focus on' an urban renaissance for Scunthorpe; supporting the market towns; and 'Supporting thriving rural communities and a vibrant countryside through the protection and enhancement of local services, creating opportunities for rural economic diversification and the promotion of tourism. 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.' It continues, 'All future growth, regardless of location, should contribute to sustainable development, in particular in respect of those criteria set out in policy CS2 as well as the other policies of the plan. All change will be managed in an environmentally sustainable way by avoiding/minimising or mitigating development pressure on the area's natural and built environment, its existing utilities and associated infrastructure and areas at risk of flooding. Where development unavoidably has an environmental impact, adequate mitigation measures should be used for the development to be acceptable.'

Policy CS2 sets out that in supporting the delivery of the spatial strategy in policy CS1, as well as determining how future development needs will be met in North Lincolnshire, a sequential approach will be adopted with development firstly focused on the Scunthorpe urban area, then infill within the town, then greenfield urban extensions; secondly within the defined settlement limits of the market towns, then infill within them, then small-scale greenfield extensions to meet local needs. It continues, 'A "sequential approach" will also be applied to ensure that development is, where possible, directed to those areas that have the lowest probability of flooding, taking account of the vulnerability of the type of development proposed, its contribution to creating sustainable communities and achieving

the sustainable development objectives of the plan. Where development does take place in the flood plain, mitigation measures should be applied to ensure that the development is safe.'

The Housing and Employment Land Allocations DPD shows that the Barrow upon Humber development limit extends just to the south of the indicative location of the dwelling. The potential access is located within the development limit.

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 will contribute to the sustainable development of the tourist industry.' Policy CS5 requires development is well designed and appropriate for its context. Policy CS8 states 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.

Policy RD2 seeks to restrict development in the countryside unless certain exceptions are met.

The emerging local plan evidence base includes the North Lincolnshire Settlement Survey 2018 (2019 Revision). Barrow is ranked 12th 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 good, with 5 of the 7 key facilities present. The settlement itself is a reasonably sustainable location for development.

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. 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 elsewhere by integrating water management methods into development.

Development within the Lincolnshire Lakes area will comply with the flood management principals set out in the Western Scunthorpe Urban Extension Exception Test Strategy. Any further flood management proposals will have to be agreed by both the council and the Environment Agency during the process of the Lincolnshire Lakes Area Action Plan. Development proposals in flood risk areas which come forward in the remainder of North Lincolnshire shall be guided by the Strategic Flood Risk Assessment for North Lincolnshire and North East Lincolnshire. This will ensure that proposals include site specific flood risk

assessments which take into account strategic flood management objectives and properly apply the Sequential and, where necessary, Exception Tests.'

Policy DS16 states, 'Development will not be permitted within floodplains where it would:

- (i) increase the number of people or buildings at risk; or
- (ii) impede the flow of floodwater; or
- (iii) impede access for the future maintenance of watercourses; or
- (iv) reduce the storage capacity of the floodplain; or
- (v) increase the risk of flooding elsewhere; or
- (vi) undermine the integrity of existing flood defences unless adequate protection or mitigation measures are undertaken.'

The Strategic Flood Risk Assessment (November 2021) states:

'4.53 The areas shown as FZ2/3a on these maps should be considered as Flood Zone 3 as defined in NPPF when preparing development plans, making planning allocations or determining planning applications and informing the sequential test.'

The application site is beyond the Barrow development limit which means it is treated as being in the open countryside where development is strictly controlled.

Furthermore, it is within flood zone 2/3a tidal which is to be treated as flood zone 3 as set out in the SFRA. The proposal is for windfall development on an unallocated site. The planning statement and flood risk assessment put forward various reasons for the need for the proposal including it providing a retirement home for the applicants, who currently live in Leaden House, allowing them to create a bespoke single-storey dwelling to meet their needs allowing them to remain in the village where they have been part of the local community for a long period of time; and the applicant is on the Self-Build Register and they consider "it appears that so far, the local authority has not delivered on the self-build provision for in 6 years of the 2015 Act coming into place."

The FRA restricts the flood risk sequential test area of search to '1km walking distance from the application site or central Barrow upon Humber'. This is considered a reasonable area of search. The FRA demonstrates there are no reasonably available alternative sites at lower risk of flooding than the application site. The sequential test is passed and the NPPF requires the exceptions test is applied which states:

- '1. It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and
2. a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.'

The construction of the proposal would provide short-term economic benefits via employment; and occupation of the dwelling would provide a modest benefit to the viability of village services and facilities. These matters outweigh the flood risk and the FRA shows the proposal would be safe for its lifetime noting the lack of objection from the EA. The proposal passes the exceptions test.

The council's self-build register shows there is not yet an overdue unmet need. Therefore, the provision of a self-build dwelling is not considered to be sufficient justification for the proposal in a countryside location. The applicants' deep rooted connection to the village and professional achievements are not considered to be a reason to permit the proposal.

The Environment Agency raises no objection to the flood risk assessment and recommends a condition requiring finished floor levels to be 300mm above pre-existing ground levels. This would ensure the development is safe.

Whilst the flood risk implications are acceptable, the proposal is considered to be unjustified development in the countryside, contrary to policy RD2 of the local plan; policies CS1, CS2, CS3 and CS5 of the Core Strategy; and the provisions of the NPPF.

Impact upon the character of the area

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

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

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

Policy H5 requires new housing development to comply with a number of criteria.

Policy H7 states, 'Backland development or tandem development will be permitted provided that:...it would not affect the general quality and character of the area in which it is located by:...resulting in the loss of important natural and man-made features.'

Policy LC12 states, 'Proposals for all new development will, wherever possible ensure the retention of trees, woodland and hedgerows.'

The planning statement considers a single-storey dwelling with less impact than the previously refused and dismissed proposal could be secured. The applicant considers permitted development rights could be used to erect a large outbuilding with similar impacts to the proposal.

Despite the suggested reductions in the scale of the eventual dwelling and that this is an outline proposal as opposed to a full planning application, the Inspector's reasons for dismissing the appeal remain valid in that the proposed location of the building would

introduce a significant built form into the countryside which would be outside the existing build-line of properties on Cherry Road and in a prominent position. While there are some structures at Weaver Cottage to the east that are also beyond the build-line, these appear to be in horticultural use and therefore would be an appropriate rural development. In any event there appear to be no other buildings for some distance north and west of the site. While it would be located to the rear of the existing house on the site, the proposed dwelling would be highly visible from the footpath that passes close to the rear of the site along the flank boundary of the adjacent property at The Paddock. Therefore, the proposed development would not accord with policy RD2 of the local plan or policies CS1, CS2, CS3 and CS5 of the Core Strategy.

The site and host property have a verdant character with multiple trees along the indicative access and dwelling location. The application does not provide an assessment of the impact of the proposal upon these trees. The potential loss of multiple trees is considered harmful to the character of the area contrary to policies DS1, CS5, H5, H7 and LC12.

Impact upon residential amenity

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

Policy H5 requires ‘development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings’. Policy H7 also protects residential amenity.

Indicative separation distances of 20m are shown between the proposed dwelling, the host property and The Paddocks. A gap of 24m is shown to Weaver Cottage. The site is capable of accommodating a dwelling without harm to residential amenity.

The proposal accords with policies DS1, H5 and H7 of the North Lincolnshire Local Plan in terms of residential amenity impacts.

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.

The Highways department of the council raises no objection to the indicative access details. It recommends a series of conditions, some of which are irrelevant to an outline application and others which are necessary and would have been attached had the wider proposal been acceptable. It is noteworthy that one of the conditions requires no obstruction above 1.05m in height for a 2m depth across the site frontage. This may require removal of frontage trees which reinforces concerns about the lack of a tree assessment with the application. Ample on-site parking would be achievable.

As such there is not considered to be any conflict with the requirements of policies T2 and T19.

Land contamination and drainage

Policy DS7 requires consideration of contaminated land. Environmental Protection recommends a condition relating to any contamination found during construction.

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'. Foul drainage would be to mains sewer and surface water to soakaway. Final details will be secured by condition.

The LLFA recommends conditions regarding a flood risk statement and drainage strategy; and to prevent water flowing from the site onto the highway and vice versa. A drainage strategy would need to be conditioned.

Biodiversity

Policy CS17 requires 'Ensuring development seeks to produce a net gain in biodiversity by designing in wildlife'. Ecological enhancements would need to be conditioned.

Conclusion

The proposal amounts to unjustified residential development in the countryside that harms the character of the area. No harm would arise to residential amenity or highway safety. Drainage, contamination and biodiversity matters can be dealt with by condition. The harm identified significantly outweighs the modest benefits associated with the construction of a single dwelling.

RECOMMENDATION Refuse permission for the following reasons:

1.
The proposal is unjustified residential development in the countryside, contrary to policy RD2 of the North Lincolnshire Local Plan; policies CS1, CS2, CS3 and CS5 of the Core Strategy; and the provisions of the National Planning Policy Framework.
2.
The proposed location of the building would introduce a significant built form into the countryside which would be outside the existing build-line of properties on Cherry Road in a prominent position. While there are some structures at Weaver Cottage to the east that are also beyond the build-line, these appear to be in horticultural use and therefore would be an appropriate rural development. In any event there appear to be no other buildings for some distance north and west of the site. While it would be located to the rear of the existing house on the site, the proposed dwelling would be highly visible from the footpath that passes close to the rear of the site along the flank boundary of the adjacent property at The Paddock. Therefore, the proposed development would not accord with policy RD2 of the North Lincolnshire Local Plan or policies CS1, CS2, CS3 and CS5 of the Core Strategy.
3.
The site and host property have a verdant character with multiple trees along the indicative access and dwelling location. The application does not provide an assessment of the impact of the proposal upon these trees. The potential loss of multiple trees is considered harmful to the character of the area contrary to policies DS1, H5, H7 and LC12 of the North Lincolnshire Local Plan and policy CS5 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.

Path (um)

The Paddock



Open Holme

The Anchorage

Weaver Cottage

Flower Cottage

Leaden House

CHERRY

Page 193

Cherrygarth

The Cherries

Peter Pan Cott

The Cottage

Polruan

Annelton House

The Old Nursery

The Rise

Shaw Place

5.9m

Westlands

The Bothy

**North
Lincolnshire
Council**

Legend
Development Boundary

