

Public Document Pack

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

6 April 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 March 2022 as a correct record and authorise the chairman to sign. (Pages 3 - 10)
4. Applications deferred from previous meetings for a site visit. (Pages 11 - 12)
 - (a) PA/2021/1330 Outline planning permission for up to 20 dwellings with all matters reserved for subsequent consideration (resubmission of PA/2020/672) on land off Scotter Road/High Street, Messingham (Pages 13 - 42)
 - (b) PA/2022/21 Outline planning permission to erect one dwelling with all matters reserved for subsequent consideration on land at rear of Leaden House, Cherry Lane, Barrow upon Humber, DN19 7AX (Pages 43 - 58)
5. Planning and other applications for determination by the committee. (Pages 59 - 60)
 - (a) PA/2020/322 Planning permission to erect a bungalow and detached garage on land adjacent to Addlesee, Carrhouse Road, Carrhouse, Belton, DN9 1PR (Pages 61 - 76)
 - (b) PA/2021/1860 Planning permission for a change of use of existing Methodist chapel to form two three-bedroom apartments with associated works at

Westwoodside Methodist Church, Nethergate, Westwoodside, DN9 2DR
(Pages 77 - 90)

- (c) PA/2021/1869 Planning permission to erect a detached dwelling on land adjacent to 38 Scotter Road, Scunthorpe, DN15 8DR (Pages 91 - 102)
 - (d) PA/1/2021/1891 Planning permission to erect a new detached house and garage at Islay View, 236 Wharf Road, Ealand, DN17 4JN (Pages 103 - 122)
 - (e) PA/2021/1968 Planning permission to erect four dwellinghouses at land off 'The Sidings', Victoria Road, Barnetby, DN38 6HP (Pages 123 - 138)
 - (f) PA/2022/3 Planning permission to vary condition 2 of planning permission PA/2020/1872 to change approved drawings to enable alterations to the design of the approved dwelling at The Vicarage, 5 Paul Lane, Appleby, DN15 0AR (Pages 139 - 152)
 - (g) PA/2022/40 Planning permission to erect a dwelling with garage and vehicle access at 67 Haxey Lane, Haxey, DN9 2ND (Pages 153 - 170)
 - (h) PA/2022/75 Planning permission to erect a verdant pre-patinated metal clad haybarn at land adjacent to Holly Lodge, West Hann Lane, Barrow Haven, Barrow upon Humber, DN19 7HD (Pages 171 - 178)
 - (i) PA/2022/341 Planning permission for change of use of land for two residential mobile homes, two touring caravans and the erection of an amenity block on land east of Priesthows, Butterwick Road, Messingham (Pages 179 - 200)
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: 6 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 March 2022

PRESENT: - N Sherwood (Chairman)

N Sherwood (Chairman), C Sherwood, S Bainbridge, R Ogg, M Grant, R Hannigan, D Southern and D Wells

L Foster, R Waltham and Wilson

Tanya Davies

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

2201 **SUBSTITUTIONS**

Cllr Ogg for Cllr Ross, and Cllr C sherwood for Cllr J Davison.

2202 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING) AND WHIPPING ARRANGEMENTS (IF ANY).**

The following members declared a personal interest –

Councillor Ogg

Application: PA/2021/2070

Cllr N Sherwood

Application : PA/2021/2201

Cllr Wells

Application: PA/2021/1826

The following members declared that they had been lobbied –

Cllr Bainbridge– PA/2020/894

Cllr Hannigan – PA/2021/894 and PA/2020/1826

Cllr Grant – PA/2020/894

Cllr N Sherwood – PA/2021/894

Cllr Southern – PA/2021/894

Cllr Wells – PA/2021/894 and PA/2022/21

2203 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 9 FEBRUARY**

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9 March 2022

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

Resolved - That the minutes of the meeting held on 9 February 2022, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

2204 MAJOR PLANNING APPLICATIONS.

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

2204a 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

Cllr C Sherwood having read the officer's report had concerns about the entrance being so close to the B1400, and ongoing flooding issues in Messingham with no mention of surface water system within the report. He felt the committee should visit the site before making a decision.

It was then moved by Councillor C Sherwood and seconded by Councillor D Wells –

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

Motion Carried

2205 PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE.

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

2206 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

An objector stated that he was speaking on behalf of a number of residents who would be affected by the proposals, and highlighted there had been just under 100 objects on the planning portal. He said there would be no benefit to the community from the proposals and there was not a need for it in the area due to their being similar outlets within the vicinity. He said they were also concerned about the increase in traffic and noise on what was already a busy junction.

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The agent responded and thanked the officer for a comprehensive report. He highlighted the land had been allocated for housing but nobody was able to find a suitable option that would work. He stated the land had been vacant for 10 years and was untidy. He said the investment would clean up the area and bring many more jobs with it, and there was no other site acceptable. He mentioned two trees would have to be removed in the process but a further four would be planted to replace them, and a good landscaping scheme would enhance the character of the street scene.

The Chairman read out a letter of objection from the local MP Holly Mumby-Croft.

Cllr Waltham felt the location was a prime location for development but not of this kind. He was concerned that the commercial proposal would take away business from the Town Centre and there were more suitable locations available. He said the area was a residential area, not commercial and would have a great impact on nearby residents. Also concerning was the loss of the well-established trees on the site. He urged the committee to refuse the application.

Cllr Wilson spoke as the Local Ward Member. Knowing the area very well and the land that had been vacant for 10 years, and the trees on the site that had always been there. He said it would be a great loss if they were to be removed, and felt it was an inappropriate development for the site and location.

Cllr C Sherwood stated he had serious concerns about the application and the speakers against it only reinforced those concerns. He disagreed with the Highways comments in the report and felt it was a busy junction and could cause problems if approved as Ashby Road was already very congested. The loss of the trees were also a concern for him.

Cllr Bainbridge, Grant and Southern also had concerns about the application as they felt it was the wrong place, and the wrong development.

It was moved by Cllr C Sherwood and seconded by Cllr Wells –

That planning permission be refused for the following reasons –

. 1.

The proposal, if permitted, would result in the loss of trees covered by a Tree Preservation Order and it is proposed to introduce hardstanding and hard landscaping within the root protection areas of TPO trees on the site. The proposal therefore has the potential to result in root severance and compaction to the detriment of the health of the trees and their contribution to the visual amenity of the area. The proposal is thus considered contrary to saved policy LC12 of the North Lincolnshire Local Plan, and policy CS16 of the adopted Core Strategy.

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2.

The applicant has not sufficiently demonstrated that there are no alternative sites within Scunthorpe Town Centre or Ashby High Street District Centre that could accommodate the development and that the proposal will have no adverse impact on the vitality and viability of Scunthorpe town centre, Ashby High Street district centre and the nearby local shopping area at Brumby Corner. The proposal therefore fails to comply with saved policy S8 of the North Lincolnshire Local Plan.

Motion Carried.

2207 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

The agent addressed the committee informing it that the application was significantly different to the previous one that was refused. She indicated that it would harmonise the village, provide more affordable housing along with four bungalows for local people. She stated that it would enhance the appearance on entrance to the village.

Cllr Hannigan felt there was already enough housing provision within the village, with seven new builds and only one occupied. He stated it was in open countryside, outside the development limit and now within the local plan for development.

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

2208 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

The agent stated that there had been no statutory objections to the application, and just one objection that was concerning the colour of the mobile home. He informed the committee that the mobile home was a standard size and was necessary for lambing season, and the occupants required a permanent presence on site for the security of the livestock.

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

2209 PA/2021/2122 PLANNING PERMISSION TO ERECT A DWELLING AT LAND ADJACENT TO 'THE BARN', WAKEFIELD FARM, CARR LANE, EAST LOUND

An objector who live adjacent to the site spoke against the application. In doing so she shared a number of concerns and these included: the site was within the historic landscape, there would be loss of amenity, the development was large in size, would overshadow her property and they would also loose privacy.

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The applicant responded and stated that they had received a lot of support within the village for the proposal, that it was an infill plot and would only benefit the character of the area in the future. She stated it would blend in with the current dwellings, they had Parish Council support and felt it would only enhance the privacy of the neighbouring property.

Cllr Wells could not see any concerns with the application, and agree with the officer's recommendations.

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

2210 **PA/2021/2143 PLANNING PERMISSION TO ERECT A REPLACEMENT DWELLING AND GARAGE AT NEW HOUSE, HOOK ROAD, AMCOTTS, DN17 4AZ**

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

2211 **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**

An objector representing a community group within the village addressed the committee and urged them to refuse the application. He informed the committee that the group had been working to retain the pub and had raised £107K to put a bid together to purchase the pub, however, the bid was refused as the bid was not high enough. He stated that there was a community consultation and 76% of the respondents wanted the pub to remain in the village. He said it would be a great community loss to the village if it was no longer a public house.

The agent referred to the officer's report that recommended approval. He informed the committee that a great deal of further information had been produced and submitted to the council enhancing the reasons to sell the pub. He stated the business was not viable or sustainable and all the accounts had been submitted. He said the valuation for the sale of the pub was from the Estate Agents and plenty of time had been provided for reasonable bids.

Cllr Waltham spoke as the local Ward Member following representations received from a number of residents. He informed the committee that there was a great appetite within the community for the retention of the pub and to keep it open. He felt that there it was a narrow commercial enterprise that was offered previously, and that the new proposal would be over development for the area and not sustainable.

Cllr C Sherwood did not think the application was any different to the one previously refused and there was still the need for the facility within the village. He felt that six houses would be over development and contrary to a number of planning policies.

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Cllr Grant felt the owners should be allowed to sell the property they own, but was against the proposal for six houses on the site.

It was moved by Cllr C Sherwood and seconded by Cllr Wells –

That planning permission be refused for the following reason –

The proposal would result in the loss of a valued facility/service within the rural settlement of Bonby. The council does not consider 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 93 of the National Planning Policy Framework, policy CS22 of the Core Strategy and saved policy C2 of the North Lincolnshire Local Plan.

Motion Carried.

2212 **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**

The applicant addressed the committee and outline the reasons for submitting the application. He informed the committee that the family wished to remain in the village and make a positive contribution. He felt the application met the requirements of planning policy, and that the last application was refused due to the scale and the current application was much more modest in scale. He said it had been stated that it is outside the development limit, however, it lays within the garden of the house, and has had no objection from neighbouring properties.

Cllr Wells felt that a site visit wa required to get a better picture of the site before making a decision.

It was then moved by Councillor D Wells and seconded by Councillor D Southern –

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

Motion Carried

2213 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE SPECIFIED.**

PLANNING COMMITTEE
9 March 2022

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

APPLICATIONS DEFERRED FROM PREVIOUS MEETING FOR SITE VISITS

1. OBJECT

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

2. BACKGROUND

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

3. INFORMATION

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

4. RESOURCE IMPLICATIONS

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

5. RECOMMENDATION

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

DEVELOPMENT MANAGEMENT LEAD

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

Ref: CB/JMC/Planning committee 06 April 2022.docx
Date: 28 March 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

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| | |
|---|---|
| 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

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

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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Legend
 LC 11 Area of Amenity Importance

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 LC 11 Area of Amenity Importance

A159/B1501 to Scunthorpe

**North
Lincolnshire
Council**

www.northlincs.gov.uk

PA/2021/1330 Sat nav: The Stables, 70 High Street, Messingham, DN17 3NT

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| | |
|---|--|
| 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

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

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.

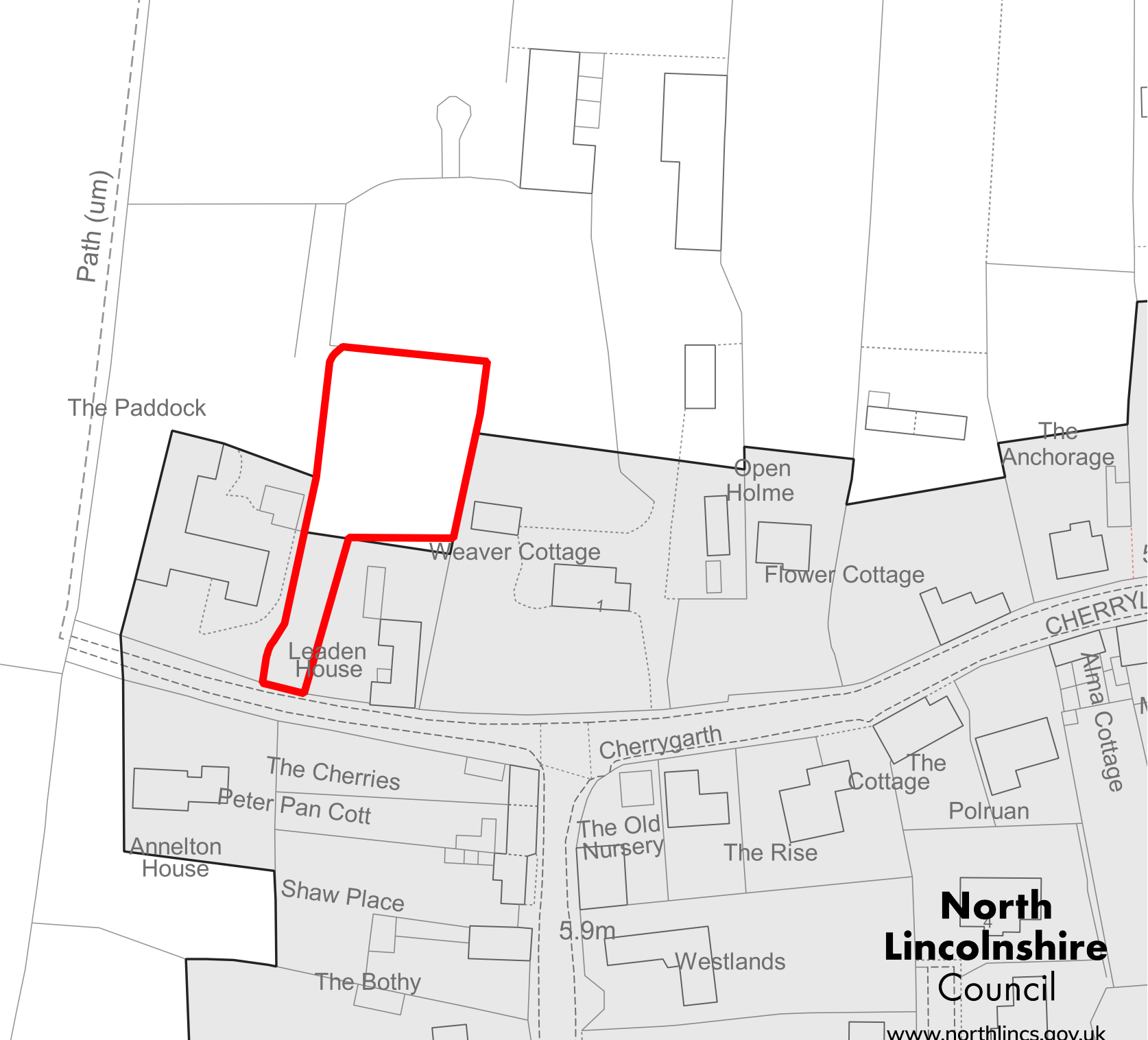
The proposed location of the building would introduce a significant built form into the countryside which would be outside the existing build-line of properties on Cherry Road in a prominent position. While there are some structures at Weaver Cottage to the east that are also beyond the build-line, these 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.

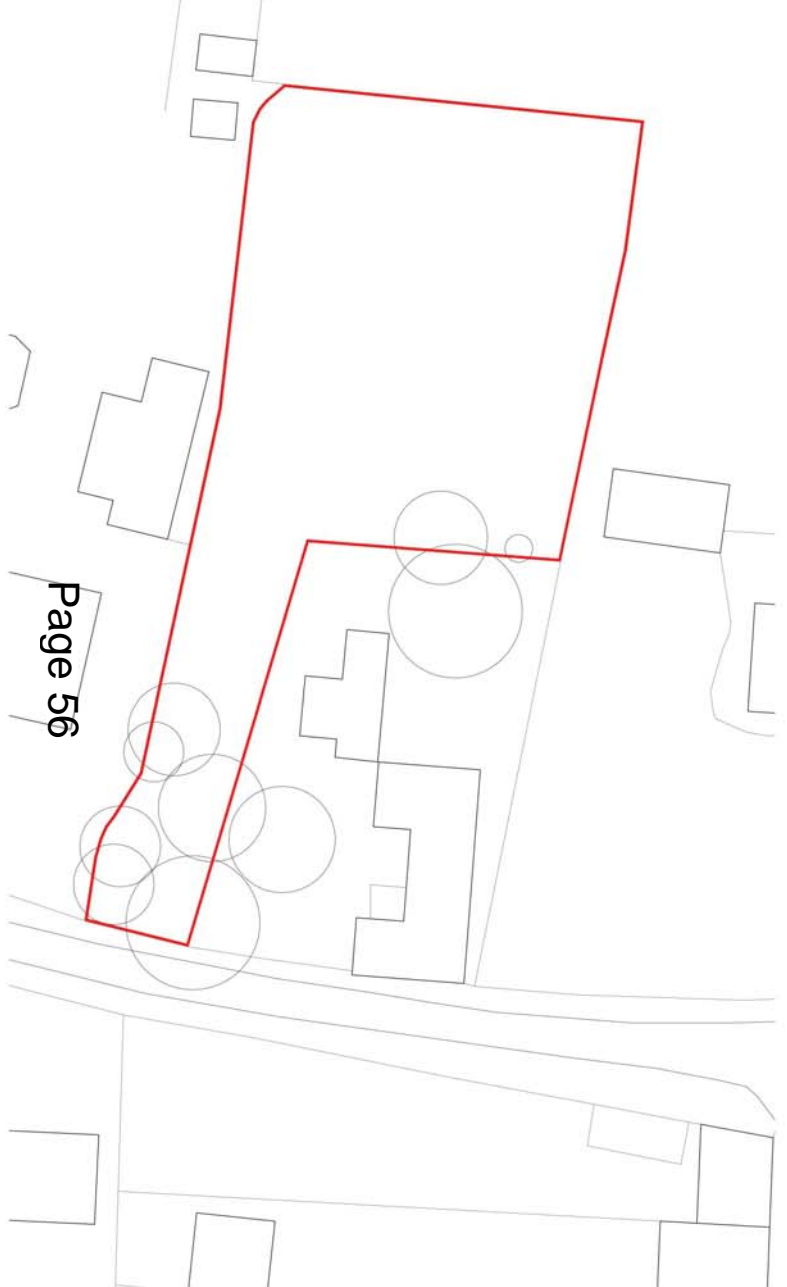


Legend
 □ Development Boundary

**North
 Lincolnshire
 Council**

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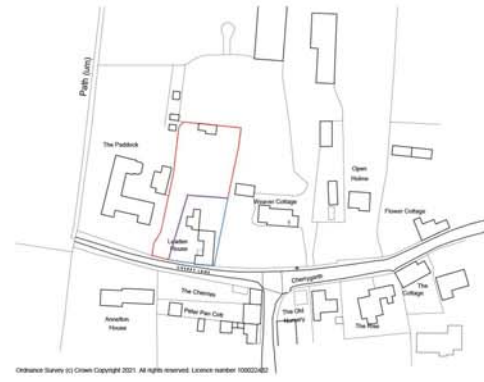
PA/2022/21 Indicative layout (not to scale)



EXISTING SITE PLAN
scale 1:200



INDICATIVE SITE PLAN
scale 1:200



SITE LOCATION PLAN
scale 1:1250

Page 56

KEY A
SEE LOCATION PLAN SHEETS:
DRAWING INDEX AND SERVICES



12 Victoria Lane (South) Colchester (CO1 1 9F)
T: 01207 411188
www.indicativeconsultants.co.uk
info@indicativeconsultants.co.uk

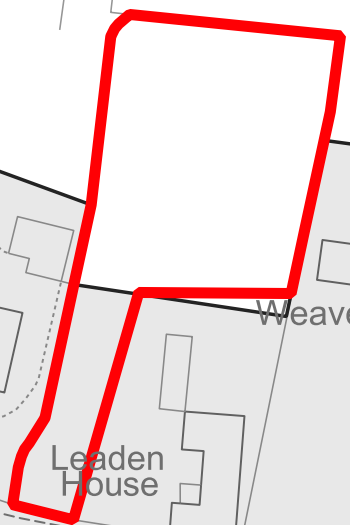
| | |
|----------------|--|
| PROJECT | Proposed Dwelling Cherry Lane Barrow upon Humber |
| DATE | OCTOBER 2021 |
| NO. | INDICATIVE SITE PLANS |
| SCALE | AS SHOWN |
| ORIGINAL SIZE | A1 |
| DRAWING NUMBER | LDC3731-PL-01A |

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Path (um)

The Paddock



Open Holme

The Anchorage

Weaver Cottage

Flower Cottage

Leaden House

CHERRY



Cherrygarth

The Cherries

The Cottage

Peter Pan Cott

Polruan

Annelton House

The Old Nursery

The Rise

Shaw Place

1.9m

Westlands

The Bothy

North Street to B1402/
B1206/A15...Messingham

**North
Lincolnshire
Council**

Development Boundary

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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 06 April 2022.docx

Date: 28 March 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

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| | |
|---|---|
| APPLICATION NO | PA/2020/322 |
| APPLICANT | Mr Colin Addlesee |
| DEVELOPMENT | Planning permission to erect a bungalow and detached garage |
| LOCATION | Land adjacent to Addlesee, Carrhouse Road, Carrhouse, Belton, DN9 1PR |
| PARISH | Belton |
| WARD | Axholme Central |
| CASE OFFICER | Brian McParland |
| SUMMARY RECOMMENDATION | Grant permission subject to conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Departure from the development plan |

POLICIES

National Planning Policy Framework:

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

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

North Lincolnshire Local Plan: DS1, DS7, DS14, DS16, RD2, HE2, T2, T19, LC14, LC7

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

CONSULTATIONS

Highways: No objection but recommend conditions relating to loose material, parking, access and visibility splays.

Drainage: No objection but recommend conditions relating to the submission of surface water drainage details.

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

Archaeology: Objects:

- The application site lies within the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14) and affects a grade II listed building.
- This area is designated for its unique historic landscape retaining the pattern of ancient open strip fields and enclosures surrounding the villages on the Isle.
- The application site is adjacent to the core historic landscape of Belton Field, one of the best preserved ancient open strip field areas in the Isle.
- The proposed development would be an unacceptable visual intrusion and extension of the built environment into the historic landscape, contributing to adverse character change and affecting the setting of the core historic landscape and the listed building that shares this setting.
- 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 and local planning policies LC14, LC7, HE5 and RD2, and Core Strategy policy CS6.

Conservation Officer: Objects to the application as the proposed bungalow and garage will have a negative impact on the setting of Addlesee Cottage, a grade II listed cottage. It is recommended that the application is refused.

Severn Trent Water: No objection but recommends an informative.

Isle of Axholme Water Level Management Board: The Board maintained Medley Drain, an open watercourse, exists to the south and west of the site, to which byelaws and the Land Drainage Act 1991 applies.

The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

Environmental Agency: No objection. The site lies in Flood Zone 1 of the Flood Map for Planning although within Zone 2/3a of the North and North East Lincolnshire Strategic Flood Risk Assessment (SFRA) November 2011, which is currently being updated.

Based on the submitted Flood Risk Assessment, the site at its lowest point is at the critical flood level of 4.1 metres AOD established in the SFRA for this area and floor levels are to be raised to 4.4 metres AOD.

No objection to the application and no further comments to make.

PARISH COUNCIL

No comments received.

PUBLICITY

Advertised by site and press notice as a departure from the local plan. No comments have been received.

ASSESSMENT

Planning history

- 2/1987/0773: Outline planning permission to erect two detached dwellings – approved 16/12/1987
- 2/1988/0796: Approval of detailed particulars reserved for subsequent approval by outline planning permission 2/0773/87 to erect a detached bungalow and garage – approved 17/10/1988
- PA/1999/0189: Outline planning permission to erect three dwellings – approved 18/02/2000
- PA/2003/0069: Outline planning permission to erect three dwellings (renewal of outline planning permission 1999/0189 dated 18/02/1999) – refused 13/03/2003
- PA/2003/1319: Outline planning permission to erect a dwelling – refused 08/12/2003
- PA/2020/1801: Outline planning permission to erect a detached dwelling with appearance, landscaping, layout and scale reserved for subsequent consideration – refused 26/01/2021, but appeal allowed 09/09/2021 (APP/Y2003/W/21/-3274828).

The main issues to be considered are whether adequate justification can be demonstrated regarding the principle of the development, impact on the historic character and appearance of the locality, and on the listed building, the highway and land quality.

The site

The application site lies on the south-west side of Carrhouse Road, towards the edge of Carrhouse, between a vacant plot (which has now gained planning permission for a single dwelling by way of appeal which will be further mentioned within this report) and a vacant, partly derelict, listed farmhouse known as Addlesee Cottage. Opposite the site are other dwellings, accesses and street furniture, including streetlights. As such, the site appears to be within, and part of, the built area of Carrhouse, which is made up of relatively low-density dwellings of a variety of ages, scale, character and appearance. Despite this, the site lies outside the defined settlement boundary.

The site is therefore within the open countryside, within a SFRA flood zone 1 (as per North Lincs mapping), is not within a conservation area and there are no tree preservation orders on the site or in the nearby vicinity. It is acknowledged that the site lies within policy LC14 land which is an Area of Special Historic Landscape Interest: The Isle of Axholme and is adjacent to a listed farmhouse known as Addlesee Cottage.

Proposal

Full planning permission is sought to erect a bungalow and detached garage.

Principle of development

The site is located outside the nearest defined settlement boundary of Belton 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).

Policy CS2 of the Core Strategy states, ‘...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...’ Policy CS3 of the Core Strategy states, ‘...development outside of defined boundaries will be restricted to that which is essential to the functioning of the countryside...’ Policy CS8 of the Core Strategy states, ‘...in rural settlements in the countryside and in the open countryside outside development limits, housing development will be strictly limited. Consideration will be given to development, which relates to agriculture, forestry or to meet a special need associated with the countryside. All development should not have an adverse impact on the environment or landscape...’

Local plan saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2, CS3 & CS8 referenced above).

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

It is acknowledged that the development would provide limited economic benefits during construction, through the spending of future occupiers and the contribution of a single housing unit to overall housing provision. However, the weighting to be attached to these benefits are considered modest given the siting would be within the open countryside and given the strong housing provision within North Lincolnshire. Importantly, North Lincolnshire can demonstrate a five-year supply of deliverable housing sites, as illustrated within the North Lincolnshire Council Five Year Housing Land Supply Statement August 2021. Therefore, in accordance with paragraph 12 of the NPPF, the relevant policies concerning the supply of housing should be considered up-to-date and consequently the ‘tilted balance’ as per paragraph 11 d (ii) of the NPPF is not engaged.

Notwithstanding this, a residential dwelling immediately adjacent to the application site, to the south and between Listria (neighbouring dwelling), was recently approved by the Planning Inspectorate on appeal (APP/Y2003/W/21/3274828). This dwelling is also outside the development limits, like that being considered under this application, and was approved for independent use (no agricultural ties). This is a material consideration for the determination of this application. Allowing the appeal has set a precedent within this area. Importantly, the proposed new dwelling being assessed under this application is comparable to that already approved by the Planning Inspectorate, albeit this proposal would represent more of an infill form of development in the context of the allowed appeal and the siting of Addlesee to the north.

Although the development plans would preclude such type of development in the open countryside, it is considered that significant weight can be given to the Planning Inspectorate's decision regarding the adjacent site to the south. On balance, and considering the context of the previous planning approval, the principle of development is considered to be acceptable, subject to the considerations below.

Impact on the locality (including the Historic Landscape Area: The Isle of Axholme)

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

The council's archaeologist outlined an objection to the application and provided the following comments:

- '...the effect of constructing the proposed bungalow within the garden of Addlesee would be to extend the built environment further into the surviving and well-preserved area of the historic landscape of the AOSF and EEL character zones.'
- '...the single-storey modern bungalow would not be in keeping with the historic appearance and roadside orientation of the listed farmhouse, detracting from its character and setting...'
- '...the proposed dwelling would be clearly visible and intrusive in the open landscape of the core historic landscape types. It would interrupt and reduce the view of the EEL character associated with the historic hamlet. This would result in further loss and erosion of the setting of the historic landscape, including from within one of the most important areas of AOSF in the Isle...'
- '...the visual intrusion of the proposed dwelling into the historic plot of the farmhouse that lies on the edge of the EEL zone surrounding Belton Field AOSF would result in a loss of the legibility of the historic landscape at this location...'

Notwithstanding this, and with regard to the appeal to the south, the Planning Inspectorate commented:

‘...whilst I note the suggestion that the site affords open views when travelling along the lane, I do not consider that development of the site would lead to the loss of any significant views or undermine the overall appreciation of the scale and nature of the special landscape in which the site and settlement sits. Particularly as essentially the same views, particularly those which frame the settlement in its landscape context, are available and much more easily appreciated further along Carr House Road.’

‘... given the location of both the farmhouse and the dwellings on the opposite side of the road, I am also satisfied that the site does not play a key role as a buffer between the settlement and the open setting beyond, or that its development would interrupt and reduce views of, or wider understanding of the special landscape.’

‘...in light of the appearance of the site and its relationship to the wider open countryside and special landscape as well as the wider built environment, particularly in views into and out of the settlement when travelling along Carr House Road, I do not find that the proposal would destroy, damage or adversely affect the character, appearance and setting of the historic landscape.’

‘...the site relates more to the settlement than the open, special landscape in which it lies, I am satisfied that the proposal would not be harmful to that special landscape.’

Whilst this application site is to the north of the appeal site, it is considered that the Planning Inspectorate’s comments and conclusions are materially relevant in this instance and apply also to this application. Furthermore, the proposed dwelling would be a modest single-storey bungalow design within a well-balanced plot that would not appear at odds with the surrounding locality. Materials and boundary treatments can be secured through conditions.

In addition, the proposal would not adversely impact the character, appearance and setting of the historic landscape, in line with the comments and conclusions provided as part of the appeal. The proposal would therefore accord with the NPPF; policies CS1, CS2, CS5, CS7 and CS8 of the Core Strategy; and DS1 and LC14 of the North Lincolnshire Local Plan.

Impact on the listed building

Policy HE5 states, ‘the council will seek to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. When applications for planning permission relating to a listed building or listed building consent are being assessed, the primary consideration will be the need to preserve or enhance the fabric and character of the building. Permission or consent will not be granted unless it has been demonstrated that the proposed works would secure this objective. The council will encourage the retention and restoration of the historic setting of listed buildings. Proposals which damage the setting of a listed building will be resisted. Whenever appropriate, proposals which would entail the loss of historic fabric from a listed building will be conditional upon a programme of recording being agreed and implemented.’ Section 66 of the (Listed Buildings & Conservation Areas Act) 1990 and policy CS6 of the Core Strategy are also considered relevant.

The conservation officer outlined an objection to the application and provided the following comments:

‘...there is an excellent view of Addlesee Cottage from its southern aspect from Carrhouse Road. The proposed bungalow and a garage will impede this view. Addlesee Cottage will

not be able to be seen from the south in its original landscape setting of the Area of Special Historic Landscape Interest of the Isle of Axholme.

What will be seen is a modern bungalow in the foreground and only a partial view of the farmhouse and partial views of the historic landscape to the rear.

Presently, as you travel northward up Carrhouse Road, you can see Addlesee Cottage with green space in front of it and open landscape behind it. This is its original setting and if this application is approved this will no longer be the case. In addition, this view will be despoiled by the introduction of a modern dwelling into a sensitive historic site.

Should the application be approved, a key view on approach to Addlesee Cottage will be spoiled. As you get closer you will see both buildings together. The proposed bungalow, by virtue of its form and style, i.e. a very wide building with a large expanse of roof, will be clearly seen as a modern style building in close proximity to a historic building of a very different style, i.e. a slim two-storey 18th century farmhouse.

This building will be seen as a modern discordant feature in the historic setting and detract from the appreciation of the listed farmhouse. The modern styled building will detract from the original setting and significantly impede the appreciation of the building and its heritage values. ...considering the extent of the harm, the public benefits of a single property do not outweigh the harm in this instance.

There was a recent appeal decision that was recently given for a new dwelling to the south of the application site. However, the application site is much closer to the listed building and the impact greater in this instance. Therefore, less weight should be given to the appeal decision when considering the application.'

The comments from the conservation officer have been acknowledged and it is recognised that the proposed dwelling would be set closer to the listed building than that approved by way of appeal. However, it is considered that substantial weight can be given to the appeal decision and that the proposed dwelling would not significantly prejudice the character of the listed building 'above and beyond' what has been approved by way of the appeal.

Impact on residential amenity

In terms of impact on residential amenity, the proposal would be of a modest single-storey design and would not benefit from first-floor fenestrations. Additionally, the dwelling (including the garage) would be set in from site boundaries, which is favourable. As such, the proposal would not prejudice neighbouring amenities. The proposal would therefore accord with the NPPF; policies CS1, CS2, CS5, CS7 and CS8 of the Core Strategy; and policy DS1 of the North Lincolnshire Local Plan.

Highways

In terms of access, this could be from Carrhouse Road as shown on the block plan. Parking provision of two spaces could be provided which meets planning guidance requirements and can be controlled by condition.

Highways have raised no objections to the proposal subject to conditions. The proposal would therefore accord with policies T2 and T19 of the North Lincolnshire Local Plan.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst policy DS14 of the local plan is concerned with surface water drainage. The application site is located within flood zone 1 and therefore is a preferred place for development in terms of flood risk. The council's drainage team have been consulted and have no objections to the location of the dwelling but recommend conditions relating to surface water run-off. As such, subject to conditions, the development would be in accordance with policies DS14 and CS19.

Land quality

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

The council's Environmental Protection team has recommended a contaminated land condition given the proposed development of residential properties is a sensitive end use and the historic mapping shows evidence of considerable accumulations of waste, including a tank and metal drum containers that may be a source of land contamination.

No supporting information has been provided by the applicant that demonstrates the land has not been impacted by contamination, and that any potential risks can be reduced to an acceptable level.

Pre-commencement conditions

These have been agreed with agent/applicant.

Conclusion

Whilst the proposal is outside development limits, the proposal is a justified departure from the development plan. Additionally, it is acknowledged that the council's archaeologist and conservation officer have both objected to the proposal in terms of impact on historic land and upon the listed building to the north. However, in light of the recent appeal there would be no significantly adverse impact on the historic landscape, nor would the proposal significantly prejudice the character of the listed building 'above and beyond' what has been approved by way of the appeal. Each application must be assessed on its individual merits.

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:

- 1086 4 of 4 Location Block and Site Plans;

- 1086 3 of 4 Garage;
- March 2018 Floor Plan;
- March 2018 Elevations;
- Design & Access Statement.

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

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

Reason

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

6.

Nothing shall at any time, whether permitted by the Town and Country Planning (General Permitted Development) Order 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

To ensure the provision/retention of adequate parking commensurate with the nature of the proposed development and to comply with policy T3 of the North Lincolnshire Local Plan.

7.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning facilities serving it have been completed in accordance with details to be submitted to and approved in writing beforehand with the local planning authority and once provided, the vehicle parking and turning facilities shall be retained.

Reason

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

8.

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

Reason

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

9.

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

Reason

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

10.

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

Part 1: Site Characteristics

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

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

The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

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

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to

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

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

Reason

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

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.

Informative 3

The proposals indicate a new connection into an 'off-site' watercourse. This must be consented by the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team via email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 4

The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works. The applicant should therefore note that the proposals described within this planning application may need to be altered to comply with the Board's requirements if the Board's consent is refused.

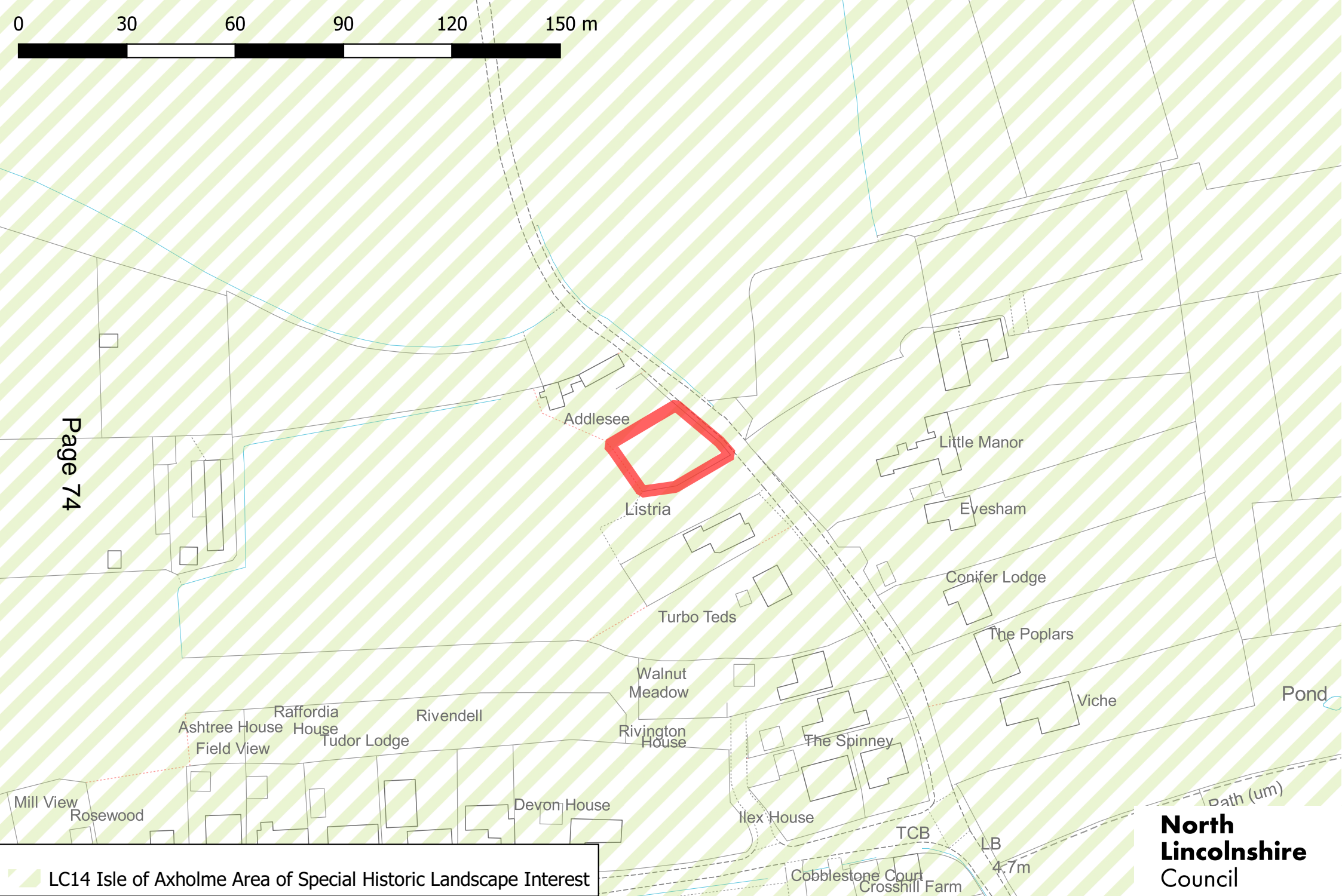
The applicant is advised that they are likely to have a riparian responsibility to maintain the proper flow of water in any riparian watercourse which borders or flows through land owned or occupied by them.

Informative 5

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the building.



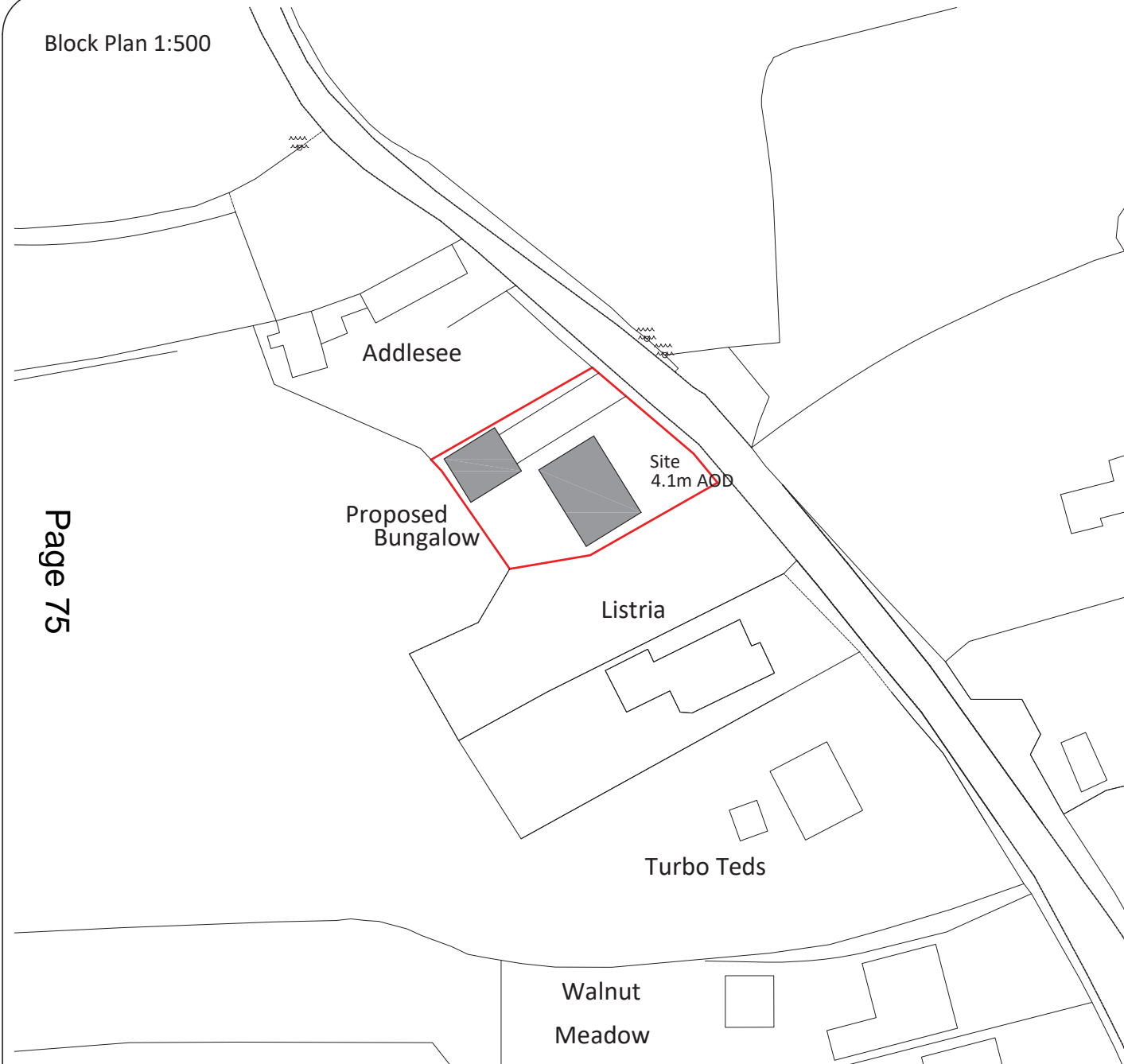
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**North
Lincolnshire
Council**

PA/2020/322 Proposed layout (not to scale)

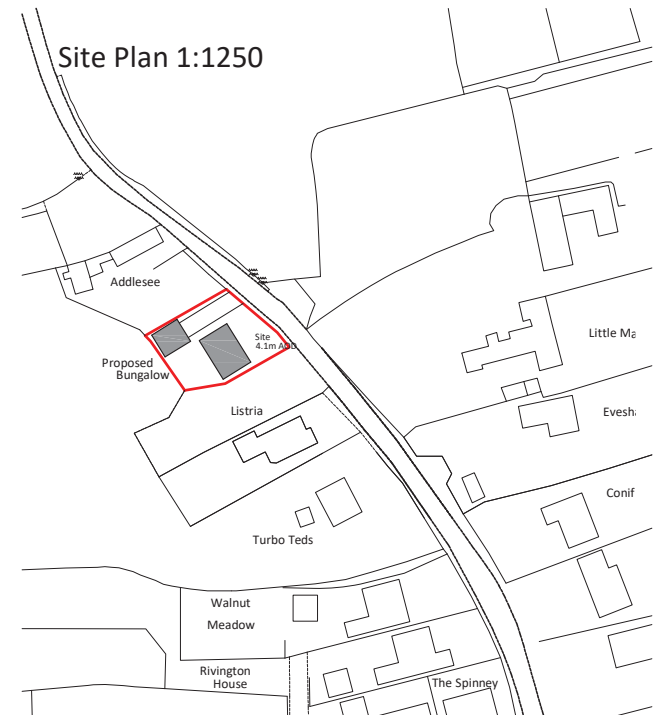
Block Plan 1:500



Ordnance Survey (c) Crown Copyright 2020. All rights reserved. Licence number 100022492
Location Plan 1:2500



Site Plan 1:1250



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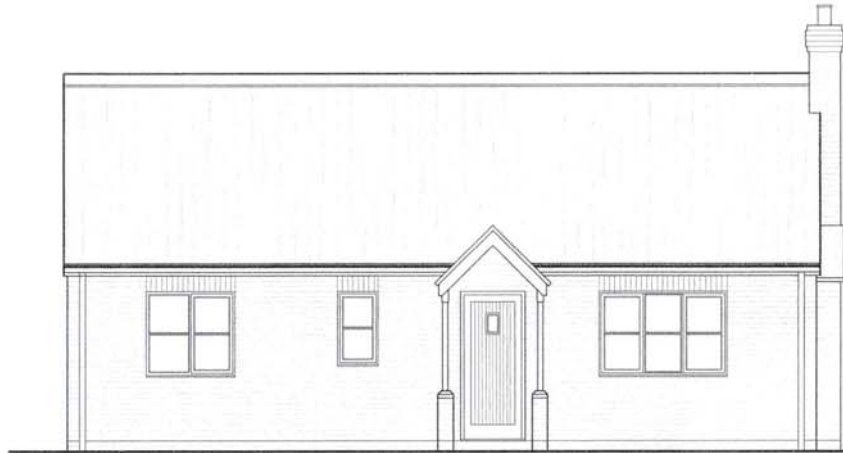
Howard J Wroot BSc MRICS
Chartered Surveyor
240 Wharf Road, Ealand
Scunthorpe DN17 4JN
Tel 01724 711068
Fax 01724 710174
Mob 07947 226577

| | | | |
|--------|-------------------|--------|--------|
| Client | Mr Colin Addlesee | | |
| Date | 20/2/20 | Dwg No | 4 of 4 |
| Scale | As noted | Ref No | 1086 |

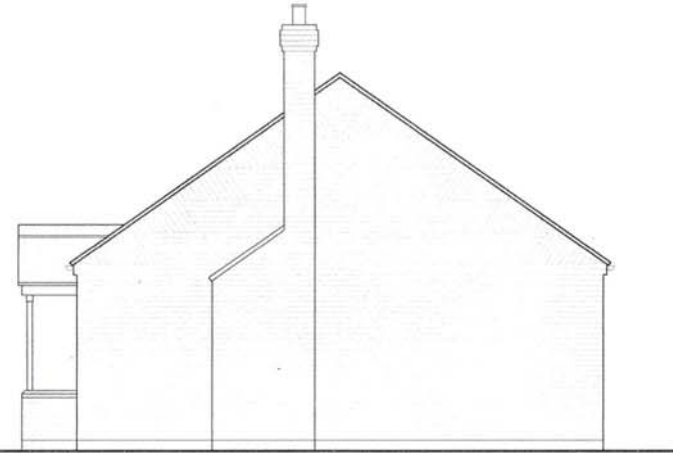
| | |
|----------|--|
| Proposal | Detached Bungalow and garage adjacent |
| | Addlesee, Carrhouse Road, Belton, DN9 1PR. |
| Drawing | Location Block and Site Plans |



PA/2020/322 Proposed elevations (not to scale)

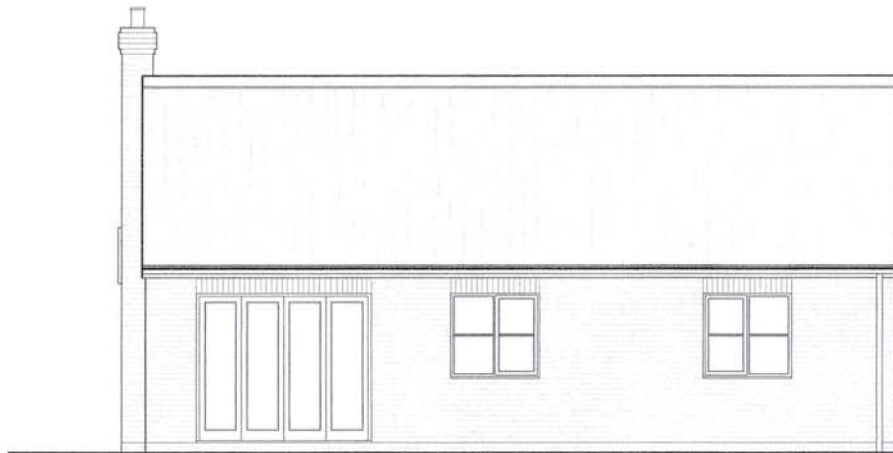


Proposed Front Elevation

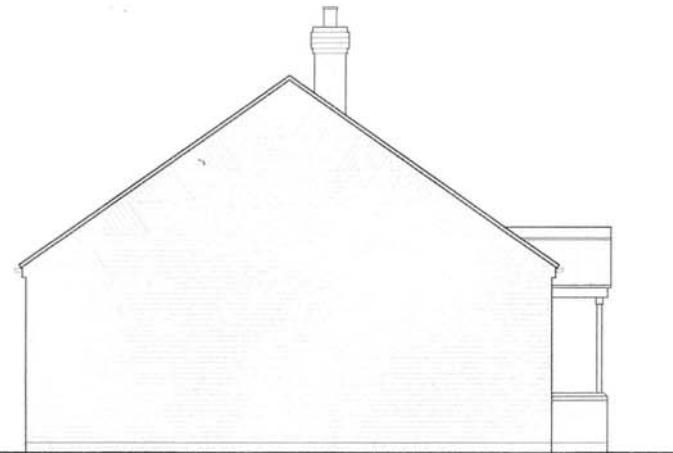


Proposed Side Elevation

Page 76



Proposed Rear Elevation



Proposed Side Elevation

Proposed Bungalow
Adjacent to
'Addlesee'
Carrhouse Road
Belton
Nr Doncaster
DN9 1PR

Scale. 1:100
Date. March 2018

| | |
|---|---|
| APPLICATION NO | PA/2021/1860 |
| APPLICANT | Mr Rahmen |
| DEVELOPMENT | Planning permission for a change of use of existing Methodist chapel to form two three-bedroom apartments with associated works |
| LOCATION | Westwoodside Methodist Church, Nethergate, Westwoodside, DN9 2DR |
| 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 4 states, 'The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.'

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

North Lincolnshire Local Plan: H5, T2, T19, DS1

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS17, CS22

CONSULTATIONS

Highways: Support the proposal subject to conditions and an informative.

LLFA Drainage: Support the proposal and recommend conditions to secure details preventing water leaving the site and entering the highway and vice versa.

Conservation: Object due to the need for design changes to the extension side windows. There is no objection in principle to altering the rear extension as it is set back into the site when looked at the key view as you travel north-easterly up Nethergate. The main chapel building is large and will still be the dominant visual form. Importantly it is not being altered as part of this application. There is no objection to the removal of the side wall; whilst there is some harm it can be justified to enable the residential conversion and the long-term survivability of the chapel. However, I would recommend a design change that the first-floor windows on the raised extension (side) are altered to match the ground-floor arched windows. The proposed plain rectangular windows create an appearance associated with a house and detract from the character and appearance of the chapel.

Archaeology: Recommends historic building recording via condition.

Environmental Protection: Recommend an asbestos condition.

Ecology: If areas with bat potential are to be repointed as part of this development, an emergence survey is needed prior to determination. If not, a condition can be attached preventing such works until a survey has been carried out and submitted.

Severn Trent Water: Provides a reminder of Building Regulation requirements for surface water and advises a foul water informative.

PARISH COUNCIL

Objects:

'Access is onto Nethergate at a pinch point, further vehicle access will only exacerbate road safety. Nethergate, a narrow and essentially single-track road, has become a major traffic concern with a number of blind spots. Parking for 5 cars is questionable and whilst it may appear feasible on paper in reality the layout would create major difficulty parking 5 vehicles due to the congestion caused by its locality close to the village hall and school. Amenity space is vague. We believe either a proper legal document should be drawn up to ensure both amenity space and access are guaranteed or the site benefits from ownership of such spaces. To protect amenity space in the future. The proposal for two dwellings into this small "tight" site with the inherent lack of parking and amenity space as outlined above does appear to be over-development. The number of bedrooms is considered too many and at the expense of the overall sizes of the bedrooms themselves. The façade should be maintained to the front of the building.'

PUBLICITY

A site notice has been displayed. Two letters of objection have been received which are summarised as follows:

- Good to see the building saved but it is really proposed to change to two three-bedroomed semi-detached properties.
- Insufficient amenity space for two family homes.
- Car parking area is part of the land belonging to the property to the rear. It may result in on-street parking on a busy street near a school.
- One dwelling would be better for residents and future occupiers.
- Semi-listed church has never been a home and should not be turned into a house that increased vehicle movements.
- A wooden building has already been erected without planning permission.
- Bats live in the eaves and no bat intervention has been requested by the council or bat boxes put up.
- The owner has not dealt with render that is falling off.
- Inspection drains are buried under plastic and stones.

ASSESSMENT

Planning history

There is no relevant history to the site.

Site characteristics

The application site comprises a detached disused Methodist chapel. The site is in a residential area and the blue line on the site location plan indicates the applicant owns the adjacent dwellings (11 and 11a Nethergate). There is a public right of way directly to the east of the site. The application site is within the Westwoodside development limit. The existing building is considered to be a non-designated heritage asset.

Proposal

Planning permission is sought to change the use of the chapel to two three-bedroomed dwellings and to increase the height of the existing rear projection. The existing toilet and side wall would be demolished. Four car parking spaces are proposed within the application site that would be accessed via the existing dropped kerb.

The following considerations are relevant to this proposal:

- **principle**
- **design and heritage impacts**
- **residential amenity**
- **highways**
- **ecology.**

Principle

Westwoodside is a rural settlement within the Core Strategy hierarchy. Policy CS1 supports rural settlements 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 adopts a sequential approach to development, the third being small-scale developments within the defined development limits of rural settlements to meet identified local needs. The site is within the development limit referred to in policy CS3 and defined in the HELAP DPD.

Policy CS22 states, 'The loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need.' NPPF paragraph 93 requires decisions to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The church is vacant and has been sold to a third party by the Methodist Church indicating a decline in demand. The loss of the Methodist chapel accords with these policies because St Nicholas Church and Haxey Methodist Chapel provide local alternatives.

This series of policies supports the principle of development.

Design and heritage impacts

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 CS6 seeks to protect, conserve and enhance North Lincolnshire's historic environment. NPPF paragraph 203 requires the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The proposed rear roof extension would be subservient to the principal frontage and, following amendments, the new window design reflects the existing below and is appropriate. This addresses the conservation officer's objection. Demolition of the existing side wall and outbuilding are acceptable. The scale of the proposed extension is appropriate to the building and would use matching materials. Details of the external finishing materials are secured by condition. There is a mix of traditional historic and UPVC windows present on the building. The application is unclear as to whether and how these would be replaced. It is necessary to condition that any window and door alterations and replacements are first agreed with the local planning authority. The proposal would ensure the long-term maintenance of this non-designated heritage asset. The council's archaeologist recommends historic building recording is secured by condition, noting the absence of such a document within the application. The design and heritage impacts are acceptable.

Residential amenity

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

The proposal would not provide garden space for future residents. However, such Methodist chapels often have little land associated with them and the overriding consideration is the preservation of the building. The nature of the proposed accommodation is considered appropriate.

The proposed relationship of the windows with 11a Nethergate is appropriate because said neighbour has a blank single-storey front elevation facing the application site and the proposed first-floor window in the extension is shown as having frosted glass to prevent overlooking. There would be a gap of 8.5m between the proposed extension and the main

two-storey element of 11a Nethergate which would prevent harmful overbearing impact or loss of light. The proposed extension projects approximately 1.5m to the rear of 15 Nethergate with a remaining gap of 4.5m, including the public right of way. The extension is 18m from 11 Nethergate which is acceptable.

A condition prevents new openings being added to the property without planning permission to prevent harmful overlooking. Environmental Protection recommends an asbestos condition; however, this is dealt with under separate legislation and is unnecessary.

The impact upon residential amenity is acceptable subject to conditions.

Highways

Policies T2 and T19 are concerned with appropriate vehicle parking provision and access. At least four car parking spaces would be provided with access from the existing dropped kerb. This is appropriate. Highways raise no objection.

The LLFA recommends drainage conditions to secure details preventing water leaving the site and entering the highway, and vice versa. These are necessary given the new parking space provision.

Highways request conditions securing access improvements; no loose material on the driveway; provision of access and parking prior to occupation; parking and turning shall not be used until the access serving it has been completed.

Highways do not specify what access improvements are required. The existing access serves two properties and adding a third to this is not considered to require improvements. There is already loose material on the driveway. The access is already in place but it is necessary to ensure the parking spaces are available prior to occupation. The turning space is already partially in use by the existing properties.

Highway impacts are acceptable.

Ecology

Policy CS17 requires consideration of protected species potential. The proposal entails partial demolition of the roof structure of an old church building. Natural England standing advice is clear that where there is bat potential that must be considered. There are anecdotal reports from a neighbour that bats enter the eaves. The submitted ecological appraisal concludes there is some bat roost potential within cracked brickwork at two locations on the building. The council's ecologist considers it is possible to condition that no repointing takes place until surveys have been submitted to the council. The applicant has agreed this is their intended course of action.

Ecological matters are acceptable subject to condition.

Conclusion

The principle of development is considered to be acceptable as alternative places of worship are available and residential use accords with relevant development plan policies. External alterations are well designed and appropriate, as are the heritage impacts. No

harm would arise to residential amenity. Highway and ecological impacts are acceptable. It is recommended that planning permission is granted.

Pre-commencement condition

This has 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:

- 001 Rev A
- 003 Rev B.

Reason

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

3.
Prior to their use in the development hereby permitted, details of the external finishing materials shall be submitted to and approved in writing by the local planning authority. Development shall proceed in accordance with the approved details.

Reason

To ensure an appropriate finish is achieved on this non-designated heritage asset.

4.
Prior to the use of the parking spaces, details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway shall be submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the 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, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

5.
Prior to the use of the parking spaces, details showing an effective method of preventing surface water run-off from the highway onto the developed site shall be submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the 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, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

6.

No dwelling on the site shall be occupied until the vehicle parking serving it has been completed and, once provided, the vehicle parking 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.

7.

There shall be no replacement or alteration of existing external windows and doors of the building unless details have been submitted to and approved in writing by the local planning authority. Any replacements or alterations shall take place in accordance with the details approved.

Reason

To preserve the character and appearance of this non-designated heritage asset.

8.

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no new windows, doors or other form of openings shall be added to any elevation or roof slope of the building unless details have been submitted to and approved in writing by the local planning authority. Any such alterations shall take place in accordance with the details approved.

Reason

To prevent unacceptably harmful mutual overlooking between the proposal and neighbouring residents, and to preserve the character and appearance of this non designated heritage asset.

9.

No alteration shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy comprising a historic building record, to be defined in a written scheme of investigation that has been submitted to, and approved in writing, by the local planning authority. The strategy shall accord with a brief provided by North Lincolnshire Historic Environment Record equivalent to Historic England's Level 2 building survey and shall include details of the following:

- (i) measures and methodologies to ensure the preservation by record of the historic structure, building fabric and fittings
- (ii) report and archive content
- (iii) archive preparation and deposition with recognised repositories, including the ADS

- (iv) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the recording work is undertaken and completed in accordance with the strategy
- (v) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of recording works and the opportunity to monitor such works
- (vi) personnel 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 as the buildings are a heritage asset of local historic value. Alterations will result in the loss of historically significant evidence and the proposed historic building record will ensure that such evidence is appropriately recorded and a permanent archive created.

10.

The applicant shall notify the local planning authority in writing of the intention to commence the historic building recording at least one week/seven days before commencement. Thereafter, the recording shall be carried out in accordance with the approved details and timings.

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 as the buildings are a heritage asset of local historic value. Alterations will result in the loss of historically significant evidence and the proposed historic building record will ensure that such evidence is appropriately recorded and a permanent archive created.

11.

The historic building report shall be deposited at the North Lincolnshire Historic Environment Record and the archive at the North Lincolnshire Museum within six months of commencement of the recording 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 as the buildings are a heritage asset of local historic value. Alterations will result in the loss of historically significant evidence and the proposed historic building record will ensure that such evidence is appropriately recorded and a permanent archive created.

12.

No works affecting the potential bat roost features identified in section 3.3.3 and Figure 10 of the submitted Preliminary Bat Roost Assessment dated February 2022 shall be permitted until a bat activity survey has been carried out, results reported to the local planning authority and any necessary European protected species licences obtained.

Reason

To ensure no harm to bats in accordance with policy CS17 of the 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

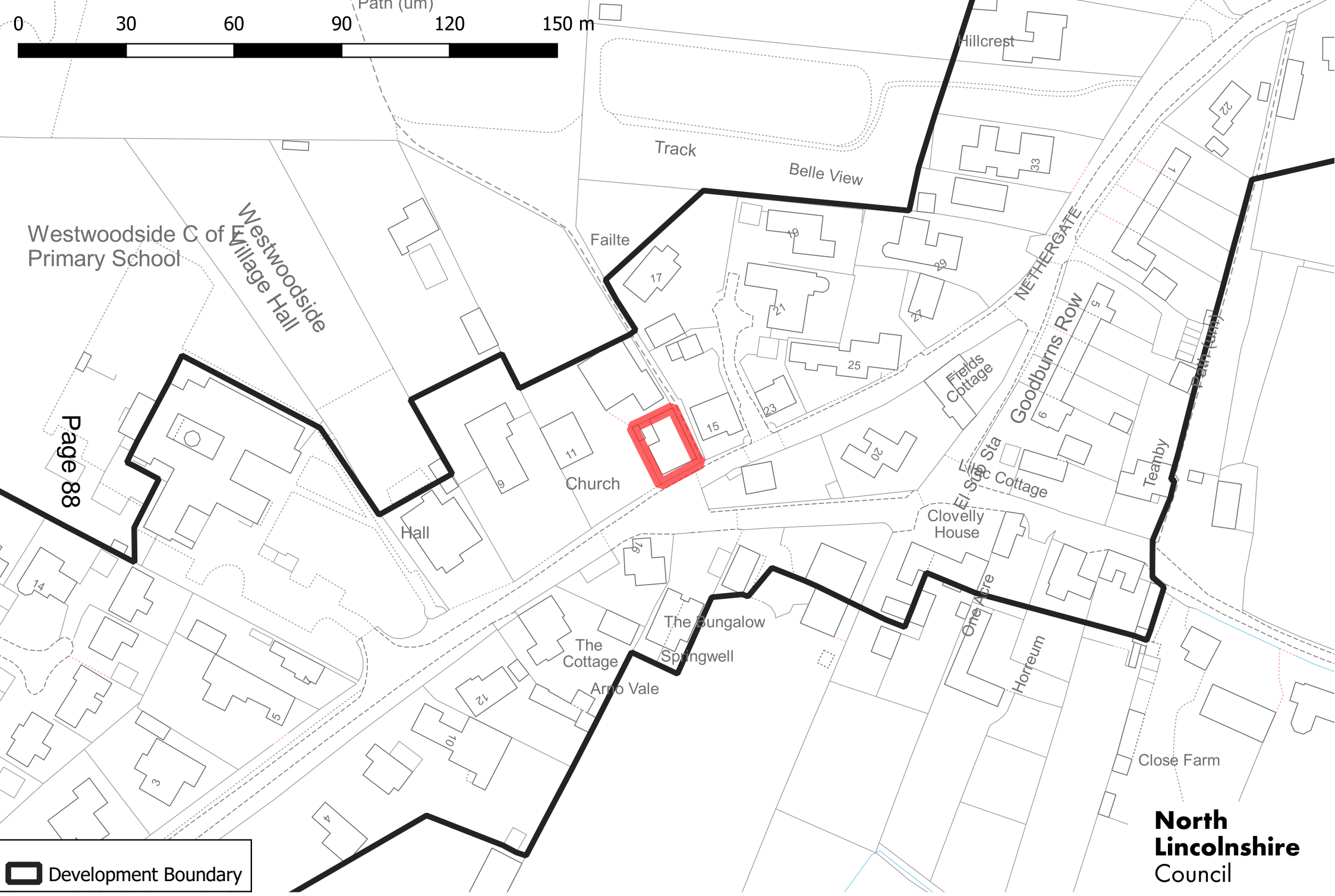
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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.

Informative 3

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Severn Trent under Section 106 of the Water Industry Act 1991. They may obtain copies of their current guidance notes and application form from either their website (www.stwater.co.uk) or by contacting their Developer Services Team (tel 0800 707 6600).

Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the building.



Westwoodside C of E Primary School

Westwoodside Village Hall

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 Development Boundary

PA/2021/1860

**North
Lincolnshire
Council**

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LOCATION MAP
SCALE 1:1250



EXISTING SITE PLAN
SCALE 1:500



PROPOSED SITE PLAN
SCALE 1:500

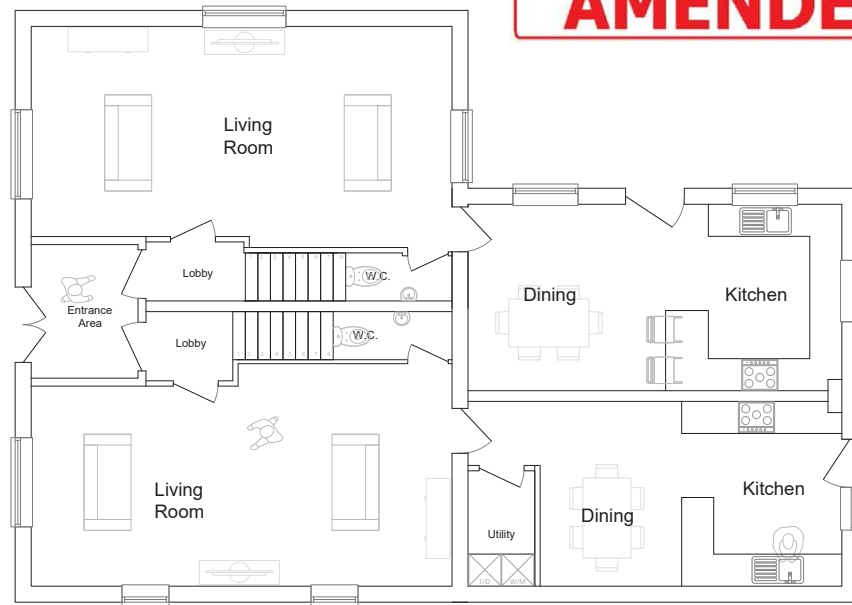
Project Name: **Change of use into 2 dwellings**
 Project Address: **Methodist Chapel, Nethergate, Westwoodside DN9 2DR**

Drawing Title: **Location Map and Site Layout**

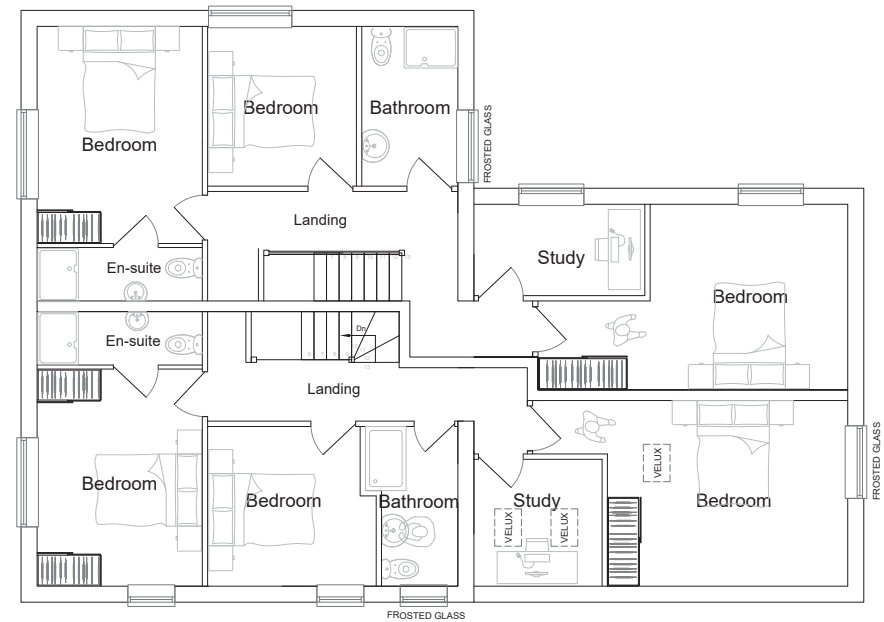
Drawn: **CH** Checked: **KD** Approved: **CH**

Date: **Sep 2021** Rev: **A**
 Scale: **1:50 & 1:100 @ A1**

AMENDED



GROUND FLOOR PLAN

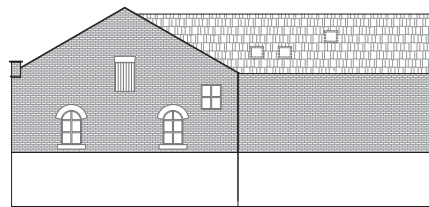


FIRST FLOOR PLAN

Page 90



FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION



SIDE ELEVATION

Project Name: **Change of use into 2 dwellings**
 Project Address: **Methodist Chapel, Nethergate, Westwoodside DN9 2DR**
 Drawing Title: **Proposed Plans & Elevations**
 Drawn: **CH** Checked: **KD** Approved: **CH**

Date: **JULY 2021** Rev: **B**
 Scale: **1:50 & 1:100 @ A1**

Drawing No. **003**

CENTRELINE
 DESIGN CONSULTING LTD.

Centreline Design Consulting Ltd.
 1st Floor, 200, The Boulevard, DN17 3JZ
 T: 01724 410150 M: 07834 918720
 E: info@centredesign.co.uk

| | |
|---|---|
| APPLICATION NO | PA/2021/1869 |
| APPLICANT | Mr Josh Walshe |
| DEVELOPMENT | Planning permission to erect a detached dwelling |
| LOCATION | Land adjacent to 38 Scotter Road, Scunthorpe, DN15 8DR |
| PARISH | Scunthorpe |
| WARD | Crosby and Park |
| CASE OFFICER | Tanya Coggon |
| SUMMARY RECOMMENDATION | Grant permission subject to conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Application by a member of the council (Cllr Josh Walshe) |

POLICIES

National Planning Policy Framework

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

Policy DS7 (Contaminated Land)

Policy DS11 (Polluting Activities)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

CONSULTATIONS

Highways: No objections subject to a condition relating to access and car parking.

LLFA Drainage: No objection subject to surface water drainage conditions.

Severn Trent Water: Foul water is proposed to connect into the public foul sewer, which will be subject to a formal section 106 sewer connection approval. Surface water is proposed to discharge to a soakaway, on which we have no comment. We advise an informative for the foul sewer.

Environmental Protection: A noise impact assessment has been submitted and, following comments from Environmental Protection, the applicant submitted a memo to address a number of concerns raised. If attenuation measures are installed as per the previously submitted noise impact assessment and the applicant's memo then the department would be satisfied that internal residential amenity would not be negatively impacted. Considering the above, the department recommends a condition relating to mitigation measures. A further condition is recommended relating to contamination.

Ecology: No ecological surveys are required. 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 and the National Planning Policy Framework.

PUBLICITY

The application has been advertised by site notices. No responses have been received.

ASSESSMENT

Proposal

Permission is sought to erect one detached dwelling within the garden area of 38 Scotter Road, which is also owned by the applicant. The proposed dwelling will be set back from the road with a substantial rear garden area. The dwelling will be four-bedroomed. The ground floor comprises a garage, hall, WC, lounge, utility and kitchen/diner. The elevations show the dwelling will be built from a mixture of brick and off white colour render with windows being grey coloured UPVC. The dwelling will face Scotter Road. The front elevation comprises brickwork and render with a rendered front gabled end and a tiled canopy. The dwelling will be 8.32m wide, 10.12m deep and approximately 8.9m high (to the ridge).

The site

The site is located within the Scunthorpe and Bottesford Urban Area. The site forms part of the garden to 38 Scotter Road. The site is surrounded by dwellings to the north, south and east. To the west is Hebden Road industrial estate which adjoins the western boundary (rear) of the site. Scotter Road comprises a mix of housing types and designs, with dwellings fronting Scotter Road. Where the dwelling itself is proposed to be located is in Flood Zone 1 and is therefore at low risk of flooding with the remainder of the site (rear garden) located in Flood Zone 2/3a (tidal). The site is also at medium risk from surface water flooding.

Principle

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 the Planning Practice Guidance (PPG).

The site is located within the development boundary of Scunthorpe where in principle residential development is considered to be acceptable. Policy CS1 (Spatial Strategy) of the Core Strategy seeks to deliver an urban renaissance in Scunthorpe supporting its role as a major subregional town. Scunthorpe will be the focus for the majority of new development and growth, including housing, employment, retail, sustainable transport links, and higher order services and facilities to serve North Lincolnshire.

Policy CS2 of the Core Strategy seeks to ensure a sequential approach to development is adopted. Development should be focused on previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions.

Policy CS7 of the Core Strategy reiterates that the focus for new housing will be in the Scunthorpe urban area. 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 support the development of sustainable, balanced communities. Within Scunthorpe and market towns' development limits a net density range of 40 to 45 dwellings per hectare should be achieved.

Policy CS8 of the Core Strategy states that the principal focus for housing is previously developed land and buildings within the development limits of Scunthorpe.

Policies CS1, CS2, CS7 and CS8 of the Core Strategy establish the principle of residential development on this site and the proposal generally accords with the relevant policies of the development plan. As such the statutory presumption in section 38(6) of the Planning and Compulsory Purchase Act 2004 is engaged, which states that planning permission should be granted unless other material considerations indicate otherwise. The proposal is considered to represent sustainable development and the presumption in favour set out in paragraph 11(c) of the Framework is triggered. In determining the principle and sustainability of the proposed development, an assessment is required on the technical elements of the proposal which will be discussed below.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. Both policies are considered relevant. The application shows the main access to the site from Scotter Road with car parking provided within the application site. Highways have no objections to the proposal subject to conditions relating to access and car parking which are proposed to be imposed if planning permission is granted.

Flood risk and drainage

In terms of flood risk, the dwelling itself is located within Flood Zone 1 and is therefore the optimum place for development in terms of flood risk. The proposed rear garden area is located in Flood Zone 2/3a (tidal) and is therefore at high risk of flooding. This will remain as garden land as it is presently. In terms of surface water drainage, this area of Scotter Road is a medium risk for surface water flooding. The LLFA originally requested pre-commencement conditions relating to the submission of a drainage strategy and details showing an effective method of preventing surface water run-off. Following the LLFA's comments, the applicant has amended the plans to update the submitted Flood Risk Assessment (FRA) and provide additional drainage details for the site. The LLFA considers that the drainage details shown on the amended drawing are acceptable and pre-commencement conditions are no longer required. The proposal therefore aligns with policies CS18 and CS19 of the Core Strategy and policy DS14 of the North Lincolnshire Local Plan.

Design and amenity

In terms of the design of the dwelling, Scotter Road comprises a number of housing types and designs. The proposed dwelling is detached and will be constructed from brick and render. The dwelling has been designed to respect the character of the area and fronts Scotter Road. It will have an extensive rear garden area providing a good standard of private amenity space for future occupiers. Car parking and turning will be provided in the

form of a driveway on the site frontage. The proposed dwelling is located between a semi-detached dwelling to the north and a detached dwelling to the south. Due to its siting on the plot and its principal windows facing east (the front of the dwelling) and west (rear of the dwelling) no loss of privacy issues will be caused. The en-suite window proposed at first floor in the south elevation will be conditioned to secure privacy for future occupants of the dwelling and the adjoining neighbour. The boundary treatment comprises a 1.8m high boundary fence which will provide privacy between the proposed and existing dwellings. The proposed dwelling, in terms of design and amenity, therefore accords with chapter 12 of the NPPF, policies CS5, CS7 and CS8 of the Core strategy and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

Biodiversity and landscaping

In terms of biodiversity and landscaping, conditions will be used to secure an adequate landscaping scheme and biodiversity enhancements on the site. There is some hedging and trees on and adjacent to the site and the applicant proposes to plant additional trees. There are no tree preservation orders on the site. A condition is proposed to provide a more comprehensive landscaping scheme, which will improve biodiversity. The council's ecologist has been consulted on the proposal and finds it acceptable in terms of biodiversity subject to a condition relating to works and biodiversity enhancements to be carried out in accordance with the submitted biodiversity management plan. Subject to these conditions, the proposal will accord with policies CS5 and CS17 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

Noise

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release; result in land contamination; pose a threat to current and future surface or underground water resources; or create adverse environmental conditions likely to affect nearby developments and adjacent areas. Paragraph 187 of the NPPF is in part concerned with noise. It sets out requirements for how local planning authorities should ensure that new development can be integrated effectively with existing businesses and community facilities. Paragraph 187 of the NPPF states,

'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or "agent of change") should be required to provide suitable mitigation before the development has been completed.'

The site lies adjacent to the Hebden Road industrial estate which has the potential to impact on the proposed development. A noise report has been submitted with the application which concludes that the ambient noise climate at the application site is characterised (dominated) by road traffic on Scotter Road, with some occasional noise associated with Black & White Coaches at the rear (Hebden Road). A scheme of sound insulation has been developed to protect residential amenity from the ambient noise climate. As a consequence, the ambient noise climate is not considered to represent a

constraint to the proposed residential development. The proposed residential development will not place any unreasonable constraints on the adjacent coach depot and therefore the development proposals align with the aims of the NPPF.

The report recommends that enhanced glazing in conjunction with trickle vents should be provided to habitable windows fronting Scotter Road and habitable rooms facing away from Scotter Road should be fitted with standard glazing in conjunction with standard trickle vents. In addition, the applicant's memo recommends that a 1.8m close-boarded timber fence is installed on the northern boundary of the site and the existing 2m high boundary fence along the western boundary of the site is made good. A scheme for acoustic mitigation and fencing can be conditioned.

Environmental Protection have assessed this report and had a number of concerns in relation to this noise assessment. In response, the applicant has submitted a memo addressing Environmental Protection's concerns. Environmental Protection have been consulted on this memo which provided further clarification on the submitted noise assessment. As a result, Environmental Protection are now satisfied that if the proposed attenuation measures are installed as specified in the noise assessment and the applicant's memo then the residential amenity of the proposed dwelling would not be negatively impacted. Environmental Protection recommend a condition that before the dwelling is occupied the mitigation measures set out in the noise assessment shall be installed in the dwelling and the fencing proposed in the applicant's memo shall be installed to the northern and western boundaries of the site. This condition is recommended to be placed on any planning permission and therefore, subject to this condition, the proposed development is acceptable in terms of noise and will align with the NPPF, policy CS5 of the Core Strategy and policies DS1 and DS11 of the North Lincolnshire Local Plan.

Conclusion

The site is located within the development boundary of Scunthorpe where in principle residential development is considered to be acceptable through Core Strategy policies CS1, CS2, CS3, CS7 and CS8. In all other respects the proposed dwelling raises no substantive residential amenity, visual amenity, drainage, environmental, biodiversity or highway safety concerns. The proposal is therefore recommended accordingly 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: drawing no 1408.01 Rev D and 1408.02 Rev B.

Reason

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

3.

The development shall be carried out in complete accordance with the drainage details submitted on drawing number 1408.01, Revision D, received on 10/02/2022.

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.

4.

No above-ground works 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.

5.

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

Reason

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

6.

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

Reason

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

7.

No above ground works 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.

8.

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 and Policy DS1 of the North Lincolnshire Local Plan.

9.

Works and biodiversity enhancements shall be carried out strictly in accordance with the submitted biodiversity management plan reference number 1408SCUN. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features to the local planning authority, within two weeks of installation, as evidence of compliance with this condition. The management prescriptions set out in the management plan shall be carried out in their entirety. All biodiversity features shall be retained thereafter.

Reason

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

10.

Before the dwelling is first occupied the en-suite window in its southern wall 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 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.

11.

Prior to occupation of the dwelling, the mitigation measures shall be installed in complete accordance with the submitted report reference ENS Noise Impact Assessment, dated 24 Jan 2022, ref: NIA/10146/22/10274/v2 Scotter Road and the submitted ENS memo from Thomas Crabb to Mr Jon Bayley, dated 14 March 2022. Full details of the specification, design and location of the proposed new fencing to be installed on the northern and western boundaries of the site shall be submitted to and approved in writing by the local planning authority before the dwelling is occupied.

Reason

To safeguard the amenity of occupiers of the proposed dwelling in accordance with policy CS5 of the Core Strategy, and policies DS1 and DS11 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:

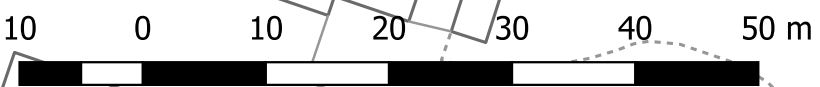
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

Informative 2

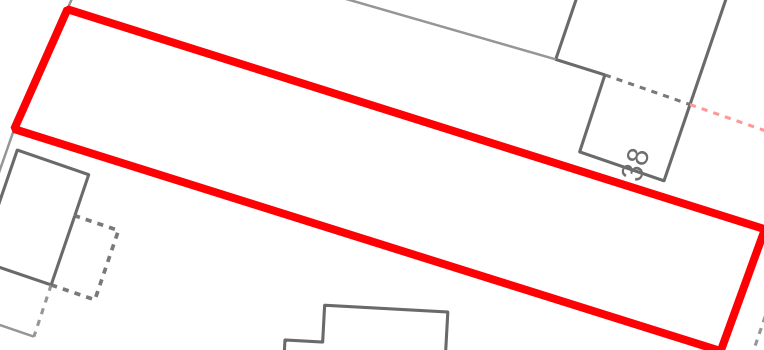
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

Informative 3

Severn Trent Water advises that there is a public sewer within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. You may obtain copies of their current guidance notes and application form from either their website (www.stwater.co.uk) or from the Build Team (telephone: 024 7771 6843/email: building.over@severntrent.co.uk).



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32 32a

38

39

61

73

4.9m

4.9m

**North
Lincolnshire
Council**

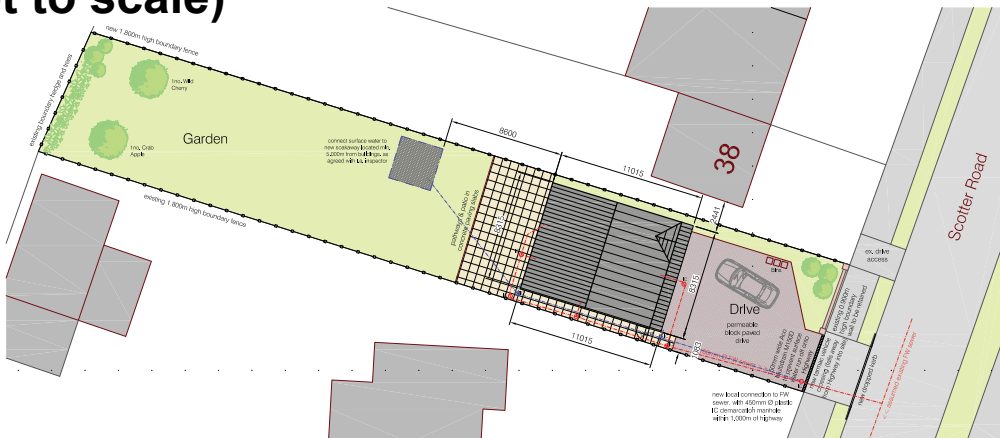
www.northlincs.gov.uk

PA/2021/1869 Proposed layout (not to scale)



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Location Plan
scale 1:1250



Proposed Site Layout
scale 1:200

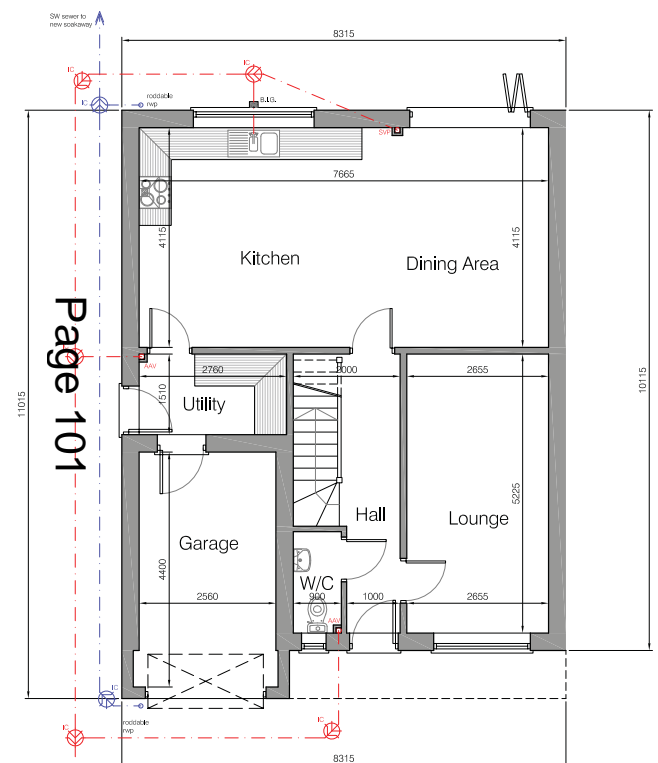
All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications within these drawings or associated documents are to be notified to keystonearchitecture.

Do not scale from these drawings - if in doubt - ask.

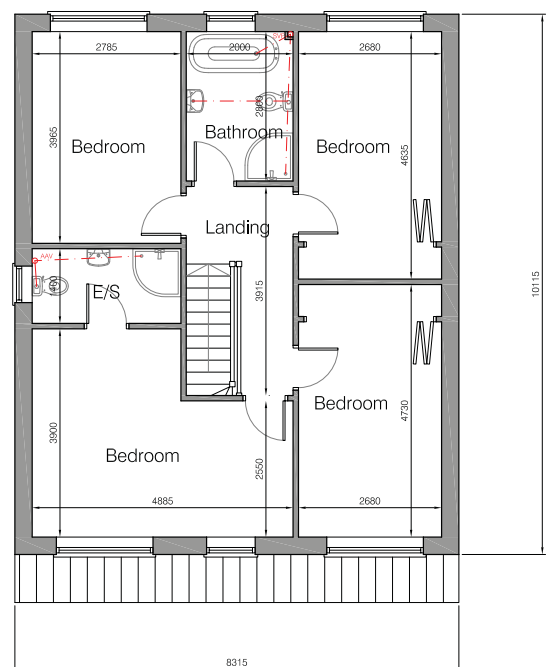
All materials shall be fixed, applied or joined in accordance with the manufacturers written instructions, recommendations and specifications. Variations to specified materials shall not be agreed in writing with keystone architecture.

The Contractor shall take into account everything necessary for the proper execution of the works and to the satisfaction of the Local Authority, whether or not indicated on the drawings or in the specification.

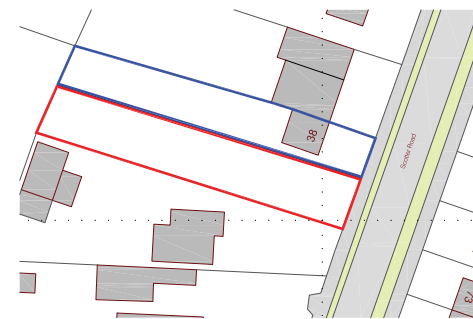
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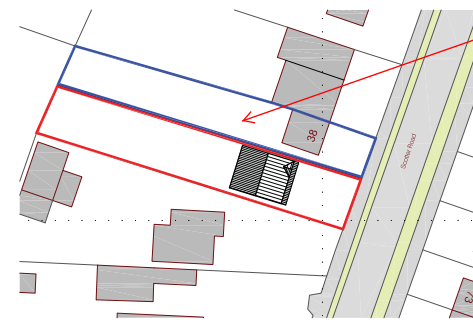
Proposed Ground Floor



Proposed First Floor

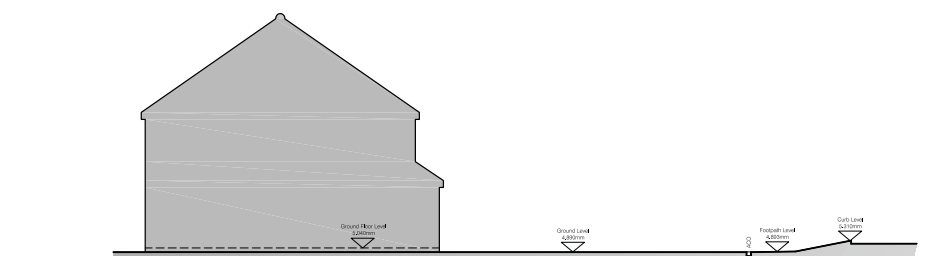


Existing Block Plan
scale 1:500

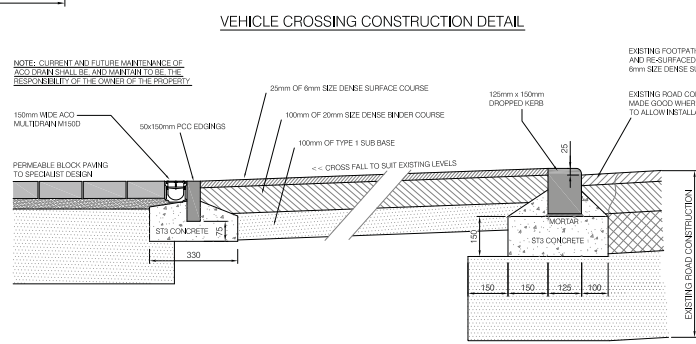


Proposed Block Plan
scale 1:500

Note the applicant owns the adjacent property (outlined in blue)



Proposed Site Section
scale 1:100



VEHICLE CROSSING CONSTRUCTION DETAIL

| | | | | |
|------|----------------------------------|-------|-----------------|----------------|
| D | App Draft Widened | | | 10/02/22 |
| C | Site and Footpath Sections Added | | | 02/02/22 |
| B | Swamp removed | | | 20/10/21 |
| A | Site Plan alterations | | | 13/10/21 |
| rev. | amendment | | | date |
| | | 110 | Proposed Plans | 14/06/21 rev D |
| | | stage | Planning | Oct 21 |
| | | scale | 1:50 & as shown | drawn by JS |

Page 101

PA/2021/1869 Proposed elevations (not to scale)

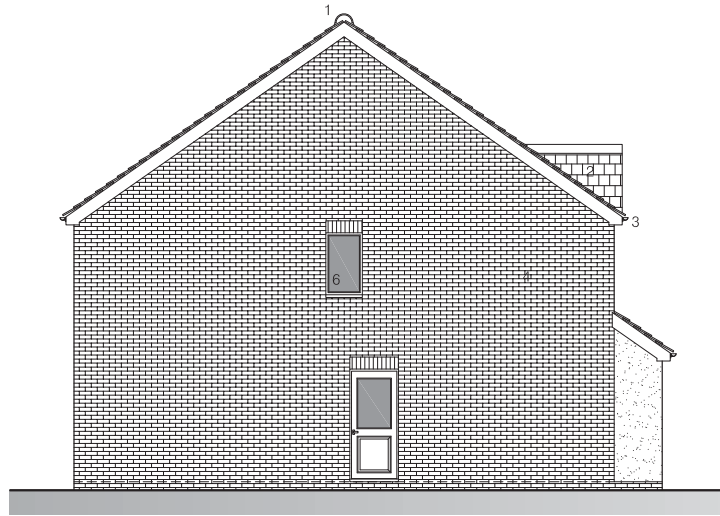
All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications within these drawings or associated documents are to be notified to keystonearchitecture.

Do not scale from these drawings - If in doubt - ask.

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The Contractor shall take into account everything necessary for the proper execution of the works and to the satisfaction of the Local Authority, whether or not indicated on the drawings or in the specifications.

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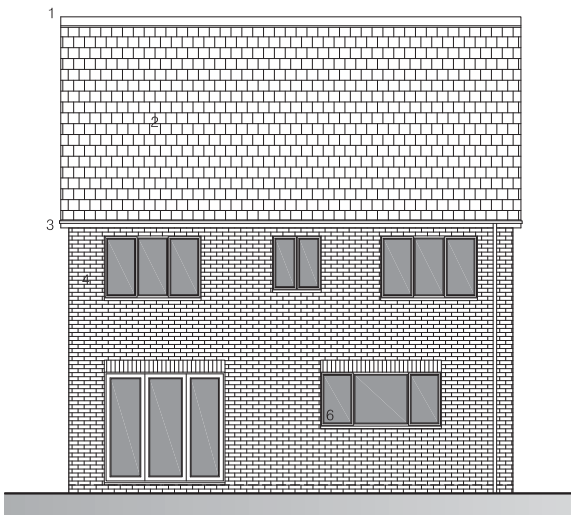


Proposed South - West Elevation

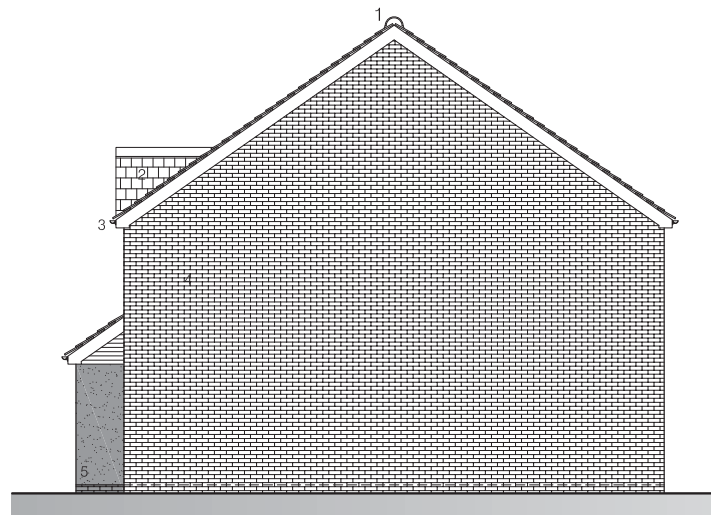


Proposed South - East Elevation

Page 102



Proposed North - West Elevation



Proposed North - East Elevation

Material Schedule:

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Ridge Tiles: 2. Roof Tiles: 3. Rainwater Goods: 4. Brickwork: 5. Render: 6. Windows / Doors: 7. Front Door: 8. Garage Door: | <p>grey concrete ridge tiles to match main roof grey Marley Edgemere concrete interlocking roof tiles black half round uPVC rainwater goods of white uPVC fascias and soffits Forterra Abbey Blend facing brickwork Off white self - coloured render new windows and doors in grey uPVC with brick soldier course head black composite GRP garage door in black</p> |
|---|--|

| rev. | amendment | date |
|------|---------------------------------------|----------|
| B | sunroom removed | 20/10/21 |
| A | Garage door and window colour amended | 13/10/21 |

| stage | date | drawn by | checked by |
|----------|--------|----------|------------|
| Planning | Oct 21 | JAS | JAS |

| | |
|---|--|
| APPLICATION NO | PA/2021/1891 |
| APPLICANT | Mr David Johnson |
| DEVELOPMENT | Planning permission to erect a new detached house and garage |
| LOCATION | Islay View, 236 Wharf Road, Ealand, DN17 4JN |
| PARISH | Crowle |
| WARD | Axholme North |
| CASE OFFICER | Jennifer Ashworth |
| SUMMARY RECOMMENDATION | Grant permission subject to conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Third party request to address the committee |

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:
 - (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 Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS17 (Biodiversity)

Policy CS19 (Flood Risk)

North Lincolnshire Local Plan (saved policies):

H5 (New Housing Development) (part saved)

H8 (Housing Design and Housing Mix)

LC5 (Species Protection)

LC7 (Landscape Protection)

LC11 (Areas of Amenity Importance)

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: The site is within the development limits of Ealand and is allocated under policy LC11 (Area of Amenity Importance) as shown on Proposals Map Inset 14 - Ealand.

CONSULTATIONS

Highways: Subject to the imposition of recommended conditions, no comments or objections to the proposal.

LLFA Drainage: Subject to the imposition of recommended conditions, no comments or objections to the proposal.

Yorkshire Water: No comments or objections.

Environmental Protection: No comments or objections.

Ecology: Have reviewed the proposals and do not consider an ecological survey is required and that policies LC11 and CS17 apply. The site appears to be a rather small and isolated area of rough grassland with limited botanical value and limited potential for protected or priority species, save for foraging hedgehogs, perhaps. 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.

TOWN COUNCIL

Ensuring the implementation of adequate sewage and drainage infrastructure, no further observations.

PUBLICITY

Two site notices have been displayed. The first initially and the second to take account of the proposed changes in light of the officer's comments. Two public comments have been received in response to the first site notice and two in relation to the second. The comments are:

- the site is within the LC11 policy area – an Area of Amenity Importance;
- the applicant has already caused damage to this LC11 area and this site provides a valuable green finger from Wharf Road to the open fields beyond;

- loss of residential amenity to 236 Wharf Road by way of the size, scale, massing and overshadowing of the proposed dwelling;
- loss of residential amenity to 240 Wharf Road by way of the size, scale, massing, overshadowing and overlooking of the proposed dwelling and lounge windows;
- construction in front of the established building line;
- lack of proposals for the disposal of surface water;
- no ecological statement to show how the loss of wildlife habitat will be mitigated;
- overshadow effect;
- dwelling too large for the plot;
- amended block plan makes things worse for the neighbour;
- there should be no windows or doors on the side elevations, or they should be obscure glazed;
- the applicant owns the land to the rear and could use this for garden space.

ASSESSMENT

Planning history

The following planning history is relevant to this site and land further east which is also within the applicant's ownership:

2/1978/0167: Erect three dwellings with accesses – refused 09/06/1978.

Over the years the wider site, which was also LC11 land, has been brought forward for residential development comprising a mixture of detached bungalows and two-storey detached properties as well as conversion of agricultural buildings. The two neighbouring properties (236 and 240) were originally granted planning permission in 1988. The following planning history is relevant to the adjacent sites and to this application:

PA/2000/1312: Planning permission to erect a detached house and garage (amended house type to that approved under planning permission 1998/1471) – approved 29/11/2000.

PA/1998/1471: Planning permission to erect a detached house and garage – approved 19/02/1999.

PA/1996/1720: Outline planning permission to erect two detached dwellings (renewal of 2/767/1993) – approved 13/11/1996.

2/1993/0767: Outline planning permission to erect two detached dwellings (renewal of 2/1018/1990) – approved 21/10/1993.

2/1990/1018: Outline planning permission to erect two detached dwellings – approved 30/11/1990.

2/1987/0888: Outline planning permission to erect two detached dwellings – 16/03/1988.

Planning designations/considerations

The site lies within the development limits of Ealand and is allocated under policy LC11 as shown on Proposals Map Inset 14 - Ealand.

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 Flood Zone 1, which is at low risk of flooding.

The site

The site is to the east of Wharf Road and represents an infill plot between two existing residential properties (240 Wharf Road to the south and 236 Wharf Road to the north). Both properties are large 2–2.5-storey residential properties with private drives to the front and northern part of the sites. A boundary wall and fence forms the boundary to the north of the site and a timber fence with concrete posts creates the boundary to the south.

The site has been cleared and comprises cut grass and brambles. To the rear is an area of agricultural land which is within the applicant's ownership but outside the development limits. To the west, on the opposite side of Wharf Road/the A161, is the large open body of water that forms the Seven Lakes Leisure Park.

The application site is slightly narrower than the adjoining parcels of land. Development of the site for residential use would need to take account of existing relationships with properties to the north and south, including in terms of overlooking, overshadowing and impact on amenity, as well as being sympathetically designed to take account of policy LC11: Areas of Amenity Importance.

Site constraints/features

The property to the north (236) has windows on its southern elevation which overlook the application site. These include three at ground floor which lead to habitable rooms and one on the second floor, presumably serving an office or bedroom space. This property also has a conservatory to the rear, although an existing wall approximately 2m high sits adjacent forming the site's boundary.

The property to the south (240) is L-shaped in its design and its main entrance door overlooks the application site, as does a downstairs and one first-floor window.

Proposed development

The applicant seeks to erect a single four-bedroom residential property. The property will be largely two-storey with a single-storey ground floor element to the rear. The ground floor will include a lounge, study, games room, boot room, utility, downstairs WC/shower room and an open-plan kitchen, dining, and lounge to the rear. On the first floor the property will include four double bedrooms, two en suite and two with a shared 'Jack and Jill' style bathroom arrangement.

The property will include access and parking to the front and northern side of the property, with access being maintained to the field to the rear. A garden space will be provided to the rear.

Principle of development

Planning permission is sought to erect a single residential property. The site is allocated under policy LC11 and within the development limits of Ealand as identified within the adopted Housing and Employment Land Allocations Development Plan Document Proposals Map.

Policy LC11 Areas of Amenity Importance 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. Where development is permitted, measures shall be taken to minimise their impact or, where necessary, make a positive contribution to such areas.'

Whilst the site is allocated within policy area LC11, so too are existing residential properties along Wharf Road. This development represents a suitable infill plot and would continue the row of residential properties in this location. It is not considered that the site would adversely impact the character, visual amenity or wildlife value of the area (as confirmed by the council's ecologist) or compromise a gap between conflicting land uses. The adjacent land uses to the north and south are residential, whilst to the east is an area of agricultural land which is also within the LC11 area. Development of this wider area should be protected. The proposal site sits on the edge of the built-up area of Ealand within an existing built frontage, and as such will integrate into longer views into the settlement. Removing this small gap in an existing residential frontage will have no or limited impact on passing views from the A161. The rear of the residential properties off Wharf Road provide a formal buffer to the LC11 policy area and the development of the site would continue this line.

The wider local plan talks about the suitability of infill sites as a means for housing development to come forward. Policy CS2 includes reference to infill plots and identifies them as sequentially preferable locations for development 'followed by other suitable infill opportunities then appropriate small-scale greenfield extensions to meet identified local needs.' The site is located between two existing residential plots and represents a natural location for new residential development to take place. The site is situated off Wharf Road and is within a residential location.

Policies CS2 and CS8 of the adopted Core Strategy seek a sequential approach to development focusing first on land within the Scunthorpe Urban Area, followed by previously developed land and other suitable infill opportunities to meet identified local need within the market towns. Small-scale developments within the defined development limits of rural settlements (including Ealand) to meet local identified need will then be considered. Policy CS1 restricts development in rural settlements and requires account to be taken of levels of local service provision, infrastructure capacity and accessibility. It also requires development to be in keeping with the character and nature of the settlement. This is further emphasised in policy CS2 which identifies that development within rural settlements should meet identified local need and that development in rural settlements will be restricted.

Policy CS8 notes that new housing development within rural settlements will create opportunities for small-scale infill development that maintains the viability of the settlement

and meets identified local needs without increasing the need to travel. This is further addressed in paragraph 78 of the Framework which supports housing developments in rural areas that reflect local needs.

The site, whilst in a rural settlement, is within the development limits. There still remains a demand for housing across the local authority area and especially within rural areas. The emerging local plan recognises the need to plan for different groups, including the private rented sector, self-build and custom housebuilding, family housing, households with specific needs, student housing, travelling communities and housing for older people. This includes both market and affordable housing. The authority is predominantly rural and comprises many historic towns and villages surrounded by countryside.

The application site is within the development limits of Ealand and would serve to address local need. Whilst there are currently no buildings on the site, the land is a large infill plot which is considered suitable for the development of one residential unit. It is considered that redevelopment would be in accordance with policies CS1, CS2 and CS8.

Policy CS3 talks about development limits being applied to rural settlements, which Ealand is identified as. Development limits are drawn to accommodate future development at a capacity suited to its services and other facilities and to protect and enhance settlement character. Development outside these limits will be restricted.

As mentioned earlier, the council has recently confirmed it has a five-year housing land supply; however, this is not a ceiling level for development and where suitable windfall sites come forward which accord with the development plan then they should be considered favourably. The proposed development would bring a currently underutilised site into use for residential purposes and act to serve local need. New residential development would also bring additional people into the area which would in turn support local services. The scale of development is considered appropriate for the site, subject to conditions. The site constitutes a suitable infill site within the development limits of Ealand.

As such, the proposal is considered to be in accordance with policies CS1, CS2 and CS8 of the Core Strategy; LC11 and H5 of the local plan, and paragraph 78 of the NPPF.

Sustainability

The Framework places a presumption in favour of sustainable development and assesses this in the three strands of economic, social and environmental. Policies H5, CS1, CS5, CS7 and CS8 place emphasis on creating housing developments that are sustainable and support sustainable communities and living, which in rural settlements includes development that meets identified local needs without increasing the need to travel. Policies T2 and CS2 further address the need to minimise travel and locate development near existing transport modes and infrastructure. Policy CS7 requires development to support the development of sustainable, balanced communities.

The settlement of Ealand is identified within the Sustainable Development and the North Lincolnshire Settlement Survey 2019 as a larger rural settlement comprising one of 17 of the largest villages in terms of population size that have at least four of the seven 'key facilities' and have scored 25 and above.

It is considered that the proposed development would accord with paragraph 11 of the NPPF and policies H5, T2, CS2, CS5, CS7 and CS8, the latter of which seeks the efficient

use of land at a density which is in keeping with the character of the area supporting the development of sustainable and balanced communities.

Material considerations

Residential amenity

Part-saved policy H5 and policy DS1 both refer to amenity. Policy H5 requires development to not result in overlooking or in a loss of privacy to existing developments, or any other loss of amenity to existing dwellings. Policy DS1, in relation to amenity, states that there should be no unacceptable loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

The proposed dwelling is located between two existing properties off Wharf Road. Both properties are large, 2–2.5 storeys in height and include private drives to the front and northern part of the plot. The applicant, through a revised design and layout, has sought to replicate this layout by siting the property to the southern boundary of the site and the access drive to the north.

The applicant has also revised the siting of the dwelling by pulling it in line with the existing properties and removing the proposed garage, which was originally to the front of the property. This allows the property to follow the existing building line on Wharf Road and is visually acceptable when viewed within the wider street scene.

Concerns have been raised by neighbouring properties (both 236 and 240 Wharf Road) in relation to the loss of residential amenity by way of size, scale, massing and overshadowing of the proposed dwelling. The occupier of 240 Wharf Road has also commented that the amended plans would make the situation worse for their property as the proposed dwelling is now closer to their boundary.

In considering the siting of the property, the case officer assessed the harm which could potentially result from the siting of any residential property on this site. The assessment considered that due to the east-facing gardens and the ground-floor windows of 236 Wharf Road, it would be preferable for the property to be sited further south on the plot rather than with the access road to the south, as previous plans showed. This new layout would also reflect the existing pattern of development off Wharf Road. Wharf Road currently comprises five large detached properties before a break in land which leads onto agricultural land, and then residential properties continue beyond this comprising one large detached house and four pairs of semi-detached properties, followed by another detached house and then bungalows. The pattern of development there suggests a detached property would be suitable on this site. The gap between the (five) existing properties and their neighbouring property is no more, and in some cases less, than what is being proposed by the applicant.

In terms of impact on windows in the side elevation of 236 Wharf Road, a similar relationship exists at numbers 244 and 246. 246 Wharf Road has windows in its northern elevation. A gap is achieved between the two properties by the driveway of 246 (the same as is proposed as part of this application). The applicant has stepped the proposed property further south on the plot leaving a similar, if not greater, gap between the proposed dwelling and 236 Wharf Road, by including the access/driveway to the north.

A similar scenario will be achieved between 240 Wharf Road and the proposed property, and whilst the proposed property is closer to the boundary with 240 Wharf Road, the access/drive of 240 Wharf Road provides a gap/buffer between the two properties. The

elevation of 240 Wharf Road, which overlooks the site in this location, includes a small downstairs window (assuming to serve a hallway, utility or kitchen) and the double garage door, and at first floor there is a window above the double garage (assuming to serve a bedroom). It is therefore considered that whilst there will be an element of overbearing impact, it will not be to such a degree as to warrant refusal of this application.

The applicant does propose to include a range of windows on both the northern and southern elevations. All windows in the northern and southern elevations should be obscure glazed to prevent issues of overlooking. This will be a condition of development, should permission be granted.

In relation to the size of the proposed development, whilst the proposed dwelling is a large property, so too are the five existing detached properties located off Wharf Road. All five sit within a similar plot size and the applicant has sought to work with the council to amend the scheme to address the majority of concerns raised.

In terms of overshadowing, it is accepted that the dwelling will lead to an element of overshadowing on the neighbouring property to the north (236 Wharf Road); however, it is not considered it is to such a level as to warrant a refusal. The applicant has included a dual-pitched roof on the proposed property which slopes down towards the property to the north, resulting in the highest point of the pitch being set further back. The proposal also includes a single-storey element to the rear, thus seeking to mitigate overshadowing within this area.

Whilst it is accepted that there would be a degree of impact in terms of overshadowing to 236 Wharf Road, and a degree of overbearing impact to both 236 and 240 Wharf Road, these are not considered so significant as to warrant a reason for refusal. The applicant has sought to address the matters raised by redesigning the property and layout, and as such the development site is considered suitable for a single residential dwelling and accords with policies H5 and DS1 of the local plan.

Design

Policies H5 (part-saved), CS5 and DS1 seek to deliver quality design in North Lincolnshire. The site is within policy area LC11 and the design of the property therefore needs to respect the criteria set out within it.

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 DS1 and LC11.

There is no one defined style to the existing five detached properties in this part of Wharf Road. Each has a slightly different style, but all represent large 2 or 2.5-storey properties sat back from the main highway with a reasonable garden space to the rear. The majority of driveways are to the front and north of the properties.

The dwelling will be similar in design to the property to the north in that it will have a single frontage with Wharf Road, the entrance door (a porch) will be centrally positioned with

windows either side and three windows on the first floor. The dwelling will include stone sills under windows and brick arches over the top of windows. Sandtoft Cassius or similar dark grey tiles will be used for the roof. Windows will be UPVC and doors UPVC or composite. The application form confirms that the materials are to be agreed.

The applicant has yet to confirm the proposed finish and materials for the driveway and no boundary details or materials have been confirmed. This should be designed to be in keeping with the proposed dwelling and this rural location.

Due to the size of the proposed dwelling, it is recommended that permitted development rights be removed for the site, with any future proposals requiring permission by the planning authority.

It is therefore considered, subject to the recommended conditions, that the scheme is in accordance with policies H5 and DS1 of the local plan and CS5 of the Core Strategy.

Highways/access

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

The 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 form suggests that the property will have four bedrooms. The council's Highways team has assessed the submission and has no objections subject to conditions.

It is therefore considered, subject to the suggested conditions, that the scheme is in accordance with policies T2 and T19 of the local plan.

Ecology

Policy CS17 relates to biodiversity and seeks to ensure developments retain, protect and enhance features of biological interest and produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for.

Policy LC11 states that 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. Where development is permitted, measures shall be taken to minimise their impact or, where necessary, make a positive contribution to such areas.

The site is identified by the council's ecologist as being a small and isolated area of rough grassland with limited botanical value and limited potential for protected or priority species, save for foraging hedgehogs perhaps.

Natural England has identified the application site as being within a 'green risk zone' for great crested newts, a European Protected Species. The potential for harm to great crested newts (and thus an offence) is therefore low. On that basis, no ecological surveys are required.

The council's ecologist has reviewed the proposals and considers that in this case the proposal is an infill site between existing modern houses, so is not of open character, high visual amenity or wildlife value and does not buffer conflicting land uses. In the ecologist's view, this site is of lesser amenity value than the remainder of the LC11 area. Nevertheless, landscaping and biodiversity enhancement should be encouraged, given the nature of the designation. A condition is recommended relating to a biodiversity metric assessment and biodiversity management plan which would need to be submitted to and approved in writing by the local planning authority.

It is therefore considered, subject to the recommended conditions, that the scheme is in accordance with policies LC11 of the local plan and CS17 of the Core Strategy.

Flood risk and drainage

Policies CS19 of the Core Strategy and DS16 of the local plan set out the council's approach to development in areas at risk of flooding. These policies seek to direct new development to areas at lowest risk of flooding and only permit development in areas of high risk where it provides wider sustainability benefits to the community that outweigh flood risk; is on previously developed land; and a Flood Risk Assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere.

Policy DS14 relates to foul sewage and surface water drainage and states that 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 or completing planning agreements to achieve the same outcome.

The site is within Flood Area 1 which is identified as low risk of flooding. The town council has commented that any design should ensure the implementation of adequate sewage and drainage infrastructure. This matter was raised by neighbours who had felt the proposals did not adequately address the disposal of surface water.

The applicant has confirmed that foul sewerage will be via the mains sewerage and surface water via soakaway. Yorkshire Water and the LLFA have considered the proposals and do not have any comments or objections.

It is therefore considered that the scheme accords with policies DS14 and DS16 of the local plan, and CS19 of the Core Strategy.

Pre-commencement conditions

These have been agreed with the agent.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

2.

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

- Location Plan – dated 11-01-2021
- Block and Elevation Plans – Dwg No. J/02/02/043/20/B
- Floor Plans – Dwg No. J/01/02/043/20/B.

Reason

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

3.

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

Reason

in the interest of the visual amenity of the area.

4.

Before the dwelling is first occupied, all windows in its northern and southern walls 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 in accordance with policy DS5 of the North Lincolnshire Local Plan.

5.

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

Reason

To provide an appropriate level of screening in accordance with policies H5 and DS1 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.

Within three months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

8.

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

Reason

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

9.

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

Reason

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

10.

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.

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 155, 157, 163 and 165 of the National Planning Policy Framework.

12.

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 baseline of October 2021;
- (b) details of locally native trees and shrubs to be planted and maintained;
- (c) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Small Sites Metric.

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

Reason

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

13.

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 proposed 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.

Informative 1

Due to existing foul sewer flooding issues in the Ealand & Crowle catchment, you are advised that no surface water from the development can be discharged into the foul sewer network.

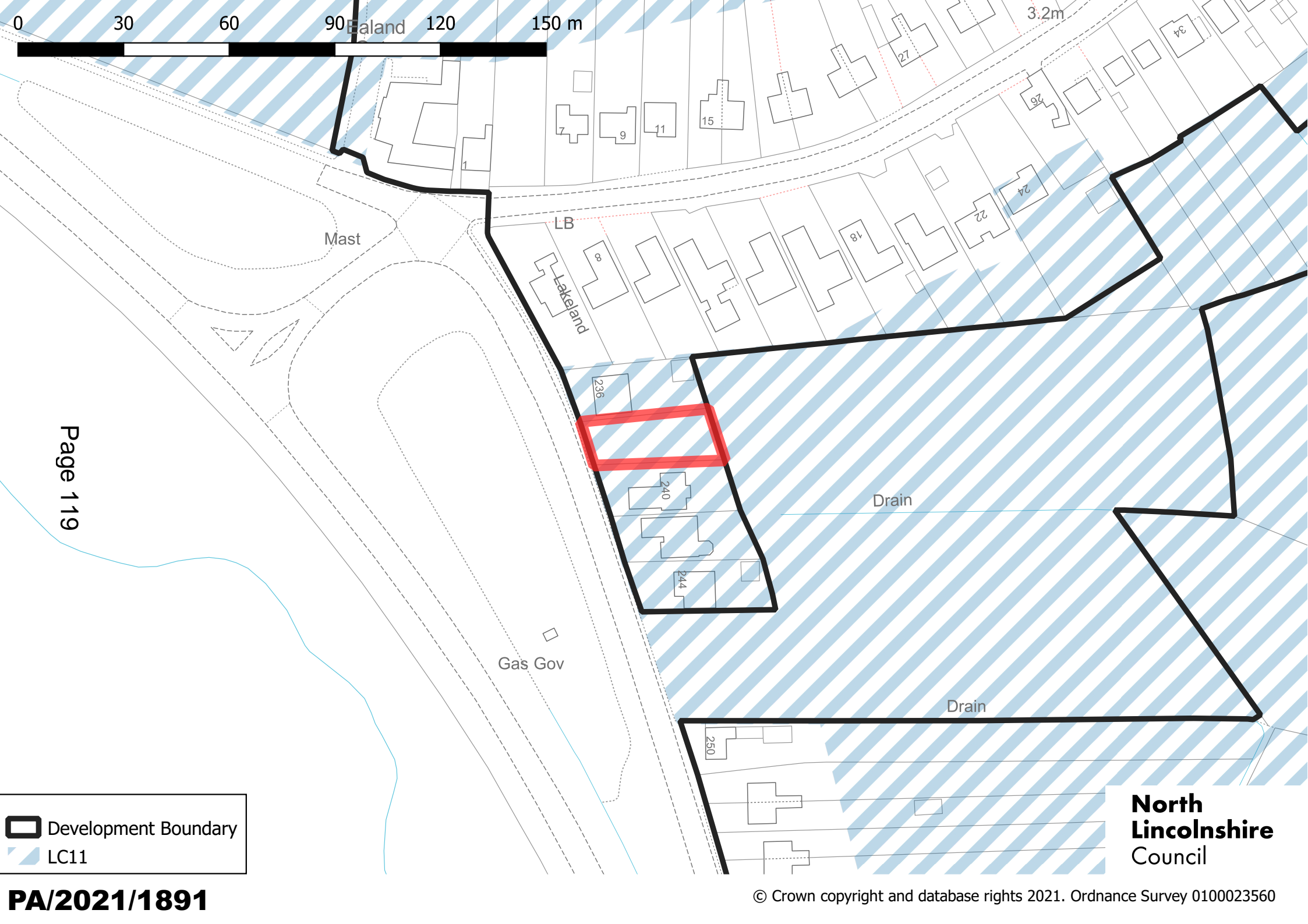
Informative 2

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

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

Informative 3

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



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 Development Boundary
 LC11

**North
Lincolnshire
Council**

PA/2021/1891

PA/2021/1891 Proposed layout and elevations (not to scale)

Sandfort Classics or similar dark grey tiles on 50 x 25mm battens on breathable membrane on precast roof trusses to BS 5268 at 400/600mm c/c all in accordance with truss 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 ridge and hip tiles. 30 x 4mm galvanneal steel straps to wall plates, up gables and at eaves level crossing min. 3 No. members on rafter/s min. 38mm wide.
 Roof trusses to be 200mm mineral wool laid between joists and 200mm mineral wool laid over at right angles to bottom layer.
 12.5mm plasterboard and skim to ceilings.



PROPOSED FRONT (WEST) ELEVATION



PROPOSED REAR (EAST) ELEVATION

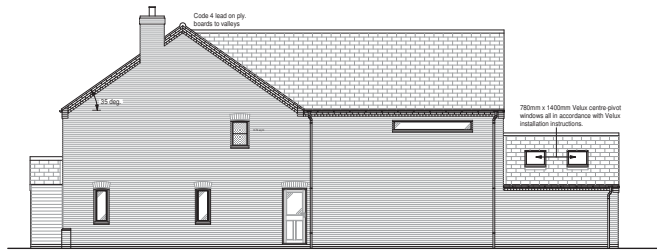


EXISTING SITE PLAN 1:500

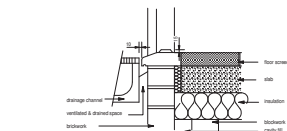


PROPOSED SITE PLAN 1:500

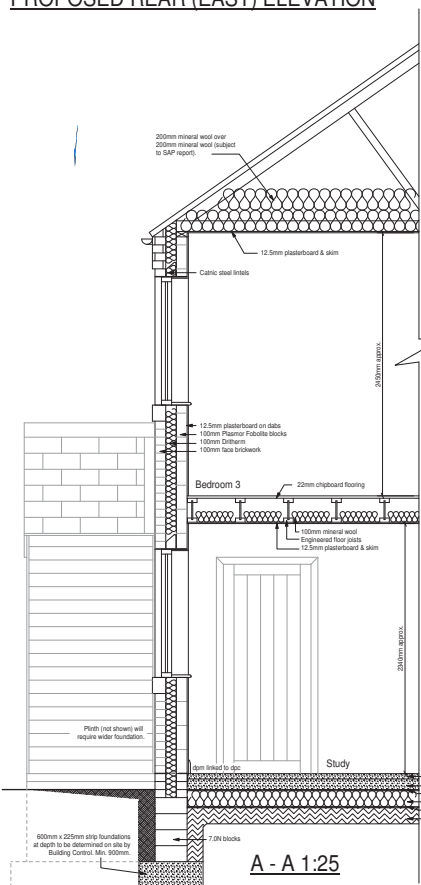
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PROPOSED SIDE (SOUTH) ELEVATION



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



A - A 1:25



PROPOSED SIDE (NORTH) ELEVATION

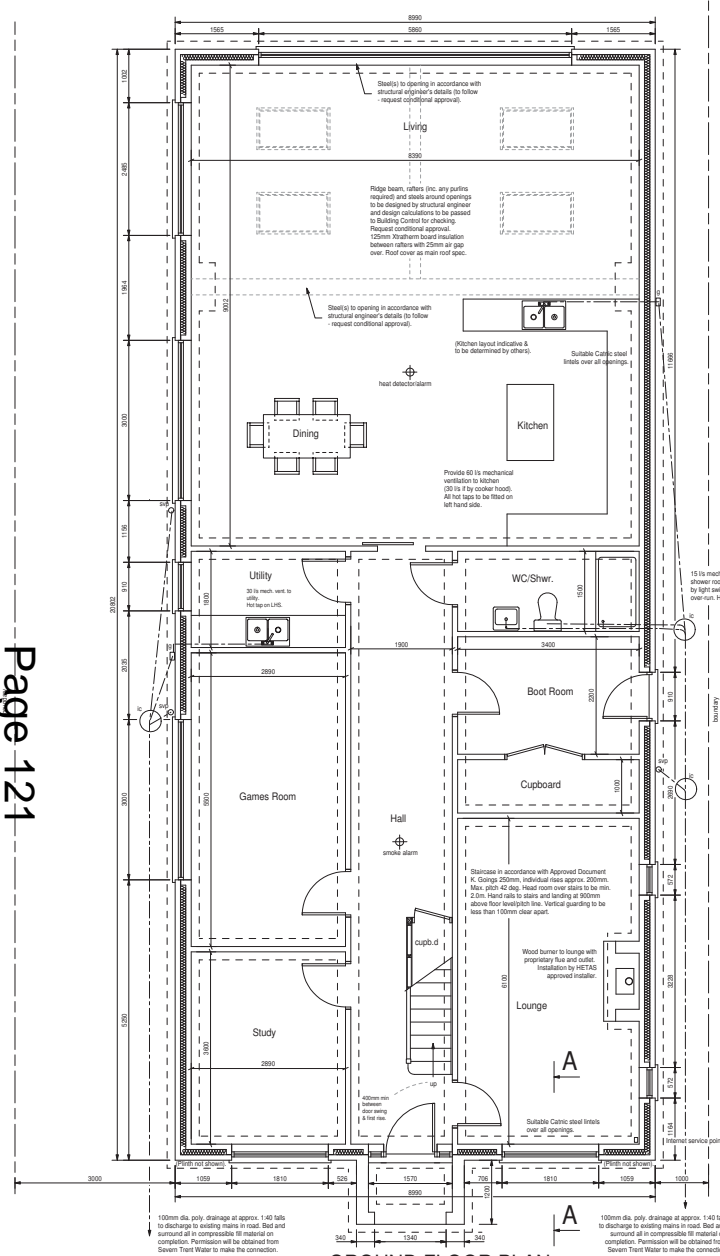


NOTE: THIS DRAWING IS INTENDED FOR CONSULTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. ADDITIONAL INFORMATION, STRUCTURAL DESIGN AND/OR AMENDMENTS MAY STILL BE REQUIRED. DO NOT START WORK UNTIL YOU ARE IN POSSESSION OF ALL CORRESPONDING APPROVALS, APPROVED SUPPORTING DOCUMENTS AND APPROVED DRAWINGS.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

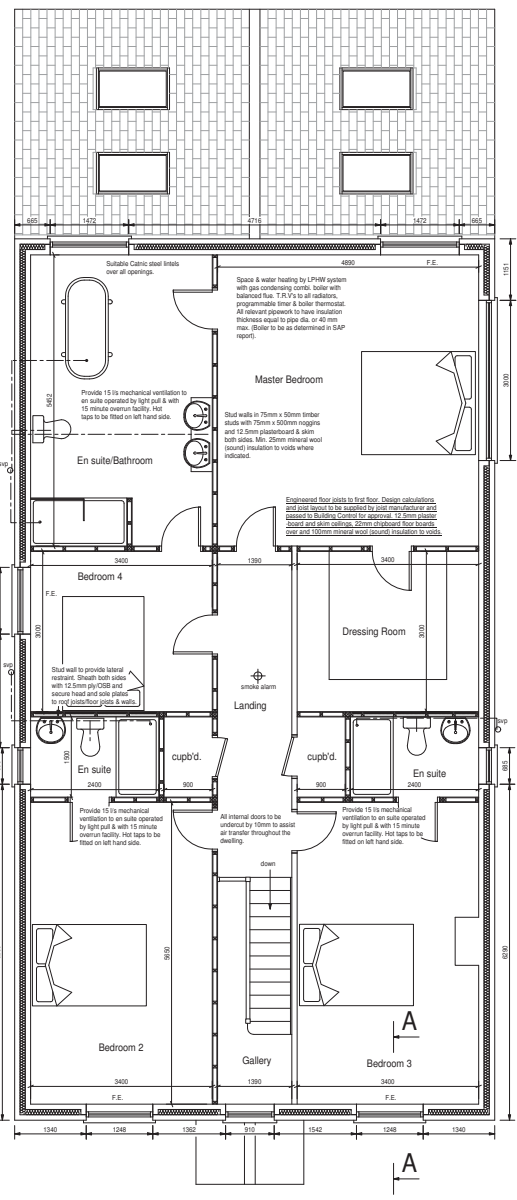
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|---|---|-----------------------------------|---|
| Drawing title: ELEVATIONS, SECTIONS & SITE PLANS | Client: MR & MRS JOHNSON | | |
| | Drawing No. J/02/02/043/20/B | Scale at A1: 1:25, 1:50, 1:500 | Date: 06-02-2022 |
| Revisions: | Project: PROPOSED DETACHED HOUSE, LAND ADJACENT 236 WHARF ROAD, EALAND | | |
| R M Potterton Ltd. Architectural Services | | | 2A Northfield Road Messingham Scarborough North Lincolnshire DN17 3SA |
| | | | Telephone: (01724) 761752 Mobile: 07944 302278 rmpotterton@hotmail.co.uk |

PA/2021/1891 Proposed floor plans (not to scale)

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GROUND FLOOR PLAN



FIRST FLOOR PLAN

Building Regulations Compliance Notes:

EXCAVATE FOR & CONSTRUCT CONCRETE STRIP FOUNDATIONS / SUBSTRUCTURE AS SECTION. BLOCKWORK BELOW GROUND TO BE 7N FOUNDATION BLOCKS 300mm x 100mm WIDE AS APPROPRIATE. CAVITY WALLS ABOVE DPC ALSO AS SECTION UP TO WALL PLATE / UP CABLES 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 THICKENED SLAB. BLOCK WALLS FINISHED INTERNALLY WITH 12mm STYPAL PLASTERBOARD ON DABS & 50MM 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.

30mm x 5mm Galv. STRIPS TO WALL PLATES, UP CABLES & AT CEILING LEVEL AT 2.0m c/c CROSSING AT LEAST 2m. MEMBERS ON MIN. 30mm NOSSIMS.

ROOF COVER TO BE CONCRETE/CLAY TILES ON 50mm x 25mm BATTENS ON BREATHABLE MEMBRANE.

CATWING 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 DRAINS PASS UNDER.

MANSFED LINKED SMOKE DETECTORS TO BS 5446 P11 & IN ACCORDANCE WITH APPROVED DOCUMENT B OF CURRENT BUILDING REGULATIONS.

INTERNAL WALLS SURROUNDING BEDROOMS AND ROOMS CONTAINING WCs TO HAVE RESISTANCE TO SOUND.

ALL STUD WALLS TO BE MIN. 75mm STUD, 25mm THICK MINERAL WOOL / FIBREGLASS Batts WITHIN VOID & PLASTERBOARD FINISH MIN. MASS OF 10kg/m3.

CONCRETE BLOCK WALLS TO HAVE MIN. MASS PER UNIT AREA OF 120 kg/m3.

PLASTERBOARD ON DABS & 50MM FINISH TO BOTH SIDES.

ARCHITECTURE 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. 1.02m2 RESPECTIVE FLOOR AREAS AND TRICKLE VENTS TO HEADS PROVIDING MIN. 5000mm2 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 100 mm 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 SOAKWAYS MIN. 5.0m FROM BUILDINGS VIA 100mm DIA. HALF ROUND GUTTERS AND 60mm DIA. FALL PIPES. 100mm DIA. DRAINAGE AT 1:40 FALLS TO SOAKWAYS TO BE BS 365. PERCOLATIONS TESTING 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 PART F 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 HEATHING, 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 DRABNED CESSANCE THRESHOLD IN ACCORDANCE WITH APPROVED D.C. 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.

CLADDING IN CRITICAL LOCATIONS TO BS 6268 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 & COMPLIES WITH PART P MAY BE REQUESTED BY BUILDING CONTROL.

PART C

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 B.

LETTER PLATES WHERE PROVIDED SHOULD HAVE A MAXIMUM APERTURE OF 260mm x 40mm & BE LOCATED AND/OR DESIGNED TO HINDER ANYONE ATTEMPTING TO REMOVE KEYS WITH STICKS AND/OR INSERT THEIR HAND FOR EXAMINE 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.

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

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|--|---|---|--|
| Drawing title FLOOR PLANS & COMPLIANCE NOTES | Client MR & MRS JOHNSON | Drawing No. J01/02/043/20/B Scale at A1. 1:50 Date. 06-02-2022 | |
| Revisions. | Project. PROPOSED DETACHED HOUSE, LAND ADJACENT 236 WHARF ROAD, ELAND | R M Potterton Ltd. Architectural Services 24 Northfield Road Messingham North Lincolnshire DN17 5SA Telephone: (01724) 761752 Mobile: 0794 312278 mpotterton@hotmail.co.uk | |

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|---|---|
| APPLICATION NO | PA/2021/1968 |
| APPLICANT | Mr Mark Snowden, Keigar Homes Ltd |
| DEVELOPMENT | Planning permission to erect four dwellinghouses |
| LOCATION | Land off 'The Sidings', Victoria Road, Barnetby, DN38 6HP |
| PARISH | Barnetby le Wold |
| WARD | Brigg and Wolds |
| CASE OFFICER | Scott Jackson |
| SUMMARY RECOMMENDATION | Subject to completion of a Section 106 agreement, grant permission subject to conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by Barnetby le Wold parish council |

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

North Lincolnshire Local Plan: Policies H5, H8, H10, LC5, T1, T2, T6, T19, DS1, DS14 and DS16 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS5, CS6, CS7, CS8, CS19 and CS25 apply.

CONSULTATIONS

Highways: No objection, but recommend conditions.

Environmental Health: No objection, but recommend a condition.

LLFA Drainage: No objection, but recommend conditions.

Historic Environment Record: Following receipt of a Written Scheme of Investigation (WSI) no objection subject to conditions.

Anglian Water: The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details. The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing the infrastructure maps on Digdat.

PARISH COUNCIL

Object on the following grounds:

- additional traffic and road safety issues
- insufficient parking provision per dwelling
- impact on the local drainage system
- LLFA Drainage should consider alternative means of surface water drainage disposal.

PUBLICITY

Two site notices have been displayed and one letter of objection has been received raising the following issues:

- increase in dwellings will impact upon local drainage and potentially result in flooding
- Skeggar Beck has overflowed in previous years
- cramped form of development.

ASSESSMENT

The application site consists of garden land to the rear of 17–19 Victoria Road. The land was laid to grass and enclosed by a hedge along its western side with the access road. It has now been laid to hardstanding and enclosed by a 1.8 metre high closed-boarded fence along its eastern and southern boundaries that adjoin the gardens of residential properties. The site is within the defined settlement boundary for Barnetby, extends to 0.15 hectares (1500 square metres) in area and is in flood zone 1. It is accessed from an existing road that runs directly to the west, which serves the northern site permitted for 23 dwellings under PA/2019/1454. Full planning permission is sought to erect four dwellings with associated off-street parking spaces and private amenity space.

The main issues in the determination of this application are the principle of development, impact on the character and appearance of the street scene, impact on residential amenity and drainage matters.

Principle

The application site is garden land to the rear of 17–19 Victoria Road within the defined settlement boundary for Barnetby, in a sustainable central location within easy walking and cycling distance of a range of local facilities, including a primary school, village hall, shops, church, public house and post office. In terms of sustainability, it is within walking distance of bus stops and a mainline train station. The proposal therefore accords with the principles of sustainable development set out within the policies of the local plan, Core Strategy and National Planning Policy Framework on delivering residential development in appropriate locations.

The Housing and Employment Land Allocations DPD shows this site is within the settlement boundary for Barnetby and the proposal constitutes a windfall site. Policy H8 (Housing Design and Housing Mix) applies and states that new residential development will be permitted provided that it incorporates a high standard of layout that maintains, and where possible improves and enhances, the character of the area and protects existing and natural and built features, landmarks or views that contribute to the amenity of the area. This site constitutes a developable brownfield site within the settlement boundary of Barnetby, in a sustainable location. There is, therefore, a presumption in favour of residential development.

Policy CS9 (Affordable Housing) of the adopted Core Strategy states that new residential development of three or more dwellings in rural settlements must make provision for an element of affordable housing. However, the National Planning Policy Framework states that tariff style contributions should be sought for schemes of 10 or more dwellings. This application seeks to erect four dwellings, in addition to the 23 already approved on the adjacent site by the same developer and utilising the same means of access. The proposal is therefore considered to be piecemeal development. Policy CS9 seeks to ensure that 10% of housing on residential schemes are affordable, which equates to 2.7 dwellings. However, the applicant has agreed to an off-site contribution in lieu of on-site provision of the additional 0.7 dwellings. The provision of this affordable housing will be secured by a Section 106 legal agreement. It is a policy preference for this affordable housing to be provided on the site, however the applicant has agreed to a financial sum in lieu of on-site provision.

Policy H10 (Public Open Space Provision in New Housing Development) of the North Lincolnshire Local Plan applies and states that new housing developments on windfall sites of 0.5 hectares or more will be required to provide recreational open space on a scale and in a form appropriate to serve the needs of residents. Again, the development is considered as piecemeal and as such the council's Section 106 officer has agreed an off-site contribution of £19,700.20 would be sought towards the maintenance and improvement of existing open space in Barnetby; this contribution would be secured through a Section 106 legal agreement.

Street scene and settlement character

The pattern of residential development around that proposed is mixed and comprises pairs of semi-detached houses arranged in linear form with deep rear gardens along the Victoria Road frontage and a modern housing estate which consists of a main access road flanked by a number of cul-de-sac spurs to either side. The introduction of additional residential properties on the eastern side of the access road to the wider residential development is not considered to be out of keeping with the prevailing pattern of residential development in

this part of Barnetby. The proposed residential development comprises a mix of two-storey dwellings arranged in semi-detached and detached form. The general height, scale and type of dwellings is consistent with the existing height and size of dwellings on Victoria Road, Chestnut Grove and Woodland View and these dwellings will be viewed against the wider existing built backdrop of existing residential development on the eastern and south eastern edges of Barnetby.

The plans show that the houses are arranged in a linear form with the principal elevations of each dwelling addressing the proposed access road. With the exception of the pair of semi-detached houses, the proposed dwellings will have a separation distance between them; this allows for pedestrian circulation and provides a sense of both openness and rhythm to the pattern of built development. In terms of the appearance of the dwellings, a materials plan has been submitted stating that the roofs will be clad in red pantiles, and the bricks will be of mixed red tones and grey, with stone detailing to some dwellings. It is considered this mix of external materials will ensure variety in the street scene within the development itself and that the appearance of the houses is in keeping with the wider residential street scene, particularly the modern housing estate to the north and north east.

In terms of views of the proposed development, these will be relatively limited; no extensive views are available from the public highway to the south-west (Victoria Road). Any views will be restricted to those consisting of modern two-storey dwellings set back a distance of approximately 40 metres from the public highway. It is noted public footpath BARN297 runs parallel to Skeggar Beck to the west of the site, which will allow views of the development in close context; however, the development will be viewed against the built backdrop of the existing larger modern housing estate to the north-east and the dwellings under construction on the site to the north. The plans also show the provision of pedestrian access from the site to Victoria Road to the south; this allows both pedestrian and bicycle access to the range of local facilities in Barnetby which include a public house, post office, two convenience shops, a school, train station and village hall.

A landscaping plan has been submitted showing the provision of low-level planting in linear form along the front boundaries of all four dwellings. In terms of the house designs, these consist of a pair of semi-detached houses and two detached dwellings, all of which are two-storeys in height. The detached dwellings have a projecting bay window to the front and the semi-detached dwellings have a projecting gable across part of the front elevation which adds visual interest to the appearance of the development scheme and corresponds with the appearance of a number of new dwellings located in the wider development scheme to the north. In conclusion, the proposed development is considered to be in keeping with the character and appearance of the street scene in this part of Barnetby.

Residential amenity

The plans show the provision of two off-street parking spaces to either the front or side of each dwelling and sufficient private amenity space to the rear. The scheme has been designed to ensure there is sufficient separation distance between both the dwellings within the development site and properties located on the new housing estate under construction to the north to prevent overlooking. In addition, bedroom windows are proposed in the upper floor rear elevation of each of the four dwellings that will look out over the rearmost parts of the gardens belonging to existing dwellings on Victoria Road to the east and south-east; however, there is sufficient separation distance to these properties to prevent loss of residential amenity through overlooking or having an overbearing impact. An en-suite window is proposed in the first-floor northern elevation of plot 25; this has an outlook

towards an en-suite window in the southern elevation of plot 24. A condition is therefore recommended that these two en-suite windows are fitted with obscure glazing to a minimum code level 3 of the Pilkington Scale of Obscuration to ensure there is no overlooking between respective windows.

Drainage

It is noted that Skeggar Beck runs parallel to the site along the west/north-west border of the wider development site currently under construction by the same applicant. In addition, the proposed means of surface water drainage is via soakaway (infiltration) with an outfall into Skeggar Beck. The drainage strategy contained within the flood risk assessment for the wider development site showed that a dry pond was proposed within the open space to provide extra storage capacity for the development. A couple of objections have been received, including one from the parish council, that raise issues with this area having a history of localised flooding and that during recent periods of heavy continuous rainfall the dry pond in the adjacent housing development has inundated with water and drainage overflow issues have been experienced. In response to the drainage issues raised by the objectors, it is considered reasonable and necessary to recommend the conditions from LLFA Drainage requiring the submission and implementation of a detailed surface water drainage scheme for the site. This will allow the local planning authority to ensure that the surface water drainage scheme is appropriate to serve the scale of development proposed to prevent flooding to existing dwellings.

In respect of foul drainage, Anglian Water previously confirmed there was available capacity to accommodate the 23 dwellings approved on the wider development site to the north and have raised no objection to the proposed development in this case.

Highways

The proposed means of access to the site is from an existing 10 metre wide vehicular access which served the scaffolding yard. The plans show that the proposed vehicular access will be 5.5 metres in width with the provision of landscaped sections to either side. Highways have raised no objection on pedestrian or highway safety grounds and the width of the proposed vehicular access is sufficient to allow two vehicles to safely pass one another.

The level of off-street parking provision of two spaces per dwelling is considered to be acceptable and the proposed vehicular access would also provide means of access for two existing properties on Victoria Road. The addition of four dwellings to this access road is not considered to result in additional traffic movements which will be to the detriment of highway or pedestrian safety and each plot has sufficient visibility onto the access road.

In summary, the proposed development is not considered to be detrimental to highway or pedestrian safety.

Environmental Protection

Given the previous use of the wider site as a scaffolding yard, there is potential for contamination within the ground layers. However, this part of the land was used as garden to the rear of existing properties and as such the development will not change the sensitivity of the end use – it will remain in use as residential. A contaminated land report has been submitted with the application; this has been reviewed by Environmental Protection as

being acceptable with no conditions recommended for further investigation of the site. A condition is recommended by Environmental Protection, however, that any contamination found during the construction period is investigated.

Archaeology

The applicant has submitted a Written Scheme of Investigation (WSI); this document sets out the programme for archaeological monitoring and recording for the development site and the adjacent site. This document has been reviewed by the Historic Environment Record (HER) as being satisfactory, the archaeological contractor is suitably qualified and conditions are now recommended which secure the implementation of the WSI.

Developer contributions

All the developer contributions have been updated following the acceptance this is piecemeal development and the applicant is seeking to add four additional dwellings to a scheme which has approval for 23 dwellings. With this in mind, an education contribution is required; this is expressed per dwelling, excluding affordable units. The contribution is required to increase primary and secondary school capacity within the area. This contribution is secured in accordance with policy CS27 of the adopted Core Strategy and SPG8 'Developer Contributions to Schools'.

In addition, a contribution of £19,700.20 is sought in relation to improvements to existing open space within Barnetby. Public open space within the area and the financial contributions being sought comply with the requirements of policy H10 of the North Lincolnshire Local Plan and SPG10 'Provision of Open Space in New Housing Developments'. Finally, an additional contribution of £2,576 is sought towards improvements to existing leisure and recreational facilities in Brigg (the Ancholme Leisure Centre). The financial contribution being sought for improvements to leisure facilities complies with policy CS22 of the adopted Core Strategy.

Pre-commencement conditions

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

Conclusion

The proposed development is within the defined settlement boundary for Barnetby where there is a presumption in favour of sustainable development, and within walking and cycling distance of local services and access to sustainable modes of travel. It has been demonstrated the additional four dwellings can be accommodated on the site without resulting in a contrived form of residential development and can be successfully assimilated into the street scene on visual, highway and residential amenity terms. The proposals have sufficient off-street parking and private amenity provision and on this basis the application is recommended for approval.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for:

- **a contribution of £47,171.04 in lieu of the on-site provision of affordable housing;**

- a contribution of £19,700.20 towards the maintenance of existing off-site open space;
- a contribution of £8,049 per eligible dwelling, with inflation index, towards primary and secondary improvements in specific schools; and
- an additional contribution of £2,576.00 towards the improvement of facilities at the Ancholme Leisure Centre;

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 6 October 2022 the Development Management Lead be authorised to refuse the application on grounds of inadequate contributions towards essential community benefits; 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: CA/AS/16/104, VR/141/406, VR/141/405, VR/141/407, VR/141/411, VR/141/403, VR/141/404, VR/141/404, VR/141/402, CA/OP/19/103 and MCa/AS/18/101.

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

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 development shall take place a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. 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.

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.

7.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 6 of this permission, 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.

8.

No above-ground works 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 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.

9.

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 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.

10.

Development shall take place in accordance with the archaeological mitigation strategy 'Written Scheme of Investigation for Archaeological Monitoring & Recording: Land Off Victoria Road, Barnetby Le Wold, North Lincolnshire Allen Archaeology Ltd, December 2021'. The applicant shall notify the planning authority in writing of the intention to commence the archaeological site works at least one week/seven days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan 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.

11.

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 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan and place the results of the archaeological mitigation strategy in the public domain in a timely fashion within an agreed timetable.

12.

All the approved landscaping shown on drawing VR/141/405 shall be carried out within 12 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

To define the terms of the permission and to ensure the timely implementation and maintenance of the approved landscaping scheme.

13.

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 define the terms of the permission and in the interests of safeguarding residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

14.

Before the dwellings are first occupied the en-suite windows in the first-floor southern elevation of plot 24 and in the first-floor northern elevation of plot 25 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 the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

Informative 1

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

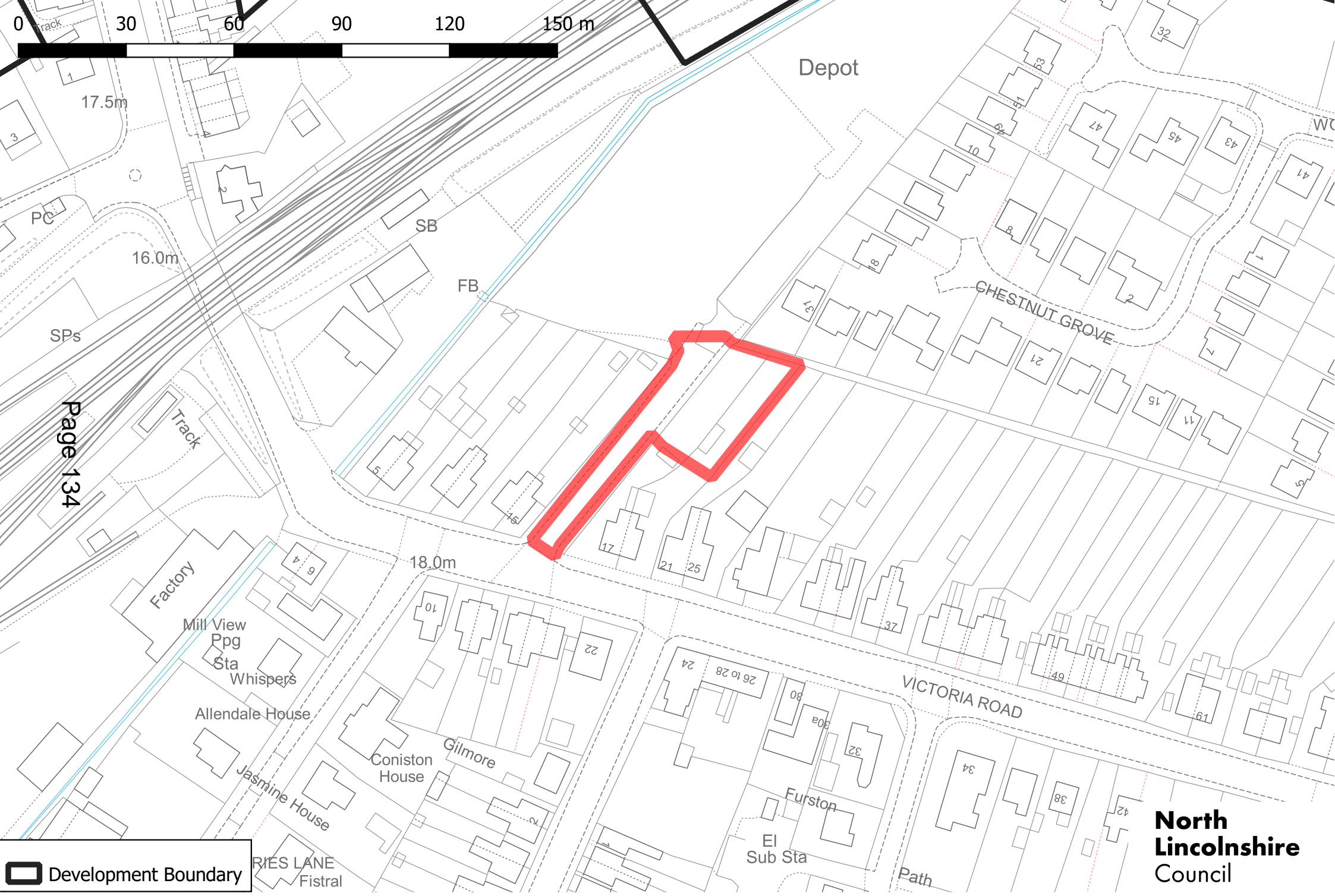
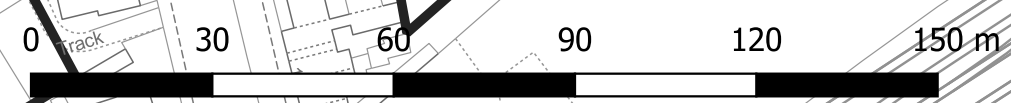
Informative 2

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.

Informative 3

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

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



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 Development Boundary

**North
Lincolnshire
Council**

PA/2021/1968

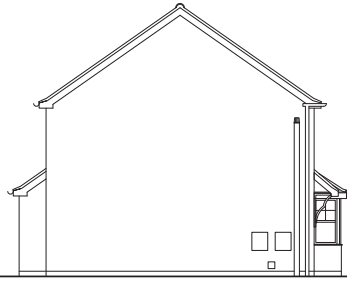
© Crown copyright and database rights 2021. Ordnance Survey 0100023560

PA/2021/1968 Proposed layout (not to scale)



| | | | | | | | | | |
|---|----------------|-------|----------|-----------|----------|-------|--|-----------|--|
| Rev: | 0 | Date: | | Drawn by: | | Date: | | Approved: | |
| KEIGAR HOMES LTD KEIGAR LODGE CANNIBRA VIEW BARTON-UPON-HUMBER NORTH LINCOLNSHIRE DN15 5GR Tel: 01652 631939 Fax: 01652 631938 | | | | | | | | | |
| Project Title: Residential Development land off VICTORIA ROAD BARNETBY | | | | | | | | | |
| Drawing Title: SITE LAYOUT | | | | | | | | | |
| Drawn by: | MdS | Date: | 26.10.21 | Scale: | 1/500@A2 | | | | |
| Project Ref: | VR / 141 / 403 | | | | | | | | |

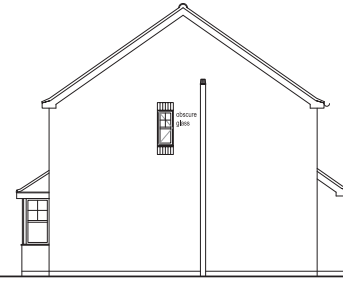
PA/2021/1968 Proposed plans and elevations (Plot 24) (not to scale)



SIDE ELEVATION



FRONT ELEVATION

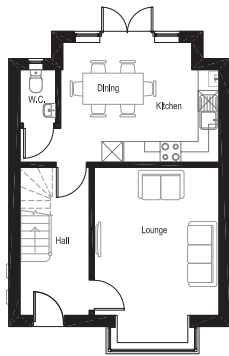


SIDE ELEVATION

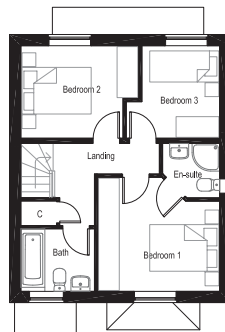


REAR ELEVATION

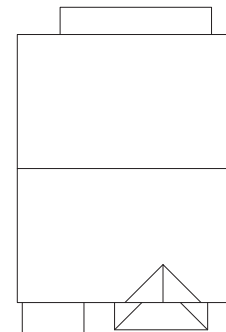
Page 136



GROUND FLOOR PLAN



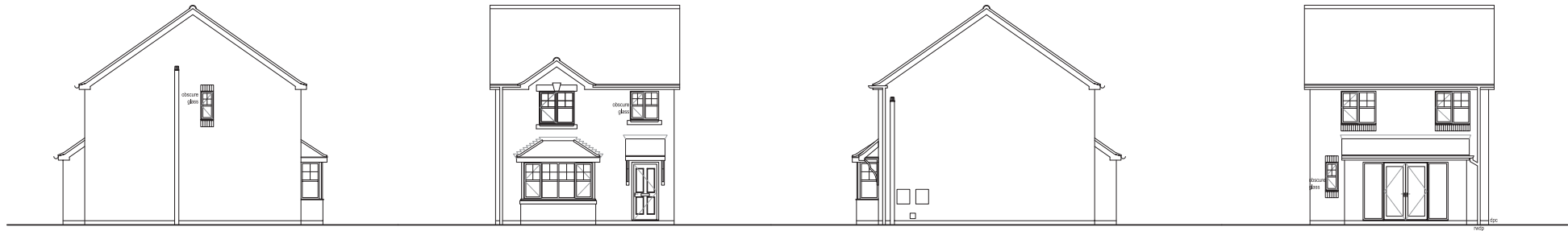
FIRST FLOOR PLAN



ROOF PLAN

| | | | |
|---|---------|---|----------------|
| Rev: | Detail: | Drawn by: | Date Approved: |
| KEIGAR HOMES LTD KEIGAR LODGE CANBERRA VIEW BARTON-UPON-HUMBER NORTH LINCOLNSHIRE DN15 5GR Tel: 01652 631939 Fax: 01652 631938 | |  | |
| Project Title: The Canterbury Build Style 3 Opposite Hand | | | |
| Drawing Title: Plans & Elevations | | | |
| Drawn by: | HJU | Date: | 08.09.20 |
| Scale: | 1 / 100 | Sheet: | @ A2 |
| Drawing No: CA/OP/19/103 | | © KDC | |

PA/2021/1968 Proposed plans and elevations (plot 25) (not to scale)



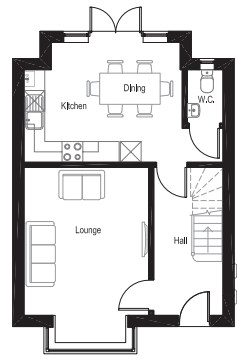
SIDE ELEVATION

FRONT ELEVATION

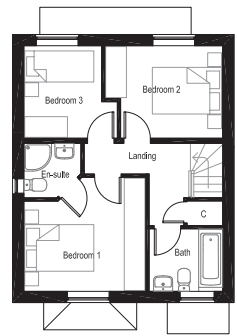
SIDE ELEVATION

REAR ELEVATION

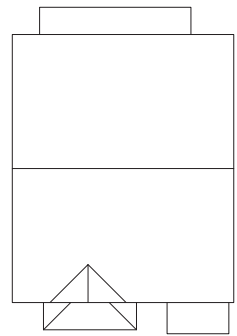
Page 137



GROUND FLOOR PLAN



FIRST FLOOR PLAN



ROOF PLAN

| | | | | | |
|---|--------------|---------|----------|-------------------------|--------------|
| Rev: | | Detail: | | Drawn by/Date Approved: | |
| KEIGAR HOMES LTD KEIGAR LODGE CANBERRA VIEW BARTON-UPON-HUMBER NORTH LINCOLNSHIRE DN15 5GR Tel: 01652 631939 Fax: 01652 631938 | | | | | |
| Project Title: The Canterbury Build Style 3 Normal Hand | | | | | |
| Drawing Title: Plans & Elevations | | | | | |
| Drawn by: | HJU | Date: | 10.01.17 | Scale: | 1 / 100 @ A2 |
| Drawing No: | CA/AS/16/104 | | | | |

PA/2021/1968 Proposed plans and elevations (plots 26 & 27) (not to scale)



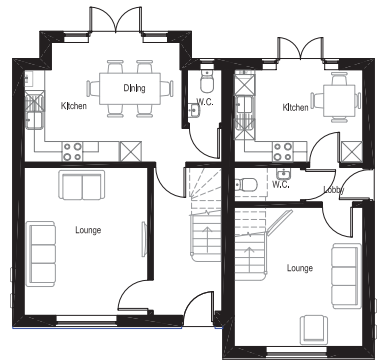
SIDE ELEVATION

FRONT ELEVATION

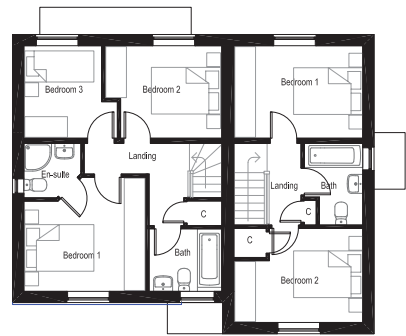
SIDE ELEVATION

REAR ELEVATION

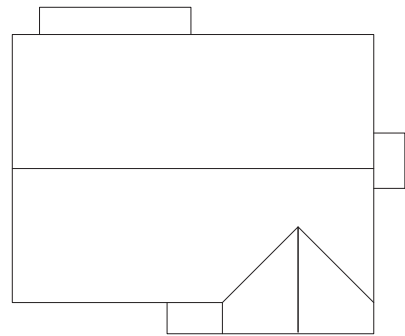
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GROUND FLOOR PLAN



FIRST FLOOR PLAN



ROOF PLAN

| | | | | | |
|---|---------------|----------|----------|--------------------------|--------------|
| Rev: | | Details: | | Drawn by (Date Approval) | |
| KEIGAR HOMES LTD KEIGAR LODGE CANBERRA VIEW BARTON-UPON-HUMBER NORTH LINCOLNSHIRE DN15 5GR Tel: 01652 631939 Fax: 01652 631938 | | | | | |
|  | | | | | |
| Malvern & Canterbury Build Style 1 Normal Hand | | | | | |
| Plans & Elevations | | | | | |
| Drawn by: | HJU | Date: | 09.10.18 | Scale: | 1 / 100 @ A2 |
| Drawing No: | MCA/AS/18/101 | | | | |

| | |
|---|--|
| APPLICATION NO | PA/2022/3 |
| APPLICANT | Adams O'reilly Ltd |
| DEVELOPMENT | Planning permission to vary condition 2 of planning permission PA/2020/1872 to change approved drawings to enable alterations to the design of the approved dwelling |
| LOCATION | The Vicarage, 5 Paul Lane, Appleby, DN15 0AR |
| PARISH | Appleby |
| WARD | Broughton and Appleby |
| CASE OFFICER | Martin Evans |
| SUMMARY RECOMMENDATION | Grant permission subject to conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by Appleby Parish Council |

STATUTORY TESTS

The statutory test within the Planning (Listed Buildings and Conservation Areas) Act 1990:

Section 66 states, 'In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Section 72 states, 'In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

POLICIES

National Planning Policy Framework: Section 5 and Section 16

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

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

Appleby Neighbourhood Plan: AP1, AP2, AP3, AP13

CONSULTATIONS

Conservation:

18/02/2022: Objection – design change recommended. The application should be amended to remove the central front gable and use timber windows and doors to comply with above stated policy or be refused.

03/03/2022: Happy for the amended application to go forward.

Archaeology: No further comment.

PARISH COUNCIL

18/2/2022: 'The Developer / Builder addressed Appleby Parish Council regarding the design of the porch only and he was advised that he should contact the case officer for the original application. It was also suggested that he reference Appleby Neighbourhood Plan regarding design and Conservation.

AP1 relates to sustainable development and so the Appleby Parish Council were supportive in principle subject to design when PA/2021/1872 was considered and also as such in relation to PA/2022/3.

AP2 relates to Design Principles with strong references to Appleby Conservation Area Design Statement leading to our objection to the size and scale of the original design, which was amended to a dormer bungalow design to mitigate the size and scale, and for timber windows and doors in the conditions PA/2021/1872. The design statement relates specifically to timber for windows and doors. The materials of timber for windows and doors are also shown in the covering letter for PA/2020/3. However, the Material section of the renewed application shows windows to be timber effect PVC which Appleby Parish Council OBJECT to as they do not conform to the Conservation Area Design Statement covered in the Appendices to our Neighbourhood Plan, but more than this, there is no definition as to the quality of the uPVC materials which can vary significantly. The covering letter shows photographs of a certain style of the porch but they are on full-sized properties, not Dormer style bungalows, and we feel that the large gabled front to the amended property does not reinforce the character of the location, consequently, the suggested gabled front to accommodate the proposed porch is a negative architectural feature. This was also raised and objected to in the original application.

AP3 section d) and NLC policy D1 consider the impact on neighbouring properties. We OBJECT to the addition of skylights on the SE side of the rear extension, they have a detrimental effect on the amenity of the neighbouring thatched cottage due to proximity and angle. Because the thatched cottage sits at an angle to the proposed property the two front dormer windows of the new property are looking away from the cottage, but the proposed skylights are directly overlooking the cottage thereby affecting the amenity for existing and future residents. The proximity of the new property to the SE boundary also adds to the loss of amenity due to the skylights which are designed to be opened.'

16/3/2022: 'The amendment to the materials for windows and doors to be timber fits with the Conservation Area Design statement in Appleby Neighbourhood Plan Policy AP2/3 - Parish Council supports the amendment.

The amended design of the front profile of the house by way of limiting the front porch to timber and slate fits with the Conservation Area Design statement in Appleby Neighbourhood Plan Policy AP2 a) - Parish Council supports this amendment.

The sky lights on the Eastern side of the rear extension are still a concern for Appleby PC. Neighbourhood Plan Policy AP3 - section d) states that development will not adversely impact upon the residential amenities of the neighbouring property. Despite the consideration of the height of the skylights The Thatched Cottage can be overlooked by residents of the proposed development. Appleby PC do not think it reasonable to accept the issue of overlooking from that part of the development.

Neighbourhood Plan Policy AP13 section b) states that particular regard will be had to the impact of the development on any designated heritage asset or its setting. The loss of amenity for residents of The Thatched Cottage is not considered reasonable.'

PUBLICITY

Two site notices have been displayed and one letter of objection has been received (summary):

- The material section of the renewed application clearly shows windows to be 'timber effect PVC' which do not conform to the Conservation Area Design Statement.
- The proposed porch is present on full-sized properties in the area, not dormer bungalows. The large gabled front to the amended property does not reinforce or enhance the character of the location. The porch projects beyond the front curtilage of The Vicarage.
- Additional rooflights to the south-east side will overlook a neighbouring property contrary to policy AP3 d) [Appleby Neighbourhood Plan] and NLC policy D1 [North Lincolnshire Local Plan].
- The amended drive and parking arrangements will cause harmful noise and air pollution 2 metres away from the neighbouring garden and dwelling. This is harmful to residential amenity and health.

ASSESSMENT

Planning history

PA/2020/1872: Planning permission to erect a dwelling with associated works – granted 04/06/2021.

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

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

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

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

Site characteristics

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

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

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

Proposal

This application is to vary condition 2 of planning permission PA/2020/1872 to erect a dwelling with associated works. The subject condition states:

‘2.

The development hereby permitted shall be carried out in accordance with the following approved plans: H&D - 5 APP - 2020 - 2005 Rev B; H&D - 5 APP - 2020 - 2003 Rev B.

Reason

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

It is proposed to vary this condition to refer to new submitted drawings showing a revised design for the dwelling, specifying the external finishing materials and changing the parking layout. The drawings numbers are:

- 1130 01 D Proposed site plan (received 4/3/2022)

- 1130 02 E Floor Plans (received 4/3/2022)
- 1130 03 D Elevations, Sections and 3D (received 4/3/2022)
- 1130 04 D Front Elevation (received 4/3/2022)
- 1130 05 C Material Planning Confirmation (received 4/3/2022)
- 1130 06 A Garage Plans and Elevations (received 7/3/2022).

The amended condition 2 would state:

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

- 1130 01 D Proposed site plan (received 4/3/2022)
- 1130 02 E Floor Plans (received 4/3/2022)
- 1130 03 D Elevations, Sections and 3D (received 4/3/2022)
- 1130 04 D Front Elevation (received 4/3/2022)
- 1130 05 C Material Planning Confirmation (received 4/3/2022)
- 1130 06 A Garage Plans and Elevations (received 7/3/2022)

Reason

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

The proposed changes entail additional driveway roughly the size of one car parking space; a porch entrance feature and new front door design; front rooflight; three side rooflights; and removal of two side windows.

The main issues in the determination of this application are the proposed changes to the approved development as well as any changes in planning policy and the physical surroundings of the site. It is also necessary to reconsider the need for any previous planning conditions.

There has been no significant change to the physical surroundings of the site since the previous approval. The NPPF was revised on 20 July 2021 and places an increased emphasis on beautiful design and placemaking. There is no change in development plan policy.

Design and impact upon the historic environment

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

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and

- (ii) the design and layout should respect and where possible retain and/or enhance the existing landform of the site.

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

Policy HE2 of the North Lincolnshire Local Plan is concerned with development in conservation areas and sets out a criteria-based approach to assessing such proposals. Policy HE5 of the local plan is concerned with development affecting the setting of listed buildings. The policy states that proposals which damage the setting of a listed building will be resisted. Policies CS5 and CS6 of the Core Strategy are also relevant: CS5 tasks developers with finding context within a new proposal, whilst CS6 seeks to protect and enhance the area's historic assets.

Policies AP1/2 and 13 of the Appleby Neighbourhood Plan are all relevant, as well as the Parish Design Statement. One of the key design principles to consider is AP2 'B' which states, '...the design reinforces the character of the village or rural area by respecting the local vernacular building character in terms of scale, form, materials used, plot density, special architectural and landscaping features, whilst safeguarding and enhancing the heritage assets of the area and the natural environment;'

The proposal has been amended to remove the front gable end feature, make the central dormer window into a rooflight and to make all external windows and doors timber. Timber porches are a feature of the conservation area. The rooflight amendments are appropriate. The choice of Hampton bricks and Rivius Antique Slate are appropriate. The Conservation Officer raises no objection to the proposed design and palette of materials. The parish council supports the provision of timber windows and doors, slate roof and the front profile of the proposal. The amended proposal is well designed and would preserve or enhance the character or appearance of the conservation area and would preserve the setting of the listed building in accordance with the statutory tests and suite of development plan policies.

Residential amenity

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

Policy H5 also requires 'development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings.'

The modest additional parking area is not considered to give rise to harm to residential amenity, including noise and air pollution, when compared to the previously approved development. The cross-section shows the new side rooflights are high level with an annotated measurement of 1.9 metres between the internal finished floor level and the bottom lip of the new rooflights. This would prevent all but exceptionally tall people of approximately 2 metres (6 feet 6 inches) or more in height being able to see out of the rooflights and would not result in harmful overlooking of neighbouring properties. The

impact on residential amenity is considered acceptable in accordance with these policies, despite the objection to this point maintained by the parish council.

Previous conditions

1. Implementation period to be adapted to give three years from the date of the previous approval. Guidance is clear that section 73 applications cannot be used to extend the implementation period for a planning permission.
2. Is to be varied as applied for.
3. Parking facilities – to remain.
4. Contamination – to remain.
5. Window treatment – to remain with adapted drawing number.

Conclusion

The principal of development is established by the extant permission. The proposed changes to the site layout and design are acceptable and would not harm residential amenity or heritage assets. It is recommended that the variation of condition sought is approved.

RECOMMENDATION Grant permission subject to the following conditions:

1.
The development must be begun before the expiration of 4 June 2024.

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:

1130 01 D Proposed site plan (received 4/3/2022)
1130 02 E Floor Plans (received 4/3/2022)
1130 03 D Elevations, Sections and 3D (received 4/3/2022)
1130 04 D Front Elevation (received 4/3/2022)
1130 05 C Material Planning Confirmation (received 4/3/2022)
1130 06 A Garage Plans and Elevations (received 7/3/2022).

Reason

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

3.
The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

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

4.

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

Reason

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

5.

The window of the gabled dormer serving bedroom 4, as shown on drawing 1130 03 D Elevations, Sections and 3D (received 04/03/2022), shall be obscured to level 3 of the Pilkington scale (or equivalent) and any part below 1.7 metres from finished floor level of that room shall be non-opening or top hung. It shall be retained in that form thereafter.

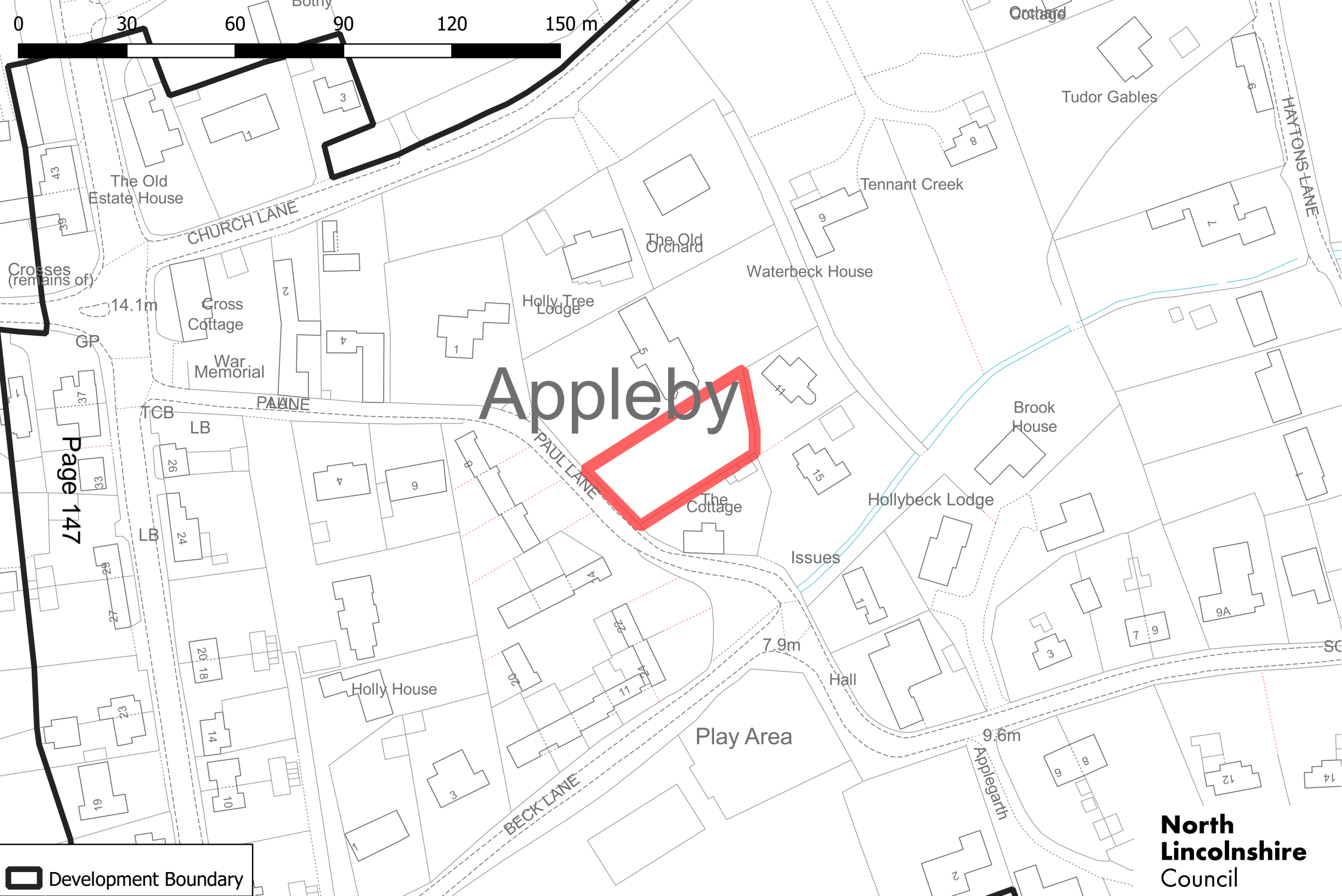
Reason

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

Informative

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

0 30 60 90 120 150 m



Appleby

 Development Boundary

Page 147



Page 148

| | | | |
|---|----------|-------------------------|----|
| D | 03.03.22 | Rooflight added | AR |
| C | 25.02.22 | Front Elevation Revised | AR |
| B | 18.11.21 | PLANNING ISSUE | AR |
| A | 15.11.21 | Client Issue | AR |

| Rev | Date | Description | By |
|-----|------|-------------|----|
|-----|------|-------------|----|

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HiddenLine
ARCHITECTURAL DESIGN

PLANNING ISSUE

CLIENT AdallyHomes Ltd.

Project Land next to The Vicarage, New Build, Appleby

Proposed Site Plan

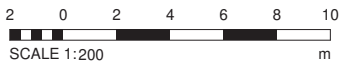
Drawn By AR

Scale @ A3 1 : 200

First Issue 15.11.2021

1130 | 01 | D

Proposed Site Plan
1 : 200



Proposed new conservation
rooflight to the centre of dwelling



| | | | |
|---|----------|-------------------------|----|
| D | 03.03.22 | Rooflight added | AR |
| C | 25.02.22 | Front Elevation Revised | AR |
| B | 18.11.21 | PLANNING ISSUE | AR |
| A | 15.11.21 | Client Issue | AR |

| Rev | Date | Description | By |
|-----|------|-------------|----|
|-----|------|-------------|----|

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ARCHITECTURAL DESIGN

PLANNING ISSUE

CLIENT AdallyHomes Ltd.

Project Land next to The Vicarage,
New Build, Appleby

Front Elevation

Drawn By AR

Scale @ A4 1 : 100

First Issue 15.11.2021

1130 | 04 | D

Proposed Front Elevation

1 : 100

Front entrance door with
side panel glazing, with
triangular glazing above

Oak frame timber porch to front
entrance with slate tile roof finish



Front 3D View 01



South Elevation (Front)

1 : 100

Corbelled brickwork to eaves with brickwork detailing along new gable end

Oak Frame Timber Porch with slate tile roof

Entrance door with side glazing panels and triangle top glazing panel



West Elevation (Side)

1 : 100

Oak timber porch with slate tile roof

Oak columns with oak truss

Brick plinth to porch

Page 150



North Elevation (Rear)

1 : 100

Oak timber porch with slate tile roof



East Elevation (Side)

1 : 100

Proposed 3 No. 550 x 980mm Rooflights

| Rev | Date | Description | By |
|-----|----------|-------------------------|----|
| D | 03.03.22 | Rooflight added | AR |
| C | 25.02.22 | Front Elevation Revised | AR |
| B | 18.11.21 | PLANNING ISSUE | AR |
| A | 15.11.21 | Client Issue | AR |

Rev Date Description By

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ARCHITECTURAL DESIGN

PLANNING ISSUE

CLIENT AdallyHomes Ltd.

Project Land next to The Vicarage, New Build, Appleby

Elevations, Sections and 3D

Drawn By AR

Scale @ A3 1 : 100

First Issue 15.11.2021

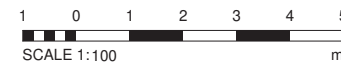


Section A - A

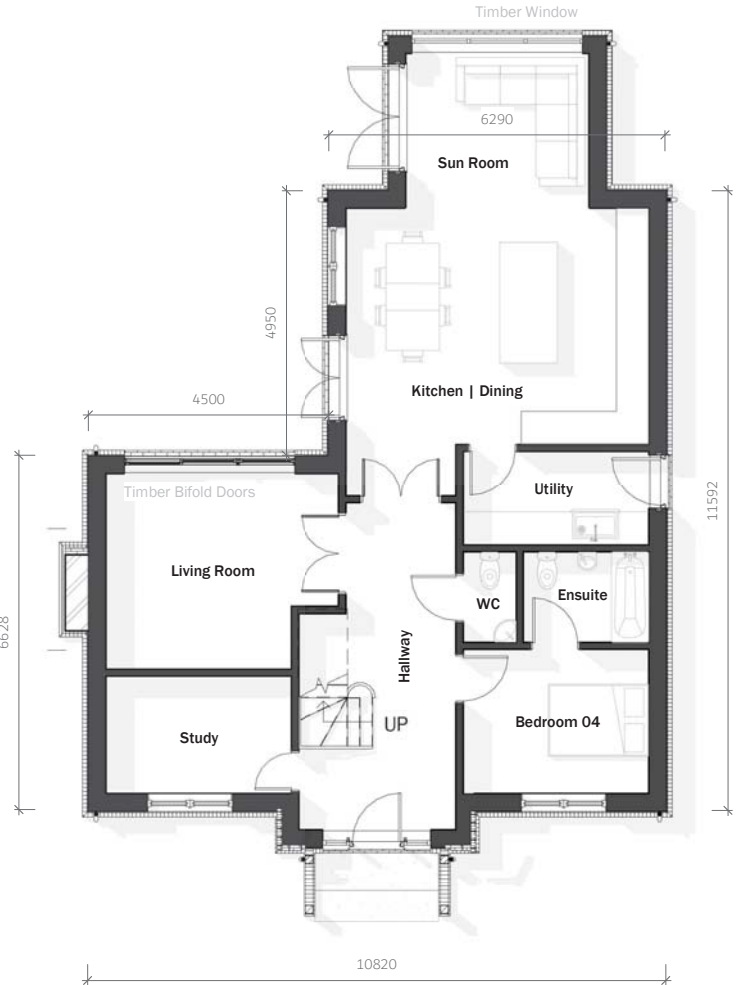
1 : 100



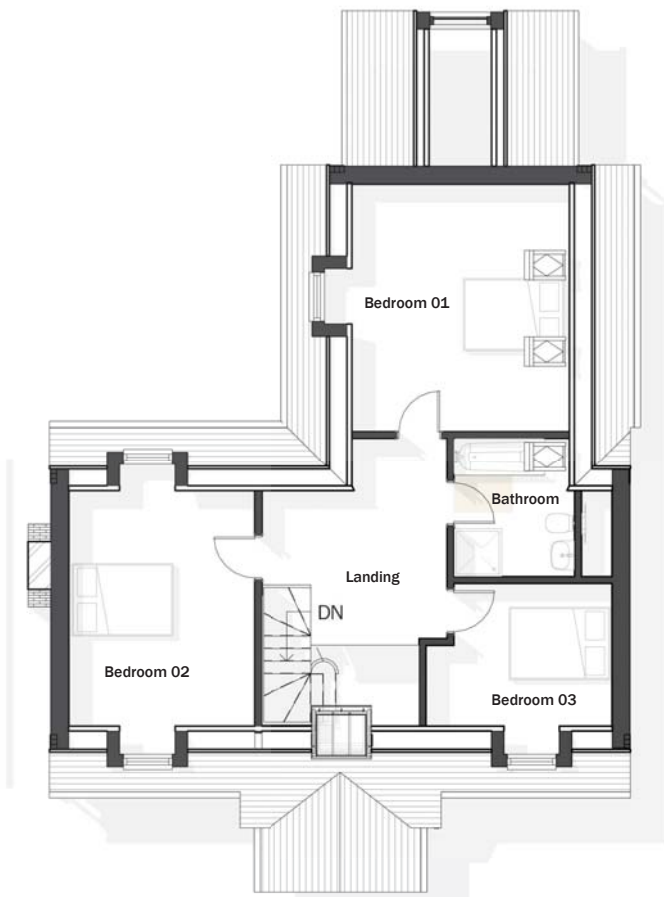
Front 3D View



1130 | 03 | D



Ground Floor Plan
1 : 100



First Floor Plan
1 : 100

| | | | |
|---|----------|--|----|
| E | 03.03.22 | Rooflight added | AR |
| D | 25.02.22 | Front Elevation Revised | AR |
| C | 18.11.21 | PLANNING ISSUE | AR |
| B | 17.11.21 | Layout Revised Following Client Comments | AR |
| A | 15.11.21 | Client Issue | AR |

| Rev | Date | Description | By |
|-----|------|-------------|----|
|-----|------|-------------|----|

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PLANNING ISSUE

CLIENT AdallyHomes Ltd.

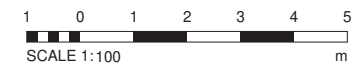
Project Land next to The Vicarage, New Build, Appleby

Floor Plans

Drawn By AR

Scale @ A3 1 : 100

First Issue 15.11.2021



1130 | 02 | E

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| | |
|---|--|
| APPLICATION NO | PA/2022/40 |
| APPLICANT | Mr & Mrs Lesley Crowther |
| DEVELOPMENT | Planning permission to erect a dwelling with garage and vehicle access |
| LOCATION | 67 Haxey Lane, Haxey, DN9 2ND |
| PARISH | Haxey |
| WARD | Axholme South |
| CASE OFFICER | Martin Evans |
| SUMMARY RECOMMENDATION | Grant permission subject to conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Departure from the development plan |

POLICIES

National Planning Policy Framework:

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

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

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

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

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

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

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

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

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

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

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

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

North Lincolnshire Local Plan:

Policy H5 (New Housing Development)

Policy RD2 (Development in the Open Countryside)

Policy T1 (Location of Development)

Policy T19 (Car Parking Provision and Standards)

Policy LC14 (Area of Special Historic Landscape Interest)

Policy H5 (New Housing Development)

Policy DS1 (General Requirements)

Policy DS14 (Foul Sewage and Surface Water Drainage)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS19 (Flood Risk)

Housing and Employment Land Allocations DPD:

Inset 23 – Haxey

Inset 75 - Graizelound

Policy PS1 (Presumption in Favour of Sustainable Development)

CONSULTATIONS

Highways: No objection but recommend conditions.

Environmental Protection: Recommend a condition for contamination found during development.

LLFA Drainage: Request details of the surface water tank within the garage.

HER (Archaeology):

- The site is within the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14).
- The principle of development on the street frontage and its effect on the historic landscape was considered in a previous appeal decision on this site (APP/Y2003/W/19/3220869).
- 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 at the rear of the dwelling.

PARISH COUNCIL

01/03/2022: Object. 'PA/2020/744 granted technical details consent for this plot, the proposal is noticeably different to the approved planning application. The original dwelling was a small four-bedroom house, with a good layout and reasonable amenity space. The proposed dwelling is a large 4-bedroom Dorma bungalow. Given the size of the plot, it is considered over development. It exceeds the rural villages density level and lacks amenity space for the size of the dwelling. The proposed garage is close to the A161 and forward of the building line and not in keeping with the street scene. It is outside the building envelope of Haxey and Graizelound in the open countryside.'

10/03/2022: 'The reduction in the size of the garage and repositioning are welcomed and it may bring into the development line, it remains forward of number 69. The changes will increase the amenity space by a very small amount and consider it is not sufficient to withdraw our objection relating to over development. The entrance and a number of windows face onto and overlook number 69 and will effect the privacy of number 69 rear garden. The Parish Council agree with HERS comments relating to the removal permitted rights. It is noted a comment by JS on the planning portal and we regret the Parish Council objected to the development in principle and it was granted on appeal, we support the remainder of the comments.'

PUBLICITY

Advertised by site notice. One response has been received, which is summarised below:

- the site is beyond the development limit
- harm to the area of historic landscape interest
- unattractive linear development
- coalescence of Haxey and Graizelound if more development is allowed
- no other outline permission for this plot so no precedent is set for it.

ASSESSMENT

Site

The application site is a roughly rectangular-shaped parcel of land measuring approximately 0.05 hectares in area. It lies directly adjacent to, but outside of, the development boundary of Graizelound and would be accessed via a new dropped kerb onto Haxey Lane (A161), which is subject to a 30mph speed restriction in this location. A footpath runs along the eastern side of Haxey Lane, along the site frontage. The development limit of Haxey begins a short distance to the north at 61 Haxey Lane.

The site is currently grassed. The site frontage (facing Haxey Lane) contains a hedge, behind which is a post and rail fence. To the south is 69 Haxey Lane, with the boundary defined by a panel fence and hedging. To the north of the site is Marshall Farm, comprising a large detached dwelling and large agricultural building.

Existing properties along Haxey Lane involve a mixture of single-storey bungalows; two-storey dormer bungalows; and two-storey houses arranged in a linear pattern of ribbon development.

The site and the surrounding area lies within the Isle of Axholme Area of Historic Landscape Interest and within flood zone 1 of the Strategic Flood Risk Assessment for North and North East Lincolnshire.

Planning history

PA/2018/1705: Planning permission to erect seven dwellings with detached garages – refused 03/06/2019 on the grounds that the development would be out of keeping with the existing pattern of ribbon development along Haxey Lane and that it would have an unacceptable impact on the character and appearance of the Isle of Axholme Area of Historic Landscape Value. The decision to refuse planning permission was subsequently upheld at appeal under reference APP/Y2003/W/19/3220869.

PA/2019/1117: Application for permission in principle to erect one to three dwellings – approved 30/08/2019.

PA/2020/744: Application for technical details consent (pursuant to permission in principle for residential development PA/2019/1117) for the erection of three dwellings – approved 21/07/2020.

Proposal

Planning permission is sought to erect a chalet bungalow with a detached front garage and associated vehicular access. The proposal has been amended to move the garage and dwelling further east.

The main issues for consideration in the determination of this application are:

- **the principle of development;**
- **design;**

- **residential amenity;**
- **highway safety;**
- **flood risk and drainage;**
- **contamination;**
- **ecology.**

The principle of 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 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. With regard to rural settlements the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel. Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

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

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

The application site is located between Haxey and Graizelound, but is outside these boundaries. On this basis the site would normally be considered to be located in the open countryside for the purpose of planning. However, the principle of this location for residential development was considered by the inspector during the determination of the appeal on the site (APP/Y2003/W/19/3220869) who made the following comment:

‘The appeal site and neighbouring dwellings appear to be outside the development boundary of the villages of Haxey and Graizelound as defined in the local development framework. However, there is clearly a well-established ribbon development along the

eastern side of Haxey Lane such that the built form of these villages approach each other at the appeal site. Therefore, notwithstanding the development boundaries the site appears to be located within the village of Haxey and immediately adjacent to the village of Graizelound.'

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

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

Therefore the inspector found the application site to be located within the village of Haxey and not to be a site in the open countryside. As such the restrictive policies related to development in the countryside are not considered to apply in this instance.

Furthermore, the council granted permission in principle and technical details consent for residential development on this site.

Notwithstanding these conclusions, the inspector did dismiss the appeal in relation to the proposal for seven dwellings. This was due to identified harm to the character and appearance of the area, and in particular, harm to the historic landscape of the Isle of Axholme. However, it should be noted that the harm identified by the inspector relates specifically to the development at the rear of the site as the appeal site was larger, beyond the existing ribbon development along Haxey Lane. The inspector did not consider that ribbon development on the application site would harm the historic landscape character or its setting.

The current proposal seeks consent for the development of the land fronting Haxey Lane only and the site forms an infill plot between the existing ribbon development and does not extend into a backland position beyond the rear boundaries of the existing properties. Therefore, this proposal addresses the concerns raised by the inspector and would not result in the same harm to the character or appearance of the area that resulted from the refused and dismissed proposal.

With regard to the impact on the historic landscape, the council's historic environment officer has confirmed that the proposal fronting Haxey Lane and continuing the existing pattern of ribbon development would have no unacceptable impact on the character or appearance of the Isle of Axholme Area of Special Historic Landscape Interest.

It is acknowledged that the development of the application site would result in the incremental partial joining of the settlements of Haxey and Graizelound. However, the Inspector did not agree that this constituted a legitimate reason for refusal and did not identify harm in respect of the coalescence of the two settlements. The council has since granted permission in principle to infill this gap in its entirety.

The site is not subject to any statutory or non-statutory nature conservation designation, or within close proximity to any such designations. Furthermore, the site is currently grassed and is not considered to offer any significant biodiversity potential. This was confirmed during the determination of the previous application (PA/2018/1705), when the council's ecologist confirmed that no ecological appraisal of the site would be required.

Haxey is a larger rural settlement and is the largest village in the Isle of Axholme providing a range of local services and facilities and with public transport links to larger centres. The settlement scored 40 points in the North Lincolnshire Settlement Survey (2019 Revision),

ranking 14th out of all of the settlements in North Lincolnshire for sustainability. As well as being sustainable in its own right, the village of Haxey performs an important role in supporting and providing facilities for adjacent, smaller settlements such as Graizelound, East Lound and Westwoodside. Consequently, it is considered that the application site is a sustainable location for residential development with respect to the accessibility of services and facilities.

The principle of development is acceptable for these reasons.

Design

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.'

The design entails a modest chalet bungalow with a gable end that addresses Haxey Lane. The dwelling would be set further east than 69 Haxey Lane next door. The amendments secure a greater separation distance between the highway and the front garage which will ensure it has a similar set back to other front garages found in the area. The proposal is well designed and would not harm the character and appearance of the streetscene.

Residential amenity

Policy DS1 requires, '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.'

The proposal is located to the north of 69 Haxey Lane so would not cause loss of direct sunlight to this neighbouring property. There would be a gap of approximately 4.7m between the two dwellings which is sufficient to prevent a sense of overbearing impact, particularly from the ground-floor side window near the common boundary.

Ground-floor mutual overlooking is prevented by condition requiring a 2m high fence be erected on the common boundary to the south of the dwelling to a point level with the front (west-facing) elevation. The proposed cross-sections demonstrate the side-facing rooflights have an internal floor to opening measurement of 2.1m which will prevent harmful overlooking.

The impact of the proposal upon residential amenity is acceptable.

Highway safety

Policies T2 and T19 are concerned with the provision of safe access and appropriate vehicle parking.

Two parking spaces and a turning head are proposed with access from a new dropped kerb. Haxey Lane is straight with a speed limit of 30mph and modest levels of traffic. Highways raise no objections to this arrangement subject to conditions. One of these conditions would require the reduction in height of the established roadside hedge to 1.05m which is not supported. The highway verge is sufficiently wide to ensure good visibility without such a condition.

The highway safety impacts of the proposal are acceptable.

Flood risk and drainage

The site is located within Flood Zone 1 in accordance with the North and North East Lincolnshire SFRA, and in Flood Zone 1 in accordance with Environment Agency Mapping. Policy CS19 is concerned with flood risk, whilst policy DS14 of the North Lincolnshire Plan is concerned with foul sewage and surface water drainage. It states that 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 or completing planning agreements to achieve the same outcome.

The Environment Agency has not objected to previous applications on the site given that finished floor levels are well above 4.1metres above Ordnance Datum, which is the critical level for the area. Mains sewerage connection is available from Haxey Lane. A connection is controlled by Section 106 of the Water Industries Act 1991. The council's drainage team queried the water storage tank within the garage; surface water, in any case, will be controlled by building regulations and there are no concerns, given that the proposal relates only to one dwelling. It is therefore considered that the proposal is in accordance with policies CS19 of the Core Strategy as well as DS14 of the North Lincolnshire Local Plan.

Contamination

Policy DS7 requires consideration of contaminated land potential. Environmental Protection recommends a condition to deal with unexpected contamination discovered during the course of development. This is recommended below. Contaminated land matters are acceptable subject to condition.

Ecology

Policy CS17 requires ecological enhancements are secured. Such a condition is recommended.

Conclusion

The proposal is located beyond, but immediately adjacent to, the development limit of Graizelound. The proposed market housing is contrary to development plan policies relevant to the principle of development. However, the proximity of the site to Haxey and the services and facilities it provides means the site is considered to be a sustainable location for housing development and it is noted there is permission for residential

development on the site. The sustainable location, coupled with the absence of identifiable significant harm, means there are material considerations that outweigh the policy conflict such that the principle of development is acceptable. No harm to residential amenity, the character of the area or highway safety would arise, and the ability to address technical matters such as land contamination and ecological enhancements via condition mean it is recommended that planning permission is granted subject to conditions.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

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

- GA(SE)001 Sections
- GA(SL)001 Site layout Rev 2
- GA(BP)001 Block plan Rev 2
- GA(EL)001 Elevations Rev 3
- GA(GF)001 Ground floor plan
- GA(FF)001 First floor plan.

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

Prior to occupation of the dwelling, a 2m high fence shall be erected to the south of the dwelling on the common boundary with the neighbouring dwelling to a point level with the front (west-facing) elevation. The fence shall thereafter remain in place.

Reason

To prevent ground-floor mutual overlooking.

6.

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 policies T2 and T19 of the North Lincolnshire Local Plan.

7.

Within three months of the first occupation of the dwelling hereby permitted, a scheme of ecological enhancements shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full within six months of the date it is approved and shall thereafter be retained.

Reason

To secure ecological enhancements in accordance with policy CS17 of the North Lincolnshire Local Plan.

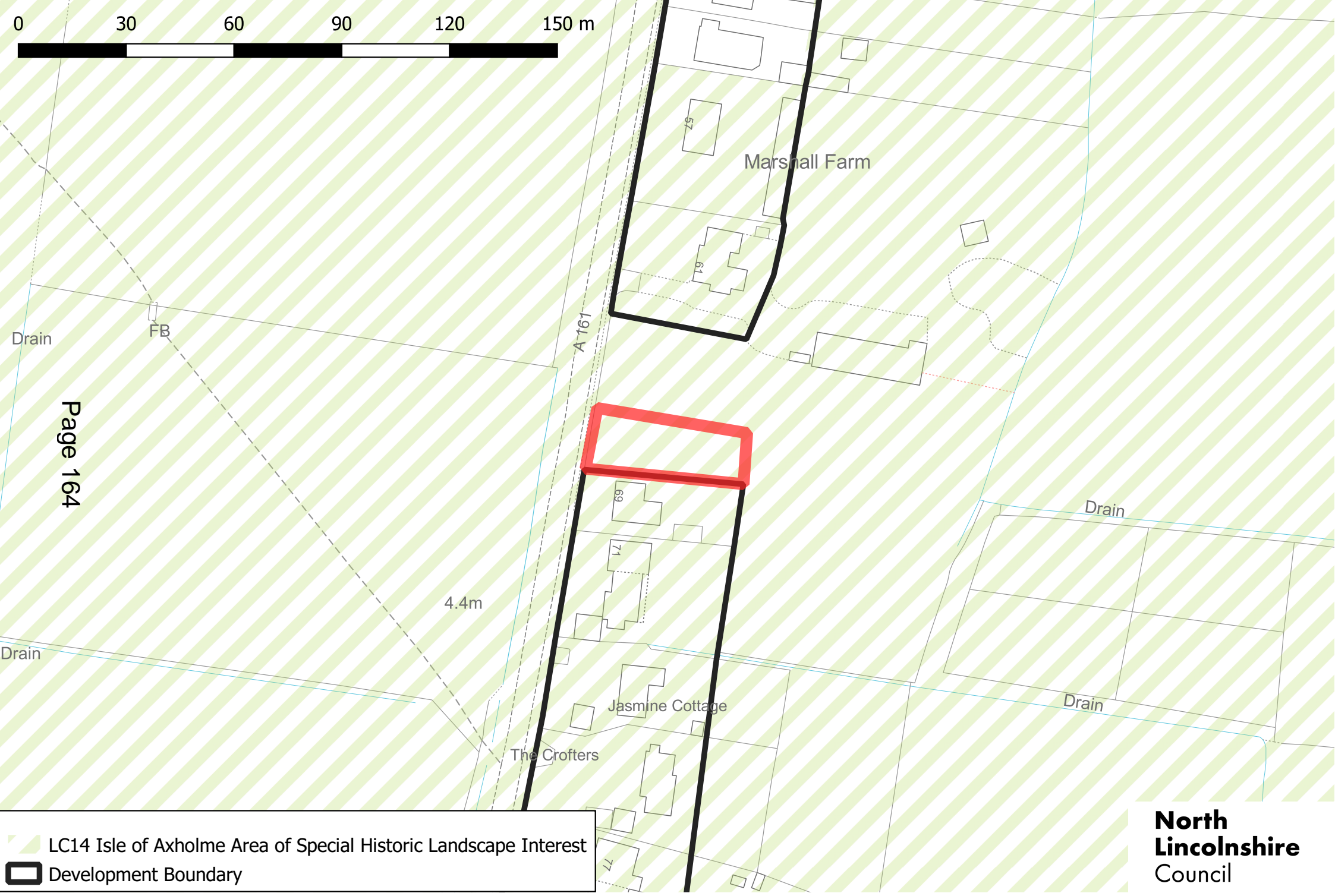
Informative 1



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

Informative 2

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

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



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

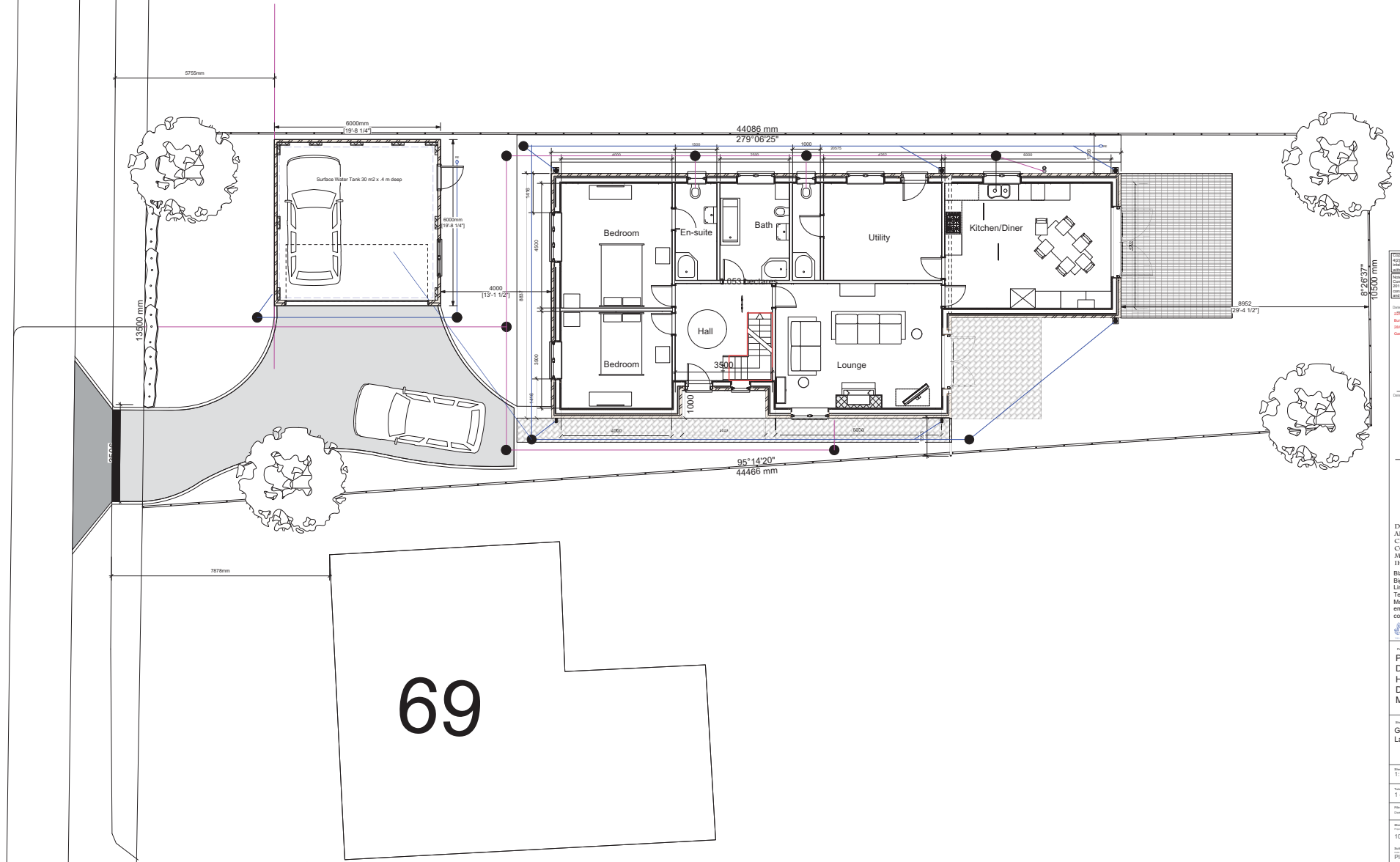
**North
Lincolnshire
Council**

Page 164

1:1000 Scale
 Proposed and Design are shown to Face of Building
 1000mm Scale
 1000mm Scale

3901
 CL 4.60
 IL 2.46
 Depth 2.14m

Page 165



1 Site Layout
 Scale: 1:100

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Scale: No. Revision Notes
 1:1000 Scale
 Proposed and Design are shown to Face of Building
 1000mm Scale
 1000mm Scale

Scale: No. Issue Notes



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Proposed Two Storey Detached Dwelling 67 Haxey Lane, Haxey, DN9 2ND for Mr and Mrs L Crowther.

Project Name
General Arrangement - Site Layout

Scale: 1:100
 Drawing No: DJK
 Date: Feb 2022

Project Name
 100 L.D.J.K - Plans - A2 - GA(SL)001

Project Name
 Planning Application

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PA/2022/40 Proposed block plan (not to scale)



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1 Block Plan
Scale: 1:500



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| Date | No. | Revision Notes |
|------------|---------|--|
| 22/02/2022 | Rev 1. | Bungalow and Garage set Back to Face of Building Line. |
| 28/02/2022 | Rev. 2. | Garage increased in size 6.00m x 6.00m. |

| Date | No. | Issue Notes |
|------|-----|-------------|
|------|-----|-------------|



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Project Title
**Proposed Two Storey
Detached Dwelling 67
Haxey Lane, Haxey.
DN9 2ND for Mr and
Mrs L Crowther.**

Sheet Title
**General Arrangement - Block
Plan.**

| | |
|-------------------------|-------------------------|
| Sheet Scale 1:500 th | Drawn By DJK |
| Total Sheets 1 - A3 | Reviewed By Feb 2022 |

File Name
Dwelling at 67 Haxey Lane Haxey DN9 2ND for Mr and Mrs Crowther.

Sheet No.
1001-DJK- Plans - A3- GA(BP)001

Suitability
Planning Application

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PA/2022/40 Proposed elevations (not to scale)



South Elevation



West Elevation



East Elevation



North Elevation

Page 167

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Date: No. Revision Notes:
 20/02/2022 Rev 1: Sculpture and Garage set Back to Face of Building Line.
 28/02/2022 Rev 2: Garage increased in size 6.0m x 6.0m.
 03/03/2022 Rev 3: First Floor balcony revised to West Elevation in order to approximately 200 mm.

Date: No. Issue Notes:



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**Proposed Two Storey
 Detached Dwelling 67
 Haxey Lane, Haxey,
 DN9 2ND for Mr and
 Mrs L. Crowther.**

Project Title:
**General Arrangement -
 Elevations.**

| |
|-------------------------|
| Drawn By: DJK |
| Checked By: Feb 2022 |

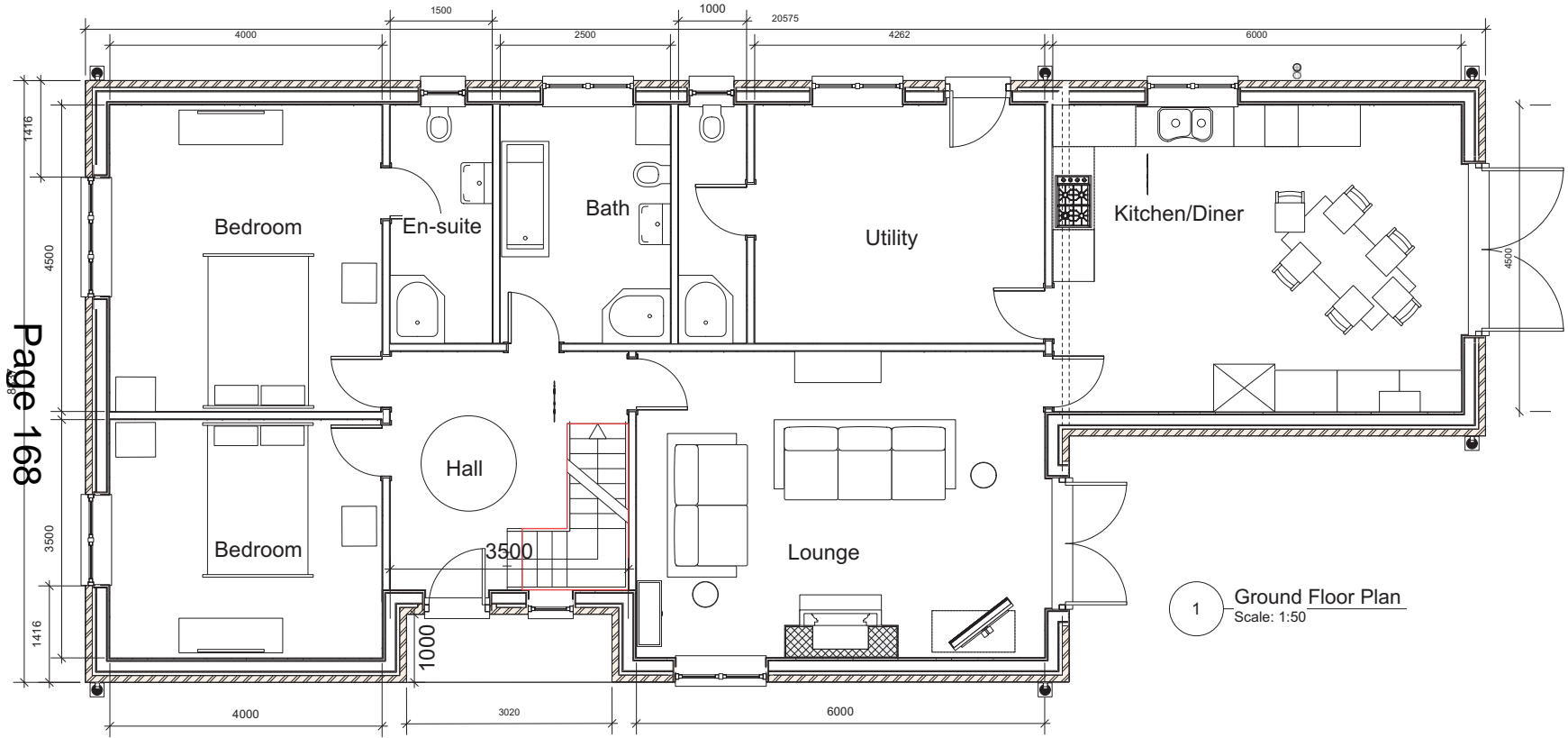
1001-DJK- Plans - A3-GA(EL)001

Building Application

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PA/2022/40 Proposed ground floor (not to scale)



1 Ground Floor Plan
Scale: 1:50

Page 168

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| Date | No. | Revised Notes |
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Project No:
Proposed Two Storey Detached Dwelling 67 Haxey Lane, Haxey, DN9 2ND for Mr and Mrs L Crowther.

General Arrangement - Ground Floor Plan.

| Drawn By | Checked By |
|----------|------------|
| DJK | DJK |
| 1 - A2 | Jan 2022 |

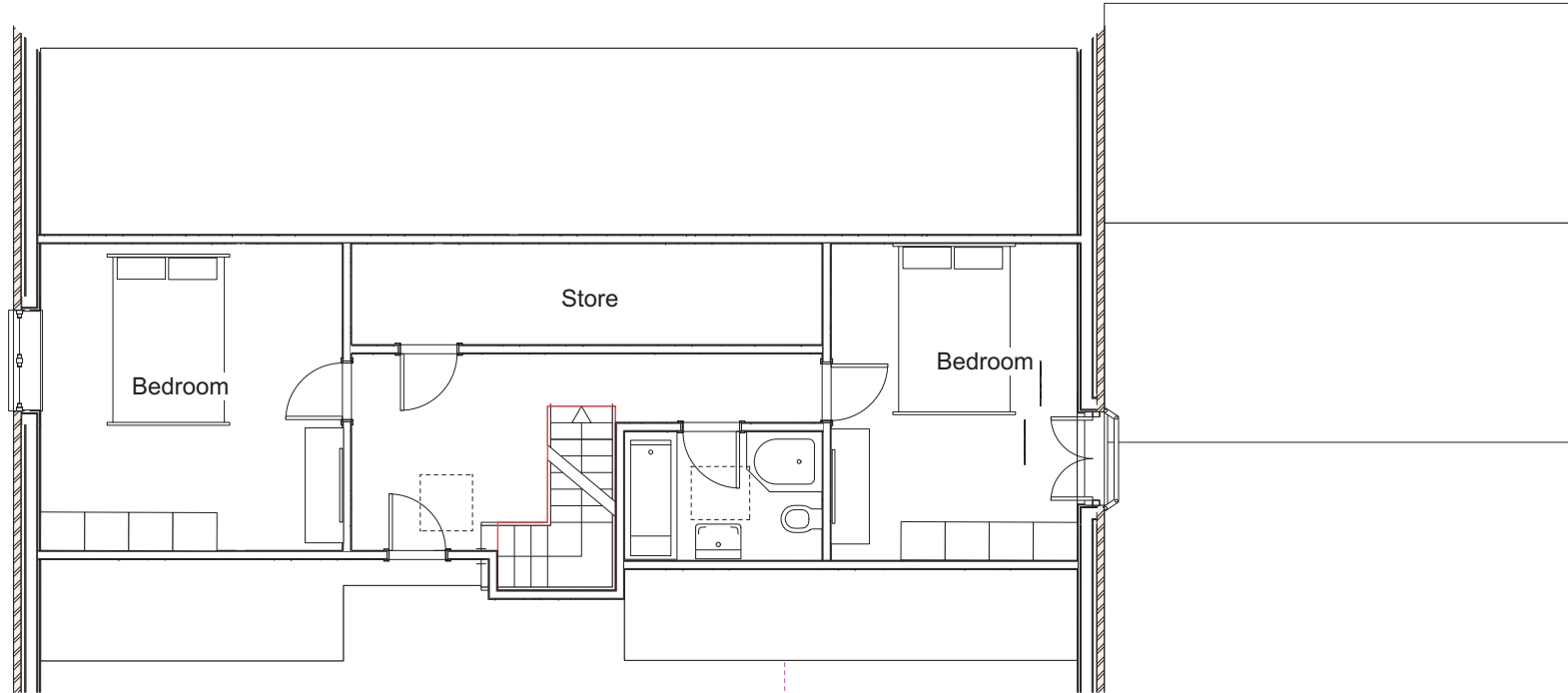
File Name: Drawing of 67 Haxey Lane Haxey DN9 2ND for Mr and Mrs Crowther

Project No: 1001-DJK- Plans - A2-GA(GF)001

Application: Planning Application

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2 **First Floor Plan**
Scale: 1:50

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Date: No. Revision Notes

Date: No. Revision Notes



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Project Title
Proposed Two Storey Detached Dwelling 67 Haxey Lane, Haxey, DN9 2ND for Mr and Mrs L Crowther.

Sheet Title
General Arrangement - First Floor Plan.

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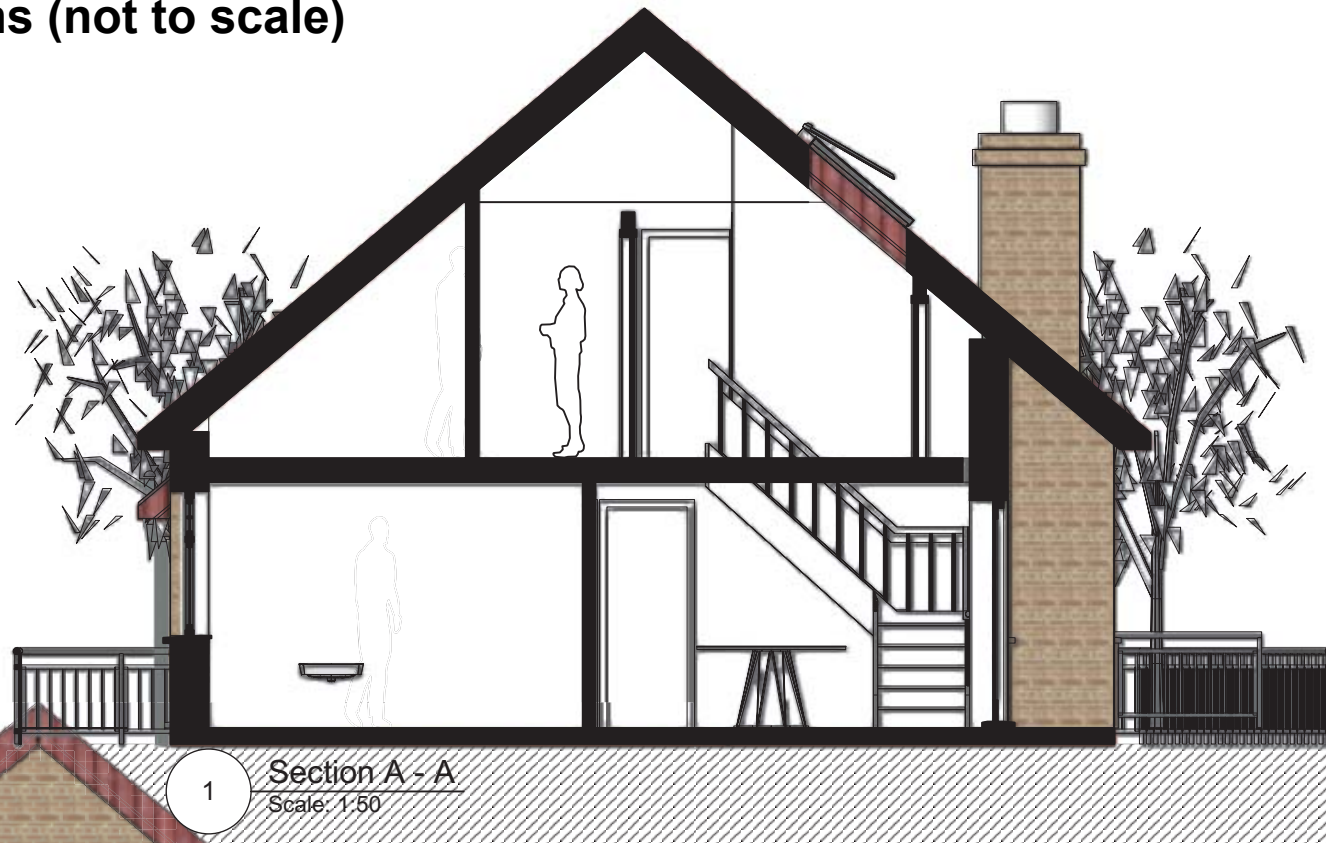
File Name
 Drawing of 67 Haxey Lane Haxey DN9 2ND for Mr and Mrs Crowther

Sheet No.
 1001-DJK- Plans - A2 -GA/(FF)01

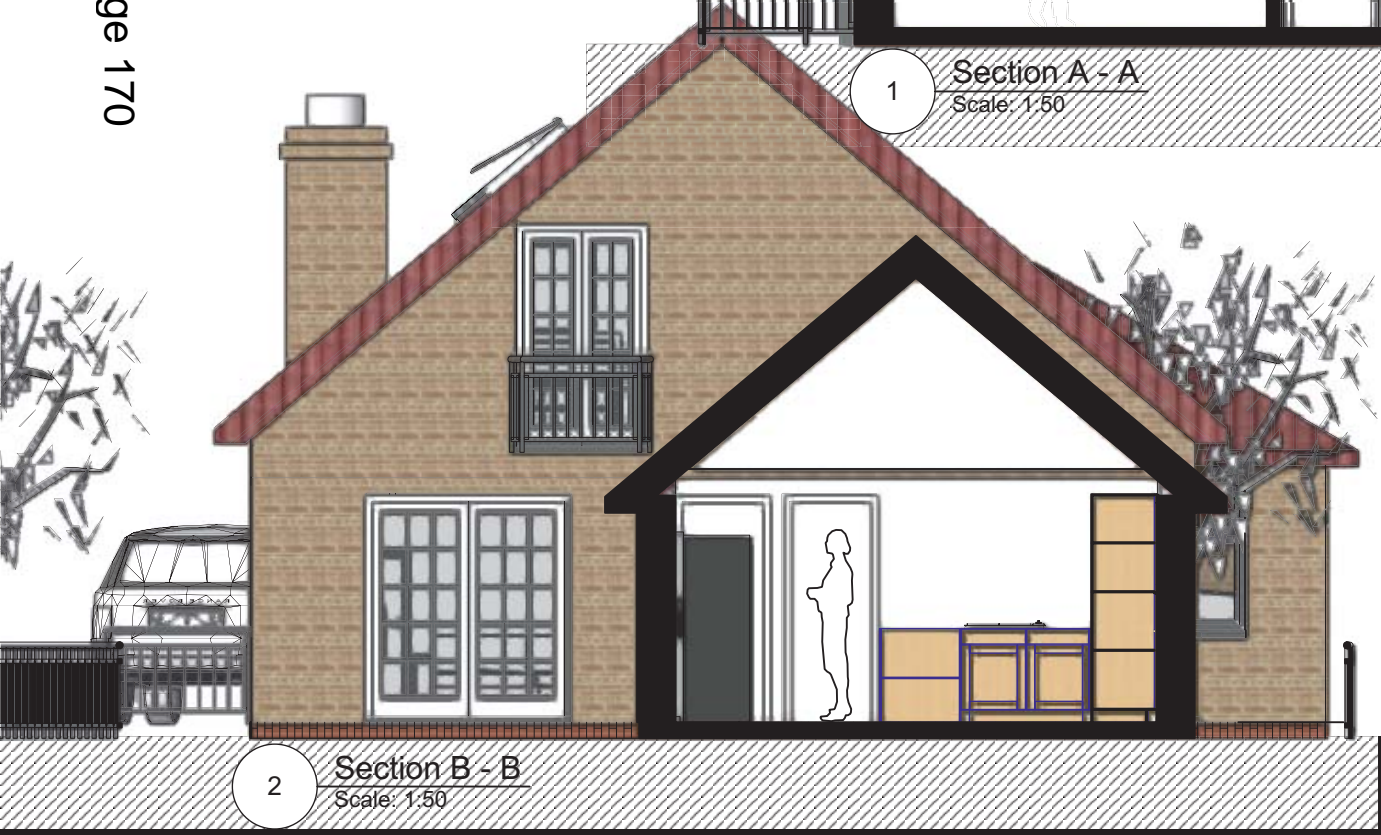
Scale
 Planning Application

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1 Section A - A
Scale: 1:50



2 Section B - B
Scale: 1:50

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CIORIBA

Project Title:
Proposed Two Storey Detached Dwelling 67 Haxey Lane, Haxey, DN9 2ND for Mr and Mrs L. Crowther.

Sheet Title:
General Arrangement - Sections

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| Drawn By: 1:50 DJK | Drawn By: DJK |
| Plot Number: 1 - A3 | Revised By: Jan 2022 |

Site Name:
Building at 67 Haxey Lane Haxey DN9 2ND for Mr and Mrs Crowther.

Sheet No.:

1001-DJK- Plans - A3-GA(SE)001

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Planning Application

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obtained prior to commencement of work on site.
All dimensions and levels to be verified on site.

| | |
|---|--|
| APPLICATION NO | PA/2022/75 |
| APPLICANT | Mr M Matthews |
| DEVELOPMENT | Planning permission to erect a verdant pre-patinated metal clad haybarn |
| LOCATION | Land adjacent to Holly Lodge, West Hann Lane, Barrow Haven, Barrow upon Humber, DN19 7HD |
| PARISH | Barrow upon Humber |
| WARD | Ferry |
| CASE OFFICER | Martin Evans |
| SUMMARY RECOMMENDATION | Grant permission subject to conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Member 'call in' (Cllr Richard Hannigan – significant public interest) |

POLICIES

National Planning Policy Framework: Section 12

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

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

CONSULTATIONS

Highways: 'From previous discussions with the agent, it is not anticipated that the proposed haybarn will result in increased vehicle movements to/from the site. Highways have therefore no comments or objections to make on the proposal.'

LLFA Drainage: No objection.

PARISH COUNCIL

No response received.

PUBLICITY

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

- Attempts to deceive by submitting two applications for buildings that were previously refused.
- Impact upon neighbouring properties from commercial livery/equestrian centre. Noise, odour, disturbance and lighting from the activities. Harm to health and wellbeing. Loss of use of garden area.

- Harm to the landscape.
- The land has not been used for agriculture for a long time.
- The site is not big enough for so many horses.
- Multiple applications should not be allowed.
- Increased vermin.
- The barn is not solely for the keeping of feed and bedding. It is used as a workshop and tack room and has a noisy generator.
- The barn is not needed as there is enough storage space within the stables.
- Manure is stored externally.
- The land has been overdeveloped.
- Impact on adjacent residents' disabled facilities. Approving the application would result in harm to amenity contrary to DS1, the Council's People, Health and Care policies and human rights.
- The applicant's deliveries have blocked the road.
- The land is in flood zone 3 making it unsuitable for grazing. The land regularly floods and development of the site has caused flood damage to adjacent properties.

ASSESSMENT

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

The site

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

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

Planning history

PA/2016/93: Planning permission to erect a general purpose agricultural building and adjoining multi-use loose boxes – refused 23/3/2016 and appeal dismissed 14/2/2017 (APP/Y2003/W/16/3159183).

PA/2017/1022: Planning permission to erect a four-bay stable block and tack room/feed store – approved 29/8/2017.

PA/2020/903: Retrospective application to retain haybarn (approximately 48 square metres) and alteration to stables approved under PA/2017/1022 – refused 17/12/2021.

Proposal

Planning permission is sought to erect a verdant pre-patinated metal clad haybarn. It has already been constructed. The building measures 8.1 metres wide, 6.4 metres deep and 4.8 metres to ridge height. The floorspace is approximately 48 square metres. It is finished in green metal cladding.

Principle of development

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

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

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

Impact on the locality

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

The haybarn measures 8.1 metres wide, 6.4 metres deep and 4.8 metres to ridge height. The floorspace is approximately 48 square metres. It is finished in green metal cladding. The hay barn is situated to the north of the stables and so would be adequately obscured from West Hann Lane.

The haybarn is considered to be a low impact development, being of single-storey design and located away from boundaries shared with the nearest neighbouring site. The site is also adequately screened by over 2 metres of high landscaping that visually mitigates the impact upon the wider area.

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

Impact on residential amenity

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

There is one neighbouring property to the south-west (Holly Lodge). It is situated approximately 78 metres from the haybarn which has been positioned to the other side of the site to reduce any potential impacts. In terms of scale, mass and design there would be no impact on neighbouring amenity.

The haybarn, in terms of design, would be a modest form of development and unlikely to impact neighbouring amenity. Third party comments received are particularly concerned with a range of amenity, health, welfare and human rights issues. A number of objections also raise issue with the haybarn being used for different, more harmful purposes than as a proposed haybarn.

The application must be determined on its merits – the stated use for the storage of horse feed and bedding. Therefore, a condition is recommended to ensure the haybarn is used solely for these purposes and no other. Such a use is not inherently harmful to residential amenity.

It is considered the haybarn would not prejudice neighbouring amenities. As such, the proposal would be in accordance with policies DS1 and RD2 of the local plan, and CS5 of the Core Strategy.

Highways

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

The site would be accessed via West Hann Lane and vehicle movements would be modest in relation to hay storage. No objection has been received from Highways. Highway impacts are acceptable.

Other matters

- Regarding flooding, a haybarn is a compatible use in flood zone 2/3a and rainwater from the haybarn roof would not materially increase flood risk.
- The application site was reviewed by the planning enforcement team as to whether the site is a paddock. No further action was taken. Additionally, in approving PA/2017/1022, the use of the land was not questioned nor was a change of use applied for. Furthermore, in the previous planning report the site was referred to as a paddock.
- If the stable or hay barn was converted to residential use, then a full application would be required.
- There is not considered to be a reason for refusal related to vermin.

Conclusion

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

RECOMMENDATION Grant permission subject to the following conditions:

1.

The permitted haybarn shall be used solely for the storage of horse feed and bedding, and shall not be used for any other purpose.

Reason

To prevent the unfettered use of the building in a manner that may be harmful to the residential amenities of adjacent residents in pursuance of policy DS1 of the North Lincolnshire Local Plan.

2.

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

AR266-(AB)106

AR266-(AB)129 p1

AR266-(AB)130 p2.

Reason

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

Informative

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



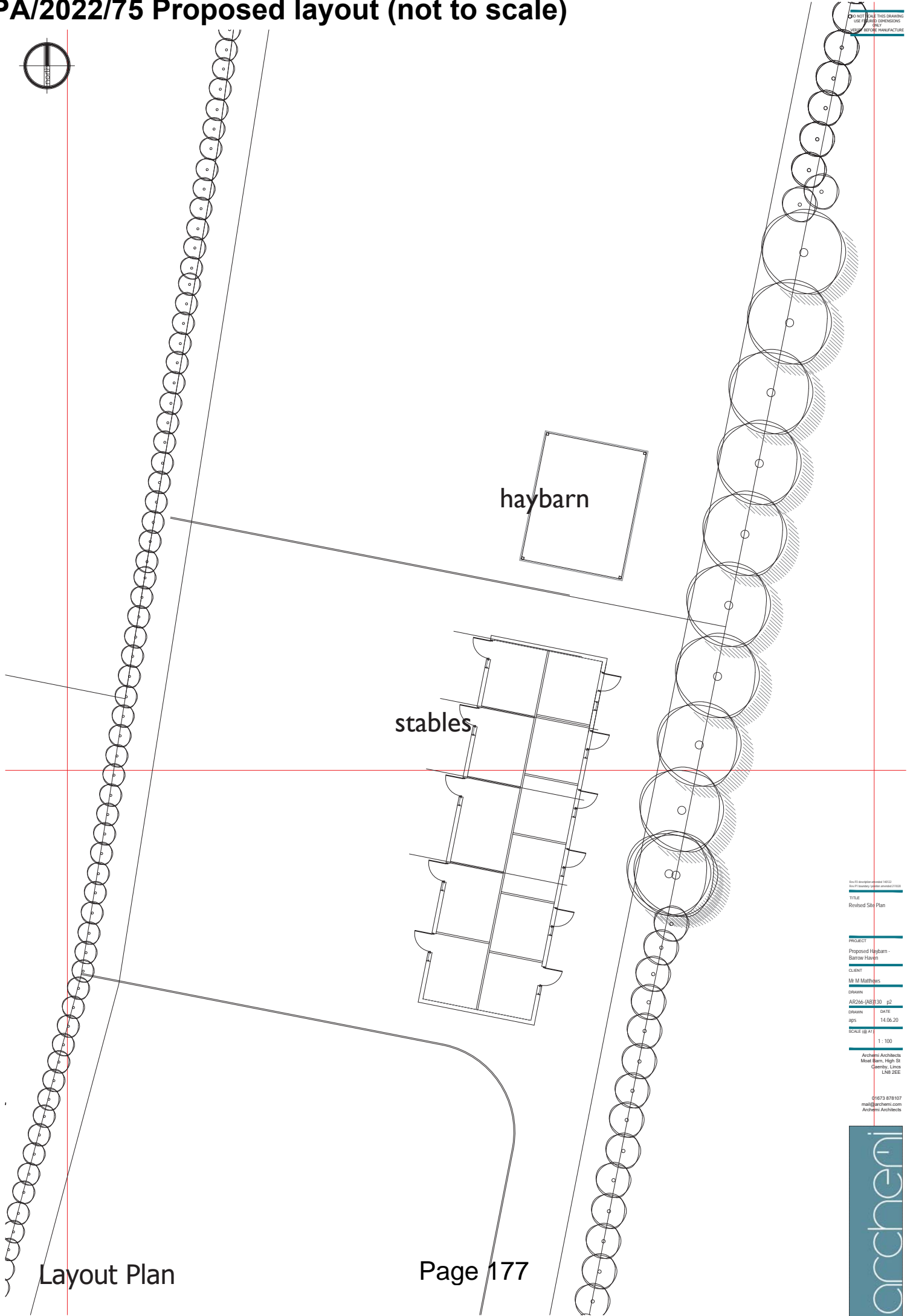
Page 176



**North
Lincolnshire
Council**



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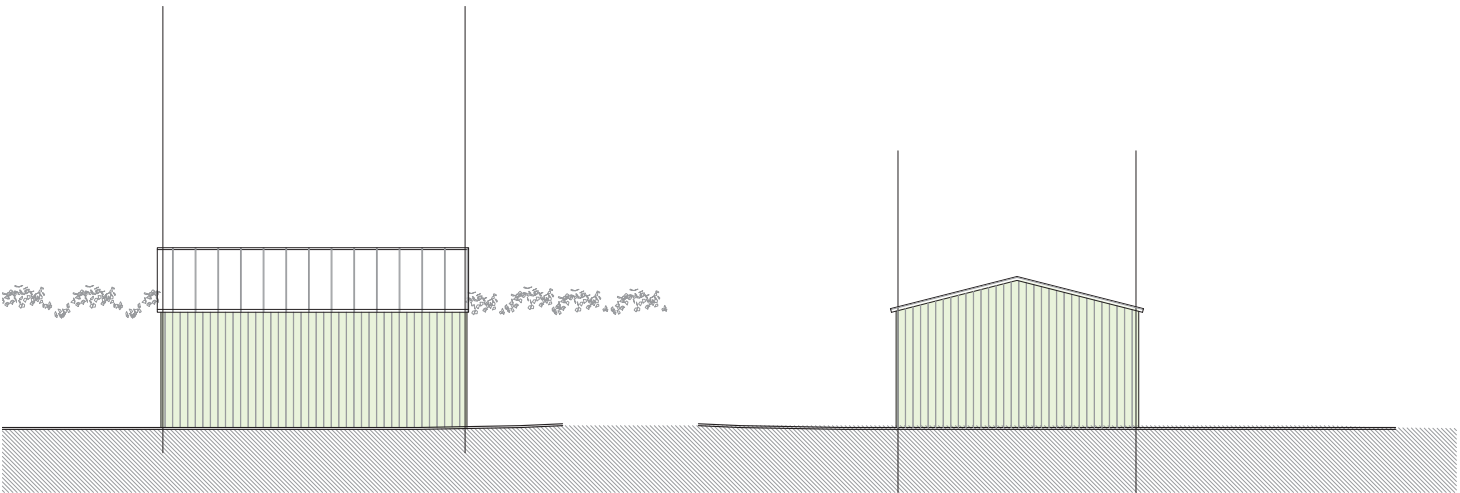


Rev A2
14.06.20
1:100
Archemi Architects
Moor Barn, High St
Gosby, Lincs
LN8 2EE
01673 878107
mail@archemi.com
Archemi Architects



PA/2022/75 Proposed elevations (not to scale)

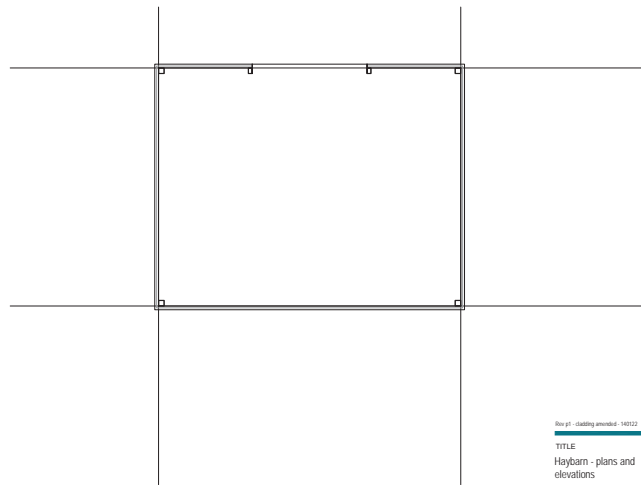
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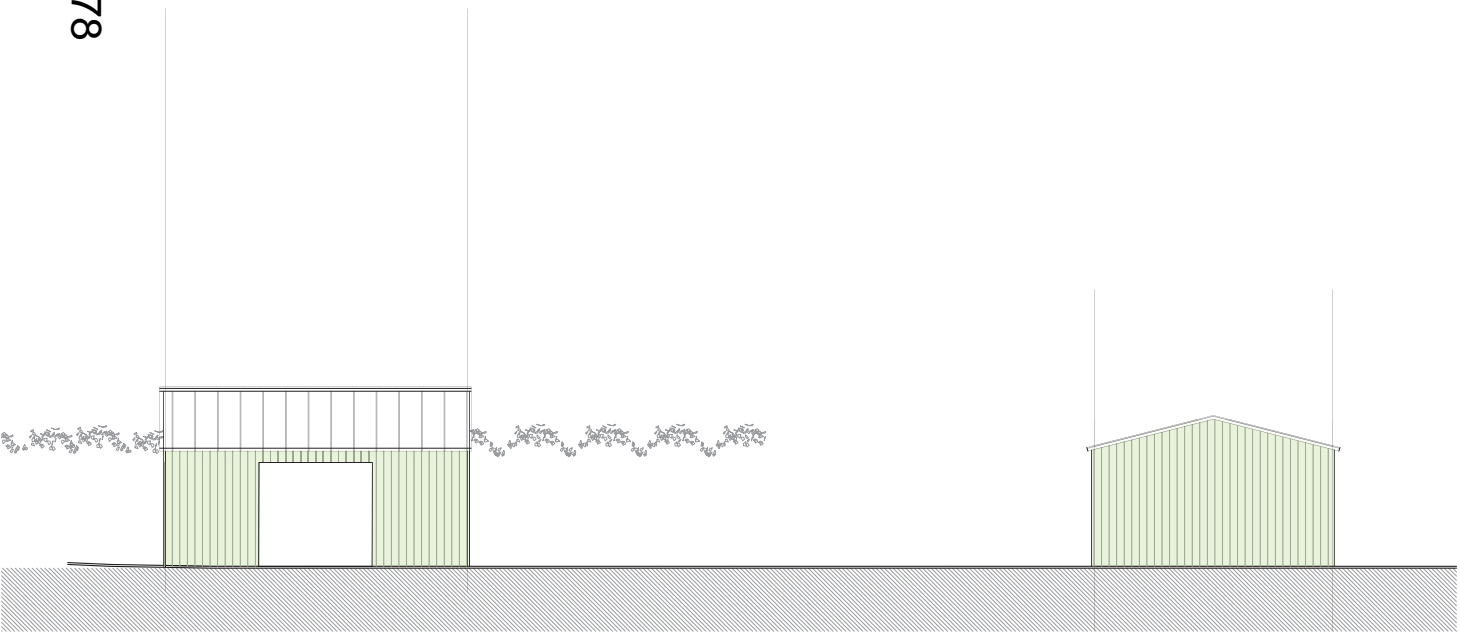
Elevation looking south (from menage)

End elevations

Floor Plan



Page 178



Elevation looking north (from boundary)

End elevations

Rev 01 - cladding amended - 14/02/22

TITLE
Haybarn - plans and elevations

PROJECT
Proposed Haybarn
Barrow Haven

CLIENT
Mr M Matthews

DRAWN
AR266-(AB)129 p1

DRAWN DATE
aps 14.06.20

SCALE (@ A2)
1 : 100

Archemi Architects
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Cleethorpe, Lincs
LN8 2EE

01673 878107
mail@archemi.com
Archemi Architects



| | |
|---|---|
| APPLICATION NO | PA/2022/341 |
| APPLICANT | Amanda Smith |
| DEVELOPMENT | Planning permission for change of use of land for two residential mobile homes, two touring caravans and the erection of an amenity block |
| LOCATION | Land east of Priesthows, Butterwick Road, Messingham |
| PARISH | Messingham |
| WARD | Ridge |
| CASE OFFICER | Martin Evans |
| SUMMARY RECOMMENDATION | Grant permission subject to conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by Messingham Parish Council Departure from the development plan |

POLICIES

National Planning Policy Framework:

Paragraph 4 states, 'The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.'

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 62 states, ‘Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).’

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;
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- (d) the development would involve the subdivision of an existing residential building; or
- (e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'

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.

Planning policy for traveller sites (August 2015) (PPTS)

North Lincolnshire Local Plan: DS1, DS14, RD2, M17, LC7, T2, T19

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS10

Housing and Employment Land Allocations Development Plan Document (HELADPD)

Publication draft of the North Lincolnshire Local Plan: Emerging Local Plan evidence base: 'Gypsy and Traveller Accommodation Assessment' dated October 2021 (GTAA)

CONSULTATIONS

LLFA Drainage: No objections.

Environmental Protection: Historic mapping shows a sand pit with unknown fill material approximately 100m north of the site. There is, therefore, the potential for the amenity block to be impacted upon by migrating gas arising from the unknown fill, which is harmful to human health. A contaminated land assessment condition is recommended.

Environmental Health and Housing: 'The proposed layout for the caravans on the site is not indicated. Separation distance between caravans should be a minimum of 6 metres to comply with Model Standards 2008.

- There is no waste provision indicated for the site. Adequate provision should be made for the storage, collection and disposal of refuse. The applicant should contact Waste Management for further information about waste provision.
- The applicant will need to apply for a Site Licence under the Caravan Sites and Control of Development Act 1960 Section 3. Further details are available from Environmental Health and Housing on 01724 297000 or email housing@northlincs.gov.uk
- The proposed development must comply with the following legislation:
 - Caravan Sites and Control of Development Act 1960 (as amended)
 - Model Standards 2008
 - Model Standards 1983: Touring Caravan Site
 - Mobile Homes Act 2013.
- The applicant will need to be aware of their obligations under the following legislation:
 - The Caravan Sites Act 1968
 - The Gas Safety (Installation and Use) Regulations 1994
 - Electrical safety regulations 2020
 - Mobile Homes (Requirements for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.'

Place Planning and Housing: A response is provided setting out what the planning policy team consider to be relevant policies for the determination of the application.

PARISH COUNCIL

Objects for the following reasons:

'The proposed location is in open countryside and outside of the development line

The visual impact is detrimental to the street scene and the entrance to the village

Overbearing development for the size of the plot

The applicant has not provided an adequate surface water drainage scheme'.

PUBLICITY

A site notice has been displayed. Two letters of objection have been received which can be summarised as follows:

- The council's website maps the site incorrectly and the site notice is in the wrong place.
- The adjacent site owner is drawing up proposals for work and investment to the property and this will be negatively impacted by the proposal.
- The access is not owned by the applicants which needs to be addressed and title deeds provided. Vehicles have blocked onward access.
- Contrary to local plan policy because it is in the open countryside, away from settlements. Other proposals nearby have been refused for this reason.
- The site is not identified for development on the Messingham plan.
- It is unclear what has already been implemented to meet the core strategy requirements; whether there remains a shortfall in provision; what is proposed to be provided elsewhere in the near future; how the proposal sits in with that policy and how the site will be managed.
- The North Lincolnshire GTAA March 2021 concludes there is no current requirement for residential pitches and this report was presented to Cabinet in June 2021.
- The site does not benefit from an existing access to the highway.
- The site may not be large enough for the accommodation proposed or potential future expansion.
- The proposal would have a detrimental effect on adjacent occupiers.
- The statement notes there will be two families on the site but provides for two light goods vehicles, little space for additional parking and little amenity space.
- What would stop the site spreading onto adjacent land?
- Commercial activities could take place on site. How would they be controlled to prevent harm to residential amenity?
- There are at least four vehicles associated with one caravan, making parking inadequate.
- No details of the package treatment plant are provided.
- Visual details of the caravans should be provided.

- Will the Environmental Health department's requirements be met without amendments being required?
- There is a lack of provision for refuse disposal and recycling.
- The site is unsuitable for the proposal as it is too close to a private family residence.
- How would refuse vehicles access the site and waste be removed?
- There are no services to the site and access will not be permitted over third party land.

ASSESSMENT

Planning history

The application site: None.

Land to the north:

PA/2020/1251: Planning permission to erect six holiday lodges – refused 13/01/2021:

‘1.

No information has been submitted to demonstrate whether the proposed development is closely linked with existing tourist attractions, whether the site is suitable for new tourist accommodation, how the scale of development is appropriate in the open countryside and whether a scheme of landscaping is required to suitably screen the development. The proposal is therefore contrary to policy R12 of the North Lincolnshire Local Plan.

2.

The proposal would introduce built development on the site and would be viewed as a discordant feature in this relatively open, flat, rural landscape, to the detriment of its character and appearance. In addition, no landscaping proposals have been submitted for consideration with this planning application. The proposed development is therefore contrary to policies DS1 and RD2 of the North Lincolnshire Local Plan, CS3 and CS5 of the adopted Core Strategy.’

PA/2021/999: Planning permission to erect six holiday lodges (resubmission of PA/2020/1251) – refused 11/02/2022:

‘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.’

Land to the west:

This site has a lengthy planning history and is currently occupied by a bungalow built under planning permission PA/2015/1362, granted 23/12/2015.

Site characteristics

The application site consists of a relatively flat parcel of land measuring 0.09 hectares in area. The southern site boundary abuts Butterwick Road from which access is gained and features an existing hedge approximately 3m in height with open countryside beyond. The eastern site boundary features an existing hedge approximately 3m in height interspersed with taller trees with open countryside beyond. The northern boundary features a post and rail fence as well as a recently planted approximately 2m tall row of leylandii with open countryside beyond. The western boundary features a 1.8m tall metal fence with occasional hedging, with a residential bungalow beyond. The access track serving the proposal continues to the north of the site.

The site is within SFRA flood zone 1; the Messingham Protection Zone; and the open countryside. The development limit of Messingham is approximately 470m to the east of the site. A footway links the site to Messingham. Whilst the site itself is relatively flat, land levels increase markedly to the east on the approach to Messingham.

Proposal

Planning permission is sought for a change of use of land for two residential mobile homes, two touring caravans and the erection of an amenity block. The application form states the change of use started in 2021. The proposed block plan shows two larger mobile homes and two smaller touring caravans located around a central hardstanding and parking area. The amenity building is proposed in the north-western corner of the site. It would measure 4.15m in height, 5m deep and 7.5m wide. External finishing materials would be grey roof tiles and red bricks. It would provide a kitchen/dining room, WC and shower room.

The application form states the proposal is for a residential caravan site for an extended Gypsy family. The design and access statement provides further detail including that the proposal would provide accommodation for two Gypsy families with the amenity building providing communal facilities.

The key issues for this proposal include:

- **the principle of development;**
- **landscape impact;**
- **impact upon residential amenity;**
- **impact upon highway safety; and**
- **drainage.**

These issues are considered jointly below given the multifaceted nature of relevant policies.

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); the suite of documents comprising National Planning Practice Guidance (NPPG) and Planning Policy for Traveller Sites (PPTS).

PPST Annex 1: Glossary, provides the following definitions:

1. For the purposes of this planning policy 'Gypsies and Travellers' means: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of Travelling Showpeople or circus people travelling together as such.
2. In determining whether persons are 'Gypsies and Travellers' for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:
 - a) whether they previously led a nomadic habit of life
 - b) the reasons for ceasing their nomadic habit of life
 - c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

The application is made on the basis this is a site for an extended Gypsy family which would inherently comply with the above definition. It is possible for the council to grant planning permission with a condition requiring site occupants meet the above definition. In the event the site is not occupied by persons meeting the definition it would become an enforcement matter. It is noted no representations have been received to cast doubt on the status of the site occupants.

The local plan is silent on the matter of applications involving the provision of accommodation for Gypsies and Travellers, the relevant policy not having been 'saved'.

Core Strategy policy CS10 identifies a demand for approximately 46 residential Gypsy and Traveller pitches between 2007 and 2016 and a further 10 transit pitches jointly across North and North East Lincolnshire within the same period. The policy goes on to list criteria that were to be used to designate such sites in the General Policies DPD, namely:

- safe and convenient vehicular and pedestrian access to the site including public transport
- be large enough to provide adequate on-site facilities for parking, storage, play and residential amenity
- should be well located on the highway network
- be in or near to existing settlements with access to local services, including shops, schools and healthcare

- not have an adverse impact on environmental assets such as landscape, historic environment, biodiversity, open space and green infrastructure, and avoid areas shown as at risk of flooding in the Strategic Flood Risk Assessment (SFRA)
- should not be detrimental to amenities of adjacent occupiers
- must be suitable for such accommodation with a realistic likelihood that the site can come forward within the plan period.

It goes on to state that these criteria are also to be used to assess planning applications in advance of the adoption of the Housing and Employment Land Allocations DPD, and that previously developed land, derelict land and land on the edge of urban areas will be considered before any rural sites as with all other types of accommodation.

The General Policies DPD has not been produced and the HELADPD does not provide a Gypsy and Traveller accommodation policy as was anticipated in policy CS10. There is no monitoring evidence or five-year supply evidence regarding whether the 46 pitches were delivered within the plan period or to date. The proposal is to be considered under the criteria in policy CS10.

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. Access would be onto a national speed limit (60mph) road which is straight and relatively flat in this location with good visibility, as well having low traffic volumes. There is room for a vehicle towing a caravan or a light goods vehicle to pull off the highway without overhanging the carriageway. There is a safe continuous pedestrian footway from the site frontage to Messingham. The nearest public transport facilities are bus stops on Scotter Road, Messingham approximately 1km away, which have regular services linking Gainsborough and Scunthorpe. It is considered that safe and convenient vehicular and pedestrian access to the site, including public transport, is provided and the site is well located on the highway network.

The site is compact and whilst the proposed site layout provides adequate on-site facilities for parking and storage, it fails to provide any meaningful play space/area, to the detriment of the residential amenity of its occupiers.

The site is 470m to the west of the Messingham development limit. Messingham provides a wide range of services and facilities such as a primary school, public houses, restaurants, take aways, places of worship, a petrol filling station, medical centre, pharmacy, Co-op food store and library. The emerging local plan evidence base includes the North Lincolnshire Settlement Survey 2018 (2019 Revision). Messingham is ranked 9th out of 76 settlements in North Lincolnshire. The settlements have been scored based on the services and facilities available within each settlement boundary, and a rank attributed based on the overall outcome. Its facilities and services are very good with seven out of seven key facilities and services present. The distances to these services and facilities are not unreasonable, noting the Co-op store in the centre of the village is 1km away, and there is a realistic prospect of site residents using non-motorised forms of transport to access them.

The planning applications near the site, as noted in the planning history section of this report, consistently take the view that this area is within the open countryside and duly apply restrictive countryside policies within the development plan relevant to development other than Gypsy and Traveller accommodation. Policy CS10 requires the site to 'be in or

near to existing settlements'. The site is clearly not *in* Messingham; however, using the dictionary definition of 'near' (at or a short distance away; nearby), the site is considered *near* Messingham due to the 470m distance between it and the development limit of the settlement. This view is supported by the not unreasonable travel distances to multiple services and facilities noted above.

Policy CS10 requires previously developed land, derelict land and land on the edge of urban areas to be considered before any rural sites, as with all other types of accommodation. This policy is consistent with the locational criteria set out in PPTS which advises that 'authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or areas allocated for development'. This site is not considered to be away from existing settlements; and is not considered to be an isolated location as defined in NPPF paragraph 80 and confirmed in the *Braintree* judgement. The PPTS does not rule out rural or semi-rural sites in principle with, for example, Policy C requiring the scale of such sites do not dominate the nearest settled community.

Policy LC7 Landscape Protection states, 'Where development is permitted within rural settlements or within the open countryside, 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.' The site has very good existing landscaping, as noted above in the site characteristics section of this report. The proposed use had already commenced at the time of the officer site visit and despite the visit taking place during winter when there was no foliage on the hedges and trees, the site was well screened despite being in close proximity to the highway. It is noteworthy that a large open caravan storage facility is located a mere 40m to the south-west of the application site which benefits from a similar type of boundary landscaping as the application site. Therefore, fleeting glimpses of caravans are already part of the character of the area. The site is not of heritage interest nor are there any heritage assets near the site.

The site is, and was prior to development, of low biodiversity value as it was a grass field, and the peripheral vegetation, which may be of some ecological value for nesting birds and as bat commuting corridors, has been retained.

The site is in flood zone 1 (low risk) which means the proposal avoids areas shown as at risk of flooding in the Strategic Flood Risk Assessment (SFRA). 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'. It is proposed foul drainage would be to package treatment plant but no further details are provided. Final details can be secured by condition. Surface water drainage would be by means of soakaway. The use of permeable paving (a layer of gravel on a sub-base of clean hardcore and a base course of crushed aggregate) for the caravan pitches, parking and turning area would intercept rain where it falls, with water passing through the surface voided hardcore. Roof water flow from the caravans is considered inconsequential within this site context and does not require further consideration. The lack of objection from the LLFA is noted.

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.' The site is approximately 30m from the front elevation of the recently

constructed bungalow to the west. The nature of the proposed use in itself, coupled with this separation distance, does not give rise to harm to residential amenity.

Environmental Protection recommends a contaminated land assessment in relation to the amenity building only, because of potential contamination migration from approximately 100m away to the north of the site. However, the intervening land was subject to contaminated land assessment under planning application PA/2021/999 which resulted in an unexpected contamination condition being recommended by Environmental Protection. Such a condition would address contaminated land concerns in this instance. To condition an intrusive investigation would be inconsistent with the approach taken on the intervening site and disproportionate to the ground gas risks already considered by the council on the intervening site, and to which the Environmental Protection team did not raise objection.

The proposal only partially conflicts with Core Strategy policy CS10 in that it fails to provide any meaningful play space/area to the detriment of the residential amenity of its occupiers, but otherwise complies with this policy.

Housing and Employment Land and Allocations Development Plan Document paragraph 1.8 states:

‘1.8 During the Public Examinations for the Core Strategy and the Housing and Employment Land Allocations it was agreed to bring forward Gypsy and Traveller allocations in the General Policies DPD when it would be clearer on planning policy.’

The General Policies DPD was never produced, and the HELADPD is otherwise silent regarding applications for Gypsy and Traveller accommodation.

The emerging local plan evidence base contains a document entitled ‘Gypsy and Traveller Accommodation Assessment’ dated October 2021 (GTAA).

The GTAA provides a robust and credible evidence base which can be used to aid the implementation of local plan policies and, where appropriate, the provision of new Gypsy and Traveller pitches and Travelling Showpeople plots for the period 2021 to 2038 to cover the North Lincolnshire Local Plan Review period and the 15-year requirements set out in PPTS. The outcomes of this study supersede the outcomes of any previous GTAAs for North Lincolnshire Council. The GTAA identifies a need for 17 pitches between 2021-2038.

The PPTS advises:

‘This policy must be taken into account in the preparation of development plans, and is a material consideration in planning decisions.’

When assessing the suitability of sites in rural or semi-rural settings, policy C requires local planning authorities to ensure that the scale of such sites does not dominate the nearest settled community. The proposal is modest in scale. It would not dominate the nearest settled community in the cluster of dwellings to the west nor Messingham.

PPTS paragraphs 22–28 set out decision taking considerations. These paragraphs are quoted below and considered in turn.

‘24. Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travellers and not just those with local connections.

However, as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.'

The 2021 GTAA identifies, in Appendix D, a total of 53 authorised and 8 unauthorised pitches within North Lincolnshire; and a need for 17 pitches between 2021–2038. There are no public sites within North Lincolnshire for the site occupants to move to in the event planning permission is refused and enforcement action taken requiring the use to cease. No evidence is provided of the applicants' efforts to explore vacant pitches on existing sites as an alternative to having developed the application site. Whilst only a snapshot in time, the GTAA paragraph 6.4 states, 'It should be noted that there were 2 vacant pitches (River View, Brigg), 1 pitch being used for storage, 3 pitches that have been merged to form a single extended pitch, and 20 pitches that were not occupied by travellers.' The nomadic nature of the site occupants may mean this situation has changed in the intervening period.

The submitted Design and Access Statement states that, as the applicants do not have alternative accommodation, they would be forced onto the roadside if planning permission is refused; confirms two of the site occupants have Crohn's disease which is a chronic long-term medical condition that requires long-term treatment which would be facilitated by having a pitch with planning permission; and that the grant of planning permission would facilitate the two resident children being able to attend school. It is noteworthy that part of the Government's stated aim in respect of traveller sites in PPTS paragraph 4 is 'j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure'. Locally specific criteria have been used to assess this application which is on an unallocated site.

The 2021 GTAA states:

'7.25 It is important to note that any future demand for new sites or additional pitches as a result of in-migration should be seen as windfall need and should be dealt with by a criteria-based development management policy. This additional need should not be assessed against levels of need identified in the GTAA or to contribute towards 5-year supply to meet this need.'

The application does not clarify whether the occupants were previously resident in North Lincolnshire or elsewhere.

The PPST continues:

- '25. Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.'

As noted in the discussion of policy CS10, planning applications in this area have consistently been considered to fall within the open countryside. Core Strategy policies CS1, CS2, and CS3, policy RD2 of the local plan and the development limit defined in the HELADPD combine to restrict development in the countryside to that which is essential to its functioning and does not name Gypsy and Traveller sites as being a development type that may be acceptable in such locations. There is conflict with the development plan in this regard.

The proposal is considered to be new site development in the countryside that is not away from existing settlements. The scale of the site would respect the scale of and not dominate the nearest settled community. The nine named occupants of the site would not place local infrastructure under undue pressure. The proposal complies with paragraph 25 of the PPTS.

- '26. When considering applications, local planning authorities should attach weight to the following matters:
- a) effective use of previously developed (brownfield), untidy or derelict land
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
 - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.'

The site is greenfield; has very good existing landscaping; is poorly planned as it lacks space for children to play; and has not been enclosed with hard landscaping. There is partial conflict with this paragraph as the proposal is poorly planned as it lacks space for children to play.

- '27. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and/or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).'

The requirement for the local planning authority to demonstrate an up-to-date five-year supply of deliverable sites was first introduced in the 2012 version of the PPST, as amended in 2015. This post-dates the adoption of both the North Lincolnshire Local Plan and Core Strategy. The HELADPD was drafted and examined post-PPTS publication. The HELADPD examination library contains a document reference EXAM13 which sets out the council's approach to providing for the needs of Gypsies and Travellers in the district. The local planning authority gave, and the Inspector accepted, reasons why it would be appropriate to bring forward Gypsy and Traveller allocations in the General Policies DPD 'when it would be clearer on planning policy.'

North Lincolnshire Council cannot currently demonstrate an up-to-date five-year supply of deliverable sites based on the latest GTAA, and a lack of monitoring means it is unclear whether there has been historic under-delivery in relation to the pitch target in policy CS10. The site is not within any of the exception areas noted in paragraph 27. The lack of such a supply is a significant material consideration in considering whether to grant a temporary planning permission in the event a permanent permission is not appropriate.

The Yorkshire and The Humber Region agricultural land classification shows the site is on grade 4 poor land. This land does not meet the NPPF definition of best and most versatile agricultural land so is not a matter the local planning authority must take into account. Notwithstanding the above, the land in question was not previously in agricultural use and is of a size that would be inconsequential to future agricultural need.

The site is within the Messingham Protection Zone designated by policy M17 in which planning permission for new mineral workings will not be permitted. This has no impact on the proposal.

The PPG states:

'Should children's best interests be taken into account when determining planning applications?

Local authorities need to consider whether children's best interests are relevant to any planning issue under consideration. In doing so, they will want to ensure their approach is proportionate. They need to consider the case before them, and need to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community. This will include considering the scope to mitigate any potential harm through non-planning measures, for example through intervention or extra support for the family through social, health and education services. (Paragraph: 028 Reference ID: 21b-028-20150901)'

It is agreed that the best interests of the children should be taken as a primary consideration. Their enrolment in school, healthcare facilities and having the certainty of a permitted pitch would be a significant benefit of granting planning permission. Weighed against this, the proposed site layout would provide no meaningful play space as noted above.

It is considered the refusal of this application and enforcement action causing the use to cease may interfere with the site occupants' human rights under article 8 of the Human Rights Act which protects the right to respect for their private life, family life and home amongst others. It is very likely that on leaving the site some or all of the current occupiers would have to resort to a roadside existence. This can have adverse environmental impacts

and may create disharmony between the travelling and settled community. Furthermore, in addition to the general health problems associated with roadside living, the education prospects of the children living on the site could be seriously compromised. These are all matters that attract significant weight.

In response to objections received: the council's mapping system is not relevant to the determination of the application; the site notice was erected in accordance with planning law; there is no identified harm to adjacent occupiers; an access dispute is a private matter between the relevant parties; relevant policies are discussed in detail in the report; nearby refusals were considered on their merits as is this proposal; the site does not have to be allocated to be acceptable; a lack of monitoring is an acknowledged problem and future provision is discussed in detail in the report; site management is not material in this case; the 2021 GTAA does not conclude there is no current requirement for pitches; the site does have an existing access to the highway; the site is considered large enough to accommodate the proposal but with lack of play space; future applications for expansion would be determined on their merits; no harm to adjacent occupiers would occur; light goods vehicle parking is an accepted feature of such sites; parking levels are appropriate; the site spreading onto adjacent land or commercial activities on the site are not matters before the local planning authority but the latter is controlled by condition; package treatment plant details are secured by condition; elevations of the caravans are not required; Environmental Health and Housing comments do not require amendments (reference to model standards should be disregarded as the standards make clear they do not apply to Gypsy and Traveller sites); waste disposal is dealt with by informative.

Planning balance and conclusion

The application is submitted on the basis it is for an extended Gypsy family. Partial policy conflict arises because the proposed site layout lacks space for children to play and amenity space for site occupants with resultant harm to their amenity as residents of the site. This is in conflict with the PPTS and core strategy policy CS10. The proposal is not named as a type of acceptable development in the countryside contrary to policies CS2, CS3 and RD2. It is government planning policy that intentional unauthorised development is a material consideration that should be weighed in the determination of planning applications. This is the case in this instance and this must weigh against the proposal.

Conversely, the site occupants would be able to access services and facilities at a not unreasonable distance via a safe footway to nearby Messingham; the development is not considered to harm the character of the local landscape and countryside by virtue of its modest scale and very good existing landscaping; and agricultural land quality is poor which does not represent a restraint to development. The council cannot demonstrate a five-year supply of sites and it is likely there is a lack of any alternative sites for the occupants to move to. The personal circumstances of the site occupants, including the best interests of the children would be best served by occupying a pitch with planning permission that would facilitate access to education and health care. These carry substantial weight, particularly since a consequence of refusing planning permission is that those living at the application site would become homeless.

In these circumstances it is considered that the balancing of harm and benefits falls in favour of a permanent planning permission being granted.

Restricting permission to a temporary period would be unjustified for the above reasons.

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

1.

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

- Amenity block elevations
- Amenity block floor plan
- Site layout plan.

Reason

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

2.

The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).

Reason

In accordance with the terms of the application, the specific policy context in which such applications are considered and because occupation by others would be in conflict with the development plan.

3.

There shall be no more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, stationed on the application site at any time.

Reason

In accordance with the terms of the application and to prevent the unfettered use of the site in a manner that would harm the character and appearance of the countryside.

4.

No more than two light goods vehicles shall be parked on the site at any time.

Reason

In accordance with the terms of the application and to prevent the unfettered use of the site in a manner that would harm the character and appearance of the countryside.

5.

The existing hedgerows and trees along the boundary of the application site shall not be trimmed or removed, unless details have first been submitted to and approved in writing by the local planning authority.

Reason

Their presence is important to mitigating the landscape impact of the development to an acceptable degree.

6.

No commercial activities shall take place on the land, including the storage of materials.

Reason

Such activities may harm the residential amenity of adjacent occupiers and the character and appearance of the countryside.

7.

Within six months of the date of this permission, details of a foul drainage system shall have been submitted to and accepted as valid in writing by the local planning authority. The system shall be installed within nine months of the approval in writing of the local planning authority and shall be retained for the duration of the development.

Reason

To ensure appropriate foul drainage is secured to prevent pollution of the environment.

8.

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

Reason

To ensure appropriate remediation in the event unexpected contamination is discovered during construction.

Informative 1

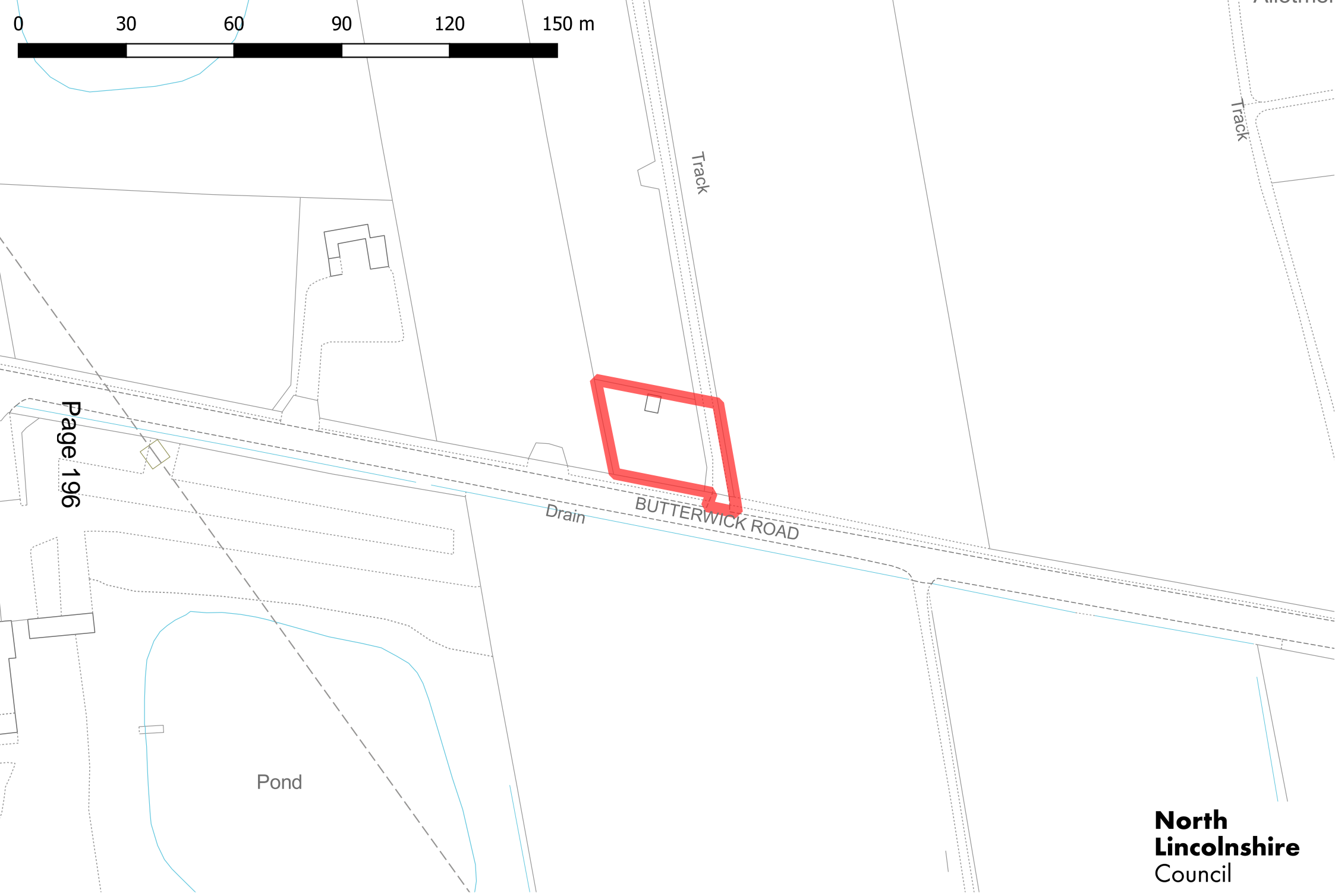
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

Informative 2

There is no waste provision indicated for the site. Adequate provision should be made for the storage, collection and disposal of refuse. The applicant should contact Waste Management for further information about waste provision.

Informative 3

The applicant will need to apply for a Site Licence under the Caravan Sites and Control of Development Act 1960 Section 3. Further details are available from Environmental Health and Housing on 01724 297000 or email housing@northlincs.gov.uk.



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Pond

Drain

BUTTERWICK ROAD

Track

Track





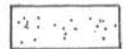


**North
Lincolnshire
Council**

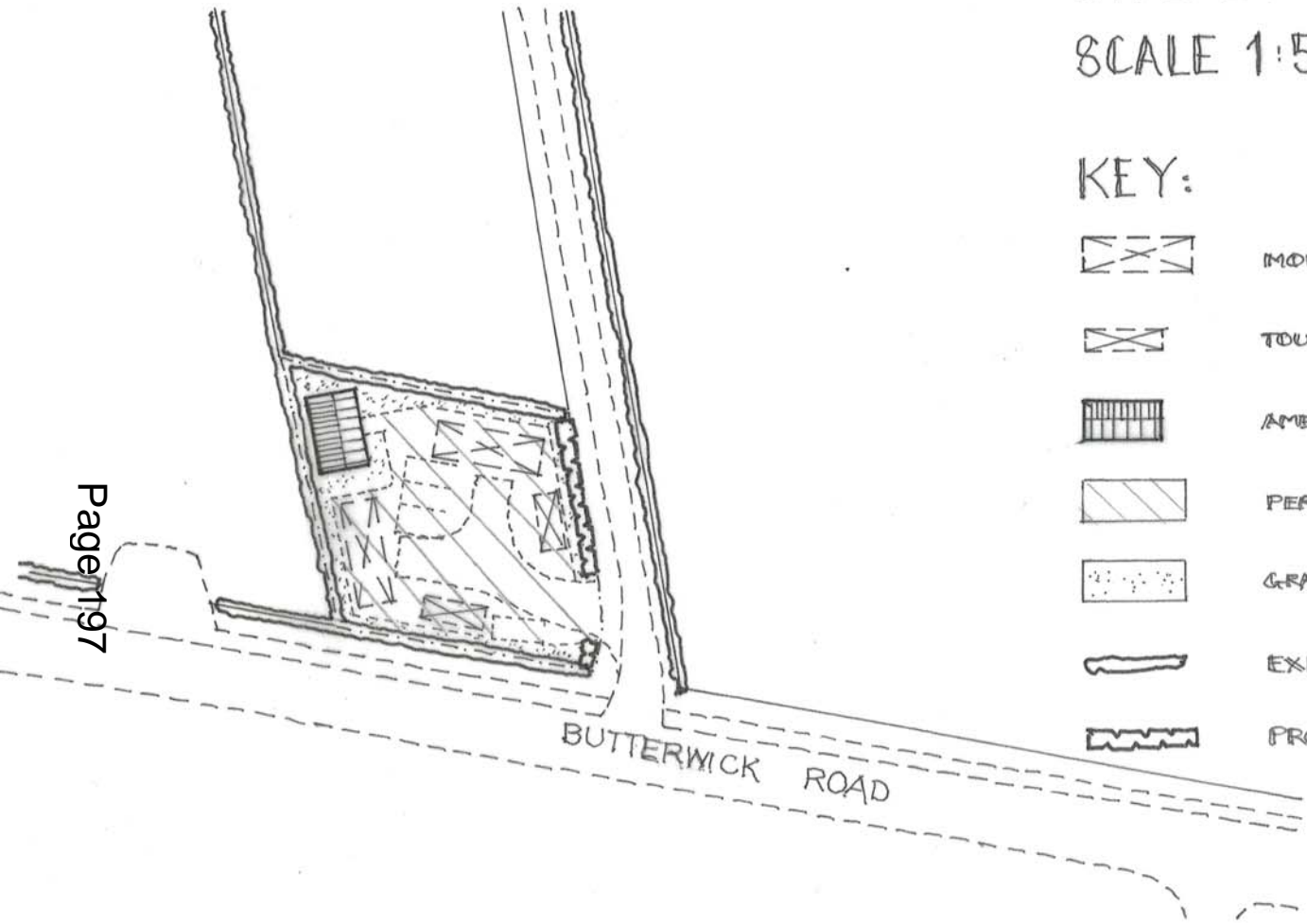
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SITE LAYOUT PLAN

SCALE 1:500

KEY:

-  MOBILE HOME
-  TOURING CARAVAN
-  AMENITY BUILDING
-  PERMEABLE HARDSTANDING
-  GRASS
-  EXISTING HEDGEROWS
-  PROPOSED HEDGE PLANTING



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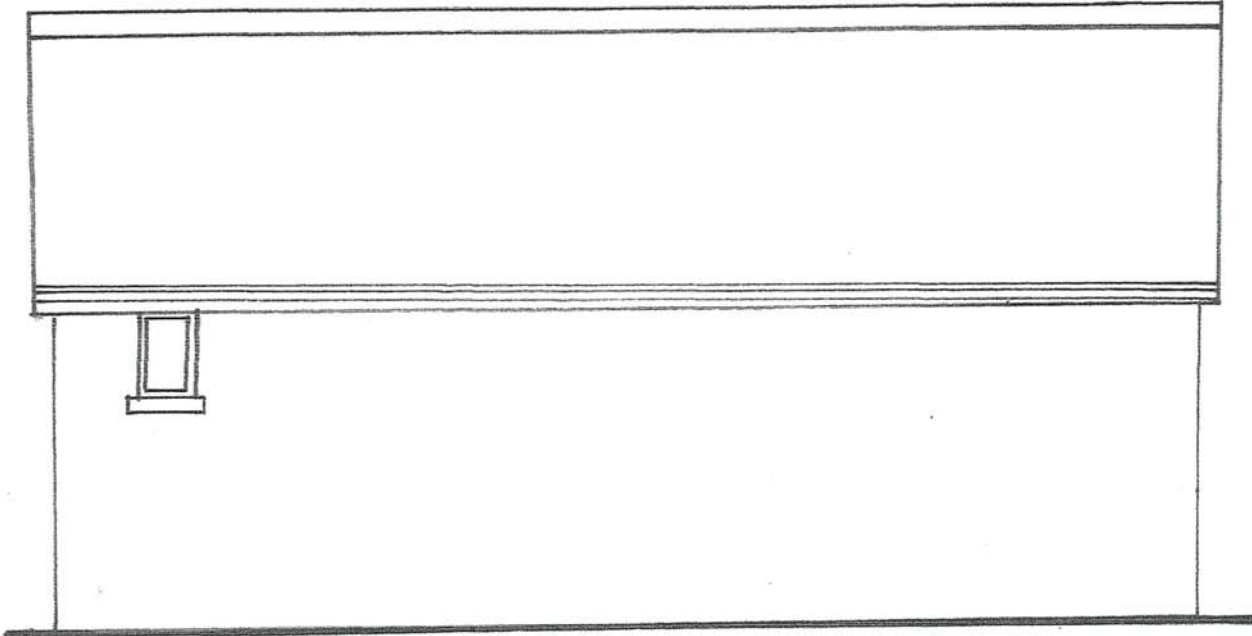
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FRONT ELEVATION
1:50

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20 JAN 2022

PROPOSED AMENITY BLOCK.



REAR ELEVATION
SCALE 1:50

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20 JAN 2022

