

Public Document Pack

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

4 May 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 6 April 2022 as a correct record and authorise the chairman to sign (to follow).
4. Applications deferred from previous meetings for a site visit. (Pages 3 - 4)
 - (a) 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 5 - 20)
 - (b) PA/2021/1891 Planning Permission to erect a new detached house and garage at Islay View, 236 Wharf Road, Ealand, DN17 4JN (Pages 21 - 42)
5. Major Planning Applications. (Pages 43 - 44)
 - (a) PA/2021/1788 Outline Planning Permission to erect up to 28 dwellings, with all matters other than means of access reserved for subsequent consideration at land rear of Southdown House, Grayingham Road, Kirton in Lindsey, DN21 4EL (Pages 45 - 62)
6. Planning and other applications for determination by the committee. (Pages 63 - 64)

- (a) PA/2021/2165 Planning Permission to erect 9 dwellings with associated parking, landscaping and boundary treatments at land adjacent Magna Charta Inn, Barrow Road, New Holland, DN19 7PH (Pages 65 - 88)
 - (b) PA/2022/277 Outline Planning Permission to erect a two-bedroom bungalow, garage and access driveway with appearance, landscaping and layout reserved for subsequent consideration at land rear of 9 Park Close, Westwoodside, DN9 2AN (Pages 89 - 100)
 - (c) PA/2022/364 Planning Permission to make alterations to existing building to form a four-bedroom dwelling, including part demolition at Garage, 123 Westgate Road, Westgate, Belton, DN9 1PY (Pages 101 - 114)
7. Any other items, which the chairman decides are urgent, by reasons of special circumstances, which must be specified.

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

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: 4 May 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

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 04 May 2022.docx
Date: 22 April 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/2021/1860
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

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

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

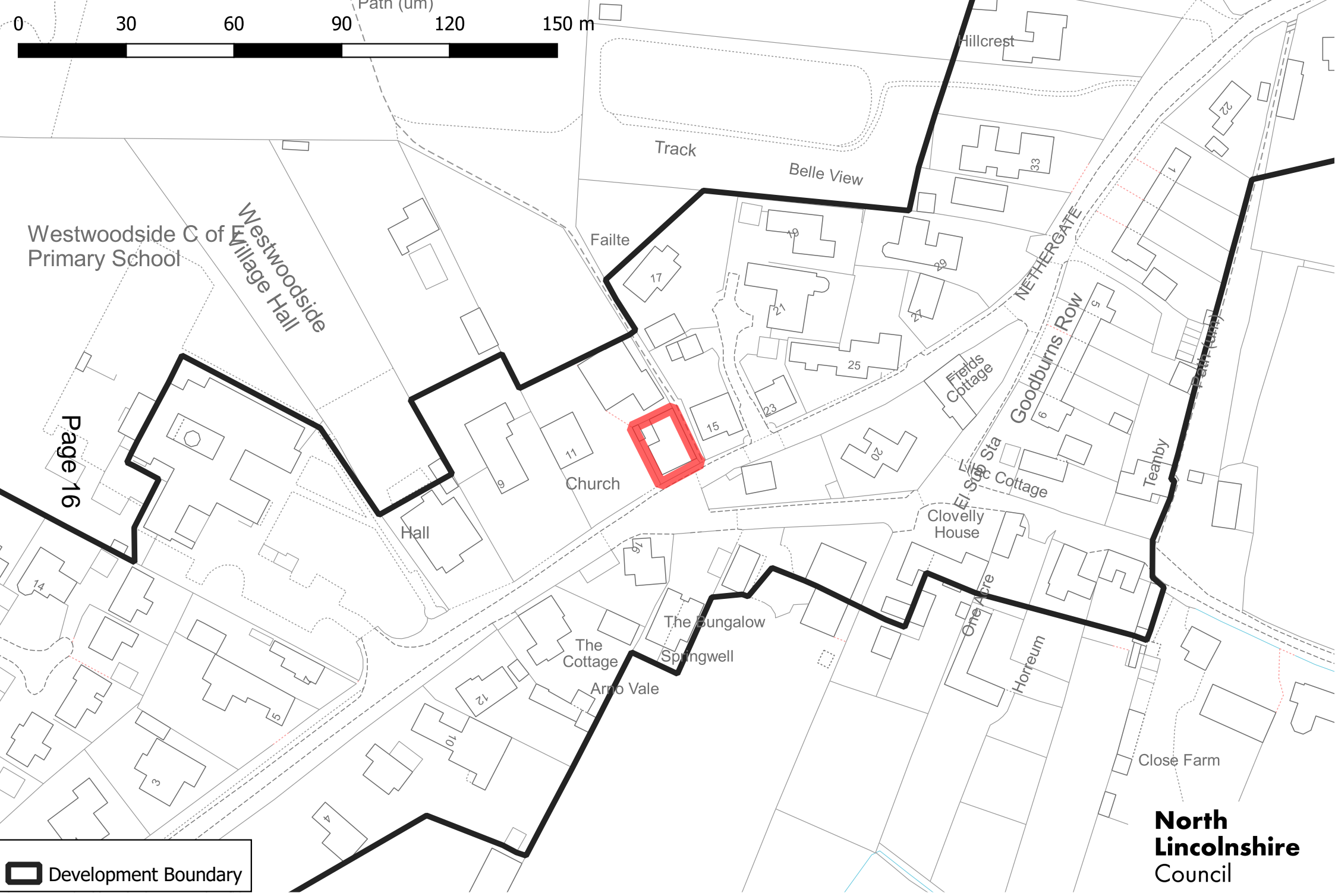
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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.



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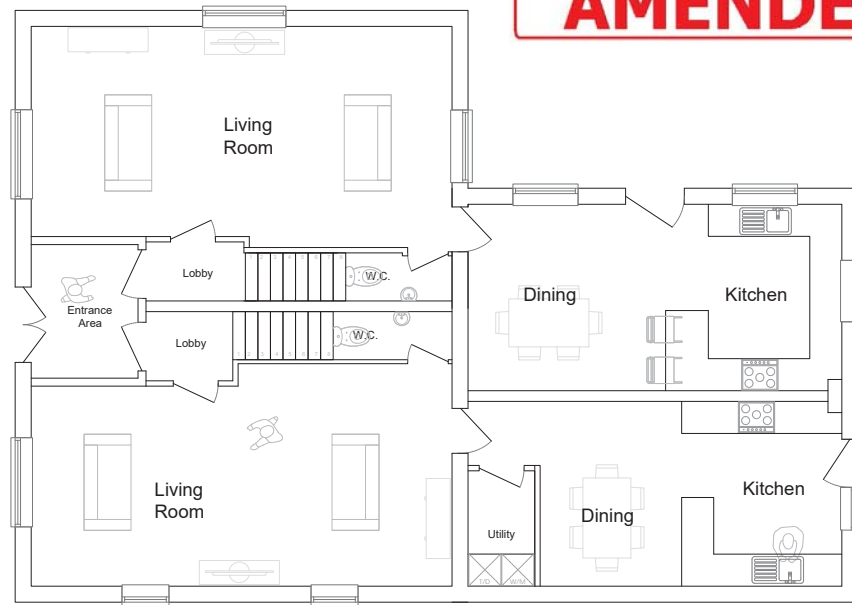
 Development Boundary

PA/2021/1860

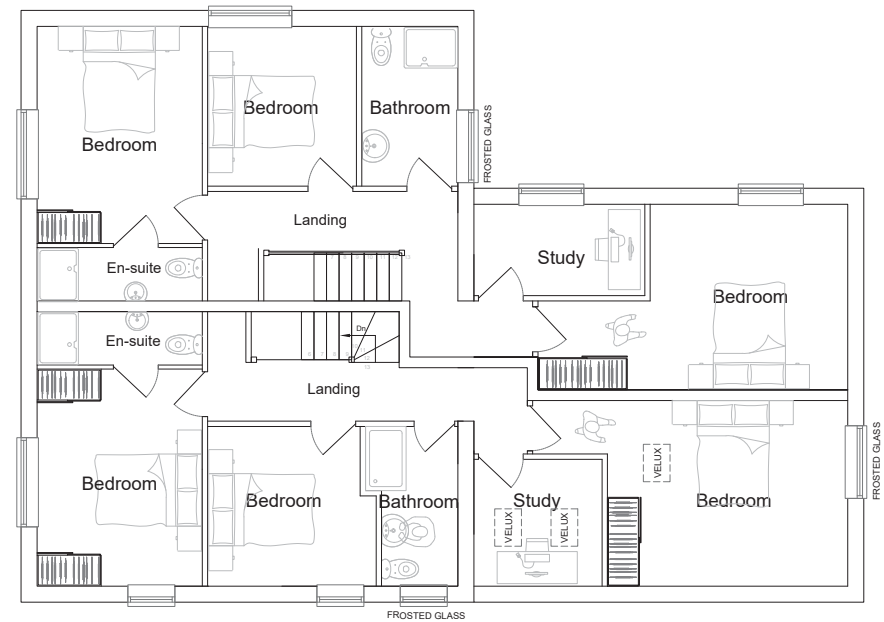
**North
Lincolnshire
Council**

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AMENDED



GROUND FLOOR PLAN

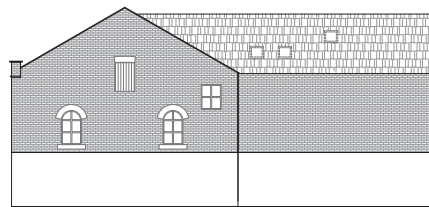


FIRST FLOOR PLAN

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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**

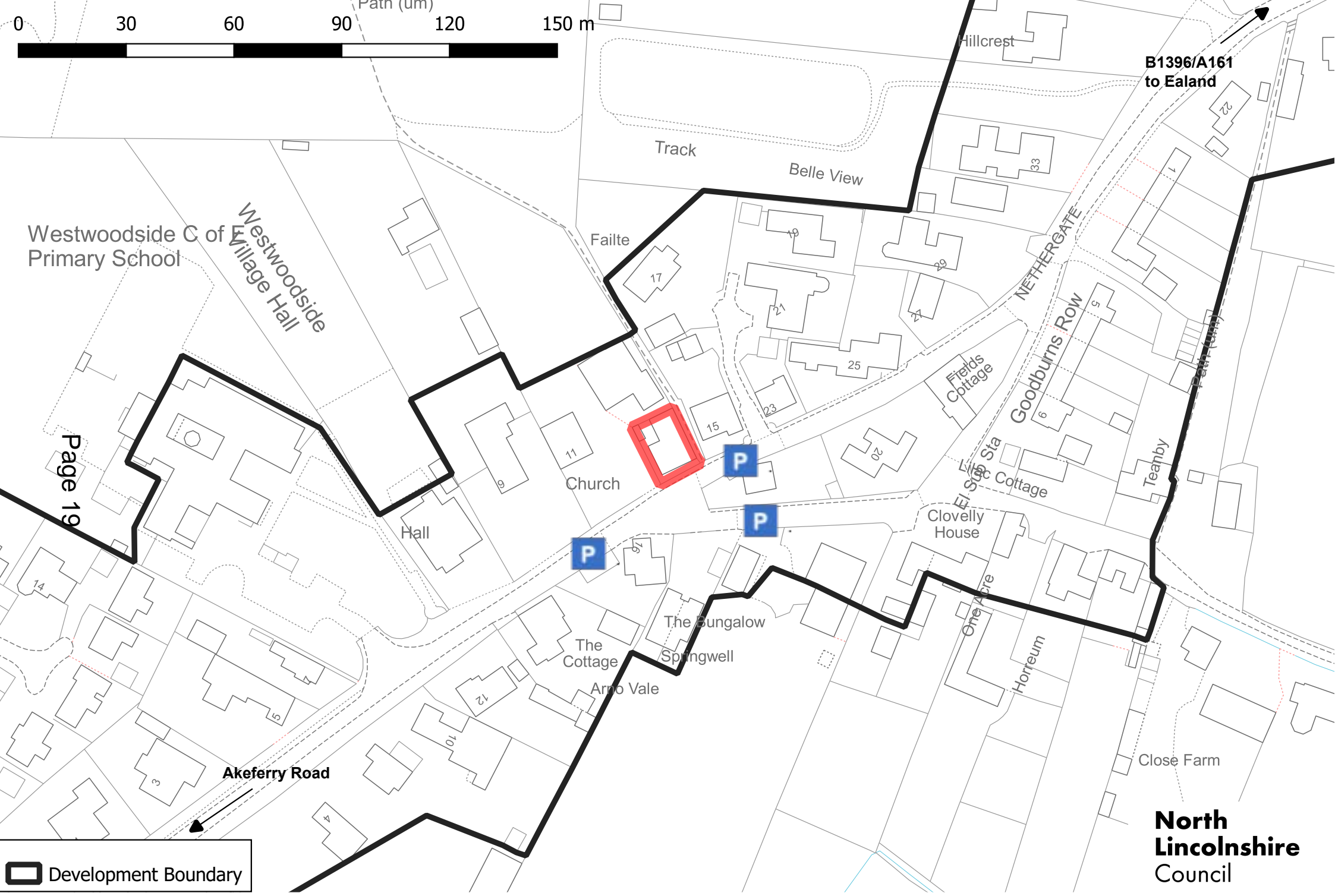
Date: **JULY 2021** Rev: **B**

Scale: **1:50 & 1:100 @ A1**

Drawing No. **003**

CENTRELINE
 DESIGN CONSULTING LTD.

Centrelines Design Consulting Ltd.
 1st Floor, 200, The Boulevard, DN1 1JZ
 T: 01724 410150 M: 07834 918720
 E: info@centrelinesdesign.co.uk



Westwoodside C of E Primary School

Westwoodside Village Hall

Track

Belle View

Hillcrest

B1396/A161 to Ealand

Failte

Church

Hall

Fields Cottage

Goodburns Row

NETHERGATE

Clovelly House

El Sta

Teauby

The Bungalow

Springwell

The Cottage

Arno Vale

Horreum

Close Farm

Akeferry Road

Development Boundary

North Lincolnshire Council

PA/2021/1860

Sat nav: Westwoodside Methodist Church, Nethergate, Westwoodside, DN9 2DR

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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

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

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.

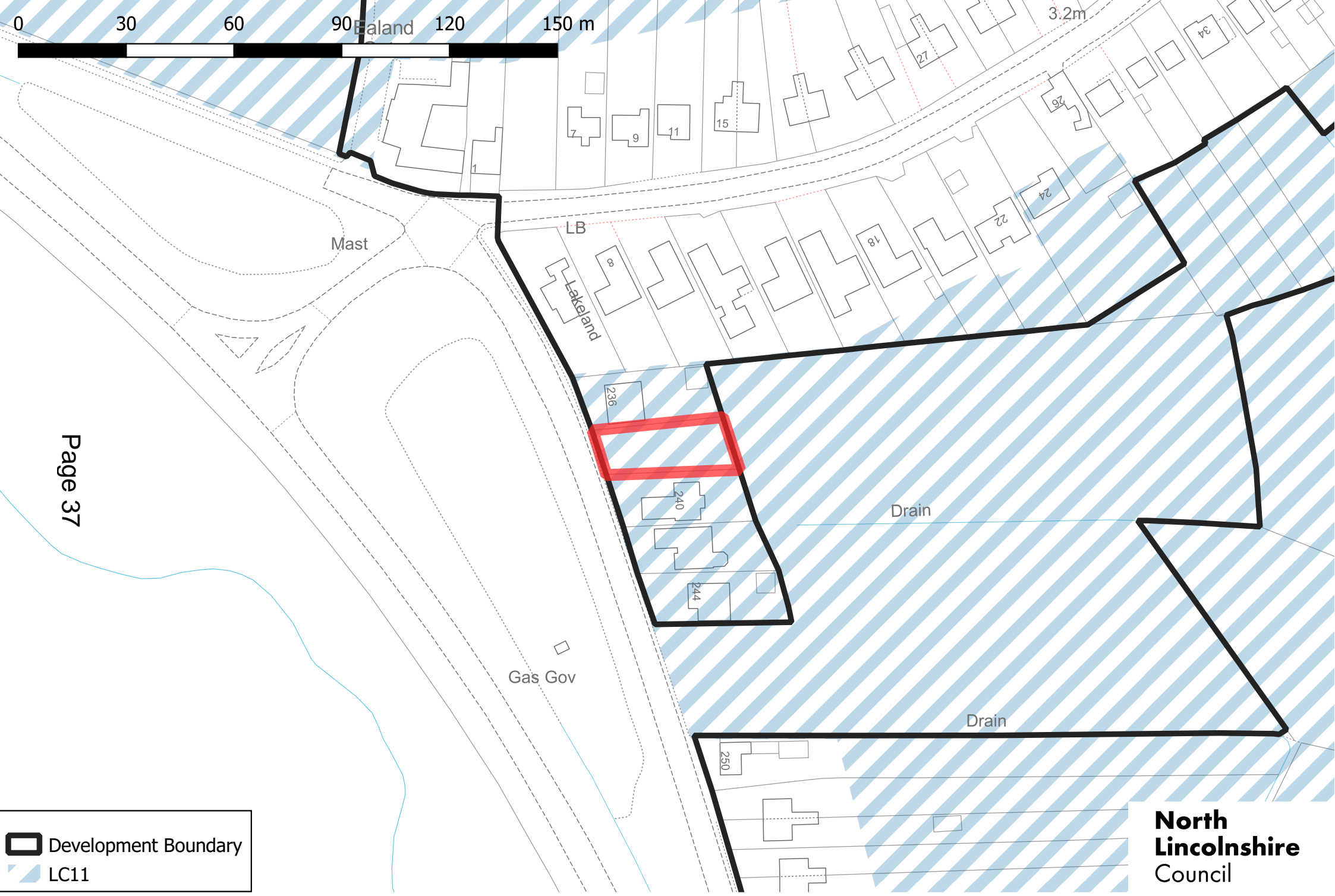
Informative 2

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**

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Wharf Road to Crowle

Mast

LB

Lakeland

Drain

Drain

Gas Gov

A161/A18 to Scunthorpe

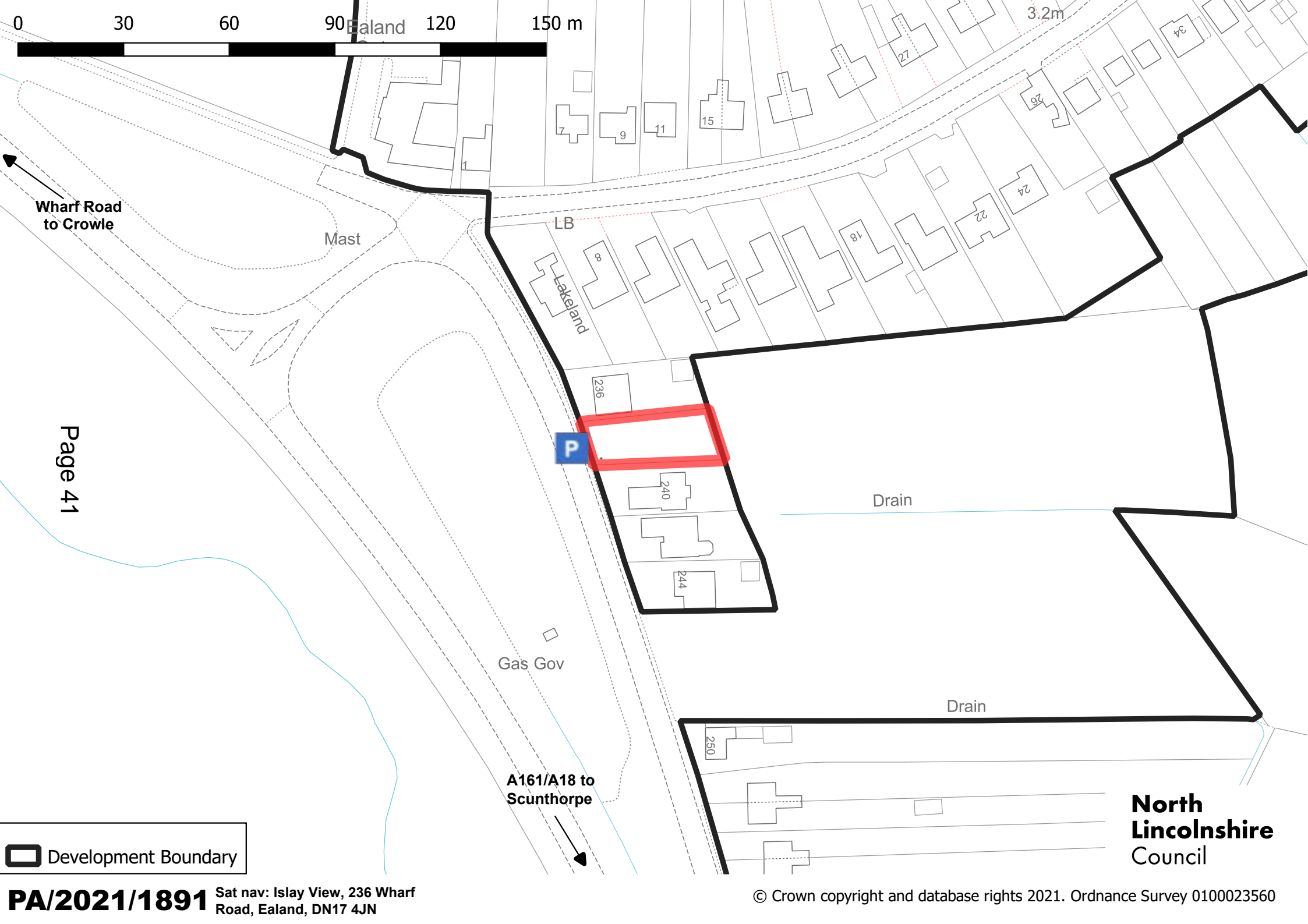
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Development Boundary

PA/2021/1891 Sat nav: Islay View, 236 Wharf Road, Ealand, DN17 4JN

North Lincolnshire Council

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

MAJOR PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

1. OBJECT

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

2. BACKGROUND

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

3. INFORMATION

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

4. RESOURCE IMPLICATIONS

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

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

5. RECOMMENDATION

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

DEVELOPMENT MANAGEMENT LEAD

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

Reference: CB/JMC/Planning committee 04 May 2022.docx

Date: 22 April 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/2021/1788
APPLICANT	Ben Bailey Homes
DEVELOPMENT	Outline planning permission to erect up to 28 dwellings, with all matters other than means of access reserved for subsequent consideration
LOCATION	Land rear of Southdown House, Grayingham Road, Kirton in Lindsey, DN21 4EL
PARISH	Kirton in Lindsey
WARD	Ridge
CASE OFFICER	Rebecca Leggott
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Third party request to address the committee

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 15: Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

Policy H5: New Housing Development

Policy H8: Housing Design and Housing Mix

Policy H7: Backland and Tandem Development

Policy H10: Public Open Space Provision in New Housing Development

Policy RD2: Development in the Open Countryside

Policy T1: Location of Development

Policy T2: Access to Development

Policy T6: Pedestrian Routes and Footpaths

Policy T19: Car Parking Provision and Standards

Policy R1: Protected Playing Fields

Policy C1: Educational Facilities

Policy LC5: Species Protection

Policy LC6: Habitat Creation

Policy LC7: Landscape Protection

Policy LC12: Protection of Trees, Woodland and Hedgerows

Policy HE9: Archaeological Excavation

Policy DS1: General Requirements

Policy DS7: Contaminated Land

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

Housing and Employment Land Allocations DPD:

Policy PS1: Presumption in Favour of Sustainable Development

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering More Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS6: Historic Environment

Policy CS7: Overall Housing Provision

Policy CS8: Spatial Distribution of Housing Sites

Policy CS9: Affordable Housing

Policy CS16: North Lincolnshire's Landscape, Greenspace and Waterscape

Policy CS17: Biodiversity

Policy CS18: Sustainable Resource Use and Climate Change

Policy CS19: Flood Risk

Policy CS22: Community Facilities and Services

Policy CS23: Sport, Recreation and Open Space

Policy CS25: Promoting Sustainable Transport

Policy CS27: Planning Obligations

CONSULTATIONS

Environment Agency: No comments to make on the proposed development.

Anglian Water: No comments to make on the proposed development.

JBA Consulting (IDB): No comments to make on the proposed development.

Environmental Protection: No objections to the proposed development in principle. However, a number of standard conditions have been advised.

LLFA Drainage: Initially raised objections to the proposed development due to the lack of a flood risk assessment or principle drainage strategy.

Following receipt of the above comments, further information was provided and the LLFA re-consulted. The LLFA has now removed its objection subject to a number of standard conditions, noting also that agreement with third party land owners would also be required to enter their land to create or re-establish the existing water course network.

Kirton in Lindsey Society: Object to the proposed development on the following grounds:

- the development is outside the defined development limits
- flood risk and drainage
- brownfield sites should be used before greenfield sites.

Highways: No objections subject to a number of standard conditions.

Tree Officer: Objected to the proposed development as the site contains a number of mature trees and no arboricultural report had been submitted to justify the loss of these trees.

Following receipt of the above comments, further information was provided and the tree officer re-consulted. However, their objection still stands as the further information provided is still insufficient: information regarding the mature trees on site is required in the form of a BS5837:2012 arboricultural report to justify the loss of the trees on site.

Humberside Fire and Rescue: No objections to the proposed development in principle, subject to adequate access for fire services and water supplies for fire-fighting.

Spatial Planning: Object to the proposed development as the proposals are contrary to the council's overall Spatial Strategy, Core Strategy policies CS2, CS3, CS5, CS7, CS9 and CS19, and local plan policy RD2. It should be noted that the council has a five-year housing land supply of deliverable sites. Therefore, the council's housing policies are up-to-date and should be considered. Having had regard to the Sustainable Development and the North Lincolnshire Settlement Survey, Kirton Lindsey has a number of key facilities.

S106 Officer: Objects to the proposed development as the affordable units proposed on site do not meet the council's 20% affordable requirements. Furthermore, contributions would be required for the following:

- education at a total of approximately £177,078.00
- recreation
- open space at a total of approximately £33,668.00.

It is noted that highway works and on-site maintenance for the balancing pond, open space and landscaped areas are likely to be required to be secured via the S106.

Education: No objection to the proposed development subject to a contribution from the developer of £3,211 per eligible house. This figure is valid for S106 Agreements signed by 31 March 2022.

Archaeology: No objections to the proposed development in principle, subject to conditions relating to an archaeological mitigation strategy, commencement of archaeological site works, site investigation and verification.

Ecology: No objections to the proposed development in principle subject to conditions relating to the Biodiversity Metric and a biodiversity management plan.

Recycling Officer: No objections subject to a number of standard requirements being met in respect of bin types, refuse vehicle access, unadopted roads, pulling distances for residents and collection crews, and refuse and recycling storage.

TOWN COUNCIL

Objects to the proposed development due to concerns over the following:

- location of the proposals outside the defined development limits
- contrary to the council's existing spatial strategy and five-year housing land supply
- flood risk and drainage
- insufficient information
- contamination
- loss of habitats and wildlife
- right to light

- highway safety and traffic generation, specifically given the site would only have one access
- contrary to the emerging local plan.

PUBLICITY

A site notice has been displayed resulting in twelve letters of objection, one letter of comment and nine letters of support being received.

In summary, the objections raise the following:

- building on green belt and encroachment
- the proposals are not needed due to a large housing allocation and other planning permissions nearby
- brownfield sites should be prioritised
- highway safety due to conflict with the proposed access and Bader Way, and narrow roads; the site is very close to the point the speed limit changes from 60mph to 30mph
- traffic generation
- impact on the main drain which is already having problems
- impact on the doctor's and schools
- the proposals are inappropriate backland and tandem development
- the properties are too close to the existing rear boundaries of properties surrounding the site
- loss of light and privacy
- the site has been refused multiple times previously
- noise
- air quality.

In summary, the letters of support make the following comments:

- as a local business owner, it's good to see the village grow
- the affordable units to be provided are desperately needed
- good to see near 50% affordable units
- good location for affordable and also luxury housing
- nice to see the town evened out with all the development

- the development is in keeping with the area.

The letter of comment states that should the local planning authority recommend approval, a minimum of three swift bricks per dwelling should be provided and conditioned to provide biodiversity enhancements.

STATEMENT OF COMMUNITY INVOLVEMENT

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

ASSESSMENT

Planning history

The following planning history is considered to be relevant:

PA/2019/1609: Outline planning permission to erect up to 12 dwellings with all matters reserved for subsequent approval – refused 06/01/2020 for the following reason:

‘The proposal is located outside the confines of any defined settlement boundary and is therefore located within the open countryside. The introduction of an urban form that extends the built environment beyond the confines of the existing adopted settlement boundary is considered to be harmful to the character and appearance of the open countryside and represents a departure from the strategic policies of the council’s local development framework and local plan. The proposal is contrary to the Core Strategy policies CS1, CS2, CS3 and CS8 and policy RD2 of the North Lincolnshire Local Plan.’

This decision was subsequently appealed and dismissed on 29/10/2020.

Site characteristics

The site is outside the defined development boundary of Kirton in Lindsey, which is defined as a Market Town within the Core Strategy, and within SFRA Flood Zone 1.

The site is within the open countryside to the south-west of Kirton in Lindsey. It is currently open fields with residential properties to the north and east of the site and further open fields to the south and west. The site is highly visible on the approach to Kirton in Lindsey from both Gainsborough Road and Grayingham Road.

Proposal

Outline planning permission is sought to erect 28 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration.

A previous application on this site (PA/2019/1609) for outline planning permission to erect up to 12 dwellings, with all matters reserved for subsequent consideration, was refused and subsequently dismissed at appeal. It was refused on the grounds that the proposals were unacceptable in principle. Furthermore, through the appeal, it was noted that the proposals would also have an unacceptable impact on the character and appearance of the area and concerns were raised over the lack of affordable housing.

The main issues in the determination of this application are:

- **principle of development**
- **design and impact on the character and form of the area**
- **impact on residential amenity**
- **impact on highways**
- **flood risk and drainage**
- **other issues.**

Principle

The majority of the application site is outside of any defined settlement boundary (with the exception of the access point) and the proposal would represent a departure from the development plan for North Lincolnshire. In determining whether the principle of residential development outside the settlement boundary is acceptable, 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) (HELADPD).

Policy CS1 of the Core Strategy sets out the overarching spatial strategy for North Lincolnshire which provides that 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 and rural settlements to a lesser extent, with brownfield sites and sites within development boundaries being the primary focus. Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high-quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

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 limit for Kirton in Lindsey.

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 aforementioned policies are aimed at focusing housing within settlement limits as defined in the HELADPD. The application site is entirely outside the defined development boundary with the exception of the access point and is therefore in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the North Lincolnshire Local Plan.

It should be noted that the council are able to demonstrate a five-year housing land supply.

Design and impact on the character and form of the area

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

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

Policy CS5 of the Core Strategy is relevant and states, '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' 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.' Policies H5 and H8 the local plan, which are concerned with new housing development, and paragraph 130 of the NPPF, is relevant, though the criteria-based nature of policy H5 lends itself better to the assessment of any subsequent reserved matters application.

Policy LC7 of the local plan is relevant and 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.'

Policy LC12 of the local plan is relevant and states, 'Proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows. Particular regard will be given to the protection of these features within the setting of settlements...'

The site is an open parcel of land which makes a positive contribution to the transitional landscape of this settlement edge. The proposal would be clearly visible from private views from nearby properties and the approaches into the settlement along Grayingham Road and Gainsborough Road. Moreover, it would be visible in some distant views from the B1206. In these views it would generally be seen in combination with the housing under construction, housing along Grayingham Road and a relatively large building in the adjacent parcel of land.

Whilst the details of the scheme, including landscaping, would be reserved matters, the development of the open parcel of land would result in an encroachment of built form within

this transitional landscape. The erosion of this transitional landscape would result in harm to its character and appearance.

Comments have been sought from the Tree Officer who has raised objections to the proposed development due to insufficient information being provided. Further information has been provided by way of a report; however, having sought additional comments from the Tree Officer, this report is not considered to be sufficient. Information regarding the mature trees on site is required in the form of a BS5837:2012 arboricultural report to justify the loss of the trees on site. At present this lack of information conflicts with policy LC12 which emphasises the need to protect and enhance trees and hedgerow planting and improve the management of these valuable features.

Therefore, there would be harm to the character and appearance of the area. In this regard, the proposal would conflict with the requirements of policies CS2 of the Core Strategy and RD2 of the local plan. These policies state that planning permission will only be granted for development provided that it would not be detrimental to the character or appearance of the open countryside or a nearby settlement. These policies accord with paragraph 130 of the Framework which requires developments to be sympathetic to local character, and the surrounding built environment and landscape setting. In this regard, the proposal would conflict with the relevant provisions of the Framework.

Overall, the proposed development is not considered to be acceptable in terms of its impact on the character and appearance of the area and as such the proposals would be contrary to policies H5, RD2, LC7, LC12 and DS1 of the local plan and CS5 of the Core Strategy.

Residential amenity

Policy DS1 of the local plan is relevant. At point iii) it states, 'No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisances, or through the effects of overlooking or overshadowing.' Paragraph 130(f) of the NPPF similarly seeks to ensure that developments have a 'high standard of amenity'.

The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties and overshadowing of neighbouring properties by virtue of the size, scale and massing of the development proposed.

The appearance, landscaping, layout and scale of the development is reserved for subsequent consideration at the reserved matters stage. However, having considered all relevant information, including the indicative layout plan, given the separation distances of the proposed dwellings and the surrounding properties, it is considered that the site could accommodate a residential development without resulting in adverse impacts on the residential amenities of neighbouring properties in terms of overlooking, overshadowing or being overbearing.

Having regard to the above, it is considered that an appropriate scheme could be achieved at the reserved matters stage which would not result in any significant detrimental impacts on the residential amenities of the occupiers of the existing or proposed dwellings. Therefore, the proposed development is considered acceptable in respect of residential amenity and accords with policy DS1 of the local plan.

Highway safety

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access; policy T19 is concerned with parking provision as well as general highway safety. Both policies are considered relevant. Policy CS25 of the Core Strategy promotes sustainable transport and is in two parts: firstly, it sets out to manage demand; and secondly, it seeks to manage the transport networks that serve North Lincolnshire's settlements.

The comments from neighbouring properties are noted regarding the impact of the proposals on highway safety.

The application seeks outline planning permission for a development with all matters reserved other than means of access. It is noted that an indicative layout plan has been provided.

Highways have been consulted and have no objections to the proposals in terms of highway safety, subject to conditions. The suggested conditions are considered to be reasonable.

The NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Having regard to the above, it is considered that the proposals would be acceptable in terms of highway safety and accord with policies T1, T2, T6 and T19 of the local plan and CS25 of the Core Strategy.

Flood risk and drainage

Policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 155, 157, 163 and 165 of the NPPF are considered relevant.

The comments from neighbouring properties regarding the impact the proposals would have on flood risk and drainage are noted.

The application site is within SFRA Flood Zone 1. Paragraph 155 of the NPPF states that 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.'

The application form states that surface water will be disposed of via an existing water course and that foul water will be disposed of via mains sewers.

The LLFA, Anglian Water, JBA Consulting (IDB) and the EA have been consulted on the application. None of the aforementioned bodies have raised objections to the proposed development. The LLFA have advised a number of conditions should be attached. This is considered reasonable.

Having regard to the above, it is not considered that drainage would be a reason for refusal at this outline stage.

Archaeology

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

Policy HE9 of the local plan is relevant and states, 'Sites of known archaeological importance will be protected. When development affecting such sites is acceptable in principle, mitigation of damage must be ensured and the preservation of the remains in situ is a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before and during development.'

It is noted that a Design and Access Statement has been submitted; however, this make no reference to archaeology.

Comments have been sought from the Historic Environment Officer. In summary, no objections have been made to the proposed outline application in principle. However, it is noted that the site does have some potential for direct impacts on heritage assets dating from the Bronze Age and Roman period. The HER does not object to this application but does advise that appropriate mitigation measures to conserve the archaeological evidence of the site are adopted. Such measures should comprise a programme of monitoring, excavation and recording during the groundworks associated with the proposals, commonly known as a 'watching brief'. The archaeological fieldwork would be followed by post-excavation assessment, reporting, analysis and publication of any results, as required.

The appearance, landscaping, layout and scale of the of the proposals is reserved for subsequent consideration at the reserved matters stage. However, having considered all relevant information it is considered that the appropriate investigations and additional information could be requested via condition in order to inform a suitable scheme at reserved matters stage.

Protected species and conservation

Policy CS17 of the Core Strategy, as well as paragraph 170 of the NPPF are of relevance.

Paragraph 170(d) of the NPPF expresses support for, 'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.' However, it is also noted that paragraph 170(f) of the NPPF is relevant in respect of contaminated land. This expresses support for 'remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'

Paragraph 175(a) of the NPPF states, '...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...'

Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017. The presence of protected species is a material planning consideration.

Comments have been sought from the council's ecologist, who has raised no objections to the proposed development subject to a number of standard conditions.

Having had regard to the above, it is not considered that protected species and conservation would be a reason for refusal at this outline stage.

Contamination and environmental issues

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.

Paragraph 178 of the NPPF states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

The application is supported by a planning application form and a Contaminated Land Investigation Report. It is noted that this report has been carried out on the premise that the proposals are for 31 dwellings. However, the report provides a satisfactory assessment of the overall use of residential on this site at this outline stage.

The planning application form sets out that the proposed use would be vulnerable to the presence of contamination, which is agreed as the proposed use of the site would be for residential purposes.

Comments have been sought from the Environmental Protection team who raise no objections subject to a number of standard conditions.

Having regard to the above, it is considered that there is limited potential for contamination to be present at the site, but it is not considered that the impact of land contamination would be a reason for refusal at this outline stage.

Affordable housing

Core Strategy Policy CS9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for North Lincolnshire.

Policy CS9 outlines that for schemes of 15 or more dwellings in the Scunthorpe urban area, 5 or more dwellings in Market Towns and 3 or more dwellings in rural settlements must make provision for an element of affordable housing. This policy seeks 20% affordable housing in Scunthorpe urban area and Market Towns and 10% affordable housing in rural settlements. Policy CS9 allows for off-site contributions where affordable units cannot reasonably be provided on site in line with criteria (a) and (b) of policy CS9.

This application proposes the erection of 28 dwellings outside the defined development limits of Kirton-in-Lindsey, which is a Market Town. As such 20% affordable housing is required on site.

The Design and Access Statement states that the development would consist of 28 dwellings comprising 25 four-bedroom detached and 3 two-bedroom affordable homes. However, the application form states that 23 units would be for market housing and 5 units would be for starter homes. Furthermore, no viability information has been provided to justify the lack of affordable units on site.

Comments have been sought from the S106 Officer who has confirmed that the 5 starter homes do not meet the 20% requirement for affordable housing.

Following discussions with the agent, the applicant confirmed that 6 affordable units could be provided as required. The 6 affordable units meets the 20% requirement for affordable units. Whilst it is noted that limited information has been provided in respect of the type of affordable units, the proposals are broadly compliant with policy CS9 of the Core Strategy.

Having had regard to the above, the proposals are considered to be acceptable in respect of affordable housing and accord with policy CS9 of the Core Strategy.

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 (now contained within the CIL Regulations), seek obligations that are necessary to make proposals acceptable in planning terms.

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

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

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

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.

Education have raised no objection to the proposed development subject to a contribution from the developer of £3,211 per eligible house.

Recreation and open space

No response has been received from Recreation in respect of any required contributions for recreational open space. However, it is noted that an off-site contribution of approximately £33,668.00 would be required. The council would, however, request that on-site informal open space be provided at a rate of 10sqm per dwelling and for the council to maintain this land a contribution of £10,965.20 would be required. Alternatively, an estate management company could be set up and no contribution would be payable.

Affordable housing – see above.

Conclusion

This application for outline planning permission to erect up to 28 dwellings, with all matters other than means of access reserved is unacceptable in respect of the principle of development, impact on the character and appearance of the area and open countryside.

The proposal would conflict with policies CS1, CS2, CS3, CS5, CS8 and CS9 of the Core Strategy and RD2, H5, LC7 and DS1 of the local plan. These policies are broadly consistent with the NPPF. As such, substantial weight has been given to the conflict with these policies. Overall, the proposals would conflict with the development plan when taken as a whole.

The housing would be in an accessible location, close to services and facilities. However, this is not a benefit, rather an expectation of the planning system.

These matters, combined, would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, including its presumption in favour of sustainable development.

Overall, the proposal would conflict with the council's housing strategy and result in harm to the character and appearance of the surrounding area. For the reasons set out above, the proposal would conflict with the development plan and Framework when read as a whole.

RECOMMENDATION Refuse permission for the following reasons:

1.

The site is outside the defined development limits of Kirton in Lindsey which is a Market Town as defined within the Core Strategy 2011. Therefore, the proposals are in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the North Lincolnshire Local Plan. These policies are broadly consistent with the National Planning Policy Framework. As such, substantial weight has been given to the conflict with these policies. Overall, the proposals would conflict with the overall spatial strategy of the development plan.

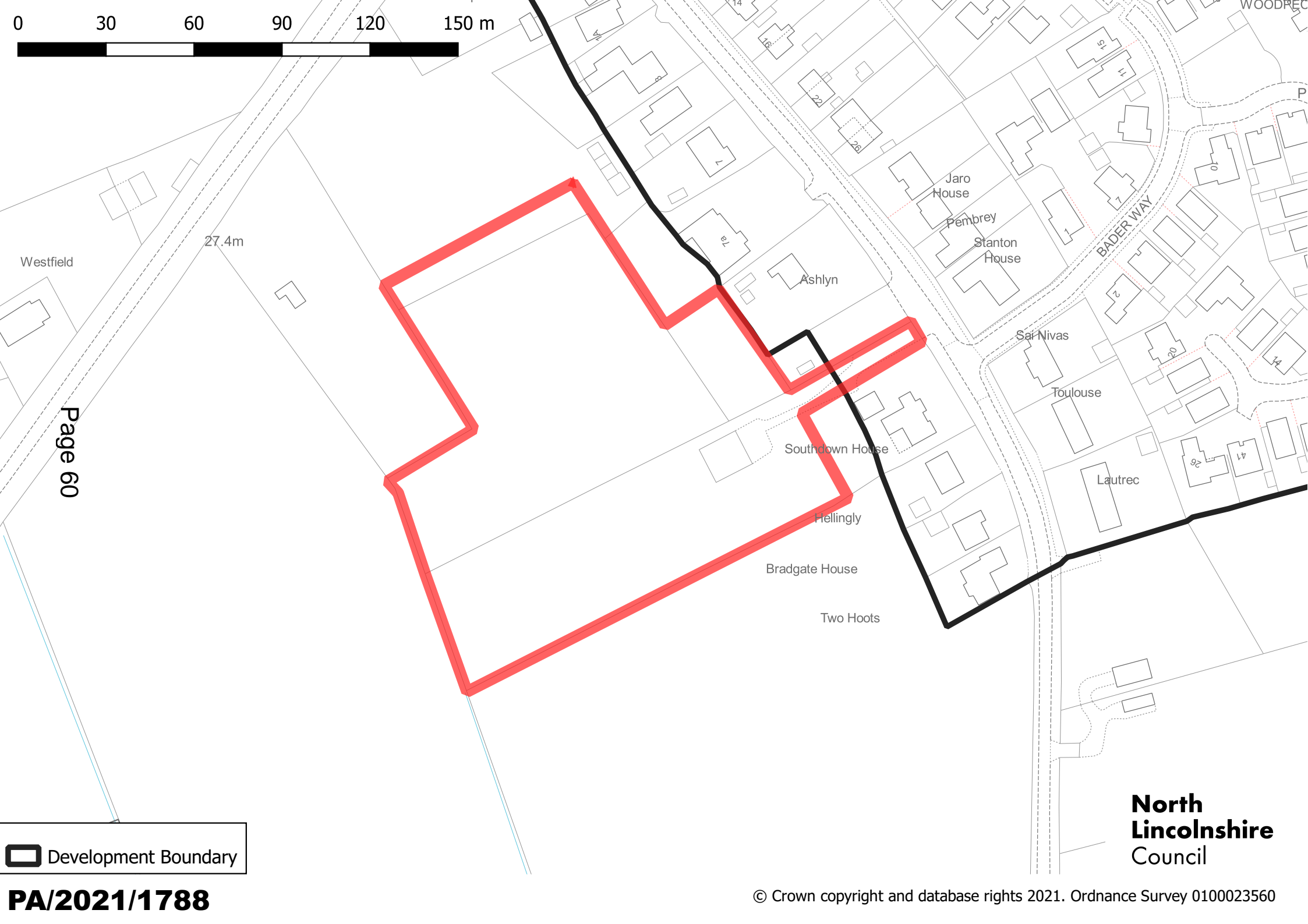
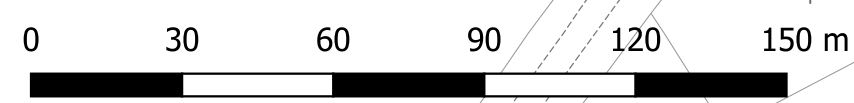
2.

The proposals would cause harm to the character and appearance of the area. In this regard, they would conflict with the requirements of policies CS2 of the Core Strategy and RD2 of the local plan. These policies state that planning permission will only be granted for development provided that it would not be detrimental to the character or appearance of the open countryside or a nearby settlement. These policies accord with paragraph 130 of the National Planning Policy Framework which requires developments to be sympathetic to local character, and the surrounding built environment and landscape setting. In this regard, the proposals would conflict with the relevant provisions of the Framework. Overall, the

proposed development is not considered to be acceptable in terms of its impact on the character and appearance of the area and as such the proposals would be contrary to policies H5, RD2, LC7, LC12 and DS1 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.



Westfield

27.4m

Page 60

Jaro House

Pembrey

Stanton House

BADER WAY

Ashlyn

Sar Nivas

Toulouse

Southdown House

Lautrec

Hellingly

Bradgate House

Two Hoots

Development Boundary

North Lincolnshire Council

PA/2021/1788

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C CHAUER	6
M MANNINGTON	4
E EGREMONT	6
B BRAMLEY	1
F FARNLEY	7
H	2
H1	1
OXD OXFORD	1
TOTAL	28

- OPEN SPACE
- TREE & HEDGE SCREENING

REVISIONS
 MARCH 2022 REV A
 BOUNDARY POS'S ADJUSTED & TREE & HEDGE SCREENING ADDED TO WESTERN BOUNDARY POS'S ADJUSTED

CLIENT
 BEN BAILY HOMES LTD

DRAWING TITLE
 SITE LAYOUT

PROJECT
 PROPOSED DEVELOPMENT OF
 GRAYINGHAM ROAD
 KIRTON IN LINDSEY

DRAWING NO.
 021 / 051 / SL / A

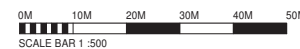
DRAWING DATE
 MARCH 2022

DRAWN BY
 IKB SCALE
 1:500 @ A1



BARRATON
 DESIGN STUDIO

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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 04 May 2022.docx

Date: 22 April 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/2021/2165
APPLICANT	Mr Nick Hammond, Hammond Homes Ltd
DEVELOPMENT	Planning permission to erect 9 dwellings with associated parking, landscaping and boundary treatments
LOCATION	Land adjacent to Magna Charta Inn, Barrow Road, New Holland, DN19 7PH
PARISH	New Holland
WARD	Ferry
CASE OFFICER	Martin Evans
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by New Holland Parish Council

POLICIES

National Planning Policy Framework:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS17 (Biodiversity)

Policy CS19 (Flood Risk)

Housing and Employment Land Allocations DPD:

Inset 30 New Holland

Policy PS1 Presumption in favour of sustainable development

CONSULTATIONS

LLFA Drainage: Objects because it does not provide an acceptable flood risk assessment and principal drainage strategy; fails to consider SUDS and provide a desktop ground investigation to clarify infiltration.

Subsequent LLFA comments received on 20 April 2022 remove its objection by stating:

'Whilst the revised proposals are acceptable to enable our objection to be replaced with pre commencement conditions, clarification is required with regard to the 2No proposed connections to the Anglian Water Sewer on Barrow Road & Peploe Lane. Our records indicate that these are foul sewers and not a combined or surface water sewer asset. We suggest that the Developer contacts Anglian Water at the earliest opportunity. Additionally, there also needs to be documentation in welcome pack/deeds about the proposed drainage system and what it serves and its function, failure to maintain etc and also removal of it in the future could impact on themselves and others.'

Conditions are recommended to secure the submission of a surface water drainage scheme, its implementation, prevention of surface water run-off from hard paved areas within the site onto the highway and vice versa, as well as three informatives.

Historic Environment Record: No further recommendations.

Highways: No objections subject to conditions and an informative.

Environmental Protection: Recommends a noise assessment is provided prior to determination to consider the impact of the pub upon future residents; a contaminated land assessment is provided prior to determination or by condition; and a construction working hours condition is imposed.

Tree Officer: Suggests that further information is needed to ensure that existing trees are not unduly affected by the proposal and proposed landscaping details should be provided.

Environment Agency: No objection subject to conditions regarding flood risk mitigation, ground floors to be used as shown on the drawings and not for habitable accommodation, and removal of permitted development rights for extensions providing habitable room accommodation. Sequential test advice is provided.

PARISH COUNCIL

Strongly objects to the application on the following grounds:

- The number of dwellings is unsuitable for this site – a previous application for nine properties has already been turned down. This was reduced to six but has once again

increased to nine. The parish council would expect the same reasons for the previous refusal to apply again.

- The access to the site is also unsuitable. It is a tight turn off a busy lane, a very short distance from the junction with the main road. Residents park either side of Peploe Lane and there is another turning into Peploe Crescent immediately past the proposed site access.
- To put three-storey high properties on this site is totally out of keeping with the surroundings. These very large properties would directly overlook bungalows and smaller homes with the resulting lack of privacy for the occupants.
- The parish council would draw the planning committee's attention to the flood authority's report. There is a real flood risk already and adding these large dwellings can only increase this. The drainage system in New Holland is overloaded and the village lacks the infrastructure to support this development.

PUBLICITY

Two site notices have been displayed and 12 letters of objection have been received, summarised below:

- the buildings are too tall and not in keeping with the village – there are no other three-storey houses in the village or others nearby
- unwanted precedent
- overlooking, overshadowing, loss of light, loss of privacy for neighbours
- reduced property value
- congestion, access and parking problems on Peploe Lane and Crescent would be exacerbated
- drains and sewers cause problems during heavy rain which would be exacerbated
- habitat loss, including protected species
- lack of infrastructure and amenities to support the development
- increased flood risk for existing properties due to the land being heavy clay
- increased noise for existing residents, including via cars moving to and from the site
- lack of visitor parking
- the access to properties 7, 8 and 9 could create a quick access route for burglaries and antisocial behaviour.

The Grimsby Area Swift Project co-ordinator recommends the installation of a minimum of three swift bricks per dwelling via condition.

ASSESSMENT

Site characteristics

The application site is a parcel of land within the curtilage of the Magna Charta public house on Barrow Road, New Holland. The site is largely grassed over and appears to have been used by the adjacent public house as an outdoor seating and play area.

The site is L-shaped and wraps around the adjacent public house. Aside from the public house, every other site boundary faces residential dwellings. The site is within a residential area within the New Holland development limit and flood zone 2/3a tidal. There is a wide mix of property types in the area, including bungalows, modern detached houses and older terraced housing.

Planning history

PA/2013/0018: Planning permission to erect six town houses with associated access and landscaping – approved 17/09/2013

PA/2016/1378: Application to discharge conditions attached to PA/2013/0018 – pre-commencement conditions approved 15/09/2016

PA/2011/1076: Planning permission to erect a terrace of three, three-bedroom townhouses with associated access and landscaping (resubmission of PA/2011/0265) – approved 07/01/2013

PA/2021/34: Request for written confirmation of compliance with conditions attached to planning permission PA/2011/1076. The decision notice confirmed the planning permission has been lawfully implemented within the three year time limit following discharge of pre-commencement conditions and that the permission remains extant.

Proposal

Planning permission is sought to erect nine three-storey townhouses. The first block of three townhouses would be located between the public house and 14 Peploe Crescent with access onto Peploe Lane. The second block of three townhouses would be located between the public house and Orchardcroft with access onto Barrow Road. The third block of three townhouses would be located to the rear of the first and second blocks in the south-east corner of the site with access from Barrow Road. Frontage parking and integral garages are proposed for each dwelling. The dwellings on plots 1–3 are 9.7m high and those on plots 4–9 are 9.7m high.

The main issues in the determination of this application are:

- **principle of development**
- **design and character impacts**
- **residential amenity**
- **highway/access matters**

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

Central Government places high importance on new homes being delivered throughout the country to address the chronic shortage. Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which guide the supply of housing should not be considered up-to-date. A recent review of the of the Five-Year Housing Land Position Statement in August 2021 has identified that North Lincolnshire Council can demonstrate a five-year housing land supply. There is therefore no tilted balance applied through paragraph 11 of the NPPF.

New Holland 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 focussed 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 the vulnerability of the type of development proposed, its contribution to creating sustainable communities and achieving the sustainable development objectives of the plan. Where development does take place in the flood plain, mitigation measures should be applied to ensure that the development is safe.'

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

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

Development within the Lincolnshire Lakes area will comply with the flood management principles 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 2020) states at 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 emerging local plan evidence base includes the North Lincolnshire Settlement Survey 2018 (2019 Revision). New Holland is ranked 24th out of 76 settlements in North Lincolnshire and has four of the seven key services and facilities. 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 limited. It is considered that residents would have to travel outside the village for day-to-day services such as food shopping and medical appointments. Significant employment opportunities existing around the port in the village. There is a bus service to larger nearby settlements as well as a train station. Future occupants of the development would still be largely reliant on the private motor car to access services and facilities outside the village. However, the scale of the proposal would not result in a significant increase in private car journeys. The site is considered to have some positive sustainability credentials. The site represents a sustainable location for residential development in terms of policies CS1, CS2, CS7 and CS8 of the Core Strategy, policy H5 of the North Lincolnshire Local Plan and the requirements in the National Planning Policy Framework.

The application site is within the development limit for New Holland noted in policy CS3 and defined in the Housing & Employment Land Allocations Development Plan Document. The application site is within flood zone 2/3a tidal as is the entire village. The proposal entails windfall residential development on a site at high risk of tidal flooding. The sequential test area of search for this type of proposal is considered to be the development limit of New Holland. The universal flood risk across this area means there are no sequentially preferable sites at lower risk of flooding. The proposal passes the sequential test.

To pass the exception test it should be demonstrated that:

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The proposal provides wider sustainability benefits to the community by increasing the population of the settlement, which will improve the viability of the services and facilities it contains such as the adjacent public house and takeaway. The proposal would utilise underused brownfield land within the development limit. The sustainability benefits of the proposal are considered to outweigh flood risk.

The Environment Agency has considered the flood risk assessment and raises no objection on flood risk grounds subject to conditions to ensure development is carried out in accordance with the flood risk assessment; prevention of habitable ground floor rooms; and removal of permitted development rights for ground floor habitable room extensions. The proposal is classed as more vulnerable but would ensure the ground floor contains only non-habitable rooms, with all habitable rooms at first-floor level and above which is above the predicted flood level and gives residents a means of escape from flood water.

The flood risk assessment also requires residents to sign up to the Environment Agency's flood warning service. The proposal is considered safe for its lifetime. The proposal would not increase flood risk elsewhere because in the event of overtopping or breach of the flood defences the amount of water displaced by the footprint of the buildings would not be of significance. The exceptions test is passed.

In the event this application is refused, the aforementioned planning permission for three almost identical townhouses could continue to be implemented.

The principle of development is acceptable.

Design and character impacts

Policy DS1 states that a 'high standard of design is expected' and 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 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 proposed dwellings form a small row of terraced properties similar to other dwellings in the immediate vicinity. The dwellings are three storeys in height due to the need to remove habitable accommodation from the ground floor owing to New Holland being in an area of high flood risk.

The ridge height of the dwellings on plots 1–3 is, following amendment, approximately 9.7m. The ridge height was 9.7m under the permission for three townhouses.

The ridge height of the dwellings on plots 4–9 is, following amendment, approximately 9.7m. The ridge height was 9.7m under the previous permission for six townhouses.

The objections of local residents and the parish council regarding three-storey dwellings in a settlement where there currently are none are noted.

The planning history demonstrates there is a strong fall-back position to implement permissions for the construction of three of the townhouses. Amendments have been sought to reduce the height of the current proposals to that previously permitted.

The public house is a large detached property with a ridge line that is higher than the surrounding two-storey dwellings in the area. Therefore, the proposed dwellings will not be out of keeping with the area despite them being three storeys high. The site at present is an under-used area of hard-standing with steel palisade fencing along its northern boundary and as such makes no positive contribution to the street scene. The development of the site and the infilling of this gap in the street scene has the potential to offer a positive contribution to the character and appearance of the area. External finishing materials are detailed as a mixture of red bricks and grey roof tiles which are appropriate to their context. The proposal entails removal of the existing trees/hedges on the site frontage to Peplow Lane which was agreed under the previous permission and is not considered to amount to a reason for refusal. Three existing trees along the southern site boundary are shown to be retained. These are relatively low quality trees that are not protected. Therefore, their retention as shown on the proposed plans is to be encouraged but does not require further

information as suggested by the tree officer. The layout is considered to provide sufficient natural surveillance to prevent undue risk of crime or antisocial behaviour.

Since the previous permissions were granted, the NPPF has been amended to place greater emphasis on placing making, design and 'beauty'. The amendments to the proposal are considered to make the design and impact upon the character of the area acceptable given the dwellings are of a size previously permitted.

The design is appropriate in this context and would not harm the character of the area.

Residential amenity

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

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

The submitted annotated block plan demonstrates a separation distance of 13.4m between the proposed plots 1–3 and 14 Peploe Crescent. Plots 7–9 would be 13.2m from 10 Peploe Crescent. Plots 4–6 would be 9.9m from Orchardcroft. These separation distances are considered sufficient to prevent an undue overbearing impact or loss of light to neighbouring properties. All side windows would serve bathrooms or hallways which would be obscure glazed by condition. There would be no harmful overlooking.

The nature and amount of vehicular traffic generated by the proposed parking court near Orchardcroft is not considered to result in noise and disturbance that would harm residential amenity.

Reasonable accommodation and garden sizes are proposed. Environmental Protection's request for a noise assessment in relation to the impact of the public house upon residents of the proposal is noted. The previous planning permissions dealt with this by attaching a condition requiring noise mitigation within the development. Attaching the same condition is a consistent and proportionate response to ensuring acceptable future living conditions. Construction hours are conditioned to prevent undue harm to amenity.

The above factors lead to the conclusion that the proposal would provide a reasonable level of amenity for future occupants and would not harm that of existing surrounding residents by virtue of overlooking, overbearing impact, loss of light or any other form of harm to residential amenity.

Highway/access matters

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

Highways raise no objection to the proposal subject to conditions. Sufficient access widths and visibility are proposed. Two car parking spaces per dwelling, sufficient turning space and a bin storage area are proposed. There is not considered to be harm to pedestrian or vehicular safety arising from the proposal. Whilst Peploe Lane and Crescent do have some

on-street parking, the road conditions are such that this is not considered to amount to a reason for refusal. The internal access road and surrounding road network have capacity for visitor parking.

The conditions recommended by Highways include:

- No loose material within 10m of the highway – *this is necessary*.
- Preventing anything over 1.05m in height for the first 2m of the site from the highway, across the site frontage – *this is necessary*.
- Provision of vehicle facilities prior to occupation – *this is necessary*.
- Private driveway details – *this is necessary*.
- Private driveway provision prior to occupation – *this is unnecessary because it is included in another attached condition*.

An informative regarding works within the highway is recommended.

Highway and access matters are acceptable.

Land contamination and drainage

Policy DS7 requires consideration of contaminated land potential. Environmental Protection recommends a phase 1 contaminated land assessment is submitted prior to determination of the application or failing that a full contaminated land assessment condition be attached. However, instead, a contaminated land condition for contamination encountered during construction is recommended to address such potential. Such a condition was attached to the previous permission and is a consistent and proportionate response to the matter.

Policy DS14 states, 'The council will require satisfactory provision to be made for the disposal of foul and surface water from new development, either by agreeing details before planning permission is granted, or by imposing conditions on a planning permission.'

The objections regarding foul and surface water drainage problems are noted. Mains sewerage connection is available in Barrow Road. Necessary connections and upgrades can be secured via the Water Industry Act 1991 (as amended).

A foul and surface water drainage strategy has now been submitted. The LLFA has been reconsulted and withdraws its objection subject to conditions to secure the submission of a surface water drainage scheme, its implementation, prevention of surface water run-off from hard paved areas within the site onto the highway and vice versa, as well as three informatives.

Biodiversity

Policy CS17 requires 'Ensuring development seeks to produce a net gain in biodiversity by designing in wildlife.' Ecological enhancements are conditioned. There is not considered to be a need for a protected species survey of the site because it is public house garden surrounded by dwellings which is of low ecological potential.

Conclusion

The proposal is located within a sustainable location for residential development. The site benefits from an extant planning permission for three townhouses. The principle of development is acceptable. The proposal is appropriately designed and character impacts are acceptable. There would be no harm to residential amenity or highway safety subject to conditions. Land contamination, biodiversity and drainage are dealt with by condition. The proposal is acceptable and it is recommended that permission be granted.

Pre-commencement conditions

These have been agreed with the applicant/agent.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

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

RD:4998-01 Proposed plans plots 4-9

RD:4998-02 Rev A Proposed elevations plots 4-9

RD:4998-03 Proposed plans plots 1-3

RD:4998-04 Rev B Proposed elevations plots 1-3

RD:4998-06 Rev A Proposed site plan

RD:4998-07 Site location plan

RD:4998-09 A Proposed materials.

Reason

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

3.

Prior to occupation of each dwelling, a scheme to protect the residents of that dwelling from potential noise from the adjacent public house shall have been submitted to and agreed in writing by the local planning authority. All works which form part of this scheme shall be completed before the relevant dwelling is occupied and shall be retained indefinitely in their entirety.

Reason

To protect future occupants of the dwellings from noise and disturbance from the adjacent public house in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

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.

5.

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

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

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

Reason

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

6.

A scheme of ecological enhancements shall be submitted to and approved in writing prior to occupation of the dwellings. The agreed scheme shall be installed prior to occupation of the penultimate dwelling and shall thereafter be retained.

Reason

To secure ecological enhancements in accordance with policy CS17 of the Core Strategy.

7.

The development shall be carried out in accordance with the submitted flood risk assessment (ref RD4998/Ross Davy Associates) and the following mitigation measures it details:

- the proposed dwelling to have non-habitable ground floors
- finished first-floor levels to be set no lower than 5.9 metres above Ordnance Datum (AOD)
- flood resilience and resistance measures to be incorporated into the proposed development as stated.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed

above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

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

8.

The ground floors hereby approved shall be used as garages, WCs, utility rooms and entrance lobbies only as shown in drawings RD:4998-03 and RD:4998-01 and for no other, habitable accommodation.

Reason

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

9.

Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to provide additional habitable/living accommodation shall be erected.

Reason

To reduce the risk and impact of flooding.

10.

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

Reason

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

11.

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

Reason

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

12.

Before the dwellings are first occupied all windows in their side elevations shall be obscure glazed 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.

13.

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.

14.

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 the amenity of neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

15.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. This must be based upon the submitted Drainage Strategy Report, prepared by RCD Consultants on behalf of Ross Davy Associates, Rev A, dated 21/03/2022 and Drainage Layout Drawing Number 1115-2204-CIV-10 Rev P1, dated March 2022.

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

not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

16.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 15 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

17.

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

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

18.

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

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

Informative 1

Clarification is required with regard to the two proposed connections to the Anglian Water sewer on Barrow Road and Peploe Lane. Our records indicate that these are foul sewers

and not a combined or surface water sewer asset. We suggest the developer contacts Anglian Water at the earliest opportunity.

Informative 2

The proposals may require new (restricted discharge) connections into the highway drainage system on Barrow Road and Peploe Lane. This is not a public sewer and therefore the developer has no 'as of rights' connection into this drain. Any additional flows into this drain must be fully modelled by the developer and upgrades to this drainage system may be required to facilitate the connection (at the developer's expense). This must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team on 01724 297522 or via email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 3

There also needs to be documentation in welcome packs/deeds about the proposed drainage system, what it serves and its function, failure to maintain etc and also removal of it in the future could impact on themselves and others.

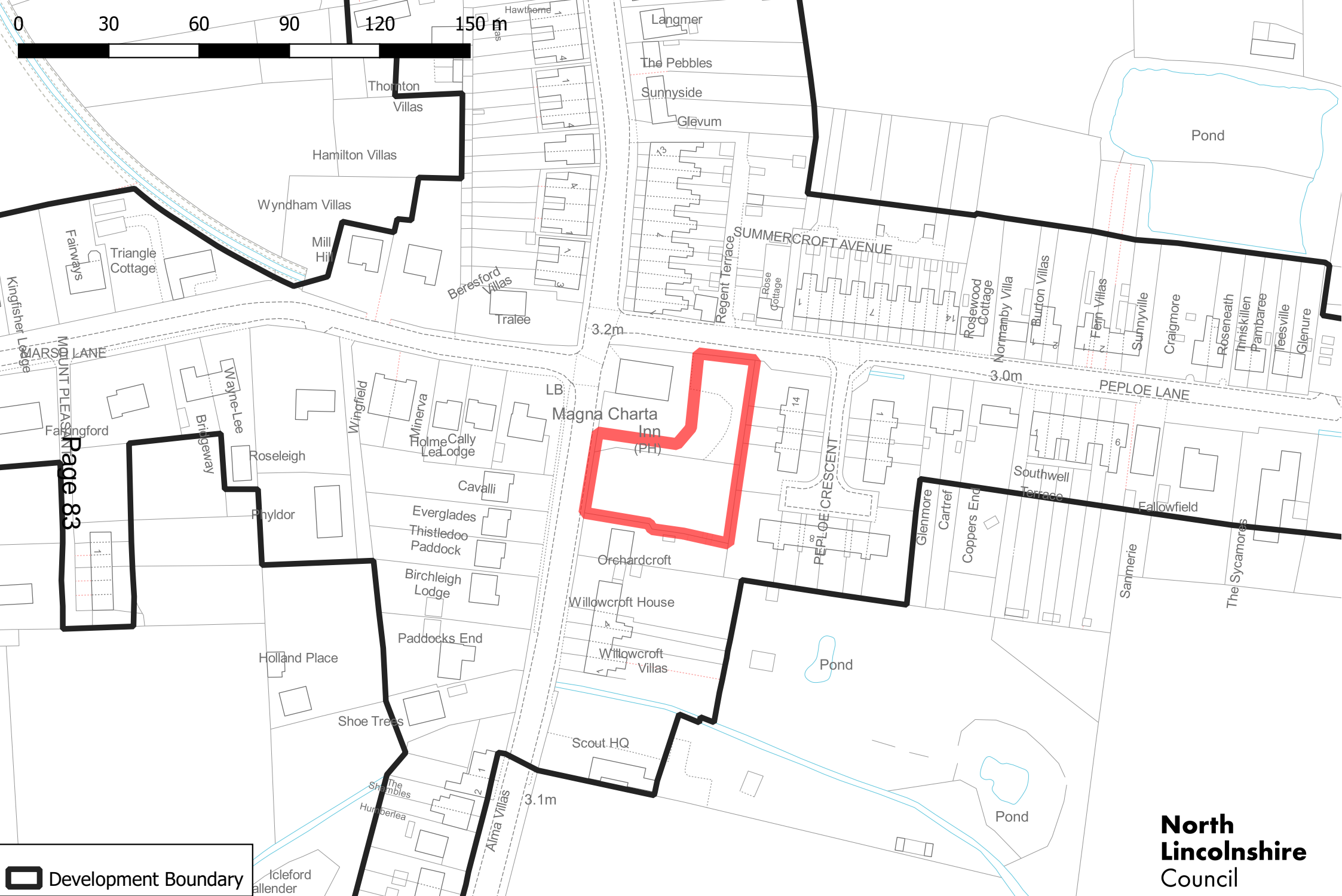
Informative 4

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

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.



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 Development Boundary

PA/2021/2165

**North
Lincolnshire
Council**

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PA/2021/2165 Proposed layout (not to scale)

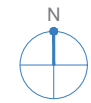
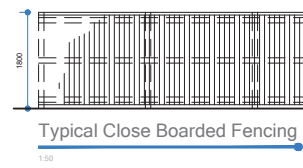


Scale Bar
0m 25m 50m 75m

Notes
Drawing copyright of Ross Davy Associates
Used light blue lines only. All text from this drawing
All content provided on this drawing is for information only and does not constitute an offer of any product or service.
Should the project fall under the scope of the Equality Act, Party Wall Act or the CDM Regulation, it is the Employer's responsibility to ensure compliance.
Drawing prepared by:
Project Manager: Ross Davy
Design: Ross Davy
Check: Ross Davy
Drawn: Ross Davy

These drawings are to be considered as preliminary and for information only. No technical approval has been obtained from the relevant Local Planning Authority. Construction of work on the site to these approvals is at the Client's discretion.
The Client shall be responsible for obtaining all necessary consents and approvals for the work to be carried out on the site.
Additional notes may apply to this drawing. The Client shall be responsible for ensuring any production complies with the relevant standards.

Revisions
A 25-11-21 - Layout redrawn



Page 84

rd Ross Davy Associates
Pelham House, 1 Grosvenor Street,
Grimsby, N.E. Lincolnshire, DN32 0QH
Tel: 01472 347956
Email: design@rossdavytd.co.uk
Web: www.rossdavytd.co.uk

Project: Housing Scheme at Land adjacent Magna Carta New Holland

Drawing Title: Proposed Site Plan

Drawn: hjs Scale: 1:200

Date: 23/09/2021 Size: A1

Drawing No: RD:4998-06 A

APPROVAL

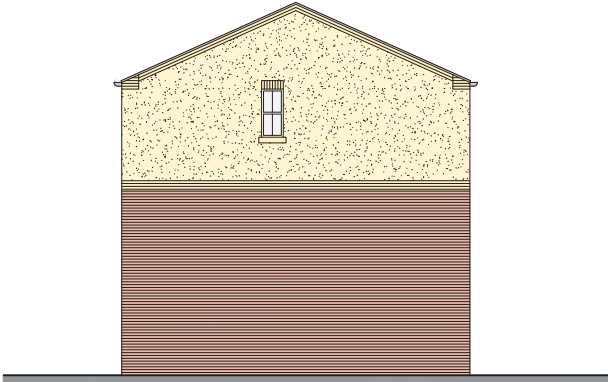
PA/2021/2165 Proposed elevations (Plots 1-3) (not to scale)

Page 85



Front Elevation

1:100



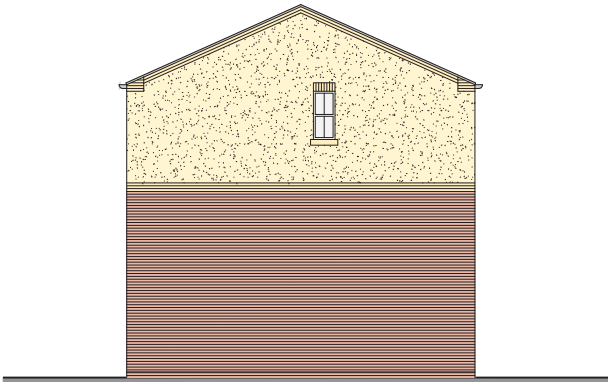
Side Elevation

1:100



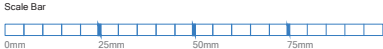
Rear Elevation

1:100



Side Elevation

1:100



Notes

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- All materials specified are to be used in strict accordance with manufacturers written instructions and current codes of practice.
- Should the project fall under the scope of the Equality Act, Party Wall Act or the CDM Regulations, it is the Employer's responsibility to initiate the following:
 - Disabled Access Audit
 - Party Wall Notices and Surveys (if required)
 - Pre-Construction Health and Safety Plan
- These drawings are to be considered as Preliminary and for information only until technical approval has been obtained from the relevant Local Authority/Approval Consultant. Commencement of work on site prior to these approvals is at the Client's/Contractor's risk.
- All building works to be constructed in accordance with the current Approved Documents to the Building Regulations (England)

Inspections and Surveys

Where elements of the construction are not visible during the survey, it is the contractor's responsibility to identify structural elements such as floor joist spans and supporting structures, prior to any demolition works and inform client/ architectural consultant. Additional works may therefore be necessary. Our survey does not include any destructive investigation.

Drawing Revisions

A 10-01-21 - Plots numbers amended

B 07-03-22 - Heights reduced to match earlier approvals

NOTE

Building heights drawn to match those under planning approval PA/2011/1076

Ross Davy Associates

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Project Housing Scheme at Land adjacent Magna Charta New Holland

Drawing Title Proposed Elevations Plots 1-3

Drawn hjs Scale 1:100

Date 23/09/2021 Size A2

Drawing No. RD:4998-04 B

APPROVAL

PA/2021/2165 Proposed elevations (Plots 4-9) (not to scale)



Notes

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- Used figured dimensions only, do not scale from this drawing
- All materials specified are to be used in strict accordance with manufacturers written instructions and current codes of practice.
- Should the project fall under the scope of the Equality Act, Party Wall Act or the CDM Regulations, it is the Employer's responsibility to initiate the following:
 - Disabled Access Audit
 - Party Wall Notices and Survey (if required)
 - Pre-Construction Health and Safety Plan
- These drawings are to be considered as Preliminary and for information only until technical approval has been obtained from the relevant Local Authority/Approval Consultant. Commencement of work on site prior to these approvals is at the Client/Contractors risk.
- All building works to be constructed in accordance with the current Approved Documents to the Building Regulations (England)

Inspections and Surveys

Where elements of the construction are not visible during the survey, it is the contractors responsibility to identify structural elements such as floor joist spans and supporting structures, prior to any demolition works and inform client/ architectural consultant. Additional works may therefore be necessary. Our survey does not include any destructive investigation.

Drawing Revisions

A 07-03-22 - Heights reduced to match earlier approvals

NOTE

Building heights drawn to match those under planning approval PA/2013/0018

Ross Davy Associates

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Project: Housing Scheme at Land adjacent Magna Charta New Holland

Drawing Title: Proposed Elevations Plots 4-9

Drawn: hjs Scale: 1:100

Date: 23/09/2021 Size: A2

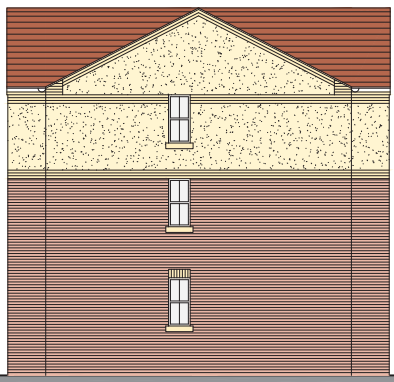
Drawing No. RD:4998-02 A

APPROVAL



Front Elevation

1:100



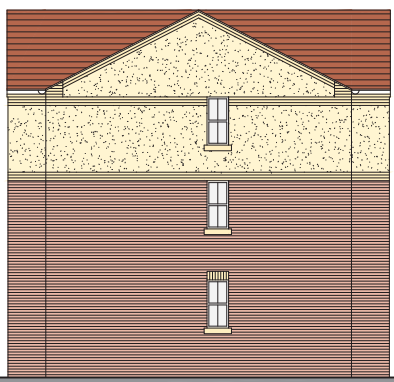
Side Elevation

1:100



Rear Elevation

1:100



Side Elevation

1:100

APPLICATION NO	PA/2022/277
APPLICANT	Mr & Mrs Vin & Jan May
DEVELOPMENT	Outline planning permission to erect a two-bedroom bungalow, garage and access driveway with appearance, landscaping and layout reserved for subsequent consideration
LOCATION	Land rear of 9 Park Close, Westwoodside, DN9 2AN
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Deborah Oikeh
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework: 78

North Lincolnshire Local Plan: DS1, DS7, DS11, DS14, DS16, H7, H8, T2, T19 and LC14

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS6, CS7, CS17 and CS19

Housing and Employment Land Allocations DPD: PS1 (Presumption in Favour of Sustainable Development)

CONSULTATIONS

Highways: No objections subject to conditions.

LLFA Drainage: No objection subject to conditions and informatives.

Environmental Protection: No objection subject to a condition.

Historic Environment Record: No objection. Does not consider that this proposal would adversely affect the character of the heritage asset or its setting providing that the design and building materials are appropriate to the area and in accordance with the policy.

PARISH COUNCIL

Objects on the following grounds:

- The proposal is a backland development and not in accordance with the NPPF and policy H7ii.

- It is a designated Area of Special Historic Landscape Interest (LC14).

PUBLICITY

Advertised by site notice. Four objections have been received and are summarised below:

- surface water and flooding, impact on wildlife and difficult access for emergency vehicles
- impact upon privacy and development out of character within LC14.

ASSESSMENT

Planning history

PA/2003/0720: Planning permission to erect a single-storey extension to dwelling – approved 26/09/1986.

Proposal and site characteristics

Outline planning permission is sought to erect one dwelling comprising two bedrooms and a single garage, whilst reserving layout, appearance and landscaping for subsequent consideration. The site comprises an existing detached bungalow and a single garage as well as the proposed land for development at the rear. The site is set within the development boundary of Westwoodside, albeit within the 'Area of Special Historic Landscape Interest' of the Isle of Axholme.

Site constraints

- The site is within the development boundary of Westwoodside according to the HELADPD 2016.
- The site is within SFRA flood Zone 1.
- The site is designated under policy LC14 – Area of Special Historic Landscape Interest.

Principle of development

Westwoodside is classed as a 'Rural Settlement' according to North Lincolnshire Council's settlement hierarchy. Policies CS1 and CS3 of the Core Strategy are primarily concerned with the spatial strategy for North Lincolnshire and how development limits are applied to the settlement hierarchies. Both policies stipulate the use of development limits in the urban area, market towns and rural settlements with the aim of creating vibrant rural settlements through the protection and enhancement of local services. Policy CS1 in particular states 'rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility'.

Policy 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 Housing and Employment Land Allocations DPD (HELADPD), and the application site is located within the designated development limit for Westwoodside.

Policy CS2 requires a sequential approach to be followed with development focused on the Scunthorpe urban area and infill areas, followed by previously developed land within the market towns and infill, and thereafter small-scale developments within the defined development limits of rural settlements to meet identified local needs. The policy further states that 'All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Development should be located where it can make the best use of existing transport infrastructure and capacity. A sequential approach will also be applied to ensure that development is, where possible, directed to those areas that have the lowest probability of flooding, taking account the vulnerability of the type of development proposed, its contribution to creating sustainable communities and achieving the sustainable development objectives of the plan'.

Policy CS7 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'. The policy allows a net density of 30 to 35 dwellings per hectare within a residential development site of rural settlements and the countryside.

Policy CS8 relates to spatial distribution of housing sites and states, 'The first priority is to re-use previously developed land and buildings within North Lincolnshire's built-up areas which will be promoted by setting a target of 30% of the housing provision on such land. Second priority will be given to other suitable infill opportunities in North Lincolnshire's built-up areas. Flood risk will be taken into account, as this will be a determining factor in the distribution and location of housing.'

Policy LC14 states, 'Within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features'. It further states, 'A high standard of design and siting in new development will be required reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality'.

Policy H7 relates to backland or tandem development and states such developments will be permitted provided that there is no adverse effect on the amenities of any residential premises or adjoining use and it would not affect the general quality and character of the area in which it is located.

The NPPF represents a material consideration in the determination of any application: Chapter 11 (Making effective use of land) and Footnote 7.

Although the proposal is classed as tandem development within the LC14 area, it would enable the effective use of land within the development boundary of the settlement and would provide an additional dwelling within a sustainable locality. It is therefore considered that the principle of the development is acceptable subject to the consideration of sustainability and fulfilment of conditions highlighted in policies LC14 and H7.

Character and appearance

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

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

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

The site comprises an outbuilding, grasses and shrubs at the rear of 9 Park Close, in Westwoodside. The site is a spacious garden screened from neighbouring sites by trees and shrubs. It has a limited view from Commonsides due to existing built form and outbuildings. Under Class A of the General Permitted Development Order, the applicants have the permitted development right to extend or erect a number of outbuildings up to 50% of the total area of land around the original house. This would ultimately detract from the character of the site and area. Whilst the proposal could be termed as backland development, the land will be effectively utilised to create an additional dwelling without significantly detracting from the character of the area. Given the linear interrelationship of the proposal with the layout of outbuildings to the rear of Park Close and especially dwellings 43 and 41 along Commonsides, it is considered that the impact of an additional two-bedroom bungalow within the development boundary will not create a detrimental impact on the character and appearance of the setting.

Therefore, a scheme that respects the character and amenity of the area is achievable, if the height of the dwelling is conditioned to a maximum of one storey through the reserved matters application.

Impact on residential amenity

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

Policy H5 also seeks to require that proposals do not result in adverse impacts upon neighbouring amenity.

The outline nature of this application means full design details will be provided if outline permission is granted. The proposal would result in one additional dwelling (two-bedroom). The applicant has confirmed that a 2m fence would be erected to mitigate impact on neighbouring amenity and privacy. The proposed indicative layout suggests there should be no significant impact on residential amenity, although the property’s final details are reserved for future consideration. However, a suitable scheme that respects neighbours’ residential amenity is achievable, subject to appropriate internal layout, daylight assessment, and the direction of window openings.

The proposal is therefore considered to be acceptable in this regard and complies with policies DS1 and H5.

Impacts upon the Area of Special Historic Landscape Interest

Policy LC14 requires 'A high standard of design and siting for new developments and they should reflect the traditional character of buildings in the area and the character of the historic landscape using materials sympathetic to the locality'.

Whilst the site is within the LC14 area, the proposal would not encroach into the open strip fields but sits within the development boundary and within the curtilage of the dwelling. Additionally, the council's archaeologist has been consulted and does not consider that this proposal would adversely affect the character of the heritage asset or its setting providing that the design and building materials are appropriate to the area and in accordance with the policy. Moreover, there are a number of existing dwellings and outbuildings within the LC14 area on Park Close. Consequently, the proposal being a single dwelling will not create a significant impact on the area. It is therefore considered that the harm to the LC14 area is limited in this case.

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.

As part of this application, the proposal intends to create an access to the proposed dwelling via Park Close. The indicative layout suggests the scheme will create a garage with adequate turning area. The highways team has assessed the proposal and recommends some conditions which shall be attached to any permission granted.

Flood risk and drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst DS14 and DS16 of the local plan are concerned with flood risk, drainage and foul water. Policy CS19 in particular states, 'The council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere.'

The proposed site is situated within SFRA flood Zone 1 and is therefore a suitable location for development. Concerns regarding surface water and flooding have been raised by residents and considered during this assessment. The drainage team has raised no objections; however, conditions to mitigate these concerns have been attached and unless these conditions are met, the development at the reserved matters stage shall not commence. It is therefore assessed that the proposal accords with policies DS14 and DS16 of the local plan and CS19 of the Core Strategy.

Land contamination

Policy DS7 of the local plan relates to contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. The site forms part of an existing residential garden. There is, therefore, the potential risk that during any development works unexpected contamination may be encountered.

Therefore, the council's Environmental Protection team recommends a condition to ensure any contamination is reported and controlled.

Other matters

A few comments regarding wildlife conservation and land registry matters have been received from the public regarding the application. No ecological report was submitted alongside this application given the small-scale nature of the proposal. If the applicant were to exercise their permitted development rights, there would still be some impact on wildlife, if any is present on the site. The indicative layout of the site shows that some garden areas will be left undeveloped following the erection of the dwelling. Whilst there may be impact on ecology as a result of the development, this will not be beyond the impact that would be recorded if the proposal was for larger home extension. Land registry issues are not planning matters but legal issues. Therefore, this has not been considered in this assessment.

Conclusion

Whilst the development would be a tandem development and within the Area of Special Historic Landscape Interest (LC14 area), it would enable the effective use of land within the development boundary of the settlement and would provide an additional dwelling within a sustainable locality. Under normal permitted development rights, the applicant could extend or erect a number of outbuildings in the garden plot which would ultimately detract from the character of the site and area. However, a single two-bedroom dwelling with layouts that respect neighbours' amenity should be in keeping with the character of the area. Therefore, it is considered in this instance that the proposal is a sustainable development and hence is recommended for approval subject to suitable conditions to control the development.

Pre-commencement conditions

These have been agreed with the applicant/agent.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

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

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

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

Reason

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

6.

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

Reason

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

7.

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.

8.

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

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;

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

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

Reason

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

9.

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

Reason

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

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.

If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a

written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

To protect human health.

13.

The dwelling shall be no more than one storey in height.

Reason

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

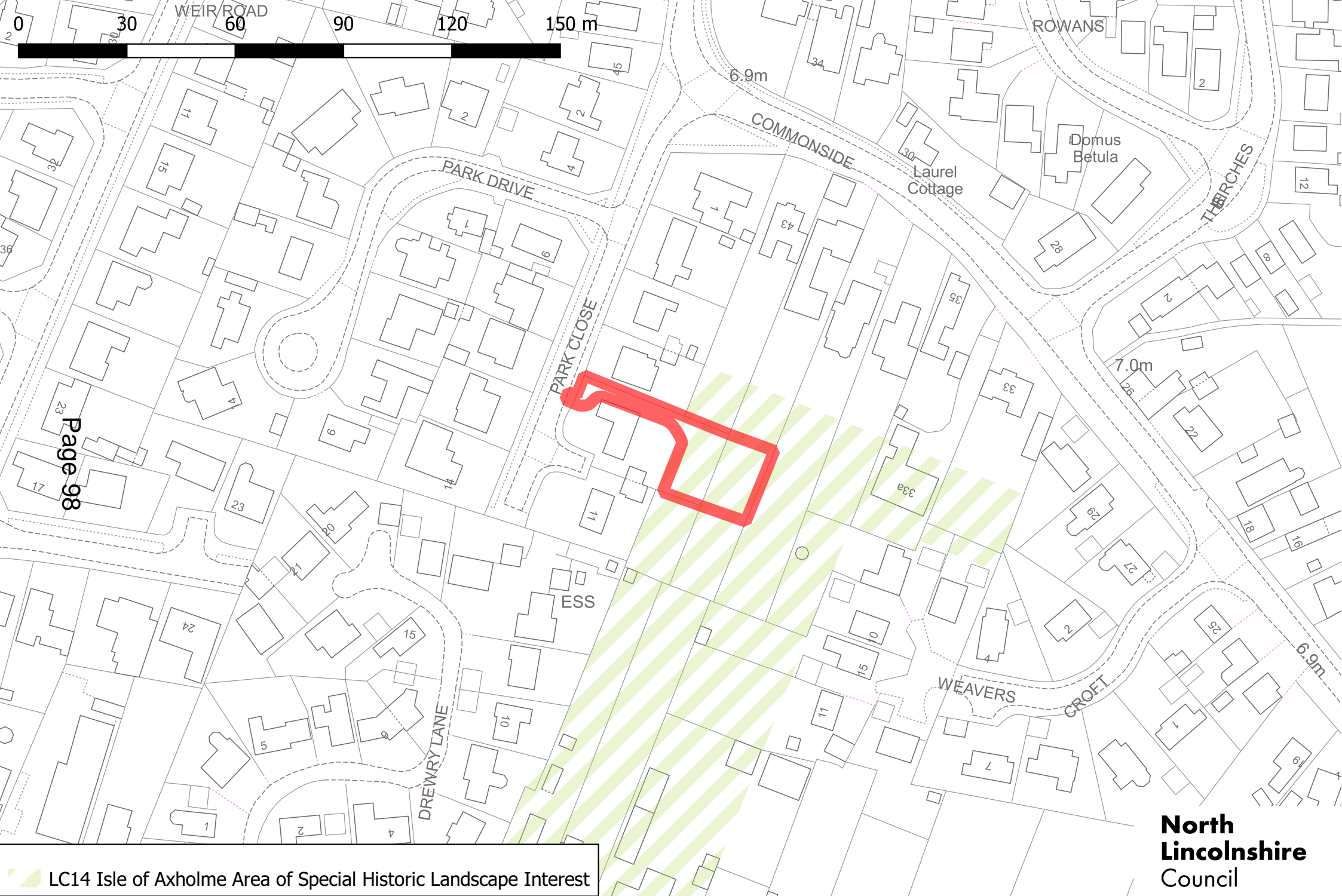
Informative 1

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

Informative 2

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

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



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LC14 Isle of Axholme Area of Special Historic Landscape Interest

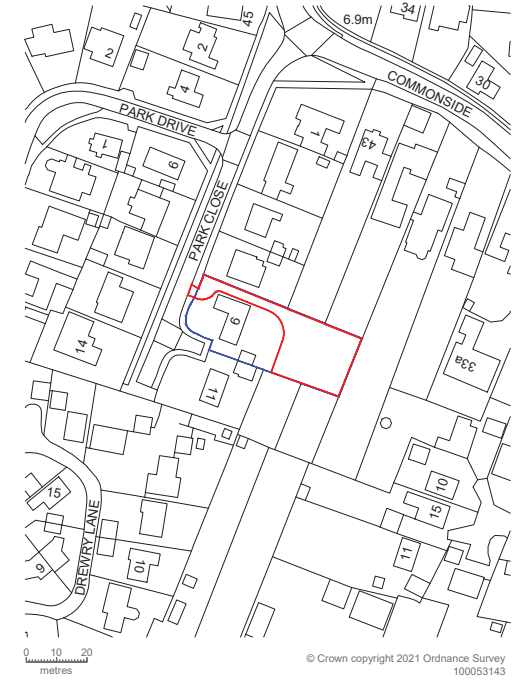
North Lincolnshire Council

PA/2022/277 Proposed layout (not to scale)

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Proposed Site Layout - Scale 1:200



Location Plan - Scale 1:1250

Accommodation Schedule	GEA	
2 Bedroom/4 Person dwelling house (Bungalow)	91m ²	979ft ²
Single Garage	18m ²	194ft ²
Total:	109m²	1173ft²



2021-ID-SK001

slDesign
architecture



SKETCH DESIGN

No 12 High Street, Epworth, North Lincs
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E: rwh@slDesign-architecture.com
CIAT Chartered Membership No: 015669

Drawing scale: Varied@A2
Proposed Site Layout
No 9 Park Close, Westwoodside

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APPLICATION NO	PA/2022/364
APPLICANT	Victa Property Ltd
DEVELOPMENT	Planning permission to make alterations to existing building to form a four-bedroom dwelling, including part demolition
LOCATION	Garage, 123 Westgate Road, Westgate, Belton, DN9 1PY
PARISH	Belton
WARD	Axholme Central
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework: Sections 5, 12 and 16

North Lincolnshire Local Plan: Policies RD2, RD5, H5, H6, LC5, LC14, DS1, T1, T2 and T19 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS6, CS7 and CS17 apply.

CONSULTATIONS

Highways: No objection, but recommend conditions.

Building Control: This will require a Building Regulations application.

LLFA Drainage: No objection, but recommend conditions.

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

The report submitted by the applicant states:

'The existence of the possible contamination sources is uncertain, and it is recommended that, once demolition of the building on the site is completed, a ground investigation on a grid system is implemented, together with sampling and testing of the materials encountered for the potential contaminants of concern to assess this possibility. The investigation should be implemented in accordance with BS101 75: 2011 + A2: 2017 "Investigation of potentially contaminated sites - Code of practice", and any targeted sampling should also be implemented.'

Considering the above advice, the applicant should submit an intrusive site investigation demonstrating that the site is suitable for use; this shall include a full suite of metals, non-metals, asbestos, phenols, PAH, and TPH.

The report also recommends an asbestos survey be carried out on the existing building before any demolition works and any asbestos removed before demolition. If any asbestos is detected and removed, soil sampling shall be carried out to demonstrate the asbestos has not contaminated the underlying soil. Therefore, this department recommends that the site investigation occurs after demolition of the current buildings.

HER (Archaeology): The application site is a former Primitive Methodist Chapel dating from 1868 that has historic significance and contributes to the appearance and character of Westgate and the setting of the historic landscape. The proposed sensitive residential conversion represents the best option to preserve the heritage interest and maintain the character and setting of the protected historic landscape. The HER has no objection to the proposals subject to conditions securing a systematic photographic record of the building prior to any development commencing.

Tree Officer: No comments to make.

PARISH COUNCIL

No response received.

PUBLICITY

A site notice has been displayed; no comments have been received.

ASSESSMENT

The application site consists of a former Primitive Methodist Chapel which was more recently used for the storage of trolleybuses. The building is currently vacant. Located in close proximity to the junction of Westgate Road with Carrhouse Road, it is a prominent building in the street scene and dates back to 1868. It is constructed from a red brick with buff brick quoin detailing and a slate tiled roof, with a modern addition to the rear and a single-storey extension to the eastern side. It is outside the defined settlement boundary for Belton and Westgate and within the Isle of Axholme Area of Special Historic Landscape Interest (LC14). Planning permission is sought to convert the building into a dwelling, which includes the demolition of a section to the rear, together with the provision of off-street parking spaces to the front and an area of private amenity space to the rear.

The main issues in the determination of this application are the principle of development, impact upon the character and appearance of the street scene and LC14 land, and impact on residential amenity.

Principle

The building that forms the basis of this planning application is a former Primitive Methodist Chapel which has more recently been used for the storage of trolleybuses and as a site office and storage of building materials for the ongoing residential development on the site to the south-east. In terms of planning policy relevant to assessing the principle of development, policies C2 (Community Facilities in Minimum Growth Settlements and Rural

Hamlets and Villages in the Open Countryside) and RD5 (Alternative Uses of Industrial and Commercial Sites in the Open Countryside) of the North Lincolnshire Local Plan (NLLP) apply and the proposals will be assessed in that regard. The building is outside of any defined settlement boundary and as such is assessed as being in the open countryside. Policy RD5 of the NLLP states that the change of use of existing industrial and commercial sites to non-employment uses in the open countryside will only be permitted if:

- (i) evidence of attempts made to sell the site on the property market for the twelve months prior to the application being made, to retain the site for employment use has been fully explored without success; or
- (ii) it can be demonstrated that its continued employment use would harm the character or appearance of the open countryside or a nearby settlement, cause highway or other traffic problems, or be detrimental to residential amenity, or create other significant adverse environmental effects.

In terms of points (i) and (ii) above, no information has been put forward to demonstrate whether the building has been actively marketed for continued employment use prior to submitting this application. However, this building ceased use as a chapel in 1965, has been used in the interim for the storage of trolleybuses and is now vacant. Given the passage of time, the contribution this building makes as a non-designated heritage asset, the fact that it is now vacant and has not been used for employment use for a significant period of time (the storage of trolleybuses), it is considered an alternative residential use of the building can be explored, particularly given neighbouring land uses are predominantly residential. It should be noted that policy C2 of the NLLP is only relevant insofar as the building was formerly a Primitive Methodist Chapel and given the passage of time since its closure in 1965, the intervening use for storage and that there are a number of Methodist chapels/churches still in active use in the neighbouring settlements of Beltoft, Ealand, Crowle, Epworth and West Butterwick, it is considered that the loss of the place of worship is sufficiently mitigated in this case.

It is acknowledged that this building is not listed nor within a conservation area; however, it constitutes an important historical local building which is a non-designated heritage asset. Paragraph 197 of the NPPF states that 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. In terms of justifying the potential change of use of the building, without the necessary investment and as the building has been vacant for a number of years, it is likely that the condition of this non-designated heritage asset will continue to deteriorate and therefore, in terms of the contribution the building makes to the street scene and in respect of visual amenity, it is considered that a compatible (such as residential) re-use of this former place of worship is acceptable in this case.

Impact on street scene/landscape character

This building is a significantly proportioned former place of worship (equivalent to two-storeys in height) in a visually prominent position along the main road between Belton and Sandtoft. The siting of the building, forward of neighbouring residential dwellings and closer to the highway footpath, increases the visual prominence of the building. Except for the more recent first-floor extension to the rear, the building retains a number of its original features: the arched windows to the side elevations set within brick arches, brick corbelling and buff brick quoin detail to the front elevation, and a raised gutter with name plaque to the

front. The building dates from 1868 and is constructed from a mixed red brick and slate tiled roof.

The plans show the more recent addition to the rear and the single-storey lean-to at the east side are to be demolished to facilitate an area of private amenity space to the side and rear. These sections of the building do not positively contribute to its character and appearance and therefore their removal to provide garden space for the proposed dwelling is considered acceptable in visual amenity terms. The proposed development, if permitted, would also result in the removal of the bulky, incongruous metal retractable door from the principal elevation of the building, which will be replaced with a double-height glazed window with louvres at first floor and a centrally positioned entrance door flanked by windows to either side at ground floor; again, this is considered an improvement in visual amenity and design terms. The inclusion of this double-height glazed opening will also add visual interest to the principal elevation of the former chapel.

It is also proposed to install grey UPVC windows and doors to all elevations of the building and grey louvres to the front, which will provide consistency of appearance across all elevations. The proposed change of use will also ensure the arched windows are brought back into use and the plans show the rooflights to be in relative vertical alignment with the arched windows. It is proposed to rebuild the rear wall of the building as it will be exposed following demolition of the extension at the rear. A condition is recommended requiring the rear wall to be constructed from bricks to match the appearance of the remainder of the building.

The proposed plans are considered to retain, and in part improve, the appearance of existing features on the building and will provide a balanced appearance to all elevations. The proposals will ensure the long-term future of this non-designated heritage asset, albeit for alternative use, and not result in harm. Whilst the building is not listed, it is identified as being of local architectural and historic importance (a non-designated heritage asset) and its loss would be detrimental to the character and appearance of the area. The building is a large imposing structure which is an important and prominent feature in the village landscape when travelling towards Belton from the direction of Sandtoft. The proposed conversion scheme would secure a new permanent use for the building and thus secure its long-term retention and maintenance. It is considered that the retention of the building is of overriding public interest and would be of benefit to the local environment and amenity of the area.

In terms of the impact on the LC14 landscape, HER has commented that the building has historic significance and contributes to the appearance and character of Westgate and the setting of the historic landscape. The proposed sensitive residential conversion represents the best option to preserve the heritage interest and maintain the character and setting of the protected historic landscape. The HER has no objection to the proposals subject to conditions securing a systematic photographic record of the building prior to any development commencing.

Residential amenity

The plans show the removal of the extension to the rear of the building will allow for an area of private amenity space extending to approximately 145 square metres to be provided; this is considered proportionate to the size of the site and to meet the needs of the proposed occupants. The plans also show rooflights are proposed in the east and west-facing roof

slopes, these rooflights will serve bedrooms and bathrooms to the west and bedrooms and the landing to the east. The bedroom rooflights to the eastern roof will have an outlook onto the access road to the housing development under construction to the south-east and the bedroom rooflights in the western roof slope will have an outlook onto the driveway and front garden of 125 Westgate Road. A condition is recommended requiring the two rooflights serving the bathroom and en-suite in the western roof slope to be fitted with glazing to a minimum level 3 in accordance with the Pilkington Scale of Obscuration.

It is also proposed to provide a bedroom window in the rear roof slope; this will have an outlook towards the rear gardens of the new dwellings under construction to the rear (south-east) at a separation distance of 11.3 metres. This rear-facing bedroom window will result in some loss of privacy to the garden area of the new dwelling under construction to the south-east; however, this is considered to be a common situation in residential areas and will not be dissimilar to the existing relationship on the neighbouring site between 125 Westgate Road and 6 Carrhouse Road. In addition, it is considered that the separation distance of 11.3 metres is sufficient to prevent loss of amenity to neighbouring properties to the north through overshadowing or having an overbearing impact. The level of car parking provision (two off-street car parking spaces) is considered sufficient to meet the needs of this proposed four-bedroomed dwelling in this location. In conclusion, it is considered the proposed conversion of the former chapel will not result in loss of residential amenity (particularly through the effects of overlooking) over and above that normally expected in a residential area.

Highways

The proposed plans show the provision of two off-street parking spaces to the side (east) of the building which are shown to be clear of the highway footpath. This level of car parking provision is considered sufficient to meet the needs of the future occupants. In addition, the site layout plan shows the erection of a low-level brick wall across the site frontage to ensure there is sufficient pedestrian and vehicular visibility along Westgate Road. The proposed driveway and associated vehicular access to the site is considered to be located a sufficient distance away from the new access proposed to serve the residential estate to the south-east and Highways have raised no objections to the proposal on highway safety grounds.

Other issues

The site is located within Flood Zone 1 as set out in the North Lincolnshire Strategic Flood Risk Assessment, as such the development for change of use is considered to be acceptable in flood risk terms. Furthermore the LLFA Drainage Team has no objection to the proposed development subject to the imposition to planning conditions.

The proposal involves the demolition of the rear part of the building to facilitate the provision of the rear garden. Environmental Health, having reviewed the supporting information (Stage 1 Geo-Environmental Desk Study Report) and the recommendations therein, has recommended conditions in respect of a survey of the building for the presence of asbestos prior to demolition and the submission of an intrusive site investigation report following demolition of the rear section of the building. This is to ensure the proposed garden area is free from contaminants prior to it being brought into use.

A protected species report has been submitted with the application which has considered the impact of the development on bats and nesting birds. The submitted report identifies

there was no evidence of bats associated with the building and as such are not considered to be a constraint to the parts of the building to be demolished. In respect of birds, the report highlights no historic evidence of nesting birds was recorded during the building survey and measures for biodiversity enhancement on the building and its site are outlined within the final section of the report. These enhancements would be secured by a planning condition.

Conclusion

It is considered the former Primitive Methodist Chapel is capable of being converted to residential use without major alterations being proposed and its change of use will secure the long-term future of this non-designated heritage asset. The proposal will provide an additional dwelling to the local housing stock and sufficient space is made available around the building to provide a proportionate amount of private amenity space and two off-street parking spaces. The proposed change of use of the building is not considered to be detrimental to the character and appearance of the street scene and is not considered to impact negatively on residential amenity or highway safety. Accordingly, the change of use of the building to an alternative use is considered acceptable in this countryside location and the application is therefore recommended for approval.

Pre-commencement conditions

Pre-commencement conditions requiring an asbestos survey and a historic building recording to be undertaken prior to any demolition works have been agreed with the applicant's 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: 1104, 1105 and 3172-DEN-X-XX-DR-A-1004.

Reason

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

3.

Prior to the occupation of the dwelling, a bat box shall be installed at eaves level on the southern elevation and a house sparrow terrace shall be installed on the eastern or western elevation. 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.

Reason

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

4.

No demolition or alteration shall take place until the applicant, or their agents or successors in title, has produced an historic building record in accordance with a written specification, including a timetable for the recording, which has been submitted by the applicant and approved in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan as the chapel is a heritage asset of local significance situated within the Area of Special Historic Landscape Interest of the Isle of Axholme afforded protection under saved local plan policy LC14.

5.

The historic building recording shall be carried out in accordance with the approved details and timings, subject to any variations agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan as the chapel is a heritage asset of local significance situated within the Area of Special Historic Landscape Interest of the Isle of Axholme afforded protection under saved local plan policy LC14.

6.

The historic building archive shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of commencement of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan as the chapel is a heritage asset of local significance situated within the Area of Special Historic Landscape Interest of the Isle of Axholme afforded protection under saved local plan policy LC14.

7.

Prior to the commencement of demolition works on site, an asbestos survey of the existing building (including those parts which are to be demolished) shall be submitted to and approved in writing by the local planning authority. The survey shall include a methodology and timetable for its safe removal and disposal (in the event any contamination is found). The development shall not be carried out other than in accordance with the approved details and timings.

Reason

Details are required to be submitted prior to commencement of works to ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

8.

Within two months of the completion of works of demolition, a validation report to confirm an absence of contaminants, including asbestos, on the finished surface of the site shall be submitted to and approved in writing by the local planning authority.

Reason

To ensure that the site is left in a satisfactory condition and does not pose a risk to human health and the environment.

9.

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 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.

10.

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

11.

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.

12.

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

Reason

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

13.

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

Reason

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

14.

The materials and finishes of the new areas of brickwork shall match the remainder of the building in colour and texture.

Reason

To define the terms of the permission and in the interests of visual amenity.

15.

Before the dwelling is first occupied the en-suite and bathroom rooflights in its western facing roof slope 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 DS1 of the North Lincolnshire Local Plan.

16.

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 following the approved demolition works to the rear part of the building 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.

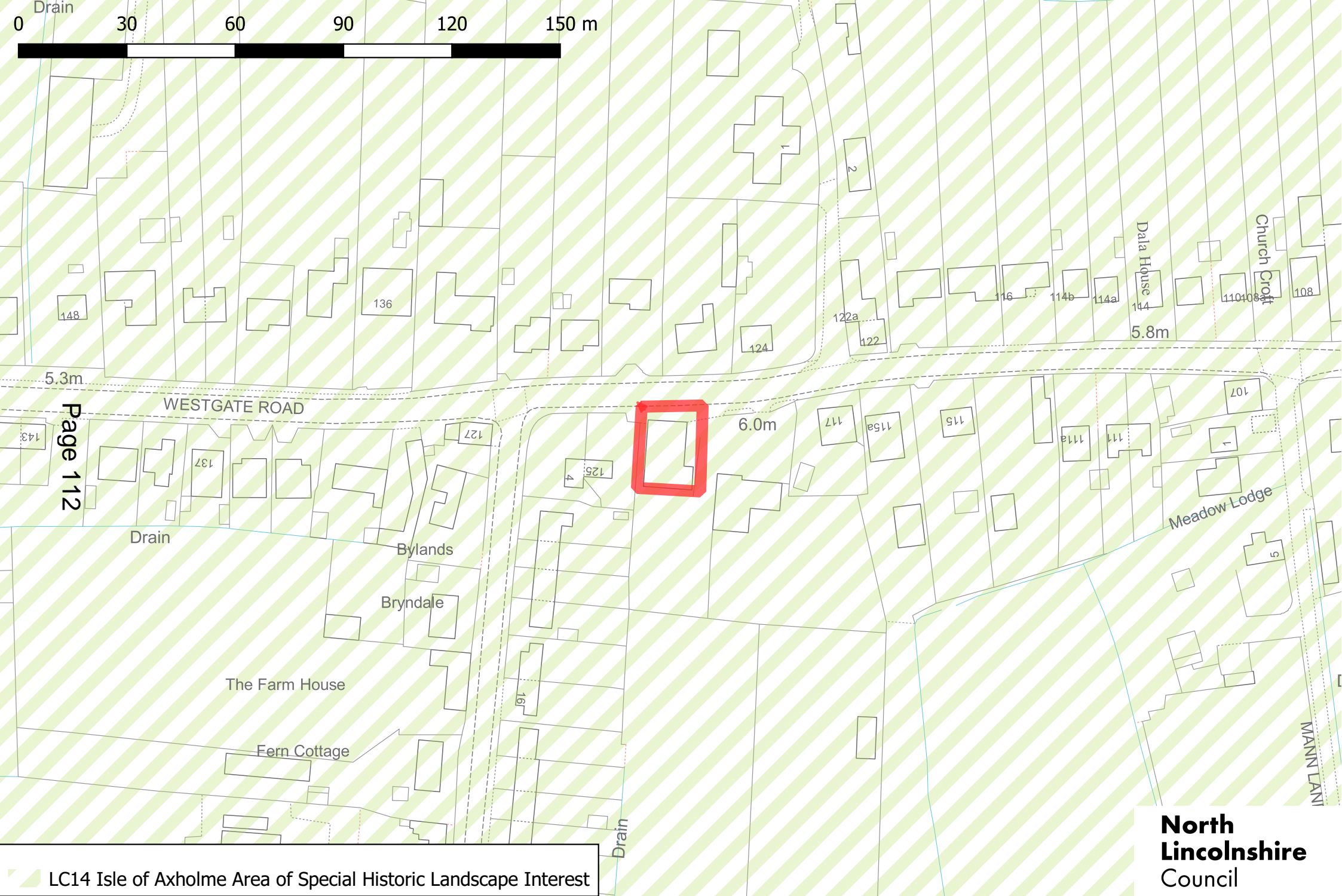
Informative 1

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

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

Informative 2

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



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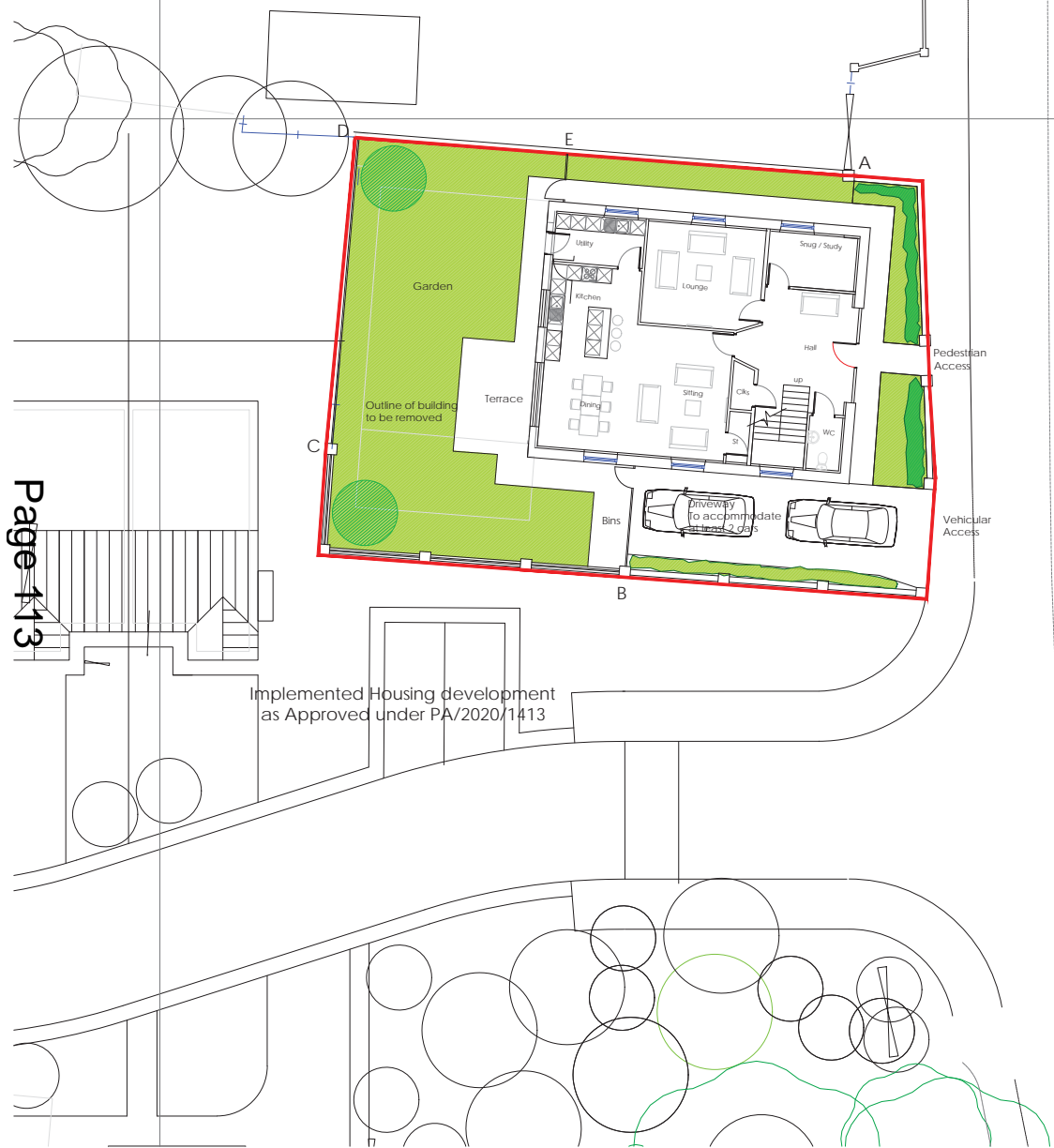
LC14 Isle of Axholme Area of Special Historic Landscape Interest

**North
Lincolnshire
Council**

PA/2022/364

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PA/2022/364 Proposed layout (not to scale)



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File				
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Northpoint:				
Rev	Date	Amendment	By	CHK
Notes:				

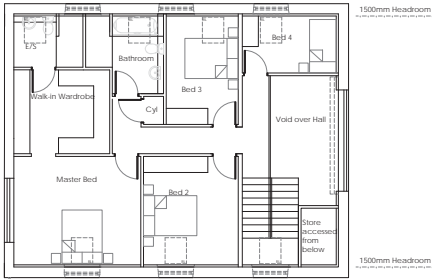
- Boundary treatments**
- Between points A and B - Low level brick wall with intermediate low level piers
 - Between points B and C - Low level brick wall with 1800mm high brick piers with timber fence between
 - Between C and D - 1800mm high timber fence
 - Between D and E - 1800mm high timber fence set behind the existing low level brick wall
 - Between Points E and A - Existing low level brick wall.



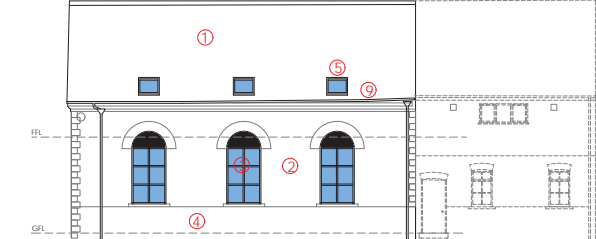
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Project				
Proposed Dwelling 119 Westgate Road, Belton				
Client				
Victoria Property Ltd				
Title				
Proposed Site Plan				
Date	Scale	Size	Drawn	Checked
Feb 2022	1/100	A1	JC	ADP
Project No	Draw No	Rev	Status	
3172	1104	-	Planning	

PA/2022/364 Proposed elevations and floor plans (not to scale)



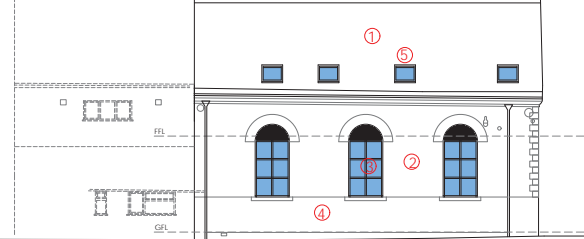
First Floor



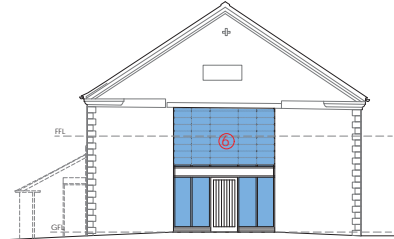
East Elevation



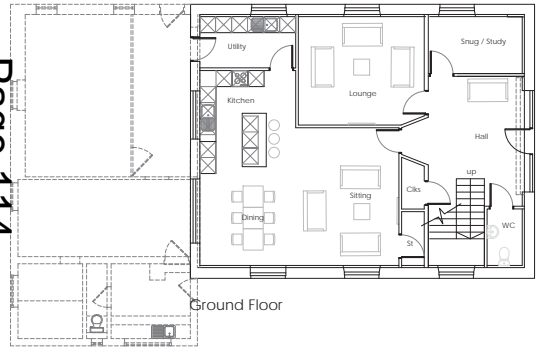
South Elevation (rear)



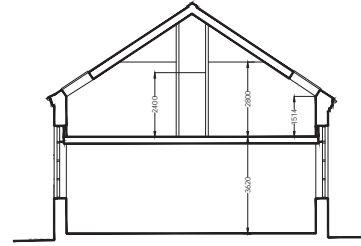
West Elevation



North Elevation (front)



Ground Floor



Section

File				
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Northpoint:				
Rev	Date	Amendment	By	CHK
Notes:				

External Material Key

- 1 - Existing roof slates made good as required
- 2 - Existing brickwork made good as required
- 3 - Windows, colour dark grey
- 4 - Existing render made good as required
- 5 - Rooflights
- 6 - Entrance screen comprising dark grey windows with high level external timber louvres
- 7 - Brickwork to match existing
- 8 - Render
- 9 - Rainwater good, colour black

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Project				
Proposed Dwelling 23 Westgate Road, Belton				
Client				
Victoria Property Ltd				
Title				
Proposed Plans, Elevations and Section				
Date	Scale	Size	Drawn	Checked
Feb 2022	1/100	A1	JC	ADP
Project No	Draw No	Rev	Status	
3172	1105	-	Planning	