

# Public Document Pack

## NORTH LINCOLNSHIRE COUNCIL

### PLANNING COMMITTEE

3 August 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 5 July 2022 as a correct record and authorise the chairman to sign. (Pages 3 - 6)
4. Major Planning Applications. (Pages 7 - 8)
  - (a) PA/2022/92 Planning permission to erect 18 dwellings, Garages, Maple Avenue, Crowle. (Pages 9 - 46)
  - (b) PA/2022/774 Planning permission for change of use of land to permit the siting of static caravans (resubmission of PA/2020/1949). Brookside Caravan Park, Stather Road, Burton upon Stather, DN15 9DH. (Pages 47 - 58)
5. Planning and other applications for determination by the committee. (Pages 59 - 60)
  - (a) PA/2019/1028 Listed building consent to repair and refurbish carriage house and stable/dovecote. Land south of Tetley Hall, Tetley, Crowle, DN17 4HY. (Pages 61 - 68)
  - (b) PA/2021/891 Planning permission to erect 9 dwellings with landscaping and access. Land rear of 9-11 Torksey Street, Kirton in Lindsey, DN21 4PW. (Pages 69 - 90)

- (c) PA/2021/1087 Planning permission to erect three dwelling houses and three detached single garages with associated landscaping (including demolition of existing outbuildings). Dondoreen, Marsh Lane, Barton upon Humber, DN18 5HF (Pages 91 - 120)
  - (d) PA/2021/1180 Outline planning permission to erect five dwellings with all matters reserved for subsequent consideration and demolition of existing dwelling. 18 Manor Road, Bottesford, DN16 3PA (Pages 121 - 136)
  - (e) PA/2021/1224 Planning permission to erect three bungalows. 28 Doncaster Road, Westwoodside, DN9 2EA. (Pages 137 - 152)
  - (f) PA/2022/653 Outline planning permission to erect a dwelling with all matters reserved for subsequent consideration. Land off Belshaw Lane, Belton. (Pages 153 - 162)
  - (g) PA/2022/765 Planning permission to make alterations and extensions to existing dwelling to create additional accommodation, including ground-floor annexe. 25 North Street, Owston Ferry, DN9 1RT. (Pages 163 - 174)
  - (h) PA/2022/799 Planning permission to erect a two-storey rear extension to the dwelling and a two-storey double garage, and carry out internal alterations and associated works (including the demolition of the existing outbuildings). 57 Main Street, Saxby All Saints, Brigg, DN20 0PZ (Pages 175 - 190)
  - (i) PA/2022/830 Planning permission for extensions and alterations, including increase in height of the property, gable dormers to the front, link building and two-storey side extension, and other associated works. 9 Park Drive, Westwoodside, Haxey, DN9 2AW. (Pages 191 - 206)
  - (j) PA/2022/897 Planning permission to erect a dwelling. Land west of Sherwood House, The Hill, Worlaby, DN20 0NP. (Pages 207 - 222)
6. Applications for approval of reserved matters following the grant of outline permission for determination by the committee (Pages 223 - 224)
- (a) PA/2022/444 Application for approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to outline planning permission PA/2019/1779 dated 12/03/2020 for one dwelling. Newbigg, Westwoodside, DN9 2AT. (Pages 225 - 232)
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:** 3 August 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
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**DECLARATIONS OF LOBBYING**

<b>Agenda Item Number or Application Number</b>	<b>Lobbied By</b>
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**DECLARATIONS OF WHIPPING ARRANGEMENTS (SCRUTINY PANELS and relevant QUASI-JUDICIAL MEETINGS ONLY)**

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



## NORTH LINCOLNSHIRE COUNCIL

### PLANNING COMMITTEE

5 July 2022

**PRESENT:** - N Sherwood (Chairman)

N Sherwood (Chairman), C Ross (Vice Chairman), S Bainbridge, C Sherwood, M Grant, K Vickers, D Southern and D Wells

T Foster

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

2233 **SUBSTITUTIONS**

Cllr N Sherwood for Cllr Hannigan and Cllr K Vickers for Cllr Davison.

2234 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING) AND WHIPPING ARRANGEMENTS (IF ANY).**

The following member declared that he had been lobbied :

Cllr T Foster - Application PA/2022/414

2235 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 8 JUNE 2022 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN.**

2236 **APPLICATIONS DEFERRED FROM PREVIOUS MEETINGS FOR A SITE VISIT.**

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

2236a **PA/2022/392 OUTLINE PLANNING PERMISSION TO ERECT TWO DWELLINGS WITH ACCESS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED FOR SUBSEQUENT CONSIDERATION) AT LAND ADJACENT TO 18–22 WEST STREET, WINTERTON, DN15 9QF**

Cllr N Sherwood stated that he had issues with the application following the site visit. He felt that the proposal was over powering, and way too large for the plot available, and would affect the houses that were already there. He didn't not feel he could support the application as it did not fit in with the area, the street scene, and was contrary to a number of planning policies.

It was moved by Cllr N Sherwood and seconded by Cllr Ross –

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That planning permission be refused for the following reason –

1.

The proposed development would have a detrimental impact on the setting and character of the existing Almshouses and views of the site from the wider street scene. The current houses are set with private garden/amenity space around them and the proposed development would impact on the openness of the site and result in the loss of amenity space for the Almshouses. It is considered that the proposed development would have a significant adverse impact in terms of amenity, local historic character, appearance and setting. The proposal is considered contrary to saved policies H5, H7 and DS1 of the North Lincolnshire Local Plan and CS5 of the adopted Core Strategy.

**Motion Carried.**

**2237 PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE.**

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

**2237a PA/2021/736 PLANNING PERMISSION TO ERECT AN INSULATED STEEL-FRAMED STORAGE AND DISTRIBUTION STRUCTURE (USE CLASS B8) AT SANDTOFT GATEWAY, SANDTOFT ROAD, WESTGATE, BELTON, DN9 1FA**

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

**2237b PA/2022/43 PLANNING PERMISSION TO ERECT TWO-STOREY EXTENSIONS AND DETACHED GARAGE, AND CARRY OUT INTERNAL ALTERATIONS AT 6 GLEBE CLOSE, BURTON UPON STATHER, DN15 9BZ**

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

**2237c PA/2022/414 PLANNING PERMISSION TO ERECT A NEW DETACHED DWELLING WITH ASSOCIATED WORKS (INCLUDING DEMOLITION OF EXISTING STABLES) AT WEST STREET STABLES, WEST STREET, HIBALDSTOW**

The applicant addressed the committee and outlined the reasons for submitting the application. He stated that the proposal was the family dream, and to stay in Hibaldstow. The proposal was to restore the run down paddocks and restore them to their natural state. He felt it was in keeping with the area, supported by neighbours and the Parish Council, and whilst

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slightly out of the boundary it would only improve the infested site and the area as a whole.

Cllr T Foster spoke as the local ward member and highlighted the local support there was for the proposal, with no opposition despite the fact that it was out of the boundary. The site was currently awful and run down, and he felt a site visit from the committee would be most helpful in their determination of the application.

Cllr Wells having listened to the speakers, and reading the report felt that a site visit was required before they could make a decision.

**Resolved** – That a site visit be held and brought back to a future meeting of the committee.

2237d **PA/2022/542 PLANNING PERMISSION TO ERECT A DETACHED DWELLING AND GARAGE (PLOT 3) WITH ASSOCIATED WORKS AT AXHOLME POULTRY FARM, STATION ROAD, OWSTON FERRY, DN9 1AW**

The Planning Officer provided an update to the committee following comments received from the Flood Authority, and with agreement from the committee changes were required to the conditions.

**Resolved** - That planning permission be granted in accordance with the recommendations contained within the officer's report, with the replacement of condition 7 with the following conditions –

7.

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 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 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

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with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

8.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 7 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

2237e **PA/2022/734 LISTED BUILDING CONSENT TO ERECT A DETACHED DWELLING AND GARAGE (PLOT 3) WITH ASSOCIATED WORKS AT AXHOLME POULTRY FARM, STATION ROAD, OWSTON FERRY, DN9 1AW**

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

2237f **PA/2022/579 PLANNING PERMISSION TO ERECT A TWO-BAY OAK-FRAMED DOUBLE GARAGE WITH ADJOINING STORAGE BUILDINGS AT NEBRASKA FARM, INGS ROAD, KIRTON IN LINDSEY, DN21 4BX**

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

2237g **PA/2022/687 PLANNING PERMISSION FOR A REPLACEMENT ROOF WITH ATTIC TRUSSES TO ACCOMMODATE SECOND FLOOR WITH TWO DORMER WINDOWS AT 21 DREWRY LANE, WESTWOODSIDE, HAXEY, DN9 2RE**

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

2238 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE SPECIFIED.**

## 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 3 August 2022.docx

Date: 25 July 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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<b>APPLICATION NO</b>	<b>PA/2022/92</b>
<b>APPLICANT</b>	Amy Schoenmaker, Ongo Homes
<b>DEVELOPMENT</b>	Planning permission to erect 18 dwellings
<b>LOCATION</b>	Garages, Maple Avenue, Crowle
<b>PARISH</b>	Crowle
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to the completion of a section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllrs John Briggs and Julie Reed – significant public interest) Significant public interest

## **POLICIES**

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

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and Enhancing the Historic Environment Framework:

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

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy H10 (Public Open Space Provision in New Housing Development)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)  
Policy T19 (Car Parking Provision and Standards)  
Policy LC5 (Species Protection)  
Policy HE9 (Archaeological Excavation)  
Policy DS1 (General Requirements)  
Policy DS3 (Planning Out Crime)  
Policy DS7 (Contaminated Land)  
Policy DS13 (Groundwater Protection and Land Drainage)  
Policy DS14 (Foul Sewage and Surface Water Drainage)  
Policy DS15 (Water Resources)  
Policy DS16 (Flood Risk)

**North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)  
Policy CS2 (Delivering more Sustainable Development)  
Policy CS3 (Development Limits)  
Policy CS5 (Design)  
Policy 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)



## **Housing and Employment Land Allocations DPD:**

Policy PS1 (Presumption in Favour of Sustainable Development)

### **Other relevant guidance:**

SPG8: Developer Contributions to Schools

SPG: Provision of Open Space in New Housing Developments

## **CONSULTATIONS**

**Highways:** No objections subject to conditions relating to access, parking and footway connections.

**Environment Agency:** The proposed development will only meet the National Planning Policy Framework (NPPF) requirements in relation to flood risk if planning conditions are included relating to finished floor levels, flood resilience measures, grounds floors used as non-habitable accommodation and no extensions to provide additional habitable/living accommodation.

**LLFA Drainage:** No objection subject to conditions relating to the submission of a surface water scheme and details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway.

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

Surface water is proposed to discharge into soakaways, [on] which we have no comment. 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 Company under Section 106 of the Water Industry Act 1991.

### **Environmental Protection:**

#### ***Contamination***

The site investigation was written in July 2015 and is not sufficient to fulfil the requirements of assessing the risks for contaminated land. The report covers a geotechnical aspect which has considered the geology and the suitability of soil structure for foundations for the proposed development. It does not consider contaminated land and follow current guidance. I have noted that there is the potential for contamination to be present as it appears that the roofs of the garages contain corrugated sheeting and the recommendation in the report is that an asbestos survey is undertaken prior to removal. Our records indicate that the main area has been used for agricultural purposes. Agricultural land has the potential to be impacted upon by contaminants such as sewage sludge, agrochemicals,

asbestos, heavy metals and hydrocarbons which are harmful to human health. Recommend a full contamination planning condition.

### ***Air quality***

In order to assess potential air quality requirements this department has followed the guidance set out in the document...Institute of Air Quality Management Land Use Planning and Development Control: Planning for Air Quality January 2017 (<http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>). This document provides a means of reaching sound decisions whilst having regard to air quality implications of development proposals; it represents good practice that developers should follow.

This application is for residential development on land covering approximately 0.53 hectares. This fulfils the Stage 1 Criteria in Table 6.1 of the above guidance as the application involves 10 or more residential units on a site area of more than 0.5ha and includes more than 10 parking spaces. For the proposed development, the Stage 2 Criteria set out in Table 6.2 has not been fulfilled. Developments should be located and designed where practical to enable future occupiers to make green vehicle choices and promote sustainable modes of transport in accordance with Section 9 of the NPPF. To prepare for increased demand in future years, appropriate cable provision should be included in the development. Recommend a condition for the provision of electrical vehicle charging points for the scheme.

### ***Construction***

To prevent local residents and other sensitive receptors being affected during the construction of the proposed development conditions are recommended for restrictions on days and hours for construction, demolition and site clearance operations and the submission of a CEMP.

**HER (Archaeology):** There are no designated heritage assets in the vicinity. There are no known heritage assets of archaeological interest recorded within the site and the potential for the presence of as yet unrecorded archaeological remains is judged to be low.

**Ecology:** There is a 100% increase in hedgerow units, but a 39.92% decrease in habitat units on site. The proposal does not comply with policies CS5 and CS17. The application should only be approved if there are overriding reasons to accept the net loss of habitat on site. In that case, it will be necessary for the applicant to provide habitat creation and enhancement off site.

**S106 Officer:** As the scheme is proposed to be fully affordable, this is requested through a section 106 contribution. An education contribution for this development will not be sought as it is a fully affordable scheme. For an application of this size, and in this location, on-site informal open space is requested of 10sqm per dwelling; for the council to maintain this land it would be £6,992.60, or the open space can be managed by Ongo Homes and no financial contribution would be required. If biodiversity net gain cannot be secured on site through condition, this may have to be secured through a section 106 agreement as an off-site contribution.

**Recycling:** General guidance on bin types, vehicular access, highway construction for a refuse vehicle, pulling distances for residents and crew collection, refuse and recycling storage.

## **TOWN COUNCIL**

**In response to the original and amended plans:** We strongly object to this application on the grounds of:

- This area has a high level of surface flood water and is a known 'water meadow'.
- It severely floods several times per annum.
- We will lose a valuable green space from our community.
- The submitted plans clearly show a vast amount of overlooking from the proposed three-storey builds to the existing bungalows.
- The density of the build is excessive for the area.

## **PUBLICITY**

Both the original and amended plans have been advertised by press and site notices. 64 letters of objection have been received to the original and amended plans raising the following material planning considerations:

- Loss of light/overshadowing
- Overlooking
- Loss of garages
- Flooding
- Loss of wildlife
- Out of character
- Viability should not be an issue
- Gardens too small
- Over-development
- Loss of green space/play area space/sports field
- Drainage infrastructure is inadequate
- Loss of recreational land
- Services/village infrastructure under pressure
- Increased traffic
- Increased noise and disturbance
- Increased footfall

- 3 swift boxes per dwelling should be installed
- Bungalows should be built
- Access unsafe
- Infringes Article 8 of Human Rights Act
- Sustainability benefits do not outweigh the flood risk
- Schools over-subscribed
- Other sites more suitable
- Contrary to H11 Backland/tandem development
- Small garden sizes
- Lack of public transport links
- Site is not vacant – garages are in use
- Loss of hedge
- Increased on-street parking
- Contrary to planning policy.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

The applicant has submitted details of a statement of community consultation. This public consultation was carried out from 13 December 2021 until 3 January 2022. 84 properties were posted a cover letter and drawings. Consultees were invited to complete a feedback form either digitally or by post. Copies of the consultation and feedback have been submitted to the council. 29 responses were received in total with 28 objections and 1 response in support.

In summary, most respondents were dissatisfied with the scheme. The main issues raised were:

- flooding and drainage;
- the type, range and number of homes; and
- impact on the infrastructure/services in Crowle.

In response to these concerns, the applicant considers that works are planned by North Lincolnshire Council to deal with the drains which cause localised flooding on Godnow Road and the proposals are supported by a drainage strategy. The three-storey dwellings will overcome flood risk requirements. The site is not an allocated playing or sports field. Alternatives to building three-storey dwellings have been fully explored but will require land raising and retaining structures making the scheme unviable and would result in the overall building heights for a scheme of two-storey dwellings.

## **ASSESSMENT**

### **The proposal**

The proposal is to erect 18, 2.5-storey dwellings on the site. Non-habitable accommodation is provided on the ground floor to overcome the flood risk associated with the site. The scheme has been amended following concerns from the case officer over the number of dwellings originally proposed on the site (20) and the design of these properties which were clear three-storey in form, resulting in overlooking to adjoining residents and overbearing impact in terms of the overall height of the dwellings.

The scheme has been designed to reduce the number of dwellings to 18 and the design of the dwellings has been amended to provide rooms in the roofspace, thereby reducing the overall height of the dwellings. Windows have been removed/repositioned/redesigned to mitigate overlooking. The dwellings are designed with rooms in the roofspace which are lit by rooflights in the rear elevation and dormer windows in the front elevation. The dwellings comprise the following accommodation:

- Ground floor: undercroft car parking, hall, utility and WC
- First floor: kitchen/diner, living room, store, bathroom and landing
- Second floor (roofspace): 3 bedrooms and a landing.

The buildings will be constructed from brick and tile, although the exact materials are not specified on the submitted plans. An adequate amount of private garden area is provided for each dwelling with public open space to be provided on the site.

The main access to the site will be from Maple Avenue and a cul-de sac arrangement is proposed. A new, formal pedestrian access will be located on Godnow Road and will lead into the site. Car parking for the dwellings will be provided either within the curtilages of the dwellings or in a designated car parking area to the eastern side of the site. The proposal will require the existing garages adjacent to Maple Avenue to be demolished. Public open space is to be provided on the site adjacent to the proposed dwellings, close to the main access to the site (Maple Avenue).

### **The site**

The site is within the development boundary of Crowle and is not allocated for any purpose/use in the HELA DPD. The site is an area of open green space that is used by the public. There are existing garages on the site, adjacent to and with access from Maple Avenue, and a hardstanding area. The garages are falling into disrepair, but some are in use. There is informal pedestrian access to the site from Godnow Road. The site (red line boundary) is owned by Ongo Homes and this has been confirmed by the declaration made on the planning application form. The site is within flood zone 2/3a (tidal) and is therefore at high risk of flooding. The site is broadly level and is surrounded by dwellings on all sides. To the north, south and west are two-storey dwellings and to the north-east are bungalows.

### **Relevant planning history**

There are no relevant planning applications associated with the site.

## **Material considerations**

### ***Principle***

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

The site is within the development boundary for Crowle, where residential development is generally acceptable in principle, and is in a highly sustainable location within walking and cycling distance of a range of local facilities, services and employment opportunities. The site is close to a number of bus stops and Ealand train station is just over 2km from the site.

Policy CS1 of the NLCS identifies Crowle as being one of a number of market towns, which are considered to be important service centres serving the needs of local communities across North Lincolnshire. Policy CS1 confirms that an appropriate level and range of new housing development will be provided to support the market towns as sustainable communities with an aspiration to deliver 2,171 dwellings in these settlements over the plan period. Policy CS8 further sets out that there is a requirement to deliver 145 dwellings in Crowle specifically. These figures are a minimum target and do not form a maximum threshold for the delivery of housing, which would run contrary to the provisions of the National Planning Policy Framework which seeks to significantly boost the supply of housing. Therefore, development plan policy confirms the view that Crowle is a sustainable settlement with the key facilities, services, employment opportunities and regular public transport to support new housing development.

Policy CS7 of the Core Strategy sets out an aspirational minimum density of 40–45 dwellings per hectare on sites within the market towns. However, this policy also states that whilst housing developments should make efficient use of land, the density of new developments should be in keeping with the character of the area. The proposed development of 18 dwellings results in a density of approximately 33 dwellings per hectare, which falls below the minimum density sought by policy CS7 (40–45 dwellings per hectare). However, the proposed layout makes provision for a good-sized area of open space, footway connections onto Godnow Road and Maple Avenue, and a parking area. The area of new housing is considered to be appropriate for the area, being similar to the density of surrounding residential areas. The proposal for 18 affordable dwellings is considered to represent an efficient use of land, as required by paragraph 124 of the NPPF. In light of the site being in a very sustainable location, this number of affordable dwellings will make a significant contribution to the housing need in Crowle. On this basis, the slightly lesser density than that sought by policy CS7 is considered justified in this instance.

Policy CS9 of the Core Strategy sets out the requirements for affordable housing along with the council's interim affordable housing policy. In this case the proposed development is a 100% affordable housing scheme and will align with policy CS9.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' 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 were most important to determining the application should not be considered up-to-date.

A recent appeal decision dated 20 July 2022 (planning reference PA/2020/554) has been issued where the Inspector has concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period.

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

### ***Flood risk and drainage***

Policies DS16 of the North Lincolnshire Local Plan, and CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 166 and 167 of the NPPF are considered highly relevant.

The Environment Agency (EA), LLFA, and Severn Trent Water have been consulted on the Flood Risk Assessment (FRA) and drainage information and do not object to the proposal subject to a number of conditions that will be imposed on any planning permission granted.

The application site is within flood zone 2/3a (tidal). The scale of development also has the potential to increase flood risk elsewhere. The council acts as the Lead Local Flood Authority and has a statutory duty to promote and prioritise the use of Sustainable Urban Drainage Systems or SuDS in accordance with local and national planning policy requirements. A flood risk assessment, drainage strategy and drainage strategy plan have been submitted in support of the application.

In terms of flood risk, the EA does not object to the proposal subject to conditions. These conditions include ensuring the development is carried out in accordance with the submitted FRA; the ground floor accommodation only being used for undercroft parking, a utility, entrance hall, WC and store (as shown on the plans); and that no extensions to provide habitable/living accommodation shall be erected.

Being in flood zone 2/3a, the site is at high risk of flooding. Both the sequential and exceptions tests will need to be passed in order for the development to be acceptable in

terms of flood risk, as set out in the NPPF. The applicant has provided a sequential test as part of the flood risk assessment. Paragraph 162 of the NPPF notes that the purpose of the sequential test is to steer new development to areas with the lowest probability of flooding. The aim is to steer new development to Flood Zone 1. Paragraph 163 states that only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered, taking into account the flood risk vulnerability of land uses and applying the exception test if necessary.

Within the FRA the search for alternative development sites was limited to the settlement of Crowle. Crowle is identified as a market town and is a highly sustainable location for development. It is considered there are no sequentially preferable available sites of lesser flood risk suitable for the proposed development within Crowle. It must be noted that a significant area of the settlement of Crowle is also within flood zone 2/3a which limits the search area.

In terms of the exception test, NPPF paragraph 164 states that for the exception test to be passed it should be demonstrated that:

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

Both elements of the test need to be satisfied for development to be permitted.

The scheme would bring about a number of sustainable benefits, including (but not limited to) affordable housing, energy efficient homes, proximity to employment areas, services and amenities, provision of open space, landscaping, increased pedestrian and cycle connectivity, off-site biodiversity enhancement and SuDs. It is considered that the scheme would provide wider sustainability benefits and part 'a' of the exceptions test is considered passed.

The Environment Agency, LLFA and Severn Trent Water have all been consulted and have no objections to the scheme subject to the imposition of conditions. It is considered that this mitigation would make the development safe for its lifetime, taking account of the vulnerability of its users, without increasing flood risk elsewhere, and where possible reducing flood risk overall; part b of the exceptions test is therefore considered passed. Conditions from these consultees relate to control over both surface water and foul sewage disposal, the development proceeding in accordance with the submitted FRA, finished floor levels and non-habitable accommodation on the ground floor of the properties. Therefore, subject to the aforementioned mitigation, it is considered that the proposal would accord with policies CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

In terms of surface water run-off, the development will increase in impermeable area and potentially run-off from the site will also be increased. Soakaways are proposed and it is noted that that the subsoils make infiltration unfeasible. The LLFA consider that the developer will need to investigate a hybrid conventional piped network and SuDS systems where feasible. In order to mitigate surface water run-off the LLFA are proposing a number of conditions including the submission of a surface water drainage strategy. It is therefore



considered, subject to drainage conditions, that the proposal will align with the NPPF, policies CS18 and CS19 of the Core Strategy, and policies DS14 and DS16 of the North Lincolnshire Local Plan.

In terms of foul water, this is proposed to connect into the public foul water sewer, which will be subject to a formal section 106 sewer connection approval. Severn Trent have advised that a sewer modelling study may be required to determine the impact this development will have on the existing system and if flows can be accommodated. Severn Trent may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improvements, they will require a reasonable amount of time to be determined to allow these works to be completed before any additional flows are connected. In this case Severn Trent are not objecting to the proposal in terms of foul water. The response from Severn Trent indicates that the foul water could be accommodated within the 'current system' subject to sewer modelling and potentially, if following this modelling capital improvements are required, then Severn Trent have indicated that they would undertake capital improvements. A condition can be imposed if planning permission is granted for details of the foul water to be submitted to the council for approval. As part of this process Severn Trent would be consulted. It is therefore considered, subject to a foul water condition, that the proposal will align with the NPPF and policy DS14 of the North Lincolnshire Local Plan.

### ***Highways***

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision and general highway safety. Both policies are considered relevant. Policy CS25 of the Core Strategy is also relevant and seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools. The site is within the market town of Crowle, within walking and cycling distance of the centre of Crowle where a range of services and facilities are available. The site is also close to a bus route and there are connections to the train station at Ealand.

The main access to the site is from Maple Avenue with a formal pedestrian access proposed from Godnow Road. Highways have been consulted on the application and have no objections subject to conditions relating to the layout and visibility of the access, car parking and turning arrangements. Concerns from residents over increased on-street parking and highway safety issues are noted. However, planning conditions will ensure satisfactory car parking is provided on the site to serve the development and that the access is constructed to the required standards. The loss of the garages on the site are noted as these appear to be used by residents surrounding the site. However, it is not considered that the loss of these garages would substantially increase on-street parking. The majority of properties surrounding the site do have off-street car parking available.

The proposal is considered to be acceptable in highway terms and aligns with the NPPF, policy CS25 of the Core Strategy, and policies T1, T2 and T19 of the North Lincolnshire Local Plan.

### ***Character, visual impact and amenity***

In terms of character and visual impact on the area, the site is within the development boundary of Crowle within an established residential area. It is primarily a green area of

open space but is not allocated in the development plan for any use/purpose/function. The site is surrounded by residential properties on all sides and is well embedded into the existing residential area of this part of Crowle. It is relatively enclosed by the existing residential development. The character of the site will change from being an essentially green open space with 1960's garages to an affordable housing site with associated infrastructure. The dwellings surrounding the site comprise bungalows and two-storey dwellings and are a mix of terraces, and semi-detached and detached dwellings. The age of the properties is also a mix with the more modern dwellings located on Maple Avenue and older properties along Godnow Road and Laburnum Grove.

The proposed dwellings are in effect 2.5-storey in height as rooms are provided in the roof space, with dormer windows and rooflights, to reduce the overall height of the dwellings. Non-habitable accommodation is required on the ground floor due to the flood risk associated with the site (Flood zone 2/3a). There is some detailing on the dwellings, including different types of bricks, to provide interesting features. Whilst the dwellings will be higher than the surrounding dwellings, they will not be overly visible from Godnow Road as the only opening to the site on Godnow Road is a pedestrian access which has some existing tree screening and additional planting is proposed along it. The dwellings are set well back from Godnow Road and are partially screened by the existing dwellings on Godnow Road. The dwellings on Laburnum Grove are bungalows. There is no access from Laburnum Grove into the site. The proposed dwellings are set a considerable distance from Laburnum Grove (access) and public views from Laburnum Grove will be more limited due to the distance the dwellings are from the access road forming Laburnum Grove and as some screening is provided by the bungalows.

The dwellings will be visible from the access road leading from Maple Avenue into the site. However, they are set well back from the access entrance onto Maple Avenue with an area of public open space to be provided adjacent to the access road. 5 Maple Avenue will also provide some screening of some of the plots. On balance, although the dwellings are higher than the surrounding dwellings, due to their siting, design and layout, and the relatively enclosed nature of the site which restricts views of the development from surrounding streets, it is not considered that the development would be out of character with the area such that a refusal can be justified in planning policy terms. In terms of character and visual impact on the area, the proposal therefore accords with policies H5, H8 and DS1 of the NLLP, and policies CS2, CS5, CS7 and CS8 of the Core Strategy.

In terms of amenity, the impact on adjoining residential properties needs to be carefully assessed due to the number of dwellings proposed, the 2.5-storey dwellings proposed and the fact that adjoining dwellings surround the whole site. Turning first to Laburnum Grove, this is a small cul-de-sac development of bungalows. Plots 7 and 8 of the proposed development will be 30m from numbers 2 to 8 Laburnum Grove. Whilst the dwellings will be visible from these properties, due to the separation distances and the fact that the flank elevation wall (north-east) of plot 8 will have no windows, there will be no demonstrable loss of amenity to numbers 2 to 8. Plot 9 of the scheme will be 6.8m from 16 Laburnum Grove. Number 16 has no windows in its south-western elevation and plot 9 has no windows in its flank wall (north-eastern). Plot 9 runs parallel and projects slightly beyond number 16. Due to plot 9's layout, the fact that there are no windows in its flank elevation and the separation distance with number 16, whilst plot 9 will be visible from number 16's rear garden and rear windows, but at an oblique angle, no demonstrable loss of amenity will be caused to this property and the proposal aligns with policies H5 and DS1 of the NLLP, and CS5 and CS7 of the Core Strategy.

In terms of Maple Avenue, the rear of plots 11 to 18 face the rear gardens of 25 to 33 Maple Avenue. There is a minimum separation distance of 22m from the rear of plots 11 to 18 to these properties on Maple Avenue which will safeguard privacy between the proposed and existing dwellings. The proposed dwellings are 2.5-storey with rooflights in the roofspace. The ground-floor windows in the rear elevation serve non-habitable accommodation (utility and WC, the WC being obscure-glazed) and will be screened by the existing boundary fencing. The first-floor windows in the rear elevation comprise a bathroom window, to be obscure-glazed, and a kitchen/dining room window. This kitchen/dining room window is at a higher level and is 1.5m above the proposed floor level. The window (glazing) itself is approximately 0.4m in height. The applicant has provided cross-sections demonstrating the line of vision from a person of average height looking out of this window. This demonstrates that there will not be a clear line of vision into the rear gardens of Maple Avenue. Rooflights are proposed in the roof and serve bedrooms. The applicant has also provided cross-sections demonstrating the line of vision from a person of average height looking out of the rooflight. The line of vision is upward into the sky and would not result in overlooking of the garden areas of Maple Avenue.

39 Maple Avenue is closer to the site and at right angles to the south-eastern boundary of the application site. There is a separation distance between the flank elevation of number 39 and plot 9 of 14m. The flank elevation of number 39 contains no habitable windows. In terms of garden area, the rear elevation of plots 9 and 10 faces the rear garden of number 39. The rear window arrangement for plots 9 and 10 is the same as plots 11 to 18. It has been demonstrated that the first-floor and roof windows will not directly overlook the rear garden of this property. Whilst the proposed development at 2.5 storeys in height will be visible from the rear windows (at an oblique angle) and garden area of properties on Maple Avenue, no demonstrable loss of amenity will be caused to these properties by the proposed development and the proposal aligns with policies H5 and DS1 of the NLLP, and CS5 and CS7 of the Core Strategy.

1, 2, 27 and 29 Godnow Road are closest to the proposed development. Number 2 is 12m from plot 4 and its principal windows face north-east towards the proposed footpath and to the south-west. The private garden is to the south-west. The flank elevation has no windows. The front garden (north-east) is covered with outbuildings. This property will have an oblique view of the proposed dwellings from its rear windows and from the first-floor front windows, and will have a view of the development from the rear garden. The rear elevation of the proposed dwellings will have an obscured window at first floor and a high-level kitchen/dining room window, with rooms in the roof lit by rooflights. Due to the high-level kitchen/dining room window and the position of the rooflights, no direct overlooking into the rear garden area will result. It is accepted that plots 3 and 4 will be visible from this property but there is sufficient separation distance to prevent an overbearing or oppressive impact being caused to number 2.

29 Godnow Road adjoins number 2 and its main garden is to the front of the property adjacent to Godnow Road. There is a distance of 21m from number 29 to plot 3. Due to the window arrangement in the rear of plot 3 (mentioned previously) and the separation distances, no overlooking, or overbearing or oppressive impact, will be caused to number 29. The proposal therefore aligns with policies H5 and DS1 of the NLLP, and CS5 and CS7 of the Core Strategy.

1 Godnow Road has a single-storey lean-to extension on its flank elevation but no habitable windows. To the rear is a hardstanding area covered by a substantial outbuilding. The main garden area is to the front of the property adjacent to the proposed footpath. There is a

distance of 12m from the flank wall of number 1 to plot 6. The rear elevations of plots 5, 6 and 7 are arranged as previously mentioned in this report. Due to the window arrangement in the rear of plots 5, 6 and 7 and the separation distances, no overlooking will be caused to number 1. Plots 5, 6 and 7 will be visible from this property's front and rear windows at an oblique angle and from the garden, but due to the separation distances, this will not cause a demonstrable overbearing or oppressive impact on the property.

27 Godnow Road has a two-storey extension and a single-storey extension to the north-eastern side. There is a separation distance of 20m between number 27 and plot 7. The private garden area to number 27 is to the front of the property. Whilst plots 6 to 8 will be visible from the rear of this property, there is considered to be an adequate separation distance between these plots and number 27 to avoid both overlooking into the rear and an overbearing impact. The proposal therefore aligns with policies H5 and DS1 of the NLLP, and CS5 and CS7 of the Core Strategy.

In terms of the other properties along Godnow Road, these are essentially two-storey semi-detached and terraced dwellings. The proposed development of 2.5 storeys will be visible from the rear windows and gardens of these properties. Due to the separation distances between the plots and the position, type and design of windows on the rear elevation of plots 1 to 8 (as mentioned in the above section of this report), it is considered that no demonstrable loss of amenity will be caused to residents on Godnow Road by the proposed development.

### ***Cultural heritage***

The site is neither within nor adjacent to Crowle conservation area and there are no listed buildings adjacent to the site. In terms of archaeology, HER have confirmed that there are no known heritage assets of archaeological interest recorded within the site and the potential for the presence of as yet unrecorded archaeological remains is judged to be low. As a result, the proposal will have no impact on cultural heritage and the proposal aligns with policies HE2 and HE5 of the NLLP, and CS6 of the Core Strategy.

### ***Ecology/biodiversity***

Policies CS5 and CS17 of the Core Strategy deal with biodiversity. Policies LC5 to LC7 of the NLLP deal with species, habitat and landscape. The applicant has submitted an ecology report and biodiversity matrix 3.0 with the application. The council's ecologist has been consulted on the proposal. In terms of the results of these surveys, the biodiversity matrix confirms that there is a 100% increase in hedgerow units, but a 39.92% decrease in habitat units on site. Therefore, there will be a net loss of habitat on site and biodiversity net gain (BNG) cannot be provided on the site, which is contrary to policies CS5 and CS17 of the Core Strategy and the NPPF. The biodiversity mitigation hierarchy seeks to provide biodiversity net gain on site; if this cannot be achieved, off-site opportunities should be identified; and where BNG cannot be delivered off site, via the market as a last resort statutory credits can be purchased. In this case, there is concern from residents that the proposal will result in the loss of wildlife and habitats on the site. However, this must be balanced against the provision of affordable homes on the site, for which there is a strong need in North Lincolnshire.

It is regrettable that BNG cannot be provided on the site. However, the benefits of the provision of affordable housing outweigh the loss of the BNG on the site. BNG can be provided off-site via a financial contribution (obtained through an S106 – see later in this

report). Planning conditions will also be used to secure biodiversity enhancements and landscaping on the site. Therefore, subject to the off-site contribution for BNG and planning conditions, the proposal would align with policies CS5 and CS17 of the Core Strategy, and the NPPF, to ensure a net benefit in terms of ecology and biodiversity.

### ***Air quality and sustainable resource***

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

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

The council's Environmental Health department have assessed the proposal and have proposed a condition that, prior to development, a scheme for electric vehicle charging points shall be submitted to and agreed in writing with the local planning authority. The request is considered to be in accordance with the above policy requirements and will be attached to any permission to mitigate the impact upon air quality generated by the development. It is considered that the imposition of this condition would not only satisfy policy CS18 of the Core Strategy, but also DS11 of the local plan by making a positive impact upon the reduction of polluting activities. In addition, the applicant has submitted an energy report with the application outlining sustainable energy reduction and generation features to be installed into the proposed dwellings, including heat pumps and solar panels.

### ***Land contamination***

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. The submitted site investigation is not considered sufficiently robust and therefore a planning condition will be used to ensure a satisfactory site investigation and remediation scheme is submitted for approval by the council before development takes place.

### ***Planning obligations***

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

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

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

The legal test is also set out in planning policy under paragraph 57 of the National Planning Policy Framework 2021. The heads of terms for the developer contributions are set out below, all of which the applicant has agreed to.

### ***Affordable housing***

Policy CS9 is concerned with affordable housing. In this case all the dwellings are proposed to be for affordable housing. As a result, an S106 is required to ensure that these dwellings remain affordable in perpetuity. The proposal therefore aligns with policy CS9 of the Core Strategy and the NPPF.

### ***Public open space***

Public open space and leisure policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states, '(i) ...New housing developments on allocated and windfall sites of 0.5ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents.' This is reinforced by policies CS22 and CS23 of the North Lincolnshire Core Strategy. Both are considered relevant.

On-site informal open space of 10sqm per dwelling is required. The open space within the red line boundary of the site is to be managed by Ongo Homes and therefore no financial contribution would be required.

### ***Biodiversity net gain***

Biodiversity net gain (BNG) cannot be provided on site due to the number of dwellings proposed and associated infrastructure. Considerable weight must be given to the fact that the scheme is a 100% affordable housing scheme with a local registered provider to deliver the scheme. As a result, it is considered in this case that it is acceptable to seek an off-site contribution for BNG. This off-site contribution has been calculated as £8,200. Subject to this contribution, the proposal would align with the NPPF and policy CS17 of the Core Strategy.

### ***Obligations summary***

The proposed on- and off-site contributions are considered to be CIL compliant as well as policy compliant. The proposal would therefore align with policies CS9 and CS17 of the North Lincolnshire Core Strategy, H10 of the North Lincolnshire Local Plan, and paragraph 57 of the NPPF. The heads of terms that have been put to the applicant are public open space, affordable housing and off-site biodiversity net gain. The applicant has agreed all the requested S106 contributions required to mitigate the impacts of the development.

## **Other matters**

A number of other issues have been raised by residents. In terms of bungalows, these cannot be provided on the site due to the flood risk. If bungalows were to be provided, significant land raising would be required to mitigate flood risk impacts. There has been no evidence submitted to suggest that schools cannot accommodate this development. It must be noted that under SPG8: Developer Contributions to Schools, no S106 contributions are required as this is a 100% affordable housing scheme. Other available sites in Crowle for this development have been assessed and discounted in the submitted sequential test (see flood risk section). There will be some loss of hedging, but this can be mitigated with additional planting through planning conditions. Comments in relation to Article 8 of the Human Rights Act are noted. Article 8 gives everyone the right to respect for private and family life, home and correspondence. In this case, it is not considered that the impacts of the development will infringe upon Article 8 of the Human Rights Act. The site is within the development boundary of Crowle, close to a wide range of services and facilities and the site is not allocated in the development plan as open space/recreational land. Concerns about loss of this 'public land' are noted. However, the owners of the site would be perfectly entitled to restrict public access to the site as the site is not public land but is within private ownership.

## **The planning balance**

The proposal accords with the development plan. The site is within the development boundary of Crowle close to a wide range of services and facilities, is served by public transport and is accessible in terms of walking and cycling. The site is a very sustainable location for residential development. The scheme will provide 18 affordable dwellings, for which there is a strong need in North Lincolnshire. In addition, the council cannot currently demonstrate a five-year housing land supply of deliverable sites and significant weight has to be given to the provision of 18 dwellings which would go some way in meeting the current housing shortfall. Furthermore, it must be noted that the developer has a good track record of housing delivery in North Lincolnshire.

In terms of technical matters, these have been addressed in the main report and can be mitigated by planning conditions and through the S106 planning obligation. The scheme will have an impact on residential amenity as 2.5 storeys are proposed on the site which is currently a predominantly green open space. The dwellings will be visible from adjoining dwellings and although overlooking has been mitigated to a certain extent, a small element of overlooking will be caused by the development. The dwellings are higher than existing dwellings, although the roof pitch on the rear elevation has been 'dropped' so it is shallower, creating less bulk and less overbearing impact on neighbours. Although the dwellings will be screened in part by the adjoining properties on Godnow Road and Maple Avenue, they will still be partially visible, due to their height, from Godnow Road, Maple Avenue and Laburnum Grove. When the planning balance is applied the benefits of the scheme demonstrably outweigh the dis-benefits and therefore the application is recommended for approval.

## **Conclusion**

No material considerations or technical matters have been identified that could properly be considered to outweigh the statutory presumption in favour of the development plan and the presumption in favour of sustainable development as set out in the NPPF. On this basis the proposed development is considered to be acceptable and is recommended for approval subject to the conditions and planning obligations set out below.

## Heads of terms

### *Affordable housing*

<b>Number of dwellings or commuted sum</b>	All 18 dwellings
	Affordable units to be retained in perpetuity

### *Open space*

<b>On-site open space</b>	All the open space in the red line boundary to be maintained by Ongo Homes
<b>Trigger point</b>	To be set out on occupation of the 10 <sup>th</sup> dwelling

### *Biodiversity*

<b>Contribution amount</b>	£8,200 off-site biodiversity
<b>Trigger point</b>	On occupation of the 10 <sup>th</sup> dwelling
<b>How long the council has to spend the contribution</b>	10 years

### **Pre-commencement conditions**

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

### **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for provision and maintenance of open space within the development, affordable housing and off-site biodiversity net gain, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Development Management Lead upon completion of the obligation;**
- (iii) if the obligation is not completed by 3 February 2023 the Development Management Lead be authorised to refuse the application on grounds of no essential community benefits or biodiversity benefits; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

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



Reason

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

2.

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

J1838 00104 Rev C (sections/side elevations)

J183800101 Rev D (proposed site plan)

J1838 000102 Rev F (proposed site block plan)

J1838 00047 (floor plans Type B2)

J1838 00048 (elevations house type B2)

J1838 00045 Floor plans house type B1

J1838 00046 (elevations house type B1)

Plots 1 and 2 first floor plan and plot 2 side elevation received on 11/07/20223

Elevation and floor plans of Plot 17 received on 12/07/2022

J1838 050 Rev A (coloured site plan)

J1838 00001 Rev B (site location plan)

J1838 00103 (proposed site boundaries).

Reason

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

3.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway;
- (ii) the number and location of vehicle parking spaces on the site; and
- (iii) the proposed footway connection to Godnow Road;

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

Reason

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

4.

The penultimate dwelling on the site shall not be occupied until the access roads and footway connection to Godnow Road have been completed.

Reason

In the interests of highway and pedestrian safety in accordance with policy T2 of the North Lincolnshire Local Plan.

5.

The existing vehicular access to the site shall be improved within highway limits in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

6.

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

Reason

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

7.

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.

8.

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

Reason

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

9.

No 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.

10.

No dwelling on the site shall be occupied until the private driveway has been completed, to a standard to be agreed beforehand in writing with the local planning authority, up to its junction with the vehicular access to that dwelling.

Reason

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

11.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be submitted to and approved in writing by the local planning authority, have been provided within the curtilage of the site, and this facility shall be retained for the duration of the works.

Reason

To prevent material being deposited on the highway and creating unsafe road conditions.

12.

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

Reason

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

13.

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

Reason

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

14.

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

Reason

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

15.

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

- (i) a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- (ii) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (iii) any abnormal load movements;
- (iv) contractor parking and welfare facilities;
- (v) storage of materials; and
- (vi) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway, as may be required;

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

#### Reason

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

16.

No development shall take until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must be based upon the submitted Drainage Strategy, prepared by Daniel Mutepfa, Ward Cole Consulting Engineers, Job No: 10/5460, Dated: June 2021.

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.

17.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 16 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

**Reason**

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

18.

No 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.

19.

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.

20.

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

**Reason**

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

21.

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

Reason

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

22.

Before any approved dwelling is first occupied, the bathroom and WC windows shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

23.

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), no new window openings shall be created in any wall or roof plane of the approved dwellings other than those shown on the submitted plan.

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policies DS5 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

24.

The development shall be carried out in accordance with the submitted flood risk assessment (Collins, Hall, Green, Version 1.2, 20 March 2019) and the following mitigation measures it details in section 6:

- Finished floor levels of the living areas to be set no lower than 4.4 metres above Ordnance Datum (AOD)
- Flood resilience measures to be incorporated as described.

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 and impact of flooding in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the Core Strategy.

25.

The ground floors of the properties hereby approved shall be used as undercroft parking, utility, entrance hall, WC and store only as annotated on approved drawings J1838 00047

(floor plans) and J1838 00045 (floor plans), and floor plan for Plot 17 received on 12 July 2022, and for no other, habitable, accommodation at any time.

#### Reason

In accordance with the details of the application and to ensure that there is no sleeping or vulnerable living accommodation on the ground floor, to protect the inhabitants of the property from the risk of flooding in accordance with the Chapter of the National Planning Policy Framework, policy DS16 of the North Lincolnshire Local Plan and policy CS19 of the Core Strategy.

26.

Notwithstanding the provisions of Classes A, B, C, D, and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that order with or without modification, no extensions or alterations, or buildings or enclosures, to provide additional habitable/living accommodation shall be erected on the site/installed on the building at any time.

#### Reason

To reduce the risk and impact of flooding in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the Core Strategy, and to safeguard the residential amenity of adjoining dwellings in accordance with policies DS1 and DS5 of the North Lincolnshire Local Plan, and CS5 of the Core Strategy.

27.

No above-ground works shall take place until proposals for landscaping have been submitted to and approved in writing by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

#### Reason

To enhance the appearance of the development in the interests of amenity in accordance with policies DS1 and LC12 of the North Lincolnshire Local Plan, and CS5 of the Core Strategy.

28.

All the approved landscaping shall be carried out within 12 months of development being commenced (unless a longer period is agreed in writing by the local planning authority). Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

#### Reason

To ensure the approved landscaping scheme is implemented in a timely fashion on the site and in the interests of amenity in accordance with policies DS1 and LC12 of the North Lincolnshire Local Plan, and CS5 of the Core Strategy.

29.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall include:

- (a) details of at least four bat roosting features to be installed;
- (b) details of nesting sites to be installed to support swifts and house sparrows;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the planting and aftercare of heritage fruit tree varieties, trees, shrubs and flowering plants of high biodiversity value;
- (f) proposed timings for the above works in relation to the completion of the buildings.

Reason

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

30.

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 15th 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.

31.

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

Part 1: Site Characteristics

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

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



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

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

#### Part 2: Submission of Remediation Scheme

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

#### Part 3: Implementation of Approved Remediation Scheme

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

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

#### Part 4: Reporting of Unexpected Contamination

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

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

#### Reason

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

32.

Before any above-ground works take place on the site, a scheme for the provision of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management Land Use Planning and Development Control:

<http://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

and contemporaneous electrical standards, including:

- Electrical Requirements of BS7671:2008
- IET Code of Practice on Electrical Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7.

The approved scheme shall be installed in full and retained in perpetuity thereafter.

#### Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with the National Planning Policy Framework and policy CS18 of the Core Strategy.

33.

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

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

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

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

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

Reason

To protect residential amenity in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

34.

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

Reason

To ensure that the dwellings are in keeping with their surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

35.

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

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

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

Light – the CEMP shall set out the particulars of:

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

Dust – the CEMP shall set out the particulars of:

- (i) site dust monitoring, recording and complaint investigation procedures;
- (ii) identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (iii) provision of water to the site;
- (iv) dust mitigation techniques at all stages of development;

- (v) prevention of dust trackout;
- (vi) communication with residents and other receptors;
- (vii) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (viii) a 'no burning of waste' policy.

**Reason**

To protect residential amenity in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

**Informative 1**

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

**Informative 2**

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.

**Informative 3**

Records indicate that the proposed development site is bounded by and has running through it, a series of watercourses (surface water pipe/culvert). Following inspection, the watercourses may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourses may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team, via email to [llfadrainageteam@northlincs.gov.uk](mailto:llfadrainageteam@northlincs.gov.uk), prior to any further construction works being carried out. Please refer to North Lincolnshire Council's 'Guide to Watercourses and Riparian Ownership' detailing riparian rights and responsibilities. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

**Informative 4**

Alterations and/or new connections into the watercourse network must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, and/or the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team via email to [llfadrainageteam@northlincs.gov.uk](mailto: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.

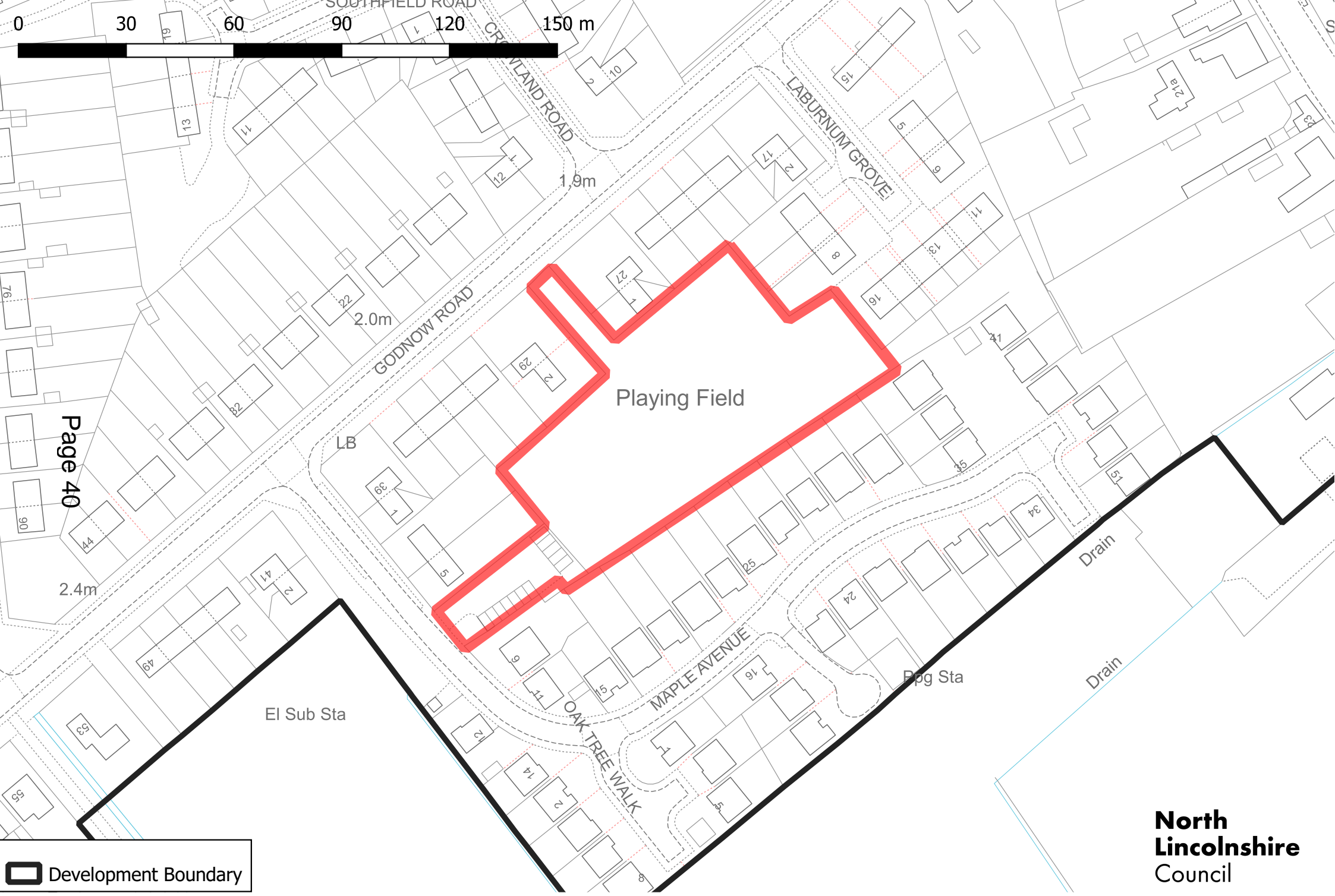
**Informative 5**

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

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

### **Informative 6**

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



Page 40

Playing Field

EI Sub Sta

Ppg Sta

Drain

Drain

Development Boundary

North Lincolnshire Council

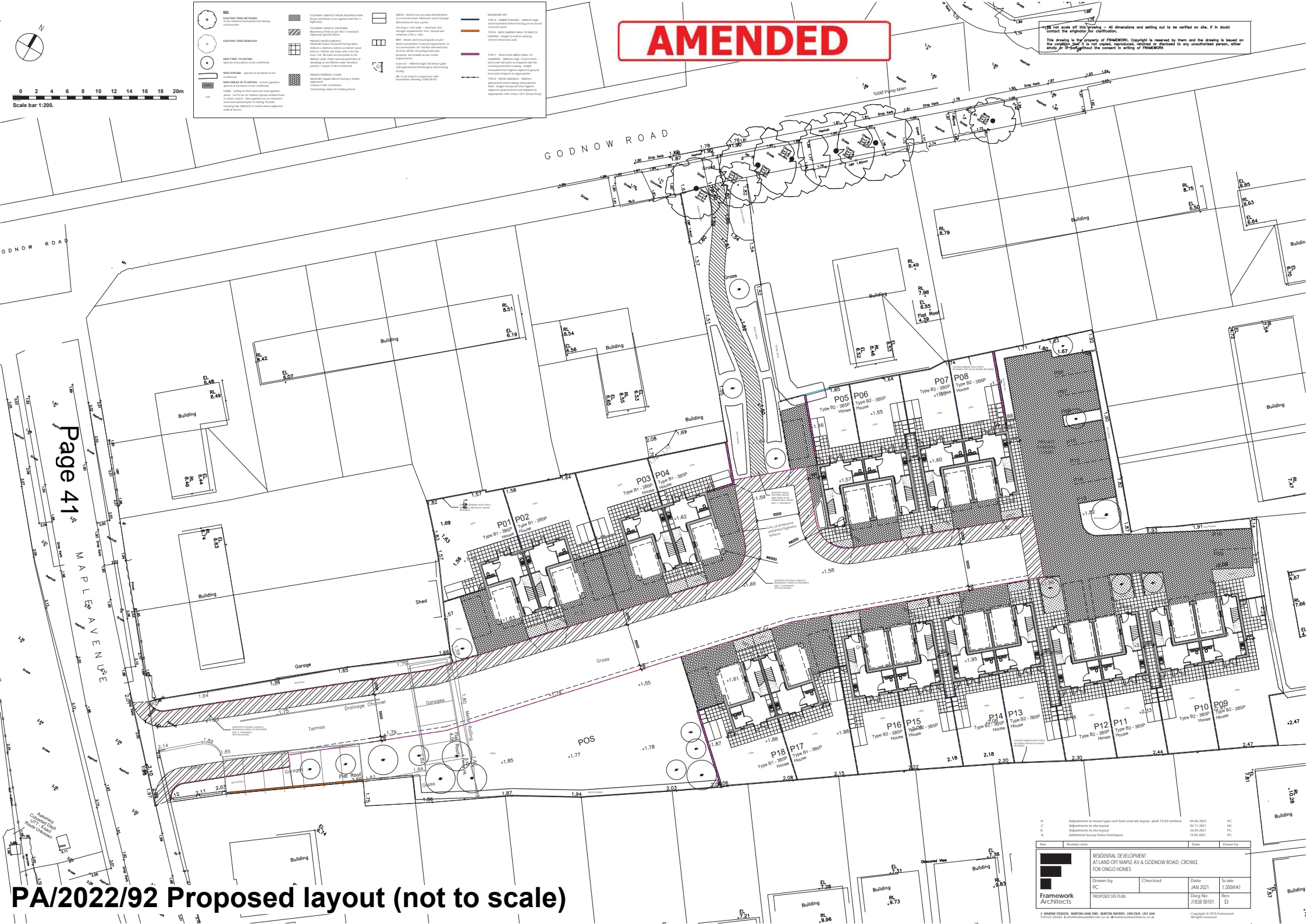
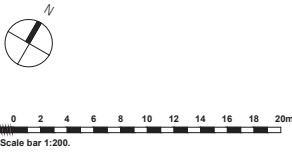
PA/2022/92

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# AMENDED

1:100 Cell scale off this drawing - All dimensions and setting out to be verified on site. If in doubt contact the originator for clarification.  
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	<b>EXISTING TREES RETAINED:</b> To be retained where practical during construction.		<b>EXISTING TREES TO BE REMOVED:</b> To be removed during construction.		<b>NEW TREES PLANTED:</b> To be planted during construction.		<b>NEW TREES PLANTED:</b> To be planted during construction.
	<b>EXISTING SURFACE AREAS TO BE REPLACED:</b> To be replaced during construction.		<b>EXISTING SURFACE AREAS TO BE REPLACED:</b> To be replaced during construction.		<b>NEW SURFACE AREAS TO BE CREATED:</b> To be created during construction.		<b>NEW SURFACE AREAS TO BE CREATED:</b> To be created during construction.
	<b>EXISTING BOUNDARIES TO BE REPLACED:</b> To be replaced during construction.		<b>EXISTING BOUNDARIES TO BE REPLACED:</b> To be replaced during construction.		<b>NEW BOUNDARIES TO BE CREATED:</b> To be created during construction.		<b>NEW BOUNDARIES TO BE CREATED:</b> To be created during construction.



Page 41 MAPLE AVENUE

**PA/2022/92 Proposed layout (not to scale)**

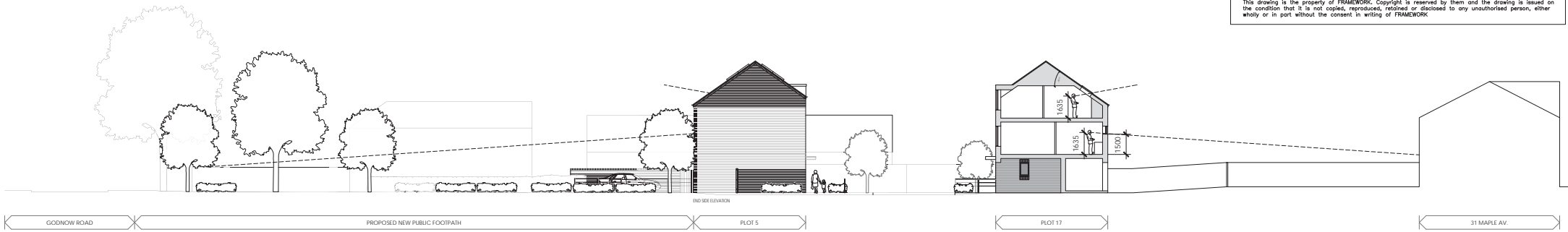
Rev	Revision notes	Date	Drawn by
D	Adjustments to house types roof form and site layout, grade 19.20 amended	04.09.2022	PC
C	Adjustments to site layout	02.11.2021	MR
B	Adjustments to site layout	28.09.2021	PC
A	Additional Survey Data Downloaded	19.04.2021	PC

<b>RESIDENTIAL DEVELOPMENT</b>		<b>AT LAND OFF MAPLE AV &amp; GODNOW ROAD, CROWLE</b>		<b>FOR ONCO HOMES</b>	
Drawn by	Checked	Date	Scale		
PC		JAN 2021	1:2000 A1		
<b>PROPOSED SITE PLAN</b>		Sheet No	Rev		
		1/18.08.00/01	D		

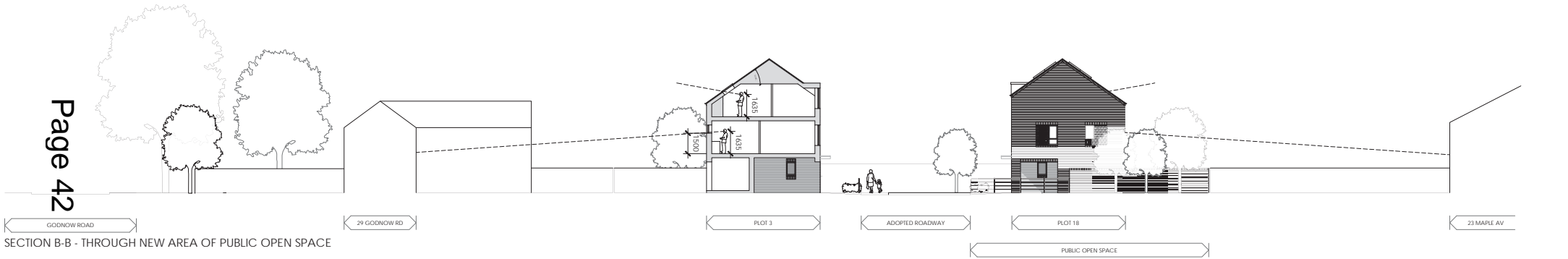


**AMENDED**

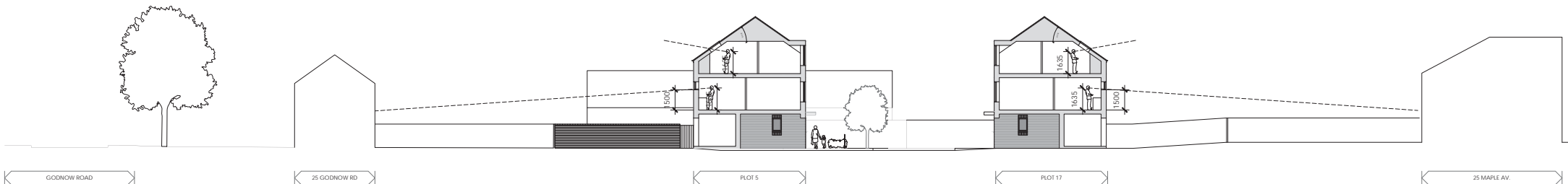
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SECTION A-A - FOLLOWING PROPOSED NEW PUBLIC FOOTPATH

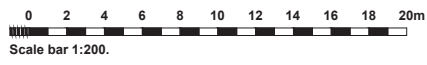


SECTION B-B - THROUGH NEW AREA OF PUBLIC OPEN SPACE



SECTION C-C

Page 42



Rev	Revision note	Date	Drawn by
C	ADDITIONAL SECTIONS ADDED	23.05.2022	PC
B	HOUSETYPE SECTION AMENDED	26.04.2022	PC
A	HOUSETYPES AMENDED	13.04.2022	PC

<p>Framework Architects</p>	RESIDENTIAL DEVELOPMENT AT LAND OFF MAPLE AV & GODNOW ROAD, CROWLE FOR ONGO HOMES		
	Drawn by HU	Checked	Date NOV 2021
	Scale 1:200@A2	Dwg No J1838 00104	Rev C

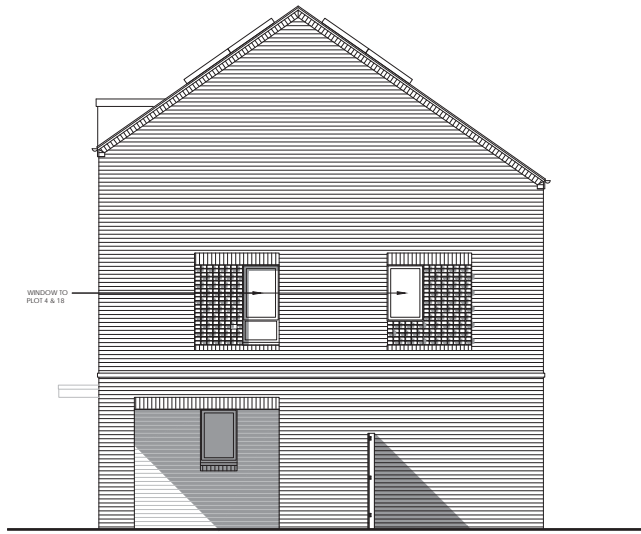


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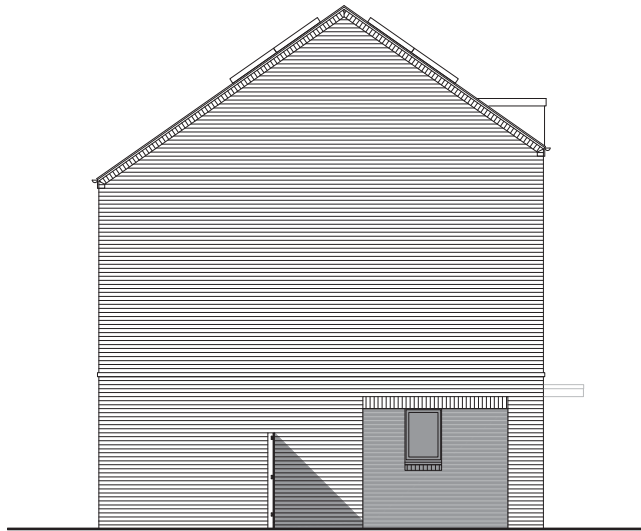
FRONT ELEVATION



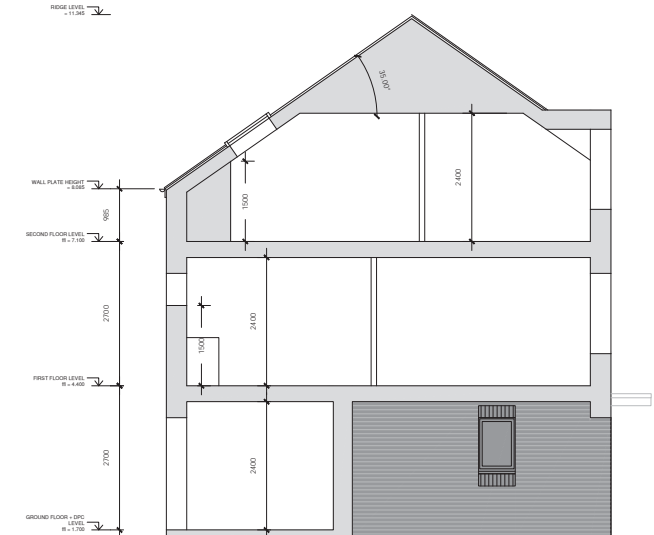
STANDARD SIDE ELEVATION



REAR ELEVATION



END SIDE ELEVATION



SECTION



SAMPLE IMAGE  
PROJECTING BRICK DETAIL PANELS

Rev	Revision note	Date	Drawn by
	RESIDENTIAL DEVELOPMENT LAND AT MAPE AV & GODNOW ROAD, CROWLE FOR ONGO HOMES		
	Drawn by PC	Checked	Date MAY22
	2½ STOREY HOUSE - TYPE B1 3BSP UNIT - ELEVATIONS		Scale 1:100@A3
			Rev J1838 00046

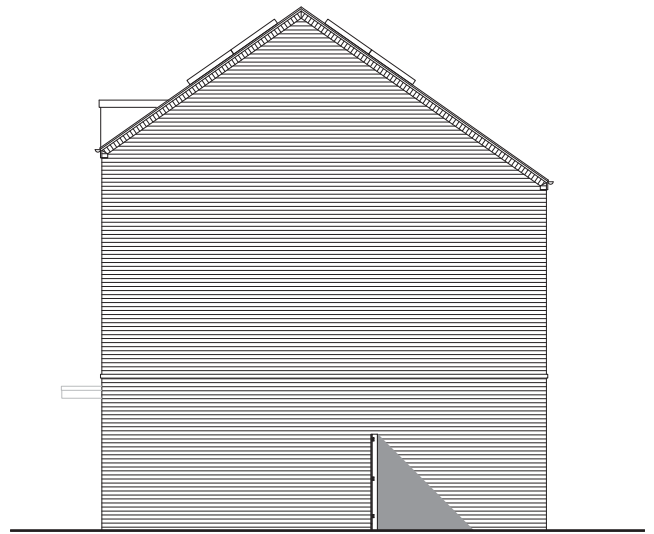
**AMENDED**

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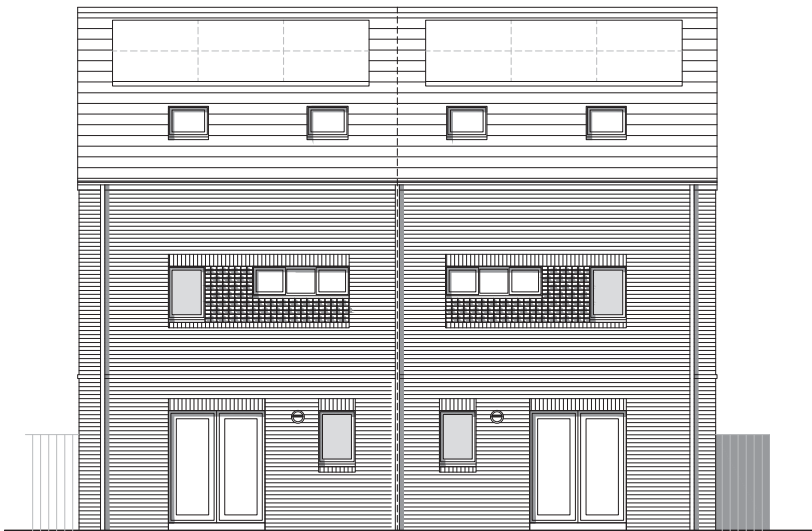
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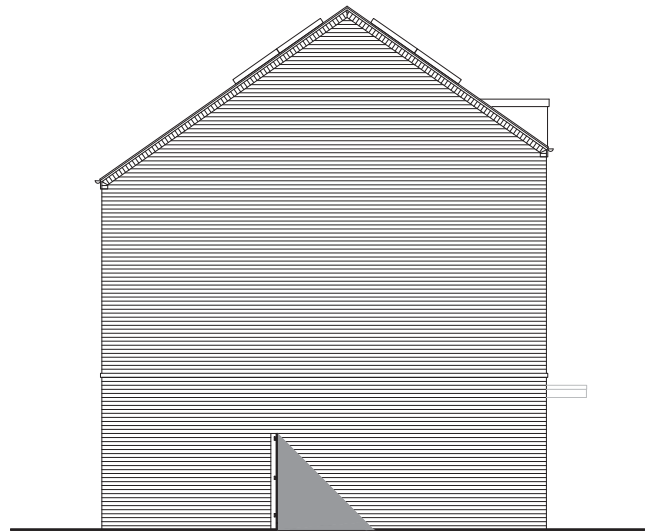
FRONT ELEVATION



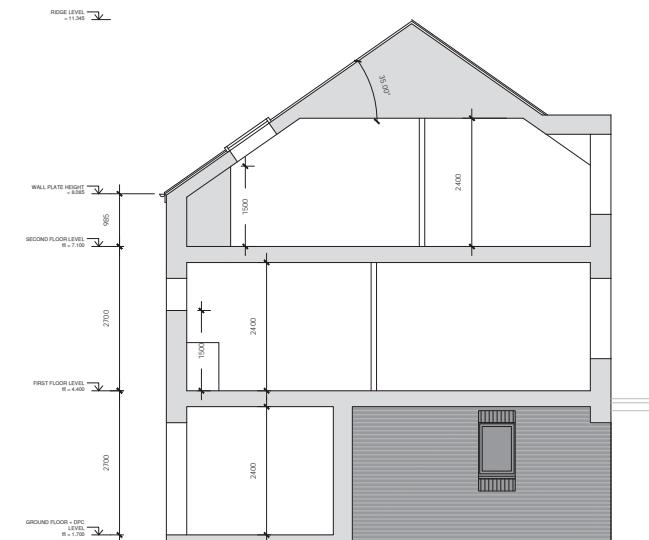
STANDARD SIDE ELEVATION



REAR ELEVATION



END SIDE ELEVATION



SECTION



SAMPLE IMAGE  
PROJECTING BRICK DETAIL PANELS

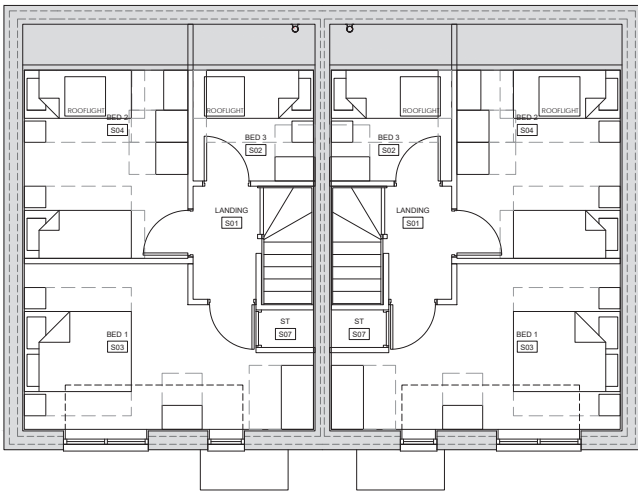
Rev	Revision note	Date	Drawn by
	RESIDENTIAL DEVELOPMENT LAND AT MAPE AV & GODNOW ROAD, CROWLE FOR ONGO HOMES		
	Drawn by PC	Checked	Date MAY'22
	2.5 STOREY HOUSE - TYPE B2 3BSP UNIT - ELEVATIONS		Scale 1:100@A3
			Rev J1838 00048

# PA/2022/92 House type B1 floor plans (not to scale)

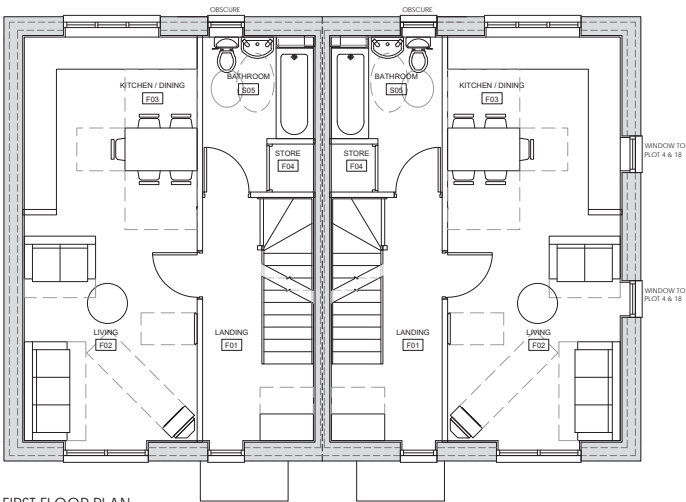
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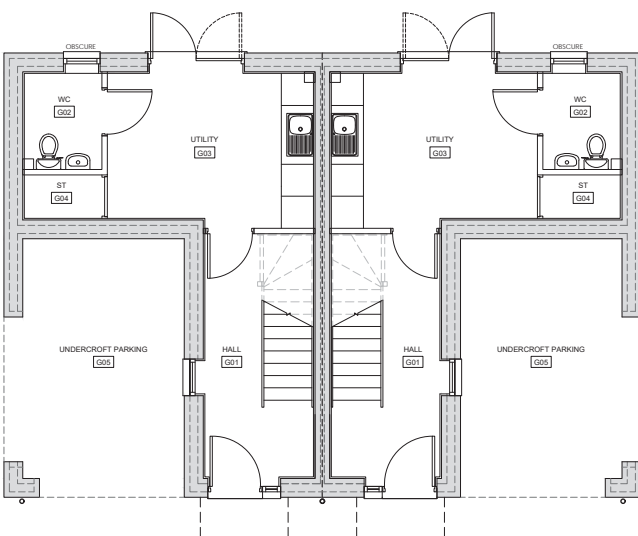
# AMENDED



SECOND FLOOR PLAN



FIRST FLOOR PLAN



GROUND FLOOR PLAN

TYPE B1 - 2 1/2 STOREY HOUSE  
3-BEDROOM/5-PERSON  
101.67m<sup>2</sup>



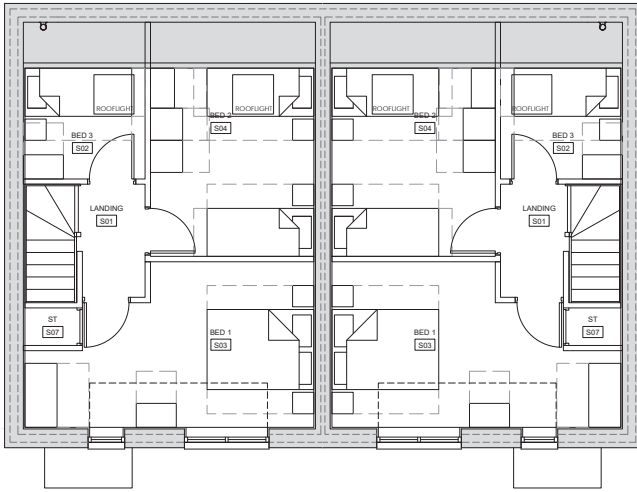
Rev	Revision note	Date	Drawn by
	RESIDENTIAL DEVELOPMENT LAND AT MAPE AV & GODNOW ROAD, CROWLE FOR ONGO HOMES		
	Drawn by PC	Checked	Date MAY '22
	2 1/2 STOREY HOUSE - TYPE B1 3B5P UNIT	Dwg No J1838 00045	Scale 1:100@A3
			Rev

# PA/2022/92 House type B2 floor plans (not to scale)

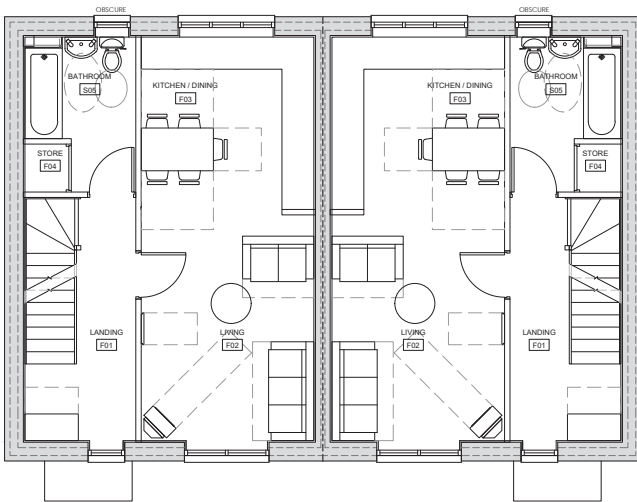
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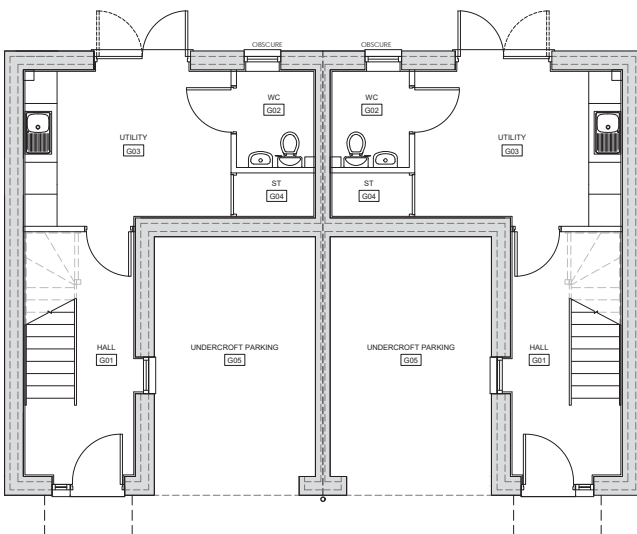
# AMENDED



SECOND FLOOR PLAN



FIRST FLOOR PLAN



GROUND FLOOR PLAN

TYPE B2 - 2 1/2 STOREY HOUSE  
3-BEDROOM/5-PERSON  
101.67m<sup>2</sup>



Rev	Revision note	Date	Drawn by
	RESIDENTIAL DEVELOPMENT LAND AT MAPE AV & GODNOW ROAD, CROWLE FOR ONGO HOMES		
	Drawn by PC	Checked	Date MAY'22
	2 1/2 STOREY HOUSE - TYPE B2 3B5P UNIT	Dwg No J1838 00047	Scale 1:100@A3
	Framework Architects		Rev

<b>APPLICATION NO</b>	<b>PA/2022/774</b>
<b>APPLICANT</b>	Mr Chris Barrett, Brookside Caravan Park
<b>DEVELOPMENT</b>	Planning permission for change of use of land to permit the siting of static caravans (resubmission of PA/2020/1949)
<b>LOCATION</b>	Brookside Caravan Park, Stather Road, Burton upon Stather, DN15 9DH
<b>PARISH</b>	Burton upon Stather
<b>WARD</b>	Burton upon Stather and Winterton
<b>CASE OFFICER</b>	Deborah Oikeh
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Burton upon Stather Parish Council

## **POLICIES**

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

Paragraph 175 – When determining planning applications, local planning authorities should apply the following principles:

- (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- (c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- (d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

**North Lincolnshire Local Plan:** DS1, DS7, DS11, T2, T19, RD2, R12, H7

**North Lincolnshire Core Strategy:** CS1, CS2, CS3, CS5, CS15, CS17, CS19

## **CONSULTATIONS**

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

**Environmental Protection:** No objections but recommend a condition

**Environmental Health:** Has provided some informative comments.

**Historic Environment Record:** No objections or further recommendations.

**Designing Out Crime Officer:** No objections.

**Ecology:** No objections subject to conditions.

**Natural England:** No objections.

**LLFA Drainage:** No objections subject to conditions.

**Humberside Fire and Rescue Service:** Has provided some informative comments.

## **PARISH COUNCIL**

The parish council has the following concerns if the caravan park were to be enlarged:

- the impact it would have on local residents due to over-development of the site
- the extra traffic movement and noise it would create
- the impact on the local sewerage services and utilities
- concerns about the badgers as they will stray further than anticipated.

## **PUBLICITY**

Advertised by site notice. No comments received.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

The applicant has not evidenced any community consultation.

## **ASSESSMENT**

### **Planning history**

7/1991/0102: Change of use of land to station 20 touring caravans – refused 30/05/1991, but allowed under appeal T/APP/J2020/A/91/189199/PB

PA/2000/0775: Planning permission to increase the number of touring caravan sites from 20 to 35 – approved 23/02/2005

PA/2007/1341: Planning permission to change the use of land to form an extension to an existing caravan park (to provide an additional 35 caravan pitches, including a maximum of 15 static), create a new vehicular access and visitor car parking, site an additional mobile unit for use as a

reception/administration office, and erect a 1.8 metre high fence – approved 05/12/2007

PA/2016/1568: Vary condition 8 of planning permission PA/2007/1341 dated 05/12/2007 to allow the siting of 22 static caravans – approved 08/03/2017

PA/2012/1254: Planning permission to change the use of land to permit the siting of static caravans – refused 07/11/2019

PA/2020/276: Planning permission to change the use of land to permit the siting of static caravans – refused 15/05/2020, and dismissed under appeal APP/Y2003/W/20/3257186

PA/2020/1949: Planning permission for the change of use of land to permit the siting of static caravans – refused 02/07/2021, and dismissed with a partial cost award from the council to the appellant under appeal APP/Y2003/W/21/3280156.

### **Site characteristics and proposal**

This proposal relates to the change of use of an area of open countryside to site an additional 22 static caravans. At present, the site has permission to site 22 static caravans and a number of touring caravans. The touring area is located to the north of the reception building and to the west of the area allotted for static caravans. The site is outside the defined development limits for Burton upon Stather, within the open countryside as identified by the Housing and Employment Land Allocations DPD 2016. The site is also within the 'Trent Levels' which is identified as having landscape importance by the North Lincolnshire Landscape Character Assessment. The site is just outside but close to a functional flood plain and Flood Zone 2/3a as identified by the SFRA 2011.

The application has been refused on three separate occasions, the last refusal being appealed and subsequently dismissed with a partial cost award from the council to the appellant (see PA/2020/1949). However, the inspector's report is clear that only one of the reasons for refusal was upheld, namely ecology. The applicant has provided further information and mitigation in relation to that issue and the local planning authority, under discretionary powers set out by Section 70A of the Town and Country Planning Act 1990, has agreed to determine the application as there has been significant change since the refusal.

### **Latest reasons for refusal (PA/2020/1949)**

1. The development would be detrimental to the residential amenity rights of existing residents by virtue of intensification of use as a caravan site and an increase in associated vehicular trips. The proposal is considered to be contrary to policies DS1, H7 and RD2 of the North Lincolnshire Local Plan.
2. Insufficient information has been provided to assess the ecological impacts of the development. The proposal is considered to be contrary to policies CS5 and CS17 of the North Lincolnshire Core Strategy, and saved policies RD2 and R13 of the North Lincolnshire Local Plan, as well as paragraphs 170 and 175(d) of the National Planning Policy Framework to the aims of policies RD2 of the North Lincolnshire Local Plan and CS15 of the North Lincolnshire Core Strategy.

## Inspector's response and appeal outcome

- 1. Amenity:** Taking into account the existing level of use of the access by those staying in statics and tourers, I am not convinced that the proposal would result in a significant increase in vehicles using the access road. In terms of the potential for noise arising from the caravans, I would note that there is a substantial distance between the closest static caravans and the neighbouring dwellings. This would be sufficient to avoid any significant increase in noise and disturbance being experienced by the occupiers of these dwellings. I therefore conclude that the proposal would not have a significant adverse effect on the living conditions of the occupiers of neighbouring properties. The proposal does not conflict with Policies DS1, H7 and RD2 of the NLLP, which amongst other things, seek to ensure new development does not cause unacceptable loss of amenity to neighbours.
- 2. In relation to protection of badgers:** On the basis of the information before me and my above reasoning, the extent to which protected species may be affected is not clear (neither, by consequence, is any implication of the mitigation measures before me). I cannot therefore legitimately resolve such matters via imposing conditions, as has been suggested to me by the appellant. Whilst I do not doubt the appellant's intention to provide appropriate mitigation, my assessment must be based on firm evidence in that regard. I therefore cannot conclude that the proposal would not adversely affect badgers, a protected species known to be present at the site. The proposal would therefore conflict with Policies CS5 and CS17 of the North Lincolnshire Core Strategy 2011 (NLCS) and Policy R13 of the North Lincolnshire Local Plan (NLLP) which, amongst other things, seek to protect and enhance the natural assets of the District and ensure unavoidable impacts on biodiversity and wildlife are appropriately mitigated, and produce net gains in biodiversity. It would also be contrary to paragraph 174 (d) of the Framework which amongst other things, seeks to minimise impacts on and provide net gains for biodiversity
- 3. Partial award of cost:** I find that some unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has been demonstrated. A partial award of costs is therefore justified, relating solely to the Council's first reason for refusal in respect of an issue that had previously been found to be acceptable by an Inspector. The applicant has thus been faced with the unnecessary expense in defending that matter at appeal. Whilst the appellant has not precisely enumerated the expense incurred in that regard, the PPG explains how costs may include 'the time spent by appellant and their representatives' at appeal. Thus, no doubt some costs have arisen.

## Main consideration

Following the above appeal decision, it was clear that the inspector did not agree with the first reason for refusal, i.e. amenity issues, and only dismissed the appeal on grounds of insufficient ecological details provided by the appellant. Given the outcome of the appeal, it is considered that the applicant has overcome the other reason for refusal, i.e. amenity. Therefore, the only issue to be assessed relates to ecology.

## Ecology

Policy CS17 of the North Lincolnshire Core Strategy is concerned with biodiversity and seeks to achieve a net gain whilst also protecting existing wildlife habitat networks. Paragraph 170 of the NPPF reinforces this policy setting out biodiversity management



principles. Both are considered relevant. Core Strategy Spatial Objective 10, policies CS5 and CS16 and saved local plan policies LC7 and RD2 should also be considered.

The submitted Landscape Appraisal indicates that the application site is largely enclosed by a combination of existing scrub vegetation and recent planting. However, much of the existing planting appears to have made use of non-native species. By its very nature, the proposal will 'fill in' some of the remaining open grassland. However, some grassland will be retained near the kennels.

The proposal would also affect badger sett entrances that form part of a main sett that lies mostly within the adjoining woodland.

The standing advice says, 'Extra surveys must be done if there are active setts or foraging grounds. Use these surveys to:

- prove that a sett is in current use;
- monitor use of the sett and determine if it's a significant sett for the group;
- estimate territorial boundaries;
- identify locations for mitigation measures.

A further badger survey has now been carried out. Whilst no attempt has been made to estimate territorial boundaries, the survey does demonstrate that the sett is active and identifies the main sett entrances, badger trails and snuffle holes within the application site.

The development boundary is about 15 metres from the nearest sett entrance (at present). It is proposed that a post and rail fence should be used to provide separation between the badger sett and the static caravans.

Planning Circular 06/2005 states that, 'The likelihood of disturbing a badger sett, or adversely affecting badgers' foraging territory, or links between them, or significantly increasing the likelihood of road or rail casualties amongst badger populations, are capable of being material considerations in planning decisions.'

Application PA/2020/1949 was dismissed on appeal. In relation to badgers, the inspector highlighted the following issues, broadly speaking:

- a lack of site-specific information to inform buffer distances and mitigation for light and noise disturbance
- inadequate fencing to keep people and dogs away from the badger sett.

The applicant's ecologists have provided mitigation measures to address these concerns in the following ways:

- ensuring that the site boundary fence will be at least 25 metres from woodland and 15 metres from sett entrance holes, allowing for the fact that badger tunnels rarely exceed 10 metres in any one direction
- incorporating Highways Agency approved badger-proof fencing in the fence design, to maintain separation between badgers and people and dogs

- planting a hawthorn and blackthorn fence along the fence line to provide screening against noise, visual and light disturbance
- sensitive working methods and timings
- restrictions on external lighting
- ongoing monitoring with implementation of any remedial measures required.

Both Natural England and the council's ecologist have been consulted and have raised no objections. The council's ecologist has assessed the impacts upon protected species, in particular the badgers, stating:

'In my view, this now makes the proposal acceptable in terms of saved policy LC5 and the planning circular.'

The ecologist goes on to recommend conditions relating to biodiversity enhancement and these will be attached to any permission the council is minded to grant.

Lastly, the ecologist has carried out a determination of the likely significant effects (LSE) under the Habitats Regulations and determined that there would not be any likely significant effects upon the nearby Humber Estuary SAC/SPA/Ramsar site as a result of this development. Conditions will also be attached relating to biodiversity management in line with the aforementioned policies which seek to achieve a net gain.

### **Other matters**

The Environmental Protection team have recommended pre-commencement conditions relating to noise management. The inspector was very clear on the matters of noise and disturbance:

'I am not convinced that the proposal would result in a significant increase in vehicles using the access road. Whilst there would inevitably be some increase, in my view this would not lead to a significant increase in noise and disturbance over and above what is already experienced by the residents of neighbouring properties from the existing site.

In terms of the potential for noise arising from the caravans, I would note that there is a substantial distance between the closest static caravans and the neighbouring dwellings. This would be sufficient to avoid any significant increase in noise and disturbance being experienced by the occupiers of these dwellings.

I therefore conclude that the proposal would not have a significant adverse effect on the living conditions of the occupiers of neighbouring properties.'

Paragraph 55 of the NPPF states that for a condition to be applied to any application, it should only be used where it satisfies all the six tests of condition, i.e. the condition must be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Given the observations of the inspector and the appeal outcome, the recommended conditions regarding noise would fail to meet these tests, especially its reasonableness in all respects.

The site is within flood zone 1 but it is close to a functional flood plain and flood zone 2/3a as identified by the SFRA 2011. The drainage team made reference to potential issues of

surface water run-off and the need for further details to assess the acceptability of the proposal. Nevertheless, the drainage team raised no objection against the proposal given that it is an extension to an existing caravan site. However, pre-commencement conditions were recommended to ensure that the development does not commence until all necessary mitigation measures have been assessed and considered safe and acceptable.

Although traffic and general highway-related issues were dismissed by the planning inspector at the last appeal, it is considered beneficial both for the caravan site and the wider area that internal access and parking area be provided prior to the occupation of the proposed caravan site extension. Therefore, the highways team have recommended a condition to this effect.

Finally, conditions have been applied to control the occupancy of the caravan site such that it would only be used for short-term recreational purposes/holiday and not as a permanent residential site.

## **Conclusion**

The only reason for refusal upheld by the inspector was on ecological grounds (PA/2020/1949). The applicant confirms that an additional 10 mitigation measures, making a total of 13, have been proposed in the report to protect the badger sett. It is considered that the concerns raised by the inspector have been addressed and the council's ecologist and Natural England have no objections to the latest mitigation measures. The planning practice guidance (PPG) advises against decisions or behaviours that may amount to wasted expenses or resources, in form of cost and time. The council was judged by the inspector to have shown 'unreasonable behaviour resulting in unnecessary or wasted expense' which led to a partial award of cost in the last appeal (PA/2020/1949). Given that no objections have been raised and the mitigation measures provided are judged acceptable by both Natural England and the council's ecologist, the proposal is therefore recommended for approval. Conditions relating to biodiversity enhancement are recommended in respect of this matter.

## **Pre-commencement conditions**

The pre-commencement conditions included in the recommendation have been agreed with the applicant.

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

1.

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

Reason

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

2.

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

Location plan IP/BC/01 dated DEC 20 and Site Plan IP/BC/02 dated APR 22.

Reason

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

3.

The use of the site shall be for short-term holiday lets only and no caravan shall be occupied on the application site for more than 28 consecutive days in any 12 month period.

Reason

The site is for holiday lettings only and is inappropriate for permanent residential development, in accordance with policies DS1 and RD2 of the North Lincolnshire Local Plan.

4.

No caravan on the application site shall be occupied between 1 December and 31 January.

Reason

The site is for holiday lettings only and is inappropriate for permanent residential development, in accordance with policies DS1 and RD2 of the North Lincolnshire Local Plan.

5.

At no time shall the site marked by the red line boundary on the location plan exceed 21 static caravan pitches.

Reason

To define the terms of the permission and protect the open countryside, and for reasons relating to protected species, in accordance with policies DS1, RD2 and LC5 of the North Lincolnshire Local Plan.

6.

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

7.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 6 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

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

8.

No proposed static caravan shall be brought into use until the internal access road and parking facilities serving them have been provided. Once provided these facilities shall be retained.

Reason

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

9.

Works and biodiversity enhancements shall be carried out strictly in accordance with the recommendations set out in the submitted '2022 Updated Badger Survey Report' and the submitted drawing number IP/CB/02. Recommendations 1 to 13 shall be carried out in their entirety in accordance with the timescales set out. All biodiversity features shall be retained thereafter. Prior to the occupation of the static caravans hereby permitted, the applicant or their successor in title shall submit a report to the local planning authority providing evidence of compliance with the submitted '2022 Updated Badger Survey Report'. After the fifth year of badger monitoring, the applicant or their successor in title shall submit a monitoring report to the local planning authority, providing the badger monitoring results and details of any remedial works carried out.

Reason

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

10.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan to the local planning authority for approval in writing. The plan shall include:

- (a) details of bat roosting features to be installed;
- (b) details of nesting sites to be installed to support a variety of bird species;
- (c) restrictions on lighting to avoid impacts on badger setts and foraging areas, bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;

- (d) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (e) details of how the measures proposed will provide at least 1% biodiversity net gain in accordance with the Defra biodiversity metric 3.1;
- (f) proposed timings for the above works in relation to the installation of static caravans.

**Reason**

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

11.

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 installation of the 20th static caravan, 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**

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

**Informative 2**

There have been significant issues over a number of years with surface water run-off from the hillside (east) in this area. The Beck to the north of the existing caravan site conveys water directly to the River Trent. There is an area of high surface water flood risk in the area in the vicinity of the public house, and this area has flooded in the past. There is also an area to the south of the current proposal that could be further developed.

**Informative 3**

The council's Environmental Health department has considered the application and has the following comments to make:

- The site currently has planning permission for 55 touring pitches and 22 static holiday caravans.
- The units shall be sited to meet the spacing standards under sections 2 and 3 of the Model Standards 1989: Holiday Caravan Site.
- Suitable hardstandings shall be provided for each proposed unit allowing sufficient space for safe access and exit from all doorways, to meet section 5 of the Model Standards 1989: Holiday Caravan Site.

- Suitable pavements and roads shall be provided to access the proposed units to meet Section 4 of the Model Standards 1989: Holiday Caravan Site.
- Sufficient parking for the proposed development shall be provided for each unit and for visitors to the site, to meet section 27 of the Model Standards 1989: Holiday Caravan Site.
- Should the development go ahead, the owners will be required to obtain a revised caravan site licence and ensure that the site meets the Model Standards 1989: Holiday Caravan Site.
- It is unclear whether the development meets saved North Lincolnshire Local Plan policy R11 sections ii) and iii) in respect of the impact on the local area and sewage provisions for the development.
- There is no history of complaints in relation to this site. However, consideration should be given to the potential disruption the increased traffic and development will have on adjoining residential buildings, particularly during the peak holiday season.

#### **Informative 4**

##### Access for Fire Service

It is a requirement of Approved Document B5, Section 15 Commercial Properties or B5, Section 13 for Domestic Premises that adequate access for fire-fighting is provided to all buildings or extensions to buildings.

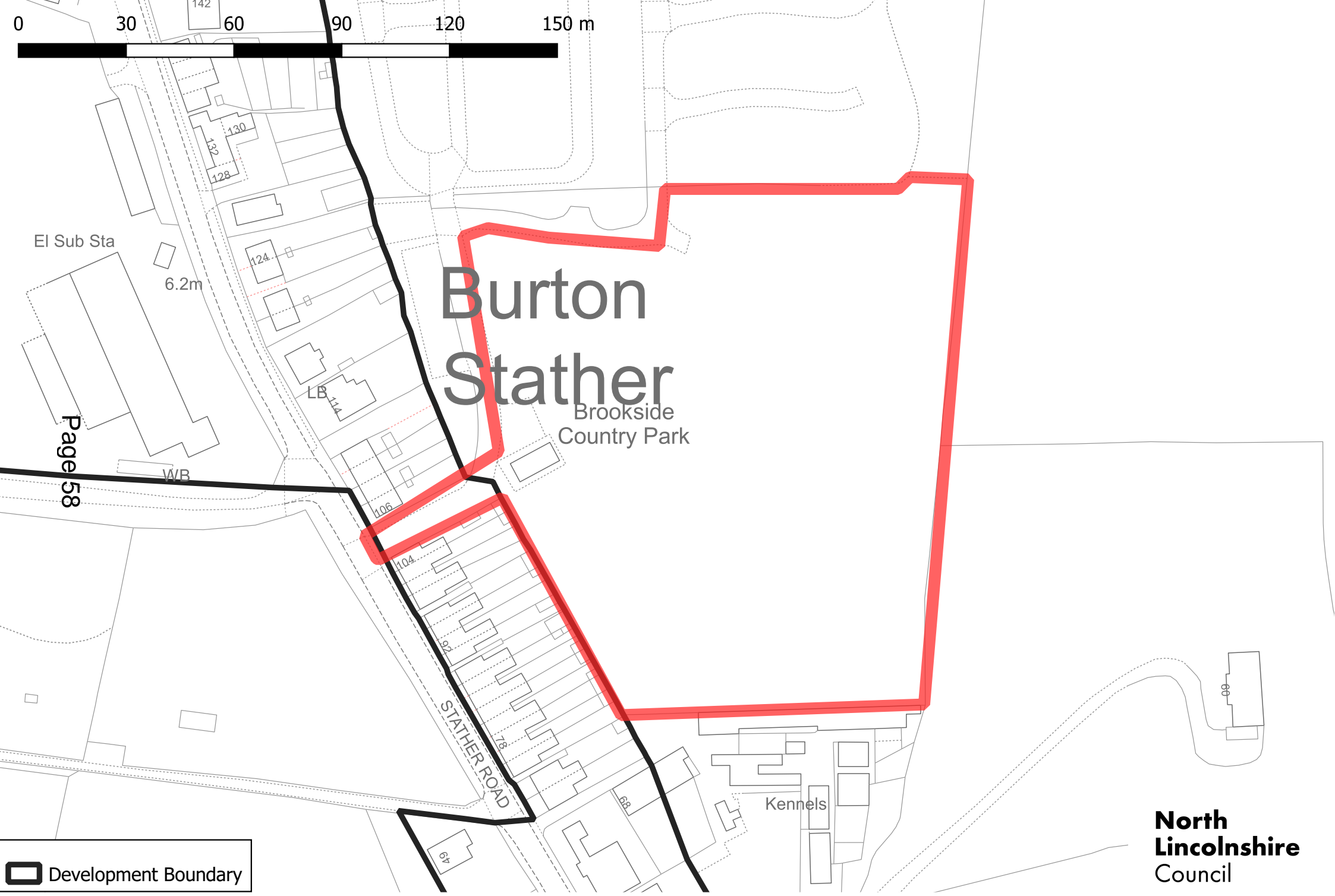
Where it is a requirement to provide access for high reach appliances, the route and hard standing should be constructed to provide a minimum carrying capacity of 24 tonnes.

##### Water Supplies for Fire-fighting

Adequate provision of water supplies for fire-fighting appropriate to the proposed risk should be considered. If the public supplies are inadequate it may be necessary to augment them by the provision of on-site facilities. Under normal circumstances hydrants for industrial unit and high risk areas should be located at 90m intervals. Where a building that has a compartment of 280m<sup>2</sup> or more in area is being erected more than 100m from an existing fire hydrant, hydrants should be provided within 90m of an entry point to the building and not more than 90m apart. Hydrants for low risk and residential areas should be located at intervals of 240m. If you require further advice or clarification of any of the above matters, please contact the Fire Safety Inspector at the address below:

Patrick Connelly, Business Safety Inspector  
 Humberside Fire & Rescue Service  
 Laneham Street  
 SCUNTHORPE  
 DN15 6JP

Telephone: 01724 295914  
 Email: [pconnelly@humbersidefire.gov.uk](mailto:pconnelly@humbersidefire.gov.uk)



El Sub Sta

6.2m

# Burton Stather

Brookside Country Park

Page 58

WB

LB 114

106

104

STATHER ROAD

49

78

68

Kennels

09

 Development Boundary

**PA/2022/774**

**North Lincolnshire Council**

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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 3 August 2022.docx

Date: 25 July 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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<b>APPLICATION NO</b>	<b>PA/2019/1028</b>
<b>APPLICANT</b>	Mr Mark Wall, NPP Properties Ltd
<b>DEVELOPMENT</b>	Listed building consent to repair and refurbish carriage house and stable/dovecote
<b>LOCATION</b>	Land south of Tetley Hall, Tetley, Crowle, DN17 4HY
<b>PARISH</b>	Crowle
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant consent subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Crowle Town Council

## **POLICIES**

**National Planning Policy Framework:** Sections 12 and 16

**North Lincolnshire Local Plan:** HE5, DS1

**North Lincolnshire Core Strategy:** CS5, CS6

## **CONSULTATIONS**

**Highways:** No objection or comments.

**HER (Archaeology):** This proposal affects designated heritage assets and their settings; the Conservation Officer has already provided recommendations regarding the built heritage and principle of development. Where the planning authority is minded granting consent, any permission should be subject to conditions securing a programme of archaeological and historic building recording prior to and during the repair and refurbishment work.

**HER (Conservation):** There is no objection to the application on the proviso that the works are undertaken as specified in the Capstone Consulting Engineers entitled Outbuildings at Tetley Hall, Crowle, Lincolnshire, ID P671 October 2017 and conditioned accordingly. Recommend that conditions should be included that samples of the facing and roofing materials and scale drawings of the proposed windows and doors with material specification is included for consideration before construction starts.

**Ecology:** Works would result in harm to bat roosts. Consent can only be given if sufficient evidence is presented that the tests of European Protected Species (EPS) licensing are met. Planning conditions are proposed to minimise harm to protected and priority species. Hopefully, a net gain in biodiversity will be delivered through the biodiversity management plan submitted for PA/2019/930. It should be noted that the issue of the demolition of the

farmhouse, contrary to condition 13 of PA/2019/930, remains unresolved. This may affect the applicant's ability to obtain a licence.

## **TOWN COUNCIL**

Object on the grounds these applications (when considered in conjunction with PA/2019/930) will have an adverse effect on the grade II listed buildings and the applicant's previous conduct in the removal of listed buildings/structures without planning permission.

## **PUBLICITY**

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

## **ASSESSMENT**

The application site comprises two listed buildings within the grounds of the listed building known as Tetley Hall. The two buildings are two-storey in height, are grade II listed and are linked by a wall in a north to south direction. The buildings are located to the south-east of Tetley Hall, in the open countryside, to the west of two modern residential properties. The buildings are in a visible state of disrepair and are constructed from red brick with red pantiles (Granary/Stable) and red brick with corrugated metal sheeted roof (Carriage House). Listed building consent is sought to repair and refurbish these listed buildings. The proposals are considered in conjunction with PA/2019/930 which was granted on 23 October 2020. That application was granted on the basis that it would facilitate the works (enabling works) to the listed buildings. A condition was attached to the planning permission for PA/2019/930 (condition 3) which reads:

'Prior to the occupation of the dwelling marked as Plot 2 on the site plan (dwg 4 of 4 dated 27.04.20) all of the works recommended within the Structural Survey (Capstone, October 2017) to the Stable (and Dovecot) and Carriage House, as well as all of the works within their curtilage, shall be complete. The applicant must evidence these works through both written documentation and photomontage, and this is to be agreed in writing with the local planning authority.'

**The main issue in the determination of this application is whether the proposed works impact on the setting and character of the listed buildings.**

### **Heritage assets**

As noted above, it is proposed to undertake a programme of repair and refurbishment to these grade II listed buildings which comprise a Carriage House and a Stable/Granary. Planning permission has already been granted for the erection of three dwellings which would facilitate these works under PA/2019/930 with a planning condition imposed to ensure all of the works detailed in the Structural Survey undertaken by Capstone are undertaken prior to the occupation of plot 2. The works identified to be undertaken to these listed buildings within the Structural Survey consist of a number of structural improvements that are not limited to removing unsafe materials, to underpin and tie together the walls, consolidation of brickwork, addressing significant open cracks in walls, new floor joists and ground floor slab, installation of staircases and plasterwork, and electrics throughout, and the replacement of window and door lintels and installation of new windows and doors.

It is noted the works outlined in the structural report are somewhat extensive in number and coverage, however they are also considered necessary and reasonable to bring these

grade II listed buildings into a condition which results in them becoming functional and to secure the long-term future of these buildings. The works have been considered by the Conservation Officer and no objections have been raised. Conditions are recommended by the Conservation Officer requiring details of the proposed external materials of construction (brick, tile, mortar mix and rainwater goods), and doors and windows, to be submitted for consideration. The imposition of such conditions would allow the local planning authority to ensure the materials and finishes of all external facing fittings preserve and enhance the listed buildings, and are sympathetic to their setting and fabric.

In addition, the conditions recommended by the Historic Environment Record, requiring a Historical Building Record and Archaeological Mitigation Strategy to be undertaken, are considered to be appropriate in this case. They would provide an accurate photographic record of the building prior, during and after the works, and given the historic sensitivity of the area and the assets concerned, the recommended conditions are both reasonable and necessary.

Given the recommendations of the structural report, that the enabling works have been secured under a separate planning permission, that the works are necessary and will secure the long-term retention of the listed buildings, and the lack of an objection from the Conservation Officer, it is considered the proposed works will preserve and enhance the setting and fabric of the Stable/Granary and Carriage House and as such listed building consent is recommended.

### **Other issues**

The consultation response from the council's ecologist and its contents therein are noted in respect of an EPS licence being required for any works to a building which may contain protected and priority species. However, this is an application for listed building consent which considers the impact on heritage aspects under the Planning (Listed Buildings and Conservation Areas) Act 1990, and given the ecological matters are already addressed under a separate planning condition under PA/2021/902 (Section 73 application), it is considered there is no requirement to duplicate conditions in this regard.

### **Pre-commencement conditions**

Pre-commencement conditions are recommended in respect of details of the external materials of construction (including mortar mix and rainwater goods), windows and doors (including material finish), and a Historical Building Record and Archaeological Mitigation Strategy. The applicant's planning agent has agreed these conditions as being acceptable.

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

1.  
The works must be begun before the expiration of three years from the date of this consent.

#### **Reason**

To comply with Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.  
The development hereby permitted shall be carried out in accordance with the following approved plans: 1045 4 of 6, 1045 5 of 6 and 1736/001.

#### Reason

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

3.

Other than in the case of works reasonably necessary to make the listed buildings safe, no demolition or refurbishment/repair works shall take place until the applicant, or their agents or successors in title, has secured the implementation of an Historic Building Record and an Archaeological Mitigation Strategy, to be defined in a Written Scheme of Investigation that has been submitted to and approved in writing by the local planning authority. The strategy shall accord with a brief provided by North Lincolnshire Historic Environment Record equivalent to Historic England's Level 2 building survey. The historic building recording and mitigation strategy shall be carried out in accordance with the approved details and timings.

#### Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan as the buildings are a heritage asset of local historic value that form part of a group of historic buildings. Demolition will result in the loss of historically significant evidence; the proposed historic building record will ensure that such evidence is appropriately recorded and a permanent archive created.

4.

The historic building and archaeological report and 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 paragraph 199 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 that form part of a group of historic buildings. Demolition will result in the loss of historically significant evidence; the proposed historic building record will ensure that such evidence is appropriately recorded and a permanent archive created.

5.

The development hereby permitted shall take place in strict accordance with all of the works recommended within the Structural Survey (Capstone, October 2017) to the Stable (and Dovecote) and Carriage House and once completed shall thereafter be retained. The applicant must evidence these works through both written documentation and photomontage, and this is to be agreed in writing with the local planning authority.

#### Reason

In the interest of the historic environment and to align with the terms of this listed building consent, in accordance with policies CS6 of the Core Strategy and HE5 of the North Lincolnshire Local Plan.

6.

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, including rainwater goods and details of the mortar mix, and only the approved materials shall be used.

**Reason**

To define the terms of the permission, to preserve the setting and condition of the listed buildings in accordance with policies HE5 and DS1 of the North Lincolnshire Local Plan and CS6 of the adopted Core Strategy.

7.

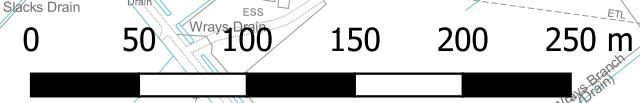
No development shall take place until detailed drawings, at a scale of 1:10 or 1:20, of the windows and doors to be installed in the buildings have been submitted to and agreed in writing by the local planning authority. The details of the proposed windows shall include glazing bars, opening details, materials and colour finish. The details of the proposed doors shall include materials of construction and colour finish. The development shall take place in accordance with the agreed details and once installed shall thereafter be retained.

**Reason**

To define the terms of the permission, to preserve the setting and condition of the listed building in accordance with policies HE5 and DS1 of the North Lincolnshire Local Plan and CS6 of the adopted 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.



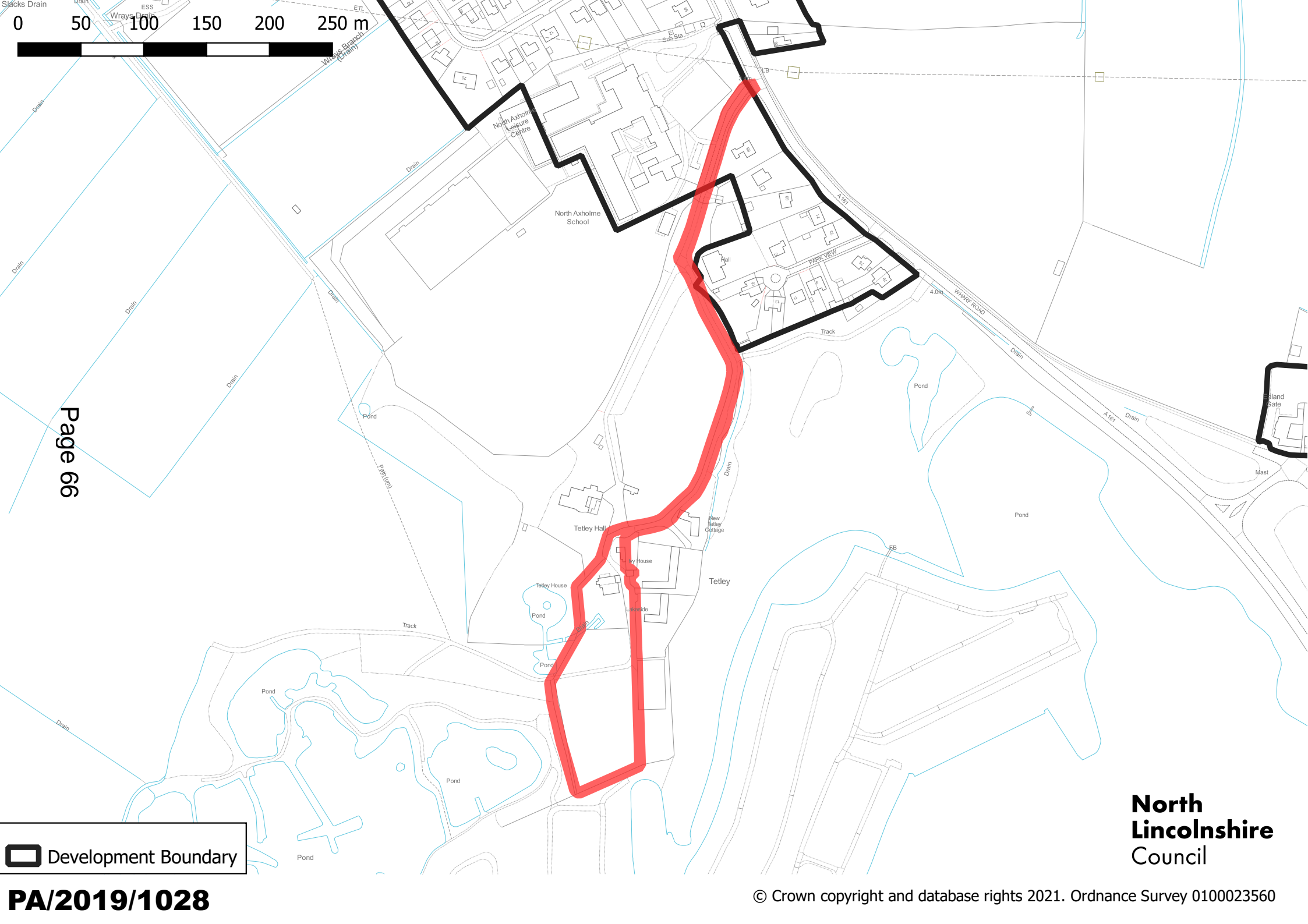
Page 66

 Development Boundary

**PA/2019/1028**

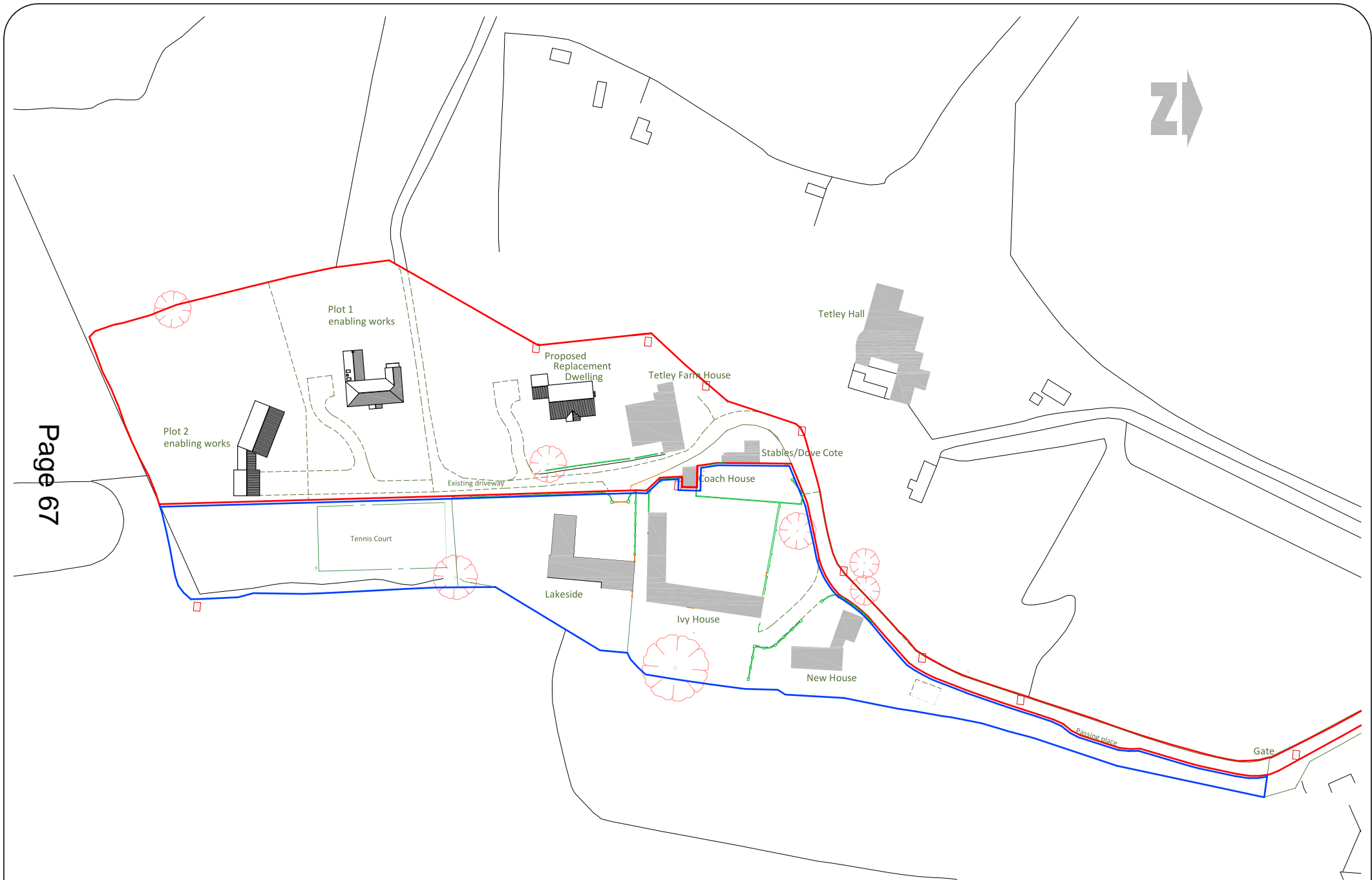
**North  
Lincolnshire  
Council**

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# PA/2019/1028 Site layout (not to scale)



Page 67

Howard J Wroot BSc MRICS  
Chartered Surveyor  
240 Wharf Road, Ealand  
Scunthorpe DN17 4JN

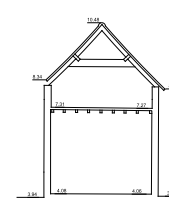
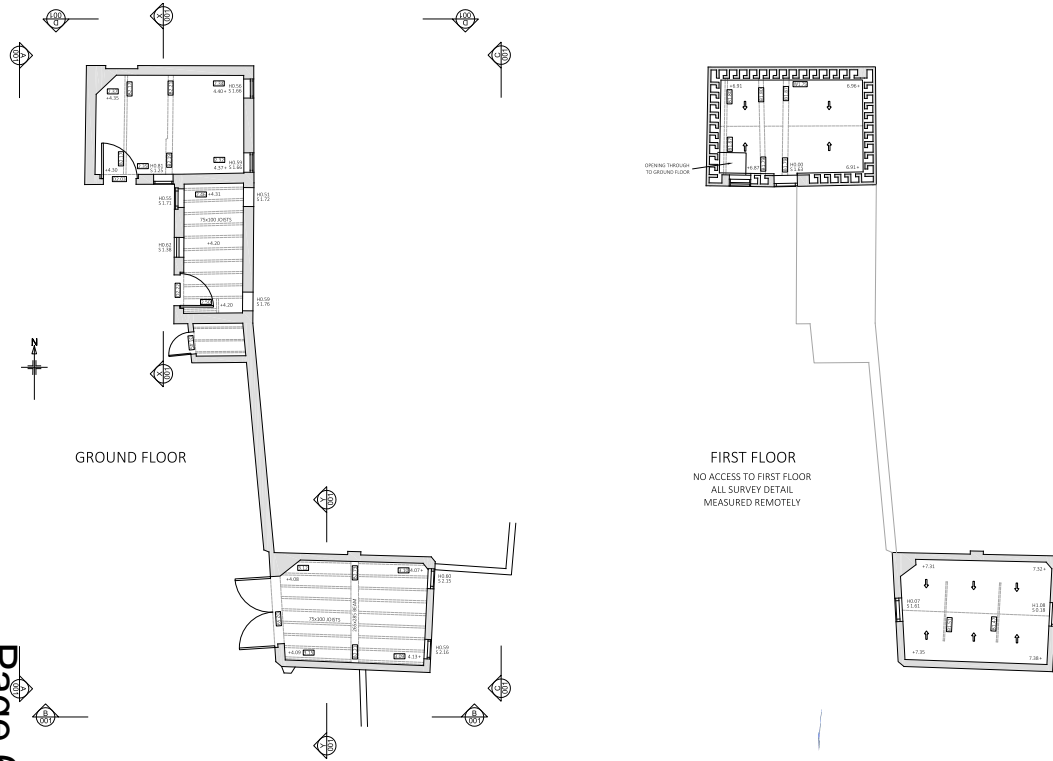
Tel 01724 711068  
Fax 01724 710174  
Mob 07947 226577

Client	NPP Properties Ltd		
Date	20/5/19	Dwg No	4 of 6
Scale	1:1000	Ref No	1045

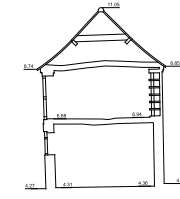
Proposal  
Drawing

Residential Development at Lakeside, Tetley,  
Crowle, Scunthorpe, DN17 4HY  
Proposed Site Layout





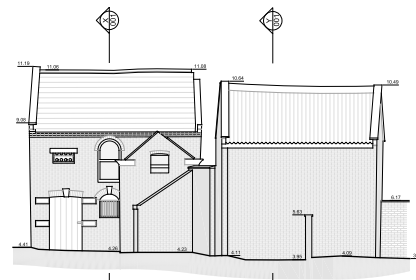
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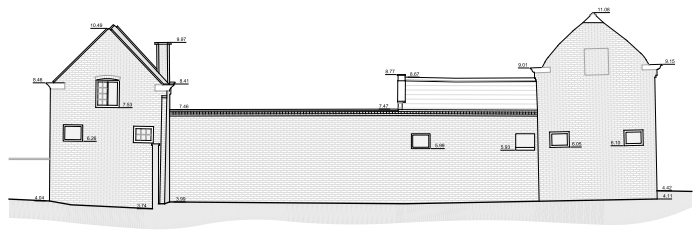
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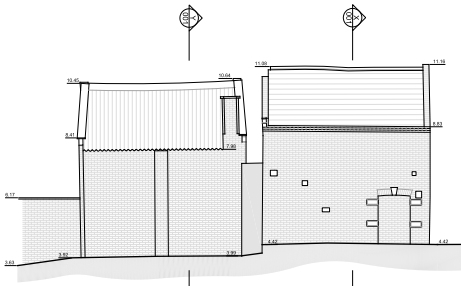
ELEVATION A



ELEVATION B



ELEVATION C



ELEVATION D

**Survey Legend:**

---	Bank Top/Bottom	Building	Building Overhang
---	Boundary	Changes to Surface Finish	
---	Canopy Line	Wall Defined/Floorly Defined/Undefined	eg. Conc. Edge/Tarmac Edge/Track Edge
---	Trunk Line		
---	Hedge		
---	Wall		
---	Fence	Overhead Electric / Telephone Cable	
---	Foul Water Sewer	Drop Kerb / Kerb	
---	Surface Water Sewer		

+	Borehole	○	Tree	Ⓜ	Panoramic Photograph
+	Trial Pit	+	Survey Station		

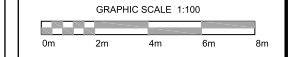
TC	Telecom Cover	BD	Ballard	CL	Cover Level	CTV	Cable TV
EL	Electric Cover	EP	Electric Post	ER	Earth Point	FLL	Floor Lvl
PH	Fire Hydrant	FP	Flag Pole	GA	Gas Cover	GP	Gate Post
G	Gully	IC	Inspection Cover	IL	Invert Level	RO	R/S Other
LP	Lamp Post	M	Manhole	MP	Manor Post	PO	Post
RE	Rodding Eye	RWP	Rain Water Pipe	RS	Road Sign	SP	Sign Post
SPL	Sign Post Lvl	SV	Step Valve	TL	Traffic Light	TP	Tray/In Pole
UTL	Utility to Lvl	VP	Valve Pipe	WM	Water Meter	WO	Wash Out

+110.000 Finished Floor Level (incl. carpet etc.)  
 [Symbol] Finished Floor Level to related ceiling height  
 [Symbol] Finished Floor Level to beam soffit height  
 [Symbol] Finished Floor Level to door opening height  
 [Symbol] Finished Floor Level to joint soffit height  
 [Symbol] FTL to wall / sloping ceiling intersection  
 [Symbol] Finished floor Material.  
 S102 Finished floor Level to window sill height  
 W102 Window sill to window head height  
 → Direction of floor boards  
 ↘ Ceiling Slope. Arrow denotes direction of rise  
 Overhead detail

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Notes:  
 1. Survey undertaken September 2017.



All levels are orthometric heights relative to Ordnance Datum Newlyn measured by GPS and transformed via OSGM15. Antenna phase centre offsets: Rinex+OS supplied. Site datum:IGS. Survey orientated to suit building layout. Transverse Mercator Projection scale factor applied to this survey = 1

Station Coordinates to OSGM36 (via OSTN15)	Type
Site BASE 477623.566 411681.830 4.046	Temp
Station Coordinates to local metric grid. (As plotted)	Type
Site BASE 623.566 681.830 4.046	Temp

Rev.	Description	Date

Title:  
**MEASURED BUILDING SURVEY**  
**TETLEY**  
**CROWLE**  
**NORTH LINCOLNSHIRE**

Mr Mark Wall

Approved :	Drawn :	S.Garton
Date :	Scale :	1:100
Digital file :	Original Size :	A1
Drawing No. :	1736/001	Rev. :

**shire surveys**

Westfield Cottage, 7 Crowle Bank Road  
 Althorpe, North Lincolnshire, DN17 3HZ  
 Tel : 01724 783078  
 Email : office@shiresurveys.com

<b>APPLICATION NO</b>	<b>PA/2021/891</b>
<b>APPLICANT</b>	Mr G Clements
<b>DEVELOPMENT</b>	Planning permission to erect 9 dwellings with landscaping and access
<b>LOCATION</b>	Land rear of 9-11 Torksey Street, Kirton in Lindsey, DN21 4PW
<b>PARISH</b>	Kirton in Lindsey
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Emmanuel Hiamey
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Neil Poole – significant public interest) Objection by Kirton in Lindsey Town Council

## **POLICIES**

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

Chapter 2 (Achieving sustainable development)

Chapter 4 (Decision making)

Chapter 5 (Delivering a sufficient supply of homes)

Chapter 9 (Promoting sustainable transport)

Chapter 11 (Making effective use of land)

Chapter 12 (Achieving well-designed places)

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

Chapter 15 (Conserving and enhancing the natural environment)

Chapter 16 (Conserving and enhancing the historic environment)

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

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy HE2 (Development in Conservation Areas)

Policy HE5 (Development affecting Listed Buildings)

Policy HE9 (Archaeological Excavation)

Policy DS1 (General Requirements)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

#### **North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6: (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS19 (Flood Risk)

#### **CONSULTATIONS**

**Historic Environment Record (Conservation):** Objects to the application because insufficient justification has been provided for the demolition of an important historic building in the Kirton conservation area.

**Historic Environment Record (Archaeology):** Initially recommended a holding objection until the results of the field evaluation are available to adequately assess the potential impact of the development on the archaeological significance.

Furthermore, the application should not be determined, except for a refusal, until this information is submitted and any appropriate mitigation measures agreed to avoid adverse impact or adequately mitigate the loss of heritage interest.

Additional information has been submitted, however the Archaeology officer is still not satisfied with the additional information submitted and therefore retains the holding objection.

**Environmental Protection:** No objections subject to conditions.

**Drainage Team (Lead Local Flood Authority):** Raises concerns that there are some anomalies with the site investigation report concerning infiltration rates used and a lack of evidence to suggest groundwater does not exist on the site.

**Anglian Water Services Ltd:** No objection.

**Place, Planning and Housing:** Has provided advice on all relevant policies related to this proposal. The development plan for Kirton in Lindsey consists of the Core Strategy and Housing and Employment Land Allocations DPD of the North Lincolnshire LDF and the Saved Policies of the North Lincolnshire Local Plan 2003.

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

## **TOWN COUNCIL**

Object to this application. 'Although the area indicated may benefit from some development, there are potential problems identified with this application. The line of sight from units 7–9 may harm the privacy of the bedrooms of numbers 8–10 Turner Street. The applicant should be able to prove whether this will not be an issue by submitting section drawings and undertaking some site redesign if necessary and they should therefore be required to do so.

The Town Council note the Lead Local Flood Authority (LLFA) have, in their consultation reply, noted how the application has failed to provide a flood risk assessment and principle drainage strategy and so consequently the proposal fails to comply with both local and national planning policies.

Kirton in Lindsey Town Council has concerns about highways, namely the safe egress of vehicles from the dwellings and preservation of safety for pedestrians, given that there will be several immediately adjacent driveways. Such density of additional housing will also add to congestion in an area of the town which has narrow lanes for roads. The Town Council notes the concerns raised by Highways indicating the need for a demolition traffic management plan prior to any development taking place, which is in line with Kirton in Lindsey Town Council's concerns over some difficulty which will be experienced by construction traffic serving a site in this location. The Town Council support the need for such a plan to be made available for approval.

Although the principle of suitable development at this site is supported, the current proposals draw concerns and unanswered questions given the potential for loss of privacy and insufficient information about flood risk and highway issues which the application would bring if approved.

Kirton in Lindsey Town Council, therefore, objects to this application concerning material considerations including the government policy, proposals in the Local Development Plan, overlooking, loss of privacy, loss of daylight, sunlight, overshadowing, access, traffic – highway safety, provision for the impact of parking and drainage, flood risk.'

## **PUBLICITY**

Advertised by site and press notice. Nine responses have been received raising the following concerns:

- the design of the buildings
- the impact on buildings of townscape merit
- overlooking impact
- loss of light
- privacy
- increase in traffic

- parking issues
- public safety
- access to and from the development site
- poor visibility of vehicles exiting the development site
- impact on the conservation area.

## **ASSESSMENT**

### **Constraints**

- Conservation area
- Tree preservation order
- Area of archaeological interest
- Development boundary
- Buildings of townscape merit
- SFRA flood zone 1

### **Planning history**

None.

### **Proposal and site description**

The site is within the development boundary of Kirton, within the conservation area and near to several buildings of townscape merit alongside Torksey Street and Turner Street.

The site is an overgrown rear garden to former numbers 9, 11, 15 and 17 Torksey Street, along with the former curtilage of three disused abandoned terraced dwellings fronting Turner Street and adjacent to the junction with Torksey Street.

Planning permission is sought to erect nine dwellings with access, parking and landscaping, including associated demolition works. The proposal would consist of three terraced properties containing three dwellings (Units 1–3, 4–6 and 7–9). Each dwelling would have two bedrooms and off-street parking provision for up to two cars. Visitor parking would also be provided.

The dwellings would be finished in brick with pantile roofs to match existing buildings on the site.

The following documents have been submitted in support of the application:

- Manufacturer's Brochure
- Permeable Paving Installation Manufacturer Specification

- Heritage Lighting Column Manufacturer Specification
- Design and Access Statement
- Historic Building Survey and Archaeological Evaluation
- Phase 2 (ground investigation) Report
- Drainage Report
- Structural Inspection Report
- Archaeological DBA
- Structural Report
- Phase 2 Report
- Phase 1 Report.

### **Key issues**

**The main issues to consider in determining this application are:**

- **the principle of the development;**
- **impact on scale and character of the surrounding area;**
- **impact on neighbouring amenities;**
- **highways, access, and parking;**
- **flood risk and drainage;**
- **landscaping and ecology.**

### **Principle of development**

The application site is within the development boundary of Kirton in Lindsey.

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

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

impacts would significantly and demonstrably outweigh the benefits of the application when assessed against the policies of the NPPF.

National Planning Policy Framework, Chapter 11 (Making effective use of land), under Paragraph 120, states that planning policies and decisions should ensure that substantial weight is given to the value of using suitable brownfield land within settlements for homes and other identified needs, and supports appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.

It also promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example, converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

The design and access statement confirms that the application site is brownfield in nature as it is/was last used in a residential capacity. In this case, the residential reuse of the site would constitute sustainable development and is compatible with the residential uses of the surrounding area.

Policy CS2 (Delivering more Sustainable Development) states that in supporting the delivery of the spatial strategy set out in policy CS1, as well as determining how future development needs will be met in North Lincolnshire, a sequential approach will be adopted.

The adopted sequential approach focuses on the following:

- (a) Previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions
- (b) Previously developed land and buildings within the defined development limits of North Lincolnshire's Market Towns, followed by other suitable infill opportunities then appropriate small-scale greenfield extensions to meet identified local needs
- (c) Small-scale developments within the defined development limits of rural settlements to meet identified local needs.

In this case, Kirton in Lindsey is a market town, and the site is within the development boundary. Consequently, the development is consistent with the aims of policy CS2.

Policy CS3 (Development Limits) ensures that the countryside is protected from inappropriate development and that no uncontrolled expansion of settlements will take place. Since the site is within the development boundary of Kirton and housing development on the site is not restricted, the proposal meets the terms of policy CS3.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' 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 were most important to determining the application should not be considered up-to-date.

A recent appeal decision dated 20 July 2022 (planning reference PA/2020/554) has been issued where the Inspector has concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period.

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

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

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

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

Paragraph 128 of the NPPF requires that 'design quality should be considered throughout the evolution and assessment of individual proposals'.

Policy DS1 of the local plan (General Requirements) expect a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed

development will be refused. All proposals will be considered against the criteria of quality of design, amenity impact, conservation, resources, utilities and services.

Core Strategy policy CS5 (Delivering Quality Design in North Lincolnshire) requires all new development in North Lincolnshire to be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design if it is appropriate for its location and is informed by its surrounding context. A design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.

In considering scale and layout, the proposed development on the site of approximately 0.14 hectares would not result in over-development and would be reflective of the scale and form of residential properties nearby.

Regarding the impact of the proposal on the surrounding area, the dwellings proposed fronting Turner Street (units 1–3) and Torksey Street (units 4–6) would be prominent in the street, which has a mix of different dwelling types and designs, including two-storey terraced dwellings.

Having given due regard to the character of the site in the context of the surrounding area, it is judged that the relationship between the site and the existing built form, is not suitable because the site is infill housing development and would result in a higher-density residential scheme (i.e. the ratio of land area and number of dwellings) in a relatively low to medium density residential area, where the surrounding residential units have either large or modest gardens.

Also, this high-density residential scheme would result in a cramped development with dwelling units associated with small gardens.

Overall, the siting and layout of the site is not acceptable in the context of the character and appearance of the immediate area and would impact negatively on the character of the conservation area.

### **Impact on residential amenities**

Policy DS1 (General Requirements) expects a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. It requires that all proposals be considered against the quality of the design and amenity, amongst other matters. Further to this, the NPPF advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Public consultation on the application has been undertaken by means of a site notice. The concerns raised following this exercise include the impact of the development on the amenity of surrounding properties through overlooking, and loss of light and privacy.

Having regard to the effect of the development on privacy levels, it is worth noting that Units 7–9 would face Units 1–3. The separation distance between Units 1–3 and Units 7–9 is approximately 10m. Where windows serving accommodation in a dwelling face another dwelling, the development must demonstrate that the separation distances would ensure that privacy levels are protected and reflect the highest possible standards of design. In this case, the separation distance of 10m is insufficient to protect the privacy of the properties.

The first-floor windows of Units 7–9 would overlook the amenity areas of Units 1–3 (private garden).

Regarding window-to-window, the separation distance of 10m between the first-floor windows of Units 1–3 and the first-floor windows of Units 7–9 are sufficient to protect residential amenity by ensuring the habitable rooms are protected.

Concerning Units 4–6, the dwellings would face the gable of Units 7–9 at a 90-degree angle and therefore the relationship between the dwellings is less likely to raise an issue of loss of privacy or overlooking and there would be no inter-visibility between rooms.

Generally the development would not accord with policy in terms of ensuring that the privacy/amenities of Units 1–3 are safeguarded as part of the proposed development. The design statement does not demonstrate how residential privacy would be maintained.

Having reviewed the details of the design, and the impact on residential amenities, the proposal would not meet the principles of policy DS1 or the NPPF in terms of the impact of the development on the privacy of surrounding properties.

### **Access and parking**

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

All dwellings would be provided with off-street parking for up to two cars. Units 1–3 will have direct highway access off Turner Street and units 4–6 and 7–9 have access from Torksey Street. Highways have no objection to the grant of permission subject to conditions, which would be applied to any permission granted. The proposed access is therefore sufficient to serve the development.

Overall, it is considered, subject to conditions, that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan and the National Planning Policy Framework.

### **Flood risk and drainage**

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

Section 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary for such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

When determining planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) within the site, the most vulnerable development is in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;

- (b) the development is appropriately flood resistant and resilient;
- (c) it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed; and
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments.

In this case, the site is located within SFRA flood zone 1.

The LLFA Drainage Team has been consulted and has indicated that there are some anomalies with the site investigation report concerning infiltration rates used and a lack of evidence to suggest groundwater does not exist on the site:

'Section 9.5 quotes two rates:  $5.17 \times 10^{-5}$ m/s and  $1.52 \times 10^{-4}$ m/s, but only one test result from SA 2 is shown in the report, the lowest rate being  $1.07 \times 10^{-4}$ m/s. This is equivalent to 385mm/hr which is the rate that the consultant has quoted and used in his calculations. Where has the  $5.17 \times 10^{-5}$ m/s come from and why was this lower value not used in the calculations? This value is equivalent to 186mm/hr which is only about half the value that the report has used.

Appendix B states trial holes down to 3.2 metres and groundwater encountered. No site investigation report has been submitted.

Crated storage within plots 1, 2 and 3 serving all other plots. The use of connected private surface water drainage systems which are reliant on one outfall/property owner is not permitted unless a robust adoption and maintenance plan is produced. The reliance on one owner to maintain a drainage system, that if not maintained can cause civil and legal disputes moving forward with several neighbouring properties. This is an approach that other local authorities are adopting. There is no reason why each property cannot have its own individual surface water drainage outfall. This is not a good solution unless it is a public sewer and adopted by the water company.'

The applicant has been made aware of the drainage officer's comments but has failed to address the concerns raised.

The proposal does not, therefore, meet the terms of policy CS19 of the Core Strategy and policy DS14 of the local plan.

### **Contaminated land**

The NPPF states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Policy DS11 is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell, or noise,

do not pose a danger by way of toxic release. Policy DS1 is also concerned with the protection of amenities.

Environmental Protection (Contaminated Land) have no objection to the development, subject to conditions. They have commented that this application for residential development is a sensitive end-use. In addition, historical mapping held by the department identifies several structures on site which may have the potential to introduce contaminants such as asbestos, heavy metals and PAHs, which are harmful to human health. It is the developer's responsibility to assess and address any potential contamination risks, however no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level.

If the council is mindful to determine the application without the information required under National Planning Policy guidance, then the department would recommend a condition, which will be applied to any permission granted. The proposal would accord with policy DS11 of the North Lincolnshire Local Plan.

### **Archaeology**

Policy HE9 (Archaeological Excavation) states that where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment will be required to be submitted prior to the determination of the application.

It states that planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.

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.

Historic Environment Record (Archaeology) initially recommended a holding objection until the results of the field evaluation are available to adequately assess the potential impact of the development on the archaeological significance.

They have indicated that the application should not be determined, except for a refusal, until the above information has been submitted and any appropriate mitigation measures agreed to avoid adverse impact or adequately mitigate the loss of heritage interest.

Notwithstanding the submission of the requested information, the Archaeology officer is still concerned that the proposed development would destroy significant archaeology, including the potential for Roman building remains. The officer has commented that, given the significance, there should be agreement on appropriate mitigation measures with the developer before determining this application. This is to ensure that any substantial harm to archaeology will be offset by a programme of further archaeological excavations prior to any development taking place.

The applicant needs to take into account the time and costs of the archaeology, and Historic Environment Record (Archaeology) need to be satisfied that the applicant would have appropriate plans in place to undertake the archaeological work.

The next step is for the applicant to submit this evaluation report and Historic Environment Record (Archaeology) can provide a formal planning consultation response.

Historic Environment Record (Archaeology) have advised that the applicant should also provide a Written Scheme of Investigation for pre-construction archaeological excavation that their archaeological contractor can prepare for them. This WSI should be agreed upon and then submitted to consider in the determination of the application.

From the above, it is judged that inadequate information has been submitted to fully assess the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect the site. The proposal, therefore, does not comply with policy HE9 (Archaeological Excavation).

### **Conservation area**

As indicated earlier, the site is within the conservation area and contains a building of townscape merit.

Chapter 16, Conserving and enhancing the historic environment of the NPPF, paragraph 206, states that local planning authorities should look for opportunities for new development within conservation areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

The Planning (Listed Buildings and Conservation Areas) Act 1990 places a general duty on local planning authorities as respects conservation areas in the exercise of planning functions. In exercising this duty, with regard to any building or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy HE2: Development in Conservation Areas requires that all development proposals in, or which affect the setting of, conservation areas should preserve or enhance the character and appearance of the area and its setting. The criteria that will apply in determining applications for development in conservation areas, among others, include design, harmony with the surroundings, building materials, and retaining important architectural and historical features.

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

Kirton In Lindsey Conservation Area Supplementary Planning Guidance Adopted Document, under the section Buildings of Townscape Merit, indicates that Buildings of Townscape Merit are unlisted buildings which it is considered contribute positively to the character of the Kirton in Lindsey conservation area. They largely date from the 18th and 19<sup>th</sup> centuries, and a number of them are proposed for statutory listing. The buildings are generally unaltered or, with some restoration, could easily be reinstated to their original appearance.

The age and architectural interest of Buildings of Townscape Merit are considered to provide sufficient justification for them to be given special protection and the council will resist their demolition unless the applicant can prove that the buildings are beyond the point of economic repair.

Additionally, Buildings of Townscape Merit are an important part of the character of the conservation area, and the council will pay special attention to applications to alter or extend them.

The conservation officer has objected to the application, indicating that the 18th-century barn fronting Turner Street has been identified as a building of townscape merit within the Kirton conservation area.

The building contributes positively to the character of the Kirton in Lindsey Conservation Area and its proposed demolition will lead to a substantial loss of important historic building and negatively impact the character of the Kirton conservation area.

The conservation officer has commented that insufficient justification has been provided to justify the demolition of this important historic building in the Kirton conservation area.

The proposal would therefore not comply with policies HE2 and CS6.

### **Town council comments**

Kirton in Lindsey Town Council objects to this application on drainage concerns, highway matters, the density of the area and potential amenity impact. These concerns have been considered and all issues addressed in this report.

### **Public comments**

The public concerns about the design, impact on buildings of townscape merit, amenity impact, highway issues and impact on the conservation area have been addressed in this report.

### **Conclusion**

In conclusion, the principle of the development is judged acceptable; however, there are significant objections from consultees and the matter is unlikely to be resolved soon. It is believed that the applicant would require sufficient time to resolve the issue and the application cannot remain pending indefinitely.

Regarding amenity impact, it is judged that the development would not accord with policy in terms of ensuring that privacy/amenity is safeguarded as part of the proposed development. The first-floor windows would overlook the amenity areas of the neighbouring properties. The proposal is therefore contrary to policies DS1 of the local plan and CS5 of the Core Strategy.

In terms of drainage, there are outstanding matters regarding anomalies with the site investigation report concerning infiltration rates used and the lack of evidence to suggest groundwater does not exist on the site. The applicant has been made aware of the drainage officer's comments but has failed to address the concerns raised. The proposal would therefore not meet the terms of policies CS19 of the Core Strategy and DS14 of the local plan.

On archaeology, inadequate information has been submitted for a comprehensive assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect the site. The proposal, therefore, does not comply with policy HE9 of the local plan.

Turning to the impact on the conservation area and the building of townscape merit within the site, the council will resist the demolition unless the applicant can prove that the building is beyond the point of economic repair. It is also judged that the building contributes positively to the character of the Kirton in Lindsey conservation area and the proposed demolishing of the building will lead to a substantial loss of important historic buildings of architectural interest and negatively impact the character of the Kirton conservation area. The proposal would therefore not comply with policies HE2 of the local plan and CS6 of the Core Strategy.

Generally, the proposal does not meet the requirements of the NPPF and Kirton in Lindsey Conservation Area Appraisal and the supplementary guidance. It is therefore recommended for refusal.

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

1.

The layout, siting and design of the development are not acceptable because they would not accord with policy in terms of ensuring that privacy/amenities are safeguarded as part of the proposed development. The separation distance of approximately 10m is insufficient to protect the privacy of Units 1–3 (private garden) from the first-floor windows of Units 7–9.

Further, the separation distance of approximately 10m between Units 1–3 (private garden) and Units 7–9 is insufficient to safeguard overlooking from window to window at first floor between Units 1–3 (private garden) and Units 7–9. The proposal is therefore contrary to policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy, as well as paragraph 130 of the National Planning Policy Framework.

2

The layout, siting and design of the development are not acceptable, given due regard to the character of the site and context of the area. The development would result in a higher-density residential scheme (i.e. the ratio of land area and number of dwellings), in an area of relatively low to medium density, where the surrounding residential units have either large or modest gardens, and would result in a cramped development with dwelling units associated with small gardens. The proposal is therefore contrary to policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy, as well as paragraph 130 of the National Planning Policy Framework.

3.

There are outstanding matters regarding anomalies with the site investigation report concerning infiltration rates used and the lack of evidence to suggest groundwater does not exist on the site. The applicant has been made aware of the drainage officer's comments but has failed to address the concerns raised. The proposal would not meet the terms of policies CS19 of the Core Strategy and DS14 of the North Lincolnshire Local Plan, as well as paragraph 167 of the National Planning Policy Framework.

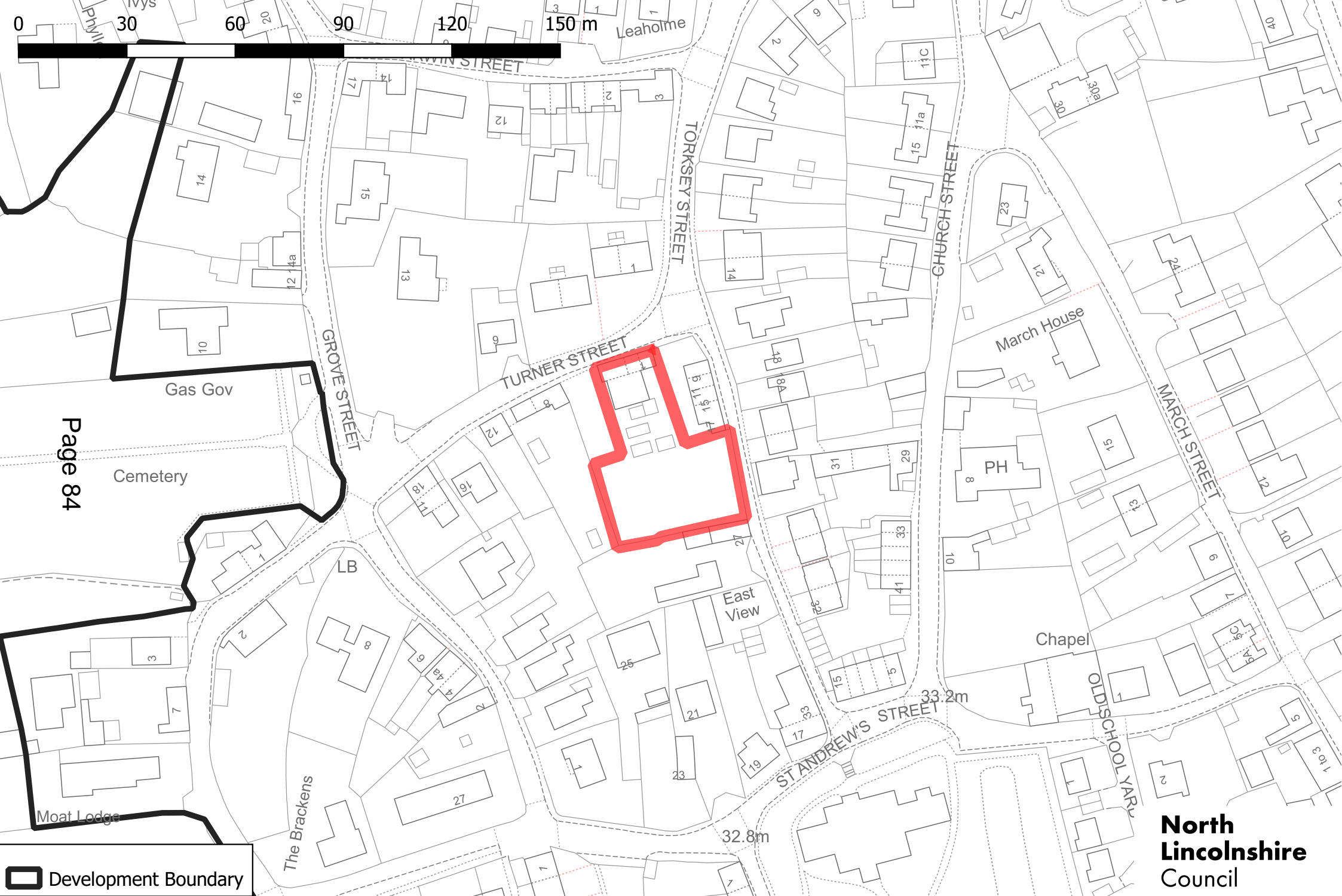


4.

Inadequate information has been submitted for a comprehensive assessment of the nature, extent and significance of the archaeological remains present and the degree to which the proposed development is likely to affect the site. Therefore, the proposal does not comply with policy HE9 of the North Lincolnshire Local Plan, as well as paragraph 194 of the National Planning Policy Framework.

5.

Because of its demolition, the development would negatively impact the building of townscape merit within the site and the conservation area. The applicant has failed to demonstrate satisfactorily that the building is beyond the point of economic repair. It is also judged that it contributes positively to the character of the Kirton in Lindsey conservation area and its proposed demolition would lead to a substantial loss of important buildings of historic and architectural interest, and negatively impact the character of the Kirton in Lindsey conservation area. Therefore, the proposal does not comply with policies HE2 of the North Lincolnshire Local Plan and CS6 of the Core Strategy, as well as paragraphs 195 and 197 of the National Planning Policy Framework.

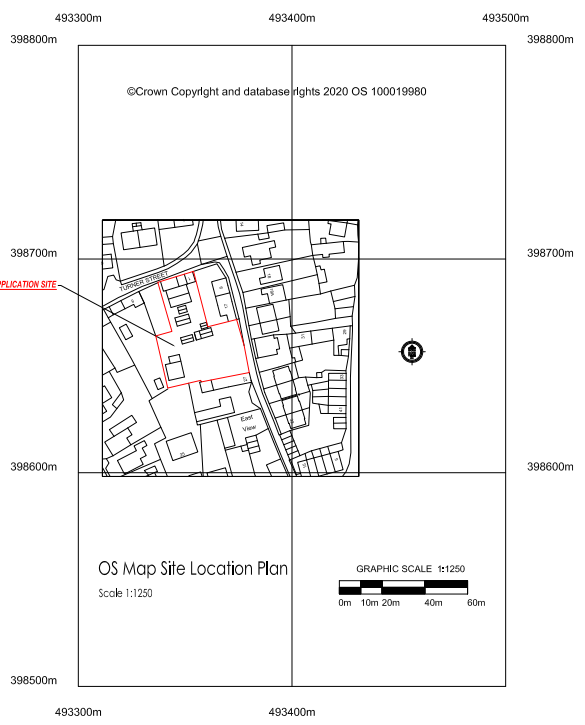


 Development Boundary

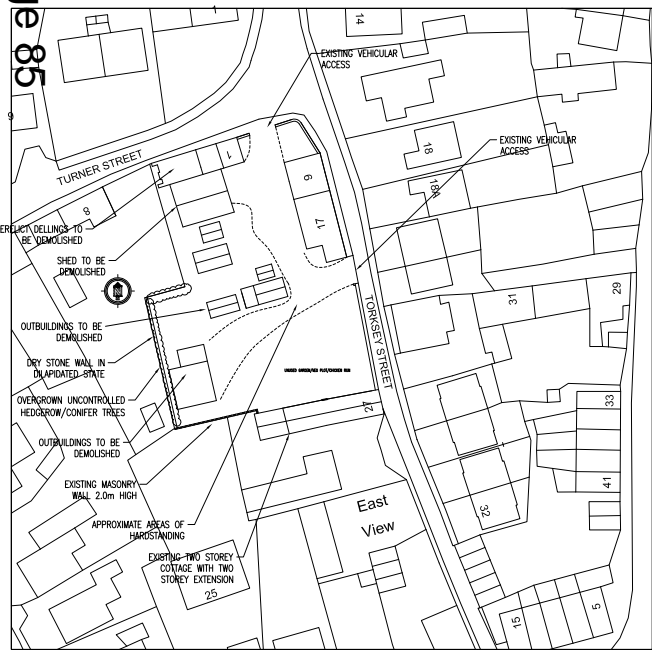
# PA/2021/891 Proposed layout (not to scale)

DO NOT SCALE

- SPECIFICATION & CONSTRUCTION NOTES:
- GENERAL
- These notes are intended to augment drawings and specifications. Where conflict of requirements exists the order of precedence shall be as shown in the specifications. Otherwise the strictest provision shall govern.
  - This drawing is to be read in conjunction with all other relevant Engineering and Architectural drawings.
  - Drawings not to be scaled. All dimensions to be checked on site by the Contractor. Any discrepancies to be notified to the Building Designer and further instructions obtained before work is commenced.
  - The structure is designed to be self-supporting and stable after the building is fully complete. It is the Contractor's sole responsibility to determine the erection procedure and sequence and ensure that the building and its components are safe during erection. This includes the addition of whatever temporary bracing, guys or tie-downs which may be necessary, such material remaining the property of the Contractor upon completion.
  - This drawing represents a detailed dimensional measurement survey of the physical dimensions of the existing property. This drawing does not and is not intended to express any opinion on the physical, superficial or structural condition of the premises depicted.
  - This drawing is to be read in conjunction with all other relevant drawings.



Page 85



0	02.02.21	TAS	Initial Issue	TAS	TAS
REV	DATE	BY	DESCRIPTION	CHK	APP
DRAWING STATUS: INITIAL ISSUE					
		FF2/2A School Court Wroby Street Brigg North Lincolnshire DN20 8JW t: +44(0)1852 659467 f: +44(0)1852 659467 e: tasbuildingdesign@hotmail.co.uk			
CLIENT: MR G CLEMENTS					
PROJECT: RESIDENTIAL DEVELOPMENT TORKSEY STREET, KIRTON LINSEY, DN21 4PW					
TITLE: SITE LOCATION PLAN & BLOCK PLANS					
SCALE & SIZE: AS SHOWN @ A1		CHECKED: TAS	APPROVED: TAS		
Dwg FILE: 11809/Dwg/Arch		DESIGN/DRAWN: TAS/ts	DATE: APRIL 2017		
PROJECT No: 11809		DRAWING No: A0001		REV: —	
© TAS BUILDING DESIGN					



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Block Plan - Proposed  
Scale 1:200



0	02.02.21	TAS	Initial Issue	TAS	TAS
REV	DATE	BY	DESCRIPTION	CHK	APP
DRAWING STATUS: INITIAL ISSUE					
		FF2/2A School Court Wroby Street Brigg North Lincolnshire DN20 8JW t: +44(0)1652 659467 f: +44(0)1652 659467 e: tasbuildingdesign@hotmail.co.uk			
CLIENT: MR G CLEMENTS					
PROJECT: RESIDENTIAL DEVELOPMENT TORKSEY STREET, KIRTON LINDSEY, DN21 4PW					
TITLE: SITE PLAN					
SCALE: AS SHOWN	AS SHOWN	AS SHOWN	AS SHOWN	AS SHOWN	AS SHOWN
DESIGN/DATE: 11809/Drg/Arch	DESIGN/DATE: TAS/ts	DATE: APRIL 2017			
PROJECT No: 11809	DRAWING No: A0002	REV: -			
© TAS BUILDING DESIGN					



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- This drawing is to be read in conjunction with all other relevant drawings.

**PLANNING RELATED EXTERNAL FACING MATERIALS AND ASSOCIATED NOTES:-**

**EXTERNAL WALLS**

MIX OF SAWN OR BED NATURAL LIMESTONE OSA AND APPROVED RED CLAY MULTI BRICKS TO FLAT GAUGED ARCHES AND EAVES/VERGE DETAILING.

**MORTAR**

COMPRISING 1½ PARTS OPC/SAND, SAND SHALL COMPRISE 2 PART SOFT SAND AND 4 PARTS SHARP SAND INCORPORATING 5mm LIMESTONE/CHALK INCLUSIONS

**ROOF**

COVERED WITH APPROVED BREATHABLE FELT SUCH AS PROCTOR ROOFSHIELD AND SANDTUFF OLD ENGLISH OSA NATURAL RED CLAY PANTILES ON 38x50mm TANGLED ROOFING LATTIS ALL LAID IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS

**WINDOWS / DOORS**

ALL WINDOWS AND DOORS AND FRAMES TO BE MANUFACTURED FROM APPROVED HARDWOOD TO APPROVED PROFILES AND GLOSS PAINTED WITH TO BE DULUX HERITAGE CHINA WHITE OR SIMILAR APPROVED COLOUR

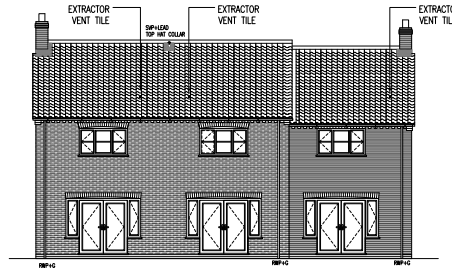
**RAINWATER GOODS**

BLACK HALF ROUND PVC GUTTER 115mm MIN DIA WITH MATCHING 65mm MIN DIA DOWNPIPES ALL BY OSMA WAIN OSA. ALL RAINWATER SHALL BE DIRECTED TO APPROPRIATELY DESIGN SOAKAWAYS IN ACCORDANCE WITH BRE DIGEST 365



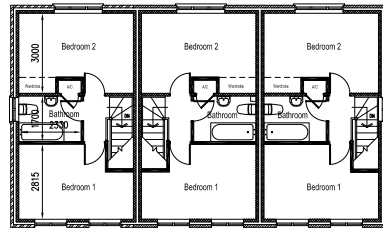
North Elevation

Scale 1:100



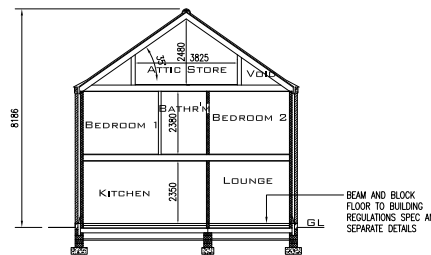
South Elevation

Scale 1:100



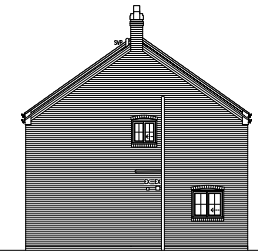
Proposed First Floor Plan

Scale 1:100



Section '2 - 2'

Scale 1:100



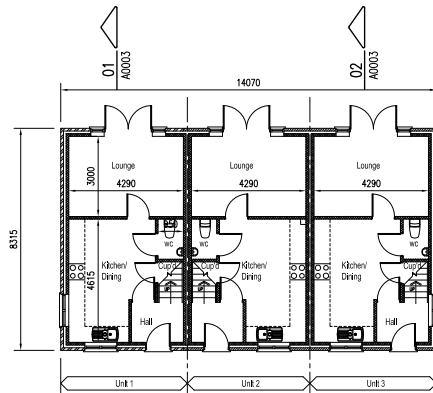
East Elevation

Scale 1:100



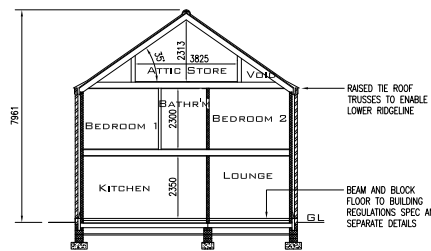
West Elevation

Scale 1:100



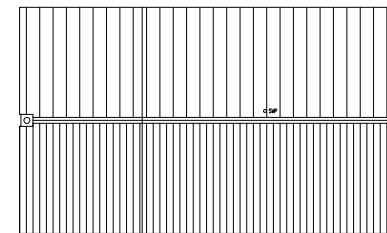
Proposed Ground Floor Plan

Scale 1:100



Section '1 - 1'

Scale 1:100



Proposed Roof Plan

Scale 1:100

REV	DATE	BY	DESCRIPTION	CHK	APP
0	02.02.21	TAS	Initial Issue	TAS	TAS

**INITIAL ISSUE**

**TAS Building Design**

FF2/2A School Court  
Wrayby Street  
Brigg  
North Lincolnshire  
DN20 8JW

t: +44(0)1652 659467  
f: +44(0)1652 659467  
e: tasbuildingdesign@hotmail.co.uk

**CLIENT: MR G CLEMENTS**

**PROJECT: RESIDENTIAL DEVELOPMENT  
TORKSEY STREET, KIRTON LINSEY**

**TITLE: PROPOSED TERRACED DWELLINGS  
BLOCK 1  
[UNITS 1 - 3]**

SCALE & SIZE:	CHECKED:	APPROVED:
AS SHOWN @ A1	TAS	TAS
DATE FILE:	DESIGN/DRAWN:	DATE:
11809/Drg/Mch	TAS/ts	OCT 2017
PROJECT No:	DRAWING No:	REV:
11809	A0003	-





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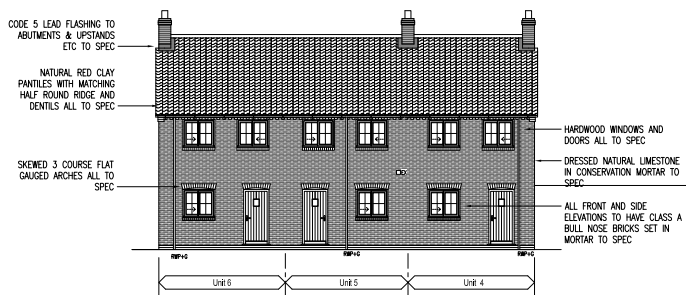
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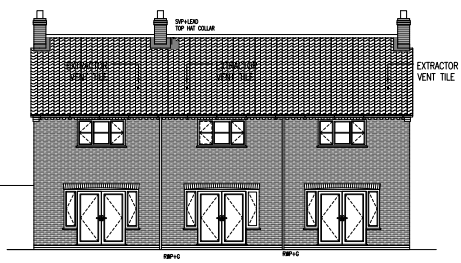
**ROOF**  
COVERED WITH APPROVED BREATHABLE FELT SUCH AS PROCTOR ROOFSHIELD AND SANDTOFT OLD ENGLISH OSA NATURAL RED CLAY PANTILES ON 38x50mm TANGILISED ROOFING LATTS ALL LAID IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS

**WINDOWS / DOORS**  
ALL WINDOWS AND DOORS AND FRAMES TO BE MANUFACTURED FROM APPROVED HARDWOOD TO APPROVED PROFILES AND GLOSS PAINTED WITH TO BE DULUX HERITAGE ROMAN WHITE OR SIMILAR APPROVED COLOUR

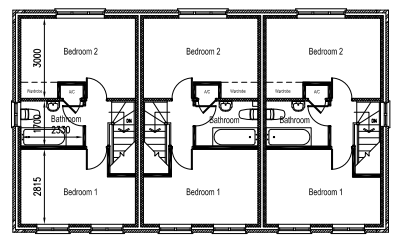
**RAINWATER GOODS**  
BLACK HALF ROUND PVC GUTTER 115mm MIN DIA WITH MATCHING 65mm MIN DIA DOWN PIPES ALL BY OSMA WAIN OSA. ALL RAINWATER SHALL BE DIRECTED TO APPROPRIATELY DESIGN SOAKAWAYS IN ACCORDANCE WITH BRE DIGEST 365



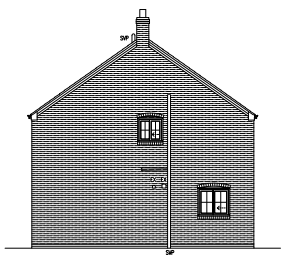
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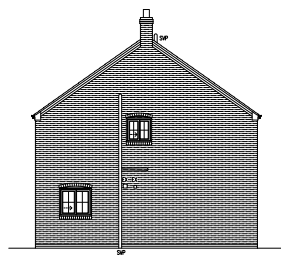
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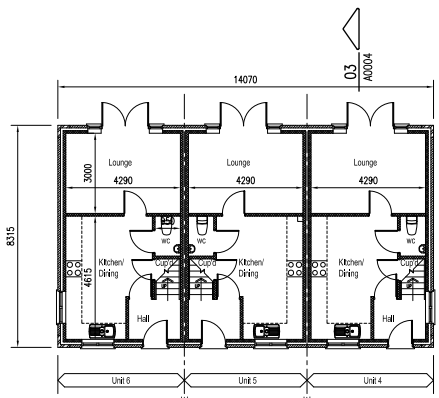
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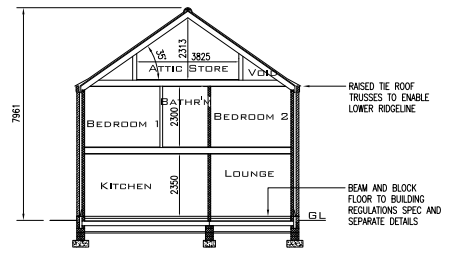
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Scale 1:100



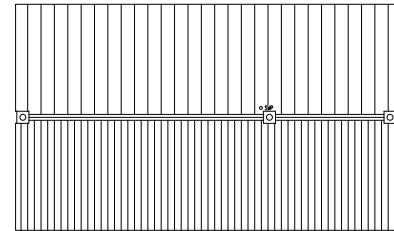
North Elevation  
Scale 1:100



Proposed Ground Floor Plan  
Scale 1:100



Section '3 - 3'  
Scale 1:100



Proposed Roof Plan  
Scale 1:100

REV	DATE	BY	DESCRIPTION	CHK	APP
0	02.02.21	TAS	Initial Issue	TAS	TAS

**DRAWING STATUS:** INITIAL ISSUE

**TAS Building Design**  
 FF2/2A School Court  
 Wrayby Street  
 Brigg  
 North Lincolnshire  
 DN20 8JW  
 t: +44(0)1652 659467  
 f: +44(0)1652 659467  
 e: tasbuildingdesign@hotmail.co.uk

**CLIENT:** MR G CLEMENTS

**PROJECT:** RESIDENTIAL DEVELOPMENT  
TORKSEY STREET, KIRTON LINSEY

**TITLE:** PROPOSED TERRACED DWELLINGS  
BLOCK 2  
[UNITS 4 - 6]

SCALE & SIZE:	AS SHOWN	CHECKED:	DESIGN/DRAWN:	DATE:	APPROVED:
AS SHOWN	A1	TAS	TAS/ts	OCT 2017	TAS
PROJECT No:	11809	DRAWING No:	A0004	REV:	-



**SPECIFICATION & CONSTRUCTION NOTES:**

- GENERAL**
- These notes are intended to augment drawings and specifications. Where conflict of requirements exists the order of precedence shall be as shown in the specifications. Otherwise the architect's provision shall govern.
  - This drawing is to be read in conjunction with all other relevant Engineering and Architectural drawings.
  - Drawings not to be scaled. All dimensions to be checked on site by the Contractor. Any discrepancies to be notified to the Building Designer and further instructions obtained before work is commenced.
  - The structure is designed to be self-supporting and stable after the building is fully complete. It is the Contractor's sole responsibility to determine the erection procedure and sequence and ensure that the building and its components are safe during erection. This includes the addition of whatever temporary bracing, guys or tie-downs which may be necessary, such material remaining the property of the Contractor upon completion.
  - This drawing represents a detailed dimensional measurement survey of the physical dimensions of the existing property. This drawing does not and is not intended to express any opinion on the physical, superficial or structural condition of the premises depicted.
  - This drawing is to be read in conjunction with all other relevant drawings.

**PLANNING RELATED EXTERNAL FACING MATERIALS AND ASSOCIATED NOTES:-**

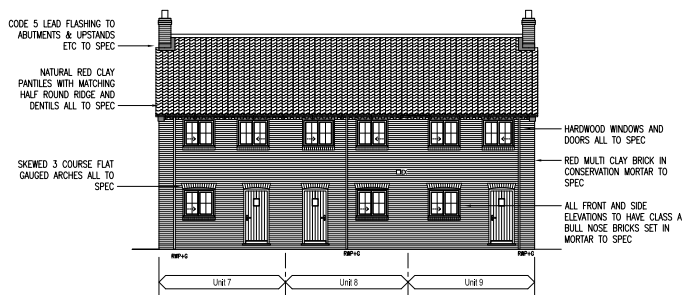
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**MORTAR**  
COMPRISING 1:3 PARTS OPC/SAND, SAND SHALL COMPRISE 2 PART SOFT SAND AND 4 PARTS SHARP SAND INCORPORATING 5mm LIMESTONE/CHALK INCLUSIONS

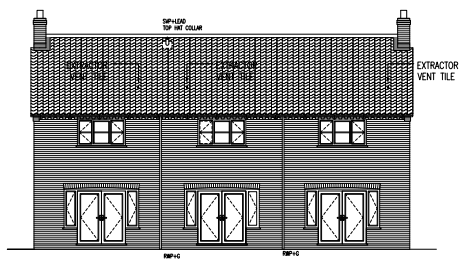
**ROOF**  
COVERED WITH APPROVED BREATHABLE FELT SUCH AS PROCTOR ROOFSHIELD AND SANDTOFT OLD ENGLISH OSA NATURAL RED CLAY PANTILES ON 38x50mm TANGILISED ROOFING LATTS ALL LAID IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS

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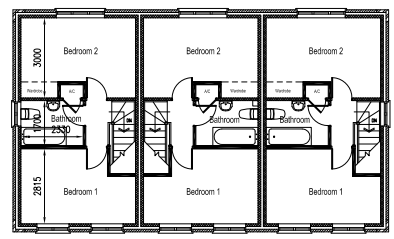
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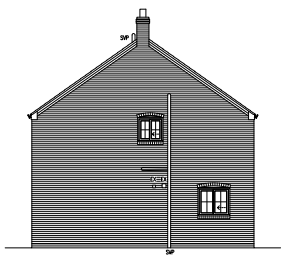
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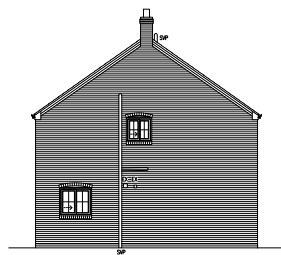
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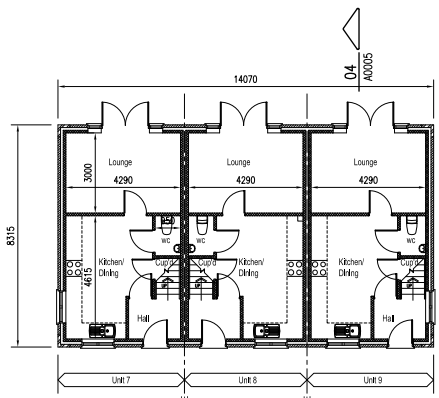
Proposed First Floor Plan  
Scale 1:100



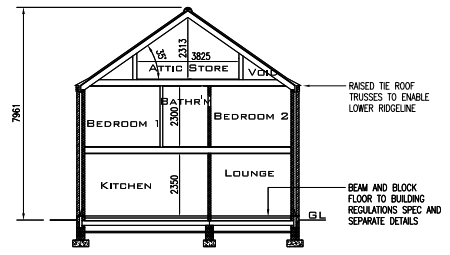
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Scale 1:100



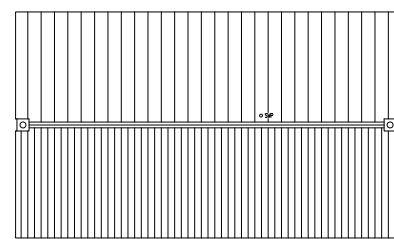
West Elevation  
Scale 1:100



Proposed Ground Floor Plan  
Scale 1:100



Section '4 - 4'  
Scale 1:100



Proposed Roof Plan  
Scale 1:100

REV	DATE	BY	DESCRIPTION	CHK	APP
0	02.02.21	TAS	Initial Issue	TAS	TAS

DRAWING STATUS:		INITIAL ISSUE	
		FF2/2A School Court Wrayby Street Brigg North Lincolnshire DN20 8JW t: +44(0)1652 659467 f: +44(0)1652 659467 e: tasbuildingdesign@hotmail.co.uk	
CLIENT:		MR G CLEMENTS	
PROJECT:		RESIDENTIAL DEVELOPMENT TORKSEY STREET, KIRTON LINSEY	
TITLE:		PROPOSED TERRACED DWELLINGS BLOCK 3 [UNITS 7 - 9]	
SCALE: AS SHOWN	CHECKED: TAS	APPROVED: TAS	
DATE FILE: 11809/Drg/Mrch	DESIGN/DRAWN: TAS/ts	DATE: OCT 2017	
PROJECT No: 11809	DRAWING No: A0005	REV: -	
© TAS BUILDING DESIGN			



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<b>APPLICATION NO</b>	<b>PA/2021/1087</b>
<b>APPLICANT</b>	Mr James Pearson, Charworth Homes
<b>DEVELOPMENT</b>	Planning permission to erect three dwelling houses and three detached single garages with associated landscaping (including demolition of existing outbuildings)
<b>LOCATION</b>	Dondoreen, Marsh Lane, Barton upon Humber, DN18 5HF
<b>PARISH</b>	Barton upon Humber
<b>WARD</b>	Barton
<b>CASE OFFICER</b>	Jennifer Ashworth
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Paul Vickers – significant public interest)

## **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 12 – Achieving well-designed places

Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 15 – Conserving and Enhancing the Natural Environment

Chapter 16 – Conserving and Enhancing the Historic Environment

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

H5: New Housing Development (part saved)

H7: Backland and Tandem Development

H8: Housing Design and Mix

HE2: Development in Conservation Areas

HE3: Demolition in Conservation Areas

HE9: Archaeological Excavation

DS1: General Requirements

DS3: Planning Out Crime

DS7: Contamination

DS14: Foul Sewage and Surface Water Drainage

DS16: Flood Risk

T2: Access to Development

T19: Car Parking Provision and Standards and Appendix 2

LC12: Protection of Trees, Woodland and Hedgerows

**North Lincolnshire Core Strategy:**

CS1: Spatial Strategy for North Lincolnshire

CS2: Delivering More Sustainable Development

CS3: Development Limits

CS5: Delivering Quality Design in North Lincolnshire

CS6: Historic Environment

CS7: Overall Housing Provision

CS8: Spatial Distribution of Housing Sites

CS9: Affordable Housing

CS17: Biodiversity

CS18: Sustainable Resource and Climate Change

CS19: Flood Risk

CS25: Promoting Sustainable Transport

**Housing and Employment Land Allocations DPD:** The site lies within the development limits of Barton upon Humber and within the conservation area (policy HE2) as shown on Proposals Map Inset 07.

Policy PS1 (Presumption in Favour of Sustainable Development)

**CONSULTATIONS**

**Environment Agency:** The Environment Agency was not consulted until later in the application process when the fourth case officer took over the project. The response was received on 15 July 2022. The EA has no objection to the amended plans with finished floor

levels of 5.6m AOD (plans uploaded 24 June 2022). A condition similar to permission PA/2019/1798 is requested. Whilst the EA has not objected on flood risk grounds this does not remove the need to apply the sequential test. A failure to satisfy the sequential test can be grounds alone to refuse planning permission.

**Environmental Protection:** No objections subject to a condition to address the potential for contamination of the site.

**LLFA Drainage:** No objection subject to conditions. The applicant has worked closely with the LLFA drainage team to seek the removal of their original objection. The drainage team do still require conditions to address surface water drainage and the drainage scheme on the site. The team have also set out a series of informative comments and notes for the developer to take into account as part of these works.

**Tree Officer:** No objection but makes the following comments:

The trees mentioned within the arboricultural report are within the ownership of an adjacent landowner and not on the site; this means the applicant does not have a legal right to remove these trees without specific permission from the tree owners.

These trees are also within the conservation area, which offers them some protection, and unless the removal of these trees is required to implement any planning permission given, which it appears they do not, the applicant would need to go through an application giving notice of intended works to trees within a conservation area. Although the location of the trees is such that making a tree preservation order on them is probably not likely to occur, they do need to go through this process, as removal of trees without doing so is an offence under the legislation.

**Historic Environment Record (Archaeology):** The HER originally placed a holding objection until a Written Scheme of investigation (WSI) was completed on this site. The HER has now confirmed that the final report is required to be submitted to allow them to withdraw their objection.

**Conservation:** Objects and recommends a design change, making the following comments:

*In relation to the design:*

The principal aim of new development should be to marry-in the new with the existing, rather than making the new building completely different. This is because the attractiveness of the town centre relies on the visual cohesiveness of the streetscape.

- All new development should therefore reflect the scale and materials of adjoining property. The form of any new building, including its height, relationship to the street, and any rear extensions, should be sympathetic to the surrounding buildings. Because most new development will be within existing terraces or groups of buildings, rooflines, eaves heights and details, window details and shopfronts (or front doors) should match or reflect adjoining properties. The addition of chimneystacks in some locations may be required, to ensure compatibility with adjoining properties.
- Historic building lines should always be replicated when designing new development.

*In relation to materials:*

Materials for new development in Barton-upon-Humber will usually be chosen to match existing buildings in the area, so red brick, or in some locations, a rendered finish, will be appropriate. Roofs should be covered in clay pantiles, clay 'French' tiles or Welsh slate. Modern, machine-made flat clay tiles will rarely be acceptable; neither will concrete tiles or artificial slate. Windows should be made from timber and traditionally detailed with vertically sliding sashes or horizontally sliding casements. Top-hung false 'sashes' are not suitable. Front doors should be made from timber, with four or six recessed moulded panels. All timber should be painted not stained.

- Traditional materials and details should be specified for new development. The use of material other than timber is unacceptable for windows, doors and conservatories in conservation areas.

It is accepted that the buildings in Tyson Close are mostly modern and therefore, in principle, having a new development that reflects a more modern style of build is acceptable but the buildings still need to be sympathetic to the overall character of the conservation area. There is an issue with the aluminium dormers which stand out too much and will clearly be seen as an incongruous modern element in an historic area.

The adopted policy in the Barton SPG states, 'The use of material other than timber is unacceptable for windows, doors and conservatories in conservation areas.' Considering this, I recommend that the dormers are clad in timber for the new development to sit better in the historic area.

**Highways:** No objection but recommend two conditions to ensure vehicle access and parking is completed prior to occupation and vehicle wheel cleaning is undertaken in accordance with details to be approved in writing by the local planning authority.

## **TOWN COUNCIL**

Objects on grounds of the design of the access and locality, and would like access from Frederick Fields to be considered rather than Tyson Close.

## **PUBLICITY**

A site notice has been displayed. Fourteen responses have been received, all objecting to the scheme. The points raised are summarised below:

- Frederick Fields is a private road and is not built for heavy duty vehicles, vehicles over 3.5t are not allowed to access the road due to the way it was constructed, we are currently in disagreement regarding several issues with the roadway and many residents are taking further action (legally and via the LABC) and as residents we are not happy allowing access to a building site.
- Frederick Fields currently has 2 (or 2.5) parking spaces on the development for visitors, adding further dwellings to the development would cause large issues with parking.
- The bin store at the entrance of Frederick Fields is not fit for purpose, this doesn't even have capacity for the 5 properties' here not to mention adding more.

- Frederick Fields is block paved and the paving is already damaged from heavy plant delivering equipment to the site. Increased use by vehicles, pedestrians, wheelie bins will damage this further.
- Frederick Fields cannot support additional traffic.
- Frederick Fields already includes collapsing drains and sinking block paving.
- Windows to the rear of properties will overlook existing garden spaces resulting in overlooking and privacy issues.
- Noise/disturbance from additional vehicles.
- The proposed development is submitted using out of date plans whereby the boundary lines adjacent to my property have been subsequently amended and are incorrect on the proposed development plans.
- Over-development and overbearing impacts.
- Detrimental to the open aspect of the current site.
- Would result in excessive demand for services and infrastructure which require maintenance at the cost to residents on Frederick Fields.
- No public footpaths on Frederick Fields – additional traffic will result in increased pedestrian safety issues.
- Development will impact on wildlife and environment.
- No additional visitor parking being provided, the 3 spaces is not enough to serve 11 properties.
- Tyson Close – previous application rejected due to existing road construction not being to Highways' standards.
- Concerns over construction access and who will be liable for reinstatement of existing road from any damage caused by construction activities.
- Residents from Fredrick Fields have now once again seen the sewer drainage fail.
- Tyson Close was originally given planning for the erection of 5 bungalows. This has already been completed. A further 3 dormer bungalows exceeds the number originally planned for and as such will overcrowd the site.
- The plans show dormers to the bungalows, which, because of the proximity across the narrow road to the existing bungalows, in particular number 2, will mean that the new occupants will have a direct downward view into the existing bungalows thus destroying the privacy of the current occupants.
- Concerns visitors to new properties will park on Tyson Close and block the access for emergency vehicles as well as general congestion.
- Tyson Close is too narrow for any extra use other than that for which originally intended.

- We always knew there would be two more bungalows, however three more dwellings will increase the vehicles using the close.
- Drainage, footings and even walls are under construction and demonstrates, at the least, a complete disregard for the application process and any decision made by the planning officer/committee.

## **ASSESSMENT**

### **Planning history**

PA/2003/1660: Planning permission to erect a detached bungalow with integral garage – approved 12/03/2004.

The following permissions relate to Frederick Fields to the rear of the site:

PA/2019/397: Planning permission for a first floor extension with replacement windows and doors – approved 22/05/2019

PA/2017/1109: Planning permission to erect five dwellings including demolition of outbuildings to rear – approved 13/04/2018

PA/2019/832: Planning application to vary condition 2 of planning permission PA/2017/1109 namely to re-configure the layout of plot 4 and the internal layout to plot 5 together with alterations to the roof of these plots – approved 05/07/2019

7/1989/0610: Planning permission to erect a detached house – approved 14/09/1989

PA/2004/1444: Planning permission to erect a detached house – refused 07/12/2004

PA/2017/1576: Outline planning permission for four dwellings with associated access road and landscaping with all matters reserved – approved 21/06/2018

PA/2019/1798: Planning permission for access and associated parking – approved 20/05/2020.

### **Planning designations/considerations**

The site lies within the development limits of Barton upon Humber and within the conservation area. There are existing trees outside, but very close to, the boundary of the site and their location within the conservation area offers them some protection.

There are no known listed buildings within close proximity of the site.

The site is within SFRA Flood Zone 2/3a which is considered to be at high risk of flooding.

### **The proposal**

From a site visit on 24 June 2022, it was evident that the development is underway, existing outbuildings have been demolished, and dwellings are being constructed without planning permission. The application is for the erection of three 1.5-storey, 4-bedroom detached dwellings and three detached single garages with associated landscaping (including demolition of existing outbuildings).

All dwellings have pedestrian access to front doors and side gates off Tyson Close. Vehicle access to two of the dwellings and their respective garages is proposed off Frederick Fields via the existing turning head/visitor parking area which has been extended into the application site. The third dwelling is to be accessed off Tyson Close via a dropped kerb. Each property has a single garage and two off-street parking spaces. Both are private roads and have not been adopted by the highway authority.

All three plots front onto Tyson Close and sit beyond the existing building line (3D visual, page 25, Design and Access Statement), with the frontage of properties in line with the side boundary wall of Dondoreen and front wall of 5 Tyson Close.

The proposed design and style of the three dwellings is reflective of those off Frederick Fields. The applicant sets out that the private garden spaces of Frederick Fields range between 550m<sup>2</sup> to 1200m<sup>2</sup> and the proposed garden spaces are 680m<sup>2</sup> and 1200m<sup>2</sup>.

Bin collections are proposed via the existing collection area at the access to Frederick Fields from Marsh Lane.

### **The site**

The site lies to the south of Tyson Close, a small cul de sac comprising five detached single-storey bungalows with a further two properties, Dondoreen and 7b Marsh Lane, fronting and being accessed off Marsh Lane; however, the main body of the property and side elevation sit within Tyson Close. The style of both these properties is reflective of the five properties off Tyson Close.

Bramley Close is further north of the site and comprises largely single-storey bungalows with a handful of two-storey detached properties at the end of the development. Frederick Fields is to the south of the site and includes eight detached two-storey properties, all fronting onto and accessed off Frederick Fields.

The site is currently under construction.

Google Maps dated 2009 shows evidence of the site being an extension of the garden space for Dondoreen with a brick-built detached garage with apex roof, small storage shelters with what appears to be an asbestos roof, two further sheds, a greenhouse and hardstanding for a caravan, as well as the wider site being laid to grass.

### **This assessment will therefore focus on the following issues:**

- **Principle of development**
- **Historic environment/design, layout, appearance**
- **Residential amenity**
- **Flood risk**
- **Contamination**
- **Highway safety**
- **Ecology**

- **Trees and Landscape.**

### **Principle of development**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land Allocations Development Plan Document (HELADPD). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

Policy CS1 of the Core Strategy sets out the overarching spatial strategy for the district. It states that in Scunthorpe ‘...High quality, well designed new housing will be provided on a range of previously developed sites within the urban area followed by a greenfield urban extension with a focus on areas to the west of the built up area’. The policy specifically refers to market towns and recognises Barton upon Humber as a thriving place to live, work and visit and supports an appropriate level of new housing development to support the market towns as sustainable communities. The policy states, ‘North Lincolnshire’s Market Towns will continue to provide important services for the area’s rural communities and support the higher level services provided by Scunthorpe. Levels of growth and development will be more limited reflecting their position in the settlement hierarchy. All growth will take account of existing infrastructure, environmental constraints and ensure that the distinctive character of the town is protected.

Policy CS2 sets out a sequential approach to where development should be focused. It states, ‘...Previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions’ is the first priority. The second priority is then ‘Previously developed land and buildings within the defined development limits of North Lincolnshire’s Market Towns, followed by other suitable infill opportunities then appropriate small scale greenfield extensions to meet identified local needs’. Policy CS2 requires all future development in North Lincolnshire to contribute towards achieving sustainable development. Policy CS2 also requires development to be designed to a high standard, consistent with policy CS5, and use sustainable construction and design techniques.

Policy CS7 is concerned with the spatial distribution of housing sites and policy CS8 is concerned with overall housing provision. As well as setting out locations for the distribution of housing, CS7 also sets out net density ranges (unless site constraints dictate). Housing density within Scunthorpe and market towns’ development limits are 40–45 dwellings per hectare. The policy also states, ‘Housing development will be required to make efficient use of land but the density of new development should be in keeping with the character of the area and support the development of sustainable, balanced communities.’

The proposal would generate a residential density of 30 dwellings per hectare (site area 0.1ha). This is under the requirement of policy CS7 which indicates a requirement of a site of this size in this location to yield a density of between 40–45 dwellings per hectare; this does, however, need to take into account the surrounding character/other material considerations.



Policy CS8 states that 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.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' 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 were most important to determining the application should not be considered up-to-date.

A recent appeal decision dated 20 July 2022 (planning reference PA/2020/554) has been issued where the Inspector has concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period.

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

Paragraph 11 d) ii) is clear that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (\*including where no five year land supply can be demonstrated), permission should be granted unless:

- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **Historic environment/layout, design and appearance**

Paragraph 126 of the NPPF states, 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'

Paragraph 130 of the NPPF states, '...planning policies and decisions should ensure that developments:

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

Paragraph 134 states that development that is not well designed should be refused. Significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Policies H5 (part saved), CS5 and DS1 seek to deliver quality design in North Lincolnshire. As the site is within the conservation area, the design of the properties would need to respect the criteria set out within the relevant policies. Policy H7 permits backland and tandem development where there is no adverse effect on the amenities of any residential premises through adjoining uses and where development would not affect the general quality and character of the area.

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 policy DS1. Policies H7, H8 and DS1, and paragraph 127 of the NPPF, are also considered relevant.

Policy CS6 states, '...The council will seek to protect, conserve and enhance North Lincolnshire's historic environment, as well as the character and setting of areas of acknowledged importance including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains.

All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value.

Development proposals should provide archaeological assessments where appropriate.'

Whilst Policy HE2 requires, '...All development proposals in, or which affect the setting of, conservation areas should preserve or enhance the character and appearance of the area and its setting. Development should harmonise with adjoining buildings. Building materials should be appropriate to the locality and context and sympathetic to those of existing and nearby buildings in terms of type, texture, colour and size. Walls, gates and fences should be of a type traditionally used in the locality. Development should be of a standard of design which respects the appearance and character of the conservation area in terms of its bulk, height, mass, vertical and horizontal emphasis, proportions, layout, siting, landscaping and other matters of design such as roofscape and architectural style and detailing.'

Policy HE3 relates to demolition in conservation areas and sets a series of criteria against which a building will be assessed...and consent for demolition of a building will be conditional on it not being demolished until either:

- (a) detailed planning permission for the redevelopment of the site has been obtained and the council has had sight of an agreed contract for the carrying out of works of redevelopment; or
- (b) a landscaping and improvement scheme is submitted and an agreement is entered into to maintain the scheme, if the site is to be kept in open space use;
- (c) whenever appropriate, proposals which would entail the loss of historic fabric from a listed building will be conditional upon a programme of recording being agreed and implemented.

Whilst the site is located within the conservation area, there are no listed buildings within close proximity. There is a mix of styles of properties within the wider area and as such it is considered that development of this site should look to the existing immediate area for inspiration. This includes Tyson Close, Frederick Fields and Marsh Lane.

The Conservation Officer has considered the proposals and objects to the proposals, recommending design changes. These relate to two matters:

### ***Design***

The principal aim of new development should be to marry-in the new with the existing, rather than making the new building completely different. This is because the attractiveness of the town centre relies on the visual cohesiveness of the streetscape.

All new development should therefore reflect the scale and materials of adjoining property. The form of any new building, including its height, relationship to the street, and any rear extensions, should be sympathetic to the surrounding buildings. Because most new development will be within existing terraces or groups of buildings, rooflines, eaves heights and details, window details and shopfronts (or front doors) should match or reflect adjoining properties. The addition of chimney stacks in some locations may be required, to ensure compatibility with adjoining properties.

Historic building lines should always be replicated when designing new development.

## **Materials**

Materials for new development in Barton-upon-Humber will usually be chosen to match existing buildings in the area, so red brick, or in some locations, a rendered finish, will be appropriate. Roofs should be covered in clay pantiles, clay 'French' tiles or Welsh slate. Modern, machine-made flat clay tiles will rarely be acceptable; neither will concrete tiles or artificial slate. Windows should be made from timber and traditionally detailed with vertically sliding sashes or horizontally sliding casements. Top-hung false 'sashes' are not suitable. Front doors should be made from timber, with four or six recessed moulded panels. All timber should be painted not stained.

Traditional materials and details should be specified for new development. The use of material other than timber is unacceptable for windows, doors and conservatories in conservation areas.

It is accepted that the buildings in Tyson Close are mostly modern and therefore in principle having a new development that reflects a more modern style of build is acceptable but the buildings still need to be sympathetic to the overall character of the conservation area. There is an issue with the aluminium dormers which stand out too much and will clearly be seen as an incongruous modern element in an historic area.

The site represents an infill plot off Tyson Close. In terms of policies CS5, H5, H7 and H8 the proposal is regarded in part as backland/tandem development: part of the land comprises land which formed the rear garden of Dondoreen, whilst another part of the site benefits from an extant planning permission for a single dwelling. The scheme submitted should take account of dwellings off Frederick Fields as well as Tyson Close. The properties will be 1.5-storeys high with a dormer bungalow design which, in theory, would create a natural transition from the single-storey detached bungalows off Tyson Close through to the two-storey detached dwellings off Frederick Fields. As a result of raised floor levels (5.6AOD) required by the Environment Agency to satisfy Flood Risk requirements, the dwellings would be much higher than a standard 1.5-storey dormer bungalow. The elevations provided show the ridge height of the proposed dwellings above the height of the houses off Frederick Fields and therefore it is considered they would appear overbearing within the street scene off Tyson Close.

The overall modern design and materials (dark grey antique slate roof tiles and red brick) are more reflective of the properties off Frederick Fields rather than Tyson Close. The properties on Tyson Close include a red brick and terracotta Roman ridge roof tile. Whilst Tyson Close does not offer a high quality in terms of design standard, it does offer a uniformed approach to materials as well as in the layout of plots and siting of buildings within those plots.

Whilst a modern design is considered acceptable and is welcomed on the site, the development is required to address the overall character and appearance of Tyson Close.

The existing properties off Tyson Close are all set back from the main highway (private road) by approximately:

- 1 Tyson Close: 3.8m
- 2 Tyson Close: 4.5m

- 3 Tyson Close: 4.6m
- 4 Tyson Close: 3.5m
- 5 Tyson Close: 4.6m
- Dondoreen (side elevation): 5.2–7.4m
- 7b Marsh Lane: 4.2m.

In comparison, the proposed dwellings are approximately:

- Plot 1: 2.0–2.4m
- Plot 2: 1.4–1.7m
- Plot 3: 1.6–2.4m.

The applicant argues that the properties are set back a similar distance to those adjacent (1, 2, 3 Tyson Close); however, the applicant's measurements are taken from the footpath and not the private drive/road. The design interrupts the existing area of informal footpath along this part of Tyson Close. This existing footpath is a feature of Tyson Close.

All three properties front Tyson Close and pedestrian access to the front doors and side gates are off Tyson Close. It is considered that the proposed dwellings are positioned too close to their northern boundary with Tyson Close and will create a narrowing effect on Tyson Close both visually and for users, as well as for adjacent properties. The existing distance between the front of properties 3 and 5 Tyson Close is 14m. The proposed development would result in between 10–14m distances from the front of plots 1, 2 and 3 with existing properties 1, 2 and 3 Tyson Close. Both 5 Tyson Close and Dondoreen, as well as all other properties on the estate, include an area of shared space/footpath in front of the front garden/amenity space and any boundary wall. This is not replicated at the application site.

The applicant argues that the properties are set back 2m from the highway, and whilst the main building is set further back, the built form/access steps to the property are set 1m or less from the highway bringing the overall development closer to the boundary and the adjacent properties.

Concerns have also been raised regarding visitors to these new properties and the potential congestion/road block this would create. The proposed dwellings are set in front of the building line of both no. 5 and the side elevation of Dondoreen which, along with other properties, sets the character of Tyson Close. The applicant considers that the scheme relates to Frederick Fields in terms of plot size and rationale; however, the council considers that the development should reflect the character of Tyson Close as set out above.

The proposal is considered to be out of character with this area of Barton upon Humber and is therefore contrary to policy CS5 of the Core Strategy, and policies H5, H7 H8 and DS1 of the North Lincolnshire Local Plan.

In terms of siting, the proposal will yield 30 dwellings per hectare which is below the 40–45 density set out within part of policy CS7 of the Core Strategy. Policy CS7 also states that

the density of new development should be in keeping with the character of the area. This site represents an infill site off Tyson Close and should reflect the character of Tyson Close. Tyson Close is different in character to the surrounding Frederick Fields and the wider conservation area but development on the site still needs to respond to Tyson Close. Tyson Close is a small cul de sac formed by single-storey bungalows set back from the highway with space between plots.

The submitted scheme shows vehicle access via both Frederick Fields and Tyson Close and no objections have been raised by the Highways department.

The three dwellings will provide three four-bedroom properties on the site and an acceptable level of internal accommodation. The scheme, however, is considered to be cramped due to the siting, layout and design of the dwellings. The buildings are positioned in front of the existing building line and do not reflect the plot layout of existing dwellings off Tyson Close. The dwellings include much smaller gardens than existing dwellings on Tyson Close and the proposed dwellings would be close to boundaries, unlike existing properties. This results in a scheme that is out of character with the surrounding area of Tyson Close and loss of amenity to future occupiers by virtue of small gardens (Plots 2 and 3 in particular), as well as very little/no amenity space to the front of properties.

In relation to materials, it is considered that the conservation officer's comments cannot be considered appropriate at this time. The existing properties off Tyson Close include a range of materials, including uPVC windows and doors. It would be unreasonable for the proposed dwellings to include timber frames when this is not a feature of other properties in the area. It would, however, be reasonable to encourage a similar palette of materials, including a similar roof tile to properties off Tyson Close. Were the properties to be set further back, and the overall height of the properties reduced, then dormer windows would also be considered acceptable on front elevations in this location. Due to the requirement of the Environment Agency that finished floor levels are set at 5.6m(AOD), this may not be achievable on the site.

The rear dormers of all plots largely overlook the blank façade of properties off Frederick Fields as well as the parking area. There are areas where glimpses could be achieved into rear gardens of properties off Frederick Fields as well as Dondoreen from Plot 3; however, these are not considered to result in undue harm. It is considered that the proposed dwellings are of a high standard and would help in raising the quality in the area.

Although the proposal will bring a vacant site into use and will create additional dwellings in a sustainable location, Tyson Close is characterised primarily by detached single-storey bungalows set within good-sized plots which are set back from the highway by no less than approximately 3.5m with amenity space around the properties. This proposal creates three 1.5-storey, 4-bedroomed dwellings located tightly together within smaller plots. It is considered that the siting of the proposed development would be visually harmful to the character and appearance of the surrounding area, in particular Tyson Close, and plots would not provide a satisfactory level of amenity space/defensible space to the front or rear of the property which is typically required for a 4-bedroom property.

The case officer has sought to work with the applicant to amend the scheme to set the buildings further back within the site, in line with the front of 5 Tyson Close and side elevation of Dondoreen and to consider either two dwellings or three smaller dwellings on the site. The applicant has not sought to amend the scheme enough to address these

comments. The applicant also considers, given the original case officer's advice, that the scheme should be recommended for approval on that basis.

The proposal does not accord with chapters 5 and 12 of the NPPF, CS5 of the Core Strategy, and policies H5, H7, H8 and DS1 of the North Lincolnshire Local Plan.

### **Residential amenity**

Policy H7, part-saved policy H5 and policy DS1 all refer to amenity. Policies H5 and H7 require development to not result in overlooking or loss of privacy to existing developments, or any other loss of amenity to existing dwellings, including levels of nuisance from movement of vehicles. Policy DS1, in relating 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.

As a result of the positioning/siting of dwellings and the close relationship with the highway, the dwellings appear overbearing within the street scene. The height of the properties would dominate the character of this traditional bungalow estate. It is considered, as a result of the height of the dwellings and the relationship with 1 and 2 Tyson Close, that there is potential for overlooking (from the proposed dormers) and overshadowing impacts (overall height of the properties). Plot 1 also causes concern in its relationship with 5 Tyson Close. It is considered that the property is positioned too close to and forward of 5 Tyson Close leading to unacceptable overbearing impacts. Whilst loss of light is generally more of a concern at the rear of properties, it is considered that plot 1 would lead to overshadowing and loss of light to 5 Tyson Close.

The proposed vehicle access to plots 1 and 3 will be achieved off Frederick Fields and represent parking to the rear of properties.

Parking provision at the rear of properties can lead to inactive frontages, discouraging a sustainable movement hierarchy, and creating safety and security problems both on-street and within the parking courtyards or unobserved garages. Furthermore, rear parking courts use large areas of land and often result in small gardens, reduced privacy, less activity in the street and antisocial parking (by those cars without allocated rear spaces). For as long as there remains a demand for private vehicles, there will remain an in-built contradiction by providing parking at the rear. 'Car parking. What works where, 2019' states, 'Do not park in the back of the block until on-street and frontage parking permutations have been exhausted. Use of the mews or rear court should support frontage and/or on-street provision, not replace it.' The council therefore advises that, to meet the requirements of local plan policies T2, T6, T8, T19, DS1 and H8, parking should be provided on-street or on-plot, accessed from the front of the curtilage (frontage access).

Residents of Frederick Fields have objected to the proposals and consider that increased access would lead to further damage to the block paving of this private road which already serves nine properties. Frederick Fields is a narrow private road; however, no objection has been made by the Highways department. It is considered that the provision of two more properties utilising this access would result in overuse of this private drive. The application also proposes that the three existing visitor spaces off Frederick Fields would be made available to serve the three proposed properties. Plot 2 will include a dropped kerb and vehicle access will be via Tyson Close. This is in keeping with the existing properties off Tyson Close. Concerns have been raised by local residents that there is no parking available for visitors to all three properties and fears have been raised that visitors will park

on the existing narrow Tyson Close and block residents accessing/exiting their properties, as well as emergency vehicles, delivery vehicles and other users. However, this issue currently exists and whilst no additional visitor spaces are proposed, the scheme does include three off-street parking spaces per property as well as the use of three visitor spaces to the rear.

Whilst parking at the rear of properties would generally be unacceptable and is considered to result in an increase in disturbance to the quiet enjoyment of private gardens, there is existing parking to the rear of gardens off Frederick Fields. It is not considered that the movements associated with three additional dwellings would result in an unacceptable level of noise and disturbance and a refusal of planning permission could not be justified on these grounds.

Lighting for the access road can be controlled by planning conditions to safeguard residents' amenity from light spillage.

The proposed parking to the rear of the properties is not considered a favourable option for the site as these areas would have a reduced level of natural surveillance from overlooking, and provide opportunities for antisocial behaviour and antisocial parking. It is considered that access to properties off Tyson Close would be a more preferable option.

## **Archaeology**

The applicant has undertaken an archaeological field evaluation comprising the excavation of two trial trenches to identify and assess the significance of any remains within the application site. The results of the trenching indicate that the site contains buried remains of mid-late Saxon activity of 7th to 9th century date.

The proposed development would destroy the remains resulting in substantial harm to the archaeological interest of the site; as a non-designated heritage asset paragraph 203 of the NPPF should inform the planning decision. The Historic Environment Record Team (HER) recommended that the applicant should submit a Written Scheme of Investigation (WSI) that sets out the mitigation strategy prior to the determination of the application for the planning authority to be satisfied that the details proposed are appropriate.

The archaeological significance of the application site and the impact of development should be taken into account when determining this application (NPPF, 203). In this case, where the planning authority considers that substantial harm to the non-designated heritage asset is justified, provision should be made to record the evidence and enhance public understanding of the heritage asset (NPPF, 205; local plan policy HE9).

The Historic Environment Record team have reviewed the submitted information and have confirmed that the majority of required works in relation to the Written Scheme of Investigation has now been undertaken. The team have, however, confirmed that they are yet to receive a copy of the final reporting and completion report.

The HER recommends a holding objection until this information is submitted. It is considered, should the application be considered acceptable, then this could be a condition to development.



## **Ecology**

Section 15 of the NPPF recognises the need to conserve, restore and enhance ecological networks as well as identifying and pursuing opportunities for securing measurable net gains for biodiversity. Improving biodiversity (biodiversity net gain) on sites is an approach used to improve sites' biodiversity value. Sites are required to provide a positive ecological impact, delivering improvements through habitat creation or enhancement after avoiding or mitigating harm. Biodiversity net gain is set out within the Environment Act and the Act requires all development schemes in England to deliver a mandatory 10% biodiversity net gain to be maintained for a period of at least 30 years. The concept seeks measurable improvements for biodiversity by creating or enhancing habitats in association with development. Development proposals must 'leave biodiversity in a better state than before'.

The applicant has not provided any details in respect of net gain on the site. As such it is recommended that a suitably worded condition be imposed to secure biodiversity net gain on the site.

## **Trees**

Policy LC12 requires proposals for all new development to ensure the retention of trees, woodland and hedgerows. Particular regard will be given to the protection of these features within the setting of settlements, the protection of ancient woodlands and historic hedgerows and the amenity value of trees within built-up areas. Tree preservation orders will be made where trees which contribute to local amenity or local landscape character are at risk. Landscaping and tree and hedgerow planting schemes will be required to accompany applications for new development where it is appropriate to the development and its setting.

Following a site visit and review of the site layout plan it is evident that there are existing trees on the boundary but outside the site. The applicant has submitted an arboricultural report and the trees mentioned are within the ownership of adjacent landowner and not on the site; this means the applicant does not have a legal right to remove these trees without specific permission from the tree owners.

These trees are also within the conservation area, and this offers them some protection, and unless the removal of these trees is required to implement any planning permission given, which it appears they do not, the applicant would need to go through an application giving notice of intended works to trees within a conservation area. Although the location of the trees is such that making a tree preservation order on them is probably not likely to occur, they do need to go through this process, as removal of trees without doing so is an offence under the legislation.

The planning application does not require the removal of the trees and as such no further works are required. In terms of the impact on adjoining trees, the proposal accords with policies LC12 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

## **Flood risk and drainage**

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

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

Paragraph 163 highlights the need for the exceptions test to be carried out if it is not possible for development to be located in areas with a lower risk of flooding. To pass the exceptions test it should be made clear that the development would provide wider sustainability benefits to the community that outweigh flood risk and that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, wherever possible, will reduce flood risk overall. Both elements of the exceptions test should be satisfied for development to be allocated or permitted (paragraph 165).

Paragraph 167 states, 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- (b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed; and
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.'

Policy CS19 is concerned with flood risk whilst policy DS14 is concerned with foul sewage and surface water drainage. The application site is located within flood zone 2/3a and is therefore within a location which is considered to be high risk in terms of flood risk. Policy CS19 is consistent with the NPPF and 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.'

The applicant has submitted a flood risk assessment which sets out that the primary risk to the site is from tidal flooding from the River Humber resulting from the river defences being breached or overtopped during an extreme flood event. The report notes that for new developments which lie within the flood zone it is a requirement to provide an additional 300mm of flood resilience above the elevated ground floor construction level in order to minimise any flood damage and provide ease of reconstruction, should flood waters enter the building. Section 6.2.2 of the report states, 'For this development, this would equate to a flood resilience level of 5.60m OD(N) (Flood Level of 5.30m + 0.3m).

The report recommended the following measures be adopted:

- The ground floors should be of solid concrete or an appropriate precast concrete flooring system incorporating a waterproof membrane.
- The external walls should be of water-resistant construction up to 300mm above ground floor level.
- There should be no voids within the external walls, other than doorways and windows within 300mm of finished floor level which would allow flood waters to enter the dwellings.
- All partition walls constructed at ground floor level should be of suitable robust construction or metal stud partitions fixed with plasterboard, with the lower boarding laid horizontally for ease of replacement.
- All electrical apparatus or other flood sensitive equipment should be elevated to a minimum of 300mm above finished floor level to prevent damage occurring should flood waters enter the buildings.
- All cables should be routed at high level with vertical drops to the fittings.
- The ground floor electric circuits should be suitably isolated such that the upper floors of the development can remain in operation should the ground floor electrical installation become damaged.
- Floor finishes provided at ground floor level should be suitable for ease of cleaning after flooding, should this situation occur.

The Environment Agency has been consulted and consider that the scheme is acceptable in flood risk terms. They do consider the sequential test needs to be considered by the local planning authority.

Section 1.4.5 of the submitted Flood Risk Assessment, dated June 2021, sets out the need for a sequential test to be undertaken/applied to steer new development to areas within the lowest probability of flooding (zone 1). Section 4.2.2 of the report notes that the development will require an exceptions test in respect of flood zone compatibility. The applicant has failed to submit any evidence that they have undertaken or satisfied the

sequential test or the exception test. The application should therefore be refused on this basis.

The LLFA Drainage Team have reviewed the proposals and whilst they have removed their objection they do consider there still remain many issues to be resolved on the site. The LLFA Drainage Team have set out a schedule of notes for the developer to consider. As such the following conditions are recommended:

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

#### Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with Policy DS16 of the North Lincolnshire Councils Local Plan & Policies CS18 and CS19 of the North Lincolnshire Councils Core Strategy and paragraphs 159 to 169 of the NPPF

2. The drainage scheme shall be implemented in accordance with the approved submitted details required by the above condition, 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 NPPF.

#### *Informative comment*

The proposals indicate a new (restricted discharge) connection into the private surface water sewer on Tyson Close. 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 the current landowners and 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 for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

In terms of surface water disposal, concerns from residents are noted. The LLFA has carefully assessed all the submitted information and have some concerns but are recommending planning conditions requiring the submission of a detailed surface water

drainage scheme, together with details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway. Subject to conditions, this aspect of the proposal will accord with policies CS18 and CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

The applicant has failed to undertake a sequential test or exceptions test and as such fails to fulfil the requirements of the NPPF or policy CS19. The applicant has failed to demonstrate that the development provides wider sustainability benefits to the community and the area that outweigh flood risk. The development is not on previously developed land and no assessment of alternative development sites has been undertaken. The NPPF is clear that garden land does not constitute previously developed land. (This excludes land in built-up areas such as residential gardens – page 70, NPPF). The applicant has, however, satisfied the Environment Agency and the council that the development will be safe without increasing flood risk elsewhere.

### **Contamination**

Policy DS7 of the North Lincolnshire Local Plan is concerned with land contamination. It states that in the case of proposals for development on land known or strongly suspected as being contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements.

The council's Environmental Protection Team have reviewed the proposal and note that the application for the development of residential properties is a sensitive end use. No supporting information has been provided by the applicant that demonstrates the land has not been impacted by contamination, and that any potential risks can be reduced to an acceptable level. As such the team have recommended the inclusion of a condition requiring a Phase 1 desk study be carried out and submitted to the local planning authority for approval prior to proceeding to future site investigation.

The condition is not considered unreasonable given the lack of information that has been offered up by the applicant. Therefore, subject to the aforementioned planning condition, the proposal is in accordance with policy DS7 of the North Lincolnshire Local Plan.

### **Highway safety/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 site has good access to public transport links and some local services are within reasonable walking distance. The location of the site therefore complies with national and local objectives of creating sustainable patterns of development. The proposal would utilise the existing private road. Concerns have been raised by residents of Frederick Fields who have objected to the proposals and consider that increased access would lead to further damage of existing block paving on this private road which already serves nine properties. Frederick Fields is a narrow private road, however no objection has been made by the Highways department.

The application also proposes that the three existing visitor spaces off Frederick Fields would be made available to serve the three proposed properties. Plot 2 will include a dropped kerb and vehicle access will be via Tyson Close. This is in keeping with the existing properties off Tyson Close. Concerns have been raised by local residents that

there is no parking available for visitors to all three properties and fears have been raised that visitors will park on the existing narrow Tyson Close and will block residents accessing/exiting their properties as well as emergency vehicles, delivery vehicles and other users. However, this issue currently exists and whilst no additional visitor spaces are proposed the scheme does include three off-street parking spaces per property as well as use of three visitor spaces to the rear.

Concerns have also been raised regarding the upkeep and maintenance of both Tyson Close and Frederick Fields. Residents from both estates have confirmed that they are required to contribute to the maintenance of the road at their own cost and expense. Complaints have been received from residents that construction vehicles used to build out the site have already damaged the road and that the developer has not made any effort to replace or repair. Concerns are raised regarding the long-term maintenance of the two private roads and where liability lies.

Given the scale of the proposed development it is not considered that the scheme would result in a significant or unacceptable increase in vehicular movements in the locality. Adequate off-street parking will be provided within the site. With these factors in mind, and in the absence of an objection from the council's Highways section, it is considered that the proposal, with the recommended conditions, would be acceptable in highway terms.

## **Other matters raised**

### ***Service/timeframe***

The planning application was validated on 16/06/2021 and from this time has been sat with four different planning officers. The first two case officers left the authority before a decision was made on the application, the third case officer, who had the application for a month, was conflicted and removed from the project before the project was passed across to the fourth case officer who has written this report.

It is acknowledged by the planning authority that the level of service provided to the applicant for the past year has not been satisfactory with limited contact being made by the original case officer. The time taken to determine the application also reflects the fact that additional surveys/reports/information have been requested from the applicant post validation date and subsequently additional time has been required to allow consultation with the relevant consultees.

It is also understood that past case officers have suggested to the applicant that the proposed scheme was 'acceptable' in its current form. This was the officer's opinion at the time and no discussions were undertaken with the planning management team. Once the project was moved across to the fourth officer discussions were undertaken regarding the officer's concerns in relation to layout/design/siting/over-development of the site. These concerns were then relayed to the applicant and agent and a meeting via MS Teams was undertaken. The applicant considered that given the positive advice received from the original case officer the council should accept the proposals; however, the council explained that the scheme would not have been signed off at the time had it been issued by the case officer. The case officer and Development Management Lead confirmed that they would be keen to work with the applicant to achieve a scheme which could be supported. The applicant has rejected the comments raised and considered that there was no harm in relation to the current scheme. The applicant has commenced works.

Local residents have raised concerns in relation to the ongoing construction works and damage to the existing roads at Tyson Close and Frederick Fields. The road is privately maintained at the cost of local residents. Residents of Frederick Fields have raised concern regarding the quality of construction of existing properties by the same developer and have raised concerns in relation to existing drainage within Frederick Fields and Tyson Close. These issues are not planning matters. The drainage for the application site is a matter which can be addressed through this planning application.

Concerns have been raised in relation to the level of bin store provision for the site. It is considered that a planning condition can be attached to ensure the bin store provision is adequate for both existing and future residents.

In relation to the red line boundary, the applicant has confirmed that this is wholly within their ownership. Certificate A has been signed to confirm this.

The applicant has commenced development and the local planning authority has sought to work with the applicant to address issues raised, however this has not been successful. The applicant has not adequately addressed the comments raised by consultees and third parties and has commenced development without planning permission.

### ***Red line/blue line plan/certificates***

The fourth case officer has undertaken a review of the whole application and noted that the redline does not abut the public highway. Following a request for a land registry search it is understood Tyson Close is within the ownership of the applicant, Charworth Homes and Frederick Fields is in the ownership of Marsh Lane Developments.

Access is proposed to two of the dwellings via Frederick Fields and one via Tyson Close. The red line should be drawn to include both Tyson Close and Frederick Fields and abut Marsh Lane, which is the public highway.

The applicant has completed Certificate A which certifies that the applicant was the owner of the land within the application boundary. Based on the findings of the land registry search notice should have been served on Marsh Lane Developments.

### **Conclusion**

The proposal has been subject to a full assessment giving due consideration to responses from technical consultees and third parties as well as comments raised initially by previous officers. The proposal is located within a sustainable location with access to a range of transport modes, services and facilities. The site benefits from an extant planning permission. The principle of development is acceptable. In light of the recent appeal decision which demonstrates that the council does not have a five-year housing land supply of deliverable sites, the presumption in favour set out in paragraph 11 of the Framework is triggered; however, this needs to be considered in light of technical and other material considerations.

There has been a high level of local opposition to the proposal and the material points have been considered under the relevant sections within this report. Whilst the case officer has sought to address concerns regarding the siting of buildings and reducing the number of units to two or to three smaller properties, these comments have not been taken on board by the applicant. It is considered that the dwellings are positioned too close to the boundary with Tyson Close and do not reflect the character in this area. Whilst the council are

accepting of residential development on the site, a modern approach to design and a relaxation in the palette of proposed materials, the objection remains in relation to the overall layout.

The applicant has failed to undertake a sequential test or exceptions test and as such has failed to fulfil the requirements of the NPPF (section 14) or policy CS19. The applicant has failed to demonstrate that the development provides wider sustainability benefits to the community and the area that outweigh flood risk. The development is not on previously developed land and no assessment of alternative development sites has been undertaken. The NPPF is clear that garden land does not constitute previously developed land. (This excludes land in built-up areas such as residential gardens, page 70, NPPF).

It is considered, given the above assessment, that the adverse impacts related to the development would significantly and demonstrably outweigh the benefits that would follow from the proposed scheme. The proposal is considered to be out of character with the area due to the number of dwellings proposed on the site and those dwellings sitting in front of the existing building line. The proposal would result in overbearing and overlooking impacts, bringing the front of properties within an unacceptable close distance. The proposal is therefore considered to be unacceptable in planning terms, contrary to the guidance set out within the Framework, specifically paragraph 11 and Section 12, and therefore cannot be supported.

During a meeting with the newly appointed planning consultant and via emails to the applicant the council has advised that further amended plans would not be accepted and a new planning application should be submitted to address the outstanding comments. The applicant has submitted further plans contrary to this advice; these plans have not been accepted or subject to either consultation or detailed review. Notwithstanding this, the proposed changes are minor and are not considered to address the full range of issues identified in this report.

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

1.

The proposal, by virtue of the amount of development, its siting and proximity to existing dwellings, would lead to unacceptable overbearing and overlooking impacts. In fitting three, large detached dormer bungalows onto the site there are considered to be a number of indications that this is overdevelopment of the site. The proposed dwellings would be considerably higher than the dwellings off Tyson Close resulting in the proposal being out of character with its immediate surroundings. The proposed development would also cause harm to the street scene through the positioning of dwellings in front of the existing building line/set too close to Tyson Close, which would not reflect the character of Tyson Close where all dwellings are set further back from the main highway. This form of development is out of keeping with the existing development pattern of Tyson Close. For these reasons it is considered that the proposed development would have an unacceptably detrimental impact on the existing street scene off Tyson Close as well as the wider character and appearance of the area, contrary to policies HE2, DS1, H5, H7 and H8 of the North Lincolnshire Local Plan, and policies CS5 and CS6 of the North Lincolnshire Core Strategy, as well as section 12 of the NPPF.

2.

The proposed development would result in a poor standard of residential amenity for future occupiers of the proposed dwellings due to the lack of amenity space to the front of the



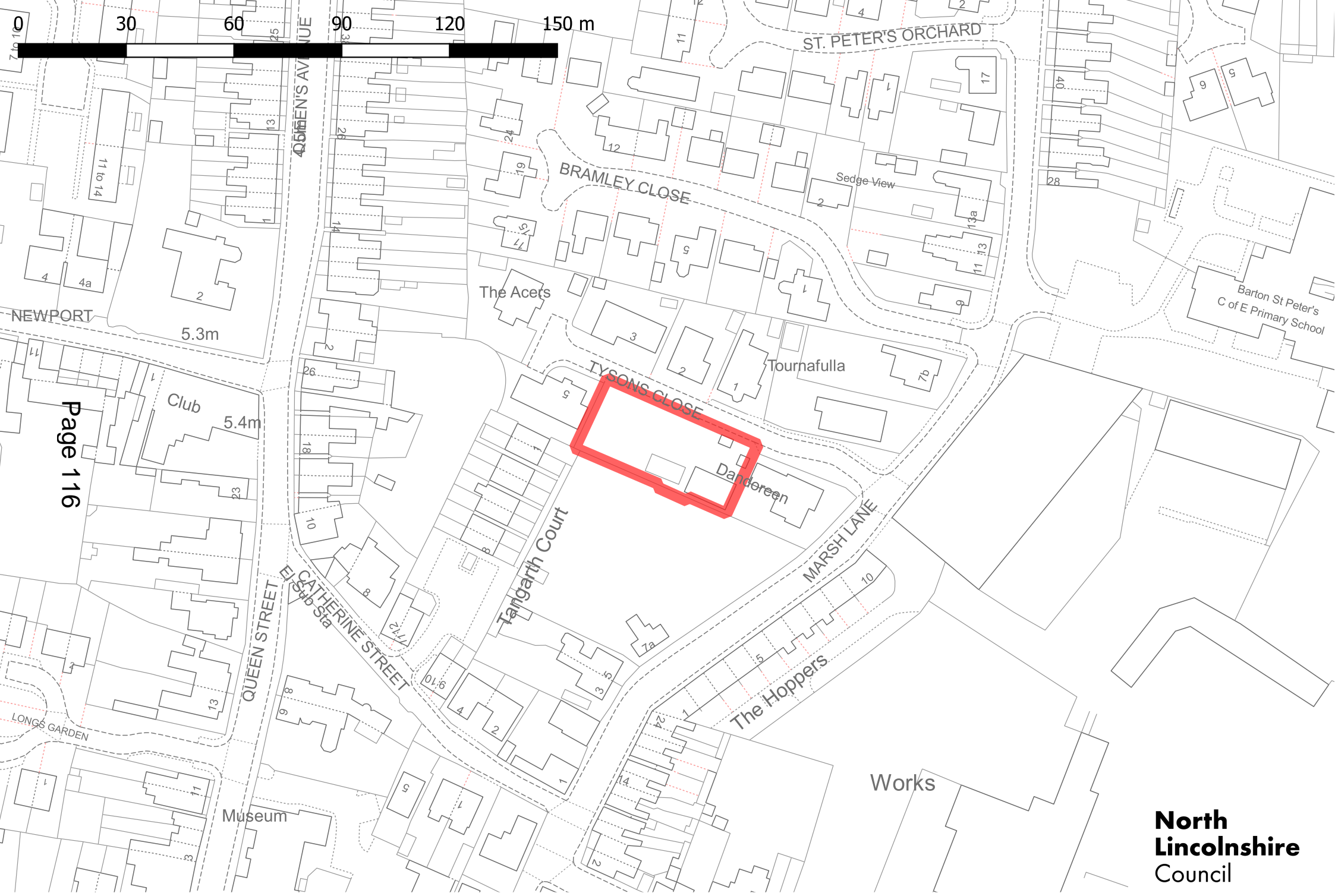
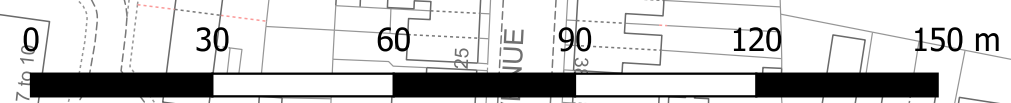
properties and small private garden areas. The proposal is therefore contrary to policies DS1 and H5 of the North Lincolnshire Local Plan, and policy CS5 of the Core Strategy.

3.

The applicant has failed to undertake a sequential test or exceptions test and as such has failed to fulfil the requirements of the National Planning Policy Framework (NPPF) or policy CS19 of the Core Strategy. The applicant has failed to demonstrate that the development provides wider sustainability benefits to the community and the area that outweigh flood risk. The development is not on previously developed land and no assessment of alternative development sites has been undertaken. The NPPF is clear that garden land does not constitute previously developed land. (This excludes land in built-up areas such as residential gardens - page 70, NPPF).

### **Informative**

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



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**North  
Lincolnshire  
Council**

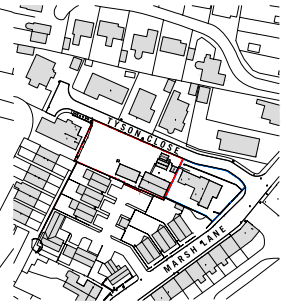
**PA/2021/1087**

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# PA/2021/1087 Existing layout (not to scale)

REV: | DRAWN: | DETAILS: | DATE:  
 A | ABI | OS reference added | June 21

GENERAL NOTES  
 This drawing is to be read in conjunction with all relevant Architects, Engineers and specialists drawings as relevant and as noted.  
 All figured dimensions and levels are to be checked on site as relevant prior to construction or fabrication. Do not scale from this or any other ID architecture drawing. Any dimensional anomalies are to be brought to the attention of ID Architecture.



**Location Plan**  
 1:1250  
 OS Crown Copyright reference 100054135



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**Existing Block Plan**  
 1:200

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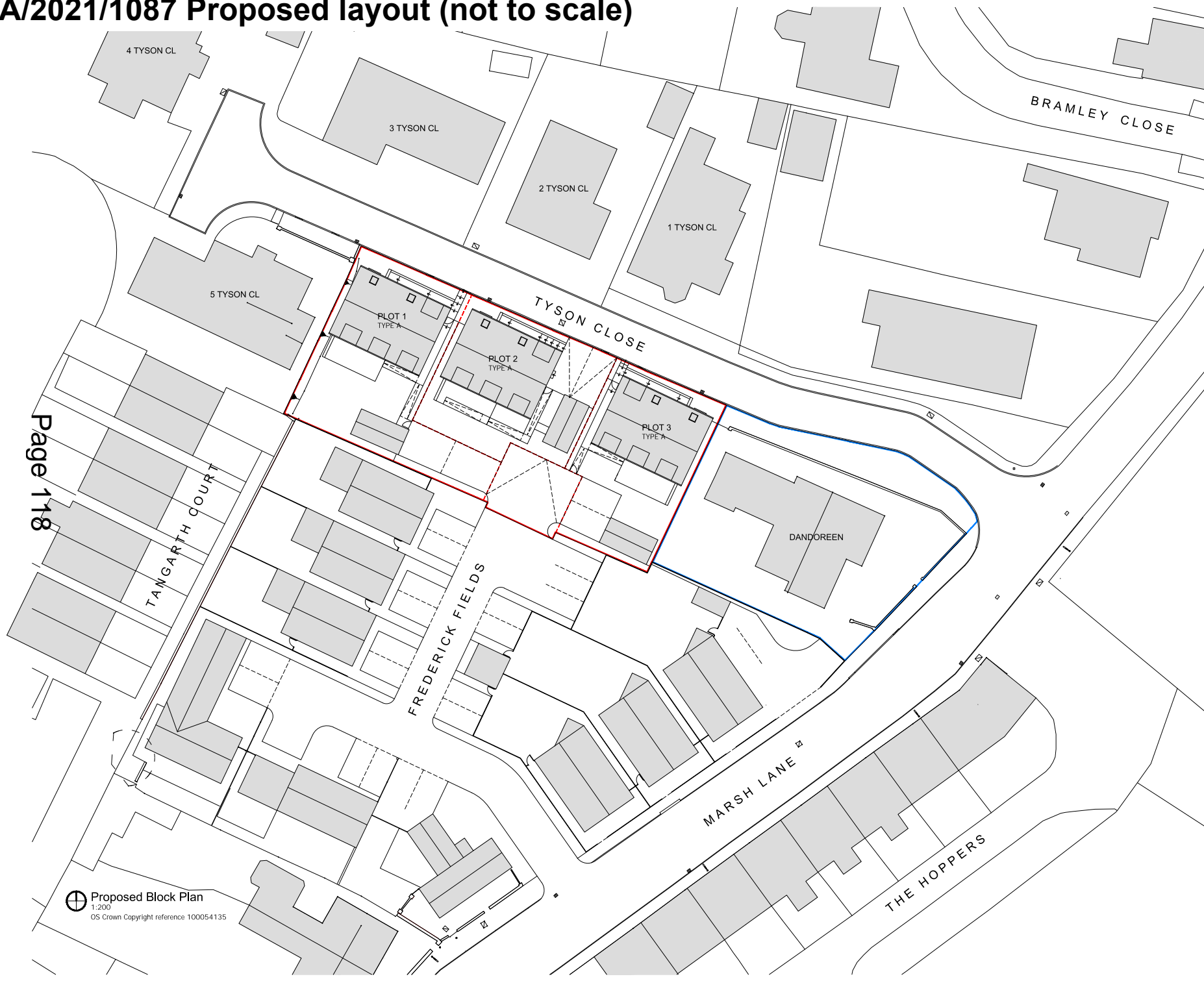
TITLE: SITE LOCATION PLAN  
 CLIENT: Charworth Homes  
 PROJECT: 3-Dwelling Development  
 LOCATION: Land adj Tyson Close, Barrow-upon-Humber  
 DRAWN BY: ABI  
 CHECKED BY: TW  
 SCALE: 1:200  
 SIZE: A1  
 DATE: April 2021  
 STAGE: Planning Application  
 DRG NO: **21003/01**  
 REV: **A**

T: 01472 308784 E: info@idarchitecture.co.uk W: idarchitecture.co.uk  
 2 Moncreaf Road | Gurney | North East Lincolnshire | DN30 1JW

# PA/2021/1087 Proposed layout (not to scale)

REV.	DRAWN:	DETAILS:	DATE:
A	ABI	Exit landscape adjusted to suit FRA	June 21
B	ABI	Plot 2 vehicle access taken from Tyson Close	Aug 21
C	DS	Levels amended to suit flood risk	Feb 22

**GENERAL NOTES**  
 This drawing is to be read in conjunction with all relevant Architects, Engineers and specialists drawings as relevant and as noted.  
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⊕ Proposed Block Plan  
 1:200  
 OS Crown Copyright reference 100054135

**id architecture**

TITLE:	PROPOSED BLOCK PLAN
CLIENT:	Charworth Homes
PROJECT:	3-Dwelling Development
LOCATION:	Land adj Tyson Close, Barrow-upon-Humber
DRAWN BY:	ABI
CHECKED BY:	TW
SCALE:	1:200
SIZE:	A1
DATE:	● April 2021
STAGE:	Planning Application
DRG NO:	<b>21003/13</b>
REV:	<b>C</b>

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 2, Rosemary Road | Gillingham | North East Lincolnshire | DN21 1JW

# PA/2021/1087 Proposed elevations (north, west and east) (not to scale)

REV.	DRAWN	DETAILS	DATE
A.	ABI	Plot 2 vehicle access taken from Tyson Close	Aug 21
B.	DS	To suit LA advice Site levels amended to suit flood risk	Feb 22

**GENERAL NOTES**  
 This drawing is to be read in conjunction with all relevant Architects, Engineers and specialists drawings as relevant and as listed.  
 All figured dimensions and levels are to be checked on site as relevant prior to construction or application. Do not scale from this or any other CD Architecture drawing. Any dimensional anomalies are to be brought to the attention of CD Architecture.



Proposed North Elevation facing Tyson Close  
1:100

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Proposed West Elevation from 5 Tyson Close  
1:100



Proposed East Elevation from 'Dandreen'  
1:100

**id architecture**

TITLE	PROPOSED SITE ELEVATIONS (V2)
CLIENT	Charworth Homes
PROJECT	3-Dwelling Development
LOCATION	Land adj Tyson Close, Barrow-upon-Humber
DRAWN BY:	ABI
CHECKED BY:	tw
SCALE:	1:100
SIZE:	A1
DATE:	April 2021
STAGE:	Planning Application
DRG NO:	<b>21003/20</b>
REV:	<b>B</b>

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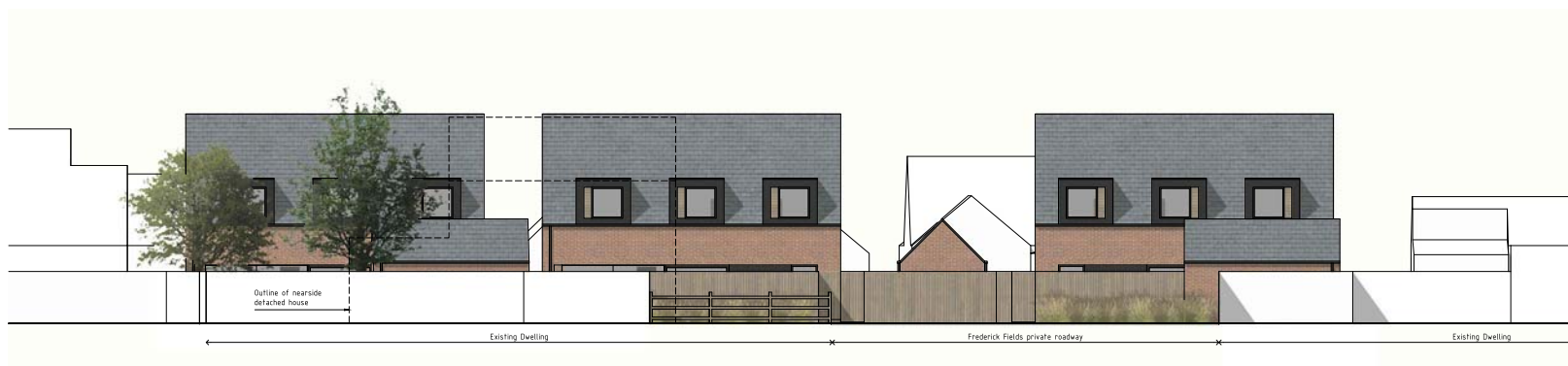


**AMENDED**

REV: | DRAWN: | DETAILS: | DATE:  
 A | ABI | Plot 2 vehicle access taken from Tyson Close | Aug 21  
 to suit LA advice

GENERAL NOTES  
 This drawing is to be read in conjunction with all relevant Architects, Engineers and specialists drawings as relevant and as noted.

All figured dimensions and levels are to be checked on site as relevant prior to construction or fabrication. Do not scale from this or any other ID Architecture drawing. Any dimensional anomalies are to be brought to the attention of ID Architecture.



**Proposed South Elevation from Frederick Fields**  
 1:100



**Proposed Private Garden Elevation**  
 1:100

id architecture

TITLE: PROPOSED SITE ELEVATIONS (2/2)  
 CLIENT: Charworth Homes  
 PROJECT: 3-Dwelling Development  
 LOCATION: Land adj Tyson Close, Barrow-upon-Humber  
 DRAWN BY: ABI  
 CHECKED BY: TW  
 SCALE: 1:100  
 SIZE: A1  
 DATE: © April 2021  
 STAGE: Planning Application  
 DRG NO: **21003/21**  
 REV: **A**

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

## **POLICIES**

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

**North Lincolnshire Local Plan:** Policies DS1, H5, H8, H10, T1, LC12, T2 and T19 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS5, CS7, CS8, CS9, CS16, CS17 and CS27 apply.

## **CONSULTATIONS**

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

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

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

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

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

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

Consequently, the proposal fails to comply with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the NPPF.

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

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

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

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

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

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

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

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

- Residents should not have to take their waste and recycling more than 30 metres to a bin storage area.



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

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

**Trees Officer:** These new documents for this application do appear to be more accurate in their description of the trees, their locations, condition and root protection areas required around them.

The documents do suggest that if consent is given there would be a loss of five trees, and other works to several others in order to implement the consent. Some of these trees are protected by a TPO (tree preservation order), although those planted as replacement trees for previous TPO'd trees that have been removed are not protected by the TPO.

If NLC is minded to give consent for this application, there is a need to ensure that sufficient mitigation replacement planting be conditioned to ensure a continuing tree landscape in this location.

## **TOWN COUNCIL**

No response received.

## **PUBLICITY**

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

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

## **ASSESSMENT**

This application was deferred at the planning committee meeting held on 22 September 2021 to allow the local planning authority to assess the potential impact of the proposals upon the trees covered by a tree preservation order on the site. In this regard the applicant has submitted an updated Arboricultural Impact Assessment, a Tree Plan and a Site Plan.

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

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

## **Principle**

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

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

## **Street scene and settlement character**

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

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

The comments made by Spatial Planning in relation to density of the development are noted. The site is 0.28 hectares in area, which equates to a density of approximately 18 dwellings per hectare. This figure of 18 dwellings per hectare is below the density of 40–45 dwellings per hectare set out in policy CS7 of the Core Strategy. However, policy CS7 does advocate that, whilst housing development will be expected to make an efficient use of land, the density of new development should be in keeping with the character of the area.

The surrounding area is characterised by a modern residential cul-de-sac to the west and rows of semi-detached houses to the east. The development is considered to reflect the character of development whilst retaining a sense of openness within the street scene (based on the submitted plan, which is indicative only). Due to the openness that will be retained as a result of the development, together with the spacious pattern of development, it is considered that, although the proposal falls below the thresholds set out in policy CS7, it is acceptable in this instance.

### **Residential amenity**

Outline planning permission is sought with all matters reserved for subsequent consideration (through the submission of a reserved matters application). Matters relating to the position and heights of windows, orientation and scale of the dwellings and the position of the highway access would be considered at reserved matters stage. The potential loss of residential amenity arising from this subsequent application would be assessed at that stage of the planning process. An indicative plan has been submitted with this application, which shows that separation distances of 20m can be achieved between habitable room windows on the rear most plots and existing houses on Jacklins Approach to the north.

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

### **Trees**

The site is covered by a blanket TPO which covers 39 trees in the gardens of 16, 18 and 18a Manor Road respectively. It is worth noting that some of these trees have been removed and replaced over time, including within the development site. Given the number of dwellings proposed and the associated garages, parking areas and access road, the proposals have the potential to impact on the protected trees and others within the site. The applicant has submitted additional information in the form of an Arboricultural Impact Assessment and Tree Plan, and an additional indicative site layout plan to show whether the dwellings can be accommodated on the site and how the development would interact with the existing trees (by way of encroachment into root protection zones or the canopies of the trees).

Policy LC12 of the North Lincolnshire Local Plan applies and states that proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows with particular regard to the protection of these features within the setting of settlements, the protection of ancient woodlands and historic hedgerows and the amenity value of trees within built-up areas. The Arboricultural Impact Assessment (AIA) shows that the vast majority of trees are to be retained within the site and that development (shown on the indicative layout plans) can mainly take place outside the root protection zones (RPZ) of the trees without encroachment and resulting in soil compaction. The supporting information shows that five trees are proposed to be removed from the site, two of which are considered to be Category B trees and three Category C trees (referring to the quality of the trees).

The plans show that two trees (Trees 13 and 14) are proposed to be removed to facilitate vehicular access to the site. This proposed access point is positioned centrally along the

southern boundary with Manor Road. Neither of these trees are protected by the TPO and as such can be removed. Whilst their loss is regrettable, it is considered necessary to facilitate future vehicular access. In addition, if the existing access and driveway was retained (as shown on the previous indicative plan) the proposal would result in greater impact and therefore potential loss of trees, including those protected by a TPO. Also, as these trees are of category C quality, they are classed as being of low quality with a low life expectancy.

It is also proposed to remove Tree 4 from the site. This is a Lawson Cypress tree and was a replacement for the TPO tree that was previously located in this part of the site. The removal of this tree is considered acceptable to facilitate off-street parking spaces. In addition, the council's tree officer has commented that the replacement tree is not protected by the TPO and as such can be removed for off-street parking purposes.

It is also proposed to remove Trees 28 and 29 to facilitate the provision of a detached garage and off-street parking spaces to the rear of one of the dwellings (shown indicatively). One of these trees (T29) is a category C tree and is not protected by the TPO. It is therefore considered that it can be removed due to its limited amenity value and quality. T28 is a Lawson Cypress tree and is included within the TPO. Its retention should therefore be sought. The Arboricultural Impact Assessment states that it is in good condition with a life expectancy of 40+ years. Given this is an outline application with layout reserved for future consideration, it is considered that T28 should be retained, and alternative plans put forward for off-street parking and garage provision in this part of the site as part of any reserved matters application, in order to safeguard the tree. It is proposed to undertake remedial works to a number of the trees within the site and the plans show that no-dig driveway methods will be employed, and sufficient protection afforded to trees during the construction process. This is considered acceptable in the context that all but four of the trees within the site will be retained and that T28, which is a TPO tree, is to be retained by planning condition. In addition, there is scope to secure additional tree planting within the site to mitigate the loss of the trees, to improve the visual amenity of the area and to secure biodiversity enhancement. This will be done through the inclusion of an informative on any planning permission granted.

In conclusion, the loss of the trees is regrettable, however there are no category A trees to be removed from the site, nor any TPO trees. The submitted documentation shows that the proposals can be accommodated on the site with limited impact on existing trees and that appropriate methods of tree protection and no-dig driveway techniques can be employed to safeguard existing trees during development.

### **Other issues**

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

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

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

## **Conclusion**

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

## **Pre-commencement conditions**

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

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

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

### **Reason**

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

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

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

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

LNMR 001

LMR 009 (Tree T28 to be retained), and

OWA0185 AIA (Tree Protection Zone).

Reason

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

6.

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

Reason

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

7.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

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

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

Reason

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

8.

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

Reason

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

9.

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

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

10.

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

Reason

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

11.

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

Reason

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

12.

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

Reason

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

13.

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

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

which have been agreed in writing by the local planning authority before any above ground works commence. Once constructed the private driveway shall be retained.

Reason

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

14.

No dwelling on the site shall be occupied until the private driveway has been completed, to a standard to be agreed beforehand in writing with the local planning authority, up to its junction with the vehicular access to that dwelling.

Reason

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

15.

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



#### Reason

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

16.

Notwithstanding the details shown on drawings LMR 009 and OWA0185 AIA (Tree Protection Zone), Tree T28 shall be retained on the site and included within the layout considered as part of any reserved matters application submission.

#### Reason

This tree is afforded protection by a tree preservation order and is of sufficient quality to merit retention. As this is an outline planning application, flexibility is built into any reserved matters submission to ensure any parking and garages are located clear of this tree.

17.

The development hereby permitted shall be carried out in strict accordance with the method and extent of tree protection measures detailed in the Arboricultural Impact Assessment produced by Arb Consultants Ltd dated October 2016, including the method and extent of tree protection identified on drawing OWA0185 AIA (Tree Protection Zone). The tree protection measures shall be retained for the duration of the works. Within the areas so fenced off, the existing ground level shall be neither raised nor lowered (except as may be approved by the local planning authority as part of the development) and no materials, equipment, machinery or temporary buildings, or surplus soil, shall be placed or stored thereon. If any trenches for services are required in the fenced-off areas, they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 5 centimetres or more shall be left unsevered.

#### Reason

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

#### **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

Any reserved matters submission should include details of the method of constructing the driveways in close proximity to, and within, the Tree Protection Zones. No-dig methods may be required in that regard.

#### Informative 4

Any reserved matters submission should include a substantial landscaping scheme with tree planting to mitigate the removal of trees from the site to facilitate development.



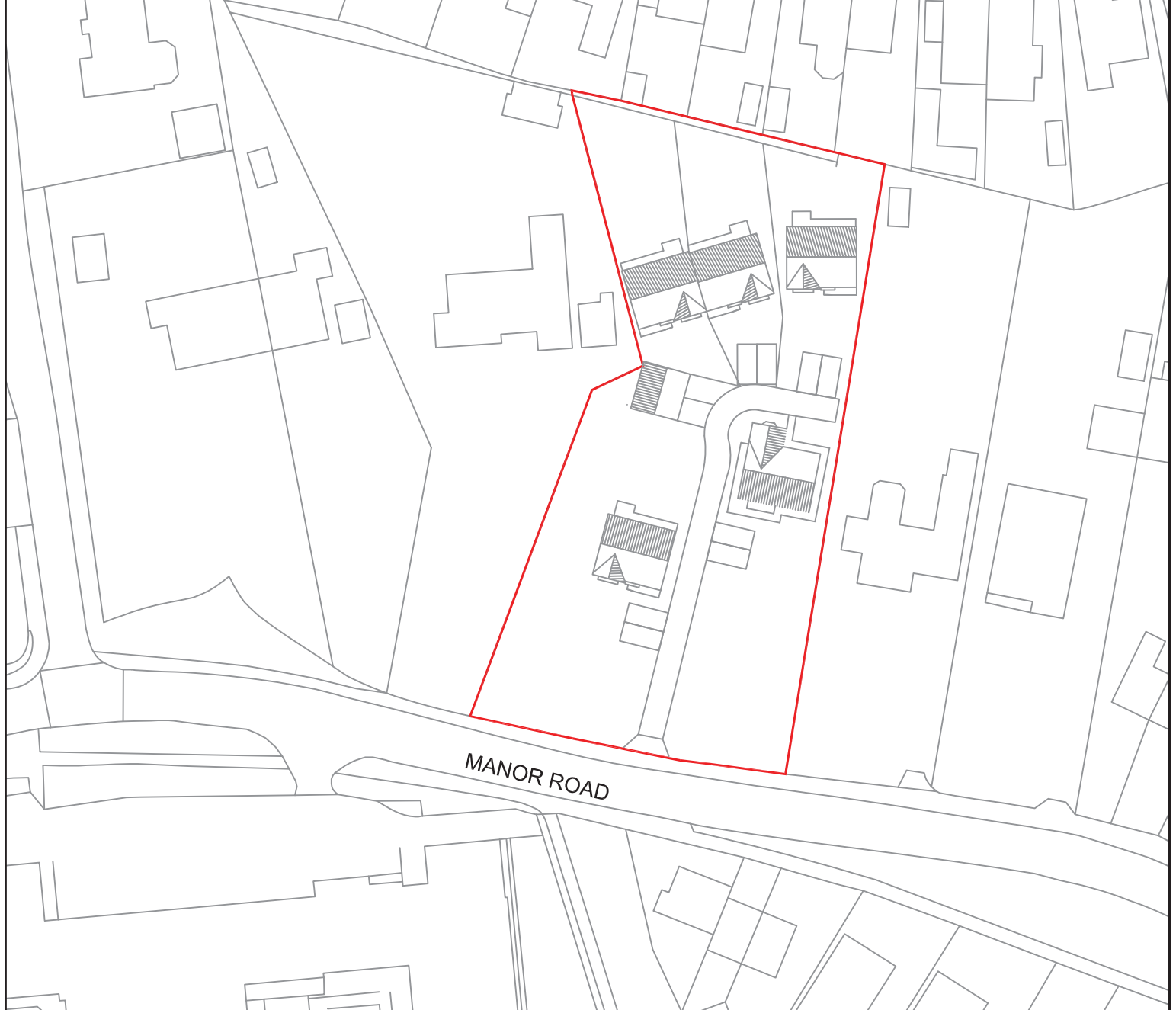
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**North  
Lincolnshire  
Council**



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

# AMENDED



PROPOSED SITE PLAN  
MANOR ROAD SCUNTHORPE



[enquiries@marksimmondsplanningservices.co.uk](mailto:enquiries@marksimmondsplanningservices.co.uk)

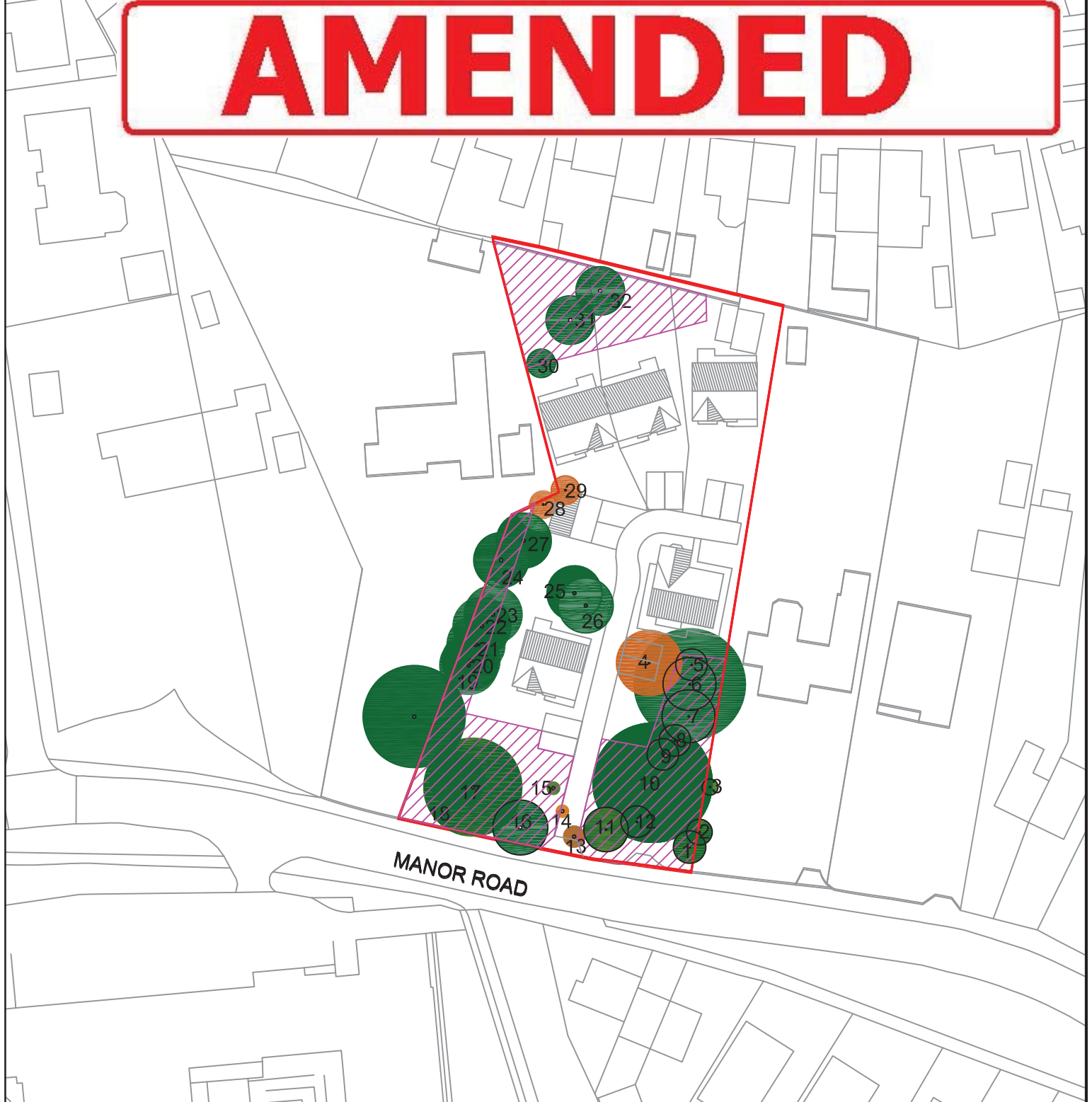
Mark Simmonds  
Director

Mark Simmonds Planning Services Ltd  
Mercury House  
Willoughton Drive  
Foxby Lane  
Gainsborough  
DN21 1DY

# PA/2021/1180 Tree plan (not to scale)



# AMENDED



Key

- Tree to be retained
- Tree to be removed
- Tree root protection area

## TREE PLAN MANOR ROAD SCUNTHORPE



[enquiries@marksimmondsplanningservices.co.uk](mailto:enquiries@marksimmondsplanningservices.co.uk)

Mark Simmonds  
Director

Mark Simmonds Planning Services Ltd

Mercury House

Willoughton Drive

Foxby Lane

Gainsborough

DN21 1DY

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<b>APPLICATION NO</b>	<b>PA/2021/1224</b>
<b>APPLICANT</b>	A Wheatley
<b>DEVELOPMENT</b>	Planning permission to erect three bungalows
<b>LOCATION</b>	28 Doncaster Road, Westwoodside, DN9 2EA
<b>PARISH</b>	Haxey
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Emmanuel Hiamey
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Haxey Parish Council

## **POLICIES**

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

Chapter 2 (Achieving sustainable development)

Chapter 4 (Decision making)

Chapter 5 (Delivering a sufficient supply of homes)

Chapter 9 (Promoting sustainable transport)

Chapter 11 (Making effective use of land)

Chapter 12 (Achieving well-designed places)

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

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

Policy DS1 (General Requirements)

Policy DS7 (Contaminated Land)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

Policy H1 (Housing Development Hierarchy)

Policy H8 (Housing Design and Housing Mix)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

**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 CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

**CONSULTATIONS**

**Severn Trent Water:** No objection but comments that the disposal of surface water utilising soakaways should be considered as the primary method. If this is not practical and there is no watercourse available as an alternative, another sustainable method should also be explored. If these are found unsuitable, satisfactory evidence will need to be submitted before a discharge to the public sewerage system is considered. No surface water shall enter the foul water system by any means.

**Environmental Protection Team (Contaminated Land):** No objection subject to a condition relating to contaminated land.

**Historic Environment Record (Archaeology):** No objection, commenting that the proposal does not adversely affect any heritage assets of archaeological interest or their settings and will not adversely affect the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14).

**Drainage Team (Lead Local Flood Authority):** No objection subject to conditions.

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

**PARISH COUNCIL**

Object to the application on the basis that the street scene is a mix of building types and should not be affected by this proposal. It should not create any privacy or overshadowing issues. While a well-presented application, they have concerns as to the density level and would expect the planning department to assess this against current allowances for a rural village.

It is not social or affordable; however, given the high level of older people living in Westwoodside, it could meet a local need for housing for older people. It might be appropriate to require a condition as to tenancy use.



## **PUBLICITY**

A site notice has been displayed and a total of 21 public comments have been received: 8 in support of the proposal and 13 objections (4 from the same objector having been counted as one). The letters raise the following material issues:

### **Objections:**

- the design of the dwellings
- over-development of the site.
- impact on the character of the area.
- impact on 28 Doncaster Road
- access and parking provision
- public safety on Doncaster Road
- proposed small amenity space
- drainage
- flooding.

### **Support:**

- the principle of the development
- affordable rental properties in the area
- design and materials
- enhancing an unattractive piece of ground
- infill development.

## **ASSESSMENT**

### **Site constraints**

SFRA Flood Zone 1

Development boundary

### **Planning history**

PA/2017/1441: Planning permission to erect a detached house and detached garage – approved 14/11/2017 (rear of 28 Doncaster Road)

PA/2016/1781: Planning permission to erect a detached house and garage – approved 08/03/2017 (rear of 26 Doncaster Road)

PA/2015/1385: Planning permission for new vehicular access – approved 11/12/2015 (28 Doncaster Road)

PA/2013/0259: Outline planning permission to erect two dwellings with access not reserved for subsequent approval – approved 06/08/2013 (includes sub-division of the rear garden of 28 Doncaster Road to erect two detached dwellings).

### **Site description and proposal**

Planning permission is sought to erect three bungalows at 28 Doncaster Road, Westwoodside. The site is within the development boundary of Westwoodside.

By way of background, several applications have been approved in or around 28 Doncaster Road. The planning history of the site confirms that all the proposals approved in the area were outside the curtilage of 28 Doncaster Road. The only proposal approved on the site is the planning permission for new vehicular access on 11 December 2015 (PA/2015/1385).

This proposal seeks to sub-divide the curtilage of 28 Doncaster Road to erect three small bungalows (Units 1 and 2). The units would be single-storey with pitched roofs. The proposed materials are brickwork and timber boarding, and the roofs would be tiled. Unit 1 would consist of two semi-detached dwellings and Unit 2 a single detached dwelling, each dwelling containing an open plan single bedroom.

### **The main issues to consider in the determination of this application are:**

- **the principle of the development;**
- **layout, siting and design;**
- **whether the dwellings would harm the character of the area;**
- **impact on neighbouring amenities;**
- **highway safety, access, and parking.**

### **Principle of development:**

Policy CS1 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. The development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility.'

Policy CS2: Delivering more Sustainable Development states that in supporting the delivery of the spatial strategy set out in policy CS1, as well as determining how future development needs will be met in North Lincolnshire, a sequential approach will be adopted.

The adopted sequential approach focuses on the following:

- (a) Previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions

- (b) Previously developed land and buildings within the defined development limits of North Lincolnshire's market towns, followed by other suitable infill opportunities then appropriate small-scale greenfield extensions to meet identified local needs
- (c) Small-scale developments within the defined development limits of rural settlements to meet identified local needs.

Policy CS3 (Development Limits) ensures that the countryside is protected from inappropriate development and that no uncontrolled expansion of settlements will take place. Since the site is within the development boundary of Westwoodside and housing development on the site is not restricted, the proposal meets the terms of the policy.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' 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 were most important to determining the application should not be considered up-to-date.

A recent appeal decision dated 20 July 2022 (planning reference PA/2020/554) has been issued where the Inspector has concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period.

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

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

Policy DS1 (General Requirements) expects a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. All proposals will be considered against the criteria of quality of design and amenity impact among other criteria.

Policy CS5 of the North Lincolnshire Core Strategy requires that all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design if it is appropriate for its location and is informed by its surrounding context. A design that 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 current layout of the site and the design of the dwellings is the result of negotiations between the case officer and the applicant to improve the development by ensuring the dwellings can be accommodated on the site and have sufficient amenity area (private manageable garden), which, though visible from properties in the area, will be adequate for the enjoyment of the occupiers.

The planning authority believes the layout, as amended, is acceptable because it would not result in a cramped development, and would knit the area together and integrate with the surrounding buildings.

The details of the design have been reviewed and it is judged that the proposal would make a positive contribution to the quality of the area. The density of the area is satisfactory and the proposal would respect the area's character and layout.

While this development would be single-storey, contrary to the two-storey dwellings in the surrounding area, the proposal would respect the scale, proportions and height of neighbouring properties.

The proposed materials (brickwork and timber boarding, and tiled roof) would respect the materials of neighbouring buildings and the local area.

Overall, the design of the proposed dwellings is acceptable in the context of the character and appearance of the site and the immediate area. The proposal, therefore, complies with policies DS1 and CS5.

### **Residential amenity**

Policy DS1: General Requirements expect a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. It requires that all proposals be considered against the quality of the design and amenity, among others. Further to this, the NPPF advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

In respect of amenity, policies require that new development should be allowed providing that the development does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

In this case, the development would be single-storey and the proximity to adjacent properties is such that the dwellings would not raise an issue of over-development, overbearing impact or overshadowing.

Having considered the scale of the development, the position of the windows and proximity to neighbouring properties, it is judged that no issues would arise from loss of privacy.

In general, the proposal would not result in unacceptable impacts to the residential amenity of any property through either overlooking, overshadowing, or overbearing impact. Further, it would not take away the privacy of any property. The proposals would accord with policies DS1 of the local plan and CS5 of the Core Strategy.

## **Drainage**

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

The site lies within SFRA Flood Zone 1, which has a low risk of flooding. The LLFA Drainage Team has no objection to the proposed development subject to the imposition of planning conditions. It is therefore believed that the development is unlikely to raise a significant issue of flooding. The recommended conditions would be applied to any permission granted.

## **Highways**

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

The properties would have shared access arranged around a driveway. Each dwelling would have one dedicated parking space. Highways have no objection to the grant of permission subject to conditions. The proposed access and parking provision are therefore sufficient to serve the development.

Overall, the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan and the National Planning Policy Framework.

## **Archaeology**

The site is not within the Area of Special Historic Landscape Interest of the Isle of Axholme. The proposal will therefore not be assessed against local plan policy LC14.

The archaeology officer has confirmed that the proposal does not adversely affect any heritage assets of archaeological interest or their settings and will not adversely affect the Area of Special Historic Landscape Interest of the Isle of Axholme.

## **Contaminated land**

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

Environmental Protection has reviewed the proposal and indicated that the development of three residential properties is a sensitive end-use. In addition, historic maps show the presence of historic buildings of unknown use. Therefore, there is the potential for the site to have been affected by contamination which can include PAHs, metals and hydrocarbons. 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. If the council is mindful to determine the application

without the information required under National Planning Policy guidance then the department would recommend the inclusion of conditions relating to contaminated land.

## **Public comments**

As indicated earlier, 21 public comments have been received: 8 in support of the proposal and 13 objections (4 from the same objector having been counted as one). Having reviewed the comments, it is evident that nearly all are either a duplicate of the same letter or a repeat of the issues.

Concerns about the design and impact of the development on neighbouring properties and the surrounding area, over-development of the site, and access and parking provision have been addressed previously in this report. The LLFA Drainage Team have commented on drainage.

Likewise, the matters raised in support of the application, including the principle of the development, design and materials, have been addressed previously in this report.

## **Haxey Parish Council objection**

Haxey Parish Council object to the application on the basis that the street scene is a mix of building types and should not be affected by this proposal, and the development should not create any privacy or overshadowing issues.

They have indicated that while it is a well-presented application, they have concerns as to the density level and would expect the planning department to assess this against current allowances for a rural village.

Notwithstanding the above, they have commented that while the proposal is not social or affordable housing, given the high level of older people living in Westwoodside it could meet a local need for housing for older people and might be appropriate to require a condition as to tenancy use.

In response, the matters of the density of the area, and its impact on the character of the area and neighbouring amenities have been addressed in this report.

The comment about the development meeting local housing need for older people gives the impression that Haxey Parish Council is open to supporting the development if it meets the terms of relevant policies of the local development plan.

## **Conclusion**

In conclusion, the proposed sub-division of the curtilage of 28 Doncaster Road for an additional three dwellings, in principle, is acceptable because the site is within the development boundary and is judged as brownfield land given the previous garage which has been demolished in the past.

The layout, siting and modest, single-storey design of the dwellings, while a reduced scale of development in the area compared to nearby properties, would not harm the setting or the street scene, raise no planning issues and are judged acceptable.

The layout and design within the curtilage of 28 Doncaster Road would not result in a cramped development and would fit in well with the character of the site and its surroundings.

The scale of the dwellings would ensure there would be no undue impact on the amenity of neighbouring properties by way of overshadowing, loss of daylight or loss of privacy.

The proposal is therefore recommended for approval.

### **Pre-commencement conditions**

The recommended pre-commencement conditions have been agreed with the agent/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:

Dwg. No. 21-13-100 Rev 02

Dwg. No. 21-13-101 Rev 02

Dwg. No. 21-13-102 Rev 04.

Reason

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

3.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 3 and 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.

#### **Part 1: Site Characteristics**

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

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

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

This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance for October 2020

#### Part 2: Submission of Remediation Scheme

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

#### Part 3: Implementation of Approved Remediation Scheme

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

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



#### Part 4: Reporting of Unexpected Contamination

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

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

#### Reason

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

4.

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

#### Reason

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

5.

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

#### Reason

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

6.

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 nameplates 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.

#### **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.

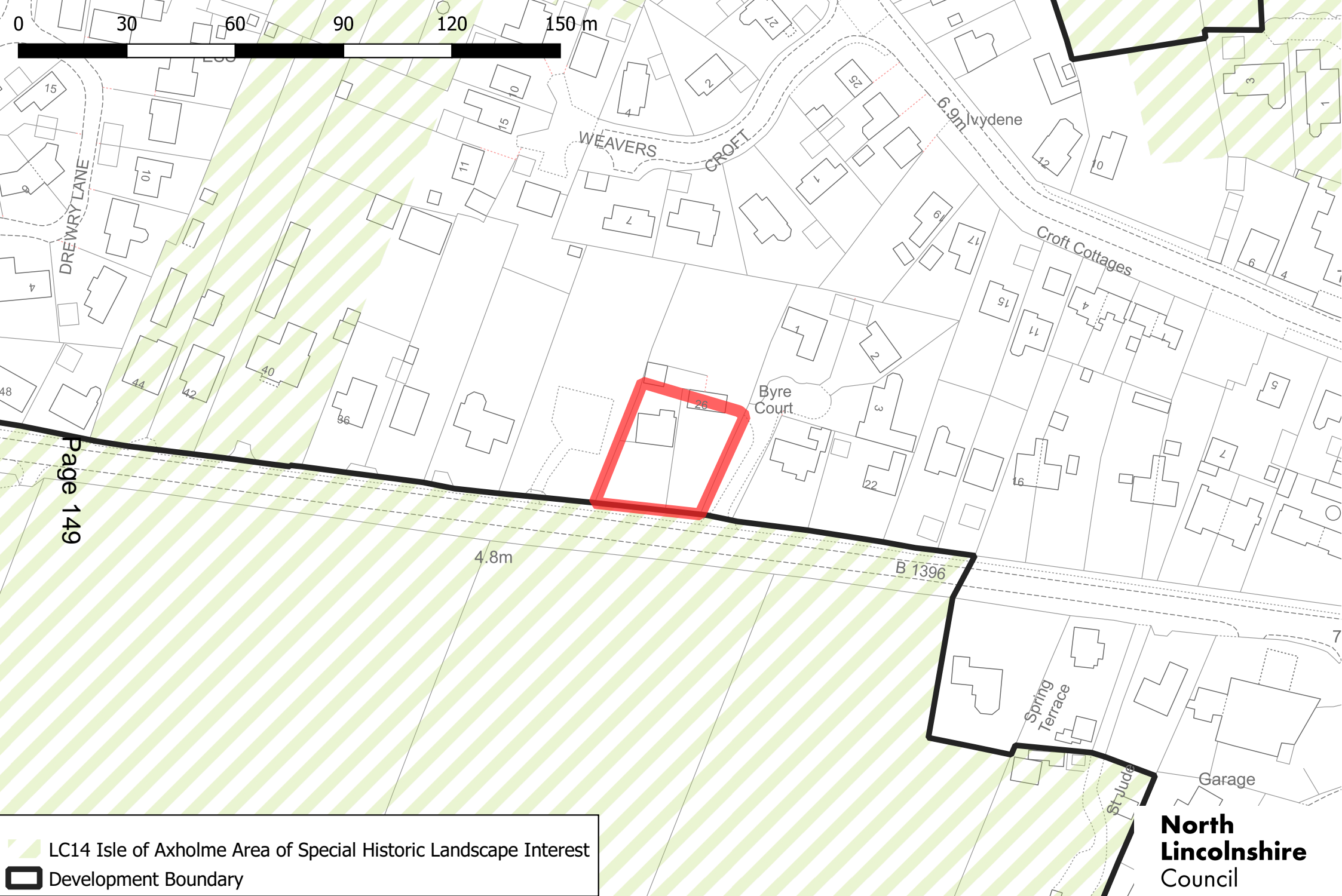
#### **Informative 2**

Severn Trent Water advises 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 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 that protects both the public sewer and the building.



#### **Informative 3**

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

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



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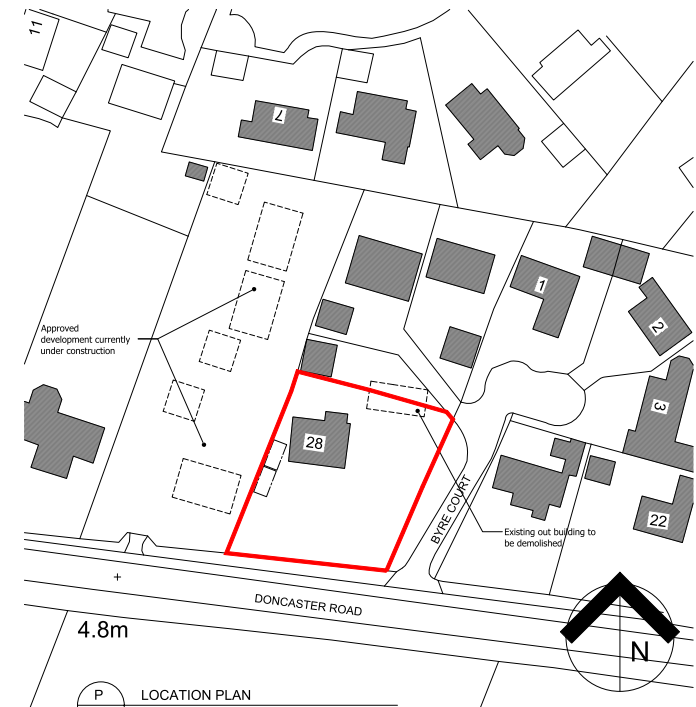
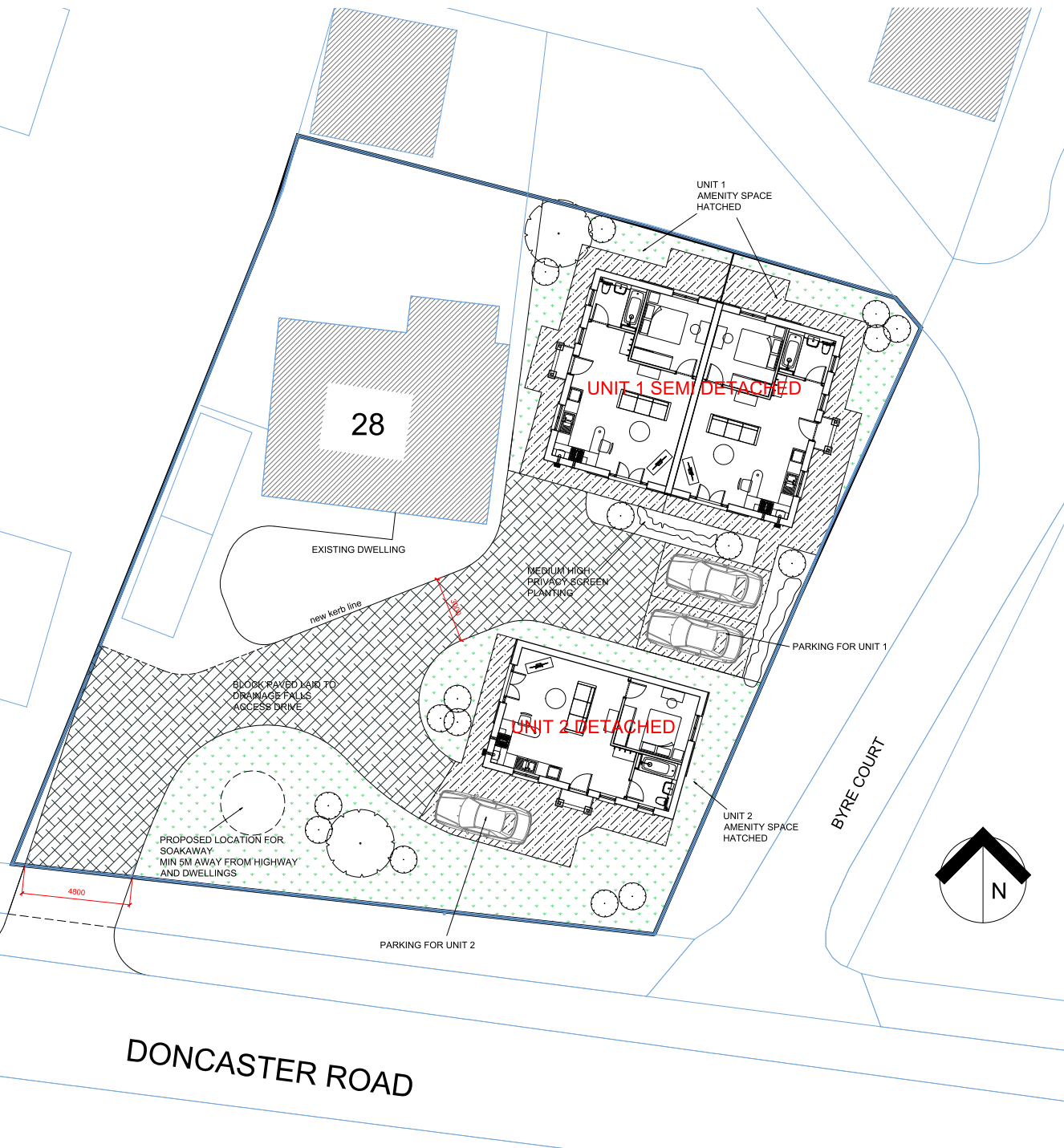
 LC14 Isle of Axholme Area of Special Historic Landscape Interest  
 Development Boundary

**North  
Lincolnshire  
Council**

# AMENDED

REV	DATE	DESCRIPTION	CHECKED	APPROVED
01	22/06/21	PLANNING APPLICATION		
02	17/03/22	UNIT 2 RELOCATED FROM ROAD SIDE BOUNDARY		

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**GENERAL NOTES**

- 1.0 SURFACE WATER TO DRAIN TO APPROVED SOAKAWAY DESIGN.
- 2.0 FOUL DRAINAGE TO CONNECT TO EXISTING SYSTEM ON SITE.
- 4.0 PARKING BAYS TO BE PERMEABLE FINISH.
- 5.0 AMENITY SHADED AREAS TO INCLUDE PAVED AREAS FOR EXTERNAL CIRCULATION.
- 6.0 MATERIALS

EXTERNAL WALLS  
FACING BRICK TO APPROVED SAMPLE.  
VERTICAL TIMBER BOARDING, SYNTHETIC.

ROOF  
SLATE TILES

WINDOWS  
UPVC IN GREY

DOORS UPVC IN GREY

CLOSE FASCIA NON PROJECTING  
AND UNIVERSAL CLOAKED EAVES

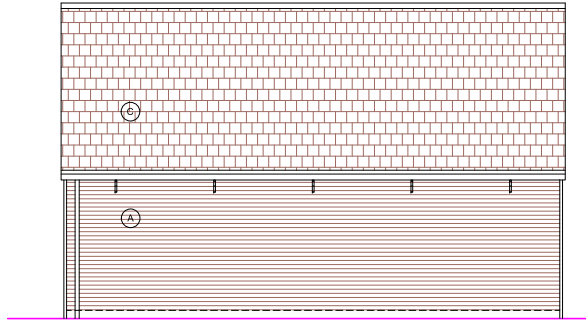
RAINWATER GOODS  
BLACK. GUTTERS ON RISE AND FALL  
BRACKETS.

**ACCOMMODATION SCHEDULE**

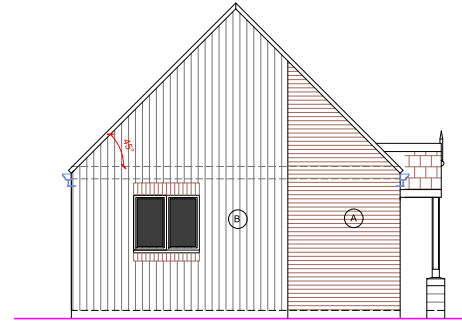
- UNIT 1  
2 NO SEMIDETACHED SINGLE BED BUNGALOWS  
105 M SQ
- UNIT 2  
1 NO DETACHED SINGLE BED BUNGALOW  
54 M SQ

CLIENT	
PROJECT TITLE	PROPOSED RESIDENTIAL DEVELOPMENT
DRAWING TITLE	LOCATION PLAN AND PROPOSED SITE PLAN
© ANTHONY SNOWDEN ARCHITECT 2020	RIBA
SCALE	AS SHOWN
DRAWING NO.	21-13-100
REV.	02

# PA/2021/1224 Proposed plans and elevations (detached) (not to scale)

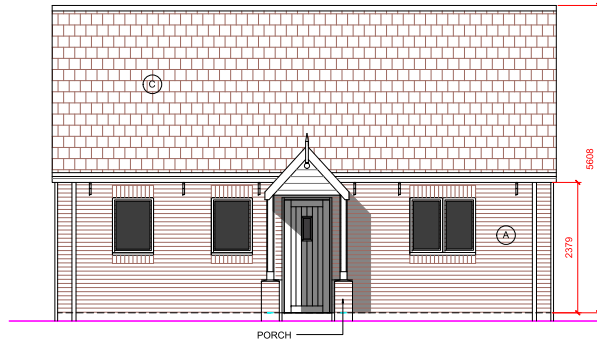


E  
3 PROPOSED UNIT 2 DETACHED  
SCALE 1:50 @ A1



E  
4 PROPOSED UNIT 2 DETACHED  
SCALE 1:50 @ A1

MATERIALS  
A - BRICKWORK  
B - VERTICAL TIMBER SYNTHETIC  
BOARDING  
C - SLATE TILES



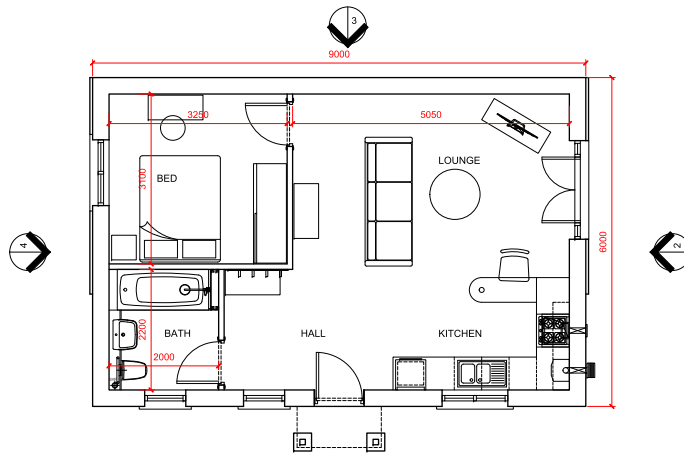
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SCALE 1:50 @ A1



E  
2 PROPOSED UNIT 2 DETACHED  
SCALE 1:50 @ A1

**AMENDED**

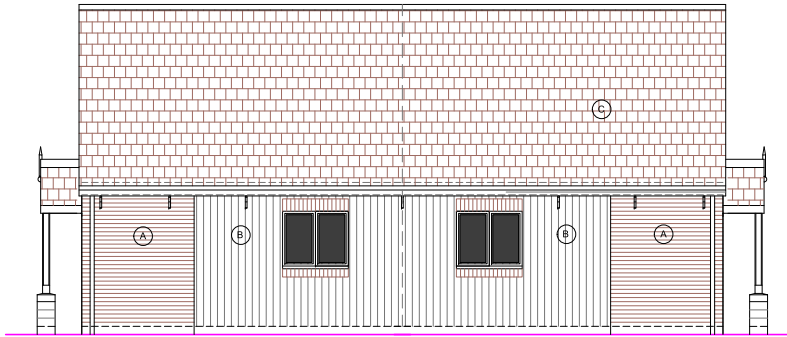
REVISIONS				
REV	DATE	DESCRIPTION	CHECKED	APPROVED
01	120621	PLANNING APPLICATION		
02	120721	PLANNING APPLICATION ELEVATIONS TO DETACHED UNIT ADDED		



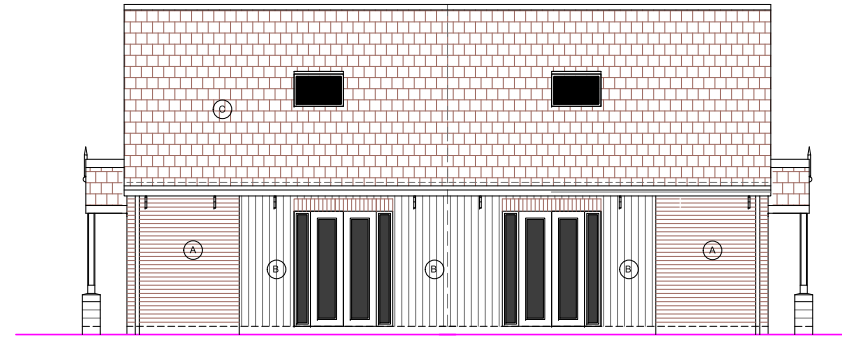
P  
200 PROPOSED UNIT 2 DETACHED  
SCALE 1:50 @ A1

CLIENT	
PROJECT TITLE PROPOSED RESIDENTIAL DEVELOPMENT	
DRAWING TITLE PROPOSED PLANS AND ELEVATIONS DETACHED UNIT 2	
© ANTHONY SNOWDEN ARCHITECT 2020 RIBA	
SCALE AS SHOWN	
DRAWING NO. 21-13-101	REV. 02

# PA/2021/1224 Proposed plans and elevations (semi-detached) (not to scale)

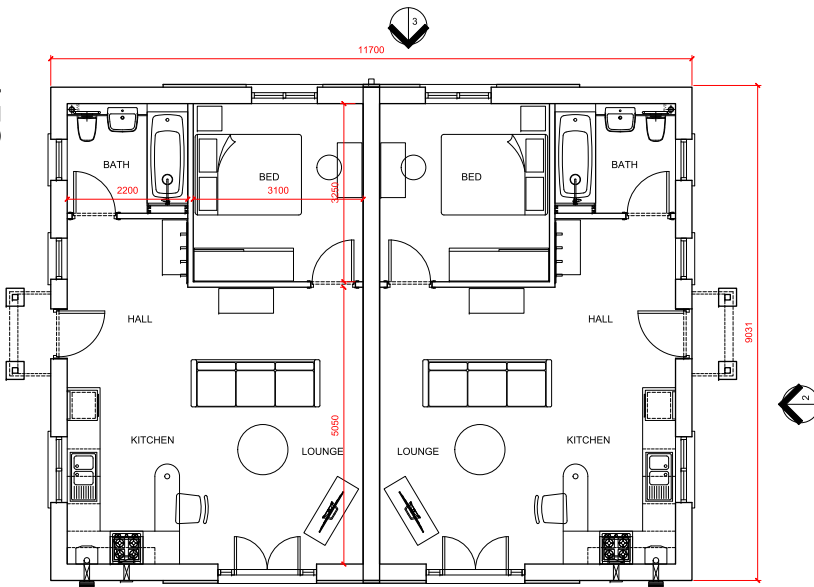


E 3 PROPOSED UNIT 1 SEMI DETACHED  
SCALE 1:50 @ A1

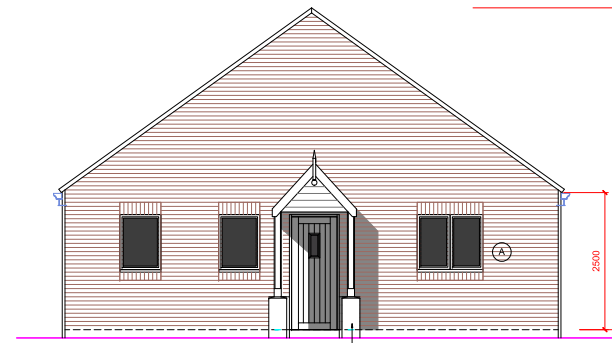


E 1 PROPOSED UNIT 1 SEMI DETACHED  
SCALE 1:50 @ A1

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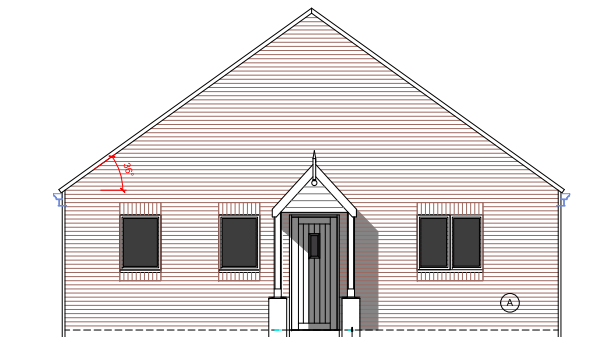
P 100 PROPOSED UNIT 1 SEMI DETACHED  
SCALE 1:50 @ A1



E 4 PROPOSED UNIT 1 SEMI DETACHED  
SCALE 1:50 @ A1

MATERIALS  
A - BRICKWORK  
B - VERTICAL TIMBER SYNTHETIC BOARDING  
C - SLATE TILES

**AMENDED**



E 2 PROPOSED UNIT 1 SEMI DETACHED  
SCALE 1:50 @ A1

REVISIONS				
REV	DATE	DESCRIPTION	CHECKED	APPROVED
01	220821	PLANNING APPLICATION		
02	120721	PLANNING APPLICATION ELEVATION E2 ADDED		
04	170322	UNIT 1 ROOF REVISED TO SINGLE PITCH		

CLIENT	
PROJECT TITLE PROPOSED RESIDENTIAL DEVELOPMENT	
DRAWING TITLE PROPOSED PLANS AND ELEVATIONS SEMI DETACHED UNIT 1	
© ANTHONY SNOWDEN ARCHITECT 2020 RIBA	
SCALE AS SHOWN	REV. 04
DRAWING NO. 21-13-102	

<b>APPLICATION NO</b>	<b>PA/2022/653</b>
<b>APPLICANT</b>	Mr Rupert Padgett
<b>DEVELOPMENT</b>	Outline planning permission to erect a dwelling with all matters reserved for subsequent consideration
<b>LOCATION</b>	Land off Belshaw Lane, Belton
<b>PARISH</b>	Belton
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Alan Redmond
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Support by Belton Parish Council

## **POLICIES**

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

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment.

**North Lincolnshire Local Plan:** Policies RD2, LC12, H5, H8, HE9, T2, T19, **LC14**, DS1, DS7, DS14 and DS16 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS17, CS18 and CS19 apply.

### **North Lincolnshire Housing and Employment Land Allocations Development Plan Document**

**Consultation Draft North Lincolnshire Local Plan:** The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to the Reg 19 Plan (as the 2nd draft) where its policies are relevant, but this is still of limited weight whilst consultation/amendments are



taking place and the extent to which there may still be unresolved objections is currently unknown.

### **National policy and guidance (material consideration)**

- National Planning Practice Guidance
- National Design Guide (2019)
- National Design Code (2021)

### **CONSULTATIONS**

**Highways:** No objections subject to a condition.

**Drainage (Lead Local Flood Authority):** No objections, but recommend an informative with regard to a potential watercourse running through the site.

**Environmental Protection:** No objections subject to appropriate investigation for contaminants and control on occupation of the property.

**Water Level Management Board:** No objections to the proposal. The Board-maintained Steeking Drain, an open watercourse, exists to the south-west of the site, to which byelaws and the Land Drainage Act 1991 apply. Advice given on the consenting regime with regard to the watercourse.

### **PARISH COUNCIL**

Supports this application.

### **PUBLICITY**

Site notice posted; no comments received.

### **ASSESSMENT**

#### **The proposal**

The proposal is for outline planning permission to erect a dwelling with all matters reserved for subsequent consideration on the site of an existing agricultural business, which includes a recently added agricultural building. The applicant states that the new dwelling is essential for the development of his business.

#### **Material considerations**

Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the development plan comprises the North Lincolnshire Local Plan 2003, the Core Strategy 2011 and the Housing and Employment Land Allocations DPD.

- Principle of development
- Essential functional need



- Visual amenity
- Residential amenity
- Highway safety.

## **Principle**

The application site is outside the settlement boundary of Belton and is therefore considered within open countryside. New residential development outside settlement boundaries is covered by saved policy RD2 of the local plan.

Saved policy RD2 does not specifically cover dwellings for agricultural workers, as this was covered by policy RD11, which is not a saved policy. Criterion i) of the policy permitted development within the countryside where it is essential to the efficient operation of agriculture or forestry.

Saved policy H5 covers new residential development, which requires development to be located within settlements or to represent infill.

The combined effect of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is that a planning application should be determined in accordance with the development plan unless material considerations indicate otherwise.

Policies RD2 and H5 are not considered up to date with the NPPF as these policies apply a restriction on residential development outside of the built framework and as the adopted local plan only considered growth up to 2013, housing need beyond that date was not accommodated. As such it is considered that these policies should be given reduced weight in the decision-making process.

Paragraph 80 of the National Planning Policy Framework (NPPF) sets out permissible development in rural areas where one or more of the criteria of the policy are satisfied. Criterion A provides for new rural dwellings where there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

It is considered that, in principle, the proposal could represent appropriate development within the countryside providing an essential need can be demonstrated.

### **Essential need**

The Planning Practice Guidance (the PPG) sets out that the functional need and the degree to which there is confidence that the enterprise will be viable for the foreseeable future are both factors that may be relevant when considering whether there is an essential need for a rural worker.

The application is accompanied by a planning statement which provides supporting information on the essential need the proposed dwelling would allow for a permanent presence on the site.

The need for this presence is stated as follows:

'The enterprise requires a permanent presence throughout the year. Without this there could be serious risk of vandalism, theft and more importantly, material damage to, or loss of, essential equipment and produce, vital for the continued success of the business. The nature of some of Mr Padgett's activities require immediate access to machinery at any time of day or night. The remote location is desirable as least possible disturbance or delay will be caused. Immediate response facility is a requirement for the River Authority and Scottish Power.'

The statement advises that the applicant is currently farming a total of 62 acres of his own crops. He additionally takes straw from a further 12 acres at harvest and is responsible for plant care of another 100 acres. He also cuts hedges across the local area of a further 300 acres of farmland, and works co-operatively with other local farmers and landowners. The applicant also has contracts with Belton Parish Council and North Lincolnshire Council mowing grass verges and amenity areas. He also is on 24-hour call for Scottish Power to assist with anticipated or current emergencies. His work also extends to ground maintenance work for Scottish Power. The applicant has the opportunity to work for the Severn Trent River Authority, but this will also require him to give immediate response in event of emergencies. The machinery employed has a replacement value of £200,000 and Mr Padgett has also invested £50,000 in his new building.

Along with paragraph 80 of the NPPF, this is supported by advice in the National Planning Policy Guidance under paragraph 10 which states the following:

Considerations that it may be relevant to take into account when applying paragraph 79a of the NPPF could include:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products);
- the degree to which there is confidence that the enterprise will remain viable for the foreseeable future;
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

The essential need to be on site needs to be an existing need, and whilst the future expansion of the business is not doubted, the essential functional need has to be established on the current operations at or from the site.

The statement of need focuses on two elements: response times to emergencies and security of the agricultural equipment.

The applicant lives approximately 650m by road from the application site; there is no information as to why this dwelling is no longer suitable for the continued operation of the business. By vehicle this would only be a few minutes' drive from the application site. Having spoken with the applicant, he advises that this property is owned by his parents.

No evidence has been provided to suggest that rural crime from the premises has been an issue, and no information is provided as to how alternative security measures would not be suitable. Furthermore, this is a recently erected storage building, built by the applicant for the purpose it is now used and crime must have been a consideration when deciding to locate the storage building in this location. Whilst the NPPG does identify crime as possible justification for a rural dwelling, given there is no evidence of this being an issue for the property, this can only be given very limited weight in assessing the functional need.

The statement claims that a permanent presence is required on site to respond to emergencies which arise from contracts with Scottish Power. No information has been provided on the nature or frequency of these emergencies, or why a presence on site is required. Therefore, this can be given little weight.

The statement goes on to mention future proposals for the wider site and future contracts with Severn Trent Water. Whilst there is no reason to doubt this, the application has to be assessed on the essential functional need to be on site as the rural business operates now. It is considered that the policy test for a permanent dwelling is a clearly established, existing, essential functional need, and it has not been demonstrated that there is an essential need for a new dwelling to accommodate a rural worker on the site. The development is therefore contrary to policies RD1 and H5 of the local plan. These policies seek to ensure, amongst other things, that new build dwellings in the open countryside are necessary and an essential need can be justified. It would also be contrary to paragraph 80 of the National Planning Policy Framework which seeks to avoid isolated new homes in the countryside.

### **Visual amenity**

The application site is within an Area of Historic Landscape Interest as identified by saved policy LC14. Policy LC14 states that 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.

This is an application for outline planning permission, with all matters reserved for future consideration. No indicative layout or elevations have been provided. The site contains a large agricultural building, which was recently erected, and the proposal is sited close to the agricultural building.

It is considered that an appropriately designed property could be achieved. As the proposal would be related to a rural enterprise, thereby restricting the location of the dwelling to within the site of operation, it is considered that the proposal would be unlikely to harm the historic landscape.

### **Residential amenity**

The nearest residential property is approximately 125 metres to the east of the application site. Given the nature of the proposal, and the separation distances, it is not considered that the proposal will have any implications, in terms of residential amenity, on neighbouring properties.

As the application is in outline, with no indicative layout, it is considered that an appropriate scheme could be achieved which would provide an acceptable standard of amenity for future occupiers.

### **Highway safety**

The site is accessed from an existing gated farm track off Belshaw Lane, which is an unmade road.

There would be sufficient area within the site to provide parking. The highway authority has considered the access and no objections have been raised. It is therefore considered that an appropriate scheme could be achieved as part of any reserved matters submission.

### **Flood risk and drainage**

The application site is located within flood zone 1. Sites in Flood Zone 1 are identified as having less than a 0.1% chance of flooding (least at risk).

An open watercourse runs to the south-west of the site which is maintained by the Isle of Axholme and North Nottinghamshire Water Level Management Board. No objections have been raised to the proposal, however details of the consent regime regarding the watercourse are provided.

The Lead Local Flood Authority (LLFA) has considered the application, and again no objections have been raised. It has, however, been identified that the proposed development site is bounded by, or has running through it, a watercourse (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance.

It is also recommended that the applicant considers upsizing the pipe network increasing storage around the development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance, it would be good practice to ensure an increased level of resilience for the development and its future occupiers.

### **Conclusion**

It has not been demonstrated that there is an essential need for a new dwelling to accommodate a rural worker on the site. The development is therefore contrary to policies RD1 and H5 of the local plan which seek to ensure, amongst other things, that new build dwellings in the open countryside are necessary and an essential need can be justified. The proposal is also contrary to paragraph 80 of the National Planning Policy Framework which seeks to avoid isolated new homes in the countryside.

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

It has not been demonstrated that there is an essential need for a new dwelling to accommodate a rural worker on the site. The development is therefore contrary to policies RD1 and H5 of the North Lincolnshire Local Plan. These policies seek to ensure, amongst other things, that new build dwellings in the open countryside are necessary and an essential need can be justified. It would also be contrary to paragraph 80 of the National Planning Policy Framework which seeks to avoid isolated new homes in the countryside.

**Informative**

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

0 30 60 90 120 150 m  
Pond

BELSHAW LANE (TRACK)

Track

Track

Drain  
Path (um)

Northferry Farm

Drain

Drain

Drain

Pond

Pond

Page 160

LC14 Isle of Axholme Area of Special Historic Landscape Interest

**North  
Lincolnshire  
Council**

**PA/2022/653**

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<b>APPLICATION NO</b>	<b>PA/2022/765</b>
<b>APPLICANT</b>	Mr D Jennings
<b>DEVELOPMENT</b>	Planning permission to make alterations and extensions to existing dwelling to create additional accommodation, including ground-floor annexe
<b>LOCATION</b>	25 North Street, Owston Ferry, DN9 1RT
<b>PARISH</b>	Owston Ferry
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Deborah Oikeh
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from the development plan

## **POLICIES**

**National Planning Policy Framework:** 78

**North Lincolnshire Local Plan:** DS1, DS5, T2, T19, RD2, RD10, DS14, DS16

**North Lincolnshire Core Strategy:** CS1, CS5, CS19

## **CONSULTATIONS**

**Highways:** No objections or comments.

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

**Archaeology:** No objection subject to standard conditions securing the use of appropriate traditional building materials in accordance with policy LC14 of the local plan.

**Environmental Protection:** Recommends a pre-commencement condition relating to contamination.

## **PUBLICITY**

Advertised by site notice. One comment has been received regarding the boundary line.

## **ASSESSMENT**

### **Planning history**

PA/2007/1779: Planning permission to convert a barn to a dwelling with associated alterations and erect a replacement garage (re-submission of PA/2007/0886) – approved 19/12/2007

PA/2011/0423: Planning permission to convert a barn into a dwelling with associated alterations and erect a replacement garage – refused 19/07/2013

PA/2016/753: Planning permission to erect an agricultural building – approved 05/08/2016.

## **Proposal**

This proposal relates to the alteration and extension of an existing dwelling following the demolition of existing outbuildings. Associated works will include the erection of new brick walls to the side and front and refurbishment of the driveway. The application site comprises a two-storey dwelling converted from an agricultural barn as well as other detached outbuildings. The dwelling is sited gable-end to North Street in Owston-Ferry and can be accessed via a private drive.

## **Site constraints**

- Within flood zone 2/3a Fluvial as set out in the North Lincolnshire SFRA 2011
- Outside the development boundary for Owston Ferry as set out in the Housing & Employment Land Allocations DPD (HELA DPD) 2016
- Within the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14).

## **Main considerations**

- **Impact upon character and appearance**
- **Impact upon residential amenity**
- **Impact upon highway safety**
- **Flood risk and drainage**
- **Land contamination.**

## **Principle of development**

Policy CS1 of the Core Strategy states, ‘...Rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should consider levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.’ The policy also states, ‘In the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings.’

Policy CS2 states, ‘Any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses

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

However, policy RD2 is supportive of proposals for the replacement, alteration and extension of an existing dwelling in the open countryside, subject to an assessment of its impact on the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials.

Policy LC14 relates to the Area of Special Historic Landscape Interest and does support development required to meet the socio-economic need, tourist, outdoor and recreation needs of rural communities provided the design, siting and materials reflect the traditional character of the buildings in the area and that of the historic landscape.

Policy RD10 also applies and states that proposals to replace, extend or alter dwellings in the open countryside will only be permitted provided that [amongst other criteria] '(ii) the volume of the proposed extension or alteration does not exceed that of the original dwelling by 20%, exclusive of the normal permitted development rights, and the original dwelling forms the dominant visual feature of the dwelling as extended'.

The proposals will be in excess of the recommended volume by about 30%; however, if permitted development rights were to be exercised, the volume of additional extensions/outbuilding may exceed 30%. It is worth noting that the outbuildings are in a state of disrepair and so will need to be replaced or removed in any case. In addition, the proposed extension will not be subservient enough to view the original dwelling as the dominant visual feature. This is a trade-off for flood risk mitigation. As the area is set within SFRA flood zone 2/3a fluvial, Environment Agency standing advice for householder extensions requires floor levels within the proposed development to be set no lower than existing levels and flood proofing of the proposed development to be incorporated where appropriate. As a consequence, the floor level of the proposed extension could not be set lower than the existing and raised terraces/platforms are included in the flood mitigation strategy.

North Street and the nearby settlement is considered sustainable given the level of service and infrastructural facilities in the area. The proposed design and materials are also considered sympathetic and respectful of the character of surrounding buildings and the landscape. The proposal is therefore considered acceptable in principle.

### **Impact upon character and appearance**

Policy CS5 of the North Lincolnshire Core Strategy and policy DS1 of the local plan are both concerned with the quality of design of a proposal and the impact on the appearance and character of the area. 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.' Furthermore, policy RD10, paragraphs (iii) and (iv) specifically relate to the character and appearance of development in rural areas. Paragraph (iii) requires all new construction to be of a high standard of design and in particular to reflect the architecture of the building and/or vernacular styles in the locality and paragraph (iv) requires the appearance or use of the dwelling as replaced, extended or altered to not adversely affect the amenity of local residents or the appearance of the locality.

The proposal will have a pitched roof and gable features. The scale, design and materials of the proposed extension are considered proportional and sympathetic. There is a mix of properties along North Street, ranging from two storeys to bungalows, with traditional and modern housing designs. Most of the houses on the road are not built in similar style and architectural design; however, the design of the extension will be in keeping with the character of the dwelling and surrounding area. The site is within the LC14 area. The council's archaeologist has been consulted and considers the proposal would not adversely affect the character of the historic landscape providing that the building and materials are appropriate to the area. A condition is recommended to this effect and would be attached to any permission granted.

### **Impact upon residential amenity**

Policies DS1 and DS5 of the North Lincolnshire Local Plan are concerned with residential extensions. Policy DS5 specifically applies to residential extensions and states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed provided that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

The application site is considerably set back from adjacent sites and dwellings along North Street. The proposal would be directly abutted on either side by driveways and partly screened by trees. As the openings to the extensions are front and side-facing, the amenity of the nearest dwelling to the rear of the proposal would not be adversely impacted. Given the aforementioned, it is considered that its impact upon neighbouring amenity will not be detrimental.

### **Impact upon highways**

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

The application site can be accessed via a private driveway along North Street and has an existing parking area. The council's highways department has been consulted on the proposal and has raised no objections.

### **Drainage and flood risk**

Policy CS19 of the Core Strategy is concerned with flood risk, whilst DS14 and DS16 of the local plan are concerned with flood risk, drainage and foul water. In this regard, the applicant has incorporated measures to mitigate flood risk in the design of the proposal. The Lead Local Flood Authority has been consulted and has no objections to the proposal.

### **Land contamination**

Given the nature of the previous use of the site (coal house and workshop), there is a potential for land contamination. The council's Environmental Protection department has recommended conditions to mitigate any potential impact.

## **Conclusion**

The proposal is for the alteration and extension of an existing dwelling following demolition of outbuildings on the site. The site is in a relatively sustainable location with appropriate infrastructure and local services. The proposal is therefore recommended for approval given that it is a small-scale development.

## **Pre-commencement condition**

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

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

1.

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

Reason

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

2.

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

Location plan and existing plans CWX-JEN-2022-01B

Proposed site plan CWX-JEN-2022-101C

Proposed elevation plan CWX-JEN-2022-02C.

Reason

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

3.

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

Reason

To protect the character of the building and that of the historic landscape in accordance with policies CS5 of the Core Strategy, and LC7 and LC14 of the North Lincolnshire Local Plan.

4.

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

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The

desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation.

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

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

This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance October 2020.

#### Part 2: Submission of Remediation Scheme

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

#### Part 3: Implementation of Approved Remediation Scheme

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

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

#### Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

#### Reason



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

#### **Informative**

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



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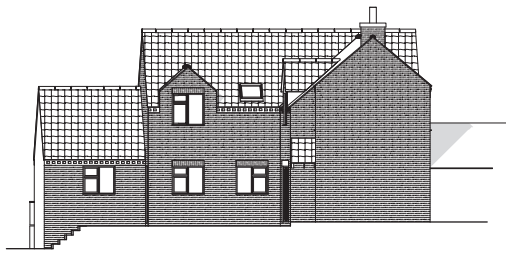
 LC14 Isle of Axholme Area of Special Historic Landscape Interest  
 Development Boundary

**North  
Lincolnshire  
Council**





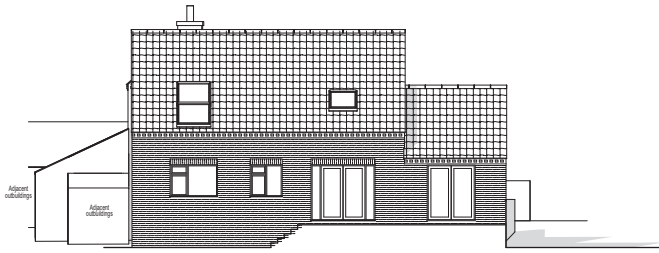




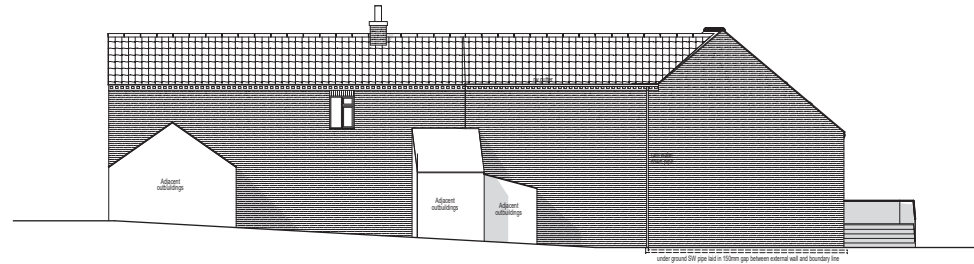
PROPOSED SIDE - SOUTH EAST - ELEVATION  
1:100



PROPOSED FRONT - SOUTH WEST - ELEVATION

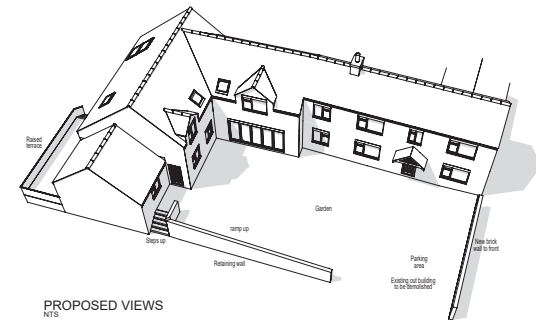


PROPOSED SIDE - NORTH WEST - ELEVATION

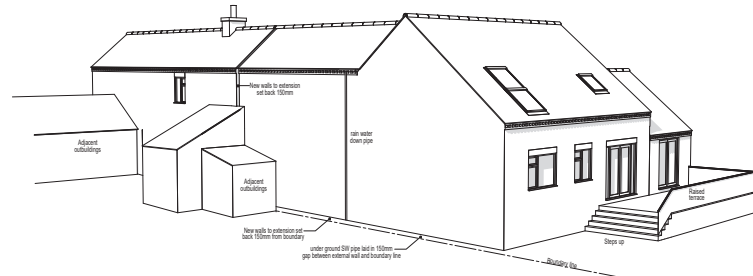
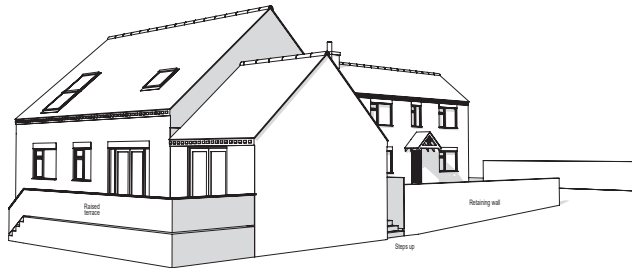


PROPOSED REAR - NORTH EAST - ELEVATION

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PROPOSED VIEWS  
NTS



  
Cadworx Ltd  
Architectural design and 3D Visualisations  
Laden House, Bracklen Hill Road  
East Leam, Nr Doncaster DN8 2LR  
tel 01427 753232  
damy@3dcadworx.com

- Project
  - ALTERATIONS AND EXTENSIONS TO EXISTING
  - DWELLING TO CREATE ADDITIONAL ACCOMMODATION INCLUDING GROUND FLOOR ANNEX
  - 25 NORTH STREET
  - QWITSON FERRY
- Title:
- PROPOSED ELEVATIONS

Scale 1:100 @ A1	Date 03-2022	Drawn DS
Drawing No. CWX-JEN-2022-02C		

A B C D E F G H I

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<b>APPLICATION NO</b>	<b>PA/2022/799</b>
<b>APPLICANT</b>	Mr Gareth Heggie
<b>DEVELOPMENT</b>	Planning permission to erect a two-storey rear extension to the dwelling and a two-storey double garage, and carry out internal alterations and associated works (including the demolition of the existing outbuildings)
<b>LOCATION</b>	57 Main Street, Saxby All Saints, Brigg, DN20 0PZ
<b>PARISH</b>	Saxby All Saints
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Jess Hill
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Saxby All Saints Parish Council

## **POLICIES**

**National Planning Policy Framework:** Section 12 (Achieving well-designed places)

**North Lincolnshire Local Plan:** Policies DS1, DS5, LC12, HE2, HE3, HE5

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS6

**Supplementary Planning Guidance:** SPG1 Design Guidance for House Extensions

## **CONSULTATIONS**

**Highways:** Support. Should permission be granted, advise conditions to prevent any loose material spilling onto the highway and requiring the access to be completed before the vehicle parking and turning facility is brought into use.

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

### **Tree Officer:**

This site is within the conservation area, and there are trees on the site and on adjacent properties that are offered protection because of this, including some not shown in the indicative plans right next to the drive as can be seen on aerial photos via Google Streetview taken October 2021.

An arboricultural report to BS5837:2012 should be requested to give full information on the locations, size, retention values and root protection areas around trees, and then further as to which trees would be affected, and any mitigation required to resolve any issues as well as to determine the location of development and attached services taking account of the report information gathered.

## **Conservation Officer:**

### ***First response (30 May 2022)***

#### *Assessment*

The majority of the buildings in the conservation area are small, two-storey cottages. Some of these properties were built in the 18th century as single-storey houses, but were raised to two storeys in the 19th century.

These buildings face the highway, and are either located on the back edge of the pavement or slightly back from the street, with small front gardens enclosed by hedges. Typically, these cottages are detached brick whitewashed buildings of three bays with a central door, timber multi-paned sliding sash windows, timber boarded doors, and orange clay pantile roofs. These have prominent central chimney stacks. The colour washing, or more recent painting, of these brick buildings contributes, in part, to Saxby All Saints' particular character and appearance.

57 Main Street is one of these small cottages and as such it has been designated as a building of townscape merit in the adopted Saxby Conservation Area Appraisal.

This means it makes a positive contribution to the character of the conservation area as described above.

These small-scale properties are an intrinsic characteristic of buildings in this area and are part of the historic street scene.

57 Main Street is clearly identifiable as one of these cottages, a historic property, with its aged appearance and intimate proportions. 57 Main Street is prominent in the street scene and the extension will be visible when looking from both the north and south along Main Street.

It is also within the setting of The Lodge, listed grade II, immediately opposite. Lodge Cottage is one of the oldest surviving buildings in the village, with a timber-framed structure being encased in later brick skin. The high, steeply-pitched pantile roof with catslide dormer and tumbled brickwork gable gives The Lodge its distinctive appearance.

The proposed alterations will also impact on the setting of this listed building. Section 66 of the Planning (Listed Buildings & Conservation Areas Act) 1990 imposes a 'General duty as respects listed buildings in exercise of planning functions to special regard to the desirability of preserving the building or its setting.'

The adopted policy regarding townscape merit buildings in the Saxby All Saints Supplementary Planning Guidance states:

- North Lincolnshire Council will resist applications to demolish all or a substantial part of any building identified within this appraisal as a 'Building of Townscape Merit'. Additionally, alterations and extensions to these buildings will have to be particularly sensitively designed and take into account their historic and architectural interest.
- All existing traditional architectural features will be retained on these buildings. Alterations will need to incorporate matching designs and materials appropriate to the age and character of the building.

The proposal also needs to comply with Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 and council policy HE2 which states that 'development proposals should preserve and enhance the character of conservation areas.'

In principal there is no objection to extending the building and having a new garage but I recommend the following design changes so that it is more sympathetic to this sensitive historic location and better complies with the above policy.

I recommend that the extension is stepped in from the edge of the building as seen from the north-western elevation. This allows the original form of the cottage to be seen and interpreted. I would also recommend that the roof height is slightly lowered below the existing roofline of the cottage for similar reasons.

I would also recommend that the design of the two dormers on the south-east elevation is altered. They are quite large and not of a style seen on traditional buildings in Saxby and will stand out and draw the eye away from the street scene which includes the building of townscape merit and the grade II listed lodge. I recommend that the dormers are altered to a 'sledge style dormer' that have been put on the north-west elevation of the proposed extension. This is the same style dormer on the listed lodge opposite. They are smaller and more historically appropriate.

There is no objection to the demolition of the concrete garage as it has no historic merit. Whilst the outhouse is of an age, there is no objection to its demolition as it's below the 115m<sup>3</sup> threshold required for planning permission regarding demolition in conservation areas.

Where there is an objection is the size of the new garage. It's a large two-storey double garage virtually the same height as the principal cottage. It will stand out as large new build and detract from the character of 57 Main Steet, a building of townscape merit, and the historic street scene which includes The Lodge, grade II listed, and another building of townscape merit immediately to the south, no. 61. I therefore recommend that this garage is reduced to a single-storey structure to mitigate the harm to the conservation area and the nearby listed building.

Regarding the windows and doors, the application states double-glazed sash windows at the front which is acceptable as is the use of Upvc windows to the rear which is in line with conservation policy in the area. I would also recommend that the windows and doors at the sides of the extension are timber as they are visible from the street. This needs to be covered by condition.

Any approval should include a condition that scale drawings of the proposed windows and doors with material specification are submitted for consideration before installation. Any approval should include an additional condition that details of the facing and roofing materials for the existing house and extension are submitted for consideration before installation. (Justification see above legislation and policy)

### *Recommendation*

The proposal should be amended as described to comply with section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 and council policy HE2, or be refused.

## ***Second response (5 July 2022)***

Further to my comments dated 30-05-07 the applicant has submitted amended plans for the extension and the attached garage.

The extension has been amended as per the advice provided. The use of traditional sledge-style dormers on the south-east elevation has been incorporated which are a more traditional design suitable for the building and the adjacent listed building which has similar dormers. These are seen from the street view and will ensure an appropriate traditional appearance as you look towards the building from the southern part of the village.

The extension has been set back from the northern edge of the building and just below the ridge height so that the original form of the cottage can be seen and interpreted as recommended.

The extension has traditional tumbling on its gable and has traditional-styled multi-pane windows, all of which will ensure it blends in with the traditional character of the village. The extension is quite large but it is of a scale of similarly approved extensions recently in the conservation area. In addition, it will not be seen in its entirety from the principal view from the southern aspect in the street as it is set to one side of the building.

Considering this and its traditional appearance there is no objection to it. What is very important is that the correct materials and detailing, i.e. windows and doors, are used on the extension, and this can be controlled by appropriate conditions.

As previously stated, there is no objection to the demolition of the concrete garage as it has no historic merit. Whilst the outhouse is of an age, there is no objection to its demolition as it's below the 115m<sup>3</sup> threshold required for planning permission regarding demolition in conservation areas.

Regarding the proposed garage, the applicant has reduced it in height to reduce impact and submitted details and cross-sections comparing it to the recently approved garage immediately adjacent at no. 61. Whilst it is slightly larger it is set down at a lower ground level and viewed from Main Street will be at the same height to the adjacent recently approved garage and will have a similar impact. Therefore, as long as it is built using traditional bricks and pantiles and traditionally-styled timber doors it will be acceptable for this location in the conservation area.

### *Recommendation*

There is no objection to the application subject to a series of conditions being included in the application to control materials and detailing and it is recommended that the following are included.

- That details of the facing and roofing materials for the extension and the garage are submitted for consideration before installation.
- That a scale drawing of the proposed windows and doors with material specification on the main house, 57 Main Street, the extension and the garage are submitted for consideration before installation.



- That the windows and doors on the main house frontage, 57 Main Street, and the side elevations, i.e. the north and south elevations, on the proposed extension are constructed from timber.
- That the front garage doors, i.e. west elevation, on the proposed garage are constructed from timber.

Justification: Section 72 of the Planning (Listed Building and Conservation Areas Act) 1990 and council policies HE2, CS6.

## **PARISH COUNCIL**

### ***First response (26 May 2022)***

Objects on the following grounds:

1. The roofline on the extension is too high, i.e. above the existing roof.
2. The dormer windows are large and intrusive by overlooking the neighbouring property.
3. Concern regarding the amount of material that would be dug out for the patio and double garage. Being on a spring line makes the property vulnerable to flooding as the neighbouring property has experienced this year. This will be exacerbated by the applicants already removing trees. It is hoped that a hydrology survey has been carried out to investigate the potential issues that the spring line could cause.
4. Concern regarding the size of the garage and that the gym upstairs may be converted into a granny flat in the future.
5. The removal of significant amounts of soil could cause subsidence. As an old cottage it would have very shallow foundations.
6. The architectural plans are inconsistent – 1 window is missing from various drawings. The scale is not clear.
7. Trees have been removed without planning permission.
8. Work has commenced on the roof without planning permission.
9. Out of character for the village. The PC would be keen to hear the views of the Conservation Officer.

### ***Second response (13 July 2022)***

The parish council's previous comments still stand as valid to the amended application.

### ***Third response (20 July 2022)***

The parish council notes that there is no real/significant change to the plans initially submitted and to which we had various objections.

We also note that whilst there have been some amendments submitted subsequent to the initial application the amendments are not actually mirrored by any changes/updates in the

'Plan Notes' so that there is then some ambiguity and room for misinterpretation between what the planning proposal is now requesting and the supporting documents provided.

We would like to see a definitive Final Plan, with accompanying detail and specifications updated accordingly, of the planning proposal as it now being submitted, to ensure that everyone knows and understands what the final proposal is, thus ensuring that there is then no room for misunderstanding or misinterpretation of what might finally be approved.

As a parish council we would also like to understand how the NLC Conservation opinion has changed, with regards design, size, proposed materials and landscape merit, when there appears to have been virtually no change in any of these areas between the initial application and that now being proposed.

Our objections to the application remain as before, and additionally above.

## **PUBLICITY**

A site notice has been displayed. Sixteen comments have been received from members of the public objecting to the proposals (six respondents having commented more than once). Concerns raised relate to the following:

- Issues of overlooking and privacy loss (windows on the side elevations and rear elevation of the garage)
- The proposed garage and extension would be out of keeping with the design and character of the existing dwelling.
- Concerns that the garage would result in noise as it features a gym (as a result of loud music)
- Concerns regarding the retaining wall next to the gym
- Concerns relating to root damage of the conifer hedge
- Concerns that the garage design is not in keeping with the character of the conservation area
- Concerns with the increased roof size and the fact that all water is going into land drains, which increases the risk of flooding on the road
- Concerns relating to works that have already taken place (roof alterations, demolition, soil moving).

## **ASSESSMENT**

### **Site location and context**

The site comprises a detached dwelling located to the east of Main Street within the middle of Saxby All Saints. The dwelling is within the development limits of Saxby as identified by the Housing and Employment Land Allocations DPD 2016.

## **Planning history**

No previous planning applications have been submitted on the site.

## **Designations/constraints**

Within the development limits of Saxby All Saints.

The site is within a conservation area and the site is opposite the grade II listed Lodge Cottage.

There are no Tree Protection Orders on or next to the site.

The site is located within SFRA Flood Zone 1.

## **Proposal**

Permission is sought to erect a two-storey rear extension to the dwelling and a two-storey detached double garage to the rear. The existing outbuildings are proposed to be demolished and internal alterations are necessary to facilitate the proposal.

**The main considerations of relevance in the assessment of this application include:**

- **the principle of development**
- **design and appearance (including heritage impact)**
- **residential amenity**
- **trees.**

## **Principle of development**

Householder extensions and alterations are acceptable in principle subject to there being no harm to the character and appearance of the property through unsympathetic design or harm to the amenity of neighbouring properties and residential areas. The site is within the development boundary of Saxby All Saints, within a conservation area and near to listed buildings on Main Street.

## **Design and appearance (including heritage impact)**

Policies DS5 (Residential Extensions) and CS5 (Delivering Quality Design in North Lincolnshire) are concerned with visual amenity. Policy DS5 states that proposals should be sympathetic in design, scale and materials.

The site is within a conservation area and opposite the grade II listed Lodge Cottage.

Policy CS6 (Historic Environment) sets out that the council will seek to protect, conserve and enhance North Lincolnshire's historic environment, including the character and setting of conservation areas and listed buildings.

Policy HE2 (Development in Conservation Areas) sets out that proposals within conservation areas should preserve or enhance the character and appearance of the area and its setting.

Policy HE5 (Development Affecting Listed Buildings) sets out that proposals that would damage the setting of a listed building will be resisted.

Permission is sought to erect a two-storey rear extension to the dwelling and a two-storey detached double garage to the rear.

The proposals have been amended to incorporate advice received from the council's Conservation Officer. It is considered, as a result of these amendments, that the design is acceptable as set out below.

The two-storey extension measures 8.6m in length by 6.4m in width to create an L-shaped layout for the dwelling. The extension has been set back from the northern edge of the building and just below the ridge height so that the original form of the cottage can be seen and interpreted, as per the advice of the Conservation Officer. The scale of the extension is considered to be appropriate in terms of responding to the existing dwelling. As it is a rear extension, it will not be seen in its entirety from the principal view from the southern aspect in the street as it is set to one side of the building.

The extension incorporates a traditional appearance that responds to the context of the conservation area. Sledge-style dormers are included on the south-east elevation which are a more traditional design suitable for the building and the adjacent listed building which has similar dormers. These are seen from the street view and will ensure an appropriate traditional appearance as you look towards the building from the southern part of the village.

The extension has traditional tumbling on its gable and has traditional-styled multi-pane windows, all of which will ensure it blends in with the traditional character of the village.

The proposed detached two-storey garage to the rear of the dwelling has been reduced slightly in height to reduce its impact on the street scene. The garage will sit it on lower levels than the adjacent site to the south (no. 61), meaning that when viewed from Main Street it will be at the same height as the adjacent recently approved garage at no. 61 and will have a similar impact. The garage at no. 61 has not yet been built but has been approved at a similar height to the garage under the current proposals. The two-storey garage is large, however it is considered to be appropriate in terms of its impact on the street scene, and as set out in the following section is not expected to result in overshadowing of the adjacent property. A condition is recommended to ensure appropriate materials are secured including traditional bricks and pantiles and traditionally-styled timber doors. The proposed garage is therefore considered to be acceptable in this instance.

A suitable material palette is proposed which responds to the existing material palette and surrounding context of the conservation area. As per the Conservation Officer's second consultation response, conditions requiring further details relating to materials, windows and doors are recommended to ensure the proposals respond to the conservation area appropriately.

The proposed extension and garage is therefore considered to accord with policies HE2 and HE5 as the design responds to the context of the conservation area and the setting of the opposite grade II listed cottage.

Another aspect of the proposals includes the demolition of a concrete garage and outhouse. Policy HE3 (Demolition in Conservation Areas) sets out the criteria against which

proposals for the demolition of buildings or structures within a conservation area will be assessed, including:

- (a) it is proved to be wholly beyond viable repair; or
- (b) it is incapable of reasonable beneficial use; or
- (c) it is not of intrinsic architectural, historic or townscape importance and its removal or replacement would enhance the appearance or character of the area; or
- (d) its removal would allow the redevelopment or rehabilitation of an adjacent larger site which is under used, neglected or derelict, providing this redevelopment would enhance the character and appearance of the conservation area;
- (e) sufficient information is provided to enable the impact of the proposal for demolition or redevelopment on the conservation area to be assessed.

The demolition of the concrete garage is acceptable given it has no historic merit, as is the demolition of the outhouse given its small size (it is below the 115m<sup>3</sup> threshold required for planning permission regarding demolition in conservation areas). The proposed demolition is therefore considered to accord with policy HE3.

The proposed layout and materials are considered appropriate and the proposal is therefore in accordance with policies HE2, HE3, HE5 and DS5 of the local plan, and CS5 and CS6 of the Core Strategy.

### **Residential amenity**

Policy DS5 (Residential Extensions) states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

61 Main Street is located approximately 21m to the south-east of the dwelling (taken from the nearest building lines on both properties). York House is also approximately 21m to the north-east of the dwelling.

The dormer windows on the first floor of the side elevations are considered to be suitably positioned and of a suitable scale so as not to result in an unacceptable degree of overlooking. There is still a separation distance of approximately 13m between the end of the proposed extension and the frontage of York House which features a bay window.

Although the detached garage is proposed next to an approved, though as yet unbuilt, garage at neighbouring 61 Main Street, this is not considered to result in overlooking given no windows are proposed in the side elevation. A large window is proposed in the rear of the garage, however this faces onto the rear garden and is angled away slightly from 61 Main Street. This is consistent with the approach taken for the extension that was approved at 61 Main Street which also featured a large window in the rear elevation and a rear balcony. The balcony on the rear elevation of the garage has also been removed to reduce the potential for overlooking. Whether the approved garage on the adjacent plot is built or

not, the proposals are not considered to result in an acceptable impact in terms of overlooking.

There are also considered to be suitable separation distances between the proposed extension and the detached garage and the main residential dwellings around the site.

The proposal would not carry any unacceptable overbearing, overlooking or overshadowing impacts that would be detrimental to the residential amenity rights of adjoining neighbours. The proposal therefore accords with policy DS5 and SPG1.

## **Trees**

The site is within a conservation area within which trees are afforded protection. An Arboricultural Report has been submitted in response to the tree officer's request for a survey to establish the quality of the trees on the site and any necessary mitigation as a result of the proposals.

The main works that were considered to have a potential impact on trees included the re-surfacing of the driveway.

The report identifies that there is a tree along the site's eastern boundary (adjoining no. 61) identified as T1 within the report which is considered to be of moderate quality. There is another tree identified as T2 further to the north on the plot of no. 61 and Tree T3 located to the west of the site. Root protection areas have been identified and it is concluded that the works would have an inconsequential impact on the trees. The findings are accepted and the proposals are therefore considered to accord with policy LC12 (Protection of Trees, Woodland and Hedgerows).

## **Conclusion**

The proposed two-storey rear extension and detached garage are considered to be suitable and in keeping with the character of the street scene.

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

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

### **Reason**

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

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

Site Location Plan (RD: 5155 / 04 Rev B)  
Proposed General Arrangement (RD: 5155/02 Rev H).

### **Reason**

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

3.

Prior to the installation of new external windows and doors on the main house (57 Main Street), the extension and the garage, scaled drawings, including material specifications, shall be submitted to and approved in writing by the local planning authority. Development shall proceed in accordance with the approved drawings.

Reason

To ensure the development does not detract from the setting of the listed building in accordance with policies HE5 of the North Lincolnshire Local Plan and CS6 of North Lincolnshire's Core Strategy.

4.

Prior to the commencement of works above ground, details of the facing and roofing materials for the extension and garage shall be submitted to and approved in writing by the local planning authority.

Reason

To ensure that the development does not detract from the setting of the listed building in accordance with policies HE5 of the North Lincolnshire Local Plan and CS6 of North Lincolnshire's Core Strategy.

5.

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

Reason

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

6.

The proposed new vehicle parking and turning facility shall not be brought into use until the vehicular access serving it has been completed within highway limits.

Reason

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

### **Informative 1**

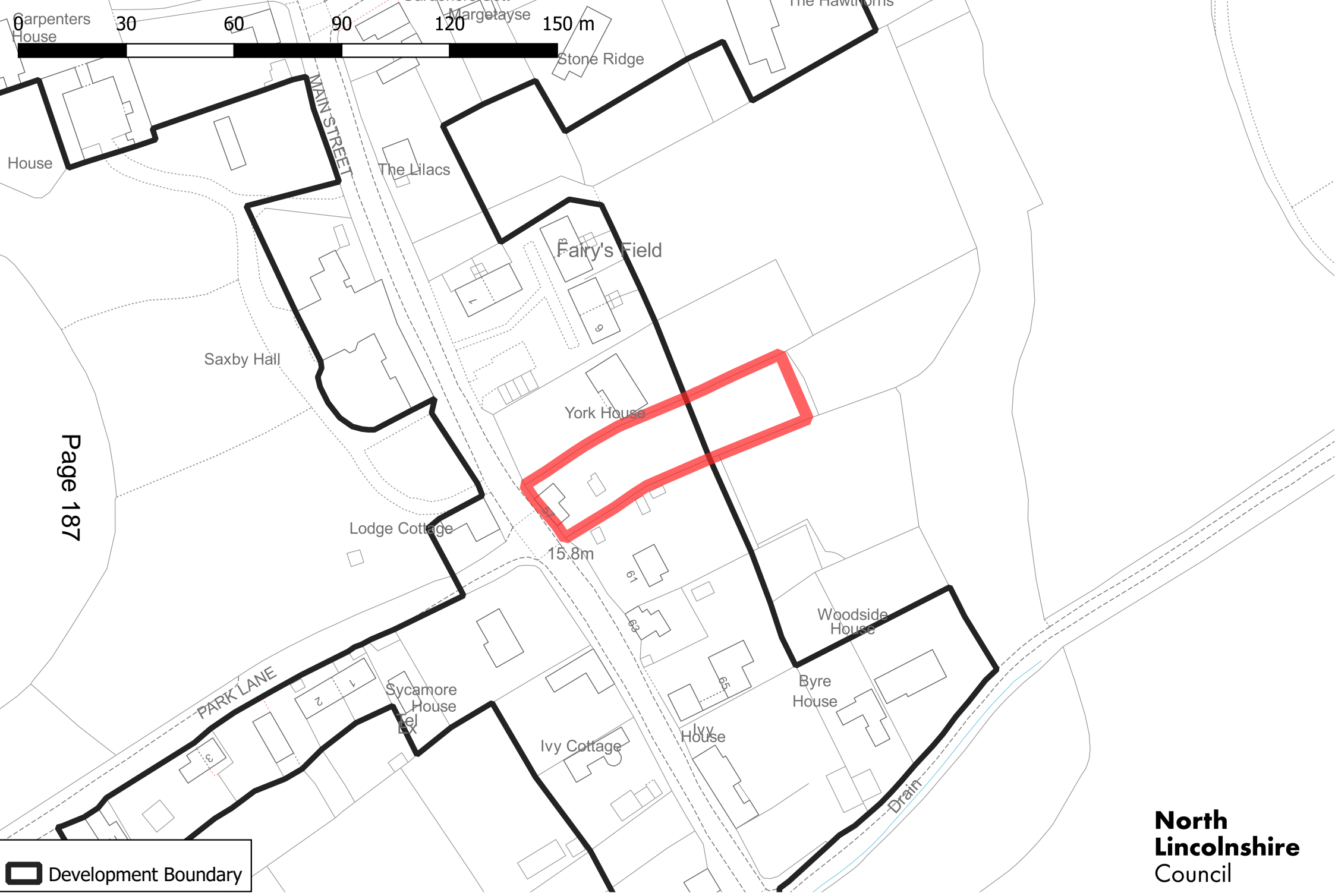
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

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

**Informative 2**

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





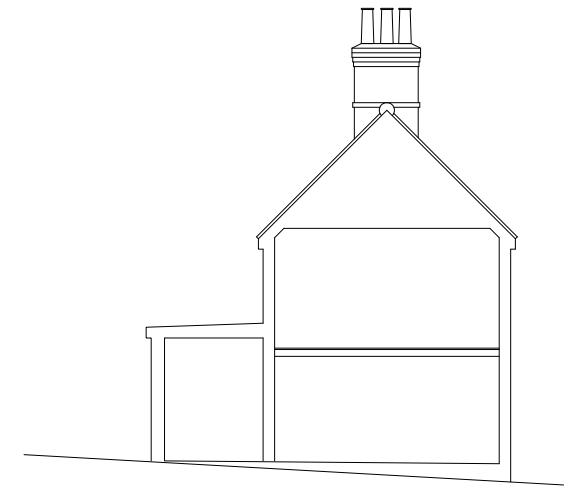
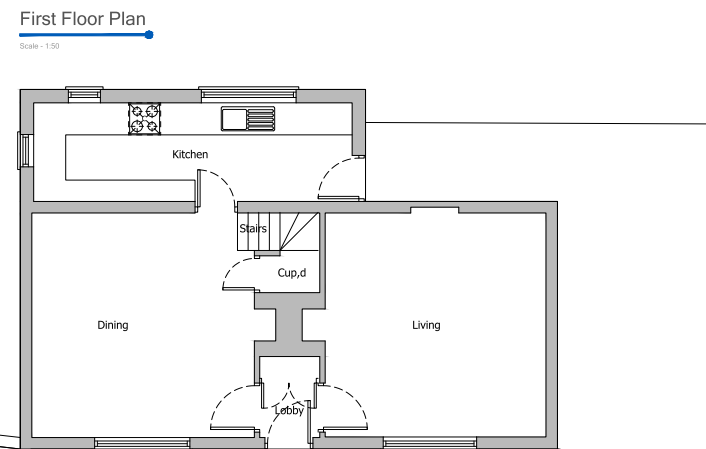
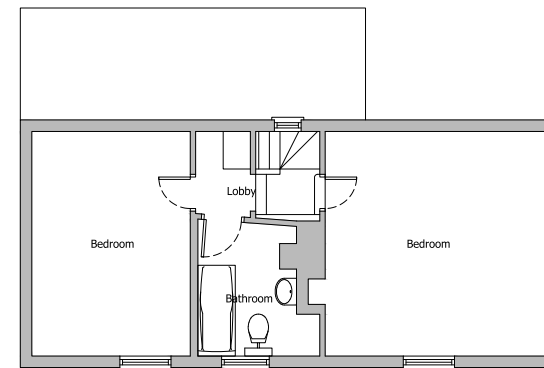
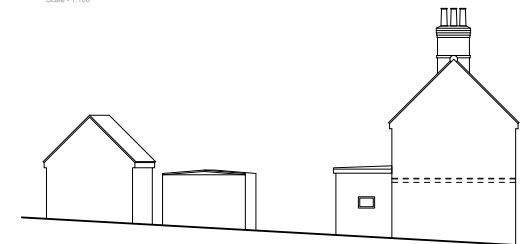
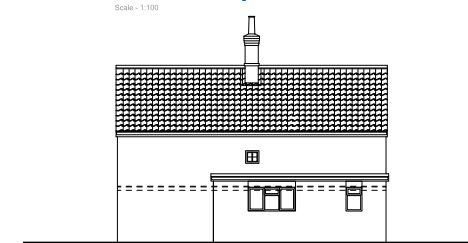
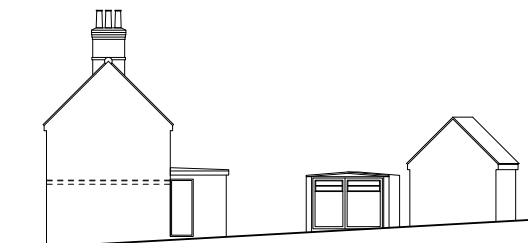
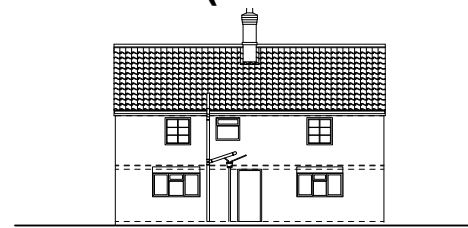
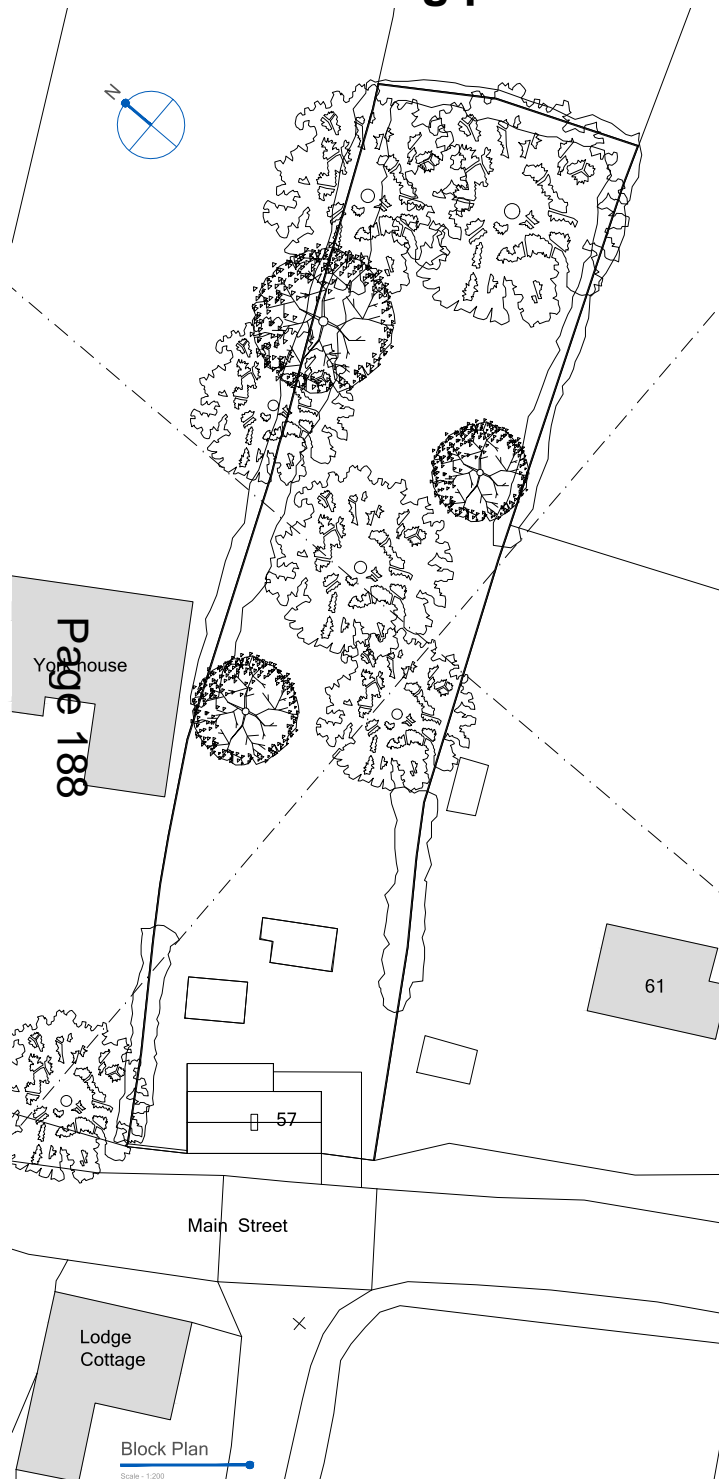
Page 187

 Development Boundary

**PA/2022/799**

**North  
Lincolnshire  
Council**

# PA/2022/799 Existing plans and elevations (not to scale)



**Scale Bar**  
0m 5m 10m 15m

**Notes**

- Drawing copyright of Ross Davy Associates
- Used subject to the terms and conditions of the contract.
- All material specified herein shall be of the quality and standard specified in the contract and shall be the responsibility of the Employer.
- Should the project fall under the scope of the Equality Act, Part 110 of the CDM Regulation, it is the Employer's responsibility to ensure compliance.
- Changes to the design shall be the responsibility of the Employer.
- Any alterations to the design shall be the responsibility of the Employer.
- These drawings are to be considered as preliminary and for information only. Technical approval has been obtained from the relevant Local Development Corporation. Commencement of work is to be subject to these approvals and the Development Consent Act.

**Revisions and Surveys**

Where necessary, the contractor shall verify the accuracy of the information provided to identify structural elements and to ensure that the design is in accordance with the relevant local authority requirements. The contractor shall be responsible for any structural investigation.

**Drawing Revisions**

A 25.04.22 Updated for Planning Application

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

**FOR APPROVAL**

Project: Proposed Extension and Alterations  
57 Main Street, Saxby All Saints,  
For Mr and Mrs Heggie

Drawing Title: EXISTING GENERAL ARRANGEMENT

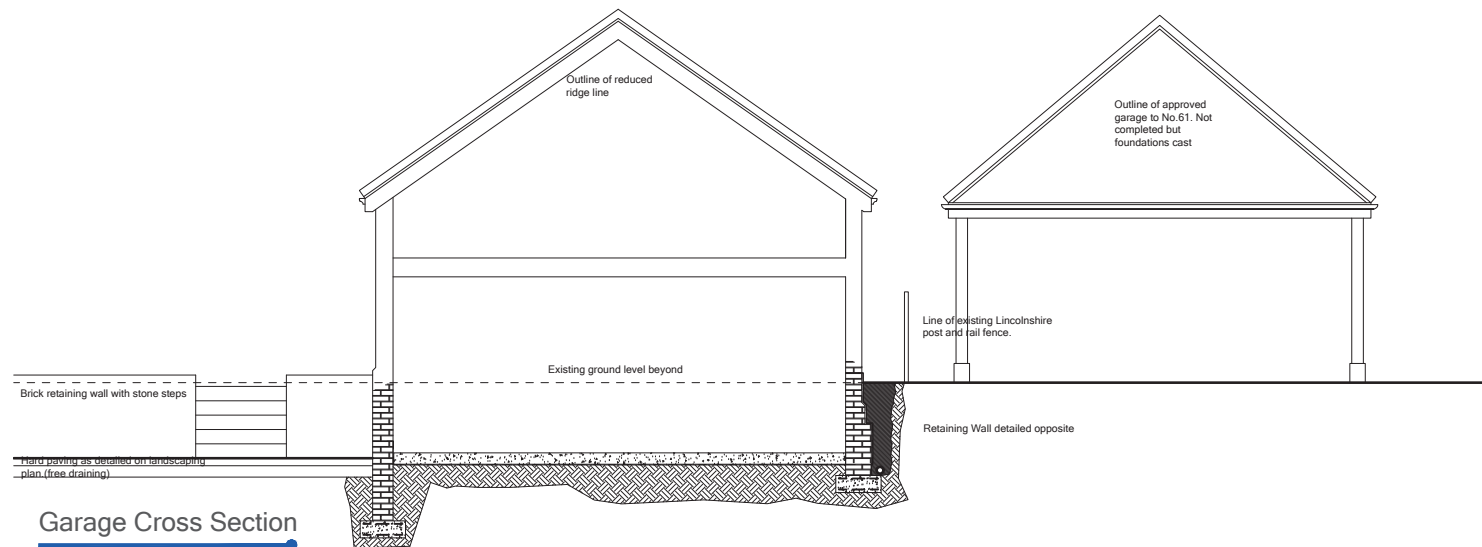
Drawn: APS Scale: As Shown

Date: 22.03.22. Size: A1

Drawing No: RD:5155 / 01 -

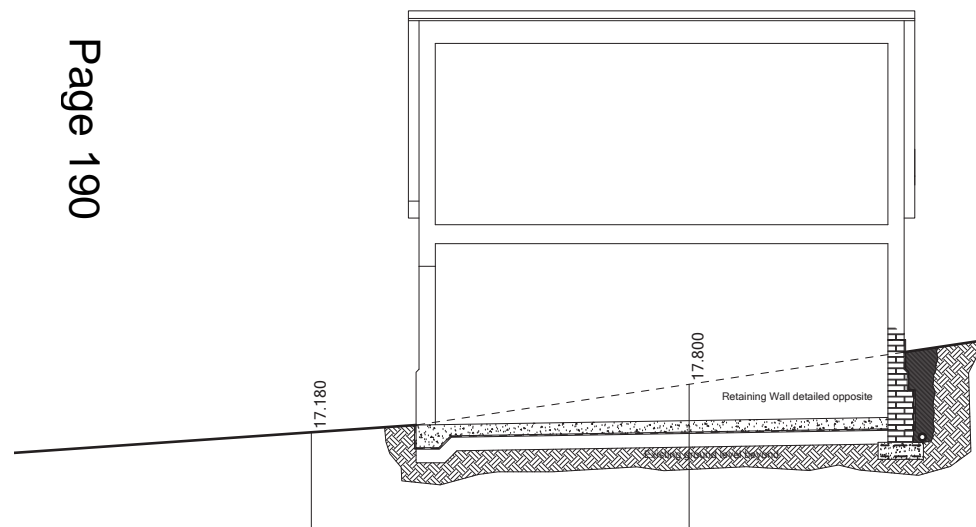


# PA/2022/799 Proposed garage details (not to scale)



Garage Cross Section

Scale - 1:50

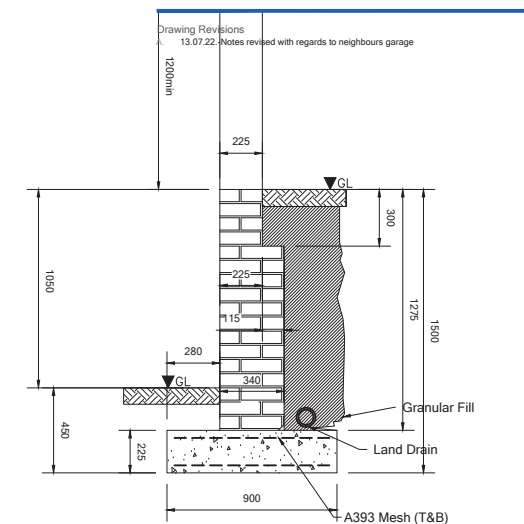


Garage Long Section

Scale - 1:50

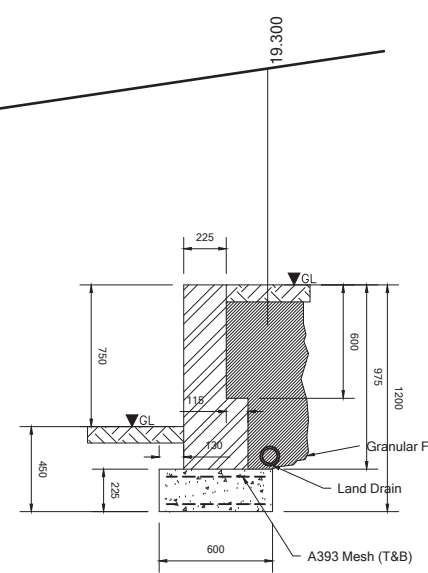


- Notes
- Drawing copyright of Ross Davy Associates
  - Used figured dimensions only, do not scale from this drawing
  - All materials specified are to be used in strict accordance with manufacturers written instructions and current codes of practice.
  - Should the project fall under the scope of the Equality Act, Party Wall Act or the CDM Regulations, it is the Employer's responsibility to initiate the following:
    - Disabled Access Audit
    - Party Wall Notice 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/Approved Consultant. Commencement of work on site prior to these approvals is at the Client/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.



Garage Retaining Wall Section

Scale - 1:20



Garden Retaining Wall Section

Scale - 1:20

Page 190



Ross Davy Associates

Pelham House, 1 Grosvenor Street, Grimsby, N.E.Lincolnshire, DN32 0QH

Tel: 01472 347956  
Email: design@rossdavytld.co.uk  
Web: www.rossdavytld.co.uk

FOR APPROVAL

Project Proposed Extension and Alterations  
57 Main Street, Saxby All Saints,  
For  
Mr and Mrs Heggie

Drawing Title Garage Details

Drawn APS Scale As Shown

Date 20.06.22. Size A2

Drawing No. RD:5155 / 05 A

<b>APPLICATION NO</b>	<b>PA/2022/830</b>
<b>APPLICANT</b>	Mr K Collins
<b>DEVELOPMENT</b>	Planning permission for extensions and alterations, including increase in height of the property, gable dormers to the front, link building and two-storey side extension, and other associated works
<b>LOCATION</b>	9 Park Drive, Westwoodside, Haxey, DN9 2AW
<b>PARISH</b>	Haxey
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Jennifer Ashworth
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Haxey Parish Council

## **POLICIES**

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

Chapter 12: Achieving well-designed places, paragraph 130

Planning policies and decisions should ensure that developments:

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

## **North Lincolnshire Local Plan:**

DS1 General Requirements

DS5 Residential Extensions

T2 Access to Development

T19 Car Parking Provision and Standards and Appendix 2

## **North Lincolnshire Core Strategy:**

CS1 Spatial Strategy for North Lincolnshire

CS2 Delivering more Sustainable Development

CS3 Development Limits

CS5 Delivering Quality Design in North Lincolnshire

**Housing and Employment Land Allocations DPD:** The site is within the development limits of Haxey and within an existing residential area as shown on the Proposals Map.

**Supplementary Planning Guidance:** SPG1 Design Guidance for House Extensions

## **CONSULTATIONS**

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

**Highways:** No comments or objections.

## **PARISH COUNCIL**

Object, making the following comments:

'Previous PAs 2021/547 refused. Haxey Parish Council objected with the following comments:

The plot is relatively small in relation to the proposal, the area is largely bungalows.

It is considered this will create a dominating feature in its environment, out of place in the street scene and over development of the site.

2021/1244 refused:

A previous application PA/2021/547 was refused, there appears to be little or no change to this application, it would appear some minor alteration to some windows that amount to a minor material change and does not persuade us to change our view.

Previous comments – The plot is relatively small in relation to the proposal; the area is largely bungalows.

It is considered this will create a dominating feature in its environment, out of place in the street scene and over development of the site.

The PC did not object on the grounds of light or privacy and this application does not address our previous concerns. We also note a resident has objected and fully support his comments.'

## **PUBLICITY**

A site notice has been displayed and two responses have been received, objecting on the following grounds:

- The plans have been rejected previously. There is no improvement on the size or overbearing impact on surrounding houses.
- The development is out of character for the type of housing in the area which are bungalows (some with dormer windows within the existing roof structures).
- The development would dominate the street scene and result in an unacceptable change to the area.
- The proposed development is a direct contradiction of paragraph 130, sections C and D of 'The National Planning Policy', July 2021. It does not respect the local context and street pattern or, in particular, the scale and proportions of surrounding buildings, and would be completely out of character with the area, to the detriment of the local environment and amenities.
- Over-development
- Conflicts with the wider area in terms of scale
- Detrimental to residential amenity
- Visual impact
- Overbearing impacts in respect of 20 Drewry Lane. Whilst 20 Drewry Lane is two-storey, it is not a fair reflection/comparison.

## **ASSESSMENT**

### **Planning history**

PA/2021/1244: Planning permission for extensions and alterations, including increase in height of the property, gable dormers to the front, link building and two-storey side extension, and other associated works – refused 22/10/2021.

Reason: The proposal would result in an adverse impact on the amenity of the adjacent dwelling in that it has the potential to take away the privacy of the adjacent dwelling contrary to policies DS1 and DS5, as well as the SPG1 Design Guidance for House Extensions, of the North Lincolnshire Local Plan.

PA/2021/547: Planning permission for extensions and alterations, including an increase in height of the property, gable dormers to the front, link building and two-storey side extension, and other associated works – refused 21/05/2021.

Reason: The council considers that the proposal is for a development that is not in accordance with the Development Plan of the North Lincolnshire Council. The proposal is considered to result in amenity impact on the adjacent dwelling, in that it has the potential to take away the privacy of the adjacent dwelling and therefore is not compliant with Policy DS1 General Requirements and Policy DS5 Residential Extensions as well as the SPG1 Design Guidance for House Extensions of the North Lincolnshire Local Plan.

### **Site constraints**

The site is not located within a conservation area.

There are no tree preservation orders on the site.

The site is within SFRA Flood Zone 1.

### **Site characteristics**

Planning permission is sought for extensions and alterations, including an increase in height of the property, gable dormers to the front, a link building and two-storey side extension, and other associated works at 9 Park Drive, Westwoodside.

The site is bounded by 7 Park Drive to the north, 20 Drewry Lane to the south, 14 Park Close to the east and 14 Park Drive to the west. The area is residential consisting mainly of a mix of single-storey and dormer bungalow style dwellings. The site represents a good size residential plot and would retain a similar rear and side garden space as other properties off Park Drive to the east.

The application site contains an L-shaped dormer detached bungalow, the first floor includes a loft conversion, and there is a detached garage in the north-eastern corner adjacent to the boundary with 7 Park Drive. The first floor includes a box dormer (west elevation) facing the street. The roof level of the dormer soars above the ridge level of the dwelling.

The proposal seeks to erect a two-storey extension (6.957m from the ground to the ridge) to the west elevation of the dwelling (a garage at ground floor and bedroom at first floor) and a single-storey link between the extension and the existing dwelling. It also seeks to raise the roof of the existing dwelling (7.54m from the ground to the ridge) and fill in space at the rear of the dwelling (south-east elevation) to form a two-storey dwelling to match up with the ridge level of the extension.

On the front of the main dwelling (north elevation) there would be two dormer windows and a rooflight on the first floor, and windows on the ground floor. The rear of the dwelling (south elevation) would have rooflights on the first floor and four doors on the ground floor, including a patio door. In the west gable elevation there would be only one small window serving a toilet on the ground floor. In the east gable elevation there would be an obscure-glazed window on the first floor, and a slit window and patio door on the ground floor.

The applicant proposes to demolish the existing detached garage on the site.

The walls would be constructed in bricks and the roof covering would be slate.



This proposal is a revision to a previously refused proposal (PA/2021/1244). The main reason for refusal was the adverse impact on the amenity of the adjacent dwelling in that it has the potential to take away the privacy of the adjacent dwelling contrary to policies DS1 and DS5, as well as the SPG1 Design Guidance for House Extensions, of the North Lincolnshire Local Plan. A similar reason for refusal was apparent for an earlier application (PA/2021/547). The main reason for the refusal related to the potential of the extensions to impact on the amenity of the adjacent dwelling in terms of loss of privacy (rear private amenity area) from the dormer windows on the first floor, mainly on 7 Park Drive, which is to the north of the property.

Discussions took place between the previous case officer and the applicant. The case officer at the time highlighted the policy requirement and clarified the reasons for the refusal and emphasised the concern regarding the potential impact on the amenities of the adjacent properties, particularly the privacy of 7 Park Drive.

During discussions with the previous case officer, the applicant suggested several design solutions and sought agreement on the final design. This included removal of a dormer window from the north elevation, replacing it with a rooflight.

The key difference between the current proposal and that previously refused is the removal of the detached garage to address concerns raised by residents relating to over-development of the site.

**The following considerations are relevant to this proposal:**

- **principle of development**
- **appearance/quality of design**
- **residential amenity.**

**Principle of development**

Policy CS3 of the Core Strategy supports development within the Scunthorpe urban area, the market towns and rural settlements. This policy aims to ensure that future development occurs in sustainable locations. It also ensures that the countryside is protected from inappropriate development and no uncontrolled expansion of settlements will take place. The site is within the development boundary of Westwoodside and therefore the development meets the terms of policy CS3 in terms of sustainable location.

Overall, as policy CS3 does not presume against extensions within development boundaries, the principle of the development is acceptable subject to details of the development.

The site is an existing residential property where residential extensions are acceptable in principle subject to detailed design, amenity and other material considerations.

**Appearance/quality of design**

Policies DS5 of the local plan and CS5 of the Core Strategy both seek to improve the quality of design across North Lincolnshire.

Policy DS5 is concerned with residential extensions. It states that applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings. Proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

The council's Supplementary Planning Guidance, SPG1 'Design Guidance for House Extensions', also advises that any extension must be in keeping with the character of the building and that extensions should not dominate the original building in scale, materials or situation.

The NPPF attaches great importance to the design of the built environment and recognises that good design is a key aspect of sustainable development. The NPPF stresses the importance of planning positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces, and wider area development schemes. It maintains that planning policies and decisions should not attempt to impose architectural styles and they should not stifle innovation, originality, or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is recognised, however, that it is proper to seek to promote and reinforce local distinctiveness.

As indicated earlier, this proposal is a resubmission of two previously refused proposals (PA/2021/1244 and PA/2021/547). The site consists of an existing development and the applicant seeks an extension to the existing dwelling. The dwelling is currently positioned centrally on the site. Other properties nearby are sited much closer to their boundaries with adjacent properties. It is considered that the siting of the extension would not result in concerns in terms of proximity to adjacent properties. The applicant has designed the westernmost part of the extension to be 1.5 storeys high, which shows consideration of the neighbouring property.

In terms of scale and design, objections have been received relating to overbearing impact, over-development, the proposals being out of character with the location, and that the development would dominate the street scene.

The Town and Country Planning (General Permitted Development) (England) Order 2015, Part 2 Class AA allows residents to extend properties by up to two storeys directly above the existing house. If the building is single- storey, this is limited to one additional storey. There are design constraints as follows:

- The maximum added height is 3.5m where the existing dwelling house consists of one storey (up to 7m for one or more storeys).
- The total height cannot exceed 18 metres.
- Additional storeys have an internal floor to ceiling height restriction; they cannot be higher than the existing ceiling heights, and no higher than 3m.
- The additional storeys must be built on the principal part of the existing building.
- You may carry out structural work to the existing building but the building must not have external structural supports.

The GPDO also includes conditions relating to external appearance, no windows in any wall or roof slope forming a side elevation, and construction management. Given this application is made in full, all these elements can be assessed and considered as part of this application.

The existing dwelling on site includes a shallow roof with a later extension of box dormer fitted into the existing shallow roof pitch at the side (west elevation) facing the street. The first-floor dormer sits above the existing ridge level of the dwelling, which is not appropriate in design terms and is considered out of character with the wider street scene, and appears an eyesore when viewed from Park Drive.

The most successful extensions to a dwelling in visual terms are ones where the extension appears as if it has always been part of the original dwelling house. In this case, the appearance of the existing dwelling with the large box dormer on top is judged to be out of keeping with the original dwelling, the surrounding area and the aim of policy DS5 of the North Lincolnshire Local Plan, as well as SPG1 'Design guidance for house extensions' which supports house extensions providing that the extension is sympathetic in design, scale and materials to the existing dwelling and its neighbours.

It should be noted that policy DS5 of the North Lincolnshire Local Plan, as well as SPG1 'Design guidance for house extensions', does not presume against roof extensions or increasing the height of a dwelling; it simply requires such extensions to be sympathetic in design, scale and materials to the existing dwelling and the surrounding area.

While SPG1 'Design guidance for house extensions' seeks to ensure that new housing extensions respect the local character, this does not infer that all new extensions should copy the designs of the past, but rather an appreciation of traditional local architecture combined with thoughtful application of modern building techniques and suitable materials should influence basic design principles.

Having reviewed the details (scale and appearance) of the proposed extension, while it is acknowledged that it would be the first of its kind on the street (resulting in a two-storey dwelling), it is considered that it will not raise any significant issues in terms of harm to the street scene since it would be an improvement over the existing dwelling and would enhance the appearance of the street scene compared to the current dwelling. The extension would also include two dormers which reflect the adjacent property to the west.

Several concerns have been raised in relation to over-development of the site. The local development plan policy is not prescriptive on what constitutes over-development of an application site and therefore it is a matter of judgement. The applicant has sought to address such concerns by committing to the removal of the existing detached garage on the site. This will create additional amenity space around the property. It is considered that this development would not result in over-development of the site since the site would have adequate amenity space for the enjoyment of the resident. The amenity space around the dwelling to the rear and sides reflects other dwellings to the north of the site on the eastern side of Park Drive. Existing dwellings within these locations are set much closer to their boundaries with adjacent properties than is proposed here.

Overall, the location, scale and design of the proposal is acceptable.

It is therefore considered that the proposal would not carry any overbearing, overlooking or overshadowing impacts that would be detrimental to the residential amenity rights of adjoining neighbours and aligns with policy DS1, DS5 and SPG1.

### **Residential amenity**

Saved policy DS5 of the North Lincolnshire Local Plan (2003) is concerned with residential extensions. It states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

The previous reason for refusal states:

‘The proposal would result in an adverse impact on the amenity of the adjacent dwelling in that it has the potential to take away the privacy of the adjacent dwelling contrary to policies DS1 and DS5, as well as the SPG1 Design Guidance for House Extensions, of the North Lincolnshire Local Plan.’

The adjacent property (7 Park Drive to the north) has a large open garden at the front and a small private amenity area at the rear. It should be noted that the dwelling is approximately 4m from the common boundary with that adjacent property with a driveway and existing garage between. The applicant seeks to demolish the garage to address concerns regarding over-development of the site. This would increase the amenity space around the property.

Within the previous application (refused at committee) the applicant sought to replace the dormer window on the north-east elevation which was considered at the time to directly overlook the rear amenity area of the adjacent property. This dormer was replaced with a rooflight and this is shown on this revised application. It is considered that the rooflight, due to its high level position, above head height, would not provide a view into the amenity area at the rear of 7 Park Drive to the north-east and is therefore acceptable.

Whilst the remaining dormer windows (north-east elevation) would offer a view into the open garden area to the front of the property (7 Park Drive), this is a feature of the estate and many properties offer views over front driveways and garden/amenity areas. This is therefore not considered to be an amenity issue which would warrant refusal.

In terms of overbearing impact and overshadowing, as indicated earlier, the dwelling is an existing dwelling and is sat approximately 4m from the common boundary with 7 Park Drive to the north. The applicant has also submitted a drawing showing sunlight and daylight impact. The drawing demonstrates that there would not be an issue of overshadowing or overbearing impact to the neighbouring properties. This is considered acceptable, and the dwelling would not raise a significant issue of overshadowing or overbearing impact that would warrant refusal. Consequently, it is considered that the previous application addressed the concerns in relation to impacts of overlooking and overshadowing and that this new application achieves the same outcomes. The existing property and proposed extension is set in front of the rear garden of 7 Park Drive (see site photo 4 for reference). 9 Park Drive does not provide any views over the rear garden space of 7 Park Drive. The view into the rear garden is also considered to be blocked by the existing bungalow of 7 Park Drive.

This resubmission, as well as the previous submission, has addressed the concerns raised in relation to the potential of the extension to impact on the amenity of the adjacent dwelling, in terms of loss of privacy (rear private amenity area) from the dormer windows on the first floor, mainly on 7 Park Drive, which is located to the north of the property. It has also demonstrated that the proposed development would not lead to any further impacts in terms of overlooking at the front of the property which would warrant a reason for refusal. The front of properties are by nature of the design of streets overlooked to an extent by adjacent, adjoining properties when set within a cu-de-sac arrangement. Whilst the side of the property would be visible from the property this is already the case. 7 Park drive does not have any windows within the side elevation where overlooking/loss of privacy would be an issue in this part of the site.

The property to the rear of 7 Park Drive and 9 Park Drive (14 Park Close) includes a rear dormer which provides views across the rear garden off 14 Park Drive and into 7 and 9 Park Drive. The applicant has been very careful to not replicate this design and sought to minimise/remove any potential for overlooking of rear gardens (see Site photo 3 for reference).

There would also be no issues of overshadowing, which was not considered likely as part of the decision notice and reasons for refusal as part of the previous application.

Overall, the proposal would align with policies DS1, DS5 and SPG1 of the local plan.

## **Conclusion**

The proposal is acceptable in principle, is well designed and would not harm residential amenity. It is recommended that planning permission is granted.

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

1.

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

Reason

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

2.

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

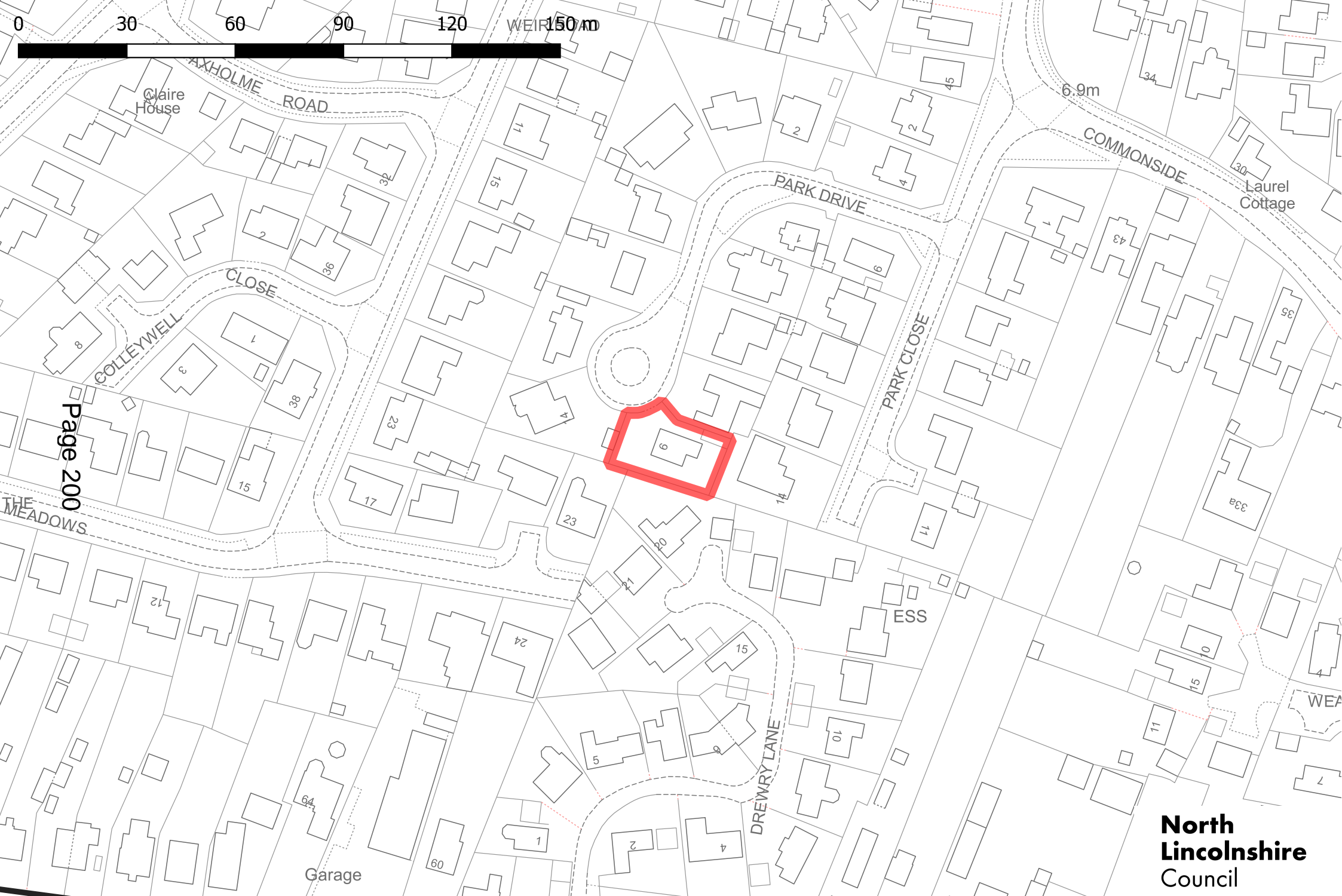
- Proposed Plans and Elevations - CWX-CH-2021-101C
- Existing Plans and Elevations -CWX-CH-2021-01.

Reason

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

## **Informative**

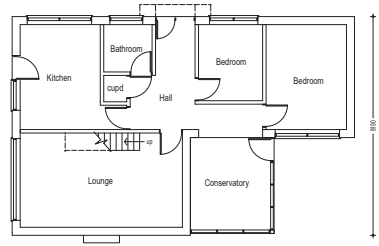
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



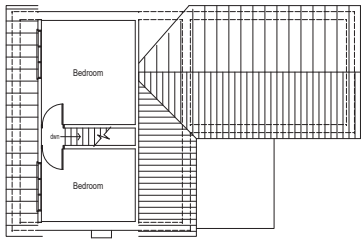
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**North  
Lincolnshire  
Council**

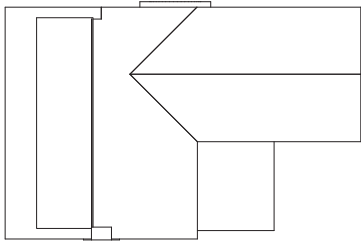
# PA/2022/830 Existing plans and elevations (not to scale)



EXISTING GROUND FLOOR PLAN  
1:100



EXISTING FIRST FLOOR PLAN



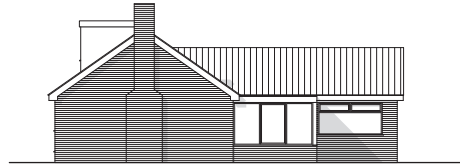
EXISTING ROOF PLAN



EXISTING FRONT ~ NORTH ~ ELEVATION  
1:100



EXISTING SIDE ~ EAST ~ ELEVATION



EXISTING REAR ~ SOUTH ~ ELEVATION



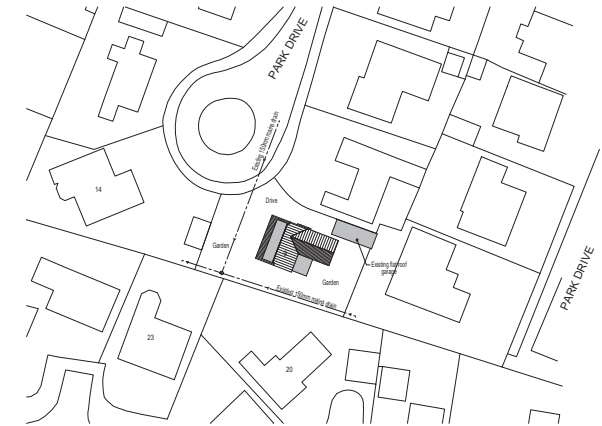
EXISTING SIDE ~ WEST ~ ELEVATION



Produced on 23 March 2021 from the Ordnance Survey National Geographic Database and surrounding aerial imagery available at the date.  
This page shows the development as it would appear in the National Geographic Database. It does not represent the actual appearance of the site.  
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EXISTING SITE PLAN  
1:500



EXISTING 3d VIEWS

EXISTING MATERIALS

Walls : Facing brick with feature arch to main door  
Roof : Concrete tiles  
Doors / windows : White upvc

  
Cadworx Ltd  
Architectural design and 3d Visualisations  
Linden House, Bracken Hill Road,  
East Lochar, Nr Doncaster DN9 4LQ  
tel 01427 753232  
danny@3dcadworx.com

- Project
- PROPOSED EXTENSIONS AND ALTERATIONS
- 9 PARK DRIVE
- WEST WOODSIDE
- MR K COLLINS AND MISS H NICHOL
- 
- 
- Title:
- EXISTING PLANS AND ELEVATIONS
- 
- 

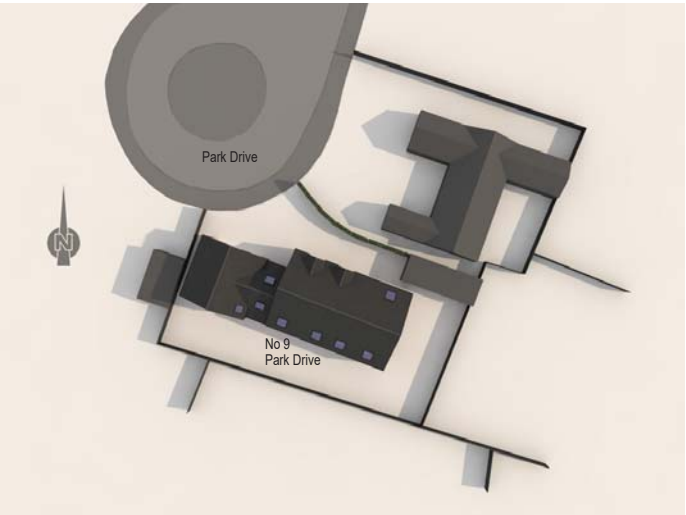
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1:100 @ A1	03-2021	DS
Drawing No.		
CWX-CH-2021-01		



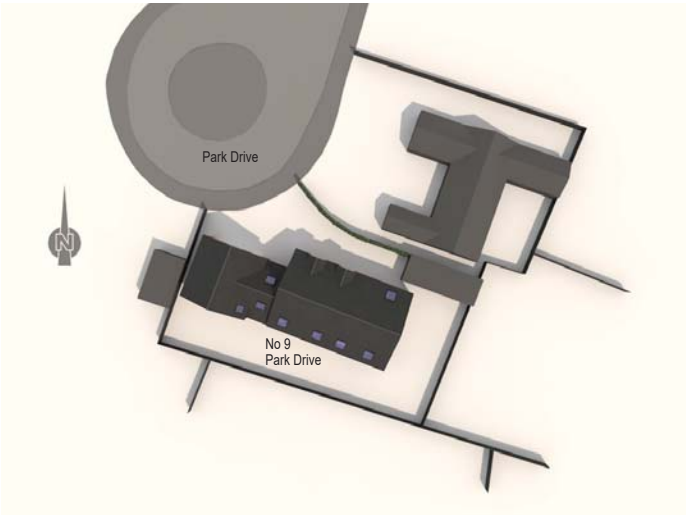




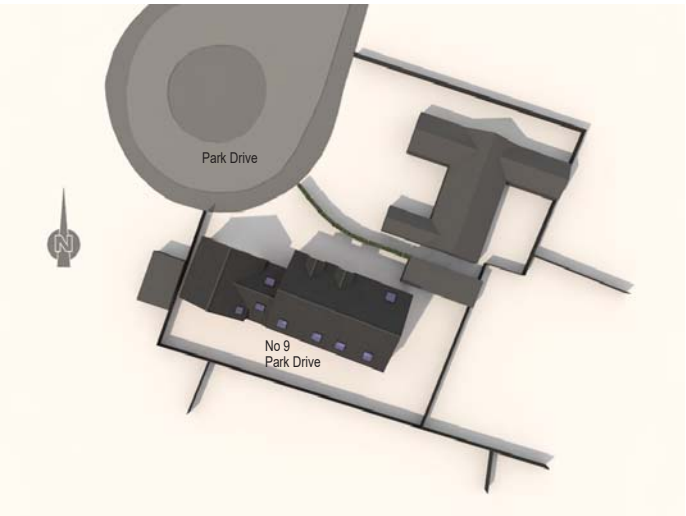
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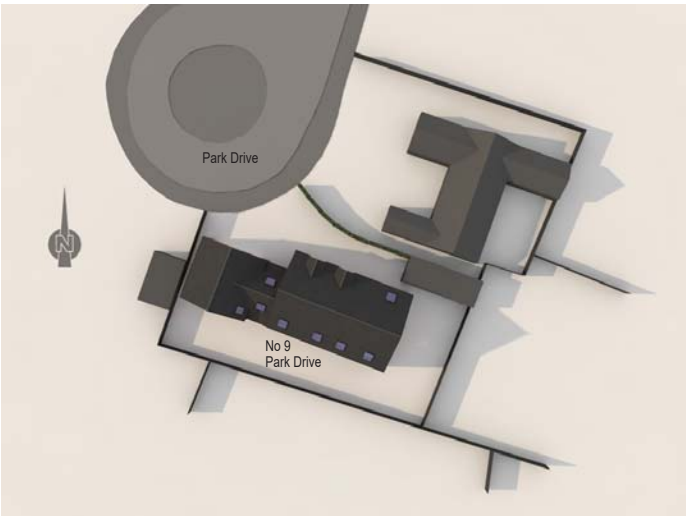
Date - July 1st  
Time - 09:00



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Time - 12:00



Date - July 1st  
Time - 15:00



Date - July 1st  
Time - 18:00

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Cadworx Ltd  
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- Project
- PROPOSED EXTENSIONS AND ALTERATIONS
- 9 PARK DRIVE
- WESTWOODSIDE
- MR K COLLINS AND MISS H NICHOL

Title:  
• SUN STUDY

Scale	Date	Drawn
NTS @ A3	03-2021	DS

Drawing No.  
CWX-CH-2021-102











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<b>APPLICATION NO</b>	<b>PA/2022/897</b>
<b>APPLICANT</b>	Mr & Mrs Fillingham
<b>DEVELOPMENT</b>	Planning permission to erect a dwelling
<b>LOCATION</b>	Land west of Sherwood House, The Hill, Worlaby, DN20 0NP
<b>PARISH</b>	Worlaby
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Deborah Oikeh
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from the development plan Member 'call in' (Cllr Carl Sherwood – significant public interest)

## **POLICIES**

**National Planning Policy Framework:** 78

**North Lincolnshire Local Plan:** DS1, DS7, DS14, DS16, H5, H8, T2, T19

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

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

**Worlaby Parish Neighbourhood Plan:** WNP2 (Small Scale Housing Sites) and WNP4 (Design)

## **CONSULTATIONS**

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

**Drainage (Lead Local Flood Authority):** No objection subject to conditions and informatives.

**Environmental Protection:** No objection subject to a pre-commencement condition.

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

## **PARISH COUNCIL**

Councillors feel that the design of the proposed development has been carefully chosen to be sympathetic within its surroundings, and meets the requirements of the Worlaby Neighbourhood Plan, however the parish council would like to highlight that the proposed development sits outside the development boundary for the village of Worlaby.

## **PUBLICITY**

Advertised by site notice. One comment has been received regarding land contamination and pollution.

## **ASSESSMENT**

### **Planning history**

PA/1998/0190: Planning permission to erect an extension to existing dwelling to provide garage – approved 19/03/1998.

### **Proposal and site characteristics**

Permission is sought to erect a detached bungalow. The application site is within the village of Worlaby on the northern side of The Hill. The site is bordered by existing residential properties to the northeast and south, and by Worlaby Hall (a grade II listed building) to the northwest. The land is immediately outside the development limit of Worlaby and can be accessed via an existing driveway.

### **Site constraints**

- The site is outside the development boundary of Worlaby according to the HELADPD 2016.
- The site is within SFRA Flood Zone 1.
- The site lies within the setting of some listed buildings.

### **Main considerations**

- Principle of development
- Impact upon residential amenity
- Impact upon the character of heritage asset
- Impact upon highway safety
- Flood risk and drainage
- Land contamination.

### **Principle of development**

The council is required to determine planning applications in accordance with its adopted development plan unless material considerations indicate otherwise. The NPPF sets out the 'presumption in favour of sustainable development' and states that development that accords with the development plan should be approved without delay. Having specific regard to residential developments, the NPPF requires local planning authorities to 'boost significantly the supply of housing'.

Policy CS1 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 CS6 relates to the historic environment. It states, 'The council will seek to protect, conserve and enhance North Lincolnshire's historic environment, as well as the character and setting of areas of acknowledged importance including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains. All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value.

Policy CS2: Delivering more Sustainable Development states that in supporting the delivery of the spatial strategy set out in policy CS1, as well as determining how future development needs will be met in North Lincolnshire, a sequential approach will be adopted. The adopted sequential approach focuses on the following:

- (a) previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions
- (b) previously developed land and buildings within the defined development limits of North Lincolnshire's Market Towns, followed by other suitable infill opportunities then appropriate small scale greenfield extensions to meet identified local needs
- (c) small-scale developments within the defined development limits of rural settlements to meet identified local needs.

Policy CS3 of the Core Strategy provides that development outside defined development boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as those related to agriculture, forestry or other uses which require a countryside location or will contribute to the sustainable development of the tourist industry. In local planning terms, the site is outside the development boundary of Worlaby within the open countryside. Accordingly, it is not within a sustainable location and residential development on the site is contrary to policy.

Policy RD2 of the local plan restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is:

- essential to the efficient operation of agriculture or forestry;
- employment-related development appropriate to the open countryside;
- affordable housing to meet a proven local need;
- essential for the provision of outdoor sport, countryside recreation, or local community facilities;
- for the re-use and adaptation of existing rural buildings;
- for diversification of an established agricultural business;

- for the replacement, alteration or extension of an existing dwelling; and
- essential for the provision of an appropriate level of roadside services or the provision of utility services.

Having considered policy RD2, the development is not essential for agriculture or forestry and it is not for employment-related development appropriate to the open countryside. The development is not intended for affordable housing and is not for the diversification of an established agricultural business. Furthermore, the proposal is for a new dwelling, not re-use and adaptation of existing buildings. Therefore, the proposal does not meet the terms of policy RD2.

Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (policies CS2 and CS3 of the Core Strategy), to which the proposal is also contrary.

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. 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.' Policies CS2 and CS8 also state, 'In rural settlements in the countryside and in the open countryside outside development limits, housing development will be strictly limited. Consideration will be given to development, which relates to agriculture, forestry or to meet a special need associated with the countryside. All development should not have an adverse impact on the environment or landscape.'

Policy WNP2 of the Worlaby Parish Neighbourhood Plan relates to small-scale housing sites. It states that infill housing developments within the development limit will be supported where the proposal is for a total of no more than three houses at a density of 30–35 per hectare; is in keeping with the character of its surroundings; takes account of the significance of any heritage asset and does not lead to substantial harm to a designated asset; does not impact unacceptably upon the amenity of nearby properties and references the requirements of policy WNP4: Design.

In this case, the proposal would be at the edge of the development boundary, and is for a single dwelling with a design drawn to respect the heritage asset adjacent to it and in accordance with the Worlaby Parish Neighbourhood Plan. However, the proposal would not meet any of the needs highlighted in Core Strategy policies CS2, CS3 and CS8. As a consequence, the proposal is considered to conflict with the aforementioned.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' 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 were most important to determining the application should not be considered up-to-date.

A recent appeal decision dated 20 July 2022 (planning reference PA/2020/554) has been issued where the Inspector has concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period.

National Planning Practice Guidance paragraph 008 states that, in decision-taking, if an authority cannot demonstrate a five-year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework.

Given the current five-year land supply deficit, it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly the 'tilted balance' in paragraph 11 of the NPPF is triggered, whereby there is a presumption in favour of sustainable development and development proposals should be approved unless:

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

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental.

The North Lincolnshire Sustainable Settlement Survey 2019 states Worlaby is ranked 36 out of 76 settlements, with three out of seven key facilities. Worlaby is therefore considered to be a relatively sustainable settlement that is capable of accommodating an allocation either within or adjoining the settlement.

The site is within distance of key local facilities and services, including Worlaby Academy, the church hall and other facilities adjacent the development boundary. It is therefore considered that the site is in a sustainable location.

In economic terms it would provide much needed housing, job creation benefits during the construction phase, and money spent in the local economy by future residents.

The applicant stated in their design and access statement that the land has been underutilised in that it has been used merely for storage over the years. The NPPF thus encourages the effective use of land. Allowing additional dwellings at the edge of a settlement would bring social benefits by way of encouraging new social interactions, leading to growing local communities and supporting local services.

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land and the scale of the shortfall limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to

address the need for housing. In determining the sustainability of the proposed development, an assessment not only relies upon planning principle but also whether the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or if any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal.

### **Impact on residential amenity**

Policy CS5 of the North Lincolnshire Core Strategy is 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 DS1 aims to ensure that development does not unduly impact neighbouring amenity in terms of noise, smell, fumes, dust or other nuisance. Policy H8 is concerned with housing design and housing mix. The policy permits new housing development where it respects and reflects the form, scale, massing, design and detailing, materials, and nature of the local environment. The development should incorporate a high standard of layout and protect existing natural and built features amongst others.

Among other criteria, policy H5 requires all new housing development to not result in the loss of important open space, and to be in keeping with the scale and character of the settlement. The scale, layout, height and materials of the development are in keeping and compatible with the character and amenity of the immediate environment and with the settlement. Any development must have an adequate and appropriately designed access which will not create any traffic or road safety hazard, and adequate parking within the curtilage of the site must be provided to ensure that no on-street parking occurs which would be to the detriment of the free and safe flow of vehicles using the public highway.

Policy WNP4 of the Worlaby Parish Neighbourhood Plan also states, ‘The scale, density, massing, height, landscape design, layout and materials of all development proposals will be required to reflect the character and scale of the village and be appropriate to the size of the plot.’

This proposal is for a bungalow, considerably set back from surrounding dwellings and well screened by hedgerows and shrubs all around. The openings in the bungalow are positioned to respect surrounding dwellings. Given the height and scale of the bungalow, and the separation distance between it and the surrounding dwellings, it is considered that there would be no unacceptable overbearing, overshadowing or domineering impact upon neighbouring properties.

In terms of noise, it is considered that an additional dwelling would not create an unacceptable impact upon the amenity of current residents given the sparse housing density in the area.

The site also benefits from existing soft and hard landscaping such as trees, shrubs and hardstanding; therefore, the landscape would not be unacceptably altered as a result of the proposed development

## **Impact upon the character of the heritage asset**

Policy HE5 is partly concerned with proposals that affect the setting of a listed building. It states, 'proposals which damage the setting of a listed building will be resisted. Whenever appropriate, proposals which would entail the loss of historic fabric from a listed building will be conditional upon a programme of recording being agreed and implemented.'

Although the site is immediately outside the development boundary, it can be viewed as an infill development given the existing surrounding built form, including the Almshouses and Sherwood House, both of which are set beyond the site and noticeably outside the development boundary. The proposed dwelling would be a three-bedroom bungalow. The dwelling takes the form of a traditional 'Gatehouse' style with pitched roof, narrow gables and oversized chimney. The property sits gable end on to the street scene, which is a common theme, to reduce the physical mass of the property. Also, the proposed location within the north-eastern corner does not obscure views through to the heritage asset to the rear of the site. This orientation also ensures that future occupiers benefit from a pleasant south-westerly private amenity space.

The council's conservation officer has been consulted and has no objections to the proposal. It is considered that the materials, scale and design respect and reflect the historic character and landscape of the area.

## **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 safety. Both are considered relevant.

Access to the site will be facilitated via the existing vehicular access from The Hill. The site benefits from two off-street car parking spaces with enough hard standing area to the front to conveniently allow turning and parking. The site is set back from the highway to retain views through to the Almshouses to the north-east from The Hill. The Highways team have assessed the proposal and have no objection but recommend some conditions which shall be attached to any permission granted.

## **Drainage and flood risk**

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. The LLFA drainage team has been consulted and have raised no concerns subject to some conditions being met. 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. Historic mapping shows former quarrying and infilling approximately 100m north-east of the site. There is, therefore, the potential for the site to have been impacted upon by contamination. This can include ground gas, which is harmful to human health. Therefore a pre-commencement condition

on land contamination has been recommended by the Environmental Protection department. The condition will be attached to any permission granted. No development shall commence until there is satisfactory evidence that there is no land contamination on site, or if present, that it can be mitigated.

## **Conclusion**

Whilst the proposal is outside the development limits, it would not potentially harm the existing site context, and it is considered that the benefit of the proposal does outweigh the harm, subject to conditions. On balance, the proposal is a justified departure from the development plan and is considered to comply with the overarching paragraph 11(d) of the NPPF. The principle of the development is acceptable, and the proposed dwellings will provide an opportunity for residential accommodation in this location. The site has the potential to accommodate one dwelling and is unlikely to be detrimental to neighbouring amenities. It would have safe and visually acceptable access.

The application site, although immediately outside the development boundary, could be viewed as an infill development given the existing dwellings beyond the site. The site has been under-utilised previously as storage. Allowing a well-designed dwelling at the edge of the settlement will not only allow the effective use of the land but would yield some social and economic benefit. The proposal is therefore recommended for approval subject to planning conditions.

## **Pre-commencement conditions**

The pre-commencement conditions included in the recommendation 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:

- Location plan 1334/001
- Proposed site plan 1334/003
- Existing and proposed block plan 1334/002
- Proposed floor and elevation plan 1334/004
- Design and Access Statement and Heritage Statement.

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 interests of visual amenity and to ensure that the building is in keeping with its surroundings, in particular, the 'Almshouses', in accordance with policies DS1, HE2 and CS6 of the North Lincolnshire Local Plan.

4.

Scale drawings of the proposed windows and doors, including material specifications, shall be submitted to and approved in writing by the local planning authority before installation.

Reason

In the interests of visual amenity and to ensure that the building is in keeping with its surroundings, in particular, the 'Almshouses', in accordance with policies DS1, HE2 and CS6 of the North Lincolnshire Local Plan.

5.

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.

6.

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.

7.

No development shall take place until a method statement for excavation within the vicinity of a chalk cutting and springs, and possible mitigation works, has been submitted to and approved in writing by the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable

drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

8.

The existing vehicular access to the site shall be improved within highway limits in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

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.

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

Part 1: Site Characteristics

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

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health;
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;
  - ecological systems, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s). This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance October 2020.

#### Part 2: Submission of Remediation Scheme

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

#### Part 3: Implementation of Approved Remediation Scheme

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

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

#### Part 4: Reporting of Unexpected Contamination

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

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

## Reason

To ensure the site is safe for future users and construction workers in accordance with policy DS1

### **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**

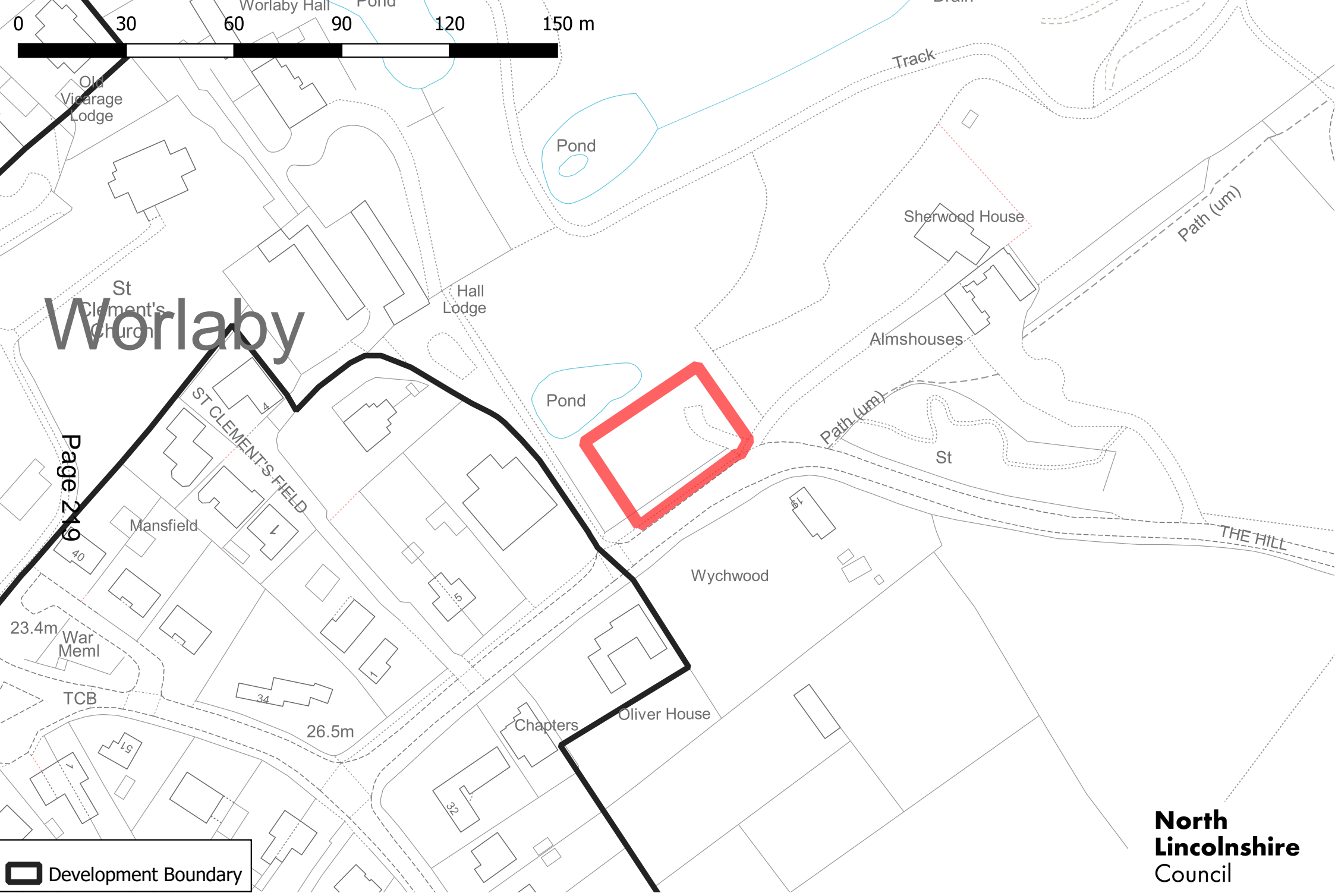
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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**

We would also suggest you consider upsizing the pipe network, increasing storage around your development, to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance, it would be good practice on your behalf to ensure an increased level of resilience for the development and its future occupiers.





# Worlaby

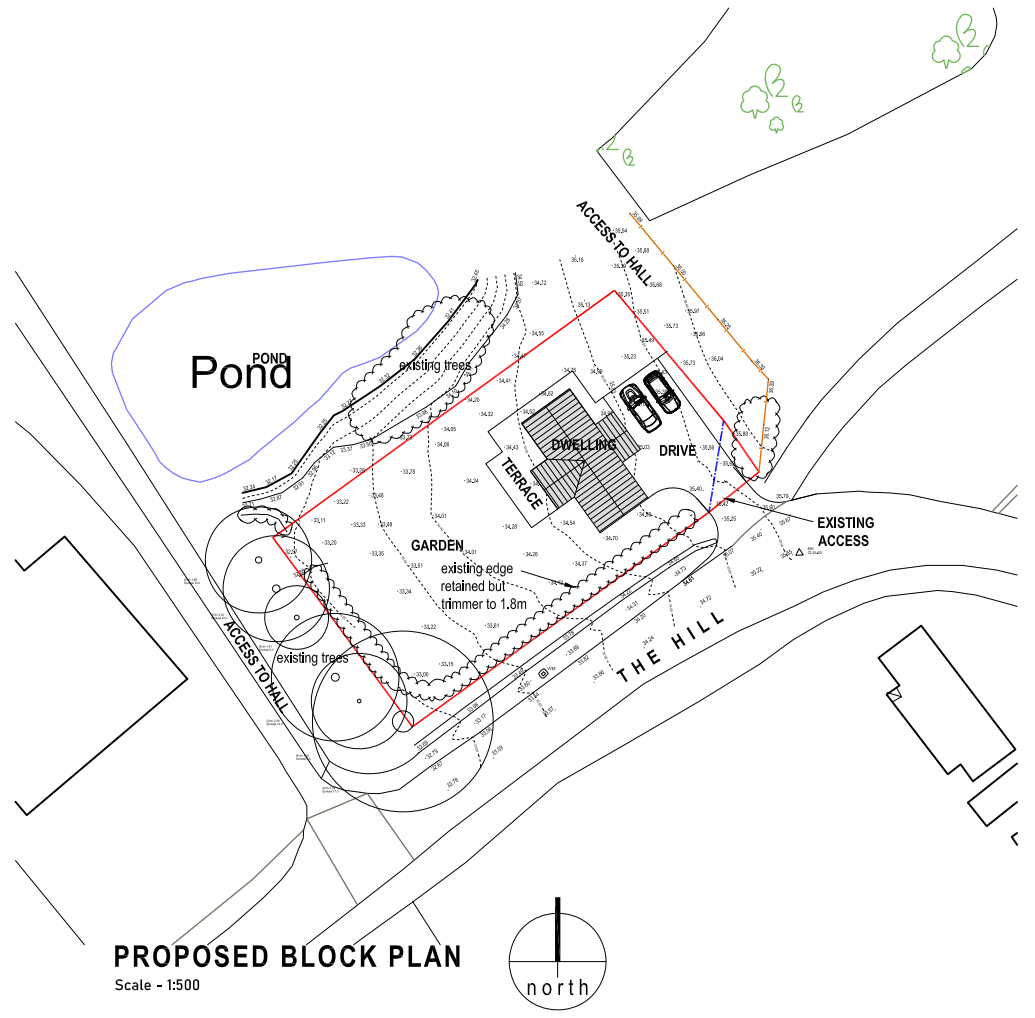
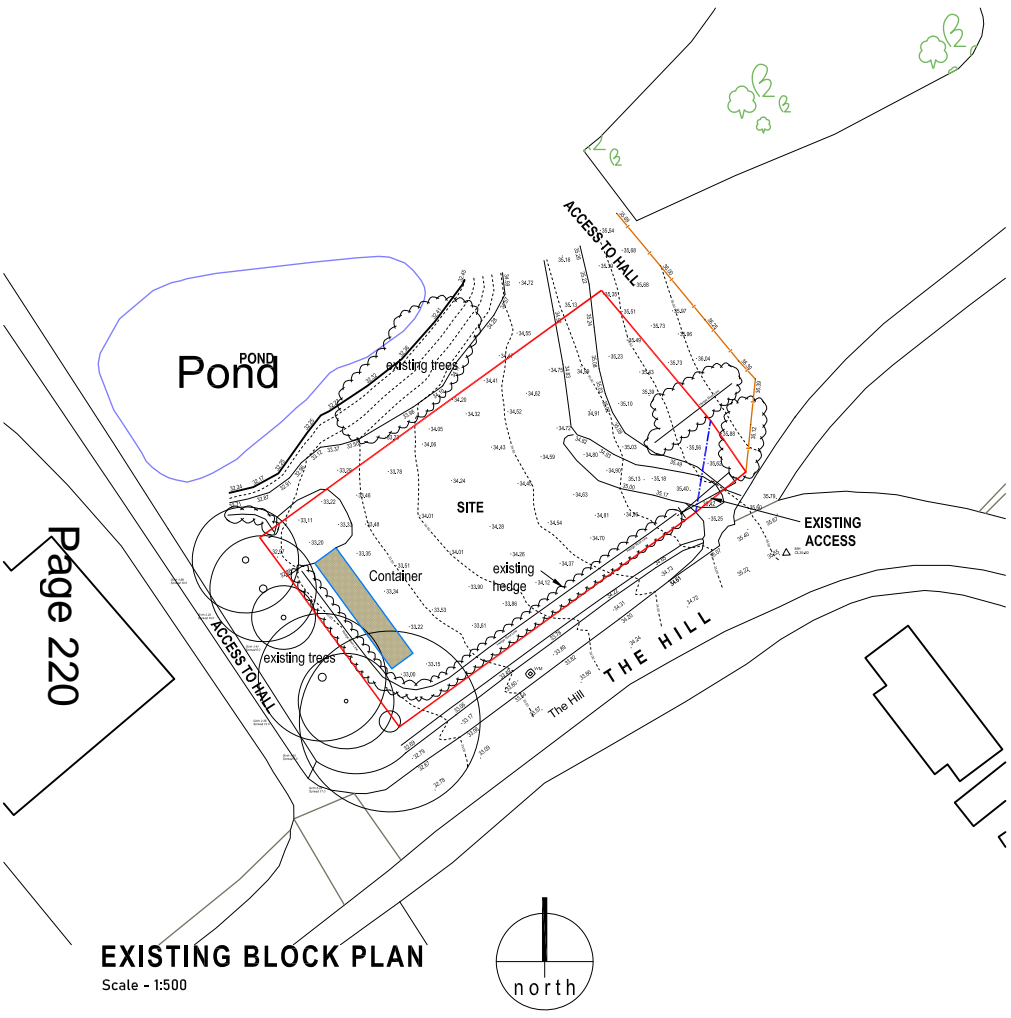
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 Development Boundary

**PA/2022/897**

**North  
Lincolnshire  
Council**

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Page 220

**EXISTING BLOCK PLAN**  
Scale - 1:500

**PROPOSED BLOCK PLAN**  
Scale - 1:500

**KEY :**

**SITE BOUNDARY:** ———

**LEGAL BOUNDARY:** - - - - -

**NOTES :**

1. Prior to the commencement of work, the contractor and client are to check on-site all exterior dimensions, boundary positions and details to verify and agree upon. Any errors, omissions or design changes should be reported immediately to enable amended plans to be prepared and submitted for approval.
2. The contractor will be responsible for locating all hidden services that may be affected by the proposal and stopping off or diverting as necessary. Drainage runs shown are assumed and must be checked on site before work commences.
3. The requirements of the "Party Wall Act 1996" will apply to certain schemes. The "Building Owner" will in writing inform and agree with the "Adjoining owner(s)" if the proposed work affects the Party Wall or is within 3 meters of the foundations of the nearby building. If an agreement cannot be made then professional advice should be sought prior to commencement of work on site, by a Party Wall Surveyor.
4. All drawings are to be read in conjunction with the specification document provided, structural, mechanical, electrical and drainage drawings. If in doubt contractors must ask before proceeding.
5. This drawing must not be reproduced in whole or part without written consent. Do not scale this drawing unless printed at the correct paper size specified. All dimensions in millimeters. Written dimensions to be checked on site.
6. Drawings subject to Planning Approval & Building Control Approval.

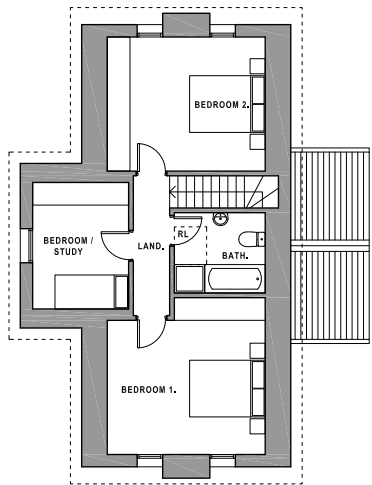
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Project:	<b>NEW DWELLING</b>		
Location:	<b>LAND OF THE HILL, WORLABY</b>		
Drawing Number:	Revision:	Scale / Size:	
<b>1334/002</b>	-	<b>1:500 / A3</b>	

Project Stage:	Drawn By:	Checked By:	Date:
Planning	DH	/	24/09/2022

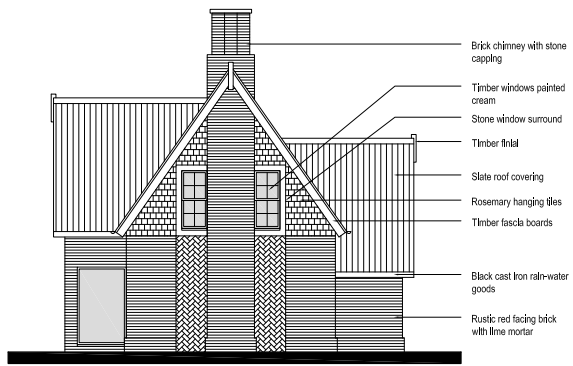
web: <a href="http://hydearchitecture.com">hydearchitecture.com</a> tel: 01472 869061 email: <a href="mailto:info@hydearchitecture.com">info@hydearchitecture.com</a>	<h1>Hyde Architecture</h1>
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# PA/2022/897 Plans and elevations (not to scale)

Rev.	Drawn By:	Description:	Date:



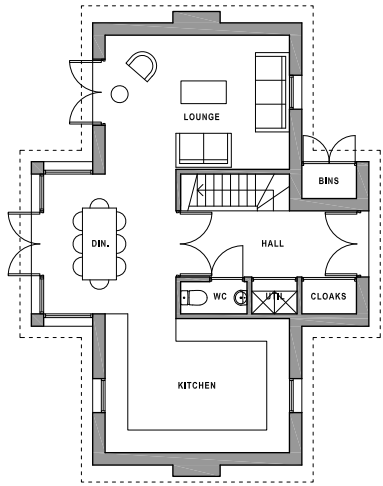
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Scale - 1:100



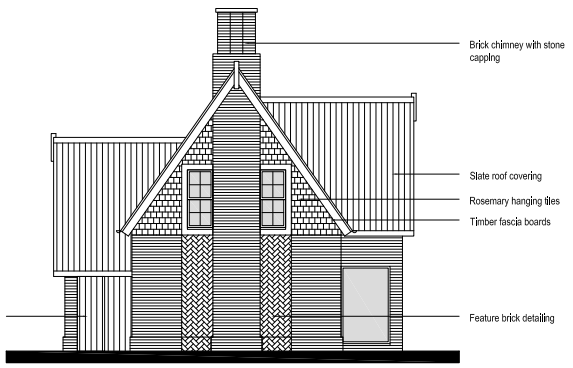
**SOUTH ELEVATION**  
Scale - 1:100



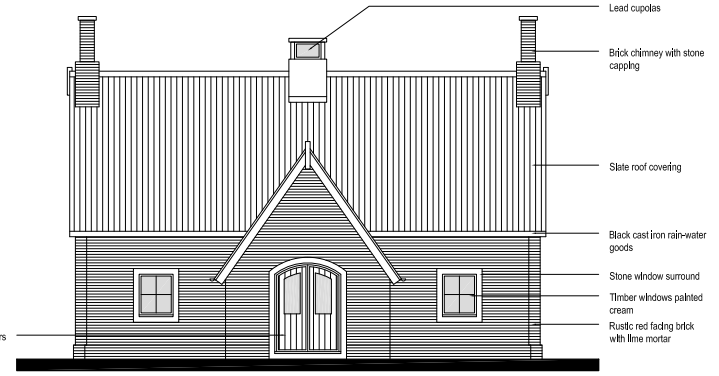
**WEST ELEVATION**  
Scale - 1:100



**GROUND FLOOR PLAN**  
Scale - 1:100



**NORTH ELEVATION**  
Scale - 1:100



**EAST ELEVATION**  
Scale - 1:100

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Drawing Title:	<b>PROPOSED PLANS &amp; ELEVATIONS</b>		
Project:	<b>NEW DWELLING</b>		
Location:	<b>LAND OF THE HILL, WORLABY</b>		
Drawing Number:	Revised:	Scale / Size:	
<b>1334/004</b>	-	1:100 / A2	
Project Stage:	Drawn By:	Checked By:	Date:
Planning	DH	J	08.11.2021
web: hydearchitecture.com tel: 01472 868061 email: info@hydearchitecture.com			

**Hyde**  
Architecture

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## NORTH LINCOLNSHIRE COUNCIL

### PLANNING COMMITTEE

#### APPLICATIONS FOR APPROVAL OF RESERVED MATTERS FOLLOWING THE GRANT OF OUTLINE PERMISSION FOR DETERMINATION BY THE COMMITTEE

#### 1. OBJECT

- 1.1 To inform the committee about applications for approval of reserved matters 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 Outline planning permission has already been granted and the development is therefore agreed in principle. Consideration is required of the layout, scale, external appearance, means of access and landscaping of the development (excluding any of these matters which were expressly approved at the time outline planning permission was granted).
- 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

Ref: CB/JMC/Planning committee 3 August 2022.docx  
Date: 25 July 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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<b>APPLICATION NO</b>	<b>PA/2022/444</b>
<b>APPLICANT</b>	Mr Neil Bostock
<b>DEVELOPMENT</b>	Application for approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to outline planning permission PA/2019/1779 dated 12/03/2020 for one dwelling
<b>LOCATION</b>	Newbigg, Westwoodside, DN9 2AT
<b>PARISH</b>	Haxey
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Deborah Oikeh
<b>SUMMARY RECOMMENDATION</b>	<b>Grant approval subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Haxey Parish Council

## **POLICIES**

**National Planning Policy Framework:** 78

**North Lincolnshire Local Plan:** DS1, H5, H7, T2, T19

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

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

## **CONSULTATIONS**

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

**Drainage (Lead Local Flood Authority):** No objection subject to conditions and informatives.

**Environmental Protection:** No comments to make.

**Severn Trent:** Have provided an informative.

## **PARISH COUNCIL**

Object, commenting that they see no significant change: there is a reduction in size of the proposal by removing one garage, but the dormer windows in the main roof are larger and two more have been added leading to a further dominating feature to the proposal. The parish council therefore consider the original objections of over-development remain and the change to the windows creates a dominating feature in its location.

## **PUBLICITY**

Advertised by site notice. Two comments have been received raising concerns over issues relating to housing density in the area, noise, the domineering impact of the proposal and the large footprint of the dwelling.

## **ASSESSMENT**

### **Planning history**

PA/2019/1779: Outline planning permission to erect a dwelling with all matters reserved for subsequent consideration – granted 12/03/2020.

### **Site characteristics**

The site forms part of the garden area of 3 Newbigg, Westwoodside, with some outbuildings on the site which would be demolished to facilitate the development. The site is surrounded by residential dwellings on all sides. It is within the development boundary for Westwoodside and within flood zone 1; it is therefore at low risk of flooding.

### **Proposal**

Approval of reserved matters is sought, pursuant to outline planning permission PA/2019/1779 dated 12/03/2020, to erect one dwelling to the rear of Corner house, 3 Newbigg in Westwoodside. The principle of developing the site has been established under PA/2019/1779 and therefore the matters to be considered in this assessment are access, appearance, landscaping, layout and scale. The initial scheme submitted was for a two-storey dwelling and a double garage which was considered unacceptable given the scale and its impact upon the amenity of surrounding dwellings. The scheme was amended to a dormer bungalow and a single garage to mitigate the aforementioned impacts. However, the parish council objected to the amended scheme on grounds of over-development and amenity impact. To further address the aforementioned concerns, the rear dormers have been removed in their entirety and replaced with obscure-glazed rooflights, the scale of the front dormers being further reduced.

### **Site constraints**

- The site is within the development boundary of Westwoodside according to the HELADPD 2016.
- The site is within SFRA flood Zone 1.
- Main considerations
- Appearance, character and amenity
- Access, layout and scale
- Landscaping.
- Drainage and Flood risk



## **Appearance, character and amenity**

Policy CS5 of the North Lincolnshire Core Strategy applies 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’. Policy H7 relates to backland or tandem developments and states that permission will be granted subject to an impact assessment of the proposal on amenity and character. Policy DS1 aims to ensure that development does not unduly impact neighbouring amenity in terms of noise, smell, fumes, dust or other nuisance.

The proposal is regarded as infill development within a residential setting. The proposed dwelling would be a dormer bungalow with two small pitched dormers to the leading elevation and a single garage in the large garden plot. The garage on the site’s frontage would be demolished, together with another large outbuilding, which would improve the aesthetic appearance of the site. The dwelling would be built with materials reclaimed from the large outbuildings on the site. As such, the materials for the dwelling would closely match those of surrounding houses. The site is enclosed and the proposed dwelling would not be particularly visible in the street scene. Therefore, it would not be out of character with the surrounding residential development pattern.

The site is partly screened on both sides and to the rear by fences. Most of the openings to the proposed dwelling are front-facing. Corner house, 3 Newbigg backs onto the proposal; however, it is about 17.8m away from the nearest dormer window on the proposed dwelling. Even though Corner House is currently owned by the applicant, a fence would be erected to screen its amenity space.

## **Access, layout and scale**

Policy DS1 expects a ‘high standard of design’ and states 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.

With regard to access, there is provision to widen the existing access following the removal of the large outbuilding at the front of the site. In addition, the indicative layout shows adequate turning and parking area. The council’s highways department have recommended conditions but these were applied to the outline permission granted (PA/2019/1779).

There is no prevailing layout in the surrounding area and the housing density is considered moderate. The building layout takes an L-shape form with a moderate-sized amenity space to the rear, the parking area to the front of the principal elevation and a driveway off Commonsie Road.

In terms of scale, the initial scheme was for a two-storey dwelling with a double garage. However, the scheme had to be amended into a bungalow with two dormers to the principal elevation and a single garage to mitigate any domineering and overlooking impact. All the surrounding dwellings, with the exception of the commercial building to the east, are two-storey, and as such the scheme is considered subservient to the surrounding dwellings and

buildings. The openings in the proposed dwelling are well positioned to respect neighbouring dwellings. Given the proposed layout and design, the rear location of the proposal and the fact that no new access is required to get into the site, the proposal is considered to be in accordance with policy DS1.

### **Landscaping**

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

The scheme offers little in the way of soft landscaping, which includes grassed areas in the rear garden. There is hard paving to the front for access and new fencing to the south. Therefore, the proposal would not overly alter the character of the area in an inappropriate way.

### **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. The drainage team has raised no objections and conditions to mitigate any potential issues related to surface water run-off were applied to the outline permission granted (PA/2019/1779). It is therefore assessed that the proposal accords with policies DS14 and DS16 of the local plan and CS19 of the Core Strategy.

### **Conclusion**

The application site represents an infill development within the development boundary of Westwoodside and within flood zone 1, which makes it the most preferred in flood risk terms. Under permitted development rights, the garden space could be littered with outbuildings and extensions that would forfeit policy CS5 and the NPPF’s aim of creating a beautiful sense of place and design. With this scheme a well-designed single dwelling can be achieved, contributing to the housing supply in the area. The NPPF also encourages the effective use of land. This proposal is therefore recommended for approval subject to planning conditions.

### **Pre-commencement conditions**

The pre-commencement conditions included in the recommendation have been agreed with the agent/applicant.

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

1.

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

Location plan  
Proposed site plan  
Proposed floor plan  
Elevation plan, and  
Materials 2021- 41 –ID-PL001c.

Reason

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

**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**

Severn Trent water advises 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 building. Should you require any further information please contact them direct.



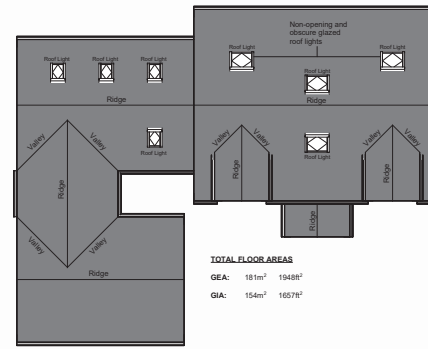
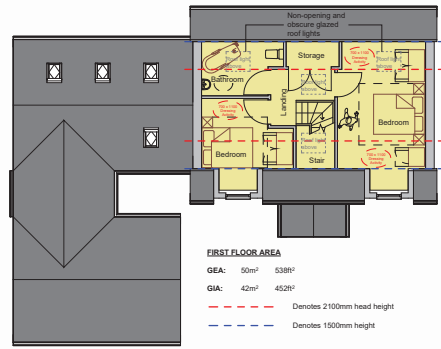
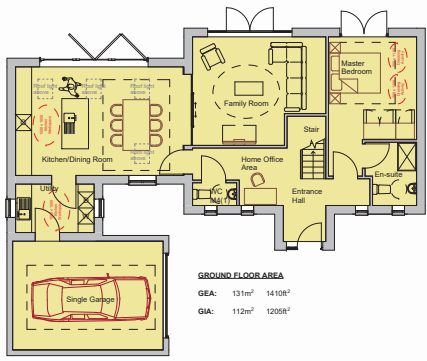
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 Development Boundary

**PA/2022/444**

# Westwoodside

**North  
Lincolnshire  
Council**



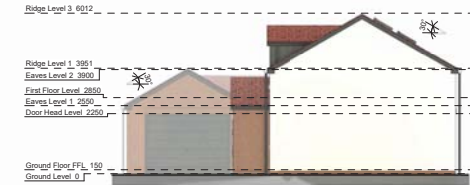
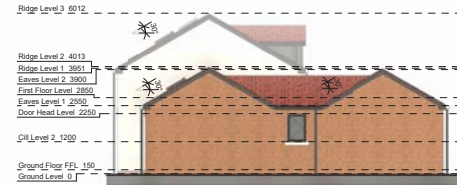
Proposed Ground Floor General Arrangement - Scale - 1 : 100

Proposed First Floor General Arrangement - Scale - 1 : 100

Proposed Roof General Arrangement - Scale - 1 : 100

Location Plan - Scale - 1 : 500

# PA/2022/444 Proposed plans and elevations (not to scale)



Proposed Front Elevation - Scale - 1 : 100

Proposed Rear Elevation - Scale - 1 : 100

Proposed Left Side Elevation - Scale - 1 : 100

Proposed Right Side Elevation - Scale - 1 : 100



### Materials Key

- Through colour render (White colour)
- Facing brickwork to match corner house
- Anthracite grey UPVC windows & doorsets
- Red pantile roof tile
- Lead dormer cheeks



Proposed Commside Visual Image - Scale - 1 : 1

Revision	Date	Comment	Drawn by	Checked by
A	20/05/22	Updated to reflect planners comments.	DT	NWH
B	06/06/22	Updated to reflect planners comments.	DT	NWH
C	21/06/22	Updated to reflect planners comments.	DT	NWH

Drawing Scale: As Indicated @ A1  
 Proposed General Arrangements and Elevations  
 Corner House - Land to Rear, Westwoodside

2021- 41 - ID - PLO01c



## PLANNING DRAWING

No. 12 High Street, Ipswich, Suffolk, IP1 4BT  
 M: 07512 24465 T: 01472 671480  
 E: info@sedesign-architecture.com  
 CIAT Chartered Membership No: 015669

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