

# Public Document Pack

## NORTH LINCOLNSHIRE COUNCIL

### PLANNING COMMITTEE

7 September 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. Applications deferred from previous meetings for a site visit. (Pages 3 - 4)
  - (a) PA/2022/1180 Outline planning permission to erect five dwellings with all matters reserved for subsequent consideration and demolition of existing dwelling at 18 Manor Road, Bottesford, DN16 3PA (Pages 5 - 22)
  - (b) 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 at Newbigg, Westwoodside, DN9 2AT (Pages 23 - 32)
  - (c) 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 at 9 Park Drive, Westwoodside, Haxey, DN9 2AW (Pages 33 - 50)
4. Major Planning Applications. (Pages 51 - 52)
  - (a) PA/2021/1390 Planning permission for the change of use from agricultural land to a petting and therapy farm at Petsville Farm C.I.C., Ferry Road, Barrow DN19 upon Humber, 7DL (Pages 53 - 62)

- (b) PA/2021/1954 Planning permission to extend existing pond and site a shower/WC cabin at Langholme Lake, Langholme Lane, Westwoodside, Haxey, DN9 2EU (Pages 63 - 80)
  - (c) PA/2022/628 Hybrid application comprising full planning permission to erect 32 dwellings and outline planning permission for 85 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration at Land off Station Road, Ulceby (Pages 81 - 144)
  - (d) PA/2022/869 Planning permission to erect 40 affordable homes, comprising flats and houses, create a new vehicular access point and road at former site of Ashby Market, Ashby High Street, Scunthorpe (Pages 145 - 182)
5. Planning and other applications for determination by the committee. (Pages 183 - 184)
- (a) PA/2022/615 Planning permission to erect a detached bungalow at land to the rear of 17 Cuthbert Avenue, Barnetby le Wold, DN38 6JF (Pages 185 - 196)
  - (b) PA/2022/806 Outline planning permission for a dwelling with all matters reserved except access at land adjacent to 1 Derrythorpe Road, Althorpe, DN17 3JA (Pages 197 - 210)
  - (c) PA/2022/915 Planning permission to extend the existing single storey to the rear of the property, extension works to include a single-storey portion for residential use and a storey-and-a-half section for commercial use at 50-52, High Street, Epworth, DN9 1EP (Pages 211 - 224)
  - (d) PA/2022/1299 Listed building consent to extend the existing single-storey to the rear of the property, extension works to include a single storey portion for residential use and a storey-and-a-half section for commercial use at 50-52, High Street, Epworth, DN9 1EP (Pages 225 - 236)
  - (e) PA/2022/1005 Planning permission for the change of use of 415 square metres (approximately) of land to residential use and to erect on part thereof a residential/domestic garage extension plus any ancillary works necessary at plot adjacent to Grey Green Farm, Woodhouse Road, Woodhouse, Belton (Pages 237 - 246)
  - (f) PA/2022/1068 Planning permission for change of use of an outbuilding which houses a pool to allow the operation of a private swimming lesson business at 39a Knightsbridge Road, Messingham, DN17 3RA (Pages 247 - 258)
  - (g) PA/2022/1208 Planning permission to erect a two-storey rear extension and make alterations to provide additional accommodation at Southdale, Cross Lane, Alkborough, DN15 9JL (Pages 259 - 268)
6. Any other items, which the chairman decides are urgent, by reasons of

special circumstances, which must be specified.

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

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**NORTH LINCOLNSHIRE COUNCIL**

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

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

**MEETING:** Planning Committee

**DATE:** 7 September 2022

**Member Name:** \_\_\_\_\_

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

**DECLARATIONS OF LOBBYING**

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

**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

#### APPLICATIONS DEFERRED FROM PREVIOUS MEETING FOR SITE VISITS

##### 1. OBJECT

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

##### 2. BACKGROUND

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

##### 3. INFORMATION

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

##### 4. RESOURCE IMPLICATIONS

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

##### 5. RECOMMENDATION

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

#### DEVELOPMENT MANAGEMENT LEAD

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

Ref: CB/JMC/Planning committee 07 September 2022.docx  
Date: 26 August 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/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 a previous meeting of the planning committee to allow members to visit the site before making a decision.

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.



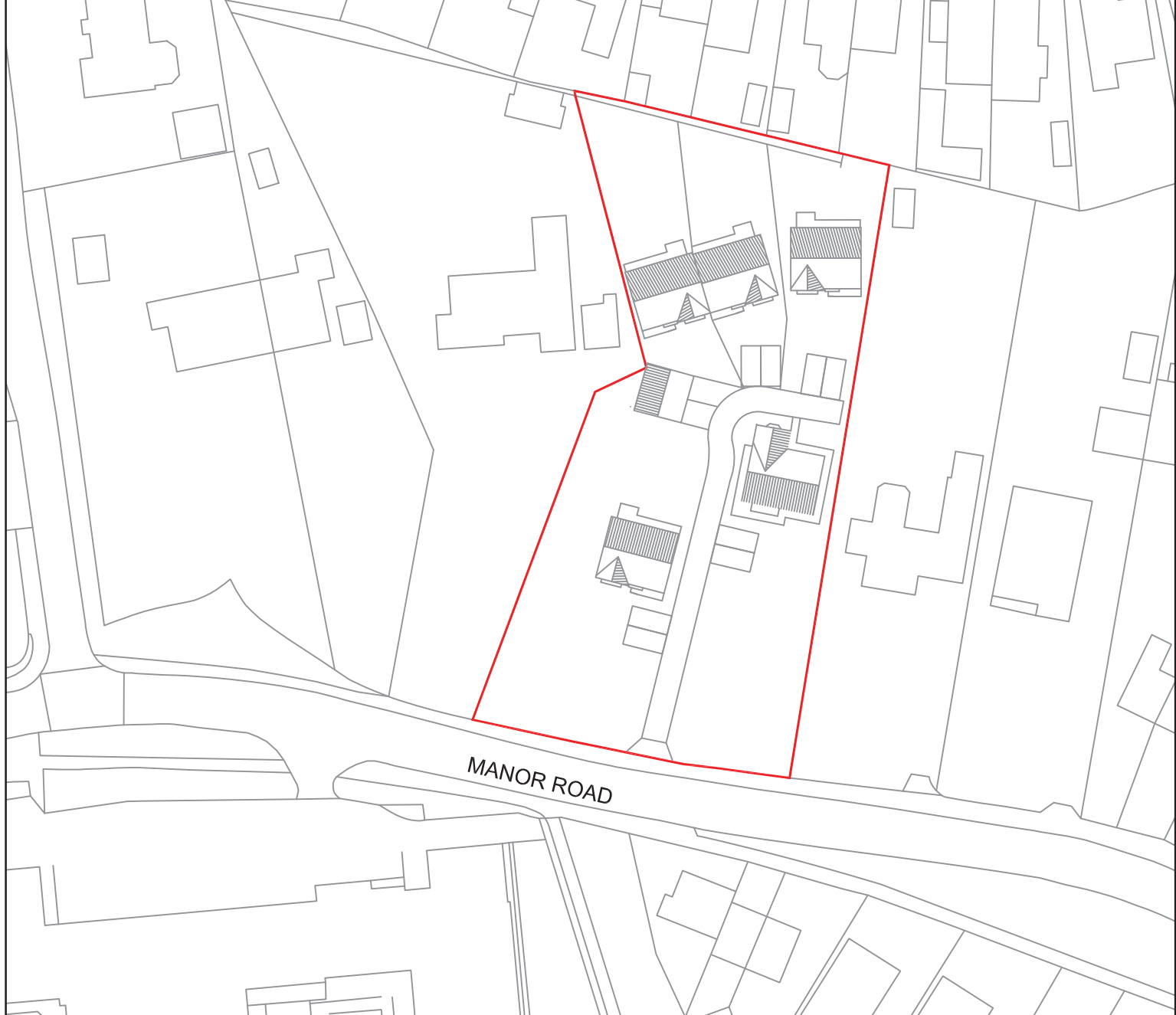
Page 17

**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  
Foxy 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

Mark Simmonds  
Director

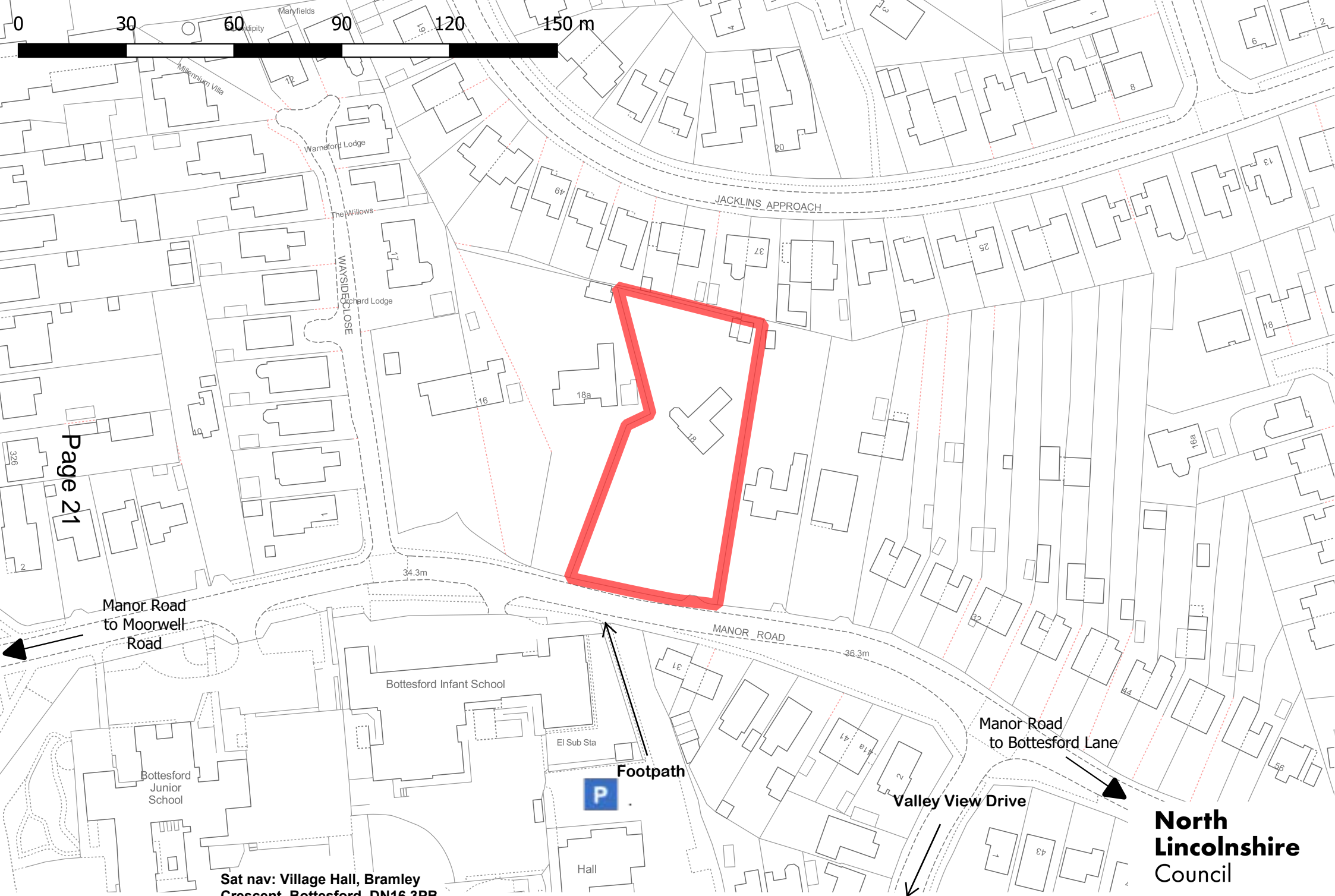
Mark Simmonds Planning Services Ltd

Mercury House  
Willoughton Drive

Foxby Lane  
Gainsborough  
DN21 1DY

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Page 21

Manor Road to Moorwell Road

Bottesford Infant School

Bottesford Junior School

El Sub Sta



Footpath

Hall

Manor Road to Bottesford Lane

Valley View Drive

North Lincolnshire Council

Sat nav: Village Hall, Bramley Crescent, Bottesford, DN16 3PB (access off Valley View Drive; walk through onto Manor Road)

PA/2021/1180

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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

**SUMMARY RECOMMENDATION** Grant approval subject to conditions

**REASONS FOR REFERENCE TO COMMITTEE** 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**

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

### **Planning history**

PA/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 Commons 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

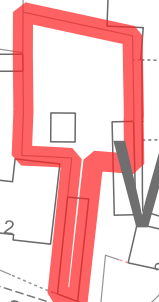
For the avoidance of doubt and in the interests of proper planning.

**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.



# Westwoodside

Page 28

 Development Boundary

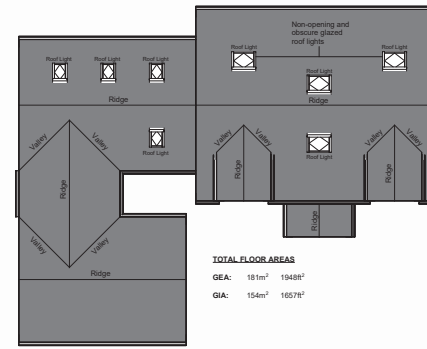
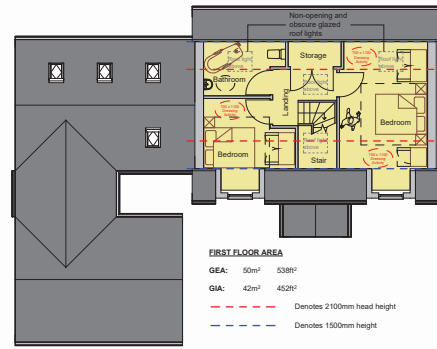
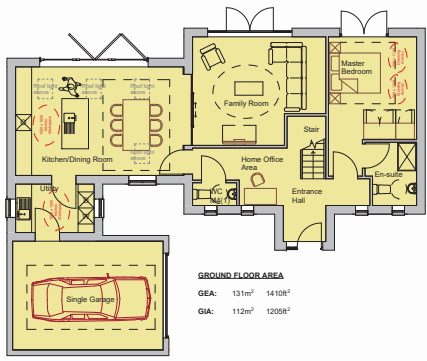
**PA/2022/444**

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Westwoodside C of E  
Primary School

**North  
Lincolnshire  
Council**





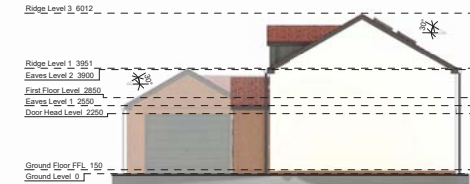
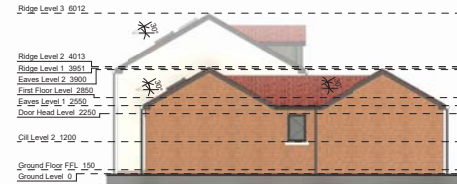
Proposed Ground Floor General Arrangement - Scale - 1 : 100

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



Proposed Driveway Visual Image - Scale - 1 : 1

Proposed Rear Visual Image - Scale - 1 : 1

### 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

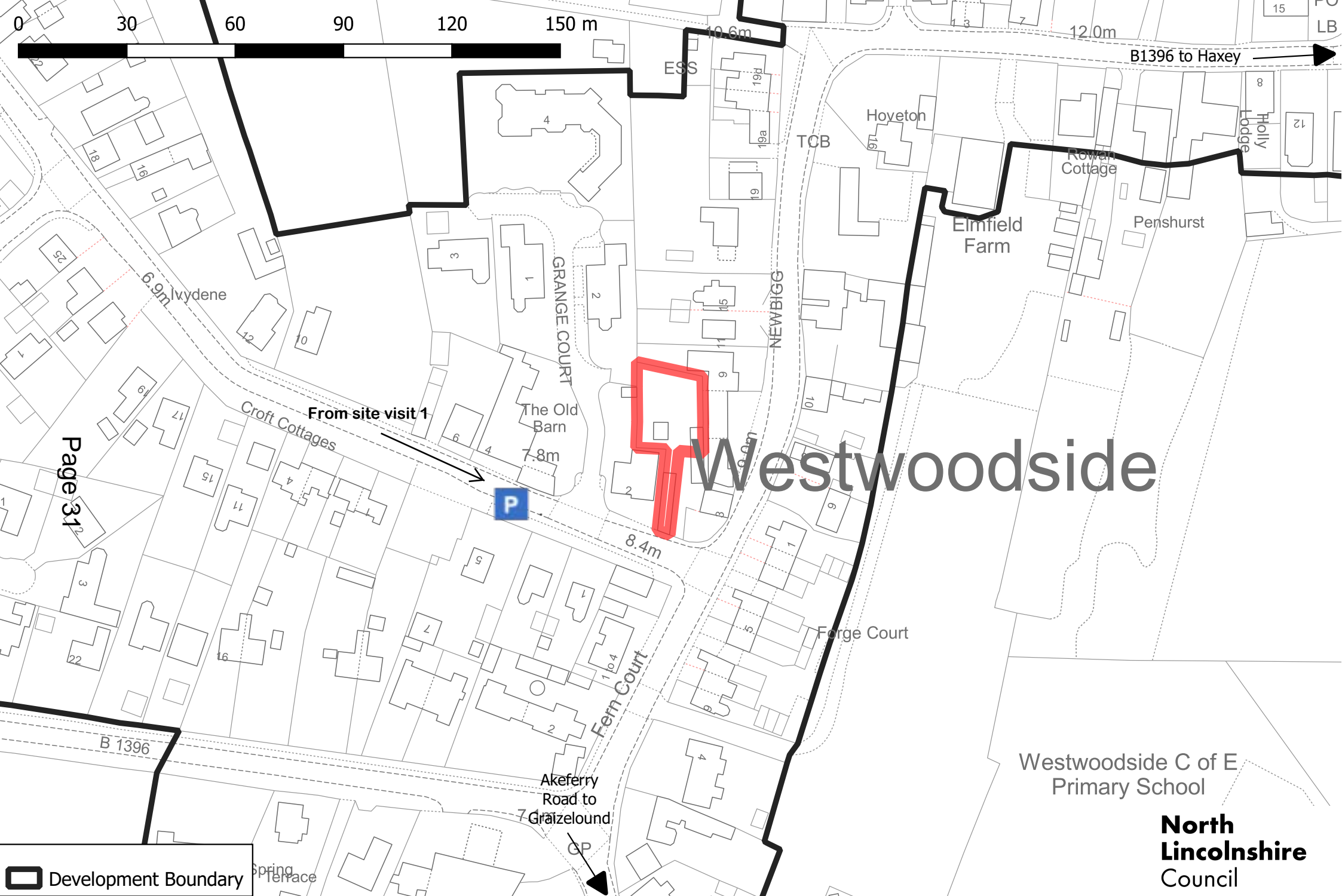
2021-41-ID-PL001c



## PLANNING DRAWING

No. 12 High Street, Ipswich, Suffolk, IP1 4BT  
 M: 07937 24465 T: 01473 671480  
 E: info@sedesign-architecture.com  
 CIAT Chartered Membership No: 015669

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Page 31

# Westwoodside

 Development Boundary

**North  
Lincolnshire  
Council**

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<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**

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

### **Planning history**

PA/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:

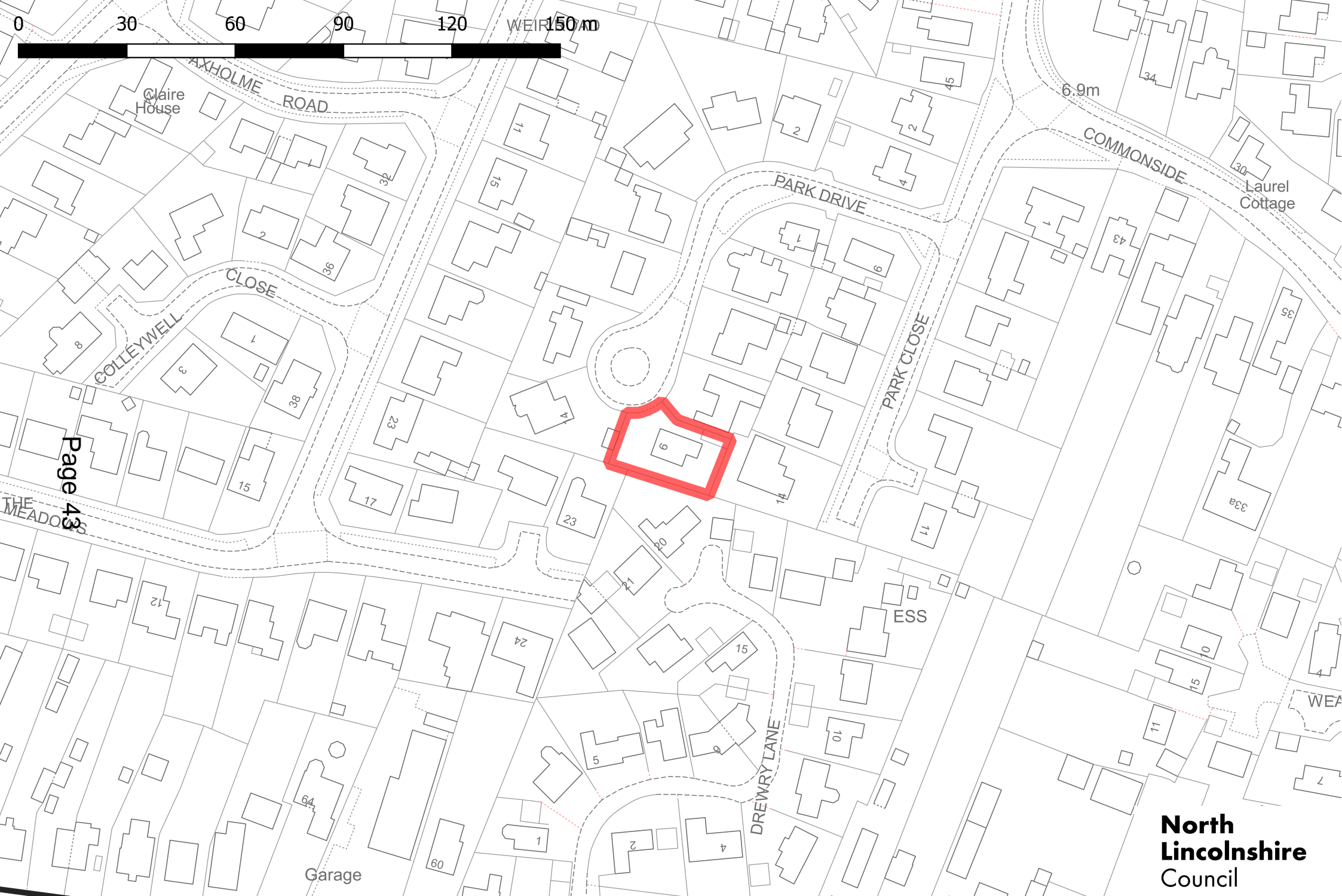
- Proposed Plans and Elevations - CWX-CH-2021-101C
- Existing Plans and Elevations -CWX-CH-2021-01.

### **Reason**

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

**Informative**

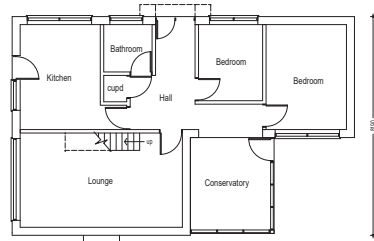
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Page 43

**North  
Lincolnshire  
Council**

# PA/2022/830 Existing plans and elevations (not to scale)



EXISTING GROUND FLOOR PLAN  
1:100



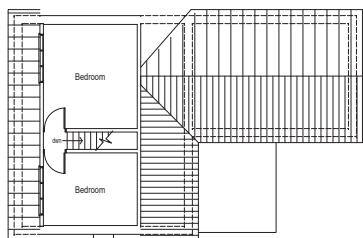
EXISTING FRONT ~ NORTH ~ ELEVATION  
1:100



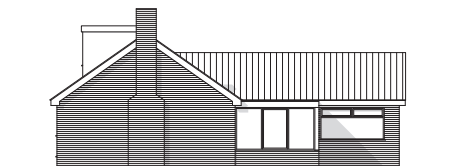
EXISTING SIDE ~ EAST ~ ELEVATION



Produced on 23 March 2021 from the Ordnance Survey National Geographic Database and corresponding aerial imagery available at the date.  
This page shows the development as it would appear on the day the aerial imagery was taken. The appearance of the development is not guaranteed.  
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EXISTING FIRST FLOOR PLAN

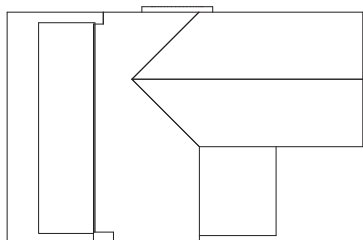


EXISTING REAR ~ SOUTH ~ ELEVATION

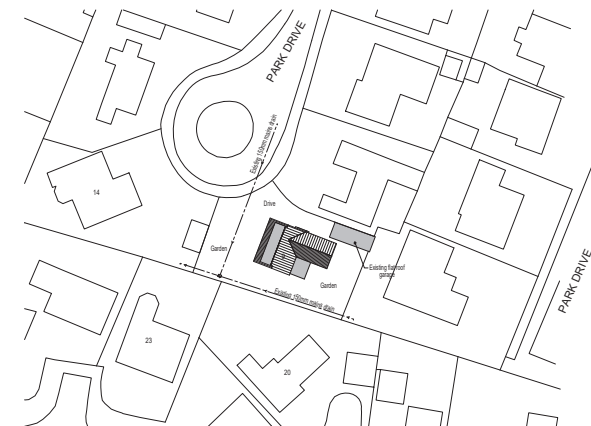


EXISTING SIDE ~ WEST ~ ELEVATION

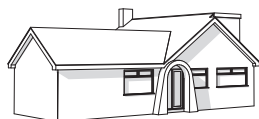
Page 44



EXISTING ROOF PLAN



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



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Linden House, Bracken Hill Road,  
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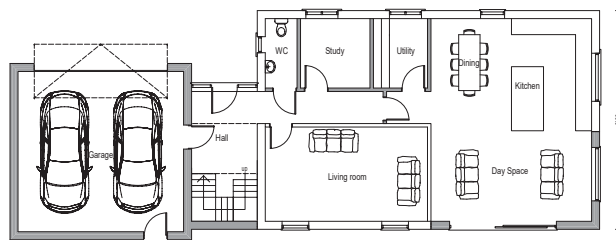
- Project
  - PROPOSED EXTENSIONS AND ALTERATIONS
  - 9 PARK DRIVE
  - WEST WOODSIDE
  - MR K COLLINS AND MISS H NICHOL
- 
- Title:
  - EXISTING PLANS AND ELEVATIONS

Scale	Date	Drawn
1:100 @ A1	03-2021	DS

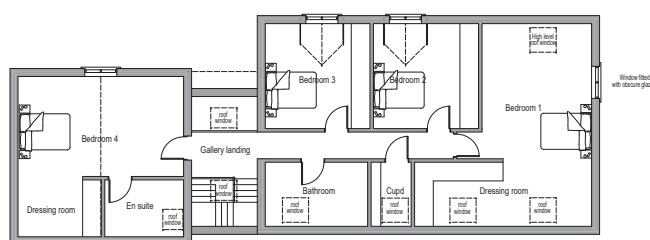
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CWX-CH-2021-01



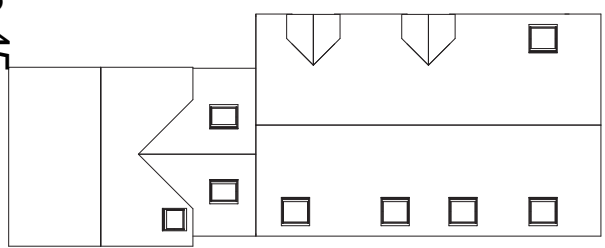
# PA/2022/830 Proposed plans and elevations (not to scale)



PROPOSED GROUND FLOOR PLAN  
1:100



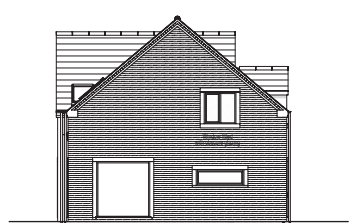
PROPOSED FIRST FLOOR PLAN



PROPOSED ROOF PLAN



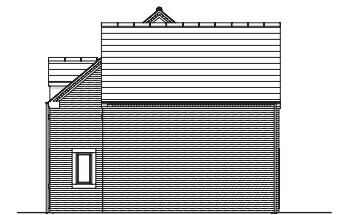
PROPOSED FRONT ~ NORTH ~ ELEVATION  
1:100



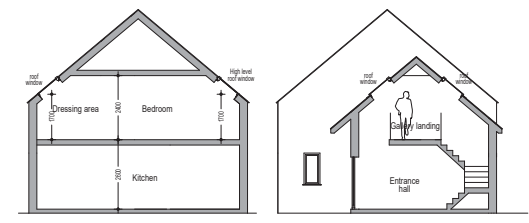
PROPOSED SIDE ~ EAST ~ ELEVATION



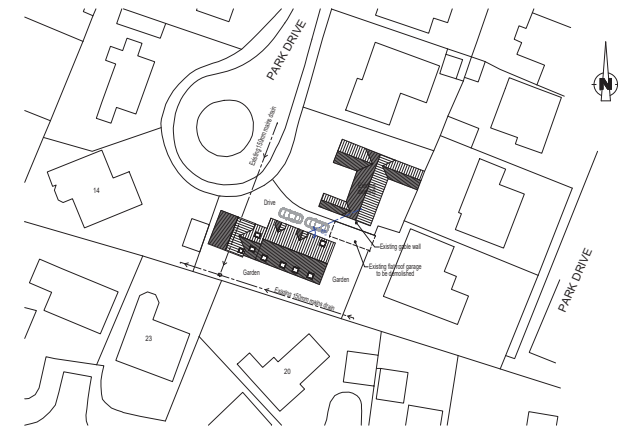
PROPOSED REAR ~ SOUTH ~ ELEVATION



PROPOSED SIDE ~ WEST ~ ELEVATION



TYPICAL SECTIONS



PROPOSED SITE PLAN  
1:500

Page 45



PROPOSED 3d VIEWS

PROPOSED MATERIALS

- Walls : Existing Dormer bungalow - Existing external walls to be relined with Wienerberger Kassandra Multi bricks  
New extensions - Wienerberger Kassandra Multi bricks to outer skin of new cavity walls
- Roof : Roofs to be finished with Sandroft 2020 Antique Slate
- Doors / windows : Dark grey / black doors and windows with stone surrounds



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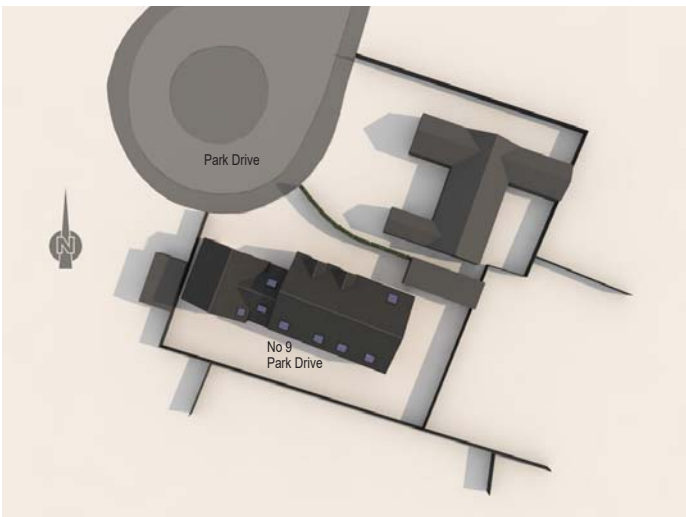
- Project
- PROPOSED EXTENSIONS AND ALTERATIONS - 9 PARK DRIVE WESTWOODSIDE
- MR K COLLINS AND MISS H NICHOL
- Title:
- PROPOSED PLANS AND ELEVATIONS

Scale	Date	Drawn
1:100 @ A1	03-2021	DS

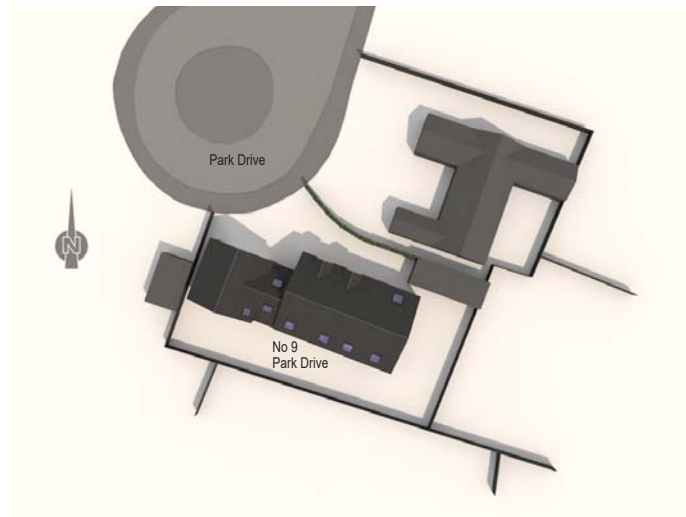
Drawing No. CWX-CH-2021-101C

# PA/2022/830 Sun study (not to scale)

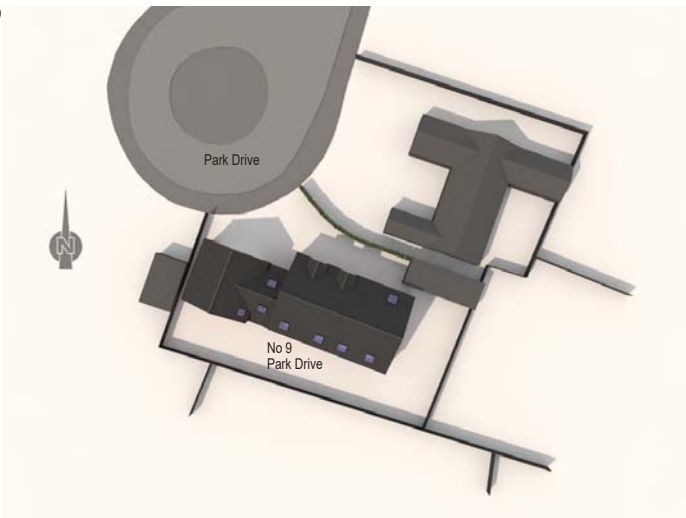
Page 46



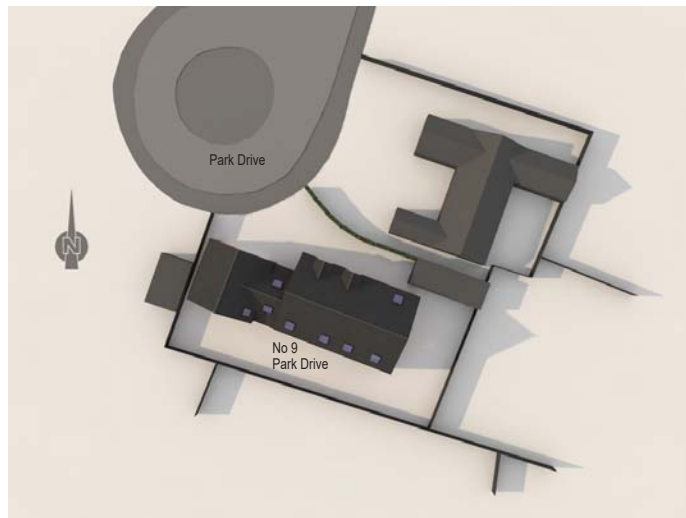
Date - July 1st  
Time - 09:00



Date - July 1st  
Time - 12:00



Date - July 1st  
Time - 15:00



Date - July 1st  
Time - 18:00



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- Project
- PROPOSED EXTENSIONS AND ALTERATIONS
- 9 PARK DRIVE
- WESTWOODSIDE
- MR K COLLINS AND MISS H NICHOL

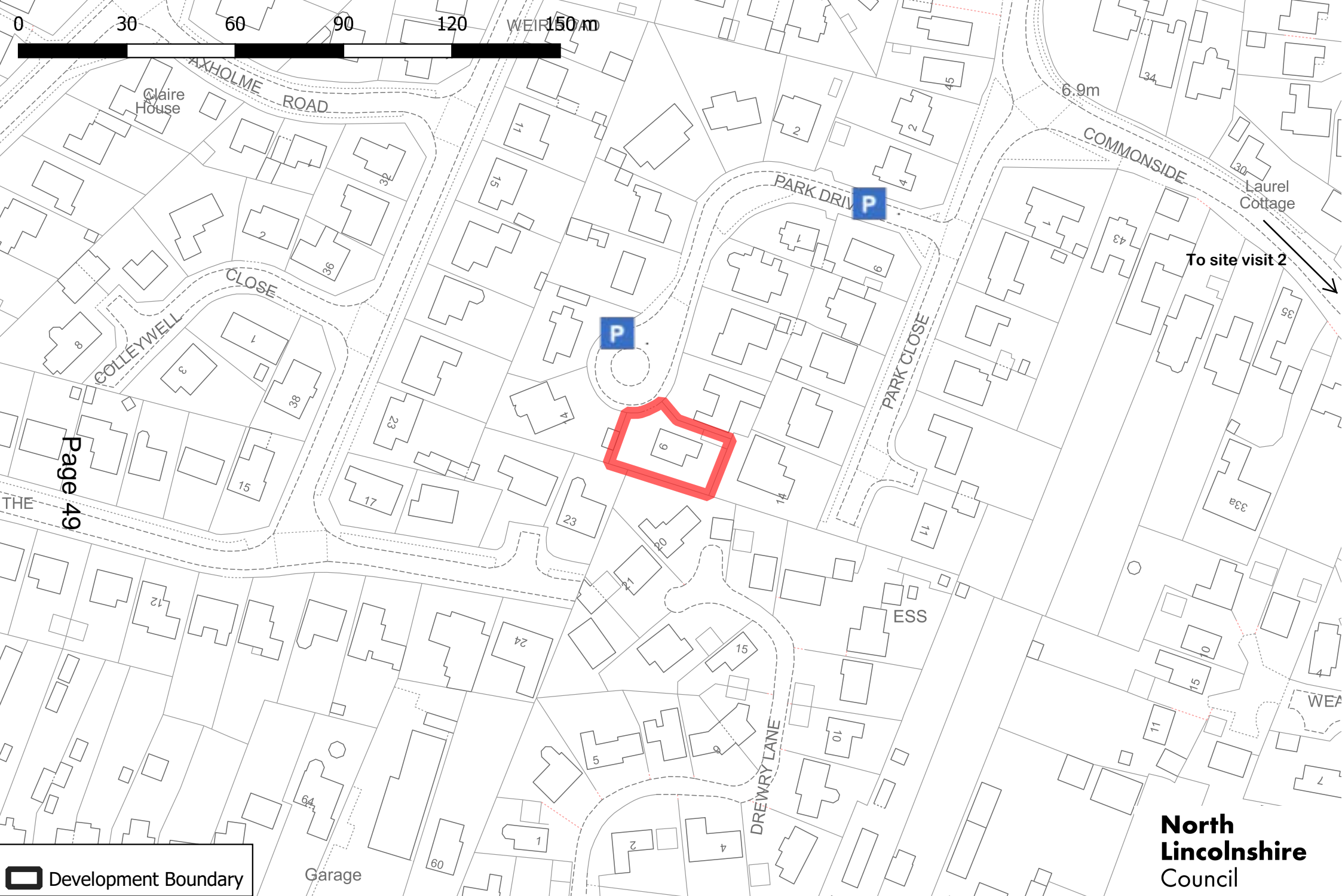
Title:  
• SUN STUDY

Scale	Date	Drawn
NTS @ A3	03-2021	DS

Drawing No.  
CWX-CH-2021-102







To site visit 2

Page 49

Development Boundary

**North  
Lincolnshire  
Council**

**PA/2022/830** Sat nav: 9 Park Drive,  
Westwoodside, DN9 2AW

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## **NORTH LINCOLNSHIRE COUNCIL**

### **PLANNING COMMITTEE**

#### **MAJOR PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE**

#### **1. OBJECT**

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

#### **2. BACKGROUND**

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

#### **3. INFORMATION**

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

#### **4. RESOURCE IMPLICATIONS**

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

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

## **5. RECOMMENDATION**

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

### **DEVELOPMENT MANAGEMENT LEAD**

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

Reference: CB/JMC/Planning committee 07 September 2022.docx  
Date: 26 August 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/2021/1390</b>
<b>APPLICANT</b>	Mrs Katherine Coulman
<b>DEVELOPMENT</b>	Planning permission for the change of use from agricultural land to a petting and therapy farm
<b>LOCATION</b>	Petsville Farm C.I.C., Ferry Road, Barrow upon Humber, DN19 7DL
<b>PARISH</b>	Barrow upon Humber
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Barrow upon Humber Parish Council Member 'call in' (Cllr Peter Clark – significant public interest)

## **POLICIES**

**National Planning Policy Framework:** Sections 6, 12 and 15 apply.

**North Lincolnshire Local Plan:** Policies RD2, R13, DS1, T1, T2, T19, LC5, LC6, LC11 and LC12 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS6, CS15, CS16, CS17 and CS23 apply.

## **CONSULTATIONS**

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

**LLFA Drainage:** No objection, recommend conditions.

**Environmental Protection:** Following receipt of additional information in respect of contaminated land, a condition is recommended for the investigation of any unexpected contamination. Recommend conditions in respect of opening hours, the types of animals to be kept on the site, details of a method of storage/disposal of manure and bedding from the site and the provision of electrical vehicle charging points.

**Ecology:** A landscaping condition is required to secure compliance with the adopted Landscape Assessment and Guidelines (SPG5). A preliminary ecological appraisal should be carried out and submitted before the application is determined. The results will reveal the need for more detailed species surveys. If permission is ultimately granted, there will be a need to secure a net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.0.

**Natural England:** No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

**Trees:** Trees running along the south side of the site are protected by a Woodland Order, namely W1 of the Tree Preservation (Barrow upon Humber Order) 1966 – this offers protection to any mixed hardwood trees that would have been present when the TPO was made, and any other trees that may have appeared later – basically all the trees here are protected. It is noted the arboricultural impact assessment seems to be only on those trees within the track onto the site and does not indicate those trees that bound the site itself where the proposed development is to take place and does not consider them in light of this proposal. Further information on these trees would be required prior to determination to ensure the proposal does not unduly affect them and this would include any run-off from the site, as this can also affect the trees.

There is no information as to whether the roadway onto the site is to remain in its present form or to be upgraded. It does, however, run through the TPO woodland, and as such any changes to the road itself or indeed to the number of vehicles using the track may have an impact on the trees. Further information regarding any upgrading of the road would be required prior to determination in order to assess if it would cause a detrimental impact on these protected trees. No services can be placed along this site by trenching and other systems would need to be employed. Method statements for this would be required prior to determination to ensure that this is feasible and will not cause damage to root systems within the RPZ [root protection zones] of the trees.

## **PARISH COUNCIL**

Object to the development on the following grounds:

- it is outside the settlement boundary on agricultural land, the land could then be used for other development
- the access is totally unsuitable
- poor visibility
- access and local roads not suitable for construction and delivery vehicles
- no services to the site
- potential odour from waste and bedding
- how is solar power going to be achieved?
- toilets require connection to sewerage.

## **PUBLICITY**

Site notices have been displayed and 33 letters of objection have been received raising similar issues to the parish council, together with the following:

- trees to the south are protected by a tree preservation order

- impact on wildlife within the existing woodland
- increase in traffic
- lack of information in respect of disposal of waste, effluent and car parking
- the proposed access is on a narrow road where three roads meet
- is there a need for this development?
- no biodiversity survey has been undertaken
- impact on a public footpath
- increase in noise levels
- impact on animal welfare
- is there a requirement for an overflow car park?
- insufficient car parking provision
- increase in localised flooding and drainage issues
- it is a contaminated site owing to former land uses
- impact on LC11 land
- the existing highway is of insufficient width to accommodate additional vehicles
- contradictory supporting information as to how the proposed venture will be run/managed.

## **ASSESSMENT**

The application site comprises an agricultural field in arable production to the east of Barrow upon Humber, outside the defined settlement boundary. The site extends to approximately 2.55 hectares and is accessed via an unmade track through a belt of mature woodland to the south which is protected by a blanket tree preservation order and defined as an area of amenity importance under policy LC11 of the North Lincolnshire Local Plan. The site is located to the west and north-west of Ferry Road and the main built framework of Barrow upon Humber, is bordered by hedges and trees along its northern and western boundaries, and the land level rises from east to west away from the settlement. Planning permission is sought to change the use of the agricultural field to form a petting zoo and therapy farm with associated means of access, parking, boundary fencing, animal enclosures/shelters and buildings comprising an outdoor classroom and office/reception.

**The main issues in the determination of this planning application are the principle of development (incorporating impact on the character and appearance of the rural landscape), its impact on residential amenity and highway safety, and impact on protected trees.**

## Principle

The site is an agricultural field in arable production on the western edge of Barrow upon Humber, in the open countryside. Policy RD2 (Development in the Open Countryside) of the North Lincolnshire Local Plan applies and states that development in the open countryside will be strictly controlled and planning permission will only be granted for development which, amongst other things, is essential for the provision of outdoor sport or countryside recreation. Policy R13 (Tourism) supports the provision of new visitor facilities at a locally appropriate scale, and which provides for visitor enjoyment of the countryside.

The National Planning Policy Framework (NPPF), at paragraph 83 (Building a strong competitive economy), states that planning policies should support economic growth in rural areas and support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings and the diversification of agricultural businesses. It is worth noting that the NPPF does not discriminate between specific types of new enterprise being proposed in rural areas, save that the proposal is sustainable and well designed.

The proposal will provide a facility which is intended to be a small-scale visitor attraction for education about animals, it will also provide a sensory and therapy service for children and adults with disabilities and special education needs. The supporting information states the following in terms of the proposed rural enterprise:

*'The proposal will provide access to a unique and sustainable development for the local and wider community, catering for all ages, from pre-school to seniors, either on a one-to-one basis or in groups of up to 10. Our site will also incorporate an inclusive sensory garden containing a wide range of educational and recreational activities, with a focus on accessibility for children and adults with disabilities and additional needs, as well as sufferers of dementia and cognitive impairment. We would like to open 7 days a week, bookings only.'*

Sufficient justification has been put forward to substantiate the merits of the case. In addition, the applicant has stated measures can be taken to increase the intended sustainability credentials of the proposal such as water recycling, recycling of waste and solar panels for energy generation. Petting zoos require a large open space for the provision of animal enclosures and associated parking and are typically located outside defined settlement limits. The proposal is not considered to prejudice the character and appearance of the countryside by virtue of its scale, form or massing. The facility is sustainable in the sense of its proximity to the settlement of Barrow upon Humber, with the settlement boundary being to the east. However, the proposal will result in an increase in car-borne travel to visit the site. Nonetheless it can be accessed on foot and by cycling.

The largest of the buildings (office/reception) is modular in construction and moveable, and measures 4.87 metres by 2.43 metres with a maximum height of 2.4 metres. This will not be visible from the wider countryside as it will be screened by a combination of its distance from the public highway to the east, by intervening hedges and trees along the eastern boundary, and by the belt of mature TPO trees that form the southern boundary of the site. The proposed buildings, the car parking and structures within the site will be effectively screened by existing hedges, thereby not resulting in an alien or discordant development in the open countryside. In conclusion, impact on the surrounding area (in terms of built development) and the open countryside will be limited. It is proposed to erect a 1.8m high post and wire fence around the perimeter of the site; this will serve as an appropriate

means of enclosure for the proposed animal pens and will not result in boundary treatment which is at odds with the character and appearance of the rural landscape. There are no public rights of way which either traverse or border the site which offer views of the field, therefore views of the proposed development will be limited in this regard. It is worth noting the impacts of the proposed development are not irreversible, the land being capable of being restored to its current agricultural use should the business no longer require this rural location as a petting zoo.

Given this site is set back from the public highway (Ferry Road) at distances of between 58 and 125 metres, the natural screening afforded to the site and the low-level height of the buildings and structures proposed, there will be no wider landscape impacts on the rural scene than beyond the site itself. In conclusion, impact on the surrounding area (in terms of built development) and the open countryside will be limited. Petting zoos require a large open space for the provision of animal enclosures and associated parking and are typically located outside defined settlement limits, therefore the site is considered acceptable in principle for the proposed change of use.

### **Residential amenity**

The proposed development will be located 114 metres to the west of the nearest residential properties on Ferry Road. Considering the separation distances involved, the proposed change of use to a petting zoo, with opening hours of 9am to 4pm daily, is not considered to give rise to loss of residential amenity through noise and other disturbance. In addition, the animals proposed to be housed at the petting zoo are not those which are anticipated to result in excessive noise generation, particularly during unsocial hours of the day, and no deliveries are proposed to the site outside the scheduled hours of operation. The proposed hours of opening are during social hours of the day, reducing the potential for noise and general disturbance to neighbouring residential properties (outside of social hours).

Environmental Health have raised no objections to the proposal but recommend a number of conditions, including one relating to hours of operation and deliveries. These conditions are considered sufficient to protect residential amenity in this case. Issues relating to noise and odour have been considered by Environmental Health. Conditions are recommended relating to the method of waste storage and disposal, and specifically in relation to the type and number of animals to be kept at the petting zoo. The applicants have arranged the layout of the site to ensure the animals are located towards the centre of the site, further mitigating the potential for noise disruption to residential properties to the east.

### **Highways**

In assessing the proposal, regard must be given to highway and pedestrian safety. Policy RD2 of the North Lincolnshire Local Plan seeks to ensure that the development would not be detrimental to highway safety. The concerns of the objectors in relation to the position and intensification of the proposed vehicular access to the site are noted, however Highways have no objections on highway or pedestrian safety grounds to the point of access to the site (opposite the junction of Westoby Lane with Silver Street), to the level of car parking provision or to the projected vehicular movements to and from the site. Conditions are recommended in relation to improvements to the existing vehicular access with the highway, a restriction on the height of vegetation and boundary treatments adjacent to the highway, no loose material being used in the surfacing of the access road within 10 metres of the public highway, the petting zoo not coming into use until the parking, turning and servicing areas are completed and the submission of a delivery/servicing

management plan. In conclusion, it is considered the proposed development will not be detrimental to highway safety.

### **Impact on trees**

The proposed vehicular access to the site is through an area of woodland which is protected by a blanket tree preservation order (TPO) and defined as an area of amenity importance under policy LC11 of the North Lincolnshire Local Plan. The proposed access track is in use as an agricultural access and its use will inevitably intensify as a result of the proposed development on a daily basis. An Arboricultural Impact Assessment (AIA) has been submitted with the planning application. The conclusions of this report are that there is no requirement to remove any trees, nor to install any tree protection measures to either side of the track, and as the access track is currently in use by heavy agricultural equipment there is no perceived further impact on the trees due to light vehicle access. The AIA is supported by plans which show the access track and part of the site boundary (along its southern side) to be within the root protection areas of the TPO trees.

At present access to the site is via a dirt track through the TPO trees and the plans show there is potential to introduce chalk onto this track for ease of access to the field. The proposal will result in the intensified use of this dirt track, either in its existing state or over a newly compacted surface, by both customer vehicles and agricultural machinery (for deliveries and removal of bedding). Given the proposed daily use of the track to serve the proposed petting zoo, it is considered there could be potential impact on the protected trees as a result of both its intensified use and alterations to its surfacing. In addition, it is proposed to erect 1.8 metre high post and rail fencing along the southern boundary of the field to enclose the land. No information has been submitted to show how this aspect of the development proposals will impact on the TPO trees, exacerbated by the amount of fencing required to secure this boundary (189 metres in total). Neither has information has been submitted to demonstrate how services to the site are to be provided; this too this may require provision via the access track.

Due to a lack of information the local planning authority cannot accurately assess whether the development proposals will impact on the TPO trees. The proposals are thus considered contrary to policies LC12 of the North Lincolnshire Local Plan and CS16 of the adopted Core Strategy.

### **Other issues**

Issues have been raised in relation to animals being kept in captivity, animal welfare, space standards, spread of disease, fear of animals escaping and vermin. All of these issues will be regulated by licence with the local authority. The operation of a petting zoo and the protection of animals are regulated under the Zoo Licensing Act.

The applicant has not submitted an ecological appraisal of the site. The council's ecologist has commented that a preliminary ecological appraisal or Phase 1 survey of the site should be carried out before the application is determined to inform whether there is a need for further detailed surveys to be undertaken. Without this information the local planning authority cannot assess whether the development proposals will have an impact on protected or priority species. The proposals are therefore considered contrary to policies LC5 of the North Lincolnshire Local Plan and CS17 of the adopted Core Strategy.

## **Conclusion**

The proposed change of use of the land to a petting zoo is acceptable in principle and the impact on the surrounding area (in terms of built development) and the open countryside will be limited. In addition, the proposed development will not have a detrimental impact on residential amenity, and the proposal is acceptable on highway and pedestrian safety grounds. However, due to a lack of information, the local planning authority cannot accurately assess whether the proposals will have an impact on the TPO trees and upon protected species. The proposed development is therefore considered contrary to policies LC5 and LC12 of the North Lincolnshire Local Plan, and CS16 and CS17 of the adopted Core Strategy. The application is therefore recommended for refusal.

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

1.

The proposal, if permitted, could have a detrimental impact upon trees which are covered by a Tree Preservation Order (TPO) through the introduction of additional vehicle movements through the woodland, the potential introduction of chalk onto the access track, the installation of services to serve the site and fencing along the southern boundary to secure the site. The proposal therefore has the potential to result in root severance and compaction to the detriment of the health of the TPO trees and their contribution to the visual amenity of the area. The proposal is thus considered contrary to saved policy LC12 of the North Lincolnshire Local Plan, and policy CS16 of the adopted Core Strategy.

2.

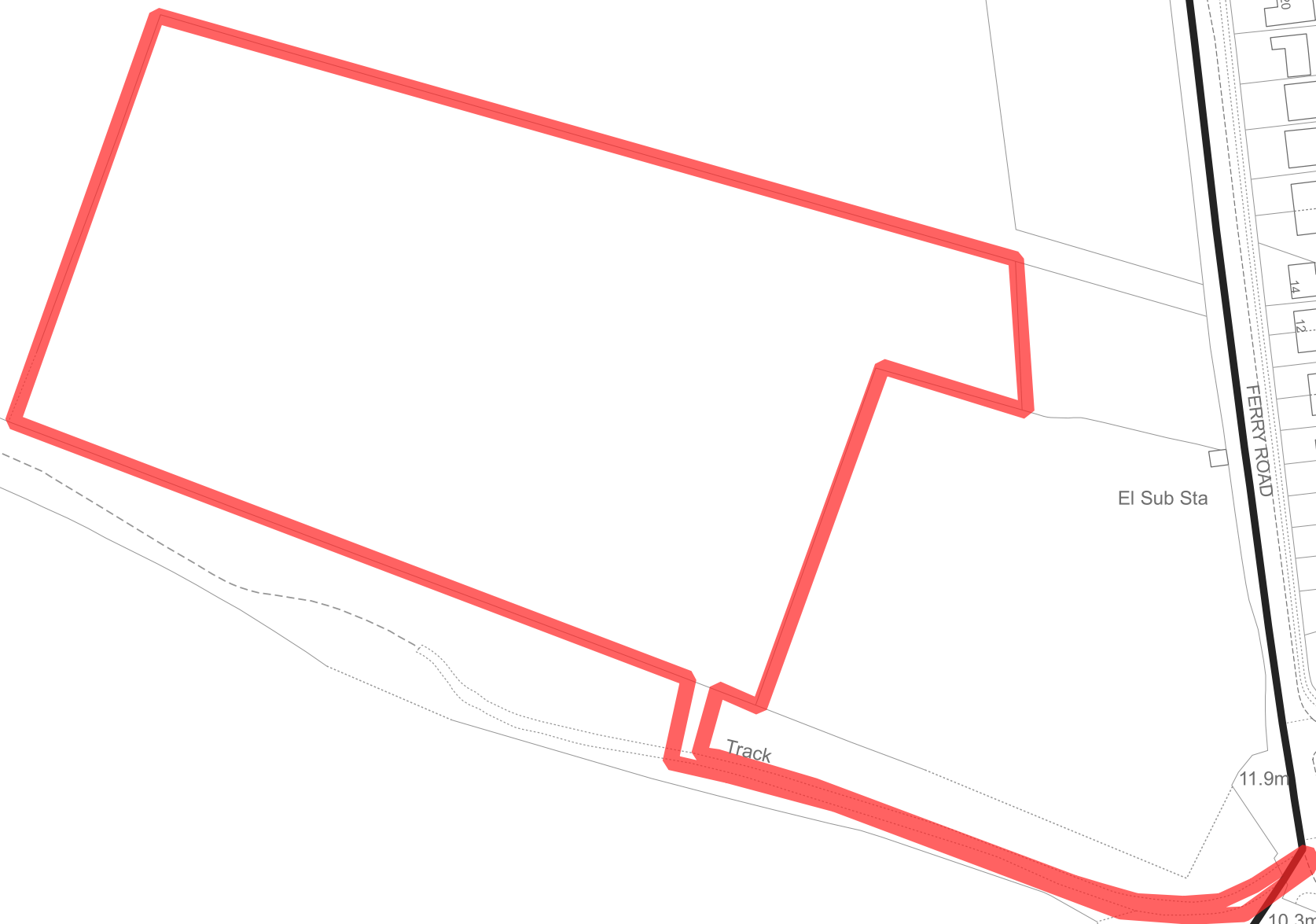
No ecological appraisal or Phase 1 Ecological Survey has been submitted with the planning application. Therefore the local planning authority cannot accurately assess whether the proposed development will impact on protected or priority species and the proposals are considered contrary to policies LC5 of the North Lincolnshire Local Plan and CS17 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.



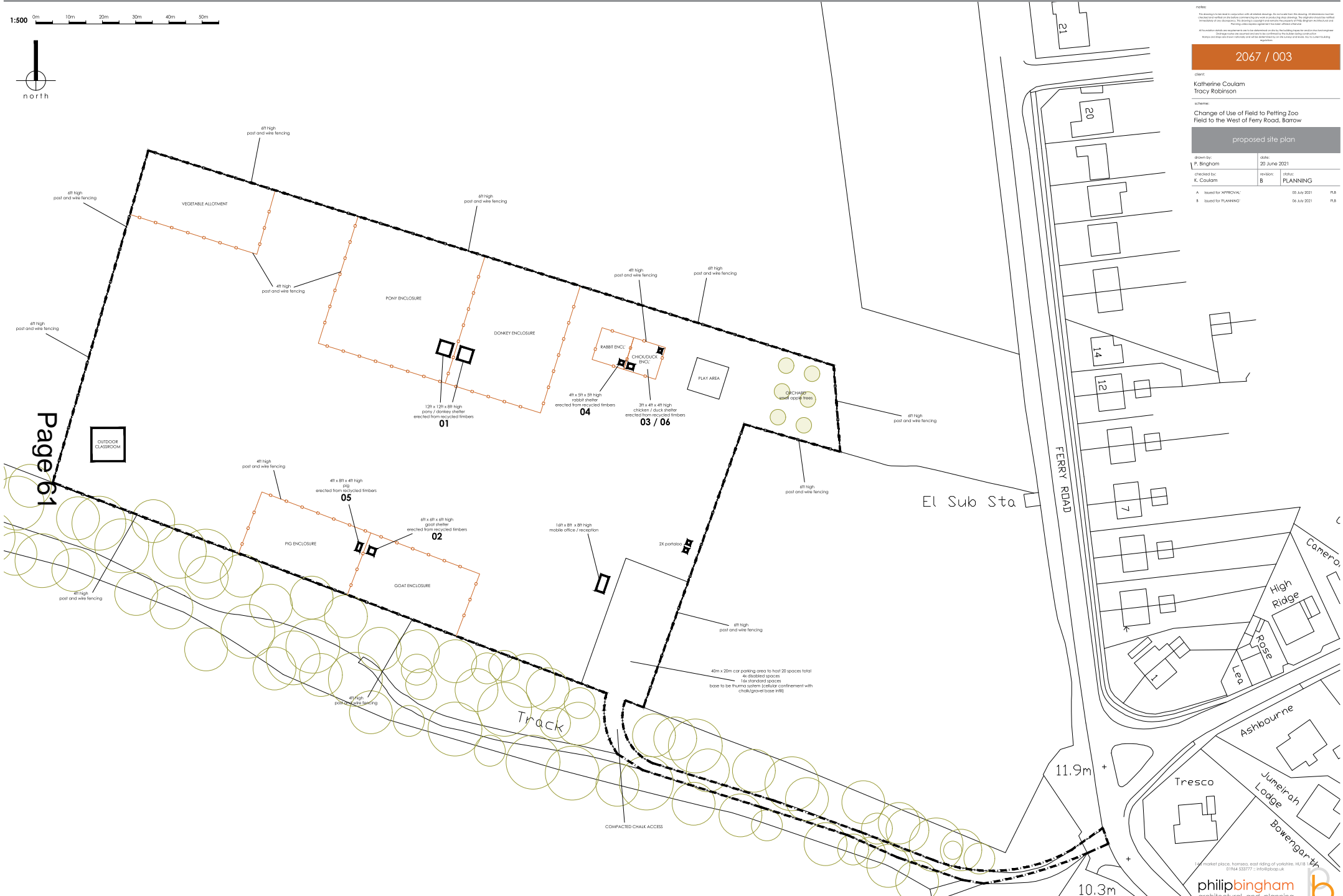
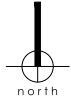
Page 60



 Development Boundary

**PA/2021/1390**





Page 61

NOTE:  
This design is intended as a guide only and is not intended to be used as a final design. It is intended to be used as a guide only and is not intended to be used as a final design. It is intended to be used as a guide only and is not intended to be used as a final design.

2067 / 003

Client:  
Katherine Coulam  
Tracy Robinson

Project Name:  
Change of Use of Field to Petting Zoo  
Field to the West of Ferry Road, Barrow

Proposed site plan

Drawn by: P. Bingham	Date: 20 June 2021
Checked by: K. Coulam	Scale: PLANNING
A Issued for APPROVAL	02 July 2021 P.L.
B Issued for PLANNING	06 July 2021 P.L.

1st Market Place, Homers, east rising of Yorkville, H31B  
01944 533777 | info@pbpa.co.uk





NOTE:  
The drawings are intended as a guide only and do not constitute a contract. The client is responsible for ensuring that the drawings are in accordance with the relevant building regulations and other applicable laws and regulations. The client is advised to seek professional advice from a qualified architect or structural engineer before proceeding with any construction work. The drawings are the property of Philip Bingham and should not be used for any other purpose without the written consent of Philip Bingham.

2067 / 004

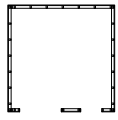
client:  
Katherine Coulam  
Tracy Robinson

site name:  
Change of Use of Field to Petting Zoo  
Field to the West of Ferry Road, Barrow

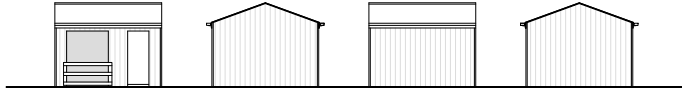
shelter details

drawn by: P. Bingham	date: 23 June 2021
checked by: K. Coulam	status: B PLANNING

A issued for APPROVAL	05 July 2021	PLB
B issued for PLANNING	06 July 2021	PLB



plan



elevations

01 - pony / donkey enclosure



plan



elevations

02 - goat enclosure



plan



elevations

03 - chicken enclosure



plan



elevations

04 - rabbit enclosure



plan



elevations

05 - pig enclosure



plan



elevations

06 - duck enclosure

<b>APPLICATION NO</b>	<b>PA/2021/1954</b>
<b>APPLICANT</b>	Messrs Walter & Huddart
<b>DEVELOPMENT</b>	Planning permission to extend existing pond and site a shower/WC cabin
<b>LOCATION</b>	Langholme Lake, Langholme Lane, Westwoodside, Haxey, DN9 2EU
<b>PARISH</b>	Haxey
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Rebecca Leggott
<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 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 15: Conserving and enhancing the natural environment

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

Policy T1: Location of Development

Policy T2: Access to Development

Policy T6: Pedestrian Routes and Footpaths

Policy T19: Car Parking Provision and Standards

Policy RD2: Development in the Open Countryside

Policy RD5: Alternative Uses of Industrial and Commercial Sites in the Open Countryside

Policy RD7: Agriculture, Forestry and Farm Diversification

Policy R13: Tourism

Policy LC3: Local Nature Reserves

Policy LC5: Species Protection

Policy LC12: Protection of Trees, Woodland and Hedgerows

Policy M2: Secondary Aggregates and Recycles Materials

Policy DS1: General Requirements

Policy DS7: Contaminated Land

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

**North Lincolnshire Core Strategy:**

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering more Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS11: Provision and Distribution of Employment Land

Policy CS15: Culture and Tourism

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

Policy CS17: Biodiversity

Policy CS18: Sustainable Resource Use and Climate Change

Policy CS19: Flood Risk

**Housing and Employment Land Allocations DPD:**

Policy PS1: Presumption in Favour of Sustainable Development

**CONSULTATIONS**

**Environment Agency:** No objections subject to a condition requiring compliance with the submitted Flood Risk Assessment.

Following the submission of an amended site plan, the EA have further advised that, due to a change in ground levels, reference to 'at approximately 3.00m AOD' from the EA's recommended condition, should be omitted to prevent any potential inconsistency.

**Historic Environment Record:** Initially, had no objections in principle subject to pre-commencement conditions relating to an archaeological mitigation strategy, archaeological works, site investigation and post site investigation assessment, and copies of all reports being supplied to the Historic Environment Record.

Following the submission of a written scheme of investigation (WSI) further comments have been sought from the Historic Environment Officer. In summary, no objections have been raised and no conditions suggested.

**Humberside Fire and Rescue:** No objections to the proposed development in principle.

**Ecology:** Objects to the proposed development.

*Response 10/01/2022:*

- More detailed measures may be required covering the operation of the site as a sand quarry. For example, birds such as kingfisher and sand martin may nest in exposed sand faces and need to be taken into account. Wading birds may also nest in sand quarries.
- The loss of lowland dry acid grassland. It is noted that new local plan policy DQE3 has been quoted; however, this is premature of the new local plan being submitted for examination or adopted.
- The introduction of fish and ornamental plants appears to have led to the accidental introduction of New Zealand Pigmyweed – an invasive non-native species that, by law, must not be allowed to spread in the wild.
- The proposals would represent a net loss in biodiversity.

The application site lies within the 'remaining areas of ecological value' identified in the adopted Landscape Character Assessment and Guidelines.

Further to the above, the council's ecologist advised at pre-application stage that the proposals were considered to require an environmental impact assessment (EIA). It is noted that the proposals have been reduced within this application. However, EIA should still be considered.

*Response 06/04/2022:*

Following the submission of additional information, further comments have been sought from the ecologist. In summary, objections have still been raised and the comments state that an EIA is still potentially required. This is due to concerns over the following:

- The proposal would impact an identified 'remaining area of ecological value' and would require a landscape assessment.
- Appropriate recommendations have been provided to minimise the potential for harm to protected and priority species during site clearance. However, more detailed measures may be required covering the operation of the site as a sand quarry.
- Non-native New Zealand Pigmyweed must not be allowed to spread in the wild and requires treatment.

- The site has importance for lowland dry acid grassland priority habitat and birch/oak woodland.
- Parts of the site qualify as a Local Wildlife Site.
- The applicant has now submitted a biodiversity metric calculation which depends upon the new lake achieving moderate habitat condition and the enhancement of significant areas of acid grassland and broadleaved woodland.
- Extreme care is required to avoid harm to existing habitats and species and to achieve a net gain in biodiversity.
- Detailed planning conditions will be required.

Further to the above, the ecologist has advised that if permission were to be granted conditions would be required relating to the submission of, and compliance with, an extraction phase management plan, and the submission of, and compliance with, a biodiversity management plan.

**Doncaster East Internal Drainage Board:** No objections.

**Natural England:** No comments to make.

**Lincolnshire Wildlife Trust:** Objects to the proposed development due to concerns that the proposals will have an adverse impact on ecological networks and biodiversity, both on site and in North Lincolnshire.

However, they advise, should permission be granted, that a full biodiversity enhancement and management plan is required, which includes the construction period and subsequent management and monitoring for the term of the biodiversity net gain period (usually 30 years).

**Network Rail:** No objections.

**Environmental Protection:** No objections subject to a condition relating to the reporting of unexpected contamination.

**Humberside Police:** No objections.

**Drainage (Lead Local Flood Authority):** No objections subject to conditions relating to compliance with the submitted flood risk assessment and drainage scheme.

**Tree Officer:** No objections.

**Highways:** No objections.

**PARISH COUNCIL**

Objects to the proposed development due to concerns that the shower block proposes a new building within the open countryside and relating to waste disposal. Also note that the council's ecologist has raised objections unless significant biodiversity enhancements are carried out.

## **PUBLICITY**

Advertised by site notice. No responses received.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

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

## **ASSESSMENT**

### **Planning history**

2/1980/0385: Section 53 determination for proposed sand extraction – not required  
05/08/1980

MIN/1999/0660: Application for determination of conditions for mineral site under  
Environment Act 1995 – deemed approval 08/09/1999.

### **Site characteristics**

The application site is outside of any defined development limits and is therefore within the open countryside. It is also within Flood Zone 3 (North and North East Lincolnshire SFRA 2011) and within an area of woodland. To the north of the site is the railway and the Warping Drain; to the east is Langholme land and open fields; to the south is Langholme, which is a local nature reserve; and to the west are open fields. The site is currently used as recreational fishing lakes.

### **Proposal**

Planning permission is sought to extend the existing pond and site a shower/WC cabin. The application originally included two shower blocks. However, following discussions with the agent and applicant, this has been reduced to one.

### **The main issues in the determination of this application are:**

- **principle of development**
- **design and impact on the character and form of the area**
- **impact on residential amenity**
- **impact on highway safety**
- **flood risk and drainage**
- **contaminated land**
- **nature conservation and protected species**
- **planning obligations.**

## **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 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).

Policy RD2 of the North Lincolnshire Local Plan states that planning permission will be granted for the following types of development: employment-related development appropriate to the open countryside, essential for the provision of outdoor sport, countryside recreation or local community facilities. This is subject to a number of criteria.

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

Policy CS2 of the North Lincolnshire Core Strategy sets out that in the open countryside only ‘...development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location, or which will contribute to the sustainable development of the tourist industry.’ Policy CS3 reiterates this.

Policy CS11 of the North Lincolnshire Core Strategy supports development or activities that assist in rural regeneration and that strengthen or diversify rural businesses.

Policy CS15 of the North Lincolnshire Core Strategy states, ‘Existing tourist facilities and infrastructure will be protected and enhanced and the development and promotion of sustainable tourism focusing on the area’s natural and built assets will be supported.’

Policy CS16 of the North Lincolnshire Core Strategy states, ‘The council will protect, enhance and support a diverse and multi-functional network of landscape, greenspace and waterscape.’

The proposals are for the expansion of an existing rural business by extending an existing pond and siting a shower/WC cabin. This would comply with the types of development set out within policy RD2, as it would be for employment-related development appropriate to the open countryside and countryside recreation. Therefore, the proposals are considered to be acceptable in principle in accordance with policy RD2 of the North Lincolnshire Local Plan and policies CS1, CS2, CS11, CS15 and CS16 of the North Lincolnshire Core Strategy. However, proposals that are acceptable in principle are still required to meet all the relevant local and national policy tests.

The impact on the acknowledged interests against the above policy tests is considered in the following sections.



## **Design and impact on the character and appearance of the area**

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

The site is outside of any defined development limits and is therefore within the open countryside. However, it is well screened by thick vegetation, including a number of large specimen trees.

The proposals would involve the creation of an additional smaller lake and the siting of a single-storey amenity block measuring 5.48 metres wide by 3.66 metres deep, with a flat roof. No details have been provided of materials for the amenity block; however, a condition requiring such details to be submitted for approval could reasonably be attached to any permission granted.

In terms of appearance and scale of the proposed building, it would be relatively small in footprint. Due to its position well within the existing site, and given the site itself is well screened, it is not considered that the new building would have a significant adverse impact on the character or appearance of the surrounding rural area. Furthermore, having regard to the context of the site, it is not considered that the proposal would be unduly visually intrusive within the open countryside.

In terms of landscaping and boundary treatments, it is considered the existing boundary treatments are sufficient.

On balance, it is considered that the proposal would be acceptable in terms of impacts on the character and appearance of the area. Therefore, the proposals accord with policy RD2 of the North Lincolnshire Local Plan, CS5 of the Core Strategy and the relevant policies contained within the NPPF.

## **Impact on residential amenity**

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

Due to the massing, separation distances and orientation of the proposed building, the proposals are not considered to have any impacts on surrounding properties by reason of overlooking or overshadowing.

The proposals may introduce more people and movement to the area; however, the proposals are for the expansion of an existing rural business, which is supported by policies CS11 of the Core Strategy and paragraph 84 of the NPPF.

Furthermore, comments have been sought from the Environmental Protection team who have raised no objections nor requested conditions in respect of residential amenity.

Overall, the proposals are not considered to have any adverse impacts on the residential amenity of neighbouring properties. Therefore, they accord with policies DS1 and RD2 of the North Lincolnshire Local Plan and the relevant policies contained within the NPPF.

### **Highway safety**

Policy T1 of the North Lincolnshire Local Plan is concerned with the location of development and aligns with the spatial strategy of the Core Strategy. Policy T2 states that all proposals should be provided with a satisfactory access.

Policy CS19 of the Core Strategy relates to car parking provision and standards, and in summary requires developments which result in additional parking needs to incorporate proposals to fully meet that demand.

Policy CS25 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 council's Highways department has been consulted and does not object to the proposed development, nor have any conditions been suggested. The proposals are for the expansion of an existing business which already benefits from an existing access and ample space within an existing clearing on site for car parking.

Overall, it is considered that the proposal is in accordance with policies T1 and T2 of the North Lincolnshire Local Plan, and policies CS19 and CS25 of the Core Strategy.

### **Flood risk and drainage**

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

Policy CS18 of the Core Strategy states, 'The council will actively promote development that utilises natural resources as efficiently and sustainably as possible.'

Policy CS19 (this policy sits alongside DS16 of the local plan) is concerned with flood risk and states that the council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk-based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood.

The site is within Flood Zone 3 of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for 'less vulnerable' development. Given the proposals are within Flood Zone 3 and the proposals are for water-compatible development, no sequential or exceptions test is required. Therefore, the proposals are acceptable in terms of flood risk.

It is noted that a drainage strategy has been submitted with the application. This states that the applicant intends to use a treatment plant for foul water drainage and existing water courses for surface water drainage.

Comments have been sought from the LLFA, Anglian Water and the Environment Agency. None of the aforementioned consultees have raised objections subject to a number of standard conditions.

Therefore, the proposals are considered to comply with policies DS16 of the North Lincolnshire Local Plan, CS19 of the Core Strategy and the National Planning Policy Framework in terms of flood risk.

### **Contaminated land**

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

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

The application form states that the site is not known to be contaminated. Comments have been sought from the Environmental Protection team who raise no objections in respect of contaminated land subject to a condition relating to unexpected contamination.

Having regard to the above, it is considered there is limited potential for contamination to be present at the site. Subject to the aforementioned condition, the proposal is in accordance with policies DS7 of the Core Strategy and paragraph 178 of the NPPF.

### **Nature conservation and protected species**

Policy CS17 of the North Lincolnshire Core Strategy, as well as paragraph 170 of the NPPF, relates to biodiversity. Paragraph 174 states, in part, that a net gain for biodiversity should be achieved.

Paragraph 180(a) of the NPPF states, 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

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

Whilst the application site is not designated for nature conservation, the site is within proximity of Langholme Wood, a local nature reserve. However, the site is over 200 metres away with the existing man-made fishing lake between the two sites creating a buffer. A Preliminary Ecological Appraisal has been submitted with the application.

Comments have been sought from the council's ecologist. In summary, despite additional information being provided by the planning agent, an objection has been maintained. There are a number of reasons for this, including additional information being required should the proposals relate to a sand quarry. However, following discussions with the agent and the applicant, there is no intention to run the site as a sand quarry. Furthermore, this is not proposed within the application and permission would be required separately for this.

Therefore, officers can only assess the proposals being applied for: a new fishing lake and the siting of an amenity block. Concerns have also been raised around the site achieving biodiversity net gain. However, the information provided states that the proposals are able to meet biodiversity net gain and this can be secured by condition. A number of other concerns have been raised; however, these can be dealt with by condition, including a scheme of landscaping, measures to minimise harm to protected and priority species, and measures to contain the non-native New Zealand Pigmyweed. Furthermore, the conditions recommended by the council's ecologist are considered reasonable.

In respect of whether the proposals amount to EIA development, the proposals are for an expansion to an existing fishing lake and do not fall within any of the relevant sections requiring a screening opinion. Therefore, based on the proposals within this application, it is not considered that the proposed development constitutes EIA development.

The proposals would expand an existing business and provide enhancements to biodiversity on the site. Whilst it is noted there may be some limited harm to nature conservation within the site, the proposals will provide an overall biodiversity net gain once complete.

The proposed development is not considered to amount to significant harm so as to warrant refusal of this application. Subject to the aforementioned conditions, the proposals are acceptable in respect of nature conservation and protected species. Therefore, the proposed scheme accords with policy CS17 of the North Lincolnshire Core Strategy and paragraph 180 of the NPPF.

## **Archaeology**

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

A Design and Access Statement and a Heritage Statement have been submitted with the application.

Comments have been sought from the Historic Environment Officer, who initially raised a holding objection with a request for additional information. Following discussions with the agent, additional information was provided. This included a report of the archaeological field evaluation which detailed the results of two trial test pits. These results indicate that the potential for the presence of as yet unrecorded archaeological remains for the site is low. Updated comments were sought from the Historic Environment Officer who confirmed that the additional information provided is sufficient and no further work or conditions are required.

Overall, the proposed development is not considered to have any adverse impacts on archaeology. Therefore, the proposed scheme accords with policy HE9 of the North Lincolnshire Local Plan and the relevant policies contained within the NPPF.

## **Conclusion**

Planning permission is sought to extend an existing pond and site a shower/WC cabin. The application is acceptable in principle and in respect of design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk and drainage, contaminated land, and nature conservation and protected species, and is therefore recommended for approval subject to the conditions outlined in this report. The pre-commencement conditions set out below 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 and documents:

- Proposed Site Plan Langholme Lane Haxey – LILA 011
- Location Plan Langholme Lane Haxey – LILA 010
- Lake Detailed Cross Section View – LILA 003
- Proposed Porta Cabin Shower/Toilet Block Langholme Lane Haxey – LILA 007
- Archaeological Test Pit Evaluation 04/05/2022
- Biodiversity Metric 3 – received 13/01/2022
- Biodiversity Assessment – January 2022
- Sustainable Drainage Statement – October 2021 (notwithstanding the proposed site plans)
- Heritage Statement – 13th October 2021 (notwithstanding the proposed site plans)
- Protocol for Addressing Previously Unidentified ‘Hotspots’ of Contamination
- Preliminary Ecological Appraisal – October 2021
- Flood Risk Assessment – October 2021 (notwithstanding the proposed site plans)
- Design and Access Statement – October 2021.

### **Reason**

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

3.

Prior to any works above slab level, details of all external materials to be used in the construction of the amenity block shall be submitted to and agreed in writing with the local planning authority.

Reason

To protect the character and appearance of the area.

4.

No development shall take place (including ground works and vegetation clearance) until an extraction phase environmental management plan (EPEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The EPEMP: (Biodiversity) shall include the following:

- (a) risk assessment of potentially damaging construction activities, including the spread of invasive non-native species and harm to protected and priority species and habitats
- (b) the identification of 'biodiversity protection zones'
- (c) practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during extraction
- (d) the location and timing of sensitive works to avoid harm to biodiversity features
- (e) the times during construction when specialist ecologists need to be present on site to oversee works
- (f) responsible persons and lines of communication
- (g) the role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- (h) use of protective fences, exclusion barriers and warning signs.

Reason

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

5.

The approved extraction phase environmental management plan (EPEMP: Biodiversity) shall be adhered to and implemented throughout the extraction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason

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

6.

Within three months of the grant of permission, a biodiversity management plan shall be submitted to and approved in writing by the local planning authority. The plan shall cover

the areas within the red and blue line boundaries of the submitted location plan and shall include:

- (a) a description and evaluation of features to be enhanced, created and/or managed, including:
  - (i) broadleaved woodland;
  - (ii) ornamental lake;
  - (iii) wetlands and wetland margins;
  - (iv) existing acid grassland of Local Wildlife Site quality;
  - (v) enhanced acid grassland;
  - (vi) habitat for reptiles;
  - (vii) bat boxes and nest boxes in retained trees;
- (b) ecological trends and constraints on site that might influence management, including invasive non-native species;
- (c) aims and objectives of management;
- (d) appropriate management options for achieving aims and objectives;
- (e) prescriptions for management actions;
- (f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- (g) details of the body or organisation responsible for implementation of the plan;
- (h) ongoing monitoring and remedial measures;
- (i) proposals for the updating and implementation of the plan over a 30-year period.

#### Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy and saved Policy LC6 of the Local Plan.

#### 7.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. 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 five years after the commencement of development and at five-yearly intervals thereafter for a period of 30 years.

Reason

To conserve and enhance biodiversity in accordance with policies CS5, CS17 and CS21 of the Core Strategy, and saved policy LC6 of the North Lincolnshire Local Plan.

8.

The development shall be carried out in accordance with the submitted flood risk assessment (LLL-FRA-0001.F01.00 by Paul Hands Consulting Ltd) and the following mitigation measures it details:

- finished floor levels to be set at least 0.6m above adjacent ground level
- appropriate flood resilience and resistance measures as described to a height of at least 3.6m above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

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

9.

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

Reason

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

10.

The development shall be carried out in accordance with the submitted Flood Risk Assessment submitted by Paul Hands, Ref: LLL-FRA-001.F01.00, Job No: 21064, Dated: October 2021 (Drainage Strategy yet to be provided). The development lies within an area identified as at risk of localised flooding and the design should fully consider working adjacent to the railway line to the north and potential displacement of groundwater whilst constructing the ponds.

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.

11.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 10 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.

#### **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**

Ecology and Legal Protection

##### Bats:

All species of bat are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2010 making all species of bat European Protected Species. Details of the legislation can be found at:

- Wildlife and Countryside Act:

<http://www.legislation.gov.uk/ukpga/1981/69/contents>

- The Countryside and Rights of Way Act:

[http://www.opsi.gov.uk/acts/acts2000/ukpga\\_20000037\\_en\\_7#pt3-pb8-l1g81](http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_7#pt3-pb8-l1g81)

- The Conservation of Habitats and Species Regulations 2010:

[http://www.opsi.gov.uk/si/si2010/uksi\\_20100490\\_en\\_1](http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1).

##### Nesting birds:

It is an offence under Section 1 of the Wildlife and Countryside Act of 1981(WCA 1981) to intentionally take, damage or destroy the nest of any wild bird while it is use or being built. The WCA 1981 also provides that all wild birds and their eggs are protected and cannot be killed or taken except under licence.

##### Reptiles:

The adder, common lizard, grass snake and slow worm are protected against intentional killing or injuring under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended).

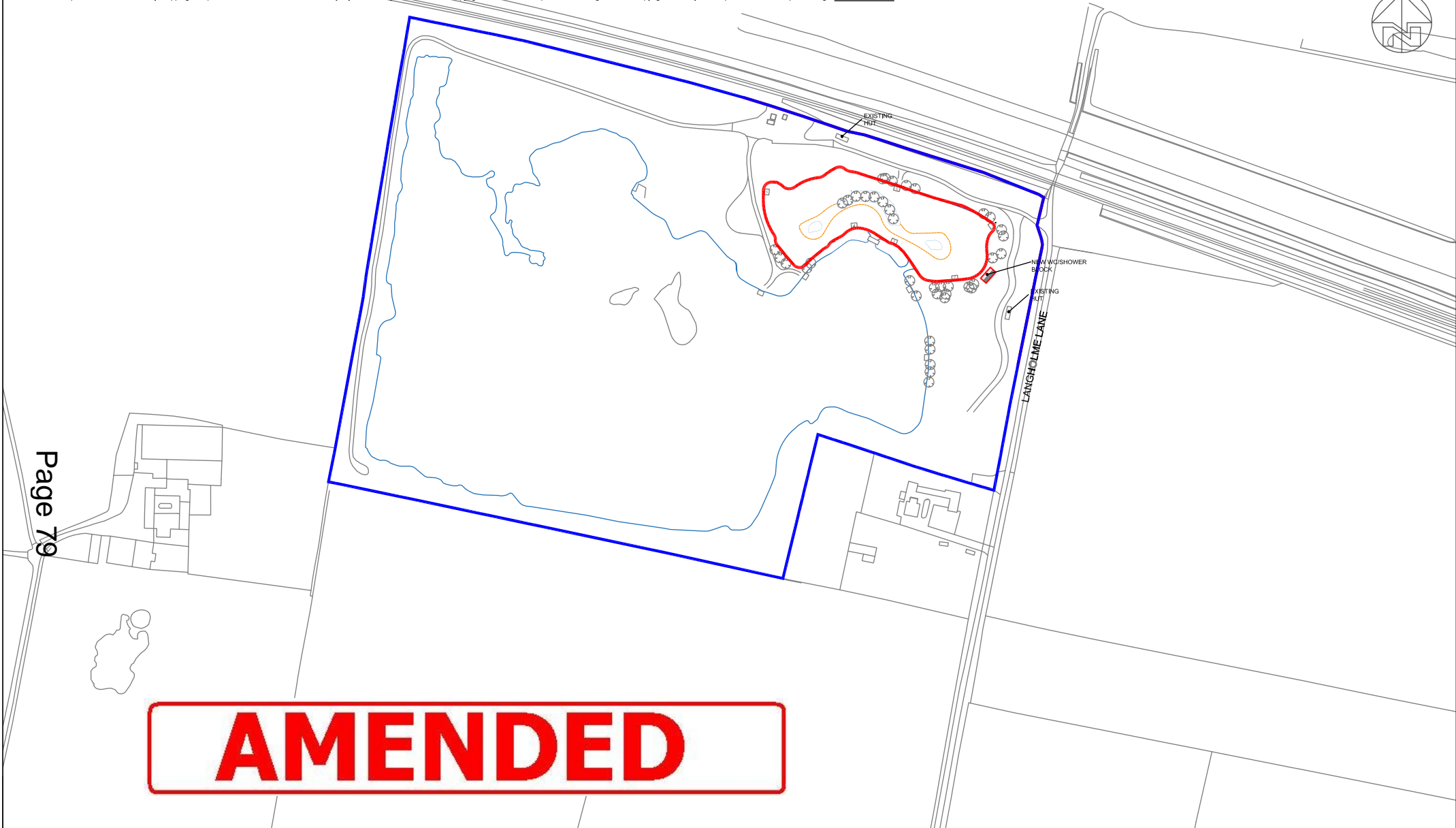
##### Badgers:

Planning Circular 06/2005 states, '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.'



Page 78

**North  
Lincolnshire  
Council**



Page 79

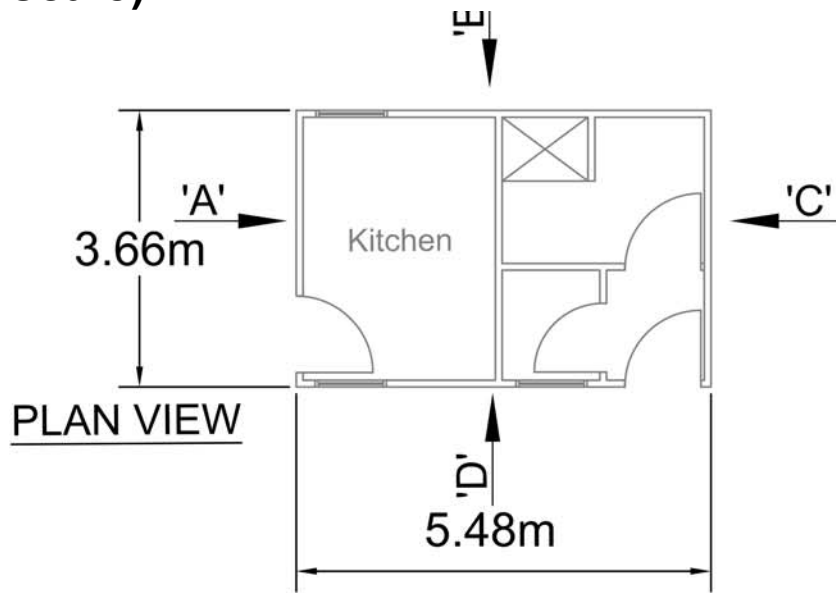
**AMENDED**

**PA/2021/1954 Proposed layout (not to scale)**

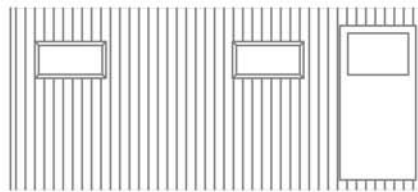
Drawing Title		
PROPOSED SITE PLAN LANGHOLME LANE HAXEY		
Ref:	Scale @ A3	Date
LILA 011	1:2500	DEC/21

enquiries@marksimmondsplanningservices.co.uk  
Mark Simmonds  
Director  
Mark Simmonds Planning Services Ltd  
Mercury House  
Willoughton Drive  
Foxby Lane  
Gainsborough  
DN21 1DY

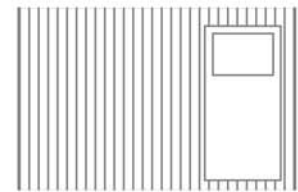
# PA/2021/1954 Proposed cabin elevations & floor plan (not to scale)



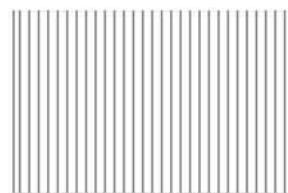
PLAN VIEW



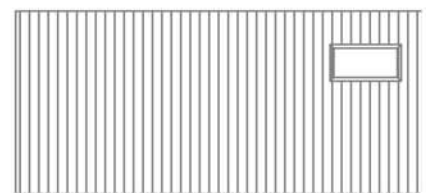
SIDE ELEVATION  
VIEW ON 'D'



END ELEVATION  
VIEW ON 'A'



END ELEVATION  
VIEW ON 'C'



SIDE ELEVATION  
VIEW ON 'B'

Drawing Title

PROPOSED PORTA CABIN  
SHOWER/TOILET BLOCK  
LANGHOLME LANE  
HAXEY



enquiries@marksimmondsplanningservices.co.uk

Mark Simmonds  
Director

Mark Simmonds Planning Services Ltd

Mercury House  
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Gainsborough

DN21 1DY

Ref:

LILA 007

Scale @

1:100

Date

NOV/21

<b>APPLICATION NO</b>	<b>PA/2022/628</b>
<b>APPLICANT</b>	Mr P Strawson, MF Strawson Ltd
<b>DEVELOPMENT</b>	Hybrid application comprising full planning permission to erect 32 dwellings and outline planning permission for 85 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration
<b>LOCATION</b>	Land off Station Road, Ulceby
<b>PARISH</b>	Ulceby
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to the completion of a section 106 agreement, grant full planning permission to erect 32 dwellings and outline planning permission for 85 dwellings with appearance, landscaping, scale and layout reserved for subsequent consideration</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from the development plan Member 'call in' (Cllr Richard Hannigan – 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 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

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 LC7 (Landscape Protection)

Policy LC12 (Retention of Trees and Hedgerows)

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 D14 (Foul Sewage and Surface Water Drainage)

Policy DS15 (Water Resources)

Policy DS16 (Food 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 CS24 (Health Care Provision)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

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

Inset 39 – Ulceby

Policy PS1 (Presumption in Favour of Sustainable Development)

### **Other relevant guidance:**

SPG8: Developer Contributions to Schools

SPG10: Provision of Open Space in New Housing Developments

### **CONSULTATIONS**

**Highways:** Although the site is an extension to the existing village, it is some distance from the village facilities and nearest bus stops. Appreciate these are within the maximum 2km walking distance as recommend by the IHT, however in reality would expect car to be the primary mode of travel. Having said that, planning permission was granted at appeal in 2020 for 90 dwellings. Note from the information provided that the applicant is proposing to provide an uncontrolled pedestrian crossing point to link into the existing footway on the northern side of Station Road. Whilst this is acceptable for the 32 dwellings, consideration should be given to the provision of a more formal, controlled crossing for the remainder of the development, to encourage pedestrian trips and reduce car trips into the village.

Whilst the total of number of dwellings for this application is greater than that previously granted, the predicted number of additional trips is estimated to be 23 two-way trips in the peak hour, which can be accommodated on the existing highway network. Would have preferred the farm access to be separate from the residential development, however from the information provided the usage of this is predicted to be a few trips a year, so will have a negligible impact on properties.

No objection subject to conditions relating to the provision of a footway with crossing points, access, visibility and car parking within the site. An S106 contribution to amend the traffic regulation order to implement a 30mph speed limit across the site frontage to a point east of the site access, which shall be agreed with the highway authority, is also requested.

**Environment Agency:** Does not wish to make any comments.

**LLFA Drainage:** Following the confirmation letter from the developer, a number of factors require full consideration and agreements prior to acceptance of a fully compatible and compliant surface water drainage system and this may result in property numbers being reduced and/or layout alterations being required as a result. Confirmation is also required for the existing Anglian Water surface water sewer inflows from the upstream developments (Gower Close and Willow Close), including adoption and maintenance of all sections of watercourse and the required agreements from ourselves in our capacity as Lead Local Flood Authority (LLFA). No objection subject to conditions.

#### **Anglian Water:**

(Wastewater treatment) The foul drainage from this development is in the catchment of Ulceby Water Recycling Centre that will have available capacity for these flows.

(Used water network) The sewerage system has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

(Surface water disposal) The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management. The local planning authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board. The Environment Agency should be consulted if the drainage system directly or indirectly involves the discharge of water into a watercourse.

**Environmental Protection:** No objections subject to conditions relating to land contamination, the submission of an electrical vehicle charging scheme, restrictions on working hours for construction, demolition and site clearance operations and the submission of a construction environmental management plan (CEMP).

**HER (Archaeology):** Archaeological evaluation was carried out on this site in 2019. No remains of archaeological significance were identified. No further archaeological work is recommended. No objection.

**Ecology:** The site has limited biodiversity value at present. The applicant has submitted a Biodiversity Metric 3.0 assessment as a pdf document. However, the metric appears to have been completed to a high standard and makes appropriate headline figures. Assuming that both full and outline elements of the proposal are delivered in accordance with the submitted biodiversity assessment report, the proposal will deliver a measurable net gain on biodiversity as follows:

- Habitat units + 24.39% increase.
- Hedgerow units + 13.78% increase.
- River units + 18.29% increase.



Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a measurable net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.1.

**Recycling:** General guidance in relation to bin collection, storage, pulling distances for residents and crews, and requirements for refuse collection vehicles accessing the site.

**Education:** Seek secondary education contributions only in respect of this development. The amount per eligible house for secondary places is £5,376.

**Humberside Police:** Support the proposal. The applicant has fully considered Designing out Crime and Crime Prevention through Environmental Design (CPTED) features throughout the proposal. No objections to both full and outline application.

**Humberside Fire and Rescue:** General guidance regarding access for the fire service and adequate provision of water supplies for fire-fighting.

**NHS North Lincolnshire CCG:** Request consideration of Section 106 funding. The nearby surgeries, including The Central Surgery, Goxhill and Killingholme Surgery, are already under pressure due to limitations with space. Therefore, any increase in new housing is likely to impact on requests for new patient registrations, potentially increasing the list size and demand for clinical services.

## **PARISH COUNCIL**

No objections, but request the following comments are considered as planning conditions:

- Any S106 monies derived from this development be allocated to the parish council to assist with the community garden.
- A robust traffic management plan be implemented to ensure that all construction traffic (any other traffic to the site) is directed via the A180 entering and leaving the village from the east. Construction traffic should not access the site through the centre of the village.
- A pelican crossing must be provided close to the proposed development to aid pedestrians to cross Station Road from a north/south direction. This crossing is essential to ensure residents' safety due to the heavy volume of traffic which flows through the village and the increase in volume of traffic this development will create.
- The 12 affordable homes planned for the proposed development must be offered to and for the benefit of local residents to the village – applicants with strong connections to residents from the villages of Ulceby, Wootton, Thornton Curtis, Croxton and Kirmington.
- Anglian Water must ensure that the sewage chemical treatment – currently successful in preventing unpleasant odours within the village – is maintained to the level required to cope with the additional houses and subsequent sewage this development will create.

## **PUBLICITY**

Advertised by site and press notices. Five letters have been received raising the following issues:

- flooding due to drainage system
- lack of facilities
- lack of school places
- loss of wildlife
- noise and disturbance during construction
- overlooking
- loss of privacy/amenity
- increase in traffic and car use
- loss of view
- quantum of development is too great
- already an issue with speeding HGVs/traffic
- junction should have a roundabout or traffic lights.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

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

## **ASSESSMENT**

### **The site**

The application site comprises a parcel of undeveloped agricultural land measuring 5.88 hectares in area immediately to the east of Ulceby. The site is adjacent to, but primarily outside, the development boundary for Ulceby (apart from a sliver of land adjacent to Gowers Close) and as such is in the open countryside for the purpose of planning. The site is an inverted L-shape, fronting Station Road to the north and wrapping around the rear of properties on Gower Close, Southfield Close and Willow Close.

The site is bounded to the east by high hedgerows, which separate it from an area of rough grassland associated with Hillgarth Farm – a standalone farmhouse with associated outbuildings and silos. To the north the site is bounded by Station Road for part of its length and by the rear aspect of properties on Gower Close, Southfield Close and Willow Close for the rest. To the south and west the site is bounded by open fields, some of which are in the ownership of the applicant.

The site is a greenfield site, not having been previously developed, and is currently in arable use. The site is not subject to any formal allocation as part of the development plan nor to any designation in respect of landscape or ecology importance. The site is also not in close proximity to any designated heritage assets. Furthermore, the site is wholly within Flood Zone 1 of the Environment Agency maps and the SFRA for North Lincolnshire and as such is not considered to be at high risk of flooding. The site, albeit a slightly smaller site area, has an extant planning permission for 90 dwellings under PA/2018/2525.

## The proposal

This is a hybrid application that seeks both outline and full planning permission for two different parts of the same site as follows:

- full planning permission to erect 32 dwellings
- outline planning permission for 85 dwellings, with appearance, landscaping, layout and scale reserved for subsequent consideration, with only the access to be determined at this outline stage.

The two elements of the application are intrinsically linked, with the main access to the site from Station Road located on the site frontage which will provide the main access for all the proposed dwellings. The full application (32 dwellings) comprises a mix of housing types and designs. Seven dwellings are proposed on the site frontage along Station Road continuing the existing frontage development, with the remaining dwellings set back southwards into the site with a network of estate roads, cul-de-sacs and footpaths provided through the site that link to Station Road. The full application aspect of the proposal is the first phase of the development, with the remaining 85 dwellings (outline) shown to be phased within three subsequent phases.

The scheme has been designed around a green infrastructure framework. The development is set around open space and landscaping buffers and a circular walk is envisaged with hedgerows and trees to be retained. A farm track along the eastern boundary of the site is to be provided for access to agricultural land adjacent to the application site lying to the south/south east which is within the applicant's ownership. The development will form a natural extension to the eastern edge of Ulceby softened by the landscaping proposed around and within the site.

## Planning history

The planning history of the site comprises four planning applications, all made in the 1970s for residential development (7/1975/0292, 7/1975/0679, 7/1976/0828 and 7/1977/0823). These applications covered different parts of the site and extended onto adjacent land. All four of these previous applications were refused planning permission. These applications were determined a significant time ago under different national and local planning policies.

Planning application PA/2018/2525 for outline planning permission to erect 90 dwellings and construct access, with appearance, landscaping, layout and scale reserved for subsequent approval was allowed on appeal on 18 March 2020. This permission is currently extant.

**The main issues to consider in the determination of this application are whether the principle of residential development is acceptable on this site and whether the proposed development would have an unacceptable impact in respect of highway safety, flood risk and drainage, biodiversity, character impacts, on neighbours and on heritage assets.**

## 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 (HELAP) 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 outside the defined settlement boundary for Ulceby and the proposal would represent a departure from the North Lincolnshire Local Plan. As the site is outside the development boundary, in determining whether the principle of residential development outside the settlement boundary is acceptable in this instance, it is necessary to consider whether the proposed development is sustainable in planning policy terms.

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

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside.

This overall approach is supported by policy CS2 which sets out a sequential approach for development. The overall strategy for North Lincolnshire, as set out by policy CS2, sets out a sequential approach for development: firstly in Scunthorpe, followed by the market towns and then rural settlements. The bulk of the housing requirement for North Lincolnshire under this strategy is allocated for Scunthorpe at 82% of the total housing requirement, with 18% in the market towns of Barton upon Humber, Brigg, Crowle, Kirton in Lindsey and Winterton. There are no allocated housing sites within the rural settlements. Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is outside the designated development limit for Ulceby.

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

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

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which 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. In this case, the proposal will make a significant contribution to the council's housing land supply and this is also a key material consideration in the determination of this application.

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.

## **Benefits**

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental.

### ***Economic***

Investment in construction and related employment would represent a benefit whilst the dwellings and associated infrastructure were being constructed. The additional population would provide support to the local economy in terms of residents using the facilities, businesses and services located in Ulceby. The proposed dwellings would also generate council tax revenue for the council.

### ***Social***

In terms of the social benefits, the proposal would contribute to the council's housing land supply by providing a significant number of dwellings on the site of various house types. Affordable housing, for which there is a proven need in North Lincolnshire, would also be provided on the site. The applicant is proposing some two-bedroom properties and dormer bungalows on the site to accommodate North Lincolnshire's growing elderly population. A

large amount of public open space would be provided on the site. The site is close to the employment centres in North Killingholme and on the Humber Bank.

### ***Environmental***

In terms of the environmental dimension, the proposal would result in landscaping and biodiversity enhancements on the site. Pedestrian and cycle paths would be provided within the development and pedestrian links can be provided from the site into the central area of Ulceby. SuDs would be incorporated into the development. Biodiversity net gain (BNG) would be provided on the site. These are all benefits of the scheme. However, the application would significantly alter the character and appearance of the countryside in this area, particularly given the scale of development proposed.

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.

Ulceby itself is identified as a rural settlement by the Core Strategy and ranks 19th overall in the North Lincolnshire Sustainable Settlement Survey 2019. It contains five of the key facilities, which include a primary school, convenience shops, public house, village hall/community centre. Ulceby has good public transport links, with a number of bus services providing access to the larger settlements of Barton, Brigg and Scunthorpe and to Humberside Airport. The site is fairly close to Ulceby Skitter railway station providing rail links to Barton, Cleethorpes and beyond. It is a larger rural settlement and is considered to be a sustainable settlement due to the facilities and access to facilities it has. Another key material consideration is the fact that the site has an existing planning permission for 90 dwellings on the site under PA/2018/2525. These material factors, along with the holistic assessment, including technical analysis, will allow an assessment to be made of the sustainability of this proposed development.

### **Highway safety**

Concerns have been raised by residents over the adequacy of the existing highway network in Ulceby. Specific concerns have been raised in respect of the number of HGV movements along Station Road. Both the parish council and local residents have clearly expressed the view that the proposed development would result in an additional level of vehicular movements that would have a significant adverse impact with regard to both congestion and highway safety. Speeding along Station Road has also been raised. The parish council considers that a pelican crossing should be provided on Station Road to allow residents to cross from north/south direction. Objections from residents consider that a roundabout or traffic lights should be provided.

The appeal decision for up to 90 dwellings under PA/2018/2525 did not require a pelican crossing, roundabout or traffic lights to be provided on the site. After discussions with Highways, it is considered that these traffic controls cannot be justified and there is no robust evidenced basis for a pelican crossing, roundabout or traffic lights to be provided on

Station Road for an additional 27 dwellings. The applicant proposes to provide an uncontrolled pedestrian crossing point to link into the existing footway on the northern side of Station Road. However, there is a need to ensure that there is a formal crossing point on Station Road to serve not only the 32 dwellings for the full part of this application but also the 85 dwellings proposed on the outline part of the proposal. As a result, Highways recommend a condition to ensure the provision of a footway across the site frontage and the provision of crossing points to connect into the existing footway on Station Road.

In terms of speeding, the site frontage is currently subject to a 30mph traffic regulation order. The issue of speeding is a matter for the police. In terms of increase in traffic and congestion, Highways have assessed the submitted application and transport documents and in terms of highway matters consider the proposal to be acceptable subject to planning conditions relating to visibility, layout and construction of the access, submission of a construction traffic management plan and car parking. Subject to the conditions proposed by Highways, and given the lack of objection from highway officers, it is considered that the proposed development will have no unacceptable impact on highway safety in the area. The proposal therefore aligns with policies CS25 of the Core Strategy, and T1, T2, T6 and T19 of the North Lincolnshire Local Plan.

### **Flood risk and drainage**

The site is within Flood Zone 1 of the council's SFRA and is therefore at low risk of flooding. The SFRA is the most up-to-date flood risk assessment for North Lincolnshire. The applicant has submitted a Flood Risk Assessment with the application, which includes drainage information. The Environment Agency does not wish to comment on this application. As the site lies within an area at low risk of flooding, the proposal is considered to be acceptable in terms of flood risk and aligns with the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

Concerns have been raised by local residents with respect to the existing drainage system in Ulceby and its ability to cope with the additional flows that will be generated by the proposal. These concerns relate to both foul and surface water.

Anglian Water are the drainage body responsible for foul sewage and waste water in Ulceby and have been consulted on the application in this regard. Anglian Water has confirmed that there is sufficient capacity within the foul and waste water system to cater for the proposed development. Planning conditions will be used to ensure an acceptable scheme for the disposal of foul water is submitted to the council and Anglian Water will be consulted on any such scheme. The proposal will therefore align with policy DS14 of the NLLP. Comments from the parish council that 'Anglian Water must ensure that the sewage chemical treatment – currently successful in preventing unpleasant odours within the village – is maintained to the level required to cope with the additional houses and subsequent sewage this development will create' are noted and this is a matter for Anglian Water to ensure the sewage chemical treatment is maintained. Anglian Water has confirmed that North Lincolnshire Council are responsible with regard to surface water drainage as the Lead Local Flood Authority. Notwithstanding this, they have confirmed that the preferred option is for a drainage strategy that deals with surface water by sustainable drainage systems and that discharge into the sewer is seen as a last resort.

A Flood Risk Assessment and Drainage Strategy has been provided as part of the application, which also provides guidance as to the site drainage strategy. Soil soakage testing has been undertaken at the site, which has confirmed that soakaways are not

suitable for the site. Therefore, water will be attenuated and directed to discharge to the existing on-site drainage ditch which then discharges to Skitter Beck. The required surface water storage for the site will be provided in a combination of gravel sub-base for the permeable paving, a new watercourse and the widening of the existing watercourse flowing south from the development area. A new watercourse will be cut from the south-east corner of the development area to flow west to the existing watercourse. This new watercourse is to provide additional environmental habitat and will be used to provide some of the required storage.

On-site surface water storage will be required as part of the development in order to provide the required storage volume, attenuating run-off resulting from an increase in hardstanding and impermeable areas. This is proposed to be incorporated as part of a Sustainable Urban Drainage Scheme (SuDS) including permeable paving, a pond and swales (for conveyance).

The council's drainage team has considered the submitted information and confirm that they have no objection to the proposals for surface water drainage subject to conditions to secure the implementation of a detailed SuDS scheme. The long-term management and maintenance of the Sustainable Urban Drainage Systems will be secured by a Section 106 agreement. For the reasons outlined above, and giving due regard to the lack of objection from Anglian Water and the council's own drainage expert, it is considered that the proposed development will have no unacceptable impact with regard to flood risk or drainage. Subject to conditions, the proposal will align with policies CS18 and CS19 of the NLCS, and DS14 and DS16 of the NLLP.

## **Biodiversity**

In terms of biodiversity, the applicant has submitted a preliminary ecological appraisal report and a Biodiversity Metric 3.0 Assessment. The council's ecologist has assessed these reports and considers that the site is arable land of low biodiversity value. No evidence of water voles was recorded, though some boundary drains were noted as having moderate potential for the species. Badger field signs were recorded just off-site and great crested newt breeding ponds are present 176–288 metres away. The mixed native hedgerows, boundary trees and drains may be worthy of retention and enhancement. The submitted biodiversity metric assessment indicates that the proposal will deliver measurable net gain on biodiversity of:

- Habitat units + 24.39% increase
- Hedgerow units + 13.78% increase
- River units + 18.29% increase.

In terms of biodiversity due to the arable nature of the site, there is limited biodiversity value at present. The proposed development can achieve a biodiversity net gain (BNG). Planning conditions are proposed to ensure the development will be carried out in accordance with the submitted ecology appraisal report and that a biodiversity management plan is submitted to the council for approval to ensure biodiversity enhancements are provided on the site. Planning conditions will also be used to ensure a satisfactory landscaping scheme is provided for the full planning permission aspect of the proposal (landscaping is a reserved matter for the outline part of the proposal) and to ensure existing trees and hedgerows to be retained will be safeguarded during construction. The proposal will



therefore align with the NPPF, policy CS17 of the Core Strategy, and policies LC5 and LC12 of the North Lincolnshire Local Plan.

### **Character and landscape impacts**

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 H5 of the local plan, which is concerned with new housing development, and paragraph 127 of the NPPF, are also relevant.

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy is in two parts: firstly, it sets out, in principle, those development types that are acceptable; and secondly, it sets out a criteria-based approach to assessing those developments. The second part is of interest here in that it seeks to ensure that the visual amenity of the countryside is not compromised by poor development. Paragraph ‘c’ of the policy states: ‘...the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;’

The applicant has submitted a landscape technical note with the application which assesses the impact the development will have on the landscape taking into consideration the fact that 90 dwellings have already been approved on the site under PA/2018/2525. The proposal will clearly result in the loss of greenfield land and encroachment of the urban area into the countryside, which is an environmental disbenefit. Whilst the site is not subject to any formal landscape designation, the impact of development on non-designated landscapes is still a planning consideration. The existing urban area of Ulceby lies to the north and west and forms the site’s northern boundary. Furthermore, the site is relatively enclosed by existing hedging and tree planting along the north, east and west boundaries. There are open views to the south of the site, but these views do not currently benefit any visual receptors, other than a small number of residential properties that back onto the site. For these reasons the overall landscape value of the site is considered to be low.

The proposed development would alter the character and appearance of the countryside. However, that would apply to any greenfield site, including those allocated for development in the HELAP, and would be an inevitable consequence of the authority striving to meet housing need. The full planning permission part of the proposal, together with the illustrative masterplan for the outline part of the proposal, shows that the development will have a relatively low density of 20 dwellings per hectare, which reflects the semi-rural context of Ulceby and aligns with NLCS policy CS7 which seeks a net density within rural settlements and the open countryside of 30–35 dwellings per hectare. Although the density of the scheme is lower than that set out in policy CS7, the scheme is considered to be of a similar density to the adjoining residential development to the west and would be in character with this area of Ulceby.

The scheme will incorporate large areas of open space and significant landscaping on the site. As such, the development would provide a softer boundary between the settlement and the open countryside, which would replace the existing boundary that is relatively harsh, being comprised primarily of close-boarded timber fencing with minimal landscaping. This would represent an enhancement in the urban to rural transition and will help the development to integrate effectively into the wider landscape and provide a natural

extension to the eastern edge of Ulceby. Given the fact that the site is comparatively enclosed, is not of high landscape value and lies directly adjacent to the defined development boundary and existing residential development, it is considered that the landscape impact would be limited in this instance. This is something which can be further mitigated by planning conditions and at the reserved matters stage when the layout and landscaping of the proposal is considered.

## **Design**

In terms of the 32 dwellings (full planning permission) details of the layout and design of these dwellings have been submitted. These dwellings are a good mix of detached, semis and a row of terraces. They are a range of two-, three-, four-, five- and six-bedroom properties. The dwellings are of modern design that are in character with the existing range of housing in the vicinity of the site. There is good detailing on the properties by the use of chimneys, quoins, brick and stone headers to windows, porches and gables. The plans show a range of materials to be used, and the details of these materials can be conditioned. Each dwelling has its own front and private rear garden with car parking in the form of garages, drives and communal parking ('home zone'). The proposal provides good-sized garden areas for the proposed dwellings and there are adequate separation distances between the properties to secure privacy. Substantial landscaped areas are proposed with existing hedgerows and some existing trees to be retained. The precise details of the landscaping and tree protection measures for hedgerows and trees to be retained on the site can be dealt with through planning conditions. Subject to conditions, the proposal will align with policies CS2, CS3, CS7 and CS8 of the Core Strategy, policies H5, H8, LC12 and DS1 of the North Lincolnshire Local Plan, and chapter 12 of the NPPF.

In terms of the outline part of the proposal, the appearance, landscaping, layout and scale are all reserved matters and will be assessed at reserved matters stage. Only the access from Station Road is to be determined at this outline stage which Highways consider to be acceptable subject to conditions and aligns with policies T1 and T2 of the NLLP. It should be noted that the indicative masterplan submitted (for the outline aspect of the proposal) shows the full range of house types that are reflected in the 32 properties proposed as the full part of this application. In addition, 10 dormer bungalows are shown, which, whilst only indicative at this outline stage, are welcomed and would be a benefit to the overall scheme as North Lincolnshire has a high elderly population which is increasing according to the recent census data published in 2022.

## **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 propose 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.

### **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. In this case, Environmental Health do not consider the submitted site investigation to be sufficiently robust and therefore propose a planning condition to ensure a satisfactory site investigation and remediation scheme is submitted for the site for approval by the council before development takes place. However, within the appeal decision for PA/2018/2525, the Inspector considered that a less onerous contamination condition was required as the submitted site investigation (which is the same report for this application with updated site photographs and site area) did not identify any contaminants of concern on the site. PA/2018/2525 could be implemented on the site. The application sites are virtually identical and there have been no other intervening uses on the site since the appeal for PA/2018/2525 was allowed. The site has remained arable farmland. Therefore, it is appropriate and reasonable in this case to apply a less stringent contamination condition to the permission which will still ensure that if contamination is found on the site during construction, the applicant will need to inform the local planning authority and a risk assessment will need to be carried out. If unacceptable risks are found then remediation and verification schemes will need to be submitted to the local planning authority for approval. Subject to this proposed contamination condition, the proposal will align with policy DS7 of the NLLP.

### **Impacts on neighbours**

The main impact in terms of the full application (32 dwellings) will be on Gower Close. In terms of the outline application (85 dwellings), this will be assessed at reserved matters stage when details of the layout, scale, appearance and landscaping are known. In terms of Gower Close, this is a modern housing estate comprising large detached dwellings, set in fairly substantial garden areas. The 32 dwellings will not give rise to 'direct' overlooking into adjoining properties due to their design, siting and boundary treatment. There are acceptable separation distances between dwellings within the proposed development and between the proposed development and properties on Gowers Close. Planning conditions will ensure WC/bathroom and en-suite windows will be obscure-glazed. Subject to conditions, the proposal will align with policies CS5 of the Core Strategy, H5, H8, and DS1 of the North Lincolnshire Local Plan, and chapter 12 of the NPPF.

### **Cultural heritage**

In terms of cultural heritage, the site is not within or adjacent to a conservation area and there are no listed buildings adjacent to the site. In terms of archaeology, HER has confirmed that archaeological evaluation was carried out on the site in 2019. No remains of archaeological significance were identified on the site and therefore no further

archaeological work is recommended for this proposal. As a result, the proposal will have no impact on cultural heritage and the proposal aligns with policies HE2, HE5 and HE9 of the NLLP, and CS6 of the Core Strategy. The full application, together with the illustrative masterplan for the outline part of this proposal, show that the development will have a relatively low density of dwellings per hectare, which reflects the semi-rural context of Ulceby and will incorporate large areas of open space and landscaping.

### **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. Ulceby is a rural settlement and policy CS9 seeks to ensure that 10% of the dwellings constructed on the site will be affordable. This equates to 12 affordable dwellings on the site. 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 states, '(i) ...New housing developments on allocated and windfall sites of 0.5 ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents.' This is reinforced by policies CS22 and CS23 of the North Lincolnshire Core Strategy. Under policy H10 a development of this size needs to make provision for a LEAP. In this case 10 square metres of informal open space will need to be provided on site per dwelling and on-site SuDS features will be managed by an estate management company. Following negotiation with the applicant, it has been agreed to provide an off-site LEAP contribution of £54,106.00 towards play equipment, outdoor gym equipment or community garden in Ulceby for use by Ulceby residents.

## ***Recreation***

The recreation department has agreed a total off-site leisure contribution of £105,568.00. This is broken down into: £44,047 towards improvements towards swimming pool facilities at Baysgarth community hub, £19,893 improvements towards natural grass pitches to serve sub area 7, £1,524 towards improvements to indoor bowls in Scunthorpe, and £40,104 towards sports hall and fitness improvements at Baysgarth community hub. This is based on the Sports Calculator and Playing Pitch Strategy. This contribution will mitigate the impact the development will have on leisure facilities in Barton and in North Lincolnshire by providing a financial contribution to improve/expand sporting facilities. This accords with policies CS22 and CS23 of the Core Strategy.

## ***Education***

Policy C1 states that where major new housing proposals would result in an increased demand for education facilities, which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, in order to secure the provision of, or contribution towards, new or extended facilities. There is an identified need for the monies to go towards schools in the local catchment areas. A contribution of £5,376 per dwelling is required towards secondary education, which excludes affordable products and over 55's products to mitigate the impact the development will have on primary and secondary education. This aligns with policy C1 and SPG8 of the North Lincolnshire Local Plan.

## ***Health***

The NHS has requested a contribution towards health as the proposal has the potential to impact on requests for new patient registrations, potentially increasing the list size and demand for clinical services, and nearby services are under pressure from limited space. However, at present there is insufficient robust evidence to suggest that this is the case in this area and therefore this contribution does not pass the S106 tests as set out above.

## ***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, CS22 and CS23 of the North Lincolnshire Core Strategy, C1 and H10 of the North Lincolnshire Local Plan, and paragraph 57 of the NPPF. The heads of terms have been put to the applicant for off-site public open space, recreation and education, and for affordable housing in perpetuity. The applicant has agreed all the requested S106 contributions required to mitigate the impacts of the development.

## ***Other matters***

In terms of comments from the parish council, the public open space contribution set out in the above section can be used towards Ulceby's community garden. The proposed development will be subject to a construction traffic management plan (CTMP) which will need to be submitted to and approved by the council. The pelican crossing has been addressed in the highways section of this report. The 12 affordable homes will be allocated to residents of North Lincolnshire. Whilst the council does not have specific locational criteria for the allocation of affordable housing, it anticipated that some occupiers of the affordable housing will be from/have connections with Ulceby and surrounding villages. The

issue of the sewage treatment plan has been addressed in the drainage section of this report.

In terms of other objections, there is no evidence to suggest that the facilities in Ulceby cannot support this development. The impact on local schools will be mitigated by the proposed S106 contribution. The proposal will provide BNG on the site and will not result in any significant harm to wildlife. There potentially will be some noise and disturbance during construction of the scheme, but this can be mitigated to a certain extent by the submission and approval of a CEMP and restrictions on working hours. It is noted on outline planning permission PA/2018/2525, granted on appeal, that the Inspector allowed construction working hours from 0700–1900 Monday to Friday and 0700–1300 on Saturdays with no workings on Sundays, Bank and Public Holidays. Environmental Health are proposing shorter working hours which have been imposed on similar applications in rural locations. The appeal was for 90 dwellings and this application is for 117 dwellings and therefore the scheme is likely to be built out over a longer period. It is considered in this case that the working hours proposed by Environmental Health are acceptable and are recommended below. Loss of view is not a planning consideration. The site layout shows a development of 117 can be accommodated on the site at a density that is appropriate to the overall character of this area of Ulceby. The other issues raised have been dealt with in earlier sections of this report.

### **Pre-commencement conditions**

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

### **The planning balance**

The proposed development conflicts with some of the restrictive policies of the development plan due to the site being primarily outside of defined development limits where residential development is not normally supported. However, the proposal is considered to constitute sustainable development which would make an important contribution towards meeting a proven shortfall in the provision of housing land within North Lincolnshire. Given the lack of a demonstrable five-year supply of deliverable housing sites, it is considered that the benefits of the proposed development with regard to the delivery of housing must be given significant weight in the planning balance. The adverse impacts of the development are considered to be limited and do not significantly and demonstrably outweigh the benefits and as such, in line with the ‘tilted balance’ set out in paragraph 11 of the NPPF, the development must be considered acceptable and is recommended for approval.

In addition, the site has a strong ‘fallback’ position due to the existing planning permission on the site for 90 dwellings (PA/2018/2525) which can be implemented on the site. The proposed development is for a total of 117 dwellings. It is not considered in this case that the additional 27 dwellings proposed on the site create any further material harm than the current application. The applicant has provided full details of the 32 dwellings (full permission) on the site and has given an illustration through the ‘layout’ of how the proposed 85 dwellings (outline permission) could be arranged on the site. It is considered that the 117 dwellings can be accommodated on the site without any further significant material harm than the existing permission on the site for 90 dwellings.

## Conclusion

The proposal has been subject to a full assessment giving due consideration to responses from technical consultees and third parties. There has been some local opposition to the proposal and the material points have been considered under the relevant sections within this report, whilst other issues raised may be more pertinent to be considered at the reserved matters stage when the actual, appearance, landscaping, scale and layout of the outline part of the scheme can be assessed. It is considered, given the assessment above, that no adverse impacts related to the development exist that would significantly and demonstrably outweigh the benefits that would follow from a well-executed residential scheme in this location. Overall, it is considered that the proposal does represent sustainable development in the context of the NPPF and Housing and Employment Land Allocations DPD policy PS1, which sets a presumption in favour of sustainable development.

## Heads of terms

### *Affordable housing*

Number of dwellings	12 dwellings (10% of the development)
Trigger point	3 dwellings on occupation of the 25 <sup>th</sup> dwelling 3 dwellings on occupation of the 50 <sup>th</sup> dwelling 3 dwellings on occupation of the 75 <sup>th</sup> dwelling 3 dwellings on occupation of the 100 <sup>th</sup> dwelling
Product type	Mixture of discounted market sale and shared ownership
	Affordable units to be retained in perpetuity

### *Education*

Contribution amount	£5,376 secondary only contribution per dwelling excluding affordable units (£564,480 total)
Trigger point	30% on occupation of the 1 <sup>st</sup> dwelling 30% on occupation of the 30 <sup>th</sup> dwelling 40% on occupation of the 70 <sup>th</sup> dwelling
How many years does the council require to spend the contribution?	10 years

### ***Open space and SUDS***

On-site contributions	10sqm of informal open space on site per dwelling and on-site SUDS features to be managed by an estate management company
Trigger point	Estate management company set up prior to occupation of the 1 <sup>st</sup> dwelling  The open space and SUDS features to be completed prior to the occupation of the penultimate dwelling in that phase

### ***Area of play***

Contribution amount	£54,106.00 LEAP contribution off site towards play equipment, outdoor gym equipment or community garden
Trigger point	Contribution on occupation of the 1 <sup>st</sup> dwelling
How many years does the council require to spend the contribution?	10 years

### ***Recreation***

Recreation contribution	£19,893 towards improvements to the natural grass pitches that serve Sub area 7  £44,047 for swimming facilities  £40,104 towards sports hall and fitness improvements  £1,524 for improvements to indoor bowling facilities  Total of £105,568.00
Trigger point	50% on occupation of the 25 <sup>th</sup> dwelling  50% on occupation of the 60 <sup>th</sup> dwelling
How many years does the council require to spend the contribution?	10 years

### **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for open space and affordable housing within the development, an off-site contribution for recreation and a LEAP/outdoor gym**



**equipment/community garden, and an education contribution, the committee resolves:**

- (i) it is mindful to grant full planning permission to erect 32 dwellings and outline planning permission for 85 dwellings with appearance, landscaping, scale and layout reserved for subsequent consideration;**
- (ii) the decision be delegated to the Development Management Lead upon completion of the obligation;**
- (iii) if the obligation is not completed by 7 March 2023 the Development Management Lead be authorised to refuse the application on grounds of no essential community benefits and affordable housing; and**
- (iv) the full planning permission so granted to erect 32 dwellings be subject to the following conditions:**

1.

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

Reason

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

2.

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

1339/0006 Phase 1 Proposed Site Plan  
1331/1001 Location Plan  
House Mix Phase 1 (Plots 1–20 and plots 106–117)  
1331/0023 House Type E2  
1331/0022 House Type E1  
1331/0021 House Type D4  
1331/0020 House Type D3  
1331/0019 House Type D2  
1331/0018 House Type D1  
1331/0017 House Type C5  
1331/0016 House Type C4  
1331/0014 House Type C2  
1331/0013 House Type C1  
1331/0012 House Type B1  
1331/0011 House Type A2  
1331/0010 House Type A1  
1331/0026 Garage Type B2  
1331/0025 Garage Type A3 and B1  
1331/0024 Garage Type A1 and A2.

Reason

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

3.

No development shall take place until details showing the provision of a footway across the whole site frontage and the provision of crossing points to connect into the existing footway on Station Road have been submitted to and approved in writing by the local planning authority. Once approved, these shall be completed prior to the occupation of the 10th dwelling.

Reason

In the interests of highway safety and to accord with policies T1, T2 and T6 of the North Lincolnshire Local Plan.

4.

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

Reason

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

5.

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.

6.

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.

7.

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.

8.

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.

9.

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; and
- (ii) the number and location of vehicle parking space(s) on the site;

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

**Reason**

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

10.

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

**Reason**

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

11.

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

Reason

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

12.

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

Reason

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

13.

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

Reason

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

14.

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

Reason

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

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 place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must be based on the submitted Flood Risk Assessment & Outline Drainage Strategy, prepared by Roy Lobley, Issue No 1, dated 26/01/2022.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on 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.

Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended, and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason

To safeguard human health in accordance with policies DS7 and DS1 of the North Lincolnshire Local Plan.

22.

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, 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 policy CS18 of the Core Strategy and the National Planning Policy Framework.

23.

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

24.

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
- (ii) 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) the location of potential temporary floodlights;
- (iv) the 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) the 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) the provision of water to the site;
- (iv) dust mitigation techniques at all stages of development;
- (v) the 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 safeguard residential amenity in accordance with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

25.

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

Reason

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

26.

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

In the interests of the amenity of the locality in accordance with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

27.

Works shall be carried out strictly in accordance with sections 5.1.2 to 5.5.2 of the submitted Preliminary Ecological Appraisal report dated November 2021.

Reason

To conserve protected and priority species in accordance with policies LC5 of the North Lincolnshire Local Plan and CS17 of the Core Strategy.

28.

Within six 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 boxes and bat bricks, of at least two different specifications, to be installed on 15% of dwellings;
- (b) details of swift boxes and sparrow terraces to be installed on 15% of dwellings combined;
- (c) details of nesting sites to be installed to support a variety of other species including house martin and garden birds;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- (g) details of wetland habitat to be created and managed as part of sustainable drainage;
- (h) details for the sensitive management of retained ditches;
- (i) appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
- (j) procedures for monitoring and ongoing management of created habitats for a period of at least 30 years;
- (k) measures to avoid light, noise and water pollution, fly-tipping and other factors that would harm habitats and species;
- (l) prescriptions for the provision of a wildlife gardening leaflet for each new resident;

- (m) details to confirm that the measures proposed will provide a measurable net gain in biodiversity value of least 10% in accordance with the Defra biodiversity metric 3.0 and the submitted Biodiversity Assessment dated February 2022;
- (n) proposed timings for the above works in relation to the completion of the dwellings.

Reason

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

29.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, for a period of at least 30 years, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 30th dwelling hereby approved, 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.

30.

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.

31.

Before any dwelling is first occupied the bathroom/WC/en-suite 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.

**and the outline planning permission so granted for 85 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration be subject to the following conditions:**

32.

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

Reason

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

33.

Plans and particulars of the reserved matters referred to in condition 32 above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

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

34.

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.

35.

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.

36.

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

- 1331/0001 location plan and the site access shown on drawing no. 1339/0006 (Phase 1 site plan).

Reason

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

37.

No development shall take place until details of:

- (i) the location and layout of the vehicular access; and
- (ii) the number, location and layout of the vehicle parking space(s) within the curtilage of the site;

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

Reason

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

38.

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.

39.

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.

40.

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.

41.

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.

42.

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.

43.

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; and
- (ii) the number and location of vehicle parking space(s) on the site;

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

Reason

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

44.

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.

45.

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.

46.

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.

47.

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

Reason

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

48.

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

Reason

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

49.

The final travel plan shall be submitted to and approved in writing by the local planning authority within six months of the proposed development being brought into use and all conditions and requirements of the plan, once approved, shall be implemented and retained at all times.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

50.

The travel plan, once approved and in place, shall be subject to monitoring on an annual basis for a period of three years from the approval date. The monitoring report on the impact of the travel plan shall be submitted to the local planning authority on the first of January each year following the grant of planning permission. All amendments to the approved travel plan identified as a result of the monitoring process shall be implemented and retained.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

51.

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.

52.

The details in respect of reserved matters for any phase of development shall include a scheme for the provision of surface water drainage for the site which shall be based on the submitted Flood Risk Assessment & Outline Drainage Strategy, prepared by Roy Lobley, Issue No 1, dated 26/01/2022 and shall include the following criteria:

- (a) peak run-off from a brownfield site should be attenuated to a minimum of 70% of any existing discharge rate (existing rate taken as 1.4 litres/sec/ha or the established rate whichever is the lesser for the connected impermeable area)
- (b) discharge from 'greenfield sites' taken as 1.4 lit/sec/ha (1:1yr storm)
- (c) no above-ground flooding to occur up to the 100-year plus climate change critical flood event (based on current national guidance)
- (d) a range of durations should be used to establish the worst-case scenario
- (e) the suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology
- (f) a scheme for the provision of a positive outlet of surface water from the site
- (g) adoption and maintenance agreements for all surface water and SuDS drainage features.

If a full sustainable urban drainage system (SuDS) scheme is incapable of being delivered, then comprehensive justification of this must be submitted.

Reason

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

53.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 52 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.

54.

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.

55.

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.

56.

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.

57.

Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended, and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason

To safeguard human health in accordance with policies DS7 and DS1 of the North Lincolnshire Local Plan.

58.

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, 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 policy CS18 of the Core Strategy and the National Planning Policy Framework.

59.

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

60.

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
- (ii) 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) the location of potential temporary floodlights;
- (iv) the 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) the 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) the provision of water to the site;
- (iv) dust mitigation techniques at all stages of development;
- (v) the 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 safeguard residential amenity in accordance with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

61.

Before development is commenced, details of the method of protecting the existing trees and hedgerows on the site throughout the construction period shall be submitted to and approved in writing by the local planning authority, and such works as may be so approved shall be carried out before development is commenced, and maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent, or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

Reason

To safeguard the existing trees on the site in accordance with policy LC12 of the North Lincolnshire Local Plan.

62.

Works shall be carried out strictly in accordance with sections 5.1.2 to 5.5.2 of the submitted Preliminary Ecological Appraisal report dated November 2021.

Reason

To conserve protected and priority species in accordance with policies LC5 of the North Lincolnshire Local Plan and CS17 of the Core Strategy.

63.

Within six 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 boxes and bat bricks, of at least two different specifications, to be installed on 15% of dwellings;
- (b) details of swift boxes and sparrow terraces to be installed on 15% of dwellings combined;
- (c) details of nesting sites to be installed to support a variety of other species including house martin and garden birds;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;

- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- (g) details of wetland habitat to be created and managed as part of sustainable drainage;
- (h) details for the sensitive management of retained ditches;
- (i) appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
- (j) procedures for monitoring and ongoing management of created habitats for a period of at least 30 years;
- (k) measures to avoid light, noise and water pollution, fly-tipping and other factors that would harm habitats and species;
- (l) prescriptions for the provision of a wildlife gardening leaflet for each new resident;
- (m) details to confirm that the measures proposed will provide a measurable net gain in biodiversity value of least 10% in accordance with the Defra biodiversity metric 3.0 and the submitted Biodiversity Assessment dated February 2022;
- (n) proposed timings for the above works in relation to the completion of the dwellings.

Reason

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

64.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, for a period of at least 30 years, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 50th and 80th dwelling hereby approved, 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.

65.

The residential development hereby permitted shall not comprise more than 85 dwellings (Use Class C3).

Reason

For clarity and to ensure a satisfactory standard of development on the site.

**Informative 1**

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

**Informative 2**

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

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

**Informative 3**

The applicant's attention is drawn to the comments made by Humberside Police, Humberside Fire and Rescue Service and Recycling.

**Informative 4**

Our records indicate that the proposed development site is bounded by a series of riparian watercourses (currently owned and maintained by the landowner). An easement adjacent to the watercourse may need to be provided for future maintenance.

Alterations and/or connections into the watercourse must be consented by the LLFA Drainage Team through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

**Informative 5**

For your information the LLFA Drainage Team no longer permit the use of connected private surface water drainage systems which are reliant on one outfall/property owner, unless a robust adoption and maintenance plan is produced and made known to all property owners. The reliance on one owner to maintain a drainage system, if not maintained, can cause civil and legal disputes moving forward with several neighbouring properties. This is not a good solution unless it is a public sewer and adopted by the water company. This is an approach that other local authorities are adopting. There is no reason why each property cannot have their own individual surface water drainage outfall.

**Informative 6**

Confirmation is also required for the existing Anglian Water surface water sewer inflows from the upstream developments (Gower Close and Willow Close) and these rates of discharge must be included in the detailed surface water drainage design, including robust adoption and maintenance of all sections of watercourse and the required agreements from the council's drainage team for alterations and/or connections in their capacity as Lead Local Flood Authority (LLFA).

**Informative 7**

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



Ulceby

Page 122

 Development Boundary

**PA/2022/628**

**North  
Lincolnshire  
Council**

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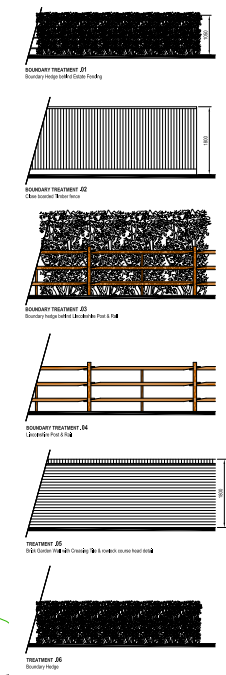


Unit	Reference	Type	Area m <sup>2</sup>	Area 10%	Price	Units
A2	A	Detached	238	23.8	1/2 / 111/16	4
A3	A	Detached	238	23.8	1/2 / 111/16	4
A4	A	Detached	301	30.1	1/2 / 111/16	4
C1	C	Detached	138	13.8	1/2 / 111/16	4
C2	C	Detached	141	14.1	1/2 / 111/16	4
C3	C	Detached	136	13.6	1/2 / 111/16	4
C4	C	Detached	140	14.0	1/2 / 111/16	4
C5	C	Detached	138	13.8	1/2 / 111/16	4
D1	D	Detached	191	19.1	1/2 / 111/16	4
D2	D	Detached	196	19.6	1/2 / 111/16	4
D3	D	Detached	191	19.1	1/2 / 111/16	4
D4	D	Detached	191	19.1	1/2 / 111/16	4
E1	E	Detached	146	14.6	1/2 / 111/16	4
E2	E	Detached	146	14.6	1/2 / 111/16	4
F1	F	Detached	146	14.6	1/2 / 111/16	4
F2	F	Detached	146	14.6	1/2 / 111/16	4
G1	G	Detached	146	14.6	1/2 / 111/16	4
G2	G	Detached	146	14.6	1/2 / 111/16	4
H1	H	Detached	146	14.6	1/2 / 111/16	4
H2	H	Detached	146	14.6	1/2 / 111/16	4
I1	I	Detached	146	14.6	1/2 / 111/16	4
I2	I	Detached	146	14.6	1/2 / 111/16	4
J1	J	Detached	146	14.6	1/2 / 111/16	4
J2	J	Detached	146	14.6	1/2 / 111/16	4
K1	K	Detached	146	14.6	1/2 / 111/16	4
K2	K	Detached	146	14.6	1/2 / 111/16	4
L1	L	Detached	146	14.6	1/2 / 111/16	4
L2	L	Detached	146	14.6	1/2 / 111/16	4
M1	M	Detached	146	14.6	1/2 / 111/16	4
M2	M	Detached	146	14.6	1/2 / 111/16	4
N1	N	Detached	146	14.6	1/2 / 111/16	4
N2	N	Detached	146	14.6	1/2 / 111/16	4
O1	O	Detached	146	14.6	1/2 / 111/16	4
O2	O	Detached	146	14.6	1/2 / 111/16	4
P1	P	Detached	146	14.6	1/2 / 111/16	4
P2	P	Detached	146	14.6	1/2 / 111/16	4
Q1	Q	Detached	146	14.6	1/2 / 111/16	4
Q2	Q	Detached	146	14.6	1/2 / 111/16	4
R1	R	Detached	146	14.6	1/2 / 111/16	4
R2	R	Detached	146	14.6	1/2 / 111/16	4
S1	S	Detached	146	14.6	1/2 / 111/16	4
S2	S	Detached	146	14.6	1/2 / 111/16	4
T1	T	Detached	146	14.6	1/2 / 111/16	4
T2	T	Detached	146	14.6	1/2 / 111/16	4
U1	U	Detached	146	14.6	1/2 / 111/16	4
U2	U	Detached	146	14.6	1/2 / 111/16	4
V1	V	Detached	146	14.6	1/2 / 111/16	4
V2	V	Detached	146	14.6	1/2 / 111/16	4
W1	W	Detached	146	14.6	1/2 / 111/16	4
W2	W	Detached	146	14.6	1/2 / 111/16	4
X1	X	Detached	146	14.6	1/2 / 111/16	4
X2	X	Detached	146	14.6	1/2 / 111/16	4
Y1	Y	Detached	146	14.6	1/2 / 111/16	4
Y2	Y	Detached	146	14.6	1/2 / 111/16	4
Z1	Z	Detached	146	14.6	1/2 / 111/16	4
Z2	Z	Detached	146	14.6	1/2 / 111/16	4

**KEY:**

- PHASE 1 BOUNDARY
- PROPOSED HOUSE
- PROPOSED DRIVE
- PROPOSED GARDEN
- PROPOSED TERRACE
- PROPOSED DRIVE

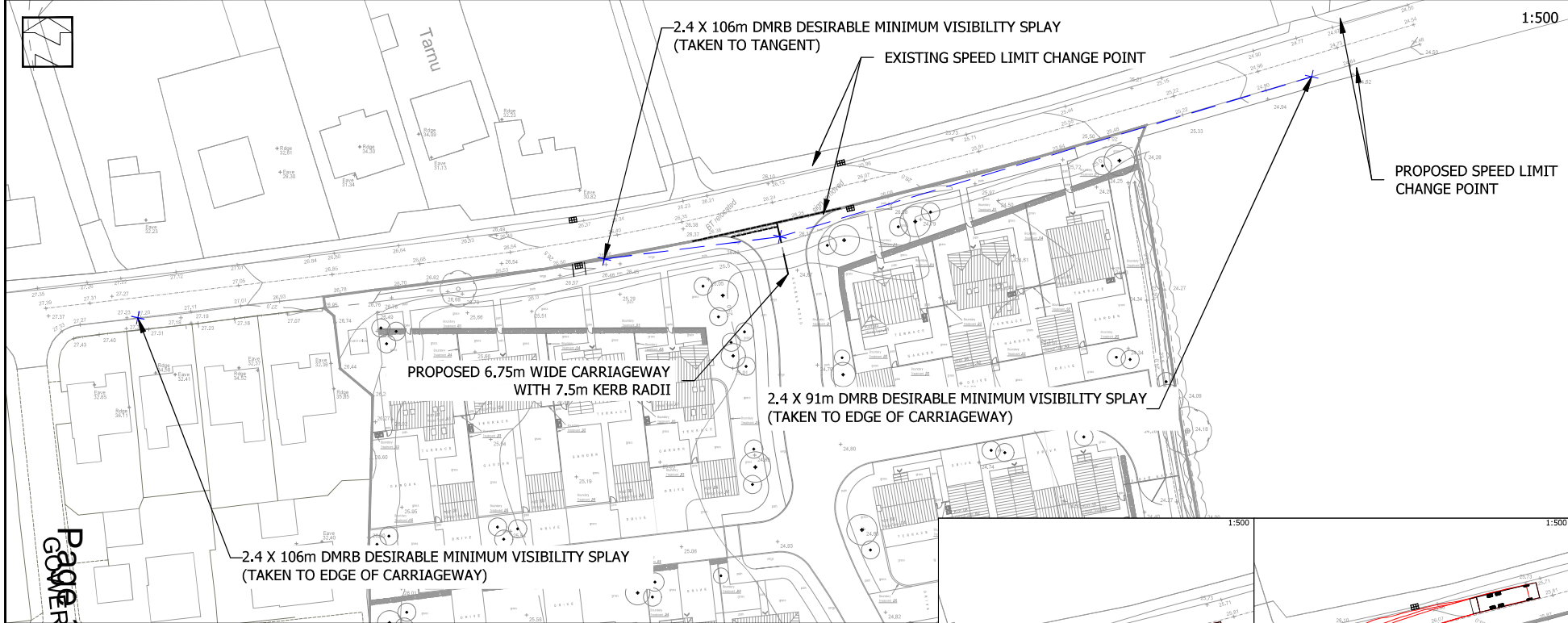
**BOUNDARY TREATMENTS**



**NOTES:**

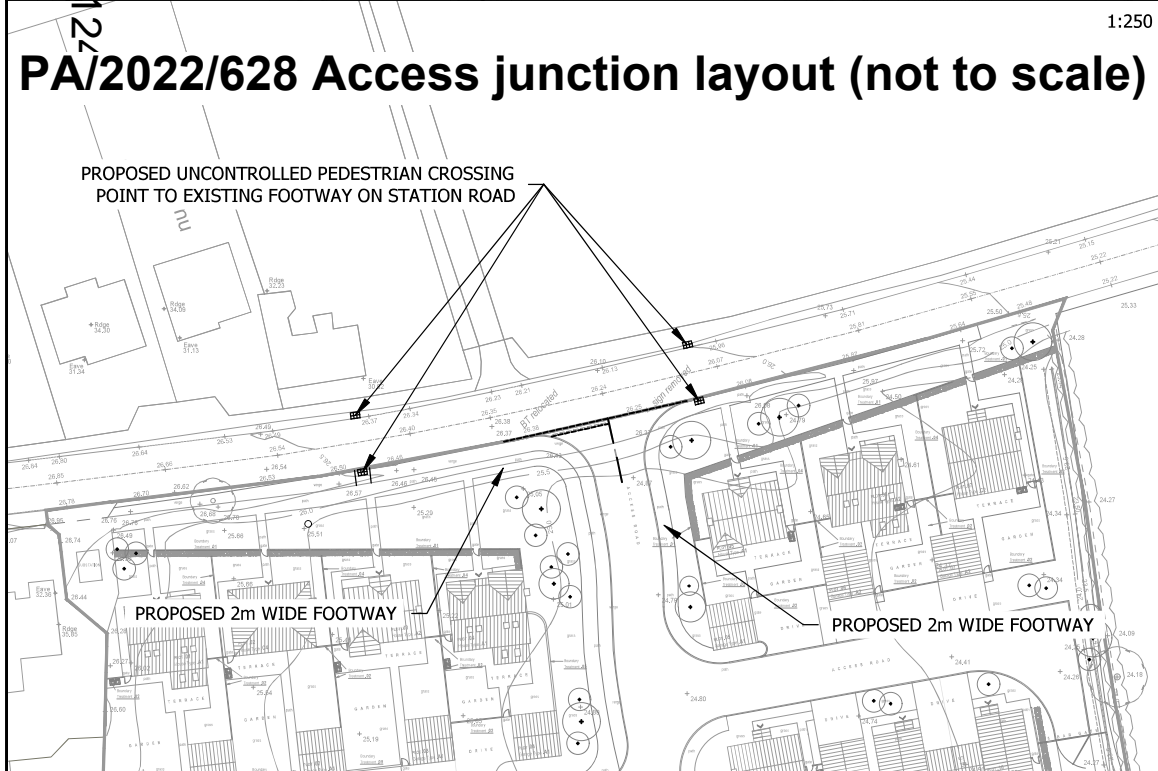
1. All dimensions are in meters unless otherwise stated.
2. The contractor shall be responsible for obtaining all necessary permits and approvals.
3. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.
4. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.
5. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.
6. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.
7. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.
8. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.
9. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.
10. The contractor shall be responsible for ensuring that all work is completed in accordance with the approved plans and specifications.

# PA/2022/628 Phase 1 proposed layout (not to scale)



1:500

Phoenix 2 Duo (P2-15W with Elite 6x4 chassis)	11.200m
Overall length	2.950m
Overall width	3.750m
Overall body height	0.930m
Min Body Ground Clearance	2.500m
Track Width	2.500m
Lock to lock time	4.00s
Kerb to Kerb Turning Radius	6.00m



P4	Updated layout	08/02/2022
P3	Updated layout (agricultural vehicles to use separate access)	29/11/2021
P2	Site access layout amended to accommodate agricultural vehicles	14/11/2018
Rev	Description	Date
Client:	MF Strawson	
Project:	Proposed Residential Development Station Road, Uliceby	
Title:	Access Junction Layout	
Orig Size:	A2	AS SHOWN
Scale:	AS SHOWN	
Date:	03/09/2021	
Orig No:	ADC1817-DR-002	Rev: P4





## Appeal Decision

Hearing Held on 25 February 2020

Site visits made on 24 and 25 February 2020

**by G J Fort BA PGDip LLM MCD MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 18 March 2020**

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### **Appeal Ref: APP/Y2003/W/19/3233292 Land at Station Road, Ulceby, Lincolnshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr P Strawson (MF Strawson Limited) against the decision of North Lincolnshire Council.
  - The application Ref PA/2018/2525, dated 10 December 2018, was refused by notice dated 5 July 2019.
  - The development proposed is the residential development of up to 90 dwellings, formation of access and provision of public open space.
- 

### **Decision**

1. The appeal is allowed and planning permission is granted for the residential development of up to 90 dwellings, formation of access and provision of public open space at Land at Station Road, Ulceby, Lincolnshire in accordance with the terms of the application, Ref PA/2018/2525, dated 10 December 2018, subject to the conditions in the schedule to this decision below.

### **Application for costs**

2. An application for costs was made by Mr P Strawson (MF Strawson Limited) against North Lincolnshire Council. This application is the subject of a separate Decision.

### **Procedural Matters**

3. The application that led to this appeal was in outline with all matters reserved except for access. I will consider the appeal on this basis and treat the submitted details as indicative insofar as they relate to matters reserved for future determination.
4. The policies and supplementary guidance which support the planning obligations which accompanied the proposal were not supplied to me prior to the hearing. However, the Council provided these, by agreement, after the hearing. As these either form part of the adopted development plan, or are readily available pieces of local planning guidance with which both parties are familiar, I consider that no prejudice would occur to the interests of any parties as a result of me taking them into account in my assessment of the merits of the appeal.

5. At the hearing it emerged that a Traffic Regulation Order<sup>1</sup> (TRO) had been made in November 2019. Amongst other things the TRO puts in place a 30mph speed limit along Station Road in the vicinity of the appeal site. The Council provided a copy of the TRO after the hearing, and I sought the appellant's comments on it. Consequently, my consideration of the TRO as part of my assessment of the appeal's merits would not prejudice the interests of any parties.

### **Main Issues**

6. I consider the main issues in this case to be firstly, the effect of the proposed development on the character and appearance of the site and its surroundings; secondly, the effect of the proposed development on highway safety; and thirdly, the effect on the overall planning balance of other considerations including the District's housing supply.

### **Reasons**

#### *Site, surroundings and proposed development*

7. Situated on the edge of Ulceby, the appeal site, an undulating arable field bounded in the main by hedgerows with some mature trees, is roughly L-shaped. Whilst the appeal site is situated in a wider pattern of arable fields, it is also related to the settlement of Ulceby as it wraps around the dwellings at Gower Close, Southfield Close and Willow Close. The scale and massing of these houses taken together with their boundary treatments which comprise tall fencing of an inherently domestic appearance constitute an abrupt and hard edge to the settlement, which taken together with the telecommunications mast in an adjacent field, dilute the landscape character of the appeal site. In arriving at this view, I am mindful of discussions at the hearing regarding the potential extension of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB). However, this initiative is at a relatively early stage, and it is not clear that any expansion of the AONB would encompass the appeal site or indeed the immediately inter-visible landscape wherein pylons, transport infrastructure, the refinery, and the intensive arable character of fields are evident signs of human influence.
8. The proposed development would introduce residential development to the appeal site of up to 90 dwellings, which would be accessed from Station Road, with a footway, and courtesy crossings provided at the front of the site. Whilst details of site layout are reserved for future determination, both the description of development and a planning obligation that accompanies the proposal make provision for public open space and the installation of play equipment.

#### *Policy Background*

9. The appeal site is outside of the settlement boundary of Ulceby and is thus in the open countryside for the purposes of the development plan. Policies CS2, CS3 and CS8 of the North Lincolnshire Core Strategy (adopted June 2011) (the Core Strategy); and Policy RD2 of the North Lincolnshire Local Plan (adopted May 2003) (the Local Plan) seek to control development in the open countryside. Whilst the policies set out the exceptional types of development which could be permitted on sites outside of settlement boundaries, the appeal

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<sup>1</sup> The North Lincolnshire Borough Council (Various Roads) (Restricted/De-restricted Roads and Speed Limits) (Consolidation) Order 2013 (Various Roads, Ulceby and Thornton Curtis) (Amendment No 14) Order 2019

scheme does not fall into any of these categories. Consequently, the proposed development would clearly conflict with the above-cited policies, insofar as taken together and amongst other things, they seek to control development in the open countryside.

10. At the hearing, discussions revealed that emerging development plan documents seek to retain the existing settlement boundary for Ulceby. Be that as it may, the emerging development plan is at a very early stage of preparation, and as such carries only very modest weight in the overall planning balance.

#### *Character and Appearance*

11. As a result of the proposed development, the settlement footprint of Ulceby would extend further along Station Road and at a greater depth beyond that highway than the housing on the immediately adjacent site. Residential development of the appeal site would undoubtedly alter its character, from a field free from built development to one with buildings upon it. In this way, the appeal scheme would differ from the immediately adjacent residential development, which relates to a site that was occupied by buildings prior to construction of the houses. Nevertheless, the substantial dwellings and prominent boundary treatments of that immediately adjacent site provide a clear and influential context for the appeal site, and a hard and abrupt transition from the countryside to the settlement. As a consequence, residential development of the appeal site would not appear unduly out of place; and moreover, the proposed development would be at relatively low density which could allow the most prominent landscape features at the site, namely the hedges and mature trees, to be retained and strengthened. In this respect the appeal scheme could also provide a softer edge to the settlement than currently exists.
12. I readily accept that on entering Ulceby from the direction of Ulceby Skitter, the proposed development would be visible. However, taken together the topography of adjacent fields, the existing mature hedgerows and trees within those fields, and the retention of boundary planting on the appeal site coupled with the strong potential to incorporate additional and extensive landscaping as part of its development, mean the proposed dwellings would not be widely visible - either in terms of their extent along Station Road, or in terms of the overall depth of development behind it. Moreover, residential development of the appeal site would entail only a limited linear extension of built development along Station Road beyond the housing present on the other side of the carriageway. Consequently, this aspect of the scheme, taken together with its limited wider visibility, mean that it would not materially diminish the gap between Ulceby and Ulceby Skitter, or result in the merging of these settlements.
13. In longer range publicly available views, such as from Brocklesby Road, the appeal scheme could be glimpsed in gaps in the high hedgerows which are the principal boundaries adjacent to the highway. However, the appeal scheme would be appreciated in the immediate context of existing residential development and within an undulating landscape which would serve to limit its visual implications. These aspects of the site and its surroundings, taken together with my observations set out above, mean that the proposed

development would not appear as a disproportionate extension to the settlement, and would not overwhelm its existing character.

14. Taking these matters together, I consider that the proposed development at the densities anticipated and subject to appropriate design details at the reserved matters stage could readily assimilate with its surroundings. On this basis, I therefore conclude on this main issue that the proposed development would not cause any material harm to the character and appearance of the site or its surroundings. In these terms the proposed development would not conflict with Policy RD2 of the Local Plan or Policy CS2 of the Core Strategy, which, taken together and amongst other things, seek to ensure that development is not detrimental to the character or appearance of the open countryside or a nearby settlement, is locally distinctive and designed to a high standard.

#### *Highway Safety*

15. The proposed development is supported by a Transport Assessment<sup>2</sup> (the Assessment), which is informed by traffic speeds in the vicinity of the appeal site observed by an Automatic Traffic Counter between 8 to 15 March 2018. Although I note that there could be seasonal variation in traffic flows, and sometimes that vehicle movements through Ulceby could be related to tidal changes at the Humber Ports, I consider that the duration of the observations provides a reasonable basis for assessment.
16. Moreover, it is speeds at the upper end of those observed (that is the 85<sup>th</sup> percentile speeds) that are used to determine the appropriate visibility splays for the junction to the site, which the submitted plans show can be achieved. Critically, the recorded speeds on which the Assessment is based pre-dated the implementation of the recent TRO, which has restricted speeds in the area of Station Road adjacent to appeal site to 30mph. Although I note comments at the hearing that the TRO may be yet to yield fruit in terms of reducing traffic speeds through the area, it nevertheless has the potential to achieve a reduction in traffic speeds in comparison to those recorded at the time of the Assessment's observations.
17. At the hearing, speeds recorded by the monitoring system at Station Road adjacent to Gower Close were discussed, including occasions when very excessive speeds have been observed. However, I have been supplied with no substantive evidence to suggest that those very excessive vehicle speeds are commonplace, and due to this I consider that they would not constitute an unacceptable risk affecting the day-to-day operation of the proposed junction. In arriving at this view, I am mindful that the local highway authority had no objection to the proposed junction in highway safety terms and that aspects of its design could be secured by condition.
18. I am mindful of references made both in written correspondence and at the hearing to accidents that have occurred along Station Road- nevertheless the substantive detail of these is not before me. The Assessment includes details of two relatively minor events within 200m of the appeal site over the period of 2013 to 2017 and sourced from the Crashmap database. Consequently, on balance, it has not been demonstrated that Station Road in the vicinity of the appeal site is unduly hazardous.

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<sup>2</sup> Produced by ADC Infrastructure, dated 14 November 2018

19. The Assessment uses the industry standard TRICS data, derived from national level statistics relating to vehicle movements arising from developments, in modelling the transport effects of the appeal scheme. Based on the TRICS data, the Assessment finds that the proposed development would generate up to 67 vehicle movements at the AM and PM peak hours, and these would be distributed east and west at the appeal scheme's junction with Station Road - so not all of those projected vehicle movements would be travelling through Ulceby at those times. On this basis, I consider that, whilst the proposed development would undoubtedly increase vehicle movements along Station Road, it would not do so to a degree that would have a material effect on its day-to-day operation.
20. Station Road is used as a diversionary route for the A180 should road traffic accidents require closures. I am mindful that when the diversionary route is in place this can cause congestion through Ulceby, including HGVs. However, it emerged at the hearing that the use of Station Road as a diversionary route is a relatively infrequent occurrence. Moreover, any traffic arising from the use of Station Road as a diversionary route would not be a direct consequence of the proposed development; and the relatively limited traffic movements that the appeal scheme would cause would not materially worsen conditions when the diversionary route is in place. Although some consider that the Road has been used as a 'rat-run' since recent changes to major junctions in the vicinity have been implemented, I have been supplied with no substantive evidence as to the extent to which this may have affected traffic flows through the settlement. Although I am mindful of the view expressed at the hearing regarding the potential transport impacts of the emerging free ports proposals, which may affect the Humber Ports, this initiative is at a relatively early stage of development and as a result any potential effects it may have on the use of Station Road are currently unclear. These considerations lead me to the view that neither the current day-to-day use of Station Road; nor its occasional use as a diversionary route carry weight against the proposed development in the overall planning balance.
21. I accept that private motor vehicles would be the principal form of transport for future occupants of the proposed dwellings including any affordable houses; and that some of the existing footways along Station Road may be less suitable for use by those with mobility impairments. Nevertheless, I am mindful that the train station at Ulceby Skitter is within a reasonable walking distance, and along a footway which is well lit, and thus would be accessible to some of the future occupants of the appeal site. Furthermore, bus services are available from stops a short distance from the appeal site. Moreover, the proposed development would see the extension of the existing footway to the entrance to the appeal site, which albeit with some crossings of the road, would facilitate some trips into Ulceby to access the services there. I am also cognisant of the Travel Plan<sup>3</sup>, which accompanies the proposal, and seeks to promote the use of sustainable transport for the future occupants of the proposed dwellings - and compliance with the recommendations of an up-to-date travel plan is a matter that can be secured by condition.
22. Although I note the relative infrequency of the available bus and train services, I am nevertheless conscious of the National Planning Policy Framework (the Framework) which recognises that opportunities to maximise sustainable

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<sup>3</sup> Produced by ADC Infrastructure Limited dated 29 August 2018

transport solutions will vary between urban and rural areas<sup>4</sup>. The Framework also sets out that it should be ensured that appropriate opportunities to promote sustainable transport modes can be taken up, given the type of development and its location<sup>5</sup>; and for the reasons given above, the appeal scheme clearly accords with this aim.

23. Accordingly, these considerations lead me to the conclusion on this main issue that the proposed development would not cause materially adverse effects to highway safety. The proposed development would not therefore conflict with Policy T2 of the Local Plan or the Framework, which taken together and amongst other things seek to ensure that developments avoid unacceptable impacts to highway safety, do not cause severe residual cumulative impacts on the road network, are provided with a satisfactory access, and are served adequately by the existing highway.

#### *Other Considerations*

24. A signed and sealed agreement<sup>6</sup> pursuant to s106 of the Town and Country Planning Act 1990 (as amended) accompanies the appeal submission and includes several planning obligations. The obligations include contributions toward education, affordable housing and leisure provision; and to secure the use of part of the site as public open space with the provision of play equipment; and to ensure the long-term maintenance of the sustainable drainage system. The obligations in these regards are proportionate to meet the needs arising from residential development of the anticipated scale and nature of the appeal scheme; and seek to ensure the continued management of its surface water drainage, which would be necessary to mitigate its effects in these regards. Moreover, I am also mindful that the description of the proposed development in this case includes the provision of public open space.
25. Moreover, taken together Policies CS9, CS27 of the Core Strategy, Policy H10 of the Local Plan, and the *Provision of Open Space in New Housing Developments* and *The Developer Contributions to Schools* Supplementary Planning Guidance (adopted February 2006 and April 2006 respectively) require developments to meet reasonable costs of new infrastructure and improvements to existing infrastructure made necessary by a proposal – including, amongst other things, affordable housing, maintenance payments, utilities, education, community facilities, leisure and recreation provision.
26. For the above-given reasons, I consider the aforementioned obligations to be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to it - and in arriving at this view I am mindful that no evidence has been supplied which queries either the necessity or the viability of these obligations. Accordingly, I consider that these obligations meet the relevant statutory<sup>7</sup> and national policy<sup>8</sup> tests and are therefore material considerations in my assessment of the appeal.
27. One of the obligations contained in the agreement relates to a highways contribution to secure a sum payable for the implementation of a TRO on

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<sup>4</sup> At paragraph 103

<sup>5</sup> At paragraph 108 (a)

<sup>6</sup> Dated 1 November 2019

<sup>7</sup> Provided by Regulation 122(2) of the Community Infrastructure Levy Regulations 2010

<sup>8</sup> Set out in paragraph 56 of the Framework

Station Road plus all requisite signing and lining and other ancillary highway works to reduce the speed limit to 30mph. However, as set out above, a TRO which secures these measures is already in place. Consequently, this particular obligation is not necessary to make the development acceptable in planning terms and thus does not meet the relevant statutory and national policy tests. However, the agreement makes specific provision<sup>9</sup> for any obligation I find to be prohibited by law to be severed from it, without affecting the other obligations it contains. Accordingly, on this basis I conclude that the highway contribution can be severed without affecting the validity of the other obligations that the agreement contains.

28. The proposed development could supply up to 90 dwellings, which due to their relatively low density could provide a mix of dwelling types and sizes including a number of affordable houses secured through the planning obligation. In this latter regard I am particularly mindful of the references both in the appellant's statement and the Council's Officer Report to the need for, and the historic undersupply of, affordable housing: matters established in the most recent version of the District's Strategic Housing Market Assessment. In these ways, the proposed development would make an important contribution in support of the Government's objective of significantly boosting the supply of homes and help to address the needs of groups with specific housing requirements- including through the provision of affordable housing.
29. The proposed development would also supply public open space and play equipment, which, whilst necessary to make the proposed development acceptable in planning terms would nevertheless be available for use not only by its future occupants but also by the residents of the appeal site's surroundings. Both the construction of the appeal scheme and the use of local services by its future occupants would yield economic benefits, as would local finance considerations including the New Homes Bonus payments, which the Council would be eligible to receive as a result of the delivery of the proposed dwellings. Landscaping and other aspects of the proposal have the potential to secure measurable net gains for biodiversity, in comparison to the current use of the appeal site as an intensively farmed arable field, which the Council's ecological consultee considers to have "limited biodiversity value" at present<sup>10</sup>- and such measures could be secured by condition. Taken together, these clear benefits of the proposed development weigh in its favour to a considerable degree.
30. Some consider that the proposed development would place undue pressure on local services, including the school; and that the extent of services in Ulceby would not meet the day-to-day needs of the occupants of the proposed development - particularly as there has been a number of residential permissions<sup>11</sup> relating to sites in the settlement in recent years. However, I have been supplied with no substantive evidence that the proposal, which could provide a mix of dwellings and thus include a range of household types, would lead to rises in class sizes at the local school of a scale which would threaten the effectiveness or quality of its educational provision.

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<sup>9</sup> At point 2.7

<sup>10</sup>Per the North Lincolnshire Council Inter Office Memo dated 17 April 2019

<sup>11</sup> Council references: PA/2017/2136; PA/2017/2080; PA/2017/1680; PA/2017/1024; PA/2017/1450; PA/2016/1259; PA/2016/796; PA/2014/1311

31. Moreover, in addition to the school, Ulceby has a reasonable range of local services including, amongst others, a convenience store with post office services, a nursery, a veterinary clinic, GP branch surgery services available on Tuesday afternoons, a public house, a takeaway, a tea room, and a hairdressing salon. I readily accept that these services would not meet all the day-to-day needs of the proposed development's residents; however, they would nevertheless provide some local facilities, which whilst situated in the main to the other end of the settlement to the appeal site, would be within a reasonable walking distance. As a result, not all journeys from the appeal site to those services would be by the private car. Neither for this reason would unsustainable demand for car-parking, particularly at the convenience store or in relation to the school, be an inevitable concomitant of the proposed development. Although I note the views expressed regarding the adequacy of play facilities in the settlement, I am mindful also that the planning obligation secures the delivery of public open space with play facilities as part of the proposed development, which would augment Ulceby's provision in this regard.
32. The site is within Flood Zone 1; nevertheless, I am mindful that proposed development of a greenfield site could have effects on surface water run-off. Furthermore, both written representations and oral submissions at the hearing cited incidents in Ulceby related to the sewerage system and surface water drainage. In these regards, I note that trial pitting<sup>12</sup> conducted to inform the Flood Risk and Drainage Assessment (FRDA) found that the soil type is not suited to the provision of soakaways. I acknowledge also that the type of soil recorded on the Wallingford Procedure Winter Rainfall Acceptance Potential (WRAP) map of the site appears to differ from that actually observed during the trial pitting procedure- and some have questioned whether the FRDA adequately considers the current run-off rate of the site as a result.
33. However, whilst soakaways are not feasible, the FRDA recommends an attenuation system linking to existing drains across the site, which would substantially limit the rate of surface water run-off. Moreover, the FRDA makes it clear that the proposed measures would be designed to contain full 1 in 100 year flooding events, including a 10% allowance for urban creep and a climate change volume allowance. Consequently, should the existing surface water run-off be in excess of any assumptions based on the WRAP soil type, it is clear that the proposed drainage solutions for the site would be of a generous capacity which would ensure that the risk of flooding would not be increased elsewhere as a result of the proposed development. In arriving at this view, I am mindful that neither the Lead Local Flood Authority, nor the Environment Agency, nor the North East Lindsey Drainage Board, nor Anglian Water objected to the proposal on the basis of its flooding and surface water drainage aspects. Moreover, the attachment of planning conditions would ensure that appropriate measures are incorporated within any final design for the site.
34. Interested parties made comments regarding issues with the sewerage system in the local area, which I have taken into account. Nevertheless, Anglian Water supplied information demonstrating, subject to the appropriate measures being undertaken by the development, that sufficient capacity exists to handle the drainage of foul water from the proposed development. On this basis, it has

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<sup>12</sup> as documented in Appendix E: Soakage Test Results of the appellant's Flood Risk and Drainage Assessment Ramm Sanderson (November 2018)



- not been demonstrated that the proposal would lead to adverse impacts in these regards.
35. The submitted plans show an area edged in blue, beyond the boundary of the appeal site which is also in the same ownership. Some have suggested that further development may be proposed on the land so identified; however, my assessment of the appeal scheme is based on the plans and other materials submitted which all relate to development of the land edged in red on the submitted location plan. Accordingly, as there are no proposals before me relating to the land edged in blue, the extensiveness of that parcel of land of itself, does not weigh against the proposed development.
36. It is clear that the outlook would change from the windows of dwellings that face toward the appeal site as a result of its residential development. Nevertheless, matters of the proposed development's scale, layout and appearance are reserved for future determination. Moreover, the relatively low density of the proposed development means that its landscaping and layout could avoid unduly enclosing or overbearing on any available outlook from neighbouring dwellings. Similarly, careful design at the reserved matters stage would ensure that harmful effects in respect of the availability of sunlight or daylight could be avoided. The proposal would introduce residential sounds, on a site immediately adjacent to an existing residential area- consequently, it would assimilate readily with the prevailing noise environment and would cause no material harm in this respect. Although I note generalised concerns regarding litter and dog fouling, I have no substantive evidence before me to suggest that the proposed development would lead to a material increase in such incidents. Accordingly, none of these matters weigh against the proposed development in the overall planning balance.
37. Some have questioned the economic viability of the scheme and referred to the length of time that some dwellings in the area have been on the market. However, neither the evidential basis of these statements nor an analysis of the factors that may have influenced the length of time properties have been on the market have been supplied. Furthermore, the marketing of any dwellings coming forward on the appeal site is a commercial matter that is not instrumental in a planning decision of this nature. These matters do not therefore weigh against the proposed development.
38. I note references to sightings of deer on the appeal site. However, whilst the proposed development would change the nature of the site from its current agricultural use it relates to only a relatively small part of a much wider pattern of arable land. As a consequence, I consider that deer populations would have a plentiful supply of alternative habitat. Similarly, the proposed development would only result in a very small reduction in the overall amount of arable land in the area. The retention and strengthening of landscaping, alongside other biodiversity measures to be secured by condition on this permission, and by careful design at the reserved matters stage would ensure that any impacts to bats, owls, birds of prey and game birds are appropriately mitigated. Consequently, these considerations do not weigh against the proposed development.
39. Some respondents claim that ex-offenders reside in the wider area, whose activities could pose a risk to the future occupants of the site. I also note comments that emergency services vehicles encounter difficulties in accessing

Ulceby, and that the proposed development could lead to a higher number of incidents which would require their attendance. However, generalised concerns of this nature do not carry any weight against the proposed development, and in arriving at this view I note that there were no objections to the proposal from either the local constabulary or the Fire and Rescue Service. Although I am mindful of the view that the indicative layout for the scheme could lead to incidences of anti-social behaviour, the precise layout of development is a matter reserved for future determination to which such considerations will be more relevant.

### *Planning Balance*

40. The Framework establishes<sup>13</sup> that where the policies which are most important for determining an application are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole – the so-called ‘tilted balance’. The Framework makes it clear that instances where the policies most important for determining an application are out-of-date include applications for housing where a local planning authority cannot demonstrate a 5 year supply of deliverable sites.
41. Whilst I acknowledge that the housing supply position in the District is dynamic, with another update due shortly, it is common ground that the Council cannot demonstrate a 5 year supply of deliverable housing sites. The latest Council assessment<sup>14</sup> finds that there is currently only a 4 year supply of deliverable housing sites - a shortfall of some 450 dwellings.
42. Although I am mindful of the outline nature of the scheme, the proposed development could nevertheless make a considerable contribution toward the District’s housing supply. Moreover, as set out above, it would deliver economic, social and environmental benefits that carry considerable weight in the proposed development’s favour.
43. On the other hand, the proposed development would conflict with the above-cited policies of the development plan<sup>15</sup>, insofar as they seek to restrict residential development outside of settlement boundaries; however, I have found no conflict with those policies insofar as they seek to protect the character and appearance of the countryside. These policies, taken together with Policy T2 of the Local Plan insofar as it is relevant to highway safety, and with which I have found no conflict, are the most important for determining the application. I note the Council’s view that Policies CS2, CS3, CS8 and RD2 are restrictive of all forms of development, not just residential proposals. Nevertheless, as the restriction set out in those policies acts as a constraint on housing supply and there is a confirmed housing undersupply position in this case, they are clearly out of date for the purposes of the Framework. The ‘tilted balance’ is therefore engaged; and the weight I attach to the policy conflicts in this case does not significantly and demonstrably outweigh the proposed development’s considerable benefits. In such circumstances, the Framework indicates that development should be permitted.

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<sup>13</sup> At paragraph 11 and footnote 7

<sup>14</sup> Assessment of Five Year Housing Land Supply – 1 April 2019 to 31 March 2024 updated Jan 2020

<sup>15</sup> Namely Policies CS2, CS3 and CS8 of the Core Strategy and Policy RD2 of the Local Plan

44. Accordingly, in this instance, these considerations justify a decision other than in accordance with the development plan, with which, in terms of the restrictions on development outside of settlement boundaries set out in Policies CS2, CS3 and CS8 of the Core Strategy, and Policy RD2 of the Local Plan the appeal scheme would conflict. Consequently, these considerations lead me to the conclusion that the appeal should be allowed. As I have arrived at this view on the basis of the appeal scheme's individual merits, I consider that my decision would not set a general precedent for other proposals, which would also have to be assessed on their own merits.
45. I am cognisant of the Public Sector Equality Duty imposed by s149 of the Equality Act 2010, which amongst other things, requires me to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. However, for the reasons given above, and subject to careful design at the reserved matters stage, I have found no harm to the residential amenity of adjacent occupants in terms of outlook, the availability of daylight and sunlight, or noise. Consequently, I consider that my decision would not have a detrimental impact on persons who share a relevant protected characteristic and people who do not share it in terms of older persons who may occupy dwellings adjacent to the appeal site. On this basis too, I conclude that the proposed development would not interfere with the rights related to the protection of property enshrined by the European Convention on Human Rights and incorporated into UK law by the Human Rights Act 1998.

### **Conditions**

46. According to the Framework planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. I have assessed the suggested conditions on this basis. Where I have imposed conditions, I have made amendments to their wording in some instances in the interests of clarity.
47. I have attached the standard conditions relating to the determination of reserved matters and implementation befitting the outline nature of the appeal scheme, and which specify the approved plans. As access is a relevant consideration at this stage, I have attached conditions relating to the approval and implementation of the proposed junction, its footways and the highways through the proposed development. Of necessity, to ensure that the proposed development makes appropriate arrangements in these regards, some of these conditions require pre-commencement compliance, and their imposition is therefore clearly justified. I have made amendments to the wording of some of the conditions in the interests of precision and enforceability, as discussed at the hearing, and amalgamated some of them to keep the number of conditions to a minimum.
48. A condition is imposed to secure the provision of and compliance with a construction traffic management plan in the interests of highway safety. As this condition relates to activity throughout the construction phase pre-commencement compliance with it is clearly justified.
49. In order to ensure that below ground services can be adequately accessed and maintained, conditions are attached which would require the location of these to be identified alongside other details, and to restrict developments otherwise

- permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) where service strips are located. The conditions also require the Council's approval in terms of any planting which may be present within those identified service strips. Such restrictions are clearly justified in this case to ensure that, where relevant, services could be accessed and maintained in an expedient fashion.
50. Conditions are attached requiring the production and monitoring of an up-to-date travel plan so that opportunities to promote walking, cycling and public transport use are pursued. I have made amendments to the suggested wording in the interests of clarity, precision and enforceability to ensure that the travel plan is submitted in a timely manner.
51. In order that the proposed development would make appropriate arrangements for drainage and not lead to increased flood risk elsewhere it is clearly justified to impose a pre-commencement condition requiring the submission of details of surface water drainage to be submitted to, and approved by, the Council. A condition is also imposed that would ensure that the approved scheme is implemented in a timely fashion.
52. The Phase 1(Desk Study Report)<sup>16</sup> supplied by the appellant did not identify any "contaminants of concern" on the appeal site; nor did it recommend intrusive investigation for contamination. Accordingly, the imposition of a risk-based condition requiring cessation of construction activity should any unexpected contaminated material be found until a method statement detailing how this should be dealt with is submitted to and approved by the Council, is a proportionate and reasonable measure. Imposition of this condition is clearly necessary in the interests of the health and safety of site operatives, the occupants of adjacent dwellings, and the future occupiers of the proposed development; and to avoid the risk of contamination of property, ecological systems, and controlled waters.
53. In order that the proposed development would be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations, a condition is attached which would require the installation of the cabling to facilitate this. I have modified this in the interests of reasonableness to ensure that the proposed development would make appropriate provision for the range of vehicles available and in accordance with the discussions at the hearing.
54. To safeguard the living conditions of the occupants of adjacent properties during the construction phase of the development, it is clearly justified to impose a condition requiring the submission of a construction environmental management plan (CEMP) to the Council for its approval prior to the commencement of the development. For similar reasons, a condition relating to construction working hours is imposed.
55. In order that any impacts to biodiversity are minimised, and that net gains are provided in accordance with the Framework<sup>17</sup>, I have attached conditions which firstly, require the development to be carried out in line with the appellant's submitted Ecology and Protected Species Survey<sup>18</sup>; secondly, require the

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<sup>16</sup> Produced by Humberside Materials Laboratory Limited, Dated November 2018

<sup>17</sup> At paragraph 170

<sup>18</sup> Produced by Scarborough Nixon Associates Limited, Dated March 2018

submission of a biodiversity management plan to the Council for its approval; and thirdly, require the implementation and retention of any approved measures, alongside a report which demonstrates how the management plan has been complied with. I have made amendments to the suggested wording in the interests of precision and enforceability.

56. Conditions relating to boundary treatments and the facing materials of the proposed development are relevant to future reserved matters applications and it is not therefore necessary to attach them to this permission.
57. At the hearing, it was suggested that conditions related to the orientation of roofs and layout of the dwellings should be imposed to facilitate the incorporation of renewable energy technologies such as solar panels and ground source heat pumps. However, the layout of the scheme is reserved for future determination. It is not therefore necessary to attach such a condition to this outline permission.

### **Conclusion**

58. For the reasons set out above, and taking fully into account all other matters raised, I conclude that the appeal should succeed.

*G J Fort*

INSPECTOR

## Appearances

### FOR THE APPELLANT

Caroline Chave  
BA(Hons) DipTP MRTPI

Director, Chave Planning

Nathan Edwards  
DipLA CMLI

Director, Urban Wilderness

### FOR THE LOCAL PLANNING AUTHORITY

Andrew Law MSc

Acting Group Manager Development  
Management

### INTERESTED PERSONS

Cllr Richard Hannigan MSc

Deputy Leader of North  
Lincolnshire Council and  
Ward Councillor

Cllr Martin Birtle

Ulceby Road Safety  
Group and Parish Councillor

Cllr David Wells

Ward Councillor

### **DOCUMENTS submitted after the Hearing**

1. Policies CS9, CS27 of the Core Strategy; and Policy H10 of the Local Plan
2. *Provision of Open Space in New Housing Developments* Supplementary Planning Guidance
3. *Developer Contributions to Schools* Supplementary Planning Guidance
4. The North Lincolnshire Borough Council (Various Roads) (Restricted/De-restricted Roads and Speed Limits) (Consolidation) Order 2013 (Various Roads, Ulceby and Thornton Curtis) (Amendment No 14) Order 2019

### Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 248-P-01 REV A Application and Ownership Boundaries; 3430 Topographical Survey; ADC1817-DR-002 Rev P2 Access Junction Layout and Swept Path Analysis of Refuse Vehicle.
- 5) No development shall take place until the details of all within-highway works required to provide a footway link from the site to the existing footway to the west, including appropriate crossing facilities, have been submitted to and approved in writing by the local planning authority.
- 6) The within highway works comprised in the approved details pursuant to Condition (5) shall be completed prior to the occupation of the 10<sup>th</sup> dwelling on the site.
- 7) No development shall take place until details of an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first residential use of its access and parking arrangements.
- 8) No dwelling served by private driveways and parking spaces shall be occupied until its driveway has been constructed in accordance with details to be submitted to and approved in writing by the local planning authority. These details shall include:
  - the proposed method of forming access from the highway including the required visibility splays;
  - the method of constructing/paving the driveway;
  - the provision of adequate drainage features;
  - the provision of suitable lighting arrangements;
  - the provision of suitable bin collection facilities;
  - where relevant the provision of street name plates that shall include the words "Private Drive";
  - the provision of measures to prevent the migration of any loose surfacing materials on to the adopted highway.

- 9) No development shall take place until details of
- (i) the location of the vehicular access;
  - (ii) the layout, drainage, construction, services and lighting of the proposed access road and footway, including the junction with the adjacent highway;
  - (ii) the number and location of vehicle parking spaces on the site; and
  - (iii) the location of any service strips
- have been submitted to and approved in writing by the local planning authority.
- 10) The development of the dwellings hereby permitted shall not commence until the access road's junction with the adjacent existing highway has been constructed in accordance with the approved details pursuant to Condition (9).
- 11) No dwelling shall be occupied until that part of the access road and footway which provide access to it shall have been constructed in accordance with the details pursuant to Condition (9). The access road as constructed shall be retained thereafter.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification), no development shall take place within any service strip identified in the details pursuant to Condition (9). Any planting or landscaping within identified service strips shall incorporate species the written details and timing of planting of which shall be agreed in writing with the local planning authority prior to planting. Any planting or landscaping in identified service strips shall be planted in accordance with the approved written details.
- 13) The final travel plan shall be submitted to and approved in writing by the local planning authority prior to first occupation of the development hereby approved. All conditions and requirements of the approved travel plan, once approved, shall be implemented prior to the first occupation of the dwellings hereby approved and retained thereafter.
- 14) The approved travel plan pursuant to Condition (13) shall be subject to monitoring on an annual basis for a period of three years from the date of its approval. The monitoring report on the impact of the travel plan shall be submitted to the local planning authority by the first of January each year following the approval of the travel plan. All amendments to the approved travel plan identified as a result of the monitoring process shall be implemented and retained.
- 15) No development shall take place until a Construction Phase Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall provide details of:
- i) All traffic movements associated with the construction phase, including delivery vehicles, staff/construction vehicles and any abnormal load movements;



- ii) The siting of contractor parking and welfare facilities;
- iii) The storage of materials; and
- iv) Traffic management requirements on the adjacent highway;

The approved Construction Phase Management Plan shall be implemented, reviewed and updated as necessary throughout the construction period for the development.

- 16) No development shall take place until a detailed surface water drainage scheme for the site shall be 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, and take into account the submitted Flood Risk and Drainage Assessment, produced by Ramm Sanderson dated November 2018 (Reference: RSE\_1756\_01\_V3).

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 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. Consideration must be given to the management of overland flows across the development in exceedance conditions.

- 17) The surface water 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 on site, and thereafter retained and maintained in accordance with the approved scheme for the life of the development unless otherwise agreed in writing with the local planning authority.
- 18) Any contamination that is found during the course of construction of the approved development shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 19) Prior to first occupation of the dwellings hereby approved a scheme for the provision of the necessary cabling to support electrical vehicle charging 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's *Land-Use Planning and Development Control: Planning for air quality*

and contemporary electrical standards including:

- Electrical Requirements of BS7671:2018
- IET Code of Practice on Electric Vehicle Charging Equipment installation 2018

or any subsequent updates to those documents issued prior to the production and implementation of the scheme.

No dwelling shall be occupied until that part of the cabling that provides electric charging facilities to it shall have been installed in accordance with the approved scheme.

- 20) No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The CEMP shall provide the details of:

*Noise and vibration*

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

*Light*

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

*Dust*

- (a) Site dust monitoring, recording and complaint investigation procedures;
- (b) Receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) Provision of water to the site;
- (d) Dust mitigation techniques at all stages of development;
- (e) Prevention of dust trackout;

- (f) Communication with residents and other receptors;
- (g) A commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (h) A 'no burning of waste' policy;

The approved CEMP shall be adhered to throughout the construction period for the development.

- 21) Construction and site clearance works shall take place only between 0700hrs and 1900hrs Mondays to Fridays and 0700hrs and 1300hrs on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

HGV movements associated with the site clearance and construction phases of the development hereby approved 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 associated with the site clearance and construction phases of the development hereby approved shall not be permitted outside these hours without prior written approval from the local planning authority.

- 22) Development is to be carried out in accordance with the recommendations set out in the submitted Ecology and Protected Species Survey (Produced by Scarborough Nixon Associates Limited) (Dated March 2018).
- 23) Prior to commencement of the construction of the dwellings hereby approved, a biodiversity management plan shall be submitted to the local planning authority for its approval in writing. The plan shall include:
- (a) details of bat boxes and bat bricks to be installed on 15% of houses;
  - (b) details of swift boxes and sparrow terraces to be installed on 15% of houses combined;
  - (c) details of nesting sites to be installed to support a variety of other species, including house martin and garden birds;
  - (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
  - (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
  - (f) prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
  - (g) details of wetland habitat to be created and managed as part of sustainable drainage;
  - (h) details for the sensitive management of retained ditches;
  - (i) appropriate phasing mechanisms to ensure that significant areas of habitat are created and are properly established before each phase of construction;

- (j) procedures for the monitoring and ongoing management of habitats on the site;
  - (k) measures to avoid light, noise and water pollution, fly-tipping and other factors that would harm habitats and species;
  - (l) prescriptions for the provision of a wildlife gardening leaflet for each new resident;
  - (m) proposed timings for the above works in relation to the completion of the dwellings.
- 24) The biodiversity management plan shall be carried out in accordance with the approved details pursuant to Condition (23), and the approved features shall be retained thereafter. Prior to occupation of the 50<sup>th</sup> dwelling hereby approved, a report shall have been submitted to the local planning authority for its approval in writing, providing evidence of compliance with the biodiversity management plan.

**\*\*\*End of Conditions\*\*\***

<b>APPLICATION NO</b>	<b>PA/2022/869</b>
<b>APPLICANT</b>	Mr Martin Phillips, Ongo Developments
<b>DEVELOPMENT</b>	Planning permission to erect 40 affordable homes, comprising flats and houses, create a new vehicular access point and road off School Road, create a new access and private drive off Collum Lane, new vehicular crossover points off School Road and Collum Lane, associated car parking and visitor parking, new boundary treatments, and hard and soft landscaping proposals
<b>LOCATION</b>	Former site of Ashby Market, Ashby High Street, Scunthorpe,
<b>PARISH</b>	Scunthorpe
<b>WARD</b>	Ashby
<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>	Departure from the development plan

## **POLICIES**

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

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 7 – Ensuring the vitality of town centres

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

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 S5 (Development in Crowle, Epworth, Kirton Lindsey, Frodingham Road and Ashby High Street District Shopping Centres)

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 DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS7 (Contaminated Land)

Policy DS11 (Polluting Activities)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

**North Lincolnshire Core Strategy:**

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

Policy CS14 (Retail Development)

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 CS24 (Health Care Provision)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

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

Policy PS1 (Presumption in Favour of Sustainable Development)

Policy TC-1 (Development in North Lincolnshire's Town Centres and District Centres)

### **Other relevant guidance:**

SPG8: Developer Contributions to Schools

SPG: Provision of Open Space in New Housing Developments

### **CONSULTATIONS**

**Highways:** No objection subject to conditions relating to improvements to bus stops and footways, parking, access and visibility, and a suggested S106 contribution towards one 28-day bus ticket per dwelling.

**Environment Agency:** No comments to make.

**LLFA Drainage:** No objection subject to conditions requiring the submission of a detailed surface water drainage scheme for the site and to prevent surface water run-off from the site onto the highway and from the highway onto the site.

**Severn Trent Water:** No response.

### **Environmental Protection:**

#### *Contamination*

The report identifies the site currently as a vacant parcel of land 0.6ha in size. The site walkover identifies the site as being mostly covered macadam and concreted hardstanding. The western third of the site was formerly occupied by a garage with two buildings present on the western area of the site. A workshop building is present on the southwestern corner of the site with suspected cement-bound asbestos roofing sheets present on the former workshop. Two metal above-ground storage tanks are present in the western area of the site. General fly-tipping/litter, comprising glass, bottles, tyres and plastic, was present along the site boundaries with Collum Lane, School Road and Ashby High Street. Historical

mapping indicates that circa 1963 the site had been built up to include commercial and industrial properties, including Ashby Market. Satellite imagery from 2019 shows that the buildings had all been demolished with only the hardstanding remaining. No further significant changes are shown on the subsequent historical maps or aerial photography. The report identifies the site as in an intermediate probability radon area according to Envirocheck. The report recommends that basic radon protective measures are therefore necessary in the construction of new dwellings or extensions. The report identifies potential sources of contamination as made ground, on-site buildings, fuel storage tanks and neighbouring petrol station. Potential contaminants of concern are heavy metals, PAHs, TPHs and asbestos. Environmental Protection recommend additional sampling is undertaken on the site and a contamination condition.

### *Noise*

The proposed development is in a mixed commercial use area. As there are commercial properties to the south, east and west of the proposed development, there is potential for noise disturbance to future residents from activities at these commercial premises. They include a 24-hour petrol station, a hand car wash facility, an MOT centre and two public houses, one of which is on the site boundary. Furthermore, the site is on Ashby High Street which has a high traffic flow. Noise monitoring was carried out between 23 and 28 June 2022. The report recommends that to satisfy the internal noise criteria provided in BS8233, it is necessary to incorporate mitigation measures in the form of appropriate glazing and ventilation systems. This department is satisfied that the development can go ahead with suitable mitigation, however it is unclear if the mitigation measures recommended in the report are sufficient. Further additional mitigation measures are therefore required to protect future on-site residents from excessive noise. Planning conditions requiring the submission of a noise mitigation scheme to the council for approval, details of an acoustic barrier to be erected on the site before the development is occupied and a verification report that demonstrates the effectiveness of the mitigation measures are proposed.

### *Car wash overspray*

There is the potential for the driveway areas of the flats on the east boundary of the site, and the garden of plot 22, to be adversely affected by overspray from the adjacent car wash, dependent on wind direction. The department has received complaints from residents in close proximity to car wash facilities in the past which have proven difficult to resolve. Statutory nuisance notices have been served in some cases which have resulted in the car wash facility being required to erect overspray mitigation screening. The department strongly recommends that this matter is considered and a solution found prior to permission being granted to prevent unfair economic pressure being applied to the car wash should complaints be received from future occupants of the proposed development. If, however, planners are minded to grant permission, the department strongly recommends a suitably worded condition is included to deal with this matter.

### *Air quality*

This application is for 40 dwellings on land covering approximately 0.58ha with more than 10 parking spaces. 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. If the local planning authority is mindful to grant the application, the department recommends that the



scheme includes provision for electric vehicle charging points. This approach is in accordance with the IAQM good practice guidance, and will assist towards sustainable development.

### *Construction*

The proposed development is in close proximity to residential properties. The construction phase therefore has the potential to result in disturbance from noise to local residents. The department therefore recommends conditions controlling hours of construction and site clearance operations, and requiring the submission of a construction environmental management plan (CEMP) for approved by the council.

**HER (Archaeology):** No objection.

**S106 Officer:** An off-site financial contribution of £47,573.20 is required towards improvements and additional equipment at Everest Playing Fields and to ensure all the dwellings remain affordable in perpetuity.

**Ecology:** Works would result in harm to a bat roost. 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 and habitats and to seek a net gain in biodiversity in accordance with policy CS17 and the National Planning Policy Framework.

**Education:** As all the dwellings within the development are affordable, no educational contributions are sought.

**Humberside Fire and Rescue:** Provides advice on the requirements for the provision of access to all buildings and adequate water supplies for fire-fighting.

**Humberside Police:** Support...the applicant has thoroughly considered designing out crime/secured by design principles throughout the development. The local planning authority seeks to encourage Secured by Design (SBD) accreditation where appropriate. SBD is a national police initiative that is owned by the UK Police Service. It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. The environmental benefits of SBD are supported by independent academic research consistently proving that SBD housing developments experience up to 87% less burglary, 25% less vehicle crime and 25% less criminal damage, and also has a significant impact on antisocial behaviour. The Secured by Design Developer's Award is a free award should the applicant wish to apply. Recommends all proposed dwellings are designed and constructed to the 'Police Preferred Specification' SBD criteria. The development can achieve a Silver Award if the SBD criteria are applied, with an opportunity to apply for a Gold Award, incorporating layout and design.

**Recycling:** Offers general guidance in relation to bin types, pulling distances for bins and refuse vehicle access.

**NHS North Lincolnshire CCG:** Scunthorpe has multiple surgeries in close proximity to the proposed development, including: The Birches Medical Practice, West Common Lane, Ashby Turn Primary Care Centre, Ancora Medical Practice and Cedar Medical Practice. These surgeries are already under pressure due to space limitations, therefore any increase in new housing is likely to impact on requests for new patient registrations,

potentially increasing the list size and demand for clinical services. Consideration for S106 funding to potentially increase space for the delivery of primary care services and wider community services, which will benefit local patients.

## **PUBLICITY**

Advertised by site and press notices. Two responses have been received raising the following material planning issues:

- The proposed increase in dwellings will result in road safety issues.
- The junction with School Road and Collum Lane requires improvement.
- The area should be turned into green space for local residents.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

Public consultation, including local councillors, took place between March and April 2022. Due to the ongoing situation with Covid-19 at the time, it was considered that a community type drop-in event would not be a suitable format for consultation. A letter and web-based consultation took place. This involved a letter drop advising of a web address where development plans for the site could be viewed and gave access to a digital comments form. A hard copy of the consultation drawing and a comments form were also included in the letter drop for those who do not have access to the internet.

The letter drops covered residential properties and commercial premises situated on School Road, Ashby High Street, Walnut Tree Way and Collum Lane (56 in total). The consultation period was 21 days and comments were asked to be returned no later than Monday 18 April 2022. The consultation invited views on the possible development of the site, asking residents to comment on items such as: the layout of the development; the type, range, and number of homes; the design of the new homes; highways and parking; and any other issues.

Three responses were received: two from residents and one from ward councillors. The first response welcomed the proposed development as it would improve and regenerate the area, the only concern being about property walls being accessible for weeding and maintenance; this is a private matter. The second requested shops with apartments above onto Ashby High Street; this is discussed in the principle section of this report.

The third response, from the councillors, provided a single, collective response. The response in relation to the development was positive and welcomed by most residents, seen as the tidying up of a derelict area which is currently detrimental to the overall ambience of the Ashby area. Some perceived issues of concern were traffic flows on Collum Lane, and to a lesser extent School Road, during both the construction and post-completion phases. The applicant considers, with regard to construction traffic, that this could be dealt with by planning conditions requiring a construction phased traffic management plan to be submitted and approved by the council. The applicant does not consider that the development will result in any material impact on the highway network.

Consultation took place with the Designing Out Crime Officer (DOCO) for Humberside Police in February and March 2022. Various principles of Section 1 of Secured Design Homes 2019 have been adopted to ensure the development creates a safe and accessible environment. The development drawings and discussions, along with the Crime Analysis

and a site visit by the DOCO, have all contributed to the conclusion that should the development proceed in accordance with the drawings, there is no reason why it could not achieve Secured by Design Gold Certification.

## **ASSESSMENT**

### **The proposal**

Planning permission is sought for 40 dwellings on the site, all 'affordable' and comprising a mix of house types and designs: 18 one-bedroomed flats, 14 two-bedroomed dwellings, 6 three-bedroomed dwellings and 2 four-bedroomed dwellings. The 18 flats are located adjacent to Ashby High Street, arranged in three blocks, and are three-storey to reflect the surrounding three-storey buildings on Ashby High Street. Fronting Collum Lane are two-storey dwellings and fronting School Lane are a mix of two-, three- and four-bedroomed two- and three-storey dwellings. The dwellings will be constructed from a mix of materials including brickwork, stacked bonded bricks, cladding and concrete roof tiles. Each of the dwellings (excluding the flats) will have private garden areas to the rear with boundary treatment to avoid overlooking between neighbouring gardens. The main vehicular access to the site is a private drive from School Lane with a smaller private drive proposed from Collum Lane. Pedestrian access will be provided onto Ashby High Street. The two- and three-storey dwellings have their own car parking spaces and the flats have 12 car parking spaces. Landscaping and a variety of boundary treatments is proposed on the site.

### **The site**

Located within the Scunthorpe urban area, the site is currently vacant and has been since 2017 when the market relocated onto The Broadway. The site is also part of the former Rusty's car garage. It is extensively covered by hardstanding with some buildings. The main building (warehouse) is to be demolished. An existing brick-built garage fronting School Lane is to be retained. The site falls in a south-easterly direction from a high point of 37.9m AOD (above Ordnance Datum) adjacent to the Collum Lane/School Road junction to a low point of 36.5m AOD at the back edge of the footpath on Ashby High Street. It is surrounded by metal palisade and temporary fencing. To the south of the site is Ashby High Street comprising a mix of commercial and residential development, to the east is a garage, to the north is School Lane with the public car park, Darley Centre and residential flats and to the west is Collum Lane, comprising a mix of retail units and residential properties.

### **Relevant planning history**

PA/2017/515: Planning permission for change of use to a mixed use area to accommodate a new street market – approved 03.05.2017.

This application, in effect, sought the relocation of Ashby market from this location to its current site on The Broadway, Ashby.

### **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).

Chapter 7 of the NPPF (2021) relates to ensuring the vitality of town centres. Paragraph 86a states, 'planning policies should define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters. Paragraph 86(d) states, 'planning policies should recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.'

There is a clear indication through the NPPF that housing can be acceptable in town centres on appropriate sites. The recent extension of permitted development rights also permits changes of use from retail to dwellings, subject to prior approval and conditions. In this case, the application site is vacant and is a wholly appropriate, sustainable location for residential development. The proposal therefore aligns with paragraph 86 of the NPPF.

The site is within the development boundary for the Scunthorpe and Bottesford urban area, in a highly sustainable location within walking and cycling distance of a range of local facilities, services and employment opportunities. It is close to a number of bus stops with regular services to Scunthorpe and is within the retail area of Ashby High Street. Policy TC-1 of the HELA DPD states, 'Proposals for the development of additional shopping facilities within the District Centres of Kirton in Lindsey, Winterton, Frodingham Road and Ashby High Street, will be permitted provided they are of a size and scale compatible with the retail needs and character of the settlement/area. Development will only be permitted if it is required to meet the needs of the area served by the centre in a sustainable way. It must also be of a scale appropriate to the centre, and that will not adversely impact upon the vitality or viability of other nearby town and district centres. Proposals will be considered having regard to the existing character and function of the shopping street and the resulting proportion of non-shopping uses.'

In this case the proposed development does not create additional shopping facilities onto Ashby High Street. However, it will provide much needed affordable housing in Scunthorpe in a highly sustainable location. The site has been vacant since 2017 and has not been used for retail purposes since this date. This area of Ashby High Street does have some long-term empty commercial premises and no bids have been submitted for retail development on this site. Ashby High Street is currently thriving and the proposed residential development will further increase footfall through the occupiers using it for their everyday needs. The proposal will therefore support Ashby High Street and will not undermine the function of the shopping street nor increase the proportion of shopping uses as the site is not currently in retail use. In addition, the scheme provides a well-designed frontage to Ashby High Street which improves the character, vitality and viability of the area. Whilst there is some conflict with policy TC-1, as no additional shopping facilities are being provided, the regeneration of this prominent vacant site with much needed well-designed affordable homes means that overall the development is acceptable in terms of policy TC-1.

Policy CS14 of the Core Strategy relates to retail development and seeks to identify, protect and enhance the hierarchy of vital and viable town, district, and local centres in North Lincolnshire. This policy establishes Ashby High Street as a district centre and states, 'These centres will continue to have an important role in providing shopping and services

within the Scunthorpe urban area. However, no proposed development will take place within these centres, unless it can be demonstrated that it is to meet local needs, is of a scale appropriate to the centre and will not adversely impact upon the vitality or viability of other nearby centres.’ As mentioned in the section above, the proposal is for affordable housing, much needed in Scunthorpe, with a good mix of house types. The development will meet local needs and the scale of development on this urban site is acceptable. The residential development will increase footfall on Ashby High Street and it is not considered that it will adversely impact the vitality or viability of other centres. On balance, therefore, the proposal aligns with policy CS14.

Policy S5 of the NLLP seeks to promote the development of additional shopping facilities on Ashby High Street. It does allow for non-shopping uses providing they do not detract from the shopping centre’s function. Proposals will be considered having regard to the existing character and function of the shopping street and the resulting proportion of non-shopping uses. As mentioned previously in this report, it is not considered that the residential development of this vacant site will detract from Ashby High Street’s shopping function and the proposed scheme will improve the character of Ashby High Street due to its design. It will not affect the proportion of non-shopping uses on Ashby High Street as this site has not been used since 2017. The proposal therefore aligns with policy S5 of the NLLP.

Policy CS1 of the NLCS identifies Scunthorpe as being the focus for the majority of new development and growth, including for housing. CS1 promotes high quality, well-designed new housing to be provided on a range of previously developed sites within the urban area. Policy CS2 of the NLCS identifies a sequential approach for development will be adopted. Development will 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. All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Policy CS8 of the NLCS also states that the principal focus for housing is previously developed land and buildings within the development limits of Scunthorpe followed by a greenfield urban extension to the west of the town. 82% of all new dwellings will be located in and adjacent to the urban area.

Policy CS7 of the Core Strategy sets out an aspirational minimum density of 40–45 dwellings per hectare on sites within Scunthorpe development limits. 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 40 dwellings results in a density of approximately 69 dwellings per hectare, which falls well above the minimum density sought by policy CS7 (40–45 dwellings per hectare). However, the proposed layout makes provision for a number of house types, including apartments. This increases the density and makes effective use of this vacant brownfield site. This new housing is considered to be appropriate for the area, being similar in density to the adjoining residential areas along Collum Avenue. The proposal for 40 affordable dwellings is considered to represent an efficient use of land, as required by paragraph 124 of the NPPF. As the site is in a very sustainable location, this number of dwellings will make a significant contribution to the housing need in Scunthorpe. On this basis, and due to the nature of the application site located close to an established residential area comprising higher residential densities, a density higher than that sought by policy CS7 is considered justified in this instance.

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. In this case, the proposal will make a significant contribution to the council's housing land supply and this is also a key material consideration in the determination of this application.

Paragraph 120(c) of the NPPF states that planning policies and decisions should 'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. Paragraph 123 of the NPPF states that local authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to: a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework. In this case the site is a brownfield site (currently located on the Brownfield Register) proposed for housing to meet an affordable housing need on land that will need to be remediated. The site is in Scunthorpe where, through NLCS policies CS1, CS2 and CS8, there is a clear focus for new residential development to be located. Although the site is allocated in the HELA DPD for retail use, the proposal will not adversely affect the vitality or viability of Ashby High Street.

It must also be noted that in the new emerging local plan for North Lincolnshire this site (Former Ashby Market) is allocated for housing under housing allocations H1P-7 and H1P-10. H1P-7 is allocated for 40 dwellings and H1P-10 (Former Rusty's Car garage) is allocated for 10 dwellings. Little weight can be given to the new emerging local plan as it has not yet been submitted to the Planning Inspectorate, but it is clear the council considers the application site to be appropriate for housing.

In conclusion, the proposal is in part contrary to policy TC-1 of the HELA-DPD. However, policies CS14 of the NLCS and S5 of the NLLP, and the NPPF, do allow non-shopping uses in the defined retail area, where appropriate. The site has been vacant for around five years, when the existing market on the site was relocated onto The Broadway (PA/2017/515). The site has been extensively marketed by NLC and the only bids submitted for the site have been for residential development. Ashby High Street is a thriving High Street with a wide range of shops and services, both national chains as well as independent. There are some long-term retail vacancies in the vicinity of the site. The site, close to existing residential development, is vacant and becoming an 'eyesore'. Furthermore, it is allocated in the new emerging draft local plan for housing. It is considered, on balance, that the use of the site for residential purposes will not harm the vitality and viability of Ashby High Street. It is important to bring this site back into use to regenerate this area of Ashby. Therefore, the development of housing on this site is considered to be acceptable in principle in light of the circumstances set out above.

### **Flood risk and drainage**

The site is within Flood Zone 1 of the council's SFRA and is therefore at low risk of flooding. A flood risk assessment (FRA) has been submitted with the application. The Environment Agency has been consulted on the application and does not wish to comment. The site is proposed to be an allocated housing site and is at low risk of flooding. The proposal is

compliant in terms of flood risk with flood risk policies within the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan. These policies seek to locate development within areas of low flood risk. As a result, in terms of flood risk, the proposed development is considered to be acceptable.

In terms of foul water, Severn Trent Water have been consulted on the proposal and unfortunately have not responded. A condition will be imposed on any planning permission granted requiring the submission of foul water drainage details to the council for approval. Subject to this condition, and in the absence of any evidence to suggest that foul water cannot be adequately discharged from the site, subject to an acceptable foul water drainage scheme, the proposal can accord with policy DS14 of the North Lincolnshire Local Plan.

In relation to surface water, Severn Trent Water and the LLFA have been consulted on the application. An FRA, drainage drawings and a drainage strategy have been submitted by the applicant with email exchanges between the applicant and the LLFA in respect of the surface water drainage for the site. The LLFA have commented that they consider conveyance permeable paving is a viable solution for the site and new outfalls can be utilised to achieve the required gradients and enable the required depth of materials for the 100-year plus climate change flood event. Water butts can be utilised for all properties also. Alternatively, other source control SuDS features can be utilised. However, on balance, the LLFA is proposing that surface water for the site can be addressed through a detailed surface water drainage scheme for the site, which will need to be submitted to the council and should be based on the submitted FRA and drainage strategy to mitigate against flood risk and to protect water quality. The conditions proposed by the LLFA are recommended to be imposed on any planning permission.

Given the lack of objection by the relevant drainage body, the Environment Agency and the council's own LLFA, it is considered, subject to the recommended conditions, that the proposed development will not result in an unacceptable risk of flooding and will not have a detrimental impact on the local drainage network. The proposal is therefore acceptable in drainage terms and accords with policies CS18 and CS19 of the Core Strategy, and DS16 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 located on Ashby High Street, close to public transport links – there is a bus stop on the site frontage with Ashby High Street. The site is also within walking and cycling distance of a range of services, facilities and employment opportunities in Ashby.

The main access to the site is from School Road with a private drive leading onto Collum Lane. There is no vehicular (only pedestrian) access to the site from Ashby High Street as there is a bus stop and layby on the site frontage. In terms of parking, there will be 12 non-allocated parking spaces for the 18 flats, the two-bedroom houses will have one designated car parking space each, and each three- and four-bedroom house will have two parking spaces, with a small number of visitor car parking spaces provided within the site.

Concerns from a resident in relation to the vehicular access proposed are noted. However, Highways have raised no objections subject to a number of conditions relating to visibility splays, construction details of the access, footway and bus stop improvements, and the retention of the proposed car parking on the site. The proposal is considered to be acceptable in highway terms and, subject to these conditions, 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**

The scheme has been designed to a high standard. The frontage to Ashby High Street contains the 18 flats arranged in three blocks containing six flats each, which are three-storey (one storey per flat). These have been designed to be in character with the ornate, Victorian three-storey public house adjacent to the south-west boundary of the site with the flats extending across the whole of Ashby High Street. Planting is proposed on the front boundary to soften the development in the street scene and add green infrastructure into the urban area, which is welcomed. The front boundary comprises metal iron railings, which secure the site but allow all the flats to be viewed from Ashby High Street.

The frontage to School Road comprises essentially two-storey houses and two, three-storey dwellings. These dwellings face the Darley Centre and Collum Avenue car park. The proposed dwellings form a strong and interesting frontage with School Road and give the development an identity which will improve the vibrancy of this area of Ashby as this part of School Road has extensive car parking fronting School Road due to the public car park and parking for the Darley Centre. The dwellings have modest front gardens adding green infrastructure into the development. Dwellings will also front Collum Lane, which will continue the existing development along Collum Lane in a northerly direction, with the proposed two-storey dwellings designed similar to existing residential properties on Collum Lane. Within the site there are then a mix of two- and three-storey dwellings, which are partially screened by the dwellings proposed on Ashby High Street, School Road and Collum Lane.

The proposed scheme is an improvement on this vacant site comprising extensive hardstanding area and some vacant buildings, which are surrounded by unsightly palisade fencing. The proposal provides a unique opportunity to regenerate the site and this area of Ashby which has fallen into decline. The scheme will not result in any adverse impacts on existing dwellings and the proposed dwellings have adequate-sized gardens for the area and acceptable separation distances for this urban area. Whilst it is accepted that there are some instances of overlooking between properties, these have been kept to a minimum and are mainly related to the flats which overlook gardens across the access road. On balance, this is a well-designed scheme on a fairly small site that will significantly improve the aesthetic appearance of this vacant site and regenerate this part of Ashby. The proposal aligns with policies H5, H8 and DS1 of the NLLP, CS5 and CS7 of the Core Strategy, and Chapter 12 of the NPPF.

### **Ecology/biodiversity**

Policies CS5 and CS17 of the Core Strategy deal with biodiversity matters. Policy LC5 of the NLLP deals with species and habitat matters. The applicant has submitted an ecology report and bat survey with the application and the council's ecologist has been consulted. The site is extensively covered with hardstanding, and contains a former warehouse building and two other small buildings. The site has very low biodiversity value at the



moment, limited to opportunistic plants that have become established in cracks in concrete and hardstandings. For these reasons, there is no requirement to carry out a biodiversity metric assessment. A landscaping masterplan has been prepared for the site, but details of the exact species, number and size of trees and shrubs is not known at this stage. Planning conditions can be used to ensure a satisfactory landscaping scheme is submitted and biodiversity enhancements are provided on the site.

In terms of bats, the applicant has submitted a survey for the site that has identified a day roost used by two pipistrelle bats in the former warehouse building. It is proposed to demolish this building to facilitate the development which will result in the loss of the bat roost.

The council must consider a number of prerequisite tests for a European Protected Species (EPS) Licence as the pipistrelle bats are protected species. Under these tests the council must consider whether or not there are any satisfactory alternatives. The development could not proceed without the demolition of this building as it would result in an unsatisfactory standard of development on the site. The building is of poor design and if it were to be brought into use not only would it cause conflict with the proposed residential properties in terms of noise and disturbance, potentially the bat roost may be disturbed due to the internal/external alterations required to bring this redundant building into use. If the building remained the scheme would become unviable. In addition, this building does not lend itself to residential conversion due to its internal and external design. The council therefore considers that there are no satisfactory alternatives in this case.

In terms of overriding public interest, the proposal will provide 40 affordable dwellings for the residents of Scunthorpe. Furthermore, it must be noted that currently North Lincolnshire does not have a five-year housing land supply. This proposal for the erection of 40 dwellings within the Scunthorpe urban area would have both economic and social benefits that would work in the public interest. Contributions towards open space and affordable housing would provide additional benefits to residents of Scunthorpe.

It is considered that there are no satisfactory alternatives that would cause less harm to the species; even the 'do nothing' approach will lead to further degradation of the building which is already falling into disrepair. The proposed scheme, through biodiversity enhancement secured by condition, should ensure that existing species will have the chance to thrive, as well as other species introduced that would benefit the wildlife habitat network. The ecologist has advised conditions to secure mitigation and compensation measures. The ecologist notes that although the development will entail the loss of a day roost for low numbers of a common and widespread species, replacement integral bat boxes are proposed. Therefore, the view of the council's ecologist and the council is that the development, as currently proposed, passes the Favourable Conservation Status test of EPS licensing.

### **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 CO2 emissions.

The council's Environmental Health department has assessed the proposal and proposes 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.

### **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. In this case, 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.

### **Noise**

A noise assessment has been submitted and Environmental Health have some concerns about noise from adjoining commercial premises, but consider that these matters can be addressed and mitigated through planning conditions relating to the submission of a noise mitigation strategy, installation of acoustic barriers and a verification report. These conditions are recommended to be imposed on any planning permission. The proposal, in terms of noise, subject to planning conditions, will accord with policy DS11 of the NLLP. Paragraph 187 of the NPPF seeks to ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed. In this case the proposed planning conditions will mitigate noise from surrounding commercial premises and therefore the proposal will align with paragraph 187 of the NPPF in terms of noise.

### **Car wash**

Environmental Health has expressed some concern that the car wash at the garage adjacent to the eastern boundary may result in the driveways to the flats on the eastern boundary and the garden of plot 22 being affected by overspray, depending on the wind direction. A boundary fence of just over 2m in height is currently proposed along this boundary, together with landscaping, which will mitigate some impacts of potential overspray. The garage building itself runs parallel with plot 22, providing screening from overspray. The overspray would only occur dependent on weather conditions. Whilst Environmental Health's concerns are acknowledged, this potential impact is not considered

to result in any significant harm to occupiers of the proposed dwellings. The proposal therefore aligns with policies DS1 and DS11 of the NLLP.

### **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 0.5 ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents.' This is reinforced by policies CS22 and CS23 of the North Lincolnshire Core Strategy. Both are considered relevant. In this case no public open space is to be provided on the site. As a result the applicant has agreed to an off-site contribution of £47,573.20 towards improvements and additional play equipment at Everest Road playing fields. Subject to this contribution, the proposal will align with policy H10 of the NLLP, and policies CS22 and CS23 of the NLCS.

Highways have requested contributions towards bus tickets. The site is in a very sustainable location, with a bus stop on the site frontage with Ashby High Street. In light of the very sustainable location, it is considered that this contribution will not meet the tests set out in the tests for S106 obligations and therefore this contribution has not been requested. The NHS has also requested a health contribution. The scheme is for 100% affordable dwellings and therefore this contribution has also not been requested.

## **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, CS22 and CS23 of the North Lincolnshire Core Strategy, H10 of the North Lincolnshire Local Plan, and paragraph 57 of the NPPF. The heads of terms have been put to the applicant for off-site public open space and for affordable housing in perpetuity. The applicant has agreed all the requested S106 contributions required to mitigate the impacts of the development.

## **Other matters**

One objector considers that the site should be used as public open space. However, the proposed scheme will make a significant contribution towards improvements and new equipment at the Everest Road playing fields site, which will mitigate the impacts of the development. The site is in a prominent location on Ashby High Street and this well-designed development will bring a vacant brownfield site back into use, as well as providing a significant number of dwellings which will meet some of our housing need. The comments that retail should be provided on the site have been dealt with in the 'principle' section of this report.

## **Pre-commencement conditions**

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

## **The planning balance**

When applying the planning balance to this application, it is clear that, due to the council's lack of a five-year housing land supply, there is a need for housing in North Lincolnshire. Not only will this application significantly address this shortfall, it will also provide much needed affordable housing for residents of North Lincolnshire. The site is in a highly sustainable location and adjacent to a bus stop, and the facilities on Ashby High Street are accessible by walking and cycling. It is a vacant site in a prominent location and this well-designed scheme will extend the existing frontage development along Ashby High Street, School Road and Collum Lane in a sensitive manner. The proposal will regenerate this area of Ashby High Street, adding vibrancy and vitality to the area, and increasing footfall. Whilst it is acknowledged that the site is within the retail area of Ashby High Street, the site has not been in use since 2017. A non-shopping use in this location will not adversely affect the character, vitality and viability of Ashby High Street. The benefits of the proposal clearly outweigh the dis-benefit in this case.

## **Conclusion**

No material considerations or technical matters have been identified that could properly be considered to outweigh the statutory presumption in favour of sustainable development as set out in the NPPF. Although the development does not strictly fully accord with the retail policy in the HELA DPD, there is sufficient justification to recommend approval of this residential scheme on this site. On balance, the proposed development is considered to be acceptable in planning terms and is recommended for approval subject to the conditions and planning obligations set out below.

## Heads of terms

### *Affordable housing*

Number of dwellings	All 40 dwellings  Affordable units to be retained in perpetuity
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### *Open space*

Financial contribution towards off-site open space	Off-site financial contribution of £47,573.20 towards improvements and additional equipment at Everest Road Playing Fields.
Trigger point	On occupation of the 20th dwelling
How long NLC has to spend the contribution	10 years

## RECOMMENDATION

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for an off-site contribution for open space towards improvements and additional equipment, and to ensure all the affordable dwellings remain in perpetuity, 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 7 March 2023 the Development Management Lead be authorised to refuse the application on grounds of no essential community benefits or affordable housing; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

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

Reason

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

2.

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

- 17821-BSB-00-XX-DR-A-0031 Rev A (block plan)
- 17821-BSB-00-XX-DR-A-0020 Rev C (House Type A)
- 17821-BSB-00-XX-DR-A-0032 (boundary treatments)

- 17821-BSB-00-XX-DR-A-0022 Rev B (House Type Block D)
- 17821-BSB-00-XX-DR-A-0021 Rev B (House Type B and C)
- 17821-BSB-00-XX-DR-A-0028 Rev A (Block Type A and B)
- 17821-BSB-00-XX-DR-A-0029 (Block Types C and D)
- 17821-BSB-00-XX-DR-A-0030 (location plan)
- 17821-BSB-00-XX-DR-A-0025 Rev D (Proposed Site Layout)
- 46664/016 Rev B (external works).

Reason

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

3.

No development shall begin on site until details of the proposed improvements to the bus stops immediately outside the site on Ashby High Street and outside 174 Ashby Road have been submitted to and approved in writing by the local planning authority. Once approved, they shall be implemented in accordance with the proposed details, prior to the occupation of the 30th dwelling.

Reason

In the interests of sustainability and to ensure highway safety in accordance with policies CS25 of the Core Strategy and T2 of the North Lincolnshire Local Plan.

4.

No development shall begin on site until details of the proposed improvements to the southern footway on School Road, from Collum Lane to Collum Avenue, have been submitted to and approved in writing by the local planning authority. Once approved they shall be implemented in accordance with the agreed timescales.

Reason

In the interests of highway safety in accordance with policies T2 and T6 of the North Lincolnshire Local Plan.

5.

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

Reason

In the interest of highway safety in accordance with policy T2 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.

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.

11.

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; and
- (ii) the number and location of vehicle parking space(s) on the site;

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

Reason

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

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.

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

Reason

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



16.

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

**Reason**

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

17.

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.

18.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The 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 with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

19.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 18 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.

20.

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.

21.

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.

22.

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.

#### 23.

Prior to the occupation of any dwelling 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 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 accordance with policy CS18 of the Core Strategy and the National Planning Policy Framework.

#### 24.

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

25.

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 noise limits; and
- (iii) a scheme for monitoring 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;
- (ii) the 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 safeguard residential amenity in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

26.

No development shall take place until a noise mitigation scheme has been submitted to and approved in writing by the local planning authority. As a minimum, the noise mitigation scheme shall include details of:

- (i) noise mitigation measures;
- (ii) predicted noise levels to be achieved at sensitive locations as a result of the noise mitigation scheme;
- (iii) how the noise mitigation scheme will be maintained for the lifetime of the development.

The noise mitigation scheme shall be implemented before occupation of the development and retained thereafter.

**Reason**

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

27.

Notwithstanding drawing number 17821-BSB-00-XX-DR-A-0032 (boundary treatments), prior to the occupation of the development, an acoustic barrier scheme shall be submitted to and approved in writing by the local planning authority. This shall include a detailed technical specification of the acoustic barrier(s) to be installed and details of the location, size and design of the barrier, with predicted noise reduction over the frequency spectrum. The approved acoustic barrier shall be installed prior to the residential use of this site commencing and shall be maintained thereafter.

**Reason**

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

28.

Following installation of the mitigation measures required by conditions 26 and 27 above in accordance with the approved technical specifications, a verification report that

demonstrates the effectiveness of the mitigation measures shall be undertaken. It shall then be submitted to and approved in writing by the local planning authority.

Reason

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

29.

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

30.

Before occupation of any dwelling, the bathroom window(s) 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 safeguard privacy in accordance with policy CS5 of the Core Strategy.

31

No demolition or any other works affecting the warehouse identified in the submitted bat survey report shall commence until the local planning authority has been provided with either:

- (a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead; or
- (b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

To protect a bat roost in accordance with saved policy LC5 of the North Lincolnshire Local Plan and policy CS17 of the Core Strategy.

32.

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 on at least 10 dwellings combined;

- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) prescriptions for the planting and aftercare of trees, shrubs and flowering plants of high biodiversity value;
- (e) 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.

33.

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 10th and 35th dwellings, 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.

34

No above-ground works shall take place until proposals for landscaping have been submitted to and approved by the local planning authority.

**Reason**

To enhance the appearance of the development in the interests of amenity.

35.

All works indicated by the approved scheme of landscaping shall be carried out within the first planting season (1 October to 31 March) and seeding season (the month of September or April) following the granting of the permission or within such extended time period as may be agreed in writing by the local planning authority. Any trees or plants which, within a period of five years from completion of the landscaping, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species to those originally required to be planted, unless the local planning authority have given written consent to any variation.

**Reason**

To secure the timely completion and successful establishment of the approved scheme of landscaping for the site in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

36.

No above-ground works shall take place until details for the disposal of foul water have been submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented on the site.



## Reason

To ensure satisfactory foul drainage disposal for the site.

### **Informative 1**

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

### **Informative 2**

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

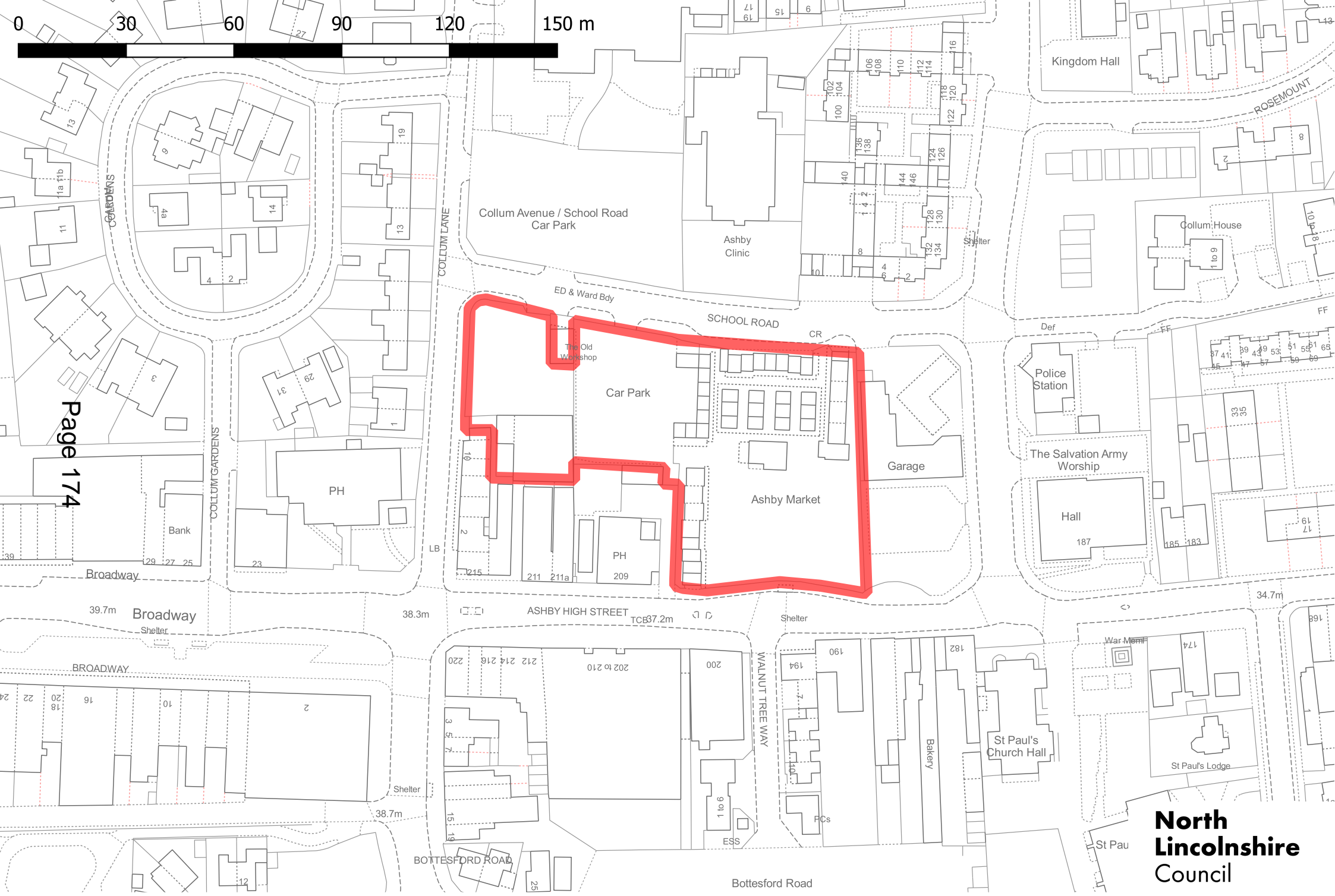
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

### **Informative 3**

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

### **Informative 4**

For your information the LLFA Drainage Team no longer permit the use of connected private surface water drainage systems which are reliant on one outfall/property owner, unless a robust adoption and maintenance plan is produced and made known to all property owners. The reliance on one owner to maintain a drainage system, if not maintained, can cause civil and legal disputes moving forward with several neighbouring properties. This is not a good solution unless a robust maintenance plan is provided or it is a public sewer and adopted by the water company.



Page 174

Collum Avenue / School Road Car Park

Ashby Clinic

Kingdom Hall

Collum House

ED & Ward Bdy

SCHOOL ROAD

Car Park

Garage

Ashby Market

Police Station

The Salvation Army Worship

Hall

Bank

PH

PH

St Paul's Church Hall

St Paul's Lodge

Bakery

ESS

Bottesford Road

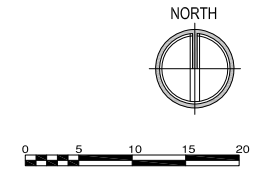
North Lincolnshire Council



NOTES  
 Do not scale from this drawing. Only figured dimensions are to be taken from this drawing.  
 Contractor must verify all dimensions on site before commencing any work or shop drawings.  
 Report any discrepancies to the architect before commencing work. If this drawing exceeds the quantities taken in any way the architect is to be informed before the work is initiated.  
 Work within the Construction (Design & Management) Regulations 2015 is not to start until Pre Construction Health and Safety Information has been produced by the Principal Designer and a Principal Contractor has produced a Construction Phase Health and Safety Plan.  
 This drawing is copyright and must not be reproduced without consent of BSB Architecture  
 This drawing originates from the CAD file:  
 S:\2017\17821\_Ashby Market Site, Scunthorpe\010\_BSB  
 Drawings\020\_Current  
 Issues\025\_Appraisal\17821\_BSD\_00\_XX\_M2\_A\_0025D\_Proposed Site  
 Revision Block Plan.dwg

Rev	Description	Dwn	Date	Chk	Date
A	Drawing development - minor revisions.	jpm	26.04.22	jnh	26.04.22

Page 175



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 The Deep Business Centre  
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 Tel: 01482 329 276  
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**RIBA** #

CLIENT  
**Ongo Developments**

PROJECT  
**Residential Development  
 Site of Former Ashby Market,  
 Scunthorpe**

DRAWING TITLE  
**Proposed Block Plan**

PROPOSED BLOCK PLAN  
 scale 1:500 at A3

**PA/2022/869 Proposed layout (not to scale)**

Drawing Status For Information_S2	Scale 1:500	Sheet Size A3
Drawn jpm	Date 11/04/22	
Checked jnh	Date 11/04/22	
Drawing No. 17821-BSB-00-XX-DR-A-0031	Revision A	

Collum Avenue / School Road  
Car Park

The Darley Centre

Ashby  
Clinic

SCHOOL ROAD  
Tarmac

Page 176

COLLUM LANE

LB

ASHBY HIGH STREET  
Tarmac

PROPOSED SITE PLAN  
OVER TOPOGRAPHICAL SURVEY  
OS MAP SHOWN TO ADD CONTEXT  
scale 1:250 at A1

**SCHEDULE OF ACCOMMODATION:**

House Type A:  
1bed 2person flat  
GF 50msq / FF 50msq / SF 56msq  
(Gross Internal Floor Area)

House Type B:  
2bed 4person house  
74msq (Gross Internal Floor Area)

House Type C:  
3bed 5person house  
88msq (Gross Internal Floor Area)

House Type D:  
4bed 6person house  
117msq (Gross Internal Floor Area)

Parking 42 spaces  
18nr 1b2p flats share 12nr spaces  
Generally:  
2b4p houses = 1 space each min  
3b5p houses = 2 spaces each min  
4b6p houses = 2 spaces each min

Visitor parking 2

Site Area:  
5860msq / 0.5860ha  
40 dwellings = 68 dwellings per hectare

**KEY:**

**LEVEL ACCESS LANDING -**  
900mm x 900mm to principal entrance where indicated. Proprietary drainage channel to door threshold.

**REAR GARDEN BIN LOCATION AREA (PLOTS 1 - 22) -** Waste and recycling bins as per North Lincolnshire Council requirements: to accommodate 3nr 140 litre wheeled bins and 2nr 38 litre recycling boxes per property. Provision for flats differs (no garden waste).

**PROPOSED TREES -**  
Refer to Landscape Masterplan & Planting Details for further details.

**PARKING BAYS -**  
Permeable parking bays.  
Refer to details by Eastwood & Partners.


**HEDGING -**  
to front / side gardens.


**TURF TO REAR GARDENS -**  
Turfing to rear garden areas on 150mm topsoil certified from a 'clean' source. Refer to any site remediation requirements. Rear gardens to be rotavated and stone picked prior to turfing. Provide mowing strip (300mm) to turfed areas adjacent walls & fences.





**TURF & PLANTING AREA -**  
to front gardens.

**PCC PAVING FLAGS -**  
All main access paths to be 900mm wide. Paths around perimeter of houses to be 900mm wide. Cross fall max 1:40. All communal paths to flats to be minimum 1200mm wide.

**BOUNDARY TREATMENTS:**


**A**  **BRICK WALL**  
1800mm high, 215mm thick brick wall with piers as required with tile creasing and brick coping. Height measured from highest adjacent ground level and stepped as appropriate.


**B**  **DIVISIONAL HIT AND MISS TIMBER FENCING**  
1800mm high hit and miss timber fencing with concrete posts. Height measured from highest adjacent ground level and stepped as appropriate. NB cases of retaining to be supported by gravel boards.


18nr	
14nr	
6nr	
2nr	


**NOTES:**  
Do not scale from this drawing. Only figure dimensions are to be taken from this drawing.  
Contractor must verify all dimensions on site before commencing any work or stop drawings.  
Report any discrepancies to the architect before commencing work. If this drawing exceeds the quantities shown in any way the contractor is to be blamed for the work in excess.  
Work with the Contractor Quality & Management Register 2019 for more detail until the Pre-Construction Health and Safety Information has been produced by the Principal Designer and a PHSI App Contractor has produced a Construction Phase Health and Safety Plan.  
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This drawing originates from the CAD file:  
S:\2017\172\_Ashby Market Site\_Scourthorpe\010\_BSB  
Drawings\020\_Current  
Issued\020\_ScheduleofAccommodation\_BSB\_00-XX-DR-A\_00250\_Proposed Site  
**REVISIONS:** (Block Plan.Dwg)

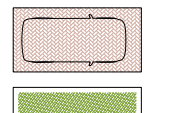
Rev	Description	Drawn	Date	Chk	Date
A	Bin provision for flats developed; boundary type E key colour revised; location of rear access gates to plots 13 & 18 amended to increase security; altered surface roof reduced to provide increased landscaping around parking bays to plots 23-40.	jhm	23.03.22	jhm	23.03.22
B	Block references added; work to existing perimeter boundaries clarified.	jhm	08.04.22	jhm	08.04.22
C	Site area updated.	jhm	19.04.22	jhm	19.04.22
D	Drawing development - minor revisions.	jhm	26.04.22	jhm	26.04.22

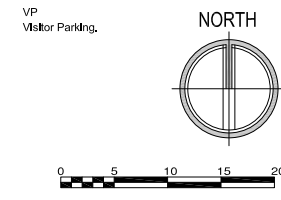
**C**  **PERIMETER TIMBER FENCING**  
1800mm high close boarded timber fencing with concrete posts. Height measured from highest adjacent ground level and stepped as appropriate. NB cases of retaining to be supported by gravel boards.

**D**  **METAL RAILINGS**  
900mm high decorative galvanised metal railings with black painted finish.

**E**  **METAL RAILINGS**  
1800mm high decorative galvanised metal railings and gates with black painted finish.

**G1**  1800mm high FLB timber gate with galvanised ironmongery and locking facility.

**G2**  1800mm high decorative galvanised metal gate and metal gate posts with black painted finish. Gate fitted with latch.



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**RIBA #**  
CLIENT  
Ongo Developments  
PROJECT  
Residential Development  
Site of Former Ashby Market,  
Scourthorpe

DRAWING TITLE  
Proposed Site Layout

Drawing Status For Information_S2	Scale 1:250	Sheet Size A1
Drawn jhm	Date 15/03/22	
Checked jhm	Date 15/03/22	
Drawn By 17821-BSB-00-XX-DR-A-0025	Revision D	

# PA/2022/869 Block types A & B plans & elevations (not to scale)

**A**

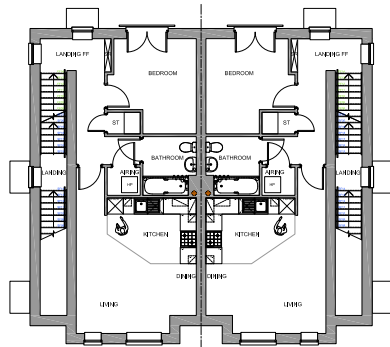
**BLOCK TYPE A**

BLOCK 11:  
PLOTS 23-28  
AS SHOWN

BLOCK 12:  
PLOTS 29-34  
AS SHOWN

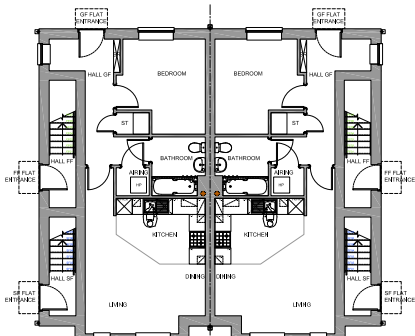
BLOCK 13:  
PLOTS 35-40  
AS SHOWN

NOTE:  
HOUSE TYPE A  
CONTAINS  
3NR FLATS



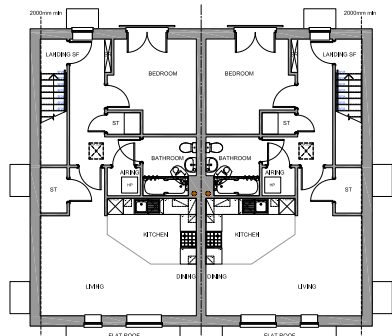
HOUSE TYPE A  
162p FIRST FLOOR FLAT PLAN  
50msq

HOUSE TYPE A  
162p FIRST FLOOR FLAT PLAN  
50msq



HOUSE TYPE A  
162p GROUND FLOOR FLAT PLAN  
50msq

HOUSE TYPE A  
162p GROUND FLOOR FLAT PLAN  
50msq



HOUSE TYPE A  
162p SECOND FLOOR FLAT PLAN  
56msq

HOUSE TYPE A  
162p SECOND FLOOR FLAT PLAN  
56msq

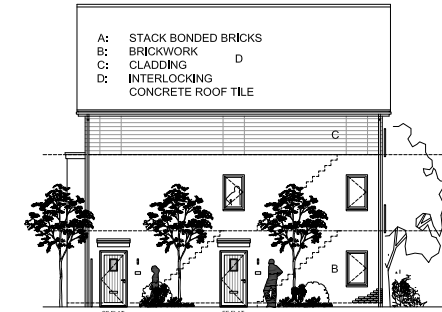


HOUSE TYPE A  
3nr 1b2p APARTMENTS  
FRONT ELEVATION

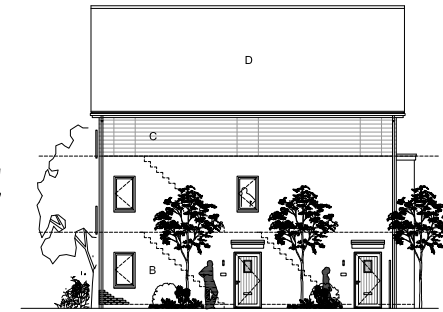
A: STACK BONDED BRICKS  
B: BRICKWORK  
C: CLADDING  
D: INTERLOCKING  
CONCRETE ROOF TILE



HOUSE TYPE A  
3nr 1b2p APARTMENTS  
REAR ELEVATION



HOUSE TYPE A  
3nr 1b2p APARTMENTS  
SIDE ELEVATION



HOUSE TYPE A  
3nr 1b2p APARTMENTS  
SIDE ELEVATION

Page 177

**B**

**BLOCK TYPE B**

BLOCK 1:  
PLOTS 1-2  
HANDED

BLOCK 2:  
PLOTS 3-4  
AS SHOWN

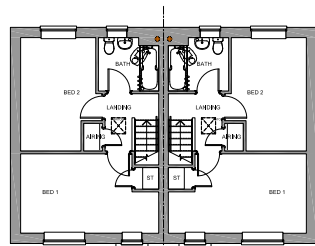
BLOCK 3:  
PLOTS 5-6  
AS SHOWN

BLOCK 4:  
PLOTS 7-8  
AS SHOWN

BLOCK 5:  
PLOTS 9-10  
HANDED

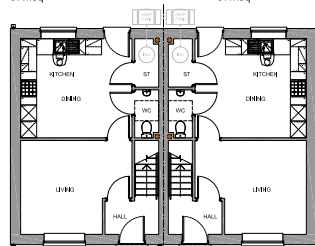
BLOCK 8:  
PLOTS 16-17  
AS SHOWN

BLOCK 10:  
PLOTS 21-22  
HANDED



HOUSE TYPE B  
2b4p FIRST FLOOR LAYOUT  
37msq

HOUSE TYPE B  
2b4p FIRST FLOOR LAYOUT  
37msq



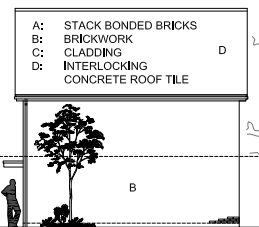
HOUSE TYPE B  
2b4p GROUND FLOOR LAYOUT  
37msq

HOUSE TYPE B  
2b4p GROUND FLOOR LAYOUT  
37msq



HOUSE TYPE B  
2b4p HOUSE  
FRONT ELEVATION

HOUSE TYPE B  
2b4p HOUSE  
FRONT ELEVATION

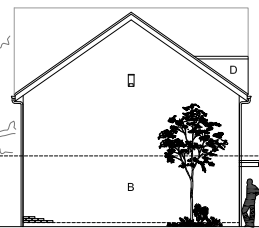


HOUSE TYPE B  
2b4p HOUSE  
SIDE ELEVATION



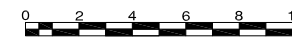
HOUSE TYPE B  
2b4p HOUSE  
REAR ELEVATION

HOUSE TYPE B  
2b4p HOUSE  
REAR ELEVATION



HOUSE TYPE B  
2b4p HOUSE  
GABLE ELEVATION

NOTES  
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and a Principal Contractor has produced a Construction Phase Health and Safety Plan.  
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S:\2017\17821\_Ashby Market Site\_Scunthorpe\010\_BSB  
Drawings\17821\_Current  
Issues\025\_AshbyMarket\_17821\_BSB\_00-XX-DR-A-0028A\_01009\_Block Types A &  
B.dwg  
**REVISIONS**  
Rev. Description Dwn Date Chk. Date  
A Headroom at top of stairwell of type A jrm 26.04.22 jhm 26.04.22 amended.



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**RIBA #**

CLIENT  
**Ongo Developments**

PROJECT  
**Residential Development  
Site of Former Ashby Market,  
Scunthorpe**

DRAWING TITLE  
**Block Types A & B:  
Proposed Plans & Elevations**

Drawings Status For Information_S2	Scale 1:100	Sheet Size A1
Drawn jhm	Date 08/04/22	
Checked jhm	Date 08/04/22	
Drawings No. 17821-BSB-00-XX-DR-A-0028	Revision A	

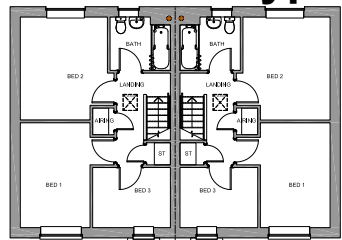
**Acclaim Constructionline**

# PA/2022/869 Block types C & D plans & elevations (not to scale)

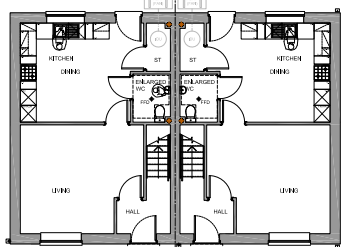
C

BLOCK TYPE C

BLOCK 7:  
PLOTS 14-15  
AS SHOWN



HOUSE TYPE C  
3b5p HOUSE  
FIRST FLOOR LAYOUT  
44msq



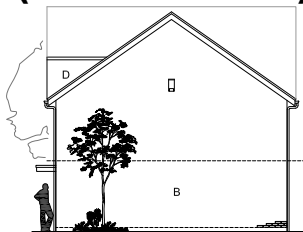
HOUSE TYPE C  
3b5p HOUSE  
GROUND FLOOR LAYOUT  
44msq



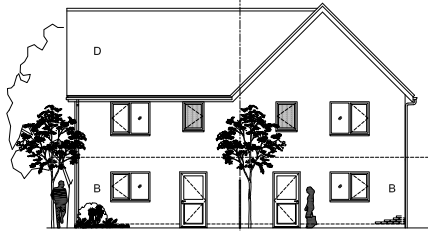
HOUSE TYPE C  
3b5p HOUSE  
FRONT ELEVATION



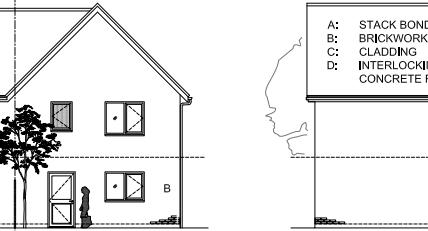
HOUSE TYPE C  
3b5p HOUSE  
FRONT ELEVATION



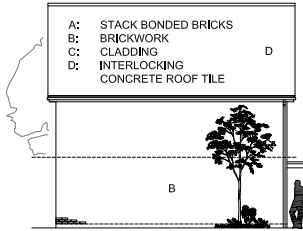
HOUSE TYPE C  
3b5p HOUSE  
GABLE ELEVATION



HOUSE TYPE C  
3b5p HOUSE  
REAR ELEVATION



HOUSE TYPE C  
3b5p HOUSE  
REAR ELEVATION



HOUSE TYPE C  
3b5p HOUSE  
SIDE ELEVATION

- A: STACK BONDED BRICKS
- B: BRICKWORK
- C: CLADDING
- D: INTERLOCKING CONCRETE ROOF TILE

NOTES  
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S:\2017\17821\_Ashby Market Site\_Southrop\010\_BSB  
Drawings\1000\_Current  
Issue\005\_AshbyMarket\17821\_BSB\_P01\_XX\_DR\_A\_0000\_0000\_Block Types A-D  
**REVISIONS**

Rev	Description	Dwn	Date	Chk	Date

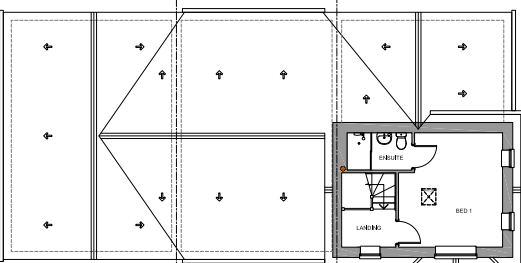
D

BLOCK TYPE D

BLOCK 7:  
PLOTS 11-13  
HANDLED

BLOCK 7:  
PLOTS 14-15  
AS SHOWN

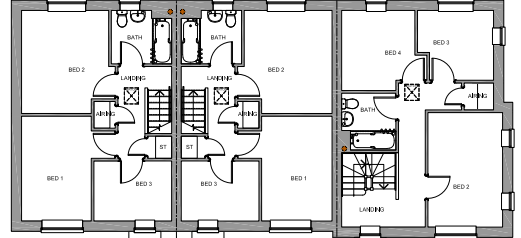
Page 178



HOUSE TYPE C  
ROOF PLAN

HOUSE TYPE C  
ROOF PLAN

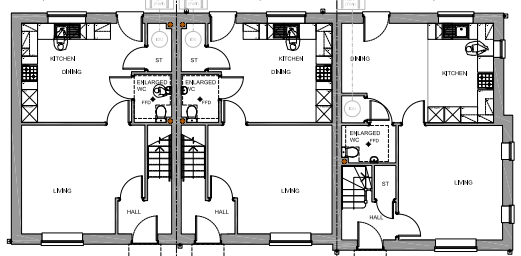
HOUSE TYPE D  
4b6p HOUSE  
SECOND FLOOR LAYOUT  
25msq



HOUSE TYPE C  
3b5p HOUSE  
FIRST FLOOR LAYOUT  
44msq

HOUSE TYPE C  
3b5p HOUSE  
FIRST FLOOR LAYOUT  
44msq

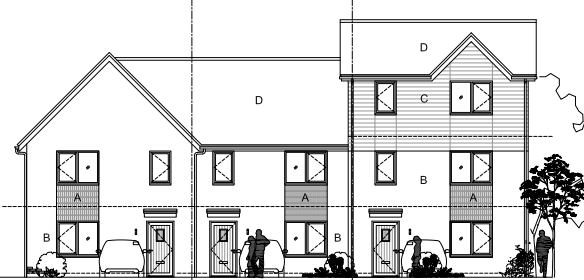
HOUSE TYPE D  
4b6p HOUSE  
FIRST FLOOR LAYOUT  
46msq



HOUSE TYPE C  
3b5p HOUSE  
GROUND FLOOR LAYOUT  
44msq

HOUSE TYPE C  
3b5p HOUSE  
GROUND FLOOR LAYOUT  
44msq

HOUSE TYPE D  
4b6p HOUSE  
GROUND FLOOR LAYOUT  
46msq



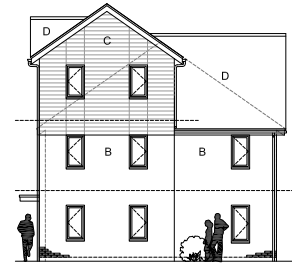
HOUSE TYPE C  
3b5p HOUSE  
FRONT ELEVATION



HOUSE TYPE C  
3b5p HOUSE  
FRONT ELEVATION



HOUSE TYPE D  
4b6p HOUSE  
FRONT ELEVATION



HOUSE TYPE D  
4b6p HOUSE  
SIDE ELEVATION



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RIBA #

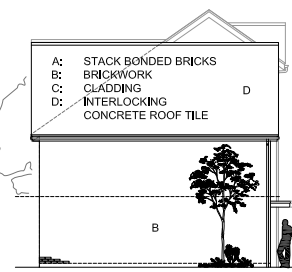
CLIENT  
Ongo Developments

PROJECT  
Residential Development  
Site of Former Ashby Market,  
Southrop

DRAWING TITLE  
Block Types C & D:  
Proposed Plans & Elevations

Drawn	Scale	Sheet Size
For Information_S2	1:100	A1
gjh		
gjh		
gjh		

Drawing No. 17821-BSB-00-XX-DR-A-0029  
Revision /



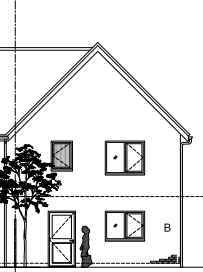
HOUSE TYPE C  
3b5p HOUSE  
SIDE ELEVATION



HOUSE TYPE D  
4b6p HOUSE  
REAR ELEVATION



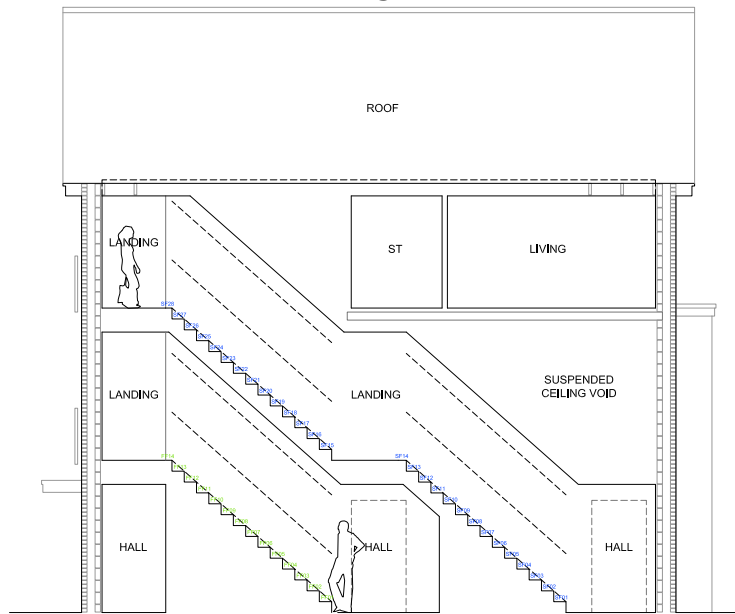
HOUSE TYPE C  
3b5p HOUSE  
REAR ELEVATION



HOUSE TYPE C  
3b5p HOUSE  
REAR ELEVATION

# PA/2022/869 House type A 1b2p (flats) plans & elevations (not to scale)

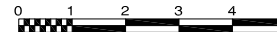
**NOTES**  
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 SC201717621\_Ashby Market Site, Scunthorpe/010\_BSB  
 Drawing: 1702\_Curves  
 Revision: 01/2022/00210\_00220\_00220  
**REVISIONS**  
 Rev. Description Dwn Date Chk. Date  
 A Drawing development - plans, sections jgm 14.03.22 jhm 14.03.22 & elevations.  
 B Door added to the second floor flat of jgm 06.04.22 jhm 06.04.22 the top of the stairs.  
 C Roof raised to consider LABC headroom jgm 26.04.22 jhm 26.04.22 requirements in storelets.  
 D



HOUSE TYPE A  
 3nr 1b2p APARTMENTS  
 SECTION THROUGH STAIRWELL



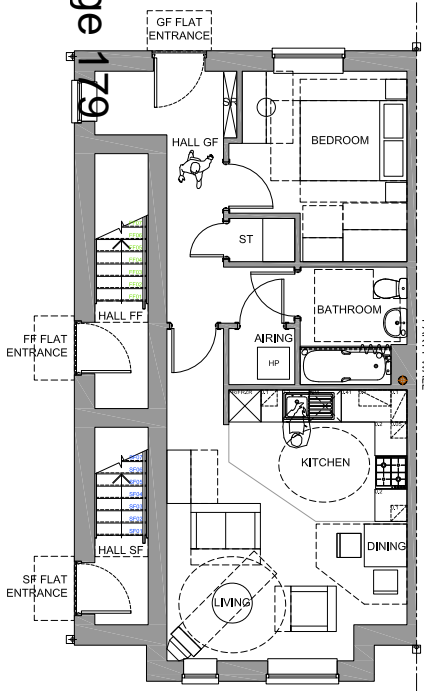
HOUSE TYPE A  
 3nr 1b2p APARTMENTS  
 TYPICAL SECTION



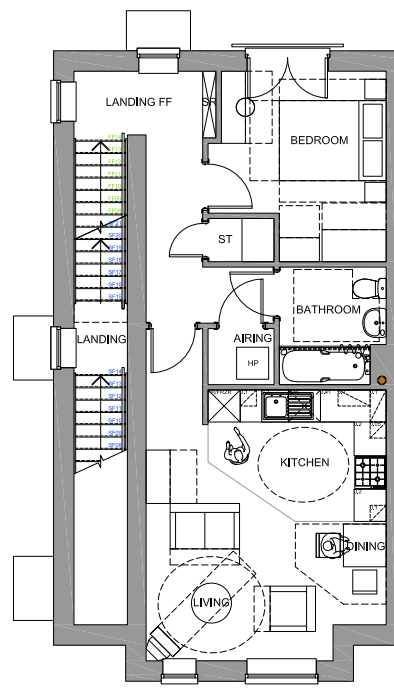
HOUSE TYPE A  
 3nr 1b2p APARTMENTS  
 FRONT ELEVATION

A: STACK BONDED BRICKS  
 B: BRICKWORK  
 C: CLADDING  
 D: INTERLOCKING CONCRETE ROOF TILE

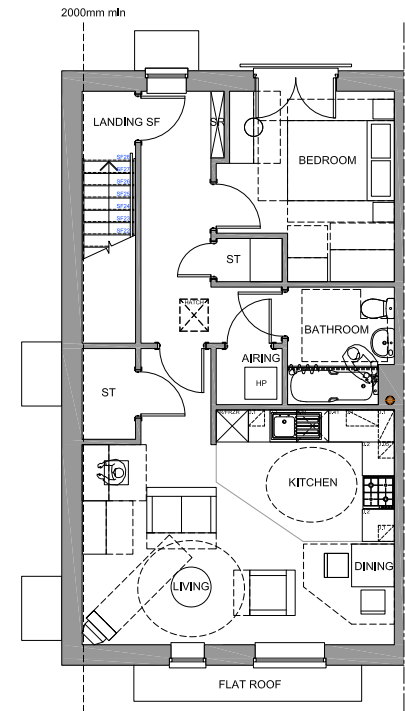
Page 179



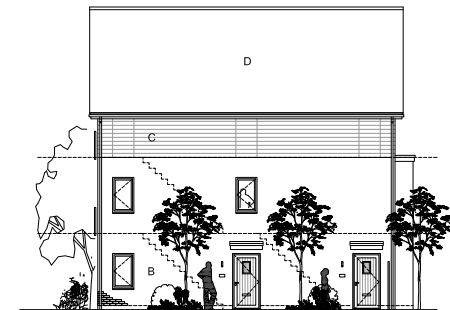
HOUSE TYPE A (3nr 1b2p APARTMENTS)  
 1b2p GROUND FLOOR APARTMENT PLAN  
 50msq



HOUSE TYPE A (3nr 1b2p APARTMENTS)  
 1b2p FIRST FLOOR APARTMENT PLAN  
 50msq



HOUSE TYPE A (3nr 1b2p APARTMENTS)  
 1b2p SECOND FLOOR APARTMENT PLAN  
 56msq



HOUSE TYPE A  
 3nr 1b2p APARTMENTS  
 SIDE ENTRANCE ELEVATION

PROPOSALS FOR HOUSE TYPE A  
 3nr 1b2p APARTMENTS



HOUSE TYPE A  
 3nr 1b2p APARTMENTS  
 REAR ELEVATION



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 Email: info@bsbarchitecture.com

**RIBA #**

CLIENT  
**Ongo Developments**

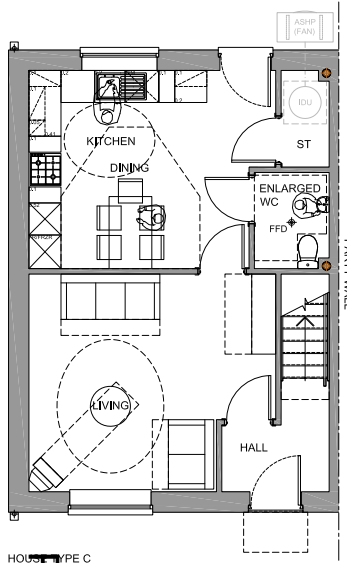
PROJECT  
**Residential Development  
 Site of Former Ashby Market,  
 Scunthorpe**

DRAWING TITLE  
**House Type A: 3nr 1b2p Flats  
 Proposed Ground, First & Second  
 Floor Plans, Sections & Elevations**

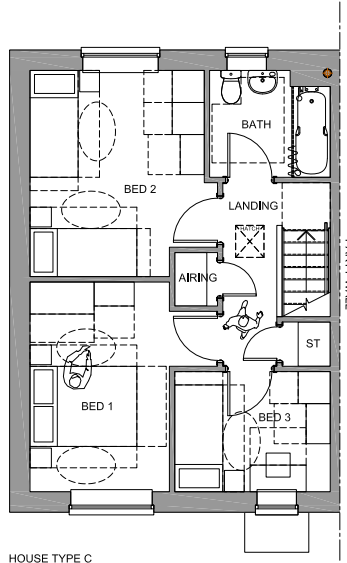
Drawing Status For Information_S2	Scale 1:50/1:100	Sheet No. A1
Drawn jgm	Date 21/01/22	
Checked jhm	Date 21/01/22	
Revision No. 17821-BSB-00-XX-DR-A-0020		Revision C

# PA/2022/869 House types B 2b4p & C 3b5p plans & elevations (not to scale)

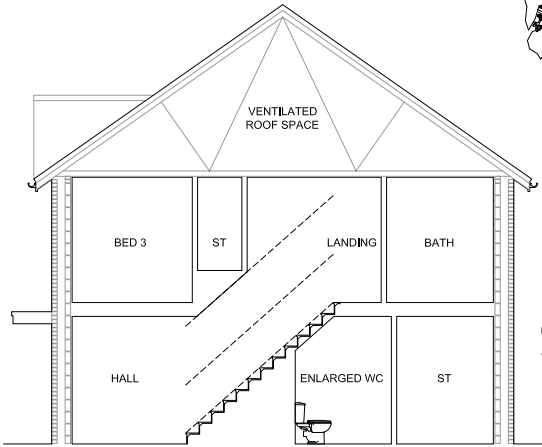
PROPOSALS FOR HOUSE TYPE C 3b5p HOUSE



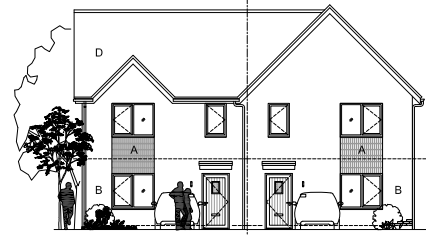
HOUSE TYPE C 3b5p GROUND FLOOR LAYOUT 44msq



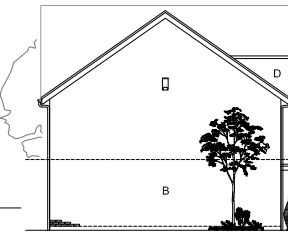
HOUSE TYPE C 3b5p FIRST FLOOR LAYOUT 44msq



HOUSE TYPE C 3b5p HOUSE SECTION THROUGH STAIRCASE



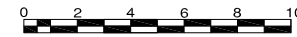
HOUSE TYPE C 3b5p HOUSE FRONT ELEVATION ELEVATION SHOWN AS PAIR



HOUSE TYPE C 3b5p HOUSE GABLE ELEVATION

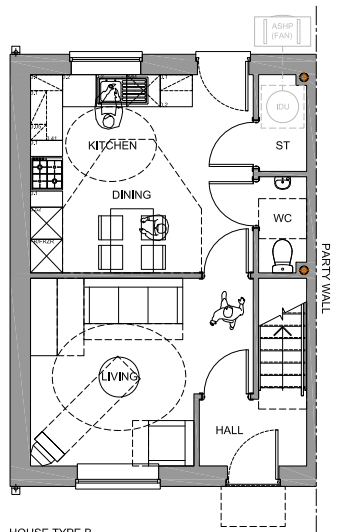


HOUSE TYPE C 3b5p HOUSE REAR ELEVATION

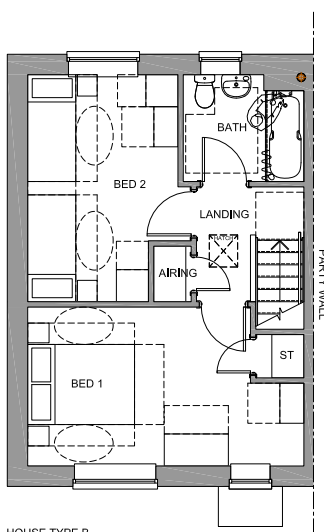
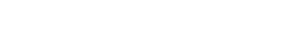


NOTES  
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The drawing originates from the CAD file:  
S:\2017\17821\_Ashby Market Site\_Scunthorpe\010\_BSB Drawings\020\_Current Issues\025\_Architectural\17821\_BSB\_Plan\_XX\_A\_000001\_00218\_00226\_000001\_000001.dwg  
**REVISIONS**  
Rev Description Dwn Date Chk Date  
A Drawing development - plans, sections jcm 14.03.22 jnh 14.03.22  
B Elevations jcm 26.04.22 jnh 26.04.22  
C Notes updated. jcm 26.04.22 jnh 26.04.22

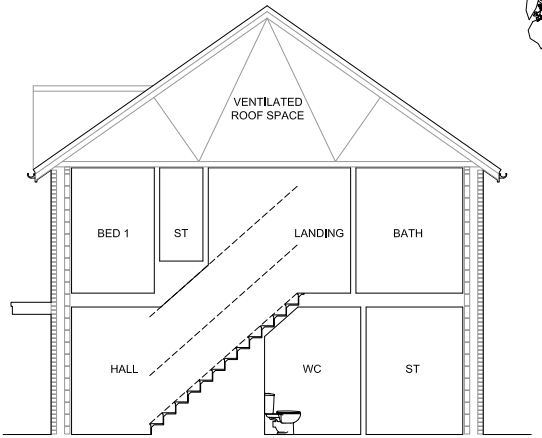
PROPOSALS FOR HOUSE TYPE B 2b4p HOUSE



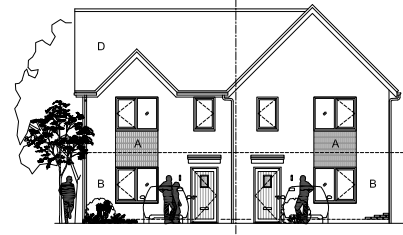
HOUSE TYPE B 2b4p GROUND FLOOR LAYOUT 37msq



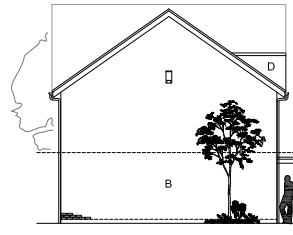
HOUSE TYPE B 2b4p FIRST FLOOR LAYOUT 37msq



HOUSE TYPE B 2b4p HOUSE SECTION THROUGH STAIRCASE



HOUSE TYPE B 2b4p HOUSE FRONT ELEVATION ELEVATION SHOWN AS PAIR



HOUSE TYPE B 2b4p HOUSE GABLE ELEVATION



HOUSE TYPE B 2b4p HOUSE REAR ELEVATION



**BSB Architecture**  
The Deep Business Centre  
Tower Street  
Kilngston upon Hull HU1 4BG  
Tel: 01482 293 276  
Fax: 01482 293 692  
Email: info@bsbarchitecture@gmail.com

---

**RIBA #**

CLIENT  
**Ongo Developments**

---

PROJECT  
**Residential Development  
Site of Former Ashby Market,  
Scunthorpe**

---

DRAWING TITLE  
**House Type B 2b4p & C 3b5p:  
Proposed Ground & First Floor  
Plans, Sections & Elevations**

---

Drawing Status For Information_S2	Scale 1:50/1:100	Sheet Size A1
Drawn jcm	Date 21/01/22	
Checked jnh	Date 21/01/22	

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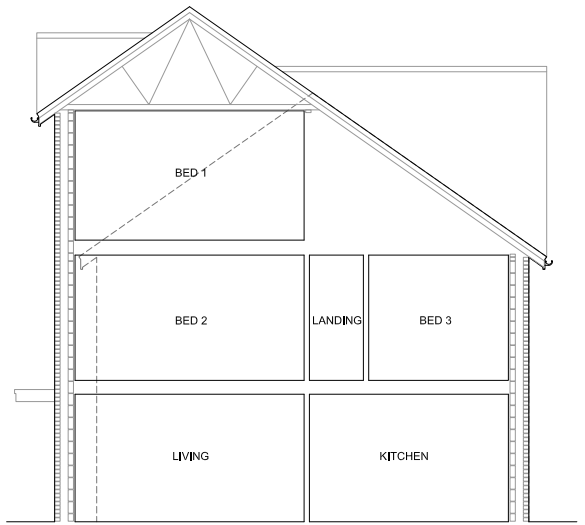
Drawing No. **17821-BSB-00-XX-DR-A-0021**

Revision **B**



# PA/2022/869 House type D 4b6p plans & elevations (not to scale)

NOTES  
 Do not scale from this drawing. Only figured dimensions are to be taken from this drawing.  
 Contractor must verify all dimensions on site before commencing any work or shop drawings.  
 Report any discrepancies to the architect before commencing work. If this drawing exceeds the quantity stated in any way the architect are to be informed before the work is begun.  
 Work shall be the Contractor's (Quality & Management) Responsibility 2016 in not to state and  
 Pre Construction Health and Safety Information has been produced by the Principal Designer and a Principal Contractor has produced a Construction Phase Health and Safety Plan.  
 This drawing is copyright and must not be reproduced without consent of BSB Architecture  
 The drawing originates from the CAD file:  
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**REVISIONS**  
 Rev Description Dwn Date Chk Date  
 A Drawing development - plans, sections jom 14.03.22 jnh 14.03.22  
 & elevations.  
 B Notes updated and elevations updated jom 26.04.22 jnh 26.04.22  
 to reflect site layout.



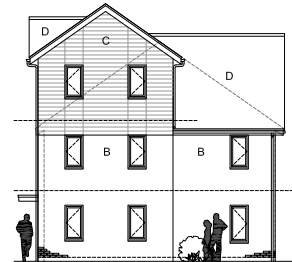
HOUSE TYPE D  
 4b6p HOUSE  
 TYPICAL SECTION



HOUSE TYPE C  
 3b5p HOUSE  
 FRONT ELEVATION



HOUSE TYPE D  
 4b6p HOUSE  
 FRONT ELEVATION



HOUSE TYPE D  
 4b6p HOUSE  
 SIDE ELEVATION

- A: STACK BONDED BRICKS
- B: BRICKWORK
- C: CLADDING
- D: INTERLOCKING CONCRETE ROOF TILE

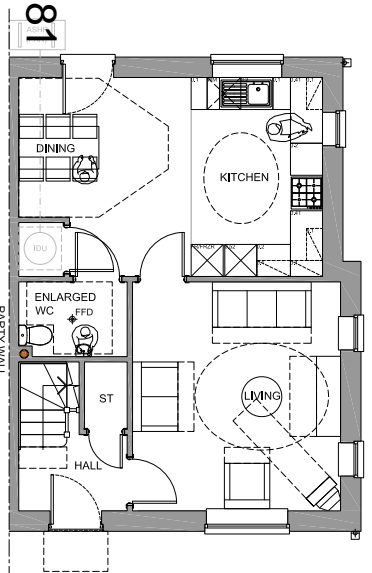


HOUSE TYPE D  
 4b6p HOUSE  
 REAR ELEVATION

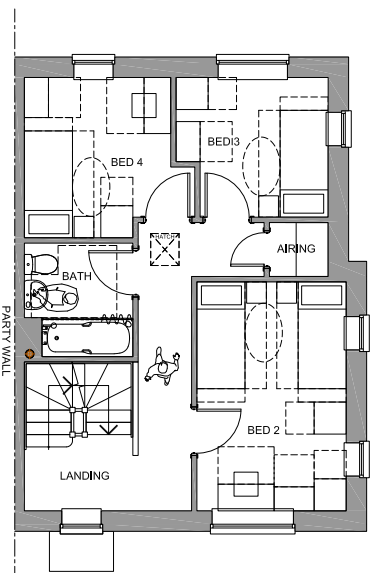
HOUSE TYPE C  
 3b5p HOUSE  
 REAR ELEVATION



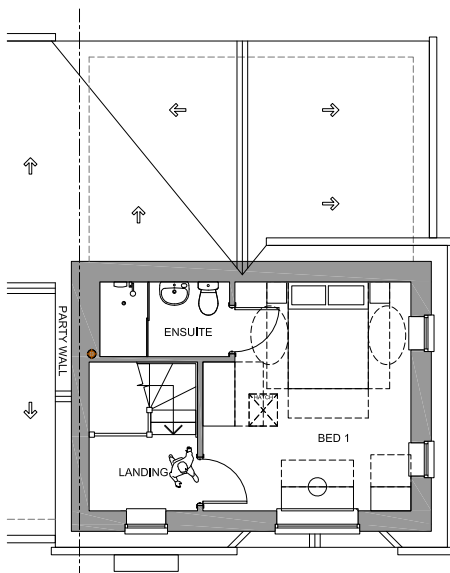
Page 181



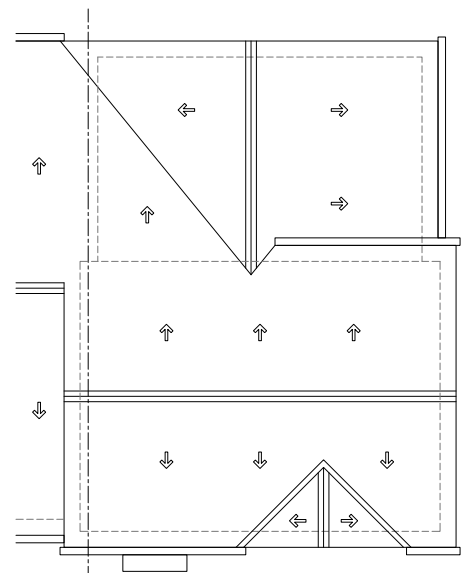
HOUSE TYPE D  
 4b6p GROUND FLOOR LAYOUT  
 46msq



HOUSE TYPE D  
 4b6p FIRST FLOOR LAYOUT  
 46msq



HOUSE TYPE D  
 4b6p SECOND FLOOR LAYOUT  
 25msq



HOUSE TYPE D  
 4b6p ROOF PLAN

PROPOSALS  
 FOR HOUSE TYPE D  
 4b6p HOUSE

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**RIBA #**  
 CLIENT  
 Ongo Developments  
 PROJECT  
 Residential Development  
 Site of Former Ashby Market,  
 Scunthorpe

DRAWING TITLE  
 House Type D: 4b6p  
 Proposed Ground, First & Second  
 Floor Plans, Sections & Elevations

Drawing Status For Information_S2	Scale 1:50/1:100	Sheet Size A1
Drawn jom	Date 21/01/22	
Checked jnh	Date 21/01/22	
Drawing No. 17821-BSB-00-XX-DR-A-0022	Revision B	

**Acclaim Constructionline**

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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 07 September 2022.docx

Date: 26 August 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/2022/615</b>
<b>APPLICANT</b>	Mr Steven Smith
<b>DEVELOPMENT</b>	Planning permission to erect a detached bungalow
<b>LOCATION</b>	Land to the rear of 17 Cuthbert Avenue, Barnetby le Wold, DN38 6JF
<b>PARISH</b>	Barnetby le Wold
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Jess Hill
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Rob Waltham – significant public interest) Objection by Barnetby le Wold Parish Council

## **POLICIES**

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

Section 5 (Delivering a sufficient supply of homes)

Section 11 (Making effective use of land)

Section 12 (Achieving well-designed places)

**North Lincolnshire Local Plan:** Policies H5, RD2, R5, T2, T19, DS1, DS16

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS8, CS19

**Housing and Employment Land Allocations DPD 2016:** The site is unallocated and outside the development limits of Barnetby le Wold.

## **CONSULTATIONS**

**Highways:** Advise a condition requiring access, parking and turning to be provided before the dwelling is occupied.

**Drainage:** No objection subject to conditions requiring a flood risk assessment and drainage strategy to be submitted, and an informative relating to the nearby watercourse.

**Neighbourhood Services:** Although do not necessarily object to this application from the perspective of public rights of way and access, page eight of the applicant's design and access statement states, 'Access to the site is via a track (Public Right of Way) off St Barnabas Road.' The public right of way in question is Public Bridleway 145. It is an offence under the Road Traffic Act 1988 to drive a mechanically propelled vehicle on a bridleway without demonstrable lawful authority (the police are the prosecuting body under the 1988 Act). Nor must the surface of the bridleway be altered without the prior express

permission of North Lincolnshire Council as highway authority, in whom the surface is vested as a bridleway maintainable at the public expense. Doing so otherwise could also be an offence.

Despite public rights of way being a material consideration in planning applications, on page 37 of his design and access statement the applicant has omitted paragraph 100 of the National Planning Policy Framework from the other paragraphs cited ('Planning policies and decisions should protect and enhance public rights of way and access...'), and from page 40 of the same when referring to policy T2 of the local plan and how 'all developments should be served by a satisfactory access'.

In consideration of the above matters, recommend that the granting of planning permission be made conditional on the applicant being able to show conclusively that the site can be lawfully accessed by drivers of mechanically propelled vehicles (i.e. that there would be no breach of section 34 of the Road Traffic Act 1988 either during or after development).

**Environmental Protection:** No objections subject to a pre-commencement condition requiring a contamination assessment (phase 1 desk study, remediation scheme if required, implementation if remediation required, reporting unexpected contamination).

**Tree Officer:** The site appears to be within an open field and if minded to give consent, rural hedges should be considered in order to assist in shielding this development from the more open landscape.

**Recycling Officer:** No response received.

**Strategic/Spatial:** No response received.

## **PARISH COUNCIL**

Objects to the application on the ground that the development is in the open countryside.

## **PUBLICITY**

A site notice has been displayed. No responses have been received.

## **ASSESSMENT**

### **Site location and context**

The application site comprises a parcel of land within a field currently used for grazing. The site is on the western edge of Barnetby le Wold, to the south of Cuthbert Avenue and to the west of St Barnabas Road.

The site is outside, though adjacent to, the development limits of Barnetby, as identified by the Housing and Employment Land Allocations DPD 2016.

### **Planning history**

PA/2018/801: Planning permission to erect an extension to a barn – approved 22 June 2018.

## **Designations/constraints**

Outside the development limits of Barnetby le Wold

Not within or adjacent to a conservation area and there are no listed buildings on or adjacent to the site

Within SFRA Flood Zone 1.

There is a public right of way (Public Bridleway 145) to the north of the site which runs from St Barnabas Road to Low Farm to the north-west.

## **Proposal**

The application seeks full planning permission to erect a detached bungalow. The dwelling would comprise 1.5 storeys and feature a pitched roof.

### **The main considerations in assessing this application include:**

- principle of development
- public right of way
- access and highway safety
- design and appearance
- residential amenity
- flood risk and drainage.

## **Principle of development**

The site is outside the development limits of Barnetby, as identified by the Housing and Employment Land Allocations DPD 2016.

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

Barnetby is defined as a 'rural settlement' in the spatial hierarchy for North Lincolnshire in the Core Strategy. Policy CS1 (Spatial Strategy for North Lincolnshire) supports limited development in rural settlements such as Barnetby provided it is in keeping with the character and nature of the settlement. Policy CS2 (Delivering More Sustainable Development) allows for small-scale development within the defined development limits of rural settlements.

Policy CS3 (Development Limits) allows for appropriate development within defined development limits, provided the proposed development responds to the context of the area and the settlement has capacity to accommodate the proposed development based on existing and proposed infrastructure.

Policy CS8 (Spatial Distribution of Housing Sites) allows for new housing within rural settlements, including small-scale infill development, that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

The proposed bungalow is on land outside the development limits of Barnetby. As such, the site is within the open countryside in policy terms.

Policy RD2 (Development in the Open Countryside) strictly controls development in the open countryside and only allows for certain types of development, subject to meeting relevant criteria. The proposed bungalow does not meet criteria i) (agricultural worker's dwelling), iii) (affordable housing to meet a proven local need) or vii) (replacement dwelling).

Notwithstanding this, the NPPF represents a material consideration in the determination of any application. A recent appeal decision dated 20 July 2022 (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 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 Barnetby is ranked 10 out of 76 settlements, with six out of seven key facilities. Barnetby is therefore considered to be a comparatively sustainable settlement. The site is within walking distance of key local facilities and services.

In economic terms the development would provide one dwelling, which would provide some employment during the construction phase, and the local economy could benefit from money spent in the future by occupants.

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.

Notwithstanding the above in terms of the sustainability of Barnetby, it is necessary to consider how appropriate the site itself is in terms of accommodating a new dwelling when assessing whether the proposals represent a sustainable form of development.

The site adjoins the development boundary of Barnetby and there are properties to the north and east of the site. However, the site currently comprises grazing land on the edge of Barnetby and the site is considered to be rural in character. There is a barn to the south-west of the site (approximately 67m), however the field remains largely open.

A public right of way (PROW) runs to the north of the site and a gate to the north-east of the site along the PROW marks a change in the character of the area. It is considered that the works required to the PROW to facilitate a suitable vehicle access to the bungalow would negatively impact its character and enjoyment of it.

The Tree Officer has suggested securing the provision of rural hedges around the site's boundaries if the authority is minded to grant permission. The purpose of such hedges would be to soften and screen the proposed dwelling from the more open landscape. Whilst this could be secured by condition, the dwelling would still be visible from the wider, more open area to the west.

The Design and Access Statement refers to example applications within the district where residential development has been granted outside the development limits in Haxey (PA/2018/1705 and PA/2019/1117). However, these applications related to sites which were considered to comprise infill development and the context of the site assessments therefore differs to the current application.

This proposal comprises the provision of a new dwelling within the open countryside and would represent a departure from the surrounding form of development. Given the site's location outside the development limits of Barnetby, and the rural character of the site, the proposed bungalow would conflict with policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan. It is therefore considered that the principle of the development on the site is not acceptable.

### **Public right of way**

Public Bridleway 145 runs to the north of the site. Works to the bridleway would be required to provide a suitable vehicle access to the site.

Policy R5 (Recreational Paths Network) seeks to protect and enhance the network of public footpaths within North Lincolnshire. The policy sets out factors that will be taken into account when determining applications that would have implications for the maintenance of the recreational paths network. The following policy criteria are considered to be most relevant in the determination of this application:

- (iv) existing rights of way will be protected from development that would remove or restrict the right of way;
- (v) permission will not be granted for any development which would prejudice public access onto and through the recreational path network, unless specific arrangements are made for suitable alternative linkages.

Paragraph 100 of the NPPF sets out that:

*Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.*

The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered.

As set out within Neighbourhood Services' response to the application, it is an offence under the Road Traffic Act 1988 to drive a mechanically propelled vehicle on a bridleway without demonstrable lawful authority (the police are the prosecuting body under the 1988 Act). Nor must the surface of the bridleway be altered without the prior express permission of North Lincolnshire Council as highway authority, in whom the surface is vested as a bridleway maintainable at the public expense. Doing so otherwise could also be an offence. Development, in so far as it affects a right of way, should not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect.

Whilst the matter regarding whether the applicant can lawfully access the site along the public right of way by a vehicle is separate from the planning process, what is relevant to the determination of the application is whether the proposed development would have a detrimental impact on the enjoyment of the PROW network.

A public right of way (PROW) runs to the north of the site. A gate to the north-east of the site along the PROW marks a change in the character of the area. The works to the PROW that would be required to facilitate a suitable vehicle access to the bungalow would negatively impact the character and enjoyment of the PROW.

The proposals are therefore considered contrary to policy R5(v) and paragraph 100 of the NPPF.

### **Access and highway safety**

Policies T2 (Access to Development) and T19 (Car Parking Provision and Standards) require that proposals do not adversely impact upon highway safety and provide suitable parking for the development.

It is proposed to use the existing public right of way along St Barnabas Road to the north of the site for vehicular access. As set out above, the right to use of part of the public right of way for vehicular access needs to be secured through a process which is separate from the planning process. The access track is narrow and there is only room for one vehicle to use the road at a time. The council's Highways team has reviewed the proposals and confirmed they have no objections subject to a condition requiring the access and parking/turning

spaces to be provided prior to the occupation of the dwelling. An adequate number of parking spaces is proposed and it is considered there is room for a turning space within the site. The proposals would not result in an unacceptable impact in terms of highway safety.

### **Design and appearance**

Policies DS1 and CS5 (Delivering Quality Design in North Lincolnshire) encourage the design and external appearance of proposals to reflect or enhance the character, appearance and setting of the immediate area.

The proposed dwelling comprises 1.5 storeys and includes two bedrooms. The dwelling features a pitched roof with a single-storey front projection. Two dormer windows are proposed on the rear elevation. An integrated garage is proposed within the eastern part of the dwelling and there is room for two parking spaces at the front of the property. The proposed scale and height of the dwelling is similar to other properties on the street scene.

In terms of materials, the external walls are proposed to feature a combination of off-white render and red multi brickwork, red pan roof tiles are proposed and white uPVC windows. The proposed materials are acceptable in principle and respond to the context of the surrounding area, within which dwellings feature similar materials.

As set out above, the positioning of the dwelling within the field would represent a departure from the surrounding pattern of development, given it would represent an encroachment into the field. No boundary treatments are shown on the site plan (Drawing 004 Rev 03), however the hedgerow along the front of the site is shown as being retained and some tree planting is shown within the garden. The council's Tree Officer has identified that planting would be required to soften and screen the edge of the development. Although this could be secured by condition, the proposed bungalow would represent an inappropriate form of development that would not be in keeping with the surrounding settlement pattern.

Policy H5 (New Housing Development) is also relevant. Whilst the strategic element of this policy (criteria i and ii) has been replaced by policies CS1 and CS2 of the Core Strategy, the second part of the policy, criteria a) to m), remains extant and sets out the requirements for all new housing developments. It is considered that the proposals would conflict with part c of the policy, given the development would not be in keeping with the character of the settlement due to its positioning within an open field.

The proposed scale, layout and materials of the dwelling appear to be acceptable. However, the positioning of the dwelling within an open field is contrary to the character of the area. As such, the proposals conflict with policies DS1, CS5 and H5 (part c).

### **Impact on residential amenity**

Policy DS1 (General Requirements) requires proposals to be assessed to ensure they would not result in an unacceptable impact or loss of amenity to neighbouring land uses, including as a result of the effects of overlooking or overshadowing.

The nearest residential properties are located to the east of the site, the nearest of which is 44 Holmedale, approximately 9m to the east of the edge of the proposed dwelling. The garage of 44 Holmedale is closer to the proposed dwelling (approximately 2.5m), however there are no windows along the western elevation which faces onto the site. Also, there are no windows along the eastern elevation of the proposed bungalow. As such, the proposals are not considered to result in an unacceptable impact in terms of overlooking.

The proposed bungalow would not result in an unacceptable impact in terms of overlooking or overshadowing of neighbouring properties. As such, the proposals accord with policy DS1.

### **Flood risk and drainage**

Policies CS19 (Flood Risk) and DS16 (Flood Risk) seek to ensure that suitable drainage strategies are secured for developments. The site is within SFRA Flood Zone 1, which is an area considered to be at a low risk of flooding.

The drainage officer has raised no objections to the proposed dwelling subject to an informative relating to the nearby watercourse. The proposals are therefore acceptable in flood risk and drainage terms and accord with policies CS19 and DS16.

### **Conclusion**

The proposed bungalow is within the open countryside, outside the development limits of Barnetby, and as such would represent a departure from the development plan. The site currently comprises grazing land which is rural in character. The proposed form of development would also be a departure from the surrounding pattern of development and would be inappropriate in terms of its location and siting. The proposed development therefore conflicts with policies, CS1, CS2, CS3 and CS8. The proposals are also considered to conflict with policy R5 and paragraph 100 of the NPPF due to the impact on the PROW to the north of the site.

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

1.

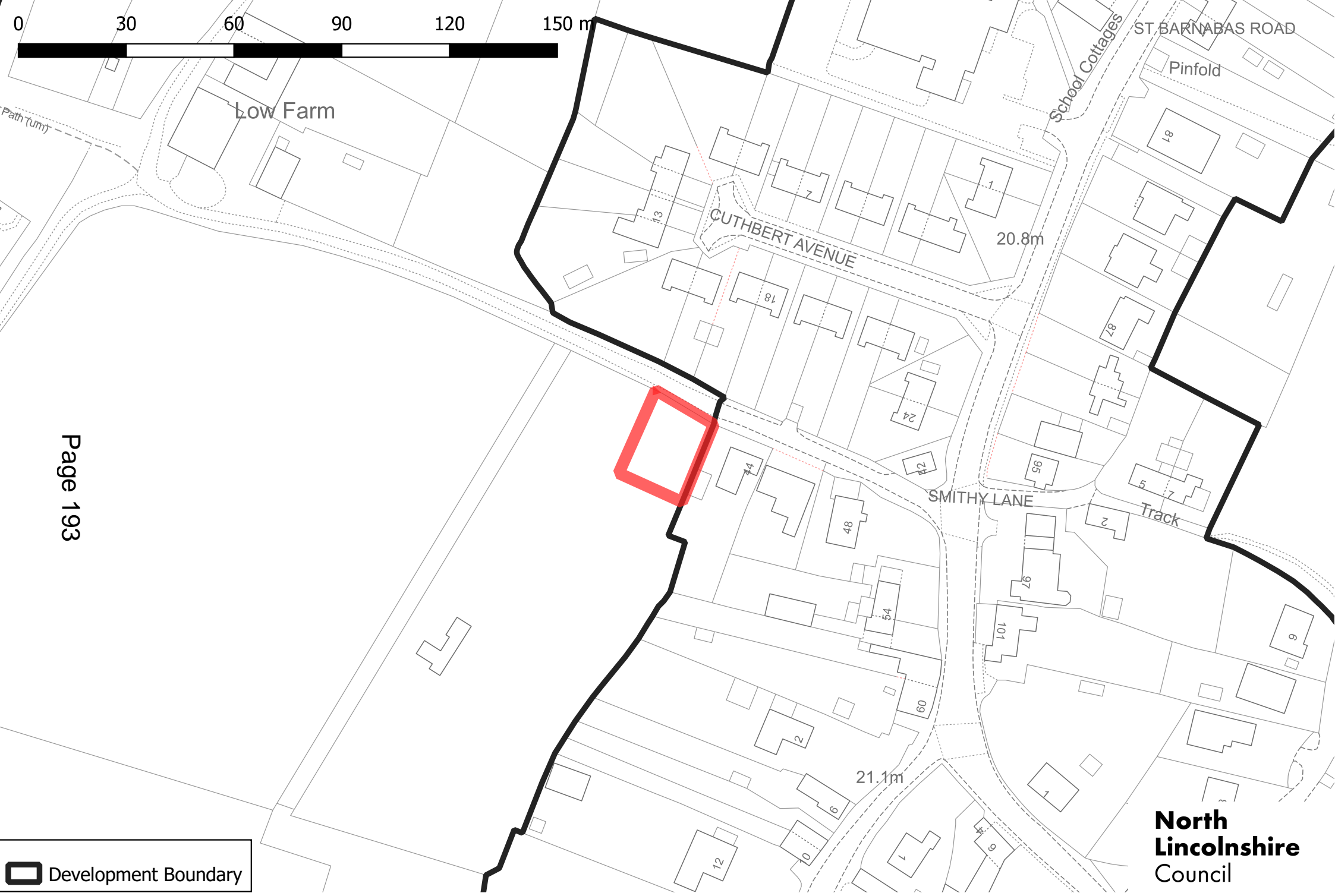
The siting of the proposed dwelling, outside of any defined development boundary, would represent an inappropriate form of development. It is not considered that any benefits of a single dwelling would outweigh the harm to the character of the area. No evidence has been submitted to justify a special need for a dwelling in this location. The proposed development is therefore contrary to policies RD2 of the North Lincolnshire Local Plan, and policies CS2, CS3 and CS8 of the Core Strategy.

2.

The proposed development would have a detrimental impact on the amenity and enjoyment of users of the public right of way to the north of the site. As such, the proposals would conflict with policy R5 of the North Lincolnshire Local Plan and paragraph 100 of the National Planning Policy Framework, which seek to protect and enhance public rights of way.

### **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.



Low Farm

ST BARNABAS ROAD

Pinfold

School Cottages

CUTHBERT AVENUE

20.8m

SMITHY LANE

Track

21.1m

Page 193

 Development Boundary

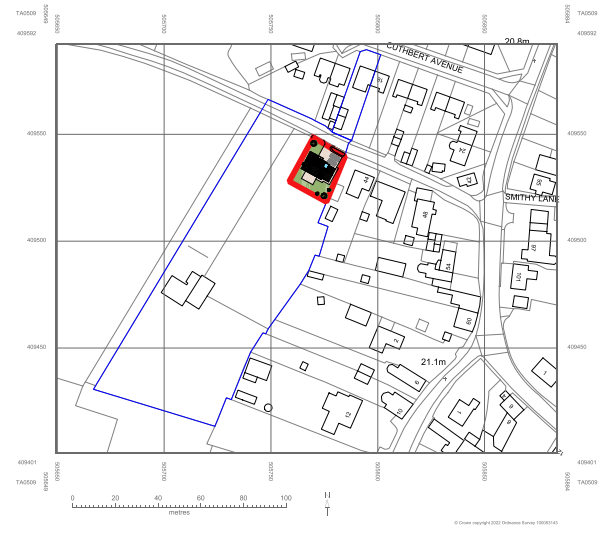
**North  
Lincolnshire  
Council**

**PA/2022/615**

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# PA/2022/615 Proposed layout (not to scale)

Do NOT scale from this drawing. Use dimensions illustrated only. All dimensions and levels are in millimeters. All dimensions and levels shall be verified onsite before proceeding with works.



Site Plan @ 1:1250



Site Plan @ 1:200

Rev	Date	Description	By	Chk'd



22 Low Road, Worlaby, North Lincs, DN20 0LX  
 Mobile : 07841013033  
 Email : peter@y6architectural.co.uk

Drawing Status: **PLANNING**

Project: Mr & Mrs Smith, Land to the rear of ,17 Cuthbert Avenue, Barnetby, North Lincolnshire, DN38 6JF

Title: Proposed Garage Details

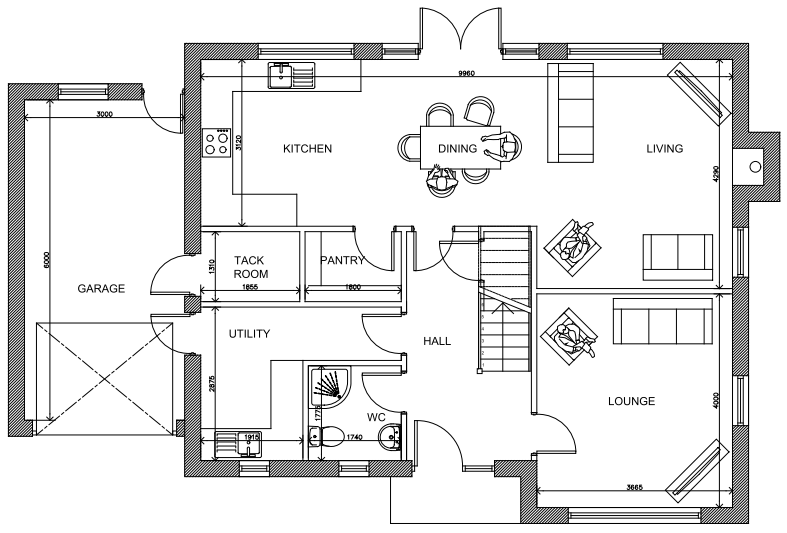
Drawn: PRM | Checked: PRM | Date: 10/02/2022

Scale: As Noted | Plot at: A1

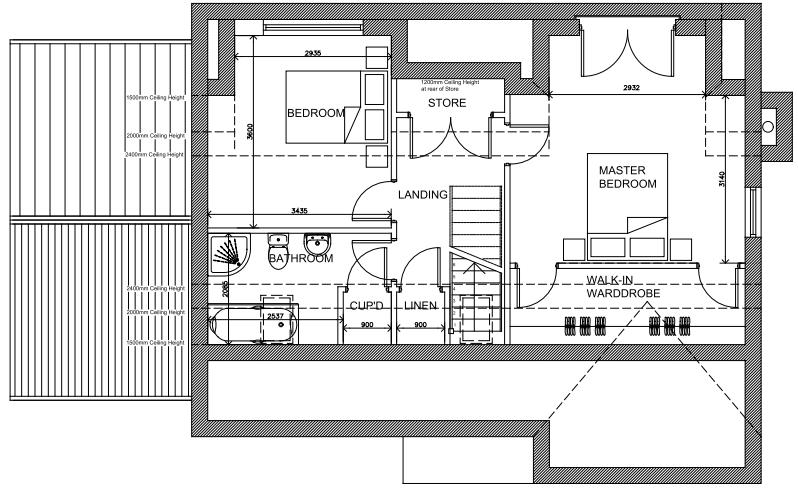
Project No.	Drawing No.	Rev
028-001	004	03

# PA/2022/615 Proposed plans and elevations (not to scale)

Do NOT scale from this drawing. Use dimensions illustrated only. All dimensions and levels are in millimeters. All dimensions and levels shall be verified onsite before proceeding with works.

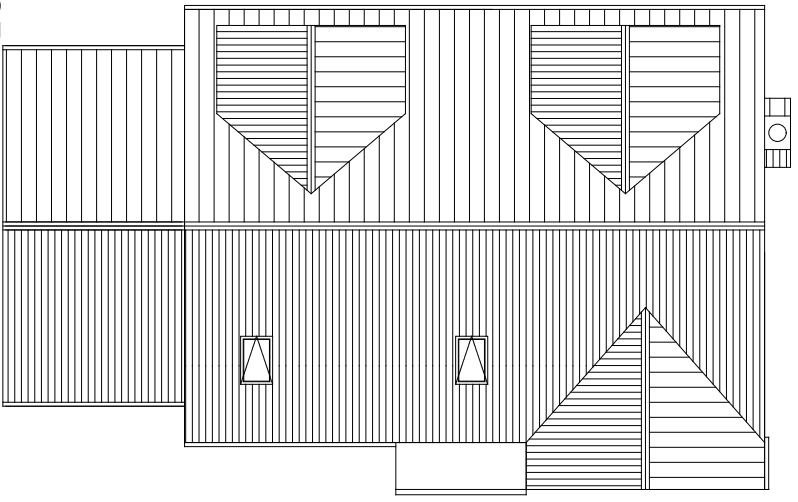


GROUND FLOOR PLAN  
as proposed - Scale 1:50

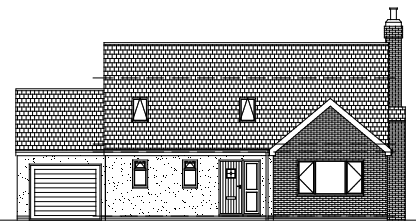


FIRST FLOOR PLAN  
as proposed - Scale 1:50

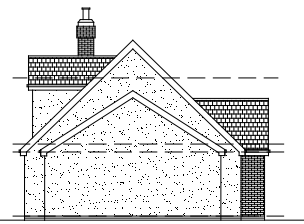
Page 195



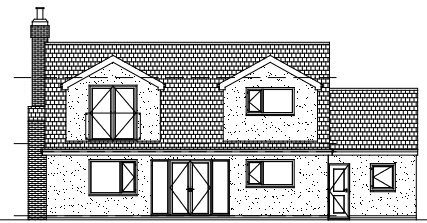
ROOF PLAN  
as proposed - Scale 1:50



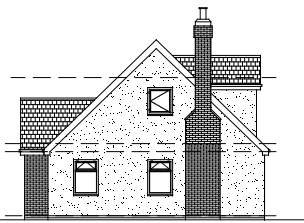
FRONT ELEVATION  
as proposed - Scale 1:100



SIDE ELEVATION  
as proposed - Scale 1:100



REAR ELEVATION  
as proposed - Scale 1:100



SIDE ELEVATION  
as proposed - Scale 1:100

Rev	Date	Description	By	Chk'd
03	14.02.22	Rotation of rear living / dining area	-	-
02	13.02.22	Bathroom and Bedroom Update	-	-
01	10.02.22	Updated to clients comments	-	-



22 Low Road, Worlaby, North Lincs, DN20 0LX  
Mobile : 07841013033  
Email : peter@y6architectural.co.uk

Drawing Status **PLANNING**

Project  
Mr & Mrs Smith, Land to the rear of ,17  
Cuthbert Avenue, Barnetby, North  
Lincolnshire, DN38 6JF

Title  
Proposed Floor Plans, Roof Plan and  
Elevations

Drawn	PRM	Checked	PRM	Date	10/02/2022
Scale	1:50	Plot at	A1		
Project No.	028-001	Drawing No.	002	Rev	03

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<b>APPLICATION NO</b>	<b>PA/2022/806</b>
<b>APPLICANT</b>	Mr Stephen Oxborrow
<b>DEVELOPMENT</b>	Outline planning permission for a dwelling with all matters reserved except access
<b>LOCATION</b>	Land adjacent to 1 Derrythorpe Road, Althorpe, DN17 3JA
<b>PARISH</b>	Keadby with Althorpe
<b>WARD</b>	Axholme North
<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 Keadby with Althorpe Council Parish Council

## **POLICIES**

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

Section 12 (Achieving well-designed places)

**North Lincolnshire Local Plan:** Policies DS1, H5, H7, T2, T19, LC14

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS8

**Housing and Employment Land Allocations DPD 2016:** The site is not subject to any designations within the DPD.

## **CONSULTATIONS**

**Highways:** Advise conditions requiring access, parking and turning to be provided before occupation of the dwelling.

**LLFA Drainage:** No objection subject to conditions and an informative comment.

**Severn Trent Water:** No objections but suggest an informative.

**Environmental Protection:** Residential development is a sensitive end use. The applicant has submitted a screening assessment with photographic evidence which identifies the site as a domestic garden. The historical maps held by the department do not indicate a former land use that would give rise to contaminated land. Therefore recommend the inclusion of a condition that, should any unexpected contamination be found at the site during development, work shall cease until a method of dealing with the contamination has been agreed with the local planning authority.

**Historic Environment Record:** This proposal does not adversely affect any heritage assets of archaeological interest or their settings. The site is within the Area of Special

Historic Landscape Interest of the Isle of Axholme (local plan policy LC14). Does not consider this proposal would adversely affect the character of the landscape heritage asset or its setting at this location. No objection.

**Environment Agency:**

***First response (21 June 2022)***

In the absence of an acceptable flood risk assessment (FRA) and supporting documentation, object to this application and recommend planning permission is refused. To overcome the objection, the applicant should submit a revised FRA.

***Second response (4 August 2022)***

Having reviewed the FRA, consider it meets the requirements of the National Planning Policy Framework in relation to flood risk. Subject to a condition, withdraw the previous objection dated 21 June 2022.

**Strategic Planning:** No response received.

**Yorkshire Water:** No response received.

**PARISH COUNCIL**

Object as there is insufficient information on which to make a determination. The application details the plot but nothing on the proposed dwelling at all.

**PUBLICITY**

A site notice has been displayed. No responses have been received.

**ASSESSMENT**

**Site location and context**

The site comprises a parcel of land on the corner of Crowle Bank Road and Derrythorpe Road, which is currently used as garden for 1 Derrythorpe Road. The site is within the development limits of Althorpe as identified by the Housing and Employment Land Allocations DPD 2016.

**Planning history**

2/1984/0196: Erection of low density residential development – refused 31 July 1984

2/1988/0651: Erection of residential development – refused 17 October 1988

2/1990/1060: Erection of a detached dwelling and garage – refused 18 December 1990

2/1991/0233: Erection of a detached dwelling and garage – refused 28 May 1991

**Designations/constraints**

The site is not within a conservation area, and there no listed buildings on or next to the site.

The site is within SFRA Flood Zone 2/3 (a) Fluvial.

The site is within the Isle of Axholme Area of Special Historic Landscape Interest (policy LC14).

There are no tree protection orders on the site and no public rights of way.

## **Proposal**

Outline planning permission is sought to erect a dwelling. The detailed design of the dwelling is to be secured through the submission of a separate reserved matters application.

### **The main considerations in assessing this application include:**

- **principle of development**
- **appearance and landscape impact**
- **residential amenity**
- **flood risk and drainage**
- **access and highway safety.**

### **Principle of development**

The site is within the development limits of Althorpe, as identified by the Housing and Employment Land Allocations DPD 2016.

Althorpe is defined as a 'rural settlement' in the spatial hierarchy in North Lincolnshire's Core Strategy.

Policy CS1 (Spatial Strategy for North Lincolnshire) supports limited development in rural settlements such as Althorpe provided it is in keeping with the character and nature of the settlement.

Policy CS2 (Delivering more Sustainable Development) allows for small-scale development within the defined development limits of rural settlements.

Policy CS3 (Development Limits) allows for appropriate development within defined development limits, provided the proposed development responds to the context of the area and the settlement has capacity to accommodate the proposed development based on existing and proposed infrastructure.

Policy CS8 (Spatial Distribution of Housing Sites) allows for new housing within rural settlements, including small-scale infill development, that maintains the viability of the settlement and meets identified local needs without increasing the need to travel. The proposed dwelling is considered to comprise suitable infill development in principle. The site could accommodate a dwelling of a suitable scale that responds to the context of the surrounding area within Althorpe.

Policy H7 (Backland and Tandem Development) allows for development in gardens provided there would no adverse effect on the amenities of any neighbouring properties (part i), and the proposal would not affect the general quality and character of the area (part ii). Although the exact scale of the proposed dwelling is not yet known, given the application seeks to secure outline permission only, it is considered that a dwelling of a suitable scale could be accommodated.

The site is within the Isle of Axholme Area of Special Historic Landscape Interest, though it is on the very edge of the area affected by this designation. This area is protected by policy LC14 (Area of Special Historic Landscape Interest) which resists any development that would adversely affect this area. As confirmed by the Historic Environment Record team, it is considered that the proposal would not have a detrimental impact. The site is surrounded by residential development rather than affecting an open area of the protected landscape designation. It is considered that with a suitable detailed design, the proposed dwelling would not have an unacceptable impact on the area.

The proposal comprises limited development that is permitted and encouraged by policies CS1, CS2 and CS3 of the Core Strategy. As such, the principle of development is acceptable.

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 Althorpe 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.

### **Appearance and landscape impact**

Policies DS1 (General Requirements) and CS5 (Delivering Quality Design in North Lincolnshire) are both concerned with visual amenity, the former stating that proposals should be sympathetic in design, scale and materials.

This application seeks outline permission for a dwelling and as such the detailed design, including the layout, scale, appearance and landscaping within the plot will be secured through a subsequent reserved matters application.

There are a mixture of property types within the area including single and two-storey dwellings, and the detailed design should respond to the context of the site. Materials used on properties within the street scene also vary, including white/cream render and buff brickwork. The detailed design should reflect the character of its surroundings, including materials used on other properties within the area. These matters would be considered through the determination of the reserved matters application.

The site is within the Isle of Axholme Area of Special Historic Landscape Interest. Policy LC14 does not allow development within the area that would destroy, damage or adversely affect the character appearance or setting of the historic landscape. The policy also requires a high standard of design and siting in new development within the area when such development is considered necessary or appropriate, which should reflect the traditional character of buildings in the area. Although the detailed design is not yet known, it is considered that the site has the capacity to support a suitable design and a dwelling could be accommodated without having a detrimental impact on the special historic landscape area.

Therefore, it is considered that the proposal would not have an unacceptable impact on the character of the area.

### **Residential amenity**

Policy DS1 requires proposals to be designed so as to not have a detrimental impact on residential amenity. This includes resisting developments that would unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

The application seeks outline permission only, with all matters reserved except for access. There are, however, suitable separation distances between the plot and surrounding properties and it is considered that the plot is of a sufficient size to accommodate a dwelling that would not have an overbearing or overshadowing impact.

For example, 1 Crowle Bank Road is approximately 11m north of the site's boundary and properties at 1–5 Vermuyden Court are approximately 15m north of the site's boundary. 1 Derrythorpe Road is approximately 8.5m to the south of the site.

There is capacity within the site to feature a dwelling that incorporates a design that will not have an unacceptable impact on the residential amenity of neighbouring properties. The reserved matters application will need to ensure that the proposal accords with the requirements of policy DS1.

### **Flood risk and drainage**

Policies CS19 (Flood Risk) and DS16 (Flood Risk) require proposals to be assessed appropriately and ensure that suitable drainage strategies are secured for developments.

The site is within Flood Zone 2/3(a) (fluvial). Policy CS19 states that 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.

The application is accompanied by a Flood Risk Assessment which includes a recommendation for the dwelling to feature finished floor levels at a minimum of 5.21 metres AOD. The Environment Agency has reviewed the proposal and confirms it is acceptable subject to a condition to ensure the floor level requirement is complied with. Similarly, the drainage officer has confirmed they have no objections to the proposed development subject to conditions.

Severn Trent also have no objections to the proposals, but recommend an informative be attached, should permission be granted, relating to the statutory protection of public sewers if found within the site.

### ***Sequential test***

Policies CS2 and CS19 require a sequential approach to assessing development proposals to ensure that development is, where possible, directed to those areas that have the lowest probability of flooding, taking into account the vulnerability of the type of development proposed, its contribution to creating sustainable communities and achieving the sustainable development objectives of the plan. Where development does take place in the flood plain, mitigation measures should be applied to ensure that the development is safe.

The sequential test requires alternative locations for the development to be considered before granting permission for development in the location under consideration. The alternative sites should represent a reduced risk of flooding. If none are available, then a site with a greater risk will be considered.

The application seeks outline permission for a dwelling within the development limits of Althorpe. The development limits are tightly drawn around Althorpe and the wider area is within Flood Zone 2/3 (a) (fluvial). It is considered there are limited, if any, opportunities for infill development within the area.

Suitable mitigation, in the form of setting the ground floor levels no lower than 5.21m AOD, has been agreed with the Environment Agency.

It can therefore be reasonably justified that no other sites would meet the requirements of this proposal, and the sequential test is passed.

### ***Exceptions test***

Paragraphs 161 and 163 of the NPPF set out that an exception test may need to be carried out if it is not possible for development to be located in areas with a lower risk of flooding.

Paragraph 167 of the NPPF requires an exception test to be carried out to ensure the most vulnerable development is located in areas of lowest flood risk. The Strategic Flood Risk

Assessment North and North East Lincolnshire November 2022 defines dwelling houses as a more vulnerable use.

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, will reduce flood risk overall.

The proposal would provide some sustainability benefits in terms of delivering a dwelling in a rural settlement within the district.

There are three dimensions to sustainable development as set out in paragraph 8 of the NPPF: economic, social, and environmental.

In economic terms the development would provide much needed housing and employment during the construction phase, and the local economy could benefit from money spent in the future by residents.

An additional dwelling can bring social benefits by way of encouraging new social interactions, leading to growing local communities and supporting local services.

The North Lincolnshire Sustainable Settlement Survey 2019 ranks Althorpe as 39 out of 76 settlements in terms of its sustainability, with 3 out of 7 key facilities. There are, therefore, some local services within walking distance and a bus stop to the north-east of the site on Main Street (approximately 40m).

The submitted Flood Risk Assessment and recommended mitigation measures of providing finished floor levels no lower than 5.21m AOD have been assessed as being acceptable by the Environment Agency and the LLFA Drainage Team. Compliance with the finished floor levels will be secured by condition. It is considered that this mitigation would make the scheme safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, reducing flood risk overall. Parts a and b of the exceptions test are therefore considered to be passed, given the sustainability benefits outweigh the flood risk, which will be suitably managed by the identified mitigation measures.

The proposal is therefore considered to be acceptable in flood risk and drainage terms and complies with policies DS14, DS16, CS16 and CS19. The requirements of the NPPF have also been met (paragraphs 161–167).

### **Access and highway safety**

Policies T2 (Access to Development) and T19 (Car Parking Provision and Standards) require proposals to be served by a satisfactory access and suitable parking arrangements.

The proposed dwelling will be accessed from a new access from Crowle Bank Road. There is adequate space for parking and for vehicles to turn to access the dwelling. There is a bus stop adjacent to the site along the site frontage with Crowle Bank Road. The proposed site

access is close to this bus stop; however, the council's highways officer has reviewed the proposal and has no objections subject to a condition. Furthermore, the access to The Engine House to the south-west of the site is a similar distance from the bus stop. The proposal is therefore acceptable in terms of its impact on highway safety.

The proposal is therefore acceptable in principle subject to receiving further details relating to highway safety through the submission of the reserved matters and discharge of the relevant conditions.

### **Other issues**

The Environmental Protection officer has reviewed the proposal and has recommended a condition to ensure that if contamination is found during development, no further development shall take place until the method as to how it will be dealt with has been agreed and implemented. This condition is considered suitable and proportionate given the previous use of the site as a garden.

The proposed bungalow would not require the removal of any trees. The site is also not subject to any ecological designations and as such the proposal is considered to be acceptable in terms of ecological impact.

### **Conclusion**

The proposed dwelling is acceptable in principle and the detailed design will be secured through a subsequent reserved matters application. The application is therefore recommended for approval subject to conditions.

### **Pre-commencement conditions**

The applicant has confirmed that the pre-commencement conditions are acceptable.

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

1.

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

#### **Reason**

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

2.

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

#### **Reason**

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



3.

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

Reason

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

4.

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

Reason

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

5.

Development shall proceed in accordance with the following approved drawing:

- Location Plan (50/22/01)

and only in so far as it relates to access:

- Proposed Block Plan (50/22/02A).

Reason

For the sake of clarity and in the interests of proper planning.

6.

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

7.

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

Reason

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

8.

No 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.

9.

The development shall be carried out in accordance with the submitted Flood Risk Assessment dated July 2022, reference number 2022/2909, prepared by EWE Associates Ltd and the following mitigation measures it details:

- Ground floor levels shall be set no lower than 5.21 metres above Ordnance Datum (AOD) with no basement below
- Flood resilience measures are to be implemented as detailed within Section 5.0. These are to be incorporated into the design up to 300mm above ground floor level
- The plan area of the dwelling will not notably increase in size from that shown within proposed block plan reference SO/22/02A.

#### Reason

To reduce the risk of flooding to the proposed development and future occupants, and to prevent any increase in flooding elsewhere resulting from the development.

10.

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

#### Reason

To protect human health.

#### **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**

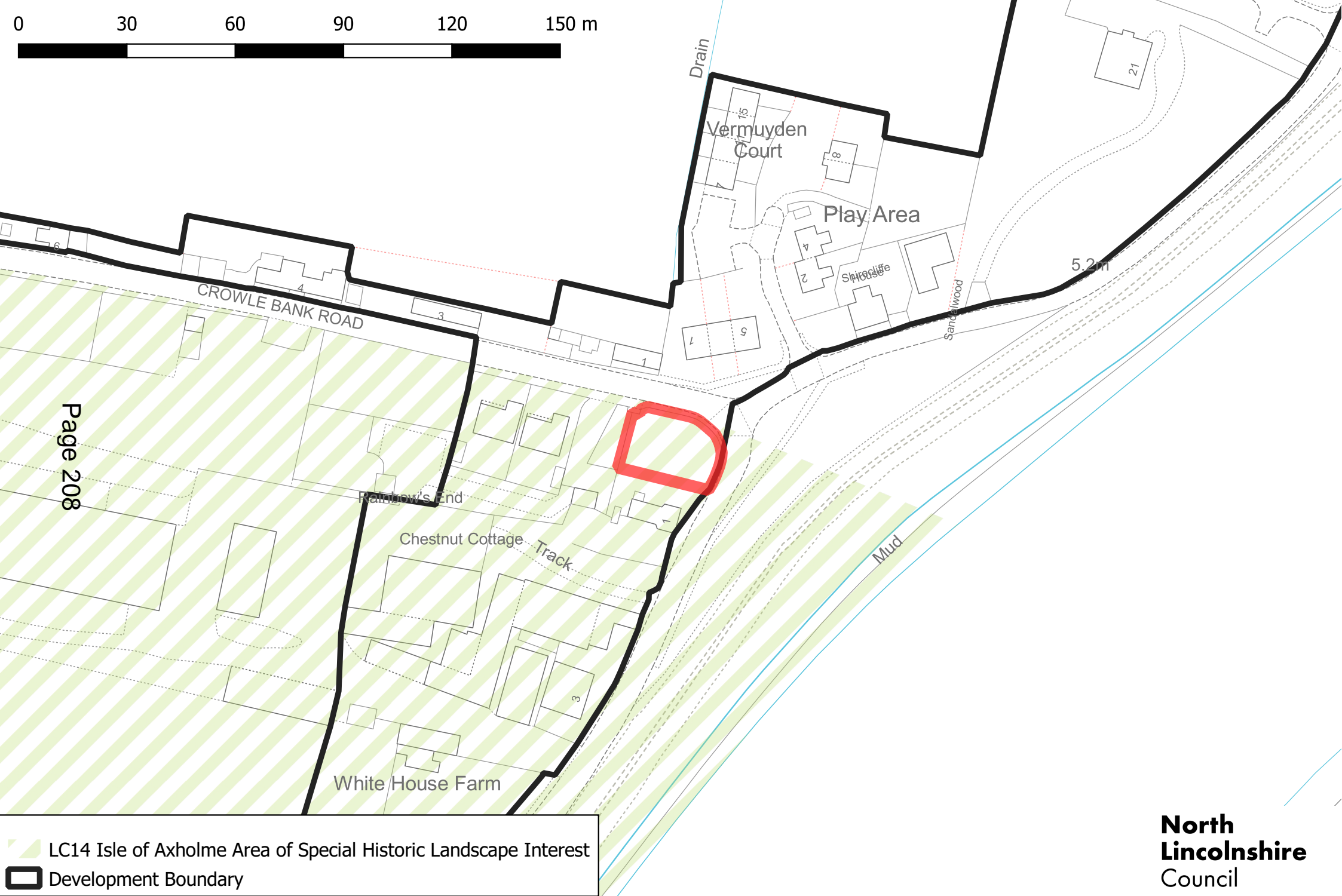
It is suggested you consider upsizing the pipe network increasing storage around your development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance it would be good practice on your behalf to ensure an increased level of resilience for the development and its future occupiers.

**Informative 3**



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 4**

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

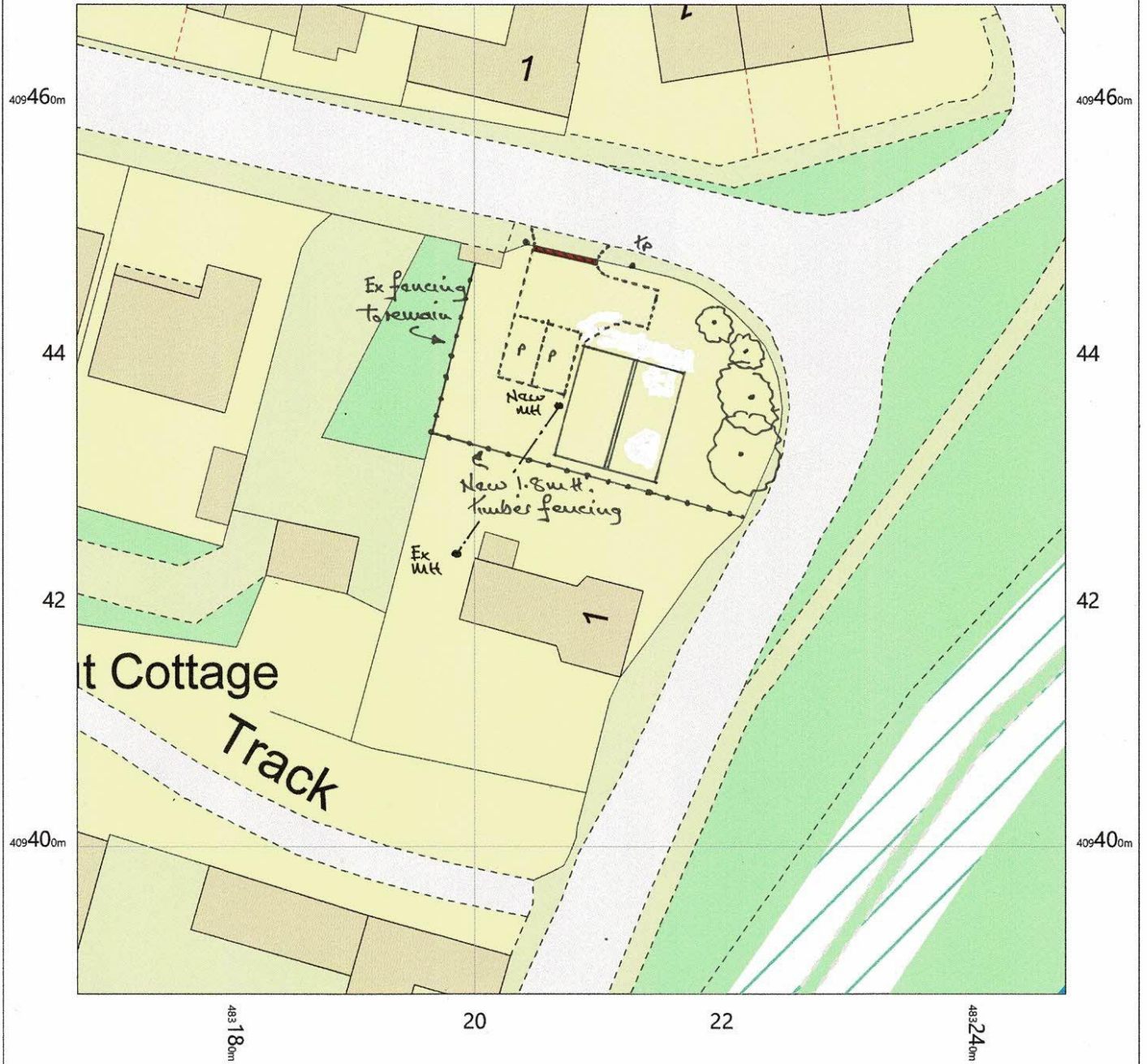


Page 208

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

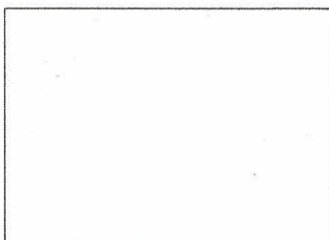
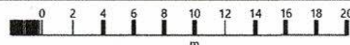
**North  
Lincolnshire  
Council**

MR. S. OXBORROW  
LAND ADD. to  
1 DERRYTHORPE  
ALTHORPE  
SCUNTHORPE 20 DN17 3JA



"PROPOSED BLOCK PLAN"

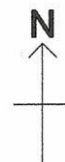
DRG. NO. 50/22/02A



Tuesday, January 25, 2022, ID: BW1-01014840  
maps.blackwell.co.uk

1:500 scale print at A4, Centre: 483208 E, 409428 N

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<b>APPLICATION NO</b>	<b>PA/2022/915</b>
<b>APPLICANT</b>	Mr Samra Harjit, HI ACE H S Ltd
<b>DEVELOPMENT</b>	Planning permission to extend the existing single storey to the rear of the property, extension works to include a single-storey portion for residential use and a storey-and-a-half section for commercial use
<b>LOCATION</b>	50-52, High Street, Epworth, DN9 1EP
<b>PARISH</b>	Epworth
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Emmanuel Hiamey
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllrs David Robinson and Tim Mitchell – significant public interest)

## **POLICIES**

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

Section 12 – Achieving well-designed places

Section 16 – Conserving and enhancing the historic environment

### **The Planning (Listed Buildings and Conservation Areas) Act 1990**

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

Policy DS1 – General Requirements

Policy HE2 – Development in Conservation Areas.

Policy HE5 – Development affecting Listed Buildings

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 CS6 – Historic Environment

### **North Lincolnshire Housing & Employment Land Development Plan Document:**

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

#### **Supplementary guidance:**

SPG1 – Design Guidance for House Extensions

Epworth Conservation Area Appraisal was adopted as supplementary planning guidance by North Lincolnshire Council on 22 January 2004.

### **CONSULTATIONS**

**Ecology:** No objection. The proposal appears unlikely to affect bat roosts. However, planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a measurable net gain in biodiversity in accordance with policy CS17 and the National Planning Policy Framework.

**Historic Environment Record:** No objection subject to conditions.

**Conservation:** No objection. The conservation officer initially objected to the application because of concerns over the cubic porch on the western elevation of the single-storey extension. This would protrude from the building line and stand out overtly, drawing the eye and detracting from the rear setting of the building. They recommended that this element be removed from the proposal. The amended plans show the porch has been removed, as has the objection from the conservation officer.

**Environmental Protection:** Has reviewed the proposal based on potential noise and odour, plus land contamination, and has no objection subject to conditions.

**Highways:** No objections. The application is acceptable in principle, and the increase in commercial and residential space is modest.

**LLFA Drainage:** No objections or comments.

### **TOWN COUNCIL**

Support the application.

### **PUBLICITY**

Advertised by site and press notice. No responses have been received.

### **ASSESSMENT**

#### **Site constraints**

The application site is partly within and partly outside the development boundary.

Conservation area



Listed buildings

SFRA Flood Zone 1

Within Epworth town centre boundary (policy TC-1)

### **Planning history**

- PA/2022/933: Planning permission to erect a three-bedroomed one-and-a-half-storey dwelling (including demolition of an existing outbuilding) – pending
- PA/2022/1299: Listed building consent to extend the existing single-storey to the rear of the property, the extension works to include a single-storey portion for residential use and a storey-and-a-half section for commercial use – pending
- PA/2020/170: Listed building consent to install an air conditioning unit to the rear – approved 06/08/2020
- PA/2014/1033: Planning permission to change the use of a domestic residential lounge to form a seating area (Use Class A3) and erect a sun blind on the front elevation – approved 11/02/2015
- PA/2008/1712: Planning permission to retain a kitchen and shop extension (amendment to a previously approved proposal) – approved 09/02/2009
- PA/2008/1713: Listed building consent to retain a kitchen and shop extension (amendment to a previously approved proposal) – approved 16/01/2009
- PA/2008/1009: Listed building consent to erect a kitchen and shop extension (including demolition of existing shop extension and outbuilding) re-submission of PA/2008/0644 – approved 22/08/2008
- PA/2008/1008: Planning permission to erect a kitchen and shop extension (including demolition of existing shop extension and outbuilding) re-submission of PA/2008/0643 – approved 22/08/2008
- PA/2008/0643: Planning permission to erect a kitchen and shop extension (including demolition of existing shop extension and outbuilding) – approved 06/06/2008
- PA/2008/0644: Listed building consent to erect a kitchen and shop extension (including demolition of existing shop extension and outbuilding) – approved 06/06/2008
- 2/1993/0005 Listed building consent to install a new shop front – approved 12/02/1993
- 2/1992/0952: Full planning permission to install new shop front – approved 12/02/1993

- 2/1990/0404 Full planning permission to erect a rear domestic extension – approved 15/08/1990
- 2/1990/0619: Listed building consent to erect a domestic extension – approved 17/08/1990
- 2/1989/1251: Full planning permission for a loft conversion to form additional residential accommodation – approved 09/02/1990
- 2/1989/1252: Listed building consent for a loft conversion to form additional living accommodation – approved 09/02/1990
- 2/1985/0017: Change of use of a dwelling to a restaurant – approved 04/06/1985
- 2/1979/0467: Full planning permission to erect a shop – approved 04/09/1979.

### **The site and proposal**

Planning permission is sought to extend the existing single-storey to the rear of the property to include a single-storey portion for residential use and a one-and-a-half-storey extension for commercial use at 50–52, High Street, Epworth.

The site is in the heart of the historic market town of Epworth. 50–52 High Street Epworth are on the main High Street and are key architectural buildings within the street scene. The historic significance of both original properties is recognised by their designation as grade II listed buildings, and both are set within the Epworth conservation area.

The listed building comprises a two-storey property constructed of fine red-facing brickwork. The roof is finished in concrete double Roman roof tiles. A fish and chip restaurant is housed on the ground floor with the upper floors utilised as a private residence.

To the rear of the listed property is a single-storey masonry/facing brickwork (parapet) extension which is equally split between commercial use and private residence.

To the rear of the property are extensive private gardens, and a single-storey barn/outbuilding.

Access to the rear of the property is afforded by a private driveway between adjacent property 52c and number 52. There is a full-height swing gate, set back from the highway currently providing private vehicular access.

The application site is partly within and partly outside the development boundary of Epworth. However, in the interests of clarity, the proposal itself would be within the development boundary.

The proposal involves extending the existing single-storey rear extension and increasing its height to form a storey-and-a-half L-shaped extension to provide additional domestic living space for the family residing on the first floor of the main building, as well as a single-storey flat roof extension.

The proposal would have windows in the north and west elevations. The windows would be timber sash-style windows with associated stone cills. The finish for the walls would be red

facing brickwork and the doors would be hardwood timber door-set. The roof covering would be a traditional clay pantile.

**The main issues to be considered in the determination of this application are:**

- **the principle of the development**
- **the layout, siting, and design of the proposed development**
- **whether the proposal would harm the character of the listed building and conservation area**
- **whether it would have an amenity impact on neighbouring properties**
- **whether the development would harm the character of the main house**

### **The principle of the development**

This proposal is for an extension to an existing building. The building serves as both residential (first floor) and a fish and chip restaurant (ground floor). The proposed single-storey portion would be utilised for residential use and the storey-and-a-half section for commercial use.

The site is located in the town centre of Epworth. Policy TC-1 (Development in North Lincolnshire's Town Centres and District Centres) states that the council will protect and enhance the following town and district centres. The town centres include Brigg, Barton upon Humber, Crowle and Epworth.

The main aim of this policy is to promote competitive town centre environments and their management and growth; and to recognise the important role of centres as the heart of their communities to support their viability and vitality.

As indicated earlier, this proposal seeks to extend the existing single storey to the rear of the property, extension works to include a single-storey portion for residential use and a storey-and-a-half section for commercial use. The proposal would not affect the functions, infrastructure and services that attract users and investors to the town centre.

Policy DS5 of the North Lincolnshire Local Plan is concerned with residential extensions. It states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, loss of privacy or overbearing impact on adjacent dwellings. Proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

In line with the above policies, the principle of the extensions is acceptable, subject to appropriate design and the town centre would remain vibrant.

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

Policy DS1 of the local plan 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 are considered against the quality of design and amenity impact.

Policies DS5 of the local plan and CS5 of the Core Strategy are concerned with visual amenity and require proposals to be sympathetic in design, scale, and materials. In respect of amenity, they state 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 council's Supplementary Planning Guidance, SPG1 'Design Guidance for House Extensions' 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 position of the extension to the rear of the main building is the most practical way to increase the size of a dwelling and its living space and is judged acceptable.

Further, the rear extension would have no impact on the street scene. Whilst a rear extension can harm the character of an area and the main building, as well as the amenity of neighbouring properties, the position of this extension is deemed acceptable.

Turning to the increase in height of the existing rear single-storey extension, it would form a storey-and-a-half extension; this would not raise any planning issues in terms of harm to the character of the main building and the street scene since the area is characterised predominantly by a two-storey building.

The position, scale and design of the extensions are acceptable since the materials for the walls and roof would complement the character of the area.

Overall, the extensions have been designed to appear subordinate to the main dwelling and would not visually dominate it or the surrounding area. They would also conform to the character of the main dwelling and the surrounding area, and would not harm the street scene.

### **Impact on the listed building and the conservation area**

Chapter 16 of the NPPF (Conserving and enhancing the historic environment), 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 with regard to conservation areas in the exercise of planning functions: in the exercise of this duty, with regard to any buildings 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 HE5 (Development affecting Listed Buildings) seeks to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. When applications for planning permission relating to a listed building or listed building consent are being assessed, the primary consideration will be the need to preserve or enhance the fabric and character of the building. Permission or consent will not be granted unless it has been demonstrated that the proposed works would secure this objective. Further, the council will encourage the retention and restoration of the historic setting of listed buildings. Proposals that 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 upon and implemented.

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.

As indicated earlier, the site is partly within the development boundary and within the conservation area of Epworth. Further, the extension would be attached to a listed building.

A tandem application (PA/2022/1299) for listed building consent has been submitted and appears elsewhere on this agenda.

Considering the proposal against the above policies, it is worth noting that the policies do not presume against extensions to listed buildings subject to appropriate design. In this case, all work to the listed building involving alterations and extensions has been reviewed and it is considered that the proposal will not affect the character of the building as a building of special architectural or historic interest. The design and materials are also acceptable.

In general, the details of the proposal have been reviewed and it is considered that the proposed extensions would not harm the character of the listed building or its setting within the conservation area.

Overall, the proposed extensions are considered sympathetic to the appearance of the listed building and the conservation area. The proposal would retain the historic setting of the listed building and would preserve its historic fabric and heritage character.

The conservation officer initially objected to the application; however, following submission of the amended plan removing the porch, the officer has removed the objection. The conservation officer now supports the proposal.

Accordingly, the proposal complies with the relevant policies of the North Lincolnshire Local Plan and Core Strategy, and the National Planning Policy Framework 2019.

### **Impact on neighbouring properties**

As outlined in the layout, siting, and design section above, SPG1 'Design guidance for house extensions' explains that householder extensions 'should not dominate the original building in terms of scale, materials or situation' and policies DS5 and CS5 both seek to ensure that proposals do not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

Having reviewed the details of the proposal, it is unlikely the extensions would raise an issue of overbearing impact, overshadowing or privacy to neighbouring properties due to their scale and position within the site and the proximity to adjacent properties.

The Environmental Protection Team has commented on the application regarding noise and odour. The team indicated that it is unclear from the submitted information whether this will include the installation of any plant such as refrigeration or extraction. Installation of plant systems in residential areas has the potential to give rise to noise nuisance, particularly where the plant is in use during noise-sensitive hours.

If the development includes the installation of plant, the department would recommend the inclusion of a condition to protect residential amenities. In this case, the proposal does not include installation of plant and therefore the planning authority believe the recommended condition is not necessary.

Overall, the extensions would not negatively impact the amenities of neighbouring properties and would therefore align with policy DS5.

### **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.

There is existing access to the rear of the property via a private driveway between adjacent property 52c and number 52. There is an on-street parking space at the front of the property. The proposal also includes two parking spaces.

Highways have no objections to this application because the principle is acceptable and the increase in commercial and residential space is modest.

Notwithstanding the above, the Highways officer has queried whether the two existing parking bays will be retained and whether these are for the commercial or residential element.

During a site inspection, it is evident there are on-street parking spaces in front of the property for public use and therefore it is believed the parking space provided would be a private parking provision for the residents of the property.

Overall, 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.

The site lies in Flood Risk Zone 1 and therefore has a low probability of flooding. The LLFA Drainage Team has no objections or comments to the proposed development. Overall, it is judged that the proposal complies with policies CS19 and DS14.

## **Landscape impact**

The application site is within the setting of the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14). The policy 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. Development required to meet the social and economic needs of rural communities and small-scale tourist and outdoor sport and recreational development will be permitted provided such development is related to the historic landscape and its features. A high standard of design and siting in new development will be required reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality. Schemes to improve, restore or manage the historic landscape will be sought in connection with, and commensurate with the scale of, any new development affecting the Area of Special Historic Landscape Interest.

The development site is partly within the Area of Special Historic Landscape Interest of the Isle of Axholme but the proposal is outside and therefore policy LC14 does not apply to the development.

The Historic Environment Record officer has commented on the proposal in line with the policy and has indicated that where the planning authority is minded to grant permission for this application, permitted development rights should be removed by condition to avoid any unregulated extension of the built environment into the protected historic landscape area. The recommended condition will be applied if permission is granted.

## **Ecology**

Turning to ecology, the council's ecologist has no objection to the proposal. However, planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a measurable net gain in biodiversity in accordance with policy CS17 and the National Planning Policy Framework.

The justification for the condition is based on the advice relating to bats, which in turn refers to Natural England's trigger list for developments requiring a bat survey.

The building affected by the proposal dates from the early nineteenth century and is set next to scrubby woodland at the edge of Epworth, so it is expected to have good potential to support bat roosts.

However, the impression is that the proposed new extensions would not affect existing soffits, fascias or roof voids on the main building.

The more recent extension, which would be directly affected, appears to have limited potential for roosting bats, judging from the submitted photos in the Heritage Statement. On balance, a bat survey for the application would not be requested but the recommended condition will be applied should permission be granted.

## **Conclusion**

The principle of the development is acceptable as it meets the terms of policy DS5 of the North Lincolnshire Local Plan.

The siting, layout and design of the extensions are also judged acceptable as they would conform to the character of the main dwelling and would not have a significant adverse impact on the street scene when viewed in the context of the locality. They would also not have a significant amenity impact on surrounding properties. The proposal, therefore, meets the terms of policies DS1, DS5 and CS5.

Overall, the development complies with the relevant policies of the development plan and the National Planning Policy Framework. It is therefore recommended for approval.

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

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

**Reason**

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

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

- Existing Plans and Elevations Dwg. No. 2022 – ID – 04 – SURV1
- Location Plan Dwg. No. 2022 – ID – 04 – LOC1a
- Proposed Plans and Elevations Dwg. No. 2022 – ID – 04 – PL003a.

**Reason**

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

3.  
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 document shall include:

- details of bat boxes and nest boxes to be installed;
- restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- proposed timings for the above works in relation to the completion of the dwellings.

**Reason**

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

4.  
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. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features to the local planning authority, within two weeks of installation, as evidence of compliance with this condition.



#### Reason

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

5.

Notwithstanding the provisions of Classes A, B, C, D, E and G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order (2015), or any order re-enacting that order with or without modification, no extensions, buildings or enclosures shall be erected on the site or installed on the building other than those expressly authorised by this permission.

#### Reason

To protect the historic landscape in accordance with policies LC14 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.

#### **Informative 1**

In determining this application, the council, as a local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

#### **Informative 2**

##### Bats:

All species of bat are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017 making all species of bat European Protected Species. Details of the legislation can be found at:

- Wildlife and Countryside Act:

<http://www.legislation.gov.uk/ukpga/1981/69/contents>

- The Countryside and Rights of Way Act:

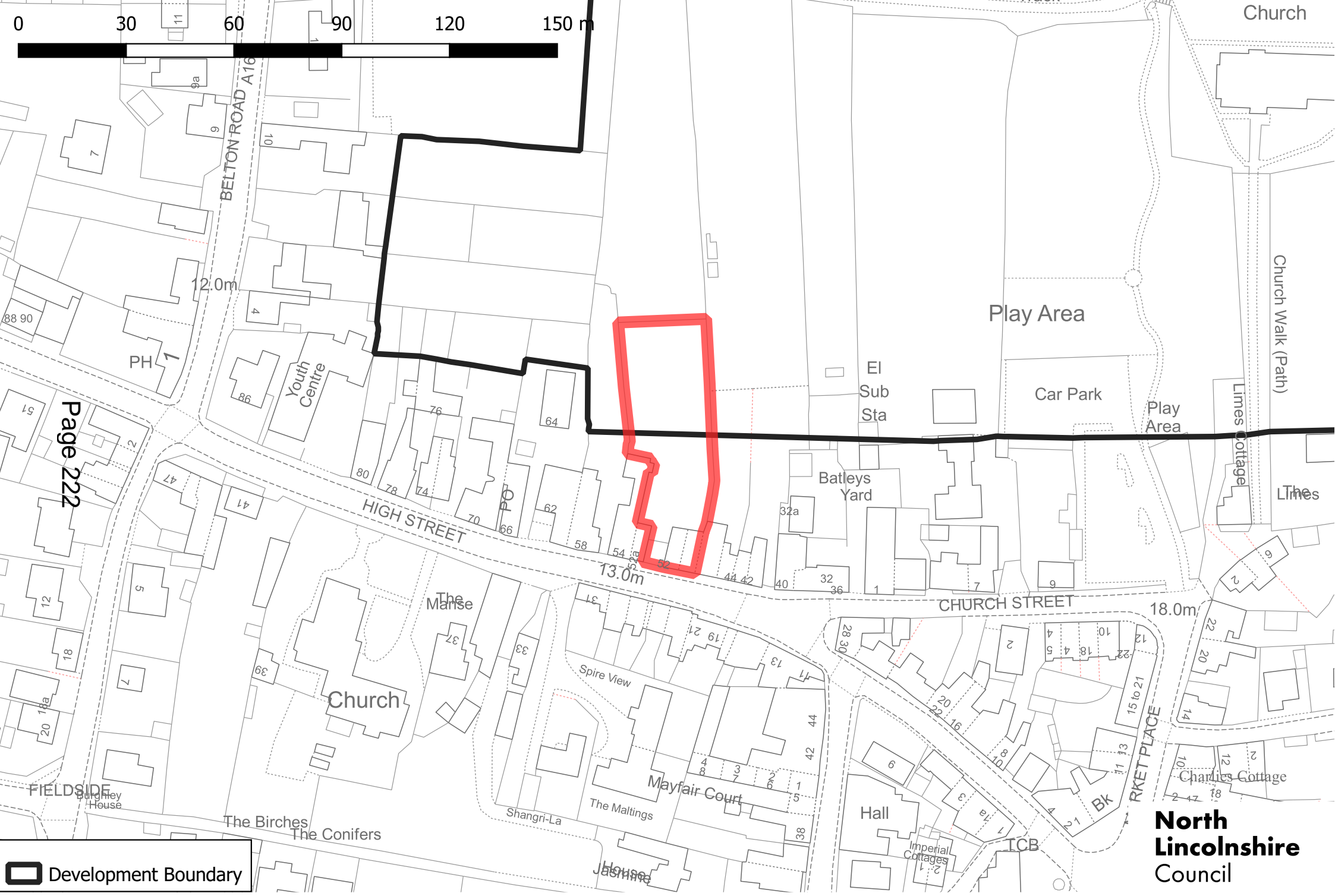
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- The Conservation of Habitats and Species Regulations 2017:

[http://www.opsi.gov.uk/si/si2010/uksi\\_20100490\\_en\\_1](http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1)

##### Nesting birds:

It is an offence under Section 1 of the Wildlife and Countryside Act of 1981 (WCA 1981) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. The WCA 1981 also provides that all wild birds and their eggs are protected and cannot be killed or taken except under licence.



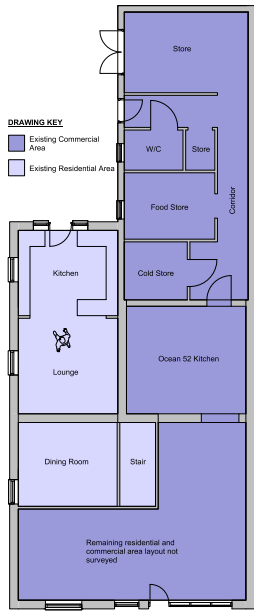
Page 222

 Development Boundary

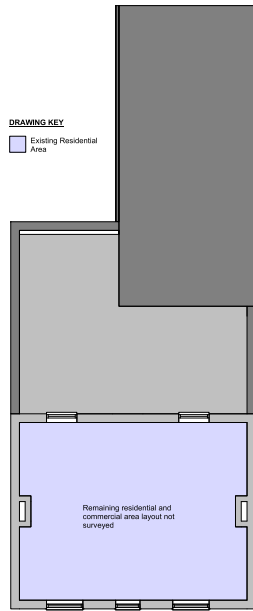
**PA/2022/915**

**North  
Lincolnshire  
Council**

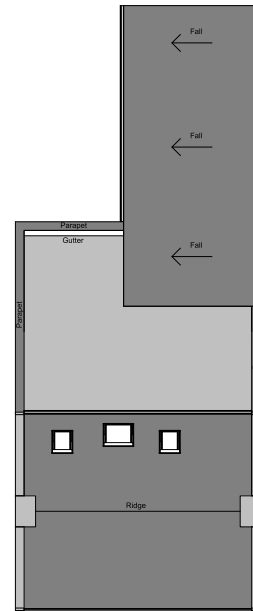
# PA/2022/915 Existing plans & elevations (not to scale)



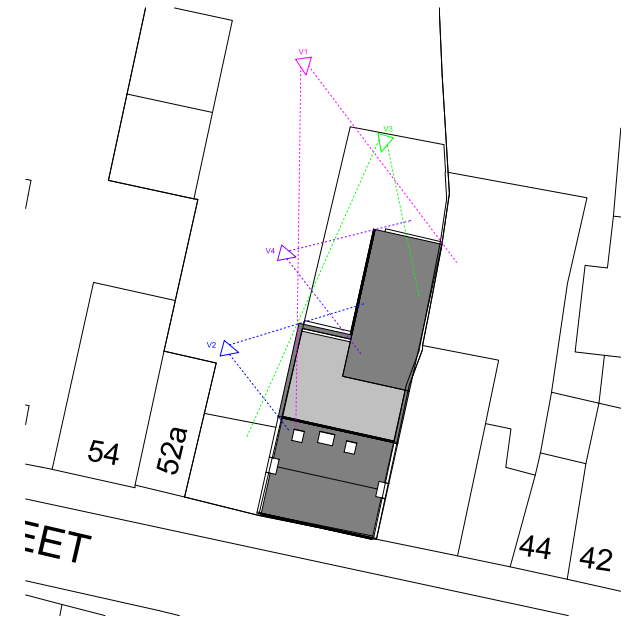
Existing Ground General Arrangement - Scale - 1 : 100



Existing First General Arrangement - Scale - 1 : 100

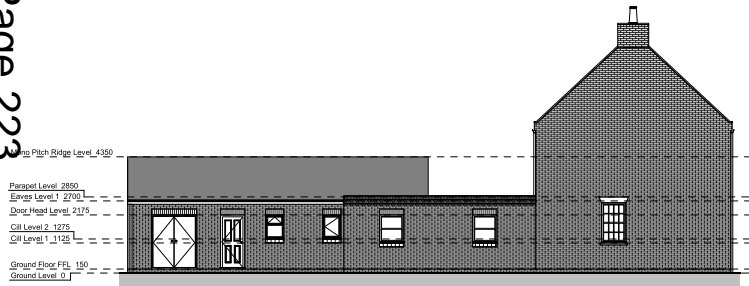


Existing Roof General Arrangement - Scale - 1 : 100



Existing Views - Drawing Key - Scale - 1 : 200

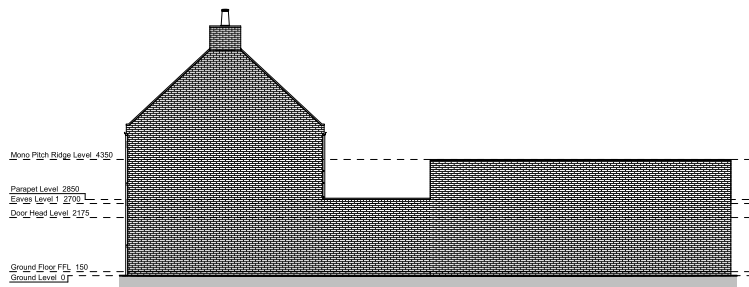
Page 223



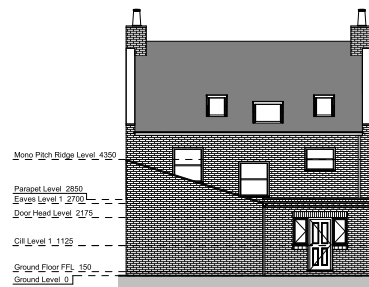
Existing Driveway Elevation - Scale - 1 : 100



Existing High Street Elevation - Scale - 1 : 100



Existing Side Elevation - Scale - 1 : 100



Existing Rear/Garden Elevation - Scale - 1 : 100

## EXISTING RESIDENTIAL AND COMMERCIAL PHOTOGRAPHS



V1 - View 1



V2 - View 2



V3 - View 3



V4 - View 4

## EXISTING RESIDENTIAL FOOTPRINT

GROUND FLOOR	
GEA:	51m <sup>2</sup> 549m <sup>2</sup>
GIA:	43m <sup>2</sup> 463m <sup>2</sup>
FIRST FLOOR	
GEA:	67m <sup>2</sup> 721m <sup>2</sup>
GIA:	57m <sup>2</sup> 613m <sup>2</sup>

## TOTAL

GEA:	118m <sup>2</sup> 1270m <sup>2</sup>
GIA:	100m <sup>2</sup> 1076m <sup>2</sup>

## EXISTING COMMERCIAL FOOTPRINT

GEA:	123m <sup>2</sup> 1324m <sup>2</sup>
GIA:	110m <sup>2</sup> 1184m <sup>2</sup>

Drawing Scale: As indicated @ A2

Existing Residential and Commercial General Arrangements and Elevations

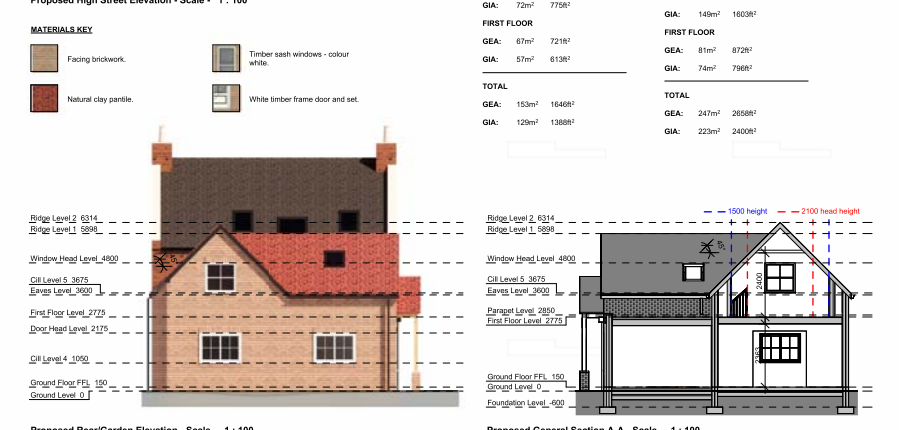
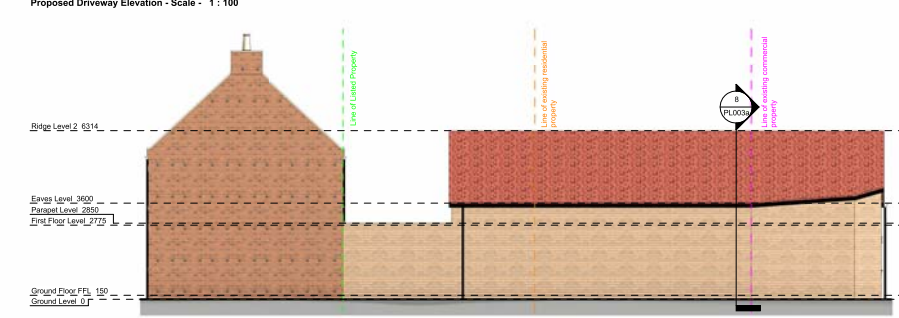
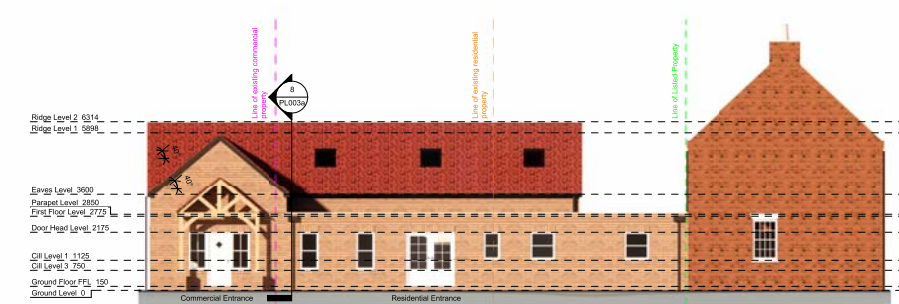
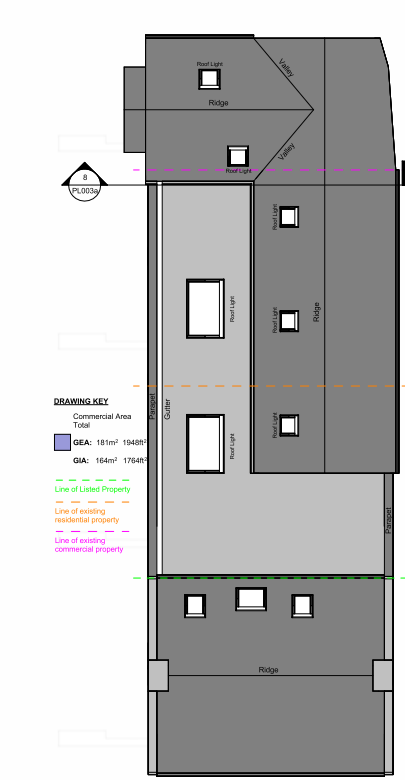
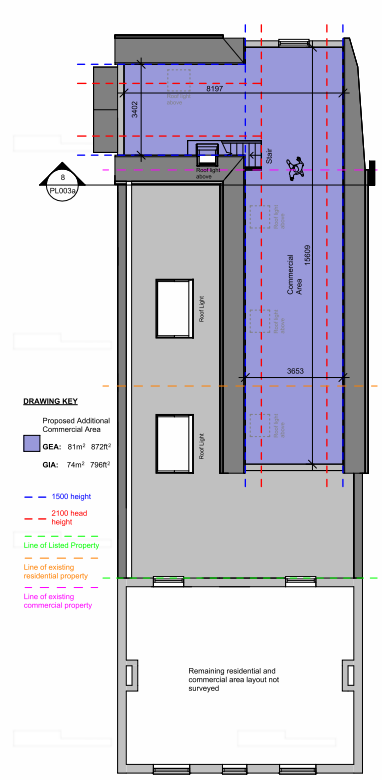
Oceans S2, High Street, Epworth

2022- ID - 04 - SURV1

# SURVEY DRAWING



Studio, The Game Farm, West End Road, Epworth, DN9 1LB  
 01509 223656  
 E: mah@sleDesign-architecture.com  
 C14 Chartered Membership No: 010689



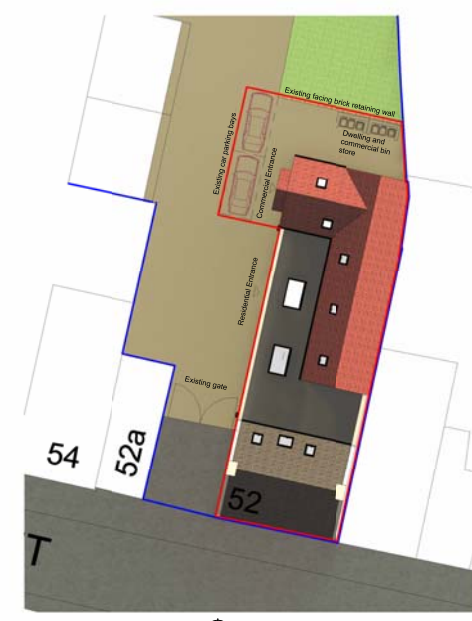
PROPOSED ADDITIONAL RESIDENTIAL FOOTPRINT		PROPOSED ADDITIONAL COMMERCIAL FOOTPRINT USE CLASS - E (D)	
GEA:	35m <sup>2</sup> 377m <sup>2</sup>	GEA:	43m <sup>2</sup> 463m <sup>2</sup>
GIA:	29m <sup>2</sup> 312m <sup>2</sup>	GIA:	39m <sup>2</sup> 420m <sup>2</sup>
<b>FIRST FLOOR</b>		<b>FIRST FLOOR</b>	
GEA:	81m <sup>2</sup> 872m <sup>2</sup>	GEA:	74m <sup>2</sup> 796m <sup>2</sup>
GIA:	74m <sup>2</sup> 796m <sup>2</sup>	GIA:	74m <sup>2</sup> 796m <sup>2</sup>
<b>TOTAL</b>		<b>TOTAL</b>	
GEA:	124m <sup>2</sup> 1334m <sup>2</sup>	GEA:	124m <sup>2</sup> 1334m <sup>2</sup>
GIA:	113m <sup>2</sup> 1216m <sup>2</sup>	GIA:	113m <sup>2</sup> 1216m <sup>2</sup>

OVERALL RESIDENTIAL FOOTPRINT		OVERALL COMMERCIAL FOOTPRINT USE CLASS - E (D)	
GEA:	86m <sup>2</sup> 926m <sup>2</sup>	GEA:	166m <sup>2</sup> 1766m <sup>2</sup>
GIA:	72m <sup>2</sup> 775m <sup>2</sup>	GIA:	149m <sup>2</sup> 1603m <sup>2</sup>
<b>FIRST FLOOR</b>		<b>FIRST FLOOR</b>	
GEA:	67m <sup>2</sup> 721m <sup>2</sup>	GEA:	81m <sup>2</sup> 872m <sup>2</sup>
GIA:	57m <sup>2</sup> 613m <sup>2</sup>	GIA:	74m <sup>2</sup> 796m <sup>2</sup>
<b>TOTAL</b>		<b>TOTAL</b>	
GEA:	153m <sup>2</sup> 1646m <sup>2</sup>	GEA:	247m <sup>2</sup> 2658m <sup>2</sup>
GIA:	129m <sup>2</sup> 1388m <sup>2</sup>	GIA:	223m <sup>2</sup> 2409m <sup>2</sup>



Page 22  
**PA/2022/915 Proposed plans & elevations (not to scale)**



<b>APPLICATION NO</b>	<b>PA/2022/1299</b>
<b>APPLICANT</b>	Mr Samra Harjit, HI ACE H S Ltd
<b>DEVELOPMENT</b>	Listed building consent to extend the existing single-storey to the rear of the property, extension works to include a single-storey portion for residential use and a storey-and-a-half section for commercial use
<b>LOCATION</b>	50-52, High Street, Epworth, DN9 1EP
<b>PARISH</b>	Epworth
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Emmanuel Hiamey
<b>SUMMARY RECOMMENDATION</b>	<b>Grant consent subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllrs David Robinson and Tim Mitchell – significant public interest)

## **POLICIES**

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

Section 12 – Achieving well-designed places

Section 16 – Conserving and enhancing the historic environment

### **Planning (Listed Building and Conservation Area Act) 1990:**

Section 16 (Decision on application)

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

Policy DS1 – General Requirements

Policy HE2 – Development in Conservation Areas.

Policy HE5 – Development affecting Listed Buildings

Policy HE9 – Archaeological Evaluation

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 CS6 – Historic Environment

### **Housing and Employment Land Allocations DPD (2016):**

The site is partly within and partly outside the development limits of Epworth.

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

### **Supplementary guidance:**

SPG1 – Design Guidance for House Extensions

Epworth Conservation Area Appraisal was adopted as supplementary planning guidance by North Lincolnshire Council on 22 January 2004.

### **CONSULTATIONS**

**Ecology:** No objection. However, planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a measurable net gain in biodiversity in accordance with policy CS17 and the National Planning Policy Framework.

**Historic Environment Record:** No objection subject to conditions.

**Conservation:** No objection. The conservation officer initially objected to the application because of concerns over the cubic porch on the western elevation of the single-storey extension. This would protrude from the building line and stand out overtly, drawing the eye and detracting from the rear setting of the building. They recommended that this element be removed from the proposal. The amended plans show the porch has been removed, as has the objection from the conservation officer.

**Environmental Protection:** Has reviewed the proposal based on potential noise and odour, plus land contamination, and has no objection subject to conditions.

**Highways:** No objections. The application is acceptable in principle, and the increase in commercial and residential space is modest.

**LLFA Drainage:** No objections or comments.

### **TOWN COUNCIL**

Support the application.

### **PUBLICITY**

Advertised by site and press notice. No responses have been received.

## **ASSESSMENT**

### **Site constraints**

The application site is partly within and partly outside the development boundary.

Conservation area

Listed buildings

SFRA Flood Zone 1

Within Epworth town centre boundary (policy TC-1)

### **Planning history**

- PA/2022/933: Planning permission to erect a three-bedroomed one-and-a-half-storey dwelling (including demolition of an existing outbuilding) – pending
- PA/2022/915: Planning permission to extend the existing single-storey to the rear of the property, the extension works to include a single-storey portion for residential use and a storey-and-a-half section for commercial use – pending
- PA/2020/170: Listed building consent to install an air conditioning unit to the rear – approved 06/08/2020
- PA/2014/1033: Planning permission to change the use of a domestic residential lounge to form a seating area (Use Class A3) and erect a sun blind on the front elevation – approved 11/02/2015
- PA/2008/1712: Planning permission to retain a kitchen and shop extension (amendment to a previously approved proposal) – approved 09/02/2009
- PA/2008/1713: Listed building consent to retain a kitchen and shop extension (amendment to a previously approved proposal) – approved 16/01/2009
- PA/2008/1009: Listed building consent to erect a kitchen and shop extension (including demolition of existing shop extension and outbuilding) re-submission of PA/2008/0644 – approved 22/08/2008
- PA/2008/1008: Planning permission to erect a kitchen and shop extension (including demolition of existing shop extension and outbuilding) re-submission of PA/2008/0643 – approved 22/08/2008
- PA/2008/0643: Planning permission to erect a kitchen and shop extension (including demolition of existing shop extension and outbuilding) – approved 06/06/2008
- PA/2008/0644: Listed building consent to erect a kitchen and shop extension (including demolition of existing shop extension and outbuilding) – approved 06/06/2008

- 2/1993/0005 Listed building consent to install a new shop front – approved 12/02/1993
- 2/1992/0952: Full planning permission to install new shop front – approved 12/02/1993
- 2/1990/0404 Full planning permission to erect a rear domestic extension – approved 15/08/1990
- 2/1990/0619: Listed building consent to erect a domestic extension – approved 17/08/1990
- 2/1989/1251: Full planning permission for a loft conversion to form additional residential accommodation – approved 09/02/1990
- 2/1989/1252: Listed building consent for a loft conversion to form additional living accommodation – approved 09/02/1990
- 2/1985/0017: Change of use of a dwelling to a restaurant – approved 04/06/1985
- 2/1979/0467: Full planning permission to erect a shop – approved 04/09/1979.

### **The site and proposal**

Listed building consent is sought to extend the existing single-storey to the rear of the property to include a single-storey portion for residential use and a one-and-a-half-storey extension for commercial use at 50–52, High Street, Epworth.

The site is in the heart of the historic market town of Epworth. 50–52 High Street Epworth are on the main High Street and are key architectural buildings within the street scene. The historic significance of both original properties is recognised by their designation as grade II listed buildings, and both are set within the Epworth conservation area.

The listed building comprises a two-storey property constructed of fine red-facing brickwork. The roof is finished in concrete double Roman roof tiles. A fish and chip restaurant is housed on the ground floor with the upper floors utilised as a private residence.

To the rear of the listed property is a single-storey masonry/facing brickwork (parapet) extension which is equally split between commercial use and private residence.

To the rear of the property are extensive private gardens, and a single-storey barn/outbuilding.

Access to the rear of the property is afforded by a private driveway between adjacent property 52c and number 52. There is a full-height swing gate, set back from the highway currently providing private vehicular access.

The application site is partly within and partly outside the development boundary of Epworth. However, in the interests of clarity, the proposal itself would be within the development boundary.

The proposal involves extending the existing single-storey rear extension and increasing its height to form a storey-and-a-half L-shaped extension to provide additional domestic living



space for the family residing on the first floor of the main building, as well as a single-storey flat roof extension.

The proposal would have windows in the north and west elevations. The windows would be timber sash-style windows with associated stone cills. The finish for the walls would be red facing brickwork and the doors would be hardwood timber door-set. The roof covering would be a traditional clay pantile.

**The main issues to be considered in the determination of this application are:**

- **the principle of the development**
- **whether the layout, siting, and design of the development are appropriate**
- **whether it would have an amenity impact on neighbouring properties**
- **whether the extensions would harm the character of the listed building**
- **whether the extensions would harm the character of the conservation area.**

**The principle of development**

The proposal is for listed building consent to extend the existing single-storey to the rear of the property, extension works to include a single-storey proportion for residential use and a storey-and-a-half section for commercial use.

The site is located in the town centre of Epworth. Policy TC-1 (Development in North Lincolnshire's Town Centres and District Centres) states that the council will protect and enhance the following town and district centres. The town centres include Brigg, Barton upon Humber, Crowle and Epworth. The main aim of this policy is to promote competitive town centre environments and their management and growth; and to recognise the important role of centres as the heart of their communities to support their viability and vitality.

Policy DS5 of the North Lincolnshire Local Plan is concerned with residential extensions. It states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, loss of privacy or overbearing impact on adjacent dwellings. Proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

As indicated earlier, this proposal is a listed building consent to extend the existing single-storey to the rear of the property, extension works to include a single-storey portion for residential use and a storey-and-a-half section for commercial use.

As this is an extension to mainly an existing residential property with an associated shop, in line with the above policy, the principle of the extensions is acceptable subject to appropriate design plus the proposal would not affect the functions, infrastructure and services that attract users and investors to the town centre and therefore meet the terms of policy TC-1 (Development in North Lincolnshire's Town Centres and District Centres).

## **Layout, siting and design**

Policy DS1 of the local plan 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 are considered against the quality of design and amenity impact.

Policies DS5 of the local plan and CS5 of the Core Strategy are concerned with visual amenity and require proposals to be sympathetic in design, scale, and materials. In respect of amenity, they state 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 council's Supplementary Planning Guidance, SPG1 'Design Guidance for House Extensions' 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 position of the extension to the rear of the main building is the most practical way to increase the size of a dwelling and its living space and is judged acceptable.

Further, the rear extension would have no impact on the street scene. Whilst a rear extension can harm the character of an area and the main building, as well as the amenity of neighbouring properties, the position of this extension is deemed acceptable.

Turning to the increase in height of the existing rear single-storey extension to form a half-storey extension, this would not raise any planning issues in terms of harm to the character of the main building and the street scene since the area is characterised predominantly by a two-storey building.

The position, scale and design of the extensions are acceptable since the materials for the walls and roof would complement the character of the area.

Overall, the extensions have been designed to appear subordinate to the main dwelling and would not visually dominate it or the surrounding area. They would also conform to the character of the main dwelling and the surrounding area, and would not harm the street scene.

## **Impact on the listed building and the conservation area**

Chapter 16 of the NPPF (Conserving and enhancing the historic environment), 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 concerning conservation areas in the exercise of planning functions: in the exercise of this duty, concerning any buildings 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 HE5 (Development affecting Listed Buildings) seeks to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. When applications for planning permission relating to a listed building or listed building consent are being assessed, the primary consideration will be the need to preserve or enhance the fabric and character of the building. Permission or consent will not be granted unless it has been demonstrated that the proposed works would secure this objective. Further, the council will encourage the retention and restoration of the historic setting of listed buildings. Proposals that 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 a recording being agreed upon and implemented.

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.

As indicated earlier, the site is partly within the development boundary and within the conservation area of Epworth. Further, the extension would be attached to a listed building.

The above policies do not presume against extensions to listed buildings subject to appropriate design. In this case, all work to the listed building involving the alterations and extensions has been reviewed and it is judged that the proposals will not affect the character of the building as a building of special architectural or historic interest. The design and materials have been judged acceptable.

In general, the details of the proposal have been reviewed and it is judged that the proposed extensions would not harm the character of the listed building and the setting within the conservation area.

Overall, the proposed extensions are considered sympathetic to the appearance of the listed building and the conservation area. The proposals would retain the historic setting of the listed building and would preserve its historic fabric and heritage character.

Initially, the conservation officer objected to the application; however, following the submission of an amended plan removing the porch, the objection has been withdrawn and the officer now supports the proposal.

Accordingly, the proposal complies with the relevant policies of the North Lincolnshire Local Plan, Core Strategy and the National Planning Policy Framework.

### **Impact on neighbouring properties**

As outlined in the layout, siting, and design section above, SPG1 'Design guidance for house extensions' explains that householder extensions 'should not dominate the original building in terms of scale, materials or situation' and policies DS5 and CS5 both seek to

ensure that proposals do not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

Having reviewed the details of the proposal, it is unlikely the extensions would raise an issue of overbearing impact, overshadowing or privacy to neighbouring properties due to their scale and position within the site and the proximity to adjacent properties.

Overall, the extensions would not negatively impact the amenities of neighbouring properties and would therefore align with policy DS5.

### **Other matters**

Turning to the comments made by Environmental Protection, Historic Environment Record and Ecology, these have been addressed under the tandem application for planning permission (PA/2022/915), which appears elsewhere on this agenda.

### **Conclusion**

Legislation requires that to grant listed building consent for any works, the local planning authority shall have a special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest that it possesses.

Having reviewed the details of the proposal and the information submitted, together with the application and the conservation officer's comments, as well as the relevant policies of the North Lincolnshire Local Plan and the Core Strategy, it is judged that the principle of the development is acceptable as it meets the terms of policy DS5 of the North Lincolnshire Local Plan.

The siting, layout and design of the extensions are also judged acceptable as they would conform to the character of the main dwelling and would not have a significant adverse impact on the street scene when viewed in the context of the locality. They would also not have a significant amenity impact on surrounding properties. The proposal, therefore, meets the terms of policies DS1, DS5 and CS5.

The proposal is sympathetic to the appearance of the listed building and the conservation area. It would retain the historic setting of the listed building and would preserve its historic fabric and heritage character.

Further, the planning authority shares the view of the conservation officer, in that the proposal is acceptable.

Accordingly, the proposal complies with the relevant policies of the North Lincolnshire Local Plan, Core Strategy, and the National Planning Policy Framework and is recommended for approval.

### **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:

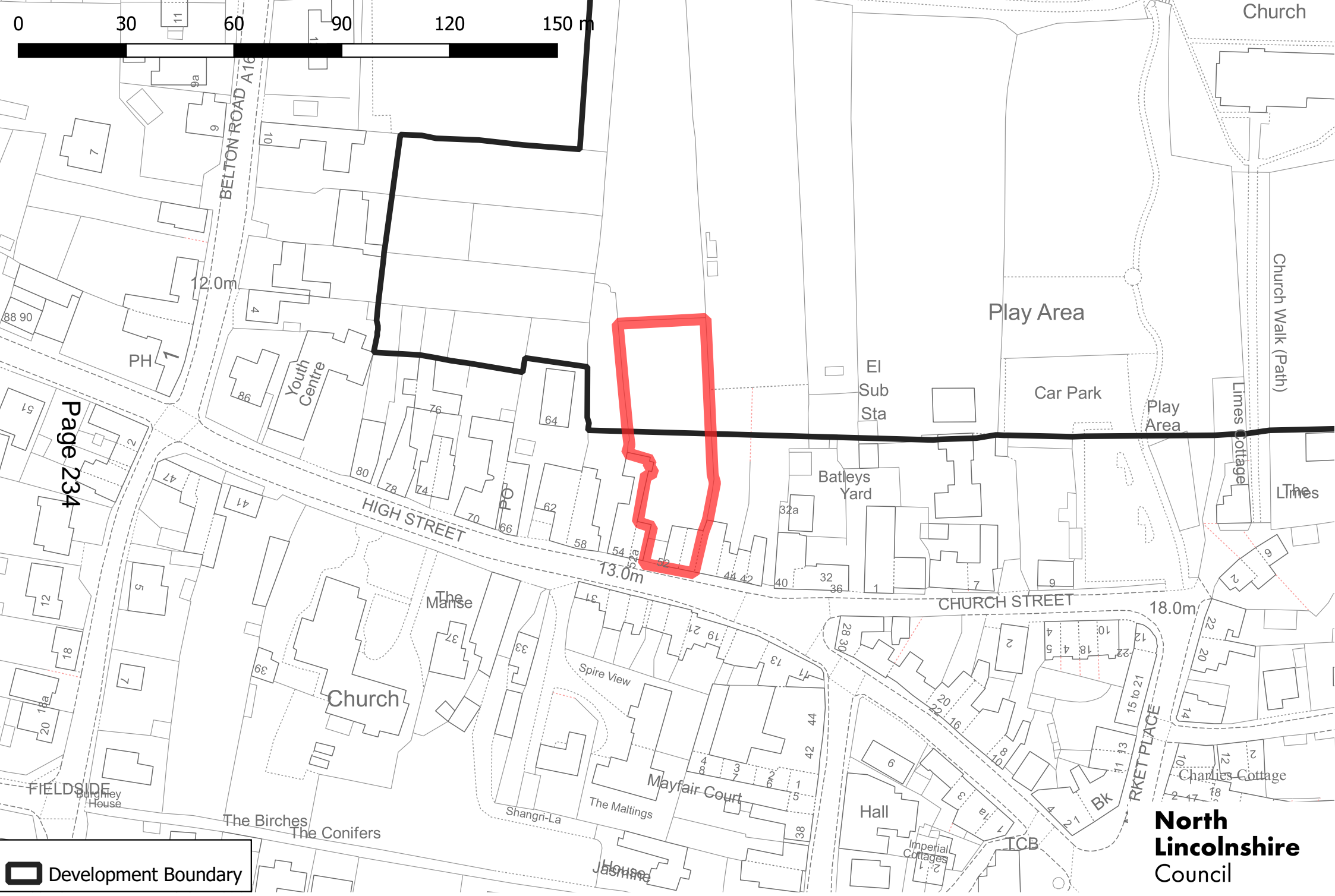
- Location Plan Dwg. No. 2022 – ID – 04 – LOC1a
- Proposed Plans Dwg. No. 2022 – ID – 04 – PL003a
- Existing Plans Dwg. No. 2022 – ID – 04 – SURV1.

Reason

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

**Informative 1**

In determining this application, the council, as a local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



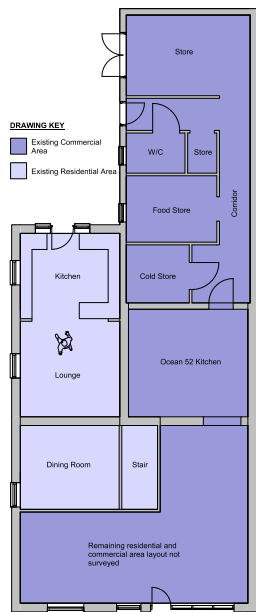
Page 234

 Development Boundary

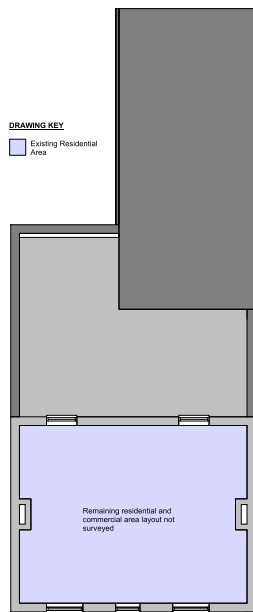
**PA/2022/1299**

**North  
Lincolnshire  
Council**

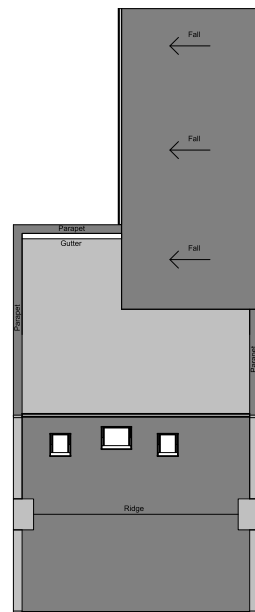
# PA/2022/1299 Existing plans & elevations (not to scale)



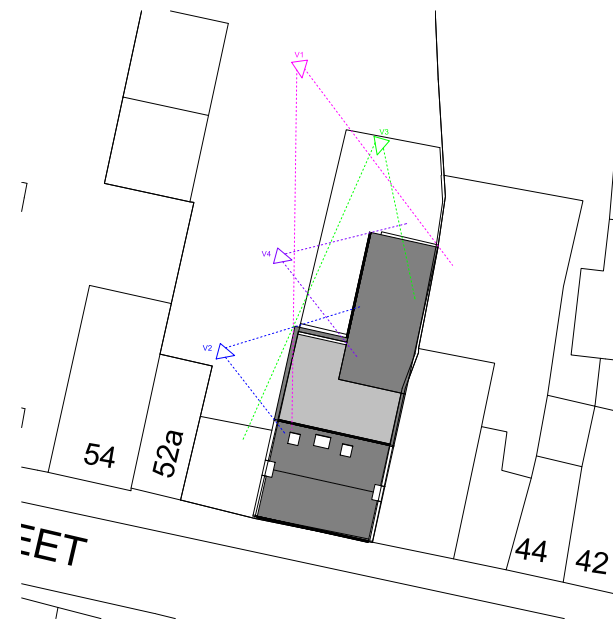
Existing Ground General Arrangement - Scale - 1 : 100



Existing First General Arrangement - Scale - 1 : 100

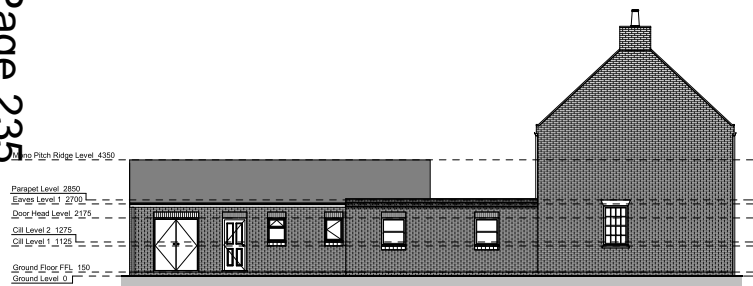


Existing Roof General Arrangement - Scale - 1 : 100



Existing Views - Drawing Key - Scale - 1 : 200

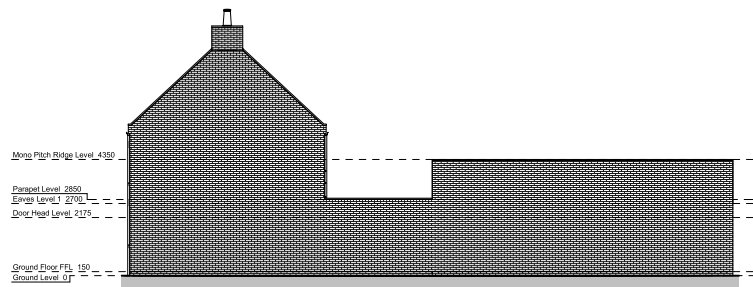
Page 235



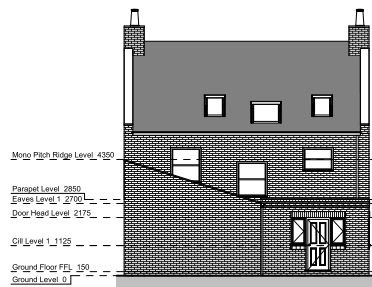
Existing Driveway Elevation - Scale - 1 : 100



Existing High Street Elevation - Scale - 1 : 100



Existing Side Elevation - Scale - 1 : 100



Existing Rear/Garden Elevation - Scale - 1 : 100

**EXISTING RESIDENTIAL AND COMMERCIAL PHOTOGRAPHS**



V1 - View 1



V2 - View 2



V3 - View 3



V4 - View 4

**EXISTING RESIDENTIAL FOOTPRINT**

**GROUND FLOOR**

GEA: 51m<sup>2</sup> 549m<sup>2</sup>  
 GIA: 43m<sup>2</sup> 463m<sup>2</sup>

**FIRST FLOOR**

GEA: 67m<sup>2</sup> 721m<sup>2</sup>  
 GIA: 57m<sup>2</sup> 613m<sup>2</sup>

**TOTAL**

GEA: 118m<sup>2</sup> 1270m<sup>2</sup>  
 GIA: 100m<sup>2</sup> 1076m<sup>2</sup>

**EXISTING COMMERCIAL FOOTPRINT**

GEA: 123m<sup>2</sup> 1324m<sup>2</sup>  
 GIA: 110m<sup>2</sup> 1184m<sup>2</sup>

Drawing Scale: As indicated @ A2

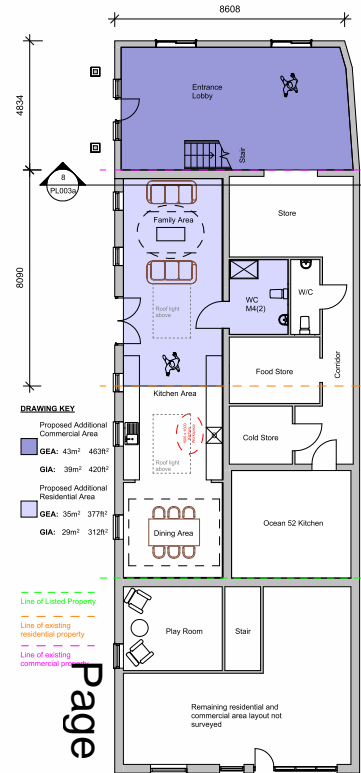
Existing Residential and Commercial General Arrangements and Elevations  
 Oceans S2, High Street, Epworth

2022 - ID - 04 - SURV1

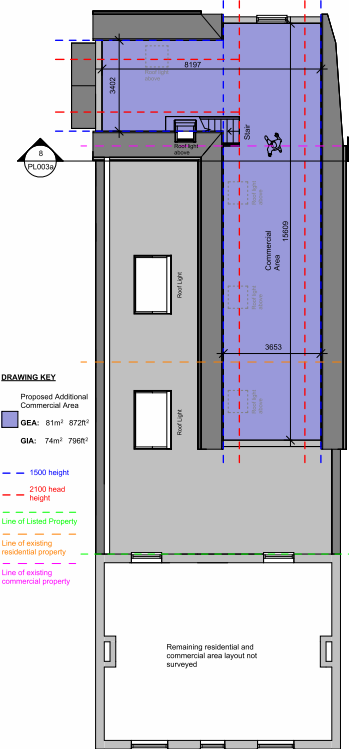
**SURVEY DRAWING**



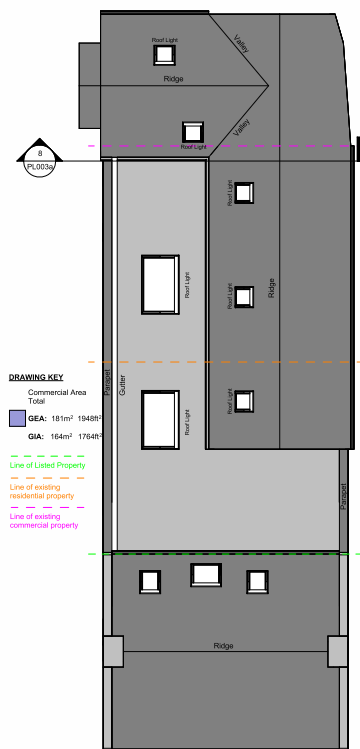
sleDesign architecture  
 16-17/18-19, West End Road, Epworth, DN9 1LB  
 E: mah@sleDesign-architecture.com  
 C141 Chartered Membership No: 010589



Proposed Ground Floor General Arrangement - Scale - 1 : 100



Proposed First Floor General Arrangement - Scale - 1 : 100



Proposed Roof General Arrangement - Scale - 1 : 100

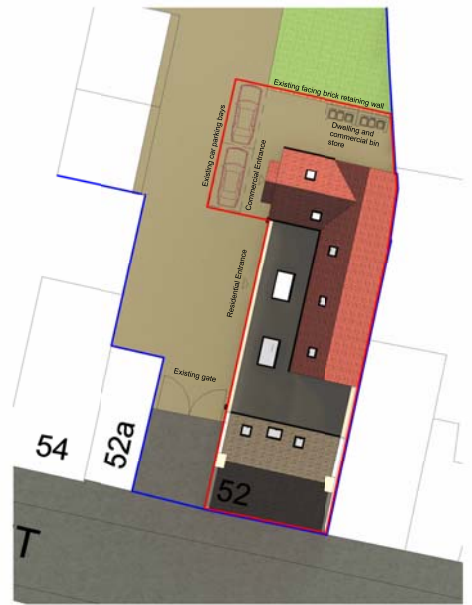
# PA/2022/1299 Proposed plans & elevations (not to scale)



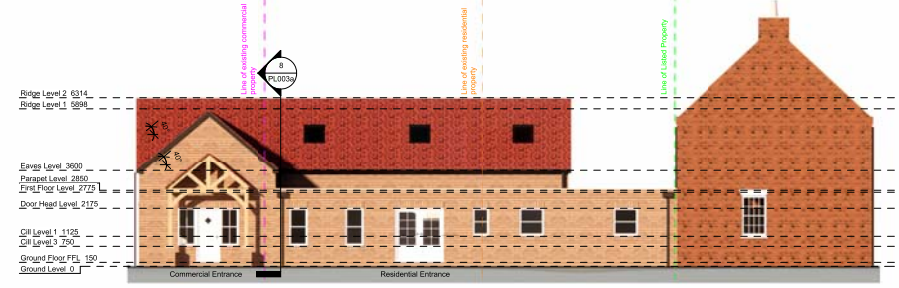
Proposed Rear/Garden Visual Image - Scale - 1 : 1



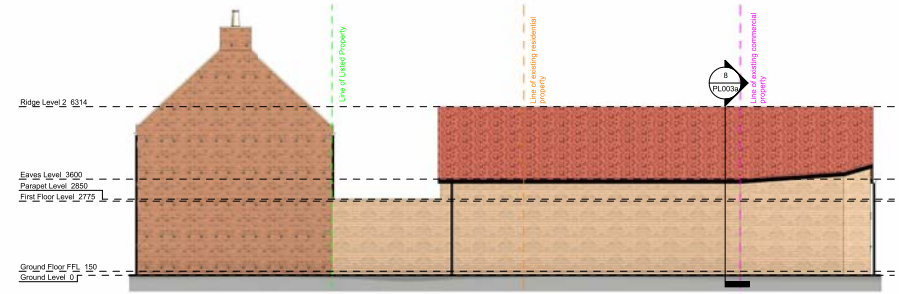
Proposed Driveway Visual Image - Scale - 1 : 1



Proposed Site Layout - Scale - 1 : 200



Proposed Driveway Elevation - Scale - 1 : 100



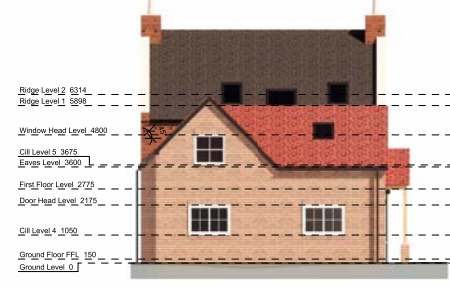
Proposed Side Elevation - Scale - 1 : 100



Proposed High Street Elevation - Scale - 1 : 100

**MATERIALS KEY**

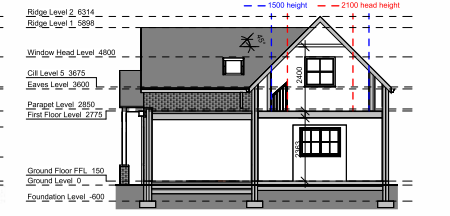
- Facing brickwork
- Natural clay pantile
- Timber sash windows - colour white
- White timber frame door and set



Proposed Rear/Garden Elevation - Scale - 1 : 100

PROPOSED ADDITIONAL RESIDENTIAL FOOTPRINT		PROPOSED ADDITIONAL COMMERCIAL FOOTPRINT USE CLASS - E ID	
GEA:	35m <sup>2</sup> 377m <sup>2</sup>	GEA:	43m <sup>2</sup> 463m <sup>2</sup>
GIA:	29m <sup>2</sup> 312m <sup>2</sup>	GIA:	39m <sup>2</sup> 420m <sup>2</sup>
<b>FIRST FLOOR</b>		<b>FIRST FLOOR</b>	
GEA:	81m <sup>2</sup> 872m <sup>2</sup>	GEA:	74m <sup>2</sup> 796m <sup>2</sup>
GIA:	74m <sup>2</sup> 796m <sup>2</sup>	GIA:	74m <sup>2</sup> 796m <sup>2</sup>
<b>TOTAL</b>		<b>TOTAL</b>	
GEA:	124m <sup>2</sup> 1334m <sup>2</sup>	GEA:	124m <sup>2</sup> 1334m <sup>2</sup>
GIA:	113m <sup>2</sup> 1216m <sup>2</sup>	GIA:	113m <sup>2</sup> 1216m <sup>2</sup>

OVERALL RESIDENTIAL FOOTPRINT		OVERALL COMMERCIAL FOOTPRINT USE CLASS - E ID	
GEA:	86m <sup>2</sup> 925m <sup>2</sup>	GEA:	166m <sup>2</sup> 1766m <sup>2</sup>
GIA:	72m <sup>2</sup> 775m <sup>2</sup>	GIA:	149m <sup>2</sup> 1603m <sup>2</sup>
<b>FIRST FLOOR</b>		<b>FIRST FLOOR</b>	
GEA:	67m <sup>2</sup> 721m <sup>2</sup>	GEA:	81m <sup>2</sup> 872m <sup>2</sup>
GIA:	57m <sup>2</sup> 613m <sup>2</sup>	GIA:	74m <sup>2</sup> 796m <sup>2</sup>
<b>TOTAL</b>		<b>TOTAL</b>	
GEA:	153m <sup>2</sup> 1646m <sup>2</sup>	GEA:	247m <sup>2</sup> 2658m <sup>2</sup>
GIA:	129m <sup>2</sup> 1388m <sup>2</sup>	GIA:	223m <sup>2</sup> 2409m <sup>2</sup>



Proposed General Section A-A - Scale - 1 : 100

**Revision**

Revision	Date	Comment	Drawn by	Checked By
A	28/06/22	Updated to reflect conservation officer comments.	DT	NWH

Proposed Residential and Commercial General Arrangements, Elevations and Section  
Oceans 52, High Street, Epsworth

## PLANNING DRAWING



Studio, The Game Farm, West End Road, Epsworth, DN9 118  
Tel: 01703 723656  
E: info@sleDesign-architecture.com  
CIAT Chartered Membership No: 101569



<b>APPLICATION NO</b>	<b>PA/2022/1005</b>
<b>APPLICANT</b>	Mr Paul Davies
<b>DEVELOPMENT</b>	Planning permission for the change of use of 415 square metres (approximately) of land to residential use and to erect on part thereof a residential/domestic garage extension plus any ancillary works necessary
<b>LOCATION</b>	Plot adjacent to Grey Green Farm, Woodhouse Road, Woodhouse, Belton
<b>PARISH</b>	Belton
<b>WARD</b>	Axholme Central
<b>CASE OFFICER</b>	Jennifer Ashworth
<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:**

Section 2: Achieving sustainable development

Section 4: Decision-making

Section 5: Delivering a sufficient supply of homes

Section 11: Making effective use of land

Section 12: Achieving well-designed places.

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

DS1: General Requirements

RD2: Development in the Open Countryside

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

LC14: Area of Special Historic Landscape Interest

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

CS2: Delivering more Sustainable Development

CS3: Development Limits

CS5: Delivering Quality Design in North Lincolnshire

CS8: Spatial Distribution of Housing Sites

### **Housing and Employment Land Allocations DPD (2016):**

The site is outside the defined development limits within the open countryside and covered by policy LC14 – Area of Special Historic Landscape Interest within the Proposals Map Inset 08 – Belton, Westgate & Carrhouse

**Supplementary Planning Guidance:** SPG Design in the Countryside

### **CONSULTATIONS**

**Highways:** No comments or objections.

**LLFA Drainage:** No objections but recommend an informative.

**Environmental Protection:** The proposed development is on land used for agricultural buildings and storage. Agricultural sites have the potential for contaminants such as PAHs, metals, petroleum hydrocarbons and asbestos from the over-application of slurry and the illegal deposition of waste, which are harmful to human health. A condition is therefore proposed to protect human health that 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 has been submitted and agreed in writing.

With regard to noise, the proposed development is in close proximity to residential dwellings and the department is concerned that any commercial activity would have an adverse impact on residential amenity. The department therefore recommends the inclusion of a condition to ensure the development relates to private use only and that no trade, business or profession is carried out on the site.

**HER (Archaeology):** The HER recommended refusal of planning permission on the adjacent sites (PA/2018/2416 and PA/2021/1612) as the developments would adversely affect the character, appearance and setting of the historic landscape contrary to the NPPF, Core Strategy policies CS5 and CS6, and local plan policies LC14, LC7, RD2 and DS1.

The current proposal will contribute to the cumulative adverse impact of the intrusion of the built environment into the historic landscape. Where the planning authority is minded to grant consent for this application permitted development rights should be removed by condition to avoid any unregulated extension of the built environment into the protected historic landscape area.

### **PUBLICITY**

A site notice has been displayed. No letters of comment have been received.

### **ASSESSMENT**

#### **Constraints and allocation**

The site is within the open countryside outside of any defined development limits.

The site is within an area of Area of Special Historic Landscape Interest.

### **Planning history/designations**

- 2/1986/0443: Change of use to timber business and widening of an existing access – approved 26/09/1986
- 2/1991/0991: Erection of a farm shop – refused 16/03/1992
- PA/2015/1269: Outline planning permission to erect a detached dwelling and garage with appearance, landscaping, layout and scale reserved for subsequent approval approved 16/12/2015
- PA/2018/1117: Planning permission to re-site previously approved vehicular access – approved 30/08/2018
- PA/2017/635: Application for approval of reserved matters pursuant to outline application PA/2015/1269 dated 16/12/2015 for the erection of a detached dwelling and garage with appearance, landscaping, layout and scale reserved for subsequent approval – approved 22/06/2017
- PA/2022/605: Planning permission to erect a workshop/garage extension and associated works – refused 23/05/2022.

### **Site characteristics**

The site is an existing residential property on the northern edge of the main built-up area of Belton. The residential property West Lyne is to the north of the site, whilst open countryside forms the eastern and western boundaries. To the south are other existing residential properties. A recent planning application has been granted to the rear of the application site (east and south) on land within the open countryside and LC14 (PA/2021/1612 – outline planning permission to erect four dwellings, garages and associated works with scale, appearance and landscaping reserved for subsequent consideration – granted 11/02/2022).

### **Principle of development**

The land is outside the development limits within open countryside. As such, policies CS3 and RD2 need to be considered. There is currently an existing residential property on the site and detached garage. The land to which this application relates is to the rear of this existing built development and the existing private garden. The proposal seeks the change of use of 415 square metres (approximately) of land to residential use and to erect on part thereof a residential/domestic garage extension plus any ancillary works necessary.

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

limited and should take into account levels of local service provision, infrastructure capacity and accessibility’.

Policy CS3 confirms that development outside defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as those related to agriculture, forestry or other uses which require a countryside location or will contribute to the sustainable development of the tourist industry. Development limits ensure that the countryside is protected from inappropriate development and no uncontrolled expansion of settlements.

The proposal is within the open countryside where residential development is restricted.

Policy RD2 strictly controls development within the open countryside. The policy allows development which is for the replacement, alteration or extension of an existing dwelling. Whilst the change of use does not seek permission to extend an existing dwelling, it does seek the extension of the curtilage of the existing dwelling. In such cases, where the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials, then development would be permitted.

Recent outline planning application PA/2021/1612 was granted on 11/02/22 to erect four dwellings and garages, with associated works, with scale, appearance and landscaping reserved for subsequent consideration. This land is sited between the existing property (Meadow Cottage) and approved residential development (PA/2021/1612). The proposed block plan for PA/2021/1612 shows that the application site will become a strip of countryside land sandwiched between residential land, and it would be unreasonable for it not to be included within the residential curtilage of the existing property of Meadow Cottage and used as such going forward.

It is considered that the proposed change of use of land and extension of the proposed garage would be acceptable in principle and therefore accords with the above policies.

### **Design and appearance**

Planning permission is sought for the change of use of approximately 415 square metres of land to residential use and to erect on part thereof a residential/domestic garage extension plus any ancillary works necessary.

The plans show the proposal is for a quadruple garage block measuring 14 metres by 6.5 metres, with a ridge height of 5 metres (2.7 metres eaves height). It will be viewed as an extension to the existing workshop to the front as it will be physically attached and will provide a four-bay garage and pedestrian door opening. The garage block will have a lower ridge height than the existing workshop and garage to which it will be attached and will be constructed from similar materials to match the appearance of the existing outbuilding, namely a red brick and a slate roof tile. The garage is required to store vintage motor cars away from the external elements.

The garage is currently shown to be outside the defined domestic curtilage of the applicant’s property, on land classed as open countryside. The proposal seeks permission for the change of use of this area of land for it to be included within the residential curtilage. This matter (change of use) has been addressed above and is considered acceptable.

The HER has objected to the proposals as they consider that development would adversely affect the character, appearance and setting of the historic landscape contrary to the NPPF, Core Strategy policies CS5 and CS6, and local plan policies LC14, LC7, RD2 and DS1. This matter has been addressed above and it is considered that the principle of development (change of use of land to residential use) is acceptable given the recent permission for residential development to the east of the site. A request has been made to remove the permitted development rights; however, this is not considered necessary given the surrounding land has been granted permission for residential. The development, while in the policy LC14 area, is surrounded on three sides by residential development. The arguments put forward by the HER are not considered valid or reasonable in this instance. Due to the nature of the surrounding land and existing residential development and uses, the proposal is not considered to destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features. It is not considered that the development would represent encroachment of the built environment into the countryside or LC14 area due to the recent change in context of the surrounding land uses.

It is therefore considered that the proposal is acceptable in relation to policies LC14, RD2, RD10, DS1 and DS5 of the North Lincolnshire Local Plan, and CS5 and CS6 of the Core Strategy.

### **Residential amenity**

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

It is not considered the inclusion of this land would have a detrimental impact on the residential amenity of surrounding properties and residents.

In relation to the erection of the garage, the proposals would extend the existing detached garage building further east and allow for the parking of additional vehicles. The owner collects and restores vintage cars and requires the space to undertake his hobby. Land north of the site is open countryside and is to the rear of the existing residential property to the north. The proposed extension will be 2.7 metres to eaves height and 5 metres to ridge height. The building will include four garage doors and one pedestrian door opening to the frontage. There will be no windows. There are no concerns in relation to overlooking, overshadowing, overbearing or privacy impacts.

The Environmental Health team have raised concern regarding the potential for noise impacts and recommend a condition stipulating that the garage extension shall be for private use only and that no trade, business or profession shall be carried out from the site without the prior permission in writing of the local planning authority.

The proposed garage extension is not considered to result in loss of residential amenity to neighbouring properties due to its separation distance to the south-east and its position beyond the domestic curtilage of West Lynne to the north and, as such, it is considered to comply with policy DS1 of the local plan.

### **Contamination**

The proposed development is situated on land used for agricultural buildings and storage. Agricultural sites have the potential for contaminants such as PAHs, metals, petroleum

hydrocarbons and asbestos from the over-application of slurry and the illegal deposition of waste, which are harmful to human health.

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

### **Flood risk and drainage**

Policy CS19 is concerned with flood risk, whilst policy DS14 is concerned with foul sewage and surface water drainage. The application site is within flood zone 1 and therefore is a preferred place for development in terms of flood risk.

The applicant has submitted a Flood Risk Assessment. The site is within Flood Zone 1 which is considered to be at low risk of flooding. The proposed use of this site, for the erection of a garage for the storage of vintage cars, is considered a less vulnerable use than habitable space.

LLFA Drainage have considered the proposals and have no objection subject to the inclusion of the following informative:

'We note that the proposed development proposes to use the access road for PA/2021/1612. With this in mind we would recommend that this site ties into the proposed surface water drainage system for PA/2021/1612.'

### **Conclusion**

Whilst this proposal would be a departure from the development plan, in light of the above decision, it is considered that this extension of the residential curtilage should be allowed. The land would be used as additional garden space and would allow for the extension of the applicant's existing garage to continue his hobby of restoring and collecting vintage cars. The proposed development is considered acceptable in terms of siting, scale, massing, design and use of materials in accordance with local plan policy RD2, to protect the Area of Special Historic Landscape Interest (policy LC14), as well as protecting the amenity of future residents on and adjoining the site (policies CS5 and DS1).

### **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 Floor Plan 3 of 4 - 925-22

- Proposed Elevations 2 of 4 - 925-22
- Location and Block Plans 4 of 4 - 925-22.

Reason

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

3.

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

Reason

To protect human health.

4.

The 'residential/domestic garage extension' hereby permitted shall be for private use only and no trade, business or profession shall be carried out from the site without the prior permission in writing of the local planning authority.

Reason

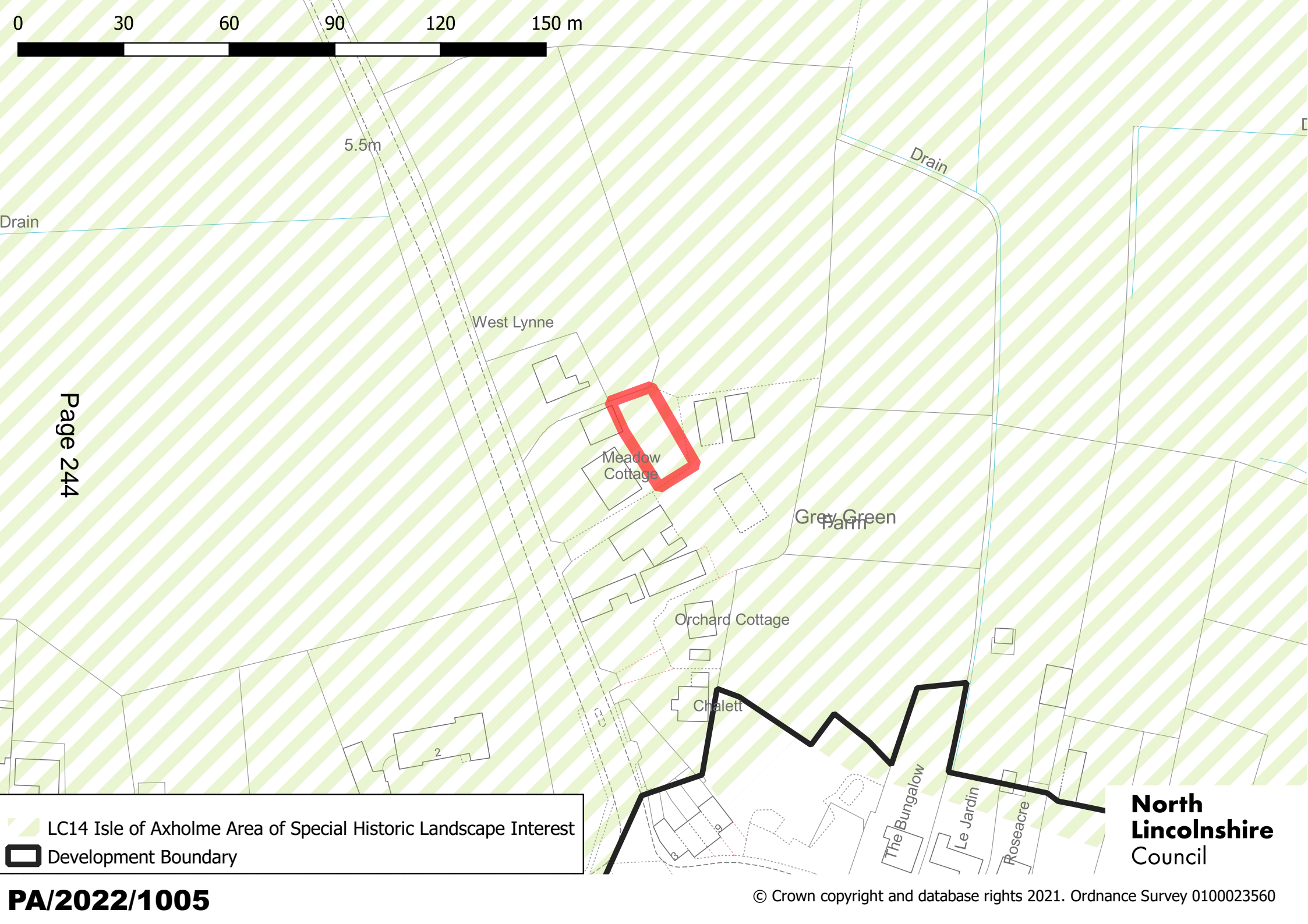
To prevent the uncontrolled introduction of a use which may potentially have an adverse impact on the character of the surrounding area without an opportunity to examine this against the criteria in policy DS4 of the North Lincolnshire Local Plan.

**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 proposed development proposes to use the access road for PA/2021/1612. With this in mind, LLFA Drainage recommend that this site ties into the proposed surface water drainage system for PA/2021/1612.



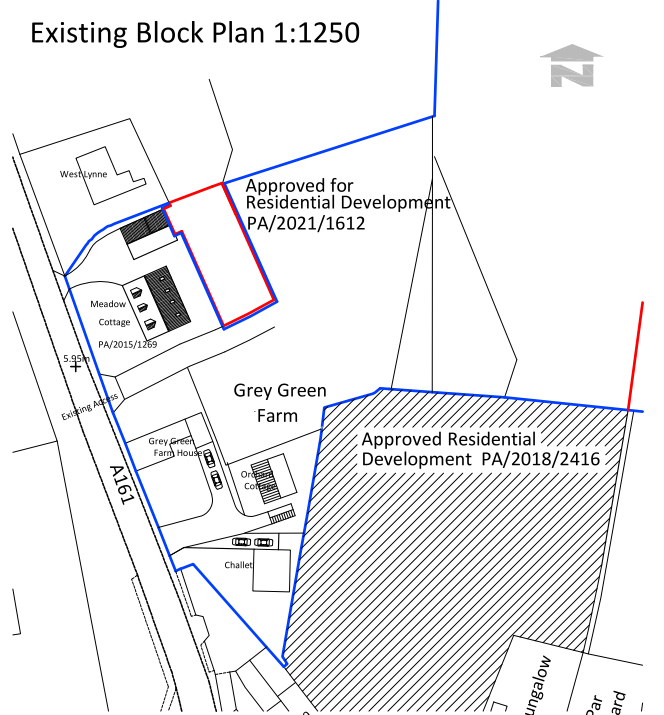
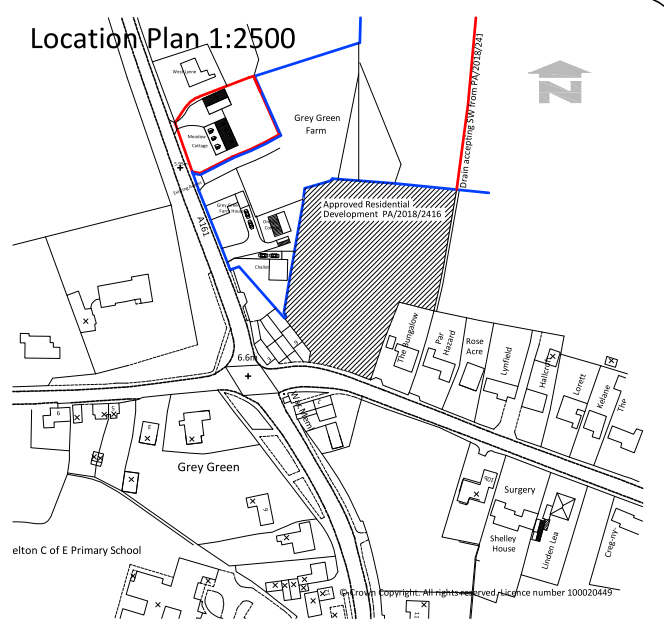
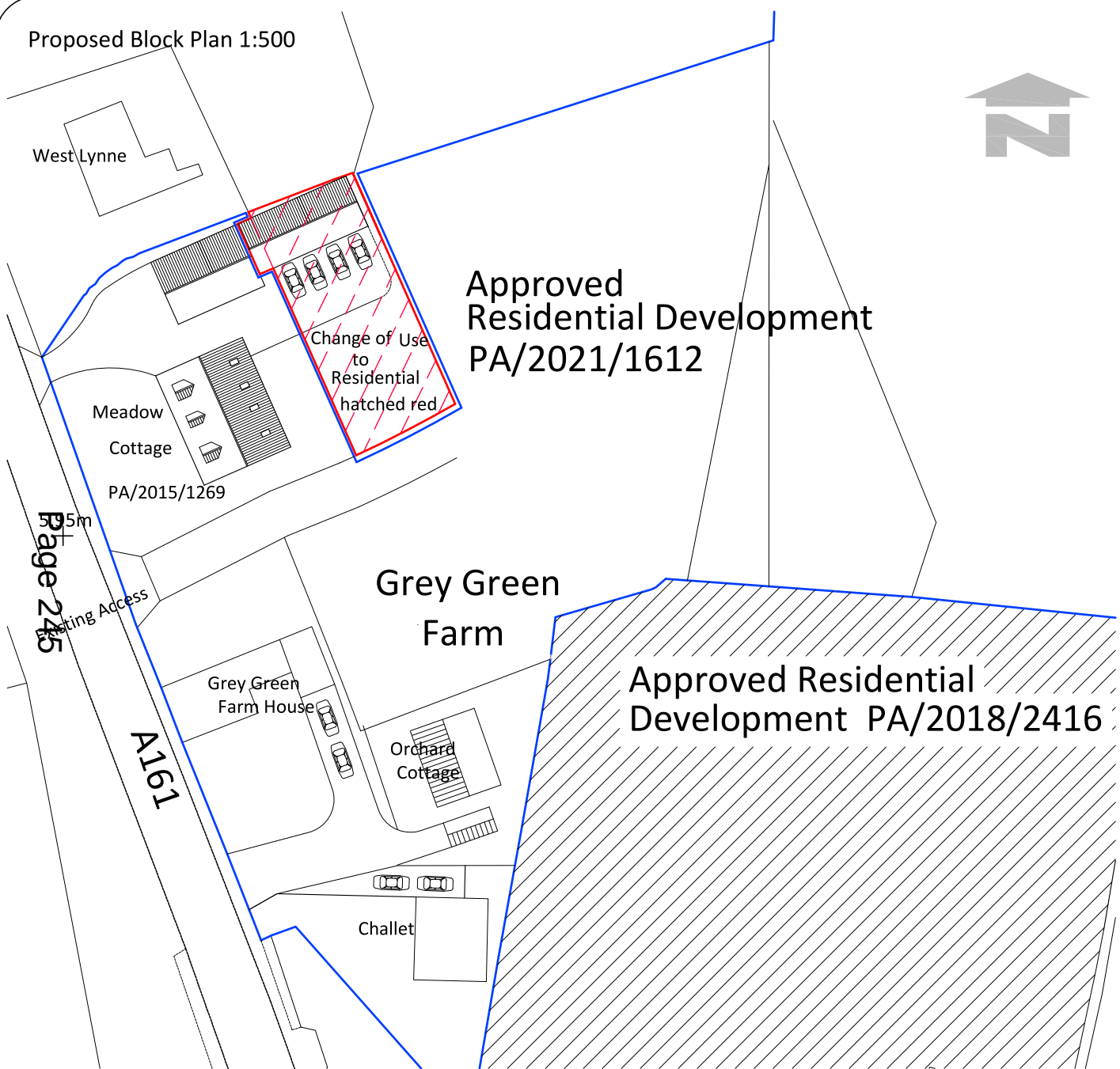
Page 244

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

**North  
Lincolnshire  
Council**



# PA/2022/1005 Proposed layout (not to scale)



Page 2 of 5

Howard J Wroot BSc MRICS Chartered Surveyor 240 Wharf Road, Ealand Scunthorpe DN17 4JN Tel 01724 711068 Fax 01724 710174 Mob 07947 226577	Client	Mr P Davies			Proposal	4 bay garage extension at Meadow Cottage A161, Belton, Doncaster, DN9 1QQ
	Date	25/5/22	Dwg No	4 of 4		
	Scale	As noted	Ref No	925-22		



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<b>APPLICATION NO</b>	<b>PA/2022/1068</b>
<b>APPLICANT</b>	Mr Gerrard Parkes
<b>DEVELOPMENT</b>	Planning permission for change of use of an outbuilding which houses a pool to allow the operation of a private swimming lesson business
<b>LOCATION</b>	39a Knightsbridge Road, Messingham, DN17 3RA
<b>PARISH</b>	Messingham
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Jess Hill
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Neil Poole – significant public interest) Objection by Messingham Parish Council

## **POLICIES**

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

Section 8 (Promoting healthy and safe communities)

Section 12 (Achieving well-designed places)

**North Lincolnshire Local Plan:** Policies DS1, DS4, M7, T2 and T19

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS3, CS5, CS22 and CS23

**Housing and Employment Land Allocations DPD 2016:** The site is not subject to any designations within the DPD

## **CONSULTATIONS**

**LLFA Drainage:** No comments or objections.

**Highways:** No comments or objections.

## **PARISH COUNCIL**

Objects to the application for the following reasons:

- The proposal is a commercial enterprise in a residential development.
- There is limited vehicle access to the property resulting in on-street parking on a narrow road giving rise to highway and pedestrian safety concerns.
- Loss of residential amenity of neighbouring properties.

## **PUBLICITY**

A site notice has been displayed and the following comments have been received:

One objection due to the narrow access. A suggestion is made to reduce the speed limit to 10 miles per hour from the entrance of the owner's drive up to the corner of Knightsbridge Road.

One comment neither supporting nor objecting, setting out that if the planning application is successful, business operating hours, for example 8am to 8pm, should be specified.

## **ASSESSMENT**

### **Site location and context**

The site comprises a residential property at 39a Knightsbridge Road located on the southern edge of Messingham.

The site is partly within and partly outside the development limits of Messingham, as identified by the Housing and Employment Land Allocations DPD 2016.

### **Planning history**

- 7/1980/1222: Outline planning application for residential development – refused 3 March 1981
- 7/1981/0968: Change of use of land for the keeping of private horses, and erection of a dwelling and stables – approved 2 February 1982
- 7/1982/0455: Siting, design and external appearance, means of access and landscaping of a detached house and garage – approved 14 September 1982
- 7/1985/0556: Construction of timber storage building for feed storage – approved 19 September 1985
- 7/1979/0351: Erection of two detached dwellings – refused 22 May 2019
- PA/2020/671: Erection of a two-storey side extension, removal of a pitched roof and installation of a balcony to the front elevation, together with a single-storey extension to the swimming pool area to facilitate a gym, sauna and sitting area – approved 24 June 2020.

### **Designations/constraints**

The site is partly within and partly outside of the development limits of Messingham.

The site is not within a conservation area and there are no listed buildings on or next to the site.

There are no tree protection orders on the site.

The site is within SFRA Flood Zone 1.

## **Proposal**

Permission is sought to change the use of an outbuilding which houses a pool (Use Class C3 given the outbuilding is ancillary to the dwelling) to allow the operation of a private swimming lesson business (Use Class F2(d)).

**The main considerations in assessing this application include:**

- **principle of development**
- **access and highway safety**
- **design and appearance**
- **residential amenity.**

### **Principle of development**

The western part of the site, including the dwelling, is within the development limits of Messingham, whereas the outbuilding and the remainder of the site is outside the defined limits. The outbuilding is adjacent to the development limits.

The outbuilding is within the countryside in policy terms where policy RD2 (Development in the Open Countryside) applies. This policy strictly controls development outside development limits unless certain criteria are met. In the case of the application site, the outbuilding is already in place and no external alterations are proposed. Therefore no additional floor space is proposed and there will be no greater impact on the countryside in visual terms. Also, some screening in the form of existing trees and vegetation within the plot assists with softening views of the outbuilding.

Policy CS3 (Development Limits) allows for appropriate development within defined development limits, provided the proposed development responds to the context of the area and the settlement has capacity to accommodate the proposed development based on existing and proposed infrastructure. Although the outbuilding is outside the defined development limits, it relates closely to the existing form of development. The NPPF and the development plan also encourage the re-use of existing buildings, and the proposed change of use will include the re-use of an existing building.

Policy DS4 (Changes of Use in Residential Areas) sets out that within residential areas, favourable consideration will be given to proposals for a change of use from residential to other uses. This is provided that the development will not adversely affect residential amenity by virtue of noise, vibration, traffic generation, reduction in road safety, odorous emissions (by way of dust, smell, fumes, smoke, soot, ash or grit) or other adverse environmental conditions.

Policy CS22 (Community Facilities and Services) supports the provision of community facilities which meet the needs of local residents. Community facilities are allowed in residential areas provided there is no adverse effect on the amenities of neighbouring properties (part d). It is considered that the proposed change of use would not adversely affect the amenities of neighbouring properties in this case as set out in more detail in this assessment.

Policy CS23 (Sport, Recreation and Open Space) encourages the provision of new leisure and recreation facilities which are of an appropriate scale to the type and size of settlement.

The change of use of the outbuilding to facilitate the provision of swimming lessons comprises a small-scale business that is considered to be appropriate given the context of the surrounding area.

The proposed change of use will provide a facility for swimming which is acknowledged to provide benefits in terms of recreation, health and wellbeing. There are no public swimming pools in Messingham and the nearest pools are in Scunthorpe.

The outbuilding has built-in showers and toilet facilities. The swimming pool will be used by two swimming teachers to offer swimming lessons for the local community of all ages and abilities.

One of the main objectives of the NPPF is to support the delivery of strong, vibrant and healthy communities (paragraph 8b). Section 8 of the NPPF 'Promoting healthy and safe communities' sets out the importance of delivering recreational facilities. Paragraph 98 sets out that:

'Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.'

The Strategic Assessment for Provision of Swimming Pools: North Lincolnshire Council (February 2021) was used to inform the preparation of the New Local Plan. This assessment identifies a lower share of swimming pool facilities in Messingham than other areas of Scunthorpe.

The principle of development is therefore considered to be acceptable given it will include the re-use of an existing building, provide swimming facilities for the local community, and facilitate a small-scale business that is appropriate to the context of the site. The proposals therefore accord with policies RD2, DS4, CS3, CS22 and CS23.

### **Access and highway safety**

Policies T2 (Access to Development) and T19 (Car Parking Provision and Standards) require that proposals do not adversely impact upon highway safety and provide suitable parking for the development.

The existing vehicular access to the dwelling will continue to be used from Knightsbridge Road. The existing driveway is large and covers a large area of the site.

There is room within the site for 3 resident parking spaces, 2 swim teacher spaces, 11 visitor spaces and 2 additional spaces if required. The maximum number of people allowed in the swimming pool building is 10 (8 within the pool). There will usually only be one swimming teacher within the pool, reducing the need for parking spaces further. Therefore, in general, the maximum number of spaces that can be accommodated within the site will not be required. There is, therefore, sufficient room for parking within the site to avoid street parking.

The council's Highways team has reviewed the proposals and confirmed they have no objections.

The proposals are therefore acceptable in terms of the proposed access and parking arrangements and accord with policies T2 and T19.

### **Design and appearance**

Policies DS1 (General Requirements) and CS5 (Delivering Quality Design in North Lincolnshire) encourage the design and external appearance of proposals to reflect or enhance the character, appearance and setting of the immediate area.

No external alterations to the building are required and the proposals are therefore acceptable in terms of the design and appearance of the building conversion. As such, the proposals accord with policies DS1 and CS5.

### **Residential amenity**

Policies DS1 and CS5 are also concerned with quality of design and the impact of proposals on the amenity of neighbouring uses. Policy DS1 requires proposals to be designed so as not to result in a detrimental impact on neighbouring uses in terms of noise, smell, fumes, dust or other nuisance, or through overlooking or overshadowing (part iii).

No additional floor space or external alterations are required and as such the proposals will not result in a detrimental impact in terms of overshadowing. Similarly, the change of use will facilitate a small-scale business that will operate from within the existing outbuilding. The swimming pool building is approximately 27m from the nearest dwelling to the north (86 Brigg Road) and 43m from the nearest dwelling to the west (40 Knightsbridge Road). This is not considered to result in an unacceptable impact in terms of amenity, such as through noise generation.

A condition is recommended restricting the hours of operation to: 9am to 8.30pm Monday to Friday; and 8.30am to 12.30pm on Saturdays and Sundays. Therefore, the pool will only be operational at certain times, reducing the impact on neighbouring properties. The proposals will therefore have an acceptable impact in terms of residential amenity and accord with policies DS1 and CS5.

### **Other matters**

Policy M7 (Messingham Protection Zone) designates a protection zone of 600 metres from the development boundary of Messingham village, within which planning permission for new mineral workings will not be permitted. Although the site is within this zone, the proposals are not for mineral working and as such do not conflict with this policy.

Policies CS19 (Flood Risk) and DS16 (Flood Risk) seek to ensure that suitable drainage strategies are secured for developments. The site is within SFRA Flood Zone 1, which is an area considered to be at a low risk of flooding. The LLFA Drainage Team has raised no objections or comments to the proposed development. The proposals are therefore acceptable in flood risk and drainage terms and accord with policies CS19 and DS16.

### **Conclusion**

The proposed change of use to allow the outbuilding to be used for swimming lessons is considered to be suitable.

**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 hours of operation shall be limited to:

- 9am to 8.30pm Monday to Friday; and

- 8.30am to 12.30pm on Saturdays and Sundays.

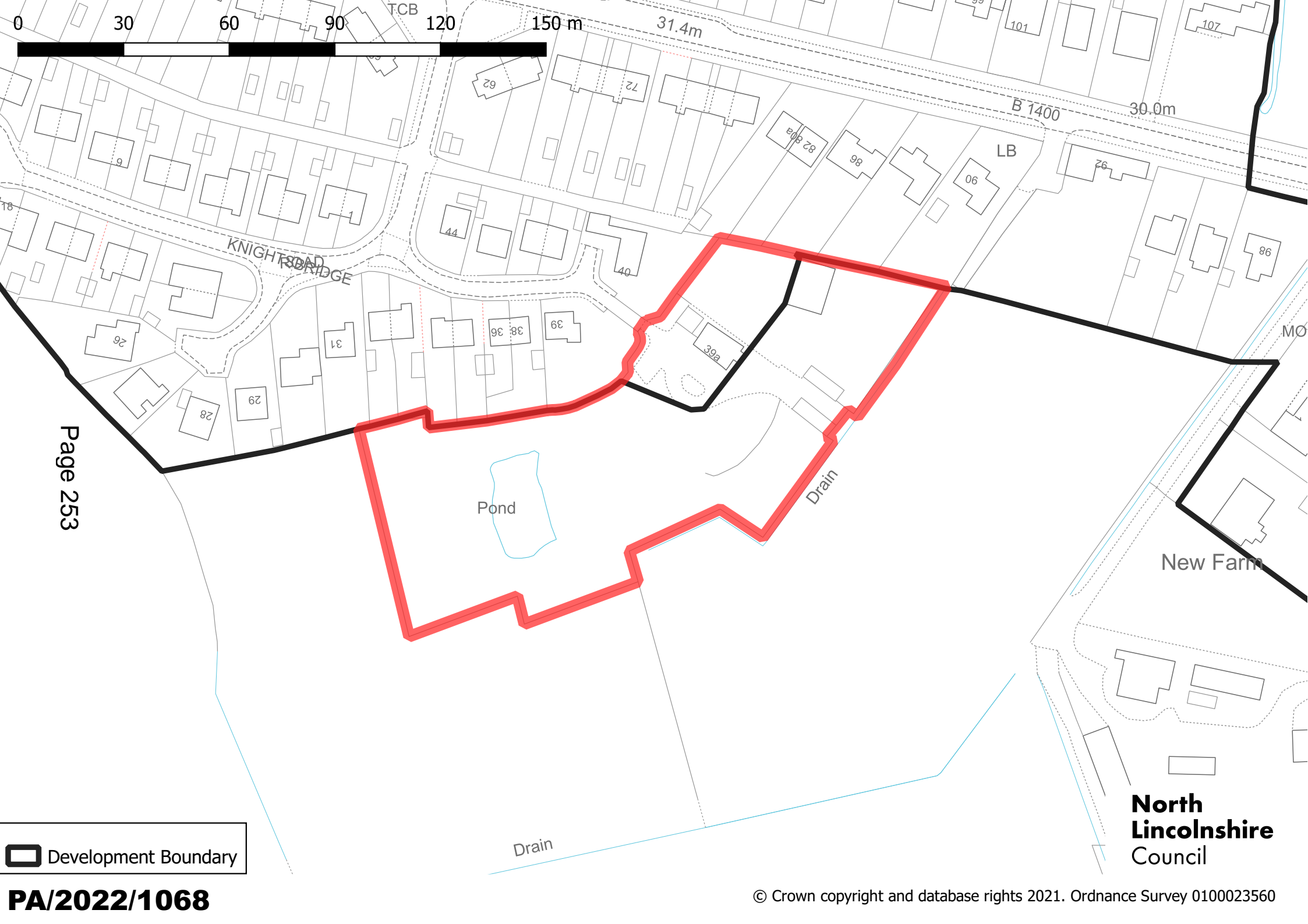
Reason

To protect residential amenity.

**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.





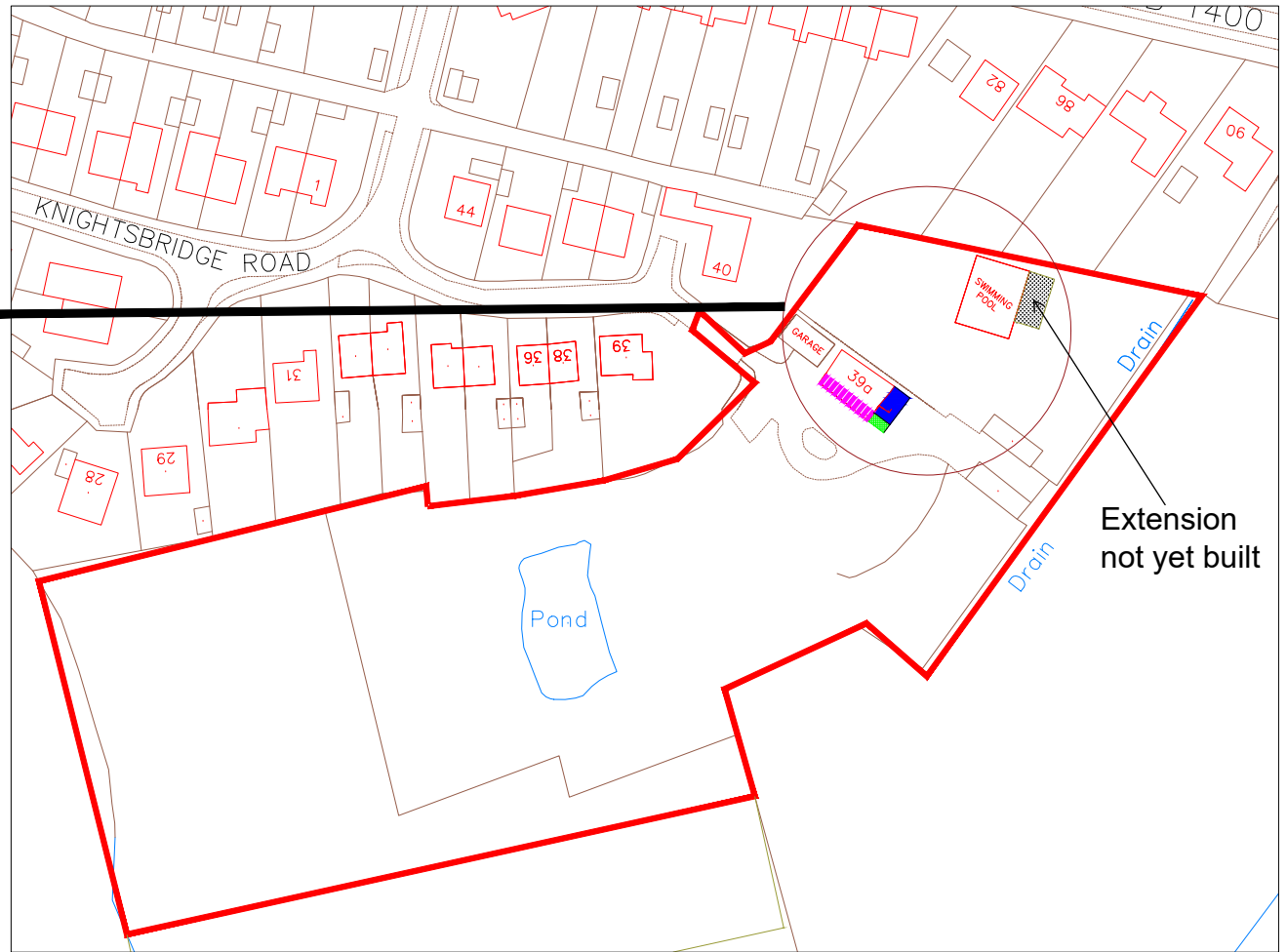
Page 253

 Development Boundary







**PA/2022/1068**

**North  
Lincolnshire  
Council**

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**KEY**

-  APPLICATION BOUNDARY FOR DWELLING: 13,757M<sup>2</sup> (1.38 HECTARES)
-  SWIMMING POOL REAR EXTENSION WITH PITCHED TILED ROOF
-  2 STOREY SIDE EXTENSION WITH PITCHED TILED ROOF
-  SINGLE STOREY EXTENSION WITH FLAT ROOF AND  ABOVE
-  REMOVE PITCHED TILED ROOF AND REPLACE WITH FLAT ROOF & BALCONY @ 1ST FLOOR LEVEL



# BLOCK PLAN



ReQuestAPlan

Map number: RRU6548200983891

Title: 39A KNIGHTSBRIDGE ROAD, MESSINGHAM, NORTH LINCOLNSHIRE, DN17 3RA

Map Produced for: MRS GEZ PARKES

OS Licence number: 057530987276

Date of Purchase: 26-03-2020

1 Years subscription from 26-03-2020 for 1 workstation.

**KEY:**

- Resident Parking x 3 spaces
- Swim Teachers x 2 spaces
- Swim People x 11 spaces
- Passing Point
- \*\*Note: we have extended the drive to allow for this passing point\*\***
- Not designated parking. Can be used for emergency x 2 spaces

**IMAGE 1**

**IMAGE 2**

**IMAGE 3**

**IMAGE 4**

**IMAGE 5**

Page 255

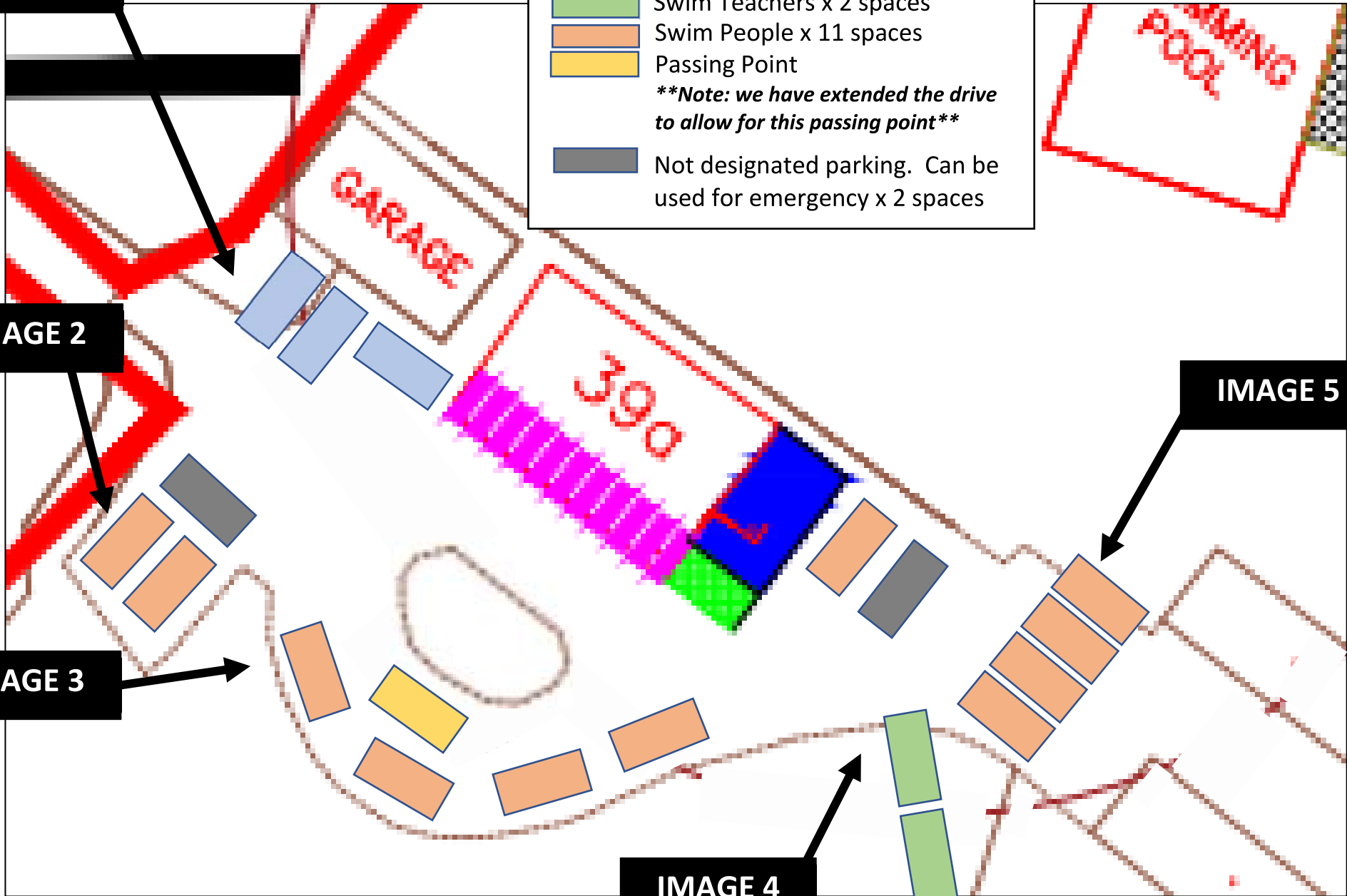




IMAGE 1



IMAGE 2



IMAGE 3



**IMAGE 4**



**IMAGE 5**

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<b>APPLICATION NO</b>	<b>PA/2022/1208</b>
<b>APPLICANT</b>	Mr & Mrs D Kaye
<b>DEVELOPMENT</b>	Planning permission to erect a two-storey rear extension and make alterations to provide additional accommodation
<b>LOCATION</b>	Southdale, Cross Lane, Alkborough, DN15 9JL
<b>PARISH</b>	Alkborough
<b>WARD</b>	Burton upon Stather and Winterton
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Ralph Ogg – significant public interest) Objection by Alkborough and Walcot Parish Council

## **POLICIES**

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

**North Lincolnshire Local Plan:** Policies DS1, DS5, DS16, T2, T19 and HE2 apply.

**North Lincolnshire Core Strategy:** Policies CS1, CS2, CS5, CS6 and CS19 apply.

**Supplementary Planning Guidance:** Alkborough conservation area appraisal, supplementary planning guidance, conservation area map and townscape analysis.

## **CONSULTATIONS**

**Highways:** No objection or comments.

**LLFA Drainage:** No objection or comments.

**HER (Conservation):** Object to the proposals. The proposed extension and alterations to Southdale negatively impact on the character and appearance of this building which has been identified as a building of townscape merit in the Alkborough Conservation Area Appraisal.

## **PARISH COUNCIL**

Object to the proposed development on the grounds of there being too much glass on the rear elevation of the property which creates overlooking and the alterations are out of character for a property of this age and one of interest within the conservation area.

## **PUBLICITY**

Advertised by site and press notice. Two letters of objection have been received raising the following issues:

- visually intrusive
- the extension will be visible and prominent from neighbouring properties and gardens
- the use of glass is unnecessary
- the upper windows could be designed more sympathetically to fit in with the character and appearance of the house
- impact on neighbouring properties
- it would set an undesirable precedent for future development of this type
- issue with the Party Wall Act
- overbearing impact
- the footprint of the property will be increased by almost 75% and will appear overbearing and visually prominent
- the development will be at odds with the dwelling, neighbouring dwellings and the conservation area
- there is a tree within falling distance of the proposed development and a tree report should be submitted
- the building would be unrecognisable as a Building of Townscape Merit.

Five letters of support have also been received making the following comments:

- the building has been in disrepair for many years
- much needed repairs are required and welcomed
- the development will not impact on residential amenity or privacy
- it would be a good marriage between modern development and the old building
- the glass gable is charming, elegant, visually attractive and a modern addition
- no qualms about being overlooked
- not highly visible from the public highway
- it is an extension reflecting modern living standards
- it will improve the local environment.

## **ASSESSMENT**

The application site consists of a semi-detached, two-storey dwelling within the defined settlement boundary and conservation area for Alkborough. It is constructed from stone with a red pantile roof, and a modern addition to the rear with a bay window and UPVC



fittings. To the rear roof slope is a dormer window which occupies the majority of the width of the roof slope and is finished externally in UPVC. The dwelling has a large rear garden with a detached garage and a low wall stone wall to the side, with a vehicular access from Cross Lane. Planning permission is sought to erect two-storey and single-storey extensions to the rear together with the removal of the dormer window (to be replaced with rooflights), install replacement timber windows and paint the front door black to the principal elevation, and erect a fence on top of the existing stone wall to the side with a new sliding gate across the vehicular access. This is a resubmission of planning application PA/2021/2085 which was withdrawn on 28 January 2022: that application proposed a two-storey extension to the rear and a loft conversion.

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

### **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 Alkborough, within a conservation area.

### **Impact on the dwelling/conservation area**

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.

It is proposed to erect a single and two-storey extension to the rear of this semi-detached property to provide a kitchen and family room at ground floor and a master bedroom with en-suite at first floor. The extension measures 10.525 metres by 6 metres, with a ridge height of 7.25 metres. It will extend across the majority of the rear elevation of the dwelling and will be inset from the eastern elevation by a distance of 0.6 metres. This results in the extension (with a depth of 6 metres) being visible from the public highway to the south-east, this being a gap of 11.25 metres between the applicant's house and the neighbouring property to the east.

No issues are raised in relation to the inclusion of the fencing above the existing wall as this will allow the stone wall to remain visually predominant in the street scene and it will be of a height which is consistent with existing walls and built form adjacent to the highway footpath in the Alkborough conservation area. No issues are raised in relation to the installation of a retractable gate across the vehicle access to the side of the dwelling, and the reinstatement of the timber sash windows, stone cills, the painting of the front door and the replacement timber surround to the front door, together with the removal of the dormer window to the rear roof slope are welcomed in visual amenity terms and ensure these aspects of the development proposals will preserve the character and appearance of the conservation area.

The extensions are proposed to the rear of the dwelling (where its built form will be screened from view to some extent); however, based on the size of the extensions proposed, it is accepted they represent a significant addition to an existing dwelling within the conservation area. In addition, this house is identified as a building of townscape merit within the Alkborough Conservation Area Appraisal. These are buildings which are considered to contribute positively to the character of the conservation area and as these buildings are an important part of the conservation area the council will pay special attention to applications for alterations and extensions, such as in the case here. In their consultation response the Conservation Officer raises concerns over the extension representing a large, modern addition which encompasses most of the rear elevation of the building and therefore changes the character of this historic building and detracts from its historic character and appearance.

In the opinion of the local planning authority, the proposed extensions, by virtue of their scale, size and mass, dominate the rear elevation of the dwelling and are modern in their appearance, with a significant amount of glazing and a large feature window. In addition, it has a large ground-floor footprint of 60 square metres, which is comparable to the entire ground-floor footprint of the existing dwelling. It is accepted there are examples of an extension with a more modern appearance/design having been successfully incorporated into the conservation area; however, the size, scale and design of this extension is not considered to be sympathetic to the character of this building of townscape merit, nor to the character and appearance of the wider conservation area.

In terms of justifying the proposal, the applicant has submitted a heritage statement, which states the materials are to differ from the stone-facing dwelling and by using render it will enable the extension to be easily distinguishable from the original dwelling and to lessen the impact on the surrounding area. The plans do show the inclusion of some design detailing which pays homage to the appearance of the existing dwelling, such as the stone on the east-facing elevation of the ground-floor extension and the brick quoin along the edges of the extensions. However, the remainder of the extension is shown with colour render which, when considered together with the large upper-floor glazed window and the size of the extension, is considered to result in a form of built development which is at odds with the character and appearance of this building of townscape merit and the Alkborough conservation area. To this end, it is considered the applicant has failed to provide clear and convincing justification for the scale, size and appearance of the extension in relation to its position within the conservation area and the heritage asset, and on this basis it is recommended the extensions are scaled back and redesigned to have a more traditional and sympathetic character, appearance and size. Also, there are other design revisions for the applicant to consider such as the substitution of the UPVC door and window proposed in the eastern elevation of the extension and existing house which are highly visible within the street scene and conservation area. The Alkborough Supplementary Planning Guidance (SPG) states the use of material other than timber is unacceptable for windows, doors and conservatories in conservation areas.

At paragraph 203 the NPPF confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The proposal will result in harm to a dwelling identified as a building of townscape merit, a non-designated heritage asset. However, the proposed development is within and will impact upon the character and setting of the Alkborough conservation area, which is a designated heritage asset. The existing dwelling

is of traditional design and proportions and, given its relative low eaves height, it contributes to the rhythm of existing built development in this part of the conservation area.

This part of the conservation area is characterised by dwellings built up to the edge of the highway footpath, with a mix of external materials (including render, stone and brick) and pantile roofs, with occasional gaps between dwellings for either pedestrian or vehicular access. Its existing height and scale is commensurate with the dwellings along both sides of Cross Lane (with the exception of two 1970's dwellings on the opposite side). The size, scale and design of the extensions are not considered to be in keeping with the character of this building of townscape merit nor to the character and appearance of the wider conservation area. They would result in a visually dominant and bulky addition to the rear aspect of the dwelling and do not constitute a sympathetic form of built development.

To conclude, it is considered the proposed extensions (in terms of their scale, height, size, design and materials) will have a significant impact upon the character and appearance of this building of townscape merit and the conservation area and that harm is not outweighed by the applicant's desire to extend their dwelling or modernise its appearance. The proposal is thus considered to be contrary to paragraph 203 of the NPPF, and policies HE2 of the North Lincolnshire Local Plan and CS6 of the adopted Core Strategy, as it fails to preserve or enhance the character and appearance of the conservation area and proposes materials which are not considered appropriate to the locality.

### **Residential amenity**

The plans show the extensions will protrude from the rear elevation of the dwelling at a distance of 6 metres. This is consistent with the depth of the modern single-storey extension attached to the rear wall of the adjoining dwelling to the west (Thorntwaite). By virtue of the extension protruding off the rear wall to a similar depth, the proposed extensions are not considered to result in loss of light through the effects of overshadowing or having an overbearing impact. All of the upper floor windows proposed in the two-storey extension (including the feature window) will have an outlook onto the applicant's rear garden and would afford a similar outlook as that from the existing upper-floor windows. The proposed extensions are therefore not considered to give rise to issues associated with overlooking of neighbouring gardens over and above the existing situation. The plans show the extension would be constructed up to the party boundary with the adjoining property. It is the applicant's responsibility to ensure that all foundations and rainwater goods arising from the erection of the extensions are wholly on land within their ownership.

There is a tree in the neighbouring garden to the north-west, which is afforded protection on account of it being located within a conservation area. The issues raised by the objector in relation to the position of this tree and its proximity to the extensions are noted; however, it is considered there is sufficient separation distance between the extension and the tree to ensure it is clear of both its root protection area and canopy. To this end, it is considered an arboricultural report is not required in this case.

It is considered the proposed extensions (in terms of their scale, height, size, design and materials) will have a significant impact upon the character and appearance of this building of townscape merit and the conservation area, and that harm is not outweighed by the applicant's desire to extend their dwelling or modernise its appearance. The proposal is thus considered to be contrary to paragraph 203 of the NPPF, and policies HE2 of the North Lincolnshire Local Plan and CS6 of the adopted Core Strategy, as it fails to preserve or enhance the character and appearance of the conservation area and proposes materials

which are not considered appropriate to the locality. The application is therefore recommended for refusal.

### **Other matters**

Policies CS19 (Flood Risk) and DS16 (Flood Risk) seek to ensure that suitable drainage strategies are secured for developments. The site is within SFRA Flood Zone 1, which is an area considered to be at a low risk of flooding. The LLFA Drainage Team has raised no objections or comments to the proposed development. The proposals are therefore acceptable in flood risk and drainage terms and accord with policies CS19 and DS16.

Policies T2 (Access to Development) and T19 (Car Parking Provision and Standards) require that proposals do not adversely impact upon highway safety and provide suitable parking for the development. The council's Highways team has reviewed the proposals and confirmed they have no objections. The proposals are therefore acceptable in terms of the proposed access and parking arrangements and accord with policies T2 and T19.

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

1.

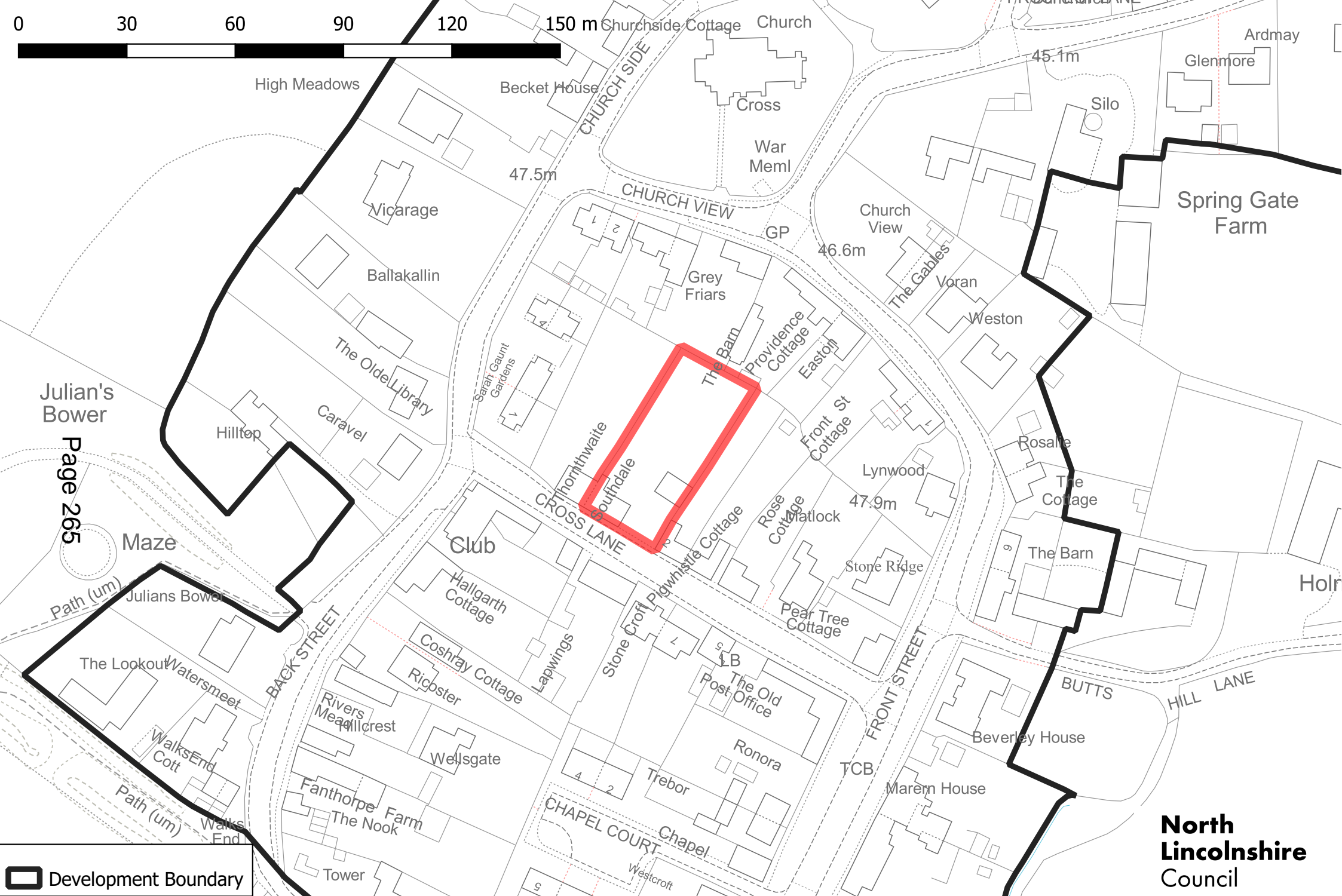
The existing dwelling is identified as a building of townscape merit and it is considered that no clear and convincing justification has been provided to demonstrate whether the benefits of the development proposals outweigh the harm and significance to this non-designated heritage asset. Accordingly, the proposal is considered to be contrary to policies HE2 of the North Lincolnshire Local Plan, CS6 of the adopted Core Strategy, paragraph 203 of the National Planning Policy Framework and the Alkborough Conservation Area SPG (2005).

2.

The proposed replacement extensions, by virtue of their height, scale, mass and design, are considered to result in a visually dominant form of built development that results in the rear elevation of the dwelling becoming subsumed and it represents an unsympathetic and disjointed addition to the dwelling which interrupts the existing rhythm of built development and the character of the street scene. The proposal is therefore considered to neither preserve nor enhance the character or appearance of the conservation area and is contrary to policies HE2 and DS1 of the North Lincolnshire Local Plan, CS5 and CS6 of the adopted Core Strategy, and paragraphs 194 and 195 of the National Planning Policy Framework.

### **Informative**

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



Julian's Bower  
Page 265

 Development Boundary

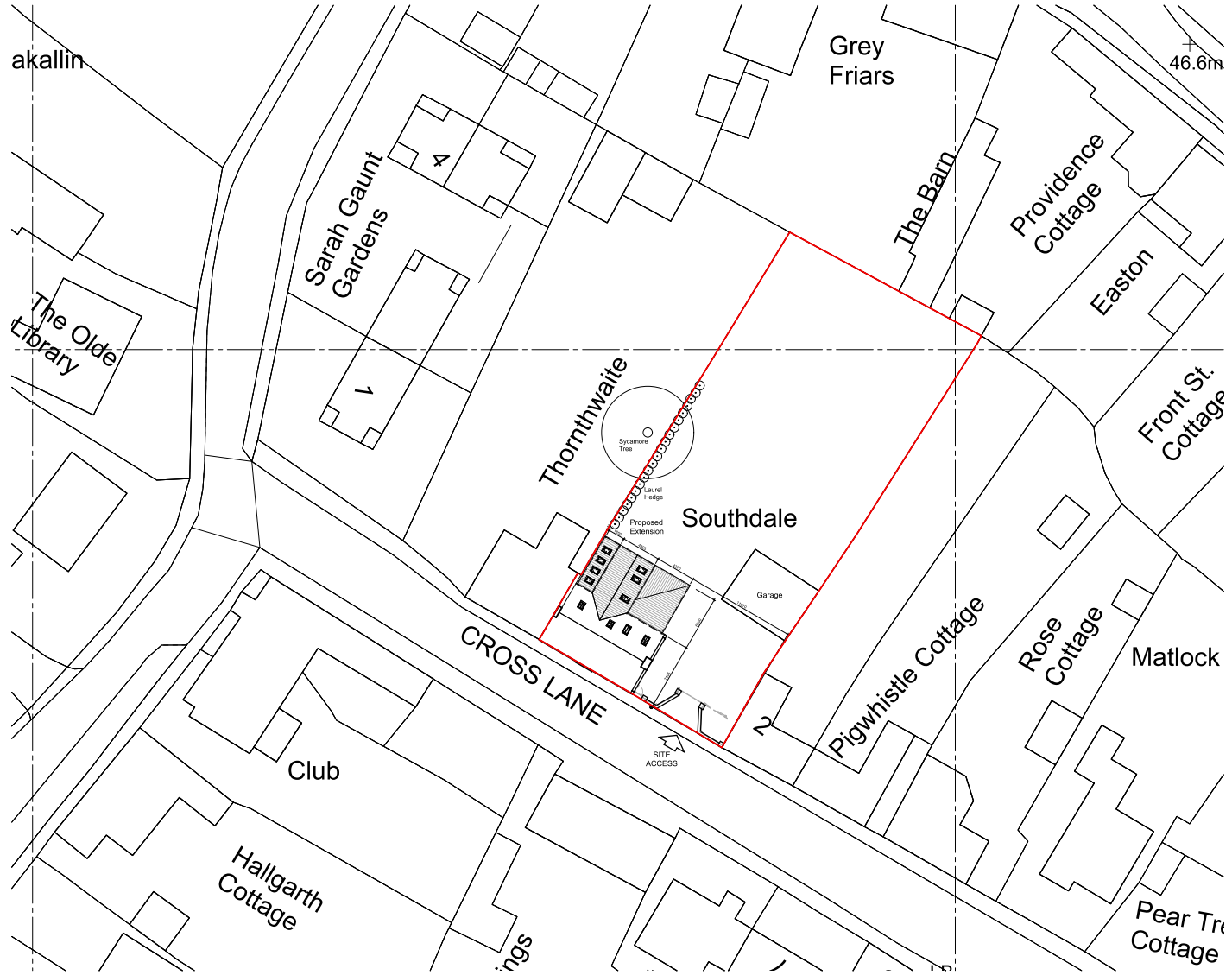
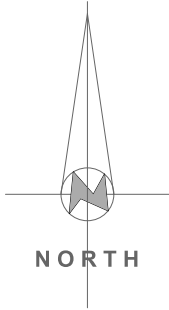
**PA/2022/1208**

**North  
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 Page 266  
 Site Layout as Proposed

**Planning Application**

**Project**  
 Extension and Alterations including Internal Re-Modelling to Provide Additional Accommodation. at Southdale, Cross Lane Alkborough

**Client**  
 Mr. and Mrs. D. Kaye

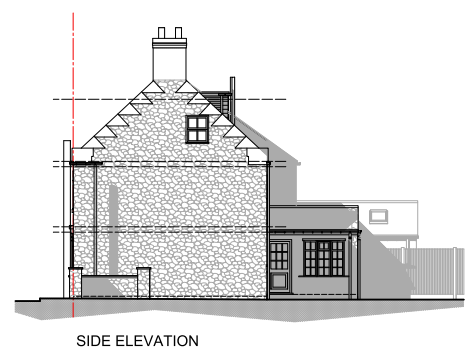
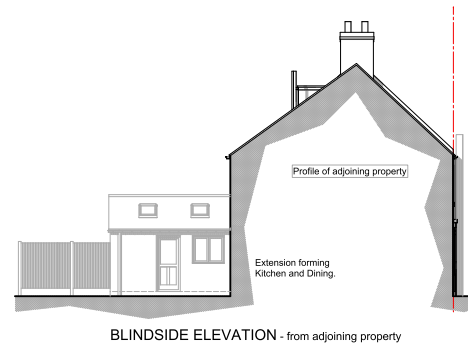
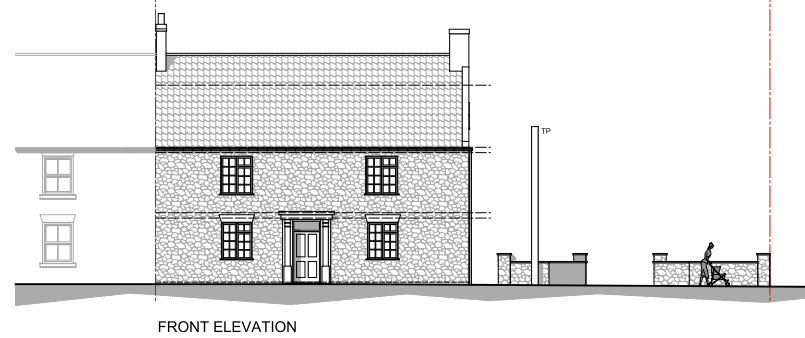
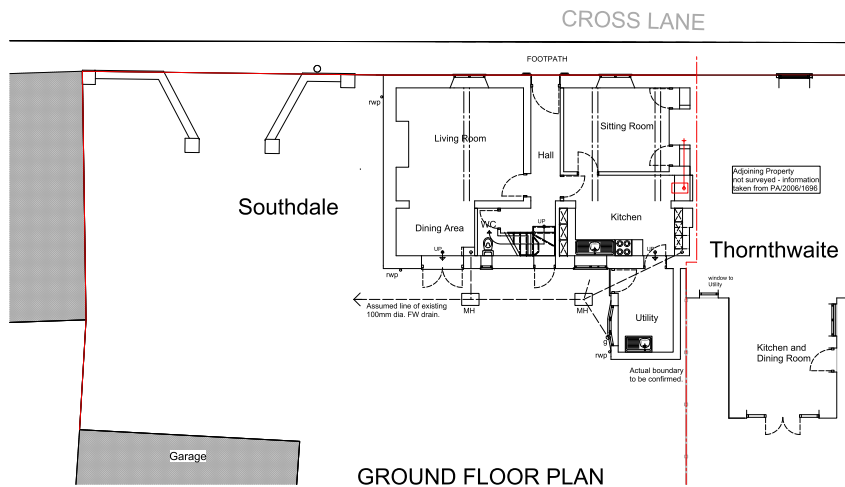
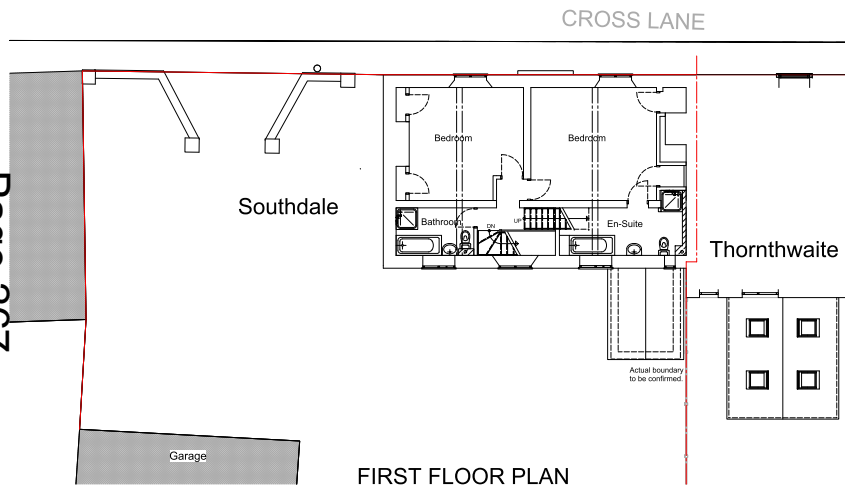
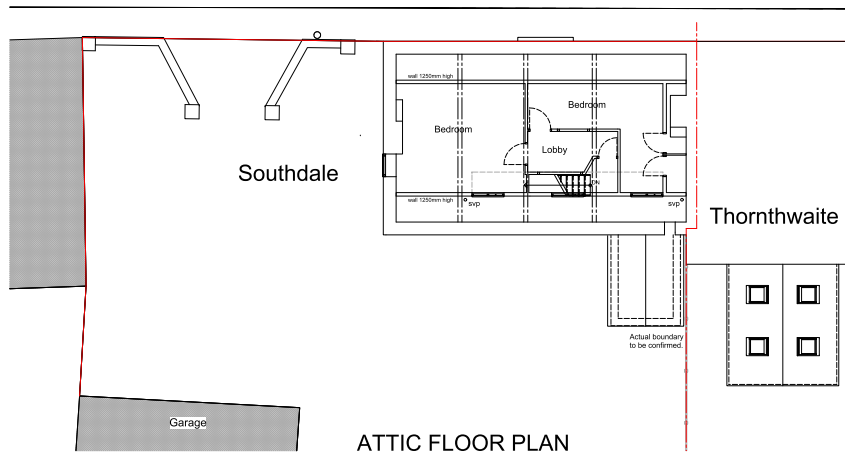
**ADS** Architectural Design Services (Scunthorpe) Ltd  
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Date	June 2022
Scale	1:500 @ A3
Drawn	A. Cheffings
Drawing Nr.	Revision

1395.09 -

# PA/2022/1208 Existing plans & elevations (not to scale)

Dwelling as Existing - Floor Plans  
Page 267



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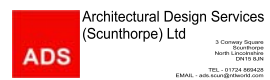


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## Planning Application

Project  
Extension and Alterations including Internal Re-Modelling to Provide Additional Accommodation, at Southdale, Cross Lane Alkborough

Client  
Mr. and Mrs. D. Kaye



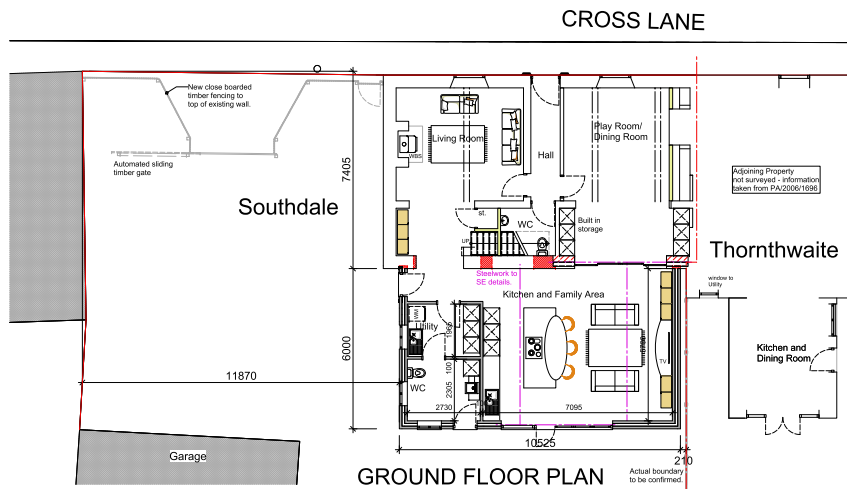
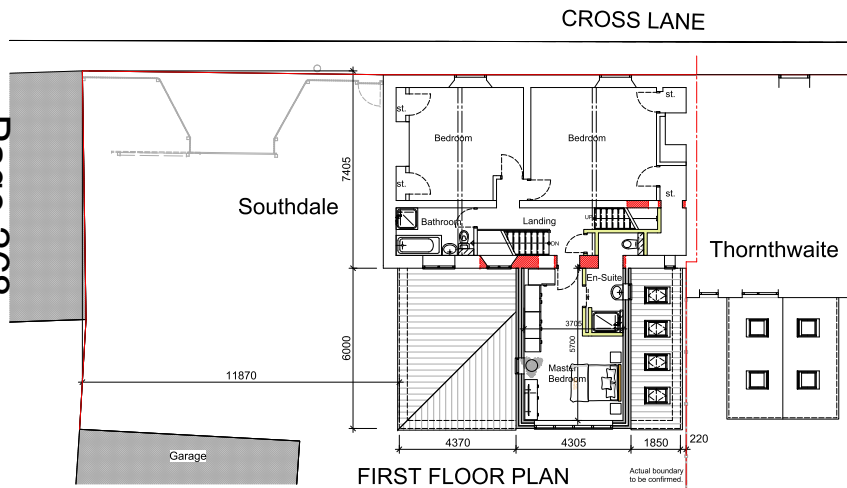
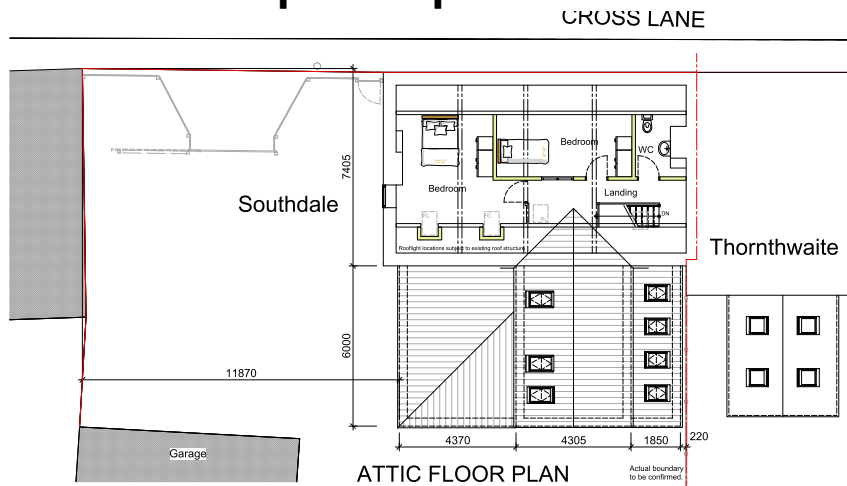
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Drawn: A. Chiffings

Drawing No: 1395.06

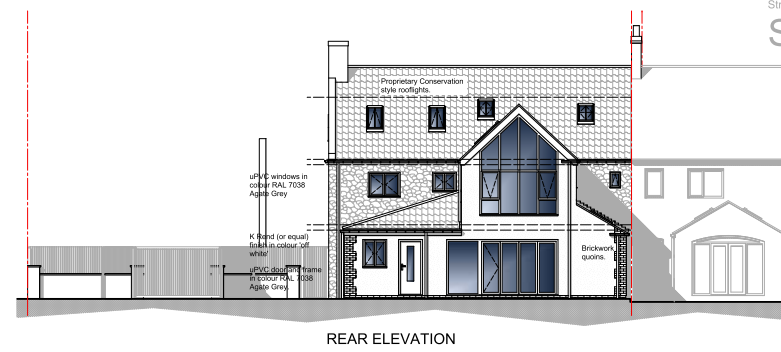
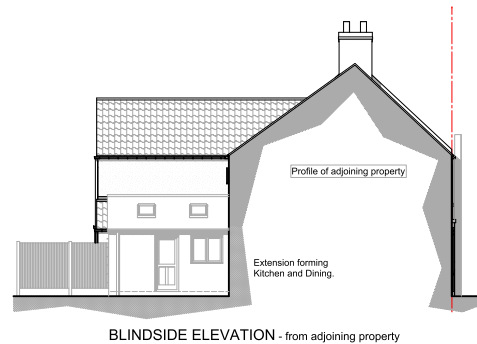
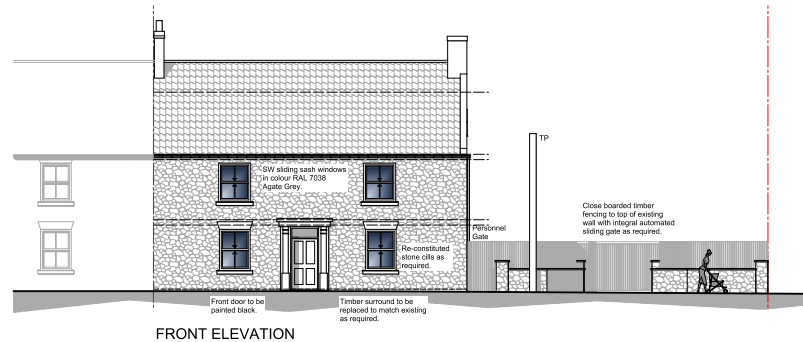
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# PA/2022/1208 Proposed plans & elevations (not to scale)

Dwelling as Proposed - Floor Plans  
Page 268



Dwelling as Proposed - Elevations



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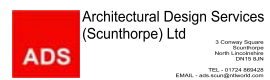
Revision	Date



## Planning Application

Project  
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**Mr. and Mrs. D. Kaye**



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