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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

5 October 2022

Chairman: Councillor Nigel John
Sherwood

Venue: Church Square House,
High Street,
Scunthorpe

Time: 2.00 pm

E-Mail Address:
tanya.davies@northlincs.gov.uk

AGENDA

1. Substitutions
2. Declarations of Disclosable Pecuniary Interests and Personal or Personal and Prejudicial Interests, significant contact with applicants, objectors or third parties (Lobbying) and Whipping Arrangements (if any). (Pages 1 - 2)
3. To take the minutes of the meetings held on 3 August 2022 and 24 August 2022 as a correct record and authorise the chairman to sign. (Pages 3 - 18)
4. Applications deferred from previous meetings for a site visit. (Pages 19 - 20)
 - (a) 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 21 - 32)
5. Major Planning Applications. (Pages 33 - 34)
 - (a) PA/2021/1359 Planning permission to construct a 10MW solar farm with associated access, landscaping and infrastructure at Winterton Solar Farm, Carr Lane, Winterton, DN15 9QX (Pages 35 - 50)
 - (b) PA/2022/1293 Planning application to vary conditions 3 and 9 of planning permission PA/2019/830 to amend the end date for the development at Roxby Landfill Site at Roxby Landfill Site, Winterton Road, Roxby, DN15 0BJ (Pages 51 - 60)
6. Planning and other applications for determination by the committee. (Pages 61 - 62)

- (a) PA/2020/1458 Planning permission to erect a brick structure for the purpose of storage and distribution (B8 use class) at Sandtoft Gateway, Sandtoft Road, Westgate, Belton, DN9 1FA (Pages 63 - 74)
 - (b) PA/2021/2240 Planning permission to demolish 22 West Street and erect three three-storey terraced houses at 22 West Street, West Butterwick, DN17 3LA (Pages 75 - 92)
 - (c) PA/2022/829 Outline planning permission for two detached dwellings, with all matters reserved for subsequent consideration at Roseholme Farm, Main Street, Howsham, LN7 6JZ (Pages 93 - 106)
 - (d) PA/2022/933 Planning permission to erect a three-bedroomed one-and-a-halfstorey dwelling (including demolition of existing outbuilding) at 50-52 High Street, Epworth, DN9 1EP (Pages 107 - 128)
 - (e) PA/2022/961 Planning permission to vary condition 2 of PA/2019/996 namely to revise design to Plot 12 at Plot 12 Barnside, Hibaldstow (Pages 129 - 140)
 - (f) PA/2022/1370 Planning application to remove condition 2 of 2/0358/92/PA at Willow Farm, Wroot Road, Epworth Turbary, Epworth, DN9 1EA (Pages 141 - 146)
 - (g) PA/2022/1386 Planning permission to erect single-storey rear extensions and convert existing detached garage (including demolition of existing rear extension) at 25 School Lane, Appleby, DN15 0AL (Pages 147 - 156)
 - (h) PA/2022/1411 Planning permission to erect two one-and-a-half-storey dwellings and garage at Land east of Townside, East Halton, DN40 3PS (Pages 157 - 176)
7. Any other items, which the chairman decides are urgent, by reasons of special circumstances, which must be specified.

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

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**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: 5 October 2022

Member Name: _____

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

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

DECLARATIONS OF WHIPPING ARRANGEMENTS (SCRUTINY PANELS and relevant QUASI-JUDICIAL MEETINGS ONLY)

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

Public Document Pack Agenda Item 3

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

3 August 2022

PRESENT: - Councillor N Sherwood (Chairman)

Councillors C Ross (Vice-Chair), S Bainbridge, J Davison, M Grant, N Poole, C Sherwood and D Southern.

Councillors J Briggs, T Mitchell, J Reed and D Rose attended the meeting in accordance with Procedure 1.37(b).

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

2239 **SUBSTITUTIONS** - Councillor N Poole substituted for Councillor D Wells and Councillor C Sherwood substituted for Councillor R Hannigan.

2240 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING) AND WHIPPING ARRANGEMENTS (IF ANY)** - The following members declared that they had a personal interest in the following items –

Councillor J Briggs

Application: PA/2022/92

Nature of Interest: Member of Humberside Fire Authority and Member of the Isle of Axholme Water Management Board.

Councillor D Rose

Application: PA/2022/830

Nature of Interest: Chair - Campaign for the Protection of Rural England (North Lincolnshire) and Chair of Campaign for the Protection of Rural England (Yorkshire and Humberside)

Councillor C Sherwood

Application: PA/2022/897

The following members declared that they had been lobbied on the following applications –

Councillor S Bainbridge

Application: PA/2021/1087 and PA/2022/799

Councillor J Davison

Application: PA/2021/1087 and PA/2021/1180

Councillor M Grant

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Application: PA/2021/1180

Councillor T Mitchell
Application: PA/2022/653

Councillor J Read
Application: PA/2022/92

Councillor D Rose
Application: PA/2022/444

Councillor C Ross
Application: PA/2021/1087 and PA/2021/1180

Councillor N Sherwood
Application: PA/2021/1087 and PA/2021/1180

- 2241 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 5 JULY 2022 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN -** That the minutes of the meeting held on 5 July 2022, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.
- 2242 **MAJOR PLANNING APPLICATIONS** - The councils Development Management Lead submitted a report containing details of major applications for determination by the committee, including summaries of policy context, representations arising from consultation and publicity and assessment of the applications
- 2242a **PA/2022/774 PLANNING PERMISSION FOR CHANGE OF USE OF LAND TO PERMIT THE SITING OF STATIC CARAVANS (RESUBMISSION OF PA/2020/1949). BROOKSIDE CARAVAN PARK, STATHER ROAD, BURTON UPON STATHER, DN15 9DH** - Prior to consideration of the application, the Development Management Lead updated the committee on a proposed addition to the conditions stated in the report, concerning the static caravans.

The applicant then addressed the committee. He explained that the application was a re-submission, following the refusal of the previous application. Addressing the committees' concerns, the badger set would now be protected. Additional steps would also be implemented to mitigate additional concerns expressed by members previously.

Councillor J Davison stated that following the committee's refusal of the previous application, which the planning inspector supported, the applicant had ensured that the badger set would be protected. Therefore, the application could, in his opinion, be granted.

It was then moved by Councillor J Davison and seconded by Councillor C Ross –

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That planning permission be granted in accordance with the recommendations contained within the officer's report, subject to the inclusion of the following condition –

None of the proposed static caravans shall be brought into use until the entrance to the caravan site has been tarmacked, which shall be retained thereafter.

Reason:

To mitigate any impact from dust pollution.

2242b **PA/2022/92 PLANNING PERMISSION TO ERECT 18 DWELLINGS, GARAGES, MAPLE AVENUE, CROWLE** - Prior to consideration of the application, an objector addressed the committee. They informed the members that residents were opposed to the application as it was overbearing and against a number of planning policies. The development would generate additional noise and affect existing residents' quality of life. The new homes would tower over the bungalows, resulting in an invasion of privacy and a loss of light. The surrounding area was prone to flooding. In addition, the drainage infrastructure was insufficient. The field was used as a recreation ground by many people, which would be a great loss.

A second objector expressed their concern about the risk of flooding that the application may generate. The water table was, in the objector's opinion, higher than the figures referred to in the report. In the winter, the field indirectly became a natural flood plain. Soakaway drainage would also make things worse.

Councillor J Briggs, local ward member informed the committee that he was supporting the residents and objecting to the application. The height of the buildings were taller than existing properties, and they were out of character. The area was already prone to flooding. The officers report made no reference to the playing field of the fact there were three other sites close by that were more appropriate for this development.

Councillor J Reed, local ward member also spoke against the application, stating her concerns over the flooding implications that may arise were the application to be granted. The site had been flooded twice in the previous five years. The loss of the children's play area was also a real cause for concern.

Councillor J Davison informed the committee that he shared the reservations stated so articulately by the two objectors and local ward members. The application would result in over development, have a detrimental impact on nearby properties and be liable to flooding.

It was then moved by Councillor J Davison and seconded by Councillor C Ross –

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That the application be refused for the following reason –

1.

The proposal, by virtue of its layout, siting and design, and the overall height of the proposed dwellings, would create a cramped form of development out of character with the surrounding residential area, and would result in overlooking and an overbearing impact on adjoining properties. It is therefore contrary to policies H5, H8 and DS1 of the North Lincolnshire Local Plan; CS2, CS5 and CS7 of the Core Strategy; and paragraphs 130 and 134 of the National Planning Policy Framework.

Motion Carried

2243 **PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** - The Development Management Lead submitted a report for determination by the committee including summaries of policy context, representations arising from consultation and publicity and assessment of applications. The Head of Service updated the reports orally where appropriate. Other officers attending gave advice and answered members' questions as requested.

2244 **PA/2019/1028 LISTED BUILDING CONSENT TO REPAIR AND REFURBISH CARRIAGE HOUSE AND STABLE/DOVECOTE. LAND SOUTH OF TETLEY HALL, TETLEY, CROWLE, DN17 4HY - Resolved** – That planning permission be granted in accordance with the recommendations contained within the officer's report.

2245 **PA/2021/891 PLANNING PERMISSION TO ERECT 9 DWELLINGS WITH LANDSCAPING AND ACCESS. LAND REAR OF 9-11 TORKSEY STREET, KIRTON IN LINDSEY, DN21 4PW** - The Development Management Lead informed the committee that the applicant had respectfully requested that consideration of the application be deferred to a future meeting.

Resolved – That consideration of planning application PA/2021/891 be deferred.

2246 **PA/2021/1087 PLANNING PERMISSION TO ERECT THREE DWELLING HOUSES AND THREE DETACHED SINGLE GARAGES WITH ASSOCIATED LANDSCAPING (INCLUDING DEMOLITION OF EXISTING OUTBUILDINGS). DONDOREEN, MARSH LANE, BARTON UPON HUMBER, DN18 5HF** - Prior to consideration of the application, an objector addressed the committee. They informed members that the original application was for two dwellings, yet this application was for three. The height of the dwellings would infringe on the existing road kerb and were too close to the highway. There were already too many properties on the road and were not in keeping with a street consisting of bungalows.

The applicant informed the committee that his application had been considered by numerous planning officers, who had inferred that the application met all planning requirements for approval. The application was

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well designed, with each dwelling having sufficient space for a garden. The dwellings were north-east facing and would have no impact on the light of the existing properties. The development would improve the area and there were no flood risk concerns. There were no objections from the Highways Authority and the street scene was like many other areas of Barton.

Councillor J Davison expressed his concerns that the access road was inadequate for the development.

Resolved – That the planning application be refused in accordance with the recommendations contained within the officer’s report.

- 2247 **PA/2021/1180 OUTLINE PLANNING PERMISSION TO ERECT FIVE DWELLINGS WITH ALL MATTERS RESERVED FOR SUBSEQUENT CONSIDERATION AND DEMOLITION OF EXISTING DWELLING. 18 MANOR ROAD, BOTTESFORD, DN16 3PA** - Prior to consideration of the application, local ward member Councillor J Longcake addressed the committee. The application would have a detrimental effect on the community. There would be an increase in the number of cars along Manor Road, which was an already busy road. The local surface water drainage infrastructure could not cope with this development.

Councillor J Davison was concerned that the development was close to the junior school. He believed that a site visit would assist members in their deliberations.

It was then moved by Councillor J Davison and seconded by Councillor C Ross –

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

Motion Carried

- 2248 **PA/2021/1224 PLANNING PERMISSION TO ERECT THREE BUNGALOWS. 28 DONCASTER ROAD, WESTWOODSIDE, DN9 2EA** - **Resolved** – That planning permission be granted in accordance with the recommendations contained within the officer’s recommendations.

- 2249 **PA/2022/653 OUTLINE PLANNING PERMISSION TO ERECT A DWELLING WITH ALL MATTERS RESERVED FOR SUBSEQUENT CONSIDERATION. LAND OFF BELSHAW LANE, BELTON** - Prior to consideration of the application, the applicant’s agent addressed the committee. He informed members that there were no objections to the application from any of the statutory consultees. The National Planning Policy Framework supported the application. The applicant had submitted a statement of need. Additional information requested by the planning authority had also been submitted. However, that information had not been published on the council’s planning portal or referred to in the planning officers report. The applicant and his parents would live at the site. The likelihood of any

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theft occurring at the site would be reduced were the applicant living on site.

Councillor T Mitchell, local ward member spoke in support of the application. This application was, in his opinion, essential to the site and to the local economy. The applicant needed to live on the farm. An agricultural condition could be attached to the application if that would alleviate members concerns.

Councillor Ross acknowledged that the development site was outside of the development boundary. However, it was an agricultural site. An agricultural condition attached to the licence would, in her opinion, be appropriate.

It was then moved by Councillor C Ross and seconded by Councillor C Sherwood –

That the application be granted, subject to the inclusion of the following conditions and reasons –

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

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

Reason

Permission is granted only after taking account of the particular business needs involved and therefore as an exception to policies CS3 of the North Lincolnshire Core Strategy and RD2 of the North Lincolnshire Local Plan.

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

7.

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

Part 1: Site Characteristics

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

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

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

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

This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance October 2020.

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be

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produced, and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of Unexpected Contamination

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

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

Reason

To ensure the site is safe for future users and construction workers in accordance with policy DS7 of the North Lincolnshire Local Plan.

Motion Carried

2250 **PA/2022/765 PLANNING PERMISSION TO MAKE ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING TO CREATE ADDITIONAL ACCOMMODATION, INCLUDING GROUND-FLOOR ANNEXE. 25 NORTH STREET, OWSTON FERRY, DN9 1RT - Resolved** – That planning permission be granted in accordance with the recommendations contained within the officer’s report.

2251 **PA/2022/799 PLANNING PERMISSION TO ERECT A TWO-STOREY REAR EXTENSION TO THE DWELLING AND A TWO-STOREY DOUBLE GARAGE, AND CARRY OUT INTERNAL ALTERATIONS AND ASSOCIATED WORKS (INCLUDING THE DEMOLITION OF THE EXISTING OUTBUILDINGS). 57 MAIN STREET, SAXBY ALL SAINTS, BRIGG, DN20 0PZ** - Prior to consideration of the item, an objector addressed the committee and informed members that he was a concerned local resident who lived very close to the site. The village was in a conservation area and the proposed application was, in his opinion, not in keeping with similar properties in the village. The application should be reduced to single storey. There was concern that the development would eventually become an annex which would set a precedent for the village.

The applicant’s agent also addressed the committee. He suggested that the garage was in keeping with neighbouring properties that had been previously granted planning permission. The applicant had listened to the concerns of local residents and revised the scheme to alleviate their concerns, particularly around the size of the dwelling and the positioning of windows. The applicant had also worked closely with the council’s conservation team to ensure the application was in keeping with the village. There would be no adverse impact on trees and a condition could be attached to the notice restricting the

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use of the development.

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

- 2252 **PA/2022/830 PLANNING PERMISSION FOR EXTENSIONS AND ALTERATIONS, INCLUDING INCREASE IN HEIGHT OF THE PROPERTY, GABLE DORMERS TO THE FRONT, LINK BUILDING AND TWO-STOREY SIDE EXTENSION, AND OTHER ASSOCIATED WORKS. 9 PARK DRIVE, WESTWOODSIDE, HAXEY, DN9 2AW** - Prior to consideration of the item, Councillor J Davison suggested that in order to understand the impact the application may have on the site, members may benefit from a site visit.

It was then moved by Councillor J Davison and seconded by Councillor C Ross –

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

Motion Carried

- 2253 **PA/2022/897 PLANNING PERMISSION TO ERECT A DWELLING. LAND WEST OF SHERWOOD HOUSE, THE HILL, WORLABY, DN20 0NP** - **Resolved** – That planning permission be granted in accordance with the recommendations contained within the officer’s report.

- 2254 **APPLICATIONS FOR APPROVAL OF RESERVED MATTERS FOLLOWING THE GRANT OF OUTLINE PERMISSION FOR DETERMINATION BY THE COMMITTEE** - The Development Management Lead circulated a report that informed the committee about applications for approval of reserved matters which were ready for determination.

- 2255 **PA/2022/444 APPLICATION FOR APPROVAL OF RESERVED MATTERS (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) PURSUANT TO OUTLINE PLANNING PERMISSION PA/2019/1779 DATED 12/03/2020 FOR ONE DWELLING. NEWBIGG, WESTWOODSIDE, DN9 2AT** - Prior to consideration of the item, Councillor J Davison suggested that in order to understand the impact the application may have on the site, members may benefit from a site visit.

It was then moved by Councillor J Davison and seconded by Councillor C Ross –

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

Motion Carried

- 2256 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE**

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SPECIFIED - There were no urgent items for consideration at the meeting.

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

24 August 2022

PRESENT: - Councillor N Sherwood (Chairman)

Councillors C Ross (Vice Chairman), S Bainbridge, J Davison, M Grant, C Sherwood, D Southern and E Marper

Councillor L Foster, R Waltham MBE and S Wilson attended the meeting in accordance with Procedure Rule 1.37(b).

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

2257 **SUBSTITUTIONS** - Councillor E Marper substituted for Councillor D Wells and Councillor C Sherwood substituted for Councillor R Hannigan.

2258 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING) AND WHIPPING ARRANGEMENTS (IF ANY)** - The following members declared that they had been lobbied –

Councillor S Bainbridge
Application: PA/2022/754

Councillor M Grant
Application: PA/2022/754

Councillor N Sherwood
Application PA/2022/754

2259 **MAJOR PLANNING APPLICATIONS** - The Development Management Lead submitted a report containing the details of a major application for determination by the committee, including summaries of policy context, representations arising from consultation and publicity and assessment of the applications.

2259a **PLANNING PERMISSION TO ERECT A TWO-STOREY BUILDING CONSISTING OF 20 AFFORDABLE HOMES (INCLUDING DEMOLITION OF EXISTING PUBLIC HOUSE) ON LAND AT 29 GLOUCESTER AVENUE, SCUNTHORPE, DN16 2EA** - Prior to consideration of the application, the council's Development Management Lead informed the committee that the local authority Ecologist had respectfully requested that, were members minded to grant the application, attach two conditions to the decision notice on bio-diversity.

The current licensee at the premises spoke against the application. She

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stated that the application was not actually for 29 Gloucester Avenue. No flats and/or houses could be built on the site due to legal restrictions that were in place. The public house was listed by the council as an Asset Community Value. The premises was at the heart of the local community and integral to its identity. The premises was an iconic music venue in North Lincolnshire, but more importantly it generated much needed income for the local community. A petition opposing this planning application had more than one thousand signatures.

A second objector stated that as a young person, the venue was iconic and incredibly important as an independent music venue. Such venues were few and far in between and should be maintained, not demolished. The venue supported many musicians, both locally and nationally and it would be a travesty were it to be lost from the music scene.

A representative of the applicant attended the meeting. He stated that the developer had no intention to destroy a thriving public house. It had a strong reputation of working alongside companies to help them thrive. However, in the case of the Lincoln Imp, the business was failing with the likelihood of the business being able to become successful being unlikely. Affordable housing was an issue in any every town and city in the county, with Scunthorpe being no exception. The application was desperately needed in the area and would be of huge benefit to the community. The developer would not close any thriving public house. But the Lincoln Imp was failing. Evidence clearly demonstrated that. The public house had been up for sale/lease for a long time, with little or no interest in the premises. The developer was a huge advocate of mental health charities, and this application would assist those individuals/families who were suffering.

The Chairman read out a letter against the planning application from the local Member of Parliament for Scunthorpe, Holly Mumby-Croft, who was concerned about the loss of an asset that was integral to the community and its identity. The application, were it granted, would adversely affect the street scene and, as a result, should be refused.

The Chairman also read out a letter from music venue Trust. They were unequivocal in their opposition to the closure of the Lincoln Imp due to its importance to the music scene in Scunthorpe and further afield.

Councillor R Waltham MBE attended the meeting and spoke against the application. He stated that the council had held positive discussions with the brewery Admiral Taverns over the long-term viability of the Lincoln Imp. A business case for the premises to remain open had been made and should be allowed to be implemented. There was undoubtedly a need for affordable housing in North Lincolnshire. However, it must be developed on the right site. There were several brownfield sites that were more appropriate for this application. The Lincoln Imp was an integral community asset and should be allowed to continue to trade.

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Councillor S Wilson, local ward member believed that the application for affordable housing was a great concept, however, it was completely the wrong location for the development. Lincoln Gardens was in desperate need of more community facilities, not the loss of them.

Councillor L Foster believed that the planning application was simply about profit. He believed that this site was not an appropriate location for such a development.

Councillor J Davison stated that he would support any planning application for affordable housing, so long as it situated in an appropriate location. The public house was making a small profit. Therefore, it was a successful business. The Lincoln Imp was also an important community facility. The loss of such a facility would have a detrimental effect on the local community.

Councillor C Sherwood stressed how important the facility was to not only the local community, but North Lincolnshire and further afield.

Councillor S Bainbridge referred to the importance of the venue. Very rarely do young people attend meetings of the committee and it was even more unusual for a young person to address the members and speak against an application. This was evidence of how important the public house was to musicians and supporters of live music. The development would be overbearing and would result in the site being over developed.

Councillor M Grant was disappointed that the developer did not attend the meeting and explain to the committee why the Lincoln Imp should close.

It was then moved by Councillor J Davison and seconded by Councillor C Sherwood –

That the planning application be refused for the following reasons –

1.
The proposed development would result in the unacceptable loss of The Lincoln Imp public house which is a valued community facility. There is insufficient justification for the demolition of The Lincoln Imp and the proposals for housing are not considered to outweigh this loss. Therefore, the proposed development would be contrary to policy CS22 of the North Lincolnshire Core Strategy and paragraph 92 of the NPPF.

2.
The proposals would result in insufficient provision of private amenity open space for the future occupiers of the proposed units. Therefore, the proposals are contrary to policy H5 of the North Lincolnshire Local Plan.

Motion Carried

2260 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE**

PLANNING COMMITTEE
24 August 2022

SPECIFIED - There were no urgent items for consideration at the meeting.

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: AL/JMC/Planning committee 5 October 2022.docx
Date: 26 September 2022

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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APPLICATION NO	PA/2022/1208
APPLICANT	Mr & Mrs D Kaye
DEVELOPMENT	Planning permission to erect a two-storey rear extension and make alterations to provide additional accommodation
LOCATION	Southdale, Cross Lane, Alkborough, DN15 9JL
PARISH	Alkborough
WARD	Burton upon Stather and Winterton
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Ralph Ogg – significant public interest)

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

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

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 ensuite 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.

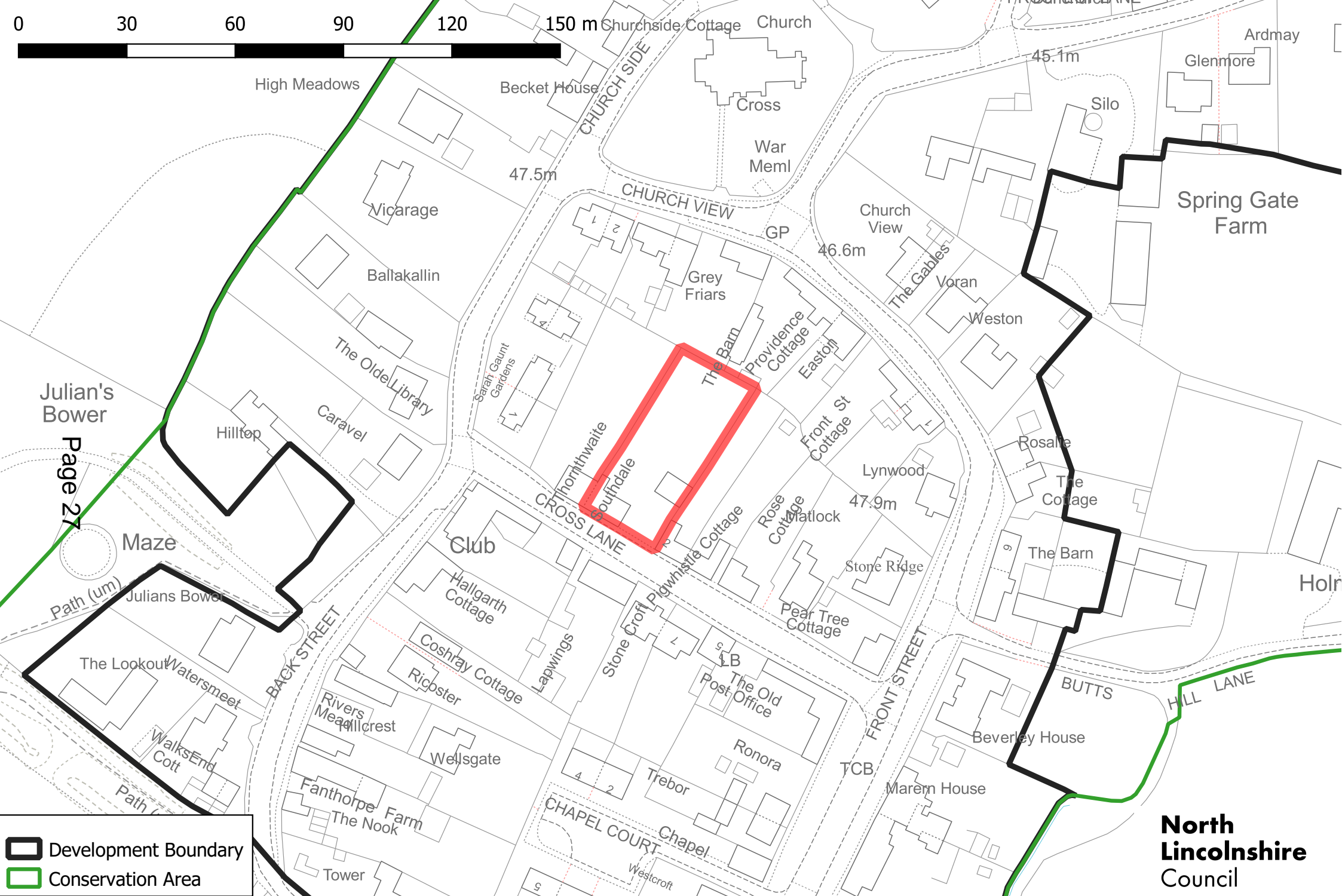
The existing dwelling is identified as a building of townscape merit and it is considered that no clear and convincing justification has been provided to demonstrate whether the benefits of the development proposals outweigh the harm and significance to this non-designated heritage asset. Accordingly, 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.



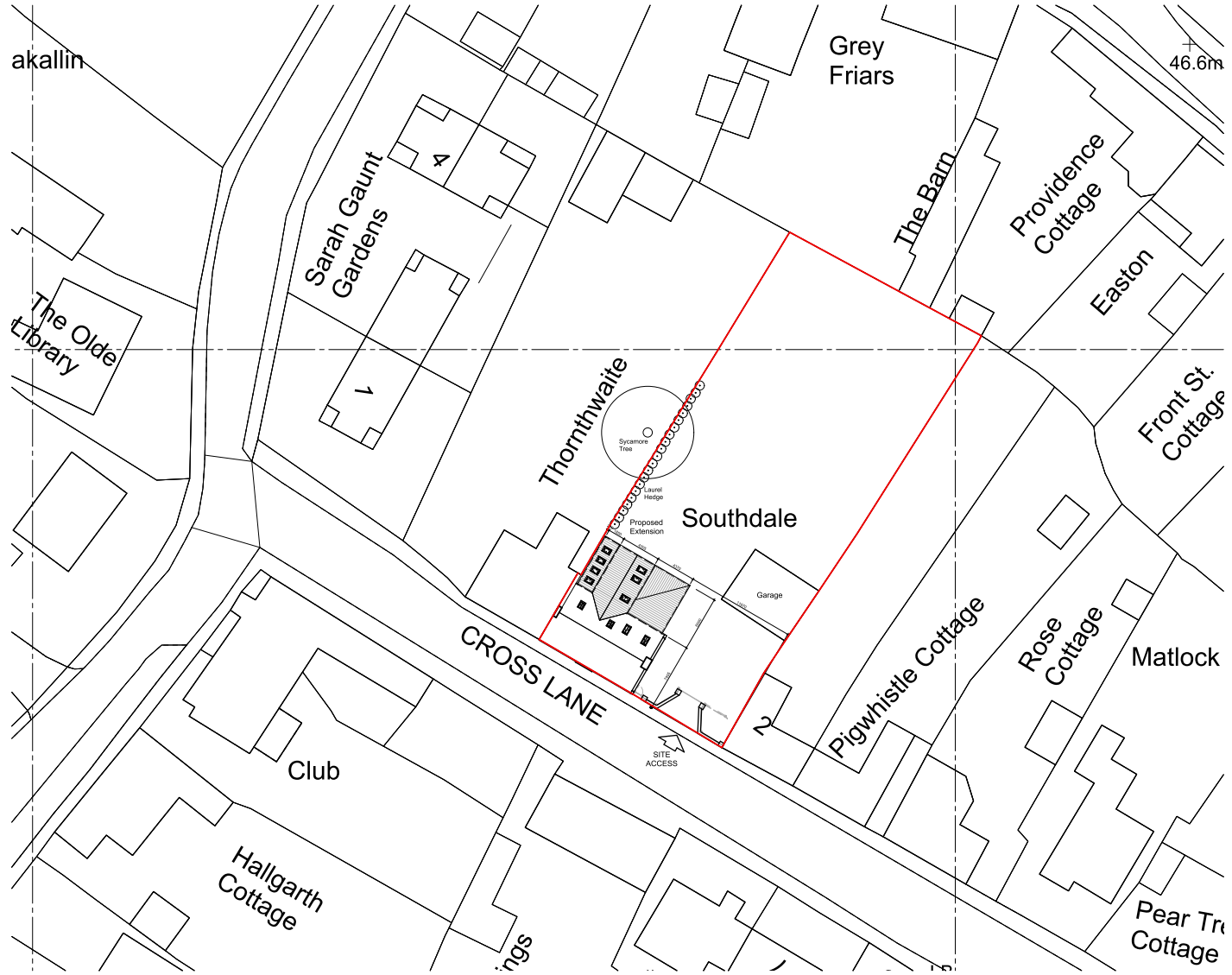
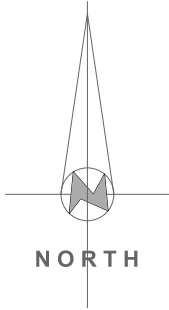
Julian's Bower
Page 27

- Development Boundary
- Conservation Area

**North
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Council**

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Revision	Date



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
 3 Conway Square
 Scunthorpe
 North Lincolnshire
 DN15 6JN
 TEL - 01724 869428
 EMAIL - ads.scun@btworld.com

Date	June 2022
Scale	1:500 @ A3
Drawn	A. Cheffings
Drawing Nr.	Revision

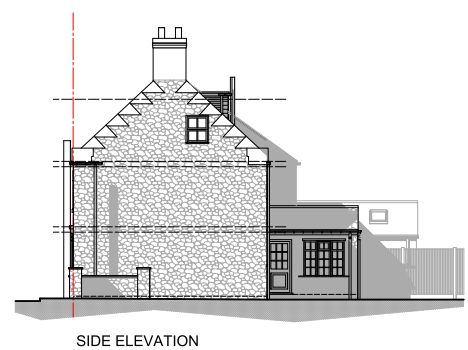
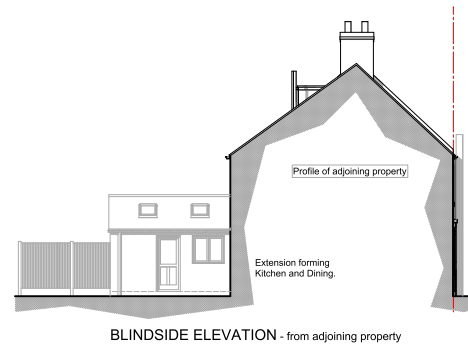
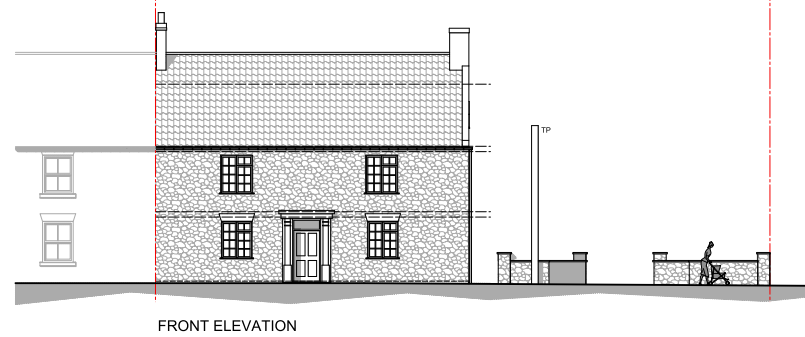
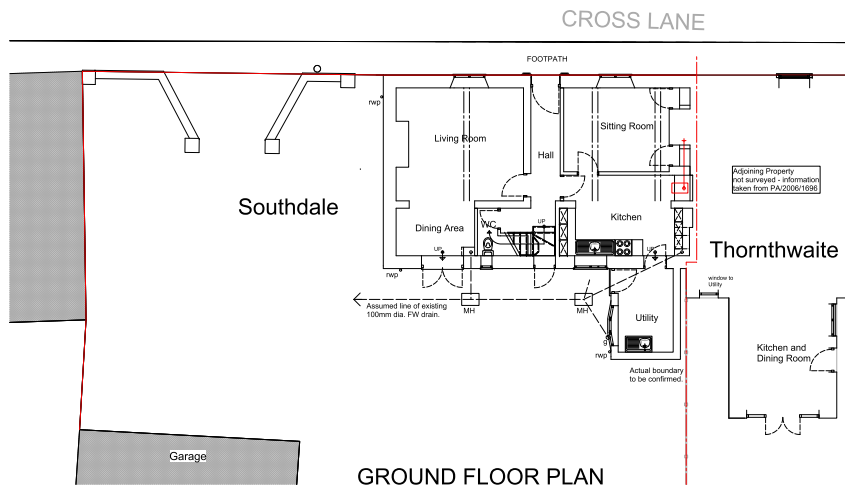
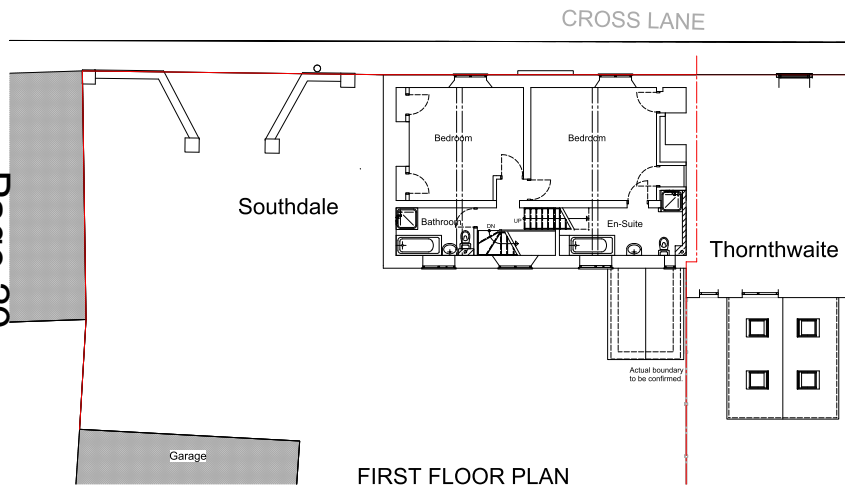
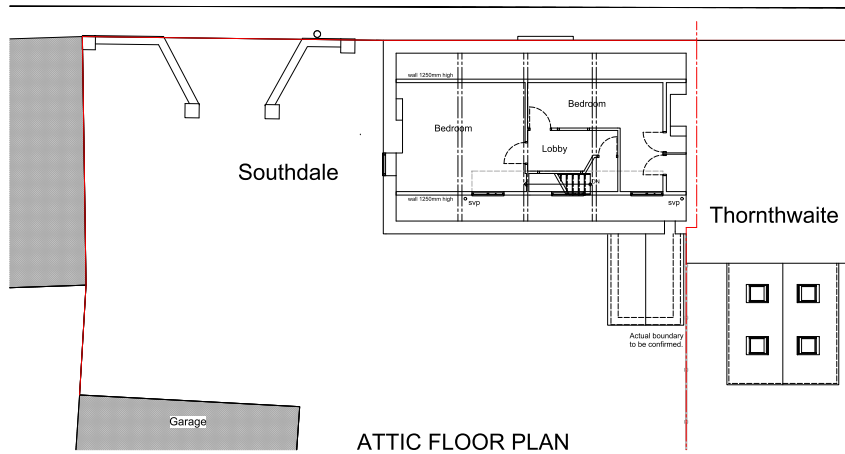
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 Page 28
 Site Layout as Proposed

PA/2022/1208 Existing plans & elevations (not to scale)

Dwelling as Existing - Floor Plans

Dwelling as Existing - Elevations



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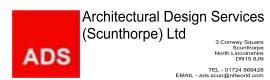
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Planning Application

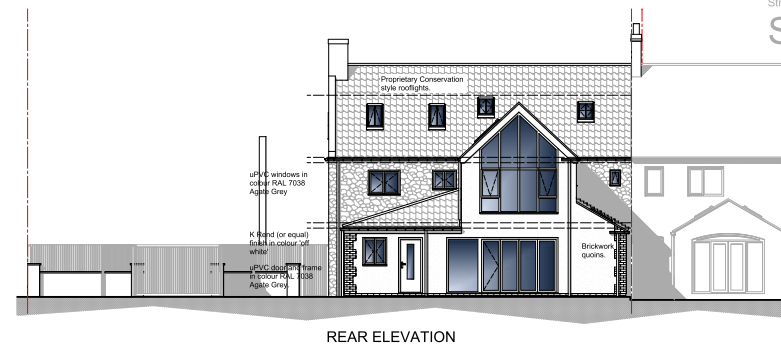
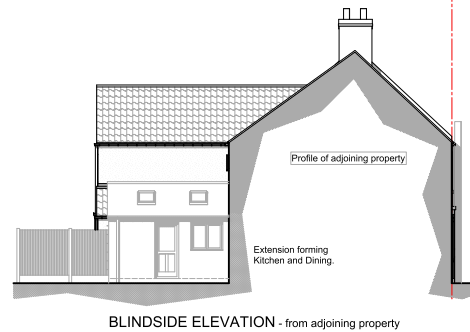
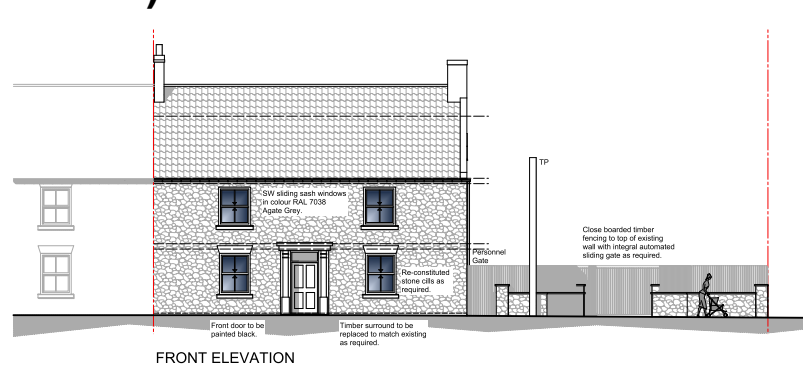
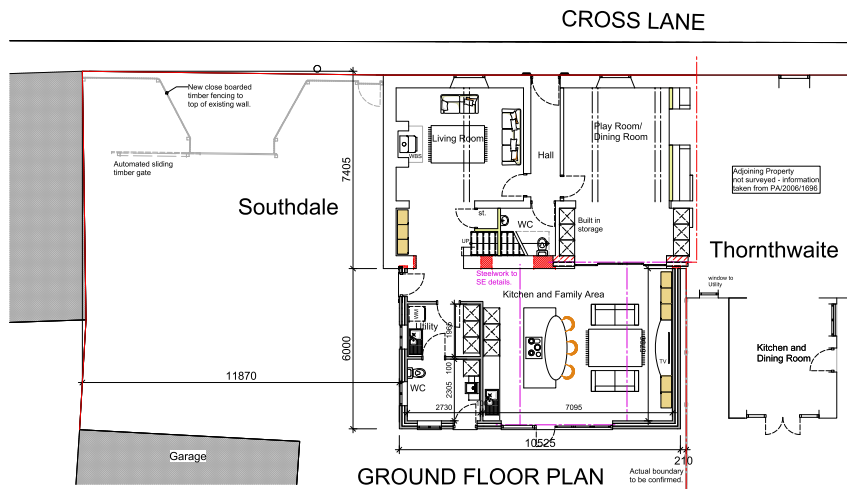
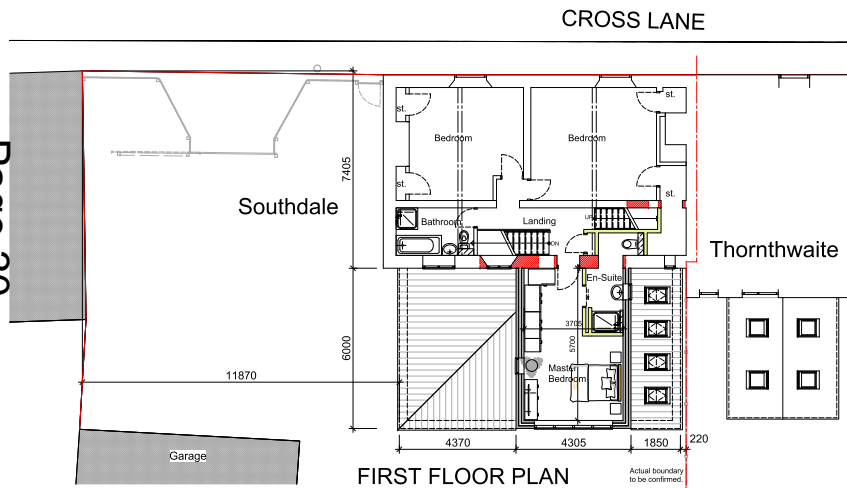
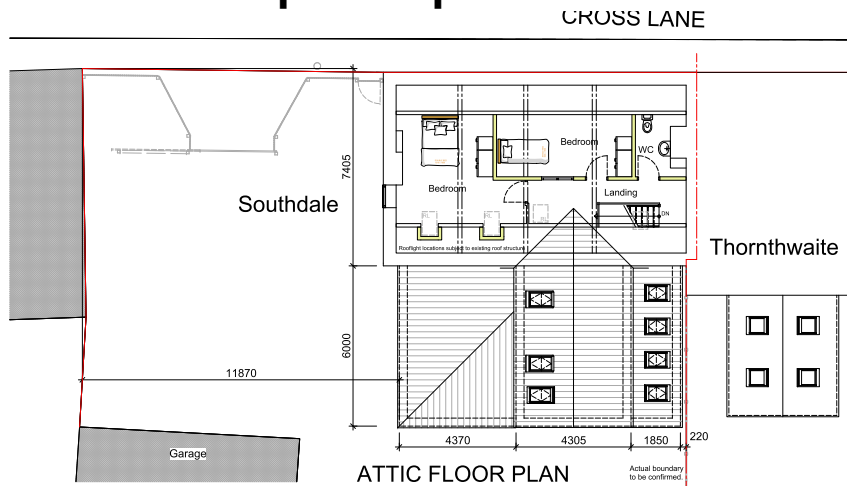
Project
Extension and Alterations including Internal Re-Modelling to Provide Additional Accommodation, at Southdale, Cross Lane Alkborough
Client
Mr. and Mrs. D. Kaye



Date: June 2022
Scale: 1:100 and 1:1250 @ A1
Drawn: A. Chiffings
Drawing No: **1395.06**
Revision: -

PA/2022/1208 Proposed plans & elevations (not to scale)

Dwelling as Proposed - Floor Plans
Page 30



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Revision	Date



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Site Location

Planning Application

Project
Extension and Alterations including Internal Re-Modelling to Provide Additional Accommodation, at Southdale, Cross Lane Alkborough

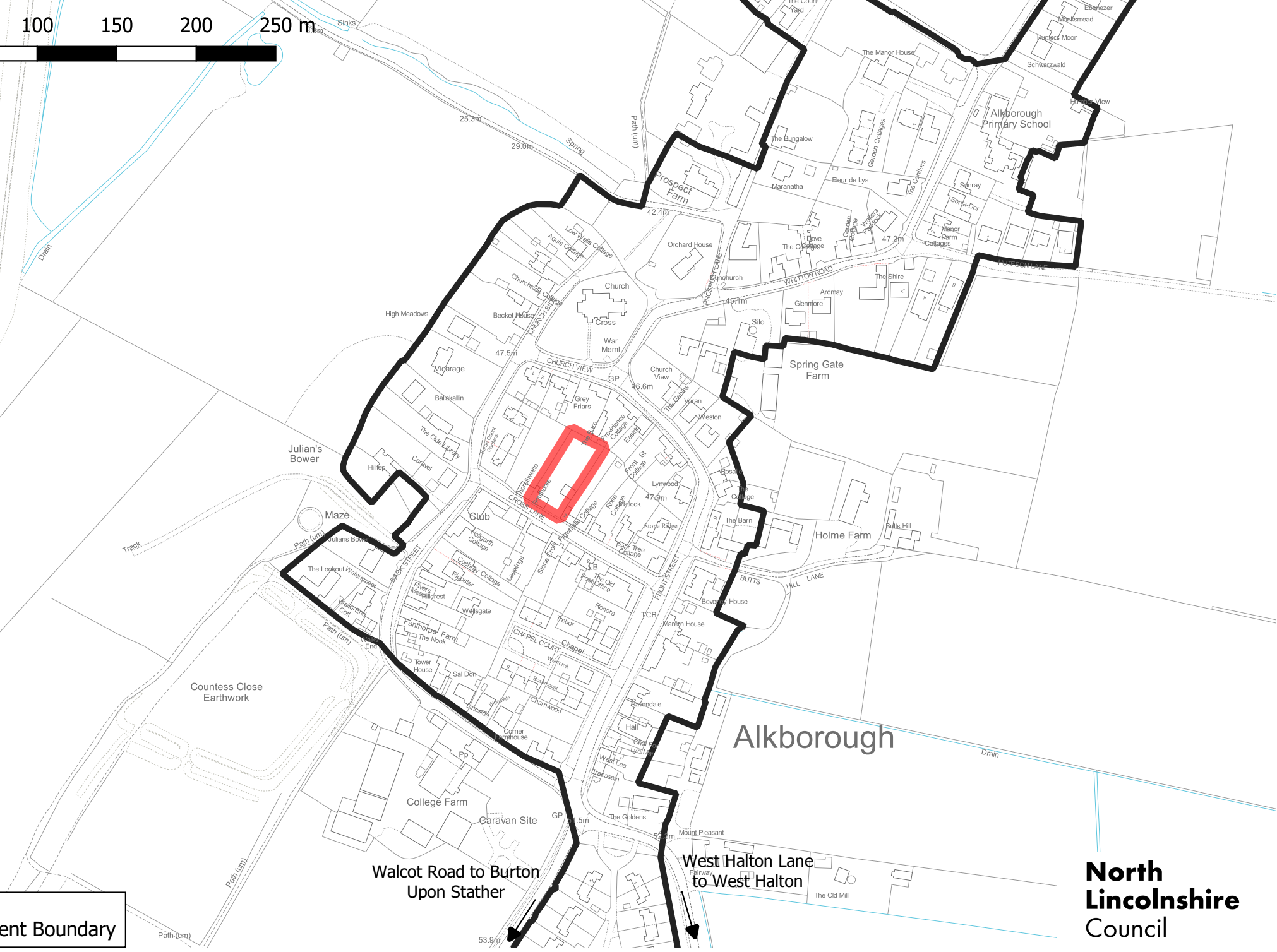
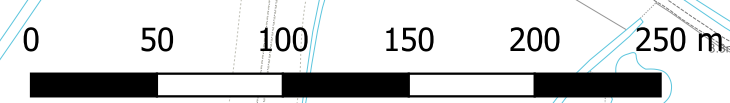
Client
Mr. and Mrs. D. Kaye

ADS Architectural Design Services (Scunthorpe) Ltd

Date: June 2022
Scale: 1:100 and 1:1250 @ A1
Drawn: A. Chiffings

Drawing No:
1395.07

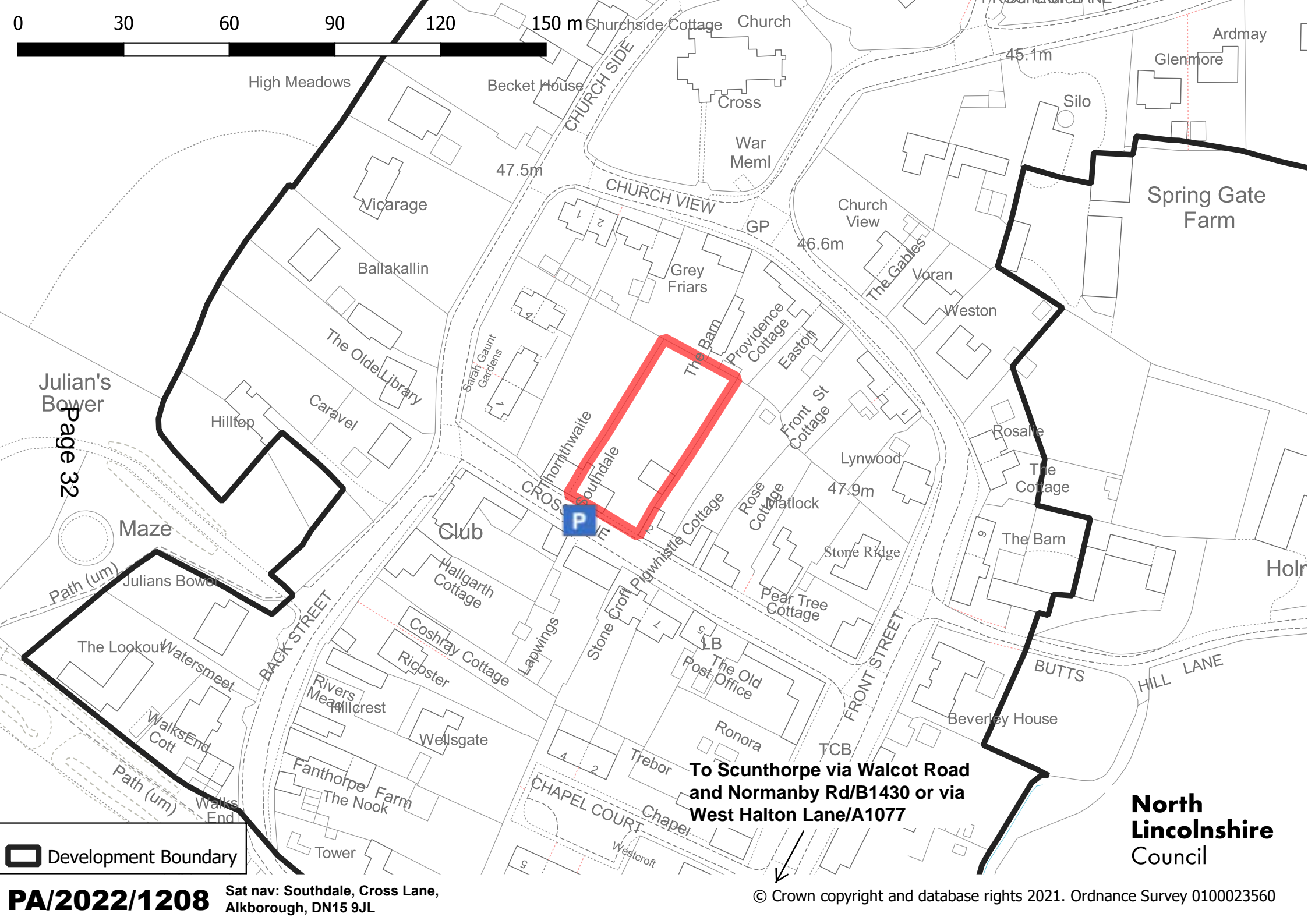
Revision



Development Boundary

PA/2022/1208

**North
Lincolnshire
Council**



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 Development Boundary

PA/2022/1208

Sat nav: Southdale, Cross Lane, Alkborough, DN15 9JL

To Scunthorpe via Walcot Road and Normanby Rd/B1430 or via West Halton Lane/A1077

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North Lincolnshire Council

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: AL/JMC/Planning committee 5 October 2022.docx

Date: 26 September 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.)

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APPLICATION NO	PA/2021/1359
APPLICANT	Anesco Limited
DEVELOPMENT	Planning permission to construct a 10MW solar farm with associated access, landscaping and infrastructure
LOCATION	Winterton Solar Farm, Carr Lane, Winterton, DN15 9QX
PARISH	Winterton
WARD	Burton upon Stather and Winterton
CASE OFFICER	Rebecca Leggott
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Rob Waltham – significant public interest)

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

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

Chapter 15: Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

IN1: Industrial Development Location and Uses

RD2: Development in the Open Countryside

RD7: Agriculture, Forestry and Farm Diversification

T1: Location of Development

T2: Access to Development

T19: Car Parking Provision and Standards

LC5: Species Protection

LC6: Habitat Creation

LC7: Landscape Protection

LC12: Protection of Trees, Woodland and Hedgerows

DS1: General Requirements

DS7: Contaminated Land

DS11: Polluting Activities

DS12: Light Pollution

DS14: Foul Sewage and Surface Water Drainage

DS16: Flood Risk

DS21: Renewable Energy

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

CS11: Provision and Distribution of Employment Land

CS16: North Lincolnshire's Landscape, Greenspace and Waterscape

CS17: Biodiversity

CS18: Sustainable Resource Use and Climate Change

CS19: Flood Risk

CS25: Sustainable Transport

CONSULTATIONS

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

Environment Agency:

18/08/2021: Objects to the proposed development due to insufficient information.

10/01/2022: No objections subject to the conditioning of the Flood Risk Assessment.

LLFA Drainage: No objections subject to a number of standard conditions.

Anglian Water: No comments.

Environmental Protection: No objections subject to a number of standard conditions relating to contaminated land and construction.

HER (Archaeology): No objections subject to a number of standard conditions, including a pre-commencement condition requiring a written scheme of investigation.

Ecology:

18/08/2021: Objects to the proposed development due to the lack of a wintering bird survey and conflict with the potential AONB extension.

20/09/2022: No objections subject to conditions relating to biodiversity net gain.

Natural England:

20.01.22: Objection due to the lack of surveys and a Habitat Regulations assessment.

19.05.22: Objection due to insufficient information.

15.08.2021: Objection due to insufficient information.

26.08.21: No objections. Following the submission of additional survey works and a completed Habitat Regulations Assessment, Natural England consider the additional information to be acceptable.

Ministry of Defence: No objections.

NATS Safeguarding: No objections.

RSPB: Objects to the proposed development due to the potential impacts on the Humber Estuary SPA and its associated bird species. Further bird surveys are required.

Lincolnshire Wildlife Trust: Objects to the proposed development due to lack of information. Further bird surveys are required.

TOWN COUNCIL

No objections to this application.

PUBLICITY

A site notice has been displayed – no comments received.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been provided.

ASSESSMENT

Planning history

PA/SCR/2021/3: EIA screening opinion relating to the creation of a new solar farm – not EIA development 28/06/2021.

Site characteristics

The application site is outside the defined development limits of Winterton within the open countryside. It is within Flood Zone 2/3 (a) Tidal (North and Northeast Lincolnshire SFRA 2011). The site is within open fields and from a site visit is currently used as an agricultural field.

Proposal

Planning permission is sought to construct a 10MW solar farm with associated access, landscaping and infrastructure.

The main issues in the determination of this application are:

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

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 CS1 sets out the overarching spatial strategy for North Lincolnshire. It states that, in the countryside, '...support will be given to development that promotes rural economic

diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings. Tourism development will also be supported, in particular the development of green tourism making the most of the area's important natural and built environments.'

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

Policy DS21 states, 'Proposals for the generation of energy from renewable resources will be permitted provided that:

- (i) any detrimental effect on features and interests of acknowledged importance, including local character and amenity, is outweighed by environmental benefits; and
- (ii) proposals include details of associated developments including access roads and other ancillary buildings and their likely impact upon the environment.

Where appropriate, conditions will be imposed requiring the restoration of the site to its original condition or the implementation of an agreed scheme of after-use and restoration.'

Paragraph 158 of the NPPF states, '...local planning authorities should: not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;...'

Having considered the above, the proposed development is for the generation of renewable energy and therefore the proposals are acceptable in principle subject an assessment of the technical elements of the proposal which will be discussed below.

Design and impact on the character and form of the area

Policy CS5 of the CS is relevant. This 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 LC7 of the LP is relevant. This states, 'Where development is permitted within rural settlements or within the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted.'

The application site is an open parcel of land located some distance down the single-track road Carr Lane. This parcel of land is set away from any settlement with limited views of the site from public vantage points with the exception of those from the highway, Carr Lane.

The comments from the council's ecologist regarding the potential impacts on the landscape have been noted. Following discussions with the planning agent additional information and landscaping has been provided.

Whilst the proposals would have some negative impacts on the character and appearance of the open countryside, on balance, these are limited by the proposed landscaping and screening around the site. It should be noted that the heights of the boundary treatments can reasonably be conditioned to further ensure the application site is well screened.

Overall, the proposed development is considered to be acceptable in terms of its impact on the character and appearance of the area and as such the proposals would be in accordance with policies LC7, RD2, DS1 and DS21 of the LP, policies CS2 and CS5 of the CS, and paragraph 130 of the NPPF.

Impact on residential amenity

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

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

Environmental Protection do not raise any objections in respect of amenity subject to conditions relating to a construction management plan and working hours.

Having had regard to the design, siting and scale of the proposed development, it is not considered that the proposals would have any impacts on residential amenity.

Therefore, the proposed development is considered acceptable in respect of residential amenity and accords with policy DS1 of the LP.

Impact on highways

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 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 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.

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

Having regard to the above, it is considered that the proposals would be acceptable in terms of highway safety and would accord with policies T1, T2, and T19 of the LP, and CS19 and CS25 of the CS.

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 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 1 of the North Lincolnshire Strategic Flood Risk Assessment. It is noted that a Flood Risk Assessment has been submitted with the application.

Comments have been sought from the LLFA, Anglian Water and the EA. Following the submission of additional information by way of a Flood Risk Assessment, no objections remain from the relevant consultees.

Having regard to the above, the proposals are acceptable in respect of flood risk and drainage. Therefore, the proposal is considered to be in accordance with policies DS16 of the North Lincolnshire Local Plan, CS19 of the Core Strategy, and paragraphs 166 and 167 of the NPPF.

Contamination and environmental issues

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

Paragraph 183 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.

Paragraph 185 of the NPPF states that decisions should ensure that decisions take information account potential sensitivities of the site.

Comments have been sought from the Environmental Protection team who have raised no objections to the proposed development subject to a condition relating to unexpected contamination and a construction environmental management plan. These conditions are considered to be acceptable.

Having had regard to the above, the proposals are acceptable in respect of contamination and environmental issues. Therefore, the proposals would be in accordance with policy LC2 of the LP and paragraphs 183 of the NPPF.

Impact on ecology

Policy LC2 of the LP is relevant and states that proposals likely to affect Sites of Special Scientific Interest will be subject to special scrutiny. Particular regard should be paid to the site's significance and damage to the asset should be kept to a minimum.

Policy CS17 of the NLC CS is relevant and relates to the council promoting effective stewardship of North Lincolnshire's wildlife. This includes the requirement for development to produce a net gain of biodiversity.

Paragraph 174(d) of the NPPF expresses support for 'minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.' However, it is also noted that paragraph 174(f) of the NPPF is relevant in respect of contaminated land. This expresses support for 'remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.'

Paragraph 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.

Comments have been sought from Natural England and the council's ecologist. In summary, following the receipt of a wintering bird survey and additional information relating to a Habitat Regulations Assessment, Natural England have raised no objections to the proposed development. Furthermore, all points raised by the council's ecologist have now been addressed.

A condition requiring a detailed scheme of biodiversity enhancements is considered necessary to ensure that biodiversity net gain is achieved on site.

Having regard to the above, it is considered that sufficient information has been provided and the proposals would be acceptable in terms of protected species, conservation and biodiversity net gain. Therefore, the proposals would be in accordance with policies LC2 of the LP, CS17 of the CS, and paragraphs 174 and 180 of the NPPF.

Conclusion

Planning permission is sought to construct a 10MW solar farm with associated access, landscaping and infrastructure. The application is acceptable in all aspects: in principle, design and impact on the character and form of the area, impact on residential amenity, impact on highways, flood risk and drainage, contamination and environmental issues, and impact on ecology. The attached conditions are outlined within this report and any pre-commencement conditions 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:

- SITE LAYOUT PL - C0002447_02 F
- SINGLE LINE DIAGRAM - C0002447_03 C
- LOCATION PLAN - C0002447_04 C
- BLOCK PLAN - C0002447_05 C
- TYPICAL CABLE LADDER DETAILS - C0002447_08 B
- TYPICAL FENCE DETAIL - C0002447_09 B
- LV SUBSTATION ELEVATIONS - C0002447_10 B
- TYPICAL SECTION AND REAR ELEVATION OF RAISED ARRAY - C0002447_11 A
- Fig. 11: Landscape Management Plan - P21-0851_11B
- Fig 9a: Illustrative Masterplan - P21_0851_09a
- DNO AND CUSTOMER SUBSTATION ELEVATIONS - C0002447_06 D.

Reason

For the avoidance of doubt.

3.

The development shall be carried out in accordance with the submitted flood risk assessment (December 2021/Flood Risk Assessment Technical Addendum/SLR Consulting Ltd). In particular, any critical equipment required to remain operational or undamaged in case of flooding shall be situated at a minimum of 3.257m AOD to ensure that any disruption caused by flooding is kept to a minimum.

Reason

To reduce the risk of flooding to the proposed development.

4.

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

- (i) measures to ensure the preservation by record of archaeological features of identified importance within the footprint of the development
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts

- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories such as North Lincolnshire Museum and the ADS digital archive
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise harm; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

5.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least seven days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise harm; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

6.

The development shall not be operational until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved written scheme of investigation, and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise harm; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

7.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise harm; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

8.

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 upon the submitted Drainage Strategy, prepared for: Anesco LTD, SLR Ref: 410.05075.00105 Version No: 01 July 2021. The detailed design must incorporate appropriate measures to mitigate against erosion/increased run-off below the solar arrays and provision of cut-off drainage on the appropriate boundaries.

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

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan,

policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 155, 157, 163 and 165 of the National Planning Policy Framework.

9.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 8 above, completed prior to the occupation of the site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

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

10.

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

Reason

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

11.

Works and biodiversity enhancements shall be carried out strictly in accordance with section 6.1.1 of the submitted Ecological Impact Assessment dated July 2021. Prior to the operation of the photovoltaic panels, the applicant or their successor in title shall submit a report to the local planning authority providing evidence of compliance with the Ecological Impact Assessment.

Reason

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

12.

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:

- (i) prescriptions for the maintenance, planting and aftercare of native hedgerows of high biodiversity value;
- (ii) prescriptions for the creation and management of species-rich grassland, including:
 - (a) soil survey results;

- (b) details of UK origin wildflower and grass mixes to be used, comprising perennial neutral grassland species naturally occurring in North Lincolnshire plant communities;
 - (c) prescriptions for the ongoing management of grassland to maintain and enhance species diversity;
 - (d) monitoring proposals and remedial measures that may be triggered by monitoring;
- (iii) prescriptions for the management of ditches and drains;
 - (iv) details of how the measures proposed will provide at least 10% biodiversity net gain in accordance with the Defra biodiversity metric 3.0;
 - (v) proposed timings for the above works in relation to the completion of the solar farm.

Reason

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

13.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. In the third year of operation of the solar farm, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

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

Informative 1

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

Informative 2

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

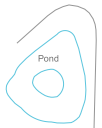
Informative 3

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

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Oakwood Lodge



Winterton Carrs

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Winterton Carrs

**North
Lincolnshire
Council**

APPLICATION NO	PA/2022/1293
APPLICANT	Miss Mary Tappenden, Biffa
DEVELOPMENT	Planning application to vary conditions 3 and 9 of planning permission PA/2019/830 to amend the end date for the development at Roxby Landfill Site
LOCATION	Roxby Landfill Site, Winterton Road, Roxby, DN15 0BJ
PARISH	Burton upon Stather
WARD	Burton upon Stather and Winterton
CASE OFFICER	Jess Hill
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Elaine Marper, Helen Rowson and Ralph Ogg – significant public interest) Significant public interest Objection by Burton upon Stather Parish Council

POLICIES

National Planning Policy Framework:

Section 9 (Promoting sustainable transport)

North Lincolnshire Local Plan: Policies DS1, W6

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3

CONSULTATIONS

LLFA Drainage: No comments or objections.

Highways: No comments or objections.

Environmental Protection: No response received.

Environment Agency: No objection to the variation of condition 5 as proposed.

Ecology: No objection to the extension of the end date for a couple of years. However, would strongly encourage timely restoration of the site to priority habitat at the end of that period, if at all possible.

Neighbourhood Services: Public Bridleway 159 crosses the railway at an established level crossing managed by Network Rail. This is, however, south of the southernmost extent of the acoustic fencing, as indicated on the application block plan. The bridleway then proceeds northwards, but to the east of the siding, not the west. On the assumption, therefore, that the

varying of conditions three and nine will have no effect upon this bridleway, Neighbourhood Services see no problem with the proposal in respect of public rights of way.

PARISH/TOWN COUNCILS

Roxby cum Risby Parish Council: No objections.

Burton upon Stather Parish Council: Opposes this application on the following grounds:

- The speed that the waste has been coming into the site has been sufficient to complete the project in the planned timescale.
- This will give more upheaval to the residents of Normanby and Thealby.

Winterton Town Council: No response received.

PUBLICITY

A site notice has been displayed. Fourteen responses have been received objecting to the proposals. The objections can be summarised as relating to the following:

- Concerns that the odour management plan is not effective
- Concerns over noise from the trains
- Concerns that the landfill development should end in 2024 not 2026
- Concerns that complaints to the Environment Agency and Biffa are not listened to or addressed.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement accompanied the application.

ASSESSMENT

Site location and context

The site comprises the rail sidings which are part of Roxby landfill, located between Winterton, Burton upon Stather and Scunthorpe. The landfill site accepts non-hazardous wastes for disposal and wastes are imported by both road via an access off the A1077 and by rail via the sidings on the site.

Planning history

Railway sidings:

- 7/1990/0746: Planning permission for the operation of a rail waste transfer depot and ancillary development – approved 1 May 1992
- 7/1990/0757: Planning permission for the restoration by controlled landfill – approved 11 December 1992

- 7/1996/1040: Planning permission to vary conditions 3 and 5 of planning permission 7/757/1990 to permit deposit of domestic, commercial and industrial wastes and to amend phasing sequence – approved 10 June 1997
- PA/2011/1050: Planning permission to vary condition 3 of planning permission 7/746/1990 to extend the life of permission – approved 28 October 2011
- PA/2019/830: Planning permission to vary condition 5 of planning permission PA/2011/1050 namely to allow for the unloading of trains beyond the approved operating hours – approved 31 October 2019
- PA/2020/619: Application to discharge conditions attached to planning permission PA/2019/830 – condition 9 approved
- PA/2021/868: Application to discharge conditions attached to planning permission PA/2019/830 – condition 9 approved

Designations/constraints

- Outside any defined development limits
- Not within a conservation area and there no listed buildings on or next to the site
- No tree preservation orders on the site
- A public right of way runs through the site (north to south)
- Within SFRA Flood Zone 1.

Proposal

This application seeks consent to amend condition 3 of planning permission PA/2019/830 to read:

“The development hereby permitted shall expire on 10 May 2026. At the end of the period specified, the site shall have been cleared in accordance with condition 4 and restoration shall have been completed in accordance with details to be submitted to and approved by the local planning authority.”

The proposed change would extend the use of the rail sidings by approximately two years and three months. No other changes to the planning permission are proposed and the rail sidings would continue to operate in compliance with all conditions on the planning permission.

The main considerations of relevance in assessing this application include:

- **principle of development**
- **residential amenity (noise and odour)**
- **ecology.**

Principle of development

The proposed amendment to condition 3 seeks to extend the period that the rail sidings can be used for from 28 January 2024 to 10 May 2026.

The main landfill site, which is adjacent to the sidings, has a permission which allows it to operate until 10 May 2026 under permission WD/2006/0411.

The current application therefore seeks to allow the sidings to operate for the same period as the landfill site. Given that the sidings support operations at the landfill site, this appears logical, and by not allowing the continued use of the sidings, other means of transport would be relied upon instead to facilitate landfill operations (principally HGV vehicle movements).

Policy W6 (Transportation of Waste) supports the transportation of waste by rail or river, and seeks to avoid transfer by road if rail or river routes exist.

It is widely accepted in national and local planning policy that the movement of goods and materials by rail is more sustainable than road, especially when the goods/materials need to be transported over long distances. This not only reduces the number of HGVs on the road network, but also reduces the carbon emissions associated with transporting waste.

Each tonne of freight transported by rail reduces carbon emissions by 76 per cent compared to road, and each freight train removes 43–76 HGVs from the roads (Keeping the lights on and the traffic moving, 2014, RDG (2012/13 prices)).

The proposal is therefore considered to be acceptable in principle.

Residential amenity

Policy DS1 of the local plan (General Requirements) sets out that proposals should be designed so as to not result in an unacceptable loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing. The policy also sets out that no pollution of water, air or land should result which poses a danger or creates detrimental environmental conditions.

The nearest residential properties include the following:

- Sheffield Farm approximately 320m to the west of the site
- Pit Bottom Farm approximately 350m to the west of the site
- Bagmoor Farm approximately 450m to the south-west of the site
- Roxby House approximately 0.87km to the east of the site
- Old Cliff Farm approximately 0.75km to the north-east of the site.

Odour and air quality

A dust and odour assessment was undertaken as part of the planning application to extend the operational hours of the rail sidings in 2019 and it was found that the site could operate without causing unacceptable impact on amenity by virtue of either dust and/or odour. It

should be noted that the site operates under an Environmental Permit and is regulated by the Environment Agency. The Environmental Permit includes conditions to control odour.

The site also operates under an adopted odour management plan (OMP) that details odour controls and management measures at the site. Both the Environmental Permit and the OMP will remain in place for the life of the site. The continued effective implementation of the odour controls and management measures as defined within the OMP, in addition to the distance between odour source and receptors, will minimise potential impacts on amenity to an acceptable level during the extended use of the sidings to 10 May 2026.

Noise

A noise impact assessment was undertaken as part of the planning application to extend the operational hours of the rail sidings in 2019. The assessment concluded that, subject to a number of control measures, the noise associated with the unloading of trains during the extended operational hours would not pose a constraint to the development.

As part of the planning permission for the extended operational hours, Biffa was required to install a 3m high acoustic fence on the western boundary of the rail sidings. The fence has since been installed and will be kept in place for the duration of the life of the rail sidings.

It is considered that operating the rail sidings until 10 May 2026 will not result in an unacceptable impact on amenity by virtue of noise.

Residential amenity summary

The proposals therefore accord with policy DS1.

Other matters – condition 9

It has also been agreed to change the wording of condition 9, the reasons for which are set out below.

Condition 9 previously required an acoustic barrier to be installed subject to its details and a verification report demonstrating its effectiveness being submitted and approved in writing by the council.

Condition 9 was discharged as follows:

- PA/2020/619: Condition 9 discharged on 26 June 2020 (details relating to the acoustic barrier)
- PA/2021/868: Condition 9 discharged again on 16 September 2021 (relating to the verification report only).

Therefore, the information needed to fulfil the requirements of condition 9 has previously been submitted and approved.

It would therefore be unreasonable to recommend the same wording for condition 9 that was included on the decision notice under PA/2019/830 as the information has already been provided and approved. If the wording of condition 9 were to be retained as on planning permission PA/2019/830, the applicant would need to re-discharge the acoustic mitigation information. This would serve no purpose given the acoustic barrier is already in place.

The below referenced documents were all approved by the council under PA/2020/619 and PA/2021/868. Therefore, it has been agreed with the agent to change the wording of condition 9 to the following:

“The acoustic barrier, as set out in the following documents:

- Detail of Jakoustic Fencing System – 3mH (06 J7/01043)
- Jakoustic Acoustic Fencing Specifications and technical Data (JFS MKT/SPC 0611 V1)
- Proposed Location of Acoustic Barrier (RXAC-001)
- Test Certificate
- Scheme for Acoustic Fence (March 2020) (403.00034.00581.00038)
- Condition 9 Verification Report (May 2021) (403.00034.00606)

shall continue to be in place and maintained for the duration of the development.

Reason

To define the terms of the permission and in the interests of safeguarding residential amenity in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.”

Conclusion

The proposed time period extension to allow the rail sidings to continue to be used from 28 January 2024 to 10 May 2026 is considered to be acceptable in principle. The continuation of the use will allow waste to be transported by rail, which is considered to be a more sustainable means of transport than other modes (eg HGV movements).

Not permitting the alteration of condition 3 will not prevent the landfill from continuing to be used as the landfill can be used until 2026. Instead the landfill operations will be more reliant on HGV use if the current application is not permitted. Therefore, the current application for the continued use of the railways sidings whilst the landfill is used until 2026 is considered to be preferable.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development hereby permitted shall be carried out in accordance with the following approved plan: PA/2019/830/02.

Reason

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

2.

The development hereby permitted shall expire on 10 May 2026. At the end of the period specified the site shall have been cleared in accordance with condition 4 and restoration shall have been completed in accordance with details to be submitted to and approved by the local planning authority.

Reason

In order that the development is carried out in accordance with the details submitted.

3.

On cessation of operations or expiration of this permission, all buildings, plant, surface equipment, hardstanding areas and internal roads shall, except as those agreed in writing by the local planning authority, be removed from the site within 6 months from the date of such cessation and the land shall be treated in accordance with the approved restoration plan.

Reason

In the interests of amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

Best current practice shall be used to restrict the emissions of vibration, smoke, fumes or grit from the development hereby permitted.

Reason

In the interests of amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

At all times the best practicable means shall be employed to prevent the undue emission of dust from the site, plant and tipping areas and all surfaces used by vehicular traffic shall be maintained to a high standard to minimise dust emissions.

Reason

In the interests of amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all time the best practicable means shall be employed to prevent or counteract the effects of noise emitted by vehicles, plant, and machinery or otherwise arising from the development. Adequate opportunities shall be given to persons authorised by the local planning authority to periodically monitor the emission of noise levels from vehicles, plant and machinery.

Reason

In the interests of amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

Except in cases of emergency, all operations pursuant to this permission shall be carried out only between the hours of 6am and 10pm Monday to Fridays and between 6am and 5pm on Saturdays. No operations shall be carried out on Sundays and Bank Holidays. At times when operations are not permitted, works shall be limited to servicing, maintenance and testing of plant and work of an emergency nature only.

Reason

In the interests of amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

The acoustic barrier, as set out in the following documents:

- Detail of Jakoustic Fencing System – 3mH (06 J7/01043)
- Jakoustic Acoustic Fencing Specifications and technical Data (JFS MKT/SPC 0611 V1)
- Proposed Location of Acoustic Barrier (RXAC-001)
- Test Certificate
- Scheme for Acoustic Fence (March 2020) (403.00034.00581.00038)
- Condition 9 Verification Report (May 2021) (403.00034.00606)

shall continue to be in place and maintained for the duration of the development.

Reason

To define the terms of the permission and in the interests of safeguarding residential amenity in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

9.

There shall be no amendments to the layout of the waste transfer facility without prior written approval from the local planning authority.

Reason

In order that the development is carried out in accordance with the details submitted.

10.

Suitable wheel cleaning facilities shall be provided within the site and shall be retained thereafter.

Reason

In the interests of highway safety in accordance with policies DS1 and T2 of the North Lincolnshire Local Plan.

11.

All drums and small containers used for oil and other chemicals should be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaway. These areas should preferably be undercover. Only clean surface water from roofs and roads should discharge to any soakaway.

Reason

To ensure the proposal does not give rise to pollution, in accordance with policy DS1 of the North Lincolnshire Local Plan.

12.

Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

Reason

To ensure the proposal does not give rise to pollution, in accordance with policy DS1 of the North Lincolnshire Local Plan.

13.

All oil or chemical storage tanks, buildings, ancillary handling facilities and equipment, including pumps and valves, shall be contained within an impervious bunded area of at least 110% of the tank capacity designed and constructed to the satisfaction of the local planning authority.

Reason

To ensure the proposal does not give rise to pollution, in accordance with policy DS1 of the North Lincolnshire Local Plan.

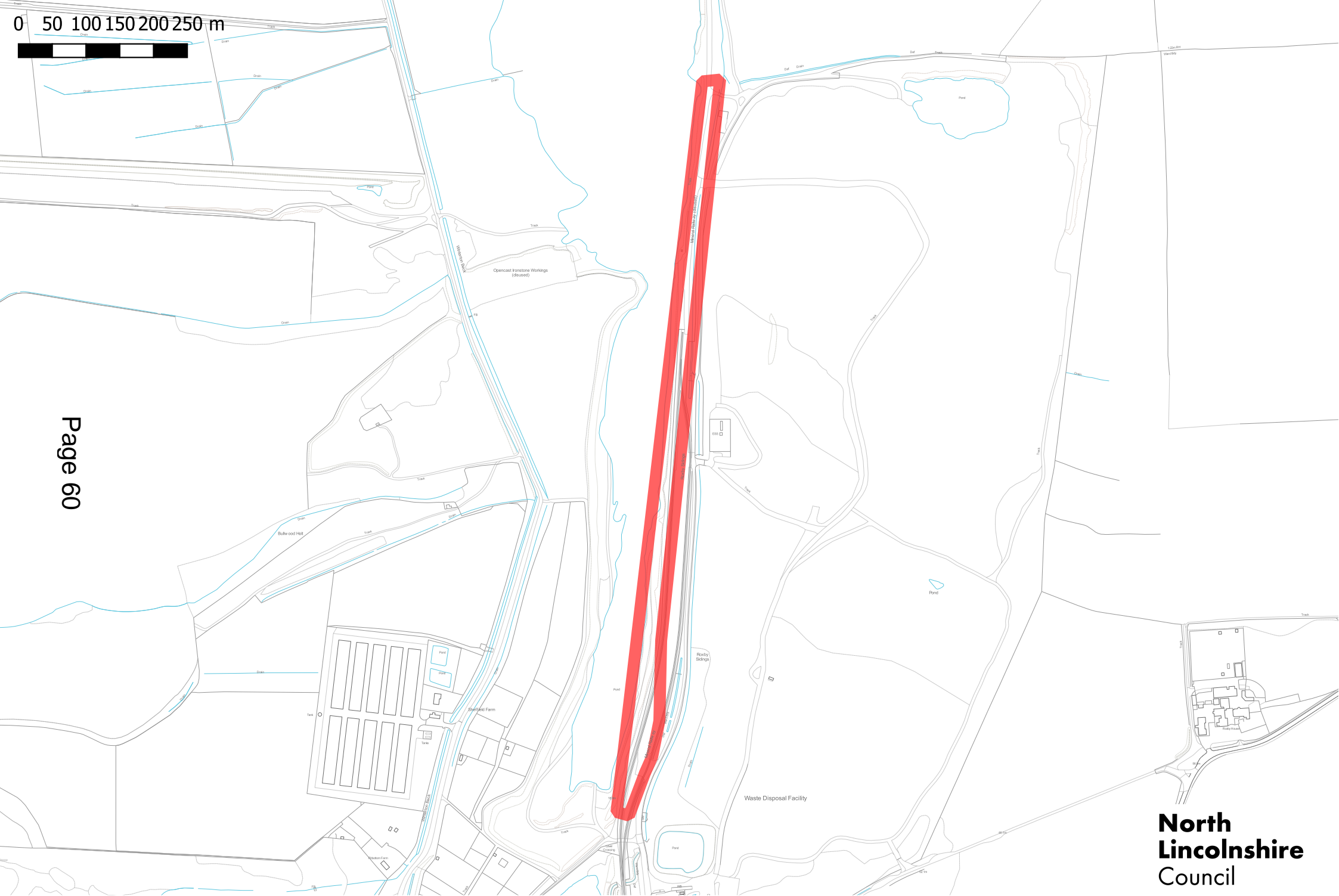
Informative

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

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**North
Lincolnshire
Council**

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: AL/JMC/Planning committee 5 October 2022.docx

Date: 26 September 2022

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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APPLICATION NO	PA/2020/1458
APPLICANT	Mr Garry Hirst, Delta Salvage Ltd
DEVELOPMENT	Planning permission to erect a brick structure for the purpose of storage and distribution (B8 use class)
LOCATION	Sandtoft Gateway, Sandtoft Road, Westgate, Belton, DN9 1FA
PARISH	Belton
WARD	Axholme Central
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework:

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

Paragraph 80 – Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider development opportunities. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

North Lincolnshire Local Plan:

Policy DS1 (General Requirements)

Policy DS16 (Flood Risk)

Policy RD2 (Development in the Open Countryside)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS11 (Provision and Distribution of Employment Land)

Policy CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape)

Policy CS17 (Biodiversity)

Policy CS19 (Flood Risk)

CONSULTATIONS

Highways: No objections.

Environment Agency: No objection, given the scale and nature of the proposed development. They have commented that the flood risk assessment (FRA) is not specific to the development but was produced for a previous application elsewhere on the wider site. As the location of the new building appears to have a ground level of around 2.9m AOD, and the submitted drawings do not show significantly raised floors, the statement in the FRA that 'The finished floor level (FFL) of the proposed dwelling [sic] is to be 3.65m AOD' is incorrect and the building will be at greater risk of flooding than indicated.

LLFA Drainage: Initially objected to the application; however, following discussions with the developer, the LLFA Drainage Team withdraw their objection subject to a condition and informative comment.

Environmental Protection: No objection subject to a condition relating to potential land contamination.

Section 106 officer: As the proposal does not meet the test for a section 106 contribution, none will be requested.

Doncaster East Internal Drainage Board: No objection as there are no Board-maintained watercourses in close proximity to the site.

PARISH COUNCIL

No response received.

PUBLICITY

Advertised by site notice. No comments have been received.

ASSESSMENT

Planning history

2/1991/0695: Erect a truck stop, and install a cesspool, with associated works – refused
22/11/1991

PA/2003/1690: Planning permission to change the use of land for general industrial (B2) and car storage (B8) – refused 19/02/2004

- PA/2006/0674: Application for certificate of lawfulness for the existing use of the manufacture and storage of roof tiles and the storage and processing of materials for their manufacture – approved 21/07/2006
- PA/2007/2017: Outline planning permission for an industrial estate within B2 (General Industrial) and B8 (Storage and Distribution) Use Classes – refused 27/02/2008
- PA/2010/0762: Planning permission for change of use of land for vehicle storage and provision of hardstanding (re-submission of PA/2010/0327) – approved 22/09/2010
- PA/2016/1578: Planning permission to erect an insulated steel-framed building, including associated hard-standing – approved 08/03/2017
- PA/2017/1336: Planning permission to erect a steel-framed building for B8 use, including associated hard-standing to the entrance of the proposed structure – approved 12/10/2017
- PA/2019/390: Planning permission to erect an industrial brick building (B8 use class) and associated hard-standing – approved 24/05/2019
- PA/2020/386: Planning permission to erect a steel-framed building for storage and distribution – approved 28/08/2020. This building is currently under construction and is situated approximately 11.6 metres to the south of this current proposal.
- PA/2021/736: Planning permission to erect insulated steel-framed storage and distribution structure (Use Class B8) – approved 07/07/2022.

Site description and proposal

This application seeks retrospective planning permission to erect a brick structure for storage and distribution (B8 use class) at Sandtoft Gateway, Sandtoft Road, Westgate, Belton, DN9 1FA.

The site is outside the development boundary of Belton and is not allocated for commercial use. It lies north-west of Belton village by approximately 3.38 kilometres, on Westgate Road. East of the proposed site is Delta Salvage's current business location, which comprises two buildings, car parking for visitors and employees, and spaces for storing Delta Salvage's salvaged fleet of motor vehicles.

Due south of the proposed site is Sandtoft Airfield, which contains a 900-metre airfield and six hangers for storing aircraft. To the west and north of the proposed site is a disused airfield.

It is evident from a site inspection that the industrial building has been completed and is in use. It is constructed with brick walls and has a pitched roof with an eaves height of 4.11 metres. The total height of the structure is 5.18 metres. The structure is 7.62 metres wide by 21.34 metres long, giving an external footprint of 162.58 square metres.

The brick exterior is rustic red in colour and is internally lined with 100 millimetres of paint grade breeze block. The roof comprises plastisol-coated profiled steel cladding panels, shade 4 grey in colour, like that of the existing building (Insulated 115 millimetres thick, Kingspan

KS1000RW trapezoidal profile roof panels, colour “Goosewing Grey” (RAL 080 70 05, BS 10A05).

There are a total of four single access doors and two roller shutter doors within the new structure.

The single steel powder-coated access/fire doors are situated in the north and south elevations of the building: two in each at equal distances. There are insulated steel roller shutter doors (2.74 metres wide by 3.81 metres high) in the north elevation.

The building is approximately 2 metres from the fence due south (bordering the current sales yard) and 6.5 metres west from the steel-framed structure granted permission under PA/2020/386. It is approximately 95 metres along and 6.8 metres east of the access road that leads off Sandtoft Road.

The vehicle access to the site is taken from the gated access road (just off Sandtoft Road).

Associated hard-standing, which provides access to the building units, was granted under planning permission PA/2020/386.

The structure is connected to existing drainage services. A full drainage plan and diagram have been included with the application. All guttering and downpipes are PVC (colour Merlin Grey).

Key issues

The main issues to consider in assessing this application are:

- **whether the development is acceptable in principle**
- **whether the layout, siting and design are appropriate**
- **whether the proposal will harm residential amenities**
- **whether the proposal will harm highway safety**
- **whether the proposal is an acceptable departure from the local development plan.**

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 Development Plan Document (HELA DPD) 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 Planning Practice Guidance (PPG).

The application site is outside the development boundary of Belton as defined within the HELA DPD and as such is in the open countryside for planning purposes.

Policy RD2 of the local plan sets out the council's approach to proposals for development in the open countryside, stating that land within the open countryside will be strictly controlled and only development which is appropriate to the open countryside will be permitted.

Policy CS3 of the Core Strategy, similarly, seeks to restrict development outside development boundaries to that which is essential for the functioning of the countryside.

Whilst the site is outside the development boundary, it is surrounded by existing industrial and commercial development. Therefore, the character of the surrounding area is industrial and not rural as would normally be expected in the open countryside.

This application seeks permission for an already built brick structure for storage and distribution. The building is like surrounding buildings within the wider landscape. Accordingly, this application must be considered in relation to the wider policy context of the area which is promoted under the allocation of SANE-1 Sandtoft Business Park of the HELA DPD for large-scale industrial development.

The application site is outside the SANE-1 allocation but within an established industrial area adjacent to it, and is surrounded by existing and proposed (allocated) industrial land. Consequently, the proposed industrial development is acceptable in this location due to the industrial nature of the area.

As noted in the planning history section, while there are isolated large-scale development proposals in the area which have been refused, this development does not constitute a large-scale development which would have a significant impact on the surrounding area or landscape. It should also be noted that other industrial buildings have been approved in this location in recent years. In these instances, significant weight has been given to the scale, impact and character of the surrounding area. It is judged that the structure is appropriate in the area and would support the expansion of existing businesses, safeguard jobs and benefit the local economy.

This is in line with guidance contained within section 3 of the NPPF which seeks to promote economic growth in rural areas.

On balance, although the application site lies outside of any established development limit and the development is contrary to local planning policy which seeks to restrict development in the open countryside, the economic benefit of the development outweighs any conflict with policy, particularly given the fact that there is limited impact on the character and appearance of the open countryside in this instance.

It is therefore considered that the development aligns with paragraph 47 of the NPPF in that there are material considerations that indicate a departure from the development plan is appropriate in this instance.

The principle of development is therefore acceptable.

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.

All proposals will be considered against design quality and should reflect or enhance the character, appearance and setting of the immediate area, and the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

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

The site is outside the development boundary of Belton. As indicated earlier, this application relates to an already built brick structure for storage and distribution within an area of a cluster of similar buildings. Further, it is surrounded by existing industrial and commercial development. In general, this development is within a wider industrial landscape.

The building measures 7.62 metres wide by 21.34 metres long. It is approximately 5.18 metres high and has a dual pitch form.

Having considered the location, scale and material of the storage and distribution building and the surrounding area, it is judged acceptable as it is within an industrial and commercial development, close to existing storage buildings. Also, it is already in use and fits in well with the character of the area.

Furthermore, the character of the area is industrial and not rural as would normally be expected in the open countryside. Accordingly, the layout, siting and design are acceptable.

Residential amenity

Policy DS1 of the local plan requires that all proposals will be considered against design quality and should reflect or enhance the character, appearance and setting of the immediate area, and the design and layout should respect and where possible retain and/or enhance the existing landform of the site.

On amenity impact, this policy requires that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

As there are no residential properties immediately adjacent to the application site, and Environmental Protection have not raised any concerns or objections with regard to impact on residential amenities, it is considered that the building and its use will not impact negatively on residential amenities.

This is an existing storage and distribution building currently in use. No objections or issues have been raised by the public or consultees in terms of amenity impact and there are no records of complaint about the building.

Overall, this application does not raise any residential amenity issues.

Highway safety

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

As outlined previously, vehicle access to the site exists and is taken from the gated access road (just off Sandtoft Road) that runs along the east boundary of the first area of buildings, and then along the west of the building the subject of this application.

Highways have no objection to the application. Initially, they sought the implementation of a traffic regulation order (TRO) in the vicinity of the application site. Following discussions with Highways, the officer has confirmed that a TRO was implemented earlier this year (2022). The Section 106 officer has therefore confirmed that they will not be requesting a contribution in respect of a TRO.

On this basis, the access arrangements are considered acceptable and the building and its use are not considered to be harmful to highway safety.

Flooding 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 is within flood risk zones 2/3 (a) fluvial (a high flood risk zone).

Delta Salvage Ltd commissioned a Flood Risk Assessment to be undertaken by J Roberts Design Ltd which was published in January 2017.

The LLFA Drainage Team initially objected to the application; however, following submission of an extended drainage design for industrial units and discussions with the developer, they have withdrawn their objection subject to the imposition of a condition and an informative comment. The proposed condition will secure the detailed drainage design for the site which has been reviewed and agreed by the LLFA drainage team.

The Environment Agency has no objection to the application, given the scale and nature of the development.

Land contamination

The Environmental Protection team has reviewed the application and has indicated that due to the previous use of the site as a military airfield there is potential for it to have been impacted by contaminants such as hydrocarbons and contaminants from degreasing fluids, munitions pits and burning pits.

The Environmental Protection team has requested a condition to protect against any contamination that may be encountered during construction. However, the building has already been constructed and no further intrusive works are required that would be at risk of contamination. Therefore, the suggested condition is not necessary.

Conclusion

This application relates to an already built brick structure for storage and distribution (B8 use class) which is currently in use.

From the assessment above, the development does represent a departure from the development plan which is being recommended for approval and therefore requires to be determined by the planning committee.

Whilst the application site is outside the development boundary of Belton, where industrial development is not normally acceptable, it is judged acceptable because it is adjacent to an existing industrial business and is surrounded by industrial development.

The structure is already in use by a local business and therefore is judged to directly support the expansion of local businesses, securing employment and thereby benefiting the local economy, which is strongly supported by the NPPF.

Furthermore, the current use of the structure for storage and distribution demonstrates that the development does not harm the existing highway network or the amenity of residential properties and poses no unacceptable risk of flooding. This is also demonstrated by the supporting information submitted with the application.

On balance, the development is considered to be an acceptable departure from the development plan and the application should be supported subject to conditions.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

- Site Location Plan
- East and West Elevations
- Proposed North and South Elevations
- Proposed GF Floor Plan
- Existing and Proposed Block Plan: ESD0800_PBO
- Hardstanding Drainage Layout: Dwg. No. 1378/06 Rev C
- Drainage Areas: Dwg. No. 1378/10 Rev C
- Extended Drainage Layout: Dwg. No. 1378/05 Rev C.

Reason

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

2.

The development shall be carried out in accordance with the submitted Extended Drainage Design for Industrial Units, submitted by J Roberts Design Limited, reference 1378, dated March 2022.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of 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

It must be noted that significant volumes of above-ground flooding occur up to the 100 year plus climate change flood event. Whilst this is acceptable for this type of industrial development and does not enter third party land, the developer needs to be mindful of exceedance flooding above the 100 year flood event which will increase the areas and depths of flooding and, according to the submitted drawing, it is assumed will enter many of the buildings. The developer needs to fully understand this scenario and fully consider simple design changes that can be carried out to remove this issue (increased pipe sizes at critical locations for example). This will also improve the long-term viability of the development.

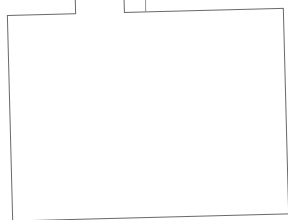
Informative 2

The applicant is advised to contact their water provider to ensure the use of suitably appropriate protective piping for any proposed water supply to this development.

Informative 3

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

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Depot

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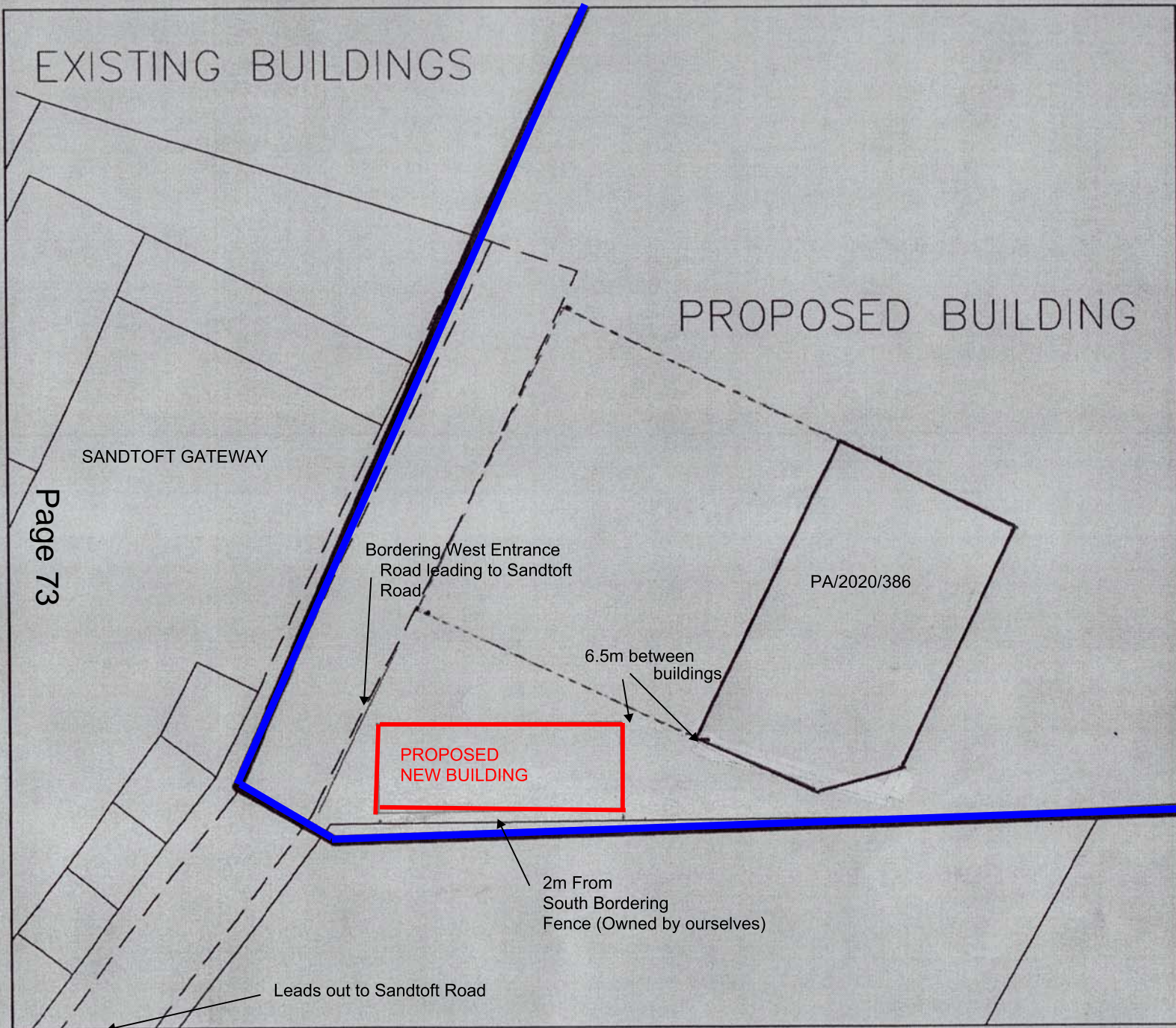
3.6m

Drain

WB

**North
Lincolnshire
Council**

PA/2020/1458 Proposed layout (not to scale)



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Notes
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Rev	Date	Drawn	Description	Ch'd

ESD SURVEYING
 Unit 2,
 Cedar Business Centre,
 Bamsley Road,
 Hemsworth. T: +44 [0] 1924 918153
 West Yorkshire E: info@esdsurveying.com
 WF9 4PU W: www.esdsurveying.com

Client: Delta Salvage

Site: Sandtoft Rd, Belton, Doncaster DN9 1PN

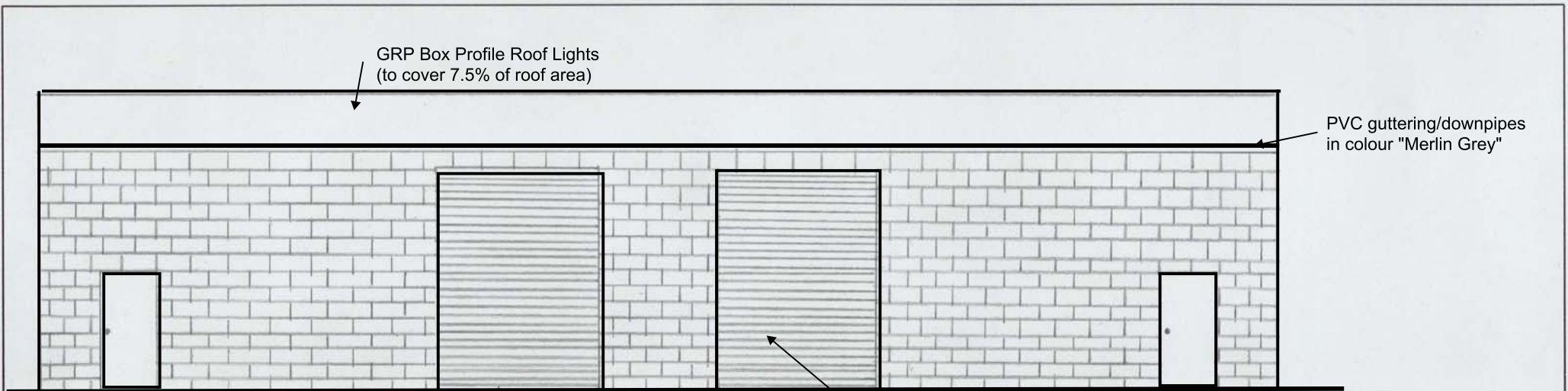
Title: OS Title
 Proposed Building Overlaid

Surveyed	Drawn
Check	Date 25/02/2020

Scale 1/500	[A4 Sheet] DWG Ref (Layout No) ESD0800_PBO	Status FINAL
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Job No ESD0800	Rev 0
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PA/2020/1458 Proposed north and south elevations (not to scale)



NORTH ELEVATION @ 1:100 (FRONT)

Roller Shutter Door X2
(3.81m high x 2.74m wide)
in "Anthracite Grey" (RAL 7016)

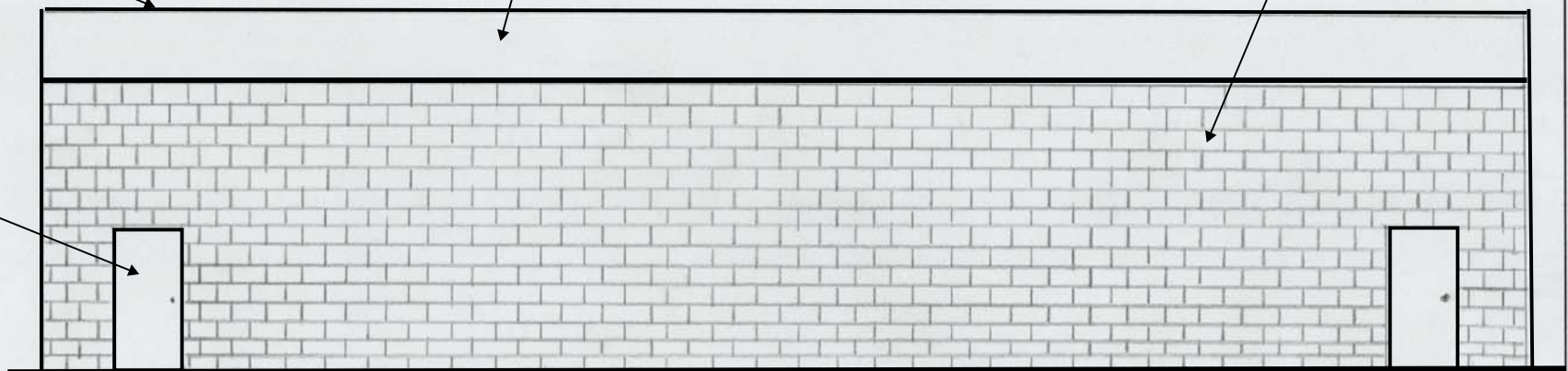
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Flashings to be in
"anthracite grey"
(RAL 7016)

Insulated (115mm thick) Kingspan KS1000RW
trapezoidal profile roof panels in colour "Goosewing
Grey" (RAL 080 70 05, BS 10A05)

Full Brickwork
exterior in
"Rustic Red" or
similar

Steel single door x4
(PA/Fire Exit), powder
coated to RAL 7016
"anthracite grey"
(2075mm high x 1000mm
wide)



SOUTH ELEVATION @ 1:100 (REAR)



Delta Salvage Ltd
Delta Business Park
Sandtoft
Doncaster
DN9 1PN



PROJECT

Proposed Storage Building: Delta
Salvage, Belton, Doncaster, DN9 1PN

TITLE

NORTH & SOUTH ELEVATIONS

SCALE:
1:100 @ A4

DATE

DRG No.

REV.

REV	DETAIL	INT.	DATE

| - -

-

APPLICATION NO	PA/2021/2240
APPLICANT	Mr Mark Stafford, Cleveland Build Ltd
DEVELOPMENT	Planning permission to demolish 22 West Street and erect three three-storey terraced houses
LOCATION	22 West Street, West Butterwick, DN17 3LA
PARISH	West Butterwick
WARD	Axholme South
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Rose due to significant public interest)

POLICIES

National Planning Policy Framework:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

North Lincolnshire Local Plan: DS1, DS7, DS14, DS16, H5, LC12, T2 and T19

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS7, CS8, CS17 and CS19

Housing and Employment Land Allocations Development Plan Document (DPD)

CONSULTATIONS

Highways: No objection, but recommend conditions.

Ecology: No evidence of bat roosts was recorded. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and the Small Sites Metric.

LLFA Drainage: Given the sensitivity of the site and the poor draining characteristics of the subsoils, recommend that the surface water drainage system is designed to cater for the 100 year plus 40% climate change critical flood event. In addition, ask that all Source Control SuDS techniques that can store and allow water reuse are fully explored. Recommend conditions to prevent water flowing from the site onto the highway and vice versa.

Environmental Protection: Recommend a phase 1 contaminated land assessment is provided prior to the application being determined; alternatively, a full contaminated land condition should be attached to any planning permission granted. A construction hours condition is also recommended.

Tree Officer: Agrees with comments in the arboricultural report relating to the conifer trees/hedge to the north side of the site.

Regarding the lime tree within the highway and the proposed development works in proximity to the tree, the suggestion of no-dig construction within the root protection areas of the tree is noted, and a method statement showing the construction of this would be useful.

Suggests this be requested to ensure that the driveways will not damage any roots within these areas. If the council is then minded to grant consent for the development, then conditions requiring any agreed method statement to be adhered to could be included.

Archaeology: The proposal does not adversely affect any heritage assets or their settings. No further recommendations.

Environment Agency: Having reviewed the updated Flood Risk Assessment (FRA), the previous objection is withdrawn and a condition recommended requiring the development to take place in accordance with the mitigation measures set out in the FRA.

Severn Trent Water: Reminds the council of Building Regulations requirements and that foul sewerage connections can be dealt with under the Water Industries Act 1991. Recommends an informative.

Public Rights of Way: 'In summary, I still think that, on the basis of my own interpretation of this body of evidence, The Fleet lies west of 22 West Street and is therefore unaffected by the application. There is correspondence on file from Lindsey CC's County Surveyor stating that The Fleet was within the highway, but this matter was settled post Lindsey County Council, and I can see no further objection about The Fleet being part of the highway. If Highways still thought it was, however, they could still apply to have it deregistered for that reason. But that of course is not, or so I would assume, of relevance to you and the application.'

PARISH COUNCIL

Notes that there are three houses in this development. Access to the present property is across land known as The Fleet, which is common land. West Butterwick Parish Council are custodians of this land on behalf of the Parish of West Butterwick. At the present time access is only granted for one property at that site and the developer would need to enter into negotiations with the Parish Council for any further properties on that site to have access across The Fleet.

PUBLICITY

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

- The site plan uses 5 metres of our garden. No notice has been served. The application should not have been validated. We will seek judicial review if this is not addressed.
- The proposal is out of keeping with the village due to three, three-storey dwellings replacing one modest dwelling next to a bungalow, which is over-development.
- Impact on local services
- The frontage is car parking dominated, across the village green space, part of which will be lost. Surface water from the car parking may flood the road or The Fleet.
- The Fleet should be shown on the drawings.
- Proposed side windows overlook neighbouring properties.

- Loss of a character dwelling to poorly designed dwellings. The history of the village will be lost if this is repeated elsewhere.
- There is no evidence to justify that the existing dwelling is in a very poor condition.
- An arboricultural assessment is needed for the front and rear trees.
- Twelve or more people may occupy the site and there are six parking spaces. The additional noise from these people and cars is too much.
- The size and positioning of the properties
- The proposed demolition works may harm planting on neighbouring land that is attached to the wall to be demolished. Any damage should be replaced without cost to neighbours.
- Increase in parking and congestion
- Overlooking from ground-floor windows
- Clarification sought over the proposed boundary treatment.

ASSESSMENT

Site characteristics

The site consists of a detached dwelling and its garden. The site is within the defined settlement boundary of West Butterwick and within flood zone 2/3a fluvial in accordance with the SFRA 2021. There is a large highway tree to the site frontage and a mature hedge line along the rear boundary to the north. The dwelling is constructed from a mix of brick and render and is located centrally within the site. There is a low brick wall with vehicular access along the site frontage with West Street.

Proposal

Planning permission is sought to demolish the existing dwelling and erect three, three-storey town houses. Six parking spaces are proposed. Two of these are provided from the existing vehicular access. The remaining four are provided in a bank across the frontage of the new dwellings and would be accessed via a dropped kerb and crossover across the wide highway verge.

The following considerations are relevant to this proposal:

- **the principle of development**
- **impact upon the character of the area**
- **impact upon residential amenity**
- **impact upon highway safety**
- **flood risk.**

Principle of development

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

This proposal is for the redevelopment of the site (following demolition of the existing dwelling) and the erection of three dwellings arranged in a terrace. The parts of the application site where the dwellings are proposed are located within the defined development boundary for West Butterwick as shown in the Housing and Employment Land DPD. Furthermore, the application site is in a sustainable location, within walking distance of local services, and fronts North Street, which is a local bus route. The proposal therefore accords with the principles of sustainable development as set out within the policies of the local plan, Core Strategy and the National Planning Policy Framework on delivering residential development in appropriate locations.

Policy H8 of the local plan (Housing Design and Housing Mix) applies and states that new residential development will be permitted provided that it incorporates a high standard of layout which maintains, and where possible improves and enhances, the character of the area and protects existing and natural and built features, landmarks or views that contribute to the amenity of the area. This site constitutes developable land within the settlement boundary of West Butterwick, in a sustainable location. There is, therefore, a presumption in favour of residential development.

Character of the area

The plans show the demolition of the existing detached dwelling and for it to be replaced with a terrace of three houses with parking spaces to the front and garden space to the rear. The plans show the dwellings will be located in the centre of the site, set back from the highway to allow the provision of car parking spaces to the front, and set in from the eastern/western boundaries to allow for areas of pedestrian circulation. The dwellings are shown to be sited approximately 11 metres back from the highway footpath; this ensures they are sited a similar distance from the highway as neighbouring properties to the west of the site (24 and 26 West Street).

The existing settlement pattern in this part of West Butterwick primarily consists of detached and semi-detached dwellings set within spacious plots with gardens to the rear. To the north of the site is a new housing estate (Christopher Meadows) which contains modern dwellings, single and two storeys in height, and a house within close proximity of the site (28 West Street) has been renovated and extended so it resembles a large, modern, detached dwelling in appearance and scale. Therefore, the introduction of three modern dwellings is not considered to be at odds with the character and appearance of the street scene. The development proposals will introduce built form into the street scene which is equivalent to three storeys in height (9.5 metres); however, given the mix, height and varying ages of existing housing stock (including modern dwellings) in this part of West Butterwick, the introduction of three, three-bedroomed dwellings in this residential location is not considered to be at odds with the character and appearance of the street scene.

The dwellings are designed with a gable roof, with dormer windows to the front roof slope and rooflights to the rear. The principal elevations of the dwelling are broken up by a porch access which protrudes forward at ground-floor level and the first-floor openings are in vertical alignment with the ground-floor window and door openings. The rear elevation is broken up by a single-storey protruding element which provides a sun lounge to each property and the side elevations are broken up by a number of window openings to all floors. Details of the proposed external materials of construction have been provided on the supporting drawings, which state the dwellings will be constructed from a Wienerberger Redstone Rainbow brick (off-red mixed colour) and a Sandtoft Terracotta Neo-Pantile roof tile; these materials are considered to be consistent with the character and appearance of the street scene.

Policy LC12 of the local plan states, 'Proposals for all new development will, wherever possible ensure the retention of trees, woodland and hedgerows.'

The plans show the retention of the highway tree to the front of the site. This tree, along with a number of trees on the northern side of West Street, form an important green corridor in the highway verge and contribute to the character and appearance of the street scene. The retention of the tree is considered important in visual amenity terms and the arboricultural report confirms sufficient protection of the tree from development during the construction period. To safeguard the tree during and after the construction period, conditions are recommended requiring the development to take place in accordance with the tree protection measures outlined in the arboricultural report, no-dig driveway measures to be employed within the vicinity of the tree, and a method statement for the construction of the driveway within the root protection zone of the highway tree to be submitted for consideration. No objection has been received from the tree officer in respect of the tree protection measures set out in the arboricultural report submitted with the planning application. The plans show the mature hedge to the rear boundary of the site (the northern boundary) will be retained and afforded sufficient tree protection measures during the construction period.

Residential amenity

The plans show the dwellings will be sited in terrace form towards the centre of the site with separation distances of 8.07 metres to 24 West Street (to the west) and 14.06 metres to 20 West Street (to the east). These separation distances are considered sufficient to mitigate any potential loss of amenity to neighbouring properties through the effects of overshadowing or having an overbearing impact (taking into account the height of the dwellings). Each dwelling is shown to have two off-street parking spaces and areas of private amenity space of 188 square metres, 84 square metres and 87 square metres respectively. This is considered sufficient to meet the needs of future occupants of the dwellings, and given the separation from the side boundaries and the setback position from the public highway, it is not considered to represent over-development of the site.

The windows proposed in the side elevations of the dwellings at first and second floor, which face east and west, have the potential to overlook existing residential properties to either side of the site. However, the plans show the windows on the second floor, which serve a bedroom, will be escape windows (to meet building regulations) and will be fitted with obscure glazing to Pilkington Obscuration Level 4; and a condition is recommended requiring the windows in the first floor, which serve a bathroom, to be fitted with Obscuration Level 3 glazing. This will ensure there is no overlooking of neighbouring properties or their gardens.

The plans clearly show the proposed method of boundary treatment to be a 1.8 metre high closed-boarded fence to all the rear boundaries. This is considered sufficient in terms of

providing privacy to the proposed rear gardens and to ensure there is a secure and fixed form of boundary treatment to serve the development. In conclusion, taking into account the separation distances to existing properties, it is considered the proposed development will not result in loss of residential amenity.

Impact upon highway safety

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

The council's highways department has raised no objection to the proposed access and parking details, but recommends a series of conditions which will be attached should permission be granted. Sufficient on-site parking is provided and the accesses are considered safe. As such, there is considered to be no conflict with the requirements of policies T2 and T19.

Off-street parking spaces are proposed to the front and side of the dwellings. However, the plans show the provision of two parking spaces per dwelling. This draws comparisons with the layout of neighbouring dwellings where driveways to the front and side provide off-street parking. Therefore, the proposals are not considered to be a car dominated development.

Flood risk

The site is within Flood Zone 2/3a of the North Lincolnshire Strategic Flood Risk Assessment (SFRA) 2022. The proposal is for 'more vulnerable' development, and the sequential and exceptions tests need to be applied and passed for the proposed dwelling. A revised flood risk assessment (FRA) has been submitted with the planning application and the Environment Agency has considered the content of the revised Flood Risk Assessment and removed its previous objection; it recommends a condition requiring the development to take place in accordance with the flood mitigation measures set out in the submitted FRA.

The proposed development needs to be assessed against the sequential and exceptions tests. The entire settlement of West Butterwick is at the same level of flood risk; there are no sites available which could reasonably accommodate the development that are at a lower risk of flooding (i.e. Flood Zone 1). The sequential test is therefore passed in this case. The exceptions test then needs to be applied.

The applicant has provided additional information in the FRA to set out how the exceptions test is considered to be met for the proposed development. This supporting information sets out how the development is considered to be sustainable in terms of proximity to local services and transport routes. In terms of community benefits, the supporting statement highlights the fact that the proposal will provide additional housing, re-use a brownfield site, provide jobs for local tradesmen (during the construction period), and support local businesses and services. To pass the exceptions test a development must show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere, and where possible reducing flood risk overall.

It is considered that the FRA satisfactorily demonstrates that the development will be safe without increasing flood risk elsewhere. It considers mitigation measures in respect of floor levels, emergency access and egress, flood warning and evacuation, and flood resilience. It is considered that sufficient justification has been submitted within the FRA to demonstrate

that the proposal will deliver sustainable development in West Butterwick, be of wider community benefit in that it will support existing services within the defined rural settlement, and make a modest contribution towards housing delivery targets. Therefore, the proposal is considered to provide wider sustainability benefits which outweigh flood risk. Subsequently, the exceptions test is passed in this case and the proposal is 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.

Other issues

Following consultation with the council's Principal Access and Commons Officer, it is considered the land to the front of the site is not common land, despite the parish council's comments to the contrary. The Fleet common land is considered to commence some distance to the west of the site frontage and would have no bearing on the proposal. Notwithstanding this, The Fleet common land is not designated as part of the development plan and is instead protected by legal covenant. Any planning permission granted that did affect this common land would not prejudice or override any legal covenant and this would be a private legal matter separate to planning.

An issue has been raised by one of the neighbouring properties that the boundary line is incorrectly plotted along the western side of the site and the development encroaches or removes part of their land/boundary. This has been clarified with the applicant and they have confirmed the land shown within the red-edge site location plan is within their ownership and that development will not encroach into the neighbouring land. On this basis the local planning authority is satisfied that the development proposals will not encroach onto neighbouring land and there is no requirement for the applicant to serve formal notice on the landowner (by serving Certificate B).

The principle of development and associated flood risks are acceptable in accordance with policies CS1, CS2 and CS19 of the Core Strategy, policy DS16 of the local plan, and the provisions of the NPPF.

Conclusion

The proposal entails redevelopment of a brownfield infill site within the development limit of West Butterwick which is acceptable in principle. Flood risk sequential and exceptions tests are passed and the site-specific flood risk assessment is considered to be appropriate. The impact upon the character of the area and residential amenity are acceptable. The proposal is not considered to have any detrimental impacts upon highway or pedestrian safety, and sufficient protection is afforded to existing trees and hedges during development, which will be retained to contribute to the visual amenity of the area. The application 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:

- 1078-21 1 of 4
- 1078-21 2 of 4
- 1078-21 3 of 4 (9/9/2022)
- 1078-21 4 of 4 (8/2/2022)
- Plan 2 (Tree Protection Plan).

Reason

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

3.

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

Reason

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

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 above-ground works shall take place until a scheme for the disposal of 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. The surface water drainage scheme shall be designed to cater for 100 year plus 40% climate change critical flood event and shall explore all source Control SuDS techniques unless it can be demonstrated such techniques are not feasible on the site. The development shall take place in accordance with the agreed details and timings and no dwelling shall be occupied until it is connected to the agreed drainage system.

Reason

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

8.

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

Reason

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

9.

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

Reason

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

10.

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.

11.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

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

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

Reason

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

12.

The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment and Addendum Section 12 (May 2022 by Howard J Wroot Chartered Surveyor) and the following mitigation measures it details:

- Finished floor levels will be set at 4.4 metres above Ordnance Datum (AOD), providing a freeboard of 300 millimetres above the critical flood level (CFL) of 4.1 metres AOD.

- First floor levels will be set at 7.0 metres AOD affording an area of safe refuge.

- Flood-proofing measures will be implemented in accordance with Section 6 of the submitted FRA to a height of at least 1200 millimetres above finished floor levels, giving flood proofing to a level of 5.6 metres AOD.

These mitigation measures shall be fully implemented prior to occupation and subsequently 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.

13.

Before any dwelling is first occupied, the bathroom windows in the first floor of the eastern and western elevations of the terrace of houses hereby permitted 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 DS1 of the North Lincolnshire Local Plan.

14.

Before any dwelling is first occupied, the bedroom windows in its western and eastern elevations on the second floor (within the roof space) shall be obscure glazed to a minimum of Privacy Level 4 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

Reason

In order to protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

15.

No above-ground works shall take place until a method statement for the no-dig driveway construction to be undertaken in the root protection zone shown on Plan 2 (Tree Protection Plan) in the Tree Survey and Tree Protection Plan March 2022 submitted with the planning application has been submitted to and approved in writing by the local planning authority. The statement shall include the method of no-dig construction measures to be used, details of the depth of construction and the long-term maintenance of the driveway. The works shall take place in accordance with the agreed details and shall thereafter be retained.

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.

16.

The development hereby permitted shall be carried out in strict accordance with the method and extent of tree protection measures detailed in the Tree Survey and Tree Protection Plan dated March 2022, including the method and extent of tree protection identified on Plan 2 (Tree Protection Plan). 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.

17.

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

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

- (d) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the planting and aftercare of trees of high biodiversity value in accordance with the submitted Small Sites Metric revision 1;
- (f) proposed timings for the above works in relation to the completion of the buildings.

Reason

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

18.

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.

Informative 1

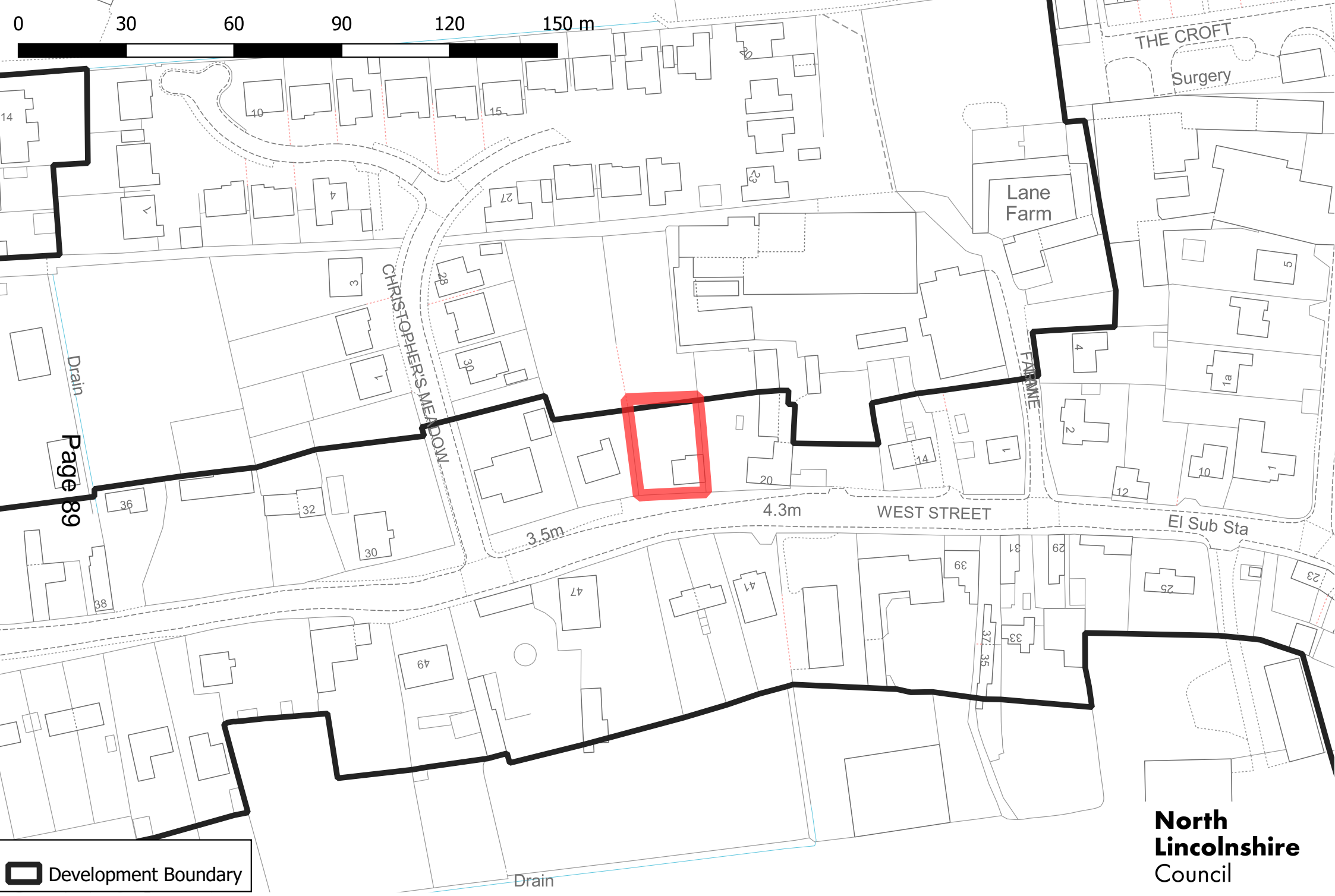
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

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

Informative 2

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

0 30 60 90 120 150 m



THE CROFT
Surgery

Lane Farm

CHRISTOPHER'S MEADOW

LANE FARM

Drain

Page 89

WEST STREET

El Sub Sta

 Development Boundary

**North
Lincolnshire
Council**

PA/2021/2240

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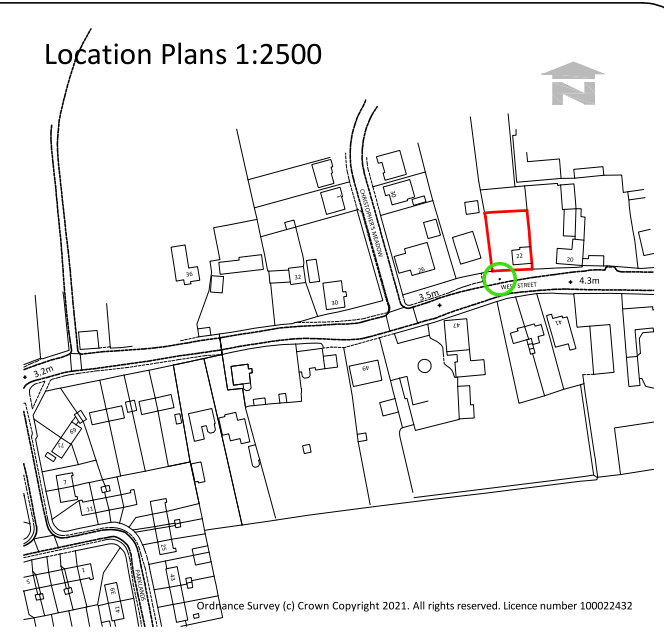
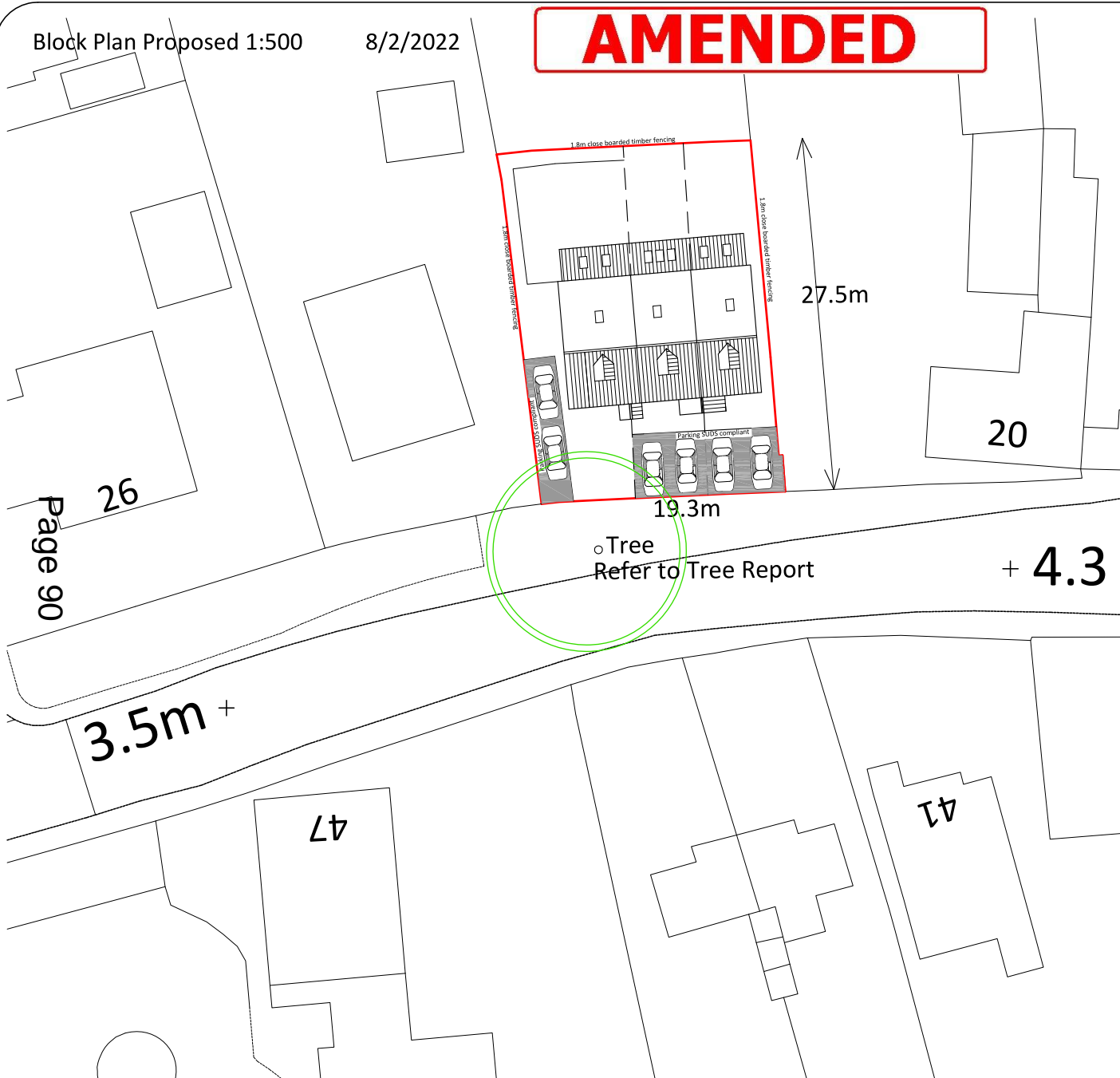
PA/2021/2240 Proposed layout (not to scale)

AMENDED

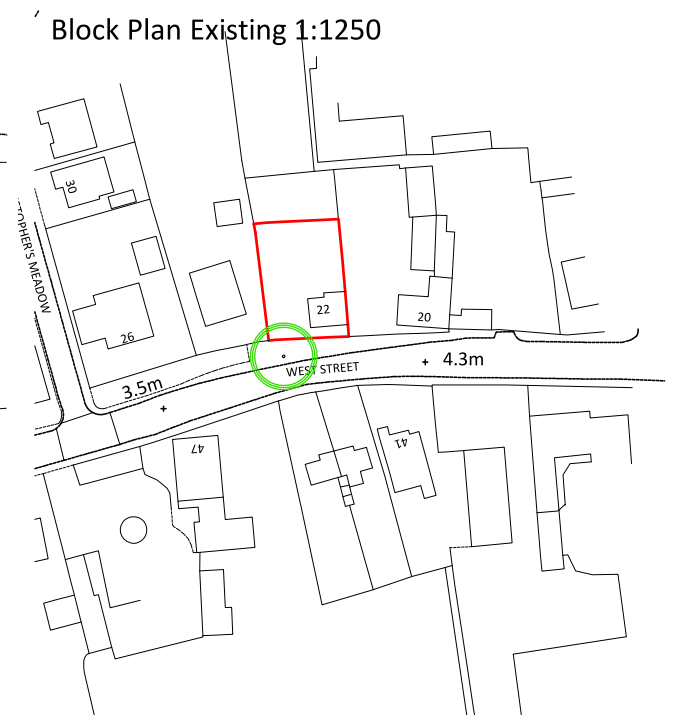
Block Plan Proposed 1:500

8/2/2022

Location Plans 1:2500



Block Plan Existing 1:1250



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

Tel 01724 711068
Fax 01724 710174
Mob 07947 226577

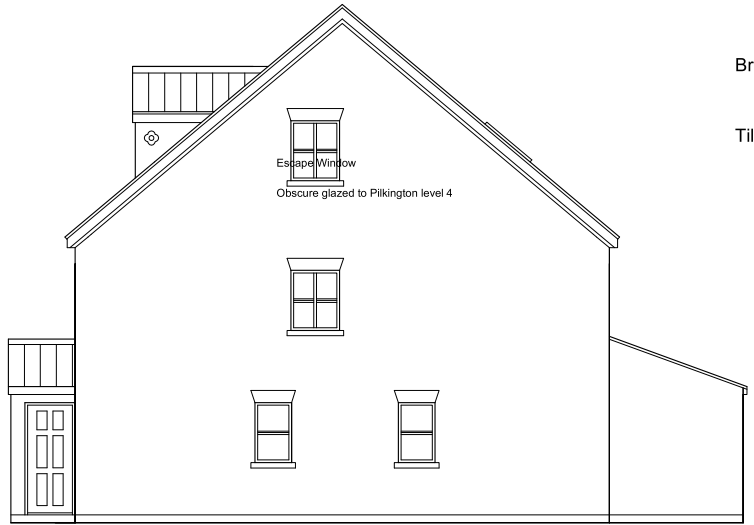
Client	Cleveland Build		
Date	12/12/21	Dwg No	4 of 4
Scale	As noted	Ref No	1078-21

Proposal	Development at 22 West Street, West Butterwick, Scunthorpe, DN17 3LA
Drawing	Location and Block Plans

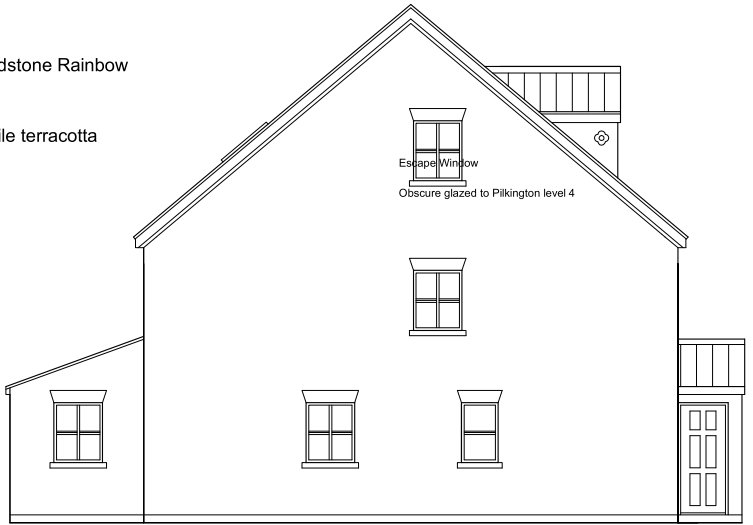


PA/2021/2240 Proposed elevations (not to scale)

9/9/2022



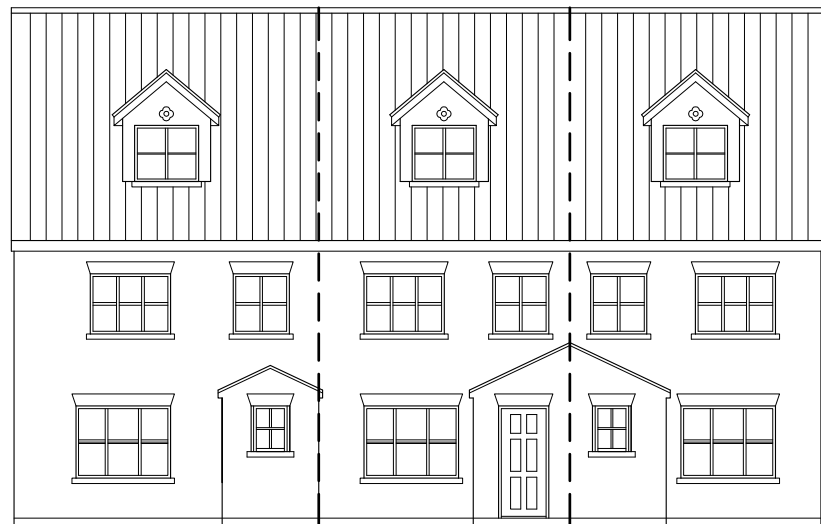
Bricks - Weinerberger Redstone Rainbow
 Tiles - Sandtoft Neo-Pantile terracotta



Right Side Elevation

Left Side Elevation


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Front Elevation



Rear Elevation

Howard J Wroot BSc MRICS Chartered Surveyor 240 Wharf Road, Ealand Scunthorpe DN17 4JN	Tel 01724 711068 Fax 01724 710174 Mob 07947 226577	Client	Cleveland Build			Proposal	Terrace of 3 houses at 22 West Street West Butterwick, Scunthorpe, DN17 3LA	
		Date	12/12/21	Dwg No	3 of 4			
		Scale	1:100	Ref No	1078-21			

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APPLICATION NO	PA/2022/829
APPLICANT	Mr & Mrs P L Clayton
DEVELOPMENT	Outline planning permission for two detached dwellings, with all matters reserved for subsequent consideration
LOCATION	Roseholme Farm, Main Street, Howsham, LN7 6JZ
PARISH	Cadney
WARD	Ridge
CASE OFFICER	Alan Redmond
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Cadney cum Howsham Parish Council 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 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment.

North Lincolnshire Local Plan: Policies RD2, LC12, H5, H8, HE9, T2, T19, DS1, DS7, DS14 and DS16 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS17, CS18 and CS19 apply.

North Lincolnshire Housing and Employment Land Allocations Development Plan Document

CONSULTATIONS

Highways: No objections subject to a condition.

LLFA Drainage: No objections, but recommend an informative with regard to a potential watercourse running through the site.

Environmental Protection: No objections subject to appropriate investigation for contaminants.

Waste Management Services: No objections. Recommendations given with regard to refuse storage and collection.

Archaeology: The application site lies within an area where archaeological remains of Roman date can be anticipated. A programme of archaeological monitoring and recording should be undertaken during all groundwork to offset the harm to any archaeological remains that may be disturbed or destroyed by construction.

PARISH COUNCIL

Object to the application with concerns raised regarding amenity, highway safety, drainage and the capacity of existing services to accommodate additional dwellings.

PUBLICITY

Advertised by site notice. Three letters of objection have been received raising the following points:

- Cramped form of development out of keeping with the character of the locality
- Highway safety
- Impact on residential amenity through comings and goings
- Insufficient parking
- No amenities in the village to support new residents
- No need for additional housing in the locality
- The development is outside of the settlement framework.

Appropriate re-consultation has been undertaken with regard to the reduced scheme from three to two dwellings.

ASSESSMENT

The key considerations in assessing this proposal are:

- **principle of development**
- **visual amenity**
- **residential amenity**
- **highway safety.**

Principle of development

This is an outline application for the erection of two dwellings, with all matters reserved for future consideration.

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the development plan comprises the North Lincolnshire Local Plan 2003, the Core Strategy 2011 and Housing and Employment Allocations DPD. The following policies are considered relevant to the consideration of this application.

The site is within the rural settlement of Howsham. It lies partly within the settlement limits of Howsham as set out by the Housing and Employment Land Allocations Development Plan Document (DPD) where sustainable development is supported under the provisions of saved policy CS3. As the remainder of the site is outside the settlement framework set out in the DPD, for policy purposes, this would constitute development within the countryside and therefore the provisions of saved policy RD2 are applicable. Policy RD2 restricts residential development outside development limits unless it is for agriculture, forestry or to meet some special need.

Saved policy H5 covers new residential development, which requires development to be located within settlements or to represent infill.

The combined effect of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is that a planning application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposal is not in overall accordance with the development plan due to part of the site falling outside the development boundary for Howsham, and so the starting point is refusal unless other material considerations indicate otherwise. It is, however, acknowledged that the council cannot currently demonstrate an up-to-date five-year housing land supply.

The council's most recent update of the housing land supply position, by way of an appeal decision, shows a supply of 4.8 years, as at August 2022. In these circumstances, having regard to paragraph 11 of the NPPF, this means that the development plan policies relating to the delivery of housing are considered to be out of date and that the provision of housing development through these proposals must carry significant weight in the planning balance, subject to the proposals meeting the definition of sustainable development as set out in paragraph 8 of the NPPF.

Paragraph 11 states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, there is a presumption in favour of sustainable development and permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or 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.

The application site is considered to be within a sustainable location on the urban fringe insofar as it is bounded by built development to the south, north, eastern and to some extent the western boundaries of the application site. Furthermore, there are no protected areas or

assets that would be affected by the development and as such there would be no conflict with any of the protective policies within the NPPF.

On balance the principle of development is considered acceptable subject to there being no impacts that would significantly and demonstrably outweigh the benefits.

Visual amenity

This application is for outline permission only, with all matters reserved for future consideration. Therefore, the detailed design on the dwellings is not known and would be considered at the reserved matters stage.

The scheme has been reduced through the processing of the application from three dwellings to two. The application site forms part of the residential curtilage of Roseholme Farm.

The proposal will form a single point of access off Main Street which will serve the two dwellings.

The site is within a residential area, with dwellings surrounding the site.

It is considered that a scheme could be achieved at reserved matters stage which will positively address the local vernacular of the area, and it is therefore considered that the proposal is in accordance with saved policies H5 and DS1 of the local plan, CS5 of the Core Strategy and Part 12 of the National Planning Policy Framework which seek to secure high quality design in developments.

Residential amenity

The nearest residential property shares the eastern boundary of the application site. It is considered that an appropriate scheme could be secured at reserved matters stage which would provide adequate amenity for both existing and future occupiers in accordance with the requirements of saved policies H5 and DS1 of the local plan, CS5 of the Core Strategy and Part 12 of the National Planning Policy Framework which seek to secure high quality design in developments.

Concern has been raised by the council's Environmental Health Officer (EHO) with regard to the potential for the proposed dwellings to be impacted by noise, and vice versa, the proposal's impact upon existing commercial activities in the locality. The EHO has requested a noise impact assessment be submitted as part of this application. Whilst their concerns are noted, the site forms part of a residential curtilage and is surrounded by residential land uses. The farm to the north and café use are noted; however, given the make-up of surrounding land uses, it is considered that to require a noise impact assessment would be unnecessary and overly onerous. No noise complaints from existing residential properties have been identified by the Environmental Health Officer.

Highway safety

The indicative site layout demonstrates a single point of access off Main Street. It shows an appropriate level of off-street parking and suitable turning area can be accommodated within the site to enable vehicles to enter and leave in a forward gear.

There would be sufficient area within the site to provide parking. The Highways officer has considered the access and no objections have been raised. It is therefore considered that an

appropriate scheme could be achieved as part of any reserved matters scheme and appropriate conditions, relevant to this outline application, are recommended accordingly.

Flood risk and drainage

Concern has been raised with regard to drainage within the application site.

The site is within Flood Zone 1 (Low Risk of Flooding, 1 in 1000 years) and it is considered that development in this location is appropriate.

The Lead Local Flood Authority has assessed the proposal and considers that a conditioned approach to controlling drainage is acceptable. Conditions are recommended accordingly.

Concern has been raised with regard to the capacity of mains water. The service provider, as a statutory undertaker, must allow connection to the network. The proposal is for two dwellings which would not result in any significant demand on water resources over the existing situation and it is therefore considered that a refusal on this ground could not be sustained.

Archaeology

The application has been assessed by the council's archaeologist and no objections have been raised to the proposal subject to a written scheme of investigation being secured. A condition is recommended accordingly.

Sustainability consideration

The NPPF, at paragraph 8, states that there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure.

In regard to this proposal, the development would provide economic benefits through job creation through the construction of the dwellings and the associated wider benefits through the supply chain to the development. The increase in local population as a result of the development will have a positive impact on local retail etc.

A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

In regard to this proposal, the development would provide housing which would contribute to the council's demonstrable five-year housing land supply.

An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change, including moving to a low carbon economy.

There is potential to secure biodiversity net gain from the proposals.

It is considered that the proposal represents a sustainable form of development and is therefore consistent with the provisions of paragraph 11 of the National Planning Policy Framework.

Conclusion

Whilst the proposal is contrary to policies RD2, CS3 and CS8 of the development plan, it is considered to be in accordance with the National Planning Policy Framework which places substantial emphasis on the delivery of new and sustainable housing development, and the release of sites for such uses where a local planning authority does not have a five-year supply of housing land and where a proposal is considered sustainable.

As such, the site is consistent with the approach of the National Planning Policy Framework, and taking into account all other material considerations, including the number of representations, it is considered that, on balance, the proposal is acceptable, in accordance with the council's strategic priorities in terms of economic growth and renewal, and the provision of housing, which is demonstrated to be required by the council's current lack of a deliverable five-year housing land supply.

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 and the landscaping of the site shall be submitted in writing to the local planning authority and 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: Location Plan – Scale 1:1250.

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 by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

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

7.

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

- (i) measures to ensure the preservation by record of archaeological features of identified importance within the footprint of the development
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories, including the ADS
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy

- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

In the interests of archaeology in accordance with saved policy HE9 of the North Lincolnshire Local Plan, policy CS6 of the Core Strategy and part 16 of the National Planning Policy Framework.

8.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least seven days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

Reason

In the interests of archaeology in accordance with saved policy HE9 of the North Lincolnshire Local Plan, policy CS6 of the Core Strategy and part 16 of the National Planning Policy Framework.

9.

The final dwelling to be constructed shall not be occupied until the local planning authority has received written confirmation of commencement of any analysis, publication and dissemination of results following post-excavation assessment and until the archive deposition has been secured.

Reason

In the interests of archaeology in accordance with saved policy HE9 of the North Lincolnshire Local Plan, policy CS6 of the Core Strategy and part 16 of the National Planning Policy Framework.

10.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record within six months of commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

Reason

In the interests of archaeology in accordance with saved policy HE9 of the North Lincolnshire Local Plan, policy CS6 of the Core Strategy and part 16 of the National Planning Policy Framework.

11.

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

development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

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

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

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

This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance October 2020.

Part 2: Submission of Remediation Scheme

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

Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

12.

Within three months of the commencement of development, a scheme to demonstrate biodiversity net gain shall be submitted to and approved in writing by the local planning authority.

Reason

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

13.

The approved biodiversity scheme 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.

Reason

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

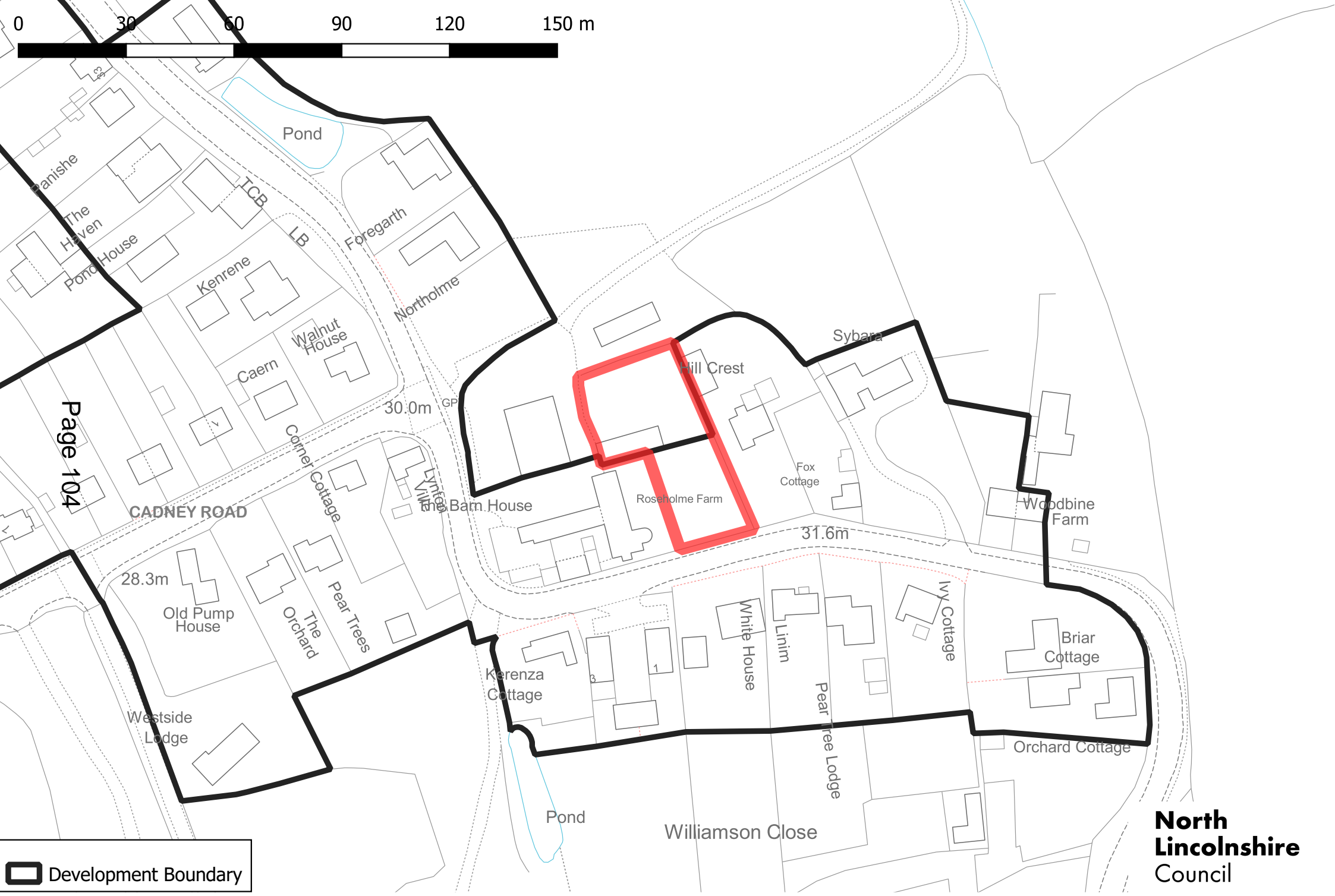
Informative 1

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

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

Informative 2

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

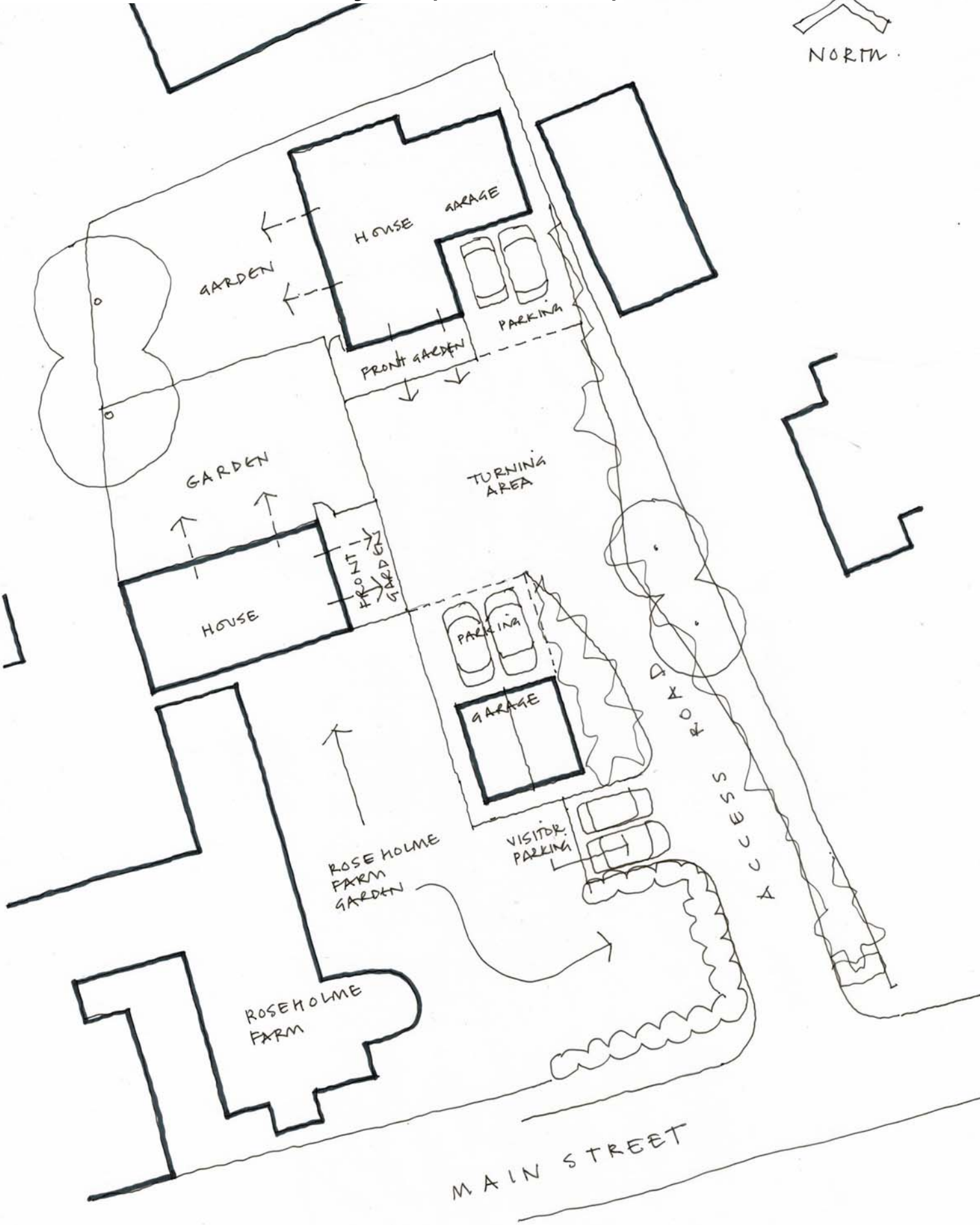


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 Development Boundary

PA/2022/829

**North
Lincolnshire
Council**



ROSEHOLME FARM, HANSHAM

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APPLICATION NO	PA/2022/933
APPLICANT	Mr Samra Harjit, HI ACE H S Ltd
DEVELOPMENT	Planning permission to erect a three-bedroomed one-and-a-half-storey dwelling (including demolition of existing outbuilding)
LOCATION	50-52 High Street, Epworth, DN9 1EP
PARISH	Epworth
WARD	Axholme Central
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	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

North Lincolnshire Local Plan:

HE2: Development in Conservation Areas

HE3: Demolition in Conservation Areas

H5: New Housing Development (Part Saved)

H7: Backland Development

LC14: Area of Special Historic Landscape

DS1: General Requirements

DS3: Planning Out Crime

DS14: Foul Sewage and Surface Water Drainage

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

CS6: Historic Environment

CS7: Overall Housing Provision

CS8: Spatial Distribution of Housing Sites

CS17: Biodiversity

CS19: Flood Risk

Housing and Employment Land Allocations DPD (2016):

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

The majority of the site lies within the development limits of Epworth (the garden area is outside the development limit and within the LC14 Area of Historic Landscape Interest). It is within the Town and District Centre, within the Conservation Area and adjacent to a Listed Building as shown on the Proposals Map.

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

Highways: No objections, subject to a condition requiring access, parking and turning space to be provided before the dwelling is occupied.

LLFA Drainage: No objection subject to an informative relating to upsizing the existing pipe network.

Severn Trent Water: No objection subject to the inclusion of an informative relating to the public sewer.

Environmental Protection: No objection subject to a condition relating to contamination and the need for a phase 1 assessment.

HER (Archaeology): The application site extends into and affects the setting of the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14). Recommends refusal of planning permission as the development would adversely affect the

character, appearance and setting of the historic landscape contrary to the NPPF, Core Strategy policies CS5 and CS6, and local plan policies LC14, LC7, RD2 and DS1.

HER (Conservation): Initial objection removed following design changes. Originally requested a design change due to the initial design being considered inappropriate. Following a review of the revised scheme, the HER supports the scheme subject to conditions requiring details of the facing and roofing materials, and scale drawings of the proposed windows and doors with material specification, to be submitted for consideration before installation. All future permitted development rights should be removed from the site.

Waste Management: No objection. Waste Management should be referred to at the earliest stage of building design for new properties to include adequate storage areas for waste management facilities and good access for collection crews. Informative information given.

TOWN COUNCIL

At a meeting of their full council on 7 June 2022, it was resolved to support the planning application but subject to concerns about the rooflights looking onto the neighbouring garden.

At an extra-ordinary meeting of their full council on 30 August 2022, it was resolved to object to the planning application and support the comments made by the Conservation Officer that a new design of the dwelling should be submitted.

[It is noted that a new scheme has been submitted and the Conservation Officer's revised comments now show support for the scheme subject to the inclusion of the recommended conditions.]

PUBLICITY

Two press notices and two site notices have been displayed: the first at the start of the application process and the second following receipt of revised plans.

No comments have been received.

ASSESSMENT

Planning history

The following planning history is relevant for the site, which shares a driveway with 52 High Street:

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 front elevation – approved 11/02/2015

2/1993/0005: Installation of a new shop front – approved 12/02/1993

PA/2008/1712: Planning permission to retain a kitchen and shop extension (amendment to previously approved proposal) – approved 09/02/2009

PA/2008/1713: Listed building consent to retain a kitchen and shop extension (amendment to previously approved proposal) approved 16/01/2009

2/1992/0952: Installation of a new shop front – approved 12/02/1993

- PA/2008/0643: Planning permission to erect a kitchen and shop extension (including the 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 the demolition of existing shop extension and outbuilding) – approved 06/06/2008
- PA/2008/1008: Planning permission to erect a kitchen and shop extension (including the demolition of existing shop extension and outbuilding) (re-submission of PA/2008/0643) – approved 22/08/2008
- PA/2008/1009: Listed building consent to erect a kitchen and shop extension (including the demolition of existing shop extension and outbuilding) (re-submission of PA/2008/0644) – approved 22/08/2008
- 2/1979/0467: Erection of a shop – approved 04/09/1979
- PA/2020/170: Listed building consent to install an air conditioning unit to rear – approved 06/08/2020
- PA/2022/915: Planning permission to extend the existing single storey to the rear of the property, carry out extension works to include a single-storey proportion for residential use and a storey-and-a-half section for commercial use – approved 09/09/2022
- PA/2022/1299: Listed building consent to extend the existing single storey to the rear of the property, carry out extension works to include a single-storey proportion for residential use and a storey-and-a-half section for commercial use – approved 09/09/2022.

The site and proposal

Planning permission is sought to erect a three-bedroomed one-and-a-half-storey dwelling (including demolition of an existing outbuilding) at 50–52 High Street, Epworth.

The site is in the heart of the historic market town of Epworth. Numbers 50–52 are on the main High Street and are key buildings within the street scene. The area of land to which this application relates comprises an existing outbuilding and garden land.

The site is within the Epworth conservation area. The existing outbuildings are within close proximity of the grade II listed building of 52 High Street. This property has recently been granted planning permission and listed building consent to extend the existing single storey to the rear of the property, carry out extension works to include a single-storey element for residential use and a storey-and-a-half section for commercial use. This context is important to understand in determining this current application.

The adjacent listed building (52 High Street) 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 52 High Street are extensive private gardens, and a single-storey barn/outbuilding (north-western part of the site) to which this application relates.

Access to the proposed development would be via the existing private driveway between 52 and 52a. 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 limits of Epworth. However, for clarity, the new building would be within the development limits with only the parking area and garden space outside the development limits.

The proposal involves demolition of the existing outbuildings and erection of a new three-bedroom dwelling on the original footprint. The property will include two vehicle parking spaces to the north as well as an area of private amenity garden/space with bin/waste storage. The existing vehicle space for 52 High Street will be retained to the south.

The proposed materials include red facing bricks, timber sash-style windows, hardwood door and traditional clay pantiles.

The main issues to be considered in the determination of this application are:

- **principle of development**
- **historic environment**
- **design, character and appearance**
- **residential amenity.**

Principle of development

This proposal is for the demolition of existing outbuildings and the erection of a three-bedroom house. Part of the site (proposed garden and parking area) is outside the development limits within open countryside. As such, policies C3 of the Core Strategy and RD2 of the local plan need to be considered.

The site is within 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 town...centres of 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 demolish existing outbuildings and erect a new residential property to the rear of 52a High Street. The proposal would not affect the functions, infrastructure and services that attract users and investors to the town centre.

The site is within the conservation area. Part of the site (garden/parking) is outside the development limits and subject to policy LC14. The main built form of the development is within the development limits of Epworth as identified within the adopted Housing and Employment Land Allocations Development Plan Document Proposals Map. The site is currently used as garden space and outbuildings (although currently surplus to requirement)

for the existing dwelling. Paragraph 124 of the NPPF places an emphasis on the desirability of maintaining an area's prevailing character and setting (including residential gardens).

Paragraph 71 of the Framework reinforces this position and in discussing windfall sites states policies should resist inappropriate development of residential gardens, for example where development would cause harm to the local area. The NPPF prioritises the use of brownfield land wherever possible. Garden space is not classified as previously developed land.

Policy H7 relates to Backland and Tandem Development. This policy states that development will be permitted where there is no adverse effect on the amenities of any residential premises of adjoining uses through overlooking and loss of privacy, loss of amenity to the adjoining dwellings, or the level of nuisance resulting from the movement of vehicles to and from the proposed dwelling. The policy requires development to preserve the general quality and character of the area and to not unacceptably increase the density of development in that area, result in the loss of important natural and man-made features or lead to an unacceptable proliferation of vehicle accesses to the detriment of the street scene and/or road safety. The proposed dwelling would be erected on the same footprint of the existing outbuildings; therefore, in terms of built form, the application would not conflict with policy H7.

Policy CS3 states 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 which will contribute to the sustainable development of the tourist industry. Development limits ensure that the countryside is protected from inappropriate development and uncontrolled expansion of settlements.

Part of the application site is within the open countryside where residential development is restricted.

Policy RD2 strictly controls development within the open countryside. This policy allows development which is for the replacement, alteration or extension of an existing dwelling. The main built form of the dwelling would be within the development limits and only the private garden and parking space would be outside the development limits. The policy allows for the extension of an existing dwelling. Whilst the dwelling is not existing, it is within the development limits. The use of the land for garden space and parking is considered acceptable at this time and this will be controlled further through the removal of permitted development rights.

Policies CS2 and CS8 of the adopted Core Strategy seek a sequential approach to development focusing first on land within the Scunthorpe Urban Area followed by previously developed land and other suitable infill opportunities to meet identified local need within the Market Towns (including this site). Small-scale developments within the defined development limits of rural settlements to meet local identified need will then be considered. Policy CS1 supports residential development within market towns and identifies them as important service centres serving the needs of local communities across North Lincolnshire. The policy continues to note that all growth will take account of existing infrastructure, environmental constraints and ensure that the distinctive character of the town is protected. An appropriate level and range of new housing development will be provided to support the market towns as sustainable communities.

Policy PS1 establishes a presumption in favour of sustainable development and encourages permission be granted unless material considerations indicate otherwise. In line with policy

H1, the site is available for development, offers a suitable location for development now, and given the proposal is for a single dwelling, then there is a reasonable prospect that housing will be delivered on the site within five years.

Paragraph 3.9 of the HELA states that North Lincolnshire's additional housing requirement will mainly be allocated with the Scunthorpe urban area and North Lincolnshire's market towns. Paragraph 4.141 states, 'The Market Towns of Barton upon Humber, Brigg, Crowle, Epworth, Kirton in Lindsey and Winterton have a vital role to play in supporting North Lincolnshire's rural communities in terms of providing a range of housing, employment, shopping, leisure, education, health and other services.'

The main built form of the proposal is within the development limits of Epworth and would serve to address local need. The site is currently occupied by existing outbuildings which will be demolished to make way for the new residential property. It is considered that the site is suitable for the development of one residential unit and whilst part of the development would fall within the open countryside, this is restricted to an area of open parking for two vehicles and private garden space. The removal of permitted development rights would further control development within this area. It is considered that redevelopment would be in accordance with policies PS1, H1, H7, CS1, CS2, CS3 and CS8 as well as paragraph 78 of the NPPF.

Historic environment

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 HE3 relates to demolition in conservation areas and identifies a series of criteria against which demolition of a building will be assessed. The applicant has demonstrated that the current building is surplus to requirements and not suitable for reuse. Its removal will allow the redevelopment of the site and seek to enhance the overall character of the site and wider conservation area.

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.

The applicant has submitted a Heritage Statement which provides conflicting information to the description of development. The application seeks the demolition of the outbuilding; however, the assessment focuses on the conversion of the outbuilding to create a three-bedroom property. The heritage assessment notes that the outbuilding has been redundant for many years and is no longer required. It goes on to state at section 6.2, 'It is not the most attractive or the best quality building in the area and makes no contribution to the historic setting. Piecemeal repair to the building is not going to be a good sustainable long-term solution for preservation. A formal end use is required for the building to justify the level of investment.' Section 6.8 continues, 'The proposed development is self and well contained and is largely hidden from public view. Its proposed size, scale, massing, etc is similar to the existing outbuilding and would not make a difference to the impact on the adjacent heritage assets. It involves no demolition of key buildings of historical importance or expose the heritage asset to unnecessary harm.'

Whilst the proposal seeks the demolition of the existing outbuilding, it does seek to retain the original footprint for the proposed dwelling. The dwelling will be higher than the existing building of 3.3 metres at 5.9 metres. Whilst the Heritage Assessment assumes conversion, it is noted that the building is not in a suitable condition for conversion and that demolition and new build would be the best option for the site. This is also supported by the council's Conservation Officer who supports the principle of a new replacement building and has no objection to the demolition of the outbuilding or the scale of the new building proposed. The Conservation Officer notes that the existing building has 19th origins of an agricultural outbuilding. However, it has been significantly altered, is in very poor condition and has lost much of its historic significance. Its demolition is considered acceptable as long as it is part of a suitable scheme.

The Conservation Officer considers it important that the design and scale of the new building respects the character of the conservation area and the Area of Special Historic Landscape Interest of the Isle of Axholme (ASHLI) and the setting of the adjacent listed building.

The applicant has worked closely with the case officer and Conservation Officer to redesign the scheme to address the Conservation Officer's comments and has made the following changes:

- First-floor dormers removed and replaced with rooflights to respect the setting of the adjacent listed building as well as views from within and outside looking into the site
- Appearance altered from a cottage to reflect a barn/stable/outbuilding (windows/doors to be conditioned) to respect views from within and outside looking into the site.

The Conservation Officer has removed his earlier objection and has made the following comments:

'The large dormers and porch have been removed which simplifies the appearance of the building, and timber cladding has been added to give it a more rustic appearance.

The only issue is the style of the windows, being multi-pane [they] still have a residential character. Simple timber two-pane casement windows would be more appropriate. This aspect can be controlled by condition.'

The Conservation Officer recommends the inclusion of three conditions: one which ensures all windows and doors are constructed from timber; a second that requires details of the facing and roofing materials, and scale drawings of the proposed windows and doors with material specification, to be submitted for consideration before installation; and a third that removes all future permitted development rights from the site.

The northern part of the application site, which includes the rear garden and parking spaces, extends into and affects the setting of the ASHLI of the Isle of Axholme (local plan policy LC14). The Historic Environment Officer recommends refusal, citing 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.

Policy LC14 seeks to protect the area of special historic landscape from encroachment and prevent development that will destroy, damage or adversely affect the character, appearance or setting or any of 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 ASHLI.

On visiting the site and reviewing aerial photographs it is evident that existing development has already encroached into the LC14 policy area within this part of Epworth. The site already forms the rear garden to existing property 52a High Street and includes a clear defensible boundary in the form of mature trees and hedges. A range of children's play equipment is located within this wider space north of the site. No views into or out of the site can be achieved along this northern boundary. The application seeks the replacement of an existing building and does not seek the erection of buildings within the LC14 area. The area of land which overlaps into LC14 land will be used for the parking of two vehicles (open) and garden space. The HER Officer has recommended the removal of permitted development rights within this area to avoid residential sprawl and further extension of the built environment in the protected historic landscape beyond the development limit and this is supported by the case officer. The case officer has assessed the proposals and it is clear when on site that the proposed development is self-contained and will not destroy, damage or adversely affect the character, appearance or setting or any of the features of the LC14 policy area.

It is considered that the benefits of the scheme would outweigh this small incursion into the LC14 area and land outside the development boundary.

Design, character and appearance

Policies H5 (part saved), H7, CS5 and DS1 seek to deliver quality design in North Lincolnshire.

Policy CS5 of the Core Strategy is concerned with delivering quality design in North Lincolnshire. 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. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.' This is reinforced by local plan policy DS1, and CS5 as noted above.

Policy HE2 (Development in Conservation Areas) requires all development proposals in, or which affect the setting of, conservation areas to preserve or enhance the character and appearance of the area and its setting.

Paragraph 124, sub-section d), of the NPPF requires planning policies and decisions to support development that makes 'efficient use of land taking account of the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.' It is considered that a scheme can be achieved on the site that addresses and maintains the character of the area.

Page 70 of the NPPF discusses previously developed as land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole curtilage should be developed) and any associated fixed surface infrastructure. This excludes land in built-up areas such as residential gardens. The application site currently contributes to the making of the character in this area; however, it is considered that a sympathetic design can be achieved which would ensure this character is maintained.

The application seeks full planning permission for a detached property within the existing garden of 52 High Street. The plans confirm that the style of the property will be in keeping with the historic environment within this area and achieve the desired outcomes of the conservation officer. The scheme has been re-designed to ensure the overall design of the building reflects the historic environment and that of the existing outbuildings/barn style. Whilst further work is required to agree the window and door styles, it is considered that this can be secured through appropriately worded conditions.

The proposed dwelling will be sited on the original footprint of the existing outbuildings and the height will be approximately 5.9 metres to ridge height and 2.7 metres to eaves, an increase of 2.6 metres from the existing. The overall design/style is reflective of a barn/outbuilding and pays reference to the historic character of the site and wider conservation area. The western boundary of the site shares a boundary with 54 High Street, which is set much lower than the site. Visually this forms a blank façade within the neighbouring garden. The eaves height of the building will remain unchanged at 2.7 metres but will increase to a ridge height of 5.9 metres. However, this will taper away from the boundary and as such the impact is considered to be minor.

The proposed materials include a red facing brick, red clay roof tile, white timber frame windows and white timber frame door and set. They are considered to be in keeping with the existing character. The design of the windows and doors needs further discussion to be in keeping with a barn style rather than cottage design. The floor plan shows that the building will provide two first-floor and one ground-floor bedroom with an open plan kitchen/dining/living area to the rear of the property at the ground floor.

Windows on the first floor are kept to a minimum with three rooflights on the front elevation and two on the rear which will be obscure-glazed to prevent overlooking. The northern elevation will include one window at first floor and two at ground floor. These will overlook the private garden space.

Externally the existing access will serve the property off High Street and there will be space for two vehicles. This access is shared with properties 52a and 52 who also have designated parking spaces within this area.

Overall, the design of the property is of a high quality and in keeping with the existing property and properties within the wider street scene (subject to window/door design being secured through condition).

Residential amenity

Part saved policy H5, and policies H7 and DS1, refer to residential amenity. They all discuss the need to ensure development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings. Policy H5 states that adjacent land uses should not result in annoyance or detract from the residential amenity which residents of the proposed dwelling should expect to enjoy. Policy DS1 states that there should be no unacceptable overshadowing.

Policy CS5 requires new development to consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area. The function of buildings should also be considered in terms of its appropriateness for the context in which it is located.

It is not considered that the inclusion of this land would have a detrimental impact on the residential amenity of surrounding properties and residents. The removal of permitted development rights in this area would, however, preserve such impacts going forward as well as preventing the uncontrolled spawl of domestic development within the open countryside.

The application has taken account of the recently approved extension to the rear of 52 High Street, as well as the shared access drive, existing garden space to the east and north, and adjoining land to the west. The applicant has sought to keep window openings to a minimum at first floor, whilst those on the rear elevation will be obscure-glazed.

The proposed development will lie on the same footprint as the existing outbuildings north-west of properties 52 and 52a High Street. The height of the building will be the same as existing to eaves level. Whilst the new ridge height is higher, this tapers away from the boundary with 54 and 58 High Street. It is therefore not considered that this element of the proposal will lead to any significant impacts in terms of overshadowing, loss of light, impact on amenity or overbearing impacts.

Whilst there will be an increase in vehicle movements to the site, this is considered minimal and would not lead to amenity concerns.

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 policies DS1, H5, H7 and CS5.

Highway safety/access

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

The applicant has confirmed that two parking spaces will be provided within the site off High Street.

The councils Highways team has no objections to the proposal subject to the inclusion of a condition and an informative. The existing access is utilised by 52 and 52a High Street and it is not considered the addition of one house would lead to significant highway concerns.

The proposal, subject to conditions, is therefore acceptable in highway terms and accords with policies T2 and T19 of the North Lincolnshire Local Plan.

Contamination

Residential development is a sensitive end use. The Environmental Protection team has reason to believe that contamination might be an issue at the site due to the proposed demolition of outbuildings which are likely to contain asbestos and the potential for other contaminants such as petroleum hydrocarbons which are harmful to human health.

They recommend that where a proposed development introduces a vulnerable end use and/or the development site could be affected by a former potentially contaminative land use, the possibility of land contamination should always be considered. The team recommends the inclusion of a condition which secures a phase 1 desk study and subsequent assessment (as required) prior to the commencement of development.

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 but does recommend the inclusion of an informative recommending the upsizing of the pipe network.

Seven Water Trent have also commented and note that no surface water should enter the foul water system by any means. An informative regarding public sewers is suggested for inclusion.

Overall, the proposal complies with policies CS19 and DS14.

Ecology

The applicant has submitted an Ecological Impact Assessment [LM0136]EcIA[50-52 High Street, Epworth] Rev A, dated February 2022.

The survey and assessment reports that the existing outbuilding has negligible suitability to support roosting bats. As a result, no further surveys are considered necessary. However, due to the transitory nature of some bat roosts, reasonable avoidance measures have been

included to ensure that roosting bats are protected throughout the demolition phase of the proposal.

The outbuilding was assessed as having suitability to support nesting birds, with three hirundine species nests found within the building. As a result, standard reasonable avoidance measures have been included to ensure that nesting birds are protected throughout the demolition phase of the proposal.

Compensation measures for nesting birds and an enhancement measure for roosting bats have been recommended:

- One bat box is integrated into the northern elevation of the new dwelling, as close to the apex as possible. This will provide an enhancement at site level and add to the range of roosting habitats present in the locality.
- Three likely house martin nest sites will be lost due to the demolition of the outbuilding. Therefore, in order to compensate for this habitat loss, three integrated swift Apus boxes will be integrated into the eaves of the eastern elevation of the new dwelling.

It is recommended, in the interests of biodiversity and the provision of net gains in biodiversity, that this report, and the recommendations contained within, are conditioned and the features, once installed, be retained thereafter.

Conclusion

For the reasons set out in this report, it is considered that the location of the development within the current development limits is justified in this case and the proposal would not result in unacceptable harm in any other way. The scheme is considered to sufficiently accord with the development plan and the NPPF.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

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

- Site Location Plan & Proposed Site Layout ref: 2022-ID-04-PL002a

- Site Location Plan ref: 2022-ID-04-LOCa

- Proposed Elevations Floor & Roof Plans Section & 3D Images ref: 2022-ID-04-PL001a.

Reason

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

3.

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

Part 1: Site Characteristics

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

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

4.

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

Reason

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

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 policy LC14 and HE2 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.

6.

Before the dwelling/building is first occupied, the first-floor rooflights on the rear elevation (west) 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.

7.

No above-ground work 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, as well as scale drawings of all the proposed windows and doors (including material specification), 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 policies HE2, HE5 and DS1 of the North Lincolnshire Local Plan, and policy CS6 of the North Lincolnshire Core Strategy.

8.

Notwithstanding the hereby approved plans, all windows and doors shall be constructed from timber.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policies HE2, HE5 and DS1 of the North Lincolnshire Local Plan, and policy CS6 of the North Lincolnshire Core Strategy.

9.

The development shall be undertaken in accordance with the recommendations set out within the hereby approved Ecological Impact Assessment - [LM0136]EclA[50-52 High Street, Epworth] Rev A, dated 11 February 2022. The recommendations include:

- avoidance measures to be put in place during the demolition phase to ensure the protection of roosting bats and nesting birds;
- compensation/enhancement mitigation, including one bat box integrated into the northern elevation of the new dwelling, as close to the apex as possible and three integrated swift (*Apus apus*) boxes integrated into the eaves of the eastern elevation of the new dwelling.

The Ecological Impact Assessment 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.

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

Bats:

All species of bat are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017, making all species of bat European Protected Species. Details of the legislation can be found at:

- Wildlife and Countryside Act:
<http://www.legislation.gov.uk/ukpga/1981/69/contents>
- The Countryside and Rights of Way Act:
http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_7#pt3-pb8-l1g81
- The Conservation of Habitats and Species Regulations 2017:
http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1.

Nesting birds:

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

Informative 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. For more information email: planning.apeast@severntrent.co.uk.

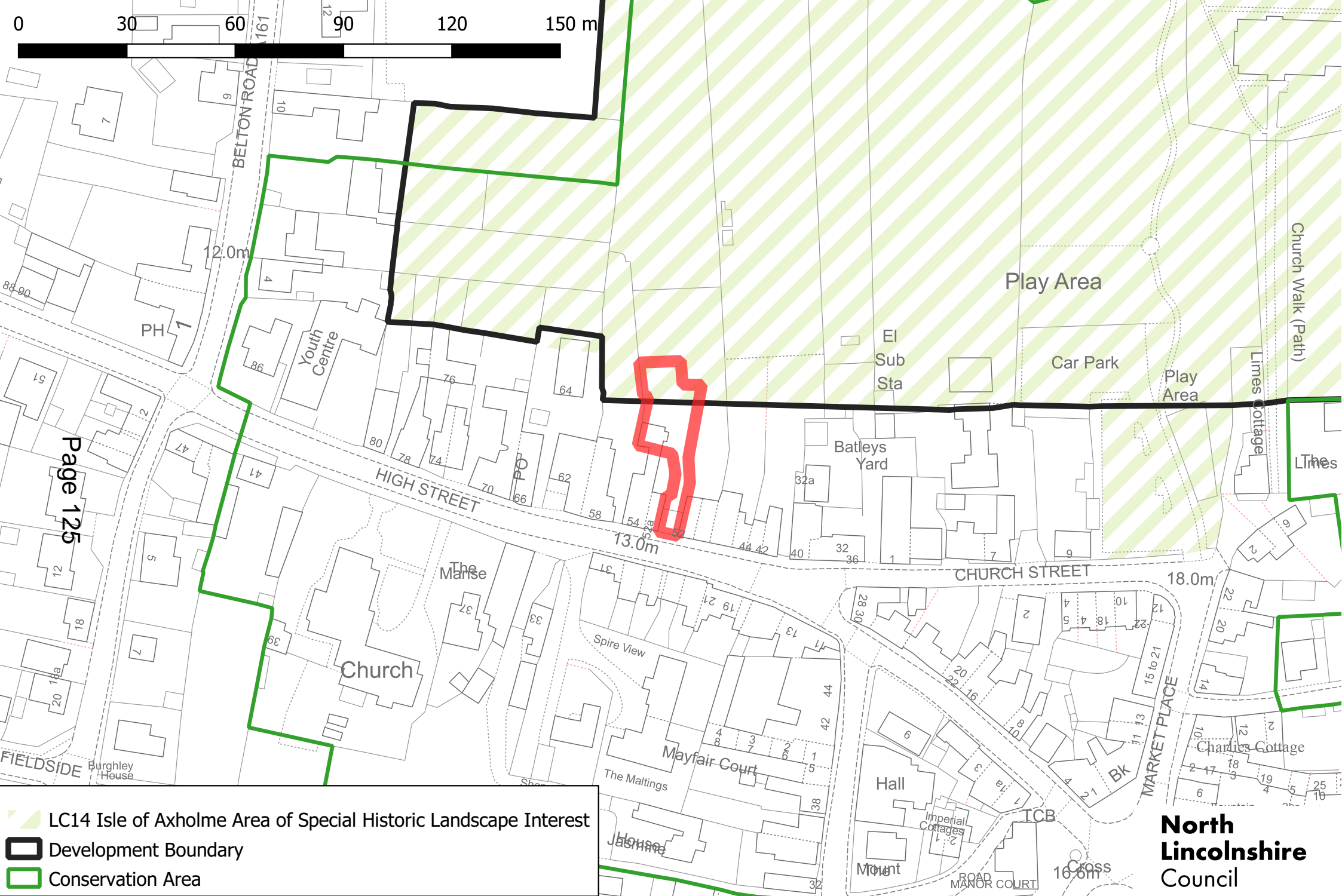
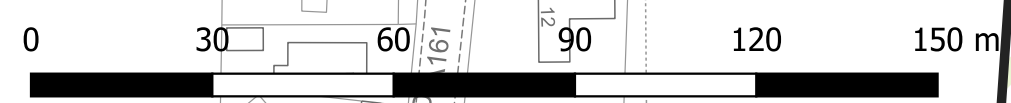
Informative 4

The council's LLFA Drainage Team also suggests 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 5

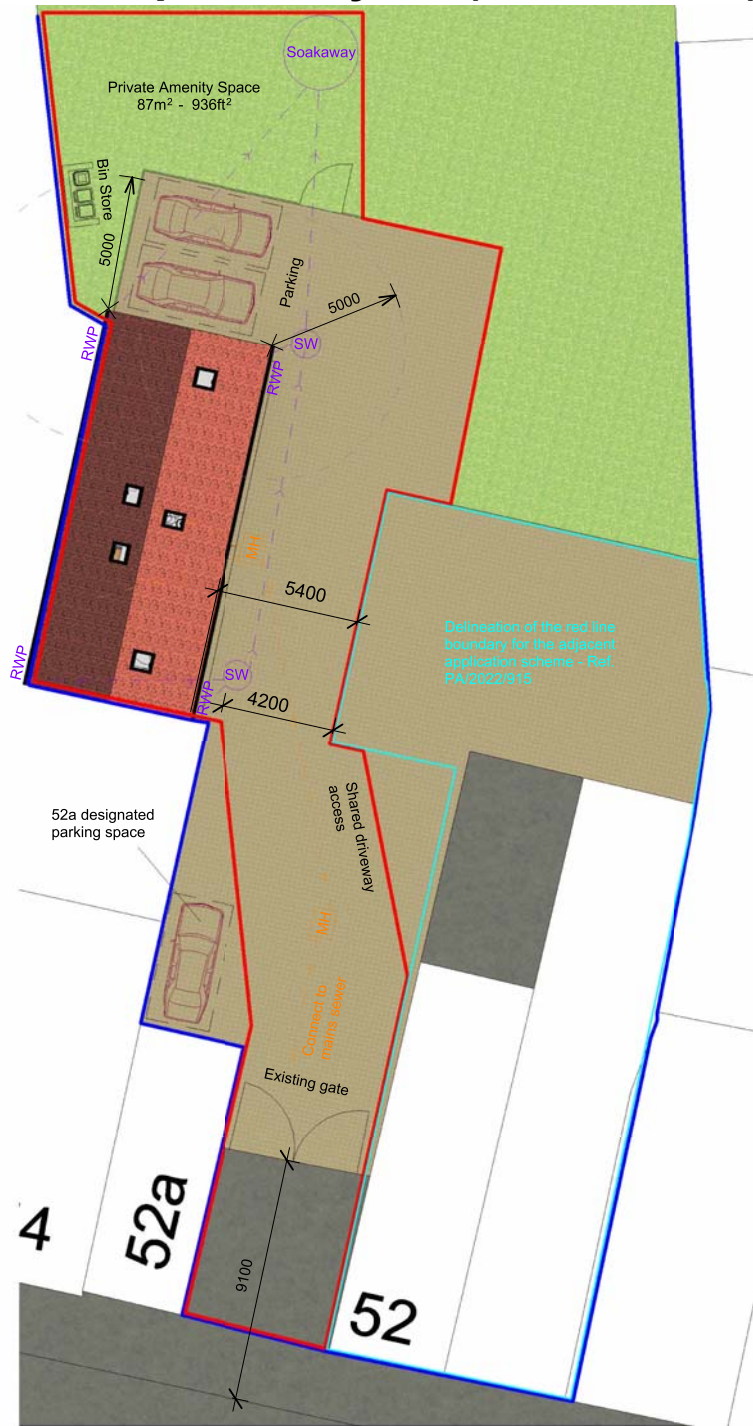
The developer's attention is drawn to the informative advice provided within the council's Waste Management team's consultation response dated 16 June 2022.



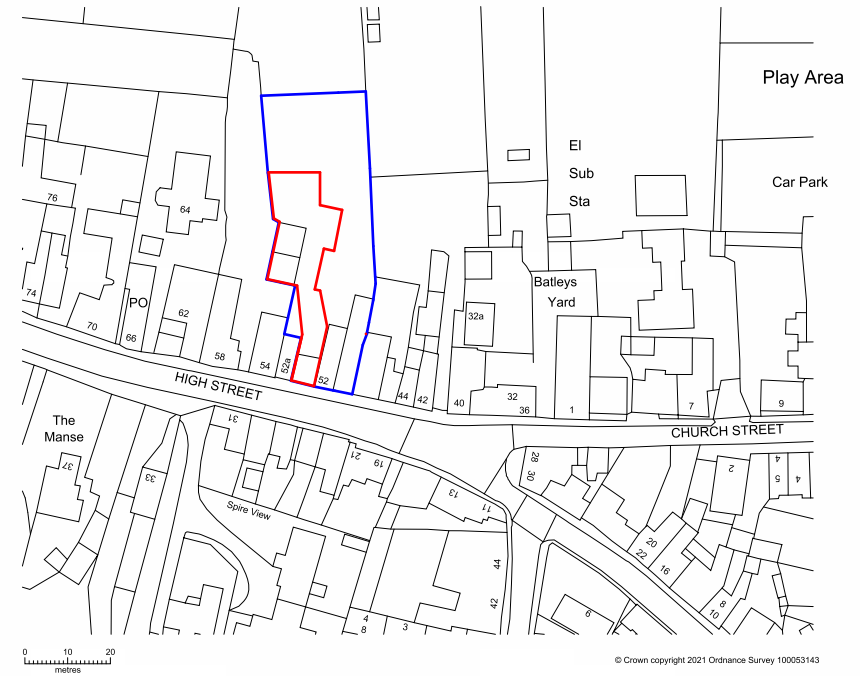
- LC14 Isle of Axholme Area of Special Historic Landscape Interest
- Development Boundary
- Conservation Area

**North
Lincolnshire
Council**

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Proposed Site Layout - Scale - 1 : 200



Location Plan - Scale - 1 : 1250



AMENDED

Revision	Date	Comment	Drawn by	Checked By
A	19/07/22	Updated to reflect conservation officer comments.	DT	NWH

Drawing Scale: As indicated @ A3

Proposed Site Layout
Oceans 52, High Street, Epworth

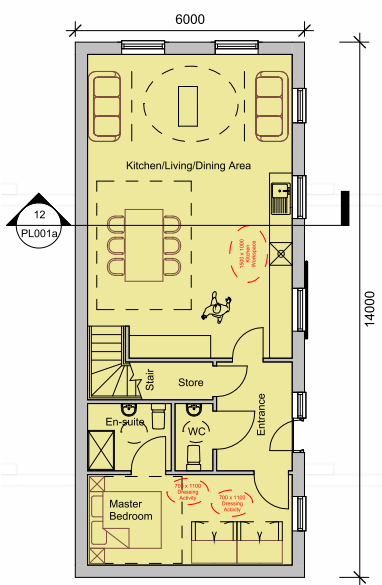
2022- ID - 04 - PL002a



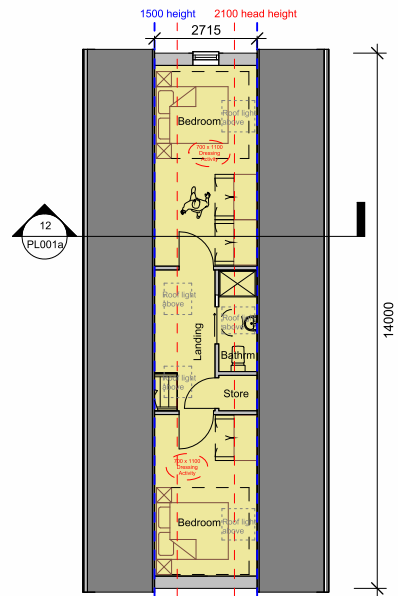
PLANNING DRAWING

Studio, The Game Farm, West End Road, Epworth, DN9 1LB

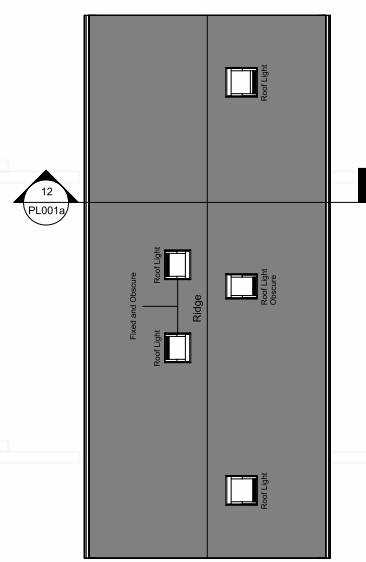
CIAT Chartered Membership No: 015669



Proposed Ground Floor General Arrangement - Scale - 1 : 100



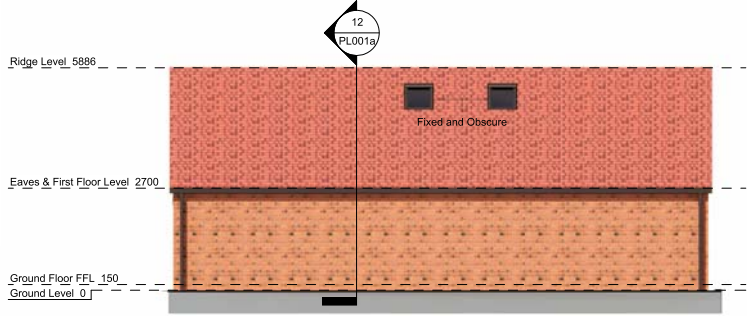
Proposed First Floor General Arrangement - Scale - 1 : 100



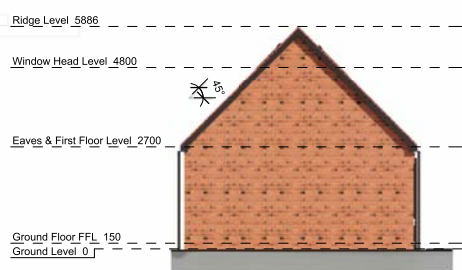
Proposed Roof General Arrangement - Scale - 1 : 100



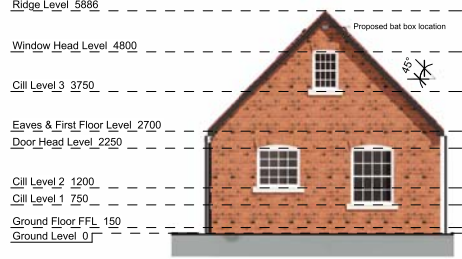
Proposed Leading Elevation - Scale - 1 : 100



Proposed Rear Elevation - Scale - 1 : 100



Proposed Side Elevation - Scale - 1 : 100



Proposed Garden Elevation - Scale - 1 : 100

- MATERIALS KEY**
- Red facing brickwork.
 - Red clay roof tile.
 - White timber frame windows.
 - White timber frame door and set.



Proposed Driveway Visual Image - Scale - 1 : 1



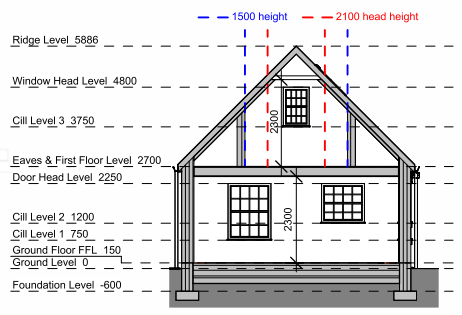
Proposed Garden Visual Image - Scale - 1 : 1

INDICATIVE SPECIES BOX KEY

- Indicative bat box as per ecology report.
- Indicative 3 swift apus apus box as per ecology report.

ACCOMODATION SCHEDULE

3 bedroom dwelling - 1 and half storeys			
GEA Ground Floor:	85m ²	915ft ²	
GEA First Floor:	48m ²	517ft ²	
Total:	133m²	1432ft²	
GIA Ground Floor:	73m ²	786ft ²	
GIA First Floor:	39m ²	420ft ²	
Total:	112m²	1206ft²	



Proposed General Section A-A - Scale - 1 : 100

AMENDED

Revision	Date	Comment	Drawn by	Checked By
A	19/07/22	Updated to reflect conservation officer comments.	DT	NWH

Drawing Scale: As indicated @ A2
 Proposed General Arrangements, Elevations and Section
 Oceans 52, High Street, Epworth
 2022 - ID - 04 - PL001a



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APPLICATION NO	PA/2022/961
APPLICANT	Mr Wolstenholme, Keson Homes
DEVELOPMENT	Planning permission to vary condition 2 of PA/2019/996 namely to revise design to Plot 12
LOCATION	Plot 12 Barnside, Hibaldstow
PARISH	Hibaldstow
WARD	Ridge
CASE OFFICER	Alan Redmond
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Hibaldstow Parish Council

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment.

North Lincolnshire Local Plan:

H5 New Housing Development

H8 Housing Design and Housing Mix

H10 Public Open Space Provision in New Housing Development

DS1 General Requirements

DS3 Planning Out Crime

T19 Car Parking Provision

North Lincolnshire Core Strategy:

CS1 Spatial Strategy for North Lincolnshire

CS2 Delivering more Sustainable Development

CS3 Development Limits

CS5 Delivering Quality Design in North Lincolnshire

CS7 Overall Housing Provision

CS8 Spatial Distribution of Housing Sites

CS9 Affordable Housing

CS25 Promoting Sustainable Transport

North Lincolnshire Housing and Employment Land Allocations Development Plan Document

CONSULTATIONS

Highways: No objections subject to recommended condition being applied.

LLFA Drainage: No objections subject to recommended condition being applied.

Environmental Protection: No objections subject to appropriate investigation for contaminants.

Waste Management Services: No objections; advice given on waste bins and collections.

Archaeology: Suitable investigation has already been undertaken and no further work is required.

PARISH COUNCIL

Object due to impact on the street scene.

PUBLICITY

Advertised by site notice – no comments received.

ASSESSMENT

Planning history

PA/2014/0397: Planning permission to erect 16 dwellings with estate roads and footpaths – approved 30/09/2015

PA/2019/996: Planning permission to erect 14 dwellings with vehicle garaging, associated access and landscaping works – approved 06/04/2020.

Proposal

The material considerations in assessing this application are:

- **visual amenity**
- **residential amenity**
- **highway safety.**

This application is made under S73 of the Town and Country Planning Act 1990 to modify condition 2 of planning permission PA/2019/996, namely to amend the approved drawing to plot 12.

The existing approval is for a two-storey detached dwelling, and the amendment seeks consent for a dormer-style property.

The application was originally submitted as a full application to change plot 12; however, as this would have required a new S106 agreement to link the proposal to the original consents, the application was altered to an S73 to modify the approved condition. Appropriate re-consultation has been undertaken.

Visual amenity

The application proposes the erection of a 1½ storey dwelling with eaves dormers to the front and rear of the property. The property is of a traditional design. The surrounding area is made up of a mix of different property types and it is therefore considered that there is no locally distinctive vernacular which would need to influence the design of this property.

The proposed dwelling is in similar position to that of the existing approval and is of a similar footprint. The previously approved garage remains as per the approval.

An objection has been put forward by the parish council raising concerns with regard to the proposal's impact upon the street scene. Plot 12 is sited to the western boundary of the site, furthest away from Barnside, with dwellings consented under PA/2019/996 being sited between the proposal and the road. It is considered that the proposal would not have any adverse impacts upon the existing street scene.

It is therefore considered that the proposal is in accordance with saved policy H5 and DS1 of the local plan, CS5 of the Core Strategy and part 12 of the National Planning Policy Framework which seek to secure high quality design in developments.

Residential amenity

The proposed dwelling provides all habitable rooms with an appropriate outlook and the property is provided with a suitable private amenity area which is of an acceptable size and shape to meet the needs of future occupiers.

The nearest residential properties are sited to the west on Ford Lane. It is considered that the proposed amendment results in an improved relationship between existing dwellings in terms of amenity.

It is considered that the proposal will not have an adverse impact upon residential amenity and it is therefore considered acceptable in this regard.

It is therefore considered that the proposal is in accordance with saved policy H5 and DS1 of the local plan, CS5 of the Core Strategy and part 12 of the National Planning Policy Framework which seek to secure appropriate standards of amenity in developments.

Highway safety

The application does not alter the previously approved road layout or access arrangements. The proposed dwelling is smaller than that previously approved and it is therefore considered that the proposal will not result in any increased demand to parking or impacts upon the highway network.

The application has been assessed by the Highway Authority and no objections have been raised to the proposal.

A condition recommended by the Highway Authority was made prior to the alteration of the proposal to an S73 and therefore the conditions applied to the original consent are sufficient to ensure the proposal is brought forward to an acceptable standard in highway terms and no further conditions are required.

S106 arrangements

The base permission (PA/2019/996) is subject to an S106 agreement which secures relevant obligations. The S106 contains a clause which ensures that all subsequent applications made under S73 are bound by the terms of the original S106 agreement. An S106a agreement is therefore not required in this instance.

Conclusion and planning balance

The decision has been considered against the relevant policies of the local plan, the Core Strategy and guidance contained in the National Planning Policy Framework and National Planning Practice Guidance.

It is considered that the proposed residential development of the site will not have an unacceptable impact on the character of the area, highway safety or the amenity of neighbouring residential properties. Furthermore, the development will support the vitality of the settlement. On this basis it is considered that the proposed development is acceptable.

Approval is therefore recommended subject to conditions. Conditions which have been discharged on PA/2019/996 are not required to be imposed on this approval.

RECOMMENDATION Grant permission subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 54406 Rev B Plot 12 Proposed Elevations, Floor Plans and Layout.

Reason

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

2.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 3 of planning permission PA/2019/996, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

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

3.

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment Final Rev B, April 2013 amended 5 April 2014, and in particular the following mitigation measures:

- Finished floor levels set no lower than 8.42 metres above Ordnance Datum (AOD);
- Provision of a 9 metre wide buffer strip adjacent to the main river, as shown in the layout plan in appendix B;
- Surface water network details as shown in appendix D, with a maximum discharge rate no greater than 5l/s.

The mitigation measures shall be fully implemented prior to occupation.

Reason

To prevent the increased risk of flooding, both on and off site.

4.

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

Part 1: Site Characteristics

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.

5.

No dwelling on site shall be occupied until works to improve Barnside identified on drawing number A0003 have been completed including:

- carriageway and footway widening;
- appropriate street lighting alterations/improvements;
- removal of redundant access points.

have been completed in accordance with details to be submitted and approved in writing by the local planning authority.

Reason

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

6.

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

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

as identified on drawing number A0003. Once constructed the private driveways shall be retained.

Reason

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

7.

No dwelling served by the proposed private driveways shall be occupied until adequate lighting arrangements have been provided in accordance with details to be submitted and

approved in writing by the local planning authority. Once provided the lighting arrangements to the driveways shall be retained.

Reason

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

8.

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.

9.

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.

10.

No development shall take place until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, has been submitted to and approved in writing by the local planning authority. Once approved the plan shall be implemented, reviewed and updated as necessary throughout the construction period.

Reason

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

11.

The Biodiversity Management Plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority.

The applicant or their successor in title shall submit photographs of the installed bat roost and bird nesting features, within two weeks of installation, as evidence of compliance with this condition.

Reason

To enhance features of recognised nature conservation importance in accordance with policy CS17 of the North Lincolnshire Core Strategy.

12.

Notwithstanding the layout plan, a scheme for the erection and location of boundary treatments shall be submitted to and agreed in writing with the local planning authority. The scheme shall thereafter remain in perpetuity.

Reason

In the interests of character and amenity and in accordance with policy CS5 of the North Lincolnshire Core Strategy.

13.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no extensions or outbuildings shall be erected on the site/installed on plots 9, 10, 11 and 12 other than those expressly authorised by this permission.

Reason

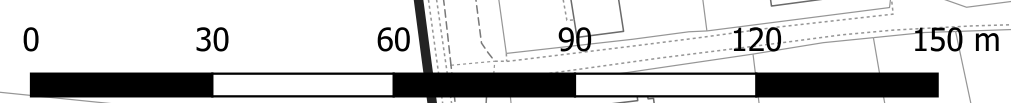
To allow the watercourse to remain unobstructed.

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 applicant is reminded of the obligations contained within the S106 Agreement relating to PA/2019/996, which also relates to this permission.

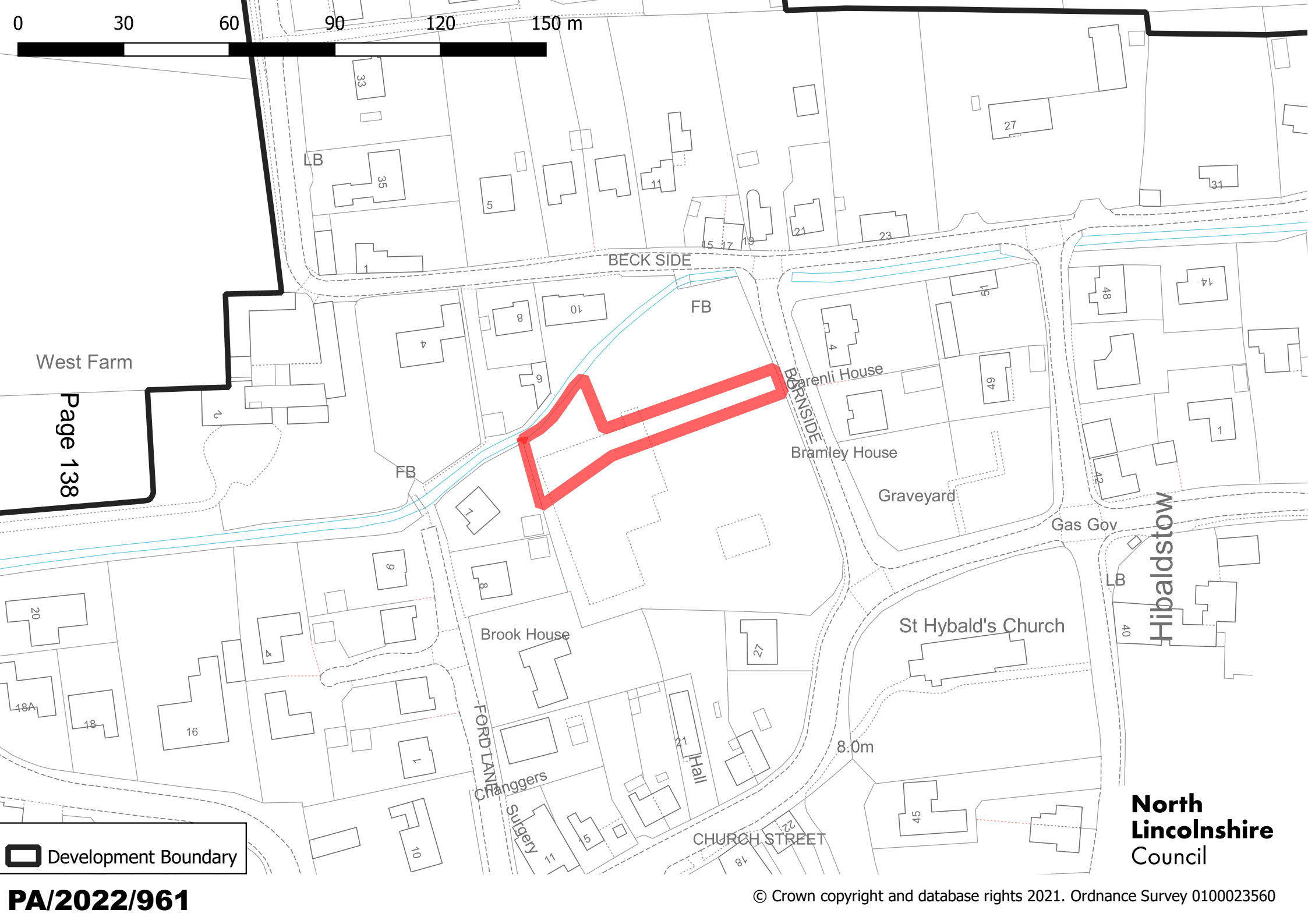


West Farm

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 Development Boundary

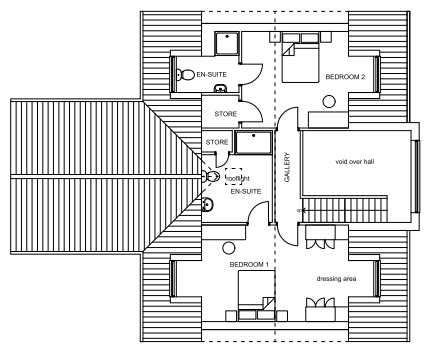
PA/2022/961



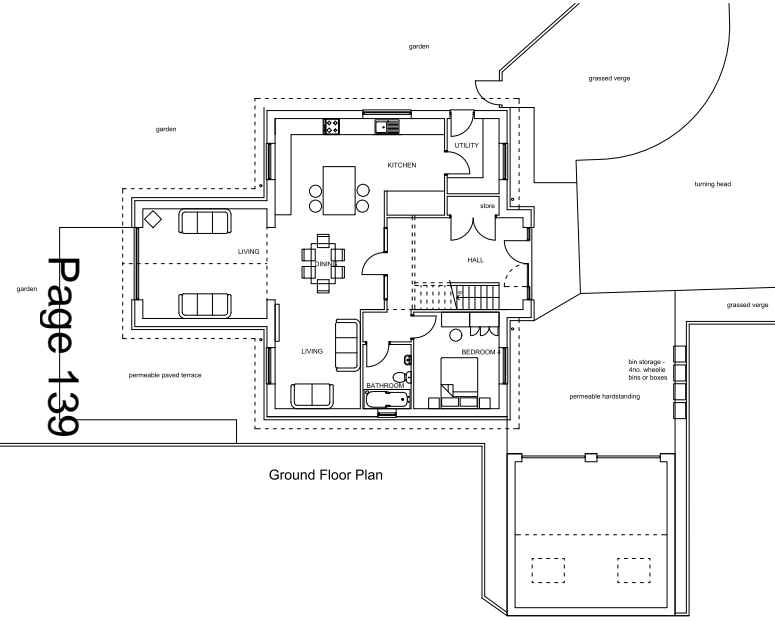
**North
Lincolnshire
Council**

PA/2022/961 Proposed elevations and plans (not to scale)

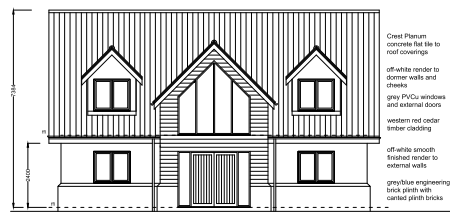
Issue Status			
This drawing is copyright. Only figured dimensions to be worked to.			
Revision	Drawn	Check	Date
A	KK	HM	12.05.2022
B	KK	HM	20.05.2022



First Floor Plan

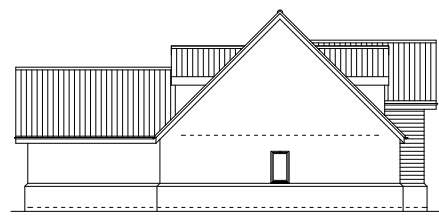


Ground Floor Plan



East Elevation

Crest Plenum concrete flat tile to roof coverings
 off-white render to dormer walls and cheeks
 grey PVCu windows and external doors
 western red cedar timber cladding
 off-white smooth finished render to external walls
 grey/blue engineering brick piers with carved girth bricks



South Elevation

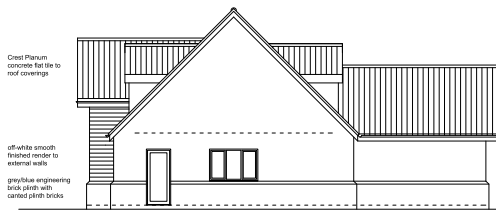
Crest Plenum concrete flat tile to roof coverings
 off-white render to dormer walls and cheeks
 western red cedar timber cladding
 off-white smooth finished render to external walls
 grey/blue engineering brick piers with carved girth bricks
 grey PVCu windows and external doors



West Elevation

off-white render to dormer walls and cheeks

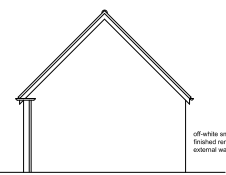
Crest Plenum concrete flat tile to roof coverings
 grey PVCu windows and external doors
 off-white smooth finished render to external walls
 grey/blue engineering brick piers with carved girth bricks



North Elevation

Crest Plenum concrete flat tile to roof coverings
 off-white smooth finished render to external walls
 grey/blue engineering brick piers with carved girth bricks

grey PVCu windows and external doors



Garage - East Elevation

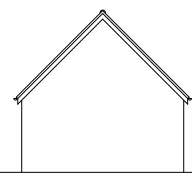
off-white smooth finished render to external walls



Garage - North Elevation

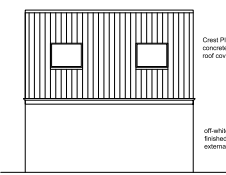
Crest Plenum concrete flat tile to roof coverings

off-white smooth finished render to external walls



Garage - West Elevation

off-white smooth finished render to external walls



Garage - South Elevation

Crest Plenum concrete flat tile to roof coverings

off-white smooth finished render to external walls

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Client			
Mr K Wilson			
Project			
Plot 12, Brook House Farm, Hibaldstow			
Drawn	Check	Date	
KK	HM	12.05.22	B
Revision			
Scheme Plans and Elevations			
12.05.22	1:100@A1	KK	HM

Kelly & MacPherson ARCHITECTS

Kelly & MacPherson ARCHITECTS
 tel: 01472 831732 mob: 0760108799 or 07443577922
 email: kate@kellymac.com or kugh@kellymac.com
 Unit 1, Colator MUC, 19 South Street, Colator LN7 6UB

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APPLICATION NO	PA/2022/1370
APPLICANT	Mr Brian Askham
DEVELOPMENT	Planning application to remove condition 2 of 2/0358/92/PA
LOCATION	Willow Farm, Wroot Road, Epworth Turbary, Epworth, DN9 1EA
PARISH	Epworth
WARD	Axholme Central
CASE OFFICER	Jess Hill

SUMMARY RECOMMENDATION **Grant permission**

REASONS FOR REFERENCE TO COMMITTEE Departure from the development plan

POLICIES

National Planning Policy Framework: Section 4 (Decision-making)

North Lincolnshire Local Plan: Policies DS1, RD2, LC14

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

CONSULTATIONS

LLFA Drainage: No comments or objections.

Highways: No comments or objections.

TOWN COUNCIL

No response received.

PUBLICITY

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

ASSESSMENT

Site location and context

The site comprises a parcel of land to the west of Epworth (south of Epworth Road). The site includes a dwelling, disused agricultural buildings and a pet crematorium.

Planning history

- 2/0031/91/PA: Erection of buildings in connection with a mushroom farm, siting of a residential caravan and installation of a septic tank – approved 19 March 1991
- 2/0358/92/PA: Erection of a detached bungalow and garage, and installation of a septic tank in connection with a mushroom business – approved 14 July 1992
- PA/2002/1158: Planning permission to site a temporary farm dwelling – approved 30 June 2003
- PA/2002/1159: Planning permission to erect a spawn running shed in conjunction with mushroom growing – approved 30 June 2003
- PA/2002/1160: Planning permission to construct an access road to Willow Farm – approved 30 June 2003
- PA/2004/2194: Outline planning permission to erect a bungalow – refused 8 March 2005
- PA/2005/1720: Planning permission to remove condition 2 of 2/0358/92 to allow occupation of the dwelling by a non-agricultural worker – refused 7 December 2005
- PA/2010/0984: Planning permission to erect a detached annexe – refused 1 October 2010
- PA/2011/0815: Planning permission for change of use to a pet crematorium – approved 30 August 2011
- PA/2012/0016: Advertisement consent to display sign – approved 10 February 2012.

Designations/constraints

- Outside any defined development limits
- Not within a conservation area and there no listed buildings on or next to the site
- Within the Isle of Axholme Area of Special Historic Interest (policy LC14)
- No tree preservation orders on the site
- There is a public right of way next to the site (to the west and south)
- Partly within and partly outside SFRA Flood Zone 2/3(a) (Fluvial)

Proposal

This application seeks consent to remove condition 2 of planning permission 2/0358/92/PA. Condition 2 is an agricultural worker occupancy condition and reads as follows:

‘The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in section 336(1) of the Town and Country Planning Act 1990, or in forestry (including any dependants of such a person residing with him), or a widow or widower of such a person.’

Therefore, the application seeks consent for the dwelling to continue to be occupied by residents who no longer work in agriculture. No physical alterations are proposed. The main consideration in the determination of the application therefore relates to the principle of development.

Principle of development

The proposed development was granted permission for the production of mushrooms and the erection of a bungalow under permission 2/0358/92/PA in 1992.

The mushroom farm operated on site from 1992 until 2010. During this period the bungalow was occupied in accordance with condition 2, given the residents were mushroom farmers.

Operations then reduced as the increase in the foreign importation of mushrooms meant that the mushroom farm no longer remained a viable business. Operations subsequently diversified after permission was granted for a pet crematorium in 2011 under permission PA/2011/0815.

The pet crematorium opened on 1 July 2012. The applicant has provided a copy of the licence that was issued by the Animal Health and Veterinary Laboratories Agency dated 15 June 2012. This allowed the business to begin operating from July 2012.

The pet crematorium business has therefore been operating for over 10 years, during which time the bungalow has been occupied in breach of condition 2.

Under the provisions of the Town and Country Planning Act 1990 section 171B (3), local planning authorities are limited in taking enforcement action against alleged breaches of planning control after 10 years. The period commences from the date of the original breach in relation to the use of a site. In this case, July 2012. The applicant has provided a copy of an invoice issued 8 July 2012 to confirm the use started at this time.

The breach of condition 2 appears to have been continuous and unbroken since 2012. The applicant has provided statements to confirm the occupation has been unbroken. Given that no enforcement action has been initiated by the local authority to bring this unauthorised use to an end during this period, no enforcement action can now be taken by the council.

There would therefore be no purpose in refusing the current application.

Furthermore, whilst the pet crematorium business does not necessarily require a worker's dwelling, the business has consent to operate and represents a diversification of the original agricultural business on the site. The applicants have needed to diversify operations to ensure they can maintain an income and the dwelling was originally occupied in accordance with condition 2.

Other matters

Permission 2/0358/92/PA included five conditions. Conditions 1, 3, 4 and 5 are no longer relevant or applicable for the reasons set out below. As such, these conditions will not be reattached to the decision notice should planning permission be granted.

Condition 1: The development for which permission is hereby granted must be begun not later than the expiration of five years beginning with the date of this permission.

This condition is no longer required given the permission has been implemented and carried out.

Condition 3: Before development is commenced a schedule of materials and finishes and, where so required by the Local Planning Authority, samples of such materials and finishes to be used for the external walls and roofs of the proposed building(s) shall be submitted to and approved by the Local Planning Authority.

As above, the condition is no longer required as the development has been completed.

Condition 4: When the bungalow hereby permitted is occupied, the existing residential caravan shall be removed and the site reinstated to the satisfaction of the Local Planning Authority.

The caravan has been removed and as such this condition is no longer necessary.

Condition 5: Within 28 days of the date of this decision notice the existing vehicular access shall be improved to the satisfaction of the Local Planning Authority.

As above, the vehicular access has been constructed and this condition is therefore no longer needed.

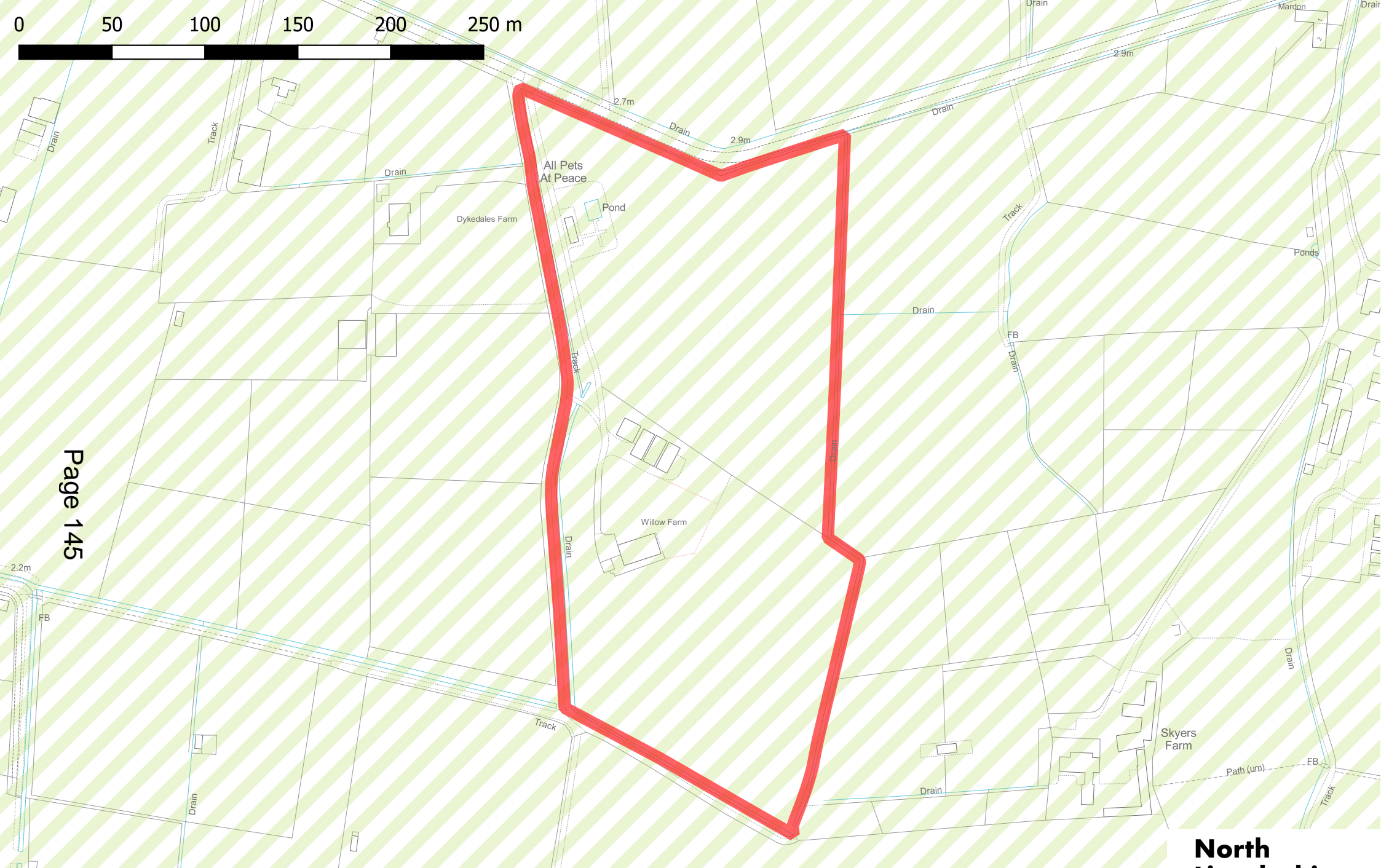
Conclusion

The proposed removal of condition 2 of permission 2/0358/92/PA is considered to be acceptable in principle.

RECOMMENDATION Grant permission.

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.



All Pets
At Peace

Dykedaes Farm

Pond

Willow Farm

Skyers
Farm

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LC14 Isle of Axholme Area of Special Historic Landscape Interest

**North
Lincolnshire
Council**

PA/2022/1370

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APPLICATION NO	PA/2022/1386
APPLICANT	Mr & Mrs Jason Yare
DEVELOPMENT	Planning permission to erect single-storey rear extensions and convert existing detached garage (including demolition of existing rear extension)
LOCATION	25 School Lane, Appleby, DN15 0AL
PARISH	Appleby
WARD	Broughton and Appleby
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Appleby Parish Council

POLICIES

National Planning Policy Framework:

Section 12 – Achieving well-designed places

North Lincolnshire Local Plan:

DS1: General Requirements

DS5: Residential Extensions

HE2: Development within Conservation Areas

HE3: Demolition in Conservation Areas

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 (2016): The site is within the development limits of Appleby and within the Appleby Conservation Area.

Supplementary Planning Guidance

SPG1: Design Guidance for House Extensions

SPG: Appleby Conservation Area

Appleby Neighbourhood Plan: The Neighbourhood Plan discusses the Model Estate Cottages and the Winn Cottage, which this proposal relates to. Sections 4.18–4.20 refer to other buildings within the conservation area and note, ‘Renovation, alteration or extension to all other buildings within the Conservation Area – particularly if visible from the road or from neighbouring properties – shall, wherever practical, incorporate traditional designs and materials that are associated with the key buildings in the Conservation Area – i.e. listed buildings and buildings of townscape merit.’

When discussing ‘New Development’, the neighbourhood plan notes in relation to design, ‘The form of all new development should reflect the dimensions and rhythms of neighbouring property that is characteristic of the character of the conservation area.’

When discussing ‘New Development’, the plan states in relation to materials, ‘Modern, machine-made, flat clay tiles will rarely be acceptable, neither will concrete tiles, artificial slate or plastic doors and windows. Windows should be traditionally detailed with vertically or horizontally sliding sashes, or casements fitted flush with their frames. Top-hung false ‘sashes’ should be discouraged. Front doors should be made from timber, planked or with recessed moulded panels. All timber should be painted not stained. 4.32 A limited range of traditional materials and details should be specified for new development in Appleby.’

CONSULTATIONS

Highways: No comments or objections.

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

Conservation: No objection subject to conditions:

- that details of the facing and roofing materials are submitted for consideration before installation; and
- that the new windows and doors in the new extension are made from timber and details are submitted for consideration before installation.

PARISH COUNCIL

Objects to the application. Supports the extension to the property, but not the materials used. NLC conservation area policies and Appleby Parish Council Neighbourhood Plan policies clearly state that new development, particularly on heritage properties such as this should use timber for windows and doors. The existing residents are not to blame for that, having only recently moved in. Appleby Parish Council has been consistent in this respect, particularly with Buildings of Townscape Merit.

PUBLICITY

A press and site notice have been displayed. No comments have been received.

ASSESSMENT

Planning history

There is no relevant planning history for the site.

The site and proposal

The application site is within a primarily residential area to the north of School Lane, within the Appleby conservation area. The host property is a semi-detached dwelling which is part of one of the pairs of former estate cottages within the village. Planning permission has recently been granted for a detached bungalow to the east of the site adjacent to 27 School Lane.

The application seeks to demolish the existing rear extension and erect a new single-storey rear extension, including conversion of the existing detached garage. The existing extension is not in keeping with the existing property and the applicant seeks to raise the character of the site.

The proposals do not seek to alter the main frontage of the building and relate to the rear of the property, albeit views into the site can be achieved. The existing property comprises a mixture of red facing brickwork and stonework to external walls, red clay single pantiles to the roof and UPVC 'timber look' windows and doors.

The following considerations are relevant to this proposal:

- **principle of development**
- **historic environment, appearance and quality of design**
- **residential amenity.**

Principle of development

This proposal is for the demolition of an existing extension and creation of a new extension to the rear of the property, including linking to and converting the existing detached garage. The works relate to an existing property and as such the principle of development is acceptable.

Historic environment, appearance and quality of design

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) of the local plan 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 HE3 of the local plan relates to demolition in conservation areas and identifies a series of criteria against which demolition of a building will be assessed. The applicant has demonstrated that the current extension is not suitable for reuse as well as being out of character and unsympathetic with the existing property, this view being supported by the conservation officer. Its removal will allow the redevelopment of the site and seek to enhance the overall character of the site and wider conservation area.

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.

Both policies DS5 and CS5 are concerned with visual amenity with the former stating that proposals should be sympathetic in design, scale and materials. Both Policies DS5 and CS5 seeks to improve the quality of design across North Lincolnshire.

The applicant has submitted a Heritage Statement as part of the submission package and is aware of the need to design a scheme that is sympathetic to the conservation area as well as the host property. The property is not listed nor is the site located within an Article 4 Direction area.

The proposal seeks to demolish an existing unsympathetic extension and erect a single-storey rear extension in its place, which also links to the detached garage and extends this further. The development will allow the applicant to create a ground-floor bedroom, bathroom, utility room and larger kitchen/dining space, and larger lounge.

The Conservation Officer and case officer have visited the site and consider the proposed design to be in keeping and sympathetic to the host property.

The applicant has sought to use materials for the build that will match the existing dwelling including:

- External walls: reclaimed red facing bricks with infill panels of random stonework to match the main dwelling
- Plinth: the external walls to include a plinth feature to match the existing house
- Roof: Goxhill Old English clay pantiles in red to match existing

- Guttering: black half-round pattern in UPVC
- Windows/doors: Cream UPVC 'timber look' to match existing
- Lintols: brick on end detailing to match existing.

The Conservation Officer has commented that the form, design and appearance of the proposed extension are acceptable with matching stone and red brick detailing matching the principal historic building. The comments also note that the extension is subservient to the main building. The use of stone, bricks and red clay pantiles is considered acceptable, however the Conservation Officer notes that these details need to be agreed and controlled by condition.

In relation to the materials for the windows and doors, there is an element of conflict between the applicant and the Conservation Officer and parish council. The Conservation Officer and parish council both consider that the proposed extension should be finished in timber.

Whilst it is accepted that policy HE2 of the local plan, the Appleby Neighbourhood Plan and SPG Appleby Conservation Area all seek to preserve and enhance the character and appearance of the area and wider conservation area, the existing property includes UPVC windows to the frontage, which are not proposed to be changed as part of this application. The adjoining property (25 School Lane) also includes UPVC windows to the frontage.

Whilst the use of timber within new build developments is supported, it is considered unreasonable to request the extension includes timber windows when the windows within the existing house and the adjoining property are UPVC. It is not considered that the use of UPVC, in cream to match the existing, would detract from views into the site or from the character and appearance of the conservation area. It is considered unreasonable to expect the windows and doors within the rear part of the property (extension), part of which would not be visible from the road, to be completed in timber, when the main frontage of the property contains UPVC.

The applicant has sought to replicate all existing materials on the property within the proposed extension. The parish council and conservation officer's comments are noted; however, the existing windows within the host property are UPVC.

25 School Lane is not a listed building but is noted as a building of townscape merit on the conservation area map; however, it is not noted as such on the Townscape Analysis. Section 2.3 of the SPG refers to buildings of townscape merit and considers that they contribute positively to the character of the conservation area. The SPG requires extensions and alterations to buildings of townscape merit to have to be particularly sensitively designed and take into account their historic and architectural interest. The SPG continues and requires every effort to be made to retain all existing traditional architectural features of these buildings, the removal or loss of which will need to be fully justified within the context of any adverse impacts which this loss will have on the character and appearance of the conservation area. Alterations will need to incorporate matching designs and materials appropriate to the age and character of the building.

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.

This proposal relates to an existing semi-detached property and will replace the existing rear extension with a new single-storey extension which will link to the existing detached garage and extend this slightly. The height of the proposed infill section will be lower than that of the existing garage and lower than the original height of the existing rear extension. Development will run along the boundary with 27 School Lane. The rear gardens of the properties are north-facing and as such it is not considered that the proposal would lead to amenity impacts such as overshadowing or loss of light. No windows are proposed on the eastern elevation and as such there will be no concerns in terms of privacy or overlooking. All proposed windows will overlook the existing garden of the property.

It is considered that the design of the extension will not lead to undue harm from overlooking, overshadowing, overbearing impact, or loss of privacy for 25 School Lane.

It is considered, therefore, 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 DS5.

Planning balance

On balance, the building is recognised as a building of townscape merit. It is not listed and there is no Article 4 Direction in this part of Appleby. The applicant has sought to design the extension to be in keeping with the host dwelling, as well as utilising materials which match the existing. The only area of dispute is regarding the use of timber windows and doors. It is not considered this warrants a reason for refusal when the host property includes UPVC and the adjoining property includes UPVC, and these could be changed at any time within the wider property under permitted development rights. The main frontage, which is visible from the road, includes UPVC windows and doors. The rear of the property is largely screened and as such less visible/prominent within the street scene.

Conclusion

The proposal is acceptable in principle and is well designed, and subject to the suggested condition, 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:

- Site Location Plan - JY/22/01
- Proposed Ground Floor Plan - JY/22/05
- Proposed Elevations - JY/22/06
- Proposed Block Plan - JY/22/02A.

Reason

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

3.

Notwithstanding the hereby approved plans (condition 2 above), no development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing and roofing 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.

4.

The materials for the proposed windows and doors shall be finished in a conservation style, woodgrain UPVC, cream in colour to match the existing windows and doors at the front of the main property, 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.

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.



HAYTONS LANE

CHURCH SIDE

SCHOOL LANE

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Issues

North Brook

The Gables

The Old Cart House

Manor Cottage

Manor House

LB

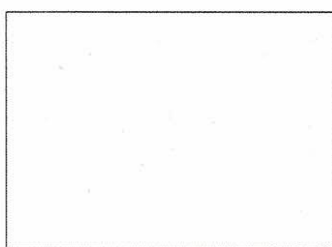
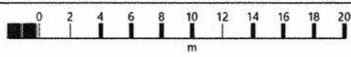
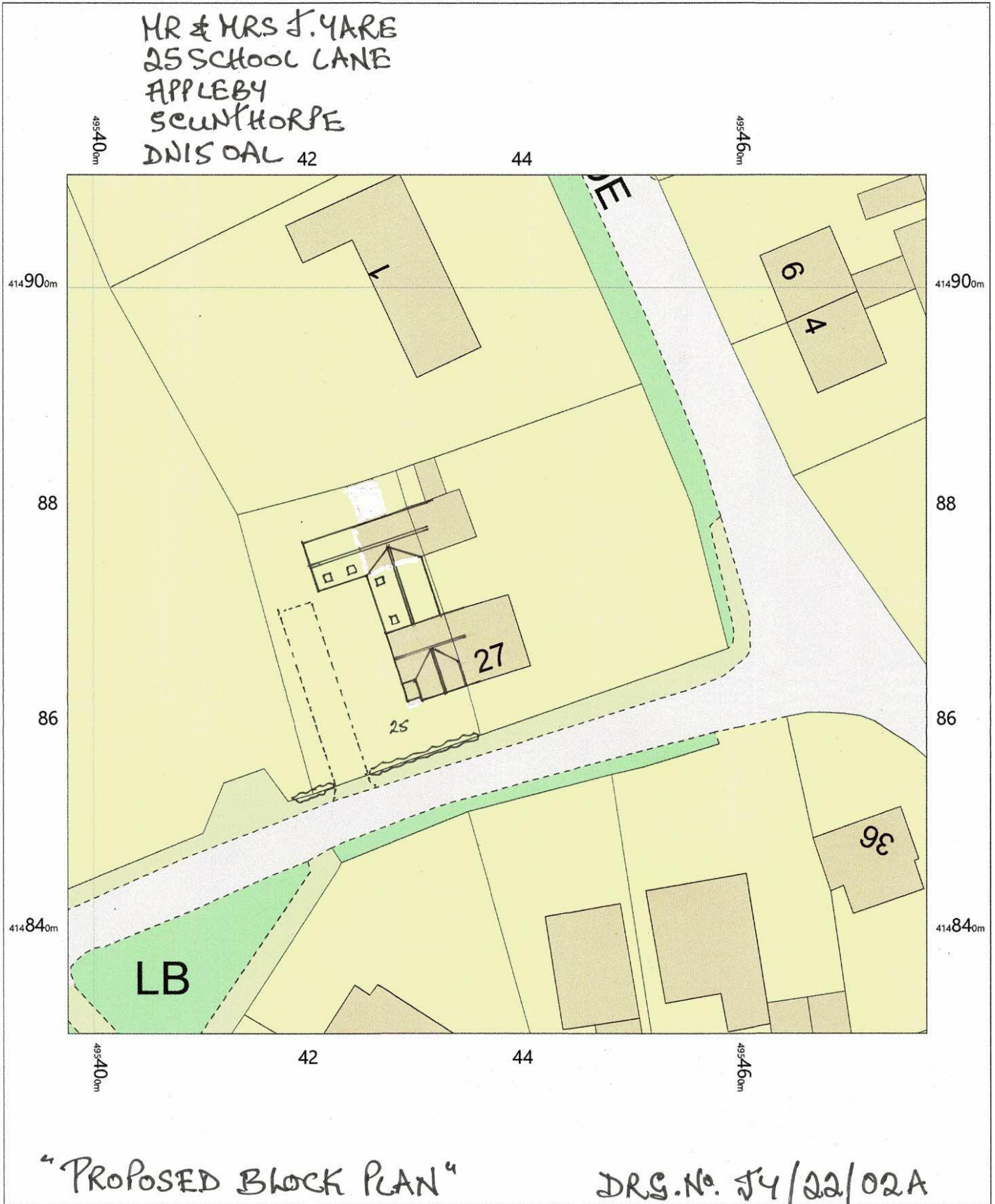
- Development Boundary
- Conservation Area
- Article 4 Directions

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PA/2022/1386

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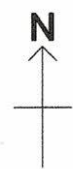
PA/2022/1386 Proposed layout (not to scale)



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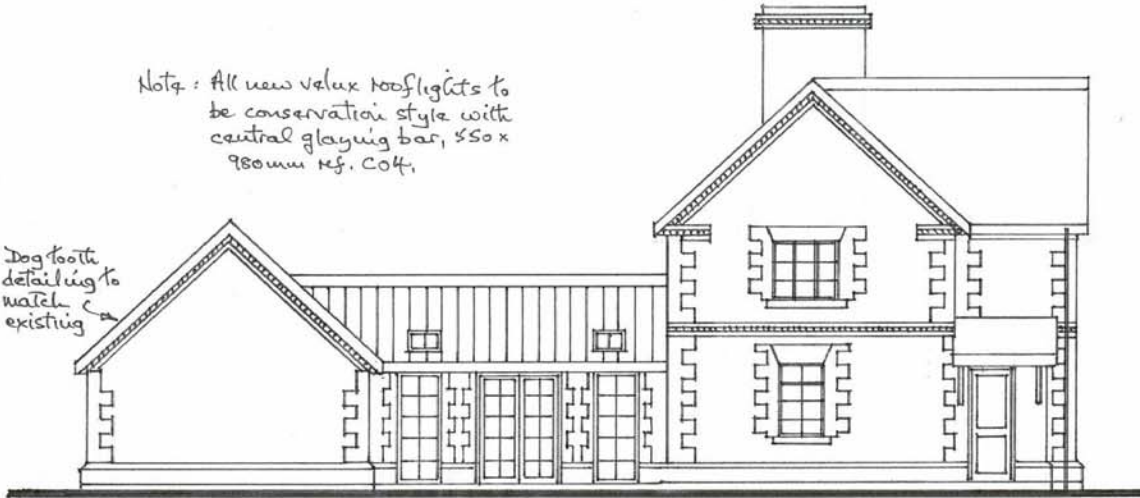
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Note: All new velux rooflights to be conservation style with central glazing bar, 550 x 980mm Mf. C04.

Dog tooth detailing to match existing

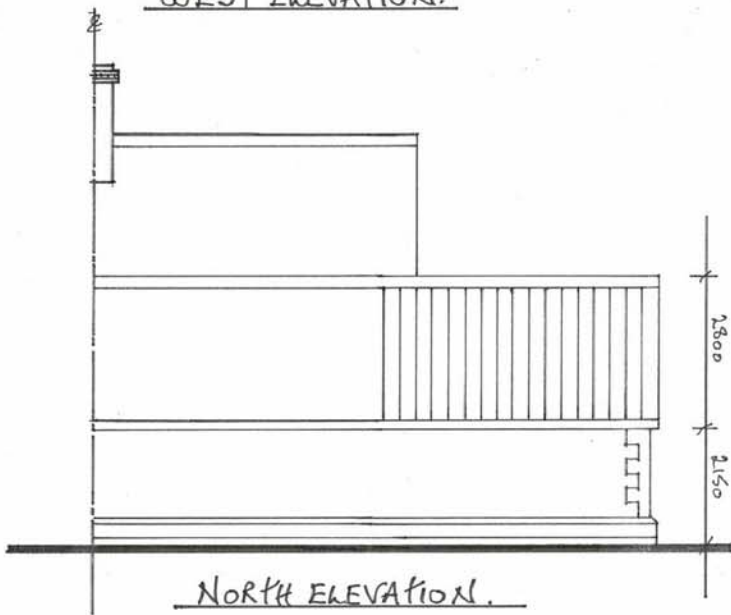


WEST ELEVATION.

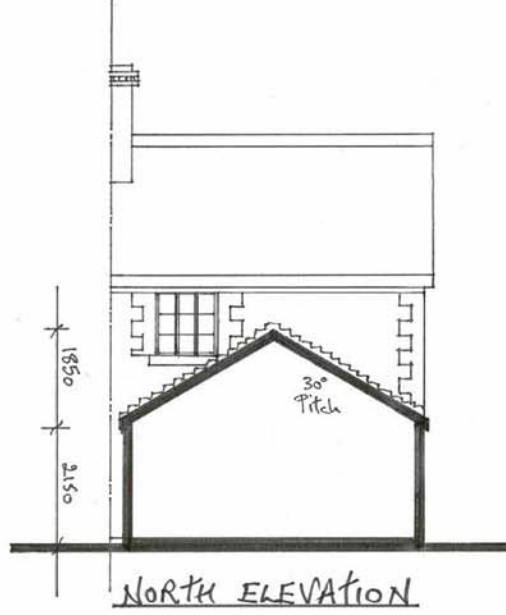


SOUTH ELEVATION

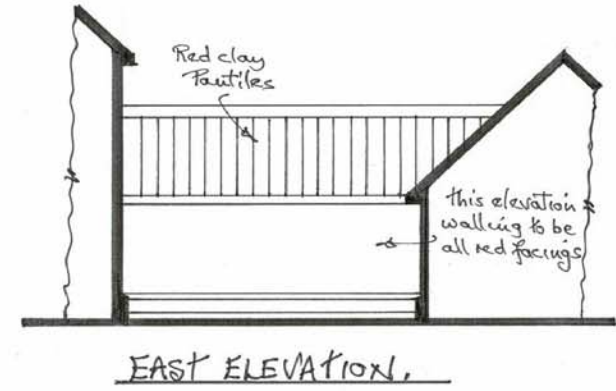
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NORTH ELEVATION.



NORTH ELEVATION



EAST ELEVATION.

MR & MRS J. YARE
25 SCHOOL LANE
APPLEBY
SCUNTHORPE DN15 0AL

PROPOSED EXTENSIONS
& ALTERATIONS

DRAWN BY:
JEM MANAGEMENT SERVICES
45 OSWALD ROAD
SCUNTHORPE 07764 922416

DATE: July 2022

DRG. NO: JY/22/06

SCALE: 1/100 @ A3

REV.

APPLICATION NO	PA/2022/1411
APPLICANT	Mr Bob Higgins
DEVELOPMENT	Planning permission to erect two one-and-a-half-storey dwellings and garage
LOCATION	Land east of Townside, East Halton, DN40 3PS
PARISH	East Halton
WARD	Ferry
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	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 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.

National Planning Practice Guidance

National Design Guide (2019)

National Design Code (2021)

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

CS17: Biodiversity

CS19: Flood Risk

CS25: Promoting Sustainable Transport

North Lincolnshire Local Plan:

DS1: General Requirements

RD2: Development in the Open Countryside

H5: New Housing Development (part 2 saved)

H7: Backland and Tandem Development

T1: Location of Development

T2: Access to Development

T19: Car parking Provision and Standards and Appendix 2

LC5: Species Protection

LC7: Landscape Protection

LC12: Protection of Trees, Woodland and Hedgerows

Housing and Employment Land Allocations DPD: The main access into the site is within the development limits. The main part of the site is outside the development limits, within the open countryside as shown on the Proposals Map.

CONSULTATIONS

LLFA Drainage Team: No objection subject to conditions and informative comments.

Environmental Protection: No objection subject to a condition to address the potential for contamination at the site. Request a Phase 1 Desk Study prior to commencement of development.

Highways: No objection subject to conditions relating to access, parking and turning.

Waste and Recycling: No objection. Waste Management should be referred to at the earliest stage of building design for new properties to include adequate storage areas for waste management facilities and good access for collection crews. Informative recommended.

PARISH COUNCIL

No comments received.

PUBLICITY

A press and site notice has been displayed. Eight responses have been received, all objecting to the proposed development. The comments can be summarised as follows:

- Concern regarding the size/width of the access – it is too narrow
- The proposal is non-compliant with the North Lincolnshire Residential Roads Design Guide where usually 4.5m approach widths are necessary for private, unadopted drives serving fewer than five dwellings to allow for two-way movement, including dual use for the passing of pedestrians and cyclists by drivers of vehicles
- Potential for cars to damage property on the access
- Concerns the drain to the rear of terraced properties may be damaged by development
- Noise and vibration from passing traffic
- The economic/social benefits of the site have been overexaggerated as there are only two dwellings proposed
- Potential for additional parking to spill onto Townside
- Pedestrian safety concerns
- Limited visibility for cars
- Sets a precedent for backyard development
- Will lead to overlooking and loss of light to existing residential properties
- Inappropriate development
- Southern boundary concerns – this boundary is mostly fenced (belonging to the adjacent properties) and is uneven, not as shown on the application. There are the remains of old buildings on the site and along the boundary, and this is possibly a reason for the unevenness.
- Concerns during development vehicles could damage boundaries/get stuck on site
- Visibility splay cannot be achieved
- No visitor parking
- Impact on privacy – overlooking and noise impacts
- Bin storage and collection requires further clarification given the distances.

ASSESSMENT

Planning history

PA/2009/1433: Planning permission to erect two detached bungalows and garages – refused 27/01/2010

Reason for refusal: East Halton is included in the list of minimum growth settlements in policy ST2 of the North Lincolnshire Local Plan. The development is contrary to policies H1 and ST3 of the Plan as it lies outside the development boundary for the settlement and is not essential for the purposes of agriculture or forestry. Furthermore the development does not fulfil the criteria necessary for it to be treated exceptionally under policies H13, RD9 or RD10 of the Plan.

PA/2002/1786: Planning permission to erect six town houses with associated parking and means of access – refused 21/01/2003

PA/2004/1106: Planning permission to erect three dwellings, including parking and means of access – approved 11/08/2004

7/1990/0494: Erection of six two-bedroom townhouses in two blocks of three, with parking and means of access – approved 13/09/1990 (The proposed access for the units was via the current proposed access.)

PA/2022/310: Planning permission to erect two, one-and-a-half-storey dwellings – withdrawn 21/04/2022.

Site designations/constraints

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

The site is within Flood Risk Zone 1.

The site is partly outside the development limits for East Halton – the access is within the development limits.

The site and proposals

The site, which currently comprises vacant, underused overgrown land, lies to the east of Townside. Evidence of site clearance was apparent during the site visit as piles of ‘Heras’ fencing, wooden boards, pallets and other materials were on the site.

The proposed access is to the south of existing residential property Lunaria and to the north of Jepela (residential property) located off Kettlebridge Lane. The access leads to the main part of the site, which is to the rear of residential properties off Townside (Lunaria, Magorian and Uppsala) and to the rear of properties to the south of the site off Kettlebridge Lane (Elm Tree Cottage, Sycamore Cottage, Holly Cottage). The eastern boundary of the site adjoins the garden of Ivy Cottage also located off Kettlebridge Lane. The northern boundary of the site adjoins the rear garden of Hawthorne House.

The existing boundary treatments of the main site are:

- rear garden fencing to the west
- hedges, trees and other vegetation to the north
- a mix of timber fencing and rear outbuildings to the south
- hedges/trees and fencing to the east.

The existing boundary treatments of the access are:

- timber fencing and end elevation of Jepela to the south (there are no windows in the northern elevation of Jepela)
- timber fencing and end elevation of Lunaria to the north (there is one first-floor window but no ground-floor windows in the southern elevation of Lunaria).

This proposal seeks the erection of two, one-and-a-half-storey dwellings and associated garages. Both dwellings will include off-road parking for two vehicles.

The following considerations are relevant to this proposal:

- **principle of development**
- **appearance/quality of design**
- **residential amenity**
- **highways**
- **environmental protection.**

Principle of development

The combined effect of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is that a planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. Here, the development plan comprises the North Lincolnshire Local Plan 2003, the Core Strategy 2011 and the Housing and Employment Allocations DPD.

The application site is within the rural settlement of East Halton. The site lies partly within the settlement limits of East Halton as set out by the Housing and Employment Land Allocations Development Plan Document (DPD) where sustainable development is supported under the provisions of saved policy CS3. As the remainder of the site is outside the settlement framework set out in the DPD, for policy purposes this would constitute development within the countryside and therefore the provisions of saved policy RD2 apply.

Saved policy H5 covers new residential development, which requires development to be located within settlements or to represent infill.

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

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located partly outside the defined development limit for East Halton.

Policy CS8 strictly limits housing development in rural settlements in the countryside and in the open countryside outside development limits (the proposal site). Consideration will be given to development which relates to agriculture, forestry or to meet a special need associated with the countryside. Development should not have an adverse impact on the environment or landscape.

Local plan saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is for affordable housing to meet a proven need or for the replacement, alteration or extension of an existing dwelling; and even then, strict criteria must be achieved as set out in parts a–f of the policy.

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).

There is, therefore, a development plan presumption against housing development in this location. The proposal is not in overall accordance with the development plan, and so the starting point would be to refuse unless other material considerations indicate otherwise. It is also acknowledged that the council cannot currently demonstrate an up to date five-year housing land supply.

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 (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.

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:

- (iii) 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
- (iv) 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. Whilst only modest in scale, the development does propose an additional two dwellings which will bring the following benefits:

Economic: Temporary small-scale employment opportunities during the construction process as well as benefits for local suppliers and businesses during that period. Longer-term employment benefits which a typical residential property may bring include repairs and maintenance as well as other works required. Potential for new residents to shop locally and use local services.

Social: The local authority area currently has a shortfall in housing supply. Whilst only modest, the development will provide much needed housing within the area contributing to the overall land supply. Whilst East Halton is a rural settlement and there will be a reliance on the private car to access many facilities and services, there will be an increase in people who could shop and use other services locally.

Environmental: The scheme seeks to bring forward a vacant, unkempt site back into use. The proposed development will improve the built environment in this location. The up-to-date building regulations would require sustainable building methods to be employed which would be translated through the development.

Given the nature of the site as existing, it is not considered there would be significant harm in economic, social or environmental terms to developing the site.

Paragraph 47 of the NPPF states that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. An overarching principle in the NPPF is sustainability. The application site is considered to be within a sustainable location in an existing residential part of East Halton: in essence the site represents a suitable and logical infill site which is bounded on all sides by existing residential development and their gardens.

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.

It is considered that, in principle, the proposal would represent appropriate development within the countryside, subject to there being no adverse impacts that would significantly and demonstrably outweigh the benefits.

Residential amenity

Part-saved policy H5, and policies H7 and DS1, refer to residential amenity. They discuss the need to ensure development does not result in overlooking or loss of privacy to existing developments, or any other loss of amenity to existing dwellings. Policy H5 states that adjacent land uses will not result in annoyance or detract from the residential amenity which residents of the proposed dwelling should expect to enjoy. Policy DS1 states there should be no unacceptable loss through overshadowing. Policy H7 also discusses the need to ensure there is no adverse effect through nuisance resulting from the movement of vehicles to and from the proposed development.

The proposed development is to the rear of existing residential development. Existing rear and side gardens form the boundary to the main area of the development site and as such any development should be mindful of these adjoining uses. A previous application (PA/2022/310) sought the development of two large properties on the site. Following discussions with the case officer, the scheme was withdrawn, revised and resubmitted. The current proposal seeks the erection of two, one-and-a-half-storey residential dwellings. The dwellings have been set off the boundaries with the adjacent residential properties to the north, east, west and south to respect adjacent neighbours.

The main access road into the site will pass by two existing properties and introduce an element of additional noise to this area. Given the site is for two dwellings, this is not assessed as being significant and therefore does not constitute a reason for refusal. A previous scheme was granted permission in 1990 for the erection of six townhouses utilising the same access. This was also considered acceptable at that time (7/1990/0494).

Concerns have been raised in relation to impact on privacy and overlooking. The site has been designed to include a 1.8m high close-boarded fence around the southern and western boundaries of the site, with existing mature foliage being retained along the northern boundary and a 1.2m high fence to the eastern boundary, which is also screened by mature planting. A condition has been recommended to secure a scheme of boundary treatments to ensure that their final position and design will be appropriate and protect the amenity of neighbouring properties.

The properties are set away from the boundaries, with the main access and driveways forming the southern part of the site and gardens to the north-east and west. In terms of windows, two dormers are proposed at the first floor of each property: one looking inwards over the front gardens and parking spaces (east to west/west to east); and one looking south over the front garden and access road. Concerns have been raised that the proposed dwellings will impact on the privacy of existing dwellings and their rear gardens to the south; however, the dormers are set in a one-and-a-half-storey building, behind a 1.8m fence and set away from the rear gardens of the adjacent properties by approximately 8.5m (plot 1) and 8.3m (plot 2). The distance to the rear of the properties is greater: for example, plot 1 to the rear windows of Elm Tree Cottage is approximately 24.5m and plot 2 to Holly Cottage is 24.3m. These distances are considered acceptable and would not lead to significant harm in terms of overlooking or impacts on privacy.

A first-floor window is proposed on the western boundary of plot 1, which will serve a bathroom and will be obscure glazed. This will be conditioned, including that it shall remain obscure glazed at all times.

A first-floor window is proposed on the northern boundary of plot 2, which will serve a bathroom and will be obscure glazed. This will be conditioned, including that it shall remain obscure glazed at all times.

Given the height and position of the dwellings on the site, and that they are located off the boundaries, there are not considered to be any impacts in terms of overshadowing or loss of outlook.

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 DS5.

Character, design and appearance

Policies H5 (part saved), CS5 and DS1 seek to deliver quality design in North Lincolnshire. Policy DS1 requires designs and layouts to respect, and where possible retain and/or enhance, the existing landform of the site.

Policy CS5 of the Core Strategy is concerned with delivering quality design in North Lincolnshire. 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. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.’ This is reinforced by local plan policy DS1 as noted above.

Policy CS5 requires new development to consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area. The function of buildings should also be considered in terms of its appropriateness for the context in which it is located.

Policy H7 relates to backland and tandem development. The policy states that development will be permitted where there is no adverse effect on the amenities of any residential premises or adjoining uses through overlooking and loss of privacy, loss of amenity to the adjoining dwellings, or the level of nuisance resulting from the movement of vehicles to and from the proposed dwelling. The policy requires development to: not affect the general quality and character of the area; unacceptably increase the density of development in that area; result in the loss of important natural and man-made features; or lead to an unacceptable proliferation of vehicle accesses, to the detriment of the street scene and/or road safety. An earlier application granted in 1990 for residential development on the site was never brought forward for development; however, the same access is proposed and a reduced number of dwellings is proposed on the site. The applicant has sought to achieve an appropriate scale of development for the site whilst taking account of surrounding land uses; therefore, in terms of built form, it is considered that the application would not seek to undermine policy H7.

The applicant has sought a redesign following the withdrawal of an earlier application (PA/2022/310).

The proposal includes two, one-and-a-half–storey properties on an area of vacant, underused land which has in the past been considered suitable for residential development. The two properties will include three bedrooms (two on the first floor and one at ground floor), with a good-sized entrance hall, and separate living and dining/kitchen areas, at ground floor.

There is adequate amenity space around the properties, and a block of two garages proposed between the dwellings, as well as two driveways, provide off-street parking. It is recommended that a condition be included to ensure the garages are retained for use to house a vehicle. This will assist with concerns regarding parking and ensure there are always two dedicated parking spaces per dwelling.

Access to the site is taken off Townside, which will be a shared access for both properties. Adequate turning space is provided within the site to allow vehicles to manoeuvre.

No details have been provided regarding bin storage; however, there is adequate space on the site to store waste and recycling bins. The Waste Management team have provided details for waste and recycling collection, and reference to this will be included as an informative. Waste and Recycling vehicles will not drive onto the private drive to collect bins.

The materials are unknown at this time and will be secured through condition. The overall design of the properties is considered to be high quality and appropriate for the area.

Concerns have been raised regarding boundaries and ownership. The applicant has confirmed that the land to which this application relates is within their ownership and no information has been provided to suggest otherwise. Should there be an issue regarding land ownership, this would be a civil matter to be addressed between the landowners and not a matter for planning.

It has been demonstrated that the development of the site would not be detrimental to the character and appearance of the open countryside, nor the nearby settlement, in terms of siting, scale, massing, design or use of materials.

Overall, the design of the property is considered to be of high quality and in keeping with the existing property and properties within the wider street scene. It is therefore considered that the proposal is in accordance with policies DS1, DS5 and H5.

Drainage and flood risk

The site is within Flood Risk Zone 1, which has the lowest potential for flooding. LLFA Drainage have considered the proposals and have no objection subject to the inclusion of conditions and informatives.

Highways

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

Concerns have been raised by members of the public in relation to highway safety and access to the site. There are concerns in relation to both short- and long-term impacts. These include potential damage to existing boundaries on the entrance/access to the site from construction vehicles, as well as vehicles using the site in the future. There are also concerns that the

existing width of the site, as well as visibility on the access, is not suitable to serve two properties.

The Highways team have assessed the proposals and do not have any comments in relation to the overall design. It is considered that the development of two properties would not result in a significant impact in terms of highway safety and that the nature of the access into the site would naturally slow vehicles. No additional visitor parking has been requested by the Highways department.

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

It is considered, subject to the aforementioned conditions, that the proposal is in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

Environmental protection

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

The proposed residential development is a sensitive end use. Historical mapping shows buildings associated with a sawmill overlapping the proposed site. This has the potential to introduce contaminants such as heavy metals, PAHs and asbestos, which are harmful to human health. It is the developer's responsibility to assess and address any potential contamination risks; however, no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level. The council's contaminated land planning guidance document recommends that where a proposed development introduces a vulnerable end use and/or the development site could be affected by a former potentially contaminative land use, the possibility of land contamination should always be considered. In these circumstances, a Phase 1 assessment should be submitted as a minimum, which includes a desk top study, a site walkover, and a conceptual site model. An appropriately worded condition is recommended to address this issue.

This condition is not considered unreasonable given the lack of information provided by the applicant. Therefore, subject to the aforementioned planning condition, the proposal is in accordance with policy DS7 of the North Lincolnshire Local Plan.

Conclusion

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.

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 Site Location & Block Plans - LDC3559-PL-01A
- Proposed Block Plan Elevations & Floor Plans - LDC3559-PL-02A
- Proposed Site Plan & Section - LDC3559-PL-03A.

Reason

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

3.
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.

4.
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.

5.
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.

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.

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

Reason

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

8.

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

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

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

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

Reason

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

9.

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.

10.

Notwithstanding the hereby approved plans (condition 2 above), no above-ground work 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 treatments 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.

11.

Before the dwellings are first occupied, the first-floor window on the western boundary of plot 1 and the first-floor window on the northern boundary of plot 2 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.

12.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revising, revoking and re-enacting that Order with or without modification), the garages hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose without the prior written approval of the local planning authority.

Reason

To ensure that alterations are not carried out which would deplete the provision of car parking facilities within the site to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

13.

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

Reason

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

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

Informative 3

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

Informative 4

The LLFA would also suggest you consider upsizing the pipe network, increasing storage around your development, to cater for more intense storm conditions. Although this is not a requirement, in terms of surface water flood risk compliance it would be good practice on your behalf to ensure an increased level of resilience for the development and its future occupiers.

Informative 5

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

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

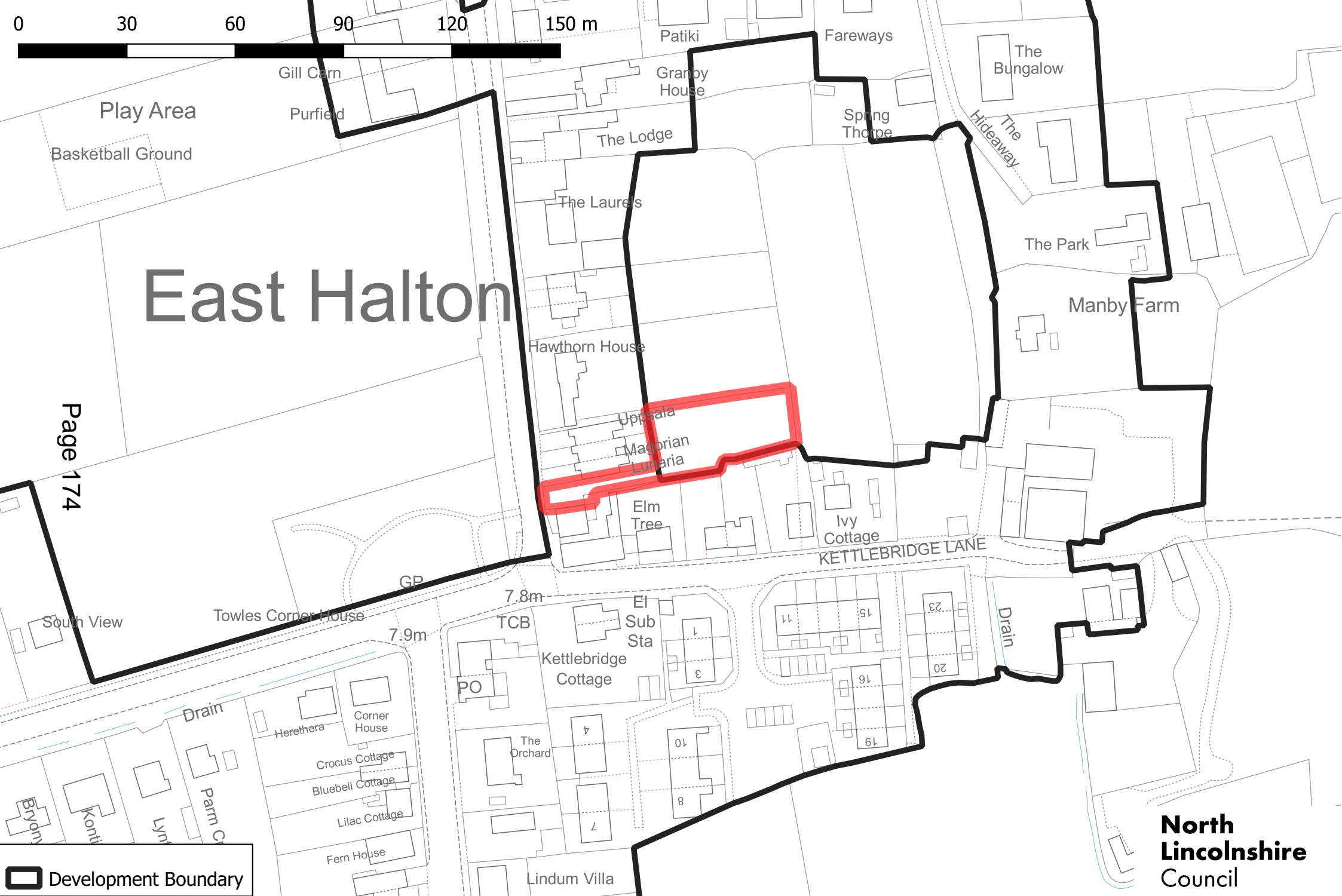
Informative 6

The developer's attention is drawn to the waste planning guidance contained within North Lincolnshire Council's Waste & Recycling consultation response dated 10/08/2022.



East Halton

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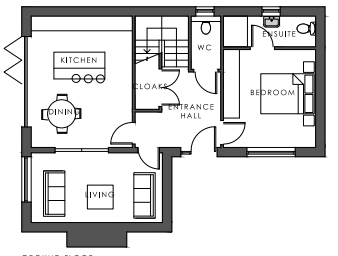
Development Boundary

**North
Lincolnshire
Council**

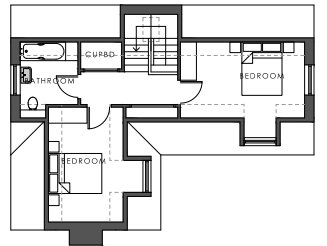
PA/2022/1411

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3rm House



GROUND FLOOR



FIRST FLOOR

PROPOSED DWELLING 1
scale 1:100



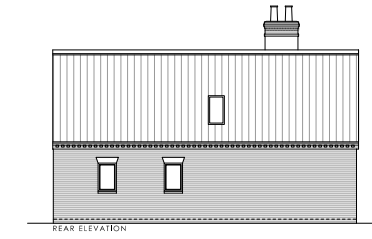
FRONT ELEVATION



SIDE ELEVATION



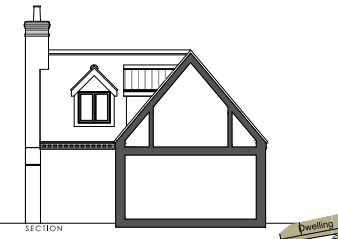
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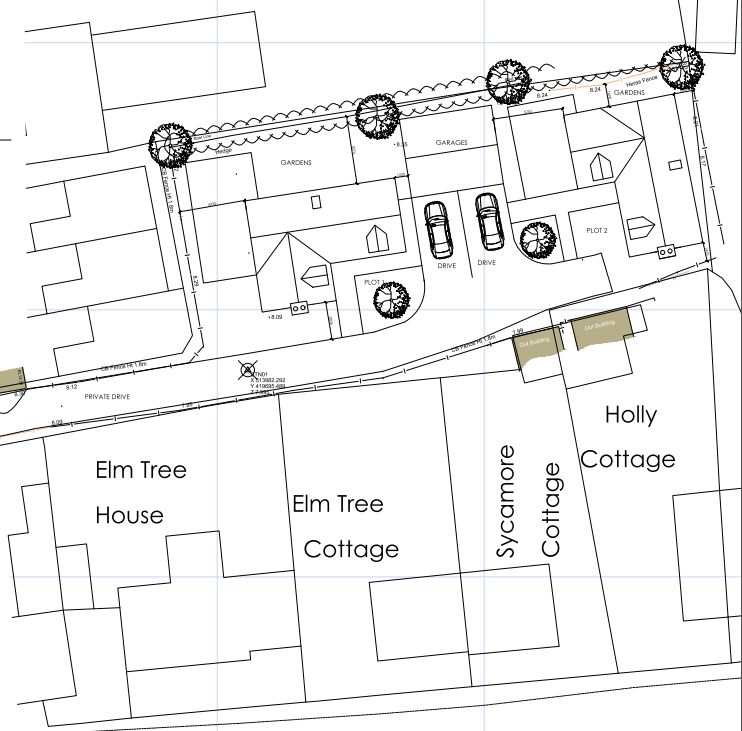
REAR ELEVATION



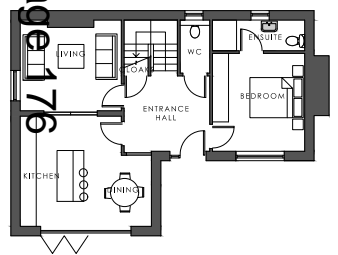
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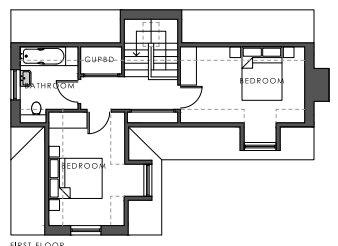
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PROPOSED BLOCK PLAN
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GROUND FLOOR



FIRST FLOOR

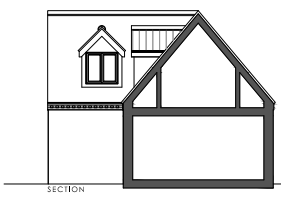
PROPOSED DWELLING 2
scale 1:100



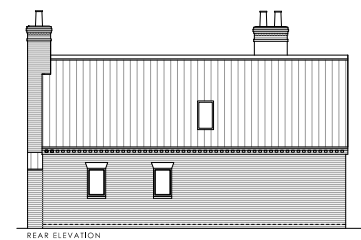
FRONT ELEVATION



SIDE ELEVATION



SECTION



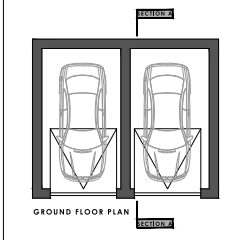
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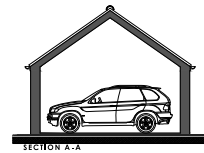
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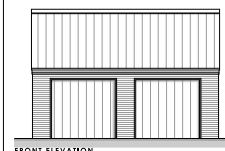
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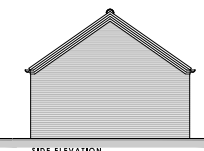
GROUND FLOOR PLAN



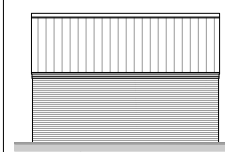
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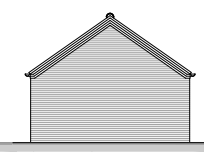
FRONT ELEVATION



SIDE ELEVATION

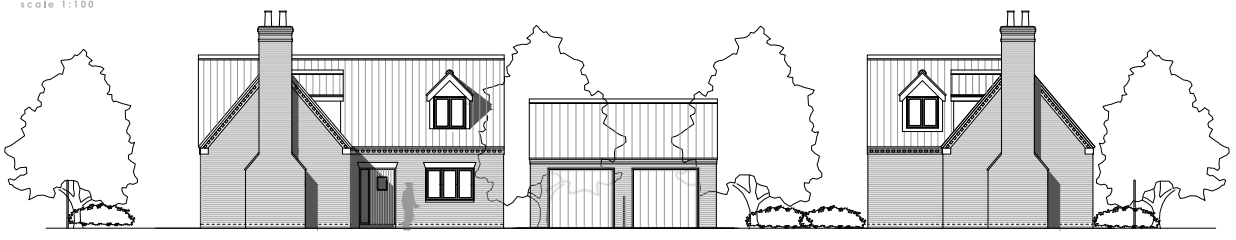


REAR ELEVATION



SIDE ELEVATION

PROPOSED GARAGE
scale 1:100



SITE SECTION
scale 1:100

DRAWING ISSUES AND REVISIONS

Issue Description Date

1 Issue 1: Initial Design 12/07/2022

2 Issue 2: Client Feedback 15/07/2022

3 Issue 3: Final Design 18/07/2022

ldc

PROJECT: Proposed 2no. Dwellings
Land east of Townside
East Halton

DATE: July 2022

TITLE: PROPOSED

SCALE: As stated

ORIGINAL SIZE: A1

DRAWING NUMBER: LDC3559-PL-02A

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