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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

2 November 2022

Chairman: Councillor Nigel 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. o take the minutes of the meetings held on 7 September 2022, and 5 October 2022 as a correct record and authorise the chairman to sign. (Pages 3 - 20)
4. Applications deferred from previous meetings for a site visit. (Pages 21 - 22)
 - (a) PA/2021/1359 Planning permission to construct a 10MW solar farm with associated access, landscaping and infrastructure, Winterton Solar Farm, Carr Lane, Winterton, DN15 9QX. (Site visit time 11.55am) (Pages 23 - 42)
 - (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. (Site visit time 9.50am) (Pages 43 - 62)
 - (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 (Site visit time 10.35am) (Pages 63 - 78)
 - (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 (Site visit time 9.30am) (Pages 79 - 102)
 - (e) 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 (Site visit time 11.10am) (Pages 103 - 124)

5. Major Planning Applications. (Pages 125 - 126)
 - (a) PA/2021/1755 Planning permission to erect 14 dwellings with associated access at land off Main Street, Sturton, DN20 9DL (Pages 127 - 162)
 - (b) PA/2021/2100 Planning permission for the creation of a lagoon for the storage of liquid organic waste and associated works at land east of Brigg Road, Barton upon Humber (Pages 163 - 178)
 - (c) PA/2021/2228 Planning permission for change of use to open log/timber storage with occasional sale of surplus, retention of paths, tracks and drainage and irrigation pond, and associated works at Holme Tree Farm, Access road to Holme Tree Farm, Haxey, DN9 2NP (Pages 179 - 200)
 - (d) PA/2022/1408 Outline planning permission for a residential development of up to 28 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration at land rear of Southdown House, Grayingham Road, Kirton in Lindsey, DN21 4EL (Pages 201 - 232)
6. Planning and other applications for determination by the committee. (Pages 233 - 234)
 - (a) PA/2021/1251 Planning permission to erect six dwellings at Plots 76, 77a, 77b, 78a, 78b and 78c Barley Close, Windmill Way, Kirton-in-Lindsey, DN21 4FE (Pages 235 - 250)
 - (b) PA/2022/448 Application for permission in principle for the erection of a dwelling at land to the west of Janrew, Main Street, Cadney, DN20 9HR (Pages 251 - 262)
 - (c) PA/2022/832 Planning permission for the part change of use of existing dwelling to part dwelling part hairdresser salon (sui generis) at 24 Parkin Road, Bottesford, DN17 2QT (Pages 263 - 270)
 - (d) PA/2022/968 Planning permission for a garage conversion with a front bay window at Holly House, 2 Commonsides, Westwoodside, DN9 2AP (Pages 271 - 278)
 - (e) PA/2022/1158 Planning permission to erect six dwellings with a new entrance, access road and landscaping (including demolition of existing dwelling) at Briar Lodge, Silver Street, Barrow upon Humber, DN19 7DN (Pages 279 - 306)
 - (f) PA/2022/1365 Planning permission to erect a storage/industrial unit (Use Class B8) including demolition of existing dwelling at CW Fields & Son Ltd, Access road to Station Road Industrial Estate, Epworth, DN9 1JZ (Pages 307 - 322)

- (g) PA/2022/1486 Planning permission for change of use of existing vacant land attached to former public house and retention of masonry wall and summerhouse at Milbrook, 185 Scawby Road, Scawby Brook, DN20 9JX (Pages 323 - 330)
- (h) PA/2022/1703 Planning permission to erect two chalet-style bungalows on part of the existing rear garden area at land to the rear of 316 Ashby Road, Scunthorpe, DN16 2RS (Pages 331 - 346)
- 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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NORTH LINCOLNSHIRE COUNCIL

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

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

MEETING: Planning Committee **DATE:** 2 November 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

7 September 2022

PRESENT: - Councillor N Sherwood (Chairman)

Councillors C Ross (Vice Chairman), J Davison, M Grant, R Hannigan, D Southern, C O'Sullivan and C Sherwood

Councillors R Ogg, N Poole and R Waltham attended the meeting in accordance with Procedure Rule 1.37(b).

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

2261 **SUBSTITUTIONS**

Councillor C Sherwood substituted for Councillor D Wells and Councillor C O'Sullivan substituted for Councillor S Bainbridge.

2262 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING) AND WHIPPING ARRANGEMENTS (IF ANY).**

The following member declared a personal and prejudicial interest –

Councillor C Ross
Application: PA/2022/628
Nature of Interest: Knew the applicant

The following member declared a personal interest –

Councillor R Ogg
Application: PA/2022/1208
Nature of Interest: Frequented the Alkborough Club

The following members declared that they had been lobbied –

Councillor J Davison
Application: PA/2021/1180

Councillor R Hannigan
Application: PA/2022/628

Councillor N Sherwood
Application: PA/2022/615

2263 **APPLICATIONS DEFERRED FROM A PREVIOUS MEETINGS FOR A SITE VISIT.**

In accordance with decisions taken at the previous meeting, members had

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undertaken site visits on the morning of the meeting. The Development Management Lead submitted reports and updated them orally.

2264 PA/2022/1180 OUTLINE PLANNING PERMISSION TO ERECT FIVE DWELLINGS WITH ALL MATTERS RESERVED FOR SUBSEQUENT CONSIDERATION AND DEMOLITION OF EXISTING DWELLING AT 18 MANOR ROAD, BOTTESFORD, DN16 3PA

Councillor J Davison stated that the site visit had been very useful. The house on the site was large and in good condition. He was concerned that the by knocking down the dwelling and replacing it with five dwellings constituted an over development of the site. The site was on a very busy road, opposite two schools. As a local ward councillor, he received numerous correspondence from concerned residents over the parking issues along the road.

Councillor C Sherwood agreed with the comments expressed by Councillor J Davison. The application, were in granted, would result in the site being over developed.

Councillor M Grant believed that the application site was of such a size that building five dwellings would not cause an issue. However, the number of trees on and around the site was a concern. Whilst there were two schools close by, any parking and/or traffic issues would be limited to two short time frames during the day.

Councillor D Southern believed that the application site would provide enough parking for all the residents.

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

That the application be refused for the following reasons –

By reason of its siting, avoiding the locations of trees protected by tree preservation order, the proposed development would result in a form of development that would be out of character with the established pattern and layout of development in the area. The proposal is therefore contrary to policies DS1, H5 and H8 of the North Lincolnshire Local Plan, and policies CS5 and CS7 of the North Lincolnshire Core Strategy.

Motion Carried

2265 PA/2022/444 APPLICATION FOR APPROVAL OF RESERVED MATTERS (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) PURSUANT TO OUTLINE PLANNING PERMISSION PA/2019/1779 DATED 12/03/2020 FOR ONE DWELLING AT NEWBIGG, WESTWOODSIDE, DN9 2AT

Councillor J Davison acknowledged that the site visit had been informative. After vising the site and reading the officers report, he had no objections to the application.

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

2266 **PA/2022/830 PLANNING PERMISSION FOR EXTENSIONS AND ALTERATIONS, INCLUDING INCREASE IN HEIGHT OF THE PROPERTY, GABLE DORMERS TO THE FRONT, LINK BUILDING AND TWO-STOREY SIDE EXTENSION, AND OTHER ASSOCIATED WORKS AT 9 PARK DRIVE, WESTWOODSIDE, HAXEY, DN9 2AW**

Councillor J Davison was concerned that after visiting the site, it was apparent that the application was to extend onto an already small plot of land. The extension would result in the property having no garden, with the height of the building being out of character with similar properties on the road.

Councillor D Southern believed that the application would not cause any issues for neighbouring properties.

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

That the planning application be refused for the following reasons –

The proposal would result in an adverse impact on the amenity of the adjacent dwellings in that it has the potential to take away the privacy of the adjacent dwellings contrary to policies DS1 and DS5, as well as the SPG1 Design Guidance for House Extensions, of the North Lincolnshire Local Plan.

Motion Carried

2267 **MAJOR PLANNING APPLICATIONS**

The 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.

2267a **PA/2021/1390 PLANNING PERMISSION FOR THE CHANGE OF USE FROM AGRICULTURAL LAND TO A PETTING AND THERAPY FARM AT PETSVILLE FARM C.I.C., FERRY ROAD, BARROW UPON HUMBER, DN19 7DL**

Resolved – That it be noted that planning application PA/2021/1390 had been withdrawn by the applicant.

2267b **PA/2021/1954 PLANNING PERMISSION TO EXTEND EXISTING POND AND SITE A SHOWER/WC CABIN AT LANGHOLME LAKE, LANGHOLME LANE, WESTWOODSIDE, HAXEY, DN9 2EU**

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

(Councillor C Ross, having declared a personal and prejudicial interest, left the meeting room for consideration of the following item).

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2268 **PA/2022/628 HYBRID APPLICATION COMPRISING FULL PLANNING PERMISSION TO ERECT 32 DWELLINGS AND OUTLINE PLANNING PERMISSION FOR 85 DWELLINGS WITH APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED FOR SUBSEQUENT CONSIDERATION AT LAND OFF STATION ROAD, ULCEBY**

Prior to consideration of the following item, the applicant's agent addressed the committee. She informed the members that outline permission for part of the site had already been granted, with permission for 90 dwellings approved. However, the applicant had found a more efficient use of the land which meant that an additional 27 dwellings were proposed for the site. Highway and Drainage assessments had been undertaken at the site. A bio-diversity assessment had identified a net gain which was a real benefit from the development. The application would see the number of affordable houses increased on the site. There had also been no objection from the Parish Council.

Councillor R Hannigan informed the committee that local people were opposed to this application. However, the land owner had proactively engaged with many local stakeholders which was of great credit to them. The application would, in his opinion, improve the conditions within the village which should be embraced. With some slight modifications to the conditions suggested by the Highways Authority, he supported the application.

Councillor M Grant hoped that the affordable housing would be significant and accessible to all.

Councillor C O'Sullivan stressed the need for council officers to ensure that the Section 106 Agreement would include provisions that benefited the children and young people in the village.

Resolved – That subject to the Section 106 Agreement, full and outline permission be granted in accordance with the officers' recommendations.

(Councillor C Ross returned to the meeting at this point).

2269 **PA/2022/869 PLANNING PERMISSION TO ERECT 40 AFFORDABLE HOMES, COMPRISING FLATS AND HOUSES, CREATE A NEW VEHICULAR ACCESS POINT AND ROAD AT FORMER SITE OF ASHBY MARKET, ASHBY HIGH STREET, SCUNTHORPE**

Prior to consideration of the item, the applicant's agent addressed the committee. He stated that the planning officers report provided the committee with a balanced analysis of the issues associated with the application. Were members minded to grant the application, the proposed conditions should satisfy any issues associated to the application. The application would improve the visual appearance of the area. The development was in a sustainable location and near to local facilities. It would increase footfall in the local area and provide much needed affordable housing. The site had been vacant for a considerable period. The application would only enhance the local area and not detract from the retail

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outlets close by. There were also no objections from statutory consultees.

Councillor R Hannigan stated that the application was much needed and would enhance the area.

Councillor M Grant stated that the ward councillors welcomed the application.

Resolved – That subject to the Section 106 Agreement, planning permission be granted in accordance with the recommendations contained within the officer's report, except for the removal of condition 3.

Motion Carried

2270 PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE.

The Development Management Lead submitted a report incorporating a schedule containing details of applications 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 reports orally where appropriate. Other officers attending gave advice and answered members' questions as requested.

2271 PA/2022/615 PLANNING PERMISSION TO ERECT A DETACHED BUNGALOW AT LAND TO THE REAR OF 17 CUTHBERT AVENUE, BARNETBY LE WOLD, DN38 6JF

Prior to consideration of the item, Councillor R Waltham MBE attended the meeting and addressed members. He stated that there was already development along the lane, resulting in several dwellings being developed. The application was for a two-bedroom bungalow, which would allow the applicant to continue to live independently at home. There were no issues at the site with drainage and any conditions attached to the application concerning access would be reasonable. The Parish Council had objected to the application as they deemed the application to be in the open countryside. However, the application must be judged on its own merits, with consideration being given to why the application has been submitted.

Councillor C Sherwood agreed with the comments made by Councillor Waltham. The application was in the open countryside, but only just. There were already three other properties along the lane. The inclusion of a turning circle in the conditions would see him voting to grant the application.

Councillor M Grant believed that the site was not an exception to policy therefore he would be voting for the application.

Councillor C O'Sullivan requested conditions be attached to the application to protect hedges.

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

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That the planning application be granted for the following reasons –

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 (001 Rev 02)
- Proposed Floor Plans, Roof Plan and Elevations (002 Rev 03)
- Proposed Garage Details (004 Rev 03).

Reason

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

3.

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

Reason

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

4.

No development shall take place until a detailed flood risk statement and drainage strategy has been submitted to and approved in writing by the local planning authority. This should outline all sources of flood risk (including surface water, ground water and ordinary watercourse) and proposals to mitigate this, and include preliminary drainage layout plans. Sustainable Urban Drainage Systems (SuDS) should be considered. Full ground investigations must be carried out along with a feasibility assessment for infiltration. Infiltration tests should comprise full-scale tests to demonstrate long-term effectiveness and suitability. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document.

Reason

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

5.

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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.

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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.

6.

No development above ground level shall take place until proposals for soft landscaping, including planting, have been submitted to and approved in writing by the local planning authority. All the approved landscaping shall be carried out within twelve months of development being commenced. Any trees or plants which die, are removed or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to

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any variation.

Reason

In the interests of the amenity of the locality in accordance with policies CS5 of the Core Strategy, and LC12 and DS1 of the North Lincolnshire Local Plan.

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

Our records indicate that the proposed development site is bounded by an ordinary/riparian watercourse/highway drain along the northern boundary. The proposals show a new access to be provided over and/or connection into the watercourse. This 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 3

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

Informative 4

The access to the site features a Public Right of Way. Section 34(1) of the Road Traffic Act 1988 provides that anyone driving a mechanically propelled vehicle off-road or on a road that is a footpath, bridleway or restricted byway without lawful authority is guilty of an offence. The applicant is therefore advised that drivers of mechanically propelled vehicles require lawful authority to access the site through the Public Right of Way.

Motion Carried

2272 **PA/2022/806 OUTLINE PLANNING PERMISSION FOR A DWELLING WITH ALL MATTERS RESERVED EXCEPT ACCESS AT LAND**

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ADJACENT TO 1 DERRYTHORPE ROAD, ALTHORPE, DN17 3JA

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

- 2273 **PA/2022/915 PLANNING PERMISSION TO EXTEND THE EXISTING SINGLE STOREY TO THE REAR OF THE PROPERTY, EXTENSION WORKS TO INCLUDE A SINGLE-STOREY PORTION FOR RESIDENTIAL USE AND A STOREY-AND-A-HALF SECTION FOR COMMERCIAL USE AT 50-52, HIGH STREET, EPWORTH, DN9 1EP**

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

- 2274 **PA/2022/1299 LISTED BUILDING CONSENT TO EXTEND THE EXISTING SINGLE-STOREY TO THE REAR OF THE PROPERTY, EXTENSION WORKS TO INCLUDE A SINGLE STOREY PORTION FOR RESIDENTIAL USE AND A STOREY-AND-A-HALF SECTION FOR COMMERCIAL USE AT 50-52, HIGH STREET, EPWORTH, DN9 1EP**

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

- 2275 **PA/2022/1005 PLANNING PERMISSION FOR THE CHANGE OF USE OF 415 SQUARE METRES (APPROXIMATELY) OF LAND TO RESIDENTIAL USE AND TO ERECT ON PART THEREOF A RESIDENTIAL/DOMESTIC GARAGE EXTENSION PLUS ANY ANCILLARY WORKS NECESSARY AT PLOT ADJACENT TO GREY GREEN FARM, WOODHOUSE ROAD, WOODHOUSE, BELTON**

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

- 2276 **PA/2022/1068 PLANNING PERMISSION FOR CHANGE OF USE OF AN OUTBUILDING WHICH HOUSES A POOL TO ALLOW THE OPERATION OF A PRIVATE SWIMMING LESSON BUSINESS AT 39A KNIGHTSBRIDGE ROAD, MESSINGHAM, DN17 3RA**

Prior to consideration of the item, the applicant addressed the committee. She informed members that despite the change of use, the application was for an outbuilding at their family home. They therefore didn’t want to cause a nuisance or upset any neighbours as they all wanted the same quality of life. The application was not to just to have a car park. It was to provide privacy too. The application would allow 16 car park spaces on site. A roundabout would also be engineered to ease vehicle movements on site. It would be in the swimming contract that patrons must not park on the road, otherwise their lessons would be cancelled. The swimming business would provide many benefits for the community as well as children with unique needs. By operating a swimming business using the pool would allow the applicant to cover the costs of using the facility.

Councillor N Poole attended the meeting and spoke as the local ward member. Local residents were concerned about how the number of vehicle movements would be enforced and that all patrons be required to park on site, and not on the road. Therefore, it was important these concerns were

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addressed in any conditions attached to the application, were it granted.

Councillor J Davison shared the concerns of the ward member and local residents with regards to parking. He suggested that conditions be attached to the application to manage the opening hours and vehicle movements.

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

3.

The parking spaces and turning areas serving the swimming pool shall be carried out in accordance with the parking plan (drawing number PA/2022/1068/1). The vehicle parking and turning areas shall be retained for the lifetime of the development.

Reason

To ensure the provision/retention of adequate parking commensurate with the nature of the proposed development and to comply with policy T19 of the North Lincolnshire Local Plan.

4.

No more than 10 people shall be permitted within the swimming pool building at any one time, with a maximum of 8 in the pool.

Reason

In the interests of health and safety.

Motion Carried

2277 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

Prior to consideration of the application, an objector addressed the members. He informed the committee that he owned the property adjacent to the application site. The building contained architecture that was of historical importance. Therefore, the building should be preserved. Allowing the application would destroy the visual image of the area. The proposed extension was very large, in essence adding a new property to the rear. Most properties in the immediate vicinity were single storey. The extension would be completely out of character with the area. The proposed materials to be used for the extension were not in keeping with the area. Were this application to be granted it would set a precedent for all historic buildings in Alkborough. A structural survey would be required to ensure that the extension was safe to build.

The applicant spoke in support of his application. He confirmed that he had lived in the village for six years. His wife ran the village club. Unfortunately, they could not live in the current property as it was, hence an application for

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an extension. The extension was an addition to the family home. The extension would not be visible from the road.

Councillor Ogg, local ward member addressed the committee. He stated that several other properties in the village had built extensions that were in keeping with the local area. He suggested that members defer consideration of the application to allow them to visit the site.

Councillor J Davison said that on paper, the design of the extension looked impressive. However, as the development site was in a conservation area, members may benefit from visiting the site prior to determining the application.

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

That consideration of the application be deferred to allow members to visit the site.

Motion Carried

2278 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE SPECIFIED.**

There was no urgent business for consideration at the meeting.

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

5 October 2022

PRESENT: - Councillor N Sherwood (Chairman)

Councillors C Ross (Vice Chairman), S Bainbridge, J Davison, M Grant, R Hannigan, D Southern and D Wells

Councillor D Rose attended the meeting in accordance with Procedure Rule 1.37(b).

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

2279 **SUBSTITUTIONS** - There was no substitutions.

2280 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING) AND WHIPPING ARRANGEMENTS (IF ANY)** - The following member declared a personal interest –

Councillor Rose

Application: PA/2021/2240

Nature of Interest: Chair of the CPRE North Lincolnshire and Yorkshire and Humberside.

The following members declared they had been lobbied –

Cllr Rose

Application: PA/2021/2240

Cllr Ross

Application: PA/2020/1386

2281 **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 - Resolved** – That the minutes of the meeting held on 3 August, and the 24 August 2022, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

2282 **APPLICATIONS DEFERRED FROM PREVIOUS MEETINGS FOR A SITE VISIT** – In accordance with decisions taken at the previous meeting, members had undertaken site visits on the morning of the meeting. The Development Management Lead submitted reports and updated them orally.

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- 2283 **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** - The applicant spoke on the application and outline his reason behind submitted the application and the design.

He stated that it had been a year and still not been able to move on. He said the development was sat on a large area, and lots of improvements were required until it could become a family home. He felt it fit in with the area and had kept the modern design to the back of the property with no overlooking onto neighbouring properties.

Cllr J Davison after looking at the property during the site visit he had sympathy with the applicant as it was a large area and had the capacity. However, the problem was that it was in a conservation area and it was an ultra-modern design, surround by some very old cherished buildings and could not go against officer's recommendations.

Cllr Southern disagree with the previous speaker. He felt the ultra-modern design was all at the back and would not be noticed, and it would not cause a problem.

Resolved – That planning permission be refused in accordance with the officers recommendations.

- 2284 **MAJOR PLANNING APPLICATIONS** - The 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

- 2284a **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** - The Planning Officer provided and update to the committee and confirmed there was no outstanding issues or concerns with flood risk.

The applicant stated that there were hundreds of solar farms already established nationally and internationally, and that this application was on a very small scale. He also highlighted that it would not adversely affect any other sites and had significant bio-diversity achievements and a good landscaping scheme to protect the site.

The Chairman read out a letter from Cllr Waltham MBE objecting to the application indicating that it would be detrimental to the landscape value, not just the local area but up into the Wold villages and beyond.

Cllr Hannigan felt the committee needed to have a site visit to look at the area, as it was hard to envisage from the plans.

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

That consideration of the application be deferred to allow members to visit the site.

Motion Carried.

- 2284b **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** - The Chairman read out a letter of objection to the application from the local ward Member Cllr Marper.

Cllr Davidson was concerned that the application would generate additional odour issues for nearby residents. However, two adjacent parish councils had not objected to the application. Therefore, as waste had to be disposed of and stored somewhere and transporting the waste via train was much more efficient than using heavy goods lorries, he would not object to the application.

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

- 2285 **PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE** - The Development Management Lead submitted a report incorporating a schedule containing details of applications 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 reports orally where appropriate. Other officers attending gave advice and answered members' questions as requested.

- 2286 **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** - **Resolved** – That planning permission be granted in accordance with the recommendations contained within the officers report.

- 2287 **PA/2021/2240 PLANNING PERMISSION TO DEMOLISH 22 WEST STREET AND ERECT THREE THREE-STORY TERRACED HOUSES AT 22 WEST STREET, WEST BUTTERWICK, DN17 3LA** - Speaking against the application an objector present a number of concerns on behalf of himself and his neighbours. Included in those concerns was the loss of privacy with a single storey property being replaced by a three storey property? He urged the committee to make a site visit to assess the situation as there was no other three storey dwellings in the village on a single house plot.

Cllr Rose spoke as the local ward member and stated he felt it was th wrong

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development in the wrong place. It was not right that the site would go from being a bungalow to a three storey house with limited parking. He said it was overbearing and unsuitable.

Cllr Ross felt that having listened to the speakers a site visit would be helpful before the committee made a decision.

It was moved by Cllr Ross and seconded by Cllr Hannigan –

That a site visit be held.

Motion Carried.

- 2288 **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** - Prior to consideration of the item, the applicant's agent addressed the committee. He highlighted the pre-planning application had been favourable for five dwellings, it was then reduced to three dwellings and then two dwellings to avoid over development. The Parish Council had objected to the application on a number of grounds; however, it was felt that the site could comfortably accommodate the development, hence no objections from the Highways department. The site was partly in the development boundary of Howsham. However, it was in accordance with the National Planning Policy Framework. The application was sustainable. Within walking distance of the site were a village hall, play ground and café. The village was also served by a bus route.

The council's Development Management Lead updated the committee. He stated that were members minded to grant the application, appropriate drainage conditions should be attached to the decision notice.

Councillor Ross was concerned that the parish council had objected to the application.

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

That consideration of the application be deferred to allow members to visit the site.

Motion Carried

- 2289 **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** - Cllr Hannigan stated that he could not be clear on the design from looking at the plans contained within the papers and requested a site visit be held before making a decision.

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

That consideration of the application be deferred to allow members to visit the site.

Motion Carried.

- 2290 **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 - Resolved** – That planning permission be granted in accordance with the recommendations contained within the report.
- 2291 **PA/2022/1370 PLANNING APPLICATION TO REMOVE CONDITION 2 OF 2/0358/92/PA AT WILLOW FARM, WROOT ROAD, EPWORTH TURBARY, EPWORTH, DN9 1EA - Resolved** – That planning permission be granted in accordance with the recommendations contained within the officers report.
- 2292 **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 - Resolved** – That planning permission be granted in accordance with the recommendations contained within the officers report.
- 2293 **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** - An objector addressed the committee with a number of concerns and objections against the application.

The objector stated that it was back land development and outside the village envelope. If it was approved it would cause overlooking and a loss of privacy into his property. He was also concerned about Highway safety as the access was very narrow and could only accommodate one vehicle. He also had concerns regarding the drainage as the site was always wet.

Cllr Wells also had reservations about the narrow access and felt the committee should hold a site visit before they considered the application.

It was then moved by Councillor Wells and seconded by Councillor Hannigan –

That consideration of the application be deferred to allow members to visit the site.

Motions Carried.

- 2294 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE SPECIFIED** - There was no urgent business for consideration at the meeting.

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

APPLICATIONS DEFERRED FROM PREVIOUS MEETING FOR SITE VISITS

1. OBJECT

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

2. BACKGROUND

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

3. INFORMATION

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

4. RESOURCE IMPLICATIONS

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

5. RECOMMENDATION

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

DEVELOPMENT MANAGEMENT LEAD

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

Ref: CB/JMC/Planning committee 2 November 2022
Date: 24 October 2022

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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APPLICATION NO	PA/2021/1359
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

Reason

For the avoidance of doubt.

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.

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

A statement of community engagement has been provided within the Planning Statement detailing that the applicant has consulted with the local community. This included issuing 350 leaflets within Winterton resulting in a total of three responses from local residents. In summary, one letter raises full support and two are 'broadly supportive'. The statement of community involvement also details discussions with Winterton Town Council.

ASSESSMENT

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

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 North East Lincolnshire SFRA).

The site is within open fields and from a site visit is currently used as an agricultural field. The application is supported by an Agricultural Land Classification report with demonstrates that the entire site forms Grade 3b 'Moderate Quality' agricultural land.

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 2/3(a) Tidal 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 E
- 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.

14.

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

- (i) a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- (ii) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (iii) any abnormal load movements;
- (iv) contractor parking and welfare facilities;

- (v) storage of materials; and
- (vi) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway, as may be required;

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

Reason

In the interests of highway safety.

15.

No development shall take place until a pre-construction and post-construction condition survey of Carr Lane has been undertaken and any identified defects rectified in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

To safeguard the future highway improvement proposals.

16.

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

Reason

To protect against contaminated land.

17.

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

Noise and vibration: The CEMP shall set out the particulars of—

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

Light: The CEMP shall set out the particulars of—

- (a) specified locations for contractors' compounds and materials storage areas;
- (b) areas where lighting will be required for health and safety purposes;
- (c) the location of potential temporary floodlights;

- (d) the identification of sensitive receptors likely to be impacted upon by light nuisance;
- (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust: The CEMP shall set out the particulars of—

- (a) site dust monitoring, recording and complaint investigation procedures;
- (b) the identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) the provision of water to the site;
- (d) dust mitigation techniques at all stages of development;
- (e) the prevention of dust trackout;
- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (h) a 'no burning of waste' policy.

Reason

To protect residential amenity.

18.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

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

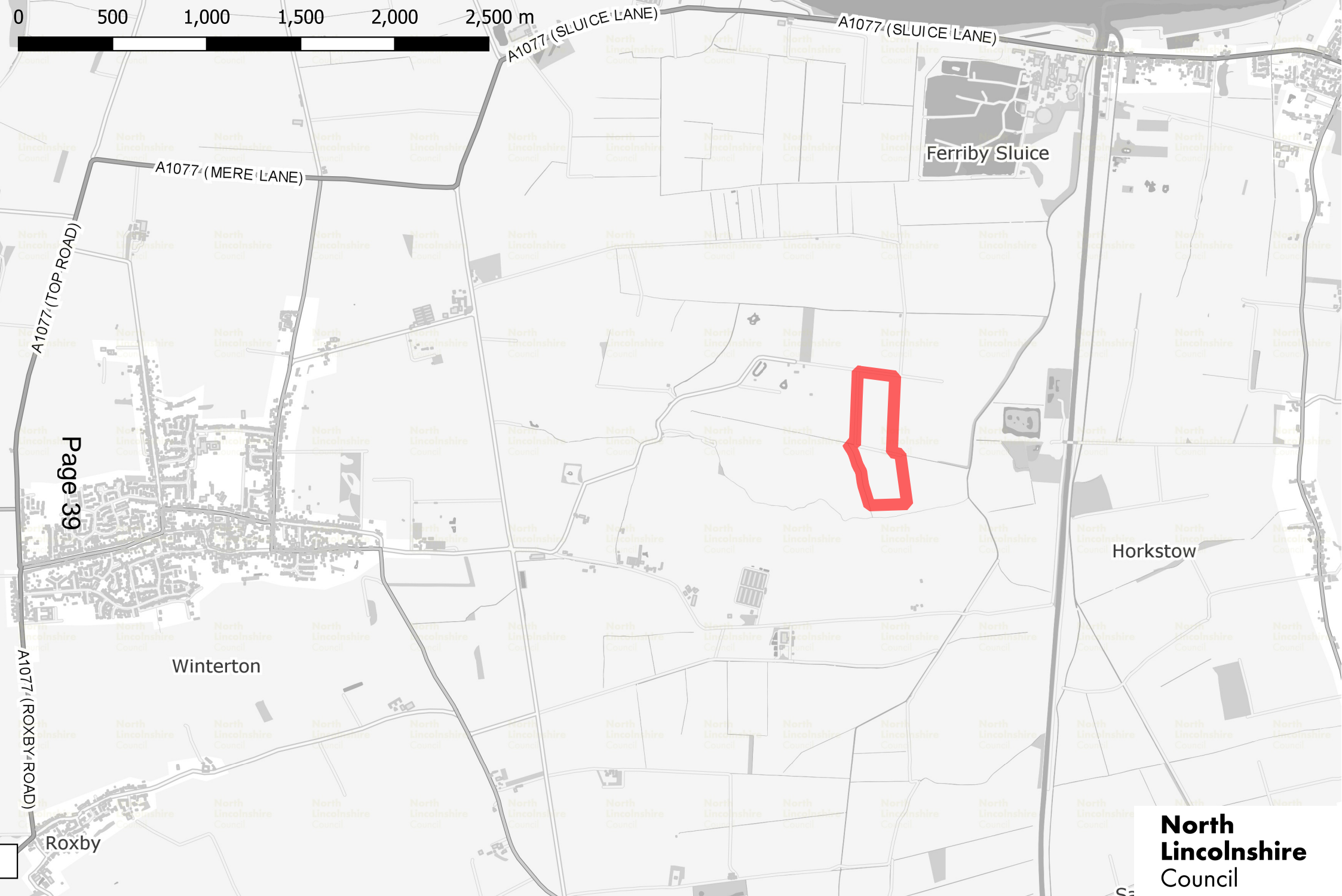
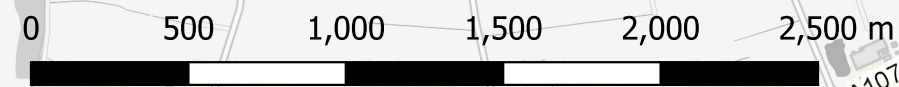
Installation of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To protect residential amenity.

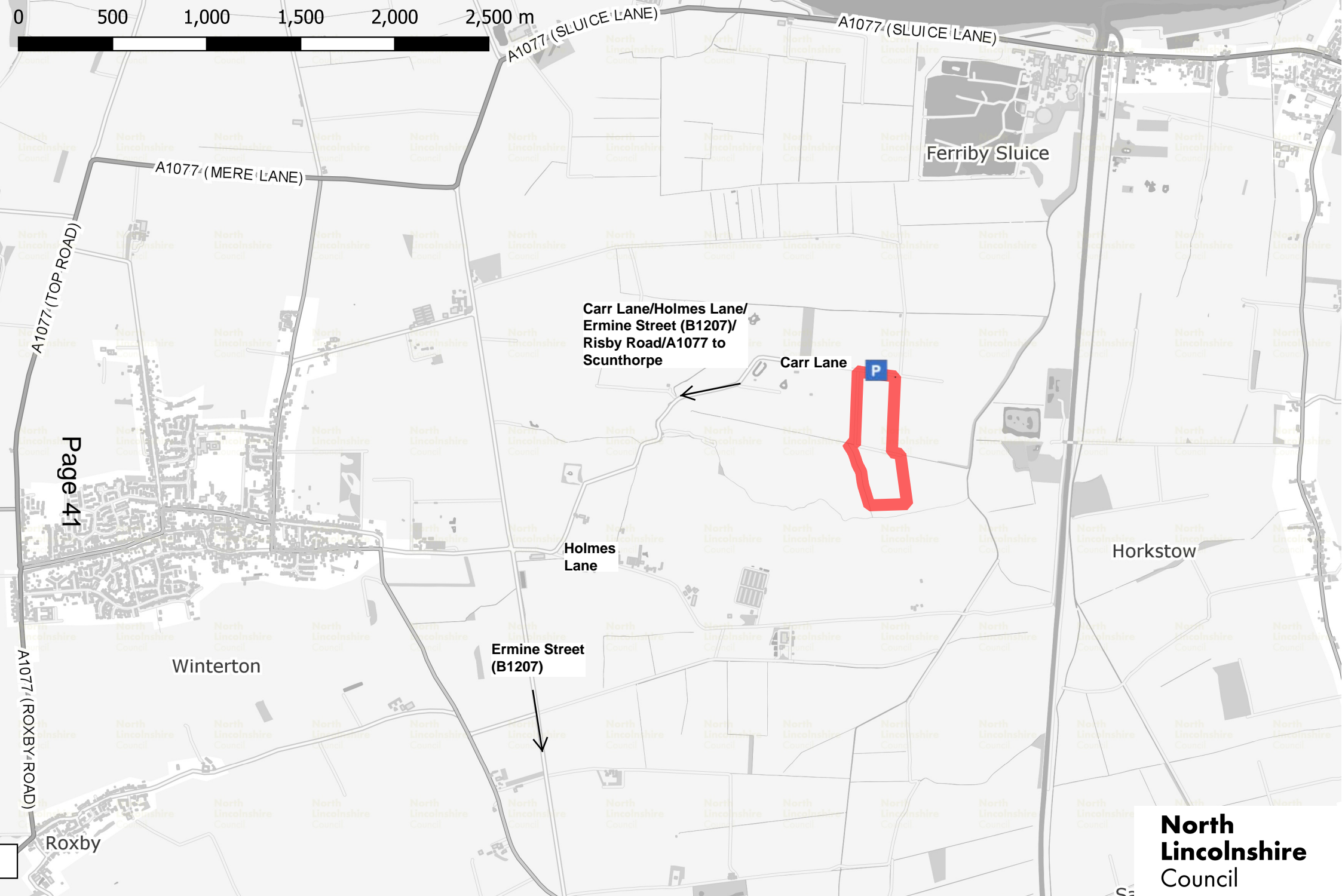
19.

The development hereby approved shall be temporary for a period of 40 years from the date of the first exportation of electricity from the site. The applicant or their successor in title shall notify the local planning authority of the date of the first exploration of electricity from the site.



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**North
Lincolnshire
Council**



A1077 (SLUICE LANE)

A1077 (SLUICE LANE)

A1077 (MERE LANE)

Ferriby Sluice

A1077 (TOP ROAD)

Carr Lane/Holmes Lane/
Ermine Street (B1207)/
Risby Road/A1077 to
Scunthorpe

Carr Lane



Page 41

Holmes Lane

Horkstow

Winterton

Ermine Street
(B1207)

A1077 (ROXBYS ROAD)

Roxby

**North
Lincolnshire
Council**

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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

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

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

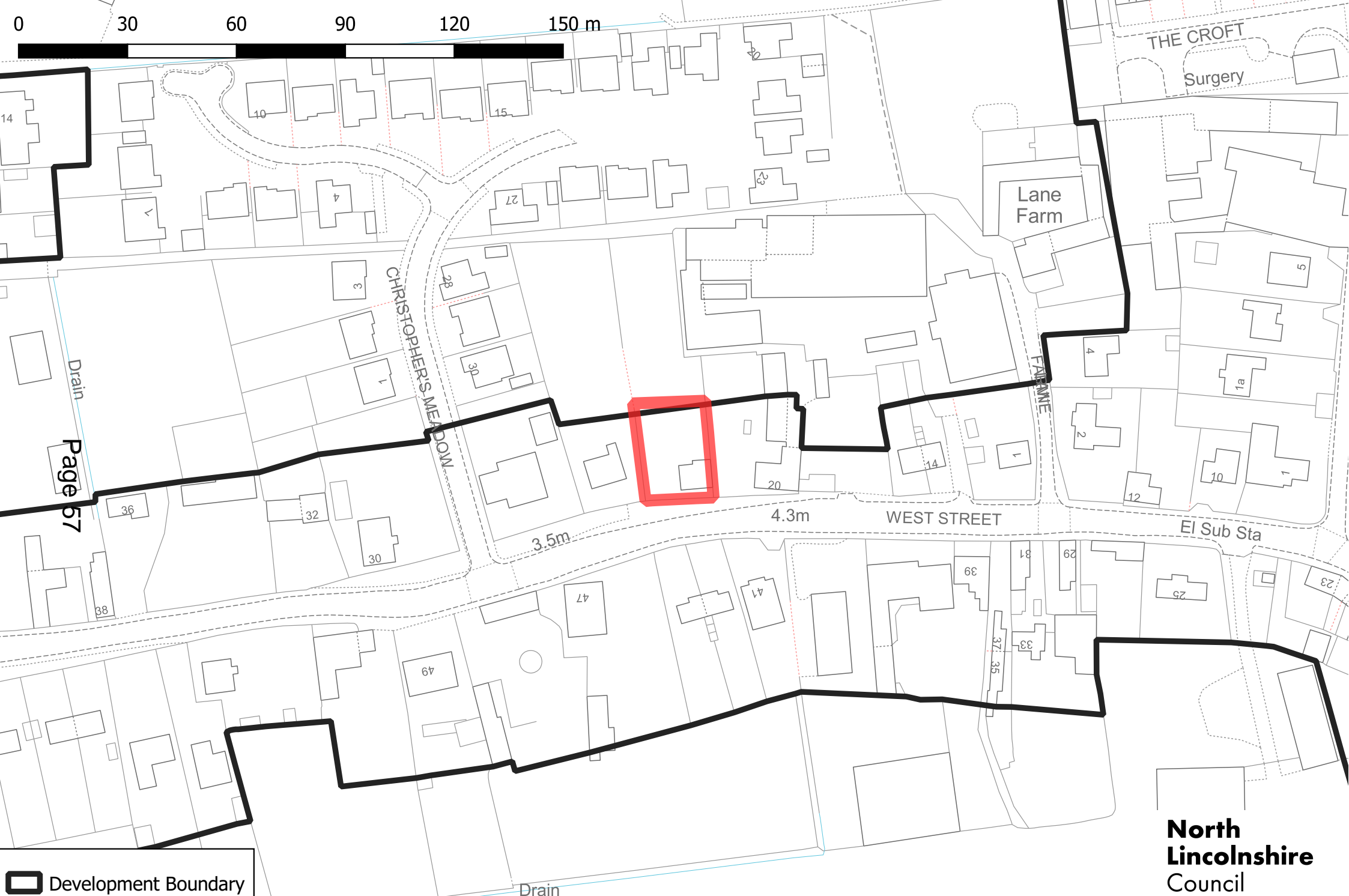
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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



 Development Boundary

PA/2021/2240

THE CROFT
Surgery

Lane
Farm

CHRISTOPHER'S MEADOW

LANE FARM

Drain

Page 57

WEST STREET

El Sub Sta

3.5m

4.3m

**North
Lincolnshire
Council**

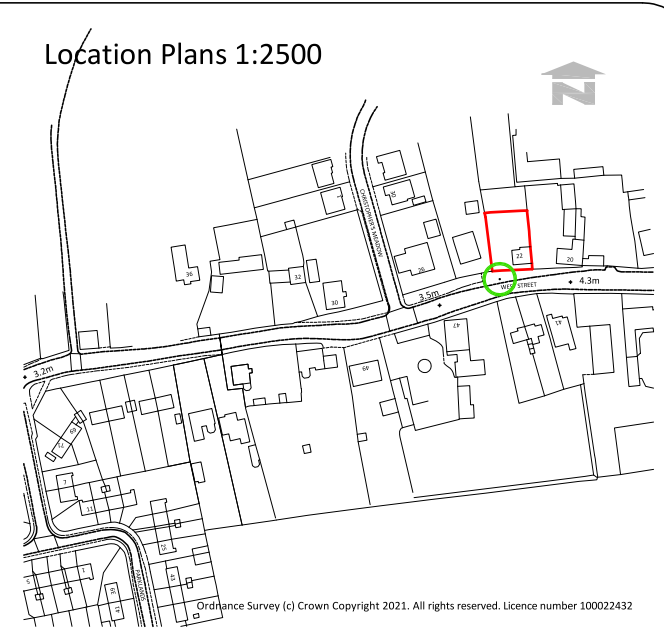
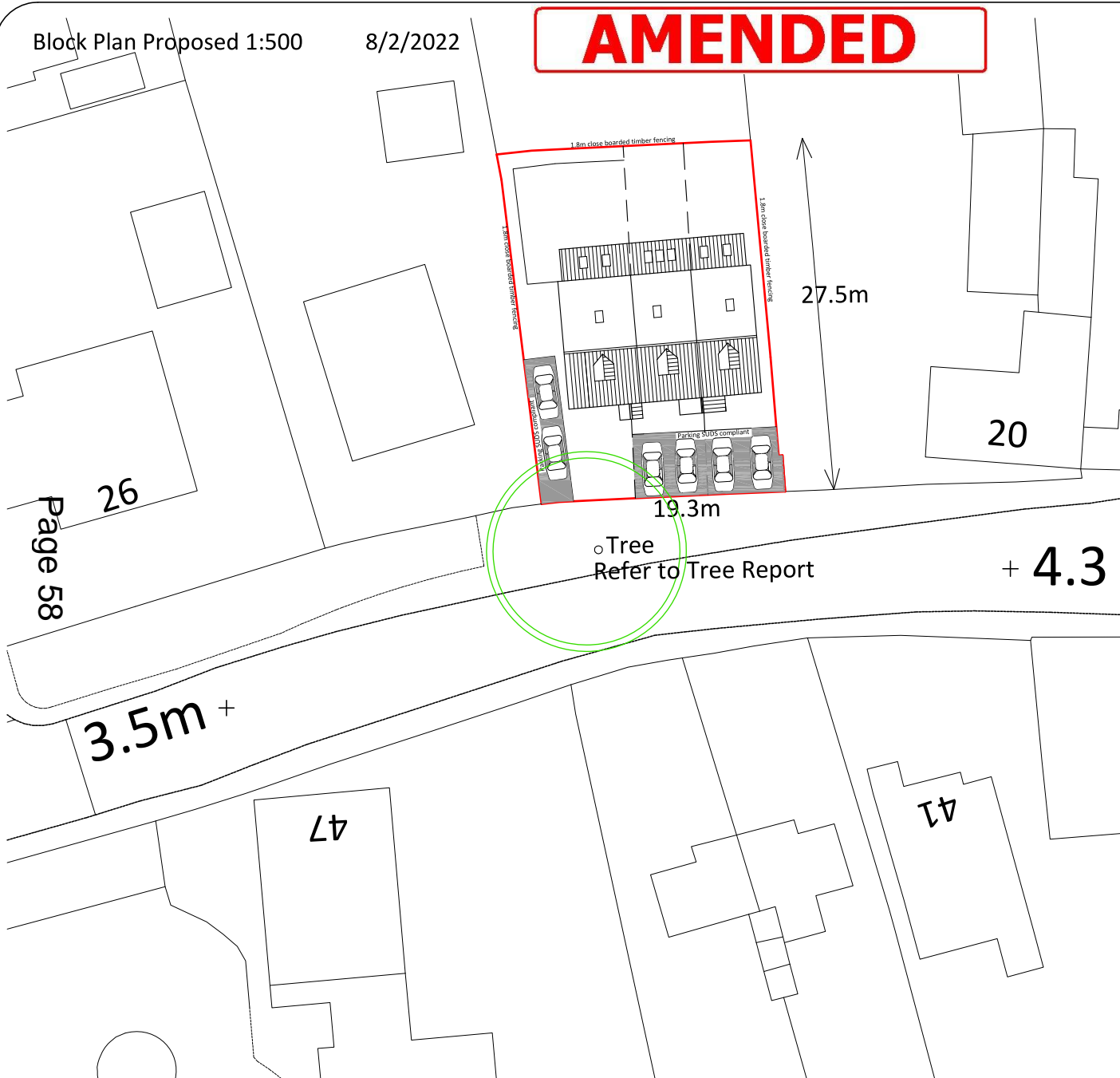
PA/2021/2240 Proposed layout (not to scale)

AMENDED

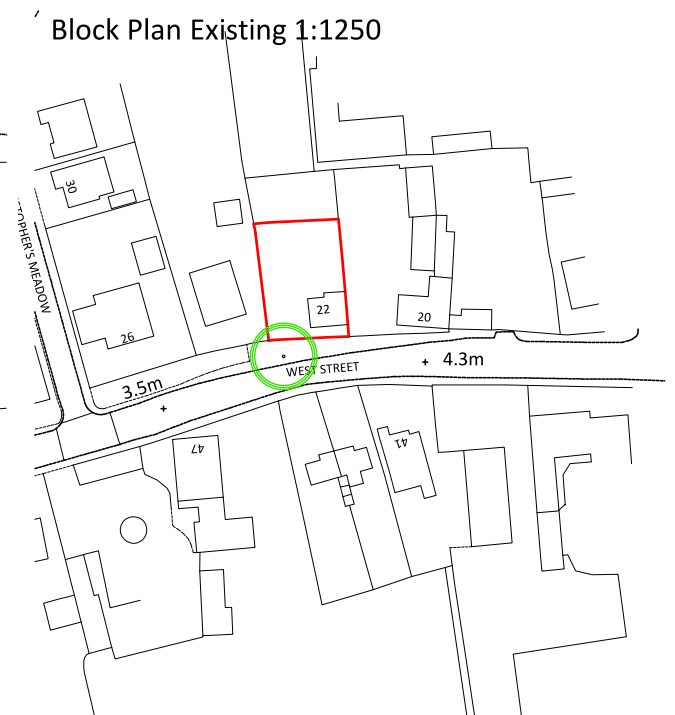
Block Plan Proposed 1:500

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

Development at 22 West Street, West Butterwick, Scunthorpe, DN17 3LA

Location and Block Plans

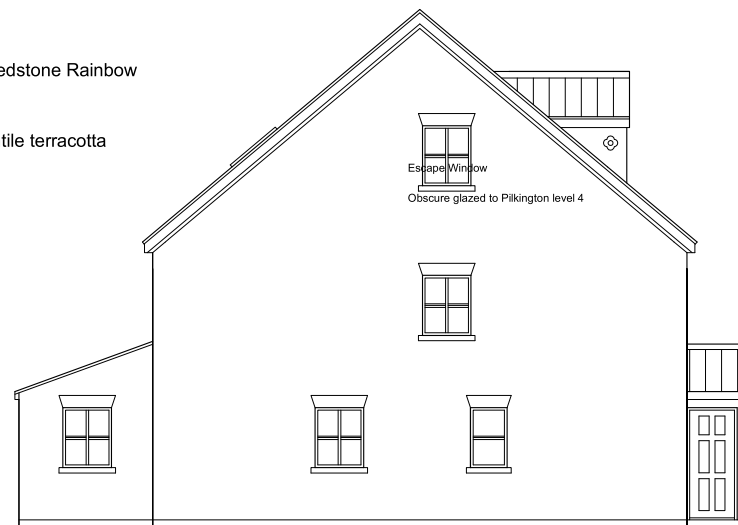


Bricks - Weinerberger Redstone Rainbow

Tiles - Sandtoft Neo-Pantile terracotta



Escape Window
Obscure glazed to Pilkington level 4



Escape Window
Obscure glazed to Pilkington level 4

Right Side Elevation

Left Side Elevation

Page 59



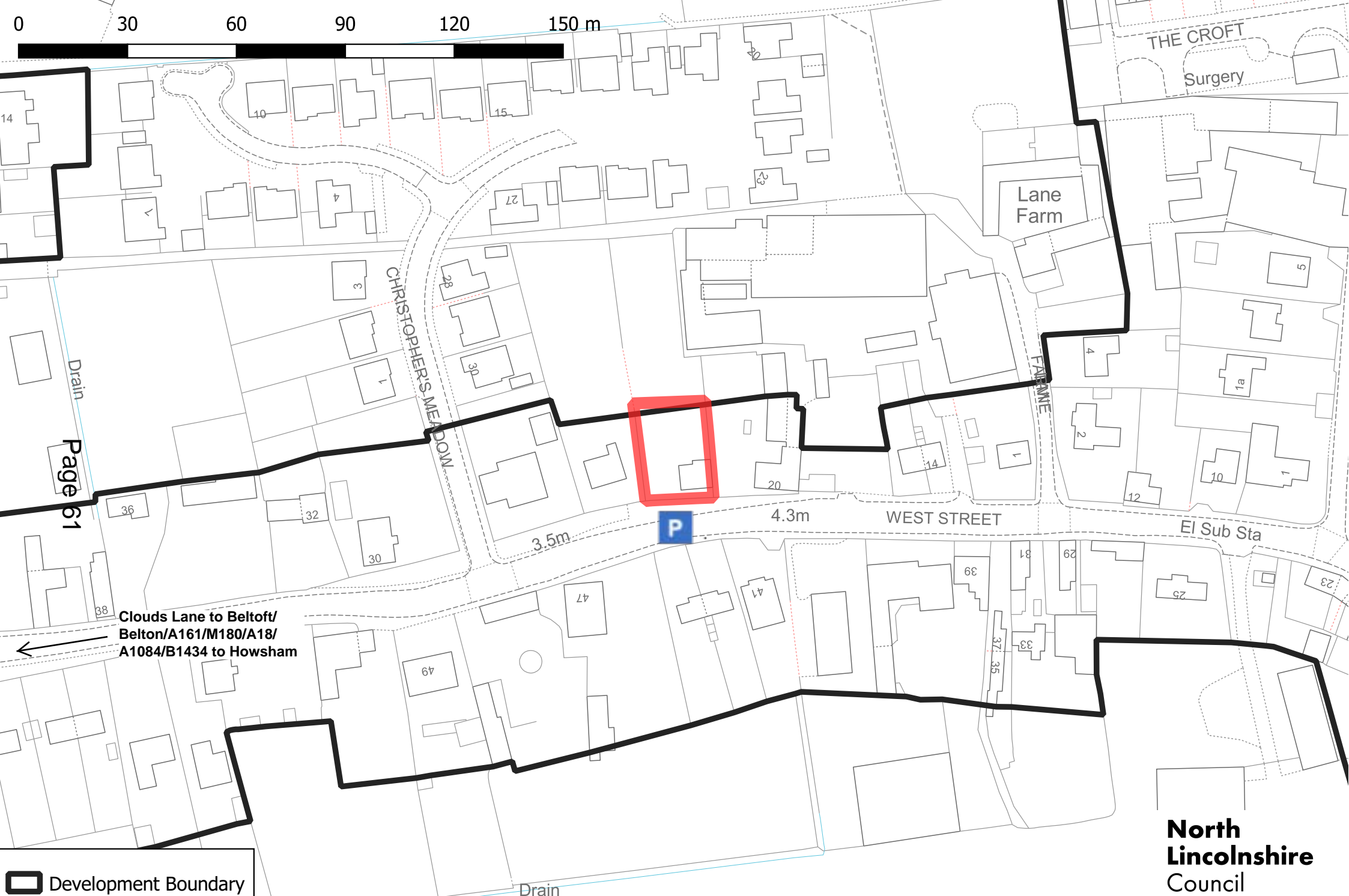
Front Elevation



Rear Elevation

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0 30 60 90 120 150 m



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← Clouds Lane to Beltoft/
 Belton/A161/M180/A18/
 A1084/B1434 to Howsham

 Development Boundary

PA/2021/2240 Sat nav: 22 West Street, West Butterwick, DN17 3LA

**North
 Lincolnshire
 Council**

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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, subject to conditions.

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

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

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.

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.

7.

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.

8.

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.

9.

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.

10.

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

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant

linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation.

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

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

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

11.

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.

12.

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.

13.

The details to be submitted in respect of reserved matters for any phase of development shall include a scheme for the provision of surface water drainage works, which shall include the following criteria:

- (a) any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse
- (b) peak run-off from a brownfield site should be attenuated to a minimum of 70% of any existing discharge rate (existing rate taken as 1.4 litres per second per hectare)

(l/s/ha) or the established rate, whichever is the lesser for the connected impermeable area)

- (c) discharge from greenfield sites taken as 1.4 l/s/ha (1:1yr storm)
- (d) no above-ground flooding to occur up to the 100-year plus climate change critical flood event (based on current national guidance)
- (e) a range of durations should be used to establish the worst-case scenario
- (f) the suitability of soakaways as a means of surface water disposal should be ascertained in accordance with BRE Digest 365 or other approved methodology
- (g) a scheme for the provision of a positive outlet of surface water from the site
- (h) adoption and maintenance agreements for all surface water and SuDS drainage features.

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

Reason

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

14.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 14 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

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

15.

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

Reason

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

16.

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

Reason

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

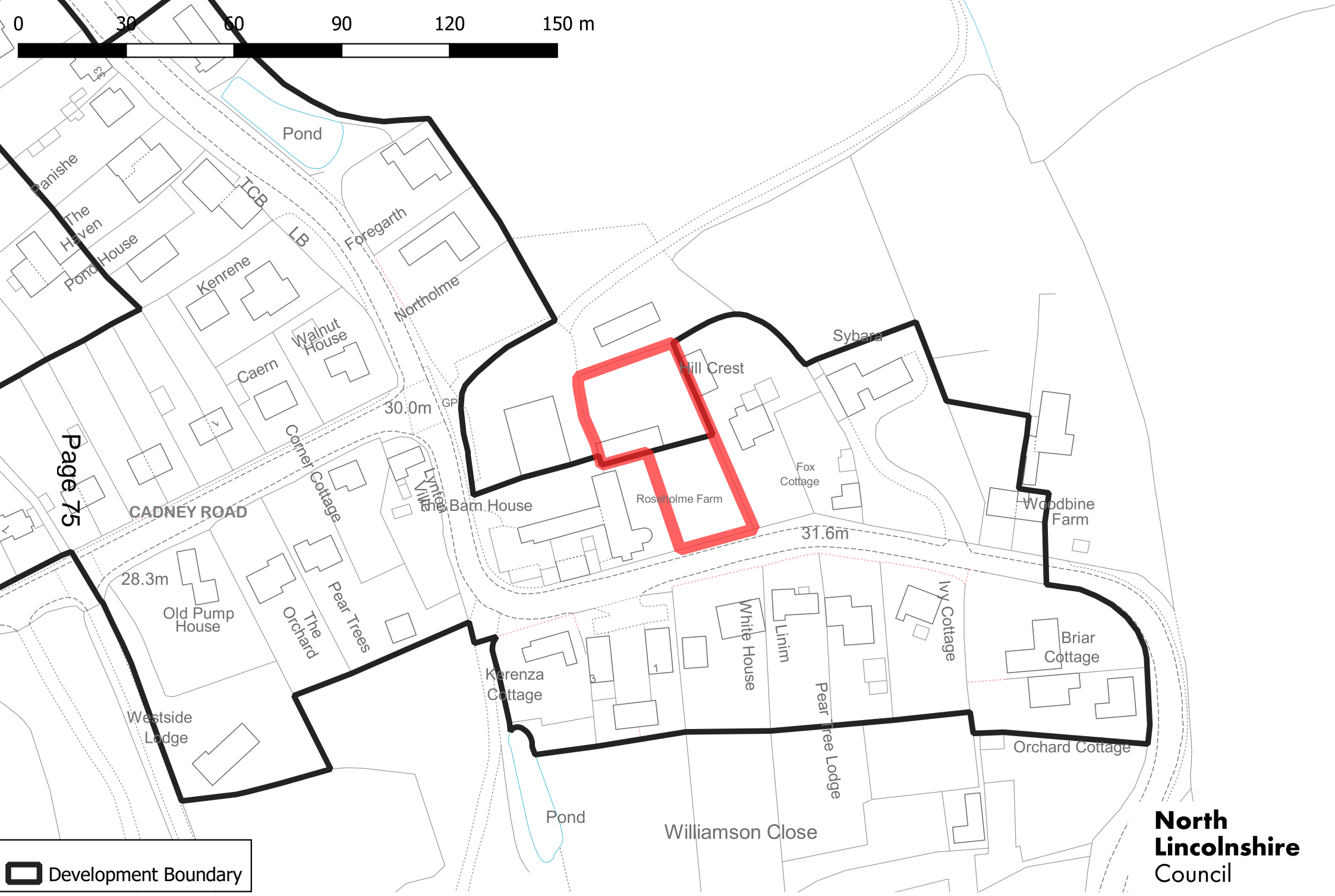
Informative 1

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

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

Informative 2

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



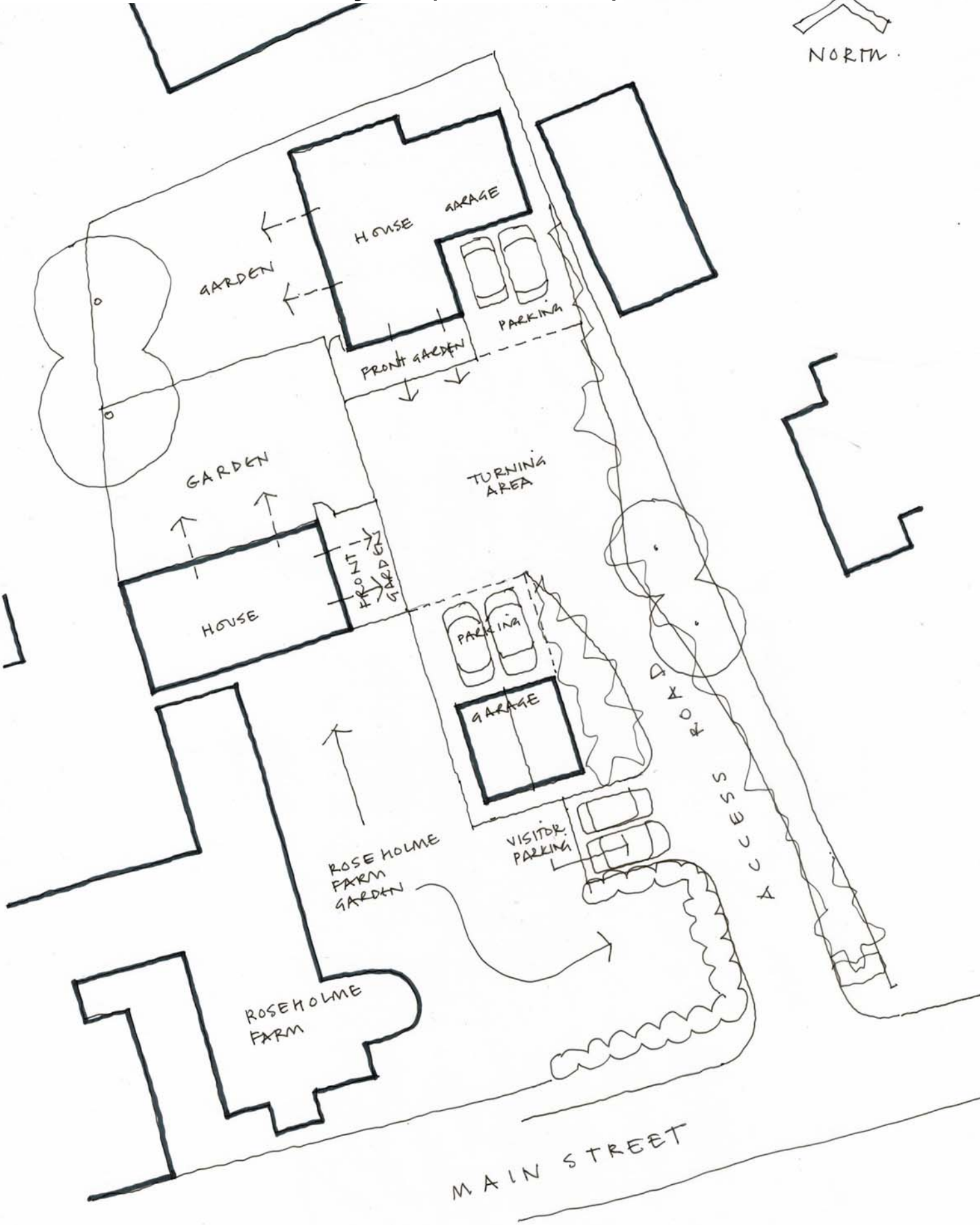
Page 75

 Development Boundary

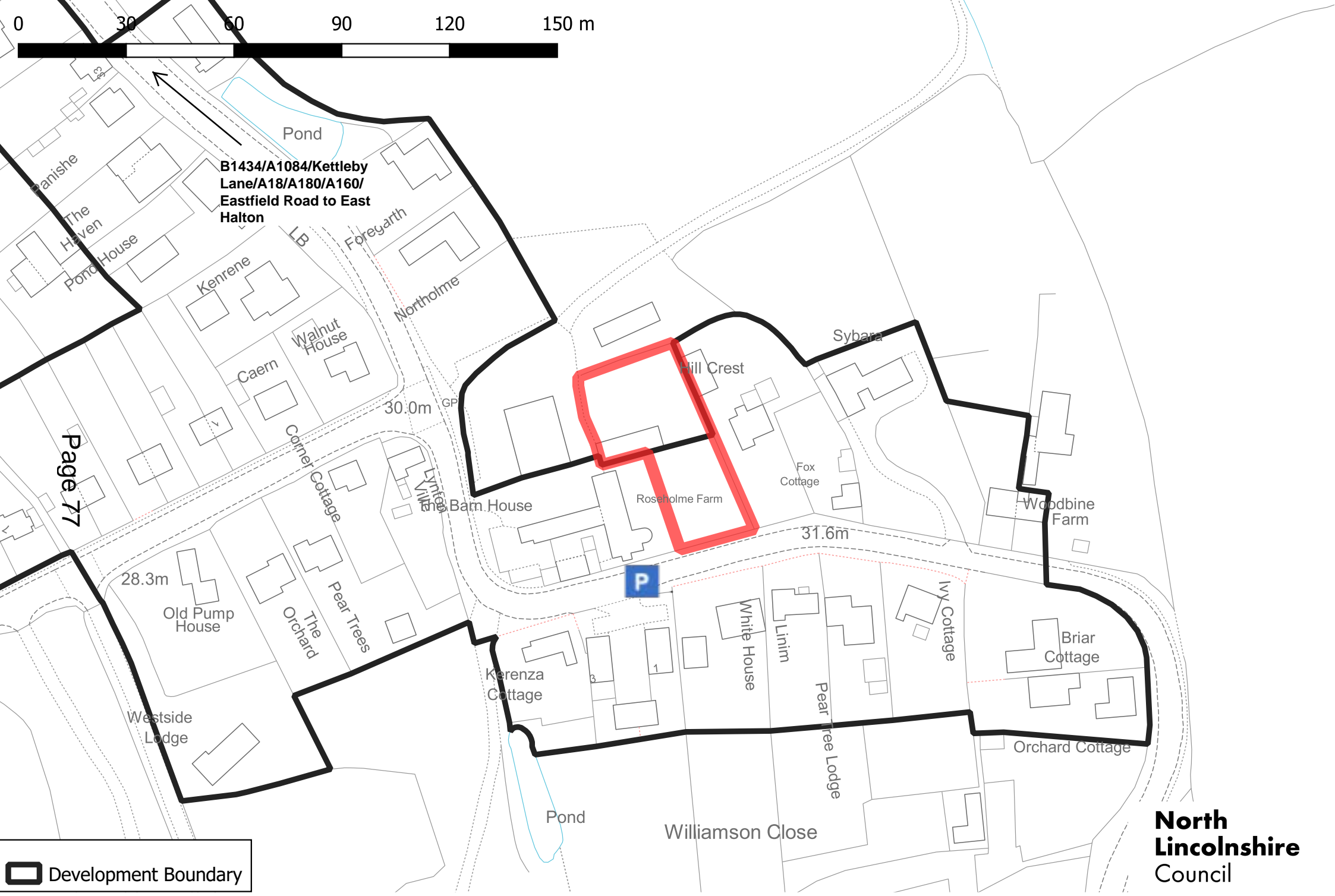
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ROSEHOLME FARM, HANSHAM



Page 77

B1434/A1084/Kettleby Lane/A18/A180/A160/Eastfield Road to East Halton



Development Boundary

PA/2022/829 Sat nav: Roseholme Farm, Main Street, Howsham, LN7 6JZ

North Lincolnshire Council

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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

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

Planning history

The following planning history is relevant 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

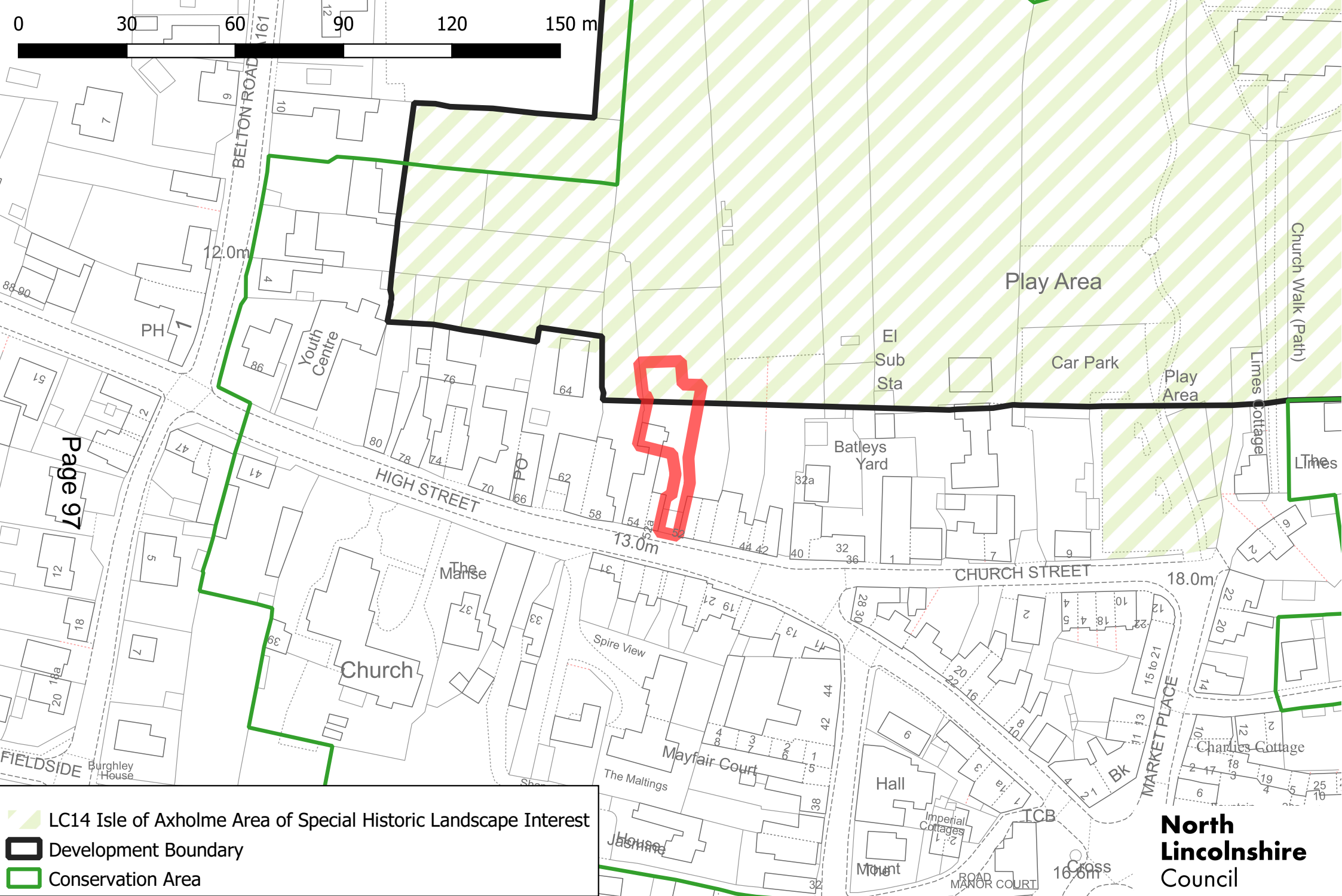
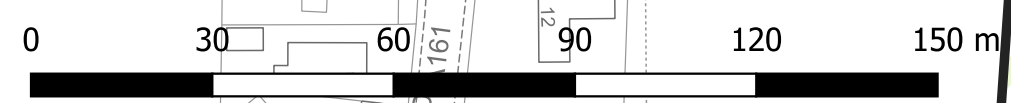
Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close 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

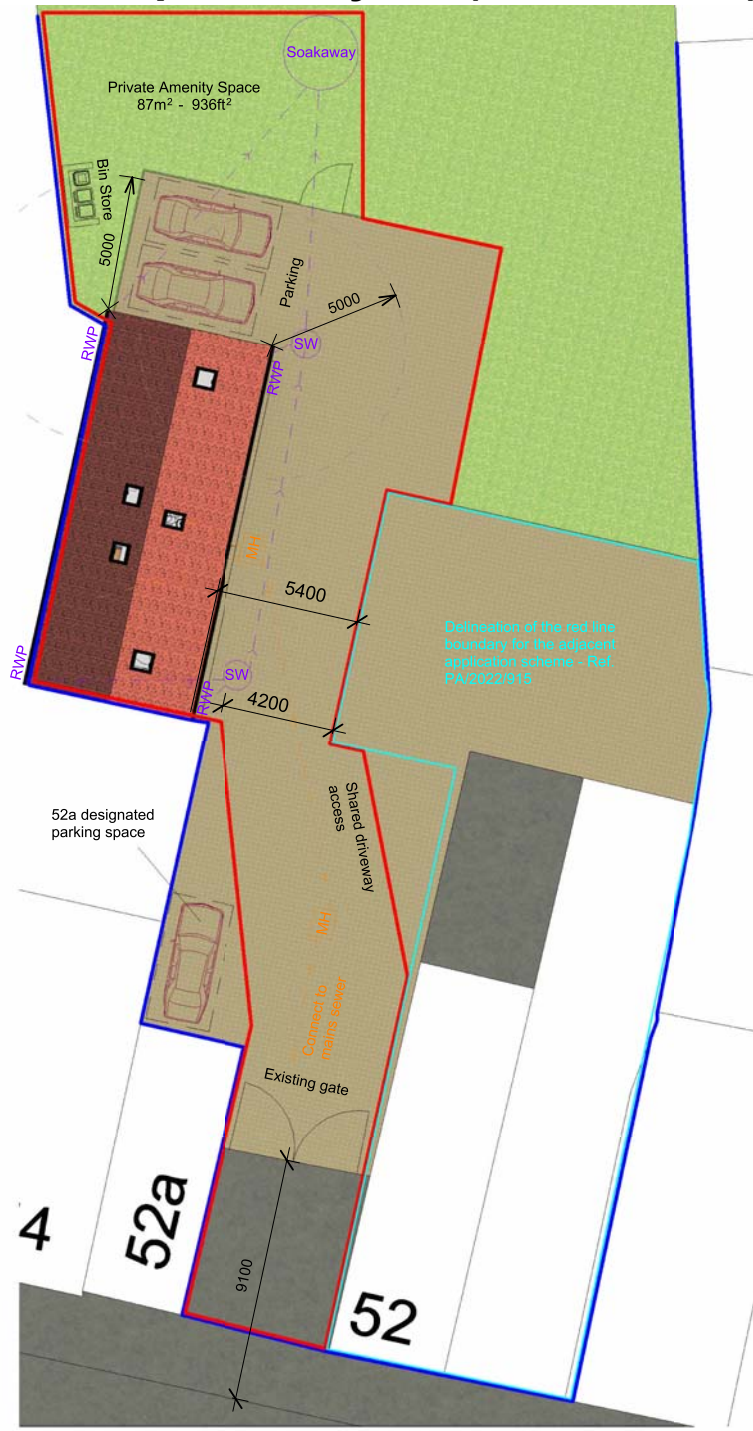
The developer's attention is drawn to the informative advice provided within the council's Waste Management team's consultation response dated 16 June 2022.



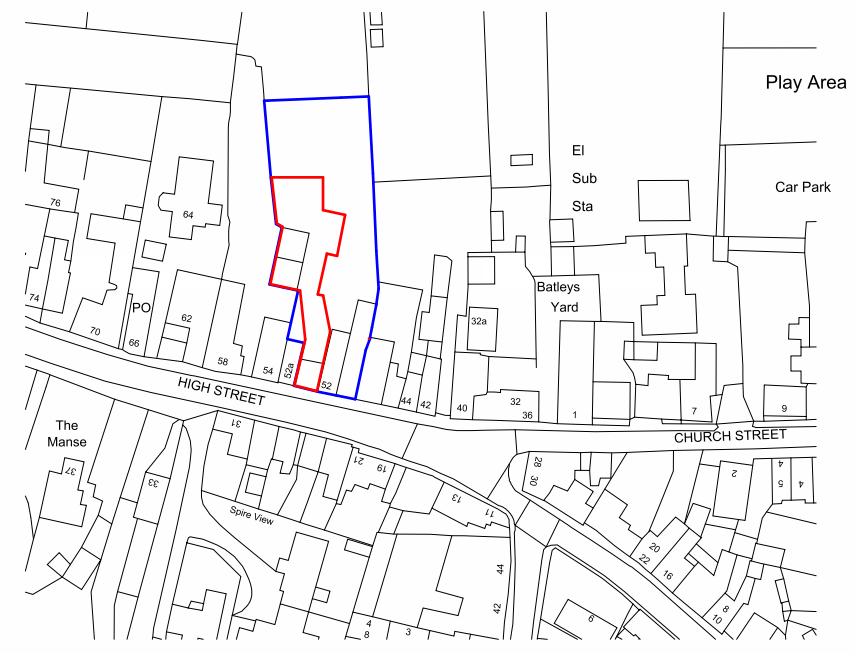
- LC14 Isle of Axholme Area of Special Historic Landscape Interest
- Development Boundary
- Conservation Area

**North
Lincolnshire
Council**

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Proposed Site Layout - Scale - 1 : 200



Location Plan - Scale - 1 : 1250



AMENDED

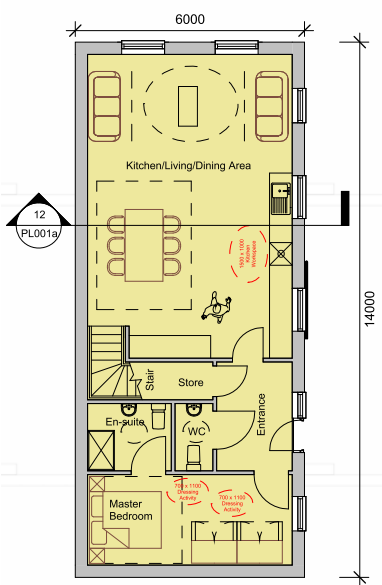
Revision	Date	Comment	Drawn by	Checked By
A	19/07/22	Updated to reflect conservation officer comments.	DT	NWH

Drawing Scale: As indicated @ A3

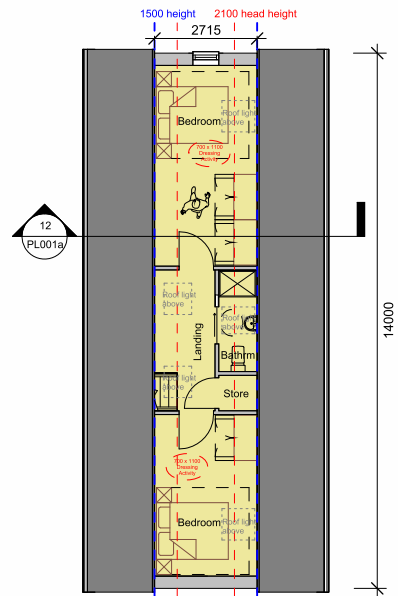
Proposed Site Layout
Oceans 52, High Street, Epworth

2022- ID - 04 - PL002a

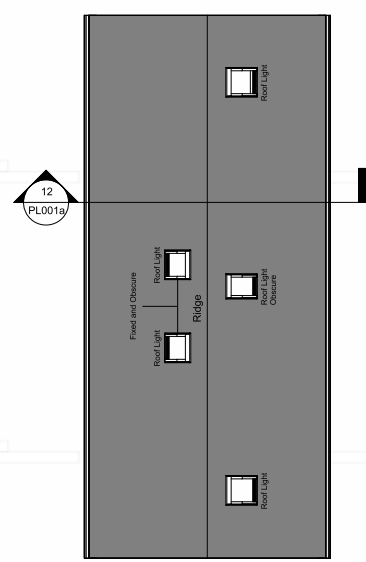




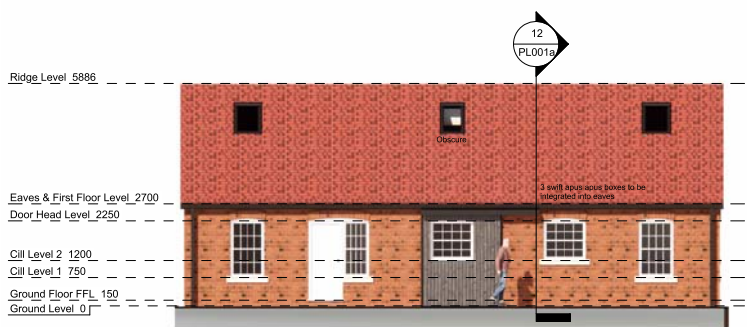
Proposed Ground Floor General Arrangement - Scale - 1 : 100



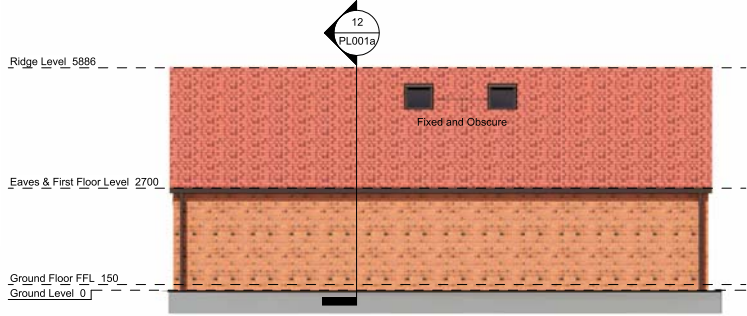
Proposed First Floor General Arrangement - Scale - 1 : 100



Proposed Roof General Arrangement - Scale - 1 : 100

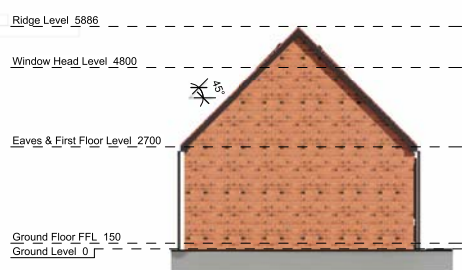


Proposed Leading Elevation - Scale - 1 : 100

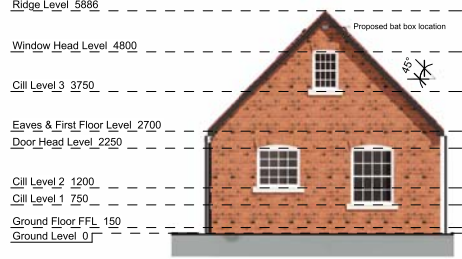


Proposed Rear Elevation - Scale - 1 : 100

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



Proposed Side Elevation - Scale - 1 : 100



Proposed Garden Elevation - Scale - 1 : 100



Proposed Driveway Visual Image - Scale - 1 : 1



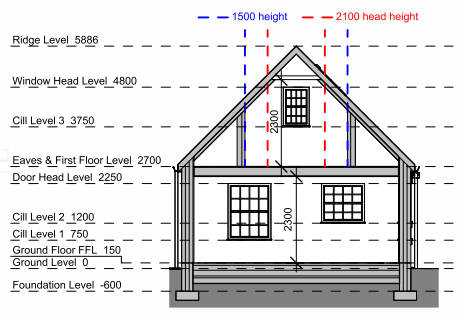
Proposed Garden Visual Image - Scale - 1 : 1

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

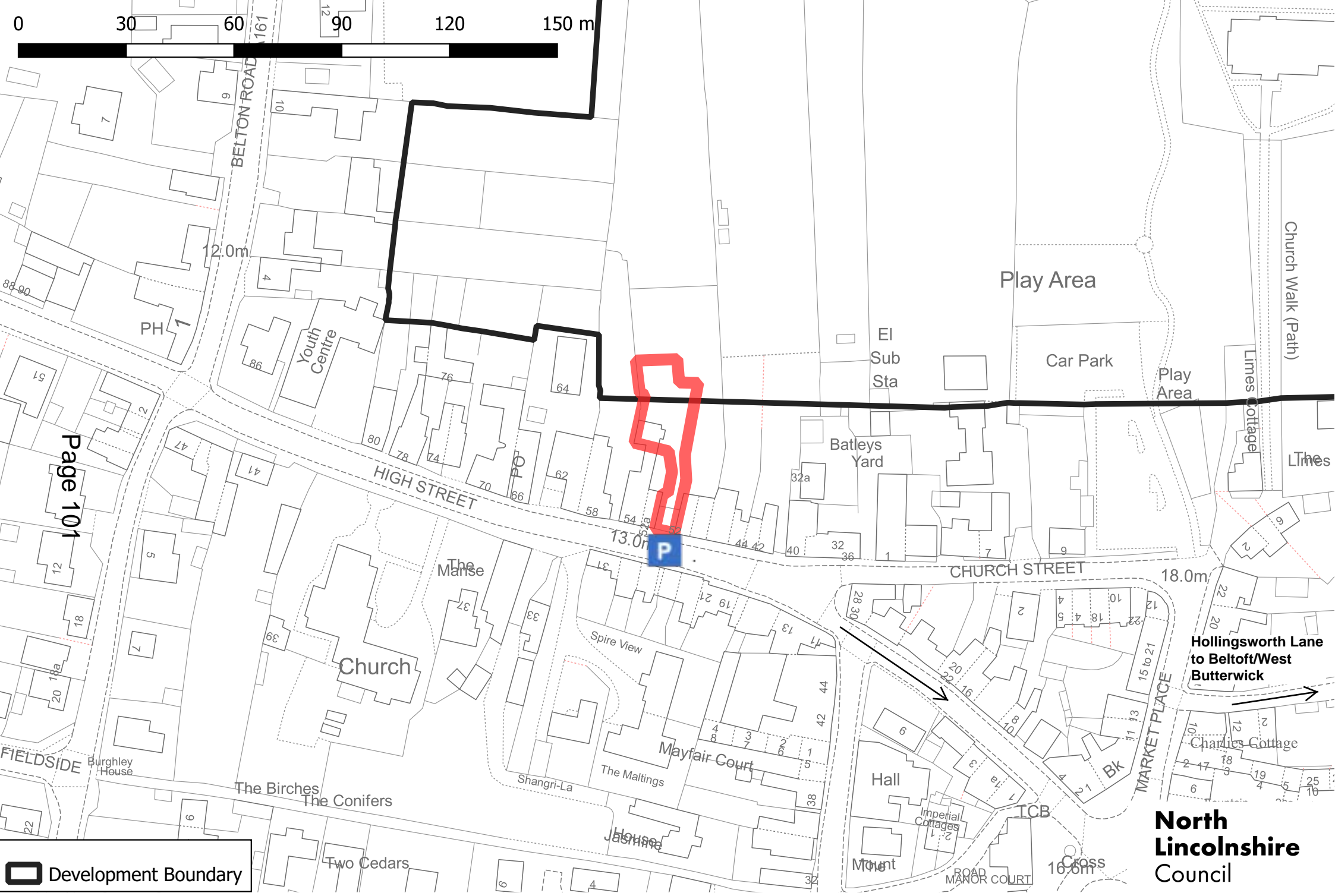
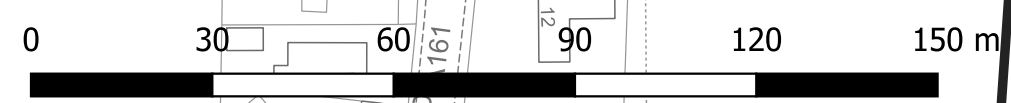
AMENDED

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



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Development Boundary

PA/2022/933 Sat nav: 50-52 High Street, Epworth, DN9 1EP

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North Lincolnshire Council

Hollingsworth Lane to Beltoff/West Butterwick

Play Area

Car Park

El Sub Sta

Batleys Yard

Youth Centre

Church

Mayfair Court

Hall

Imperial Cottages

ICB

Charles Cottage

PH

12.0m

HIGH STREET

CHURCH STREET

18.0m

MARKET PLACE

The Birches

The Conifers

Shangri-La

The Maltings

House

Two Cedars

ROAD MANOR COURT

16.6m

Church Walk (Path)

Limes Cottage

Limes

The Marise

Spire View

House

Mount

Cross

10.1

2

12

8

19

5

25

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15 to 21

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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

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

Planning history

PA/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:

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

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

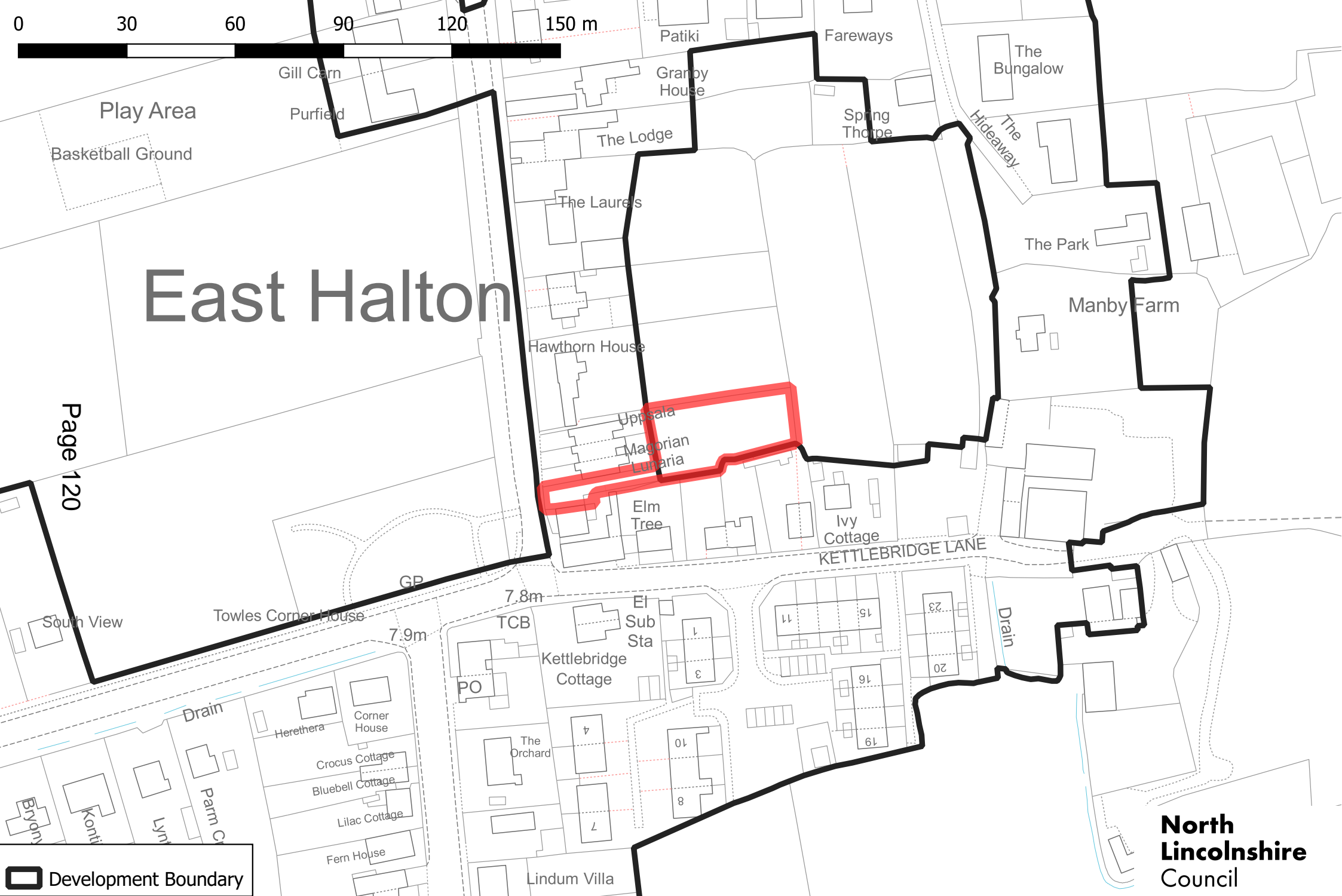
Informative 6

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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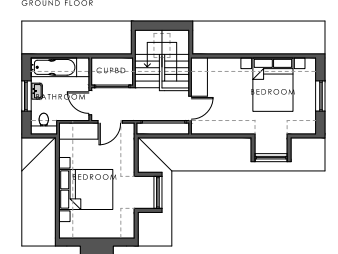
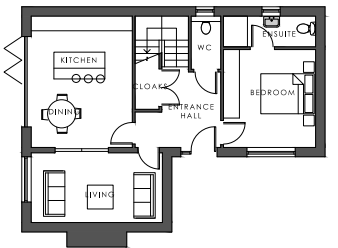


Development Boundary

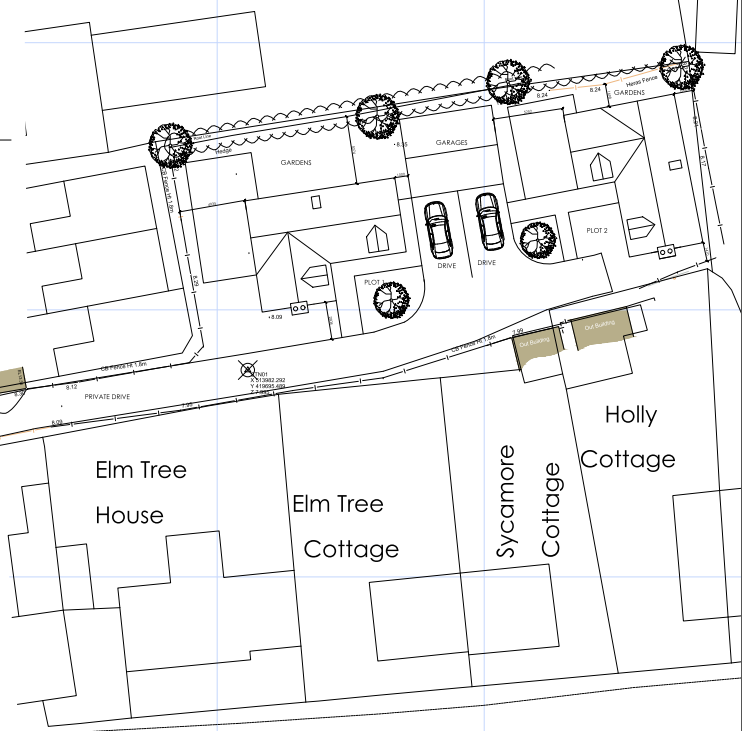
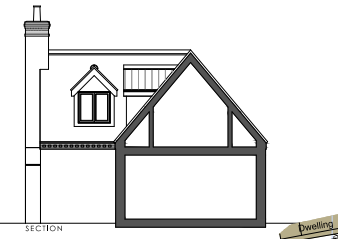
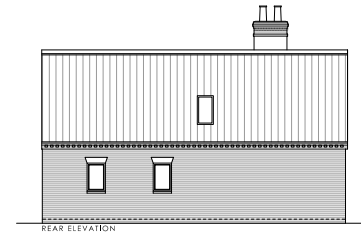
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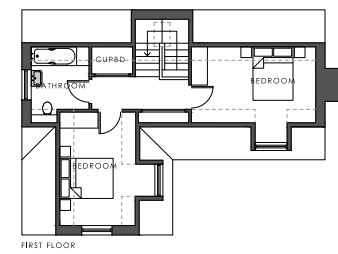
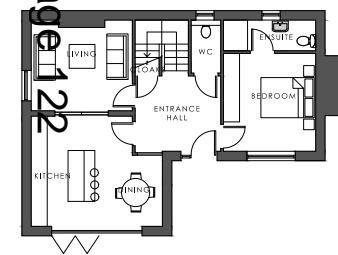
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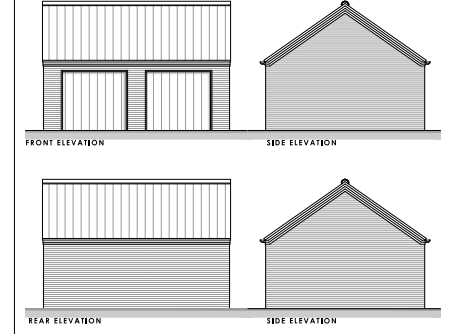
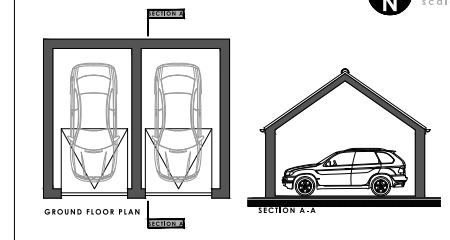
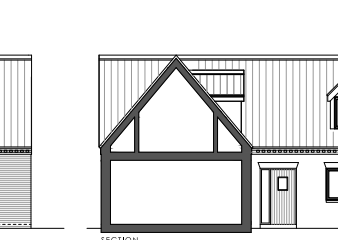
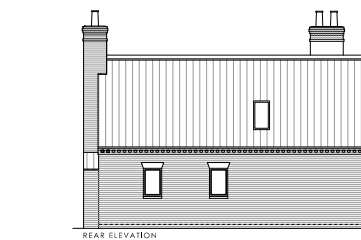
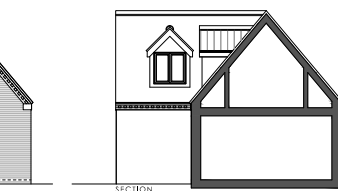
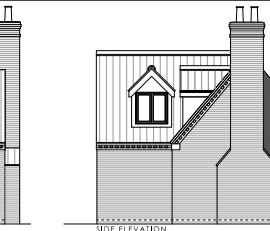
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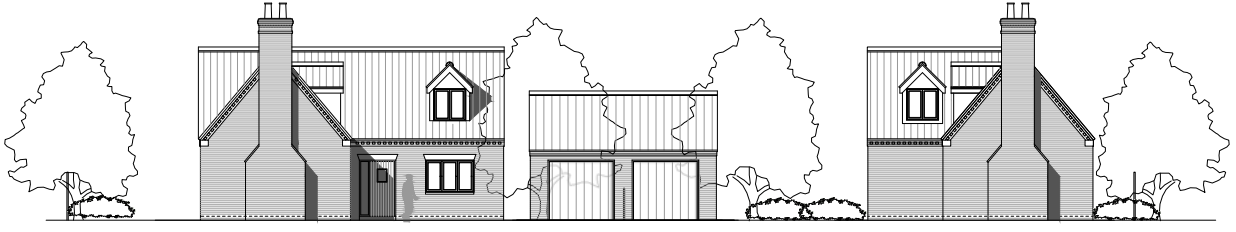
PROPOSED BLOCK PLAN
scale 1:200



PROPOSED DWELLING 2
scale 1:100



PROPOSED GARAGE
scale 1:100



SITE SECTION
scale 1:100

DRAWING ISSUES AND REVISIONS

Issue Design/Description Issue/Revision Issue/Revision
 1 Issue/Revision Issue/Revision Issue/Revision
 2 Issue/Revision Issue/Revision Issue/Revision

Idc

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

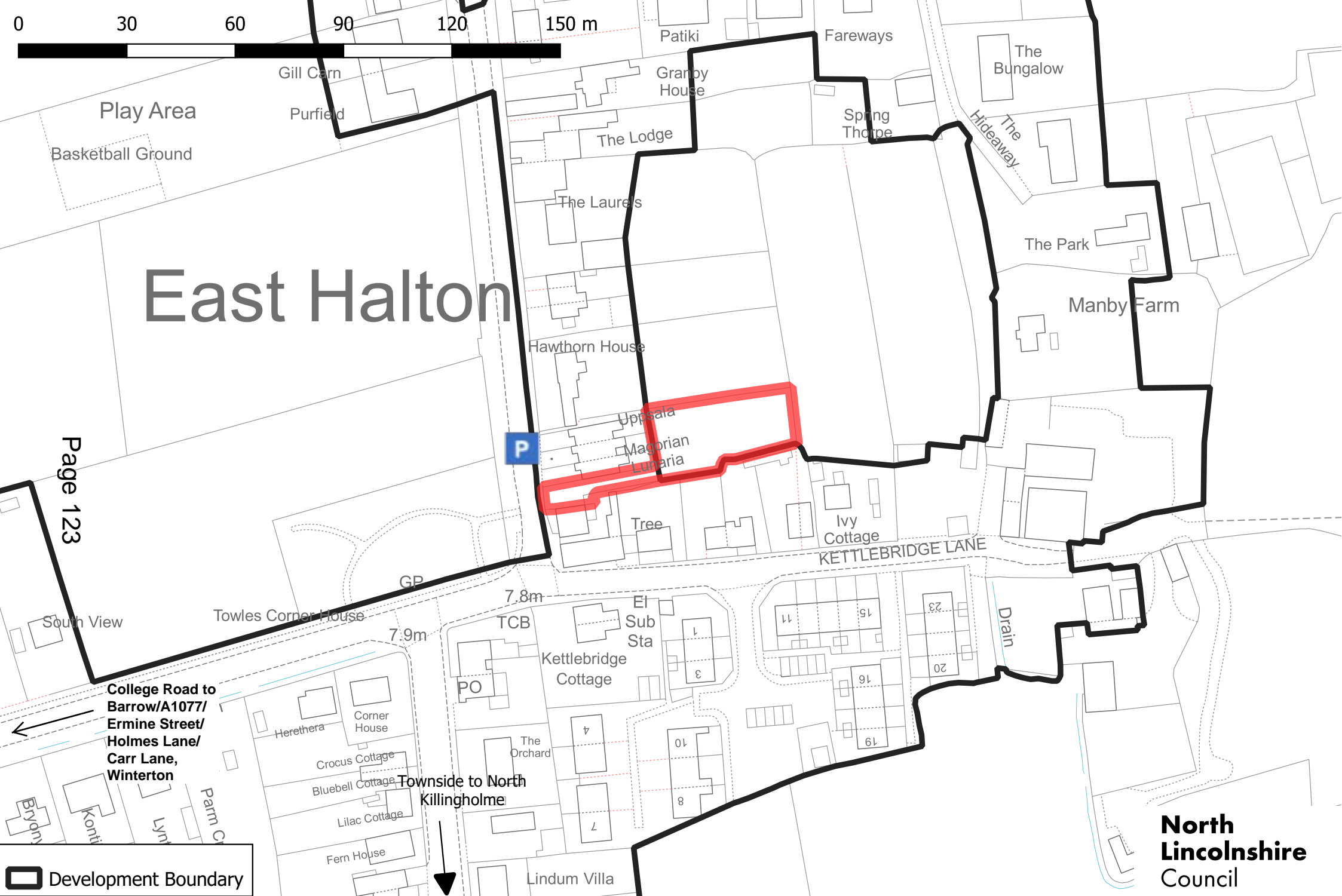
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East Halton

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College Road to Barrow/A1077/ Ermine Street/ Holmes Lane/ Carr Lane, Winterton

Townside to North Killingholme

North Lincolnshire Council

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

MAJOR PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

1. OBJECT

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

2. BACKGROUND

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

3. INFORMATION

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

4. RESOURCE IMPLICATIONS

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

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

5. RECOMMENDATION

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

DEVELOPMENT MANAGEMENT LEAD

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

Reference: CB/JMC/Planning committee 2 November 2022

Date: 24 October 2022

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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APPLICATION NO	PA/2021/1755
APPLICANT	Mr Tom Strawson, Quodos Homes Ltd
DEVELOPMENT	Planning permission to erect 14 dwellings with associated access
LOCATION	Land off Main Street, Sturton, DN20 9DL
PARISH	Scawby
WARD	Ridge
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Subject to completion of a section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan Member 'call in' (Cllr Neil Poole – significant public interest) Objection by Scawby Parish Council Significant public interest

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and Enhancing the Historic Environment Framework:

North Lincolnshire Local Plan:

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

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

Police HE5 (Development affected Listed Buildings)

Policy RD2 (Development in the Open Countryside)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T19 (Car Parking Provision and Standards)

Policy LC5 (Species Protection)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS7 (Contaminated Land)

Policy DS11 (Polluting Activities)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

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

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS22 (Community Facilities and Services)

Policy CS23 (Sport, Recreation and Open Space)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

Other relevant guidance:

SPG8: Developer Contributions to Schools

SPG: Provision of Open Space in New Housing Developments

SPG: Scawby Village Design Statement

SPG3: Countryside Design Summary

CONSULTATIONS (in response to original and amended plans)

Highways: Whilst Main Street varies in width between the site access and the junction with the B1207, it appears to be wide enough to allow vehicles to pass each other. Also, due to its size, the development will only generate a small number of vehicle trips and will therefore not have an adverse impact on the highway network. No objections subject to conditions relating to access, visibility, car parking and turning, and submission of a construction traffic management plan and travel plan.

Environment Agency: Does not wish to comment on this application.

LLFA Drainage: The revised documentation still fails to provide the required detailed level of site investigation with respect to soakaway design and its possible interaction with groundwater. It is assumed the soakaways will be part of a section 38 agreement, but will be offered up by the developer to the council; as such, this detailed level of information is required to ensure that the soakaways are built to long-term effectiveness. The developer needs to be aware that a surface water drainage system may exist on the northern boundary of the site which could be utilised. This requires detailed investigation at detailed design stage. No objections subject to conditions and informatives relating to surface water disposal.

Anglian Water:

Wastewater: Foul drainage from this development is in the catchment of Hibaldstow Water Recycling Centre which currently does not have capacity to treat flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant permission.

Used water network: The development will lead to an unacceptable risk of flooding downstream. Anglian Water will need to plan effectively for the proposed development, if

permission is granted. They will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development. (A full assessment cannot be made due to lack of information – the applicant has not identified a discharge rate.) They therefore request a condition requiring a phasing plan and/or on-site drainage strategy.

Surface water disposal: From the details submitted to support the planning application, the proposed method of surface water management does not relate to Anglian Water operated assets. As such, they are unable to provide comments on the suitability of the surface water management. The local planning authority should seek the advice of the Lead Local Flood Authority or the Internal Drainage Board.

Recommend conditions relating to the submission of a drainage strategy and on-site foul drainage works

Environmental Protection: No Phase 1 report has been submitted with the application. The site has potential for contamination due to the former agricultural use. Recommend a contamination condition. The site is close to residential properties and therefore recommend conditions restricting site clearance and hours of operation and the submission of a construction environmental management plan (CEMP). Developments should be located and designed where practical to enable future occupiers to make green vehicle choices and promote sustainable modes of transport in accordance with Section 9 of the NPPF. To prepare for increased demand in future years, appropriate cable provision should be included in the development. In relation to air quality, a scheme for electrical vehicle charging points is recommended. The site is close to an existing farmyard. A noise assessment has been submitted which demonstrates that, with the installation of standard double glazing and trickle vents, the noise predicted inside the proposed residential dwellings is as follows:

- Daytime LAeq (07:00 – 23:00) - ≤ 35dB
- Night-time LAeq (23:00 – 07:00) - ≤ 27dB.

Environmental Protection request conditions to ensure that a scheme of window glazing and trickle vents as set out in the submitted noise assessment is installed in the dwellings and a verification report submitted.

HER (Archaeology): [Summarised] The application site is within an area of archaeological interest close to the site of Sturton Roman villa and prehistoric landscape features. Accordingly, the applicant commissioned an archaeological evaluation to assess the significance of any buried remains within the application site. The archaeological field evaluation comprised an initial geophysical survey followed by a programme of trial trenching to confirm the results. The evaluation identified archaeological remains at the north end of the site comprising two field ditches of probable medieval date. The HER has no objection to the current proposals but advises mitigation to offset the harm to any associated archaeological remains. Mitigation should comprise a programme of archaeological monitoring and recording to be undertaken during the construction groundworks within plot 1 and the adjacent access road. This mitigation strategy should be set out in a written scheme of investigation (WSI) and submitted prior to determination of the planning application. Where the planning authority is minded to grant consent, any permission should be subject to conditions securing the implementation of an agreed WSI; pre-commencement conditions would only be necessary where a mitigation strategy and WSI is not in place.

HER (Conservation): No objection subject to conditions. This application affects the setting of Home Farm, a grade II listed building, immediately opposite on the other side of Main Street. The key impact is plot 1 on the street frontage which affects the setting of the listed building. The proposed building on this plot has been well designed as a traditional stone cottage that will sit well within the street scene. In addition, it is smaller in scale than Home Farm and having a simple traditional appearance will not detract from appreciating the listed building and its character. What will be important is the correct materials and detailing for the proposed housing which can be controlled by condition. As part of any approval of this application it is recommended that conditions are included 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 on all buildings. It is also recommended that the permitted development rights are removed from plot 1 as part of any approval to protect the listed building from any future harmful change.

Ecology: A bat survey is no longer required. The site offers little in the way of biodiversity enhancement. Biodiversity net gain cannot be achieved on the site. An off-site contribution for biodiversity net gain is recommended.

Trees: There is concern that two trees considered worthy of retention on the site (Category B – T11 and T12) are to be removed along with hedgerows H3 and H4 (B Category). T2, a lower category tree, is to be retained. The scheme does not appear to have taken into account the submitted arboricultural report. There is a loss of almost all vegetation off site and there would need to be extensive replacement green infrastructure to compensate for the loss. The proposed landscaping scheme should be conditioned to ensure planting takes place.

Education: For the proposed 15 dwellings S106 contributions are recommended for both primary and secondary schools as the projections for both schools in the catchment area (primary – Scawby Academy and Sir John Nelthorpe) are anticipated to be full to capacity. The scheme is now for 14 dwellings and therefore no education contributions are required.

S106 Officer: Contributions for affordable housing, recreation/leisure, open space and biodiversity net gain are required. The scheme is for 14 dwellings and under C1 and SPG8 no developer contributions are required.

Recycling: General guidance in relation to bin types and sizes, pulling distances for residents and crew, and access requirements for a refuse vehicle.

Humberside Police: No objections.

Humberside Fire and Rescue: General comments in relation to access for the fire service and water supplies for fire-fighting.

PARISH COUNCIL

The proposed development is outside the current development building line and is therefore unacceptable development. The proposed development is situated within a hamlet, on a greenfield site – the design and appearance of the proposed development is not in keeping with the original settlement. Threat of surface water flooding to existing properties and amenities. The flood authority has expressed concerns regarding the threat of surface water flooding this proposed development could cause. The proposed site has a history of surface water flooding – developing this site will provide a greater threat to neighbouring properties and amenities. The existing facilities to cope with surface water flooding have

proven not to be adequate. Currently properties within the vicinity of the proposed development are suffering with surface water caused from flash flooding. A further 14 properties using the existing facilities will cause flooding problems and surface water problems to existing properties. The proposed development will cause a loss of privacy to the immediate neighbouring properties.

PUBLICITY

Both the original and amended plans have been publicised by site and press notices. Twenty-eight responses have been received in total to the original and amended plans. One formal letter of objection on behalf of residents of Main Street, Sturton has also been submitted. These letters raise the following material planning issues:

- the site is unsuitable for residential development
- the site is in open countryside
- no weight can be given to the emerging local plan allocation for residential development on the site
- the council has a five-year housing land supply
- contrary to policies CS1, CS2, CS3 and RD2
- adverse impact on residential amenity
- overlooking/loss of privacy
- out of character/backland development
- Main Street is narrow and poor quality
- surface water flooding
- increase in traffic
- increased noise, disturbance and light pollution
- loss of wildlife
- highway safety will be compromised
- adverse impact on the adjacent listed building
- loss of biodiversity, including bat roosting sites, trees and hedges
- impacts on adjacent trees have not been considered in the arboricultural report
- the trial trenching is inadequate
- contrary to SPG7 Scawby Village Design Statement
- strain on utilities and local services, including the school and sewage system

- flooding
- loss of agricultural land
- change of development boundary
- draft emerging local plan allocation is for 11 dwellings
- no affordable housing proposed
- other residential schemes in the vicinity have been refused.

One letter of support has been received raising the following matters:

- new development
- well-designed dwellings.

STATEMENT OF COMMUNITY INVOLVEMENT

The applicant states that discussions were held with residents adjoining the site, the parish council and ward councillors, and the applicant attended a parish council meeting to discuss the proposal.

ASSESSMENT

The proposal

The proposal is for the erection of 14 dwellings: 12 detached and 2 semi-detached. Each has its own car parking and garage spaces. The dwellings are a mix of designs set around a 'horse shoe' cul-de-sac arrangement with private drives. The dwellings have good-sized gardens. In terms of design, plot 1 on the site frontage is a 4-bedroom detached dwelling constructed of stone to reflect the other traditional stone buildings on this part of Main Street. Plots 2, 10 and 14 are detached 4-bedroom dormer bungalows. Plots 3, 4, 6 and 8 are detached two-storey hipped roof dwellings comprising 4 bedrooms. Plots 5 and 7 are 4-bedroom detached dwellings with linked utility and garage. Plots 9 and 11 are detached dwellings with a single-storey utility room. These are three-storey dwellings with rooms in the roof space comprising 6 bedrooms. Plots 12 and 13 are semi-detached dwellings linked by garages. They are two-storey dwellings comprising 3 bedrooms. The detached garages comprise linked garages or detached garages, some of which are single gable-end garages and some are double garages with half hipped roofs to reduce bulk.

The site

The site comprises 1.21 hectares and is a paddock containing a number of fruit and ash trees and hedges. It is known as locally as being within Sturton, and is closely related to Scawby. The site is outside the development boundary of Scawby, within the open countryside, and has a field access onto Main Street. The site is, however, adjacent to the existing development on Main Street. The site wraps around the long curtilage of the neighbouring property to the east known as Pas De Chat, which is a dormer bungalow. The site is adjacent to the rear boundaries of Cobbles Close and Holmesfield on Main Street, and Tunbridge, Oberland and The Paddock on Station Road. It shares its western boundary with Sturton Cottages and the Sturton Nurseries site. This area of Main Street comprises a

mix of housing types and designs with traditional and more modern development. Traditional materials used on the older buildings comprise red brick and stone. To the north, opposite the site, is Home Farm, a late 19th century grade II listed building. To the south is Sturton Nurseries which is being redeveloped for 5 dwellings, and further south is Manor Farm, a farming enterprise. The site is within flood zone 1 and in an area of archaeological interest.

Planning history

There is no relevant planning history for the site. It is allocated for housing in the emerging draft local plan under policy H1P-30 for 24 dwellings. The application site also includes land to the south that is not part of the housing allocation under H1P-30. The emerging draft local plan is anticipated to be submitted to the Planning Inspectorate at the end of October 2022. There are unresolved objections to this proposed allocated site and therefore little weight can be given to this allocation at the present time. However, the council considers this site appropriate for residential development in principle.

Principle

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.

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 outside the defined development limit for Scawby and therefore within the open countryside.

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).

Core Strategy policy CS7 requires that a density range of at least 30–35 dwellings per hectare should be achieved on residential development sites within rural settlements and the countryside. The proposals would achieve a density of 12 dwellings per hectare, which is considerably below this density range, but which takes into account the low-density nature of the surroundings and their character. The pattern of development and plot dimensions reflect some of the development in the surroundings and therefore, taking into account the Scawby Village Design Statement, the density proposed is considered appropriate for this site and its context.

There is, therefore, a development plan presumption against housing development in this location. The proposal is not in accordance with the development plan, and so there is a clear breach of the strategic planning policies contained within the Core Strategy as outlined above.

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.

In a recent appeal decision dated 20 July 2022 (PA/2020/554) the Inspector 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. The proposal comprises 14 dwellings, which is a major development and will provide a significant contribution towards the council's five-year housing land supply of deliverable sites. The developer is a local developer with a track record in housing delivery in our area. There is no suggestion that this application is speculative – the developer is keen to deliver the site and is currently constructing a housing site in Scawby. The development will bring forward 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, including repairs

and maintenance, as well as other works required; potential for new residents to shop locally and use local services. The dwellings will provide additional council tax which is a financial benefit.

Social: The local authority area currently has a shortfall in housing supply. The development will provide much needed housing within the area contributing to the overall land supply. The scheme is well designed with a mix of housing types and designs. An off-site affordable housing contribution will be used to provide affordable housing for residents in Scawby/North Lincolnshire. Whilst Scawby is a rural settlement it does contain a number of services and facilities and so there will be an increase in people who could shop and use other services locally. The site is within walking distance of the Co-op and local school, for example, and close to a bus stop providing public transport links to the larger settlements of Brigg and Scunthorpe.

Environmental: The proposed development will improve the built environment in this location by its high standard of design. The up-to-date building regulations would require sustainable building methods to be employed which would be translated through the development. An S106 financial contribution towards off-site biodiversity net gain has been agreed to mitigate its loss on the site. Landscaping will be provided on the site, together with SuDS features.

Given the existing nature of the site, it is not considered there would be significant harm in economic, social or environmental terms from developing it.

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 and the 'golden thread' running through the NPPF is sustainability. The application site is considered to be within a sustainable location in an existing residential part of Scawby: in essence the site represents a suitable and logical infill site which is bounded on three sides by existing residential development and their gardens. It must also be noted that the site is allocated in the draft new local plan for housing under policy H1P-30 for 24 dwellings which is to be submitted to the Planning Inspectorate shortly for examination. There is a clear indication that the council considers this site to be an acceptable location for residential development.

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. An assessment will now need to be made on the technical aspects of the development.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision and general highway safety. Both policies are considered relevant. Policy CS25 of the Core Strategy is also relevant and seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools.

In terms of highway impacts, the access to the site is from Main Street, Sturton leading southwards into the site in a 'horse shoe' shape forming a cul-de-sac arrangement. Each dwelling will have its own drive and parking spaces including garages. Comments from residents that Main Street is unsuitable to accommodate the additional traffic generated by the proposal and that highway safety will be compromised are noted. Highways have been consulted on the proposals have no objections subject to conditions relating to the access arrangements, visibility and car parking. These conditions will be imposed on any permission granted. There is no evidence to suggest that Main Street cannot accommodate the additional vehicle movements associated with the proposals. The site is close to a bus stop which provides links to Scunthorpe and Brigg and is therefore accessible by public transport. Scawby contains a number of facilities and services that are within walking/cycling distance of the site. Subject to conditions, therefore, the proposal aligns with policies CS25 of the CS, and policies T2 and T19 of the NLLP.

Flood risk and drainage

The site is within Flood Zone 1 of the council's SFRA and is therefore at low risk of flooding. A flood risk assessment and drainage strategy has been submitted with the application. The Environment Agency has been consulted and does not wish to comment on the application. In terms of flood risk the proposal complies with flood risk policies within the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan. These policies seek to locate development within areas of low flood risk. As a result, in terms of flood risk, as the site is within flood zone 1, the proposed development is considered to be acceptable.

In terms of foul water, this is proposed to discharge into Anglian Water's foul sewer. Anglian Water have been consulted on the proposals and have commented that 'the foul drainage from this development is in the catchment of Hibaldstow Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission.' Anglian Water recommend a planning condition requiring a foul water strategy for the site to be submitted to the council for approval. Subject to the imposition of the requested condition in terms of foul water, the proposal will align with policy DS14 of the NLLP.

In terms of surface water, the LLFA and Anglian Water have commented on the proposals. The surface water disposal for the site will be infiltration by soakaways. Both statutory consultees recommend conditions requiring the submission of a surface water disposal strategy to be submitted to the council for approval. These recommended conditions will be imposed on any planning permission. Comments and photographs from residents with respect to surface water flooding are noted. The Government's flood risk maps for surface

water show the site at very low risk of surface water flooding with Main Street at low risk of flooding from surface water. It is considered that a surface water disposal strategy, and conditions to ensure surface water does not run from the site into the highway or from the highway into the site, will ensure potential surface water run-off is mitigated.

Given the lack of objection by the relevant drainage body, the Environment Agency and the council's own LLFA, it is considered, subject to the recommended conditions, that the proposed development will not result in an unacceptable risk of flooding and will not have a detrimental impact on the local drainage network. The proposal is therefore acceptable in drainage terms and accords with policies CS18 and CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

Character, appearance and visual impact

In terms of character, appearance and visual impact of the development, it has been designed to respect the character of the rural area. Plot 1 is a stone cottage that reflects the other traditional stone cottages in Sturton and is located on the site frontage. Plot 1 will be viewed essentially as an infill plot along Main Street. The access will be visible from Main Street with the remainder of the development set well back and therefore not particularly visible from Main Street, with adjoining dwellings providing some screening. There will be glimpses of the dwellings from Station Road, but the impact will be mitigated in part by existing properties and by the distance the plots are from Station Road. In terms of design, a well-designed scheme has been submitted with a mix of house types and garaging that reflect the rural character of Sturton and align with the SPG: Scawby Village Design Statement. Sturton does have a rural character, but within Sturton there is a mix of traditional and more modern properties with a full range of housing types.

Sturton and the surrounding area is not covered by any formally designated landscape areas. The character of this part of Sturton will obviously change as the site will no longer be a paddock extending into the open countryside, but this well-designed scheme does respect the character and appearance of the area. Conditions will be used to ensure landscaping on the site which will mitigate some of the visual impacts of the development. The careful use of materials and boundary treatments will also ensure the rural character of the development and Sturton is retained and a high quality development is achieved on the site. The proposal therefore aligns with policies CS5, CS7 and CS16 of the CS, and policies RD2, H5, H8 and DS1 of the NLLP.

Archaeology

The site is in an area of archaeological interest close to the site of the Sturton Roman villa and prehistoric landscape features. The geophysical survey and archaeological trial trenching that the applicant commissioned has revealed only two ditches exposed at the north of the site. One of the ditches yielded a single sherd of pottery which has been identified as being 13th to 15th century in date. The other ditch was undated but possibly associated with the first. The presence of medieval pottery suggests that this ditch is probably not associated with the nearby Roman villa. The results of the archaeological investigations indicate that the application site contains few remains of any archaeological significance and these remains do not merit preservation in situ. Conditions are proposed requiring appropriate mitigation measures to be adopted to offset the harm and preserve the archaeological evidence of the site by record. Such measures should comprise a programme of monitoring, excavation and recording commonly known as a 'watching brief' during all groundworks associated with the proposals in the area of plot 1 and the adjacent

access road. The archaeological fieldwork would be followed by post-excavation assessment, reporting, analysis and publication of any results as required. Subject to archaeological conditions, the proposal will align with policy HE9 of the NLLP, policy CS6 of the CS and paragraphs 205 of the NPPF.

Comments from residents that insufficient trial trenching was carried out on the site are noted. However, as a result of the trial trenching carried out by the applicant and taking into consideration other archaeological investigations carried out in the area, HER are satisfied that the archaeological evaluation carried out on the site is acceptable. This archaeological evaluation is sufficient to describe the significance of the heritage assets that the development has the potential to impact, and for the planning authority to consider in their decision making. HER (the council's expert in archaeology) has carefully assessed the archaeological evaluation and has no objections to the proposal subject to conditions in relation to archaeology.

Impact on the listed building

There are two listed buildings adjacent to the site: Manor Farm and Home Farm. Manor Farm is over 100m from the application site and it is not considered that the proposed development will affect the setting of this listed building due to the distance it is away from the site and intervening land uses. Home Farm is opposite the site to the north. This is a substantial 19th century Victorian building comprising red brick, pantile hipped roof and sash windows. It is enclosed by a brick wall topped with ridge bricks. This building is set back from Main Street. The development will be visible from Home Farm and the open aspect Home Farm currently has across the paddock will be reduced.

The proposed access to the site and plot 1 will be the closest built form of the development to Home Farm. The access road and site frontage will be softened by extensive green verges, and landscaping can be conditioned on the site. Plot 1 is a two-storey dwelling, but will be constructed of stone and similar in appearance to Cobbles Close to the east. The front elevation to plot 1 has a traditional cottage style with the stone and sash windows. The sash windows are a key feature of Home Farm. Plot 1 is much smaller in scale than Home Farm and is set well back from Main Street. Plot 1 has front garden and extensive verge on the site frontage that further reduces the impact on the setting of Home Farm. The boundary treatment on the site frontage comprises estate fencing which will retain the open frontage of the site. The existing boundary hedge to the west side of plot 1 is to be retained.

Plot 1 is essentially seen as an 'infill' plot along the existing frontage pattern of development along Main Street. The remainder of the development is set much further south into the development which reduces the impact on the setting of Home Farm. On balance, due to the location of the main access, the good design and location of plot 1 that respect the distinctive character of this part of Main Street and the siting of the remaining development further south away from Home Farm, it is not considered that the proposed development will result in any significant harm to its setting. This view is endorsed by the council's Heritage Officer who considers that the impact the proposal has on the setting of Home Farm is acceptable subject to conditions including requiring the facing and roofing materials, and details of windows and doors, to be submitted to the council for approval. These conditions are recommended to be imposed on any planning permission. The proposal therefore accords with policy HE5 of the NLLP, policy CS6 of the CS and paragraphs 190, 195, 197 of the NPPF.

Residential amenity

In terms of residential amenity, the site lies between Pas De Chat, a dormer bungalow, and Sturton Cottage, a two-storey dwelling. The site also shares a boundary with Cobbles Close and Holmesfield on Main Street, and Tunbridge, Oberland and The Paddock on Station Road. The proposed access will run adjacent to Pas De Chat, which has a stone wall and fence that rises to approximately 1.8m along the eastern boundary. Pas De Chat has a small secondary window in its western elevation. The access road is approximately 6.8m from Pas De Chat. It is not considered that the proposed access road would cause demonstrable noise and disturbance to Pas De Chat due to the existing boundary treatment and distance the access road is from this property. However, a condition will be used to ensure details of the boundary treatment, including its height and materials, are submitted to the council for approval. Plot 1 is over 14m from Pas De Chat and a small secondary dining room window is proposed at ground floor and an en-suite window at first floor. The en-suite window can be conditioned to be obscure glazed. The ground floor secondary window will be partially screened by the existing boundary wall to Pas De Chat. This secondary window will look onto the front drive of Pas De Chat and therefore no direct overlooking will be caused to that property. Plot 2 is over 30m from Pas De Chat. Plot 2 has habitable windows in its front elevation which face into the garden of Pas De Chat, but this is not the property's 'private garden' area as Pas De Chat's rear garden area is over 50m in depth. Adjacent to the rear boundary to Pas De Chat is a single garage which will be screened by the large existing outbuilding in Pas De Chat's garden. Plot 11 is over 36m from Pas De Chat. Due to the siting of plot 11 in relation to Pas De Chat no direct overlooking into this property or the private garden area will be caused.

Sturton Cottage is a modest two-storey dwelling. It is 18m from plot 1. Plot 1 has no habitable windows in its western elevation. Although plot 1 will be visible from Sturton Cottage no overlooking will be caused. Plot 1 has been designed as a cottage and will not be overbearing in terms of its scale and design. The impact on Sturton Cottage is judged to be acceptable.

Cobbles Close is a brick and stone, traditional cottage located tight to the road frontage of Main Street. Plot 11 is adjacent to its rear boundary. There is a distance of over 46m between plot 11 and Cobbles Close. Plot 11 has been designed as a two-storey dwelling with rooms in the roof space lit by rooflights. Due to the distance between these properties no demonstrable overlooking will be caused and the dwelling will not be overbearing on Cobbles Close.

Holmesfield is modern bungalow. Plot 10 is located to the rear of Holmesfield approximately 24m from it. Plot 10 has been designed as a dormer bungalow with rooflights in the roof space and a living room, bathroom and bedroom window on the ground floor in the rear (north) elevation. Boundary treatment can be conditioned to ensure privacy between plot 10 and Holmesfield is safeguarded.

Tunbridge on Station Road is a bungalow. Plot 10 is to the rear of Tunbridge and is a dormer bungalow with no windows in the eastern elevation. There is a separation distance of approximately 23m between plot 10 and Tunbridge. As a result of the design of plot 10 and its siting, no loss of residential amenity will be caused to Tunbridge.

Oberland on Station Road is an L-shaped bungalow. Plot 9 is a two-storey dwelling with rooms in the roof space. Plot 9 is located to the rear of Oberland, as is the proposed double garage to serve plot 9 and plot 8. In terms of separation distance, there is over 22m from

plot 9 to the rear extension of Oberland and over 30m to the main dwelling. Plot 9 will be visible from Oberland but again, due to its siting and design, there would not be any demonstrable overlooking into the private garden area of this dwelling, nor would plot 9 be overbearing on Oberland. In terms of the garage block, this is located across a small part of the rear boundary of Oberland and has been designed with a half hip roof to reduce its bulk, and its overall design is appropriate to the rural area. The rear of this garage block will be visible from Oberland but, due to its siting and design, no loss of residential amenity will be caused to Oberland.

The Paddock on Station Road is a bungalow. Plot 8 is a two-storey hipped roof dwelling. There are no windows in the eastern elevation. The Paddock will have a view of the eastern elevation of plot 8 and part of the detached garage block which serves plots 8 and 9. There is almost 30m from the flank wall of plot 8 to the dwelling, The Paddock. Again, due to the distance, and design and siting of plot 8 no demonstrable harm will be caused to The Paddock.

Wolds View on Station Road sits within a substantial plot. This property shares its northern boundary with the application site. Plots 7 and 8 are sited parallel to this boundary but are set well back from it. These plots will look over the substantial garden area of Wolds View but not the private garden area of Wold View and therefore no demonstrable harm to the amenity of this property will be caused.

A detailed assessment has been made of the impact the proposed development will have on adjoining residents. It is considered that no demonstrable harm will be caused to existing residential amenity by the development. In terms of future occupiers of the dwellings, no amenity issues will be caused as each plot has its own significant garden space and there is no direct overlooking between the proposed plots. The scheme has been well designed and its impact on residential amenity is acceptable. The proposal aligns with policies CS5 and CS7 of the CS, and policies H5, H8 and DS1 of the NLLP.

Trees

An arboricultural report and arboricultural impact assessment has been submitted with this application. A number of trees and hedgerows will be removed on the site to facilitate this development. These trees are not protected as they are not within a conservation area or covered by tree preservation orders. These trees have been assessed and only two are Category B trees (moderate quality) and all the hedgerows are Category B (moderate quality). The arboricultural report is acceptable to assess the quality of trees on the site and the impact of the development. Some of the existing boundary hedgerows are shown to be retained. The comments from the tree officer are noted about the loss of trees and hedgerows on the site, as is the fact that the applicant is proposing a substantial planting scheme to mitigate their loss. There is concern from Highways and the council's ecologist over the proposed wildflower mix as common knapweed is proposed adjacent to the road which can, if allowed to grow as proposed, overhang the highway resulting in maintenance and visibility issues. As a result, it is proposed to impose a condition requiring a new landscape plan to be submitted to the council for approval which the council's ecologist and Highways will be consulted on. Any landscaping for the site will need to be significant, proposing new trees and hedging to mitigate the loss of trees and hedges on the site, along with existing boundary hedging to be retained. Subject to this condition, the proposal would align with policies LC12 of the NLLP, and CS5 and CS16 of the Core Strategy.

Ecology/biodiversity

An ecology survey and a biodiversity metric calculation has been submitted with the application. The site is a greenfield site containing trees, hedgerows and grassland. These are to be removed to facilitate the development resulting in a net loss of existing habitat. Applying the mitigation hierarchy, mitigation and biodiversity enhancement should be provided on site as far as possible, with off-site delivery of habitat being a last resort to be taken only after on-site opportunities have been exhausted.

In this case, a residential scheme of 14 dwellings and associated development is proposed and it has not been possible to provide net gain on the site. As a result the applicant has agreed to provide an off-site financial contribution for biodiversity net gain of £58,000. This is calculated as follows: loss of 2.90 habitat units x £20,000 = £58,000.

On further reflection, the council's ecologist does not consider that a bat survey is required for the ash tree on the site which is covered in ivy as this has been surveyed as having low potential for a bat roost. Conditions are recommended to secure enhancements such as landscaping, bat bricks and nest boxes, which brings the proposal broadly in line with policy CS17 of the Core Strategy.

Land contamination

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. The site is agricultural land and although it is no longer in production, with the site referred to as a 'paddock', it does have potential for contamination. A condition will therefore be used to ensure a satisfactory site investigation and remediation scheme is submitted for approval by the council before development takes place, and the proposal will align with policy DS7 of the North Lincolnshire Local Plan.

Air quality

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

- (10) ensuring development and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water; and
- (12) supporting new technology and development for carbon capture and the best available clean and efficient energy technology, particularly in relation to the heavy industrial users in North Lincolnshire, to help reduce CO2 emissions.

The council's Environmental Health department has assessed the proposal and has proposed a condition requiring a scheme for electric vehicle charging points to be submitted to and agreed in writing with the local planning authority prior to development. The request is considered to be in accordance with the above policy requirements and will be attached to any permission to mitigate the impact upon air quality generated by the development. It is considered that the imposition of this condition would not only satisfy policy CS18 of the Core Strategy, but also DS11 of the local plan by making a positive impact upon the reduction of polluting activities.

Noise

Policy DS11 of the NLLP relates to noise. Paragraph 187 of the NPPF seeks to ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant should be required to provide suitable mitigation before the development has been completed.

A noise assessment has been submitted with the application due to the surrounding farming enterprise. Environmental Protection has been consulted on this report and proposes planning conditions that will mitigate noise from the adjacent farming enterprise and therefore the proposal will align with paragraph 187 of the NPPF and policy DS11 of the NLLP in terms of noise. Environmental Protection also proposed conditions which included a verification report to ensure that the noise mitigation measures, which comprise double glazing and trickle vents, are installed in the dwellings. This appears to be unreasonable bearing in mind that only 'standard double glazing and trickle vents' are required and therefore this proposed condition does not meet the five tests set out in paragraph 55 of the NPPF and is not recommended to be imposed on any planning permission. A condition relating to the noise mitigation measures themselves (double glazing and trickle vents) will be imposed on any planning permission to safeguard the amenity of future occupants of the dwellings in terms of noise and therefore the proposal will still fully align with policy DS11 of the NLLP.

Planning obligations

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

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

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

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

Affordable housing

Policy CS9 is concerned with affordable housing. Scawby is a rural settlement and policy CS9 seeks to ensure that 10% of the dwellings constructed on the site will be affordable. This equates to 1 affordable dwelling on the site. Alternatively, in this case, an off-site contribution towards affordable housing would also be acceptable as the council accepts that there are difficulties for Registered Providers to 'take on' 1 affordable house in a stand-alone development within a rural area. The applicant has agreed an off-site financial contribution towards affordable housing. The intention is for this contribution to be spent within the first five years in Scawby and if this is not achievable then the contribution will be spent within North Lincolnshire. The proposal therefore aligns with policy CS9 of the Core Strategy and the NPPF.

Public open space

Public open space and leisure policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states, '(i) ...New housing developments on allocated and windfall sites of 0.5ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents.' This is reinforced by policies CS22 and CS23 of the North Lincolnshire Core Strategy. Both are considered relevant. In this case the applicant has agreed a financial contribution of £6,302.60 to be spent on improvements to the open space and parks in Scawby. The proposal therefore aligns with policy H10 of the North Lincolnshire Local Plan, and policies CS22 and CS23 of the Core Strategy.

Leisure

A contribution for leisure is required to mitigate the impacts the development will have on leisure facilities in Scawby and Brigg by providing a financial contribution to improve/expand sporting facilities. The contribution will be used towards developing a new 3G artificial grass pitch (AGP) to serve the wider Brigg locality (which includes the development site), for improvements towards natural turf pitches at Scawby Playing Fields, and for sports hall and fitness equipment to meet additional demand. This accords with policies CS22 and CS23 of the Core Strategy.

Biodiversity

It has not been possible to provide biodiversity net gain on the site due to the removal of some of the existing hedgerows, trees and grassed areas. As a result the applicant has agreed to provide an off-site financial contribution for biodiversity net gain of £58,000. This is calculated as follows: loss of 2.90 habitat units x £20,000 = £58,000. This will mitigate the impacts of the loss of biodiversity net gain on the site and the proposal will, subject to this contribution, align with policy CS17 of the Core Strategy.

Obligations summary

The proposed on- and off-site contributions are considered to be CIL compliant as well as policy compliant. The proposal would therefore align with policies CS9, CS22 and CS23 of the North Lincolnshire Core Strategy, H10 of the North Lincolnshire Local Plan, and paragraph 57 of the NPPF. The heads of terms have been put to the applicant. The applicant has agreed all the requested S106 contributions required to mitigate the impacts of the development.

Other matters

Comments in relation to agricultural land are noted. The site is agricultural land classification grade 2. However, the land is not in arable use and is a paddock. The area is surrounded by swathes of grade 2 and above agricultural land and therefore the loss of this relatively small area of land is acceptable in this regard. Issues of other development being refused in the vicinity of the site are noted. Each planning application is judged on its planning merits. There is no evidence to suggest that the existing infrastructure could not support this development.

Pre-commencement conditions

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

The planning balance

When applying the planning balance to this application, it is clear that due to the council's lack of a five-year housing land supply there is a need for housing in North Lincolnshire. Not only will this application significantly address this shortfall but there are significant benefits associated with this well-designed residential development. 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 the well-executed and designed 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.

Conclusion

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

Heads of terms

Affordable housing

Number of dwellings or commuted sum	£74,105.20
Trigger point	On occupation of the 6 th dwelling
How many years does the council require to spend the contribution?	5 years within Scawby 5 further years within North Lincolnshire

Open space

Off-site open space	£6,302.60 to be spent on improvements to the open space and parks in Scawby
Trigger point	On occupation of the 10 th dwelling
How many years does the council require to spend the contribution?	10 years

Leisure

Contribution amount	A total contribution of £13,889 is required if this application is successful. Broken down as follows: <ul style="list-style-type: none">• £771 towards developing a new 3G artificial grass pitch (AGP) to serve the wider Brigg locality, which includes the development site• £8,105 for improvements towards natural turf pitches at Scawby Playing Fields• £5,013 for sports hall and fitness equipment to meet additional demand
Trigger point	On occupation of the 10 th dwelling
How many years does the council require to spend the contribution?	10 years

Biodiversity

Contribution amount	A total contribution of £58,000 is required if this application is successful
Trigger point	On occupation of the 8 th dwelling
How many years does the council require to spend the contribution?	10 years

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 (or other appropriate legislation) providing for off-site contributions towards affordable housing in Scawby/North Lincolnshire, open space, leisure facilities and biodiversity net gain, the committee resolves:

- (i) **it is mindful to grant permission for the development;**

- (ii) **the decision be delegated to the Development Management Lead upon completion of the obligation;**
- (iii) **if the obligation is not completed by 2 May 2023 the Development Management Lead be authorised to refuse the application on grounds of no essential community benefits, and no affordable housing and biodiversity net gain contributions; and**
- (iv) **the permission so granted be subject to the following conditions:**

1.

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

Reason

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

2.

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

- Proposed Site Plan (received 4 August 2022)
- Proposed Block Plan 1339/0003 Rev C
- House Type E 1339/0011
- House Type D 1339/0009 Rev A
- House Type C1 1339/0007 Rev A
- House Type A 1339/0005
- House Type B 1339/0004
- House Type C2 1339/0008
- Garage Types 1339/0010
- Existing Block Plan 1339/0002
- Site Location Plan 1339/0001
- Noise Impact Assessment Report dated 11/04/2022.

Reason

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

3.

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.

4.

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.

5.

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

Reason

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

6.

No 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.

7.

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

Reason

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

8.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with the adjacent highway; and
- (ii) the number and location of vehicle parking space(s) on the site;

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

Reason

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

9.

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

Reason

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

10.

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

Reason

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

11.

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

Reason

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

12.

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

Reason

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

13.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that order with or without modification), no development shall take place within any

service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

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

14.

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

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

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

Reason

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

15.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

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

16.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 15 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on 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 159 to 169 of the National Planning Policy Framework.

17.

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

Reason

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

18.

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

Reason

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

19.

No development shall take place until a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of any phase or prior to the occupation of any dwelling, the foul water drainage works relating to that phase or dwelling must have been carried out in complete accordance with the approved scheme.

Reason

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

20.

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.

21.

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

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

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

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

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

Reason

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

22.

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

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

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

Light – The CEMP shall set out the particulars of:

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

Dust – The CEMP shall set out the particulars of:

- (a) site dust monitoring, recording and complaint investigation procedures;
- (b) the identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) the provision of water to the site;
- (d) dust mitigation techniques at all stages of development;
- (e) prevention of dust trackout;
- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;

(h) a 'no burning of waste' policy.

Reason

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

23.

A scheme for the provision of electrical vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management Land Use Planning and Development Control:

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

and contemporaneous electrical standards including:

- Electrical Requirements of BS7671:2008

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

The approved scheme shall be installed in full before any dwelling is occupied and retained in perpetuity thereafter.

Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in accordance with policy CS18 of the Core Strategy.

24.

Prior to the occupation of the development, the scheme of window glazing and trickle vents to be installed in the approved dwellings as detailed within Section 5.0 of report reference 'Environmental Noise Solutions Limited, NOISE IMPACT ASSESSMENT FOR PROPOSED RESIDENTIAL DEVELOPMENT AT LAND TO THE SOUTH OF MAIN STREET, STURTON, SCAWBY, DN20 9DL, Project No: NIA/10269/22/10410/v3 Sturton, Dated 24th August 2022' shall be implemented in complete accordance with these details and maintained thereafter.

Reason

To safeguard the amenity of future occupiers of the approved dwellings in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

25.

No above-ground works shall take place until samples of the external facing materials (brick and roof tile) to be used have been submitted to and approved in writing by the local planning authority and only the approved materials shall be used.

Reason

To ensure that the dwellings are in keeping with its surroundings in the interests of visual amenity and to preserve the setting of the adjacent listed building, in accordance with policies DS1 and HE5 of the North Lincolnshire Local Plan, and policies CS5 and CS6 of the Core Strategy.

26.

Before any above-ground works take place, scaled drawings at 1:10 or 1:20 of the external doors and windows to be installed in the approved dwellings, and the colour/staining of the windows and doors, shall be submitted to and approved in writing by the local planning authority. Only the approved scheme shall be installed in the approved dwellings and thereafter retained.

Reason

To ensure that the dwellings are in keeping with their surroundings in the interests of visual amenity and to preserve the setting of the adjacent listed building, in accordance with policies DS1 and HE5 of the North Lincolnshire Local Plan and policies CS5 and CS6 of the Core Strategy.

27.

Notwithstanding the details of the fencing shown on the approved site plan, before any dwelling is occupied, full details of the positions, design, materials, colour and type of boundary treatment to be built/planted on the site shall be agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the dwellings are occupied and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening and acceptable boundary materials on the site in accordance with policies HE5, H8 and DS1 of the North Lincolnshire Local Plan and policies CS5 and CS6 of the Core Strategy.

28.

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 shall be erected or alterations carried out to plot 1, nor any buildings installed within the curtilage, (Classes A, AA, B, C, D, E, F and H of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)) other than those expressly authorised by this permission.

Reason

To preserve the setting of the adjacent listed building in accordance with policy HE5 of the North Lincolnshire Local Plan and policy CS6 of the Core Strategy.

29.

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

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties, and the privacy of future occupants of the approved dwellings, in accordance with policy DS5 of the North Lincolnshire Local Plan.

30.

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

indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

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

31.

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

Reason

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

32.

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

- (a) details of at least 5 bat roosting features to be installed;
- (b) details of nesting sites to be installed to support swifts and house sparrows;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the planting and aftercare of heritage fruit tree varieties, trees, shrubs and flowering plants of high biodiversity value;
- (f) details to confirm that the measures proposed will provide at least 1% biodiversity net gain in accordance with the Biodiversity Metric 2.0;
- (g) proposed timings for the above works in relation to the completion of the buildings.

Reason

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

33.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the

10th dwelling, the applicant or their successor in title shall submit a report to the local planning authority providing evidence of compliance with the biodiversity management plan.

Reason

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

34.

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 within the area of plot 1 and the adjacent access road
- (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 destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. 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.

35.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least 7 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 destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. 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.

36.

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 destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. 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.

Informative 1

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

Informative 2

The applicant's attention is drawn to the comments made by the LLFA, Anglian Water and Humberside Fire and Rescue Services.

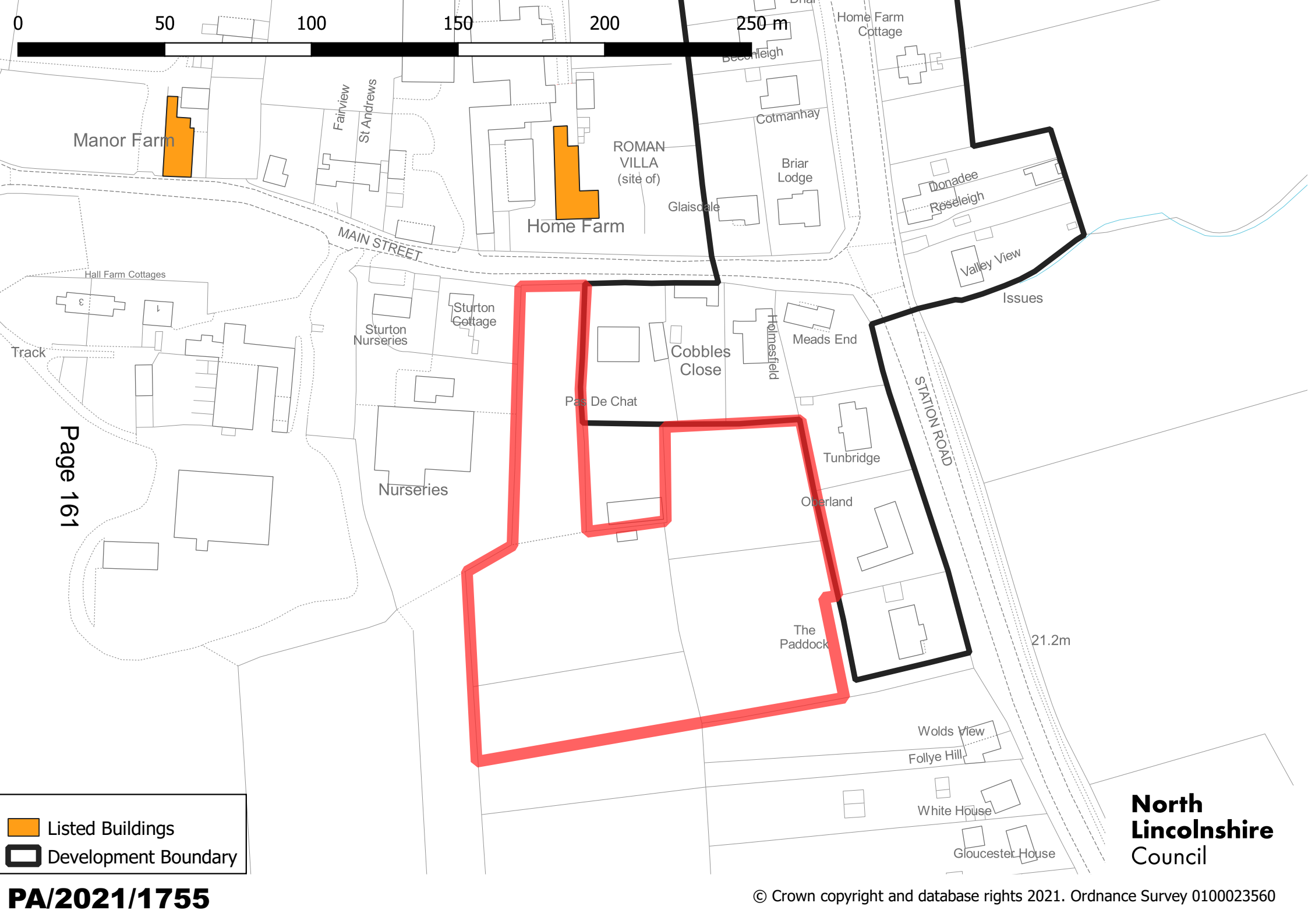
Informative 3

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

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

Informative 4

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



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Listed Buildings
 Development Boundary

**North
Lincolnshire
Council**

AMENDED



DEVELOPMENT UNDER
 CONSTRUCTION.
 PLANNING REF:
 PA/2019/1393

PROPOSED BLOCK PLAN
 Scale - 1:500



KEY :

- Ownership Boundary:
- Site Boundary:

NOTES :

1. Prior to the commencement of work, the contractor and client are to check on site all exterior dimensions, boundary positions and details to verify and agree upon. Any errors, omissions or design changes should be reported to the architect immediately and agreed and submitted for approval.
2. The contractor will be responsible for lighting and drainage that has not been provided by the proposal and stopping off ordering as necessary. Drainage runs shown are assumed and must be checked on site before work commencing.
3. The requirements of the 'Party Wall Act 1996' will apply to certain schemes. The 'Building Owner' will in writing inform and agree with the 'Adjoining owner(s)' if the proposed work affects the Party Wall or is within 3 meters of the foundations of the nearby building. If an agreement cannot be made then professional advice should be sought prior to commencement of work on site, by a Party Wall Surveyor.
4. All drawings are to be read in conjunction with the specification document provided, structural, mechanical, electrical and drainage drawings. If in doubt contractors must ask before proceeding.
5. This drawing must not be reproduced in whole or part without written consent. Do not scale this drawing. All dimensions in millimeters. Written dimensions to be checked on site.
6. Drawings subject to Planning Approval & Building Control Approval.

Drawing Title:	PROPOSED BLOCK PLAN		
Project:	HOUSING DEVELOPMENT		
Location:	MAIN ROAD, STURTON NORTH Lincs		
Drawing Number:	Revision:		
1339/0003	C		1:50 / A2
Project Stage:	Drawn By:	Checked By:	Date:
Planning			
web: hydearchitecture.com tel: 01472 869051 email: info@hydearchitecture.com			

APPLICATION NO	PA/2021/2100
APPLICANT	Mr G Nettleton, L Nettleton & Son Ltd
DEVELOPMENT	Planning permission for the creation of a lagoon for the storage of liquid organic waste and associated works
LOCATION	Land east of Brigg Road, Barton upon Humber
PARISH	Barton upon Humber
WARD	Barton
CASE OFFICER	Rebecca Leggott
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Barton upon Humber Town Council

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 15: Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

Policy RD2: Development in the Open Countryside

Policy RD7: Agriculture, Forestry and Farm Diversification

Policy T1: Location of Development

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

Policy LC5: Species Protection

Policy LC6: Habitat Creation

Policy LC7: Landscape Protection

Policy LC12: Protection of Trees, Woodland and Hedgerows

Policy DS1: General Requirements

Policy DS7: Contaminated Land

Policy DS11: Polluting Activities

Policy DS12: Light Pollution

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering more Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS11: Provision and Distribution of Employment Land

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

Policy CS17: Biodiversity

Policy CS18: Sustainable Resource Use and Climate Change

Policy CS19: Flood Risk

CONSULTATIONS

Highways: No objections.

Environment Agency:

10/01/2022: Object due to insufficient information to demonstrate that the risks posed by the development to ground water could be satisfactorily managed.

18/05/2022: No objections.

Anglian Water: No objections.

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

Environmental Protection: No objections. This is due to sufficient information being received and the addition of a polyethylene membrane cover and all waste loaded into or

unloaded from the store is carried out using sealed submerged pipework by fully trained personnel.

HER (Archaeology): No objections.

Ecology: No objections subject to a risk assessment being provided to address the Environment Agency's concerns.

Designing out Crime Officer: No objections.

TOWN COUNCIL

Have concerns about the potential for odour unless mitigation is effective.

PUBLICITY

A site notice has been displayed resulting in over 125 responses being received. In summary, the objections raised are on the following grounds:

- odour pollution and air quality
- further odour mitigation should be established
- lack of information as to what waste will be transported to the site
- lack of information regarding proposed vehicle movements
- impact on Baysgarth Park
- inappropriate location outside development limits
- on green belt land and should be on brownfield land
- should be in a more remote location
- capacity of primary and secondary schools being exceeded
- capacity of the local doctors'
- capacity of sewage and effluent treatment
- additional traffic through the town, particularly Millfields, Tofts Road and Forkedale, all within close vicinity of Bowmandale primary school
- car parking within the town centre
- impact on ecology
- potential for contamination
- lack of consultation
- lack of an overseeing body or regulator.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been provided.

ASSESSMENT

Planning history

PA/2020/2054: Planning permission to erect a storage tank for liquid organic waste and a hardstanding vehicular turning area – withdrawn 25/06/2021

PA/2017/1241: Planning permission for a storage lagoon (re-submission of PA/2017/785) – refused 01/02/2018

PA/2017/785: Planning permission for storage lagoons – refused 21/07/2017.

Site characteristics

The application site is outside the defined development limits of Barton upon Humber and is therefore within the open countryside. It is within flood zone 1 (North and North East Lincolnshire SFRA). The site is within open fields and is currently used for agriculture.

Proposal

Planning permission is sought for the creation of a lagoon for the storage of liquid organic waste and associated works.

The proposals include the following:

- a polyethylene membrane cover
- initial layer of 450g/m² geotextile laid as an underlay, followed by double 2mm HDPE fully welded liner
- a floating cover of 1.5mm HDPE; all pipework to be fitted over the embankment on top of the liner and under the floating cover
- no penetrations permitted to the liner
- fully welded penetrations permitted to the floating cover
- stirrer/circulation pipework to be provided as drawn and connected to circulation pump sited in individual bunded area
- access pad to be bunded where filling/emptying pipework is terminated
- leak detection pipework installed below base liner with access chamber at top of dry slope for regular checking.

The main issues in determining this application are:

- **principle of development**
- **design and impact on the character and form of the area**

- **impact on residential amenity**
- **impact on highway safety**
- **flood risk and drainage**
- **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 (LP) which was adopted in May 2003, the North Lincolnshire Core Strategy (CS) 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.’

Local plan saved policy RD2 restricts development in the open countryside but does allow development which is essential to the efficient operation of agriculture or forestry, and employment-related development appropriate to the open countryside provided that:

- (a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries;
- (b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan;
- (c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials; and
- (d) the development would not be detrimental to residential amenity or highway safety; and

- (e) account is taken of whether the site is capable of being served by public transport; and
- (f) the development is sited to make the best use of existing and new landscaping.

Policy RD7 states, 'Proposals for agriculture, forestry and farm diversification will be acceptable in principle provided that:

- (i) the proposal does not conflict with the operational requirements of the agricultural or forestry enterprise;
- (ii) there is no adverse impact on high quality agricultural land;
- (iii) the proposal should, wherever possible, re-use existing farm buildings, or if new building is necessary, should be sited in, or adjacent to, an existing group of buildings and be of a design, scale and construction appropriate to its surroundings; and
- (iv) the likely level of traffic generated by the proposal is acceptable taking account of the suitability of existing access and approach roads; and
- (v) any parking associated with the proposal would not be visually intrusive.'

Paragraph 84 of the NPPF states that decisions should enable 'the development and diversification of agricultural and other land-based rural businesses.'

Having considered the above, the proposals are for the creation of a lagoon for the storage of liquid organic waste and associated works in order to support an existing agricultural business. This type of development is acceptable in principle subject to 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 from any settlement or highway. From a site visit it is clear there are limited views of the site from any public vantage points.

The comments from the council's ecologist regarding the potential impacts on the landscape have been noted.

Whilst the proposals would have some negative impacts on the character and appearance of the open countryside, it is considered that the proposals are for agricultural purposes and therefore would not be a foreign feature in this setting. The proposals also include bunds of

earth and a 2 metre high timber fence which would further screen the proposed storage lagoon.

In addition to the lagoon, an area of hard core is proposed for the parking and turning of heavy goods vehicles. No landscaping or boundary treatments have been provided for this. It is considered that the potential impacts of the parking and turning area on the open countryside would be limited. Farm vehicles, such as tractors and HGVs, that would use this area would be the type of vehicles expected in these areas on the existing agricultural land.

Overall, the proposed development is considered to be acceptable in terms of impact on the character and appearance of the area. As such the proposals would be in accordance with policies LC7, RD7 and DS1 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 whether overshadowing of neighbouring properties would occur from the size, scale and massing of the development proposed.

Comments have been provided by Environmental Protection who have noted that an assessment has been undertaken in accordance with the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Odour for Planning' 2018. Dispersion modelling has been used to predict the impacts at sensitive receptors, the nearest residential receptor being located over 500m from the proposed development. The dispersion modelling results were then compared to relevant odour benchmark levels and assessed for significance in accordance with the IAQM guidance. Furthermore, the proposed development will also include a polyethylene membrane cover and all waste loaded into or unloaded from the store is carried out using sealed submerged pipework by fully trained personnel.

The proposals will be further managed by the environmental permitting process regulated by the Environment Agency.

Overall, the Environmental Protection team have no objections in respect of amenity or odour.

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.

The council's Highways team has been consulted on the proposals and has no objections in terms of highway safety, nor have they advised conditions.

Having regard to the above, it is considered that the proposals would be acceptable in terms of highway safety. Therefore, the proposal 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 North Lincolnshire Core Strategy, and paragraphs 166 and 167 of the NPPF are considered highly relevant.

Policy CS19 (which 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 Environment Agency. Following the submission of additional information, including amended lagoon plans and the 'Environmental Risk Assessment and Additional Information' report prepared by H&C Consultancy, dated May 2022, the EA are satisfied that the information provided addresses previous concerns, indicating the lagoon will be built and managed in a manner not to cause harm to the environment. The operation of the site will also be regulated through an environmental permit.

Overall, no objections have been raised by the relevant consultees and the mitigation measures set out within the Environmental Risk Assessment can be secured by way of condition.

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 into account potential sensitivities of the site.

Comments have been sought from the Environmental Protection team who have raised no objections to the proposed development.

Having 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. This 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 CS is relevant. This 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. Natural England have raised no objections. The council's ecologist has raised no objections subject to additional information being submitted to address the EA's concerns. This additional information has now been provided and the EA no longer object to the proposals.

Having regard to the above, it is considered that sufficient information has been provided and that 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 lagoon for the storage of liquid organic waste and associated works. 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 highway safety, 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:

- Proposed Lagoon Plan – 29383/100 A
- Proposed Lagoon Section – 29383/101 A
- Proposed Site Layout – 4B 21054
- Site Location Plan – 1B 21054
- Lagoon Plan/ Section – 2B 21054.

Reason

For the avoidance of doubt.

3.

No development shall take place until a surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. Clarification is required as to the proposed storage tank capacity and ability to accept additional flows (rainfall). This should include a contingency plan should breach failure occur to this reservoir/lagoon. Full consideration to groundwater pollution issues raised by the Environment Agency should also be carried out as part of this design.

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

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

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 Core Strategy, and paragraphs 155, 137, 163 and 165 of the National Planning Policy Framework.

4.

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

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 155, 137, 163 and 165 of the National Planning Policy Framework.

5.

The development hereby approved shall be carried out in accordance with the mitigation measures set out within the Environmental Risk Assessment and Additional Information, May 2022.

Reason

For the avoidance of doubt.

Informative 1

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 2010
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 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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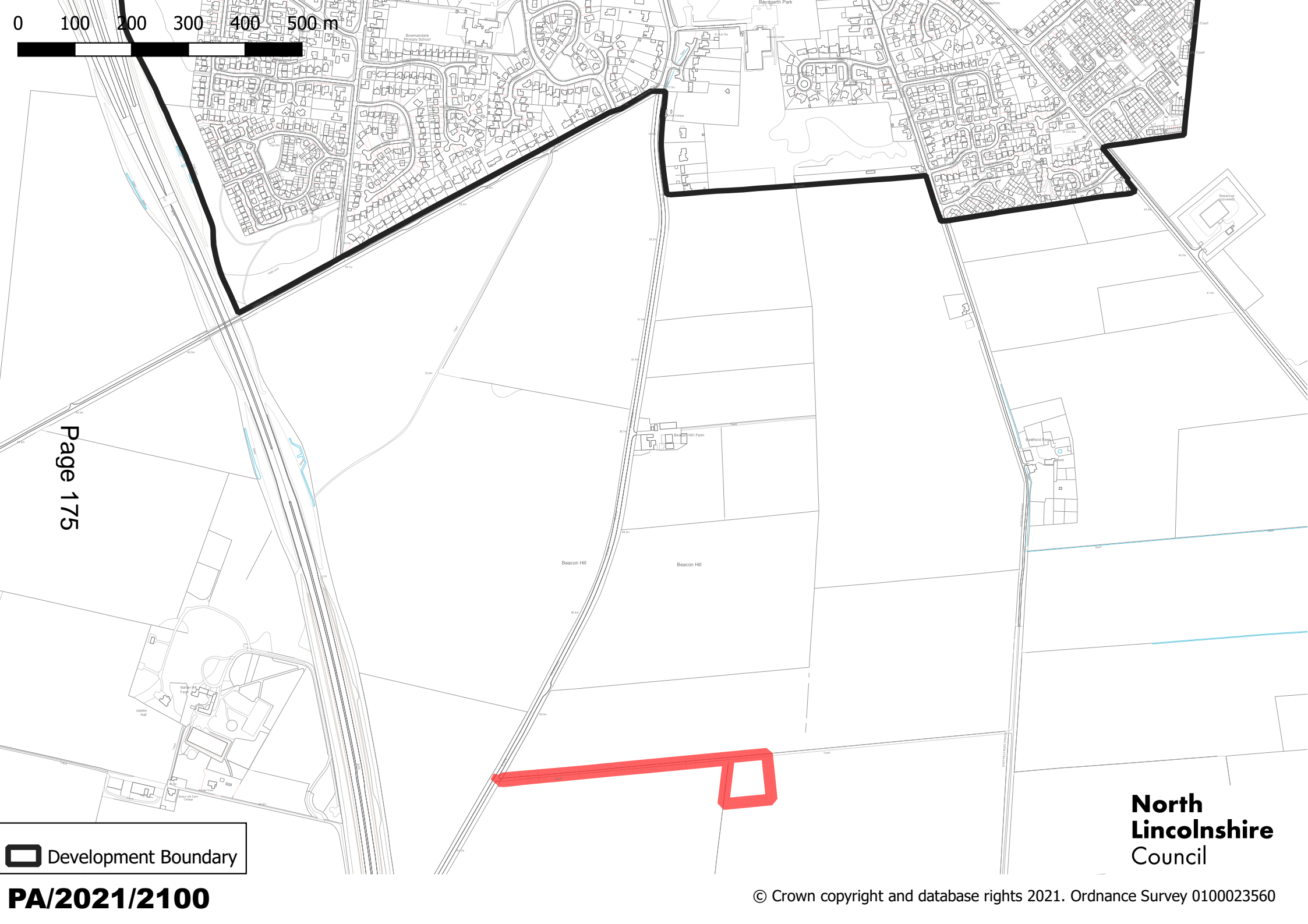
Page 175

 Development Boundary

PA/2021/2100

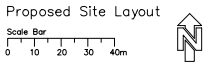
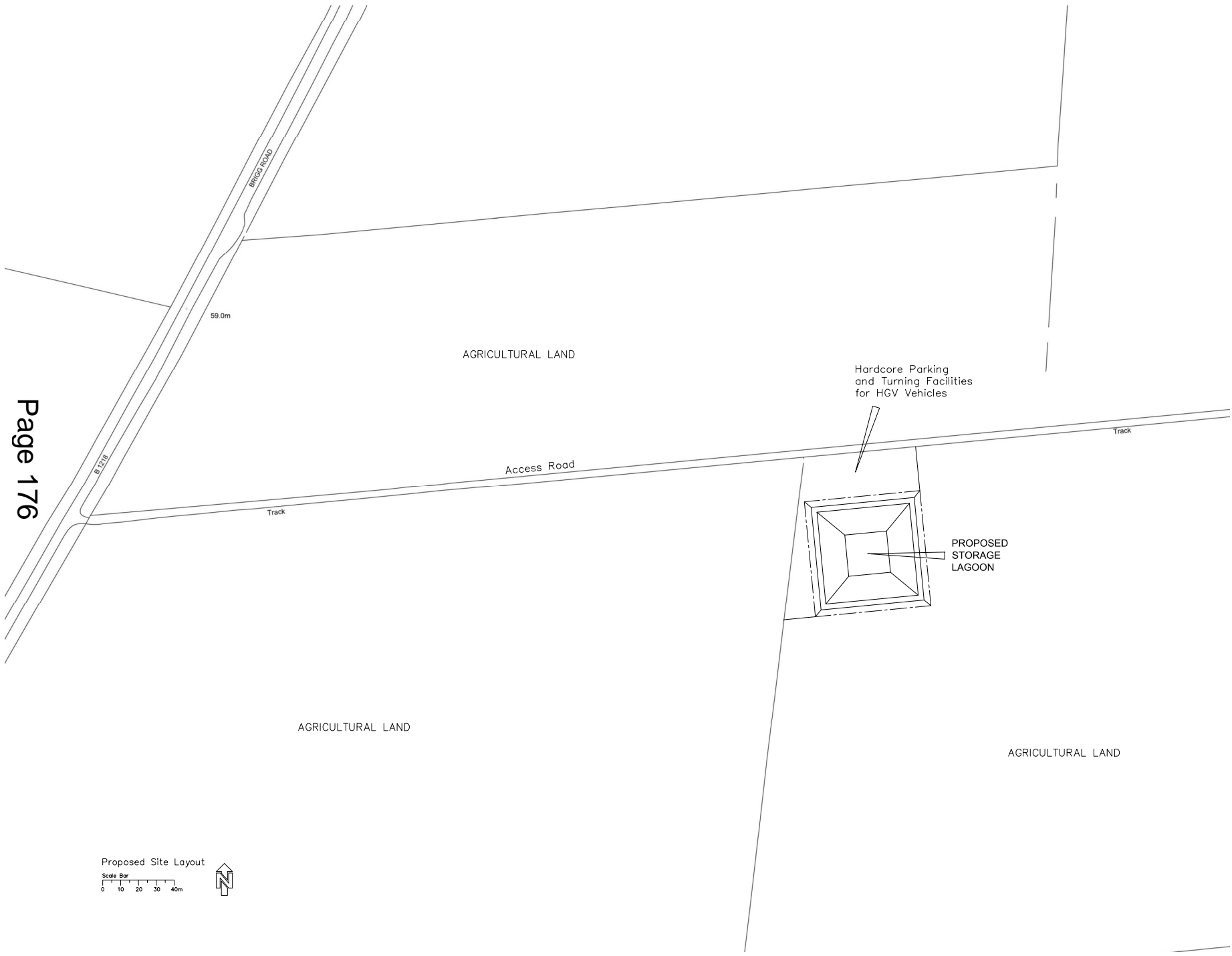
**North
Lincolnshire
Council**

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All Dimensions Shall be Checked on Site by the Contractor Prior to Commencement of Work on Site. Do Not Scale If In Doubt Ask.

Page 176



B: Revised lagoon position 04/08/21
 A: Revised lagoon size 29/06/21

Revisions	Date
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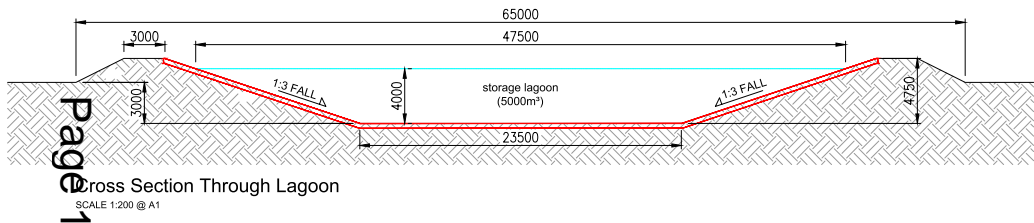
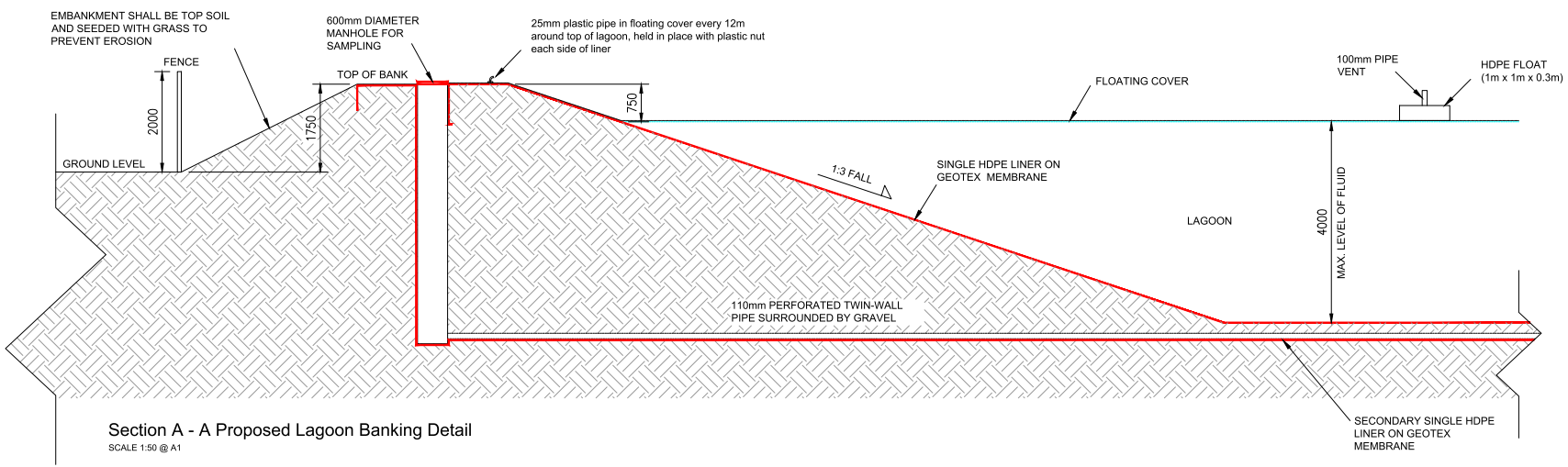
Robert Farrow (Design) Ltd
 Architecture : Planning : Construction
 Topographical Surveys
 Millar House, 32 Northgate, Hessele,
 East Riding of Yorkshire, HU13 9AA
 Tel: 01482 640699
 E-mail: rfd@farrow.karoo.co.uk

Client: Mr G. Nettleton

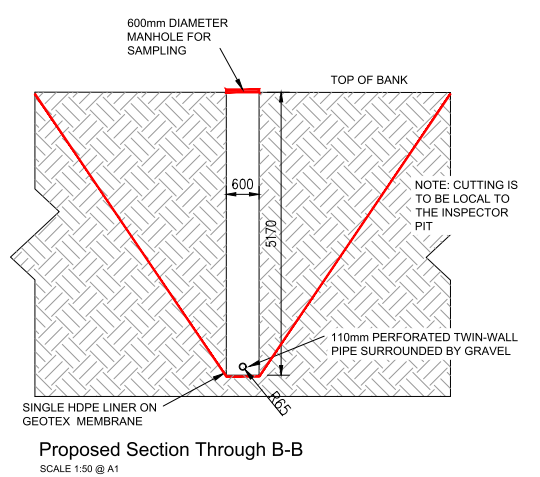
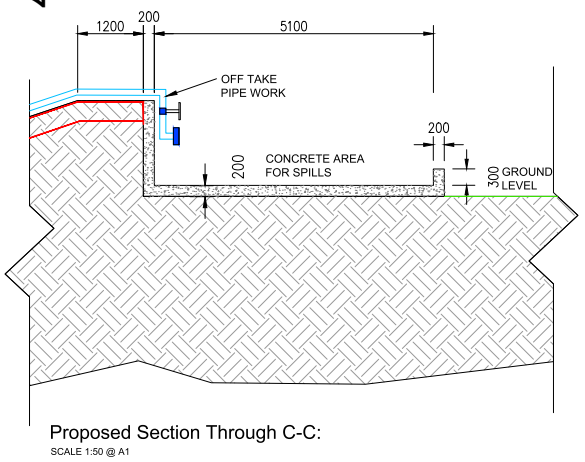
Title: Proposed Site Layout
 Proposed Storage Lagoon on land
 East of: Brigg Road,
 Barton-upon-Humber,
 North Lincolnshire, DN18 5DX

Scale	Drawn by	Drw no.	Date	Contract no.
1:1000	SB	4B	June21	21054

PA/2021/2100 Proposed lagoon section (not to scale)



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- NOTES:
- All dimensions must be checked on site and not scaled from this drawing.
 - The Contractor shall make a survey of the site and shall be responsible for obtaining all dimensions and levels necessary for the proper fabrication of the structure as indicated.
 - All levels shown on this drawing are relative to Agreed Datum.
 - This drawing is to be read in conjunction with 29383/100 Series Drawings.
 - All existing invert levels are to be confirmed by contractor prior to construction. Connection subject to approval.

A	12/04/22	ISSUED FOR APPROVAL	W.P.	J.H.C.
Rev	Date	Description	DR	CH

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Mr G. Nettleton

Job Title
**PROPOSED STORAGE LAGOON
BRIGG ROAD,
BARTON-UPON-HUMBER,
NORTH LINCOLNSHIRE,
DN18 5DX**

Drawing Title
**PROPOSED LAGOON
SECTION**

Status	APPROVAL		
Scale	1:50 @ A1	Date	April' 2022
Drawn By	W.B	Checked	J.H.
		Approved	J.H.C
Dwg. No.	29383 / 101	Rev	A

NOT FOR CONSTRUCTION

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APPLICATION NO	PA/2021/2228
APPLICANT	Mr Nick Marsh, Urban Arborist
DEVELOPMENT	Planning permission for change of use to open log/timber storage with occasional sale of surplus, retention of paths, tracks and drainage and irrigation pond, and associated works
LOCATION	Holme Tree Farm, Access road to Holme Tree Farm, Haxey, DN9 2NP
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 6 – Building a strong competitive economy

Paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity and take into account local business needs and wider opportunities for development.

Paragraph 81 – 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 opportunities for development.

Paragraph 83 supports a prosperous rural economy and planning should enable the sustainable growth and expansion of all types of businesses in rural areas, both through the conversion of existing buildings and well-designed new buildings.

Paragraph 84 – Planning policies and decisions should enable:

- (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- (b) the development and diversification of agricultural and other land-based rural businesses.

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:

RD2: Development in the Open Countryside

RD7: Agriculture, Forestry and Farm Diversification

DS1: General Requirements

DS11: Polluting Activities

DS14: Foul Sewerage and Surface Water Drainage

DS21: Renewable Energy

T2: Access to Development

T19: Car Parking Provision and Standards and Appendix 2

LC4: Development Affecting Sites of Local Nature Conservation Importance

LC5: Species Protection

LC7: Landscape Protection

LC12: Protection of Trees, Woodland and Hedgerows

North Lincolnshire Core Strategy:

CS1: Spatial Strategy for North Lincolnshire

CS2: Delivering more Sustainable Development

CS3: Development Limits

CS5: Delivering Quality Design in North Lincolnshire

CS16: North Lincolnshire's Landscape, Greenspace and Waterscape

CS17: Biodiversity

CS18: Sustainable Resource Use and Climate Change

CS19: Flood Risk

Housing and Employment Land Allocations DPD: The site lies within the open countryside as shown on the main Proposals Map. The site lies to the east and south of a Site of Importance for Nature Conservation and south of LC14 – Area of Special Historic Landscape Interest.

CONSULTATIONS

Highways: No comments or objections.

Network Rail: No objection, but advise an informative.

Environment Agency: No objection, but offer advice to the applicant.

Environmental Protection: No comments or objections.

LLFA Drainage: No objection.

Initial comments from the team dated 05/01/2022 requested details in relation to the pond in respect of incoming and outgoing connections. The team at the time did not object but did recommend a condition. Given this application is retrospective the applicant has sought to work with the team to agree all matters prior to determination.

Following submission of further information (May 2022) and a site visit on 03/08/2022 the LLFA drainage team confirmed that they are satisfied that the proposals do not warrant any surface water drainage conditions being placed on the development and that they have no further comments on the matter.

Tree Officer: No objection.

The Initial consultation response (22/12/2021) confirmed that as this is a retrospective application, any incursions within root protection areas around any trees would already have occurred. Further information about the species and planting would be required in order to comment further on the planting/landscaping scheme submitted. Ecology would also need to comment on this proposal.

Given this application is made retrospectively the applicant has sought to work with the local authority to provide detailed information regarding the planting and landscaping scheme, including the mix of planting on the site. The tree officer has reviewed this information and confirmed that the proposals are acceptable.

Ecology: No objection subject to a condition to secure sensitive working methods.

Community Safety, Humberside Police: No comments or objections.

Humberside Fire & Rescue: Provides advice on access and water supplies for fire-fighting.

Archaeology: No objection.

The site lies just outside the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14) in the Recent Enclosed Land character zone. I do not consider that this proposal would adversely affect the character of the locally designated landscape heritage asset or its setting at this location provided that the tree planting is of the appropriate native species. This retrospective proposal does not adversely affect any known heritage assets of archaeological interest recorded on the database.

PARISH COUNCIL

Objected to the application initially and following reconsultation.

They noted that the application was prompted following a visit by the council's enforcement team and are concerned that the proposals do not accord with policy RD2 in that development in the countryside should be strictly controlled. The parish council sees no need for the change of use of land to be populated by trees, wildflowers and grass. They are concerned that the change of use would grant an extension of the domestic use of the land as a private garden and not a commercial use, and it is unnecessary to the functioning of the open countryside.

They consider it is unclear what the level of storage is on the site and that this extension would be damaging to the environment. They raise concerns regarding the terms 'surplus and occasional storage'.

The bunds created, whilst they do screen the storage areas, are damaging to the character of the area.

They have concerns that the land is being used for motorcycle/quad track and private recreational use which is not appropriate within the countryside and conflicts with policy R10 (vi).

The parish council is also concerned about allegations in relation to the burning of waste material within the open air and question the use of the biomass boiler.

PUBLICITY

Advertised by site and press notice, initially and following receipt of further information. Objections have been received from two neighbouring properties, to the initial submission and following reconsultation. The comments are summarised below:

- concerned that the proposal is a front for the storage and disposal of commercial waste from the applicant's tree management business
- the land does not have a history of commercial use
- concerned about the quantities of commercial waste being stored and methods of disposal
- by-products from the business are returned to the proposed site on a daily basis (Monday–Friday)
- burning of materials on site, increased smoke and fumes – significant and detrimental impacts on the health of residents
- smoky environment created by a biomass
- open storage means logs are wet when they are burnt which is contrary to government mandate May 2021
- The planning proposed is for 'open', not undercover storage, which is not conducive to the burning of dry material in the biomass. The biomass is already producing great quantities of dark grey smoke. Previous planning is conditional on correct use and the manufacturer highlights that 'wet coal and wood are the two most polluting fuels with air pollution posing a great public health risk' and 'wet wood creates more smoke; tar build up and harmful particles than dry wood'.

- the changes have led to major changes to the local character of the area and scarring on the landscape
- introduction of hard-standing/piles of waste and excavation of pasture land
- impacts on biodiversity
- design, appearance and layout of these major works is detrimental and creates a loss of visual amenity to their close neighbours
- The 'tracks' include steep dips and mounds that have been used for the purposes of motorbike racing. This is not appropriate given the extremely close proximity of grazing for horses and the equestrian nature of the neighbouring property, in addition to the noise nuisance that this type of activity creates.
- concerned the existing biomass is already in breach of its capacity for a single dwelling
- concerned regarding drainage
- concerned regarding the type and level of machinery to be used on site and the associated noise
- the development would be an eyesore within the landscape which is characterised as being low-lying and flat
- concerned about the level/amount of material that will be allowed to be stored on site
- The application pays no reference to use of machinery which impacts neighbouring equestrian businesses. Tarpaulin sheeting has been used to try and dry some of the piles. However, even in light winds, the flapping of the plastic causes a scare hazard for the horses.

STATEMENT OF COMMUNITY INVOLVEMENT

No statement of community involvement has been submitted with the application and the case officer is unaware of any consultation by the applicant, who has sought to address concerns raised by members of the local community through an additional statement which was submitted to the local planning authority.

ASSESSMENT

Planning history (relevant to the wider site)

PA/2018/1573: Planning permission for change the use of agricultural land to residential garden – approved 06/11/2018.

The officer's delegated report stated:

'Planning permission is sought to change the use of a parcel of agricultural land to garden. The small parcel of land is an irregular shape and is inaccessible to large, modern agricultural machinery and is therefore left underutilised. The site is isolated and remote in the countryside, and surrounded by agricultural land, therefore, it is considered that the use of this land as garden, will not have a significant adverse impact on the character of the open countryside. The land will

be enclosed by a post and rail fence which is appropriate in this location and reflects the design of the existing fencing.'

- PA/2019/697: Planning permission to install biomass boiler, convert stable to office, extend roof to form covered store and associated alterations – approved 05/08/2019
- PA/2008/1444: Planning permission to erect two-storey and single-storey rear extensions to dwelling, erect a swimming pool and gym, erect an agricultural barn and new wall – approved 16/12/2008
- PA/2007/0662: Planning permission to erect a single-storey extension to the front elevation and a second-storey extension to the rear elevation, and erect a detached double garage and stable block – approved 30/05/2007
- PA/2003/1063: Planning permission for proposed conversion of existing barns to 2 dwellings with garages – approved 06/10/2004.

Enforcement action

Past records indicate that enforcement action has previously been taken on the site and there appears to be a level of dispute regarding the lawful use of the land.

It is my understanding that the land has always been identified as agricultural land. A small triangular section of the land on the wider site changed the use to residential garden on 06/11/2018.

The applicant argues that the site has historically been used for commercial purposes.

The applicant states that 'if the land is agricultural land then it will attract Permitted Development rights under the GPDO 2015 Part 6 Class B as it is a unit of less than 5ha, the land in question, outside the residential curtilage of the dwelling, is 1.2ha.

Class B (d) gives rights for the provision of a private way (or track) such as has been carried out on site.

Class B (e) the provision of a hard surface – such as that for the storage of logwood.

Class C gives rights for excavation on the land as long as excavated material is not moved to any place outside the land from which it was excavated, which is the case in question. This obviously infers that the level of the surrounding land will have to be raised.'

Class B states, however, 'where the development is reasonably necessary for the purposes of agriculture within the unit.' It goes on to state that development would not be permitted where:

- b) the external appearance of the premises would be materially affected;
- c) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;
- f) any building for storing fuel for or waste from a biomass boiler or an anaerobic digestion system would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit.
- Development is not permitted by Class B(e) if the area to be covered by the development would exceed [F41,000 square metres] calculated as described in paragraph D.1(2)(a) of this Part.

It is understood that the proposed use would relate to a forestry business.

Site designations/constraints

The site lies within the open countryside as shown on the proposals map.

The site is not within a conservation area and there are no listed buildings or tree preservation orders on or within close proximity of the site.

The site is within SFRA flood zone 2/3 (a) tidal, meaning a higher flood risk.

The site is not within an air quality management area.

The site is identified as Grade 2: Very Good on the Agricultural Land Classification Yorkshire and The Humber (ALC003) (Updated 2011/11/18).

The site and proposals

The site is within the open countryside to the west of Haxey Gate Road (A161) and is accessed via a track which leads to the application site, a few other residential properties and agricultural land.

The site is to the north-east of Holme Tree farm (a residential property). To the north of the site is the railway line which runs east to west and further north is the warping drain. To the west of the site is a residential property, stable block and manege (PA/2007/1277 – planning permission for the retention of a stable block with tack room and manege). Langholme Farm is to the south.

The applicant seeks the change of use to open log/timber storage with occasional sale of surplus, retention of paths, tracks and drainage and irrigation pond, and associated works.

The applicant is the owner of UAL (Urban Arborist Ltd) and operates his business from the site. The previous owner based his construction business from the site (Dowling Construction); however, there is no evidence of a change of use of the land taking place. The applicant is seeking to formalise his business operations at the site. Planning permission was granted in 2019 for the installation of a biomass boiler, conversion of the stable to an office and to provide a covered store. The committee report at the time clearly set out that the intended use of the site was related to the arboricultural business:

‘An existing business operates from the site, which is considered to be related to agriculture and appropriate to this open countryside location. The conversion of a stable block to an office in connection with this business, which is considered to be a forestry business, is considered to comply with policy RD7 of the North Lincolnshire Local Plan, which relates to diversification of such operations’

The proposal was considered to be acceptable in principle and assessed as not having any adverse impact on the character of the open countryside or on the amenity of any neighbouring properties.

This new application seeks to allow the storage of logs on the site which are related to the arboricultural business. The applicant has confirmed that the open log store is vital for the storage and seasoning of timber. The product is sold on as biomass fuel and transported to local power stations. UAL carry out the felling, extracting and chipping as part of their daily

activities/services. The vehicles operate from Holme Tree Farm. The combination of logwood, chippings and trimmings brought back to the application site annually is approximately 310 tonnes. The area of hard-standing created for the storage (including sufficient space for access, deposit and collection) is approximately 2000 square metres. Vehicle movements depend on workloads and types of jobs. The average daily operation is two vehicles leaving the site at approximately 8am, returning at 4pm. The start and finish times are 7.30am to 4.30pm with 30 minutes to load the tools and allocate jobs in the morning and 30 minutes to unload the tools and logs/trimmings/chippings at the end of the day Monday to Friday.

UAL operates the main tree felling/arborist works/activities away from the application site. The majority of chipping and chainsaw work is undertaken off site. Timber is occasionally transported back to the application site in larger pieces when access permits. This timber is seasoned prior to cutting up with chainsaws as biomass fuel and accounts for 20–30 tonnes per year. There is the occasional use of a chainsaw on the site for this work.

The hard-standing storage area has been dug out to a depth of 300 millimetres. The soil bunds around the wider site are created using the excavated soil. The applicant has confirmed that the bunds control the mitigation of surface water and protect the log storage area from surface water flooding. The maximum height of the bunds is 1.5 metres and they have been constructed wide enough to operate a mower to maintain the grass. The applicant has provided a detailed plan of the types of trees and vegetation to be planted and trees have been planted to assist in screening the activities at the site.

The applicant has confirmed that the area will be used by employees based at the site: two full-time and one part-time during lunch and other break times. This land will also be used for education and training purposes, including pruning techniques, planting and staking, as well as practical climbing and aerial rescue techniques.

The applicant has also created a range of drainage channels around the site, including a pond to allow for more sustainable methods of drainage – the pond seeks to aid the migration of surface water.

The following considerations are relevant to this proposal:

- **principle of development**
- **appearance/quality of design**
- **residential amenity**
- **highway safety**
- **environmental protection.**

Principle of development

Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the development plan comprises the North Lincolnshire Local Plan 2003, the Core Strategy 2011 and the Housing and Employment Land Allocations DPD.

The application site lies outside the villages of Westwoodside and Graizelound and is in the open countryside 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 and RD7 are applicable.

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.

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.

Local plan saved policy RD2 restricts development in the open countryside but does allow development which is essential to the efficient operation of agriculture or forestry, and employment-related development appropriate to the open countryside provided that:

- (a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries;
- (b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan;
- (c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials; and
- (d) the development would not be detrimental to residential amenity or highway safety; and
- (e) account is taken of whether the site is capable of being served by public transport; and
- (f) the development is sited to make the best use of existing and new landscaping.

Policy RD7 of the local plan states that proposals for agriculture, forestry and farm diversification will be acceptable in principle provided that:

- (i) the proposal does not conflict with the operational requirements of the agricultural or forestry enterprise;

- (ii) there is no adverse impact on high quality agricultural land;
- (iii) the proposal should, wherever possible, re-use existing farm buildings, or if new building is necessary, should be sited in, or adjacent to, an existing group of buildings and be of a design, scale and construction appropriate to its surroundings; and
- (iv) the likely level of traffic generated by the proposal is acceptable taking account of the suitability of existing access and approach roads; and
- (v) any parking associated with the proposal would not be visually intrusive.

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.'

One of the main issue in determining this application is whether the use of the land for open log/timber storage with the occasional sale of surplus, retention of paths, tracks and drainage and irrigation pond, and associated works are considered acceptable in principle.

The site relates to an existing business which operates from the site. This existing business is and was considered appropriate for this countryside location (previous application PA/2019/697). The business operations as stated above relate to arboriculture, including the need for storage of logs prior to them being sold. In the past the applicant has stored the logs at various farm locations which has resulted in increased vehicle movements and no one central location. Locating the logs at the site of the existing business will allow the business to be more fluid and sustainable. Policy RD2 allows development which is considered essential to the efficient operation of agriculture or forestry, and employment-related development appropriate to the open countryside. It is considered that the proposed development meets the tests of policy RD2 in that the use is suitable in this location. Further assessment in relation to character and appearance, as well as highway safety and residential amenity, will be assessed in more detail.

It is considered that, in principle, the proposal represents appropriate development within the countryside, subject to consideration of its siting, design, scale, massing and materials as well as residential amenity and highway safety.

Residential amenity

Policies DS1, RD2 and RD7 refer to residential amenity.

The development is already in place and the site has been visited by the case officer on several occasions throughout the year, both unplanned and planned visits. The site is accessible and the access track leading up to the site is used by a range of private vehicles as well as agricultural machinery and vehicles.

The proposed site is set back from the main highway and is visible from the neighbouring property and highway embankment. The bunds act to screen the log piles which are on the site. As set out within the applicant's supporting information, the log area is largely used around 4pm–4.30pm for the unloading of logs/chippings etc which have been removed from the site they have been working on. The logs are then stored until such time as they are sold and then collected and moved off the site. These collections occur around four times a

year once enough material has been gathered. It is recommended that the business operations on the site be restricted to between the hours of 7am to 5pm with no activity to take place outside these hours, and no operations to take place at weekends or on public/bank holidays.

The proposed earthworks, which have formed the storage space and wider bunding, whilst altering the landscape are not highly visible from further afield and are self-contained within the site. The railway embankment to the north acts as a good buffer and there is evidence of tree planting and a dense woodland further east, and as such the development is not considered to be out of place. Whilst concerns have been raised regarding the biomass boiler, this is secured under a separate planning application and is not for consideration at this time. These comments are therefore not considered relevant to this application. The biomass boiler is dealt with under separate legislation and a separate planning application.

Concerns have also been raised regarding the use of the bunded areas for motorbikes/quad bikes. This does not form part of the planning application and the council is not assessing the use of the land for recreational purposes. The applicant has clearly set out that the bunds have been created following the removal of material to provide a levelled area for the storage of logs. This allowed the material to be retained on site. The applicant has provided a clear landscaping plan for the site and this plan will be conditioned. This will ensure the site is used for the proposed purpose.

The case officer has visited the site while logs have been present, which were well arranged and the overall site was tidy. There was no evidence of waste material on the site and it was clear the materials were related to the existing forestry business. On another occasion the site was clear of all logs and the case officer saw how the site looked when empty. Over time the site fills with logs and once full they are removed off site and the process begins again.

Whilst the site is near existing residential properties, the activity undertaken at the site is considered to be in keeping with this countryside location. The proposed works will allow an existing business to continue and become more sustainable in its methods of working.

Concerns have also been raised regarding the conflict of the land use with the neighbouring manège; however, reading into these comments these relate to the use of the land by motorbikes and quad bikes and the smoke from the biomass boiler. It is not for this application to address those issues. The site will be used for log storage, education and training, as well as land drainage. It is not considered that the use of land for log storage, educational or training purposes would result in an unacceptable loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisances, or through the effects of overlooking or overshadowing. Any activities outside of this will be subject to enforcement.

It is therefore considered that the proposal would not be detrimental to the residential amenity rights of adjoining neighbours and aligns with policies DS1 and RD2.

Character, design and appearance

Policies DS1 and RD2 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 RD2 requires developments not to be detrimental to the

character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials.

This development is primarily for an area to store logs from the applicant's existing arborist business at the site. The office relating to the business has already been granted planning permission. The storage area would allow the applicant to consolidate all their business operations on one site and no longer have to store logs at different farms across North Lincolnshire. The works have already been undertaken. The case officer has visited the site and in the summer months the site was in full bloom providing evidence of the wildflowers which had been planted.

Whilst the land in this area is largely flat and agricultural in nature, the storage of logs is not uncommon within the landscape. The business is considered appropriate within this countryside location. The surrounding landscape does include areas which are not flat, including the railway embankment and an established woodland to the east of the site. With these in mind and the close relationship with the railway embankment, the development is not considered to be out of character. The HER has considered the proposals and does not consider that this proposal would adversely affect the character of the locally designated landscape heritage asset at this location or its setting provided that the tree planting is of the appropriate native species.

The applicant has sought to provide detailed landscaping proposals to demonstrate and provide a commitment to the long-term planting plans for the site.

Overall, the works undertaken are considered to be of high quality and in keeping with the countryside location. It is therefore considered that the proposal is in accordance with policies DS1 and RD2.

Drainage and flood risk

The site is within SFRA flood zone 2/3 (a) tidal, meaning a higher flood risk. The Environment Agency has commented and has no objection, but provides the following advice to the applicant which is considered suitable to be applied as an informative:

“We note the application document highlights that a Waste Carrier's Licence is registered and used to bring wood produced in the daily operations of the company back to site for storage and predominantly burning as fuel in a boiler.

If materials that are potentially waste are to be used on site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from us.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular

function, or waste being prepared to fulfil that function, in the plant or in the wider economy.”

The LLFA Drainage Team have considered the proposals and have visited the site. They have no objection to the proposal and do not consider any surface water drainage conditions are needed.

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.

The site lies to the south of the existing railway line. Network Rail have commented and have no objection. They do, however, require the following informative be included should the authority be minded to grant permission:

'Heaping of materials: It should be noted that because of the nature of the proposals we would not want to see materials piled against our boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching our boundary.'

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 would not result in a significant impact in terms of highway safety and the nature of the access into the site would naturally slow vehicles.

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 space within the site allows for the collection and drop-off of logs/materials. With these factors in mind, and in the absence of an objection from the council's Highways team, 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 or strongly suspected as being contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements. DS11 also relates to polluting activities.

The Environmental Protection team have considered the proposals and have no comments or objections to make at this time. It is considered that the development is compatible with the countryside location and would not lead to any polluting activities.

Ecology and landscape

Policy LC4 relates to development affecting sites of local nature conservation importance. Any development or land use change which is likely to have an adverse impact on a Local

Nature Reserve, a Site of Importance for Nature Conservation or a Regionally Important Geological Site will not be approved unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the intrinsic nature conservation value of the site or feature. In all cases where development is permitted which may damage the nature conservation value of the site, such damage shall be kept to a minimum. Where development is permitted the use of conditions or planning obligations to ensure the protection and enhancement of the site's nature conservation value and other appropriate compensatory measures will be considered.

Policies CS16 and LC7 refer to landscape protection and seek the protection of scenic quality and distinctive local character in countryside locations as well as requiring the protection of trees, hedgerows and historic landscape where appropriate.

Policies LC6 and CS16 refer to biodiversity and require new development to retain, protect and enhance biological and geological interest, produce a net gain in biodiversity by designing in wildlife and ensuring any unavoidable impacts are appropriately managed.

The initial consultation response received from the landscape team (22/12/2021) confirmed that as this is a retrospective application any incursions within root protection areas around any trees would already have occurred. Further information about the species and planting were requested. The applicant has sought to work with the local authority to provide detailed information regarding the planting and landscaping scheme, including the mix of planting on the site. The tree officer has reviewed this information and confirmed that the proposals are acceptable.

Any impacts on protected or priority species during creation of the paths, tracks and pond will already have occurred. However, the ongoing use of the site for open storage of logs could create habitat for nesting birds, grass snakes, common toads, newts, hedgehogs etc which could then be disturbed upon removal of the logs for sale or chipping. Sensitive working methods will therefore be required.

The application site lies close to the Warping Drain Corridor Local Wildlife Site (previously Site of Importance for Nature Conservation), which is protected by saved policy LC4 of the local plan. To protect the local wildlife site, biosecurity measures will be of key importance here, in particular:

- Invasive non-native plants must not be introduced to, or permitted to colonise, the pond. Examples include parrot's-feather, water fern, New Zealand pigmyweed etc.
- Plants such as Japanese knotweed, Indian (Himalayan) balsam and giant hogweed must not be brought onto the site with logs, brash or other waste from tree surgery operations.

The applicant is now proposing locally native broadleaved trees, which is considered acceptable in both landscape and biodiversity terms. A suitable mixed native hedgerow is also proposed.

The applicant is proposing annual wildflowers, which the team do not consider are likely to thrive. However, whilst the team would not recommend this, they do not see it as a reason for refusal of the planning application.

It is therefore considered that the proposals are in keeping with the requirements of policies LC4, LC6, LC7, CS16 and CS17.

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 scheme in this location. The development will allow for an existing rural business to operate in a more fluid and sustainable way. Overall, it is considered that the proposal does represent appropriate development in the context of the NPPF, the North Lincolnshire Local Plan and the Core Strategy.

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 Plans - 1153 - Dwg 2 of 2
- Existing & Proposed Block Plan - 1153 - Dwg 1 of 2.

Reason

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

2.

The hours of operation of the use hereby permitted shall be restricted to the following:

- 7am to 5pm Monday to Friday.

No operations, other than maintenance, shall take place on Saturdays, Sundays or public/bank holidays.

The site shall not operate outside these hours unless otherwise agreed in writing by the local planning authority.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

3.

The storage area shall be used for the storage of logwood, trimmings and chippings relating to the existing arborist business and at no time shall it be used for the storage of other materials unless otherwise agreed in writing by the local planning authority.

Reason

To protect the amenity of the occupiers of nearby residential properties and to comply with policy DS1 of the North Lincolnshire Local Plan.

4.

The storage area as shown on the hereby approved plans (condition 2) shall be cleared of logwood, trimmings and chippings every six months or less. The landowner or successor in title shall maintain a clear log of events which sets out the dates and times, along with the amounts, that logwood, trimmings and chippings are brought to the site and subsequently removed from the site. The logbook shall be made available for the local planning authority at all times.

Reason

In the interest of residential amenity.

5.

Notwithstanding the approved plans (condition 2 above), the landscaping works shall be carried out in accordance with the details submitted and hereby approved in the following plan and statement referenced 'Tree & Wildflower Planting Schedule'. The works shall be carried out within 12 months of the date of this permission (unless a longer period is agreed in writing with the local planning authority). Any trees or plants which die, are removed, or become seriously damaged or diseased within five years from the date of planting shall be replaced in the next planting season with others of similar size and species to those originally required to be planted, unless the local planning authority agrees in writing to any variation.

Reason

In the Interest of ensuring a high-quality landscape and achieving biodiversity at the site in accordance with policies LC4, LC6 and LC7 of the North Lincolnshire Local Plan, and CS16 and CS17 of the Core Strategy.

6.

Within three months of the date of this permission, 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 measures to avoid harm to amphibians, reptiles, hedgehogs, badgers and nesting birds during operation of the site;
- (b) details of measures to ensure that no invasive non-native species become established;
- (c) prescriptions for the planting and aftercare of native trees, shrubs and wildflowers of high biodiversity value, including details of numbers and species of trees and shrubs, and details of wildflower seed mixes.

Reason

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

7.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Within 12 months of the grant of permission, 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.

8.

No external lighting shall be installed on site before details of its location, height and design have been submitted to and agreed in writing by the local planning authority. The lighting shall be installed in accordance with the agreed details.

Reason

To minimise light pollution in accordance with policy DS12 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 Environment Agency notes that the application document highlights that a Waste Carrier's Licence is registered and used to bring wood produced in the daily operations of the company back to site for storage and predominantly burning as fuel in a boiler.

If materials that are potentially waste are to be used on site, the applicant will need to ensure they can comply with the exclusion from the Waste Framework Directive (WFD) (Article 2(1) (c)) for the use of, 'uncontaminated soil and other naturally occurring material excavated in the course of construction activities, etc...' in order for the material not to be considered as waste. Meeting these criteria will mean waste permitting requirements do not apply.

Where the applicant cannot meet the criteria, they will be required to obtain the appropriate waste permit or exemption from the EA.

A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- any operation the principal result of which is waste serving a useful purpose by replacing other materials which would otherwise have been used to fulfil a particular function, or waste being prepared to fulfil that function, in the plant or in the wider economy.

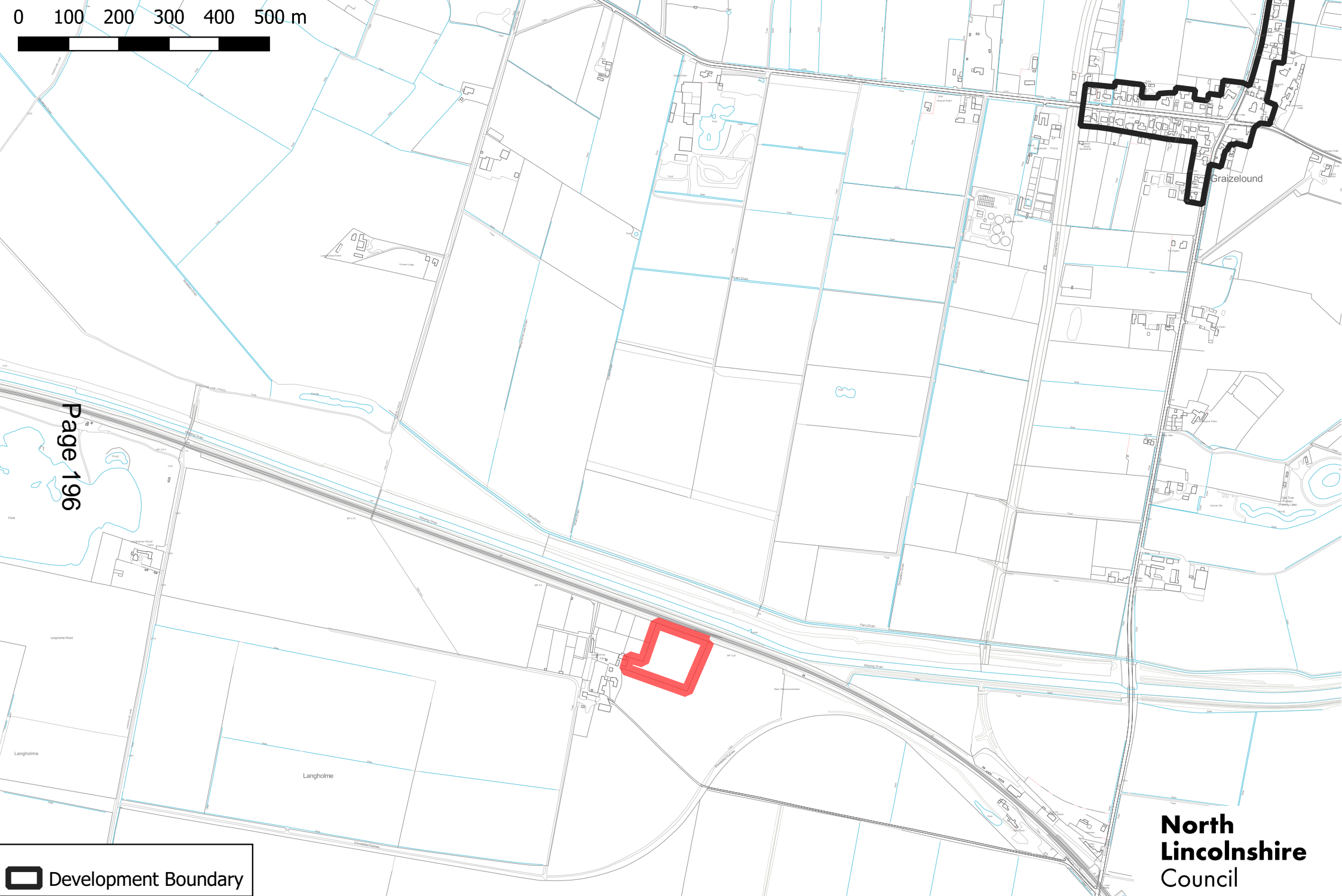
Informative 3

It should be noted that because of the nature of the proposals Network Rail would not want to see materials piled against their boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching their boundary.

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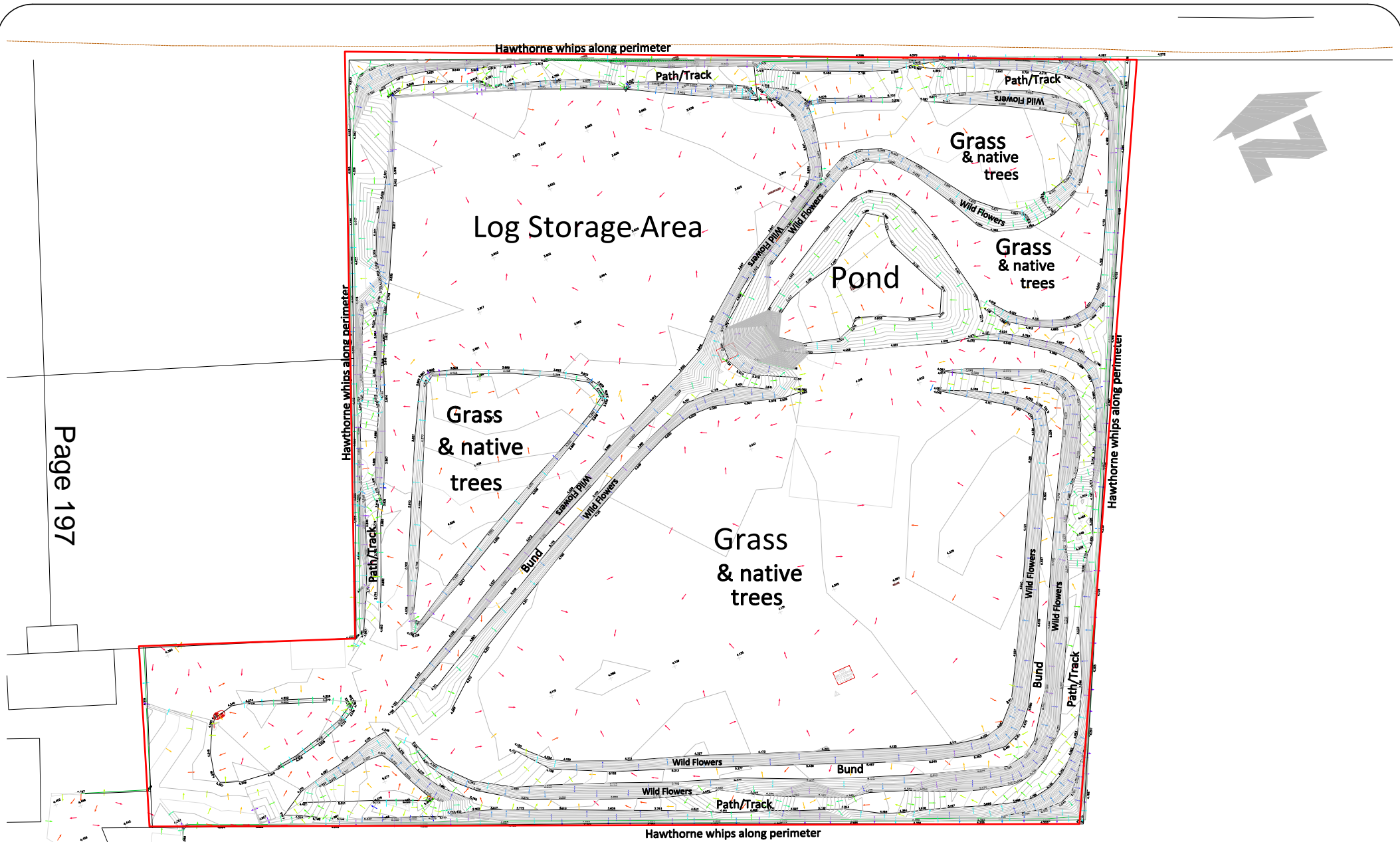


 Development Boundary

**North
Lincolnshire
Council**

PA/2021/2228

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Holme Tree Farm

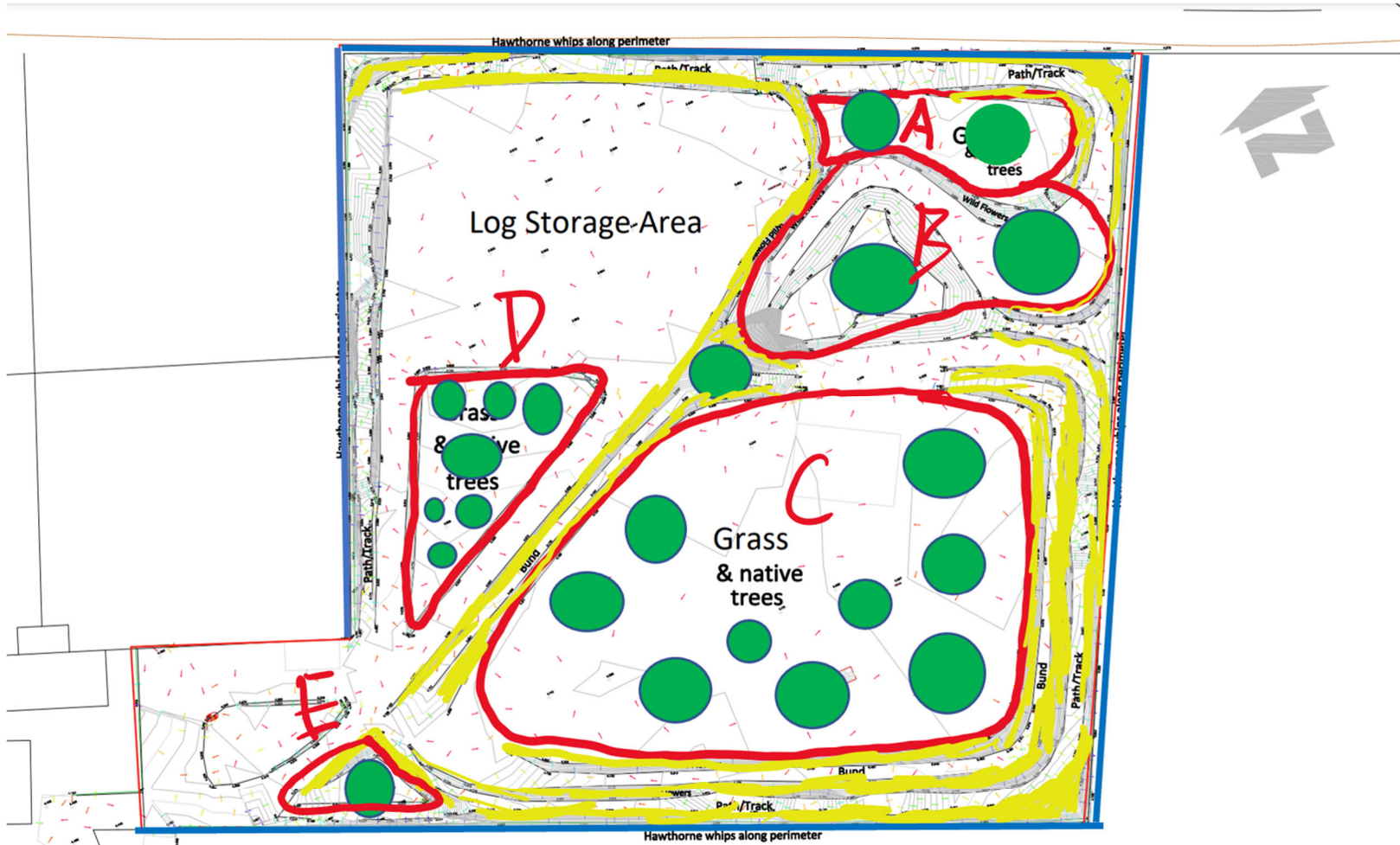
Howard J Wroot BSc MRICS
Chartered Surveyor
240 Wharf Road, Ealand
Scunthorpe DN17 4JN

Tel 01724 711068
Fax 01724 710174
Mob 07947 226577


Client	Mr N Marsh - Urban Arborist		
Date	13/12/21	Dwg No	1 of 2
Scale	1:500	Ref No	1153

Proposal	Change of use of land at Holme Tree Farm Langholme Lane, Haxey, Doncaster, DN9 2NP
Drawing	





Holme Tree Farm

Howard J Wroot BSc MRICS Chartered Surveyor 240 Wharf Road, Ealand Scunthorpe DN17 4JN	Tel 01724 711068 Fax 01724 710174 Mob 07947 226577	Client	Mr N Marsh - Urban Arborist		Proposal	Change of use of land at Holme Tree Farm Langholme Lane, Haxey, Doncaster, DN9 2NP Block Plan		
		Date	13/12/21	Dwg No				1 of 2
		Scale	1:500	Ref No				1153

Area	Trees	Size/Type and staking method
A	Cedar, Fir	Select to heavy Standard root ball Sigle, double and triple staking
B	Poplar, Willow	Select to heavy Standard root ball Sigle, double and triple staking
C	Beech, Fir, Cedar, Maple, Oak, Cherry	Select to heavy Standard root ball Sigle, double and triple staking
D	Eucalyptus, Birch, Pine	Select to heavy Standard root ball Sigle, double and triple staking

Wild Flowers 20% & Grass Type 80%	Spread rate per mete
• Chewings Fescue 30%	1-5 grams per m2
• Browntop Bent 5%	1-5 grams per m2
• Slender Creeping Red Fescue 30%	1-5 grams per m2
• Hard Fescue 15%	1-5 grams per m2
• Corn Poppy 6%	1-5 grams per m2
• Corn Chamomile 5%	1-5 grams per m2
• Corncockle 5%	1-5 grams per m2
• Cornflower 4%	1-5 grams per m2

Native Hedging Type	Size and spacing
Hawthorn	60-80cm @ 3 per m

The trees to be planted marked green on plan are a mixture of native, ornamental and trees of scientific interest. They will be planted as select to heavy standard transplants and well-spaced to produce open grown trees. The different types of staking and tying are to demonstrate different methods for educational purpose of young apprentice Arborist along with identification of the trees and pruning styles as part of an ongoing maintenance plan.

The Wildflowers are marked Yellow on plan, and native hedging is marked blue. These will be annually flailed, cut and trimmed as part of an ongoing maintenance plan and training for apprentice Arborists.

APPLICATION NO	PA/2022/1408
APPLICANT	Ben Bailey Homes
DEVELOPMENT	Outline planning permission for a residential development of up to 28 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration
LOCATION	Land rear of Southdown House, Grayingham Road, Kirton in Lindsey, DN21 4EL
PARISH	Kirton in Lindsey
WARD	Ridge
CASE OFFICER	Rebecca Leggott
SUMMARY RECOMMENDATION	Subject to a Section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Kirton in Lindsey Town Council

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 15: Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

Policy H5: New Housing Development

Policy H7: Backland and Tandem Development

Policy H8: Housing Design and Housing Mix

Policy H10: Public Open Space Provision in New Housing Development

Policy RD2: Development in the Open Countryside

Policy T1: Location of Development

Policy T2: Access to Development

Policy T6: Pedestrian Routes and Footpaths

Policy T19: Car Parking Provision and Standards

Policy R1: Protected Playing Fields

Policy C1: Educational Facilities

Policy LC5: Species Protection

Policy LC6: Habitat Creation

Policy LC7: Landscape Protection

Policy LC12: Protection of Trees, Woodland and Hedgerows

Policy HE9: Archaeological Excavation

Policy DS1: General Requirements

Policy DS7: Contaminated Land

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering more Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS7: Overall Housing Provision

Policy CS8: Spatial Distribution of Housing Sites

Policy CS9: Affordable Housing

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

Policy CS17: Biodiversity

Policy CS18: Sustainable Resource Use and Climate Change

Policy CS19: Flood Risk

Policy CS22: Community Facilities and Services

Policy CS23: Sport, Recreation and Open Space

Policy CS25: Promoting Sustainable Transport

Policy CS27: Planning Obligations

Housing and Employment Land Allocations DPD:

Policy PS1: Presumption in Favour of Sustainable Development

CONSULTATIONS

Archaeology: No objections subject to a number of standard conditions relating to mitigation, site investigation and reporting.

NHS: Request Section 106 funding be considered at a rate of £723.16 x 28 housing units = £20,248.48.

Environment Agency: No comments to make.

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

Highways: No objections subject to a number of standard conditions. The following comments have also been provided:

'The size of this development will generate a minimal number of trips, which can easily be accommodated on the existing highway network. Whilst visibility splays can be demonstrated, it would be beneficial if the hedgerow across the frontage of Southdown House to the south of the site could be trimmed back to maximise visibility. I would also like to see the provision of crossing points as part of the site access to connect into the existing footways on the other side of Grayingham Road.'

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

However, it is noted that agreement with third party land owners would also be required to enter their land to create or re-establish the existing watercourse network.

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

Humberside Police: No objections.

S106 Officer: No objections to the proposed development in principle subject to the following heads of terms being agreed:

Affordable housing: 20% affordable housing equal to 6 dwellings on site

Education: £8,944 per dwelling excluding affordable products: 28 - 6 = 22 dwellings, 22 x £8,944 = £196,768. Updated response requesting £3,568 per open market dwelling, £78,496 in total (excluding affordable products)

Recreation:	A total contribution of £14,274
Open space:	Off-site contribution of £33,668 and an on-site contribution of 280m ² of informal open space is required on this site and would need to be maintained by a management company
Health:	A contribution of £723.16 per dwelling (excluding affordable): 28 - 6 = 22, 22 x £723.16 = £15,909.52.

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

TOWN COUNCIL

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

- the location of the proposal outside the defined development limits
- contrary to the council's existing spatial strategy and five-year housing land supply
- flood risk and drainage
- insufficient information
- contamination
- loss of habitats and wildlife
- right to light
- highway safety and traffic generation, specifically given the site would only have one access
- contrary to the emerging local plan.

PUBLICITY

A site notice has been displayed resulting in 12 letters of objection, 2 letters of comment and 17 letters of support being received.

In summary, the objections raise the following:

- highway safety: increased traffic, concerns about access, speed limit and blind bends
- the previous application was refused – the objections raised then are still valid
- local infrastructure: school, doctors', parking, drainage
- the development is outside the development limits
- there are already a number of residential applications in the area

- flood risk and drainage
- impact on wildlife, including loss of hedgerows and impacts on local birds
- loss of privacy in respect of overlooking.

In summary, the letters of comment raise points regarding the following:

- impact on the highway – congestion should be addressed.

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

- need affordable housing
- the proposals will allow people to stay local
- reputable builder
- employment opportunities
- close to amenities
- well thought out development with a mix of housing
- well designed and in keeping with the area.

STATEMENT OF COMMUNITY INVOLVEMENT

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

ASSESSMENT

Planning history

The following planning history is considered to be relevant:

PA/2021/1788: Outline planning permission to erect up to 28 dwellings, with all matters other than means of access reserved for subsequent consideration—refused 05/05/2022 for the following reasons:

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

‘The proposals would cause harm to the character and appearance of the area. In this regard, they would conflict with the requirements of policies CS2 of the Core Strategy and RD2 of the local plan. These policies state that planning permission will only be granted for development provided

that it would not be detrimental to the character or appearance of the open countryside or a nearby settlement. These policies accord with paragraph 130 of the National Planning Policy Framework which requires developments to be sympathetic to local character, and the surrounding built environment and landscape setting. In this regard, the proposals would conflict with the relevant provisions of the Framework. Overall, the proposed development is not considered to be acceptable in terms of its impact on the character and appearance of the area and as such the proposals would be contrary to policies H5, RD2, LC7, LC12 and DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy.'

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

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

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

Site characteristics

The site is outside the defined development boundary of Kirton in Lindsey, which is defined as a market town within the Core Strategy, and within SFRA flood zone 1.

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

Proposal

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

This application is a resubmission of a previously refused application on this site (PA/2021/1788). This was refused for the reasons set out within the planning history above. It should be noted that there are no changes to the submission documents.

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

The main issues in the determination of this application are:

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

Principle

The majority of the application site is outside of any defined settlement boundary (with the exception of the access point) and the proposal would represent a departure from the development plan for North Lincolnshire. In determining whether the principle of residential development outside the settlement boundary is acceptable, it is necessary to consider whether the proposed development is sustainable in planning policy terms.

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

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

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELA DPD, and the application site is located outside the designated development limit for Kirton in Lindsey.

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

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states that, '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.

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

National Planning Practice Guidance paragraph 008 states that, in decision-taking, if an authority cannot demonstrate a five-year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework.

Given the current five-year land supply deficit, it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly, the 'tilted balance' in paragraph 11 of the NPPF is triggered, whereby there is a presumption in favour of sustainable development and development proposals should be approved unless:

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

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

Economic

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

Social

In terms of social benefits, the proposal would contribute to the council's housing land supply, and affordable housing would be provided on the site. A contribution towards education, recreation and health facilities in Kirton in Lindsey which would be required would also be a benefit.

Environmental

In terms of the environmental dimension, the proposal would result in biodiversity net gains on the site. Pedestrian and cycle paths would be provided within the development and pedestrian links could be provided onto Grayingham Road which in turn would provide pedestrian routes to the town centre area of Kirton in Lindsey. SuDs would be incorporated into the development. These are all benefits of the scheme. However, the application, whilst in outline form, would significantly alter the character and appearance of the countryside in this area, particularly given the scale of development proposed.

Whilst the restrictive policies of the development plan (CS2, CS3 and CS8) do still apply, the lack of a five-year supply of housing land and the scale of the shortfall limit the weight which can be attributed to these policies. Restricting development to land within development limits, if strictly applied, would severely affect the ability of the authority to address the need for housing. In determining the sustainability of the proposed development, an assessment not only relies upon planning principle but also whether the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or if any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal.

Kirton in Lindsey itself is identified as a market town by the Core Strategy and ranks 5th in the Sustainability Survey 2019. It contains all seven (the maximum) key facilities which include a primary and secondary school, doctor's surgery, convenience shops, public houses, and a community hall. It has good public transport links including a railway station and several bus services. These material factors, along with the holistic assessment, including technical analysis, will allow an assessment to be made of the sustainability of this proposed development.

The proposals are for outline permission to erect 28 dwellings. The inability to demonstrate a five-year supply of land for housing means that the council's planning policy relating to housing remains silent. There is clearly a balance to the decision and the proposal should be approved unless the adverse impacts 'significantly and demonstrably' outweigh the benefits. In determining the principle and sustainability of the proposed development, an assessment is required on the technical elements of the proposal which will be discussed below.

Design and impact on the character and form of the area

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

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

Policy CS5 of the Core Strategy is relevant and states, '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' and 'Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.' Policies H5 and H8 the local plan, which are concerned with new housing development, and paragraph 130 of the NPPF, is relevant, though the criteria-based nature of policy H5 lends itself better to the assessment of any subsequent reserved matters application.

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

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

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

Whilst the details of the scheme, including landscaping, would be reserved matters, the development of the open parcel of land would result in an encroachment of built form within this transitional landscape. The erosion of this transitional landscape would result in harm to its character and appearance.

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

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

surrounding built environment and landscape setting. In this regard, the proposal would conflict with the relevant provisions of the Framework.

Overall, the proposals are considered to have some negative impacts on the character and appearance of the area. However, this harm would not amount to adverse impacts which would 'significantly and demonstrably' outweigh the benefits. Therefore, whilst the proposals would have a negative impact on the character and appearance of the area. This would not tip the planning balance so as to warrant refusal of the application.

Residential amenity

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

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

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

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

Highway safety

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

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

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

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

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

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

Flood risk and drainage

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

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

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

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

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

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

Archaeology

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

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

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

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

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

Protected species and conservation

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

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

Paragraph 175(a) of the NPPF states, '...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused...'

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

Comments have been sought from the council's ecologist, However, no response has been received at this stage. In considering the previous application which was the original submission of this scheme the council's ecologist raised no objections subject to conditions securing biodiversity net gain on site. Therefore, it is considered reasonable to attach conditions requiring biodiversity net gain to any permission granted.

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

Contamination and environmental issues

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site

survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

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

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

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

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

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

Affordable housing

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

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

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

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

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

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

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

Planning obligations

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

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

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

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

Education

Policy C1 states that where major new housing proposals would result in an increased demand for education facilities which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, to secure the provision of, or contribution towards, new or extended facilities.

Education have raised no objection to the proposed development subject to a contribution from the developer of £78,496.

Recreation and open space

No response has been received from Recreation in respect of any required contributions for recreational open space. However, it is noted that a total contribution of £14,274 is required towards the anticipated costs, which are broken down as follows:

- £1,984 towards developing a new 3G artificial grass pitch to serve the locality
- £4,079 for improvements towards natural turf pitches at Klassic Park
- £8,247 for sports hall and fitness equipment to meet additional demand.

Furthermore, an off-site contribution of £33,668 is required for improvements towards recreation provision in Kirton in Lindsey. The area of informal open space on site required for a development of this size is 10m² per dwelling. Therefore, 280m² of informal open

space is required on this site which would need to be maintained by a management company.

Health

Health have requested a contribution of £723.16 per dwelling (excluding affordable): 28 - 6 = 22, 22 x £723.16 = £15,909.52.

Affordable housing – see above.

The heads of terms have been put to the applicant. The applicant has agreed all the requested S106 contributions required to mitigate the impacts of the development.

Conclusion

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

Whilst the proposals would have some negative impacts on the character and appearance of the area, given the council’s lack of a five-year housing land supply and therefore the tilted balance, these impacts on the character and appearance of the area do not warrant refusal of the application. Therefore, the proposals are considered to be acceptable in respect of residential amenity, highway safety, flood risk and drainage, contaminated land, affordable housing and planning obligations.

Heads of terms

Affordable housing

Number of dwellings or commuted sum	20% of development – 6 dwellings if 28 built
Trigger point	2 dwellings on occupation of the 5 th market dwelling 2 dwellings on occupation of the 15 th market dwelling 2 dwellings on occupation of the 20 th market dwelling
Tenure type	All 6 affordable dwellings as discounted market sale
How many years does the council require to spend the contribution?	Affordable units to be retained in perpetuity

Education

Education	£3,568 per market dwelling, £78,496 in total
Trigger point	30% on occupation of the 6 th dwelling 30% on occupation of the 12 th dwelling

	40% on occupation of the 20 th dwelling
How long the council has to spend the contribution	10 years

Off-site area of play

Off-site open space	£33,668 for improvements to play provision in Kirton in Lindsey
Trigger point	On occupation of the 16 th dwelling
How long the council has to spend the contribution	10 years

On-site open space

On-site open space	10sqm per dwelling
Trigger point	Open space to be laid prior to occupation of the 1 st dwelling
Management	Open space to be maintained by a management company

Recreation (leisure)

Recreation contribution	<p>A total contribution of £14,274 is required if this application is successful towards the anticipated costs, which are broken down as follows:</p> <ul style="list-style-type: none"> • £1,984 towards developing a new 3G artificial grass pitch to serve the locality • £4,079 for improvements towards natural turf pitches at Klassic Park • £8,247 for sports hall and fitness equipment to meet additional demand
Trigger point	On occupation of the 16 th dwelling
How long the council has to spend the contribution	10 years

Health

Health contribution	<p>£723.16 per dwelling (excluding affordable) towards Primary Care at Kirton in Lindsey Practice</p> <p>Total of £15,909.52</p>
Trigger point	On occupation of the 5 th dwelling

How long the council has to spend the contribution	10 years
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RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for affordable housing, education, off-site open space, on-site open space, recreation (leisure) and health, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Development Management Lead upon completion of the obligation;**
- (iii) if the obligation is not completed by 2 April 2023 the Development Management Lead be authorised to refuse the application on grounds of no affordable housing and no recreational open space; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

Approval of the details of the layout, scale and appearance of the building(s), 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, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: 021 / 031 / SLP – Site Location Plan.

Reason

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

6.

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 destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. 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.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least 7 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 because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. 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.

The final dwelling constructed on site shall not be occupied 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 because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. 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.

9.

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 because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. 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.

10.

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

Reason

To protect human health.

11.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

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

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

Reason

To protect the residential amenity of the occupiers of surrounding residential properties.

12.

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

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

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

Light – the CEMP shall set out the particulars of:

- (i) specified locations for contractors' compounds and materials storage areas;
- (ii) areas where lighting will be required for health and safety purposes;
- (iii) the location of potential temporary floodlights;

- (iv) the identification of sensitive receptors likely to be impacted upon by light nuisance;
- (v) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Dust – the CEMP shall set out the particulars of:

- (i) site dust monitoring, recording and complaint investigation procedures;;
- (ii) identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (iii) provision of water to the site;
- (iv) dust mitigation techniques at all stages of development;
- (v) prevention of dust trackout;
- (vi) communication with residents and other receptors;
- (vii) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (viii) a 'no burning of waste' policy.

Reason

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

13.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with Grayingham Road;
- (ii) the number and location of vehicle parking spaces on site;
- (iii) footway connections into the existing footway on the eastern side of Grayingham Road;

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

Reason

In the interest of highway safety.

14.

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

Reason

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

15.

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

Reason

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

16.

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.

17.

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

Reason

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

18.

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

Reason

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

19.

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

Reason

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

20.

No development, whether permitted by the Town and Country Planning (General Permitted Development) Order or not, shall take place within any service strip adjacent to any Shared Surface Road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

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

21.

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

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

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

Reason

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

22.

The details to be submitted in respect of reserved matters for any phase of development shall include a scheme for the provision of surface water drainage works which shall include the following criteria:

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

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

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

Reason

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

23.

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

Reason

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

24.

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

Reason

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

25.

No development shall take place until the applicant or their successor in title has submitted a biodiversity metric assessment and biodiversity management plan to the local planning authority for approval in writing. The document shall include:

- (i) details of measures required to provide more than 1% biodiversity net gain in accordance with the Defra biodiversity metric 3.0 compared to the baseline assessment described in the submitted Ecological Impact Assessment report reference MAN.1298.005.EC.R.001;
- (ii) details of sensitive working practices to avoid harm to bats, hedgehogs, badgers and nesting birds;
- (iii) details of bat boxes and bat bricks to be installed on at least 15% of dwellings;
- (iv) details of swift boxes and sparrow terraces to be installed on at least 15% of dwellings combined;
- (v) details of nesting sites to be installed to support a variety of other species, including barn owl, starling, house sparrow and tree sparrow;
- (vi) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (vii) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (viii) prescriptions for the retention, planting and aftercare of native trees, shrubs, hedgerows and UK origin perennial wildflowers of high biodiversity value;
- (ix) details of wetland habitat, including ponds, to be created and managed as part of sustainable drainage;
- (x) procedures for monitoring and ongoing management of created habitats;

- (xi) prescriptions for the provision of a wildlife gardening leaflet for each new resident;
- (xii) proposed timings for the above works in relation to the completion of the dwellings.

Biodiversity units should be delivered on site, within the red line boundary shown on submitted location plan number 021 / 031 / SLP.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy, and paragraphs 170, 174 and 175 of the National Planning Policy Framework.

26.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 20th dwelling hereby approved, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

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

Informative 1

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

Informative 2

Access for the Fire Service:

It is a requirement of Approved Document B5, Section 15 Commercial Properties or B5, Section 13 for Domestic Premises that adequate access for fire-fighting is provided to all buildings or extensions to buildings. Where it is a requirement to provide access for high reach appliances, the route and hard standing should be constructed to provide a minimum carrying capacity of 24 tonnes.

Water supplies for fire-fighting:

Adequate provision of water supplies for fire-fighting appropriate to the proposed risk should be considered. If the public supplies are inadequate, it may be necessary to augment them by the provision of on-site facilities. Under normal circumstances hydrants for industrial unit and high-risk areas should be located at 90m intervals. Where a building which has a compartment of 280m² or more in area is being erected more than 100m from an existing fire hydrant, hydrants should be provided within 90m of an entry point to the building and not more than 90m apart. Hydrants for low-risk and residential areas should be located at intervals of 240m.

Informative 3

Our records indicate that the proposed development site is bounded by a watercourse on the western boundary (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 4

The proposals indicate a new connection into the watercourse. This 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 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; and
- 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

Bin storage capacity:

Due to the number of potential residents, the property requires a minimum of four 1100 general waste wheeled bins, three 1100 plastic card and cans wheeled bins, two 240 glass wheeled bins and one 240 paper wheeled bin.

Please note that charges for the containers will apply and notice of at least six weeks would be required to ensure stock of the relevant containers.

Refuse and recycling storage:

- The council requires signs to be provided to inform residents where storage areas for non-recyclable waste and recyclable materials are located, with signs placed in a suitable prominent position to clearly identify the bin storage area. The branding and the message placed on signs will be provided by the council.
- To enable occupants to manage their non-recyclable waste and recyclable materials, developers should provide the necessary internal storage space for the separation of non-recyclable waste and recyclable materials into three separate containers, prior to the transfer of that material to an external bin.
- Bin storage areas should be sensitively located and designed so that they accommodate the residents' bins. Communal bin stores should be laid out in a linear form to aid refuse collection so residents can stand at the front and centre of the containers to deposit waste.
- Storage areas for larger waste bins should be sited so that the distance householders are required to carry refuse does not exceed 30m, in line with the Building Regulations 2002, Part H, and to ensure collection vehicles would be able to approach in a straight line to within a minimum distance of 8m of the bin store/agreed collection point.
- Surfaces that bins need to be moved over should be of a smooth continuous finish and free from steps or other obstacles; this includes traffic calming measures. Any steps should incorporate a dropped-kerb. Doorways should provide at least 1.4m clearance (including thickness of doors). The construction of bin stores should be able to withstand the rigours of refuse collection, remembering stores are there for decades rather than just years.
- A walkway of at least 1.4m wide should be provided within a bin store that allows access to each of the individual waste containers and ensures that individual bins can be removed from the store without the need to shuffle around any of the other bins.
- Collection vehicles cannot collect bins that are placed on a slope exceeding 1:12. Also the gradient of a slope that bins need to be moved over should not exceed 1:12.

Security:

Crews will not carry keys. Combination locks or keypads are acceptable.

Bulky waste storage:

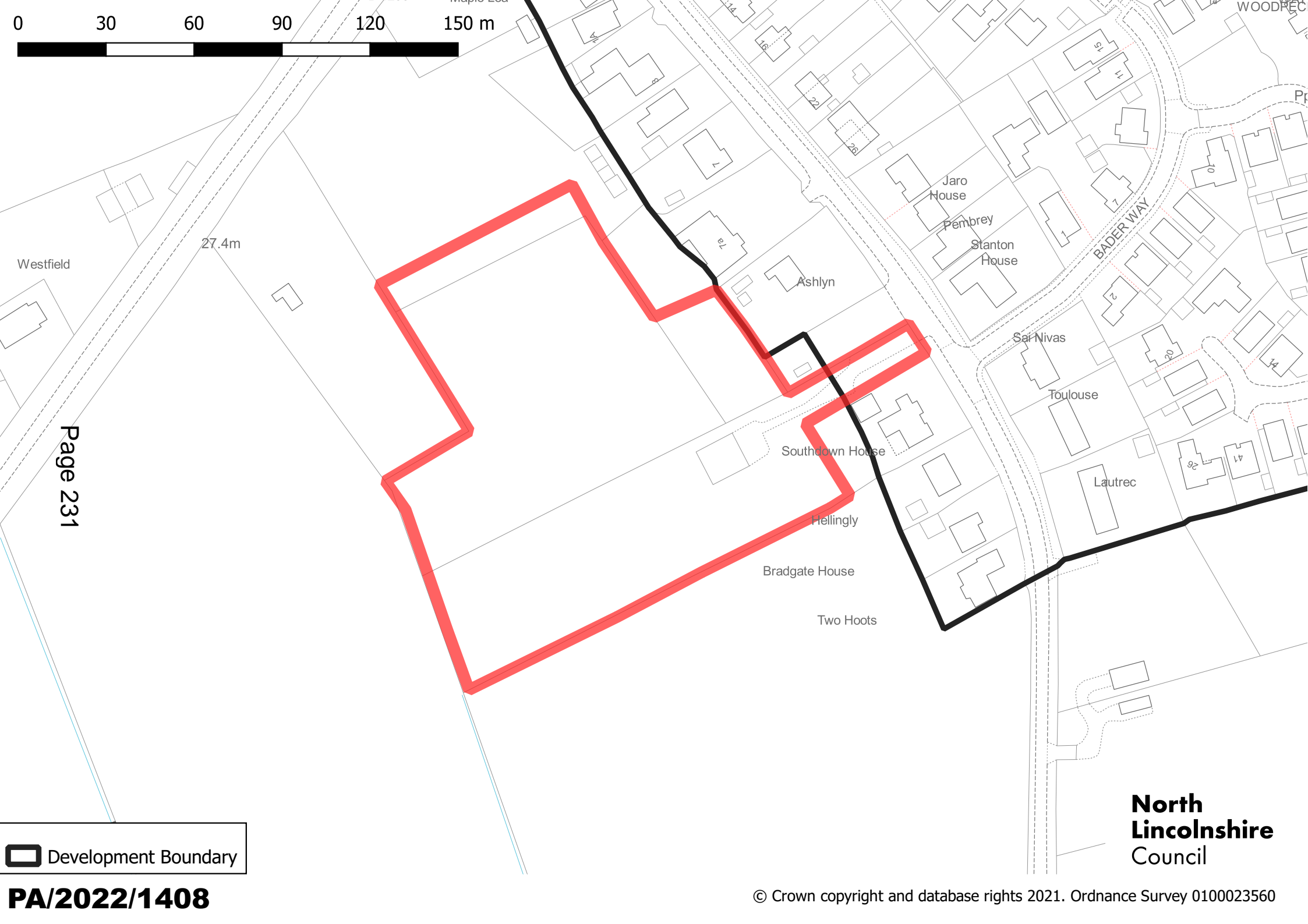
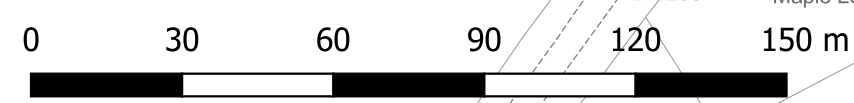
Large residential developments must be provided with space for non-reusable bulky household goods. These items will only be collected on request and there may be a charge. Unwanted goods of this type in good condition may be collected for reuse by various charities. There are several groups which can collect or accept items for reuse in North Lincolnshire. For more information on these schemes see the Furniture Reuse Schemes page on our website.

Responsibility:

Arrangements must be put in place for a management agent/housing association to be responsible for the waste and recycling bins. This would include ensuring clear access to the collection point on collection days and that bins only contain the materials specified by North Lincolnshire Waste Management. The management agent/housing association would also be responsible for the cost of replacement lids/fired/stolen bins.

Informative 7

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



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 Development Boundary

PA/2022/1408

**North
Lincolnshire
Council**

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

- OPEN SPACE
- TREE & HEDGE SCREENING

REVISIONS

MARCH 2022 P24 BOUNDARY POSTS & TREE & HEDGE SCREENING ADDED TO WESTERN BOUNDARY POSTS & FORD ADJUSTED

CLIENT BEN BAILY HOMES LTD

DRAWING TITLE SITE LAYOUT

PROJECT PROPOSED DEVELOPMENT OF GRAYINGHAM ROAD KIRTON IN LINDSEY

DRAWING NO. 021 / 051 / SL / A

DRAWING DATE MARCH 2022

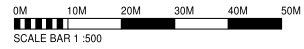
DRAWN BY IKB SCALE 1:500 @ A1



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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

1. OBJECT

- 1.1 To inform the committee about planning applications and other associated matters falling within its terms of reference which are ready for determination.

2. BACKGROUND

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

3. INFORMATION

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

4. RESOURCE IMPLICATIONS

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

5. RECOMMENDATION

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

DEVELOPMENT MANAGEMENT LEAD

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

Reference: CB/JMC/Planning committee 2 November 2022

Date: 24 October 2022

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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APPLICATION NO	PA/2021/1251
APPLICANT	Ms Lucy Eden, Truelove Property and Construction
DEVELOPMENT	Planning permission to erect six dwellings
LOCATION	Plots 76, 77a, 77b, 78a, 78b and 78c Barley Close, Windmill Way, Kirton-in-Lindsey, DN21 4FE
PARISH	Kirton in Lindsey
WARD	Ridge
CASE OFFICER	Rebecca Leggott
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Kirton in Lindsey Town Council

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 15: Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

Policy H5: New Housing Development

Policy H8: Housing Design and Housing Mix

Policy H10: Public Open Space Provision in New Housing Development

Policy RD2: Development in the Open Countryside

Policy T1: Location of Development

Policy T2: Access to Development

Policy T6: Pedestrian Routes and Footpaths

Policy T19: Car Parking Provision and Standards

Policy R1: Protected Playing Fields

Policy C1: Educational Facilities

Policy LC5: Species Protection

Policy LC6: Habitat Creation

Policy LC7: Landscape Protection

Policy LC12: Protection of Trees, Woodland and Hedgerows

Policy HE9: Archaeological Excavation

Policy DS1: General Requirements

Policy DS7: Contaminated Land

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering More Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS6: Historic Environment

Policy CS7: Overall Housing Provision

Policy CS8: Spatial Distribution of Housing Sites

Policy CS9: Affordable Housing

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

Policy CS17: Biodiversity

Policy CS18: Sustainable Resource Use and Climate Change

Policy CS19: Flood Risk

Policy CS22: Community Facilities and Services

Policy CS23: Sport, Recreation and Open Space

Policy CS25: Promoting Sustainable Transport

Policy CS27: Planning Obligations

Housing and Employment Land Allocations DPD:

Policy PS1: Presumption in Favour of Sustainable Development

CONSULTATIONS

HER (Archaeology): No objections to the proposed development.

LLFA Drainage: Raise objections to the proposed development due to concerns that it falls within the lower threshold assessment levels (5–9 properties or over 500m²) but provides no information to support the proposals. Furthermore, no principle drainage strategy has been provided nor any clarification for adopted surface water drainage systems for the overall site.

Environmental Protection: No objections to the proposed development subject to conditions relating to: site investigation, a remediation scheme, a verification report, reporting of unexpected contamination, and construction and site clearance.

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

Highways: No objections to the proposals in principle, subject to a number of standard conditions

Neighbourhood Services: Raise objections to the proposed development to protect footpath 248.

Ecology: No objections subject to a condition requiring the installation of swift bricks.

TOWN COUNCIL

Raise objections to the proposed development due to concerns over the following:

- the need for a Phase 1 contaminated land report prior to the application being determined
- the need to safeguard Public Footpath 248
- the need for a flood risk/flood management assessment
- increased traffic and parking issues
- the Design and Access Statement suggests that the town council would be responsible for the hedge along the eastern boundary, but this has not been agreed with them.

PUBLICITY

A site notice has been displayed resulting in two letters of objection being received, raising concerns over the following:

- the size, scale and issues caused by the original scheme (PA/1999/0920)
- flood risk and drainage
- lack of street names on the original permission
- loss of natural landscaping
- poor access approved by the original permission
- lack of parking along Barley Close
- access via public footpaths.

ASSESSMENT

Planning history

PA/2021/1007: Application for a non-material amendment to PA/2016/352 namely to alter the materials of plot 74A bricks to Hathaway Weinerberger and roof tiles to Sandtoft flat Calderdale grey and plot 74B bricks to Hathersage Weinerberger and roof tiles to Sandtoft rustic colour – approved 23/08/2021

PA/2015/0333: Planning permission for a change of house types on four plots approved under PA/1999/0920 – approved 24/06/2015

PA/1999/0920: Planning permission to erect 102 houses and garages – approved 31/03/2000

7/1988/0554: Outline planning permission to erect 80 dwellings – approved 17/09/1990

7/1977/0926: Outline planning permission to erect dwellings – approved 23/02/1978.

Site characteristics

The application site is within the defined development limits of Kirton in Lindsey which is a market town as defined within the Core Strategy. It is also within Flood Zone 1 (North and North East Lincolnshire SFRA 2022).

It is within a wider residential development which is being gradually built out over the years and fronts the highway, Barley Close. To the north of the application site are residential properties; to the east is the highway, Barley Close and further to this residential properties; to the south and west is a cleared construction site.

From a site visit, most of the historic permissions for residential development have been built out on site. However, part of the site remains under construction.

Furthermore, foundations have been laid within the application site. It was originally noted that the plans and drawings did not match the foundations on site. However, following a discussion with the agent, the plans have been updated to be correct and consistent with the foundations laid out on site.

Proposal

Planning permission is sought to erect 6 detached dwellings to replace the previously approved 5 dwellings on the plots (Plots 76, 77a, 77b, 78a, 78b and 78c). The application site is within the context of the original permission, PA/1999/0920. Therefore, it should be noted that the key change compared to previous permissions is the introduction of one additional dwelling.

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**
- **protected species and conservation**
- **other issues.**

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).

The site is allocated as a committed housing site under the Housing and Employment DPD and is within the development limits of Kirton in Lindsey.

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

Policy CS2 of the Core Strategy sets out that within market towns such as Kirton in Lindsey development will be focused on previously developed land and buildings, followed by other suitable infill opportunities, then appropriate small-scale greenfield extensions to meet identified local needs.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, and rural settlements to a lesser extent, with brownfield sites and sites within development boundaries being the primary focus.

Local plan saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy supports residential development within the defined development limits of market towns.

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.

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

National Planning Practice Guidance paragraph 008 states that, in decision-taking, if an authority cannot demonstrate a five-year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework.

Given the current five-year land supply deficit, it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly, the 'tilted balance' in paragraph 11 of the NPPF is triggered, whereby there is a presumption in favour of sustainable development and development proposals should be approved unless:

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

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

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.

Overall, the principle of one additional dwelling over and above those previously approved has already been set under planning reference PA/1999/0920.

Design and impact on the character and form of the area

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

The estate consists of a mixture of house types and in terms of design, the street scene and character of the area the proposed house types do not cause any negative impact, complementing the existing layout and complying with policies DS1, H5 and H8 of the North Lincolnshire Local Plan relating to house design.

On balance, it is considered that the proposal would be acceptable in terms of impacts on the character and appearance of the area. Therefore, the proposals would comply with policy CS5 of the Core Strategy and policies DS1, H5 and H8 of the North Lincolnshire Local Plan.

Impact on residential amenity

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

Having considered the development that exists on site and the proposals for further development, due to the massing, separation distances and orientation of the proposed additional dwelling, the proposals are not considered to have any impacts on surrounding properties in respect of overlooking or overshadowing over and above those already approved. Furthermore, the 6 dwellings overall would not have any impacts on the surrounding properties in respect of residential amenity over and above those already approved. Overall, the proposals are not considered to have any significant adverse impacts on the residential amenity of neighbouring properties. Therefore, the proposals will comply with policy DS1 of the North Lincolnshire Local Plan.

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 of the local plan states that all proposals should be provided with a satisfactory access. Policy T19 relates to car parking provision and standards, and in summary requires that developments which result in additional parking needs shall 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.

Comments received regarding traffic and parking issues are noted. However, as detailed above, this application is an amendment to the earlier permission for the wider site. All plots include provision for off-street parking and Highways have raised no objection to the proposal subject to a number of standard conditions.

Overall, it is considered that the proposal is in accordance with policies T1, T2 and T19 of the North Lincolnshire Local Plan, and policies CS19 and CS25 of the Core Strategy.

Flood risk and drainage

Policies DS16 of the North Lincolnshire Local Plan, CS18 and CS19 of the North Lincolnshire 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. The proposal is for 'more vulnerable' development. However, the proposals are within Flood Zone 1 for residential development on an existing residential site. Therefore, the proposals are acceptable in respect of flood risk.

Comments regarding drainage are noted. However, the application is an amendment to the earlier permissions for the site. Therefore, it is unreasonable to place conditions in relation to flood risk and drainage on this approval for one additional dwelling. The Section 38 Agreement for the site will deal with drainage for the site.

Therefore, 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.

Contamination and environmental issues

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

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

The comment from Environmental Protection asking for conditions be applied requesting contaminated land reports and restricting construction times are noted. However, as this permission is in effect an amendment to the 1999, 2015 and 2016 permissions, it would be

unreasonable to impose such conditions in relation to one additional dwelling when the remainder of the development has no such conditions. Further to the above, it is noted that throughout the course of the application the applicant has provided additional information by way of a Phase 1 Desk Study Report and Phase 2 Site Investigation Report. In considering the above, whilst it would be unreasonable to require additional information via condition it is considered reasonable to attach a condition requiring the reporting of unexpected contamination.

Subject to the aforementioned condition, the proposal is in accordance with policies DS7 of the Core Strategy and paragraph 178 of the NPPF.

Protected species and conservation

Policy CS17 of the Core Strategy is relevant. This relates to the council promoting effective stewardship of North Lincolnshire's wildlife. This includes the requirement for development to produce a net gain in 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.'

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.

The application site is not within an area of land designated for nature conservation.

Comments have been sought from the council's ecologist. In summary, following the confirmation that a great crested newt district level licensing certificate has been obtained, they have no objections, subject to a condition requiring the installation of swift bricks in the new dwellings.

Having had regard to the above, it is considered that sufficient information has been provided and that the proposals would be acceptable in terms of protected species and nature conservation. Therefore, the proposals would be in accordance with policy CS17 of the North Lincolnshire Core Strategy, and paragraphs 174 and 180 of the NPPF.

Other issues

In terms of the public right of way (PROW), the comments are noted. As this application is an amendment to the earlier permission for the wider site, the issues raised regarding the PROW are beyond the scope of this application. However, it should be noted that under the approved plans for the wider site the PROW is to be relocated through the eastern edge of the site.

Conclusion

This application is for planning permission to erect six dwellings, replacing the previously approved five dwellings on the plots (Plots 76, 77a, 77b, 78a, 78b and 78c). The application is acceptable in principle and in respect of design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk and drainage, contamination and environmental issues, and protected species and nature conservation. 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:

- Revised Site Layout Plots 75-79 - TL014-SP-01I
- Plot 78 C Below DPC - 014-P78C-01
- Plot 78 C Ground Floor Plan - 014-P78C-02 A
- Plot 78 C Electrical Layout - 014-P78C-04 A
- Plot 78 C Elevations - 014-P78C-05 A
- Plot 78 C Window and Door Schedules - 014-P78C-07
- Plot 78a Section A-A - 014-P78C-08
- Plot 78c Stairwell Location - 014-P78C-09 A
- Standard Garage Details - TL-SGD-02 B
- Plot 74B Below DPC - 014-P74B-01 A
- Plot 74B Ground Floor Plan - 014-P74B-02 A
- Plot 74B Ground Floor Electrical Layout – 014-P7B-04 A
- Plot 74B First Floor Electrical Layout - 014-P74B-05 A
- Plot 74B Elevations - 014-P74B-06 A
- Plot 74B Stairwell Location Plan - 014-P74B-07
- Plot 77B Window & Door Schedules - 014-P77B-08 A
- Plot 74B Section A-A - 014-P74B-09 A
- Site Location Plan Plot 76, 77A, 77B, 78B & 78C – 5494 – 10
- Plot 78B Below DPC - 014-P78B-01
- Plot 78B Ground Floor Plan - 014-P78B-02 A
- Plot 78B First Floor Plan - 014-P78B-03 A
- Plot 78B Electrical Layout - 014-P78B-04 B
- Plot 78B Elevations - 014-P78B-05 A
- Plot 78B Sales & Planning Layout - *****
- Plot 78B Window & Door Schedules - 014-P78B-07
- Plot 78B Section A-A - 014-P78B-08
- Plot 78B Stairwell Location Plan - 014-P78B-01 A
- Plot 76 DPC - TL014-76-01 B
- Plot 76 Ground Floor Plan - TL014-76-02 B

- Plot 76 First Floor Plan - TL014-76-03 B
- Plot 76 Ground Floor Plan Electrics - TL014-76-04 B
- Plot 76 First Floor Plan Electrics - TL014-76-05 B
- Plot 76 Elevations - TL014-76-06 B
- Plot 76 Stairwell Location Plan - TL014-76-07 B
- Plot 76 Stairwell Location Plan - TL014-76-08 B
- Plot 76 Section AA - TL014-76-09 B
- Drainage Layout Phase 2 Section 104 - 02:1784/020 D.

Reason

For the avoidance of doubt.

3.

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

Reason

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

4.

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

Reason

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

5.

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

Reason

To protect residential amenity.

6.

The development hereby approved shall incorporate swift bricks on the exposed gables of the new dwellings above eaves height.

Reason

In the interest of nature conservation.

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.

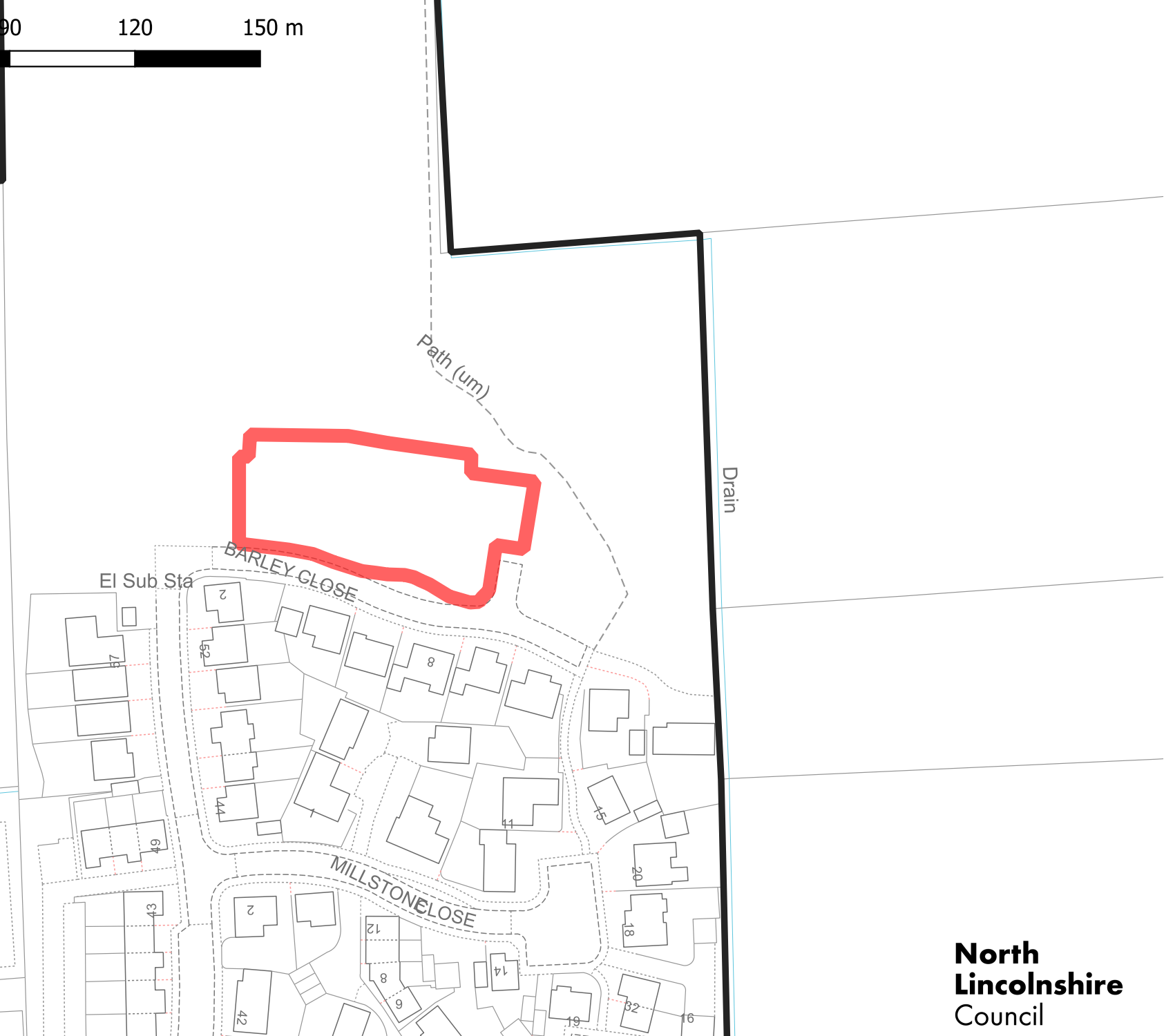


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Drain

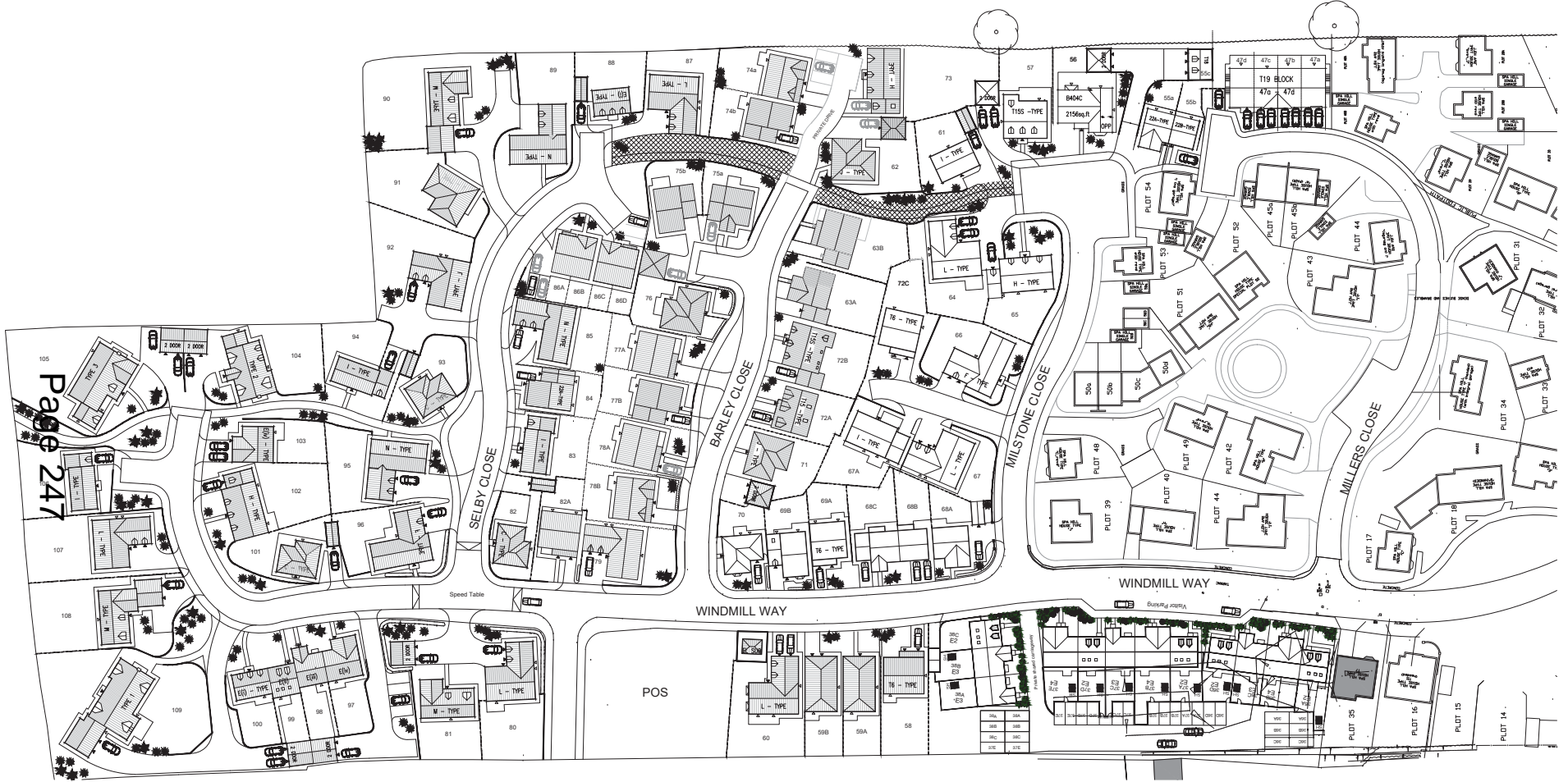
Bowling Green

Development Boundary



**North
Lincolnshire
Council**

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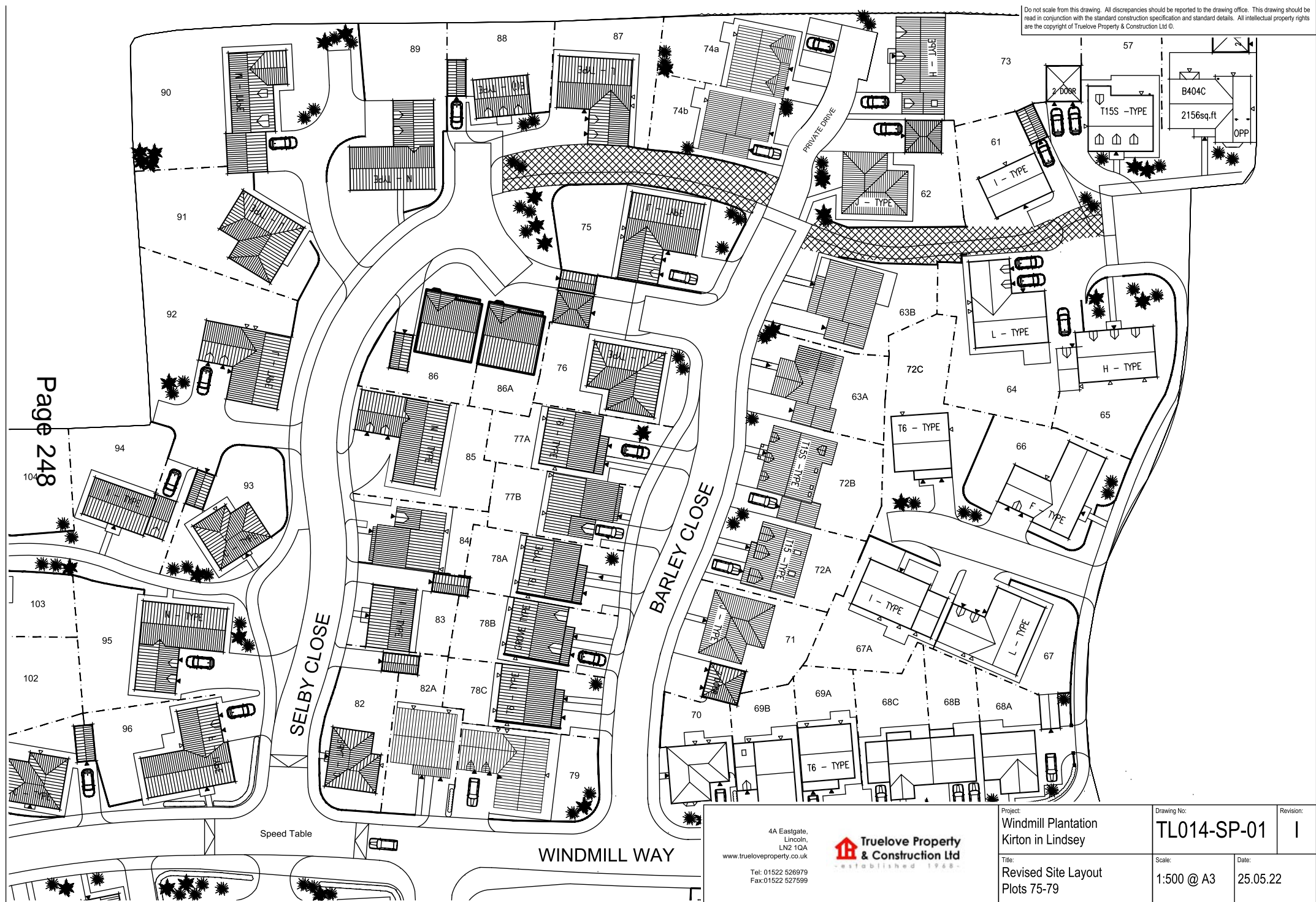


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<p> <small>AK Engineering L16 7DA www.ak-engineering.co.uk Tel: 01502 530979 Fax: 01502 527558</small> </p>	<p>  Truelove Property & Construction Ltd <small>CONSTRUCTION SPECIALISTS</small> </p>
<p> Windmill Way Kirton in Lindsey Site Plan Entire Development </p>	
<p> Date: 15.03.16 Scale: 1:500 @ A1 Drawing No: 014-SP-01 </p>	<p> Revision: D </p>

PA/2021/1251 Revised site layout (plots 75-79) (site as proposed) (not to scale)

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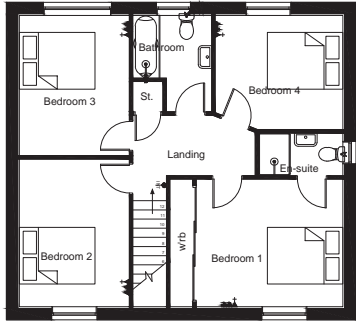
4A Eastgate, Lincoln, LN2 1QA www.trueloveproperty.co.uk Tel: 01522 526979 Fax: 01522 527599	 Truelove Property & Construction Ltd <small>ESTABLISHED 1968</small>	Project: Windmill Plantation Kirton in Lindsey	Drawing No: TL014-SP-01	Revision: I
		Title: Revised Site Layout Plots 75-79	Scale: 1:500 @ A3	Date: 25.05.22

PA/2021/1251 Plot 78B plans and elevations (new plot) (not to scale)

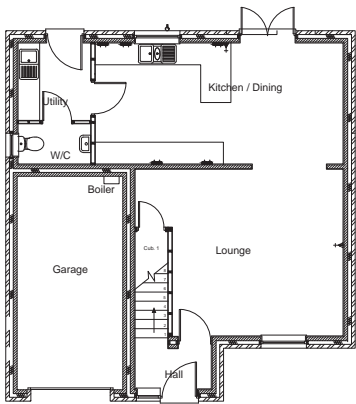
NOTE TO PURCHASERS

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PLEASE NOTE THAT DIMENSIONS ARE APPROXIMATE



FIRST FLOOR PLAN



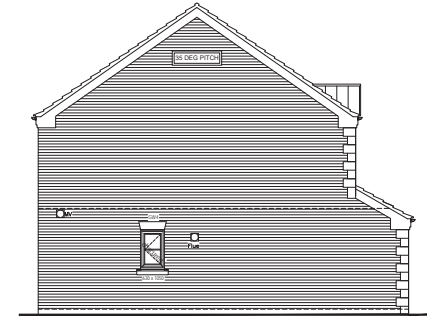
GROUND FLOOR PLAN



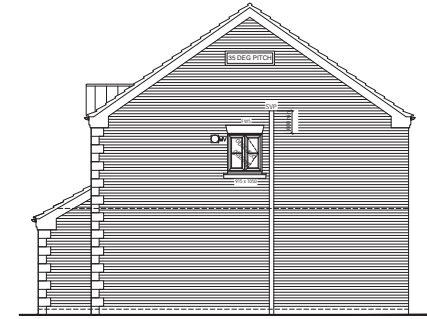
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION

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TG = Toughened Glass to be provided to glazed areas within critical areas to comply with Part K of the Building Regulations i.e Areas within 800mm above FFL

ROOM SIZES	
Kitchen/Dining	6550 x 3200
Utility	1923 x 2050
Lounge	5500 x 4413 Max
Bedroom 1	3336 x 3700
En-suite (Bed 1)	1175 x 2418
Bedroom 2	3000 x 3962
Bedroom 3	4550 x 2360
Bedroom 4	3913 x 3213
Bathroom	3118 x 2000 Max

Rev	Details	Date
Revisions		
4A Eastgate, Lincoln, LN2 1GA www.truestoveproperty.co.uk Tel: 01522 526979 Fax: 01522 527599		
Project: Windmill Plantation Kirtin Lindsey		
Title: Plot 78B Sales & Planning Layout		
Scale: 1:50/100 @ A2	Drawing No: *****	Revision: -
Date: 06.08.21		

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APPLICATION NO	PA/2022/448
APPLICANT	Mr A Almond
DEVELOPMENT	Application for permission in principle for the erection of a dwelling
LOCATION	Land to the west of Janrew, Main Street, Cadney, DN20 9HR
PARISH	Cadney
WARD	Ridge
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Support by Cadney cum Howsham 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 11: Making effective use of land

Chapter 12: Achieving well-designed places

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

North Lincolnshire Local Plan:

Policy H8: Housing Design and Housing Mix

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

Policy RD2: Development in the Open Countryside

Policy DS1: General Requirements

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering more Sustainable Development

Policy CS3: Development Limits

Policy CS5: Design

Policy CS7: Overall Housing Provision

Policy CS8: Spatial Distribution of Housing Sites

Policy CS19: Flood Risk

CONSULTATIONS

Environmental Protection: No objection subject to conditions.

LLFA Drainage Team: No objection subject to conditions.

Highways: No objection subject to conditions.

PARISH COUNCIL

Supports the application but has reservations concerning the infrastructure in the area, specifically water supply and roads.

Also, some reservations about the building behind the property and whether that is within the current building line.

PUBLICITY

A site notice has been posted and 14 comments have been received: 7 objecting to the proposal and 7 in support. The matters raised include the following:

Objections:

- drainage
- design
- increase in traffic
- privacy
- sunlight and daylight
- highway issues
- overlooking
- sub-division of garden land

- cramped development
- effect on views over the countryside
- impact on the character of the village
- the utilities in the village.

Support:

- support the use of garden space for new development
- no issue of public safety
- no issue of increased traffic
- no privacy issues
- the design looks in keeping with the local area.

ASSESSMENT

Description of site and proposed development

Planning permission in principle is sought for the erection of a dwelling on land to the west of Janrew, Main Street, Cadney.

The application site lies partly within and partly outside the development boundary of Cadney. It comprises a large two-storey detached dwelling with a shed attached to the gable and an outbuilding within the curtilage of the dwelling at the rear. The site fronts Main Street. It is bounded on the west by Pye Cottage and on the east by The Paddock. At the rear, it is bounded by a field.

The application site is screened by mature trees, hedging and a close-boarded timber fence.

The proposal involves the sub-division of the existing garden of Janrew to form two dwellings (i.e. an additional dwelling to be added to the existing dwelling).

A site location plan and an indicative block plan have been submitted for consideration. The proposed dwelling would be sited on that part of the plot outside the development boundary. The block plan shows that the proposal would comprise a two-storey detached dwelling and a single-storey outbuilding.

A new vehicular access from Main Street would be formed to serve the proposal.

The key issue for consideration is the principle of development.

Principle of the development

The permission in principle route has two stages: the first ('permission in principle') establishes whether a site is suitable in principle; and the second ('technical details consent') is when the detailed development proposals are assessed.

The scope of permission in principle is limited to location, land use and amount of development. Other matters should be considered at the technical details consent stage. It is not possible for conditions to be attached to a grant of permission in principle nor can planning obligations be secured, and its terms may only include the site location, the type of development and the amount of development.

The technical details consent stage will provide the opportunity to assess the detailed design of the scheme to ensure that any impacts are appropriately mitigated and that contributions to essential infrastructure, for example, are secured. If the technical details are not acceptable, the local authority can refuse the application.

As indicated earlier, this proposal seeks to subdivide the property of Janrew to erect a new two-storey detached dwelling and an outbuilding.

The site is partly within and partly outside the development boundary. An indicative layout has been submitted to demonstrate that a dwelling can be accommodated on the site.

The indicative layout shows that the dwelling would be sited on the northern part of the site, outside the development boundary. It also shows a new access and driveway would be formed.

Legislation requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP) and the North Lincolnshire Core Strategy (NLCS).

Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the National Planning Practice Guidance (NPPG).

The relevant planning policies to determine the principle of development are RD2 (Development in the Open Countryside) of the local plan and Policy CS2 (Delivering More Sustainable Development) and CS3 (Development Limits) of the Core Strategy.

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

Policy CS2 (Delivering More Sustainable Development) allows for small-scale development within the defined development limits of rural settlements to meet identified local needs. 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 outside development boundaries development will be restricted to that which is essential to the functioning of the countryside. In local planning terms, the site for the dwelling is outside the development boundary within the open countryside.

Having reviewed the above policies, in line with the proposal, the dwelling would be located in the northern part of the plot, outside the development boundary, in the countryside, where it would conflict with policies CS2 and CS3 of the Core Strategy for the reason that it is not related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry, and the site is not an allocated housing site.

Notwithstanding the development plan policies and the assessment 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 positively, at the heart of the Framework is a presumption in favour of sustainable development.'

Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up to date.

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

In this case, the applicant has not submitted any information to demonstrate the three dimensions of sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental benefits of the development.

The Framework recognises that sustainable development is about change for the better. It is about growth, plus making economic, environmental and social progress. To achieve sustainable development, the authority seeks economic, social and environmental gains jointly.

The development would be just outside the settlement boundary and potentially would have some level of economic, social and environmental benefits. However, the planning authority's assessment of the three dimensions of sustainable development as set out in paragraph 8 of the Framework concludes that Cadney is a small rural settlement with limited facilities and services to meet day-to-day needs. It is ranked the 60th in the Sustainable Settlement Hierarchy for North Lincolnshire (out of 86) so any benefit would be extremely low and there would be a reliance on the use of the motorcar to access facilities. Further, the proposal is for a single dwelling, so the benefit of the proposal is limited in terms of addressing the identified deficiency in deliverable housing sites. Therefore, the planning authority concludes that the proposal does not constitute sustainable development.

The details of the report set out below outline the impact of the development and judge that restricting development would not severely affect the ability of the authority to address the need for housing.

Overall, it is judged that the development conflicts with policies RD2 of the local plan, and CS2 and CS3 of the Core Strategy, and the benefit would not outweigh the negative impact outlined in the report. The proposal does not therefore qualify as sustainable development and the principle is not acceptable.

Layout and siting

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

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

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

Policy DS1 (General Requirements) expects a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. All proposals will be considered against 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.

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

The North Lincolnshire development plan does not presume against the sub-division of a plot for a new residential development on garden land. However, it requires that all

proposals should reflect or enhance the character, appearance and setting of the immediate area. Further, the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

The development pattern is a linear settlement, where the dwellings are constructed in lines, next to the road. While the plot would be divided along the side with direct access to the road, the frontage of the plot alongside the road would be at odds with the character of the area. Further, the plot size and shape would be uncharacteristic (unusual) in the immediate area and would not preserve the character of the area.

The indicative plan shows that the site layout, and a potential dwelling on the northern part of the site, would not reflect the character of the area, particularly in such an established linear settlement, where the dwellings are constructed in lines, next to the road.

Further, the dwellings alongside the road have suitably sized gardens at the rear of the property. This proposal would therefore unbalance the pattern and character of the area.

Overall, the siting and layout of the plot would not be appropriate and would not fit in well with the setting. In terms of the indicative plan, the location of the proposed dwelling would harm the character of the area. The layout of the dwelling would not retain the linear character of the dwellings in the area to preserve the visual impact.

Impact on the amenity of neighbouring properties

As indicated earlier, policies DS1 and CS5 expect a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. They require all proposals to be considered against the quality of the design and amenity, among others. Further, the NPPF advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

As this application is for permission in principle, the design details of the dwelling have not been provided. These would be considered at the technical details consent stage.

Highway matters

Policy T2 of the North Lincolnshire 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.

Highways have no objection to the application subject to conditions relating to the location and layout of the vehicular access; the number, location and layout of vehicle parking and turning spaces within the curtilage of the site; and the material for the driveway and parking area.

These conditions cannot be attached to a grant of permission in principle. 'Permission in principle' is to establish whether the site is suitable for residential development. The second stage is 'technical details consent', which is when the specific development proposals are assessed, including highway matters.

Flood risk and drainage

Policy CS19 of the Core Strategy is concerned with flood risk and policy DS14 is concerned with foul sewage and surface water drainage. The site is within SFRA Flood Zone 1 (Low flood risk area).

The LLFA Drainage Officer has been consulted and has no objection to the proposed development.

However, the officer has recommended that no development shall take place until a drainage strategy has been submitted to and approved in writing by the local planning authority. This should include proposals to mitigate the risk of localised flooding, together with preliminary drainage layout plans and outfall arrangements.

The officer has commented that the development lies within an area identified as at risk of localised flooding and has the potential for overland flow flood risk. They would therefore also suggest upsizing the pipe network and increasing storage around the development to cater for more intense storm conditions.

Further, although there is no requirement in terms of surface water flood risk compliance, it would be good practice on the developer's behalf to ensure an increased level of resilience for the development and its future occupiers.

These conditions cannot be attached to a grant of permission in principle. The approval of 'permission in principle' establishes that a site is suitable for residential development. The second stage is 'technical details consent' which is when the specific development proposals, including drainage, are assessed.

Parish council and public comments

As indicated earlier, Cadney Parish Council has raised concerns about infrastructure in the area, specifically water supply and roads. The public has also raised concerns about drainage, the design of the dwelling, traffic, impact on surrounding amenities and utilities. There is also support for the proposal with regard to impact on amenities, the design and highway issues.

The concerns raised and the support for the proposal are matters to be discussed at the technical details consent stage. Accordingly, no comments are made on the remarks.

Conclusions

While the site is partly within and partly outside the development boundary, the area within the development boundary cannot accommodate a dwelling. The indicative layout plan has confirmed that the development would be on the northern part of the plot, outside the development boundary. From the assessment above, the principle of a dwelling outside the development boundary does not comply with the local development plan.

While legislation requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise, the developer has not submitted any supporting information to demonstrate that the development is an acceptable departure or constitutes sustainable development.

On balance, as highlighted in the principle of the development section, the development conflicts with policies CS2 and CS3 of the Core Strategy and policies RD2 of the local plan and therefore is not acceptable in principle.

The siting and layout of the development are also not acceptable as the plot would not be appropriate for a dwelling, nor would it fit in well with the setting. The indicative plan also demonstrates the site layout and any potential dwelling on the northern part of the site would not reflect the character of the area, particularly the established linear settlement, where the dwellings are constructed in lines, next to the road. The layout of the dwelling would not retain the linear character of the dwellings in the area to preserve the visual impact. The siting and layout do not conform with the aims of policy DS1 of the local plan, nor Core Strategy policy CS5.

The benefit of the development would not outweigh the negative impact outlined in the report and the proposal does not, therefore, qualify as sustainable development.

The application is recommended for refusal.

RECOMMENDATION Refuse permission for the following reasons:

1.
The dwelling would be sited on the northern part of the plot, outside the development boundary for Cadney and therefore in the open countryside, where development is restricted to that which is essential to the functioning of the countryside. The development does not conform with policies RD2 of the North Lincolnshire Local Plan or CS2 and CS3 of the Core Strategy.

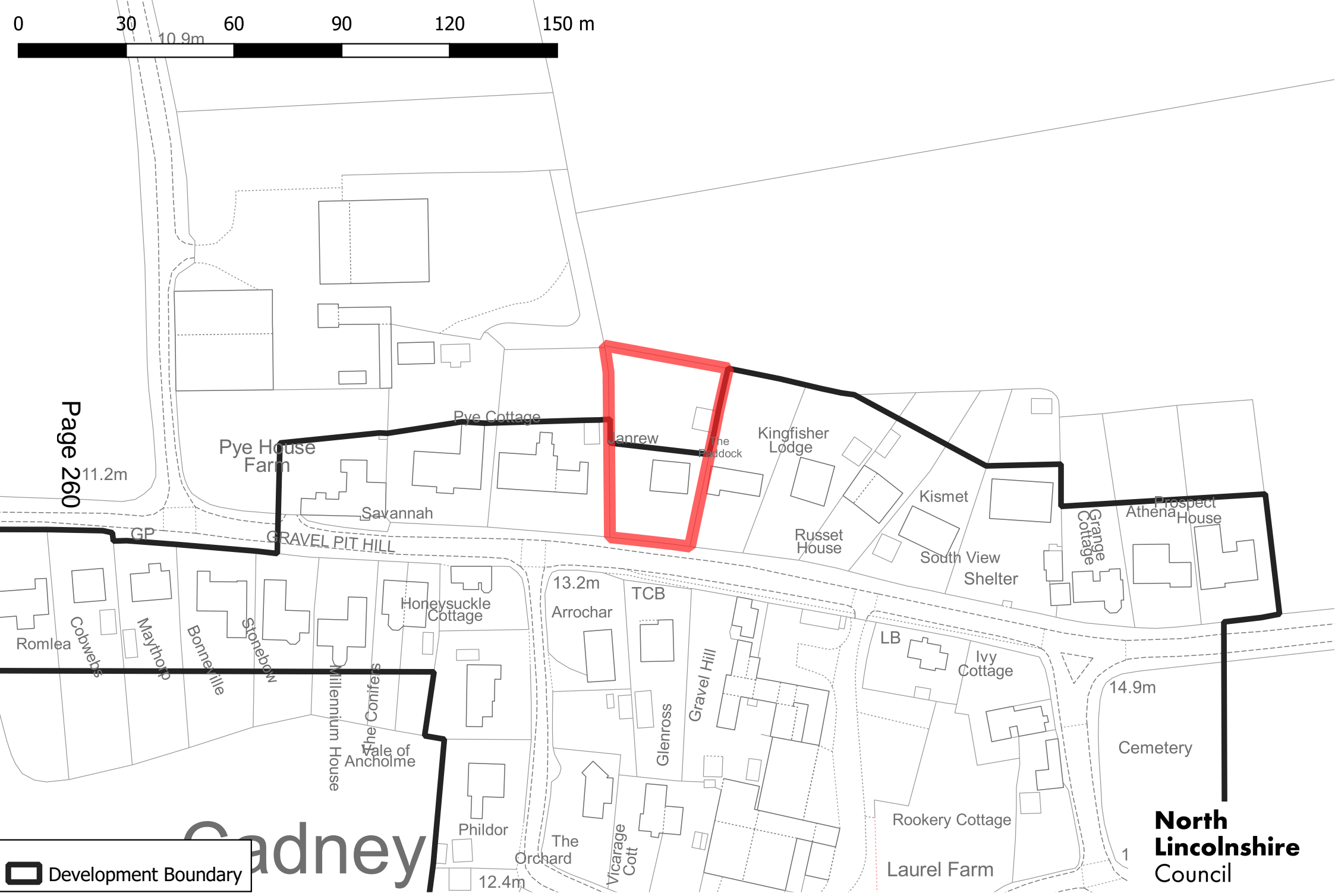
2.
The siting and layout would not be appropriate because a dwelling cannot fit in well in the southern part of the plot to conform to the character of the area; plus, in the northern part of the plot, where the dwelling is proposed on the site, it would not reflect the character of the area, particularly the established linear settlement, where the dwellings are constructed in lines, next to the road and preserve the visual impact. It would result in a cramped development to the detriment of the characteristics of the area, contrary to policy DS1 of the North Lincolnshire Local Plan, policy CS5 of the Core Strategy, and the National Planning Policy Framework in that the surrounding area is characterised by detached dwellings with large gardens set back considerably from the road.

Informative

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



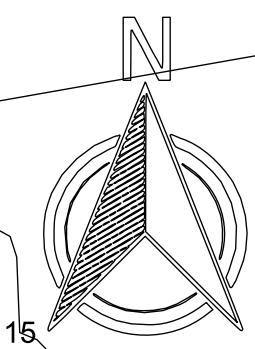
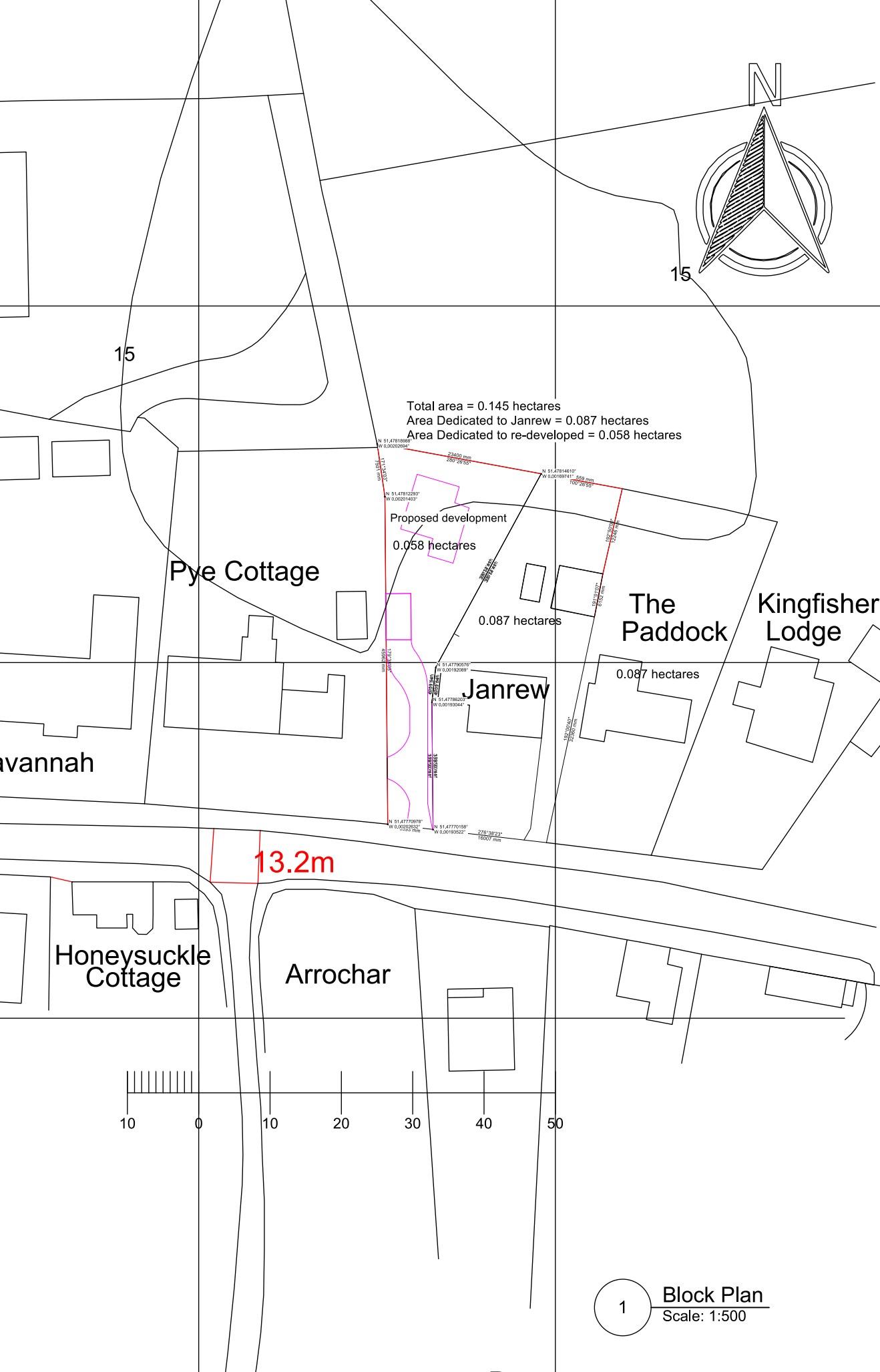
Page 260



 Development Boundary

PA/2022/448

**North
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Date	No.	Revision Notes

Date	No.	Issue Notes



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Project Title
**Proposed Development
 to West of 'Janrew',
 Main Street, Cadney
 for Mr A Almond.**

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

Sheet Scale 1:500 th	Drawn By DJK
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Total Sheets 1 - A3	Reviewed By Feb 2022
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File Name
 C:\Projects\2022\PA/2022/448\Drawings\001-Block Plan.dwg

Sheet No.
 100%-DKA- Plans - A3-GA(EL)004

Suitability
 Outline Planning Application

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All dimensions and levels to be verified on site.

1 Block Plan
 Scale: 1:500

PA/2022/448 Indicative elevations (not to scale)



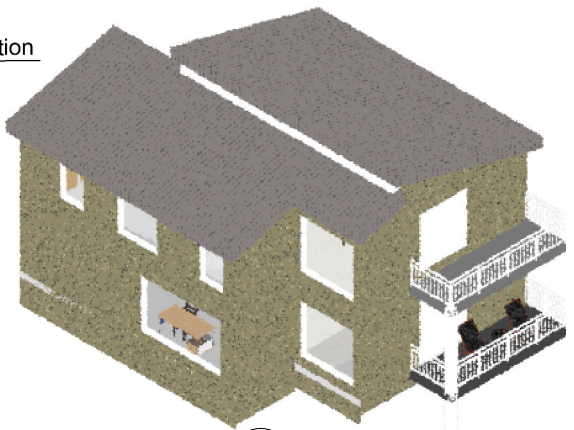
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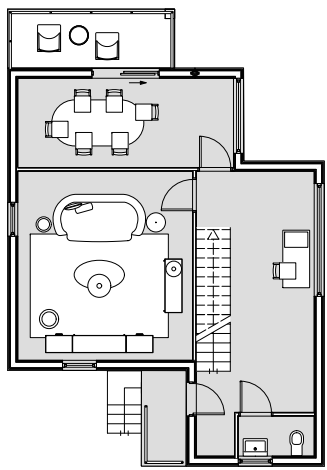
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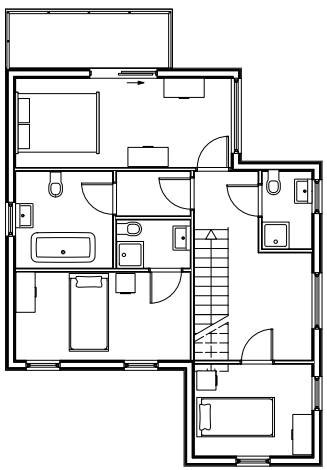
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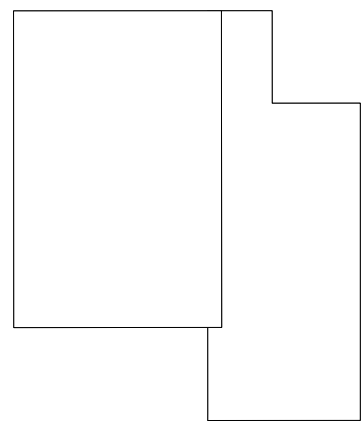
8 Rear Isometric Drawing
Scale: 1:100



1 Ground Floor Plan
Scale: 1:100



2 First floor Plan
Scale: 1:100



3 Roof Plan
Scale: 1:100



7 Rear Elevation
Scale: 1:100

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Date: 15/03/22 Revision Notes:

Date: 15/03/22 Issue Notes:



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CIOBRIBA

Project Title:
Application for Permission in Principle for development of Land adjoining 'Janrew', Main Street, Cadney for Mr and Mrs A Almond.

Sheet Title:
General Arrangement - Concept Drawing House Plans and Elevations.

Sheet Scale 1:100 th	Drawn By DJK
Total Sheets 1 - A3	Revised By Mar 2022

File Name:
 Development on Main Street, Cadney for Mr and Mrs A Almond.

Sheet No.
 1001-DJK- Plans -A3-GA(EL)003

Submitted:
 Planning Application

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APPLICATION NO	PA/2022/832
APPLICANT	Ms Agnieszka Czajkowska
DEVELOPMENT	Planning permission for the part change of use of existing dwelling to part dwelling part hairdresser salon (sui generis)
LOCATION	24 Parkin Road, Bottesford, DN17 2QT
PARISH	Bottesford
WARD	Bottesford
CASE OFFICER	Deborah Oikeh
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Bottesford Town Council Member 'call in' (Cllr Margaret Armiger – insufficient grounds for change of use)

POLICIES

National Planning Policy Framework: Sections 6 & 12 (Building a strong and competitive economy & achieving well-designed places)

North Lincolnshire Local Plan: DS1, DS4, T2, T19

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

CONSULTATIONS

Highways: No objections or comments.

Drainage (Lead Local Flood Authority): No objection or comments.

Environmental Protection: No objections but recommend a noise condition.

TOWN COUNCIL

'Several comments have been received from Councillors at Bottesford Town Council concerning this application. The overall feeling is Parkin Road is within a residential area and homes should not be converted into commercial businesses. The Bottesford Ward Councillors have called this in to North Lincolnshire Council planning dept. Parking issues were raised due to the narrow residential street of Parkin Rd.'

PUBLICITY

Advertised by site notice – no comments received.

ASSESSMENT

Planning history

None.

Site constraints

The site is within the development boundary of the Scunthorpe and Bottesford Urban Area according to the Housing & Employment Land Allocations DPD (HELADPD) 2016.

The site is within SFRA flood zone 1.

Site characteristics

The application site comprises the main dwelling (two-storey house), the parking area to the frontage, and the garage and garden to the rear of the site – the proposed location for the salon. The site is mostly residential, within the development boundary of the settlement and in flood zone 1.

Proposal

The application seeks consent to change the use of the garage in the rear garden into a hair salon that serves, at the most, 3 clients each day. The applicant confirms in the planning statement that clients are occasionally invited to the house for styling but she now seeks to regularise the use of part of the dwelling as a salon.

Main considerations

- **principle of development**
- **impact upon residential amenity**
- **impact upon character and appearance**
- **impact upon access and parking**
- **flood risk and drainage.**

Principle of development

Policy CS1 is concerned with the overall spatial strategy for North Lincolnshire. It states, 'Scunthorpe will be the focus for the majority of new development and growth, including housing, employment, retail, sustainable transport links, and higher order services and facilities to serve North Lincolnshire.

Furthermore, policy CS2 sets out a sequential approach to development in respect of land types. In supporting the delivery of the spatial strategy set out in policy CS1, as well as determining how future development needs will be met in North Lincolnshire, a sequential approach should be adopted. Development should be focused on: previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions.

Policy CS3 states, 'Development limits will be applied to the Scunthorpe urban area, the market towns and rural settlements giving consideration to the capacity, character and existing development patterns.'

Policy DS4 (Changes of Use in Residential Areas) sets out that within residential areas, favourable consideration will be given to proposals for a change of use from residential to other uses. This is provided that the development will not adversely affect residential amenity by virtue of noise, vibration, traffic generation, reduction in road safety, odorous emissions (by way of dust, smell, fumes, smoke, soot, ash or grit) or other adverse environmental conditions.

Therefore, whether the proposed change of use within the site to allow for a salon that is attached to the dwelling is acceptable is largely dependent on whether the use will have an acceptable impact on the amenity of neighbouring uses, and if suitable parking arrangements are proposed.

In this case, the site is within the development limit of Scunthorpe and in an urban area, and as such there is no objection in principle.

Impact upon residential amenity

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

Policy DS4 (Changes of Use in Residential Areas) sets out that within residential areas, favourable consideration will be given to proposals for a change of use from residential to other uses. This is provided that the development will not adversely affect residential amenity by virtue of noise, vibration, traffic generation, reduction in road safety, odorous emissions (by way of dust, smell, fumes, smoke, soot, ash or grit) or other adverse environmental conditions.

Whilst the proposal is adjacent to the adjoining neighbour's garage, the neighbour's garage is not a habitable space. The host garage is a single-storey structure to the rear with appropriate fenestration that looks away from the neighbouring site. It is therefore considered that the proposal will not result in unacceptable overbearing, overlooking or overshadowing impacts. In terms of noise and odour, according to the planning statement, the applicant aims to attend to 2–3 clients a day as each appointment lasts for 2–3 hours. So, at any given time there will only be one client within the premises. Any potential noise impact will therefore be no greater than at present. It is not considered that the proposal will create any significant noise or pollution impacts such that it would adversely affect the residential amenities of adjoining and surrounding neighbours.

The Environmental Protection team has been consulted and has no objections but recommends a condition restricting the service hours to 9.30am to 6pm Tuesday to Saturday. This will be attached to any permission granted.

Subject to these conditions it is not considered that there would be a significant impact upon the amenity of the neighbouring property to warrant resistance of the proposal on these grounds. The proposal is therefore considered to be in accordance in this regard with policies DS4 and DS1.

Impact upon character and appearance

Policies DS1 and CS5 (Delivering Quality Design in North Lincolnshire) are concerned with visual amenity.

Policy DS4 allows for proposals for a change of use from residential to other uses in residential areas provided that the development will not adversely affect the appearance and character of the residential area.

Parkin Road is mostly residential; however, as one approaches Keddington Road, around 1–2 minutes' walk from the host property, a mixed development of both residential and businesses can be observed, including The Black Beauty public house, fish and chip shop, hot food takeaway and another convenience store. The proposal will be to the rear of the dwelling – a single-storey structure with no significant changes to the external appearance. There will be no increase in the number of openings or the overall scale of the outbuilding. Additionally, the applicant does not intend to put any signage to the frontage of the house, neither will the proposed salon be seen from public view given its location. It is therefore considered that the proposal will not detract from the residential character of the dwelling. As such the proposal is not considered to be contrary in this regard to the requirements of policies DS4 and CS5.

Impact upon access and parking

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. Both are considered relevant, as is policy DS4.

Access to the site will be via Parkin Road. The site benefits from 2 off-street car parking spaces, providing 1 space each for the applicant and a client at any one time. Given that the service will only be provided to any client by appointment which takes 2–3 hours and only 1 client can be attended to at a time, it is considered that the on-site parking provision will be sufficient. As such it is considered appropriate to secure this by condition to ensure the comings and goings to the property are kept at an appropriate level. It is considered that this condition and the condition recommended by Environmental Protection are restrictive enough and protective of the council's interest.

The council's Highways team has reviewed the application and has no objection. It is considered, subject to conditions that the proposal would be in accordance with policies T2, T19 and DS4.

Drainage and flood risk

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

The proposed site is within SFRA flood zone 1 and is therefore a suitable location for development. The LLFA drainage team has been consulted and has no objections or comments. It is therefore assessed that the proposal accords with policies DS14 and DS16 of the local plan and CS19 of the Core Strategy.

Conclusion

This proposal is for the change of use of part of the dwelling to a salon. The site is set within the development boundary of Bottesford within flood zone 1. The site is occasionally utilised for the proposed use as confirmed in the planning statement. The regularisation of this use will benefit the applicant as well as protecting the interests of the council. Section 6, paragraph 81 of the NPPF encourages 'planning policies and decisions to 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 opportunities for development'. It is considered that the recommended planning conditions are restrictive enough and protective of the residential amenity of Parkin Road and its surroundings. This proposal 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:

- Location and block plan 24PR_BS_LP
- Existing and proposed elevation 24PR_BS_010
- Floor plan 24PR_BS_10_22.

Reason

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

3.

The hours of opening shall be restricted to:

- Tuesday to Saturday 9.30am to 6pm.

Collections and deliveries shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

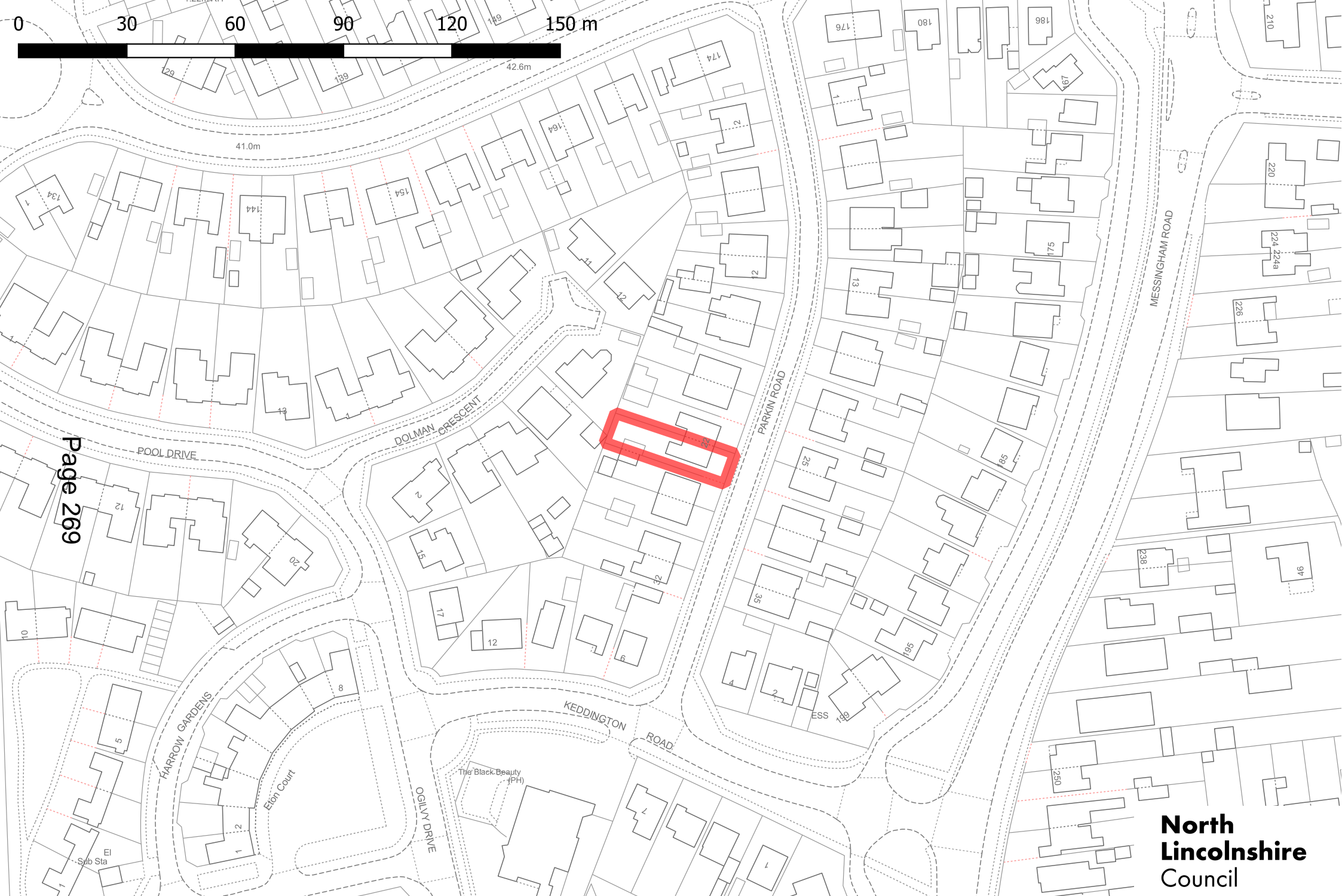
Visits to the salon shall be by appointment only and a maximum of three customers shall use the premises per day.

Reason

To regulate and control the use on the site which is in a residential area and to protect the amenity of neighbours in accordance with policies DS1 and DS4 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.

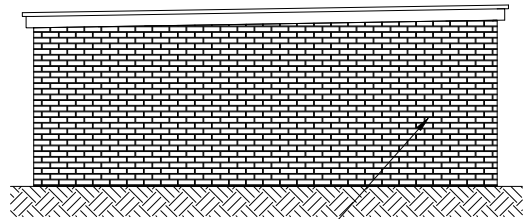


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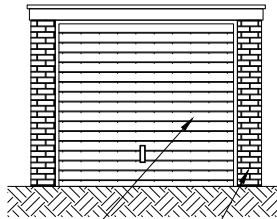
PA/2022/832 Existing and proposed elevations(not to scale)

Existing side elevation 1:100



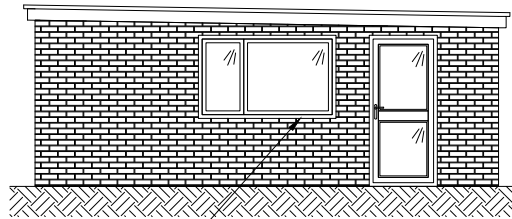
brick

Existing front elevation 1:100



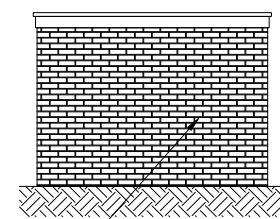
Garage steel gate
brick

Existing side elevation 1:100



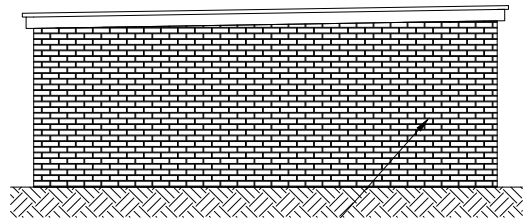
brick

Existing rear elevation 1:100



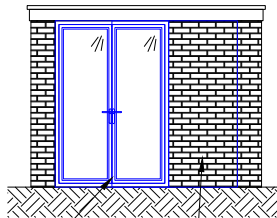
brick

Proposed side elevation 1:100



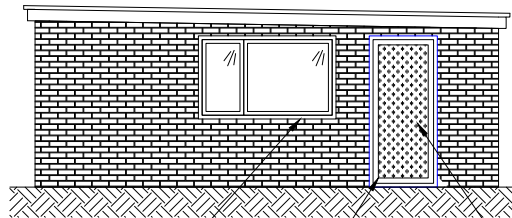
brick

Proposed front elevation 1:100



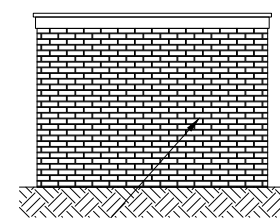
French door transparent glass in full 1500x2100mm
brick work match to existing

Proposed side elevation 1:100



replace existing door with obscure window 900x1800

Proposed rear elevation 1:100



brick

Plexiglas obscure fitted in aluminum profile frame finish with foil 900x1800

Page 270

DRAWING DESCRIPTION: EXISTING and PROPOSED ELEVATION

SITE: 24 Parkin Road Scamthorpe DN17 2QT

CLIENT: Ms. Agnieszka Czajkowska

DATE: 1/04/2022 **DWG NO:** 24PR_BS_010

SCALE: 1:100 (as noted @A3) **DRAW:** T.Z

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APPLICATION NO	PA/2022/968
APPLICANT	Jones
DEVELOPMENT	Planning permission for a garage conversion with a front bay window
LOCATION	Holly House, 2 Commonside, Westwoodside, DN9 2AP
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Alan Redmond
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 12 – Achieving well-designed places

North Lincolnshire Local Plan:

DS1 – General Requirements

DS5 – Changes of Use in Residential Areas

T19 – Car Parking Provision

HE5 – Development affecting Listed Buildings

SPG1 Design Guidance for House Extensions

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

North Lincolnshire Housing and Employment Land Allocations Development Plan Document

CONSULTATIONS

Highways: No objections.

LLFA Drainage: No objections.

PARISH COUNCIL

Objects due to the potential increase in on-street parking due to loss of the garage.

PUBLICITY

Advertised by site notice - no responses received.

ASSESSMENT

Planning history

2/1992/0808: Erection of a detached dwelling and garage – approved 11/12/1992

PA/2004/0875: Erection of a conservatory – approved 24/06/2004.

Material considerations

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

Principle of development

The site is located within the development limits of the rural settlement of Westwoodside where the principle of sustainable development is acceptable, as identified by policy CS3 of the Core Strategy, subject to all other material planning considerations.

The application seeks consent to convert the existing double integral garage to form additional living accommodation. The conversion of an integral garage to accommodation would normally be permitted development; however, the property has had its permitted development rights removed by condition imposed on the original consent for the dwelling under reference 2/1992/0808.

Visual amenity

The existing property is a two-storey detached dwelling. The proposed conversion of the garage will involve the bricking up of the existing garage opening and the formation of a bay window under the existing canopy which spans the frontage of the property.

It is considered that the proposal will not result in any adverse implications in terms of visual amenity and is therefore considered in accordance with the requirements of policies CS5 and CS6 of the Core Strategy and HE5, DS1 and DS5 of the local plan with regard to visual amenity and heritage, and SPG1.

Residential amenity

Due to the proposal principally being within the envelope of the existing property, it is considered that it will not result in any overshadowing, massing or overbearing impacts. It is considered that the proposal will not result in any adverse implications in terms of residential amenity and is therefore considered in accordance with the requirements of policies CS5, DS1 and DS5 with regard to residential amenity and SPG1.

Highway safety

Concern has been raised by the parish council with regard to the loss of the garage and the potential to displace vehicles onto the highway. The applicants have provided a layout plan detailing that a minimum of two vehicles can be parked to the front of the property. It is considered that the level of off-street parking is sufficient to meet the needs of the property without undue displacement onto the public highway.

The junction of Commonsides and Newbigg Road is controlled by a traffic regulation order which would prevent parking near the junction. It is considered that any displacement onto the highway would not cause any adverse impact to highway safety.

No objections have been raised by the highway authority.

Conclusion and planning balance

The decision has been considered against the relevant policies of the North Lincolnshire Local Plan, the Core Strategy, SPG1 and guidance contained in the National Planning Policy Framework and National Planning Practice Guidance.

It is considered that the proposal represents appropriate development with no outstanding issues. Approval is therefore recommended subject to conditions.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

2.
The development hereby permitted shall be carried out in accordance with the following approved plans/documents:

- Application Form
- Site Location Plan
- Block Plan Drawing Number 007
- Proposed Elevations and Floor Plans Drawing Numbers 002 and 004.

Reason

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

3.

The facing materials to be used in the development hereby permitted shall match as closely as possible those used in the construction of the existing building.

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.



Westwoodside

 Development Boundary

PA/2022/968

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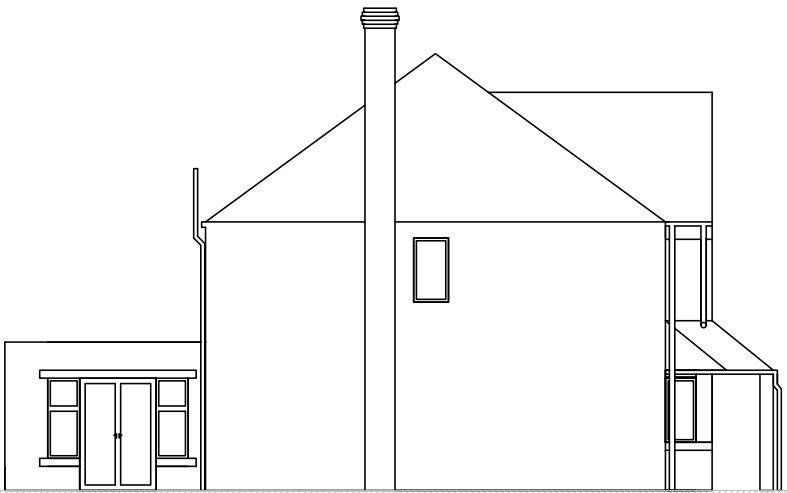
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PA/2022/968 Existing elevations (not to scale)

Notes			
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Rev	Date	Drawn	Description
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FRONT ELEVATION 1:50



SIDE ELEVATION 1:50



SIDE ELEVATION 1:50



REAR ELEVATION 1:50

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MaxDesign			
Architecture Planning Consultancy			
<small>Armstrong House, First Avenue, Doncaster DN9 3GA t: 01302 867509 m: 07734 939 044 e: design@maxdesignconsultancy.co.uk w: maxdesignconsultancy.co.uk</small>			
status: PLANNING			
client: Osborne			
project: Holly House, Westwoodside, DN9 2AP			
title: ELEVATIONS AS EXISTING			
scale: 1:50@A1		date: JAN 2022	
project no: 22002	drawn: PW	number: 003	rev: -

PA/2022/968 Proposed elevations (not to scale)

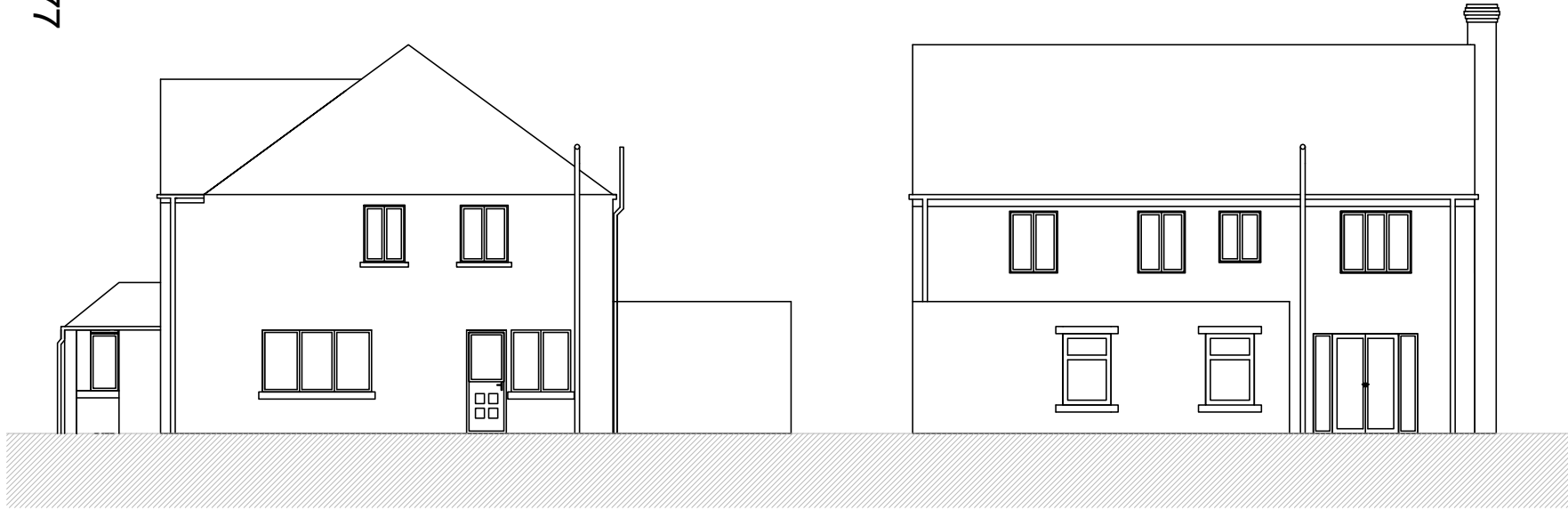
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FRONT ELEVATION 1:50

SIDE ELEVATION 1:50

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SIDE ELEVATION 1:50

REAR ELEVATION 1:50

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Architecture | Planning | Consultancy

Armstrong House, First Avenue, Doncaster DN9 3GA
 t: 01302 867509 m: 07734 939 044
 e: design@maxdesignconsultancy.co.uk w: maxdesignconsultancy.co.uk

status:
PLANNING

client:
-

project:
Holly House, Westwoodside, DN9 2AP

title: ELEVATIONS AS PROPOSED

scale: 1:50@A1 date: JAN 2022

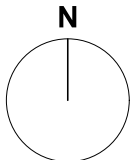
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PA/2022/968 Car parking spaces (not to scale)

Notes			
Figured dimensions only to be taken from this drawing. Do not scale if in doubt ask.			
Rev	Date	Drawn	Description
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MaxDesign ^{MD}			
Architecture Planning Consultancy			
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status: PLANNING			
client: Osborne			
project: Holly House, Westwoodside, DN9 2AP			
title: Car Parking Plan			
scale: 1:100@A1		date: JAN 2022	
project no: 22002	drawn: PW	number: 007	rev: -

APPLICATION NO	PA/2022/1158
APPLICANT	Mr James Pearson
DEVELOPMENT	Planning permission to erect six dwellings with a new entrance, access road and landscaping (including demolition of existing dwelling)
LOCATION	Briar Lodge, Silver Street, Barrow upon Humber, DN19 7DN
PARISH	Barrow upon Humber
WARD	Ferry
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Barrow upon Humber Parish Council Significant public interest

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a Sufficient Supply of Homes

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and Enhancing the Natural Environment

Chapter 16 – Conserving and Enhancing the Historic Environment

North Lincolnshire Local Plan:

Policy DS1 (General Requirements)

Policy DS7 (Contamination)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

Policy H5 (New Housing Development)

Policy H7 (Backland Development)

Policy H8 (Housing Design and Housing Mix)

Policy HE9 (Archaeological Excavation)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering more Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource and Climate Change)

Policy CS19 (Flood Risk)

Policy CS25 (Promoting Sustainable Transport)

Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

CONSULTATIONS

Highways: No objections subject to conditions relating to access, visibility, car parking and turning.

LLFA Drainage: Based on the resubmitted information, whilst aware that the proposed design is reliant on a new connection into Anglian Water's foul sewer and overland flow from the neighbouring developments has not been addressed, the LLFA withdraws their objection subject to conditions requiring the submission of a surface water drainage scheme for the site and relating to the prevention of surface water run-off from the site onto the highway and from the highway onto the site.

Anglian Water: Views awaited.

Environmental Protection: No objection, but recommend conditions relating to contamination, and restriction of working hours and site clearance operations. Also recommend the submission of an asbestos survey before the application is determined.

HER (Archaeology): Briar Lodge dates from before the late 19th century and may contain earlier structural fabric of mud and stud or timber-framed construction. A systematic record of the building should be made prior to and during its demolition. Archaeological remains of early occupation may also be anticipated within the application site. In accordance with NPPF paragraph 194 and local planning policies CS6 and HE9, the applicant has submitted a Written Scheme of Investigation (WSI) for archaeological monitoring and recording during below-ground construction work. Where the planning authority is minded to grant consent, any permission should be subject to conditions securing the implementation of a programme of historic building recording prior to development commencing and of the archaeological mitigation strategy in accordance with the submitted WSI.

HER (Conservation): No objection. The application site is approximately 100 metres to the west of Barrow conservation area and approximately 40 metres to the west of Welholme, a grade II listed building. The proposed development has the potential to impact on the setting of these heritage assets. What is important in this instance is firstly the design of the property on the street frontage (plot 1). The building on plot 1 has been designed in a traditional agricultural form that respects the setting of the listed building and the conservation area. What will be key are the materials used for construction, which should be a traditional brick and natural slate roof. This needs to be controlled by condition. Considering the proximity of the site to the conservation area and the style of the buildings on Silver Street, which contains some historic buildings, recommend that all the buildings are constructed with a traditional brick and natural slate roof and this should be controlled by condition. Should the planning department be mindful to approve the application then appropriate conditions should be included requiring details of the facing and roofing materials to be provided for consideration before installation.

Ecology: Objects to the proposal, as it is contrary to policy CS17. The ecological report has not been submitted. The biodiversity metric calculation is outdated and based on a previous scheme. If permission is ultimately granted contrary to this objection, there will be a need to secure biodiversity enhancements in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.1.

Trees: There will be a loss of trees; however, within the appeal this was not the main concern of the inspector, and taking into account the low overall retention values of these trees, their loss is a reasonable consequence if development is given consent. The distances between the trees being retained and/or in other ownership are more acceptable than the previous submission and the works are outside the protection areas around the trees. Suitable protection areas in line with BS5837:2012 recommendations will be required and conditioned if consent is given for the application.

Recycling: General observations and guidance relating to bin types, bin storage, access for refuse vehicles, and pulling distances for crews and residents.

PARISH COUNCIL

Original plans: Objects strongly to the application which is the latest of several that have been made in recent years, all of them refused, one on appeal. Despite the amendments made on this application, the access is still on the narrowest part of Silver Street, a real

pinch-point for traffic and to have extra cars entering and exiting at this point would cause real problems. In addition, as mentioned in the recent appeal refusal, to build this many houses on this site would not be in keeping with the surroundings. Reducing the number by one does not make an appreciable difference. As mentioned previously, this development would also add to flood risk in the area, a well-known factor that has to be considered. There is also potential damage to consider to the trees around the boundary which overhang the site, again mentioned in the appeal refusal. In 2010 permission was given for two houses on this site which would seem reasonable. Six is too many and would harm the visual amenity of the area.

Amended plans: The parish council has already objected most strongly to several applications for this site, so obviously has concerns about this one. Applications for seven and five houses have already been refused so there is no reason why six should be acceptable, even with changes to windows.

PUBLICITY

Both the original and amended plans have been publicised by site notice. Thirty-four responses have been received in total raising the following material planning issues:

- the access is unsafe
- increased traffic and congestion
- there is enough housing in the area
- loss of outlook/enclosure
- overlooking/loss of privacy/overshadowing
- the site would be over-developed
- loss of wildlife
- loss of and damage to trees
- works to off-site trees have not been agreed by the owner of the trees
- the arboricultural report is out of date
- potential tree disputes with occupiers of proposed dwellings
- the surveys are inaccurate – surveys undertaken during Covid19 do not reflect the current situation
- increased noise and disturbance
- surface water concerns
- the bin store location is unacceptable
- tree works may affect trees' stability and proportions

- loss of a historic building
- no boundary treatments, materials to be used not shown
- light pollution.

ASSESSMENT

The proposal

The proposal comprises the erection of six detached dwellings. The main access to the site is from Silver Street. The access leads into the site and forms a cul-de-sac arrangement with a 'hammer head' turning to the western side of the site. Each dwelling has two car parking spaces. The dwellings comprise a mix of three-, four- and five-bedroom properties. Plot 1 is on Silver Street, the remaining dwellings being set back into the site. Plot 1 also has its own separate access from Silver Street. The plans have been amended during the application process by the alteration of window positions, the installation of a rooflight to plot 6 and additional information in relation to surface water. To facilitate the development a large number of trees are to be removed.

The site

The site comprises an L-shape with Briar Lodge and detached bungalows located on the site frontage adjacent to Silver Street. Access to serve Briar Lodge is from Silver Street. The land rises from Silver Street to its north-eastern corner by approximately 2 metres. The land is overgrown rough grassland with various trees on the site and some substantial trees adjacent to its southern boundary. It must be noted that none of the trees on the site are protected. Briar Lodge is vacant and in need of repair and does not appear to have been in residential use for some time. The site is fenced off with steel fencing to prevent/deter intruders. The site is within the development boundary of Barrow and in flood zone 1 (low risk of flooding). It is surrounded by residential development. The residential estate known as Highfields lies to the north-west of the application site; there is a detached bungalow with extensive garden area to the north; to the east lies England's Row, comprising terraced properties; to the west are gardens to properties on Ferry Road; and to the south-west is a property known as Evergreen. Opposite the site on Silver Street are residential properties with access onto Silver Street. The site is surrounded primarily by detached dwellings of differing designs and sizes. A listed building known as Welholme is located 45 metres from the application site to the south-east.

Planning history (most relevant)

PA/2021/1306: Planning permission to erect seven dwellings, including a new entrance, site access road and associated landscaping (following demolition of existing dwelling) (re-submission of PA/2020/1348) – refused 30/09/21, appeal dismissed 30/03/2022 (appeal decision appended to this report)

PA/2020/1348: Planning permission to erect seven dwellings, including a new entrance, site access road and associated landscaping (following demolition of existing dwelling) – refused 29/04/2021

PA/2010/0005: Outline planning permission to erect two dwellings with access and layout not reserved for subsequent approval – approved 01/04/2010

- PA/2010/0110: Planning permission to erect a single-storey extension, increase height of roof in connection with the provision of additional living accommodation in the roof space, erect a domestic garage and construct a garden wall – approved 13/04/2010
- PA/2009/0765: Outline planning permission for four detached dwellings and garages with scale, appearance and landscaping reserved for subsequent approval – refused 28/08/2009
- PA/2009/0968: Planning permission to erect extensions to create a two-storey dwelling – approved 09/09/2009.

Principle

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

The site is within the development boundary of Barrow where, in principle, residential development is considered to be acceptable. Barrow is identified as a large service centre and is ranked 12th out of 76 settlements in the North Lincolnshire Settlement Survey 2019. It contains five of the seven key facilities and is therefore considered to be a sustainable settlement due to its number of services and facilities.

The proposed scheme would result in the delivery of five dwellings on the site (an additional five dwellings as Briar Lodge is proposed to be demolished), which would contribute to the mix of housing types within the locality and make a modest contribution towards meeting local need and the council's five-year housing land supply.

In a recent appeal decision dated 20 July 2022 (PA/2020/554) the Inspector concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. In this case, the proposal will make a modest contribution to the council's housing land supply and this is also a key material consideration in determining this application.

The proposal would generate a residential density of 30 dwellings per hectare. This aligns with policy CS7 which indicates a requirement of a site of this size in this location to yield a density of between 30–35 dwellings per hectare. The broad principle of residential development on this site is therefore considered acceptable, and aligns with policies CS1, CS2, CS3, CS7 and CS8 of the Core Strategy, subject to detailed technical considerations below.

Flood risk and drainage

The site is within flood zone 1 of the council's SFRA and is therefore at low risk of flooding. The SFRA is the most up-to-date flood risk assessment for North Lincolnshire. The applicant has submitted a Flood Risk Assessment with the application, which includes drainage information. As the site lies within an area at low risk of flooding, the proposal is considered to be acceptable in terms of flood risk and aligns with the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

The applicant has submitted a Drainage Strategy and an outline drainage layout for the scheme. In terms of drainage, concerns from residents and the parish council are noted. In terms of the disposal of foul water, some residents have commented on the sewage system in Barrow upon Humber. No technical evidence has been submitted to demonstrate that the sewage system cannot accept additional flows. If the developer wishes to connect to the sewerage network they would need to serve notice under Section 106 of the Water Industry Act 1991. Subject to conditions, the proposal would therefore accord with policies CS18 and CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

In terms of surface water disposal, concerns from residents and the parish council are noted. The LLFA has carefully assessed all the submitted information and, although has some concerns, recommends conditions requiring the submission of a detailed surface water drainage scheme, together with details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway and from the highway onto the site. Subject to conditions, this aspect of the proposal will accord with policies CS18 and CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

Highway safety

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. Both are considered relevant. The site is within the existing settlement boundary and benefits from access to public transport links and local services. It is therefore considered that the scheme is in a sustainable location.

The scheme is for six dwellings and as such the access road has been designed to adoptable standards. The council's Highways team has offered no objections to the proposed layout or parking arrangements, subject to appropriate conditions. The site features a minimum of two off-street spaces for each new dwelling. Concerns over the transport report providing data during the pandemic is noted. Whilst it is accepted that the proposal would result in an increase in vehicular movements, it is not considered that the scale of the development would place unacceptable strain on the existing highway network. It is therefore considered that the scheme would not have an unacceptable impact on vehicular or pedestrian safety and sufficiently accords with policy in this regard. The new access proposed would not create additional highway safety concerns other than the modest intensification of use. In addition, it must be noted that the Inspector, when dismissing the appeal for seven dwellings under PA/2021/1306, did not raise any highway matters in this appeal decision.

Heritage matters

In terms of archaeology, the council's HER has commented on the proposal. Briar Lodge dates from the late 19th Century and has historic and potentially archaeological interest. Its scale and form suggest that it may contain earlier structural fabric of mud and stud or timber-framed cottage construction. As a local non-designated heritage asset its demolition should be considered in line with paragraph 197 of the NPPF. Briar Lodge is currently vacant and does not appear to have been occupied for some time. The site is fenced off. The building is small and falling into serious disrepair. Briar Lodge would require significant extensions and alterations to provide a more functional residential building. The planning history for the site shows a number of planning permissions have been granted for extensions to this property. Briar Lodge is not a listed building nor is it within Barrow conservation area. It is considered that conditions requiring the recording of the building before it is demolished would provide an historic and archaeological record for present and future generations to understand the significance of this building to Barrow. In terms of heritage, therefore, the proposal accords with chapter 15 of the NPPF, policy CS6 of the Core Strategy and policy HE9 of the NLLP.

In terms of impact on the listed building (Welhome, over 40 metres away) and on Barrow conservation area (100 metres to the west of the site) the council's heritage officer has no objections subject to a condition requiring the submission of material details. It is considered, due to the distance the site is from this listed building and the conservation area, that no adverse impacts will be caused. The Inspector, when dismissing appeal PA/2021/1306, agreed with the council, stating that "given the distance between the appeal site and listed building as well as the intervening built development and road, I am satisfied that the scheme would have a neutral effect on the heritage asset and would preserve the special interest of the listed building." The proposal therefore aligns with policies HE2 and HE5 of the North Lincolnshire Local Plan and policy CS6 of the Core Strategy.

Character, appearance, visual impact and residential amenity

In terms of character and appearance, the scheme proposes six detached dwellings. The previous application dismissed at appeal (PA/2021/1306) was for seven dwellings. The Inspector considered that seven dwellings created a cramped appearance on the site and the density of the development would not be in keeping with the surrounding area which is characterised by properties within spacious plots. In this case the six dwellings now proposed would result in a lower density on the site (30 dwellings per hectare). The scheme has been redesigned to provide detached dwellings within larger individual plots with larger garden areas than the scheme proposed under PA/2021/1306. The proposed layout is not considered to be out character with this part of Silver Street.

In terms of design, the dwellings are of a simple design that complements this part of Silver Street which is characterised by a mix of housing designs. In terms of visual impact, the proposed development will be visible from Silver Street and there will be more limited views of the site from Highfields. Plot 1 and the access road are on the site frontage, with the remaining five dwellings to the rear of plot 1 arranged in an L-shaped cul-de-sac. Due to the design and siting of the development and with additional landscaping that can be conditioned, the proposal would not cause demonstrable harm to the amenity of the locality. In terms of character, appearance and visual impact, the proposal is considered to be acceptable and therefore accords with policies DS1, H5, H7 and H8 of the North Lincolnshire Local Plan and policies CS5 and CS7 of the Core Strategy.

In terms of residential amenity, each property has good-sized rear garden areas that provide private amenity space for occupants. The dwellings would be a sufficient distance from the adjacent trees along the south-western boundary and, with larger garden areas, the neighbouring trees will not cause demonstrable harm to the living conditions of occupiers of the proposed dwellings in terms of shade and overshadowing.

In terms of impact on adjoining dwellings, the proposed dwellings will be visible from several adjoining properties. In terms of the impact on Evergreen Cottage, this property is to the south side of the application site. Evergreen Cottage has mature trees and a garage along this boundary. With regard to plot 1, the impact on Evergreen Cottage needs to be assessed. In the south-west elevation of plot 1 no habitable windows are proposed at first-floor level. At ground-floor level a lounge window is proposed which will allow views only onto the front garden and driveway of Evergreen Cottage. No loss of privacy will therefore be caused to Evergreen Cottage. In addition, conditions will be used to ensure a scheme of landscaping and boundary treatment is submitted to retain privacy between these properties.

In relation to England's Row, plot 1 has a study and kitchen/diner at ground floor and a bedroom window at first floor. There is a distance of over 15 metres from plot 1 to England's Row cottages, and boundary treatment and landscaping will further mitigate overlooking. With regard to the bedroom window, this faces the rear of England's Row cottages and no significant loss of amenity will be caused. With regard to plot 2, this has a kitchen/living room window on the ground floor in the south-west elevation. This window will be screened by the existing tree in Evergreen Cottage's garden, and boundary treatment and landscaping will further mitigate any overlooking. In terms of England's Row, no demonstrable loss of privacy will be caused as plot 2's side elevation faces the rear garden/paddock area of England's Row. Plot 2 has no habitable windows facing into the rear garden of plot 1 so privacy between those two plots will be secured.

Plot 3 has habitable windows in its south-west elevation. These windows do not overlook the private garden area of Evergreen Cottage. Evergreen Cottage's trees also provide some screening and boundary treatment which can be conditioned. Plot 3 has a bedroom and kitchen window in the north-west elevation. These do not directly overlook the rear gardens of properties on Highfields. Boundary treatments are also to be conditioned to further secure privacy. Plot 3 has no habitable windows in the north-east elevation and therefore will not overlook Plot 4. Plots 4 and 5 have no habitable windows in the north-west elevation at first-floor level so no overlooking will be caused to 19 and 21 Highfields' rear garden areas. The proposed ground floor windows in this elevation will need to be screened by boundary treatment which will be conditioned. Plot 4 is approximately 12 metres and plot 5 approximately 14 metres from 21 Highfields; due to these distances it is not considered that the proposed plots will cause overshadowing or loss of outlook to this property. Plot 5 has no habitable windows in its north-eastern elevation and therefore no overlooking will be caused to the adjacent dwelling to the north-east. Plot 5 will not overlook plot 4 as plot 4 has no habitable windows in its north-east elevation. Plot 6 does not overlook 15 Highfields or England's Row. There is a distance of over 30 metres between plot 6 and England's Row. The careful positioning of the windows to plot 6, together with boundary treatment, will secure privacy between the plots within the site.

The impact the proposed scheme would have on adjoining dwellings and dwellings within the site is therefore acceptable and no demonstrable loss of amenity would be caused. Conditions can be used to secure boundary treatment and landscaping to safeguard privacy, and to remove 'permitted development rights' from plots 1 to 6 so that no windows

can be installed in the elevations and roofs of the dwellings without permission from the council. This is necessary as additional windows could cause overlooking to existing and proposed dwellings. The proposal is therefore acceptable subject to conditions and will align with policies H5 and DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

Trees

In terms of trees, a substantial number of trees on the site are to be felled to accommodate the proposed development. Residents have expressed concern about the loss of these trees, but they are not protected. The quality and value of the trees to be removed have been categorised as low quality in the submitted tree reports. The Inspector in the appeal decision for PA/2021/1306 stated that “although the proposed development would result in the loss of a large number of trees, it would not conflict with the aims of policies DS1 and LC12 of the local plan.” Therefore, due to the low quality and value of the existing trees on the site, their removal is considered acceptable.

A small number of mature trees overhang the application site, but are not within it. The tree reports set out the how the trees would be protected during construction and root protection zones. Some of the dwellings proposed are now further away from these trees than they were under PA/2021/1306. In the appeal decision the Inspector stated, “I have no substantiated evidence before me to demonstrate that the development would adversely affect the health and longevity of the off-site trees. I am satisfied that sufficient information has been submitted to demonstrate that the on-site trees have been properly considered and the proposed development would not have an unacceptable impact on off-site trees.”

The council’s tree officer also considers the distances to the trees being retained and/or in other ownership are more acceptable than the previous submission and the development is outside the protection areas around the trees. Conditions can be used to ensure the trees are protected during construction works. The comments from the parish council and residents in respect of the impact the development will have on these adjoining trees is noted. However, there is no evidence to suggest the proposed tree works will affect the longevity of these trees. Concern that the submitted tree reports are out of date is noted. There is a tree protection plan dated June 2022 in the Arboricultural Method Statement which sets out tree protection zones, ground protection and barrier positions around the off-site trees. Comments from the owner of the trees that they have not agreed the works to them are noted. This is a private matter for the owner and applicant to resolve. The applicant is entitled to cut back trees overhanging the application site. The impact on the adjoining trees is acceptable subject to conditions and therefore the proposal will align with policies DS1 and LC12 of the North Lincolnshire Local Plan.

Ecology and biodiversity

In terms of biodiversity, the applicant has submitted a biodiversity assessment with the application. This has been assessed by the council’s ecologist, who objects to the proposal because, although the application site is largely species poor rough grassland and not of high value, the proposal would result in the loss of all existing habitat, representing a net loss of biodiversity value. This is contrary to policy CS17 of the Core Strategy. However, the previous ecological appraisal for PA/2021/1306 found no evidence of bat roosts, badgers or other protected or priority species on the site. It is regrettable that the proposal will lead to a net loss of biodiversity habitat. Compensatory measures through planning conditions will ensure biodiversity enhancements are provided on the site. It must also be noted that the

Inspector did not raise any biodiversity matters in the recent appeal decision on PA/2021/1306.

Land contamination

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted and a suitable scheme of remedial measures has been agreed to overcome any existing contamination. In this case, the submitted site investigation is not considered sufficiently robust and therefore a condition will be used to ensure a satisfactory site investigation and remediation scheme is submitted for approval by the council before development takes place. Environmental Protection also request an asbestos survey be carried out before the application is determined due to a garage on the site having potential to contain asbestos. This does seem onerous on the applicant and it is considered this matter can be dealt with by a condition requiring an asbestos survey to be submitted to and agreed in writing by the council before any development, including demolition, takes place on the site.

Other matters

Concerns from neighbours about the location of the proposed bin store adjacent to England's Row cottages is noted. Conditions will be used to ensure an acceptable scheme for bin storage on collection days, which will include screening/boundary treatment. This will ensure no loss of visual amenity to residents. Concerns regarding light pollution from the access road are also noted. However, it is not considered that illuminating the access road for six dwellings would result in demonstrable light pollution to adjoining residents. Details of facing materials for the development will be required by condition to ensure the materials used respect the character of the area. Details of boundary treatments will also be required by condition to secure privacy for occupants within the development, and between occupants of the proposed dwellings and existing dwellings surrounding the site.

The planning balance and conclusion

When applying the planning balance to this application, it is clear that due to the council's lack of a five-year housing land supply there is a need for housing in North Lincolnshire. This proposal will provide a modest contribution towards it. The proposed scheme is within the development boundary of Barrow upon Humber, close to a range of services and facilities, and a bus route. It is therefore a sustainable form of development. The design of the scheme is acceptable and will not result in demonstrable harm to the amenity of the area or to residents. No material considerations or technical matters have been identified that could properly be considered to outweigh the statutory presumption in favour of sustainable development as set out in the NPPF. The proposed development is considered to be acceptable in planning terms and is recommended for approval subject to the conditions set out below.

Pre-commencement conditions

All 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:

- LDC3898-PL-03B Plot 1 and 2 elevations and floor plans
- LDC3898-PL-04B Plot 3 and 4 elevations and floor plans
- LDC3898-PL-05C Plot 5 and 6 elevations and floor plans
- LDC3898-PL-01A Existing Site Plan and Location Plan
- LDC3898-PL-02A Proposed site plan
- LDC3898-PL-06 Proposed site sections.

Reason

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

3.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking 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.

4.

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.

5.

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

Reason

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

6.

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

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

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

Reason

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

7.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development and must be based upon the submitted drawing and documentation dated 2nd September 2022.

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

and managed for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off the site, is not increased. SuDS must be fully considered in accordance with current PPG guidance. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

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

8.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 7 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

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

9.

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

Reason

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

10.

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

Reason

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

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

11.

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

Reason

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

12.

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.

13.

No development, including any demolition, shall take place on the site until an asbestos survey has been submitted to and approved in writing by the local planning authority. This asbestos survey will need to identify the location, type and amount of asbestos containing material and proposals for managing and disposing of any asbestos identified. Thereafter, only the approved scheme shall be carried out in accordance with the approved details.

Reason

To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised and that the development can be carried out safely

without unacceptable risks to workers, nearby residents and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

14.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

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

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

Reason

To protect residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

15.

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

Reason

To comply with paragraph 206 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site contains an historic building and potentially significant archaeological remains the development would otherwise destroy. The historic building record and 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.

16.

The applicant, or their agents or successors in title, shall provide written confirmation to the local planning authority that they have secured the implementation of the archaeological mitigation strategy as defined in the document 'Written scheme of investigation: Archaeological Monitoring and Recording, Land off Silver Street, Barrow upon Humber, North Lincolnshire', PCAS Archaeology, July 2020, 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 206 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site contains an historic building and potentially significant archaeological remains the development would otherwise destroy. The historic building record and 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.

17.

The applicant shall notify the local planning authority in writing of the intention to commence the historic building recording and the archaeological site works at least one week/seven days before commencement. Thereafter, the historic building recording and 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 206 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site contains an historic building and potentially significant archaeological remains the development would otherwise destroy. The historic building record and 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.

18.

A copy of any analysis, reporting, publication or archiving required as part of the historic building recording and archaeological mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record and North Lincolnshire Museum Service within six months of the date of commencement of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

Reason

To comply with paragraph 206 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site contains an historic building and potentially significant archaeological remains the development would otherwise destroy. The historic building record and 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.

19.

No development shall take place until the applicant or their successor in title has submitted a biodiversity management plan to the local planning authority for approval in writing. The document shall include:

- (a) details of sensitive working practices to avoid harm to hedgehogs and nesting birds;
- (b) details of bat boxes and bat bricks to be installed on at least two dwellings;
- (c) details of swift boxes and sparrow terraces to be installed on at least two dwellings;

- (d) details of nesting sites to be installed to support other species, including starling and house martin;
- (e) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (f) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (g) prescriptions for the planting and aftercare of native trees and shrubs, of high biodiversity value;
- (h) proposed timings for the above works in relation to the completion of the dwellings.

Reason

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

20.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 5th dwelling hereby approved, the applicant or their successor in title shall submit a report to the local planning authority providing evidence of compliance with the biodiversity management plan.

Reason

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

21.

Before development is commenced, the method of protecting the existing trees on the site throughout the construction period shall be carried out in accordance with the approved arboricultural reports (Arboricultural method statement dated 5th July 2022) and maintained until completion of the development. Only the works to those trees which overhang the site specified in paragraph 3.4 of the submitted Arboricultural Method Statement shall be carried out. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

Reason

To protect the mature trees adjoining the site in accordance with policy LC12 of the North Lincolnshire Local Plan.

22.

No development shall take place until proposals for landscaping have been submitted to and approved in writing by the local planning authority.

Reason

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

23.

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

Reason

To secure the timely completion and successful establishment of the approved scheme of landscaping for the site.

24.

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

25.

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

Reason

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

26.

Before any dwelling is occupied, details of the location, design and screening of the bin store on the site shall be submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented on the site and retained.

Reason

To ensure satisfactory bin storage on the site and safeguard amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

27.

No above-ground works shall commence on site unless details of all the finished floor levels at which all the dwellings will be constructed have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

Reason

To safeguard the amenity of adjoining residents and the locality in accordance with policy DS1 of the North Lincolnshire Local Plan.

28.

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

Reason

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

29.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no new window openings shall be installed in any elevation or in the roof of any of the approved dwellings other than those shown on the submitted plans.

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties and safeguard privacy within the approved residential development in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informative 1

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

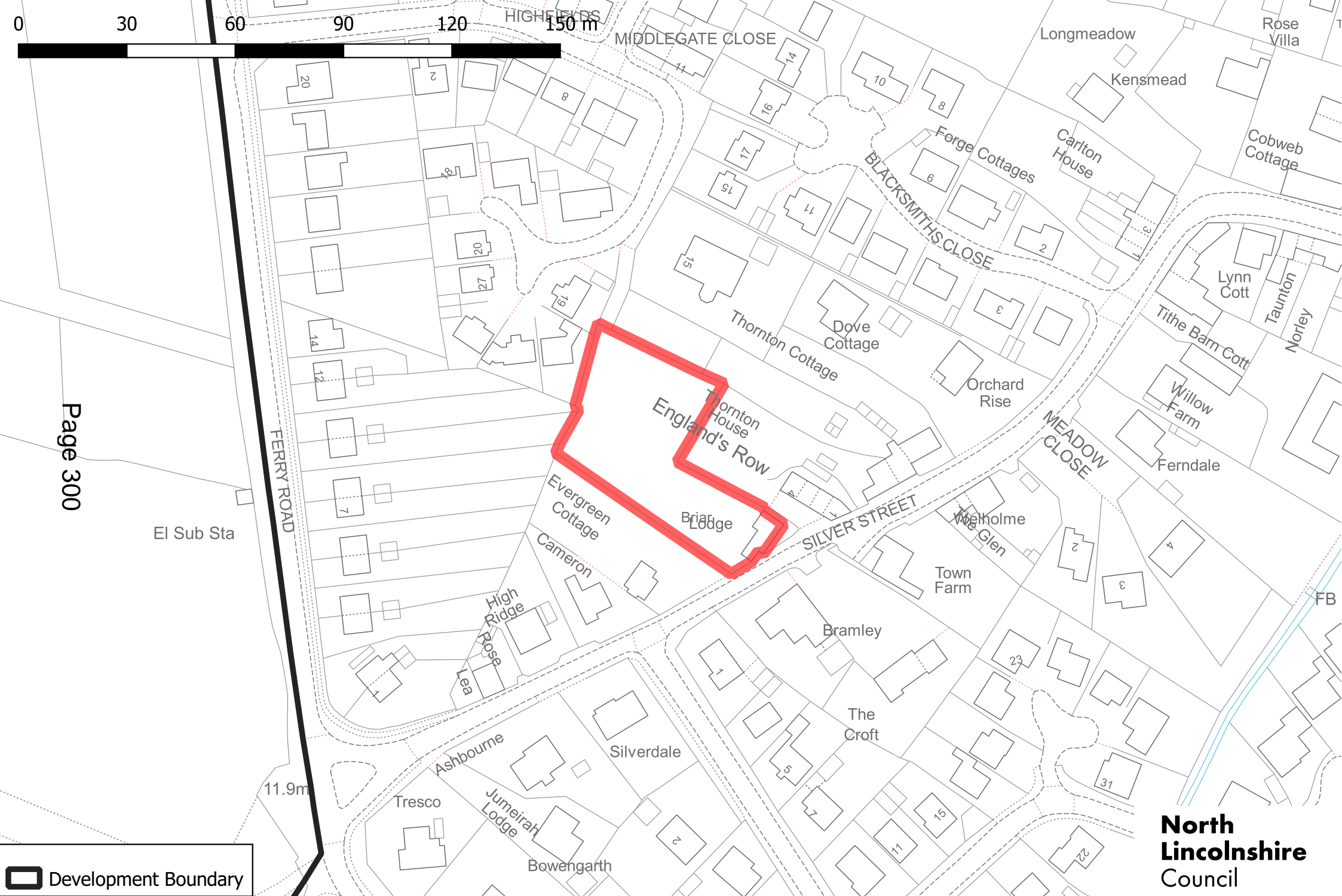
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

Informative 2

The applicant's attention is drawn to the comments made by the LLFA.

Informative 3

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



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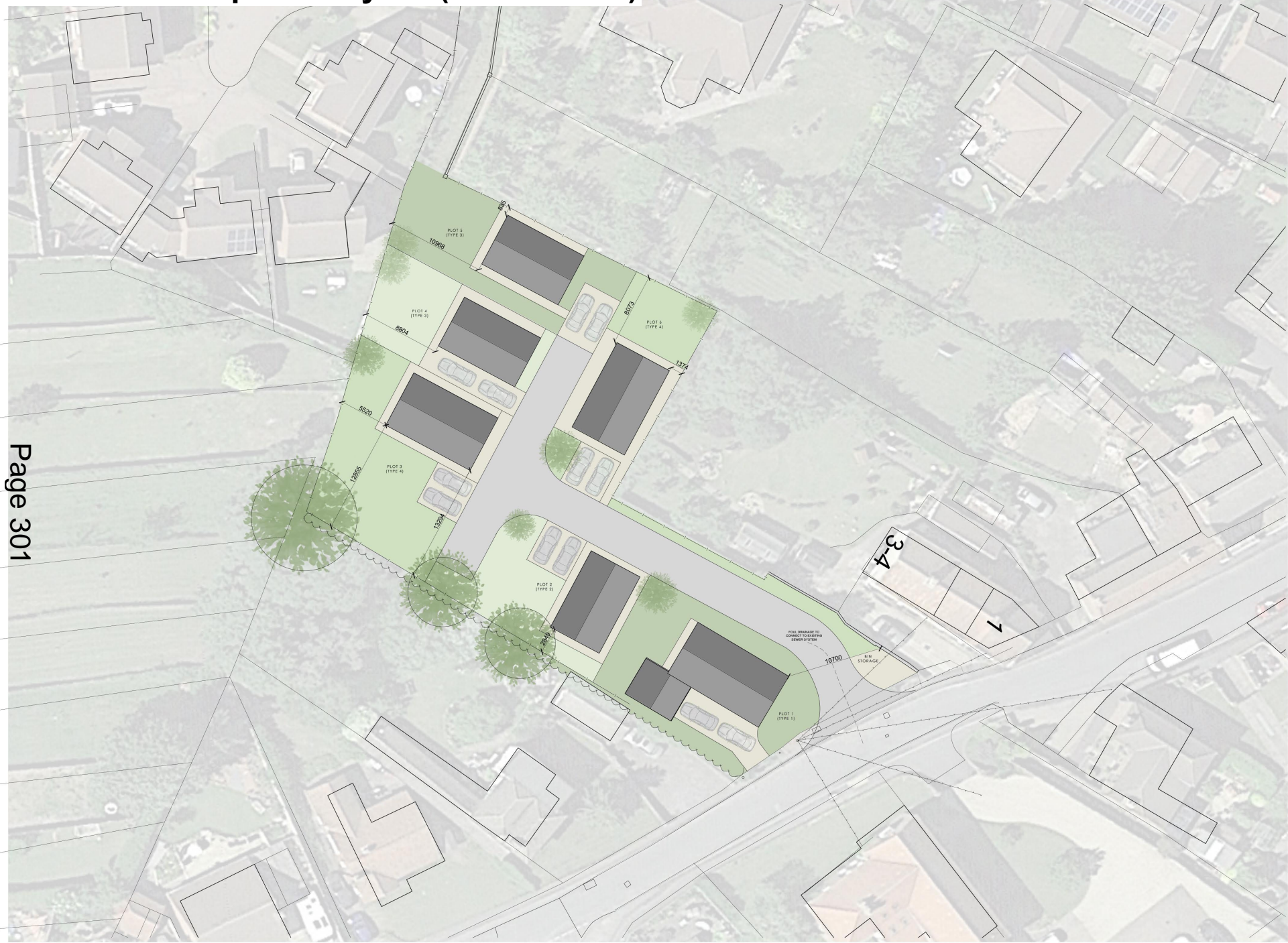
 Development Boundary

PA/2022/1158

**North
Lincolnshire
Council**

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PA/2022/1158 Proposed layout (not to scale)



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PROPOSED SITE PLAN
scale 1:200

Rev. A Addition of Scale 28/06/22

DRAWING NOTES AND REVISIONS
 1. IDC DESIGN CONSULTANCY, 12 Victoria Lane, South
 2. Loughborough, LE11 9PL, UK
 3. 01509 411022 | 3. info@idcdesign.co.uk



PROJECT Residential Development
 Silver Street
 Barrow Upon Humber

DATE May 2022
TITLE Proposed

SCALE As Shown
ORIGINAL SIZE A1 (Landscape)
DRAWING NUMBER LDC3898-PL-02A

This drawing is the copyright of IDC Design Consultancy and shall not be reproduced without written consent from the contractor responsible for taking and installing all dimensions on site prior to commencement and ensuring back to the original level to ensure that any discrepancies are reported immediately to the drawing file. It is the responsibility of the contractor to ensure that all dimensions, materials and construction of practice.
 All drawings are based on the information provided to IDC Design Consultancy and should be checked by the contractor before construction. All dimensions should be checked on site. If any dimensions differ from the contractor's measurements, the contractor should report this immediately to IDC Design Consultancy. IDC Design Consultancy is not responsible for any errors arising from unobserved details and construction changes.



Appeal Decision

Site visit made on 14 March 2022

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Appeal Ref: APP/Y2003/W/21/3288458

Briar Lodge, Silver Street, Barrow upon Humber DN19 7DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr James Pearson, Charworth Homes, against the decision of North Lincolnshire Council.
 - The application Ref PA/2021/1306, dated 16 July 2021, was refused by notice dated 30 September 2021.
 - The development proposed is demolition of existing dwelling and construction of seven new dwelling houses, including a new entrance, site access road and associated landscaping.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - Whether the proposed development would provide a satisfactory standard of accommodation for its future occupiers, with particular regard to the proposed private garden areas of plots 2 and 3; and
 - Whether there is sufficient information to demonstrate that the on-site trees have been properly considered and the effect of the proposed development on off-site trees.

Reasons

Character and appearance

4. The appeal site comprises an L shape with Briar Lodge fronting onto Silver Street and is surrounded by residential development. The site is currently overgrown, rough grassland and contains a number of trees. The surrounding area is predominantly characterised by detached properties, which vary in design and size, situated within spacious plots. There are also examples of

smaller plots, cul-de-sac arrangements as well as semi-detached and terraced properties within the vicinity of the site.

5. Plots 1-3 would be detached properties and plots 4-7 would be semi-detached properties. I have had regard to the appellant's plot analysis. Nonetheless, the scheme would have a greater visual connection with Silver Street rather than other roads within Barrow.
6. In comparison to the predominant character of the surrounding area, the dwellings would have small gardens and would be built close to their boundaries. Due to a combination of the siting of the dwellings, number of dwellings, plot sizes, and gaps between the plots, the scheme would appear cramped within the site. The density of the proposed development would not be in keeping with the immediate surrounding area. Thus, the proposal would be poorly designed as it would appear at odds with the established character of the area which is primarily characterised by properties located on spacious plots.
7. For these reasons, the proposed development would be visually harmful to the character and appearance of the surrounding area. Consequently, the scheme would conflict with Policies DS1, H5, H7 and H8 of the North Lincolnshire Local Plan (2003) (LP) and Policies CS5 and CS7 of the North Lincolnshire Local Development Framework: Core Strategy (2011) (CS). These policies seek, amongst other matters, to ensure that proposals reflect or enhance the character and appearance of the area and that the density of new development is in keeping with the character of the area. It would also conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which states developments should be sympathetic to local character.

Living conditions

8. Trees outside of the appeal site would overhang plots 2 and 3. The appellant proposes to reduce the canopy of the trees which overhang into the site. The Council does not have any policies or guidance specifying appropriate levels of private amenity space for dwellings.
9. Although each plot would have a similar size garden and they are comparable to garden sizes within Barrow, the amount of useable space is also an important consideration. Based on the evidence presented, particularly trees T2 and T4 would cause shade and overshadow a large proportion of plots 2 and 3's rear gardens. This would limit the functionality of the private garden areas. Due to the size of the gardens and trees, the proposed private amenity space proposed for plots 2 and 3 would be inadequate. Thus, the development would result in poor quality accommodation and would fail to provide an acceptable standard of amenity for future occupiers.
10. In this regard, the appellant has referred to a recently approved development in Barrow. Based on the information presented, that development cannot be directly compared with the scheme before me because of the site's context and style of development. In any event, each application must be considered on its own merits.
11. For these reasons, the proposed development would not provide a satisfactory standard of accommodation for its future occupiers, with particular regard to the proposed private garden areas of plots 2 and 3. Consequently, the scheme

would conflict with Policies DS1 and H5 of the LP and CS5 of the CS. These policies seek, amongst other matters, to promote a high standard of design and ensure new developments create attractive private spaces that complement the built form. It would also conflict with the Framework which states developments should create places with a high standard of amenity for future users.

Trees

12. There are a number of trees within and adjacent to the site which are not protected by TPO's or located in a conservation area. The trees within the site are primarily situated close to the site boundary.
13. The Arboricultural Method Statement and the Arboricultural Impact Assessment are clear that they should be read in conjunction with the Arboricultural Report. This report sets out information relating to the trees size, condition, quality and value. The proposed development would result in a large number of trees being removed in order to facilitate the development. Groups G1 and G2 are effectively hedgerow trees which explains the high stem count. The quality and value of those trees to be removed have been categorised as low-quality.
14. The trees to be retained overhang the site. The documents, particularly the Arboricultural Method Statement, details how the off-site trees would be protected. The Tree Protection Plan also sets out the root protection areas. Conditions could be attached relating to landscaping works and to ensure that the trees are protected, throughout the construction period, as set out in the relevant reports.
15. I have no substantiated evidence before me to demonstrate that the development would adversely affect the health and longevity of the off-site trees. I am satisfied that sufficient information has been submitted to demonstrate that the on-site trees have been properly considered and the proposed development would not have an unacceptable impact on off-site trees.
16. Accordingly, although the proposed development would result in the loss of a large number of trees, it would not conflict with the aims of Policies DS1 and LC12 of the LP. These seek, amongst other matters, to ensure wherever possible the retention of trees and particular regard will be given to the amenity value of trees within built up areas. It would also not conflict with paragraph 131 of the Framework which states trees make an important contribution to the character and quality of urban environments, can help mitigate and adapt to climate change and existing trees should be retained wherever possible.

Other matters

17. A Grade II listed building, Welholme, is located close to the appeal site. The Council raise no concerns in respect of the effect of the development on the setting of the listed building, and I have no substantive reason to consider otherwise. Given the distance between the appeal site and listed building as well as the intervening built development and road, I am satisfied that the scheme would have a neutral effect on the heritage asset and would preserve the special interest of the listed building. This is a neutral consideration and does not weigh in favour of the appeal.

Conclusion

18. As set out above, I have found that sufficient information has been submitted to demonstrate that the on-site trees have been properly considered and the proposed development would not have an unacceptable impact on off-site trees. However, the proposed development would be visually harmful to the character and appearance of the surrounding area and would not provide a satisfactory standard of accommodation for its future occupiers to which I attach significant weight.
19. The development would provide social, environmental and economic benefits and would contribute to the mix of housing to meet the local housing needs. However, due to the scale of the development, these benefits would be modest and would not outweigh the deficiencies that would arise as a result of the conflict with the development plan and there are no other considerations that outweigh this conflict.
20. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal does not succeed.

L M Wilson

INSPECTOR

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APPLICATION NO	PA/2022/1365
APPLICANT	Mr John Cowx, CW Fields & Sons Ltd
DEVELOPMENT	Planning permission to erect a storage/industrial unit (Use Class B8) including demolition of existing dwelling
LOCATION	CW Fields & Son Ltd, Access road to Station Road Industrial Estate, Epworth, DN9 1JZ
PARISH	Epworth
WARD	Axholme Central
CASE OFFICER	Jess Hill
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Epworth Town Council

POLICIES

National Planning Policy Framework:

Section 6 (Building a strong, competitive economy)

Section 9 (Promoting sustainable transport)

Section 12 (Achieving well-designed places)

Section 15 (Conserving and enhancing the natural environment)

North Lincolnshire Local Plan: Policies LC7, LC12, LC14, DS1, DS16, RD2

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS11, CS16, CS17, CS19, CS25

Housing and Employment Land Allocations DPD: The site is not subject to any specific employment designations.

CONSULTATIONS

LLFA Drainage: Neither support nor object. The application proposes to connect into the existing surface water drainage system. This requires verification as to outfall suitability/capacities. In addition, the development falls within our lower threshold assessment levels and for this reason the LLFA Drainage Team has no objection to the proposed development subject to the imposition of planning conditions.

Highways: No comments or objections.

Neighbourhood Services: Neither support nor object. Neighbourhood Services are responding to PA/2022/1365 with respect to Public Bridleway 1, which passes alongside the application site's eastern flank en route from Station Road to the Belton parish boundary via the course of the former Axholme Joint Railway.

The bridleway corresponds with what the Ordnance Survey have marked as 'Path' on their base mapping, as utilised by the applicant for both his 'Site Location Plan' and 'Proposed Site Location Plan'. Furthermore, on page eleven of his Design and Access Statement, the applicant cites paragraph 85 of the National Planning Policy Framework (NPPF), namely: 'In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunity to make a location more sustainable (for example by improving the scope for access on foot, by cycle or by public transport).'

Despite this, we cannot help but note the applicant makes no reference to Public Bridleway 1 whatsoever throughout his application, even though a bridleway is open to both walkers and cyclists as per his own referencing of paragraph 85 of the NPPF. A bridleway is also a material consideration in planning applications per se; under Core Strategy 25 'Promoting Sustainable Transport' of the North Lincolnshire Council Local Development Framework, applications should 'Promote the continuation and improvement of North Lincolnshire's networks of safe walking and cycling routes, including the Viking Way, the Public Rights of Way network and National Cycle Route, as well as the local footway and cycleway network and linking them to key locations in the urban and rural areas of North Lincolnshire (communities, recreational and tourist areas)'; and under paragraph 100 of the NPPF, 'planning policies and decisions should protect and enhance public rights of way and access.'

Moreover, as highway authority, North Lincolnshire Council has a duty under the Highways Act 1980 to assert and protect the public's use and enjoyment of Public Bridleway 1, and to prevent as far as possible its stopping up or obstruction. And as a bridleway maintainable at the public expense, the surface is vested in the highway authority and legally therefore cannot be disturbed or altered without North Lincolnshire Council's explicit prior approval. Public Bridleway 1 is of particular importance, too, in the locality, forming as it does part of the Isle of Axholme Greenway for walkers, horse riders and cyclists stretching some five miles more or less continually from Haxey to Belton (and which North Lincolnshire Council hopes can eventually be extended northwards to link up with the east-west Stainforth and Keadby Canal-side path).

If the public's use of Public Bridleway 1 will be unaffected [by] this application, both during and after works, Neighbourhood Services have no objection to what is proposed. Otherwise, we do object at least until the supply of further information, and would take legal steps to prevent implementation of permission even if granted, should regrettably that become necessary.

Tree Officer: Objects. This proposal will see the loss of green infrastructure in the way of hedging and trees in this location, which is within the historic landscape LC14 and as the proposed site is elevated from the surrounding area going up the hill towards the mill, it will be a significant change to the visual amenity within the area to the detriment and will affect the greening along the public footpath that runs to the immediate east of the site. Due to the loss of green infrastructure, being within the countryside and within the historic landscape, I would suggest that consideration be given to refuse this application.

Environmental Health:

Contaminated land:

Historic mapping held by the department shows a historic railway line (now dismantled) directly on the proposed development site, the dismantling of which has the potential to introduce contaminants. Furthermore, railway lines have the potential to have introduced contaminants such as engineering fuels, lubricating oils, PAHs, metals, asbestos and PCBs to site. Considering the above, the department recommends a monitoring condition with regard to contamination should the application be approved.

Construction and demolition

To prevent local residents and other sensitive receptors being affected during the construction of the proposed development, the department recommends the inclusion of a working hours condition should permission be granted.

Ecology: No response received.

Historic Environment Record: No response received.

Conservation: No objections based on the submitted photomontages.

TOWN COUNCIL

Objects to the application because it breaches the development line and encroaches upon the historic landscape; also, there is no information about the impact of noise from the new storage/industrial unit.

PUBLICITY

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

ASSESSMENT

Site location and context

The site comprises a parcel of land within Station Road Industrial Estate, along the northern edge of Epworth. The site is mostly within the development boundary of Epworth.

CW Fields & Son Ltd currently operates on land in and adjacent to the application site. The proposed building is intended to facilitate the expansion of the existing business.

The site comprises an area of tarmacked parking, an existing access road and a dwelling.

Planning History

2/1974/0272: Erect a machine shop – approved 17 September 1974

2/1974/0594: Erect a garage for two cars, a chapel of rest and a coffin furniture store – approved 17 February 1975

2/1975/0552: Erect a timber store and seasoning plant – approved 10 October 1975

- 2/1988/0816: Erect a conservatory extension – approved 15 August 1988
- 2/1988/0817: Erect office extensions – approved 30 September 1988
- 2/1990/0240: Alterations to dwelling – approved 6 April 1990
- 2/1995/0713: Erect a detached double garage – approved 26 October 1995
- PA/1996/1126: Proposed timber store – approved 12 July 1996
- PA/1999/1114: Planning permission to erect a workshop – approved 4 November 1999
- PA/2001/1025: Planning permission to erect an extension to a workshop and create additional vehicle parking – approved 7 December 2001
- PA/2005/0742: Planning permission to erect an extension to a production building and timber store, and erect a building for the distribution and storage of doors. Also, to create additional car parking, alter existing car park layout and construct a retaining wall – approved 27 June 2005
- PA/2011/1025: Planning permission to increase the height of two existing chimneys by 2 metres – approved 30 September 2011.

Designations/constraints

Mostly within the development limits of Epworth, some of the northern part of the site is outside the boundary.

A small part of the northern area of the site is within the Isle of Axholme Area of Special Historic Landscape Interest (policy LC14).

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 (bridleway) runs along the western boundary of the site.

Within SFRA flood zone 1.

Proposal

The application seeks consent to erect a storage/industrial unit (Use Class B8) to expand the existing business operations of CW Fields. The extension comprises 300 square metres and will adjoin the existing unit to the west of the site.

The development includes the demolition of the existing dwelling which is no longer considered necessary or suitable to live in given its proximity to the surrounding industrial uses.

The following matters are considered to be most relevant in the assessment of the application:

- **principle of development**

- **design and appearance**
- **trees**
- **Isle of Axholme landscape impact**
- **heritage impact**
- **residential amenity**
- **access and highway safety**
- **flood risk and drainage**
- **public right of way**
- **ecology.**

Principle of development

The site is mostly within the development limits of Epworth and comprises mostly previously developed land.

A small area in the north-eastern corner of the site (approximately 270 square metres) is within the Isle of Axholme Area of Special historic Landscape Interest and is also outside the development limits of Epworth. This area currently comprises the back garden of the residential property within the site.

Policy CS2 (Delivering more Sustainable Development) sets out a sequential approach to the delivery of development in North Lincolnshire, prioritising previously developed land particularly with settlements.

Policy CS3 (Development Limits) seeks to restrict inappropriate development in the countryside.

Policy CS11 (Provision and Distribution of Employment Land) sets out the council's support for the continued expansion and improvement of North Lincolnshire's economy, which will be achieved through the identification and delivery of sites in the Housing and Employment Land Allocations DPD. The site is not designated specifically for employment within the DPD; however, there is an established business within/adjacent to the site.

The proposed unit is required to facilitate the expansion of an existing business, CW Fields and Son Ltd. The business operations include ironmongery and specialist fire door glazing. The business provides employment to the local community and thereby supports the local economy.

The small area of the site that is outside the development limits of Epworth is proposed to feature part of the access road and a landscaped buffer. The building extension is therefore not outside the limits of Epworth.

The principle of development is therefore considered to be acceptable. The remainder of this report assesses whether the proposed design is suitable, including whether the proposed extension will have an acceptable impact on the surrounding landscape.

Design and appearance

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

The proposed unit will adjoin the existing unit which is adjacent to the western boundary of the site. The proposed unit will feature a similar design including corrugated wall and roof cladding to match the existing building. The new unit comprises 300 square metres and continues the existing roofline of the adjacent unit to the west (ridge level of 18.890 above Ordnance Datum). The unit is considered to be of a suitable scale and design that responds to the context of the surrounding industrial estate.

A car parking area is proposed to the north of the building including a bin storage area next to the new access road. A cycle store is proposed next to the bin storage area. The cycle and bin stores will be enclosed by a 2.25 metre high timber fence finished in grey paint.

The proposed design of the building extension is considered to be acceptable and therefore accords policies DS5 and CS5.

Trees

Policy LC12 (Protection of Trees Woodland and Hedgerows) sets out that proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows.

Policy CS16 (North Lincolnshire's Landscape, Greenspace and Waterscape) requires proposals to protect trees, hedgerows and historic landscape to be specified where appropriate.

Paragraph 131 of the NPPF sets out that planning decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments and that existing trees are retained wherever possible.

The site features hedgerows and trees along the eastern boundary. The hedgerow will largely be retained; however, some of the trees require removal to facilitate the new access road. Some of the trees to be removed are mature and the council's Tree Officer has objected to the proposals based on the tree removal.

Whilst policies seek to retain trees wherever possible, the benefits of the proposed development need to be assessed against the harm that the loss of the trees would result in.

In this case, the proposed development will facilitate the expansion of an existing business and provide further employment. It is anticipated that the extension will enable the employment of a further 15 full-time workers, in addition to the existing 60 employees.

Approximately five trees are proposed to be removed and an area of shrubbery and vegetation. To mitigate this, the proposal includes a landscaped buffer including new trees in the north-eastern corner, and planting next to the car park area.

Furthermore, alternative locations have been considered to avoid the tree removal, including along the eastern boundary and to the north of the existing building. These locations have been discounted for a number of reasons:

- Tenants of the unit on the western side of the existing building require space to the north of the building (it would not be practical or feasible to build on this land when it is needed by other businesses).
- Vehicle manoeuvring space is required on land to the north as shown on the submitted plans.
- Building to the north of the existing unit would have a greater impact on the views through the site, and therefore on the character of the adjoining countryside.

As such, the proposed location for the building extension is seen as the most suitable and practical. Whilst the retention of existing trees is encouraged, in this case the loss of some trees within the site is considered suitable given replacement planting is proposed and alternative locations have been discounted.

A condition is recommended to ensure the proposals include measures to protect the hedgerow during construction works. It is considered, with this condition, that the proposed development accords with policy LC12.

Isle of Axholme landscape impact

A small part of the northern area of the site (approximately 270 square metres) is within the Isle of Axholme Area of Special Historic Landscape Interest, which is afforded protection by policy LC14.

Policy LC14 (Area of Special Historic Landscape Interest) does not allow development within the area that would destroy, damage or adversely affect the character appearance or setting of the historic landscape. The policy also requires a high standard of design and siting in new development within the area when such development is considered necessary or appropriate, which should reflect the traditional character of buildings in the area.

The area of the site covered by policy LC14 currently features the rear garden of the dwelling, the detached garage of the dwelling and the northern part of the current car parking area.

There is also an existing industrial building to the north of the site which is located within the policy area which reduces the openness of the site to the north and views of the site.

It is considered that the proposed industrial unit will have an acceptable impact on the Isle of Axholme policy area and the proposals therefore accord with policy LC14.

Heritage impact

The site is not within a conservation area, however there are two grade II listed buildings approximately 130 metres to the south-east of the site (Field House Farmhouse and Barn at Field House Farm). A grade II listed windmill is also located approximately 100 metres to the north-east of the site.

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 listed buildings and scheduled ancient monuments.

Policy HE5 (Development affecting Listed Buildings) seeks to encourage the retention and restoration of the historic setting of listed buildings.

The council's Conservation Officer has reviewed the proposals and has confirmed they have no objections.

The proposed unit is of a similar scale to the existing unit that it is proposed to adjoin.

The proposals are therefore acceptable in terms of their impact on the setting of the listed buildings to the south-east of the site. As such the proposals accord with policies CS6 and HE5.

Public right of way

Policy R5 (Recreation Paths Network) sets out existing rights of way will be protected from development and permission will not be granted for any development which would prejudice public access onto and through the recreational path network, unless specific arrangements are made for suitable alternative linkages.

Policy CS25 (Promoting Sustainable Transport) sets out that applications should promote the continuation and improvement of North Lincolnshire's network of safe walking and cycling routes, including the public rights of way network.

Paragraph 100 of the NPPF similarly sets out that planning decisions should protect and enhance public rights of way and access.

Public Bridleway 1 currently runs to the east of the site, close to the eastern boundary of the site.

The proposed site plan shows that this bridleway will be retained and the proposals should not affect the usage of the path.

The council's Neighbourhood Services team have been consulted on the application and have confirmed that if the public's use of Public Bridleway 1 will be unaffected by the application, then the team has no objections.

As the bridleway is considered to be unaffected as the route will be retained, the proposals accord with policies R5 and CS5.

Residential amenity

Policy DS1 (General Requirements) requires proposals to be designed so as not to 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 site is within an established industrial estate and there are no dwellings on or next to the site, other than the existing dwelling that is proposed to be demolished. Other than this dwelling, the nearest dwellings include Field Farm Barn, Field Farm Lodge and Field

House, which are approximately 135 metres to the south of where the proposed unit will be located.

The council's Environmental Protection team have been consulted on the proposals and have not raised any objections in terms of noise generation. A condition is recommended to control construction working hours to protect the amenity of nearby residential properties.

It is considered that the proposed additional unit would have an acceptable impact on the residential amenity of the nearest residential properties. The proposal therefore accords with policy DS1.

Access and highway safety

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

A new access is proposed along the eastern edge of the site which continues from the existing access leading from Station Road. Twenty car parking spaces are proposed, two of which will have electric vehicle charging. A covered cycle store is proposed with the capacity for 12 bicycles.

The council's Highways team has reviewed the proposals and confirmed they have no objections.

Conditions are recommended to ensure the access and parking is provided prior to the use of the site to ensure sufficient parking is in place.

The proposals are therefore acceptable in terms of the proposed access and parking arrangements and accord with policies T2 and T19.

Flood risk and drainage

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

The site within Flood Zone 1, which is considered to be at a low risk of flooding.

The council's Drainage team has reviewed the proposals and confirmed they have no objections subject to conditions requiring details of a detailed surface water drainage scheme to be submitted, approved and implemented.

The proposals are therefore considered to be acceptable in flood risk and drainage terms and comply with policies DS16 and CS19.

Ecology

Policy CS17 (Biodiversity) requires proposals to give appropriate consideration of important habitats and species and seeks to secure a net gain in biodiversity.

The application is not accompanied by any ecological assessment and the ecological status of the site is therefore unclear. The site is part of an industrial estate and comprises previously developed land. The development does, however, require the removal of some

trees along the western boundary. In the absence of any survey information relating to these trees, it is considered appropriate to include a condition restricting clearance and demolition work outside the bird nesting season which runs from March to September.

With the inclusion of this condition, it is considered that the proposals accord with policy CS17.

Conclusion

The proposed industrial unit will facilitate the expansion of an existing business within an established industrial estate. It is considered that the building features a suitable design that responds to the context of the surrounding buildings, and the unit will have an acceptable impact on the landscape.

Pre-commencement condition

Agreement has been sought from the agent/applicant to the pre-commencement drainage condition but a response is awaited at the time of writing.

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 (2022-ID-16-LOC)
- Proposed Masterplan (2022-ID-16-PL001)
- Proposed General Arrangements, Elevations and General Section (2022-ID-16-PL002).

Reason

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

3.
No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

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

4.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 3 above, completed prior to the use of the building on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

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

5.

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

Reason

To protect human health.

6.

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

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

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

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

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

Reason

To protect residential amenity.

7.

The building shall not be brought into use until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed. Once provided, the vehicle parking and turning space(s) shall be retained.

Reason

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

8.

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

Reason

To ensure appropriate measures and mitigation is in place to accord with policies LC12 of the North Lincolnshire Local Plan and CS16 of the Core Strategy.

9.

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

Reason

To ensure appropriate measures and mitigation is in place to accord with policies LC12 of the North Lincolnshire Local Plan and CS16 of the Core Strategy.

10.

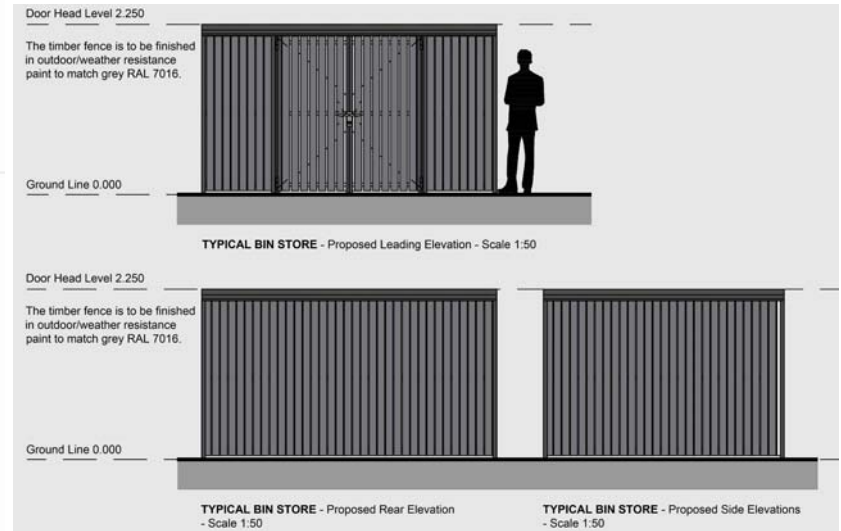
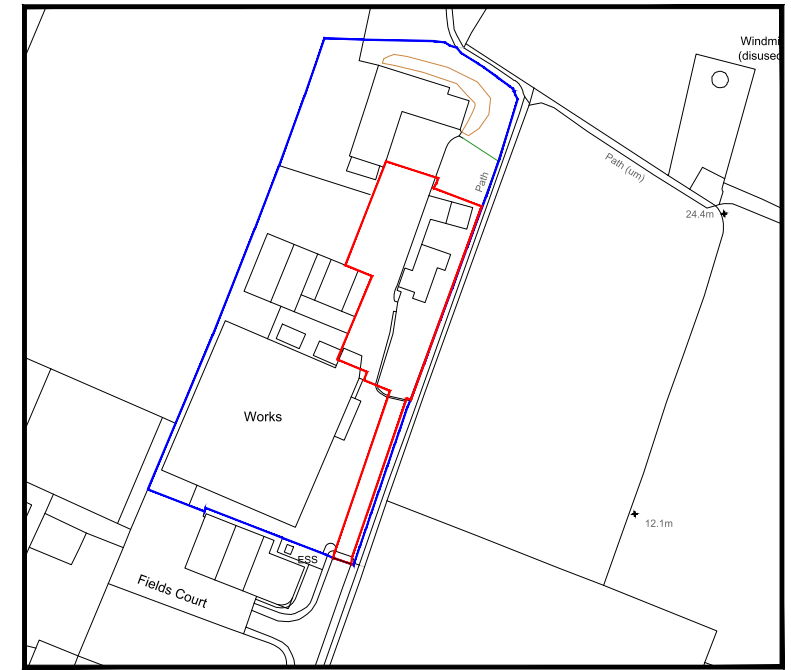
All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive, unless it is necessary for works to commence in the nesting season, then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out by a suitably qualified ecologist. Only if there are no active nests present shall work be allowed to commence within the bird nesting season.

Reason

To minimise the environmental impact of the development and the risk to protected species in accordance with policy CS17 of the Core Strategy.

Informative

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



Proposed masterplan extract - Scale - 1:200

General Note:
-Drawing based upon third party data namely:
CLS Survey Topographical data drawing 0669_10_001
-Client to confirm that no services/utilities lie within the footprint of the proposed extension

Date: July 2022
Proposed Masterplan
Drawing scale Various @ A2
CW Fields, Station Road Industrial Estate

2022-ID-16-PL001

isleDesign
architecture

CIAT
CHARTERED PRACTICE

RECORD DRAWING

The Studio, The Game Farm, Epworth
North Lincs, //tombone.headlines.cringes
M: 07917 224361 E: nwh@isledesign-architecture.com
CIAT Chartered Membership No: 015669

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APPLICATION NO	PA/2022/1486
APPLICANT	Mr & Mrs Dave Pottage
DEVELOPMENT	Planning permission for change of use of existing vacant land attached to former public house and retention of masonry wall and summerhouse
LOCATION	Milbrook, 185 Scawby Road, Scawby Brook, DN20 9JX
PARISH	Scawby
WARD	Ridge
CASE OFFICER	Jess Hill
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICY

National Planning Policy Framework: Section 12 (Achieving well-designed places)

North Lincolnshire Local Plan: Policies DS1, DS5, RD2

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

CONSULTATIONS

Highways: No comments or objections.

LLFA Drainage: No response received.

Environmental Protection: No comments.

Recycling/Waste: No response received.

Environment Agency: No response received.

PARISH COUNCIL

No comments or objections.

PUBLICITY

A site notice has been displayed. Two objections have been received raising the following concern:

- No requirement for gates given there is no access from the site to the adjacent land.

ASSESSMENT

Site location and context

The site comprises a detached dwelling to the south of Scawby Road, on the south-western edge of Scawby Brook.

The dwelling and garage to the rear of the property are within the development limits of Scawby Brook. The land within which the summer house and wall have been constructed is outside, though adjacent to, the development limits.

Planning history

- 7/1978/0744: Erect a new food preparation room and an extension to a beer store – approved 19 October 1978
- 7A/1984/0342: Consent to display two externally statically illuminated hanging and fascia signs and two internally statically illuminated lantern signs and a statically externally illuminated wall-mounted display sign – approved 26 July 1984
- 7/1985/0004: Erect three houses with associated vehicular access – approved 14 February 1985
- 7/1992/0593: Erect a 12-bedroom motel – refused 17 December 1992
- 7/1993/0150: Erect extensions to existing public house to provide a 12-bedroom motel, family room, dining room and kitchen; also to provide a ground-floor flat and extend first-floor flat – approved 29 April 1993
- PA/1998/0318: Planning permission to erect extensions to existing public house to provide a 12-bedroom motel, family room, dining room and kitchen, also to provide a ground-floor flat and extend first-floor flat (renewal of 7/150/93 dated 29/04/93) – approved 22 June 1998
- PA/2002/1575: Outline planning permission to demolish existing public house and erect six detached dwellings and garage with associated access road (siting and means of access not reserved for subsequent approval) – refused 7 February 2003
- PA/2003/1870: Outline planning permission to demolish existing public house and erect four detached dwellings (re-submission of PA/2002/1575, refused 07/02/2003) – approved 10 February 2004
- PA/2005/1722: Planning permission to erect detached dwelling and garage – approved 25 November 2005
- PA/2006/1134: Planning permission to amend garage type previously approved under PA/2005/1722 dated 25/11/05 – approved 21 August 2006.

Designations/constraints

The southern part of the site is outside the development limits of Scawby Brook.

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

Within SFRA Flood Zone 1.

Proposal

The application seeks consent to change the use of existing vacant land attached to a former public house and to retain a masonry wall and summer house.

The following considerations are relevant to this proposal:

- **principle of development**
- **design and appearance**
- **residential amenity.**

Principle of development

Householder 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 comprises a dwelling and vacant land to the rear of the dwelling that used to be attached to a public house that has now been demolished.

The southern part of the site is outside the development limits of Scawby Brook, whereas the dwelling is within the development limits.

Policy RD2 (Development in the Open Countryside) sets out that development in the countryside is allowed if it is for the 'replacement, alteration or extension of an existing dwelling' (part vii).

The application seeks retrospective permission to change the use of the land to ancillary to the main dwelling and to retain the summer house. It is considered that the development falls within the allowance of part vii of policy RD2.

The principle of development is therefore acceptable.

Design and appearance

Policy DS5 (Residential Extensions) states that proposals should be sympathetic in design, scale and materials.

Policy CS5 (Delivering Quality Design in North Lincolnshire) is also concerned with visual amenity and seeks to achieve quality design in North Lincolnshire.

The summer house is made from timber and measures 4.4 metres by 3.2 metres. The roof is sloped and ranges in height from 2.2 metres to 2.4 metres. As the summer house is less than 2.5 metres high, it would comprise permitted development if constructed within the curtilage of the dwelling.

The boundary wall comprises red facing brickwork that matches the dwelling. The boundary wall includes gates along the eastern boundary of the site. Two objections have been

received from members of the public commenting that the location of the gates is inappropriate as the applicant is not considered to have access to the gates from the land next to the site. Whilst access might not be permitted to the site through these gates, the main access to the site is from the site frontage. There is, therefore, another access to the site and the gates along the western boundary are not relied upon for access. The gates can and do remain closed and as such function as part of the boundary wall. The retention of the gates is therefore considered to be acceptable in this case.

The proposed appearance and materials used in the construction of the summer house and boundary walls are considered to be appropriate. The proposal is therefore in accordance with policies DS5 and CS5.

Residential amenity

Policies DS1 (General Requirements) and DS5 require proposals to be assessed to ensure they would not result in an unacceptable impact or loss of amenity to neighbouring land uses including as a result of the effects of overlooking or overshadowing.

The summer house is located to the rear of the dwelling, approximately 21 metres to the north-east of The Woodlands, and approximately 25 metres to the south-east of 187 Scawby Road. There are, therefore, suitable separation distances between the summer house and neighbouring properties.

The summer house does not result in an unacceptable impact in terms of overshadowing or overlooking. It is therefore considered that the summer house has an acceptable impact on the amenity of neighbouring properties. The proposals therefore accord with policies DS1 and DS5.

Conclusion

The summer house and boundary wall are considered to be appropriate and retrospective consent should be 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:

- Amended Site Location Plan - DP/22/01
- Proposed Block Plan - DP/22/02A
- Proposed Summerhouse, Boundary Walling and Gates - DP/22/03.

Reason

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

3.

The materials for the bricks, roof, windows and doors hereby approved for the development shall match those outlined in section 9 of the application form.

Reason

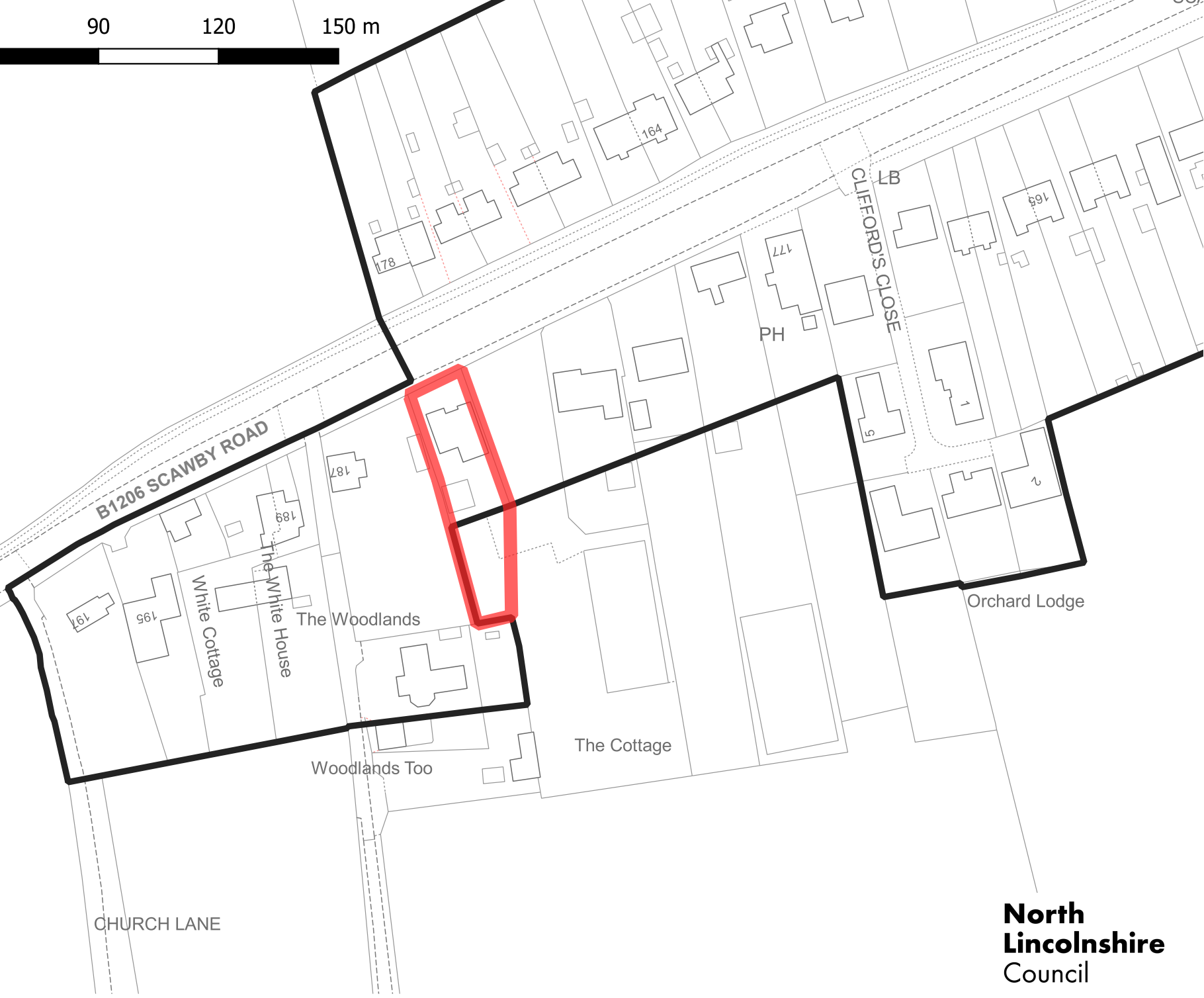
For the avoidance of doubt and in the interests of proper planning.

Informative

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



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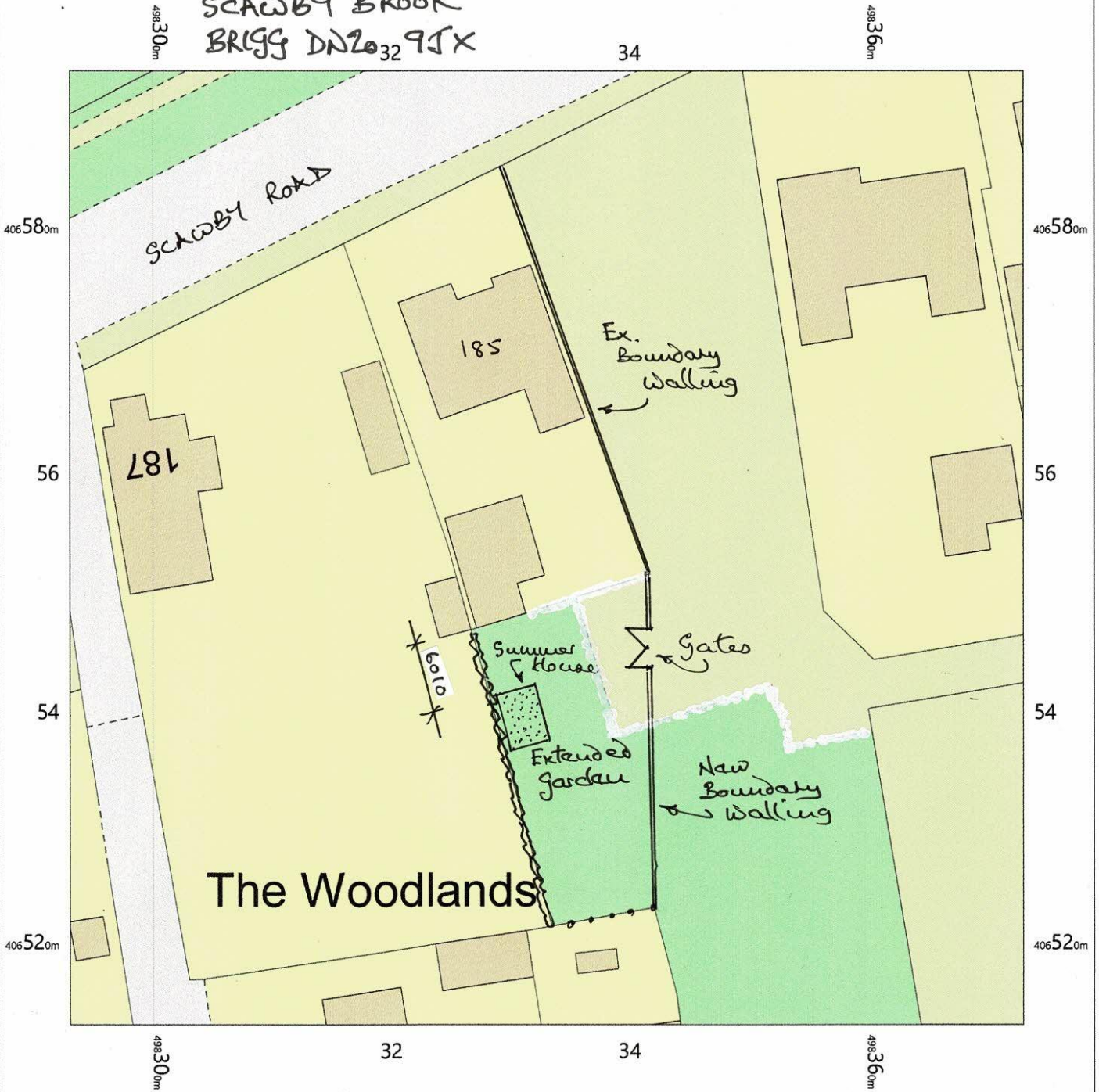


 Development Boundary

PA/2022/1486

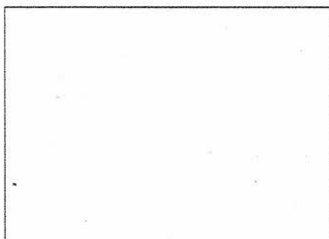
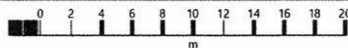
**North
Lincolnshire
Council**

MR & MRS D. POTTAGE
MILL BROOK
185 SCAWBY ROAD
SCAWBY BROOK
BRIGG DN20 32 9TX



"PROPOSED BLOCK PLAN"

DRS. N^o. DP/22/02A



Thursday, August 18, 2022, ID: BW1-01056576
maps.blackwell.co.uk

1:500 scale print at A4, Centre: 498333 E, 406554 N

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APPLICATION NO	PA/2022/1703
APPLICANT	Mr B Dexter
DEVELOPMENT	Planning permission to erect two chalet-style bungalows on part of the existing rear garden area
LOCATION	Land to the rear of 316 Ashby Road, Scunthorpe, DN16 2RS
PARISH	Scunthorpe
WARD	Kingsway with Lincoln Gardens
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Tony Gosling – significant public interest; access concerns)

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

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

North Lincolnshire Local Plan:

Policy DS1: General Requirements

Policy DS7: Contaminated Land

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

Policy H5: New Housing Development

Policy H7: Tandem and Backland Development

Policy H8: Housing Design and Housing Mix

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering more Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS7: Overall Housing Provision

Policy CS8: Spatial Distribution of Housing Sites

Policy CS18: Sustainable Resource Use and Climate Change

Policy CS19: Flood Risk

Housing and Employment Land Allocations DPD:

The site is within the development limit for the Scunthorpe and Bottesford urban area.

CONSULTATIONS

Highways: The proposed development is on a private drive, which currently serves three dwellings. Outline permission has been granted for two dwellings to the south of this application, which I believe has come in for the approval of reserved matters (PA/2022/433), which would take the number of dwellings served by a private drive to five. Therefore, this application would mean seven dwellings wholly served by a private drive.

I notice from the information submitted with the above application that there are proposals to widen the site access to 5 metres. The existing drive then appears to narrow down to 4.1 metres further into the site. This is sufficiently wide for two vehicles to pass each other, but from looking at the width of the driveway and location of the dwellings in PA/2022/433, it would appear to be challenging to widen the driveway sufficiently to bring it up to an adoptable standard.

I would advise that even though the number of units wholly served by the access road exceeds five, it will remain private as an adequate layout cannot be achieved for an adoptable highway. Therefore, an exemption will be issued on each plot in due course. I would advise that conditions should be applied to any permission that you may be minded to grant.

LLFA Drainage: We note the red line boundary extends to include part of the existing access track leading to the development. For this reason we would advise that the current surface water design regulations are adhered to. The development falls within our lower threshold assessment levels (over 500 square metres buildings and hard paved areas) and provides no information to support the proposals. There would seem to be no feasible

surface water drainage outfall within the vicinity of the development. Taking the above into consideration, the LLFA Drainage Team has no objection to the proposed development subject to the imposition of planning conditions in relation to the submission of a surface water drainage scheme and details preventing surface water onto the highway and preventing surface water from the highway onto the developed site.

Severn Trent Water: Views awaited.

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

Recycling: General advice relating to bin size, refuse vehicle access, and pulling distances for bins by residents and collection crews.

Cadent Gas: No objection – advise an informative on any decision notice relating to Cadent Gas Ltd assets.

PUBLICITY

Advertised by site notices. Six responses have been received (two from the same objector) raising the following issues:

- permission has not been granted to use the access road
- out of character
- overlooking
- difference in ground levels between the site and adjoining properties
- increased noise and disturbance
- loss of light
- overshadowing
- overdevelopment
- a fence has been erected on the site
- a protected tree has been removed
- insufficient services to support the application – water pressure and drains
- bins placed in the road as no space to cater for them.

ASSESSMENT

The proposal

Planning permission is sought to erect two chalet-style bungalows on part of the rear garden area of 316 Ashby Road, Scunthorpe. The proposed bungalows are semi-detached and will face south onto the access, which is a private road from Ashby Road serving a small number of existing dwellings. The dwellings comprise two bedrooms, a bathroom and

a kitchen/dining/lounge area. No accommodation is proposed in the roof space. New timber boundary fencing of 1.8 metres high is proposed to the northern, eastern and western boundaries. Each dwelling will have its own access and permeable paved parking area. Each dwelling will have a private garden area to the side.

The site

The site is within the Scunthorpe and Bottesford urban area within flood zone 1. It was originally garden land to 316 Ashby Road. The site has been fenced off and is overgrown, and contains some building materials. It is surrounded by residential properties to the north and west, to the east is a Presbytery, to the south is the access road, and beyond is 320 Ashby Road, where there is an extant permission for two dwellings in the rear garden that lies adjacent to this application site. It must be noted that the applicant does not own the access road that will serve the proposed development. The applicant has served notice (Certificate B) on the owner of the access road in accordance with statutory procedure. Members will be aware that the planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership. This does not, however, affect any civil rights which can preclude development from being implemented if the consent of the owner is not obtained.

Relevant planning history on and adjacent to the site

- PA/2022/509: Planning permission to erect two chalet-style bungalows on part of the existing rear garden area – approved 05/08/2022
- PA/2022/433: Approval of reserved matters for two dwellings – approved 27/05/2022 (land to the rear of 320 Ashby Road).
- PA/2020/1496: Outline planning permission to erect a pair of chalet bungalows with parking provision (appearance, landscaping and scale reserved for subsequent approval) – approved 19/11/2020 (land to the rear of 320–322 Ashby Road)
- 6/1983/0210: Planning permission to construct two vehicular crossings – approved 24/10/1983
- 6/1982/0219: Planning permission for a change of use of temporary day centre to residential purposes – approved 08/10/1982.

Principle

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

The principle of residential development on this site has already been established by the grant of previous planning permission PA/2022/509. That said, the site is within the

development boundary of the Scunthorpe and Bottesford urban area, where residential development is considered to be acceptable in principle. The site is in a highly sustainable location within walking and cycling distance of a range of local facilities, services and employment opportunities. It is close to a number of bus stops with regular services to Scunthorpe and the train station. Policy CS1 of the NLCS identifies Scunthorpe as being the focus for the majority of new development and growth, including for housing. CS1 promotes high quality, well designed new housing to be provided on a range of previously developed sites within the urban area. Policy CS2 of the NLCS identifies a sequential approach for development will be adopted. Development will be focused on previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions. All future development in North Lincolnshire will be required to contribute towards achieving sustainable development. Policy CS8 of the NLCS also states that the principal focus for housing is previously developed land and buildings within the development limits of Scunthorpe followed by a greenfield urban extension to the west of the town. 82% of all new dwellings will be within and adjacent to the urban area.

In a recent appeal decision dated 20 July 2022 (PA/2020/554) the Inspector concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. In this case, although the proposal will make only a small contribution to the council's housing land supply this is also a material consideration in the determination of this application. It must also be noted that there is a high need for bungalows in North Lincolnshire to provide accommodation for our elderly population which is increasing according to the latest census data issued earlier in 2022.

Overall the principle of the development aligns with the strategic policies in the NLCS (CS1, CS2 and CS8) and is therefore acceptable.

Highways

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

Highways have been consulted and have no objection to the proposal subject to conditions. They have commented that the proposed development is on a private drive, which currently serves three dwellings. The addition of four new dwellings (two approved on the adjacent site to rear of 320 Ashby Road) would take the number of dwellings served wholly by a private drive to seven. This private drive cannot meet adoptable standards and will need to remain a private drive.

With regard to the issue of ownership of the private drive, the owner has stated that she will not give consent for her private drive to be used to access the proposed dwellings and this is noted. However, this issue does not prevent planning permission being granted for the proposal. This is a private matter for the applicant and owner of the private drive to resolve. If the owner does not give consent for the private drive to be used, the development cannot be implemented.

Character, appearance and design

The site is surrounded by essentially two-storey dwellings, with 316 Ashby Road being a bungalow. Two bungalows have been granted planning permission to the rear of 320 Ashby Road, but have not yet been constructed. The proposed scheme will not be particularly visible from Ashby Road as the site is screened by 316 Ashby Road and the private access road entrance is fairly narrow. The area, whilst characterised by essentially two-storey dwellings, does consist of a wide range of house types and designs. Whilst the site is relatively modest in size, the two dwellings are also of modest design and size with sufficient car parking and private amenity spaces provided on the site. Overall, the proposal is not considered to be out of character with the adjoining area and the appearance and design of the proposed dwellings will not harm the visual amenity of the locality. The proposal therefore aligns with policies H5, H7, H8 and DS1 of the NLLP, CS5 and CS7 of the Core Strategy, and Chapter 12 of the NPPF.

Impact on residential amenity

The majority of the impact the dwellings will have on residential amenity is to the neighbouring property to the north (314 Ashby Road). This is a two-storey property with a conservatory on the rear extension. It has a long narrow garden. The rear of the property and garden face east. Within the garden is a log cabin and shed, and adjacent to the boundary is a large roofed, but open-sided, structure with seating. This structure will also provide some screening from the dwellings. This property's conservatory and decking is at a higher level than the application site. The conservatory is obscure glazed on its southern side. The agent has moved the proposed dwellings slightly further south so there is now approximately 1.5 metres between the proposed dwellings and the northern boundary. The applicant has also shown the shading from the proposed dwellings on the submitted plans. The dwellings will be visible from the rear of 314 Ashby Road, but they are sited away from the dwelling and run parallel with its garden area which is at a lower level than the dwelling itself. The proposed dwellings will be partially screened by the proposed 1.8 metre high close-boarded fence. The bathroom windows in the rear elevation will be obscure glazed to protect privacy. Only part of the brickwork and roof of the dwellings will be visible to this neighbour. There will be slight overshadowing to 314 Ashby Road as shown on the submitted plans, but it is not considered, on balance, that the proposal will result in demonstrable harm to the amenity of this property. As a result, the proposal aligns with policies H5, H7 and DS1 of the NLLP and policies CS5 and CS7 of the CS.

In terms of impact on 316 Ashby Road, this is also a bungalow. A close-boarded fence has been installed on the western boundary with 316 Ashby Road to secure privacy between the existing and proposed dwellings. 316 Ashby Road and the proposed dwellings each have adequate private amenity space. There is an adequate separation distance (over 16 metres) between the proposed dwellings and 316 Ashby Road and therefore the proposal will not be overbearing on that property, which is also a bungalow. In terms of impact on 320 Ashby Road, this is a two-storey dwelling with a long narrow garden. Although permission exists for two dwellings in the rear garden of 320 Ashby Road, they have not yet been constructed. The occupants of 320 Ashby Road will have a view of the development from their rear garden across the private drive. Although there will be a 'view' of the proposed dwellings, again there is adequate separate distances between 320 Ashby Road and the proposed dwellings to ensure that residential amenity will be safeguarded. As a result, the proposal aligns with policies H5, H7 and DS1 of the NLLP and policies CS5 and CS7 of the CS.

Flood risk and drainage

Policy CS19 of the NLCS is concerned with flood risk, policy CS18 of the NLCS relates to sustainable resource and climate change, and policy DS14 of the NLLP is concerned with foul sewage and surface water drainage. Policy DS16 of the NLLP seeks to ensure that new development is not at risk from flooding.

The site is within flood zone 1 of the council's SFRA, has a low probability of flooding and is therefore the optimum flood risk zone for development. In terms of flood risk, the proposal therefore aligns with policies CS19 of the NLCS and DS16 of the NLLP.

In terms of drainage, the LLFA raise no objections to the application subject to conditions requiring the submission of a surface water drainage scheme, and details to ensure surface water does not run off the site onto the highway and from the highway onto the site. Subject to these conditions, the proposal will align with policies CS18 and CS19 of the NLCS, and DS14 of the NLLP.

In relation to water pressure and drain blockages, comments from a resident are noted. No evidence has been submitted to suggest that this is the case. Severn Trent Water have not responded to the consultation. However, a condition will be imposed should permission be granted to ensure details of the foul water drainage is submitted to the council for approval.

Contamination

With regard to land contamination, the applicant has submitted a contaminated land screening assessment form. There is no evidence to suggest this site is contaminated (former garden land). As a result, Environmental Protection recommend a condition that if, during development, contaminated material is found to be present on the site then a method statement will need to be submitted to the council detailing how the contamination will be dealt with. This condition will be imposed should permission be granted. The proposal will therefore align with policy DS7 of the NLLP.

Other matters raised

In terms of the tree felled on the site, this was noted at the site inspection. The tree was not covered by a tree preservation order and is not in a conservation area. As such, the owner of the site required no consent from the council to remove the tree. Comments in relation to increased noise and disturbance during construction are noted. However, these impacts will be relatively short term and it is not considered that the building of the two proposed dwellings, which is a small-scale development, will result in significant noise and disturbance during construction. The fence installed adjacent to the southern boundary of 316 Ashby Road was noted on the site and its height will be checked to ascertain if it requires planning permission. With regard to bin storage, this can be conditioned to ensure that bins are stored within the site.

Planning balance and conclusion

In conclusion, the proposed sub-division of the existing dwelling plot by infilling within the rear garden (backland) to erect two single-storey dwellings is acceptable in principle. The layout, siting and design of the dwellings are appropriate as the proposal would not cause demonstrable harm to the character of the area or the street scene. The proposed dwellings would be visible from adjoining properties, particularly 314 Ashby Road to the north. However, the dwellings are single-storey, modest in size and will be sited over 1.5 metres

from the northern boundary. The proposed new fence will provide some screening of the development from 314 Ashby Road and the bathroom window in the rear elevation will be conditioned to be obscure glazed to safeguard privacy. Overall, whilst the dwellings will be visible from 314 Ashby Road, no demonstrable loss of amenity of this property in terms of loss of privacy, overshadowing or overbearing impact will be caused by the proposed development. The proposal is therefore acceptable in planning terms.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

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

- Drawing no PL02 - Proposed elevations
- Drawing no PL03 - Proposed Floor plans and roof plan
- Drawing no PL01 - Site Plan and location Plan
- Materials Specification - Sandtoft TLE Tile and Hathaway Brindled Bricks.

Reason

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

3.

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

Reason

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

4.

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.

5.

Adequate vehicle access, parking and turning facilities serving the existing dwelling shall be retained 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 policies T2 and T19 of the North Lincolnshire Local Plan.

6.

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

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

7.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off the site, is not increased. SuDS must be fully considered in accordance with current PPG guidance. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

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

8.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 7 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

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

9.

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

Reason

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

10.

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

Reason

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

11.

Before any above-ground works take place, details of the foul water drainage for the development shall be submitted to and approved in writing by the local planning authority. Thereafter, only the approved foul water drainage shall be implemented on the site.

Reason

To ensure satisfactory foul drainage on the site in accordance with policy DS14 of the North Lincolnshire Local Plan.

12.

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

until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing 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.

13.

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

Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties and potential occupiers of the proposed dwellings in accordance with policy DS1 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy.

14.

Prior to the occupation of the approved dwellings, details of the bin storage arrangements within the site shall be submitted to and approved in writing by the local planning authority. Thereafter, only the approved scheme shall be implemented.

Reason

To ensure satisfactory bin storage on the site, in the interests of the visual amenity of the locality and highway safety.

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

The applicant's attention is drawn to the comments made by Cadent Gas Ltd.

Informative 3

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



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 Development Boundary

PA/2022/1703

**North
Lincolnshire
Council**

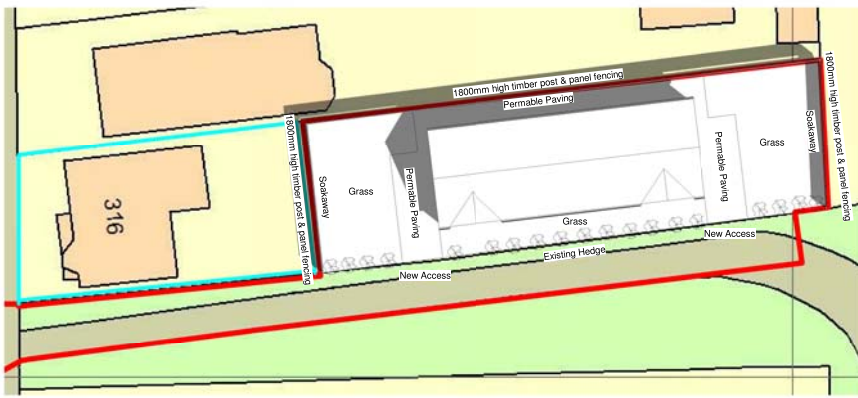
PA/2022/1703 Proposed layout (not to scale)



Location Map
1 : 1250



Site Layout - Existing
1 : 500



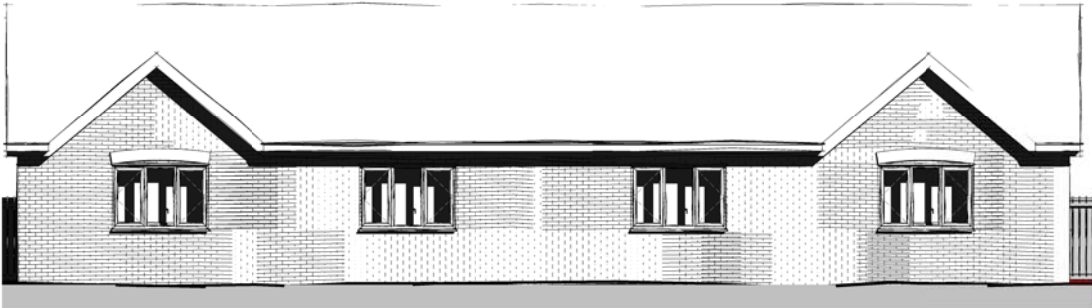
Site Landscaping - Proposed
1 : 200



Site Layout - Proposed
1 : 500

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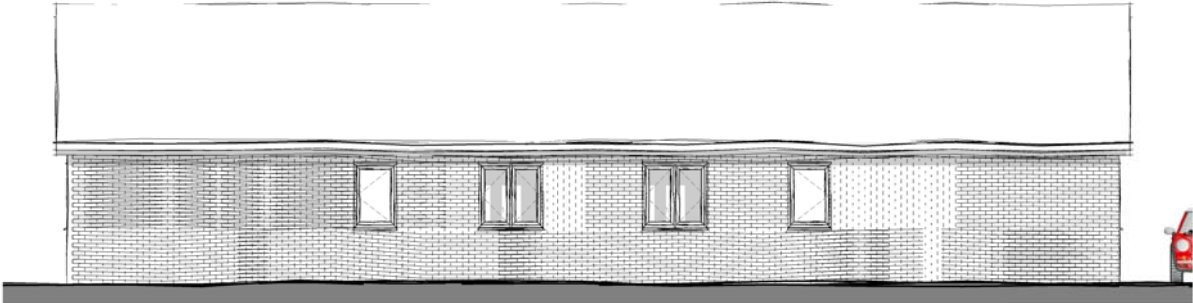
PA/2022/1703 Proposed elevations (not to scale)



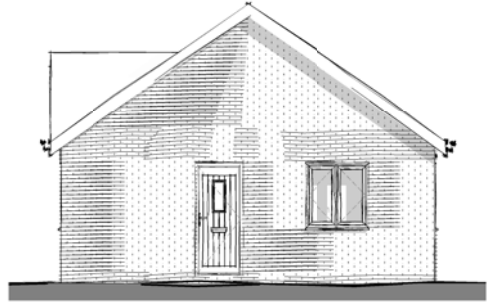
1 Front Elevation
1 : 50



3 Left Side Elevation
1 : 50

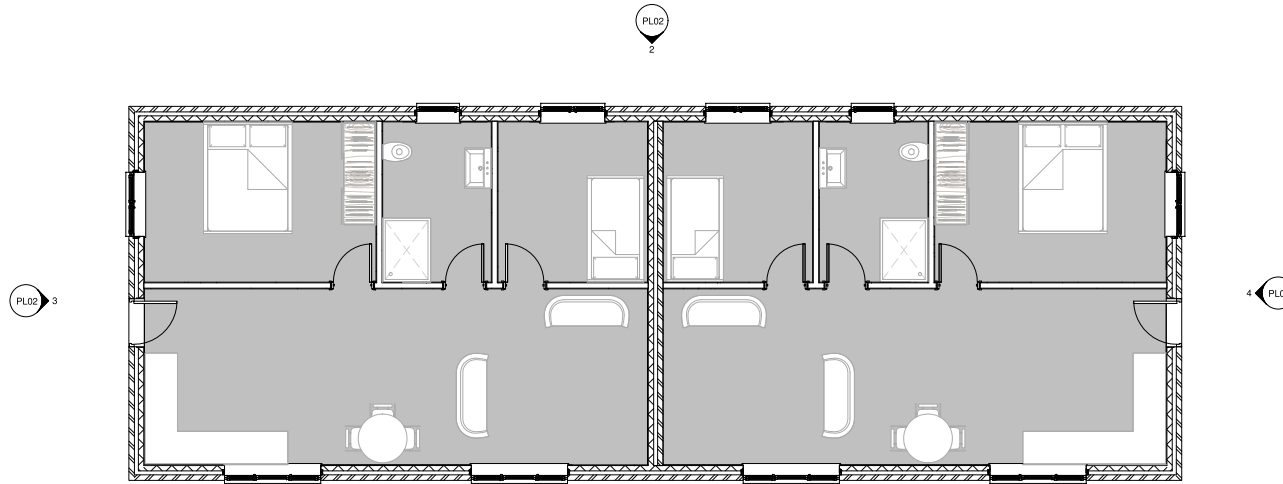


2 Rear Elevation
1 : 50

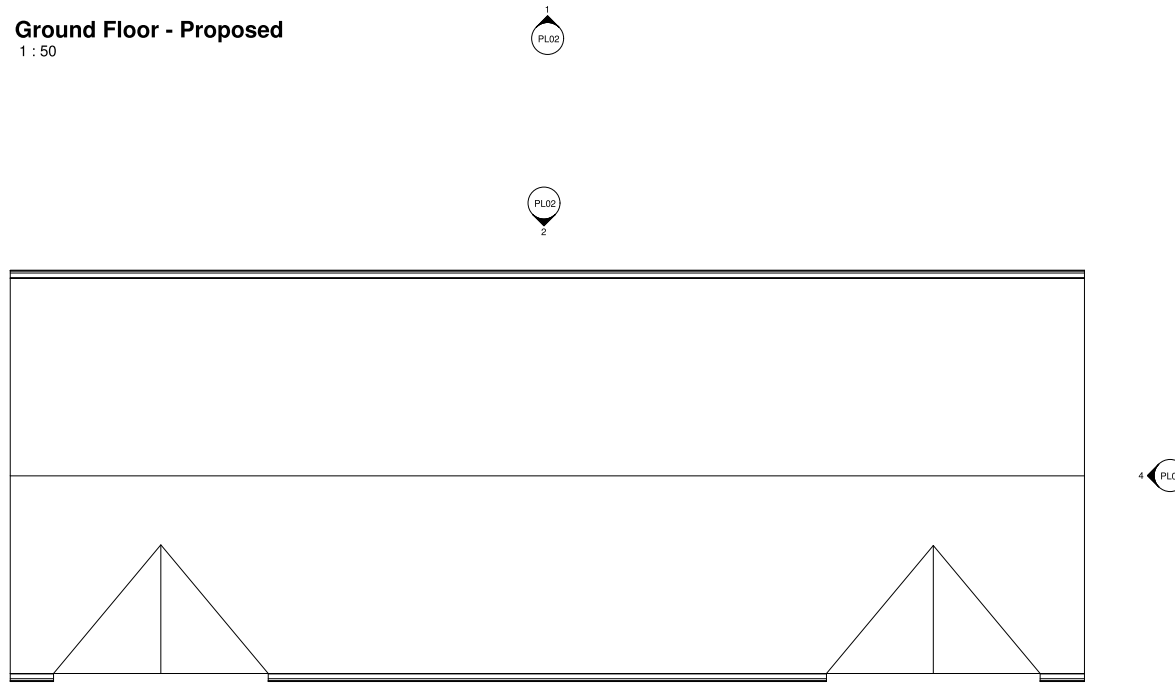


4 Right Side Elevation
1 : 50

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Ground Floor - Proposed
1 : 50



Roof Plan - Proposed
1 : 50

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