

Public Document Pack

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

30 November 2022

Chairman: Councillor Nigel John
Sherwood

Venue: Church Square House,
High Street,
Scunthorpe

Time: 2.00 pm

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

AGENDA

1. Substitutions
2. Declarations of Disclosable Pecuniary Interests and Personal or Personal and Prejudicial Interests, significant contact with applicants, objectors or third parties (Lobbying) and Whipping Arrangements (if any).
3. To take the minutes of the meetings held on 2 November 2022 as a correct record and authorise the chairman to sign. (Pages 1 - 12)
4. Applications deferred from previous meetings for a site visit. (Pages 13 - 14)
 - (a) 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 (Site visit time 10.35am) (Pages 15 - 38)
 - (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 (Site visit time 9.40am) (Pages 39 - 52)
 - (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 (Site visit time 11.25am) (Pages 53 - 62)
 - (d) 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 (Site visit time 11.40am) (Pages 63 - 80)

5. Major Planning Applications. (Pages 81 - 82)
 - (a) PA/2022/1206 Outline planning permission for up to 34 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration (including demolition of existing workshop, polytunnel, stable and 56 Station Road) (resubmission of PA/2021/715) at Fruit Farm, 58 Station Road, Epworth DN9 1JZ (Pages 83 - 132)
6. Planning and other applications for determination by the committee. (Pages 133 - 134)
 - (a) PA/2020/2033 Planning permission to change the use of a former school to four apartments and a retail shop, with associated works at Old School, Station Road, Keadby DN17 3BN (Pages 135 - 158)
 - (b) PA/2022/358 Planning permission to erect dwelling and garage, including demolition of existing outbuildings at land adjacent to 27 West End Road, Epworth DN9 1LA (Pages 159 - 174)
 - (c) PA/2022/858 Planning permission for the change of use from four dwellings to a children's care home at Forresters Hall, High Street, Barrow upon Humber DN19 7AA (Pages 175 - 184)
 - (d) PA/2022/993 Planning permission to change the use of a care home (Use Class C2) to a hotel/guesthouse (Use Class C1) at Grafton House Care Home, 157 Ashby Road, Scunthorpe DN16 2AQ (Pages 185 - 202)
 - (e) PA/2022/1021 Planning permission for renovations and the erection of twostorey extensions to the rear and sides of the dwelling at 14 Greenhill Road, Haxey DN9 2JE (Pages 203 - 218)
 - (f) PA/2022/1278 Listed building consent for renovations and the erection of twostorey extensions to the rear and sides of the dwelling at 14 Greenhill Road, Haxey DN9 2JE (Pages 219 - 232)
 - (g) PA/2022/1040 Planning permission to erect three dwellings including access at Land east of 26 Meredyke Road, Luddington DN17 4RD (Pages 233 - 248)
 - (h) PA/2022/1101 Outline planning permission to erect 5 dwellings at land north of 53 Brethergate, Westwoodside DN9 2PF (Pages 249 - 268)
 - (i) PA/2022/1139 Planning permission for the temporary change of use of offices and warehouse to a school for a period of 6 years at Roxburgh House, Clayfield Road, Scunthorpe DN15 8RA (Pages 269 - 286)
 - (j) PA/2022/1317 Planning permission for the removal and replacement of the front wall at 4A Market Hill, Winteringham DN15 9NP (Pages 287 - 292)

- (k) PA/2022/1591 Outline planning permission to erect a new dwelling with all matters reserved for subsequent consideration at Land to the north of Croft Cottage, Brackenhill Road, East Lound DN9 2LR (Pages 293 - 308)
- 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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Public Document Pack Agenda Item 3

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

2 November 2022

PRESENT: - N Sherwood (Chairman)

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

T Foster, K Vickers and R Waltham

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

2295 **SUBSTITUTIONS**

Councillor C Sherwood for Councillor Davison, and Councillor Longcake for Councillor Hannigan.

2296 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING) AND WHIPPING ARRANGEMENTS (IF ANY).**

The following members declared a personal and prejudicial interest –

Councillor Ross
Application – PA/2021/1755
Nature of Interest – Knew the applicant

Councillor C Sherwood
Application – PA/2022/1408
Nature of Interest – Knew the applicant

The following members declared a personal interest –

Councillor Grant
Application – PA/2022/829
Nature of Interest – Business user

The following members declared they had been lobbied –

Councillor Grant
Application: PA/2021/1703

Councillor N Sherwood
Applications: PA/2021/1755 and PA/2021/1359

Councillor Wells

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Applications: PA/2022/1411 and PA/2022/1158

2297 TO 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.

Resolved – That the minutes of the meeting held on 7 September, and the October 2022, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

2298 APPLICATIONS DEFERRED FROM PREVIOUS MEETINGS FOR A SITE VISIT.

2299 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)

The applicant stated that there was 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. With the vast majority of the community in support of the application along with the officer's report recommending approval.

Cllr Waltham spoke as the local Ward Member and stated that whilst he was in support of solar farms and energy sustainability, it had to be in balance with the landscape and location. He felt this was the wrong location and would have a negative impact on the area, and urged the committee to refuse the application.

Cllr Ross said the application would have an adverse effect on the open countryside as it was a flat site and could not be disguised, with an open landscape. It was not in keeping with the area and contrary to a number of planning policies so could not support it.

Cllr Southern was in favour of green energy, said it was in the middle of nowhere and felt we should be leading on the green agenda.

Cllr Grant also felt it was in the middle of nowhere and was a valuable site for renewables.

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

That planning permission be refused for the following reason –

1.

The development would have significant adverse impacts on the character and appearance of the open countryside and the proposal would represent a large and significant new feature in an open landscape. The construction and

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landscaping proposals are not in keeping with the local landscape or biodiversity priorities for the Ancholme Valley. Therefore, the proposals are contrary to policies LC7, RD2, DS1 and DS21 of the North Lincolnshire Local Plan, CS2 and CS5 of the Core Strategy, and paragraph 130 of the National Planning Policy Framework.

Motion Carried.

2300 **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)**

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

2301 **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)**

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

2302 **PA/2022/933 PLANNING PERMISSION TO ERECT A THREE-BEDROOMED ONE-AND-A-HALF-STOREY DWELLING (INCLUDING DEMOLITION OF EXISTING OUTBUILDING) AT 50-52 HIGH STREET, EPWORTH, DN9 1EP (SITE VISIT TIME 9.30AM)**

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

2303 **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)**

An objector addressed the committee stating that the site was very tight, even when no vehicles are parked there. He said it was contrary to a number of planning policies, and should not have even come to committee. It was backland development and outside the development line. If it was approved the objector ask that the committee place a reasonable working time condition on the application.

Cllr Ross having visited the site and read the reports and conditions she stated that access would be suitable with two way movement manageable, and would like to see it granted with an extra condition applied for the working hours.

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

That planning permission be granted in accordance with the officer's report, with the addition of the following condition –

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

- 8.30am to 5pm Monday to Friday.

No construction, demolition or site clearance operations shall take place on Saturdays, 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.

Motion Carried.

2304 MAJOR PLANNING APPLICATIONS.

2304a PA/2021/1755 PLANNING PERMISSION TO ERECT 14 DWELLINGS WITH ASSOCIATED ACCESS AT LAND OFF MAIN STREET, STURTON, DN20 9DL

Cllr Ross having declared a personal and prejudicial interest left the meeting for this item.

An objector speaking on behalf of concerned residents living adjacent to the site raised a number of issues on their behalf. In doing so, she raised material planning concerns indicated a level of identified harm that should tip the application towards refusal. She also stated it was outside the development boundary in the open countryside with several objections, including one from the local Parish Council. It was felt that the lack of a 5 years housing land supply did not justify approval and the adverse impact the development would have.

The agent spoke in response and indicated that a great deal of positive work had taken place on the application. They had taken into consideration additional work and assessments and amended the plans accordingly. She stated the development was an infill site and would be in keeping with the character of the village, providing bungalows and dwellings with less impact on neighbouring residents.

Councillor T Foster spoke as the local Ward Member and stated it was outside the permitted development area, and was not in keeping with the

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character of the area.

Councillor Ross felt it was over development in a little village, it was outside the building line on a greenfield site. She also had concerns about the surface water with no substantial justification, and felt it was against a number of important planning policies.

It was moved by Councillor Ross and seconded by Councillor Longcake –

That planning permission be refused for the following reason:

1.

The site is located in the open countryside. The proposed development, due to its siting, design and layout, is considered to be out of character with the area and would result in demonstrable harm to the amenity of the locality. Accordingly, the proposal is contrary to policies DS1, H5 and H8 of the North Lincolnshire Local Plan, and CS5 and CS7 of the North Lincolnshire Core Strategy.

Motion Carried

Cllr Ross returned to the meeting.

2304b **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**

Speaking against the application on behalf of a number of residents, the objector had a number of concerns on the proposal. These included the possible odour releases into the village, possible contamination of the water supply and the adverse effects this could cause residents in the village.

A speaker spoke in support of the application stated that the area would be screened by a fence with limited views from any public views points. That the spreading would be carried out within legal guidelines, odours would be minimal as the lagoon would be covered, and that the village was already surrounded by farming communities using fertilisers.

Cllr K Vickers speaking as the local Ward Member bringing forward a number of concerns from local residents. These included the fact that this was the second time the application had been brought to committee, and the concerns surrounding the odour and drinking water was still the same, and the application should be refused.

Cllr Ross having listened to both sides said the application was no different to the one previously refused, and the possible contamination was still a

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large concern and could not support it.

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

That planning permission be refused for the following reasons –

1.

The proposed lagoons have the potential to generate odour over large distances to the detriment of residential amenity. As a result, the proposal has the potential to result in loss of amenity to residents by virtue of increased odours and therefore the proposal is contrary to guidance in the National Planning Policy Framework and policies DS1, DS11 and RD2 of the North Lincolnshire Local Plan.

2.

The site is within a source protection zone (SPZ 2), located upon a principal aquifer outcrop and within a safeguard zone, designated for nitrate issues at Barton public water supply. The proposed lagoon has the potential to cause a detrimental impact to groundwater quality as inadequate information has been submitted in relation to how the risk posed by the development to groundwater can be satisfactorily managed. The proposal is therefore contrary to guidance in the National Planning Policy Framework and policies DS11 and DS15 of the North Lincolnshire Local Plan.

Motion Carried.

2305 **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**

Cllr Ross stated that the plans were not clear enough, and felt the committee should hold a site visit before making a decision.

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

That a site visit be held before a decision is made.

Motion Carried.

2306 **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**

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Cllr C Sherwood having declared a personal and prejudicial interest in this application, left the meeting.

Three objectors spoke against the application. The areas of concern that they covered were that it was outside the development plan, the area was prone to flooding, access being poor already, amenities in Kirton already saturated, traffic concerns with an extra 50 cars, there are other sufficient sites in the area, and it was just not the right site and should be refused as it was previously.

Three speakers spoke in support of the application. They felt that it would be a boost to the area, no adverse impacts, lack of objections from statutory consultees, high quality scheme providing jobs for the area, important to embrace new development especially for the younger generation looking to remain living in Kirton, and felt the Section 106 contributions would add ore benefits to the area.

Cllr T Foster spoke as the local Ward Member and stated it was desirable for the rea and there was a lot of other developments already taking place. It was the wrong application in the wrong location, and was the developers third time of trying and should be refused again.

Cllr Ross said she had listened to all speakers but agreed with the local Ward member that it was out of character and would not fit in with the area, it was against a number of policies and detrimental to the open countryside, and no acceptable.

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

That planning permission be refused for the following reason –

1.

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.

Motion Carried.

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Cllr C Sherwood returned to the meeting.

2307 PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE.

2308 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

Cllr T Foster spoke as the local Ward Member with concerns about the proposals, especially for residents on the Windmill estate. He highlighted that neighbourhood services also had concerns and if it was to be approved could there be a condition to have a drainage flood risk assessment.

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

2309 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

Cllr Ross stated that the application was in the pen countryside, and it was not clear enough from the plan to make a decision.

Its was oved by Cllr Ross and seconded by Cllr Longcake –

That a site visit be held before a decision is taken.

Motion Carried.

2310 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

Cllr Armiger spoke as the local ward member and highlighted concerns her and the residents had about the development being two minutes away from the junction, where numerous business operate from and houses turning to business take business away from the business establishments, and causes parking issues in residential areas.

Cllr Ross stated that she thought the committee should hold a site visit before making a decision and look at the situation.

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

That a site visit be held before a decision is taken.

Motion Carried.

2311 PA/2022/968 PLANNING PERMISSION FOR A GARAGE CONVERSION WITH A FRONT BAY WINDOW AT HOLLY HOUSE, 2 COMMONSIDE,

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WESTWOODSIDE, DN9 2AP

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

2312 **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**

An objector addressed the committee and indicated there had been 34 objections to the proposal and none received in support. He felt it was not the right site, and would cause problems with more traffic on the highway, with the entrance and parking being a contentious issue.

The applicant stated that they had listened to feedback following a previous application on the site, and offered a wide variety of houses which would improve the area. They had worked on the character of the area, and any drainage concerns would be addressed within the conditions.

Cllr Wells felt the access was very narrow, with no detailed water surface scheme, no consideration for the environment, and not in keeping with the local area.

It was moved by Cllr Wells and seconded by Cllr C Sherwood –

That planning permission be refused for the following reasons –

1.

The proposed development would constitute an overdevelopment of the application site and would result in a cramped form of development that would be out of the character with the surrounding area. The proposal is therefore contrary to policies DS1, H5, H7 and H8 of the North Lincolnshire Local Plan, and CS5 and CS7 of the North Lincolnshire Core Strategy.

2.

The proposed development would result in a poor standard of residential amenity for future occupiers of the proposed dwellings due to the small private garden areas and overshadowing from trees located adjacent to the south-west boundary of the site. The proposal is therefore contrary to policies DS1 and H5 of the North Lincolnshire Local Plan, and CS5 of the Core Strategy.

Motion Carried.

2313 **PA/2022/1365 PLANNING PERMISSION TO ERECT A STORAGE/INDUSTRIAL UNIT (USE CLASS B8) INCLUDING**

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**DEMOLITION OF EXISTING DWELLING AT CW FIELDS & SON LTD,
ACCESS ROAD TO STATION ROAD INDUSTRIAL ESTATE, EPWORTH,
DN9 1JZ**

Resolved – That planning permission be approved in accordance with the recommendations contained within the officer’s report, with the addition of the following condition –

The extension hereby permitted shall be finished in a colour to match the external appearance of the existing buildings on site and once constructed it shall thereafter be retained.

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

2314 **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**

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

2315 **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**

An objector who shares a drive with the proposed development had major concerns about the work on the proposal stating that it had been refused previously, and was back once again at committee. Speaking about concerns of damage on the private driveway, skips being left on the driveway, and private hedges being removed. She said her life has already been affected by the development and she wanted to see the application refused.

Cllr Rayner spoke as the local Ward member stating it was over development for the site with three properties using the same drive, and five properties having to use the same access, and if the application was to be granted that would increase to seven. That would be around 7 – 14 vehicles using one private driveway that would cause havoc.

Cllr Wells having listened to the speakers felt the committee needed to take a look at the site before making a decision.

It was moved by Cllr Wells and seconded by Cllr C Sherwood –

That a site visit be held before a decision is taken.

Motion Carried.

2316 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE SPECIFIED.**

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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 30 November 2022
Date: 21 November 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

The Ordnance Survey map data included within this publication is provided by North Lincolnshire Council under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

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

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 (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 6pm 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 6pm 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.

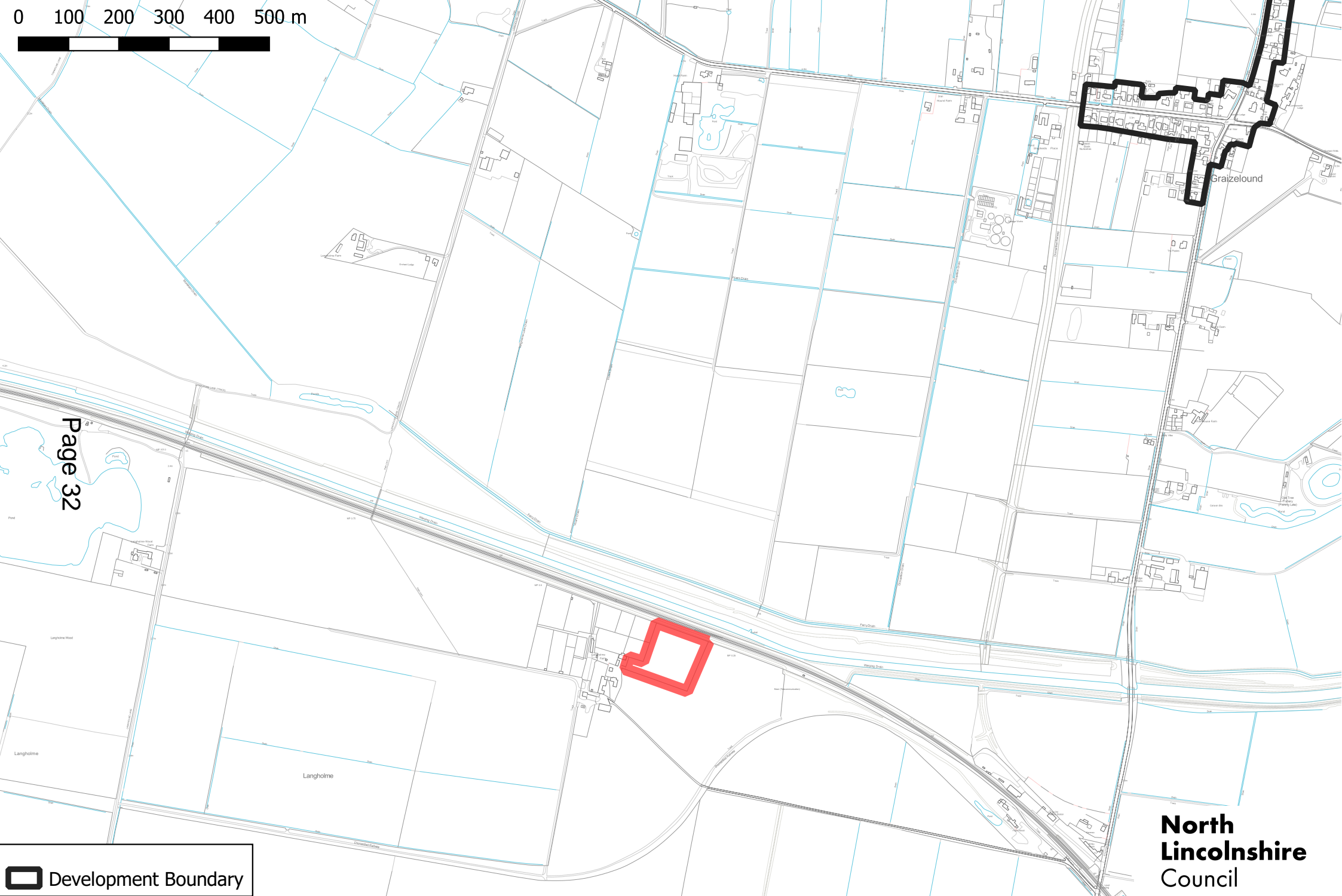
A deposit of waste to land will either be a disposal or a recovery activity. The legal test for recovery is set out in Article 3(15) of WFD as:

- 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.

0 100 200 300 400 500 m



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Graizelound

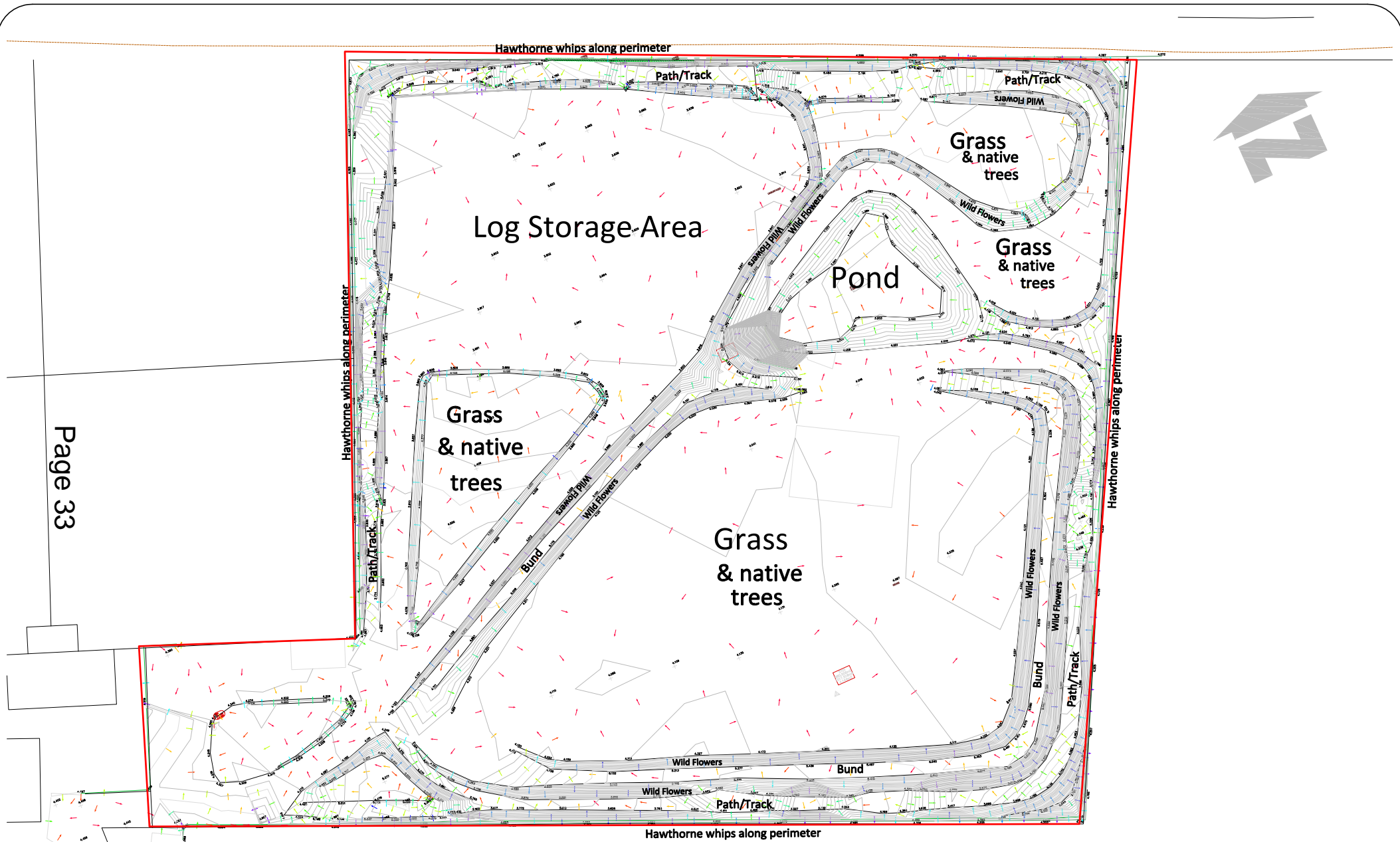
Langholme

 Development Boundary

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PA/2021/2228

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Holme Tree Farm

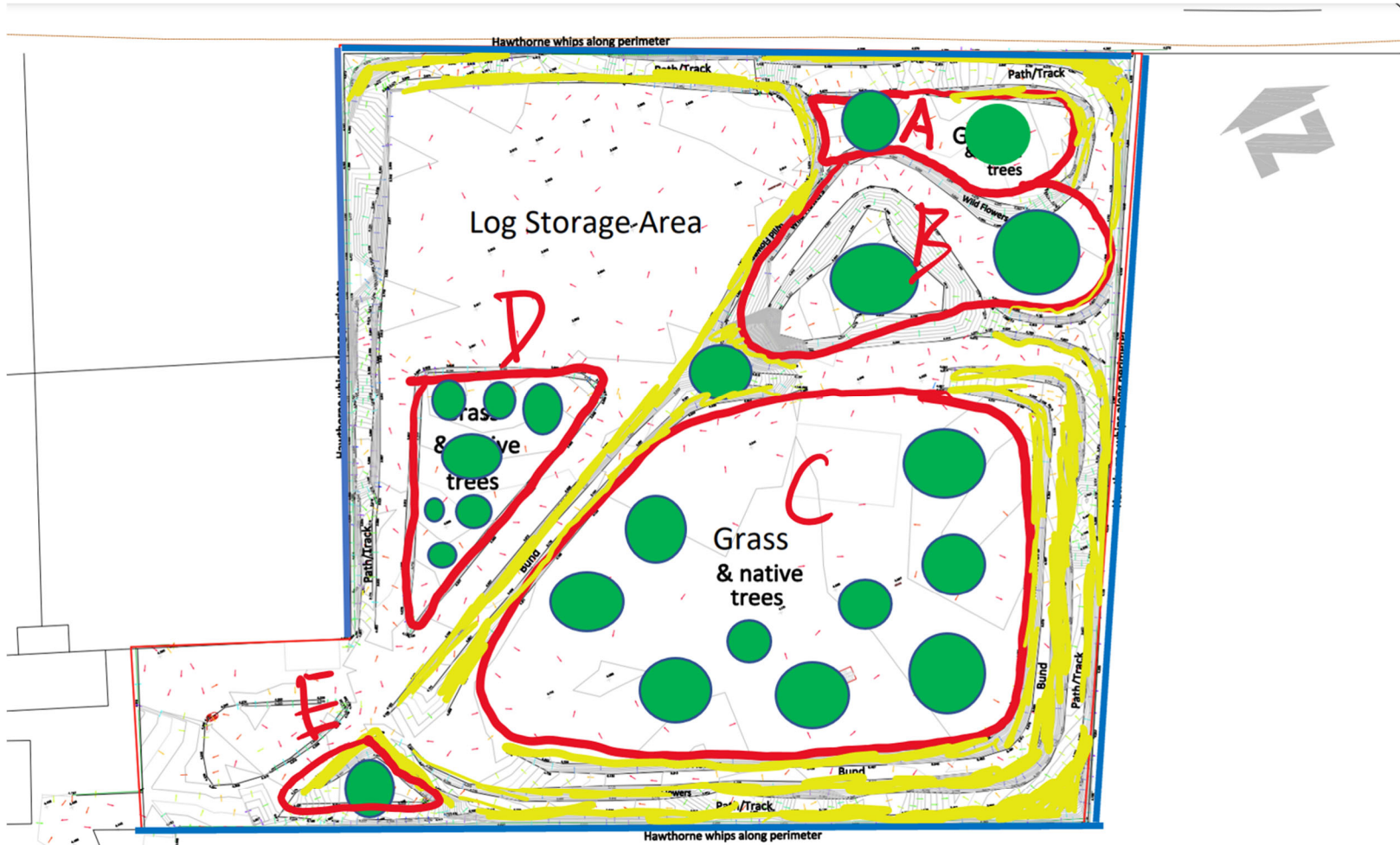
Howard J Wroot BSc MRICS
Chartered Surveyor
240 Wharf Road, Ealand
Scunthorpe DN17 4JN

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

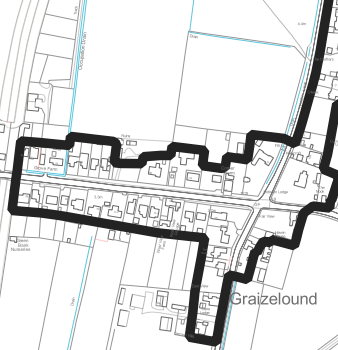
Wild Flowers 20% & Grass Type 80%	Spread rate per mete
• Chewings Fescue 30%	1-5 grams per m2
• Browntop Bent 5%	1-5 grams per m2
• Slender Creeping Red Fescue 30%	1-5 grams per m2
• Hard Fescue 15%	1-5 grams per m2
• Corn Poppy 6%	1-5 grams per m2
• Corn Chamomile 5%	1-5 grams per m2
• Corncockle 5%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

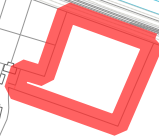
The Wildflowers are marked Yellow on plan, and native hedging is marked blue. These will be annually flailed, cut and trimmed as part of an ongoing maintenance plan and training for apprentice Arborists.

0 100 200 300 400 500 m



Graizelound

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A161/M180/M181
to Scunthorpe

**North
Lincolnshire
Council**

 Development Boundary

PA/2021/2228 Sat nav: Holme Tree (Langholme)
Farm Haxey, DN9 2NP

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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

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

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 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.

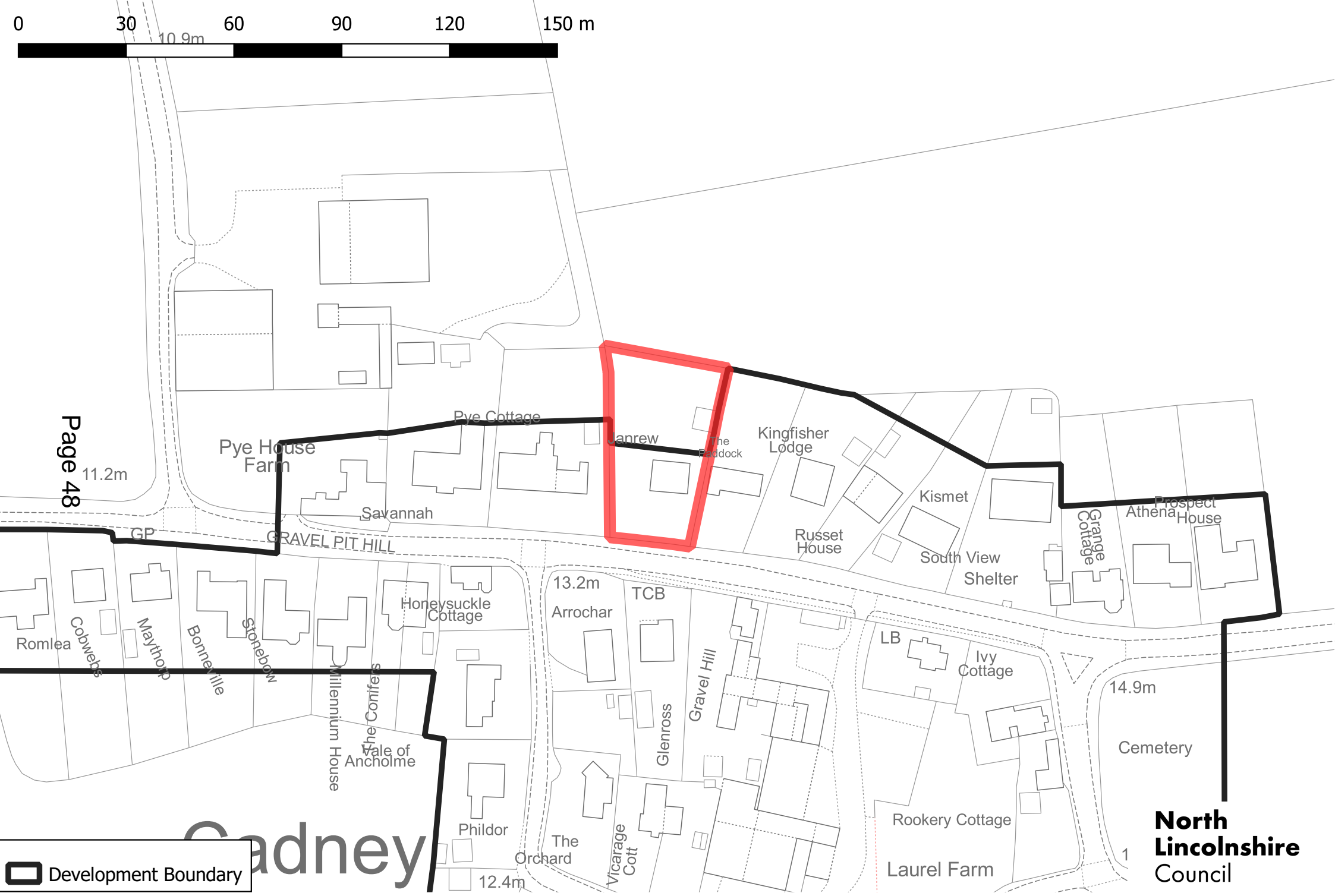
2.
The siting and layout would not be appropriate because a dwelling cannot fit in well in the southern part of the plot to conform to the character of the area; plus, in the northern part of the plot, where the dwelling is proposed on the site, it would not reflect the character of the area, particularly 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.



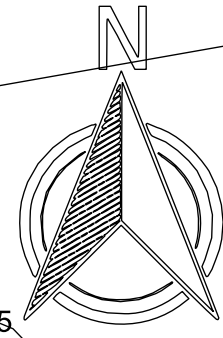
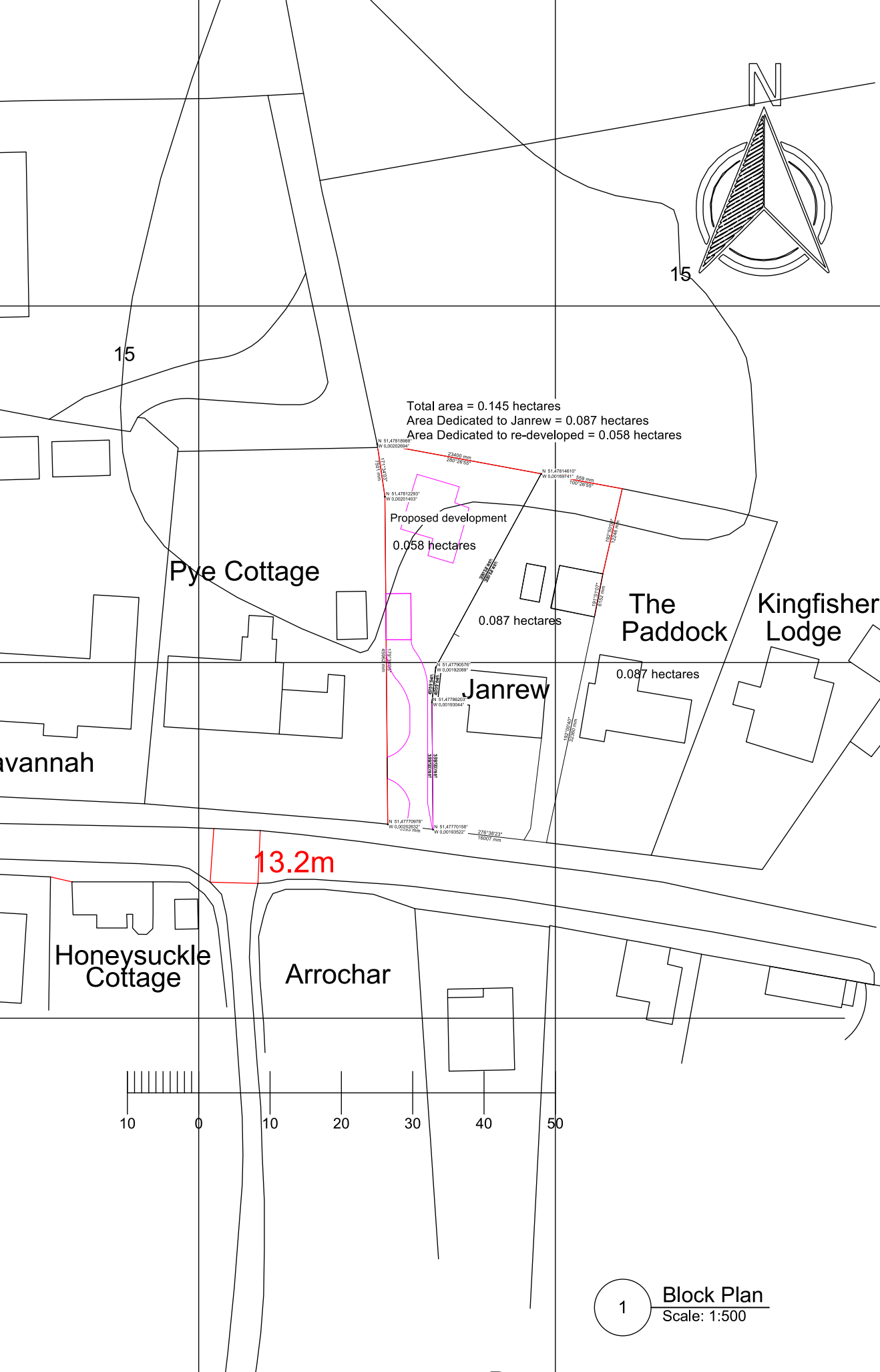
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 Development Boundary

PA/2022/448

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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
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 100%-DJK- Plans - A3-GA(EL)004

Sheet No.
 100%-DJK- Plans - A3-GA(EL)004

Suitability
 Outline Planning Application

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 obtained prior to commencement of work on site.
All dimensions and levels to be verified on site.

1 Block Plan
 Scale: 1:500

PA/2022/448 Indicative elevations (not to scale)



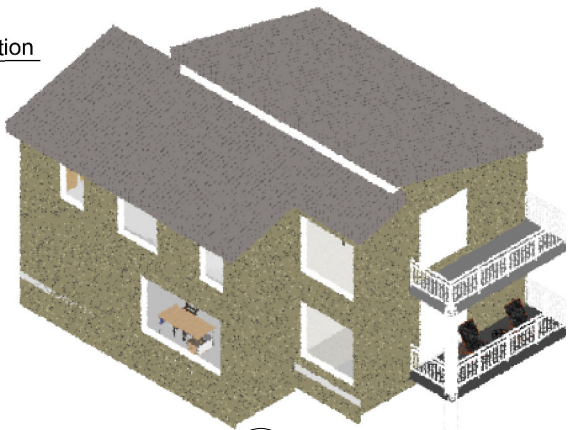
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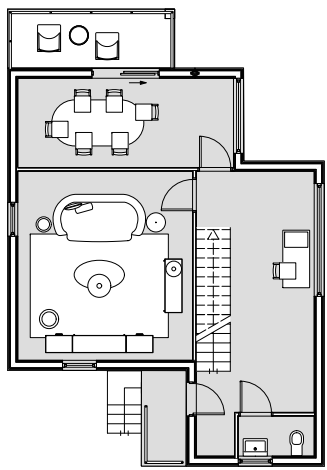
5 Front Elevation
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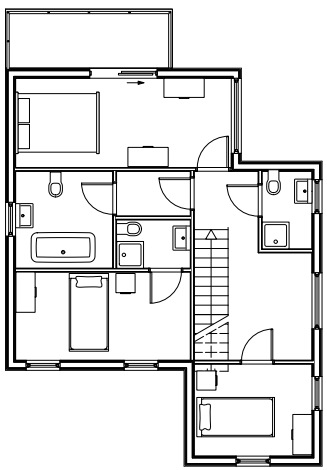
6 Side Elevation
Scale: 1:100



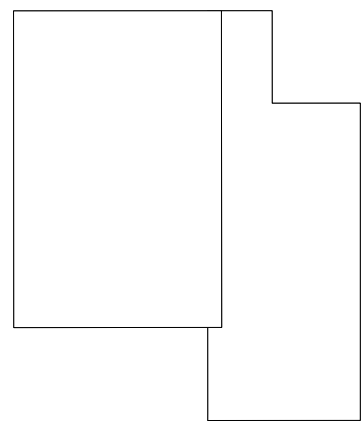
8 Rear Isometric Drawing
Scale: 1:100



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:	Feb.	Revision Notes:
Date:	Feb.	Issue Notes:



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CIOB RIBA

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

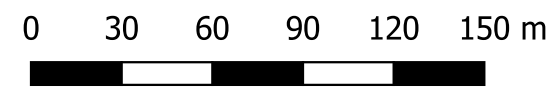
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Sheet No.
 1001-DJK- Plans -A3-GA(EL)003

Submitted:
 Planning Application

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To Brigg/M180/
A161 to Haxey

Cadney Road
to Howsham

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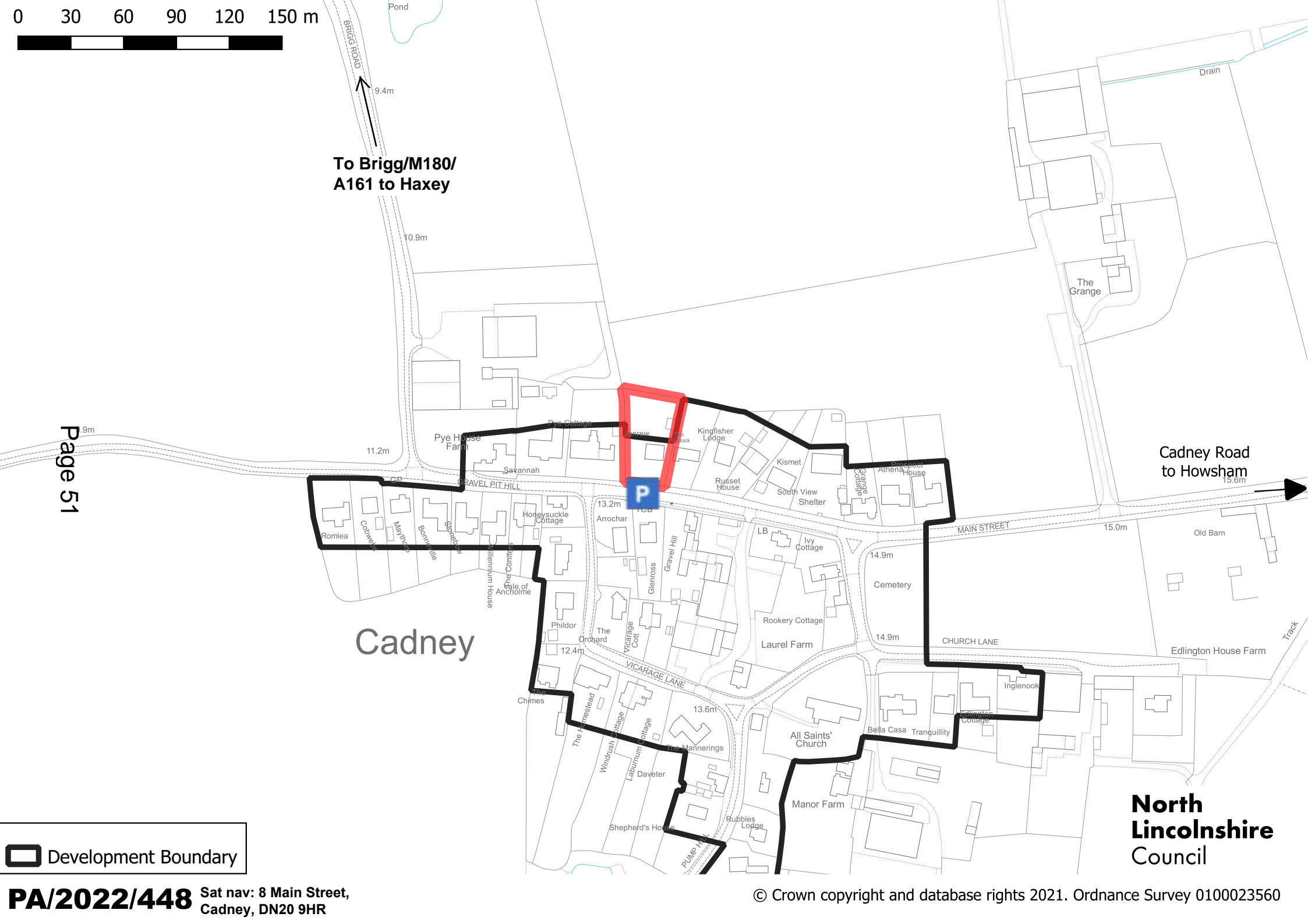
Cadney

North
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 Development Boundary

PA/2022/448 Sat nav: 8 Main Street,
Cadney, DN20 9HR

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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

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

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.

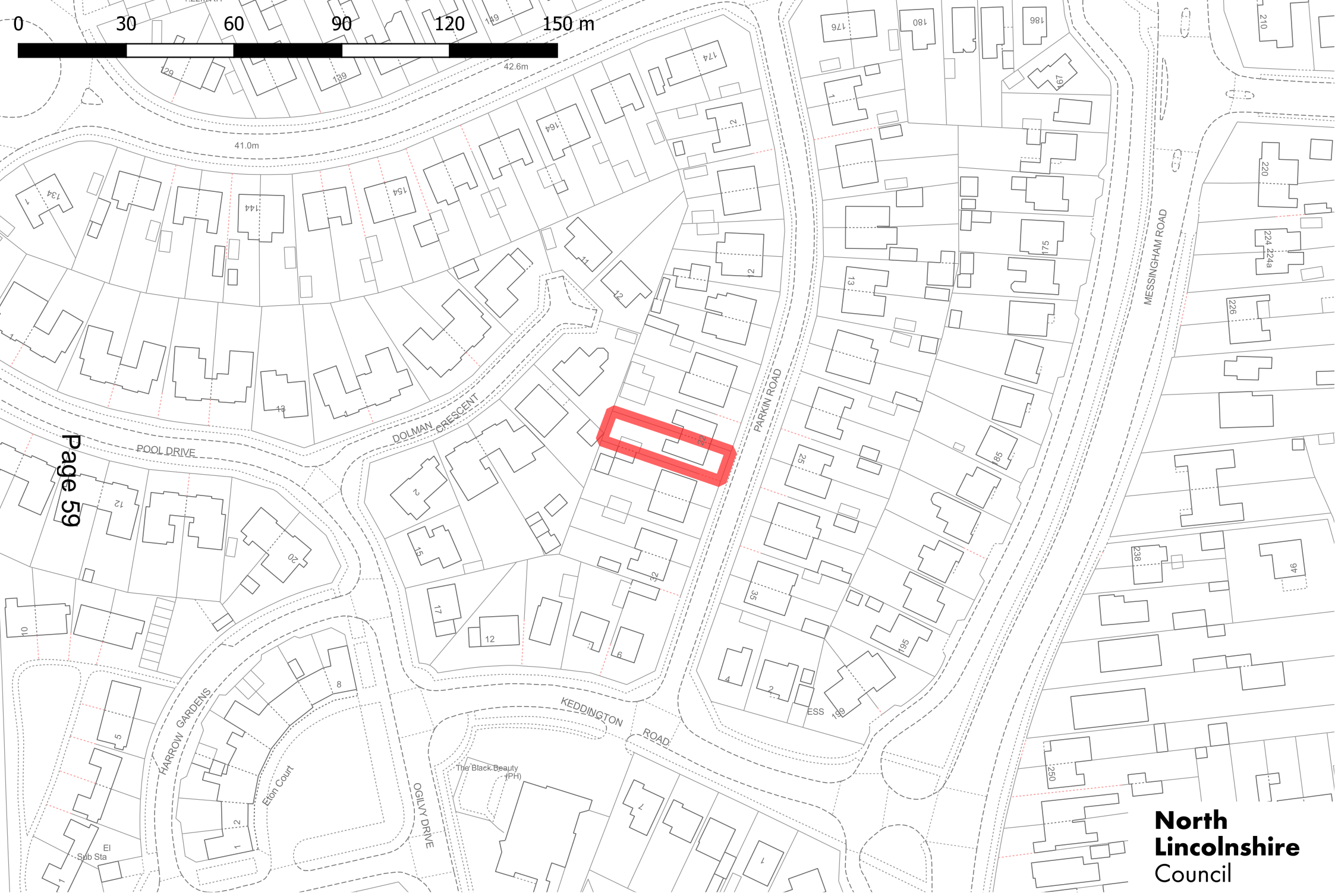
Reason

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.



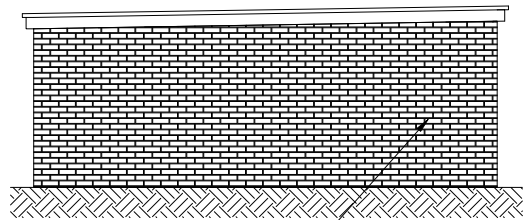


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**North
Lincolnshire
Council**

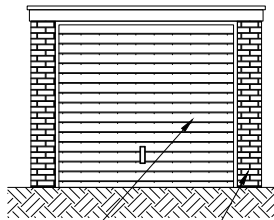
PA/2022/832 Existing and proposed elevations(not to scale)

Existing side elevation 1:100



brick

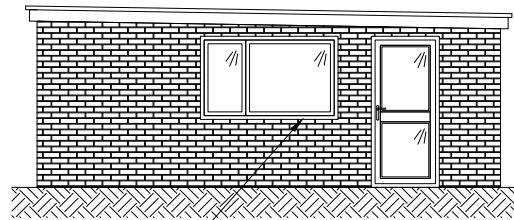
Existing front elevation 1:100



Garage steel gate

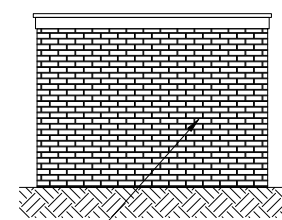
brick

Existing side elevation 1:100



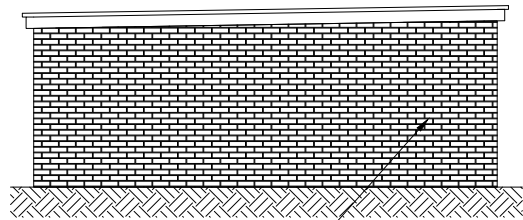
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Existing rear elevation 1:100



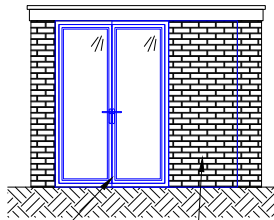
brick

Proposed side elevation 1:100



brick

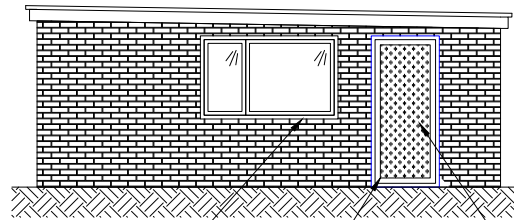
Proposed front elevation 1:100



French door transparent glass in full 1500x2100mm

brick work match to existing

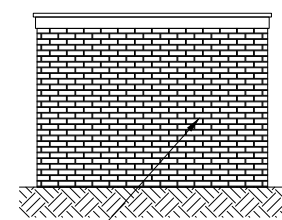
Proposed side elevation 1:100



brick

replace existing door with obscure window 900x1800

Proposed rear elevation 1:100



brick

Plexiglas obscure fitted in aluminum profile frame finish with foil 900x1800

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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

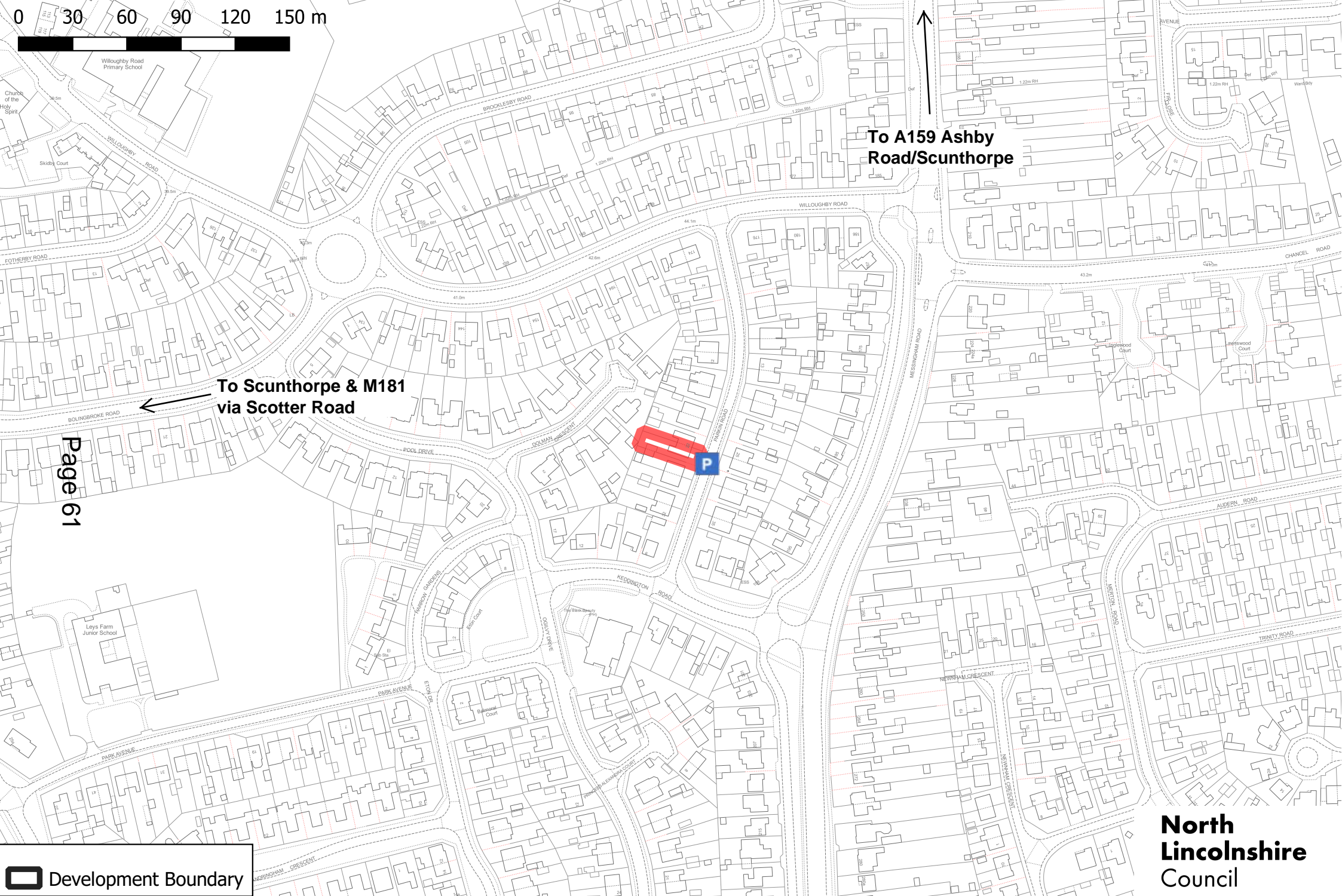
SCALE: 1:100 (as noted @A3) **DRAW:** T.Z

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To A159 Ashby Road/Scunthorpe

To Scunthorpe & M181 via Scotter Road

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 Development Boundary

**North
Lincolnshire
Council**

PA/2022/832 Sat nav: 24 Parkin Road,
Bottesford, DN17 2QT

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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

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

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**

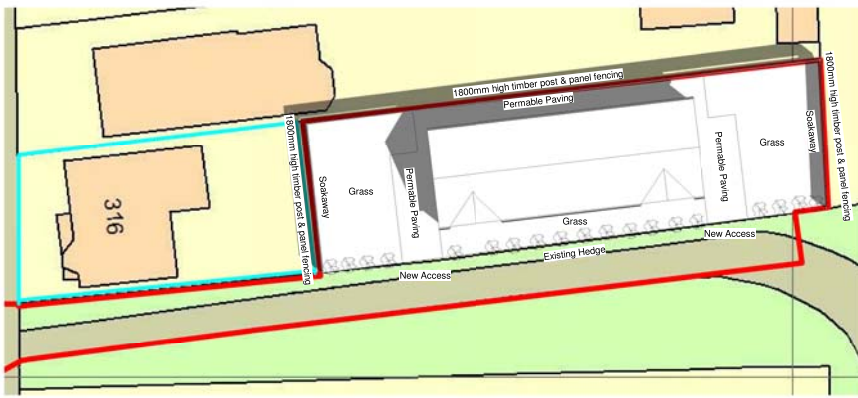
PA/2022/1703 Proposed layout (not to scale)



Location Map
1 : 1250



Site Layout - Existing
1 : 500



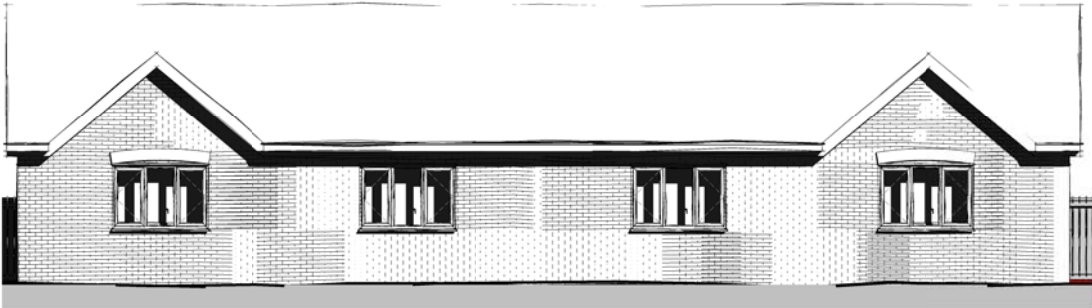
Site Landscaping - Proposed
1 : 200



Site Layout - Proposed
1 : 500

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PA/2022/1703 Proposed elevations (not to scale)

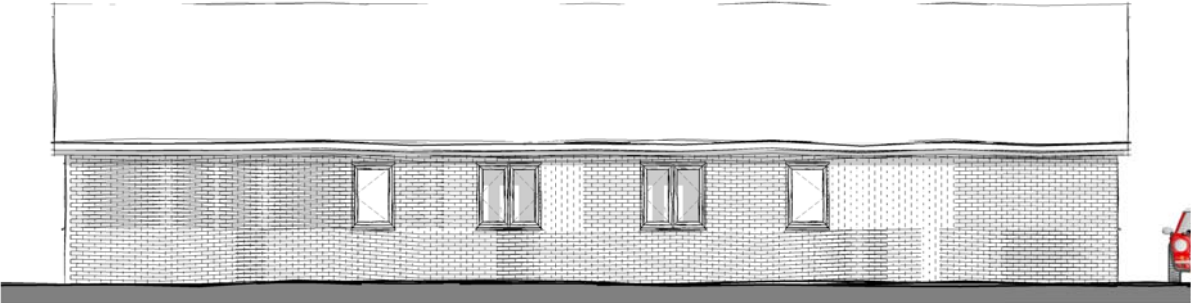


1 Front Elevation
1 : 50

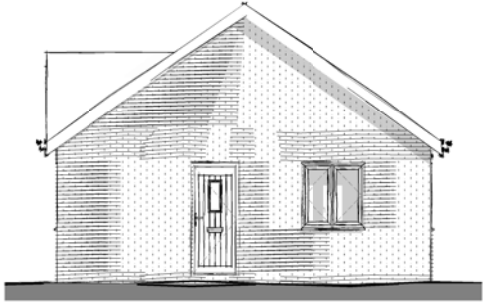


3 Left Side Elevation
1 : 50

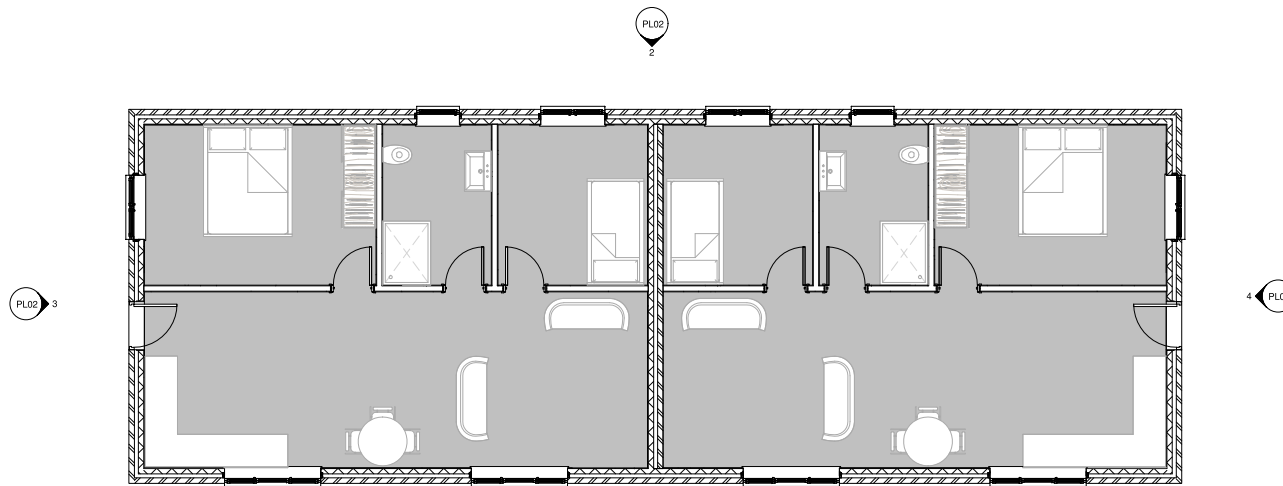
Page 76



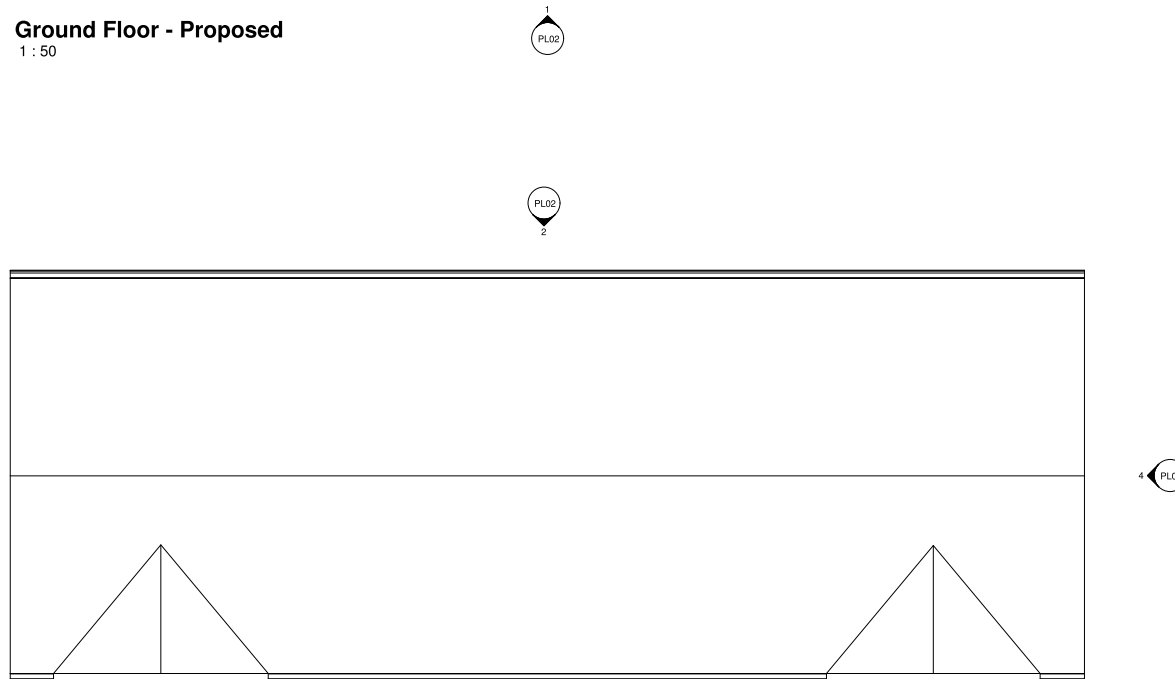
2 Rear Elevation
1 : 50



4 Right Side Elevation
1 : 50



Ground Floor - Proposed
1 : 50



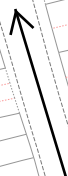
Roof Plan - Proposed
1 : 50

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0 30 60 90 120 150 m



Ashby Road to Scunthorpe



Page 79

From SV3 via Messingham Road

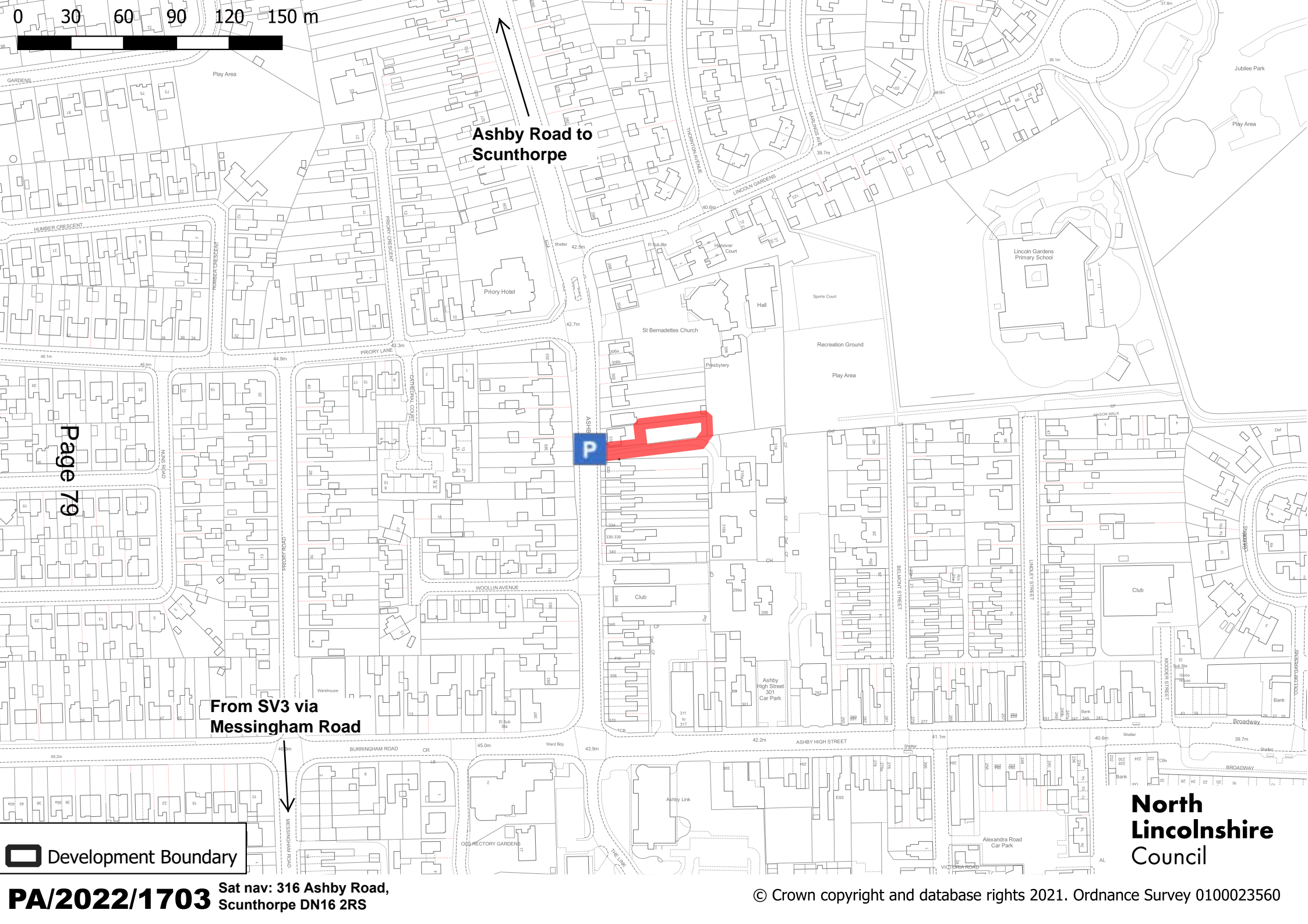


 Development Boundary

PA/2022/1703 Sat nav: 316 Ashby Road, Scunthorpe DN16 2RS

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 30 November 2022

Date: 21 November 2022

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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APPLICATION NO	PA/2022/1206
APPLICANT	Mr Parker
DEVELOPMENT	Outline planning permission for up to 34 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration (including demolition of existing workshop, polytunnel, stable and 56 Station Road) (resubmission of PA/2021/715)
LOCATION	Fruit Farm, 58 Station Road, Epworth, DN9 1JZ
PARISH	Epworth
WARD	Axholme Central
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Tim Mitchell and David Robinson – significant public interest) Departure from the development plan 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:

The following paragraphs from the NPPF are of particular relevance in this case:

Paragraph 11 – Plans and decisions should apply a presumption in favour of sustainable development

Paragraph 12 – The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the should not be followed.

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

Paragraph 55 – Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 58 – Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and be made publicly available.

Paragraph 95 – It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- (a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- (b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

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

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

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

Paragraph 169 – Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the lead local flood authority;
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.

Paragraph 174 – Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 185 – Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- (b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- (c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 195 – Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

Paragraph 197 – In determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 – When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 – Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification

Paragraph 202 – Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 203 – The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced

judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

North Lincolnshire Local Plan:

Policy C1 (Educational Facilities)

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 HE5 (Development affected Listed Buildings)

Policy HE9 (Archaeological Excavation)

Policy RD2 (Development in the Open Countryside)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy LC5 (Species Protection)

Policy LC7 Landscape Protection

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy LC14 (Area of Special Historic Landscape Interest)

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 CS24 (Health Care Provision)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

North Lincolnshire Housing and Employment DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

Inset 18 Epworth

Planning (Listed Buildings and Conservation Areas Act 1990)

Other relevant guidance

SPG8: Developer Contributions to Schools

SPG10: Provision of Open Space in New Housing Developments

SPG3: Countryside Design Summary

Parking Provision Guidelines for New and Change of Use Developments (2009)

CONSULTATIONS

Highways: Previously offered favourable comments on PA/2021/715. There is a discrepancy on the plans. The site access study states that the boundary wall will need to be removed in order to achieve the required visibility splay. This appears possible on the plan in the site access study but not on the block plan. The applicant will need to confirm

that the required visibility splays can be achieved or what can be done to ensure they can be achieved.

Updated response: The applicant has confirmed that the existing boundary wall is 850mm and therefore shouldn't affect visibility. However, they did state that the walls can be lowered or removed to facilitate visibility splays if required. Therefore recommend a condition regarding the visibility splays. In addition, the site plans appear to provide the opportunity for potential expansion into adjacent land for further residential development, which would not be supported. Therefore recommend conditions relating to access, visibility, parking and a construction management plan.

Environment Agency: The previous use of the proposed development site includes fuel storage which presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located on secondary A aquifer associated with the Sutton Sand Formation.

The application's 'Phase 1 Environmental Assessment' (reference 18137 V2, July 2019) demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will, however, be required before built development is undertaken.

An intrusive investigation has been proposed. A document titled 'Site Investigation Report – Soakaway Potential' dated 8 December 2021 has also been submitted with this application. This does not include contamination testing, therefore our previous recommendation for conditions on PA/2021/715 remains appropriate.

We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority. In light of the above, the proposed development will be acceptable if planning conditions are included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy (NPPF).

Without these conditions we would object to the proposal in line with paragraph 170 of the NPPF because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

LLFA Drainage: In response to the revised submitted details, BDS data suggests impermeable mudstone at shallow depth and therefore lateral migration to the downstream properties may occur, which is unacceptable. The more detailed site investigation results confirm this, whilst also suggesting shallow groundwater exists. It must be stressed that the site investigation was carried out in November, which may not be representative of the equilibrium groundwater conditions on the site. Whilst the development currently fails to provide a suitable option B for the surface water drainage design, the LLFA Drainage Team maintain their objection to the proposed development.

Yorkshire Water:

Water supply: There is the proposed demolition of number 56 to facilitate the entrance to the site. The old supply would need to be capped off to this house as well as any existing supplies feeding the old site.

Waste water: The sewerage undertaker for this area is Severn Trent. We recommend consulting them for additional information regarding the site's drainage strategy.

Severn Trent Water: No response to the consultation.

Environmental Protection: Contamination – no objections subject to conditions. Recommend conditions in relation to the submission of a CEMP and a working hours condition in relation to construction, demolition and site clearance operations. Noise – no objections subject to conditions.

HER (Archaeology): [Summarised] The application is within the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14). This area is designated for its unique historic landscape retaining the pattern of ancient open strip fields and enclosures surrounding the villages on the Isle. The application site is located in Ellers Field, one of the best preserved areas of the Ancient Open Strip Fields (AOSF), the core historic landscape character type of the highest significance and affects the associated listed buildings adjacent to the site and the local landmark of Maws Mill within the AOSF setting.

The proposed development would be an unacceptable extension and visual intrusion of the built environment into the AOSF historic landscape, contributing to adverse character change and affecting the setting and legibility of the core historic landscape of Ellers Field and the listed buildings that share this setting. This would result in the erosion of what makes the landscape of the Isle an area of Special Historic Landscape Interest and would encourage further inappropriate development within the open strip fields of Ellers Field. The application site also has potential for significant archaeological remains of prehistoric and Roman date that has not been adequately assessed through field evaluation.

The Historic Environment Record 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, and potential archaeological significance has not been adequately assessed contrary to paragraph 189 of the NPPF and local plan policy HE9.

HER (Conservation): [Summarised] This development has a negative impact on the setting and significance of grade II listed buildings: 58 Station Road; Barn approximately 10 metres south of No. 58 Station Road; and Maws Mill. The application proposes to demolish 56 Station Road, a non-designated heritage asset which is also within the setting of the adjacent listed buildings. This development is contrary to section 199 of the NPPF, section 66.1 of the Planning (Listed Buildings and Conservation Areas Act) 1990, local plan policy HE5 and Core Strategy policy CS6, and should be refused.

Ecology: [Summarised] The application is contrary to saved policy LC14. Current proposals do not fit in with the adopted Landscape Assessment and Guidelines. The application should not be determined, except for a refusal, until the bat activity survey has been carried out and we have seen the results. The Biodiversity Metric Assessment has been carried out fairly and reveals biodiversity enhancement of >10%, which is acceptable. However, biodiversity proposals would need to be adapted to fit in with the Isle of Axholme Historic Landscape. As the application stands, I object.

Trees: I am concerned about the number of B category trees that have been identified as being good trees, and then are to be removed in order to develop the site, when B category

trees are usually those that should be considered for retention and changes made around them. I have not got the plans for the location of the houses and roads etc within these documents sent to me, but wonder if they have already been decided prior to the arboricultural report, which is not really the correct process – the idea is to do the arboricultural survey first and then move the site around to ensure that good trees are retained. The protection fencing locations indicated on the plans around those trees being retained – are they in line with the requirements of BS5837:2012, as presently this is not clear and this would be required – can they confirm this please. The protection fencing needs to be of fixed structure – the mesh orange plastic is NOT sufficient and should not be used as it doesn't prevent any plant or machinery going onto the protection areas. Overall I am concerned over the loss of trees the arboricultural report suggests should be retained. If the council is minded to allow the development of this site and the loss of these trees, very good quality mitigation replacement planting and landscaping would be required.

Public Rights of Way: Commenting here solely in respect of Public Footpath 49, which would cross the access road perpendicularly approximately 18 metres from Station Road. Public rights of way are, of course, a material consideration in planning applications; the continuation and improvement of public rights of way is part of a core strategy (CS25) within the North Lincolnshire Local Development Framework; and under paragraph 100 of the National Planning Policy Framework, 'planning policies and decisions should protect and enhance public rights of way'.

Public Footpath 49 is a pedestrian highway maintainable at the public expense, the use and enjoyment of which by the public North Lincolnshire Council as highway authority have a duty to assert and protect, and to prevent as far as possible its stopping up or obstruction. The surface is thus vested in North Lincolnshire Council, and therefore lawfully cannot be disturbed or altered without our express prior approval. It is also an offence to drive a mechanically propelled vehicle on a footpath without the driver having demonstrable lawful authority to do so, such as permission from the owner of the subsoil in the form of an easement or otherwise.

Nevertheless, the above points notwithstanding, Neighbourhood Services do not object to this proposal per se. Were it to proceed, we should wish to see adequate sightlines for walkers of the footpath on both sides of the crossing, though being so close to Station Road, we envisage the speed of passing vehicles to be minimal at this location, so do not expect barriers or similar would be necessary (although we should defer to our colleagues in Highways if the intention is that the access road be adopted and they take a different view). Adoption as a highway for all traffic would also provide the lawful authority needed to negate the offence of driving on a footpath already mentioned (as would an easement for all and sundry if the applicant owns the access road as well where Public Footpath 49 bisects it).

Education: We have carefully considered this planning application against the known and projected pupils numbers for this area. We have taken into account housing developments that have approved planning applications or pending planning applications that have been validated prior to this application. We seek secondary education contributions only for this development. The amount per eligible house for secondary places is £5,376 (this figure is valid for s106 agreements signed by 31 March 2023).

S106 Officer: Contributions for affordable housing, education, leisure, open space and health.

Recycling & Waste: Provides general guidance in relation to bins, pulling distances, access for refuse vehicles and highway construction for refuse vehicles.

CCG: On behalf of the NHS North Lincolnshire CCG, we would like to request consideration for Section 106 funding in relation to the proposed planning application for 34 dwellings at Fruit Farm, Station Road, Epworth. The nearby surgery, South Axholme Practice is already under pressure due to limitations with space. The practice has a total of five sites across the Isle of South Axholme, with Epworth Surgery the closest to the proposed development. Any increase in new housing is likely to impact on requests for new patient registrations, potentially increasing the list size and demand for clinical services.

Humberside Police: I would like to recommend that the applicant considers incorporating Secured by Design (SBD) features from the SBD 'Homes 2019' Design Guide into the development.

CPRE: Objection [summarised]:

- the proposed application is outside the adopted (and proposed) development limits and within the open countryside
- the site is not all brownfield land
- the detrimental impact on the historic landscape of the Isle of Axholme
- the detrimental impacts on the Epworth conservation area and adjacent heritage assets; and
- the detrimental impact on highway safety.

TOWN COUNCIL

Object. The development is outside of Epworth town's development boundary. The development falls within the North Lincolnshire Local Plan LC14 designated area of protection of historic land and its unique characteristics. The application would put added stress on the infrastructure of the town. There are already significant issues with drainage and flooding in this area and there is inadequate provision for drainage in this application. The protection of Epworth, its character and history, with particular reference to the conservation area, and that larger housing developments will ultimately spoil all that is unique and attractive about the town – Core Strategy CS7. Highway concerns to do with vehicles and pedestrians.

PUBLICITY

The application has been advertised by site and press notices. Ninety responses have been received objecting to the proposals and five have been received in support. The letters of objections raise the following material planning issues and are summarised below:

- the site is in open countryside
- further development is proposed
- adverse impact on the character of the area

- adverse impact on the adjacent listed buildings
- adverse impact on the ASHLI
- highway safety matters
- adverse impact on PROW
- loss of trees
- strain on public services
- adverse impact on drainage system
- loss of farmland
- no affordable housing
- the site is not brownfield
- loss of wildlife
- increased use of private vehicles
- fire safety concerns
- contamination
- increased noise and disturbance.

The letters of support raise the following issues:

- need for housing
- no historic value
- brownfield site
- no adverse impact on the listed buildings
- no impact on local services.

STATEMENT OF COMMUNITY INVOLVEMENT

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

ASSESSMENT

Outline planning permission is sought to demolish the existing workshop, dwelling (56 Station Road), polytunnel and stable, and erect up to 34 dwellings with means of access to be considered also at this stage. 56 Station Road will be demolished to provide a new access from Station Road leading into the site. All other matters are reserved for future consideration. The application is supported by a number of documents and plans including

a design and access statement, heritage statement, landscape character assessment, flood risk assessment, drainage strategy, biodiversity assessment, arboriculture impact assessment, tree protection and tree removal reports, noise impact assessment, Phase 1 environmental assessments, site investigation report, preliminary ecological appraisal and site access survey.

The site is located to the north of Station Road with an existing access between numbers 56 and 60. There are two listed buildings within close proximity of the proposed access: 58 Station Road and 'Barn located 10m south of 58 Station Road'. Maws Mill is a listed building in an elevated position that is located to the west of the site adjacent to a PROW. With the exception of the access mouth, the site is wholly located both within the open countryside and the ASHLI. On site at present is a sweeping access leading to a parking area and to the front a large, corrugated building for which, in 2017, a change of use was granted for the storage of agricultural machinery. Beyond this building is a retaining wall and steps up to a manicured landscape, predominantly laid to grass with large trees. The site extends northwards in linear form away from Station Road (and so the settlement). There is a cluster of built form already to the east of this site that extends away from the settlement in linear form. The site slopes steeply upwards from Station Road northwards.

Relevant planning history

- 2/1977/0661: Change of use from livestock smallholding to smallholding and riding stables – granted with conditions 09/12/1977.
- 2/1978/0025: Erect an agricultural building to be used partly as an indoor school and partly as a fodder and implement store – granted with conditions 10/03/1978.
- PA/1998/1117: Convert listed barn to dwelling, demolish second barn and erect garage block/store, erect walls and alter access – granted with conditions 23/10/1998.
- 2/1984/0028: Construct vehicular access – granted with conditions 06/03/1984.
- 2/1983/0137: Erect lean-to gallery and spectator area – granted with conditions 29/03/1983.
- PA/1998/1178: Convert grade II listed barn into dwelling – granted with conditions 06/11/1998.
- PA/2000/0045: Continue use of part of an existing building as a timber store (for a period of 10 years) – granted with conditions 10/03/2000.
- PA/2017/1502: Change of use of building and adjacent land to an agricultural building and land for the storage of farm equipment – granted with conditions 07/12/2017.
- PA/2021/715: Outline planning permission for up to 34 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration (including demolition of existing workshop, polytunnel and stable) – refused 24/09/2021.

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 primarily outside the defined development limit for Epworth 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 40–45 dwellings per hectare should be achieved on residential development sites within market towns. The proposals would achieve a density of 22 dwellings per hectare, which is considerably below this density range, but which takes into account the relatively low-density nature of the surroundings and their character.

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:

- (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; (Footnote 7 of the NPPF explains that the protection of designated heritage assets falls into this category); 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 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):

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. Affordable housing contribution will be provided on the site in accordance with policy CS9 of the Core Strategy. Epworth as a market town, 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 a number of services such as shops, petrol station and community hall, and is close to employment opportunities.

Environmental: The proposal will result in harm to the ASHLI, there will be a significant change to the landscape and open countryside, there will be harm caused to the setting of the adjacent listed buildings, the proposal will result in a significant loss of trees and the impact on protected species is unknown. Biodiversity net gain can be provided on/off site.

In this case, it is considered that paragraph 11d of the NPPF is triggered and the tilted balance has to be applied to this proposal to ascertain if the development should be approved in the context of the presumption in favour of sustainable development or whether under 11d i) or ii) of the NPPF that the development should be refused.

Impact on listed buildings

Paragraph 195 of the NPPF states, ‘...Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.’

Para 199 of the NPPF states, ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’

Paragraph 202 states, ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

Paragraph 203 states, ‘...The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’

Policy HE5 of the local plan is concerned with development affecting listed buildings. It states (in part), ‘...Council will encourage the retention and restoration of the historic setting of listed buildings. Proposals which damage the setting of a listed building will be resisted.’

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 area of acknowledged importance including historic buildings, conservation areas, listed buildings (both statutory and locally listed).’

The conservation officer has based their assessment on the English Heritage Guidance Document ‘The Setting of Heritage Assets’ which is used to evaluate the impact on the setting and significance of listed buildings. In terms of assets that will be affected, they are:

- Barn approximately 10 metres south of No. 58 Station Road, Epworth. Threshing barn. 1780. Red-brown brick, colour-washed to front and sides. Pantile roof. 2-storey height.
- Maws Mill. This is a unique single tower that has not been extended. It is built c1820 four storeys in height with a tapered tower presently not in use. It is a landmark building and sits in a prominent position in an elevated location in the open countryside north of Epworth.
- The application proposes to demolish 56 Station Road, a 19th century townhouse which is a non-designated heritage asset which is also within and contributes to the setting of the adjacent listed buildings.

Using the Historic England guide, the officer has assessed the degree to which these settings make a contribution to the significance of the asset, and has questioned and

assessed the effects of the proposed development on that significance. The conservation officer has stated:

'All three listed buildings can be seen together from the surrounding footpaths in their green natural and historic landscape as described. Should the proposal take place this will not be the case and the rear setting of 58 Station Road and listed barn will consist of a modern housing estate which will totally change the character and appearance of the rear setting from an open agricultural setting to a modern dense built form.

This will have a negative impact on the setting and significance of the listed buildings. The housing would also totally alter the character and appearance of the rear setting which is presently an eighteenth century farm in its original agricultural rural landscape. The modern housing would be seen as a significant modern discordant feature and alter how 58 Station Road and the adjacent listed barn is experienced.

It will also negatively impact on the setting of Maws Mill which, whilst altered with some modern farm buildings, still has a strong rural character opposed to that of a modern housing estate. This will have a negative impact on the aesthetic significance, in other words the ways in which people draw sensory and intellectual stimulation from a place and its historic significance, and the ways in which past people, events and aspects of life can be connected through a place to the present (Historic England – Conservation Principles). The new development will seriously impede the appreciation of the historical, aesthetic significance of the listed buildings and the level of harm is significant. The application also proposes to demolish 56 Station Road, a non-designated heritage asset which is also within and contributes to the setting of the adjacent listed buildings.'

In terms of the impact on the listed buildings, the proposal will affect the setting of all 3 listed buildings. The LPA must have due regard to the statutory duties imposed by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 (1) requires the LPA in considering whether or not to grant planning permission for development which affects a listed building or its setting ... "to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess".'

The harm in this case is considered to be less than substantial harm to the significance of nearby heritage assets, there is still significant harm to the setting of these heritage assets. The proposal in terms of the impact on the setting of the adjacent listed buildings is contrary to policy HE5 of the North Lincolnshire Local Plan, policy CS6 of the Core Strategy, and paragraphs 195, 199 and 203 of the NPPF. This harm must be weighed up against the public benefits of the proposal which will be discussed in the planning balance section of this report.

ASHLI

The historic landscape of the Isle is a heritage asset of historic interest as defined in the NPPF and is of national importance. The site lies within the ASHLI and is covered by policy LC14 of the NLLP.

The applicant has submitted a heritage statement (HS) with the application. The HER was not directly consulted during the preparation of this document and the spatial data relating to the historic landscape character areas forming the Special Area was not obtained. The author of the statement obtained some North Lincolnshire HER information from the

Heritage Gateway website, however, as the website itself cautions, it is not comprehensive enough for use for planning-related purposes and advises users to contact the local HER.

The submitted the heritage statement has been considered and does not describe the significance of the historic landscape in this location, nor does it assess the impacts of the proposals on the character or setting of the 'Special Historic Landscape'. As such, the heritage statement is fundamentally flawed and it does not adequately justify how the proposal could, if at all, accord with the requirements of local plan policy LC14.

The application site lies within the core historic landscape type of the Ancient Open Strip Fields (AOSF) within the large open field to the northwest of the town known as Ellers Field. Ellers Field is a wide expanse of unenclosed agricultural land containing evidence of former strip divisions as well as two windmills and other heritage assets. This is one of the best preserved open areas in the Isle, with Maws Mill standing out near the top of the ridge as a major landmark. There is extensive public access within and around the field along public footpaths and the former railway line, as well as along tracks that provide access to all parts of the field, including to the Mill. There are wide open views from within and across the landscape heritage asset of the application site.

From Station Road the openness of the historic landscape and the application site is visible to the rear of the two listed buildings adjacent to the proposed site entrance with the listed Maws Mill also visible on the skyline beyond. The listed farmhouse, threshing barn and windmill all contribute to the character and setting of this part of the historic landscape. The relationship of the farm and the windmill to the historic farmland can be readily appreciated from within the landscape to the north of the proposed development site and from within the rear setting of the listed buildings, looking towards and out from the application site.

58 Station Road was one of the few farms to be established on Ellers Open Field in the late 18th/early 19th century. It is apparent from the historic map evidence that a number of adjacent strips running north to south from the field top down to Station Road were amalgamated and the farmstead erected and boundaries established round the holding. Rather than detract from the openness this early evolution of the landscape change is readily legible within the site and the historic landscape beyond.

This legibility is important to the understanding of the character and setting of the historic landscape, and of the role of the listed farm house, barn and the mill to the agricultural landscape history of the Isle. The modern industrial units on the former railway depot site and housing estates to the east of the application site has resulted in some loss of character and setting to this part of the AOSF historic landscape along Station Road; this makes the surviving character and setting surrounding the application site more important to preserve the legibility.

The application site forms part of the AOSF character zone. It is rectangular in shape, long and narrow, extending over 300 metres from the Station Road frontage, and reaching deep into the surrounding AOSF with the northern end level with Maws Mill along the field top trackway. The site is adjacent to the two listed buildings and includes 56 Station Road, a 19th century farmhouse and barn which contributes to their setting.

A large agricultural building constructed in the late 1970s and used variously as a riding school, vehicle workshop and latterly for agricultural use (PA/2017/1502) is located to the rear of the roadside. Beyond the agricultural building the northern half of the application is a well-kept grassed area with ornamental trees bounded by mature trees and hedging. The

proposed development is for 34 dwellings and entails the demolition of 56 Station Road and its barn to form the access, with an area of public open space at the north end of the site. The tree report indicates that the vast majority of the existing vegetation would be removed exposing the site to the surrounding open countryside.

The effects on the historic landscape of introducing a housing estate on this land are multiple. Looking from within the AOSF historic landscape towards the site, the new dwellings would be highly visible and dominant, presenting a solid mass extending the built environment into the heart of the historic landscape of the ancient open strip fields. From Station Road, the new dwellings would be visible behind the existing properties occupying the skyline to the open countryside beyond, with the similar effect of extending the residential envelope, as well as potentially blocking views of the Maws Mill landmark from the west.

The proposed residential use would introduce and increase the prevalence of other domestic elements with an urbanising effect into this part of the AOSF zone, such as brick walls, boundary fencing, garages and outbuildings, garden structures and other permitted development, as well as lighting, vehicles and other sources of noise. Attempts to screen the site would add further inappropriate features into the open character of the historic landscape.

The change of use from an agricultural to residential use clearly changes the character of the historic landscape. The effect of this application therefore would be to extend the built form of Station Road deep into the historic landscape of the ancient open strip field. The legibility of the landscape, and the views that allow an appreciation of this character and setting would be lost. The listed farm and barn at the southern end of the site would be largely cut off from the historic landscape that forms their setting. These effects would erode and damage the existing character and legibility of the AOSF as well as the setting of the listed buildings that together form part of the nationally important historic landscape in this location.

The proposed development would therefore be an unacceptable visual intrusion and extension of the built environment into the historic landscape. This intrusion, including the cumulative intrusion of further development the application could give rise to, would contribute to adverse character change and cause harm to the setting of the core historic landscape of Ellers Field as well as the listed buildings that share this setting, thus adversely affecting the ability to appreciate these heritage assets, further harming their significance.

The proposed development would be an unacceptable encroachment into the ASHLI. The proposal is contrary to local plan policies LC14, LC7 and HE5, and Core Strategy policy CS6, and the proposal would not accord with paragraphs 192 and 203 of the National Planning Policy Framework

Archaeology

In terms of archaeology, the application site also has potential to contain buried archaeological remains as the North Lincolnshire HER records material of prehistoric and Roman date within this area of Ellers Field. The applicant's heritage statement references the HER archaeological data from the Heritage Gateway website but is not informed by the results of any archaeological field surveys of the application site.

The site has the potential to include heritage assets of archaeological interest and adequate information is required about the presence and significance of any such assets to properly assess the impact of the proposed development, and thereby to inform the decision-making process in accordance with the NPPF and local planning policies. In this case, the lack of archaeology information submitted by the applicant was not a reason for refusal for PA/2021/715. In light of this fact, as the application site and development proposed is essentially the same as PA/2021/715, it would be unreasonable to recommend a reason for refusal on lack of information with regard to archaeological remains. After careful consideration, the council is satisfied that this matter can be dealt with through planning conditions. As a result, the proposal is considered to be acceptable in terms of archaeology subject to conditions to align with policy HE9 of the NLLP and policy CS6 of the Core Strategy.

Character

The site would change to a modern housing estate comprising a backland form of development that would extend northwards into the open countryside. This backland form of development would be out of character with the existing ribbon and frontage development of this part of Station Road. The site rises sharply to the north and will be highly visible from Station Road and on the landscape and from the adjacent PROWs. The development will result in urban encroachment into the open countryside and extend the built environment onto the historic landscape (ASHLI) which would result in a harsh and harmful impact on the character and appearance of this part of Station Road. Even though all matters are reserved save for access, the 'indicative layout' and the long linear, rectangular shape of the site would create a development that would bear little relationship with Station Road and would be an incongruous form of development when viewed in context with Station Road and the surrounding area. It is noted that some trees on the site are to be retained and the orchard but these trees will not mitigate the impact of the development on this site. Accordingly, the proposal would be contrary to LC7, RD2 and DS1 of the NLLP and policies CS1, CS5 and CS16 of the Core Strategy.

Trees

In terms of trees, there are a number of trees to be felled on the site to facilitate the development. It must be noted that these trees can be felled without consent as they are not in a conservation area or protected by a tree preservation order. A high number of these trees are category B (good) trees. However, at reserved matters stage the actual loss of trees can be assessed as the details of the layout will be known. At this stage the fact remains that many good quality trees are likely to be felled as a consequence of the development. However, in light of the fact this is an outline application, planning conditions can be used to safeguard existing trees on the site to be retained and through the reserved matters (landscaping and layout) the council will seek to retain existing trees as far as possible and to ensure a robust landscaping scheme is submitted to mitigate the impacts of tree felling on the site. Therefore, on balance, subject to conditions and an acceptable landscaping scheme, the proposal could align with policy LC12 of the NLLP and policy CS5 of the Core Strategy.

Ecology and biodiversity

In terms of ecology and biodiversity, the council's ecologist has been consulted on the proposals. The application site supports old buildings (to be demolished), fruit trees, hedgerows and grassland. The preliminary ecological appraisal found no evidence of

badgers and low likelihood of great crested newts being affected. Various bird species are likely to nest on site, and the dwelling and garage have low potential for roosting bats. The site habitats offer moderate potential for foraging bats. The report noted, 'Further survey work on the dwelling and garage will therefore be required in accordance with the Good Practice Guidelines (2016), to ascertain the presence/absence of roosting bats. This will involve a minimum of one evening emergence survey during the active season for bats (May–September). If the presence of bats is confirmed during this survey, then further work will be required.' No bat survey has been submitted and the proposal is therefore contrary to LC5 of the NLLP as the impact the development will have on protected species cannot be assessed by the council.

If permission were to be granted, biodiversity enhancement and biodiversity net gain (BNG) will need to be provided on/off site. The submitted biodiversity assessment appears to be a fair assessment of the baseline value of the site and makes appropriate biodiversity enhancement proposals. The BNG habitat would need to be delivered in a south-south-west to the north-north-east strip in order to preserve the form of the AOSF rather than the area of land shown in the submitted biodiversity assessment (Fig 2). No form of boundary or enclosure should be erected around the BNG grassland as this would be inappropriate in this part of the open strip fields. A biodiversity management plan would be required, securing positive management for at least 30 years. This could be conditioned as this area of land is also within the applicant's ownership. In terms of biodiversity enhancements and BNG the proposal is acceptable subject to conditions securing enhancements and off-site BNG (within the applicant's ownership). This aspect of the proposal would align with CS17 and CS5, and paragraphs 174 (d) and 180 (d) of the NPPF.

Flood risk and drainage

Policy CS19 of the Core Strategy and policy DS16 of the NLLP are both concerned with flood risk, whilst policy CS18 of the Core Strategy relates to sustainable resource use and climate change, and policy DS14 of the NLLP is concerned with foul sewage and surface water drainage. The application site is within flood zone 1 and therefore is a preferred place for development in terms of flood risk. The EA have been consulted on the proposals and raise no objections in terms of flood risk.

The LLFA, Yorkshire Water, Several Trent and the Internal Drainage Boards have all been consulted on the proposals. After assessing all the information submitted with the application, the LLFA raised an initial objection as infiltration was proposed (storage crates) but the submitted information did not support this method of surface water disposal. Following this initial response, the applicant has submitted further information including an option for a balancing pond to replace buried storage crates. However, due to the high groundwater presence within the proximity of the pond/buried storage crates these schemes are not considered to be feasible. The development does not currently provide a suitable surface water drainage design. As a result, the proposal does not comply with CS18 and CS19 of the Core Strategy, and policy DS14 of the NLLP.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Parking Provision Guidelines for New and Change of Use Developments (2009) sets out parking provision for residential developments. This policy and guidance are both considered relevant.

The applicant seeks to create a new access from Station Road that would involve the demolition of a dwelling. Highways have been consulted and have no objections to the access arrangement although they initially queried visibility for the access. The applicant has responded that, 'the existing boundary wall is 850mm high which would allow the visibility splays to be achieved as noted on the drawings. These can be lowered or removed to facilitate the visibility splays as part of the full planning application if required.' It is considered that planning conditions could be used to ensure satisfactory visibility for the access and to mitigate the development from a highway safety perspective and during the construction process. Highways have updated their response in light of the new information from the applicant and raise no objections subject to conditions. Therefore, the proposal, in highway terms, is considered to be acceptable and could, subject to conditions, align with T2 of the NLLP.

Public Rights of Way

Public Footpath 49 crosses the access road perpendicularly by approximately 18 metres from Station Road. Paragraph 100 of the NPPF states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users and policy CS25 of the Core Strategy is also relevant. The development will be visible from this PROW and adjacent PROW. The PROW officer is not objecting to the proposal but would like to see adequate sightlines for walkers of the footpath on both sides of the crossing which could be conditioned. It is considered that although views from the PROW would obviously change if the development were approved, the development will not result in harm to the PROW itself and therefore the impact the development will have on the PROW is considered to be acceptable.

Residential amenity

In terms of residential amenity, appearance, layout, scale and landscaping are all reserved matters and impact on residential amenity would be assessed at reserved matters stage (should planning permission be granted). However, when assessing the site and its relationship with surrounding properties it is considered that a scheme could be designed on the site that would not adversely affect the residential amenity of neighbouring properties. In this regard the proposal, subject to an acceptable design, could align with CS5 of the Core Strategy and policies H5, H8 and DS1 of the NLLP.

Noise

The proposed development is in close proximity to commercial/industrial premises on Station Road. These premises have the potential to cause adverse noise impact. A noise assessment has been submitted with the application.

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release, result in land contamination, pose a threat to current and future surface or underground water resources, or create adverse environmental conditions likely to affect nearby developments and adjacent areas. Paragraph 185 'a' of the NPPF states, '...mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life'. Both are relevant to this application.

The submitted noise assessment concludes that, ' Since the current average daytime noise level satisfies all relevant criteria, it is predicted that current noise levels in the vicinity of the proposed development are such that the internal and external amenity of the proposed development will not suffer a noise-related loss of amenity. This being the case, no specific noise attenuation recommendations are proposed.' The report goes on to suggest that windows of all habitable rooms are fitted with glazing to a specific specification and glazing must incorporate sufficient ventilation to prevent overheating. The report also recommends a CEMP is submitted.

Environmental Protection agree with the conclusion of this report and recommend conditions relating to the installation of window glazing works. The proposal, subject to the aforementioned conditions, is acceptable in terms of noise and aligns with the NPPF and DS11 in this regard.

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 previous use of the proposed development site includes fuel storage which presents a medium risk of contamination. The environmental protection officer and the Environment Agency have both assessed the site investigation reports and recommend that planning conditions are used for the submission of remediation and verification reports to be agreed with the local planning authority prior to works commencing on site. Given the aforementioned mitigation, the proposed development is considered to accord with policy DS7 of the North Lincolnshire Local Plan.

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:

Affordable housing

Policy CS9 is concerned with affordable housing and requires schemes for new residential housing in market towns to contribute 20% of the scheme for affordable tenure. The housing should be provided on site, but an off-site contribution may be acceptable.

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 policy CS22 of the North Lincolnshire Core Strategy; both are considered relevant.

Leisure Services has requested a total contribution of £15,051. This is broken down to £10,188 towards the cost of improvements to sports hall improvements and additional equipment to improve the offer, £387 for improvements to indoor bowling facilities and £4,476 for improvements towards natural grass pitches and facilities.

For open space a contribution of £215,672.00 is required for North Lincolnshire Council to adopt and maintain the 5,410 square metres of on-site open space and orchard. No contribution will be requested if the open space is adopted and maintained by a management company.

Under council policy for a development of this size, a local area of play is not required. Instead, a financial contribution of £33,668 towards the maintenance and improvement of play parks in Epworth is required.

Health

A contribution towards health facilities is required to improve the doctor's surgery in Epworth. A financial contribution of £19,525.32 is required to mitigate the impacts of the development on health services as set out in Core Strategy CS24.

Education

Education Policy C1 of the Core Strategy 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. A response from the education team is that there is a requirement for contributions to secondary school places for eligible dwellings which equates to £5,376 per dwelling, excluding affordable dwellings

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 CS24 of the North Lincolnshire Core Strategy, C1 and H10 of the North Lincolnshire Local Plan, and paragraph 57 of the NPPF.

The heads of terms have been put to the applicant in respect of education, public open space, leisure, off-site contribution to play facilities, health and affordable housing.

At the time of drafting this report, the applicant has not confirmed they agree the S106 contributions and a verbal update will be provided at planning committee on this matter.

The planning balance and conclusion

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. This is reflected in paragraphs 2 and 12 of the Framework. The site is primarily located in the open countryside and the site will harm the setting of heritage assets, and have a harmful effect on the character, appearance and setting of the ASHLI and on local character. The impact on protection species cannot be assessed due to lack of information and there is no acceptable surface water disposal drainage strategy for the site. This proposal is therefore in conflict the development plan as a whole.

The council cannot demonstrate a five-year housing land supply. This means that for the purposes of national policy, the policies for the provision of housing are out of date. Paragraph 11d of the Framework states that in this context, 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. Footnote 7 of the NPPF explains that the protection of heritage assets falls into this category.

In this case, whilst there is less than substantial harm to the significance of nearby heritage assets, this harm must be weighed against the public benefits of the proposal. The public benefits (refer to Principle section of this report) are essentially the provision of new homes, including additional support for local businesses, services and facilities. The development would also provide short-term economic benefits in relation to the construction industry. The S106 heads of terms requires 20% of the dwellings to be provided as affordable homes, financial contributions to be made toward education, health and leisure, and ensures the provision of open space in any subsequent reserved matters applications, and provisions for its management, including the potential for financial contributions. The S106 heads of terms are currently awaiting agreement by the applicant and a verbal update will be provided on this matter at planning committee.

Based on an assumed yield of 34 dwellings, the obligation would secure 7 affordable homes. This is a public benefit which weighs in favour of the proposal. However, given the numbers involved, it is considered this only provides moderate additional benefits over and above those of the general housing provision. The other obligations are required for mitigation only and thus are generally neutral in the planning balance. While on-site open space and improvements to leisure, health, play facilities and education provision might also benefit existing residents, these would primarily be required for mitigation thus any wider benefits would be extremely limited in nature. There are no other public benefits resulting from the development.

Given the nature and severity of harm that would be caused to the setting of the 3 listed buildings, the public benefits of the development would not outweigh the less than substantial harm caused to the significance and the setting of the heritage assets in the area. The development would therefore conflict with the provisions of the Framework with regard to heritage assets. Paragraph 11d(i) is therefore engaged; consequently, the policies of the Framework (NPPF) provide a clear reason for refusal and planning permission should not be granted for this proposal.

It should be noted that if this application is refused and the applicant appeals the decision, and the Inspector finds that the tilted balance set out in paragraph 11d is engaged and that paragraph 11d(i) does not apply, but paragraph 11d(ii) applies to the proposal instead, the harm caused to the heritage assets, harm to the ASHLI and character of the countryside, potential harm to protected species and the lack of an acceptable surface water drainage strategy for the site fail to comply with local and national planning policies. It is still considered by the council that planning permission should not be granted for the proposal. This is because the benefits of the proposal (set out above) do not significantly and demonstrably outweigh the dis-benefits of the proposal as set out above.

When the planning balance is applied to the proposal, the benefits of development do not outweigh the harm that would be caused by the development. There is no other justification for setting aside the conflict with the development plan and there are no material considerations that justify departing from the development plan in this case.

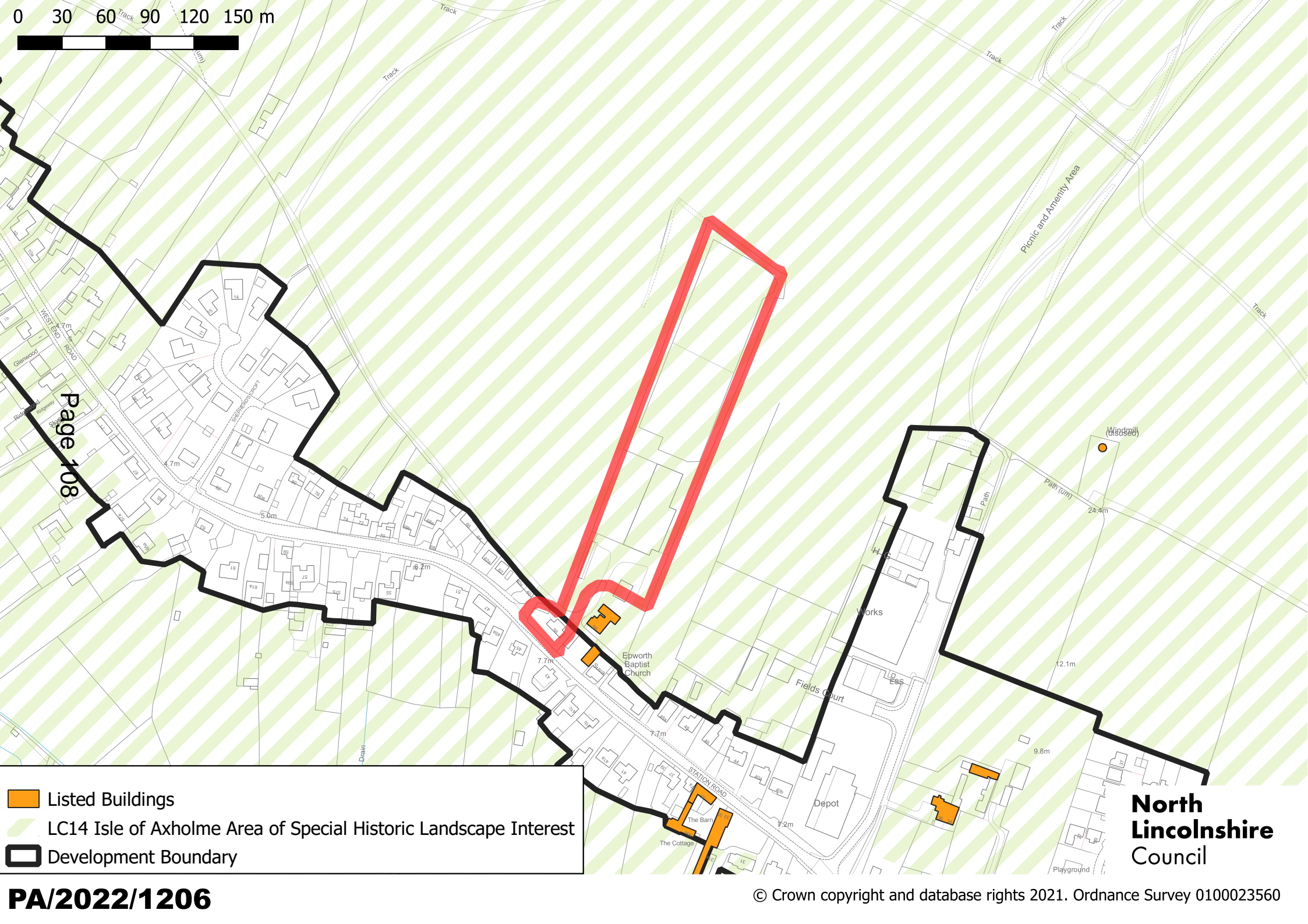
RECOMMENDATION Refuse permission for the following reasons:

1.
The proposed development would have significant and irreversible impacts upon the setting of designated and non-designated historic assets. The proposal is therefore contrary to policy HE5 of the North Lincolnshire Local Plan, policy CS6 of the Core Strategy, and paragraphs 195 and 203 of the National Planning Policy Framework.
2.
The proposal would erode and damage the existing character and legibility of the ancient open field strips as well as the setting of the listed buildings that together form part of the nationally important historic landscape in this location. The proposed development would therefore be an unacceptable visual intrusion and extension of the built environment into the historic landscape and open countryside and would contribute to irreversible character change of this part of the ASHLI. This proposal is therefore considered contrary to policies DS1, LC7, LC14 and RD2 of the North Lincolnshire Local Plan, and policies CS5 and CS6 of the Core Strategy.
3.
Insufficient information has been provided to determine the impact upon protected species. The proposal is therefore considered contrary to policy LC5 of the North Lincolnshire Local Plan.
4.
The proposal does not provide an acceptable principle drainage and SuDs strategy and is therefore contrary to policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 167 and 169 of the National Planning Policy Framework.




Informative

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

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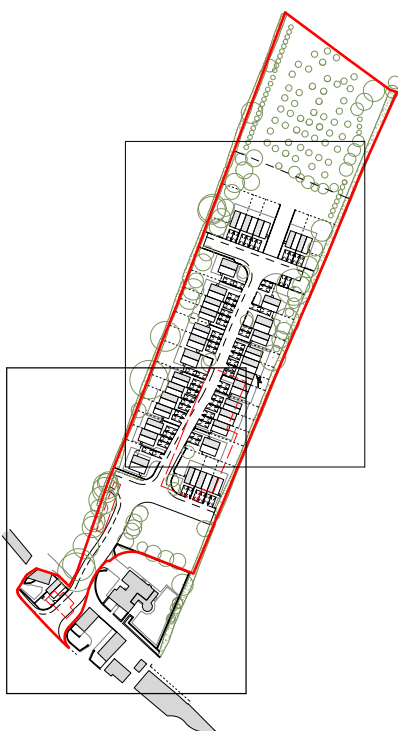
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-  Listed Buildings
-  LC14 Isle of Axholme Area of Special Historic Landscape Interest
-  Development Boundary

**North
Lincolnshire
Council**

PA/2022/1206

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Existing Boundary Hedgerow and Trees to remain in place and act as proposed boundary and to retain the existing external characteristics of the site.

Additional trees and shrubs to be planted in this area to increase the site local biodiversity.

Existing Boundary Hedgerow and Trees to remain in place and act as proposed boundary and to retain the existing external characteristics of the site.

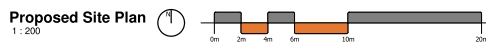
Rick 34 to be built to with material pallet to match the existing dwelling to ensure a minimal impact to the existing street scene.

Existing boundary to be retained showing the connection between the development.

Local Wildflowers Planted Either Side of Proposed Access Road

Existing Listed Building to be retained.

Existing Listed Building to be converted into a single dwelling.



Client:	As indicated	Date:	24/06/2022 10:08:21	Project No:	D18-016	Drawings No:	PL(A)050	Revision:	
Project Name:	Proposed Housing Development								
Address:	Station Road Epworth - DN9 1JY								
Sheet:	Proposed Site Plan - Sheet 1								
Copyright:	Copyright: DESIGN & INNOVATE LTD								
Scale:	Do not scale dimensions from this drawing. Use fixed dimensions only. All dimensions are to be checked on site. The contractor must report any discrepancies to the engineer before commencing work. Work shall be the Contractor's design and responsibility. It is not to start until a Health and Safety Plan has been produced.								



PA/2022/1206 Committee report for PA/2021/715

APPLICATION NO	PA/2021/715
APPLICANT	Mr Colin Parker
DEVELOPMENT	Outline planning permission for up to 34 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration (including demolition of existing workshop, polytunnel and stable)
LOCATION	Fruit Farm, 58 Station Road, Epworth, DN9 1JZ
PARISH	Epworth
WARD	Axholme Central
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Tim Mitchell and David Robinson – significant public interest) Significant public interest

POLICIES

National Planning Policy Framework:

Paragraph 12 – The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

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

Paragraph 55 – Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 58 – Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability

assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Paragraph 95 – It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- (a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- (b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

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

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

Paragraph 169 – Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the lead local flood authority;
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.

Paragraph 174 – Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 185 – Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- (a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- (b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- (c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 195 – Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.

Paragraph 197 – In determining applications, local planning authorities should take account of:

- (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- (b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 – When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 203 – The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

North Lincolnshire Local Plan:

DS1, DS3, DS7, DS11, DS14, DS16, T1, T2, T19, RD2, HE9, LC5, HE5, C1, H10

North Lincolnshire Core Strategy:

CS1, CS2, CS3, CS5, CS6, CS7, CS8, CS17, CS18, CS19, CS22, CS23, CS25, CS26

CONSULTATIONS

Highways: The existing boundary wall to the east of the access needs to be removed for visibility splays to be achieved. This is possible in drawing 0200-SK01 but does not appear possible in PL(A)150. These comments are therefore based on drawing 0200-SK01. Recommend conditions relating to access, splays, footways, internal layouts, driveways and surfacing materials, amongst other conditions to mitigate construction and those related to sustainable transport. Ultimately, and subject to this mitigation, Highways would not object to the proposal.

Environment Agency: The previous use of the proposed development site includes fuel storage, which presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located on secondary A aquifer associated with the Sutton Sand Formation.

The application's 'Phase 1 Environmental Assessment' (reference 18137 V2, July 2019) demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will, however, be required before built development is undertaken. An intrusive investigation has been proposed. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

Without these conditions we would object to the proposal in line with paragraph 170 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Drainage (Lead Local Flood Authority): Object to the proposed development for the following reasons:

The outline planning application does not provide an acceptable principle drainage and SuDS strategy. This should include preliminary drainage layout plans, topographical survey and outline hydraulic calculations for a 1 in 100 year storm event plus CC based on SuDS principles, including adoption/maintenance proposals. The proposals also indicate a new (restricted discharge) connection into the highway drainage system on Station Road. This is not a public sewer and therefore the developer has no 'as of rights' connection into this drain. Any additional flows into this drain must be fully modelled by the developer and upgrades to this drainage system may be required to facilitate the connection (at the developer's expense).

This must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed.

Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

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

CPRE: The Northern Lincolnshire local group of CPRE, The Countryside Charity ('CPRENL') objects to this proposal which does not conform with local or national planning policies, on the following grounds:

1. the proposal is outside the adopted (and proposed) development limits within the open countryside
2. the site is not all brownfield land
3. the detrimental impact on the historic landscape of the Isle of Axholme
4. the detrimental impacts on the Epworth conservation area
5. the detrimental impact on highway safety.

Public Health:

- Consultations should take place with local primary care services to assess the impact of the development on local services.

- Notice should be taken of the 10 principles of active design developed by Sport England and considered in the layout of the development.
- Houses should be built to be energy efficient and affordable to run.
- Electrical charging points should be included.
- Support the comments made by Environmental Protection.
- Support the recommendations made by the Environment Agency.
- Support the comments made by the LLFA.
- If this proceeds to a full planning permission, the stated 20% allocation to affordable housing should be adhered to.

Environmental Protection: Extensive comments have been made, including that a full suite of conditions is required in terms of land contamination, requiring a phase desk top study, remediation report, verification report and monitoring. In respect of air quality, a condition is recommended requiring electrical vehicle charging points to be provided. Conditions are also put forward requiring a construction environmental management plan to be submitted, and setting out construction hours to mitigate impacts during the construction phase.

A noise impact assessment should be submitted prior to the application being determined.

Historic Environment Record: Recommends refusal 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. Potential archaeological significance has not been adequately assessed contrary to paragraph 189 of the NPPF and local plan policy HE9.

Education: Primary and secondary education contributions are sought in respect of this development. The amount per eligible house for both is £8,049.

Conservation: In accordance with paragraph 196 of the NPPF, the harm to the significance of the listed buildings 58 Station Road and Barn 10 metres to the south and Maws Mill should be weighed against the public benefits of the proposal.

Special regard to the desirability of preserving the setting of the listed buildings has not taken place contrary to section 66.1 ('the Listed Buildings Act') and council policies HE5 and CS6.

The application should therefore be refused.

Ecology: Given current indicative proposals, biodiversity net gain does not appear likely to be achievable on site. In that case the application should be refused as being contrary to policy CS17 of the Core Strategy. If there are overriding reasons why the development should go ahead, then on- and off-site biodiversity enhancements will be required in line with the mitigation hierarchy.

Section 106 Officer:

Affordable Housing – As the site falls within Epworth, current policy states that 20% of the development should be provided for affordable housing, which, on this proposed development, equates to seven dwellings. This should be secured through a section 106 agreement to have some form of perpetuity.

Education – The education department is seeking primary and secondary contributions which equate to £8,049 per dwelling, excluding affordable products.

Recreation – To maximum development on site, the recreation department have requested a contribution of £15,894 towards the cost of improvements to football changing facilities and £14,483 for natural turf pitch improvements. £12,217 towards the cost of the proposed fitness studio at Epworth Leisure Centre and £2,182 for improvements to indoor bowling facilities at Scunthorpe would be required if this application is successful.

Open space – Under council policy for a development of this size, the council would not request the provision of a local area of play on site; instead, it would request the contribution in financial form with spending of the monies at an area of recreation off site, within close proximity of the application site. The off-site financial contribution towards the improvements of an existing area of play amounts to £33,668.00. The council would, however, request on-site informal open space of 10sqm per dwelling. Confirmation is required from the council's neighbourhood services team as to whether they would take open space in this area.

Highways have yet to respond but may seek a contribution – to be confirmed once a response has been received.

Biodiversity – If biodiversity net gain cannot be secured on site by condition, this may have to be secured through a section 106 agreement as an off-site contribution. This will be confirmed by the ecologist.

Spatial Planning: The policy team have provided comments though these are now dated (and this is expanded upon within the report). The comments provided concluded:

Epworth contains six out of the seven key facilities and services. This proposal for residential development is in the open countryside and contrary to the council's adopted development plans. As the council cannot demonstrate a five-year housing land supply, paragraph 11 of NPPF applies and the application should be considered taking into account any adverse impacts of granting permission when assessed against the policies within this framework taken as a whole or specific policies indicate development should be restricted. It must be demonstrated why the development meets the three dimensions of sustainable development.

Neighbourhood Services: Public Footpath 49 (FP49) runs parallel to the north side of Station Road, thus cutting across the proposed access to the development perpendicularly. The NPPF states at paragraph 98 that 'planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.' That said, there is no particular reason why FP49 should prevent this development from proceeding, providing the crossing at the access road is designed with pedestrian safety in mind. Other than crossing the access road, FP49 appears not to be much affected physically.

However, on page 41 of the Design and Access Statement, under the heading 'Vehicle Access', it states that 'the existing public footpath will be closed off to the rear of the Chapel with the new footpath used as an alternative. This will improve safety and security to people currently accessing the footpath.' But the chapel lies outside the application site, according to the location plan and figure 1 on page seven of the Design and Access Statement. Moreover, the legal maxim is 'once a highway, always a highway', so FP49 can be neither diverted nor stopped up other than by order. Diverting or stopping up under the Town and Country Planning Act 1990 would be necessary for implementation of the permission, not merely desirable, (the noted potential for future development referred to for the land either side of the current site notwithstanding).

Tree Officer: There is concern that this submission would see a net loss of green infrastructure through the removal of lots of trees, many of which have been identified within the arboricultural information submitted as being worthy of retention. However, this information as to which trees are in such a condition that they should be retained is not then considered with regard to the location of dwellings and built environment. This application is also within the LC14 historic landscape.

Waste and recycling: Set outs guidance with regard to distances from bins to kerb sides, space standards and where service vehicles need to cross a highway/footway. Surfacing guidance, relevant to the weight of refuse vehicles, has also been provided.

TOWN COUNCIL

Objects to the application, stating:

- the development is outside the development boundary for Epworth;
- the development falls within the North Lincolnshire Local Plan LC14 designated area of protection of historic land and its unique characteristics;
- the application would put added stress on the infrastructure of the town;
- there are already significant issues with drainage and flooding in this area and there is inadequate provision for drainage in this application;
- concern over the protection of Epworth, its character and history, with particular reference to the conservation area, and that larger housing developments will ultimately spoil all that is unique and attractive about the town (Core Strategy CS7).

PUBLICITY

Advertised by site and press notice.

A large number of representations have been received which express concerns over the proposed development. The material issues raised in the third party responses received are listed below:

Objections:

- impact upon the existing services of the town
- impact upon the historic landscape

- urbanisation of the open countryside
- biodiversity and ecology concerns
- impact on drainage infrastructure
- highway safety
- impact upon the built historic environment
- impact upon the natural environment
- impact upon existing amenity.

Support:

- more homes for residents and families
- support of local business
- support for services.

STATEMENT OF COMMUNITY INVOLVEMENT

The applicant has not provided any evidence of recent public consultation on this proposal. Emails have been received which refer to a sample study taken some time ago relating to parking provision within the town, however this does not relate to this planning assessment.

ASSESSMENT

Relevant planning history

- 2/1977/0661: Change of use from livestock smallholding to smallholding and riding stables – granted with conditions 09/12/1977.
- 2/1978/0025: Erect an agricultural building to be used partly as an indoor school and partly as a fodder and implement store – granted with conditions 10/03/1978.
- PA/1998/1117: Convert listed barn to dwelling, demolish second barn and erect garage block/store, erect walls and alter access – granted with conditions 23/10/1998.
- 2/1984/0028: Construct vehicular access – granted with conditions 06/03/1984.
- 2/1983/0137: Erect lean-to gallery and spectator area – granted with conditions 29/03/1983.
- PA/1998/1178: Convert grade II listed barn into dwelling – granted with conditions 06/11/1998.
- PA/2000/0045: Continue use of part of an existing building as a timber store (for a period of 10 years) – granted with conditions 10/03/2000.

PA/2017/1502: Change of use of building and adjacent land to an agricultural building and land for the storage of farm equipment – granted with conditions 07/12/2017.

Site constraints:

Open countryside HELA DPD 2016

Setting of listed buildings

Area of Special Historic Landscape Interest of the Isle of Axholme (ASHLI)

Site characteristics

The site is located to the north of Station Road with an existing access between numbers 56 and 60. There are two listed buildings within close proximity of the proposed access: 58 Station Road and 'Barn located 10m south of 58 Station Road'. With the exception of the access mouth, the site is wholly located both within the open countryside and the ASHLI.

On site at present is a sweeping access leading to a parking area and to the front a large, corrugated building for which, in 2017, a change of use was granted for the storage of agricultural machinery. Beyond this building is a retaining wall and steps up to a manicured landscape, predominantly laid to grass with large trees. The site extends northwards in linear form away from Station Road (and so the settlement). There is a cluster of built form already to the east of this site that extends away from the settlement in linear form. The site slopes upwards from Station Road northwards.

Proposal

Planning permission is sought to demolish the existing workshop, polytunnel and stable and erect up to 34 dwellings with means of access to be considered also at this stage. The application is supported by a Design and Access Statement as well as indicative plans. Given the proposal and the site constraints, **the following issues are relevant to this assessment:**

- **principle of development**
- **planning obligations**
- **historic landscape**
- **impact on listed buildings**
- **noise**
- **flood risk and drainage**
- **highway safety**
- **environmental issues**
- **air quality**

- **land contamination**
- **ecology.**

Principle of development

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP). There is no adopted neighbourhood plan for Epworth.

Policy CS1 of the Core Strategy sets out a spatial strategy for North Lincolnshire, which, amongst other matters, 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 CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. It goes on to state that in rural settlements in the countryside and in the open countryside outside development limits, housing development will be strictly limited. Consideration will be given to development, which relates to agriculture, forestry or to meet a special need associated with the countryside. Development should not have an adverse impact on the environment or landscape.

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 HELAP, and the application site is located outside the designated development limit for Epworth.

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, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above).

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is entirely outside the defined development boundary for Epworth with the exception of the access point. The site has in part been previously developed, however the proposal does extend significantly beyond the limits of this brownfield land. Furthermore, the proposed use

is not essential to the functioning of the open countryside. The proposal is therefore contrary to policies CS1, CS2, CS3 and CS8 of the Core Strategy and RD2 and DS1 of the local plan and is considered unacceptable in principle.

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 56 of the National Planning Policy Framework 2018.

Affordable housing

Policy CS9 is concerned with affordable housing and requires schemes for new residential housing in rural settlements to contribute 10% of the scheme for affordable tenure. Ideally 70% of affordable housing supplied should be for rent and, where possible, the housing should be provided on site, but an off-site contribution may be acceptable.

Public open space and leisure

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

The recreation department has requested a contribution of £15,894 towards the cost of improvements to football changing facilities and £14,483 for natural turf pitch improvements. £12,217 towards the cost of the proposed fitness studio at Epworth Leisure Centre and £2,182 for improvements to indoor bowling facilities at Scunthorpe would be required towards the anticipated costs if this application is successful.

With regard to open space, under council policy for a development of this size, the council would not request the provision of a local area of play on site; instead, it would request the contribution in financial form with the money being spent on an area of recreation off site, within close proximity of the application site. The off-site financial contribution towards the

improvements of an existing area of play amounts to £33,668.00. The council would, however, request on-site informal open space of 10sqm per dwelling; confirmation is required from the council's neighbourhood services team as to whether they would take open space in this area.

Education

Policy C1 of the Core Strategy 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.

A response from the education team is that there is a requirement for contributions to both primary and secondary places for eligible dwellings.

Obligations summary

The proposed on- and off-site contributions are considered to be CIL compliant as well as policy compliant. The proposal would therefore align with policies CS9 and CS22 of the North Lincolnshire Core Strategy, C1 and HC10 of the North Lincolnshire Local Plan, and paragraph 56 of the NPPF.

The heads of terms have been put to the applicant in respect of education, public open space, leisure, recreation, and affordable housing. The applicant has not agreed the requested contributions required to mitigate the impacts of the development and make it policy compliant; nor have they submitted a viability statement to demonstrate that the contributions would make the proposed residential development financially unviable. The proposal is therefore considered contrary to policies CS22, CS23 and CS7 of the Core Strategy, as well as paragraph 58 of the NPPF and policies C1 and H10 of the local plan.

Historic landscape

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 states, 'Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment to be submitted prior to the determination of a planning application will be required. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.'

Policy LC14 is also relevant, its states, '...within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features.'

Development required to meet the social and economic needs of rural communities and small-scale tourist and outdoor sport and recreational development will be permitted provided such development is related to the historic landscape and its features.

A high standard of design and siting in new development will be required reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality.

Schemes to improve, restore or manage the historic landscape will be sought in connection with, and commensurate with the scale of, any new development affecting the area of Special Historic Landscape Interest.

Local plan policies LC7 and RD2 will also apply as the development is within the open countryside. Policy LC7 Landscape Protection states, 'Development which does not respect the character of the local landscape will not be permitted'. Policy RD2 Development in the Open Countryside requires that such development is strictly controlled, stating that only certain essential development that meets very specific criteria will be permitted.

The design objectives of Core Strategy CS5 and local plan policy DS1 are also relevant. Core Strategy CS5 Delivering Quality Design requires new development in North Lincolnshire to 'ensure it takes account of the existing built heritage from the earliest stages in the design process, in particular terms of scale, density, layout and access.' With regard to design, local plan policy DS1 General Requirements, Quality of Design criteria sets out. 'The design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area.'

The HER have been consulted and offer a reading of the area, describing the historical relationship that this site has (close to Ellers Field) with the wider ASHLI. The HER also point out the importance of 58 Station Road and its role in historic open strip farming. The officer states, 'This legibility is important to the understanding of the character and setting of the historic landscape, and of the role of the listed farm house, barn and the mill to the agricultural landscape history of the Isle. The modern industrial units on the former railway depot site and housing estates to the east of the application site has resulted in some loss of character and setting to this part of the AOSF historic landscape along Station Road; this makes the surviving character and setting surrounding the application site more important to preserve the legibility.'

and

'The legibility of the historic landscape in this part of Ellers Field along Station Road was highlighted as an important contribution to an appreciation of the historic setting in an appeal decision at 14 West End Road to the west of the current application site (ref: APP/Y2003/W/18/3211573).'

The Historic Environment officer ultimately recommends refusal of the application and comments within the assessment of the application:

'The effect of this application therefore would be to extend the built form of Station Road deep into the historic landscape of the ancient open strip field. The legibility of the landscape, and the views that allow an appreciation of this character and setting would be lost. The listed farm and barn at the southern end of the site would be largely cut off from the historic landscape that forms their setting. These effects would erode and damage the existing character and legibility of the AOSF as well as the setting of the listed buildings that together form part of the nationally important historic landscape in this location.

The proposed development would therefore be an unacceptable visual intrusion and extension of the built environment into the historic landscape. This intrusion, including the

cumulative intrusion of further development the application could give rise to, would contribute to adverse character change and cause harm to the setting of the core historic landscape of Ellers Field as well as the listed buildings that share this setting, thus adversely affecting the ability to appreciate these heritage assets, further harming their significance.'

This proposal then is considered contrary to local plan policies LC14, LC7, RD2 and DS1, and Core Strategy policies CS5 and CS6, and would adversely affect the historic landscape of the Isle of Axholme, a heritage asset of national significance. The proposed development would extend the residential built environment beyond the development limit where it would introduce a major change to the use and appearance within the historic landscape.

Impact on the setting of listed buildings

Paragraph 195 of the NPPF states, '...Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'

Paragraph 203 states, '...The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Policy HE5 of the local plan is concerned with development affecting listed buildings. It states (in part), '...Council will encourage the retention and restoration of the historic setting of listed buildings. Proposals which damage the setting of a listed building will be resisted.'

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 area of acknowledged importance including historic buildings, conservation areas, listed buildings (both statutory and locally listed).'

The conservation officer has based their assessment on the English Heritage Guidance Document 'The Setting of Heritage Assets is used to evaluate the impact on the setting and significance of the listed buildings'. In terms of assets that will be affected, they are:

- Barn approximately 10 metres south of No. 58 Station Road, Epworth. Threshing barn. 1780. Red-brown brick, colour-washed to front and sides. Pantile roof. 2-storey height.
- Maws Mill. This is a unique single tower that has not been extended. It is built c1820 four storeys in height with a tapered tower presently not in use. It is a landmark building and sits in a prominent position in an elevated location in the open countryside north of Epworth.
- The application proposes to demolish 56 Station Road, a 19th century townhouse and a non-designated heritage asset which is also within and contributes to the setting of the adjacent listed buildings.

Using the Historic England guide, the officer has assessed the degree to which these settings make a contribution to the significance of the asset, and has questioned and assessed the effects of the proposed development on that significance. The conservation officer has stated:

‘All three listed buildings [the officer designates the non-designated asset in error here] can be seen together from the surrounding footpaths in their green natural and historic landscape as described.

Should the proposal take place this will not be the case and the rear setting of 58 Station Road and listed barn will consist of a modern housing estate which will totally change the character and appearance of the rear setting from an open agricultural setting to a modern dense built form. This will have a negative impact on the setting and significance of the listed buildings.

The housing would also totally alter the character and appearance of the rear setting which is presently an eighteenth century farm in its original agricultural rural landscape. The modern housing would be seen as a significant modern discordant feature and alter how 58 Station Road and the adjacent listed barn is experienced.

It will also negatively impact on the setting of Maws Mill which, whilst altered with some modern farm buildings, still has a strong rural character opposed to that of a modern housing estate.

This will have a negative impact on the aesthetic significance, in other words the ways in which people draw sensory and intellectual stimulation from a place and its historic significance, and the ways in which past people, events and aspects of life can be connected through a place to the present (Historic England – Conservation Principles).

The new development will seriously impede the appreciation of the historical, aesthetic significance of the listed buildings and the level of harm is significant.

The application proposes to demolish 56 Station Road, a non-designated heritage asset which is also within and contributes to the setting of the adjacent listed buildings.’

Ultimately, and given the officer’s reading of the setting, the proposed development would be contrary to policy HE5 of the North Lincolnshire Local Plan, policy CS6 of the Core Strategy, and paragraphs 195 and 203 of the NPPF.

Noise

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that the levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release, result in land contamination, pose a threat to current and future surface or underground water resources, or create adverse environmental conditions likely to affect nearby developments and adjacent areas.

Paragraph 185 ‘a’ of the NPPF states, ‘...mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life’.

All are considered relevant.

Environmental Protection have been consulted and have stated in relation to noise, ‘...The proposed development is in close proximity to commercial/industrial premises on Station Road. These premises have the potential to cause adverse noise impact. This department therefore recommends a noise impact assessment is undertaken prior to determination.’

The applicant has been made aware of the comments and no information on noise has been received. Therefore, at present, insufficient information has been submitted in relation to noise to demonstrate that the scheme will not cause adverse impacts upon both local business and residents that would be unacceptable. The proposal is therefore contrary to policy DS11 of the North Lincolnshire Local Plan and paragraph 185 of the National Planning Policy Framework.

Flood risk and drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst policy DS14 of the local plan is concerned with foul sewage and surface water drainage. The application site is located within flood zone 1 and therefore is a preferred place for development in terms of flood risk.

The LLFA Drainage Team has been consulted and objects to the proposed development for the following reasons:

- The outline planning application does not provide an acceptable principle drainage and SuDS strategy. This should include preliminary drainage layout plans, topographical survey and outline hydraulic calculations for a 1 in 100 year storm event plus CC based on SuDS principles, including adoption/maintenance proposals.
- The proposals also indicate a new (restricted discharge) connection into the highway drainage system on Station Road. This is not a public sewer and therefore the developer has no ‘as of rights’ connection into this drain. Any additional flows into this drain must be fully modelled by the developer and upgrades to this drainage system may be required to facilitate the connection (at the developer’s expense). This must be consented by North Lincolnshire Council’s LLFA Drainage Team, in their capacity as Lead Local Flood Authority through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed.

The Environment Agency has also been consulted and no objections have been raised. The Internal Drainage Board and sewerage undertakers have not responded to consultation.

It is considered, given the LLFA’s comments, that insufficient information has been provided to demonstrate that the proposed development can be served by an acceptable drainage strategy and that it will not result in increased risk of flooding to the site and/or adjacent land. The proposal is therefore contrary to policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 167 and 169 of the NPPF.

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.

The applicant seeks to create a new access from Station Road that would involve the demolition of a dwelling. Highways have been consulted and have no objections to the access arrangement and have proposed conditions they feel are required to mitigate the development from a highway safety perspective and during the construction process.

In terms of sustainable transport, the only commentary received is that there would be no objections. The site is in an accessible area close to paths that link the site to the centre of Epworth; it is also served by public transport though the frequency is unclear. It is likely, however, that the proposal would still rely on motorised transport to access larger service centres and employment zones. However, it should be noted that neither Highways Development Control nor Sustainable Transport have raised any objection.

It is therefore considered, subject to the aforementioned mitigation, that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan.

Environmental issues/amenity

Policy DS1 of the local plan 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 DS11 is also concerned with pollution control and is considered acceptable.

The Environmental Protection team have been consulted and have no objections to the proposal in terms of environmental issues in relation to the operational phase of the development other requiring electrical vehicle charging points to improve air quality. In terms of mitigating the construction phase, they have requested a condition be attached requiring a construction environmental management plan to be submitted, as well as one controlling noise and dust. These conditions are considered to meet the tests for conditions set out within planning policy and would be attached to any permission.

It is therefore considered that the proposal would be in accordance with policy DS1 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.
- (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 have made an assessment of the proposal and have proposed a condition that, prior to development, a scheme for electric charging points shall be submitted to and agreed in writing with the local planning authority. The request is considered to be in accordance with the above policy requirements and will be attached to any permission to mitigate the impact upon air quality generated by the

development. It is considered that the imposition of this condition would not only satisfy policy CS18 of the Core Strategy, but also DS11 of the local plan by making a positive impact upon the reduction of polluting activities.

Land contamination

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

The environmental protection officer has recommended a phase 1 site investigation, including remediation and verification reports, be submitted to and agreed with the local planning authority, the remediation strategy being prior to works commencing. Given the aforementioned mitigation, the proposed development is considered to accord with policy DS7 of the North Lincolnshire Local Plan.

Ecology

Policy CS17 of the Core Strategy, as well as paragraph 174 of the NPPF, relates to biodiversity. Paragraph 174 'd' states, in part, that a net gain for biodiversity should be achieved, '...minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;' Policy LC7 is also considered relevant.

The council's ecologist has been consulted and has stated that a preliminary ecological survey is required as well as further information on biodiversity enhancement prior to determination. The applicant is aware of the comments and has not provided any additional information at this stage. It is therefore considered that insufficient information has been submitted to be able to determine the likely impacts upon protected species. The proposal is therefore considered contrary to policy LC7 of the North Lincolnshire Local Plan.

Conclusion

The proposed development, which seeks to erect market dwellings in the open countryside, is considered unacceptable in principle. Furthermore, the site is located within the Historic Landscape of the Isle of Axholme and represents an unacceptable scheme that would erode its special designated character. The applicant has provided insufficient information as regards both ecology and noise and so potential impacts are unknown and cannot be mitigated. The LLFA also objects to the proposal on flooding grounds, whilst the applicant has also failed to agree to the heads of terms which are required to mitigate the strain on services, provision and infrastructure caused by the development. The proposal is therefore not acceptable and is recommended for refusal for these reasons.

RECOMMENDATION Refuse permission for the following reasons:

1.

The proposal to erect up to 34 market dwellings within this location, outside the defined development boundary, would have an urbanising effect that is out of keeping with the traditional ribbon development along Station Road. The proposal not only fails to understand the intrinsic beauty of the open countryside but also conflicts with the strategic aims of the development plan. The proposal is therefore contrary to policies CS1, CS2, CS3 and CS8 of the Core Strategy, and DS1 and RD2 of the North Lincolnshire Local Plan, as

well as paragraphs 12, 47 and 180 of the National Planning Policy Framework, and is considered unacceptable in principle.

2.

The proposal would place demands on local schools and leisure facilities, affordable housing requirements, and public open space and recreational activities. These demands could not be absorbed without securing obligations that would mitigate the strain placed upon existing infrastructure by the development. The proposal is therefore considered contrary to policies CS7, CS22 and CS23 of the Core Strategy, C1 and H10 of the North Lincolnshire Local Plan, and paragraph 58 of the National Planning Policy Framework.

3.

The proposed development would have significant and irreversible impacts upon the setting of designated and non-designated historic assets. The proposal is therefore contrary to policy HE5 of the North Lincolnshire Local Plan, policy CS6 of the Core Strategy and paragraphs 195 and 203 of the National Planning Policy Framework.

4.

The proposal would erode and damage the existing character and legibility of the ancient open field strips as well as the setting of the listed buildings that together form part of the nationally important historic landscape in this location. The proposed development would therefore be an unacceptable visual intrusion and extension of the built environment into the historic landscape and would contribute to irreversible character change of this part of the ASHLI. This proposal is therefore considered contrary to policies DS1, LC7, LC14 and RD2 of the North Lincolnshire Local Plan, and policies CS5 and CS6 of the Core Strategy.

5.

Insufficient information has been provided to determine the impact upon protected species. The proposal is therefore considered contrary to policy LC5 of the North Lincolnshire Local Plan.

6.

Insufficient information has been submitted in relation to noise to demonstrate that the scheme would not cause unacceptable adverse impacts upon both local business and residents. The proposal is therefore contrary to policy DS11 of the North Lincolnshire Local Plan and paragraph 185 of the National Planning Policy Framework.

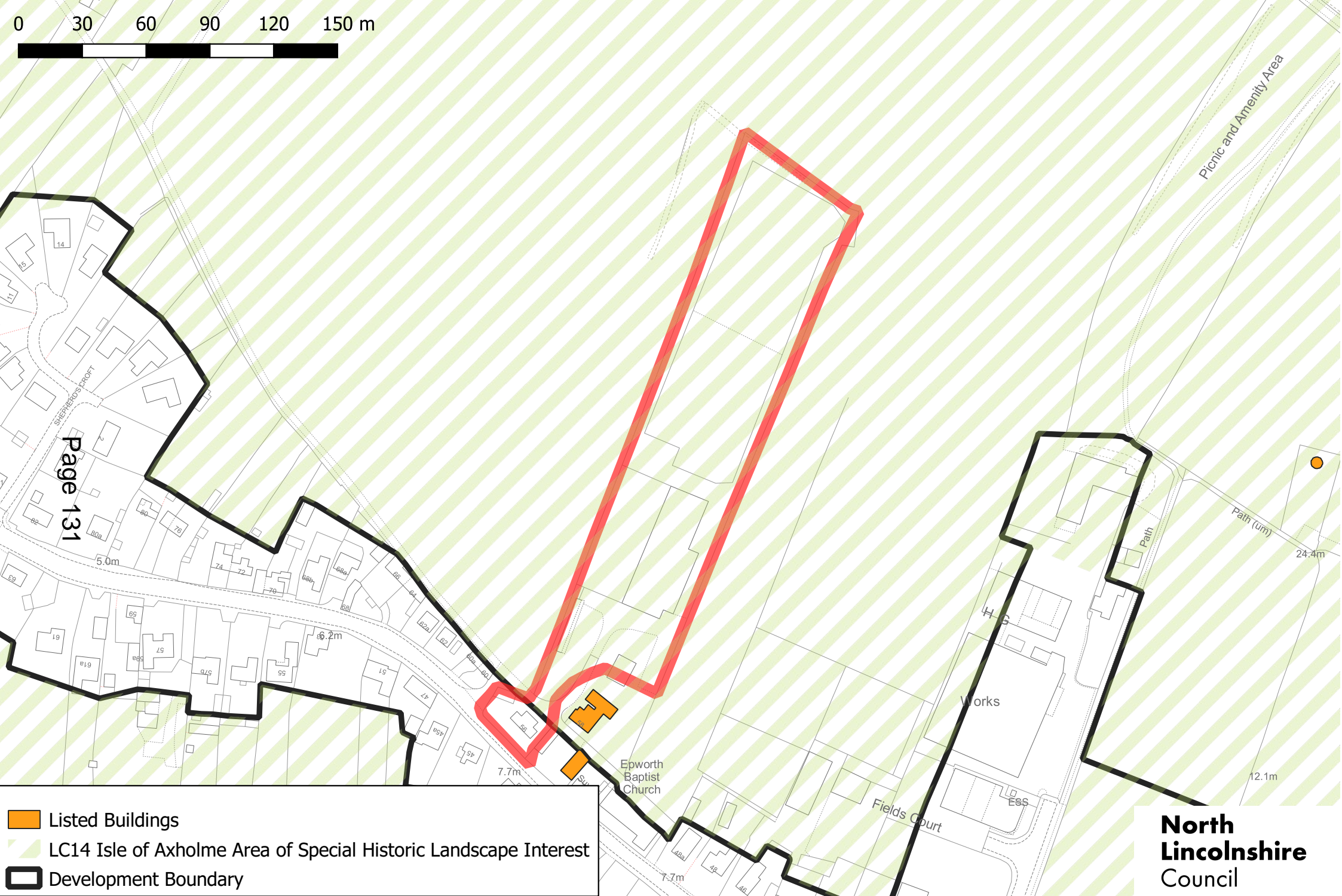
7.




The proposal does not provide an acceptable principle drainage and SuDs strategy and is therefore contrary to policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the Core Strategy, and paragraphs 167 and 169 of the National Planning Policy Framework.

Informative

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

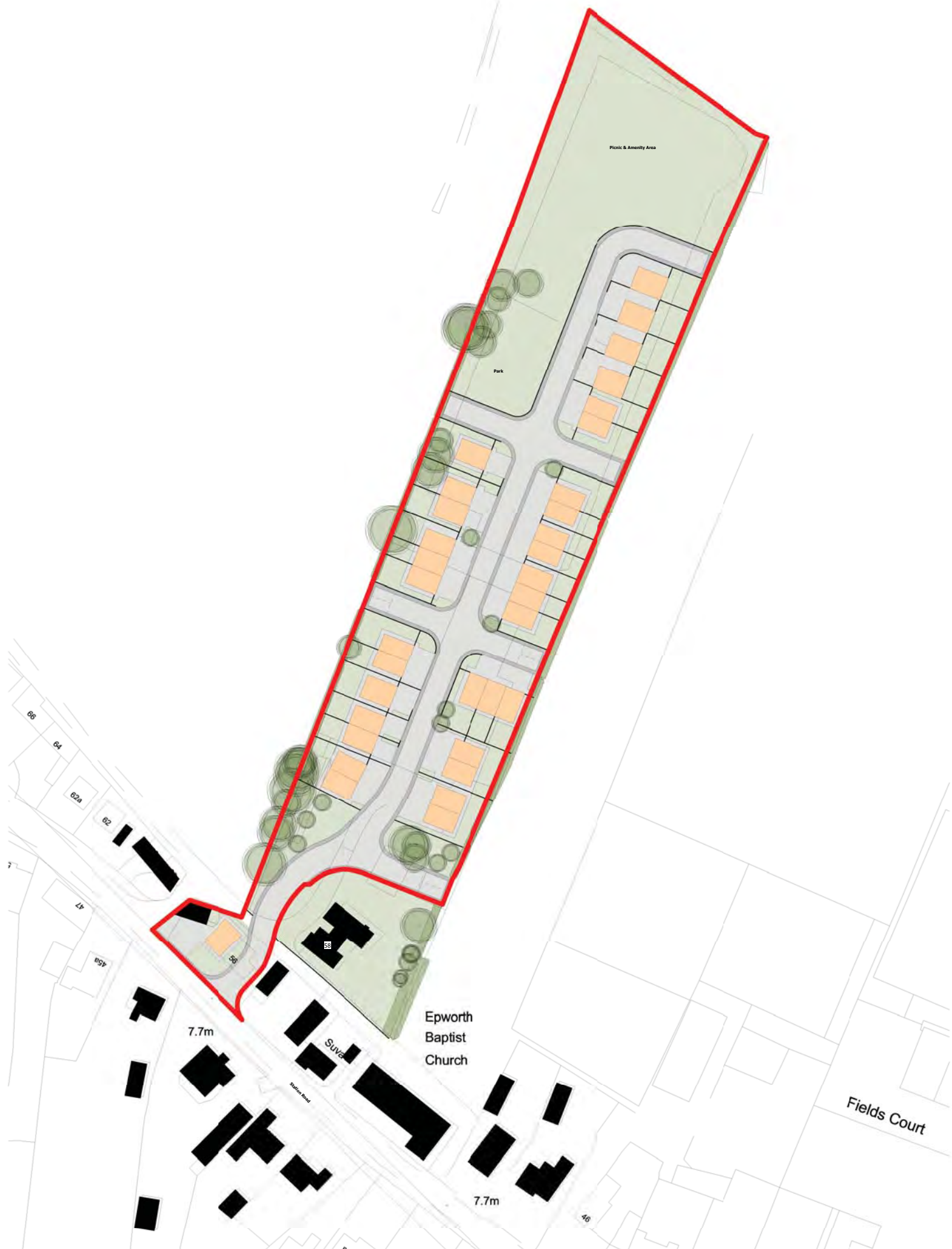
0 30 60 90 120 150 m



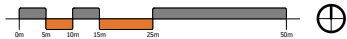
-  Listed Buildings
-  LC14 Isle of Axholme Area of Special Historic Landscape Interest
-  Development Boundary

**North
Lincolnshire
Council**

PA/2021/715 Indicative layout (not to scale)



Proposed Site Plan
1:500



Name	Date	Rev.	Author	Project
			Alwynna Street, Corsham, Wiltshire SN63JH 413 Tel: 01297 40212 E: info@designandinnovate.co.uk W: designandinnovate.co.uk	Proposed Housing Development
			Do not scale dimensions from this drawing. Use figured dimensions only. All dimensions are to be checked on site. The contractor must report any discrepancies to the designer before commencing work. Mark with The Construction Change and Management Regulations do not to start until a Health and Safety Plan has been produced.	Station Road Epworth - DN9 1JY
			Copyright: DESIGN & INNOVATE LTD	Title Proposed Site Plan
Scale	1:500	1/200	09/06/2021 22:28:47	Drawing No. PL(A)150
Original Size	A1	Project No.	D18-016	Revision



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 30 November 2022

Date: 21 November 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

The Ordnance Survey map data included within this publication is provided by North Lincolnshire Council under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

APPLICATION NO	PA/2020/2033
APPLICANT	Mr Murray
DEVELOPMENT	Planning permission to change the use of a former school to four apartments and a retail shop, with associated works
LOCATION	Old School, Station Road, Keadby, DN17 3BN
PARISH	Keadby with Althorpe
WARD	Axholme North
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Keadby with Althorpe Parish Council

POLICIES

National Planning Policy Framework:

Chapter 2 (Achieving sustainable development)

Chapter 4 (Decision-making)

Chapter 5 (Delivering a sufficient supply of homes)

Chapter 9 (Promoting sustainable transport)

Chapter 11 (Making effective use of land)

Chapter 12 (Achieving well-designed places)

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

North Lincolnshire Local Plan:

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy HE9 (Archaeological Excavation)

Policy DS1 (General Requirements)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

Policy C2 (Community Facilities in Minimum Growth Settlements and Rural Hamlets and Villages in the Open Countryside)

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 CS17 (Biodiversity)

Policy CS19 (Flood Risk)

Policy CS25 (Promoting Sustainable Transport)

CONSULTATIONS

LLFA Drainage Team: Initially objected to the proposed development because it falls within the lower threshold assessment levels (5–9 properties) and the applicant failed to provide an adequate surface water drainage strategy for the whole site. Further, a revised submitted flood risk assessment still failed to provide an adequate surface water drainage strategy for the whole site. The whole site, including existing hard-paved areas, needs to comply with the 100-year flood event.

A further report has been submitted and the proposals are deemed acceptable in terms of surface water flood risk compliance. However, the LLFA Drainage Team are unable to change the pre-commencement condition to a compliance condition as they require a confirmation from Severn Trent Water on the proposed discharge rate and detailed confirmation on the adoption and maintenance of all drainage features within the proposed development. There also needs to be documentation in the welcome pack/deeds about the proposed drainage system, what it serves and its function, and failure to maintain it etc, also removal of it in the future could impact themselves and others. With this in mind, the LLFA Drainage Team has advised a revised pre-commencement condition to replace previous pre-commencement conditions.

Environment Protection: Has not objected to the application but has indicated that the change of use of a school to five apartments is a sensitive end-use. The site has previously been used for retail and storage; there is, therefore, the potential for the site to have been impacted by contamination. This includes metals, PAHs, TPH, ground gas and asbestos. It is the developer's responsibility to assess and address any potential contamination risks. However, as no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level, conditions are recommended to require the applicant to submit a Phase 1 report for this department's consideration should the planning authority be mindful to determine the application.

Environment Agency: Initially objected to the application because the Flood Risk Assessment (FRA) did not comply with the requirements set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. However, following a review of a further FRA, the Environment Agency has removed their objection and recommended conditions be applied to any permission granted.

Tree and Landscaping Officer: No comments to make on the application.

Historic Environment Record (Archaeology): No objection to the proposal. The applicant has described the history and architectural interest of the Old School building in the submitted Design and Access Statement. The proposals will conserve the Old School and improve the external appearance that contributes to the street scene and village heritage.

Recycling Officer: No objection to the application. However, have provided standard advice which requires all new properties to be integrated into the alternate weekly collection scheme to receive a fortnightly collection of their bins and boxes.

Highways: No objections subject to conditions.

Yorkshire Water: No comments to make.

PARISH COUNCIL

Objected to the application when it was originally submitted because they have concerns over the access road. They also indicated that the access road is not wide enough for two-way traffic. Furthermore, there is the possibility of vehicles having to reverse back onto Station Road if a vehicle is exiting the development which would be dangerous in terms of public safety. They raised concerns over the ability of emergency vehicles to gain access to the rear of the development if required. Additionally, the drains in Keadby are already a problem and the proposed new development would put additional strain on an already overburdened network.

The application drawings were amended, and the parish council re-consulted in July 2022; however, no further comments have been received.

PUBLICITY

A site notice was displayed. One letter of comment has been received which raises the following concerns:

- impact on the common boundary wall
- impact on sewage pipes which run through the adjacent property
- impact of the development on the roof of a garage attached to the building.

ASSESSMENT

Constraints

Development boundary

SFRA Flood Zone 2/3 (a) Fluvial

Planning history

- 2/1982/0368: Use of disused classroom as a retail shop – approved 09/09/1982
- 2/1982/0696: Install a shop front – approved 08/02/1983
- 2/1980/0070: Erection of dwellings – approved 02/04/1980
- 2/1980/0103: Erection of new buildings and alterations to existing school premises for warehousing purposes – approved 02/04/1980
- 6/1987/0090: Outline planning permission to erect industrial buildings and layout industrial estate – approved 28/05/1987
- 6/1993/0109: Erect a building for manufacturing, storage, warehousing, office and amenity purposes – approved 03/06/1993
- PA/1999/0086: Planning permission to change the use of premises to storage and distribution, including ancillary offices – approved 17/03/1999
- PA/1999/0899: Planning permission to extend a warehouse, office block and car parks – approved 15/10/1999

Site and Proposal

Planning permission is sought for a change of use of the former school to form four apartments and a retail shop plus associated works. The site is Old School, Station Road, Keadby. The former school complex at Keadby comprises the school building and the adjacent headmaster's house. The site is within the development boundary of Keadby.

The site is located at the southern end of Station Road. The footprint of the proposed development measures approximately 327 square metres; however, the entire site measures 1,793 square metres. The school is bounded to the west by Station Road, to the north by 18 Station Road, to the south by 14 Station Road and the east by a field.

The site contains a large L-shaped building (the former school complex and the adjacent headmaster's house). The building currently comprises a retail area and workshop areas plus small stores and kitchens.

The original proposal was for a change of use of the former school to five apartments with associated works. The proposed apartments included a kitchen and lounge on the ground floor and two bedrooms on the first floor. Two parking spaces were also proposed at the rear of the building for each apartment.

Following concerns raised by the LLFA Drainage Team and the Environment Agency, the proposal was amended. The following documents have been submitted overall:

- Amended Proposed Site Layout
- Amended Proposed Elevations
- Amended Existing Elevations

- Amended Floor Plans
- Surface Water Drainage Strategy
- Flood Risk Assessment
- Design & Access Statement (update received on 16/07/2022)

The amended plans and amended Design and Access Statement show four apartments and a retail shop plus associated works.

The development would contain a mix of one- and two-bedroom apartments together with a kitchen and lounge on the first floor, and a garage, utility rooms and lobby on the ground floor. This proposal also retains the existing retail area.

Additional parking provisions will be kept to the rear of the site (except two spaces to the front associated with the retail shop) and two car parking spaces would be allocated to each apartment. The existing access from Station Road will be retained and will allow vehicular access and manoeuvres within the site.

There would be no extensions or additions to the building, other than the installation of dormer windows and refurbishment works.

Key issues

The main considerations in assessing this application are:

- **the principle of the development**
- **impact on the character and appearance of the conservation area**
- **impact on the amenity of adjoining occupiers**
- **the living conditions of future occupiers**
- **parking and highway safety**
- **drainage.**

Principle of the development

This proposal involves the change of use of a former school to four apartments and a retail shop, with associated works.

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing that seeks to restrict housing outside of settlements should not be considered up-to-date if a five-year supply cannot be demonstrated. The presumption in favour of sustainable development means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application when assessed against the policies of the NPPF. As the local planning authority has not demonstrated a five-year supply of housing, this application would be considered in the context of the presumption in favour of sustainable development.

Paragraph 120 of Chapter 11 (Making effective use of land) ensures substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and supports appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. It promotes and supports the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

Policy CS2 (Delivering more Sustainable Development) supports development on previously developed land and buildings within the Scunthorpe urban area, the defined development limits of North Lincolnshire's market towns and small-scale developments within the defined development limits of rural settlements to meet identified local needs.

Policy CS3 (Development Limits) ensures that the countryside is protected from inappropriate development and that no uncontrolled expansion of settlements will take place. The policy states that development outside the defined boundaries will be restricted to that which is essential to the functioning of the countryside.

Policy CS7 (Overall Housing Provision) aims to give priority to the release of sites within the Scunthorpe urban area, then the market towns and small-scale development in rural settlements. The key requirement of this policy is to deliver development on previously developed land, contributing to the brownfield target.

Policy CS22 (Community Facilities and Services) states that the loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need. Developers will be expected to make an appropriate contribution towards necessary improvements or additional provisions for community services and facilities arising from their development proposals.

Policy C2 (Community Facilities in Minimum Growth Settlements and Rural Hamlets, and Villages in the Open Countryside) requires the need to demonstrate that:

- (vi) facilities are no longer economically viable; and that
- (vii) all options for their continuance have been fully explored; and/or
- (viii) an accessible replacement facility exists elsewhere in the local centre.

Considering the principle of the development in keeping with the above policies, it must be acknowledged that the building is currently empty and therefore a change of use does not constitute a loss of community facility. It is also worth noting that there are several schools in Keadby and the surrounding area which serve the same purpose (a school). The proposed change of use of the vacant Old School to four apartments is acceptable and complies with policy CS22.

Regarding policy CS2 (Delivering more Sustainable Development), Keadby is a rural settlement and is highlighted in the council's Sustainable Settlement Survey as being one of the most sustainable settlements outside the Scunthorpe urban area. Further, the change of use of the Old School to apartments constitutes sustainable development.

Turning to policy CS7 (Overall Housing Provision), the key requirement of this policy is to deliver development on previously developed land, contributing to the brownfield target. The development plan defines a brownfield site as previously developed land which is, or was, occupied by a permanent (non-agricultural) structure, and associated fixed surface infrastructure. In this case, the site qualifies as a brownfield site and therefore the proposal meets the terms of the policy.

Turning to policy CS3 (Development Limits), the site is within the development boundary and not outside the defined boundary for Keadby where development is restricted to that which is essential to the functioning of the countryside. Therefore, this development meets the terms of policy CS3.

As indicated earlier, policy C2 requires it is demonstrated the:

- (i) facilities are no longer economically viable;
- (ii) all options for their continuance have been fully explored; and/or
- (iii) an accessible replacement facility exists elsewhere in the local centre.

The Old School, Station Road was erected in 1876 by the Althorpe and Keadby School Board under the provisions of the 1870 (Forster) Education Act. The front of the property was formerly used as a retail shop but has not been in use for a few years and the rear of the property has been used for storage.

By way of background, the retail shop area was originally a classroom, which was changed to a retail shop under the proposal for a change of use of a disused classroom to a retail shop (2/1982/0368), approved on 09/09/1982. In this case, the proposal would retain the retail shop area in its current use and therefore raises no issue in terms of longer economic viability.

Regarding the options for the continued use of the building, it is worth reiterating that the retail area would be retained. Regarding the general use of the building as a school, the site is currently vacant and while it is not known when it first became vacant, the planning history of the site implies it was earlier than 1982 when the disused classroom was changed to a retail shop (2/1982/0368).

From above, this application meets the criterion of policy C2, as it is believed the building functioned as a school for over two decades and is no more sustainable as a school, plus all options for its continuance as a school have been fully explored.

It is worth noting that accessible replacement facilities (schools) exist elsewhere in the local area (Althorpe & Keadby Primary School).

On balance, the site is not outside the defined boundary where development is restricted to that which is essential to the functioning of the countryside. Further, Keadby is a rural settlement and is highlighted in the council's Sustainable Settlement Survey as being one of the most sustainable settlements outside the Scunthorpe urban area. It is also judged that the building is currently vacant and therefore the change of use to four apartments, retaining the retail shop, would not result in a significant loss of community facilities and services.

In principle, the change of use of the existing school building into four apartments, retaining the retail shop, is welcomed by the planning authority and it complies with the relevant policies of the local development plan.

Layout, siting and design

Policy DS1 (General Requirements) expects a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. All proposals will be considered against the criteria of quality of design and amenity impact among others.

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

Considering the layout of the site, the proposal would retain the footprint of the existing building and therefore does not raise an issue. The applicant has confirmed in the Design & Access Statement that the proposal only seeks to split the school building into four apartments and retain the existing retail area. The details are shown on Floor Plan Dwg. No. 003.

The living accommodation of the proposed apartments would be confined to the first floor of the existing building with no extensions or additions, other than the insertion of dormer windows to the roof of the original building. The ground floor would contain the retail shop to be retained and the garages, utility rooms and lobby.

The refurbishment works as shown on the plans would ensure the building is fit for residential use.

Regarding appearance, there would not be a significant alteration to the building except for the installation of new dormer windows on the side (north elevation) and the rear (east elevation) of the building on the first floor. The key concern is whether the new dormer windows would harm the character of the building and the surrounding area.

In this case, having reviewed the number and design of the new dormer windows, the form, detailing and materials would relate well to the roof form and detailing/materials of the building. The design and appearance of the dormer windows are therefore acceptable.

Impact on the amenity of adjoining occupiers

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 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.’

Policy DS1 (General Requirements) of the North Lincolnshire Local Plan is concerned in part with residential amenities. It states that planning applications for residential dwellings should not unreasonably reduce sunlight or daylight, or result in overshadowing,

overbearing impact or loss of privacy to adjacent dwellings. Policy CS5 of the Core Strategy is also relevant.

Further to this, the NPPF advises that planning should always seek to secure a good standard of amenities for all existing and future occupants of land and buildings.

Given this proposal relates to an existing building and no extensions are proposed, no issues would arise from overshadowing or overbearing impact.

Regarding the impact on the privacy of neighbouring properties, the new windows would be installed on the side and rear. There is no residential property to the rear (east elevation) and therefore the new dormer windows at the rear would not raise an issue of privacy.

There would be no new windows on the side (south elevation) and therefore there would not be an issue of privacy on the property to the south (14 Station Road).

The only privacy concern is the new dormer windows to the north side facing 18 Station Road. Having reviewed the impact of the development on the privacy of 18 Station Road, it is judged that the proposed new dormer windows to the roof of the original building would look at the gable of 18 Station Road, where the property currently enjoys a high level of privacy from mature hedging.

To avoid unanticipated impact from the new dormer windows to the roof of the original building, a condition would be applied to any permission granted to obscurely glaze the windows in the north elevation to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration.

Highways

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

The existing access to the site off Station Road would be retained and would allow for vehicular manoeuvres within the site. Sufficient parking has been provided within the site to serve the apartments and the store. Highways have no objections to the application subject to conditions.

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.

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

All plans should apply a sequential, risk-based approach to the location of the development, considering the current and future impacts of climate change to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

- (a) applying the sequential test and then, if necessary, the exception test as set out below;
- (b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
- (c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate using natural flood management techniques); and
- (d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.

The sequential test aims to steer new development to areas with the lowest risk of flooding. 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.

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

- (a) within the site, the most vulnerable development is in areas of lowest flood risk unless there are overriding reasons to prefer a different location;
- (b) the development is appropriately flood resistant and resilient;
- (c) it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate;
- (d) any residual risk can be safely managed; and
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

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

In this case, the site is located within SFRA Flood Zone 2/3 (a) Fluvial, an area more likely to flood. While the proposal seeks a change of use of an existing building, and would not require the sequential or exception tests, it should still meet the requirements for site-specific flood risk assessments.

An initial Flood Risk Assessment Final Report Rev A was issued dated 8 February 2022. Following an objection from the LLFA Drainage Team and the Environment Agency an updated Flood Risk Assessment prepared by EWE Associates Ltd, Final Rev B was issued dated 17 February 2022. A further updated Flood Risk Assessment, Final Report Rev C was issued on 28 March 2022. The updated report (Final Report Rev C) concludes that

there is a risk of flooding due to a breach at the proposed development site. However, it is considered that by raising the habitable first floor level above the 1 in 200 year plus climate change flood level, providing flood resilience and flood protection measures, and developing a flood warning and evacuation plan, the overall flood risk will be acceptable.

Following re-consultation on the amended Flood Risk Assessments (FRAs), the Environment Agency has indicated that the latest FRA (Final Report Rev C) and the amendments relate to surface water management only so do not affect their position. The condition requested in their response dated 25 February 2022 is therefore still appropriate.

The LLFA Drainage Team have commented on the Final Report Rev C, indicating that the submitted proposals are acceptable in terms of surface water flood risk compliance. However, they are unable to change the pre-commencement condition to a compliance condition as they require a confirmation from Severn Trent Water on the proposed discharge rate and detailed confirmation on the adoption and maintenance of all drainage features within the proposed development.

Further, there is also a need for documentation about the proposed drainage system, what it serves and its function, and its failure plus removal of it in future could impact themselves and others. With this in mind, the LLFA Drainage Team has recommended conditions be applied to any permission granted.

It is believed the recommended condition would address any outstanding concerns from the LLFA Drainage Team when discharged. Consequently, the proposal complies with 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.

Contaminated land

The NPPF states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location.

Policy DS11 is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell, or noise, do not pose a danger by way of toxic release.

Policy DS1 is also concerned with the protection of amenities.

The Environmental Protection team has not objected to the application. However, they have indicated that the application for the change of use of a school to four apartments is a sensitive end-use. The site has previously been used for retail and storage; there is, therefore, the potential for the site to have been impacted by contamination. This includes metals, PAHs, TPH, ground gas and asbestos. It is the developer's responsibility to assess and address any potential contamination risks. The condition recommended by Environmental Protection would be applied to any permission granted.

The Environmental Protection team has also recommended the inclusion of a condition restricting hours of working on the site.

The proposal would therefore accord with policy DS11 of the North Lincolnshire Local Plan.

Parish Council

Keadby with Althorpe Parish Council objected to the application because of concerns about the access road. They indicated that the access is not wide enough for two-way traffic. There is also the possibility of vehicles having to reverse back onto Station Road if a vehicle is exiting the development which would be a dangerous situation. They also raised concerns over the ability of emergency vehicles to gain access to the rear of the development if required.

On sewage, they indicated that the drains in Keadby are already a problem, and the proposed new development would put additional strain on an already overburdened network.

Further consultation was carried out concerning changes to the proposed development, particularly reducing the number of dwellings from five flats to four, keeping car parking spaces at the ground level of the building and retaining the retail store area.

Keadby with Althorpe Parish Council has not responded to the re-consultation and therefore the original objection stands.

In response to the concerns raised by the parish council, Highways have no objections or adverse comments to make about access and public safety.

While the concerns of the parish council are planning matters and reasonable, the planning authority believes they do not raise a significant issue that would warrant the refusal of the application, given Highways' comments.

On the matter of the drains in Keadby, the LLFA Drainage Team acknowledges the problem and has recommended a pre-commencement condition that requires confirmation from Severn Trent Water on the proposed discharge rate and detailed confirmation on the adoption and maintenance of all drainage features within the proposed development.

Overall, the concerns of the parish council have been sufficiently addressed in this report.

Public comments

Following changes to the plans, a fresh site notice was posted. No new comments have been received and none of the original objections from the public have been withdrawn.

The original concerns relate to a common boundary wall, the impact of the proposal on sewage pipes which run through the adjacent property and the impact of the development on the roof of a garage attached to the building.

On the concern about the potential impact of the proposal on the common boundary wall with the adjacent dwelling, it is judged that the proposal would not affect the boundary wall and therefore does not raise an issue.

On the matter of impact on sewage pipes which run through the adjacent property, this proposal is for a change of use of the former school to form four apartments and a retail shop plus associated works. The proposed works do not affect the existing drainage pipe and therefore it would not raise an issue. In the case of unanticipated damage, it is believed that the applicant would be responsible for any damage. This would, however, be a private legal matter. Generally, drainage matters have been addressed in this report.

Conclusion

The building is no longer required for use as a school and its loss would not result in a shortfall of provisions for schools in the area.

The planning history of the site, together with the information submitted by the applicant, has sufficiently demonstrated that the building is no longer required as a school, that the loss of the community facility (school building) would not result in a shortfall of provision of schools in Keadby and the surrounding area, and that the existing facility is no longer viable for community use.

The proposal relates to an existing building and there are no significant alterations or extensions to the building; therefore, there are no planning issues with siting and layout.

The design and appearance of the proposal have been reviewed and it is judged that the works of the building would complement its character and would not impact negatively on the street scene. There would be no overbearing or overshadowing impact as there would be no change to the footprint or height of the building.

While there are privacy concerns from the addition of new dormer windows to the roof of the original building, this would not raise a significant issue and any unanticipated issue can be lessened by installing an obscure-glazed window.

The proposal would consequently provide an acceptable quality residential dwelling that does not have a significant adverse impact on neighbouring properties. Highways have not objected to or raised any issues and therefore the proposal will have a satisfactory level of access and parking.

The change of use of the building to apartments will contribute to the supply of new housing.

While there are drainage concerns, it is believed that the recommended pre-commencement conditions are adequate to lessen any impact.

All other relevant policies and considerations have been considered, the proposal complies with the relevant policies of the North Lincolnshire Local Plan and the Core Strategy as well as the NPPF. Accordingly, the proposal is recommended for approval.

Pre-commencement condition

The pre-commencement condition has been agreed upon 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 Imp Areas Dwg. No. EWE/1894/02 Rev. O
- Drainage Strategy Dwg. No. EWE/1894/02
- Existing Elevations Dwg. No. 004 Rev. B
- Floor Plans Dwg. No. No. 003 Rev. B
- Proposed Site Layout Dwg. No. No. 002 Rev. B
- Proposed Elevations Dwg. No. No. 005 Rev. B.

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 hydrogeological context of the development. This must be based upon the submitted Flood Risk Assessment, prepared by EWE Associates Ltd, Final: Revision C, Dated: March 2022.

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

The development shall be carried out in accordance with the submitted Flood Risk Assessment by EWE Associates Ltd, Revision C dated March 2022 and the following mitigation measures it details:

- No habitable residential uses on the ground floor as stated within Section 2
- First-floor levels set no lower than 6.23m AOD, accounting for the residual risk posed to the development from breaching of the nearby defences, as stated within Section 5
- Flood resilience and resistance measures are to be implemented as detailed in Section 5.

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

Reason

To reduce the risk of flooding to the proposed development and future occupants, to ensure the safety of the occupants, and to aid clean up and lessen disruption to the business on the ground floor, in case of flooding.

5.

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

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 is required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation.

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, and whether 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, 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 the commencement of the remediation scheme works.

Following the 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 the 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.

7.

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

- 8 am to 6 pm Monday to Friday

- 8 am to 1 pm on Saturdays.

No 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 amenities.

8.

Before the dwellings/building is first occupied, the new dormer windows to the roof of the original building, located to the north 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 in accordance with policy DS5 of the North Lincolnshire Local Plan.

Informative 1

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

Informative 2

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

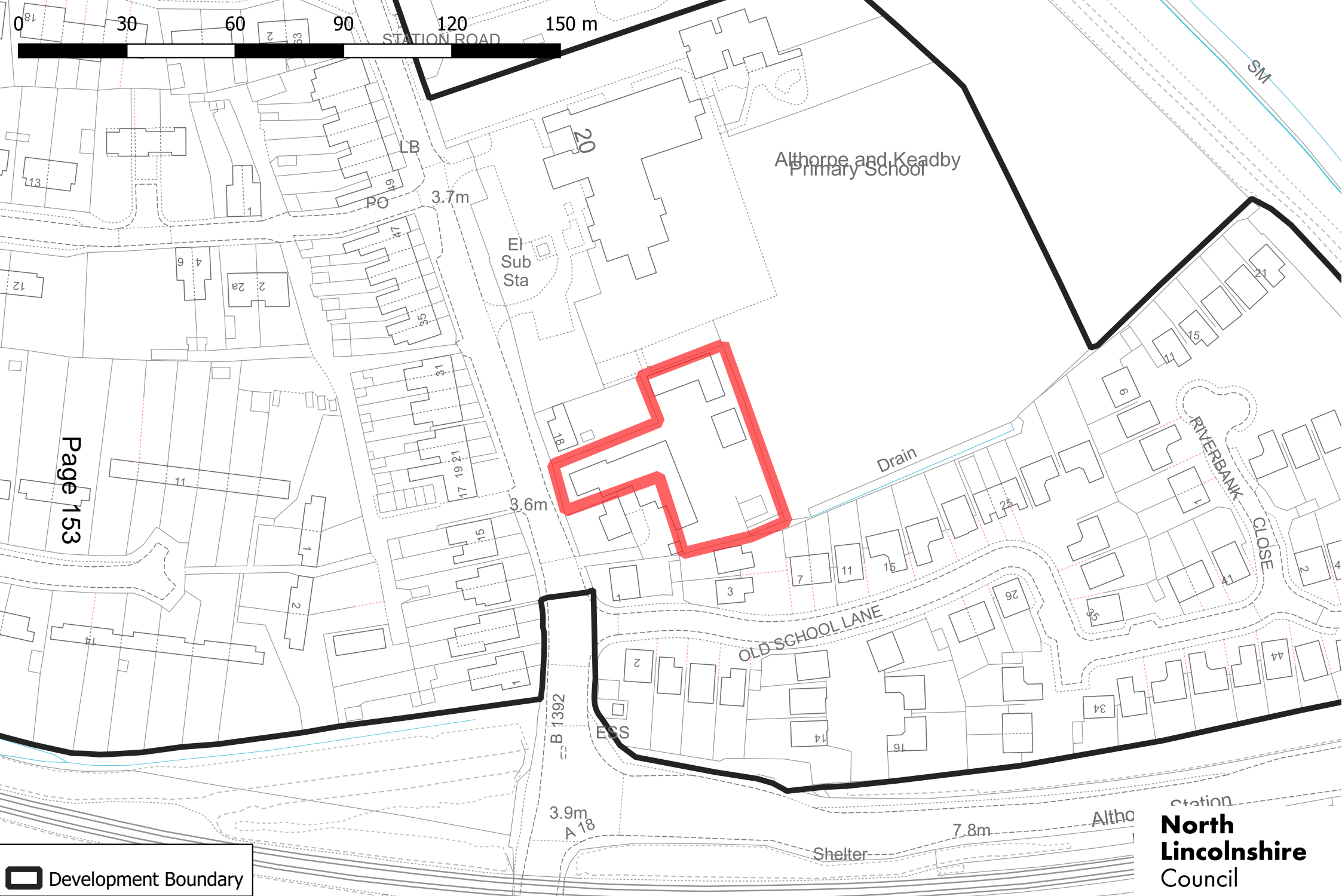
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

Informative 3

The Environment Agency strongly recommends the use of floodproofing and resilience measures. Physical barriers raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the flood risk and coastal change pages of the planning practice guidance. The following documents may also be useful:

- Department for Communities and Local Government: Preparing for floods
<http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf>
- Department for Communities and Local Government: Improving the flood performance of new buildings
<http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>.



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 Development Boundary

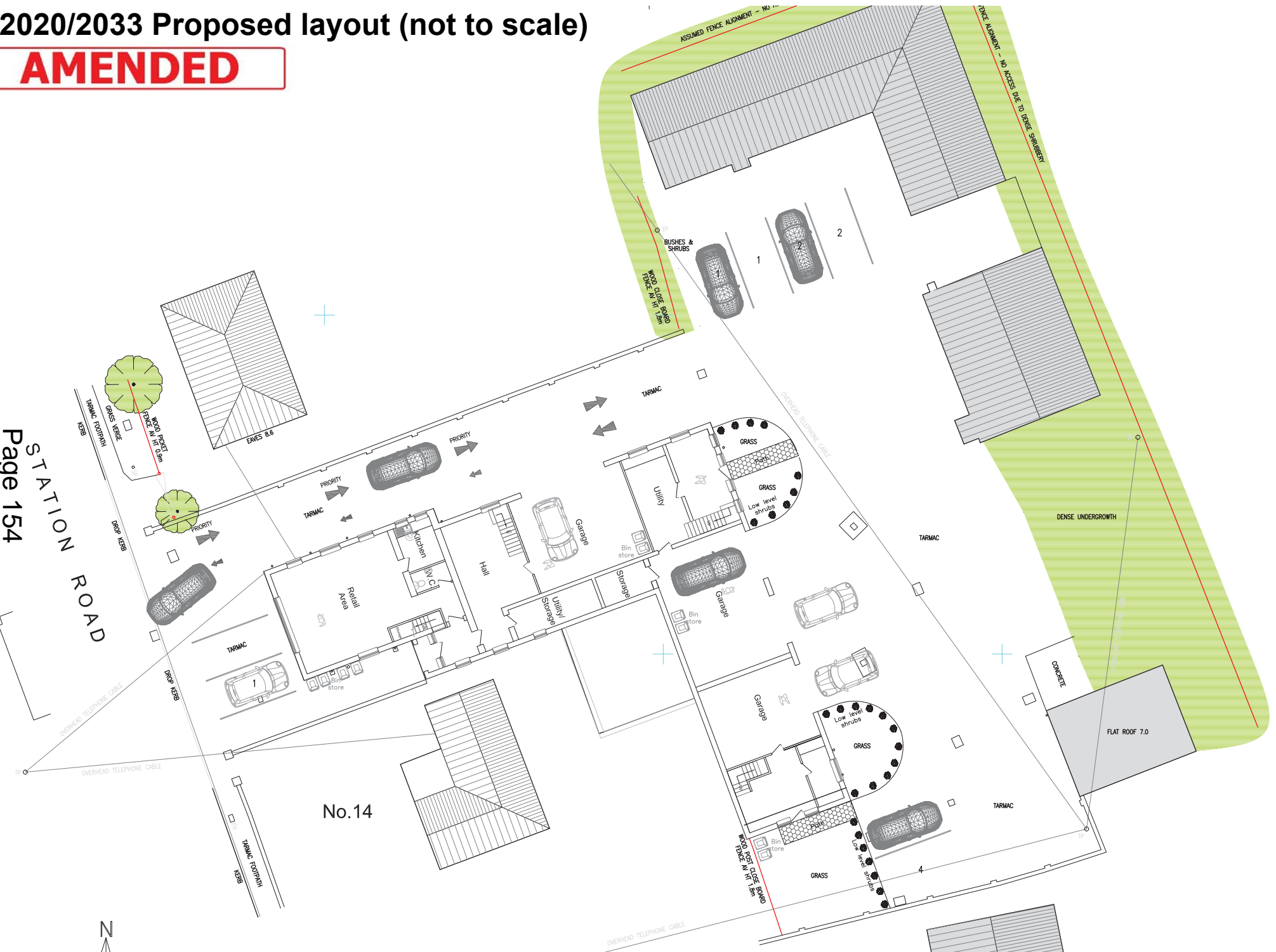
PA/2020/2033

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**North
Lincolnshire
Council**

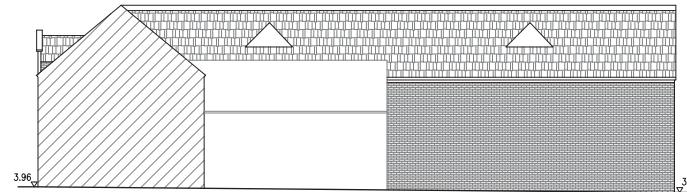
AMENDED

STATION ROAD
Page 154

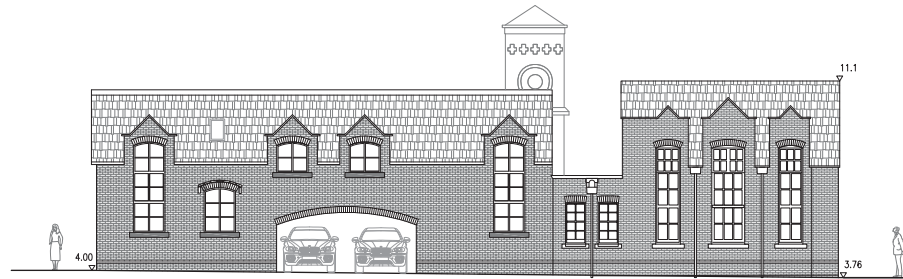




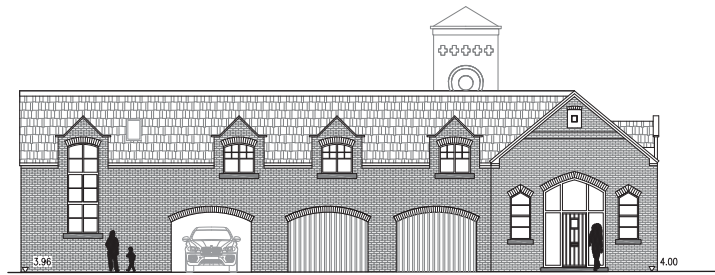
FRONT ELEVATION (STREET SCENE)



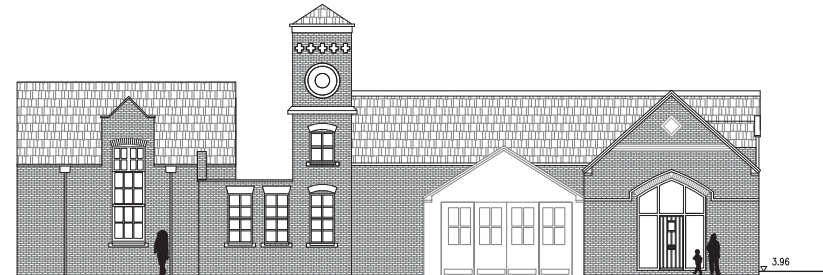
FRONT ELEVATION (FROM No. 14 GARDEN)



SIDE ELEVATION (ACCESS ROAD)



REAR ELEVATION



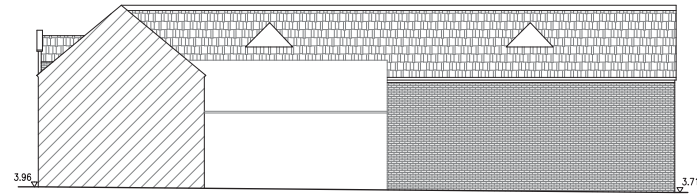
SIDE ELEVATION (FROM No. 14 GARDEN)

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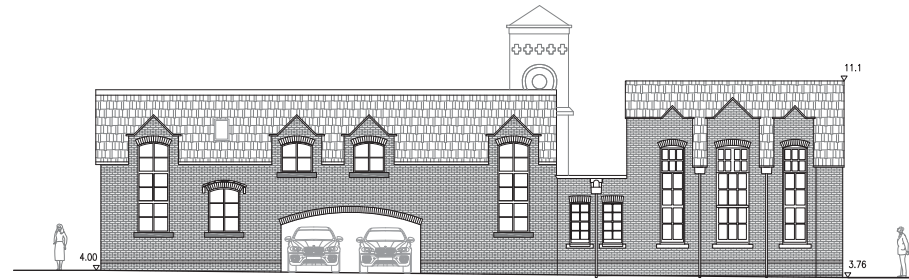
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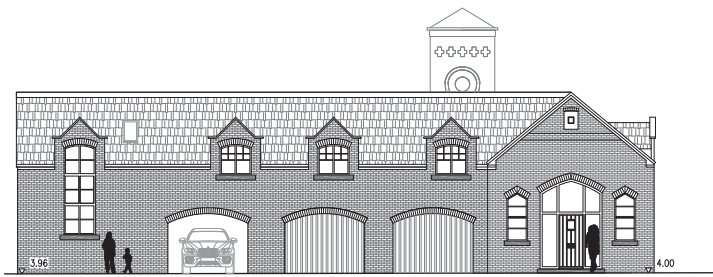
FRONT ELEVATION (STREET SCENE)



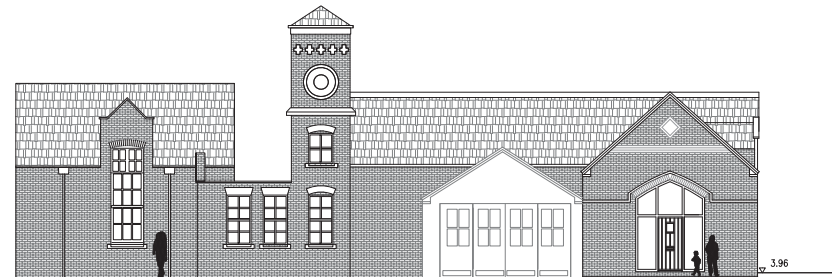
FRONT ELEVATION (FROM No. 14 GARDEN)



SIDE ELEVATION (ACCESS ROAD)



REAR ELEVATION

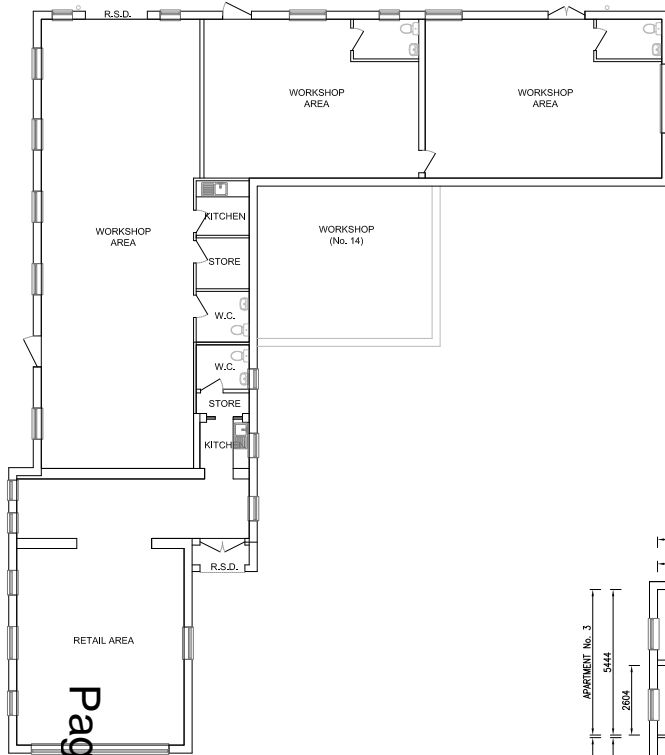


SIDE ELEVATION (FROM No. 14 GARDEN)

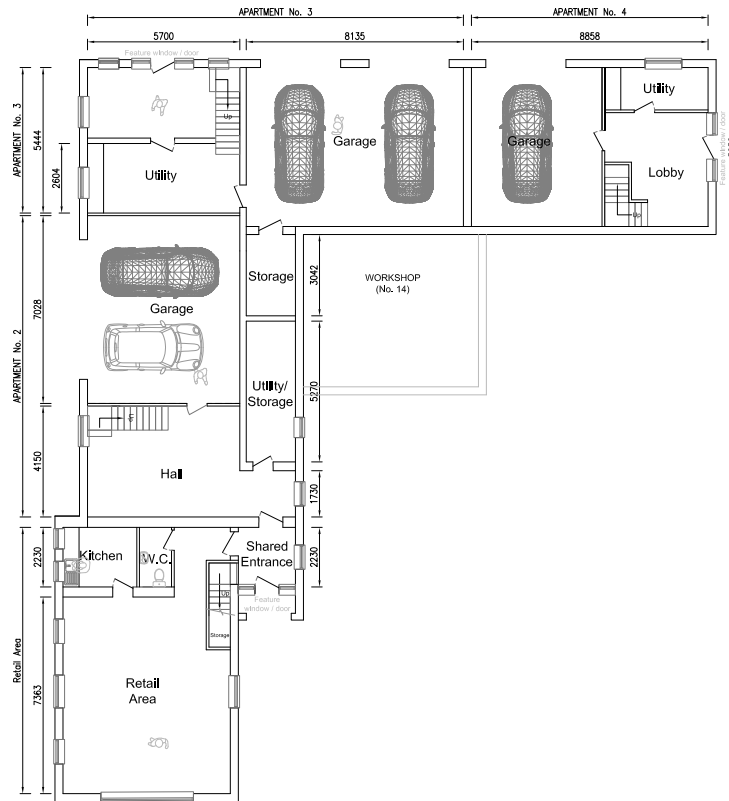
Page 156

PA/2020/2033 Existing & proposed floor plans (not to scale)

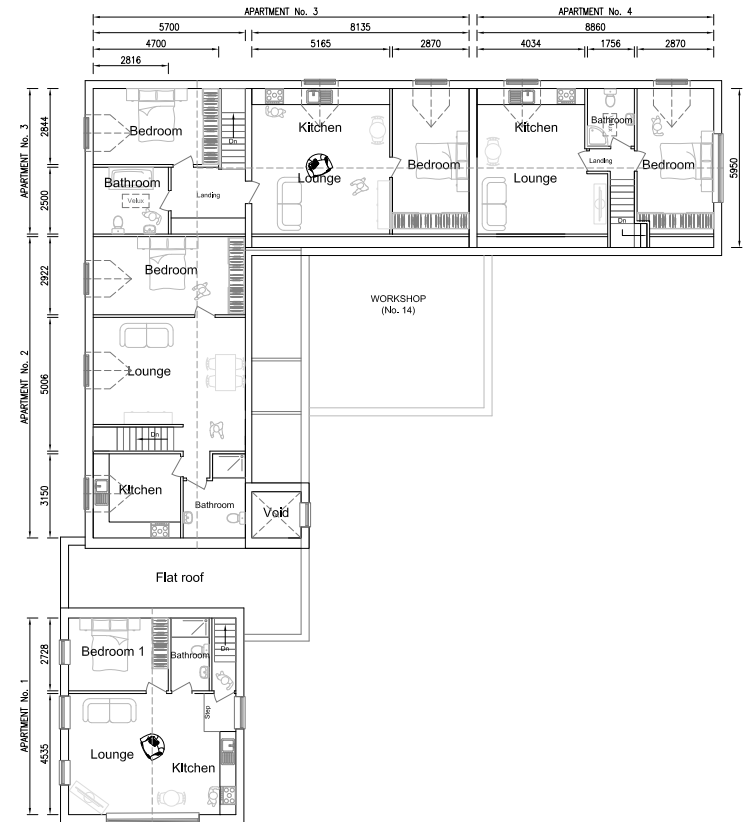
AMENDED



EXISTING GROUND FLOOR PLAN



PROPOSED GROUND FLOOR PLAN

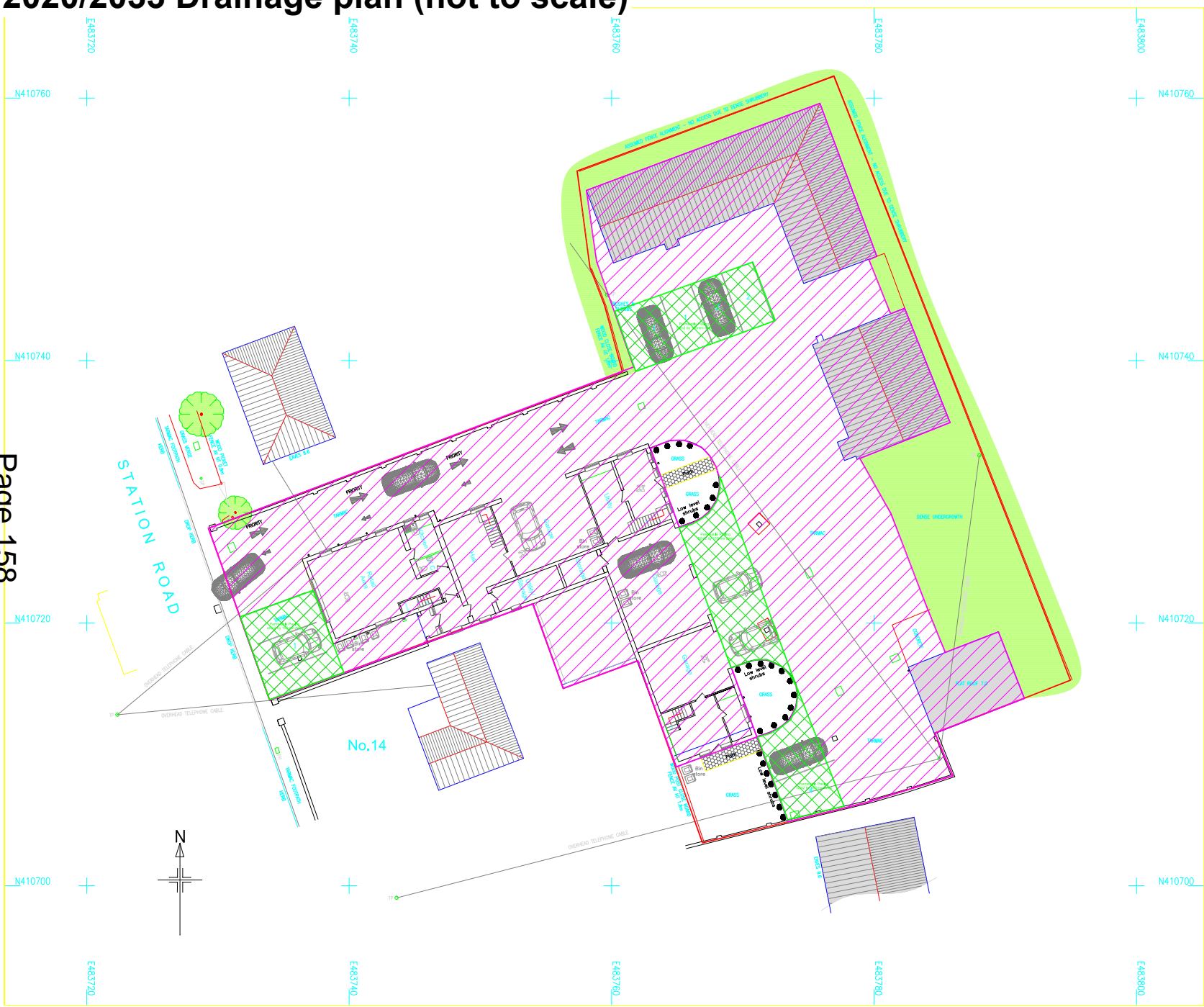


PROPOSED FIRST FLOOR PLAN



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PA/2020/2033 Drainage plan (not to scale)

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KEY:

-  Proposed roofed and paved area to continue draining to onsite sewer system. Impermeable Area = 1520m²
-  Permeable paving with minimum of 100mm thickness of voided sub-base. Total of 179m² to be introduced into site

REV	DESCRIPTION	DATE
0	For Approval	17/02/22

EWE Associates Limited
 7 Wavenny Close
 Burton Upon Stather
 Scunthorpe
 DN15 9DT
 Tel: 07875 972270
 Email: tea.levell@eweassociates.com

PROJECT
 Proposed Development
 The Old School
 Station Road Keadby

CLIENT
 Leesa Murray

DRAWING TITLE
 Surface Water Drainage Strategy

SCALE 1:150 **DATE** 17/02/22

DRAWN BY LjF **CHECKED BY** JF **REVISION** 0

DRAWING No
 EWE/1894/02

PLANNING DRAWING ONLY

APPLICATION NO	PA/2022/358
APPLICANT	Mr & Mrs Antcliff
DEVELOPMENT	Planning permission to erect dwelling and garage, including demolition of existing outbuildings
LOCATION	Land adjacent to 27 West End Road, Epworth, DN9 1LA
PARISH	Epworth
WARD	Axholme Central
CASE OFFICER	Niamh McIntyre
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.

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 CS17: Biodiversity

Policy CS19: Flood Risk

Policy CS25: Promoting Sustainable Transport

North Lincolnshire Local Plan:

Policy DS1: General Requirements

Policy RD2: Development in the Open Countryside

Policy H5: New Housing Development (Part 2 saved)

Policy H7: Backland and Tandem Development

Policy T1: Location of Development

Policy T2: Access to Development

Policy T19: Car parking Provision and Standards and Appendix 2

Policy LC5: Species Protection

Policy LC7: Landscape Protection

Policy LC12: Protection of Trees, Woodland and Hedgerows

Housing and Employment Land Allocations DPD:

The entire site is outside the development limits, within the open countryside, as shown on the Proposals Map.

CONSULTATIONS

LLFA Drainage: No objection.

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

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

Environmental Health and Housing: Satisfied that it will be a single-family home and therefore no comments to make.

Ecology: Recommend a condition to minimise harm to protected and priority species and habitats and to seek a net gain in biodiversity.

Historic Environment Record: Recommend conditions to secure the use of appropriate building materials sympathetic to the traditional buildings of this area and to remove permitted development rights to avoid the extension of the built environment into the historic landscape.

TOWN COUNCIL

No comments received.

PUBLICITY

Advertised by site and press notice. No responses have been received.

ASSESSMENT

Planning history

There is no planning history on the site.

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 outside the development limits for Epworth.

The site is within the LC14 area.

Site and proposals

The site currently comprises a series of barns formerly associated with the farm at 27 West End Road. The barns have become unsuitable for safe use due to their deterioration; they are proposed to be demolished.

The proposed access is to the north of existing residential property 27 West End Road. The access would be via an existing drive and hardstanding area, utilising an existing entrance position off West End Road. The south-east boundary of the site adjoins the newly proposed driveway of 27 West End Road.

The existing boundary treatments of the main site are to be retained where possible and new boundary fencing erected between the existing dwelling on site and the proposed dwelling.

Permission is sought to erect a two-storey dwelling and associated garage, including the demolition of existing outbuildings.

The following considerations are relevant to this proposal:

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

Principle of development

The application site is within the market town of Epworth but outside the development limits of Epworth set out by the Housing and Employment Land Allocations Development Plan Document (HELADPD). As the site is outside the development limits set out in the DPD, for policy purposes this would constitute development within the countryside and therefore the provisions of saved policy RD2 apply.

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.

Saved policy H5 covers new residential development, which requires development to be located within settlements or to represent infill. This site is along a road of residential dwellings and would be infill development on disused land.

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 HELADPD, and the application site is outside the defined development limit for Epworth and within an Area of Historic Landscape interest (LC14).

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 that relates to agriculture or forestry, or meets a special need associated with the countryside. All 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.

Policies RD2 and H5 are not considered up to date with the NPPF as these policies apply a restriction on residential development outside the development limits and as the adopted local plan only considered growth up to 2013, housing need beyond that date was not accommodated. As such it is considered that these policies should be given reduced weight in the decision-making process.

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 only modest in scale the development does propose an additional dwelling 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, including 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. 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 and the appearance of the area of historic landscape interest. 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 considered that there would be no significant harm in economic, social and 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 Epworth; 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 could represent appropriate development within the countryside, on the proviso that an essential need can be demonstrated.

Residential amenity

Part saved policy H5, policy H7 and policy DS1 refer to residential amenity. They 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 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 of amenity 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 adjacent the existing dwelling on site. 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. The current proposal seeks to erect one two-storey dwelling, which is set off the boundaries with the adjacent residential boundaries to the northwest and southeast to respect adjacent neighbours.

The main access road into the site will pass via two existing properties and will introduce an element of additional noise to this area; however, due to the separation distance of the drive to the two neighbouring dwellings this is not assessed as being significant and therefore does not constitute a reason for refusal.

The site has been designed to include a 1.8m high close-boarded fence around the boundaries of the site with existing hedging being retained along the northern boundary.

A first-floor window is proposed on the southeast elevation, serving a bathroom, and will be obscure glazed. This will be conditioned and shall remain obscure glazed at all times. All other openings look out onto the front and rear amenity areas and therefore will not result in an unacceptable opportunity for overlooking.

Given the height and position of the dwelling 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 the design and layout to respect, and where possible retain and/or enhance, the existing landform of the site.

Policy CS5 of the North Lincolnshire 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 policies DS1 and CS5 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, and 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, or loss of amenity to adjoining dwellings through the level of nuisance resulting from the movement of vehicles to and from the proposed dwelling. The policy requires development to not affect general quality and character of the area and not unacceptably increase the density of development in that area, or 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 proposal site is an infill site amongst other residential developments. The applicant has sought to achieve an appropriate scale of development for the site whilst taking account of the surrounding land uses. Therefore, in terms of built form, it is considered that the application would not seek to undermine policy H7.

The proposal includes a two-storey dwelling on an area of land which currently comprises disused barns. The property will include four bedrooms, with a good-sized entrance hall and separate living and dining/kitchen areas at ground floor.

There is adequate amenity space around the property and an attached garage is proposed to the side of the dwelling as well as a driveway providing off-street parking.

Access to the site is taken off West End Road; adequate turning space is provided within the site to allow vehicles to manoeuvre.

The proposed materials include a red brick, red roof tile and white uPVC windows and composite doors. The overall design of the property is considered to be high quality and appropriate for the area.

It has been demonstrated that the development of the site would not be detrimental to the character and appearance of the open countryside or nearby settlement in terms of siting, scale, massing, design and 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 no objections to the proposal.

Highway safety

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 Highways team have assessed the proposals and have no comments in relation to the overall design. It is considered that the development of a single dwelling 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. No additional visitor parking has been requested by Highways.

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

This application for residential development is a sensitive end use. In addition, barns have the potential to be impacted upon by contaminants associated with the storage of agricultural machinery, fuel and agrochemicals. These include PAHs, heavy metals and hydrocarbons 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.

The condition is not considered unreasonable given the lack of information that has been 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.

Historic environment

The site affects the setting of the ASHLI of the Isle of Axholme (local plan policy LC14). The Historic Environment Officer has commented 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.

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 into 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 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.

Ecology

The applicant has submitted a Biodiversity Management Plan.

The submitted bat survey report revealed no evidence of bat roosts, though common pipistrelle bats were recorded feeding around the garden.

The council's ecologist has recommended a condition to minimise harm to protected and priority species and habitats and to seek a net gain in biodiversity in accordance with policy CS17 and the National Planning Policy Framework.

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.

Pre-commencement conditions

The pre-commencement condition relating to contamination has been agreed by the applicant's agent.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 1421.01 and 1421.02.

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 policies 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 window on the southeast 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 in accordance with policy DS5 of the North Lincolnshire Local Plan.

7.

Works and biodiversity enhancements shall be carried out strictly in accordance with the submitted Biodiversity Management Plan and sections 8 and 9 of the submitted "Emergence/Re-Entry Survey – Bat Report" dated June 2022. The management prescriptions set out in these reports shall be carried out in their entirety. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features, within two weeks of installation, as evidence of compliance with this condition. All biodiversity features shall be retained thereafter.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and 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.

0 30 60 90 120 150 m



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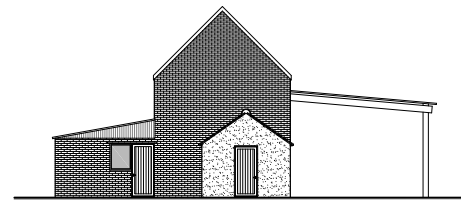
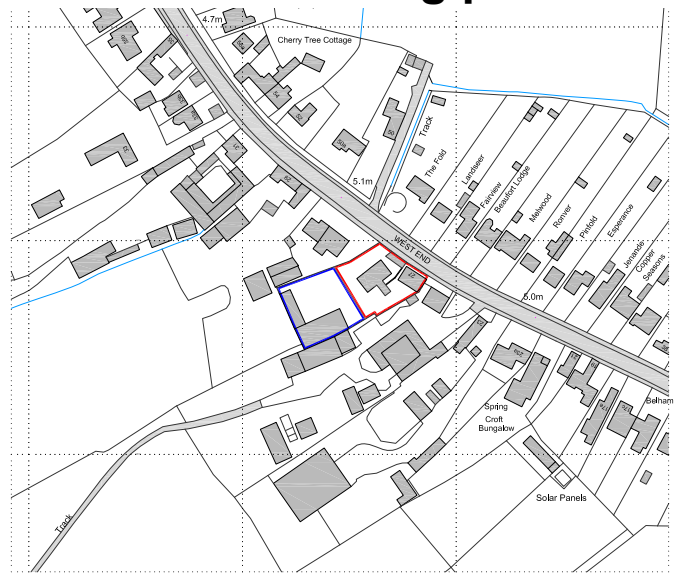
LC14 Isle of Axholme Area of Special Historic Landscape Interest

North
Lincolnshire
Council

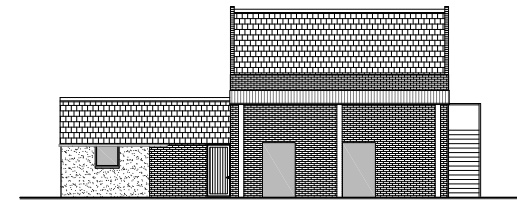
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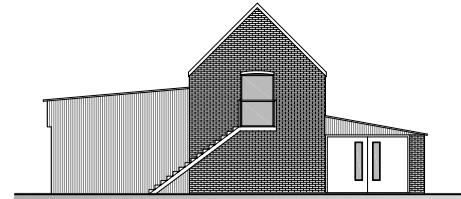
PA/2022/35 Existing plans/elevations & existing/proposed layout (not to scale)



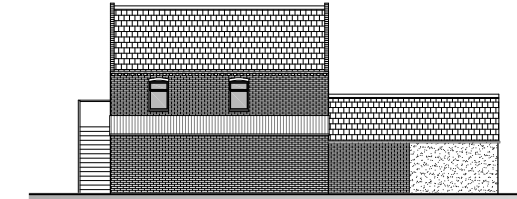
South East Elevation



North East Elevation



North West Elevation



South West Elevation

All dimensions & details given on this drawing are to be checked and verified on site prior to construction. Any discrepancies and/or variations to the specifications within these drawings or associated documents are to be notified to keystone architecture.

Do not scale from these drawings - if in doubt - ask.

All materials shall be fixed, applied or mixed in accordance with the manufacturers written instructions, recommendations and specifications. Variations to specified materials shall be agreed in writing with keystone architecture.

The Contractor shall take into account everything necessary for the proper execution of the works and to the satisfaction of the Local Authority, whether or not indicated on the drawings or in the specifications.

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PARTY WALL NOTICE(S)

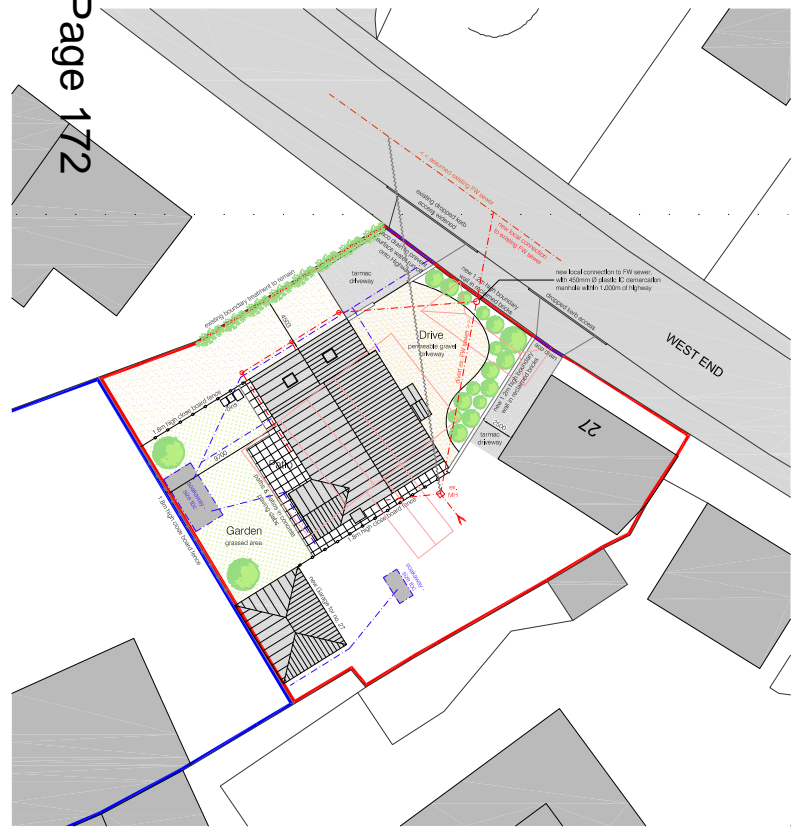
Building astride (A) or against (B) the boundary line:
 If you plan to build a party wall astride or against the boundary line, you must inform the Adjoining Owner by serving a Notice.

Excavating near neighbouring buildings:
 If you plan to excavate foundations within 3 metres of a neighbouring building or structure, where the excavation will go deeper than the neighbouring foundations, you must inform the Adjoining Owner by serving a Notice.

If you plan to excavate foundations within 6 metres of a neighbouring building or structure, where the excavation will cut a Pie drain at 45° from the bottom of the neighbouring foundations, you must inform the Adjoining Owner by serving a Notice.

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Location Plan
 scale 1:1250



Proposed Site Layout
 scale 1:200



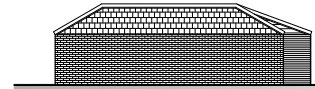
Two Storey Barn
 Ground Floor



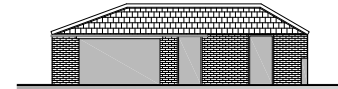
Two Storey Barn
 First Floor



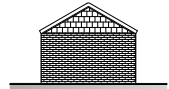
Existing Block Plan
 scale 1:500



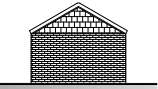
North East Elevation



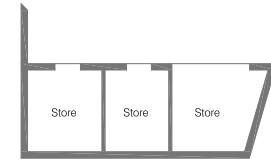
South West Elevation



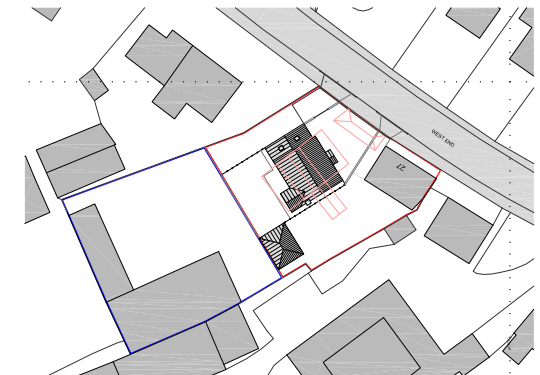
North West Elevation



South East Elevation



Ex. Single Storey Barn



Proposed Block Plan
 scale 1:500

rev.	amendment	date
01	Proposed New Dwelling	14/21/21
02	27 West End Road	14/21/21
03	Epworth	14/21/21
04	North Lincolnshire	14/21/21

Material Schedule:

1. Weiberberger Bamburgh Red Stock brickwork
2. Marley Anglia interlocking concrete roof tiles in Old English Dark Red
3. Off white timber sash effect uPVC windows and composite doors
4. Black rainwater goods on dental course detailed brickwork eaves
5. Swept soldier courses over windows
6. Reconstituted stone window cills
7. Stained Oak porch frame
8. Boundary wall in reclaimed brickwork

PARTY WALL NOTICES:

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 If you plan to build a party wall outside or against the boundary line, you must inform the Adjoining Owner by serving a Notice.

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If you plan to excavate foundations within 6 metres of a neighbouring building or structure, where the excavation will go a few decimetres (45°) from the bottom of the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.

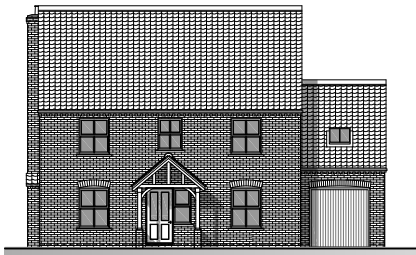
All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications within these drawings or associated documents are to be notified to keystonearchitecture.

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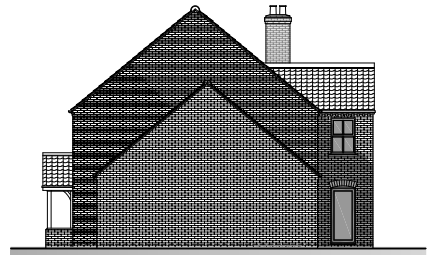
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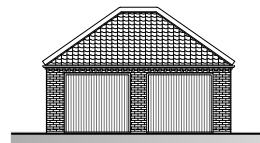
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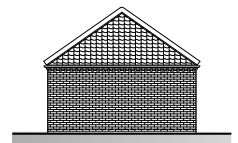
North East Elevation



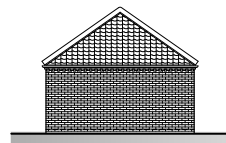
North West Elevation



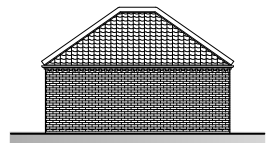
North East Elevation



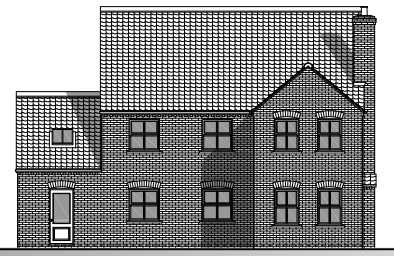
South East Elevation



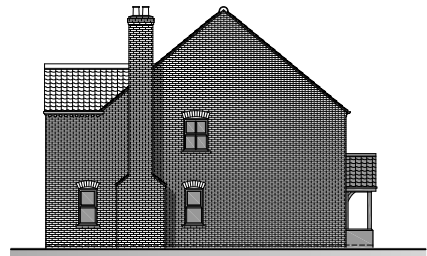
North West Elevation



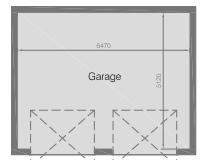
South West Elevation



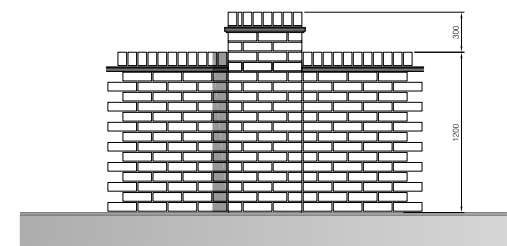
South West Elevation



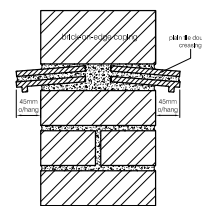
South East Elevation



Proposed Garage

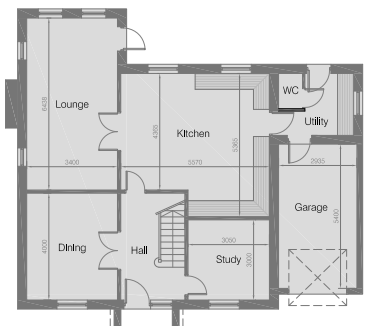
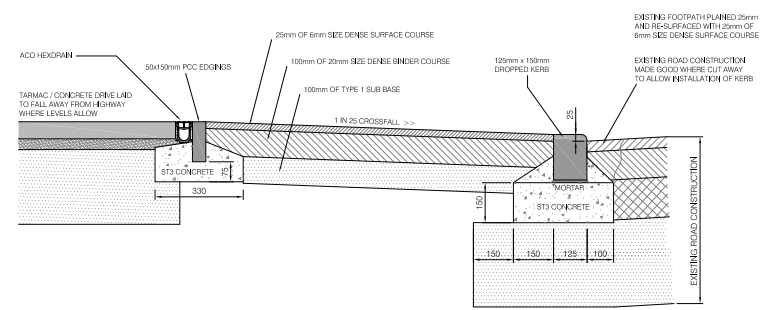


Boundary Wall Detail
scale 1:20



Wall Coping Detail
scale 1:5

VEHICLE CROSSING CONSTRUCTION DETAIL



Proposed Ground Floor
Total Floor Area = 193m² (2,077sq ft)
excluding Garage



Proposed First Floor

rev	amendment	date
1	Proposed New Dwelling	14/01/22
2	27 West End Road	14/01/22
3	Epworth	14/01/22
4	Norm Lincolnshire	14/01/22

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info@keystonearchitect.co.uk

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APPLICATION NO	PA/2022/858
APPLICANT	R Keyworth
DEVELOPMENT	Planning permission for the change of use from four dwellings to a children's care home
LOCATION	Forresters Hall, High Street, Barrow upon Humber, DN19 7AA
PARISH	Barrow upon Humber
WARD	Ferry
CASE OFFICER	Alan Redmond
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Richard Hannigan – significant public interest) Objection by Barrow upon Humber Parish Council

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment.

North Lincolnshire Local Plan:

H5 (New Housing Development)

HE1 (Conservation Areas)

HE2 (Development in Conservation Areas)

DS1 (General Requirements)

DS3 (Planning Out Crime)

DS4 (Changes of Use in Residential Areas)

T19 (Car Parking Provision)

C4 (Children's Day Care Provision)

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 CS25 (Promoting Sustainable Transport)

North Lincolnshire Housing and Employment Land Allocations Development Plan Document

Interim Planning Policy for Residential Care Homes/Institutions

CONSULTATIONS

Highways: No objections.

LLFA: No objections.

Environmental Protection: No objections.

Neighbourhood Services: No objections, but protection of the adjoining public footpath is required.

Conservation: No objections or concerns.

Archaeology: No objections or concerns.

Waste & Recycling: No objections, but offer informative advice.

Public Rights of Way: No objections.

Humberside Police:- No objections or concerns.

PARISH COUNCIL

Object, raising the following concerns:

- increased demand for parking

- no outdoor space
- relocation of bin store is not appropriate to the front of the building
- will result in the loss of housing
- the building has not been an auction house for at least 20 years.
- there is a lack of local facilities to serve the residents
- the garden area within redline is not owned by the property.

PUBLICITY

Advertised by site notice. Eighteen letters of objection have been received which are summarised below:

- parking and highway safety
- lack of outdoor space for residents
- safety of residents
- has consideration been given to the size of the bin store and accommodation of medical waste bins etc?
- staff and family visits, including medical staff, will be required and will have an impact on parking and amenity.

ASSESSMENT

Planning history

PA/2005/1663: Planning permission to convert ex-auction rooms into four town houses (re-submission of 2005/1239) – approved 07/12/2005.

Proposal

This is an application for the change of use of 4 residential properties which are within a C3 use class (Dwelling-houses) to a class C2 (residential institutions). The applicants wish to use the 4 properties as accommodation for children with additional needs.

The proposal requires no alterations to any of the properties and the application is solely concerned with their use.

The care home will provide full-time accommodation for 8 residents living across the 4 houses, together with 5 staff on an 8 and 12 hour shift rotation pattern employed to provide their care. The night shift will be a 12 hour shift pattern with a 9pm start and 9am finish to minimise disruption to local residents and to make sure there is minimal disruption during school drop-off and pick-up times. The houses will also provide 2 respite children's spaces for daytime use predominantly, but will offer a bedroom for an overnight stay to provide their families with a break.

The key considerations in determining this application are:

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

Principle of development

The application site is within the rural settlement of Barrow upon Humber where the principle of sustainable development is considered acceptable in accordance with policy CS3 of the North Lincolnshire Core Strategy.

The site is also within the Barrow upon Humber conservation area.

The council's Interim Planning Policy for Residential Care Homes/Institutions adopted in 2014 sets out the council's criteria for assessing development of this nature. Development will not be considered acceptable unless it satisfies criteria A to K within the policy.

Policy C4 of the local plan covers children's day care provision. The development will principally be for residential care, however there will be provision for up to two daytime respite places.

Saved policy DS4 of the local plan deals with changes of use within residential areas.

Heritage and visual amenity

The application site consists of 4 separate dwellings which were converted under planning reference PA/2005/1663 from a former auction room. The property is within the Barrow upon Humber conservation area.

The application has been assessed by the council's Conservation Officer and no objections or concerns have been raised.

Criteria C and D of the council's Interim Planning Policy for Residential Care Homes/Institutions, policy DS4 and criterion V of policy C4 of the local plan require proposals to not have a detrimental effect upon the character of surrounding residential areas or the street scene.

The proposal does not propose any internal or external alterations to the properties. To the east of the properties will be a bin and bike store which will be screened by 1.8 metre fencing. Adjacent to this will be a small outdoor play area which measures approximately 4 metres by 5.3 metres.

Due to the location of the play area and bin store, it is not considered that these elements will have any adverse implications in terms of visual amenity or any implications upon the character of the conservation area. It is therefore considered that the proposal is in accordance with saved policies H5, C4, DS1 and DS4 of the local plan, CS5 of the Core Strategy, the Interim Planning Policy for Residential Care Homes/Institutions and part 12 of

the National Planning Policy Framework which seek to secure high quality design in developments.

Residential amenity

The site currently consists of 4 separate dwellings. The internal arrangements for the rooms remains as per the existing situation. Therefore, it is considered that future occupiers will have an appropriate standard of amenity in terms of room size and outlook.

The care home will provide full-time accommodation for 8 residents living across the 4 houses, together with 5 staff on an 8 and 12 hour shift rotation pattern employed to provide their care. The night shift will be a 12 hour shift pattern with a 9pm start and 9am finish to minimise disruption to local residents and make sure there is minimal disruption during school drop-off and pick-up times. The houses will also provide 2 respite children's spaces for daytime use predominantly, but will offer a bedroom for an overnight stay to provide their families with a break.

Concern has been raised with regard to the size of the play area. Policy C4 of the local plan and criterion i of the Interim Planning Policy for Residential Care Homes/Institutions require developments to have adequate outdoor play provision. The existing properties do not have any formal amenity area. This arrangement was considered acceptable when the dwellings were approved in 2005. Furthermore, the site is adjacent Midby Park which would provide easy access to outdoor amenity. It is therefore considered that the small play area is sufficient to meet the requirements of the site and satisfies the policy requirements.

Comings and goings are based on shift patterns which will ensure that there is no undue disturbance during unsocial hours. Whilst the changeovers of staff would happen at the same time (the outgoing staff handing over to the incoming), which wouldn't happen with a C3 use, it is not considered, given the limited size of the property, that this would cause significant disturbance to neighbouring properties.

Based on the above, it is considered that the occupancy of the properties would not be dissimilar to that of its existing use as C3 dwelling houses as each dwelling could reasonably be expected to have two adults and one or two children.

It is therefore considered that the proposal is in accordance with saved policies H5, C4, DS1 and DS4 of the local plan, CS5 of the Core Strategy, the Interim Planning Policy for Residential Care Homes/Institutions and part 12 of the National Planning Policy Framework which seek to secure appropriate standards of amenity in developments.

Highway safety

The existing and proposed properties do not benefit from any off-street parking provision. Most of the properties within the immediate locality are all reliant on on-street parking and therefore parking can sometimes be at a premium, particularly at weekends and evening when more people are at home.

Policies C4, DS4 and the Interim Planning Policy for Residential Care Homes/Institutions require development to be acceptable in highway terms.

The 4 existing residential properties will inevitably result in an existing demand for on-street parking. The proposed use as a C2 will result in staff being at the properties on a 24-hour basis. It is highly likely that staff would arrive by car and therefore it is expected that the

proposed use would generate increased demand on existing parking in the locality, but this would be unlikely to cause a detriment to the highway over and above that of the authorised residential use.

Concern has also been raised with regard to transport for residents who will go off site to attend schools. It is understood from the applicant that this will either be by minibus or private vehicle dependent on the child's needs. Whilst it is acknowledged that this may cause temporary disruption if parking is not available, it is considered that this would be temporary and not result in any significant adverse impact in terms of highway safety or the wider highway network.

Highways have raised no objections to the proposal.

Other matters

Concern has been raised with regard to the storage of waste. The council's waste and recycling team has advised that the site will require a general waste, recycled waste and medical waste bin, which would be of the commercial type. The applicant has provided a drawing which demonstrates that the 3 bins can be accommodated within the bin store area.

Concern has also been raised with regard to insufficient local services to meet the needs of the development. The property is already with a residential 'C' use and it is not considered that the proposal would place undue pressure on local amenities or services. Furthermore, in the council's 2019 settlement survey, Barrow upon Humber is ranked 12th, with access to 5 of the 7 assessed services. It is therefore considered that Barrow upon Humber is a sustainable location.

Public Footpath 46 runs flush up against the north-eastern flank of Foresters Hall, and the highway authority have a statutory duty to assert and protect the public's right to walk it, and to prevent, as far as possible, its stopping up or obstruction. An informative note is recommended to advise the applicant of its presence.

Conclusion

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

It is considered that the proposed change of use to a C2 residential institution is compatible with its residential surroundings with no unresolved technical issues.

Within the C2 use class, there are permitted changes to other uses which may not be as compatible with the residential location. It is therefore considered reasonable to restrict the use of the site for the use as outlined within the application to ensure there is adequate control over the site in the future. A condition is recommended accordingly.

It is considered that the proposal is in accordance with the requirements of the local plan, Core Strategy, Interim Planning Policy for Residential Care Homes/Institutions and the NPPF and approval is therefore recommended subject to appropriate 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 documents and plans:

- Application Form
- Site Location Plan
- Proposed Block Plan Drawing Number PL(A)010 Rev '2'
- Proposed Floor Plans Drawing Number PL(A)010.

Reason

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

3.

Notwithstanding the permitted changes as outlined within the Use Classes Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the use of the property shall be solely for the purposes outlined within the application.

Reason

To ensure there is proper control over future uses and to allow them to be fully considered by the local planning authority.

Informative 1

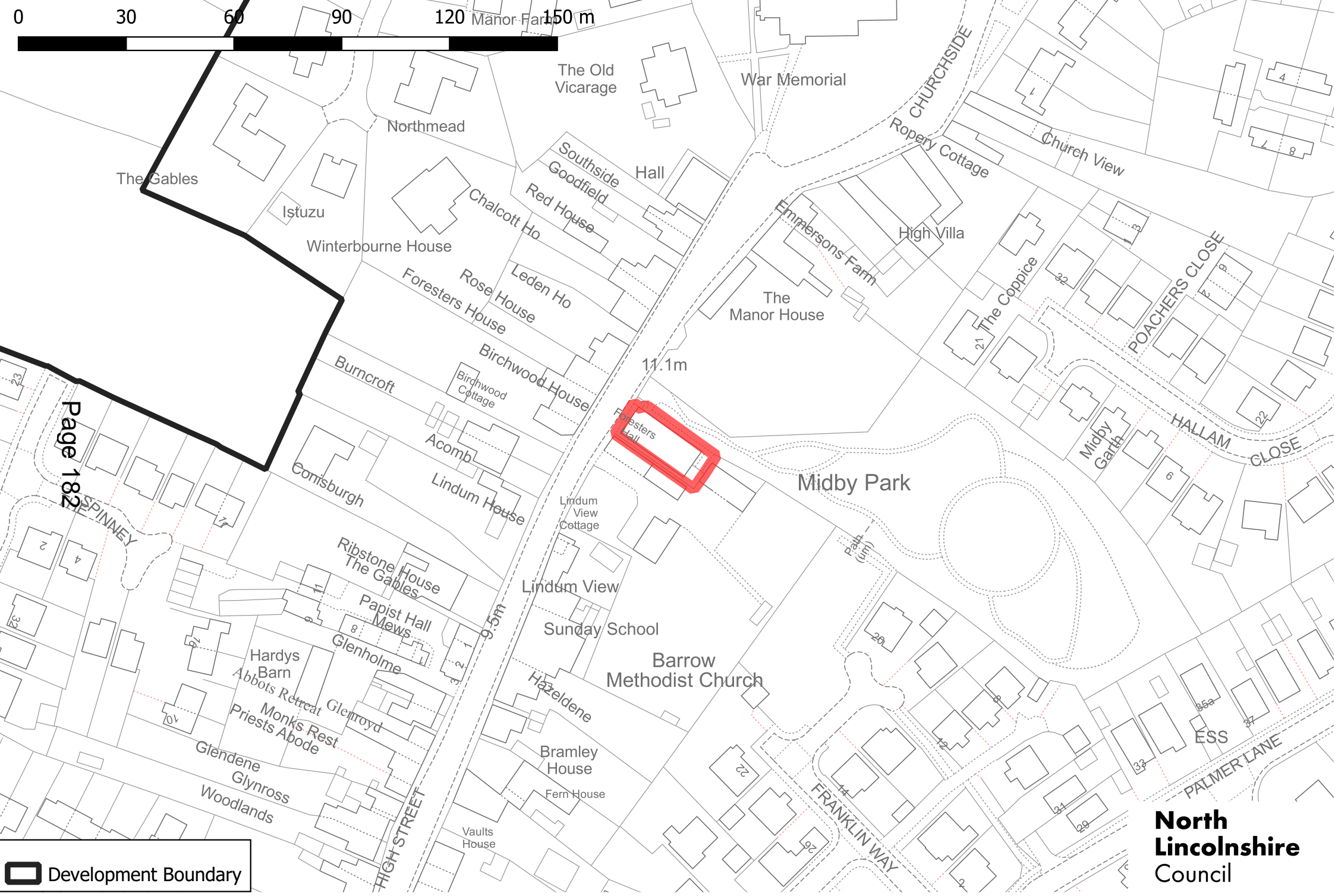
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Informative 2

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.

Informative 3

Any future alterations to exterior windows and doors on the building will require planning permission and shall be suitable for the historic building.



Page 182

11.1m

9.5m

 Development Boundary

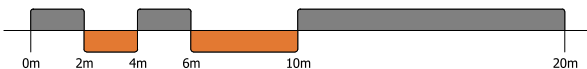
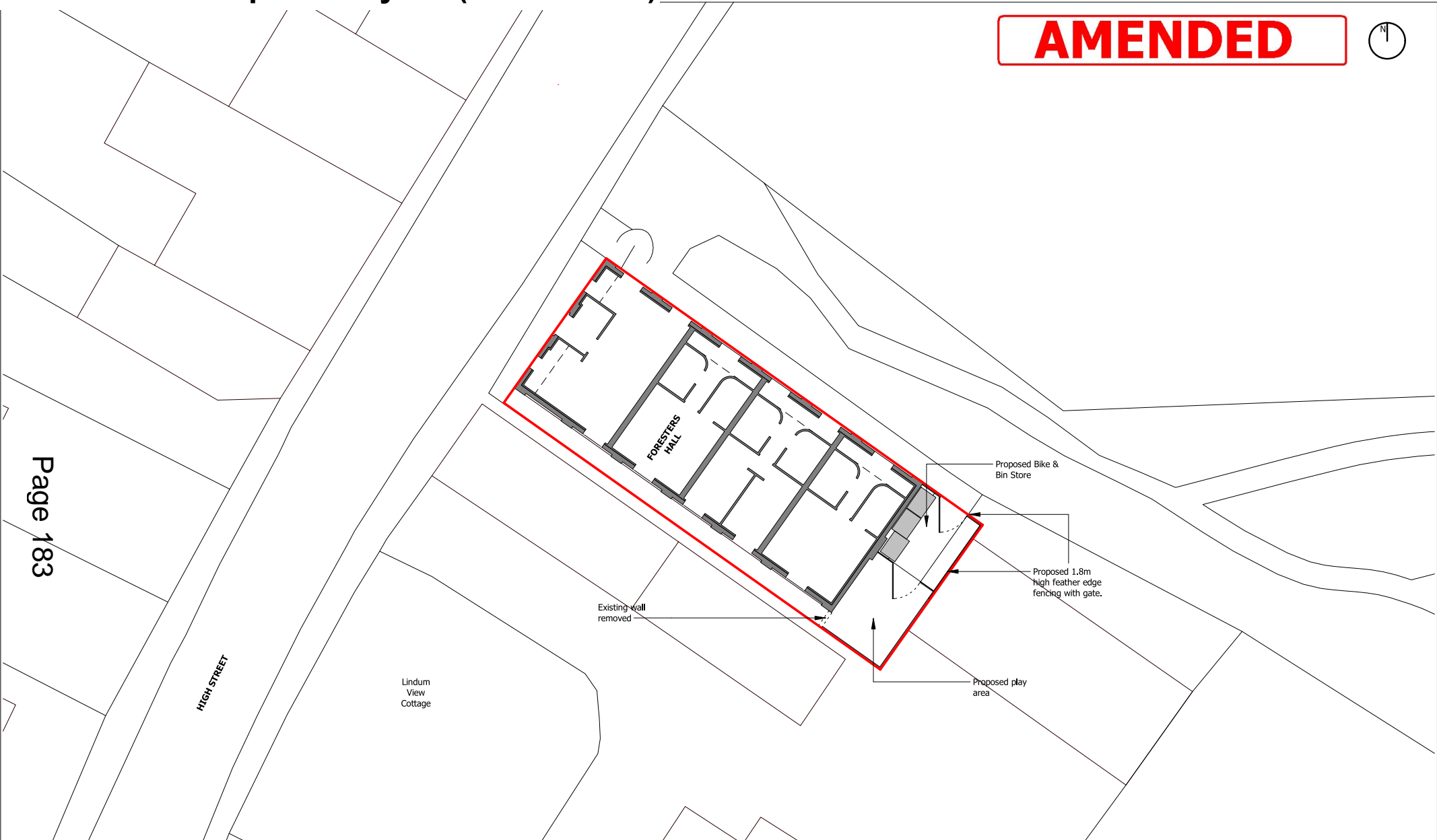
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**North
Lincolnshire
Council**

AMENDED



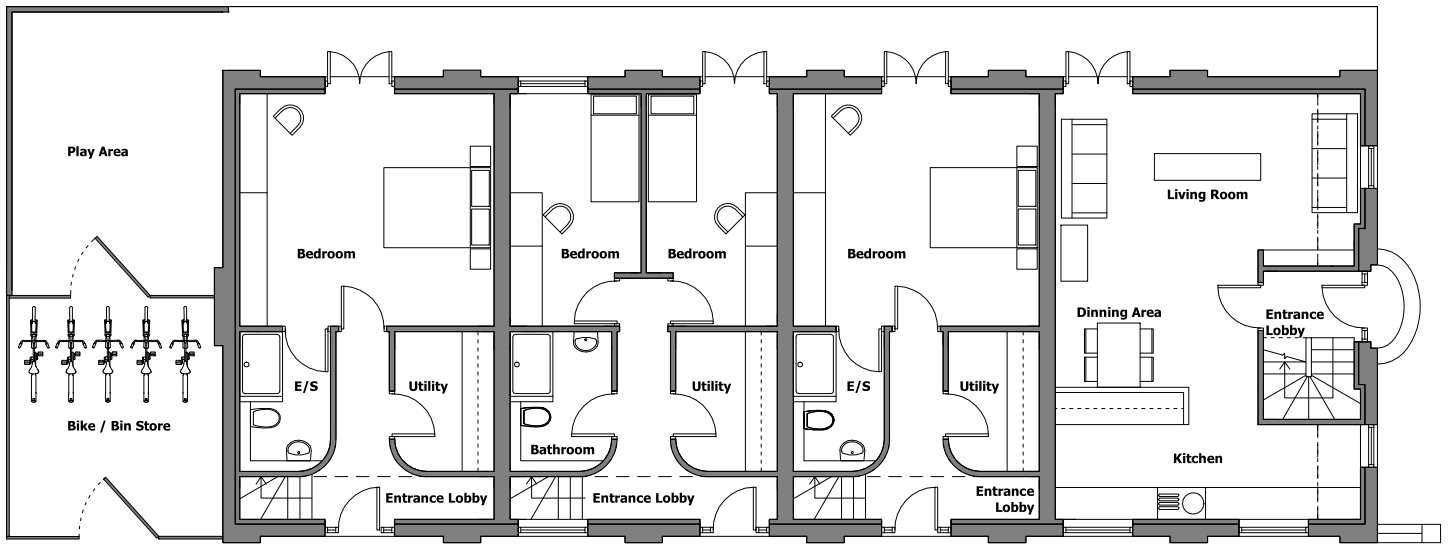
Page 183



Issue	Date	Rev	Augusta Street, Grimsby, N E Lincolnshire DN34 4TJ M: 07807 492012 E: info@designandinnovate.co.uk W: designandinnovate.co.uk	Project
Bin store note added	17.10.22	2		Change of Use Application
			Do not scale dimensions from this drawing. Use figured dimensions only. All dimensions are to be checked on site. The contractor must report any discrepancies to the designer before commencing work. Work within The Construction Design and Management Regulations is not to start until a Health and Safety Plan has been produced.	Title
				Foresters Hall High Street, Barrow Upon Humber
			Copyright: DESIGN & INNOVATE LTD	Proposed Block Plan
			Scale 1 : 200 Date 17/10/2022 14:40:10	
			Original Size A3 Project No. D22-010	Drawing No. PL(A)010 Revision 2

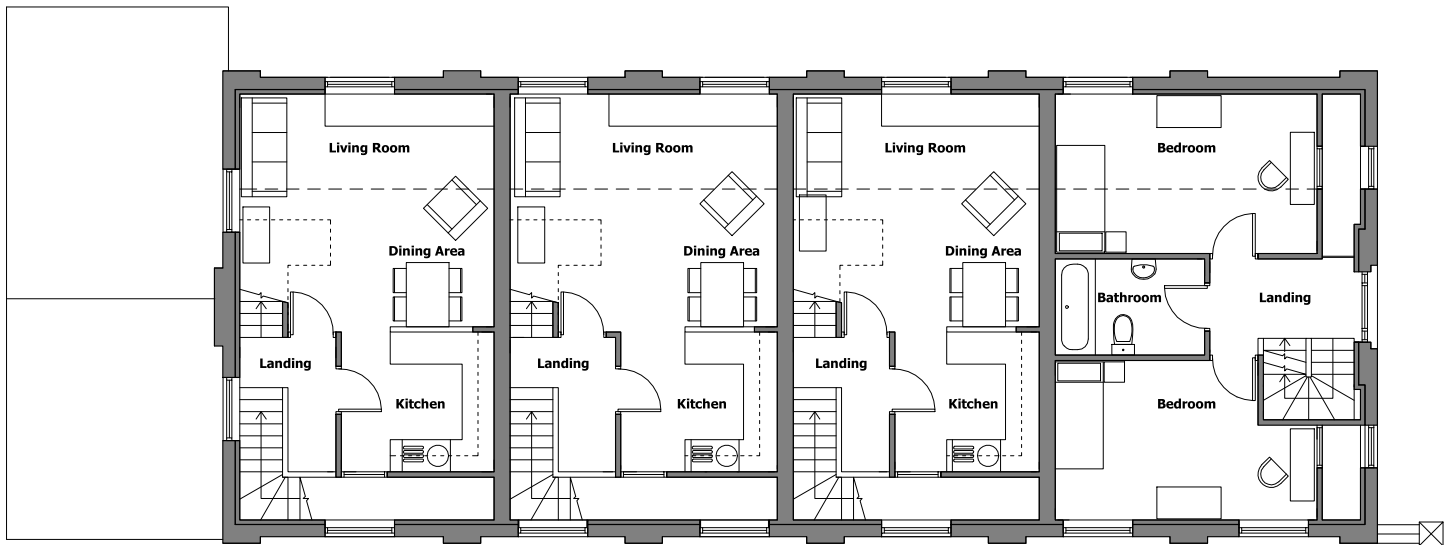


PA/2022/858 Proposed floor plans (not to scale)



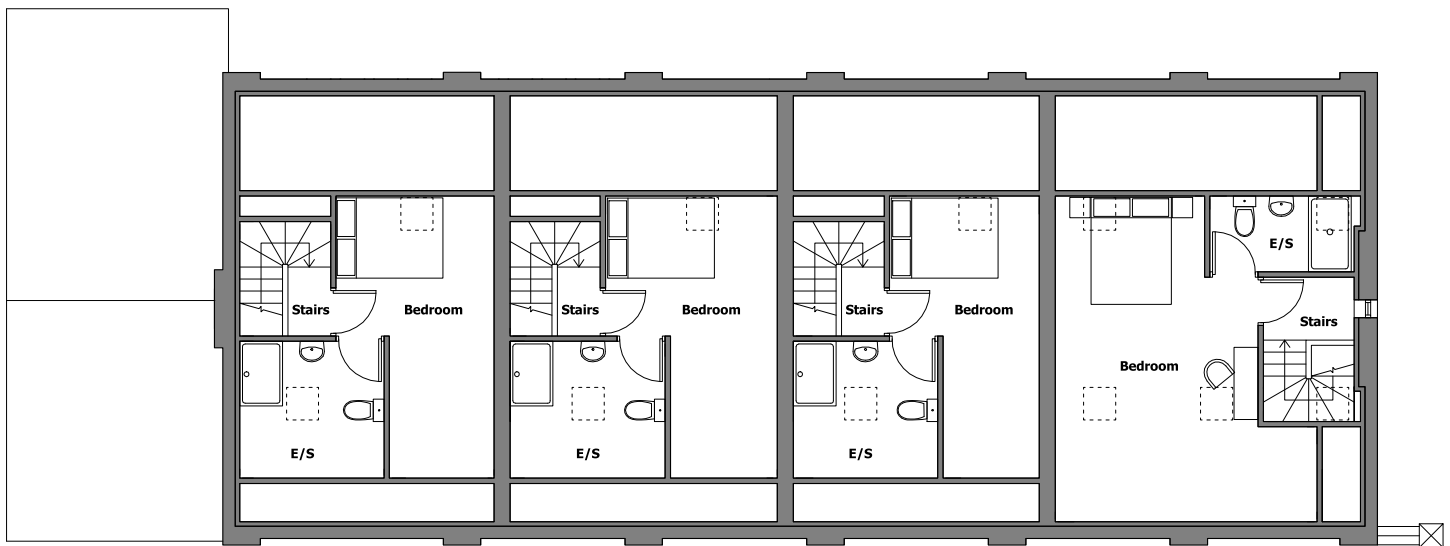
Proposed Ground Floor Plan

1 : 100



Proposed First Floor Plan

1 : 100



Proposed Second Floor Plan

1 : 100

Issue	Date	Rev	Augusta Street, Grimsby, N E Lincolnshire DN34 4TJ M: 07807 492012 E: info@designandinnovate.co.uk W: designandinnovate.co.uk	Project
			Do not scale dimensions from this drawing. Use figured dimensions only. All dimensions are to be checked on site. The contractor must report any discrepancies to the designer before commencing work. Work within The Construction Design and Management Regulations is not to start until a Health and Safety Plan has been produced.	Change of Use Application
			Original Size A3	Foresters Hall High Street, Barrow Upon Humber
			Project No. D22-010	Title Proposed Floor Plans
			Scale 1:100	PL(A)150
			Date 27/04/2022 23:05:13	Revision



APPLICATION NO	PA/2022/993
APPLICANT	Miss Josephine Hughes
DEVELOPMENT	Planning permission to change the use of a care home (Use Class C2) to a hotel/guesthouse (Use Class C1)
LOCATION	Grafton House Care Home, 157 Ashby Road, Scunthorpe, DN16 2AQ
PARISH	Scunthorpe
WARD	Kingsway with Lincoln Gardens
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Tony Gosling – third party request to address the committee)

POLICIES

National Planning Policy Framework (NPPF) 2021:

- Chapter 2: Achieving sustainable development
- Chapter 4: Decision-making
- Chapter 5: Delivering a sufficient supply of homes
- Chapter 6: Building a strong, competitive economy
- 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

North Lincolnshire Local Plan:

- Policy DS1: General Requirements
- Policy DS4: Changes of Use in Residential Areas
- Policy DS14: Foul Sewage and Surface Water Drainage
- Policy DS16: Flood Risk
- Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

Policy R14: Hotel and Guest House Accommodation

North Lincolnshire Core Strategy:

Policy CS2: Delivering More Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS14: Retail Development

Policy CS19: Flood Risk

Policy CS22: Community Facilities and Services

Housing and Employment Land Allocations DPD (2016):

PS1: Presumption in Favour of Sustainable Development

CONSULTATIONS

LLFA Drainage: No objections or comments to make.

Highways: The parking provisions seem to be acceptable but there is no delivery/servicing plan (including delivery times).

Environmental Protection: No comments to make.

Environmental Health and Housing: Raise the following concerns:

- The proposed future development of this property has the potential to become a House in Multiple Occupation (HMO) due to its size and the number of bedrooms proposed.
- Should the property be occupied by 3 or more persons, forming 2 or more households, sharing at least one amenity, under its current use as a guesthouse by persons who have no other alternative permanent place of residence, this would render the property an HMO and not a guesthouse and the applicant will need to ensure they comply with the following legislation and guidance:
 - (a) The Management of Houses in Multiple Occupation (England) Regulations 2006
 - (b) The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
 - (c) The Licensing of Houses in Multiple Occupations (Prescribed Descriptions) (England) (Order 2018)
 - (d) The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018
 - (e) The Gas Safety (Installation and Use) Regulations 1994

- (f) Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended in 1989 and 1993)
 - (g) The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 The Housing Act 2004, Section 72
 - (h) The Smoke and Carbon Monoxide Alarm (England) Regulations 2015
 - (i) The North Lincolnshire Council Amenity Standards.
- Should the property be occupied as an HMO due to the above parameters, then the applicant will need to ensure they have the correct planning permissions for use as an HMO.
 - Should the property be occupied as an HMO due to the above, the applicant will need to apply for an HMO licence under the above legislation.
 - The supporting evidence states that the guesthouse will offer 12 guest rooms, but the plans show a total of 13 guest rooms, plus staff accommodation.
 - Fire detection and protection will need to comply with LACORS guidance.
 - A consultation will be required with Humberside Fire Service concerning the separation between rooms and escape routes.
 - There is no indication of the waste provision being put in place for this development.
 - This development is in a primarily residential area. It is unclear whether the proposal meets saved local plan policy R14 and will be compatible with this area concerning its impact on local residential amenities.
 - Should planning permission be granted, request a condition be included stating that rooms cannot be let as a person's main or only place of residence.

Whilst raising some concerns, the department has not objected to the proposal.

PUBLICITY

A site notice has been displayed and 25 responses have been received: 14 objecting to the proposal and 11 in support:

Objections:

- loss of the care home
- loss of employment to the local community
- antisocial behaviour and crime
- out of keeping with the character of the neighbourhood
- increase in traffic and parking

- noise nuisance
- potential House of Multiple Occupation (HMO)
- public safety from the road.

Support:

- the design
- advertised as a care home for sale on the open market by two agents but had no interest
- ideal location concerning colleges, hospitals and university
- would provide employment
- ideal location for a hotel/guesthouse.

ASSESSMENT

Constraints

The site is within the settlement development boundary for the Scunthorpe and Bottesford urban area and within SFRA Flood Zone 1 (Low Risk of Flooding). The site is not within a conservation area, and there are no listed buildings or tree preservation orders on the site.

Planning history

- PA/2021/1495: Planning permission for change of use from a residential care home (C2) to a hotel/guesthouse (C1) – refused 14/01/2022
- PA/2007/1164: Planning permission to erect a conservatory to front elevation – approved 16/08/2007
- PA/2000/0369: Planning permission to erect single-storey extensions to form office and additional bedrooms – approved 16/06/2000
- PA/1999/0228: Planning permission to erect a single-storey extension to provide a bedroom and staff room – approved 21/05/1999
- PA/1996/1663: Planning permission to erect a two-storey extension – refused 15/11/1996
- 6/1989/0326: Planning permission to erect a two-storey extension to existing residential home – refused 12/12/1989
- 6/1988/0315: Planning permission to construct an extension to existing rest home – refused 25/11/1988
- 6/1987/0211: Planning permission to erect a two-storey extension to provide additional bedrooms, sitting room and ancillary space – refused 04/09/1987
- 6/1983/0290: Planning permission to erect extensions to a nursing home – approved 06/01/1984

6/1983/0172: Planning permission to erect extensions to a residential rest home – refused 18/08/1983

6/1982/0286: Planning permission for change of use of a dwelling house into a private rest home for the elderly – approved 03/02/1983.

Site and Proposal

Planning permission is sought to change the use of a care home (C2) to a hotel/guesthouse (C1) at Grafton House Care Home, 157 Ashby Road, Scunthorpe.

The site is at the junction of A159 Ashby Road and Lloyds Avenue. It is currently vacant and was formerly used as Grafton House Care Home (C2) which has ceased operation. The site is within a largely residential part of Scunthorpe and there are residential properties to the south, east and west of the site. Lloyds Avenue forms the northern boundary to the site and Ashby Road the eastern site boundary. There is an area of undeveloped open space to the north of the site beyond Lloyds Avenue.

A 1 metre-high fence forms the eastern boundary of the site which wraps around to the north along the site and public footpath on Lloyds Avenue. The main pedestrian entrance into the site is taken off Lloyds Avenue towards the front of the building whilst vehicle access is to the rear of the property, also off Lloyds Avenue. To the front is an area of amenity/garden space with trees, shrubs and an area of grass. This planting screens the site from Ashby Road.

The site is accessible via public transport with bus stops outside the site on Lloyds Avenue and Ashby Road.

As indicated earlier, this proposal is for the change of use from a residential care home (C2) to a hotel/guesthouse (C1). The existing building contains 11 bedrooms, dry storage, a kitchen, an office, two lounge areas, and laundry on the ground floor and 12 bedrooms on the first floor. In total the existing residential care home contains 23 bedrooms.

The proposal contains the manager's flat (living room, one bedroom and kitchen), dining room, laundry, dry storage, kitchen, office, lobby and 4 en-suite bedrooms on the ground floor. One of the en-suite bedrooms would be occupied by a night porter. Overall, on the first floor, the proposal contains 7 bedrooms and 3 en-suite bedrooms.

The site currently includes 16 off-road parking spaces, one of which is a dedicated disabled parking space. The main entrance to the building will remain. The application includes a Planning Statement.

The proposal will reduce the existing number of bedrooms from 23 to 14 (13 for guests and 1 for the night porter), the majority being en-suite and all including a sink/wash area.

The guesthouse will be operated and managed by an on-site manager who will reside in the manager's accommodation. There will also be a night porter on site throughout the night. This will ensure that at all times at least one member of staff will be present on site for monitoring and day-to-day management of the guesthouse.

This is a resubmission of a previous application for a change of use from a residential care home to a hotel/guesthouse (PA/2021/1495), which was refused on 14 January 2022 for the following reasons:

1.

The proposed hotel/guesthouse is located within a primarily residential area and whilst the proposal includes adequate parking provision, insufficient information has been submitted to demonstrate that adequate space can be provided within the site for service vehicles and deliveries to the site. The proposal, therefore, fails to comply with policy T19 of the North Lincolnshire Local Plan.

2.

The proposal would result in the loss of a community facility within the settlement of Scunthorpe. The council does not consider that it has been adequately evidenced that there is no longer a need for the building as a community facility or there is an acceptable alternative means of meeting such need. Accordingly, the proposal is contrary to paragraph 92 of the National Planning Policy Framework and policy CS22 of the Core Strategy.

Key issues

The main issues to be considered in assessing this application are whether the reasons for refusal of the previous application can be met or have been satisfactorily demonstrated to allow the planning authority to support the proposal, in other words (amongst other matters):

- whether the applicant has demonstrated sufficiently that there is adequate parking space within the site for service vehicles and deliveries to the site;
- whether the applicant has provided adequate evidence to demonstrate that the building is no longer needed as a residential care home (community facility) or there is an acceptable alternative means of meeting such need.

Principle of development

Chapter 6 of the NPPF (Building a strong, competitive economy) requires that 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, considering both local business needs and wider development opportunities. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, among other guidance the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open spaces, cultural buildings, public houses and places of worship.

Chapter 8 of the NPPF (Promoting healthy and safe communities), in paragraph 93, requires that planning policies should provide social, recreational and cultural facilities and services the community needs. Planning policies should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open spaces, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. Decisions should consider and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community and guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. It should ensure that established shops, facilities and services can develop and modernise, and are retained for the benefit of the

community and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Policy CS1 part a) states, 'Scunthorpe will be the focus for most new development and growth, including housing, employment, retail, sustainable transport links, and higher order services and facilities to serve North Lincolnshire.'

Policy CS2 sets a sequential approach for development with previously developed land and buildings within the Scunthorpe urban area being sequentially preferable.

The policy also encourages developments to be located to minimise the need to travel and to encourage any journeys that remain necessary to be possible by walking, cycling and public transport; and to ensure that everyone has access to health, education, jobs, shops, leisure and other community and cultural facilities that they need for their daily lives.

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

Policy CS22 (Community Facilities and Services) states that the provision of new community facilities or the improvement of existing community facilities, which meet the needs of residents will be supported in principle. Good quality services and facilities will be provided that meet the needs of local communities and are accessible by public transport, cycling or on foot. The loss of community facilities or land allocated for such purposes will be resisted unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such needs.

Policy DS4 (Changes of Use in Residential Areas) states that within residential areas, favourable consideration will be given to proposals for a change of use from residential to other uses, provided that the development will not adversely affect the appearance and character of a residential area or residential amenity through a 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.

As indicated earlier, this proposal is for the change of use of a care home (C2) within the settlement boundary of Scunthorpe.

Having reviewed the proposal against the NPPF, it is judged that the NPPF does not presume against the proposed change of use of the care home (C2) to a hotel/guesthouse (C1).

Regarding policies CS1, CS2 and CS3, the proposal meets the terms of the policies in that the development is focused on Scunthorpe and conforms with the terms of the sequential approach of the policy. Further, it is within the development boundary and not restricted.

Turning to policy CS22, residential care homes and nursing homes are noted as community facilities. This policy seeks to protect the loss of community facilities or land allocated for such purposes, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such needs.

In this case, the care home was a private business and is no longer in operation. It is noted that the care home was inspected by the Care Quality Commission (CQC) and was closed. Whilst the building is still within use class C2, it is no longer required for that purpose.

Policy CS22 states that the loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need. There is no longer a need for the care home and alternative use in the form of a hotel/guesthouse is proposed. The site remains in private ownership and the applicant has no interest in taking the site forward as a care home.

The applicant has confirmed in the planning statement that the property was placed on sale which gave every opportunity for another care provider to purchase the site for use as a care home but no offers were received for a care home use. They, therefore, assume that there is not an overwhelming demand for its reinstatement. This proposal, therefore, meets the terms of policy CS22.

Policy R14 (Hotel and Guest House Accommodation) states that within defined settlement boundaries new hotels, guesthouses and bed and breakfast accommodation will be permitted provided that the development proposed is compatible with its surroundings in terms of siting, scale, design, materials and landscaping, and neighbouring residential amenity will not be detrimentally affected.

As this proposal is for a change of use from a care home (C2) to a hotel/guesthouse (C1) without any significant changes to the outside of the building in terms of extension or changes to the appearance of the building, it would be compatible with its surroundings in terms of siting, scale, design, materials and landscaping, and neighbouring residential amenity will not be detrimentally affected.

Policy PS1 (HELADPD) advocates a presumption in favour of sustainable development and seeks applicants and local planning authorities to work proactively to find solutions which means that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area. It is considered that the proposals for the change of use to a guesthouse will bring back into use a vacant, underused building as well as increase expenditure within the local area.

Overall, it is considered that the proposed guesthouse is in a sustainable location, on a main public transport route, within walking and cycling distance of Scunthorpe town centre and its range of services and facilities. The site is also well-positioned for accessing services, amenities and facilities on Ashby Road. In addition, the building has ceased operating as a care home. The proposed development is also within the proximity of local pubs, shops, cafes and The Pods leisure centre. The plans demonstrate that the building is capable of conversion for 14 bedrooms, with mainly internal works and the proposed external changes relating to parking provision on site.

All things considered, the proposal complies with the terms of policies CS1, CS2, CS3 and CS22 of the Core Strategy, DS4 and R14 of the local plan, and PS1 of the Housing and Employment Land Allocations DPD, as well as the NPPF. Consequently, the principle of development is acceptable.

Layout, siting and design

Policy DS1 (General Requirements) states that a high standard of design is expected in all developments in both built-up areas and the countryside, and proposals for poorly designed development will be refused. All proposals will be considered against the quality of design, amenity impact, conservation, resources and utilities and services.

Policy CS5 (Delivering Quality Design in North Lincolnshire) sets out the key design principles for all new development. It aims to ensure that development supports the creation of a high-quality built environment that is attractive to residents, investors and visitors.

Policy R14 (Hotel and Guest House Accommodation) supports new hotels, guesthouses and bed and breakfast accommodation provided that the development proposed is compatible with its surroundings in terms of siting, scale, design, materials and landscaping, and neighbouring residential amenities will not be detrimentally affected.

This proposal is mainly for the proposed change of use of the building; however, it involves the conversion of the building to a hotel or guesthouse, where most of the work will be internal.

As this is an existing building, with no changes to the siting and scale of the building, it does not raise any planning issues in terms of layout, siting and scale. It is therefore compatible with its surroundings.

Impact on neighbouring residential amenities

Policy DS1 (General Requirements) requires that all development in both built-up areas and the countryside are considered against amenity impact. The 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.

The character of the area is predominantly residential, and the streets are generally quiet. The existing use as a residential care home would have created a degree of noise and disturbance due to the comings and goings of staff and visitors to and from the site throughout the day and night. The change of use would therefore not be significantly worse.

The number of rooms to be included within the initial proposal was questioned in comments received from members of the public and the applicant has now issued revised plans which clarify this as 14 bedrooms (one for a night porter).

Most of the bedrooms include an en-suite with shared facilities downstairs for guests to enjoy, including a dining room and sitting room. It is considered that the revised plans demonstrate a suitable number of rooms for the building and the Environmental Health and Housing team has confirmed that all rooms meet the minimum amenity standards.

Comments received, including from members of the public, have expressed concerns that the property would be brought forward as an HMO. As it stands, the application is for a guesthouse and is being assessed as such. The Environmental Health and Housing team, as well as the Planning team, are satisfied the application must be considered as a guesthouse and not as an HMO.

No enlargements are proposed to the building and the window positions and orientations are not proposed to be altered. The proposed use is considered compatible with adjoining residential uses and would not harm the amenities of the occupiers in terms of privacy.

Regarding concerns about undue noise disturbance, the Environmental Protection team has no comments to make on the application.

Notwithstanding the above, the applicant has reduced the number of bedrooms within the building from 23 to 14 (13 for guests with one for a night porter) as established under PA/2021/1495, to protect residential amenities from noise disturbance.

While the Environmental Protection team has not objected to the proposal, it was considered prudent to recommend conditions to control working hours during construction and requiring a 'Site Rules and Management Plan' for guesthouse residents to be submitted and agreed with the local planning authority before occupation, due to concerns over noise nuisance. The applicant has confirmed that the guesthouse would operate the same system as their current property, 'The Normanby'. Consequently, the applicant has agreed to provide this prior to the development being brought into use.

Overall, the introduction of a hotel/guesthouse need not interfere with this established character of the area. The proposal is therefore judged acceptable as it would not result in loss of amenities such as privacy, through overlooking or overshadowing of neighbouring properties and land uses since this is an existing building and the works associated with the development are mainly internal restructuring.

It would also not create significant noise, smell, fumes, dust or other nuisance that would warrant refusal of the application. The Environmental Protection team have been consulted and has no comments to make on the application.

Highways

Policy T2 of the local plan states that all development should be served by satisfactory access. Policy T19 is concerned with parking provisions.

The proposal would create 17 parking spaces. This is considered adequate for the hotel/guesthouse as the number of occupants will fluctuate daily, not to mention the public transport options for guests who would not rely on cars.

Highways have been consulted on the application and while they initially raised concerns about parking spaces for delivery or servicing, following the submission of additional information and an amended site layout plan, Highways have removed their objection to the proposal, subject to conditions. Accordingly, the proposal would comply with policies T2 and T19.

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. Policy DS16 of the local plan seeks to ensure that new development is not at risk from flooding.

The application site is within SFRA flood zone 1, which has a low probability of flooding. It is also within a residential area and there is an existing drainage facility within the building. The planning authority believes that the existing drainage facility is adequate for the

proposal. The LLFA Drainage Team has been consulted and has no objections or comments to make on the proposed development.

Public comments

Twenty-five letters of comment have been received, of which 14 object to the proposal and 11 are in support. The matters raised in both the objection and supporting letters are similar to those raised in the initial proposal PA/2021/1495.

The planning authority believes that the proposal will not result in local road closures. While there will be some disruption to local businesses and neighbouring properties during the construction period, this will be short-term without harming long-term amenities.

Concerning the level of noise the proposed development would generate and the potential impact on surrounding residents, the Environmental Protection team has no comments to make on the application. However, Environmental Health and Housing have commented on the potential of future development of this property as a House in Multiple Occupation (HMO), due to its size and the proposed number of bedrooms.

They have not objected to the proposal but have commented that should the property be occupied by 3 or more persons, forming 2 or more households, sharing at least one amenity, under its current use as a guesthouse by persons who have no other alternative permanent place of residence, this would render the property an HMO and not a guesthouse and the applicant will need to ensure they comply with legislation and guidance.

Further, should the property be occupied as an HMO due to the parameters in the legislation and guidance, then the applicant will need to ensure that they have the correct planning permissions for use as an HMO. In addition, should the property be occupied as an HMO, the applicant will need to apply for an HMO licence under the above legislation.

Concerning comments about works currently being undertaken on site, the comments did not state the type of work to enable the planning authority to determine whether it constitutes permitted development. Note, during the site inspection no work that constitutes development under planning was ongoing.

The council's enforcement team has received a complaint regarding concerns over the use of the site as an HMO. This matter is under consideration as part of this application and has been addressed above.

Regarding concerns raised about amenity impact, it is worth noting that this proposal does not involve any extension or formation of any new windows and therefore any impact would not be worse than existing and would not result in any further overlooking/amenity issues for neighbours.

Regarding the fear of crime, planning has a role to play in combating and preventing the risk of crime through the design of new buildings, and the layout of the public realm are environmental factors that influence vandalism and crime. Whilst the concern is not in itself a material consideration per se, there is an indication of fear, which must be tackled in the report. This is an existing building and it is believed that the use would ensure or help reduce opportunities for crime rather than foster crime and muggers associated with a vacant building.

Highways have commented on the application and have not raised any concerns about public safety on the road. The loss of the care home has been addressed under the principle of development.

On employment, currently, the building is vacant and does not provide any employment. The use of a guesthouse or hotel would potentially provide employment.

Conclusion

The principle of the conversion of the care home building into a hotel or a guesthouse used in this location represents an acceptable use that is compatible with the residential area.

The existing siting, layout and design of the building would be retained and there would be no extensions or external changes to the building. Therefore, the proposal does not raise any planning issues in terms of siting, layout and design.

On amenity impact, the introduction of use from a care home to a hotel/guesthouse would not result in any potential disturbance or potentially cause harm to the residential amenities and character of the area. The concerns raised have been noted and addressed in the report.

On the first reason for the refusal of PA/2021/1495, the planning authority believes that the applicant has demonstrated sufficiently that there is adequate parking space within the site for service vehicles and deliveries. The proposal demonstrates that there would be sufficient on-site parking spaces to accommodate customer and delivery vehicle parking on the site without any significant need for overspilling. It is believed that any overspill can be accommodated on the existing highway network without causing a highway safety concern.

The second reason for refusal of PA/2021/1495 relates to whether the applicant has provided adequate evidence to demonstrate that the building is no longer needed as a residential care home (community facility) or whether there is an acceptable alternative means of meeting such need. In this case, the applicant has confirmed that Grafton House Care Home was a failed facility which was forced to close following an inspection by the Care Quality Commission (CQC) in 2021. The inspection revealed some very serious concerns with both the care and safety of residents.

Furthermore, the property was placed on sale which gave every opportunity to purchase the site for use as a care home. However, no offers for such use were forthcoming and there was no demand for its reinstatement as a result of the damning report from the CQC which led to the closedown. Additionally, negative views and press reports of the potential use as a care facility were overshadowed.

It is worth noting that at the heart of the National Planning Policy Framework there is a presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Grafton House Care Home was a privately owned and run facility, the use of which could not have been safeguarded as such. Although the loss of a care home is regrettable, due to the facilities provided for an ageing population, the care home use has already ceased, and the property lies vacant. The proposal is considered a suitable use of the land and buildings in providing much-needed guesthouse accommodation in a sustainable location and is considered acceptable as there are no overriding reasons why planning permission should not be granted.

Pre-commencement condition

The pre-commencement condition has been agreed upon 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 Location: Dwg. No. 1390.01
- Site Layout: Dwg. No. 1390.02
- Building as existing: Dwg. No. 1390.03
- Building as proposed: Dwg. No. 1390.04 Rev A.

Reason

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

3.

The hotel/guesthouse hereby approved shall be occupied for Use Class C1 only, which comprises hotels, boarding and guesthouses (Bed & Breakfast, Inn, Motels, etc) where there is no specific element of care provided.

Reason

To ensure that approved hotel/guesthouse accommodation is not used for unauthorised permanent residential occupation.

4.

The proposed development shall not be brought into use until the vehicle parking, including surface markings, has been completed in accordance with the approved details. Once completed, the vehicle parking shall be retained. The development shall be constructed in accordance with Site Layout Drawing 1390.02.

Reason

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

5.

Prior to the commencement of the use hereby permitted, details of a management plan (including guest rules) shall be agreed upon, submitted to and approved in writing by the local planning authority. The approved plan shall be implemented, reviewed, and updated as necessary as an ongoing concern.

Reason

To protect residential amenities in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

No development shall take place until a delivery/servicing plan (including delivery times) has been submitted to and agreed to in writing by the local planning authority and the final design of the development shall incorporate all the measures identified in the agreed delivery and servicing plan.

Reason

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

Informative 1

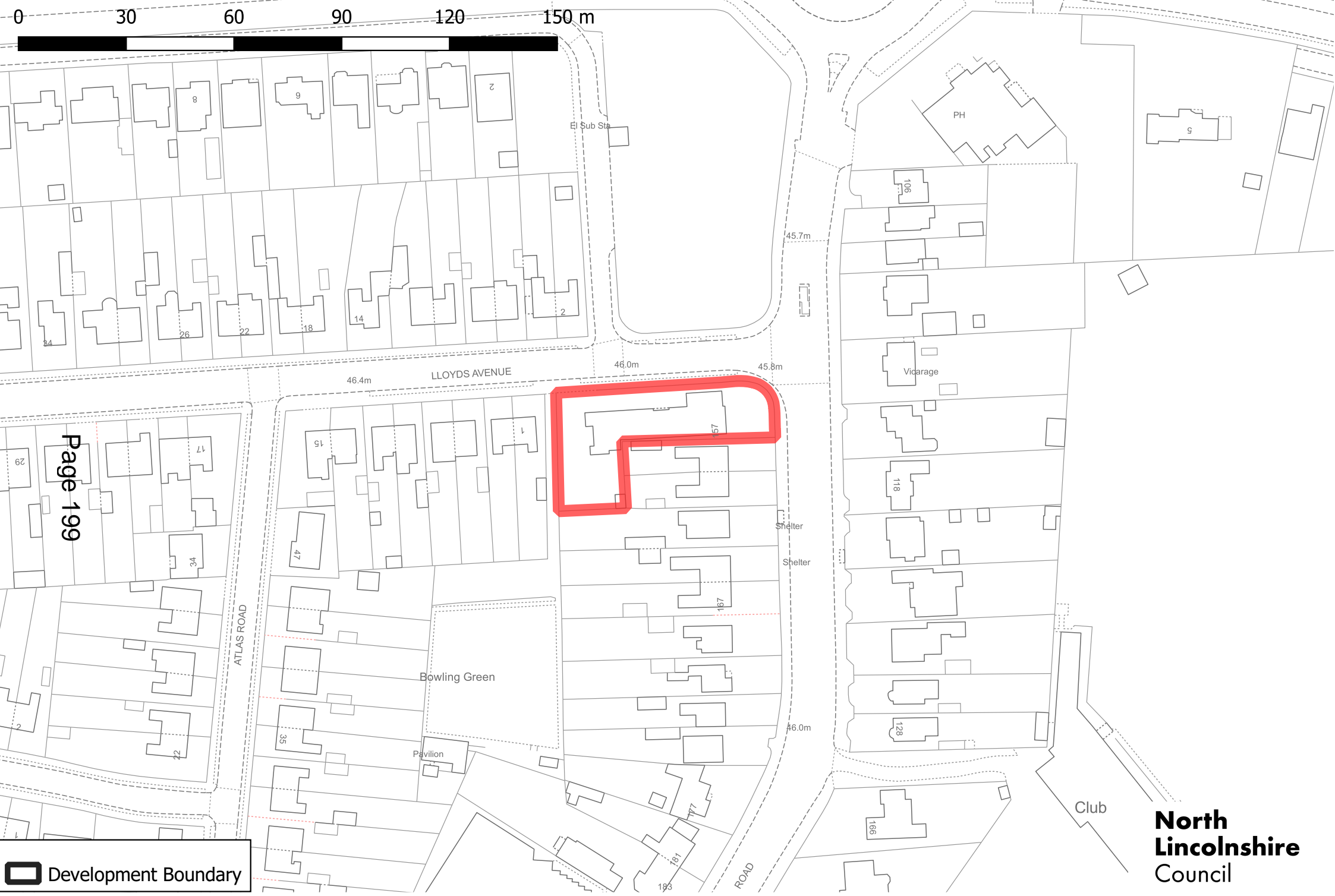
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued; 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 2

In determining this application, the council, as a 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



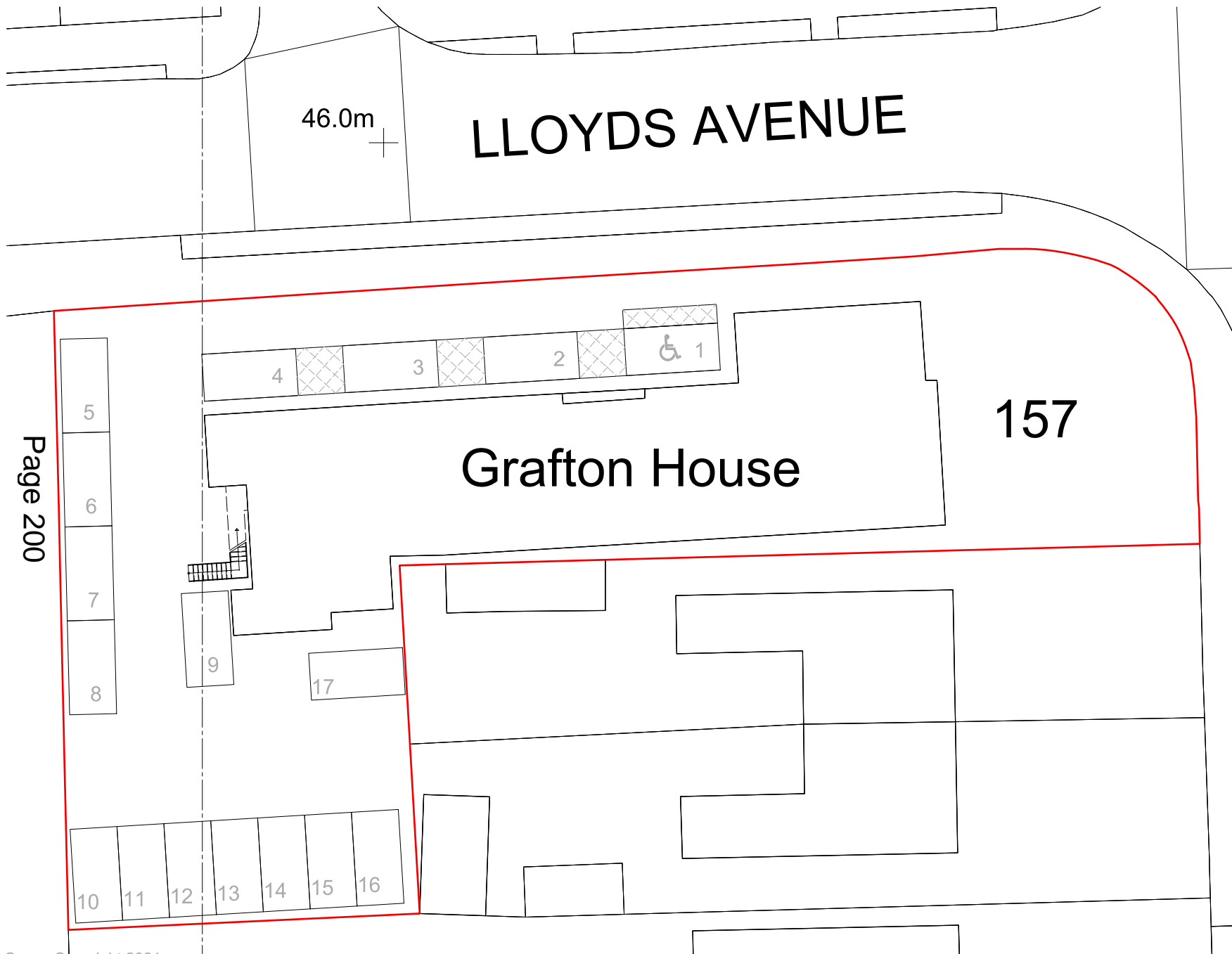
Page 199

 Development Boundary

PA/2022/993

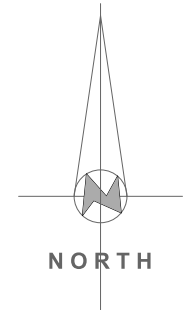
**North
Lincolnshire
Council**

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Revision	Date



Page 200

Planning Application

Project
Change of Use Application from a Residential Care Home to a Hotel/Guest House
Grafton House, 157 Ashby Road
Scunthorpe

Client
Miss. J. Hughes

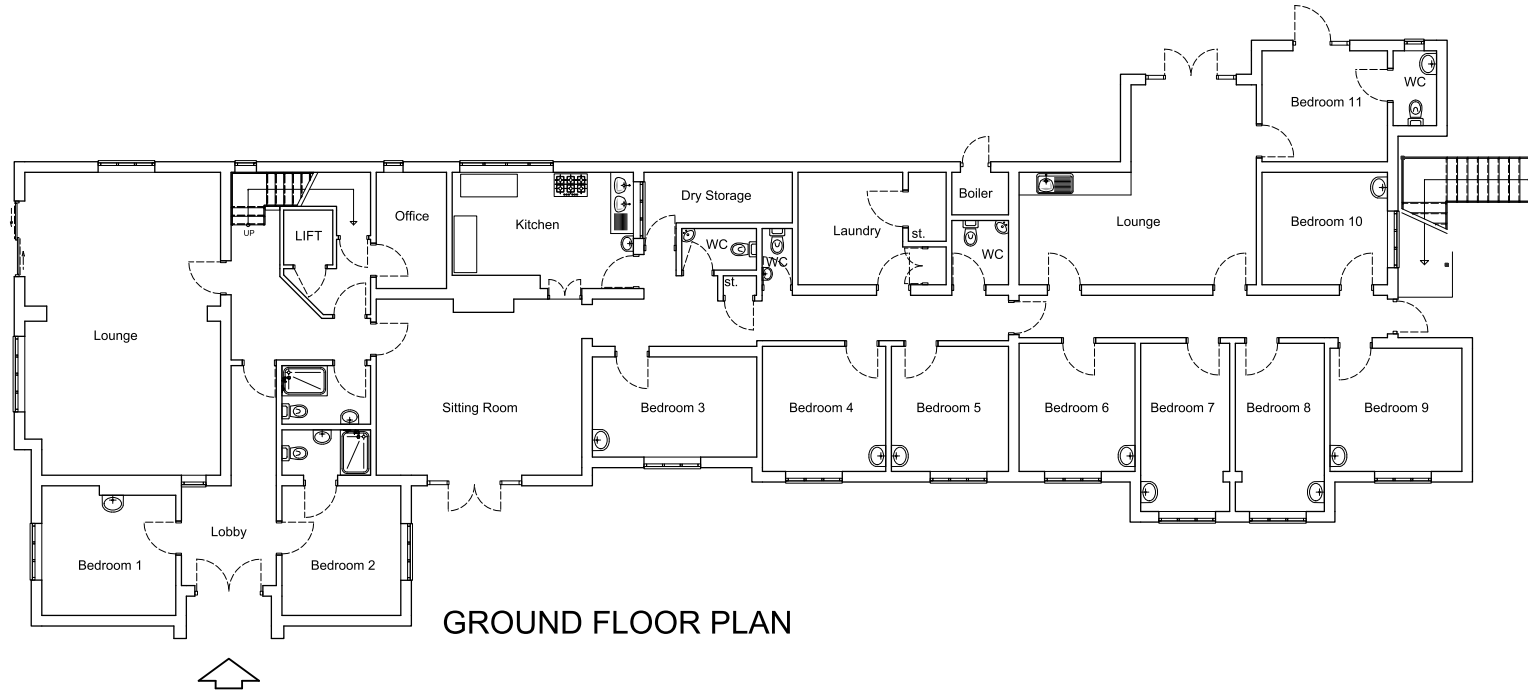
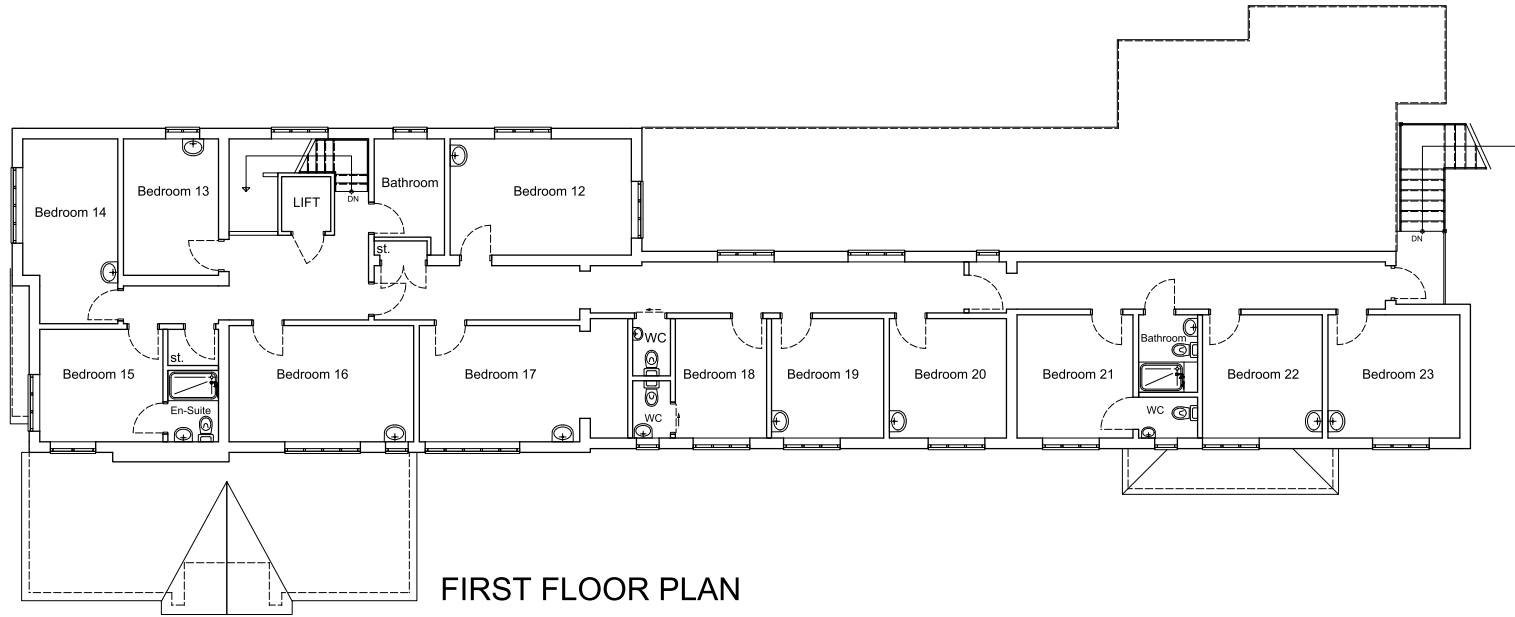
ADS Architectural Design Services (Scunthorpe) Ltd
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DN15 6JN
TEL - 01724 869428
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Date	October 2021
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Drawn	A. Cheffings
Drawing Nr.	1390.02
Revision	-

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Revision	Date



Planning Application

Project
Change of Use Application from a Residential Care Home to a Hotel/Guest House, Grafton House, 157 Ashby Road Scunthorpe

Client
Miss. J. Hughes

ADS Architectural Design Services (Scunthorpe) Ltd

3 Conway Square
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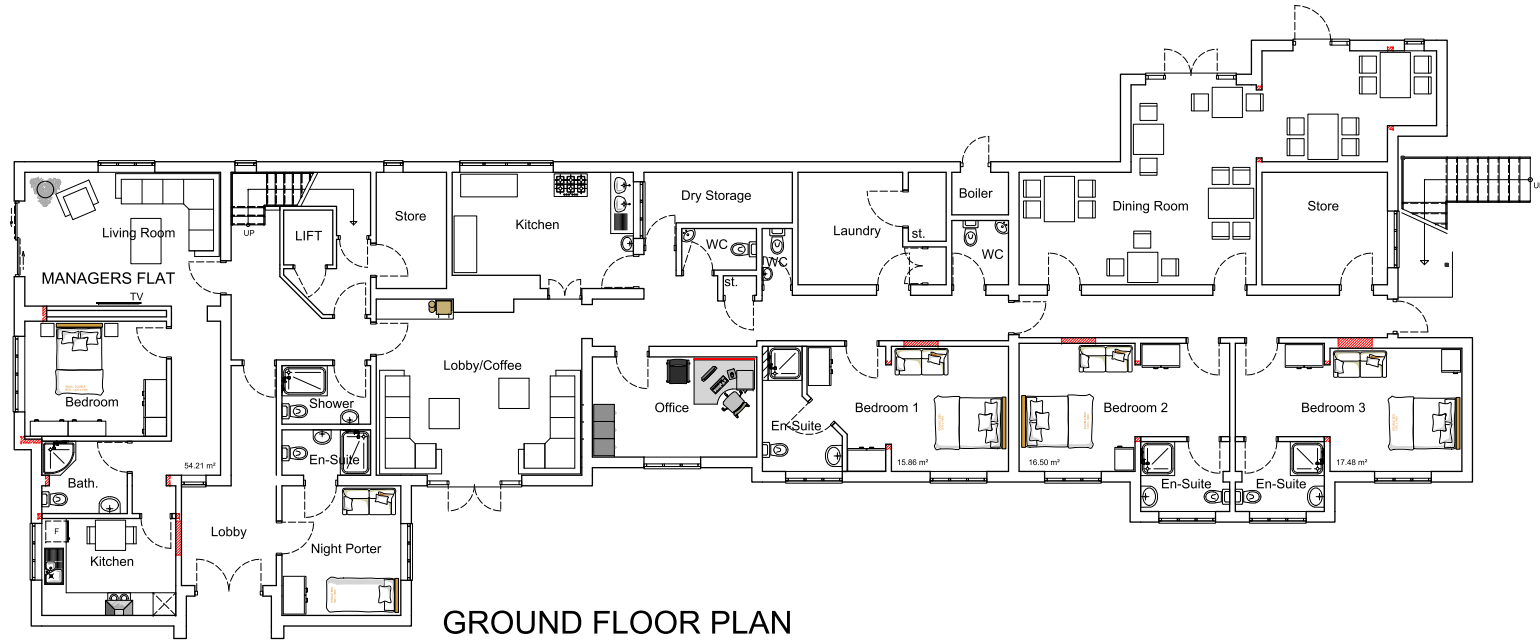
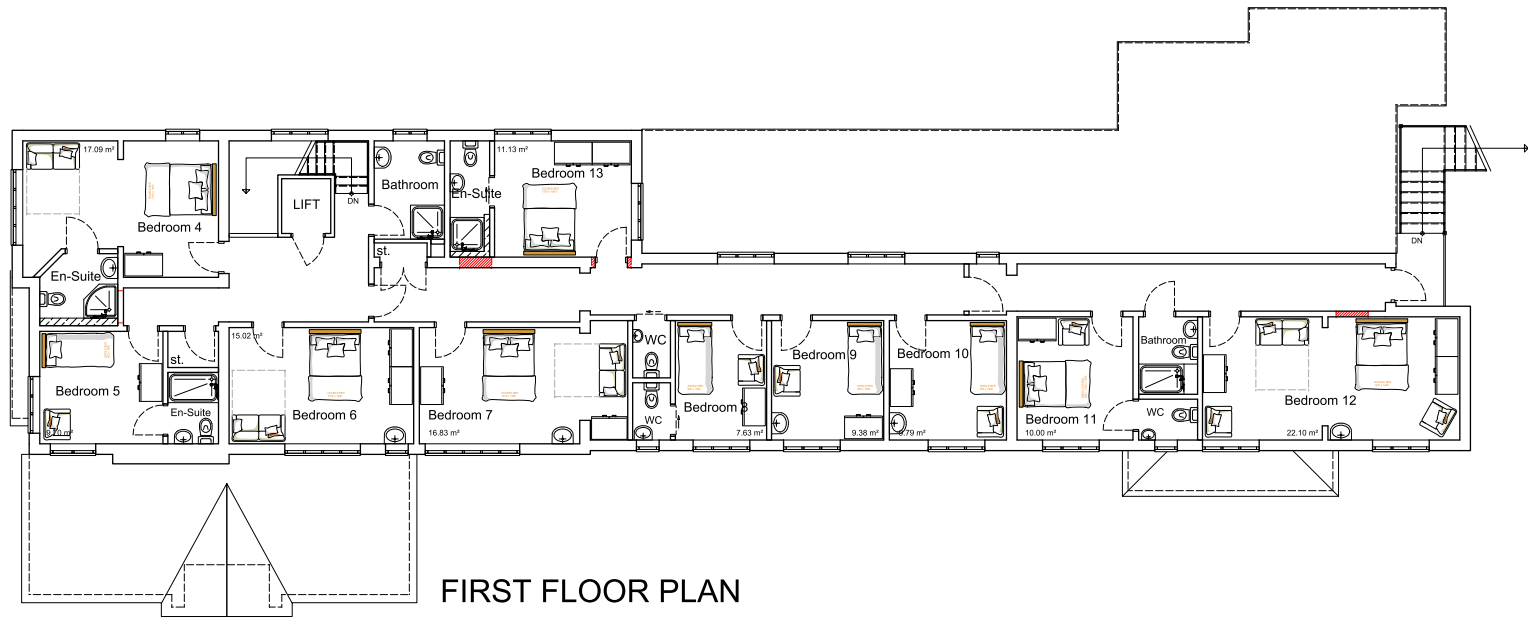
Date December 2021
Scale 1:100 @ A2
Drawn A. Cheffings

Drawing Nr. 1390.03
Revision -

2022 Building as Proposed Page 202

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Revision	Date
A - Managers Flat added and total number of bedrooms reduced.	29.03.22



Planning Application

Project
 Change of Use Application from a Residential Care Home to a Hotel/Guest House, Grafton House, 157 Ashby Road Scunthorpe

Client
 Miss. J. Hughes

ADS Architectural Design Services (Scunthorpe) Ltd

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Date December 2021
 Scale 1:100 @ A2
 Drawn A. Cheffings

Drawing Nr. 1390.04
 Revision A

APPLICATION NO	PA/2022/1021
APPLICANT	Ms Robinson
DEVELOPMENT	Planning permission for renovations and the erection of two-storey extensions to the rear and sides of the dwelling
LOCATION	14 Greenhill Road, Haxey, DN9 2JE
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework:

Section 12: Achieving well-designed places

Section 16: Conserving and enhancing the historic environment

Listed Buildings & Conservation Areas Act:

Section 66 and 72 of the Planning (Listed Buildings & Conservation Areas Act) 1990

North Lincolnshire Local Plan:

Policy DS1: General Requirements

Policy HE5: Development affecting Listed Buildings

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

DS5: Residential Extensions

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

Supplementary guidance

SPG1: Design Guidance for House Extensions

CONSULTATIONS

Ecology: No adverse comments – there is no evidence of bat roosts at the site.

Historic England: No comments to make.

Conservation: No objection subject to conditions – the proposal has been amended in line with the advice provided to better respect and complement the character of the listed building.

Highways: No comments or objections to make.

LLFA Drainage Team: No objections or comments concerning the proposed development.

PARISH COUNCIL

Following the submission of additional information to address the parish council's initial comments, the council maintains its objection for the following reasons:

- low-cost materials
- small plot size
- parking and access
- public safety from the road
- use of modern cladding
- sub-division of the original plot.

PUBLICITY

Advertised by site and press notice. No comments have been received.

ASSESSMENT

Constraints

Listed buildings

Development boundary

SFRA Flood Zone 1

Planning history

PA/2022/1278: Listed building consent for renovations and the erection of two-storey extensions to the rear and sides of the dwelling – pending

PA/2022/1374: Planning permission to erect two detached properties with associated private driveway to the rear of 14 Greenhill Road – pending

Site and Proposal

Planning permission is sought for renovations and the erection of two-storey extensions to the rear and sides of the dwelling at 14 Greenhill Road, Haxey.

The property is within the development boundary of Haxey and is a grade II listed building. It is bounded by Greenhill Road to the north, 16 Greenhill Road to the east and 10 Greenhill Road to the west. The property has an awkwardly shaped and unusually large garden area at the rear.

The existing dwelling comprises the main two-storey listed building, the 1970's single-storey extension to the listed building and the later unlisted single-storey addition to the north gable of the main listed building.

The listed building and the 1970's single-storey extension are constructed of fine yellow-brown brickwork and the roof covering is a traditional non-interlocking clay pantile. The later, unlisted, single-storey extension attached to the north elevation of the main listed building is constructed of a modern buff brick wall, with concrete roof tiles and modern windows.

Considering the main listed building, the applicant proposes to replace all the existing uPVC windows in the rear of the listed building with solid wood sash windows. Further, the existing softwood windows in the extension would be replaced to match the windows in the listed building.

Regarding the single-storey extension to the south of the main listed building, i.e. the 1970's extension of the main listed building, the proposal seeks to increase the height from a single-storey to form a two-storey extension. The ridge level would be slightly lower than the ridge level of the main listed building. Further, the proposed works would include the installation of windows on the ground and first floors facing the rear (garden) and the front (facing the road). There would be no windows in the south elevation (gable) facing 10 Greenhill Road.

Turning to the unlisted, single-storey extension attached to the north elevation of the main listed building, this proposal seeks to increase the height to form a two-storey unit and further extend it to the rear with a two-storey extension. This extension would have windows on the gable (north elevation) facing No. 16 Greenhill Road on both the ground floor and the first floor. There would also be windows on the front (west elevation) facing the road and the rear (east elevation) facing the garden. Concerning the further two-storey extension at the rear, it would not have windows on the east elevation (rear) facing the garden. It would not have any windows on the sides, but a sliding glass door on the side (south elevation) and a standard door on the side (north elevation).

All the extensions will be rendered with a traditional lime render.

A separate application to subdivide the garden and erect two detached properties with an associated private driveway to the rear has been submitted and is currently pending (PA/2022/1374). The assessment of PA/2022/1374 would consider whether there would be sufficient amenity areas for the enjoyment of the occupants of this site. As it stands, the subdivision of this site does not form part of the assessment of this proposal.

The key issues to be considered in determining this application are:

- **the principle of the development;**
- **layout, siting and design;**
- **impact on the amenity of neighbouring residents;**
- **impact on the listed building;**
- **impact on highway safety; and**
- **drainage.**

Principle of development

Policy DS5 (Residential Extensions) of the North Lincolnshire Local Plan is concerned with residential extensions and policy HE5 (Development affecting Listed Buildings) requires the council to seek to secure the preservation, restoration and continued use of buildings of special architectural or historic interest.

Policy CS6 (Historic Environment) aims to ensure that North Lincolnshire's important sites and areas of historic and built heritage value are protected, conserved and enhanced so that they continue to make an important contribution to the area's scene and the quality of life for local people.

The above policies do not presume against extensions to a dwelling (listed buildings); therefore, the principle of the development is acceptable.

Design and impact on the character and appearance of the listed building

Policy DS1 (General Requirements) seeks 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.

Policy CS5 (Delivering Quality Design in North Lincolnshire) sets out the key design principles for all new development in North Lincolnshire. It aims to ensure that development supports the creation of a high-quality built environment that is attractive to residents, investors, and visitors.

Policy HE5 (Development affecting Listed Buildings) requires the council to seek 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 the recording being agreed upon and implemented.

Policy CS6 (Historic Environment) aims to ensure that North Lincolnshire's important sites and areas of historic and built heritage value are protected, conserved and enhanced so that they continue to make an important contribution to the area's scene and the quality of life for local people.

Regarding the quality of design, 14 Greenhill Road is a grade II listed 'House. Mid-late C18 with later C18-early C19 addition to right. Yellow-brown brick, in contrasting Flemish bond to original section; rendered to lower section of the front, and right gable end. It has a modern 1970s extension to the left of no historic interest and a two-storey 19th century period extension to the right with a small single-storey extension.'

Concerns were raised over this application about the cladding on the proposed extension and the demolition of the 19th-century addition to the right. Following discussions, the application that has been amended would be repaired and not demolished. The extension is an important part of the character of the building and its retention is welcomed.

Further, the modern timber cladding has been removed from the proposal. The supporting document states that the two side extensions are to be faced in a lime render which is acceptable as it has a traditional appearance suitable for the listed building. This is not shown on the amended drawings but can be secured by condition. This finish will also enable the original building to be identified as the early historic part of the building.

Concerns were expressed by the conservation officer over the fact that the roof structures were to be replaced fully. The applicant employed a timber specialist, J.H. Rees and Son, who state that the roof can be retained and repaired. The old roof timbers are seen as architectural features worthy of retention. This approach is welcomed and its repair to this specification can be secured by condition. The condition has been applied to the decision notice on the listed building application.

There was an objection to the use of solar panels on the roof. These were seen as a modern discordant element on the listed building that detracts from its character. These have been removed from the application.

An additional positive aspect of the proposal is that the building is reroofed in a traditional non-interlocking clay pantile. The applicant has addressed the issues raised regarding the refurbishment of the listed building.

There have been minimal alterations to the original listed building which is a positive aspect of the proposal. Regarding the remodelling of the 1970's extension to the left, the cladding has been removed and replaced with render which is an improvement. Whilst it is larger in appearance, it is considered an improvement to the existing extension which has a modern buff brick, concrete roof tiles and modern windows. The new extension will have a lime render finish, traditional timber sliding sash windows and a red clay pantile roof.

The conservation officer has no objection to the new right-hand side extension since this will help stabilise the building. It is also stepped back showing the line of the original building. It is finished with a lime render and has a clay pantile roof and timber sash windows.

Currently, the rear of the listed building has been poorly altered with modern and uPVC windows. These are being replaced with timber sash windows which will be more complementary to the character of the listed building.

The amended scheme retains the period extension and the roof of the structure, omits the proposed solar panels and modern cladding, replaces it with render, removes the uPVC windows and replaces them with timber sash windows, and replaces concrete tiles with traditional non-interlocking red clay pantiles. Whilst there are impacts, the heritage gains described above and the long-term conservation of the listed building mean that the application can be supported.

Considering the poor state of the listed building a programme of refurbishment must start soon.

In general, the conservation officer supports the application subject to appropriate conditions. All the conditions recommended by the conservation officer have been applied to the listed building application.

Impact on the amenity of neighbouring residents

Policy DS1 (General Requirements) expects a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. It requires that all proposals be considered against the quality of the design and amenities, among other criteria.

Policy DS5 of the North Lincolnshire Local Plan is concerned with residential extensions. It states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings

Further, the NPPF advises that planning should always seek to secure a good standard of amenities for all existing and future occupants of land and buildings.

As outlined in the description section, this proposal is in three parts: the renovations to the existing listed building, an increase in height of the single-storey extension attached to the west elevation of the main dwelling to form a two-storey extension, and an increase in height of the single-storey extension attached to the east elevation of the main dwelling plus a two-storey extension to the rear.

The works proposed for the main listed dwelling are mainly restorations of the listed building and the replacement of all the existing windows at the rear. The restorations of the main listed building do not require planning permission and the replacement windows would not raise any privacy issues.

Considering the amenity impact of the proposal on 10 Greenhill Road, while the 1970's extension of the main listed building would increase in height to form a two-storey extension, with regard to overshadowing and overbearing impact, 10 Greenhill Road is a two-storey dwelling situated on a common boundary with this site, approximately 3 metres away from the extension. Further, the applicant proposes to use the gap between the two buildings for vehicle parking.

In this case, the separation distance between the 1970's extension and 10 Greenhill Road is such that there would be no overshadowing or overbearing impact. Any unanticipated overshadowing would fall on the vehicle parking area.

Turning to the impact on 16 Greenhill Road, the increase in height of the unlisted single-storey extension attached to the north elevation of the main listed building plus the two-storey extension to the rear would not raise any overbearing or overshadowing issues. It is worth noting that 16 Greenhill Road is separated from the extension by the driveway.

Regarding privacy, the first-floor slit window would serve an en-suite bathroom. As a bathroom is not 'living accommodation', the window would not raise any issues of privacy. In terms of the ground floor windows, the separation distance from the common boundary with 16 Greenhill Road and the boundary fence would minimise any adverse impact. Consequently, they would not raise any issues of privacy.

In general, it is considered that the scale of the proposed development would not have a significant undue impact on the amenity of surrounding properties through overlooking, overshadowing, loss of daylight or loss of privacy. Overall, the proposal meets the aim of the design policy and the National Planning Policy Framework.

Highway safety

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

The applicant has shown four off-street parking spaces on the plot and has indicated that visibility has been addressed by the recessing of the extension facing the road by 500 millimetres, giving further visibility down Greenhill Road. The applicant has indicated that the total width of the entranceway following the recession of the extension would be 6 metres.

Haxey Parish Council has objected to the application based on parking provision, access and public safety from the road.

Highways have assessed the proposal and have no comments or objections to make. Therefore, the proposal meets the requirements of policies T2 and T19 of the local plan.

Ecology

Policy CS17 of the Core Strategy and paragraph 170 of the NPPF relate to biodiversity. Paragraph 174 of the NPPF states, in part, that a net gain for biodiversity should be achieved.

The council's ecologist initially had concerns over the application and recommended that it should not be determined, except for a refusal, until a bat and nesting bird survey has been carried out and the findings considered.

Following the bat survey report submission, the ecologist has confirmed that the survey methods used and the survey effort deployed are appropriate for the site. The surveyors found no evidence of bat roosts and recorded very little bat activity in the area. No evidence of breeding birds was recorded at the time of the survey.

Notwithstanding the above, the ecologist encourages biodiversity enhancement through the provision of bird nesting opportunities, ideally swift, sparrow or starling boxes integrated into the

structure of the building. There seems to be little point in asking for bat bricks given the very low level of bat activity recorded in the area. An informative will be applied to any permission granted.

The proposal would meet the aims of policy CS17 of the Core Strategy, as well as paragraph 170 of the NPPF, relating to biodiversity.

Drainage

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

The site lies within an area at low risk of flooding (SFRA flood zone 1). It is not considered that there would be any significant risk of flooding on the site since the proposal is for renovations and modest extensions to the dwelling.

The LLFA Drainage Team has no objections or comments to the proposed development. Consequently, the proposal meets the terms of policies CS19 of the Core Strategy and DS14 of the local plan.

Parish council objection

The parish council's concerns relating to the proposed materials have been addressed in this report.

The concerns raised about parking provision, access and public safety from the road have also been addressed.

Regarding the sub-division of the garden (plot size) to erect two detached properties with an associated private driveway to the rear, the appropriateness of the plot size would be reviewed as part of the separate proposal (PA/2022/1374).

Conclusion

In conclusion, the principle of the development is acceptable, and it is considered that the proposal would not have a significant adverse impact on the character of the listed building which would warrant refusal.

The proposed renovations and extensions comply with the relevant policies of the National Planning Policy Framework, North Lincolnshire Local Plan, North Lincolnshire Core Strategy and SPG1: Design Guidance for House Extensions. The 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 by the following approved plans:

- Proposed Elevations Dwg. No. PA – 105 – A – C – GA – PE Rev C
- Proposed Floor Plans Dwg. No. PA – 104 – A – B – GA – PP Rev B
- Proposed Location Plan Dwg. No. PA – 101 – A - PR – SLP Rev. A
- Existing Site Location Plan Dwg. No. PA – 100 – A – EX – SLP Rev. A
- Existing Floor Plans Dwg. No. PA – 102 – A – 0 – GA – EP
- Existing Elevations Dwg. No. PA – 103 – A – 0 – GA – EE.

Reason

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

3.

No development shall take place until a full schedule of all external facing materials has been submitted to and approved in writing by the local planning authority to include all bricks, joinery products, roof coverings, rainwater goods and external finishes, and scale drawings of the proposed windows and doors with material specification. Only the approved materials shall be used.

Reason

To retain the character of the listed building in accordance with Section 66 of the Planning (Listed Buildings & Conservation Areas Act 1990) and policy HE5 of the North Lincolnshire Local Plan.

Informative 1

In determining this application, the council, as a 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.

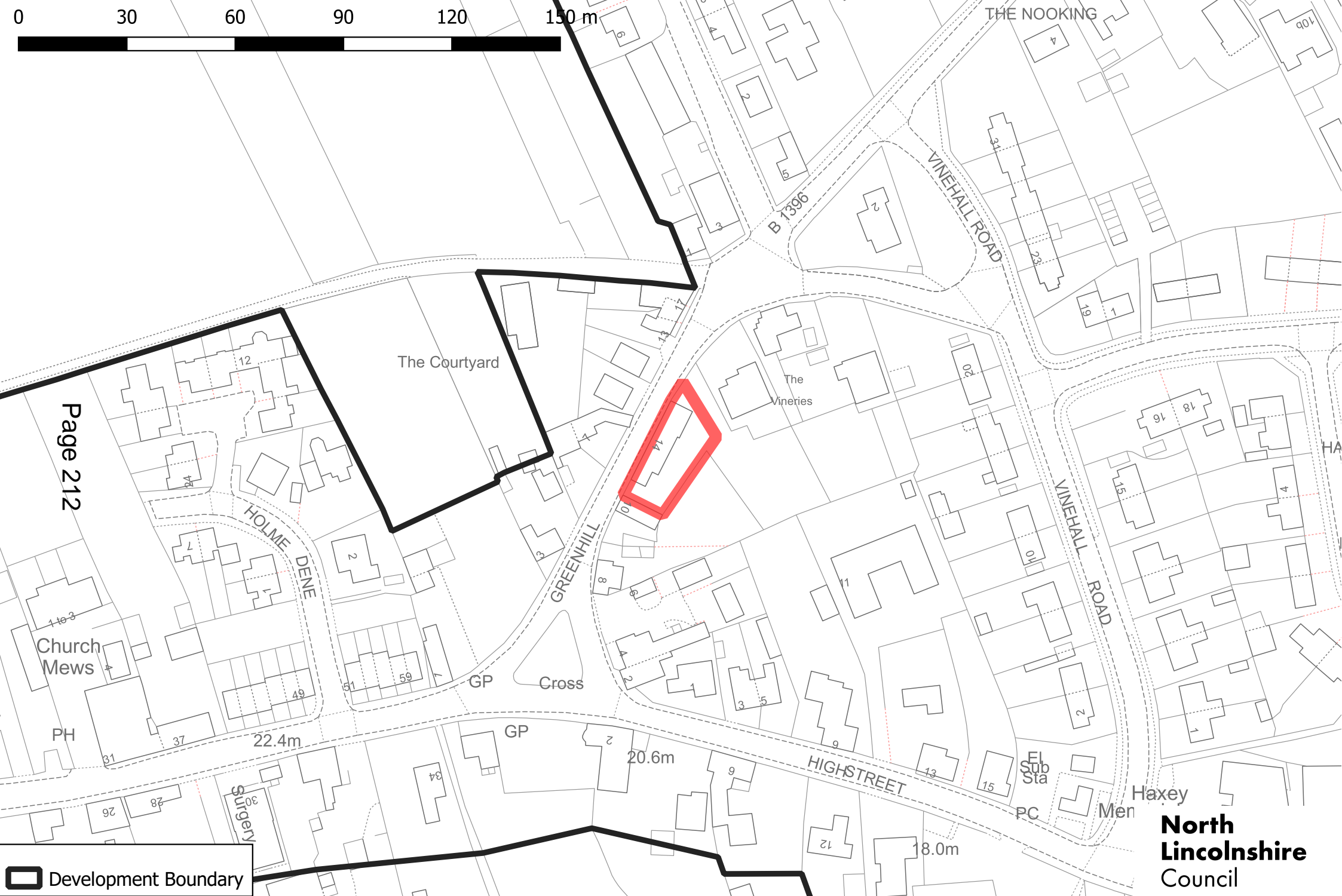
Informative 2

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

Informative 3

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 a licence.



Page 212

The Courtyard

The Vineries

THE NOOKING

HOLME DENE

GREENHILL

VINEHALL ROAD

VINEHALL ROAD

HIGH STREET

Church Mews

PH

GP Cross

GP

El Sub Sta

Haxey

Men

Surgery

22.4m

20.6m

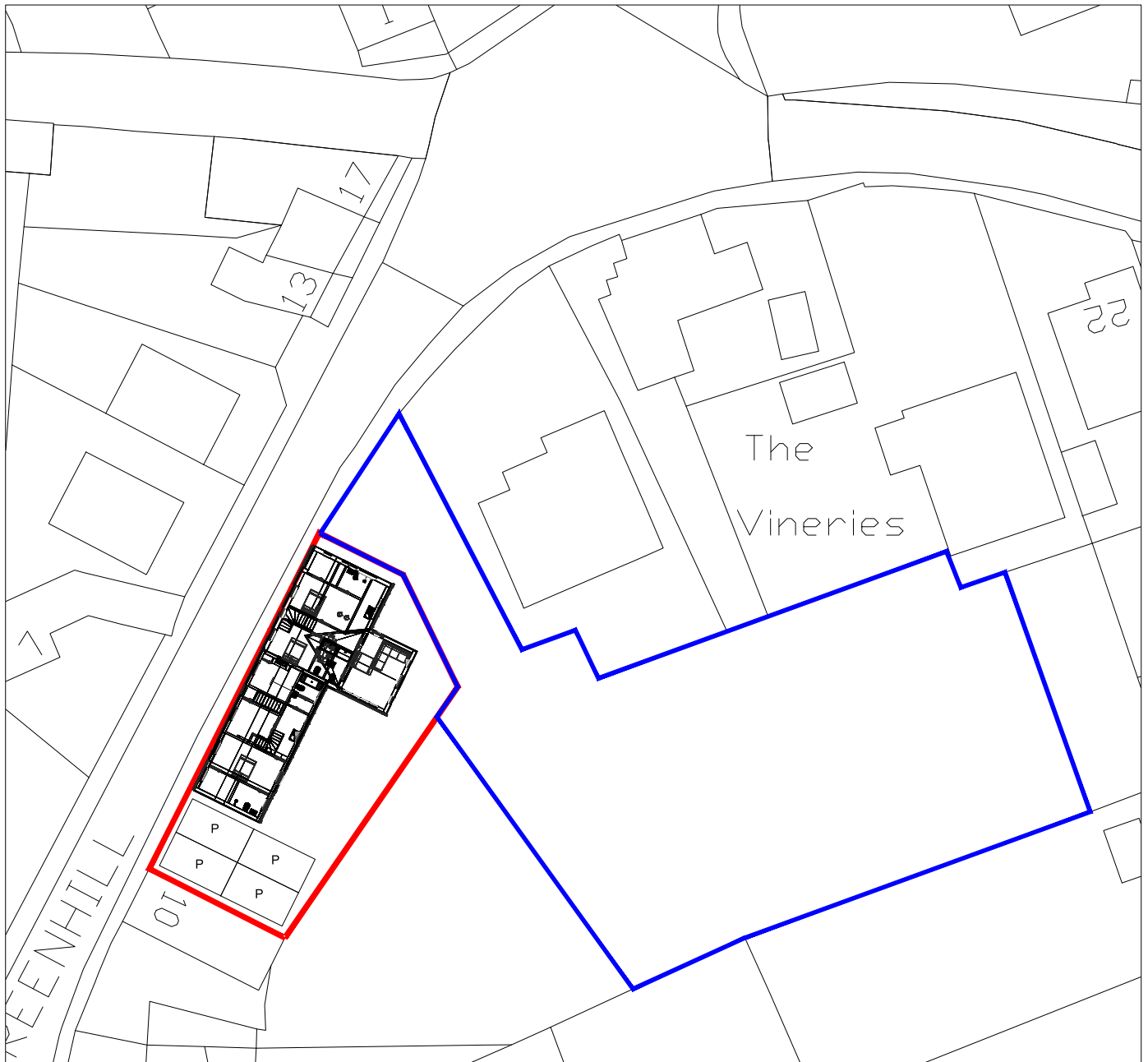
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Development Boundary

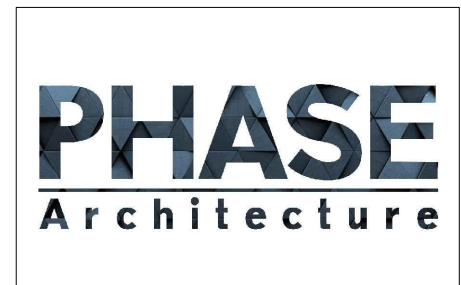
North Lincolnshire Council

PA/2022/1021

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-	-	-	-
REV:	DESCRIPTION:	BY:	DATE:
STATUS:		Approval	



CLIENT:			
Ms Robinson			
SITE:			
14 Greenhills Road, Haxey			
TITLE:			
Proposed Location Plan			
SCALE AT A4:	DATE:	DRAWN:	CHECKED:
1:500	27/05/22	JH	XX
PROJECT NO:	DRAWING NO:	REVISION:	
2072	PA_101_0_PR_SLP	0	

PA/2022/1021 Existing elevations (not to scale)

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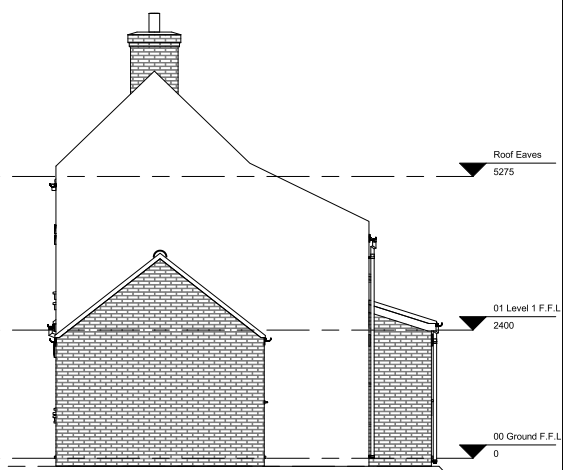
CLIENT:

Ms Robinson

REV	REV DESC.	DATE



North Elevation
1:50

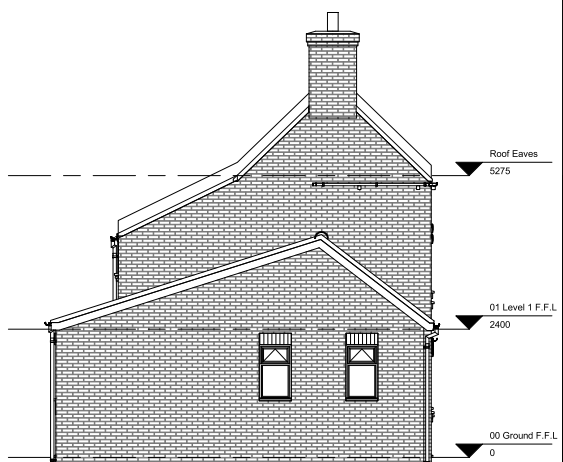


East Elevation
1:50

Roof Eaves	5275
01 Level 1 F.F.L.	2400
00 Ground F.F.L.	0
Site	-150



South Elevation
1:50



West Elevation
1:50

Roof Eaves	5275
01 Level 1 F.F.L.	2400
00 Ground F.F.L.	0
Site	-150

Page 214

PHASE
Architecture

PROJECT 14 Greenhills, Haxey	
DRAWING NAME Existing Elevations	
DRAWING NUMBER PA - 103 - A - 0 - GA - EE	
DATE 03/05/2022	SCALE @ A1 As indicated
PROJECT NO. 2072	REV 0
ORIGINATOR JH	CHECKED XX
	AUTHORISED XX

PA/2022/1021 Proposed elevations (not to scale)

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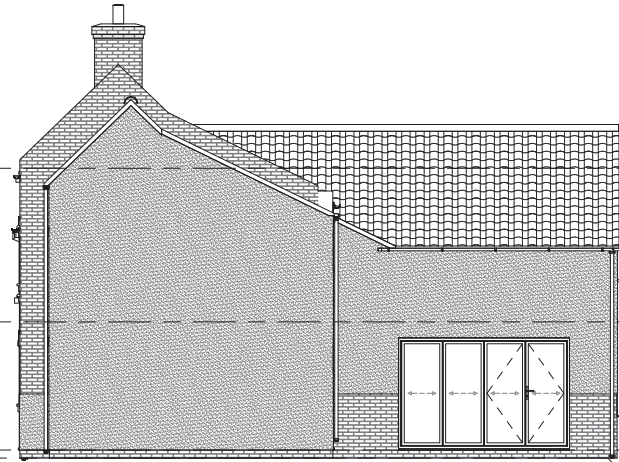
CLIENT:

Ms Robinson



East Elevation

Replace white casement uPVC Windows with timber Sash Windows



South Elevation

1:50

REV	REV DESC.	DATE
00	Ground F.F.L.	0
01	Level 1 F.F.L.	2400
	Roof Eaves	5275
	Site	-150

Page 216



West Elevation

1:50



North Elevation

1:50

C	Elevation Tags Amended.	17/11/2022
B	Conservation Comments Included	31/08/2022
	Extension Altered.	24/08/2022

PHASE
Architecture

PROJECT		14 Greenhills, Haxey	
DRAWING NAME		Proposed Elevations	
DRAWING NUMBER		PA - 105 - A - C - GA - PE	
DATE	03/05/2022	SCALE @ A1	As indicated
PROJECT NO.	2072	REV	C
ORIGINATOR	JH	CHECKED	XX
		AUTHORISED	XX

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CLIENT:

Ms Robinson

REV	REV DESC.	DATE
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B	Layout Tweaked.	31/08/2022
A	Extension Altered.	24/08/2022

PHASE
 Architecture

PROJECT
 14 Greenhills, Haxey

DRAWING NAME
 Proposed Floor Plans

DRAWING NUMBER
 PA - 104 - A - B - GA - PP

DATE
 04/05/2022

SCALE @ A1
 1 : 50

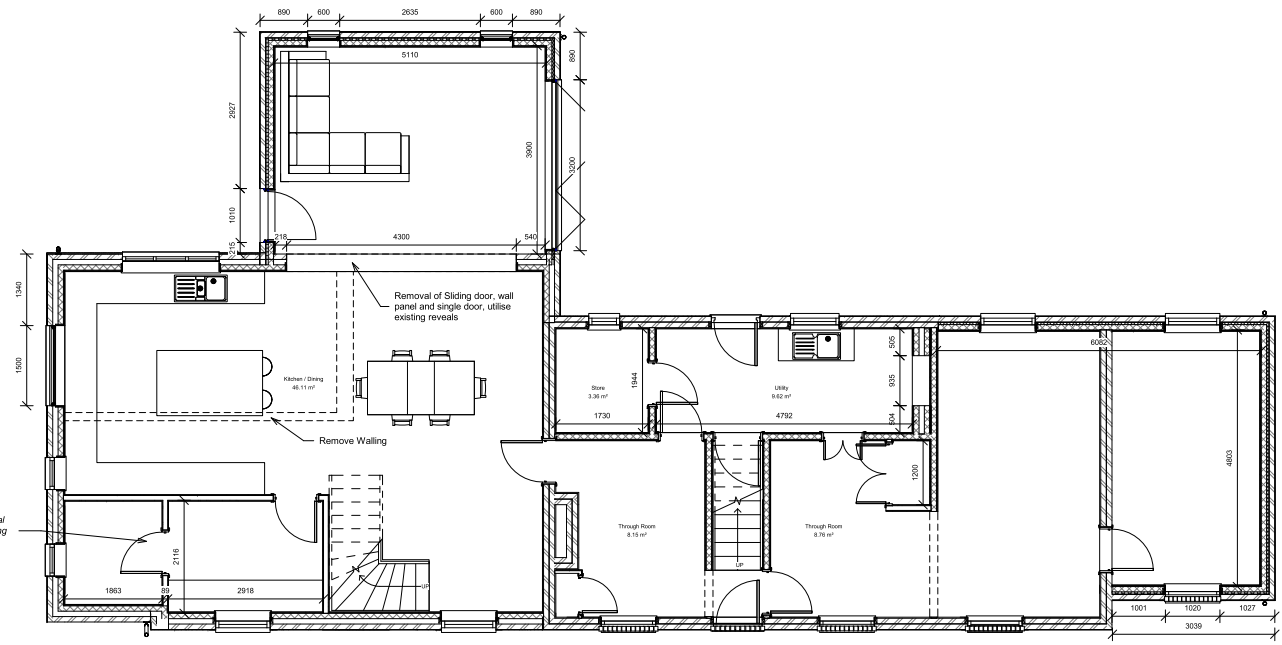
PROJECT NO.
 2072

REV
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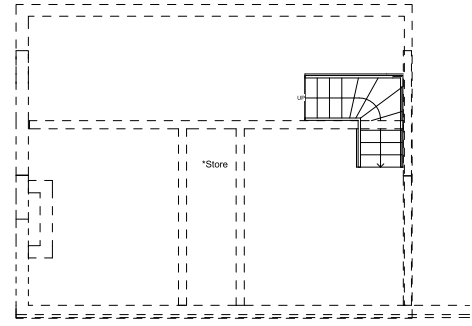
ORIGINATOR
 JH

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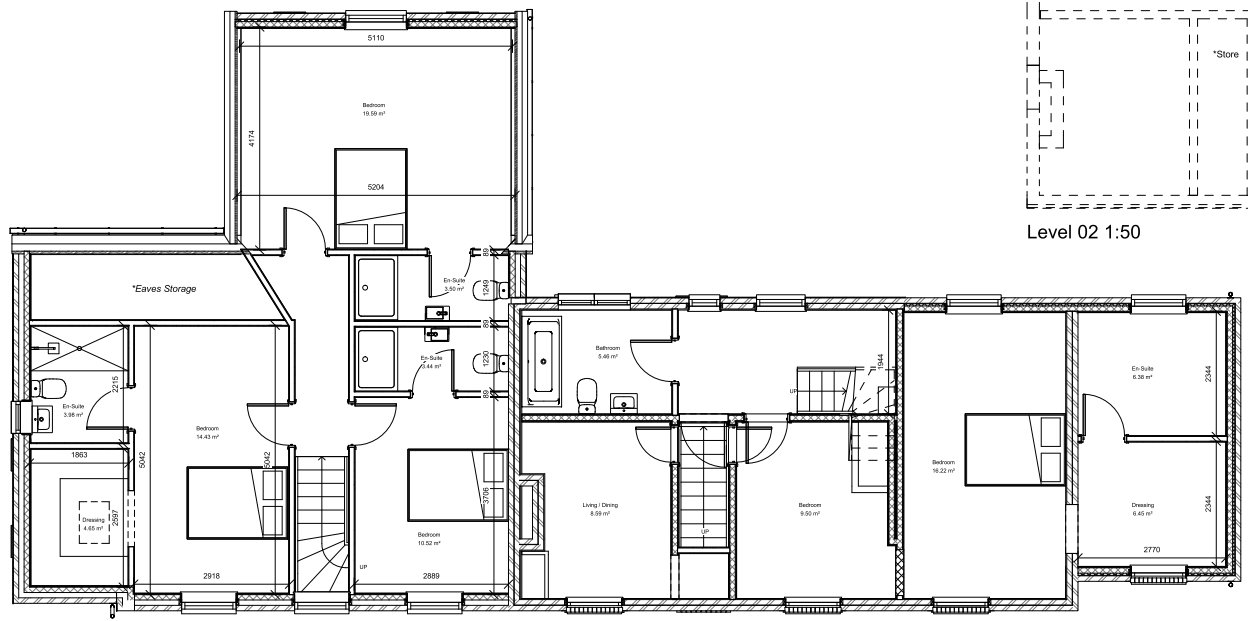
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Ground Floor 1:50



Level 02 1:50



Level 01 1:50

PA/2022/1021 Proposed floor plans (not to scale)

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APPLICATION NO	PA/2022/1278
APPLICANT	Ms Robinson
DEVELOPMENT	Listed building consent for renovations and the erection of two-storey extensions to the rear and sides of the dwelling
LOCATION	14 Greenhill Road, Haxey, DN9 2JE
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant consent subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework:

Section 12: Achieving well-designed places

Section 16: Conserving and enhancing the historic environment

Planning (Listed Building and Conservation Area Act) 1990:

Section 16 (Decision on application)

North Lincolnshire Local Plan:

Policy DS1: General Requirements

Policy HE2: Development in Conservation Areas

Policy HE5: Development affecting Listed Buildings

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering More Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS6: Historic Environment

Supplementary guidance

SPG1: Design Guidance for House Extensions

CONSULTATIONS

Ecology: No adverse comments – there is no evidence of bat roosts at the site.

Historic England: No comments to make.

Conservation: No objection subject to conditions – the proposal has been amended in line with the advice provided to better respect and complement the character of the listed building.

Highways: No comments or objections to make.

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

PARISH COUNCIL

Following the submission of additional information to address the parish council's initial comments, the council maintains its objection for the following reasons:

- low-cost materials
- small plot size
- parking and access
- public safety from the road
- use of modern cladding
- sub-division of the original plot.

PUBLICITY

Advertised by site and press notice. No comments have been received.

ASSESSMENT

Constraints

Listed buildings

Development boundary

SFRA Flood Zone 1

Planning history

PA/2022/1021: Planning permission for renovations and the erection of two-storey extensions to the rear and sides of the dwelling – pending

PA/2022/1374: Planning permission to erect two detached properties with associated private driveway to the rear of 14 Greenhill Road – pending

Site and Proposal

Listed Building consent is sought for renovations and the erection of two-storey extensions to the rear and sides of the dwelling at 14 Greenhill Road, Haxey.

The property is within the development boundary of Haxey and is a grade II listed building. It is bounded by Greenhill Road to the north, 16 Greenhill Road to the east and 10 Greenhill Road to the west. The property has an awkwardly shaped and unusually large garden area at the rear.

The existing dwelling comprises the main two-storey listed building, the 1970's single-storey extension to the listed building and the later unlisted single-storey addition to the north gable of the main listed building.

The listed building and the 1970's single-storey extension are constructed of fine yellow-brown brickwork and the roof covering is a traditional non-interlocking clay pantile. The later, unlisted, single-storey extension attached to the north elevation of the main listed building is constructed of a modern buff brick wall, with concrete roof tiles and modern windows.

Considering the main listed building, the applicant proposes to replace all the existing uPVC windows in the rear of the listed building with solid wood sash windows. Further, the existing softwood windows in the extension would be replaced to match the windows in the listed building.

Regarding the single-storey extension to the south of the main listed building, i.e. the 1970's extension of the main listed building, the proposal seeks to increase the height from a single-storey to form a two-storey extension. The ridge level would be slightly lower than the ridge level of the main listed building. Further, the proposed works would include the installation of windows on the ground and first floors facing the rear (garden) and the front (facing the road). There would be no windows in the south elevation (gable) facing 10 Greenhill Road.

Turning to the unlisted, single-storey extension attached to the north elevation of the main listed building, this proposal seeks to increase the height to form a two-storey unit and further extend it to the rear with a two-storey extension. This extension would have windows on the gable (north elevation) facing No. 16 Greenhill Road on both the ground floor and the first floor. There would also be windows on the front (west elevation) facing the road and the rear (east elevation) facing the garden. Concerning the further two-storey extension at the rear, it would not have windows on the east elevation (rear) facing the garden. It would not have any windows on the sides, but a sliding glass door on the side (south elevation) and a standard door on the side (north elevation).

All the extensions will be rendered with a traditional lime render.

A separate application to subdivide the garden and erect two detached properties with an associated private driveway to the rear has been submitted and is currently pending (PA/2022/1374). The assessment of PA/2022/1374 would consider whether there would be sufficient amenity areas for the enjoyment of the occupants of this site. As it stands, the subdivision of this site does not form part of the assessment of this proposal.

The key issues to be considered in determining this application are:

- **the principle of development; and**
- **whether the proposed renovations and the erection of two-storey extensions to the rear and sides of the dwelling would harm the historic designation of the listed building.**

Principle of development

Chapter 16, Conserving and enhancing the historic environment, under section 206, requires local planning authorities to 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 National Planning Policy Framework (NPPF) guides local authorities in conserving heritage assets and their settings, which include historic areas and landscapes (Annex 2: Glossary; Heritage asset). Paragraph 8 refers to the role of the planning system to contribute to achieving sustainable development under three overarching objectives; the environmental objective encompasses protecting and enhancing the historic environment. Paragraph 184 describes heritage assets as 'an irreplaceable resource to be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.'

When considering proposals for listed building consent regard should be made to Section 16 of the Planning (Listed Building and Conservation Area Act) 1990 which states, 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

Section 66 of the Planning (Listed Buildings & Conservation Areas Act) 1990 imposes a 'General duty as respects listed buildings in the exercise of planning functions.' Subsection (1) provides that in considering whether to grant planning permission for development which affects a listed building, or its setting, the local planning authority or the Secretary of State shall have a special regard for the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Policy HE5 (Development affecting Listed Buildings) requires the council to seek to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. When applications for planning permission relating to a listed building or listed building consent are being assessed, the primary consideration will be the need to preserve or enhance the fabric and character of the building. Permission or consent will not be granted unless it has been demonstrated that the proposed works would secure this

objective. Further, the council will encourage the retention and restoration of the historic setting of listed buildings. Proposals that damage the setting of a listed building will be resisted. Whenever appropriate, proposals which would entail the loss of historic fabric from a listed building will be conditional upon a programme of a recording being agreed upon and implemented.

Policy CS6 (Historic Environment) aims to ensure that North Lincolnshire's important sites and areas of historic and built heritage value are protected, conserved and enhanced so that they continue to make an important contribution to the area's scene and the quality of life for local people.

The Listed Buildings and Conservation Areas Act 1990 under 'Restriction on works affecting listed buildings' indicates that subject to the Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.

In line with the above, the NPPF and Listed Buildings and Conservation Areas Act 1990 do not presume against works to a listed building. Consequently, the proposed renovations and erection of two-storey extensions to the rear and sides of the dwelling are acceptable in principle.

The development plan for North Lincolnshire supports renovations and extensions to listed buildings subject to compliance with the set criteria outlined in policies HE5 of the local plan and CS6 of the Core Strategy.

Overall, renovations and extensions to the listed building are supported by the council, where the development is sympathetic in terms of design and use of materials, and where the works do not harm the character and appearance of the listed building.

Therefore, subject to these considerations, the principle of development is acceptable.

Impact on the character and appearance of the listed building

Regarding the quality of design, 14 Greenhill Road is a grade II listed 'House. Mid-late C18 with later C18-early C19 addition to right. Yellow-brown brick, in contrasting Flemish bond to original section; rendered to lower section of the front, and right gable end. It has a modern 1970s extension to the left of no historic interest and a two-storey 19th century period extension to the right with a small single-storey extension.'

Concerns were raised over this application about the cladding on the proposed extension and the demolition of the 19th-century addition to the right.

The applicant has provided an additional structural report which states that the 19th-century extension to the right of the listed building can be repaired and not demolished. The extension is an important part of the character of the building and its retention is welcomed.

The modern timber cladding has been removed. The supporting document states that the two side extensions are to be faced in a lime render which is acceptable as it has a traditional appearance suitable for the listed building. This is not shown on the amended drawings but can be secured by condition. This finish will also enable the original building to be identified as the early historic part of the building.

Concerns were expressed by the conservation officer over the fact that the roof structures were to be replaced fully. The applicant employed a timber specialist, J.H. Rees and Son, who state that the roof can be retained and repaired. The old roof timbers are seen as architectural features worthy of retention. This approach is welcomed and its repair to this specification can be secured by condition.

There was an objection to the use of solar panels on the roof. These will be seen as a modern discordant element on the building that detracts from its character. These have been removed from the application.

An additional positive aspect of the proposal is that the building is reroofed in a traditional non-interlocking clay pantile. The applicant has addressed the issues raised regarding the refurbishment of the listed building.

Turning to the alterations and extensions, there have been minimal alterations to the original listed building which is a positive aspect of the proposal. Regarding the remodelling of the 1970's extension to the left, the cladding has been removed and replaced with render which is an improvement.

Whilst it is larger in appearance, it is considered an improvement to the existing extension which has a modern buff brick, concrete roof tiles and modern windows. The new extension will have a lime render finish, traditional timber sliding sash windows and a red clay pantile roof.

The conservation officer has no objection to the new right-hand side extension since this will help stabilise the building. It is also stepped back showing the line of the original building. It is finished with a lime render and has a clay pantile roof and timber sash windows.

Currently, the rear of the listed building has been poorly altered with modern and uPVC windows. These are being replaced with timber sash windows which will be more complementary to the character of the listed building.

The amended scheme retains the period extension and the roof of the structure, omits the proposed solar panels and modern cladding, replaces it with render, removes the uPVC windows, and replaces them with timber sash windows concrete tiles with traditional non-interlocking red clay pantiles. Whilst there are impacts, the heritage gains described above and the long-term conservation of the listed building mean that the application can be supported.

Considering the poor state of the listed building, a refurbishment programme must start soon.

Overall, the conservation officer has no objection to the application subject to appropriate conditions.

Parish council objection

The parish council's concerns regarding the proposed materials have been addressed in this report.

With regard to concerns about plot sizes, parking provision, access and public safety from the road, this is a listed building consent application, and these matters are assessed under the tandem application for full planning permission.

Conclusion

In conclusion, the principle of the development is acceptable, and it is considered that the proposal would not have a significant adverse impact on the character of the listed building which would warrant refusal.

The proposal complies with the relevant policies of the local development plan and the NPPF.

RECOMMENDATION Grant consent subject to the following conditions:

1.

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

Reason

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

2.

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

The development hereby permitted shall be carried out by the following approved plans:

- Proposed Elevations Dwg. No. PA – 105 – A – C – GA – PE Rev C
- Proposed Floor Plans Dwg. No. PA – 104 – A – B – GA – PP Rev B
- Proposed Location Plan Dwg. No. PA – 101 – A - PR – SLP Rev. A
- Existing Site Location Plan Dwg. No. PA – 100 – A – EX – SLP Rev. A
- Existing Floor Plans Dwg. No. PA – 102 – A – 0 – GA – EP
- Existing Elevations Dwg. No. PA – 103 – A – 0 – GA – EE.

Reason

To ensure that the development is carried out in accordance with the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990) or any amending legislation.

3.

The listed building shall be repaired in accordance with the recommendations included in the Paul Carter Designs Limited Consulting Structural Engineers' structural report dated August 2022.

Reason

To retain the character of the listed building in accordance with policy HE5 of the North Lincolnshire Local Plan.

4.

The approved roof structure of the listed building shall be repaired in accordance with the recommendations in the structural report J. H. Rees & Son on 23rd August 2022.

Reason

To retain the character of the listed building in accordance with policy HE5 of the North Lincolnshire Local Plan.

5.

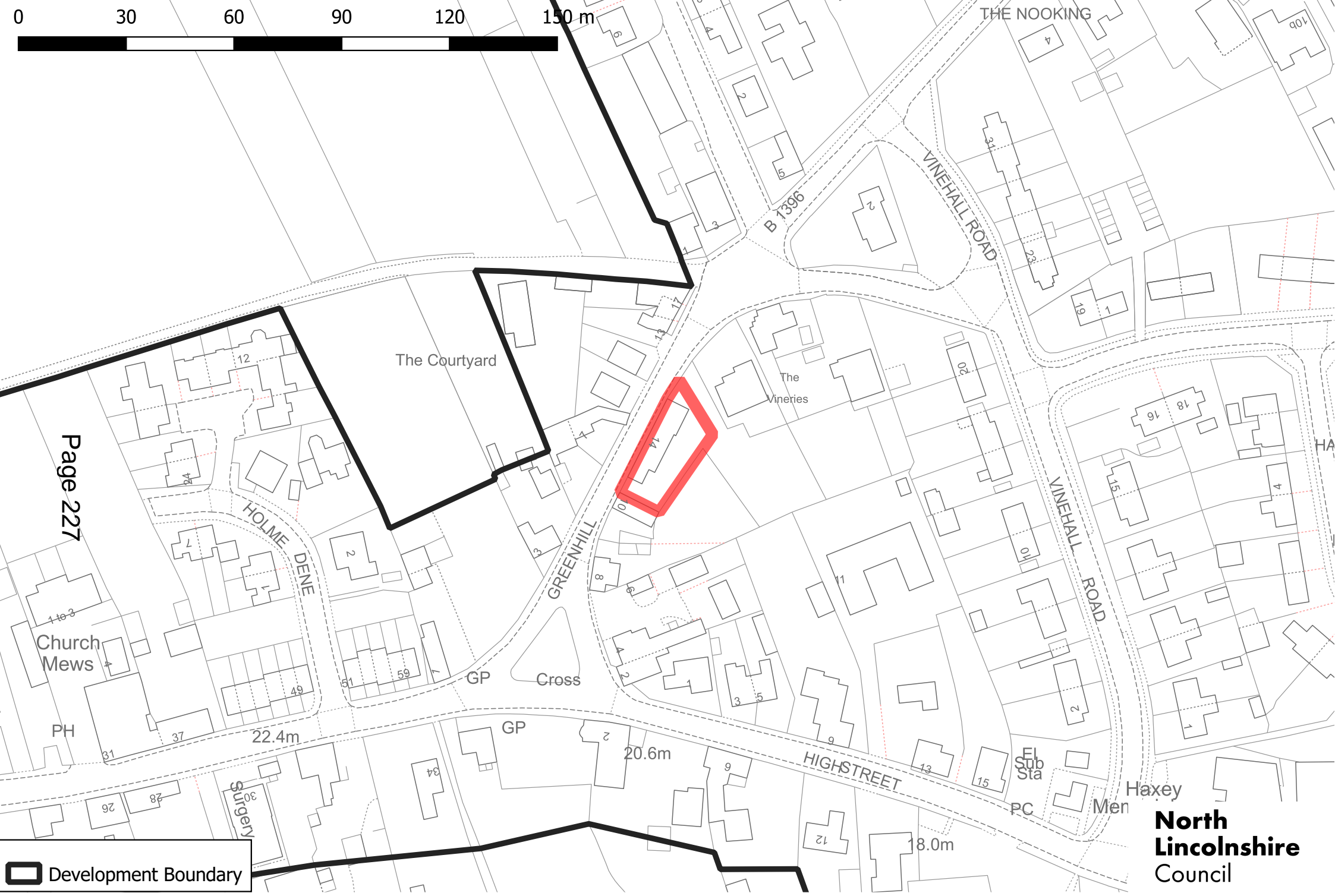
No development shall take place until a full schedule of all external facing materials has been submitted to and approved in writing by the local planning authority to include all bricks, joinery products, roof coverings, rainwater goods and external finishes, and scale drawings of the proposed windows and doors with material specification. Only the approved materials shall be used.

Reason

To retain the character of the listed building in accordance with Section 66 of the Planning (Listed Buildings & Conservation Areas Act 1990) and policy HE5 of the North Lincolnshire Local Plan.

Informative

In determining this application, the council, as a 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.



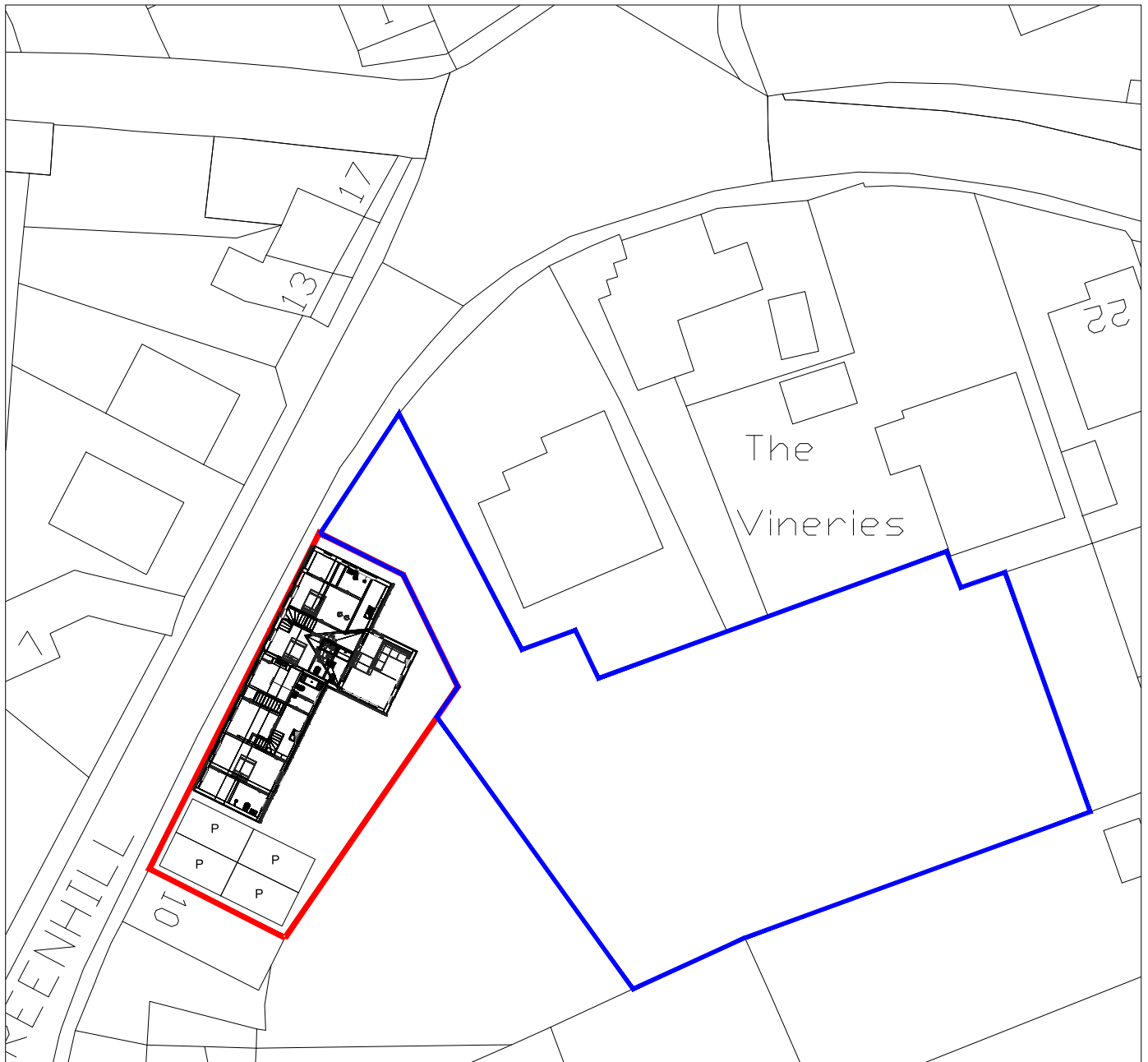
Page 227

Development Boundary

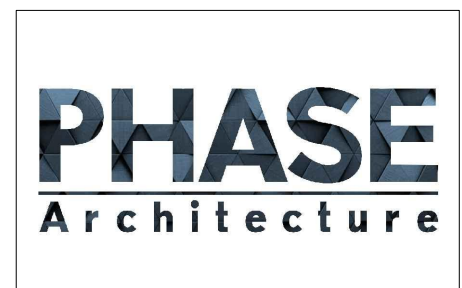
PA/2022/1278

North Lincolnshire Council

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REV:	DESCRIPTION:	BY:	DATE:
STATUS:		Approval	



CLIENT:			
Ms Robinson			
SITE:			
14 Greenhills Road, Haxey			
TITLE:			
Proposed Location Plan			
SCALE AT A4:	DATE:	DRAWN:	CHECKED:
1:500	27/05/22	JH	XX
PROJECT NO:	DRAWING NO:	REVISION:	
2072	PA_101_0_PR_SLP	0	

PA/2022/1278 Existing elevations (not to scale)

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Ms Robinson

REV	REV DESC.	DATE



North Elevation
1:50

East Elevation
1:50

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South Elevation
1:50

West Elevation
1:50

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Architecture

PROJECT 14 Greenhills, Haxey	
DRAWING NAME Existing Elevations	
DRAWING NUMBER PA - 103 - A - 0 - GA - EE	
DATE 03/05/2022	SCALE @ A1 As indicated
PROJECT NO. 2072	REV 0
ORIGINATOR JH	CHECKED XX
	AUTHORISED XX

PA/2022/1278 Existing floor plans (not to scale)

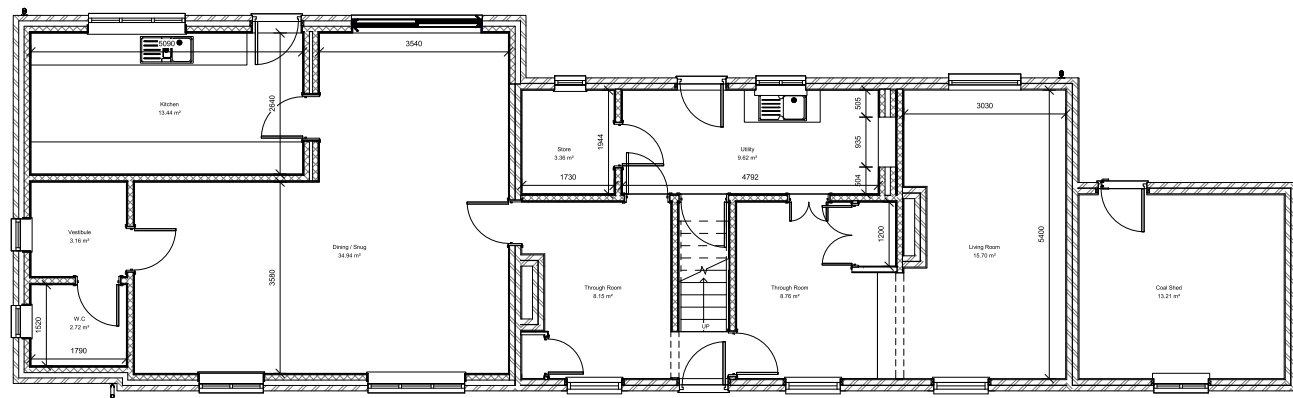
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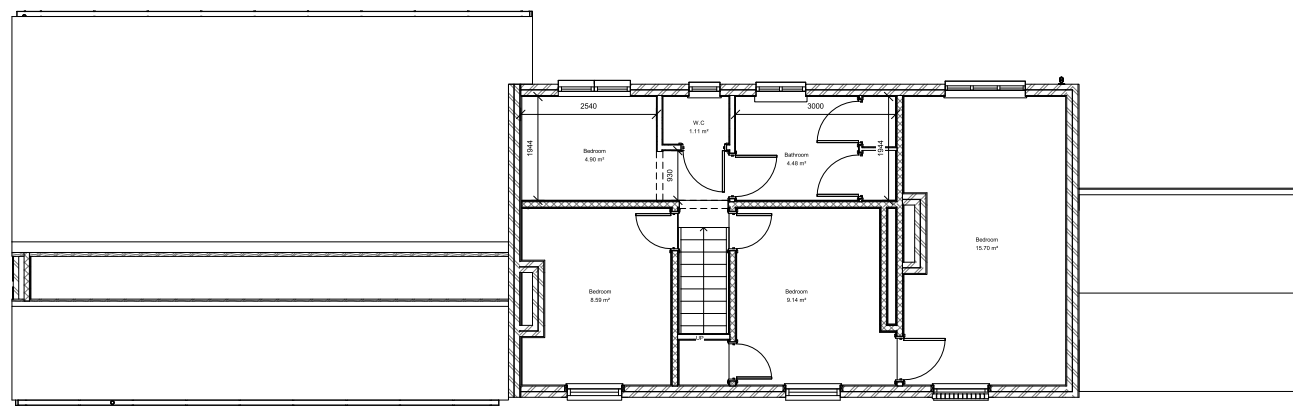
CLIENT:

Ms Robinson

REV	REV DESC.	DATE



Ground Floor 1:50



Level 01 1:50



PROJECT		14 Greenhills, Haxey	
DRAWING NAME		Existing Floor Plans	
DRAWING NUMBER		PA - 102 - A - 0 - GA - EP	
DATE	SCALE @ A1		
03/05/2022	1 : 50		
PROJECT NO.	REV		
2072	0		
ORIGINATOR	CHECKED	AUTHORISED	
JH	XX	XX	

PA/2022/1278 Proposed elevations (not to scale)

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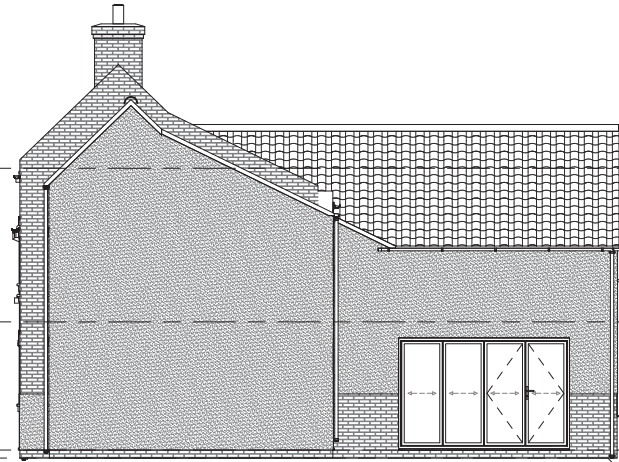
Ms Robinson



East Elevation
1: 50

Single Camber non-interlocking Clay Pantiles

Replace white casement uPVC Windows with timber Sash Windows



South Elevation
1: 50

REV	REV DESC.	DATE
00	Ground F.F.L.	0
01	Level 1 F.F.L.	2400
	Roof Eaves	5275
	Site	-150

Page 231



West Elevation
1: 50

Cream Timber Sash Windows



North Elevation
1: 50

C	Elevation Tags Amended.	17/11/2022
B	Conservation Comments Included	31/08/2022
	Extension Altered.	24/08/2022

PHASE
Architecture

PROJECT		14 Greenhills, Haxey	
DRAWING NAME		Proposed Elevations	
DRAWING NUMBER		PA - 105 - A - C - GA - PE	
DATE	SCALE @ A1		
03/05/2022	As indicated		
PROJECT NO.	REV		
2072	C		
ORIGINATOR	CHECKED	AUTHORISED	
JH	XX	XX	

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CLIENT:

Ms Robinson

REV	REV DESC.	DATE
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B	Layout Tweaked.	31/08/2022
A	Extension Altered.	24/08/2022

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PROJECT
 14 Greenhills, Haxey

DRAWING NAME
 Proposed Floor Plans

DRAWING NUMBER
 PA - 104 - A - B - GA - PP

DATE
 04/05/2022

SCALE @ A1
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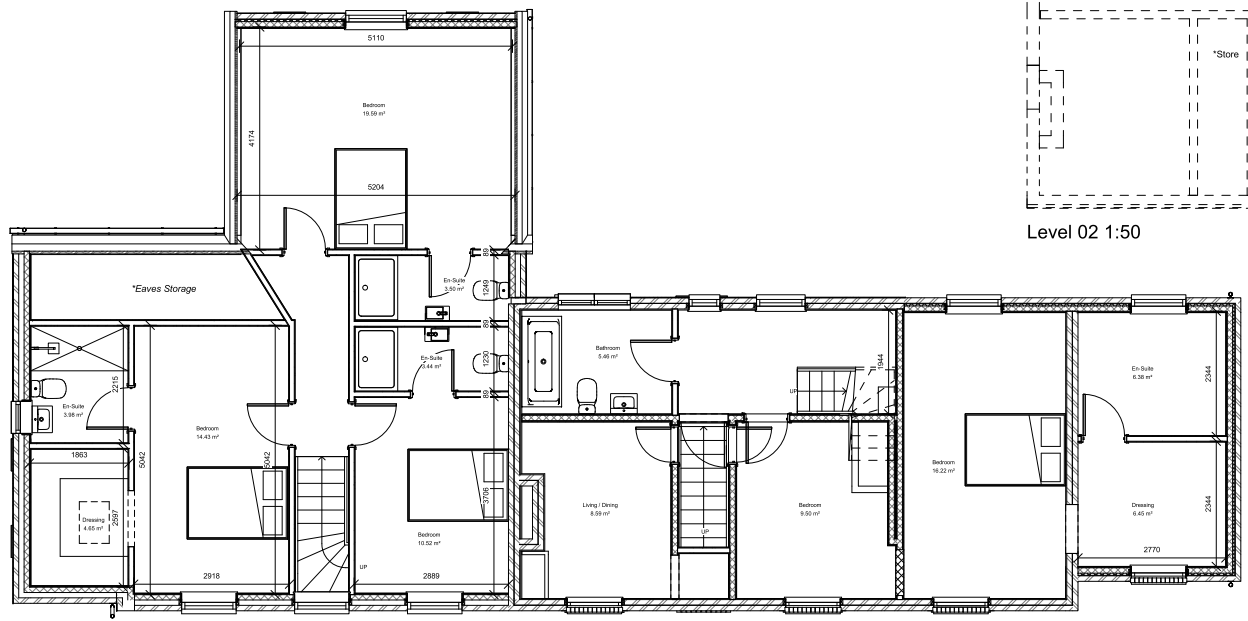
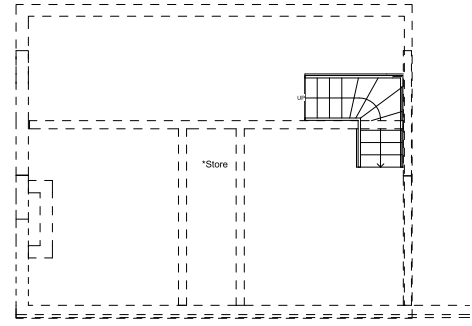
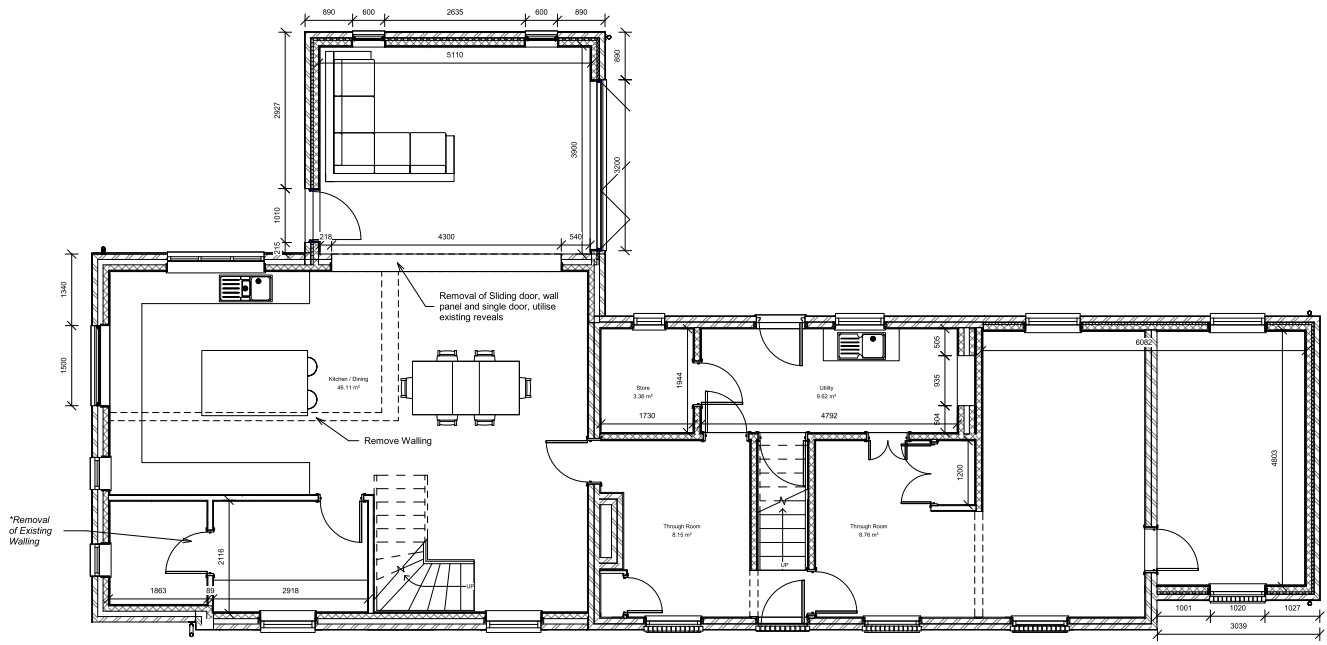
PROJECT NO.
 2072

REV
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ORIGINATOR
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APPLICATION NO	PA/2022/1040
APPLICANT	Mr C Lunn
DEVELOPMENT	Planning permission to erect three dwellings including access
LOCATION	Land east of 26 Meredyke Road, Luddington, DN17 4RD
PARISH	Luddington and Haldenby
WARD	Axholme North
CASE OFFICER	Alan Redmond
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Luddington and Haldenby Parish Council

POLICIES

National Planning Policy Framework:

Paragraph 2 – Achieving sustainable development

Paragraph 4 – Decision-making

Paragraph 5 – Delivering a sufficient supply of homes

Paragraph 12 – Achieving well-designed places

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

Paragraph 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 DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy T19 Car Parking Provision

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 CS25 (Promoting Sustainable Transport)

Housing and Employment Land Allocations Development Plan Document

CONSULTATIONS

Highways: No objections subject to conditions.

LLFA Drainage: No objections subject to conditions to mitigate surface water.

HER (Archaeology): No objections.

Isle of Axholme & North Nottinghamshire Water Level Management Board: No objections.

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

Ecology: No objections – recommends bird boxes.

Environment Agency: Following the submission of an appropriate flood risk assessment, no objections subject to conditions.

PARISH COUNCIL

Welcomes the attempt to move the house on plot 1 further from existing properties but feels that this is still not enough – the property proposed for plot 1 represents a substantial negative impact on residents in the existing properties at 30 and 32 Meredyke Road. There is nowhere on this plot that a house can be constructed without taking light and privacy from those existing properties. Also notes that changes to the layout of this plot mean that the house now is planned to have a double garage. For clarity in this suggestion: garage 1 is next to plot 3 and garage 2 is next to the house on plot 1. If this reverted to a single garage with the removal of garage 2 and the house further moved into that space, towards plot 3, this could go a long way to removing some objections.

The sycamore trees along the boundary which are to be retained offer a welcome screen, particularly for number 32 but even this is not without issue. The bases of these trees are within plot 1 but any further growth would rob the existing houses of light and autumnal leaf fall would create issues with blocked gutters and an increase in effort to clear the gardens each year. The trees have been hard pruned at the expense of the residents of numbers 30 and 32 despite being on land owned by another party who, we understand, simply abdicated any responsibility. We feel that the trees should be retained but that there should

be an obligation, a covenant, that these trees be maintained at their current height by future owners.

Given the size of plot 1 seeks assurances that no further development will be permitted behind 30 and 32 Meredyke Road.

In the event of planning being granted would also like to see the following at the expense of developers:

- a fenced path, 1.5 metres in width, alongside number 30 from Meredyke Road to the small garden extension at the rear for property maintenance and access to the heating oil tank for deliveries
- subject to approval by the residents of numbers 30 and 32, replacement of the fence at the rear of the properties with a higher fence to give greater privacy, perhaps 1.8 metres.

PUBLICITY

A site notice has been displayed and one response has been received expressing concerns in relation to impacts on residential amenity through overshadowing, overlooking and loss of views.

ASSESSMENT

Planning history

PA/2003/0170: Outline planning permission to erect dwellings – approved 18/06/2003

PA/2010/0732: Application for approval of reserved matters pursuant to outline planning permission PA/2007/1455 dated 19/10/2007 to erect 3 dwellings – approved 23/09/2010

PA/2007/1455: Outline planning permission to erect 3 two-storey dwellings with access not reserved for subsequent approval – approved 19/10/2007

PA/2022/96: Planning permission to erect 3 dwellings including access – refused 25/04/2022.

Site constraints

Flood Zone 2/3a Tidal

Site characteristics

This site is an infill plot of land that formerly hosted an agricultural barn. The plot is located between 26 and 30 Meredyke Road and at present is laid to grass.

Proposal

The applicant proposes to erect 3 detached dwellings. Plots 2 and 3 have detached garages and separate access with turning heads leading to the dwellings. Plot 1 is set back behind number 30 and is a large, detached dwelling with integrated side garage.

The following considerations are relevant to this proposal:

- **principle of development**
- **flooding, sequential and exceptions test, and drainage**
- **character and appearance**
- **residential amenity**
- **highway safety**
- **land contamination.**

Principle of development

Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

Policy CS1 of the Core Strategy sets out a spatial strategy for North Lincolnshire, which, amongst other matters, states that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. With regard to rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

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 within the settlement limits for Luddington which is identified as a rural settlement by the Core Strategy.

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is entirely within the settlement limits of Luddington and is therefore considered to be in accordance with policies CS2, CS3 and CS8 of the Core Strategy and H5 and DS1 of the local plan, and is considered acceptable in principle.

Flood risk, sequential and exceptions test, and drainage

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. Development in areas of high flood risk will only be permitted where it meets the following prerequisites:

It can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk.

The development should be on previously used land. If not, there must be no reasonable alternative developable sites on previously developed land.

A flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere, by integrating water management methods into the development.

The site is within Flood Zone 2/3a of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for 'more vulnerable' development and there is a requirement for the sequential and exceptions tests to be applied and passed for the proposed dwellings. A revised flood risk assessment (FRA) has been submitted with the application.

Sequential test

The applicant has submitted a flood risk assessment, sequential test and exceptions test. The entire settlement of Luddington is at the same level of flood risk: there are no sites available which could reasonably accommodate the development and are at a lower risk of flooding (i.e. Flood Zone 1). It is considered that the rural settlement, given its score in the sustainability table, is an agreeable area for geographical search. It is therefore considered that the sequential test is passed in this case.

Exceptions test and FRA

The exceptions test is in two parts: it requires the proposed development to 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 reduce flood risk overall.

The applicant has provided additional information in support of the application that 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 and will support local businesses and services. The use of building regulations compliant fabrics also underlines how the development attempts to mitigate itself from climate change.

The flood risk assessment states that site levels would be the same as Meredyke Road (3.5m AOD) and finished floor levels would need to be no more than 600mm above existing ground level.

The application has been assessed by the Environment Agency and no objections have been raised subject to conditions to ensure the properties are adequately protected from flood risk. Conditions are recommended accordingly.

The LLFA has no objections subject to conditions. The proposal is therefore considered to provide wider sustainability benefits which outweigh flood risk. Subsequently, the exception test is passed in this case and the proposal is considered to comply with policies DS16 of the North Lincolnshire Local Plan and CS19 of the Core Strategy, and the National Planning Policy Framework in terms of flood risk.

Character and appearance

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

Policies H5 (new housing development) and LC7 (landscape protection) of the local plan, and paragraph 130 of the NPPF, are also considered relevant.

The applicant proposes 3 detached dwellings. Those on plots 2 and 3 mirror one another although they are handed differently. These dwellings would reinforce the active frontage of the street. The dwelling on plot 1 is set further back, behind an existing dwelling (30 Meredyke Road). It is orientated so that its principal elevations face east and west, is L-shaped and has a central gable feature with a central access and attached garage. There is a broad housing mix in the area with no discernible building line and therefore the proposal would not be out of character.

There are a number of semi-mature trees which are proposed to be retained as part of the development. These are sited along the south-western boundary where there is also a retained hedgerow. Along the shared boundary with number 30 there are further trees which are to be retained.

To the frontage of the development it is proposed to erect a post-and-rail fence with a hedgerow. It is considered that this will enhance the street scene and respect the semi-rural character of the area. It is considered that the retained and proposed landscaping features will help assimilate the proposed development within the street scene.

It is considered that the proposed scheme will not have any adverse impact upon the visual amenity of the street scene and 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

Policy DS1 of the North Lincolnshire Local Plan is concerned in part with residential amenity. It states that planning applications for residential dwellings should not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings. Policy CS5 of the Core Strategy is also relevant.

The previous refusal, under planning reference PA/2022/96, was due principally to the positioning of plot 1 which was considered to have an adverse impact through overshadowing of existing properties and a poor outlook from the proposed dwelling. Plot 1 has been repositioned within the plot to address these previous concerns.

The dwellings on plots 2 and 3 have a sufficient separation distance from one another and from all existing properties so as not to give rise to unacceptable overshadowing or overbearing impacts.

Concern has been raised with regard to the dwelling on plot 1 and its possible impacts upon 30 Meredyke Road, which is positioned in the south-west corner of its plot with its principal elevations facing east and north. To the south it has a blank gable elevation.

The dwelling on plot 1 is orientated with its principal elevations facing east and west and therefore it is considered that the proposal will not result in any loss of privacy to existing occupiers.

Plot 1 is south of number 30 and there is therefore potential to cause some loss of direct sunlight, especially during winter months when the sun is lower. On balance, given the separation distances and orientation of the properties, it is considered that any loss of light would not be so significant as to cause a detriment to the overall amenity of number 30. It is considered reasonable to remove permitted development rights from plot 1 so that the relationship can be controlled in the future.

With regard to amenity space, all dwellings have a significant and acceptable amount of outdoor space allocated to them.

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

The proposal is therefore in accordance with policies DS1 of the local plan and CS5 of the Core Strategy.

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.

The proposal would allow for individual access and egress for each plot with ample off-street parking provision. The highways team have no objections to the proposal subject to conditions.

The proposal is therefore in accordance with policies T2 and T19 of the local plan.

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 council's Environmental Protection Officer has recommended a phase 1 site investigation be submitted to and agreed with the local planning authority, including remediation and verification reports, the remediation strategy being prior to works commencing. Given the aforementioned mitigation, the proposed development is considered to accord with policy DS7 of the North Lincolnshire Local Plan.

Other matters

The parish council has requested a footpath be provided to enable 30 Meredyke Road to access its garden. There is no planning justification for such a request and to require this of the applicant would be outside of the remit of planning and ultimately ultra-vires.

The council's ecologist has no concerns with the proposal, but has recommended bird boxes be provided. An informative is recommended accordingly.

Conclusion

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

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

Pre-commencement conditions

The recommended 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 documents and plans:

- Application Form
- Flood Risk Assessment reference 3659, dated October 2022, compiled by J Roberts Design Ltd
- Site Location plan
- Site Block Plan
- Proposed Elevations and Floor Plans Drawing Number 21055-001 Rev 'C'.

Reason

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

3.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof, without the prior written approval of the local planning authority.

Reason

In the interest of amenity in accordance with saved policy DS1 of the North Lincolnshire Local Plan.

4.

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

Reason

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

5.

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

Reason

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

6.

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.

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 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.

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.

The development shall be carried out in accordance with the submitted Flood Risk Assessment (reference 3659, dated October 2022, compiled by J Roberts Design Ltd) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 3.5 metres above Ordnance Datum (AOD)
- Finished floor levels shall be set at least 600 millimetres above existing ground levels
- Resilience and resistance measures (such as those set out in section 6 of the FRA) shall be used to ensure the building is flood resilient to at least 4.1 metres AOD.

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

Reason

To reduce the risk of flooding to the proposed development and future occupants, in accordance with policy CS19 of the North Lincolnshire Core Strategy.

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 shall take place above DPC level 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.

Informative 1

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. This is a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>. To get help during a flood, visit <https://www.gov.uk/help-during-flood>. For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

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.

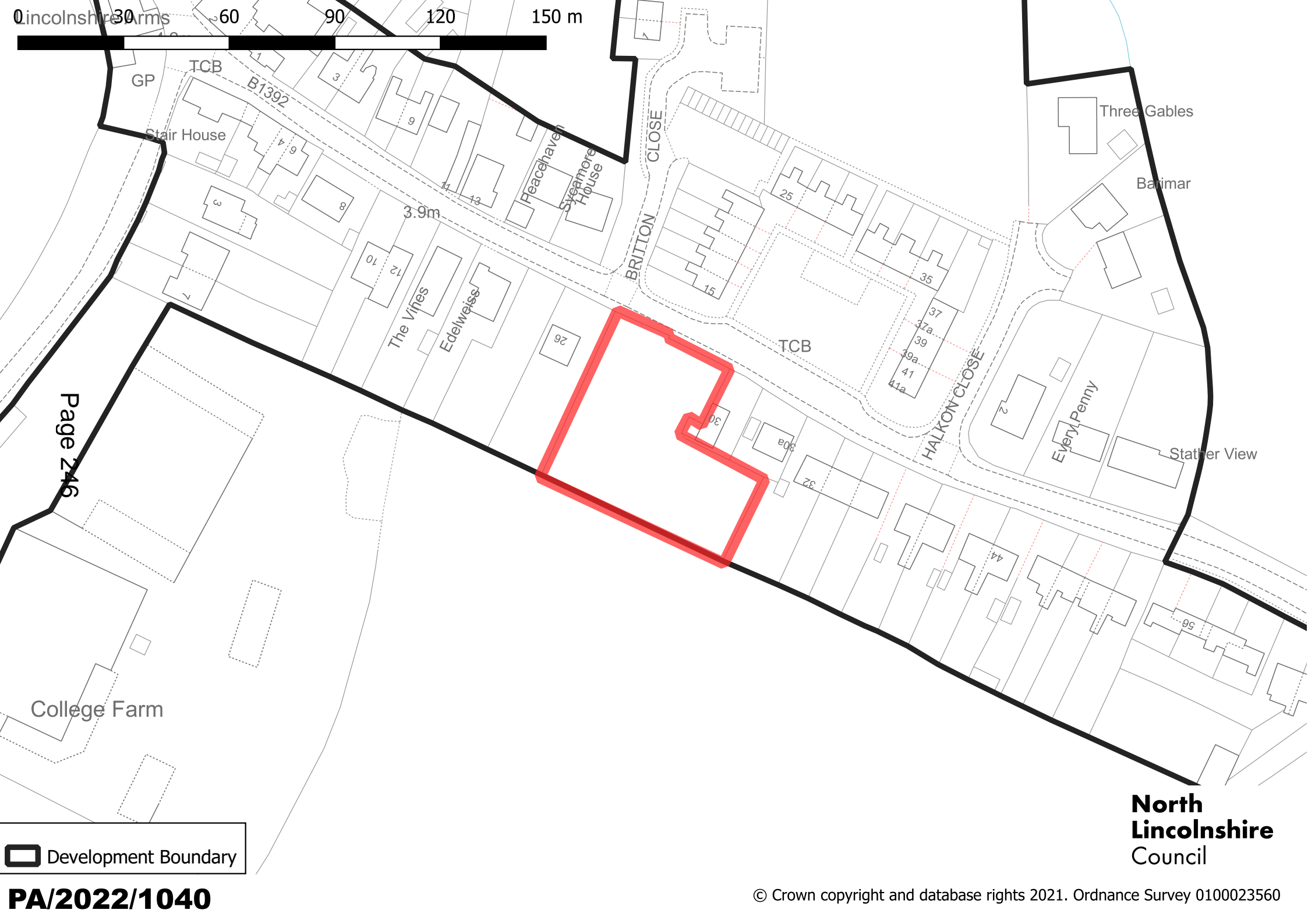
Informative 3

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

The applicant is encouraged to install bird and bat boxes within the development. Advice should be sought from a suitably qualified ecologist to understand the most appropriate installation.

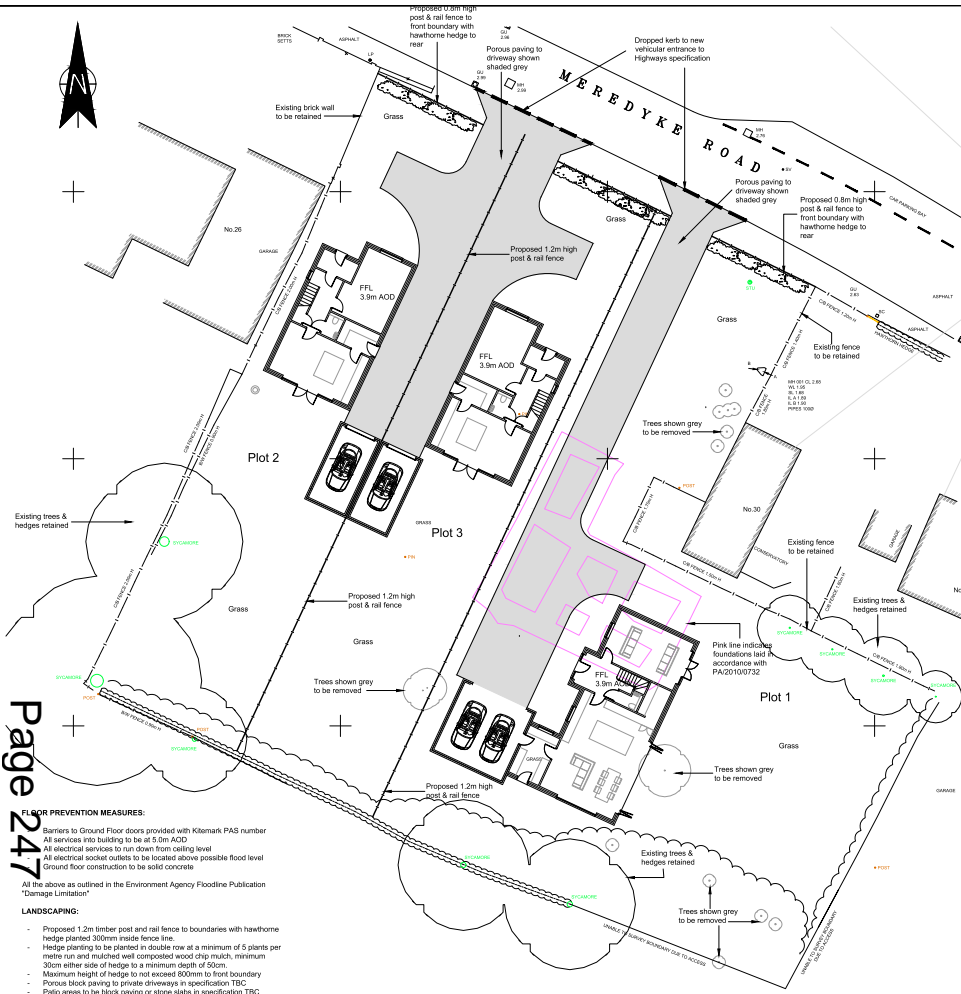


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 Development Boundary

PA/2022/1040

**North
Lincolnshire
Council**



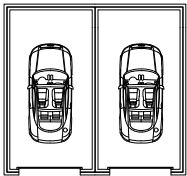
Page 247

FLOOR PREVENTION MEASURES:

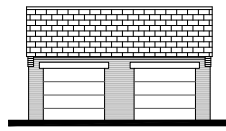
- Barriers to Ground Floor doors provided with Kitemark PAS number
 - All services into building to be at 5.0m AOD
 - All electrical services to run down from ceiling level
 - All electrical socket outlets to be located above possible flood level
 - Ground floor construction to be solid concrete
- All the above as outlined in the Environment Agency Floodline Publication "Damage Limitation"

LANDSCAPING:

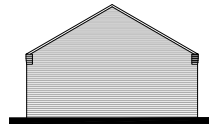
- Proposed 1.2m timber post and rail fence to boundaries with hawthorn hedge planted 300mm inside fence line.
- Hedge planting to be planted in double row at a minimum of 5 plants per metre run and mulched with composted wood chip mulch, minimum 30mm either side of hedge to a minimum depth of 50mm.
- Maximum height of hedge to not exceed 1000mm to front boundary
- Porous block paving to private driveways in specification TBC
- Patio areas to be block paving or stone slabs in specification TBC



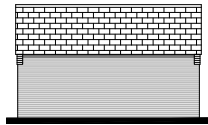
Garage Plan - Plot 2 & 3



Front Elevation - Garages



Side Elevation - Garages



Front Elevation - Garages



Side Elevation - Plot 2 (Plot 3 same but handed)



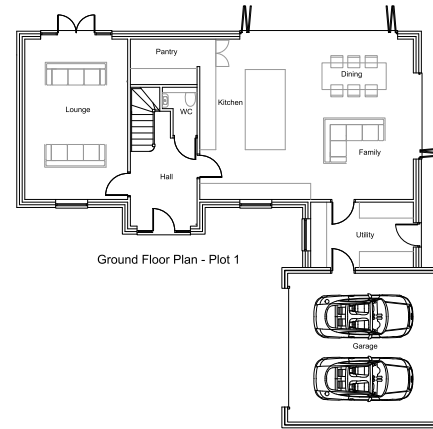
Side Elevation - Plot 2 (Plot 3 same but handed)



Front Elevation - Plot 2 (Plot 3 same but handed)



Rear Elevation - Plot 2 (Plot 3 same but handed)



Ground Floor Plan - Plot 1



Front Elevation - Plot 1



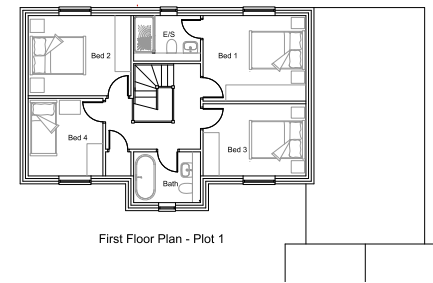
Side Elevation - Plot 1



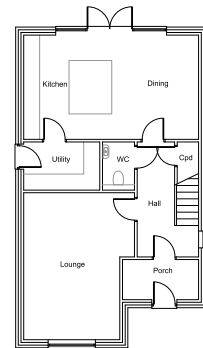
Side Elevation - Plot 1



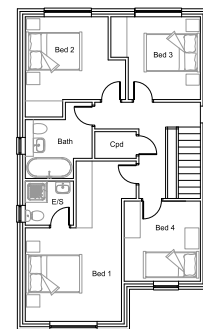
Rear Elevation - Plot 1



First Floor Plan - Plot 1



Ground Floor Plan - Plot 2 (Plot 3 same but handed)

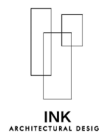


First Floor Plan - Plot 2 (Plot 3 same but handed)

Project:	Residential Development East of 26 Meredyke Rd Luddington	
The Client:	Mr C Lunn	
Drawing Title:	Concept Site Layout Plan	
Drawing No / Rev:	21055-001	REV C
Drawing Scale & Date:	1:100 & 1:200	Nov 2021

John Mason
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Doncaster
DN9 3RF



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APPLICATION NO	PA/2022/1101
APPLICANT	Mr Paul Jones
DEVELOPMENT	Outline planning permission to erect 5 dwellings
LOCATION	land north of 53 Brethergate, Westwoodside, DN9 2PF
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr David Rose – significant public interest)

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment.

North Lincolnshire Local Plan:

RD2: Development within the Open Countryside

H5: New Housing Development (Part Saved)

H7: Backland and Tandem Development

H8: Housing Design and Housing Mix

DS1: General Requirements

DS3: Planning Out Crime

DS14: Foul Sewage and Surface Water Drainage

DS16: Flood Risk

T1: Location of Development

T2: Access to Development

T19: Car parking Provision and Standards

LC5: Species Protection

LC7: Landscape Protection

LC12: Protection of Trees, Woodland and Hedgerows

LC14: Area of Special Historical Landscape Interest.

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 Policy CS25: Promoting Sustainable Transport

Housing and Employment Land Allocations DPD (2016):

The main part of the site lies outside the development limits of Westwoodside, within the open countryside and an area of historic Landscape (LC14). The main access road is within the development limits as shown on the Proposals Map.

Supplementary Planning Guidance:

Countryside Design Summary,

Landscape Character Assessment and Guidelines,

Trees and Development

North Lincolnshire Settlement Survey 2019

CONSULTATIONS

The planning application went through two rounds of consultation. The first consultation related to the initial submission. A second round of consultation was undertaken to address proposals for a reduced level of housing on the site taking the proposal from nine to five dwellings.

Highways: Highways have assessed both the initial scheme for 9 units and the revised scheme for 5 units. The highways team met with the case officer and the applicant on site to assess the access into the site. No objection subject to conditions.

Spatial Planning: The team assessed and provided comment in relation to the initial scheme. No further comments have been provided. The comments remain relevant. This proposal for residential development is in the open countryside, an Area of Special Historic Landscape Interest and contrary to the council's adopted development plans.

Neighbourhood Services: A remnant of a once longer footpath (Public Footpath 101) crosses the end of Westland Road, and therefore adjoins the outer boundary of the proposed property in the north-west corner of the site. However, it appears that this should have no practical bearing on the development, should it go ahead.

LLFA Drainage: Object. The development falls within our lower threshold assessment levels (5–9 properties) and proposes SuDS but provides no information to support the proposals. There would seem to be no feasible surface water drainage outfall within the vicinity of the development.

The applicant has failed to provide a flood risk assessment and principle drainage strategy.

Severn Trent Water: Recommend conditions relating to drainage plans for the disposal of surface water and foul sewage, and an informative in relation to public sewers.

Isle of Axholme & North Nottinghamshire Water Level Management Board: The site is within the Water Level Management Board's district but there are no Board-maintained watercourses in close proximity to the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. The suitability of soakaways as a means of surface water disposal should be ascertained prior to planning permission being granted.

Environmental Protection: The proposed residential development is a sensitive end use. Mapping suggests that the majority of the site is covered by made ground as well as several former buildings within the site boundary. There is, therefore, the potential for contaminants to be present on site such as PAHs, heavy metals and asbestos which are harmful to human health. A condition is recommended to address the potential for contamination at the site.

The proposed development is in close proximity to residential properties. The construction phase therefore has the potential to result in disturbance from noise to local residents. A condition restricting working hours during the construction phase is recommended.

No comments are made in respect of light and air quality.

HER (Archaeology): Objects. The reduction in the number of proposed dwellings does not change the adverse effects of this development on the character, appearance and setting of the Area of Special Historic Landscape Interest of the Isle of Axholme (LC14).

This area is designated for its unique historic landscape retaining the pattern of ancient open strip fields and enclosures surrounding the villages on the Isle.

The application site is located on the edge of the Ancient Open Strip Field character area, the core historic landscape type of the Special Area.

The proposed development would be an unacceptable extension and intrusion of the built environment into the historic landscape, contributing to adverse character change and affecting the setting and legibility of the core historic landscape.

Ecology: No comments have been received in relation to ecology. All proposals are required to achieve a net gain in biodiversity.

Waste & Recycling: 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.

PARISH COUNCIL

'Objection.

The reduction in the number of dwellings is welcomed, however it does not alter our objection to development outside the development envelope and backland development which will impact on the character of the area and loss of a green space. The site is open countryside and LC14 land. There are no passing places from the highway to the houses. 51a Brethergate on one of the drawings is included as part of the proposed application and this should not be the case and should be amended.

Contrary to NPPF paragraph 70 and local plan H5(ii), H1(iii), policy CS2 and DS1. The site does not provide affordable housing.

Development will impact the character of the area which is open space and provides visual amenity to the character of the area.

Site access is restricted with poor visibility. It is close to the junction with Nethergate and Crackle Hill.

The area is subject to run off surface water and adequate plans should be provided.

No details have been provided in relation to scale and height or appearance and detail. Notwithstanding this the dwellings would be harmful to the character, appearance and setting of the immediate area.

It would impact on the LC14.

It would not provide much needed housing as it is market housing.

It does not comply with planning policy and therefore fails the test for sustainable development.

Concerns are also raised for the possible privacy issues of neighbouring properties.

The previous application (PA/2021/1188) raised considerable local reaction to this application with several residents attending the Parish Council to voice their concerns.'

PUBLICITY

A press and site notice has been displayed with regard to both the original submission and subsequent amendment.

Thirty-one responses have been received, all objecting to the proposed development. The CPRE has also written in objecting to the scheme and a petition has been submitted containing 208 signatures. The comments are summarised below:

- outside the development boundary
- the site access is narrow, restricted, unsuitable and has poor visibility
- there is evidence of numerous accidents in this area
- privacy issues of neighbouring properties
- increased noise and traffic in a rural village
- current drainage unable to cope with increased surface water run-off
- inadequate vehicle access, pedestrian safety, highway safety, traffic generation
- loss of trees/no consideration of trees
- application previously rejected
- access not wide enough
- issues of overlooking from properties
- impact on wildlife and biodiversity
- no comparison to Cackle Hill development as the site is wider to cater for vehicle access
- concerns for pedestrian safety due to increased traffic within the area
- drainage concerns/surface water – no evidence has been submitted to address this
- amenity concerns in relation to 51 Brethergate: overlooking, noise, passing vehicles and potential for disturbance, and damage from construction traffic and delivery vehicles
- backland development
- no need for this level of development in this location
- the village cannot sustain this level of development

- right of access for number 51 over the land.

One letter of support has been received:

- support housing within the local area for local people.

ASSESSMENT

Planning history

PA/2021/1188: Outline planning permission to erect 9 dwellings – withdrawn 07/12/2021.

Site designations/constraints

The site is outside the development boundary for Westwoodside within the open countryside and policy area LC14 – Area of Historic Landscape Interest.

The site is within SFRA flood zone 1.

There are no listed buildings or tree preservation orders within or in close proximity to the site.

Site

The site is outside the development boundary of the rural settlement of Westwoodside. The site comprises land to the rear (north) of 51a and 53 Brethergate and is currently used by number 53 as an extension to the owner's garden. The site includes an area of grassland, small animal enclosures (chickens), sheds and other materials. The land is also used for parking and is secured by an electric gate. The access to the land is gained directly off Brethergate and number 51a has a right of access across the land.

It is surrounded on all sides by residential development and the only access into the site is off Brethergate. The land is set back from adjacent properties and largely adjoins rear gardens.

Access to the site is between numbers 51a and 53. There is currently no well-defined roadway to the site. The first few metres of the proposed access has a hardstanding on the surface and forms part of the driveway area of number 51a. The remainder of the lane remains untreated.

The properties onto Brethergate are two-storey and mostly detached except for a pair of semi-detached, numbers 49 and 51. The plots were individually designed over the years and therefore there is a wide range of designs, appearances, detailing, materials and palettes.

Proposal

Outline planning permission is sought to erect five dwellings with all matters reserved for subsequent consideration. The applicant has clearly demonstrated that five dwellings can be accommodated on the site with adequate garden space and parking provision.

The following considerations are relevant to this proposal:

- **principle of development**

- **historic environment**
- **appearance/quality of design**
- **residential amenity**
- **highway safety**
- **environmental protection**
- **flood risk and drainage.**

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 Westwoodside. The site lies partly (access) within the settlement limits of Westwoodside as set out by the Housing and Employment Land Allocations Development Plan Document (HELADPD) where sustainable development is supported under the provisions of saved policy CS3. As the remainder (majority of land) 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 HELADPD, and the application site is located partly outside the defined development limit for Westwoodside.

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.

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:

- (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 five 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 Westwoodside 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. Concerns have been raised that the site is not sustainable; however, Westwoodside is identified as a larger rural settlement and scored 29 points in the North Lincolnshire Settlement Survey (2019) and was 25th overall out of all the settlements in North Lincolnshire on sustainability grounds. The settlement survey looks at key features which make up sustainability which are primary school, secondary school, doctor's and community facilities. Westwoodside is a larger rural settlement and has 4 of the 7 key facilities.

Environmental: The scheme seeks to bring forward a vacant site into use. The up-to-date building regulations would require sustainable building methods to be employed which would be translated through the development. Through the inclusion of conditions the proposal would result in biodiversity net gains on the site.

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 Westwoodside: 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. Part 11c of the NPPF is therefore engaged.

Historic environment

The site is within the Isle of Axholme Area of Special Historic Landscape Interest and policy LC14 of the local plan is relevant. The council's archaeologist has assessed the proposals and notes that the proposed development site is situated on the edge of the Early Enclosed Land (EEL) and the Ancient Open Strip Fields (AOSF) between Haxey and Westwoodside. The AOSF landscape east of Mill Lane retains the characteristics of this historic landscape.

The application site lies on land rising to the north and can be seen between and behind the houses fronting Brethergate on the rising ground to the rear, and behind the single-storey bungalows on Mill Lane. There are also views towards the site from within the AOSF farmland east of Mill Lane.

This application site is former farmland, now a grass field, bounded by mature hedgerows. The effects of building five substantial two-storey dwellings on this land is considered to alter the historic character of the site to that of a housing estate. Residential use is not related to the traditional use of agricultural land as part of the historic landscape.

The archaeologist is concerned that the proposed dwellings would appear high on the skyline behind and over the roadside properties, visible from a wide area of the historic landscape. In addition to the dwellings, the residential development would introduce noise, lighting and other domestic structures and features into the setting such as outbuildings, hard paving, boundary fencing, external lighting, and other permitted development.

The proposed residential development would extend the built form into the protected historic landscape. As such the archaeologist considers that the proposed development would be a visual intrusion that alters the appearance of the historic landscape and damages the legibility of the character zones at this location.

Because of this the archaeologist considers that the development would adversely affect both the existing character of the EEL and the setting of the AOSF as part of the nationally important remnant historic landscape. As such it would be an unacceptable encroachment into the Area of Special Historic Landscape.

The archaeologist recommends that the application is refused because they consider development would adversely affect the historic landscape of the Isle of Axholme, a heritage asset of national significance. The proposed dwellings are assessed to adversely affect the character, appearance and setting of the historic landscape of the Isle of Axholme, specifically the character of the Early Enclosed Land and the setting of the core historic landscape of the Ancient Open Strip Fields at Westwoodside, as well as the historic settlement form, that contribute to the character, setting and legibility of the historic landscape.

Whilst the land is bounded on all sides by residential development, land to the north, west and east is also within LC14. Whilst small in size, this land does act to provide a gap between the built form, a pattern of which is present within other parts of the rural settlement of Westwoodside.

The archaeologist considers that the proposals are contrary to local plan policies LC14, LC7, RD2 and DS1, and Core Strategy policies CS5 and CS6. They also consider that the proposal would also not be in accordance with paragraphs 197 or 206 of the National Planning Policy Framework as the proposed development would not make a positive contribution to local character and distinctiveness, and would detract from the significance of the historic landscape at this location. The archaeologist advises that the application fails the key objective of the NPPF to conserve the historic environment for this and future generations.

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 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 and requires development 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 development is to the rear of existing residential properties. 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.

The initial application sought development for nine large properties on the site. Following discussions with the case officer, the scheme was revised and reconsulted upon. The current proposal seeks to erect five detached residential dwellings. Whilst only in outline at this time the applicant has demonstrated on the site plan that five dwellings can be accommodated within the site, set well off the boundaries with the adjacent residential properties to the north, east, west and south, thus respecting the amenity of adjacent neighbours.

The main access road into the site is considered acceptable in highway terms (see Highways section of this report); however, Highways' comments do not take account of 51a or 53 Brethergate and the potential amenity issues which might arise. It is considered that the access road which will serve the site is very close to the ground and first-floor windows of 51a Brethergate. Whilst a boundary wall has been erected which provides a visual screen to the ground floor windows there would still be impacts associated with an access this close to primary habitable windows.

The five detached properties on the site are expected to each have at least two vehicles; there would then be visitors associated with each property as well as deliveries and other service vehicles. This would result in a significant increase in vehicle movements within close proximity of an existing property resulting in impacts such as noise, vibration and headlights shining into the property. It is considered that such a level of vehicle movements would result in a nuisance to existing residents at the entrance to the site.

Concerns have been raised in relation to impact on privacy and overlooking. Whilst only in outline at this stage it is considered that an appropriate design solution can be achieved, including appropriate separation distances between rear gardens and primary windows as well as additional planting and boundary treatments to ensure that their final position and design will be appropriate and protect the amenity of neighbouring properties.

Whilst it is agreed an appropriate design solution could be achieved on the wider site which would not result in significant amenity impacts, the main concern in relation to residential amenity impact is the access into the site and the level of disturbance and nuisance for residents of 51a and 53 Brethergate. It is considered that the level of nuisance would be

significant and as such the proposal would be detrimental to the residential amenity rights of adjoining neighbours contrary to policies DS5, H7 and H5.

Design/appearance

Paragraphs 124 and 130 of the NPPF express the importance of good design, high-quality buildings and improving the character and quality of an 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 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.’

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

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 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 vacant parcel of land surrounded by residential development on all sides. It is argued in historic landscape terms that the site in its current form makes a positive contribution to the historic landscape and views from the historic landscape. It is considered that the proposal would be visible from certain parts; however, this is considered to be glimpses. The development is set behind existing properties and whilst the land rises to the north so too does the development at Crackle Hill and this has been achieved and fits within the landscape.

Notwithstanding the historic environment and comments made in respect of the LC14 area, the indicative block plan suggests a design can be achieved which reflects the character of the surrounding area when looking at housing layouts, for example Crackle Hill (west) and Craycroft Road/Westland Road to the north.

Much of the surrounding land is within the LC14 area and includes existing garden space which forms the residential curtilage of existing properties and is land which could be developed at any time by people exercising their permitted development rights. Whilst development would close this gap between existing residential land uses it is considered it would be an appropriate use for the land and in pure design terms could be designed to reflect similar patterns of housing development.

Brethergate has no overall character with regard to property styles and sizes. The wider area comprises a mix of residential development made up of semi-detached and detached properties, two-storey dwellings and bungalows. The recent developments at Crackle Hill and Craycroft Road/Westland Road move away from the linear development which was once present within this area. Closing this gap would be a continuation and reflection of these more recent developments.

Accordingly, the provision of five dwellings on the site is not considered to be out of character with the area in design terms. Having reviewed the block plan, five dwellings could be achieved on the site, with further work required at the reserved matters stage to address landscape, siting, layout and design. Any scheme would need to take account of existing trees and hedgerows within the site and integrate this into the overall scheme.

In terms of access, however, the design is considered to be too close to existing properties and would result in significant harm, as discussed above (residential amenity).

A well-designed scheme on the site is not considered to raise an issue of adverse visual impact on the street scene given views into the site are limited.

Overall, it is considered that a scheme could be achieved on the site which does not harm the character and appearance of the area. Whilst there would be some views of the site from behind existing properties and it would close a gap in this location, it is not considered that these impacts would warrant a reason for refusal.

Highways

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

The indicative layout suggests the properties would be positioned addressing the surrounding residential properties and provide adequate space for off-street parking and access.

No issues have been raised by Highways in respect of the impact of the development upon highway and pedestrian safety. The department has recommended a series of planning conditions and an informative should the application be granted.

Whilst Highways have not raised any objections they do not consider the amenity impacts that such a development would result in. The access road to the site is considered to be too close to the existing neighbouring properties of 53 and 51a Brethergate. It is considered that the number of vehicles generated by the development would lead to unacceptable harm and nuisance to existing residents at the entrance to the site.

It is for these reasons the proposed development is considered to be contrary to policy T2 of the local plan.

Flood risk and drainage

Policies DS14 and DS16 of the North Lincolnshire Local Plan, CS18 and CS19 of the Core Strategy, and paragraphs 155, 157, 163 and 165 of the NPPF are considered relevant.

The site is within flood zone 1 which is at low risk of flooding. 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 comments from neighbouring properties regarding the impact the proposals would have on flood risk and drainage are noted.

The LLFA Drainage and Isle of Axholme Water Board have considered the proposals and have raised an objection due to the lack of information provided in relation to drainage at the site. Surface water run-off rates to receiving watercourses must not be increased as a result of the development. Severn Trent Water have advised a series of conditions.

The development is assessed as falling within the lower threshold assessment levels (5–9 properties) and proposes SuDS but provides no information to support the proposals. There would seem to be no feasible surface water drainage outfall in the vicinity of the development.

The applicant has failed to provide a flood risk assessment and principle drainage strategy. This should outline all sources of flooding and proposals to mitigate this, including preliminary drainage layout plans, topographical survey and outline hydraulic calculations, including an indicative discharge rate for a 1 in 100 year storm event plus climate change which should be based on current national guidance based on SuDS principles, including adoption/maintenance proposals.

The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted. Soakaways should be designed to an appropriate standard and to the satisfaction of the approving authority in conjunction with the local planning authority. If the suitability is not proven the applicant should be requested to re-submit amended proposals showing how the site is to be drained. Should this be necessary this Water Management Board would wish to be re-consulted. Where surface water is to be directed into a mains sewer system the relevant bodies must be contacted to ensure the system has sufficient capacity to accept the additional surface water. The Water Management Board also requests that the applicant identifies the receiving watercourse that the sewer discharges into and provide details on the potential effect that the proposed discharge may have on the receiving watercourse. The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and local planning authority.

Consequently, the proposal fails to comply with policy DS14 of the North Lincolnshire Local Plan, CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the NPPF.

Ecology

Comments received during the consultation period raise concerns relating to nesting birds and other wildlife on the site.

The council's ecologist has not provided any comments at this time.

It is recommended that there will be a need to secure a net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and the Small Sites Metric.

The proposals, subject to recommended conditions, are considered acceptable in ecological terms.

Trees and landscaping

Landscaping is a matter which is reserved for subsequent consideration. It is recommended that a landscaping scheme, as well as a tree survey, be provided which sets out the trees and hedgerows within the site or affected by the proposal in adjacent properties, giving details of trees and hedges to be retained, those removed and mitigation replacement planting.

It is considered that the above report should be provided prior to informing the layout of the scheme and agreed prior to development taking place.

Environmental protection

Contamination

The proposed residential development is a sensitive end use. Mapping suggests that the majority of the site is covered by made ground as well as several former buildings within the site boundary. There is, therefore, the potential for contaminants to be present on site such as PAHs, heavy metals 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.

Therefore, considering the above, it is recommended that a condition addressing contamination be attached to any permission granted.

Construction

The proposed development is in close proximity to residential properties. The construction phase therefore has the potential to result in disturbance from noise to local residents. The following condition is recommended to protect residential amenity:

'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.'

No comments were raised in relation to light and air quality.

Conclusion

The proposed development is considered acceptable in principle given the council's lack of a five-year housing land supply and a presumption in favour of sustainable development.

Insufficient information has, however, been provided to allow a robust assessment of flood risk and drainage impacts at the site and SuDs is yet to be fully explored. The development also conflicts with land which is identified as LC14 and the development would harm the historic landscape in this location.

It is also considered that the development would result in amenity issues for surrounding residential properties, particularly 51a and 53 Brethergate in terms of site access and the impacts resulting from a rise in vehicular movements in this location.

Paragraph 11d of the NPPF is engaged in both parts i and ii:

- (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;
- (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.

For the above reasons it is considered that the scheme is contrary to policies H5, H7, LC14, DS1, DS5, DS14 and T2 of the North Lincolnshire Local Plan, and CS5, CS6, CS18 and CS19 of the North Lincolnshire Core Strategy, as well as the NPPF.

RECOMMENDATION Refuse permission for the following reasons:

1.

The proposed development is accessed off Brethergate between existing properties 51a and 53 Brethergate. It is considered that the proposed access is too close to existing properties which would lead to significant amenity issues including increased disturbance and nuisance from the movement of vehicles. As a result the proposed development would be detrimental to the residential amenity rights of adjoining neighbours contrary to policies T2, DS5, H7 and H5 of the North Lincolnshire Local Plan, CS5 of the Core Strategy, and paragraph 130 of the National Planning Policy Framework.

2.

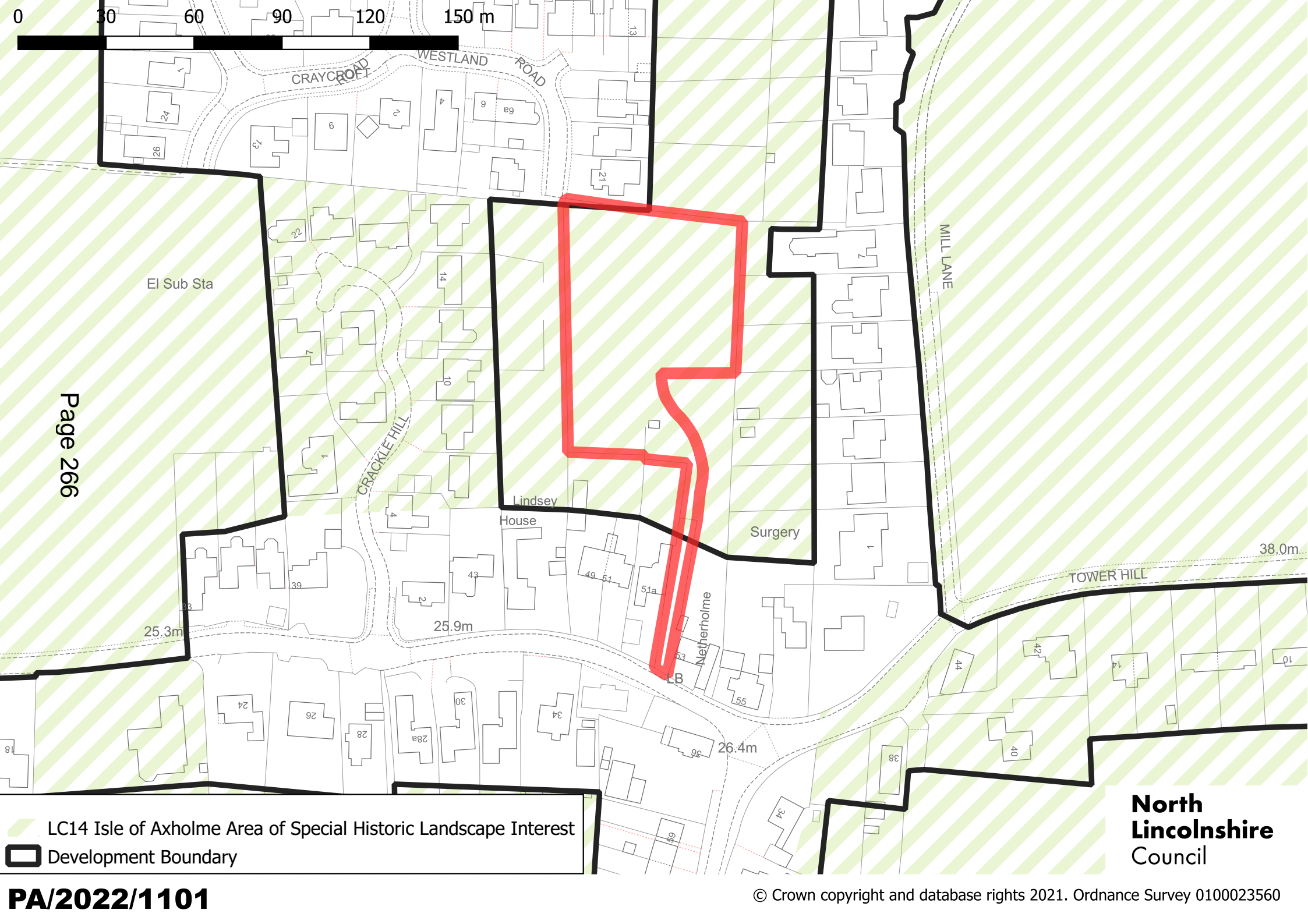
The development would adversely affect the historic landscape of the Isle of Axholme, a heritage asset of national significance. The proposed dwellings would adversely affect the character, appearance and setting of the historic landscape of the Isle of Axholme, specifically the character of the Early Enclosed Land and the setting of the core historic landscape of the Ancient Open Strip Fields at Westwoodside, as well as the historic settlement form that contributes to the character, setting and legibility of the historic landscape. The proposal is therefore contrary to policies CS5 and CS6 of the North Lincolnshire Core Strategy, policies LC14, LC7, RD2 and DS1 of the North Lincolnshire Local Plan, and paragraphs 197 and 206 of the National Planning Policy Framework.

3.

Insufficient information has been provided in respect of drainage. Therefore, the proposals are considered to be contrary to policies DS16 of the North Lincolnshire Local Plan, CS19 of the Core Strategy and paragraphs 166 and 167 of the National Planning Policy Framework.

Informative

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



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

**North
Lincolnshire
Council**

PA/2022/1101 Indicative layout (not to scale)



- Notes**
- A01 THESE NOTES ARE INTENDED TO AUGMENT DRAWINGS AND SPECIFICATIONS WHERE CONFLICT OF REQUIREMENTS EXISTS THE ORDER OF PRECEDENCE SHALL BE AS SHOWN IN THE SPECIFICATION. OTHERWISE THE STRICTEST PROVISION SHALL GOVERN.
 - A02 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT ENGINEERS' AND ARCHITECTS DRAWINGS.
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 - A09 ALL STEELWORK TO BE SUPPLIED AND FABRICATED IN ACCORDANCE WITH NATIONAL STRUCTURAL STEEL SPECIFICATION.
 - A10 ALL STEELWORK TO BE CLEAN AND FREE FROM DIRT OR OIL RESIDUE.
 - A11 ALL BOLTS TO BE GRADE 8.8 UNLESS NOTED OTHERWISE.
 - A12 ALL STEEL TO STEEL CONNECTIONS TO BE FULLY WELDED. USING 4MM W/4MM FILLET WELD.

NO PART OF THIS DRAWING MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM OR BY ANY MEANS WITHOUT PRIOR PERMISSION IN WRITING FROM WOODSIDE CONSULTING ENGINEERS

Drawing Status
PLANNING

DATE	DESCRIPTION	BY	CHECKED

Mr & Mrs Jones

New Development @
53 Brethergate, Westwoodside

Proposed Layout

DATE	DATE	DATE	DATE	DATE	DATE

25.9m

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Surgery

MILL LANE

Page 267

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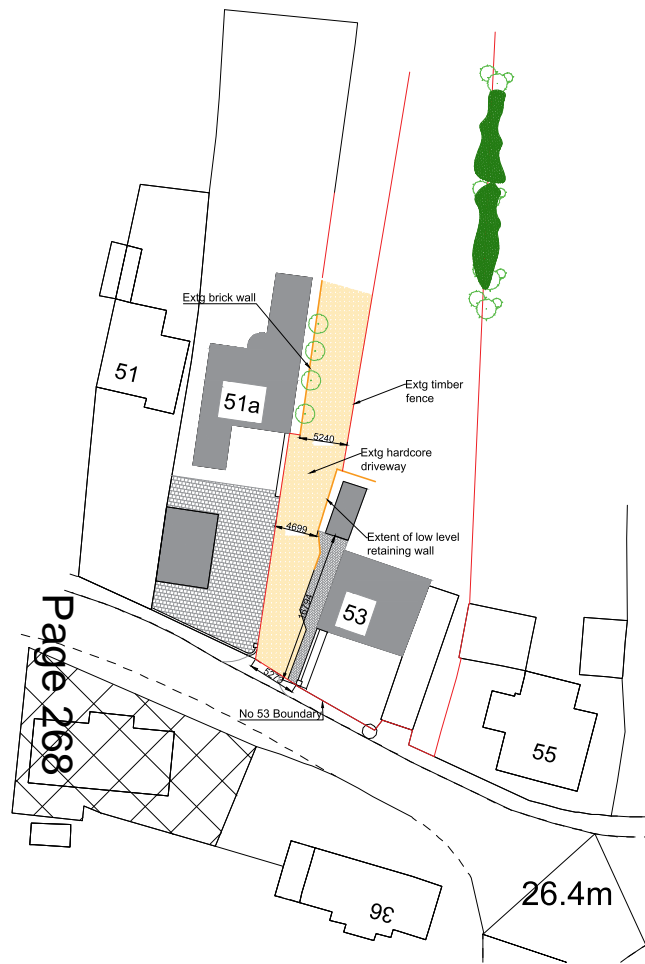
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PA/2022/1101 Proposed entrance layout (not to scale)



Existing Layout
Scale: NTS



Proposed Layout
Scale: NTS

Page 268



Access From Brethergate Looking up Proposed Drive



Access Looking up Proposed Driveway



Boundary Wall to 51 A & Trees on Proposed Driveway

Notes

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Drawing Status
PLANNING

DATE	BY	CHKD	APP'D
15/04/2022	WJ		
15/04/2022	WJ		

CLIENT: Mr & Mrs Jones

PROJECT: New Development @ 53 Brethergate, Westwoodside

DRAWING TITLE: Proposed Entrance Layout

DATE	BY	CHKD	APP'D
15/04/2022	WJ		
15/04/2022	WJ		

WOODSIDE CONSULTING ENGINEERS LTD
53 Brethergate, Westwoodside, Doncaster, DN8 2AA
0114 2660000
www.woodside-engineers.co.uk

APPLICATION NO	PA/2022/1139
APPLICANT	Faye Baker, Flourish With Us Ltd
DEVELOPMENT	Planning permission for the temporary change of use of offices and warehouse to a school for a period of 6 years
LOCATION	Roxburgh House, Clayfield Road, Scunthorpe, DN15 8RA
PARISH	Scunthorpe
WARD	Crosby and Park
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Christine O'Sullivan – significant public interest)

POLICIES

National Planning Policy Framework:

Section 2 – paragraphs 7, 8, 9, 10, 11, 12, 14

Section 3 – paragraphs 17, 18, 19, 29, 32, 35, 36, 37

Section 4 – paragraphs 47, 48, 49

Section 6

Section 8

Section 11

Section 12 – paragraphs 123, 111

Section 15 – paragraphs 185, 186, 187.

North Lincolnshire Local Plan:

IN2 – Alternative Uses of Industrial and Commercial Sites in the Urban Area and Principal Growth Settlements

C3 – Planning for Accessibility

T2 – Access to Development

T19 – Car Parking Provision and Standards

DS1 – General Requirements

DS3 – Planning Out Crime

DS7 – Contaminated Land

DS11 – Polluting Activities

DS13 – Ground Water Protection and Land Drainage

DS14 – Foul Sewage and Surface Water Drainage

DS16 – Flood Risk.

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

CS13 – Life Long Learning and Skills

CS17 – Biodiversity

CS19 – Flood Risk.

Housing and Employment Land Allocations DPD (2016):

PS1 – Presumption in Favour of Sustainable Development

The site lies within the development limits of Scunthorpe as shown on the Proposals Map.

CONSULTATIONS

Highways: Initially had no significant concerns with the principle of the development but did request additional information in relation to the number of pupils, how pick-up/drop-off would be managed and with regard to vehicles waiting on the highway. Also had reservations regarding the building being used as a 'mainstream' school in the future and suggested a condition restricting usage to prevent this. A similar condition was applied to PA/2016/0060.

Following the submission of further information, Highways have continued to raise concerns regarding the proposals and the effective operation of the site with regard to drop-off/pick-up. No information has been provided on the number of expected vehicle movements. They have raised concern regarding adequate space within the site for all vehicles and whether vehicles would need to queue. From the information submitted Highways are not convinced there is sufficient width for two vehicles to pass each other and have concerns the site would become gridlocked. The team would not wish to see traffic queuing on Clayfield Road to enter the site.

LLFA Drainage: No objection but recommend an informative in relation to surface water drainage and the existing pipe network.

Environmental Protection: Object.

The original application was not supported by a noise impact assessment or air quality assessment and both were requested by the team. In relation to contamination, the proposal is identified as a sensitive end use on land which has historically been used for commercial or industrial purposes, and the site therefore has potential to have been impacted upon by contaminants. As such, a full contamination condition was recommended.

Following the submission of additional information, in relation to air quality the site is assessed as suitable for the proposed use and no further comments have been made. In relation to noise, a complete assessment with reference to BS4142 is required. In the absence of this information it is recommended that the application be refused.

Education: No objection to the relocation to this proposed site. This does not constitute any commitment for North Lincolnshire Council to commission places in the future from this provider.

PUBLICITY

Site notices were displayed on receipt of the original application and following the submission of additional information. One response has been received; however, the comments were made anonymously and the council's website specifically states that as the planning process has to be transparent and open, anonymous comments will not be considered.

ASSESSMENT

Planning history

PA/2014/1320: Planning permission to erect a sprinkler water tank and associated pump house structure on existing parking area – approved 15/01/2015

PA/1999/0525: Planning permission to erect an office link to first floor – approved 09/06/1999

6/1994/0230: Further expansion of factory – approved 20/09/1994.

Constraints

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 1.

Proposal

Permission is sought for the change of use of an existing building, Roxburgh House, to a school for a temporary period of six years. The applicant has confirmed that the school will seek to offer high quality, special education services to students with social, emotional and mental health needs. The proposed school will provide up to 140 places for children in key stages 1–4. Key stage 1 and 2 pupils will arrive at the school between 8.50am and 9.15am

and leave between 2.30pm and 3pm. Key stage 3 and 4 pupils will arrive between 9.15am and 9.45am and leave between 3pm and 3.30pm.

The applicant confirms within their Design and Access Statement that the proposals do not seek to alter the external appearance of the building. The submitted plans demonstrate that the existing offices on the first floor will be utilised as class rooms, a play area and sensory room whilst the ground floor will see the existing warehouse floor area be converted as an area of indoor play and offices changed to include a staff meeting room, canteen, quiet room, kitchen, class rooms, break out room and an admin office. The WCs on both floors will remain. The larger of the two warehouse spaces on the ground floor will be reserved as an area for future expansion. No further information is provided regarding this area.

In relation to outdoor space, no changes are proposed to the existing parking/access arrangements for the site. The existing entrance into the building will be used to serve the school. A secure outdoor play area is proposed to the south of the main building with access from the proposed indoor play area. No details have been provided in relation to proposed fencing/gates etc. for this area.

The applicant has confirmed that the existing site boundaries will remain unchanged.

The supporting Design and Access Statement confirms there is no landscaping on the site at present, and these proposals do not seek to alter or enhance this.

Staff are likely to arrive by private car, although cycling and public transport will be encouraged and all pupils will arrive by private taxi. There will be no buses or pupils arriving on foot or by bicycle. Staff and visitor parking will be clearly identified, although no plan has been provided to demonstrate this. The Transport Statement suggests staff will park in the existing car park and use additional parking available on Atkinson Way. It has been indicated within the application form that 20 full-time and 5 part-time staff will be employed on the site.

External lighting is provided around the site. No details have been provided of hours of operation.

Site

The application site is within the Foxhills Industrial Estate located off the A1077 Phoenix Parkway. Foxhills Industrial Estate comprises a mix of existing commercial and industrial businesses to the north, east and west of the application site. The application site is on the southern entrance to the estate which provides one of the main access points into the industrial area. This access is frequently used by a range of vehicles, including HGVs.

Further south of the industrial estate, beyond the A1077 Phoenix Parkway are a mix of uses including a care home and residential development.

Principle of development

In terms of the advice given in the NPPF, the site is a brownfield within a sustainable location. The site is on a main bus route to the town centre, and railway and bus station. There are opportunities for cycling and walking to the site. A transport statement/travel plan has been submitted with the application.

In terms of the Core Strategy, the site is within the development boundary of Scunthorpe and within a sustainable location for this type of development. The site is accessible by a variety of modes of transport and the school intends to transport pupils via private taxis. The site is not allocated for any specific land use although it is within an established industrial estate. The site is surrounded by existing industrial and commercial buildings and no similar uses existing in the vicinity. The proposal seeks to bring a vacant building back into use, bringing educational and employment opportunities to the site and providing long-term employment for staff of the school. Employees may in turn use shops and services within Scunthorpe which would benefit the local economy. The proposed use would provide an alternative education facility for the area.

In terms of the North Lincolnshire Local Plan, policy IN2 seeks to allow the change of use of industrial/commercial sites provided that: attempts have been made to sell the site on the property market for 12 months prior to the application being made; its retention for employment use has been fully explored without success; and any future use would not harm residential amenity, cause highway or traffic problems, or have other significant adverse environmental effects. In this case the applicant has provided evidence to suggest that the property has been marketed since 15 October 2019; however, demand for the building has been difficult to secure. PPH Commercial have advised that the building does not meet current requirements with too much office floor space within the unit. The eaves height is also relatively low in terms of modern standards for warehousing. Also, the properties are interconnected by way of a doorway which is not ideal as it disrupts flow, whether that be for production and/or warehousing. It is also felt that the site coverage is high (around 75%). There is no room for expansion and limited room for servicing. The size of the property (in excess of 4,645 square metres) is also large for the characteristics of the North Lincolnshire market unless it is for warehouse/distribution use.

The proposed school is an employment generating use, the applicant suggesting that 20 full-time and 5 part-time jobs will be created on the site as a result of the development.

The site is away from residential properties so there will be no impact on residential amenity. However, the proposed use is considered to be sensitive in nature and at paragraph 187 the NPPF is clear in that "Planning policies and decisions should 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 (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

In terms of highway safety, further information has been requested in order to assess the effective operation of the site with regard to drop-off/pick-up. No information has been provided in relation to the number of expected vehicle movements and concern has been raised as to whether there is adequate space within the site for all vehicles and whether vehicles would need to queue. The applicant has suggested the site has capacity for 140 children with a further 25 staff. It is also confirmed that 25 staff are likely to arrive by private car, although public transport will be encouraged, and 140 children will be brought to site by private taxi; no details have been provided as to whether these will be on a shared or individual basis. From the information submitted Highways are not convinced there is sufficient width for two vehicles to pass each other and have concerns the site would become gridlocked. There are also concerns that the proposal could result in traffic queuing

on Clayfield Road waiting to enter the site. This could lead to issues and place a burden/adverse effect on the wider industrial estate.

Concerns have also been raised in relation to the potential for impacts from noise. The site is within the existing established Foxhills Industrial Estate, directly adjacent to existing businesses to the north, east and west. Children are identified as sensitive receptors and effects from noise within schools include speech interference, disturbance of information extraction, message communication and annoyance. The proposed development would introduce a noise sensitive receptor in close proximity to existing businesses. As per paragraph 187 of the NPPF, the agent of change principle applies which seeks to ensure no hindrance to existing and established businesses neighbouring a development from the introduction of a noise sensitive receptor. Environmental Protection are not satisfied with the level of information provided to conclude that the proposed use is acceptable at this location. A full and complete assessment with reference to BS4142 is required before they can comment further and in the absence of this information they recommend refusal of the application.

Policies CS1 and CS2 are clear that all future growth, regardless of location, should contribute to sustainable development and all change will be managed in an environmentally sensitive way by avoiding/minimising or mitigating development pressure on an area's natural and built environment, its existing utilities and associated infrastructure. Where development unavoidably has an environmental impact adequate mitigation measures should be used for the development to be acceptable. Environmental impacts to or from development that cannot be avoided should be adequately mitigated for it to be acceptable. Whilst the applicant has proposed mitigation measures in relating to noise (a sound insulation scheme), these may not be adequate given the lack of a BS4142 assessment as is required and recommended.

Policy CS5 is also clear in that development proposals should not lead to the unacceptable loss of amenity to neighbouring land uses. Policy DS1 addresses this further and notes that there should be no conflict with an allocated or approved land-use proposal in the locality nor should the reasonable potential for development of a neighbouring site be prejudiced. Whilst the proposed use itself would not result in noise, smell, fumes or dust impacts the sensitive nature of the use could result in unnecessary burdens on existing businesses within the industrial estate.

Concern is raised in relation to whether the proposed use, regardless of other environmental impacts, is appropriate within an existing industrial estate. This concern was raised with the applicant and agent during the early stages of the application process. The officer set out that regardless of technical information being requested there was still a concern that the development of a school of this nature within an existing industrial estate raised concerns that the two uses are not considered compatible. The placing of children within an environment which is dominated by noisy industrial uses, served by a range of large HGVs throughout the day and close to a main highway, is considered to conflict with a school which offers places to children with social, emotional and mental health needs. Schools of this nature raise additional concerns to a main stream school, matters which have not been addressed within the supporting statements. Children with social, emotional and mental health needs often require more time for regulation and addressing sensory needs and some pupils can often seek to abscond on arrival and when leaving the school, and also throughout their time at school. Given the location of the site within an existing industrial use and close to a main highway, such abscondment could lead to health and safety, and welfare concerns, of individual children. No information has been provided to

demonstrate how the school would be managed to ensure the safety and welfare of children should such abscondments occur. Such abscondments can result in children walking around the local area or making attempts to find a place where they feel safe. Where children do not know the area they could find themselves walking around the industrial estate which raises safety concerns. The applicant has not provided an assessment of alternative sites which might be more suitable than the proposed site.

The proposed development is considered to conflict with the surrounding land uses which are industrial in nature. The safety and welfare of the children is a key concern in this location. Paragraph 8 of the NPPF places a social objective on development with a requirement for well designed, beautiful and safe spaces that reflect current and future needs and support communities' health, social and cultural wellbeing. This is continued further in section 8 of the NPPF which requires the promotion of healthy and safe communities with places that are safe and accessible. Whilst section 8 encourages the provision of education and sufficient school places this must be done so on appropriate sites in safe locations. It is considered that the proposed development would fail to achieve this target of sustainable development.

The applicant, in their supporting information, states, "Children placed with us have all experienced trauma, research has proven numerous times that spending time outdoors, using the natural environment to enhance teaching and learning and giving children opportunities to play and explore reduces the impact of trauma over time. That alongside the expertise of our staff team will greatly enhance the life chances of the children we provide a service for."

The supporting Design and Access Statement confirms that there will be no changes to the existing landscaping at the site and no additional landscaping is to be provided. Whilst an area of outdoor space is shown on the plans, no details of this are provided and it is assumed this will be an area of concrete playground. This level of outdoor space appears to conflict with the above statement "spending time outdoors, using the natural environment". The supporting report by PPH Commercial also highlights that the site coverage is high (around 75%), a lot of the space being taken up by car parking and circulation. The area of available space for outdoor play for 140 pupils appears to be low. There appears to be little or no opportunity for children to access nature/areas of green space within the site and given it is within an existing industrial area this opportunity is limited further.

The proposal is only for a temporary period of six years. The level of refurbishment required and potential mitigation to address noise and highway concerns could result in large costs. It could be viewed as unreasonable given the permission is only for a short period of time.

The proposal accords with policy CS3 in that the site is within the development limits and seeks to make use of an existing brownfield site.

However, it fails to accord with policies CS1, CS2 and CS5 of the Core Strategy, IN2, DS1, T1, T2 and T3 of the North Lincolnshire Local Plan, and paragraph 187 of the NPPF.

It also fails to accord with DS1, T1, T2 and T3 which will be discussed in more detail in the highway and environmental protection sections of this assessment.

Education

In terms of education, concerns have been raised in relation to the amount and type of external outdoor play areas being provided within the site. The application is for a change of

use and the applicant has shown an area of outdoor play, however no details have been provided as to the finish of this area. The accompanying Design and Access Statement confirms no landscaping proposals are proposed.

Concerns have been raised regarding the suitability of the site, within an existing established industrial estate, for a change of use to a school serving children with social, emotional and mental health needs. The council's understanding of such sites is that they are sensitive in nature and children require quiet and calm spaces to allow them to flourish. The nature of industrial estates is that they are noisy, smelly and include a high volume of HGV traffic.

The applicant has not provided a plan to show the breakdown of parking spaces for staff and visitors or an area for drop-off/pick-up. Concerns have been raised regarding the ability to accommodate parking and drop-off/pick-up within the site without a need for vehicles to queue within the wider road network.

The Education department has commented noting the application is for an independent special school. The local education authority does commission some places from this provider at their current site in Winterton. There are currently 12 pupils on roll at the Winterton site according to GIAS with capacity for 35 and the latest published Ofsted report highlights that the school 'Requires Improvement' following their inspection in December 2021.

Whilst the Education department has confirmed they would not object to the relocation to the proposed site they have confirmed this does not constitute any commitment for North Lincolnshire Council to commission places in future from this provider.

Design

Policy DS1 requires 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. The applicant does not seek to alter the external design of the building or propose any additional landscaping at the site.

Given the site is proposed for a future school it is considered that whilst the existing site is appropriate within this context the use of the site as a school would demand a much higher quality environment for its users.

No information has been provided in relation to the materials to be used for the area of outdoor play.

Policy CS13 requires proposals for educational facilities to be of high-quality design, well related to neighbourhood services and amenities and easily accessible by sustainable transport modes. Whilst the site is within a sustainable location it is not considered to be well related to neighbourhood services and amenities. Equally, no additional design features have been included to seek to raise the design quality of the building for its intended users. A school of this nature provides education and services to children with social, emotional and mental health needs. Providing an attractive environment should be a priority for such learning to take place. It is considered that little attempt has been made to improve the environment within this location to provide a high quality design and environment for pupils.

It is considered that the proposal conflicts with the provisions of policies CS13 of the Core Strategy and DS1 of the local plan.

Highways

NPPF paragraph 104 is clear that parking and other considerations are integral to the design of schemes. Paragraph 110 discusses the need to ensure sustainable modes of transport are taken up, safe and suitable access to the site can be achieved for all users, any significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety can be cost-effectively mitigated to an acceptable degree. Paragraph 111 notes 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. Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. The highways team have raised concern regarding highway impact and require additional information on which to base their assessment and decision. This information is yet to be provided by the applicant.

Policy CS25 is relevant and discusses the need to promote sustainable transport. The site is within a highly sustainable location in relation to the existing highway network and public transport which serves it. The policy does require transport demand management to take place to reduce car-based travel and ensure highway safety. The nature of the school is such that pupils require to be transported to school by private transport; however, the applicant has confirmed they do look to share where possible. Further information is required in relation to the management of highway safety at the site, including vehicle movements, drop off and collection points, and allocation of parking spaces.

Policy T1 relates to the location of development, with development proposals which generate a significant volume of traffic movement permitted provided they are located in the urban area of Scunthorpe with good foot, cycle and public transport provision, which this site is/has.

Policy T2 refers to access to development, with all development requiring satisfactory access and larger developments being readily accessible by a choice of transport modes, existing public transport services and infrastructure, and links to the existing highway network. Again, the site is well served by existing highways and alternative modes of transport. Further assessment of satisfactory access is needed and discussed below.

Policy T3 requires developers of major schemes to provide transport assessments which assess the likely modal split of journeys to and from the site, provide details of measures proposed to improve access to public transport, walking and cycling, and reduce the number and impact of motorised journeys associated with the proposal.

The council's Parking Provision Guidelines for New and COU developments is also relevant. This guidance requires consideration of the needs of disabled people with 1 space where there is less than 20 spaces in total and 2 spaces where there is more than 20 spaces in total. The proposal addresses this. The scheme also provides cycle storage on site. In considering the design of car parks:

- All parking bays should be permanently marked out and access and exit routes signed as appropriate. All bays for private cars should be 5.0m x 2.4m except for those for the disabled and other special groups.
- Service vehicle access should be distinct and wherever possible separate from private car parking.
- Staff parking should be separate from customer parking, where practical.
- The parking bay layout should be such that vehicle queuing onto the adjacent public highway does not occur.
- Primary and secondary schools generally 1 space per 4 staff plus 1 space per 30 pupils, but will be assessed individually.

In terms of highway safety, the applicant has provided a Travel Statement; however, the Highways team suggests this fails to provide sufficient information to allow a detailed assessment to be made. The applicant has confirmed the school will have capacity for 140 children with 25 full-time and 5 part-time staff. No detailed plans have been provided to demonstrate how school drop-off/pick-up will occur and be managed at the site and how parking spaces will be provided for staff and visitors. It is suggested that car parking off Atkinsons Way is available if required, but again no plan has been provided to indicate where this parking is.

The supporting Travel Statement notes that:

- Key stage 1 and 2 pupils will arrive at the school between 8.50am and 9.15am and leave between 2.30pm and 3pm.
- Key stage 3 and 4 pupils will arrive between 9.15am and 9.45am and leave between 3pm and 3.30pm.
- Pupils arrive by various modes of transport, but mainly individual taxis, mini-buses and private car.
- Staff will arrive by private car but will be encouraged to travel by alternative uses such as public transport/cycling.

The supporting statement suggests that most of the industrial buildings locally operate 24 hours a day, with shift patterns generally following the 6am–2pm, 2pm–10pm and ‘nights’. As a result, traffic movement is highest around 6am, 2pm and 10pm. Other businesses generally operate standard 8am–6pm working hours. In comparison the school peak traffic will be around 9am and 3.30pm. Whilst this may be the case, the applicant has failed to take account of access to the industrial estate by deliveries, visitors and other users throughout the day.

Highways have raised concern and requested additional information in relation to the number of pupils and how drop-off/pick-up would be managed, and raised concerns in relation to vehicles waiting on the highway. They also have reservations regarding the building being used as a ‘mainstream’ school in the future and suggest a condition restricting usage to prevent this. A similar condition was applied to PA/2016/0060.

Following the submission of further information, Highways continue to raise concerns regarding the proposals and the effective operation of the site with regard to drop-off/pick-up. No information has been provided regarding the number of expected vehicle movements. The team also raise concern regarding adequate space within the site for all vehicles and whether vehicles would need to queue. From the information submitted Highways are not satisfied there is sufficient width for two vehicles to pass each other and raise concerns that the site would become gridlocked. The team would not wish to see traffic queuing on Clayfield Road to enter the site.

It is considered that additional information is required to allow the team to make a robust assessment of the site in relation to highway safety. As such the proposal is contrary to paragraphs 110, 111 and 113 of the NPPF, and policies IN2, DS1 and T2 of the local plan, in that it cannot demonstrate that it provides satisfactory access or that there would be no impacts on the wider highway network such as from queuing or on highway safety.

Environmental Protection

The Environmental Protection team have assessed the proposals in relation to noise, air quality and contamination. Each will be discussed in turn below:

Noise

Due to the sensitive nature of the proposal and the location of the site within the Foxhills Industrial Estate, directly adjacent to existing businesses to the north, east and west, a noise impact assessment was requested prior to determination.

The supporting Noise Impact Assessment (Nova Acoustis, dated 29/09/22 reference 8406KA) has been reviewed by the team.

They have confirmed that the World Health Organisation Guidelines for Community Noise recommend the following noise levels for schools: 35dB (LAeq) indoors during class and 55dB (LAeq) in the playground. There is, therefore, the potential for the proposed school to be impacted by noise from the existing industrial estate.

The proposed development would introduce a noise sensitive receptor in close proximity to existing businesses. As per paragraph 187 of the NPPF, the agent of change principle applies which seeks to ensure there is no hinderance to existing and established businesses neighbouring a development from the introduction of a noise sensitive receptor.

The submitted report has not been carried out in accordance with the council's requirements with reference to BS4142:20 + A1:2019 Methods for rating and assessing industrial and commercial sound and no justification has been provided for this omission.

A BS4142 assessment allows for penalties to be applied if required which may have an impact on the final noise levels on which the assessment is based. Using ambient sound levels in isolation may result in an underestimation of impacts which may lead to adverse noise impact at the school and complaints with regard to existing businesses in close proximity.

It is also prudent to advise that the author of the noise impact assessment states the following on their website: "BS4142 will also apply if you are developing new sensitive premises, including residential houses or flats, schools, healthcare or hotels, in close proximity to existing industrial or commercial noise sources."

It is therefore unclear why a BS4142 assessment hasn't been undertaken in this circumstance.

Based on ambient sound levels, a sound insulation scheme has been provided and considers that providing the recommendations specified are implemented, internal and external noise levels are expected to be within the given criteria. However, the recommended mitigation measures may not be adequate given the lack of a BS4142 assessment as above.

The assessment makes reference to Building Bulletin 93 (BB93) which was updated in 2014 and is the current design standard applicable to compliance with the Building Regulations and the School Premises Regulations. It is understood from the application that the school will offer places for children with social, emotional and mental health needs. BB93 states that:

“For the purposes of this document, children with special hearing or communication needs may include, but are not limited to (dBx emphasis), children with permanent hearing impairment; or with severe or complex needs including:

- speech, language and communication difficulties
- visual impairments
- fluctuating hearing impairments caused by conductive hearing loss
- attention deficit hyperactivity disorders (ADHD)
- an auditory processing disorder or difficulty
- being on the autistic spectrum.”

The upper limit for Internal Ambient Noise Levels for a Special Education Needs and Disability (SEND) Group Room, or room specially intended for students with special hearing and communication needs is 30dB, which is 5dB lower than the figure quoted in the report.

No commentary has been provided on the applicability of this standard.

To provide a robust analysis the internal and external sound levels will be assessed using the loudest 30-minute (LAeq,30min) measurement periods during operational hours. Operational hours of the school have not been provided.

In order to characterise the sound profile of the area at the proposed development, an environmental sound survey was carried out from 14/09/22 to 15/09/22, which is a Wednesday and Thursday. The assessment was undertaken over a relatively short time period and it is therefore not possible to conclude whether this provides a representative scenario of the area.

It is reported that the area surrounding the site is primarily commercial in nature, with the dominant noise source being traffic flow. The noise profile is consistently high throughout the day. Other noise includes commercial activity from neighbouring businesses – plant units were noticed on various buildings surrounding site; however, it is reported that none were audible at the facade due to road traffic emissions.

However, it is noted from the results that the LAeq levels are 5dB higher further into the industrial estate nearer to the commercial premises than at the monitoring location nearest the A1077. Also, the background noise levels are 4dB higher at the monitoring position further into the industrial estate away from the A1077. The figure nearer to the traffic has been subjected to a distance correction to give a façade result; however, this does not account for why the noise levels may be higher on site, i.e. due to plant or other industrial noise. No discussion has been provided.

The remainder of the report discusses a Noise Break-in Assessment and Sound Insulation Scheme. However, without reference to a BS4142 assessment it is not possible for the Environmental Protection team to ascertain whether the mitigation measures suggested are adequate.

A full and complete assessment with reference to BS4142 is required before they can comment further. In the absence of this information, the team recommends refusal of the application.

The proposal in this regard does not accord with advice given in the NPPF, and policies IN2 and DS1 of the North Lincolnshire Local Plan.

Air quality

The application site is directly opposite the busy A1077 (Phoenix Parkway) and within an existing industrial estate. Therefore, in order to adequately assess the suitability of the site in relation to local air quality and whether any mitigation is required, Environmental Protection have requested the applicant submit a site-specific air quality assessment prior to determination. The supporting Air Quality Assessment - Clayfield Road, Scunthorpe, Client: Flourish With Us Ltd, Reference: 5992r1, Date: 26th September 2022, confirms the baseline conditions at the site and considers the location suitability for the proposed end user.

The assessment concludes that pollutant concentrations are below the relevant Air Quality Objectives (AQOs) and Air Quality Limit Values (AQLVs) at the proposed development site for the following reasons:

- the site is not located within an AQMA
- the site is distanced from major pollutant sources
- review of local monitoring results has indicated likely compliance with the AQOs for NO₂ and PM₁₀ at the development; and
- predicted background concentrations are below the relevant AQOs and AQLVs.

No further comments have been raised by Environmental Protection and the conclusions of the report are considered acceptable. As such, the site is considered suitable for the proposed use from an air quality perspective. The proposal in this regard accords with advice given in the NPPF and policy DS1 of the North Lincolnshire Local Plan.

Contamination

The comments made by Environmental Protection are noted and the applicant is aware of the potential for contamination on the site. The applicant wishes to secure permission for

the change of use of the building before carrying out contamination surveys and assessments. The applicant is aware that a contamination condition would be imposed should permission be granted to safeguard the end user of the site. In this case, a condition would be used due to the economic benefits of bringing a redundant building back into use and providing potential employment opportunities for residents in Scunthorpe which override the need to provide a phase 1 assessment at application stage. The proposal in this regard accords with advice given in the NPPF, and policies DS1 and DS7 of the North Lincolnshire Local Plan.

Conclusion

The proposed development is sensitive in nature and is proposed within an existing established industrial estate. Insufficient information has been provided to allow a robust assessment of the highway or noise impacts to be fully explored. It is also considered that the nature of this sensitive use is not compatible with the adjoining industrial land uses and has the potential to result in safety concerns for staff and pupils, as well as placing unnecessary burdens on existing uses such as queuing vehicles on the highway, children walking within the industrial estate environment, the use requiring a noise sensitive location, and insufficient/suitable outdoor amenity/landscaping and space and therefore not being conducive to a learning environment.

RECOMMENDATION Refuse permission for the following reasons:

1.

The proposed development is sensitive in nature and would be located within an existing established industrial estate. The development would provide education for children with social, emotional and mental health needs. It is therefore considered to conflict with the surrounding land uses which are industrial in nature and would not provide a safe environment for children, staff and visitors, regardless of their background. The safety and welfare of children is a key concern in terms of the proposed location. It is considered that an alternative site should be chosen for this type of development. No provision has been allowed to address the external appearance of the site nor have any landscaping proposals been provided. Due to its location the proposed development would conflict with policies CS1, CS2 and CS13 of the North Lincolnshire Core Strategy, IN2 and DS1 of the North Lincolnshire Local Plan, and Section 8 and paragraph 187 of the National Planning Policy Framework.

2.

The proposed development seeks the conversion of an existing industrial building for use as a school. No changes are proposed to the external building or in relation to the access/parking provision within the site. Insufficient information has been provided to allow the council to make a robust assessment of the site in relation to highway safety, access and impact on the wider highway network. As such the proposal is contrary to paragraphs 110, 111 and 113 of the National Planning Policy Framework, policies IN2, DS1 and T2 of the North Lincolnshire Local Plan, and policies CS1 and CS2 of the North Lincolnshire Core Strategy.

3.

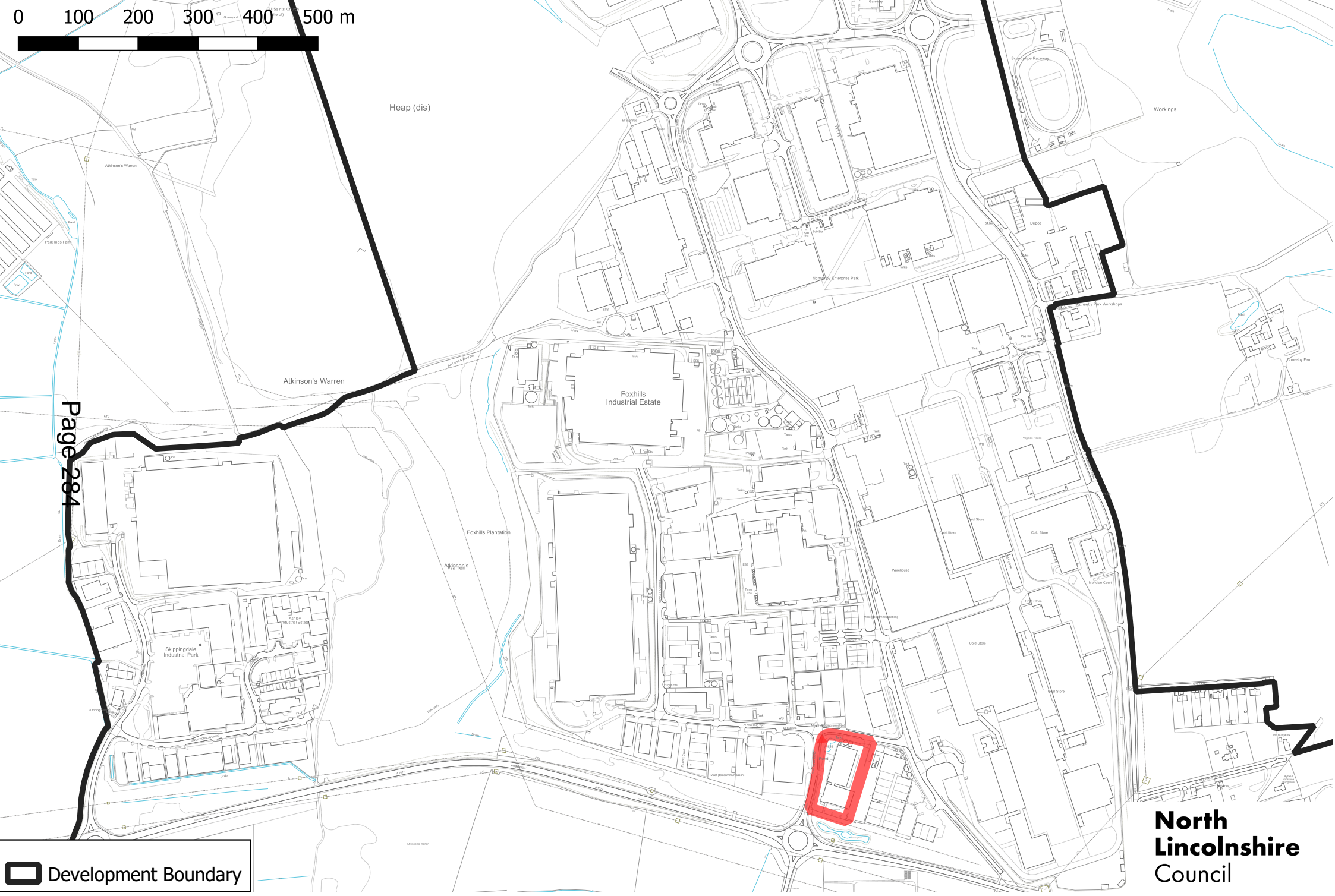
The site is within the existing established Foxhills Industrial Estate, directly adjacent to existing businesses to the north, east and west. Children are identified as sensitive receptors and the noise effects within schools include speech interference, disturbance of information extraction, message communication and annoyance. The proposed

development would introduce a noise sensitive receptor in close proximity to existing businesses. As per paragraph 187 of the National Planning Policy Framework (NPPF), the agent of change principle applies which seeks to ensure no hinderance to existing and established businesses neighbouring a development from the introduction of a noise sensitive receptor. A full and complete noise impact assessment with reference to BS4142 is required to confirm that there are no noise impacts related to the scheme. For these reasons, in this regard, the proposal does not accord with advice given in the NPPF (paragraphs 185 and 187), policies IN2 and DS1 of the North Lincolnshire Local Plan, and policies CS1 and CS2 of the North Lincolnshire 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.

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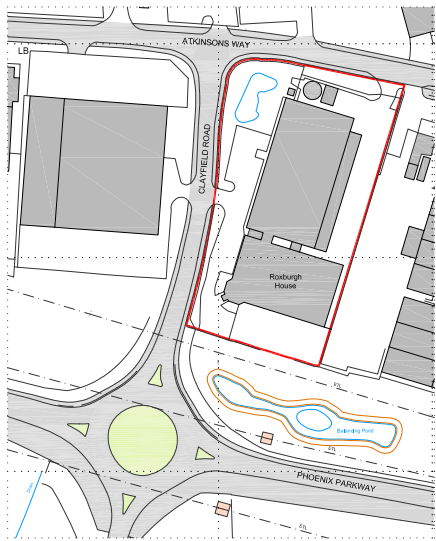


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 Development Boundary

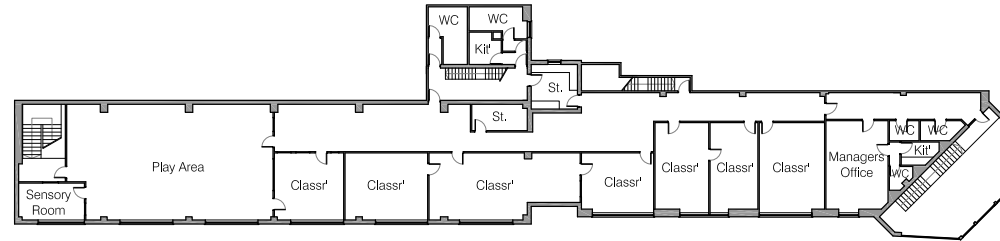
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**North
Lincolnshire
Council**

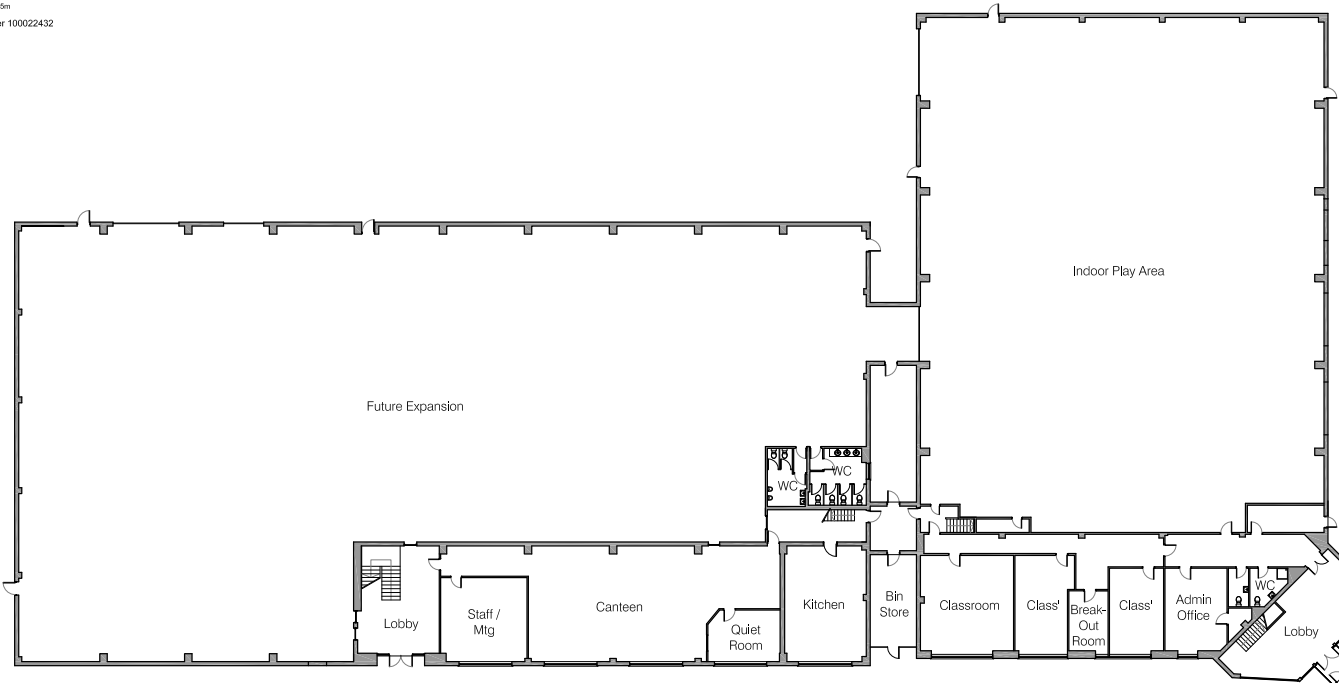


1:1250
 25m 0 25m 50m 75m 100m 125m
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Location Plan
 scale 1:1250



Proposed First Floor Plan



Proposed Ground Floor Plan

All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications within these drawings or associated documents are to be notified to keystonearchitecture.

Do not scale from these drawings - if in doubt - ask.

All materials shall be fixed, applied or mixed in accordance with the manufacturers written instructions, recommendations and specifications, variations to specified materials shall be agreed in writing with keystone architecture.

The Contractor shall take into account everything necessary for the proper execution of the works and to the satisfaction of the Local Authority, whether or not indicated on the drawings or in the specification.

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PARTY WALL NOTICE(S)

Building outside (A) or against (B) the boundary line:
 If you plan to build a party wall outside or against the boundary line, you must inform the Adjoining Owner by serving a Notice.
Excavating near neighbouring buildings:
 If you plan to excavate foundations within 3 metres of a neighbouring building or structure, where the excavation will go deeper than the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.
 If you plan to excavate foundations within 6 metres of a neighbouring building or structure, where the excavation will go 4.5m down or 40° from the bottom of the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.

rev	amendment	date
01	Proposed Plans	15/12/22
02	Planning	June 22
03	drawn by	JCB
04	scale	1:200 & as noted

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APPLICATION NO	PA/2022/1317
APPLICANT	Colonel Simon Strickland
DEVELOPMENT	Planning permission for the removal and replacement of the front wall
LOCATION	4A Market Hill, Winteringham, DN15 9NP
PARISH	Winteringham
WARD	Burton upon Stather and Winterton
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Winteringham Parish Council

POLICIES

National Planning Policy Framework: Section 12, Section 16

North Lincolnshire Local Plan: DS1, DS5, HE2, HE3, HE5

North Lincolnshire Core Strategy: CS1, CS2, CS5, CS6

CONSULTATIONS

Highways: No comments or objections to make.

LLFA Drainage: No comments or objections to make.

Conservation: No objection.

PARISH COUNCIL

Object to the materials that have been used which are not in keeping with its locality or with consideration to its location in a conservation area. Additionally, object to its height.

PUBLICITY

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

ASSESSMENT

Planning history

PA/2004/0476: Planning permission to make alterations and carry out remedial works to dwelling – approved 28/05/2004

- PA/2004/0477: Listed building consent to make alterations, including part demolition, and carry out remedial works to dwelling – approved 25/05/2004
- PA/2007/2051: Outline planning permission to erect a dwelling – approved 06/02/2008
- PA/2007/1499: Listed building consent to remove staircase and replace with new, remove dampproof course and replace with new, and install a new window – approved 15/11/2007
- 7/1988/1187: Change of use of a shop to a dwelling with associated alterations including removal of shop front and insertion of new windows – refused 06/04/1989
- PA/2011/0819: Outline planning permission to erect a dwelling with all matters reserved – approved 19/08/2011
- LBC/1990/0505: Listed building consent to paint front elevation white with additional alterations and improvements, including renewal of windows – approved 29/08/1990
- PA/2018/927: Planning application to vary condition 2 of PA/2017/1091 to change windows to front elevation from that previously approved – refused 06/07/2018
- PA/2017/1091: Planning permission to erect a detached four-bedroomed dwelling – approved 27/10/2017.

Constraints

The site is within the development boundary for Winteringham and within the conservation area. An Article 4 Direction is in place.

3 West End to the rear (north) of the site is a grade II listed building. This sits outside the residential curtilage of the application site.

The site is within SFRA flood zone 1.

Proposal

Planning permission is sought retrospectively for the removal and replacement of the front wall at 4A Market Hill, Winteringham. The site is within the conservation area and the planning history confirms that a 4-bedroom dwelling was granted permission on the site in 2017, amended in 2018. A heritage statement has been provided.

Policy HE2 is relevant and requires all development within conservation areas to preserve or enhance the character and appearance of the area and its setting. The following criteria is applied in determining applications in conservation areas:

- (i) Development should be of a standard of design which respects the appearance and character of the conservation area in terms of its bulk, height, mass, vertical and horizontal emphasis, proportions, layout, siting and landscaping.

Policy HE3 refers to demolition within conservation areas and establishes a series of criteria on which it will be assessed. It is not known when the original wall was built but at

some stage it was poorly repaired using a cement mix applied 'plaster like' across the front and back. By 2018 the wall was in a state of collapse and to some extent dangerous.

Policy CS5 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, 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.

Policy CS6 states all new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value.

Policy DS1 (General Requirements) states that a high standard of design is expected in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. All proposals will be considered against the criteria of quality of design, amenity, conservation, resources and utilities and services.

The submitted details for the wall show that the existing stone wall was in a poor state of repair, and was lowered in height and partially covered in a cement render which detracts from its appearance. There is no objection to its removal by the HER (Conservation). Winteringham Parish Council object to the materials that have been used which they consider are not in keeping with its locality or the conservation area. Additionally, they object to its height.

The replacement wall has been constructed from a new brick with a traditional appearance and texture and is considered acceptable by the HER for the conservation area. The existing property is modern in design and the wall reflects the existing design at the site.

The new wall is the same height as the existing wall which is evidenced from the remaining existing stone wall on the inside of the property which the new wall is attached to. There is also a high wall on the opposite side of the road showing the general scale in the street scene.

Whilst a more modern design is proposed to the site, it is considered that this reflects the existing property and thus the street scene in this part of Winteringham.

The Conservation Officer has been consulted and has visited the site. The officer is satisfied with the proposed works and plans provided. The proposed works are considered to be acceptable in this instance. It is therefore considered that the proposal is in accordance with policies HE2, HE3 and DS1 of the local plan, CS5 and CS6 of the Core Strategy, and Sections 12 and 16 of the NPPF.

Conclusion

The proposal is acceptable in principle and would not harm the character and appearance of the local area. It is recommended that planning permission is granted.

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

1.

The development is hereby permitted in accordance with the following approved plans:

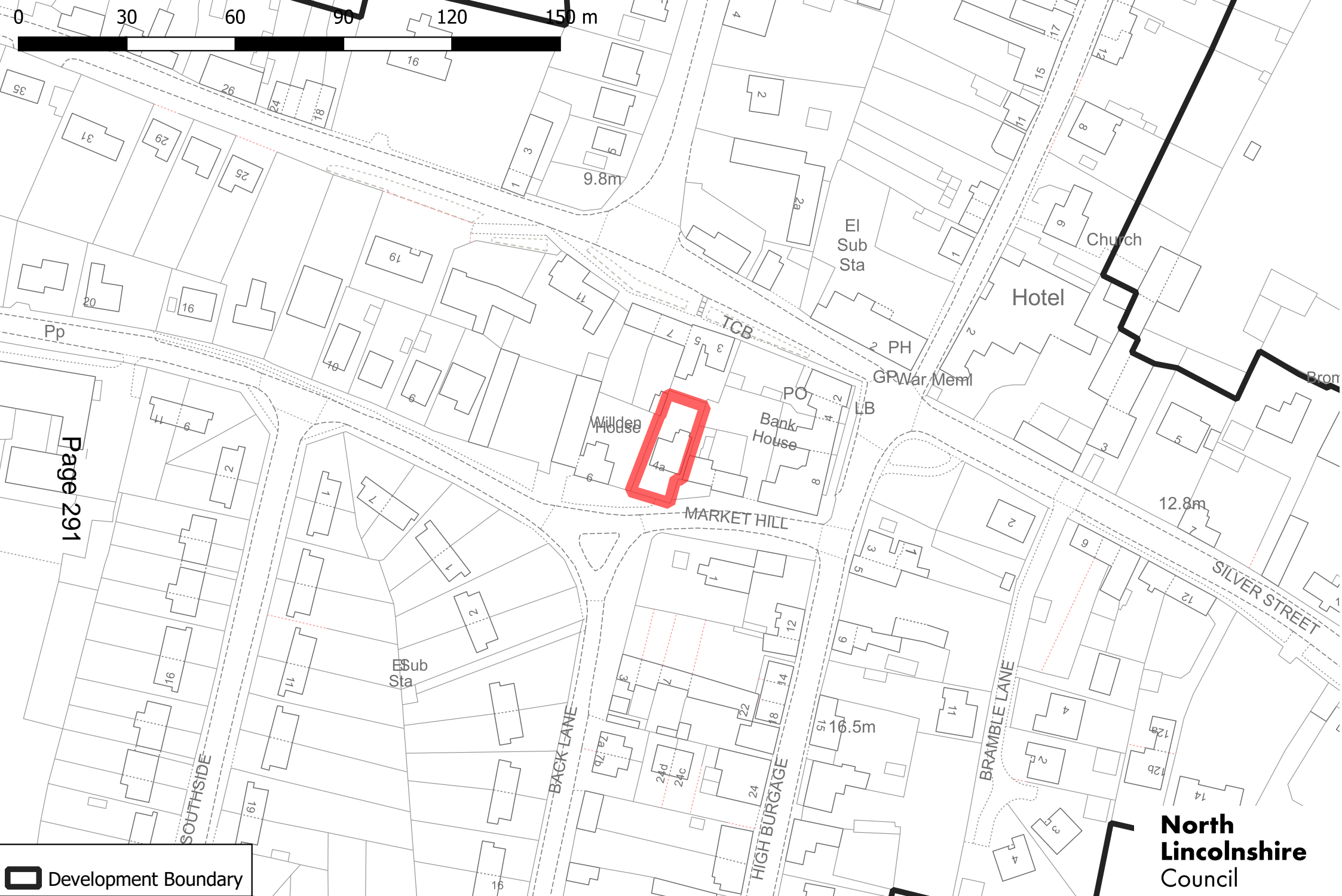
- Location Plan - PA/2022/1317/01
- Front Elevation - PA/2022/1317/03
- Block Plan - PA/2022/1317/02.

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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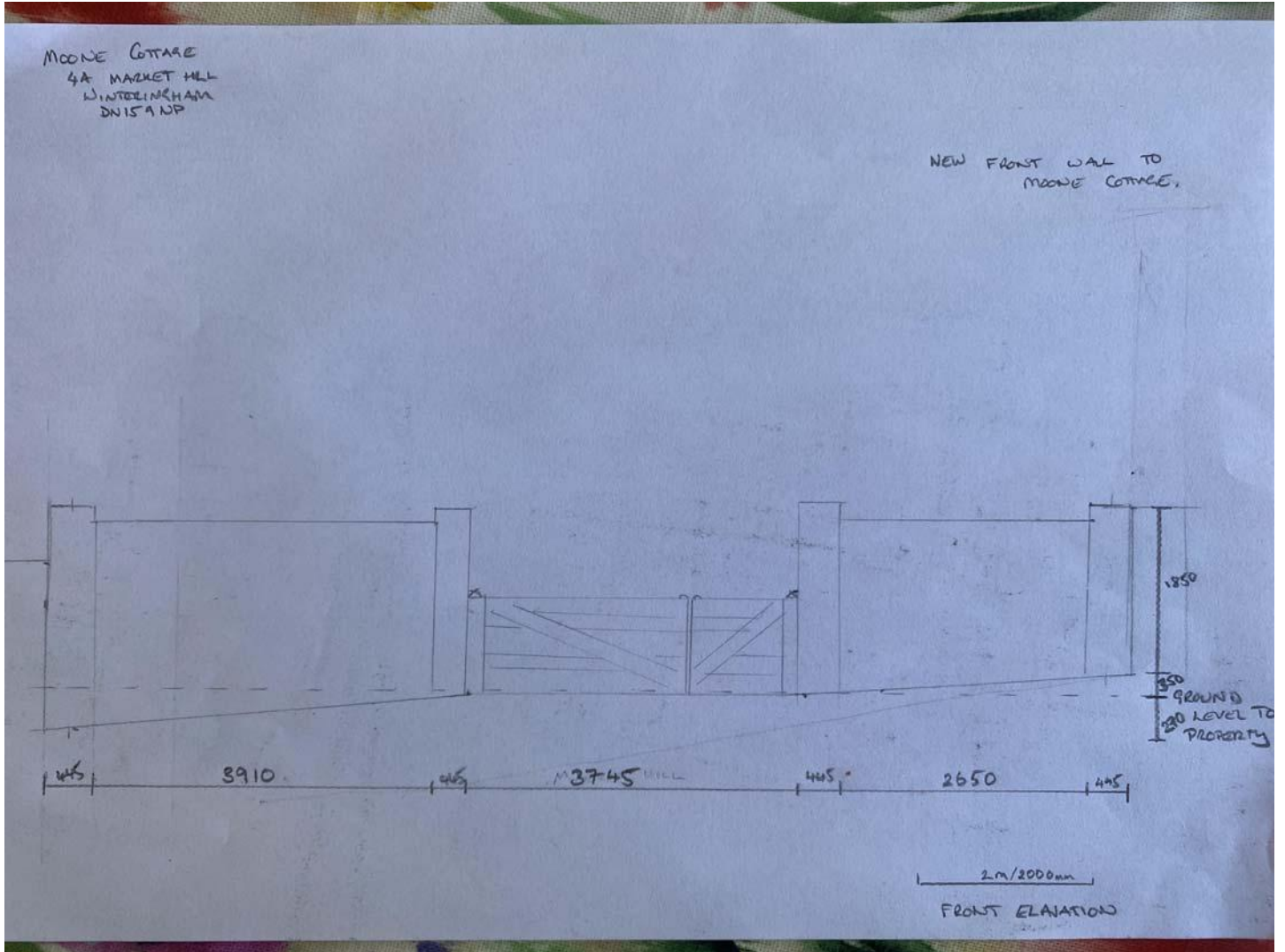
 Development Boundary

**North
Lincolnshire
Council**

PA/2022/1317

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PA/2022/1317 Boundary wall details (not to scale)



APPLICATION NO	PA/2022/1591
APPLICANT	A Sterry
DEVELOPMENT	Outline planning permission to erect a new dwelling with all matters reserved for subsequent consideration
LOCATION	Land to the north of Croft Cottage, Brackenhill Road, East Lound, DN9 2LR
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 Departure from the development plan

POLICIES

National Planning Policy Framework:

Section 5 (Delivering a sufficient supply of homes)

Section 12 (Achieving well-designed places)

Section 15 (Conserving and enhancing the natural environment)

Section 16 (Conserving and enhancing the historic environment)

North Lincolnshire Local Plan: Policies DS1, DS5, RD2, H5, H7, H8, T2, T19, LC12, LC14

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

CONSULTATIONS

Highways: No objections subject to a condition requiring vehicular access and parking to be completed before the dwelling is occupied and thereafter retained.

LLFA Drainage: As there has been historical localised flooding in and around this area and its adjacent riparian watercourse network on the northern edge of the development, conditions are advised requiring the submission of a flood risk statement and drainage strategy.

Environmental Protection:

Contaminated land:

In the absence of a contamination screening form, initially recommended a four-part contamination assessment condition should permission be granted. Following submission of a contaminated land screening assessment form, recommend a monitoring condition instead.

Noise, light, odour and air quality:

No further comments.

Historic Environment Record: The application adversely affects the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14).

This area is designated for its unique historic landscape retaining the pattern of ancient open strip fields and enclosures surrounding the villages on the Isle.

The application site is within the Early Enclosed Land character type surrounding East Lound and the setting of the Ancient Open Strip Fields east of Haxey.

The proposed development would be an unacceptable extension and intrusion of the built environment into the historic landscape, contributing to adverse character change and affecting the setting and legibility.

The Historic Environment Record 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.

Isle of Axholme and North Nottinghamshire Water Level Management Board: No development should be commenced until the local planning authority, in consultation with the Lead Local Flood Authority, has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The Board would wish to be consulted directly if the following cannot be achieved and discharge affects the Board's District:

- Existing catchments and sub-catchments to be maintained.
- Surface water run-off limited to 1.4l/s/ha for pumped and lowland catchments.

The suitability of soakaways as a means of surface water disposal should be ascertained prior to planning permission being granted.

Strategic/Spatial: No response received.

Waste/Recycling: No response received.

Severn Trent Water: No response received.

Yorkshire Water: No response received.

PARISH COUNCIL

Objects citing the following key concerns:

- outside development limits
- Field Road is not an adopted road
- market, not affordable, housing
- impact on the Isle of Axholme (policy area LC14)
- flood risk concerns.

PUBLICITY

A site notice has been displayed. Two responses have been received objecting to the proposal on the following grounds:

- outside development limits
- localised flooding
- vehicle access.

Two responses have also been received in support of the proposal (one from a member of the applicant's family) on the following ground:

- the site is a suitable location for a dwelling.

ASSESSMENT

Site location and context

The site comprises a parcel of land to the rear of Croft Cottage, Brackenhill Road, East Lound. The land currently forms part of a garden.

The site is outside the defined development limits of East Lound, on the northern edge of the settlement.

The Cottage, Fields Road is located on the opposite side of Fields Road (approximately 5.5m from the site boundary to the building line of the dwelling). Rose Cottage is located further to the east.

Planning history

- 2/1979/0069: Carry out alterations to the existing cottage and rendering of the wall – approved 9 April 1979
- 2/1981/0369: Erect a dwelling – approved 9 June 1981
- 2/1981/0370: Erection of a dwelling – refused 10 June 1981.

Designations/constraints

The site is outside the development limits of East Lound.

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

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

There is a Public Right of Way (Section 31) that runs to the north of the site.

There are no Public Rights of Way on or adjacent to the site.

The site is within SFRA Flood Zone 1.

Proposal

Outline planning permission is sought to erect a dwelling, with all matters reserved for subsequent consideration. The detailed design of the dwelling is to be secured through the submission of a separate reserved matters application.

The main considerations in assessing this application include:

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

Principle of development

The site is outside the development limits of East Lound, which is defined as a 'rural settlement' in the spatial hierarchy for North Lincolnshire in the Core Strategy.

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

Policy CS2 (Delivering more Sustainable Development) allows for small-scale development within the defined development limits of rural settlements. Policy 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 (Development Limits) allows for appropriate development within defined development limits, provided the proposed development responds to the context of the area and the settlement has capacity to accommodate the proposed development based on existing and proposed infrastructure. 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 East Halton.

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

Policy H7 (Backland and Tandem Development) allows for development in gardens provided there would no adverse effect on the amenities of any neighbouring properties (part i), and the proposal would not affect the general quality and character of the area (part ii). The proposed development for one dwelling is of a suitable scale for the site.

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).

The site is within the countryside in policy terms, though it is near to the development limits of East Lound (approximately 44m). There are also two dwellings to the east outside the development limits.

The assessment of the application also needs to take into account the NPPF, which represents a material consideration in the determination of any application.

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.

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 only modest in scale the development does propose an additional dwelling 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 including 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 would contribute to the overall land supply.

East Lound is a rural settlement with only 70 residential properties (2019) and is ranked within the 2019 Settlement Survey as 67 out of 76 settlements with an overall score of 9, which is significantly lower than the best score of 75. East Lound only scores a maximum of 1 out of 7 in relation to the number of key facilities available. There is no post office (or post box), no public house, no supermarket, convenience store, market, cash point, or café, take-away or restaurant within East Lound. In relation to community services the settlement scores 1 out of a possible 20 points, a mobile library being the only facility available. In considering education and health, East Lound scores 0 out of a possible 16 points. There is no doctor's surgery, chemist, dentist, primary, secondary or further educational school, or nursery. In relation to public transport there is bus stop and a daily service, and the settlement is within 30 minutes of an employment centre. There is no police or fire station, and no hotels or guest accommodation.

Whilst East Lound scores low in the Settlement Survey, the settlement is within close distance of Haxey. Haxey is also identified within the Core Strategy as a rural settlement; however, it ranks much higher in the Settlement Survey being ranked 14 out of 76 settlements. Haxey is identified as a rural settlement and is the largest village in the Isle of Axholme, as stated within the Settlement Survey, and has 5 of the identified 7 key facilities. Facilities include a post office, public house, supermarket chain, takeaway/tearoom, cash point, other shops and a post box. In relation to community services, Haxey has a library, village/church hall, place of worship, playgrounds, sports pitches and leisure pursuits. Considering health and education, the settlement scores well, having a GP surgery,

chemist, primary school and nursery. A daily bus service is available and there are two bus stops along Brackenhill Road to the west, within a five-minute walk of the site.

There is a footpath which is well connected to the surrounding locality and would encourage footfall connectivity.

The location of the dwelling would support and sustain existing services in the local area. Moreover, it is considered the location of the proposal would not be wholly dependent on car travel.

This approach is supported by the NPPF. Paragraph 79 states, 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.'

Environmental: The site is currently identified by the applicant as 'garden land associated with Croft Cottage which lies to the south of the site'. The applicant confirms in his statement that 'any development would include a biodiversity scheme including bat roosting features'. It is considered that the development offers the potential for landscape and biodiversity enhancement through the delivery of the housing scheme.

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 above matters weigh heavily in favour of the proposal in terms of the economic, social and environmental dimensions of sustainability. As a result, it is considered the proposed dwelling would be situated within a sustainable location.

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 in this case, based on the suitability of the site, that the proposal for outline planning permission for a dwelling is acceptable.

Appearance and landscape impact

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

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

There is a mixture of property types within the area, though most are detached (as is the proposed dwelling).

The detailed design should reflect the character of its surroundings, including materials used on other properties within the area. These matters would be considered through the determination of the reserved matters application.

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

Therefore, it is considered that the proposal would have an acceptable impact on the character of the area.

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 application seeks outline consent, with all matters reserved. The proposed layout and orientation of the dwelling is therefore not yet confirmed.

There are, however, suitable separation distances between the plot and surrounding properties and it is considered that the plot is of a sufficient size to accommodate a dwelling that would not have an overbearing or overshadowing impact.

For example, the proposed dwelling as shown indicatively on the plan would be approximately 20m to the west of the nearest residential property (The Cottage, Fields Road). Rose Cottage is located further to the east of The Cottage and is partially screened from view from the site by existing vegetation.

There are no properties to the north, and the other nearest properties (for example, Croft Cottage) are approximately 48m to the south of the site boundary.

There is capacity within the site to feature a dwelling that incorporates a design that will have an acceptable impact on the residential amenity of neighbouring properties. The reserved matters application will need to ensure that the proposal accords with the requirements of policy DS1.

Highways

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

The application is in outline form only, with all matters reserved, including access.

The indicative site layout plan shows that the proposed access would be taken from Fields Road, along the eastern boundary of the site. Vehicles already use this road to access properties to the east of the site (Croft Cottage and Rose Cottage).

The council's Highways team have reviewed the proposals and confirmed they have no objections subject to a condition requiring access and parking spaces to be provided prior to the occupation of the dwelling.

It is considered that there is sufficient room for parking and turning within the site, though the layout will be secured through the reserved matters application.

The site has the capacity for a safe access and for suitable parking arrangements, and the proposals should therefore accord with policies T2 and T19.

Flood risk and drainage

Policies CS19 and DS16 relate to flood risk. The site is within Flood Zone 1, which is considered to be at a low risk of flooding. The council's drainage team have reviewed the proposals and confirmed they have no objections subject to conditions.

The proposals are therefore considered to be acceptable in flood risk and drainage terms and comply with policies DS16 and CS19.

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.

The site features a hedgerow around the northern and eastern boundaries and there are trees within the site. The existing vehicle access can be used though it will need to be improved. The hedgerow should be able to be largely retained. The trees within the site are part of the residential garden. Although the proposed layout is not yet confirmed, it is likely that two of the trees within the garden would require removal. These trees are not subject to a tree protection order.

Whilst the retention of trees is encouraged, it is considered that the loss of some of the trees is acceptable when weighed against the benefits of the provision of a dwelling.

The proposed development is considered to accord with policy LC12.

Other matters

The council's Environmental Protection team have reviewed the submitted contaminated land screening assessment form and recommend a contamination monitoring condition be attached to any permission granted.

Whilst the council's ecologist has not commented, policy CS17 of the Core Strategy and paragraph 170 of the NPPF relate to biodiversity. Paragraph 170 states in part that a net gain for biodiversity should be achieved. It is recommended that a condition to secure a biodiversity scheme for the site, as well as a net gain in biodiversity, is attached. Securing the condition on site would ensure the suggestions set out within the planning statement are realised. The statement confirms:

'Any development would include a biodiversity scheme including bat roosting features.'

Pre-commencement conditions

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

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

Reason

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

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

Reason

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

3.
Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

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

4.
The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5.

Development shall proceed in accordance with the following approved drawing: Location Plan (LICF 004).

Reason

For the sake of clarity and in the interests of proper planning.

6.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking space(s) serving it have been completed and once provided the 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 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. 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 155, 157, 163 and 165 of the National Planning Policy Framework.

8.

No development shall take place until details showing an effective method of preventing surface water run-off from 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 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.

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 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.

11.

No above-ground works shall take place until a biodiversity management plan has been 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 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, 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

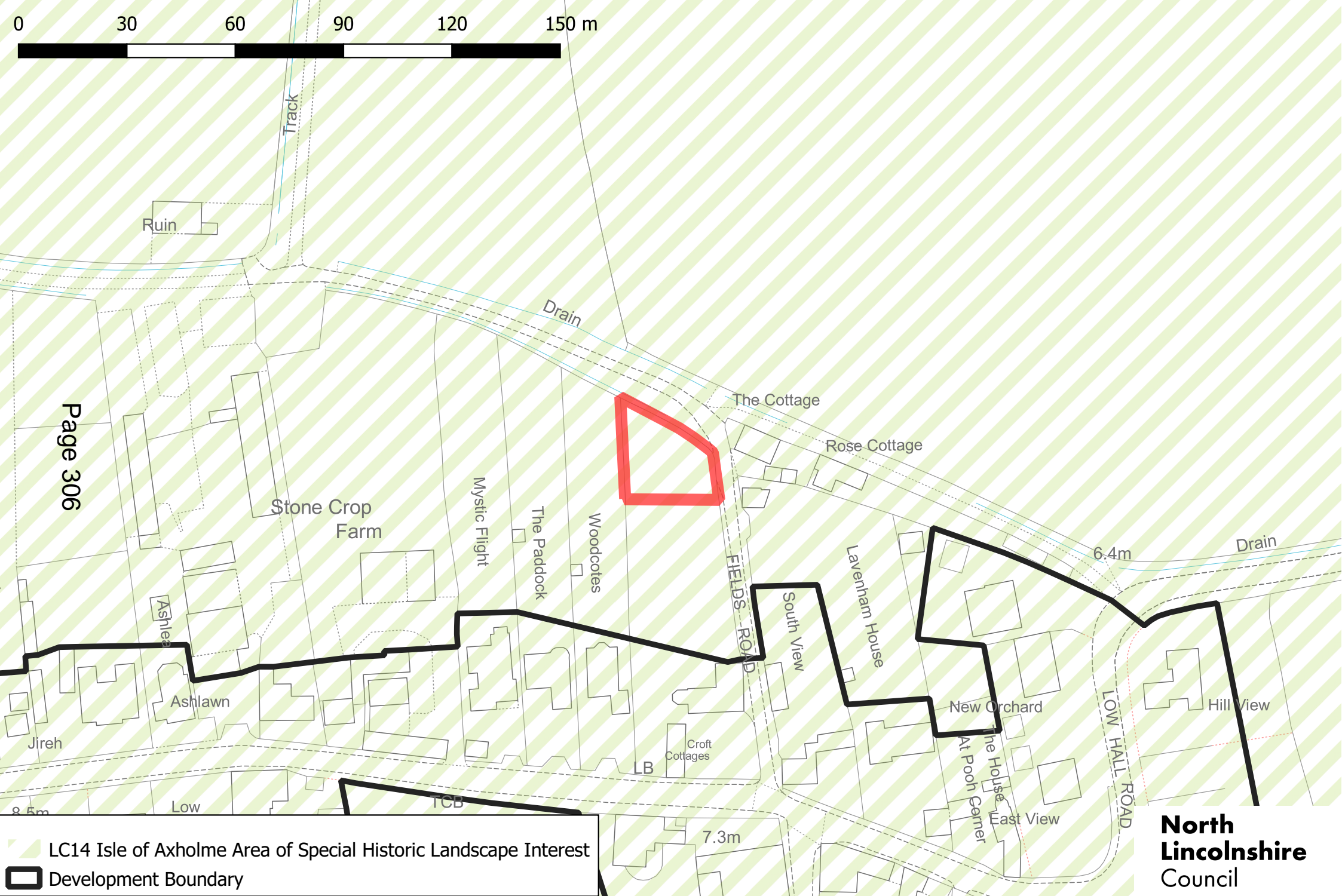
Our records indicate that the proposed development site is bounded by, or has running through it, a watercourse (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their 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.



Alterations and/or connections into the watercourse 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 for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 2

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



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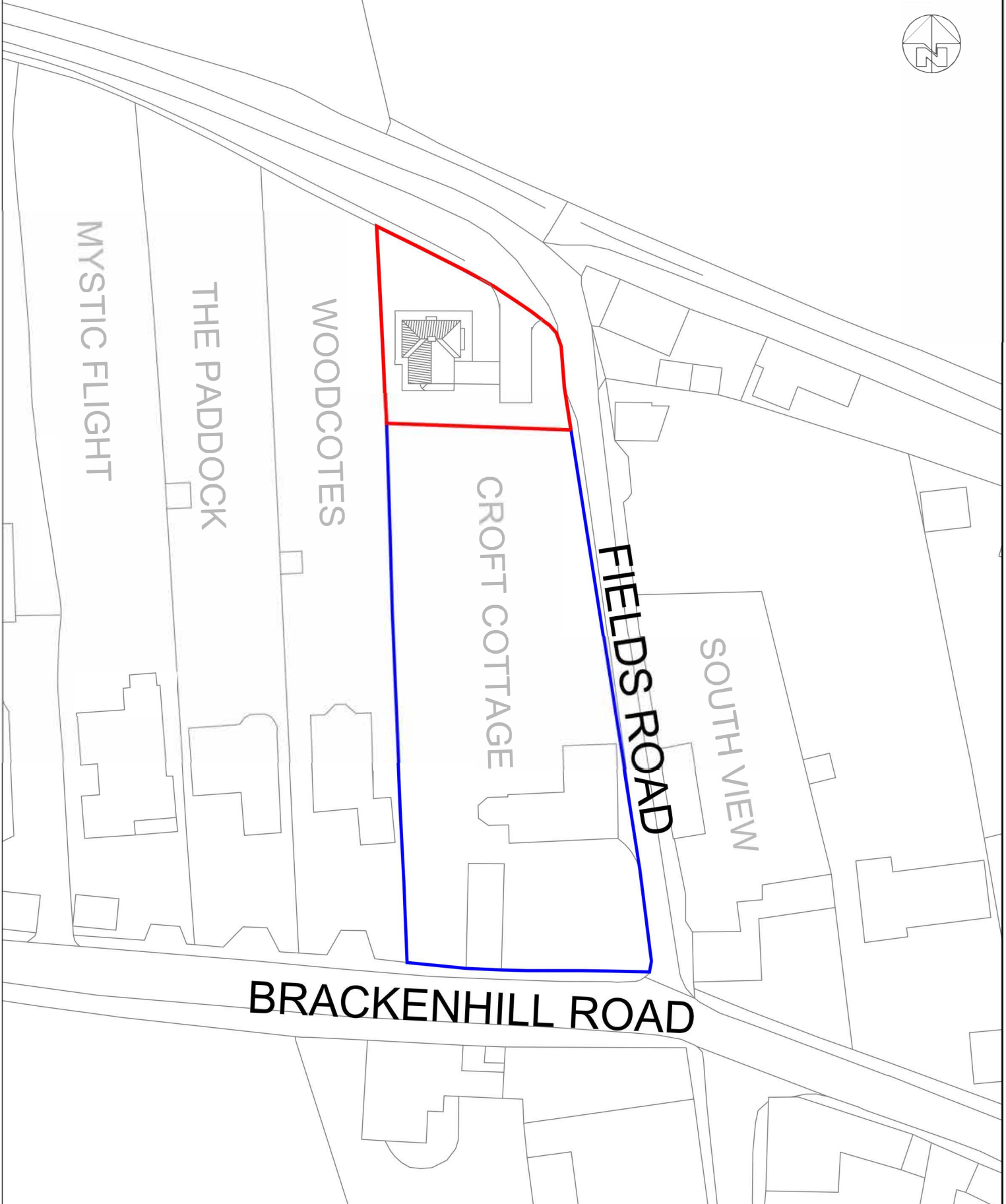
 LC14 Isle of Axholme Area of Special Historic Landscape Interest
 Development Boundary

**North
Lincolnshire
Council**

PA/2022/1591

PA/2022/1591 Indicative layout (not to scale)

Notes: Do not scale dimensions from this drawing. Only figured dimensions are to be taken from this drawing. Check all dimensions on site before commencing any work or shop drawings. © Copyright: All rights reserved. This drawing must not be reproduced without permission of Mark Simmonds Planning Services. Based upon the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. 100053143 2022.



BRACKENHILL ROAD

FIELDS ROAD

CROFT COTTAGE

SOUTH VIEW

WOODCOTES

THE PADDOCK

MYSTIC FLIGHT

Drawing Title
**PROPOSED SITE PLAN
CROFT COTTAGE, FIELDS ROAD
EAST LOUND, HAXEY**
Page 307
Ref: LICF 005

Scale @ A3
1:500

Date
JUL/2022



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