

# Public Document Pack

## NORTH LINCOLNSHIRE COUNCIL

### PLANNING COMMITTEE

11 January 2023

**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 30 November 2022 as a correct record and authorise the chairman to sign (to follow). (Pages 1 - 10)
4. Applications deferred from previous meetings for a site visit. (Pages 11 - 12)
  - (a) PA/2022/1317 Application for permission for the removal and replacement of the front wall at 4A Market Hill, Winteringham DN15 9NP (site visit time 11.30am). (Pages 13 - 20)
5. Planning and other applications for determination by the committee. (Pages 21 - 22)
  - (a) PA/2022/1410 Outline planning permission to erect a dwelling with appearance, landscaping, layout and scale reserved for subsequent consideration at 67 Wharf Road, Crowle DN17 4HZ. (Pages 23 - 40)
  - (b) PA/2022/1440 Planning permission to erect two dwellings, including demolition of existing dwelling at The Field, 7 Vicarage Lane, Wootton DN39 6SH. (Pages 41 - 54)
  - (c) PA/2022/1451 Planning permission for partial change of use of dwelling from residential to childminding at Keedale, Westoby Lane, Barrow upon Humber

DN19 7DJ (Pages 55 - 68)

- (d) PA/2022/1557 Planning permission for change of use of plot to residential and erection of a detached house at Land adjacent to Pumping Station, Carr Lane, East Lound DN9 2LT (Pages 69 - 90)
  - (e) PA/2022/1626 Planning permission for a proposed replacement dwelling at Land east of Priesthows Lodge, Butterwick Road, Messingham DN17 3PL (Pages 91 - 104)
6. Any other items, which the chairman decides are urgent, by reasons of special circumstances, which must be specified.

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

# Public Document Pack Agenda Item 3

## NORTH LINCOLNSHIRE COUNCIL

### PLANNING COMMITTEE

30 November 2022

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

Cllr C Ross (Vice Chairman), Cllr S Bainbridge, Cllr M Grant, Cllr R Hannigan, Cllr D Southern, Cllr D Wells and Cllr C Sherwood

Cllr T Gosling, Cllr T Mitchell, Cllr C O'Sullivan, Cllr H Rayner and Cllr D Rose

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

#### 2317 **SUBSTITUTIONS**

Cllr C Sherwood substituted for Cllr J Davison.

#### 2318 **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 interest –

Councillor Grant

Application – PA/2022/1206

Nature of Interest – Previously engaged with applicant

Councillor Mitchell

Application – PA/2022/1206

Nature of Interest – Member of Axholme Drainage Board

Councillor Rose

Application – PA/2022/1101

Nature of Interest – Chairman of CPRE Northern Lincolnshire & CPRE Yorkshire & the Humber

The following members declared they had been lobbied –

Councillor Hannigan

Application: PA/2022/858

Councillor Mitchell

Application: PA/2022/1206

Councillor Rose

Application: PA/2022/1101

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Councillor N Sherwood  
Applications: PA/2022/858

Councillor Wells  
Applications: PA/2022/1703 and PA/2022/858

**2319 TO TAKE THE MINUTES OF THE MEETINGS HELD ON 2 NOVEMBER 2022 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN.**

The Director: Governance and Communities highlighted a minor typographical error at minute 2304a. This minute should have recorded that the motion to refuse the application was made by Cllr C Sherwood and seconded by Cllr Wells, and not by the members listed in the draft minute.

**Resolved** – That, subject to the above amendment, the minutes of the meeting held on 2 November 2022, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the Chairman.

**2320 APPLICATIONS DEFERRED FROM PREVIOUS MEETINGS FOR A SITE VISIT.**

**2321 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**

Two objectors spoke against the application, stating that the issues at the site were having a detrimental impact on residents. Concerns were raised about air pollution, caused by the burning of wet material, damage to agricultural land, and an adverse effect on equestrian training.

The applicant stated that this was a long-standing business with permission to store wood on the site. All licences were in place, and there had been substantial efforts to make the site as green and energy efficient as possible.

Cllr C Sherwood sought clarity from officers on the use of biomass material.

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

**2322 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**



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An objector spoke against the application, stating that there would be overlooking of their garden, and that the proposed dwelling would block views and not be in keeping with the area. The objector stated that the proposal would have a detrimental impact on utilities, public safety, and property values, and that the application fell outside of the development boundary.

The agent for the applicant stated that there would be many positives with this development, and that concerns around utilities, access, or structural concerns could be addressed, or they were not planning considerations. There was also the potential to allow development on the site if it met local need.

Councillor Hannigan agreed with the objector, stating that there were no services locally, and there would be a detrimental impact on residents.

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

2323 **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**

The applicant spoke on the proposal, stating that this would promote a local business which served residents, and that there would be minimal impact on neighbours.

Cllr Hannigan spoke in favour of the application, stating that the conditions covered any concerns, and that this would promote the applicant’s business. Cllr Grant discussed whether a condition on parking would be beneficial.

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

2324 **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 shared 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 Ross stated that, after visiting the site, they had a number of concerns.

Cllrs Gosling and Rayner spoke as the local Ward members, stating that the application was overbearing, against various planning policies, and that it was over development for the site, with a large number of properties using the same drive, with associated parking concerns.

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

That planning permission be refused for the following reason –

1.

By virtue of its siting and design, the proposed development would create a cramped appearance on the site that would be out of the character with the surrounding area and would have an overbearing impact on the adjacent neighbour to the north. The proposal is therefore contrary to policies DS1, H5, H7 and H8 of the North Lincolnshire Local Plan and policies CS5 and CS7 of the North Lincolnshire Core Strategy.

**Motion carried**

**2325 MAJOR PLANNING APPLICATIONS.**

**2325a 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**

Three objectors addressed the Committee, highlighting various concerns. These included issues with drainage, biodiversity, the loss of a heritage asset on Station Road, and a view that the proposal was not in accordance with the character of a historic town. Concerns around flooding were also raised.

The agent for the applicant stated that the proposal would improve the roads and footpaths around the area, and would provide a substantial financial investment into the town. The agent stated that the proposal was on a brownfield site, and that there had been substantial efforts by a minority of residents to oppose the application. Given that surveying was not possible during the winter, the agent requested that the application be deferred until further work could be completed.

Cllr Mitchell, as Ward Councillor, stated that this was a purely speculative application that was not supported by residents. Cllr Mitchell echoed the concerns around flood risk and a negative impact on amenities.

Cllr Hannigan stated that they had listened to all evidence and concluded that there was no reason to oppose the officer's recommendation. Cllr Grant agreed with this view, stating that there were few positives to the application.

**Resolved** – That planning permission be refused in accordance with the

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recommendations contained within the officer's report.

**2326 PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE.**

**2327 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**

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

**2328 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**

The Development Management Lead, Economy and Environment, updated the Committee on proposed conditions around surface water. The agent for the Applicant responded accordingly.

**Resolved** – That planning permission be approved in accordance with the recommendations contained within the officer's report, and the additional conditions listed below:

1.

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 policies T19 of the North Lincolnshire Local Plan, CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

2.

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.

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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, CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 159 to 169 of the National Planning Policy Framework.

**2329 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**

An objector spoke against this application, stating that residents' concerns remained unaddressed. The objector highlighted issues with noise, access, lack of disabled facilities and staffing, and concerns around highways and parking.

The applicant stated that the property was close to local amenities, and there was no intention to change the external structures. Parking was available and sufficient, and there were no concerns around access. The applicant stated that there was a large demand for safe and secure facilities for children and young people, and that this application was a genuine attempt to meet this need.

Cllr Hannigan stated that children were at the heart of everything that the local authority did, but that, in his view, there were genuine planning reasons why the application should be refused, such as highways safety, the character of the area, and that the application was contrary to various planning policies.

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

That planning permission be refused for the following reason –

1.

The proposed children's care home would have an impact on the character of the area by introducing a commercial enterprise into an area which is predominantly residential in character and is considered to be detrimental to residential amenity through noise and disturbance. Furthermore, the proposal is considered to be detrimental to highway safety due to there being inadequate space on the highway, or within the site, for parking and a dropping-off zone, which allows vehicles to park without causing a hazard to other users on the highway. The proposal is therefore contrary to policies C4 and DS1 of the North Lincolnshire Local Plan, CS1, CS2 and CS5 of the North Lincolnshire Core Strategy and guidance contained within the Interim Planning Policy for Residential Care Homes/Institutions.

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It was then moved by Cllr Southern as an amendment and seconded by Cllr Bainbridge that a site visit be undertaken.

**Amendment lost**  
**Motion carried**

**2330 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**

An objector spoke against this application, stating that the proposal would not be of benefit to residents or neighbours. The applicant believed that the application would be structured more like a house of multiple occupancy, and that there would be issues with parking and waste. The applicant stated that the owner was trying to force this change by threatening to board up the property if the application was unsuccessful.

The agent for the applicant stated that there would be no major change related to this application, and that concerns around becoming a house of multiple occupancy were addressed in the proposed conditions. Following a poor CQC report in 2021, and a lack of demand for care homes, this would be an opportunity to bring the building back into public use. If the application was successful, the building would be professionally refit and managed, and that there were lots of positives related to the proposal. No statutory consultees had raised objections.

Cllr Gosling, as ward member, stated that parking would be a concern, and that there was a need to protect the nearby bus stop and grass verges.

Cllr Hannigan stated that there was little evidence to grant the application, and that there were legitimate concerns around emergency access, the potential for delivery, and that the application was contrary to planning policy.

It was moved by Cllr Hannigan and seconded by Cllr Ross

That planning permission be refused for the following reason –

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.

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2.

The proposal would result in the loss of a community facility within the settlement of Scunthorpe. The local planning authority does not consider 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.

**Motion carried.**

**2331 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**

The Development Management Lead, Economy and Environment, updated the Committee on the status of a wall at the property.

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

**2332 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**

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

**2333 PA/2022/1040 PLANNING PERMISSION TO ERECT THREE DWELLINGS INCLUDING ACCESS AT LAND EAST OF 26 MEREDYKE ROAD, LUDDINGTON DN17 4RD**

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

**2334 PA/2022/1101 OUTLINE PLANNING PERMISSION TO ERECT 5 DWELLINGS AT LAND NORTH OF 53 BRETHERGATE, WESTWOODSIDE DN9 2PF**

The applicant for the agent stated that the proposal would support local amenities and that the site was already developed. The applicant had worked with the case officer to make the application as beneficial as possible, and in line with the development plan. There were no highways issues identified, a low risk of flooding, and there would be no detrimental effect on

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the area. The applicant suggested that a site visit may prove useful for the Committee.

Cllr Rose, as ward member, spoke on the application, stating that there was substantial resistance from residents to this proposal, with 200 residents objecting. The strength of this feeling was outlined in the case officer's report. Cllr Rose stated that the proposal was outside the development boundary, was contrary to a number of planning policies, and that there were a host of other reasons why the site and the proposal generally were unsuitable.

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

2335 **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**

The agent for the applicant stated that this was a special school which met all Ofsted standards and was accredited. The building would be fit for purpose, open to pupils in need, and with relatively low numbers. Staff had been sourced and transport links put in place, reflecting that pupils would not be walking to school. The agent stated that concerns raised by the planning officer had been addressed and that there would be no noise nuisance.

Cllr O'Sullivan stated that they were concerned that various information was not made available.

Cllr Hannigan stated that they wished to see good schools in the area, but they were concerned that this was an unsuitable site, and that there were other significant concerns.

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

2336 **PA/2022/1317 PLANNING PERMISSION FOR THE REMOVAL AND REPLACEMENT OF THE FRONT WALL AT 4A MARKET HILL, WINTERINGHAM DN15 9NP**

it was moved by Cllr Ross and seconded by Cllr Wells -

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

**Motion Carried.**

2337 **PA/2022/1591 OUTLINE PLANNING PERMISSION TO ERECT A NEW DWELLING WITH ALL MATTERS RESERVED FOR SUBSEQUENT**

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**CONSIDERATION AT LAND TO THE NORTH OF CROFT COTTAGE,  
BRACKENHILL ROAD, EAST LOUND DN9 2LR**

The agent for the applicant stated that policy allowed for small developments that were in keeping with the surroundings, and that the site was not in a Conservation Area or listed. The proposal would create a small cluster of dwellings that would have no adverse impact on the area or on amenities.

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

2338 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT,  
BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE  
SPECIFIED.**

There were no other items for consideration. The Chairman wished everyone a pleasant Christmas and New Year.



## 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 11 January 2023  
Date: 23 December 2022

**Background papers used in the preparation of this report:**

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

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

**Statement of publication's purpose**

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<b>APPLICATION NO</b>	<b>PA/2022/1317</b>
<b>APPLICANT</b>	Colonel Simon Strickland
<b>DEVELOPMENT</b>	Planning permission for the removal and replacement of the front wall
<b>LOCATION</b>	4A Market Hill, Winteringham, DN15 9NP
<b>PARISH</b>	Winteringham
<b>WARD</b>	Burton upon Stather and Winterton
<b>CASE OFFICER</b>	Jennifer Ashworth
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by 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

### **New North Lincolnshire Local Plan Submission:**

The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are as follows:

Policy SS1: Presumption in Favour of Sustainable Development

Policy SS2: A Spatial Strategy for North Lincolnshire

Policy SS3: Development Principles

## **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**

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

## **Planning history**

- PA/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.

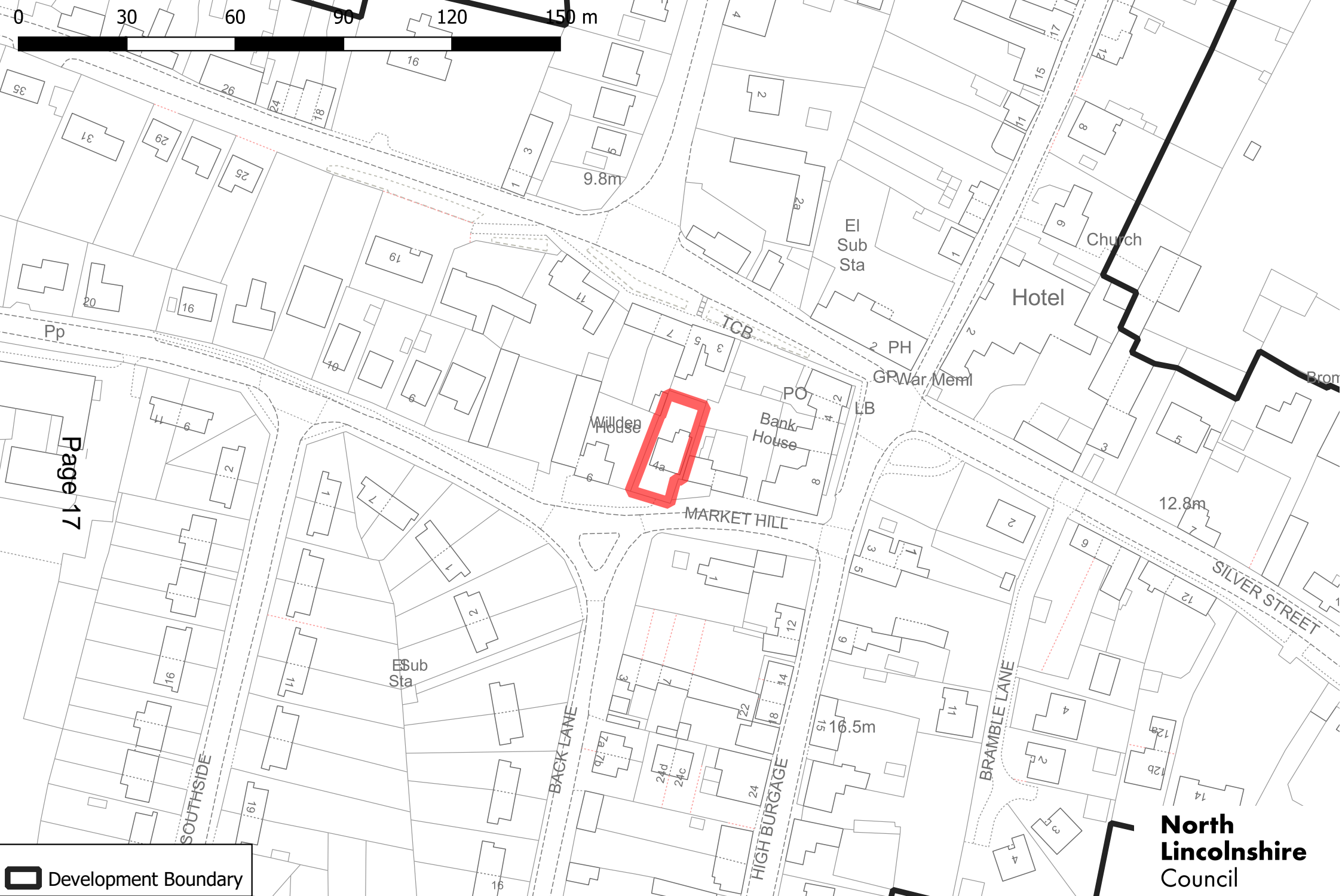
### **Reason**

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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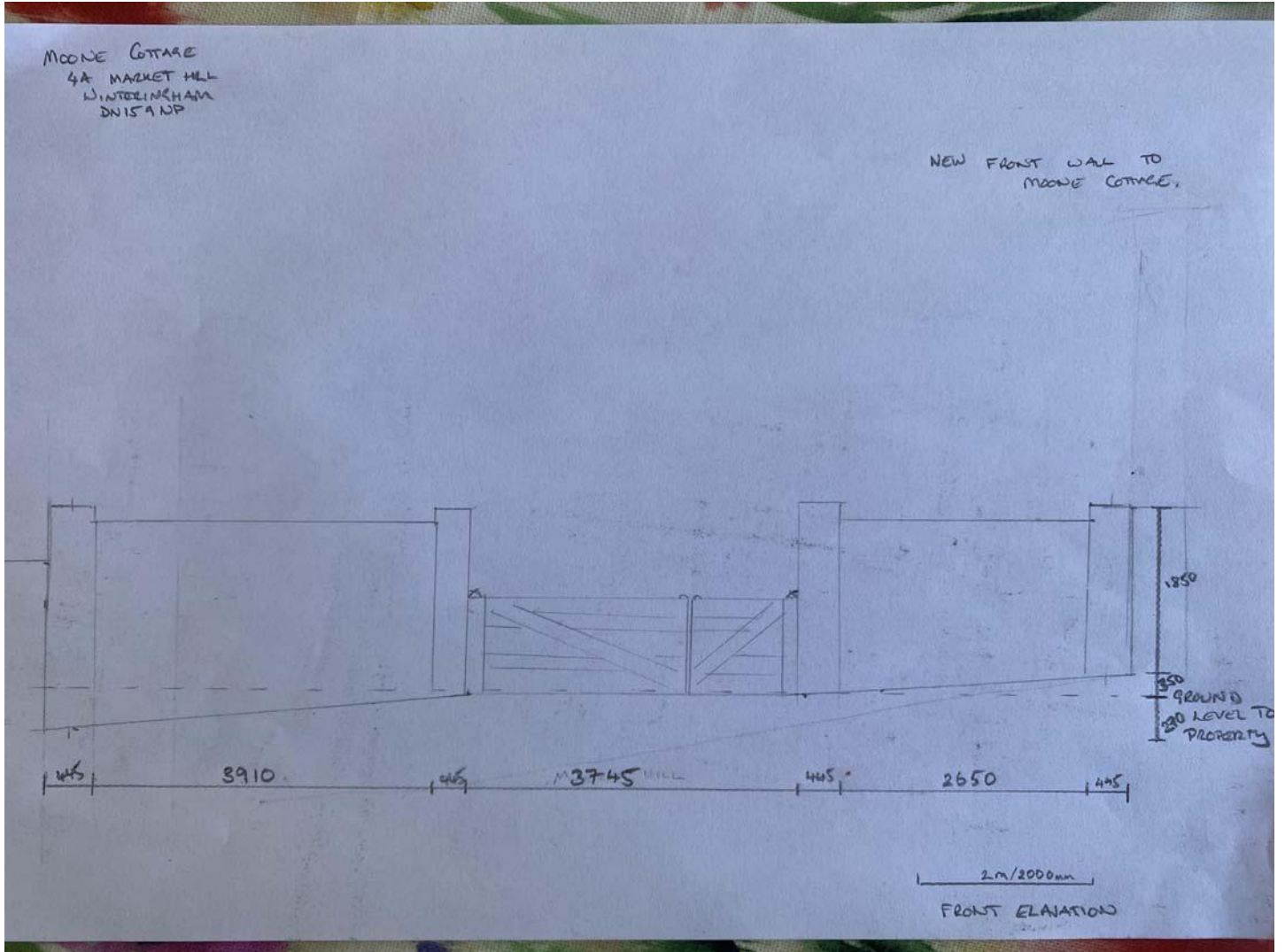
 Development Boundary

**North  
Lincolnshire  
Council**

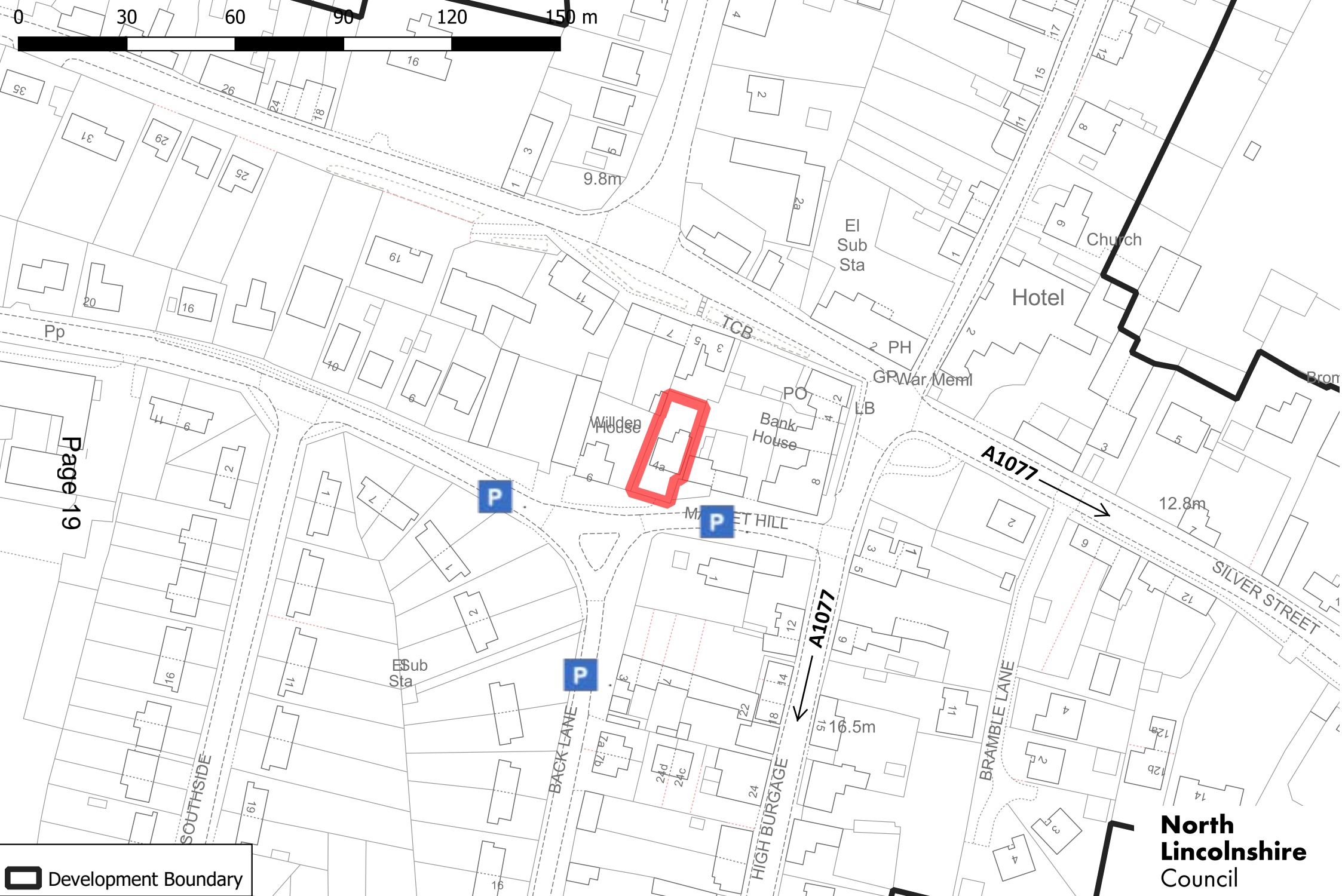
**PA/2022/1317**

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# PA/2022/1317 Boundary wall details (not to scale)







Page 19

 Development Boundary

**North  
Lincolnshire  
Council**

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## NORTH LINCOLNSHIRE COUNCIL

### PLANNING COMMITTEE

#### PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

#### 1. OBJECT

- 1.1 To inform the committee about planning applications and other associated matters falling within its terms of reference which are ready for determination.

#### 2. BACKGROUND

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

#### 3. INFORMATION

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

#### 4. RESOURCE IMPLICATIONS

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

## 5. RECOMMENDATION

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

### DEVELOPMENT MANAGEMENT LEAD

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

Reference: CB/JMC/Planning committee 11 January 2023

Date: 23 December 2022

#### **Background papers used in the preparation of this report:**

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

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

#### **Statement of publication's purpose**

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<b>APPLICATION NO</b>	<b>PA/2022/1410</b>
<b>APPLICANT</b>	Mr & Mrs R Boggis
<b>DEVELOPMENT</b>	Outline planning permission to erect a dwelling with appearance, landscaping, layout and scale reserved for subsequent consideration
<b>LOCATION</b>	67 Wharf Road, Crowle, DN17 4HZ
<b>PARISH</b>	Crowle
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	Emmanuel Hiamey
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Crowle and Ealand Town Council

## **POLICIES**

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

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

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

Chapter 15: Conserving and enhancing the natural environment

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

Policy H1: Housing Development Hierarchy

Policy H5: New Housing Development

Policy H8: Housing Design and Housing Mix

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

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

**New North Lincolnshire Local Plan Submission:**

The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are as follows:

Policy SS1: Presumption in Favour of Sustainable Development

Policy SS2: A Spatial Strategy for North Lincolnshire

Policy SS3: Development Principles

Policy SS5: Overall Housing Provision

Policy SS10: Development Limits

Policy DQE5: Managing Flood Risk

Policy DQE6: Sustainable Drainage Systems

**CONSULTATIONS**

**Isle of Axholme and North Nottinghamshire Water Level Management Board:** Initially commented that the site is within the Board's district; however, there are no Board-maintained watercourses close to the site. As they have not responded to a re-consultation, their initial comments stand.

**Northern Powergrid:** No objection.

**Waste & Recycling:** No adverse comments to make.

**Tree officer:** No comments to make.

**Environmental Protection:** Initially had no objection to the application subject to conditions. As they have not commented on the re-submission their initial comments stand.

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

**Environmental Health and Housing:** No comments to make initially. As they have not commented on the re-submission their initial comments stand.

**Environment Agency:** No objections. Following the re-submission, confirm that their initial comments and recommended conditions remain the same.

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

## **TOWN COUNCIL**

Object to the application, as submitted and following the amendment.

## **PUBLICITY**

Advertised by site and press notice following the amendment to the application.

Three responses have been received from the same person, raising the following concerns:

- drainage (overflowing drains)
- the proposed access from the main road.

## **ASSESSMENT**

### **Constraints**

Development boundary

SFRA Flood Zone 2/3 (a) Tidal

### **Planning history**

PA/2021/1385: Outline planning permission to erect two dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration – refused 11 January 2022.

### **Site and proposed development**

Outline planning permission is sought to erect a dwelling at 67 Wharf Road, Crowle, with appearance, landscaping, layout and scale reserved for subsequent consideration.

This is a resubmission of PA/2021/1385: outline planning permission to erect two dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration, which was refused on 11 January 2022.

The main difference between the current proposal and the previous one is the reduction of the number of dwellings from two to one and ensuring the dwelling is within the development boundary.

The site is within the development boundary of Crowle. The existing dwelling (67 Wharf Road) fronts Wharf Road and is bounded by 69 Wharf Road to the south, 65 The Gables, Wharf Road to the north and a tree belt plus a field to the west.

The proposal involves the subdivision of the existing garden of 67 Wharf Road to erect an additional dwelling to the side of the existing property. The dwelling would be a detached dwelling with two parking spaces. It would share the existing vehicular access to Wharf Road.

As this proposal is for outline planning permission, the design details of the house and the landscaping are reserved for subsequent application and consideration.

It should be noted that, as it stands, the submitted block plan is for indicative purposes only.

### **Planning considerations**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined under 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 key issues to be considered in assessing this application are:**

- **whether the principle of development is acceptable and in line with the relevant policies of the North Lincolnshire Local Plan, the Core Strategy, the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG);**
- **whether the siting and layout of the dwelling is appropriate within the context of the site and surrounding landscape;**
- **whether any environmental impacts can be appropriately mitigated; and**
- **whether the site can be sufficiently serviced by the required infrastructure.**

### **Principle of development**

Policy CS1 (Spatial Strategy for North Lincolnshire) supports an appropriate level and range of new housing development in market towns such as Crowle to support the market towns as sustainable communities.

Policy CS2 (Delivering more Sustainable Development) supports the development of previously developed land and buildings within the defined development limits of North Lincolnshire's market towns, followed by other suitable infill opportunities then appropriate small-scale greenfield extensions to meet identified local needs.



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

Policy CS8 (Spatial Distribution of Housing Sites) allows for housing in market towns and sets an overall provision for Crowle of 145 dwellings within the plan period.

The application site is within the development boundary of Crowle, where development is supported by policy CS3 (Development Limits) as a key tool in ensuring that future development occurs in sustainable locations. This policy also ensures that the countryside is protected from inappropriate development and no uncontrolled expansion of settlements will take place.

As this proposal involves a plot within the development boundary of Crowle, the principle of the development is 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 amenities for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

Policy DS1 of the North Lincolnshire Local Plan expects a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. All proposals that will be considered against design quality 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 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 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.

Generally, policies in the North Lincolnshire development plan do not presume against the subdivision 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.

Having reviewed the siting and layout of the plot compared to the setting, in planning terms a development on the plot would not raise an issue. However, a dwelling on the site must be of the appropriate scale and layout. Again, it is noted that the submitted block plan is for indicative purposes only.

It is considered that, as part of any reserved matters scheme, a suitably designed dwelling could be achieved in line with the local development plan policies for residential development.

### **Impact on the amenity of neighbouring properties**

Policies DS1 of the local plan and CS5 of the Core Strategy 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 amenities, among others. 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 this application is for outline planning permission, the design details of the dwelling have not been provided. These would be considered at the reserved matters stage; therefore, any potential loss of residential amenities arising from this development would be assessed at that stage of the planning process.

Based on the above, it is considered that the proposal is acceptable and would comply with policies DS1 of the local plan and CS5 of the Core Strategy.

### **Highway matters**

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

The proposal would share the existing access with 67 Wharf Road and would have two vehicle parking spaces in the foreground. Highways have no objection to the proposal subject to conditions, which will be applied to any permission granted.

## **Flood risk and drainage**

Section 159 of chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF indicates 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. Also, section 167 of chapter 14 indicates that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of the assessment of the sequential and exception tests, as applicable, it can be demonstrated that within the site the development would be appropriate.

Policy DS14 of the local plan requires satisfactory provision to be made for the disposal of foul and surface water from new development, either by agreeing details before planning permission is granted, or by imposing conditions on planning permission or completing planning agreements to achieve the same outcome. Policy DS16 requires that new development should not be at risk from flooding.

The site lies within SFRA Flood Zone 2/3 (a) Tidal. The applicant has submitted a flood risk assessment which includes an exception test and a separate sequential test document.

A sequential test is a planning tool that councils apply to ensure that developments in areas at risk of flooding are only approved if the applicant can successfully demonstrate that there are no reasonably available alternative sites at a lower risk of flooding and that the proposed uses are suitable in terms of their vulnerability, as specified in Table 2 of the National Planning Policy Guidance (NPPG).

The aim is to steer new development to flood zone 1 (areas with a low probability of river or sea flooding). Where there are no reasonably available sites in flood zone 1, local planning authorities in their decision-making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in flood zone 2 (areas with a medium probability of river or sea flooding), applying the exception test if required.

Only where there are no reasonably available sites in flood zones 1 or 2 should the suitability of sites in flood zone 3 (areas with a high probability of river or sea flooding) be considered, taking into account the flood risk vulnerability of land uses and applying the exception test if required.

Further, within each flood zone, surface water and other sources of flooding also need to be taken into account in applying the sequential approach to the location of the development.

If the proposal is in flood zone 1, it is not usually necessary to apply the sequential test unless the Strategic Flood Risk Assessment (SFRA) or more recent information indicates there may be flooding issues from other sources. If the site is at a low probability of flooding, is not subject to flooding from other sources and is less than 1 hectare, no further action is required concerning flood risk. However, if the site is 1 hectare or greater, applicants are required to produce a site-specific flood risk assessment to accompany the planning application.

In this case, the site lies within SFRA Flood Zone 2/3 (a) Tidal and therefore the sequential test is required.

The applicant has submitted two separate reports for the sequential and exception tests. The first report contains the reason for carrying out the sequential test. It contains alternative sites and maps (see below):

- (1) Land at Eastoft Road Crowle: The site was discounted because it was not comparable in size and does not have planning permission. It is not therefore available nor deliverable.
- (2) Land at Fieldside Crowle: The site was discounted because the site is not of comparable size and does not have planning permission. It is not therefore available nor deliverable.
- (3) Land at Low Cross Street, Crowle: The site was discounted because Plots 1 and 2 are for the construction of a pair of semi-detached houses and are not comparable. They have also been sold subject to contract. It is therefore not available. Plot 3 is for a single building plot and is not therefore comparable and under offer. The site is also within Flood Zone 2/3a therefore no better than the subject site.

It concludes that a search of North Lincolnshire Council's planning web site did not produce any comparable, available and deliverable sites within the search area that would require them to be developed before the application site.

The sequential test report concludes that within the confines of the settlements of Crowle and Ealand the vast majority of sites are within flood zones 2/3a, except for three other sites available for sale but with extant permission. From the above, it can therefore be reasonably justified that no other sites would meet the requirements of this proposal, and the sequential test is passed; an exception test is therefore required.

The exception test has been included in the Flood Risk Assessment (FRA). It requires two conditions to be met before it can be said to have been passed: the site-specific FRA must show the development is safe from flood and the development must provide wider sustainability benefits to the community that outweigh flood risk.

- The site-specific FRA must show the development is safe from the flooding:

The Flood Risk Assessment shows that the critical flood level for the site is 4.1m AOD. This means that during a 1:100-year event with an allowance for climate change water level at the site could be expected to reach 4.1m AOD.

From the plan submitted, it can be seen that the site is at 3.45m AOD. The proposed new dwelling's finished floor level (FFL) will be set at 4.4m AOD. The Environment Agency has confirmed that providing a freeboard of 300mm is sufficient to protect the building from flood, thus the FFL of the proposed dwelling will be set at 4.4m AOD which is 300mm above the critical level of 4.1m AOD.

- Wider sustainability benefits to the community outweigh flood risk:

The applicant has indicated that this development will benefit the community of Crowle in the following ways and thus shows that it will indeed provide wider sustainability benefits to the community, although the development will be safe in terms of flood risk.

*Social:*

- (a) The construction of the dwellings will employ local tradesmen of all ages thus local skills will be enhanced, local employment created, and increased opportunities for the employment of apprentices thus improving chances of longer-term employability.
- (b) The new dwelling will be within walking distance of all local facilities this will thus promote a healthier community.
- (c) The dwelling will be designed following police guidelines to minimise possible burglaries and thus reduce crime in the area.
- (d) The site is closely located to schools and other local facilities and amenities including bus routes and the railway station. It will therefore help to create and utilise a thriving local community and atmosphere.
- (e) The adjacent and neighbouring housing mix varies from terraced houses to semi-detached and detached houses and bungalows; there is therefore no firm housing type.

*Environmental:*

- (a) There is no risk of flooding to the proposed dwelling when built under this FRA.
- (b) The new proposed dwelling will be carbon efficient and have lower than average emissions thus contributing to the improvement of air quality.
- (c) The site is within walking distance of all facilities and amenities plus local bus routes thus this will contribute to the reduction in private vehicle use and emissions.
- (d) All additional housing within rural villages will contribute to the use of public transport and thus additional demand will enhance its long-term provision.
- (e) The house will be built to Code 3 level Sustainable Housing which is above the required level of energy efficiency required by the Building Regulations and thus further contributes to a reduction in the carbon footprint of new housing provision.

All materials used in the construction of the building will be sourced locally thus promoting sustainability in the construction process.

*Economic:*

- (a) Construction of the new dwellings will provide much-needed new jobs and play a part to a small degree in the government's stated intention to build the country out of recession.
- (b) All local rural villages need vibrant centres, and the construction of new family dwellings will bring additional children into the village which will promote the use of the local school, shops, doctor's surgery etc.

The exception test, as set out in the NPPF, is a method to demonstrate and help ensure that flood risk to people and property will be managed satisfactorily while allowing

necessary development to go ahead in situations where suitable sites at lower risk of flooding are not available.

It is judged that for this application a pragmatic approach to the availability of alternative sites has been fully explored.

Having reviewed the amended plans, the LLFA Drainage Team have commented that the site lies within an area at medium risk of surface water flooding and that the finished floor levels are to be raised by approximately 1 metre. The developer needs to be mindful of raising floor levels that has the potential to remove the surface water functional flood plain, the removal of which may/will cause flood risk to the downstream and surrounding catchment unless mitigation works are carried out. They suggest a full detailed analysis of this issue be carried out before determining the application to confirm that the property can be built in this location without causing flood risk to themselves/others.

Notwithstanding the above, the LLFA Drainage Team has no objection to the proposed development subject to the imposition of pre-commencement conditions and informative comments. These would be applied to any permission granted.

The Environment Agency has also reviewed the development following re-consultation and has commented that they note a single dwelling is now proposed instead of two. However, this does not affect their position or the recommended conditions as set out in their initial comments dated 14 September 2022.

Having reviewed the submitted flood risk assessment, together with the plans and comments from the LLFA Drainage Team and the Environment Agency, while both consultees have not objected to the proposal, they have raised concerns and recommended conditions to mitigate their concerns.

Overall it is considered that the applicant has demonstrated that the exception test is acceptable and the development proposal has passed the sequential test and the exception test.

The proposed development complies with policies DS16 of the local plan and CS19 of the Core Strategy, Chapter 14: Meeting the challenge of climate change, flooding and coastal change of the NPPF and PPG guidance dated 25 August 2022, bringing it in line with the changes introduced to the National Planning Policy Framework (NPPF) in 2021 and policy as set out in the Flood Risk Practice Guide.

### **Other issues**

The Environmental Protection officer has reviewed the proposal and recommends a condition to ensure that if contamination is found during development, no further development shall take place until the method as to how it will be dealt with has been agreed and implemented. This condition is considered suitable and proportionate given the previous use of the site as a garden.

### **Public comments**

As indicated earlier, three responses have been received from the same person. The concerns raised relate to surface water and blockage of drains (drainage), access and public safety on the road.

The concern about surface water has been addressed under the comments from the LLFA Drainage officer and in the flood risk and drainage section above.

On the concern about access and public safety, this proposal would share the existing access and the Highways team have no adverse comments to make on the proposed access.

### **Crowle and Ealand Town Council comments**

Crowle and Ealand Town Council have reiterated their objection to the application regardless of the revision of the drawing to remove plot 2 from the proposal reducing the number of dwellings from two to one and limiting the development to within the settlement boundary.

The town council has commented that, as per the previous objection, it still objects as the amendment hasn't dealt with concerns about access over the private drive (no access right to previous Plot 2).

Furthermore, since the new access onto the A161 appears to be a shared access for the existing bungalow and Plot 1, this leaves the problem that the new Plot 2 has no right of way or access over the private drive. Notwithstanding the above, the council has noted that the existing bungalow does have right of way or access to use the private driveway.

Given Plot 2 has been removed from the proposal, the concerns raised by the town council cannot be considered as part of the assessment of the application.

It is worth noting that the use of the private access for the existing bungalow as indicated in the comments from the town council would not change because of the application and the proposed dwelling on plot 1 would not use the private access referred to.

The matter of implementation of adequate sewage and drainage infrastructure has been addressed under the flood risk and drainage section above.

### **Conclusion**

This is a resubmission of PA/2021/1385: outline planning permission to erect two dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration, which was refused on 11 January 2022.

The main difference between the current proposal and the previous one is the reduction of the number of dwellings from two to one and ensuring the site for the dwelling is within the development boundary.

The principle of the development is acceptable because the dwelling is located within the development boundary where development is supported by policy CS3 (Development Limits) as a key tool in ensuring that future development occurs in sustainable locations.

The site can accommodate a dwelling within the terms of the development plan and is unlikely to be detrimental to neighbouring amenities. Notwithstanding the above, as this application is for outline planning permission, the design and appearance of the dwelling would be fully considered during the reserved matters stage. The proposal is therefore recommended for approval.

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

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

**Reason**

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

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

**Reason**

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

3.  
Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

**Reason**

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

4.  
The development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latter.

**Reason**

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

5.  
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, groundwater 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. The development lies within an area identified as at risk of localised flooding.

**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.

6.

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.

7.

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.

8.

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 upon 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.

9.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

10.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it has 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.

11.

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

Reason

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

12.

The development shall be carried out in accordance with the submitted flood risk assessment by Howard J Wroot, dated 2 August 2022. In particular, finished floor levels shall be set no lower than 4.4 metres above Ordnance Datum (AOD). The mitigation measures shall be fully implemented prior to occupation and 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 CS2 of the North Lincolnshire Core Strategy.

### **Informative 1**

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

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

### **Informative 2**

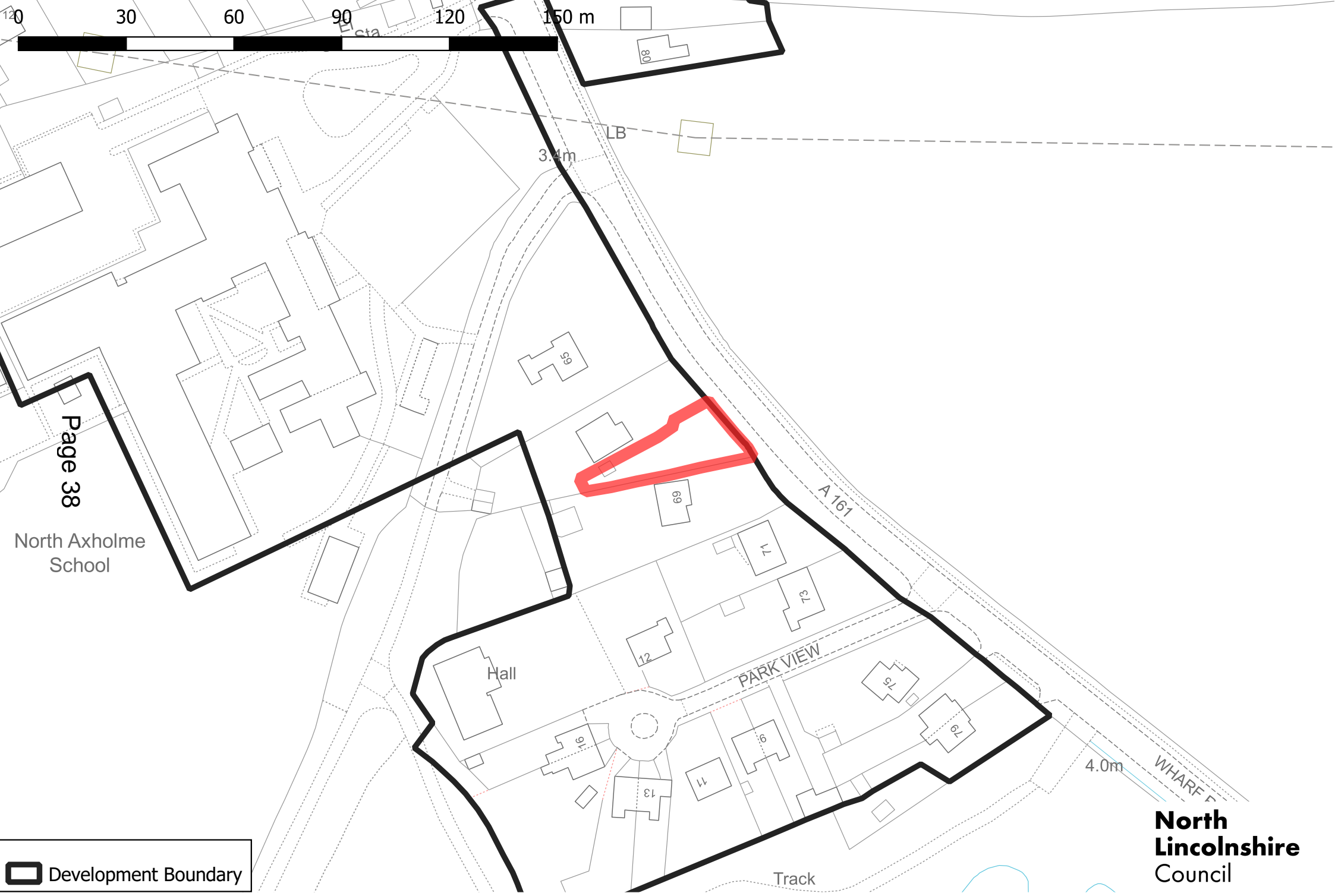
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

### **Informative 3**

The development lies within an area identified as at risk of localised flooding and as such the proposed development's surface water drainage system also needs to include this loss of functional floodplain area in the detailed surface water drainage design and this needs to include increased capacity in the proposed surface water drainage system.

For minor developments, it is suggested you consider upsizing the pipe network and increasing storage around the development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance, it would be good practice on your behalf to ensure an increased level of resilience for the development and its future occupiers and we would ask that you fully explore all Source Control SuDS techniques that can store and allow water reuse.

The site lies within an area at medium risk of surface water flooding and we note finished floor levels are to be raised by approximately 1 metre. The developer needs to be mindful of raising floor levels that has the potential to remove the surface water functional flood plain, the removal of which may/will cause flood risk to the downstream and surrounding catchment unless mitigation works are carried out.



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North Axholme School

Hall

PARK VIEW

A 161

WHARF F

Track

Development Boundary

North Lincolnshire Council

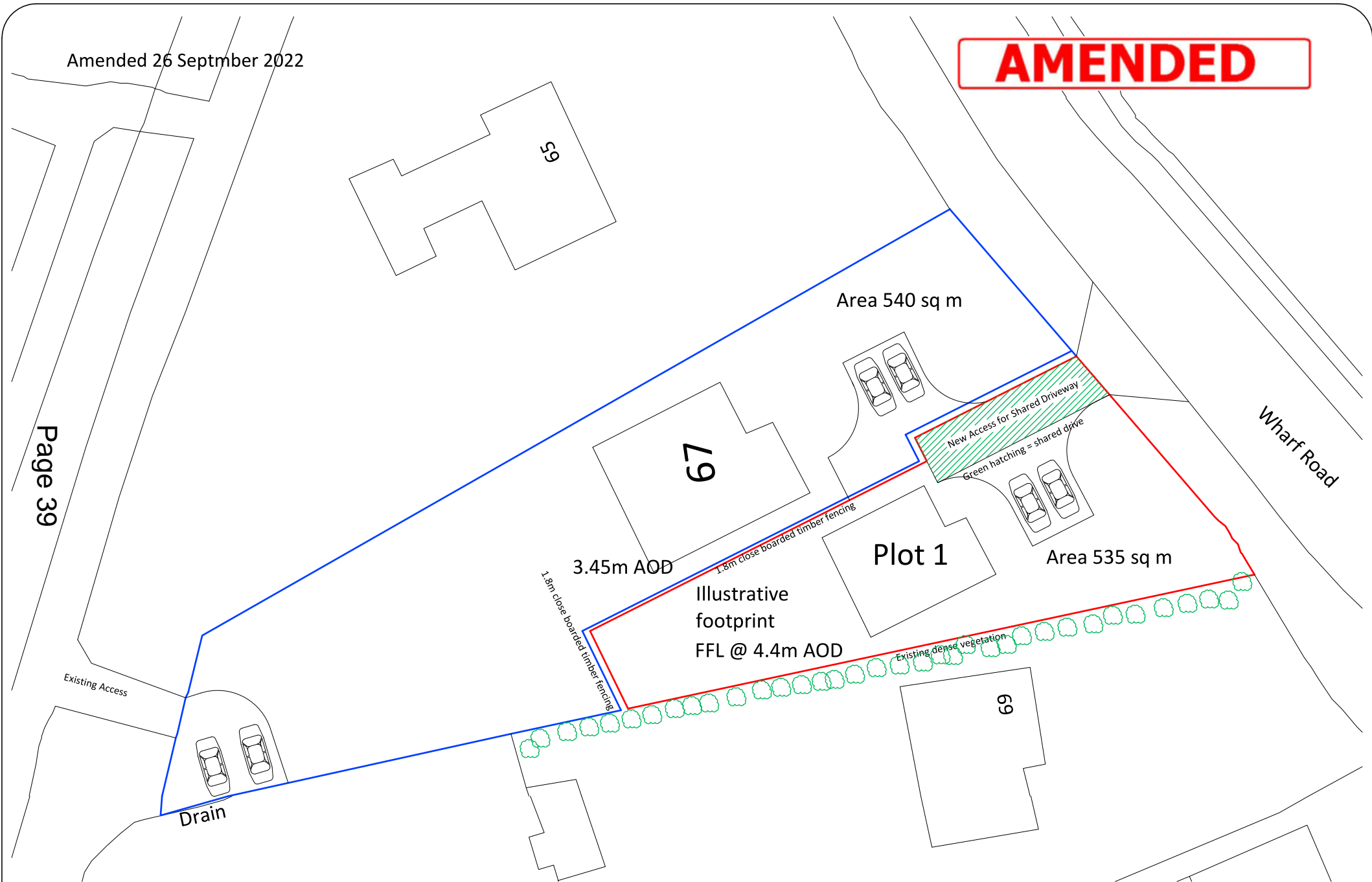
PA/2022/1410

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# PA/2022/1410 Proposed layout (not to scale)

Amended 26 September 2022

**AMENDED**



Page 39

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



Client	Mr & Mrs R Boggis		
Date	1/11/22	Dwg No	1 of 2
Scale	1:250	Ref No	1146

Proposal	Proposed Building Plot adjacent to 67 Wharf Road, Crowle, Scunthorpe, DN17 4HZ.
Drawing	



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<b>APPLICATION NO</b>	<b>PA/2022/1440</b>
<b>APPLICANT</b>	Mr Mark Snowden, Keigar Homes Ltd
<b>DEVELOPMENT</b>	Planning permission to erect two dwellings, including demolition of existing dwelling
<b>LOCATION</b>	The Field, 7 Vicarage Lane, Wootton, DN39 6SH
<b>PARISH</b>	Wootton
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Deborah Oikeh
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to a Section 106 agreement, grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from the development plan Objection by Wootton Parish Council

## **POLICIES**

**National Planning Policy Framework:** Chapters 2, 4, 5, 9, 11, 12 and 15

**North Lincolnshire Local Plan:** RD2, H5, H8, LC6, T2, T19, DS1, DS7, DS14, DS16, HE9

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

**Housing and Employment Land Allocations Development Plan Document:** Policy PS1 (Presumption in Favour of Sustainable Development)

### **New North Lincolnshire Local Plan Submission:**

The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are as follows:

RD1: Supporting Sustainable Development in the Countryside

SS1: Presumption in favour of Sustainable Development

SS3: Development Principles

SS6: Spatial Distribution of Housing Sites

SS10: Development Limits

## **CONSULTATIONS**

**Highways:** No objection subject to a condition.

**Environmental Protection:** Recommend a contamination condition.

**Archaeology:** No objection.

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

**Drainage:** No objection subject to a condition.

**Waste & Recycling:** Provide standard guidance.

## **PARISH COUNCIL**

Objects due to loss of visual amenity for residents of existing properties close to the proposed development.

## **PUBLICITY**

Advertised by site notices. Seven letters of objection have been received raising the following issues:

- loss of outlook and rural atmosphere
- overlooking
- increased traffic
- loss of trees on the site and bat habitat
- demolition of one dwelling to replace with two is inappropriate
- loss of privacy
- bin location and pollution
- application site split into two plots.

## **ASSESSMENT**

### **Planning history**

PA/2018/1381: Planning permission to erect five detached dwellings with private drive and associated external landscaping – approved 04/07/2019

PA/2021/1992: Planning permission to vary condition 2 of PA/2018/1381 (revised layout and house type design) and removal of condition 3 – approved 09/02/2022

PA/2015/0839: Planning permission for the erection of 7 dwellings with recreational open space (to be used as school playing field) and associated access road (including the demolition of 70 High Street) – refused 21/10/2015



PA/2015/0346: Planning permission to extend and alter existing bungalow to form two-storey dwelling, and change the use of land for the keeping of horses – approved 10/08/2015.

### **Proposal and site characteristics**

This proposal is for the erection of two detached dwellings following demolition of the existing dwelling on the site (7 Vicarage Lane). Extant permissions on the field include PA/2018/1381 and PA/2021/1992. These permissions allow the erection of five detached dwellings and variation in design respectively. The proposed dwellings, together with the approved detached dwellings, are arranged in a circular rotation around the turning head and driveway. There is screening (hedges and scattered shrubs) to all boundaries. The dwellings are essentially two-storey with rooms in the roof space. The site lies in flood zone 1 of the council's SFRA. Planning application PA/2015/0839 was refused on the site in October 2015 for the erection of seven dwellings, open space, access road and the demolition of 70 High Street, because the council could demonstrate an up-to-date five-year housing land supply at the time.

### **Site constraints**

The site is outside the development boundary of Wootton, according to the HELADPD 2016.

The site is within SFRA flood zone 1.

### **Main considerations**

- **The principle of the development**
- **Impact upon character and appearance**
- **Impact upon residential amenity**
- **Impact upon access and highway safety**
- **Flood risk and drainage**
- **Land contamination**
- **Archaeology**
- **Ecology.**

### **The principle of the development**

The application site is outside of any defined settlement boundary and the proposal would represent a departure from the current development plan. In determining whether the principle of residential development outside the settlement boundary is acceptable in this instance it is necessary to consider the development plan for North Lincolnshire, namely: 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), the Housing and Employment Land Allocations DPD (2016) and the emerging local plan.

Policy CS1 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 local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy 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 designated development limit for Wootton. There are no allocated housing sites within Wootton.

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 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 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 Wootton and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan.

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.

Policy SS1 of the council's emerging local plan relates to presumption in favour of sustainable development. It requires that a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF should be taken when considering development proposals.

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

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

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

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

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

***Economic:***

Although Wootton is identified as a smaller rural settlement in the sustainable settlement survey, it is ranked 38<sup>th</sup> out of the 76 settlements in the North Lincolnshire Settlement Survey 2019, with four key facilities including a primary school. Vicarage Lane is close to the bus stop on the High Street which provides a service to the larger settlement of Barton upon Humber. The main services in Wootton can be accessed on foot or by cycling as they are relatively close to the application site. There is also the potential for job creation for local residents in construction and related employment. The proposal thus accords with the need to site development in locations with accessible local services.

***Social:***

The site is set on the edge of the development boundary of Wootton and in principle already has six dwellings, namely the approved five dwellings and the existing bungalow to be demolished. Therefore, allowing one additional dwelling to make a total of seven at the edge of a settlement would bring social benefits by way of encouraging new social interactions, leading to growing local communities and supporting local services.

***Environmental:***

In terms of the environmental dimension, the development will partly result in the redevelopment of the site and offers the potential for landscape and biodiversity enhancement through the delivery of the housing scheme.

These matters weigh heavily in favour of the proposal in terms of the economic, environmental and social dimensions of sustainability. As a result, the proposal is considered to be a sustainable form of development and therefore the principle of the development is considered to be acceptable.

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

### **Impact on residential amenity**

Although the site is immediately outside the development boundary, it can be viewed as an infill development given the existing surrounding built form, including dwellings along Vicarage Lane, High Street, Wudaton Court and especially the five detached dwellings with extant permission under PA/2018/1381, subsequently amended under planning application PA/2021/1992.

In terms of residential amenity, the nearest dwelling is about 30m from the proposed dwellings. Whilst the proposed dwellings may be visible from surrounding properties, especially 1–3 Wudaton Court, this will not result in a harmful or unacceptable amenity loss to neighbours given the separation distance, hedges and shrubs (though scanty) and the proposed 2m high close-boarded fence to be installed round the perimeter of the development site. The fenestrations to the side (east) elevation are very limited whereas the fenestration to the rear (south) will be partly obscured by the existing conifer hedges, trees and fence. Whilst the dwellings on the site appear large in comparison to some surrounding, they will not pose any unacceptable domineering impact upon surrounding dwellings given the separation distance. The proposal therefore accords with policies DS1 and H8 of the North Lincolnshire Local Plan and CS1, CS2, CS5 and CS7 of the Core Strategy.

Residents' concerns regarding loss of outlook or view are noted, however these are not planning or material considerations and so cannot be given weight in assessing the proposal.

### **Impact on character and appearance**

Although the development of the site may be viewed as an open land encroachment, the siting of the existing bungalow, 7 Vicarage Lane, in the middle of this open land does provide potential to erect dwellings close to it and close to the development boundary. In addition, the existing consented five dwellings on the field further makes it difficult to regard the site as open land but rather built up. Therefore, it is not necessary to prevent further development of the site but rather make effective use of it, subject to adherence to other policies.

This proposal seeks to demolish the bungalow which represents a mix-match of design, sited in the middle of five modern dormer two-storey dwellings with extant consent. It is

considered that the removal of the bungalow, replacing it with similar designed dwellings, would improve the appearance of the area and not offset it.

Again, there were concerns regarding replacing one dwelling with two on the site. Planning application PA/2021/1992 permitted the variation of condition 2 for a revised layout and house type design on 09/02/2022. To some extent this amendment created more space in the south-eastern part of the field where the proposed dwellings will be sited. If the two dwellings were to be sited on the same footprint as 7 Vicarage Lane, this would amount to overdevelopment. However, given the plot of land referenced on the plans VL/169/04, it is considered that two dwellings with standard amenity space can be sited conveniently, without prejudicing the amenity rights of adjoining neighbours.

The proposal therefore accords with policies DS1 and H8 of the North Lincolnshire Local Plan and CS1, CS2, CS5 and CS7 of the Core Strategy.

### **Access**

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

Access to the proposed development remains the existing access for 7 Vicarage Lane. The access will serve seven dwellings in total following the redevelopment of the site. The site benefits from off-street car parking spaces for each dwelling with enough hard standing area to the front to allow turning and parking. The highways team have assessed the proposal and have recommended a condition which will be attached to any permission granted.

Concerns from residents regarding highway safety and traffic are noted. It is considered that in addition to the construction phase traffic management plan condition, amongst others, attached to PA/2021/1992, a condition relating to completion of parking spaces for the two dwellings prior to their occupation will lessen any impact upon parking and highway safety in the area.

### **Drainage**

Policy CS19 of the Core Strategy is concerned with flood risk, whilst DS14 and DS16 of the local plan are concerned with flood risk, drainage and foul water. Policy CS19 in particular states, 'The council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere.'

The proposed site is situated within SFRA flood zone 1 and is therefore a suitable location for development. The LLFA drainage team has been consulted and has raised no concerns subject to a condition. It is therefore assessed that the proposal accords with policies DS14 and DS16 of the local plan and CS19 of the Core Strategy.

### **Archaeology**

In terms of archaeology, archaeological evaluation in connection with PA/2018/1381 on this site did not identify any significant archaeology. The council's archaeologist was consulted and had no further recommendations or objections. The proposal therefore accords with policy HE9 of the North Lincolnshire Local Plan and policy CS6 of the Core Strategy.

## **Land contamination**

Policy DS7 of the local plan relates to contaminated land. The initial assessment submitted by the applicant was deemed insufficient by the Environmental Protection team who recommended a contaminated land condition. However, further information was subsequently submitted and sent to Environmental Protection which has been reviewed. Given the further information provided, a condition to mitigate impact of contamination if found during development was recommended by the environmental protection. In addition, the review identifies presence of asbestos in the dwelling to be demolished therefore, an asbestos survey shall be submitted prior to the demolition of the dwelling. This shall be conditioned to ensure safety of workers and future occupiers of the site.

## **Ecology**

In terms of wildlife/biodiversity the applicant has submitted an ecological appraisal with the application. Residents of Vicarage Lane did raise important concerns regarding loss of trees on the site. For the purposes of the Small Sites Metric, the habitat baseline should be taken from aerial photos and ecological surveys made prior to site clearance. This is what the applicant's ecologist has done. It is also expected that there should be a presumption that lost tree cover will be made up either at the development site or in close proximity to it. Exceptionally replanting elsewhere will be allowed. Planning obligations may be required to secure such planting. Consequently, it was recommended that a Section 106 agreement for off-site habitat creation should apply to this scheme, which the developer has consented to.

There was also a mention by a resident of the need to verify the supporting ecological documents sent to the planning authority. In this regard, the council's ecologist was consulted to further assess the additional documents. The ecologist raised no objection; however, it was recommended that a condition be imposed to ensure the implementation of the ecological plan submitted for the site. It is therefore considered that the proposal accords with policies LC5 of the North Lincolnshire Local Plan and CS17 of the Core Strategy.

## **Other issues**

An issue regarding bin collection location was also raised by a member of the community. The proposed location for bin collection is the same as approved under the amended scheme PA/2021/1992. It is also worth noting that the location is just for bin collection on certain days of the week and not a permanent position for the bins; hence, any environmental impact upon the adjacent site will be limited in this case.

## **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 condition**

The pre-commencement condition contained in the recommendation has been agreed with the applicant.

## RECOMMENDATION

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 to secure the delivery of one habitat unit off-site valued at £22,000, the committee resolves:**

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Development Management Lead upon completion of the obligation;**
- (iii) if the obligation is not completed by 11 July 2023 the Development Management Lead be authorised to refuse the application on grounds of loss of biodiversity; and**
- (iv) the permission so granted be subject to the following conditions:**

1.

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

Reason

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

2.

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

- Location plan VL/169/02 rev A
- Proposed site layout & landscaping plan VL/169/04 rev B
- Floor and elevation plans VL/169/106 & VL/169/107
- Ecology Site Plan VL/169/09 rev B
- Design and Access Statement.

Reason

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

3.

The ecology site plan shall be implemented in accordance with the following approved plan

- Ecology Site Plan VL/169/09 rev B.

Reason

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

4.

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.

5.

The development shall be carried out in accordance with the submitted Surface Water Drainage Plan, Drawing No: VL/169/08, Rev: A, Dated: 22/08/22.

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.

6.

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

Reason

To ensure the site is safe for future users and construction workers in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

An asbestos survey shall be undertaken prior to demolition of the dwelling '7 Vicarage Lane' to identify the location, type and amount of asbestos containing material, and a proposal for managing and disposing of any asbestos identified.

Reason

To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, to ensure that the development can be carried out safely without unacceptable risks to workers, nearby residents and other offsite receptors in accordance with policy DS1 of the North Lincolnshire Local Plan.

**Informative 1**

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

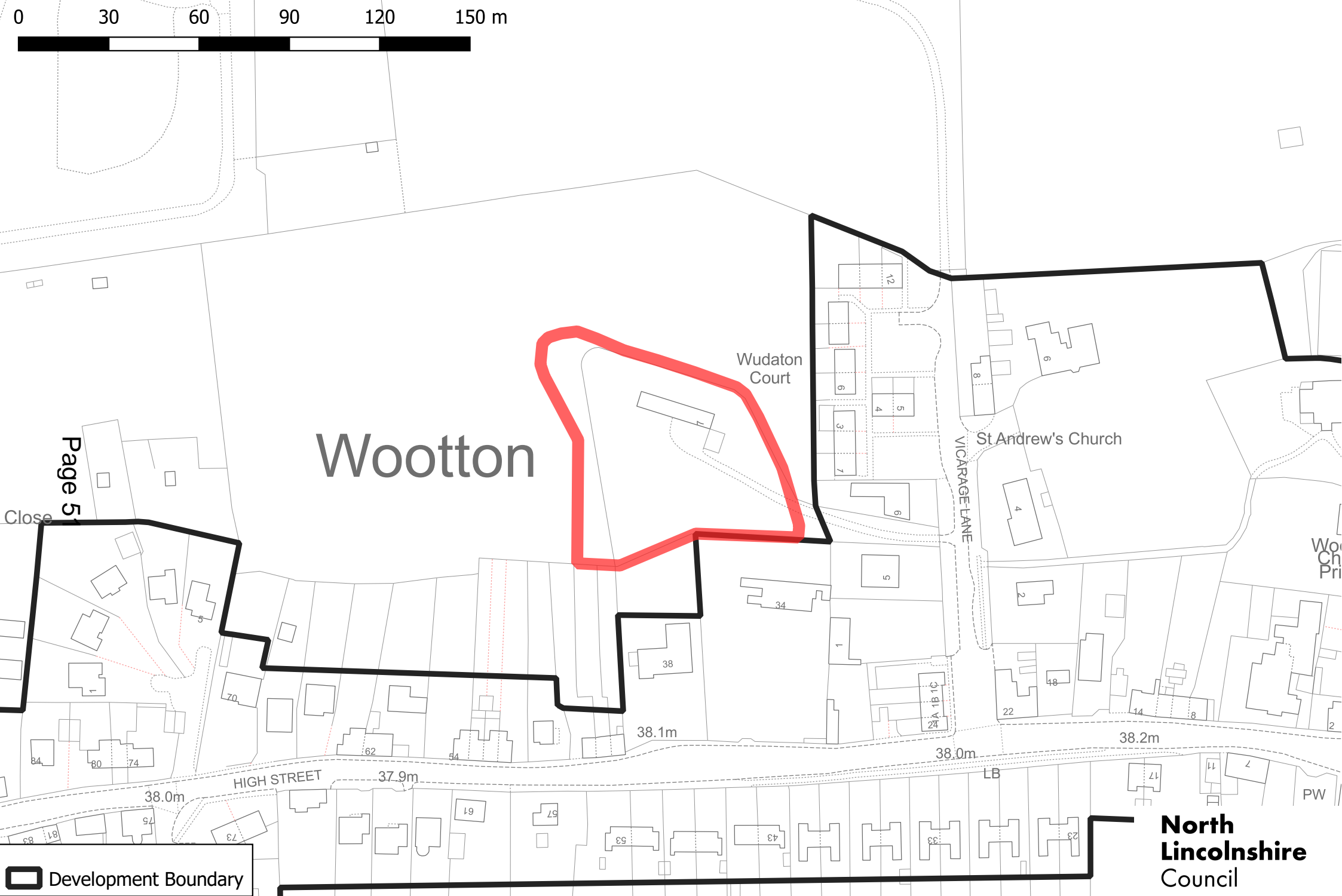
**Informative 2**

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 applicant's attention is drawn to the guidance contained in the council's Waste & Recycling team's consultation response dated 18/08/2022.





Page 5

# Wootton

Wudaton Court

St Andrew's Church

VICARAGE LANE

HIGH STREET

 Development Boundary

**North  
Lincolnshire  
Council**

**PA/2022/1440**

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**LANDSCAPING**

**GENERAL**  
 All pits to be cleared & topped (min 150mm) to correct depths. Any pits with excessive growth of perennial weeds are to be sprayed with glyphosate or similar & left for two weeks prior to cultivation. Annual weeds can be destroyed during cultivation. All pits where compaction has occurred are to be 'topped' using a 3 tine cultivator to compact tractor prior to relaying. This will relieve compaction at depth & therefore allow better drainage & growth of grass & plants. The pits are then to be relaid, minor graded & raked down to prepare for turfing or seeding. All rubbish is to be cleared off & loaded into skips. All soft ground is to be well trodden until firm & then re-raked with the addition of fisons Ph5 pre-ferturting fertiliser or similar approved compound containing not less than Nitrogen 10%, Phosphoric acid 15% potash 10%. pits are to be rolled at this stage as this can cause undulation & compaction.

- + = Existing tree retained
  - = New tree planting
- TREE SPECIFICATION**
- Ha Hawthorn *crataegus monogyna*
  - B Bird Cherry *prunus padus*
  - R Rowan *sorbus aucuparia*
  - H Hornbeam *Carpinus betulus*
  - S Silver Birch *Betula pendula*
  - D Downy Birch *Betula pubescens*
- New tree planting to consist of light standard 250 - 300 cm high & container grown.  
 Tree pits should be dug to 900mm & filled with three 300mm layers of free soil, firmed between layers.  
 All to be secured by single stake with rubber tie & cushion.  
 After planting, cover a circular area of 500mm radius, with medium grade bark mulch.

**FENCING**

Perimeter fencing to be 2.0m tall close boarded fencing. Dividing plot fencing to be 1.8m tall Beverley panel fencing with concrete posts & gravel boards. Panels marked on the plan with **R** to be a cut down Beverley panel to go from 6ft to 4ft tall.



Dashed fence lines - - - - - denote Lincolnshire post and 3 rail fencing

**HERDGEROW SPECIFICATION**

To be double row established semi mature specimens (not whips) & to be native species such as predominantly hawthorn with a mix of blackthorn & field maple.

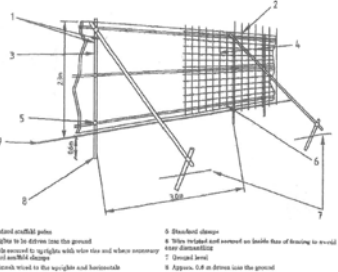
**TURFING** (front gardens & service strips)  
 To be Lincoln Green LG2 (unless specified otherwise) a dwarf ryegrass turf most suitable for the purpose. The turf is to be laid with staggered joints & all edges to be clean out. The whole turfed areas shall then be planked to achieve an even surface, then watered for a week. Any imperfections in the established turf will be corrected or replaced. The turf will be laid only when the contractor considers the conditions suitable. This should be most times of the year but will not be during prolonged periods of drought (especially if watering is restricted) or if the grower is unable to lift turf. During the winter months if the ground is wet it may not be possible to carry out preparation properly as settlement may occur later - in these circumstances if doubt exists it is preferable to wait until the Spring.

**SHRUB SPECIFICATION**

**shrub A** - planted at 5 plants / m<sup>2</sup> in 2 / 31 pots  
 Euryonymus sp  
 laurandula sp  
 cistus sp  
 hebe sp

**shrub B** - planted at 3 plants / m<sup>2</sup> in 31 pots  
 evening primrose  
 sweet rocket  
 lavender  
 sweet briar  
 night scented catchfly  
 soapwort

All shrub areas to have minimum 450mm depth of good quality cultivated topsoil, free from bricks, large stones & other rubbish - 50mm of ornamental bark placed around shrubs



**TREE PROTECTION**

RPA fencing & ground protection for trees / hedging to be in position before any work commences on site. The fenced area to be completely in-accessible to the building contractors with no storage of materials allowed. No mixing of cement based products within the RPA. No use of machinery that could lead to spillages of fuels / oils or other noxious substances either within the RPA or which could lead into the RPA from nearby areas.

B	Plots 6 & 7 added	NwP 22.07.22
A	updated for planning	NwP 31.03.22

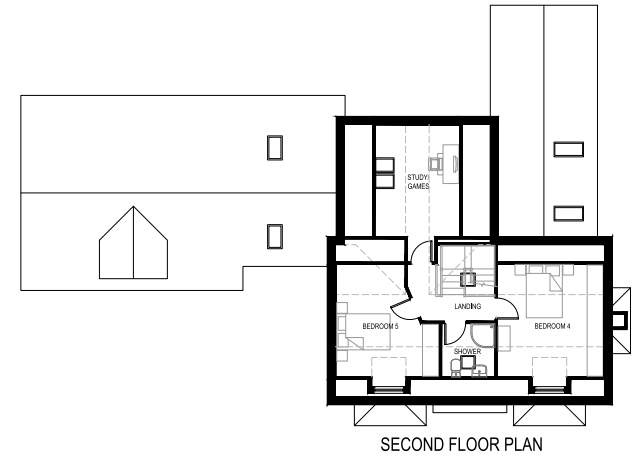
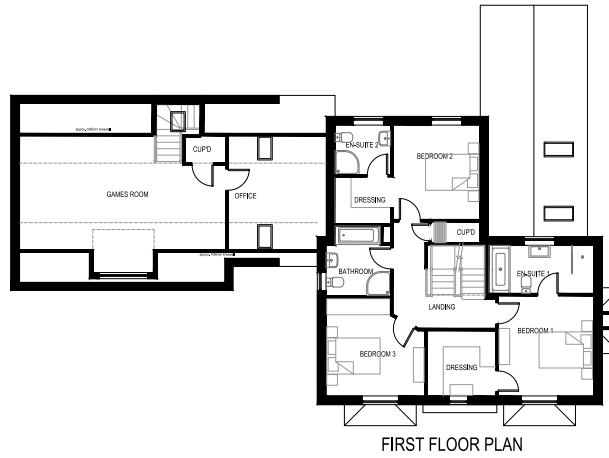
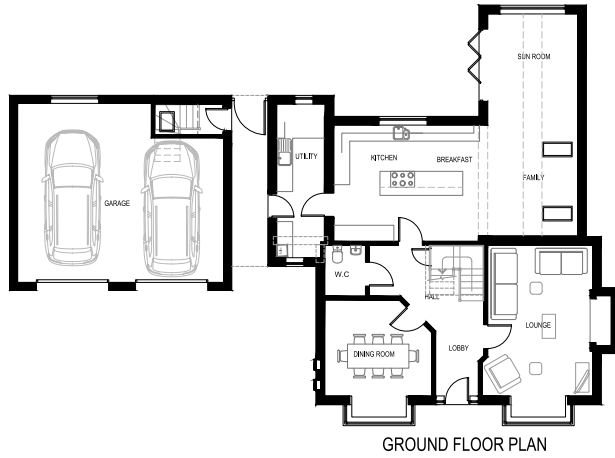
**KEIGAR HOMES LTD**  
 KEIGAR LODGE  
 CANNERRA VIEW  
 BARTON-UPON-HUMBER  
 NORTH LINCOLNSHIRE  
 DN15 5GR  
 Tel: 01652 631939 Fax: 01652 631938

**Residential Development**  
 land off VICARAGE LANE  
 WOOTTON

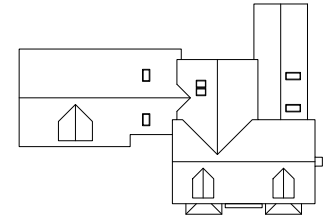
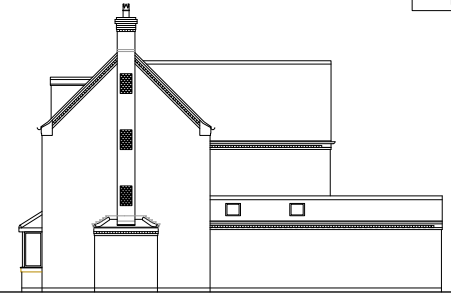
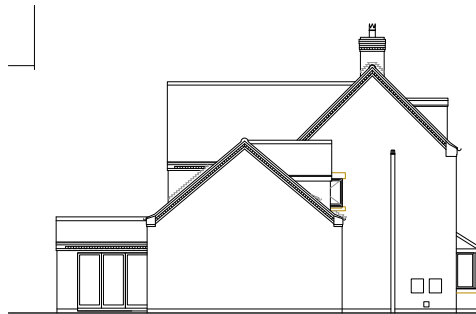
**SITE LAYOUT & LANDSCAPING**

NwP	03.11.21	1/500@A2
VL / 169 / 04		B

# PA/2022/1440 Proposed floor plans & elevations (plot 6) (not to scale)



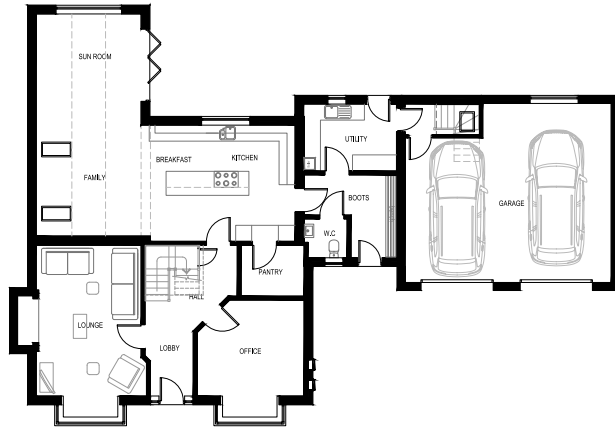
Page 53



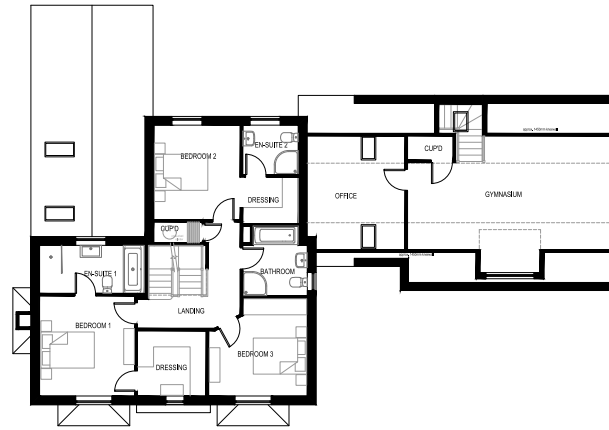
## PLOT 6

KEIGAR HOMES LTD KEIGAR LODGE CANBERRA VIEW BARTON-UPON-HUMBER NORTH LINCOLNSHIRE DN15 5QR Tel: 01652 631939 Fax: 01652 631938		
The Towers Plot 6, Vicarage Lane		
Plans & Elevations		
NwP	13.05.22	1 / 100 @ A1
VL/169/106		

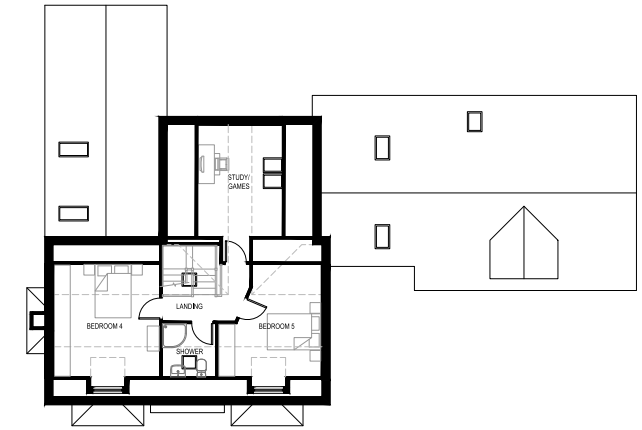
# PA/2022/1440 Proposed floor plans & elevations (plot 7) (not to scale)



GROUND FLOOR PLAN

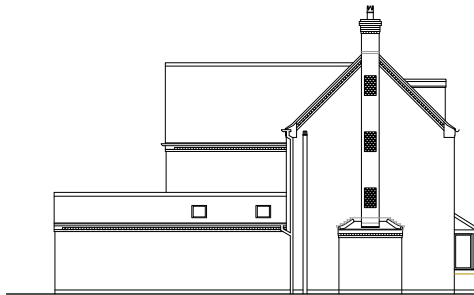


FIRST FLOOR PLAN



SECOND FLOOR PLAN

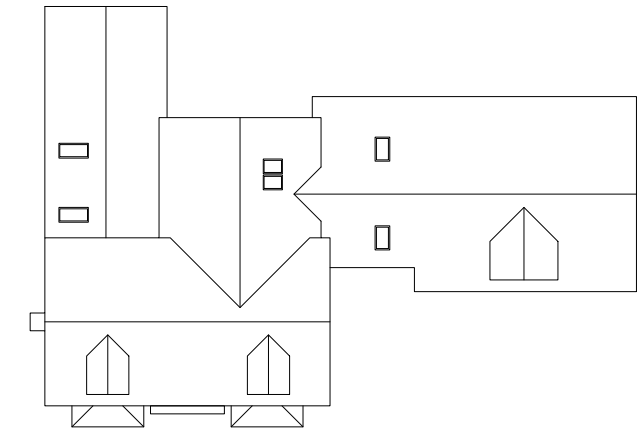
Page 54



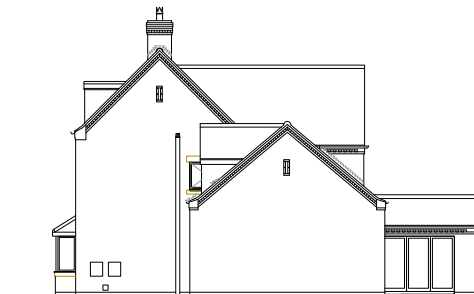
SIDE ELEVATION



FRONT ELEVATION



ROOF PLAN



SIDE ELEVATION



REAR ELEVATION

## PLOT 7

<p>KEIGAR HOMES LTD                  KEIGAR LODGE                  GANBERSIA VIEW                  BARTON-UPON-HUMBER                  NORTH LINCOLNSHIRE                  DN15 5QR                  Tel: 01652 631939 Fax: 01652 631938</p>		
<p>The Towers                  Plot 7, Vicarage Lane</p>		
<p>Plans &amp; Elevations</p>		
NwP	13.05.22	1 / 100 @ A1
<p>VL/169/107</p>		

<b>APPLICATION NO</b>	<b>PA/2022/1451</b>
<b>APPLICANT</b>	Mrs Siobhan Webb
<b>DEVELOPMENT</b>	Planning permission for partial change of use of dwelling from residential to childminding
<b>LOCATION</b>	Keedale, Westoby Lane, Barrow upon Humber, DN19 7DJ
<b>PARISH</b>	Barrow upon Humber
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Jennifer Ashworth
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Richard Hannigan – significant public interest) Support by Barrow upon Humber Parish Council

## **POLICIES**

**National Planning Policy Framework:** Paragraphs 111, 185 and 187

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

DS1 (General Requirements)

DS4 (Changes of Use in Residential Areas)

C4 (Children's Day Centre)

T1 (Location of Development)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

### **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)

CS22 (Community Facilities and Services)

**Housing and Employment Land Allocations DPD:** The site is unallocated and is within the development limits of Barrow upon Humber as shown on Proposals Map.

**New North Lincolnshire Local Plan Submission:** The new North Lincolnshire Local Plan was submitted for public examination by the Planning Inspectorate on 11 November, 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early in 2023.

SS1: Presumption in Favour of Sustainable Development

SS2: A Spatial Strategy for North Lincolnshire

SS3: Development Principles

SS11: Development Limits

CSC8: Education Facilities

CSC10: Community Facilities and Services (The provision of new facilities should be focused in the following locations: i.e. In residential areas where there is no adverse effect on the amenities of neighbouring properties.)

## **CONSULTATIONS**

**Highways:** No objections – adequate parking provision.

**LLFA Drainage:** No objections or comments.

**Environmental Protection:** Objection. The proposed change of use has the potential to introduce an adverse noise impact to local residents. This includes noise from the comings and goings of parents/staff and noise from children on site. Furthermore, there is no legislation to investigate and control noise from children.

**Standards and Effectiveness - Early Years:** The childcare offer in Barrow upon Humber is limited: there is a pre-school on the same site as the school which offers funded early education and childcare places for children from two years until they commence school, on a term-time only basis during school hours. This is not accessible for working parents or younger children. Childminders play a vital role in the provision of childcare by providing home-based and flexible childcare. There are no other childcare or early education options for 0 to 2 year olds in Barrow upon Humber meaning families have to travel out of their community to access care and early education.

## **PARISH COUNCIL**

Appreciates the need for childcare in the village. Has some reservations about additional noise and the issue of traffic in the lane but broadly supports this application.

## **PUBLICITY**

A site notice has been displayed. Forty-three letters of support have been received which are summarised below:

- a much needed service within the area

- excellent small setting
- support small business
- safe environment for children
- sufficient onsite parking and staggered drop-off and pick-up times
- often park away from the setting and walk to be mindful of neighbours
- important community resource
- the benefit to the community overall outweighs any inconvenience due to noise and potential road impact
- limited opening times and not operating extended hours
- if closed this would be a loss to parents, children and staff
- childcare is in limited supply
- do not consider the setting is noisy or would impact neighbours
- the staff are considerate to neighbouring properties putting in place parking policy and providing letters about the business and how it will operate
- in terms of traffic volumes, Westoby Lane has always been used as a rat run between the A1077 and B1206 and the small number of additional vehicles this business creates is insignificant in context and in light of the driveway being used to its full extent would ask that the local authority considers traffic-calming measures on the lane
- the children enjoy playing in the garden but it is very private and not overlooked, so the noise of playing is relatively muffled.

Six letters of objection have also been received, which are summarised below:

- only one main room and one shared toilet – is this adequate for staff and children?
- is the main space adequate?
- highways department comments are incorrect – the business has not been in this location for three years, only six months
- Westoby Lane is narrow and dangerous for pedestrians, pushbikes and other users
- farm vehicles use the lane
- noise from children throughout the day
- no footpath on south-western edge in front of the site
- residential location



- effect of the proposal on living conditions at neighbouring dwellings – most users arrive by private car; the use will spill into the garden area; the change of use is just for the room, 10 children is intensification of use when considering normal living arrangements; noise and disturbance from children and during drop-off and collection, very close to existing residential properties and as such would conflict with policies DS1, DS4 and C4(v), CS5, CS22 and paragraphs 130(f) and 185(a) of the NPPF
- impact on character and appearance – the proposed education use would result in an increase in vehicle movements in a residential rural area, the harm would be inappropriate and as such would conflict with policies DS1, DS4 and C4(v), CS5, CS22 and paragraph 130 of the NPPF
- impact on highway safety – three spaces for existing use and three for proposed use: considered below the parking requirement of Appendix 2 parking guidelines; given the constraints of the narrow lane, no footpath on the application site side and need for increased on-street parking then the proposal would be unsafe; the proposals would have a detrimental impact on highway safety and would conflict with policies CS5, DS4 and C4(iii)
- nothing to suggest the proposal is meeting a local need
- no mention of sustainable travel
- appeal reference PA/2008/1333 – intensity of childcare business becomes harmful and therefore unacceptable (based on 10 children)
- limited access/parking at the site results in hold ups on the lane; some clients park further away and walk while others have doors open for a while onto the main highway; risks of accidents
- noise from car engines and children
- meet and greet is close to neighbouring property and can overhear often private conversations
- the number of children attending is more akin to a nursery
- concerned that, if granted, further expansion would be possible.

## **ASSESSMENT**

### **Planning history**

7/1988/0705: Erect a garage extension and canopy – approved 26/08/1988

7/1976/0456: Erect a single-storey rear extension – approved 09/06/1976

7/1975/0870: Erect a single-storey rear extension – approved 14/11/1975.

The site is within the development limits of Barrow upon Humber.



## **The site/proposal**

The site is within a primarily residential area to the southeast of Westoby Lane. The host property is a detached dwelling with a good-sized garden to the rear and space for parking to the front. To the north, northwest and southeast are detached residential properties and bungalows. Westoby Lane is narrow, but does allow for two cars to pass at slow speed. The northern side has a public footpath, but there is no footpath on the southern side of the lane.

The proposal seeks the partial change of use of a dwelling from residential to childminding. The ground floor plan suggests that the lounge area to the rear of the property and downstairs cloakroom and WC is to be used for the change of use during weekdays 8am to 4pm. The change of use is also for term-time only and the application supporting documents suggest the use will employ two staff, one full-time (5 days) and one part-time (3 days). It is understood that the applicant will also work at the provision creating two full-time jobs and one part-time. It is evident that the rear garden space is also to be used for the proposed use during these times; this is not referenced on the plans but it is noted the change of use would also apply to this area during the stated times. In effect the change of use would apply to the whole planning unit as it would be difficult to enforce otherwise.

The application is made retrospectively and the proposed use has been in operation since 26 June 2022. The case officer has visited the site and seen the provision in operation. There is no doubt that the level of provision provided is of an extremely high quality and children within the applicant's care are happy and well cared for with a range of activities on hand to help aid development and enjoyment. This application is, however, to consider whether the change of use in this location is acceptable in planning terms.

'Little Learners' has been in operation for three years with only the last six months at the current site.

## **Principle of development**

The proposal is for the partial change of use of a dwelling from residential to childminding. The applicant suggests that the proposal is to allow a maximum of up to 10 children during any one day (planning statement). This can vary from day to day; however, 10 appears to be the maximum number sought.

The opening hours are 8am to 4pm Monday to Friday during term-time with two full-time and one part-time members of staff. The children are currently dropped off at staggered times to take account of parking restrictions/noise impacts on the site. This is managed by the owner and staff.

A parking plan and images have been provided which shows parking for up to six vehicles: this includes resident, staff and parent cars including access for getting children in and out of their vehicles safely.

The accompanying planning statement states that access to the setting is via the rear door which is accessed down the side of the property. This is where the children are mostly to be cared for during the day with access to a rear garden providing open space for outdoor play and learning. The rear of the property is fully secured and all boundaries are fenced; gates within the rear garden are all locked/closed and can only be accessed by a staff member.

No changes are proposed to the existing property as a result of the proposal. The staff and children will use the downstairs WC. There is no suggestion that lunch is provided and the supporting statement suggests packed lunches are brought onto site. The Ofsted report does suggest that parents provide packed lunches (page 7). For the purposes of this assessment it is assumed that all activities related to the proposed use include the rear lounge and the downstairs cloakroom/WC, and the rear garden. It is, however, considered that other parts of the house could be accessed during these times by members of staff or the children and this would be difficult/unreasonable to control. The use should therefore relate to the full planning unit.

In terms of advice given in the NPPF, the site is a brownfield site and whilst located on the edge of the settlement it is 7 minutes' walk from a bus stop and close to the centre of Barrow upon Humber. There are opportunities for cycling and walking to the site.

In terms of the Core Strategy, the site is within the development boundary of Barrow upon Humber and within a sustainable location for this type of development.

Policy C4 of the local plan is relevant and relates to children's day care provision. The policy requires the conversion of properties to children's day nurseries to be within an area which provides a safe environment; have adequate facilities for outdoor play separate to car parking and service areas; provide on-site provision for staff and resident cars, including satisfactory access and turning facilities with the layout designed to maximise the safety of children; have adequate space on the highway or within the site for dropping off without causing a hazard to other users; and not detrimentally alter the character of the area by way of visual impact or undue disturbance to neighbours. Where a proposal is within or adjacent to a residential area, conditions will be imposed restricting hours of operation to those of the working day (8am to 6pm) Monday to Saturday inclusive, and may also limit the number of children being cared for at any one time.

Policy DS4 is also relevant and 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 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.

Comments received from the council's Early Years department confirm that there is a need for childcare provision within Barrow upon Humber with families having to travel out of their community to access care and early education. The department are concerned that the closure of the setting would be a loss to the community and this would have a significant impact on the families who have been using the service. If the application is refused it is suggested that this could result in the withdrawal of a maximum of 10 early education and childcare places in an area where there is no other option for working families of 0 to 2 year olds and demand for places in the nearby town of Barton upon Humber is high; families may struggle to find appropriate care to meet their needs. Whilst this comment is noted, the setting could still operate providing up to six places which would not amount to a material change in use based on most recent planning case law.

Whilst the principle of the use (childminding) is considered acceptable in this location, further assessment in relation to the impact such a use of this size and scale would have in relation to highway safety and residential amenity concerns needs to be undertaken.

## **Residential amenity**

As mentioned earlier the site is within a primarily residential area and much support has been raised through responses for the proposed change of use in this location. There is a clear need for child-care provision in the local area as set out by the comments received from the council's Early Years department. The submitted Ofsted report confirms that the level of provision is 'good'.

Whilst significant support has been shown for the application from people using the existing childminding service, several objections have been received from neighbouring residents who raise concerns in relation to amenity impacts such as noise, highway impacts and general disturbance.

The site is close to existing residential properties. Paragraph 187 of 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' (paragraph 187, NPPF).

Paragraph 185 of the NPPF is clear that development should 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.

Policy CS5 is also clear in that development proposals should not lead to unacceptable loss of amenity to neighbouring land uses.

Policy DS1 relates to residential amenity and states there should be no unacceptable loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

In relation to policy C4 it is considered that a safe environment can be provided for the children and that there are adequate facilities for outdoor play which are separate from car parking and service areas. The site has a good-sized garden with boundary treatments and a gated access which is only accessible by members of staff.

Concern has been raised by local residents in relation to the increased noise impacts of the proposed development. This has also been raised by Environmental Protection who have recommended the scheme be refused. The department considers that the proposed use is a considerable intensification of the existing use as a residential property which would make it no longer compatible with the existing residential area in which it is located. The proposed change of use has the potential to introduce an adverse noise impact to local residents. This includes noise from the comings and goings of parents/staff and noise from children on site. Furthermore, there is no legislation to investigate and control noise from children.

Whilst the applicant is seeking to restrict the hours of operation to 8am to 4pm the numbers of children at the setting is considered to be high. The addition of 10 children and three working members of staff on the site will inevitably increase noise levels and movements experienced at the site; this will also lead to an increase in vehicle movements to and from the site.

Letters of objection have been received in relation to all these elements.

It is considered that within existing residential areas residents in those areas should be able to have certain expectations about what is around them in terms of amenity. The introduction of a business into a residential area which requires such detailed drop-off and collection policies suggests that without it there could be significant impacts. For example:

- the drop-off and collection safety policy talks about reversing into a parking space – this would be very difficult to control and enforce from a planning enforcement point of view
- pull onto the grass verge when no spaces are available – this suggests there are likely to be times when sufficient parking is not available
- please do not block the road or neighbours' drives in the pinch point/be mindful of parking (the road is narrow) – this suggests this is an existing problem and the introduction of a business on the site would impact this further
- the policy suggests there is parking for five vehicles but if full to find somewhere safe to park and walk – again suggestive that parking can be an issue.

Further information has been provided by the applicant to set out a schedule of how a typical day is undertaken. Whilst we accept the current owner has plans in place this would be very difficult to enforce going forward.

The applicant refers to planning application PA/2020/361 (planning permission to retain change of use from residential (Use Class C3) to mixed use of dwelling and childminding). The site is at 27 Main Street, Horkstow. This application is for seven children with two members of staff. This includes lower numbers than is being proposed at this site. The comings and goings associated with drop-off and pick-up times of this application were noted to have the potential to cause some disturbance through vehicle engine noise, doors closing and conversations but as these were largely during daytime hours they were assessed as unlikely to be so significant or prolonged as to cause significant harm to residential amenity. This site is significantly different to the application site in that the main highway allows for the easy passage of two vehicles, there are clear footpaths/grass verges on both sides of the highway and overall properties in the wider area are set within much larger plots. The impact would therefore be assessed differently.

An inspector's decision in 2009 (APP/Y2003/A/08/2092632) at 2 Maple Tree Close, Scunthorpe concluded that any intensification of the childminding business (from upwards of six) would be detrimental to living conditions at number 1. Despite only being between the hours of 7.30am and 6.30pm it was considered that the noise from people and cars would have a detrimental effect on local living conditions. The inspector did, however, consider that noise from the children themselves would be unlikely to have a detrimental effect or be so loud that it would be harmful. This is difficult to assess as set out by the Environmental Protection team in their comments.

It is considered in relation to this application site that the introduction of a change of use for up to 10 children and three staff members would alter the character and nature of the site and the primary function of the property would no longer be that of a residential property.

For these reasons it is considered the proposed development would be contrary to policies C4, CS5 and DS1, and paragraphs 185 and 187 of the NPPF.

## 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 applicant has confirmed that there will be capacity for six car parking spaces at the site. The North Lincolnshire Council's parking guidelines document does not specifically refer to childminders but does refer to parking for nursery schools and playgroups which would be a similar use. The guidance recommends one space per four staff plus one space per three pupils, plus a travel plan. The applicant has confirmed there are enough spaces for six vehicles to park on the site at any one time. In theory, seven spaces should be allocated to take account of the existing property and the need for five spaces for the proposed use.

The Highways team have assessed the scheme and consider that adequate parking facilities have been provided in accordance with the drop-off information. The team also commented that the site has been in operation for three years without any issues; however, this is incorrect and will be disregarded as part of this assessment.

There is no provision within the site for the turning of vehicles. Whilst the plan does show six cars can be accommodated on the site, when full this results in five cars being blocked in. No turning facility is provided within the site. The applicant has advised that a parking policy is in place to minimise impact and disturbance and this includes the need for clients to reverse into parking spaces.

Whilst the applicant has confirmed the drop-off and collection times for the children are staggered to ensure parking is not an issue at the site, there is always the potential for people to arrive at the same time should there be a change in circumstance or emergency. The applicant has shown that the drop-off times are staggered both in the morning and afternoon. Westoby Lane is sufficiently wide enough to allow for safe passing of vehicles if parents' cars are waiting along the grass verge outside the property, or on the footpath on the other side of the road. It is noted from comments received that the road is narrow, but does allow for two cars to pass at slow speed. This shows the lane is wide enough for a car to pass should another be parked on the edge at any time, but would prevent two cars passing in the opposite direction. The nature and design of the road in this area encourages slow speeds. The Highways team considers that there is sufficient on-street availability and space for short-term waiting commensurate with the numbers of children being dropped off and picked up from the premises at any one time.

It is understood from the applicant that the three spaces to the side on the grassed area are for staff and the paved area is for collection and drop-off. Concern has been raised that there is no additional space for family members. However, the owner of the property currently works at the property and as such the parking ratio is considered appropriate. A typical family house would generally require two parking spaces.

Whilst the proposal is considered acceptable by the Highways team concerns are raised in relation to highway safety and general disturbance/disruption at collection and drop-off times. Whilst this would be limited to an hour (8am to 9am) every morning and between the hours of 2.30pm to 4pm Monday to Friday this would be for every day of the week during term time. Although the supporting statement does state, 'We are usually only open term time and if we do open in the school holidays numbers are reduced to ensure ratios are met.'

An inspector's decision in 2009 (APP/Y2003/A/08/2092632) at 2 Maple Tree Close, Scunthorpe concluded that any intensification of the childminding business (from upwards of six) would be detrimental to highway safety as a result of parking pressures in the cul-de-sac and that it would also be harmful to living conditions at number 1. The applicant was seeking to increase numbers from 6 to 10 children. The inspector concluded that whilst off-street parking was provided for five cars this would result in tandem parking, which, because of its inconvenience, would encourage parents to park on grass verges. Comments received from residents suggested this was already happening. This appears to be a similar concern for this application site, whereby residents raise similar concerns. This could also lead to damage of grass verges. It was assessed that given the restricted size of the cul-de-sac, despite all the dwellings having a driveway, any intensification would be likely to exacerbate the situation and create a dangerous situation for car users and pedestrians.

Whilst this has not been raised as an issue by the highways team as part of this current application a very similar situation exists. Similarly, the applicant notes that some children walk and have staggered times and considerate parking by parents is requested; this is very difficult to control.

The comings and goings associated with drop-off and pick-up times could have the potential to cause some disturbance through vehicle engine noise, doors closing and conversations, as well as potentially blocking neighbouring driveways and causing general disruption to neighbours.

It is therefore considered that the proposal would conflict with policies C4, CS5, DS1 and DS4 and paragraphs 111, 185 and 187 of the NPPF in relation to disturbance to neighbours and potential highway safety concerns.

## **Conclusion**

Whilst in principle the proposed change of use is acceptable, it is considered that this would be a considerable intensification of the existing use as a residential property. The development would introduce a commercial use into a residential area and a use which would no longer make the property compatible with the existing residential area, having the potential to introduce an adverse noise and disturbance impact to local residents. The primary use of the property as a residential dwelling would no longer exist.

Whilst the planning department accepts that there is a need for early years childcare provision within Barrow upon Humber, an assessment of site suitability and the impact on residential amenity does need to be taken into account. No assessment of alternative sites has been undertaken by either the applicant or the Early Years department to assess whether there are opportunities for vacant/existing buildings within more suitable locations to be used to offer this service going forward.

It is therefore considered that the proposed development is contrary to policies DS1, DS4 and C4(v) of the local plan, CS5 and CS22 of the Core Strategy, and paragraphs 111, 185(a) and 187 of the NPPF.

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

1.

It is considered that the proposed development is unacceptable as it will introduce an intensification of a commercial use into an area of Barrow upon Humber that is

characterised by residential properties. This intensification in use as a commercial operation is inappropriate within this residential location due to the level of activity that would be generated by the business. The development would result in the loss of residential amenity through noise and general disturbance. The proposals are considered contrary to policies C4, DS1 and DS4 of the North Lincolnshire Local Plan, CS5 and CS22 of the Core Strategy, and paragraphs 111, 185(a) and 187 of the National Planning Policy Framework.

2.

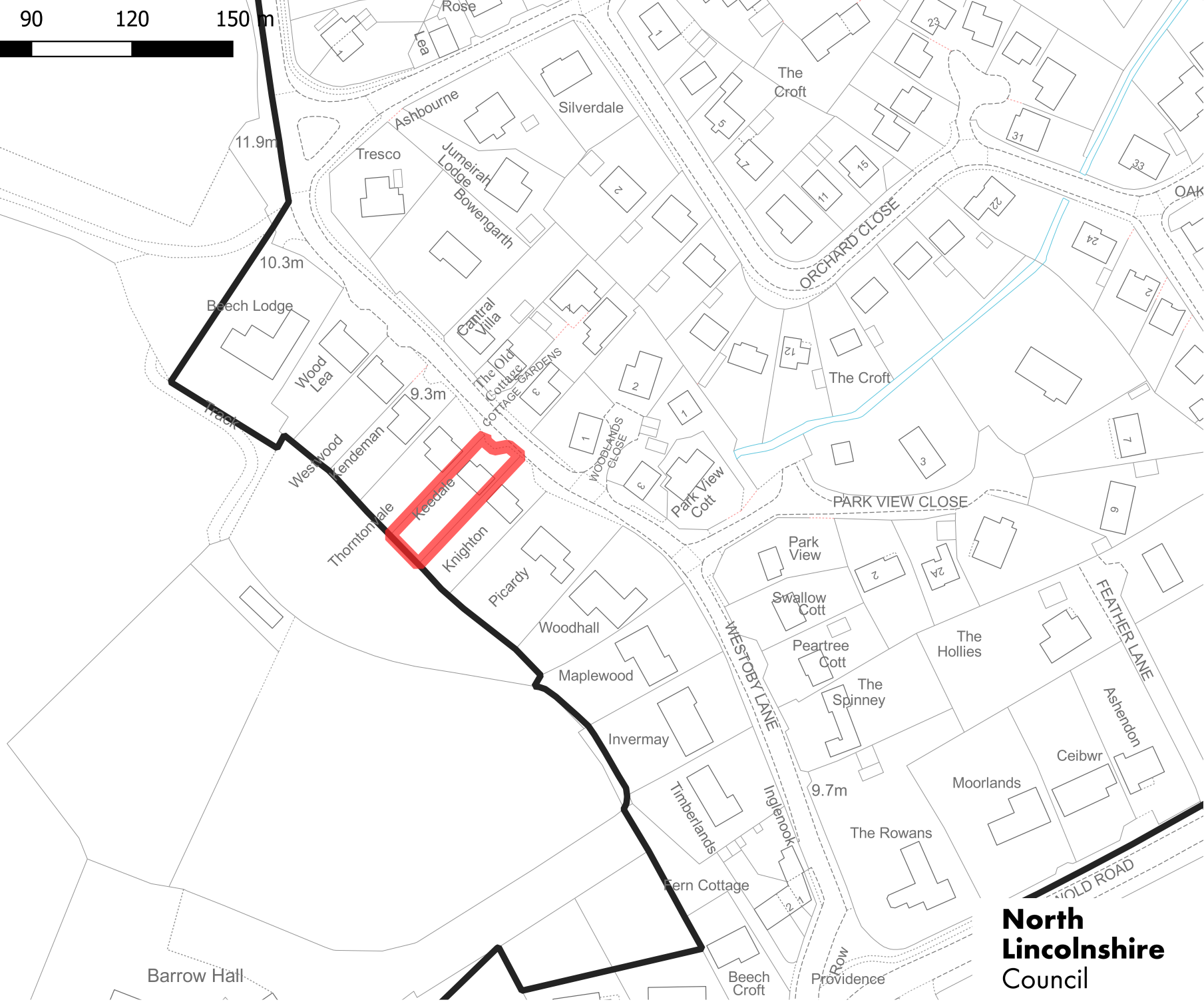
Westoby Lane has a limited amount of space available to serve the existing parking requirements for residential properties. It is considered that the introduction of a commercial use into this residential area is likely to result in disturbance and congestion during the pick-up and drop-off times to the detriment of vehicle and pedestrian safety. The proposal is therefore considered contrary to policies C4, DS1 and DS4 of the North Lincolnshire Local Plan, CS5 of the Core Strategy, and paragraphs 111 and 187 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.

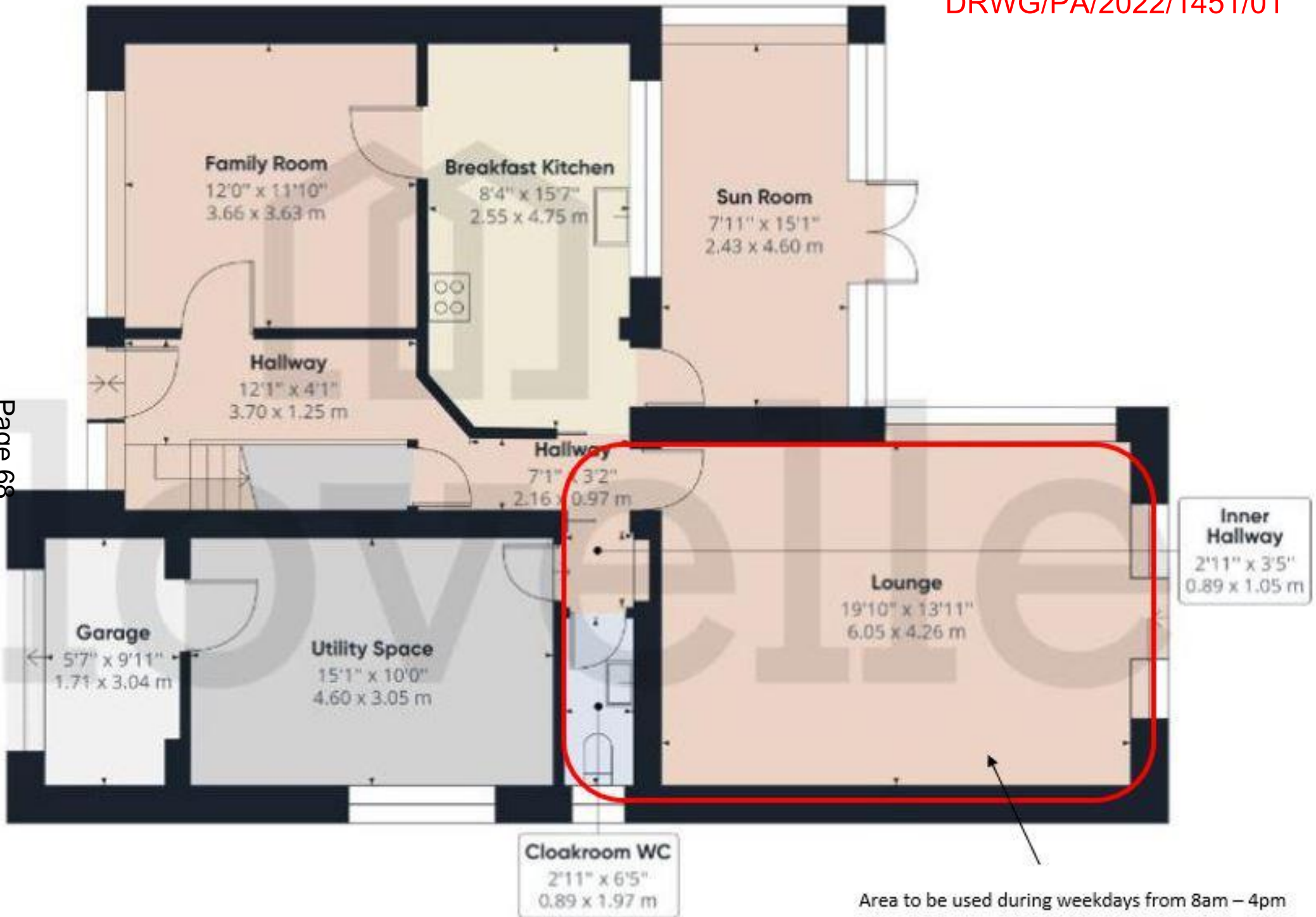


 Development Boundary











<b>APPLICATION NO</b>	<b>PA/2022/1557</b>
<b>APPLICANT</b>	Mr & Mrs Oades
<b>DEVELOPMENT</b>	Planning permission for change of use of plot to residential and erection of a detached house
<b>LOCATION</b>	Land adjacent to Pumping Station, Carr Lane, East Lound, DN9 2LT
<b>PARISH</b>	Haxey
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Jennifer Ashworth
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from the development plan Objection by Haxey Parish Council

## **POLICIES**

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

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

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

DS1: General Requirements

DS16: Flood Risk

RD2: Development in the Open Countryside

H5: New Housing Development (Part 2 saved)

H8: Housing Design and Housing Mix

T1: Location of Development

T2: Access to Development

T19: Car Parking Provision and Standards and Appendix 2

LC5: Species Protection

LC7: Landscape Protection

LC12: Protection of Trees, Woodland and Hedgerows

LC14: Area of Special Historic 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

CS17: Biodiversity

CS19: Flood Risk

CS25: Promoting Sustainable Transport

**Housing and Employment Land Allocations Development Plan Document:**

The site is outside the development limits, within the open countryside and within LC14 land as shown on the Proposals Map.

**New North Lincolnshire Local Plan Submission:**

The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are as follows:

RD1: Supporting Sustainable Development in the Countryside

SS1: Presumption in favour of Sustainable Development

SS3: Development Principles

SS6: Spatial Distribution of Housing Sites

## SS10: Development Limits

### CONSULTATIONS

**Environmental Protection:** No objection subject to a condition to address the potential for contaminants found during development.

**Highways:** No objection subject to conditions in the interest of highway safety.

**LLFA Drainage:** No objection subject to conditions to address surface water to prevent an increased risk of flooding and in the interests of highway safety.

**Isle of Axholme and North Nottinghamshire Water Level Management Board:** No objection. The site is within the Board's district, but there are no Board-maintained watercourses in close proximity to the site.

The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent. The Board's Planning and Byelaw Policy, Advice Notes and Application form are available on the website [www.wmc-idbs.org.uk/IOAANN](http://www.wmc-idbs.org.uk/IOAANN).

The Board's written consent will be required prior to construction of any discharge point from any biotechnical unit/package treatment plant/septic tank into any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

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. 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 Board would wish to be re-consulted.

The design, operation and future maintenance of site drainage systems must be agreed with the lead local flood authority and local planning authority.

**Archaeology:** Recommends permission be refused 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.

**Trees:** The site is bounded by native hedgerow and trees, and these have not been properly assessed as to the impact such a development would have on them and no arboricultural report been submitted to ascertain if development here would impact or detrimentally affect these trees. Overall, as this site is within the LC14 area, my general consideration is that this would be sufficient to suggest that this development is not suitable for this site.

**Ecology:** No objection subject to conditions to minimise harm to protected and priority species and habitats and to seek a measurable net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.1.

## **PARISH COUNCIL**

Objects on the following grounds:

- earlier application refused
- reliance on private car
- outside the settlement boundary
- this application does not meet any identified need in the local plan for a rural hamlet as it is neither affordable nor social housing
- urge the authority to reject this application as it will impact on the LC14 and the character of the area, and noticeably will only provide market housing
- no justification for a special need for a dwelling of this size.

## **PUBLICITY**

Advertised by site and press notice. Two responses have been received, both objecting to the proposed development. The comments are summarised as follows:

- outside the development boundary
- not in keeping with the village
- the proposed property would block sunlight and overshadow nearby residents (bungalow to side)
- potential damage to nearby trees
- a grave is located within 15 metres of the site
- concerns proposals for solar are not suitable for this site
- concerns the site is not sustainable
- the village building demarcation is there to stop urban sprawl into the important historical countryside, particularly on the Isle of Axholme
- changing the designation to domestic and building land means sprawl
- the village already snakes along this road obstructing views into the ancient strip fields and turbaries; no more extensions should be allowed along this road.

## **ASSESSMENT**

### **Planning history**

PA/2022/667: Planning permission to erect a detached dwelling with associated works – refused 29 June 2022

Reasons for refusal:

1.

The proposed development is contrary to policies RD2 of the North Lincolnshire Local plan and CS2, CS3 and CS8 of the North Lincolnshire Core Strategy in that the site lies outside the defined settlement boundary, in the open countryside, remote from local services. It is considered that the development would have an urbanising effect on the southern edge of the settlement by introducing built form into the rural landscape. In addition, insufficient evidence has been provided to justify a special need for a dwelling in this location.

2.

The proposed development is located on land which is designated as the Isle of Axholme Area of Special Historic Landscape and if permitted would represent unnecessary and inappropriate encroachment into this area, thereby adversely affecting its historic character, appearance and setting. The proposed development is considered contrary to the NPPF, policies CS5 and CS6 of the Core Strategy, and policies LC14, LC7, RD2 and DS1 of the North Lincolnshire Local Plan.

Land to the south of the site was refused planning permission in 2017 (PA/2017/1493) for the erection of a single detached dwelling due to the development being considered contrary to policies LC14, RD2, CS2, CS3 and CS8 of the development plan.

PA/2019/1994: Planning permission to change area of residential land use, erect a detached chalet bungalow thereon and re-site a Dutch barn including associated works – refused 21/01/2020, appeal dismissed 20/07/2020

PA/2020/695: Planning permission to change area of residential land use, erect a detached chalet bungalow thereon and re-site a Dutch barn, including associated works – approved 28/05/2021

Planning permission was revoked on land immediately south of the development site:

PA/2020/219: Planning application to vary condition 2 of PA/2018/2361 to allow for change of footprint and elevation detail – approved 29/07/2020; planning permission revoked 10/02/2021

PA/2018/2361 Planning permission to change area of residential land use, erect a detached bungalow thereon and re-site a Dutch barn – approved 05/08/2019; planning permission revoked 10/02/2021

### **Site designations/constraints**

The site is within the open countryside and within policy area LC14.

The site is not within a conservation area and there are no listed buildings on or adjacent to the site. There are no tree preservation orders on the site.

The site is within SFRA Flood Zone 1.

### **The site and proposals**

The application site is located off Carr Lane, to the south of the settlement of East Lound and is within the open countryside. A few existing residential properties are located to the north and north-west of the site. An existing pumping station forms the immediate northern boundary to the site.

There is an existing residential property to the west of the application site (The Paddock) and one to the south (The Meadows). Whilst there are residential properties to the north and west of the site the main character of the area is rural. The site is overgrown and includes a mix of hedges and trees along the boundary of the site.

Planning permission is sought to change the use of the plot to residential and erect a detached house.

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

- principle of development
- appearance and landscape impact
- residential amenity
- highway safety
- trees
- ecology
- archaeology
- flood risk and drainage.

### **Principle of development**

The site is within the rural settlement of East Lound. It is outside the settlement limits of East Lound as set out by the Housing and Employment Land Allocations Development Plan Document (HELADPD). For policy purposes, this would constitute development within the countryside and therefore the provisions of saved policy RD2 of the local plan 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.

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 states that '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. The application site is outside the defined development limit for East Lound and in an Area of Special Historic Landscape Interest.

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. All development should not have an adverse impact on the environment or landscape.

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

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 open countryside in policy terms, though it is on the edge/adjoins the development limits of East Lound. There is also a dwelling to the west which is outside/adjoins the development limits.

The site is within the countryside in policy terms, though it is next to the development limits of East Lound. There is also a dwelling adjacent to the west and one to the south, both of which are 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.

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 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, takeaway 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 a 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 north, within a six-minute walk of the site.

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.'

A recent application to the north of the site (PA/2022/1591), also outside the development limits, was granted outline planning permission on 2 December 2022. This supports the case that East Lound is sustainable and suitable to take a level of growth.

**Environmental:** The site is currently identified by the applicant as an 'empty field'. It is currently overgrown and has a range of trees, hedgerows and other planting within the site. Development would involve the removal of some trees and hedgerows. 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 full planning permission for a dwelling is acceptable.

### **Historic environment**

The application site lies within the Area of Special Historic Landscape Interest (ASHLI) as defined by the LC14 policy area (Inset 74, North Lincolnshire Local Plan 2003) and is outside the current development boundary for East Lound in the open countryside (Inset 74, HELADPD 2016). The applicant has submitted a heritage statement. The council's HER officer considers that the statement does not adequately justify how the siting, scale and design of the proposal would accord with the requirements of local plan policy LC14.

The application site lies within the early enclosed land (EEL) north and south of East Lound that comprises arable and grass fields. The EEL zone here is sandwiched between surviving areas of the Area of Open Strip Fields (AOSF) land to the north, west and east. The area around East Lound and west to Haxey preserves many of the classic landscape features of the AOSF and EEL fields described above. The earthworks of former AOSF cultivation strips are preserved within the EEL enclosure to the west of the application site, visible on the Google Earth image reproduced in the heritage statement. The EEL buffers the AOSF land and forms its setting.

The application site is on the south-east side of the village, on the east side of Carr Lane, which is narrow and tree-lined. The site of the proposed dwelling lies within one of the early enclosed fields.

The HER officer considers that the effect of the proposed dwelling would be to extend the built form and residential use beyond the development limit into the historic landscape. They consider that this would be an unacceptable visual intrusion that would adversely affect the character, appearance and setting of the historic landscape, contributing to the erosion of the setting and legibility of the landscape characteristics and traditional agricultural use.

Furthermore, they consider that the proposed residential use would introduce inappropriate domestic elements into the historic landscape such as the boundary fencing, hard-paved surfaces and external lighting, landscaped gardens and associated domestic and recreational structures such as sheds and greenhouses, as well as otherwise potential permitted development. Such items would not be related to the traditional features and uses of the historic landscape and would further harm the character.

For these reasons the HER considers the application should be refused citing that the development is contrary to local plan policies LC14, LC7, RD2 and DS1, and Core Strategy policies CS5 and CS6. The proposal would not accord with paragraphs 197 or 206 of the National Planning Policy Framework.

In assessing the comments raised, whilst the historic environment is a material consideration, it is considered that this area of land has seen recent development which has altered the character of the land without it being of detriment to the historic landscape. The proposed development seeks to continue the linear form of development along Carr Lane. Development is considered appropriate within the LC14 area where it seeks to follow existing patterns of development. It is considered that the application site seeks to achieve this aim whilst respecting the LC14 allocation.

The applicant argues that, together with the construction of a sewage pumping station in the late twentieth century in the north-west corner of the application site, the changes around the site have damaged the character of the application site itself. Although undeveloped, it is less readily recognisable as part of the Early Enclosed Land. Instead, it has more of the character of a vacant plot within the built environment of the village.

The case officer agrees with the conclusion of the supporting Heritage Statement which highlights that the proposed dwelling is of an appropriate size and scale and employs traditional materials and design features. It fulfils the requirement of saved policy LC14 that '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.'

Therefore, it is considered that the proposal would have an acceptable impact on the character of the area.

### **Residential amenity/design/appearance**

Part saved policy H5 and policy DS1 refer to residential amenity. They both 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 that there should be no unacceptable loss through overshadowing.

Saved policy DS5 of the North Lincolnshire Local Plan (2003) is concerned with residential extensions and is relevant to this development. It states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

Policies H5 (part saved) 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 Core Strategy is concerned with delivering quality design in North Lincolnshire. It states, '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.' This is reinforced by local plan policy DS1 and CS5 as noted above.

Policy 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.

The application seeks full planning permission for the change of use of land to residential and the erection of a large double-storey five-bedroom detached property with an attached garage.

Two access points into and out of the site will be taken directly off Carr Lane. This will allow for turning within the site and prevent the need for vehicles to reverse out onto Carr Lane. Whilst the property appears large it is considered appropriate for the plot. The building is set away from the existing pump station compound and includes a large area for private garden/amenity space around the property.

The proposed dwelling is considered to have suitable separation distances to neighbouring properties to ensure there would be no significant impacts through overlooking or on privacy to neighbouring properties.

This separation also serves to ensure that there would not be a significant impact of overshadowing or oppression to neighbours to warrant resistance on these grounds either. The proposal is therefore considered to accord in this regard with the aims of policy DS1.

The applicant confirms within the Design and Access Statement that the site landscaping is generally to remain undisturbed and in its natural form, with sensible tidying and pruning of hedges to the site boundaries.

The applicant has also set out within the Design and Access Statement that the following materials will be used for the development:

Walls: Old cottage blend bricks and brown cladding boards

Roof: Orange clay pantiles

Windows: Brown

Doors: Brown

No detailed plans have been provided in relation to boundary treatments and it is recommended this be dealt with by condition.

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.

Subject to the inclusion of a condition to secure the materials and boundary treatments, it is therefore considered that the proposal is in accordance with policies DS1, DS5 and H5.

### **Highways/access**

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

The site has access to public transport links and whilst there are limited services within a reasonable walking distance the site is closely related to Haxey where a range of additional services can be found. The location of the site is therefore considered to be sustainable.

Two new access points would be provided to serve the site off Carr Lane.

Highways have been consulted and raise no concerns regarding the location of the accesses or other highway matters. Subject to conditions to address highway safety, the scheme is considered acceptable.

The site has the capacity for safe access and suitable parking arrangements, and the proposals therefore accord with policies T2 and T19.

### **Contamination**

Environmental Protection have been consulted on the application and have raised no objection, but recommend a watching condition in relation to contaminated land be imposed on any permission.

## **Drainage**

Policy CS19 of the Core Strategy is concerned with flood risk.

The site is within Flood Zone 1. The Environment Agency has been consulted and does not raise any comments or objections at this time.

The LLFA Drainage officer has been consulted on the application and, subject to conditions to control the drainage details, is satisfied that there would not be a significant impact upon the drainage of the site.

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 is overgrown and comprises poor semi-improved grassland. A line of trees is present within the east and south of the site, with dense continuous bramble scrub also present which create the borders of the site in the north and west.

Outside the site boundary on the southern and eastern elevation lies agricultural land, with a single residential house. Immediately outside the eastern boundary lies Carr Lane, with further residential housing and agricultural land present. Outside the northern elevation of the site, residential housing becomes denser closer to the village of East Lound.

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 tree officer has commented and highlights that the site is bounded by native hedgerow and trees which have not been properly assessed as to the impact such development would have on them and no arboricultural report has been submitted. The tree officer considers that as the site is within the LC14 area development is not suitable. The council's ecologist supports the comments in relation to the historic landscape in that with regard to the relatively open landscape of the Isle of Axholme, both new buildings and any trees planted to screen them can dramatically alter the landscape character. He recommends that landscape and visual impacts will need to be considered in terms of the adopted Landscape Assessment and Guidelines and the Countryside Design Summary.

As set out above, the site has been assessed in the context of policy LC14 and development on the site is not considered to be detrimental to the setting of the historic landscape. It is considered that an appropriate boundary solution can be agreed and this matter can be secured through appropriately worded conditions.

The proposed development is considered to accord with policy LC12.

## **Ecology**

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. The site is not designated for any known ecological interest. The application is supported by a preliminary ecological assessment. The survey methods used and the survey effort deployed have been assessed by the council's ecologist and are considered appropriate for the site in question. Although the survey was carried out at a suboptimal time of year (January), the habitats recorded were such that survey at a more suitable time of year would not be expected to produce markedly different results.

The council's ecologist considers that the application will result in the loss of habitats that are widespread and commonplace. Nevertheless, more distinctive habitat will be replaced with less distinctive habitat, resulting in a net loss of biodiversity value. To make sure that biodiversity net gain is quantified and deliverable, the applicant is advised to make use of Defra's Biodiversity Metric Version 3.1. The council's ecologist has recommended three conditions which seek to ensure:

- works are carried out in accordance with the submitted Preliminary Ecology Appraisal Report;
- within three months of the commencement of development, a biodiversity management plan is submitted to the local planning authority for approval in writing; and
- the biodiversity management plan is carried out in accordance with the approved details and timings, and the approved features retained thereafter.

Subject to the recommended conditions, the proposal is therefore considered to be acceptable in this regard in line with the aims of policy CS17.

## **Conclusion**

Whilst the same application was refused permission in June 2022 there is now a presumption in favour of sustainable development which did not apply previously. 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 conditions contained in the recommendation have been agreed with the applicant.

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

1.

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

Reason

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



2.

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

- Location and Block Plans - PL01
- Proposed Elevations - PL02
- Proposed Floor Plans - PL03.

Reason

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

3.

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

Reason

To protect human health.

4.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), nothing shall at any time be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2 metres from the highway boundary across the site frontage.

Reason

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

5.

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.

6.

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

Reason

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

7.

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

Reason

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

8.

No development shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the change of use takes place and the dwelling is occupied and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H8 and DS1 of the North Lincolnshire Local Plan.

9.

Works shall be carried out strictly in accordance with sections 6.3 to 6.3.5.3 of the submitted Preliminary Ecological Appraisal Report dated February 2022.

Reason

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

10.

Within three months of the commencement of development, a biodiversity management plan shall be submitted to the local planning authority for approval in writing. The plan shall include:

- (a) details of at least two bat roosting features to be installed in the new dwelling;
- (b) details of nesting sites to be installed to support a variety of bird species, including house martin;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the retention, planting and aftercare of hedgerows, trees and shrubs of high biodiversity value;

(f) proposed timings for the above works in relation to the completion of the buildings.

**Reason**

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

11.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. The applicant or their successor in title shall submit photographs of the installed bat 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.

12.

The external materials to be used in the construction of the development hereby approved shall be as provided on pages 4 and 5 of the Design and Access Statement as follows, unless otherwise agreed in writing by the local planning authority:

Walls: Old cottage blend bricks and brown cladding boards

Roof: Orange clay pantiles

Windows: Brown

Doors: Brown.

**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**

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

**Informative 2**

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

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

### **Informative 3**

The LLFA Drainage Team suggests you consider upsizing the pipe network increasing storage around your development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance it would be good practice on your behalf to ensure an increased level of resilience for the development and its future occupiers.

### **Informative 4**

The site is within the Isle of Axholme and North Nottinghamshire Water Level Management Board district.

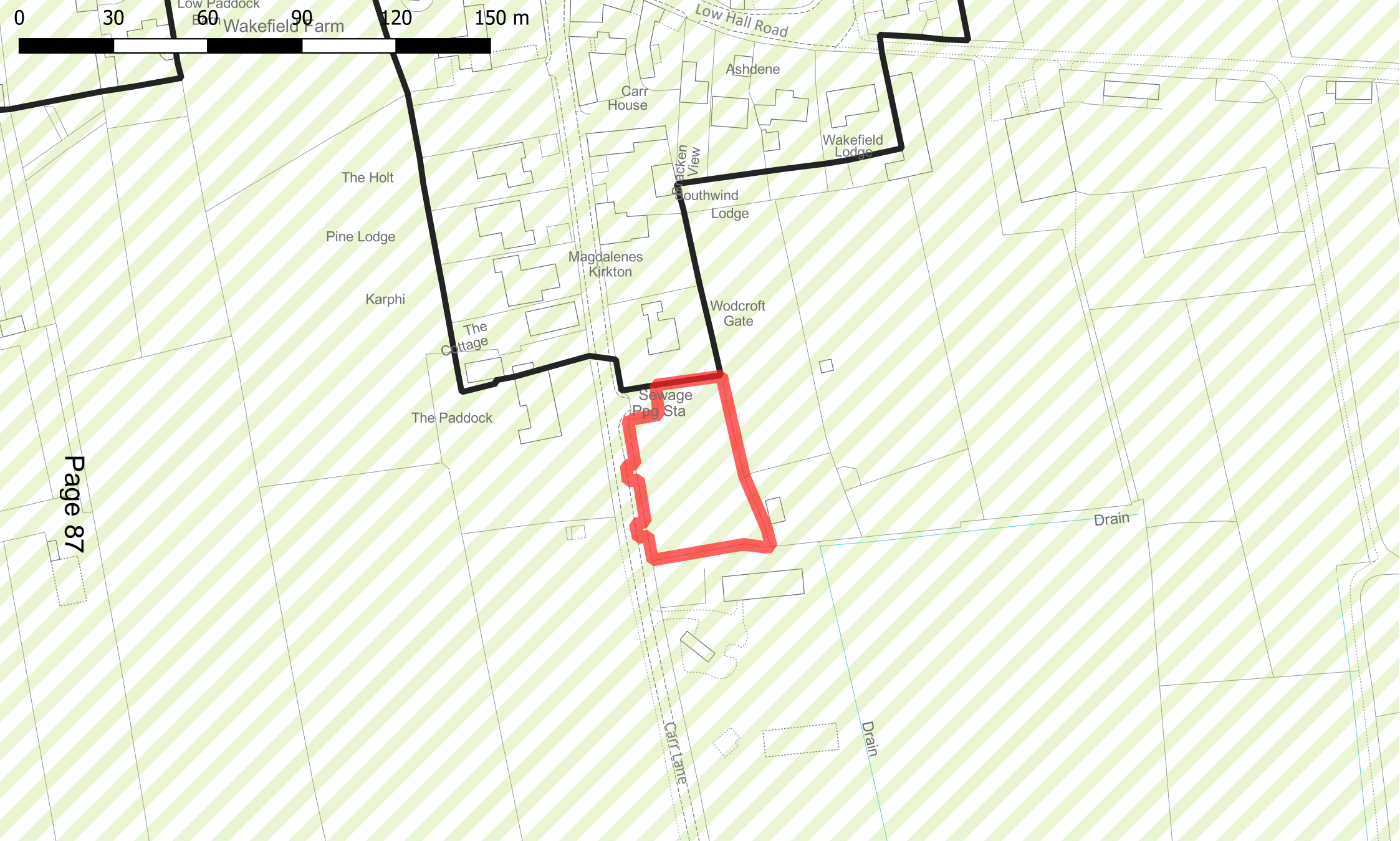
There are no Board-maintained watercourses in close proximity to the site.

The erection or alteration of any mill dam, weir or other like obstruction to the flow, or erection or alteration of any culvert, whether temporary or permanent, within the channel of a riparian watercourse will require the Board's prior written consent. The Board's Planning and Byelaw Policy, Advice Notes and Application form are available on the website [www.wmc-idbs.org.uk/IOAANN](http://www.wmc-idbs.org.uk/IOAANN).

The Board's written consent will be required prior to construction of any discharge point from any biotechnical unit/package treatment plant/septic tank into any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

Surface water run-off rates to receiving watercourses must not be increased as a result of the development.

The design, operation and future maintenance of site drainage systems must be agreed with the Lead Local Flood Authority and local planning authority.



Low Paddock  
Wakefield Farm

0 30 60 90 120 150 m

Low Hall Road

Carr House

Ashdene

Wakefield Lodge

The Holt

Blacken View

Southwind Lodge

Pine Lodge

Magdalenes Kirkton

Wodcroft Gate

Karphi

The Cottage



The Paddock

Sewage Ppg Sta

Drain

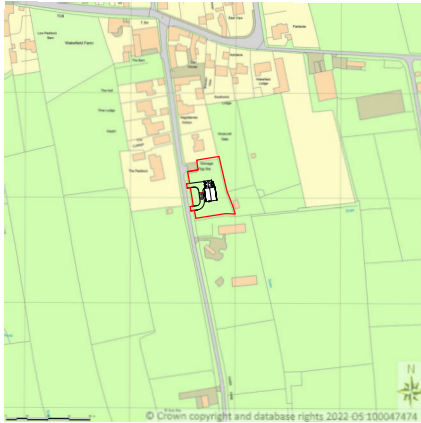
Carr Lane

Drain

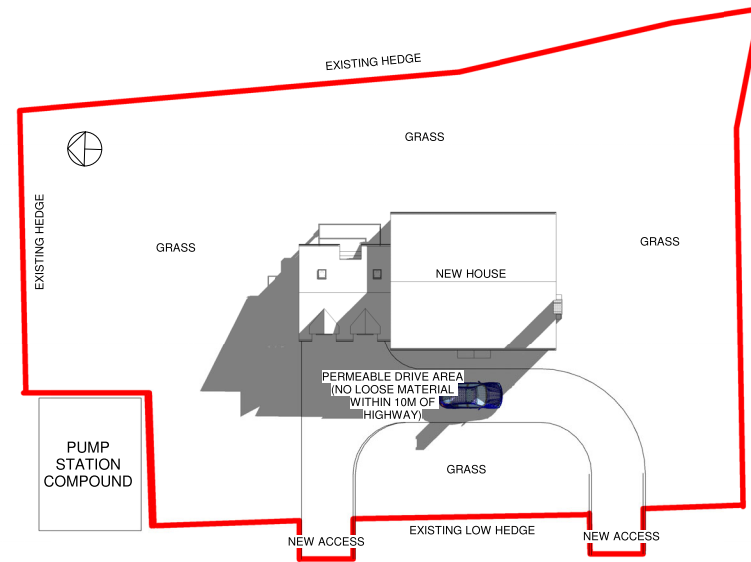
 LC14 Isle of Axholme Area of Special Historic Landscape Interest  
 Development Boundary

**North  
Lincolnshire  
Council**

# PA/2022/1557 Proposed layout (not to scale)



**Location Map**  
1 : 2500

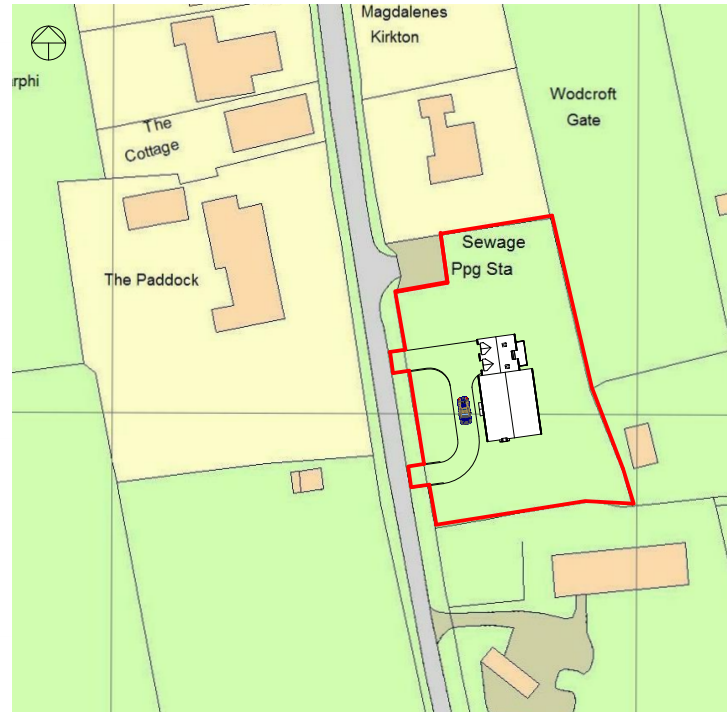


**Landscaping**  
1 : 200

Page 88



**Site Plan - Existing**  
1 : 500



**Site Plan - Proposed**  
1 : 500

Project Name: **New Dwelling**

Project Address: **Carr Lane, East Lound, Doncaster DN9 2LT**

Drawing Title: **Location Map, Site Plan & Landscaping**

Drawn: **CH** Checked: **KD** Approved: **CH**

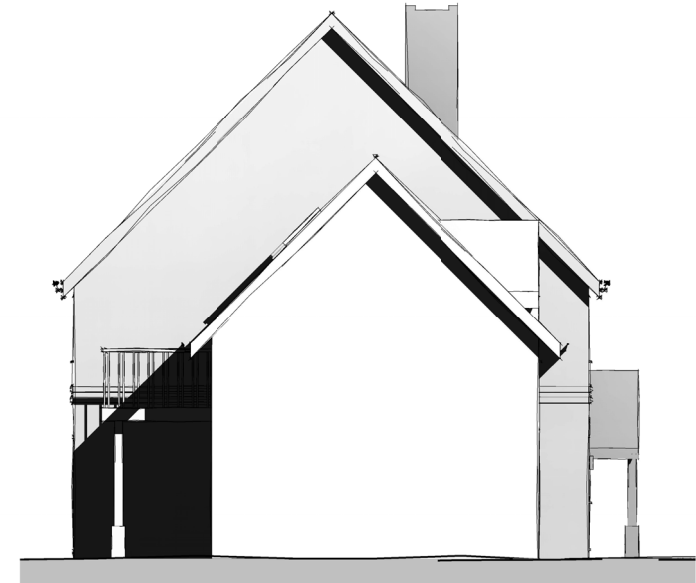
Date: JUNE 2021 Rev :  
Scale: As indicated  
Drawing No. **PL01**

**CENTRELINE**  
DESIGN CONSULTING LTD.

Centreline Design Consulting Ltd.  
3 Kings Street, South, DN9 1ES  
T: 01724 410150 M: 07834 815720  
E: info@centreline-design.co.uk



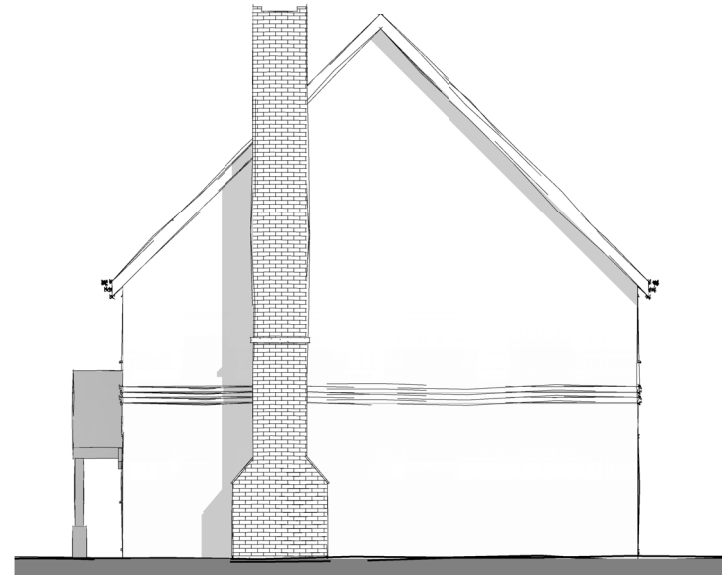
Front Elevation  
1 : 50



Left Side Elevation  
1 : 50



Rear Elevation  
1 : 50



Right Side Elevation  
1 : 50

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<b>APPLICATION NO</b>	<b>PA/2022/1626</b>
<b>APPLICANT</b>	Mr Arun Thomas
<b>DEVELOPMENT</b>	Planning permission for a proposed replacement dwelling
<b>LOCATION</b>	Land east of Priesthows Lodge, Butterwick Road, Messingham, DN17 3PL
<b>PARISH</b>	Messingham
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from development plan Objection by Messingham Parish Council

## **POLICIES**

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

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

Policy RD2 (Development in the Open Countryside)

Policy RD10 (Replacement, Alteration and Extensions to Dwellings in the Open Countryside)

Policy H5 (New Housing Development)

Policy LC7 (Landscape Protection)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

Policy DS14 (Foul Sewage and Surface Water Drainage)

### **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 CS17 (Biodiversity)

Policy CS25 (Promoting Sustainable Transport)

### **New North Lincolnshire Local Plan Submission:**

The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are as follows:

RD1: Supporting Sustainable Development in the Countryside

SS1: Presumption in favour of Sustainable Development

SS3: Development Principles

SS6: Spatial Distribution of Housing Sites

SS10: Development Limits

### **CONSULTATIONS**

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

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

**Severn Trent Water:** The disposal of surface water via soakaways should be considered as the primary method. If this is not practical, then other sustainable methods should be considered. No surface water to enter the foul water system by any means. If the applicant wishes to make a sewer connection then they will be required to make a formal application under Section 106 of the Water Industry Act 1991.

**Environmental Protection:** A phase 1 report for this site should be submitted. If this is not submitted then the full contaminated land investigation condition is recommended.

### **PARISH COUNCIL**

No objection on the understanding that the replacement dwelling is an extension to the existing footprint.

### **PUBLICITY**

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

## ASSESSMENT

The application site consists of a detached bungalow and garage located outside the defined settlement boundary for Messingham, near Catchwater Crossroads where Butterwick Road intersects North Moor Lane/Road. A detached bungalow approved under a 2015 planning permission has been erected on the site but the dwelling remains uninhabited. The application site extends to some 0.64 hectares (or 6,400 square metres) and is bordered by a dwelling to the west (barn conversion under construction) and a dwelling to the south-west. It is accessed via an existing gated access from Butterwick Road to the south and has substantial hedge planting along its northern, eastern and southern boundaries and a 2-metre-high palisade fence along the western boundary with Priesthows. Planning permission is sought to erect a replacement detached bungalow on the site. The relevant planning history is:

- PA/2010/0227: Planning permission to change the use of land for caravan storage and erect a security fence – refused 05/05/2010
- PA/2013/1006: Planning permission to erect a detached dwelling – approved 15/10/2013
- PA/2015/1362: Planning permission for residential development (one dwelling) (alterations to previously agreed schemes) – approved 23/12/2015
- PA/2017/885: Planning permission to provide a new hawthorn hedge to site perimeter incorporating palisade fencing – approved 31/07/2017
- PA/2016/353: Planning permission to erect a garage to be used in conjunction with the new dwelling – approved 06/05/2016
- PA/2019/1243: Non-material amendment to PA/2015/1362 (change of roof tile) – approved 31/07/2019
- PA/2012/1364: Planning permission for a new vehicular access to a certified touring caravan site – approved 17/01/2013
- PA/2012/0545: Planning permission to erect a three-bedroom detached replacement dwelling including the demolition of the existing detached dwelling – approved 28/02/2013
- PA/2021/1184: Planning permission to erect a detached dwelling – refused 23/09/2021.

**The main issues in determining this application are the principle of development (including impact on the character and appearance of the countryside), highway issues, impact on residential amenity, flood risk and drainage, and land contamination.**

### Principle

This proposal is for the erection of a replacement dwelling on land classed as open countryside. Policy RD2 of the North Lincolnshire Local Plan therefore applies and states that development in the open countryside will be strictly controlled and only permitted for development which is for the replacement, alteration or extension of an existing dwelling. Policy RD10 also applies and states that proposals to replace, extend or alter dwellings in the open countryside will only be permitted provided that:

- (i) the replacement dwelling would not exceed the volume of the original dwelling, which it is to replace, by more than 20%, exclusive of the normal permitted development rights, and would not be substantially higher in elevation;...
- (iii) all new construction is of a high standard of design and in particular reflects the architecture of the building and/or vernacular styles in the locality; and
- (iv) the appearance or use of the dwelling as replaced, extended or altered will not adversely affect the amenity of local residents or the appearance of the locality.

A previous application for a replacement dwelling on this site (PA/2021/1184) was partly refused on the grounds that the applicant failed to demonstrate that planning permission is still in place (extant) from the 2015 planning permission for a dwelling to exist on this site. The design and access statement submitted with this current planning application states that Building Control has granted Building Regulations Approval under FP/2018/301, and from the supporting photographs and the case officer's site visit it is evident that a dwelling exists on the site. On this basis, it is considered that an extant permission for a detached bungalow is in place and a replacement dwelling can be assessed in that regard.

The application is supported by a plan which sets out a full assessment of the volume to be created by the replacement dwelling and a separate email. The supporting information states the following in terms of volume calculations:

- The existing dwelling is 896 cubic metres plus 20% additional volume which gives 1,075.2 cubic metres.
- Ordinarily, if permitted development rights were exercised (without being removed via a previous planning permission), this could be increased to an overall volume of 1,831 cubic metres to the existing dwelling.
- The volume of the replacement dwelling is 2,398 cubic metres.

The proposal would result in a dwelling 57% larger in volume than the existing property at a similar height. Whilst the replacement dwelling results in a substantially larger property (in terms of volume and built footprint), it will not be highly visible in the rural landscape owing to surrounding screening in the form of a mature hedge along the boundaries and the single-storey height of the dwelling. Consequently, the proposal is not considered to amount to a significant departure from local plan policy.

The existing property is a traditional detached bungalow constructed from a red brick and a grey concrete tile, with a single-storey detached double garage to the rear. The existing dwelling, except for the projecting gable feature to the principal elevation, has little or no defining details of interest: it is of traditional design, scale and materials of construction. The existing dwelling has its principal gables facing east and west; the proposal is to introduce a replacement dwelling which will respect the siting and orientation of the existing bungalow on the site. Whilst it is noted the replacement dwelling will extend further into the site to the north, the plans clearly show the position of the new dwelling will overlap with the existing dwelling and its outbuilding to the rear and its principal elevation will address the public highway (Butterwick Road) to the south. The replacement dwelling therefore respects the siting of the existing dwelling and how it responds to its surroundings. The replacement dwelling will not be substantially higher in its finished ridge height, respects the openness that exists between the existing dwelling and its boundaries/neighbouring properties and is

proportionate to the scale of the site. Given the substantial hedge planting along the boundaries of the site, views of the proposed replacement dwelling will be restricted and limited to when a person is level with the vehicular access which offers views into the site. Furthermore, the dwelling will not be viewed in isolation in the countryside – it will be viewed against the backdrop of a barn conversion and its associated outbuilding to the west.

The replacement dwelling has been designed with its principal elevation facing south towards Butterwick Road and the existing vehicular access. The replacement dwelling has a balanced appearance to its principal elevation with rooflights in vertical alignment with ground-floor openings. To add some visual interest, it is proposed to have two projecting gables to the front elevation facing Butterwick Road: these are at varying ridge heights to add further visual interest and the inclusion of the projecting gable to the main dwelling is reflective of the appearance of the bungalow it is proposed to replace. Each of the elevations and roof slopes will be broken up by a mix of windows, door openings, garage doors, solar panels and rooflights. Details of the proposed external materials of construction have been submitted as shown on the supporting drawings: these include a mix of red brick, off-white rendered sections and vertical cedar cladding to the walls, and an interlocking slate roof tile. These materials are broadly consistent with the appearance of the existing dwelling and with the dwelling under construction on the neighbouring site. It is worth noting a different timber finish is proposed to the projecting gable to the front of the dwelling. This, together with the large feature window and entrance porch, is considered to add visual interest to the principal elevation.

In conclusion, whilst the proposal is larger in its built footprint and would be closer to the public highway than the existing dwelling, it is considered that the replacement dwelling presents an opportunity to provide residential development which is of a high standard of design, which responds to its rural surroundings and doesn't result in an alien or discordant feature in the countryside. The principle of a replacement dwelling in this rural location is considered acceptable in this case.

### **Highway issues**

The proposal shows the existing gated vehicular access from Butterwick Road to the south is to be utilised which will provide level access to a triple garage to the front and off-street parking for a minimum of four vehicles together with a turning space. The site is afforded sufficient visibility in both directions along Butterwick Road and no improvements are needed to the existing site access. Highways have considered the proposals and raise no objections on grounds of any impact on highway or pedestrian safety. To this end conditions are recommended by Highways requiring measures to be taken to ensure no loose material is deposited on the highway (a gravel driveway is proposed) and the parking, access and turning areas to be completed prior to the dwelling being occupied.

### **Flood risk and drainage**

The site lies in flood zone 1 and therefore has a lower risk of flooding; there is no requirement for a flood risk assessment to be submitted for consideration by the local planning authority. Conditions are also recommended by LLFA Drainage requiring details to be submitted of the method of preventing surface water run-off from the site into the highway and from the highway into the site; such conditions are considered to be both reasonable and necessary in this case.

In respect of drainage matters Severn Trent has commented that surface water should be directed via soakaways as the primary method of disposal, and that if this is not practical then other alternative methods should be explored. The proposed method of surface water drainage disposal is via soakaways; this is considered acceptable in this location. In respect of foul drainage disposal Severn Trent has commented that any connection or re-connection to the public sewer should be made via an application to them under Section 106 of the Water Industry Act 1991. The planning application form states an intention to connect to the mains sewer as the means of foul drainage disposal, therefore an application will be required with Severn Trent to facilitate this.

### **Residential amenity**

The proposal is not considered to result in loss of residential amenity in this case. The applicant will retain a significant amount of private amenity space around the replacement dwelling and will have a minimum of three off-street parking spaces to the front, together with an area for turning vehicles. The plans show the replacement dwelling will be set in from the side boundaries at distances of 7.3 metres to the west and 8.69 metres; this provides sufficient separation from the dwelling under construction/conversion to the west and allows for pedestrian circulation space to the sides of the dwelling. It is therefore considered that the proposal would be in accordance with policy DS1 of the North Lincolnshire Local Plan.

Given the scale of the replacement dwelling under consideration (the increase in floorspace compared to the existing dwelling it is proposed to replace) and the location of the dwelling in the open countryside, it is considered necessary to remove permitted development rights to extend or alter the replacement dwelling in this case.

### **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.

Environmental Protection has reviewed the submission and recommends 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. In considering this request it is worth noting that a dwelling with garden space to the rear has been approved and constructed on this site and therefore the risk of contamination on this site has already been considered. In addition, the replacement dwelling is proposed on the footprint of the existing house and garage on the site and on this basis it is considered the condition recommended by Environmental Protection is neither reasonable or necessary in this case.

### **Conclusion**

This proposal is for a replacement dwelling in the countryside whereby the new dwelling proposes a sizeable increase in the volume being created; however, the plans show that the replacement dwelling presents an opportunity to provide residential development which is of a high standard of design, which responds to its rural surroundings, is not significantly higher in elevation and doesn't result in an alien or discordant feature in the countryside. The proposal is therefore considered to be broadly compliant with policy RD10 of the North

Lincolnshire Local Plan. In addition, the proposal is considered to have sufficient provision for off-street parking and private amenity space and is located on the built footprint of the dwelling it is proposed to replace. The proposal is not considered to be detrimental to highway safety or residential amenity and as such it is 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:

880-A3-001A  
880-A3-002A  
880-A3-003  
880-A3-004  
880-A3-005  
880-A3-006  
880-A3-006  
880-A3-009  
880-A3-011  
880-A3-012  
880-A3-013  
880-A3-014  
880-A3-015  
880-A3-016  
880-A3-017  
880-A3-018  
880-A3-019.

Reason

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

3.

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

Reason

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

4.

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.

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

Reason

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

6.

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

Reason

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

7.

Notwithstanding the provision of classes A and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015, or any order revoking and re-enacting that order with or without modification, no extensions shall be made to the dwelling or outbuildings erected on the site other than those authorised by this permission.

Reason

To define the terms of the permission, to take into account the scale and size of the replacement dwelling already permitted and to ensure that the replacement dwelling permitted is in keeping with the character and appearance of the countryside, in accordance with policies RD2 of the North Lincolnshire Local Plan and CS3 of the adopted Core Strategy.

#### **Informative 1**

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



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

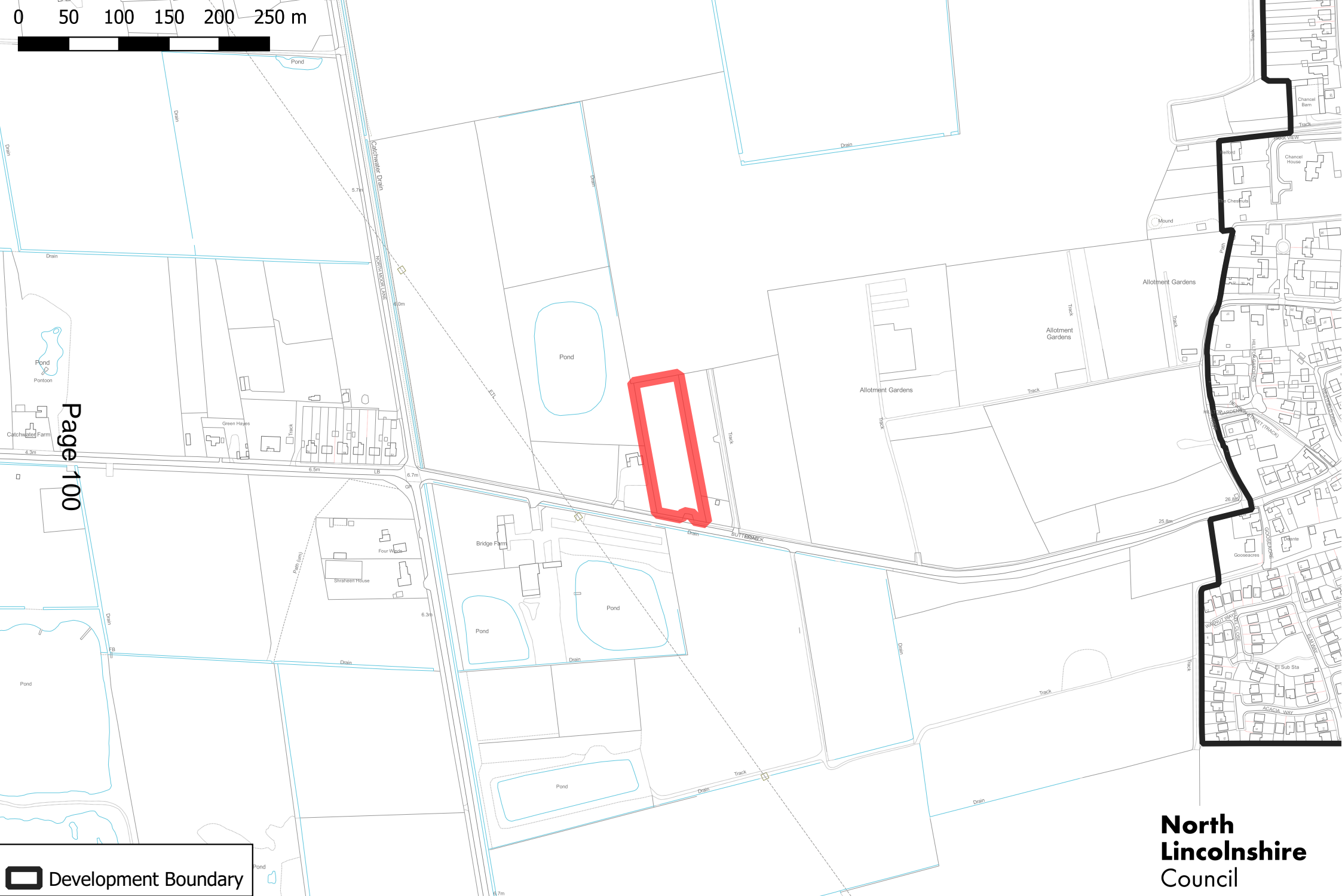
### **Informative 2**

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

### **Informative 3**

LLFA Drainage suggest you consider upsizing the pipe network increasing storage around your development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance it would be good practice on your behalf to ensure an increased level of resilience for the development and its future occupiers.

0 50 100 150 200 250 m



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 Development Boundary

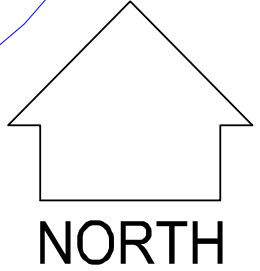
**PA/2022/1626**

**North  
Lincolnshire  
Council**

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# PA/2022/1626 Proposed layout (not to scale)

Site - Priesthows Lodge,  
Butterwick Road,  
Messingham DN17 3PL  
Area 0.643 Hectares



Page 101

Adjacent Barn Conversion  
under construction

BUTTERWICK ROAD

Site boundary powder  
coated green metal palisade  
fencing to perimeter

68000

7300

6500

23200

14400

8600

established hedge to  
highway boundary

Existing access

gravel drive and  
turning area

footprint of existing  
bungalow and garage

Proposed New Dwelling  
shaded red

Provide additional tree and  
shrub screen planting to  
boundary in this area

Caravan site

Track

Residual Design Risks,  
CDM 2015 - the designer has NOT been appointed by the  
client to act on their behalf under CDM 2015 (Principal)  
Contractor shall assess the works and the proposed duration  
and submit the appropriate notification (Form F10) to the  
HSE as required.  
Restricted access - narrow unmade access route onto site  
from unrestricted road (just outside 40mph limit signs)  
Existing live services may be present, locate protect isolate  
or divert to suit  
Work at height required  
Design Statement :-  
See Seperate Design and Access Statement Document

Constructed areas :-

Proposed Gross External Area	678.2 sq m
Proposed Gross Internal Area	610.8 sq m
Existing Bungalow and garage Gross External Area	224.0 sq m
Existing Bungalow and garage Gross Internal Area	207.3 sq m
New additional Gross External Area	454.2 sq m
Net additional Gross Internal Area	403.5 sq m

Overall Site area 0.643 Hectares  
Proposed development represents a density of 10.5% of site area  
(and increase of 7% over the existing and well within the 50% site  
development limits in permitted development guidance)

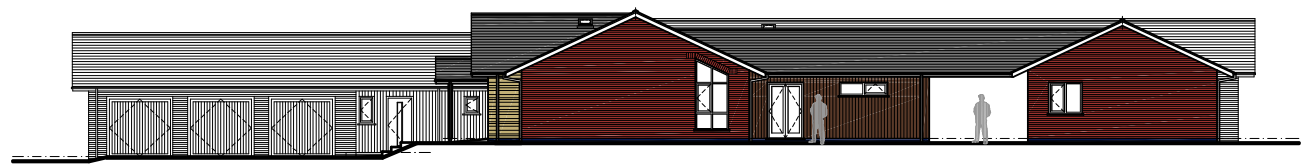
Revisions :-  
A 10 Sep 2022 Site boundary amended for Planners

Project: Proposed Dwelling, Priesthows Lodge, Butterwick Road, Messingham DN17 3PL  
 Drawing: Block Plan as Proposed  
 Client: Pr & Mrs A. Thomas  
 Drawing No: 880-A3-002A  
 Scale: 1:500 @A3  
 Date: August 2022  
 Designer: John Haynes  
 Architectural Design  
 39, Hawthorn Road, Lincoln, LN2 4QX  
 Web: www.john-haynes-design.co.uk

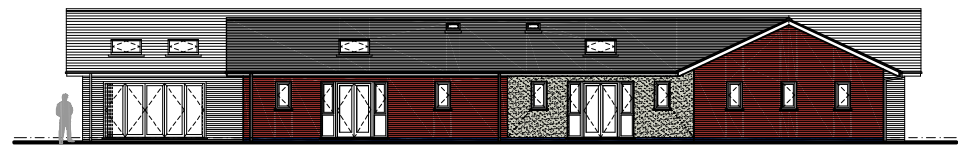




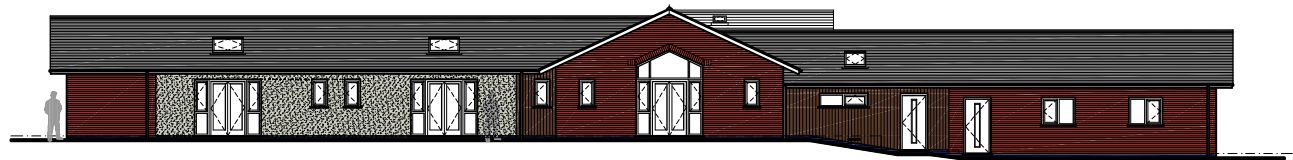
Front (South) Elevation 1:200



Side (East) Elevation 1:200



Rear (North) Elevation 1:200

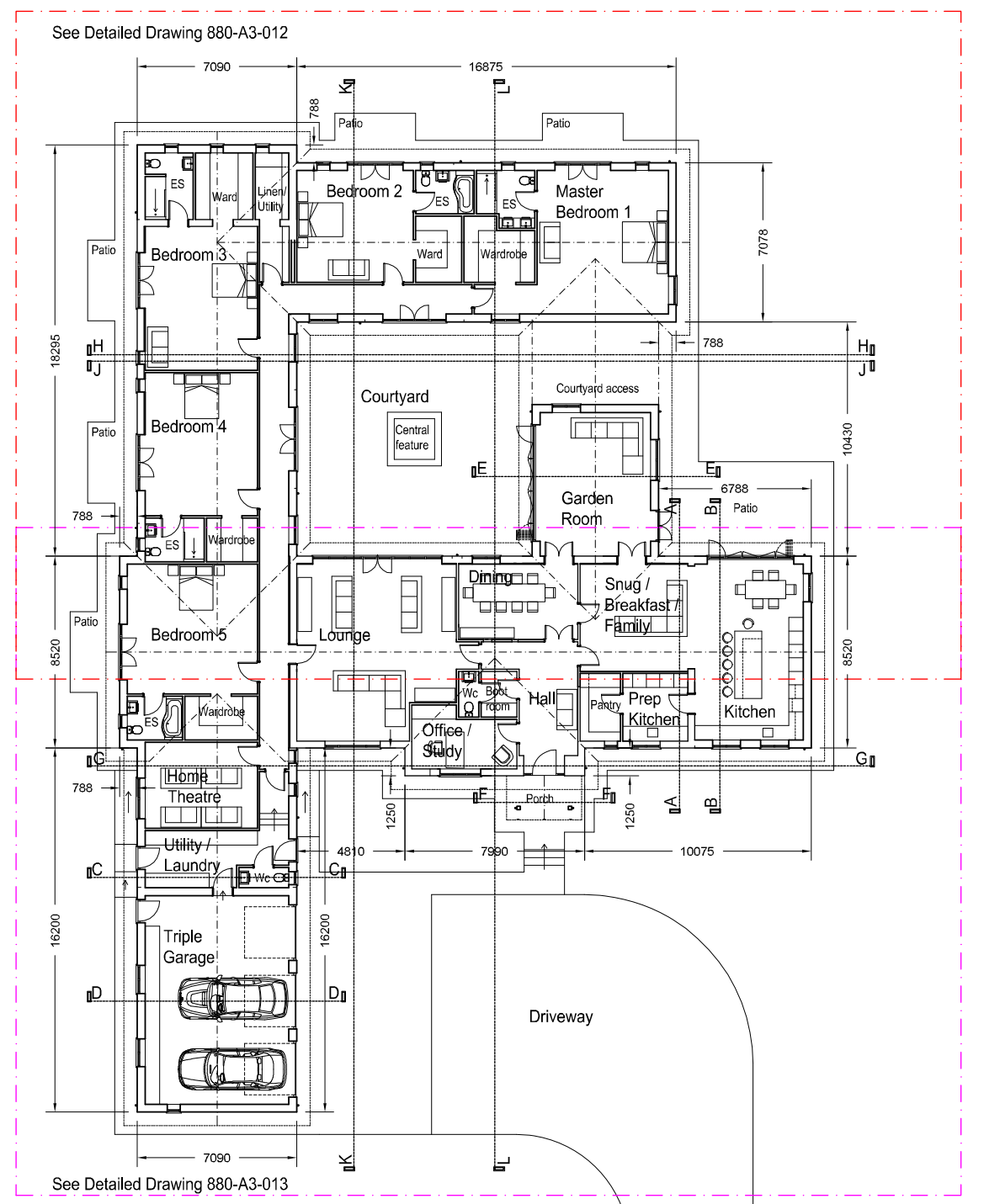


Side (West) Elevation 1:200

**Proposed Materials :-**  
 Roof - Redland interlocking Cambrian resin slate (colour slate grey) or similar suitable for 25 degree pitch complete with integral low profile solar photovoltaic panels and Velux low profile rooflights and sunpipes as shown. Angled ridge tiles  
 Eaves and rainwater goods - half round black upvc gutters to round black upvc downpipes on 600mm projection deep overhanging eaves, self coloured upvc fascia and soffits, 600mm overhanging verges and barge boards on gable ladders  
 Walls - Mass of building broken up as shown by mixture of red rustic facing brickwork / off white lightly textured self coloured high performance render / natural cedar vertical boarding with feature front elevation gable of Goldholme natural sawn on bed limestone (150 / 125 / 100 / 75 random coursing) all in lime mortar and all over dark blue smooth faced engineering brickwork splash courses  
 Windows - self coloured upvc double / triple glazed solar control glass as appropriate  
 Doors - self coloured composite / upvc double / triple glazed personnel doors, powder coated aluminium bifold patio doors, self finished self coloured up and over garage doors  
 Externally - provide perimeter pathways and patio areas as shown, materials and finishes to clients choice, driveway to be predominantly self draining gravel on hardcore with 6m wide apron in front of garage doors of permeable block paving as accessible surface (stepped and ramped access to level threshold to principal entrance door)  
 Site fences dark green metal palisade fencing to perimeter to remain, galvanised metal gates replaced with feature gates to clients choice.  
 Boundary hedge to Butterwick Road to remain, landscaping to south-east corner of site enhanced as shelter belt

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Project: Proposed Dwelling, Priestshaws Lodge, Butterwick Road, Messingham DN21 3PL  
 Drawing: Elevations General Arrangement Plan  
 Client: Mr & Mrs A. Thomas  
 Drawing No: 880-A3-011  
 Scale: 1:200 @A3  
 Date: August 2022  
 Architect: John Haynes  
 Address: 32, Hawthorn Road, Lincoln, LN2 4QX  
 Website: www.john-haynes-design.co.uk



Ground Floor General Arrangement Plan as Proposed 1:200

Project: Proposed Dwelling, Priestshaws Lodge, Butterwick Road, Messingham DN21 3PL  
 Drawing: Ground Floor General Arrangement Plan  
 Client: Mr & Mrs A. Thomas  
 Drawing No: 880-A3-008  
 Date: August 2022  
 Scale: 1:200 @A3  
 Architect: John Haynes Architectural Design  
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