

Public Document Pack

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

8 February 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 11 January 2023 as a correct record and authorise the chairman to sign. (Pages 1 - 4)
4. Applications deferred from previous meetings for a site visit. (Pages 5 - 6)
 - (a) 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 (site visit time 11.15am). (Pages 7 - 22)
5. Major Planning Applications. (Pages 23 - 24)
 - (a) PA/2022/956 Planning permission to construct an agricultural irrigation reservoir at land north of Risby Road, Appleby. (Pages 25 - 36)
 - (b) PA/2022/1064 Outline Planning permission for a residential development of 9 dwellings with all matters reserved for subsequent consideration at car sales and storage land, Engine Street, Brigg, DN20 8LT. (Pages 37 - 66)
6. Planning and other applications for determination by the committee. (Pages 67 - 68)
 - (a) PA/2022/1123 Planning permission to erect three four-bedroomed detached

dwellings with associated parking and amenity space at Orchid House, Howe Lane, Goxhill, DN19 7JD. (Pages 69 - 88)

- (b) PA/2022/1575 Outline planning permission with all matters reserved to erect a dwelling in connection with an agricultural business at Ninevah Farm, Idle Bank, Epworth, DN9 1LG. (Pages 89 - 102)
 - (c) PA/2022/1621 Planning permission to convert existing barns into a dwelling to include the removal of the corrugated iron roof of the largest barn to create an open courtyard space and construct a brick garage within the footprint of the large barn at barns north of Mill Farm, access road to Mill Farm, Appleby, DN15 0BZ. (Pages 103 - 118)
 - (d) PA/2022/1653 Planning permission to erect a replacement dwelling, convert a barn to a dwelling and erect a new cart shed (including demolition of existing farmhouse, existing barn (in part) and outbuilding) at Pond Farm, Station Road, Graizelound, DN9 2NQ. (Pages 119 - 136)
 - (e) PA/2022/1684 Planning application to remove condition 2 of 7/1979/1026 to allow for occupation of the dwelling other than by a person solely or mainly employed, or last employed, in agriculture at Bridge Farm, Butterwick Road, Messingham, DN17 3PA. (Pages 137 - 142)
 - (f) PA/2022/2019 Outline planning permission to erect a bungalow with appearance, landscaping, layout and scale reserved for subsequent consideration at 14 Leaburn Road, Messingham, DN17 3SR. (Pages 143 - 154)
 - (g) PA/2022/2064 Planning permission to erect a rear ground-floor extension at Poplar, Ferry Road, Graizelound, DN9 2LY. (Pages 155 - 166)
7. Any other items, which the chairman decides are urgent, by reasons of special circumstances, which must be specified.

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

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

11 January 2023

PRESENT: - N Sherwood (Chairman)

N Sherwood (Chairman), C Ross (Vice Chairman), J Davison, L Foster, M Grant, R Hannigan, D Southern and D Wells

N Poole

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

2339 **SUBSTITUTIONS**

Councillor L Foster for Councillor Bainbridge.

2340 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING) AND WHIPPING ARRANGEMENTS (IF ANY).**

The following members declared that they had been lobbied:

Councillor Hannigan – Application PA/2022/1451

Councillor Poole – Application PA/ 2022/1626

Councillor Wells – Applications PA/2022/1440 and PA/ 20222/1451.

2341 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 30 NOVEMBER 2022 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN.**

Resolved – That the minutes of the meeting held on 30 November, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

2342 **APPLICATIONS DEFERRED FROM PREVIOUS MEETINGS FOR A SITE VISIT.**

2343 **PA/2022/1317 APPLICATION FOR PERMISSION FOR THE REMOVAL AND REPLACEMENT OF THE FRONT WALL AT 4A MARKET HILL, WINTERINGHAM DN15 9NP.**

Cllr J Davison having been on the site visit said the wall was of a good design, it complemented the street scene, and was in keeping with the neighbouring properties.

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

2344 **PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE.**

2345 **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.**

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

2346 **PA/2022/1440 PLANNING PERMISSION TO ERECT TWO DWELLINGS, INCLUDING DEMOLITION OF EXISTING DWELLING AT THE FIELD, 7 VICARAGE LANE, WOOTTON DN39 6SH.**

The applicant addressed the committee outlining the proposed development, and stated that he felt it would only improve the little lane in Wootton. It was an infill development on a large plot with no loss to any of the neighbouring properties. Highways had no objections and neither did the drainage department, and therefore asked that the committee approve the application.

Cllr J Davison felt that proposal was a nice development for the area, looked nice from the plans and was in a good location.

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

2347 **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**

An objector addressed the committee on behalf of a number of residents. They had concerns with road safety, as they felt the extra vehicles and parking would cause potential issues. The objector stated there were already issues with the footpath, and tractor and trailers going down a very narrow lane with visibility issues. If the application was to be approved it would only cause problems in a quiet residential area, with added noise disturbance.

The applicant also addressed the committee and highlighted it was a fundamental service for the area, and families would struggle to work without the provision. She outlined the business and the outside play time limits in order to keep noise levels down, and stated there were proven noise issues with the business.

Cllr Hannigan felt for both sides who had addressed the committee, but also felt there were some concerns that required exploring, therefore, he suggested the committee hold a site visit.

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

That the committee hold a site visit before making a decision, and it be brought back to a future meeting.

Motion Carried.

2348 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

Cllr Hannigan referred to the previous application that was submitted prior to this one, and felt nothing had changed to the reasons that it was refused previously. Therefore, he could not support the application.

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

That planning permission be refused for the following reasons –

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 on land 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. It is therefore considered contrary to the National Planning Policy Framework, policies CS5 and CS6 of the Core Strategy and policies LC14, LC7, RD2 and DS1 of the North Lincolnshire Local Plan.

Motion Carried.

2349 PA/2022/1626 PLANNING PERMISSION FOR A PROPOSED REPLACEMENT DWELLING AT LAND EAST OF PRIESTHOWS LODGE, BUTTERWICK ROAD, MESSINGHAM DN17 3PL

The applicant thanked the committee for considering the application, and urged them to approve the proposal based on the officer's recommendations.

Cllr Poole spoke as the local Ward Member seeking clarification from the

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Planning officer that the footprint of the proposal was that of the existing dwelling, and this was confirmed.

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

2350 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE SPECIFIED.**

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 08 February 2023
Date: 30 January 2023

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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APPLICATION NO	PA/2022/1451
APPLICANT	Mrs Siobhan Webb
DEVELOPMENT	Planning permission for partial change of use of dwelling from residential to childminding
LOCATION	Keedale, Westoby Lane, Barrow upon Humber, DN19 7DJ
PARISH	Barrow upon Humber
WARD	Ferry
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	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

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

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.

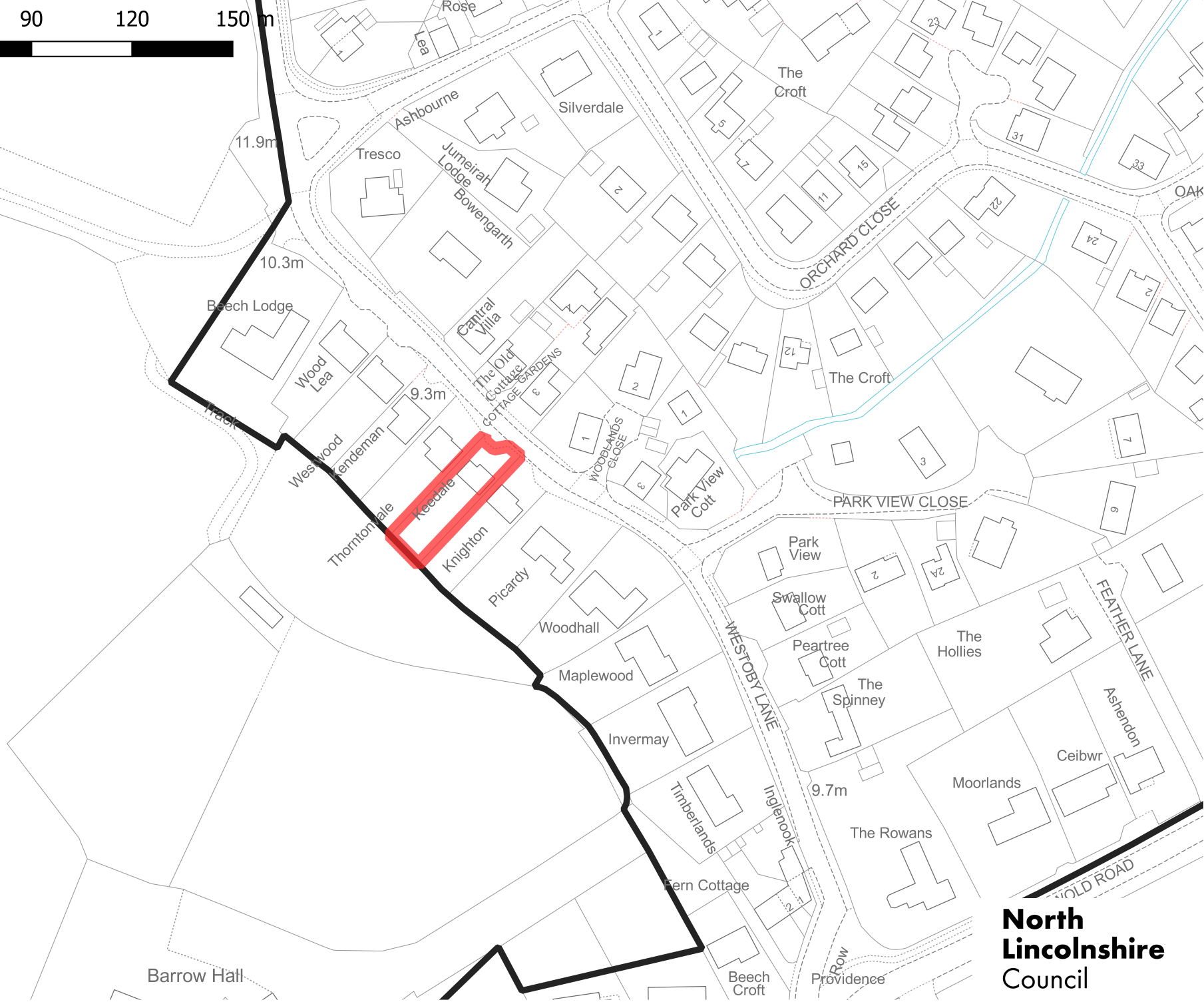
Westoby Lane has a limited amount of space available to serve the existing parking requirements for residential properties. It is considered that the introduction of a commercial use into this residential area is likely to result in disturbance and congestion during the pick-up and drop-off times to 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





Additional 3 parking spaces

5m

6.4m

9.2m

Space 1

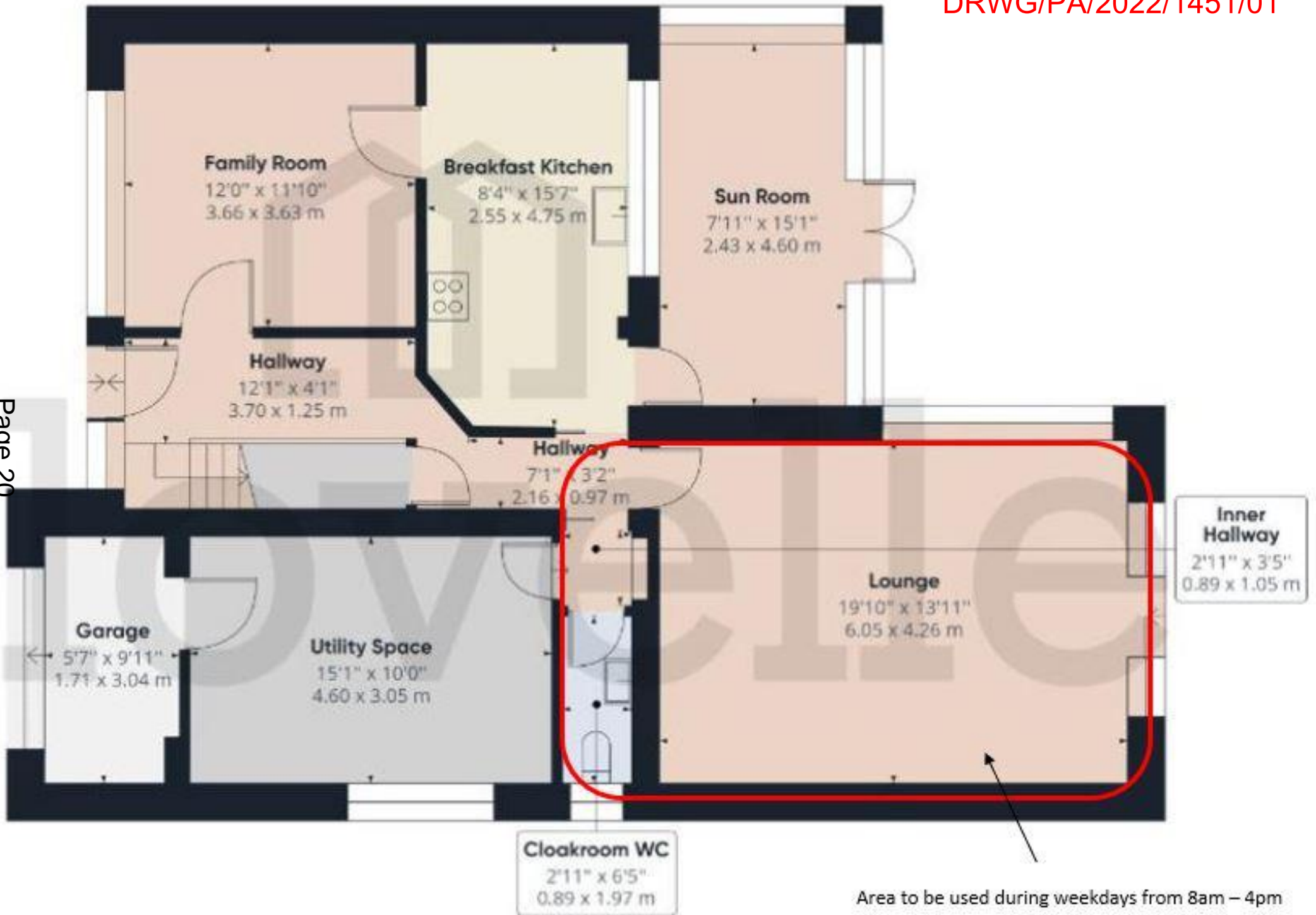
Space 2

Space 3

359° N

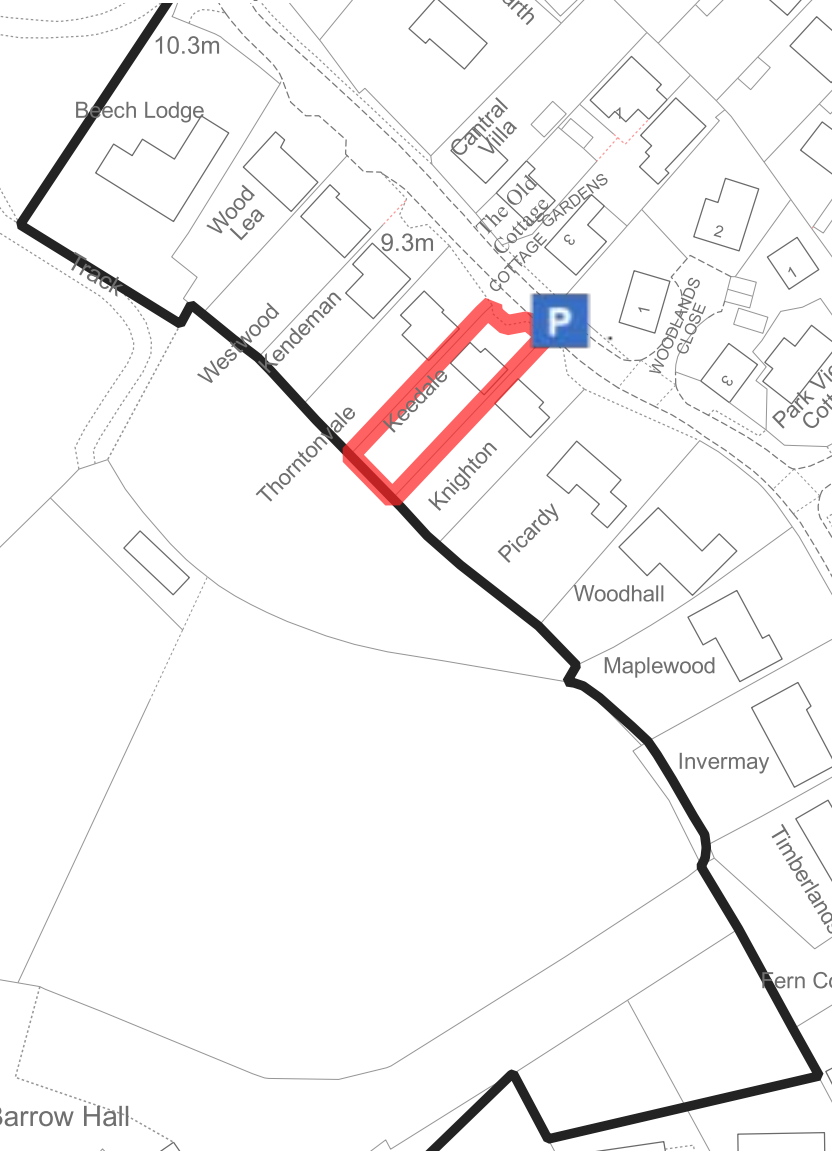
53°40'19\" N 0°23'0\" W
Barrow-Upon-Humber, England
10m Elevation

DRWG/PA/2022/1451/02





Ferry Road/A1077 to Scunthorpe



11.9m

10.3m

9.3m

ORCHARD CLOSE

PARK VIEW CLOSE

WESTOBY LANE

FEATHER LANE

WILD ROAD

Page 21

Development Boundary

PA/2022/1451 Sat nav: 3 Cottage Gardens, Barrow, DN19 7FE

North Lincolnshire Council

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

MAJOR PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

1. OBJECT

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

2. BACKGROUND

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

3. INFORMATION

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

4. RESOURCE IMPLICATIONS

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

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

5. RECOMMENDATION

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

DEVELOPMENT MANAGEMENT LEAD

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

Reference: CB/JMC/Planning committee 08 February 2023

Date: 30 January 2023

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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APPLICATION NO	PA/2022/956
APPLICANT	Mr Richard Corbet, Balfours LLP
DEVELOPMENT	Planning permission to construct an agricultural irrigation reservoir
LOCATION	Land north of Risby Road, Appleby
PARISH	Roxby cum Risby
WARD	Broughton and Appleby
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Support by Appleby Parish Council

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 6 – Building a strong, competitive economy

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment framework

North Lincolnshire Local Plan:

RD2 – Development in the Open Countryside

T1 – Location of Development

T2 – Access to Development

LC1 – Special Protection Areas, Special Areas of Conservation and Ramsar Sites

LC2 – Sites of Special Scientific Interest and National Nature Reserves

LC5 – Species Protection

LC7 – Landscape Protection

HE9 – Archaeological Excavation

DS1 – General Requirements

DS11 – Polluting Activities

DS13 – Groundwater Protection and Land Drainage

DS15 – Water Resources

DS16 – Flood Risk

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering More Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design in North Lincolnshire

CS6 – Historic Environment

CS11 – Provision and Distribution of Employment Land

CS16 – North Lincolnshire’s Landscape, Greenscape and Waterscape

CS17 – Biodiversity

CS18 – Sustainable Resource Use and Climate Change

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 later 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:

SS1: Presumption in favour of Sustainable Development

SS2: A Spatial Strategy for North Lincolnshire

SS3: Development Principles

SS11: Development Limits

RD1: Supporting Sustainable Development in the Open Countryside

DQE1: Protection of Landscape, Townscape and Views

DQE3: Biodiversity and Geodiversity

DQE5: Managing Flood Risk

DQE6: Sustainable Drainage Systems

DQE7: Climate Change and Low Carbon Living

HE1: Conserving and Enhancing the Historic Environment

T3: New Development and Transport

DM1: General Requirements

DM3: Environmental Protection

Appleby Neighbourhood Plan: The site lies outside the approved Appleby Neighbourhood Plan Designated Area.

SPG3: Countryside Design Summary (CDS)

SPG5: Landscape and Assessment Guidelines

CONSULTATIONS

Highways: No objections.

Environment Agency: The amended FRA (flood risk assessment) and additional document do not satisfactorily address our earlier concerns and therefore meet the requirements for site-specific flood risk assessments, as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. We therefore maintain our objection set out in our response dated 27 June 2022 as the FRA does not adequately assess the flood risks posed by the development to the surrounding area and third parties. In particular, the FRA fails to:

- consider the reservoir overflow on the receiving watercourse. Whilst it is there as an emergency overflow, it still may be used and the impact of additional flows on the receiving watercourse and flood risk must be considered. Will the receiving watercourse be able to accommodate any increase in volume and flow? Will any overflow increase the risk of flooding and possible flood extents downstream?
- consider the failure (breach) of the reservoir and the associated inundation which could impact the surrounding area and third parties downstream. As previously advised and in particular response to Section 5.5 – Reservoir structure and stability, the proposed irrigation reservoir would fall under the Reservoirs Act 1975. The requirements of the Act are more stringent than those of general drainage and water storage structures. Furthermore, additional maintenance and inspection beyond that set out in the SuDS manual are also likely to be required.

Under the Reservoirs Act 1975, reservoir owners (undertakers) have ultimate responsibility for the safety of their reservoirs. A panel engineer must be appointed for any large, raised reservoir. We strongly recommend that a panel engineer is appointed, and the design is

approved by them to avoid any abortive work through subsequent required changes to the design (for example, the current design does not include a spillway).

The proposed irrigation reservoir is to be constructed to retain a water level well above the natural level of the ground through the use of raised embankments. Any embankment failure would result in the rapid release of large volumes of stored water downstream of the site with significant flood hazard along the resulting flow path. There is existing development downstream of the proposed reservoir and surrounding area.

Whilst the risk of failure of the raised embankment/reservoir dam breach may be low, the consequence could be significant. The FRA must assess the failure (breach) of the reservoir and the associated inundation which could impact the surrounding area and third parties downstream. We would welcome further discussions on any modelling/breach analysis proposed.

LLFA Drainage: No objections.

Anglian Water: No response to the consultation.

Environmental Protection: No objection subject to a planning condition if contamination is found on the site during construction.

Archaeology: The application site lies within an area of archaeological potential where remains of prehistoric and Roman date may be anticipated. The applicant has submitted a geophysical survey report for the site identifying linear ditch type anomalies which may locate two enclosures of unknown date in the eastern half of the site together with another ditch to the west. Further archaeological field evaluation comprising the excavation of trial trenches is required to confirm the survey results and provide sufficient information to assess the significance of any remains. The results from the trial trenching are required prior to the determination of this application to adequately inform the assessment and decision-making process.

Natural England: The submitted Habitat Suitability Assessment includes a data search and desk-based assessment of the habitat present on the site, as advised by Natural England (NE). However the assessment is currently incomplete as several component species of the Humber Estuary SPA/Ramsar have not been included in the data search. Further information about which Humber Estuary SPA component species should be included. If there is no evidence that the site is used by SPA/Ramsar birds following assessment of the full species list, then no further assessment would be required at this stage. Where it is not possible to conclude that SPA and Ramsar birds would not use the site, further surveys may be required to further understand the level of use by SPA/Ramsar birds, and any identified impacts on these birds should be avoided/mitigated.

Ecology: The proposal would not be highly visible, but would represent an unnatural feature in the evaluation area for the proposed AONB extension. No protected or priority species surveys will be required. There does not appear to have been any attempt to incorporate 'Designing for Wildlife' Principles in this development. Policies CS5 and CS17 apply in this respect. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a measurable net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.1.

PARISH COUNCIL

Support. No objections.

PUBLICITY

The site has been advertised by press and site notices. No responses have been received.

STATEMENT OF COMMUNITY INVOLVEMENT

No Statement of Community Involvement has been submitted with the application.

ASSESSMENT

The proposal

This proposal is for the construction of an agricultural irrigation reservoir with a capacity of 20.43 million gallons (92,896 cubic metres). The proposed agricultural irrigation reservoir forms part of a large-scale arable cropping business which extends to 3,000 acres of arable land, producing potatoes, vining peas and combinable cropping. The reservoir would be used to store water for crop irrigation purposes. It would be filled by a pump from the adjacent stream during the winter months. The water would be delivered from the reservoir to the receiving fields with a pump and temporary overland pipe system.

The proposals comprise a reservoir (water body) surrounded by a substantial sloped embankment. The reservoir would have an overall footprint of 3.86 hectares and a maximum embankment height of 8.025 metres. The overall development would be approximately 350 metres wide (measured horizontally) and 212 metres deep (measured vertically). The water depth would be 5.7 metres.

The site

Outside the development boundary of Appleby, within the open countryside, the site is currently farmland in agricultural production (Grade 2 Agricultural Land Classification). The site is within flood zone 1 of the council's SFRA and in an area of archaeological interest. The site is over 450 metres from the nearest residential property. Access to the site would be via the existing farmyard access on Risby Road.

Planning history

A screening opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been issued for the proposed development. The outcome of this screening opinion is that the proposed development is not EIA development and therefore no environmental statement needs to be submitted with this application.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. The new

North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. The submitted North Lincolnshire Local Plan can now be given some weight as a material planning consideration in the determination of planning applications. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

In terms of the principle of the proposal, the site is outside the development boundary of Appleby, within the open countryside. This type of application can be considered to be acceptable in planning policy terms as it is related to the agricultural use of the land as the reservoir will be used to irrigate crops. Therefore, the proposal will align with the strategic policies CS1, CS2 and CS3 of the Core Strategy and policy RD2 (Development in the Open Countryside) of the North Lincolnshire Local Plan. The National Planning Policy Framework (NPPF) supports a prosperous rural economy for the development of agricultural and other land-based rural businesses through paragraph 84. The principle of this type of development on agricultural land for agricultural purposes is therefore acceptable and aligns with the NPPF, policies CS1, CS2 and CS3 of the Core Strategy, and policy RD2 of the North Lincolnshire Local Plan.

In determining the principle of the proposed development, an assessment is required on the technical elements of the proposal which will be discussed in detail below.

Highway safety

In terms of highway safety, access to the site would only be required during the construction phase. This would involve a limited number of low loaders transporting plant to and from the site. Post construction, the development would not create traffic. Access to the reservoir would be via the existing farm access from Risby Road, through the farm then via a series of tracks running eastwards to the application site. Highways have been consulted on the application and raise no objections. The proposal therefore aligns with policies T2 and T2 of the NLLP.

Flood risk and drainage

In terms of drainage, no objections have been received from the LLFA and no comments have been received from Anglian Water. It is therefore considered that the proposal is acceptable in terms of drainage and would align with policies CS18 and CS19 of the NLCS and policy DS14 of the NLLP.

In terms of flood risk, the site lies within flood zone 1 of the council's SFRA and therefore the site is at low risk of flooding. However, the proposal is a major development and an FRA is required to be submitted with the application. The EA has been consulted on the application and considers that the FRA is not acceptable for a variety of reasons which are outlined in their response (see consultation section of this report). It has not been demonstrated that the FRA adequately addresses the flood risk posed by the development to the surrounding area and third parties. The applicant has been requested several times by the case officer to submit an amended FRA to address the comments made by the EA. Despite the case officer's efforts, no amended FRA has been submitted. As a result, the proposal is not acceptable in terms of flood risk and is contrary to policy CS19 of the NLCS, policy DS16 of the NLLP and paragraph 167 of the NPPF.

Landscape

The site is within the open countryside. The landscape type is identified as 'Elevated Wooded Farmland – East of Burton upon Stather and Alkborough, North of Scawby, Appleby' in the council's CDS (Countryside Design Summary) and Landscape Assessment Guidelines. The reservoir would not be highly visible on the landscape as it would be viewed in context with existing elevated farmland. This type of development serves an agricultural purpose and is therefore acceptable in principle. The embankment surrounding the reservoir could be conditioned to be landscaped to ensure it blended into the surrounding area and further mitigated its impact on the landscape. It is accepted that the site lies within the evaluation area for the proposed extension to the Lincolnshire Wolds (AONB) (new local plan policy DQE1); however, there are unresolved objections to this policy and therefore little weight can be given to it at this time in the decision making process. Therefore, on balance, subject to planning conditions, the proposal does align with policies DS1, RD2 and LC7 of the NLLP, CS16 of the NLCS and the adopted CDS and Landscape Assessment Guidelines.

Amenity

In terms of residential amenity, the nearest dwellings to the proposed reservoir are approximately 450 metres away. Therefore, whilst the reservoir may be visible from surrounding properties, due to the distance the reservoir would be sited from these properties and its design, no demonstrable loss of amenity would be caused. There may be some disturbance to residents during construction, but this would be relatively short term and if the proposal is acceptable, planning conditions can be used to restrict construction and site clearance operations. The proposal therefore aligns with policies RD2, DS1 and DS11 of the NLLP and policy CS5 of the NLCS.

Ecology

In terms of ecology and biodiversity matters, both the council's ecologist and Natural England (NE) have been consulted on the proposals. Turning first to biodiversity net gain, by converting the cereal cropland of low biodiversity value, the proposed development would result in a net gain in biodiversity. Biodiversity enhancement could be secured on the site by 'designing in wildlife'. This could be achieved by applying the Environment Agency's Design for Wildlife guidance, and could include planting trees and shrubs around the reservoir to provide nesting and sheltered areas, sowing embankments with traditional grass and wildflower mixes, creating shallow margins around the reservoir, and planting reeds and rushes, for example. Biodiversity enhancements could be achieved through planning conditions requiring the submission of a biodiversity management plan (BMP) and through landscaping conditions. Subject to conditions, this aspect of the proposal would align with policies CS5 and CS17 of the NLCS and paragraphs 174 and 180 of the NPPF.

The proposal has the potential to have an impact on birds using functionally linked land associated with the Humber Estuary SPA/Ramsar. The applicant has submitted a Habitat Suitability Assessment which includes a data search and desk-based assessment of the habitat present on the site. Natural England currently considers that this assessment is incomplete as several component species of the Humber Estuary SPA/Ramsar have not been included in the data search. Therefore, it has not been demonstrated that the proposal is unlikely to have a significant impact on the SPA/Ramsar birds. As a result, the proposal is contrary to policy LC1 of the NLLP and policy CS17 of the NLCS.

Archaeology

In terms of archaeology, the application site lies within an area of archaeological potential where remains of prehistoric and Roman date may be anticipated. No heritage statement has been submitted with the application. The applicant has submitted a geophysical survey report for the site identifying linear ditch type anomalies which may locate two enclosures of unknown date in the eastern half of the site, together with another ditch to the west. The geophysical features and the finds recorded within the site indicate archaeological activity but the results of the geophysical survey are not sufficient to assess the significance of any such remains. It is clear from the details submitted with the application that the nature and scale of the proposed development are such that construction of the reservoir, if unmitigated, would result in the total destruction and loss of any archaeological interest. As the site contains heritage assets of potential archaeological interest, adequate information is required about the significance of any such assets to properly assess the impact of the proposed development, and thereby inform the decision-making process in accordance with the NPPF, policy CS6 of the Core Strategy and policy HE9 of the NLLP. As a result, HER recommend that a field evaluation in the form of trial trenching is carried out on the site together with an assessment of those heritage assets of archaeological interest and their settings likely to be directly or indirectly impacted by the development.

The applicant has been requested by the case officer to submit a heritage statement and carry out trial trenching on the site. When the application was submitted, the crops on the site had not been harvested so it was agreed the trial trenching would have to take place after the crop harvest. However, the applicant has been unwilling to carry out this trial trenching, referring to this work as affecting the viability of the scheme. The site has high potential for archaeology and the trial trenching needs to be carried out before the development commences to assess the significance of any archaeological remains on the site and any mitigation measures proposed. In the absence of this information the proposal is contrary to paragraphs 194 and 195 of the NPPF, policy CS6 of the NLCS and policy HE9 of the NLLP.

Planning balance and conclusion

The proposal is broadly an acceptable development in the open countryside and would support the existing agricultural use of the land. However, it is not considered to be acceptable in terms of flood risk, archaeology and potential impacts on Ramsar/SPA birds using the site. The applicant has been invited to submit further information to address these concerns but has declined to submit any additional information (updated FRA, trial trenching and bird surveys). As a result the proposal is contrary to policies DS16, HE9, RD2 and LC1 of the NLLP, policies CS6, CS17 and CS19 of the Core Strategy, and paragraphs 167, 174, 180, 194 and 195 of the NPPF.

RECOMMENDATION Refuse permission for the following reasons:

1.

The submitted Flood Risk Assessment does not demonstrate that the development will be safe without increasing flood risk elsewhere. Accordingly, the proposal is contrary to policy CS19 of the Core Strategy, policy DS16 of the North Lincolnshire Local Plan and paragraph 167 of the National Planning Policy Framework.

2.

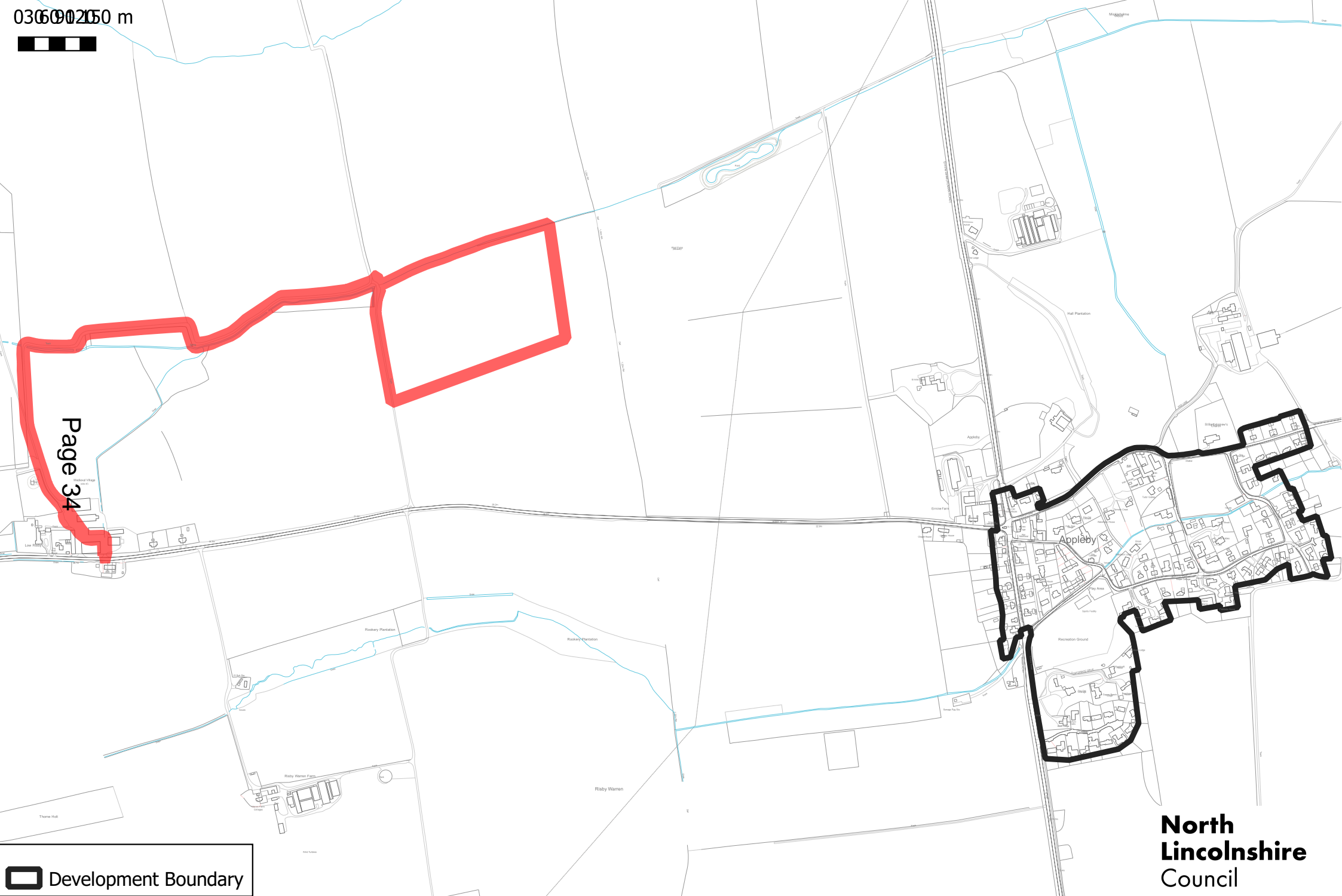
The site lies within an area of archaeological potential where remains of prehistoric and Roman date may be anticipated. A heritage statement has not been submitted with the application and archaeological field evaluation and assessment is required on the site. In the absence of this information, the council cannot adequately assess the potential impact of the development on the archaeological significance of the site. Accordingly, the proposal is contrary to policy CS6 of the Core Strategy, policy HE9 of the North Lincolnshire Local Plan and paragraphs 194 and 195 of the National Planning Policy Framework.

3.

Insufficient information has been submitted to demonstrate that the proposed site is not used by Humber Estuary SPA/Ramsar birds. In the absence of this information, it cannot be assessed if the proposed development is likely to have a significant effect on the Humber Estuary SPA/Ramsar. As a result, the proposal is currently contrary to paragraphs 174 and 180 of the National Planning Policy Framework, policy CS17 of the Core Strategy and policy LC1 of the North Lincolnshire Local Plan.

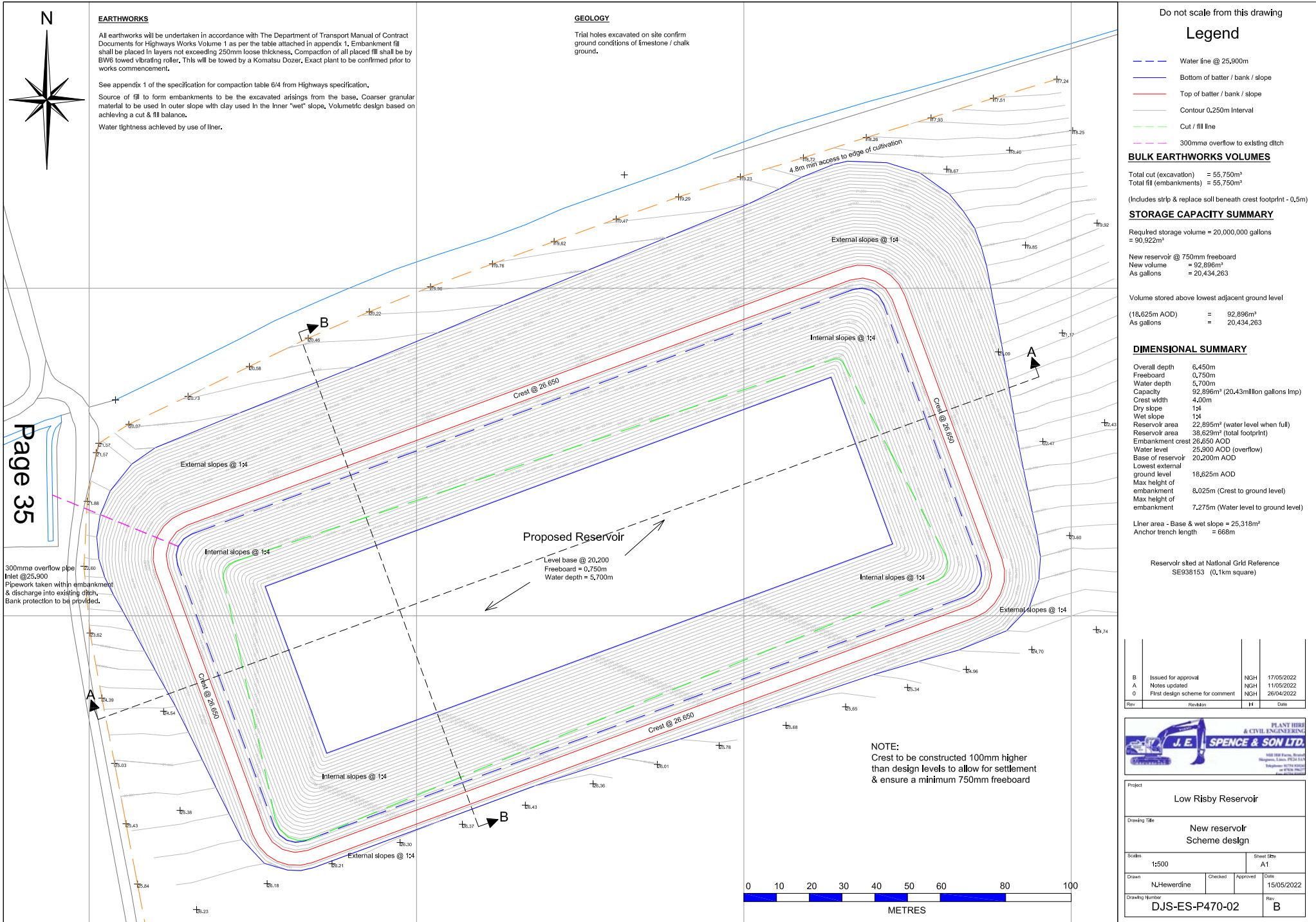
Informative

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



 Development Boundary

PA/2022/956 Proposed layout (not to scale)



EARTHWORKS

All earthworks will be undertaken in accordance with The Department of Transport Manual of Contract Documents for Highways Works Volume 1 as per the table attached in appendix 1. Embankment fill shall be placed in layers not exceeding 250mm loose thickness. Compaction of all placed fill shall be by BW6 towed vibrating roller. This will be towed by a Komatsu Dozer. Exact plant to be confirmed prior to works commencement.

See appendix 1 of the specification for compaction table 6/4 from Highways specification.

Source of fill to form embankments to be the excavated arisings from the base. Coarser granular material to be used in outer slope with clay used in the inner "wet" slope. Volumetric design based on achieving a cut & fill balance.

Water tightness achieved by use of liner.

GEOLOGY

Trial holes excavated on site confirm ground conditions of limestone / chalk ground.

Do not scale from this drawing

Legend

- Water line @ 25,900m
- Bottom of batter / bank / slope
- Top of batter / bank / slope
- Contour 0.250m Interval
- Cut / fill line
- 300mm overflow to existing ditch

BULK EARTHWORKS VOLUMES

Total cut (excavation) = 55,750m³
 Total fill (embankments) = 55,750m³

STORAGE CAPACITY SUMMARY

Required storage volume = 20,000,000 gallons = 90,922m³
 New reservoir @ 750mm freeboard
 New volume = 92,896m³
 As gallons = 20,434,263

Volume stored above lowest adjacent ground level

(18,625m AOD) = 92,896m³
 As gallons = 20,434,263

DIMENSIONAL SUMMARY

Overall depth 6,450m
 Freeboard 0,750m
 Water depth 5,700m
 Capacity 92,896m³ (20.43million gallons Imp)
 Crest width 4,00m
 Dry slope 1:4
 Wet slope 1:4
 Reservoir area 22,895m² (water level when full)
 Reservoir area 38,629m² (total footprint)
 Embankment crest 26,650 AOD
 Water level 25,900 AOD (overflow)
 Base of reservoir 20,200m AOD
 Lowest external ground level 18,625m AOD
 Max height of embankment 8,025m (Crest to ground level)
 Max height of embankment 7,275m (Water level to ground level)

Liner area - Base & wet slope = 25,318m²
 Anchor trench length = 668m

Reservoir sited at National Grid Reference SE938153 (0,1km square)

Rev	Revision	Date
B	Issued for approval	17/05/2022
A	Notes updated	11/05/2022
0	First design scheme for comment	28/04/2022



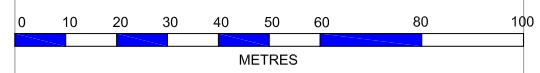
Project Low Risby Reservoir	
Drawing Title New reservoir Scheme design	
Scales 1:500	Sheet Size A1
Drawn N.Hewerdine	Checked Approved Date 15/05/2022
Drawing Number DJS-ES-P470-02	Rev B

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300mm overflow pipe
 Inlet @25,900
 Pipework taken within embankment & discharge into existing ditch.
 Bank protection to be provided.

Proposed Reservoir
 Level base @ 20,200
 Freeboard = 0,750m
 Water depth = 5,700m

NOTE:
 Crest to be constructed 100mm higher than design levels to allow for settlement & ensure a minimum 750mm freeboard



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APPLICATION NO	PA/2022/1064
APPLICANT	Mr Chris Prince, Prinknow Trading Ltd
DEVELOPMENT	Outline planning permission for a residential development of 9 dwellings with all matters reserved for subsequent consideration
LOCATION	Car sales and storage land, Engine Street, Brigg, DN20 8LT
PARISH	Brigg
WARD	Brigg and Wolds
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Brigg Town Council

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

Policy H5 (New Housing Development)

Policy H7 (Backland and Tandem Development)

Policy H8 (Housing Design and Housing Mix)

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

Policy HE2 (Development in Conservation Areas)

Policy HE9 (Archaeological Excavation)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy LC5 (Species Protection)

Policy LC7 (Landscape Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy DS1 (General Requirements)

Policy DS3 (Planning Out Crime)

Policy DS7 (Contaminated Land)

Policy DS11 (Polluting Activities)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Design)

Policy CS6 (Historic Environment)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

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

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS19 (Flood Risk)

Policy CS23 (Sport, Recreation and Open Space)

North Lincolnshire Housing and Employment DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

Inset 10: Brigg

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 later 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:SS6: Spatial Distribution of Housing Sites

Policy:SS11: Development Limits

Policy H2: Housing Mix and Density

Policy DQE3: Biodiversity and Geodiversity

Policy DQE5: Managing Flood Risk

Policy DQE6: Sustainable Drainage Systems

Policy DQE7: Climate Change and Low Carbon Living

Policy DQE12: Protection of Trees, Woodland and Hedgerows

Policy CSC1: Health and Wellbeing

Policy T1: Promoting Sustainable Transport

Policy T3: New Development and Transport

Policy T4: Parking

Policy DM1: General Requirements

Policy DM3: Environmental Protection

Inset 10: Brigg

CONSULTATIONS

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

Environment Agency: No objections subject to conditions relating to flood risk, contamination and drainage. They have not objected to the application on flood risk grounds, but comment that this does not remove the need to apply the sequential test and to consider whether it has been satisfied. Where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. A failure to satisfy the sequential test can be grounds alone to refuse planning permission.

LLFA Drainage: No objection subject to conditions relating to the submission of a detailed surface water drainage scheme for the site and details to prevent surface water from the site onto the highway and vice versa.

Anglian Water: No response.

Environmental Protection: No objection subject to conditions relating to contamination, restrictions on hours of construction and site clearance, submission of a CEMP and imposition of noise mitigation measures, and submission of a verification report.

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

Health and Safety Executive: Does not advise, on safety grounds, against the granting of planning permission.

Ecology (Doncaster Metropolitan Borough Council): As NLC's ecologist is unable to provide comment on this application due to a conflict of interest, DMBC have been consulted. However, no response has been received.

Archaeology: The application site is within an area of high archaeological potential but previous development may have affected the survival of remains in parts. Archaeological evaluation must be undertaken prior to the submission of reserved matters to identify the presence of any remains and their significance. The results of the evaluation will inform the detailed layout and design of the development to conserve important archaeological remains. Mitigation measures will be required to record any archaeological remains that the development would otherwise disturb or destroy. A written scheme of investigation for any further archaeological excavation and recording in advance of and/or during development groundworks must be submitted with the application for reserved matters. An outline planning permission for this development should be subject to conditions to secure the implementation of this programme of archaeological investigation.

Waste & Recycling: General advice on bin types, vehicle access, highway construction, unadopted roads, pulling distances for residents and crew, refuse and recycling storage.

S106 Officer: No S106 contributions required as the 'proposed development' on the planning application has been changed to outline planning permission for 9 dwellings.

TOWN COUNCIL

Objects to this application as it has grave concerns over flood risk and over-intensive development of this area.

STATEMENT OF COMMUNITY INVOLVEMENT

No Statement of Community Involvement has been submitted with this application.

PUBLICITY

Advertised by site and press notices. Two letters of objection and one generally in favour have been received raising the following material planning considerations:

- good for wildlife
- does not reflect the original plan for Brigg in the 1980s
- North Lincolnshire Council needs to look at the whole area and provide a plan
- flooding
- drainage
- additional traffic
- need a bypass
- more suitable sites in Brigg.

ASSESSMENT

The proposal

The proposal has been amended since the original application was submitted. The proposal is now for outline planning permission for a residential development of 9 dwellings with all matters reserved for subsequent consideration. Therefore, the applicant is seeking agreement in principle that the site can be developed for 9 dwellings. All matters (access, scale, layout, appearance and landscaping) are reserved for future consideration.

The site

The site is within the development boundary of Brigg. It is within flood zone 2/3a (fluvial) and is therefore at high risk of flooding, and is within 30m of Brigg conservation area. It is currently used for storage and the sale of motor vehicles, with much of the site covered by hardstanding areas and some scrubland/grassland to the western side of the site. Historically the site was part of the old Iron Works. Adjoining the southern boundary of the site is a parcel of land (outlined in blue) where biodiversity net gain is proposed. The applicant also owns a strip of adjoining land adjacent to the eastern boundary of the site.

Planning history

PA/2020/1974: Outline planning permission for residential development with all matters reserved for subsequent consideration – refused 01/10/2021

- PA/1999/0526: Outline planning permission for residential development – refused 03/11/2000
- 7/1987/0963: Outline planning permission for an extension to existing factory – approved 07/01/1988
- 7/1979/0112: Residential development – no decision
- 7/1989/0560: Erection of single-storey office accommodation – approved 03/08/1979
- 7/1979/0221: Continue the use of a building without complying with condition 3 – approved 22/05/1979
- 7/1988/0389: Erection of extension to workshop – approved 23/06/1988
- PA/2019/640: Planning permission to retain a change of use of land for motor vehicle sales and storage, and retain portable offices – approved 05/08/2019
- PA/2017/522: Outline planning permission to erect 8 dwellings with associated and ancillary infrastructure – approved 27/06/2017.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. The submitted North Lincolnshire Local Plan can now be given some weight as a material planning consideration in the determination of planning applications. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The site is within the development boundary of Brigg as defined in the HELA DPD and therefore the principle of residential development on this site is considered to be acceptable. Brigg is identified as a market town in the NLCS comprising a full range of services and facilities with good public transport links to the larger settlements of Scunthorpe and Barton. The site is in a highly sustainable location within walking and cycling distance of a range of local facilities, services and employment opportunities.

Policy CS1 of the NLCS identifies Scunthorpe as being the focus for the majority of new development and growth, including for housing, followed by a greenfield urban extension with a focus on areas to the west of the built-up area, followed by the market towns. Policy CS1 states, 'North Lincolnshire's Market Towns will continue to provide important services for the area's rural communities and support the higher-level services provided by Scunthorpe. Levels of growth and development will be more limited reflecting their position in the settlement hierarchy. All growth will take account of existing infrastructure, environmental constraints and ensure that the distinctive character of the town is protected. North Lincolnshire's Market Towns will continue to provide important services for the area's rural communities and support the higher-level services provided by Scunthorpe. An

appropriate level and range of new housing development will be provided to support the Market Towns as sustainable communities.’ Policy CS1 promotes high quality, well-designed new housing to be provided on a range of previously developed sites within the urban area.

Policy CS8 of the NLCS further sets out that there is a requirement to deliver 844 dwellings in Brigg specifically. These figures are a minimum target and do not form a maximum threshold for the delivery of housing, which would run contrary to the provisions of the NPPF which seeks to significantly boost the supply of housing. There is clearly an identified need for housing in Brigg.

Policy CS7 of the NLCS sets out an aspirational minimum density of 40 to 45 dwellings per hectare on sites within market town development limits. However, this policy also states that whilst housing developments should make efficient use of land, the density of new developments should be in keeping with the character of the area. The proposed development of 9 dwellings results in a density of approximately 14 dwellings per hectare which falls below the minimum density sought by policy CS7 (40 to 45 dwellings per hectare). However, the proposal is in outline form only with the applicant wishing to ascertain the principle of development on the site. Nine dwellings will also not result in any S106 contributions which may affect the viability of the site. In terms of a development of 9 dwellings, the area comprises both high and low housing densities. Therefore, it is not considered that 9 dwellings on this site would be out of character with this part of Brigg. The site is essentially a brownfield site, in a very sustainable location and will make a contribution, albeit a fairly modest one, to the council’s five-year housing land supply. Therefore, in this case, the density of the development is considered to be acceptable.

In a recent appeal decision dated 20 July 2022 (PA/2020/554) the Inspector concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council’s Five-Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. In this case, the proposal will make a modest contribution to the council’s housing land supply and the site is considered to be a sustainable location for development which is a key material consideration in the determination of this application.

Paragraph 120(c) of the NPPF states that planning policies and decisions should ‘give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. In this case the site is essentially a brownfield site proposed for housing which will meet a housing need on land that will need to be remediated. The site is in Brigg (a market town) where, through NLCS policies CS1, CS2 and CS8, there is a clear focus for new residential development to be located.

It must also be noted that in the new emerging local plan for North Lincolnshire this site remains within the development boundary of Brigg (Inset 10). Policy SS11 (Development Limits) applies. Policy SS2 (Spatial Strategy for North Lincolnshire) identifies Brigg as a principal town, with Brigg being a focus for growth, including new housing, employment, retail, cultural facilities, leisure and service provision. Non-allocated sites within the defined development limit will also contribute accordingly where it meets the policies of this plan. Policy SS6 (Spatial Distribution of Housing Sites) seeks to allocate 1,045 dwellings in Brigg during the plan period. Policy SS1 of the council’s emerging local plan relates to a

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. Although there are objections to these policies, there is a clear focus for housing growth in Brigg on allocated and non-allocated sites within the development boundary. The proposal therefore aligns with the strategic policies of the new emerging local plan.

The proposal is considered to represent sustainable development and aligns with the strategic policies of the CS, the HELA DPD and the new local plan. The presumption in favour set out in paragraph 11(c) of the Framework is triggered. In determining the principle and sustainability of the proposed development, an assessment is required on the technical elements of the proposal which will be discussed below.

Highways

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

In terms of highway safety, Highways have raised no objections subject to conditions relating to the access, car parking, turning and traffic management plans, for example. These conditions will be imposed on any permission granted. There is no evidence to suggest that Engine Street cannot accommodate the additional vehicle movements associated with the proposals. The existing commercial and storage use of the site, which will also attract a significant number of vehicles, including a high number of caravans on the site, must also be taken into consideration. The site is close to a bus stop which provides links to Scunthorpe, other areas of Brigg and the smaller settlements of Broughton and Hibaldstow. The site is accessible by public transport and is within walking/cycling distance of Brigg town centre where there are a full range facilities and services for everyday needs. Subject to conditions, the proposal therefore aligns with policies CS25 of the CS, and T2 and T19 of the NLLP.

Flood risk and drainage

Policy CS19 (which sits alongside DS16 of the local plan) is concerned with flood risk and states that the council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere. Paragraphs 159 to 169 (inclusive) of the NPPF are concerned with both the sequential and exception tests; all policies are considered relevant. The site is within flood zone 2/3a of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for 'more vulnerable' development and there is a requirement for the sequential and exceptions tests to be applied and both tests passed for the proposed dwellings.

A flood risk assessment (FRA) has been submitted with the application. This states that the ground levels on the site vary from 1.474 metres AOD (above Ordnance Datum) to 2.446 metres AOD. The FRA recommends that the habitable floor levels of the proposed residential dwellings are elevated a minimum 300 millimetres above the estimated 1 in 1,000-year flood level. Hence, a level of 2.91 metres AOD plus 300 millimetres equals 3.21 metres AOD. This will ensure that the habitable rooms are elevated above the extreme

flood level of 2.91 metres AOD. Therefore, any residential development on this site will have to be designed to ensure these habitable floor levels can be achieved to align with the FRA and prevent flooding to the proposed dwellings. The Environment Agency recommends a planning condition to ensure that the development is carried out in accordance with the submitted FRA and that finished floor levels of all habitable accommodation is set no lower than 3.21 metres AOD.

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

Paragraph 163 of the NPPF states, '...If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.' The applicant has submitted a flood risk assessment as well as sequential and exception test in support of the proposal.

Sequential test

The applicant has submitted a sequential test with the application and the site search is limited to Brigg (market town). The applicant has assessed sites in the HELA DPD, SHEELA online sites for sales and assessed sites for sale via estate agents. The allocated sites in the HELA DPD (BRIH allocations) have been assessed and are 'screened out' as they are all too large, some are not available and some are in flood zone 2/3a. Sites in the SHEELA have been assessed and are also discounted as they are too large, too small, are not available/already being developed or are in flood zone 2/3a. It should be noted that the committed and proposed housing allocation in the new local plan also are 'screened out' due to being too large, too small, are not available/already being developed or are in flood zone 2/3a. The applicant has demonstrated that there are no reasonably available sites in areas at a lower risk of flooding. As a result, the sequential is passed for this application.

Exceptions test

The exceptions test is in two parts: the test requires the proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reducing flood risk overall.

The applicant has provided additional information in support of the planning application. This supporting information sets out how the development is sustainable in terms of proximity to local services and transport routes and the site is a brownfield site. A residential use of the site is a betterment of the existing commercial use of the site. A well-designed scheme for residential properties will improve the aesthetic appearance of this area of Brigg. In terms of community benefits, the supporting statement highlights the fact that the proposal will provide additional housing (the council does not currently have a five-year housing land supply) and will support local businesses and services. The first part of

the exceptions test is passed as the proposal is considered to provide wider sustainability benefits to the community that outweigh flood risk.

The applicant has also submitted a flood risk assessment which puts forward mitigating measures that would be designed into the scheme. The Environment Agency has reviewed the information and has no objections subject to a condition linking the permission to the submitted FRA. Therefore, the second part of the exceptions test is passed.

The site is within flood zone 2/3a and is therefore a high risk of flooding. The applicant has demonstrated that there are no reasonably available sites in areas at lower risk of flooding. As a result, the sequential is passed for this application. The proposal will provide wider sustainability benefits for the community of Brigg that outweigh the flood risk and the FRA demonstrates that the development will be safe for its lifetime, without increasing flood risk elsewhere and where possible reducing flood risk overall. The exceptions test for this development is also passed. As a result, the proposal will align with policies DS16 of the NLLP, CS18 and CS19 of the NLCS, and Chapter 14 of the NPPF.

In terms of surface water, the LLFA, Environment Agency and Anglian Water have been consulted on the proposals. Anglian Water have not responded to the consultation. The Environment Agency and the LLFA are not objecting to the proposals. The LLFA are recommending planning conditions requiring the submission of a surface water disposal strategy to be submitted to the council for approval. The Environment Agency are requesting planning conditions in relation to the submitted FRA, contamination conditions and a condition requiring no drainage systems for the infiltration of surface water to the ground to be permitted other than with the written consent of the local planning authority. These recommended conditions will be imposed on any permission granted and the LLFA, Environment Agency and Anglian Water will be consulted on the details submitted pursuant to these conditions. The proposal is acceptable in drainage terms and accords with policies CS18 and CS19 of the NLCS, and DS16 of the NLLP, subject to the conditions recommended at the end of this report.

In terms of foul water, the application is in outline form with all matters reserved and therefore no details of the foul water proposals have been submitted with the application. Anglian Water have been consulted on the proposals but have not responded to the consultation. However, Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore have to take the necessary steps to ensure that there is sufficient treatment capacity should planning permission be granted. Therefore, it is appropriate for details of the foul water drainage to be submitted to the council for approval and Anglian Water would be consulted on these details. Subject to a condition requiring details of the foul water drainage to be submitted for approval, the proposal will align with policy DS14 of the NLLP.

Given the lack of objection by the relevant drainage body, the Environment Agency and the council's own LLFA, and no response from the water company, it is considered, subject to the recommended conditions, that the proposed development will not result in an unacceptable risk of flooding and will not have a detrimental impact on the local drainage network and therefore the proposal is acceptable in drainage terms and accords with policies CS18 and CS19 of the NLCS, and DS16 of NLLP.

Character

This area of Brigg comprises a mix of residential and commercial premises. The proposal would result in 9 dwellings on the site with car sales and storage area removed from the site. This would be a benefit to adjoining residents. The area, in terms of residential properties, comprises a mix of housing types, designs and ages. There are some high density housing developments and low density housing developments in the vicinity of the site. The proposed scheme for 9 dwellings would not appear out of context with the surrounding area. Whilst the density is much lower than the density required by policy CS7 of the NLCS of 40 to 45 dwellings per hectare, policy CS7 does state, 'Housing development will be required to make efficient use of land but the density of new development should be in keeping with the character of the area and should support the development of sustainable, balanced communities.' The proposal therefore aligns with policy CS7. In terms of the detailed layout, scale and appearance of the dwellings these details will be assessed within the reserved matters application. The council will seek to ensure a high standard of design for the proposed 9 dwellings through any subsequent reserved matters application.

Impact on residential amenity

In terms of residential amenity, this is more pertinent for any subsequent reserved matters application when details of the scale, appearance and layout of the 9 dwellings are known. That said, the construction of 9 dwellings on the site will be a betterment in terms of use as the existing use (vehicle storage/car sales) would cease on this site. The residential use of the site would have a lesser impact in terms of noise and disturbance than the current use. In addition, a well-designed good quality residential scheme on the site would be an improvement in visual terms than the current hardstanding and car storage/sales. It is considered that a scheme could be designed to ensure overlooking to neighbours was avoided and each dwelling would have adequate private amenity space. The proposal aligns with policies CS5 and CS7 of the NLCS, and policies H5, H8 and DS1 of the NLLP.

Archaeology

In terms of archaeology, HER originally requested a heritage statement and field evaluation comprising auger and geophysical surveys, deposit modelling and trial trenching. This is because the site lies within an area where there is potential for good preservation of highly significant archaeology and palaeoenvironmental remains of prehistoric date in deposits beside the Old River Ancholme. In response to HER's comments the applicant has submitted a preliminary archaeological desk-based assessment that recommends an archaeological borehole survey is carried out on the site.

The applicant had concerns about carrying out these works as much of the site comprises hardstanding and the proposal has now been changed to outline planning for 9 dwellings only (the number of dwellings (9) can be stipulated by the use of planning conditions). After careful consideration of the application site and the amount of development proposed, it is considered that the borehole survey and other archaeological works can be dealt with by planning conditions. These will require the archaeological works to be carried out either before the reserved matters application is submitted, or with any reserved matters application. The proposal, subject to the proposed archaeological planning conditions, will align with policies HE9 of the NLLP and CS6 of the CS, and paragraph 205 of the NPPF.

Ecology and biodiversity

The applicant has submitted a preliminary ecological appraisal, a biodiversity mitigation and enhancement plan, and a biodiversity metric 3.0. No priority habitat occurs within or immediately adjacent to the application site. No evidence of badgers, breeding birds, reptiles or any suitable aquatic habitat for amphibians has been recorded within the application site boundary. The site was recorded as containing negligible suitable habitat for use by bats for commuting/foraging. Buildings on site recorded negligible roost suitability as did trees within the development boundary. No species which feature on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) have been recorded within the site boundary or immediately adjacent. The biodiversity metric 3.0 indicates that a net gain of 2.14 habitat units and a net gain of 2.35 hedgerow units can be achieved on the site and on the adjoining site (in the applicant's ownership). As a result the proposal will align with policies LC5 of the NLLP and CS17 of the NLCS, and the NPPF in terms of protection of species and achieving biodiversity net gain on the site. Planning conditions are recommended to secure biodiversity enhancements through a biodiversity management plan which brings the proposal in line with policy CS17 of the Core Strategy.

Noise

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

In terms of noise, a noise survey has been submitted due to the surrounding commercial uses. Existing sound levels were measured at the site by monitoring for approximately one week. Additional attended measurements were taken at a selection of positions across the proposed site. The conclusion of the noise survey report is that low impact is predicted from the nearby commercial operations on the proposed site. The noise report recommendations include that plots have timber fencing around gardens, glazing to habitable rooms and bedrooms comprising float glass and acoustic glass, trickle vents and single/double 12.5 millimetres plasterboard ceilings for bedrooms on the top floor. Environmental Protection have assessed the report and consider the proposal is acceptable in terms of noise subject to the recommendations of the noise survey being implemented and a verification report submitted to the council which demonstrates the effectiveness of the mitigation measures to be undertaken. Subject to these conditions, the proposal is considered to be acceptable in terms of noise and aligns with policies DS1 and DS11 of the NLLP, and CS5 of the NLCS.

Contamination

Policy DS13 of the NLLP relates to the protection of groundwater. Policy DS7 is concerned with contaminated land and 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. Both the Environment Agency and Environmental Protection recommend contamination conditions based on the previous and existing land uses on the site. The Environment Agency are concerned with potential risk of contamination that could be mobilised during construction to pollute

controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary A aquifer. As a result, the contamination condition proposed by the Environment Agency (which is very similar to Environmental Protection's proposed contamination condition) will be imposed on any permission granted. The proposal, subject to this condition, will align with policies DS7 and DS13 of the NLLP, and the NPPF.

Other matters raised

Comments from neighbours are noted. The council has recently submitted in new draft local plan to the Planning Inspectorate for examination This provides details for proposed development in Brigg. Comments about alternative sites are noted, however the applicant has provided a sequential test with the application which has been passed in relation to flood risk (see flood risk section above). This development of 9 dwellings does not require a bypass/relief road to be construction. The proposed bypass/relief road for Brigg is required in connection with the allocated Brigg housing sites. The comments made by the town council are noted and have been addressed in earlier sections of this report.

Pre-commencement conditions

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

Planning balance and conclusion

In terms of the planning balance, the proposal accords with the development plan. The site is within the development boundary of Brigg close to a wide range of services and facilities. It is served by public transport and the town centre is accessible in terms of walking and cycling. The site is a very sustainable location for residential development. In terms of technical matters these have been addressed in the main report and can be mitigated by planning conditions where necessary. The proposal will remove the existing car sales and storage use from the site which will improve residential amenity and the visual appearance of the site. The proposal will also make a modest contribution to the council's five-year housing land supply. No material considerations or technical matters have been identified that could properly be considered to outweigh the statutory presumption in favour of the development plan and the presumption in favour of sustainable development as set out in the NPPF. When the planning balance is applied the benefits of the scheme demonstrably outweigh the dis-benefits and therefore the application is recommended for approval subject to the conditions set out below.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

2.

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

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: location and block plans drawing no 4/4.

Reason

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

6.

No more than 9 dwellings (Class C3 use) shall be erected on the site.

Reason

In the interests of clarity and to define the terms of this planning permission. Any increase in 9 dwellings will attract S106 contributions as set out in policy H10 and SPG:8 of the North Lincolnshire Local Plan, and policies CS9, CS22 and CS23 of the Core Strategy.

7.

No development shall take place until details of:

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

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

Reason

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

8.

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

Reason

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

9.

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.

10.

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.

11.

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

Reason

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

12.

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

Reason

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

13.

No development shall begin until details of:

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

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

Reason

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

14.

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

Reason

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

15.

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

Reason

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

16.

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

Reason

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

17.

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

Reason

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

18.

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

Reason

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

19.

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

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

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

Reason

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

20.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must be based upon the submitted Flood Risk Assessment, Rev: 0, submitted by: EWE Associates Ltd, Dated: November 2020.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained

and managed for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off the site, is not increased. SuDS must be fully considered in accordance with current PPG guidance. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions. Full consideration must be given to developing an overdesigned surface water drainage system for the site, given the location and historic flooding adjacent to the River Ancholme and the outfalls being unable to discharge surface water from the surrounding catchment at times of high river levels.

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.

21.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 20 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

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

22.

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.

23.

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.

24.

No development shall take place until a scheme for the disposal of foul water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

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

25.

The development shall be carried out in accordance with the submitted flood risk assessment (November 2020/Draft Rev0/EWE Associates Ltd). In particular, finished floor levels of all habitable accommodation shall be set no lower than 3.21m above Ordnance Datum (AOD).

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

26.

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted has been submitted to and approved in writing by the local planning authority. This strategy will include the following components:

- (a) a preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
- (b) a site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site
- (c) the results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken

- (d) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework, policies DS7, DS11 and DS13 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the Core Strategy.

27.

Prior to any part of the permitted development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason

To ensure that the site does not pose any further risk to the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the National Planning Policy Framework, policies DS7, DS11 and DS13 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the Core Strategy.

28.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework, policies DS7, DS11 and DS13 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the Core Strategy.

29.

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework, policies DS7, DS11, DS13 and DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the Core Strategy.

30.

Prior to the occupation of the development, the scheme of mitigation measures as detailed in the technical document S & D Garritt Ltd, Acoustic Report for proposed residential development at Land off Engine Street, Brigg, DN20 8LP dated 25th March 2022 shall be installed in full and retained thereafter.

Reason

To protect the residential amenity of occupiers of the new dwellings in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy.

31.

Following the installation of the mitigation measures detailed within condition 31 above, a verification report that demonstrates the effectiveness of the mitigation measures shall be undertaken. The verification report shall be submitted to and approved in writing by the local planning authority.

Reason

To protect the residential amenity of occupiers of the new dwellings in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy.

32.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

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

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

Reason

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

33.

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

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

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

Light – the CEMP shall set out the particulars of:

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

Dust – the CEMP shall set out the particulars of:

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

Reason

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

34.

The details submitted in pursuance of the outline planning permission (the reserved matters) shall be accompanied or preceded by the submission to the planning authority of the following:

- (a) the results of a field evaluation of the extent, character and significance of any archaeological remains within the application area; the evaluation shall comprise borehole survey followed by the excavation of trial trenches in accordance with a brief provided by the North Lincolnshire Historic Environment Record and a written scheme of investigation prepared by the applicant's archaeological contractor to be submitted and approved in writing prior to the commencement of fieldwork
- (b) an assessment of the impact of the proposed development on any identified archaeological remains based on a foundation design, including details of foundations, piling configuration, SUDs and drainage strategies, and provision of services, and method statements relating to carrying out these works
- (c) further to the results of the evaluation and where the planning authority requires, the submission of an updated written scheme of investigation for mitigation for the approval in writing of the local planning authority setting out mitigation proposals that may include the following:
 - (i) measures to ensure the preservation in situ or by record of archaeological features of identified importance
 - (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
 - (iii) post-fieldwork methodologies for assessment and analyses
 - (iv) report content and arrangements for dissemination, and publication proposals
 - (v) archive preparation and deposition with recognised repositories, including the North Lincolnshire Museum Service and the ADS (Archaeological Data Service)
 - (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
 - (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
 - (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To identify and preserve any archaeological remains within the development site in accordance with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

35.

No development shall take place until the applicant, or their agents or successors in title, has provided written confirmation to the planning authority that they have secured the implementation of the archaeological mitigation strategy as defined in the approved written scheme of investigation, in accordance with the approved details and timings.

Reason

To identify and preserve any archaeological remains within the development site in accordance with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

36.

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

Reason

To preserve by record any archaeological remains within the development site in accordance with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

37.

A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record and the archive at the North Lincolnshire Museum within 12 months of commencement of the archaeological programme of work or such other period as may be agreed in writing by the local planning authority.

Reason

To preserve by record any archaeological remains within the development site in accordance with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

38.

On submission of the first reserved matters application the applicant or their successor in title shall submit a biodiversity enhancement plan to the local planning authority for approval in writing. These enhancements are to be based on the recommendations in paragraph 7.2 of the preliminary ecological (Estrada Ecology July 2020). The plan shall include:

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

- (d) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the planting and aftercare of trees, shrubs and flowering plants of high biodiversity value;
- (f) details of how the measures proposed will provide at least 1% biodiversity net gain in accordance with the Defra Small Sites Metric;
- (g) proposed timings for the above works in relation to the completion of the buildings.

Reason

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

39.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 8th dwelling, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

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

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

Our records indicate that the proposed development site is bounded by, or has running through it, a watercourse (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature

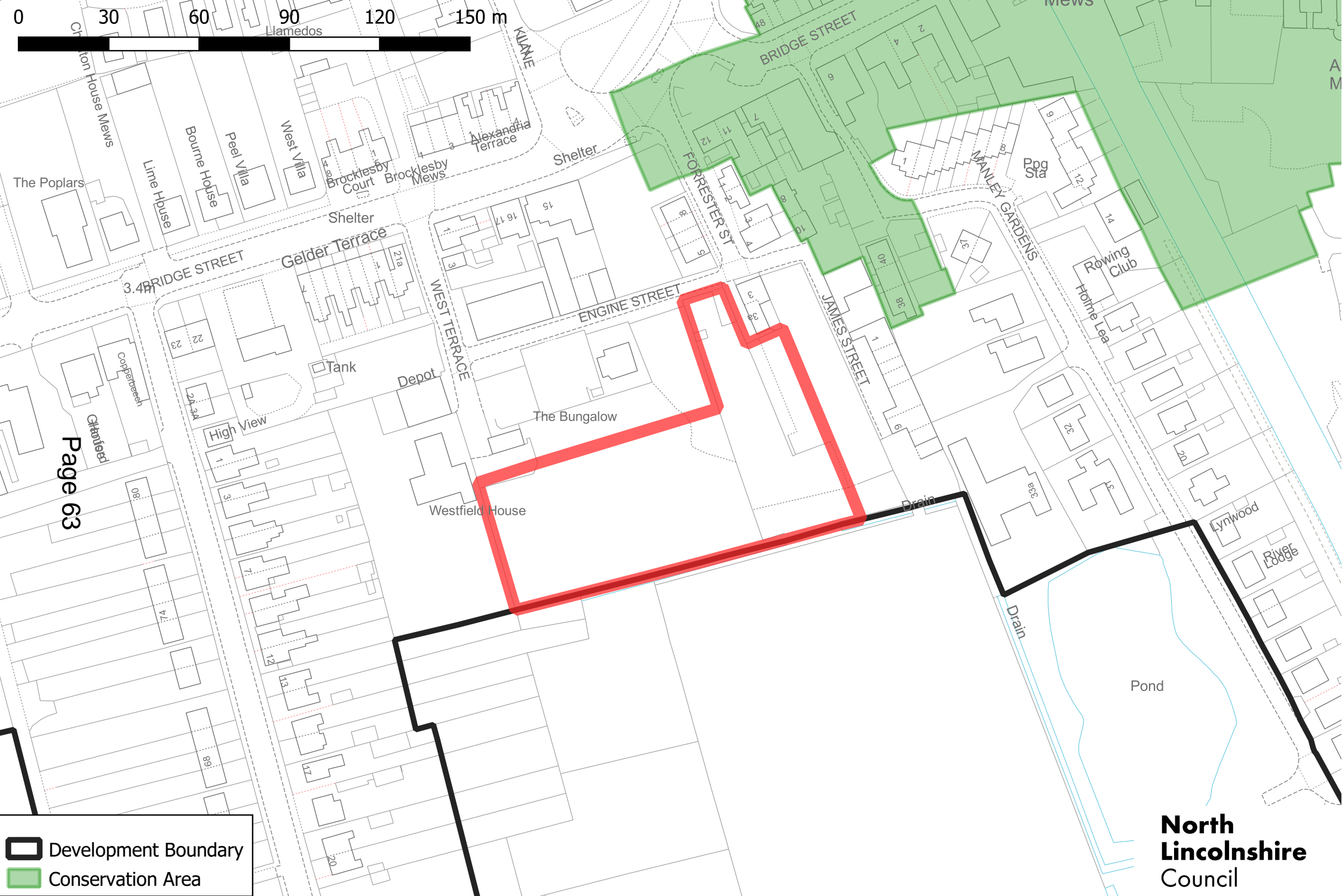
found during excavations must be immediately reported to the LLFA Drainage Team via email to llfadrainageteam@northlincs.gov.uk prior to any further construction works being carried out. Please refer to North Lincolnshire Council's 'Guide to Watercourses and Riparian Ownership' detailing riparian rights and responsibilities. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.



Alterations and/or connections into the watercourse must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, and/or the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team via email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

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

Informative 4

The applicant's attention is drawn to the comments made by the Environment Agency in their consultation response dated 1 July 2022, and Humberside Fire and Rescue Service in their consultation response dated 27 June 2022.

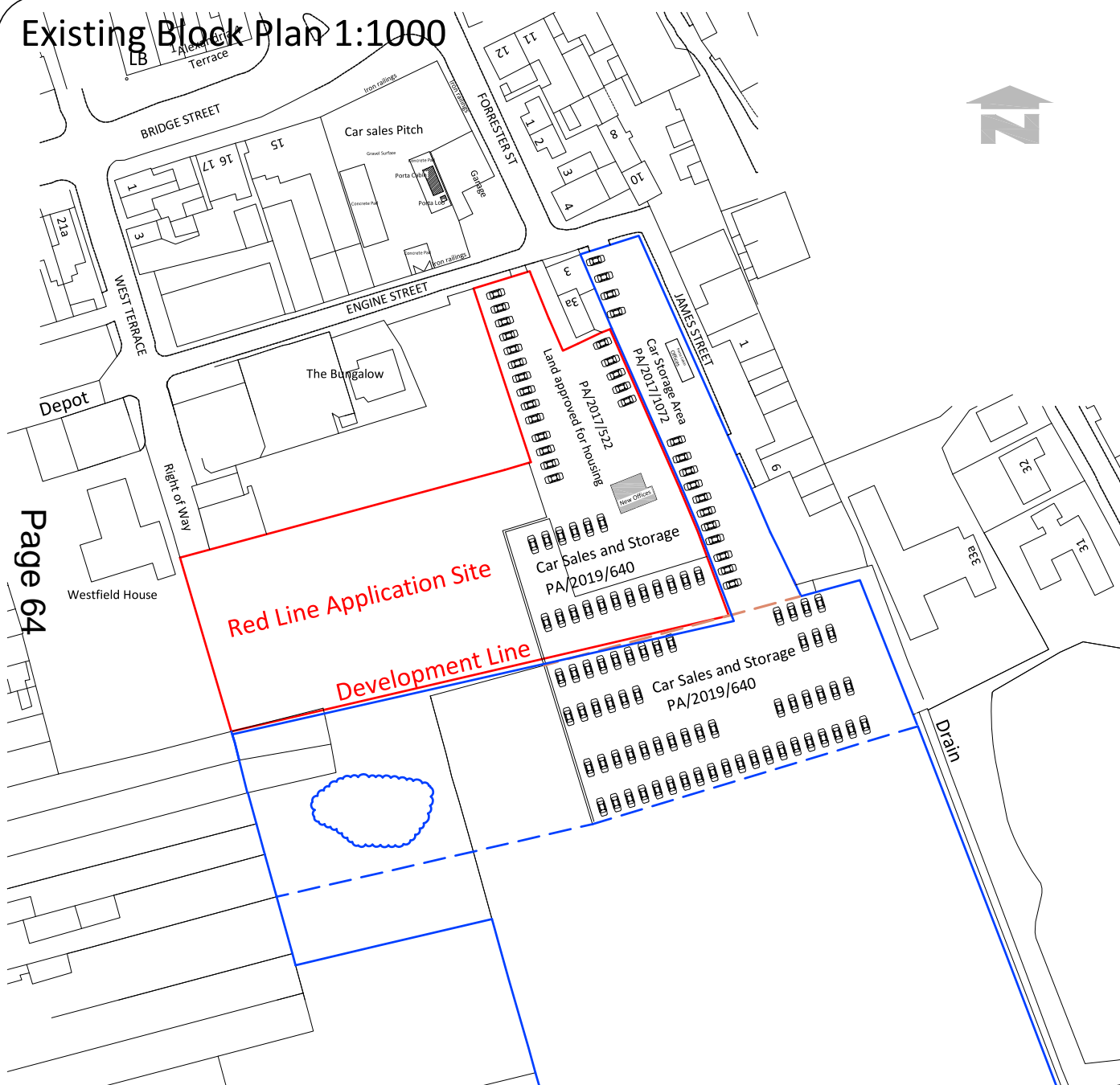


 Development Boundary
 Conservation Area

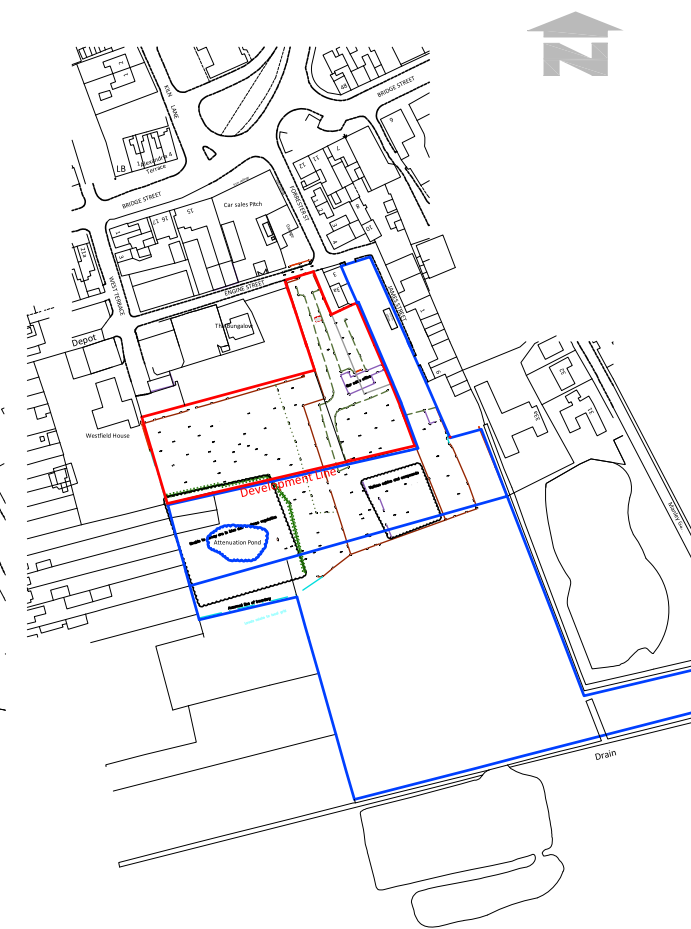
**North
Lincolnshire
Council**

PA/2022/1064 Existing layout (not to scale)

Existing Block Plan 1:1000



Location Plan 1:2500



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Fax 01724 710174
Mob 07947 226577

Client	Prinknow Trading Ltd		
Date	7/6/22	Dwg No	4 of 4
Scale	As noted	Ref No	634-22

Proposal
Drawing

Residential Development off Engine Street
Brigg, DN20 8LP
Location and Block Plans

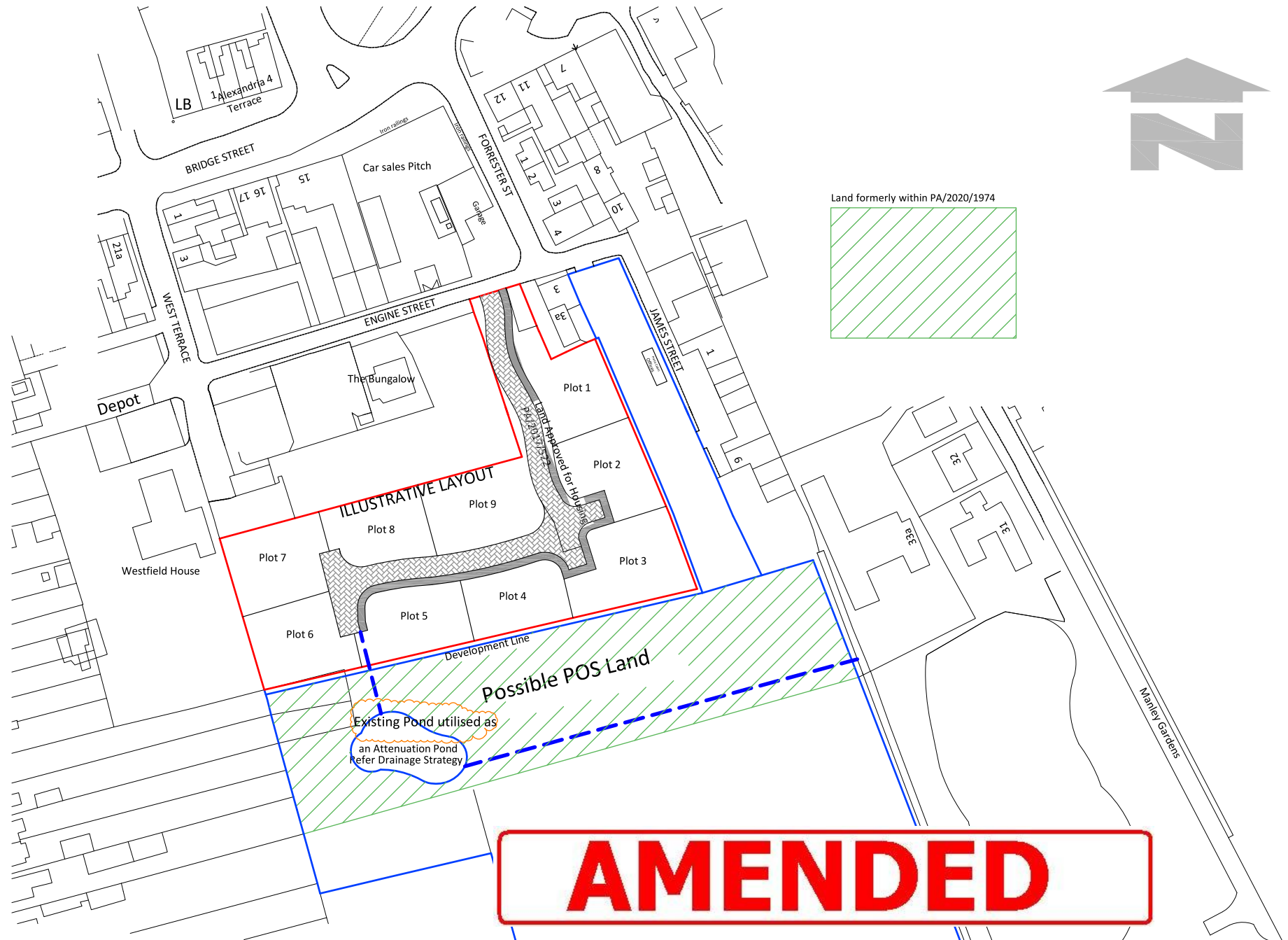




Land formerly within PA/2020/1974



Page 65



AMENDED



Client	Prinknow Trading Ltd		
Date	3/11/22	Dwg No	3 of 4
Scale	1:1000	Ref No	634-22

Proposal	Proposed residential development land off Engine Street, Brigg, DN20 8LP
Drawing	

Illustrative Layout Plan



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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 08 February 2023

Date: 30 January 2023

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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APPLICATION NO	PA/2022/1123
APPLICANT	Mr M Wright
DEVELOPMENT	Planning permission to erect three four-bedroomed detached dwellings with associated parking and amenity space
LOCATION	Orchid House, Howe Lane, Goxhill, DN19 7JD
PARISH	Goxhill
WARD	Ferry
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the local development plan

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

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

North Lincolnshire Local Plan:

Policy RD2: Development in the Open Countryside

Policy DS1: General Requirements

Policy DS7: Contaminated Land

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

Policy H5: New Housing Development (Part)

Policy H8: Housing Design and Housing Mix

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering more Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS7: Overall Housing Provision

Policy CS8: Spatial Distribution of Housing Sites

Policy CS18: Sustainable Resource Use and Climate Change

Policy CS19: Flood Risk

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 regarding this application include:

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 SS6: Spatial Distribution of Housing Sites

Policy SS11: Development Limits

Policy RD1: Supporting Sustainable Development in the Countryside

Policy DQE1: Protection of Landscape, Townscape and Views

Policy DQE5: Managing Flood Risk

Policy DQE6: Sustainable Drainage Systems

Policy HE1: Conserving and Enhancing the Historic Environment

CONSULTATIONS

Environmental Protection: No objection subject to a condition.

Doncaster Sheffield Airport: No objection.

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

Archaeology: No objection.

Highways: No objection subject to conditions.

PARISH COUNCIL

No objection to this application.

PUBLICITY

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

ASSESSMENT

Planning history

- 7/1986/0600: Planning permission to erect a block of eight prefabricated – approved 16/10/1986
- 7/1979/1011: Planning permission to install a 5000 gallon petrol storage tank – approved 24/01/1980
- PA/2019/181: Planning permission to erect nine dwellings, including demolition of existing dwelling, workshop and outbuildings, and associated works – approved 24/10/2019.

Site description and proposal

This proposal seeks planning permission to erect three four-bedroomed detached dwellings with associated parking and amenity space at Orchid House, Howe Lane, Goxhill.

The irregular-shaped site, covering an area of approximately 0.28 hectares, is situated off Howe Lane and is just outside, but adjoining, the development boundary of Goxhill.

It is a former commercial site (brownfield) and is located behind a garage (Millers Coaches Ltd), which is currently vacant, and a residential dwelling. It fronts shared access with a shop (Co-op Food Store).

The site is bounded by the shared access and the retail shop to the southwest, the vacant garage and the residential dwelling (Orchid House) to the southeast, the garden of a residential dwelling (Westfield House) to the northeast and a field to the northwest.

The development would use the existing shared access with the Co-op Food Store adjacent to the site. The access is within the red-line boundary for this development.

The proposed two-storey detached dwellings would contain a kitchen, lounge and dining area on the ground floor, and four bedrooms at first floor.

The dwellings would face southwest, the rear of them facing northeast. The sides of the dwellings would face the field and the vacant garage.

All the dwellings would have windows at the front (southwest elevation facing the access) and the rear (northeast elevation facing the tail end of the garden of Westfield House).

The dwellings on plots 1 and 2 would have no windows in the southeast elevation facing plot 3. The northwest elevation of the dwellings on plots 1 and 2 would have a door on the ground floor.

The dwelling on plot 3 would have no windows in the northwest elevation facing the side of plot 2. The southeast elevation would have a door on the ground floor facing the vacant garage and Orchid House.

The dwellings would be served by eight vehicle parking spaces and are to be constructed in red facing bricks with concrete double pantiles.

The key issues to consider in determining this application are:

- **the principle of development;**
- **impact on scale and character of the surrounding area;**
- **impact on neighbouring amenities;**
- **road safety, access and parking;**
- **flood risk and drainage;**
- **contaminated land;**
- **noise.**

Principle of development

Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for North Lincolnshire comprises three parts: the policies of the North Lincolnshire Local Plan (2003), the North Lincolnshire Core Strategy DPD (2011), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

Policy CS2 of the Core Strategy states that in supporting the delivery of the spatial strategy set out in policy CS1, as well as determining how future development needs will be met in North Lincolnshire, a sequential approach will be adopted.

The adopted sequential approach focuses on the following:

- (a) previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions
- (b) 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
- (c) small-scale developments within the defined development limits of rural settlements to meet identified local needs.

This development is outside the development boundary and does not meet the terms of the above policy.

Policy CS3 of the Core Strategy ensures that the countryside is protected from inappropriate development and that no uncontrolled expansion of settlements will take place. Since the site is outside the development boundary of Goxhill, housing development on the site is restricted. The proposal does not meet the terms of policy CS3.

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

The policies above are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. In this case, the application site is outside the settlement boundary and would not meet the criteria for development within the open countryside as outlined in policy RD2. The proposal is thereby considered to conflict with policies CS2 and CS3.

Policy CS7 of the Core Strategy states that between 2010 and 2026, North Lincolnshire's housing requirement is for 12,063 new dwellings to be provided (754 new dwellings per year). The purpose of this policy is to set out the overall level of housing provision that will be required to meet North Lincolnshire's needs until 2026 and to ensure that an appropriate range and mix of housing is provided to meet the needs of the existing and future population.

Policy CS8 of the Core Strategy indicates that the allocation of sites for 12,063 new dwellings will be delivered in accordance with sustainable development principles and a sequential approach. The purpose of this policy is to set out the spatial distribution of housing for North Lincolnshire in the most sustainable locations. Most of the new housing will be located within the Scunthorpe urban area, reflecting its sub-regional role, and supporting the urban renaissance planned for the town. This will be followed in preference by the area's market towns and then the rural settlements.

Notwithstanding the above local development plan policies, the NPPF is a material consideration when determining planning applications.

Paragraph 10 of the NPPF states, 'So that sustainable development is pursued positively, at the heart of the Framework is a presumption in favour of sustainable development.'

Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up to date.

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.

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.

There are clear principle benefits from additional residential development in relation to economic benefits from an increased number of people in the area as well as the potential for local construction firms/trades people. There are also social benefits associated with creating additional dwellings for the population. However, the amount of built form would also have the potential for negative impacts upon the environment. In determining the sustainability of the proposed development an assessment not only relies upon planning principles but also the technical elements of the proposal. Only at that point can it be established whether or not any adverse impacts exist that would significantly and demonstrably outweigh the benefits of the proposal.

Overall, having reviewed the details of the proposal, the relevant policies within the North Lincolnshire Development Plan and the NPPF (that is, a presumption in favour of sustainable development), the site is deemed a brownfield site given evidence of previous development on the site which has been demolished and the economic, social and environmental benefits of the development. Further, the site is in a central location and within a walking distance or close to services and amenities.

Furthermore, it is considered that the proposal would not have an unacceptable impact on the character of the open countryside due to the designation as a brownfield site on the edge of the boundary. It is deemed to accord with the objectives of sustainable

development of the NPPF and it would not encroach upon any archaeological interest in the area.

Turning to the planning history of the site, planning permission to erect nine dwellings, including demolition of an existing dwelling, workshop and outbuildings, with associated works (PA/2019/181) was approved on the site by the planning committee on 24 October 2019. This approval establishes that the development of the site is 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.

On balance, therefore, the principle of development is acceptable.

Layout, siting and design

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

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

Local plan policy DS1 expects a high standard of design in all developments in both built-up areas and the countryside, and proposals for poorly designed development will be refused.

All proposals will be considered against the criteria of quality of design, amenity impact, conservation, resources, utilities and services.

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.'

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

As outlined previously, this proposal is for three, two-storey, four-bedroomed detached dwellings, with associated parking and amenity space.

Based on the layout of the site, the position of the dwellings, and the scale and access arrangements, it is judged that the development would conform to the character of the area.

The proposed materials of construction (red facing brick and concrete double pantiles) are considered to be acceptable as they would fit in well with the character of the area.

Regarding impact on the street scene, this development is set back behind other properties away from the main road and therefore would not impact the street scene.

The development would therefore comply with policy CS5 of the Core Strategy, DS1 of the local plan and the NPPF.

Landscaping

Landscaping is defined as the treatment of land (other than buildings) to enhance or protect the amenities of the site and the area in which it is situated and includes:

- (a) screening by fences, walls or other means;
- (b) the planting of trees, hedges, shrubs or grass;
- (c) the formation of banks, terraces or other earthworks;
- (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and
- (e) the provision of other amenity features.

It is worth noting that the level of detail required for a landscape scheme is dependent on the size, type and location of the new development, and its impact on the local area.

This proposal does not include a landscaping scheme and therefore a condition would be applied to any permission issued requiring a landscaping plan to be submitted for approval.

Highway safety

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

The site would be served by a shared access with the Co-op store and a driveway. Further, eight parking spaces have been provided within the site.

Highways have been consulted and have no objections to this application subject to conditions. It is therefore judged that the proposed access and parking provision is acceptable.

The proposal would therefore align with policies T2 and T19 of the North Lincolnshire Local Plan.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk and policy DS14 of the local plan is concerned with foul sewage and surface water drainage. The site is within SFRA flood zone 1, which has a low probability of flooding.

A flood risk assessment has been submitted with the application. The LLFA Drainage officer has reviewed the proposal and has no objection to the application subject to pre-commencement conditions and informative comments.

The officer commented that the submitted information fails to provide details relating to the connection of surface water from this site into the existing culvert on the main access road, including attenuation for the 100-year plus climate change critical surface water flood event. The submitted drainage strategy refers to the previously approved development for nine houses (PA/2019/181).

It is considered, however, that the discharge of the recommended conditions would address any outstanding concerns.

Residential amenity

Policy DS1 of the local plan expects a high standard of design in all developments in both built-up areas and the countryside and indicates that proposals for poorly designed development will be refused. It requires all proposals to be considered against criteria for quality of design, amenity impact, conservation, and resources.

In terms of amenity impact, this policy seeks to ensure that there is 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 considering the impact of this development on neighbouring properties, the development is located at the rear (north) of a vacant garage and the residential dwelling owned by the applicant (Orchid House), and is over half a metre from the boundary.

While this development of two-storey dwellings is close to the common boundary with the vacant garage and Orchid House, the orientation is such that there would not be a significant overshadowing or overbearing impact that would warrant refusal of the application.

Turning to privacy, the dwelling on plot 3 would be closest to, and would have a door on the ground floor facing, the vacant garage and Orchid House; however, this can be screened by appropriate fencing to ensure that there are no issues from loss of privacy.

Regarding the windows at the rear of the development, the ground-floor windows can also be screened by appropriate fencing.

Turning to the first-floor windows at the rear, the development is set back from the rear boundary by about four metres. This is considered reasonable – the windows would not result in a significant loss of privacy since the property at the rear has a long garden and the windows would only allow a view of the tail end of that garden. Further, when the windows are measured by an arc of 60 degrees taken from their centre, they would have a limited view which would leave the properties sufficient amenity area for the enjoyment of the residents.

Overall, it is unlikely the development would be significantly overbearing, or result in overshadowing or loss of privacy, to warrant refusal of the application. The proposal would therefore accord with policies DS1 of the local plan and CS5 of the Core Strategy.

Contaminated land

The NPPF states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Policy DS11 of the local plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell, or noise, do not pose a danger by way of toxic release. Policy DS1 of the local plan is also concerned with the protection of amenities.

Environmental Protection have commented that the residential development is a sensitive end-use. In addition, the site has historically been used as a coach depot and fuel station. Previous site investigations undertaken as part of the adjacent development identified the following sources of contamination:

- below-ground fuel tanks, pump island, interceptor and lines associated with the site's former use as a petrol station
- above-ground diesel tank and vehicle wash area associated with the site's use as a bus/coach depot
- waste oil storage area and service yard associated with vehicle repair/MOT centre
- asbestos products associated with building structures on the site.

These uses have the potential to introduce contaminants to the site such as hydrocarbons, heavy metals and asbestos which are harmful to human health.

While it is understood that fuel tanks were removed from the site as part of the development of the Co-op food store, residual hydrocarbon contamination may remain.

It is the developer's responsibility to assess and address any potential contamination risks and to demonstrate potential risks can be reduced to an acceptable level.

Consequently, Environmental Protection have no objection to the proposal subject to conditions.

With regard to noise, Environmental Protection have reviewed the Sound Measurements and Recommendations for the proposed development dated 19 December 2018 by S & D Garritt Ltd. They note the report has identified elevated sound levels associated with activities at the adjacent Co-op food store and recommends mitigation measures are implemented to protect the amenity of the proposed dwellings. The department is satisfied with the findings of the report and recommends a condition which will be applied should permission be granted.

With regard to construction, to prevent residents and other sensitive receptors being affected during construction of the proposed development, Environmental Protection recommend conditions which, again, will be applied should permission be granted.

Conclusion

It is considered that the benefits of the development on this brownfield site, and the economic, social and environmental sustainability, outweigh any resulting harm to the open countryside. The development is judged a sustainable development under the NPPF.

Further, the principle of the development was established under the grant of planning permission to erect nine dwellings, including demolition of existing dwellings, workshop and outbuildings, and associated works (PA/2019/181) which was approved by planning committee on 24 October 2019.

The siting, layout and design of the development are acceptable, and the dwellings would not significantly impact the amenity of the adjacent properties in terms of overshadowing, overbearing impact or loss of privacy.

All things considered, the proposal is a justified departure from the development plan and is acceptable. The proposal is therefore recommended for approval.

Pre-commencement conditions

Pre-commencement conditions have been agreed with the agent.

RECOMMENDATION Grant permission subject to the following conditions:

1.
The development must be begun before the expiration of three years from the date of this permission.

Reason

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

2.
The development hereby permitted shall be carried out in accordance with the following approved plans:

- Proposed Elevation Site Location and Block Plans Dwg. No. 488 - 22 - 01
- Proposed Site Layout Plans Dwg. No. 488 - 22 - 02
- Drainage Plan Dwg. No. 5125/100 Rev. P1.

Reason

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

3.

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

Part 1: Site Characteristics

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

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

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

This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance April 2021.

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

4.

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

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

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

Reason

To protect the amenity of the residents of the proposed dwellings and to minimise potential land use conflict in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

Prior to the occupation of the development, an acoustic barrier shall be erected. A detailed technical specification of the acoustic barrier shall be submitted to and approved in writing by the local planning authority. The specification shall include details of the location, size, and design of the barrier, with predicted noise reduction over the frequency spectrum. The approved acoustic barrier shall be installed prior to commencement of the use of this site and shall be maintained thereafter.

Reason

To protect the amenity of the residents of the proposed dwellings and to minimise potential land use conflict in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

Following installation of the mitigation measures required by conditions 4 and 5 above in accordance with the approved technical specifications, a verification report that demonstrates the effectiveness of the mitigation measures shall be undertaken. The verification report shall be submitted to and approved in writing by the local planning authority.

Reason

To protect the amenity of the residents of the proposed dwellings and to minimise potential land use conflict in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

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

- 8am to 6pm Monday to Friday.

- 8am to 1pm on Saturdays.

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

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

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

Reason

To protect residential amenity.

8.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.

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

Reason

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

9.

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

Reason

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

10.

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.

11.

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 dwellings are occupied, and once built/planted it shall be retained.

Reason

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

Informative 1

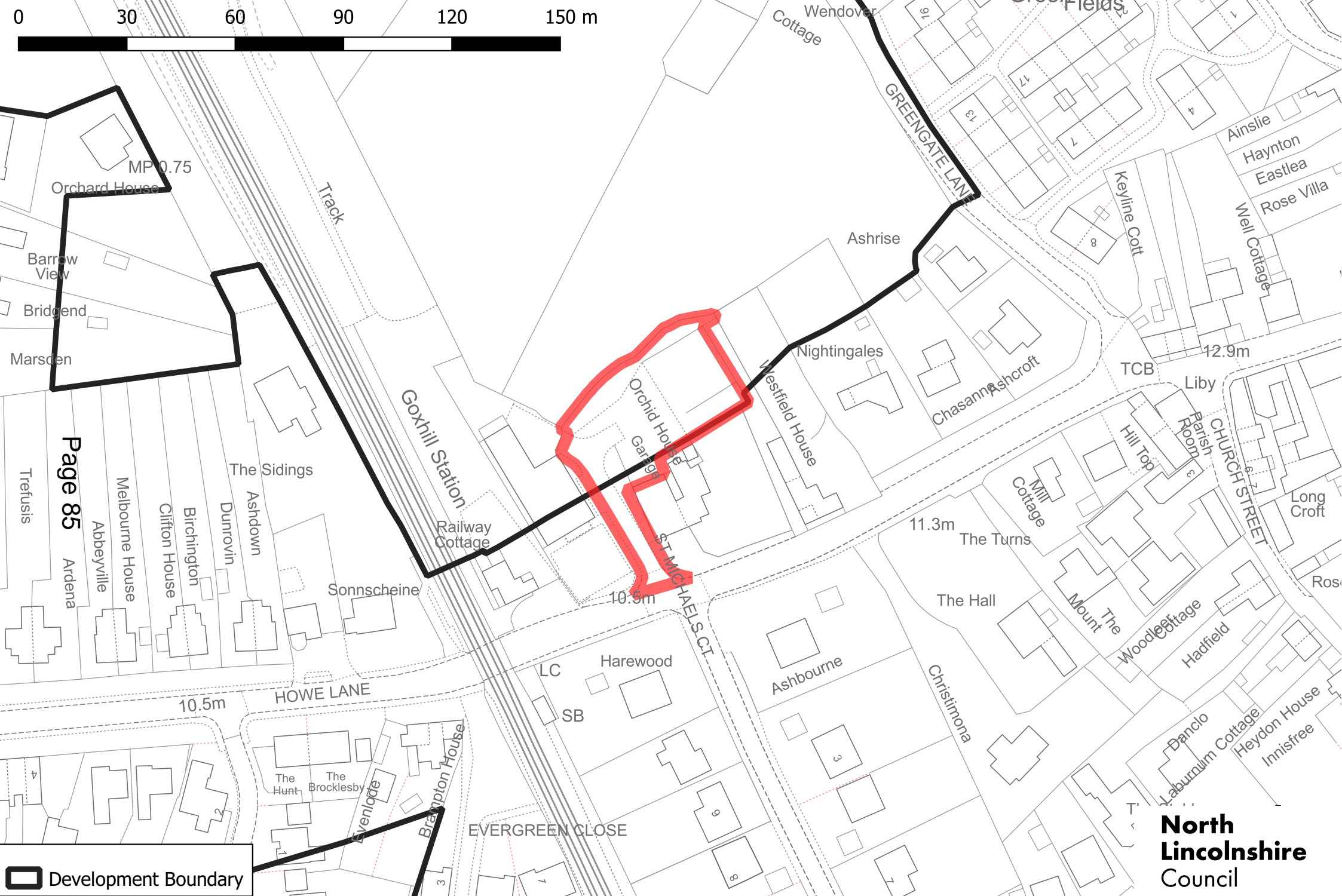
Our records indicate that the proposed development site is bounded by, or has running through it, a watercourse (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected, or diverted by the landowner at their expense in accordance with their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

Informative 2

Alterations and/or connections into the watercourse must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage Team via email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 3

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



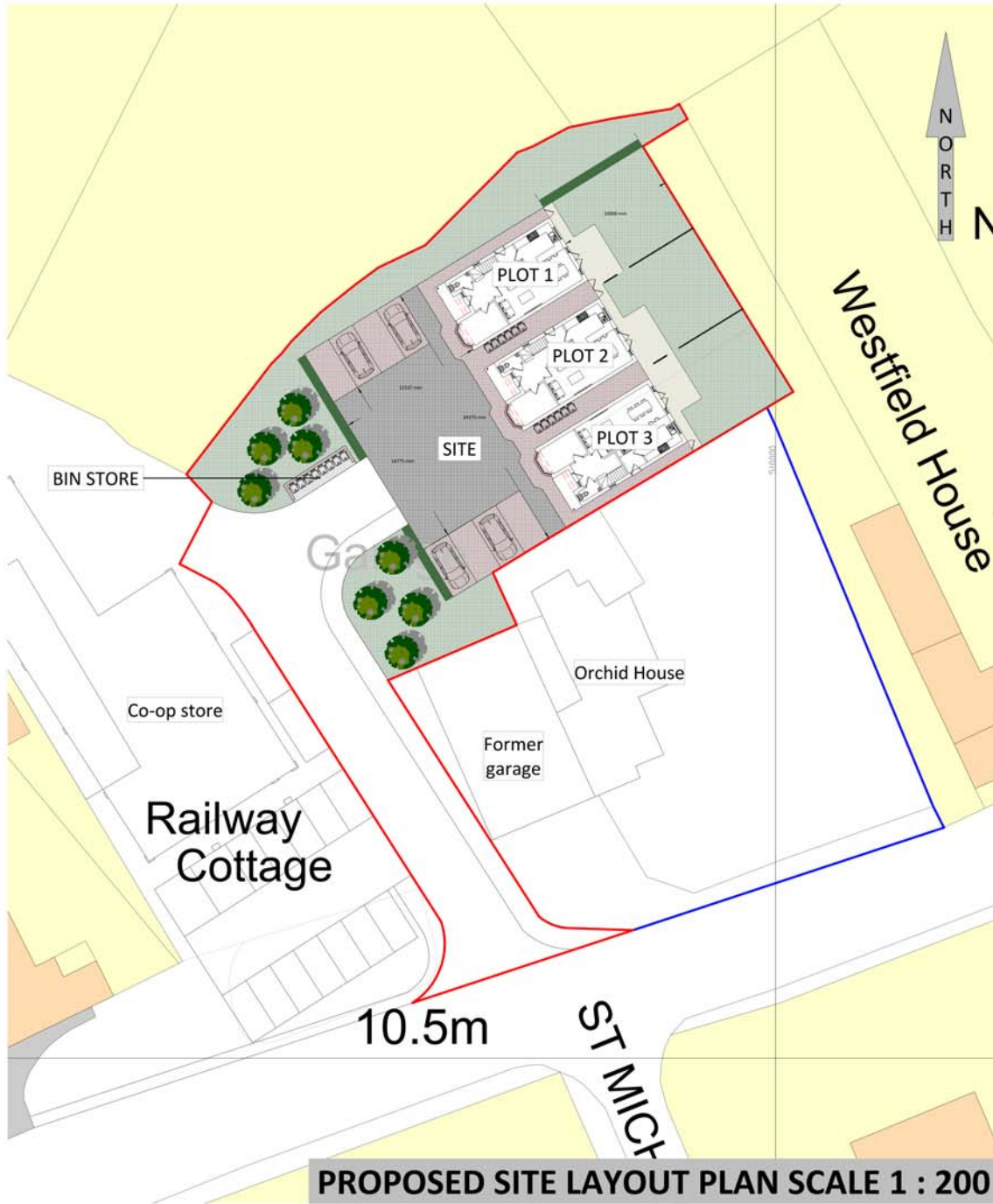
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Development Boundary

PA/2022/1123

North Lincolnshire Council

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DATE	REVISION	PREFIX
<p>For-Ward Planning Consultancy Limited 45 Newbridge Hill Louth Lincolnshire LN11 0NQ e: carlforman1978@aol.com m: 07872919007</p>		
<p>PROJECT</p> <p>Erection of 3no. residential dwellings and associated parking on site of former coachworks building</p>		
<p>LOCATION</p> <p>Land at and rear of Orchid House Howe Lane Goxhill Barrow upon Humber DN19 7JD</p>		
TITLE	Site location, plans & elevations	DRAWING NUMBER
DATE	May 2022	488 - 22 - 02
SCALE	1 : 100 (unless stated)	
REVISION		

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LAND REAR OF ORCHID HOUSE | HOWE LANE | GOXHILL | BARROO UPON HUMBER | DN19 7JD

PROPOSED ELEVATIONS (Plots 1 & 2)



SOUTH WESTERN



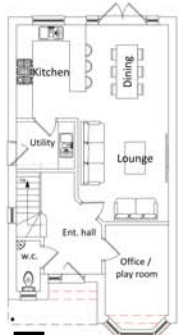
SOUTH EASTERN



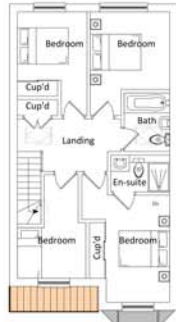
NORTH WESTERN



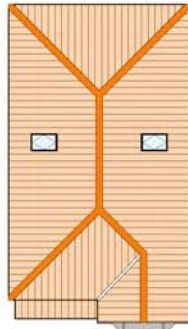
NORTH EASTERN



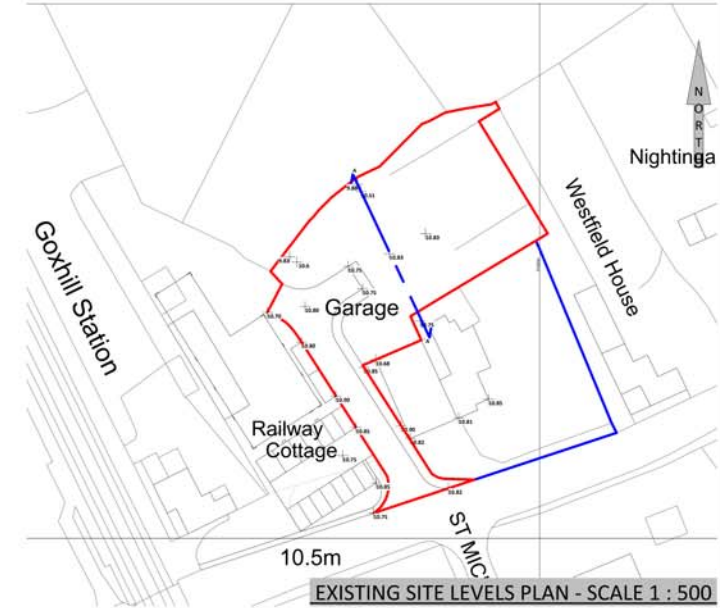
GROUND FLOOR



FIRST FLOOR



ROOF PLAN



EXISTING SITE LEVELS PLAN - SCALE 1 : 500

PROPOSED LAYOUTS (Plots 1 & 2)



SOUTH WESTERN



NORTH WESTERN



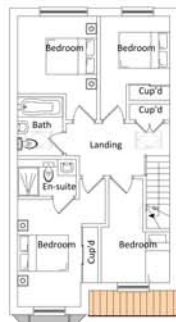
SOUTH EASTERN



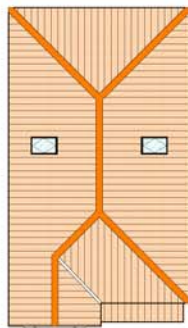
NORTH EASTERN



GROUND FLOOR



FIRST FLOOR



ROOF PLAN



SITE LOCATION PLAN - SCALE 1 : 1250

PROPOSED ELEVATIONS (Plot 3)

PROPOSED LAYOUTS (Plot 3)



EXISTING SITE SECTION A - A



PROPOSED SITE SECTION A - A

Finished ground level set at +9.95
Finished floor level set at +11.45

DATE	REVISION	PREFIX
<p>For-Ward Planning Consultancy Limited 45 Newbridge Hill Louth Lincolnshire LN11 0NQ e: carlforman1978@aol.com m: 07872919007</p>		
PROJECT		
Erection of 3no. residential dwellings and associated parking on site of former coachworks building		
LOCATION		
Land at and rear of Orchid House Howe Lane Goxhill Barrow upon Humber DN19 7JD		
TITLE	Site location, plans & elevations	DRAWING NUMBER
DATE	May 2022	488 - 22 - 01
SCALE	1 : 100 (unless stated)	
REVISION		
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APPLICATION NO	PA/2022/1575
APPLICANT	Mr Nigel Durdy
DEVELOPMENT	Outline planning permission with all matters reserved to erect a dwelling in connection with an agricultural business
LOCATION	Ninevah Farm, Idle Bank, Epworth, DN9 1LG
PARISH	Epworth
WARD	Axholme Central
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Tim Mitchell – significant public interest) Support by Epworth Town Council

POLICIES

National Planning Policy Framework: Sections 2, 5, 12, 14 and 16 apply.

Paragraph 79 – Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets
- (c) the development would re-use redundant or disused buildings and enhance their immediate setting
- (d) the development would involve the subdivision of an existing residential dwelling, or
- (e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

North Lincolnshire Local Plan:

RD2 – Development in the Open Countryside

RD11 – New Agricultural or Forestry Dwellings

H5 – New Housing Development (Part Saved)

H8 – Housing Design and Mix

LC7 – Landscape Protection

DS1 – General Requirements

DS3 – Planning Out Crime

DS7 – Contamination

DS14 – Foul Sewerage and Surface Water Drainage

DS16 – Flood Risk

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

CS7 – Overall Housing Provision

CS8 – Spatial Distribution of Housing Sites

CS17 – Biodiversity

CS18 – Sustainable Resource and Climate Change

CS19 – Flood Risk

CS25 – Promoting Sustainable Transport

LC5 – Species Protection

LC6 – Habitat Creation

Housing and Employment Land Allocations DPD:

PS1 – Presumption in Favour of Sustainable Development

The site lies outside the development limits of Epworth within the open countryside.

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.

SS1 – Presumption in Favour of Sustainable Development

SS2 – A Spatial Strategy for North Lincolnshire

SS3 – Development Principles

SS5 – Overall Housing Provision

SS11 – Development Limits

RD1 – Supporting Sustainable Development in the Countryside

DQE3 – Biodiversity and Geodiversity

DQE1 – Protection of Landscape, Townscape and Views

HE1 – Conserving and Enhancing the Historic Environment

CONSULTATIONS

Highways: No objection subject to a condition requiring the access, parking and turning facilities to be completed before the dwelling is occupied and thereafter retained.

Environment Agency: No objection subject to condition to reduce the risk of flooding. No comments in relation to meeting the sequential and exceptions tests. This is for the local planning authority to consider and can be grounds alone to refuse an application.

Doncaster East IDB: The site is within the Doncaster East Internal Drainage Board district.

The Board-maintained Meres & Scawcetts East Drain, an open watercourse, exists to the north of the site to which bylaws and the Land Drainage Act 1991 apply.

The Board's consent is required for any works that increase the flow or volume of water to 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).

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).

The Board's consent is required irrespective of any permission gained under the Town and Country Planning Act 1990. The Board's consent will only be granted where proposals are not detrimental to the flow or stability of the watercourse/culvert or the Board's machinery access to the watercourse/culvert which is required for annual maintenance, periodic improvement and emergency works.

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.

LLFA Drainage: No objections subject to inclusion of an informative relating to existing pipe network/surface water.

Environmental Protection: This application for residential development is a sensitive end use. Furthermore, the proposed development is on existing agricultural land. Agricultural sites have the potential for contaminants such as PAHs, metals, petroleum hydrocarbons, and asbestos, from the over-application of slurry and the illegal deposition of waste, which are harmful to human health. It is the developer's responsibility to assess and address any potential contamination risks, however no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level. Condition proposed to address phase 1 and any subsequent works required.

To prevent sensitive receptors being introduced to the site, this department would recommend the following condition should the application be approved.

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

TOWN COUNCIL

Support the planning application subject to:

- an agricultural tie;
- a contaminated land report being submitted.

PUBLICITY

Advertised by site notice – no comments received.

ASSESSMENT

Planning history/designations

There is no existing planning history on the application site. The following history is relevant to the wider farm:

2/1981/0776: Construction of an 11000 volt overhead line – approved 03/12/1981

PA/2010/0825: Planning permission to retain a domestic double garage – approved 02/09/2010

PA/2019/1471: Application for determination of the requirement for prior approval for a proposed change of use of an agricultural barn to dwelling – refused 17/10/2019

PA/2019/700: Application for prior notification for a proposed change of use of an agricultural building to a dwellinghouse (Use Class C3) – refused 04/06/2019

PA/2014/0078: Application for the determination of the requirement for prior approval for an agricultural building – not required 21/03/2014.

The original farmhouse is to the north-west of the site and the following planning history is relevant:

PA/2010/0825: Planning permission to retain a domestic double garage – approved 02/09/2010.

There is no agricultural tie on the existing farmhouse, which is in a different ownership to the applicant and does not form part of this application.

The site is within SFRA flood zone 2/3 (a) fluvial.

The site is within the open countryside.

Site location

The Housing and Employment Land Allocations DPD designates the site as being within the open countryside. It is in close proximity to a working farm (to which this application relates) as well as the already established farmhouse. The farmhouse is no longer within the applicant's ownership. The current owner of the farmhouse has a right of access over the applicant's land to access the property.

The application site is south-east of the existing farmhouse and designated as within flood zone 2/3a in the North and North East Lincolnshire SFRA 2022.

Access to the site is via a metal farmgate. Existing agricultural buildings are located to the north-west and west of the site, some of which appear to be in a poor state of repair. To the east is an open agricultural building which, at the time of a site visit, was full of hay/straw bales. Machinery and other agricultural equipment was sited further east/north-east within the wider side.

Access to the site is gained via a private track from Idle Bank (west). Two previous applications for the conversion of agricultural buildings to residential use were refused.

The land is currently vacant and includes a mix of vegetation, grass/weeds, hedges, scrub and small trees. The site does not have any boundary treatments and is open to views to the south, west and east. Views to and from the north are restricted by existing development in the form of the existing farmhouse and agricultural buildings, as well as planting.

The site is not within a conservation area, does not relate to a listed building and does not affect any protected trees. It does not fall within policy LC14 land (Area of Special Historic Landscape Interest – Isle of Axholme).

Proposed development

Outline planning permission is sought (with all matters reserved) to erect a dwelling in connection with an agricultural business. No detailed plans are provided to demonstrate how the site might be laid out. The applicant has provided a statement in support of the application relating to agricultural need, citing the following:

- The family business has been operating as N & A Durdy for 40 years and N & A Durdy (Agricultural Contractors) Ltd for 7 years. Both businesses are based at Ninevah Farm.
- There have been break-ins at Ninevah on average twice a year. The farm suffers from visits by teams of 'lampers' who are seeking to illegally kill and take game from the land, but also do damage to standing crops. The majority of the machinery belonging to the farm is kept at Ninevah Farm when not in use.
- Farmers need to be in a position to respond in a timely fashion, and this can mean crop care at anti-social hours, late nights and very early mornings. Being on the spot where the equipment is based reduces the risk of missing opportunities when short weather windows crop up. This is especially relevant for crop spraying or fertiliser applications.
- Livestock are kept at the farm when grazing conditions permit. This is usually from midsummer through to spring, depending on grass growth. Having a permanent presence on site would enable a greater diversification of stock, including beef stores. Livestock add another attraction to thieves, and current livestock prices are at record levels. Clearly all livestock require frequent oversight for health and welfare reasons.
- There are no suitable properties on the market, – properties at West End, Epworth are too remote from the farm.

The main considerations in the determination of this application are:

- **the principle and assessment of agricultural need for a farm dwelling on this site;**
- **impact on character and amenity;**
- **flood risk and drainage; and**
- **other matters.**

Principle of development/agricultural need

The application site is outside of any defined development boundary and is therefore considered to be in the open countryside in planning terms. In such areas, development is highly restricted. Whilst there is a housing shortfall in North Lincolnshire, the open and isolated nature of the proposal site would not allow for sustainable development which would normally be permissible when accounting for NPPF paragraph 11, tilted balance in favour of sustainable development.

One exemption to this restriction, however, is highlighted within NPPF paragraph 79 as outlined in the Policies section of this report. This is reiterated by local plan policy RD2 which states that planning permission will be granted for development which is essential to the efficient operation of agriculture or forestry, provided that:

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

Policy RD11 relates to new agricultural dwellings and will only permit development where the applicant demonstrates that:

- (i) there is no other viable option for utilising alternative types of accommodation including:
 - existing vacant dwellings – *No detailed assessment has been undertaken or evidence provided. The only information is to state that a search of properties on Rightmove has been undertaken and none were deemed suitable.*
 - conversion of an existing building on or close to the holding – *The applicant has sought this in the past through a prior notification/prior approval application. Both were refused for failing the necessary tests, being located in an undesirable location not appropriate for C3: undesirable given the proximity of the proposal and the potential and its relationship with working plant. The applicant has not sought to explore pre-application discussions or a planning application in relation to the existing buildings on the site.*
 - the rearrangement, subdivision or extension of existing dwellings – *The existing farmhouse dwelling is no longer within the applicant's ownership.*
 - any viable options for the refurbishment of a derelict or under-used dwelling on the holding or in the locality – *No evidence has been provided to demonstrate that this option has been explored. The only information is to state that a search of properties on Rightmove has been undertaken and none were deemed suitable.*
 - extant residential permissions in the locality – *No assessment has been provided/evidenced.*
- (ii) the proposed dwelling should be located within, or adjacent to, existing buildings on the holding – *The site is located close to the existing farmyard and cluster of buildings on the site.*

- (iii) the applicant must demonstrate by means of a functional test that there is a need for a full-time worker to live in or near the unit – *The applicant has failed to provide sufficient evidence to demonstrate how the site currently operates and that there is a need for a full-time worker to live in or near to the unit based on current operations. More details have been requested regarding the operations, the location of any livestock at the farm, the locations of crops, the business plan etc but this information has not been provided.*
- (iv) the dwelling is of a size appropriate to the established functional requirements of the unit. Dwellings which are unusually large in relation to the needs of a unit, or unusually expensive to construct in relation to the income that the unit can sustain in the long term, will not be permitted – *The application is made in outline at this time with all matters reserved. This would be a condition to development and dealt with through subsequent reserved matters submissions.*
- (v) the unit to which the dwelling must be attached will have been proved to have been in existence for more than three years and profitable for at least one of them and be currently financially sound – *The applicant has confirmed that a business has operated on the site for many years with Nigel Durdy and his brother operating an agricultural business across two sites, one in Epworth and the second in Haxey. The in-hand farms cover a total of 550 acres and additional land is farmed on behalf of other farmers in and around the Isle of Axholme. The Durdy family have farmed in the area for many generations, and younger members of the Durdy families are also involved in the business. Accounts are available on request. The applicant confirms that the business has a good financial track record and the business has been in profit since inception. There is a farmhouse connected with the farm at Haxey which is 10.4 kilometres from Ninevah Farm. This is considered to be too distant to provide accommodation for the person responsible for crops, animals and machinery to give assistance in an emergency, or security in the event of intrusion at the Ninevah Farm site.*
- (vi) the occupation of the dwelling shall be restricted to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants – *The application is made in outline at this time with all matters reserved. This would be a condition to development.*
- (vii) where necessary, an agreement or obligation will be entered into between North Lincolnshire Council and the applicant in order to tie the occupancy of the dwelling to the related operation – *The application is made in outline at this time with all matters reserved. This would be a condition to development.*
- (viii) the external appearance and materials reflect local building traditions and the means of access is acceptable – *The application is made in outline at this time with all matters reserved. This would be a condition to development.*

In assessing the 'essential need' requirement of current national policy for isolated new dwellings in the countryside, and the functional test that there is a need for a full-time worker to live in or near the unit in RD11, cancelled PPS7 Annex A criteria and tests still have a valid role in assisting to evaluate rural worker dwelling proposals.

The primary test of the acceptability of the proposed development is whether the development is 'essential to the efficient operation of agriculture'. This will be considered below.

The submitted appraisal of need identifies that Nigel Durdy (applicant) and his brother operate an agricultural business across two sites: one in Epworth and the second in Haxey. The in-hand farms cover a total 550 acres and additional land is farmed on behalf of other farmers in and around the Isle of Axholme. The Durdy family have farmed in the area for many generations, and younger members of the Durdy families are also involved in the business.

Discussions with the agent suggest that land within the applicant's ownership is 250 acres. The agent has also confirmed that the partnership farms 550 acres at Epworth and Haxey. They also farm on a contract basis the following:

Haxey: 386 and 200 acres for two landowners

Epworth: 1000 acres for one landowner

Conisborough: 200 acres.

This is all in addition to the land in their ownership at Epworth and Haxey.

The main premise of the applicant's case is that an on-site presence is required at the farm to maintain crops, seasonal livestock when present (although no information has been provided in this regard) and prevent break-ins and vandalism (again no evidence has been provided).

The overall size of the farm is of a scale which can reasonably be assumed to be viable, albeit no evidence of financial viability has been provided, but is available for inspection if required. There is evidently an ongoing farm which the applicant states has been undertaken for many years. It is also evident that much of the business comprises farming land off site on behalf of other farmers. The supporting statement notes that the applicant 'is fully engaged seven days a week managing his family's own land in Epworth and Haxey.'

The existing farm house is no longer within the applicant's ownership and as such is not a viable option for accommodation. The current farm is, however, still in operation and has been for over 10 years without an on-site presence. Evidence within the council's planning files demonstrates that the farmhouse was changed from joint names (one of which was the applicant) to the current owner in 2010. It is noted that this is a freehold property and not connected to the farm in any way.

The applicant confirms that there are no alternative dwellings that meet the needs of this business, and there are no dwellings connected with the farm. The existing farmhouse is no longer in the applicant's ownership, nor is it available or will it become available to purchase in the near future. As such, alternative accommodation is sought. This proposal is to erect a dwelling at the farm in the adjacent parcel of land to the existing agricultural buildings. The dwelling is required to allow a permanent presence on site for operational and security reasons. Mr Durdy has previously unsuccessfully applied to convert existing farm buildings into a dwelling under Class Q of the General Permitted Development Order (GPDO).

The applicant has confirmed that there is a farmhouse connected with the farm at Haxey which is 10.4 kilometres from Ninevah Farm. This is considered to be too distant to provide

accommodation for the person responsible for crops, animals and machinery to give assistance in an emergency, or security in the event of intrusion.

The applicant argues that Ninevah Farm is in a very isolated position.

Limited evidence has been provided to demonstrate the types of crops at the farm: Appendix B of the needs assessment provides a standard chart for winter wheat, barley, rye beans, linseed, spring barley and permanent grass but no plan is provided to show where this is at the farm. Case law demonstrates that arable farms seldom provide a situation where the functional test may be satisfied.

Case Law Example: *An appellant argued that the premium quality of their cereals required an additional worker's dwelling on the farm. The inspector appreciated that the field operations required to produce the high quality crops might need two agricultural workers nearby, but he was unconvinced by the evidence presented that alternative arrangements could not be made to ensure these operations could take place in a timely manner. For example, the weather forecasts could be monitored so that workers could be brought in to the farm with prior notice. See East Northamptonshire 29/05/2015 DCS No 200-003-660.*

Limited evidence has been provided to suggest alternative dwellings have been considered and rejected. The applicant confirms that they undertook a search of Rightmove and no properties were considered suitable, and properties at West End, Epworth are too remote from the farm. West End Road is approximately 3.1 kilometres away (only a 6 minute drive) and a range of properties are for sale in this location. The centre of Epworth is only some 6.7 kilometres from the site where a range of properties can also be accessed. It is considered that the distances and times would not significantly add to the response time compared with someone living at the site. There is already a property within close proximity to the site which provides an existing deterrent and a form of natural surveillance at the site. There is no guarantee that living on the site would prove any more a deterrent to potential thieves than the existing property, albeit not in the same ownership.

The applicant has failed to provide any evidence of alternative security measures being explored at the site. Measures such as security systems, alarms and CCTV could provide the level of security which is needed on site. Even if a farm manager lived on site, this person would not be present 24/7. The applicant has suggested another need for a presence on site is the care of crops, especially in extreme changes in weather conditions. It is not considered that living on the site compared to 3.1 kilometres away would offer much difference in terms of responding to changes in weather conditions. No detail has been provided in relation to the types of crops at the farm that require such urgent assistance/maintenance such that someone needs to live on site. An assessment of case law demonstrates that security is rarely a justification for a rural worker's dwelling.

In addition, little information has been provided in relation to the number/type of animals or where these are located on the site. A more detailed understanding of how the farm is operated has been requested but not provided.

It has not been demonstrated that there is an essential need for a new dwelling to accommodate a rural worker on the site or that the functional test that there is a need for a full-time worker to live in or near the unit has been passed. The development would therefore be contrary to policies RD1, RD2, RD11 and H5 of the local plan which seek to ensure, amongst other things, that new build dwellings in the open countryside are necessary and where an essential need can be justified. The proposal is also contrary to

paragraph 80 of the National Planning Policy Framework which seeks to avoid isolated new homes in the countryside.

Flood risk and drainage

Policies CS19 and DS16, both relating to flood risk and drainage, require proposals to be assessed appropriately and to ensure that suitable drainage strategies are secured for developments.

The application site lies within an area identified as having a high flood risk (SFRA Flood Zone 2/3(a)). The proposal is therefore subject to a sequential test, and it should be adequately demonstrated that there are no other sites in the surrounding area suitable for this development. As the farm holding is wholly within the higher flood risk area, it is considered that a farm worker's dwelling in any other location (outside of existing settlements) would not be reasonably available. If the application were to be acceptable in principle, it is considered that the exceptions test would be met by virtue of agricultural need.

Notwithstanding the above, any design would need to carefully account for the flood risk. It is possible that the finished floor levels necessary to reduce flood risk to future occupants, would result in a dwelling of a height which would result in unacceptable visual dominance in this relatively flat rural location. The submitted flood risk assessment has been assessed by the Environment Agency and is considered to be sufficient, and the proposed mitigation measures are considered to be appropriate. The Environment Agency recommends a condition, if permission is granted, to ensure the development takes place in accordance with the mitigation measures set out in the submitted flood risk assessment, in particular, finished floor levels shall be set no lower than 4.1 metres above Ordnance Datum.

The LLFA drainage team have not raised any comments or objections to the proposal but recommend the inclusion of an informative to consider upsizing the pipe network increasing storage around the development.

It is considered that the proposal complies with local plan policy DS16 and Core Strategy policy CS19 in this regard.

Other matters

All matters relating to access, layout, scale, appearance and landscaping of the proposed dwelling have been reserved for subsequent consideration. However, the following is noted.

The site is in an open and exposed area of agricultural land and any dwelling here would be highly visible within the rural setting (east, west and southern aspects). If this application were to be approved, any future reserved matters application would need to carefully account for the need to balance the visual impact of a dwelling here with the flood risk and the potential requirement for a design of more than one storey in height. Any dwelling would be required to be of a scale commensurate with the size of the land holding for essential agricultural purposes only.

Adequate landscaping, including hedging, would likely be required to reduce the visual impact of a dwelling on this site if permission were to be granted.

Access is shown to be from Idle Bank to the west via an existing access track. This is not an adopted highway and it is unlikely that the access to the site would result in significant

highway issues. Adequate access and parking could be provided on the site and would be fully assessed at any reserved matters stage. Highways have raised no objection subject to conditions.

Conclusion

In summary, insufficient agricultural need has been identified for a dwelling as proposed. The application is therefore considered to be contrary to policies RD2 and RD11 of the local plan, CS2 and CS3 of the North Lincolnshire Core Strategy, and the broader aims for sustainable development within the NPPF and Core Strategy.

RECOMMENDATION Refuse permission for the following reasons:

The proposed development is contrary to policies RD2 and RD11 of the North Lincolnshire Local Plan, CS2 and CS3 of the North Lincolnshire Core Strategy and guidance in the National Planning Policy Framework in that the site lies outside of a defined settlement, in the open countryside, and is located in an unsustainable location, remote from local services and public transport. In addition, it is not considered that the application demonstrates there is sufficient essential agricultural need for the new dwelling as proposed, accounting for the history of the site and wider farm, current scale and type of the farm business, and the proximity of nearby settlements.

Informative

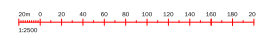
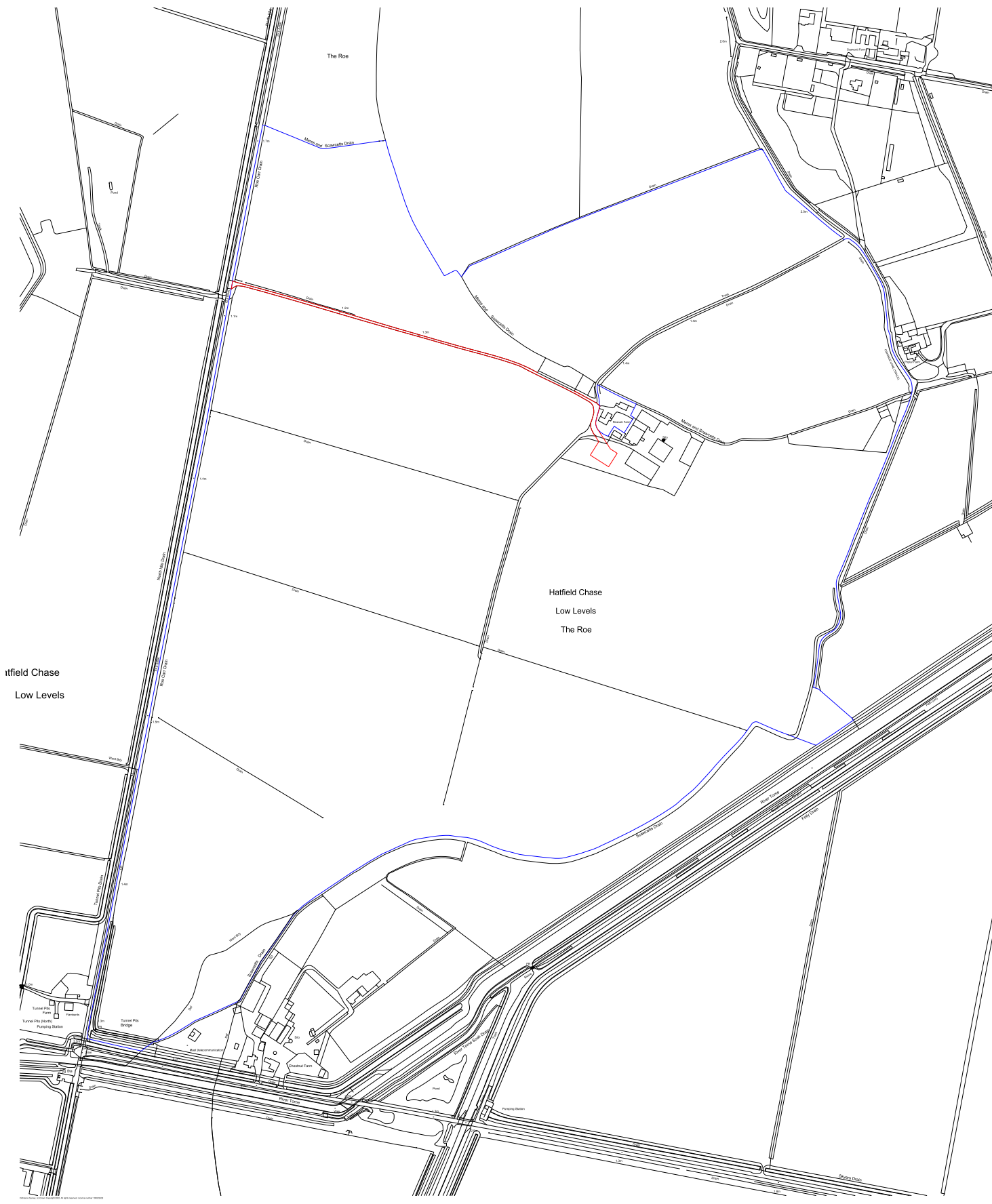
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



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**North
Lincolnshire
Council**

PA/2022/1575 Proposed siting & access (not to scale)



Revisions:
 A (17.11.22) Area widened, drawing scale and paper size amended

Project: Ninevah Farm, Idle Bank, West Carr		
Drawing: Location Plan	Ref: 595.01	Sheet: 2 of A
Date: 02.09.22	Scale: 1:2500@A1	Author: HM
		Checker: KK

APPLICATION NO	PA/2022/1621
APPLICANT	Mr Ian Ward
DEVELOPMENT	Planning permission to convert existing barns into a dwelling to include the removal of the corrugated iron roof of the largest barn to create an open courtyard space and construct a brick garage within the footprint of the large barn
LOCATION	Barns north of Mill Farm, access road to Mill Farm, Appleby, DN15 0BZ
PARISH	Appleby
WARD	Broughton and Appleby
CASE OFFICER	Scott Jackson

SUMMARY RECOMMENDATION **Grant permission subject to conditions**

REASONS FOR REFERENCE TO COMMITTEE Departure from the development plan

POLICIES

National Planning Policy Framework: Sections 5, 12 and 15

North Lincolnshire Local Plan: RD2, RD9, H5, H8, T1, T2, T19, LC5, LC6

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

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. Policies SS1, SS2, SS3, SS6, SS11, DQE1, DQE3 and DQE7 apply.

Appleby Neighbourhood Plan: AP1, AP2, AP5, AP6

CONSULTATIONS

Highways: No objection, recommend a condition.

Environment Agency: No comments to make.

LLFA Drainage: No objection, recommend an informative in relation to increasing the pipe network size and storage.

Environmental Protection: No objection, recommend a condition in relation to contaminated land investigation.

Archaeology: No objection.

PARISH COUNCIL

The proposal meets most of the policies within the Neighbourhood Plan; in relation to policy AP6 it is replacing an existing barn which doesn't reflect the existing barns on the site.

PUBLICITY

A site notice has been displayed; one letter of support has been received making the following comments:

- There will be a lower level of commercial traffic and reduced noise, and plant and machinery.
- It creates an overall improvement to the wider Mill Farm site.

ASSESSMENT

Planning history

PA/2004/0216: Planning permission for change of use of agricultural stores to business use and the continued use of a static caravan as offices – refused 12/05/2004.

The application site comprises a modern agricultural barn with a lean-to extension along its northern side. It is constructed from a mix of brick and corrugated sheeting (potentially containing asbestos) and is located to the north of an existing cluster of brick-built barns, some of which have been converted into residential properties in recent years. The building is surrounded by an area of grass and tree planting to the north and north-west and the land is laid to hardstanding to the south and east of the building. It is proposed to convert the agricultural building to a dwelling, including the removal of the ridge line and a section of wall from the main barn, and the formation of an internal courtyard to the south.

The main issues in determining this application are the principle of development (incorporating design/impact on the countryside) and impact upon residential amenity.

Principle

The site and buildings contained therein are outside of any defined settlement boundary and for the purposes of assessment are within the open countryside, approximately 435 metres to the west of Ermine Street (B1207) and 580 metres to the north-west of the level crossing. In terms of the principle of development (conversion of rural building to residential use), policy RD2 of the North Lincolnshire Local Plan applies as it allows for development which is for the re-use and adaptation of existing rural buildings (subject to a number of criteria). Allied to this is the main planning policy thrust for residential conversion which is embedded within policy RD9 and states:

Proposals for the conversion of rural buildings in the open countryside for residential use will only be permitted if:

- (i) the building is of architectural or historic importance to the rural scene and is of substantial and permanent construction capable of conversion without major alteration;

- (ii) it can be demonstrated that residential re-use or adaptation is the only way to retain a building in viable continued use and/or secure the retention/improvement of the building; and
- (iii) the development will not create a need for new buildings to house activities displaced by conversion;
- (iv) the general design of the conversion retains and respects the original character of the building and is in keeping with its surroundings. Any extension should respect the scale and appearance of the original building; and
- (v) the development will not lead to the loss of habitat for protected species.

Taking each of the points above in turn it is considered the existing building is not of architectural or historic importance to the rural scene and the plans clearly show substantial alterations to both its structural and visual elements to achieve conversion to residential use. However, it is worth noting in relation to the criteria set out in policy RD9 that the proposed development will not create the need for new buildings to be displaced through its residential conversion, the applicant has highlighted to demolish this building would be a costly exercise to undertake, the majority of the existing rural buildings on the site have been converted to residential (thereby ensuring the conversion to residential is a compatible use) and the building is no longer in use for commercial purposes so its conversion to an alternative use can be considered. It is proposed to convert the building to residential use, resulting in a redundant building in the countryside being utilised as a form of diversification from an established commercial use. As such, it is considered to be broadly compliant with policy AP6 of the Appleby Parish Neighbourhood Plan.

In addition, the proposal is for the re-use of a building in the countryside and the construction of a well-designed new building (albeit an existing one in an altered, modern form); this is explained in greater detail below but the proposal is considered to be compliant with policy AP5 of the Appleby Parish Neighbourhood Plan in this regard.

Whilst the development proposals fail to comply with paragraph (i) of policy RD9 above, it is worth highlighting that the NPPF, at paragraph 80, states:

‘Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.’

In terms of paragraph 80(e) in the NPPF the plans show the proposed conversion to be innovative with the introduction of modern building techniques. Essentially it involves the removal of part of the roof and wall of the main barn to form a courtyard garden and the retention and alteration of the lean-to section to make it the primary building, giving it the appearance of a cantilevered structure, with glass sections at ground floor (giving views into the building of its exposed columns), the roof of the lean-to re-clad in zinc and punctuated by a number of window openings, and a balcony along its northern side. The plans also

show the south-eastern corner of the existing larger barn will be retained, will have a flat roof and will serve as a double garage with its access door shown in the eastern elevation facing the access road and hardstanding. The inclusion of this flat-roofed section provides some visual connection to the flat section of wall which will be formed from the part demolition of the main barn which is shown to be retained as a boundary wall for the courtyard garden; the garage will be attached to this wall.

It is considered the resultant built development is a modern, innovative design which ensures the built form of the existing barn is retained in part and incorporates modern building elements such as the installation of glass to the external walls of the lean-to extension to provide a direct visual cue to the structure of the building and to add visual interest. The inclusion of the glass elements to the three external elevations of the lean-to barn gives the appearance of the zinc roof section suspended above the original steel support beams within the building.

The inclusion of zinc to the roof adds a modern, yet utilitarian appearance to the barn in its altered state. In addition, it is proposed to install timber cladding on the internal elements of the ground floor rooms; this cladding will be visible between the exposed steel supports of the existing building. The addition of the timber cladding will provide visual contrast to the mix of materials (brick, zinc, glass and exposed steel) and reflects the mix of materials which already exist on the barns.

The proposal is considered to represent a modern re-interpretation of an agricultural barn which has been repurposed for residential conversion, whilst ensuring the built form and mass of the building and its relationship with the existing brick-built barns at the site is maintained. The external changes to the building are not considered to result in a visually dominant development which is at odds with the character and appearance of existing rural buildings within the site, particularly as the ridge line of the main barn is being reduced and parts of the southern wall removed. This will allow the brick barns to remain visually predominant within the site (when approaching from the south) and give greater separation between buildings while the modern changes proposed to the barn to facilitate its conversion to residential use are considered to enhance the appearance of the building and the rural setting of the landscape in which the buildings are located. In addition, the conversion of the building in a modern, innovative way is considered to lead to the enhancement of the immediate setting of the existing cluster of converted buildings at the site and demonstrates the key design principles set out in policy AP2 of the Appleby Parish Neighbourhood Plan, which include reinforcing open space, incorporating high standards of energy efficiency, having no impact on the conservation area, respecting the built form and design of the local vernacular, and having sufficient off-street parking.

The development proposals ensure there is no increase by way of an external addition to the barns on the site (with the exception of the mezzanine proposed internally) and the line of the existing roof to the lean-to element is retained along its north to south axis. The mezzanine has been included to ensure sufficient sleeping accommodation is provided within the smaller of the barns and the plans show this mezzanine will not cut across the principal elevation to the north where the modern mix of materials (including glass, metal and timber cladding) will be visually prominent in the converted building. The plans show the provision of a number of glass openings along the roof line and the inclusion of a balcony which cuts across the roof plane but doesn't project out from it and the inclusion of feature windows on the first floor of both the eastern and western elevations. These windows serve to break up the massing of the roof and the plans also show the internal elevation (where a small metal lean-to extension is proposed) facing the courtyard to the

south will be punctuated by a combination of patio doors and windows, which breaks up the elevation and provides direct access into the internal courtyard garden.

The design and access statement highlights the dwelling will incorporate carbon-reducing technology, including rainwater harvesting, air source heat pump and a solar array; this will ensure the development actively utilises natural resources as efficiently and sustainably as possible and ensures compliance with policy CS18 of the adopted Core Strategy, guidance within the NPPF and policy AP2 of the Appleby Parish Neighbourhood Plan.

In terms of views, it is worth noting the site and buildings therein are a significant distance from the public highway to the east and substantial screening within the site consists of a dense belt of trees to the north and north-west, and existing dwellings and rural buildings to the south; this ensures no long distance views of the building are available within the rural landscape. The conversion of these agricultural buildings to residential use (with modern additions and some demolition works) is not considered to result in an alien or discordant form of development in the rural landscape.

In conclusion, it is considered the development proposals are broadly consistent with the guidance set out in policy RD9 and the proposals represent an innovative, sustainable and modern re-use of agricultural buildings which reflect a high standard of architecture and would enhance the setting of the rural buildings in this location. In addition, the development represents a sustainable re-use of an existing agricultural building in an area which has an existing cluster of residential properties, and the development is considered to comply with policy AP1 of the Appleby Parish Neighbourhood Plan. To this end the proposals are considered to be acceptable in principle.

Residential amenity

The plans show there are no upper floor windows in the southern elevation facing towards the derelict brick barn: this will ensure there will be no overlooking in future between dwellings if the brick barn is converted (it previously had planning permission under PA/2018/1665). In addition, it is considered the proposed retention of part of the southern wall (at a height of 2.534 metres) to the larger barn will provide sufficient screening and privacy to the courtyard garden and the removal of part of the wall and the whole roof from the larger barn will increase the perception of openness between the respective buildings.

The applicant submitted a site location and block plan which showed the proposed domestic curtilage would extend well beyond the site and include the whole of the mature tree belt which surrounds the site. Given the applicant was seeking a significant garden size which was not considered to be proportionate to the size of the dwelling being assessed under this application, a request was made for the proposed domestic curtilage to be reduced in size. An amended block plan has subsequently been received which shows this to be the case. The extent of the domestic curtilage now shown associated with the dwelling is considered to represent sufficient space in which to provide an area of amenity space and off-street parking to the east of the barns. In addition, this amenity space is located to the north of the dwelling and is not overlooked, and the balcony would have an outlook onto the proposed garden and wooded area to the north. In conclusion, the proposed development is not considered to result in any loss of amenity to existing properties to the south of the site.

Other issues

Contaminated land

The applicant states in their submission that the buildings have been used in association with a building company and as such there is low potential for contamination to have occurred. Given the buildings were constructed for agricultural use, that they potentially contain asbestos material, that some demolition works are proposed to the larger barn to facilitate its conversion to residential use and that the proposal will introduce sensitive receptors as an end user (i.e. as a residential property) it is considered the recommendation by Environmental Protection for a contaminated land investigation condition is both reasonable and necessary in this case.

Flood risk/drainage

As the site lies within flood zone 1, there is no requirement for a flood risk assessment (FRA) to be submitted for consideration. The plans show there will be a reduction in the rate of surface water run-off from the site as a result of the roof and part of the wall being removed and the resultant courtyard garden will provide additional drainage capacity. There is sufficient space within the site to dispose of surface water drainage via soakaway and the existing pond on the site to the south-west. It is proposed to dispose of foul drainage via a package treatment plan, owing to the lack of mains drainage supply in the locality, which is considered to be a suitable means of drainage disposal. The LLFA Drainage officer has reviewed the proposal and has no objection to the application subject to informative comments.

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

Highways

The plans show the provision of a double garage, together with a large area of hardstanding to the east and north of the building (this is existing hardstanding); this area is considered sufficient to provide multiple off-street parking spaces to serve the dwelling together with an area for bin storage. Highways have considered the proposals and raise no objection on highway or pedestrian safety grounds: the proposed vehicular access to the site is wide enough and of sufficient construction to accommodate additional flows of traffic associated with the development.

The proposal would therefore align with policies T2 and T19 of the North Lincolnshire Local Plan.

Ecology

There is potential for biodiversity gain as a result of the proposed development, particularly as the applicant has put forward potential enhancements within the site, which are outlined on the amended block plan; these include the creation of a wildflower meadow, an orchard, and the provision of bat/bird boxes and hedgehog homes. Given the potential to achieve biodiversity gain on this site and for the development to align with policies CS5 and CS17 of the adopted Core Strategy, and guidance within the NPPF, it is considered necessary and reasonable to recommend a condition requiring the submission of a biodiversity management plan to seek to provide biodiversity net gain.

Conclusion

It is considered the development proposals are broadly consistent with guidance set out in policy RD9 and the proposals represent an innovative, sustainable and modern re-use of agricultural buildings which reflect a high standard of architecture and would enhance the setting of the rural buildings in this location. To this end the proposals are considered to be acceptable in principle. In addition, the development would ensure the re-use of existing rural buildings, would contribute to the local housing land supply and would deliver a dwelling in a building which is not highly visible in the rural landscape. The application is therefore recommended for approval.

Pre-commencement conditions

A pre-commencement condition in relation to contaminated land investigation has been agreed with the planning agent.

RECOMMENDATION Grant permission subject to the following conditions:

1.
The development must be begun before the expiration of three years from the date of this permission.

Reason

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

2.
The development hereby permitted shall be carried out in accordance with the following approved plans: 21 35 8000 A, 2135 35 7110, 21 35 6500, 21 35 600 and 21 35 7610 B.

Reason

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

3.
The extent of domestic curtilage to serve the dwelling hereby permitted shall be the area shown by a red dashed line and annotated as 'domestic curtilage' on drawing 21 35 8000. No outbuildings, buildings or domestic structures shall be erected on the land external to the area marked as domestic curtilage at any time and the land shall not be used as additional garden space at any time.

Reason

To define the terms of the permission and to ensure the extent of private amenity space is proportionate to the size of the dwelling approved under this planning permission.

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.

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

Part 1: Site Characteristics

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

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

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

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

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in

writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

6.

No above-ground works shall take place until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before the 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.

7.

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

- (a) details of bat roosting features to be installed;
- (b) details of nesting sites to be installed to support swifts and house sparrows;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the planting and aftercare of native hedgerows, trees and shrubs of high biodiversity value;
- (g) proposed timings for the above works in relation to the completion of the buildings.

Reason

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

8.

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

Reason

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

9.

Notwithstanding the provisions of Classes A, B, C, D, E and G of Part 1 of Schedule 2, of the Town and Country Planning (General Permitted Development (England) Order 2015, or any order revoking or re-enacting that order with or without modification, no extensions, alterations or outbuildings shall be erected on the site or made to the building unless authorised by this permission.

Reason

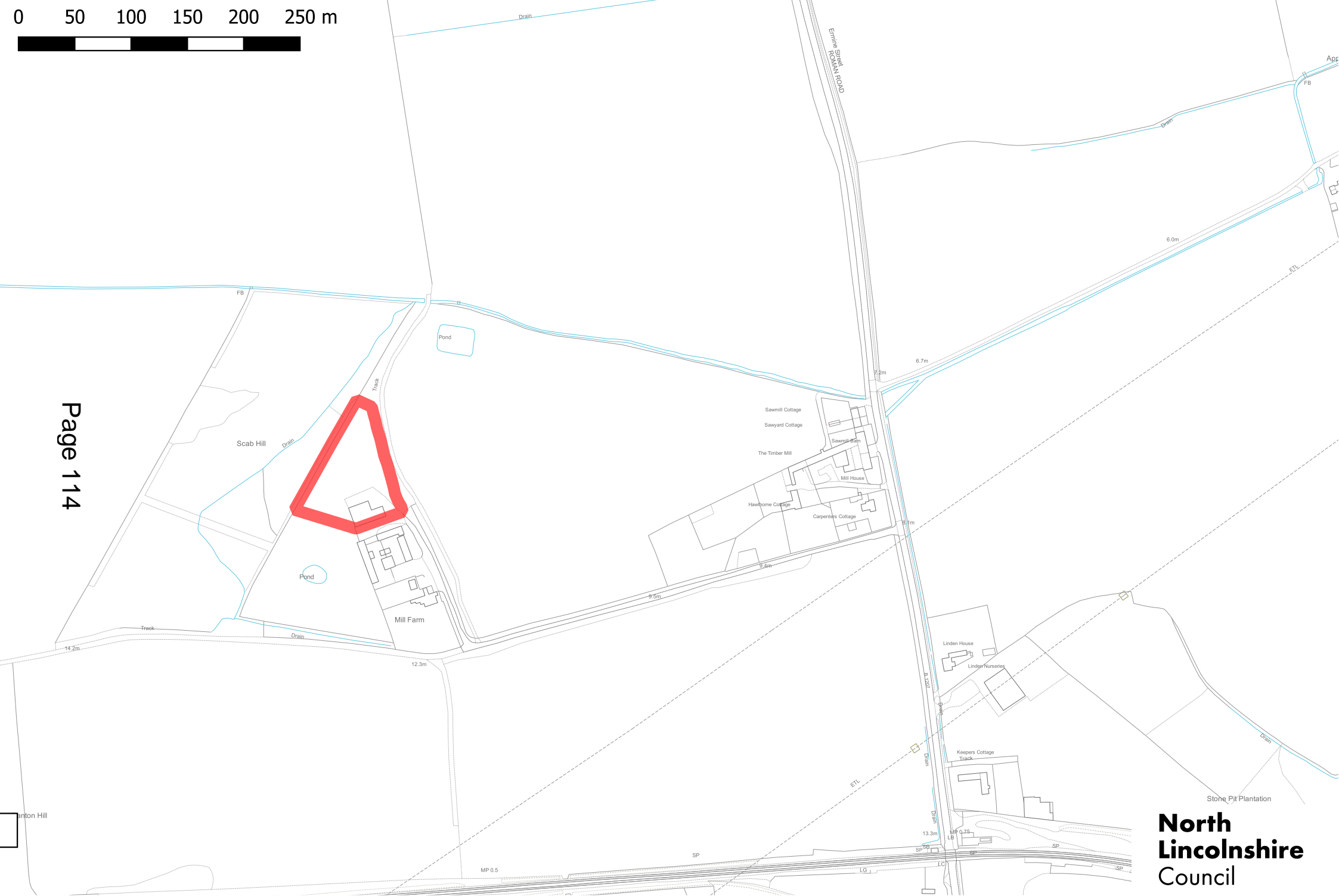
To regulate and control the development in accordance with policies RD9 and RD2 of the North Lincolnshire Local Plan.

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

It is advised you consider upsizing the pipe network and 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.





Proposed Site Plan
SCALE 1:500



General Notes

NOTES: -

This drawing must NOT be scaled.

Work shall not commence until planning and building regulation approvals have been obtained in full.

All dimensions and levels to be checked on site by contractor and any discrepancies to be reported to the architect and client prior to commencement of work on site.

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Amendments

Rev	Amendment	Date
A	Domestic curtilage added	13.12.22

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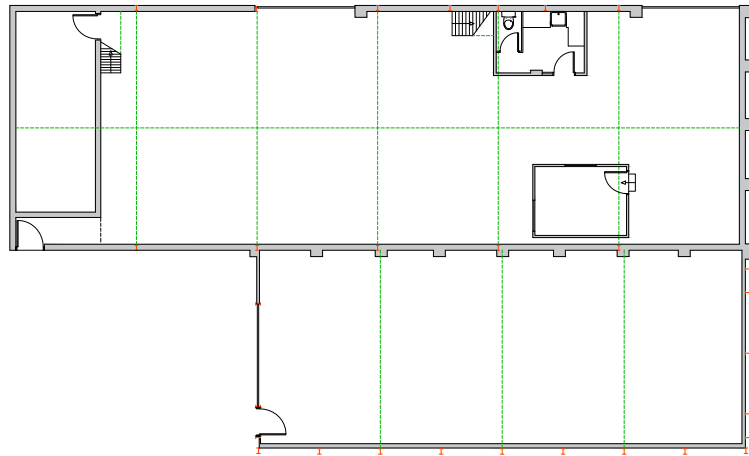
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**Barn Conversion
Mill Farm
Appleby**

Client:
Ian Ward

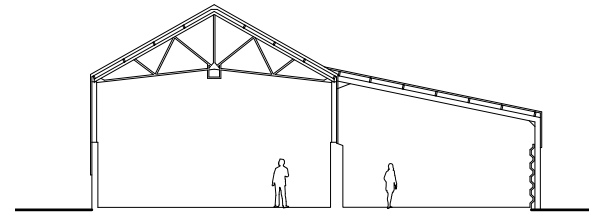
Drawing Title:
Proposed Site Plan

Compass: Phase: **PLANNING**

Drawn by: TV Checked by: DE
Drawing No: 21 35 8000 Scale: 1:500 @ A1
Date: AUGUST 2022

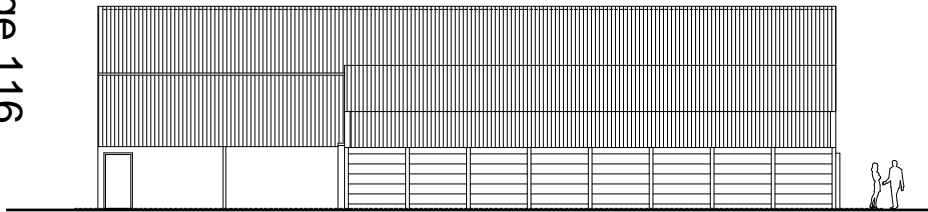


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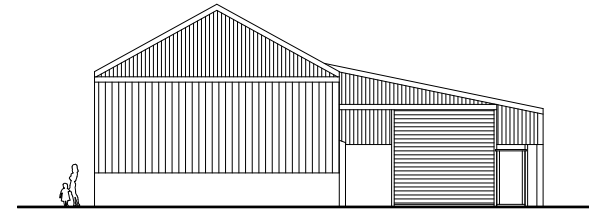


Existing Section
SCALE 1:100

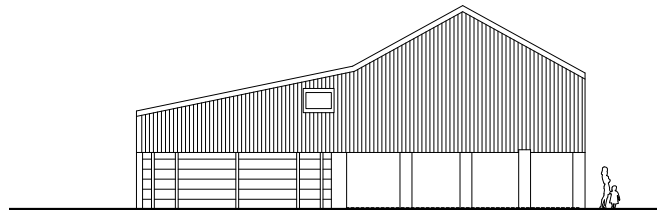
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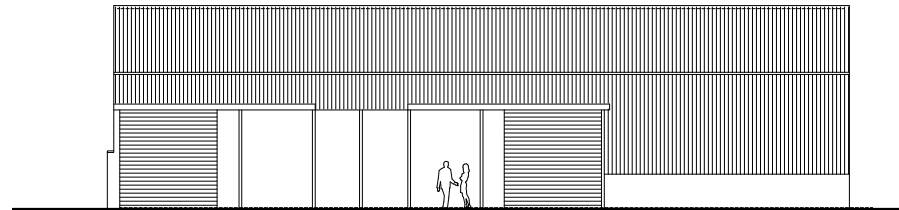
Existing Side Elevation
SCALE 1:100



Existing Front Elevation
SCALE 1:100



Existing Rear Elevation
SCALE 1:100



Existing Side Elevation
SCALE 1:100



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<p>ETTRIDGE ARCHITECTURE LTD</p> <p>52-54 PRESTONGATE HESSLLE EAST RIDING OF YORKSHIRE HU13 ORE</p> <p>(T) 07795 145796 www.ettridge.net</p> <p>Project: Barn Conversion Mill Farm Appleby</p> <p>Client: Ian Ward</p> <p>Drawing Title: Existing Plan & Elevations</p> <table border="1"> <thead> <tr> <th>Compass:</th> <th>Phase:</th> </tr> </thead> <tbody> <tr> <td align="center"></td> <td>SURVEY</td> </tr> </tbody> </table> <table border="1"> <tbody> <tr> <td>Drawn by: CN</td> <td>Checked by: DE</td> </tr> <tr> <td>Drawing No: 21 35 600</td> <td>Scale: 1:100 @ A1</td> </tr> <tr> <td>Date: DECEMBER 2021</td> <td> </td> </tr> </tbody> </table>			Compass:	Phase:		SURVEY	Drawn by: CN	Checked by: DE	Drawing No: 21 35 600	Scale: 1:100 @ A1	Date: DECEMBER 2021	
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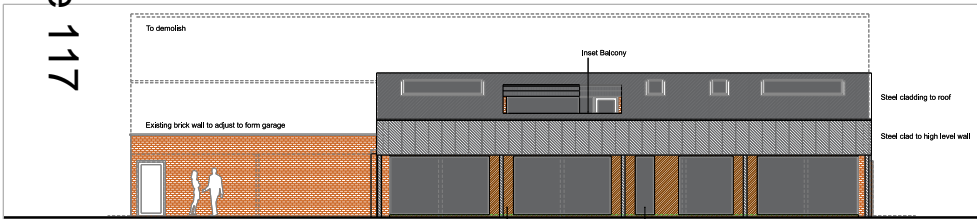
Proposed West Elevation
SCALE 1:100

Existing Heritage Barn Conversion
(Completed)

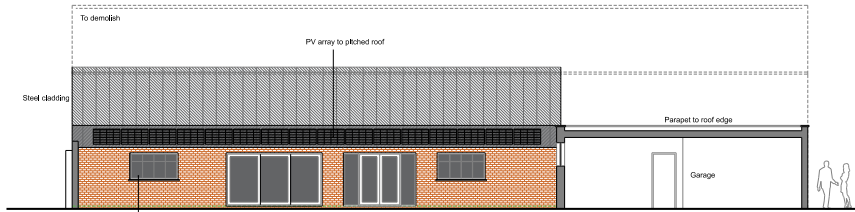


Proposed East Elevation
SCALE 1:100

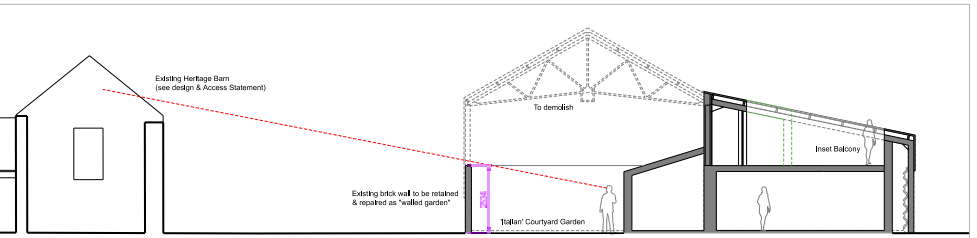
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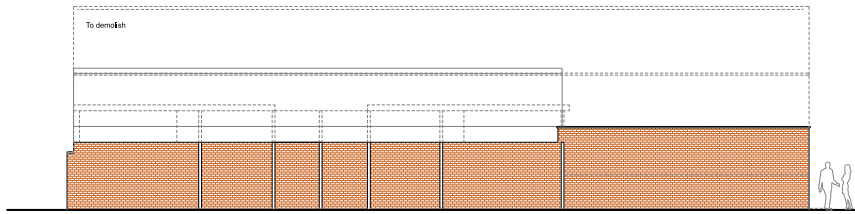
Proposed North Elevation
SCALE 1:100



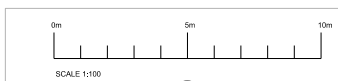
Proposed Section B-B (through courtyard)
SCALE 1:100



Proposed Section A-A
SCALE 1:100

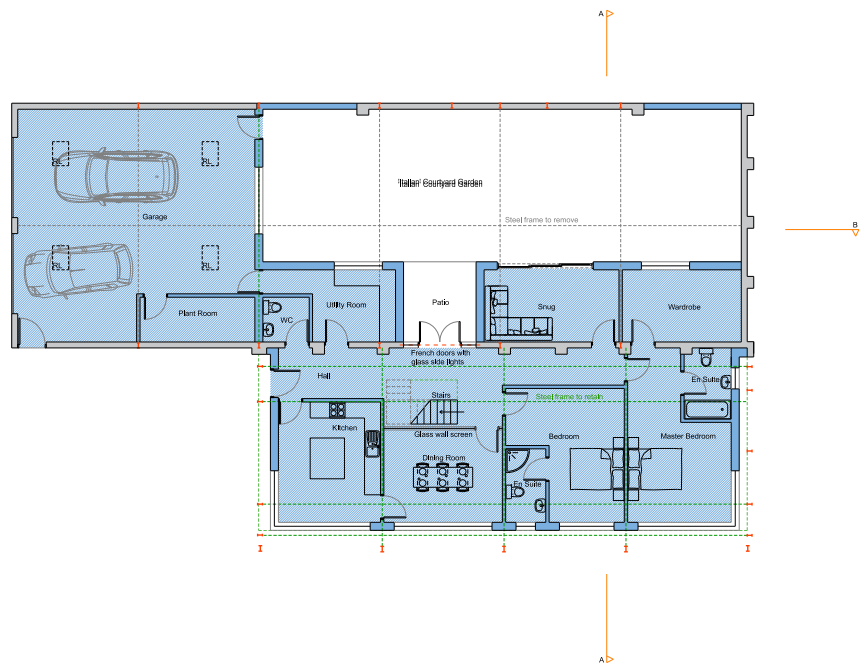


Proposed South Elevation
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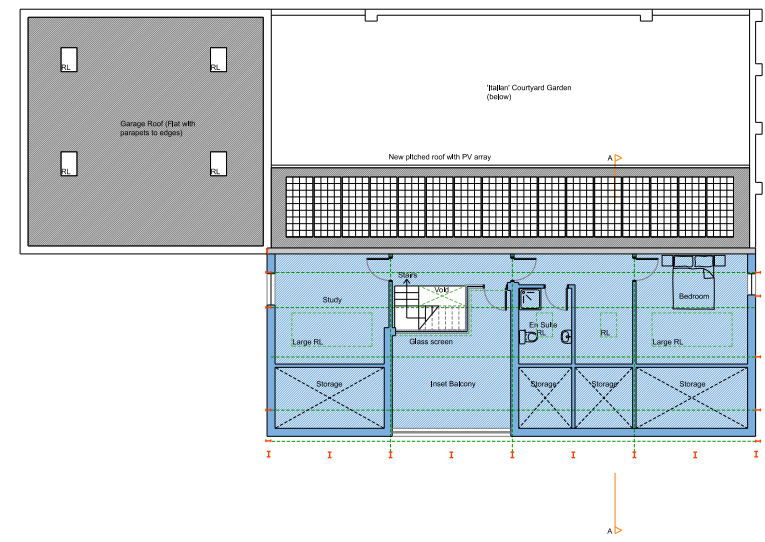


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52-54 PRESTONGATE HESSLE EAST RIDING OF YORKSHIRE HU13 0RE										
Project: Barn Conversion Mill Farm Appleby										
Client: Ian Ward										
Drawing Title: Proposed Barn Elevations & Sections										
Compass:	Phase: PLANNING									
Drawn by: TV	Checked by: DE									
Drawing No: 21 35 7610 B	Scale: 1:100 @ A1									
	Date: AUGUST 2022									

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Proposed Ground Floor Plan
SCALE 1:100



Proposed First Floor Plan
SCALE 1:100



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Amendments		
Rev	Amendment	Date
<p>ETTRIDGE ARCHITECTURE LTD</p> <p>52-54 PRESTONGATE HESSLIE EAST RIDING OF YORKSHIRE HU13 0RE</p> <p>(T) 07795 145796 www.ettridge.net</p> <p>Project: Barn Conversion Mill Farm Appleby</p> <p>Client: Ian Ward</p> <p>Drawing Title: Proposed Barn Plans</p>		
Compass:	Phase: PLANNING	
Drawn by: TV	Checked by: DE	
Drawnig No: 21 35 7110	Scale: 1:100 @ A1	Date: AUGUST 2022

APPLICATION NO	PA/2022/1653
APPLICANT	Mr & Mrs A James
DEVELOPMENT	Planning permission to erect a replacement dwelling, convert a barn to a dwelling and erect a new cart shed (including demolition of existing farmhouse, existing barn (in part) and outbuilding)
LOCATION	Pond Farm, Station Road, Graizelound, DN9 2NQ
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework:

Section 2 (Achieving sustainable development)

Section 4 (Decision-making)

Section 5 (Delivering a sufficient supply of homes)

Section 11 (Making effective use of land)

Section 12 (Achieving well-designed places)

North Lincolnshire Local Plan:

RD2: Development in the Open Countryside

RD9: Re-use and/or Adaptation of Rural Buildings for Residential Use in the Open Countryside

RD10: Replacement, Alterations and Extensions to Dwellings in the Open Countryside

H5: New Housing Development (Part Saved)

H7: Backland and Tandem Development

H8: Housing Design and Mix

DS1: General Requirements

DS3: Planning Out Crime

DS7: Contamination

DS14: Foul Sewerage and Surface Water Drainage

DS16: Flood Risk

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

CS7: Overall Housing Provision

CS8: Spatial Distribution of Housing Sites

CS17: Biodiversity

CS18: Sustainable Resource and Climate Change

CS19: Flood Risk

CS25: Promoting Sustainable Transport

LC5: Species Protection

LC6: Habitat Creation

LC14: Area of Special Historic Landscape Interest

Housing and Employment Land Allocations DPD:

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.

SS1: Presumption in Favour of Sustainable Development

SS2: A Spatial Strategy for North Lincolnshire

SS3: Development Principles

SS5: Overall Housing Provision

SS11: Development Limits

RD1: Supporting Sustainable Development in the Countryside

DQE3: Biodiversity and Geodiversity

DQE1: Protection of Landscape, Townscape and Views

HE1: Conserving and Enhancing the Historic Environment

CONSULTATIONS

Highways: No objection subject to a condition.

LLFA Drainage: No objection subject to an informative.

Severn Trent Water: Suggest an informative.

Environmental Protection:

Contamination: This application for residential development is a sensitive end use. In addition, barns have the potential to be impacted upon by contaminants associated with the storage of agricultural machinery, fuel and agrochemicals. This include PAHs, heavy metals and hydrocarbons which are harmful to human health. A condition is recommended requiring a phase 1 assessment and subsequent information to be provided as required.

Noise and odour: The proposed development is in close proximity to an existing barn to the west, fronting Station Road. The barn falls within the same land ownership as the proposed development. The use of this building for agricultural purposes has the potential to result in adverse noise and odour for the proposed residential properties immediately adjacent. Therefore, to prevent sensitive receptors being adversely affected by activities associated with this building, recommend conditions, should the application be approved, prohibiting the storage of livestock, manure or any potentially odorous material within the building, and limiting its use to 6am to 10pm.

Archaeology: Pond Farm is a 19th century unlisted farmstead recorded on the historic environment record. The farm is within the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14), within the Early Enclosed Land character area south of Graizelound.

No objection subject to conditions to secure the use of appropriate traditional building materials in accordance with LC14 and removing permitted development rights to avoid the unregulated extension of the built environment into the protected historic landscape area to the rear of the dwellings.

Ecology: No bat roosts are considered to be present at the current time. Several bat species are active in the area. Barn owls and common nesting birds are present. Biodiversity metric is not requested on this occasion. Planning conditions are proposed to minimise harm to protected and priority species and habitats, and to seek measurable net gain in biodiversity in accordance with policy CS17 and the NPPF.

PARISH COUNCIL

The parish council considers the proposals to be of a high design and well presented, but questions the need to demolish the dwelling. They note the report gives an extensive survey of the condition of the outbuildings but does not include the dwelling. The parish council concludes the outbuildings are in a poor state but clearly, for the needs of their re-use, they are structurally repairable; therefore, questions the need to convert them as they are neither abandoned nor beyond repair and their conversion does not fulfil the terms of the local plan rural section as it is considered they could be used within the farm for other purposes.

The dwelling not being included in the survey, the parish council sees no evidence provided for its demolition as required in policy RD10 paragraph 6.30: 'are only allowed where absolutely necessary'.

The parish council is aware both the NPPF and local plan support high quality design and sustainable materials but considers the loss of character buildings in the open countryside should be considered when balancing the needs of the area's character, and the parish council sees no evidence to justify the demolition.

As it is a working farm, could the barn not be re-used within the business. If it were an abandoned building the parish council could agree its re-use, but sees no justification for its conversion and the proposal is not commensurate with policy RD9, in particular paragraph 6.27.

The parish council therefore objects due to the lack of supporting evidence for demolition and re-use of the barns.

PUBLICITY

Advertised by site and press notice – no comments have been received.

ASSESSMENT

Planning history

There is no relevant planning history for the site.

The agricultural unit to the north of the access was granted permission on 10/10/1975 (2/1975/0431). No conditions were placed on the permission.

Constraints

There are no known listed buildings, scheduled monuments or tree preservation orders within the site or within close proximity of it. It is not within a conservation area.

It is outside the development limits for Graizelound within the open countryside and within policy area LC14 (Area of Special Historic Landscape Interest).

It is within SFRA flood zone 1.

Site location/proposed development

The site is part of an existing farmstead at Pond Farm, off Station Road. The land includes an existing dwelling which is proposed to be replaced by a new dwelling, and a series of outbuildings which are proposed for conversion to form a second dwelling on the site.

The applicant has confirmed that the buildings were formerly used as piggeries but are now used for the storage of agricultural equipment and other associated items. Arable fields, within the applicant's ownership, bound the site to the north, east, and south. Discussions with the applicant's agent have confirmed that the existing traditional agricultural buildings have been used for ad hoc farm storage which currently constitutes a collection of materials and equipment no longer suitable for modern farming. Their prior use as livestock pens is not viable either as the space and building is not conducive to the standard of modern livestock welfare. The agent has confirmed that the conversion will not result in new agricultural buildings needing to be provided.

The agent has also confirmed that over time the farm has been reduced considerably in size and now constitutes the farmyard and associated buildings (the subject of this application) along with 22 acres of land. The agent confirms that this is not sufficient land to operate a viable commercial agricultural business alone so the house and buildings cannot be solely reliant on and supported by this. There is no land under tenant or lease positions.

Access to the site would be via the existing drive from Station Road. A post and rail fence would be erected to the western boundary of the proposed barn conversion to demarcate the private residential access from the adjacent field access.

The agent has confirmed that the existing agricultural building north of the access into the site and within the applicant's ownership is intended to be used to store equipment to ensure proper maintenance of the surrounding land.

The main issues in the determination of this application are:

- **principle of development**
- **historic environment**
- **residential amenity**
- **character, appearance, and design**
- **ecology**
- **flood risk and drainage**
- **access and highway safety**
- **contamination.**

Principle of development

The site is outside of any defined development limits and is therefore within the countryside in policy terms. Policy LC14 applies.

Policy CS1 (Spatial Strategy for North Lincolnshire) prioritises sustainable development and there is support for the re-use of existing buildings in the countryside.

Policy CS2 (Delivering more Sustainable Development) sets out that any development that takes place outside defined development limits will be restricted.

Policy CS3 (Development Limits) sets out that development outside defined boundaries will be restricted to that which is essential to the functioning of the countryside.

Policy CS8 (Spatial Distribution of Housing Sites) sets out that housing development will be strictly limited within the open countryside outside development limits.

Policy RD2 (Development in the Open Countryside) allows for development in the countryside if it involves the re-use and adaptation of an existing rural building (part v) or is for the replacement, alteration or extension of an existing dwelling (part vii). This is subject to conditions a) to f) which are considered to be met in this case.

Policy RD9 (Re-Use and/or Adaptation of Rural buildings for residential Use in the Open Countryside) allows for the conversion of rural buildings in the open countryside for residential use subject to criteria i) to v). It is considered that the proposals meet the criteria given that:

- (i) the building is capable of conversion without major alteration;
- (ii) the conversion is appropriate to retain the building in viable continued use;
- (iii) no new buildings are required to house activities displaced by the conversion;
- (iv) the design retains and respects the character of the building; and
- (v) the development will not lead to the loss of habitat for protected species.

Policy RD10 (Replacement, Alteration and Extensions to Dwellings in the Open Countryside) allows proposals to replace, extend or alter dwellings in the countryside provided criteria i) to iv) are met. It is considered that the proposals meet the criteria given that:

- (i) The replacement dwelling is on a similar footprint to the existing and whilst it would exceed the volume of the original dwelling by 20% the proposed replacement would have a footprint of 110m², representing a 44m² increase from the existing. Though representing an increase of more than 20% in volume compared with the existing, when permitted rights are taken into account (currently anticipated to allow for an additional 27.9m² of floor area) then the proposed dwelling would represent a 17% increase in overall volume. Paragraph 149 of the NPPF relates to replacement dwellings in the Green Belt provided the new building is in the same use and not materially larger than the one it replaces. It does not reference replacement dwellings within the countryside. Policy RD10 is from the 2003 North Lincolnshire Local Plan and could be considered as out of date. As such, only limited weight should be attached to the 20% requirement.
- (ii) It applies to alterations/extensions and is not applicable.

- (iii) The construction is considered to be of a high standard and reflects the style of the locality.
- (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.

The parish council questions the need to demolish the existing dwelling on site and states that the property is neither abandoned nor beyond repair, and they see no evidence provided for its demolition as required under policy RD10 of the local plan, paragraph 6.30 in that replacement dwellings are only allowed where absolutely necessary. The parish council does not see any evidence to justify the demolition. However, the weight to be applied to paragraph 6.30 is considered to be limited where the applicant can demonstrate a proposal meets the policy itself.

Paragraph 120 (d) of the NPPF states that planning policies and decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. Paragraph 123 of the NPPF continues and states that local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans.

The agent has confirmed that the applicant seeks to introduce a very high-performance property on the site which would result in low running costs and a better building fabric than the existing property. The current building has not been lived in for a long time with little to no maintenance and upgrading. As a result, the entire property needs to be completely stripped out. Furthermore, the joinery is failing, is single-glazed in places, and it is expected that all would need to be replaced. The roof space is not sufficiently insulated and the walls are single skin, making thermal improvements very expensive and hard to achieve with excellent efficiency. In addition, all the most efficient improvements which might be recommended would occur internally, which in this instance would reduce room sizes throughout. This adds cost and complexity to a possible renovation which would be disproportionate to the benefits operationally.

The site is outside of any defined development limits and sits within the open countryside. The application comprises two parts: a replacement dwelling and an existing building to be converted to a residential property. The existing building will be reduced in size and it is considered that the proposals would not have a greater impact on the openness of the countryside. Policies set out within the local plan allow for these types of development to come forward subject to the criteria discussed.

The principle of development is considered to be suitable and the proposal accords with policies RD2, RD9 and RD10.

Residential amenity

Policy DS1 (General Requirements) requires proposals to be designed so as not to result in an unacceptable loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

Policy H5 (New Housing Development) requires the following from new housing development:

- (i) provision is made within the curtilage of each dwelling (except for upper storey flats) for an area of private amenity open space;
- (ii) development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings; and
- (iii) adjacent land uses will not result in annoyance or detract from the residential amenity which residents of the proposed dwellings could expect to enjoy.

The site is not within close proximity to existing dwellings and therefore consideration of the two new dwellings together needs to be considered. Whilst the properties are to be attached, they will include their own separate private garden/amenity space as well as separate off-road parking. The windows on the rear and side elevations are placed so as not to result in any overlooking or privacy impacts.

The issue of potential concern is the existing agricultural building to the north of the access into the site. This building is to be retained by the current owners for use as storage space to allow them to maintain their 22 acres of agricultural land. The Environmental Health team have raised concern that the building has the potential to result in adverse noise and odour for the proposed residents and recommends conditions prohibiting the storage of livestock, manure or any potentially odorous material within the building, and limiting its use to 6am to 10pm.

The existing dwelling on the site does not currently have any agricultural ties and at present the two uses operate together. The overall acreage of the wider site is considered to support relatively small enterprise and is not currently used for an intensive agricultural use or for livestock. The building on site is relatively small and it is not considered that the use would result in significant impacts on either of the two proposed dwellings. The agent has confirmed that the building will be used for the storage of equipment to maintain the wider land and that the building does not lend itself to livestock. It is unreasonable to add conditions to an existing building; it is therefore considered that the proposed conditions are unnecessary on this occasion and that the use of the existing agricultural building would not lead to significant impact on residential amenity.

The proposals are therefore acceptable in terms of their impact on the amenity of neighbouring properties and as such accord with policies DS1 and H5.

Historic landscape

The site is within policy area LC14 which is identified as an area of special historic landscape interest. Proposals within this area will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features and the policy requires a high standard of design. The HER officer has reviewed the proposals and whilst Pond Farm is identified as a 19th century farmstead it is unlisted and the HER officer has no objection to the proposals subject to conditions to secure the use of appropriate traditional building materials in accordance with policy LC14 and removing permitted development rights to avoid the unregulated extension of the built environment into the protected historic landscape area to the rear of the two dwellings. The HER is satisfied that the application does not conflict with local plan policy LC14.

Design and layout

The design is considered to be of high quality and it is considered that the proposals would greatly improve the character and appearance of the buildings, enhancing the overall site.

Policy DS1 (General Requirements) sets out that the design and appearance of proposals should reflect or enhance the character, appearance and setting of the immediate area.

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

Policy H5 is also relevant. Whilst the strategic element of this policy (criteria i and ii) has been replaced by policies CS1 and CS2 of the Core Strategy, the second part of the policy, criteria a) to m), is still extant and sets out the requirements for all new housing developments.

It is proposed to convert the building which adjoins the existing dwelling to the northern elevation and erect a replacement dwelling on the site of the original dwelling.

The application is accompanied by a structural survey which assesses the status of the agricultural building. Overall, the report confirms that the building is capable of conversion to a residential dwelling. The applicant has confirmed that the building is no longer suitable for agricultural purposes due to its construction and scale and that no further replacement buildings would be required to serve the wider 22 acres of land. The existing building is assessed as being unsuitable for agricultural purposes and conversion would allow the viable re-use of the building.

The agricultural building has been extended over the years and the scheme seeks to remove many of these modern and unattractive, unsympathetic additions to make way for the conversion. The proposed scheme would reduce the internal floor area creating an area of outdoor/courtyard space to the front of the proposed conversion/dwelling. The conversion would be undertaken in a sympathetic manner and would represent a high-quality design.

The replacement dwelling, whilst larger than the original property, would sit comfortably within the existing plot and include a high-quality design. It is considered that the proposed replacement dwelling would be of a similar form as the original dwelling. It would provide additional floor area, with a small increase in overall height, however this is not considered to represent a significant increase which would result in the dwelling appearing more prominent or dominant within the street scene or wider landscape. The proposed layout and relationship with the surrounding buildings would result in the dwelling appearing largely as it does at present.

The windows and other openings are considered to be proportionate to the scale of the dwellings and this countryside location. It is proposed to construct the dwelling of red multi brick with pantile roof, in accordance with local building tradition. However, the use of appropriate traditional building materials (bricks to match the existing and clay pantiles) is recommended to be a condition to development.

The proposals seek the installation of solar panels to each of the proposed dwellings to support resource efficiency at the site.

It is considered that both properties would enhance the existing site and raise the overall design quality in this location.

The existing outbuilding on the northern part of the site will be enhanced and used for parking and storage for the conversion whilst the existing outbuilding to the southern part of the site will be demolished and replaced by a cart shed with parking for the replacement dwelling. Both properties will include private amenity space to the rear. Two existing outbuildings within the south-eastern part of the site are to be retained.

The proposed layout and design are considered to be appropriate and the proposal is therefore in accordance with policies DS1 and CS5.

Access and highway safety

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and 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 is existing and currently serves a residential dwelling as well as providing access to the existing agricultural buildings on site. The development will result in the increase of dwellings on site from 1 to 2. This is not considered to be a significant intensification of the use on the site and would only result in a minor increase in movements to and from the site.

The Highways team have reviewed the proposals and do not have any objections subject to the inclusion of a condition requiring the vehicular access to the dwelling, and the vehicle parking and turning space(s) serving it, to be completed before the dwelling is occupied, and once provided, to thereafter be retained.

The site allows for the provision of off-street parking through both covered parking (cart shed and outbuildings) and space in front of both properties. Access to the agricultural unit will still be via the existing access; however, it is not considered this would result in any significant highway safety impacts. The use currently exists and there have been no conflicts with the existing property on site for it to be considered an issue. There is adequate space to allow the passing of vehicles within the site.

The proposals are not considered to result in any highway safety concerns.

Ecology

Policy CS17 (Biodiversity) requires proposals to give appropriate consideration to important habitats and species and seeks to secure a net gain in biodiversity.

A preliminary ecological appraisal and bat survey have been submitted and assessed by the council's ecologist. The survey methods used and the survey effort deployed are considered appropriate for the site. Evidence of past use of the site by feeding and roosting brown long-eared bats was found. However, during the two surveys no bats emerged from or returned to the buildings in question. No bat roosts are considered to be present at the current time. There was bat activity recorded in the area. A barn owl was observed as were blackbirds and wrens.

Sensitive working methods are required in relation to bats, nesting birds and amphibians.

Conditions are recommended to secure a species protection plan as well as a biodiversity management plan. Subject to the inclusion of these conditions the site is considered suitable for development from an ecological perspective.

Flood risk and drainage

Policies CS19 and DS16, both relating to flood risk, require proposals to be assessed appropriately and to ensure that suitable drainage strategies are secured for developments.

The application site sits within flood zone 1 of the Strategic Flood Risk Assessment for North Lincolnshire and as such is not in a high flood risk zone. Policy CS19 of the Core Strategy sets out the council's approach to development in areas at risk of flooding.

The LLFA drainage team have not raised any comments or objections to the proposal and recommend the inclusion of an informative to consider upsizing the pipe network increasing storage around the development.

Severn Trent have also assessed the proposals and have no objection subject to the inclusion of an informative in relation to public sewers.

Contamination

Environmental Protection have been consulted on the application and have raised no objection. Considering the sensitive end use of the development, Environmental Protection recommend the inclusion of a condition requiring a phase 1 assessment and subsequent information to be provided as required.

Pre-commencement conditions

Pre-commencement conditions have been agreed with the agent.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

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

- Site Location Plan - 22-042662-001-A
- Proposed Site Plan - 22-042662-102-B
- Proposed First Floor - 22-042662-107-B
- Proposed Elevations - 22-042662-110-B
- Proposed Barn Elevations - 22-042662-112-A
- Proposed Ground Floor - 22-042662-106-B
- Proposed Cart Shed and Store (Farmhouse) - 22-042662-111-A.

Reason

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

3.

No development shall take place until a species protection plan has been submitted to and approved in writing by the local planning authority. The plan shall include details of measures to avoid harm to bats, amphibians, hedgehogs and nesting birds during demolition, vegetation clearance and construction works.

Reason

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

4.

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

- (a) details of at least two integrated bat boxes to be installed in buildings to support common pipistrelle bats;
- (b) details of at least two integrated back boxes that are optimised to support brown long-eared, whiskered and natterers bats, to be installed in buildings;
- (c) details of nesting sites to be installed to support barn owl, house sparrows and other bird species;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (f) proposed timings for the above works in relation to the completion of the dwellings.

Reason

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

5.

The biodiversity management plan and species protection 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 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.

6.

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

Part 1: Site Characteristics

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

7.

Notwithstanding the provisions of classes A, B, C, D, E and G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any order re-enacting that order with or without modification, no extensions, buildings or enclosures shall be erected on the site or installed on the building other than those expressly authorised by this permission.

Reason

To protect the historic landscape in accordance with policies LC14 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.

8.

The external materials to be used in the construction of the development hereby approved shall include the use of traditional building materials, including bricks to match the existing property and clay pantiles for the roof.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policies DS1 and LC14 of the North Lincolnshire Local Plan.

9.

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.

Informative 1

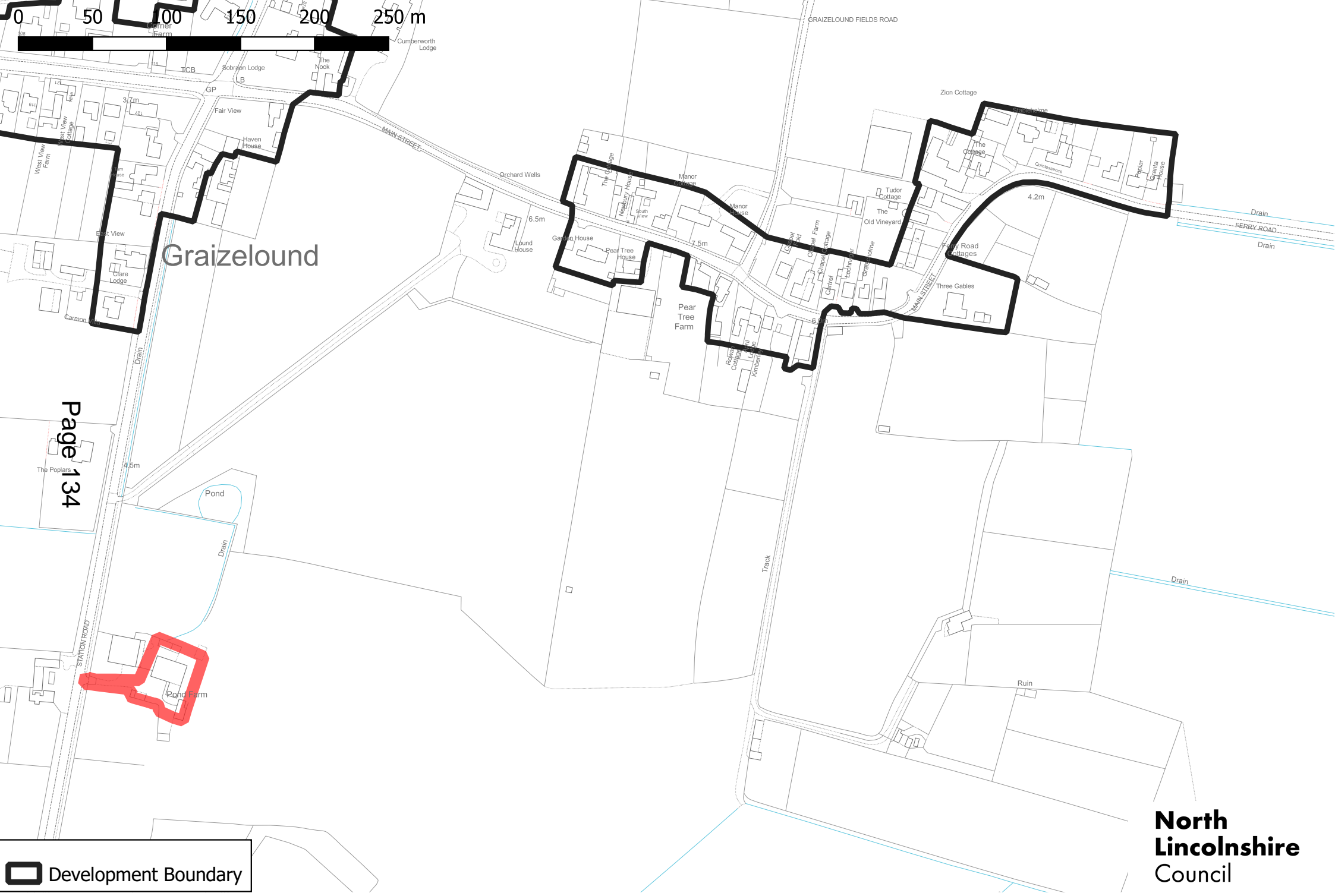
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

Informative 2

The LLFA 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 3

Severn Trent Water advise that although statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you in obtaining a solution which protects both the public sewer and the building.



Graizelound

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Development Boundary

PA/2022/1653

**North
Lincolnshire
Council**

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PA/2022/1653 Proposed layout (not to scale)

Issue Status			
Planning			
This drawing is copyright. Only figured dimensions to be worked to.			
Revision	Drawn	Check	Date
A	JDA	FIH	Aug 22
B	JDA	FIH	Aug 22



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STATION ROAD
Tarmac

Existing outbuilding utilised for parking & storage for barn conversion

Outline of demolished barns

Proposed garden for barn conversion

Proposed garden for farmhouse

Existing Outbuildings

Proposed Cart Shed

Outline of demolished outbuilding

Proposed low wall and gate to create courtyard for barn

Field

Existing Outbuildings



client		
Mr & Mrs A & E James		
project		
Conversion of barn and new dwelling, Pond Farm, Station Road, Graizelound		
drawing		
Proposed Site Plan		
date	scale	sheet
Aug 22	1:200	@ A2
drawn	checked	
JDA	FIH	

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Issue Status			
Planning			
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Revision	Drawn	Checked	Date
A	JDA	FlH	Aug 22
Clients comments			
B	JDA	FlH	Aug 22
Issued for planning			



West Elevation



East Elevation



North Elevation



South Elevation

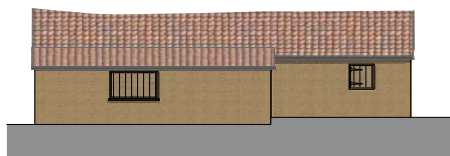
Page 136



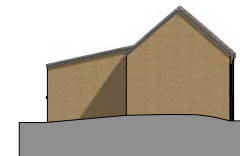
Outbuilding West Elevation (Unchanged)



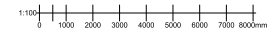
Outbuilding South Elevation (Unchanged)



Outbuilding East Elevation (Unchanged)



Outbuilding North Elevation (Unchanged)



client Mr & Mrs A & E James		
project Conversion of barn and new dwelling, Pond Farm, Station Road, Graizelound		
drawing Proposed Elevations		
1:100 Jul 22	1:100	@ A1
JDA	ELG	

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APPLICATION NO	PA/2022/1684
APPLICANT	Lisa White
DEVELOPMENT	Planning application to remove condition 2 of 7/1979/1026 to allow for occupation of the dwelling other than by a person solely or mainly employed, or last employed, in agriculture
LOCATION	Bridge Farm, Butterwick Road, Messingham, DN17 3PA
PARISH	Messingham
WARD	Ridge
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission
REASONS FOR REFERENCE TO COMMITTEE	Objection by Messingham Parish Council

POLICIES

National Planning Policy Framework: Section 5

North Lincolnshire Local Plan: Policies RD2, RD12 and DS1 apply.

North Lincolnshire Core Strategy: Policy CS3 applies.

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. Policies SS1, SS2, SS3 and SS11 apply.

CONSULTATIONS

Highways: No objection or comments.

LLFA Drainage: No objection or comments.

Environmental Protection: No objection or comments.

PARISH COUNCIL

Object on the grounds that the site is part of an existing agricultural business.

PUBLICITY

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

ASSESSMENT

Planning history

- PA/2019/702 Application for a Lawful Development Certificate for an existing use as a dwellinghouse (Use Class C3) in breach of a planning condition – refused 02/02/2021
- PA/2007/1209 Application for determination concerning prior approval of the siting and appearance for the relocation of a portal-framed farm shed – not required 15/08/2007
- PA/2003/1908 Planning permission to change the use of a disused barn into a workshop for repairing touring caravans and caravan sales – refused 29/03/2004
- PA/2002/0694 Planning permission to remove conditions 2 (discontinuance of use by 31 July 2002), 3 (no more than 30 caravans) and 4 (construction of internal access road and hardened surface to storage area) of planning permission PA/1999/0582 dated 23/07/1999 – approved 06/09/2002
- PA/1999/0582 Planning permission to change the use of part of a smallholding to an area for touring caravan storage – approved 23/07/1999
- PA/1998/1109 Planning permission to use two existing ponds for public fishing. – approved 23/10/1998
- 7/1986/0689 Planning permission to retain the use of land for the parking of two lorries – approved 11/12/1986
- 7/1992/0218 Allow the parking and operation of four HGVs – approved 14/05/1992.

The application site comprises a detached bungalow located outside the defined settlement boundary for Messingham, in close proximity to Catchwater Crossroads. The land surrounding the bungalow is used for various purposes including caravan storage and fishing ponds. The bungalow is located to the west of the vehicular access (from Butterwick Road) and the site is well screened by an existing line of mature trees and hedges along all of its boundaries, particularly along its northern and western sides and by an area of woodland planting to the south. Planning permission is sought to remove condition 2 of 7/1979/1026 to allow the dwelling to be occupied by people who are not solely, mainly or last employed in agriculture.

The main issues in the determination of this application are the principle of development and whether the removal of the agricultural occupancy condition is acceptable in principle.

Principle

Policy RD2 of the North Lincolnshire Local Plan states that development in the open countryside will only be permitted subject to specific criteria set out within the policy. The development proposals relate to an existing dwelling in the open countryside and as such it is considered that policy RD2 is relevant to the principle of development to the extent it relates to development being essential to the efficient operation of agriculture and that

diversification of an established agricultural business has previously taken place at the site. In this case the proposal relates to the potential removal of an agricultural occupancy condition and policy RD12 of the North Lincolnshire Local Plan is the most relevant policy to consider in this regard.

Removal of condition

Planning permission is sought to remove condition 2 from the 1979 planning permission, which relates to agricultural occupancy and reads as follows:

“The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in section 290 of the Town and Country Planning Act 1971, or in forestry or a dependant of such a person residing with him, (but including a widow or widower of such a person).”

Policy RD12 of the North Lincolnshire Local Plan applies and sets out the criteria for the removal of agricultural occupancy, stating that the local planning authority will only consider the removal of an agricultural occupancy condition if conclusive evidence is submitted by way of an independent report that includes:

- (i) a substantiated reason why there is no longer a justified need for an agriculturally tied dwelling on the holding; and
- (ii) evidence of attempts made to sell the dwelling at a price which reflects the effect of the occupancy condition on the property market for the twelve months prior to the application being made to remove the condition.

The supporting statement submitted with the planning application makes reference to the recent refusal of a Certificate of Lawful Development (PA/2019/702) which was refused on 2 February 2021 on the basis the supporting information failed to demonstrate that the applicant wasn't last employed in agriculture and therefore the existing use as a dwellinghouse had not been occupied in breach of an agricultural occupancy condition for a continuous period of 10 years immediately preceding the date of the application.

Notwithstanding the refusal of the Certificate of Lawful Development, the supporting statement sets out the case of the applicant, which relates to their changing circumstances and the advertising exercise they have undertaken to meet the guidance within policy RD12. The report states the applicant has not farmed the land associated with the farm holding for a number of years, there are changing circumstances in that the applicant's father (who was the farmer established in the family) has passed away, the site on which the dwelling is located is used for HGV and caravan storage, and the applicant only derives a small income from the rental of some farmland (extending to 45 acres) external to where the dwelling is located. The report goes on to state the applicant accepts they derive a small amount of their income through the rental of arable farmland, but the rental of this land has not included any demand for the farmhouse on the site (from those who rent the land) and the majority of the income is derived from the caravan and HGV storage.

In terms of the second part of satisfying policy RD12, the applicant has undertaken a marketing exercise for the year beginning 21 September 2021, and this shows the dwelling was advertised with a 30% reduction in the valuation, taking into account the effect of the agricultural occupancy condition. This is supported by a separate letter from an estate agent which confirms there was some interest during that period but only one firm offer was

received; this was withdrawn due to a combination of the potential purchaser not understanding the effect of the occupancy condition and being unable to finance the purchase with a traditional mortgage.

Furthermore, no comments or objections have been made by the Lead Local Flood Authority, Environmental Health or the Highways department of the council.

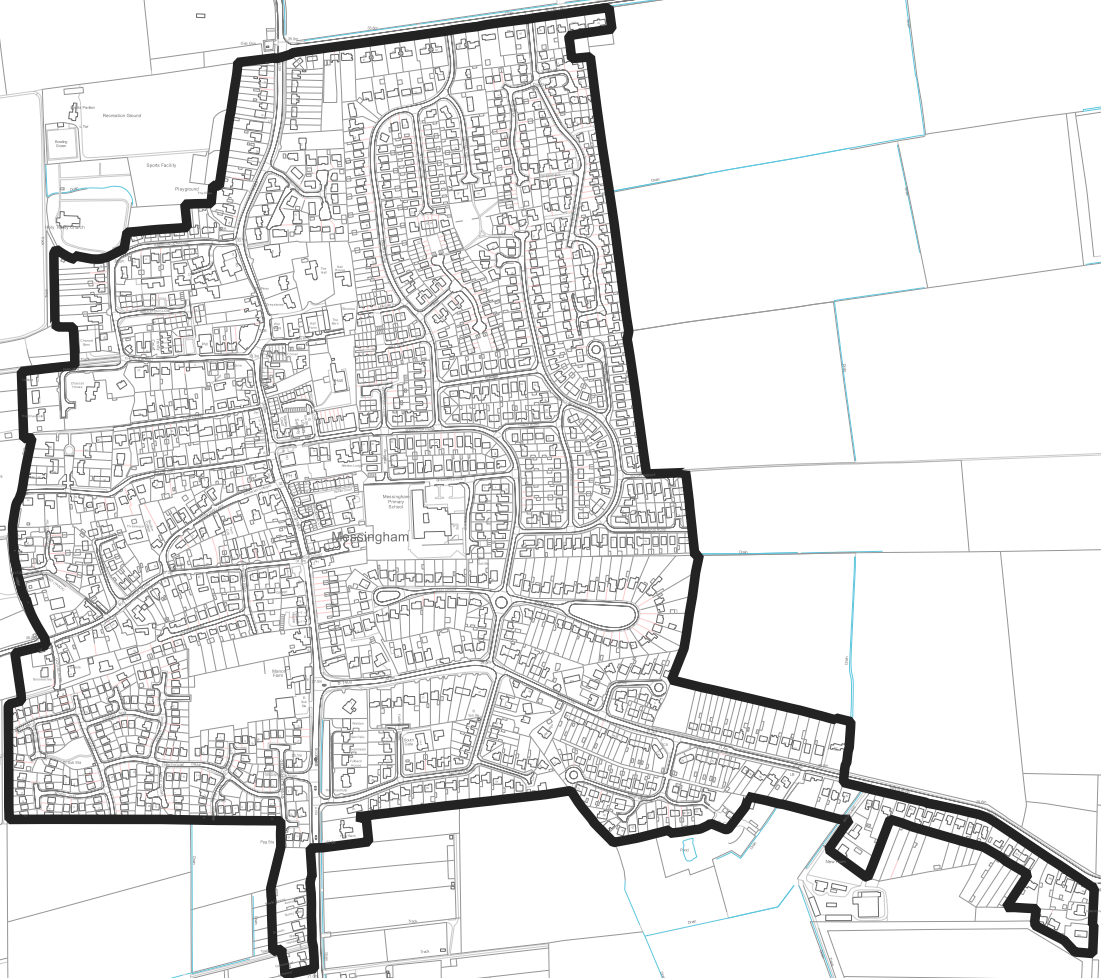
Whilst the applicant still derives some income from the rental of farmland, it is considered that a clear and substantiated reason why there is no longer a justified need for an agriculturally tied dwelling on the holding has been put forward with the planning application and that the property has been marketed for the period permissible under policy RD12 with the effect of the occupancy condition being taking into account. The dwelling on the site is no longer associated with agricultural activity, the buildings and land around it being used (and subsequently generating an income) from non-agricultural-related operations. To this end it is considered the application complies with policy RD12 and it has been demonstrated to the satisfaction of the local planning authority that the agricultural occupancy condition can be removed in this case.

There is no requirement to re-impose any of the other conditions on the 1979 planning permission as the dwelling was erected on the site within the stipulated time frame on the decision notice and provision has been made within the site for the parking and turning of vehicles. Therefore, the recommendation is to grant permission with no conditions attached.

RECOMMENDATION Grant permission.

Informative

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



 Development Boundary

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APPLICATION NO	PA/2022/2019
APPLICANT	Mrs Lisa White
DEVELOPMENT	Outline planning permission to erect a bungalow with appearance, landscaping, layout and scale reserved for subsequent consideration
LOCATION	14 Leaburn Road, Messingham, DN17 3SR
PARISH	Messingham
WARD	Ridge
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Messingham Parish Council

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision making

Chapter 5: Delivering a sufficient supply of homes

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

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

North Lincolnshire Local Plan:

Policy 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

Emerging North Lincolnshire Local Plan: The Emerging 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 of the Emerging North Lincolnshire Local Plan that apply to 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 SS11: Development Limits

Policy RD1: Supporting Sustainable Development in the Countryside

Policy DQE5: Managing Flood Risk

Policy DQE6: Sustainable Drainage Systems

CONSULTATIONS

Environmental Protection: No objection subject to conditions.

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

Highways: No objection subject to conditions.

PARISH COUNCIL

Objects to the application for the following reasons:

- the visual impact of the street scene due to over-development of the site
- the loss of residential amenity of the neighbouring property due to the proposed development overlooking and the proximity.

PUBLICITY

A site notice has been posted. One letter of comment has been received raising the following concerns:

- shared access
- the location and size of the proposed plot
- the impact on the character of the area
- the position of the development within the plot
- parking provision
- vehicular traffic
- public safety
- loss of amenity and privacy
- overshadowing and overbearing impact.

ASSESSMENT

Constraints

- Development boundary
- SFRA flood zone 1

Relevant planning history

None.

Description of site and proposal

Outline planning permission is sought to erect a bungalow at 14 Leaburn Road, Messingham with appearance, landscaping, layout and scale reserved for subsequent consideration.

The site is within the development boundary of Messingham. It fronts Leaburn Road and is bounded by 12 Leaburn Road to the south and 2 Hall Rise to the east.

It is proposed to subdivide the garden of 14 Leaburn Road, which is screened by a close-boarded timber fence, to erect the bungalow and an indicative location plan/drawing has been submitted.

Key issues

The key issues to be considered in the assessment of this application are:

- principle of development;
- impact on local highways;
- impact on site drainage and flooding; and
- impact on residential amenity.

Principle of the development

Section 38(6) of the Planning and Compensation Act 1991 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for North Lincolnshire comprises three parts: the policies of the North Lincolnshire Local Plan (2003), the North Lincolnshire Core Strategy DPD (2011), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

Policy CS1 of the Core Strategy sets out the principle elements that make up the overall spatial strategy, policy CS2 sets out how this will be implemented using a sequential approach to the location of future development that is based on the settlement hierarchy and considering other sustainability criteria. This meets national and regional planning policy requirements to deliver development in the most appropriate places.

Policy CS2: Delivering more Sustainable Development determines how future development needs will be met in North Lincolnshire – a sequential approach will be adopted. It states that development should be focused on:

1. previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions;
2. 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;
3. small-scale developments within the defined development limits of rural settlements to meet identified local needs.

Any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted.

In this case, the site is within the development boundary of Messingham and therefore is supported by policy.

Policy CS8 relates to the spatial distribution of housing sites. The policy indicates, among others, that new housing within the rural settlements 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. Consequently, the policy permits development for the infilling of a small gap within the development boundary.

Policy H5: New Housing Development, part 2, supports all new housing development that is well related to existing infrastructure, including education, community and health facilities, roads, footpaths and cycleways, public transport services, water supply and other utilities. As this proposal is within the development boundary of Messingham, it meets the above criteria.

Overall, the location of the site within the Messingham development boundary represents a sustainable location for residential development in terms of policies CS1, CS2, CS7 and CS8 of the Core Strategy, policy H5 of the North Lincolnshire Local Plan and the requirements in the National Planning Policy Framework.

The principle of the development is therefore acceptable subject to compliance with other relevant policies.

Layout, siting and design

Paragraphs 124 and 130 of the NPPF express the importance of good design, high-quality buildings and improving the character and quality of an area.

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

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

The applicant has submitted an indicative location plan and layout drawing. These drawings have been submitted to demonstrate that a dwelling can fit in well with the site and are for indicative purposes only. The indicative layout proposes a bungalow, which is not out of character with the local area, which is predominantly bungalows and demonstrates similar layouts and siting. In this case, the indicative layout is not viewed as overdevelopment; however, as this is an indicative plan and not the final plan, a full assessment would be carried out at the reserved matters stage.

There is a mixture of property types within the area, though most are detached single-storey dwellings (as is the proposed dwelling). The detailed design should reflect the character of its surroundings, including materials used on other properties within the area. These matters would be considered through the determination of the reserved matters application.

A further application would be submitted to fully access the block plan and the design of the proposal. Accordingly, the block plan and the design are currently not under consideration.

Impact on residential amenity

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

As this is an outline application, the indicative plan is not judged as the final design. Considering the indicative plan, the layout proposes a bungalow which, due to its single-storey nature, would not result in an unacceptable loss of amenity to neighbouring land uses in terms of the effects of overlooking or overshadowing. The finish for the walls and the roof covering would fit in well with the character of the area.

There are, however, suitable separation distances between the plot and surrounding properties and it is considered that the plot is of sufficient size to accommodate a dwelling that would not have an overbearing or overshadowing impact. There is capacity within the site to feature a dwelling that incorporates a design that will have an acceptable impact on the residential amenity of neighbouring properties. As indicated previously, this application is for outline planning permission and therefore a full assessment of the layout and design would be carried out at the reserved matters stage. The reserved matters application will need to ensure that the proposal accords with the requirements of policy DS1.

Drainage and flooding

The site is within SFRA flood zone 1, an area with a low potential for flooding. Policy CS19 of the Core Strategy is concerned with flood risk and policy DS14 of the local plan is concerned with foul sewage and surface water drainage.

The LLFA Drainage team has no objection to the proposed development subject to conditions and informative comments. These would be applied to any permission granted.

In general, the proposal is considered to comply with policies DS16 of the North Lincolnshire Local Plan, CS19 of the Core Strategy and the National Planning Policy Framework in terms of flood risk.

Highways and access

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. The indicative site layout shows that the proposed access would be taken from Leaburn Road, with the creation of two off-road car parking spaces at the front of the new bungalow. The existing dropped crossing serving 12 Leaburn Road will need to be widened to accommodate the new vehicular entrance.

It is considered that there is sufficient room for parking within the site, though the layout will be secured through the reserved matters application.

Highways have been consulted on the application and have no objection subject to conditions. These would be applied to any permission granted.

Overall, it is considered, subject to the aforementioned conditions, that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan and the National Planning Policy Framework.

Environmental Protection

The council's Environmental Protection team has reviewed the submitted contaminated land screening assessment form and commented on potential land contamination. Following a review of historical maps, the team has not identified a former land use that would give rise to contamination. The team therefore has no objection to the application subject to conditions.

Regarding the matters of noise, light, odour and air quality, the team has no comments to make.

Letter of comment

One letter of comment has been received. The concerns regarding access, parking provision, vehicular traffic and public safety on the road have been reviewed by Highways and they have not objected to the application subject to conditions.

Regarding concerns about the location and size of the proposed plot, the character of the area, the position of the development within the plot, loss of amenity and privacy, as well as overshadowing and overbearing impact, these would be reviewed at the reserved matters stage.

Parish council objection

The concerns about the visual impact of the development on the street scene and over-development of the site, and the loss of residential amenity of the neighbouring property due to overlooking and proximity, would be reviewed at the reserved matters stage since the appearance, landscaping, layout and scale of the proposal have been reserved for subsequent consideration.

Conclusion

The principle of the development is supported as the site is within the development boundary where a dwelling is normally supported.

Due to comments from the LLFA Drainage officer and Highways, it is believed the proposal would be unlikely to raise an issue of flooding and a safe and visually acceptable access and parking provision can potentially be achieved to ensure public safety respectively.

As this is an outline application, the design and appearance of the dwelling would be fully considered during the reserved matters stage.

Overall, the proposal follows all relevant policies of the North Lincolnshire Local Plan, the Core Strategy and the NPPF, and it is recommended for approval.

Pre-commencement conditions

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

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 loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

6.
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.

7.

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

Reason

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

8.

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.

9.

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

Reason

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

10.

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

Reason

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

Informative 1

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

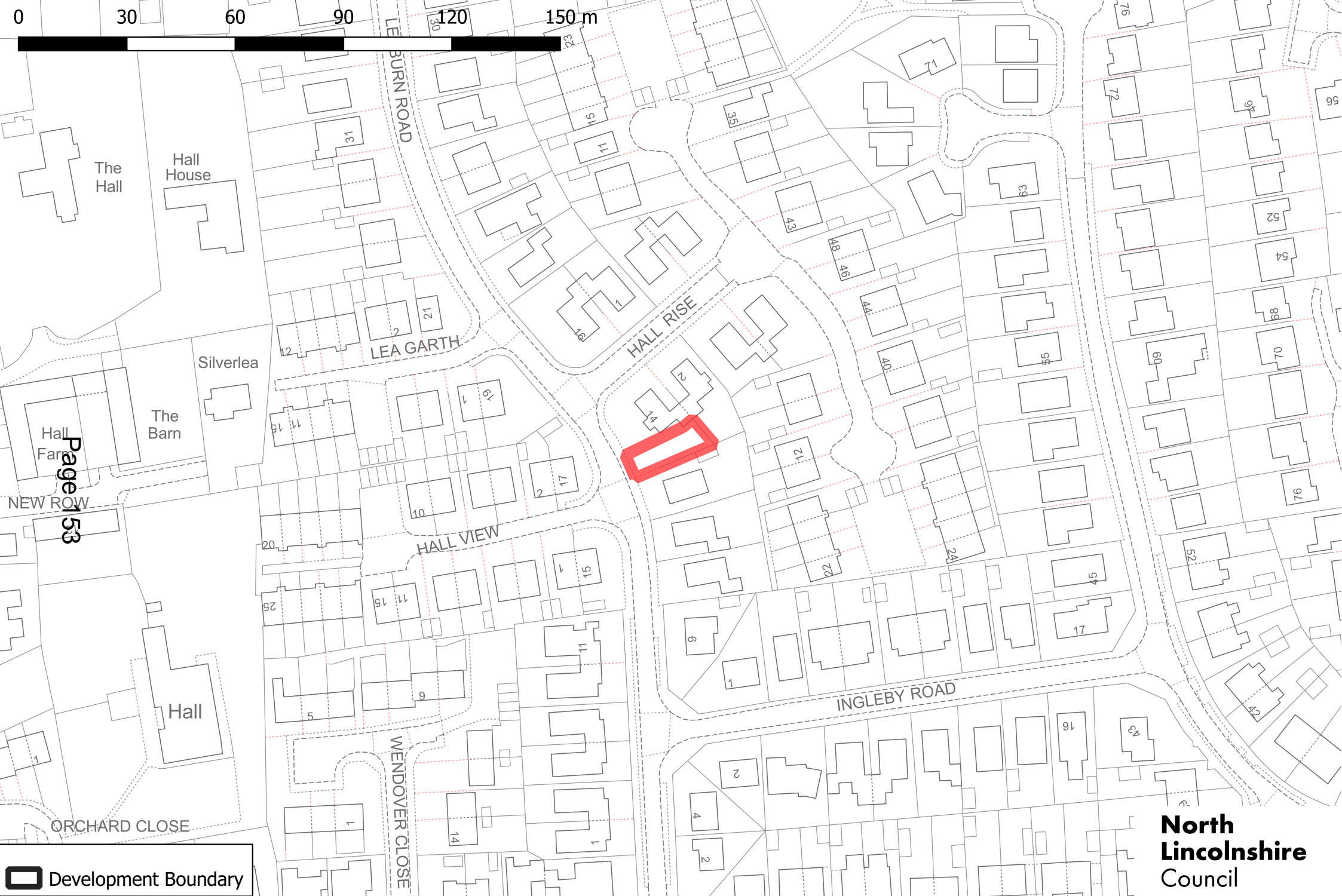
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

Informative 2

For minor developments, the LLFA 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 and they ask that you fully explore all source control SuDS techniques that can store and allow water reuse.

Informative 3

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



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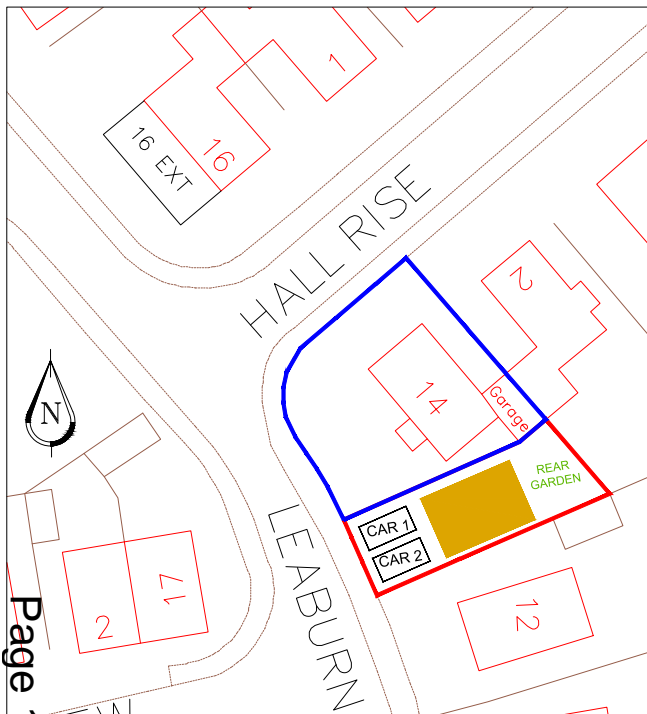
 Development Boundary

**North
Lincolnshire
Council**

PA/2022/2019

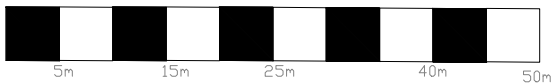
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PA/2022/2019 Indicative layout and front elevation (not to scale)

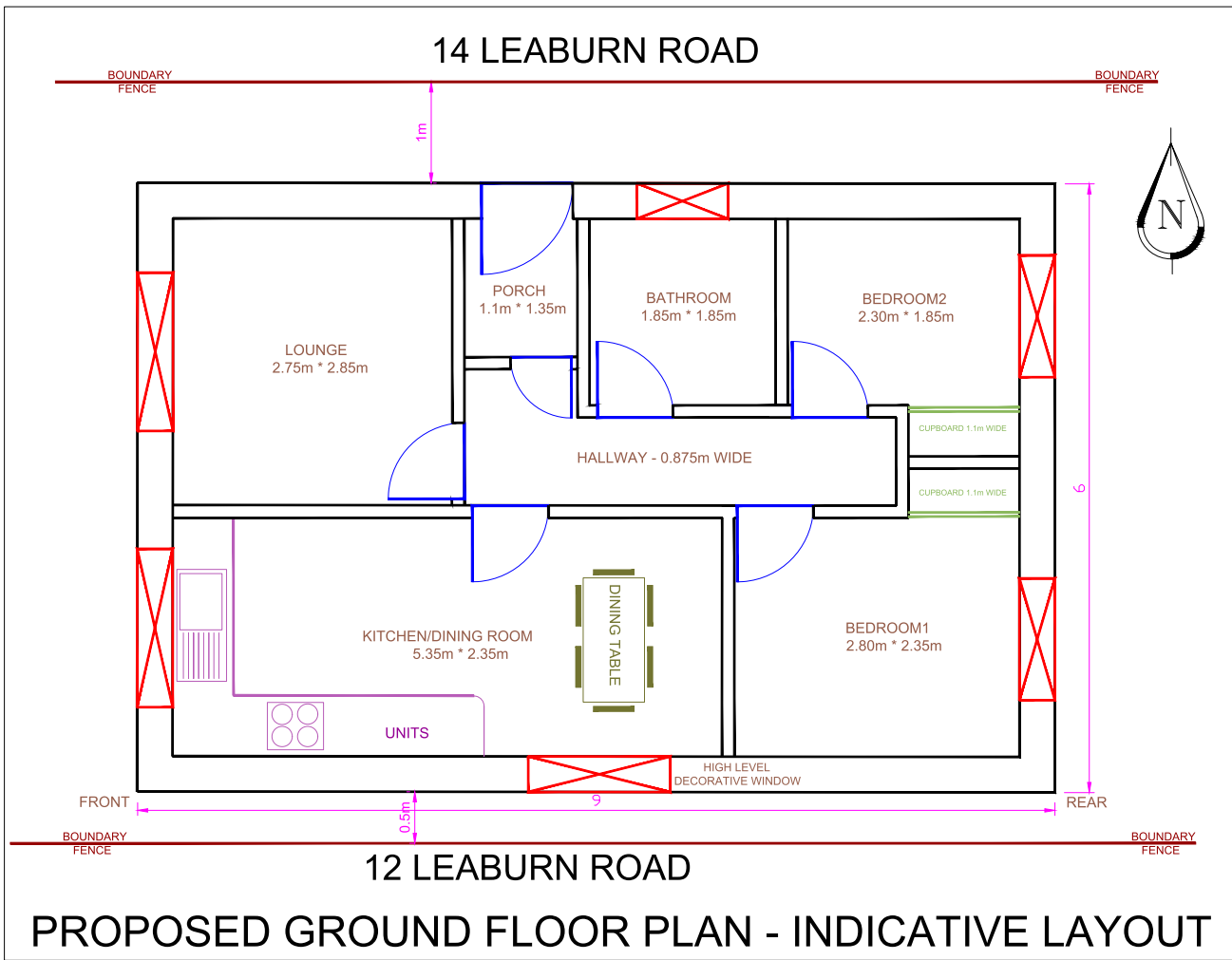


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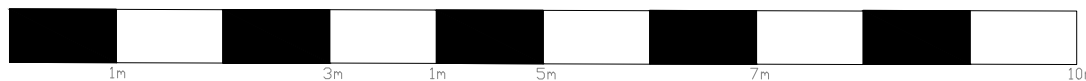
BLOCK PLAN



SCALE: 1:250 @ A1



PROPOSED GROUND FLOOR PLAN - INDICATIVE LAYOUT

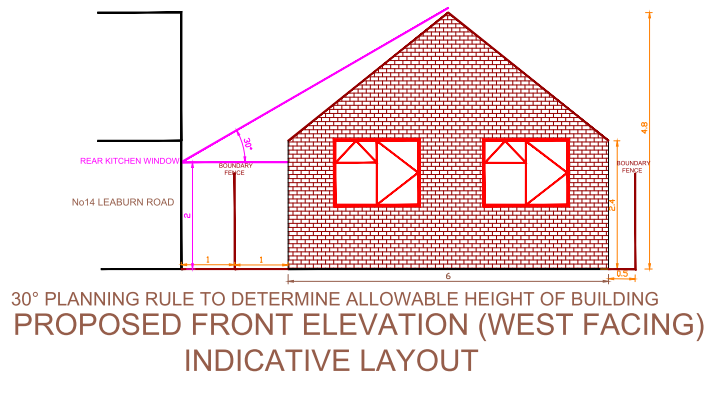


SCALE: 1:25 @ A1

KEY

- APPLICATION BOUNDARY
201m² (0.02HA)
- LAND & PROPERTY OWNED
BY APPLICANT (320m²)
- OUTLINE OF NEW BUILD
BUNGALOW WITH PITCHED
TILED ROOF (9m * 6m)
- CAR1 CAR PARKING BAYS
4.8m * 2.4m (2No)

ReQuestAPlan
Map number: [HR64691275634790 A](#)
 Title: NEW PLOT AT REAR OF No14 LEABURN ROAD
 MESSINGHAM, NORTH LINCOLNSHIRE
 Map Produced for: MS LISA WHITE
 OS Licence number: 05482489671
 Date of Purchase: 29-10-2022
 1 Years subscription from 29-10-2022 for 1 workstation.



30° PLANNING RULE TO DETERMINE ALLOWABLE HEIGHT OF BUILDING PROPOSED FRONT ELEVATION (WEST FACING) INDICATIVE LAYOUT



SCALE: 1:100 @ A1

APPLICATION NO	PA/2022/2064
APPLICANT	Mr & Mrs A Broomfield
DEVELOPMENT	Planning permission to erect a rear ground-floor extension
LOCATION	Poplar, Ferry Road, Graizelound, DN9 2LY
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council

POLICIES

National Planning Policy Framework: Section 12: Achieving well-designed places

North Lincolnshire Local Plan:

DS1: General Requirements

DS5: Residential Extensions

T2: Access to Development

T19: Car Parking Provision and Standards

DS7: Contaminated Land

DS14: Foul Sewage and Surface Water Drainage

DS16: Flood Risk

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

CS19: Flood Risk

Housing and Employment Land Allocations DPD: The site is located within the development limits of Graizelound as shown on the Proposals Map and allocated under policy LC14.

Supplementary Planning Guidance: SPG1 Design Guidance for House Extensions

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.

SS1: Presumption in Favour of Sustainable Development

SS2: A Spatial Strategy for North Lincolnshire

SS3: Development Principles

SS11: Development Limits

DM1: General Requirements

HE1: Conserving and Enhancing the Historic Environment

HE2: Area of Special Historic Landscape Interest

CONSULTATIONS

Highways: No comments or objections to make.

LLFA Drainage: No comments or objections to make.

Environmental Protection: The department has reviewed historical maps which have identified the presence of former buildings and the potential for made ground. It is recommended that a watching condition is included in relation to contaminated material found at the site.

No comments to make in relation to light, noise, odour and air quality.

Archaeology: No objection subject to conditions removing permitted development rights.

PARISH COUNCIL

Object to the application, making the following comments:

A large rural plot, with a planning history of 2/1982/0376 to erect a double garage, approved; 2/1986/0695 to erect a domestic extension, approved; and PA/2004/0868 to erect a second-storey extension, refused.

The parish council has been unable to access the previous applications, but they appear to have been able to substantially extend the footprint of the original property. The parish council believes they have used their allowance under the GPDO and local plan, and that this proposal will further impact on the character of the area.

PUBLICITY

Advertised by site notice – no comments received.

ASSESSMENT

Planning history

2/1982/0376: Erect a double garage, porch, utility and WC extension – granted 28/07/1982

2/1986/0695: Erect a domestic extension – granted 18/12/1986

PA/2004/0868: Erect a second-storey extension – refused 24/06/2004

PA/2004/1263: Erect a first-floor extension over existing double garage – granted 18/08/2004.

Proposal and site characteristics

This application relates to an existing semi-detached property (Poplar) located to the north of Ferry Road. Granta House is the adjoining property to the east. The application site has been extended over the years including a side extension comprising a garage and utility extension which was later extended to two-storey. This application seeks to erect a single-storey extension to the rear of the property on the boundary with the neighbouring property (Granta House).

The site is within an area of special historic landscape interest (policy LC14 of the local plan) and within SFRA flood zone 2/3 (a) fluvial.

It is within the settlement boundary for Graizelound and the principle of residential extensions is considered acceptable subject, in this instance, to an assessment of the following considerations:

- **residential amenity**
- **design, character and appearance/historic environment**
- **flood risk.**

Residential amenity

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

Policy SPG1 sets out further guidance for householders regarding extensions and discusses loss of privacy, loss of light and overshadowing, the depth of extensions and heights of extensions in relation to residential amenity.

The proposed extension will be sited next to the boundary with the neighbouring property. In amenity terms the proposal has the potential to result in overshadowing and a loss of light to the neighbouring property which has patio doors to the ground-floor rear elevation of their property. SPG1 shows a maximum depth of extension which the council considers would be acceptable without the adjoining property suffering any adverse loss of daylight/sunlight. Taking a line drawn vertically through the central point of the nearest ground-floor main window of the neighbouring property, where this line meets the ground a line projecting at a 45 degree angle to the horizontal shows the maximum acceptable depth of extension which is permissible. Beyond this line an unacceptable degree of light loss may result. If the extension is to be built onto a south or south-west facing elevation direct sunlight is received for the longest period of the day. As a result (at the discretion of the council) a 45 degree angle of acceptance may be extended providing there is reasonable evidence to suggest an adjoining occupier will not suffer undue overshadowing or loss of daylight.

Applying this advice to the scheme it is clear that the depth of the extension (6.6 metres in total) extends beyond the 45 degree angle by around 3 metres. The extension is, however, single-storey and the boundary line between the two properties is set at a slight angle, there is also a 1.8 metre garden fence along the existing boundary between the two properties which will already cast shadowing. The proposed extension is approximately 0.7 metres (eaves height) and 1.6 metres (ridge height) above the existing boundary fence. The roof includes a pitched roof and so the central pitch is set further away from the boundary. The rear gardens are north-east-facing and as such any loss of light would be experienced during early evening. On balance the loss of light compared with the current situation is not considered to be significant as the existing property and boundary fence would already contribute to a loss of light. In addition there have been no objections from neighbouring properties.

As no windows are proposed on the eastern elevation of the extension there are no concerns regarding overlooking or privacy impacts.

The proposal is considered acceptable in amenity terms and therefore accords with policy DS5 and SPG1.

Design, character and appearance/historic environment

Policies DS5 and CS5 are both concerned with visual amenity, the former stating that proposals should be sympathetic in design, scale and materials.

The site is within policy area LC14 (Area of Special Historic Landscape Interest). Within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features. 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.

The council's HER team have reviewed the proposals and whilst the site is within the Area of Special Historic Landscape they do not consider the proposal would adversely affect any heritage assets of archaeological interest or their settings, nor would it adversely affect the character of the landscape heritage asset or its setting at this location. The proposal is a single-storey extension within the boundary of the residential curtilage of an existing semi-detached property and is therefore considered acceptable. The HER officer does

recommend the removal of permitted development rights, however this is not possible on householder applications for extensions and should apply to the original property. The property sits within a large plot and any extensions would sit within the already defined curtilage which would not extend further into the landscape.

The parish council has objected to the proposals based on the size and scale of development at the site. They consider that the site has already been substantially extended and the applicant has used the allowance under the GPDO, and that this new application, if granted, would further impact on the character of the area. However, as stated above, the HER does not consider the development would negatively impact on the character of the area. It is considered that the design of the extension is of high quality and in keeping with the existing property. The proposed windows are considered to be proportionate and the materials acceptable.

Part 1, Class A of the GPDO relates to development within the curtilage of a dwelling house and states that development is not permitted if:

- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (g) ...for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;

The total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse). The site is a large plot with gardens to both the front and the rear of the property. The rear garden represents a large plot.

It is therefore considered that the allowance under GPDO has not been exhausted in this instance as suggested by the parish council.

The application form confirms that the proposed materials will include:

- walls – bricks to match existing;
- roof – tiles to match existing;
- doors – white uPVC/aluminium.

The proposed materials are considered acceptable.

The existing close-boarded timber fence on the boundaries will be retained.

It is considered the proposal would not have a significant impact upon the setting's appearance and character and so accords with policies DS5, CS5 and LC14.

Flood risk

Policy DS16 of the local plan (Flood Risk) states that development will not be permitted within floodplains where it would:

- (i) increase the number of people or buildings at risk; or
- (ii) impede the flow of floodwater; or
- (iii) impede access for the future maintenance of watercourses; or
- (iv) reduce the storage capacity of the floodplain; or
- (v) increase the risk of flooding elsewhere; or
- (vi) undermine the integrity of existing flood defences unless adequate protection or mitigation measures are undertaken.

Policy CS19 of the Core Strategy notes that the council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere.

The NPPF requires that a site-specific flood risk assessment (FRA) should accompany all planning applications for development proposals of 1 hectare or greater in flood zone 1 and all proposals for new development located in flood zones 2 and 3. The FRA should identify and assess the risks of all forms of flooding to and from the development and should demonstrate how these risks will be managed, taking climate change into account.

Section 7.19 and 7.20 of the SFRA June 2022 refers to minor development and states that minor development does not require either the sequential test or the exception test. Minor development is defined as:

Householder development. Sheds, garages, games rooms etc. within the curtilage of the existing dwelling as well as physical extensions to the existing dwelling (noting that any proposal to create a separate dwelling within the curtilage of the existing dwelling, e.g. subdivision of a house into flats, is excluded).

In relation to advice for minor extensions, the EA standing advice confirms that a plan should be provided showing the finished floor levels and the estimated flood levels. The advice also requires the floor levels to be either no lower than existing floor levels or 300 millimetres above the estimated flood level. There is also a need for applicants to use flood resistant materials up to at least 300 millimetres above the estimated flood level.

The application site is within SFRA flood zone 2/3 (a) fluvial. The applicant has confirmed that the proposed finished floor level will be set no lower than existing finished floor levels and this same level will run through the whole property. This will be a condition to development.

Contamination

Policy DS7 of the local plan relates to contaminated land. The policy states that in the case of proposals for development on land known or strongly suspected as being contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements.

The Environmental Protection department has undertaken a review of the historical maps which have identified the presence of former buildings and the potential for made ground. The following condition is recommended should planning permission be granted:

'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.'

Conclusion

The site is an existing residential property within a large plot. The proposed development is considered to be of a high quality design, is single-storey and would not lead to significant amenity issues. It is therefore considered that the proposed development is acceptable and meets the policy requirements set out within the statutory development plan.

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

1.
The development must be begun before the expiration of three years from the date of this permission.

Reason

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

2.
The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location and Existing Plans and Elevations - CWX1022 - 001A
- Proposed Plans and Elevations - CWX1022 - 101 A.

Reason

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

3.
The proposed finished floor level of the hereby approved extension shall be set no lower than existing finished floor levels.

Reason

To reduce the potential impact of flooding in accordance with policies DS16 of the North Lincolnshire Local Plan and CS19 of the North Lincolnshire Core Strategy.

4.

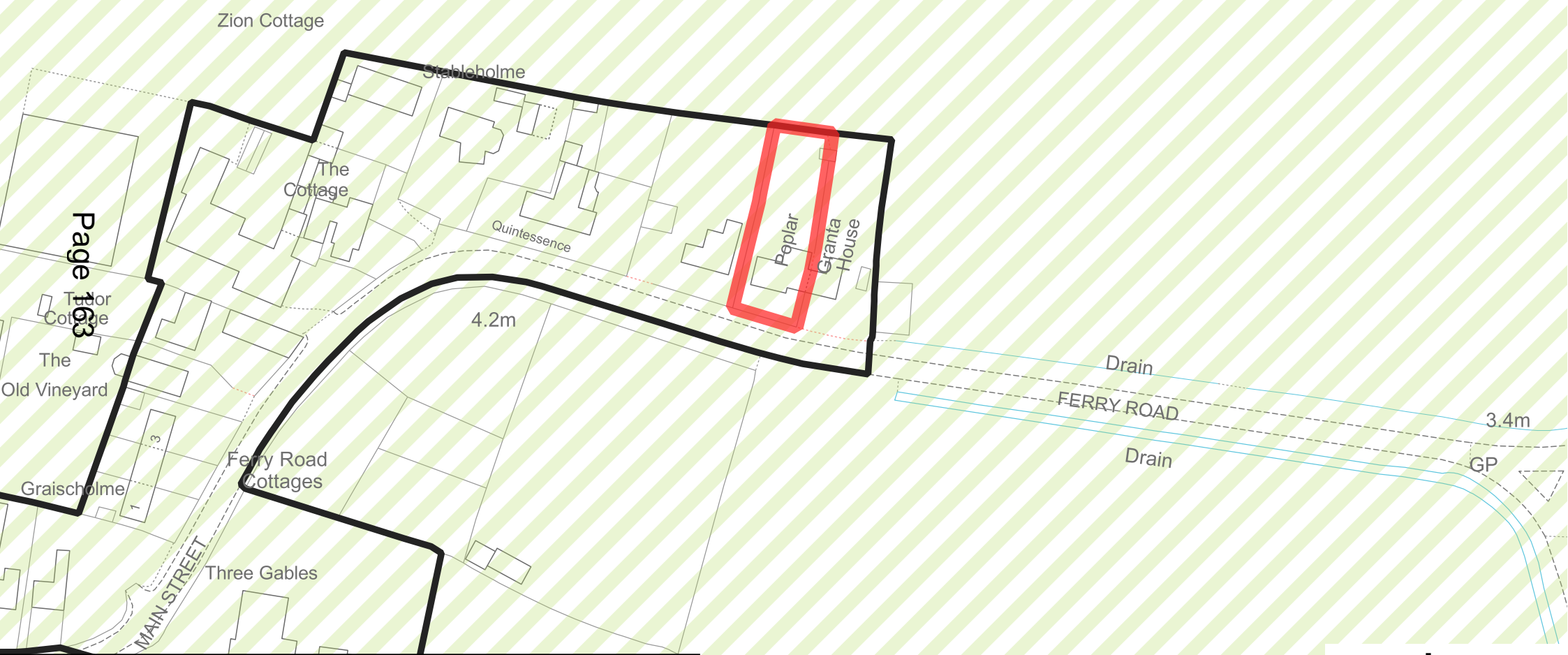
If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved by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

Informative

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



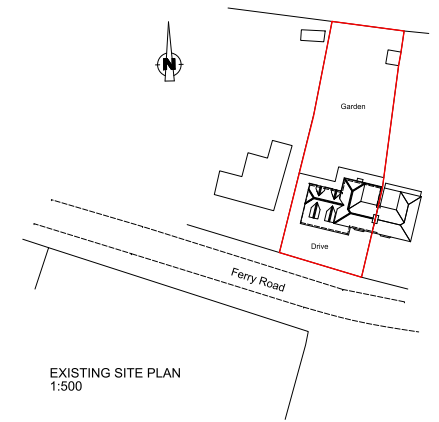
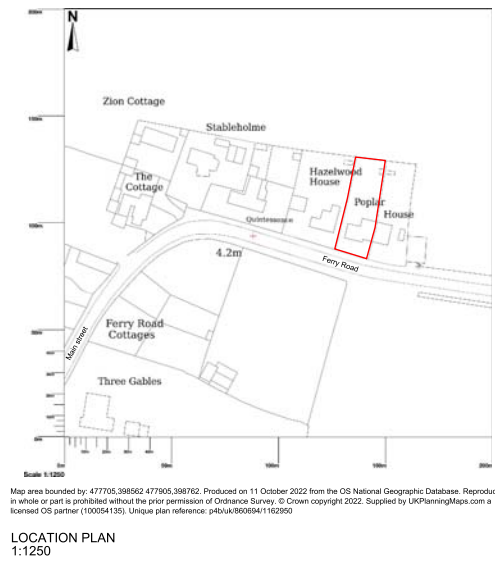
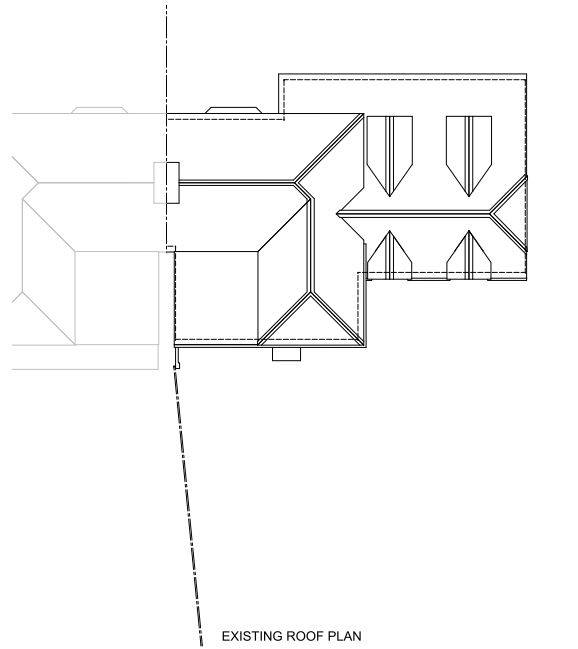
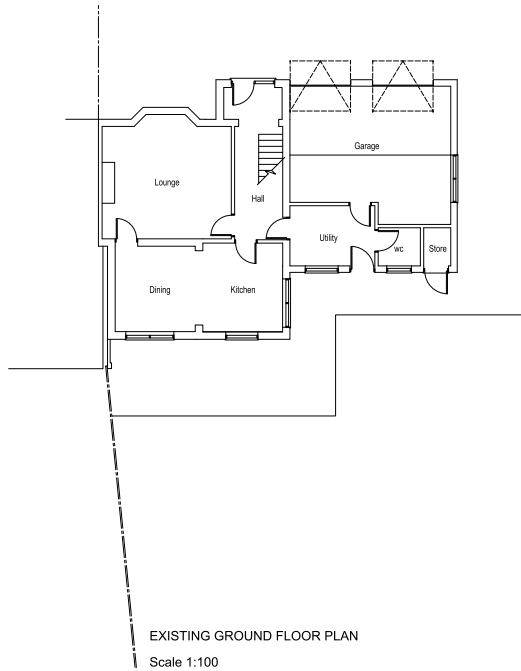
 LC14 Isle of Axholme Area of Special Historic Landscape Interest

 Development Boundary

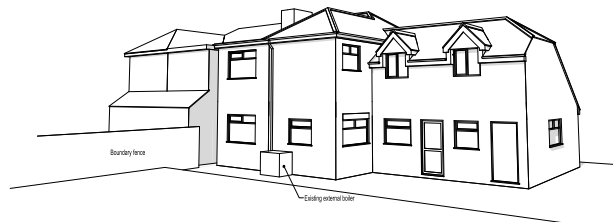
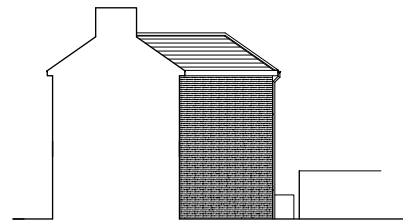
**North
Lincolnshire
Council**


PA/2022/2064

PA/2022/2064 Existing plans & elevations (not to scale)



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Cadwors Ltd
Architectural design and 3d Visualisations
Linden House, Bracken Hill Road
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tel 01427 753232
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Project

- PROPOSED EXTENSION
- POPLAR HOUSE
- FERRY ROAD
- GRAZELOUND

Title:

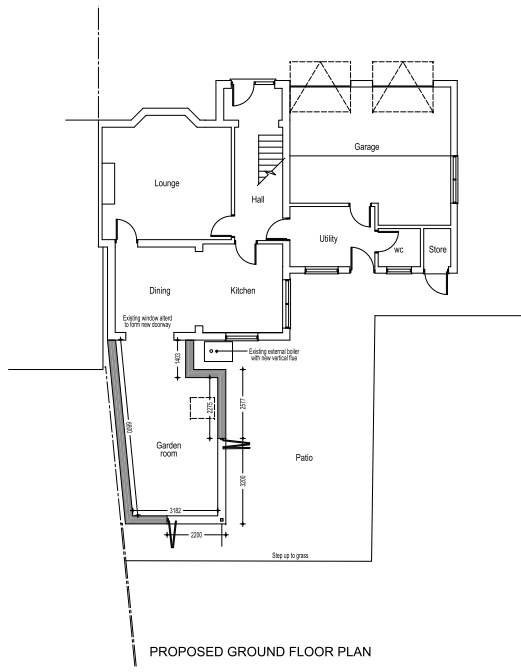
- EXISTING PLANS AND ELEVATIONS

Scale	Date	Drawn
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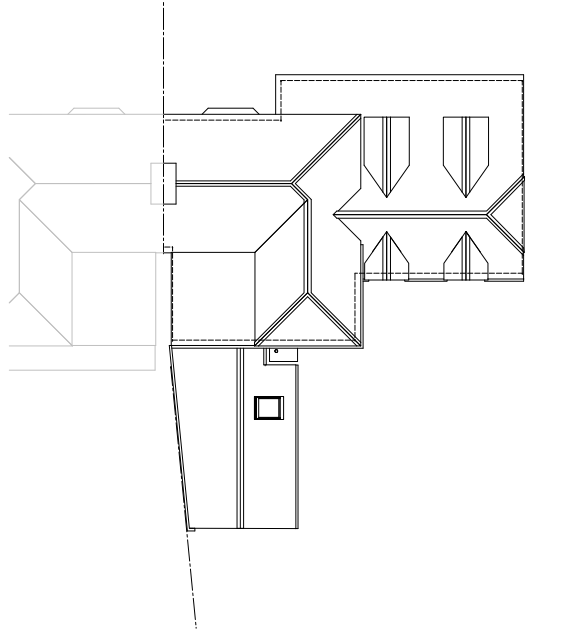
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CWX1022 - 001A

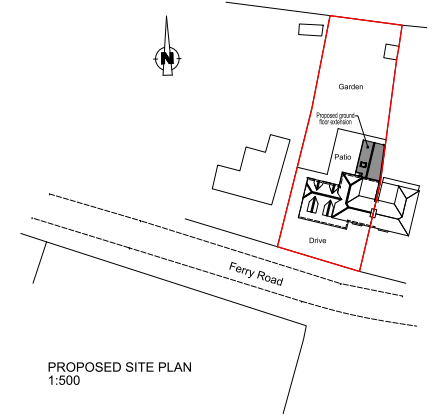
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PROPOSED GROUND FLOOR PLAN
Scale 1:100



PROPOSED ROOF PLAN

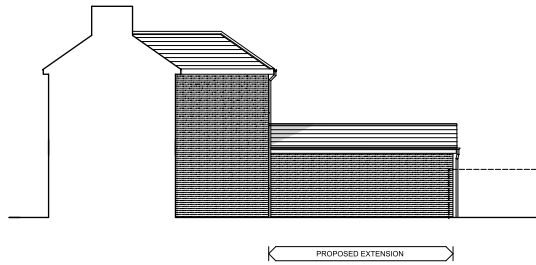


PROPOSED SITE PLAN
1:500

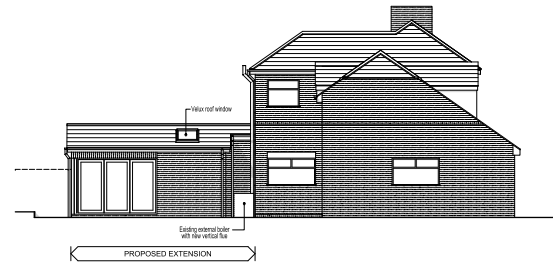
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PROPOSED REAR ~ NORTH ~ ELEVATION
1:100



PROPOSED SIDE ~ EAST ~ ELEVATION




PROPOSED SIDE ~ WEST ~ ELEVATION

PA/2022/2064 Proposed plans & elevations (not to scale)



PROPOSED REAR VIEW



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Project

- PROPOSED EXTENSION
- POPLAR HOUSE
- FERRY ROAD
- GRAZELOUND

Title:

- PROPOSED PLANS AND ELEVATIONS

Scale	Date	Drawn
1:100 @ A1	10-2022	DS

Drawing No.
CWX1022 - 101 A

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