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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

7 June 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 8 March 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/2022/535 Outline planning permission to erect four dwellings with scale, layout, appearance and landscaping reserved for subsequent consideration at land to the rear of The Jolly Miller, Brigg Road, Wrawby, DN20 8RH (Pages 7 - 28)
 - (b) PA/2022/1498 Planning permission to erect a detached dwelling, with garage and new vehicular access at land adjacent to Swinster House, Swinster Lane, East Halton, DN40 3NR (Pages 29 - 48)
 - (c) PA/2022/1861 Planning permission to erect portal-framed commercial units for general light industrial, storage and distribution at Poplar Farm, Ulceby Road, South Killingholme, DN40 3JB (Pages 49 - 66)
 - (d) PA/2022/2152 Planning permission for the retention of 1800mm high timber waney edge fencing, fence posts and gate at Sheffield Arms, High Street, Burton upon Stather, DN15 9BP (Pages 67 - 76)

5. Major Planning Applications. (Pages 77 - 78)
 - (a) PA/2022/2136 Application for approval of reserved matters (appearance, landscaping, layout and scale) pursuant to outline planning permission PA/2020/554 for 92 dwellings at land between 57-71 Brigg Road, Messingham, DN17 3QX (Pages 79 - 92)
6. Planning and other applications for determination by the committee. (Pages 93 - 94)
 - (a) PA/2022/1374 Planning permission to erect two detached properties with associated private driveway on land at rear of 14 Greenhill Road, Haxey, DN9 2JE (Pages 95 - 114)
 - (b) PA/2022/1819 Planning permission to vary condition 2 of PA/2020/1117 namely to alter the height of the proposed fencing at 7 Belton Road, Epworth, DN9 1JL (Pages 115 - 122)
 - (c) 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 123 - 134)
 - (d) PA/2022/2021 Planning permission to retain a manège and for use of site as an equestrian centre providing riding lessons at Avalon Mill Equestrian Centre, Green Lane, Belton, Doncaster, DN9 1QD (Pages 135 - 152)
 - (e) PA/2022/2024 Planning permission to erect a pre-fabricated sectional concrete panel building for storage (B8) use at land to rear of 114 Tofts Road, Barton upon Humber, DN18 5NG (Pages 153 - 162)
 - (f) PA/2022/2117 Planning permission to erect a two-storey dwelling at land adjacent to 76 Westgate Road, Belton, DN9 1PZ (Pages 163 - 178)
 - (g) PA/2023/96 Outline planning permission to erect a pair of semi-detached dwellings in connection with agriculture (all matters reserved) at Greenfield Farm, Godnow Road, Crowle, Scunthorpe, DN17 4BN (Pages 179 - 188)
 - (h) PA/2023/118 Planning permission to erect fencing at 8 Wressle Road, Broughton, DN20 0DB (Pages 189 - 194)
 - (i) PA/2023/145 Planning permission for the change of use of land to erect three bungalows and three chalet bungalows at land off Ferry Road East, Barrow upon Humber (Pages 195 - 220)
7. Any other items, which the chairman decides are urgent, by reasons of special circumstances, which must be specified.

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

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

8 March 2023

PRESENT: - N Sherwood (Chairman)

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

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

2366 **SUBSTITUTIONS**

There was no substitutions.

2367 **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).**

There was no declarations made.

2368 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 8 FEBRUARY 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN.**

Resolved – That the minutes of the meeting held on 8 February, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

2369 **APPLICATIONS DEFERRED FROM PREVIOUS MEETINGS FOR A SITE VISIT.**

2370 **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 (SITE VISIT TIME 11.30AM).**

The Development Management Lead provided an update to committee and requested a deferral for further information to be obtained.

Resolved – That the item be deferred to a future meeting.

2371 **PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE**

**PLANNING COMMITTEE
8 March 2023**

COMMITTEE.

- 2372 **PA/2021/2053 - PLANNING PERMISSION TO ERECT A REPLACEMENT DWELLING, INCLUDING LARGER FOOTPRINT WITH DETACHED GARAGE (RE-SUBMISSION OF PA/2021/902) AT TETLEY HOUSE, TETLEY, CROWLE, DN17 4HY.**

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

- 2373 **PA/2022/535 - OUTLINE PLANNING PERMISSION TO ERECT FOUR DWELLINGS WITH SCALE, LAYOUT, APPEARANCE AND LANDSCAPING RESERVED FOR SUBSEQUENT CONSIDERATION AT LAND TO THE REAR OF THE JOLLY MILLER, BRIGG ROAD, WRAWBY, DN20 8RH.**

Cllr Hannigan stated that having read the report and looked at the plans he had concerns with the car parking and access, and requested the committee hold a site visit.

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

That a site visit be held before a decision is taken, and be brought back to a future meeting.

Motion Carried

- 2374 **PA/2022/1149 - PLANNING PERMISSION TO ERECT TWO, THREE-BEDROOM SEMI-DETACHED DWELLINGS AND A THREE-BEDROOM DETACHED DWELLING, WITH ASSOCIATED PARKING AND AMENITY SPACE AT 19 LOW CROSS STREET, CROWLE, DN17 4NA.**

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

- 2375 **PA/2022/1315 - PLANNING PERMISSION TO RETAIN EIGHT DWELLINGS AT LAND AT HARRIS VIEW, EPWORTH, DN9 1GJ.**

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

- 2376 **PA/2022/1498 - PLANNING PERMISSION TO ERECT A DETACHED DWELLING, WITH GARAGE AND NEW VEHICULAR ACCESS AT LAND ADJACENT TO SWINSTER HOUSE, SWINSTER LANE, EAST HALTON, DN40 3NR.**

A resident who resides close to the proposed site informed the committee that she was in favour of the proposals, and that she believed it would only benefit the area as it was an over grown plot, and the new proposed building would look much better.

Cllr Hannigan felt the committee would benefit from a site visit before a decision was made.

**PLANNING COMMITTEE
8 March 2023**

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

That a site visit be held before a decision is taken, and be brought back to a future meeting.

Motion Carried

- 2377 **PA/2022/1861 - PLANNING PERMISSION TO ERECT PORTAL-FRAMED COMMERCIAL UNITS FOR GENERAL LIGHT INDUSTRIAL, STORAGE AND DISTRIBUTION AT POPLAR FARM, ULCEBY ROAD, SOUTH KILLINGHOLME, DN40 3JB.**

Cllr Wells spoke on the application and requested a site visit as he felt from the plans it looked like over development.

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

That a site visit be held before a decision is taken, and be brought back to a future meeting.

Motion Carried

- 2378 **PA/2022/1937 - PLANNING PERMISSION TO ERECT A DWELLING AT SUSSEX HOUSE, 19 SILVER STREET, WINTERINGHAM, DN15 9ND.**

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

- 2379 **PA/2022/2075 - PLANNING PERMISSION TO INSTALL GROUND-MOUNTED SOLAR PV ARRAY(S) AND ASSOCIATED INFRASTRUCTURE AT HILLCREST, 35 NETHERGATE, WESTWOODSIDE, HAXEY, DN9 2DL.**

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

- 2380 **PA/2022/2152 - PLANNING PERMISSION FOR THE RETENTION OF 1800MM HIGH TIMBER WANNEY EDGE FENCING, FENCE POSTS AND GATE AT SHEFFIELD ARMS, HIGH STREET, BURTON UPON STATHER, DN15 9BP.**

Cllr J Davison suggested the committee hold a site visit before taking a decision as the proposal was in a conservation area.

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

That a site visit be held before a decision is taken, and be brought back to a future meeting.

PLANNING COMMITTEE
8 March 2023

Motion Carried

- 2381 **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 07 June 2023
Date: 26 May 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/2022/535
APPLICANT	Jemma Godfrey-East
DEVELOPMENT	Outline planning permission to erect four dwellings with scale, layout, appearance and landscaping reserved for subsequent consideration
LOCATION	Land to the rear of The Jolly Miller, Brigg Road, Wrawby, DN20 8RH
PARISH	Wrawby
WARD	Brigg and Wolds
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Wrawby Parish Council Departure from the development plan

POLICIES

National Planning Policy Framework:

Section 2 Achieving sustainable development

Section 5 (Delivering a sufficient supply of homes)

Section 12 (Achieving well-designed places)

Section 15 (Conserving and enhancing the natural environment)

Section 16 (Conserving and enhancing the historic environment)

North Lincolnshire Local Plan: Policies DS1, DS5, H5, RD2

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3, CS5, CS7, 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 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 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 DQE3: Biodiversity and Geodiversity

Policy DQE5: Managing Flood Risk

Policy DQE6: Sustainable Drainage Systems

CONSULTATIONS

Highways: No objection, but recommend conditions.

Recycling/Waste Officer: Sets out relevant guidance for refuse storage requirements and standards.

LLFA Drainage: No objection, but recommend conditions.

Tree Officer: The arboricultural report submitted appears to be accurate in the location, size, condition and retention values of trees on and adjacent to the site. It needs to be noted that T9 of the report, an Ash, does appear to be protected and identified as being T10 of Tree Preservation (Applefields, off Vicarage Road, Wrawby) Order 2002.

The loss of the Lombardy poplar T6 of the arboricultural report and Group 5 has been noted. Trees removed from Group 5 will need to be undertaken with care due to them being very close to and within the root protection areas of T7.

The locations of the protection fencing on the site has been noted, and if development is given consent and does take place, this tree protection would need to be secured by condition.

Historic Environment Record: Further to correspondence dated 10 May, the applicant has submitted a written scheme of investigation (WSI) to record any archaeological remains that may be encountered during construction works. The scope and methodology for archaeological monitoring and recording set out in the WSI are satisfactory. Where the planning authority is minded to grant consent, the implementation of the scheme of investigation should be secured by planning conditions.

Ecology: A signed Impact Assessment and Conservation Payment Certificate (IAPC) has been received from Natural England. Japanese knotweed treatment is required. There has not been a biodiversity metric assessment. There is a risk that it may not be possible to deliver a net gain in biodiversity on site. If permission is ultimately granted, a net gain in biodiversity will need to be secured in accordance with policy CS17, the National Planning Policy Framework and the Defra Small Sites metric.

Environmental Protection: Following receipt of a noise impact assessment, conditions are recommended requiring the development to be undertaken in accordance with the

mitigation measures in the document. Also recommend a condition in respect of contaminated land investigation.

PARISH COUNCIL

Object to the application on the following grounds:

- It is outside the development line.
- There would be a reduction in parking spaces at the Jolly Miller pub which would either push vehicles out on to the busy road causing a highway safety issue or deter customers from visiting the local community venue.
- The bin lorry would not be able to turn around within the development which would mean bins left on the pavement outside the development blocking pedestrian access.

PUBLICITY

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

- outside the settlement boundary
- it would result in future housing development (set a precedent)
- impact on local services and amenities
- the settlement has lost its feel as a village due to housing growth
- there is no shop in Wrawby
- no additional houses needed in Wrawby
- new housing should be focused in brigg
- the Black Horse offers an alternative site for housing
- reduction in parking for the public house
- it would result in vehicles being parked on the A18
- the proposed access is very narrow.

In addition, 10 letters have been received supporting the development for the following reasons:

- new housing is welcomed
- the village needs new homes
- it is better building new houses around existing homes rather than on the edge of Wrawby

- the land may be used for other purposes
- it would benefit the public house and tidy up the site
- investment in the local community
- makes good use of a brownfield site
- it is a better use of the site than for touring caravans
- the development is infill only
- the scale of development is in keeping with the area
- the access is sufficient
- it doesn't affect neighbours
- it increases the choice and type of dwellings available in Wrawby
- new housing development in this location should be encouraged
- the land has a negative visual impact and could attract fly tipping and vermin
- the access is already in place.

ASSESSMENT

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

Site location and context

The site comprises a parcel of land to the rear of the Jolly Miller public house in Wrawby.

The majority of the site is outside the defined development limits of Wrawby, except for part of the vehicular access. The site extends to 4000 square metres in area and was previously used as a touring caravan site. The site is bordered by residential development on its eastern and northern sides and is within flood zone 1 as defined by the North Lincolnshire Strategic Flood Risk Assessment 2022.

Planning history

- 7/1977/0298: Erect extensions to a public house – approved 24 June 1977
- 7/1979/0844: Site a residential mobile home – approved 23 October 1979
- 7/1987/0089: Construct an extension to form a kitchen entrance doorway and porch – approved 6 March 1987
- PA/1997/0759: Change of use of a pool room, store and servery into two bedrooms and erect a detached garage – approved 1 August 1997

PA/2004/1737: Planning permission for change of use of land to a caravan site to accommodate 12 tourer vans – approved 31 March 2005

PA/2011/1128: Outline planning permission to erect three four-bedroom detached dwellings – refused 14 November 2011

PA/2016/2031: Planning permission to provide a revised layout and include the provision of a permanent disability compliant mobile home and ramp – approved 16 March 2017.

Designations/constraints

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

There is a tree preservation order (TPO) along the eastern boundary of the site (Applefields, Off Vicarage Road, Wrawby Order 2002) (T10 – ash tree).

There are no public rights of way on or adjacent to the site.

Proposal

Outline planning permission is sought to erect four dwellings with means of vehicular access to be considered at this outline stage. The detailed design of the dwellings (scale, landscaping, layout and appearance) is to be secured through the submission of a separate reserved matters application.

The main considerations of relevance in assessing this application include:

- **principle of development**
- **access and highway safety**
- **residential amenity**
- **trees**
- **ecology**
- **archaeology**
- **flood risk and drainage.**

Principle of development

The majority of the site is outside the development limits of Wrawby. Only the front part of the site, where the access is proposed, is within the development limits.

Wrawby is defined as a 'rural settlement' in the spatial hierarchy for North Lincolnshire in the Core Strategy.

Policy CS1 (Spatial Strategy for North Lincolnshire) supports limited development in rural settlements such as Wrawby provided it is in keeping with the character and nature of the settlement.

Policy CS2 (Delivering more Sustainable Development) allows for small-scale development within the defined development limits of rural settlements.

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

Policy CS8 (Spatial Distribution of Housing Sites) allows for new housing within rural settlements, including small-scale infill development, that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

Policy RD2 (Development in the Open Countryside) requires that development in the open countryside is strictly controlled.

The site is within the countryside in policy terms, though it is adjacent to the development limits of Wrawby and relates closely to the existing pattern of development.

The assessment of the application also needs to take into account the NPPF, which represents a material consideration in the determination of any application.

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

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

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

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

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

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

The site is within walking distance of key local facilities and services including a public house, a village hall, a primary school, a church and other facilities. The North Lincolnshire Sustainable Settlement Survey 2019 ranks Wrawby as 30 out of 76 settlements in terms of its sustainability, with 4 out of 7 key facilities. Wrawby is therefore considered to be a sustainable settlement and the site is in a sustainable location. There are local facilities within easy reach of the site on foot and a wide range of further services accessible by bicycle, with a direct cycle lane leading to the nearby market town of Brigg, and public transport readily available. Therefore, the proposal accords with the need to site development in locations with accessible local services. These matters weigh heavily in favour of the proposal in terms of the economic and social dimensions of sustainability.

In economic terms the development would provide much needed housing, and employment during the construction phase, and the local economy could benefit from money spent in the future by residents (towards local businesses).

Allowing additional dwellings at the edge of a settlement would bring social benefits by way of encouraging new social interactions, leading to growing local communities and supporting local services.

The site consists of land which was formerly used as a touring caravan park and is located to the north of the Jolly Miller public house. The proposed development, through the introduction of housing, could alter the character and appearance of the countryside. However, that would apply to any greenfield site, including those allocated for housing development in the Housing and Employment Land Allocations DPD, and would be an inevitable consequence of the authority striving to meet housing need. Given that the site is proposed to accommodate four dwellings and doesn't extend in a northerly direction any further than existing built development in Wrawby (on Applefields and Russet Lane), that the site lies directly adjacent to the defined development boundary and existing built development, and that the site is well contained with existing mature trees along the northern and western boundaries shown to be retained, it is considered that the landscape impact would be limited in this instance. Furthermore, any built development on this site would be viewed against the built framework of existing housing in Wrawby to the north and east and not as an isolated form of residential development in the rural landscape. In addition, the impact of any built development upon this part of the rural landscape could be further mitigated at the reserved matters stage when the layout, scale and landscaping of the proposal is considered.

Overall, the site is considered to be of low environmental sensitivity and the magnitude of change to the character of the landscape and public views will be minor (there are no public views of the site other than from the public highway to the south and users of the public house). Although there would be some limited harm to the character and appearance of the area and a conflict with the development plan in this respect, the extent of harm does not weigh heavily in the balance and the environmental dimension of sustainable development would therefore be achieved.

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.

Access and highway safety

Policies T2 (Access to Development) and T19 (Car Parking Provision and Standards) require that proposals do not adversely impact upon highway safety and provide suitable parking for the development.

The application is in outline form only, with all matters reserved except for access.

The proposed access will be taken from Brigg Road, in the south-western corner of the site. It will extend from Brigg Road along the western boundary of the site, which means the proposed housing will be accessed independently to the public house. This will require reconfiguration of the parking spaces within the Jolly Miller pub car park.

There are currently 24 parking spaces within the car park and the proposed development will provide 27 spaces within the car park. As such there is considered to be a suitable level of parking for the car park, and a marginal increase in the number of spaces currently available to patrons, along with space for bin storage and retention of the outdoor smoking area.

The council's Highways team have reviewed the proposals and confirmed they have no objections subject to conditions.

It is considered there is sufficient room for parking and turning spaces within the site for four dwellings, though the layout will be secured through the reserved matters application for the site. It has also been demonstrated that the proposed vehicular access to serve the residential development is of sufficient width to allow for the safe access and egress of cars and to accommodate larger vehicles such as refuse wagons.

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

Residential amenity

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

The application seeks outline consent, with all matters reserved except for access. The proposed layout and orientation of the dwellings is therefore not yet confirmed; however, the potentially affected dwellings around the site (measured from the nearest building lines) are:

- 6 Dovecote Meadows – approximately 18m to the south-west of Dwelling 1.
- The Hay Loft – approximately 12m to the south-east of Dwelling 1.
- 6 Russett Lane and Forseti – approximately 25m to the east of Dwelling 1
- 4 Russett Lane – approximately 14m to the east of Dwelling 3

- 2 Russett Lane – approximately 13m to the north-east of Dwelling 4.

There is some screening between the site and surrounding properties in the form of existing trees and vegetation.

It is therefore considered that the site has the capacity to feature dwellings that would have suitable separation distances and could be accommodated without having an acceptable impact on surrounding properties.

At this stage, the proposals are not expected to result in an adverse impact on residential amenity and as such are expected to accord with policy DS1.

Trees

Policy LC12 sets out that proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows.

The site features hedgerows and trees, including a protected tree along the eastern boundary of the site (Applefields, Off Vicarage Road, Wrawby Order 2002) (T10 – ash tree). The trees and hedgerows have been assessed within the submitted Tree Survey (01 September 2022).

To facilitate the proposed development, Tree T6 (mature Lombardy poplar) and the group of trees G5 (semi-mature multi-stemmed ash and Lawson's cypress) are proposed to be removed.

The council's Tree Officer has reviewed the proposals and confirmed they have no objections subject to a condition requiring protective fencing to be in place to protect trees during construction works.

The proposed development therefore accords with policy LC12.

Ecology

Policy CS17 (Biodiversity) requires proposals to give appropriate consideration to important habitats and species and seeks to secure a net gain in biodiversity. An Extended Ecology Appraisal has been submitted with the planning application, which was undertaken at the correct time of year and confirms the potential on the site for nesting birds, badgers, bats, amphibians and hedgehogs. The appraisal has been considered by the council's ecologist and no objections have been received in that regard. However, in a previous consultation response the ecologist highlighted the requirement for the applicant to make a great crested newt District Level Licensing enquiry (DLL) (given the potential for the development to have an impact on newt foraging habitat) and the application should not be determined until such time as it has been made and subsequently considered.

The ecologist went on to state that if the enquiry were made and the planning authority were to receive a signed Impact Assessment and Conservation Payment Certificate (IAPC) from Natural England then it would confirm the development:

- is suitable for district level licensing;
- meets the 'favourable conservation status' (FCS) test in the Habitats Regulations 2019; and

- will compensate for any impacts on great crested newts by a conservation payment.

It is worth noting that a signed IAPC has been received from Natural England and the council's ecologist has updated their response – this still requires the planning authority to consider if the development meets the:

- 'no satisfactory alternative' test; and
- 'imperative reasons of overriding public interest' (IROPI) test.

In terms of the 'no satisfactory alternative', it should be noted that there are always going to be alternatives to a proposal and there should be some exploration of alternative means of achieving the development whilst minimising the impact on the European Protected Species (EPS), which in this case is foraging habitat for great crested newts. The 'do nothing' approach would result in this brownfield site (having previously been used as a touring caravan site) being left undeveloped and issues relating to untidy land and dereliction may result. In addition, the only feasible alternative use of the site would be for something which would diversify the income stream of the public house or to extend the facilities of the public house (such as a beer garden, car park or an extension to the public house) which could have potential impacts on the EPS. In terms of an alternative approach, it would be unreasonable not to allow an existing business to extend or expand and this would be the only area of the site in which this could be accommodated. It is worth noting that there are areas within the defined settlement boundary for Wrawby and adjoining the settlement boundary which are within the amber zone for potential impact on EPS; if the 'no satisfactory alternative' test was rigidly applied then this could potentially restrict future growth.

A proportionate approach is adopted in considering the feasibility of alternative solutions relative to the degree of likely impact. The greater the impact of the proposal on the species, the more evidence Natural England would expect to see from the applicant in order to be able to satisfy itself that there is no satisfactory alternative to the one being proposed. In this case the impact of the development proposals upon the ECN foraging habitat for great crested newts is negligible and so it is considered that no additional evidence is required from the applicant to demonstrate there is no satisfactory alternative. In addition, Natural England will seek evidence from licence applicants that a specific need is being addressed. In this case the planning authority cannot demonstrate a five-year housing land supply and the development proposals, whilst outside and adjoining the settlement boundary, would deliver four market dwellings which in turn would contribute to the housing delivery figures in North Lincolnshire, and support the local community and services within Wrawby.

Natural England also expects the applicant to demonstrate they have taken reasonable steps to minimise the impacts of a development upon an EPS. In this case it is considered the impact is minimised and compensated for by the applicant agreeing to make a payment to Natural England through the IAPC for off-site ponds.

In terms of an overriding public interest, it is considered the provision of four market dwellings adjoining a settlement boundary is necessary as it will contribute towards the housing supply figures in North Lincolnshire, particularly given the existing situation whereby the planning authority cannot demonstrate a five-year housing land supply. In addition, the site layout, whilst indicative, shows that the trees along the northern side of the site will be retained and this will provide an additional natural buffer between the site and

the pond on the adjacent site (the foraging area for the great crested newts). In addition, there is scope to secure biodiversity enhancements by way of bat boxes, nesting boxes for birds, planting of trees/hedgerows and eradication of Japanese knotweed within the site, and to achieve a biodiversity net gain of at least 1% using the Defra Small Sites Metric. The establishment of these biodiversity enhancement measures can be secured via a planning condition and subject to this condition it is considered that the proposal will result in favourable conservation status and pass this test as far as EPS licensing is concerned.

Archaeology

Policy HE9 (Archaeological Evaluation) requires proposals which are likely to affect sites of known or suspected archaeological importance to be accompanied by an archaeological assessment.

A Written Scheme of Investigation for Archaeological Monitoring and Recording has been submitted and has been agreed by the Historic Environment Record team. Conditions are recommended to ensure the timely implementation of the archaeological investigation of the site.

As such the proposals accord with policy HE9 and are acceptable in terms of archaeological investigation.

Flood risk and drainage

Policies CS19 (Flood Risk) and DS16 (Flood Risk) require proposals to be assessed appropriately and ensure that suitable drainage strategies are secured for developments.

The site is within Flood Zone 1, which is considered to be at a low risk of flooding.

The council's drainage team has reviewed the proposals and confirmed they have no objections to the proposals subject to conditions.

The proposals are therefore acceptable in flood risk and drainage terms and accord with policies CS19 and DS16.

Conclusion

It is considered, given the assessment above, that no adverse impacts related to the development exist that would significantly and demonstrably outweigh the benefits that would follow from a well-executed residential scheme in this location. Overall, it is considered that the proposal represents sustainable development in the context of the NPPF and Housing and Employment Land Allocations DPD policy PS1, which sets a presumption in favour of sustainable development.

Pre-commencement conditions

A pre-commencement condition relating to contaminated land investigation has been agreed with the applicant's agent.

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

1.

Approval of the details of the layout, scale and external appearance of the dwelling(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 external appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

Development shall proceed in accordance with the following approved drawing: Site Location Plan (LDC3683-PL-01A).

Reason

For the sake of clarity and in the interests of proper planning.

6.

No above-ground works shall take place until details showing the driveway to be 5 metres wide for a distance of 10 metres from the junction with Brigg Road, and thereafter a minimum of 4.1 metres wide, have been submitted to and approved in writing by the local planning authority.

Reason

In the interest of highway safety and policy T2 of the North Lincolnshire Local Plan.

7.

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

Reason

In the interest of highway safety and policy T19 of the North Lincolnshire Local Plan.

8.

Nothing shall at any time, whether permitted by the town and Country Planning (General Permitted Development) Order or not, 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 2m from the highway boundary across the site frontage.

Reason

To ensure the provision/retention of adequate parking commensurate with the nature of the proposed development and to comply with policy T2 of the North Lincolnshire Local Plan.

9.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking 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 interest of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

10.

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

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (v) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

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

11.

No dwelling on the site shall be occupied until the private driveway has been completed, to a standard to be agreed beforehand in writing with the local planning authority, up to its junction with the vehicular access to that dwelling.

Reason

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

12.

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

Reason

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

13.

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

Reason

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

14.

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

Reason

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

15.

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

Reason

To ensure appropriate measures and mitigation are in place to accord with policies LC12 of the North Lincolnshire Local Plan and CS16 of the Core Strategy.

16.

No development shall take place 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 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 protect residential amenity.

17.

Development shall take place in accordance with the 'Written Scheme of Investigation: Archaeological Monitoring and Recording, Land to the rear of The Jolly Miller, Brigg Road, Wrawby, North Lincolnshire' prepared by PCAS Archaeology Ltd, dated June 2022, and the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological scheme of investigation is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding.

18.

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

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological scheme of investigation is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding.

19.

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

Reason

To comply with paragraph 205 of the NPPF, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological scheme of investigation is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding.

20.

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 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.

21.

Prior to the commencement of development, the applicant or their successor in title shall submit a biodiversity metric assessment and biodiversity management plan to the local planning authority for approval in writing. The document shall include:

- (a) an assessment of biodiversity loss based on the submitted Habitat Plan (Figure 3 of the submitted Extended Phase 1 Habitat Survey report);
- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Small Sites metric;
- (c) details of measures to avoid harm to bats, badgers, hedgehogs and nesting birds during vegetation clearance and construction works;
- (d) details of bat boxes and nest boxes to be installed;
- (e) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;

- (f) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (g) prescriptions for the eradication of Japanese knotweed;
- (h) prescriptions for the planting and aftercare of hedgerows, trees and shrubs of high biodiversity value;
- (i) proposed timings for the above works in relation to the completion of the dwellings;
- (j) details of tree protection measures for existing trees and hedgerows during the construction of the development.

Biodiversity units should be delivered on site, within the red line boundary shown on the submitted location plan. Those that cannot viably be delivered on site should be delivered locally, according to a local plan or strategy.

Reason

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

22.

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 third 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.

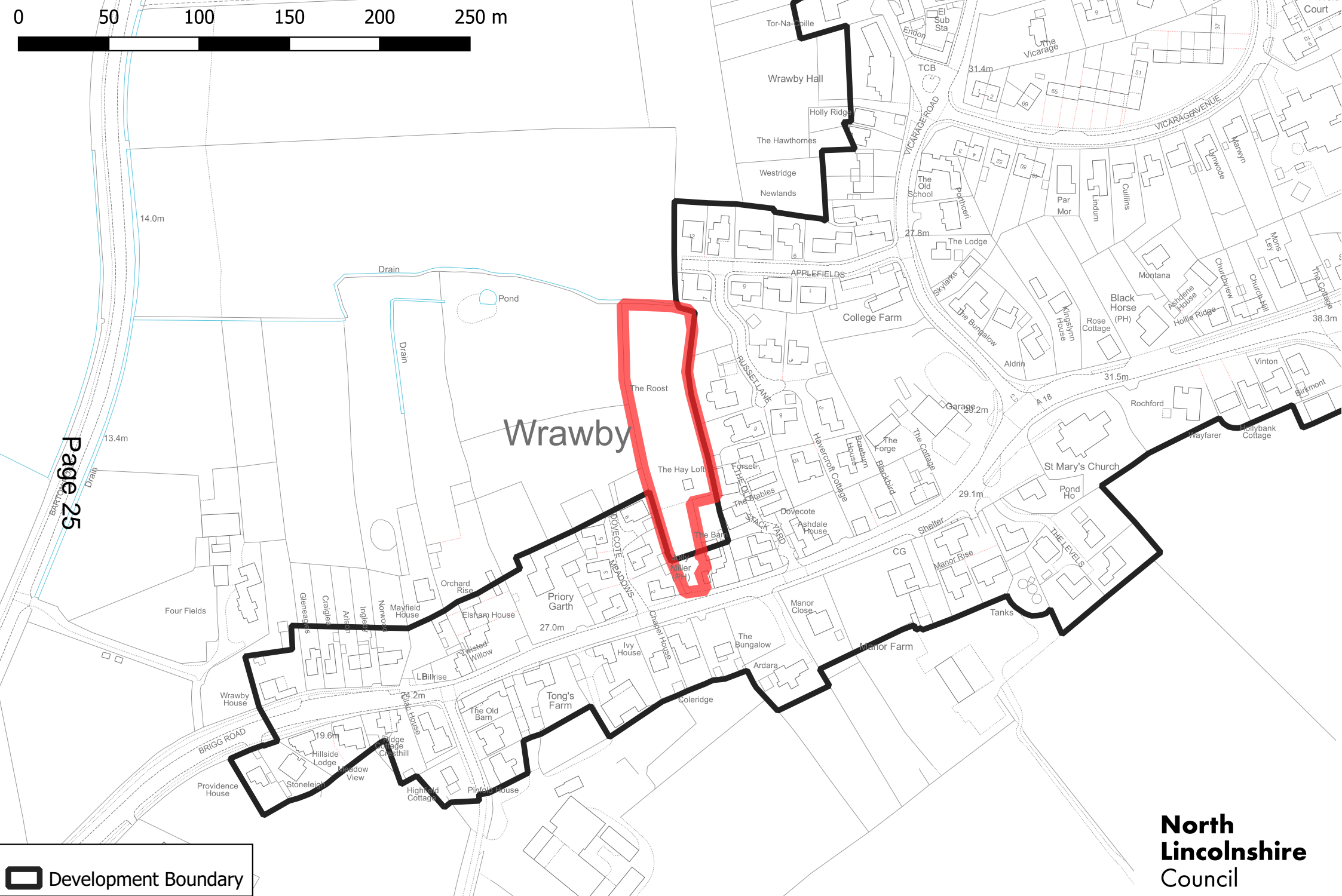
Informative 1

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

Informative 2

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

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



 Development Boundary

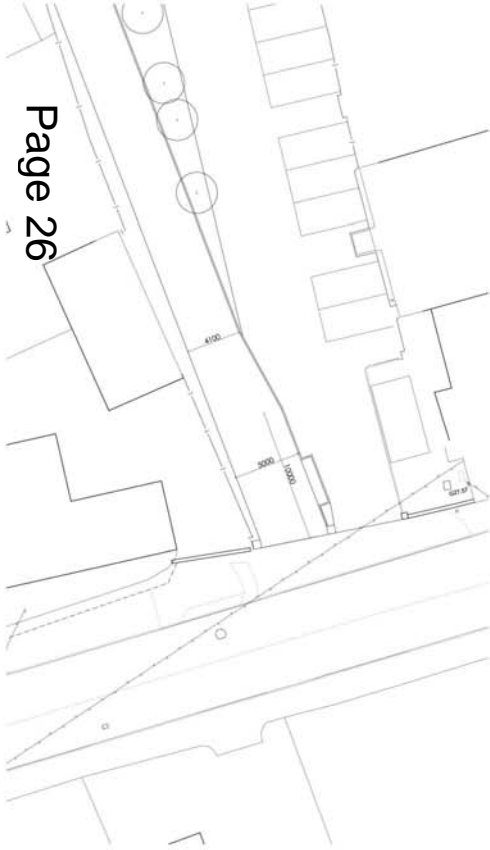
**North
Lincolnshire
Council**

PA/2022/535 Indicative layout (not to scale)



Proposed Site Section

scale 1:200



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Proposed Site Plan

scale 1:500

Proposed Access Plan

scale 1:200

REV A ACCESS DRIVERS AND SERVICES 14.08.2022



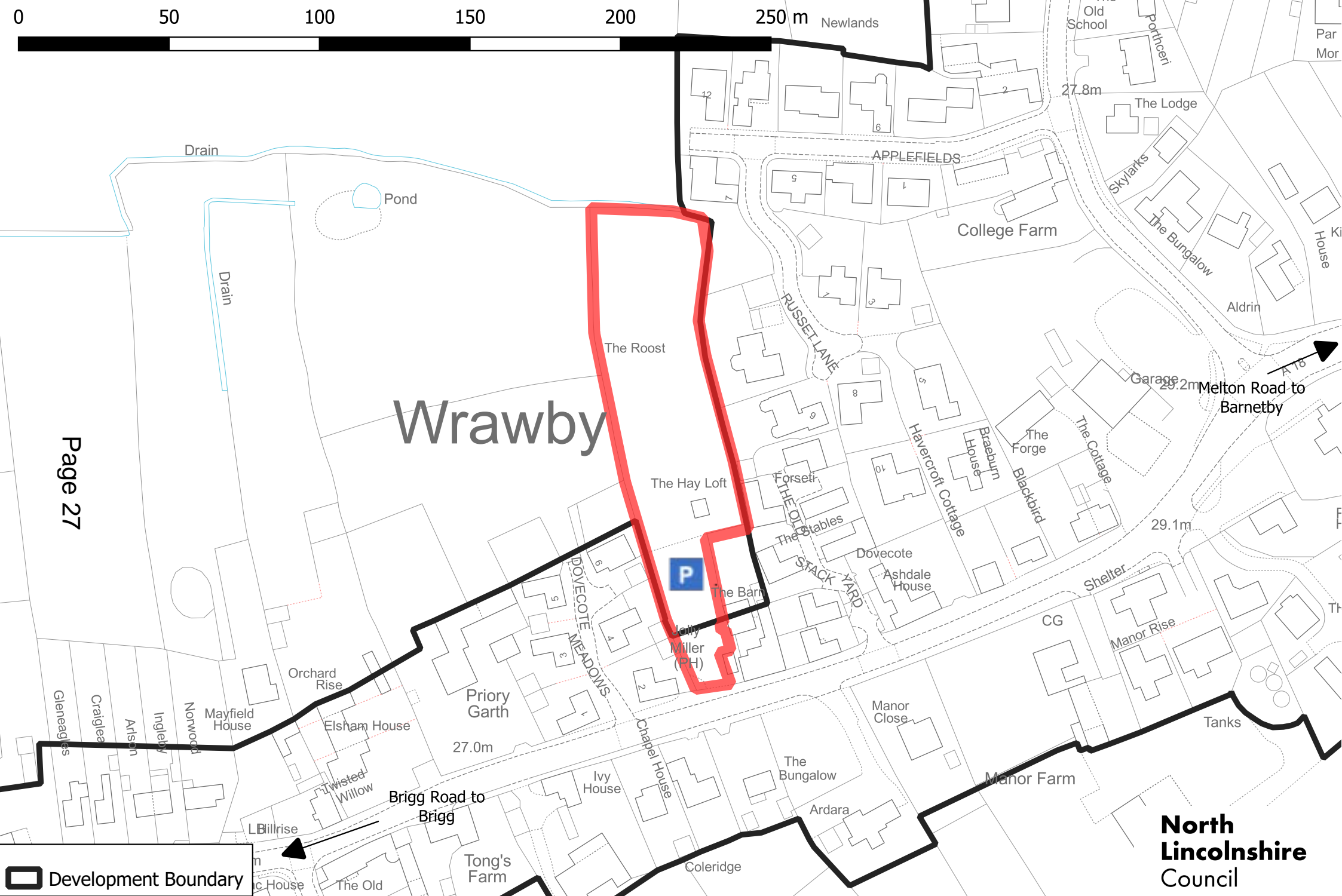
PROJECT Residential Development
Land to the rear of the Jolly Miller, Wrawby

DATE August 2021
STATUS PROPOSED

SCALE As shown
ORIGINAL SIZE A1

DRAWING NUMBER LDC3683-PL-02A

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Wrawby

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 Development Boundary

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APPLICATION NO	PA/2022/1498
APPLICANT	Mr Alan Blades
DEVELOPMENT	Planning permission to erect a detached dwelling, with garage and new vehicular access
LOCATION	Land adjacent to Swinster House, Swinster Lane, East Halton, DN40 3NR
PARISH	East Halton
WARD	Ferry
CASE OFFICER	Scott Jackson

SUMMARY **Grant permission subject to conditions**
RECOMMENDATION

REASONS FOR REFERENCE TO COMMITTEE Departure from the development plan

POLICIES

National Planning Policy Framework:

Section 2 (Achieving sustainable development)

Section 5 (Delivering a sufficient supply of homes)

Section 12 (Achieving well-designed places)

Section 15 (Conserving and enhancing the natural environment)

North Lincolnshire Local Plan: RD2, DS1, DS7, DS14, T1, T2, T19, H5, H8, LC20 and LC5 apply.

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS7, CS8, CS16 and CS17 apply.

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 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 DQE3: Biodiversity and Geodiversity

Policy DQE6: Sustainable Drainage Systems

Housing and Employment Land Allocations Development Plan Document

CONSULTATIONS

Highways: No objection, but recommend conditions.

LLFA Drainage: No objection, but recommend conditions.

Environmental Protection: No objection, but recommend a condition.

PARISH COUNCIL

No response received within the statutory consultation period.

PUBLICITY

A site notice has been displayed. Seven responses have been received objecting to the proposal on the following grounds:

- the dwelling and land could be used in conjunction with the applicant's business
- potential damage to grass verges
- construction vehicles being parked in the highway and damaging grass verges
- underlying ground conditions would not support the use of soakaways
- existing ditches are not maintained
- increase in potential for surface water flooding
- it will urbanise the lane
- the quiet character of the rural lane will be eroded
- impact on privacy
- impact on local services/infrastructure

- impact on wildlife
- a bungalow would be more appropriate
- increase in traffic
- noise and disruption during the construction phase
- object to any further housing development
- it will create a precedent for further housing development
- the proposal is contrary to planning policy.

In addition, a letter from a local resident has been received which clarifies a few matters on the part of the applicant.

ASSESSMENT

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

Planning history

7/1977/0324: Erection of a dwelling – refused 03/06/1977

PA/2012/1193: Application for a certificate of lawful development for existing land and former cattle housing for the grazing of horses – lawful 01/02/2013

PA/2015/0582: Planning permission to erect two houses with detached garages – refused 22/07/2015.

The application site consists of an area of scrubland which is vegetated along two of its boundaries with trees and hedges and has an existing field gate access in its south-eastern corner. The site is outside the defined settlement boundary for East Halton, in flood zone 1, and extends to 903 square metres in area. It is bordered by housing to the east, south and west. There is a grass verge to the front of the site and a drainage ditch along the eastern boundary. Planning permission is sought to erect a dormer-style bungalow with a detached garage, associated private amenity space and off-street parking.

The main considerations of relevance in assessing this application include:

- **principle of development**
- **impact on the character and appearance of the area**
- **impact on residential amenity**
- **flooding and drainage**
- **contaminated land**
- **access and highway safety.**

Principle

The combined effect of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is that a planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. Here, the development plan comprises the North Lincolnshire Local Plan 2003, the Core Strategy 2011 and the Housing and Employment Allocations DPD (HELAP).

The application site is outside the settlement framework set out in the Housing and Employment Land Allocations DPD: for policy purposes this would constitute development within the countryside and therefore the provisions of saved policy RD2 apply.

Saved policy H5 covers new residential development and requires it to be located within settlements or to represent infill. Policy CS2 states, 'any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.'

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

Policy CS8 strictly limits housing development in rural settlements in the countryside and in the open countryside outside development limits (the proposal site). Consideration will be given to development which relates to agriculture or forestry, or is required to meet a special need associated with the countryside. Development should not have an adverse impact on the environment or landscape.

Local plan saved policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is for affordable housing to meet a proven need or for the replacement, alteration or extension of an existing dwelling; and even then, strict criteria must be achieved as set out in parts a–f of the policy.

Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (such as policies CS2 and CS3 referenced above). There is, therefore, a development plan presumption against housing development in this location.

The proposal is not in overall accordance with the development plan, and so the starting point would be to refuse unless other material considerations indicate otherwise. It is also acknowledged that the council cannot currently demonstrate an up-to-date five-year housing land supply. Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority

cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up to date.

In an appeal decision dated 20 July 2022 (PA/2020/554) the planning inspector concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five-Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period. Given the current five-year land supply deficit, it is considered that there is a clear and demonstrable need for housing development in the area. Accordingly, the 'tilted balance' in paragraph 11 of the NPPF is triggered, whereby there is a presumption in favour of sustainable development and development proposals should be approved unless:

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

There are three dimensions to sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental. Whilst only modest in scale, the development does propose an additional market dwelling which will bring the following benefits:

Economic: Temporary small-scale employment opportunities during the construction process as well as benefits for local suppliers and businesses during that period. Longer-term employment benefits which a typical residential property may bring include repairs and maintenance as well as other works required. Potential for new residents to shop locally and use local services which are within walking and cycling distance of the site.

Social: The local authority area currently has a shortfall in housing supply. Whilst only modest, the development will provide much needed housing within the area contributing to the overall land supply. Whilst East Halton is a rural settlement and there will be a reliance on the private car to access many facilities and services which aren't available within the settlement, there will be an increase in people who could shop and use other services locally. Allowing additional dwellings at the edge of a settlement would bring social benefits by way of encouraging new social interactions, leading to growing local communities and supporting local services.

Environmental: The scheme seeks to bring forward a vacant, unkempt site back into use and the existing hedges and trees on the site will be retained with potential for biodiversity gain. The proposed development will improve the built environment in this location. The up-to-date building regulations would require sustainable building methods to be employed which would be translated through the development.

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

Paragraph 47 of the NPPF states that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. An overarching principle in the NPPF is sustainability. The application site is considered to be within a sustainable location in an existing residential part of East Halton, within walking (via a lit highway footpath) and cycling distance of the following local amenities/services:

- village hall (345 metres)
- Black Bull public house (460 metres)
- convenience shop (510 metres)
- bus stop (460 metres).

The site is within walking distance of key local facilities and services including a public house, village hall, primary school, church and other facilities. The North Lincolnshire Sustainable Settlement Survey 2018 (2019 Revision) ranks East Halton as 26 out of 76 settlements in terms of its sustainability, with 5 out of 7 key facilities. East Halton is therefore considered to be a sustainable settlement and the site is in a sustainable location. There are local facilities within easy reach of the site on foot and a wider range of further services accessible via a bus service to the market town of Barton upon Humber. Therefore, the proposal accords with the need to site development in locations with accessible local services. These matters weigh heavily in favour of the proposal in terms of the economic and social dimensions of sustainability. In essence, the site represents a suitable and logical infill site which is bounded on three sides by existing residential development and their gardens.

Whilst the restrictive policies of the development plan do still apply (CS2, CS3 and CS8), 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.

In conclusion, the development, whilst outside the defined settlement boundary, is akin to an infill plot between existing residential properties in this part of East Halton, in a sustainable location within walking and cycling distance of local facilities, with access to sustainable modes of travel. In addition, it is considered, with the retention of the existing trees along the front and side boundaries of the site, and given the height and scale of the dwelling, it can be successfully assimilated into the rural landscape without it being detrimental to the visual or residential amenity of the area and it will result in the creation of an additional dwelling which contributes towards housing land supply in North Lincolnshire.

Impact on the character and appearance of the area

As noted in the previous section of this report, this proposal is for a dwelling outside the defined settlement boundary for East Halton, in the countryside. However, there is a requirement to consider the setting in which the dwelling is proposed, that being a rural lane with detached dwellings of single and two storeys in height located to either side of

Swinster Lane, with a grass verge and hedges/trees to the front boundaries, giving a greened appearance to the lane. It is worth noting there are examples of modern dwellings which have been erected in more recent years along Swinster Lane and the prevailing palette of materials is a mixed red brick with grey or terracotta roof tiles. The proposal shows the dwelling to be set back from Swinster Lane to the north at a distance of 10.3 metres, with the trees retained along the eastern boundary and the hedgerow/trees and grass verge retained along the front boundary.

In addition, the plans show the dwelling to be positioned centrally within the site, its principal elevation facing the public highway to the south, with a detached garage to the side, set back at a distance of 2.8 metres; this ensures the dwelling and its associated garage do not represent a visually prominent form of built development in the street scene/rural landscape and the greened appearance to Swinster Lane is retained. The majority of East Halton, including Swinster Lane, is characterised by linear housing development where the principal elevation of each dwelling addresses the public highway. The erection of a dwelling on this site is not considered to be at odds with the established character of residential development in East Halton.

The design of the detached dwelling is a dormer-style with bedrooms proposed in the roof space and a ridge line of 6.45 metres; this is consistent with the height of existing dwellings along this section of Swinster Lane. Views of the proposed dwelling and garage, with ridge heights of 6.45 metres and 5.1 metres respectively, will be restricted to Swinster Lane itself, the dwelling being screened in the wider area by existing built form and vegetation. Essentially the dwelling will be viewed in conjunction with existing dwellings along Swinster Lane and not as an isolated form of built development in the countryside. Furthermore, the addition of a single dwelling along a rural lane which has a number of existing properties will not urbanise the area but will deliver development which is consistent with the prevailing character: residential, interwoven with sections of green space and vegetation.

The dwelling is positioned centrally within the plot, allowing for a detached garage to be provided to the north-east, and private amenity space to be provided to the rear and west. The dwelling is set back a sufficient distance from the public highway to the south, ensuring the siting of the dwelling is broadly in line with the neighbouring dwelling to the west (The Beeches) and allows for off-street parking (a minimum of 4 spaces) to the front and side, together with the provision of a turning space and areas of pedestrian circulation.

Turning to the design of the dwelling, the plans show it has been designed with a symmetrical appearance to its principal elevation, with a front entrance door flanked by a projecting gable to either side, and the pitch to the timber entrance canopy above the front door aligns with that of the projecting gable to either side. The sense of symmetry is also created by the entrance door being flanked by a window to either side and rooflights set equidistant to either side of the entrance canopy in the front roof slope. Each of the elevations is broken up by a combination of window and door openings and the inclusion of the timber entrance canopy, the chimney, brick headers above the front-facing windows and eaves detailing adds some visual interest to its appearance. Details of the proposed external materials of construction are stated on the drawings: a terracotta concrete roof tile and red rustic facing brickwork; this will ensure visual assimilation into the street scene. Finally, the plans show the siting of the dwelling respects the spacing and openness that exists between existing properties along Swinster Lane.

It has been demonstrated that the development of the site would not be detrimental to the character and appearance of the open countryside, nor the nearby settlement, in terms of

siting, scale, massing, design or use of materials. Overall, the design of the property is considered to be of high quality, and in keeping with the existing property and others in the wider street scene. It is therefore considered that the proposal accords with policies DS1 and H5 of the North Lincolnshire Local Plan.

Based on the above, it is considered that the detached house and garage can be successfully assimilated into the street scene without it resulting in built development at odds with the character and appearance of the rural landscape. The plans also show the openness between existing properties will be respected and the greened appearance to Swinster Lane will be retained.

Residential amenity

The plans show the provision of approximately 380 square metres of private amenity space to the rear and west of the proposed dwelling; this is considered commensurate to the size of the dwelling and sufficient to meet the needs of future occupants. The plans also show the dwelling is located in the centre of the plot which gives sufficient separation distance from neighbouring properties to the east and west to ensure there is no loss of residential amenity through the effects of overshadowing or having an overbearing impact. There is space in which to provide a detached garage and a minimum of 4 off-street parking spaces, together with a turning area; this ensures there is sufficient parking provision within the site and will reduce the potential for vehicles to be parked on the highway/grass verge. None of the upper-floor windows face an easterly or westerly direction, the main outlook being towards the public highway to the front and over the fields at the rear.

Inevitably, there will be some disruption to neighbouring properties through noise and general disturbance during the construction period; however, this will be short-term and will not harm the long-term amenity of the area. It is considered there is sufficient space within the site (which extends to over 900 square metres in area) in which to accommodate deliveries, construction vehicles and building materials during the construction phase, and any damage to the highway verge to the front of the site (which is adopted highway) could be inspected by Highways and any necessary remedial works undertaken by the developer. The comments made in respect of the applicant potentially operating a business from the dwelling are noted; however, such an operation may require planning permission and each planning application is considered on its own merits.

Other issues

Flooding and drainage

The site is within flood zone 1, which means it is at the lowest risk of flooding. The surface water drainage maps on the Gov.uk website show the site itself has a very low risk of surface water flooding. The comments made by the objectors in relation to surface water drainage flooding along Swinster Lane are noted; however, these flooding events coincided with times of severe rainfall and were, in themselves, an extreme weather event. It is considered the ground conditions are sufficient to dispose of surface water via soakaways in this location and no objection has been received from LLFA Drainage in this regard. Conditions are recommended to ensure there is no discharge of surface water from the site into the highway and conversely from the highway into the site, and it is proposed to connect foul drainage to the existing mains sewer. This complies with policy DS14 of the North Lincolnshire Local Plan.

Contaminated land

Policy DS7 of the North Lincolnshire Local Plan is concerned with land contamination. It states that in the case of proposals for development on land known to be, or strongly suspected of being, contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements.

The previous use of the site is unknown and therefore has potential for contamination. A condition is therefore recommended that a contaminated land assessment of the site is undertaken; this will identify if the site is free from contamination or whether remediation measures are required prior to any sensitive receptors (such as a residential property) being introduced on the site. This approach is consistent with the consultation response received from Environmental Protection.

Access and highway safety

The plans show a widened vehicular access to be provided in the same position as the existing field access in the south-eastern corner of the site; this will provide sufficient access and egress. The proposals have been considered by Highways and no objections have been received on grounds of pedestrian or highway safety; however, conditions are recommended to ensure all vegetation to the front of the site is maintained at 2 metres in height or below, and to secure the provision of the parking and turning areas. The highway verge provides additional space to the front of the vehicular access in which to move a vehicle forward and have clear visibility in both directions along Swinster Lane when exiting the site. Sufficient off-street parking is proposed to ensure vehicles will not be parked within the highway, and there are connections to the main built framework of East Halton and its services via a lit highway footpath along Townside, which is approximately 127 metres to the west of the site. It is considered that an additional dwelling will not create additional vehicular movements along Swinster Lane over and above what is anticipated within a residential area.

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

General issues

The proposed development has been considered on its own merits and any future application for additional housing development along Swinster Lane will be considered on its own merits at that time. No evidence has been submitted by any of the objectors to demonstrate whether there are any protected species on the site and the development will ensure the existing hedging and trees along the boundaries are retained/maintained. A condition is recommended requiring a landscaping scheme to be submitted for consideration, to include biodiversity measures to be employed within the site.

Conclusion

It is considered, given the assessment above, that no adverse impacts related to the development exist that would significantly and demonstrably outweigh the benefits that would follow from a well-executed residential scheme in this location. Overall, it is considered that the proposal represents sustainable development in the context of the

NPPF and Housing and Employment Land Allocations DPD policy PS1, which set a presumption in favour of sustainable development.

Pre-commencement conditions

A pre-commencement condition in respect of contaminated land investigation has 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:

010822-01 – Proposed floor plans
010822-02 – Proposed elevations
010822-03 – Proposed garage layout
010822-04 – Existing site layout
010822-05 – Proposed site layout
PA/2022/1498/01 – Site location plan
PA/2022/1498/02 – Block plan.

Reason

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

3.

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

Part 1: Site Characteristics

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health;
- property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and a proposal of the preferred option(s).

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

4.

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

Reason

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

5.

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

Reason

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

6.

No above-ground works shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

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

7.

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.

8.

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

Reason

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

9.

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

Reason

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

10.

No above-ground works shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development. The proposals shall also include measures for biodiversity gain within the site such as the inclusion of bird nest boxes and bat boxes and provisions for gaps within fencing to allow for the passage of hedgehogs.

Reason

To enhance the appearance of the development in the interests of amenity.

11.

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

Reason

To define the terms of the permission and to ensure the agreed landscaping and biodiversity measures are completed in a timely manner.

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

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

0 50 100 150 200 250 m

Black Bull Inn

The Sensays

Ashleigh Terrace

Sidmar

Craker

Kebgc House

Rastanura

Wiltalands

Wharfedale House

Hall

Drain

Drain

Track

Silos

Pond

Rosemary Cottage

Homelands

8.8m

8.4m

Rdsedene

Townside Farm

TOWNSIDE

The Beeches

SWINSTER LANE

Swinster House

The Cottage

Home Cottages

Woodland View

New House

Three Gables

Holly Cottage

Ravon House

Fokgove

Chelcourt

Pond

Drain

9.8m

East Hatton Grange

12.2m

Track

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Development Boundary

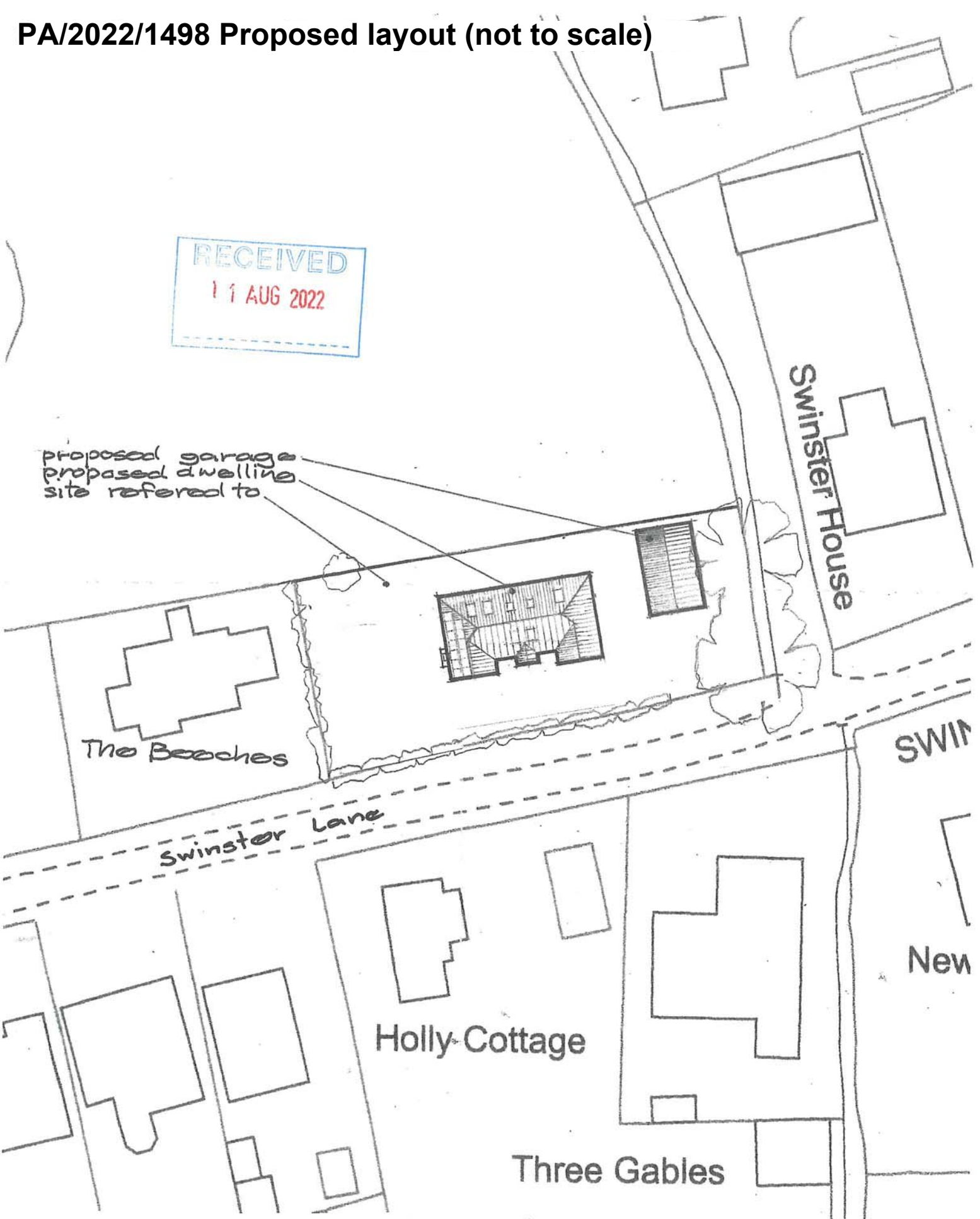
PA/2022/1498

North Lincolnshire Council

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RECEIVED
11 AUG 2022

proposed garage
proposed dwelling
site referred to



Block Plan scale 1:500

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Ordnance Survey on behalf of
The Controller of Her Majesty's Stationery Office.



PA/2022/1498 Proposed elevations (not to scale)

roof - terracotta colour through concrete tiles or similar approved
external walls - red rustic facing brickwork or similar approved with feature brickwork to gables
windows & doors - white double glazed upvc
rainwater gutters & downpipes - black upvc



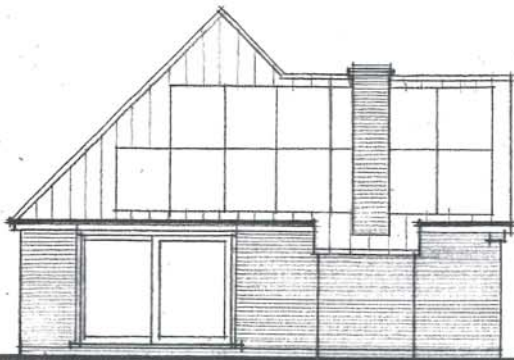
proposed front elevation



proposed side elevation

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proposed side elevation



proposed rear elevation

proposed dwelling adjacent to Swinster House, Swinster Lane, East Halton

dwg 010822-02
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paper size A3

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0 30 60 90 120 150 m



Townside to East Halton

TOWNSIDE

Track

Silos

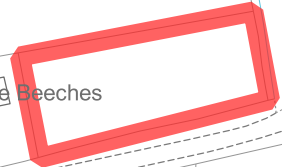
Townside Farm

Pond

8.8m

8.4m

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The Beeches

Swinster House

Rosemary Cottage

Homelands

The Cottage



SWINSTER LANE

Wynree Cottage

Woodland View

Pipers

9.8m

Holly Cottage

New House

Three Gables

East Halton Grange

Chelcouth

Foxglove

Ravon House

Pond

Drain

Townside to North Killingholme



North Lincolnshire Council

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APPLICATION NO	PA/2022/1861
APPLICANT	Mr Joe Clarke
DEVELOPMENT	Planning permission to erect portal-framed commercial units for general light industrial, storage and distribution
LOCATION	Poplar Farm, Ulceby Road, South Killingholme, DN40 3JB
PARISH	South Killingholme
WARD	Ferry
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by South Killingholme Parish Council

POLICIES

National Planning Policy Framework:

Section 2: Achieving sustainable development

Section 6: Building a strong, competitive economy

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well-designed places

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

North Lincolnshire Local Plan:

Policy DS1: General Requirements

Policy DS7: Contaminated Land

Policy DS12: Light Pollution

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

Policy T1: Location of Development

Policy T2: Access to Development

Policy RD2: Development in the Open Countryside

Policy RD3: Industrial and Commercial Development in Minimum and Medium Growth Settlements

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering More Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS11: Provision and Distribution of Employment Land

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

Policy CS17: Biodiversity

Policy CS19: Flood Risk

Housing and Employment Land Allocations DPD (2016) –

Policy PS1: presumption in favour of Sustainable Development

The site lies within the open countryside outside the development limits of South Killingholme as shown on Proposals Map. A protected future highway scheme is allocated to the southern boundary of the site. This is now completed.

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 regarding this application include:

SS1: Presumption in Favour of Sustainable Development

SS2: A Spatial Strategy for North Lincolnshire

SS3: Development Principles

SS8: Employment Land Requirements

SS11: Development Limits

EC1: Employment Land Supply

EC2: Existing Employment Areas

EC6: Supporting the Rural Economy

RD1: Supporting Sustainable Development in the Countryside

DQE1: Protection of Landscape, Townscape and Views

DQE3: Biodiversity and Geodiversity

DQE5: Managing Flood Risk

DQE6: Sustainable Drainage Systems

The site lies within the open countryside outside the development limits of South Killingholme as shown on the Submission Local Plan Inset Map.

CONSULTATIONS

Highways: No comments to make.

LLFA Drainage: No objection subject to conditions requiring a detailed surface water drainage design to be provided.

National Highways: No objection.

Environmental Protection: No objection subject to conditions. Initial consultation response requested further information which the applicant provided. The recommended conditions include one relating to the nearest residential receptor to ensure it remains within the same ownership as the planning unit to prevent adverse living conditions. Further conditions are recommended to control operating hours, address construction/demolition operations, address the potential for asbestos and regarding refuse-derived fuel being stored on the site.

PARISH COUNCIL

Object on the grounds of insufficient boundary screening: it is an unsightly aspect to open fields and surrounding open countryside close to the village.

PUBLICITY

The proposal has been advertised by means of site notice. No comments have been received.

ASSESSMENT

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

Planning history

PA/2022/257: Planning permission to erect new boundary fencing, change use of land for B8 storage purposes (to form extension to site approved under PA/2021/134) following demolition of former pig farm buildings, and change use of retained agricultural building to Use Classes B2 and B8 – approved 09/05/2022

- PA/2021/134: Planning permission for change of use of land and buildings to business, light industry, storage and distribution (Use Classes B2, B8 and E(g)) – approved 23/03/2021
- PA/2015/0204: Planning permission to demolish existing structures, retain farm shop and erect new buildings, and use the site as a materials recycling facility, including the provision of a waste transfer station and realigned access – refused 29/07/2015
- PA/2014/0422: Planning permission for the siting of a container for use as a boiler house associated with farming fish and erection of a polytunnel for growing plants – approved 24/09/2014
- PA/2012/1444: Planning permission for the construction of a landscape bund with associated fencing – approved 23/01/2013
- 7/1975/1032: Erect a pig fattening unit – approved 23/01/1976
- PA/1998/0796: Prior notification for the construction of a 15 metre high telecommunications tower – prior approval not required 20/07/1998
- 7/1980/0116: Construct a dry weaner pool – approved 03/04/1980
- 7/1974/0493: Form B application to erect an overhead line and pole-mounted transformer – approved 18/10/1974

Site location and proposal

The site is a former pig farm which, as stated by the applicant, ceased operations over 10 years ago. The current site includes a large, stoned yard with a number of small light/general industrial units. The applicant has confirmed that the site is used by a contracting company for the storage of materials for local utility projects. There is also an existing tenant, a HGV mechanic operating out of the recently refurbished unit on the southern side of the site. The site is bounded by Poplar Farm (to the south), a house owned by the applicant and a building that was formerly a farm shop. The boundary treatments to the west and south are palisade fencing with a mature native mixed hedgerow to the east.

The site is south-west of South Killingholme, approximately 300 metres from settlement boundaries. Access to the site is from the A1077 Ulceby Road, close to the new A160 dual carriageway, which links the A180 and M180 motorway to Immingham Docks and the power station. Due to the proximity of the site to the new roundabout, its access was relocated as part of the new road scheme. The site is within the open countryside and within SFRA flood zone 1. The nearest residential property is the former farmhouse, which is adjacent to the proposed units and is owned by the applicant's family. This would remain within the same ownership. There is a row of eight semi-detached houses approximately 200 metres to the east of the site. Other residential properties are in excess of 300 metres away.

Planning permission is sought to erect a portal-framed commercial unit (split into two industrial units) for general light industrial, storage and distribution. The existing hedge on the eastern boundary is to be retained and a 4 metre high boundary wall is to be constructed (granted planning permission under a previous application). The principle of B2 and B8 uses has been granted through a previous application (PA/2021/134). The external

footprint lost by demolition equates to 370 square metres; the external footprint gained by the new building equates to 750 square metres.

No boundary trees or hedges would be removed or affected by the change of use of the site. The existing earth bunds and landscaping provide screening, along with the new boundary wall that will provide both visual and sound protection.

The following considerations are relevant to this proposal:

- principle of development
- impact upon residential amenity
- impact upon character and appearance
- impact upon highway safety
- pollution and the environment.

Principle of development

Policy CS1 of the Core Strategy states, ‘...Rural settlements and the open countryside will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should consider levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement.

Policies CS2 and CS3 relate to developments that takes place outside defined limits of settlements or in rural settlements in the countryside. Both policies only permit development which is essential to the functioning of the countryside.

Policy RD2 strictly controls development within the open countryside but does support employment-related development which is appropriate to the open countryside provided that:

- (a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries;
- (b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan;
- (c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;
- (d) the development would not be detrimental to residential amenity or highway safety;
- (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 RD3, Industrial and Commercial Development in Minimum and Medium Growth Settlements, is also relevant. South Killingholme is identified as a minimum growth settlement. The policy supports proposals for industrial and commercial development and the redevelopment of existing sites provided:

- (i) the proposal does not lead to an over intensification of an activity on the site to the detriment of residential amenity and highway safety;
- (ii) the proposal would not be detrimental to the character or appearance of the settlement or the open countryside in terms of siting, scale, massing, design and use of materials; and
- (iii) the site is within walking or cycling distance of the local workforce, or is capable of being served by public transport.

The principle for development on the site has previously been established as shown by the planning history for the site. In this case, the site has been in use for this purpose (storage and distribution business) and seeks to expand its scope. The site is well contained and would not encroach further into the surrounding countryside. Whilst the floor space (750 square metres) for the proposed portal-framed building is somewhat substantial, it will replace an existing outdated building of 370 square metres (a difference of 380 square metres), and would be on the footprint of the existing building, extending west into the existing yard area, in close proximity to the existing lot of land and workshop/storage buildings.

The NPPF represents a material consideration in determining this application. Paragraph 8 sets out key considerations for sustainability, namely social, economic and environmental objectives. In economic and social terms, the new units will allow the site to continue to operate in time with modern requirements. The industrial nature of the proposal limits its social relevance; however, the site is close to the wider industrial zones to the north and east and would not disperse economic activity in the area. Whilst this proposal may not add significant environmental improvement, the existing landscaping and earth bunds will be retained and all hedgerows will be protected.

It is therefore considered that the principle of development is acceptable.

Impact upon residential amenity

Policy DS1 is partly concerned with ensuring that development (including changes of use) does not unduly impact on neighbouring amenity in terms of noise, smell, fumes, dust or other nuisance and notes that no pollution of water, air or land should result which poses a danger or creates detrimental environmental conditions.

The site adjoins The Poplars to the southern boundary – the only residential property within 200 metres of the site. This property is under the same ownership as the application site, and previously formed part of the same agricultural unit. The uses within the proposed building carry a risk of noise nuisance and a modest risk of odour etc, and commercial vehicles would enter and leave the site regularly each day.

The industrial use is an existing established use on the site, and the previous use of the wider site was that of a pig farm. It is not considered that the nuisance likely to result from the proposed building would be significantly more acute than those on the site at present. In essence, the building will seek to replace an existing, albeit smaller, building on the site.

The confirmation from the applicant that the proposal site and The Poplars remain under the same ownership is a material consideration when assessing the impact on residential amenity. On balance therefore, the history of the site and the nature of the current and proposed uses, in addition to the connection between the adjacent residential property and the site, would ensure that there are no unacceptable impacts to residential amenity. There is a significant gap between the site and the closest residential dwelling, other than The Poplars, sufficient to limit any harmful impacts resulting from noise or other disturbance.

Environmental Protection have raised concern regarding the potential for adverse noise to be an issue and recommend the inclusion of a condition that the application site shall remain in the same ownership as the adjacent dwelling (The Poplars) on the basis that subdividing the planning unit would result in future occupiers of the house potentially being subject to adverse living conditions that they had no control over.

Previous planning consents have tied the site to the adjacent residential dwelling. It is considered reasonable to add this condition at this time. The same wording will be carried forward.

The existing permission for this site (PA/2021/134) includes a condition restricting the operating hours of the site. A further operating hours condition is recommended to protect residential amenity between the hours of 7pm and 7am. A condition to control construction hours is also recommended. It is considered that these conditions are reasonable and fair given the close proximity to the adjacent property.

With the recommended conditions, it is considered that the site would not result in significant residential amenity impacts and would therefore be in accordance with the relevant policies of the development plan.

Impact upon character and appearance

As noted above, in line with policies RD2, RD3 and DS1, it is important that any development respects the appearance of the site and wider area. In this case, the existing building will be demolished and replaced by a portal-framed commercial unit. The unit will be higher than the existing building on site. The proposed ridge is approximately 9.2m.

The additional hardstanding would remain and would be screened from the open countryside by existing landscaping earth bunds along the boundaries (as approved in 2013). The hedge on the eastern boundary is proposed to be retained and a 4 metre high concrete fence will be created in accordance with previous permission PA/2022/257. This same permission confirmed that any existing gaps within the hedgerow would be replanted. There have been no changes to these proposals as part of this new application. The parish council has objected on the grounds that there is insufficient boundary screening and the proposal is an unsightly aspect to open fields and surrounding open countryside close to the village.

As mentioned, screening is in place at the site as granted by an earlier permission; views into to site are therefore restricted. The existing East Halton Road and agricultural fields provide a break between the site and the closest existing eight properties to the east; this is further interrupted by HGVs and other road users who uses this route on a daily basis. The wider village of South Killingholme is set much further east and as such the proposal is not considered to result in a negative impact. The existing site and the buildings already form

part of the countryside landscape in this location. The applicant is seeking to expand facilities within the main body of the site and not to extend further into the open countryside.

The proposed building will replace an existing building on site. It is considered that the impact on the landscape is minimal relative to the previous agricultural use and existing industrial use on the site.

Impact upon highway safety

Policies T2 and T19 seek to ensure that proposals are acceptable in terms of impact upon highway safety and have sufficient parking available. In this regard the council's highways officer has been consulted and they have no objections or comments to make.

The site uses an existing tarmacked access to the south off the site onto the A1077. There is good visibility from the wide access head along the straight section of highway. The access point is approximately 150 metres from the Habrough Roundabout which links to the Humber Road dual carriageway. The site is therefore considered to be in a highly accessible location for HGVs and other vehicles, and the access as existing is appropriate for the uses proposed. There is also a separate driveway, which runs parallel to Ulceby Road, providing access to the adjacent former farmhouse.

There would be areas of hard standing within the site useable for car parking for staff and visitors, sufficient to meet the parking standards set out in the North Lincolnshire Local Plan.

The applicant has set out the operating hours and vehicle movements to the site which establishes that the vehicle movements are not considered to increase by significant amounts.

Highways have reviewed the proposals and do not have any objections in relation to highway access or safety.

Overall, the access arrangements, parking provision and overall impact on the highway network safety and capacity are regarded as acceptable. There are no outstanding objections from the Highways department and the application is considered to be in accordance with policies T1, T2 and T19 of the local plan in this regard.

Pollution and the environment

The proposed development seeks to replace an existing building on site to allow the site to operate to meet modern requirements. The existing building is considered to be outdated and tired. The Environmental Protection team were consulted and requested further information and understanding of the site prior to making comment.

The structures to be demolished may contain asbestos containing materials (ACMs). The applicant must ensure that any asbestos contained within building structures is managed and disposed of appropriately to ensure that asbestos fibres do not present an unacceptable risk to workers or future occupants of the site. Asbestos contaminated waste must be disposed of appropriately at a licenced waste facility. The legal requirements for managing and working with asbestos are set out in the Control of Asbestos Regulations 2012.

The team were unsure whether general storage permission B8 would also permit the future storage of waste such as refuse derived fuel (RDF) and the council must protect against this possibility by seeking to limit this.

This was provided by the applicant and conditions are recommended to control the site as follows:

- The uses hereby approved shall not operate and no employees shall remain on the site between the hours of 7pm and 7am on any day, unless otherwise agreed in writing by the local planning authority.
- Construction, demolition and site clearance operations shall be limited to the following days and hours:
 - 8am to 6pm Monday to Friday
 - 8am to 1pm on Saturdays.

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

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

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

- No demolition work shall commence until an asbestos survey of buildings to be demolished has been submitted to and approved in writing by the local planning authority. Development shall not be carried out other than in accordance with the approved details.
- Waste transfer notes following removal and disposal of any asbestos materials shall be sent to the local planning authority to demonstrate correct disposal.
- No refuse derived fuel shall be brought onto or stored on the site.

These conditions were also placed on the previous permission PA/2022/257.

It is not considered, given the existing nature of the site, that harm to ecology or the environment would be increased.

Flood risk

Policy CS19 is concerned with flood risk whilst policy DS14 is concerned with foul sewage and surface water drainage. The application site is within flood zone 1.

The proposed use is similar in nature to existing businesses at the site and will replace an existing building, albeit on a larger footprint.

The LLFA Drainage team have considered the proposals and recommend a series of conditions to address surface water drainage at the site.

Conclusion

The proposal will allow an existing commercial site to continue to operate in line with modern day requirements, offering space suitable to future businesses. The site, whilst in the open countryside, is existing and the development seeks to replace an existing building on site. It is considered that there are no material considerations which outweigh the benefits.

Pre-commencement conditions

Pre-commencement conditions have been agreed.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

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

- Location Plan 1433/001
- Site Plan 1433/003
- Block Plans 1433/002
- Proposed Plans 1433/004.

Reason

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

3.

The uses hereby approved shall not operate and no employees shall remain on the site between the hours of 7pm and 7am on any day, unless otherwise agreed in writing by the local planning authority.

Reason

To protect residential amenity.

4.

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.

5.

No demolition work shall commence until an asbestos survey of buildings to be demolished has been submitted to and approved in writing by the local planning authority. Development shall not be carried out other than in accordance with the approved details.

Reason

To ensure that risks from asbestos to the environment, future users of the land and neighbouring land are minimised, 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 DS1 of the North Lincolnshire Local Plan.

6.

Waste transfer notes following removal and disposal of any asbestos materials shall be sent to the local planning authority to demonstrate correct disposal.

Reason

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

7.

No refuse derived fuel shall be brought onto or stored on the site.

Reason

In the interest of environmental health and to protect residential amenity.

8.

None of the units hereby approved shall be occupied 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 also take into account all existing hard paved areas/buildings on the developed site.

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.

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 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.

10.

The application site shall remain in the same ownership as the adjacent dwelling (Poplar Farm House) on the basis that sub-dividing the planning unit would result in future occupiers of the house potentially being subject to adverse living conditions that they have no control over.

Reason

To protect residential amenity.

11.

The approved building hereby permitted shall only be used for the following use(s): Class E (g) and Class B8 of The Town and Country (Use Classes) (Amendment) (England) Regulations Order 2020 or any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification and no other uses are permitted without the prior approval in writing of the local planning authority.

Reason

To safeguard residential amenity, and to regulate and control development on this site.

Informative

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



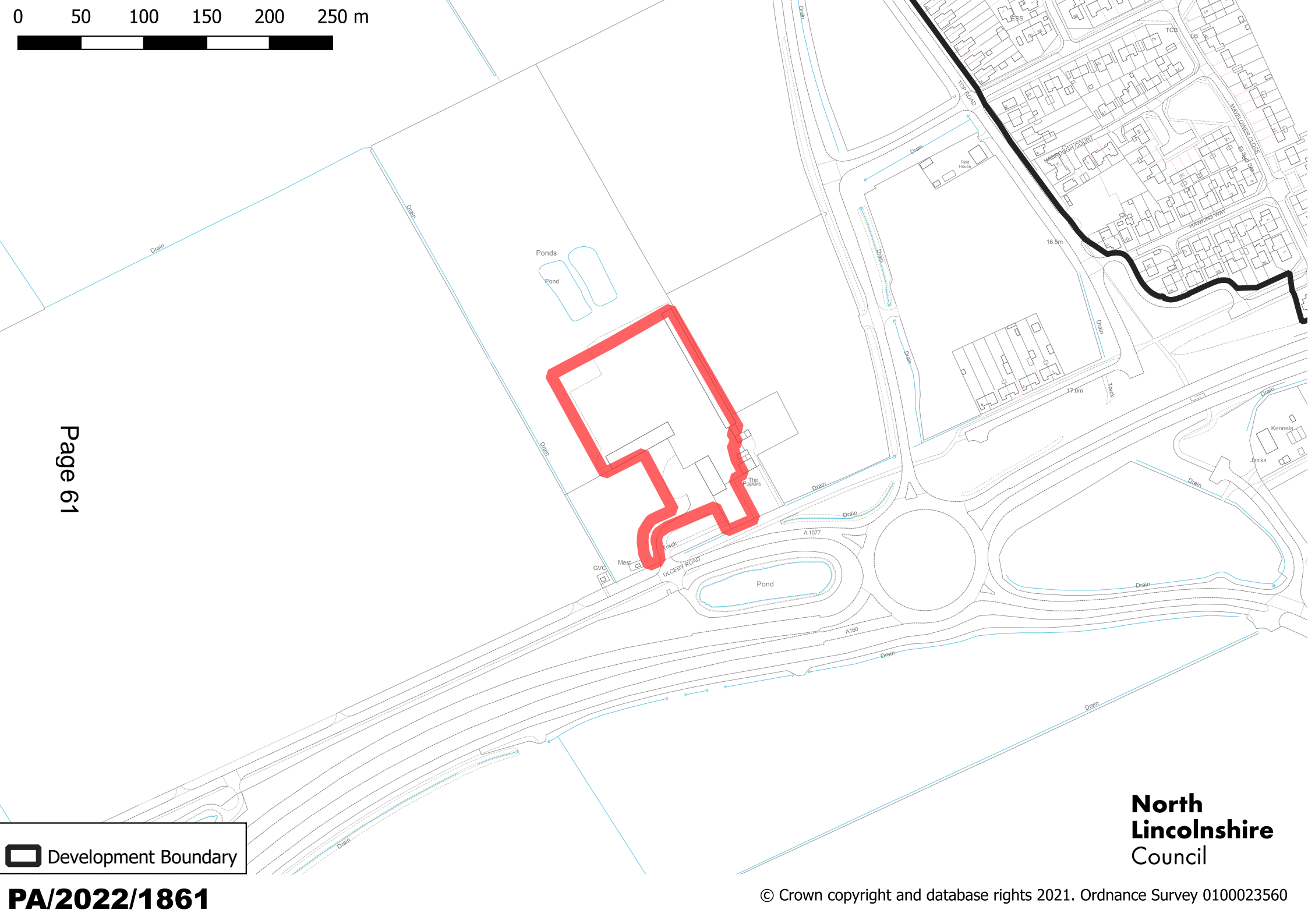
Page 61

 Development Boundary

PA/2022/1861

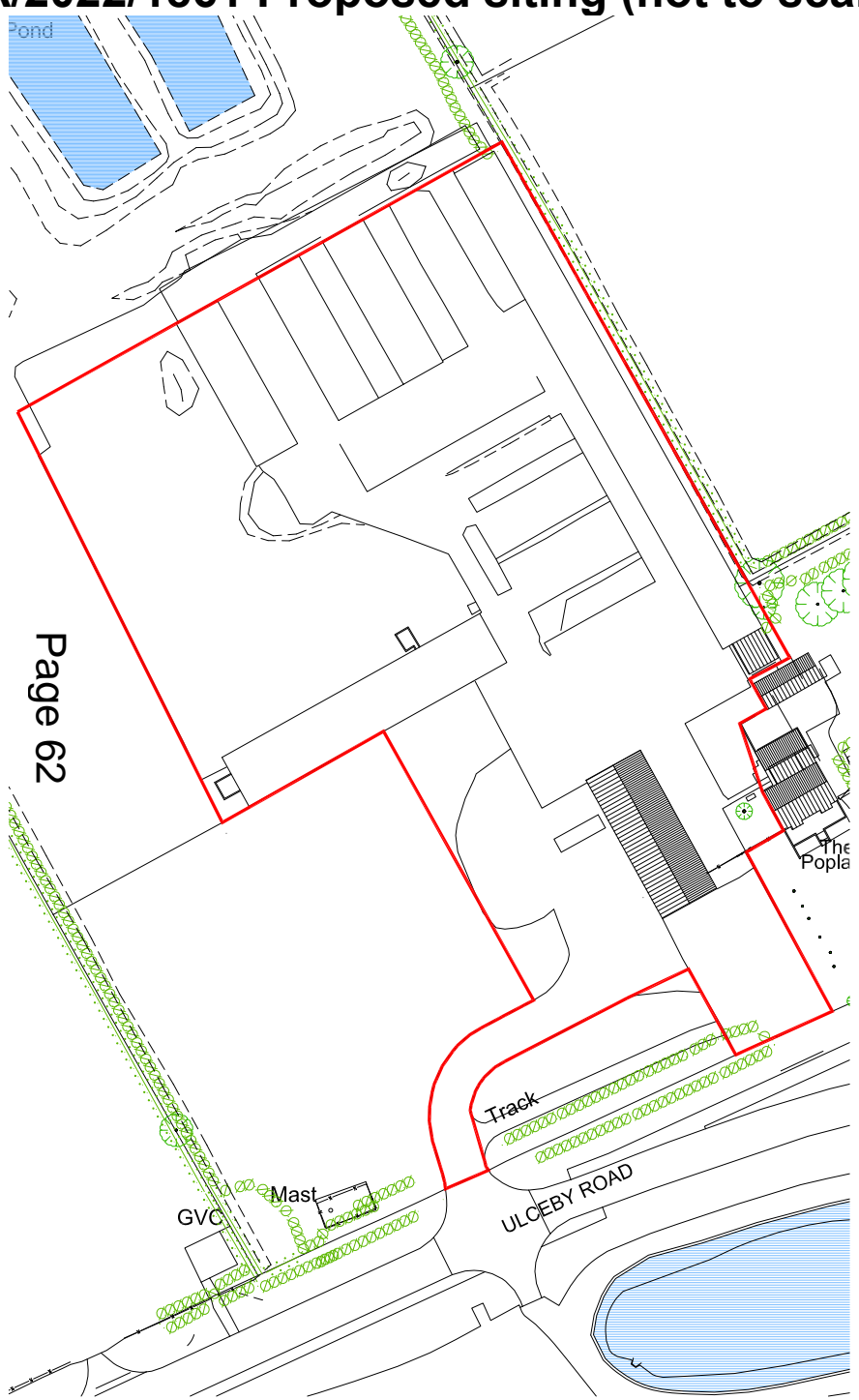
**North
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Council**

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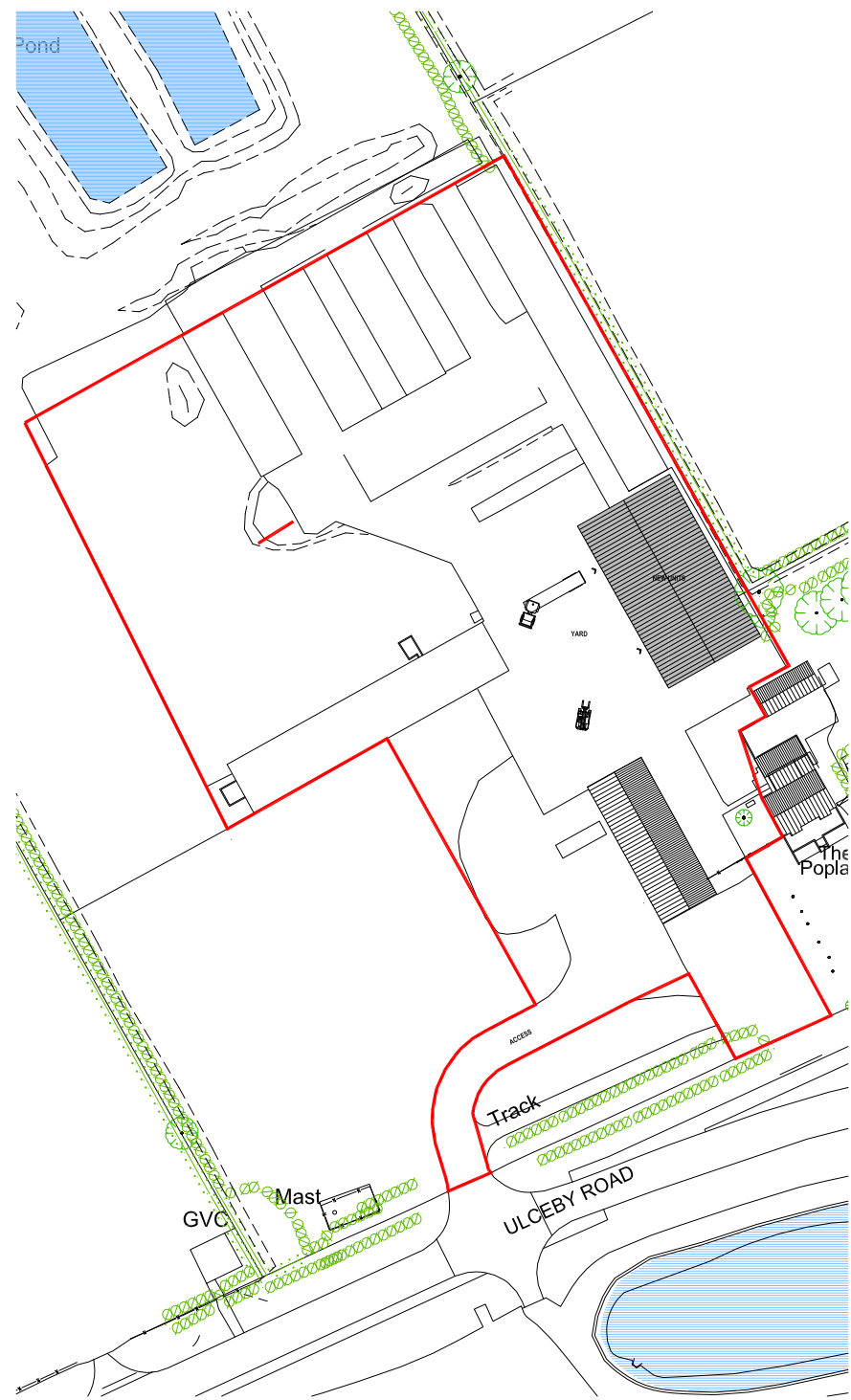


PA/2022/1861 Proposed siting (not to scale)

Rev	Drawn By	Checked By	Date
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EXISTING BLOCK PLAN
Scale: 1:500



PROPOSED BLOCK PLAN
Scale: 1:500

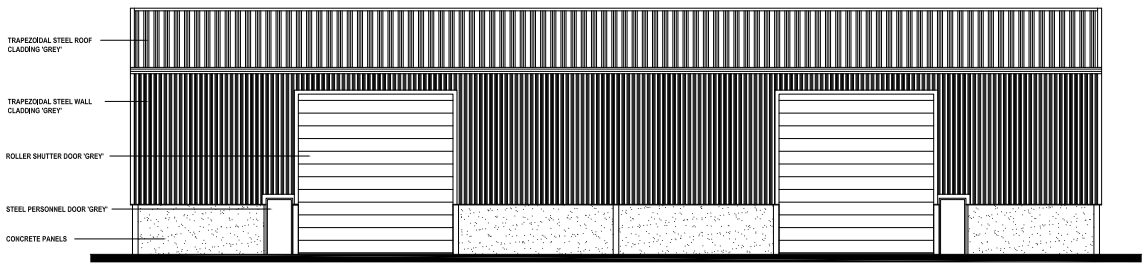
Page 62

- NOTES :**
- From the commencement of work, the contractor and client are to check on-site all order dimensions, boundary positions and details to verify and agree upon. Any errors, omissions or design changes should be reported immediately to enable amended plans to be prepared and submitted for approval.
 - The contractor will be responsible for locating all hidden services that may be affected by the proposed and providing or diverting as necessary. Challenge lines shown are assumed and must be checked on site before work commences.
 - The requirements of the Party Wall Act 1997 will apply to certain schemes. The "Building Owner" will be the client and the "Adjacent Owner" will be the existing building. If an agreement cannot be made then professional advice should be sought prior to commencement of work on site, by a Party Wall Surveyor.
 - All drawings are to be read in conjunction with the specification document provided, structural, mechanical, electrical and drainage drawings. If in doubt contractors must ask before proceeding.
 - This drawing must not be reproduced in whole or part without written consent. Do not scale this drawing please refer to the correct paper size specified. All dimensions to centres. Within dimensions to be checked on site.
 - Drawings subject to Planning Approval & Building Control Approval.

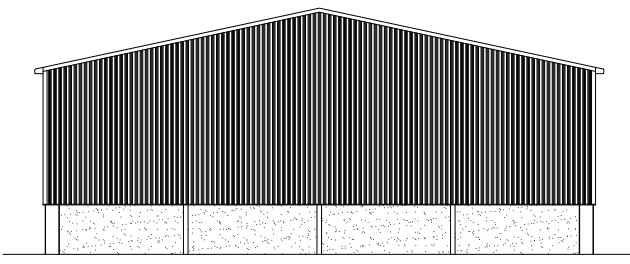
Drawing Title:	BLOCK PLANS
Project:	NEW INDUSTRIAL UNITS
Location:	POPLAR FARM, SOUTH KILLINGHOLME
Drawing Number:	1433/002
Project Stage:	01
Drawn By:	CH
Checked By:	7
Date:	12/01/2022

Hyde Architecture

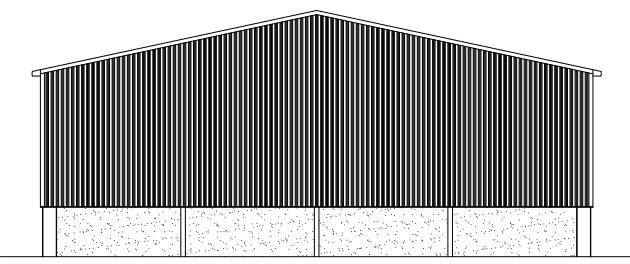
PA/2022/1861 Proposed elevations (not to scale)



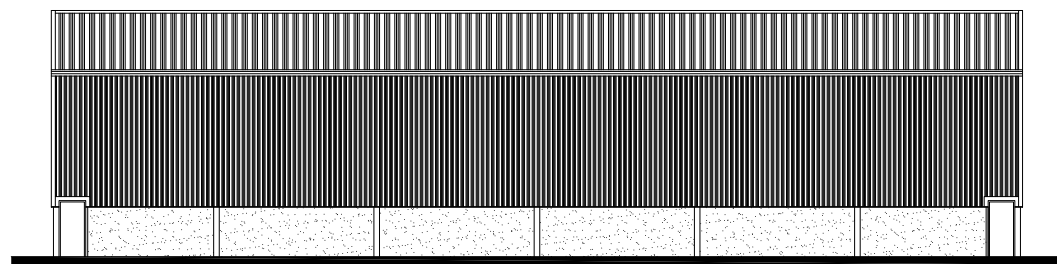
WEST ELEVATION
Scale - 1:100



SOUTH ELEVATION
Scale - 1:100

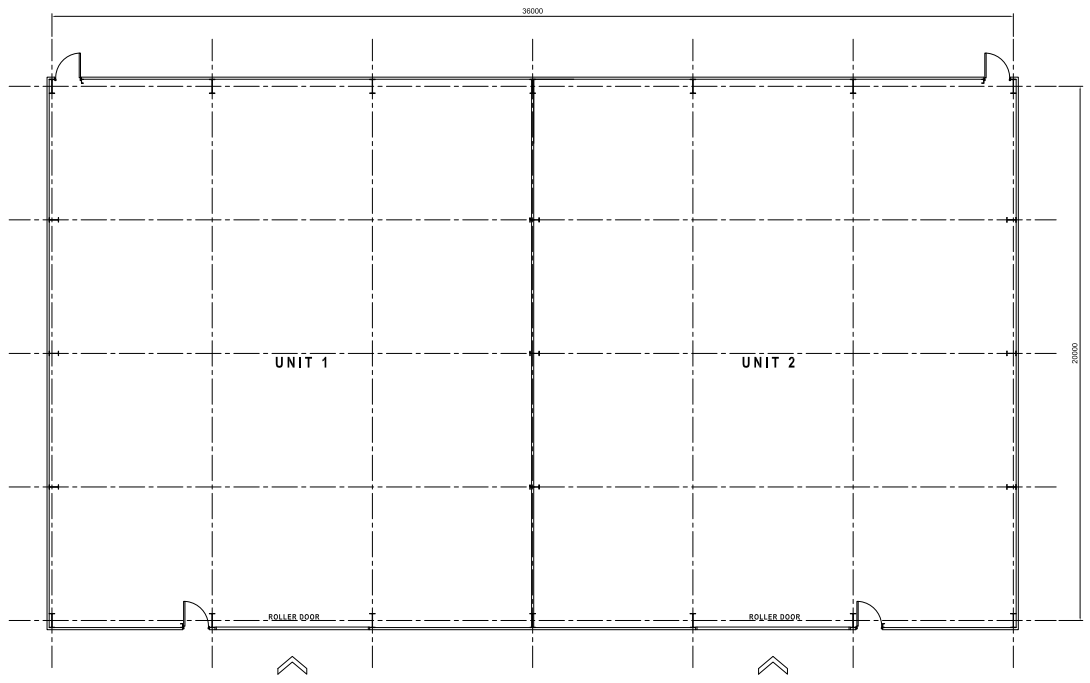


NORTH ELEVATION
Scale - 1:100



EAST ELEVATION
Scale - 1:100

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PROPOSED FLOOR PLAN
Scale - 1:100

NOTES :

1. Prior to the commencement of work, the contractor and client are to check on-site all exterior dimensions, boundary positions and details to verify and agree upon. Any errors, omissions or design changes should be reported immediately to enable amended items to be prepared and submitted for approval.
2. The contractor will be responsible for locating all services that may be affected by the proposed and stopping off or diverting as necessary. Drainage runs shown are assumed and must be checked on site before work commences.
3. The requirements of the Party Wall Act 1996 will apply to all services. The "Building Over" will be written to and agree with the " adjoining owner(s) " if the proposed work affects the Party Wall or is within 3 meters of the foundations of the nearby building. If an agreement cannot be made then professional advice should be sought prior to commencement of work on site, by a Party Wall Surveyor.
4. All drawings are to be read in conjunction with the specification document provided, structural, mechanical, electrical and drainage drawings. If in doubt contractors must ask before proceeding.
5. This drawing must not be reproduced in whole or part without written consent. Do not scale this drawing unless printed at the correct paper size specified. All dimensions in millimeters. Written dimensions to be checked on site.
6. Drawings subject to Planning Approval & Building Control Approval.

Drawing Title:	PROPOSED PLANS & ELEVATIONS		
Project:	NEW INDUSTRIAL UNITS		
Location:	POPLAR FARM, SOUTH KILLINGHOLME		
Drawing Number:	1433/004	Scale:	1/100 / A1

Project Stage:	Drawn By:	Checked By:	Date:
100%	1000000000	1000000000	10/20/2022

Hyde Architecture

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Ponds
Pond

Top Road to
South Killingholme

(Appt agreed parking just inside the site
and will be on hand to allow access into
the site itself if necessary.)

Page 65



The Poplars

GVC

Mast

Track

ULCEBY ROAD

Pond

A 1077

A160

Ulceby Road to
Ulceby

**North
Lincolnshire
Council**

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APPLICATION NO	PA/2022/2152
APPLICANT	Sheffield Arms
DEVELOPMENT	Planning permission for the retention of 1800mm high timber waney edge fencing, fence posts and gate
LOCATION	Sheffield Arms, High Street, Burton upon Stather, DN15 9BP
PARISH	Burton upon Stather
WARD	Burton upon Stather and Winterton
CASE OFFICER	Paul Skelton
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Burton upon Stather Parish Council

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 12 – Achieving well-designed places

Chapter 16 – Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

HE2 – Development in Conservation Areas

HE5 – Development affecting Listed Buildings

DS1 – General Requirements

DS5 – Residential Extensions

T19 – Car Parking Provision

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering more Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design in North Lincolnshire

CS6 – Historic Environment

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 policy regarding this application is:

Policy HE1 – Conserving and Enhancing the Historic Environment

CONSULTATIONS

Conservation: No objection subject to a condition requiring the fence to be treated with dark wood stain.

Highways: No objections.

LLFA Drainage: No objections.

Environmental Protection: No complaints have been received regarding dogs barking at the property. In the event that complaints are received, they can be investigated in accordance with the Environmental Protection Act 1990.

PARISH COUNCIL

Raises the following concerns:

- The fence has reduced the car park by six parking spaces, which causes congestion elsewhere with the overspill.
- The confined area is for animals, which cause noise disturbance day and night for neighbouring residents.
- The bins now cause an obstruction in the entrance/exit to the car park forcing delivery vehicles to unload in the road.
- The parish council is not impressed when planning applications are made retrospectively.

PUBLICITY

The application has been advertised by site and press notice – one member of the public has commented as follows:

- Prior to the application being submitted, the fenced-off area was used to house two dogs which is noisy and can also be intimidating. The dogs may return if the application is approved.

- The gate was previously padlocked to prevent the dogs escaping; since the dogs were removed the gate is now rarely padlocked so whatever the applicant claims is stored there can't be that important as to warrant such a huge fence.
- Since the fence has been built it has reduced the already limited car parking space for the pub and the church considerably, as the bins for the pub now take up parking space.
- **The fence itself is an eyesore and totally out of keeping with the conservation area, which has stone walling and was attractive until this fence went up.**

ASSESSMENT

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

Planning history

None relevant to this application.

The site and its location

The site comprises the Sheffield Arms public house which is located on High Street in Burton upon Stather. To the rear is a car park, accessed via Churchgate, and a range of outbuildings.

The site is set within the Burton upon Stather conservation area and there are a number of listed buildings in the immediate area, including the grade I listed Church of St Andrew, grade II Church Farm Cottage to the east of the church, and, further east, the grade II gates, flanking walls and railings which form the southern boundary of The Old Vicarage and Old Vicarage Lodge.

The development

The application is for the retention of a 1.8m high timber waney edge fence, fence posts and gate. The fence runs from the side wall of the rearmost outbuilding associated with the pub to the rear boundary wall of the car park. The enclosure has created a yard storage area for use by the pub.

Planning permission is required due to the Article 4 direction which removes planning permission for, amongst other things, gates, walls and fences.

The main issue for consideration is the impact of the development on the historic environment.

Design and the historic environment

Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires local planning authorities to have special regard to the desirability of, among other things, preserving the setting of listed buildings. This statutory duty is reflected in saved policy HE5 of the local plan, Core Strategy policy CS6 and section 16 of the NPPF.

Similarly, section 72 of the Act sets out that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. This is reflected in saved local plan policy HE2, Core Strategy policy CS6 and in section 16 of the NPPF.

The conservation officer has been consulted and advises that the proposed fence, at the rear of the Sheffield Arms, is not in a prominent position in the conservation area. It does not restrict any views to the adjacent listed buildings. They therefore raise no objection to the retention of the fence but recognise that it is not currently stained, making it stand out. The conservation officer therefore recommends a planning condition requiring the fence to be treated in a dark wood stain which will make it blend better with its surroundings.

Subject to the application of dark wood stain, it is considered that the retention of the fence would preserve the setting of the nearby listed buildings and the conservation area in accordance with the statutory requirement set out in the 1990 Listed Buildings and Conservation Areas Act.

Other matters

Concerns have been raised by the parish council and a local resident about noise arising from the keeping of dogs within the fenced off area resulting from the development, although it appears that dogs are no longer kept in the area.

The Environmental Protection officer has been consulted and raises no objection to the development. They advise that no complaints have been made historically regarding noise from dogs and that any future issues in that respect can be properly investigated in accordance with the Environmental Protection Act 1990.

Concerns have also been raised about the loss of car parking/loading space for the pub and consequent implications on surrounding roads. The application sets out that prior to the works the pub car park catered for 15 vehicles. The position of the fence essentially encloses three of those spaces, but the block plan submitted with the application shows that two additional spaces can be provided parallel to the fence. This results in the net loss of one car parking space. Furthermore, there is plenty of available on-street parking within a short walking distance of the pub. It is not considered that the minor change to the parking layout has significantly affected the ability of delivery vehicles to access the site.

The NPPF states that development should only be refused on transport grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Highways officer has been consulted and made aware of the local concerns, but has raised no objections to the application, noting that no complaints have been made regarding this site. It is not considered that the development could be said to unacceptably impact on safety or cause severe impacts to the road network.

The parish council has also noted that the application is retrospective; however, the planning system is not a punitive one, and legislation allows for development to be permitted retrospectively. In this case, as set out above, no unacceptable planning harms have been identified.

Conclusion and planning balance

Whilst the concerns of the parish council and local resident are noted, it is concluded, having regard to the advice of the relevant specialist consultees, that the development preserves the setting of the nearby listed buildings, and the conservation area, and does not cause any undue harm in respect of amenity or highway issues. It is therefore recommended that the application be approved.

RECOMMENDATION Grant permission subject to the following conditions:

1.

Within two months of the date of this permission, the fence hereby permitted shall be treated in a dark wood stain, details of which have first been submitted to and approved in writing by the local planning authority. The fence shall thereafter be maintained in accordance with the approved details.

Reason

In the interests of visual amenity and to preserve the setting of the conservation area and nearby listed buildings.

2.

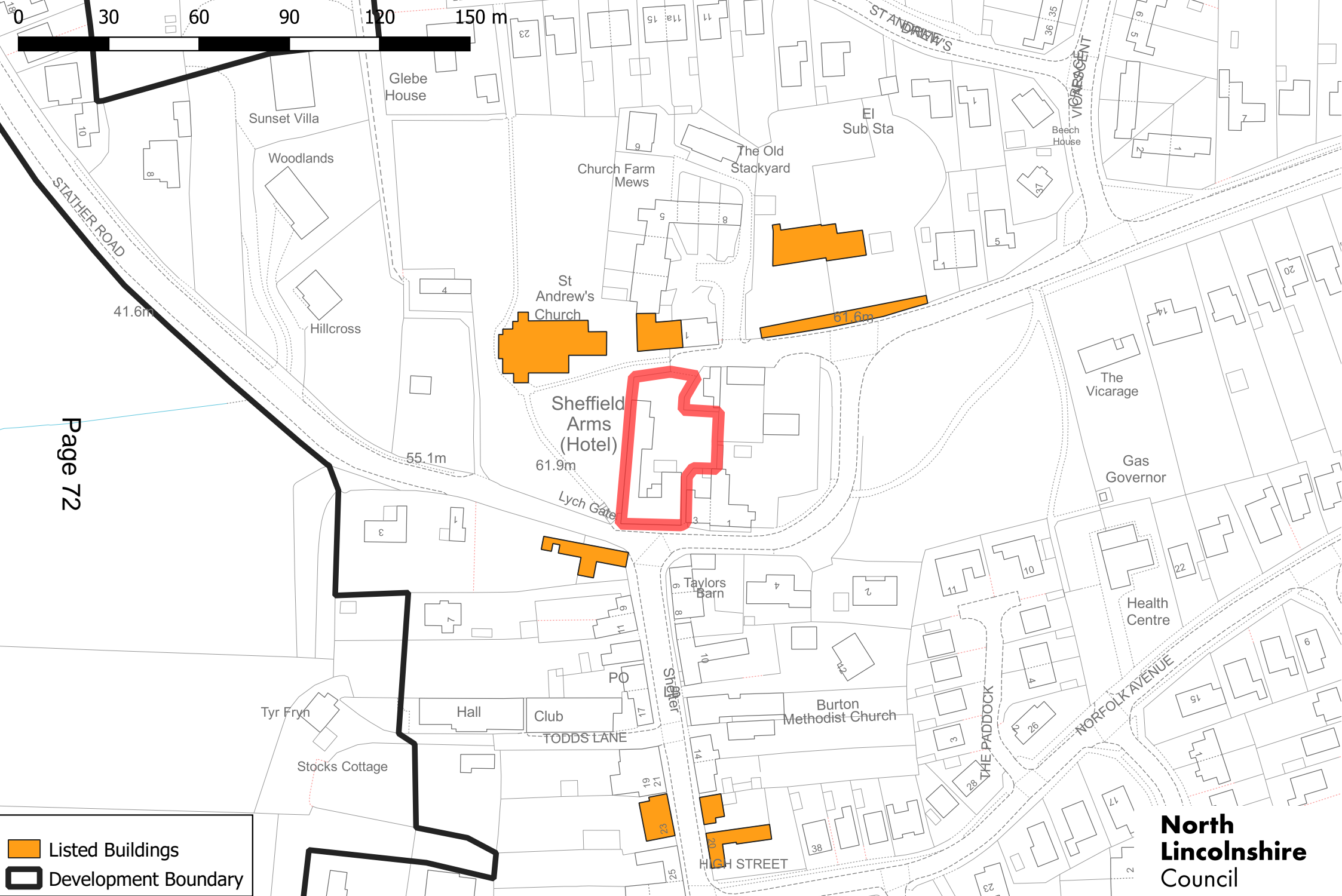
Subject to condition 1 above, the development hereby permitted shall hereafter be maintained in accordance with the following approved drawings: 1209-P-04 (Site layout as proposed) and 1209-P-03 (part Outbuilding Area Elevation as existing & as proposed).

Reason


For the avoidance of doubt, in the interests of visual amenity, and to preserve the setting of the conservation area and nearby listed buildings.

Informative

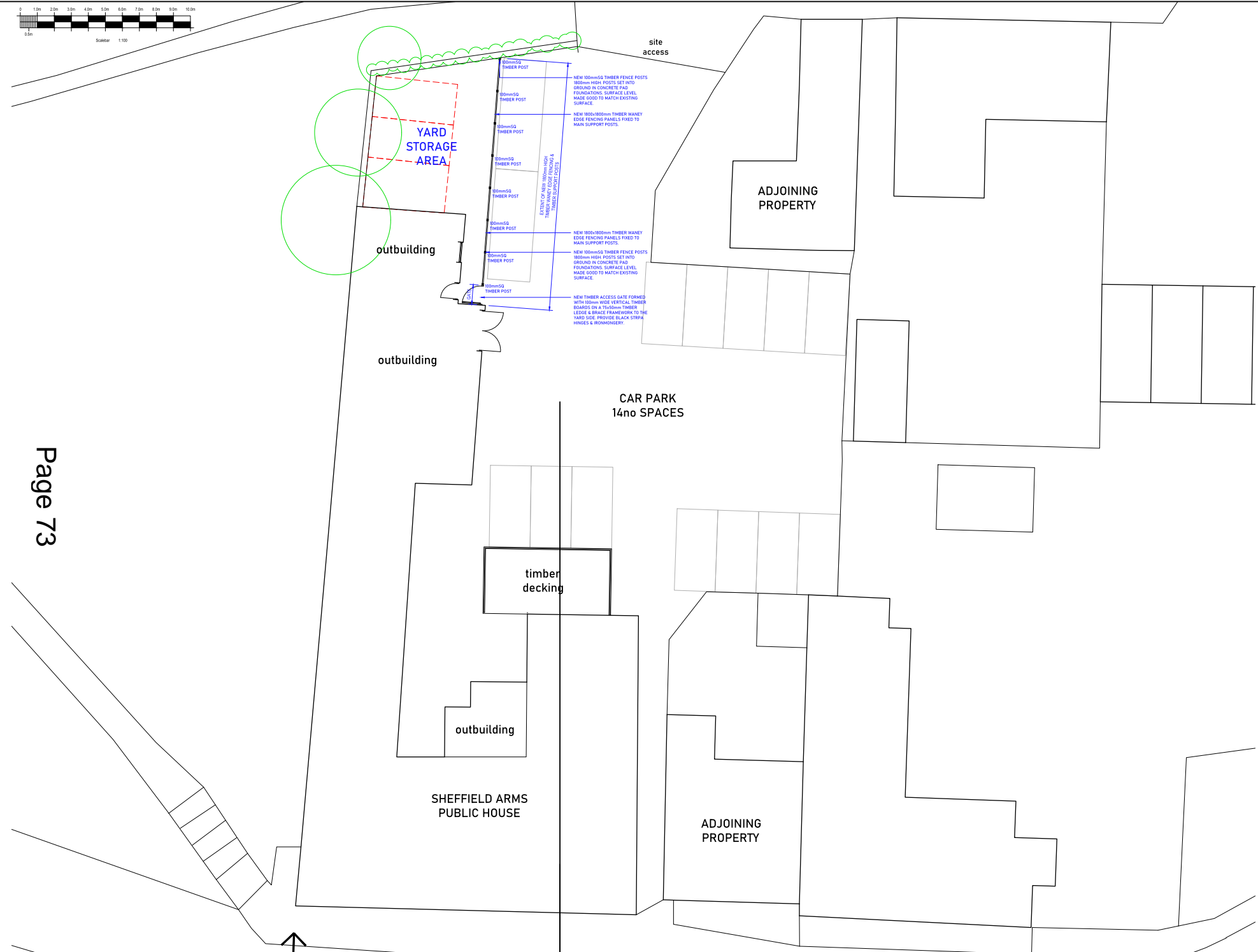
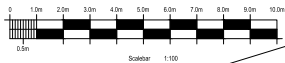
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Page 72

-  Listed Buildings
-  Development Boundary

North Lincolnshire Council



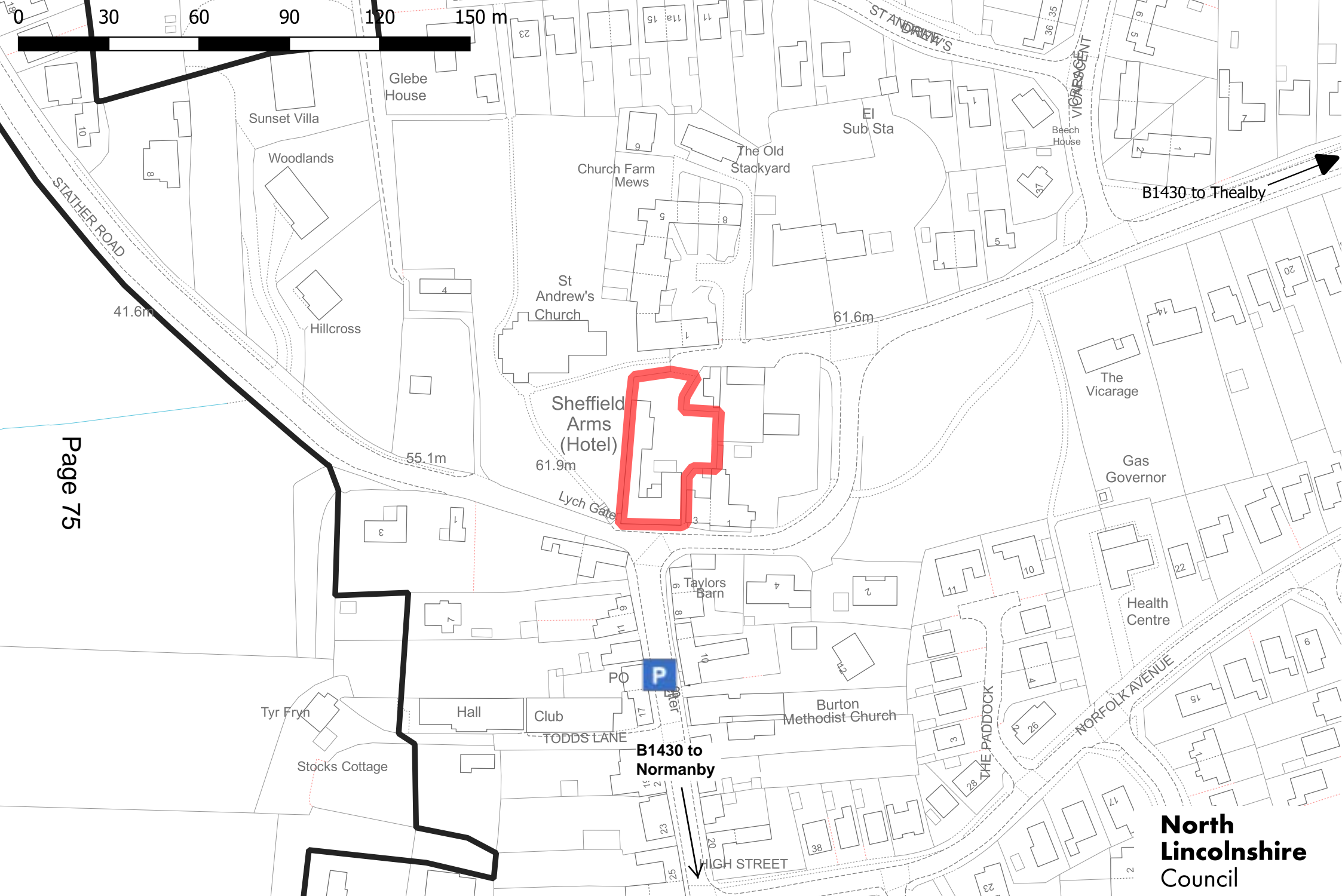
Copyright:
 This drawing and design and all the information contained therein is the sole copyright of SODA Ltd, and reproduction in any form is forbidden unless permission is obtained in writing.
 No dimensions to be scaled from this drawing. All Contractors must visit site and be responsible for taking and checking all dimensions relative to this work. The Designer must be advised of any discrepancies in writing.

Revision:	
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Scale:	1:100 @ A1
Job title:	Sheffield Arms High Street, Burton upon Stather, Scunthorpe DN15 9BP
Date:	Nov '22
Drawing title:	Site Layout as Proposed
Client:	Punch Pubs
Drawing Number:	1205-P-02
Drawn by:	RCC



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B1430 to Thealby

B1430 to Normanby

**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 07 June 2023

Date: 26 May 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/2022/2136
APPLICANT	Mr Steven Ibbotson, Cyden Homes Ltd
DEVELOPMENT	Application for approval of reserved matters (appearance, landscaping, layout and scale) pursuant to outline planning permission PA/2020/554 for 92 dwellings
LOCATION	Land between 57-71 Brigg Road, Messingham, DN17 3QX
PARISH	Messingham
WARD	Ridge
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Grant approval subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Neil Poole – significant public interest) 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 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 RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

Policy HE9 (Archaeological Excavation)

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

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection)

Policy LC12 (Protection of Trees, Woodland and Hedgerows)

Policy T19 (Car Parking Provision and Standards)

Policy T6 (Pedestrian Routes and Footpaths)

Policy DS1 (General Requirements)

Policy DS7 (Contaminated Land)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

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

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource Use and Climate Change)

Policy CS23 (Sport, Recreation and Open Space)

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:

SS1: Presumption in Favour of Sustainable Development

SS2: A Spatial Strategy for North Lincolnshire

SS3: Development Principles

SS5: Overall Housing Provision

SS6: Spatial Distribution of Housing Sites

SS11: Development Limits

H2: Housing Mix and Density

RD1: Development in the Open Countryside

DQE1: Protection of Landscape, Townscape and Views

DQE3: Biodiversity and Geodiversity

DQE5: Managing Flood Risk

DQE6: Sustainable Drainage System

DQE7: Climate Change and Low Carbon Living

DQE11: Green Infrastructure Network

DQE12: Protection of Trees, Woodland and Hedgerows

CSC3: Protection and Provision of Open Space, Sports and Recreation Facilities

T1: Promoting Sustainable Transport

T3: New Development and Transport

T4: Parking

DM1: General Requirements

CONSULTATIONS

Highways: No objections.

Environment Agency: No comments to make.

LLFA Drainage: The LLFA accepts the reserved matters layout. They have received details of a compliant surface water drainage design; this is covered by the discharge of conditions applications.

Severn Trent Water: No response received.

Environmental Protection: No objections. Pre-commencement conditions on the planning permission will need to be discharged.

Archaeology: No comments to make.

Ecology: Further landscaping details have been provided which are acceptable when viewed in the context of biodiversity loss that was approved at appeal at the outline planning stage.

Trees and Landscape: A number of different tree and shrub species are proposed on the site and on the whole this appears to be a reasonable scheme.

NHS North Lincolnshire Health Care Partnership (City Care): Would like to request Section 106 funding be considered in relation to this application. The site has multiple surgeries in close proximity to the proposed dwellings including Cambridge Avenue in Messingham, and several surgeries in Scunthorpe including Cambridge Avenue Scunthorpe, Church Lane Medical Centre, Ashby Turn Primary Care Centre, The Birches Medical Practice, Cedar Medical Practice, Ancora Medical Practice and West Common Lane Teaching Practice. These surgeries are already under pressure due to space limitations, therefore any increase in new housing is likely to impact on requests for new patient registrations, potentially increasing the list size and demand for clinical services.

Humberside Police: No objections.

Humberside Fire and Rescue: General advice on access for the fire service and water supplies for fire-fighting.

PARISH COUNCIL

Objects to the application due to loss of privacy for neighbouring properties to the site and requests a 2 metre high fence be erected the full length of the western boundary. Also requests that all conditions applied to the planning application by North Lincolnshire Council are discharged by North Lincolnshire Council's Planning Committee.

Response to amended documents: Requests that no work takes place until the proposed watercourse has been agreed to a standard that will accommodate surface water drainage from all adjacent land including the inlet at the north-west end of the dyke from Saltergate Road and the Wendover development.

Requests that the proposed 1800 millimetre high timber fence on the western boundary be erected the complete length of the western boundary to prevent loss of privacy for neighbouring properties to the site and a gate erected at the southern end of the fence to prevent access to the new open land.

Requests that no work takes place until the outfall has been explored at the southern end of the site at the point where the water goes underneath Brigg Road, as there is clear evidence that the existing system is inadequate to disperse the current flow during the winter months.

Requests that no work takes place until a contingency plan is in place in the event that the attenuation pond overflows, in order to prevent flooding of nearby properties on Ashgrove and the proposed development.

PUBLICITY

The original and amended plans have been advertised by site notices and in the local press. Nineteen letters of objection have been received raising the following issues:

- increase in traffic
- unsafe access
- flooding
- inadequate drainage
- dyke management not specified
- inadequate infrastructure
- loss of countryside
- loss of wildlife
- overdevelopment
- loss of privacy
- adequate fencing should be provided along the whole of the western boundary
- insufficient school places
- design out of character.

STATEMENT OF COMMUNITY INVOLVEMENT

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

ASSESSMENT

The site

The site is approximately 3.83 hectares in area and is grade 3 agricultural land that is not currently in active production. Only a small part of the reserved matters aspect of the application site (the access) is within the development boundary for Messingham; the majority lies outside it. The site will be accessed off Brigg Road. The reserved matters application site is bounded by residential properties on the southern (Brigg Road and Ash Grove) and western (East Green) boundaries. The northern and eastern boundaries are bounded by some hedgerows and ditches with agricultural fields beyond. The site is not level – it slopes down from the northern boundary to the southern and eastern boundaries. The level change is approximately 32.5 metres above Ordnance datum (AOD) to 30.5 metres AOD. The site lies in Flood Zone 1 in the council's Strategic Flood Risk Assessment and is therefore at low risk of flooding.

The proposal

This is a reserved matters application comprising 92 dwellings. The reserved matters are appearance, layout, scale and landscaping. The access, which is not a reserved matter (this was determined at appeal at outline stage), is from Brigg Road. The 92 dwellings comprise a mix of housing types and designs. The dwellings comprise 21 two-bedroom dwellings, 30 three-bedroom dwellings and 41 four-bedroom dwellings. The dwellings are detached, semi-detached and terraces and are all two-storey. A variety of brick and tiles are to be used. Each dwelling has its own private and amenity space, and car parking. The site comprises a main access with cul-de-sacs leading off the main access road. Within the layout is an attenuation pond, a LEAP (local equipped area for play) and an electricity substation. Landscaping in the form of tree, shrub and wildflower meadow mix planting is also proposed. Existing trees on and adjacent to the site are proposed to be retained.

Planning history

PA/2020/554: Hybrid application comprising full planning permission to erect five dwellings and outline planning permission for 94 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration – allowed on appeal 20/07/2022.

PA/2022/2138: Application to discharge conditions attached to hybrid planning permission PA/2020/554 dated 20/07/2022 (appeal reference APP/Y2003/W/21/-3278257) (conditions 6, 8, 10, 11, 13, 18 & 19 of full planning permission) – pending consideration

PA/2022/2174: Application to discharge conditions attached to hybrid planning permission PA/2020/554 dated 20/07/2022 (appeal reference APP/Y2003/W/21/-3278257) (conditions 5, 9, 11, 14-15, 17, 21-24 of outline planning permission) – pending consideration.

Principle and procedural matters

The principle of the development in this location is established by the extant hybrid approval reference PA/2020/554 which was granted on appeal (see appeal decision notice appended to this report). The outline part of the hybrid application was approved with all matters reserved apart from access. As such **only details of the appearance, landscaping, layout and scale of the proposed development are for consideration** under this reserved matters application.

Layout, appearance and scale

Layout relates to the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development. The layout also relates to access roads, footways and car parking within the application site.

Appearance relates to aspects of a building or place which affect the way it looks, including the exterior of the development.

Scale relates to the size of the development, including the height, width and length of each building proposed within the development in relation to its surroundings.

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

Paragraph 'c' of the policy states:

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

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. It states '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' and 'Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

Policy CS7 of the Core Strategy seeks to ensure that housing developments 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.

Policy H5 of the local plan, which is concerned with new housing development, is also considered relevant (although parts 'i' & 'ii' are superseded by CS1 of the Core Strategy, the remainder of the policy is intact).

Policy H8 of the local plan is concerned with housing design and mix. Through policy H8 new residential development will be permitted provided it;

- (i) respects and reflects the form, scale, massing, design and detailing, materials and nature of the local environment;
- (ii) incorporates a high standard of layout which maintains, and where possible improves and enhances, the character of the area;
- (iii) protects existing natural and built features, landmarks or views that contribute to the amenity of the area;
- (iv) prioritises the needs of pedestrian movement and takes into account the safety, health and security of residents, neighbours and the community;
- (v) provides for residents a sense of identity and variety; and
- (vi) creates an appropriate mix of dwelling size and type.

Paragraph 130 of the National Planning Policy Framework (NPPF) states, '...Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Turning first to the layout, the development comprises 92 dwellings with the main access to the site from Brigg Road which was approved under outline planning permission PA/2020/554. The access route leads from Brigg Road and wraps around the whole site with cul-de-sacs formed within the site. An attenuation pond is proposed to the north of properties along Brigg Road and a LEAP. An electricity sub-station is also to be provided adjacent to the attenuation pond to provide infrastructure to serve the development. The houses proposed are all two-storey and are a mix of housing types and designs. The dwellings are two-, three- and four-bedroom properties. The layout essentially comprises dwellings fronting the access road, cul-de-sacs and private driveways. The siting of the dwellings is staggered throughout the site and dwelling types are mixed across the site. This has created a vibrant, interesting development that respects the rural character of the area.

The dwellings each have their own private amenity space secured by boundary treatment to safeguard privacy. The private amenity spaces proposed are fairly spacious and commensurate with the size of the dwelling. There are significant separation distances between dwellings within the application site and those outside. Therefore, the proposed development would not result in any impacts from overlooking or overshadowing. Furthermore, there are sufficient separation distances between the proposed dwellings due to the various positions and orientations. The proposed dwellings are acceptable in respect of overlooking and overshadowing. Internally the proposed separation distances are sufficient, and the positioning of openings (house types next to compatible house types) is also designed in a sensitive manner. Comments about better boundary treatment along the western boundary are noted. However, each proposed dwelling adjacent to the western boundary will have a 1.8 metre close-boarded fence which will secure privacy between the proposed dwellings and adjoining properties along Ash Grove and East Green. In addition, there is a distance of well over 40 metres between the proposed dwellings adjacent to the western boundary and those properties on Ash Grove and East Green. Therefore, no demonstrable harm to privacy will be caused to adjoining dwellings, and due to the separation distances the proposed development will not be overbearing on adjoining properties.

The attenuation pond and LEAP are well integrated into the site with the LEAP within walking distance of all the proposed properties. The LEAP provides a play area with a range of play equipment and open space. The attenuation pond will also provide wetland

habitat. This area of the site provides significant blue and green infrastructure on the site, softening the residential development to the north of the attenuation pond and LEAP. This creates a cohesive development, respecting the character of the rural area and the open countryside.

In terms of the road and footway layout within the development, policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 of the local plan is concerned with parking provision as well as general highway safety. Both policies are considered relevant. Highways have not objected to the proposal and therefore the proposed layout is not considered to raise any adverse impacts in terms of the proposed road and footway layout, or the car parking arrangements to be provided on the site. In this regard the proposal aligns with policies T2 and T19 of the North Lincolnshire Local Plan.

In terms of appearance, 92 dwellings are proposed of a mix of housing types and designs. A materials layout has been submitted with the application. The dwellings will be constructed from five different brick types and four different roof tiles. The dwellings vary in terms of appearance with hipped roofs, porches over doors, casement windows, sash windows, gable roofs, canopies on the front elevation, differing fenestration details and gable ends on the front elevation. Each dwelling has its own unique detailing, adding interest to the scheme. Some of these features can be seen on adjoining dwellings. There are en-suite/bathroom/en-suite windows in the elevations of the dwellings. These will be conditioned to be obscure-glazed to ensure the privacy of occupiers of the dwellings is safeguarded. Overall, in terms of appearance, a good quality residential scheme is proposed that is in character with the rural area it adjoins.

In terms of scale, the proposed scheme comprises 92 two-storey dwellings of a mix of semi-detached, detached and terraced properties. The proposed dwellings are of differing heights and sizes depending on the house type. The 92 dwellings do not create a 'cramped' appearance on the site and the scheme has been designed in such a way that the scale of the development would not be out of character with the surrounding area. The 92 dwellings proposed are all two-storey. No rooms are proposed in the roof spaces. The dwellings surrounding the site are primarily two-storey, although it is accepted there are some bungalows and adjoining dormer bungalows adjoining the site on the western boundary. The dwellings adjoining and in the vicinity of the site are a mix of housing types and designs, and sizes. In terms of scale, the proposal complements this part of Messingham and would therefore not have an adverse impact on the amenity of the locality or the amenity of residents. It should also be noted that the overall size of the development has been dictated by the number of dwellings approved on the site through outline planning permission PA/2020/554.

Therefore, the proposed residential development the subject of this application is considered to align with policies RD2, LC7, H5 and H8 of the North Lincolnshire Local Plan, and CS5 and CS7 of the Core Strategy, as well as the aforementioned paragraphs of the NPPF.

Landscaping

Landscaping relates to the improvement or protection of the amenities of the site and area, and the surrounding area; this could include planting trees or hedges as screening.

Policy CS5 is in part concerned with landscaping and states, ‘...Incorporate appropriate landscaping and planting which enhances biodiversity or geological features whilst contributing to the creation of a network of linked greenspaces across the area. Tree planting and landscaping schemes can also assist in minimising the impacts of carbon emissions upon the environment.’

Policy LC12 of the North Lincolnshire Local Plan seeks to ensure that proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows.

Paragraph 131 of the NPPF states, ‘...Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.’

Paragraph 174 (b) of the NPPF states that (decisions should contribute by) ‘...recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.’

The landscaping for the site comprises the retention of some existing trees and hedges and the planting of a high number of different species of trees, hedging and ground cover planting. Significant wildflower meadow mix planting is also proposed along part of the western and southern boundaries of the site. Green areas are shown within the LEAP, adjacent to the main access from Brigg Road, and the attenuation pond will be a wetland area. The council’s tree officer considers that the scheme is a reasonable scheme for the area. The landscaping, once mature, will soften the residential development and will work well in assimilating the scheme into its rural setting. The landscaping scheme overall will allow the development to be more easily absorbed into the locality. The landscaping is therefore considered to be acceptable and aligns with the relevant paragraphs in the NPPF mentioned above, policies CS5 of the Core Strategy and policies RD2, LC7, H5 and LC12 of the North Lincolnshire Local Plan.

Other matters raised

It is noted that the NHS have requested contributions with this application. However, the appropriate contributions have already been agreed at outline stage within the appeal decision. Therefore, further contributions cannot reasonably be sought at this reserved matters stage.

Concerns over drainage, access and maintenance of the dykes are noted. However, these matters are not pertinent to this reserved matters application. Surface water is a matter to be dealt with through the discharge of conditions applications that are currently pending consideration. It should be noted that the LLFA have not objected to this reserved matters application.

A number of other issues have been raised which do not directly relate to the reserved matters and therefore cannot be considered as part of this application. These matters were considered in the appeal decision for PA/2020/554.

Planning balance and conclusion

Overall, the proposed reserved matters scheme, pursuant to outline planning permission PA/2020/554, is considered to be acceptable.

RECOMMENDATION Grant approval subject to the following conditions:

1.

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

- House Type dH401 Plots 26, 28, 34, 36, 37, 62, 63, 65, 66, 69, 75, 76 Drg No. 183 / 101 Rev A
- Proposed Layout Drg No. 183 / 002 Rev H
- Materials Layout Drg No. 183 / 005 Rev A
- Landscape and biodiversity Layout Drg No. 183 / RM004 Rev B
- House Type tH201-201-302-205 Plots 58-61 Garages as numbered Drg No. 184 / 112 Rev A
- House Type dH408 Plots 25, 72 Drg No. 183 / 105 rev A
- House Type dH404 Plots 10, 20, 22, 50, 89 Drg No. 183 / 104 Rev A
- House Type dH402 Plots 06, 08, 27, 33, 38, 39, 64, 67, 68, 73, 77 Drg No. 183 / 102 Rev A
- House Type dH401 plots 26, 28, 34, 36, 37, 62, 63, 65, 66, 69, 75, 76 Drg No. 183 / 101 Rev A
- Location Plan Drg No. 183 / 027
- House Type tH329-302-201-322 Plots 46-49, 90-93 Drg No. 183 / 110
- House Type sH329-322 Plots 71-70, 94-95 & House Type sH322-329 Plots 81-82, 96-97 Drg No. 183 / 109
- House Type sH303 Plots 29-30, 31-32, 40-41, 54-55, 56-57, 87-88 & House Type sH201 Plots 11-12, 13-14, 15-16, 17-18, 83-84, 85-86 Drg No. 183 / 108
- House Type dH420 Plots 21, 78, 80 Drg No. 183 / 107
- House Type dH417 Plots 09, 35, 74 & House Type dH418 Plots 19, 24 Drg No. 183 / 106
- House Type dH403 Plots 23 & House Type dH421 Plots 07, 79 Drg No. 183 / 103

- Electric Sub Station Drg No. C1065234 Rev 0
- House Type tH201-201-302-201 Plots 42-45 & House Type tH205-302-302 Plots 51-53 Drg No. 183 / 113
- Proposed Play Space Drg No. 182 / 013.

Reason

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

2.

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

Reason

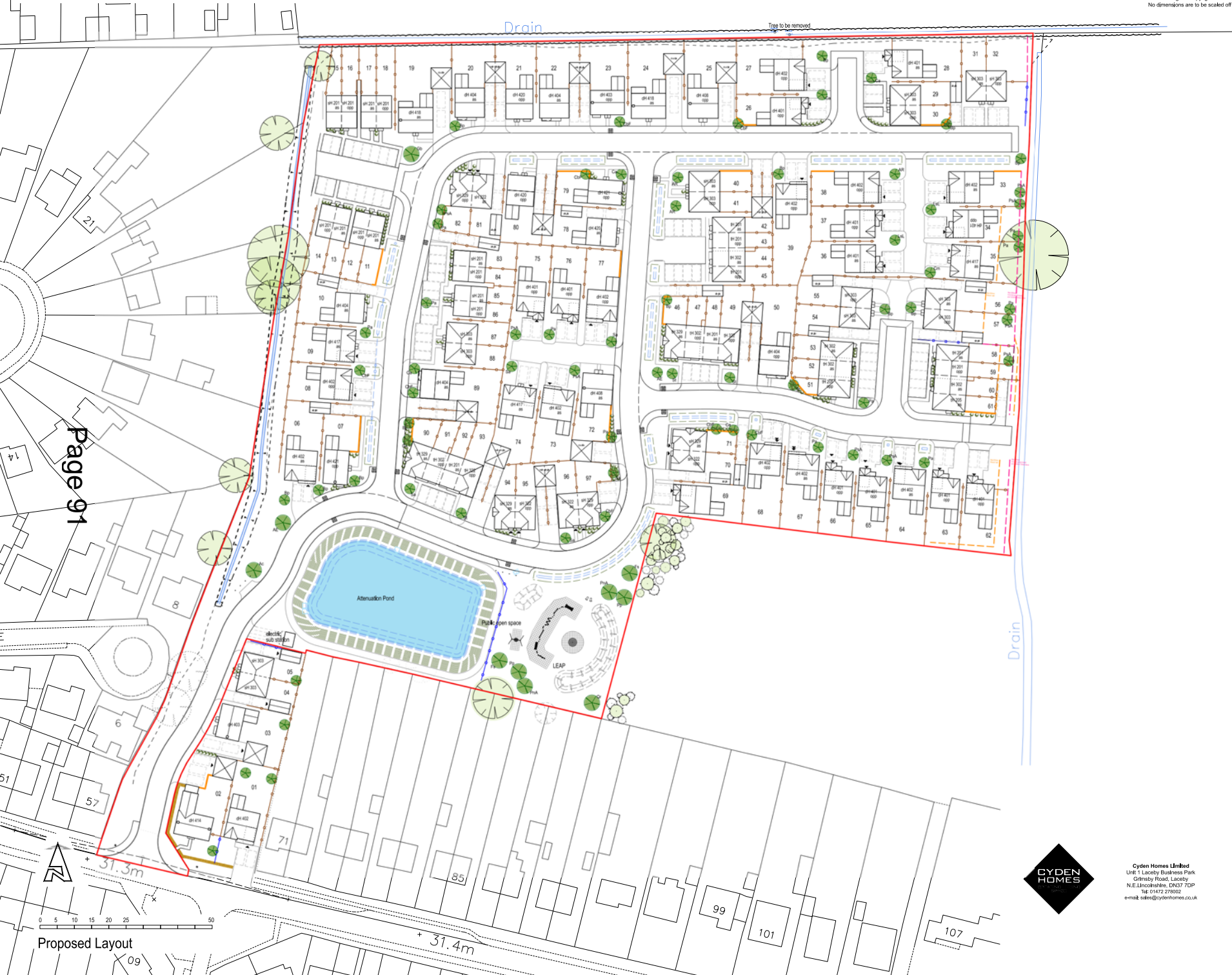
To protect the living conditions of the occupants of the approved development in accordance with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

Informative

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

PA/2022/2136 Proposed layout (not to scale)

This drawing is a copyright and no portion should be used without consent. No dimensions are to be scaled off this drawing. All dimensions are to be verified on site.



Legend

- 1800mm high brick wall (colour to match House plot)
- 1800mm high timber fence
- 1000mm high timber post and rail fence
- 300mm deep grassed swales 3000mm wide
- Proposed Tree Planting
- 100% FAGUS sylvatica Common Beech Hedge

Housing Mix

2 Bed	21no	12no
SH 201	2 bed semi detached house	12no
SH 201	2 bed terraced house	7no
SH 205	2 bed terraced house	2no
3 Bed	30no	6no
SH 302	3 bed terraced house	6no
SH 303	3 bed semi detached house	12no
SH 322	3 bed semi detached house	4no
SH 322	3 bed terraced house	2no
SH 325	3 bed semi detached house	4no
SH 325	3 bed terraced house	2no
4 Bed	41no	12no
SH 401	4 bed detached house	12no
SH 402	4 bed detached house	11no
SH 405	4 bed detached house	1no
SH 404	4 bed detached house	5no
SH 408	4 bed detached house	2no
SH 411	4 bed detached house	3no
SH 416	4 bed detached house	2no
SH 420	4 bed detached house	3no
SH 421	4 bed detached house	2no
Reserved Matters number of dwellings		52no
Approved Dwellings plots 1 to 5		
SH 303	3 bed semi detached house	2no
SH 402	4 bed detached house	1no
SH 405	4 bed detached house	1no
SH 414	4 bed detached house	1no
Total number of dwellings		97no

Rev H	- Plot 33, 34, 62 and 63 house types amended with other minor amendments	06.02.23
Rev G	- New Building Regulation Revised layout with Sub Stair	11.11.22
Rev F	- Landscaping Layout Revised	31.10.22
Rev E	- Layout Revised	17.10.22
Rev D	- Layout schemed in Cad	12.10.22
Rev C	- Drainage easement shown	19.05.20
Rev B	- RPA shown	30.04.20
Rev A	- Plot Numbers Revised	28.02.20

Proposed Residential Development at Land at Brigg Road Messingham Lincolnshire

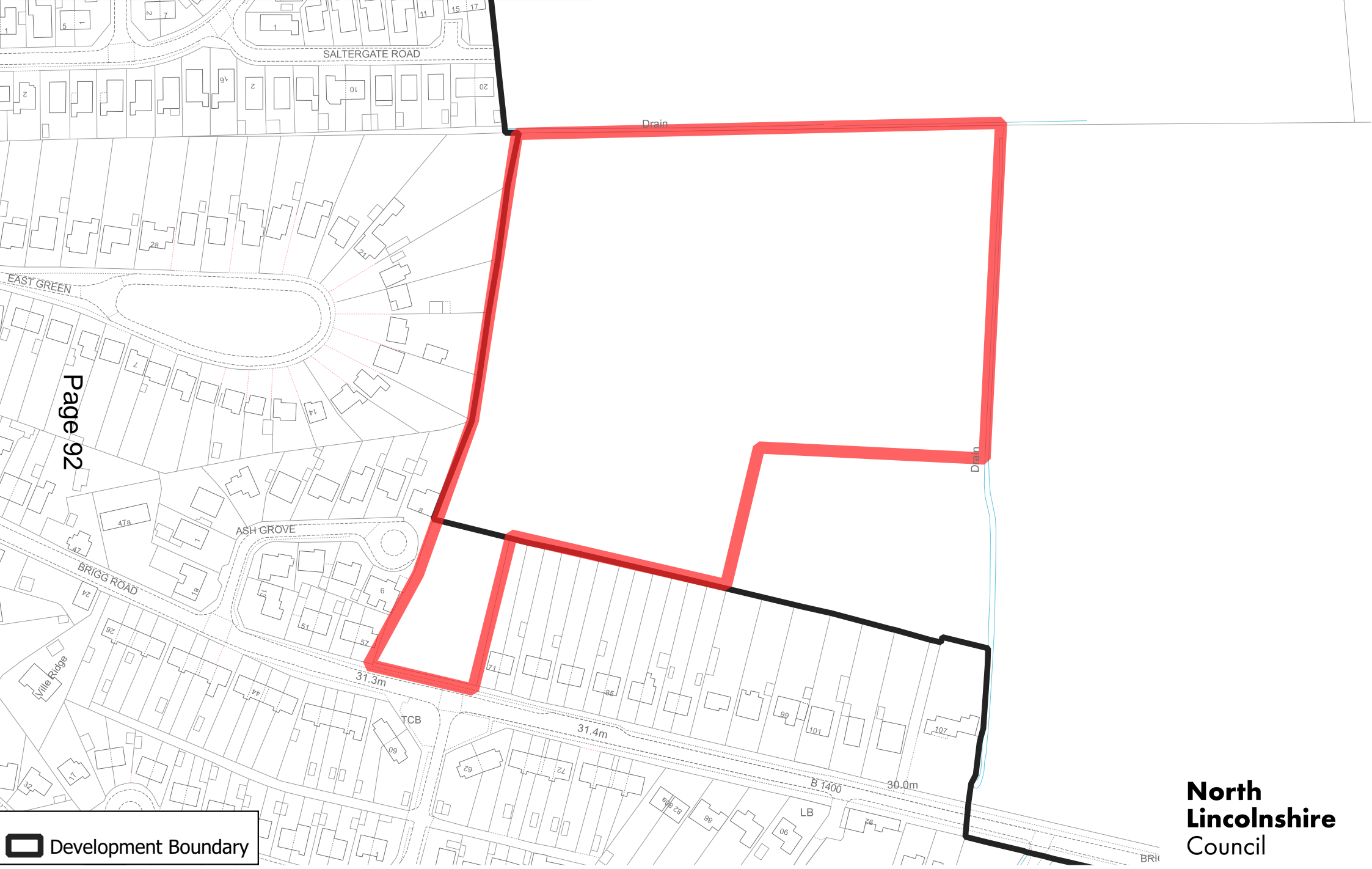
Proposed Site Layout Scale 1:500 - A1

August 2019
Drg No. 183 / 002 Rev H



Cyden Homes Limited
Unit 1 Lacey Business Park
Grimsby Road, Lacey
N.E. Lincolnshire, DN37 7ZP
Tel: 01472 278002
email: sales@cydenhomes.co.uk

0 50 100 150 200 250 m



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 Development Boundary

PA/2022/2136

**North
Lincolnshire
Council**

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

1. OBJECT

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

2. BACKGROUND

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

3. INFORMATION

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

4. RESOURCE IMPLICATIONS

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

5. RECOMMENDATION

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

DEVELOPMENT MANAGEMENT LEAD

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

Reference: CB/JMC/Planning committee 07 June 2023

Date: 26 May 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.
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6. Previous relevant planning decisions.

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APPLICATION NO	PA/2022/1374
APPLICANT	Ms Karen Robinson
DEVELOPMENT	Planning permission to erect two detached properties with associated private driveway.
LOCATION	Land rear of 14 Greenhill Road, Haxey, DN9 2JE
PARISH	Haxey
WARD	Axholme South
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr David Rose - significant public interest Haxey Parish Council object to the application

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision making

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

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

Chapter 16: Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

Policy DS1: General Requirements

Policy DS7: Contaminated Land

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

Policy H5: New Housing Development (Part)

Policy H7: Backland and Tandem Development

Policy H8: Housing Design and Housing Mix

Policy HE5: Development Affecting Listed Buildings

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering More Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS6: Historic Environment

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 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:

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 SS10: Development Limits

Policy DQE5: Managing Flood Risk

Policy DQE6: Sustainable Drainage Systems

CONSULTATIONS

Highway: No further comments to make following the amended plan, subject to previously recommended conditions.

LLFA Drainage: No objections or comments, subject to previously recommended conditions.

Severn Trent Water: No objection subject to an informative comment.

Environmental Protection: No objection subject to a condition.

Conservation officer: No objection subject to conditions.

PARISH COUNCIL

Objects to the application, making the following comments:

- The parish council remains of the view that the proposed development would have an unacceptable negative impact on residential amenity, on the privacy of neighbours (including overlooking two-storey buildings) and the overall established character of the area.
- Whilst the amendments slightly mitigate such impact, they do not fully or sufficiently address the parish council's concerns.
- The proposed development would be out of character with the neighbouring listed building at 14 Greenhill.
- The proposed changes do not address the increase in traffic that would result from the proposal nor the additional access that has now been approved for 14 Greenhill.
- The proposal is and remains backland development on which basis the parish council opposed the application in its original response.
- It is not linear infill which was the case with PA/2022/811.
- The parish council consider this application and its associated application at 14 Greenhill should have been dealt with as one application and not three individual applications.
- The parish council is of the view that the enablement argument is unsound and thus that the application must be judged on its own merits.

PUBLICITY

A press and site notice have been posted. Nine responses have been received (two from the same property) raising the following concerns:

- the scale of the development is vastly disproportionate to surrounding properties
- the dwellings and amenity space provided around them would not be in keeping with properties in the vicinity

- overbearing impact on adjacent properties
- privacy
- overshadowing
- public safety because of the access to Greenhill Road
- vehicular traffic from the proposed development
- loss of wildlife.

ASSESSMENT

Site constraints

SFRA flood zone 1

Development boundary

Listed building 30m

Planning history (14 Greenhill)

PA/2022/1278: Listed building consent for renovations and the erection of two-storey extension to the rear and sides of the dwelling – approved 02/12/2022

PA/2022/1021: Planning permission for renovations and the erection of two-storey extensions to the rear and sides of the dwelling – approved 02/12/2022.

Site description and proposal

Planning permission is sought to erect two detached properties with an associated private driveway on land to the rear of 14 Greenhill Road, Haxey. By way of background, this proposal is associated with the subdivision of the garden of 14 Greenhill Road. 14 Greenhill Road is a grade II listed building and is also owned by the applicant.

The site is within the development boundary of Haxey and is surrounded by residential properties. The surrounding properties are a mix of single-storey and two-storey dwellings, located alongside the road with their rear elevations facing the application site.

This proposal is to erect two, two-storey detached dwellings. The dwellings would contain a kitchen/dining area, living room, utility room, study room and sunroom on the ground floor and four bedrooms on the first floor.

The plans show the dwellings would face west in the direction of the driveway. They would have windows in the front and rear elevations on both the ground and first floors. The dwellings would have a window in the south (gable) elevation at first-floor level serving the bathroom. There would be no windows or doors in the north (gable) elevation.

The proposal would have four parking spaces. Two additional parking spaces within the site have been allocated to the property at 14 Greenhill Road and one parking space has been

allocated as guest parking provision. The proposal would share a common access with 14 Greenhill Road.

The walls would be rendered at the base with brick above, and the roofs would be pantile.

By way of background, this proposal is the result of negotiations between the planning department and the applicant following concerns about the initial proposal. Furthermore, it was initially recommended that this proposal be submitted together with the repair of the grade II listed 14 Greenhill Road as enabling development. However, due to concerns about structural integrity for the repair of 14 Greenhill Road and a delay over information required to assess the application as enabling development, the applicant opted for the listed building application to be assessed independently to protect the structure of the listed building.

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

- **the principle of development;**
- **layout, siting and design;**
- **impact on the character of the surrounding area;**
- **impact on the nearby grade II listed 14 Greenhill Road;**
- **impact on neighbouring amenities**
- **highway safety, access and parking.**

Principle of development

Haxey is a rural settlement, and the site is within the development boundary. It is proposed to subdivide the existing garden (backland development) to erect two detached dwellings.

Policy CS2 (Delivering more Sustainable Development) 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.

Policy CS3 (Development Limits) ensure that the countryside is protected from inappropriate development and that no uncontrolled expansion of settlements will take place.

As the development is a small-scale development within the defined limits of Haxey, it is consistent with the aims of policy CS2 (Delivering more Sustainable Development) and meets the terms of policy CS3 (Development Limits).

The principle of development is therefore acceptable.

Layout, siting and design

Policy DS1 (General Requirements) expects a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. It requires that all proposals be considered against the quality of the design and amenities, among others. Further to this, the NPPF advises that planning should always seek to secure a good standard of amenities for all existing and future occupants of land and buildings.

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

Policy H5 (New Housing Development) requires that the development is in keeping with the scale and character of the settlement and that the scale, layout, height and materials of the development are in keeping and compatible with the character and amenity of the immediate environment and with the settlement. Further, the development must not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings.

Policy H7 (Backland and Tandem Development) indicated that backland development will be permitted if it would not affect the overall quality and character of the area in which it is located by unacceptably increasing the density of development in that area.

The surrounding area is characterised by linear development; however, there is an exception in the area which includes 11 High Street, and 4A and 4B Greenhill Road which are not located alongside the road and could be defined as backland developments.

As indicated earlier, the site is not located alongside the road and is therefore positioned like 11 High Street, and 4A and 4B Greenhill Road. In considering the siting of this proposal, it would share the existing access positions with 14 Greenhill Road and therefore the access arrangement would avoid any adverse disruption to the appearance of the street scene. Furthermore, the new dwellings would not be placed immediately behind the properties in the area, particularly they would be sited on a reasonably-sized plot, and be unlikely to raise a significant issue of overlooking, loss of amenity, cramping or adverse impact on the character of the area as there would be sufficient separation between dwellings to overcome difficulties of overlooking and loss of amenity that permit a further dwelling within the rear garden of 14 Greenhill Road.

It is worth noting that the planning authority's initial position was single-storey dwellings because they may have less impact on amenity and privacy compared to two-storey

dwellings. Following discussions with the applicant, the initial layout and design of the proposal have been amended and it is judged that the amended drawing (the proposed two-storey development) has been designed such that it has overcome the concerns raised by the planning department.

In line with the above policies and the character of the area, a proposal for a subdivision of a plot should ensure that the existing and proposed dwelling plot is of a sufficient dimension and that the proposed layout and spacing of the dwellings reflect the established pattern of housing development in the area and do not result in loss of privacy to surrounding residential amenity.

Having reviewed the proposal, the block plan shows that two dwellings on the site would fit in well with the character of the area. Furthermore, it is judged that this proposal would retain appropriate curtilage.

Regarding the impact on the street scene, the site is backland development and therefore there would be no negative impact on the street scene.

In terms of facing materials, it is proposed to use TBS Old Watermill Red Brick with ivory render to part of the ground floor. These finishes are considered to be acceptable in this rural area which comprises a mix of brick types and some rendered properties. The roof tiles are to be Sandtoft Old Hollow Victorian Pantile – Weathered which would not raise an issue since they would conform with the character and appearance of the area. Windows will be coloured cream and external doors will be blue; again this will not detract from the character and appearance of the area.

Overall, the layout, scale and design of the development are appropriate. The dwellings have been suitably sited away from the common boundaries with adjacent properties to ensure they do not have any adverse overlooking, overshadowing or overbearing impact on key areas of private amenity to adjacent properties. From the above, the proposal complies with policies DS1, H5 and H7 of the local plan, and CS5 of the Core Strategy.

Residential amenity

Policy DS1 (General Requirements) seeks to ensure 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.

Policy H7 (Backland and Tandem Development) indicates that backland development will be permitted if there is no adverse effect on the amenities of any residential premises or adjoining uses through overlooking, loss of privacy or loss of amenity area to adjoining dwellings.

With regard to amenity in terms of overbearing impact and overshadowing, this proposal is for two-storey dwellings suitably sited away from the common boundaries with adjacent properties to ensure they do not have any adverse overlooking, overshadowing or overbearing impact on key areas of private amenity to adjacent properties.

Regarding privacy, the plans show that the dwellings would face the west in the direction of the driveway. They would have windows on the front and rear on both the ground floor and the first floor. In the south elevation (gable), the dwellings would have a window on the first floor serving the bathroom which will be conditioned to be obscure glazed to safeguard privacy. There would be no windows or doors in the north elevation (gable).

Having reviewed the potential impact of the windows on the amenity of neighbouring properties, the main concerns would be the front and rear windows, in terms of privacy from the first floor. In this case, the separation distances from the windows at the rear and the front to the common boundary with the adjacent properties would be approximately 20 metres. In this case, the separation distances are considered acceptable because they would allow reasonable privacy for neighbouring properties and sufficient garden space would remain.

The site is currently screened by a 1.8 metre high timber fence and therefore it is unlikely the ground floor windows would raise any amenity issues.

On balance, the proposal would not result in overlooking, loss of privacy or loss of amenity area to the neighbouring dwellings and therefore accord with the relevant policies of the local development plan.

Enabling development

The NPPF supports enabling development. Enabling development is a planning mechanism which permits a departure from planning policies in appropriate cases (see NPPF paragraph 202), and so enables the conservation of a relevant heritage asset in cases where otherwise the future of the asset would not be secured.

The case for enabling development rests on there being a conservation deficit. Simply put, this is the amount by which the cost of repair (and conversion to optimum viable use if appropriate) of a heritage asset exceeds its market value on completion of repair or conversion, allowing for appropriate development costs.

In terms of the justification of the development as enabling development, the applicant has submitted a Marketing Report and Costings of the value of 14 Greenhill Road, upon completion of works to the listed building to a satisfactory standard. These contain the estimated costs of refurbishment and the value of the proposed two residential building plots to the rear of the property in support of the proposal as enabling development.

The Marketing Report and Costings confirms there would be a cost deficit and therefore, in principle, the proposal meets the terms of the enabling development.

The conservation officer has been consulted on the Marketing Report and Costings of the application. The officer has indicated that the applicant has provided a financial justification statement by a reputable chartered surveyor and valuer as recommended.

Furthermore, the conservation officer provided advice at the pre-application stage. The officer concluded that 14 Greenhill Road has been empty for many years and has not been well looked after. This listed building has reached a stage where it is at risk and needs to be refurbished. The proposal states that the two new dwellings are required to provide the economic platform for its refurbishment.

As stated, the listed building was at real risk of being lost due to its condition and no prospective owners had come forward in many years until the present applicant.

The submitted marketing and valuation report shows there is a significant financial deficit or gap funding in refurbishing and saving the listed building.

The proposal for enabling development is a key material consideration in the determination of this application. And as stated this is dependent on the scale, form and style of the new dwellings. Harm can be mitigated through a well-designed traditional built form using a palette of traditional materials so that the new development complements the historic setting of the listed building. The scale of any intervisible new built form should not dominate the listed building.

The design of the proposed buildings has been amended to be pushed further back into the plot in an easterly direction which reduces the intervisibility between the new development and the listed building reducing the impact on the setting.

In addition, the design of the buildings has been altered to one with a more traditional frontage which helps integrate the buildings into the historic site and be more complementary to the character of the listed building.

The submitted marketing and valuation report shows that the addition of these plots will cut the financial deficit to a break-even point enabling the long-term conservation of the listed building.

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

There is some harm to the setting of the listed building by the introduction of two new dwellings in its original setting. This harm has been reduced by an amended design with a more traditional form and the buildings being moved further away from the listed building reducing intervisibility.

The public benefits of saving the listed building for future generations and securing its optimum viable use (residential) would, on balance, outweigh the harm in this instance.

Therefore, there is no objection to the proposal and the case for enabling development is valid. The harm can be further mitigated through a well-built form using a palette of traditional materials and details which can be controlled by condition. It is recommended that a condition be included requiring details of the facing and roofing materials, and scale drawings of the proposed windows and doors with material specifications, to be included for consideration before installation.

The planning authority has reviewed the comments from the conservation officer and assessed the local plan policy, and the case of whether the benefits of the proposal as enabling development would conflict with planning policies but secure the future conservation of the listed building or outweigh the harm of departing from those policies. Following the review, the planning department has concluded that the proposal would not conflict with the relevant local development plan policies and the benefits of the proposal would outweigh the harm in this case.

Overall, this proposal has been submitted as enabling development and is supported by the planning authority as enabling development. Further, it complies with the local development plan policies.

In conclusion, the proposal is regarded as enabling development and will secure the long-term future of the listed building (14 Greenhill). The proposal is therefore judged to be appropriate and acceptable in this regard.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk and policy DS14 of the local plan is concerned with foul sewage and surface water drainage. Policy DS16 of the local plan seeks to ensure that new development should not be at risk from flooding.

The site is within SFRA flood zone 1, which has a low probability of flooding. The LLFA Drainage Team has no objections or comments to make on the development subject to conditions and informative comments.

Highway safety

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

Policy H5 (New Housing Development) requires that development must have adequate and appropriately designed access which will not create any traffic or road safety hazard. Adequate parking within the curtilage of the site is provided to ensure that no on-street parking occurs which would be to the detriment of the free and safe flow of vehicles using the public highway.

The block plan shows the proposal would have four parking spaces. Two additional parking spaces within the site have been allocated to 14 Greenhill Road and one parking space has been allocated as guest parking provision, and a turning area would be provided within the site. The proposal would share a common access with 14 Greenhill Road.

Highways have been consulted and have no objection to the proposal subject to conditions.

Contaminated land

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

The Environmental Protection team has reviewed the proposal and has no objection to the application subject to a pre-commencement condition.

The officer has commented that the application for residential development is a sensitive end-use. It is the developer's responsibility to assess and address any potential contamination risks. No supporting information has been provided by the applicant that demonstrates the land has not been impacted by contamination and that any potential risks can be reduced to an acceptable level.

Parish council comments

Turning to the objection by the parish council, the concerns raised regarding the negative impact on residential amenity, in terms of privacy of neighbours (including overlooking two-storey buildings) and the overall established character of the area have been addressed in this report.

On the matter that the proposed development would be out of character with the neighbouring listed building at 14 Greenhill Road, this is enabling development, where the development is judged as the only means of securing the long-term retention and re-use of a listed building, as the listed building is at risk of imminent collapse or further decay. There is some harm to the setting of the listed building caused by this development but this harm is clearly outweighed by the public benefits of the proposal.

On the concerns that the proposed changes do not address the increase in traffic that would result from the proposal, this proposal would share the existing access with 14 Greenhill Road, and the scale of the development is not anticipated to raise a significant increase in traffic on the road. Highways have reviewed the proposal and have no objections or concerns about an increase in traffic.

The council has indicated that the proposal is not linear infill which was the case with PA/2022/811. It is worth noting that every planning application is assessed on its merits.

In the case of enabling development, the parish council is within its right to dispute the case for enablement. As outlined in the report, the proposal meets the terms of enabling development.

The concern about compliance with policy CS2 (Delivering more Sustainable Development) has been addressed in this report.

Public comments

The public have raised concerns about the scale of the development, amenity impact and public safety due to vehicular traffic. The concerns have been addressed in this report.

Conclusion

The principle of the proposal within the development boundary is acceptable. The proposed subdivision of the existing dwelling plot by infilling the garden to erect two detached properties in principle is acceptable. The siting, scale and design of the development would not raise significant issues such as overbearing impact, overlooking or privacy to warrant refusal. The siting, layout, scale and design of the dwellings are also deemed acceptable and would not harm the character of the area.

The planning authority has reviewed the case for enabling development and judged that the benefits of the proposal as enabling development would not conflict with the terms of the NPPF and planning policies. It would secure the future conservation of the listed building and any unanticipated harm would not outweigh the benefits of the proposal. Overall, the case for enabling development is supported by the planning authority.

Further, the proposal complies with the relevant policies of the local development plan. The proposal is therefore 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.
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 Location Plan Dwg. No. PA_002_D_PR_SLP Rev. D
- Proposed Floor Plan Dwg. No. PA – 102 – A – 0 – GA – PP Rev. 0
- Proposed Elevations Dwg. No. PA – 103 – A – 0 – GA – PE
- Existing Site Location Plan Dwg. No. PA – 100 – A – EX – SLP Rev. A.

Reason

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

3.
No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

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

4.
No development shall take place until details showing an effective method of preventing surface water run-off from the highway onto the developed site have been submitted to and approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

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

5.
No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to

and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

6.

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

Reason

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

7.

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

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

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

8.

No dwelling on the site shall be occupied until the private driveway has been completed, to a standard to be agreed beforehand in writing with the local planning authority, up to its junction with the vehicular access to that dwelling.

Reason

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

9.

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

Part 1: Site characteristics

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

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, 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 in 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 the completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority.

Part 4: Reporting of unexpected contamination

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

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

Reason

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

10.

No development shall take place until samples of the facing and roofing materials, and scale drawings of the proposed windows and doors with material specification, have been submitted to the local planning authority for approval in writing before installation. Only the approved materials shall be used.

Reason

To retain the character of the listed building in accordance with Section 66 of the Planning (Listed Buildings & Conservation Areas Act 1990), and policies CS6 of the Core Strategy and HE5 of the North Lincolnshire Local Plan.

11.

No dwelling shall be occupied until the bathroom window at first-floor level in its southern elevation has been obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and it shall be retained in that condition thereafter.

Reason

To protect the living conditions of the occupants of the approved dwellings in accordance with policies CS5 of the Core Strategy and DS1 of the North Lincolnshire Local Plan.

Informative 1

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

Informative 2

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

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

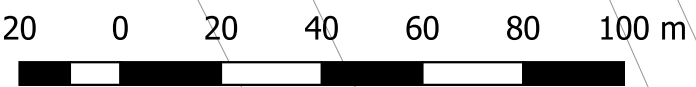
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

Informative 3

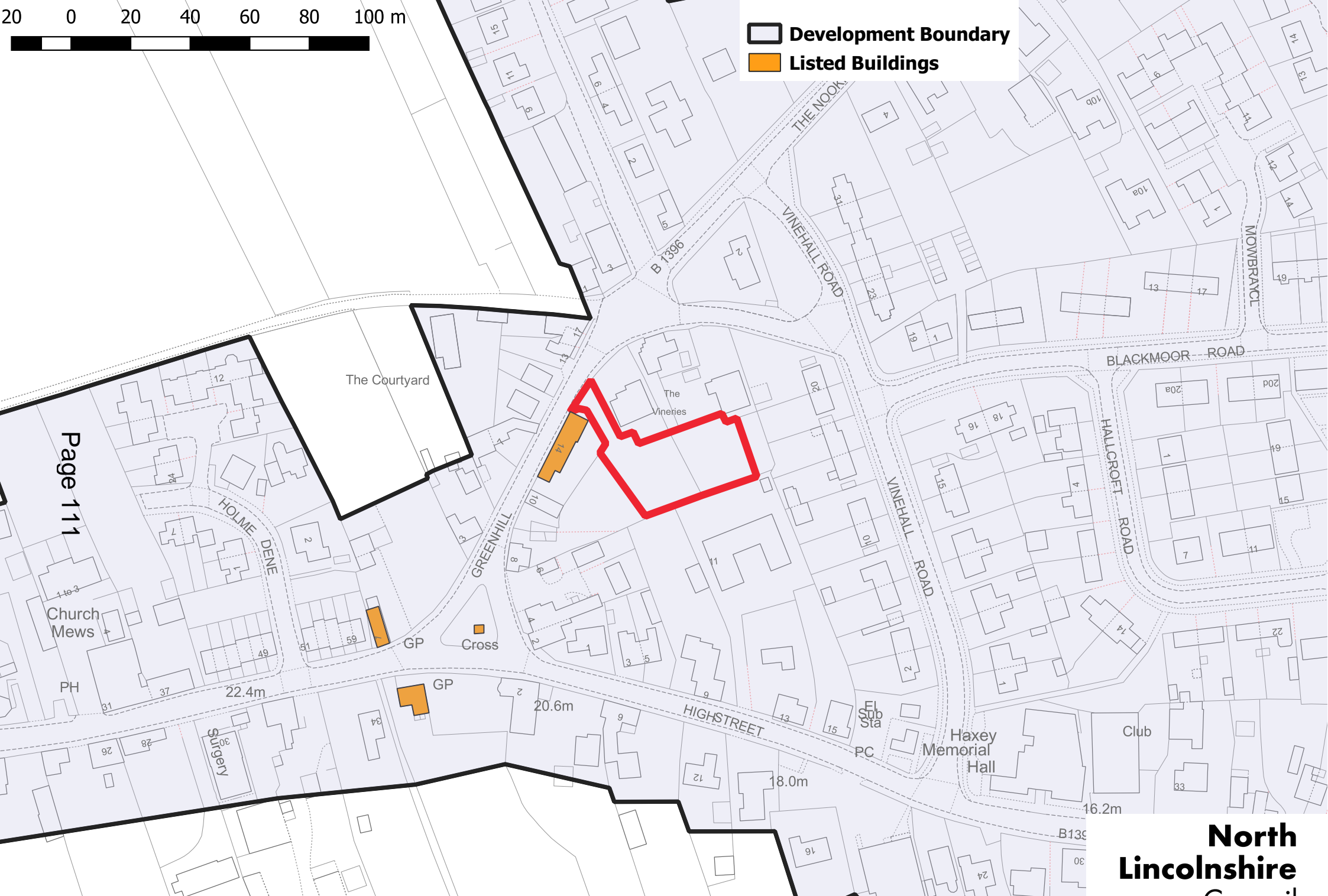
Severn Trent Water advises that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close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

Informative 4

We would also suggest 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.



 **Development Boundary**
 **Listed Buildings**



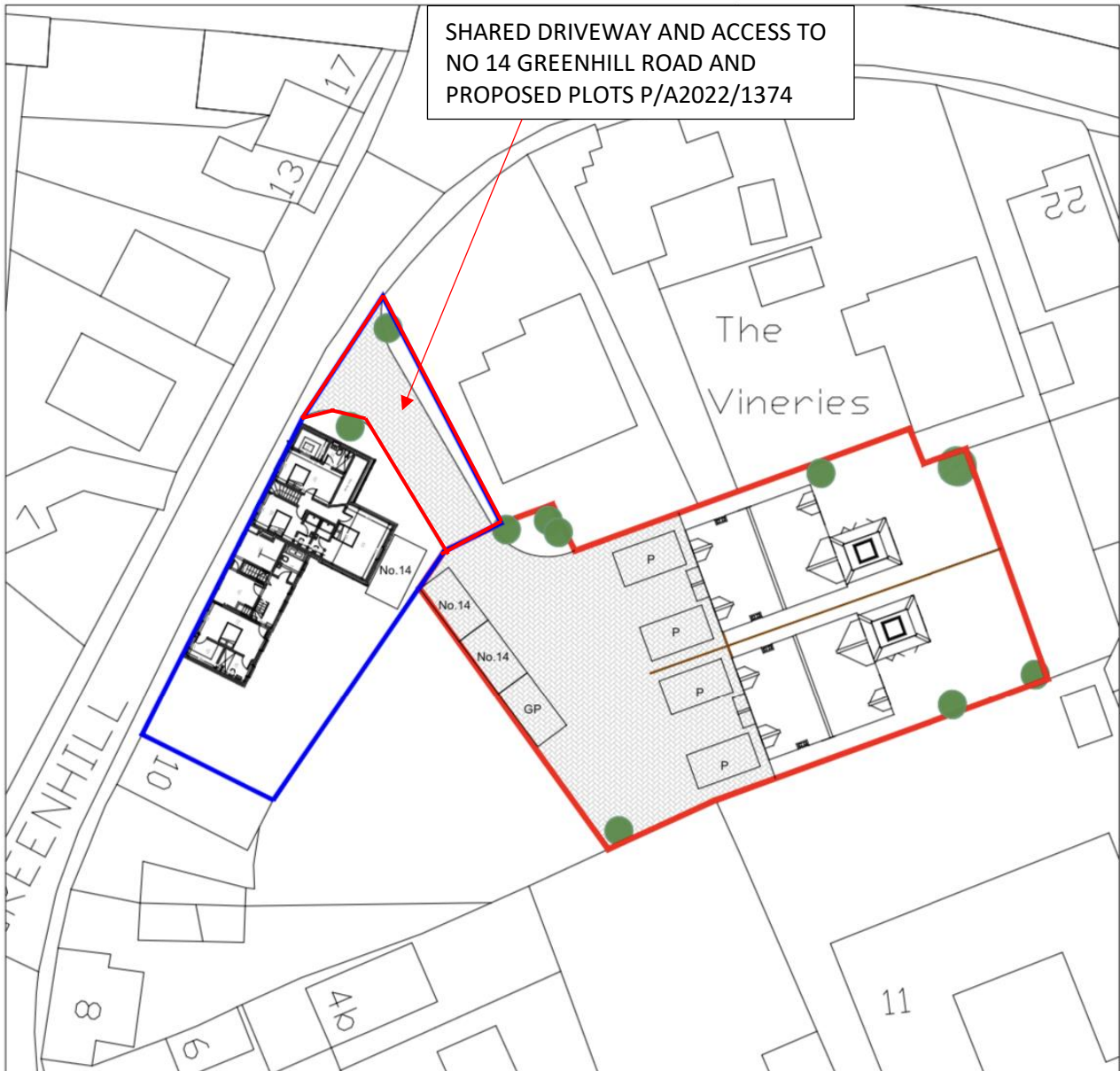
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**North
Lincolnshire
Council**

PA/2022/1374 Proposed layout (not to scale)



REV:	DESCRIPTION:	BY:	DATE:
STATUS:		Approval	



CLIENT:
Ms Robinson

SITE:
14 Greenhills Road, Haxey

TITLE:
Proposed Location Plan

SCALE AT A4: 1:500	DATE: 25/07/22	DRAWN: JH	CHECKED: XX
PROJECT NO: 2072	DRAWING NO: PA_002_E_PR_SLP	REVISION:	E

- E Boundary Lines Tweaked. 23/05/2023
- D Scheme Amended. 21/03/2023
- C Scheme Amended. 08/02/2023
- B Boundary Tweaked. 18/11/2022
- A Tweaks to mitigate overlooking. 24/08/2022

PA/2022/1374 Proposed elevations (not to scale)

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Notes:
 DO NOT scale from this drawing. All measurements are in millimeters unless stated otherwise. All measurements and levels to be verified onsite prior to commencing works. Notify the lead designer. PHASE Architecture of any discrepancies onsite.

CLIENT:
Ms Robinson

REV	REV DESC.	DATE
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Window Colour



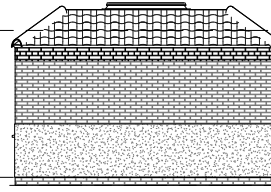
Door Colour



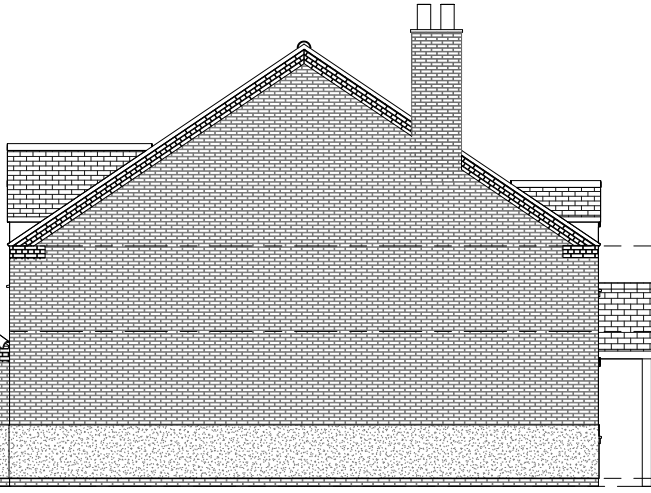
Front Elevation
1:50

Monocouche XF
Render Ivory

TBS Old Watermill
Red Brick



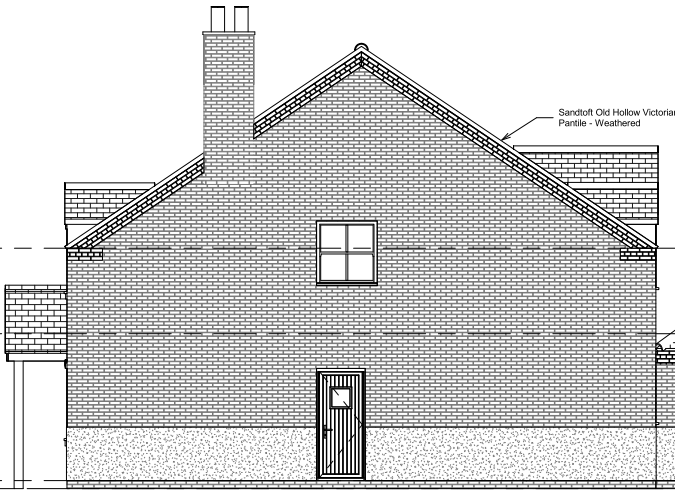
Side Elevation
1:50



- 02 Roof Eaves 4350
- 01 Level 1 F.F.L. 2750
- 00 Ground F.F.L. 0
- Site -150



Rear Elevation
1:50



Side Elevation
1:50

Sandtoft Old Hollow Victorian
Pantile - Weathered

- 02 Roof Eaves 4350
- 01 Level 1 F.F.L. 2750
- 00 Ground F.F.L. 0
- Site -150

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PROJECT
 Land to the Rear of 14 Greenhill Road

DRAWING NAME
 Proposed Elevations

DRAWING NUMBER
 PA - 103 - A - 0 - GA - PE

DATE 03/02/2023 SCALE @ A1 1:50

PROJECT NO. 2072 REV

ORIGINATOR JH CHECKED XX AUTHORISED XX

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APPLICATION NO	PA/2022/1819
APPLICANT	Mr S Cherry, Cherry Lane Homes Ltd
DEVELOPMENT	Planning permission to vary condition 2 of PA/2020/1117 namely to alter the height of the proposed fencing
LOCATION	7 Belton Road, Epworth, DN9 1JL
PARISH	EPWORTH
WARD	Axholme Central
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Epworth Town Council

POLICIES

National Planning Policy Framework:

Section 2 (Achieving sustainable development)

Section 5 (Delivering a sufficient supply of homes)

North Lincolnshire Local Plan: DS1, LC12, H5, H7, H8, T1, T2 and T19 apply.

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

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:

SS1, SS2, SS3, SS5, SS11, DQE1 and DQE12.

CONSULTATIONS

Highways: No objection or comments.

LLFA Drainage: No objection or comments.

Environmental Protection: No objection or comments.

Archaeology: No objection or comments.

TOWN COUNCIL

Object on the grounds the fence should be installed to the same height as the original planning application.

PUBLICITY

A site notice has been displayed; two letters of objection have been received raising the following issues:

- the height of the fence should be installed as per the approved plans
- the height of the fence should be uniform throughout the development
- loss of hedge and wildlife
- the height of the fence should be increased to 2 metres throughout the development
- the 2-metre-high fence allows more privacy.

ASSESSMENT

Planning history

PA/2020/1117: Planning permission to erect three dwellings and associated garages – allowed at appeal on 08/04/2022.

The application site consists of three dwellings under construction (as per the approval under PA/2020/1117) on a site to the rear of residential properties on Belton Road (A161) and Tottermire Lane. The site is accessed from Belton Road to the west; this access also serves the host property (7 Belton Road) and the site previously contained some detached garages along its southern boundary. The site is within the development limit of Epworth within SFRA flood zone 1 (low). It is not within a conservation area and does not relate to a listed building. It is acknowledged that the site benefits from two tree preservation orders (TPOs) in the north-west corner of the site and one adjacent to the south boundary within the curtilage of 94 High Street. Planning permission is sought to alter the height of the boundary treatment around the perimeter of the site.

The main issue in the determination of this application is whether the change to the height of the boundary fencing impacts on residential amenity.

Residential amenity

The site layout plan shows revisions to the proposed boundary treatment along three of the boundaries to the site: this consists of a reduction in height of the closed-boarded fence from 2 metres to 1.8 metres, a reduction of 0.2 metres. It is considered the reduction in height of the close-boarded fence to a height of 1.8 metres still affords sufficient screening to the gardens of each plot and to those existing dwellings which border the development site. It should be noted that the majority of close-boarded fences which are erected along the boundary of rear gardens in residential areas are erected at a height of 1.8 metres and as such it is considered this revision to the boundary treatment provides sufficient screening for all gardens.

In addition, it is noted that a small section of the northern boundary will be retained at a height of 2 metres where it borders the garden of 9 Tottermire Lane; this is to ensure there is sufficient privacy to the two bedroom windows which are proposed in the northern elevation of plot 2. The comments made by objectors are noted (in respect of the removal of the hedge for a fence), however it is considered the replacement of the hedge with a 1.8 metre high fence is sufficient to safeguard residential amenity to all gardens in this case. The fence is not visible within the street scene and therefore will not be viewed from the public highway, and the height of the proposed boundary fencing in its revised form is not considered to be out of keeping with the majority of gardens within the vicinity of the site. The proposed reduction in the height of the boundary fencing is not considered to result in any loss of residential amenity and provides sufficient privacy to the gardens of those dwellings proposed within the development site and those gardens which immediately border it; the application is therefore recommended for approval.

Conditions

The pre-commencement conditions imposed on the original planning permission have been formally discharged under reference PA/2022/1562 and works have commenced on site. Amended conditions are proposed to ensure that the development is carried out in accordance with the details agreed pursuant to the conditions imposed on the original planning permission. These conditions relate to drainage, contamination, protected species, biodiversity, materials, and access and parking details.

RECOMMENDATION Grant permission subject to the following conditions:

1.
The development hereby permitted shall be completed in accordance with the following approved plans:

- 20-036-1 Location Plan
- 20-036-2 Rev J Site Plan
- 20-036-3 Plot 1
- 20-036-6 Garage Plot 1
- 20-036-04 Rev A Plot 2
- 20-036-05 Rev B Plot 3
- 20-036-7 Additional Garage.

Reason

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

2.
The dwellings hereby permitted shall not be first occupied until the surface water drainage strategy approved under PA/2022/1562 (the discharge of conditions submission) has been fully implemented, and once implemented the drainage scheme shall be retained thereafter.

Reason

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

3.

Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Reason

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

4.

The development hereby permitted shall be carried out in accordance with the approved details and timings in the Biodiversity Management Plan submitted under PA/2022/1562 (the discharge of conditions submission), and the approved features shall be retained thereafter.

Reason

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

5.

No additional works shall take place on site until an updated biodiversity management plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (b) proposed timings for the above works in relation to the completion of the dwellings hereby permitted.

The development hereby permitted shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter. Photographs of the planted trees and shrubs shall be submitted to the local planning authority within two weeks of installation.

Reason

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

6.

The dwellings hereby permitted shall be constructed in accordance with the following approved details and once constructed shall be retained thereafter:

Brick: Terca Mardale Antique
Tile: Marley Calderdale Grey.

Reason

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

7.

The vehicular access, vehicle parking and turning spaces shall be completed in accordance with the approved details before the dwellings are first occupied and shall be retained for such purposes thereafter.

Reason

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

8.

The development hereby permitted shall be carried out in accordance with the mitigation measures set out in the Arboricultural Method Statement for Tree Protection reference 211120/CHE prepared by Urban Arborist, including that during construction, no plant, equipment or materials shall be placed within the root protection areas of the existing trees protected by a tree preservation order. The root protection areas shall be calculated in accordance with BS5837:2012.

Reason

To protect the integrity of the protected trees.

9.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revising, revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwellings (including additions or alterations to the roofs) hereby permitted, or any buildings or enclosures within their curtilages.

Reason

To satisfactorily protect the character and appearance of the area and the residential amenities of future occupiers, and to accord with policies CS5 of the North Lincolnshire Core Strategy and DS1 of the North Lincolnshire Local Plan.

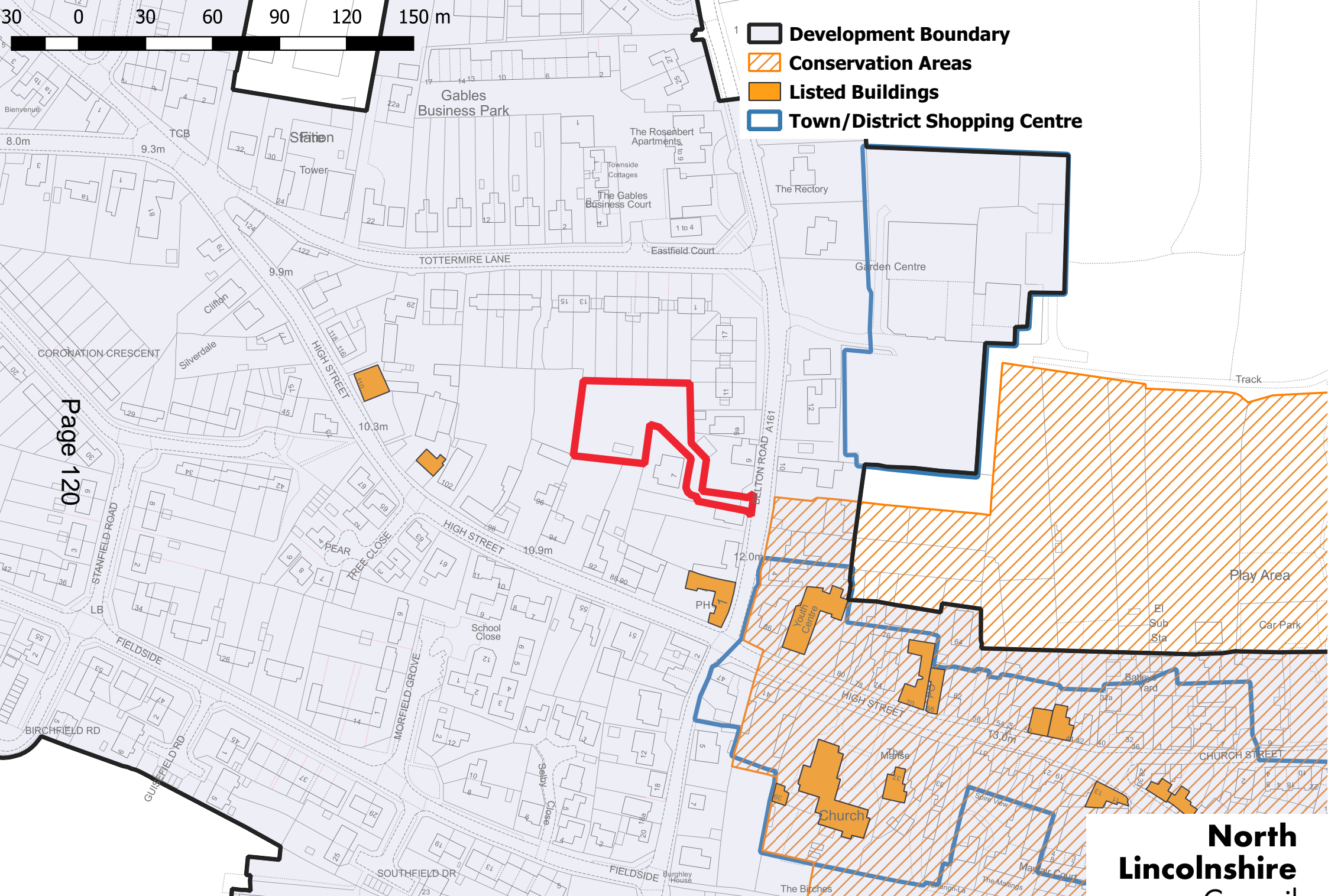
Informative 1

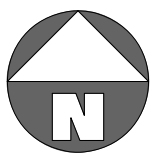
Please be advised that any conditions formally discharged against PA/2020/1117 are considered to be discharged against this planning application also.



Informative 2

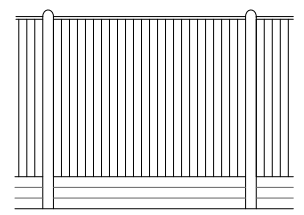
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

-  Development Boundary
-  Conservation Areas
-  Listed Buildings
-  Town/District Shopping Centre

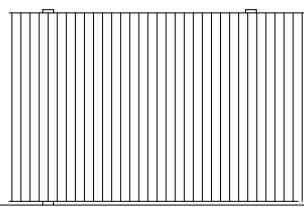




- KEY**
-  denotes proposed shrub planting
 -  denotes proposed tree planting



1800 SCREEN FENCE TO BOUNDARY



1800 SCREEN FENCE WITH SITE BETWEEN PLOTS
POST AND RAIL WITH FEATHER EDGE BOARDING

REV A - NOV 20 - PLOTS 2 AND 3 AMENDED
 REV B - NOV 20 - PLOT 3 AMENDED
 REV C - FEB 21 - PLOT 3 AMENDED
 REV D - AUG 22 - SHARED DRIVE INDICATED AS TARMAC
 REV E - SEP 22 - BOUNDARY FENCE AMENDED TO 1800 HIGH
 REV F - OCT 22 - FENCE STYLE AMENDED
 REV G - FEB 23 - FENCE AMENDED

CHERRY TREE HOMES LTD

**7 BELTON ROAD
 EPWORTH
 DN9 1JL**

SITE PLAN

scale	date	drawn	checked
1:500 @ A3	July 20	PB	
drawing no	revision		
20 - 036 - 2	G		

C3 Architecture Planning & Design Ltd

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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 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

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 that apply to this application are:

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

This application was deferred at two previous planning committees to allow members to visit the site before making a decision and to allow an amended site notice to be displayed to publicise the application.

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:

- the principle of the development;
- layout, siting and design;
- impact on residential amenity;
- drainage and flooding; and
- highways and access.

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

- Site Location Plan Dwg. No. HR64691275634790
- Block Plan showing access on Dwg. No. HR76321292634818.

Reason

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

3.
Plans and particulars of the reserved matters referred to in condition 2 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.

4.
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.

5.
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.

6.
No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

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

7.

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.

8.

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.

9.

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.

10.

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

Reason

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

11.

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

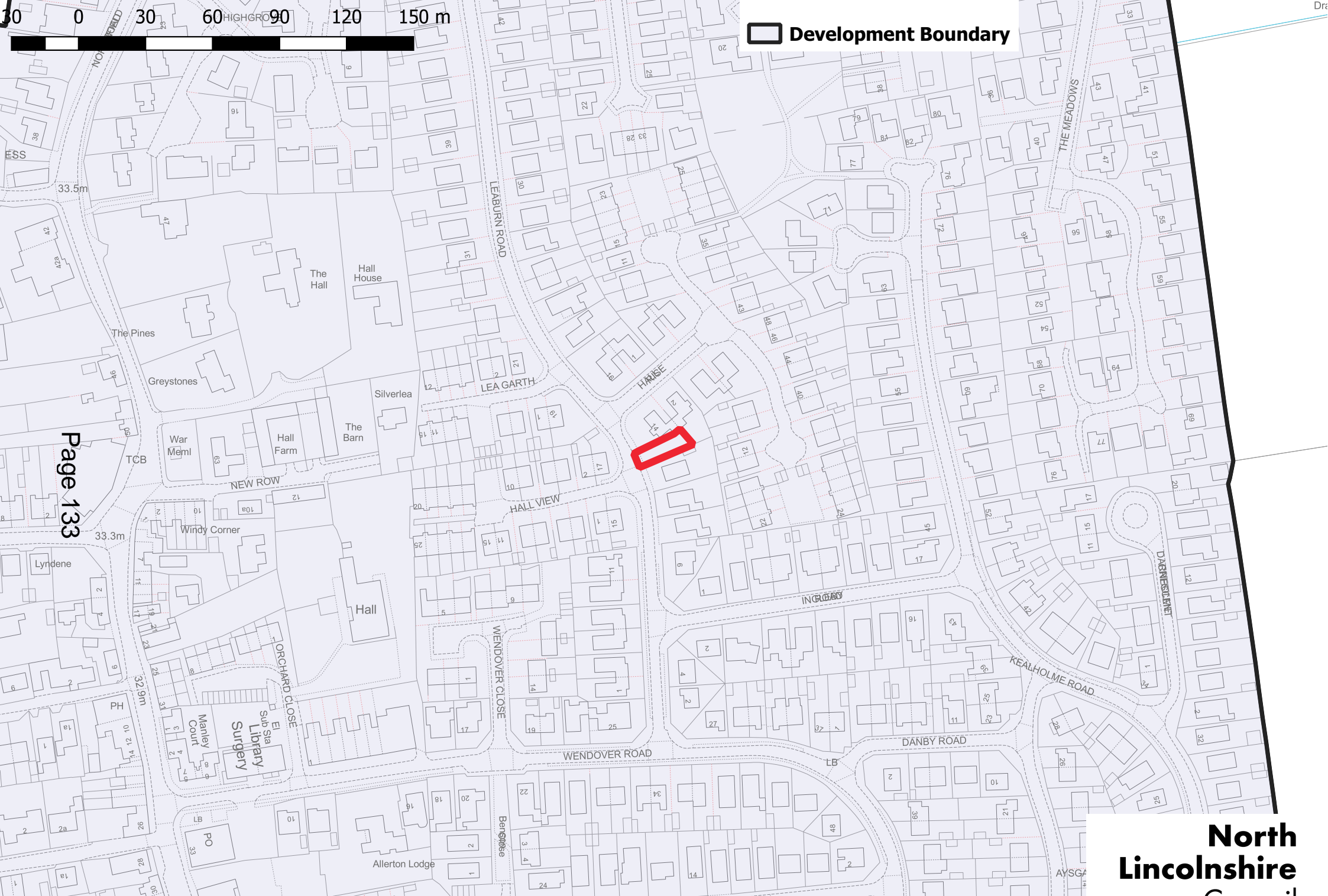
For minor developments, the LLFA suggests you consider upsizing the pipe network increasing storage around your development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance it would be good practice on your behalf to ensure 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.

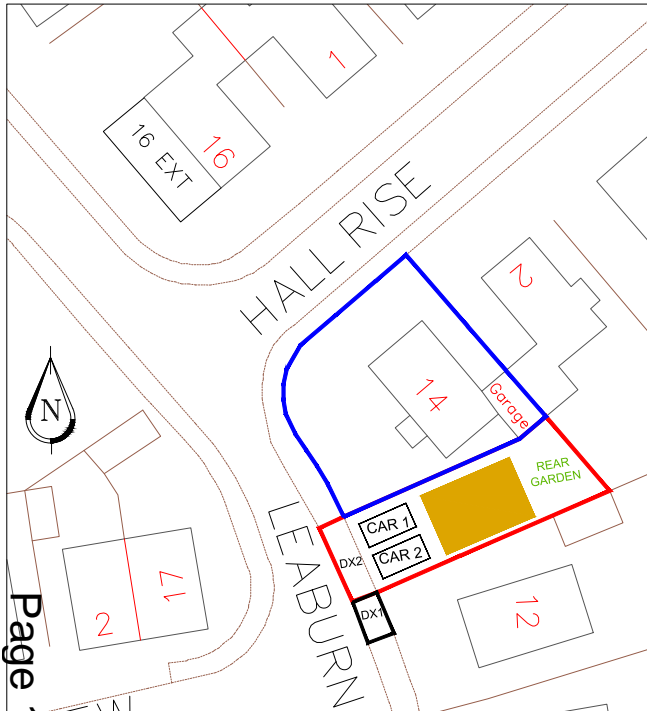
Informative 4

The applicant is advised that the Proposed Ground Floor Plan - Indicative Layout and the Proposed Front Elevation (West Facing) Indicative Layout do not form part of this planning permission.



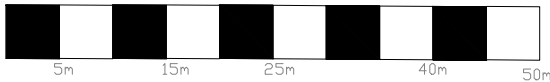
Page 133

PA/2022/2019 Proposed block plan (access only) (not to scale)

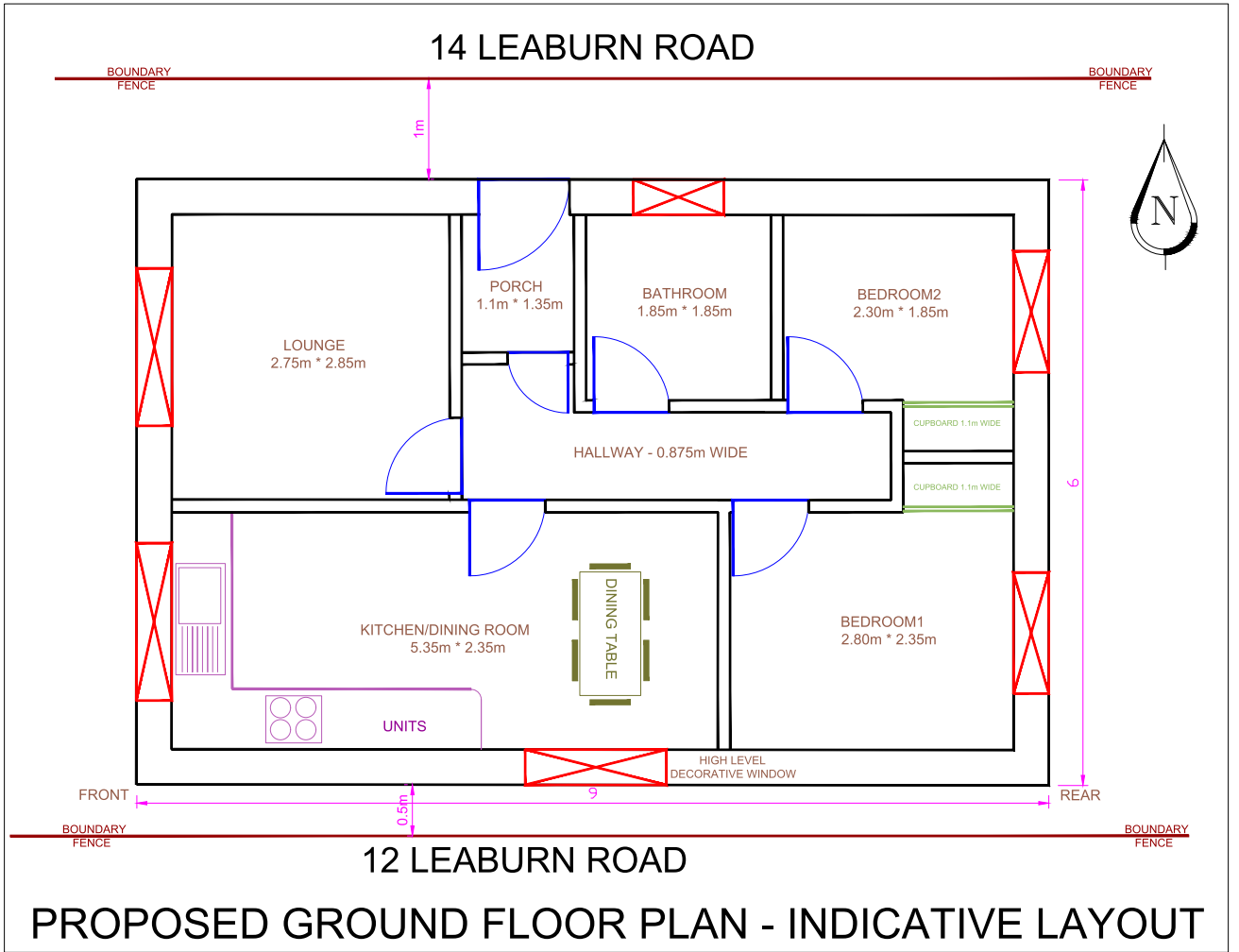


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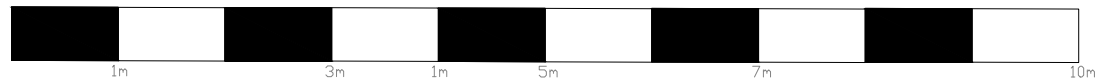
BLOCK PLAN



SCALE: 1:250 @ A1



PROPOSED GROUND FLOOR PLAN - INDICATIVE LAYOUT



SCALE: 1:25 @ A1

KEY

- APPLICATION BOUNDARY
201m² (0.02HA)
- DX2 NEW VEHICULAR DROPPED CROSSING FOR NEW DWELLING (IN HIGHWAY)
- DX1 EXISTING VEHICULAR DROPPED CROSSING FOR No12 LEABURN ROAD
- LAND & PROPERTY OWNED BY APPLICANT (320m²)
- INDICATIVE OUTLINE OF NEW BUILD BUNGALOW WITH PITCHED TILED ROOF (9m * 6m)
- CAR1 CAR PARKING BAYS
4.8m * 2.4m (2No)

ReQuestAPlan

Map number: HR76321292634818

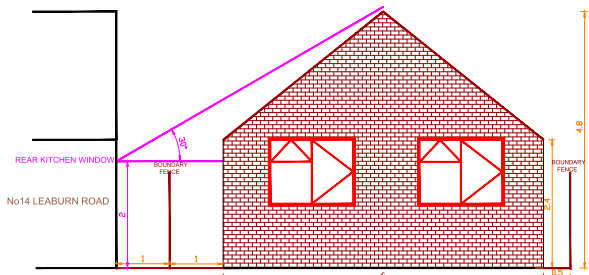
Title: NEW PLOT AT REAR OF No14 LEABURN ROAD
MESSINGHAM, NORTH LINCOLNSHIRE

Map Produced for: MS LISA WHITE

OS Licence number: 05482489671

Date of Purchase: 24-05-2023

1 Years subscription from 24-05-2023 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/2022/2021
APPLICANT	Mrs Sarah Cumberland, Avalon Mill Equestrian Centre
DEVELOPMENT	Planning permission to retain a manège and for use of site as an equestrian centre providing riding lessons
LOCATION	Avalon Mill Equestrian Centre, Green Lane, Belton, DONCASTER, DN9 1QD
PARISH	Belton
WARD	Axholme Central
CASE OFFICER	Daniel Puttick
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Belton Parish Council

POLICIES

National Planning Policy Framework:

Section 2 (Achieving sustainable development)

Section 6 (Building a strong competitive economy)

Section 9 (Promoting sustainable transport)

Section 12 (Achieving well-designed places)

North Lincolnshire Local Plan:

RD2 (Development in the Open Countryside)

T1 (Location of Development)

T2 (Access to Development)

T19 (Car Parking Provision & Standards)

R3 (Built Sports Facilities)

R8 (Commercial Horse Riding Establishments)

LC5 (Species Protection)

LC6 (Habitat Creation)

LC7 (Landscape Protection)

LC12 (Protection of Trees, Woodland and Hedgerows)

LC14 (Area of Special Historic Landscape Interest)

DS1 (General Requirements)

DS11 (Polluting Activities)

DS14 (Foul Sewage and Surface Water Drainage)

DS16 (Flood Risk)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS6 (Historic Environment)

CS17 (Biodiversity)

CS19 (Flood Risk)

CS25 (Promoting Sustainable Transport)

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

SS1 (Presumption in Favour of Sustainable Development)

SS2 (Spatial Strategy for North Lincolnshire)

SS3 (Development Principles)

SS11 (Development Limits)

EC6 (Supporting the Rural Economy)

DQE1 (Protection of Landscape, Townscape and Views)

DQE3 (Biodiversity and Geodiversity)

HE2 (Area of Special Historic Landscape Interest)

CSC1 (Health & Wellbeing)

CSC7 (Commercial Horse Riding Establishments)

T1 (Promoting Sustainable Transport)

T4 (Parking)

DM1 (General Requirements)

CONSULTATIONS

Highways: The highway authority are not aware of any issues being raised regarding the operation of the equestrian centre. From the information provided, the riding lessons will have a maximum of two pupils at a time, which will be a minimal increase in vehicle trips at any one time. Based on this, the highway authority have no further comments to make.

LLFA Drainage: No objection subject to the imposition of the following informative: Looking at the proposal the client/agent is wishing to replace approximately 1,800 square metres of soft ground to hardstanding. It may be prudent for the client/agent to verify the proposed manège construction details to safely convey and attenuate surface water during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change.

Ecology: No protected or priority species surveys are required as the development has already taken place. Conditions are recommended to minimise harm to protected and priority species and habitats and to seek a measurable net gain in biodiversity in accordance with policy CS17 of the Core Strategy, the National Planning Policy Framework and Biodiversity Metric 3.1.

Archaeology: The manège, in its current form, is low impact. The use of the land for a commercial horse-riding business is a non-traditional use unrelated to the historic landscape and its features. It is unclear how many horses are to be kept for rehabilitation purposes on this application site in connection with the equestrian centre (maximum undefined but presumed to be in excess of the four other specialist horses to be used for the Isle Ride to Recover Scheme). It is important to establish whether there is sufficient existing stabling for the planned number of horses and that the use of former agricultural land for this commercial purpose will not result in additional requirements for stable/shelter structures in the historic landscape; also, that the proposed commercial use will not require the erection of domestic buildings in connection with the business given that the farmhouse is not within the applicant's ownership and residential development in this part of the historic landscape would be contrary to local plan policy LC14. Should the planning authority ultimately consider granting consent for this application, any permission should be subject to standard conditions removing permitted development rights to avoid the unregulated enclosure, fencing and extension of the built environment into the protected historic landscape area.

Environmental Protection:

Noise:

The proposed development is in close proximity to existing residential dwellings. The applicant has supplied additional information regarding the use of the site and confirmed that the manège/riding school will be operational for three days per week for four hours per

day but has not identified which days or hours. The department therefore requests a suitably worded condition be attached to any permission granted limiting the hours of use. A further condition is requested that no more than four horses for use in the riding school shall be kept on site at any time.

Odour:

The proposed development is in close proximity to residential dwellings. The applicant has confirmed that there is an existing regime in place whereby foul bedding is removed from the site once a week. Therefore, should permission be granted, the department recommends a condition requiring manure and foul bedding produced on site to be removed from the site weekly and at all times stored at least 20 metres from the boundary of any residential property, unless otherwise agreed in writing by the local planning authority.

Light:

The applicant has confirmed there will be no external lighting on site, therefore the department has no comments to make in relation to lighting.

Environment Agency: No objection.

Isle of Axholme and North Nottinghamshire Water Level Management Board: The Board highlights the existence of the Board-maintained Folly Drain, an open watercourse, to the western boundary of the site to which byelaws and the Land Drainage Act 1991 apply. The Board's consent is required to erect any building or structure (including walls and fences), whether temporary or permanent, or plant any tree, shrub, willow or other similar growth within 9 metres of the top edge of any Board-maintained watercourse or the edge of any Board-maintained culvert. The Board's permission is also required for other development, and is required irrespective of any permission gained under the Town and Country Planning Act 1990.

Tree Officer: No comments.

PARISH COUNCIL

Objects to this application. Green Lane, being single track, is unsuitable for horse boxes and a large number have been witnessed using this road. Westgate Road already suffers from significant traffic issues and the parish council also has concerns with access and egress for Green Lane as it is near a blind bend.

PUBLICITY

Site and press notices have been displayed. Five written objections have been received from members of the public, alongside two in support (one from a member of staff from the riding school) and one neutral letter of representation. A summary of the material considerations raised by those objecting to the application is set out below:

- The lane is used daily by dog walkers, walkers and horse riders.
- The increase in traffic increases the risk of potential accidents. The lane is too narrow and there is a blind bend in the road, with few opportunities for vehicles to pass one another. Driveways are often used as a means for drivers to pass one another.

- The proposed development is a great idea but in the wrong location.
- There is no mention of toilet facilities, and no information regarding disabled requirements/provision on site.
- The breaking in of horses at the equestrian centre poses a safety risk for pedestrians, cyclists and vehicles, with horses being skittish around cars.
- The use generates horse mess which does not get cleaned up.
- One letter raises welfare concerns and a perceived lack of room/grazing land for horses at the site.

Two letters of support raise the following considerations:

- The service is fantastic for local children, especially those with additional needs.
- Disruption will be minimal and the benefits outweigh the minor additional traffic. Horse boxes are the same size as a supermarket delivery van and are used less than other delivery vans.
- The site provides local employment opportunities.
- The manège will be used to support autistic and disabled children to form a bond with horses, and build confidence and improve their mental well-being.

One letter of representation, neither objecting nor supporting the application, has also been received. This recognises the lane is narrow and that equestrian activities have increased in the area in recent years, with the author stating they have no problem with this. The letter notes that the aims of the centre are to be supported and applauded, but highlights traffic concerns associated with the use of Green Lane.

ASSESSMENT

Planning history

PA/2022/1479: Application for a Lawful Development Certificate for an existing use of land and buildings for the keeping and stabling of horses, including associated fencing – approved 11/10/2022

PA/2003/0930: Planning permission for the erection of domestic extensions – approved 13/10/2003

PA/1998/0882: Outline planning permission to erect two dwellings – refused 02/10/1998 and dismissed at appeal 19/05/1999.

Site and proposal

The application site comprises former agricultural buildings and associated land which have been used for the keeping of horses. A certificate of lawfulness has been granted, which confirms that the use associated with the site for the keeping and stabling of horses, including associated fencing, is lawful for the purposes of development control.

The proposed development subject to this application comprises the construction of a manège and use of the site as an equestrian centre, providing riding lessons to private individuals.

The supporting documents indicate that the applicant is in the process of applying for charitable incorporation organisation (CIO) status for Isle Ride to Recover. The charity aims to provide specific one-to-one lessons for children with autism and other neurodiverse conditions, using the two ponies owned by the charity. Tuition will be given to groups of two individuals as a maximum at any one time, with income used to pay veterinary bills and feed costs associated with the ponies owned by the charity. The supporting documents note that planning permission authorising this use is essential for CIO status to be confirmed.

In addition to the use of the site, the application proposes the construction of a manège within grazing land to the north of the stable buildings. The manège has been constructed and therefore this element is being considered retrospectively. The manège, approximately 27 metres by 60 metres in size, is roughly bounded by free-standing timber beams laid on the paddock surface to retain the existing surface material, which is sand-based with equestrian fibre mixed in. The manège is enclosed by post-and-wire fencing. This element does not require planning permission and as it has been considered as part of the assessment of application PA/2022/1479 it is not considered further as part of this application.

The application site has an existing access and there are no proposed changes to the existing arrangements at the site. The application form notes provision for the parking of one light goods vehicle and four car parking spaces, including one disabled space.

The application site is within open countryside beyond an identified settlement boundary. Access to the site is taken from Green Lane, a no-through road which is a single track roadway leading from Westgate Road.

The main issues in determining this application include:

- **principle of the development;**
- **highway safety;**
- **impact upon the character and appearance of the area, including impacts on the Isle of Axholme Area of Special Historic Landscape Interest;**
- **residential amenity;**
- **ecology;**
- **flood risk.**

Principle of the development

The NPPF maintains that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The policies within the North Lincolnshire Local Plan, Core Strategy and Housing and Employment Land Allocations DPD (HELA DPD) therefore provide the starting point against which to assess the application.

The site is within the open countryside, beyond any settlement boundary defined by the Core Strategy and HELA DPD. Core Strategy policy CS3 indicates that development outside of defined settlement boundaries will be restricted to that which is essential to the functioning of the countryside. This includes uses such as those related to agriculture, forestry or other uses which require a countryside location or that will contribute to the sustainable development of the tourist industry.

Policy RD2 of the local plan indicates that development in the open countryside will be strictly controlled, and outlines a number of types of development for which permission will be granted, subject to certain requirements being met. One of these includes development which is essential for the provision of outdoor sport, countryside recreation or local community facilities.

The application concerns the proposed use of existing stables as an equestrian centre to provide small-scale tuition to members of the public, as well as the construction of a manège within land associated with the buildings at the site. These forms of development are considered appropriate within this rural context, with the construction of the manège considered essential to the provision of outdoor sport associated with equestrian pursuits operating from the site.

Policy R8 of the local plan relates specifically to the development of commercial horse riding establishments, stating that such uses will be permitted provided they meet the following criteria:

- (i) a minimum of 0.6 hectares (1.5 acres) of grazing land per horse or pony is available; and
- (ii) the proposal is of a scale and nature appropriate to the character of the site and the ability of the local environment to absorb the development; and
- (iii) the proposal does not adversely affect sites of nature conservation value or archaeological or historic importance; and
- (iv) the proposal uses existing buildings or where new buildings are proposed they are of a high standard of design and are sited next to existing buildings or otherwise visually form an integral part of the overall development; and
- (v) the proposal is accompanied by an integrated landscaping scheme and a scheme of boundary treatment; and
- (vi) the site is accessible and adequate off-road trails and bridleways are available.

Taking each of those in turn, the application form indicates the total site area to be 1.62 hectares. The area of grazing land associated with the stables amounts to approximately 1.4 hectares in size, including the manège. The application form indicates that the applicant intends to provide one-to-one tuition for up to two individuals, using two ponies in the care of the charity they are in the process of establishing. It does not state the total number of animals kept at the site; however, it is understood that the applicant owns at least one other horse.

Based on the overall site area, the total amount of land associated with the proposed equestrian centre would fall slightly short of the total amount of land which policy R8 of the local plan expects to be provided. Supporting text indicates that the grazing land is required

to allow for good pasture management and rotational grazing, rather than for animal welfare.

Welfare guidelines prepared by the British Horse Council indicate that as a general rule, each horse requires approximately 0.5–1.0 hectares of grazing of a suitable quality if no supplementary feeding is being provided. Smaller areas may be adequate where a horse is principally housed, and grazing areas are used only for occasional turnout.

The site benefits from existing stables, and it is material to the assessment of this application that the stables and use of the land are lawful for development control purposes without any restriction on the number of horses and ponies which can be kept at the site. In light of this, notwithstanding that the area of grazing land associated with the site falls marginally below that required by part i) of policy R8, it is considered that sufficient land is available to meet the requirements of horses and ponies stabled at the site.

As the proposed development concerns the use of existing stables and construction of a manège within existing grazing land, it is considered appropriate in scale and nature to the site. The impact of the development on the landscape is considered in more detail within this report, but in summary the manège is low impact and more informal in its construction than typical commercial facilities in the area and is readily absorbed within the landscape as a result of this. The proposal is considered acceptable in accordance with part ii) of policy R8 of the local plan.

There are no sites of nature conservation importance in the area, and as detailed elsewhere in this report the Isle of Axholme Area of Historic Landscape would not be harmed as a result of the proposed development. The proposals would comply with part iii) of policy R8 of the local plan.

The proposals re-use existing buildings, and there is no proposal to construct further buildings as part of this application. Any additional buildings proposed in the future would require consent in their own right. The proposals are considered acceptable in accordance with part iv) of policy R8 of the local plan.

Whilst no landscaping proposals are submitted with the application, details are capable of being secured by an appropriately worded condition. Boundary treatments are already provided at the site and are not the subject of assessment as part of this application, given that they are associated with the existing lawful use of the land for the stabling and grazing of horses. The proposals are acceptable in this respect in accordance with part v) of policy R8 of the local plan.

The site is in an accessible location. Whilst concerns have been raised about shortcomings in the access road leading to the site, paragraph 10.41 of the local plan, which provides supporting text to policy R8, states that commercial horse riding facilities are a type of land use that will most often be sited in open countryside, and are one of a number of uses that will, in principle, be suitable in these areas. It is therefore not unusual for such facilities to be accessed via country roads and single tracks.

Although, for planning purposes, the site is within open countryside, it is located at the edge of an identifiable settlement in a well populated, albeit rural, area. It would be accessible to local residents and those in nearby settlements, and benefits from access to the extensive rights of way network and rural tracks in the local area. The effect of the development on the safety of the highway network is considered in more detail in this report; however, for

the purposes of establishing whether the principle of the development is acceptable, the proposals are considered accessible and acceptable in accordance with part vi) of policy R8 the local plan.

In summary of the above, despite there being some limited conflict with part i) of policy R8 of the local plan, overall the development would be acceptable and is suitably located in an accessible area with access to rural roads and the network of public rights of way. As policy CSC7 of the emerging plan adopts a very similar approach to policy R8 of the local plan, there is not considered to be any conflict with the direction of travel the council is seeking to take in respect of commercial equestrian facilities in rural areas.

The principle of the development is considered acceptable in accordance with policies R2 and R8 of the local plan and policy CS3 of the Core Strategy. Although limited weight can be afforded to policy CSC7 of the emerging plan at this stage, there would be no conflict with its aims and the proposals would be acceptable in accordance with its requirements. The proposed development would provide facilities for outdoor sport and recreation and the application specifically seeks to provide tuition for disabled riders and those interested in participating in equestrian pursuits. Small-scale employment opportunities would be provided and there are public benefits associated with the charitable status the applicant is currently establishing for the site. These are matters which weigh in favour of the proposed development in the overall planning balance.

Highway safety

Policy T2 of the local plan states that all development must be provided with a satisfactory access, whilst policy T19 expects car parking provision to be made where it meets the operational needs of the business, be essential to the viability of a new development, improve the environment or safety of streets, meet the needs of people with disabilities or be needed by visitors to the countryside. It requires car parking to comply with guidelines contained within Appendix 2 of the local plan.

As a material consideration, paragraph 111 of the NPPF makes clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The most common concern raised by local residents and the parish council centres on highway safety and the potential for accidents from conflicts between vehicles, animals, pedestrians and other road users. Given the rural nature of the site and the links which Green Lane provides to public rights of way, it is to be expected that a variety of road users will navigate along Green Lane, either to access the settlement or countryside beyond. Comments received in relation to this application confirm this to be the case, and it is apparent that the route along Green Lane is popular for dog walkers and other users.

The highway authority has been consulted on the application and highlights that they are not aware of any incidents relating to the use of the site. The application documents indicate that riding lessons will be limited to one-to-one lessons on the two ponies owned by the charity, with those lessons to be provided by the applicant. The number of visitors to the site will therefore be limited, and associated vehicular movements to and from the site will be very low.

On the basis of the comments from the highway authority, there is no reason to consider that the proposed use of the site as an equestrian centre as outlined in the supporting documents would lead to significant road safety issues which would justify withholding planning permission. The rural nature of the road network in this location is such that there are likely to be occasions when vehicles meet and are unable to pass with ease, or when vehicles encounter pedestrians using the road for recreational purposes. The number of potential conflicts is unlikely to be significantly greater than that which currently exists, and the types of vehicles entering the site are not uncommon in the area. Importantly, the lawful use of the site is for stabling of horses and therefore these movements and conflicts already exist. In this context, from a highway safety perspective the increase in vehicular movements associated with the low level of tuition to be provided from the site would be unlikely to result in significant road safety issues.

The intensification of the use over time may give rise to additional movements, which would have the potential to impact on road safety in the vicinity of the site. To ensure that the impacts arising from the development are limited, it is considered necessary to impose a number of planning conditions which in combination would serve to restrict the operations from the site to an acceptable level and secure management measures to ensure day-to-day use of the site is controlled. A management plan is proposed to be secured which would outline the number of horses to be kept at the site, the amount and frequency of tuition, and measures to be put in place to control vehicular movements to and from the site. This would ensure that potential road safety issues are minimised, and provide a means by which the local authority and applicant can ensure that operational requirements do not compromise the safety of the road network and amenity of local residents. A condition to prevent the use of the site for the purposes of commercial livery, which would be likely to attract a greater frequency of vehicular movements to and from the site in addition to the commercial tuition, would ensure that any such proposals can be assessed from a highway safety perspective in the future.

Subject to accordance with such conditions, the proposed development would not result in an unacceptable impact on road safety and would not result in severe cumulative impacts upon the road network. The concerns of local residents are noted, and the layout and condition of the surrounding network has been considered in reaching this conclusion. In absence of any objection from the highway authority the proposed development is considered to be acceptable in accordance with policies T2 and T19 of the local plan, and there are not considered to be sufficient grounds to refuse the application for this reason.

Impact upon the character and appearance of the area, including impacts on the Isle of Axholme Area of Special Historic Landscape Interest

Policy LC14 of the local plan acknowledges that the Isle of Axholme is designated as an area of special historic landscape interest, and makes clear that 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. The policy indicates that development required to meet the social and economic needs of rural communities and small-scale tourist and outdoor sport and recreational development will be permitted provided such development is related to the historic landscape and its features. It requires a high standard of design, and offers support for schemes which improve or restore the historic landscape.

The HER have been consulted on the application and whilst they indicate that the commercial use of the land for commercial purposes is a non-traditional use unrelated to

the historic landscape and its features, they consider the manège to be low impact in its current form.

The manège is relatively modest in its scale, and rather informal in its construction. It is set close to the hedgerow, which offers screening from views from the west, and owing to the nature of the surrounding landscape any views of its surface are limited. The visual impacts of the proposal are expected to be at their greatest when the facility is in use, when riders and fences are present on the land. Given the small scale of the operation the visual impacts are low, and would be considered no greater than the impacts arising from the lawful use of the land for the stabling and grazing of horses.

In the absence of any further boundary treatments, external lighting or other equestrian paraphernalia such as arena mirrors or enclosures, the proposed development would not result in significant landscape impacts and would not adversely affect the special historic landscape character of the Isle of Axholme. The proposed development is compatible with its surroundings and is acceptable in its rural context in accordance with the aims of policies RD2, R8 and LC14 of the local plan.

Residential amenity

Policy DS1 of the local plan seeks to ensure that no unacceptable loss of amenity arises as a result of new development in terms of noise, smell, fumes, dust or other nuisance. Commercial equestrian facilities often result in greater impacts on living conditions for sensitive receptors than private equestrian facilities do, and often this is associated with an increase in disturbance from commercial activities and the vehicular movements associated with it.

In this instance, the level of tuition proposed to operate from the site is low and can be controlled by an appropriately worded condition. Vehicular movements would therefore be limited and as a result it is unlikely that the additional movements to and from the site would result in unacceptable levels of harm to the amenity of local residents from noise and disturbance.

The council's Environmental Protection team have been consulted on the application and raise no objections to the proposed development subject to a number of conditions being imposed. These include measures to ensure that the storage of waste bedding is sufficiently distanced from nearby residential properties and is collected on a weekly basis, as well as restrictions on hours of operation. Subject to conditions which seek to secure these measures, and which seek further clarity in respect of the day-to-day management of the site, the proposed development would not result in unacceptable harm to the occupants of residential properties near to the application site. The application is therefore considered to be acceptable in accordance with policies DS1 and DS11 of the local plan.

Ecology

Policy LC5 of the local plan seeks to ensure that development does not have an adverse impact on protected species of wildlife, whilst policy LC6 seeks to ensure provision is made for the creation of nature reserves and new wildlife habitats.

Policy CS17 of the Core Strategy seeks to ensure, amongst other things, that development retains, protects and enhances features of biological and geological interest and provides for the appropriate management of these features. It seeks to ensure that development

produces a net gain in biodiversity by designing in wildlife and ensuring any unavoidable impacts are appropriately mitigated for.

The council's ecologists have been consulted on the application and have no objections to the proposed development subject to conditions, one of which seeks to secure measurable biodiversity net gain. Subject to accordance with such a condition, the proposed development would comply with policy LC5 of the local plan and would deliver net gains for biodiversity in accordance with policy CS17 of the Core Strategy and the aims of the NPPF.

Flood risk

Policy CS19 of the Core Strategy states that the council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk-based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood.

Development in areas of high flood risk will only be permitted where it meets the following prerequisites:

1. It can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk.
2. The development should be on previously used land. If not, there must be no reasonable alternative developable sites on previously developed land.
3. A flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere by integrating water management methods into development.

The proposed development concerns the intensification of the lawful use of land for the keeping of horses, with the proposed use as an equestrian centre intrinsically linked with the existing use of the site. The site falls wholly within flood zone 3, however the use of the site is classed as less vulnerable and is therefore appropriate in this location.

The manège is modest in scale and constructed of porous materials. The site is considered compatible in flood risk terms and would not result in an increase in the risk of flooding at the site or elsewhere. There are no objections from the Environment Agency, Drainage Board or LLFA. The application is considered to be in accordance with policies DS14 and DS16 of the local plan, policy CS19 of the Core Strategy and the aims of the NPPF in this respect.

Conclusion

The principle of the development is acceptable in accordance with policies RD2 and R8 of the North Lincolnshire Local Plan, which supports certain forms of development including commercial horse-riding facilities within the open countryside. The development would provide additional recreational facilities, contributing towards improving the health and wellbeing of the local community and would provide facilities to allow for disabled people to access equestrian pursuits and tuition. Small-scale employment opportunities would be generated by the proposed development, contributing towards the vitality of the rural economy. These are tangible benefits which weigh in favour of the proposed development.

A number of concerns are raised in relation to highway safety, however the highway authority has raised no objections to the proposed development. The lawful use of the site is for the stabling and grazing of horses, which is a material consideration when considering potential highway safety issues. The number of vehicular movements generated by the proposed development would be small owing to the modest scale of the development, and these movements can be controlled by way of suitably worded conditions. In the absence of any objection from the highway authority it is not considered that the development would result in unacceptable impacts upon highway safety, and is acceptable in accordance with policies T2 and T19 of the local plan, and paragraph 111 of the NPPF.

The development would not result in unacceptable impacts on the amenity of local residents, and would not increase the risk of flooding at the site or elsewhere. Conditions can be imposed to secure biodiversity net gain, accordance with which would ensure compliance with policies which seek to protect the natural environment. The proposed development would also safeguard the special historic landscape interest of the Isle of Axholme, in accordance with policy LC14 of the local plan.

For the above reasons it is recommended that planning permission is granted subject to conditions.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development hereby permitted 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 details contained within the application form, and the following approved plans:

- Dwg. No. 1 of 1, Ref. No. 1165 – Location & Block Plans dated 8/11/22.

Reason

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

3.

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

- (a) details of bat roosting features to be installed in retained trees;
- (b) details of nesting sites to be installed to support a variety of woodland and farmland bird species;
- (c) prescriptions for the creation and management of a habitat buffer alongside the Folly Drain;

- (d) details of habitat creation and enhancement measures to provide a measurable net gain in in biodiversity value of least 1%, compared to the pre-development baseline, in accordance with the Defra biodiversity metric 3.1;
- (e) proposed timings for the above works.

Reason

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

4.

The biodiversity management plan submitted pursuant to condition 3 of this permission shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Within 12 months of the grant of permission, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

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

5.

Notwithstanding the detail contained within the application, a management plan shall be submitted to, and approved in writing by, the local planning authority prior to the equestrian centre being brought into use. The management plan shall provide measures for the day-to-day management of the site, including specific details of:

- the hours of operation of the equestrian centre;
- the frequency, scale and timing of tuition provided at the site;
- the means of controlling vehicular movements to and from the site to minimise potential for conflicting movements along Green Lane;
- staffing levels;
- management details.

Thereafter, the use of the site and operation of the equestrian centre shall be undertaken in complete accordance with the approved management plan.

Reason

In the interests of highway safety and residential amenity, in accordance with policies DS1, DS11, T2 and RD2 of the North Lincolnshire Local Plan.

6.

No more than four horses for use in the riding school shall be kept on site at any time.

Reason

To ensure no loss of amenity to neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

Manure and foul bedding produced on site shall be removed from the site weekly and at all times stored at least 20 metres from the boundary of any residential property.

Reason

To ensure no loss of amenity to neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

8.

The development hereby permitted shall not be used for the purposes of commercial livery.

Reason

In the interests of highway safety and residential amenity, in accordance with policies DS1, DS11, T2 and RD2 of the North Lincolnshire Local Plan.

9.

No floodlighting shall be installed at the site unless precise details of its location, height and design have been submitted to and agreed in writing by the local planning authority. Thereafter, any floodlighting shall be installed in accordance with the agreed details.

Reason

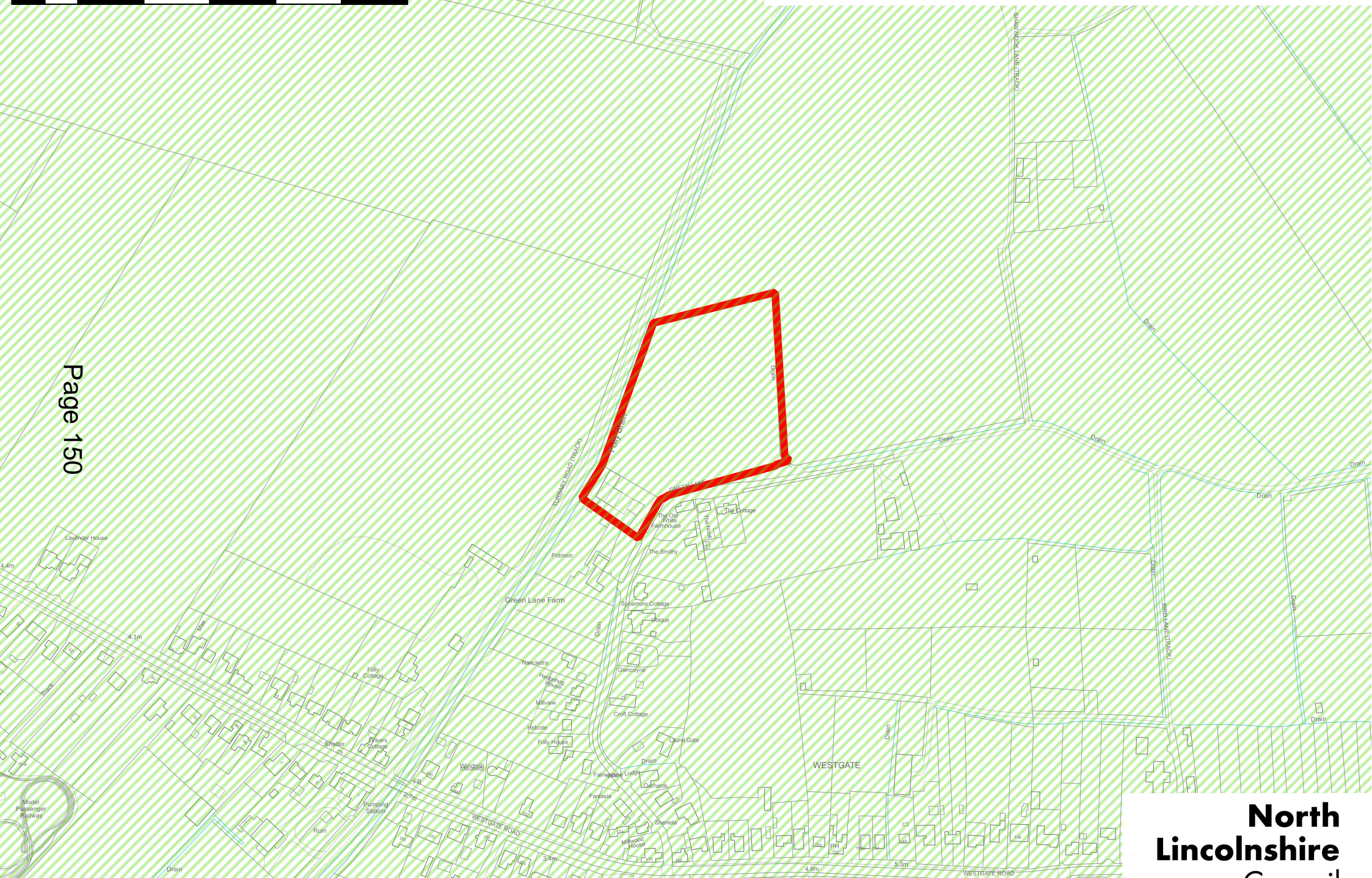
To ensure no loss of amenity to neighbouring properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informative 1

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

Informative 2

As the proposal includes replacing approximately 1,800 square metres of soft ground with hardstanding, it may be prudent for the applicant to verify the proposed manège construction details can safely convey and attenuate surface water during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change.



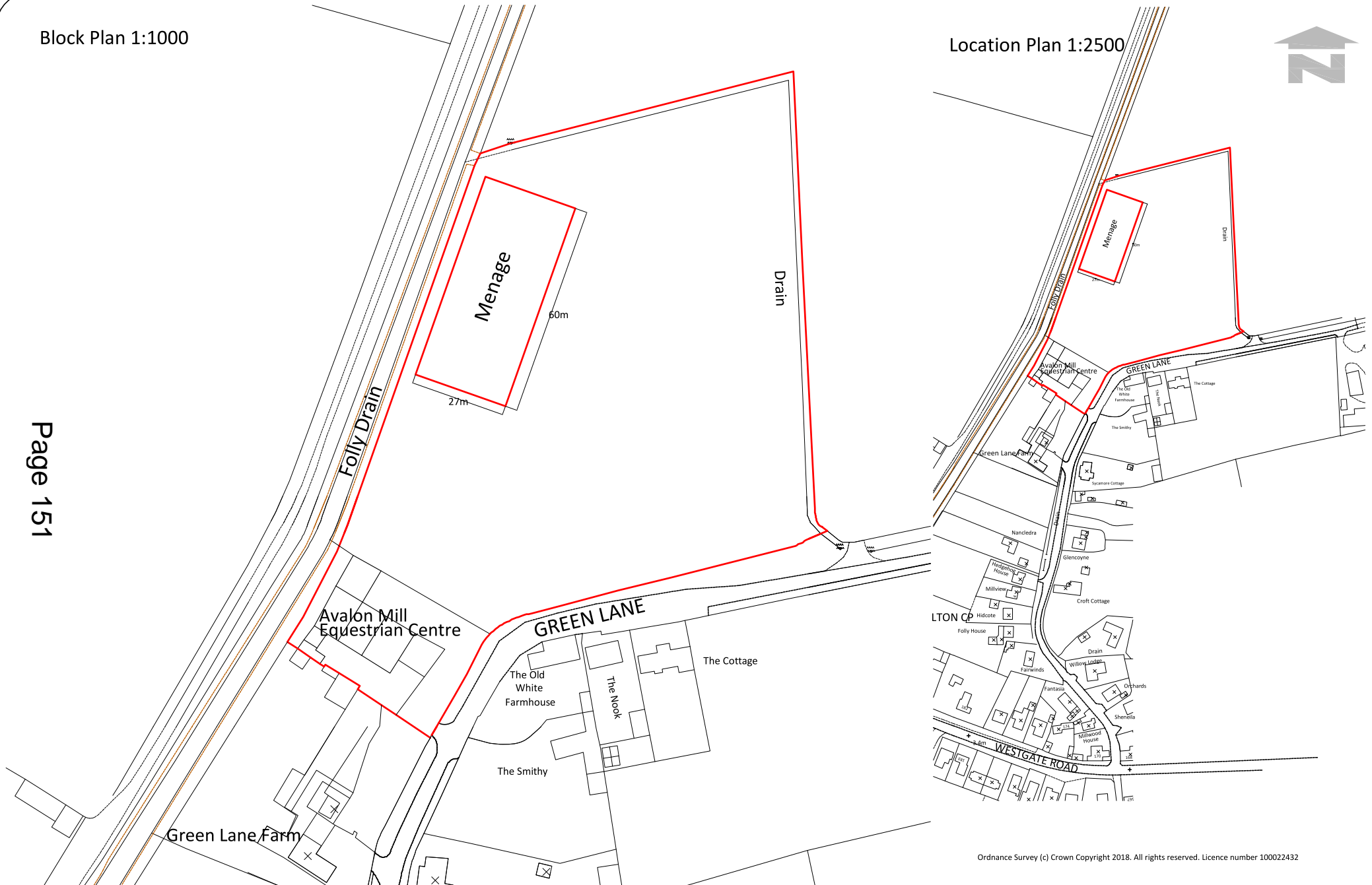
PA/2022/2021 Site layout (not to scale)

Block Plan 1:1000

Location Plan 1:2500



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Client	Mrs Sarah Cumberland		
Date	8/11/22	Dwg No	1 of 1
Scale	As noted	Ref No	1165

Proposal
Drawing

Retain Menage & Change of Use at Avalon Mill
Equestrian Centre, Green Lane, Belton, DN9 1QD
Location & Block Plans



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APPLICATION NO	PA/2022/2024
APPLICANT	Mrs Margaret E Sidell, Barton Area Food Bank
DEVELOPMENT	Planning permission to erect a pre-fabricated sectional concrete panel building for storage (B8) use
LOCATION	Land to rear of 114 Tofts Road, Barton upon Humber, DN18 5NG
PARISH	Barton upon Humber
WARD	Barton
CASE OFFICER	Paul Skelton
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Barton upon Humber Town Council Member 'call in' (Cllrs Paul and Keith Vickers – significant public interest)

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 8 – Promoting healthy and safe communities

Chapter 12 – Achieving well-designed places

North Lincolnshire Local Plan:

IN3 – Industrial and Commercial Development in Principle Growth Settlements

R2 – Protecting Areas of Local Importance for Children's Play

T1 – Location of Development

T2 – Access to Development

T19 – Car Parking Provision

DS1 – General Requirements

DS4 – Changes of Use in Residential Areas

DS11 – Polluting Activities

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

CS23 – Sport, Recreation and Open Space

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:

Policy SS1: Presumption in Favour of Sustainable Development

Policy SS2: A Spatial Strategy for North Lincolnshire

Policy SS3: Development Principles

Policy SS11: Development Limits

Policy DQE1: Protection of Landscape, Townscape and Views

Policy CSC1: Health and Wellbeing

Policy CSC3: Protection and provision of open space, sports and recreation facilities

DM1: General Requirements

DM3: Environmental Protection

CONSULTATIONS

Highways: No objections or comments.

LLFA Drainage: No objections or comments.

TOWN COUNCIL

Object to the application, due to setting a precedence to build on an open green space. Concerns for emergency vehicles accessing the building if a fire. Barton Town Council fully support the Barton Area Foodbank, but this is not the right area for a storage building.

PUBLICITY

The application has been advertised by site notice. Five responses have been received and the comments made are summarised as follows:

- No objection in principle but this is not the right place for the building.
- This land was gifted as a recreational/play area and should be kept for this purpose; it's a lovely green space, it is not building land.
- The site is tucked away, is prone to break-ins and a worry to people's property in this area.
- Query whether other alternatives were suggested such as vacant shops/units, in a more central area, or Barton Hub in Baysgarth Park.
- Construction of the building and groundworks will have an adverse impact on the neighbouring beauty business in Pelham Close to the rear of the site.
- The area at the moment is a green area where many dogs are walked and where children play. The construction of this building and fencing off a large part of the green area will be a big disappointment for residents in the surrounding area.

ASSESSMENT

The site and its location

The site comprises a small area of open space to the rear of Barton House on Tofts Road, Barton upon Humber. The site, which is owned by North Lincolnshire Council, is part of a larger informal open space which extends to the north, and which appears to have been developed as part of a neighbouring housing scheme. There is a footpath leading from housing to the north, diagonally across the open space, however this is essentially a path to nowhere since the Salvation Army building was developed and there is no public route through. There is no relevant planning history for the site.

To the west is Pelham Crescent with a mature hedgerow between the site and the rear gardens of neighbouring properties. To the east is Barton House and to the south is the car park of the Salvation Army Community Church, both of which are bounded by 1.8 metre high close-boarded fences.

The development

The application proposes to fence off the application site from the rest of the open space and erect a building which would be used as storage space for the local food bank. There would be no access by the public to the building.

The proposed new boundary would comprise a 2.4 metre high close-boarded fence with a gate to provide access for tree surgery. The floor area of the proposed building would measure 9.76 metres by 6.25 metres. The eaves height would be approximately 2.3 metres with the ridge height approximately 3 metres. The design is a concrete sectional building with a low-pitched roof which would be covered in profiled dark red concrete tiles. A hard surfaced path would lead from the entrance of the building to the gate giving access to/from the existing Salvation Army property to the south.

It is understood that the food bank has operated from the Salvation Army Church for five years. The current storage space comprises a 20 foot (6.1 metre) shipping container located in the grounds of the church where it is said there is no potential to expand. The food bank is currently open to clients each week on Tuesdays and Fridays between 2pm and 3.30pm, with staff arriving up to an hour earlier. The applicant advises that the volunteer staff cannot currently keep pace with increasing demands from clients although they do have the food and financial resources. The food bank will continue to operate at the same times as it has done for the last five years but it is hoped to increase the number of volunteers from four to six to help with bagging and receiving donations at the proposed new store.

The applicant has indicated the following key benefits of the proposal:

- ‘(a) Donated and delivered food will be stored in one location. Currently, a significant amount of food has to be stored at volunteers' homes due to the limited storage space on site. This is not sustainable. We must consider succession planning.
- (b) It takes a considerable amount of space to sort and package food donations into food parcels. Demand currently outpaces our ability to store food parcels and to easily replenish stocks. The new storage building will address this.
- (c) The food bank is relied upon by some of the most vulnerable residents of the area. The new storage unit will enable us to future proof our organisation so that it can continue to help the community. We cannot continue using volunteers' homes to store food.’

The key considerations for this application are the principle of development; design, character and appearance; impact on neighbouring properties; and loss of open space.

The principle of development

The site is within the settlement boundary of Barton upon Humber where the development is generally considered acceptable in principle.

Policy IN3 of the local plan allows for B8 commercial development (storage) in Barton upon Humber subject to various criteria, including that development should be compatible with surrounding uses, in particular in residential areas; particular attention should be paid to the layout, density, design, height and materials of the development which should be in keeping and compatible with existing nearby or adjacent development.

Policy DS4 sets out that favourable consideration will be given to proposals for change of use of residential to other uses provided that the development will not adversely affect the appearance and character of a residential area or residential amenity.

Whilst technically the proposal is for a B8 storage use, it is clearly related to the food bank use which operates from the Salvation Army Church. In this context, Core Strategy policy CS22 sets out that the provision of new community facilities, or the improvement of existing community facilities, which meet the needs of local residents will be supported in principle.

Subject to consideration of the potential impacts of the proposal, the principle of development is therefore acceptable.

Design, character and appearance

Local plan policy DS1 and Core Strategy policy CS5 both require a good quality of design, taking into account the context of the site and the proposal. This is reflected in the National Planning Policy Framework. The proposed building is utilitarian in its design but is low-key and would be largely screened from public views by the existing and proposed boundary treatments. The most visible part would be the roof which is proposed to be profiled concrete tiles to reflect the prevalent roofing material in the area.

The proposed fencing which would form the common boundary with the site and the remaining open space would reflect the existing and surrounding boundary treatments. Whilst it would be higher than existing fencing for security reasons, this would not unduly affect the character of the area, and addresses the concerns from local residents regarding security.

Given its low-key nature and minimal impact on the character and appearance of the area, the overall design of the development is considered acceptable in its context.

Impact on neighbouring properties

Local plan policies IN3, DS1, DS4 and DS11 all seek to protect the living conditions of occupiers of nearby residential properties and users of neighbouring land.

As set out above, the site shares a common boundary with 8 Pelham Close to the west. The occupier of that property has raised concerns about the impact of the construction works on their beauty business. All development will inevitably result in some degree of noise and disturbance. Given the nature of the proposed development in this case, the construction period would be relatively short.

Furthermore, once completed, the development would have no unacceptable impacts given the low-key nature of the building and its proposed use. A condition is recommended to ensure the use is carried out in connection with the food bank and/or Salvation Army Church as unrestricted B8 use could result in impacts on neighbouring uses.

Loss of open space

A number of concerns have been raised by local residents who consider that the land should be retained as open space. Policy R2 of the local plan sets out that proposals that result in a reduction in supply of casual or informal play space will not be allowed where the amount of open space in the settlement would fall below the council's minimum standard of 0.4 hectares per 1000 population.

The site does not appear to be identified in the 2019 North Lincolnshire Open Space Study. Barton falls within Area 7, for which there is 3.58 hectares of parks and gardens per 1000 head of population. The study's standard for that category is 1.75 hectares per 1000 [head of population] which implies that provision in Barton (Area 7) is above the study's threshold. This particular area of open space does not provide any formal play space. It is well screened, bounded by close-boarded fencing on two sides. The loss of a small area of land in the most inaccessible part of the wider open space would not unduly affect the ability of residents to enjoy the open space as a whole.

Whilst it is understood that people will be concerned about the loss of any open space, in this context, the loss of a small area of the site would not have a significant impact on the

wider local open space provision. Indeed, the Open Space Study indicates there is a surplus of open space in Barton upon Humber. In any event, it is considered that the benefits to the local community arising from the proposals would clearly outweigh any limited harm resulting from the loss of a small area of open space.

Other matters

Given that the proposal would result in the loss of a small area of open space, officers have investigated whether other sites are available to meet the needs of the food bank, however no sites have been identified. There is clear logistical sense for siting the storage building in close proximity to the food bank, eliminating the need for volunteers to make vehicular trips between the storage building and the food bank itself. Furthermore, it is understood that there is a strong relationship between the food bank and the Salvation Army, with the food bank relying on the facilities at the church.

Given the number of trips involved with the proposed use and the common-sense approach of co-locating the food bank and the store, there would be no material increase in highway danger arising from the proposals. The Highways officer has been consulted and raises no objection.

Conclusion and planning balance

Whilst the concerns of the town council and local residents are noted, it is concluded that the proposals result in sustainable development. Whilst the proposals would result in the loss of a small area of open space, that space is not an important space which has been specifically identified for protection in the local plan and its loss would be clearly outweighed by the benefits as set out above. There would be no unacceptable impacts on the character of the area or the amenity of nearby development. It is therefore recommended that permission should be granted subject to the conditions set out below.

RECOMMENDATION Grant permission subject to the following conditions:

1.
The works 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:

- 1001-DJK-Propd. Plan & ElevsA1-GA(PE)001
- 1001-DJK-Propd. Site Layout- A1- GA(SL)001.

Reason

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

3.
Notwithstanding the provisions of Paragraph 3 of the Town and Country Planning (Use Classes) Order 1987 as amended (or any statutory instrument which revokes and re-enacts

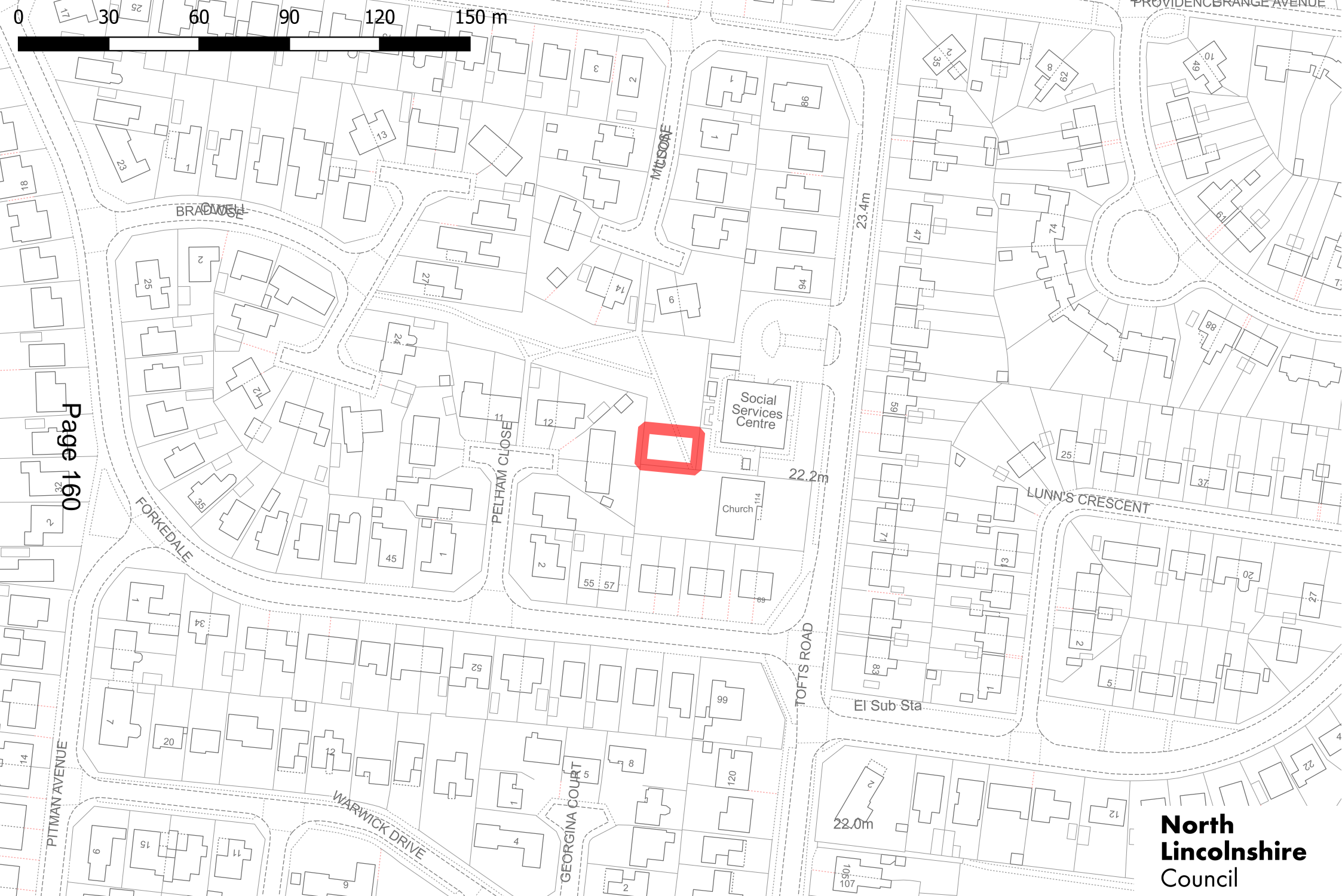
that Order) the building hereby permitted shall be used solely for storage in connection with the operation of the Barton Food Bank and/or the Salvation Army Church and for no other purpose whatsoever, including for any use within Class B8 of the Order.

Reason

The unrestricted B8 use of the building would potentially give rise to unacceptable impacts on the surrounding area and would require further consideration by the local planning authority.

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**



1 Proposed Site Layout
Scale: 1:200

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Date:	No:	Revision Notes:
09/11/2022	Am 1	Dimensions of plot amended
10/11/2022		Dimensions of building amended

Date:	No:	Issue Notes:
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CIORIBAIH

Project Title:
Proposed Erection of Building for Barton Area Food Bank on Land Adjoining the Salvation Army Church.

Drawn Title:
General Arrangement - Proposed Site Layout.

Drawn Scale: 1:200 th	Drawn By: DJK
Issue Number: 1 - A1	Issued On: Nov 2022

File Name:
 Planning Application for Proposed erection of Building for Barton Area Food Bank on land adjoining the Salvation Army Church

Drawn No:
 1001DJK - Prop. Site Layout - A1 - GA/SL/001

Submitter:
 Planning Application

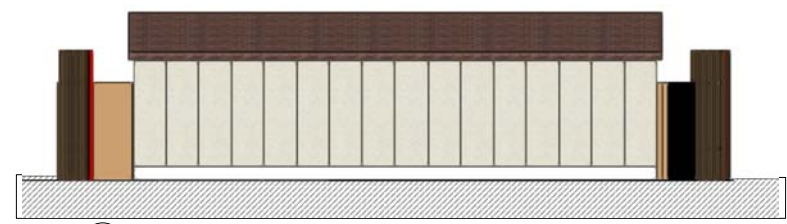
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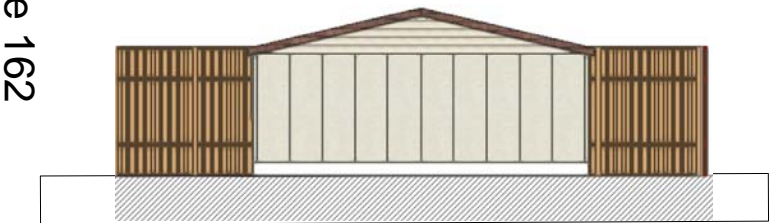
PA/2022/2024 Proposed plan & elevations (not to scale)



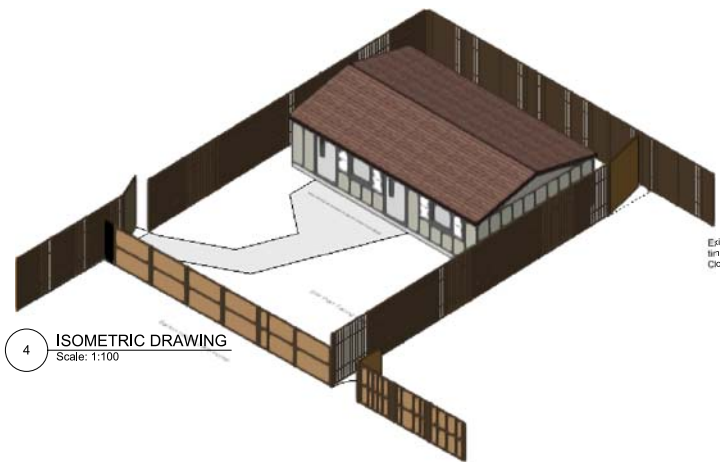
1 FRONT ELEVATION
Scale: 1:50



2 REAR ELEVATION
Scale: 1:50

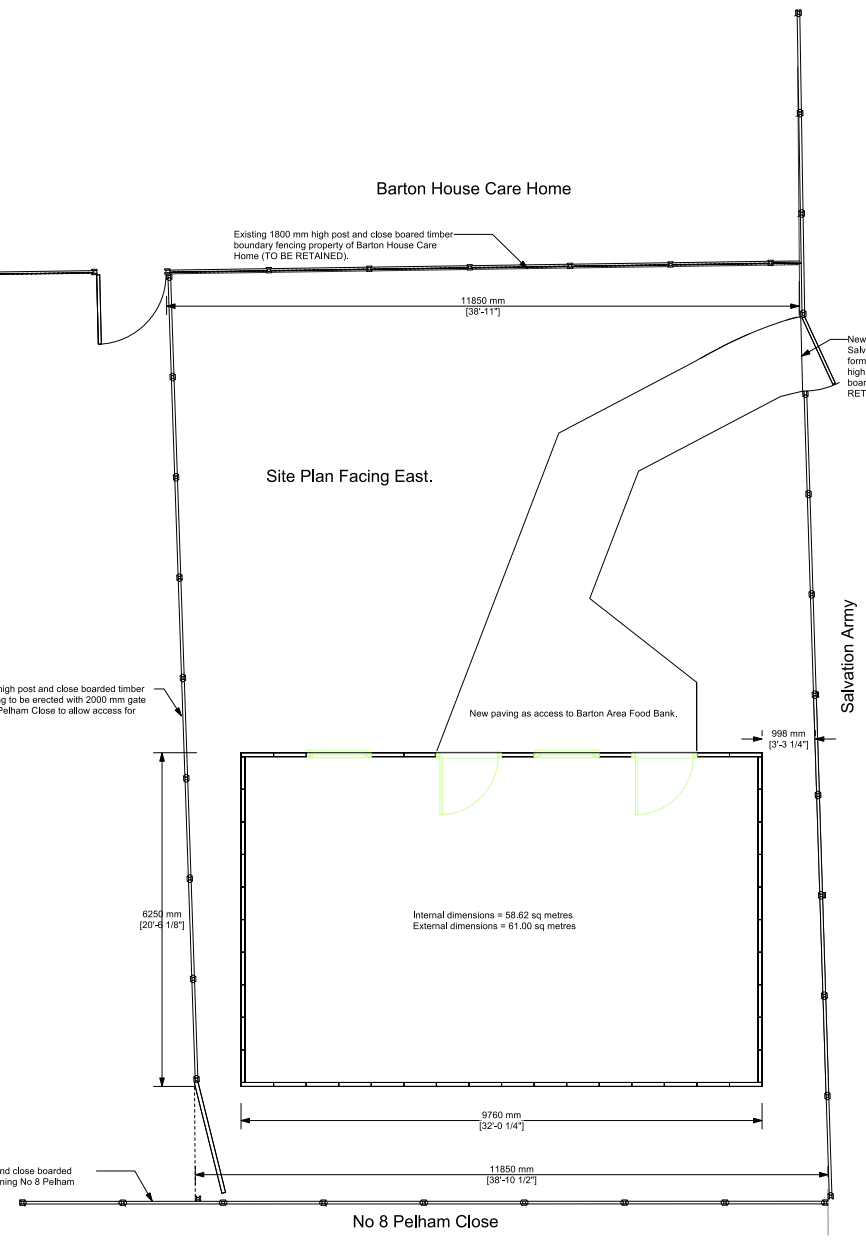


3 GABLE ENDS
Scale: 1:50



4 ISOMETRIC DRAWING
Scale: 1:100

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Date	No.	Revision Notes
09/11/2022	Am 1	Dimensions of plot amended.
10/11/2022		Dimensions of building amended

Date	No.	Issue Notes
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Project Title
**Proposed Erection of
Building for Barton
Area Food Bank on
Land Adjoining the
Salvation Army Church.**

Sheet Title
**General Arrangement -
Plan and Elevations.**

Sheet Scale 1:50 & 1:100 th	Drawn By DJK
Total Sheets 1 - A1	Revised By Nov 2022

File Name
Planning Application for Proposed Erection of Building for Barton Area Food Bank on Land Adjoining the Salvation Army Church.

Sheet No.
100-DJK-Propd. Plan & ElevsA1-GA/PEJ001

Subsidiary
Planning Application

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APPLICATION NO	PA/2022/2117
APPLICANT	Mr Jonathan Torr
DEVELOPMENT	Planning permission to erect a two-storey dwelling
LOCATION	Land adjacent to 76 Westgate Road, Belton, DN9 1PZ
PARISH	Belton
WARD	Axholme Central
CASE OFFICER	Paul Skelton
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

H5 – New Housing Development

H8 – Housing Design and Housing Mix

RD2 – Development in the Open Countryside

T1 – Location of Development

T2 – Access to Development

T19 – Car Parking Provision and Standards

LC5 – Species Protection

LC7 – Landscape Protection

LC14 – Area of Special Historic Landscape Interest

DS1 – General Requirements

DS14 – Foul Sewage and Surface Water Drainage

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

CS16 – North Lincolnshire’s Landscape, Greenspace and Waterscape

CS17 – Biodiversity

CS19 – Flood Risk

CS25 – Promoting Sustainable Transport

Housing and Employment Land Allocations Development Plan Document:

Policy PS1 – Presumption in favour of sustainable development

Inset 08 – Belton, Westgate and Carrhouse

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:

SS1: Presumption in Favour of Sustainable Development

SS2: A Spatial Strategy for North Lincolnshire

SS3: Development Principles

SS5: Overall Housing Provision

SS6: Spatial Distribution of Housing Sites

SS11: Development Limits

H2: Housing Mix and Density

RD1: Supporting Sustainable Development in the Countryside

T1: Promoting Sustainable Transport

DM1: General Requirements

DQE1: Protection of Landscape, Townscape and Views

DQE3: Biodiversity and Geodiversity

DQE5: Managing Flood Risk

DQE6: Sustainable Drainage Systems

CONSULTATIONS

Highways: No objection subject to conditions.

LLFA Drainage: No objection subject to conditions.

Environmental Protection: Raise concerns regarding absence of information on possible odour and noise pollution from the nearby farm. Request precautionary contaminated land condition following submission of screening assessment form.

Archaeology: The amended plans address original concerns regarding the extent of the site and the design of the dwelling. Recommend a condition removing permitted development rights.

Ecology: Advise the site has limited biodiversity value and low potential for protected species. Recommend a condition to minimise harm to protected species and seeking biodiversity net gain.

Isle of Axholme and North Nottinghamshire Water Level Management Board: Recommend the design, operation and future maintenance of site drainage systems is agreed with the LLFA.

PARISH COUNCIL

No response received within the statutory consultation period.

PUBLICITY

The application has been advertised by site and press notice. No comments have been received.

ASSESSMENT

Planning history

PA/2002/0133: Outline planning permission to erect three dwellings – refused

PA/2003/1751: Outline planning permission to erect two dwellings – refused.

The site and its location

The site comprises part of an undeveloped field in a row of houses on Westgate Road to the west of Belton. The site fronts onto Westgate Road where there is a hedgerow abutting the pavement. To the east is a semi-detached property, 72 Westgate Road, the common boundary with which comprises a post-and-rail fence and hedgerow. To the west, beyond the remainder of the field, is another semi-detached house. To the south is open agricultural land. To the northwest is a farm complex owned by the applicant.

The development

The application proposes a single detached dwelling. Revised plans have been submitted during the application process (to address comments made by the planning and archaeology officers) which show a 3–4 bedroom two-storey dwelling (see attached plans). There is a rear projection with a rear balcony which would be fitted with an obscure-glazed screen to the north to minimise overlooking to the neighbouring property. The materials would be red brick (an amendment from render as requested by the council's archaeologist) with a slate-style roofing tile.

There would be a driveway to the side (west) and hard surfaced turning area to the front. An existing hedgerow to the front and east boundary would be retained (with a gap created in the front boundary to allow access). The west side boundary would comprise part new hedgerow and part close-boarded fence. To the rear of the property would be a garden area with a patio immediately to the rear of the house.

Material considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act states that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, any local finance considerations, so far as material to the application, and any other material considerations.

In this instance, the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP) and the North Lincolnshire Core Strategy (NLCS). Other material planning policy considerations include the National Planning Policy Framework (NPPF), the emerging North Lincolnshire Plan and a suite of supplementary planning documents as specified above.

The key considerations for this application are the principle of development; landscape impact and design; accessibility and highway safety; and the impact on neighbouring property.

The principle of development

The site lies outside the settlement boundary of Belton, as defined by the Housing and Employment Land Allocations DPD, in an area where new housing is strictly controlled by development plan policies.

Saved local plan policy RD2 sets out that development in the open countryside will be strictly controlled. This policy only supports residential development outside defined development limits in certain circumstances, none of which apply in this case.

Core Strategy policy CS2 (Delivering More Sustainable Development) sets out that any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which will contribute to the sustainable development of the tourist industry. A 'sequential approach' will also be applied to ensure that development is, where possible, directed to those areas that have the lowest probability of flooding, taking account of the vulnerability of the type of development proposed, its contribution to creating sustainable communities and achieving the sustainable development objectives of the plan.

Policies CS3 and CS8 similarly strictly limit housing development outside development boundaries to that which is essential to the functioning of the countryside.

As set out above, there have been two previous applications for housing on the site, albeit over 20 years ago. Both applications were refused because of their location outside the settlement boundary and because no flood risk assessment had been submitted. Current policy does not require such assessments for development of this scale.

In light of the above, it is clear that the proposed development would conflict with saved policy RD2 of the local plan and CS2, CS3 and CS8 of the Core Strategy.

It is also the case that the council cannot currently demonstrate a five-year supply of deliverable housing sites. In such scenarios, in the context of paragraph 11d) of the NPPF, the first step is to establish which are the most important policies for determining the application and whether they are out of date (in accordance with the High Court judgment in *Monkhill Ltd v Secretary of State for Housing, Communities and Local Government* and another [2019] EWHC 1993 (Admin)). The housing policies set out above are clearly important in establishing the principle of development. Whilst there are other development plan policies relevant to this case, as a matter of planning judgement, it is considered that the most important development plan policies for determining the application are out of date.

In these circumstances, paragraph 11d) of the NPPF then sets out that planning permission should be granted unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance (set out at footnote 7) 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 no relevant areas/assets of particular importance as identified at footnote 7. The judgement to be made in determining this application is therefore whether there are any significant and demonstrable adverse impacts which would outweigh the benefits of granting permission for a single dwelling in this case, when assessed against the policies of the NPPF.

Landscape impact/design

The site is within the Isle of Axholme Area of Special Historic Landscape Interest (ASHLI), which is a non-designated heritage asset. The ASHLI is designated for its unique historic landscape retaining the pattern of open strip fields and enclosures surrounding villages on the Isle.

Policy LC14 deals specifically with the ASHLI and states that within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features. Development required to meet the social and economic needs of rural communities and small-scale tourist and outdoor sport and recreational development will be permitted provided such development is related to the historic landscape and its features.

Policy LC14 requires a high standard of design and siting in new development, reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality.

Core Strategy policy CS1 seeks to support the protection and enhancement of the area's world class natural and built environment, in particular through the protection and conservation of the nationally important historic landscapes, including the Isle of Axholme. Policy CS6 seeks to safeguard the nationally significant medieval landscapes of the Isle of Axholme.

Paragraph 203 of the NPPF advises that where proposals which directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Local plan policy LC7 deals with landscape protection more generally. Local plan policy DS1 and Core Strategy policy CS5 both require high quality design, taking into account the context of the site and the proposal. This is reflected in the NPPF.

The application is accompanied by a Heritage Statement (HS) which states that the proposed development has been designed to reflect and respect its local character and historic context, whilst ensuring that the special landscape setting is not impacted in a detrimental manner. The HS concludes that 'the development represents a sustainable, well-designed and innovative form of development that enhances the curtilage. It accords with the National Planning Policy Framework, which sets out a presumption in favour of sustainable development and complies with local plan policies as discussed in the policy section, as well as reflects the applicant's desire to ensure that the new development makes a positive contribution to local character and distinctiveness.'

The council's Historic Environment Officer (HEO) has been consulted and advises that the application site is located within the Early Enclosed Land historic character type and is within the setting of Belton Fields, one of the best preserved areas of Ancient Open Strip Fields in the Isle. The HEO was originally concerned that the size of the application site (which covered the whole plot of land between 72 and 76 Westgate Road) would create an excessive curtilage for a single development plot. This has been amended to show a much-reduced curtilage for the proposed dwelling which better reflects the character of nearby plots and the character of the wider area.

The HEO was also concerned that the proposed render finish would not be in keeping with the traditional character of buildings in the area which are of local brick and pantiles. Whilst

there have been a variety of house types and materials used on developments in the area, this does not justify a departure from traditional materials used historically in the area. The proposed elevations have been amended to reflect this.

Given the change in plot size and materials, the HEO no longer objects to the application subject to a condition removing permitted development rights from the property. The NPPF states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so: 'Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.' In this case, the potential for permitted development rights being exercised are limited given the extent of the plot. It is not considered that there is a clear justification as there would be very limited impact on the wider ASHLI should future residents seek to use permitted development rights. Furthermore, there are many other dwellings on Westgate Road which do not have permitted development rights removed. It is therefore not considered that such a condition would meet the NPPF tests in this case.

Overall, it is considered that the proposal would not result in significant harm to the ASHLI and would be of an acceptable design. In the context of non-designated heritage assets, there would be almost negligible level of less than substantial harm to the ASHLI and this harm would be outweighed by the limited benefits.

Accessibility and highway safety

Policy T1 of the local plan provides that development will be permitted where there is good foot, cycle and public transport provision or where there are opportunities for foot, cycle and public transport to be provided. Local plan policy T2 requires all development to be provided with a satisfactory access. The NPPF, at paragraph 110(b), requires safe and suitable access to the site to be achieved for all users. Paragraph 111 advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts would be severe.

As set out above, the site is outside any recognised development boundary. Nevertheless, it does have reasonable access to services and facilities in Belton, with the primary school and petrol station/store within 800 metres of the site. Bus stops providing access to services to Scunthorpe/Doncaster and Gainsborough are found at King Edward Street outside the Sir Solomon Pub and a little further along High Street near Ash Tree Close.

The proposed access would be one of many similar accesses serving dwellings off Westgate Road. As set out above, the layout provides for parking and turning space which would allow vehicles to leave and enter the highway in forward gear. The Highways Officer has been consulted and raises no objection subject to conditions prohibiting loose material being placed on the driveway, restricting the height of boundary treatments across the front boundary and requiring the layout as submitted to be provided and maintained.

In light of the above there is no objection on transport/highway safety grounds.

Impact on neighbouring property

Local plan policies all seek to protect the living conditions of occupiers of nearby residential property. Local plan policy DS1 states that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

Policy DS5 of the local plan requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants. Proposals should not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

The only property that could potentially be affected by the proposal is 72 Westgate Road which lies immediately to the east of the application site. The side elevation of 72 Westgate Road does not contain any primary windows to habitable rooms. A single-storey rear extension has been constructed in recent years, with a window and door facing the application site, which houses a shower room. The window faces a single-storey garage building which sits on the boundary between the application site and the existing dwelling.

The original proposal involved a 6.75 metre long two-storey rear projection which led to concerns regarding impact on the neighbouring property. Amended plans have been submitted which retain the 6.75 metre projection at ground floor but reduces it at first-floor level to 5 metres. There would then be a balcony above the ground floor with an obscure-glazed screen to avoid overlooking of number 72.

On balance, it is considered that the reduction in length of the rear projection shown on the amended plans, combined with the distance between the properties and the existence of the garage between them, would not unduly harm the living conditions of the occupiers of 72 Westgate Road.

Other matters

The Environmental Protection Officer (EPO) has raised potential concerns with the potential for noise and odour impacts from the nearby farm on future residents. Nevertheless, the site is within a residential area and there are houses closer to the farm than the proposed dwelling. The EPO has not advised of any previous complaints arising from the farm. Anyone moving to a rural area, particularly to a property close to a farm, must expect some level of noise/odour and it is not considered, in this particular case, that this would result in any significant harm to future occupiers.

The EPO also had concerns regarding potential land contaminated, however a screening assessment has been submitted which allays those fears and a condition is now recommended in the event that unexpected contamination is found during development.

In terms of ecology, the site is considered to be of low value and a condition is recommended to secure biodiversity enhancements on the site.

The site lies within Flood Zone 1, the area at least risk of flooding. The LLFA has been consulted and raises no objection subject to conditions aimed at preventing surface water run-off to and from the site. The local Drainage Board suggests a condition requiring approval of a drainage scheme.

The site is designated as grade 2 agricultural land which is classified as 'best and most versatile'. Nevertheless, given the size of the site and its relationship with surrounding land, it is not considered that its loss would justify refusal in this case, when measured against the (albeit limited) benefits.

Conclusion and planning balance

As set out above, there is a clear conflict with the development plan as the site is located outside of any recognised development boundary. This conflict must be given substantial weight in the overall planning balance.

Notwithstanding this, the council is currently unable to demonstrate a five-year supply of housing land and the NPPF sets out that in such circumstances the presumption is that planning permission should be granted unless there are specific policies in the Framework which protect areas or assets of particular importance which provide a clear reason for refusal, or significant and demonstrable harms exist which outweigh the benefits.

In this case the benefits are clear, albeit limited. The dwelling would contribute, in a very small way, to the council's total land supply, which is given greater weight because of the current shortfall. Limited economic benefits would arise from the construction phase (given the scale of development proposed, it is likely local tradespeople would be used), and from the economic activity of future residents, who would be likely to support local businesses and facilities.

Whilst the benefits are limited, there are no areas or assets of particular importance as defined in the NPPF which would be affected by the proposals. Similarly, no significant and demonstrable harms have been identified which would outweigh those benefits. The site is in a relatively accessible location with the services and facilities in Belton a short journey away. Whilst the site lies within the ASHLI, given its size and location in a row of existing houses, there would be no undue harm to the protected landscape or the character and appearance of the area generally. The design is acceptable and reflects traditional local vernacular architecture. There would be no undue impact on future or existing residents and there are no objections in respect of technical matters including highway safety and drainage.

Overall therefore, whilst there is conflict with the housing policies of the development plan, in accordance with paragraph 11 of the NPPF, those policies are out of date by virtue of the housing land supply shortfall. There are no impacts of granting permission which would significantly and demonstrably outweigh the benefits and it is therefore recommended that permission is granted subject to the conditions set out below.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

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

Drawing no: 2022-ID-29-LOCa (Location Plan)

Drawing no: 2022-ID-29-PL004a (Proposed Development Masterplan)

Drawing no: ID-29-PL001a (Proposed General Arrangements)

Drawing no: ID-29-PL002a (Proposed Elevations).

Reason

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

3.

Notwithstanding the submitted details, the materials used in the development hereby permitted shall be in accordance with details of facing brick and roofing tile which shall first have been submitted to and approved in writing by the local planning authority.

Reason

In the interest of the visual amenity of the area.

4.

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

Reason

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

5.

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

Reason

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

6.

The dwelling hereby permitted shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed in accordance with the approved plans and, once provided, the vehicle parking and turning space(s) shall be retained for the lifetime of the development.

Reason

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

7.

The development hereby permitted shall not be brought into use until a scheme to prevent surface water run-off from hard paved areas within the site onto the highway, and from the highway onto the developed site, has been implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority. The

scheme so approved and implemented shall thereafter be retained for the lifetime of the development.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality and in the interests of highway safety.

8.

The development hereby permitted shall not be brought into use until the glazed screen to the east side of the balcony as shown on drawing numbers ID-29-PL001a and ID-29-PL002a has been installed. The glazed screen shall be a minimum of 1.8 metres in height as measured from the floor level of the balcony and shall be constructed of obscure glazing (Pilkington level 4 obscurity or equivalent). The glazed screen shall be retained as such for the lifetime of the development.

Reason

To safeguard the privacy of occupiers of the neighbouring dwelling.

9.

The development hereby permitted and biodiversity enhancements shall be carried out strictly in accordance with sections 6.2, 7 and 8 of the submitted preliminary ecological appraisal report dated October 2022. All biodiversity features shall be retained thereafter for the lifetime of the development.

Reason

To conserve and enhance biodiversity.

10.

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

Reason

To protect human health in accordance with policies CS5 and CS17 of the Core Strategy.

Informative 1

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

Informative 2

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

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

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

Informative 3

Bats:

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

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

Nesting birds:

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

Informative 4

The council's records indicate that the proposed development site may have a watercourse (surface water pipe/culvert or ditch) running through the site which may lie underneath the proposed dwelling. 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.

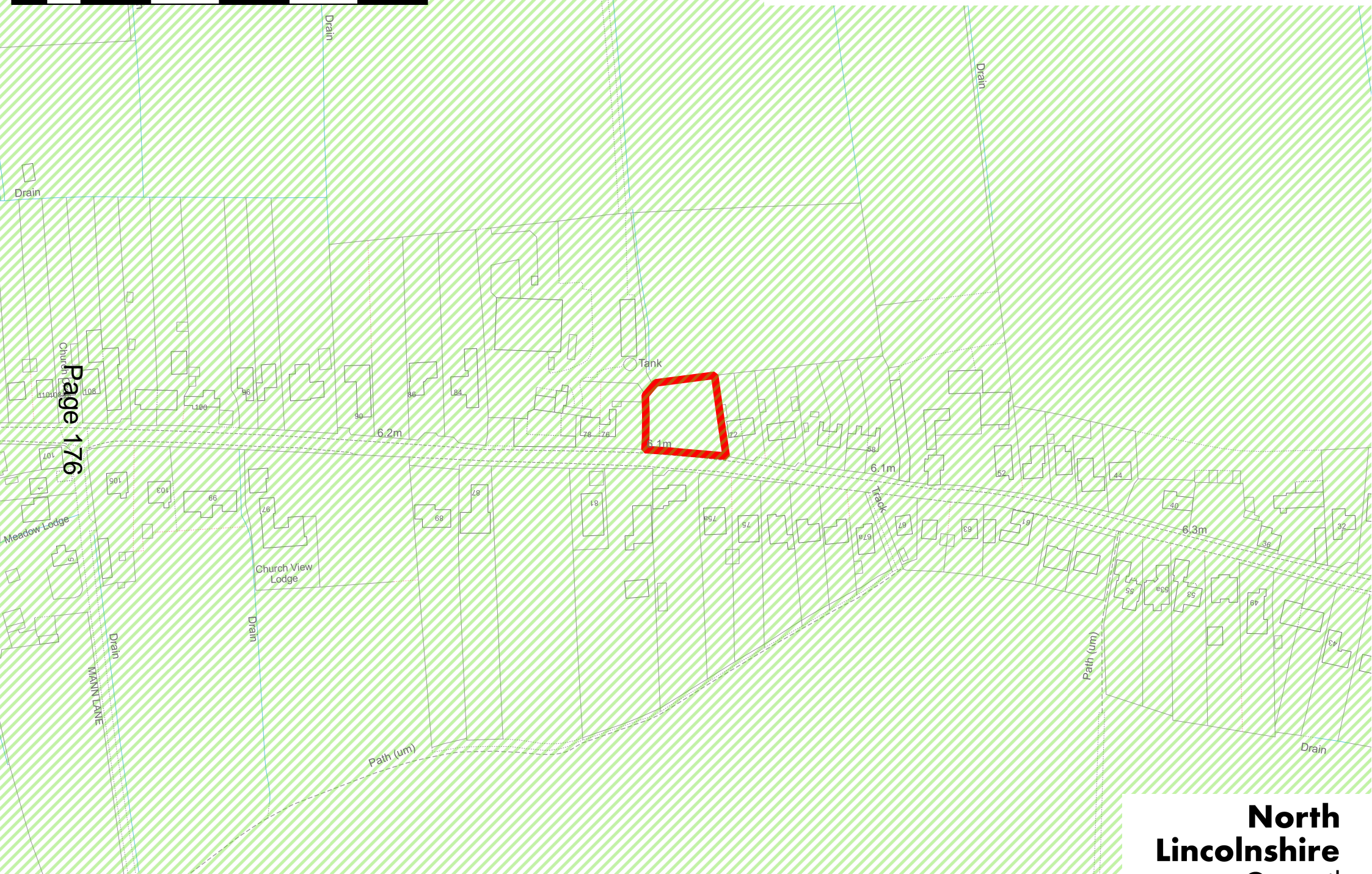
Alterations and/or connections into the watercourse must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, and/or the local Internal Drainage Board through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please 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.

It is suggested that the developer considers upsizing the pipe network, increasing storage around the development to cater for more intense storm conditions. Although this is not a

requirement in terms of surface water flood risk compliance it would be good practice to ensure an increased level of resilience for the development and its future occupiers and we would ask that you fully explore all Source Control SuDS techniques that can store and allow water re-use.

30 0 30 60 90 120 150 m

LC14 Isle of Axholme Area of Special Historic Landscape



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PA/2022/2117

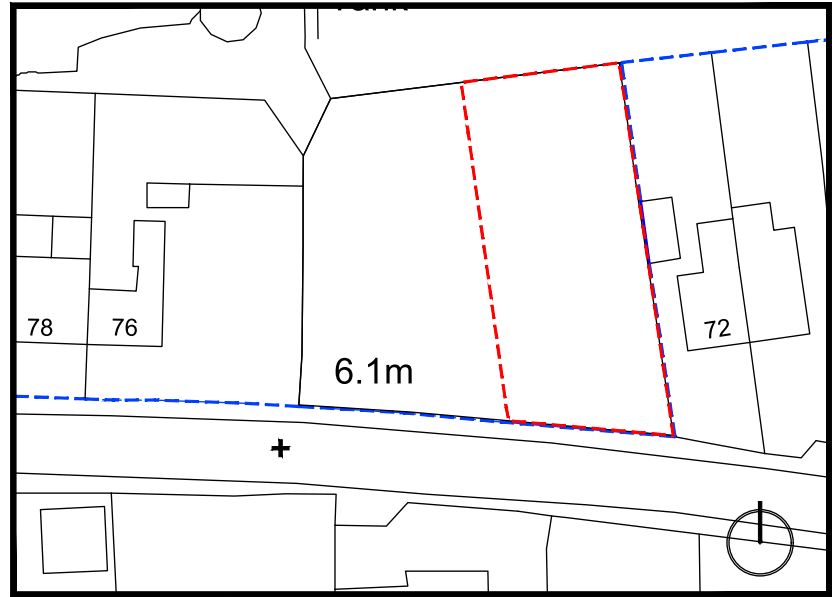
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North
Lincolnshire
Council



Proposed Site Master Plan - Scale 1:200

General Notes:
 1: This drawing has been based on Ordnance survey data only, should the development progress a full topographical survey is to be undertaken as a base.
 2: The extent of the site ownership boundaries have been provided by a third party and need to be clarified moving forward.
 3: Reference should be made to BJ Collins Preliminary Ecological Survey document_Dated October 22



Site Location Plan - Scale 1:500

Schedule of Accommodation:

Plot Number	House Type	m ²	ft ²
Dwelling	3 bed 6 person	179.7	1933
Total		179.7	1933

Schedule of Risk

Description of risk	Risk Likelihood	Risk Mitigation
Flood Risk	None	Not required
Ecological	Likely	Preliminary Ecology Assessment
Tree Protection Order	None	Not required
Contamination/Land fill	None	GI report - Phase 1 (If requested)

Utilities

Statutory Authorities

To date a statutory utilities search has yet to be undertaken for the site. It is suggested that this information be searched prior to formal planning application submission.

Drawing to be read in conjunction with:

- Isle Design Architecture drawing - 2022-ID-29-LOCa Location Plan
- Isle Design Architecture drawing - 2022-ID-29-PL001a Proposed General Arrangements
- Isle Design Architecture drawing - 2022-ID-29-PL002a Proposed Elevations
- Isle Design Architecture drawing - 2022-ID-29-PL003a Proposed Visual Images

Revision	Date	Comment	Drawn by	Checked by
A	16/02/23	Updated to reflect the planners comments.	DT	NWH

Drawing scale: Various@A3
 Proposed Development Masterplan
 Land Adjacent to No 72 West Gate Road, Belton



2022-ID-29-PL004a

PLANNING DRAWING

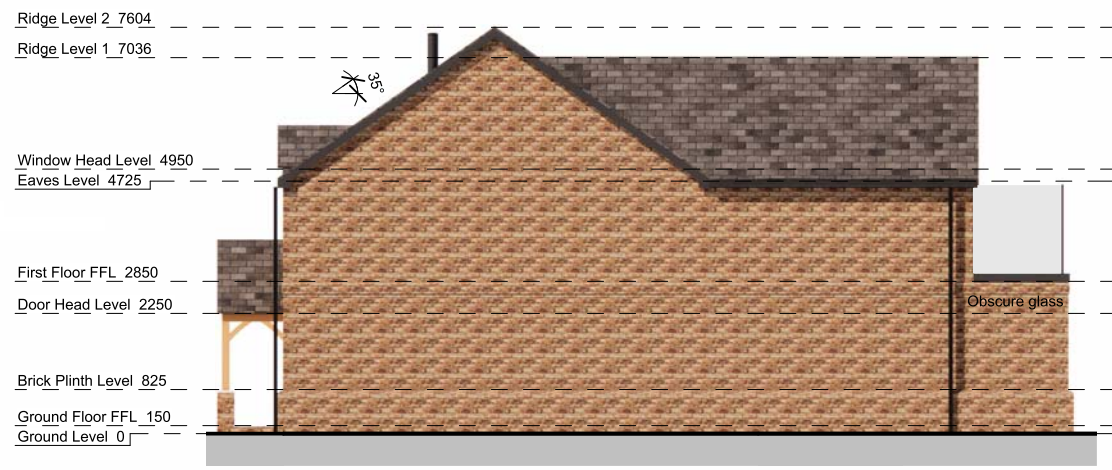
The Studio, The Game Farm, Epworth
 North Lincs, //trombone.headlines.cringes

CIAT Chartered Membership No: 015669

PA/2022/2117 Proposed elevations (not to scale)

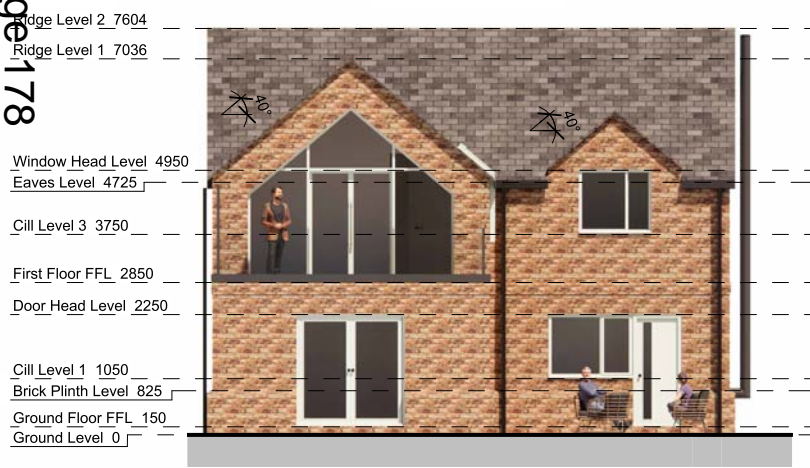


Proposed Westgate Road Elevation - Scale - 1 : 100



Proposed No 72 Elevation - Scale - 1 : 100

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





Proposed Rear/Garden Elevation - Scale - 1 : 100



Proposed No 76 Elevation - Scale - 1 : 100

MATERIALS KEY

-  Farmhouse facing brickwork.
-  French grey window and doorsets.
-  Slate grey roof tile.
-  Oak frame canopy.

Revision	Date	Comment
A	16/02/23	Updated to reflect the planners comments.

Drawn by	Checked By
DT	NWH

Drawing Scale: As indicated @ A3

Proposed Elevations
Land Adjacent to No 72 West Gate Road, Belton

2022- ID - 29 - **PL002a**



PLANNING DRAWING

The Studio, Game Farm, West End Rd, Epworth
CIAT Chartered Membership No: 015669

APPLICATION NO	PA/2023/96
APPLICANT	Mr John Brears, TC Bears & Sons
DEVELOPMENT	Outline planning permission to erect a pair of semi-detached dwellings in connection with agriculture (all matters reserved)
LOCATION	Greenfield Farm, Godnow Road, Crowle, Scunthorpe, DN17 4BN
PARISH	Crowle
WARD	Axholme North
CASE OFFICER	Daniel Puttick
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr John Briggs – significant public interest)

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

North Lincolnshire Local Plan: RD2, H5, H8, DS1, T1, T2, T9, T19, DS1, DS14, DS16

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS7, CS8, CS19, CS25

Housing and Employment Land Allocations DPD: Inset map for Crowle

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:

SS1: Presumption in Favour of Sustainable Development

SS2: A Spatial Strategy for North Lincolnshire

SS3: Development Principles

SS5: Overall Housing Provision

SS6: Spatial Distribution of Housing Sites

SS11: Development Limits

DM1: General Requirements

DQE1: Protection of Landscape, Townscape and Views

DQE3: Biodiversity and Geodiversity

DQE5: Managing Flood Risk

DQE6: Sustainable Drainage System

T1: Promoting Sustainable Transport

T2: Promoting Public Transport

T3: New Development and Transport

T4: Parking

H2: Housing Mix and Density

H7: New Agricultural Workers or Forestry Dwellings

CONSULTATIONS

Highways: Recommend conditions relating to access, parking and turning be applied to any permission.

LLFA Drainage: No objections subject to conditions to secure details relating to surface water drainage within the site. The LLFA also notes foul sewer flooding issues in the Crowle catchment and indicates that no surface water from the development can be connected into the foul sewer network.

Environmental Protection: Recommend conditions be imposed to secure appropriate site investigation in relation to potential sources of contamination, along with a condition to secure occupancy to persons solely or mainly working, or last working in agriculture in the interests of residential amenity.

Environment Agency: Recommend a condition to ensure development is undertaken in accordance with the Flood Risk Assessment submitted with the application.

Ecology: Recommends conditions in the event that permission is granted to secure a biodiversity management plan, detailing bat roosting features, nesting sites for birds, lighting restrictions, hedgehog mitigation, provisions for planting and aftercare of native trees and shrubs, delivery of biodiversity net gain and proposing timings for these works. A separate condition is proposed to ensure that any biodiversity management plan is carried out in accordance with the approved details.

TOWN COUNCIL

Request an agricultural tie be imposed in the event that planning permission is granted.

PUBLICITY

A site has been notice posted – no comments have been received.

ASSESSMENT

Planning history

PA/2021/1764: Planning permission for change of use to allow transfer of forage business including relocation of office portable building and garage/workshop – approved

WF/2014/0710: Planning permission for wind farm development consisting of the erection of six three-bladed horizontal access wind turbines, 126.5 metres maximum height to blade tip and associated infrastructure, including transformers, new and upgraded access tracks, underground cabling, electrical substation, hard standings, upgraded construction site access off Godnow Road and ancillary equipment for a period of 25 years. Also, temporary works including construction compound, blade and nacelle lay-down areas, assist crane pads, turning areas and associated construction access tracks – refused

PA/2013/0156: Application for a lawful development certificate for the storage and distribution/transportation of a maximum of 3000 tonnes per annum of hay and straw – approved

PA/2012/0273: Application for removal of condition 3 of PA/2011/1304 (extension to an agricultural hay/straw and general-purpose barn) and to vary condition 4 of PA/2011/1304 (to omit the wording 'HGVs') – refused

PA/2011/1304: Planning permission to erect an extension to an agricultural hay/straw and general-purpose barn – approved

PA/2007/1441: Planning permission to change the use of an agricultural building to offices – refused

PA/2005/1113: Planning permission to erect a general-purpose agricultural building – approved

- PA/2005/0556: Application for determination concerning prior approval of siting and appearance of a general-purpose agricultural store – prior approval not required
- PA/2004/1377: Planning permission to erect offices, 2 hay barns and vehicle workshop in connection with a hay and straw merchant's – refused
- PA/2002/0302: Planning permission to erect an extension to a straw and hay barn – approved
- PA/2001/0336: Planning permission to erect an agricultural building for the storage of straw and hay – approved
- PA/1999/0812: Prior notification to erect a steel-framed agricultural building – prior approval not required.

Outline planning permission is sought to construct two dwellings on land at Greenfield Farm outside the settlement of Crowle. All matters are reserved for future consideration and as such **the main issue concerns whether the principle of the development is acceptable. Technical issues for consideration at this stage include potential flooding and contamination risks given the site's location on existing agricultural land within Flood Zone 3.**

The site is within open countryside beyond the settlement boundary for Crowle as identified in the Housing and Employment Land Allocations (HELA) DPD. Policy RD2 of the local plan together with policy CS3 of the Core Strategy seek to restrict development beyond settlement limits to that which is essential. Policy RD2 indicates that development will only be granted in a limited number of circumstances, one of which is where it is essential to the efficient operation of agricultural or forestry. On the other hand, policy CS3 states that development will be restricted to that which is essential to the functioning of the countryside, including uses related to agriculture, forestry and other uses which require a countryside location.

Through the development plan, the local planning authority is seeking to secure the delivery of new housing to meet identified needs in locations which are sustainable. Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up to date.

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

In a recent appeal decision dated 20 July 2022 (PA/2020/554) the inspector concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in

favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period.

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

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

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

Paragraph 80 of the NPPF makes clear that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more circumstances apply. One of these circumstances is where 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.

The NPPF indicates that weight can be afforded to emerging plans, depending on their stage of preparation, degree of consistency with the Framework and level of unresolved objections to specific policies within it. The emerging local plan has been submitted for examination and is at an advanced stage. Some limited weight can therefore be afforded to its policies in line with paragraph 48 of the NPPF.

Policy H7 of the emerging local plan indicates that new rural workers' dwellings will only be allowed where they satisfy all of a number of criteria. The policy requires applicants to demonstrate that there is no other viable option of utilising other existing forms of accommodation or buildings, that the business is financially sound and that accommodation is appropriate with the needs of the enterprise rather than those of the owner or occupier.

The application has been supported by a Planning Statement with further written justification submitted on 2 March 2023. The thrust of the applicant's reasoning behind the application relates to the relocation of the company's base from 59 Fieldside, within the settlement of Crowle, to the site's current base outside the settlement. It is suggested that this involves the relocation of 4 HGVs, tractors, trailers and general farm equipment to the new location at Greenfield Farm. Supporting statements indicate that two sons of one of the business partners will be assuming overall control of the farming business.

The business focus is on forage. Supporting documents indicate that crops of hay and straw are baled in local fields and transported to the yards at Fieldside and Godnow Road for storage. It indicates that all vehicles are kept at Fieldside where the company have a maintenance workshop and fuel storage, and that in future these vehicles will take all the hay and straw to Greenfield Farm. The application indicates that these arrangements will change once provision is made for accommodation at Greenfield Farm. The reasoning

behind this centres on perceived security risks and further information has been submitted in support of the application to expand upon these concerns.

This additional information indicates that “there have been many break-ins throughout the area, many relating to theft of fuel oil and machine parts and tools as well as vehicles.” It has also been suggested that straw and hay fires in the area have become frequent, rather than rare occurrences, and details of the value of hay stored on site during and outside of harvest times has been provided.

From the applicant’s submission it is apparent that the need for permanent accommodation on the site is based on perceived security risks from potential theft and arson, rather than any functional need associated with the business. The key consideration therefore centres on whether this need is essential.

There is currently no policy requirement within the development plan relating to financial considerations for rural workers’ dwellings. Notwithstanding this, whilst no financial appraisal has been submitted with the application, it is clear that the business is well-established and has been operating from its site in Crowle for many years. There is no concern over the business’s long-term prospects, and no reason to seek further financial information in this instance based on knowledge and understanding of the firm.

The business is primarily concerned with the production of crops for grazing by livestock. No livestock are kept on the farm, and from the information provided with the application there is no requirement for rural workers to be present on site to tend to animals. The main reason for requiring accommodation at the site is to reduce security risks.

Whilst it is recognised that rural crime will be of concern to the applicant, insufficient justification has been submitted with the application to demonstrate that there are credible security risks facing the farm. Moreover, the business has successfully operated from its site at Fieldside within Crowle without permanent on-site accommodation, and previous applications indicated that the business could be successfully relocated from Fieldside to Godnow Road through the change of use of the buildings and relocation of office/workshop as approved through application PA/2021/1764.

In this instance it is not considered that the need for permanent on-site accommodation through the construction of two dwellings is essential for the operation of the business. The site could be secured through other measures such as fencing, cameras, alarms etc. Even if there were a proven need for a permanent on-site presence for security reasons, this would not necessitate two separate dwellings as proposed. The proposals are considered to be contrary to the aims of policies RD2 of the local plan and CS3 of the Core Strategy, and are considered unacceptable as a matter of principle. The development would result in the creation of homes within an unsustainable location which is contrary to the spatial strategy of the development plan, and would result in the creation of isolated homes within the countryside contrary to the aims of national planning policy. There are clear reasons for refusing the application and in line with paragraph 11 of the NPPF it is considered that the proposal would not represent sustainable development and that the adverse impacts would significantly outweigh the benefits which would be derived from the development.

Other issues

This application is for outline planning permission with all matters reserved. Landscaping, layout and appearance are therefore not for consideration as part of this application;

however, based on the information provided it is anticipated that a suitable scheme could potentially be brought forward at the site should planning permission be granted. However, given the site's location within the countryside, careful attention would need to be paid to matters of scale and design, to ensure that the open character and appearance of the countryside is retained. This is particularly important owing to the visibility of the site from Godnow Road.

The site is to the south-west of Crowle, accessed from Godnow Road. There are no objections from the council's Highways officers and on this basis it is anticipated that a development could be brought forward which would be acceptable in highway terms and would not prejudice the safety of the road network.

Although a sensitive end use is proposed, officers are satisfied that potential land contamination issues can be addressed through the imposition of suitably worded conditions. Potential sources of contamination would therefore be unlikely to prejudice the safety of occupants at the site, and conditions restricting occupation of the dwellings would ensure that farming activities would not be harmful to residents unconnected with the site.

The site is within Flood Zone 3 and is therefore at the highest risk of flooding. Paragraph 159 of the NPPF indicates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

The application has been supported by a site-specific flood risk assessment which identifies measures to ensure possible flooding risks would not be prejudicial to occupants of proposed dwellings at the site. The Environment Agency has been consulted on the application and has raised no objections to the proposed development, subject to the imposition of a condition requiring development to be undertaken in accordance with the flood risk assessment. The LLFA Drainage officers within the local authority similarly raise no objections to the proposed development. On this basis, it is considered that issues associated with potential flooding would be capable of being addressed. A suitable scheme could be delivered which ensures occupants are safe from flooding risks and prevents any greater risks from occurring elsewhere.

Having regard to the above, there are not considered to be any technical issues which would prejudice the delivery of a suitable housing scheme on the site. Notwithstanding this, the principle of the development is considered to be unacceptable. Whilst there may be benefits to the business and positive social and economic impacts derived from the construction of two dwellings at the site, their location outside the settlement and in an isolated location requires an essential need to be demonstrated. A functional need has not been demonstrated and the justification presented as part of the application centres on security risks associated with the potential loss of produce or machinery. In this instance officers are not satisfied that there is an essential need for two workers' dwellings to be constructed at the site. It is therefore recommended that planning permission be refused.

RECOMMENDATION Refuse permission for the following reasons:

1.

The proposed development would result in the construction of dwellings in the open countryside, an essential need for which has not been demonstrated. The proposed development is considered to be contrary to the spatial distribution aims for development

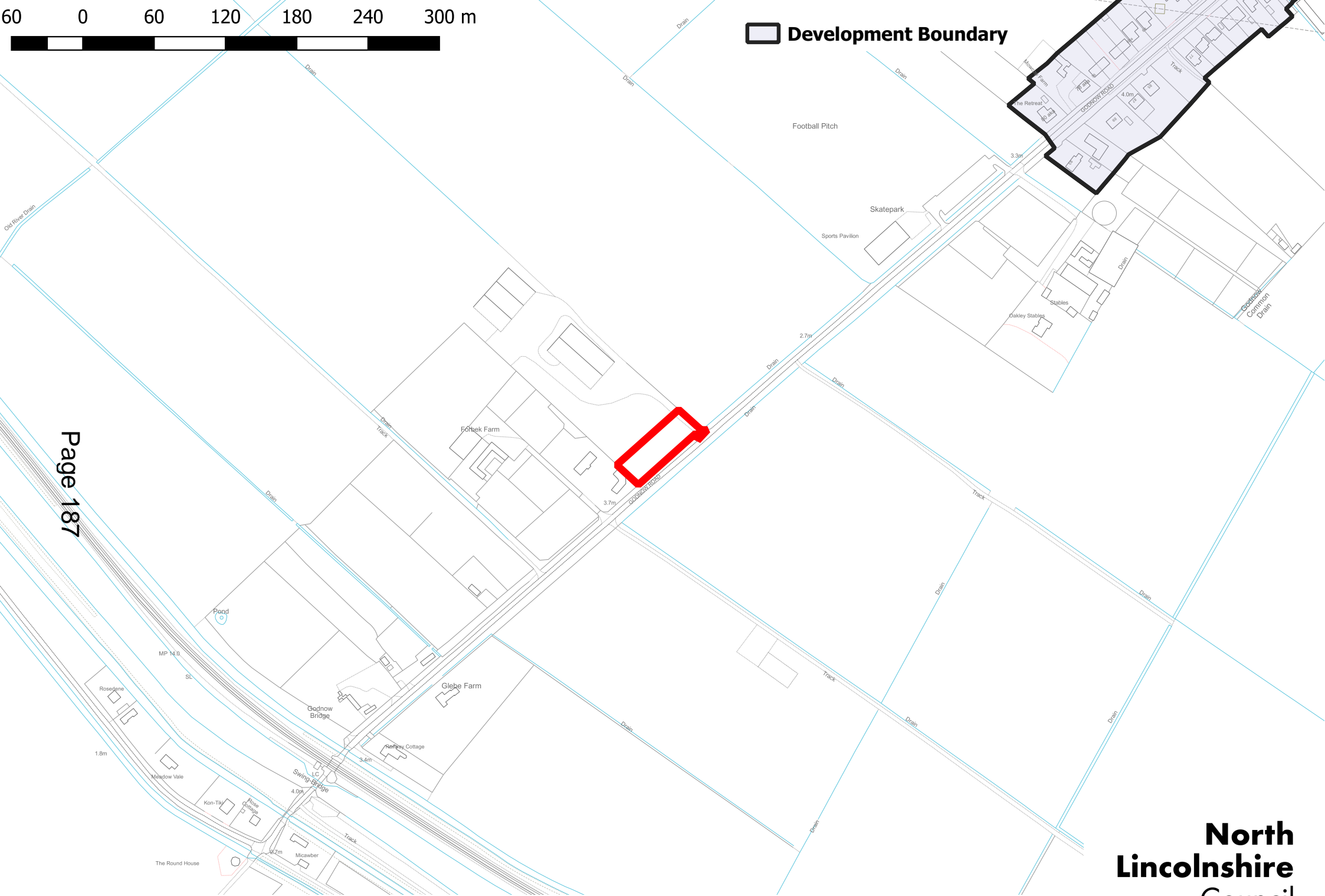
set out in policies RD2 of the North Lincolnshire Local Plan and CS3 of the Core Strategy, and would lead to the creation of isolated dwellings in the countryside contrary to the aims of paragraph 80 of the National Planning Policy Framework.

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**



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APPLICATION NO	PA/2023/118
APPLICANT	Mr Patrick Cobb
DEVELOPMENT	Planning permission to erect fencing
LOCATION	8 Wressle Road, Broughton, DN20 0DB
PARISH	Broughton
WARD	Broughton and Appleby
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Grant permission (unconditional)
REASONS FOR REFERENCE TO COMMITTEE	Objection by Broughton Town Council

POLICIES

National Planning Policy Framework: Section 12 – Achieving Well-Designed Places

North Lincolnshire Local Plan: Policies DS1 and DS5

North Lincolnshire Core Strategy: Policies CS1, CS2 and CS5

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:

Policy DQE1.

CONSULTATIONS

Highways: No objection or comments.

LLFA Drainage: No objection or comments.

TOWN COUNCIL

Object on the grounds that the fencing is not in keeping with the street scene.

PUBLICITY

Site notices have been displayed; no comments have been received.

ASSESSMENT

The application site comprises a two-storey, semi-detached dwelling located on the corner of Wressle Road and Catherine Grove, within the defined settlement boundary for Broughton. The area is largely residential. The site is one of a pair of semi-detached properties with 10 Wressle Road located to the north-east. 16 Catherine Grove forms the eastern boundary of the site. Planning permission is sought to retain a 1.8 metre high closed-boarded timber fence along the perimeter of the site, replacing a hedge which previously formed the boundary in this location.

The main issue in determining this application is the impact on the character and appearance of the street scene.

Street scene

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

Planning permission is sought to retain a fence around the front boundaries of the applicant's property, to the north-west, west and south-west, replacing a hedge which previously defined the boundary. This application is retrospective as the fence has already been installed. It consists of a 1.8 metre high close-boarded timber fence atop gravel boards running along 23 metres of the front boundary facing both Wressle Road and Catherine Grove. The fence also borders the applicant's driveway which is located on Catherine Grove.

Given the location of the fence on the corner it is visually prominent within the street scene. It is worth noting, however, that a house in close proximity to the site, to the south-west, (1 Mill Lane) also occupies a corner plot and has boundary fences at a similar height around the entire perimeter of its front garden. The adjoining dwelling also has a close-boarded fence at a similar height along the entire length of its eastern boundary, where Wressle Road meets Green Lane. It is worth noting a number of dwellings which occupy corner plots in the vicinity of the site have hedges or walls at a similar height as the fence it is sought to retain in this case.

Given the height and type of the existing boundary treatments around the perimeter of dwellings in the vicinity of the site (i.e. the immediate street scene), it is considered the proposed development will not be out of keeping with the character and appearance of the street scene and is not to the detriment of the visual amenity of the locality. The height of the proposed fence is comparable to the hedge it has replaced (albeit the fence is marginally lower) and is not considered to have a detrimental impact on highway or pedestrian safety; this has been confirmed by the consultation response from Highways who have no objection on highway safety grounds.

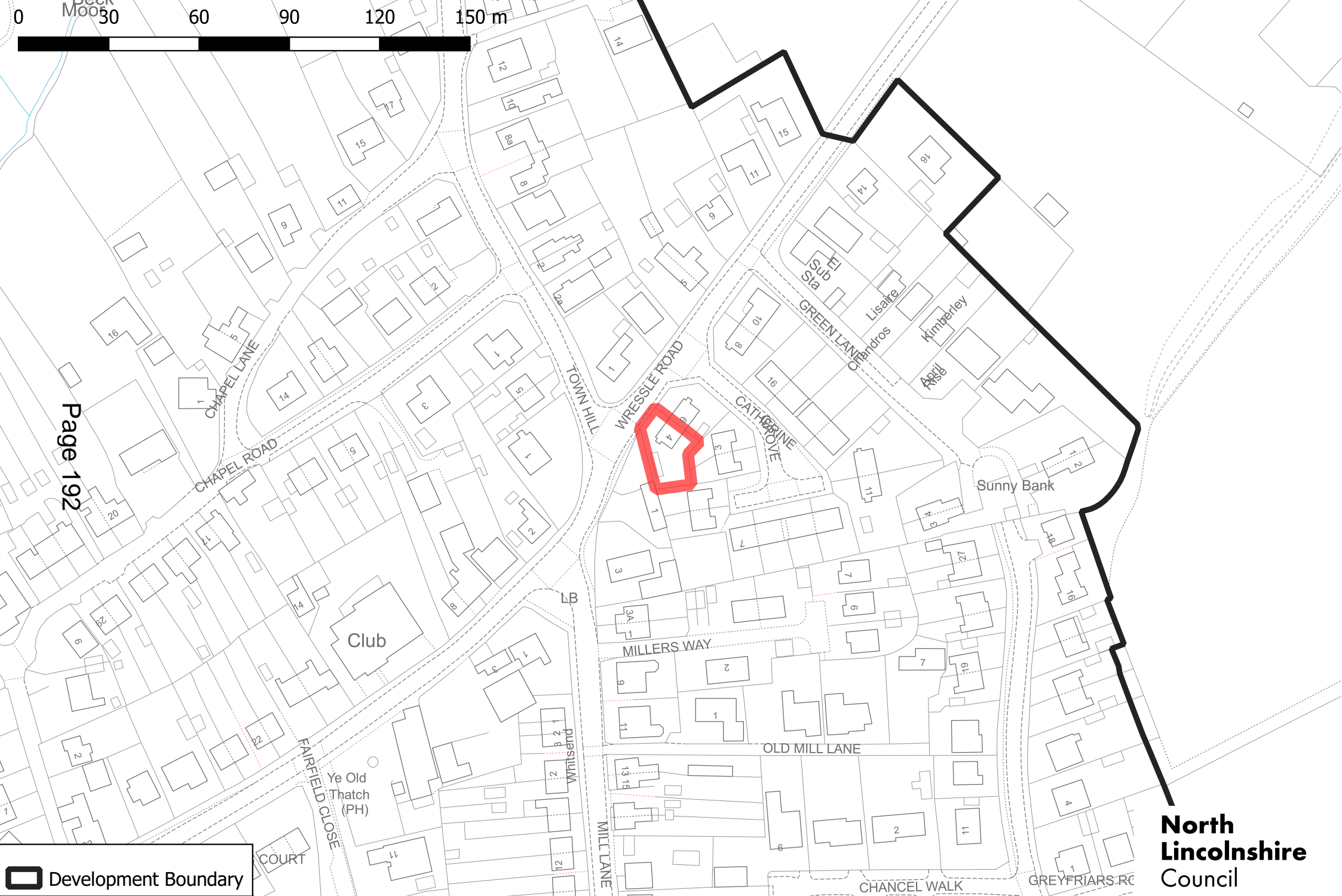
For these reasons the proposed development is considered to comply with policy DS5 and the application is recommended for approval.

No conditions are required in this instance as the fencing has already been installed on site and is complete.

RECOMMENDATION Grant permission (unconditional).

Informative

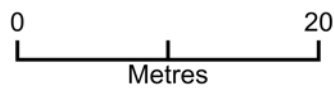
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



 Development Boundary

PA/2023/118 Location of fencing (not to scale)

plan for existing fence



Plan Produced for: Sharon Mitcheson

Date Produced: 13 Feb 2023

Plan Reference Number: TQRQM23044134325327

Scale: 1:500 @ A4

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APPLICATION NO	PA/2023/145
APPLICANT	Mr Mark Snowden, Keigar Homes Ltd
DEVELOPMENT	Planning permission for the change of use of land to erect three bungalows and three chalet bungalows
LOCATION	Land off Ferry Road East, Barrow upon Humber
PARISH	Barrow upon Humber
WARD	Ferry
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Subject to the completion of a section 106 agreement, grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan Objection by Barrow upon Humber Parish Council

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

Chapter 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 RD2 (Development in the Open Countryside)

Policy H5 (New Housing Development)

Policy H8 (Housing Design and Housing Mix)

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

Policy LC5 (Species Protection)

Policy LC6 (Habitat Creation)

Policy LC7 (Landscape Protection)

Policy T1 (Location of Development)

Policy T2 (Access to Development)

Policy T6 (Pedestrian Routes and Footpaths)

Policy T19 (Car Parking Provision and Standards)

Policy DS1 (General Requirements)

Policy DS7 (Contaminated Land)

Policy DS11 (Polluting Activities)

Policy DS13 (Groundwater Protection and Land Drainage)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS15 (Water Resources)

Policy DS16 (Flood Risk)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS8 (Spatial Distribution of Housing Sites)

Policy CS9 (Affordable Housing)

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

Policy CS17 (Biodiversity)

Policy CS18 (Sustainable Resource and Climate Change)

Policy CS19 (Flood Risk)

Policy CS22 (Community Facilities and Services)

Policy CS23 (Sport, Recreation and Open Space)

Policy CS25 (Promoting Sustainable Transport)

Policy CS27 (Planning Obligations)

Housing and Employment Land Allocations DPD:

Policy PS1 (Presumption in Favour of Sustainable Development)

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:

SS1: Presumption in Favour of Sustainable Development

SS2: A Spatial Strategy for North Lincolnshire

SS3: Development Principles

SS5: Overall Housing Provision

SS6: Spatial Distribution of Housing Sites

SS11: Development Limits

H1: Site Allocations: H1C-35: Land North of Ferry Road East (9 dwellings)

H2: Housing Mix and Density

RD1: Development in the Open Countryside

DQE1: Protection of Landscape, Townscape and Views

DQE3: Biodiversity and Geodiversity

DQE6: Sustainable Drainage System

DQE7: Climate Change and Low Carbon Living

DQE11: Green Infrastructure Network

DQE12: Protection of Trees, Woodland and Hedgerows

CSC3: Protection and Provision of Open Space, Sports and Recreation Facilities

ID1: Delivering Infrastructure

T1: Promoting Sustainable Transport

T3: New Development and Transport

T4: Parking

DM1: General Requirements

CONSULTATIONS

Highways: No objections subject to conditions relating to access, highway safety and car parking.

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

LLFA Drainage: No objection subject to conditions.

Anglian Water: The applicant should check for any Anglian Water assets which cross or are within close proximity of the site. If diverting or crossing over any of our assets permission will be required.

Environmental Protection: No objection subject to a contamination condition and restrictions on construction, demolition and site clearance operations.

Archaeology: Archaeological evaluation on the adjacent development site did not identify any archaeological features. As such, no further archaeological work is recommended in connection with the development of this site. No further recommendations.

S106 Officer: Contributions are required towards education and leisure.

Ecology: If permission is ultimately granted, there will be a need to secure a net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.1. A section 106 contribution is required for off-site habitat creation.

Waste & Recycling: General comments in relation to bin dimensions, refuse and recycling, vehicle access for refuse vehicles, highway construction, unadopted roads and pulling distance for occupiers and collection crew.

PARISH COUNCIL

Barrow upon Humber Parish Council wishes to object to this application. Once again, the dwellings are outside the building line for the village, although Barrow PC understands that North Lincolnshire Council's lack of a land supply plan will make it much more likely that this application will be approved. These six properties will bring the number up to 33 on this site, so in effect this is now a small estate, rather than the original nine that were acceptable infilling along Ferry Road. If this application is granted, 24 of them will be outside the building line.

Barrow's infrastructure is very overloaded as evidenced by the large tankers that were recently pumping out the drains for about two weeks at various points around the village, despite the fact that there was very little rain in February. In previous years, when there has been more rain, drains have been blocked and sewerage has come up through drain covers. At one stage, portable toilets had to be provided for residents of one road which indicates a system that already can't cope. Around 150 properties currently have planning permission in Barrow and these have yet to be connected to this already overstretched drainage system.

These properties will also add to already congested village roads with buses unable to drive down the High Street because of parked cars (the most recent occurrence was at 6.45pm on 8 March). Heavy traffic from industries in New Holland and Barton pass through the village all the time – much of it along the road where this development is planned – and the Barton by-pass, which is supposed to alleviate this, is unlikely to be fully completed for several years.

Finally, the developer's statement cannot be relied on as it is very out of date – the bus stop referred to is no longer on a bus route and the village has not had a newsagent for at least four years.

PUBLICITY

Advertised by site and press notices. Six responses have been received raising the following issues:

- The site is in the open countryside
- congestion
- other sites in Barrow are not being built out due to lack of demand
- close to areas which flood
- further development will be proposed
- Barrow has limited facilities/inadequate infrastructure
- drainage issues
- brownfield sites available in Barrow
- loss of habitat.

ASSESSMENT

The proposal

Permission is sought to erect three detached bungalows and three detached chalet bungalows. The three bungalows proposed are two-bedroom and will be for over 55s' accommodation. The chalet bungalows will be four-bedroom with an integral or detached garage, with two of the bedrooms on the ground floor. All the dwellings are suitable to provide accommodation for older people. Each dwelling will be served by its own driveway for car parking, with car parking also available in the proposed garages. Each dwelling has its own substantial area of private amenity space. The proposed dwellings are positioned in a linear arrangement across the site northwards from Ferry Road East. The site is accessed via Ferry Road East with the access also serving the previously approved development for 18 dwellings (PA/2021/970). This application site forms a cul-de-sac arrangement at the western end of the whole site. The proposed dwellings will be constructed from heritage blend bricks, Hampton rural bricks, dark grey Calderdale slate and terracotta pantiles.

The site

The application site is a 0.3 hectare parcel of agricultural land located to the north of Ferry Road East, on the urban fringe of the village of Barrow upon Humber. The site is grassed and is not in agricultural production. The site is bounded by a cluster of dwellings to the west and south. To the east will be residential dwellings when planning permission PA/2021/970 is completed. Rolling agricultural fields are located to the north, which are separated from the site by hedging along its northern boundary. To the southern boundary are nine dwellings (PA/2020/803) completed by the same applicant as has submitted this application. The site is relatively flat and featureless with distant views to the north across slightly falling land towards the River Humber and Hull.

The site lies outside the development boundary of Barrow in the HELA DPD and is considered 'open countryside' for planning purposes. It must be noted that in the emerging new local plan for North Lincolnshire, the site lies adjacent to the nine approved dwellings under PA/2020/803. These approved nine dwellings form the housing site allocation under policy H1 of the new local plan H1C-35: Land at Ferry Road East, which does lie within the development boundary of Barrow in the new local plan. The site the subject of this application lies outside of but directly adjacent to the development boundary of Barrow in the new local plan. The site is not within any conservation area or special landscape designation. Barrow is defined as a 'Rural Settlement' in the Core Strategy. The site lies within an area designated in the council's Strategic Flood Risk Assessment (SFRA) as flood zone 1, indicating lower risk of flooding. It is classified as grade 2 agricultural land. The site gradually slopes down from Ferry Road East, northwards.

Planning history

PA/2021/970: Planning permission to erect 18 dwellings with associated access road and garaging, and create a public footpath and open space – approved 31/03/2022

PA/2020/803: Planning permission to erect nine dwellings, including associated access and garages – approved 29/09/2020

PA/2021/161: Planning permission to vary condition 16 of PA/2020/803 to amend working hours – approved 27/11/2020.

The main issues for consideration are whether the principle of the development is acceptable, and if so, whether the proposal is acceptable in highway, drainage, flood risk, ecology, biodiversity, design, appearance and amenity terms.

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 saved policies of the North Lincolnshire Local Plan (NLLP) and the North Lincolnshire Core Strategy (NLCS). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply

of housing that seek to restrict housing outside settlements should not be considered up to date if a five-year supply cannot be demonstrated. The presumption in favour of sustainable development means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application when assessed against the policies of the NPPF.

Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire, which, amongst other matters, provides that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

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

The overall strategy for North Lincolnshire, as set out by policy CS2, sets out a sequential approach for development: firstly in Scunthorpe, followed by the market towns and then rural settlements. The bulk of housing requirement for North Lincolnshire under this strategy is allocated for Scunthorpe at 82% of the total housing requirement with 18% in the market towns of Barton upon Humber, Brigg, Crowle, Kirton in Lindsey and Winterton. There are no allocated housing sites within the rural settlements.

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

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

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is outside the defined development boundary of Barrow and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy, and RD2 of the North Lincolnshire Local Plan.

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

North Lincolnshire does not currently have a five-year housing land supply of deliverable sites. As such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period.

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

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

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

It should be noted that two other residential developments have been permitted adjacent to the application site by the same developer: PA/2020/803 (9 dwellings) and PA/2021/970 (18 dwellings). PA/2020/803 forms the housing site allocation under policy H1 of the new local plan H1C-35: Land at Ferry Road East and is located within the proposed new development boundary for Barrow in the new local plan for North Lincolnshire.

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

Economic

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

Social

In terms of the social benefits, the proposal would contribute to the council's housing land supply by providing a significant number of dwellings on the site. The proposed dwellings are all bungalows and there is a very high demand for bungalows in our area to accommodate our growing elderly population. Three of the bungalows will be secured for over 55s to accommodate older people.

Environmental

In terms of the environmental dimension, the proposal would result in landscaping and biodiversity enhancements on the site. Pedestrian links can be provided from the site into the central area of Barrow and to the local primary school. SuDs would be incorporated into the development. These are all benefits of the scheme. However, the application would alter the character and appearance of the countryside in this area. The adjoining developments have been completed/are under construction and therefore the character of the countryside has already been changed on these sites.

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.

Barrow itself is identified as a rural settlement by the Core Strategy and ranks 12th overall in the North Lincolnshire Sustainable Settlement Survey 2019. It contains five out of a maximum of seven key facilities, which include a primary school, convenience shops, a public house and a village hall/church hall/community centre. Barrow has public transport links, with a number of bus services providing access to the larger settlements of Barton, Ulceby and Scunthorpe, for example. It is a larger rural settlement and is considered to be a sustainable settlement due to the facilities and access to facilities it has. In addition, in the new local plan Barrow upon Humber is identified as a large service centre because it provides local employment opportunities, and key services and facilities to surrounding areas. Furthermore, PA/2020/803 is a housing allocation in the new local plan and this site is located within the development boundary of Barrow in the new local plan for North Lincolnshire. These material factors, along with the holistic assessment, including technical analysis, will allow an assessment to be made of the sustainability of this proposed development.

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. Both policies are considered relevant. The access is from Ferry Road East. Car parking is provided on site, with each dwelling having its own car parking spaces. The speed limit on this section of Ferry Road East is 40mph. This speed limit is to be reduced to 30mph when the first dwelling approved under PA/2021/970 is occupied with the S106 for PA/2021/970 requiring the developer to pay £3,000 for the works associated with reducing the speed limit to 30mph.

Highways have no objection subject to the recommended conditions relating to access, car parking, a construction phased traffic management plan and wheel-cleaning facilities, which would be attached to any permission granted. The proposal therefore accords with policies T1, T2 and T19 of the North Lincolnshire Local Plan.

Comments from objectors about congestion in Barrow are noted. However, there is no evidence to suggest that the proposal (including the other planning permissions granted on the adjacent sites) will significantly increase congestion in Barrow. Highways have not raised objections and therefore the proposal is considered to be acceptable in highway terms.

Drainage and flood risk

Policy DS14 (Foul Sewage and Surface Water Drainage) requires satisfactory provision to be made for the disposal of foul and surface water from new development by agreeing details before planning permission is granted, imposing conditions on planning permissions or completing planning agreements to achieve the same outcome. Policy DS16 (Flood Risk) requires that new development should not be at risk from flooding. The site lies within flood zone 1 according to the council's SFRA and is therefore at low risk of flooding.

Policy DS13 (Groundwater Protection and Land Drainage) seeks to ensure that all new development takes account of the need to secure effective land drainage measures and groundwater protection to control the level of water in the land drainage system. Policy DS15 (Water Resources) does not allow development to be permitted which would adversely affect the quality and quantity of water resources by means of pollution from the development or water abstraction unless adequate measures are undertaken to reduce the impact to an acceptable level.

In terms of flood risk, the site is located in flood zone 1 and is therefore at low risk of flooding and the optimum place for development in terms of flood risk. The Environment Agency does not wish to comment on the application. Therefore, in terms of flood risk, the proposal is acceptable and aligns with policies CS19 of the Core Strategy and DS16 of the North Lincolnshire Local Plan.

In terms of foul water, the proposal is for six dwellings and Anglian Water does not want to comment on this application. The application has to be considered against the existing planning approval on the site. In relation to the previous application, PA/2021/970, Anglian Water confirmed, 'The foul drainage from this development is in the catchment of North Ferry Water Recycling Centre which currently does not have capacity to treat the flows from the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission' and in terms of the used waste water network, 'The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991.'

It is reasonable to assume, as this response from Anglian Water was given in 2022, that the situation will not have changed and that Anglian Water will still have to ensure there is capacity in the system to accept flows from this development. The developer has submitted foul water drainage details for the site and Anglian Water have not wanted to comment on the proposals. The applicant will need to ensure that the necessary consents from Anglian Water are obtained. The proposal is acceptable in terms of foul drainage and would align with policy DS14 of the North Lincolnshire Local Plan.

In terms of surface water drainage, the LLFA have no objections to the development subject to conditions to secure a surface water strategy for the site and to ensure surface

water does not discharge onto the highway from the site. Therefore, subject to conditions, the proposal will align with policies DS14, DS16 and T2 of the North Lincolnshire Local Plan, and CS18 and CS19 of the Core Strategy.

Ecology/biodiversity

Policies LC5 to LC7 of the local plan deal with species, habitat and landscape matters. Given the existing open field nature of the site and surrounding hedgerows, the preservation and enhancement of important ecological features is necessary. Ecology have been consulted on this proposal and have no objections subject to a S106 and planning conditions.

The applicant has submitted a Biodiversity Metric 3.1 with the application. This reveals a projected net loss of 0/14 biodiversity units (-22.73%) and a projected net loss of 4.85 hedgerow units (-38.87%). Given the loss of biodiversity value on site, there is little prospect of on-site delivery and therefore an off-site financial contribution is required to secure habitat delivery off site. The baseline value of the site is 0.62 habitat units; an additional 0.01 habitat units will be required, on top of the 0.14 unit net loss, to give a total off 0.15 habitat units off site. This will be obtained via a S106 agreement.

Planning conditions have been proposed to ensure that works and biodiversity enhancements are carried out strictly in accordance the submitted Extended Phase 1 Habitat Survey and Biodiversity Management Plan and the submitted ecology plan. Conditions will also be used to ensure full details of the proposed new hedgerow planting is submitted to the council for approval, should permission be granted.

These conditions, together with the financial S106 contribution for biodiversity, are considered reasonable to ensure that the proposal aligns with the NPPF, and policies CS5 and CS17 of the Core Strategy, and to ensure a net benefit in terms of ecology and biodiversity.

Trees

No response has been received from the council's Arboricultural Officer. Five trees adjacent to the western boundary are shown to be retained and one tree located on the northern boundary is shown to be removed. A landscaping plan has been submitted showing 16 trees to be planted on the application site and new hedging. Various shrubs are also proposed. The landscaping scheme is acceptable and will be conditioned. Further conditions will secure details of the species for the new hedgerow planting on the western boundary and ensure the existing trees are protected during construction. Subject to these conditions, the proposal will align with policies CS5 and CS16 of the Core Strategy, and LC12 and DS1 of the North Lincolnshire Local Plan

Design, appearance, visual impact and amenity

Paragraph 2 of the NPPF (2021) states, 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 130 of the NPPF expresses 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, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

Policy LC7 of the local plan states, 'where development is permitted within rural settlements or within the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted.' Policy H5 of the local plan relates to new housing development and seeks to ensure the size and scale is commensurate with the settlement.

Six dwellings are proposed that are a mix of dormer chalet-type bungalows and single-storey bungalows. They are all detached dwellings and are similar house types to those approved on the adjoining sites. The proposed development will create a cohesive and integrated development across the adjoining sites creating an attractive, spacious residential development that is in keeping with the rural area. The scheme comprises bungalows and dormer bungalows which are relatively low in height, which reduces their impact on the wider landscape. Further, these proposed dwellings are set behind and down from existing properties along Ferry Road East which will provide fairly substantial screening of the development. Boundary treatments will be conditioned to secure privacy to each dwelling. Being bungalows, the dwellings will not result in overlooking between the proposed dwellings or of adjoining existing dwellings. The separation distances between the proposed dwellings and existing dwellings are acceptable and will not result in an overbearing impact.

The proposals accord with policies DS1, LC7 and H5 of the local plan, and CS5 of the Core Strategy, in terms of design, appearance, visual impacts and amenity.

Loss of agricultural land

The proposal would result in the loss of 0.3 hectares of agricultural land. The loss of this small area of land is not considered to have a substantial impact on the overall viability of farming or availability of quality agricultural land in the area. Barrow is surrounded by swathes of agricultural land comprising grade 2 (very good). The site is not currently in agricultural production.

Planning obligations

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

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

- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
 - (a) necessary to make the development acceptable in planning terms;

- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

Housing for over 55s

In this case three of the bungalows are proposed to be for 'over 55s'. There is a need for accommodation in North Lincolnshire to provide housing for our increasing elderly population as set out in the council's Housing Needs Assessment (HENA). As a result, a S106 is required to ensure that these dwellings remain as housing for over 55s in perpetuity. The proposal therefore aligns with policies CS7 and CS8 of the Core strategy and paragraph 62 of the NPPF.

Public open space and leisure

No public open space is sought for the six dwellings as sufficient open space has been provided through the previously approved developments, with all planning permissions being built out by one developer.

A leisure contribution has also been requested in the form of an off-site financial contribution of £8,385 for the following sports facilities to accord with policy CS23 of the Core Strategy towards improvements to the natural grass pitches that serve Sub area 7, for outdoor changing room facilities, for swimming facilities, for sports hall and fitness improvements and for improvements to indoor bowling facilities.

Education

Policy C1 states that where major new housing proposals would result in an increased demand for education facilities, which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, to secure the provision of, or contribution towards, new or extended facilities. The response from the education department to this application is that £8,944 per dwelling for three of the additional bungalows is required. These monies would be used towards primary and secondary school places which are directly affected by the planning permission. The other three bungalows will be for over 55s; an education contribution on the over 55s' accommodation is not sought.

Biodiversity

Biodiversity net gain (BNG) cannot be provided on site due to the layout of the scheme and the fairly low biodiversity currently on the site. There is a projected loss of only 0.14 biodiversity on the site. As a result, it is considered in this case that it is acceptable to seek an off-site contribution for BNG. This off-site contribution has been calculated as £3,300. An additional 0.01 units will be required, on top of the 0.14 unit net loss, to give a total value of 0.15 units required off site. Subject to this contribution, the proposal would align with the NPPF and policy CS17 of the Core Strategy.

Other matters

Comments about other brownfield sites available in Barrow are noted, but are not material to this application, given the shortfall in the council's five-year housing land supply. Comments about the Millfields site not being built out are noted, but again are not material to this application. The developer for Millfields is currently completing the ground works and infrastructure for the whole site so this development is proceeding. Environmental Protection have requested construction, demolition and site clearance operations to commence from 8am. Under PA/2021/161, these works could commence from 7.30am. It is therefore reasonable and consistent to allow works to commence from 7.30am to align with the existing planning permissions on the adjoining sites.

Pre-commencement conditions

All pre-commencement conditions attached to this recommendation have been agreed with the applicant.

Planning balance

In conclusion, the development is for full planning permission for six dwellings that lie outside the development limits of Barrow as defined in the local development plan. The site itself is not identified as a housing allocation in the North Lincolnshire Local Development Plan or in the new local plan.

The council cannot currently demonstrate a deliverable five-year housing land supply as set out in the North Lincolnshire Five Year Housing Land Supply Statement. In accordance with NPPF paragraph 11(d), the local plan's relevant policies for the supply of housing carry reduced weight and the tilted balance set out in paragraph 11d applies to this case. It is clear that, due to the council's lack of a five-year housing land supply, there is a need for housing in North Lincolnshire. Not only will this application address some of this shortfall but there are significant benefits associated with this well-designed residential development, including the provision of accommodation for our elderly population. Furthermore, two previous applications have been approved on adjoining sites, and it has already been identified that the site is a sustainable location for residential development. This application will essentially 'round off' the development, creating a mixed and cohesive development across all the sites. It is considered, given the assessment above, that no adverse impacts will result from the development that would significantly and demonstrably outweigh the benefits that would follow from this well-executed and designed residential scheme in this location. Overall, it is considered that the proposal does represent sustainable development in the context of the NPPF and Housing and Employment Land Allocations DPD policy PS1, which sets a presumption in favour of sustainable development.

Conclusion

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

Heads of terms

Education

Education contribution	£8,944 per dwelling for the additional three bungalows to be used towards primary and secondary school places which are directly affected by the planning permission; contribution excludes the three over 55s' products
Trigger point	On occupation of the 3 rd dwelling
How long the council has to spend the contribution	10 years

Recreation

Off-site contribution	A total contribution of £8,385 is required if this application is successful towards the anticipated costs of improvements to existing recreational facilities within the area
Trigger point	On occupation of the 4 th dwelling
How long the council has to spend the contribution	10 years

Biodiversity

Off-site contribution	0.15 habitat unit loss equivalent as an off-site contribution of £3,300 towards biodiversity net gain in North Lincolnshire
Trigger point	On occupation of the 4 th dwelling
How long the council has to spend the contribution	10 years

Over 55s' housing

Over 55s' housing	Three bungalows to be secured for over 55s only (plots 28, 32 and 33) Secured in the Section 106 Agreement to ensure perpetuity
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RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for the contributions set out in the heads of terms above, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Development Management Lead upon completion of the obligation;**

(iii) if the obligation is not completed by 1 December 2023 the Development Management Lead be authorised to refuse the application on grounds of inadequate provision of essential community benefits, lack of provision for biodiversity net gain and inadequate provision to meet educational needs and requirements; and

(iv) the permission so granted be subject to the following conditions:

1.

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

Reason

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

2.

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

- Site location plan: FE/145/302 Rev A
- Site layout: FE/145/303
- Landscaping: FE/145/305
- Levels: FE/145/313
- Foul Water Drainage Plan: FE/145/310
- Materials Plan: FE/145/304
- Ecology Features: FE/145/306
- Maxstoke 2 Storey build style 2 Single Garage normal hand: M.sg.AS/19/102
- Teal with sunroom Build style 2 normal hand: Te.sr/AS/19/102
- Teal with sunroom and garage Build style 2 normal hand: Te.sr/OP/19/102
- Maxstoke 2 Storey build style 3 Double Garage opposite hand: M.dg/OP./19/101
- Teal with sun room build style 3 opposite hand: TE.sr/OP/19/103
- Maxstoke 2 storey build style 3 single garage opposite hand: M.sg/OP/19/101
- Garage Plot 28: GA/FE/P28.

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

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

- (i) the proposed method of forming access from the highway, including the required visibility splays;
- (ii) the method of constructing/paving the drive;
- (iii) the provision of adequate drainage features;
- (iv) the provision of suitable bin collection facilities adjacent to the highway;
- (v) the provision of suitable lighting arrangements; and
- (vi) the provision of street name plates that shall include the words 'Private Drive';

which have been agreed in writing by the local planning authority. Once constructed the private driveway shall be retained.

Reason

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

6.

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.

7.

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.

8.

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.

9.

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.

10.

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

Reason

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

11.

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.

12.

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.

13.

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 Surface water Drainage Plan, Drawing No: FE/145/309, Dated: 24/01/2023.

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

Reason

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

14.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 13 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

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

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

15.

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

Reason

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

16.

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.

17.

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

- 7.30am to 6pm Monday to Friday

- 7.30am 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 reduce the potential impact on residential amenity from noise, dust and light generated during the development phase in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

18.

Works and biodiversity enhancements shall be carried out strictly in accordance with section 6 of the submitted document 'Ferry Road East - Phase 3 Site, Barrow Upon Humber: Extended Phase 1 Habitat Survey, Biodiversity Management Plan and Biodiversity Net Gain' dated March 2023 and the submitted drawings numbered FE/145/305 and FE/145/306. The management prescriptions set out in the management section 6 shall be carried out in their entirety in accordance with the timescales set out. Prior to the occupation of the fifth 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. All biodiversity features shall be retained thereafter.

Reason

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

19.

The scheme of landscaping and tree planting shown on drawing number FE/145/305 shall be carried out in its entirety within a period of 24 months beginning with the date on which development is commenced or within such extended time period as may be agreed in writing with the local planning authority. Any trees, shrubs or bushes removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees, shrubs or bushes of similar size and species to those originally required to be planted unless the local planning authority has given written consent to any variation.

Reason

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

20.

Before the approved landscaping scheme (drawing number FE/145/205) is carried out on the site, details of the location and species of the planting for the infilling and the new hedgerows shall be submitted to and approved in writing by the local planning authority and only the approved scheme shall be implemented on the site.

Reason

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

21.

Before any above-ground works take place on the site, details of the method of protecting the existing trees on the site throughout the construction period shall be submitted to and approved in writing by the local planning authority, and such works as may be so approved shall be carried out before any above-ground works take place on the site and maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

Reason

To safeguard the existing trees on the site in accordance with policy LC12 of the North Lincolnshire Local Plan.

22.

No dwelling shall be occupied until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before 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

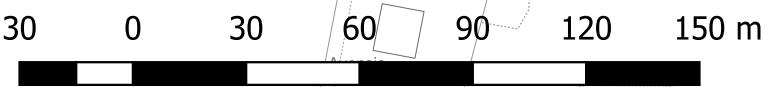
This application must be read in conjunction with the relevant Section 106 Agreement.

Informative 2

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

Informative 3

The applicant's attention is drawn to the comments made by the LLFA on 17/05/2023.



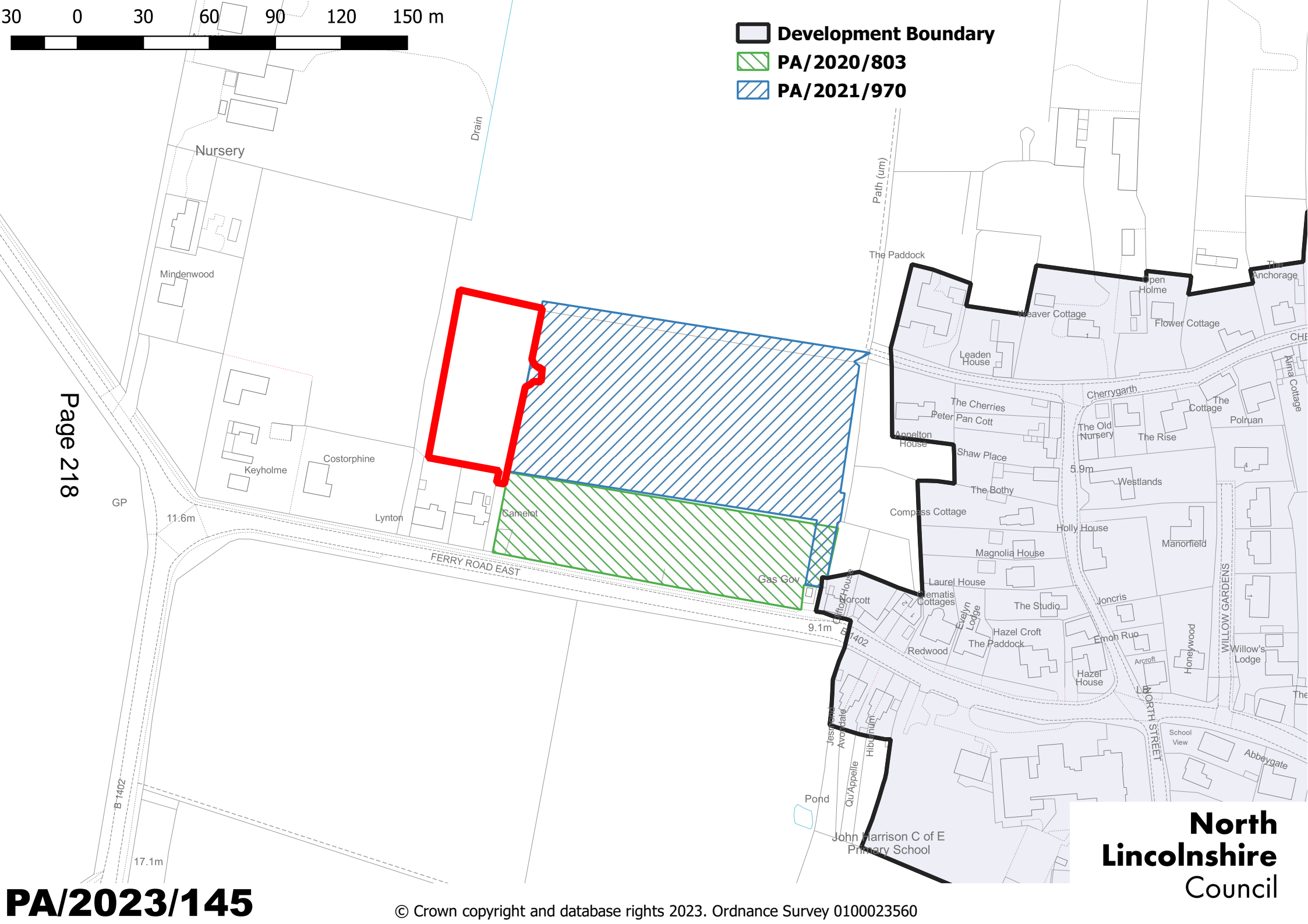
- Development Boundary
- PA/2020/803
- PA/2021/970

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North
Lincolnshire
Council



PA/2023/145 Proposed layout (not to scale)



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Rev: Details Drawn by: Date Approved

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Project Title:
**Residential development
 land off FERRY ROAD EAST
 BARROW UPON HUMBER**

Drawing Title:

SITE LAYOUT

Drawn by: MdS Date: 29.10.22 Scale: 1/500 @ A3

Drawing No: FE / 145 / 303

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