

Public Document Pack

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

4 July 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 7 June 2023 as a correct record and authorise the chairman to sign (attached). (Pages 1 - 12)
4. Applications deferred from previous meetings for a site visit. (Pages 13 - 14)
 - (a) PA/2022/1374 Planning permission to erect two detached properties with associated private driveway at Land rear of 14 Greenhill Road, Haxey, DN9 2JE (site visit time 11am). (Pages 15 - 36)
5. Major Planning Applications. (Pages 37 - 38)
 - (a) PA/2022/1628 Application for approval of reserved matters (appearance, landscaping, layout and scale) pursuant to outline planning permission PA/2019/1782 dated 03/04/2020 for a residential development of up to 200 dwellings at Land south of Moorwell Road, Yaddlethorpe, Bottesford. (Pages 39 - 72)
 - (b) PA/2022/1702 Application to modify/discharge the S106 Agreement attached to PA/2019/1782 relating to the request for contributions be removed for viability reasons at Land south of Moorwell Road, Yaddlethorpe, Bottesford. (Pages 73 - 80)

- (c) PA/2022/1857 Planning permission to erect 16 dwellings at 11 Burnside, Broughton DN20 0HT. (Pages 81 - 104)
- (d) PA/2023/241 Planning permission to remove condition 8 of PA/2022/504 namely to extend the duration of occupation of the holiday lodges and shepherd huts at Oak Tree Fishery, Station Road, Graizelound DN9 2NQ. (Pages 105 - 128)
- 6. Planning and other applications for determination by the committee. (Pages 129 - 130)
 - (a) PA/2022/1829 Planning permission to convert existing farm buildings into seven dwellings at Roxby Grange Farm, North Street, Roxby DN15 0BN. (Pages 131 - 154)
 - (b) PA/2022/2027 Planning permission for a change of use of vacant land to use as dog walking site, installation of two LED flood lights and CCTV cameras at Low Hill Farm, access road to Low Hill Farm, Messingham DN17 3PS. (Pages 155 - 164)
 - (c) PA/2022/2133 Planning permission to change the use of an existing two-storey outbuilding into a single one-bedroom dwelling at Greenhill Road, Haxey DN9 2JE. (Pages 165 - 176)
 - (d) PA/2022/2217 Outline application for three dwellings with all matters reserved including demolition of existing workshop at 78 High Street, Wooton DN39 6RR. (Pages 177 - 192)
 - (e) PA/2022/2222 Planning permission to construct an air products nitrogen skid to enable deliveries outside of normal working hours at The Newton Building, Eastfield Road, South Killingholme DN40 3NF. (Pages 193 - 206)
 - (f) PA/2022/2230 Outline planning permission to erect a detached dwelling with appearance, landscaping, layout and scale reserved for subsequent consideration at 37 North Street, West Butterwick DN17 3JR. (Pages 207 - 220)
 - (g) PA/2023/144 Planning permission to erect a new detached dwellinghouse (including demolition of existing barn) at land to the rear of Pale Close, Sand Pit Lane, Alkborough DN15 9JG. (Pages 221 - 234)
 - (h) PA/2023/279 Planning permission to erect a single-storey side extension at 8 Queen Street, Barton upon Humber DN18 5QP. (Pages 235 - 244)
 - (i) PA/2023/286 Planning permission to erect two dormer bungalows at Ash Lodge, Barrow Road, Goxhill DN19 7LN. (Pages 245 - 260)
 - (j) PA/2023/296 Planning permission to erect a single dwelling with associated access and landscaping at 111 Fountain House, Scawby Road, Scawby Brook DN20 9JX. (Pages 261 - 272)

- (k) PA/2023/381 Planning permission to erect a two-storey rear extension at Mill House, 17 High Burgage, Winteringham DN15 9NE. (Pages 273 - 280)
 - (l) PA/2023/710 Planning permission to erect a new tractor shed at land to the rear of 46 Haxey Lane, Haxey DN9 2NE. (Pages 281 - 290)
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

7 June 2023

PRESENT: - Councillor N Sherwood (Chairman)

Councillors Bell, J Davison, Grant, Patterson, Ross, C Sherwood and Southern.

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

2382 **SUBSTITUTIONS**

Councillor C Sherwood for Cllr Wells.

2383 **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL OR PERSONAL AND PREJUDICIAL INTERESTS, SIGNIFICANT CONTACT WITH APPLICANTS, OBJECTORS OR THIRD PARTIES (LOBBYING) AND WHIPPING ARRANGEMENTS (IF ANY).**

The following member declared a personal interest:

Councillor N Sherwood – Application PA/2022/2019 – Knows of the applicant.

The following members declared they had been lobbied:

Councillor Patterson – Application PA/2022/2024

Councilor Poole – Applications PA/2022/2136 and PA/2022/554

2384 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 8 MARCH 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN.**

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

2385 **APPLICATIONS DEFERRED FROM PREVIOUS MEETINGS FOR A SITE VISIT.**

2386 **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, WRABBY, DN20 8RH**

Cllr J Davison stated that the site visit had been very inormative, and confiremd his concerns around site access, and the lack of it with little room to turn which would be increadibly difficult for the bin lorries. He said it was backyard development in the open countryside, and therefore not an appropriate scheme which was contrary to numerous policies.

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

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That planning permission be refused for the following reason –

The proposed development would result in the urbanisation of an existing area of countryside and lead to encroachment into the open countryside. While it is noted that matters of scale, layout, appearance and landscaping are reserved for future consideration, it is not considered that an appropriate scheme could come forward at the reserved matters stage that would be acceptable in these respects without having a harmful impact on the character and appearance of the area. The proposals are therefore contrary to policies DS1 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy, and paragraph 130 of the National Planning Policy Framework

Motion Carried.

2387 **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**

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

2388 **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**

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

2389 **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**

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

2390 **MAJOR PLANNING APPLICATIONS.**

2390a **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**

An objector addressed the committee with a number of concerns. These included the fact that the surrounding residents felt the site had been formed contrary to what was in the officer's report. Layout plans were wrong as the hedges included did not exist. Current condition of the dyke that was over

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grown and neglected, and he felt that application should be deferred until the applicant had cleared the dyke.

The agent responded and updated the committee on the application and the fact that it had been reduced in size, with no statutory technical objections, and the principals had been approved by the Planning Inspector. He also stated that the client did not yet own the site, and when they did the issues, surrounding the dykes would be resolved.

Cllr Poole spoke as the local Ward Member who also had concerns surrounding the dykes, and the watercourse. He stated that the site did have issues water on the site that could remain for up to 6 months of the year. He queried the drainage with the officer present.

Cllr Ross having looked at the application, and received confirmation at the meeting that the dyke clearance would take place by the landowner and maintenance would be their responsibility, and then she was happy to move approval.

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

2391 **PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE.**

2392 **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**

The applicant addressed the committee and outlined the reasons for the application. In doing so she highlighted it was 2 building plots, grade 2 listed that had been empty for over 5 years without any maintenance. The had started to subside and had structural issues, and therefore required renovation and restoration. She indicated there was ample shared access and all parties had been consulted. She also highlighted that the design had been altered so it was in keeping with the area, reduced the height so there was less impact on the landscape with no overlooking. There was no further concerns from neighbour's just overwhelming support.

Cllr Kennedy spoke as the local Ward Member and raised a number of concerns in line with those of the Haxey parish Council. She felt it was backland development with infill properties. It would cause overshadowing, increased noise and nuisance. Her concerns were also that the surrounding properties were bungalows and therefore the proposals should have had Velux windows. Cllr Kennedy stated that the building was not just being renovated but instead was being turned into a luxury 6 bedroom house, and they did not need to spend that kind of money to restore it, and a third of it would be a car park leading to pedestrian safety.

Cllr Ross having listened to all sides felt that the committee needed to go look

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at the site and proposals before they could make a decision.

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

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

Motion Carried.

2393 **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**

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

2394 **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**

2395 **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**

The applicant addressed the committee and outlined the background behind the application and her business, and the requirements for the application, along with the charity work undertaken at the premises.

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

2396 **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**

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

2397 **PA/2022/2117 PLANNING PERMISSION TO ERECT A TWO-STOREY DWELLING AT LAND ADJACENT TO 76 WESTGATE ROAD, BELTON, DN9 1PZ**

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

2398 **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**

The agent spoke at committee on behalf of the applicants, and in doing so

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highlighted the need for the application. He stated that the proposal was for two family members who working in the farming business to be situated on the farm land. He said there was a big requirement to have living presence on the farm for security reasons and for the safety of the animals, and risks would remain if this could not be approved. He stated it was a genuine rural enterprise with significant public support.

Cllr J Davison having read the report, and listened to the agent stated he had no objections to the application, but would like to see an agricultural tie added to the conditions if approved.

It was moved by Cllr J Davison and seconded by Cllr Ross –

That planning permission be granted in accordance with the following conditions –

1.

Details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development 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.

2.

Application for approval of the reserved matters (access, appearance, landscaping, layout and scale) shall be made to the local planning authority not later than 3 years from the date of this permission.

Reason

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

3.

The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason

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

4.

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

Reason

Permission is granted only after taking account of the particular business needs involved and therefore as an exception to policies CS3 of the North Lincolnshire Core Strategy and RD2 of the North Lincolnshire Local Plan, and in the interests of residential amenity.

5.

All reserved matters pursuant to condition 1 above including “appearance” shall include details of all proposed walling, roofing and surfacing materials, and details of all proposed boundary treatments, including the materials proposed to be used.

Reason

In the interests of good design and visual amenity.

6.

All reserved matters applications pursuant to condition 1 above including “layout” shall include details of foul and surface water drainage and no dwelling shall be occupied until the drainage works as approved have been completed in accordance with the approved details.

Reason

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

7.

All reserved matters applications pursuant to condition 1 above including “access” and “layout” shall include details of the location and layout of the vehicular accesses and the number, location and layout of vehicle parking and turning spaces within the site. No dwelling shall be occupied until the development has been completed in accordance with the details so approved and the vehicular access, parking and turning spaces as approved and completed shall be retained thereafter 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.

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8.

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

Reason

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

9.

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

Reason

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

10.

All reserved matters applications pursuant to condition 1 above including "access" shall include details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway and an effective method of preventing surface water run-off from the highway onto the developed site. No dwelling hereby permitted shall be occupied until the approved methods of preventing surface water run-off have been completed and shall thereafter be retained in accordance with the approved details for the lifetime of the development.

Reason

In the interests of highway safety and 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.

11.

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All reserved matters applications pursuant to condition 1 above shall be in accordance with the submitted flood risk assessment compiled by Richard Alderson Consulting. In particular, finished floor levels shall be set no lower than 4.1m above Ordnance Datum (AOD). All mitigation measures set out in the approved flood risk assessment shall be fully implemented prior to the dwellings hereby permitted being occupied. The mitigation measures shall be retained and maintained thereafter for the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

12.

Part 1: Site Characteristics

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

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme

are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health;

- property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;

- adjoining land

- groundwaters and surface waters

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- ecological systems

- archaeological sites and ancient monuments;

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

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning

authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation

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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 for pre-commencement condition: To ensure the site is safe for future users and construction workers.

13.

All reserved matters applications pursuant to condition 1 above including "layout" shall include a biodiversity management plan which shall include:

- (a) details of bat roosting features to be installed;
- (b) details of nesting sites to be installed to support farmland bird species;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (e) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (f) details to confirm that the measures proposed will provide a measurable net gain in biodiversity value of least 1% in accordance with the Defra Small Sites Metric;
- (g) proposed timings for the above works in relation to the completion of the dwellings.

The approved biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter. Prior to the occupation of the approved dwellings, 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.

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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

For your information we are fully aware of foul sewer flooding issues in the Crowle catchment. For this reason, we advise that all surface water from the development cannot be connected into the foul sewer network. We would also suggest you consider upsizing the pipe network increasing storage around your development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance it would be good practice on your behalf to ensure an increased level of resilience for the development and its future occupiers.

Motion Carried.

2399 **PA/2023/118 PLANNING PERMISSION TO ERECT FENCING AT 8 WRESSLE ROAD, BROUGHTON, DN20 0DB**

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

2400 **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**

An objector speaking at committee raised a number of concerns and ask the committee to take them into consideration when making a decision. They included the access route not being adequate, it was outside the village boundary line, the local plan had not been adhered to, utilities were minimal and it would lead to even more infrastructure issues in the area.

The agent responded and highlighted that bungalows were desperately needed in North Lincolnshire, and there was a demand in the village for them. He also stated there had been no statutory objections, and that it would round of the development with no adverse impact on the area.

Cllr Hannigan spoke as the local Ward Member stating the development had gone from infill to housing estate, it was not in the appropriate location, and contravened planning policies. He also had concerns about the drainage and

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sewerage system not being able to cope with the increased demand.

Cllr C Sherwood agreed with some of the objections made, but also felt the bungalows would help in the community, and the development had already been identified in a sustainable location.

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

2401 **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: RL/JMC/Planning committee 04 July 2023
Date: 23 June 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/2022/1374 |
| 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 | Approve with conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Member 'call in' (Cllr David Rose – significant public interest) Objection by Haxey Parish Council |

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision making

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 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

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

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_E_PR_SLP Rev. E
- 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.

Informatives

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.

2.

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

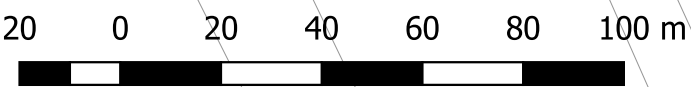
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued.
- before ANY service (utility) connections take place within the limits of the highway you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

3.

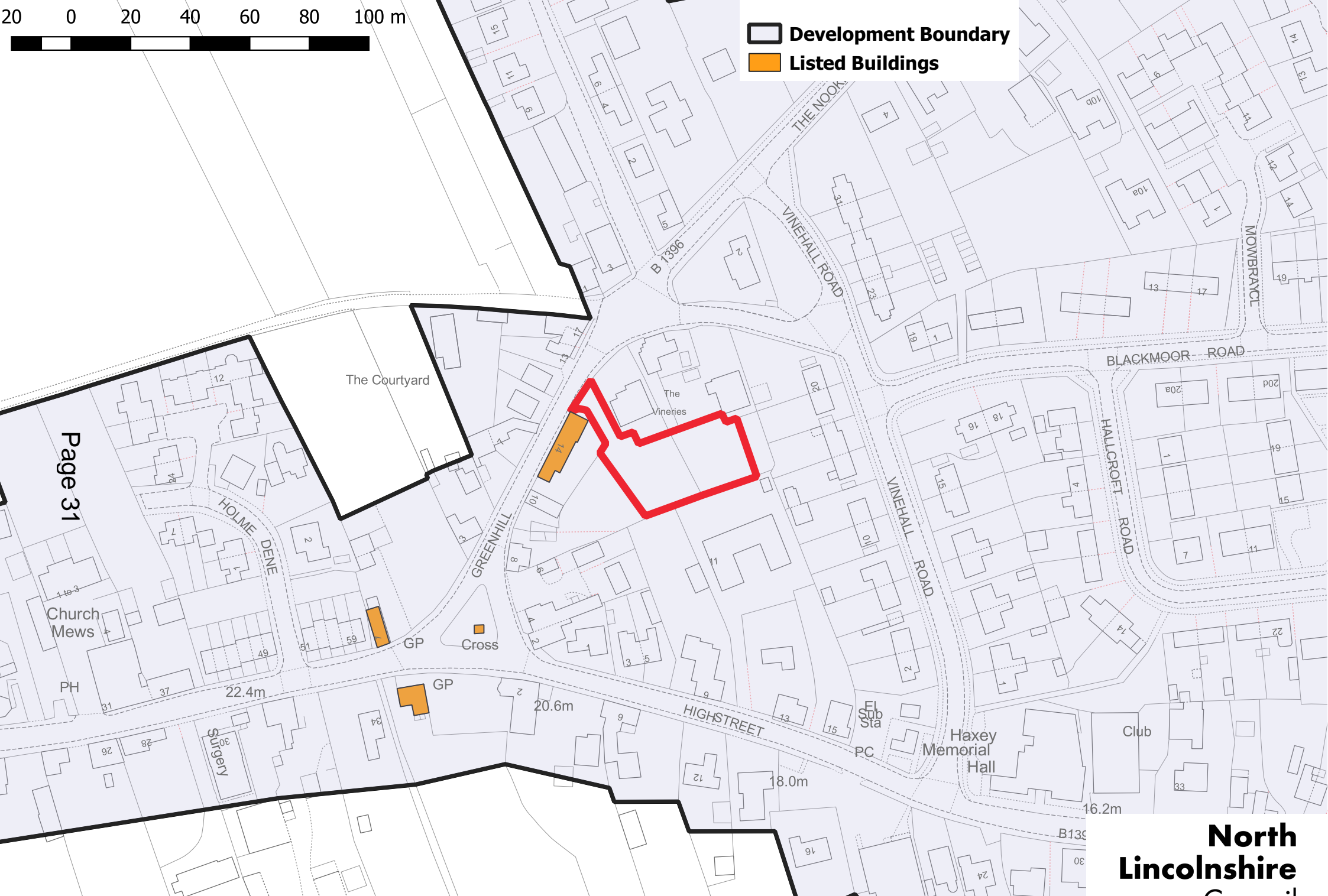
Severn Trent Water advises that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close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

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.



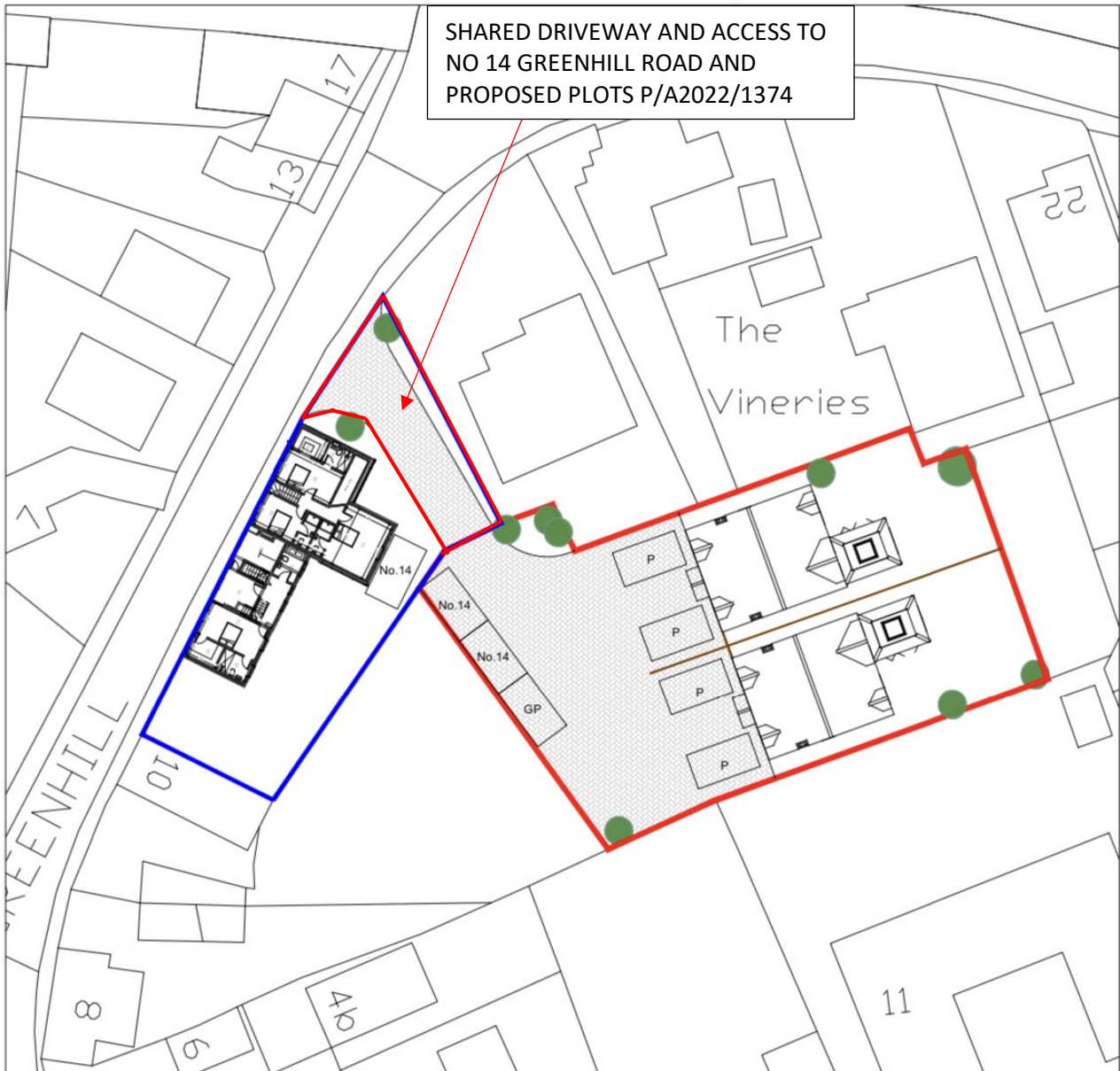
 **Development Boundary**
 **Listed Buildings**



Page 31

PA/2022/1374

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 |
|-----|-----------|------|
|-----|-----------|------|



RAL 9001
Cream

Window Colour

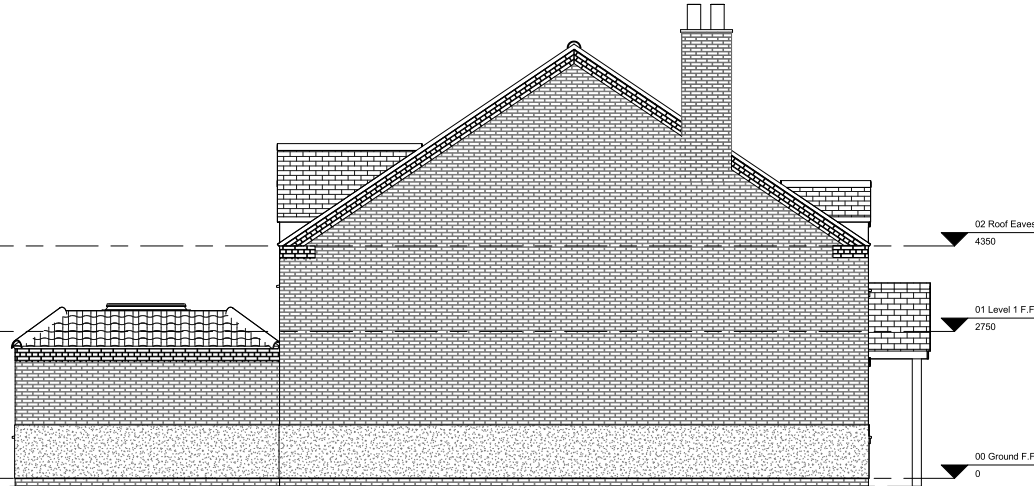


RAL 5023
Distant Blue

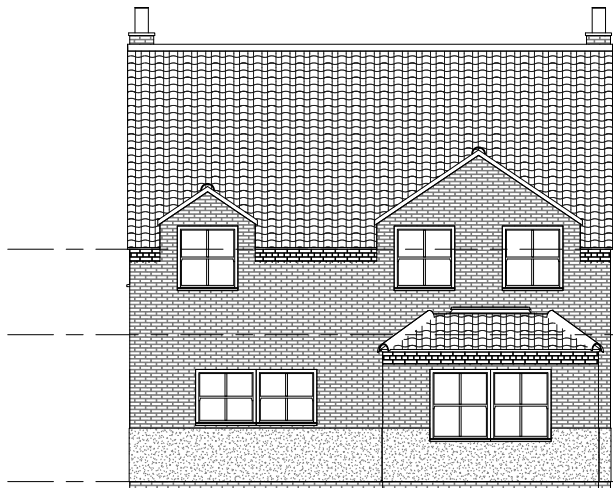
Door Colour



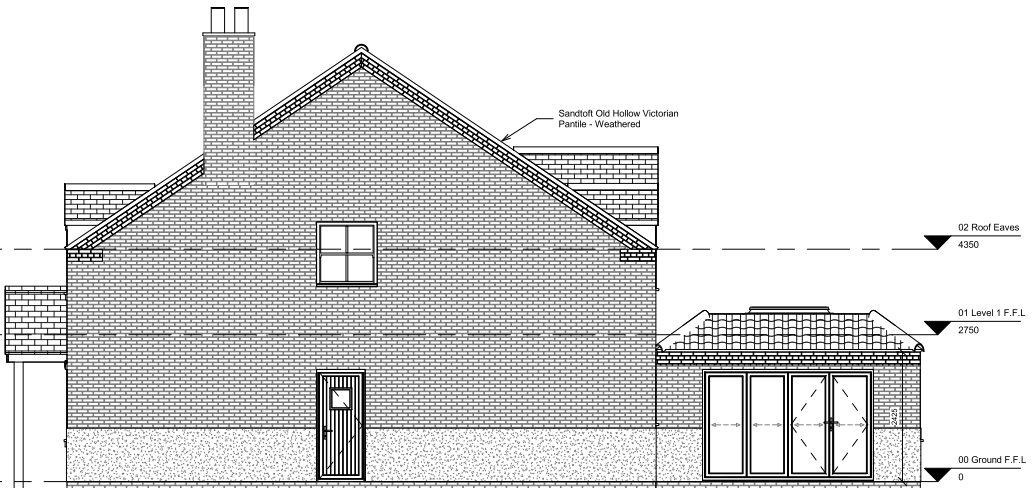
Front Elevation
1:50



Side Elevation
1:50



Rear Elevation
1:50



Side Elevation
1:50

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PHASE
Architecture

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

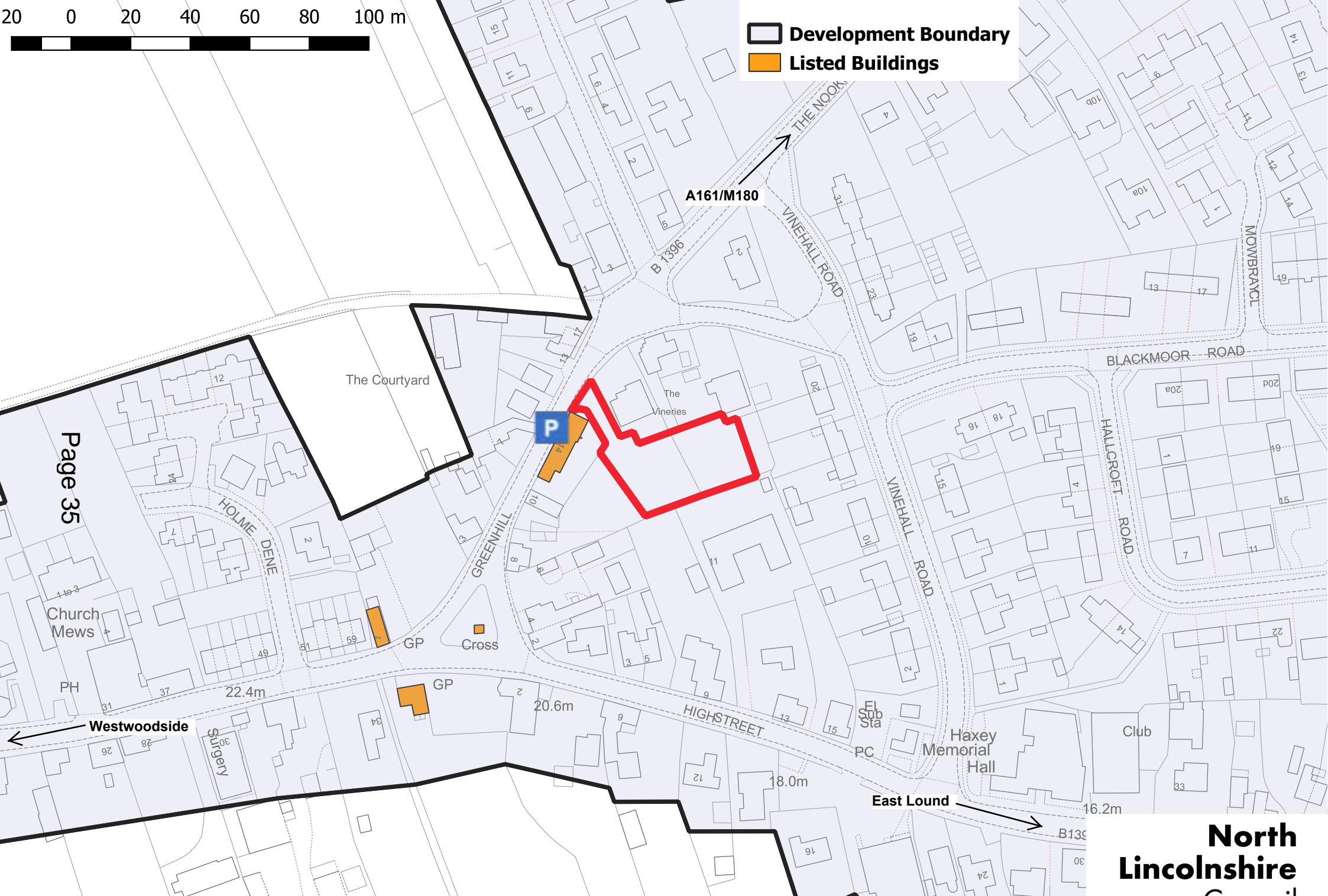
CHECKED
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 **Development Boundary**
 **Listed Buildings**



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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: RL/JMC/Planning committee 04 July 2023

Date: 23 June 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/2022/1628 |
| APPLICANT | Persimmon Homes (South Yorkshire), Persimmon Homes (Yorkshire) Ltd |
| DEVELOPMENT | Application for approval of reserved matters (appearance, landscaping, layout and scale) pursuant to outline planning permission PA/2019/1782 dated 03/04/2020 for a residential development of up to 200 dwellings |
| LOCATION | Land south of Moorwell Road, Yaddlethorpe, Bottesford |
| PARISH | Bottesford |
| WARD | Bottesford |
| CASE OFFICER | Tanya Coggon |
| SUMMARY RECOMMENDATION | Approve with conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Member 'call in' (Cllrs Mick Grant, Margaret Armiger, Janet Longcake and John Davison - significant public interest) Objection by Bottesford Town Council |

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

RD2 (Development in the Open Countryside)

H5 (New Housing Development)

H8 (Housing Design and Housing Mix)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

DS1 (General Requirements)

DS14 (Foul Sewerage and Surface Water Drainage)

H10 (Public Open Space Provision in New Housing Developments)

HE9 (Archaeological Excavation)

LC4 (Development Affecting Sites of Local Nature Conservation Importance)

LC7 (Landscape Protection)

LC12 (Protection of trees, Woodland and Hedgerows)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS6 (Historic Environment)

CS7 (Spatial Distribution of Housing Sites)

CS8 (Overall Housing Provision)

CS9 (Affordable Housing)

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

CS17 (Biodiversity)

CS18 (Sustainable Resource Use and Climate Change)

CS19 (Flood Risk)

New North Lincolnshire Local Plan:

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 – H1P-6 Moorwell Road (200 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

T1: Promoting Sustainable Transport

T3: New Development and Transport

T4: Parking

DM1: General Requirements North Lincolnshire Local Plan Submission:

CONSULTATIONS

Highways:

Original response

No issues regarding the principle of the residential development. However, we have concerns that the proposed layout has the potential to create a speeding issue along the main access road from Scotter Road South. We would prefer to see either the design amended to address this, or if this isn't possible, the provision of horizontal/vertical traffic calming features. We would prefer to see this considered as an integral part of the design, rather than securing an S106 contribution to retrofit them at a later stage.

Can the applicant also clarify the rationale behind the proposed block paving shown on the site layout and confirm the width of the footways throughout the site – looking at the plan they appear to vary in width. We assume the access road will have streetlights from the

junction with Scotter Road South – can this be confirmed. Having discussed the proposals with colleagues in Street Lighting, they would view the junction as a conflict area and would require the street lighting on Scotter Road South to be extended south beyond the junction, to a point agreed with ourselves. We would need to discuss the best way to secure this as we would need to ensure that the lighting was provided in conjunction with the TRO [traffic regulation order] to amend the speed limit.

Amended plans

No technical design of the horizontal traffic calming has been provided. Recommend a condition requiring details of the proposed horizontal traffic calming features on the access road to be submitted to the council for approval.

Public Rights of Way: No comments to make.

Environment Agency: We do not wish to comment on the documents submitted in relation to the reserved matters. However, we remind you that we would like to be consulted when an application is received to discharge condition 33 of the outline permission (foul drainage scheme).

LLFA Drainage: No objections to the reserved matters application. The LLFA are currently in discussions with the developer to agree the detailed design on the discharge of condition application PA/2022/2166 but this should not affect the layout.

Severn Trent Water: No response to the consultation.

Anglian Water: No comments to make on the application.

Environmental Protection: This department has no comments to make in relation to the above reserved matters application. There are several pre-commencement conditions in relation to PA/2019/1782 which require discharging.

Archaeology: No further comments to make.

Ecology:

Original response

The site has increased in habitat value and badger field signs have been recorded (pers. obs.). The proposals are of lower biodiversity value than those presented at outline stage and do not include wetland features. Revised proposals are required to allow future compliance with condition 31 of PA/2019/1782.

Amended plans

The site has increased in habitat value and badger field signs have been recorded. The illustrative masterplan for the outline showed buffering open space all around Yaddlethorpe Fish Ponds Local Wildlife Site (LWS). The new landscape plan shows plots 196–200 very close to the LWS. However, the houses will be ‘front-on’ to the LWS, with an access road in between the properties and the LWS. This should provide passive surveillance of the LWS boundary and reduce the potential for fly-tipping that arises when back garden fences back onto semi-natural habitats. On balance, whilst the buffering of the LWS is reduced compared to the outline, this compromise is acceptable.

The originally submitted new landscape masterplan showed:

- no drainage pond or wetlands
- two different shaded areas of mixed native tree and shrub planting, with no specified tree or shrub species, numbers or spacings
- unspecified wildflower and grassland mixes. Additional tree and native hedge planting is not shown on the masterplan, which is welcomed. On balance, now that the areas of planting are shown, the details of species, seed mixes and spacings can be agreed in the biodiversity management plan for condition 31. Outlines of wet grassland scrapes have now been provided, which is appreciated. Details of soils, scrape depths, slopes and seed mixes spacings can be agreed in the biodiversity management plan for condition 31.

Conditions are recommended relating to the submission of a species protection plan to the council for approval and implementation.

Tree Officer:

Original response

The site presently has a few trees, mainly situated around the perimeter of the development. The arboricultural report submitted appears to be accurate in that regard. Where trees are being retained there appear to be distances in line with the British Standard given and I am not unduly concerned about this part of the application.

Due to the ponds close by I am presuming that the council's ecologist would need to be involved on this one, and the landscaping submission, particularly around the pond and wilder areas for the site would need to meet the constraints that he would wish to have in that regard.

The overall planting within the build areas appears to have a variety of smaller trees and shrubs that would appear to be a reasonable choice; however, there is a need to ensure that anything planted within the ground has a good chance of survival – especially in these hotter, drier summers we are likely to get. In these circumstances there is a need for maybe smaller trees that do not require such extensive watering over the first few years and may have an increased likelihood of making it through to becoming sustainable trees.

Amended plans

No further comments to make.

Citycare (CCG): On behalf of the NHS North Lincolnshire Health Care Partnership, we would like to request Section 106 funding be considered in relation to the planning application for 200 dwellings for the land south of Moorwell Road, Bottesford and the nearby town of Scunthorpe has multiple surgeries in close proximity to the proposed development, including: Cambridge Avenue Medical Centre, Ashby Turn Primary Care Centre, The Birches Medical Practice, Cedar Medical Practice, Ancora Medical Practice, West Common Lane Teaching Practice, Oswald Road Medical Surgery and Church Lane Medical Centre. 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.

We suggest the methodology used to determine a suggested amount of S106 funding is used from the Local Plan Housing and Primary Care Analysis, which uses a rate of £723.16 per dwelling: £723.16 x 200 housing units = £144,632.00. Should the S106 funding be successful, it would be used to potentially increase space for the delivery of primary care services and wider community services, which will benefit local patients. Whilst the proposal is one housing development in the local area, the cumulation of all new housing proposed will add to the pressure already faced by the nearby practices.

Waste and Recycling: General advice in relation to bin types and capacity. Vehicle access for a refuse collection vehicle (RCV), highway construction for an RCV, pulling distances for residents and collection crews, communal bins for residential flats, apartments, HMOs, refuse and recycling storage, security and bulky waste storage.

Humberside Fire and Rescue: General advice in relation to access for the fire service and access to water supplies for firefighting.

Humberside Police:

Original response

After consultation with Humberside Police Traffic Management Officer (TMO), I can confirm we have no objections in principle; however, I would be grateful if the applicant considers the following comments. The TMO does share the same concerns as North Lincolnshire Highway Development Services comments submitted on 8 November 2022, regarding the potential for speeding issues along the main access road from Scotter Road South. Likewise, at this location he would also prefer to see an engineering solution designed into the proposal to address this from the outset. The TMO also supports the observations made with regard to the street lighting and speed reduction on Scotter Road South. Regarding the footway provision, the TMO would prefer the design to include an accessible interface between the footway(s) on the proposal with the existing footway on Scotter Road South, to provide a safe link for pedestrians to and from the proposal, in line with encouraging modal shift towards more environmentally friendly modes of transport.

General guidance is also provided in relation to Secured by Design and CPTED (Crime Prevention through Environmental Design) which relate to measures taken to reduce crime through the manipulation of the physical environment.

Amended plans

After consultation with Humberside Police Traffic Management Officer (TMO), I can confirm that we have no objections; however, the TMO still supports the observations made by the local authority's highways department's previous comments.

Fisher German:

Original response

It appears from the plans submitted that the proposed development is to be constructed in close proximity to Exolum apparatus. Such works would require consent from Exolum, and in this instance consent would not be granted as the proposed development would restrict access to the pipeline both for routine maintenance and in an emergency situation. We therefore must object to the application. The interests of Exolum are conserved by means of the Energy Act 2013 and other legislation such as the Pipeline Safety Regulations 1996.

It is the Energy Act 2013 that prohibits any development and most intrusive activities within the Easement Strip without specific consent from Exolum.

Amended plans

Objection withdrawn. We confirm that our client Exolum's apparatus will not be affected by your proposals as indicated on the attached plan(s). The plan(s) supplied are intended for general guidance only and should not be relied upon for excavation or construction purposes.

TOWN COUNCIL

Original response

- no provision for cycle routes, public transport or disabled access
- no proposal for reducing speed limit down to 50mph when 30mph would be more appropriate
- the proposed T-junction is inadequate and close to other junctions – traffic lights or a roundabout would be more appropriate
- detailed information is required on the provision of services, especially drainage as the area is known to flood
- affordable housing should form part of this application
- what provision has been planned for education – local schools are at full capacity
- why only 177 properties with electric vehicle charging points – this should be all 200
- increased traffic flows will cause safety issues for residents living and driving on Moorwell Road
- Yaddlethorpe Ponds and local wildlife will be adversely affected by the proposed 200 dwellings – the fields are known to flood and spill into the ponds and the development will stop this occurring
- foul water management has not been addressed in the application – a new sewer is required
- social housing has been omitted
- healthcare provision has not been outlined
- a further 200 dwellings is unsustainable.

Amended plans

It was noted that a pumping station has been added to the application which is totally inappropriate and a step back in time (why not use a main sewer?). It is potentially costly to residents and will not ease foul and surface water issues which have already been raised by the council. Object in relation to road safety (entrance and exit onto a busy road),

environmental issues and lack of infrastructure (schools, shops, doctor's surgeries), which have not been addressed.

PUBLICITY

The application and the amendments have been advertised by site and press notice in accordance with Article 15 of the Development Management Procedure Order 2015. A total of 25 letters of objection have been received in response to the original and amended plans, raising the following issues:

- inadequate footpaths and cycle paths, and provision for the disabled
- all houses should have electrical vehicle charging points
- no provision for elderly or disabled accommodation
- pumping station location not acceptable
- impact on infrastructure, doctors', schools, health
- no public transport
- main sewer inadequate
- speed limit is 50 mph
- no facility for surface water disposal/SUDS
- impact on local nature reserve
- increase in traffic
- no tenure details
- insufficient car parking on the site
- inadequate green open space
- insufficient detail on boundary treatment and access to the PROW
- flood risk
- no affordable homes
- insufficient buffer between fishing ponds and the development
- noise
- out of character.

STATEMENT OF COMMUNITY INVOLVEMENT

No information relating to community consultation has been submitted with the application.

ASSESSMENT

The proposal

This application seeks the approval of reserved matters pursuant to outline planning permission PA/2019/1782 which was granted in April 2020 for 200 dwellings. The overall application site is 8.30 hectares. The proposed built development comprises an area of 5.22 hectares alongside the provision of 2.46 hectares of public open space. The development the subject of the reserved matters application comprises 200 houses to give a residential density of 24 dwellings per hectare.

Amended plans submitted in April and May 2023 were subject to re-consultation and were publicised. The main changes to the scheme were:

- the southern boundary of the application site has been updated to more accurately reflect the existing gas main
- the housing mix has changed slightly, with all 2.5 storey units being removed from the scheme
- the drainage attenuation tank has been amended from an L-shape to be smaller and more rectangular in shape, following discussions with the LLFA
- improvements to the parking arrangements
- improvements to the public footpath provision
- increased landscaping throughout the site, with a focus on creating a high-quality entrance feature incorporating significant street tree planting
- solar panels on the roof of the dwellings.

The 200 dwellings proposed are a mix of two, three and four-bedroomed properties of the following mix:

- 10 two-bedroomed dwellings (5%)
- 112 three-bedroomed dwellings (56%)
- 78 four-bedroomed dwellings (39%).

The 200 dwellings comprise 14 housing types consisting of detached, semi-detached and terraced properties. All dwellings are two-storey and have solar panels on the front and rear roof slopes. The developer has stated within the submission that the 'proposals provide 100% M4(2) compliant housing, ensuring that the development will be accessible to as many people as possible and that the proposed dwellings will meet national space standards.' Each dwelling will have its own car parking space(s) and private amenity area secured by boundary treatment. The dwellings will be constructed from three different types of brick which will be buff, red and brown colours. All roof tiles will be flat greys with windows to be white UPVC and external doors will be finished in white.

The site comprises 200 dwellings with substantial open space to the western side of the site. A LEAP is set within an area of open space within the main body of the development.

Open space runs along the southern boundary of the site which provides a link to the adjacent PROW on the south side of the application site. An emergency access only from Moorwell Road is shown on the layout with the main access from Scotter Road (determined at outline stage). The site entrance is from Scotter Road. Located close to the main access will be a small substation and pumping station to provide essential infrastructure for the development proposed. The road layout comprises the main access from Scotter Road which wraps and weaves around the application site providing permeable routes around the site with cul-de-sacs/private drives within the road layout for vehicles, pedestrians and cyclists.

The landscaping for the site comprises public open space, and hedgerow alongside the southern and western site boundaries; a wetland area towards the south-western corner, tree belts along the north-eastern site boundary; and hedgerow and tree belts along the north-western site boundary surrounding Yaddlethorpe Pond. Planting for the scheme comprises trees ranging from light standard to extra heavy standard from 19 species of trees; beech, evergreen and evergreen flowering hedging; native hedge planting; mixed native species shrubs; ornamental shrubs; turf, amenity grass and mown species rich grass mix; wildflower and wetland grass seed; and seasonal bulb planting.

The site

The application site obtained outline planning permission for the residential development of up to 200 dwellings under PA/2019/1782 in April 2020. The site area is 8.25 hectares.

The site currently comprises agricultural fields. The site, whilst abutting the settlement boundary for Scunthorpe and Bottesford, is located within the open countryside as identified by the Housing and Employment Land Allocations (HELA) DPD 2016. The site is within flood zone 1 in the North and North East Lincolnshire Strategic Flood Risk Assessment. Adjoining the site on its northern boundary is a local wildlife site known as Yaddlethorpe Fish Ponds covered by policy LC4 in the North Lincolnshire Local Plan. The site adjoins housing to its north and north-eastern boundaries. Further north are the Moorwell Road and South Park industrial estates. To the south is open countryside and beyond is the M180.

An intermediate pressure gas main has been found to run diagonally across the scheme and is shown on the layout for the site. An oil pipeline is also located across part of the site and electricity pylons cross the southern part of the site. The site is not level and exhibits a gradual east to west fall.

The site, in the new local plan for North Lincolnshire, is located within the proposed new development limit for the Scunthorpe and Bottesford urban area. The site is covered by housing allocation H1P-6 which has an allocation for 200 dwellings. The new local plan can be given some weight in the decision-making process as examination on the new local plan has now commenced. Therefore, it is clear that the council considers this site is a suitable and sustainable location for new residential development.

Relevant planning history

PA/2019/1782: Outline planning permission for up to 200 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration – approved 03/04/2020

PA/2022/1741: Non-material amendment to planning permission PA/2019/1782 to add the following condition: 'The development hereby permitted shall be carried

out in accordance with the following approved plans: Location Plan 8365-L-101 and Site/Block Plan 8365-L-102 both dated 23 September 2019 – approved 14/11/2022

PA/2022/1702: Application to modify/discharge the S106 Agreement attached to PA/2019/1782 relating to the request for contributions to be removed for viability reasons – pending consideration

PA/2022/1470: Application to discharge conditions attached to outline planning permission PA/2019/1782 (condition 5) – discharged 04/10/2022

PA/2022/2166: Application to discharge conditions attached to outline planning permission PA/2019/1782 dated 03/04/2020 (conditions 28 and 34) – pending consideration.

Principle and procedural matters

The principle of the development in this location is established by the extant outline planning permission on the site (PA/2019/1782) which was granted on 03/04/2020 (see attached decision notice). The outline planning permission was approved with all matters reserved apart from access. The main vehicular access to the site (approved at outline stage under PA/2019/1782) is from Scotter Road. There is an access for pedestrian, cycle and emergency vehicles only from Moorwell Road

The only details to be considered as part of this reserved matters application are the appearance, landscaping, layout and scale of the proposed residential development.

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 development will be required to make efficient use of land but the density of new development should be in keeping with the character of the area and should support the development of sustainable, balanced communities.

Policy H5 of the local plan, which is concerned with new housing development, is also considered relevant (although parts ‘i’ & ‘ii’ are superseded by policy 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; and
- (ii) incorporates a high standard of layout which maintains and where possible improves and enhances the character of the area; and
- (iii) protects existing natural and built features, landmarks or views that contribute to the amenity of the area; and
- (iv) prioritises the needs of pedestrian movement and takes into account the safety, health and security of residents, neighbours and the community; and
- (v) provides for residents a sense of identity and variety;
- (vi) creates an appropriate mix of dwelling size and type.

Paragraph 130 of the 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.'

The layout of the site comprises 200 dwellings consisting of a mix of 14 housing types and designs with significant areas of open space and a network of roads to serve the proposed dwellings. Links to the adjacent PROWs and to Moorwell Road are proposed. The dwellings front the access roads with parking provided on the frontages. Each dwelling has its own secure, private amenity space at the rear of the dwellings. The dwellings, whilst 'following' the road layout, are arranged in interesting patterns of differing densities to create a vibrant and integrated development across the site.

Close to Moorwell Road on Hurst Lane is a bus stop providing a circular route around Scunthorpe and beyond, further increasing the permeability and the sustainability of the site. Although there are no designated cycle routes within the site, it is accessible by bicycle and the road layout will provide a permeable cycle link from the site onto Moorwell Road.

A pumping station and substation are also proposed on the site near the main access entrance. These buildings are small and low in height and will be screened by the proposed hedging. Significant areas of open space (including a LEAP) are proposed within the layout, including a large area of open space adjacent to the site entrance. Native hedge planting along the Scotter Road boundary will also mitigate some of the visual impact once matured. This all creates a softer, semi-rural development from Scotter Road with a large expanse of green open space with the residential dwellings set well back onto the site from Scotter Road. A central area of public open space allows the LEAP to be accessible to all of the development and will act as a focal point for social interaction within the development.

The scheme makes good provision for landscaping within and around the site boundaries. The proposed layout will safeguard the adjacent LWS due to the landscape buffer and natural surveillance of the LWS by the proposed properties adjacent to the LWS. The layout, with its green open spaces and landscaping (once mature), will soften the development and mitigate some of the impacts of the development on the area.

In terms of scale, the scheme has been amended so that all the dwellings are two-storey comprising a mix of semi-detached, detached and terraced properties. The proposed dwellings are of differing heights and sizes depending on the house type. The scale is fairly representative of the adjoining residential areas which are primarily two-storey dwellings. The 200 dwellings do not create a 'cramped' appearance on the site due to the generous amount of open space proposed. 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. In terms of scale, the proposal complements this part of Bottesford 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 (200 dwellings) through outline planning permission PA/2019/1982.

In terms of appearance, 200 dwellings are proposed comprising a mix of housing types and designs. Fourteen house types are proposed on this site. A materials layout has been

submitted with the application. The dwellings will be constructed from three different coloured brick types with flat grey roof tiles. The dwellings vary in terms of appearance with hipped roofs, porches over doors, canopies on the front elevation, casement windows, sash windows, dormer windows, gable roofs, differing fenestration details and gable-ended dwellings, for example. Each dwelling has some unique detailing, adding interest to the scheme. Some of these features can be seen on adjoining and surrounding dwellings.

There are en-suite/bathroom/WC 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 semi-rural area it is located in and the urban area of Bottesford. Boundary treatment to rear gardens is shown on the site layout and comprises 1.8 metre high open-boarded fencing and 1.8-metre-high screen wall/fencing. This will secure privacy for occupants.

The pumping station and sub-station are located close to the main site entrance on Scotter Road. These are small, functional utilitarian buildings. They are single storey, of low height and will be screened by the hedging and landscaping proposed on the site.

Highways have no objections to the proposals. Their initial response has largely been addressed by the amended plans. Their comments relating to a condition requiring details of traffic calming measures to be submitted for approval are noted. As the traffic calming details form part of the layout and appearance of the development, it is appropriate to impose this condition on any approval of this reserved matters application.

Overall, the proposal comprises 200 dwellings with significant green open space and landscaping, creating a spacious development which will be in character with this semi-rural area and the adjoining urban development to the north. Furthermore, the development will safeguard Yaddlethorpe Ponds, a LWS, due to the extensive landscape buffer proposed. This proposed residential development is considered to align with policies RD2, T2, DS1, LC4, 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 the area, and the surrounding area; this could include planting trees or hedges as a 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 NNPF 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 significant areas of open space (2.46 hectares) along with the retention of some existing trees and hedges and the provision of new green infrastructures in the form of extensive tree, hedge and shrub planting. Differing grass mixes are proposed together with wildflower seeding, wetland seed mixes and seasonal bulb planting. There is an extensive landscaping area to the entrance of the site which softens the development when viewed from Scotter Road and there is a substantial landscape buffer between the application site and Yaddlethorpe Ponds (LWS) with passive surveillance of the LWS from properties on the application site.

The council's tree officer considers that the scheme is reasonable for the area and the council's ecologist has also found the landscaping acceptable. It should also be noted that condition 31 of PA/2019/1782 requires the submission of a biodiversity management plan. From the submitted landscaping scheme it is considered that the requirements of condition 31 could be achieved subject to the submission of satisfactory details.

The landscaping, once mature, will soften the residential development and will work well in assimilating the scheme into its rural setting, and will safeguard the adjacent LWS. 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 NNPF mentioned above, policy CS5 of the Core Strategy and policies RD2, H5, LC4, LC7 and LC12 and of the North Lincolnshire Local Plan.

Other matters raised

Comments in relation to S106 contributions for the site are noted. The S106 contributions were agreed at outline stage for education, affordable housing, leisure, open space and a TRO. It is noted that CCG have requested a S106 contribution for health. However, the S106 contributions cannot be re-considered as part of this reserved matters application as the only matters for consideration are layout, scale, appearance and landscaping. It is also noted that the applicant has submitted an application to modify/discharge the S106 Agreement attached to PA/2019/1782 relating to the request for contributions to be removed for viability reasons which is pending consideration.

To clarify matters, the speed limit on Scotter Road is to be reduced to 40mph through the TRO required by the S106 agreement attached to PA/2019/1782. No more than one dwelling can be occupied until payment for the TRO is received by the council.

The council's ecologist has requested planning conditions requiring a species protection plan to be submitted. Planning conditions can only be placed on a reserved matters application if they directly relate to those reserved matters (paragraph 025, Reference ID: 21a-025-20140306 of the PPG). Therefore, the aforementioned conditions cannot be recommended to be placed on the reserved matters approval. However, the applicant has

agreed to submit details on species protection within the biodiversity management plan required by condition 31 of PA/2019/1782.

Comments in respect of surface and foul water drainage are subject to conditions on outline permission PA/2019/1782. Conditions requiring details of surface and foul water drainage are 'pre-commencement' planning conditions and require discharging by the council before development can proceed. The council has received an application to discharge the surface water drainage for the site (PA/2022/2166) and this is currently pending consideration. The reserved matters scheme has been designed to take into consideration surface and foul water drainage for the site.

Comments in relation to infrastructure capacity are noted; however, these matters were assessed within outline application PA/2019/1782 for 200 dwellings and are not pertinent to this reserved matters application – only the reserved matters themselves can be considered.

The town council's comments are noted and have largely been addressed in this report. The issue of electric vehicle (EV) charge points only being provided for 177 dwellings is noted; however, that drawing does not form part of this reserved matters application. Under Part S of the Building Regulations the following applies: where associated parking spaces are provided for a new residential building, the number of associated parking spaces that have access to an EV charge point must be a minimum of either: a) the number of associated parking spaces; or b) the number of dwellings that the car park serves. Therefore, under this legislation, all the dwellings will be served by an EV charge point. The applicant has also confirmed that all units will feature EV charging provisions.

Pre-commencement planning conditions

The applicant has agreed to the pre-commencement condition (2) below.

Conclusion

Overall, the proposed reserved matters scheme, pursuant to outline planning permission PA/2019/1782, 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:

- Drawing schedule received on 23/05/2023
- Pumping Station Elevations and Floor Plan
- Substation Elevations and Floor Plan
- Visibility Splays 22049-LE-ZZ-ZZ-DR-D-0999 Rev P01.

Reason

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

2.
No development shall take place until details of the proposed horizontal traffic calming feature(s) on the site access road, including timescales for installation, have been submitted to and approved in writing by the local planning authority. Once approved, the

horizontal traffic calming feature(s) shall be installed in accordance with the approved details and timescales.

Reason

In the interests of highway safety and to accord with policies T1 and T2 of the North Lincolnshire Local Plan, and CS5 of the Core Strategy.

3.

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 dwellings in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

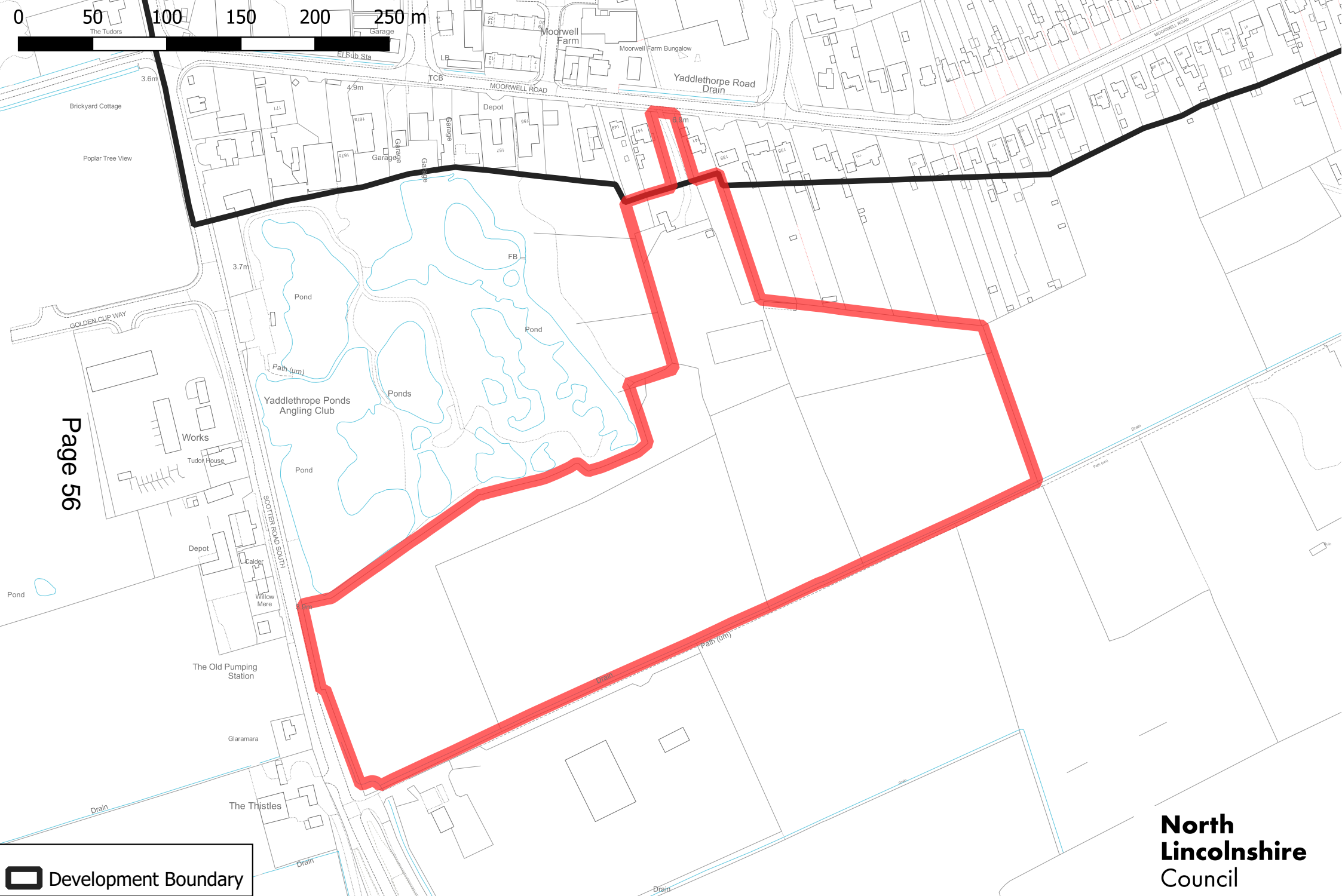
Informatives

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.

2.

The applicant's attention is drawn to the comments made by Fisher German dated 31/05/2023.



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Development Boundary

PA/2022/1628

North Lincolnshire Council

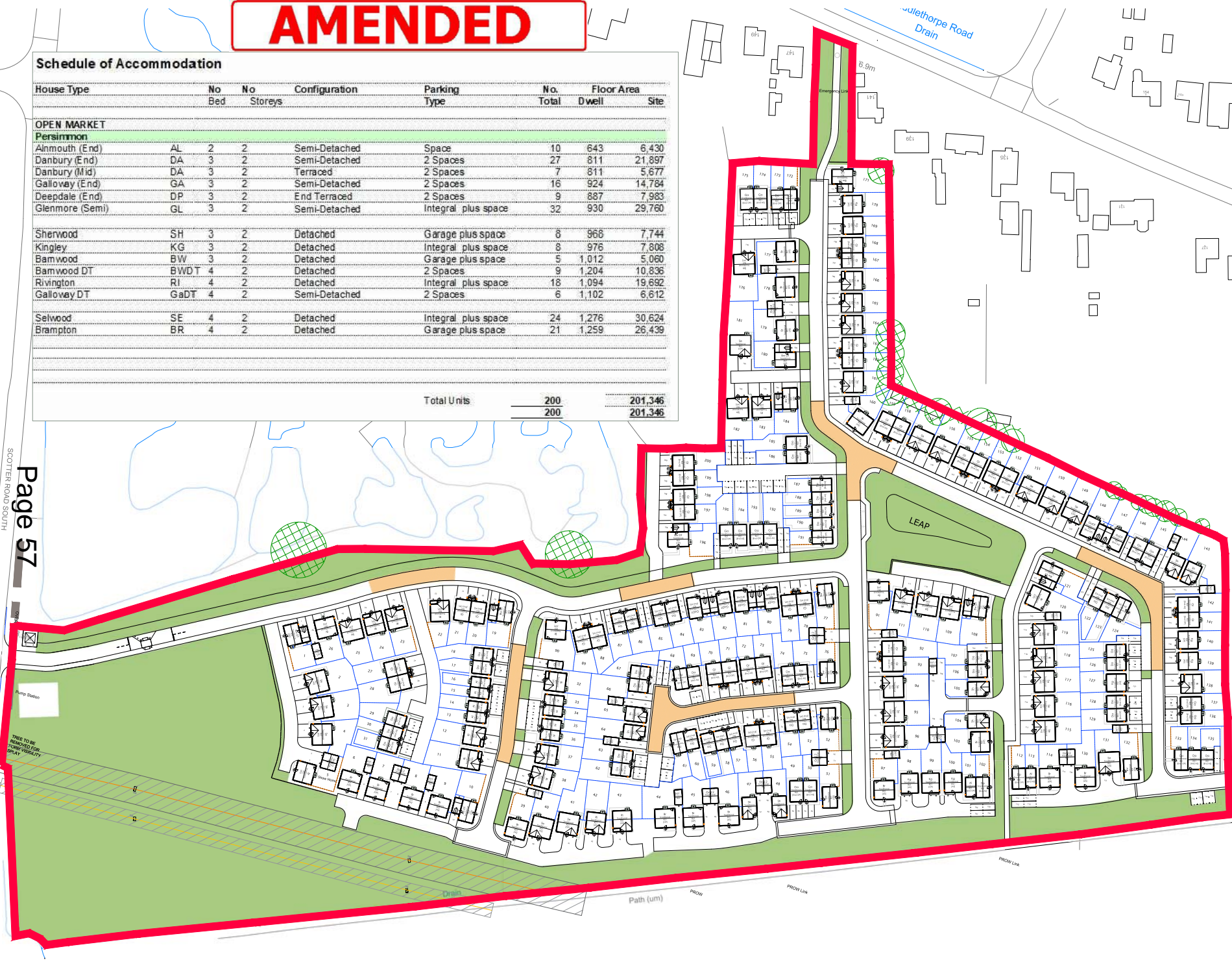
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AMENDED

Schedule of Accommodation

| House Type | No Bed | No Storeys | Configuration | Parking Type | No. Total | Floor Area Dwell | Floor Area Site | |
|--------------------|--------|------------|---------------|---------------|---------------------|------------------|-----------------|--------|
| OPEN MARKET | | | | | | | | |
| Persimmon | | | | | | | | |
| Alnmouth (End) | AL | 2 | 2 | Semi-Detached | Space | 10 | 643 | 6,430 |
| Danbury (End) | DA | 3 | 2 | Semi-Detached | 2 Spaces | 27 | 811 | 21,897 |
| Danbury (Mid) | DA | 3 | 2 | Terraced | 2 Spaces | 7 | 811 | 5,677 |
| Galloway (End) | GA | 3 | 2 | Semi-Detached | 2 Spaces | 16 | 924 | 14,784 |
| Deepdale (End) | DP | 3 | 2 | End Terraced | 2 Spaces | 9 | 887 | 7,983 |
| Glenmore (Semi) | GL | 3 | 2 | Semi-Detached | Integral plus space | 32 | 930 | 29,760 |
| Sherwood | SH | 3 | 2 | Detached | Garage plus space | 8 | 968 | 7,744 |
| Kingley | KG | 3 | 2 | Detached | Integral plus space | 8 | 976 | 7,808 |
| Bamwood | BW | 3 | 2 | Detached | Garage plus space | 5 | 1,012 | 5,060 |
| Bamwood DT | BWD T | 4 | 2 | Detached | 2 Spaces | 9 | 1,204 | 10,836 |
| Rivington | RI | 4 | 2 | Detached | Integral plus space | 18 | 1,094 | 19,682 |
| Galloway DT | GaDT | 4 | 2 | Semi-Detached | 2 Spaces | 6 | 1,102 | 6,612 |
| Selwood | SE | 4 | 2 | Detached | Integral plus space | 24 | 1,276 | 30,624 |
| Brampton | BR | 4 | 2 | Detached | Garage plus space | 21 | 1,259 | 26,439 |
| Total Units | | | | | 200 | 201,346 | 201,346 | |
| | | | | | 200 | 201,346 | 201,346 | |

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- DENOTES 1800 HIGH OPEN BOARDED FENCE
- DENOTES 1800 HIGH SCREEN WALL / FENCE
- DENOTES 1800 HIGH SCREEN WALL / FENCE
- DENOTES 400 HIGH TIMBER KNEE RAIL
- DENOTES 400 HIGH TIMBER KNEE RAIL
- RETAINED HEDGEROW REFER TO ARBORICULTURAL ASSESSMENT FOR DETAILS
- RETAINED TREE REFER TO ARBORICULTURAL ASSESSMENT FOR DETAILS
- BLOCK PAVING SPEC. REFER TO MATERIALS PLAN FOR COLOUR

| Revision | Drawn | Checked | Date | Notes |
|----------|-------|---------|--------|--|
| S | DS | | MAR 23 | Parking numbers corrected. Paths and patios added where applicable. |
| R | DS | | JAN 23 | Amended to suit updated gas easement position and drainage design. Mix and plot numbers have changed. Garage sizes also updated to suit latest group design. |
| O | DS | | AUG 22 | Amended to suit planners comments |
| P | DS | | AUG 22 | Amended to suit planners comments |
| U | GC | | JUL 22 | Mix amended |
| M | GC | | JUL 22 | Presentation Added |
| N | GC | | JUL 22 | Tank added, house types amended |

Development
Land off Scotter Road, Scunthorpe
 Drawing Title
Site Layout



Persimmon Homes South Yorkshire
 Brinkley Way
 Snape Lane
 Harworth
 DN11 8RU
 Tel : 01904 642199
 www.persimmonhomes.com

| | | |
|---------------|------------|----------------|
| 1:500 @ A0 | Drawn: GMC | Date: JAN 2021 |
| Drawing Link: | | |

| | |
|---------------|-----|
| Drawing No: | Rev |
| SRR_SK_A01_01 | S |

OUTLINE PLANNING PERMISSION

APPLICATION NO: PA/2019/1782

Address/Agent:

Mr Ben Hunt
Ben Hunt Planning Ltd
The Office
Gothic House
Barker Gate
NOTTINGHAM
NG1 1JU

www.northlincs.gov.uk

Church Square House
30-40 High Street
Scunthorpe
North Lincolnshire
DN15 6NL

Applicant: Mr S Akins, Bildurn (Properties) Ltd

North Lincolnshire Council hereby gives notice that the application received on 23/10/2019 for:

Outline planning permission for up to 200 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration on land south of Moorwell Road, Yaddlethorpe, Bottesford

has been considered and that permission for this development in accordance with the plans and written particulars submitted has been granted subject to the following conditions and reasons:

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

Reason

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

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

Reason

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

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

Reason

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

4.

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

Reason

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

5.

The details submitted pursuant to the grant of outline planning permission (reserved matters) shall be preceded by the submission to the local planning authority of an archaeological strategy that provides the following:

- (i) the results of the archaeological evaluation by trial trenching to be undertaken in accordance with the Written Scheme of Investigation for an Archaeological Evaluation, Land South of Moorwell Road, Yaddlethorpe, Bottesford, North Lincolnshire, September 2018, PCAS Archaeology Ltd
- (ii) a written assessment of the significance of any archaeological remains within the site, and the impact of the proposed development
- (iii) a further written scheme of investigation (WSI) for archaeological mitigation to be approved in writing by the local planning authority that provides the following:
 - measures to ensure the preservation in situ, or the preservation by record, of archaeological features of identified importance
 - methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
 - post-fieldwork methodologies for assessment and analyses
 - report content and arrangements for dissemination, and publication proposals
 - archive preparation and deposition with recognised repositories
 - a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the WSI
 - monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works

- a list of all staff involved in the implementation of the WSI, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site has the potential to contain significant archaeological remains, including human remains, that the development would otherwise destroy. The archaeological evaluation strategy is required in order to assess this potential and the impact of the proposals, and to inform a subsequent archaeological mitigation strategy to preserve archaeological evidence in situ or by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological evaluation and mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

6.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the programme of archaeological work set out in the approved Written Scheme of Investigation for archaeological mitigation.

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site has the potential to contain significant archaeological remains, including human remains, that the development would otherwise destroy. The archaeological evaluation strategy is required in order to assess this potential and the impact of the proposals, and to inform a subsequent archaeological mitigation strategy to preserve archaeological evidence in situ or by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological evaluation and mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

7.

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

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site has the potential to contain significant archaeological remains, including human remains, that the development would otherwise destroy. The archaeological evaluation strategy is required in order to assess this potential and the impact of the proposals, and to inform a subsequent archaeological mitigation strategy to preserve archaeological evidence in situ or by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological evaluation and mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

8.

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

Reason

To comply with paragraph 199 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site has the potential to contain significant archaeological remains, including human remains, that the development would otherwise destroy. The archaeological evaluation strategy is required in order to assess this potential and the impact of the proposals, and to inform a subsequent archaeological mitigation strategy to preserve archaeological evidence in situ or by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological evaluation and mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

9.

No development shall take place until details showing:

- the method of providing the new vehicular access point onto Scotter Road South, including required visibility splays;
- the provision of a new footway along Scotter Road South connecting into existing facilities; and
- the method of preventing unauthorised vehicle access along the proposed pedestrian, cycle and emergency access on Moorwell Road;

have been submitted to and approved in writing by the local planning authority. Once approved, the new footway shall be completed prior to the occupation of the 10th dwelling and the access from Moorwell Road shall not be brought into operation as a pedestrian, cycle and emergency access until the agreed measures have been put in place. Once in place the measures to prevent unauthorised access by vehicles from Moorwell Road shall be retained.

Reason

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

10.

No development shall take place until details of:

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

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

Reason

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

11.

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.

12.

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

Reason

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

13.

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

- the proposed method of forming access from the (potentially adoptable) highway, including the required visibility splays;
- the method of constructing/paving the drive;
- the provision of adequate drainage features;
- the provision of suitable lighting arrangements;
- the provision of suitable bin collection facilities; and
- the provision of street name plates that shall include the words "Private drive";

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

Once constructed the private driveway shall be retained as such thereafter.

Reason

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

14.

No other works shall be commenced on the site until the primary 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 in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

15.

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.

16.

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.

17.

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.

18.

No works shall be commenced on the penultimate dwelling on the site until the access road has been completed.

Reason

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

19.

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.

20.

The final travel plan shall be submitted to and approved in writing by the local planning authority within six months of the proposed development being brought into use and all conditions and requirements of the plan, once approved, shall be implemented and retained at all times.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

21.

The travel plan, once approved and in place, shall be subject to monitoring on an annual basis for a period of three years from the approval date. The monitoring report on the impact of the travel plan shall be submitted to the local planning authority on the first of January each year following the grant of planning permission. All amendments to the approved travel plan identified as a result of the monitoring process shall be implemented and retained.

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network.

22.

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

- access to the site for construction vehicles;
- all associated traffic movements, including delivery vehicles and staff/construction movements;
- any abnormal load movements;
- contractor parking and welfare facilities;
- storage of materials;
- the means of preventing/controlling the deposition of mud onto the adjacent highway along with appropriate methods of cleaning the highway as may be required; and
- traffic management requirements;

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

Reason

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

23.

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

- 7am to 7pm Monday to Friday

- 7am to 1pm on Saturdays.

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

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

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

Reason

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

24.

Prior to the use of 'site won' topsoil or the importation of topsoil on the site, there shall be submitted to and approved in writing by the local planning authority a topsoil verification plan. The verification plan shall ensure that any topsoil is safe and suitable for use on the approved development. The use hereby permitted shall not be occupied until the verification plan has been complied with in full and subsequently approved in writing by the local planning authority. No deviation from the approved plan shall be permitted unless agreed in writing with the local planning authority. The scheme shall be retained for the duration of the development.

Reason

In the interests of land quality and in accordance with policy DS7 of the North Lincolnshire Local Plan.

25.

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

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

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

Light: The CEMP shall set out the particulars of:

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

Dust: The CEMP shall set out the particulars of:

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

Reason

To ensure residential amenity is protected from construction activities in accordance with policy DS1 of the North Lincolnshire Local Plan.

26.

Electrical vehicle charging points shall be installed at the development in accordance with a written scheme which has been submitted to and approved in writing by the local planning authority prior to occupation of the development. The scheme shall be designed to take account of good practice guidance as set out in the Institute of Air Quality Management Land Use Planning and Development Control and contemporaneous electrical standards including:

- Electrical Requirements of BS7671:2008;
- IET Code of Practice on Electrical Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7.

The approved scheme shall be installed in full and retained in perpetuity thereafter.

Reason

In the interests of air quality and in accordance policy DS11 of the North Lincolnshire Local Plan.

27.

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

Reason

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

28.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must be based upon the submitted Flood Risk Assessment and Outline Sustainable Drainage Strategy, submitted by Roy Lobley Consulting and dated September 2018. 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) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered.

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 adoption and maintenance, of the sustainable drainage features in accordance with policies DS16 of the North Lincolnshire Local Plan, and CS18 and CS19 of the North Lincolnshire Core Strategy.

29.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 28 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 adoption and maintenance, of the sustainable drainage features in accordance with policies DS16 of the North Lincolnshire Local Plan, and CS18 and CS19 of the North Lincolnshire Core Strategy.

30.

Works shall be carried out strictly in accordance with section 5.0 of the submitted Preliminary Ecological Appraisal report ref. 18-0274.02, dated September 2018.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy, and saved policy LC5 of the North Lincolnshire Local Plan.

31.

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

- (a) details of at least four bat lofts to be installed in new dwellings within foraging distance of Yaddlethorpe Fish Ponds;
- (b) details of bat boxes and bat bricks to be installed on 15% of houses;
- (c) details of swift boxes and sparrow terraces to be installed on 15% of houses combined;
- (d) details of nesting sites to be installed to support a variety of other species, including barn owl, barn swallow, house martin and garden birds;
- (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 retention, planting and aftercare of native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- (h) details of wetland habitat to be created and managed as part of sustainable drainage;
- (i) appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
- (j) procedures for monitoring and the ongoing management of created habitats;
- (k) measures to avoid light, noise and water pollution, fly-tipping and other factors that would harm habitats and species;
- (l) prescriptions for the provision of a wildlife gardening leaflet for each new resident;
- (m) proposed timings for the above works in relation to the completion of the dwellings.

Reason

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

32.

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 100th and 175th dwelling hereby approved, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

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

33.

The development hereby permitted shall not commence until drainage plans for the disposal of foul sewage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To ensure that the development is provided with a satisfactory means of drainage in accordance with policies DS14 and DS16 of the North Lincolnshire Local Plan.

34.

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

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

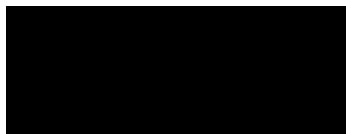
The noise mitigation scheme shall be implemented before occupation of the development and shall be retained.

Reason

To ensure the residential amenity of future occupiers is protected in accordance with policy DS11 of the North Lincolnshire Local Plan.

Dated: 3 April 2020

Signed:

A solid black rectangular box used to redact the signature of the Acting Group Manager.

Andrew Law
Acting Group Manager – Development Management and Building Control

Informative 1

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

Informative 2

No works or activities should be undertaken without first contacting CLH-PS for advice and, if required, a Works Consent. For a copy of CLH-PS's Standard Requirements for Crossing or Working in Close Proximity to CLH-PS Pipelines, please visit:

<https://cdn.linerearchbeforeudig.co.uk/pdfs/lbud-standard-requirement-uk-um.pdf>.

This will provide you with practical information regarding the legislation that governs the CLH-PS.

You should also be aware that landowners and third parties have a duty of care not to carry out any works that have the potential to damage CLH-PS apparatus. This duty of care applies even if the works themselves are situated more than 3 metres from the pipeline. Examples of such works are mineral extraction, mining, explosives, piling and windfarms.

Informative 3

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

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

Informative 4

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

WARNING

This is a PLANNING PERMISSION ONLY. It does NOT convey any approval or consent required under any enactment, byelaw, order or regulation other than those referred to in the heading of this notice. It is IMPORTANT that you should read the notes concerning APPEALS below.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier

Please note however:

If your application was for **householder development** (dwelling house extensions, alterations, garages, swimming pools, walls, fences, vehicular access, porches, satellite dishes etc) or for a minor commercial application then you must do so **within 12 weeks** of the date of this notice.

- Appeals can be made online at <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the council in whose area the land is situated. This notice will require the council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

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| APPLICATION NO | PA/2022/1702 |
| APPLICANT | Persimmon Homes |
| DEVELOPMENT | Application to modify/discharge the S106 Agreement attached to PA/2019/1782 relating to the request for contributions be removed for viability reasons |
| LOCATION | Land south of Moorwell Road, Yaddlethorpe, Bottesford |
| PARISH | Bottesford |
| WARD | Bottesford |
| CASE OFFICER | Millie Arden |
| SUMMARY RECOMMENDATION | The S106 be modified |
| REASONS FOR REFERENCE TO COMMITTEE | Member 'call in' (Cllrs Margaret Armiger and Janet Longcake – significant public interest) |

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development and that 'at a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

Paragraph 9 states, 'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.' It also explains that the three overarching objectives are not criteria against which every decision can or should be judged.

Chapter 3 – Plan making

Paragraph 34 explains that plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

Chapter 4 – Decision making

Paragraph 57 states that planning obligations must only be sought where they meet all of the following tests:

- (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.

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

North Lincolnshire Local Plan:

Policy H10 (Leisure and Open Space)

Policy C1 (Educational Facilities)

Policy R2 (Open Space and Area of Play)

North Lincolnshire Core Strategy:

Policy CS7 (Overall Housing Provision)

Policy CS9 (Affordable Housing)

Policy CS27 (Planning Obligations)

Policy CS23 (Leisure 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:

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

CONSULTATIONS

No consultation responses have been received, other than the town council response below.

TOWN COUNCIL

Objects to this proposal.

PUBLICITY

The application has been advertised by site notices in accordance with Article 15 of the Development Management Procedure Order 2015. Sixty-nine letters of objection have been received to this application to modify the planning obligations raising the following issues:

- loss of funding towards local recreation provision, for example swimming pools
- lack of affordable housing for those in need
- increased council tax for existing residents
- loss of funding required for over-subscribed local schools
- no nearby public transport access
- NHS services over-subscribed (doctors, hospitals, dentists)
- sewerage and drainage concerns
- safety concerns over the highway access to the development
- high volume of traffic and excess speeds on Scotter Road and Moorwell Road
- traffic concerns – speeding, animal casualties, accidents, congestion
- proposed development is out of character for the area
- inadequate connectivity – roads, footpaths, cycleways
- environmental and ecological impact
- risk of flooding
- loss of investment into local area and businesses
- lack of bungalows in the proposed development.

ASSESSMENT

The proposal

This is not an application seeking planning permission but rather an application to modify the existing Section 106 agreement attached to outline planning permission PA/2019/1782 for up to 200 dwellings. This application requests the removal of the following planning obligations due to viability:

- £716,800 towards secondary education
- £490,512 towards primary education
- the provision of 20% affordable housing of the total dwellings (equalling 40 dwellings if all 200 are built)
- traffic regulation order (TRO) contribution.

The proposal does retain the leisure contribution of £172,382.00 and the informal open space and area of play requirements.

The key issues in determining this request are whether the development is viable with the current planning obligations identified within the original Section 106 and whether the proposed amended agreement would adversely affect the provision of education spaces, public open space and affordable homes to the detriment of the local community.

Relevant planning history

PA/2019/1782: Outline planning permission for up to 200 dwellings with appearance, landscaping, layout and scale reserved – approved 03/04/2020

PA/2022/1628: Application for approval of reserved matters following outline planning permission PA/2019/1782 dated 03/04/2020 for the erection of up to 200 dwellings, namely appearance, landscaping, layout and scale – validated 16/09/2022 but remains undetermined.

Principle

This application requests the removal of the following planning obligations due to viability:

- £716,800 towards secondary education
- £490,512 towards primary education
- the provision of 20% affordable housing of the total dwellings (equalling 40 dwellings if all 200 are built)
- traffic regulation order (TRO) contribution.

The proposal does retain the leisure contribution of £172,382.00 and the informal open space and area of play requirements.

The site has outline planning permission. The reserved matters application is yet to be determined and the highways concerns received in the objectors' comments will be considered within the reserved matters application.

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) which were saved by a direction of the Secretary of State in September 2007; the North Lincolnshire Core Strategy DPD (2011) (CS); and the

Housing and Employment Land Allocations DPD (2016). Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire.

Policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states, '(i)... New housing developments on allocated and windfall sites of 0.5ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents, or alternatively, where appropriate, to provide commuted payments for this provision to be made off-site, either individually or in combination with existing or other proposed recreational sites and facilities...'

Paragraph 57 of the NPPF concludes obligations must meet all the following tests:

- (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.

Within policy CS27 it is clear that if developments are unable to support the costs of a planning obligation (other than those essential to allow development to proceed) then negotiations can occur. Paragraph 58 of the NPPF allows local planning authorities to assess the weight that is given to a viability assessment having regard to all the circumstances in the case.

Within policy CS27 (Planning Obligations) the supporting text for this policy states, 'It is important that development costs, including the cost of implementing planning obligation agreements, should not prejudice development that supports North Lincolnshire Council's aspiration to see the regeneration, improvement and revitalisation of the area. If it is claimed that a development is unable to support the costs of a planning obligation (other than those essential to allow the development to proceed) then this could be the subject of negotiations. In such cases, the developer will have to demonstrate non-viability via an 'open book' approach.' The applicant has concerns that the S106 contributions required would make the scheme unviable. As a result the applicant has submitted a viability report. This has been independently assessed as requested and instructed by North Lincolnshire Council. Mark Williams MRICS, a professional expert in this field on behalf of Carter Jonas LLP, concluded that the scheme is unable to support any of the S106 contributions.

Therefore, on balance, the removal of the education, affordable housing and TRO S106 contributions will allow for the delivery of this residential scheme on this site. The development would contribute positively to the council's housing land supply and would provide a mix of housing types on the site. These benefits are considered to outweigh the loss of the education contribution, TRO contribution and 40 affordable dwellings on the site in this case. The scheme therefore complies with the relevant policies in the NPPF and Core Strategy which confirm that there can be flexibility with regard to obligations that would make a scheme financially unviable.

Other matters raised

Residents have raised a number of issues that relate to the approved development on the site for up to 200 dwellings (PA/2019/1782 – outline) and the undetermined application (PA/2022/1628 – reserved matters). These matters have all previously been assessed, or

are currently being assessed, within the outline and reserved matters applications associated with the site. These issues are not material to this application which is for the modification of the existing S106 agreement to remove the education contribution, TRO contribution and affordable housing contribution attached to the planning permission.

Conclusion

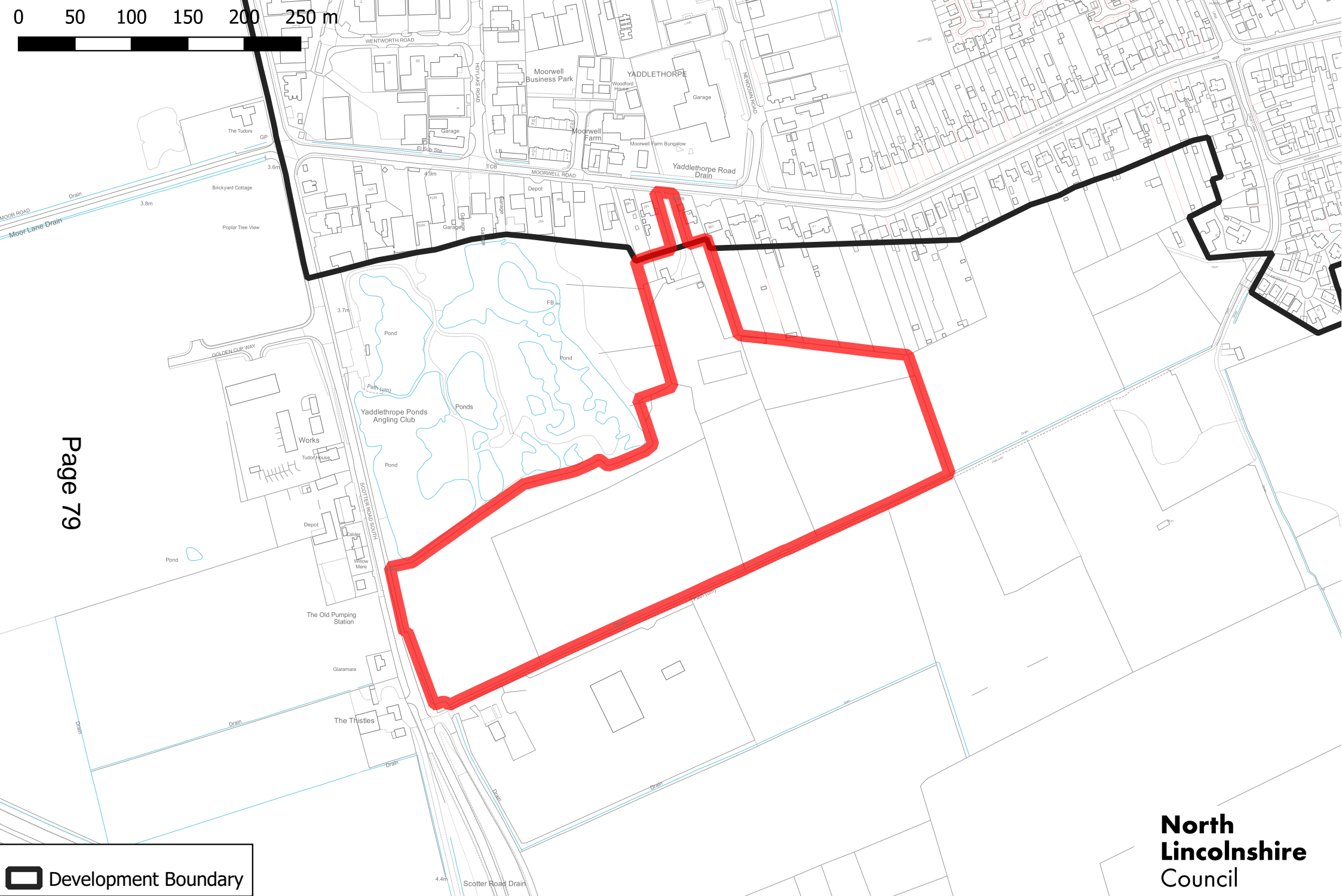
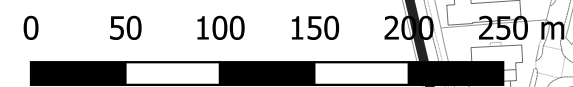
The removal of the S106 contributions will allow for the delivery of this residential scheme on this site, thereby increasing the council's housing land supply and will provide mix of housing types to meet housing needs in North Lincolnshire. The scheme complies with the relevant policies in the NPPF and Core Strategy which confirm that there can be flexibility with regard to obligations that would make a scheme financially unviable. It is therefore considered that non viability has been demonstrated and the Section 106 agreement should therefore be modified to remove the education contribution, TRO contribution and affordable housing contribution attached to planning permission PA/2019/1782.

RECOMMENDATION

The existing Section 106 agreement be modified as proposed:

- **removal of the education contribution, TRO provision and affordable housing provision, as per the viability report.**

The leisure contribution will remain on the S106 agreement.



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 Development Boundary

PA/2022/1702

**North
Lincolnshire
Council**

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| APPLICATION NO | PA/2022/1857 |
| APPLICANT | Mr James Bourne (Somersby Homes) |
| DEVELOPMENT | Planning permission to erect 16 dwellings |
| LOCATION | 11 Burnside, Broughton, DN20 0HT |
| PARISH | Broughton |
| WARD | Broughton and Scawby |
| CASE OFFICER | Daniel Puttick |
| SUMMARY RECOMMENDATION | Subject to a Section 106 agreement, approve with conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by Broughton Town Council |

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 15: Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

Policy H5: New Housing Development

Policy H8: Housing Design and Housing Mix

Policy H10: Public Open Space Provision in New Housing Development

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 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 CS5: Delivering Quality Design in North Lincolnshire

Policy CS7: Overall Housing Provision

Policy CS8: Spatial Distribution of Housing Sites

Policy CS9: Affordable Housing

Policy CS17: Biodiversity

Policy CS18: Sustainable Resource Use and Climate Change

Policy CS19: Flood Risk

Policy CS22: Community Facilities and Services

Policy CS23: Sport, Recreation and Open Space

Policy CS25: Promoting Sustainable Transport

Policy CS27: Planning Obligations

Housing and Employment Land Allocations DPD:

Policy PS1: Presumption in Favour of Sustainable Development

New North Lincolnshire Local Plan:

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

DQE1: Protection of Landscape, Townscape and Views

DQE3: Biodiversity and Geodiversity

DQE6: Sustainable Drainage System

DQE7: Climate Change and Low Carbon Living

T1: Promoting Sustainable Transport

T3: New Development and Transport

T4: Parking

DM1: General Requirements North Lincolnshire Local Plan Submission:

CONSULTATIONS

Humberside Police: No objections.

Anglian Water: No objections subject to a number of standard conditions.

Highways: No objections subject to a number of standard conditions, including (but not limited to) access, turning, parking and visibility splays.

Environment Agency: No comments to make.

Historic Environment Record: HER records show that an archaeological field evaluation was undertaken on the site in 2015, which found no remains of archaeological significance. As such, there are no objections to the proposed development and no further recommendations for archaeology.

Humberside Fire and Rescue: No objections subject to a number of standard informatives.

Environmental Protection: No objections to the proposed development subject to conditions relating to site investigation, remediation, verification and unexpected contamination; working hours; and the submission of a construction environmental management plan (CEMP).

Section 106 Officer: No objections in principle. In summary, confirms that an S106 agreement will be required to secure the necessary contributions relating to affordable housing, education provision, recreation and open space provision. No contributions are required in relation to health, public transport or on-site play area provision.

Drainage (Lead Local Flood Authority): There are fundamental detailed design issues to resolve moving forward and the applicant may wish to consider a high level outfall into the highway drainage system on Burnside. Notwithstanding this, the LLFA Drainage Team has no objection to the proposed development subject to the imposition of a condition to secure a detailed surface water drainage scheme for the site, along with other conditions and informatives.

Spatial Planning: Support in principle; however, the proposals are contrary to policy CS7. In particular, concerns are raised in respect of the mix of properties on the development.

Education: No comments received.

TOWN COUNCIL

Objects due to:

- Highways – any development would lead to additional traffic on a narrow road, which enters/leaves the estate at a busy junction with Brooklands Avenue, where there is speeding traffic and even more traffic after the relocation of the Post Office.
- Drainage – worries about the drainage system being able to cope with additional development.
- Character – any development would change the character of the estate, which is mainly occupied by elderly residents.
- Access – insufficient account has been taken of the fact that the access road is an estate road with a great deal of on-street parking and the development will only add to the traffic congestion. Can an alternative access be considered?

PUBLICITY

A site notice was displayed on 21 November 2022 and a press notice on 3 November 2022 in accordance with Article 15 of the Development Management Procedure Order 2015. A total of 17 letters of objection have been received in response to this public consultation. A summary of the concerns raised by those objecting to the application are provided below:

- The development would prejudice highway safety. The access road from Burnside is not appropriate as it is narrow and has existing parking issues.
- Broughton is over-developed and the infrastructure is insufficient to accommodate new dwellings.
- There are existing problems with drainage and sewerage.
- The area is home to many elderly residents. The scheme is out of keeping with the area. A proposal involving bungalows would be more appropriate.
- The site is higher than nearby properties. Concerns are raised in relation to potential surface water and flooding issues for neighbouring properties.
- The development would lead to loss of natural habitat for wildlife. Clearing of the site has already resulted in a visible reduction in the number of hedgehogs in the area.

- Construction works and traffic will cause disturbance for local residents.
- The area has archaeological potential and a survey may need to be undertaken.

STATEMENT OF COMMUNITY INVOLVEMENT

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

ASSESSMENT

Planning history

PA/2014/1178: Outline planning permission for residential development and associated works – refused 20/11/2015 (dismissed at appeal 02/12/2016)

PA/2016/2009: Outline planning permission for a residential development of up to 26 dwellings, including 3 affordable homes (with all matters reserved except access) and associated works – approved 28/07/2017

PA/2018/2316: Outline planning permission for up to 10 dwellings with all matters reserved for subsequent approval – approved 02/12/2019.

Site characteristics

The application site is comprises former garden land previously associated with properties fronting Appleby Lane, within the defined settlement boundary for Broughton. The site now appears overgrown, enclosed by temporary fencing at the proposed entrance from Burnside to the south edge of the site.

The site is bordered by the deep gardens of residential properties along Brooklands Avenue to the east, and by the boundaries of properties within Burnside and Sycamore Close. Newly constructed timber fences mark the boundaries with properties on Appleby Lane and 11 Burnside, with the previous boundary hedgerows still existing within the site. There are a range of trees and shrubs around the edge of the site, with many trees located close to the boundary within the gardens of existing properties.

An existing footpath connects Burnside with Beech Close and Appleby Lane, allowing pedestrians to access local shops and services on the High Street. The nearest bus stops are on Brooklands Avenue, approximately 500 metres from the site entrance, providing regular services to and from Scunthorpe and surrounding settlements.

Proposal

Planning permission is sought for the construction of 16 residential dwellings, comprising a mixture of three- and four-bedroom homes and mostly detached two-storey properties. Plots 10 and 11 are proposed to be semi-detached three-bedroom properties whilst plot 16, located close to the entrance into the proposed development, is proposed to be a three-bedroom bungalow.

Access into the site would be taken from Burnside, with the access road leading north-east. Properties would be arranged in a linear fashion fronting the access road, with each property having a private driveway with space for two vehicles. The internal road layout would provide turning space for vehicles between plots 7 and 8.

The material palette comprises 'Golden Purple' and 'Ivanhoe Westminster' bricks from Ibstock, with rustic red and anthracite pantile roof tiles providing contrast to the golden and red hues of the external materials. Render would be incorporated within plots 3, 8, 10, 11 and 14 to add visual interest. The proposed site layout depicts hedgerow and tree planting within the site to the front and sides of dwellings, with boundary enclosures to rear gardens providing secluded gardens and soft boundaries to front lawns.

Material considerations

Planning permission is sought to construct 16 dwellings. The site has planning history, with residential development both approved and refused on the site in previous years. The most recent application (PA/2018/2316) saw outline planning permission granted to construct 10 dwellings on the site. This permission has since lapsed and is no longer extant.

The main issues in determining this application are:

- **principle of development**
- **design and impact on the character and form of the area**
- **impact on residential amenity**
- **impact on highway safety**
- **flood risk and drainage**
- **contaminated land**
- **ecology**
- **affordable housing**
- **planning obligations.**

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The site is within the development boundary for Broughton, where residential development is generally acceptable in principle, and is in a sustainable location within walking and cycling distance of a range of local facilities, services and employment opportunities. The site is also close to a number of bus stops and public transport options, providing connectivity to nearby settlements, including Scunthorpe.

Policy CS1 of the Core Strategy identifies Broughton as a rural settlement, and indicates that the town will be supported as a thriving sustainable community with a strong focus on retaining and enhancing existing local services to meet local needs. Policy CS1 states that development will be limited and should take into account levels of local service provision, infrastructure and capacity and accessibility. It goes on to indicate that any development should be in keeping with the character and nature of the settlement.

Policy CS3 of the Core Strategy identifies development limits, which seek to direct new housing development to places which are sustainable and in areas which respect existing development patterns, capacity and character, taking account of existing planning consents and new development. Beyond these boundaries, the policy limits development to that which is essential to the functioning of the countryside.

Policy CS7 of the Core Strategy sets out the requirement for 12,063 new homes across the plan area during the plan period up to 2026. This is equivalent to a build out rate of 754 dwellings per year. The policy indicates that 3,482 of these will be provided from sites with pre-existing permissions in place or are under construction at the time of adoption of the plan. These figures are a minimum target and do not form a maximum threshold for the delivery of housing, which would run contrary to the provisions of the NPPF which seeks to significantly boost the supply of housing.

Policy CS7 of the Core Strategy sets out an aspirational minimum density of 30–35 dwellings per hectare on sites within rural settlements. However, this policy also states that whilst housing developments should make efficient use of land, the density of new developments should be in keeping with the character of the area. The proposed development of 16 dwellings results in a density of approximately 25 dwellings per hectare, which falls slightly below the aspirational minimum density, but is considered reflective of the pattern of existing development in the immediate vicinity of the site.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up to date.

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

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

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

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

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

Whilst the restrictive elements of policies of the development plan (specifically Core Strategy policies CS2, CS3, CS7 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. 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.

The proposed development within this application seeks to construct 16 dwellings on land within the settlement boundary for Broughton. The settlement scored highly within the North Lincolnshire Settlement Survey 2019, ranking 7th across all settlements and receiving a total settlement score of 52. The settlement scores highly for access to conveniences and community services, with a large number of key services. Notwithstanding the lack of a five-year supply of deliverable sites, Broughton is therefore considered an appropriate location in which to provide new housing.

Having regard to the above, given the site is sustainably located within the settlement of Broughton, the principle of the development is considered to be acceptable in accordance with policies CS1, CS3, CS7 and CS8 of the Core Strategy. New housing development in this location would contribute towards addressing the shortfall in housing across North Lincolnshire, with 16 new homes offering a meaningful contribution towards meeting identified need across the plan area.

Design and impact on the character and form of the area

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

The proposal would involve the erection of mostly two-storey buildings consisting of semi-detached family homes. Two units are proposed to be semi-detached, with one unit proposed as a bungalow. The surrounding area mainly consists of residential development of one and two storeys in height. Overall, the surrounding area consists of a variety of buildings of different massing, materials, and design, with older properties within Burnside and secondary roads predominantly bungalows.

The materials to be used in the proposed development would include red and buff facing bricks, with red and anthracite grey roof tiles, with render used in a small number of plots. The proposed palette of materials is modern but in keeping with the prevailing character of the surrounding streets. On this basis, the appearance of the development is considered acceptable.

In terms of scale, siting and design, the layout makes effective use of the available space, providing well-proportioned homes within appropriately-sized plots. The layout maintains adequate separation from existing development, and would enable a smooth transition between the existing properties on Burnside and those within the site. Soft landscaping proposals would help soften the appearance of the development, with more precise details for boundary treatments and planting capable of being secured by an appropriately worded condition.

On balance, it is considered that the proposal would be acceptable in terms of its impacts on the character and appearance of the area and would present a well-designed scheme which complies with the aims of policies CS5 of the Core Strategy and H5 of the local plan.

Impact on residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states, 'no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.'

Due to the massing, separation distances and orientation of the proposed building. The proposals are not considered to have any impacts on surrounding properties in respect of overlooking, and given their siting to the north of properties in Sycamore Close and Burnside, there are no concerns in relation to loss of sunlight, daylight or overshadowing.

It is noted that the proposals may introduce more people and movement to the area, including additional vehicles which would navigate through the estate to access the wider road network. However, as the site has previously been considered suitable for the construction of up to 26 dwellings it is not considered sufficient justification to withhold planning permission.

It is inevitable that the construction period will result in some level of disruption to nearby residential properties through noise and other disturbance; however, this will be relatively short-term without harming the long-term amenity of local residents. Conditions can be imposed to control the short-term effects caused by construction work, which would help minimise avoidable disruption during this time.

Fundamentally, upon completion, the impact of the development would not be considered to result in harm to the amenity of local residents. The increase in vehicular traffic associated with the site would be modest, and as the site is close to local services and facilities it is highly likely that a large proportion of trips will be made on foot, or by cycle or public transport.

Overall, the proposals are not considered to have any adverse impacts on the residential amenity of neighbouring properties. The development is considered acceptable in accordance with policies DS1 and H5 of the local plan in this respect.

Highway safety

Policy T1 of the North Lincolnshire Local Plan is concerned with the location of development and aligns with the spatial strategy of the Core Strategy. Policy T2 of the local plan states that all proposals should be provided with a satisfactory access. Policy T19 relates to car parking provision and standards, and in summary requires developments which result in additional parking needs to incorporate proposals to fully meet that demand. Policy CS25 of the Core Strategy is also relevant and seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools.

The council's highways department has been consulted and does not object to the proposed development subject to a number of conditions. The proposals are within the settlement limits and close to existing services and facilities, many of which are within convenient walking distance of the site. Broughton is regarded as a highly sustainable location and the highway authority has raised no concerns in terms of the capacity of the surrounding road network. Similarly, whilst the concerns of residents are noted, no concerns have been raised by the highway authority in respect of highway safety.

Overall, it is considered that the site is sustainably located. Sufficient parking is provided within the site for vehicles, and the development can be accommodated on the road network without compromising safety. The proposal is in accordance with policies T1, T2 and T19 of the North Lincolnshire Local Plan, and policy CS25 of the Core Strategy.

Flood risk and drainage

Policies DS16 of the North Lincolnshire Local Plan, CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 166 and 167 of the NPPF are considered relevant in respect of flood risk and drainage.

Policy CS19 (which sits alongside DS16 of the local plan) is concerned with flood risk and states that the council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk-based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood.

The site is within Flood Zone 1 of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for 'more vulnerable' development; however, given the proposals are within Flood Zone 1, no sequential test is required. Therefore, the proposals are acceptable in respect of flood risk.

The applicant intends to use mains drainage for the disposal of foul and surface water, which is considered acceptable, with no objections raised by the Lead Local Flood Authority or Anglian Water subject to a number of conditions. The proposals seek to dispose of surface water by means of soakaway, which has attracted some objection from residents owing to the higher land levels of the application site.

The application has been supported by a drainage layout and additional supporting information, which has been assessed by the LLFA. The LLFA have indicated that there are fundamental detailed design issues to resolve moving forward, and indicates that the applicant may wish to consider a high level outfall into the highway drainage system on

Burnside. However, notwithstanding the shortfalls in the proposed drainage layout the LLFA are satisfied that a suitable scheme can be brought forward at the site to dispose of surface water, precise details of which can be secured by appropriately worded conditions as recommended by the LLFA.

Subject to accordance with such conditions, 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.

Contaminated land

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

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

Comments have been sought from the Environmental Protection team, who have raised no objections subject to a number of standard conditions. The site is former garden land associated with properties on Appleby Lane. As such, there is little reason to suspect that land contamination will pose a risk to new development.

Conditions recommended by the Environmental Protection Team seek to secure desk-based survey and intrusive site investigations to ascertain the potential for land contamination and ensure that any potential contaminants are mitigated. Previous permissions for residential development at the site have been subject to conditions requiring the developer to submit details for remediation in the event that unsuspected land contamination is found during construction work. In the interests of consistency, and owing to the lack of objection from Environmental Protection to this application and previous proposals at the site, it is considered appropriate to impose a condition requiring any unexpected contamination found during construction works to be fully investigated, rather than requiring further survey work up front.

Affordable housing

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

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

This application proposes the erection of 16 dwellings within the defined development limits of Broughton, a rural settlement. As such 10% affordable housing is required on site, equivalent to 2 dwellings.

The accompanying statement provided with the application indicates that discussions with Housing Associations prior to submission of the application established that there was no desire to adopt two dwellings within the development. This is often the case where it is not financially viable or operationally suitable for such a small number of units to be taken by registered providers of affordable housing, as ongoing management can be unviable.

In this instance, the applicant is seeking to provide an off-site contribution towards affordable housing in the form of a financial contribution to be secured by a legal agreement pursuant to Section 106 of the Town and Country Planning Act. Subject to this agreement, the proposed development would provide for an appropriate level of affordable housing in accordance with policy CS9 of the Core Strategy.

Ecology

The application has not been supported by any ecological survey work, however the council's ecologist has indicated that past survey work recorded only common and widespread habitats and plant species. No evidence of past or present use by roosting bats was recorded in any of the structures on the site, and that potential for further protected species was limited. Whilst these surveys are now dated, given the low potential for harm to protected species, the council's ecologist has indicated that no further protected or priority species surveys are required. On this basis, it is concluded that the development of the site would not impact upon protected species of wildlife in accordance with policy LC5 of the local plan.

The NPPF indicates that planning policies and decisions should contribute to and enhance the local environment by securing net gains for biodiversity. This requirement is echoed within policy CS17 of the Core Strategy, which seeks to ensure development retains, protects and enhances features of biological and geological interest.

No background ecological survey work has been undertaken to inform the proposed development; however, as noted previously, past data indicates that only common and widespread habitats are found on site. Development of the site would result in a loss of these habitats, resulting in net losses for biodiversity overall. The council's ecologist has indicated that the proposed development should not be approved unless it can deliver at least as many habitat units as the previous permission did (which would still have resulted in net losses for biodiversity), which would need to be supported by biodiversity metric assessments.

Owing to the above, the proposed development would result in the loss of habitats and in its current form would fail to provide or secure net gains for biodiversity. Development of the site is unlikely to be capable of achieving biodiversity net gain, and as a result the proposed development is contrary to policy CS17 of the Core Strategy and conflicts with the aims of the NPPF in this respect.

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.

Public open space

Public open space and leisure policy H10 of the North Lincolnshire Local Plan is concerned with public open space. It states, '(i) ...New housing developments on allocated and windfall sites of 0.5ha or more will be required to provide recreational open space on a scale, and in a form, appropriate to serve the needs of residents.' This is reinforced by policy CS23 of the North Lincolnshire Core Strategy.

Due to the overall size of the site, there are limited options available to provide meaningful open space on site to benefit local residents. As with previous applications it is proposed to secure an off-site contribution in the form of a financial contribution towards the delivery of open spaces in the local area. This is considered acceptable in accordance with policy CS23 of the Core Strategy, and can be secured by an S106 agreement.

Education and health

The council's Section 106 Officer has confirmed that no contributions are required in relation to health. A contribution towards education is considered to be likely to be required, though at the time of writing this has yet to be confirmed. In the event that primary and secondary contributions are required, it is anticipated that a sum of £8,944 per market dwelling would be sought, totalling £125,216.

Recreation

A total contribution of £14,224 has been indicated as being necessary to contribute towards anticipated costs associated with recreational facilities likely to be used by the development upon completion. The figure is broken down in more detail in the Section 106 Officer's response, but includes provision towards developing new playing pitch provision, swimming facilities and existing sport facilities improvement.

Obligations summary

The proposed on and off-site contributions are considered to be CIL compliant as well as policy compliant. The proposal would therefore align with policies CS9 and CS23 of the North Lincolnshire Core Strategy, and policy H10 of the North Lincolnshire Local Plan.

Conclusion

Planning permission is sought to erect 16 residential dwellings, comprising a mixture of two-storey detached and semi-detached properties and one bungalow. The application is acceptable in principle, consistent with the requirements of development plan policies in respect of design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk and drainage, and contaminated land.

The proposed development would result in the loss of biodiversity and would fail to secure biodiversity net gain. The redevelopment of the site would result in the loss of common and widespread habitat features, and would not impact upon protected species of wildlife. The development would therefore conflict with the aims of policy CS17 of the Core Strategy.

The council is unable to demonstrate a five-year supply of deliverable housing sites. The policies which are most important for determining the application should therefore be regarded as being out of date, and a presumption in favour of sustainable development should be applied in accordance with paragraph 11 of the NPPF.

This states that for decision-making, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against policies in the Framework taken as a whole. Members therefore need to balance the inability of the development to secure biodiversity net gain against the meaningful contribution the development would provide to address the current shortfall in housing across North Lincolnshire.

For reasons set out within this report, it is recommended that the benefits of the development generated through the construction of 16 new homes would significantly outweigh the conflict with policy CS17 of the Core Strategy and loss of common and widespread habitat features from within the site.

Financial contributions are required to offset other impacts of the proposed development, which can be secured via a Section 106 Agreement. Education provision is still to be determined and as no agreement has been formally entered into the local planning authority recommends that members be minded to approve planning permission subject to resolution of these outstanding matters and subject to completion of the Section 106 Agreement.

Pre-commencement conditions

The pre-commencement conditions included in the recommendation have been agreed with the agent/applicant.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for financial contributions towards affordable housing, education provision, recreation and open space contributions, 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 legal agreement;**
- (iii) **if the legal agreement is not completed by 4 January 2024 the Development Management Lead be authorised to refuse the application on grounds of no affordable housing contribution, no education contribution, and no recreation or open space contributions; and**
- (iv) **the permission so granted be subject to the following conditions:**

1.

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

Reason

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

2.

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

8821-101 Site Location Plan

8821-103 Proposed Block Plan & Materials

8821-104 Proposed Block Plan & House Types

8821-105 Proposed Site Plan & Landscaping

8821-106 Type 3BB1

8821-107 Type 3B1

8821-108 Type 3B2

8821-109 Type 3B3

8821-110 Type 3B4

8821-111 Type 3B5

8821-112 Type 4B1

8821-113 Type 4B2

8821-114 Type 4B3

8821-115 Type 4B4

Reason

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

3.

Notwithstanding the detail contained within the application, no development shall commence until a detailed surface water drainage scheme for the site has first 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 geological context of the development. The drainage scheme shall be based upon the submitted Soakaway calculations report prepared by Hall Infrastructure Design Ltd, version 1, dated 29/06/2022.

The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance at the time the applicant seeks to discharge this condition) 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. Reference must be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document.

Thereafter, the development shall be constructed in accordance with the approved details.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, and to ensure the implementation and future maintenance of the SuDS scheme in accordance with policies CS18 and CS19 of the Core Strategy.

4.

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, and from the highway onto the developed site, have first been submitted to and approved in writing by the local planning authority. Thereafter, surface water drainage shall be provided in accordance with the approved scheme prior to the parking areas being constructed and brought into use.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, and to ensure the implementation and future maintenance of the SuDS scheme in accordance with policies CS18 and CS19 of the Core Strategy.

5.

Tree and hedgerow planting shall be carried out in accordance with the approved specification for each residential dwelling prior to occupation of each individual property.

Reason

In the interests of the character and appearance of the development, and to ensure landscaping is provided in accordance with the approved plans for each property, in accordance with policy DS1 of the North Lincolnshire Local Plan.

6.

If, within a period of five years from the date of planting, any tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree within two months of being requested to do so by the local planning authority.

Reason

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

7.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out

until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure land contamination does not pose a risk to future occupants of the development, in accordance with policy DS11 of the North Lincolnshire Local Plan.

8.

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, in accordance with policy DS1 of the North Lincolnshire Local Plan.

9.

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

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

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

Light: The CEMP shall set out the particulars of –

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

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

Dust: The CEMP shall set out the particulars of –

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

Reason

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

10.

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 policies T2 and T19 of the North Lincolnshire Local Plan.

11.

The proposed new dwellings shall not be occupied until the vehicle access to the development, and the vehicle parking and turning areas, have been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

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 commence until details of the private driveway, including construction, drainage, lighting and where appropriate signage/street naming

arrangements, have been agreed in writing with the local planning authority and no dwelling on the site shall be occupied until the private driveway has been constructed in accordance with the approved details. 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.

13.

No development shall 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

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

14.

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.

15.

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.

16.

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

Reason

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

17.

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.

18.

No works shall be commenced on the penultimate dwelling on the site until the access road has been completed.

Reason

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

19.

No development shall commence until a construction phase traffic management plan showing details of all associated traffic movements, including delivery vehicles and staff/construction movements, any abnormal load movements, contractor parking and welfare facilities, storage of materials and traffic management requirements on the adjacent highway, 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 throughout the construction period.

Reason

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

20.

No development shall take place above damp proof course level until a scheme for on-site foul water drainage works, including connection point and discharge rate, has first been submitted to and approved in writing by the local planning authority. Prior to the occupation of any dwelling, the foul water drainage works relating to that property must have been carried out in complete accordance with the approved details.

Reason

To prevent environment and amenity problems arising from flooding in accordance with policy DS16 of the North Lincolnshire Local Plan.

Informatives

1.

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

2.

Access for the Fire Service:

It is a requirement of Approved Document B5, Section 15 Commercial Properties or B5, Section 13 for Domestic Premises that adequate access for firefighting is provided to all buildings or extensions to buildings. Where it is a requirement to provide access for high

reach appliances, the route and hard standing should be constructed to provide a minimum carrying capacity of 24 tonnes.

Water supplies for fire-fighting:

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

3.

The developer needs to provide a detailed surface water drainage drawing, pulling together all drawings included in this application. The developer needs to fully consider a high level outfall option into the adjacent highway drain on Burnside and/or oversizing of the proposed surface water drainage design given the site investigation results (perched groundwater).

4.

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

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

5.

Feasible drainage strategy needs to be agreed with Anglian Water prior to the commencement of development. The strategy needs to include:

- development size
- proposed discharge rate (should you require a pumped connection, please note that Anglian Water's minimum pumped discharge rate is 3.8l/s)
- connecting manhole discharge location (no connections can be made into a public rising main)
- notification of intention to connect to the public sewer under S106 of the Water Industry Act (more information can be found on Anglian Water's website)
- feasible mitigation strategy in agreement with Anglian Water (if required).



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 Development Boundary

PA/2022/1857

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**North
Lincolnshire
Council**

PA/2022/1857 Proposed layout (not to scale)

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| PLOT | TYPE | FFL | MATERIALS | |
|------|------|--------|--|--|
| | | | WALLS | ROOF |
| 1 | 483 | 40 250 | Itstock Ivanhoe Westminster | Concrete Double Pantile Rustic Red |
| 2 | 484 | 40 250 | Itstock Ivanhoe Westminster | Concrete Double Pantile Rustic Red |
| 3 | 481 | 40 250 | Itstock Bradgate Golden Purple & part render | Crest Planum Concrete Flat Tile (Anthracite) |
| 4 | 381 | 40 250 | Itstock Ivanhoe Westminster | Concrete Double Pantile Rustic Red |
| 5 | 382 | 40 250 | Itstock Ivanhoe Westminster | Concrete Double Pantile Rustic Red |
| 6 | 381 | 40 250 | Itstock Ivanhoe Westminster | Concrete Double Pantile Rustic Red |
| 7 | 482 | 40 550 | Itstock Ivanhoe Westminster | Concrete Double Pantile Rustic Red |
| 8 | 481 | 41 000 | Itstock Bradgate Golden Purple & part render | Crest Planum Concrete Flat Tile (Anthracite) |
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| 12 | 483 | 40 750 | Itstock Ivanhoe Westminster | Concrete Double Pantile Rustic Red |
| 13 | 384 | 40 500 | Itstock Ivanhoe Westminster | Concrete Double Pantile Rustic Red |
| 14 | 383 | 40 300 | Itstock Bradgate Golden Purple & part render | Crest Planum Concrete Flat Tile (Anthracite) |
| 15 | 384 | 40 250 | Itstock Ivanhoe Westminster | Concrete Double Pantile Rustic Red |
| 16 | 3681 | 40 250 | Itstock Ivanhoe Westminster | Concrete Double Pantile Rustic Red |



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 www.andrewcloverplanninganddesign.co.uk

| | | |
|---------------|----------------------------------|-----|
| Project | Proposed Residential Development | |
| Location | Land off Burnside, Broughton | |
| Drawing Title | Proposed Block Plan & Materials | |
| Status | Planning | |
| Date | 12.09.2022 | |
| Scale | 1:500 @ A2 | |
| Drawing No. | 8821-103 | Rev |

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|---|--|
| APPLICATION NO | PA/2023/241 |
| APPLICANT | Adele Thompson |
| DEVELOPMENT | Planning permission to remove condition 8 of PA/2022/504 namely to extend the duration of occupation of the holiday lodges and shepherd huts |
| LOCATION | Oak Tree Fishery, Station Road, Graizelound, DN9 2NQ |
| PARISH | Haxey |
| WARD | Axholme South |
| CASE OFFICER | Tanya Coggon |
| SUMMARY RECOMMENDATION | Approve with conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by Haxey Parish Council |

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision making

Chapter 6 – Building a strong, competitive economy

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:

LC7 (Landscape Protection)

LC12 (Protection of Trees, Woodland and Hedgerows)

LC14 (Area of Special Historic Landscape Interest)

RD2 (Development in the Open Countryside)

R12 (New Caravan and Camping Facilities)

DS1 (General Requirements)

DS11 (Polluting Activities)

DS14 (Surface water and Foul Water Drainage)

DS16 (Flood Risk)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS6 (Historic Environment)

CS15 (Culture and Tourism)

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

CS18 (Sustainable Resource Use and Climate Change)

CS19 (Flood Risk)

Housing and Employment Land Allocations DPD (2016)

The site is outside the defined development limits within the open countryside and covered by policy LC14.

New North Lincolnshire Local Plan: 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

SS11: Development Limits

CSC17: Camping and caravan sites

RD1: Development in the Open Countryside

EC6 Supporting the Rural Economy

EC7: A sustainable visitor economy

DQE1: Protection of Landscape, Townscape and Views

DQE3: Biodiversity and Geodiversity

DQE5: Managing Flood Risk

DQE6: Sustainable Drainage System

HE1 Conserving and Enhancing the Historic Environment

HE2: Area of Special Historic Landscape Interest

T3: New Development and Transport

T4: Parking

DM1: General requirements

Other relevant guidance

Tourism Recovery Paper – March 2023 (Department for Culture, Media and Sport)

CONSULTATIONS

Highways: No comments to make.

Environment Agency: No comments to make.

Drainage (Lead Local Flood Authority): No objections. We note pre-commencement conditions placed on PA/2022/504 have not been discharged and we await clarification.

Anglian Water: No response to the consultation.

Severn Trent Water: No response to the consultation.

Environmental Health and Housing: No objection to condition 8 being varied but object to the condition being removed entirely. A maximum length of stay in any 12-month period should be specified to protect against unauthorised permanent occupation of the units on the site.

Environmental Protection: No comments.

Historic Environment Record: No comments to make.

Ecology: No objection.

Tree Officer: No comments to make.

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

PARISH COUNCIL

Objects. The parish council needs further clarification on what, if anything, will replace the removal of condition 8. It is not clear if the removal of this condition will allow people to stay all year. Cllr Harris stated that condition 8 was badly drafted.

PUBLICITY

Advertised by site and press notice. One letter of objection has been received raising the following issues:

- increase in traffic
- increase in noise.

STATEMENT OF COMMUNITY INVOLVEMENT

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

ASSESSMENT

The proposal

This proposal is to remove condition 8 on planning permission PA/2022/504. Condition 8 relates to occupancy of the approved lodges and shepherd huts on the site and reads as follows:

'The use of the site shall be for short-term use only and no lodge or shepherd hut shall be occupied on the site for more than 28 consecutive days in any 12-month period.

Reason: The site is for holiday use only and is inappropriate for permanent residential development.'

This means that the applicant wishes to remove condition 8 which will allow the holiday lodges and shepherd huts to be occupied all year round for any length of stay. The decision notice for PA/2022/504 can be found appended to this report.

The site

The site is located off the A161 and is an existing caravan and fishery site which has developed over recent years. The site is within the open countryside and within LC14 land. To the north of the access to the site are a small row of terraced properties and a farm, and to the west is a detached dwelling. The site is within flood zone 2/3a. The applicant has informed the case officer that 5 lodges and 3 shepherd huts are now located on the site.

Planning history

The site has an extensive planning history commensurate with the development of the site over a number of years:

PA/2022/504: Planning permission for the siting of 10 holiday lodges and 6 shepherds huts – approved 30/11/2022

PA/2021/1465: Planning permission for change of use of land to accommodate a further 20 pitches – approved 26/11/2021

PA/2020/1017: Planning permission for the permanent siting of a mobile home in connection with a fishing business – approved 23/10/2020

- PA/2018/2089: Planning permission to erect a general-purpose storage building 7.5m x 10m for the fishery – approved 17/12/2018
- PA/2017/120: Planning application to vary conditions 2 and 3 of PA/2016/996 to change chalet for a mobile home and 3 years to start from the 'first siting' of the mobile home – approved 23/03/2017
- PA/2017/2075: Planning permission for change of use of a grass field to site 20 touring caravans – approved 30/10/2018
- PA/2016/996: Planning permission for change of use of land for the siting of a residential mobile home, siting of a café, erection of a polytunnel for use as a hatchery and the creation of two 1m deep stock ponds – approved 15/09/2016
- PA/2013/1277: Planning permission to construct a fishing pond on land to the west of the main fishery – approved 02/12/2013
- PA/2012/0217: Planning permission to create a fishing lake – approved 24/04/2012
- PA/2011/1053: Planning permission to change the use of an open field into an 8-tent camp site – refused 08/11/2011
- PA/2006/104: Planning permission to create a fishing lake with associated car parking and access thereto – approved 03/08/2006.

Procedural matters

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. Planning permission cannot be granted under section 73 to extend the time limit within which a development must be started and a Section 73 cannot be used to change the description of the development.

Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted.

The main issues associated with this application are whether the principle of permitting the approved lodges and shepherd huts to be occupied unrestricted all year round is acceptable and if so, whether the proposal is acceptable in terms of impacts on the highway, flood risk, drainage, ecology, heritage and landscape.

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003 and the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011. 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 principle of the development for the siting of the lodges and shepherd huts on the site has been established through the granting of planning permission PA/2022/504. The key issue associated with this proposal is whether the occupation of the lodges and shepherd huts all year round for any length of stay (to allow the lodges and shepherd huts to be occupied for more than 28 days consecutively in any 12-month period) is acceptable in principle.

The applicant has submitted a statement with the application to justify the removal of condition 8 to allow the lodges and shepherd huts to be occupied unrestricted in terms of days all year round. Currently the lodges and shepherd huts can only be occupied consecutively for 28 days in a 12-month period. The applicant states that condition 8 restricts the business in that many visitors will be retired and will require longer stays throughout the year for more than the 28 consecutive days that condition 8 currently permits. Many of the visitors wish to stay on the site for the whole of the summer period (in excess of 28 consecutive days) which would breach the terms of condition 8.

In this case, it is pertinent to establish why condition 8 was imposed on the planning permission PA/2022/504. This was because the site is for holiday use only and not for residential use as the site is located in the open countryside where residential development is strictly controlled. This condition in effect, whilst allowing occupation of the lodges and shepherd huts all year round, did not allow them to be occupied for more than 28 consecutive days which restricted the use of the lodges and shepherd huts to short-term holiday lets. It prevented the lodges and shepherd huts from being occupied all year round, potentially leading to a residential use which is not appropriate in this location.

The implications of the removal of condition 8 have to be assessed. If condition 8 is removed then the lodges and shepherd huts will be able to be occupied all year round unrestricted in terms of a consecutive number of days in any 12-month period.

Condition 9 on PA/2022/504 reads as follows:

'The lodges and shepherd huts on the site shall be occupied for holiday purposes only and not as a person's sole or main place of residence. An up-to-date register of all occupiers on the site (including details of their home address) shall be maintained and this information shall be made available at all reasonable times to the local planning authority.'

Reason: To ensure the approved holiday accommodation is not used for unauthorised permanent residential occupation.'

If condition 8 is removed, condition 9 is recommended to be imposed on the new planning permission. Condition 9 would still 'bite' and ensure that the lodges and shepherd huts were still used for holiday purposes and would not allow the lodges and shepherd huts to be used for residential use. The condition meets the six tests (necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other aspects) set out in the PPG. Therefore, if condition 8 is removed, then condition 9 would still ensure the lodges and shepherd huts were used/occupied solely for holiday purposes and would also prevent residential use of the site. The up-to-date register of all occupiers on the site, which includes their home address, will also ensure that the lodges and shepherd huts are not used as a person's sole or main place of residence.

In terms of planning policy, the NPPF paragraph 84 (supporting the rural economy) should enable planning decisions for sustainable rural tourism and leisure developments which respect the character of the countryside. In this case the proposal will allow the enhancement of an existing tourism facility/accommodation whilst safeguarding the character of the countryside.

Spatial Objective 4: Creating Greater Economic Success of the CS seeks to create a strong, competitive and diverse economy by encouraging business growth and employment opportunities. The overarching strategic policies in the CS (CS1, CS2 and CS3) all support tourism development in the open countryside. Policy CS15 (Culture and Tourism) in the CS states, 'Existing tourist facilities and infrastructure will be protected and enhanced and the development and promotion of sustainable tourism focusing on the area's natural and built assets will be supported.' In this case the proposal will align with policy CS15 as the site is an existing caravan and fishery and the proposal will improve the 'tourism offer' by allowing holiday occupation of the lodges and huts all year round.

Policies R11 and R12 of the NLLP relate to camping and caravan sites and facilities, which are acceptable subject to strict criteria being fulfilled. The site is an established caravan and fishery by virtue of the previous planning permissions that have been approved and implemented on the site. Policy R12 specifically states, 'In granting planning permission conditions will be imposed, where necessary, restricting the use of the site to holiday lettings.' In this case condition 9 on PA/2022/504 is recommended to be imposed on the new planning permission which will still restrict the use of the site for holiday lettings only and therefore the proposal will still align with R11 and R12 of the NLLP.

Since the Covid-19 pandemic the government has issued a new Tourism Recovery Plan – Update on Delivery March 2023. One of these objectives is 'to ensure that the sector's recovery benefits every nation and region, with visitors staying longer, growing accommodation occupancy rates in the off-season and high levels of investment in tourism products and transport infrastructure.' In the medium to long term, once the tourism sector has fully recovered from the pandemic, the government wants to see a shift in consumer behaviour towards visitors staying longer and visiting outside of traditional spring and summer peak seasons. In order to stimulate this demand, many tourism destinations are already working proactively towards extending their tourist seasons to benefit their local economies. In relation to this application, by allowing the occupation of the lodges and shepherd huts for holiday use all year round, the proposal will align with the government key objectives in relation to the tourism recovery plan.

Highway safety

In terms of highway safety, no objections have been received from Highways. Comments from the neighbour regarding increase in traffic are noted. Currently, under the terms of condition 8, the lodges and huts can only be occupied on the site for no more than 28 consecutive days in any 12-month period. This means in effect that the lodges and huts can only be occupied for 28 consecutive days in any 12-month (1 year) period but they can still be occupied for periods of time that are less than 28 consecutive days all year round. It is therefore not considered that allowing the lodges and shepherd huts to be occupied all year round will significantly increase the volume of traffic to and from the site. It is recommended that the highway conditions on the previous planning permission PA/2022/504 are also imposed on this new permission. Subject to these conditions the proposal will align with policies T2 and DS1 of the NLLP and CS5 of the CS.

Flood risk and drainage

The site is within flood zone 2/3a and is therefore at high risk of flooding. The previous planning permission (PA/2022/504) for the siting of 10 holiday lodges and 6 shepherd huts has a condition (11) which relates to the development being carried out in accordance with the submitted Flood Risk Assessment dated August 2021 and Addendum Flood risk Assessment. This condition is recommended to be imposed on the new planning permission to ensure the lodges and shepherd huts are safe in terms of flood risk. Subject to the aforementioned condition the proposal will align with the NPPF, policy CS19 of the CS and policy DS16 of the NLLP.

In terms of drainage conditions, 12 and 13 on previous planning permission PA/2022/504 (for 10 lodges and 6 shepherd huts) related to the submission of a detailed surface water and foul sewerage scheme for approval to the council. These conditions are also recommended to be imposed on the new planning permission to ensure the lodges and shepherd huts have satisfactory drainage (surface water and foul). Subject to these conditions the proposal will comply with policies CS18 and CS19 of the CS, and DS16 and DS16 of the NLLP.

Ecological matters

In terms of ecological matters the council's ecologist has raised no objections to the proposal. The previous planning permission (PA/2022/504) for the siting of 10 holiday lodges and 6 shepherd huts includes conditions (14 and 15) which require the applicant to submit a biodiversity metric assessment and biodiversity management plan to the local planning authority for approval in writing and to ensure the approved biodiversity management plan is implemented on the site. These conditions are also recommended to be imposed on the new planning permission to ensure the development provides quantified biodiversity net gain on the site. Subject to this condition the proposal will comply with policies CS5, CS17 and CS19 of the CS and paragraphs 8, 174 and 180 of the NPPF.

Heritage and landscape

In terms of heritage and landscape matters (LC14), planning permission has already been given for the siting of 10 holiday lodges and shepherd huts on the site. It therefore is accepted that the lodges and shepherd huts had a negligible impact on policy LC14 as the development is contained to an area which is well screened from the wider area and views into this part of the site are restricted. The use of the lodges and shepherd huts all year round will not result in any further demonstrable harm to the LC14 as the lodges and shepherd huts have already been approved on the site under PA/2022/504. HER has no objections to the proposals. The proposal, in terms of impact on the character and appearance of the LC14, is judged to be acceptable. The council's tree officer has also raised no objections to the proposal as trees will be retained on the site. The proposal aligns with policies LC14, LC7 RD2 and LC12 of the NLLP and policy CS6 of the CS.

Noise

Comments in relation to noise from an objector are noted. However, Environmental Protection raise no objection to the proposal. Condition 7 on planning permission PA/2022/504 relates to the development being carried out in accordance with the submitted noise management plan which is recommended to be placed on the new planning

permission. This will safeguard neighbours' amenity in terms of noise nuisance. Subject to this condition, the proposal will align with DS1 and DS11 of the NLLP.

Other matters

Comments from the parish council and Environmental Protection are noted and have been addressed in this committee report alongside a full explanation of condition 8.

Planning balance and conclusion

To conclude, the proposal does align with the development plan and the NPPF and also with central government initiatives to recover tourism following the Covid-19 pandemic. The proposal will allow holiday use of the lodges and shepherd huts all year round unrestricted in terms of the number of consecutive days the lodges and shepherd huts can be occupied for. This will improve the tourism offer in North Lincolnshire and support this rural business and the rural economy. The planning application, if approved, will still have a condition ensuring the lodges and shepherds huts are used for holiday accommodation only, which will prevent permanent residential use of the site, and conditions to ensure the proposal is acceptable to mitigate against adverse highway, flood risk, drainage, ecological and noise impacts.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

- Proposed Site Plan - 004
- Cabin Type 2 Elevations & Floor Plans plan - 004
- Cabin Type 1 Elevations & Floor Plan - 002
- Shepherds Hut Elevations & Floor Plan - 005
- Proposed Site Plan – 001
- Site Plan as Existing - 003.

Reason

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

2.

Notwithstanding the hereby approved plans as set out in condition 1 above, within one month of the date of this permission details shall be 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 (10 lodges and 6 shepherd huts) and only the approved materials shall be used.

Reason

To ensure that the buildings are keeping with their surroundings in the interests of visual amenity, in accordance with policies DS1 and LC14 of the North Lincolnshire Local Plan.

3.

No lodges or huts on the site shall be occupied until the vehicular access to the site, the internal infrastructure and the vehicle parking facilities have been completed in accordance with the submitted details and once completed all these facilities shall be retained.

Reason

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

4.

No external lighting shall be installed until an assessment of the potential for light impact has been undertaken, submitted to and approved in writing by the local planning authority. The assessment shall include:

- identification of sensitive receptors likely to be impacted upon by light nuisance;
- a lighting scheme which proposes methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Once approved the agreed lighting scheme shall be implemented and permanently retained. Any deviation from the agreed lighting scheme shall require approval in writing by the local planning authority.

Reason

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

5.

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

Reason

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

6.

The development shall be carried out in accordance with the submitted Noise Management Plan (Prepared and Issued By: Simmonds Planning Ltd) and Site Rules, and the following mitigation measures detailed:

- TVs, radios, hi-fi systems, musical instruments or other such appliances should NOT be played at a volume to cause a nuisance to others, especially between the hours of 10pm and 8.30am
- the site will be closed to traffic from 10pm to 7.30am during which time noise should be kept to a minimum and a quiet period observed for the benefit of all campers
- vehicle drivers, motorcyclists and cyclists are required to adhere to the site's 5mph speed limit, and

- pitches are available from 1pm with the latest attended arrival and pitching 8pm
- no night fishing is allowed; all fishing shall cease by 8.30pm every day.

Reason

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

7.

The lodges and shepherd huts on the site shall be occupied for holiday purposes only and not as a person's sole or main place of residence. An up-to-date register of all occupiers on the site (including details of their home address) shall be maintained and this information shall be made available at all reasonable times to the local planning authority.

Reason

To ensure the approved holiday accommodation is not used for unauthorised permanent residential occupation as it is inappropriate for permanent residential development, being within the open countryside in accordance with policy RD2 of the North Lincolnshire Local Plan.

8.

The development hereby approved shall be used solely by the approved lodges and shepherd huts. At no time shall the site be used for touring caravans, campervans or tents.

Reason

In the interests of visual amenity in accordance with policies DS1 and LC14 of the North Lincolnshire Local Plan.

9.

The development shall be carried out in accordance with the submitted Flood Risk Assessment dated August 2021 and Addendum Flood risk Assessment dated 4 October 2022, both compiled by Mark Simmonds Planning Services). In particular, finished floor levels shall be set no lower than 4.1m above Ordnance Datum (AOD) as stated in the Addendum. the flood risk mitigation measure shall be maintained throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with policy CS19 of the North Lincolnshire Core Strategy 2011.

10.

No holiday lodge or shepherd hut shall be occupied until a detailed surface water drainage and foul sewerage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on

above-ground solutions. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, to ensure the implementation and future maintenance of the sustainable drainage structures, and to minimise the risk of pollution 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.

11.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 10 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 155, 157, 163 and 165 of the National Planning Policy Framework.

12.

Within three months of 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 habitat and hedgerow baseline in the submitted existing site plan ref 003, dated January 2022;
- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Biodiversity Metric Version 3.1;
- (c) details of bat boxes and nest boxes to be installed;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (f) prescriptions for the management of invasive species that may become established;
- (g) proposed timings for the above works in relation to the completion of the dwellings.

Biodiversity units should be delivered on site, within the red line and blue boundaries 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.

13.

The biodiversity management plan shall be carried out in accordance with the approved details and timings for a period of at least 30 years, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the operation of the holiday lodges or shepherd huts, 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

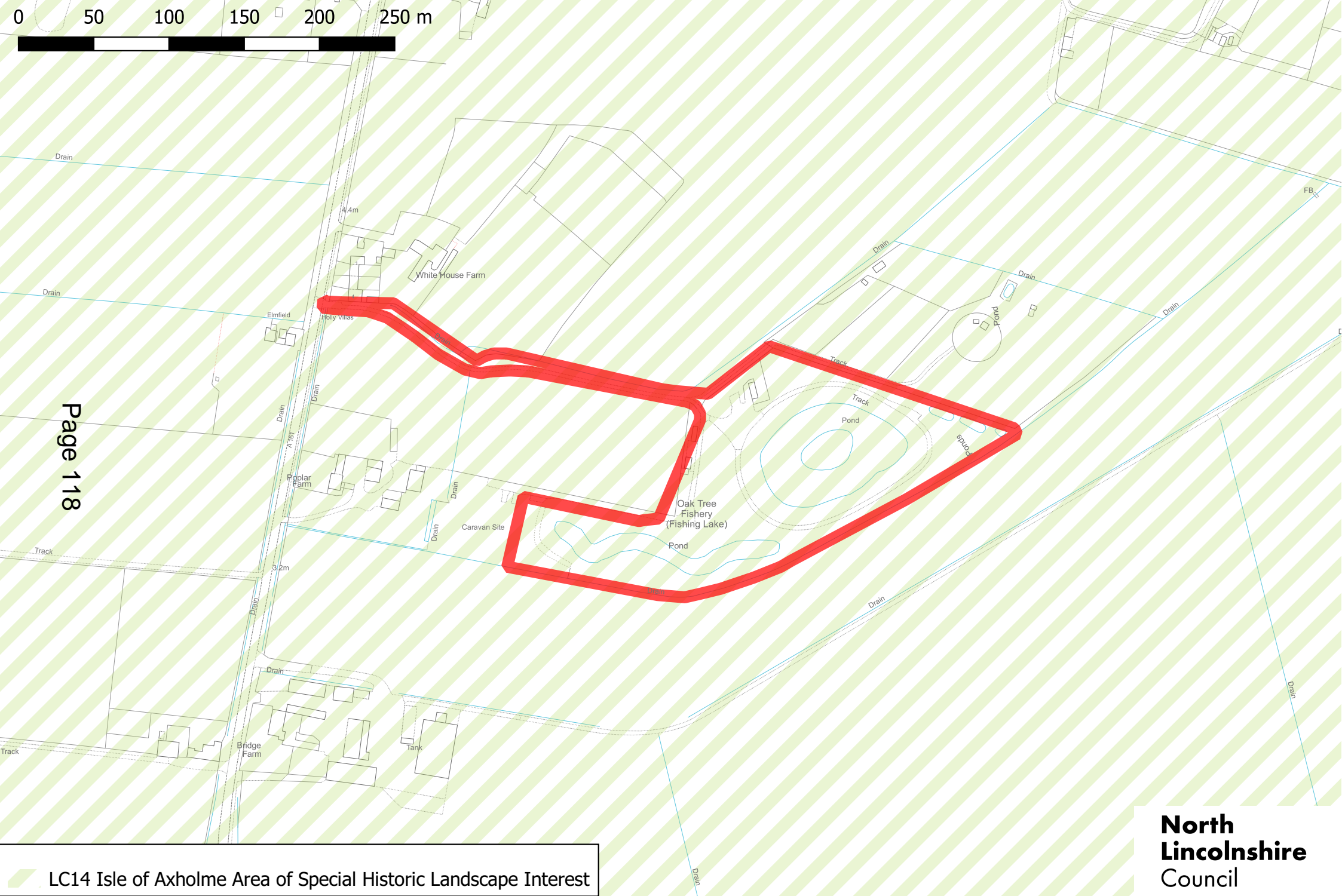
To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the Core Strategy.

Informative

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



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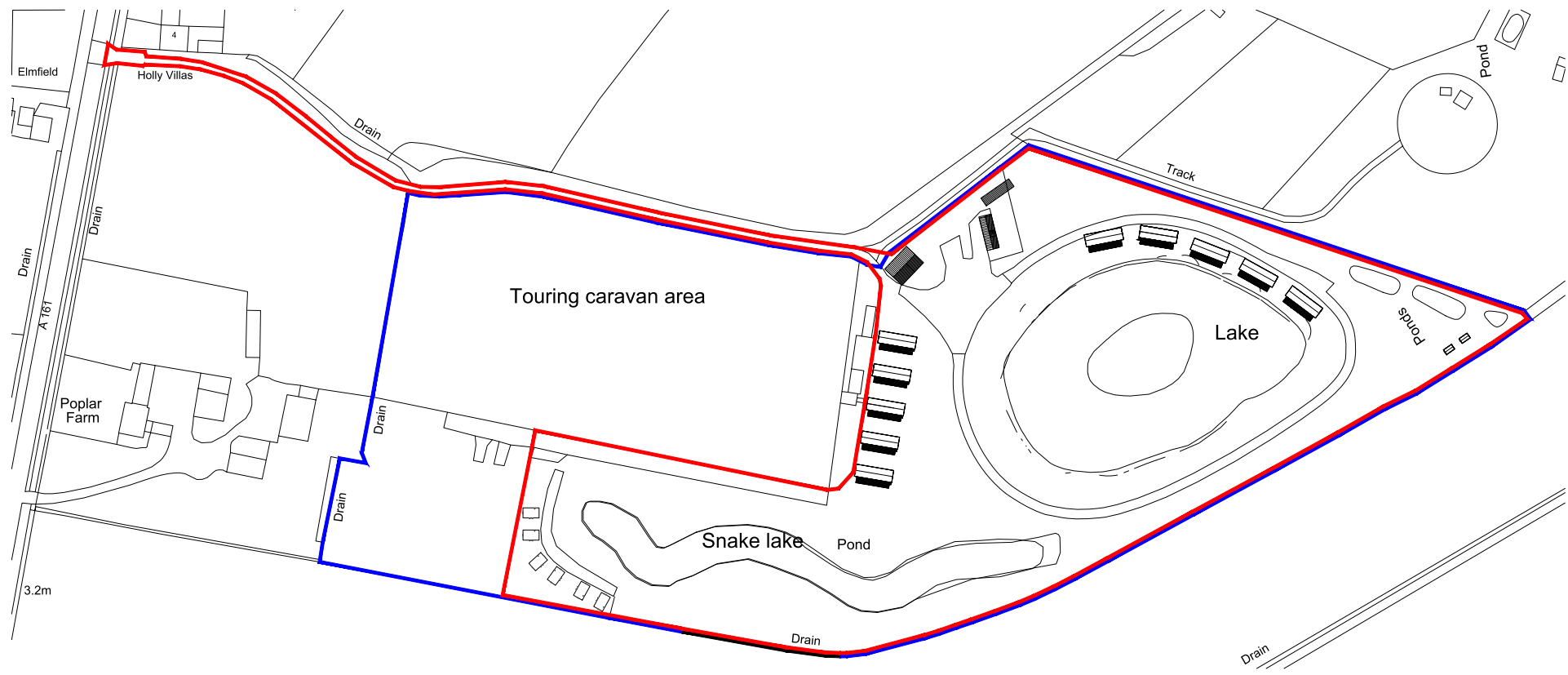
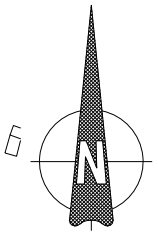


LC14 Isle of Axholme Area of Special Historic Landscape Interest

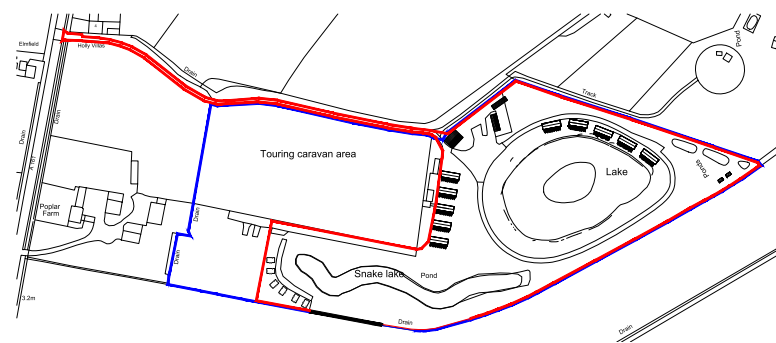
**North
Lincolnshire
Council**

PA/2023/241

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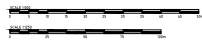
SITE PLAN 1:1250



BLOCK PLAN 1:500

AMENDED

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|--|--------|-------------------------------|-------|
| MaxDesign | | | |
| Architecture Planning Consultancy | | | |
| Armstrong House, First Avenue, Doncaster DN9 3GA | | | |
| t: 01302 887599 | | m: 07734 939 044 | |
| e: design@maxdesignconsultancy.co.uk | | w: maxdesignconsultancy.co.uk | |
| status: | | | |
| PLANNING | | | |
| client: | | | |
| Thompson | | | |
| project: | | | |
| OAK TREE FISHERIES | | | |
| title: | | | |
| SITE PLAN AS PROPOSED | | | |
| scale: | | date: | |
| As Shown@A0 | | AUG 2022 | |
| project no.: | drawn: | number: | rev.: |
| 22014 | PW | 004 | - |



TOWN AND COUNTRY PLANNING ACT 1990

FULL PLANNING PERMISSION

APPLICATION NO: PA/2022/504

Address/Agent:

Mrs Angela Simmonds
Mark Simmonds Planning Services
Mercury House
Willoughton Drive
Gainsborough
DN21 1DY

**North
Lincolnshire
Council**

www.northlincs.gov.uk

Church Square House
30-40 High Street
Scunthorpe
North Lincolnshire
DN15 6NL

Applicant: Mr & Mrs Adele Thompson

North Lincolnshire Council hereby gives notice that the application received on 24/05/2022 for:

Planning permission for the siting of 10 holiday lodges and 6 shepherds huts at Oak Tree Fishery, Station Road, Graizelound, DN9 2NQ

has been considered and that permission for this development in accordance with the plans and written particulars submitted has been granted subject to the following conditions and reasons:

1.

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

Reason

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

2.

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

- Proposed Site Plan plan - 004;
- Cabin Type 2 Elevations & Floor Plans plan - 004;
- Cabin Type 1 Elevations & Floor Plan - 002;
- Shepherds Hut Elevations & Floor Plan - 005;
- Proposed Site Plan - 001;
- Site Plan as Existing - 003.

Reason

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

3.

Notwithstanding the hereby approved plans as set out in condition 2 above, no development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development (Ten Lodges and Six Shepherd huts) 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.

4.

No lodges or huts on site shall be occupied until the vehicular access to the site, the internal infrastructure and the vehicle parking facilities have been completed in accordance with the submitted details and once completed all these facilities shall be retained.

Reason

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

5.

No external lighting shall be installed until an assessment of the potential for light impact has been undertaken, submitted to and approved in writing by the Local Planning Authority. The assessment shall include:

- Identification of sensitive receptors likely to be impacted upon by light nuisance
- A lighting scheme which proposes methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.

Once approved the agreed lighting scheme shall be implemented and permanently retained. Any deviation from the agreed lighting scheme shall require approval in writing by the Local Planning Authority.

Reason

For the protection of residential amenity in accordance with planning policy DS1.

6.

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

Reason

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

7.

The development shall be carried out in accordance with the submitted Noise Management Plan (Prepared and Issued By: Simmonds Planning Ltd) and Site Rules, and the following mitigation measures detailed:

- TV's, radios, hi-fi systems, musical instruments or other such appliances should NOT be played at a volume to cause a nuisance to others, especially between the hours of 10pm and 8.30am,
- the site will be closed to traffic from 10pm to 7.30am during which time noise should be kept to a minimum and a quiet period observed for the benefit of all campers.
- Vehicle drivers, motorcyclists and cyclists are required to adhere to the site's 5 mph speed limit, and
- Pitches are available from 1pm with the latest attended arrival and pitching 8pm.
- No night fishing is allowed, all fishing shall cease by 8.30pm every day.

Reason

For the protection of residential amenity in accordance with planning policy DS1 of the North Lincolnshire Local Plan.

8.

The use of the site shall be for short-term use only and no lodge or shepherd hut shall be occupied on the site for more than 28 consecutive days in any 12- month period.

Reason

The site is for holiday use only and is inappropriate for permanent residential development, being within the open countryside in accordance with policy RD2 of the North Lincolnshire Local Plan

9.

The lodges and shepherd huts on the site shall be occupied for holiday purposes only and not as a person's sole or main place of residence. An up-to-date register of all occupiers on the site (including details of their home address) shall be maintained and this information shall be made available at all reasonable times to the local planning authority.

Reason

To ensure the approved holiday accommodation is not used for unauthorised permanent residential occupation.

10.

The development hereby approved shall be used solely by the proposed lodges and shepherd huts. At no time shall the site be used for the touring caravans, campervans or tents.

Reason

In the interests of visual amenity in accordance with policies DS1 and LC14 of the adopted North Lincolnshire Local Plan.

11.

the development shall be carried out in accordance with the submitted Flood Risk Assessment dated August 2021 and Addendum Flood risk Assessment dated 4 October 2022, both compiled by Mark Simmonds Planning Services). In particular, finished floor levels shall be set no lower than 4.1m above Ordnance Datum (mAOD) as stated in the Addendum. The flood risk mitigation measure shall be maintained throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants in accordance with Policy CS19 of the North Lincolnshire Core Strategy 2011.

12.

No development shall take place until a detailed surface water drainage and foul sewerage scheme for the site have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change which should be based on the current national guidance will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above ground solutions.

The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason

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

13.

The drainage scheme shall be implemented in accordance with the approved submitted details required by the above condition (reference approved condition 10 above) and shall be completed prior to the occupation of any dwelling or building within each phase or sub phase of the development on site and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the Local Planning Authority.

Reason

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

14.

Within 3 months of 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 habitat and hedgerow baseline in the submitted existing site plan ref 003, dated January 2022;
- b) Details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Biodiversity Metric Version 3.1;
- c) Details of bat boxes and nestboxes to be installed;
- d) Restrictions on lighting to avoid impacts on bat roosts, bat foraging areas bird nesting sites and sensitive habitats;
- e) Prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- f) Prescriptions for the management of invasive species that may become established;
- g) Proposed timings for the above works in relation to the completion of the dwellings.

Biodiversity units should be delivered on site, within the red line and blue boundaries 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

15.

The Biodiversity Management Plan shall be carried out in accordance with the approved details and timings for a period of at least 30 years, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the operation of the holiday lodges or shepherd's huts, 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

Dated: 30/11/2022

Signed:



Chris Barwell
Development Management Lead

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

Access for Fire Service

It is a requirement of Approved Document B5, Section 15 Commercial Properties or B5, Section 13 for Domestic Premises that adequate access for fire fighting is provided to all buildings or extensions to buildings.

Where it is a requirement to provide access for high reach appliances, the route and hard standing should be constructed to provide a minimum carrying capacity of 24 tonnes.

Water Supplies for Fire Fighting

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

If you require further advice or clarification of any of the above matters, please contact the Fire Safety Inspector:

Patrick Connelly

Business Safety Inspector

Tel: 01724 295914

Email: pconnelly@humbersidefire.gov.uk

Informative 3

The site currently has planning permission for 40 touring pitches and one residential static caravan.

The proposed development of 6 shepherds huts meets the definition of a caravan under the Caravan Sites and Control of Development Act 1960 (as amended) and will need licencing.

Should the proposed development of 10 holiday lodges be based on static caravans or the structures meet the definition of a caravan under the Caravan Sites and Control of Development Act 1960 (as amended), they will need licencing.

Informative 4

Drainage and sewage facilities shall meet the requirements of the increased number of units on the site.

Sufficient sanitation and washing facilities shall be provided to meet the relevant model standards for units without facilities.

* Section 25 of the Model Standards 1989: Holiday Caravan Site.

- Men: 1 WC and 1 urinal per 15 caravans.
- Women: 2 WCs per 15 caravans
- Or 4 unisex WCs per 15 caravans
- 1 wash basin (with hot and cold water) for each WC or group of WCs
- 1 shower or bath (with hot and cold water) for each sex per 20 caravans
- Or 2 unisex showers or baths per 20 caravans

*Section 25 of the Models Standards 1983: Touring Caravan Sites

- Men: 1 WC and 1 urinal per 30 pitches.
- Women: 2 WCs per 30 pitches
- Or 4 unisex WCs per 30 pitches
- 1 wash basin (with hot and cold water) for each WC or group of WCs
- 1 shower or bath (with hot and cold water) for each sex per 20 pitches
- Or 2 unisex showers or baths per 25 pitches

*Toilet blocks should be sited conveniently, so that all site occupants may have reasonable access to one by means of a road or footpath.

*The units shall be sited to meet the spacing standards under sections 2 and 3 of the Model Standards 1989: Holiday Caravan Site.

*Suitable hardstanding's shall be provided for each proposed unit allowing sufficient space for safe access and exit from all doorways, to meet section 5 of the Model Standards 1989: Holiday Caravan Site.

*Suitable pavements and roads shall be provided to access the proposed units to meet Section 4 of the Model Standards 1989: Holiday Caravan Site.

*Sufficient parking for the proposed development shall be provided for each unit and for visitors to the site, to meet section 27 of the Model Standards 1989: Holiday Caravan Site.

*The owners will be required to obtain a caravan site licence and ensure that the site meets the Model Standards 1989: Holiday Caravan Site or Model Standards 1989: Holiday Caravan Site as appropriate.

Informative 5

Severn Trent Water advise that although our 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 obtaining a solution which protects both the public sewer and the building.

Informative 6

Our records indicate that the proposed development site is bounded by, or has running through it, a watercourse (Surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team, via email prior to any further construction works being carried out. Please refer to the attached document detailing riparian rights and responsibilities <http://m.northlincs.gov.uk/public/publications/RiparianGuidance/index.html#page=1>. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 7

Alterations and/or connections into the watercourses must be consented by North Lincolnshire Councils 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 for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Informative 8

The EA note that no details have been provided of the treatment or disposal of sewage from the toilets and washing facilities within the huts and lodges.

A previous application mentioned a cess pit or tank on site. The operator is responsible for ensuring that the existing arrangements provide sufficient capacity for the additional accommodation.

If the cesspit discharges, there are surface waters nearby that the stored effluent could make its way to, causing a pollution incident. The EA will use their enforcement powers in circumstances where cesspools discharge or are likely to discharge and cause pollution of surface or ground water.

Should the operator consider installing additional facilities, a permit may be required from the Environment Agent. Further information is available at: Septic tanks and treatment plants: permits and general binding rules - GOV.UK(www.gov.uk)

WARNING

THIS DOCUMENT DOES NOT CONSTITUTE ANY
APPROVAL UNDER THE BUILDING REGULATIONS

WARNING

This is a PLANNING PERMISSION ONLY. It does NOT convey any approval or consent required under any enactment, byelaw, order or regulation other than those referred to in the heading of this notice. It is IMPORTANT that you should read the notes concerning APPEALS below.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier

Please note however:

If your application was for **householder development** (dwelling house extensions, alterations, garages, swimming pools, walls, fences, vehicular access, porches, satellite dishes etc) or for a minor commercial application then you must do so **within 12 weeks** of the date of this notice.

- Appeals can be made online at <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#)

Purchase Notices

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the council in whose area the land is situated. This notice will require the council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.

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: RL/JMC/Planning committee 04 July 2023

Date: 23 June 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/2022/1829 |
| APPLICANT | R Elwes, Fund of the Elwes Children's 1989 Settlement Trust |
| DEVELOPMENT | Planning permission to convert existing farm buildings into seven dwellings |
| LOCATION | Roxby Grange Farm, North Street, Roxby, DN15 0BN |
| PARISH | Roxby |
| WARD | Burton upon Stather and Winterton |
| CASE OFFICER | Daniel Puttick |
| SUMMARY RECOMMENDATION | Approve with conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Member 'call in' (Cllr Janet Lee – significant public interest) |

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving sustainable development

Chapter 4: Decision-making

Chapter 5: Delivering a sufficient supply of homes

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 15: Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

Policy H8: Housing Design and Housing Mix

Policy RD2: Development in the Open Countryside

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

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

Policy DS1: General Requirements

Policy DS7: Contaminated Land

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

Policy LC5: Species Protection

Policy LC6: Habitat Creation

Policy HE9: Archaeological Excavation

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering more Sustainable Development

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 CS17: Biodiversity

Policy CS18: Sustainable Resource Use and Climate Change

Policy CS19: Flood Risk

Policy CS25: Promoting Sustainable Transport

Housing and Employment Land Allocations DPD:

Policy PS1: Presumption in Favour of Sustainable Development

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: Spatial Strategy for North Lincolnshire

Policy SS3: Development Principles

Policy SS5: Overall Housing Provision

Policy SS11: Development Limits

Policy H2: Housing Mix and Density

Policy RD1: Supporting Sustainable Development in the Countryside

Policy DQE1: Protection of Landscape, Townscape and Views

Policy DQE2: Landscape Enhancement

Policy DQE3: Biodiversity and Geodiversity

Policy DQE5: Managing Flood Risk

Policy DQE6: Sustainable Drainage Systems

Policy DQE12: Protection of Trees, Woodland and Hedgerows

Policy HE1: Conserving and Enhancing the Historic Environment

Policy T1: Promoting Sustainable Transport

Policy T3: New Development & Transport

Policy T4: Parking

Policy DM1: General Requirements

Policy DM3: Environmental Protection

CONSULTATIONS

Highways: Having reviewed the speed data provided by the applicant, this demonstrates that all vehicles are travelling at speeds significantly below the posted speed limit. Whilst the proposed development is somewhat remote from Roxby, it is for a small number of dwellings generating a minimal number of trips, which can be accommodated on the highway network.

Whilst the proposed area of adopted highway is small, it does overcome the issue of the number of dwellings served by a private drive. From the plans provided, they are proposing to have a gravel surface for the private drives. We would prefer to see a hard paved surface, but this can be dealt with by condition.

Recommend several standard conditions be applied should permission be granted.

Environmental Protection: No objections subject to conditions relating to site investigation, remediation, verification and unexpected contamination.

Drainage (Lead Local Flood Authority): Currently there is insufficient information to enable a full assessment of the development to be carried out. For example, the application

refers to soakaways being feasible based on historical nearby borehole data. Our records indicate that poor infiltration exists within the locale and as such requires full investigation at detailed design stage. The proposed development is classed as a more sensitive end use and it is therefore suggested the applicant considers investigating the existing surface water drainage arrangements/layout for the development. Taking the above into consideration, the LLFA Drainage Team has no objection to the proposed development subject to the imposition of conditions.

Ecology: The re-use of buildings is encouraged by the landscape guidelines, but ornamental trees should be replaced with native species. The surveyors found no evidence of bat roosts, though five species of bat were active in the area. Indian (Himalayan) Balsam should be eradicated, if possible. If permission is ultimately granted, a revised biodiversity metric will be required, setting out on- and off-site biodiversity creation enhancement. The improvements should be secured by condition and/or an S106.

Archaeology: The farm buildings at Grange Farm are a non-designated heritage asset of local historic value that contribute to the rural character of the countryside and form a legible connection to the agricultural heritage of the parish. The HER does not object to the sensitive conversion of the farm buildings. The application site lies within an area where archaeological remains of prehistoric and Roman date can be anticipated. A programme of archaeological monitoring and recording should be undertaken during all groundwork to offset the harm to any archaeological remains that may be disturbed or destroyed by construction. Where the planning authority is minded to grant consent, any permission should be subject to conditions securing the implementation of an approved Written Scheme of Investigation (WSI) detailing the archaeological work.

PARISH COUNCIL

Think the proposal is good and have no objection to the development as it is about time this plot and these buildings were put to good use. However, the speed limit should be reduced to 30mph on this section of road due to the access being on a bend with poor vision and the road width is not all that generous. It is 60mph at present.

PUBLICITY

A site notice has been displayed in accordance with Article 15 of the Development Management Procedure Order 2015. No letters of objection or support have been received from members of the public, however correspondence has been received from one interested party connected with the applicants. The correspondence raises civil matters in respect of land ownership which are not material planning considerations and are for the local planning authority to determine. On the basis of the information provided as part of the application, the local authority is satisfied that the correct ownership certificates have been signed and that the matters raised in correspondence received from the interested party should not prevent the committee from reaching a decision on the application.

ASSESSMENT

Planning history

None.

Site characteristics

The application site comprises existing farm buildings and a former horse yard located on the northern side of North Street, east of Roxby. The buildings appear on the Historic Environment Record (HER) as number 24931 and are identified as a non-designated heritage asset possessing architectural and historic interest which merits consideration in the assessment of development proposals.

Dating in part to the 19th century, buildings are arranged in an almost fully enclosed courtyard, with inward-facing elevations. A further detached building lies a short distance north from the main group of buildings within the site. This lies adjacent to a modern barn which is to be retained and is excluded from the red line boundary. The modern barn is identified as building B7 within the accompanying documents, but is not part of the proposed conversion scheme.

The buildings include a mixture of single and two-storey elements, are largely constructed of stone with brick detailing, and slate and pantile roof tiles, and exhibit interesting features such as arched openings, brickwork detailing and historic timberwork. Access into the site is from the west, with the buildings surrounded by open farmland to the north and west.

The buildings are located east of Roxby outside the settlement boundary. For planning purposes the site therefore falls within open countryside. Whilst their past use is noted as a horse yard, given the condition and lack of detail as to when this last use ceased, it is considered that any previous use has since been abandoned and that the site therefore has no current use class for planning purposes.

The site is located wholly within flood zone 1 and is therefore at the lowest risk of flooding from tidal and fluvial sources. There are no other known geo-environmental constraints which affect the site.

Proposal

Planning permission is sought for the conversion of the buildings to form seven dwellings. The detached farm building to the north of the main block would be converted into one large unit with four bedrooms and accommodation across two floors. Parking would be provided adjacent to the property, which would utilise the main shared access into the site.

The main block would be converted into six dwellings, providing a mix of two-, three- and four-bedroom homes. Each property would benefit from small enclosed courtyard garden areas, some of which would be inward-facing, with parking generally located around the periphery of the complex.

Material considerations

Planning permission is sought to convert the existing buildings at the site to provide seven dwellings, with a mix of two-, three- and four-bedroom properties proposed as part of the application. The site has no planning history, and there is no current use, with the previous use of the land as a horse yard considered to have been abandoned owing to its current condition and lack of use. The site is within open countryside and involves buildings which are identified as a non-designated heritage asset.

The main issues in the determination of this application are:

- **principle of development;**
- **design and impact on the character and appearance of the non-designated heritage assets;**
- **impact on residential amenity;**
- **impact on highways safety;**
- **flood risk and drainage;**
- **contaminated land; and**
- **ecology.**

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The site is located within open countryside, whereby policies RD2 of the local plan and CS3 of the Core Strategy generally seek to restrict new development. Policy RD9 of the local plan relates specifically to the re-use or adaptation of buildings for residential use within open countryside, supporting such proposals only where the building is of architectural or historic importance to the rural scene and is of substantial and permanent construction capable of conversion without major alteration; it can be demonstrated that residential re-use or adaptation is the only way to retain a building in viable continued use and/or secure the retention/improvement of the building; and the development will not create a need for new buildings to house activities displaced by the conversion. It goes on to provide specific design criteria and requirements associated with the redevelopment of the site.

Policy CS7 of the Core Strategy sets out the requirement for 12,063 new homes across the plan area during the plan period up to 2026. This is equivalent to a build out rate of 754 dwellings per year. The policy indicates that 3,482 of these will be provided from sites with pre-existing permissions in place or are under construction at the time of adoption of the plan. These figures are a minimum target and do not form a maximum threshold for the delivery of housing, which would run contrary to the provisions of the NPPF which seeks to significantly boost the supply of housing.

Policy CS7 of the Core Strategy sets out an aspirational minimum density of 30–35 dwellings per hectare on sites within rural settlements. However, this policy also states that whilst housing developments should make efficient use of land, the density of new developments should be in keeping with the character of the area.

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.

Paragraph 80 of the NPPF indicates that decisions should avoid the development of isolated homes in the countryside unless one or more of a number of circumstances apply. These include where the development would re-use redundant or disused buildings and enhance its immediate setting.

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 proposals concern the conversion of existing buildings or architectural and historic interest. Whilst they are in need of repair, a structural survey submitted with the application indicates that they are capable of conversion and suitable for re-use.

Policy RD9 requires applicants to demonstrate that residential re-use or adaptation is the only way to retain the buildings in a viable continued use, and requires that redevelopment of the site would not create a need for new buildings to accommodate displaced activities. Whilst this element of the policy is inconsistent with the NPPF, and therefore attracts less weight, it is clear that the former use has been abandoned and given the location and significant investment needed to bring the buildings back into use, residential uses are the only likely way which the buildings can be saved.

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, however it is considered that the proposals are largely consistent with their requirements. 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.

Having regard to the above, whilst the site is located within open countryside, the principle of the development is considered to be acceptable in accordance with policy RD9 of the local plan. The weight which can be afforded to the policy is somewhat limited owing to the lack of five-year housing land supply, however paragraph 80 of the NPPF imposes less onerous requirements on the creation of isolated homes in the countryside, allowing for the re-use of buildings where it leads to the enhancement of their immediate setting.

The conversion of the buildings to provide seven dwellings would provide a small but nonetheless meaningful contribution towards addressing the shortfall in housing supply across North Lincolnshire. When assessed against local and national planning policies, it is considered that the principle of the development would be acceptable in accordance with policies RD2 and RD9 of the North Lincolnshire Local Plan, and CS1, CS2 and CS3 of the Core Strategy.

Design and impact on the character and form of the area

Core Strategy policy CS5 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 CS6 seeks to protect the historic environment within North Lincolnshire, including its heritage assets. It states that all new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value.

The proposal involves the sensitive conversion, repair and refurbishment of the former farm buildings. The number of properties has been informed by the constraints presented by the arrangement of buildings at the site, their plan form and features of interest.

Noted as non-designated heritage assets, they possess a degree of architectural and historic interest which the proposals seek to capture and preserve, whilst incorporating new elements which are contemporary in their detail so as to distinguish old from new. Paragraph 203 of the NPPF makes clear that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

In this instance, the proposed development would be considered to have a positive impact upon the significance of the former farm buildings. Their current condition requires improvement, with investment in the buildings safeguarding them into the future. The works

proposed would restore the building, replacing roof coverings and repairing historic fabric, whilst adapting them for alternative use. The level of intervention required is limited, and number of new openings reserved. The wider landscaping of the site and allocation of private garden areas would ensure the buildings remain discernible as former agricultural buildings, and as a result the overall significance would be preserved and enhanced through their conversion.

The impacts of the development, in heritage terms, are considered to be positive. These conclusions are reflected in comments made by the parish council, a view which officers consider attract some weight in favour of the proposal. Overall, the scheme is positively conceived and respects the character of these important buildings. The proposals are considered acceptable in respect of their design, and would preserve and enhance the significance of the non-designated heritage assets in accordance with the aims of policies CS5 and CS6 of the Core Strategy.

Impact on residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states, 'no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.'

Owing to the relationship with nearby residential receptors, the conversion of the building would not result in harmful impacts upon living conditions for existing residents. The site is remote from Roxby and intervening land uses are sparse, providing a tranquil setting for future residents.

The arrangement of properties within the site would result in a degree of intervisibility between dwellings. This is typical of developments of this nature, with separation distances dictated by the planform of existing buildings at the site. Owing to this, properties would have a closer physical relationship with one another which would give rise to a degree of overlooking, however occupants of the properties would naturally expect this from a development of this kind.

Overall, it is considered that the relationship between properties would not give rise to adverse impacts which would be sufficient to justify withholding planning permission, with substandard separation distances compensated for by generously proportioned units of accommodation, most of which have large areas of outdoor garden space.

Overall, the proposals are not considered to have any adverse impacts on the residential amenity of neighbouring properties. The development is considered acceptable in accordance with policy DS1 of the local plan in this respect.

Highway safety

Policy T1 of the North Lincolnshire Local Plan is concerned with the location of development and aligns with the spatial strategy of the Core Strategy. Policy T2 of the local plan states that all proposals should be provided with a satisfactory access. Policy T19 relates to car parking provision and standards, and in summary requires developments which result in additional parking needs to incorporate proposals to fully meet that demand. Policy CS25 of the Core Strategy is also relevant and seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes

and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools.

The council's highways department has been consulted and does not object to the proposed development subject to a number of conditions. Concerns have been raised by the parish council in respect of reducing the speed limit within the vicinity of the site. The applicants have provided additional information in the form of an automated traffic count survey, which indicates that vehicles in the area generally travel well below the posted speed limit. A change to the speed limit within the area is therefore not considered to be necessary, and the imposition of planning conditions or a request to enter into a legal agreement would fail to meet the tests of reasonableness.

On the basis of the information provided in support of the application, the proposed development would be likely to introduce a minimal number of vehicular movements on a section of road where existing road users travel well below the posted speed limit. On this basis there are no concerns in respect of highway safety, and no objections from the highway authority. Subject to conditions, the proposed development is acceptable in accordance with policies T1, T2 and T19 of the local plan and CS25 of the Core Strategy, and would not result in severe impacts for road safety.

Flood risk and drainage

Policies DS16 of the North Lincolnshire Local Plan, CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 166 and 167 of the NPPF are considered relevant in respect of flood risk and drainage.

Policy CS19 (which sits alongside DS16 of the local plan) is concerned with flood risk and states that the council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk-based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood.

The site is within flood zone 1 as identified by the Environment Agency's flood maps for planning. The proposal is for 'more vulnerable' development; however, given the proposals are within flood zone 1, no sequential test is required. Therefore, the proposals are acceptable in respect of flood risk.

The applicant intends to use mains drainage for the disposal of foul water from the site, and indicates the use of sustainable drainage systems for the disposal of surface water. The LLFA have assessed the application and whilst they indicate that insufficient information has been provided to date, they are satisfied that appropriately worded conditions can be imposed to secure precise details and a scheme for the disposal of surface water. Given the site is within flood zone 1 and is not identified as having critical drainage issues, securing further details by condition is proportionate and appropriate in the context of policies DS16 of the local plan and CS19 of the Core Strategy. Subject to accordance with such conditions, the proposal is considered to comply with the aims of the development plan.

Contaminated land

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

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

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

Comments have been sought from the Environmental Protection team, who have raised no objections subject to a number of standard conditions. The site is former agricultural land and with that there is a risk of potential contamination on site associated with properties past use. More recent uses for equestrian purposes may also carry similar possible risks. Whilst this may be the case, there is little reason to suspect that land contamination will pose a risk to new development and accordingly suitably worded conditions would ensure that potential contamination sources are investigated and mitigated where necessary.

Subject to accordance with such a condition, the proposed development would be acceptable in accordance with policy DS7 of the local plan.

Ecology

The application has been supported by an ecological survey which has been assessed by the council's ecologist. The results of the survey efforts reveal that protected species of wildlife are present at the site, with evidence of bat roosts found and five species of bat being recorded as active in the area. Birds' nests and barn swallow nests were recorded at the site, indicating that the site is of biodiversity value.

The development is therefore likely to impact protected species of wildlife and will result in the loss of nesting sites for barn swallows. Mitigation measures are set out within accompanying survey work; however, these are considered to fall short of the level required to compensate for the loss of up to 15 swallow nests. Notwithstanding this, in this instance, suitably worded conditions can be imposed to secure appropriate mitigation for the impacts of the development on protected species. Subject to accordance with those conditions, the proposed development would be acceptable in accordance with policies LC5 of the local plan and CS17 of the Core Strategy.

Policy CS17 of the Core Strategy seeks to secure biodiversity net gain. This is consistent with paragraph 174 of the NPPF, which seeks to minimise impacts on and provide net gains for biodiversity.

Concerns have been expressed in relation to the classification of certain components of the proposed landscaping strategy for the site, and details of the biodiversity metric have been requested by the council's ecologist. The information has been provided by the applicant, which demonstrates that biodiversity net gain can be achieved through the development. Conditions have been recommended by the ecologist to secure a species protection plan, biodiversity management plan for the longer-term management of biodiversity enhancement and mitigation features. Subject to accordance with such conditions, it is concluded that the development of the site would not impact upon protected species of wildlife in accordance with policy LC5 of the local plan.

Conclusion

Planning permission is sought for the sensitive conversion of non-designated heritage assets, which would retain buildings of architectural and historic interest and put them to

viable use. The principle of the development is considered to be acceptable, and there are not considered to be any technical constraints which would justify withholding planning permission.

The council is unable to demonstrate a five-year supply of deliverable housing sites. The policies which are most important for determining the application should therefore be regarded as being out of date, and a presumption in favour of sustainable development should be applied in accordance with paragraph 11 of the NPPF. Notwithstanding this, subject to conditions the proposals would be largely compliant with relevant policies within the development plan.

The proposals are therefore considered to be acceptable and it is recommended that planning permission be granted subject to conditions.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

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

- 22 41 666 OS Plan
- 22 41 1230 B Proposed Site Plan
- 22 41 500 Existing & Proposed Roof Plans
- 22 41 1201 Proposed Plans – Buildings 1-6 Ground Floor Plans
- 22 41 1202 Proposed Plans – Buildings 1-6 First Floor Plans
- 22 41 1251 Proposed Elevations Buildings 1-6
- 22 41 1203 Proposed Ground & First Floor Plans Buildings 7 & 8 (to Rear of Site).

Reason

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

3.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must be based upon the submitted Outline Drainage Strategy, prepared by Roy Lobley, Issue No. 01 Dated: 04/10/2022. Ref: RLC/1059/OSDS01.

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.

Thereafter, the development shall be constructed in accordance with the approved details prior to occupation of the dwellings hereby permitted.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, and to ensure the implementation and future maintenance of the SuDS scheme in accordance with policies CS18 and CS19 of the Core Strategy.

4.

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, and from the highway onto the developed site, have first been submitted to and approved in writing by the local planning authority. Thereafter, surface water drainage shall be provided in accordance with the approved scheme prior to the parking areas being constructed and brought into use.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, and to ensure the implementation and future maintenance of the SuDS scheme in accordance with policies CS18 and CS19 of the Core Strategy.

5.

The existing vehicular access to the site shall be improved within highway limits in accordance with details to be submitted to and approved in writing by the local planning authority prior to first occupation of the dwellings hereby approved.

Reason

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

6.

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

Reason

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

7.

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 within the agreed visibility splay of the access.

Reason

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

8.

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

Reason

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

9.

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

To ensure the provision/retention of adequate parking commensurate with the nature of the proposed development and to comply with policy T3 of the North Lincolnshire Local Plan.

10.

Works shall not commence on site until wheel cleaning facilities, in accordance with details to be 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

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

11.

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. Thereafter, development shall be constructed in accordance with the approved details.

Reason

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

12.

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 policy T2 and T19 of the North Lincolnshire Local Plan.

13.

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

Reason

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

14.

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.

15.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of an archaeological mitigation strategy, to be defined in a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. The strategy shall accord with a brief provided by North Lincolnshire Historic Environment Record and shall include details of the following:

- (i) measures to ensure the preservation by record of archaeological features within the footprint of the development
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals

- (v) archive preparation and deposition with recognised repositories, including the ADS
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy
- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record, of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

Reason

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

16.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least seven days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority.

Reason

To comply with paragraph 205 of the NPPF, policy CS6 of the Core Strategy, saved policy HE9 of the North Lincolnshire Local Plan.

17.

The dwellings shall not be occupied until any post-investigation assessment has been commissioned 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 saved policy HE9 of the North Lincolnshire Local Plan.

18.

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

Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy, and saved policy HE9 of the North Lincolnshire Local Plan.

19.

No development shall take place until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority and only the approved materials shall be used.

Reason

To ensure the satisfactory appearance of the development upon completion of the works, in accordance with policy DS1 of the North Lincolnshire Local Plan.

20.

No development shall take place until detailed drawings of the proposed windows and openings have been submitted to and approved in writing by the local planning authority.

Reason

To comply with policy HE9 of the North Lincolnshire Local Plan as the farm buildings are a heritage asset of local significance.

21.

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

Reason

To ensure land contamination does not pose a risk to future occupants of the development, in accordance with policy DS11 of the North Lincolnshire Local Plan.

22.

No development shall take place until a species protection plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) details of measures to avoid harm to bats and nesting birds during demolition, vegetation clearance and construction works;
- (b) prescriptions for the eradication of invasive non-native species, including Himalayan (Indian) balsam.

Reason

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

23.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity management plan for approval by the local planning authority. The plan shall cover a period of 30 years from the commencement of development and shall include:

- (a) details of at least two bat bricks designed for pipistrelle bats, and two bat bricks of a different design optimised for Natterer's bats, to be installed in the converted buildings;
- (b) details of nesting sites to be installed to support house sparrows and common garden birds;
- (c) details of a barn swallow nesting structure to be installed, providing at least nine barn swallow nesting cups;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the planting and aftercare of native trees and shrubs of high biodiversity value;
- (g) prescriptions for grassland sward enhancement and ongoing management to create species-rich lowland meadow;
- (h) evidence that the measures proposed will provide at least 1% biodiversity net gain in accordance with the biodiversity metric 3.1, when compared to the baseline;
- (i) proposed timings for the above works in relation to the completion of the buildings.

Reason

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

24.

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

Informatives

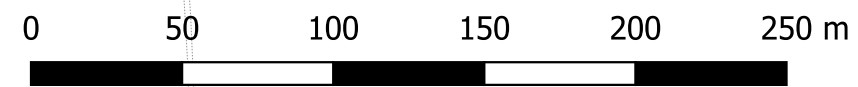
1.

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

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

2.

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



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 Development Boundary

PA/2022/1829

Grange Farm

Track

NORTH STREET

30.8m

27.8m

31.1m

30.9m

**North
Lincolnshire
Council**



LEGEND

- = PROPOSED TREES. MIX OF: -
 1. Betula Fastigata
 2. Prunus Amanogawa
 3. Malus Profusion
 4. Malus Red Sentinel
 5. Malus Golden Hornet
 6. Ulmus Fastigata
 7. Catoneaster
- = EXISTING TREES
- = EXISTING TO REMOVE
- = NEW HEDGEROW
- = HARD PAVING
- = GRASS
- = GRAVEL - SHARED ACCESS
- = HIGHWAY - BLOCK PAVING TO ADOPTABLE STANDARDS
- = GRAVEL - PRIVATE DRIVE
- = NEW FACEBRICK WALL - 900mm HIGH
- = EXISTING TIMBER FENCE TO MAKE GOOD
- = PROPOSED TIMBER POST & RAIL FENCE
- BIN STORE (TO EACH PROPERTY).
To include space for :-
2-3 No. 38 litre boxes (stacked)
3 No. Food Waste bin: 240 litre (1070x580x730mm)
1800mm high. Timber frame & horizontal Cedar/Accoya cladding for stain finish.

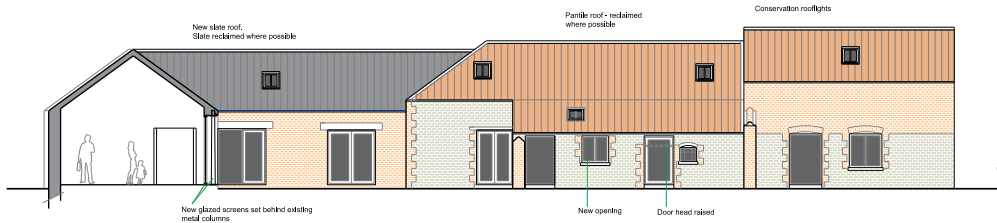
27.8m Proposed Site Plan
SCALE 1:200

AMENDED

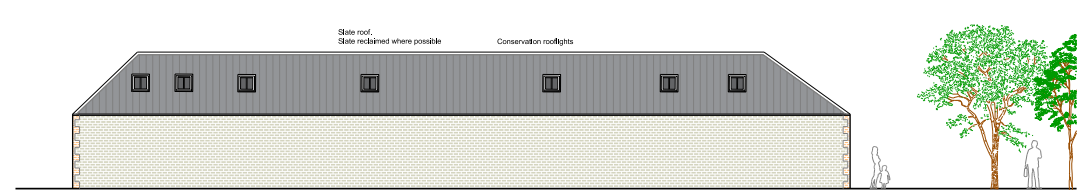


| General Notes | | |
|--|----------------------------------|---------------------------|
| NOTES: - | | |
| This drawing must NOT be scaled. | | |
| Work shall not commence until building regulation approvals have been obtained in full. Planning permission is not required | | |
| All dimensions and levels to be checked on site by contractor and any discrepancies to be reported to the architect and client prior to commencement of work on site. | | |
| This drawing is for building control purposes only. Detail design and specification shall be the sole responsibility of the contractor. | | |
| All drains & services to be located by contractor. | | |
| The Contractor is to allow for those items of work which are not specifically identified in the Contract Documents but which it is reasonable to expect an experienced contractor to identify from them as being necessary (such as but without prejudice to the foregoing - screws, roggins and support etc). | | |
| Amendments | | |
| B | Adopted road & bin detail added | 14.11.22 |
| A | Hedge added to northern boundary | 26.09.22 |
| Rev | Amendment | Date |
| ETTRIDGE ARCHITECTURE LTD | | |
| 52-54 PRESTONGATE HESSE EAST RIDING OF YORKSHIRE HU13 0RE | | |
| Project: Roxby Grange North Street Roxby | | |
| Client: DDM | | |
| Drawing Title: Proposed Site Plan | | |
| Compass: | | Phase: PLANNING |
| Drawn by: CN | Checked by: DE | |
| Drawing No: 22 41 1230 B | Scale: 1:200 @ A1 | Date: August 2022 |

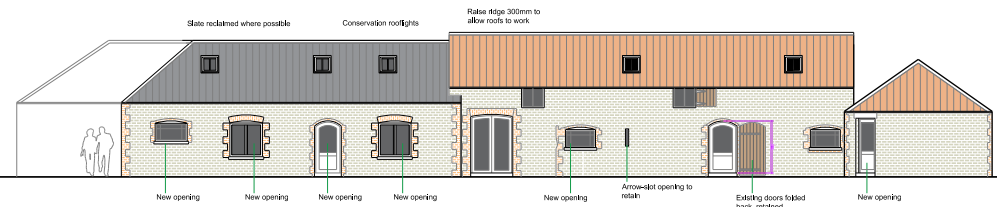
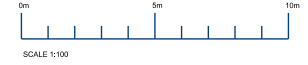
PA/2022/1829 Proposed elevations (buildings 1-6) (not to scale)



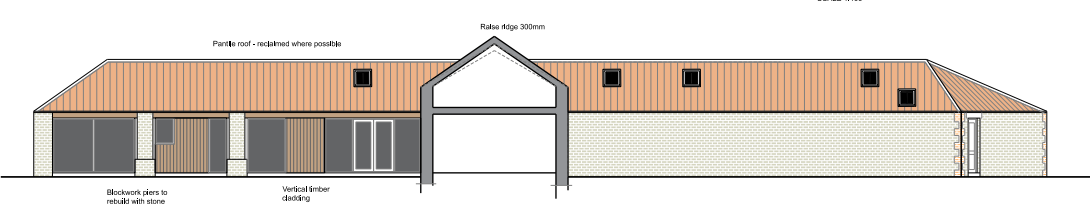
B5 Section (E-E) & Elevation + B6 North Elevation
SCALE 1:100



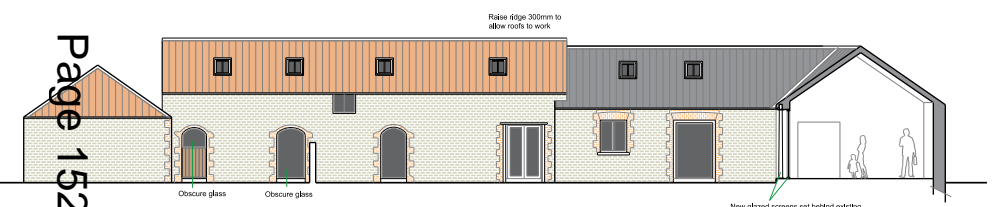
B4 & B5 East Elevation
SCALE 1:100



B1, B3 & B4 North Elevation
SCALE 1:100



B1 & B2 East Elevation + B3 Section (H-H)
SCALE 1:100

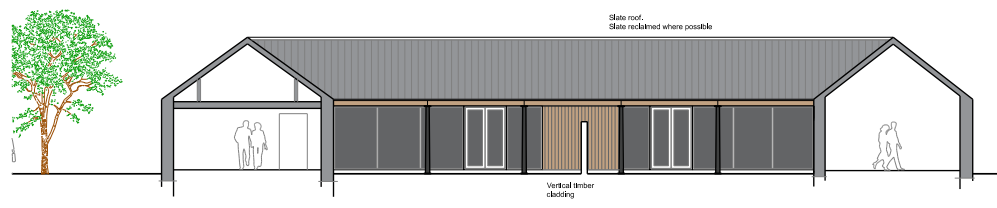


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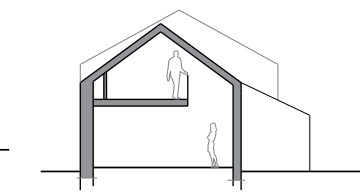
B2, B3, B4 South Elevation + B4 Section (F-F)
SCALE 1:100



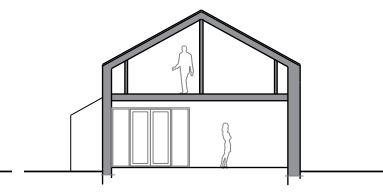
B1 & B2 West Elevation
SCALE 1:100



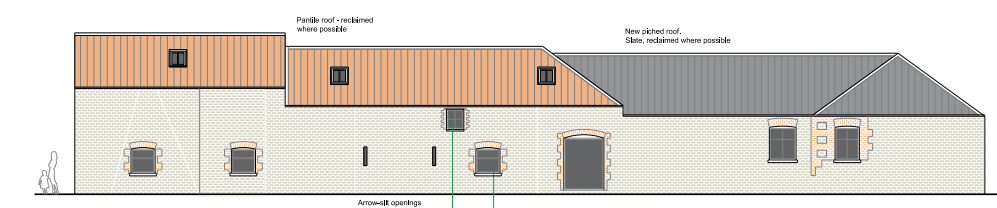
B4 West Elevation & Section (G-G) / B5 West Elevation & Section (D-D)
SCALE 1:100



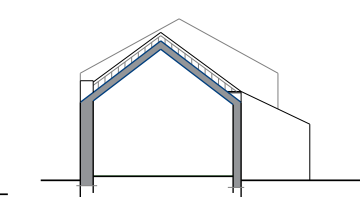
B6 Section B-B
SCALE 1:100



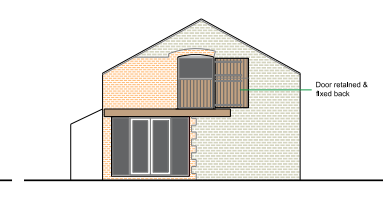
B6 Section C-C
SCALE 1:100



B5 & B6 South Elevation (From North Street)
SCALE 1:100



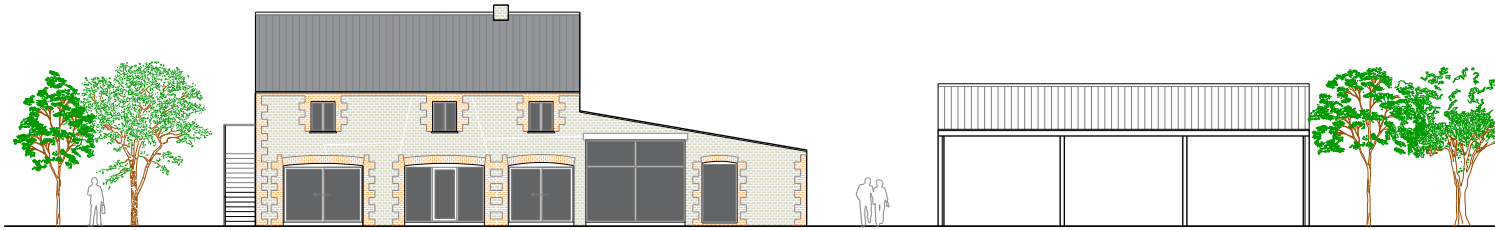
B5 Section A-A
SCALE 1:100



B6 West Elevation
SCALE 1:100

| Rev | Amendment | Date |
|--|-------------------|---------------------------|
| ETTRIDGE ARCHITECTURE LTD | | |
| 52-54 PRESTONGATE HESLE EAST RIDING OF YORKSHIRE HU13 0RE | | |
| | | www.ettridge.net |
| Project: Roxby Grange North Street Roxby | | |
| Client: DDM | | |
| Drawing Title: Proposed Elevations Buildings 1 - 6 | | |
| Compass: | | Phase: PLANNING |
| Drawn by: CN | Checked by: DE | |
| Drawing No: 22 41 1251 | Scale: 1:100 @ A1 | |
| | Date: August 2022 | |

PA/2022/1829 Proposed elevations (buildings 7 & 8) (not to scale)



B8 & B7 South-West Elevation
SCALE 1:100

Timber doors and windows for glass or stone finish

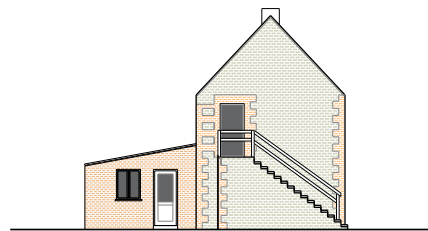


B8 & B7 North-East Elevation
SCALE 1:100

Slate roof - retained where possible

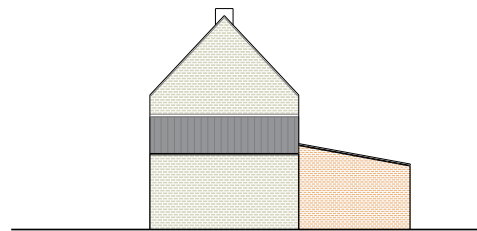
New opening Lean-to rebuilt Zinc roof (for low pitch) New opening

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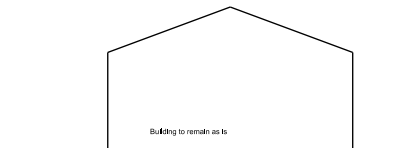
B8 North-West Elevation
SCALE 1:100

Lean-to rebuilt



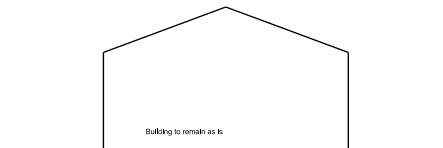
B8 South-East Elevation
SCALE 1:100

Lean-to rebuilt



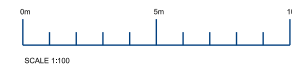
B7 North-West Elevation
SCALE 1:100

Building to remain as is



B7 South-East Elevation
SCALE 1:100

Building to remain as is



General Notes

NOTES: -

This drawing must NOT be scaled.

Work shall not commence until building regulation approvals have been obtained in full. Planning permission is not required

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

This drawing is for building control purposes only. Detail design and specification shall be the sole responsibility of the contractor.

All drains & services to be located by contractor.

The Contractor is to allow for those items of work which are not specifically identified in the Contract Documents but which it is reasonable to expect an experienced contractor to identify from them as being necessary (such as but without prejudice to the foregoing - screws, noggins and support etc).

Amendments

| Rev | Amendment | Date |
|---|-----------|--|
| | | |
| ETTRIDGE ARCHITECTURE LTD | | |
| 52-54 PRESTONGATE HESSLE EAST RIDING OF YORKSHIRE HU13 0RE | | |
| | | www.ettridge.net |
| Project: Roxby Grange North Street Roxby | | |
| Client: DDM | | |
| Drawing Title: Proposed Elevations Buildings 7 & 8 | | |
| Compass: | | Phase: PLANNING |
| Drawn by: CN | | Checked by: DE |
| Drawing No: 22 41 1252 | | Scale: 1:100 @ A1 Date: August 2022 |

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|---|---|
| APPLICATION NO | PA/2022/2027 |
| APPLICANT | Mr Christopher Haley |
| DEVELOPMENT | Planning permission for a change of use of vacant land to use as dog walking site, installation two LED flood lights & CCTV cameras |
| LOCATION | Low Hill Farm, access road to Low Hill Farm, Messingham, DN17 3PS |
| PARISH | Messingham |
| WARD | Messingham |
| CASE OFFICER | Paul Skelton |
| SUMMARY RECOMMENDATION | Refuse |
| REASONS FOR REFERENCE TO COMMITTEE | Member 'call in' (Cllr Neil Poole – significant public interest) |

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 6 – Building a strong, competitive economy

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed places

North Lincolnshire Local Plan:

RD2 – Development in the Open Countryside

LC7 – Landscape Protection

T1 – Location of Development

T2 – Access to Development

T19 – Car Parking Provision and Standards

DS1 – General Requirements

DS11 – Polluting Activities

DS12 – Light Pollution

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering more Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design in North Lincolnshire

CS16 – North Lincolnshire’s Landscape, Greenspace and Waterscape

CS25 – Promoting Sustainable Transport

Housing and Employment Land Allocations Development Plan Document:

Policy PS1 – Presumption in favour of sustainable development

North Lincolnshire Landscape Character Assessment & Guidelines

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

SS11 – Development Limits

EC6 – Supporting the rural economy

RD1 – Supporting sustainable development in the countryside

DQE1 – Protection of Landscape, Townscape and Views

T1 – Promoting Sustainable Transport

T3 – New development and transport

DM1 – General Requirements

CONSULTATIONS

Highways: Request a condition to secure parking prior to the development being brought into use.

LLFA Drainage: No objections or comments.

Environment Agency: No comments.

Environmental Protection: Concerned that the new use may have an adverse impact on nearby residential amenity as a result of the use itself and floodlighting. Recommend conditions to control both.

PARISH COUNCIL

No objections subject to reassurance that an assessment is carried out of the LED floodlights.

PUBLICITY

The application has been advertised by site notice. Two comments in support of the application have been received from members of the public raising the following points:

- This will be a great addition to the local area for dog owners to exercise their pets in a secure area. Added bonus of being able to buy a hot drink whilst the dogs have fun running around. I would look forward to using it.
- This area is crying out for secure places to exercise and train dogs - there is a very high demand for this kind of service. There are some lovely parks etc in the area but sadly they are not secure and can get very busy.
- This is an ideal alternative for dogs who wouldn't normally be walked off lead due to reactivity or lack of recall where they can be free to run and play and be trained in a safe place. It will be a huge benefit to local people and their dogs.

One letter has been submitted that supports the principle of the development but raises the following concerns:

- No thought has been given to the fact that the area is adjacent to a public footpath.
- Although the proposal shows the area properly fenced (open wire), the area is not screened in any way. It has an open view of the footpath, which is used regularly by walkers, ramblers, traffic to farms, fishing pond etc. Given that the dogs that use the facility may be nervous or reactive etc and there could be up to six dogs at any one time at the facility, I feel it should be fully screened where it runs adjacent to the drainage ditch and public footpath/access road to avoid any anxiety and excess noise for other users of the public footpath.
- The second entrance to Low Farm, through which the farmer accesses his field, is not gated, so there is a possibility wildlife (the area has several roe deer which roam freely) and/or other footpath users' dogs could go right up to the boundary fence of the exercise area, causing confrontation between dogs.

ASSESSMENT

The site and its location

The site is located on the southern side of West Common Road, around 480m from the junction with North Moor Lane. To the south is a dwelling (Low Hill Farm, occupied by the applicant) and land and buildings associated with the North Moor Aero Club. Otherwise the site is surrounded by flat, open agricultural land. Further to the north are agricultural buildings and a sewage treatment plant. Further south, on Butterwick Road, are Messingham Zoo and the Lincolnshire Golf Academy.

The site itself is a grassed field measuring some 1.9 acres (approximately 0.76 hectares). There is a farm gate with a short hard-surfaced access leading from West Common Road, which terminates just a couple of metres past the gate. Google Earth shows what is assumed to be a static mobile home, which previously appears to have been used in connection with the Aero Club, within the field approximately 80m back from the road, although this now appears to have been reorientated and moved closer to the road. Between the road and the edge of the site is a grass verge and ditch. There are currently no boundary treatments to speak of, which is common in the immediate landscape. A row of ornamental trees line the access road to the dwelling, immediately to the east of the site.

West Common Road is a Public Right of Way (PROW). The road (and PROW) turns northwards immediately after the application site and a PROW also continues in a westerly direction as a recreational footpath.

Planning history

PA/1999/1191: Planning permission to change the use of land to a private aero club and grass air strip – refused

PA/2000/0623: Planning permission to change the use of land to grass airstrip and private aero club including siting of pre-fabricated buildings and surfaced car park with associated facilities (re-submission of 1999/1191) – granted with conditions

PA/SCO/2022/6: EIA scoping request for a Humber Low Carbon Pipeline

The development

The application proposes the change of use of the field to a dog walking site. The application also proposes fencing all around the site, the provision of two secure gravelled car parks, the installation of lighting and CCTV cameras. The existing static caravan is proposed to remain in its present location to allow for LED flood lighting of the secure dog walking area and for customers to provide a seated observation area within the caravan, a toilet and refreshment, as well as water for their dogs.

The applicant explains that secure dog parks have become very popular in the UK in recent years. The benefits of the proposed use in this case include the following:

- a safe place to exercise dogs off lead that are reactive or timid
- extra security for people with disabilities (prevent dog theft or dog wandering off)

- two separate gravel car parks to prevent dogs meeting at change over
- LED flood lighting to allow people with limited free time to access when dark
- 1.8m-high V-MESH green fencing which maintains openness of field
- promotes responsible dog ownership
- off-leash secure fenced dog parks are an important option for reducing the large number of dogs being exercised off-leash and without being under effective control.
- the proposed secure dog park is over 300m away from all neighbouring rural properties.
- there are no other secure dog parks in the area
- easy vehicle access from North Moor Lane onto West Common North Road to Low Hill Farm
- local job creation for site maintenance (grass cutting and static caravan cleaning)
- disabled accessible friendly.

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 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 (the NPPF), the emerging North Lincolnshire Plan and a suite of supplementary planning documents as specified above.

The main issues for consideration are the principle of development, and impact on landscape, and on the character and appearance of the area.

The principle of development

Policy CS1 of the Core Strategy sets out a spatial strategy for North Lincolnshire, which, amongst other matters, states that in the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities.

Policy CS3 provides that outside settlement 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 of any designated development limits.

Saved local plan policy RD2 restricts development in the open countryside. It allows for various types of development appropriate to a rural area, including employment-related development appropriate to the open countryside, and that which is essential for the provision of outdoor sport, countryside recreation or local community facilities.

These exceptions are subject to various criteria, including that the open countryside is the only appropriate location and the development cannot be located within development boundaries, the development accords with the local plan as a whole, there would be no detriment to character and appearance of the area, the development would not be detrimental to residential amenity or highway safety, accessibility to local transport and that best use is made of existing and new landscaping.

Similar policies are included in the emerging local plan which has been submitted for examination but at this stage is given limited weight in the decision-making process.

In terms of benefits, these are necessarily limited by the scale of development. The proposal would result in economic benefits, both during and post-construction, including the creation of additional employment opportunities, and the creation of a facility for use by local residents.

In conclusion, the principle of development is capable of being acceptable; however, this depends on the assessment of the proposals against the criteria of the relevant development plan policies, and in particular the impact on landscape and the character and appearance of the area.

Landscape/character and appearance of the area

In addition to the requirements of policy RD2 set out above, local plan policy LC7 requires special attention to 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. This is reflected in policy CS16 of the Core Strategy, and the NPPF which encourages planning decisions to recognise the intrinsic character and beauty of the countryside.

Core Strategy policy CS2 requires a high standard of design. Development should contribute towards the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities. Policy CS5 requires good design which is appropriate to its context. Proposals should consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area.

Local plan policy DS12 sets out that planning applications which involve light-generating development, including floodlighting, will only be permitted where it can be demonstrated that there would be no adverse impact on local amenities.

The NPPF similarly calls for high quality design. In particular, paragraph 130 requires, among other things, developments which will function well and add to the overall quality of the area; are visually attractive as a result of, among other things, good layout; are sympathetic to local character and history, including the surrounding built environment and landscape setting; establish or maintain a strong sense of place; and 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.

The site falls within the Trent Levels character area as defined in the North Lincolnshire Landscape Character Assessment & Guidelines (LCAG). This area's key characteristics include that it is a generally flat open landscape with occasional rising ground and little vegetative cover, with a large open field structure defined by well-maintained drainage ditches. The landscape offers expansive views with very little diversity in character.

The application site is set within a distinct area of open landscape as described in the LCAG. Whilst existing vegetation would screen the proposed development when viewed from the east, when travelling from the west or north along the PROWs, and from in front of the site, there would be clear views across the site. The proposed fencing would be an alien feature in the immediate landscape which is devoid of such features. The applicant has suggested the impact of the fencing could be mitigated by additional hedgerow planting; however, any additional structural landscaping would in itself represent an alien feature in the landscape. The provision of fencing and landscaping would therefore cause harm to the immediate landscaping. This would be compounded by the proposed car parking areas with security gates which would extend the fence closer to the PROW at the front of the site.

Whilst the applicant's adviser has indicated that the fencing could be permitted development (although officers do not consider this would necessarily be the case), the requirement for the fencing is necessarily driven by the use of the land as is demonstrated by the fact that fencing has not previously been erected.

The harm to the landscape would be further compounded by the proposed introduction of floodlights. The applicant has provided details of floodlights which would not have an unacceptable impact on bats. Whilst this is laudable from an ecology perspective, it does not address the landscape harm that would result from floodlighting on the site, a matter which has been recognised by the parish council in its consultation response. The introduction of floodlights would mean that the development would be intrusive from longer distance views and would harm the landscape at times when the floodlights are operational.

It is recognised that there are other commercial uses in the area as set out above. However, this does not justify further intrusion into the open countryside which would cause harm to its character and appearance. It is also recognised that there is some built form on the site in the guise of the static mobile home. It appears that a mobile home was permitted as part of the permission granted in 2000, however it is not clear whether the mobile home was sited pursuant to that permission; as set out above, it does appear to have been moved recently.

Overall, the design of the proposals does not respond well to its context and fails to recognise the intrinsic character of the area as required by the NPPF. It is considered that the proposed development, by reason of its general nature, the proposed fencing, hardstanding and floodlighting would have a harmful impact on the character and appearance of the countryside, and in particular the distinctive landscape within which the site is located. The proposals would be contrary to saved local plan policies RD2, LC7, DS1 and DS12, policies CS5 and CS16 of the Core Strategy and guidance in the National Planning Policy Framework.

Other issues

The site is accessed from a minor road leading from North Moor Lane. Whilst this road is also a PROW, the proposal would be unlikely to result in significant amounts of vehicular traffic. Parking and turning areas are proposed which would allow vehicles to park off the highway and be able to enter it in a forward gear. The Highways Officer raises no objection

subject to a condition requiring the parking/turning area to be provided before the development is brought into use.

The Environmental Protection Officer has recommended conditions to protect the amenity of nearby residents from both the use itself, and from the proposed floodlights. Nevertheless, there are no immediate neighbours, with the nearest residential property (other than the applicant's own property) approximately 350 metres away to the south, and even then, this is beyond the dwelling and buildings at Low Hill Farm. For that reason, it is not considered that the conditions would be necessary in this instance to protect nearby residents.

The site is within SFRA Flood Zone 2/3 (a) Fluvial. A flood risk assessment has been submitted which explains that no levels are proposed to be changed and that the site benefits from a new pumping station at Keadby. Notwithstanding this, the development is low key and will not significantly increase the risk of flooding elsewhere. North Moor Lane, and much of West Common North Road, is within Flood Zone 1 so there is safe access close to the site. As the use involves an open-air pursuit, it would be clear to any users arriving at the site whether there was a risk of flooding, just as it would when exercising a dog at any location. The applicant has indicated that they would sign up to the Environment Agency's flood warning scheme and this could be secured by planning condition if necessary. The LLFA has been consulted and raises no objection.

Conclusions and planning balance

As set out above the broad principle of development is acceptable. There are no unacceptable impacts in respect of neighbouring property, highway safety, flood risk or drainage.

The proposal would give rise to, albeit limited, economic benefits. There is also some benefit in the provision of a facility by members of the community who wish to exercise their dogs at a facility such as this one. These benefits must be weighed against any harms arising from the proposals. In this case there would be harm to the character and appearance of the landscape as identified in this report and it is not considered that the limited benefits identified above would outweigh this harm. The application is therefore recommended for refusal.

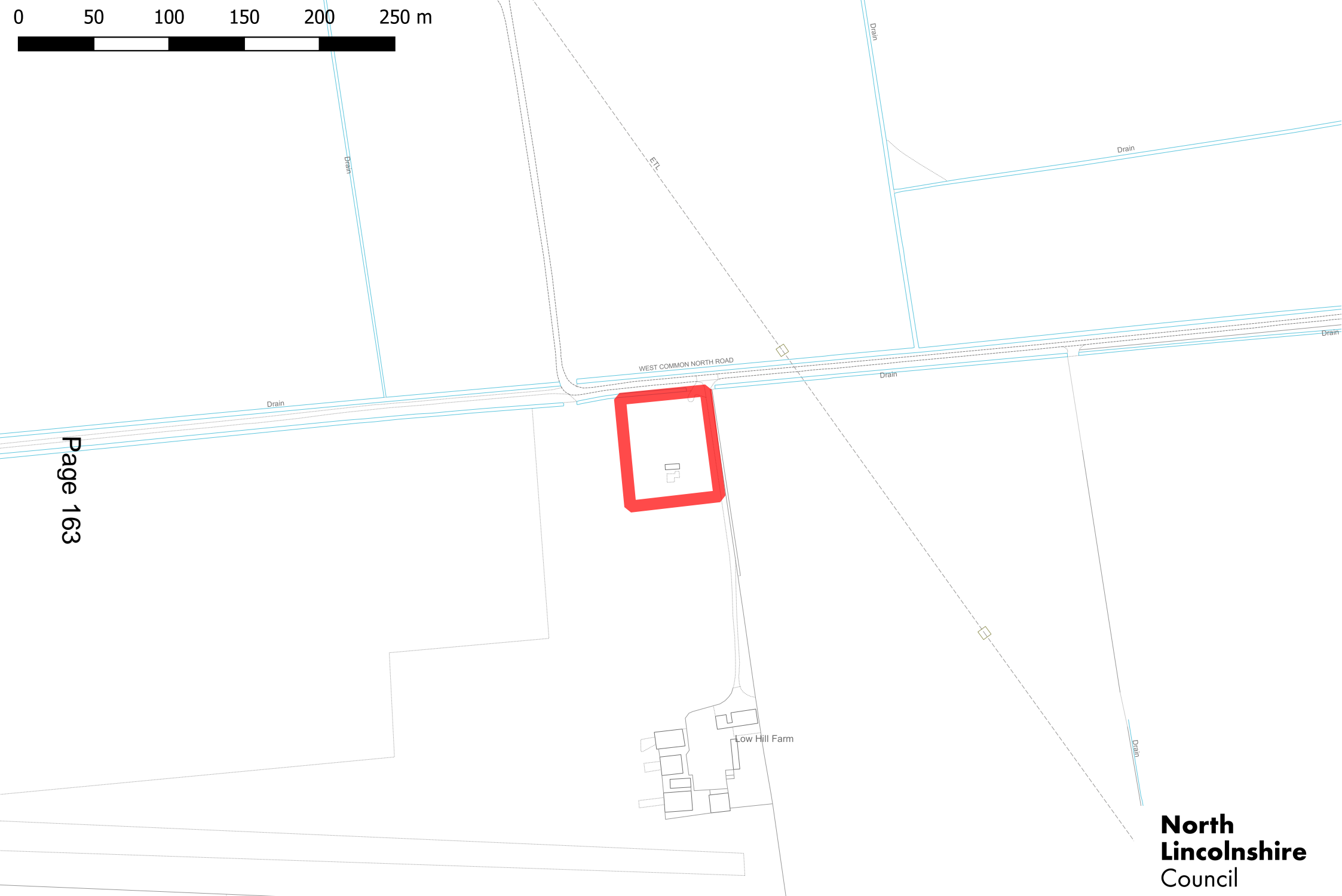
RECOMMENDATION Refuse permission for the following reasons:

1.

The proposed development, by reason of its general nature, the proposed fencing, hardstanding and floodlighting, would have a harmful impact on the character and appearance of the countryside, and in particular the distinctive landscape within which the site is located. The proposals would therefore be contrary to saved policies RD2, LC7, DS1 and DS12 of the North Lincolnshire Local Plan, policies CS5 and CS16 of the North Lincolnshire Core Strategy and guidance set out in chapters 12 and 15 of the National Planning Policy Framework.

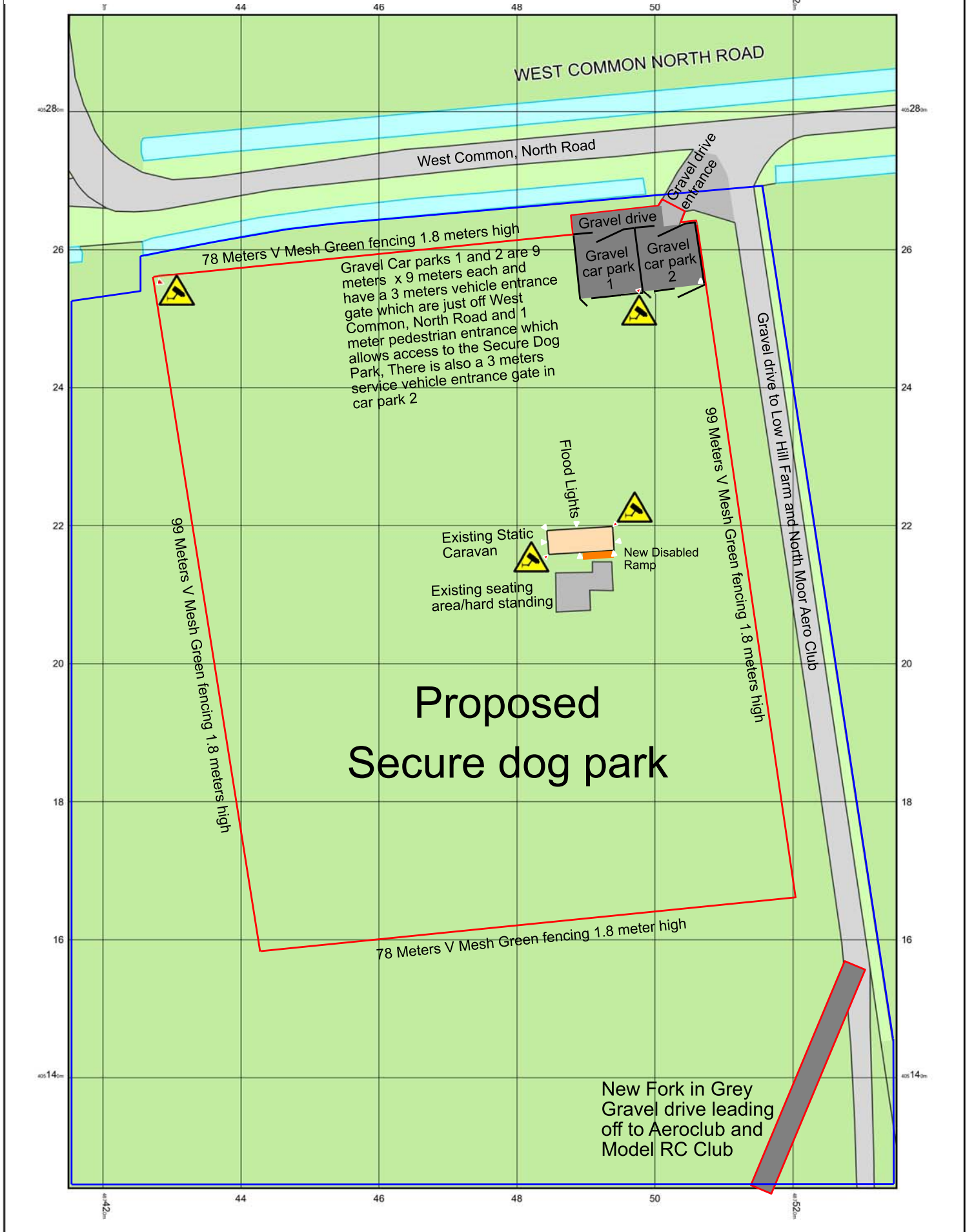
Informative

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.





PA/2022/2027 Proposed layout (not to scale)



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| | |
|---|--|
| APPLICATION NO | PA/2022/2133 |
| APPLICANT | Mrs Bev Suszczenia |
| DEVELOPMENT | Planning permission to change the use of an existing two-storey outbuilding into a single one-bedroom dwelling |
| LOCATION | 6 Greenhill Road, Haxey, DN9 2JE |
| PARISH | Haxey |
| WARD | Axholme South |
| CASE OFFICER | Paul Skelton |
| SUMMARY RECOMMENDATION | Approve with conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by Haxey Parish Council |

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 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

Chapter 16 – Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

H5 – New Housing Development

H8 – Housing Design and Housing Mix

E5 – Development affecting Listed Buildings

T1 – Location of Development

T2 – Access to Development,

T19 – Car Parking Provision and Standards

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

CS6 – Historic Environment

CS7 – Overall Housing Provision

CS16 – North Lincolnshire’s Landscape, Greenspace and Waterscape

CS17 – Biodiversity

CS25 – Promoting Sustainable Transport

Housing and Employment Land Allocations Development Plan Document:

Policy PS1 – Presumption in favour of sustainable development

Inset 23 – Haxey

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

DQE1: Protection of Landscape, Townscape and Views

T1: Promoting Sustainable Transport

DM1: General Requirements

CONSULTATIONS

Highways: No comments or objections.

LLFA Drainage: No comments or objections.

Environmental Protection: Request precautionary contaminated land condition.

Severn Trent Water: Suggest informative regarding public sewer connection.

PARISH COUNCIL

Welcomes the principle of providing an affordable small dwelling in the parish by use of what may or may not be a redundant building but, in this particular case, is concerned about over development and road safety.

The parish council also has concerns about the very limited amenity space, if any.

Greenhill is in an area that already historically suffers from substantial unresolved parking issues as a result of the shop and barber's businesses plus two relatively newly erected cottages (one already having planning permission for an extension) which, taken together, reduce the amount of off-street parking for residents, customers and staff.

The access is poor due the blind bend in the road limiting visibility of vehicles coming from the north, which is considered a key feature in determining the safety of other road users at the busy junction.

Given its concerns, the parish council views this proposal as over-development of the site as a whole and objects to the application.

PUBLICITY

The application has been advertised by site notice in accordance with Article 15 of the Development Management Procedure Order 2015. No comments have been received from members of the public.

ASSESSMENT

The site and its location

The application site is within the settlement limits of Haxey close to the junction of Greenhill Road and Church Street. The building within the site appears to have been used as a garage and storage/office space for the neighbouring Greenhill Stores. The garage doors originally on the front elevation have been bricked up, presumably at the time of the development of two houses at the rear. The red line site boundary as proposed includes all the area at the front of the site between the dwelling attached to the Stores and 8 Greenhill Road, including land which provides access to two dwellings to the rear and 'ad hoc' parking for Greenhill Stores, which lies to the south.

To the east and north are residential dwellings. Across Greenhill Road to the west is a small green on which is a listed cross shaft known as 'Mowbray Cross'. The wider area is largely residential in nature.

Planning history

Of most relevance to the current application is application reference PA/2013/0326, for conversion of the building to a dwelling, however this was withdrawn.

Permission was granted for two dwellings to the rear of the site in 2014; these have now been completed.

The development

The application proposes the conversion of the existing building to a single dwelling. There are minimal external changes proposed with no new openings. The ground floor would be used as an open plan living/kitchen area, with a bedroom and shower room/WC on the first floor. Outside there would be two dedicated car parking spaces and a small area which would be planted with shrubs. Two spaces would be retained for use by the shop.

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 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 (the NPPF), the emerging North Lincolnshire Plan and a suite of supplementary planning documents as specified above.

The main issues for consideration are the principle of development, heritage issues, highway safety and impact on neighbouring property.

The principle of development

The site is within the settlement boundary of Haxey, as defined by the Housing and Employment Land Allocations DPD, in an area where new housing is supported by the North Lincolnshire Local Plan and Core Strategy. The principle of development is therefore acceptable.

At the current time the council is unable to demonstrate a five-year supply of deliverable housing sites. Paragraph 11 of the NPPF indicates that development should be permitted where housing policies are out of date because, amongst other things, a five-year supply cannot be demonstrated, unless 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 any adverse impacts of granting permission would significantly and

demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

The NPPF is a material consideration, nevertheless, there are development plan policies, which are not out of date, and other guidance in the NPPF which need careful consideration in the overall planning balance.

Design/character and appearance of the area

Saved policy DS1 of the local plan, Core Strategy policy CS5 and section 12 of the NPPF all seek high quality design. Policy DS1(i) sets out that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area. This is reflected in policy CS5 and the NPPF.

There are no material changes to the external form or appearance of the building. The proposal would add some vitality to the character of the area as the building would be brought into more active use.

The parish council has raised concern about the absence of any amenity space; however, in the context of the site, the type of dwelling proposed (a one-bedroom property) and the five year supply shortfall, it is not considered that this matter significantly and demonstrably outweighs the albeit limited benefits arising from the proposal.

Overall, as there would be limited changes, there would be no unacceptable impacts from a design perspective and there would be no harm to the character and appearance of the area.

Heritage issues

Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Local plan policies HE5 and HE7, and Core Strategy policy C6, reflect this duty.

As set out above, there is a listed cross shaft on the green opposite the site. The setting of this structure is one very much dominated by residential development and the addition of a further dwelling involving the conversion of an existing building would not cause any harm to the listed cross shaft or the way in which it is experienced.

Highway safety

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 highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts would be severe.

As noted above, the parish council has raised concerns because of the existing access arrangements. Nevertheless, the car parking area proposed for the new dwelling currently serves the existing shop. Whilst the pattern of use would be different, it is likely that the use by residents of the dwelling would be much less than as a parking area associated with the existing shop.

The highways officer has been consulted on this application and raises no objection. The access already serves the two dwellings to the rear which were permitted as recently as 2014 and there is no indication that highways conditions have worsened since that time. The highways officer did not object to the application for the two dwellings, nor did they for the withdrawn application to convert this building in 2013, commenting at the time that, whilst visibility is limited on the approach side, the 'garage' and car park were already served by the existing access point. It should be noted that the access has been widened since the previous application following the development of the two dwellings to the rear.

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, 'No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.' The NPPF (paragraph 130(f)) requires decisions to 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.

Whilst the building is in very close proximity to the dwellings to the north and east, the structure itself remains unchanged and no new openings are proposed. There is a first-floor window on the rear elevation which serves the stairs/landing area. The building is likely to be used more intensively as a dwelling and it is considered reasonable and necessary to impose a condition requiring that window to be obscure glazed and fixed shut.

The proposed residential unit is small however would meet minimum space standards. The Parish Council, as noted above, have raised concern about the lack of amenity space however given the nature of the proposal it is not considered that this in itself would justify refusal in this case, particularly in the context of the current five-year supply shortfall.

Otherwise, it is not considered there would be any unacceptable impacts arising from the proposed development on existing or future residents.

Other matters

The Environmental Protection Officer has raised no objection but, given historic land uses, has suggested a precautionary condition requiring any contamination found during construction to be properly addressed.

The site is located in flood zone 1, the area at least risk of flooding. The LLFA has been consulted and raises no objection.

Conclusions and planning balance

The principle of residential development in this location is considered acceptable. The application proposes a net increase of one dwelling in a sustainable location which meets the broad strategy for delivery of housing in the district. This weighs in favour of the application. As the council cannot currently demonstrate a five-year supply of deliverable housing sites, added weight is given to the provision of an additional house, however this is tempered by the fact that it would only be a single dwelling added to the supply, as are the limited economic benefits.

Nevertheless, whilst the parish council's comments are noted, no harms have been identified as set out in this report. The concerns about the absence of amenity space, in the context of the development proposed do not significant and demonstrably outweigh the benefits. There would be no harm to the character and appearance of the area and there would be no undue impacts, subject to the recommended condition requiring the rear window to be obscure glazed and fixed shut, on the living conditions of neighbouring properties. The proposal is likely to result in fewer vehicular movements using the existing access and there would be no harm to the nearby listed cross shaft.

Overall, the proposal is considered to represent sustainable development in accordance with the development plan, and it is recommended that permission is granted subject to the conditions outlined below.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

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

Drawing no. 22/31-02 (Block Plan)

Drawing no. 22/31-03 (Existing and proposed plans and elevations)

Drawing no. 22/31-04 (Parking and Tracking).

Reason

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

3.

The dwelling hereby permitted shall not be first brought into use until the window on the rear (east facing) elevation has been fitted with obscure glazing (Pilkington level 4 or equivalent) and permanently fixed shut, and it shall thereafter be retained as such for the lifetime of the development.

Reason

To safeguard the living conditions of the occupiers of the neighbouring dwelling.

4.

Prior to the dwelling hereby permitted being occupied, the parking shown on the approved plan shall be made available for use for the parking of vehicles by the occupiers of the dwelling, and shall be retained thereafter for that use.

Reason

In the interests of highway safety.

5.

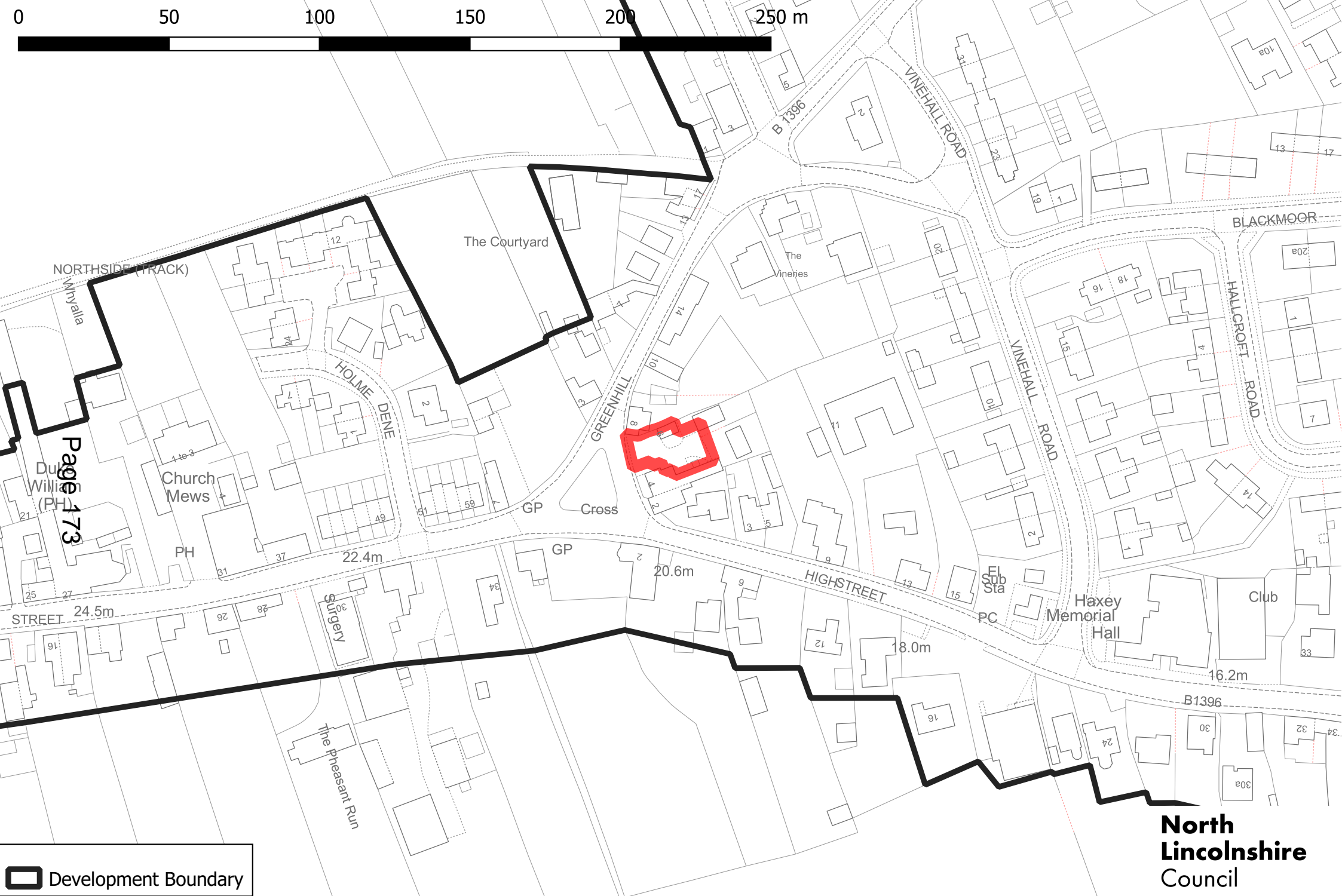
If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved in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

In the interest of the health of construction workers and future residents.

Informative

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

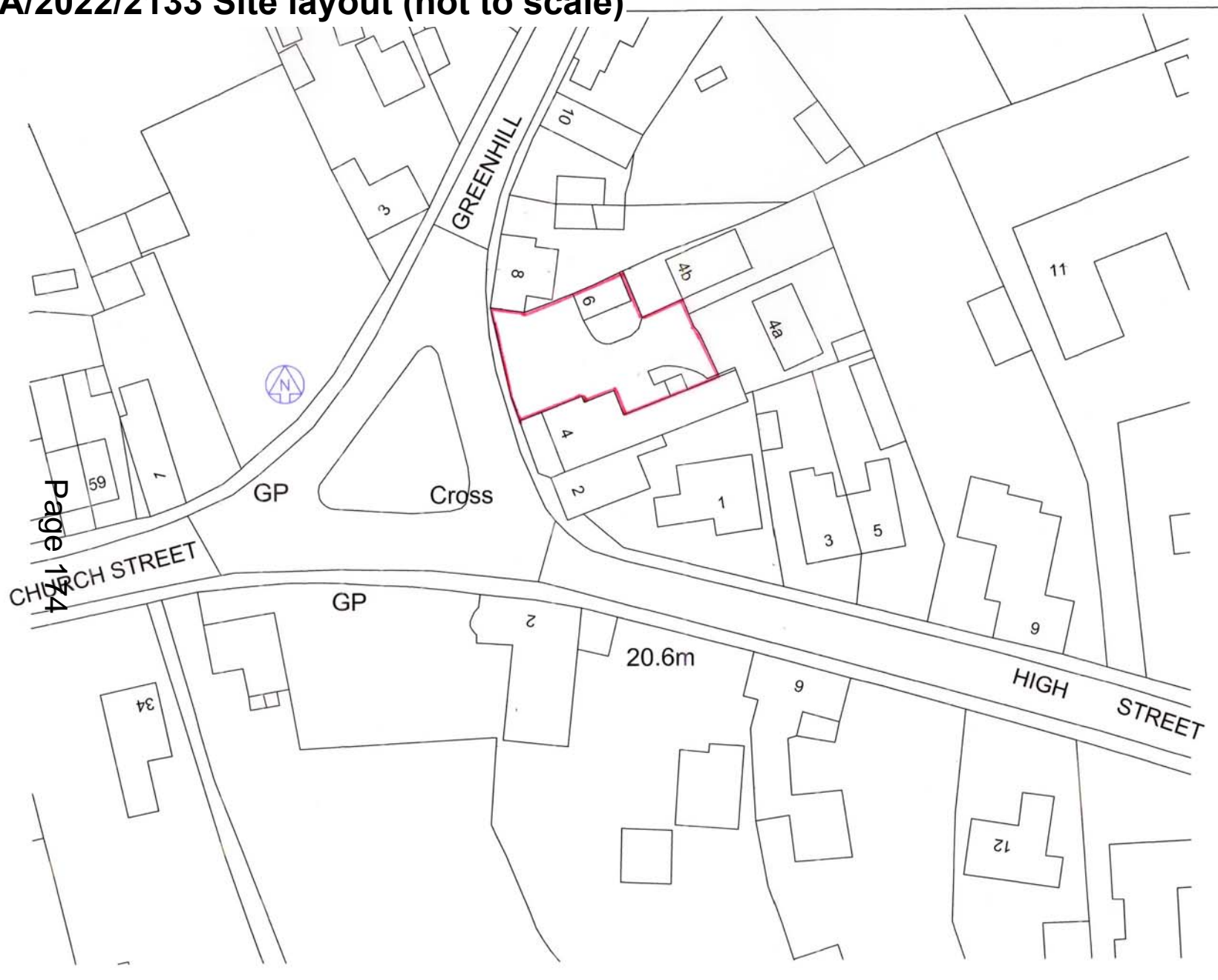


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 Development Boundary

PA/2022/2133

**North
Lincolnshire
Council**



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NOTES

REVISION

HMS
TOWN PLANNING
& URBAN DESIGN

43, Cemetery Road
Langold
Workshop
S81 9RF
MOBILE : 07761 044043
E-MAIL: susanhms78@gmail.com

CLIENT

MRS BEV SUSZCZENIA

PROJECT

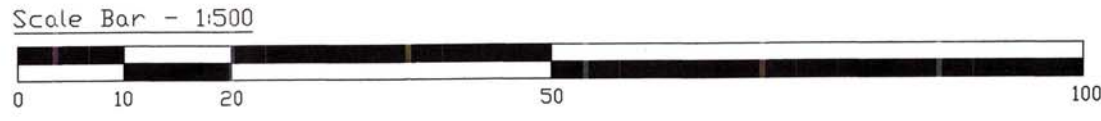
Garage at 2, Greenhill
Haxey
North Lincs.
DN9 2JE

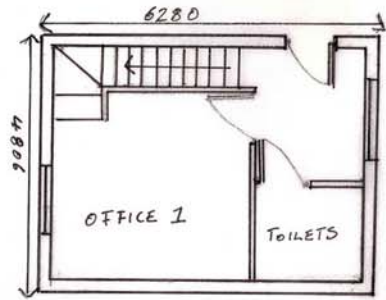
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Block Plan

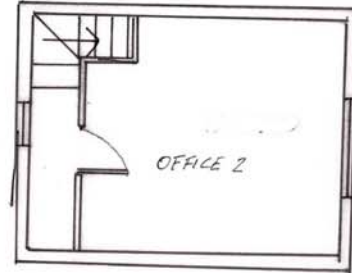
DRAWN BY | G. O'Shea | A3 | CHECKED BY

SCALE | 1:500 | DATE | 28/11/22 | DWG No. | 22/31-02 | REV

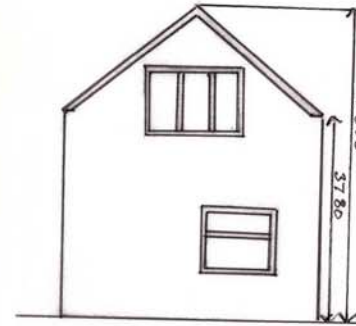




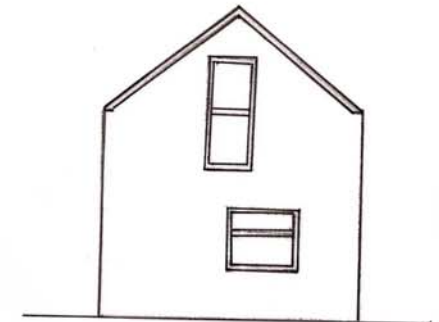
EXISTING GROUND FLOOR



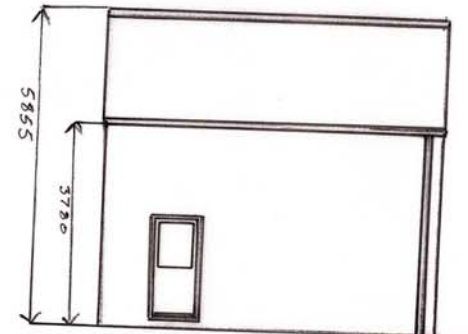
EXISTING FIRST FLOOR



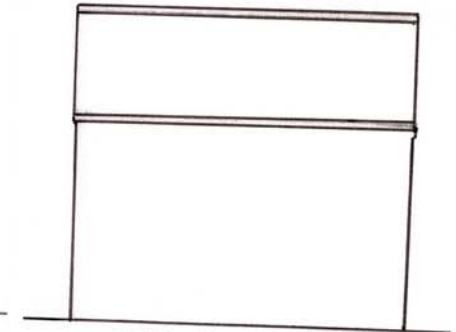
FRONT ELEVATION



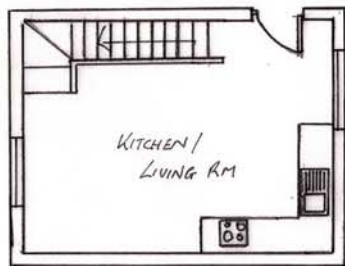
REAR ELEVATION



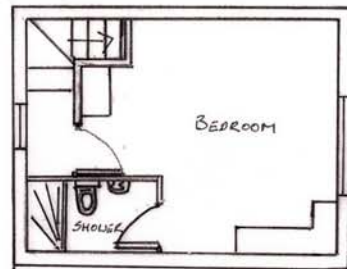
SIDE ELEVATION



SIDE ELEVATION



PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR

Susan Chan (MRTP1)
Planning Consultant
susanhms78@gmail.com

07761 044 043



HMS Town Planning & Urban Design

OUTBUILDING 2 GREENHILL ROAD,
HAXEY, N. LINCOLNSHIRE, DN9 2JE

NOTES:

All dimensions must be checked on site and not scaled from this drawing.

Client
MRS BEV SUSZCZENIA

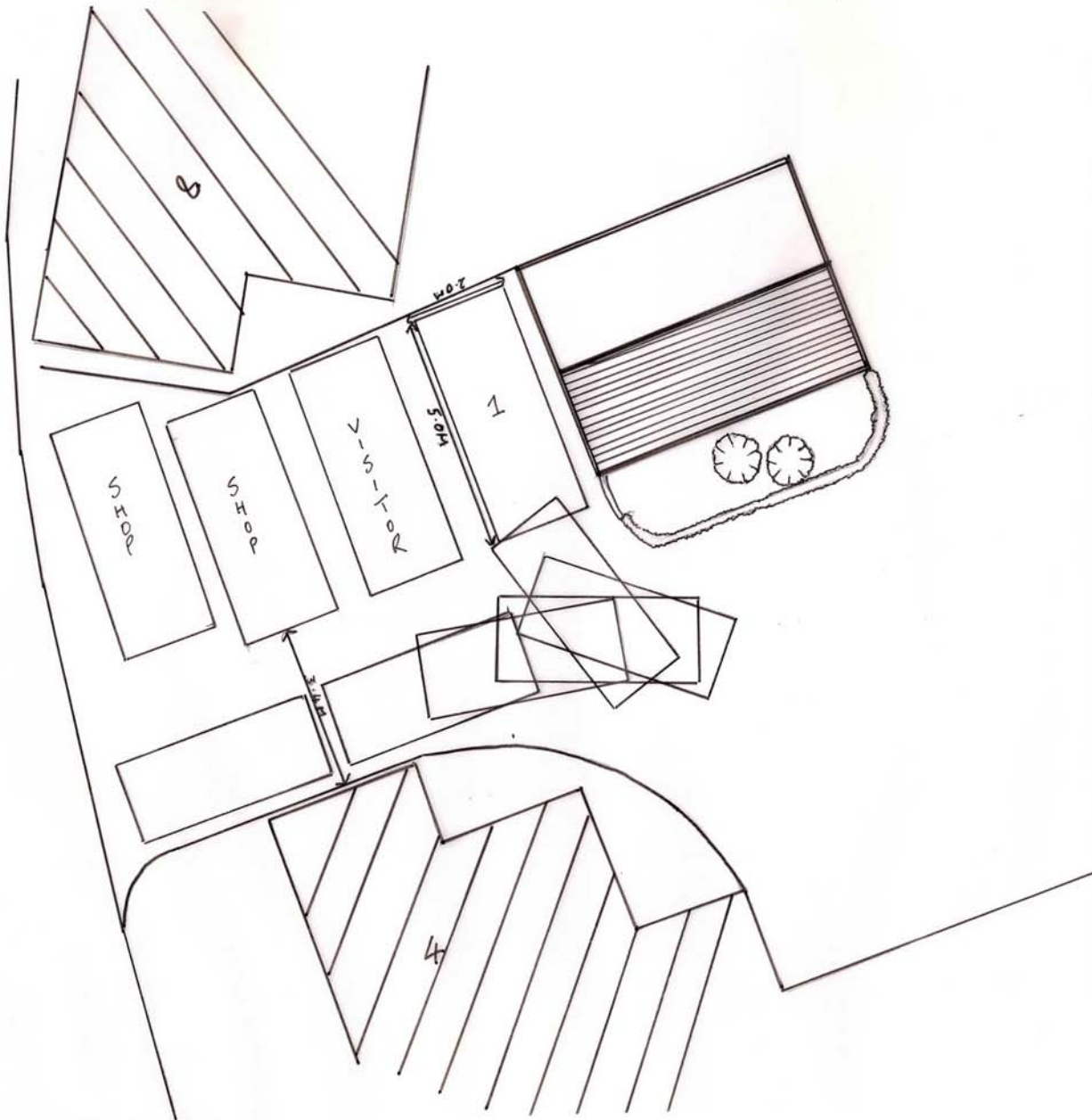
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CHANGE OF USE

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Drawn by SC
Date 28.11.22

Drawing Title
GH-PLNS-22/31-03

Drg No. 22/31-03
Rev



Susan Chan (MRTPI)
 Planning Consultant
 susanhms78@gmail.com

07761 044 043



HMS Town Planning & Urban Design

GREENHILL STORES 2-4 GREENHILL ROAD,
 HAXEY, N. LINCOLNSHIRE.

NOTES:

All dimensions must be checked on site and not scaled from this drawing.

Client

MRS SUSZCZENIA

Job Title

PARKING + TRACKING

Scale

1:100 @ A3

Drawn by

SC

Date

28.11.22

Drawing Title

GH-TRACK-22/31-04

Drg No.

22/31/04

Rev

| | |
|---|--|
| APPLICATION NO | PA/2022/2217 |
| APPLICANT | Mr Graham Boag |
| DEVELOPMENT | Outline application for three dwellings with all matters reserved, including the demolition of existing workshop |
| LOCATION | 78 High Street, Wootton, DN39 6RR |
| PARISH | Wootton |
| WARD | Ferry |
| CASE OFFICER | Scott Jackson |
| SUMMARY RECOMMENDATION | Approve with conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by Wootton Parish Council Significant public interest |

POLICIES

National Planning Policy Framework:

- 2 – Achieving sustainable development
- 4 – Decision making
- 5 – Delivering a sufficient supply of homes
- 8 – Promoting healthy and safe communities
- 12 – Achieving well-designed places
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 16 – Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

- DS1 – General Requirements
- DS7 – Contaminated Land
- DS14 – Foul Sewage and Surface Water Drainage
- H5 – New Housing Development
- H7 – Backland and Tandem Development
- H8 – Housing Design and Housing Mix

LC5 – Species Protection

T2 – Access to Development

T19 – Car Parking Provision and Standards

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering More Sustainable Development

CS5 – Delivering Quality Design in North Lincolnshire

CS7 – Overall Housing Provision

CS8 – Spatial Distribution of Housing Sites

CS17 – Biodiversity

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 SS11: Development Limits

Policy DQE1: Protection of Landscape, Townscape and Views

Policy DQE6: Sustainable Drainage Systems

CONSULTATIONS

Highways: No objection, recommend conditions.

LLFA Drainage: No objection, recommend conditions.

Environmental Protection: No objection, recommend conditions.

PARISH COUNCIL

Objects on the grounds the access is inadequate and will create visibility problems, aggravated by on-street parking.

PUBLICITY

Site notices have been displayed and 13 letters of objection have been received (including 3 from the same address) raising similar issues as the parish council, together with the following:

- narrow entrance to the site
- it will aggravate existing highway issues
- the parking for the existing houses is unlikely to be used
- there is poor visibility along the High Street
- impact from plot 3 on residential amenity
- overlooking from the pair of semi-detached houses
- over-development
- no windows should overlook gardens
- the existing building to be demolished should be considered as a designated heritage asset
- increase in congestion and risk of accidents
- the existing building should be protected and retained
- not in keeping with the character of the area
- loss of light to conservatory
- questionable separation distances
- insufficient parking provision
- there are bats in the existing building
- impact on property prices
- there are a number of empty houses in the village
- no need for new dwellings
- the local school is oversubscribed
- impact on local services

- potential for an increase in vehicles being parked in the highway
- difference in ground levels will exacerbate potential for loss of amenity
- no backland development in Wootton
- cramped development
- backland form of development
- concern over size, scale and siting of plot 3 and potential for overlooking and overshadowing.

ASSESSMENT

Planning history

PA/2005/1565: Outline planning permission to erect 3 dwellings (resubmission of PA/2005/1114) –refused 07/11/2005

PA/2005/1114: Outline planning permission for residential development – refused 30/08/2005

PA/2009/0501: Application for approval of reserved matters pursuant to outline application PA/2005/1565 determined by appeal dated 08/05/2006 for the erection of two linked dwellings and a single detached dwelling – approved 02/07/2009

The application site comprises a single-storey building which fronts High Street in Wootton and land to the rear. The site was used as a workshop and associated yard and the building to the site frontage has the remnants of a steel frame attached at the rear. The site at the rear is laid to hardstanding and is undulating in its ground levels, it is bordered by residential properties on three sides and is located within the defined settlement boundary for Wootton. The site extends to approximately 700m² in area, it is located in flood zone 1 and borders large sheds to the west which are used in association with a haulage yard. Outline planning permission is being sought to erect three dwellings with associated parking and amenity space; this involves the demolition of the existing workshop and the steel frame.

The main issues in the determination of this application are the principle of development, impact on residential amenity and highway issues.

Principle of development

The existing building and lean-to, together with the land to the rear, is located wholly within the defined settlement boundary for Wootton. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land Allocations Development Plan Document (HELADPD). Material considerations exist in the form of national policy and guidance contained within the

National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

This proposal is for the redevelopment of the site (following demolition of the existing building and lean-to) and the erection of three dwellings. The whole of the application site where the dwellings are proposed is within the defined development boundary for Wootton as shown in the Housing and Employment Land Allocations DPD. Furthermore, the application site is in a sustainable location, within walking distance of local services (including a school, public house, church and village hall), and with access to the local bus route which is opposite the Nags Head public house, providing a regular bus service to Barton upon Humber, Hull and Grimsby. The proposal therefore accords with the principles of sustainable development as set out in the policies of the local plan, Core Strategy and the National Planning Policy Framework on delivering residential development in appropriate locations.

Policy H8 of the local plan (Housing Design and Housing Mix) applies and states that new residential development will be permitted provided that it incorporates a high standard of layout which maintains, and where possible improves and enhances, the character of the area and protects existing and natural and built features, landmarks or views that contribute to the amenity of the area. This site constitutes developable land within the settlement boundary of Wootton, in a sustainable location. There is, therefore, a presumption in favour of residential development.

A number of objectors have questioned the need for additional housing in Wootton, taking into account recent approvals for new dwellings. However, if a developable site within the defined settlement boundary for a settlement is put forward for redevelopment (through the submission of a planning application) the local planning authority can only consider the proposal on its own merits, irrespective of whether a particular settlement has had dwellings approved within the past few years. Concerns raised in relation to the strain on existing services/utilities that would be caused by the development are noted. However, no evidence has been submitted to suggest that the proposed additional dwellings would result in any demonstrable harm to existing services/utilities in Wootton. The development falls under the threshold for contributions to be sought under a Section 106 agreement in this case.

Finally, it is worth noting that planning permission was granted at appeal for the erection of three dwellings on the site under PA/2005/1565. This comprised the demolition of the building to the site frontage and the erection of a detached dwelling to the rear (together with a pair of semi-detached dwellings along the site frontage), this draws parallels with the proposals being considered in this case. It is acknowledged the previous planning permission from 2005 has expired but it serves to demonstrate the principle of redeveloping this brownfield site, including the demolition of the existing workshop, for the erection of three dwellings has previously been considered acceptable in principle by the Planning Inspectorate.

Residential amenity

A number of objections have been received on the basis the proposal has the potential to result in loss of residential amenity through the effects of loss of light, overshadowing, overlooking and having an overbearing impact. It is worth noting that this is an outline planning application with all matters reserved for future consideration (through the submission of a reserved matters application). Therefore, issues in relation to the position

of windows, the heights of the dwellings and the proximity to existing residential properties will be taken into account during the assessment of any subsequent reserved matters application and cannot be accurately assessed during this application; the submission of any reserved matters would allow the local planning authority the opportunity to ensure the potential for loss of residential amenity can be mitigated and also allows for amended plans to be submitted at that stage of the planning process if the local planning authority required changes to the scheme.

Notwithstanding the above, the applicant has submitted an indicative plan with the planning application, which serves to demonstrate that three dwellings with associated off-street parking and private amenity space and a means of access to the site can be achieved.

The plan (whilst indicative) shows the developable site area to be 700m² in which three dwellings with areas for parking (six off-street parking spaces), private amenity space and a vehicular access retained for 81 High Street can be suitably accommodated. In addition, the plan shows that the existing vehicular access can be utilised to serve the development; this is proposed to be 5 metres in width. No objections have been raised on highway or pedestrian safety grounds to the development or to the means of access (although this matter is reserved for future consideration).

The indicative layout plan shows that a pair of semi-detached dwellings can be accommodated along the site frontage and can be sited a sufficient distance (20 metres) from the nearest residential property to the rear (to the south) to mitigate any potential for loss of residential amenity. It is noted a detached dwelling is shown indicatively to the rear of the site and the supporting text on the drawing states it will partly be two-storey in height; taking this into consideration, and taking into account the difference in ground levels from the front to the rear of the site (a rise of 1.7 metres from north to south), it is considered that any dwelling proposed at the rear of the site (plot 3) would need to be of a height appropriate to its position within the site. Although shown indicatively, the separation distance from the eastern elevation of plot 3 to the rear elevation (its conservatory) is 12 metres; therefore, the height of any resultant dwelling proposed on plot 3 would need to take this into account if a reserved matters application is submitted for future consideration. This would also be the opportunity for the local planning authority to accurately assess the potential for any loss of residential amenity arising from the development proposals at that time. However, it is considered that the application site can accommodate the scale of development proposed without it resulting in a contrived or cramped form of residential development and where sufficient separation distances from proposed and existing dwellings can be achieved.

Highway issues

A number of objectors have raised issues in respect of the increase in the number of vehicles, a potential increase in pedestrian and highway safety matters, the level of parking provision, the width of the proposed vehicular access and existing issues with parking within the public highway. Firstly, it is worth noting Highways have considered the proposals and raise no objection on either highway or pedestrian safety grounds. The erection of three dwellings in this residential location is not considered to result in an increase in vehicular movements over and above that reasonably anticipated in a residential area. Whilst means of access is a matter for future consideration, it is the opinion of the local planning authority that the existing vehicular access to the site can be utilised to serve the proposed development and can be widened to a sufficient width (5 metres) to facilitate this. The level of parking provision shown (two spaces per dwelling) is considered sufficient to

meet the needs of each of the three dwellings proposed and the plans show the proposed access can be widened to a minimum width of 5 metres between the High Street and the parking area.

The comments made in relation to vehicles being parked in the public highway are noted; however, this is as a consequence of local residents choosing to park their vehicles within the public highway and the lack of available off-street parking. It is considered that the development proposals will provide sufficient off-street parking without facilitating additional vehicles being parked in the public highway. In addition, it is for the future occupants of these dwellings to ensure they enter and leave the site in a safe and considered manner, taking into account any existing vehicles being parked within the public highway. In conclusion, it is considered the additional traffic movements from the proposed development will not cause material harm to highway safety along High Street, the access to be widened will not impede the free flow of traffic to and from High Street and the proposed development is therefore in accordance with the provision of policy T2 of the North Lincolnshire Local Plan and the NPPF.

Other issues

Street scene and settlement character

The proposal will result in the loss of the building from the site frontage, which will be replaced with two dwellings. The building along the frontage is constructed from brick (painted white in part) with a pantile roof and UPVC fixtures, it was used as a workshop. Whilst it is acknowledged that this building contributes to the street scene (given its position abutting the highway footpath), this is not a listed building, it is not located within a conservation area and is not listed in the Historic Environment Record (or HER) as a non-designated heritage asset. In addition, if the building was not demolished it would prevent the comprehensive redevelopment of the site for a small-scale residential development, preventing the local authority from delivering market dwellings in a sustainable location that would contribute to housing delivery targets in North Lincolnshire.

A single-storey commercial building presently occupies the site frontage, and this would be demolished to make way for the proposed development. Older properties along High Street front directly onto the back of the footway, and a pair of dwellings in this position would be fully in keeping with the character of the area. The development proposes the introduction of a new dwelling to the rear, which would constitute backland development. However, this is not necessarily harmful and there are comparable examples of such development in the vicinity of the application site. There is also a somewhat irregular pattern to the siting of dwellings along this section of the High Street which in turn breaks up what would otherwise be a regimented settlement pattern. Based on the conclusions in previous parts of this report, it is the opinion of the local planning authority that a dwelling could be positioned on the rear portion of the site at a sufficient distance from neighbouring properties to avoid overlooking and loss of privacy. It is also evident that existing development in the immediate area is quite dense in character and, as such, the proposed development would be in keeping with its surroundings.

Contaminated land

Owing to the previous operations on the site (which includes a workshop), there is potential for contamination both within the existing building and the surrounding land. Given demolition works are proposed and the proposed development will introduce sensitive

receptors onto the land (residential use), it is considered both reasonable and necessary to recommend a condition for contaminated land investigation; this is consistent with the updated consultation response from Environmental Protection.

Drainage

The site is located within flood zone 1, therefore a flood risk assessment is not required in this case. The comments made by LLFA Drainage in respect of the requirement for the submission of a drainage strategy as part of any reserved matters application is noted; however, this is a site which is already laid to hardstanding and the introduction of dwellings with associated garden land and parking areas would feasibly reduce surface water run-off from the site. In addition, the online surface water drainage maps on Gov.uk show this is a site which is at very low risk from surface water drainage flooding and as such it is considered there is no requirement for the submission of a surface water drainage strategy in this case.

Conclusion

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, particularly as the site is located wholly within the defined settlement boundary for Wootton. The proposal would have no demonstrable adverse impact on the character of the existing settlement pattern of High Street and the development proposals are not considered to have a detrimental impact on highway safety or residential amenity. The application is therefore recommended for approval.

Pre-commencement conditions

The pre-commencement conditions in respect of contaminated land investigation and the submission of a scheme for wheel-washing facilities have been agreed by the applicant's agent.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

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

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

The development hereby permitted shall be carried out in accordance with the following approved plans: RD:4753-02.

Reason

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

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 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.

8.

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

Reason

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

9.

No 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.

10.

No above ground works shall take place until details of the private driveway serving the development have been submitted to and agreed in writing by the local planning authority. The details shall include:

- (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.

11.

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.

12.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is

found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

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

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

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

To ensure the site is safe for future users and construction workers in accordance with policy DS1 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 paragraphs 159 to 169 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 159 to 169 of the National Planning Policy Framework.

Informatives

1.

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

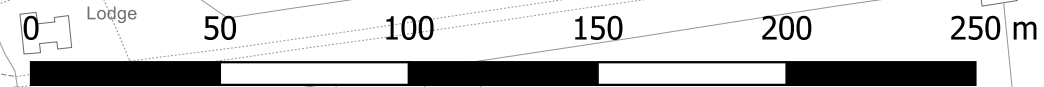
- before ANY construction works take place within the limits of the highway you **MUST** contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway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

2.

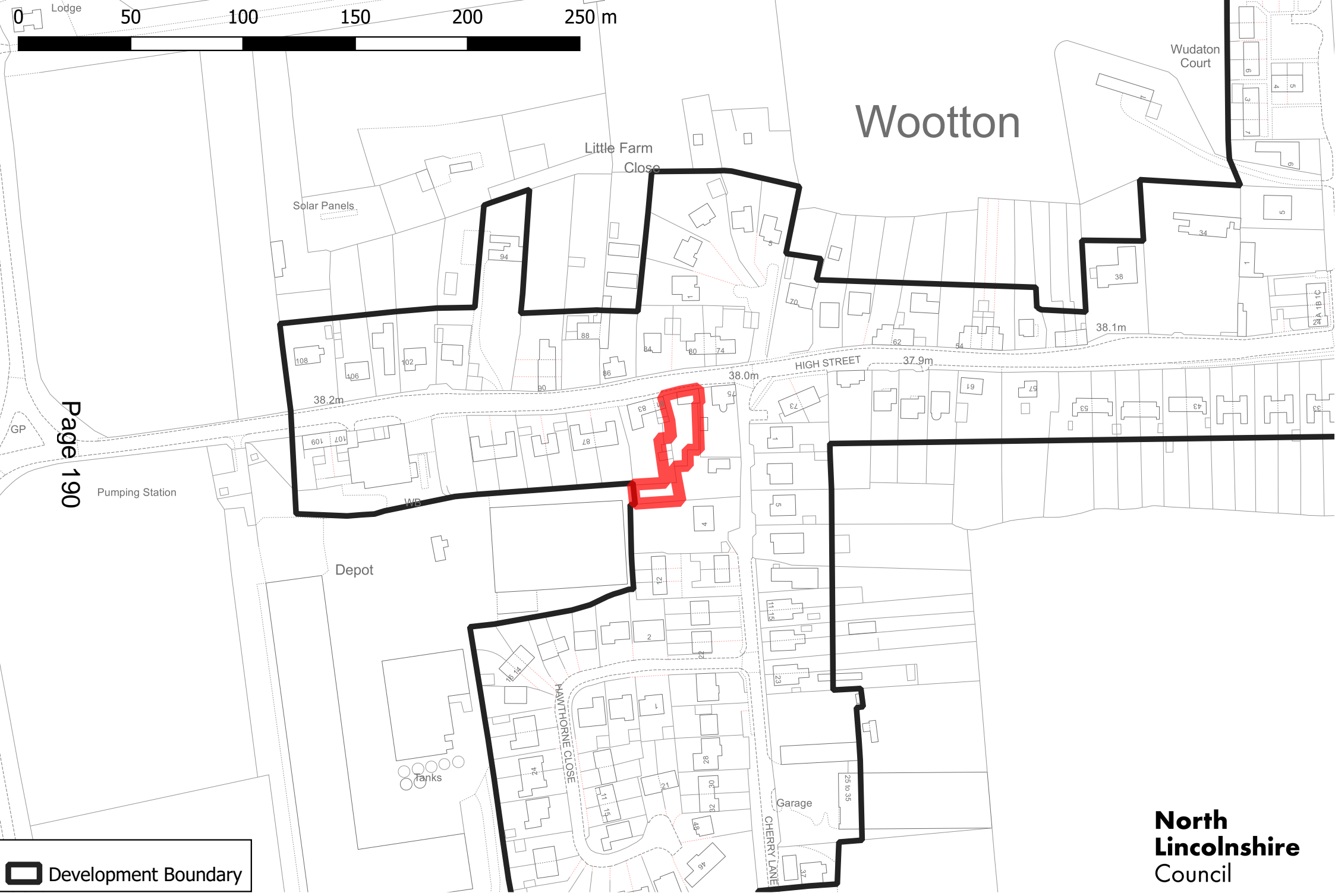
When considering the dwelling proposed on plot 3 to the rear of the site you are advised to take into account the rise in ground levels across the site from north to south with the ground levels at the rear being significantly higher. This may require the ground levels to be lowered and a plan should be submitted at reserved matters stage to demonstrate this. In addition, the height and any proposed windows in the side elevations/roof of plot 3 should also be carefully considered, particularly in relation to the proximity to 2 Cherry Lane to the east.

3.

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



Wootton



Wudaton Court

Little Farm Close

Solar Panels

HIGH STREET

HAWTHORNE CLOSE

CHERRY LANE

Garage

Depot

Pumping Station

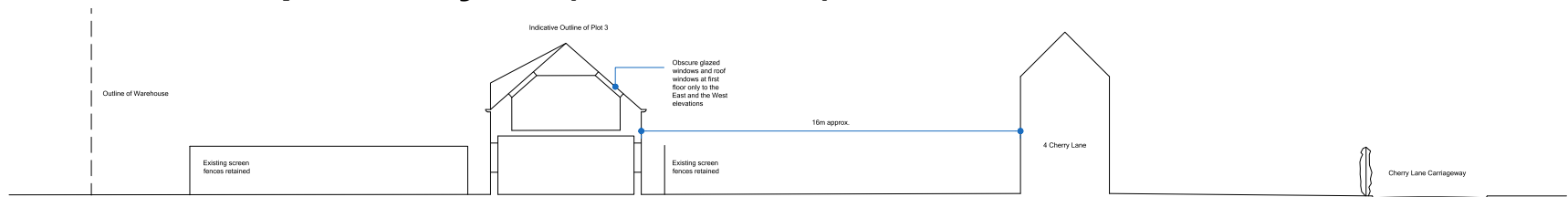
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 Development Boundary

**North
Lincolnshire
Council**

PA/2022/2217

PA/2022/2217 Proposed layout (not to scale)



Section A - A
1:100

Scale Bar
0m 5m 10m 15m

Notes

- Drawing copyright of Ross Davy Associates
- Client: Ross Davy Associates
- All retained structures are shown as existing and are not to be demolished unless otherwise stated and subject to the approval of the Local Planning Authority.
- Should the project fall under the scope of the Equality Act, Part 19 of the CDM Regulation, it is the Employer's responsibility to ensure the following:
 - Client: Ross Davy Associates
 - Designer: Ross Davy Associates
 - Principal Designer: Ross Davy Associates
- These drawings are to be considered as preliminary and for information only. Technical approval has been obtained from the relevant Local Development Corporation. Commencement of work on the site is the responsibility of the Client/Contractor.

Proprietors and Surveyors

Where elements of the construction are not visible during the survey, it is the contractor's responsibility to identify structural elements such as beams, joists and wall foundations. The drawings are not to be used for construction purposes without the consent of the relevant Local Development Corporation. Additional works may be required for necessary. CD survey data is shown as a reference only.

Drawing Revisions

| | |
|---|--|
| A | 20-12-22: Further notes added for Planning Application |
| B | 14-02-23: Further notes and Section A - A added |



Existing Site Plan
1:200



Proposed Site Plan
1:200

NOTES

- Foul drainage to connect to existing systems within High Street
- Surface water from the proposed dwelling roofs will discharge into either soakaway or subject to successful percolation tests or will discharge to the mains sewers at a controlled rate as part of a sustainable drainage system subject to LPA / Drainage Authority Approval
- Existing ground levels are to remain unaltered.

Ross Davy Associates

 Pelham House, 1 Grosvenor Street,
 Wootton, N.E. Lincolnshire, DN32 0QH
 Tel: 01472 347956
 Email: design@rossdavytd.co.uk
 Web: www.rossdavytd.co.uk

Project Proposed Development at 77-79 High Street, Wootton, North Lincolnshire

Drawing Title Existing and Proposed Site Plans

Drawn MD **Scale** 1:200

Date Dec 22 **Size** A1

Drawing No. RD:4753 - 01 **B**

APPROVAL

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| | |
|---|---|
| APPLICATION NO | PA/2022/2222 |
| APPLICANT | Mr Lee Coulbeck, Phillips 66 Ltd |
| DEVELOPMENT | Planning permission to construct an air products nitrogen skid to enable deliveries outside of normal working hours |
| LOCATION | The Newton Building, Eastfield Road, South Killingholme, DN40 3NF |
| PARISH | South Killingholme |
| WARD | Ferry |
| CASE OFFICER | Emmanuel Hiamey |
| SUMMARY RECOMMENDATION | Approve with conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by South Killingholme Parish Council |

POLICIES

National Planning Policy Framework:

Section 4: Decision-making

Section 6: Building a Strong, competitive economy

Section 8: Promoting Healthy and safe communities

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 RD2: Development in the Open Countryside

Policy DS7: Contaminated Land

Policy DS9: Development of Land in the Vicinity of Established Hazardous Installations and Pipelines

Policy DS10: New Hazardous Installations and Pipelines

Policy DS11: Polluting Activities

Policy DS16: Flood Risk

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

Policy IN6: Defined Industrial Buffer Areas

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 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 SS10: Development Limits

Policy RD1: Supporting Sustainable Development in the Countryside

Policy DQE1: Protection of Landscape, Townscape and Views

Policy DQE5: Managing Flood Risk

Policy DQE6: Sustainable Drainage Systems

CONSULTATIONS

Highways: No comments to make.

Environmental Protection: No objection subject to conditions.

LLFA Drainage Team: No objection subject to the imposition of conditions.

Health & Safety Executive (HSE): Does not advise, on safety grounds, against the granting of planning permission in this case.

PARISH COUNCIL

South Killingholme Parish Council objects to the application indicating that the refinery (Phillips 66) promised that a chemical industry would not cross over Eastfield Road.

The Parish Council believed that the new project would breach the conditions, if the Newton Building and the area called the overflow car park become an industry of a chemical nature.

The village wishes to keep the buffer zone intact and any breach of this towards the village would set an unacceptable precedence for future encroachment.

The parish council has an environmental plan to maintain the maximum number of green spaces around the village in line with the climate change emergency. This proposal would wear away the policy in terms of extra transport fumes and noise, and the destruction of a car park or part of a car park intended for overflow use only during lockdowns.

PUBLICITY

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

ASSESSMENT

Planning history

PA/2021/1407: Planning permission to create new access – approved with conditions 1/11/2021.

The site and proposal

Planning permission is sought to construct an air products nitrogen skid to enable deliveries outside normal working hours at The Newton Building, Eastfield Road, South Killingholme.

The site is outside any development boundary and within the complex of the Phillips 66 Humber oil refinery. The application site is bounded by Eastfield Road to the west, the railway line to the north, and refinery process units and storage tanks to the east and south.

On the opposite side of the road (Eastfield Road), there are developments alongside the road such as a depot, factory, and The Newton Building. Beyond these developments is the buffer zone between the South Killingholme settlement.

The applicant has submitted plans showing details of the air products' nitrogen skid and construction of the proposed tanks.

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

- **principle of development**
- **layout, siting and design, and impact on the character of the area**
- **residential amenity**

- **highway matters and parking**
- **drainage and flood risk**
- **economy**
- **security**
- **health, safety and emissions.**

Principle of development

Phillips 66 Humber oil refinery is an established oil refinery to the east of Eastfield Road and it is proposed to construct an air products nitrogen skid to enable deliveries outside normal working hours within the site.

The site is on existing employment land as designated by Inset Maps Inset 38 - South Killingholme in the local plan, and employment uses within the site do not conflict with other policies in the plan.

The National Planning Policy Framework advocates the support of the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings.

Policy RD2 of the local plan (Development in the Open Countryside) sets out the council's approach to proposals for development in the open countryside. The policy states that land within the open countryside will be strictly controlled and only development which is appropriate to the open countryside will be permitted.

Policy RD3 (Industrial and Commercial Development in Minimum and Medium Growth Settlements) states that proposals for industrial and commercial development, including extensions to buildings, limited infilling between buildings, redevelopment of existing sites and conversion of rural buildings in minimum and medium growth settlements, will be permitted provided that the proposal does not lead to an over-intensification of activity on the site to the detriment of residential amenity and highway safety; 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 the site is within walking or cycling distance of the local workforce, or is capable of being served by public transport.

Policy CS3 of the Core Strategy (Development limits) seeks to restrict development outside development boundaries to that which is essential for the functioning of the countryside. The policy aims to ensure that the countryside is protected from inappropriate development and that no uncontrolled expansion of settlements will take place.

As indicated earlier, the site is outside the development boundary of South Killingholme but forms part of the Humber Refinery (Phillips 66 Ltd, Eastfield Road, South Killingholme). The new nitrogen skid would be within the refinery land but outside the refinery security fence line to allow out-of-hours deliveries by air products.

The refinery has recently received planning permission for a new car park entrance off Eastfield Road (PA/2021/1407). This new entrance will be used to provide road tanker access to the new nitrogen skid.

The new skid, serviced on behalf of the refinery by Air Products, will contain nitrogen storage tanks, vaporisers and a controlled pressure let-down manifold. All will be contained within a high-level secure fence with access gates on three sides.

Current refinery security CCTV surveillance in this area of the site will also give additional security protection to the new plot.

It is judged that the air products nitrogen skid is required and there is no reason to dispute the wishes of the applicant to expand their business; therefore the proposals are considered acceptable in principle.

Overall, the development is considered acceptable; however, it is subject to compliance with other material considerations and relevant policies of the local development plan.

Layout, siting and design, and impact on the character of the area

The NPPF [Section 12] states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Further, permission should be refused for development that fails to take the opportunities for improving the character and quality of an area and the way it functions.

Policy DS1 of the local plan (General Requirements) expects a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused.

All proposals will be considered against design quality and should reflect or enhance the character, appearance and setting of the immediate area, and the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

Policy CS5 (Delivering Quality Design in North Lincolnshire) requires all new developments in North Lincolnshire to be well-designed and appropriate for their context. 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.

As indicated earlier, the site is within the complex of the Phillips 66 Humber oil refinery. The application site is bounded by Eastfield Road to the west, the railway line to the north, and refinery process units and storage tanks to the east and south.

Given the site is within the Phillips 66 Humber oil refinery complex, and the new skid (serviced on behalf of the refinery by Air Products) will contain nitrogen storage tanks, vaporisers and a controlled pressure let-down manifold, all will be contained within a high-level secure fence with access gates on three sides, plus the current refinery security CCTV surveillance in this area of the site will give additional security protection to the new plot.

In addition, it is considered that the proposed development, due to its design, height, scale, massing and materials to be used, would conform to the characteristic of structures within the business compound and would therefore not raise any planning issues. It would not have a significant adverse impact on the landscape or the visual appearance of this open countryside.

Residential amenity

Policy DS1 (General Requirements), on amenity impact, requires that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

There are no residential properties close to the site. The nearest residential dwelling is within the development boundary of South Killingholme, approximately 0.58 kilometres away, on the opposite side of Eastfield Road.

This is considered an adequate separation distance that would ensure the proposed development does not have an over-dominant impact on the residential dwellings. Furthermore, the separation distance would ensure that the proposal does not appear incongruous with, result in overshadowing, or cause loss of light to those properties.

Given the topography of the site and the generous distance between the proposed development and the nearest dwelling, it is considered that the proposal would not result in any undue overbearing or overshadowing impacts.

The Environmental Protection Team have been consulted and has no objection or adverse comments to make on the application.

The Health and Safety Executive (HSE) has been consulted because the development is within the consultation distance of major hazard sites/pipelines. The HSE has considered the proposal and has no objections or adverse comments to make.

Overall, this proposal is unlikely to raise any significant noise issues arising from the expected nitrogen deliveries and is unlikely to cause unacceptable harm to residential amenity given the separation distance.

Highways and parking

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. Both policies are considered relevant.

Planning permission to create a new access to the site (PA/2021/1407) was approved with conditions on 1/11/2021 and therefore access to the site is not under consideration.

Highways have reviewed the proposal and have no objection or comments to make on the application.

Based on Highways' comments, it is considered that the access arrangements are acceptable, and the proposal would not be harmful to highway safety.

Drainage and flood risk

Policy CS19 of the Core Strategy is concerned with flood risk and policy DS14 is concerned with foul sewage and surface water drainage.

The site lies within an area at low risk of flooding (SFRA flood zone 1). The LLFA Drainage Team have been consulted on the application and has commented that the development falls within lower threshold assessment levels (over 500m² buildings and hard paved areas) and fails to provide information to support the proposals.

There would seem to be no feasible surface water drainage outfall within the vicinity of the development and/or the existing surface water drainage network needs to be fully identified. Taking the above into consideration, the LLFA Drainage Team has no objection to the proposed development subject to the imposition of planning conditions, which will be applied should permission be granted.

Economy

The National Planning Policy Framework states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.

The local development plan supports the growth of the local economy and the development of existing employment sites, assists businesses in growth and encourages the growth and expansion of existing employment uses where it does not conflict with other policies in the plan.

The Phillips 66 Humber oil refinery is one of the major employers in the area and the development proposed would aid the expansion of an existing business. Therefore, there would be economic benefits associated with the development proposal as per the NPPF.

The proposal is considered to align with the economic objective of the local development plan and the NPPF.

Security

The NPPF requires planning decisions to ensure that development proposals 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.

The applicant has included within the proposed plans details of the security measures at the site.

It is considered that sufficient and acceptable levels of security around the tanks have been provided to the extent that it is considered they would deter crime and efforts to tamper with/steal the tanks, in accordance with the NPPF.

Parish council comments

South Killingholme Parish Council objects to the application indicating that the refinery (Phillips 66) promised that a chemical industry would not cross over Eastfield Road. The parish council believes that the new project would breach the conditions, if the Newton Building and the area called the overflow car park become an industry of a chemical nature.

The village wishes to keep the buffer zone intact and any breach of this towards the village would set an unacceptable precedence for future encroachment.

Having reviewed the comments made by the parish council, a further consultation was sent with a location plan explaining that the site is on the east side of the road and does not cross over Eastfield Road as alleged in the response and asked whether they would remove their objection considering clarification of the site.

In response, the council decided to retain their objection reiterating the earlier reason for the objection.

Conclusion

For the above reasons, it is considered that the proposed liquid nitrogen storage tanks would accord with local development plan policies and the NPPF.

It is considered that the principle of the development is acceptable and there is a justified need for the proposals and that this is sustainable development that supports the rural economy, without significant adverse impact on rural landscape character, highway safety, flooding or residential amenity. It is considered that the proposed development, due to its siting, size, scale and massing, would not appear incongruous within the landscape.

The application is therefore recommended for approval, subject to conditions.

Pre-commencement conditions

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

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

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

- Plans Details & Sections Dwg. No. W14-A21-D014-1812-6100-B401 Rev. 2
- Plans Sections & Details Dwg. No. W14-A21-D014-1812-6835-B601 Rev. 0
- Plans Sections (1 of 6) Dwg. No. W14-A21-D014-1812-6100-B501 Rev. 2
- Site Location Plans Dwg. No. W14-A21-D014-1812-6200-C010 Rev. 1
- Site Marking Plan Dwg. No. W14-A21-D014-1812-6200-B001 Rev. 1
- Site Sections 1 of 2 Dwg. No. W14-A21-D014-1812-6200-B013 Rev. 0
- Site Sections 2 of 2 Dwg. No. W14-A21-D014-1812-6200-B014 Rev. 0
- Vehicle Tracking Plan Dwg. No. W14-A21-D014-1812-6200-B003 Rev. 1
- Existing & Proposed Block Plans Dwg. No. W14-A21-D014-1812-6200-B012 Rev.0
- Plans & Details 1 of 3 Dwg. No. W14-A21-D014-1812-6100-B201 Rev. 3.

Reason

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

3.
If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with and has been submitted to and approved by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

To protect human health.

4.

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

Reason

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

5.

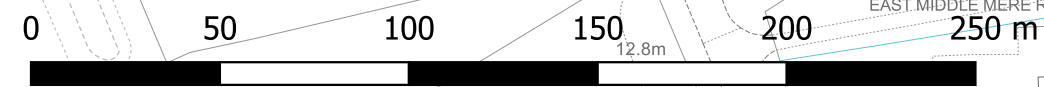
The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 4 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

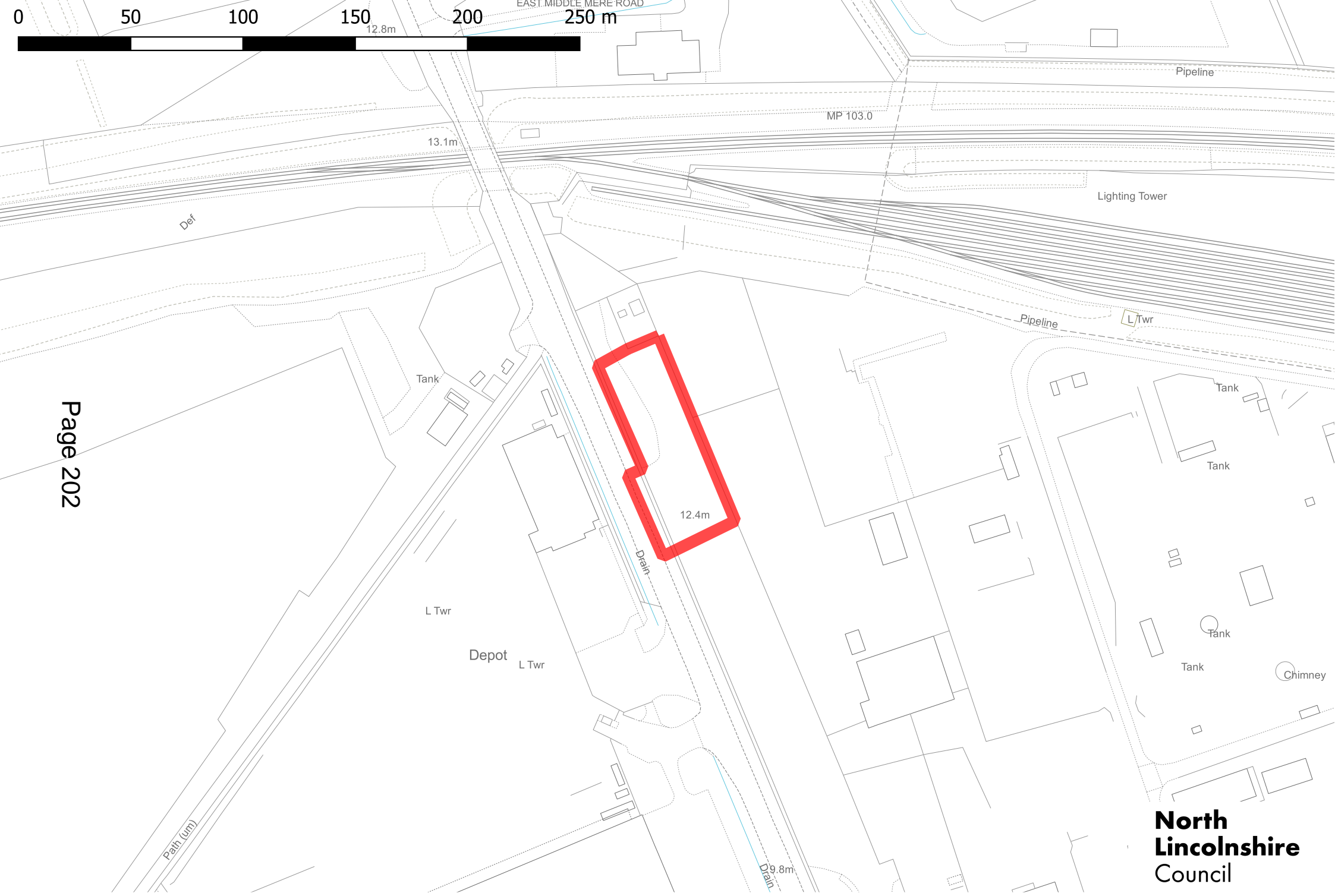
To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North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

Informative

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



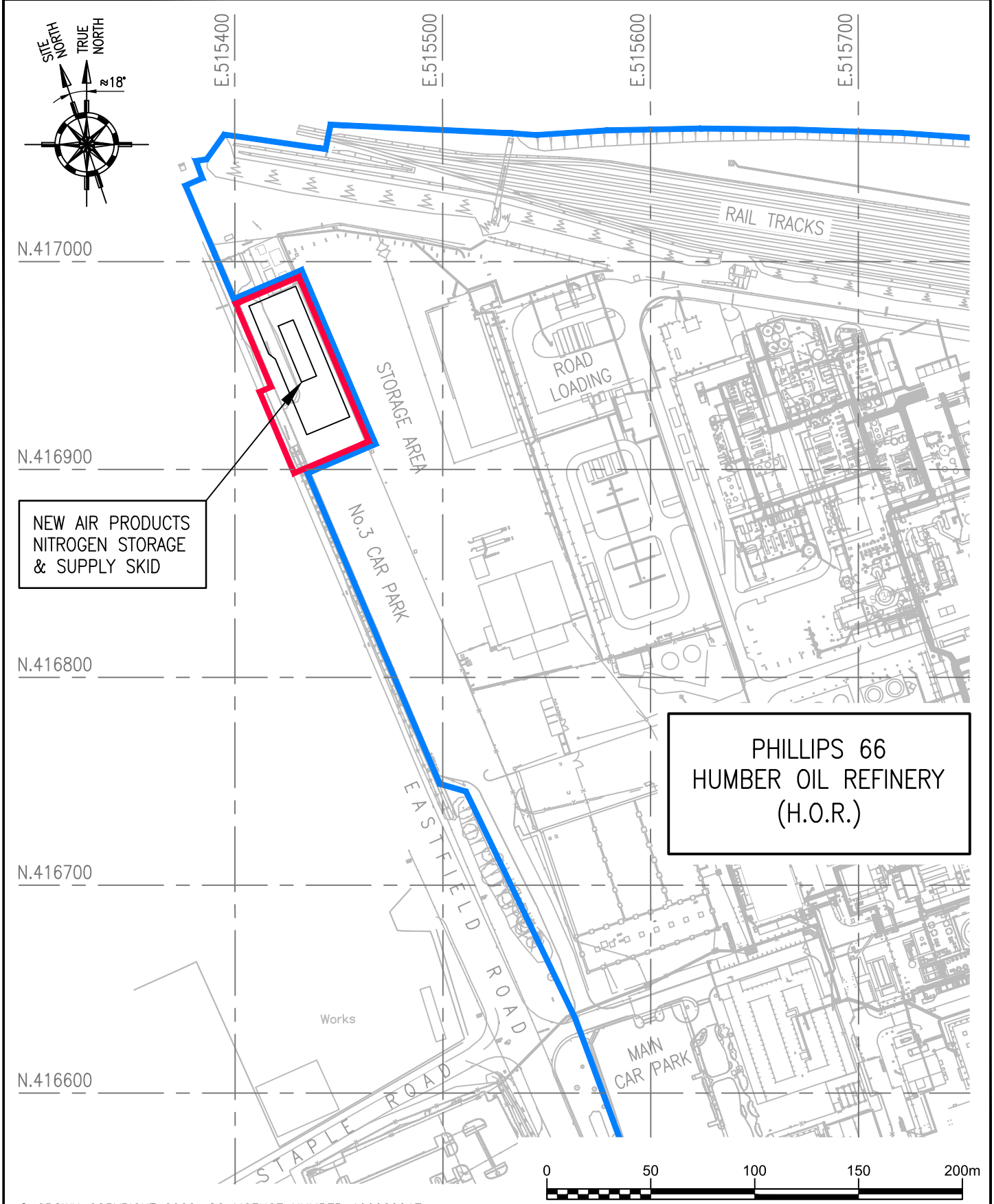
EAST MIDDLE MERE ROAD



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**North
Lincolnshire
Council**

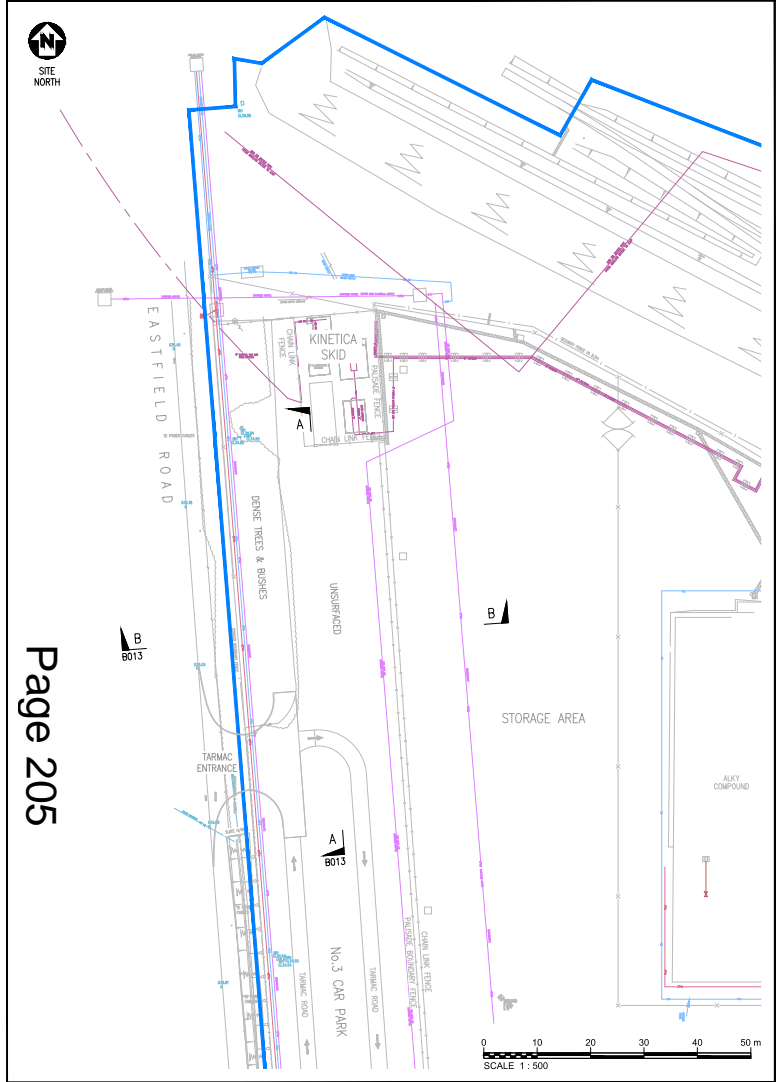
PA/2022/2222 Proposed location (not to scale)



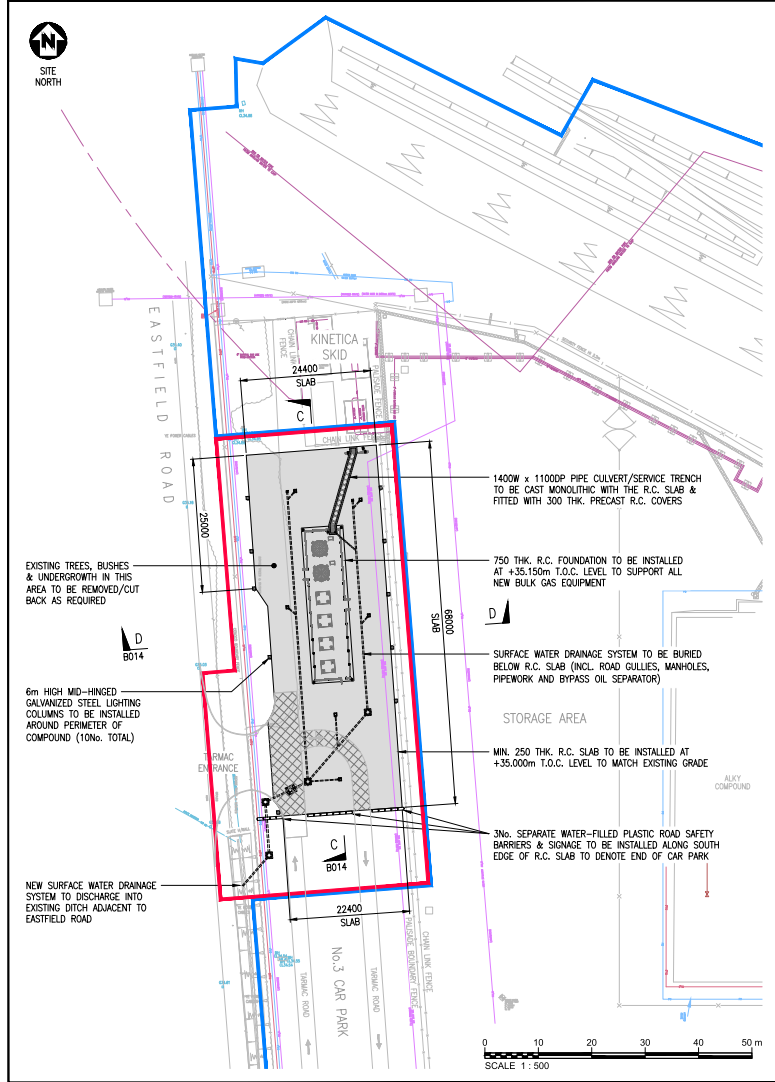
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SCALE 1 : 2500

| | | | | |
|--|--------------------------|-----------------------------|---|----------------------|
|  Humber Refinery | | | Title REPLACE AIR PRODUCTS NITROGEN BACK-UP WP C00 : OVERALL CIVIL WORKS CIVIL G.A. SITE LOCATION PLAN | |
| | | | Discipline CIVIL | Date 10.01.23 |
| Drawn MW | Scale 1:2500 @ A4 | Cad File Ref. CZ0010 | | |



EXISTING PLAN
HUMBER OIL REFINERY
 SCALE 1:500



PROPOSED PLAN
HUMBER OIL REFINERY
 SCALE 1:500

Page 205

| Notes | | | | | | | | | | | | | | | | | | | |
|---|---|--------------------|---|------------|------|--------------------|-------------|--------|------|------------------|-----|------------|--------------------|-------|----|------|-----------|-------|------------|
| 1. | THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CORRECT SETTING OUT OF ALL WORK ON SITE. | | | | | | | | | | | | | | | | | | |
| 2. | ALL DIMENSIONS ARE IN MILLIMETERS (mm) UNLESS NOTED OTHERWISE. | | | | | | | | | | | | | | | | | | |
| 3. | ALL DIMENSIONS NOTED REF ARE PROVIDED FOR REFERENCE ONLY AND TO BE CHECKED ON SITE. | | | | | | | | | | | | | | | | | | |
| 4. | ALL LEVELS ARE IN METERS (m) UNLESS NOTED OTHERWISE. | | | | | | | | | | | | | | | | | | |
| 5. | PHILLIPS 66 HUMBER OIL REFINERY (HOR) MAIN SITE DATUM LEVEL = 30.480m. | | | | | | | | | | | | | | | | | | |
| 6. | ALL COORDINATES SHOWN ON THIS DRAWING RELATE TO ORDINANCE SURVEY NATIONAL GRID. | | | | | | | | | | | | | | | | | | |
| 7. | DO NOT SCALE FROM THIS DRAWING. | | | | | | | | | | | | | | | | | | |
| 8. | THIS DRAWING TO BE READ IN CONJUNCTION WITH THE HUMBER REFINERY ENGINEERING STANDARDS, ALL OTHER RELEVANT DRAWINGS (INCLUDING BY OTHER DISCIPLINES) AND THE SPECIFICATIONS. | | | | | | | | | | | | | | | | | | |
| 9. | ALL WORKMANSHIP AND MATERIALS TO BS EN 1992 AND RELEVANT PHILLIPS 66 STANDARDS. | | | | | | | | | | | | | | | | | | |
| 10. | FOR CONCRETE NOTES AND SPECIFICATION SEE DRG No. W14-A21-D014-1812-6200-8002. | | | | | | | | | | | | | | | | | | |
| Legend | | | | | | | | | | | | | | | | | | | |
| | EXTENT OF NEW AIR PRODUCTS COMPOUND SLAB (TOTAL AREA = Approx. 1600m²) | | | | | | | | | | | | | | | | | | |
| | EXISTING TARMAc SURFACE TO BE DEMOLISHED (TOTAL AREA = Approx. 200m²) | | | | | | | | | | | | | | | | | | |
| | SITE APPLICATION BOUNDARY | | | | | | | | | | | | | | | | | | |
| | PHILLIPS 66 SITE OWNERSHIP BOUNDARY | | | | | | | | | | | | | | | | | | |
| Reference Drawings | | | | | | | | | | | | | | | | | | | |
| C00 - OVERALL CIVIL WORKS | | | | | | | | | | | | | | | | | | | |
| W14-A21-D014-1812-6200-B001 | CIVIL G.A. SITE MARKING PLAN | | | | | | | | | | | | | | | | | | |
| W14-A21-D014-1812-6200-B002 | CIVIL G.A. CONCRETE NOTES & SPECIFICATION | | | | | | | | | | | | | | | | | | |
| W14-A21-D014-1812-6200-B003 | CIVIL G.A. VEHICLE TRACKING PLAN | | | | | | | | | | | | | | | | | | |
| W14-A21-D014-1812-6200-C010 | CIVIL G.A. SITE LOCATION PLAN A4 SHEET | | | | | | | | | | | | | | | | | | |
| W14-A21-D014-1812-6200-B011 | CIVIL G.A. SITE LOCATION PLAN A1 SHEET | | | | | | | | | | | | | | | | | | |
| W14-A21-D014-1812-6200-B012 | CIVIL G.A. SITE BLOCK PLANS | | (THIS DRG.) | | | | | | | | | | | | | | | | |
| W14-A21-D014-1812-6200-B013 | CIVIL G.A. SITE SECTIONS SHEET 1 OF 2 | | | | | | | | | | | | | | | | | | |
| W14-A21-D014-1812-6200-B014 | CIVIL G.A. SITE SECTIONS SHEET 2 OF 2 | | | | | | | | | | | | | | | | | | |
| Key Plan | | | | | | | | | | | | | | | | | | | |
| | AREA SHOWN ON THIS DRAWING | | SITE NORTH | | | | | | | | | | | | | | | | |
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| PHILLIPS 66 HUMBER OIL REFINERY (H.O.R.) | | | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Rev.</th> <th>Date</th> <th>ISSUED FOR COMMENT</th> <th>Description</th> <th>MW</th> <th>SDP</th> <th>SDP</th> </tr> </thead> <tbody> <tr> <td>0</td> <td>14.09.22</td> <td>ISSUED FOR COMMENT</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> | | | | Rev. | Date | ISSUED FOR COMMENT | Description | MW | SDP | SDP | 0 | 14.09.22 | ISSUED FOR COMMENT | | | | | | |
| Rev. | Date | ISSUED FOR COMMENT | Description | MW | SDP | SDP | | | | | | | | | | | | | |
| 0 | 14.09.22 | ISSUED FOR COMMENT | | | | | | | | | | | | | | | | | |
| <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>T.I.D. No.</td> <td>TBC</td> </tr> <tr> <td>Tech Memo/AMOC No.</td> <td>TBC</td> </tr> <tr> <td>A.S.C.</td> <td>C001</td> </tr> <tr> <td>Unit Description</td> <td>FCC</td> </tr> <tr> <td>Discipline</td> <td>CIVL</td> </tr> <tr> <td>Drawn</td> <td>MW</td> </tr> <tr> <td>Date</td> <td>AUG' 2022</td> </tr> <tr> <td>Scale</td> <td>1:500 @ A1</td> </tr> </table> | | | | T.I.D. No. | TBC | Tech Memo/AMOC No. | TBC | A.S.C. | C001 | Unit Description | FCC | Discipline | CIVL | Drawn | MW | Date | AUG' 2022 | Scale | 1:500 @ A1 |
| T.I.D. No. | TBC | | | | | | | | | | | | | | | | | | |
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| A.S.C. | C001 | | | | | | | | | | | | | | | | | | |
| Unit Description | FCC | | | | | | | | | | | | | | | | | | |
| Discipline | CIVL | | | | | | | | | | | | | | | | | | |
| Drawn | MW | | | | | | | | | | | | | | | | | | |
| Date | AUG' 2022 | | | | | | | | | | | | | | | | | | |
| Scale | 1:500 @ A1 | | | | | | | | | | | | | | | | | | |
| Humber Refinery | | | REPLACE AIR PRODUCTS NITROGEN BACK-UP WP C00 : OVERALL CIVIL WORKS CIVIL G.A. SITE BLOCK PLANS | | | | | | | | | | | | | | | | |
| Worley <small>energy chemicals resources</small> PARK SQUARE BIRD HALL LANE, CHEADLE HEATH STOCKPORT, CHESHIRE SK5 0XF | | | Title W14-A21-D014-1812-6200-B012 | | | | | | | | | | | | | | | | |
| PROJECT TITLE REPLACE AIR PRODUCTS NITROGEN BACK-UP | | | Rev. 0 | | | | | | | | | | | | | | | | |
| PROJECT NO 60-PY10-04 | | | Cad File Ref. CZ0012 | | | | | | | | | | | | | | | | |
| DRAWING NO CI.C210/0012 | | | | | | | | | | | | | | | | | | | |
| REVISION 0 | | | | | | | | | | | | | | | | | | | |

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| APPLICATION NO | PA/2022/2230 |
| APPLICANT | Executors of the late Mrs Joan Burkinshaw |
| DEVELOPMENT | Outline planning permission to erect a detached dwelling with appearance, landscaping, layout and scale reserved for subsequent consideration |
| LOCATION | 37 North Street, West Butterwick, DN17 3JR |
| PARISH | West Butterwick |
| WARD | Axholme South |
| CASE OFFICER | Scott Jackson |
| SUMMARY RECOMMENDATION | Approve with conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by West Butterwick Parish Council |

POLICIES

National Planning Policy Framework:

- 2 – Achieving sustainable development
- 4 – Decision making
- 5 – Delivering a sufficient supply of homes
- 8 – Promoting healthy and safe communities
- 12 – Achieving well-designed places
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 16 – Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

- DS1 – General Requirements
- DS7 – Contaminated Land
- DS14 – Foul Sewage and Surface Water Drainage
- DS16 – Flood Risk
- H5 – New Housing Development
- H8 – Housing Design and Housing Mix

LC5 – Species Protection

LC14 – Area of Special Historic Landscape Interest

T2 – Access to Development

T19 – Car Parking Provision and Standards

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering more Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design in North Lincolnshire

CS6 – Historic Environment

CS7 – Overall Housing Provision

CS8 – Spatial Distribution of Housing Sites

CS17 – Biodiversity

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 SS11 – Development Limits

Policy RD1 – Supporting Sustainable Development in the Countryside

Policy DQE1 – Protection of Landscape, Townscape and Views

Policy DQE5 – Managing Flood Risk

Policy DQE6 – Sustainable Drainage Systems

Policy HE1 – Conserving and Enhancing the Historic Environment

Housing and Employment Land Allocations Development Plan Document (DPD)

CONSULTATIONS

Highways: No objection, recommend conditions.

Environment Agency: No objection, recommend a condition.

LLFA Drainage: No objection, recommend conditions.

Environmental Protection: No objection, recommend conditions.

Isle of Axholme and North Nottinghamshire Water Level Management Board: There are no Board-maintained watercourses in close proximity to the site. The Board's consent is required for any works that increase the flow or volume of water to any watercourse or culvert within the Board's district (other than directly to a main river for which the consent of the Environment Agency will be required).

The suitability of soakaways, as a means of surface water disposal, should be ascertained prior to planning permission being granted. Soakaways should be designed to an appropriate standard and to the satisfaction of the approving authority in conjunction with the local planning authority. If the suitability is not proven the applicant should be requested to re-submit amended proposals showing how the site is to be drained. Should this be necessary this Board would wish to be re-consulted.

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

Archaeology: The application affects the Area of Special Historic Landscape Interest of the Isle of Axholme (Local Plan Policy LC14). This area is designated for its unique historic landscape retaining the pattern of ancient open strip fields and enclosures surrounding the villages on the Isle. The application site is in a well-preserved area of the core historic landscape in the Riversides Ancient Open Strip Field character area. 33 North Street (adjacent) is a traditional 19th century house perpendicular to the street frontage, typical of the Isle vernacular, that together with its single storey outbuildings to the rear contributes to the historic settlement form and the setting of the historic landscape to the rear.

It will be important that the scale, design and building materials of any new dwelling on this plot is appropriate to the area and in accordance with policies LC14 and DS1 to avoid adverse effect on the character and setting of the heritage asset. Any new dwelling should be single-storey only to avoid the unacceptable extension and intrusion of the built environment into the historic landscape and overshadowing the existing historic house and surrounding modern bungalows.

Physical enclosure and high fencing would be inappropriate in this landscape, including along the historic track or mere on the north side of the application and the site boundaries. Standard planning conditions should be attached to secure the above criteria to ensure the details of a dwelling on this plot will comply with policy LC14, including restricting the building height, use of appropriate building materials and boundary treatment, and the

removal of permitted development rights to avoid the unregulated extension of the built environment into the protected historic landscape area at the rear of the dwelling.

PARISH COUNCIL

Object on the following grounds:

- The access for the property at the moment is not used and there are concerns that this access is not suitable for a shared access.
- The parish council wish to know where the telegraph pole and post with the bus stop attached will be re-sited.
- The parish council have concerns as to what type of housing is proposed as this should be in keeping with the bungalow-style housing in the vicinity.
- The proposed access to the property is land known as the Mere and is common land owned by the parish and their permission would be required for right of access.

PUBLICITY

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

ASSESSMENT

Planning history

PA/2021/1314: Outline planning permission for a detached dwelling with all matters except means of access reserved for subsequent consideration – withdrawn.

The application site comprises garden land within the curtilage of a detached bungalow to the west of North Street in West Butterwick. The site contains two single-storey outbuildings: one constructed from brick and profile sheeting, and the other from brick, timber and profile sheeting to its roof. The site is within flood zone 2/3a and is bordered by residential properties on three sides. It is also within the Isle of Axholme Area of Special Historic Landscape Interest (policy LC14) along part of its western edge and the developable site area extends to some 544m². Outline planning permission is sought to erect a detached dwelling with means of access being considered at this outline stage.

The main issues in the determination of this application are the principle of development, and impact on the character and appearance of the LC14 land, upon residential amenity, upon highway safety and flood risk.

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land Allocations Development Plan Document (HELADPD). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

This proposal is for the redevelopment of the site (following demolition of the existing buildings) and the erection of a detached dwelling. The part of the application site where the dwelling is proposed is within the defined development boundary for West Butterwick as shown in the Housing and Employment Land Allocations DPD. Furthermore, the application site is in a sustainable location, within walking distance of local services, and North Street, which is a local bus route. The proposal therefore accords with the principles of sustainable development as set out within the policies of the local plan, Core Strategy and the National Planning Policy Framework on delivering residential development in appropriate locations.

Policy H8 of the local plan (Housing Design and Housing Mix) applies and states that new residential development will be permitted provided that it incorporates a high standard of layout which maintains, and where possible improves and enhances, the character of the area and protects existing and natural and built features, landmarks or views that contribute to the amenity of the area. This site constitutes developable land within the settlement boundary of West Butterwick, in a sustainable location. There is, therefore, a presumption in favour of residential development.

Historic landscape/settlement character

The council's online mapping system also shows that a small section of the site along its western fringes extends into the LC14 landscape with the dwelling on the neighbouring site to the west (37 North Street) located wholly within the historic landscape. The Historic Environment Record (HER) has commented the application site is in a well-preserved area of the core historic landscape in the Riversides Ancient Open Strip Field character area, that any new dwelling should be single-storey to avoid the extension of the built environment into the historic landscape and it will be important to ensure the scale, design and materials of any new dwelling is appropriate to the area. The comments from the HER are noted; however, it is also worth noting the comment above that only a small section of the site extends into the LC14 landscape, and a dwelling could feasibly be accommodated on the site without it extending into the historic landscape, particularly as the width of the site is in excess of 20 metres at its widest point. It is considered the erection of a dwelling on the site would not be at odds with the character, appearance and setting of the historic landscape as a dwelling could be accommodated on the site which still allows extensive views into and across the landscape from North Street (looking in a westerly direction) and where 33 North Street remains visually prominent within such a view and can be appreciated within that view.

This is an outline planning application with matters relating to scale reserved for future consideration (as part of any reserved matters submission); however, issues have been raised in relation to the height of any dwelling proposed on the site. Due to the proposed flood mitigation measures required (with finished floor levels proposed at 1 metre above existing site levels), it is anticipated that any subsequent dwelling would be of a dormer style or two-storey in height; this would be consistent with the height of the dwelling immediately to the east (33 North Street) and there a number of examples along the western side of North Street where modern two-storey dwellings border and encroach into the historic landscape. Therefore, the introduction of a dwelling with more than one storey would not be at odds with either the character and appearance of the street scene or with the setting of the historic landscape.

In addition, the layout of the site is not being considered at this outline stage, but any resultant detached dwelling could be orientated on the site to ensure it allows views into and across the historic landscape without having an adverse impact on the historic

landscape beyond, and which results in the introduction of a dwelling which is perpendicular to the street frontage, thereby aligning with the orientation of the traditional dwelling at 33 North Street highlighted in the consultation response from the HER. The HER has also recommended a condition which removes permitted development rights from the development if the application is granted permission; however, this is a site with existing built form located wholly within the defined settlement boundary for West Butterwick and any boundary treatment and outbuildings which could be erected under householder permitted development rights would not obstruct or have a negative impact on the character, appearance and setting of the historic landscape.

It should also be noted there are examples of modern dwellings within the vicinity of the site and that have recently been erected on sites which border the historic landscape on the western side of North Street. The proposal is considered to be infill development which follows the existing ribbon development pattern along North Street and which results in the redevelopment of this site (it currently contains two outbuildings). It is accepted that the proposal will close the 'gaps' along North Street enclosing this area of the LC14 landscape, but the proposed development will be viewed in context with the existing ribbon development along North Street, where new dwellings have been recently permitted. Therefore, on balance, the proposal will not cause significant harm to the character, appearance and setting of the LC14 in this location and is therefore acceptable.

Impact on amenity

It is considered that a dwelling could be designed/accommodated on the site that is in keeping with the surrounding area and would not adversely affect the amenity of adjoining neighbours. In addition, it is considered a dwelling could reasonably be positioned on the site which ensures there is sufficient provision for both off-street parking and private amenity space and sufficient separation distance from existing houses to mitigate any potential loss of residential amenity which could arise (for example overlooking, overshadowing or having an overbearing impact). These issues would be considered and assessed at the reserved matters stage under policies H5, H8 and DS1 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

Highway issues

In terms of highway and pedestrian safety matters, Highways have no objections to the proposal subject to conditions which will be imposed on any planning permission granted. Following concern from Highways, the applicant has amended the position of the proposed vehicular access to ensure it does not conflict with the existing bus stop and telegraph pole located on North Street to the east. The access is from North Street along a section of track which also serves 37 North Street to the west. The comments made by West Butterwick Parish Council in respect of the access track being part of the 'Mere' is noted and any future owner of the site would therefore have to seek the permission of the parish council to gain a right of access over the track; however, this does not prevent the local planning authority from determining whether it is a suitable means of access to the development site; in this regard no objection has been received from Highways. The proposal therefore accords with policies T2 and T19 of the North Lincolnshire Local Plan.

Flood risk and drainage

In terms of flood risk, the site is within flood zone 2/3a of the council's SFRA and is therefore at high risk of flooding. There are no available sites within the development

boundary of West Butterwick within a lower flood risk zone. The sequential test is therefore passed. In terms of the exceptions test, the proposal will contribute to the council's five-year land supply, will deliver a new dwelling in a sustainable location, will provide jobs during the construction period and will support local services/amenities within the settlement of West Butterwick.

The FRA submitted is acceptable to the Environment Agency, subject to conditions which will be imposed on any planning permission. It is considered there is sufficient reasoning to justify that the development would provide wider sustainability benefits sufficient to outweigh the risk of flooding. The proposal therefore accords with the NPPF, policy CS19 of the Core Strategy and policy DS16 of the Lincolnshire Local Plan.

In terms of drainage, no objections have been received subject to conditions which will be imposed should planning permission be granted. The proposal therefore accords with the NPPF, policies CS18 and CS19 of the Core Strategy, and policy DS14 of the North Lincolnshire Local Plan.

Other issues

The previous use of the buildings on the site is unknown and the land therefore has the potential to contain contaminated material such as asbestos. Therefore, a pre-commencement condition is recommended for contaminated land investigation; this aligns with the consultation response from Environmental Protection. Whilst no formal response has been received from the council's ecologist in relation to this planning application, they did provide comment on the previous application which was withdrawn (PA/2021/1314). Given the previous application was considered recently, it is considered the comments from the ecologist are still valid and pertinent to this application; in this regard no ecological surveys were requested, and a condition recommended that a biodiversity management plan be submitted for consideration – this will ensure biodiversity net gain from the development proposals and accords with policies CS5 and CS17 of the Core Strategy.

Pre-commencement conditions

A pre-commencement condition is recommended in respect of contaminated land investigation – no response has yet been received from the applicant's agent.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

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

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

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.

6.

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

Reason

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

7.

The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and B/01/01/019/21/R.

Reason

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

8.

No above ground works shall take place until details of:

- (i) the location and layout of the vehicular access; and

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

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

Reason

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

9.

The existing vehicular access to the site shall be improved within highway limits in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

10.

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.

11.

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.

12.

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.

13.

No above ground works shall take place until details of the relocation of the street lighting column and BT pole have been submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented.

Reason

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

14.

The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (produced by Roy Lobley Consulting, ref: RLC/0811/FRA01, dated 07 February 2023). In particular, finished floor levels shall be set no lower than 5.0 metres above Ordnance Datum (AOD), as detailed within Section 5.4 of the FRA.

Reason

To reduce the risk of flooding to the proposed development and future occupants.

15.

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

Reason

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

16.

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

Reason

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

17.

Within three months of 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 habitat and hedgerow baseline from the submitted 'Existing Site Plan' drawing ref A/01/01/019/21;

- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Small Sites metric;
- (c) details of bat boxes and nest boxes to be installed;
- (d) proposed timings for the above works in relation to the completion of the bungalow.

Biodiversity units should be delivered on site, within the red line and blue line boundaries 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.

18.

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

19.

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 the site is safe for future users and construction workers.

Informatives

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.

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.

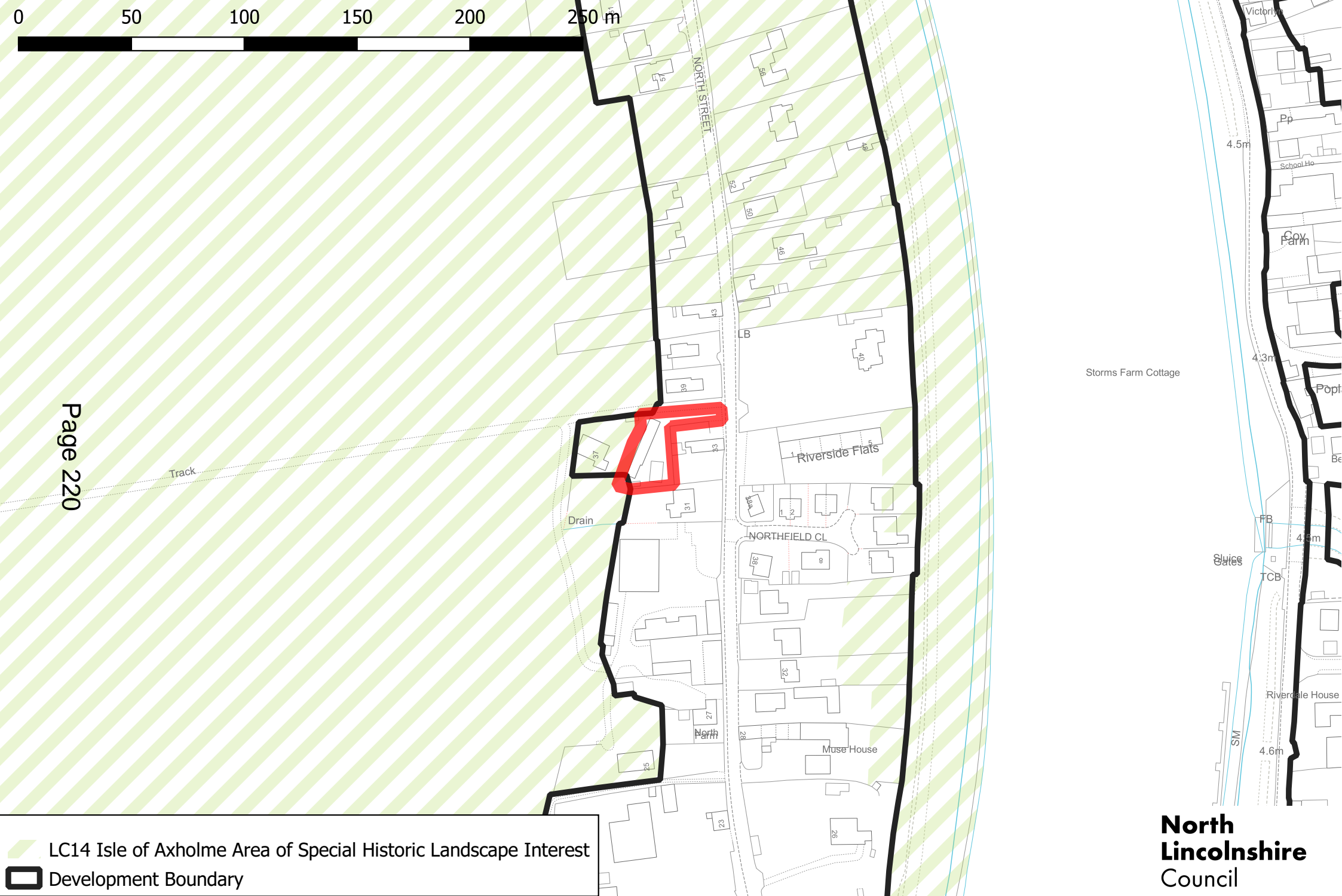
3.


You are advised to refer to the comments made by West Butterwick Parish Council in relation to the proposed means of access to the site. They have highlighted they are the owners of the proposed vehicular access and their prior permission may be required to gain a right of access over the land.


0 50 100 150 200 250 m



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 LC14 Isle of Axholme Area of Special Historic Landscape Interest

 Development Boundary

**North
Lincolnshire
Council**

PA/2022/2230

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| | |
|---|---|
| APPLICATION NO | PA/2023/144 |
| APPLICANT | Pale Close Ltd |
| DEVELOPMENT | Planning permission to erect a new detached dwellinghouse (including demolition of existing barn) |
| LOCATION | Land to the rear of Pale Close, Sand Pit Lane, Alkborough, DN15 9JG |
| PARISH | Alkborough |
| WARD | Burton upon Stather and Winterton |
| CASE OFFICER | Deborah Oikeh |
| SUMMARY RECOMMENDATION | Refuse |
| REASONS FOR REFERENCE TO COMMITTEE | Departure from the development plan |

POLICIES

National Planning Policy Framework:

Section 12 – Achieving well designed places

Section 16 – Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

DS1 – General Requirements

DS7 – Contaminated Land

DS14 – Foul Sewage and Surface Water Drainage

DS16 – Flood Risk

H5 – New Housing Development

H8 – Housing Design and Housing Mix

T2 – Access to Development

T19 – Car Parking Provision and Standards

HE2 – Development in Conservation Areas

LC7 – Landscape Protection

LC12 – Protection of Trees, Woodland and Hedgerows

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering More Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design in North Lincolnshire

CS6 – Historic Environment

CS7 – Overall Housing Provision

CS8 – Spatial Distribution of Housing Sites

CS16 – North Lincolnshire’s Landscape, Greenspace and Waterscape

CS17 – Biodiversity

CS19 – Flood Risk

Housing and Employment Land Allocations Development Plan Document:

PS1 (Presumption in Favour of Sustainable Development)

Supplementary Planning Guidance:

Alkborough Conservation Area Appraisal

Supplementary Planning Guidance

Conservation Area Map and Townscape Analysis

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:

RD1: Supporting Sustainable Development in the Countryside

SS1: Presumption in favour of Sustainable Development

SS3: Development Principles

SS6: Spatial Distribution of Housing Sites

SS11: Development Limits

DQE1: Protection of Landscape, Townscape and Views

HE1: Conserving and Enhancing the Historic Environment

DM1: General Requirements

CONSULTATIONS

Highways: No objection subject to conditions.

Drainage (Lead Local Flood Authority): No objection subject to conditions and an informative.

Environmental Protection: No objection subject to a pre-commencement condition and waste note transfer.

Conservation: Objection – design change recommended.

Ecology: Recommends planning conditions.

Archaeology: No further recommendation.

Trees and Landscape: Recommends conditions to secure replacement trees.

PARISH COUNCIL

No response received.

PUBLICITY

Advertised by site notice in accordance with Article 15 of the Development Management Procedure Order 2015. No comments have been received.

ASSESSMENT

Planning history

None.

Proposal and site characteristics

This proposal relates to a full planning application to erect a four-bedroom detached dwelling and an attached garage following demolition of the existing barn. The application site sits on a cul-de-sac on Sandpit Lane in Alkborough. The site is bordered by dwellings to the north, east and west, and flat land and shrubs to the north-east. The application site is set within Alkborough's conservation area and outside the settlement development boundary.

Site constraints

- The site is outside the development boundary of Alkborough according to the HELADPD 2016.
- The site is within SFRA flood zone 1.
- The site is within the conservation area.

Main considerations

- **principle of development**
- **impact upon residential amenity**
- **impact upon the character of the conservation area**
- **impact upon highway safety**
- **flood risk and drainage**
- **land contamination.**

Principle of development

The application site is classed as a rural dwelling within the development boundary of the settlement. Policy CS1 states, 'Rural settlements will be supported as thriving sustainable communities with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. 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, policy CS2 sets out a sequential approach. Development should be focused on: Small-scale developments within the defined development limits of rural settlements to meet identified local needs. The policy further states that 'Any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.

Policy CS6 relates to the historic environment. It states, 'The council will seek to protect, conserve and enhance North Lincolnshire's historic environment as well as the character and setting of areas of acknowledged importance including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains. All new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value.

Policy CS7 states, 'Housing development will be required to make efficient use of land but the density of new development should be in keeping with the character of the area and should support the development of sustainable, balanced communities'. The policy allows a net density of 30 to 35 dwellings per hectare within a residential development site of rural settlements and the countryside.

Policy CS8 relates to spatial distribution of housing sites and states, 'The first priority is to re-use previously developed land and buildings within North Lincolnshire's built-up areas. Second priority will be given to other suitable infill opportunities in North Lincolnshire's built-up areas. The policy further states 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.

Policy HE2 relates to development in conservation areas. It states that all development proposals in or which affect the setting of conservation areas should preserve or enhance the character and appearance of the area and its setting. It is expected that the design of any development should be of a standard which respects the appearance and character of the conservation area in terms of its bulk, height, mass, vertical and horizontal emphasis, proportions, layout, siting and landscaping.

Policy 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 immediately outside the defined development boundary of Alkborough and so it is considered to be in breach of policies CS2 and CS3 of the Core Strategy and RD2 of the local plan.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up to date.

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.

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.

In this case the proposed dwelling would be within the outer edge of the conservation area and it is therefore important that the replacement dwelling preserves and enhances the character of the conservation area in all respects.

Impact upon landscape and character of heritage asset

Policy H8 is concerned with housing design and housing mix. The policy permits new housing development where it respects and reflects the form, scale, massing, design and detailing, materials, and nature of the local environment. The development should incorporate a high standard of layout and protect existing natural and built features amongst others.

Policy LC7 relates to landscape protection and seeks to protect the scenic quality and distinctive local character of the landscape where development is permitted in rural settlements or the countryside.

Policy DS1 also requires that the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and the design and layout should respect and where possible retain and/or enhance the existing landform of the site.

Policy HE2 is primarily concerned with proposals that affect the setting of a conservation area. When determining applications for development in conservation area, the following criteria will be considered:

- development should be of a standard of design which respects the appearance and character of the conservation area in terms of its bulk, height, mass, vertical and horizontal emphasis, proportions, layout, siting, landscaping and other matters of design such as roofscape and architectural style and detailing; and
- development should harmonise with adjoining buildings, preserve or enhance the street scene and should not detract from important existing spaces and views; and
- building materials should be appropriate to the locality and context and sympathetic to those of existing and nearby buildings in terms of type, texture, colour and size. Walls, gates and fences should be of a type traditionally used in the locality; and
- the development must have a satisfactory means of access which does not detract from the character of the area, not generate excessive traffic and where appropriate should provide for adequate car parking in a way which is sympathetic to the conservation area. In instances where there is conflict between the highway requirements and the retention of the character of the area, the latter shall prevail; and
- the development should retain important landscape and ecological features and where possible, include measures to enhance these features; and
- the development should avoid the loss of open areas, gaps in frontages, and natural and built features (such as trees, hedges, fences, walls and paving materials) if they are important to the character of the conservation area; and
- the development should not spoil or destroy attractive views and vistas into, within and out of the conservation area if they are important to the character of the area.

Section 2.4 of the Alkborough conservation area SPG permits the demolition and replacement of negative buildings provided they are specifically designed to preserve and enhance the character of the conservation area. In terms of design, Alkborough

conservation area SPG requires new development to reflect the dimensions and rhythms of traditional building depths and the height should be sympathetic to existing buildings amongst other criteria. The barn to be demolished is considered to have a negative effect on the character of the conservation area, being a modern building, and so the proposal is acceptable in principle subject to meeting the criteria in the relevant policies.

However, the conservation officer has raised some concerns regarding the proposed choice of materials, layout of the proposed dwelling and the overall impact upon the setting of the Alkborough conservation area. Recommendations include altering the proposed dwelling to a smaller-scale, longitudinal, converted barn styled building, built in local limestone with red brick quoins and traditional timber sliding sash windows.

Paragraph 130d of the NPPF encourages that planning decisions should ensure developments 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.

Paragraph 194 of the NPPF requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset. Paragraph 197 of the NPPF advises what a local planning authority should take into account when determining applications and of particular note to this application states that they should take into account in any decision the desirability of new development making a positive contribution to local character and local distinctiveness. Paragraph 199 of the NPPF requires, 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.' Further to this, paragraph 200 of the NPPF requires, 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification....' Paragraph 201 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposals. Paragraph 203 of the NPPF confirms that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The setting of the proposal (the Alkborough conservation area) is a designated asset and is also at the heart of the council's proposals for an Area of Outstanding Natural Beauty (AONB); hence, matters of design and scale are material.

Whilst the proposed dwelling would be smaller than the existing barn, it will be larger than traditional 18th and 19th century dwellings in the conservation area and would have an angled twist to the shape which is not typical of traditional dwellings in conservation areas, especially at the outer edge as it would be readily visible. It is noted that some of the dwellings along Prospect Farm Lane are agricultural barn conversions with non-linear shape; however, most of these dwellings are screened by built form.

To reflect the material use, size and detailing of most dwellings along Prospect Farm Lane and adjacent site, red facing bricks, stone-faced cills, natural slate roof and uPVC windows/aluminium doors are proposed. The Alkborough Conservation Area SPG,

however, states that 'The use of material other than timber is unacceptable for windows, doors and conservatories in conservation areas.' In this case, the materials for the windows and doors would be white uPVC and aluminium doors which conflict with the recommendation of the SPG.

The Alkborough Conservation Area Appraisal considers that the industrial barn has a negative impact on the setting and appearance of the conservation area due to the dome-shaped corrugated roofscape of the barn which can be seen from residential dwellings on Prospect Farm Lane and Sandpit Lane. However, design, materials and layout are critical to the redevelopment of this site, being on the outer edge of the conservation area.

Attempts made to negotiate a better scheme were unsuccessful. It is therefore considered that the impacts of allowing the development to take place would significantly and demonstrably outweigh its benefits with regards the preservation of the Alkborough conservation area.

Impact on residential amenity

Policy CS5 of the North Lincolnshire Core Strategy is 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 DS1 aims to ensure that development does not unduly impact neighbouring amenity in terms of noise, smell, fumes, dust or other nuisance.

The nearest dwellings to the application site are those to the rear of the site on Prospect Farm Lane and Pale Close to the south-west. The proposal will look out onto the open field to the west, Prospect Farm Lane driveway to the east, Sandpit Lane to the south and a neighbour's parking area/garage to the north. Although the first-floor windows to the north elevation would permit views into the neighbouring site, this view will be limited to the parking/turning area and garage which are considered non-habitable spaces. Whilst the proposed dwelling may be visible from surrounding properties, this will not result in an unacceptable amenity loss to neighbours given the separation distance, the installation of approximately 1.8m high fencing around the perimeter of the site and the presence of mature trees which will provide some level of screening.

In terms of noise, it is considered that an additional dwelling would not create an unacceptable impact upon the amenity of current residents given the sparse housing density in the area. The site is set forward of surrounding dwellings and also benefits from existing soft and hard landscaping and screens. Therefore, the proposal's impact upon neighbouring amenity is minimised.

Ecology

Policy CS17 relates to biodiversity. In this regard, a biodiversity enhancement and management plan, as well as landscaping measures, were submitted and would be implemented by imposing a condition to comply with Core Strategy policies CS17 and CS18, and local plan policy HE2.

Impact upon highway safety

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

The parking and access to the new dwelling would be via the existing driveway and entrance off Sand Pit Lane as indicated on the proposed block plan. The driveway will provide a minimum of two parking spaces for the proposed dwelling with turning area to allow vehicles to leave the site in a forward gear. The highways team have assessed the proposal and recommend conditions which shall be attached to any permission granted.

Drainage and flood risk

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

The proposed site is situated within SFRA flood zone 1 and is therefore a suitable location for development. The proposed driveway will have an 'ACO' drainage channel (taken to soakaway) across the entrance of the driveway to prevent surface water run-off, either onto or off Sand Pit Lane. The proposed driveway shall be constructed of hard paving for its entire length. The LLFA drainage team was consulted and has raised no concerns subject to certain conditions being met. It is therefore assessed that the proposal accords with policies DS14 and DS16 of the local plan and CS19 of the Core Strategy.

Land contamination

Policy DS7 of the local plan relates to contaminated land. As part of the documents submitted with the application, a preliminary risk assessment and asbestos survey were provided and reviewed by the Environmental Protection team. However, further investigation is still required to ascertain that the site is safe for residential use. In lieu of this, a pre-commencement condition was recommended by Environmental Protection and agreed with the applicant. This condition should be attached to any permission granted.

Trees

The applicant stated in the submitted design and access statement that there is a line of several overgrown poplar trees to the west of the proposed dwelling which would be removed to enhance views around the plot and a scheme of replacement planting has been proposed as detailed in the attached report. Therefore, the trees and landscape officer has recommended that conditions should be imposed to ensure the replacement planting and green infrastructure enhancement is undertaken and conditions would be attached to any permission granted.

Conclusion

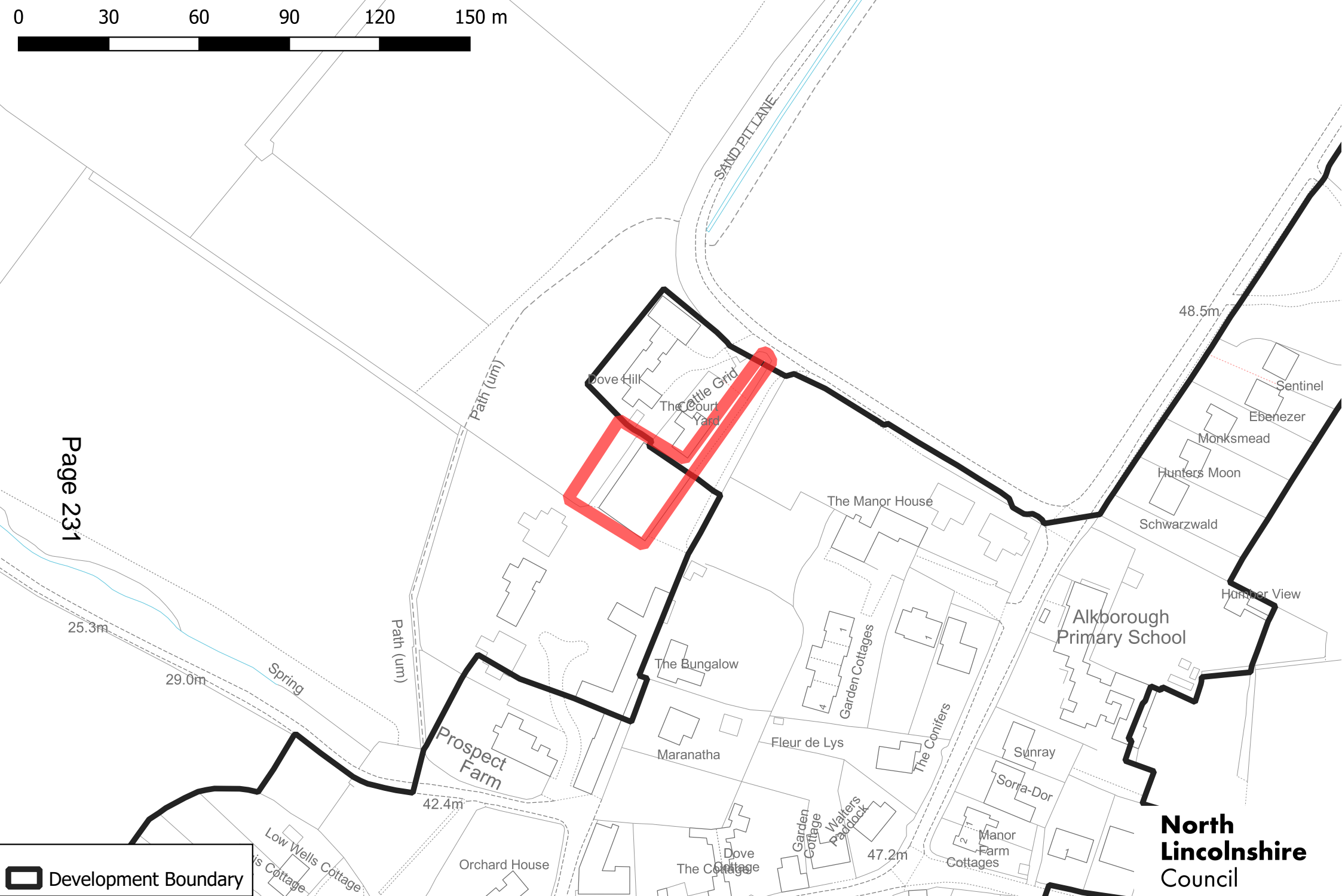
The application site, immediately outside the development boundary, could be viewed as an infill development given the existing dwellings. The proposed scheme or design, however, will conflict with relevant policies concerning the historic environment, including the NPPF. All attempts made to negotiate a better scheme have been unsuccessful.

RECOMMENDATION Refuse permission for the following reasons:

The proposed dwelling, by virtue of its shape, scale and choice of materials, is considered to neither preserve nor enhance the character or appearance of the conservation area. The proposals would not provide sufficient public benefits that would outweigh the harm. It is therefore contrary to policies HE2 and DS1 of the North Lincolnshire Local Plan, CS5 and CS6 of the adopted Core Strategy, and paragraphs 194, 197, 199, 201 and 202 of the National Planning Policy Framework.

Informative

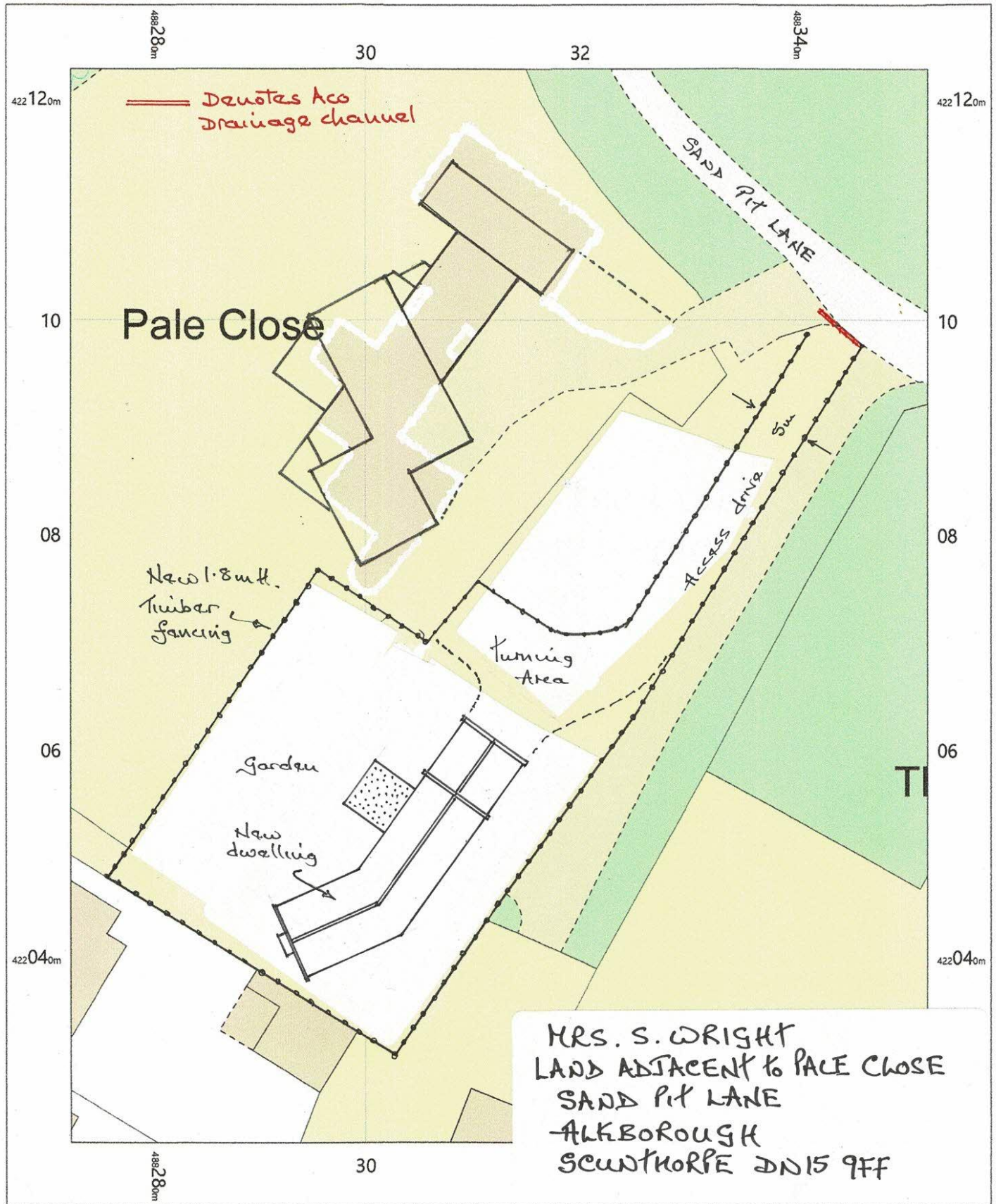
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



 Development Boundary

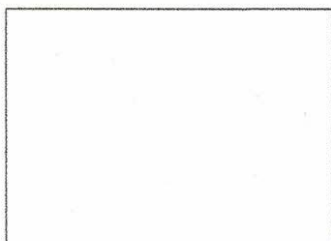
**North
Lincolnshire
Council**

PA/2023/144 Proposed layout (not to scale)



"PROPOSED BLOCK PLAN"

DRS. NO. SW/22/02A

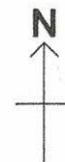


Monday, June 13, 2022, ID: BW1-01043999
maps.blackwell.co.uk

1:500 scale print at A4, Centre: 488312 E, 422073 N

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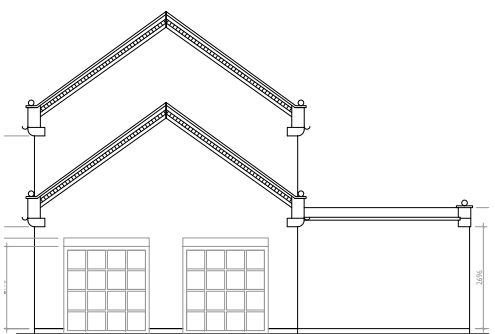
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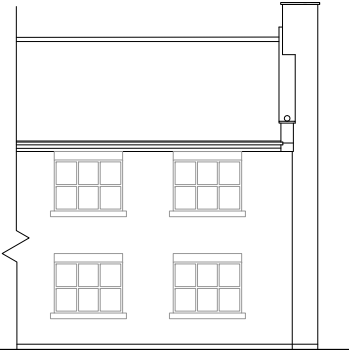
PA/2023/144 Proposed elevations (not to scale)



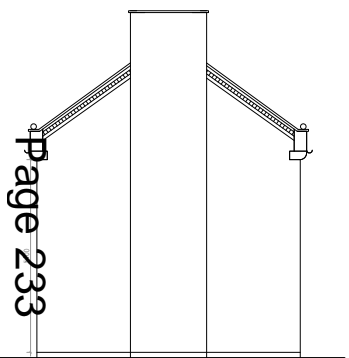
North East Elevation



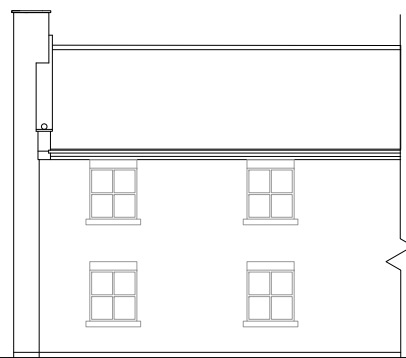
North West Elevation



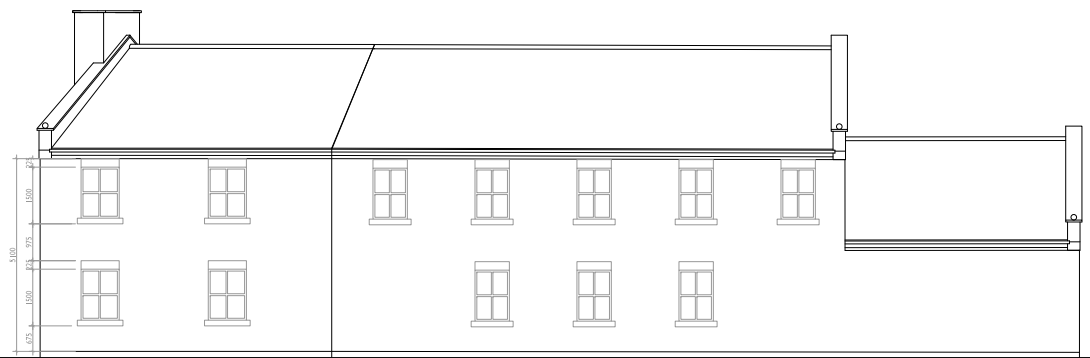
North Elevation



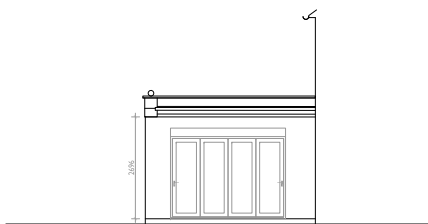
West Elevation



South Elevation



South East Elevation



South West Sun Room Elevation

Page 233

**JEM
MANAGEMENT
SERVICES**

45 Oswald Road
Scunthorpe
North Lincolnshire
DN15 7PN

client:
Mrs S Wright

project:
Proposed New Dwelling
Land Rear of Pale Close, Sand Pit Lane
Alkborough, DN15 9FF

drawing title:
Proposed Elevations

| | | |
|-----------------------------------|-------------------|------------------------|
| drawn by: NWP | date: 01.02.23 | scale: 1 / 100 @ A2 |
| drawing No: SW/ 22 / 04 | | rev: |

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|---|--|
| APPLICATION NO | PA/2023/279 |
| APPLICANT | J Murch |
| DEVELOPMENT | Planning permission to erect a single-storey side extension |
| LOCATION | 8 Queen Street, Barton upon Humber, DN18 5QP |
| PARISH | Barton upon Humber |
| WARD | Barton |
| CASE OFFICER | Daniel Puttick |
| SUMMARY RECOMMENDATION | Approve with conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Member 'call in' (Cllr Paul Vickers – significant public interest) |

POLICIES

National Planning Policy Framework:

Section 12 (Achieving well-designed places)

Section 16 (Conserving and enhancing the historic environment)

North Lincolnshire Local Plan:

DS1 (General Requirements)

DS5 (Residential Extensions)

HE2 (Development in Conservation Areas)

HE5 (Development Affecting Listed Buildings)

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)

Supplementary Planning Guidance SPG1: Design Guidance for House Extensions

Barton upon Humber Conservation Area Character Appraisal

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:

DQE1 (Protection of landscape, townscape and views)

DM1 (General Requirements)

HE1 (Conserving and enhancing the Historic Environment)

CONSULTATIONS

Highways: No objection or comments.

LLFA Drainage: No objection or comments.

TOWN COUNCIL

No objections.

PUBLICITY

Site and press notices have been displayed. Five written objections have been received from or on behalf of occupants of four properties. A summary of the material considerations raised by those objecting to the application is set out below:

- The design is modern, larger than the existing extension and not in keeping with adjacent houses.
- The proposals would fail to preserve the character of the conservation area.

Concerns are also raised in respect of potential for structural damage to the adjacent property during construction works. This is not a material planning consideration and cannot be afforded any weight in the assessment of the application.

One letter of support has also been received, commenting that “as a local resident I think this will be a great addition to a lovely property.”

ASSESSMENT

Planning history

7/1990/0464: Erect a porch and conservatory including demolition of existing porch and conservatory – approved 17/07/1990

PA/1996/1800: Notice of intention to carry out works to a tree in a conservation area – approved 27/11/1996

- PA/1997/1300: Erect a single-storey extension to provide utility shower and WC, study and garage – approved 06/01/1998
- PA/1999/0570: Notice of intention to carry out works to a sycamore tree within the conservation area – approved 24/06/1999
- PA/2007/1468: Notice of intention to carry out works to a sycamore tree in the conservation area – approved 02/10/2007
- PA/2016/1944: Notification of proposed work to prune one sycamore and one Norway spruce tree within the conservation area – approved 18/01/2017
- PA/2018/2238: Notice of intention to fell a Sitka spruce tree within the conservation area – approved 12/12/2018
- PA/2022/1048: Notice of intention to undertake pruning on a sycamore and holly tree, both within the conservation area – approved 22/07/2022
- PA/2022/1359: Planning permission to replace timber windows with new timber sash windows – approved 27/10/2022

The application site comprises a semi-detached property constructed in the 19th century, situated on Queen Street within the Barton upon Humber conservation area. The property is set over two storeys and is constructed of brick, with its principal elevation having exposed brickwork. The side and rear elevations are rendered and feature an outward projecting conservatory and further single-storey offshoots to the rear. This offshoot incorporates a contemporary link of cylindrical form, connecting the utility and office and containing a WC.

The front elevation features four sash windows. Planning permission has been granted for the replacement of windows throughout the building under application PA/2022/1359. Access into the building is taken from the west elevation, where a characterful door surround frames a six-panelled door with fanlight above. A two-storey wing projects from the rear of the building and contains the day-to-day living spaces, with the formal lounge contained in the front portion of the property.

A conservatory projects from the north elevation towards the rear of the building. Accessed from the existing kitchen, this structure is constructed of a mixture of brickwork, timber and glass, and leads back towards the existing house.

The application proposes to demolish the existing conservatory and construct a replacement extension to provide an open plan kitchen, dining and living space with bi-folding doors providing access onto the landscaped garden to the side of the property. As part of the works, internal alterations are proposed to incorporate structural steel beams to support the building and compensate for the removal of external walls.

The extension would have an angular footprint with a flat roof, projecting approximately 3m from the side elevation of the property at its furthest point. It would be constructed of brickwork to match the existing building, with white windows and doors and aluminium coping to the parapet wall. The height of the extension has been designed to sit below the height of the garden wall which encloses the property.

Foul drainage would connect to existing networks within the site, leading to mains sewers, with a new soakaway proposed to capture surface water run-off within the site.

The main issue in determining this application is the impact on the character and appearance of the property and the Barton upon Humber conservation area.

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.

Policy HE2 of the local plan states that all development proposals in, or which affect the setting of, conservation areas should preserve or enhance the character and appearance of the area and its setting. It states that development should be of a standard of design which respects the appearance and character of the conservation area in terms of its bulk, height, mass, vertical and horizontal emphasis, proportions, layout, siting, landscaping and other matters of design such as roofscape, and architectural style and detailing. It also states that development should preserve or enhance the street scene and should not detract from important existing spaces and views, and should use appropriate building materials for the locality and context.

Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) imposes a statutory duty upon local authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

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

The significance of the conservation area derives from its multi-period architecture, medieval street pattern, historic street names and the dispersed nature of the town centre. The Conservation Area Character Appraisal notes that the town owes its early wealth to its location on the River Humber, and that in the early medieval period it was the largest and most important settlement in North Lincolnshire.

The property is located within Queen Street, which was laid out in 1830. It was later developed with some prestigious buildings largely paid for by public subscription, many of which are now listed buildings. The character appraisal identifies positive characteristics of Queen Street, which include its wide street with brick walls, open layout to the north and good examples of Edwardian houses. The appraisal refers to buildings of interest on High Street, Hungate and Queen Street, which collectively make a major contribution to the historic character of the town centre.

Queen Street itself comprises a number of large, mainly detached, municipal, religious or education buildings, with terraces of well detailed, early 19th century housing close by. The appraisal notes that the northern end features 'good quality 19th century detached or semi-detached houses set in gardens'.

6 and 8 Queen Street possess architectural and historic interest. Much of their significance is derived from the attractive and symmetrical west-facing elevations which front onto Queen Street. The access into each building is to the side, with the doorway into number 6 clearly visible within the street scene owing to its more open layout. In contrast, the setting of 8 Queen Street is much more private and secluded.

The large red brick boundary wall is a notable feature which contributes towards the character of the area, screening the garden associated with the application site from views from within the public domain. By virtue of its size and length, it funnels views along Queen Street towards the west-facing elevations of the semi-detached properties, and towards the Edwardian housing in views looking north.

The rear wing appears original to the building, with this component projecting beyond the rear of both properties. 6 and 8 Queen Street have been subject to more recent alteration and extension, with the application site having a single-storey offshoot projecting at an angle from the rear elevation of the house. This element now features a cylindrical linking section, finished in contrasting materials. The conservatory is a later addition which contributes little to the overall character of the building.

As set out above, planning permission is sought for the construction of an extension to the side of the property, replacing an existing conservatory with a more contemporary addition to provide an open plan kitchen, living and dining space.

Much of the significance of the building is derived from its attractive frontage onto Queen Street and the contribution this makes to the overall character and appearance of the area. The building is a good example of architecture from its time but is not listed, and has been subject to change through the introduction of contemporary extensions to the side and rear.

The proposed extension would be located in a similar position to the conservatory it would replace. The scale is proportionate to the dwelling and materials proposed would match those in the existing building. The contemporary detailing would ensure it reads clearly as a new addition to the property, rather than appearing pastiche, and is considered appropriate in its context adjacent to additions to the property which exhibit modern design.

Importantly, the extension would not be readily visible from the public domain, and would not be noticeable in key views along Queen Street. The significant contribution made towards the character and appearance of the area of the frontage onto Queen Street would be preserved, with the extension being set below the level of the boundary wall and therefore not visible from within the public domain along this road.

Some glimpse views would be achieved from Catherine Street, which marks the boundary of the conservation area. Here, the extension would be seen in context with the later additions constructed to the rear of the property, appearing subservient to the main dwelling. The original form of the building would remain discernible, with the rear wing and front portion of the original property remaining the prominent features within the site.

Having objectively assessed the significance of the property and its contribution towards the character and appearance of this part of the Barton upon Humber conservation area, it is considered that the proposed development would preserve those elements which contribute towards the significance of the heritage asset. The design of the proposed extension is considered acceptable, appearing as a contemporary addition to the building which is small

in scale and constructed of appropriate materials. There would be no adverse impact upon the street scene owing to the fact that the extension would not be readily visible from the public domain and is screened by the substantial boundary wall.

For these reasons, having regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), it is considered that the proposed development would preserve the character of the Barton upon Humber conservation area. The proposals are considered acceptable in this respect in accordance with policies DS1, DS5 and HE2 of the local plan and CS6 of the Core Strategy. In turn, it is considered that the setting of nearby listed buildings would be preserved in accordance with policies HE5 of the local plan and CS6 of the Core Strategy.

Other issues

The proposed extension, by virtue of its size and location, would not result in any harm to the amenity of neighbouring residents. There would be no loss of outlook, privacy or daylight and its single-storey nature would ensure it does not appear overbearing. The parking arrangements at the site would be unaffected by the introduction of the extension, and the attractive landscaped garden would be retained.

Surface water drainage is proposed to be disposed of by way of a soakaway within the site, with foul drainage to continue to be routed to mains sewers. There are no objections from the LLFA, and on this basis the drainage arrangements are considered appropriate for the development.

A number of objections have raised concerns in relation to the potential risk of structural damage to 6 Queen Street during construction works. These concerns centre on the removal of external load-bearing walls and the introduction of steel beams internally within the property. Whilst valid concerns for neighbouring homeowners and members of the public to hold, they are not material planning considerations. The proposed scheme will also be subject to building regulations. Any potential damage during construction work would be a civil matter and should have no bearing on the assessment of the proposed development.

Conclusion

The building dates to the 19th century and is one of a number of attractive buildings located along Queen Street which contribute towards the area's character. The major contribution the building offers towards the character and appearance of the conservation area is its frontage onto Queen Street, where the symmetrical west elevations of 6 and 8 Queen Street are presented to the roadside. The imposing boundary wall is a feature of interest which contributes to the varied street scene, and which contrasts with the more open aspect of the adjoining property.

It is considered that by virtue of the design of the extension and screening offered by the boundary wall, the significant contribution made to the street scene by the property would be unchanged. The extension would not be readily visible from views within Queen Street, and would go largely unnoticed in this context. Glimpse views would be achieved from Catherine Street, where the extension would appear in context with modern additions constructed at the rear of the building, clearly discernible as a later addition and part of the multi-period character which the conservation area possesses.

The proposed extension is considered acceptable in accordance with policies DS1, DS5, HE2 and HE5 of the local plan, and CS1, CS2, CS3, CS5 and CS6 of the Core Strategy, and the aims of the NPPF. It is therefore recommended that planning permission be granted subject to standard 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 following approved plans:

- 1659.01 Ex. & Pr. Plans
- 1659.02 Ex. & Pr. Elevations.

Reason

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

3.

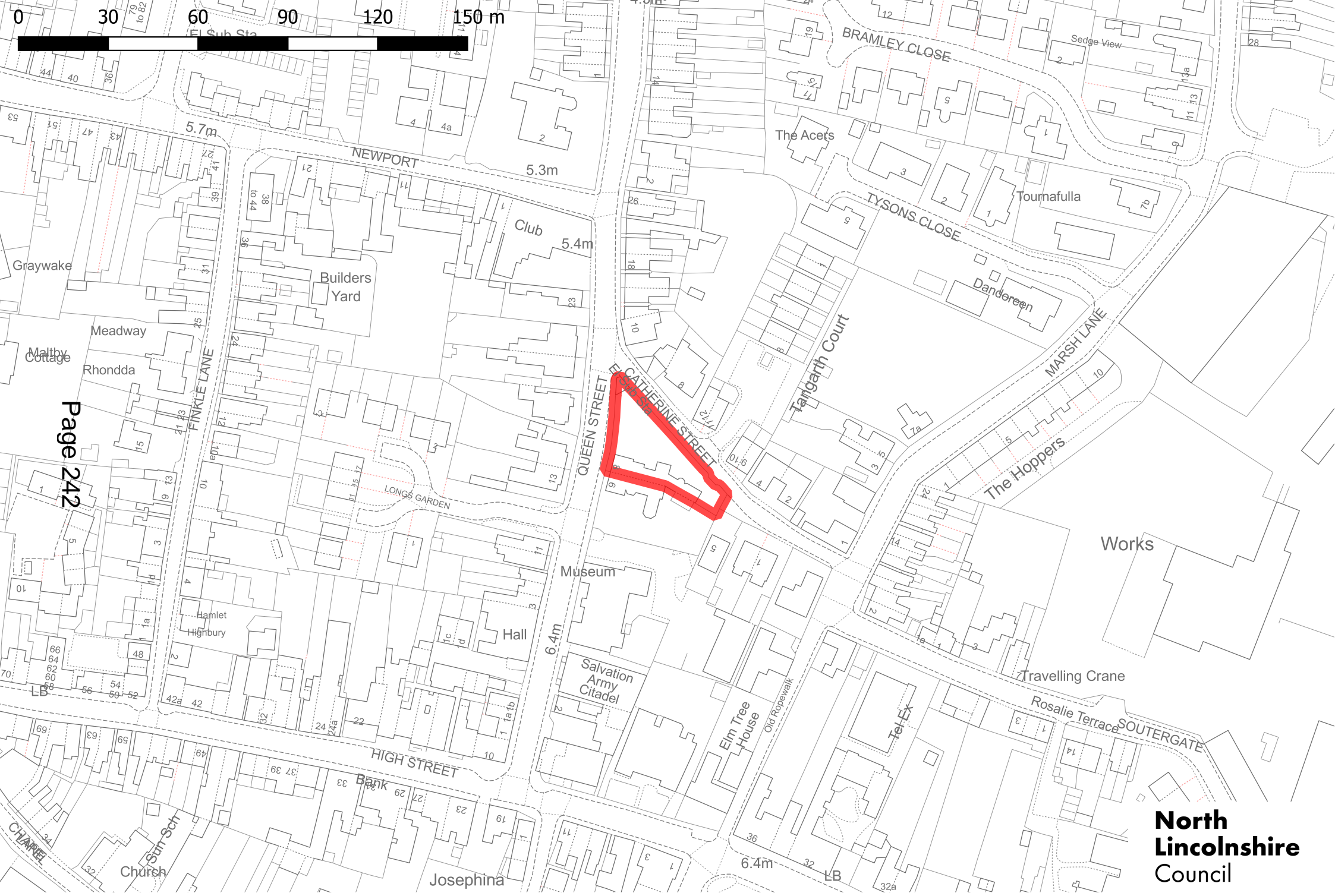
All the windows and external doors installed in the extension hereby permitted shall be constructed from timber and painted white, and thereafter retained.

Reason

To safeguard the character and appearance of the building and the conservation area in accordance with policies HE2 of the North Lincolnshire Local Plan and CS6 of the Core Strategy.

Informative

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



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**North
Lincolnshire
Council**

PA/2023/279 Existing & proposed layout and plans (not to scale)

NOTES: A1

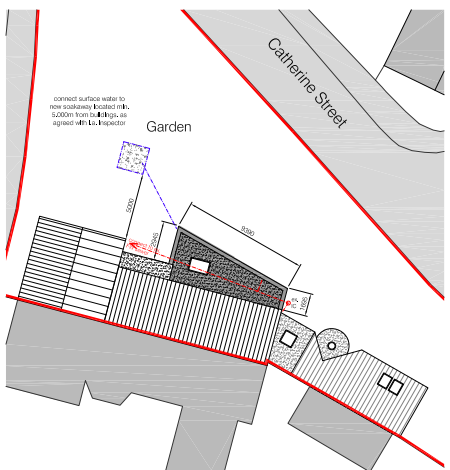
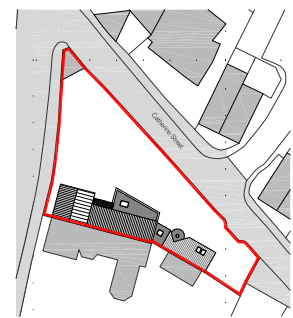
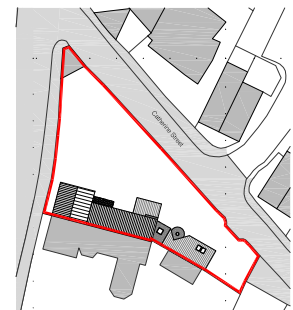
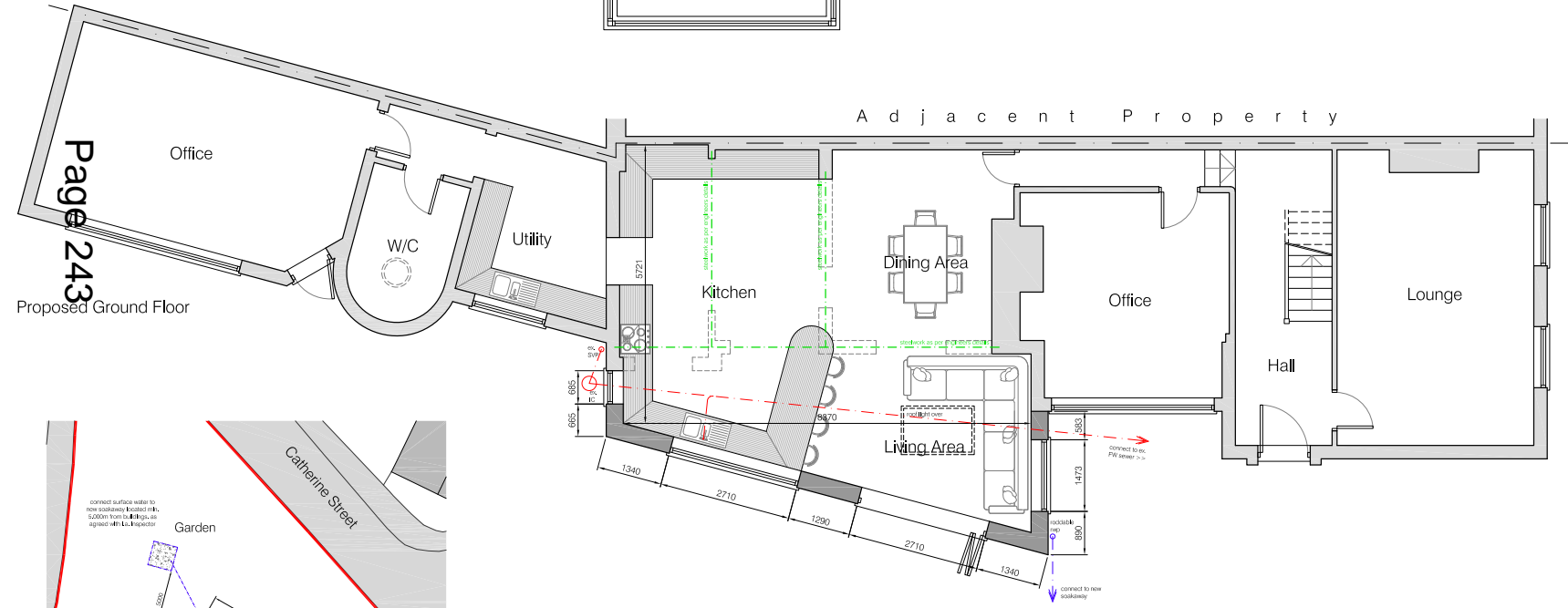
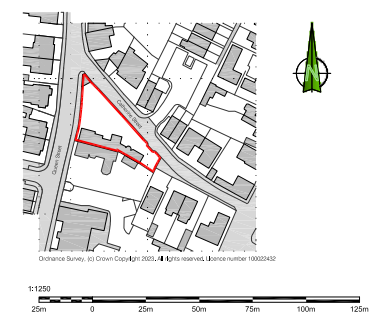
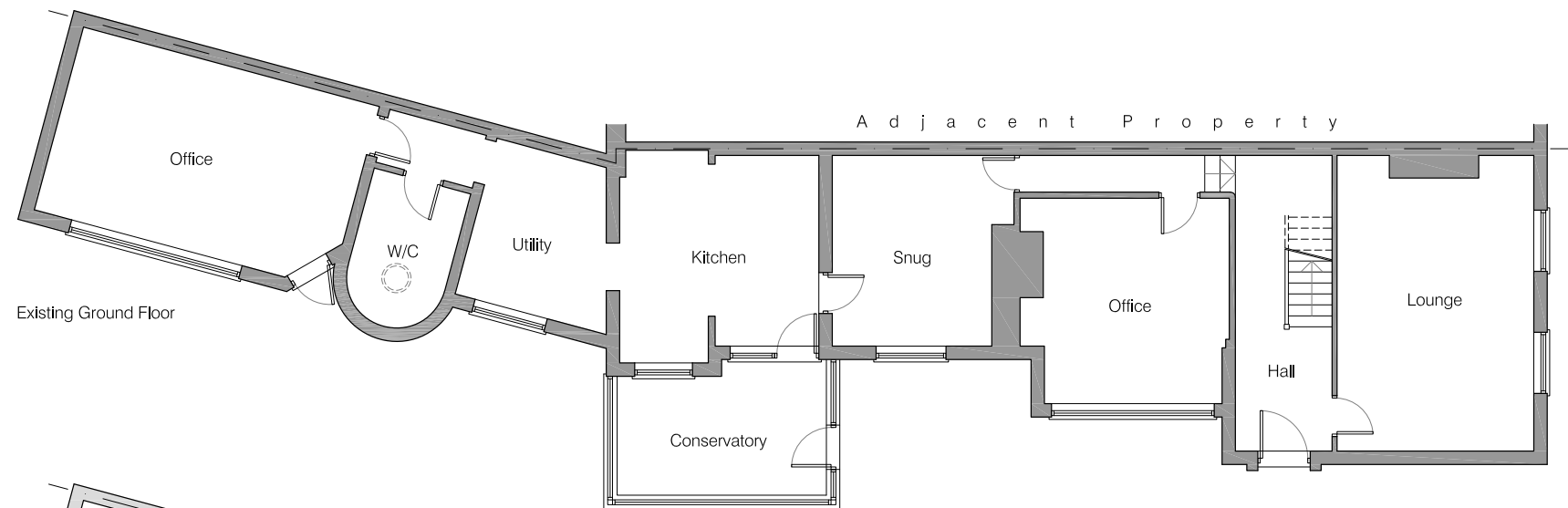
All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications within these drawings or associated documents are to be notified to keystonarchitecture.

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

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

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

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PARTY WALL NOTICE(S)

Building astride (A) or against (B) the boundary line:

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

Excavating near neighbouring buildings:

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

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

| rev. | amendment | date |
|------|---------------------|-------------|
| 1 | Proposed Extension | 16/09/23 |
| 2 | at Queen Street | February 23 |
| 3 | Baron | February 23 |
| 4 | North Unconstrained | AS |

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project managers

ka
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PA/2023/279 Existing & proposed elevations (not to scale)

NOTES: A1

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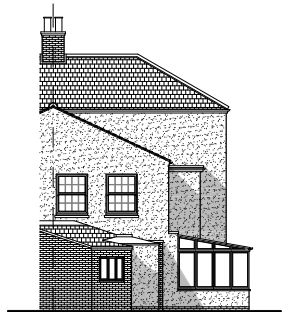
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Existing West Elevation



Existing North Elevation

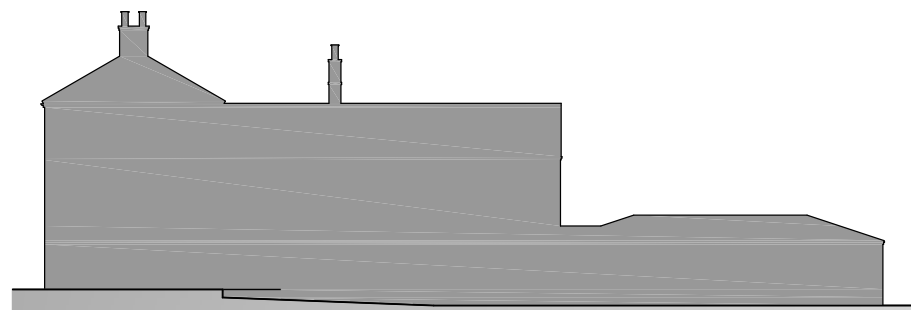


Existing East Elevation



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Proposed East Elevation



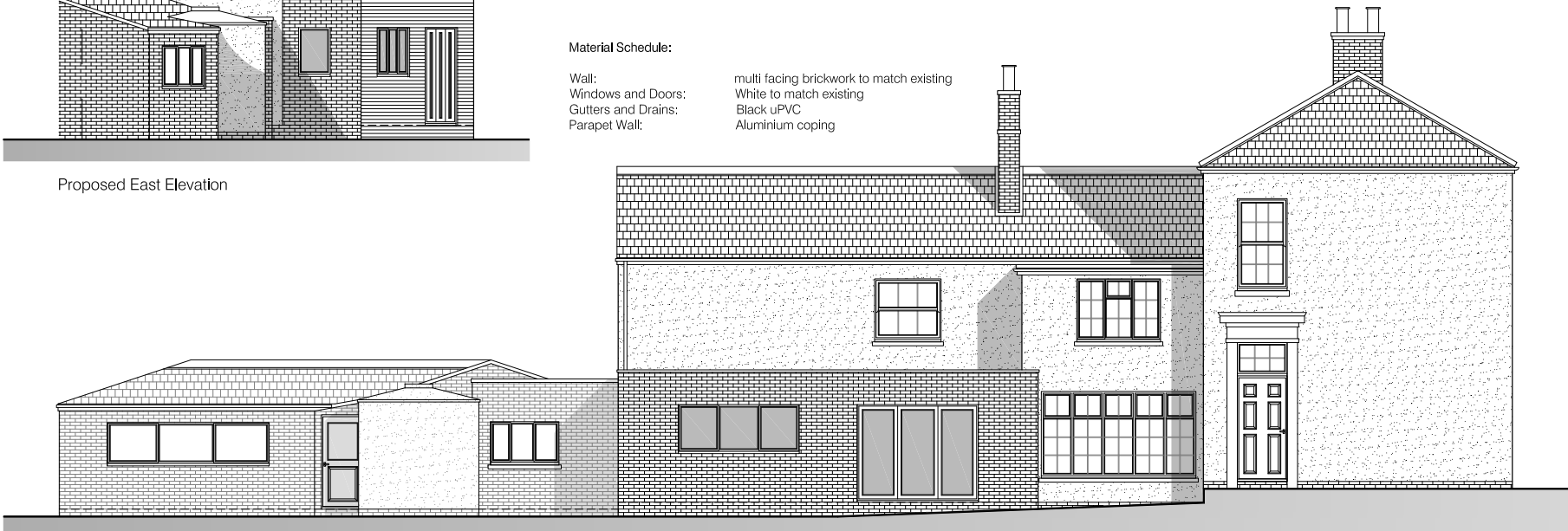
Existing South Elevation (Unaltered)



Proposed West Elevation

Material Schedule:

- Wall: multi facing brickwork to match existing
- Windows and Doors: White to match existing
- Gutters and Drains: Black uPVC
- Parapet Wall: Aluminium coping



Proposed North Elevation

PARTY WALL NOTICE(S)

Building against (A) or against (B) the boundary line:

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

Excavating near neighbouring building:

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

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

| rev. | amendment | date |
|--------------------|--|--------------|
| Proposed Extension | Site, Ex. & Pl. Elevations | 16/09/22 |
| 1 | Queen Street, Barton, North Lincolnshire | February 23 |
| 2 | scale: 1:100 & 1:50 | drawn by: JS |

| | |
|---|---|
| APPLICATION NO | PA/2023/286 |
| APPLICANT | Mr N Welton, N & J Property Ltd |
| DEVELOPMENT | Planning permission to erect two dormer bungalows |
| LOCATION | Ash Lodge, Barrow Road, Goxhill, DN19 7LN |
| PARISH | Goxhill |
| WARD | Ferry |
| CASE OFFICER | Daniel Puttick |
| SUMMARY RECOMMENDATION | Approve with conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by Goxhill 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 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 15: Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

Policy H8: Housing Design and Housing Mix

Policy T1: Location of Development

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

Policy DS1: General Requirements

Policy DS7: Contaminated Land

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

Policy RD2: Development in the Open Countryside

North Lincolnshire Core Strategy:

Policy CS1: Spatial Strategy for North Lincolnshire

Policy CS2: Delivering more Sustainable Development

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

Policy CS25: Promoting Sustainable Transport

Housing and Employment Land Allocations DPD:

Policy PS1: Presumption in Favour of Sustainable Development

Settlement boundary for Goxhill

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: Spatial Strategy for North Lincolnshire

Policy SS3: Development Principles

Policy SS5: Overall Housing Provision

Policy SS6: Spatial Distribution of Housing Sites

Policy H1: Site Allocations

Policy H2: Housing Mix and Density

Policy DQE1: Protection of landscape, townscape and views

Policy DQE5: Managing Flood Risk

Policy T1: Promoting Sustainable Transport

Policy T3: New Development and Transport

Policy DM1: General Requirements

CONSULTATIONS

Highways: Advises standard conditions to be applied to any permission.

Drainage (Lead Local Flood Authority): No objections subject to the imposition of conditions and informatives to secure details of surface water drainage and their subsequent implementation.

Environmental Protection: Recommend conditions be imposed should the council be minded to approve the application.

PARISH COUNCIL

Unanimously object based on the following:

- (i) The proposed planning is located outside the planning line that was originally agreed by the parish council and therefore this needs to be taken into consideration for any new proposed planning applications.
- (ii) The planning has been amended from a single dwelling to a double dwelling.
- (iii) The dwellings will increase vehicular movement onto a road that already raises concerns relating to visibility and speeding vehicles.

PUBLICITY

A site notice has been displayed in accordance with Article 15 of the Development Management Procedure Order 2015. No objections have been received from members of the public.

ASSESSMENT

Planning history

PA/2020/1114: Outline planning permission to erect a dormer bungalow with all matters reserved for subsequent consideration – approved 23/10/2020

PA/1997/1280: Erect a two-bedroom bungalow – refused 05/12/1997

PA/1994/0394: Erect a detached retirement bungalow – refused 04/08/1994

Site characteristics

The application site is located on the southern side of Barrow Road and the western side of Thornton Road, at the crossroads with Gatehouse Road to the south of Goxhill. The land comprises curtilage associated with Ash Lodge, planning permission for which has recently been granted for the reconstruction of the property following fire damage (PA/2023/431).

The application site comprises garden land which is flat and undeveloped. It is bounded by tree-lined hedgerow, set back from the carriageway and footpath of the adjacent highways. The site is relatively flat and unconstrained, however a culvert/ditch is noted as being located along the eastern boundary of the site, between the highway and hedgerow.

The application site is within flood zone 1. It is not within a conservation area, there are no tree preservation orders and there are no listed buildings nearby which would be affected by the development. The application site falls outside the boundary for Goxhill and in planning terms is therefore within open countryside on the edge of the settlement.

Proposal

Planning permission is sought to construct two dormer bungalows accessed from Thornton Road. Each property would have three bedrooms, with ground floor accommodation comprising open plan living/dining areas, study, and utility and WC. Each property would be constructed of Forterra Rannoch multi-red brickwork with dark grey interlocking roof tiles, and would feature an open porch and car port to the side elevation.

The access would be facilitated by the removal of one ash tree, with the watercourse to be culverted to accommodate the driveway access. Existing trees within the hedgerow would be retained, with the parking and turning areas within the site avoiding canopies and root protection areas. Existing gaps within the hedge would be infilled with new hawthorn planting, and existing services and utilities would remain.

Parking would be provided for one vehicle per property, with each dwelling having a turning space within the driveway to allow vehicles to enter the adopted road network in a forward gear. Provision would be made for kerbside refuse collection on collection day.

Material considerations

Planning permission is sought to construct two detached bungalows on the site. Outline planning permission was previously granted by the planning committee on 26 October 2020 for the construction of one dwelling on the site. This application remains extant and could be implemented irrespective of the determination of this application, subject to agreement of reserved matters relating to layout, scale, appearance, access and landscaping. This is a material consideration which members must have regard to in determining this application.

The main issues in the determination of this application are:

- **principle of development**
- **design and impact on the character of the area**
- **impact on residential amenity**
- **impact on highway safety**

- **flood risk and drainage**
- **contaminated land.**

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The site is outside the settlement boundary for Goxhill. For planning purposes the site therefore falls within open countryside; however, given the proximity of the site to the settlement edge and dispersal of buildings around the crossroads, the application site is not regarded as being isolated in the context of national planning policy. The site is also close to bus stops providing connectivity to nearby settlements, including Scunthorpe, and is within walking distance of Goxhill railway station.

Policy CS1 of the Core Strategy identifies Goxhill as a rural settlement, and indicates that it will be supported as a thriving sustainable community with a strong focus on retaining and enhancing existing local services to meet local needs. Policy CS1 states that development will be limited and should take into account levels of local service provision, infrastructure and capacity and accessibility. It goes on to indicate that within the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings.

Policy CS3 of the Core Strategy identifies development limits, which seek to direct new housing development to places which are sustainable and in areas which respect existing development patterns, capacity and character, taking account of existing planning consents and new development. Beyond these boundaries, the policy limits development to that which is essential to the functioning of the countryside.

Policy CS7 of the Core Strategy sets out the requirement for 12,063 new homes across the plan area during the plan period up to 2026. This is equivalent to a build out rate of 754 dwellings per year. The policy indicates that 3,482 of these will be provided from sites with pre-existing permissions in place or that were under construction at the time of adoption of the plan. These figures are a minimum target and do not form a maximum threshold for the delivery of housing, which would run contrary to the provisions of the NPPF which seeks to significantly boost the supply of housing.

Policy CS7 of the Core Strategy sets out an aspirational minimum density of 30–35 dwellings per hectare on sites within rural settlements. However, this policy also states that whilst housing developments should make efficient use of land, the density of new developments should be in keeping with the character of the area.

Policy RD2 of the local plan seeks to restrict development in the open countryside other than in exceptional circumstances. The policy only supports residential development

outside defined development limits where it is to meet an essential need and the open countryside is the only appropriate location for the development.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up to date.

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

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

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

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

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

Whilst the restrictive elements of policies of the development plan (specifically Core Strategy policies CS1, CS3, CS7 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. 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.

The proposed development within this application seeks to construct two dormer bungalows on land adjacent to the settlement boundary for Goxhill. The settlement scored highly within the North Lincolnshire Settlement Survey 2019, ranking 13th across all 76 settlements scored and receiving a total settlement score of 40. The settlement scores highly for access to health and education, transport and access to employment, and therefore,

notwithstanding the lack of a five-year supply of deliverable sites, Goxhill would be regarded as an appropriate location in which to provide new housing.

Having regard to the above, given the site is adjacent to the settlement boundary, it would benefit from the same level of access to services and facilities which dwellings on the opposing side of the crossroads would benefit from. The site is considered to be sustainably located in this respect, and therefore the principle of the development is considered to be acceptable.

In addition to the above conclusions, the site benefits from outline planning permission for the construction of one dwelling. In deciding to grant permission, similar conclusions to those set out above were reached and the site was regarded as being sustainable in the context of the NPPF, despite its location outside the settlement boundary for Goxhill. This is a matter which must be given significant weight in the assessment of this application, as a viable fallback position exists through which new housing would be delivered at the site.

The proposed development would see an increase in the number of units at the site, with two dormer bungalows proposed as part of this application (compared with one dwelling approved under application PA/2020/1114). In the absence of a five-year supply of deliverable housing sites, the provision of additional housing at the site would contribute towards reducing the current shortfall in housing provision across North Lincolnshire. Given the scale of the development, this increase would be modest but nonetheless weighs positively in favour of the proposed development.

In summary, whilst the development would be contrary to the spatial distribution aims of the development plan, the provision of new housing at the site would be acceptable as a matter of principle and would be regarded as being sustainable in the context of the NPPF. On balance, the adverse impacts of development and conflict with the development plan are outweighed by the contribution towards addressing the shortfall in housing across North Lincolnshire which would be derived from this proposed development. In addition, outline planning permission has been granted for the construction of one dwelling on the site, a matter which weighs in favour of the proposed development in terms of deciding whether the principle is acceptable in planning terms.

Design and impact on the character of the area

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

The proposal would involve the erection of two dormer bungalows, the scale of which is modest and in keeping with the prevailing character of the area. The design of the buildings is relatively simple, with traditional elements incorporated into the external appearance, such as the use of pitched roof dormers and canopies, as well as chimney stacks. Materials would be in keeping with those used in nearby buildings, and are considered appropriate for their location.

Concerns have been raised by the parish council in respect of the change from a single dwelling to two dormer bungalows, although no further detail has been given as to the basis

or reasoning for these concerns. The site is of sufficient size to comfortably accommodate the proposed dwellings, with adequate garden areas provided to the front, side and rear of each property. Given this, the proposals would not be considered to result in an over-development of the site, and would not result in the construction of dwellings with a cramped arrangement or constrained appearance.

In terms of scale, siting and design, the layout makes effective use of the available space, providing well-proportioned homes within appropriately-sized plots. The proposals are considered acceptable in this respect and would integrate successfully with the character and appearance of the area. The proposals accord with policy CS5 of the Core Strategy and policy H5 of the local plan.

Impact on residential amenity

Policy DS1 is partly concerned with impacts upon residential amenity. It states, 'no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.'

Owing to the scale and layout of the proposed development, the construction of two dormer bungalows on the site would not give rise to unacceptable impacts on surrounding properties in respect of overlooking. The southernmost plot is located in a position where first-floor windows would potentially overlook the garden area of Ash Lodge. The use of rooflights would ensure no unacceptable loss of privacy would occur, with windows afforded the greatest vantage serving bathrooms and proposed to be obscurely glazed. The privacy of occupants of Ash Lodge, which is undergoing refurbishment following fire damage, and occupants of the proposed development would therefore be preserved.

Overall, the proposals are not considered to have any adverse impacts on the residential amenity of neighbouring properties. The development is considered acceptable in accordance with policies DS1 and H5 of the local plan in this respect.

Highway safety

Policy T1 of the North Lincolnshire Local Plan is concerned with the location of development and aligns with the spatial strategy of the Core Strategy. Policy T2 of the local plan states that all proposals should be provided with a satisfactory access. Policy T19 relates to car parking provision and standards, and in summary requires developments which result in additional parking needs to incorporate proposals to fully meet that demand. Policy CS25 of the Core Strategy is also relevant and seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools.

The council's highways department has been consulted and does not object to the proposed development subject to a number of conditions being imposed. The proposals are close to existing services and facilities, with public transport links within walking distance of the site, making trips by sustainable modes more likely. Goxhill is regarded as a sustainable location and there are no concerns in terms of capacity of the surrounding road network raised by the highway authority, nor any concerns in relation to highway safety.

The parish council has raised concerns in relation to the increase in vehicular movements onto a road where there are pre-existing concerns in respect of visibility and speeding.

Access would be taken directly from Thornton Road, which is straight and has good visibility. It is also subject to 30mph speed restrictions. The site is located close to the crossroads with Goxhill Road and Gatehouse Road, where vehicle speeds would be lower and most would come to a complete stop. Gatehouse Road is a dead-end road, with a small number of properties. Visibility of the junction with Gatehouse Road from the site would be good, and as a result of these factors it is not considered that the increase in vehicular movements to and from the site would pose a risk to the safety of the road network.

Overall, it is considered that the site is sustainably located. Sufficient parking is provided within the site for vehicles, and the development can be accommodated on the road network without compromising safety. In the absence of any objections from the highway authority, the proposal is considered to be acceptable in accordance with policies T1, T2 and T19 of the North Lincolnshire Local Plan, and policy CS25 of the Core Strategy.

Flood risk and drainage

Policies DS16 of the North Lincolnshire Local Plan, CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 166 and 167 of the NPPF are considered relevant in respect of flood risk and drainage.

Policy CS19 (which sits alongside DS16 of the local plan) is concerned with flood risk and states that the council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk-based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood.

The site is within flood zone 1 of the North Lincolnshire Strategic Flood Risk Assessment. The proposal is for 'more vulnerable' development; however, given the proposals are within flood zone 1, no sequential test is required. Therefore, the proposals are acceptable in respect of flood risk. Notwithstanding this, the Flood Risk Assessment submitted with the application proposes finished floor levels of the buildings to be set at least 300mm above average ground level to take account of the effects of climate change. This would see floor levels set at the same height as the level of Thornton Road, which would also aid with potential surface water flooding issues considered in more detail below.

The applicant intends to use mains drainage for the disposal of foul and surface water, which is considered acceptable, with no objections raised by consultees in respect of this aspect of the proposal. Surface water would be disposed of by means of soakaway within the site. No detailed drainage layout has been provided as part of this application, however the LLFA have considered the proposed development and conclude that conditions would be capable of being imposed to secure further information. Subject to accordance with such conditions, the proposed development would be acceptable in terms of surface and foul drainage in accordance with policy CS19 of the Core Strategy.

The LLFA have highlighted the presence of the watercourse within the site. The applicant's Design and Access Statement indicates that this will be culverted with a 600mm diameter culvert and backfilled up to the underside of the new driveway with compacted hardcore. This approach is considered acceptable in planning terms, and is regulated through the Ordinary Watercourse Consent process through which agreement would be reached with the LLFA Drainage Team as the Lead Local Flood Authority. This process would ensure

that the free flow of water through the site is maintained, thereby ensuring flooding risks would not occur. An informative is proposed as part of the recommendation to draw the applicant's attention to the need for further consent outside of the planning process.

Contaminated land

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

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

Comments have been sought from the Environmental Protection team, who have raised no objections subject to a number of standard conditions. The site is former garden land associated with Ash Lodge. As such, there is little reason to suspect that land contamination will pose a risk to new development.

Conditions recommended by the Environmental Protection team seek to secure desk-based survey and intrusive site investigations to ascertain the potential for land contamination and ensure that any potential contaminants are mitigated. Previous permissions for residential development at the site have been subject to conditions requiring the developer to submit details for remediation in the event that unsuspected land contamination is found during construction work. In the interests of consistency, and owing to the lack of objection from Environmental Protection to this application and previous proposals at the site, it is considered appropriate to impose a condition requiring any unexpected contamination found during construction works to be fully investigated, rather than requiring further survey work up front.

Subject to accordance with such a condition, the proposed development would be acceptable in accordance with policy DS7 of the local plan.

Conclusion

Planning permission is sought to construct two dormer bungalows on a site which currently benefits from outline planning permission to construct one dwelling. Whilst the application site is outside the settlement boundary for Goxhill, it is considered to be sustainably located close to local services and public transport links. In the absence of a five-year supply of deliverable housing sites, policies which are most relevant to the determination of this application are considered out of date. The adverse impacts of the development would be outweighed by the contribution of the proposed development towards reducing the shortfall in housing provision throughout North Lincolnshire. The presumption in favour of sustainable development is therefore applicable, with there being a fallback in the form of outline planning permission for one dwelling on the site.

The application is considered to be acceptable in principle on this basis and is consistent with the requirements of development plan policies in respect of design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk and drainage, and contaminated land.

For the reasons set out in this report, it is recommended that the benefits of the development generated through the construction of two new homes at the site would significantly outweigh the conflict with policies concerning the supply of new homes within North Lincolnshire, which would generally seek to restrict new housing at the site.

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:

012023-02-0 - Site Location Plan

012023-03 P1 0 – Proposed Site Plan

012023-01 P2 0 – GA drawing for Planning application.

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.

If, during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out

until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority.

Reason

To ensure land contamination does not pose a risk to future occupants of the development, in accordance with policy DS11 of the North Lincolnshire Local Plan.

6.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

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

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

Reason

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

7.

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

Reason

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

8.

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.

Informatives

1.

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

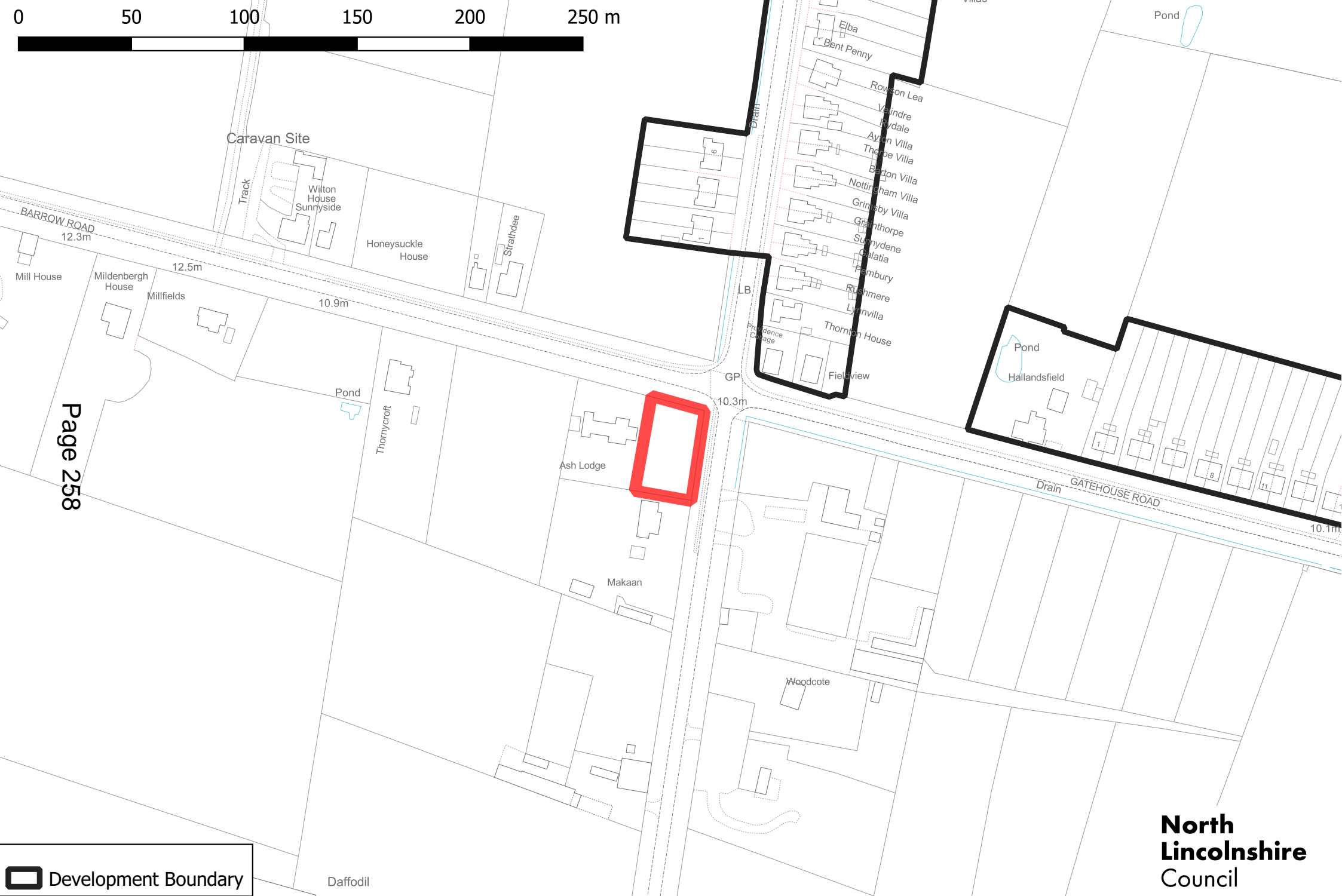
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

2.

Our records indicate that the proposed development site is bounded by a watercourse on the eastern boundary (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team on 01724 297522, prior to any further construction works being carried out. Please refer to the Environment Agency's 'Living on the edge - Riverside ownership rights and responsibilities' document which can be found online for further information. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development. The proposals show a new access to be provided over and/or connection into the watercourse. This must be consented by North Lincolnshire Council's LLFA Drainage Team in their capacity as Lead Local Flood Authority through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team on 01724 297522 or via email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development. For minor developments, it is also suggested 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 we would ask that you fully explore all Source Control SuDS techniques that can store and allow water reuse.

3.

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



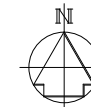
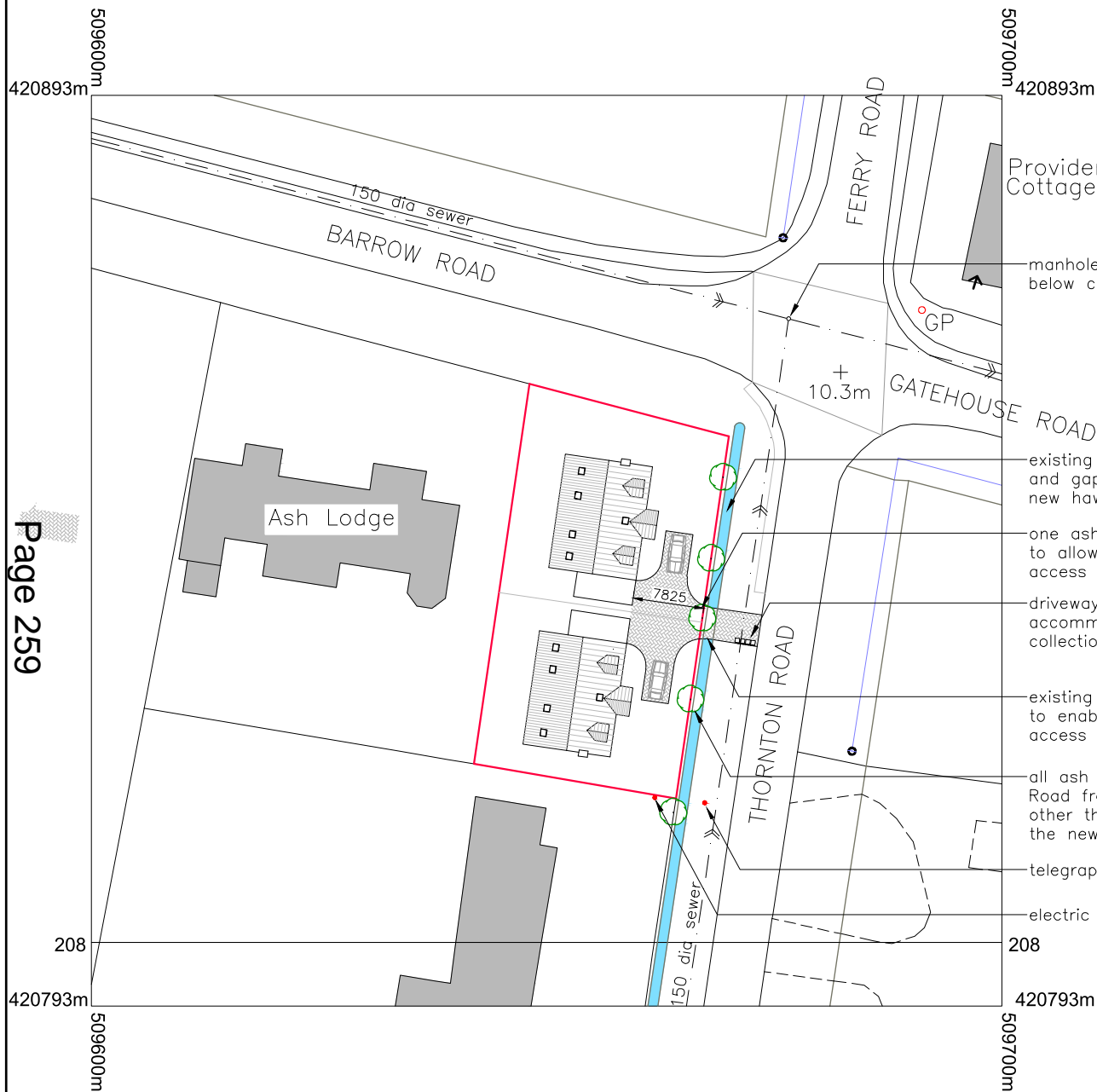
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 Development Boundary

**North
Lincolnshire
Council**

PA/2023/286

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Page 259

- Providence Cottage
- manhole approx 2.61 below cover level
- GP
- 10.3m
- GATEHOUSE ROAD
- existing hedge to remain and gaps to be filled with new hawthorn planting
- one ash tree to be removed to allow construction of new access from Thornton Road
- driveway width sufficient to accommodate 4 bins on collection day
- existing dyke to be culverted to enable new vehicular access from Thornton Road
- all ash trees on Thornton Road frontage to remain other than the one at the new vehicular access
- telegraph pole
- electric pole

| | | |
|----------|-------|---------------------------------|
| 27/02/23 | 0 | Planning application issue. |
| 10/02/23 | P1 | Preliminary issue for comments. |
| Date | Issue | Description |

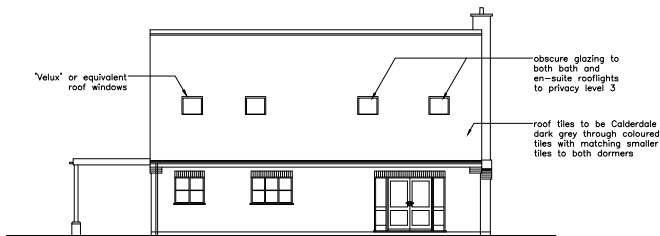


JD Associates (Design Consultants) Ltd,
 3 St James Road, Brigg, N Lincs. DN20 8DU.
 Tel; 07813 832310 e-mail; designs@jdassociates.co.uk

Client
N & J Property Ltd,
 Easter Rise, North End, Goxhill,
 N Lincs, DN19 7JR.

Project
Proposed detached dormer bungalows,
Thornton Road, Goxhill,
N Lincs, DN19 7LN.
Proposed Site plan.

| | | |
|---------------------------|----------------------|---------------------|
| Date: January 2023 | Scales: 1:500 | Dwg Size: A3 |
| 012023-03 | Issue | P1 0 |



proposed rear elevation

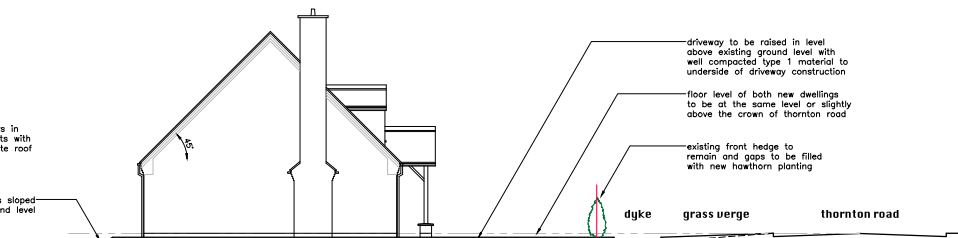


proposed side elevation



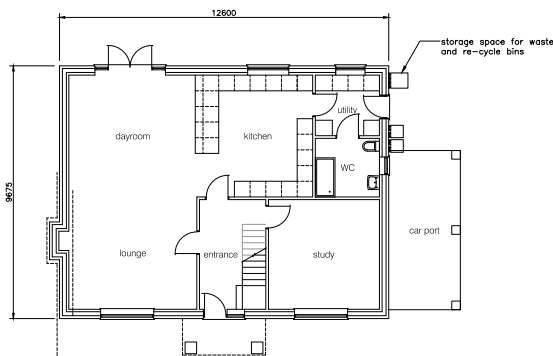
proposed front elevation

open front entrance porch with dwarf brick pillars in matching bricks, hardwood posts and frame with pitched roof covered in matching roof tiles

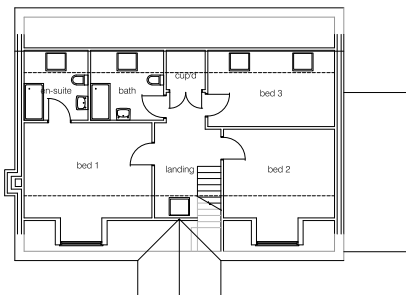


proposed side elevation

layout plans and elevations shown refer to plot 1 - plot 2 identical but opposite hand



ground floor plan



first floor plan

THIS DRAWING(S) ARE LIMITED IN THE AMOUNT OF INFORMATION THEY CONTAIN AND DOES NOT PURPORT TO CONTAIN A FULL SPECIFICATION OF THE WORKS. IT IS ONLY AN OUTLINE OF THE SCOPE OF WORKS REQUIRED FOR BUILDING REGULATION APPROVAL. THIS DOCUMENT ALONE MUST NOT BE USED AS A CONTRACT DOCUMENT. ALL DIMENSIONS SHALL BE TAKEN ON SITE AND NO DIMENSIONS SHALL BE SCALED FROM DRAWING(S). ALL GIVEN DIMENSIONS SHALL BE CHECKED ON SITE BY THE CONTRACTOR AT COMMENCEMENT OF THE PROJECT. THE WORKS WILL NOT BE SUPERVISED NOR INSPECTED BY JD ASSOCIATES OR ANY REPRESENTATIVE. IT IS THE CLIENT OR THEIR APPOINTED REPRESENTATIVE'S RESPONSIBILITY TO CONTROL WORKMANSHIP, SUBSTITUTION OF MATERIALS, ADHERENCE TO SPECIFICATIONS, VARIATIONS TO CONTRACT, ETC.

BEFORE ANY MECHANICAL EXCAVATION TAKES PLACE A THOROUGH CHECK TO BE UNDERTAKEN FOR ANY UNDERGROUND SERVICES WITHIN THE AREA OF ALL EXCAVATIONS. IF THERE IS ANY DOUBT AS TO THE PRESENCE OF ANY SERVICES HAND EXCAVATED TRIAL HOLES TO BE CAREFULLY UNDERTAKEN TO CHECK FOR THEIR PRESENCE.

THIS DRAWING REPRESENTS AN AS MEASURED LAYOUT OF THE EXISTING PREMISES FOR THE SOLE PURPOSE OF INDICATING AN OVERALL SCHEME AND NO DIMENSIONS MUST BE SCALED FROM THIS DRAWING

N.B. Please note all internal dimensions are to face of blockwork and not to plastered finishes.

no scaled dimensions to be taken from this drawing - if in doubt ask

external facing materials

- 1) all bricks to be Forterra Rannoch multi-red facings.
- 2) all roof tiles to be Calderdale dark grey through coloured concrete interlocking tiles.

all the work indicated on this drawing must comply with Health & Safety CDM 2015 Regulations; further information can be obtained at hse.gov.uk L153

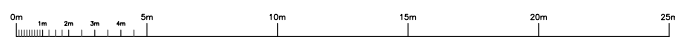
| | | |
|----------|-------|---------------------------------|
| 27/02/23 | 0 | Planning application issue. |
| 10/02/23 | P2 | Preliminary issue for comments. |
| Date | Issue | Description |

JD Associates (Design Consultants) Ltd,
3 St James Road, Brigg, N Lincs. DN20 8DU.
Tel: 07813 832310 e-mail: designs@jdassociates.co.uk

Client
N & J Property Ltd,
Easter Rise, North End, Goxhill,
N Lincs, DN19 7JR.

Project
Proposed detached dormer bungalows,
Thornton Rd, Goxhill, N Lincs, DN19 7LN.
GA drawing for Planning application.

| | | | | | |
|------------------|---------------|--------|-------|-----------|------|
| Date: | February 2023 | Scale: | 1:100 | Drawn By: | AI |
| | | | | Issue | P2 0 |
| 012023-01 | | | | | |



| | |
|---|---|
| APPLICATION NO | PA/2023/296 |
| APPLICANT | Mr & Mrs Clements |
| DEVELOPMENT | Planning permission to erect a single dwelling with associated access and landscaping |
| LOCATION | 111 Fountain House, Scawby Road, Scawby Brook, DN20 9JX |
| PARISH | Scawby |
| WARD | Broughton and Scawby |
| CASE OFFICER | Paul Skelton |
| SUMMARY RECOMMENDATION | Approve with 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

CS25 – Promoting Sustainable Transport

Housing and Employment Land Allocations Development Plan Document:

Policy PS1 – Presumption in favour of sustainable development

Inset 10 – Brigg, Scawby Brook and Castlethorpe

New North Lincolnshire Local Plan Submission:

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

DQE1 – Protection of Landscape, Townscape and Views

T1 – Promoting Sustainable Transport

CONSULTATIONS

Highways: No objection subject to standard condition requiring access, parking and turning areas to be completed prior to occupation.

LLFA Drainage: No objection or comments.

Environmental Protection: Request precautionary contaminated land condition following submission of screening assessment form.

PARISH COUNCIL

No objections or comments.

PUBLICITY

Advertised by site notice in accordance with Article 15 of the Development Management Procedure Order 2015 – no comments have been received.

ASSESSMENT

The site and its location

The application site is on the south side of Scawby Road and is currently part of the amenity space serving number 111, which is north-west of the site. The wider site within the applicant's ownership, including the application site, is flat and currently undeveloped, and is laid to grass with a few trees in the eastern part of the site. It is situated behind a row of existing houses (numbers 95 to 101) and north-east of a commercial unit known as KP Contractors. To the east is an existing dwelling, 93 Scawby Road.

The application site is just outside the Brigg settlement boundary which is drawn tightly behind the row of houses to the north. It is within SFRA flood zone 1 (low risk), is not within a conservation area, does not relate to any listed buildings, and there are no protected trees on the site.

Planning history

There is no recent relevant planning history on this plot of land. Applications for residential and industrial development were refused in 1979 and 1980.

Planning permission was granted by the planning committee in June 2021 (reference PA/2021/291) to erect a dwelling with associated access and landscaping on land immediately to the north which also forms part of the existing amenity space serving 111 Scawby Road.

The development

The application proposes a single detached dwelling in the form of a bungalow. Access is proposed using the same private drive as the dwelling immediately to the north permitted in 2021, which itself is accessed from a shared access serving the commercial yard to the south-west. The landscaping proposed would be lawned areas with ornamental trees and shrubs as would be expected in a residential garden.

The front part of the bungalow would house three double bedrooms (one with an en-suite) and a bathroom. The kitchen/diner and living areas would be in the rear projection.

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 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 Local Plan and a suite of supplementary planning documents as specified above.

The main issues for consideration are the principle of development, landscape impact/design, accessibility/highway safety and impact on neighbouring property.

The principle of development

The site is outside the settlement boundary of Brigg, 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.

In light of the above, it is clear that the proposed development would conflict with saved policy RD2 of the local plan and policies 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 question 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 material considerations exist which justify a departure from the development plan, and in particular, in the context of paragraph 11 of the NPPF, 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.

In terms of benefits, these are necessarily limited by the scale of development. The dwelling would contribute to the council's supply of housing, which must be given additional weight due to the current shortfall. Economic benefits, both during and post-construction would also arise, although again, these would be very limited.

Landscape impact/design

Local plan policy LC7 deals with landscape protection. It sets out that 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. This is reflected more generally in Core Strategy policy CS16 and paragraph 174 of the NPPF.

Local plan policy DS1 and Core Strategy policy CS5 both require a high-quality design, taking into account the context of the site and the proposal. This is reflected in the NPPF. Local plan policy DS1 and Core Strategy policy CS5 require a high standard of design for new development, as do, by implication, the heritage policies referred to above. Section 12 of the NPPF (Achieving well-designed places) similarly requires high quality design, saying this is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development.

As can be seen from the site plan, and as described above, the site is on the edge of the settlement boundary of Brigg. Whilst classed as open countryside in policy terms, it is well related to existing structures with a dwelling to the rear (east), and a commercial unit to the south-west. Whilst it extends built development further to the south, there would be little in the way of additional harm to the wider landscape over and above that created by the dwelling granted permission immediately to the north. This harm is limited further by the nature of the proposal (a low-lying bungalow).

In terms of design, the proposal is restrained and of simple, traditional form. The materials, facing brick and roofing tile would match those prevalent in the area. The design has been chosen to complement that of the approved dwelling next door.

Overall therefore, the proposed design is considered acceptable and, given its location and context, it is considered that the proposal would result in limited harm to the wider landscape and this harm would be outweighed by the, albeit 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 Brigg, and is in fact closer to those facilities than dwellings within the settlement boundary to the west, and at Castlethorpe to the north.

The proposed access is shared with both the permitted dwelling to the north, the existing dwelling at 111 Scawby Road and the commercial unit to the south-west. The additional vehicular movements arising from the proposed dwelling would not result in any additional highway hazards. The layout provides for parking and turning space; this would allow vehicles to leave and enter the highway in forward gear. The Highways Officer has been consulted and raises no objection subject to a condition requiring the layout as submitted to be provided and retained.

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, '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 potential impacts would be on the previously permitted dwelling to the north (applied for by the same applicants as the current application) and the existing dwelling, 93 Scawby Road to the east.

The north-facing side wall of the proposed bungalow would face the south side elevation of the permitted dwelling. This elevation contains a bathroom window and secondary kitchen window and would not therefore result in unacceptable living conditions for the occupiers of

the proposed bungalow. Because of its scale, the bungalow would have no undue impact on the permitted scheme.

In terms of 93 Scawby Road, given the scale of the bungalow and the distance from number 93 there would be no undue harm to amenity. There is a first-floor window in the flank elevation of number 93 in close proximity to the common boundary; however, there is mature vegetation in this location, within the application site and therefore within the control of the applicant/future occupiers, that would provide privacy screening for occupiers of the proposed bungalow.

In light of the above, no unacceptable impacts would arise from the proposed development on existing or future residents.

Other matters

The Environmental Protection Officer has raised no objection but, given historic land uses, has suggested a precautionary condition requiring any contamination found during construction to be properly addressed.

The site is located in flood zone 1, the area at least risk of flooding. The LLFA has been consulted and raises no objection.

Conclusions and planning balance

As set out above, there is a conflict with the development plan as the site is outside 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 protects 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 land supply total, which contribution 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 Brigg, a short journey away. Given its size and location, and the context provided by surrounding development, there would be no undue harm to the 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 highways 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 development must be begun before the expiration of three years from the date of this permission.

Reason

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

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

Drawing no. SB/CL/MF/09 (Proposed site layout)

Drawing no. SB/CL/MF/07 (Proposed floor layout; proposed elevations).

Reason

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

3.
No works above DPC level 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 and roofing 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.

4.
The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

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

5.
If during development, any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement detailing how this contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

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

6.

The dwelling shall not be occupied until boundary treatments have been built/planted in accordance with the details that have first been submitted to and approved in writing by the local planning authority. The boundary treatments shall thereafter be retained in accordance with the approved details.

Reason

In the interests of visual amenity.

Informative

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



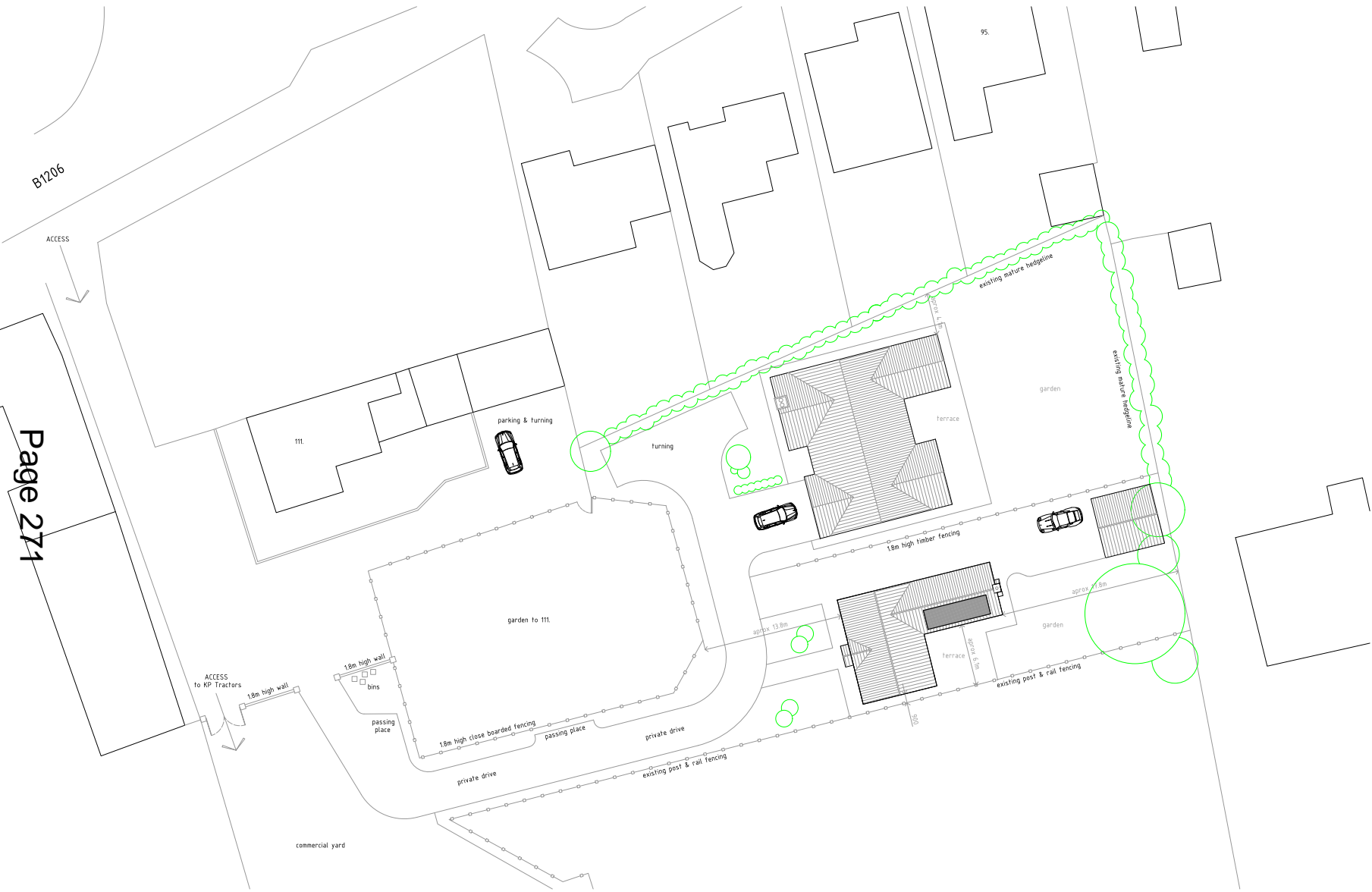
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 Development Boundary

PA/2023/296

**North
Lincolnshire
Council**

PA/2023/296 Proposed layout (not to scale)



Page 271

proposed site layout
scale 1:200



Proposed residential development
Rear of 111 Scawby Road, Scawby Brook, Brigg
Client: Mr. & Mrs. Clements

| Issue Status | |
|--------------|-------------------------------------|
| Consultation | <input type="checkbox"/> |
| Planning | <input checked="" type="checkbox"/> |
| B. Regs | <input type="checkbox"/> |
| Construction | <input type="checkbox"/> |

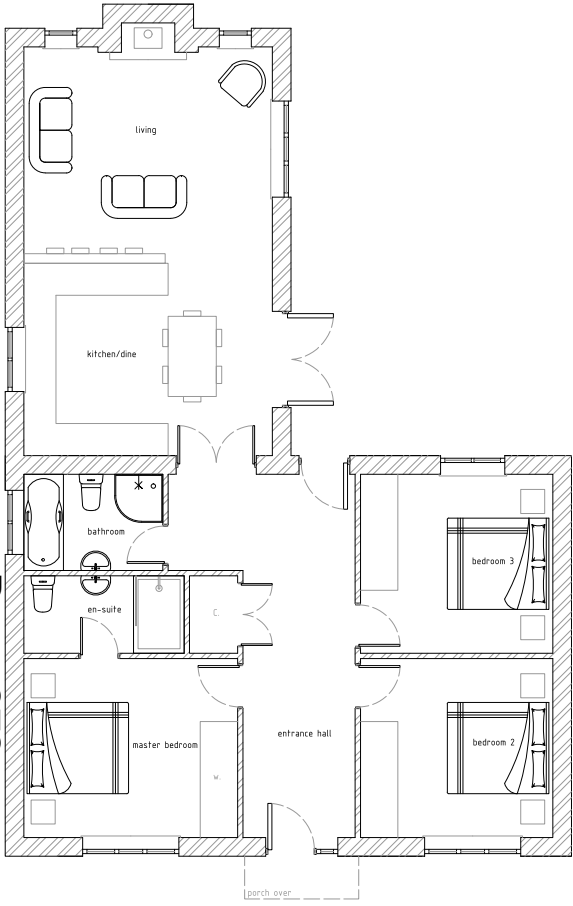
Title:
Proposed site layout



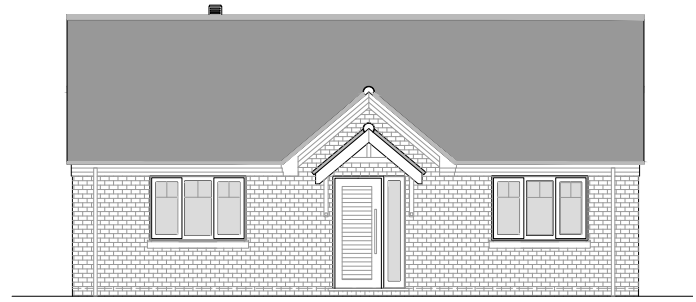
Draw No: SB/CL/MF/09
Scale: as indicated @ A1
Date: 15/02/2023

PA/2023/296 Proposed plans and elevations (not to scale)

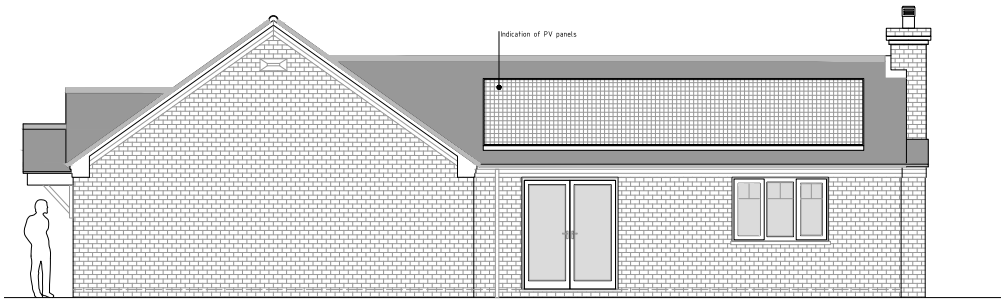
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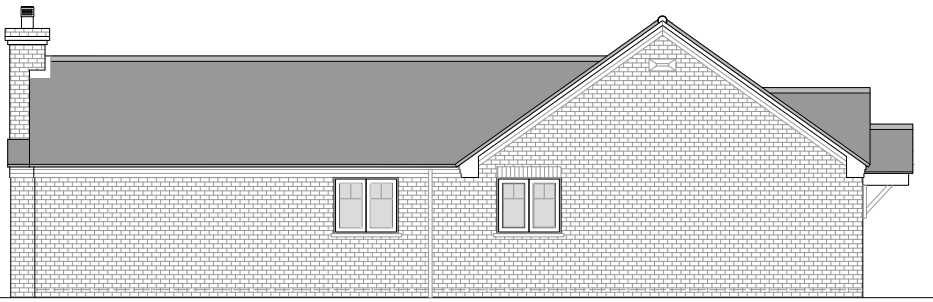
proposed GF layout
scale 1:50



proposed front (west) elevation
scale 1:50



proposed side (south) elevation
scale 1:50



proposed side (north) elevation
scale 1:50



proposed rear (east) elevation
scale 1:50



Proposed residential development
 Rear of 111 Scawby Road, Scawby Brook, Brigg
 Client: Mr. & Mrs. Clements

| Issue Status | |
|--------------|-------------------------------------|
| Consultation | <input type="checkbox"/> |
| Planning | <input checked="" type="checkbox"/> |
| B. Regs | <input type="checkbox"/> |
| Construction | <input type="checkbox"/> |

Title:
proposed floor layout
proposed elevations



Draw No: SB/CL/MF/07
 Scale: as indicated @ A1
 Date: 09/02/2023

| | |
|---|--|
| APPLICATION NO | PA/2023/381 |
| APPLICANT | Mr Azim Talu |
| DEVELOPMENT | Planning permission to erect a two-storey rear extension |
| LOCATION | Mill House, 17 High Burgage, Winteringham, DN15 9NE |
| PARISH | Winteringham |
| WARD | Burton upon Stather and Winterton |
| CASE OFFICER | Deborah Oikeh |
| SUMMARY RECOMMENDATION | Approve with conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by Winteringham Parish Council |

POLICIES

National Planning Policy Framework:

Chapter 12 (Achieving well-designed places)

North Lincolnshire Local Plan:

DS1 (General Requirements)

DS5 (Residential Extensions)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

HE2 (Development in Conservation Area)

DS14 (Foul Sewerage and Surface Water Drainage)

DS16 (Flood Risk)

North Lincolnshire Core Strategy:

CS1 (Spatial Strategy for North Lincolnshire)

CS5 (Delivering Quality Design in North Lincolnshire)

CS6 (Historic Environment)

CS19 (Flood Risk)

North Lincolnshire Design Guidance for House Extensions: SPG1

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)

SS3 (Development Principles)

SS11 (Development Limits)

DQE1 (Protection of Landscape, Townscape and Views)

HE1 (Conserving and Enhancing the Historic Environment)

DM1 (General Requirements)

CONSULTATIONS

Highways: No objections or comments.

Drainage (Lead Local Flood Authority): No objections or comments.

Environmental Protection: Recommend a condition relating to how any contamination found during development shall be dealt with.

PARISH COUNCIL

This application is an exact duplicate of application number PA/2022/344. This application was refused on the grounds of adverse impacts on the amenity of the adjacent dwelling in that it would give rise to loss of light, overshadowing and overbearing impacts. This is contrary to policies DS1 and DS5, as well as the SPG1 Design Guidance for House Extensions, of the North Lincolnshire Local Plan. Therefore, Winteringham Parish Council refuses this planning application citing the same reasons.

PUBLICITY

Advertised by site notice in accordance with Article 15 of the Development Management Procedure Order 2015. One letter of comment has been received in favour of the proposal. The comment highlights the reduction in the scale of the extension and how the new scheme is different from the previous scheme.

ASSESSMENT

Planning history

PA/2022/344: Planning permission to erect a two-storey rear extension – refused 30/03/2022

PA/2022/1480: Planning permission to erect a detached garage – approved 14/10/2022

Proposal and site characteristics

This proposal relates to a two-storey extension to the rear of the existing dwelling: Mill House, 17 High Burgage, Winteringham. The site currently contains a two-storey property with a detached garage. The application site is set within Winteringham's conservation area and within the development limit. Mill House is considered to be a building of townscape merit.

Background

Planning permission was refused for the erection of a two-storey extension to the rear in 2022 under planning reference PA/2022/344 due to the impact of the proposal upon the amenity rights of the neighbouring site. This current application is a resubmission for a two-storey extension to the rear albeit with a considerable amendment to the scheme, namely a reduction in depth of the first-floor extension from about 10m to 5m and the removal of a Juliet balcony (north) to ensure the extension is in keeping with the character of the dwelling and does not impact upon neighbouring amenity.

Site constraints

- The site is within flood zone 1 as set in the North Lincolnshire SFRA 2011.
- The site is situated within the conservation area of Winteringham.
- The site is located within the development boundary as set in the HELA DPD 2016.

Main considerations

- **principle of development**
- **impact upon residential amenity**
- **impact upon the character and appearance**
- **impact upon highways**
- **impact upon drainage.**

Principle of development

Policy CS1 of the Core Strategy states, '...Rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should 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.'

Policy CS5 relates to design of new development in North Lincolnshire and requires all development to be well designed, contribute to creating a sense of place and appropriate for their context.

Policy DS5 of the North Lincolnshire Local Plan is mainly 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.

In terms of amenity, policy DS1 states, 'proposals should not result in 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.'

This proposal is for a house extension within the development boundary of the settlement. It is considered moderate in scale and would not unacceptably impact neighbouring amenity rights nor the character of the area. The scheme is therefore considered acceptable in principle.

Character and appearance

Policy CS5 of the Core Strategy and policy DS1 of the local plan are both concerned with the quality of design of a proposal and the impact on the appearance and character of the area. Policy CS5 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 DS1 further corroborates policy CS5 and reiterates, 'A high standard of design is expected in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused.'

Policy CS6 relates to the historic environment and expects all new development to respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value.

Policy HE2 of the North Lincolnshire Local Plan relates to development in conservation areas and states, 'development should be of a standard of design which respects the appearance and character of the conservation area' and 'development should harmonise with adjoining buildings, preserve or enhance the street scene and should not detract from important existing spaces and views.'

The initial plans for the site included a Juliet balcony and would not reflect the character of the rural settlement. Therefore, the scheme was amended and has been re-assessed to be in keeping with the character of the area.

The scale of the proposed extension is unlikely to be of detriment to the character and appearance of the street scene given the reduction in depth of the first-floor extension. The general appearance of the dwelling and street scene would be largely retained as existing due to the extension being to the rear.

The existing dwelling consists of brickwork, stone and rendered masonry, white timber and white uPVC doors and windows. The materials for the proposed extension would match with the existing dwelling. Given the extension is to the rear, there is limited impact on the character of the conservation area or street scene. The proposal is considered to be in accordance with policies HE2 and CS6.

Impact upon residential amenity

Policies DS1 and DS5 of the North Lincolnshire Local Plan are concerned with residential extensions. Policy DS5 specifically applies to residential extensions and states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed provided 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.

The application site is set between two other dwellings, namely numbers 15 and 19. Number 19 benefits from a greater separation distance and screening by tall trees to the rear and so impact upon its amenity rights is limited.

The host dwelling is directly abutted by a 4m wide driveway leading to number 15 and the rear gardens of both dwellings are screened by a 1.8m (approximately) stone boundary wall. The buildings along the lane are laid out in an east-west direction with gardens oriented towards the east, thus allowing most sites to receive direct sunlight.

Whilst number 15 is a bungalow, the reception of sunlight/daylight will not be unacceptably impacted given the building layout. The scheme will not result in overlooking as there are no windows to the left side elevation (south). Due to the separation distance between numbers 17 and 15, as well as the massive reduction in depth of the proposed first-floor, any impact upon outlook will be no greater than what is experienced currently.

Given the aforementioned reasons, the proposal is considered such that it will not have an unacceptable impact upon the residential amenity rights of adjoining neighbours and thus aligns with policies DS1, DS5 and CS5.

Impact upon highway safety

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

The site can be accessed via High Burgage. Given the minor scale of the proposal, its impact on highway safety is considered limited. The Highways team has raised no objections to the scheme.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst DS14 and DS16 of the local plan are concerned with flood risk, drainage and foul water.

In this regard, the Lead Local Flood Authority has raised no objection following consultation and the proposal should not pose a risk, being in flood zone 1.

Conclusion

This proposal is for a two-storey extension within the development boundary and Winteringham's conservation area. The proposed scheme was amended to reduce the depth of the first floor extension to mitigate any impact upon the amenity rights of the adjoining site. The amended scheme is considered such that it respects and is in keeping with the character of the dwelling and the wider conservation area. Therefore, the proposal is recommended for approval.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

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

Site location, proposed block plan, elevations and floor plans – T.01/21/2 rev B.

Reason

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

3.

The materials and finishes of the new areas of brickwork shall match the remainder of the building in colour and texture.

Reason

In the interest of the visual amenity of the area and to protect the character of the conservation area in accordance with policies DS5 and HE2 of the North Lincolnshire Local Plan, and policies CS5 and CS6 of the Core Strategy.

4.

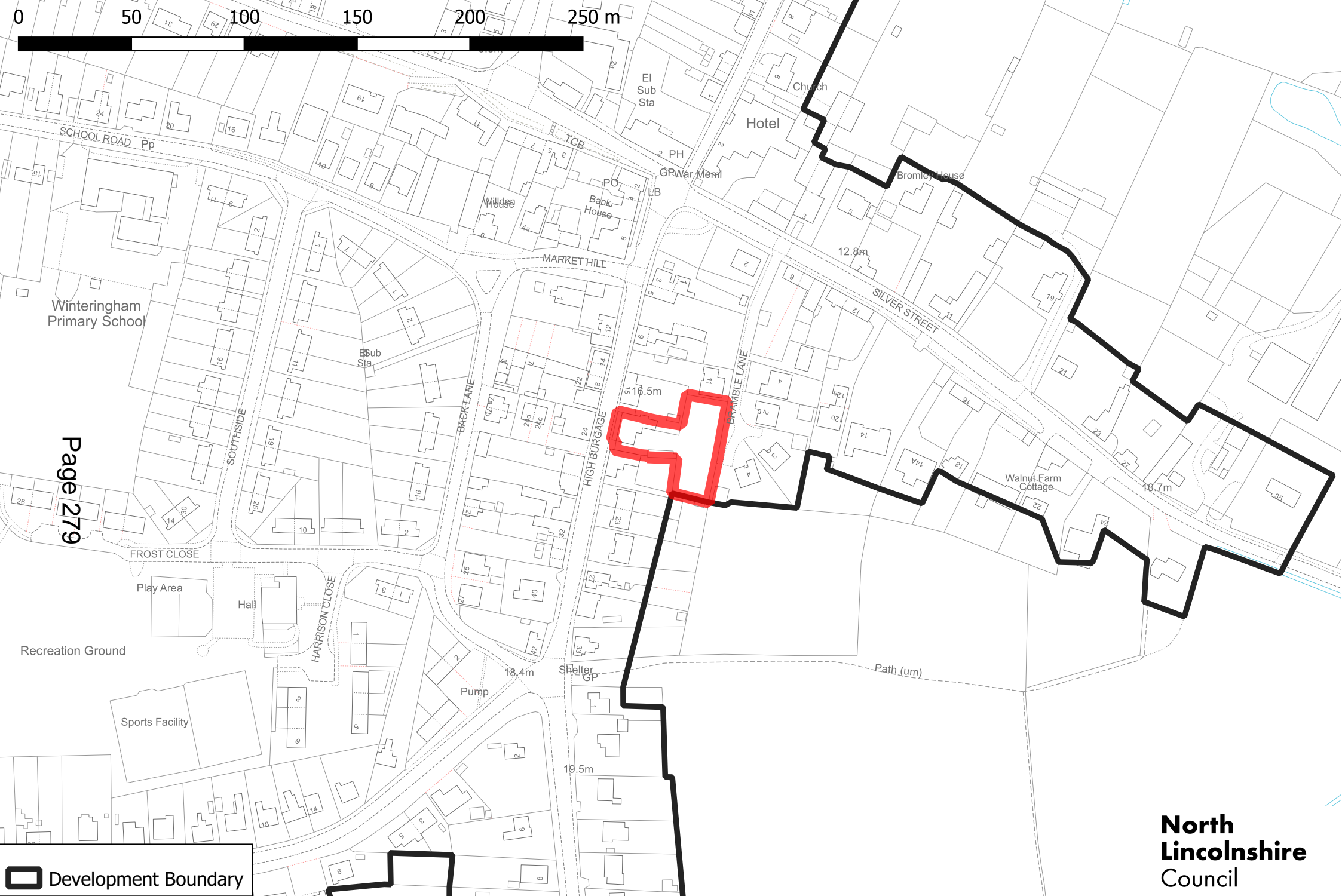
If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved by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

Reason


To protect human health in accordance with policy DS1 of the North Lincolnshire Local Plan.

Informative

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



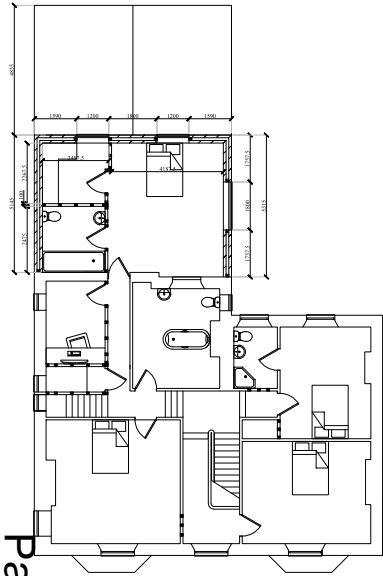
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 Development Boundary

**North
Lincolnshire
Council**

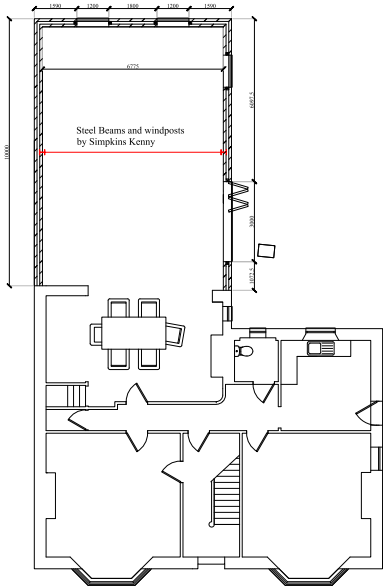
PA/2023/381

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FIRST FLOOR PLAN - PROPOSED
Scale 1 : 100

Depth of Foundations
to be discussed and
agreed with LABC officer



GROUND FLOOR PLAN - PROPOSED
Scale 1 : 100



REAR ELEVATION - PROPOSED

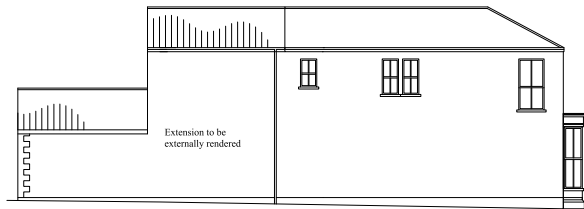
Scale 1 : 100



R.H. ELEVATION - PROPOSED

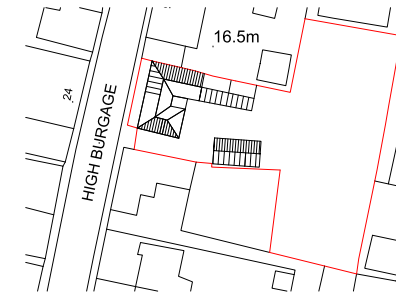
Scale 1 : 100

Windows to match
main dwelling



L.H. ELEVATION - PROPOSED

Scale 1 : 100



BLOCK PLAN - PROPOSED
Scale 1 : 500




SITE LOCATION PLAN - PROPOSED
Scale 1 : 1250

Masonry work and roof tiles to match existing as close as is practicable. To be agreed with Client and LABC/Planning Department.
Windows to match existing, in colour and style, as far as is practicable.
Contractor to allow for tidying up of existing above ground FW drainage pipework.
Contractor to accurately measure up on site prior to ordering of any materials.
Drawings to be read strictly in accordance with Building specification.
Any alterations are to be agreed with Kilikopela Building Design and the Local Authority Building Control prior to implementation.

Kilikopela Building Design

43 Mulberry Gardens,
Scunthorpe
North Lincolnshire
DN16 3FR



Client:
Mr A Talu

Project:
**Extensions & Internal Alterations
At - 17 High Burgage, Winterringham**

Drawing title:
**Proposed Plans & Elevations
Planning Re-submission**

| | | |
|---------------------------------|---------------------|--------------------|
| Drawn by: CJP | Date: 17.05.2023 | Scale: As Shown |
| Drawing No: T.01/21/2 | | Rev: B |

| | |
|---|---|
| APPLICATION NO | PA/2023/710 |
| APPLICANT | Mr & Mrs Gary Capp |
| DEVELOPMENT | Planning permission to erect a new tractor shed |
| LOCATION | Land to the rear of 46 Haxey Lane, Haxey, DN9 2NE |
| PARISH | Haxey |
| WARD | Axholme South |
| CASE OFFICER | Jennifer Ashworth |
| SUMMARY RECOMMENDATION | Approve with conditions |
| REASONS FOR REFERENCE TO COMMITTEE | Objection by Haxey Parish Council |

POLICIES

National Planning Policy Framework:

Section 12: Achieving well-designed places.

North Lincolnshire Local Plan:

DS1: General Requirements

T2: Access to Development

T19: Car parking Provision and Standards

DS14: Foul Sewage and Surface Water Drainage

DS16: Flood Risk

LC14: Area of Special Historic Landscape Interest

RD2: Development in the Open Countryside

North Lincolnshire Core Strategy:

CS1: Spatial Strategy for North Lincolnshire

CS2: Delivering More Sustainable Development

CS3: Development Limits

CS5: Delivering Quality Design in North Lincolnshire

CS19: Flood Risk.

Housing and Employment Land Allocations DPD (2016): The site lies outside the development limits, is located within the open countryside and comprises land allocated as LC14 as shown on the Proposals Map.

Supplementary Planning Guidance:

SPG1: Design Guidance for House Extensions

Design in the Countryside

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

SS11: Development Limits

DM1: General Requirements

RD1: Supporting Sustainable Development in the Countryside

HE1: Conserving and Enhancing the Historic Environment

HE2: Area of Special Historic Landscape Interest

DQE1: Protection of Landscape, Townscape and Views

CONSULTATIONS

Highways: No comments or objections to make.

LLFA Drainage: No comments or objections to make.

Environmental Protection: No comments or objections to make.

PARISH COUNCIL

Objects, making the following comments:

- The proposal extends into the LC14 and will further erode it and would benefit from a more cluster form by locating it nearer to the rear of the owner's property.

- While its impacts on neighbours' privacy is not significant it would be better sited to the rear of the owner's property.
- The main reason for siting appears to be security and convenience. It is some distance from the owner's property and would remain vulnerable to security breaches, again it would be better sited closer to the owner's property.
- It is not consummate with RD2(iv), RD2(c) or the principles of RD7(iii).

PUBLICITY

The proposal has been advertised by means of site notice in accordance with Article 15 of the Development Management Procedure Order 2015. No comments have been received.

ASSESSMENT

Planning history

- PA/2016/755: Planning permission to erect a new tractor shed and reposition existing horse shelter – approved 14/07/2016
- PA/2016/1579: Planning permission to erect two horse shelters – approved 24/11/2016
- PA/2014/0582: Planning permission to erect a single-storey rear kitchen extension – approved 18/07/2014

Proposal and site characteristics

The application site comprises an area of land to the rear of 46 Haxey Lane. To the immediate east is an existing tractor shed which is used for the storage of a tractor, hay and other equipment which is required to maintain the wider land/paddocks.

To the west and north are two paddocks which are located to the rear of existing dwellings off Haxey Lane, Haxey. The application site lies outside the development boundary of Haxey and as such is within the open countryside for the purpose of planning. The paddocks are currently used for the keeping and grazing of horses with the front paddock (north) housing two field shelters.

The application site is bounded by an existing tractor shed, stable and residential properties to the east and open fields to the other sides. There is a row of mature trees running along the western boundary of the paddocks, with some trees and hedging along the other boundaries. Historical mapping shows that the site has previously housed large polytunnels and buildings and operated as a garden nursery but there is no planning history for this historical development.

The site is located within policy LC14 which is designated as an area of Special Historic landscape interest. The site is within SFRA Flood Zone 2/3 (a) Fluvial.

The application seeks planning permission for the erection of a new tractor shed. The applicant currently stores the tractors in a shed in Hibaldstow but after a spate of tractor thefts wishes to relocate the tractors to this site which he considers to be more secure as the owner/applicant lives in the property to the east (entrance to the site), 46 Haxey Lane. The applicant is a member of a tractor club and enjoys showing tractors at various events.

This is a personal hobby and no commercial activity is proposed at the site. The shed will also allow for the rationalisation/tidying up of the existing tractor/storage shed to the east which is also used for the storage of hay and other equipment needed to maintain the wider land.

The application site is accessed via the gated driveway of 46 Haxey Lane and whilst it sits outside the residential curtilage of the property it is land which is clearly associated with the property. The land is currently laid to gravel and is used in connection with land to the rear of 46 Haxey Lane.

The following considerations are relevant to this proposal:

- **principle of development**
- **residential amenity**
- **design, character and appearance/historic environment**
- **highway safety**
- **flood risk.**

Principle of development

The site is outside the development limits of Haxey and therefore open countryside policies apply. Policy RD2 strictly controls development within the open countryside and identifies the specific types of development that will be considered to be acceptable in these locations. The existing shed is currently used for the storage of hay, equipment and a tractor which is all used for the wider site maintenance; the applicant seeks to separate the current equipment and create a new shed for the tractors on site. A tractor shed is considered to be an appropriate use within the open countryside. The use of tractors and other equipment stored on the site will be used for both the maintenance of the wider land as well as allowing the applicant to undertake his hobby of storing and repairing old tractors and showing them at country fayres/shows. It is considered that the tractor shed complies with policy RD2 in that it provides storage for tractors to allow a countryside recreation/hobby to take place and also allows the storage of equipment for the maintenance of existing land.

Policy RD2 also sets out certain criteria against which all development in the countryside must comply. These criteria require that development is not detrimental to the character or appearance of the countryside; is not detrimental to residential amenity or highway safety; and that the proposal makes best use of existing and new landscaping. Compliance with policy RD2 is dependent on these criteria being met and these issues are assessed in detail below.

Residential amenity

The proposed Tractor shed is proposed to be located to the rear of an existing tractor/storage shed on land which is currently laid to gravel and used for storage of materials and equipment. The development is set back from the neighbouring properties to the east and existing landscaping on the southern boundary already and will continue to act as a screen to the land to the south. The building is proposed to be used for

storage/personal use only of tractors. The use is not considered to be particularly noisy or intrusive.

The council's Environmental Protection officers have no comments or objections to the proposal, however on an earlier application did request a condition to secure this use of the building due to its proximity to residential properties and the potential for noise and disturbance should the use change in the future. It is considered that this condition is appropriate and should be applied at this time to both protect the amenity of neighbours and the character of the countryside.

Design, character and appearance /historic environment

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

The site is within the Isle of Axholme Area of Special Historic Landscape Interest and policy LC14 of the local plan is relevant. No comments have been received from the council's HER team. The parish council has raised an objection and considers that the proposal extends into the LC14 and will further erode it. They suggest that the development should be clustered closer to the property.

The application site comprises an area of land which is currently laid to gravel and used for the storage of materials/equipment by the current owners. Access to the site is gained via the gated drive/access to 46 Haxey Lane. The site includes a post and rail fence with trees and other vegetation along the western and southern boundaries. The land is the site of a former garden nursery and buildings and is self-contained. It is not considered that development on this land would damage or adversely affect the character, appearance or settling of the historic landscape or any of its features within this location. The development proposed is to a high standard and seeks to provide a use which is compatible with a countryside location.

It is considered that this element of the site is suitable for development and would not conflict with the requirements of policy LC14.

Part (c) of policy RD2 requires the development not to be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials; and part (f) to make the best use of existing and new landscaping.

It is considered that the location of the development to the rear of existing development but within the visible/defensible boundary line ensures the development is contained within the existing cluster of development within the site. This also makes use of existing landscaping on the site which forms the western and southern boundaries and would act as screening to the proposed tractor shed. Locating the development elsewhere on the site, as suggested by the parish council, would not allow these existing features/backdrops to be utilised and additional screening would need to be created. The development is to the rear of the existing property and other buildings on site and therefore visibility will be limited from the street scene, with the possibility of a slight glimpse from the gated driveway.

The proposed tractor shed measures approximately 13.7m x 9.15m, and is approximately 3.33m to eaves height and approximately 4.7m to ridge height. This is smaller in height than the existing tractor shed on site which measures approximately 4.27m to eaves height and approximately 5.49m to ridge height, and measures approximately 18.3m (length) x

9.15m (width). The materials will complement the existing buildings on site and this countryside location being a green profiled cladding with green roller shutter door and grey fibre cement sheeting for the roof.

For these reasons it is considered that the tractor shed will not have an unacceptable impact on the character or appearance of the open countryside and complies with policy RD2.

Flood risk

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

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

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

The LLFA Drainage team have considered the proposals and do not have any comments or objection to the proposed development.

Highway safety

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

The proposed development will not affect the access to the site or parking provision therein. The council's Highways department has raised no objection to the application. It is considered that there will be limited movement of tractors to and from the site. Therefore, the proposal will not be harmful to highway safety in the area.

It is therefore considered that the scheme is in accordance with policies T2 and T19 of the local plan.

Conclusion

The proposed development will not have an unacceptable impact on the character or appearance of the area, the amenity of neighbouring properties, or highway safety. On this basis the application should be supported.

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

1.

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

Reason

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

2.

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

Site Location & Existing Block Plan GC/23/01

Proposed Block Plan - GC/23/02

Proposed Plans - GC/23/03.

Reason

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

3.

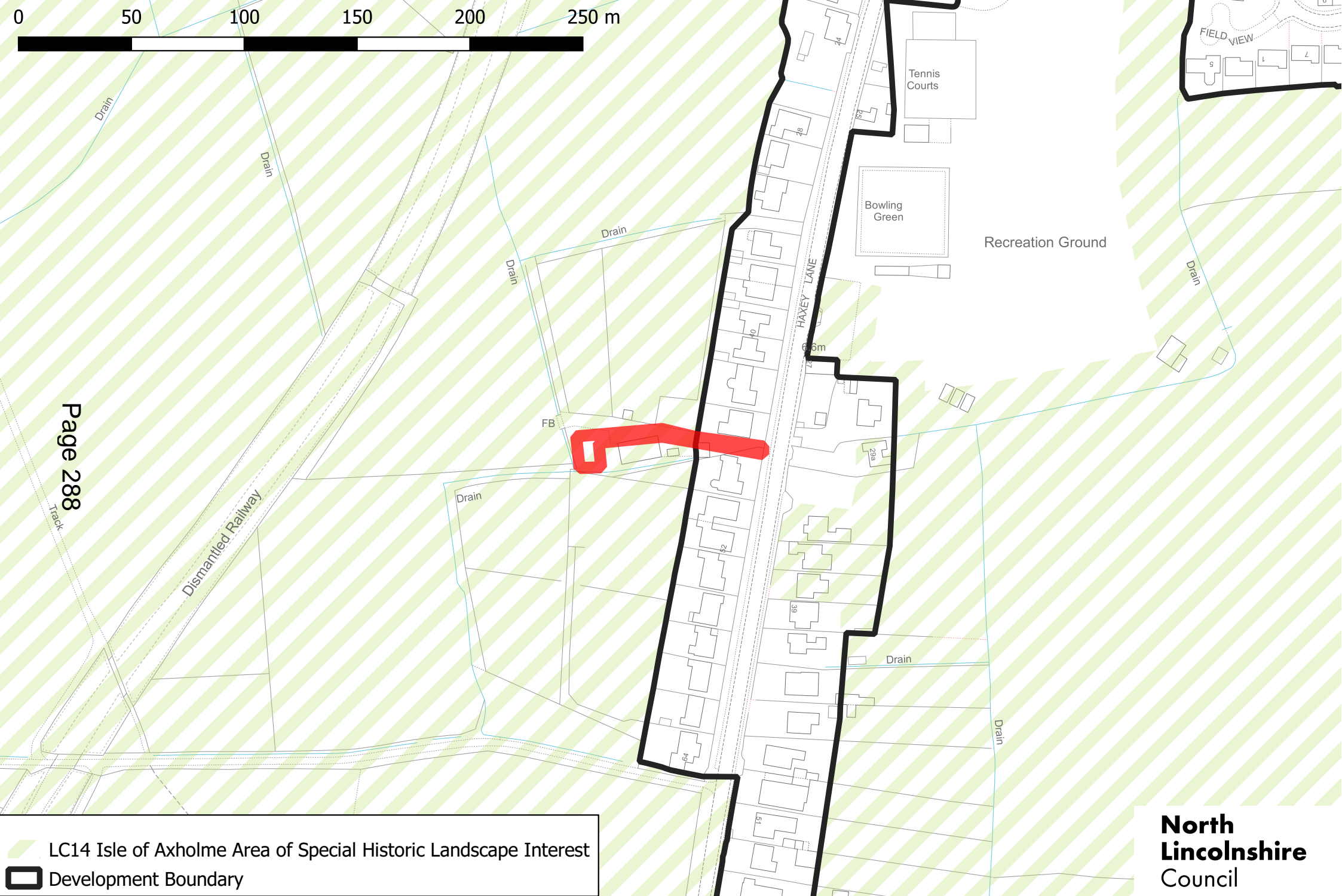
The tractor shed shall be used for the storage of tractors and ancillary equipment only and at no time shall the building be used for commercial purposes, unless otherwise agreed in writing by the local planning authority.

Reason



To protect the amenity of neighbouring residential properties and the character of the open countryside in accordance with policies DS1 and RD2 of the North Lincolnshire Local Plan.

Informative

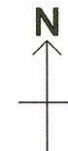
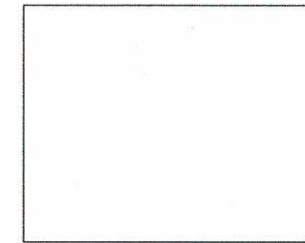
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



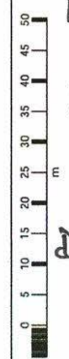
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 LC14 Isle of Axholme Area of Special Historic Landscape Interest
 Development Boundary

**North
Lincolnshire
Council**



MR & MRS G. CAPP
LADD REAR of
46 HAXEY LANE
HAXEY
DONCASTER
DN9 2NE



DRG. NO. GC/23/02

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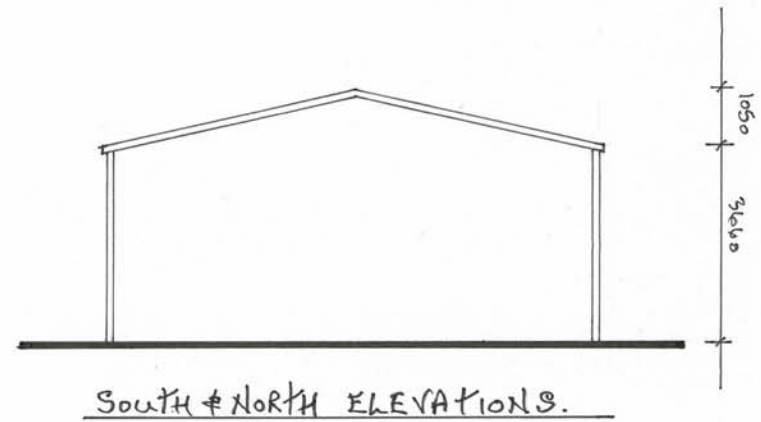
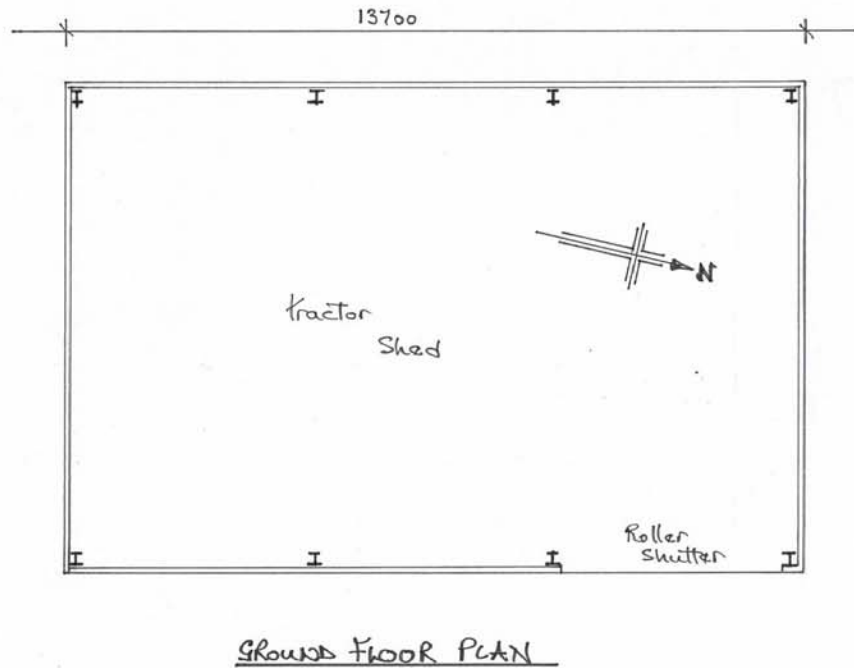
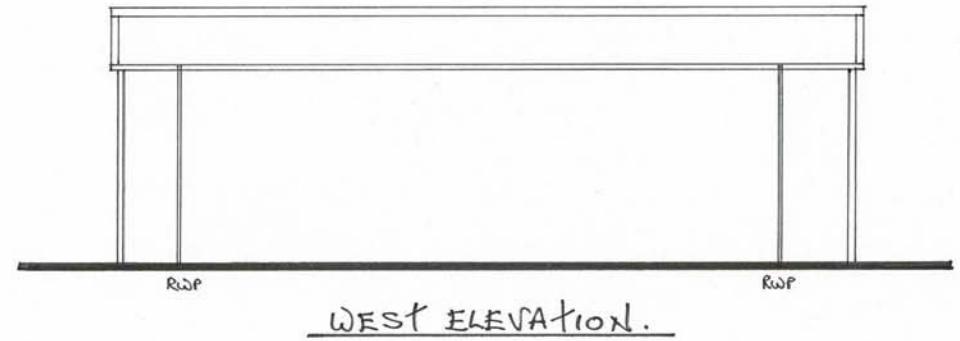
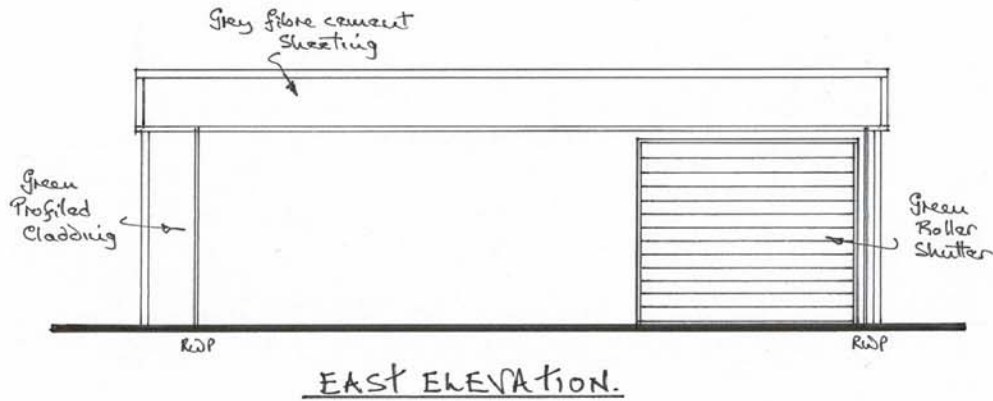
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MR & MRS G. CAPP
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 HAXEY
 DONCASTER DN9 2NE

PROPOSED TRACTOR
 SHED

DRAWN BY:
 JEM MANAGEMENT SERVICES
 45 OSWALD ROAD
 SCUNTHORPE

DATE: APRIL 2023

SCALE: 1/100 @ A3

DRG. NO: GC/23/03

REV.