

Public Document Pack

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

7 February 2024

Chairman: Councillor N Sherwood **Venue:** Room F01e
Conference Room
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 meeting held on 10 January 2024 as a correct record and authorise the chairman to sign. (Pages 1 - 10)
4. Applications deferred from previous meetings for a site visit. (Pages 11 - 12)
 - (a) PA/2022/443 Planning permission for the installation of a solar photovoltaic array/solar farm and associated infrastructure at Sweet Briar Farm, Carr Road, Ulceby, DN39 6TX (Pages 13 - 46)
 - (b) PA/2022/850 Planning permission to demolish existing buildings to rear and construct a two-storey/two-and-a-half-storey rear extension, with associated internal and external alterations to create 9 apartments at 15 Market Place, Barton upon Humber, DN18 5DA (Pages 47 - 80)
 - (c) PA/2022/908 Listed building consent to demolish existing buildings to rear and construct a two-storey/two-and-a-half-storey rear extension with associated internal and external alterations to create 9 apartments at 15 Market Place, Barton upon Humber, DN18 5DA (Pages 81 - 106)
 - (d) PA/2022/1918 Planning permission to erect two dwellings with associated landscaping at Dondoreen, Marsh Lane, Barton upon Humber, DN18 5HF (Pages 107 - 138)

5. Major Planning Applications. (Pages 139 - 140)
 - (a) PA/2023/1756 Application to vary condition 1 of PA/2022/2136 dated 13/06/2023 to amend house types for plot 6 (show house and sale facility) and plots 70 and 71 (smaller two-bedroomed houses) on land between 57–71 Brigg Road, Messingham, DN17 3QX (Pages 141 - 150)
6. Planning and other applications for determination by the committee. (Pages 151 - 152)
 - (a) PA/2022/2125 Planning permission to erect a new farm worker's dwelling at Butterwick Grange Farm, Sand Road, West Butterwick, DN17 3LJ (Pages 153 - 168)
 - (b) PA/2023/694 Planning permission to erect a new dwelling (including demolition of existing shop) at 19 Doncaster Road, Gunness, DN15 8TG (Pages 169 - 182)
 - (c) PA/2023/1051 Planning permission for change of use from agricultural building to self-contained dwelling, including demolition of existing storage building at Swinster Lane, East Halton, DN40 4NR (Pages 183 - 196)
 - (d) PA/2023/1720 Planning permission to erect a garage at The Old Stackyard, Commonsides, Westwoodside, DN9 2AR (Pages 197 - 208)
 - (e) PA/2023/1749 Planning permission to erect an annexe at Amcotts Grange Cottage, access road to Amcotts Grange Cottage, Amcotts, DN17 3EZ (Pages 209 - 218)
 - (f) PA/2023/1933 Planning permission to erect a new dwelling at land off Brigg Road, Wrawby, DN20 8RH (Pages 219 - 236)
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.

Public Document Pack Agenda Item 3

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

10 January 2024

PRESENT: - N Sherwood (Chairman)

N Sherwood (Chairman), K Vickers, Bell, J Davison, M Grant, Patterson, D Southern and D Wells

R Hannigan, J Reed and R Waltham MBE

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

2528 **SUBSTITUTIONS.**

Cllr K Vickers for Cllr Ross.

2529 **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 pecuniary interest in the following:

Cllr Wells PA/2022/1852 Property close to the application site.

The following member declared that they had been lobbied on the following applications:

Cllr Wells PA/2022/2217 and PA/2022/443

2530 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 6 DECEMBER 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN (TO FOLLOW).**

Resolved – That the minutes of the meeting held on 6 December 2023, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

2531 **APPLICATIONS DEFERRED FROM PREVIOUS MEETINGS FOR A SITE VISIT.**

2532 **PA2022/1852 OUTLINE PLANNING PERMISSION FOR 9 DWELLINGS WITH ASSOCIATED ACCESS AND PUBLIC OPEN SPACE (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED FOR SUBSEQUENT CONSIDERATION) AT LAND OFF BRAITHWAITES CLOSE, BARNETBY LE WOLD, DN38 6BF (SITE VISIT TIME 10AM).**

Cllr Wells having declared a pecuniary interest left the meeting for the

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consideration of this application.

A speaker in support of the application addressed the committee reiterating what was outlined at the last meeting, and further highlighted that there was a desire for further development in Barnetby, the site should have been in the Local Plan as there was no other practical use for site.

Cllr Waltham spoke as the local Ward Member and mentioned the railway underpass being an issue as well as flooding, and the drainage system would not be able to cope as it does not work under the current pressure. He also stated that the access considerations were poor and it was in open countryside.

Cllr J Davison having visited the site stated that it had been very informative as was both sides of the argument. He was concerned with the flooding issues and the design proposed was worrying as he could not understand why they would build downwards towards the railway line. He stated it was in open countryside and outside the development boundary with no benefit to the village.

Cllr Bell said the site visit had been constructive and disagreed with the thoughts of the previous speaker. He referred to the officer's report recommending approval and highlighted that there was houses already on that road, and he did not believe it was in open countryside.

Cllr Grant also felt the application should be approved as it would tidy up the area, there was a need for housing.

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

That planning permission be refused for the following reason –

The proposal is outside the defined development limit, within the open countryside. It is therefore unacceptable in principle. It is not considered to present benefits which would outweigh the departure from policy and is contrary to policy RD2 of the North Lincolnshire Local Plan, policies CS2, CS3 and CS8 of the North Lincolnshire Core Strategy, and the National Planning Policy Framework.

Motion Carried.

Cllr Wells returned to the meeting.

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MATTERS RESERVED AT 77–79 HIGH STREET, WOOTTON, DN39 6RR (SITE VISIT TIME 10.20AM).

Speaking on behalf of a Resident Group an objector outlined what they felt would be the impact on the area. Stating that it was a back land plot, incomparable with any other properties in the area and a loss of residential amenity, privacy and light.

The agent felt it was a perfectly good site, within boundary and an infill site, and submitted due to the previous approval that had lapsed. Boundaries within legal ownership it was an outline application with lots of consideration given to privacy of neighbouring properties.

Cllr Hannigan spoke as the local Ward Member and said on paper the application seemed perfect. However, that was not the feeling of the residents in the area and the proposals were not appropriate for the area. The two storey houses would be very overbearing and affect surrounding properties with car parking and access very tight.

Cllr Wells said that after looking at the site as it was, the proposal would be overbearing in a rural setting, with the application not in keeping with the area. Adverse effects with cramped living.

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

That planning permission be refused for the following reason –

The proposal would result in significant adverse impacts on the quality of the built environment by creating a cramped form of development. Furthermore, it would be likely to result in inappropriate living conditions due to the cramped nature of the site. While it is noted that matters of appearance, landscaping, layout and scale 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 quality of the built environment and the living conditions of future occupiers. The proposal is therefore contrary to policies DS1, H5 and H7 of the North Lincolnshire Local Plan, policy CS5 of the North Lincolnshire Core Strategy and paragraph 135 of the National Planning Policy Framework.

Motion Carried.

2534 PA/2023/58 PLANNING PERMISSION FOR A BATTERY ENERGY STORAGE SYSTEM AND AT ASSOCIATED WORKS ON LAND NORTH OF CHAPEL LANE, KEADBY (SITE VISIT TIME 11.35AM).

An update was provided by the Development Management Lead.

An objector addressed the committee who lived directly opposite the proposed site and state that he was worried about the safety and proximity of the dwellings and the gas power station. There would be increased noise, traffic, and light pollution. With the biggest fear from the safety risks of the

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batteries.

Two speakers spoke in support of the application and outline the safety regulations and concerns of fire risk. They outlined the sites already in operation along with the Fire and emergency services responses, and the real-life noise assessments that had been carried out.

Cllr Reed spoke as the local Ward member on behalf of the residents. In doing so she had concerns around the safety of the batteries and the number of energy developments already in the vicinity. She stated that the village profile could not cope with all the extra traffic, streets already heavily parked, along with possible noise vibrations.

Cllr J Davison stated that he had sympathy with the residents but looking at all the concerns he felt that they had been addressed by and conditioned.

Resolved – That planning permission be granted in accordance with the recommendations contained within the officer's report with the addition of the following condition:

Prior to the commencement of any above-ground works pursuant to the development hereby permitted, an emergency response plan shall be submitted to and approved in writing by the local planning authority. The emergency response plan shall be developed using best practice guidance as detailed and required in the published Grid Scale Battery Energy Storage System planning - Guidance for FRS published by NFCC National Fire Chiefs Council. The development shall be carried out and thereafter operated only in accordance with the approved emergency response plan.

Reason

To ensure appropriate emergency procedures are in place for the lifetime of the development.

2535 **PA/2023/613 OUTLINE PLANNING PERMISSION FOR ONE DWELLING WITH ACCESS, ALL OTHER MATTERS RESERVED FOR SUBSEQUENT CONSIDERATION AT LAND OPPOSITE RIDGEWOOD, 76 WEST END ROAD, EPWORTH, DN9 1LB (SITE VISIT TIME 11.05AM).**

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

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2536 **MAJOR PLANNING APPLICATIONS.**

2536a **PA/2022/443 PLANNING PERMISSION FOR THE INSTALLATION OF A SOLAR PHOTOVOLTAIC ARRAY/SOLAR FARM AND ASSOCIATED INFRASTRUCTURE AT SWEET BRIAR FARM, CARR ROAD, ULCEBY, DN39 6TX.**

Three speakers spoke against the application, and the applicant spoke in support.

Cllr Hannigan addressed the committee as the local Ward member urging them to visit the site before they made a decision.

Cllr Wells having listened to all parties and the local ward Member he felt that a site visit would be beneficial.

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

That a site visit be held and the application be brought back to a future meeting of this committee for a decision to be taken.

Motion Carried.

2536b **PA/2023/823 HYBRID APPLICATION CONSISTING OF OUTLINE PLANNING PERMISSION FOR UP TO 220 DWELLINGS AND A BUILDING FOR COMMERCIAL AND/OR COMMUNITY USE, WITH ALL MATTERS RESERVED FOR SUBSEQUENT CONSIDERATION EXCEPT ACCESS, AND FULL PLANNING PERMISSION FOR 130 DWELLINGS AT RAF KIRTON IN LINDSEY, B1400 FROM B1398 TO B1205, KIRTON IN LINDSEY, DN21 4HZ.**

The Development Management Lead provided an update following further responses being received.

Speaking in favour of the application on behalf of the applicant it was outlined that the housing development would only be of benefit to the town, respecting the local area and character of the site. The development would lead to more open space provisions, play area, tree planting, drainage scheme and highways improvements.

Cllr Garritt spoke as the local Ward Member and whilst supported the development in principle, he was concerned for the sustainability of the community, queries the S106 agreement, and stress it would place on the local infrastructure.

Cllr J Davison referred to the permission that was granted in 2017 for fewer houses, and this was a re-submission. He felt that most objections had been addressed with some amendments and conditions added following the debate at the meeting.

Cllr Grant queried the S106 and felt that it must be valuable and adhered to.

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Cllr Bell felt it would increase pressure on local residents and agreed that the S106 had to be viable and paid by developers.

Resolved – That planning permission be granted in accordance with the recommendations contained within the officer’s report with the following amendments and addition condition –

Drawing number in condition 43 be amended to ‘Proposed Site Phase One P4481SPA-XX-ZZ-DR-A-20 023 Rev P’

The word ‘two-way’ be removed from conditions 5 and 55 (original numbering).

Construction of the proposed development shall be in accordance with recommendations made in report reference RPS, Former RAF Kirton In Lindsey, Noise Impact Assessment, Dated 02 May 2023, Reference JAJ03353.

Reason

To safeguard the residential amenity of occupiers of the development in accordance with policies DS11 of the North Lincolnshire Local Plan and CS5 of the Core Strategy, and to safeguard adjacent business and community uses in accordance with paragraph 193 of the National Planning Policy Framework.

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

Reason

To safeguard the residential amenity of occupiers of the development in accordance with policies DS11 of the North Lincolnshire Local Plan and CS5 of the Core Strategy, and to safeguard adjacent business and community uses in accordance with paragraph 193 of the National Planning Policy Framework.

2537 **PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE.**

2538 **PA/2022/850 PLANNING PERMISSION TO DEMOLISH EXISTING BUILDINGS TO REAR AND CONSTRUCT A TWO-STOREY/TWO-AND-A-HALF-STOREY REAR EXTENSION, WITH ASSOCIATED INTERNAL AND EXTERNAL ALTERATIONS TO CREATE 9 APARTMENTS AT 15**

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MARKET PLACE, BARTON UPON HUMBER, DN18 5DA.

Cllr K Vickers knowing the area well had concerns about the development, and especially the parking. He felt the committee would benefit from holiday a site visit before making a decision.

It was moved by Cllr K Vickers and seconded by Cllr Patterson –

That a site visit be held and the application be brought back to a future meeting of this committee for a decision.

Motion Carried.

- 2539 **PA/2022/908 LISTED BUILDING CONSENT TO DEMOLISH EXISTING BUILDINGS TO REAR AND CONSTRUCT A TWO-STOREY/TWO-AND-A-HALF-STOREY REAR EXTENSION WITH ASSOCIATED INTERNAL AND EXTERNAL ALTERATIONS TO CREATE 9 APARTMENTS AT 15 MARKET PLACE, BARTON UPON HUMBER, DN18 5DA.**

Cllr K Vickers requested that a site visit be held as he had concerns about the application.

It was moved by Cllr K Vickers and seconded by Cllr Patterson –

That a site visit be held and the application be brought back to a future meeting of this committee for a decision.

Motion Carried.

- 2540 **PA2022/1918 PLANNING PERMISSION TO ERECT TWO DWELLINGS WITH ASSOCIATED LANDSCAPING AT DONDOREEN, MARSH LANE, BARTON UPON HUMBER, DN18 5HF.**

Cllr Patterson having read the report and looked at the plans felt she could benefit from having a site visit.

It was moved by Cllr Patterson and seconded by Councillor K Vickers –

That a site visit be held and the application be brought back to a future meeting of this committee for a decision.

Motion Carried.

- 2541 **PA/2022/2018 OUTLINE PLANNING PERMISSION TO ERECT A DETACHED SINGLE DWELLING WITH APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED FOR SUBSEQUENT CONSIDERATION AT CARRDALE, 10 SAXBY HILL, SAXBY ALL SAINTS, DN20 0QL.**

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

- 2542 **PA/2023/10 PLANNING PERMISSION FOR THE STATIONING AND OCCUPATION OF A CARAVAN FOR A FURTHER 12 MONTHS AT HALLANDS, THORNTON ROAD, GOXHILL, DN19 7LW.**

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The applicant addressed the committee and outlined the need for the application to support her business and the issues surround it.

Cllr Hannigan as the Ward Councillor also supported the application. In doing so he said he would like to see a 12 month extension provided as it was vital for the owner to support her business, and the local residents were all in favour.

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

That planning permission be granted with the following conditions –

1.

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

- Drawing number LCGO 002 (Location Plan)
- Drawing number LCGO 004 (Proposed Site Plan)
- Drawing number LCGO 001 (Caravan Detail).

Reason

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

2.

The use hereby permitted shall be for a limited period of one year from the date of this decision. The use hereby permitted shall be discontinued, the caravan shall be removed from the land and the land shall be restored to its former condition on or before 16 January 2025.

Reason

Permission is granted for a temporary period only. Given its nature and design, the development would not be appropriate for permanent permission in this open countryside location.

Motion Carried.

2543 **RESERVED MATTERS REPORT.**

2544 **PA/2023/1084 APPLICATION FOR APPROVAL OF RESERVED MATTERS (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOLLOWING OUTLINE PLANNING PERMISSION PA/2020/515 DATED 19/06/2020 FOR THE ERECTION OF TWO DWELLINGS AT WOLDS VIEW, STATION ROAD, STURTON, DN20 9DW.**

Resolved – That reserved matters be approved as outlines in the officer's

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report.

2545 **REVISED NATIONAL PLANNING POLICY FRAMEWORK - DECEMBER 2023.**

Resolved – That the report be noted.

2546 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE SPECIFIED.**

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

APPLICATIONS DEFERRED FROM PREVIOUS MEETING FOR SITE VISITS

1. OBJECT

1.1 To consider items which have been deferred to allow members to visit the sites.

2. BACKGROUND

2.1 The applications listed on the attached schedule were deferred at a previous meeting of the committee to allow members to visit the sites before making a decision.

2.2 Members will undertake the site visits in the morning on the day of the meeting.

3. INFORMATION

3.1 The reports relating to the deferred items are attached. The reports have been updated since the last meeting where appropriate.

4. RESOURCE IMPLICATIONS

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

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

5. RECOMMENDATION

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

DEVELOPMENT MANAGEMENT LEAD

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

Ref: RL/JMC/Planning Committee 07 February 2024

Date: 29 January 2024

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/2022/443
APPLICANT	Lightrock Power Ltd
DEVELOPMENT	Planning permission for the installation of a solar photovoltaic array/solar farm and associated infrastructure
LOCATION	Sweet Briar Farm, Carr Road, Ulceby, DN39 6TX
PARISH	ULCEBY
WARD	Ferry
CASE OFFICER	Daniel Puttick
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Ulceby Parish Council

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 4 Decision making
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed and beautiful places
- 14 Meeting the challenge of climate change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

- IN1 Industrial development location and uses
- RD2 Development in the open countryside
- RD7 Agriculture, forestry and farm diversification
- T1 Location of development

T2 Access to development
T19 Car parking provision and standards
LC5 Species protection
LC6 Habitat creation
LC7 Landscape protection
LC12 Protection of trees, woodland and hedgerows
DS1 General requirements
DS7 Contaminated land
DS11 Polluting activities
DS12 Light pollution
DS14 Foul sewage and surface water drainage
DS16 Flood risk
DS21 Renewable energy
HE9 Archaeological excavation
M5 Best and most versatile agricultural land

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
CS11 Provision and distribution of employment land
CS16 North Lincolnshire's landscape, greenspace and waterscape
CS17 Biodiversity
CS18 Sustainable resource use and climate change
CS19 Flood risk

CS25 Promoting sustainable transport

Housing and Employment Land Allocations DPD:

Settlement boundary for Ulceby

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early 2024.

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

SS1 Presumption in favour of sustainable development

SS2 Spatial strategy for North Lincolnshire

SS3 Development principles

SS11 Development limits

EC1 Employment land supply

EC6 Supporting the rural economy

EC7 A sustainable visitor economy

RD1 Supporting sustainable development in the countryside

DQE1 Protection of landscape, townscape and views

DQE2 Landscape enhancement

DQE3 Biodiversity and geodiversity

DQE5 Managing flood risk

DQE8 Renewable energy proposals

DQE12 Protection of trees, woodland and hedgerows

T1 Promoting sustainable transport

T3 New development and transport

DM1 General requirements

HE1 Conserving and enhancing the historic environment

CONSULTATIONS

Highways: There are no issues with the proposed development in principle. The construction phase will have a greater impact on the existing highway network than the operational phase, although the impact of construction traffic can be minimised with appropriate measures. A number of conditions are recommended to address potential issues during construction, including the undertaking of a condition survey of the existing highway network.

LLFA Drainage: The site slopes significantly in an west to east direction. As it stands there is no definitive statement to estimate pre- and post-development greenfield run-off rates. It is also unclear as to the level of cut-off drainage features on the eastern boundary to prevent run-off from the developed site to the downstream network.

Notwithstanding this, the LLFA Drainage team has no objection to the proposed development subject to the imposition of conditions to secure details of a surface water drainage scheme for the site, based upon the flood risk assessment prepared by Arcus Consultancy, and subsequent implementation of the approved scheme.

Ecology: NLC ecologists have undertaken a Habitat Regulations Assessment of the proposed development. Overall, it is possible to ascertain that the proposal will not have an adverse effect on the integrity of the Humber Estuary SPA and Ramsar site alone or in combination with other plans or projects.

Natural England: Natural England have previously advised that further information is required in the Habitat Regulations Assessment, including further assessment of bird records to ensure likely significant effects are ruled out. Natural England has generally advised that if $\geq 1\%$ of a Humber estuary bird species population could be affected by a proposal, alone or in combination with other plans or projects, then further consideration is required. They have also stated that mitigation measures may be required where lower numbers of vulnerable species are using a site that is proposed for development. Natural England have subsequently confirmed bird surveys ruled out any adverse effects on the integrity of designated sites.

Ministry of Defence: The application site is outside of Ministry of Defence safeguarding areas and there are therefore no objections to this proposal.

Internal Drainage Board: The Board scheduled and maintained watercourse Skitter Beck Branch 5 (12F) is on the northern edge of the site. Conditions are recommended to secure details and implementation of a surface water drainage system for the development.

Anglian Water: Having reviewed the information, there is no connection to Anglian Water sewers and we therefore have no comments.

Environmental Protection: This department has received and reviewed the following report in support of the above application: ARCUS, Noise Impact Assessment, Sweetbriar Solar Farm, Lightrock Power, Dated July 2022.

Noise monitoring was carried out between Friday 10 June 2022 and Tuesday 14 June 2022 at two of the closest sensitive receptors. One sound level meter was positioned to the west of the site adjacent Sweet Briar Farm (Location 1), the second sound level meter was on the south-eastern boundary of the site (Location 2). Due to the commercial nature of the noise, a BS4142 assessment was undertaken to compare the existing background noise levels against predicted noise levels of the proposed solar farm.

There are no objections to the application. Conditions are recommended to minimise noise levels to protect nearby residential receptors, to secure a construction environmental management plan and to limit construction working hours.

NATS Safeguarding: The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company (“NERL”) has no safeguarding objection to the proposal.

Archaeology: The applicant has submitted a satisfactory report of a trial trench evaluation in accordance with advice provided on 18 August 2022. A small number of archaeological features were identified in these trenches. A programme of archaeological monitoring and recording during groundworks within specified areas of the proposed development would be appropriate mitigation. There are no further objections to determination of the application and it is advised that any planning permission granted should be subject to conditions securing the implementation of the recommended programme of archaeological work.

PARISH COUNCIL

Objects to this planning application on the following grounds:

1. The construction of this solar farm is scheduled to last 6 months - likely to be longer - this will have an adverse and detrimental effect on the local businesses, in particular the camp site which relies on peace and tranquillity to attract visitors to the site. There are no details of a work schedule within the documents, limiting working hours and days worked to safeguard local residents - this will adversely affect the quality of life of residents within the vicinity.
2. Traffic generation: The construction of this solar farm will create a huge amount of traffic generation, in particular HGVs. Carr Road is not a suitable access road - it is narrow – 3 metres wide and of basic construction. Vehicles will not be able to travel in two directions along this road or pass safely leading to highway safety concerns. There is no evidence of a traffic management plan within the documents supplied - ideally providing a one-way system - but as there is a 7.5T weight limit in this vicinity it is unlikely that a 'one-way' traffic system can be implemented. The generation of all this HGV traffic will have an adverse impact on the whole village of Ulceby which already suffers from a huge volume of HGVs passing through the village on a daily basis. Access to Carr Road, turning right off the A1077 (thus avoiding HGV traffic through the main village) is a dangerous, blind turn and likely to cause highway safety issues.
3. The proposed site is completely exposed, there are no trees or hedges to screen the proposed solar farm and this proposed development will be a blot on the landscape and will have an adverse visual impact for the whole village.
4. There is an abundance of wildlife in the area which will be disturbed and adversely affected by this proposed development.
5. This proposed development will adversely affect local residents' health and well-being. There is evidence that solar farms can adversely affect health from the generation of radiation. To live in close proximity to a solar farm will be detrimental to existing residents' health.
6. There will be an impact of 'glint and glare' which will be detrimental to people and animals - particularly horses, of which there are a number within the Carr Road vicinity.

7. The proposed CCTV cameras and security lighting will invade the privacy of neighbouring residents and properties and will have an adverse impact on their lives.
8. Carr Road is part of an established cycle route - promoted by North Lincolnshire Council which leads to Thornton Abbey and the old airfield. This proposed development will cause health and safety concerns to the regular cyclists and walkers who utilise this route regularly. It will spoil the pleasure of this quiet tranquil area enjoyed by many people, which will impact on their mental health.
9. This proposed development clashes with the proposed Humber Low Carbon Pipeline project.
10. The publicity relating to this proposed development has been confusing and misleading. The publicity documents title the location as Sweet Briar Farm, yet the planning documents provide a location of Zulu Farm. The publicity documents have been very vague about the actual location of this proposed solar farm and have been misleading.
11. This proposed development fails to improve the quality of this area and will spoil and be detrimental to this quiet hamlet.

PUBLICITY

A site and press notice have been displayed, and a total of 67 responses have been received from members of the public. Of these, 54 are proforma letters expressing support for the proposal for reasons including:

- the production of solar power is an environmentally friendly answer to global issues with power supply
- solar power is a cheaper and cleaner form of energy than others and will help address climate change.

These letters of support have been generated by Typeform creator, with respondents understood to have input details on the applicant's website which have subsequently been submitted in support of the application. Of those received via this method, three are from residents with addresses listed as being within Ulceby or near to the site, two are from members of the public residing outside of North Lincolnshire, and the remaining 49 are from residents with addresses listed as falling within North Lincolnshire.

The material considerations raised by those members of the public objecting to the application are summarised below:

- The site comprises greenfield agricultural land which should not be used.
- Solar panels will cause glint and glare which will be harmful to amenity and pose safety risks for aviation.
- The proposals will have adverse impacts on the character and appearance of the area. Landscaping will take time to establish and will not provide sufficient screening in the short term.
- CCTV will impact privacy.

- The construction period will result in adverse impacts for road safety, and will cause disturbance for local residents, tourists and other users of the highway nearby.
- The proposals will increase flood risk elsewhere.

Matters relating to the loss of views and impacts on property values raised in a number of objections are not material planning considerations and therefore cannot be taken into account.

STATEMENT OF COMMUNITY INVOLVEMENT

A Statement of Community Involvement (SCI) has been submitted as part of the application. Pre-application consultation was undertaken in the community between 9 October 2021 and 8 November 2021 with an online consultation platform established which provided information on key features of the project, accompanied by an online survey. An information leaflet was posted to 1,129 local residents. Further targeted consultation was undertaken with local members, Rt Hon Martin Vickers MP and parish councils in the area around the application site.

The pre-application consultation attracted 101 views of the website and completion of 11 surveys. The SCI indicates that two people contacted the team via email, with the SCI noting that three close neighbours were identified for more in-depth discussions.

The SCI concludes that some respondents raised concerns about landscape impacts, construction noise, impacts on biodiversity and human health. Concerns about impacts on property values are also raised as concerns by some respondents. The SCI confirms that there was significant support for the project, with comments supporting the creation of sustainable energy and the transition towards a zero carbon country.

ASSESSMENT

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

Planning history

SCR/2021/5: EIA screening request relating to the creation of a new solar farm

SCO/2022/6: EIA scoping request for a Humber low carbon pipeline

Site characteristics

The site comprises an area of agricultural land in arable production approximately 2 kilometres north-east of Ulceby, adjacent to Carr Lane, and approximately 43 metres to the west of the railway line. The site extends to 44.58 hectares in area and spans across a number of agricultural fields, some of which are grade 2 agricultural land, with poultry sheds to the west of the site at Sweetbriar Farm and residential properties adjacent the south-eastern corner of the site.

There are a number of electricity lines/pylons and tracks which traverse the site, and public footpath THOR130 is located in the north-eastern corner of the site. There are no buildings within the site, and no ponds or other areas of standing water. The site is wholly within flood zone 1.

The surrounding landscape comprises open agricultural fields with dispersed housing and developments, including Hillcrest Campsite to the east, between Carr Road and the adjacent railway on the Barton line. Further east is the former airfield near North Killingholme.

Proposal

Planning permission is sought for the installation of a solar photovoltaic array resulting in the creation of a solar farm, with associated infrastructure and ancillary equipment, on land surrounding Sweet Briar Farm. The export capacity of the development will be approximately 39 megawatts, generating approximately 35,000 megawatt hours per year which would offset the annual electricity usage of approximately 10,115 homes in North Lincolnshire. Planning permission sought for an operational period of 40 years, after which the site would be fully decommissioned and restored.

The solar panels would be mounted on metal frames driven into the ground in parallel rows, tilted 10 to 25 degrees and orientated south towards the sun. The solar panels would be arranged in rows, known as strings, with separation between each string between 2-6 metres.

The individual panels would be set at a maximum of 3 metres above ground level with the bottom edge approximately 0.8 metres above ground level, and screws for the metal frames piled into the ground to a depth between 1-2 metres below ground level.

The associated infrastructure would comprise the following components:

- up to 16 inverters/transformers located around the site, each within a glass reinforced plastic (GRP) or container enclosure/kiosk measuring approximately 7 metres by 2.5 metres by 3 metres high
- a substation compound (26 metres by 10 metres) includes housing for DNO [distribution network operator] and client substation
- a 2.5 metre high perimeter post-and-wire fence/deer fence
- CCTV cameras on 3 metre high poles within the security fence at intervals;
- a number of proposed access tracks approximately 4 metres wide within the site, with two junctions to the public road, Carr Lane. The tracks would be constructed from locally sourced crushed stone on top of a geotextile membrane, the junctions being a suitably bound surface
- buried cables linking the solar panels to the inverters/transformers.

Access to the site would utilise the existing farm access point for Sweet Briar Farm. The main access route is proposed to be taken via Carr Lane, which provides access to the A1077, A160, A180 and A15, identified as key transport routes for construction vehicles.

The wider site would be accessed via existing field access tracks which would be upgraded and widened to 4 metres where required.

A comprehensive landscaping scheme for the site has been presented as part of the development, which includes extensive planting proposals and enhancements:

- the retention of all existing hedgerows and tree belts within the site

- gapping up/reinforcing existing hedgerows to the eastern and northern boundaries
- reinstatement of hedgerows and woodland to the western boundaries where missing, and to the southern field boundary
- replacing arable uses on the site with species-rich or wildflower grassland to improve biodiversity value, and improving management of existing and proposed landscape features.

Material considerations

Planning permission is sought for the construction of a 39 megawatt solar farm with associated access, landscaping and infrastructure for a temporary period of 40 years, following which the site would be restored to its original condition.

The main issues in the determination of this application are:

- **principle of development**
- **design and impact on the character and appearance of the area**
- **impacts on residential amenity**
- **impacts on highway safety**
- **flood risk and drainage**
- **ecological impacts**
- **heritage impacts.**

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).

Policy CS1 of the Core Strategy sets out the overarching spatial strategy for North Lincolnshire. It states that, in the countryside, ‘...support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings. Tourism development will also be supported, in particular the development of green tourism making the most of the area’s important natural and built environments.’

Policy CS2 of the Core Strategy states, 'Any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location, or which will contribute to the sustainable development of the tourist industry.'

Policy CS18 of the Core Strategy sets out support, where possible, for renewable sources of energy in appropriate locations.

Policy DS21 of the local plan states, 'Proposals for the generation of energy from renewable resources will be permitted provided that:

- (i) any detrimental effect on features and interests of acknowledged importance, including local character and amenity, is outweighed by environmental benefits; and
- (ii) proposals include details of associated developments including access roads and other ancillary buildings and their likely impact upon the environment. Where appropriate, conditions will be imposed requiring the restoration of the site to its original condition or the implementation of an agreed scheme of after-use and restoration.'

The Climate Change Act 2008 (as amended) seeks to ensure that the net UK carbon account for the year 2050 is at least lower than the baseline for 1990. This sets a target to reduce UK emissions of carbon dioxide and other targeted greenhouse gases, removing carbon from energy supply and delivering net zero by 2050. Other government legislation and policy supports the transition to low carbon energy production.

Paragraph 157 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the re-use of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Paragraph 163 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:

- (a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions;
- (b) approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and
- (c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.

In view of the above policy context, as the proposed development is for the generation of renewable energy, the proposals are considered to be acceptable as a matter of principle in accordance with policies CS1, CS2 and CS18 of the North Lincolnshire Core Strategy and DS21 of the North Lincolnshire Local Plan, subject to an assessment of the technical aspects of the proposal which are considered within this report.

Design and impact on the character and appearance of the area

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

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

Policy RD2 of the local plan imposes an overarching requirement for development within the countryside which is considered appropriate to no 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 DS21 states that proposals for the generation of energy from renewable resources will be permitted provided that any detrimental effect on features and interests of acknowledged importance, including local character and amenity, is outweighed by environmental benefits.

Paragraph 180 of the NPPF indicates that planning policies should contribute to and enhance the natural and local environment in a number of ways, one of which indicates that decisions should recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

The application site comprises agricultural land which is gently undulating and open in parts. The majority of the site is well screened by mature hedgerows, which would provide a significant visual buffer. Further landscape planting would reduce the impacts of the development, resulting in largely localised views from within the areas immediately around the application site.

The Landscape Visual Appraisal (LVA) submitted in support of the application features Zone of Theoretical Visibility (ZTV) maps which support the above assessment. These indicate that views of the development (with screening) would be achieved from areas around the site, along Carr Road and northward towards Station Farm near Thornton Abbey Station. The analysis indicates that the development would be visible from parts of the former airfield, and from land to the north-east of the site which features a number of public rights of way.

These affected areas have been further assessed to consider the potential visibility of the development from locations where the ZTV modelling indicates a higher percentage of the development site may be visible. From these viewpoints, particularly those to the north-east where distances involved are greater, the proposed development is unlikely to be readily visible.

As a result, the visual impacts of the development are anticipated to be very localised and confined to the areas within and immediately adjacent to the site, and will appear most prominent in views from the north looking back towards the solar farm, as well as from nearby properties.

In these areas, the development would have negative impacts upon the character and appearance of the site and would result in adverse effects on landscape character. These impacts would be temporary, albeit it is acknowledged that this period and the lifetime of the development is expected to be 40 years. However, given the limited height of the development, the undulation of the landscape and the proposed landscaping which would be secured by an appropriately worded condition, the impacts of the development would be contained and the development would be largely obscured from view in the majority of views. In addition, these views would capture existing infrastructure and industrial developments, with existing power lines a prominent feature in the locality.

In conclusion, the development would result in some adverse impacts on the character and appearance of the area. Policy DS21 requires these impacts to be weighed against the environmental benefits of the proposed development, which are significant in this instance. There are wider environmental benefits discussed elsewhere in this report, including the contribution towards securing significant net gains for biodiversity for the lifetime of the development. When viewed in this context, given the scale of harm is limited and impacts would be largely localised, it is considered that the development would be acceptable in accordance with the aims of policies LC7, RD2, DS1 and DS21 of the local plan, and CS2, CS5 and CS18 of the Core Strategy.

Impacts on residential amenity

Policy DS1 of the local plan states, in relation to amenity, 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.

Paragraph 135 of the NPPF indicates that planning policies and decisions should ensure that, amongst other requirements, developments create places which are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

A number of objections to the proposed development raise concerns in respect of glint and glare, both of which are factors certain forms of development could give rise to. The application has been supported by a Glint and Glare Study, which assesses the potential for glint and glare from the development upon 14 nearby residential properties. The study identifies that it would not be geometrically possible for solar reflections to affect properties during both am and pm, and identifies three properties where it would not be geometrically possible for the solar panels to give rise to any glint or glare.

Of those which may be affected, the study indicates that with pre-existing boundary treatments the potential for glint and glare would affect only six properties, and that the proposed landscaping strategy to provide woodland blocks and the retention, improvement and creation of hedgerows would result in a low impact in a worst case scenario. The study concludes that the proposed landscaping would prevent adverse impacts for eight of the fourteen properties identified, with no mitigation required to address potential glint and glare concerns. For remaining properties, the study concludes that no further mitigation is

necessary over and above the proposed landscaping mitigation due to the maximum duration of effects being sufficiently low.

A number of objections also raise concerns in relation to noise. Noise monitoring has been carried out at two of the closest noise sensitive receptors. A noise assessment has been submitted in support of the application, which compares the existing background noise levels against predicted noise levels of the proposed solar farm. The assessment predicts that noise levels will be similar to or below existing external background noise levels at all assessed receptors. These noise levels would be further reduced indoors.

The application has been assessed by the council's Environmental Protection team who note that the noise assessment indicates that plant for the site has not yet been finalised. In this context, the Environmental Protection team raise no objections to the application but recommend a condition be imposed to ensure the noise levels emitted by plant installed at the site do not exceed 30dBA at any residential property. Following discussions with the applicant and given the very low background noise levels, it is considered that this limit is not necessary and that a more reasonable response would be to restrict noise levels so that they do not exceed 5dB above the ambient background noise levels measured at nearby noise sensitive receptors.

Subject to accordance with such conditions, the proposed development would not be considered to result in any harmful impacts upon the amenity of nearby residential receptors in terms of noise, or glint and glare. Given the scale of the proposals and set back from nearby properties, the solar panels themselves would not give rise to any adverse impacts in terms of loss of outlook, sunlight or daylight, and given the nature of the development there would be no loss of privacy during the operational lifetime of the development.

A number of objections raise concerns in respect of loss of views and impact on property values as a result of the development. Whilst these concerns are noted, these matters are not material planning considerations and as such have no bearing on the decision-making process.

Having regard to the above, it is considered that the proposed development would not result in adverse impacts upon living conditions for occupants of nearby residential properties during the operational phase of the development. The proposals are therefore considered acceptable in accordance with policy DS1 of the local plan and the aims of the NPPF.

Impacts on existing businesses

Paragraph 193 of the NPPF indicates that planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). It states that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established, and that where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Paragraph: 008 Reference ID: 21b-008-20140306 states that the scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that

planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of neighbouring property or loss of private rights to light could not be material considerations.

Potential competition between businesses and the financial impacts of development on existing businesses are not usually material planning considerations, as they concern private interests which are commercial in nature.

Concerns have been raised by Hillcrest Camping, which operates on the eastern side of Carr Road near to the site. The concerns relate to the impacts on the business from noise, traffic generation and disturbance, particularly during construction. There are concerns that the impacts caused during the construction period could result in complaints from customers and negative feedback which could lead to long-term impacts on the business.

The concerns of the business are noted and a number of suggestions have been made to minimise disturbance to users of the campsite during the construction phase of the development. Conditions are recommended to address potential noise and disturbance during this period, including restrictions on working hours. Conditions seek to secure passing bays on the road network to enable vehicles to pass one another, which would ensure the free flow of traffic in the area and would help to prevent, or at least minimise, potential for conflict between road users in the area, including those trying to enter and leave the campsite.

Conditions are also included to secure precise details for the management of the construction and decommissioning phases of the development, with the overall aim of minimising disturbance for local residents and adjacent land users, as well as ensuring road safety. With these conditions in place it is anticipated that the initial phase of construction and later decommissioning stages would be capable of being undertaken without significantly impacting upon the day-to-day operation of the business.

In the longer term, once the site is operational it is considered that the development would be unlikely to have any significant impact upon users of the campsite in terms of noise or disturbance. It is considered that the development can therefore be integrated successfully with regard to operational impacts of the development on nearby businesses.

The concerns raised by Hillcrest Camping also highlight perceived shortcomings in the scheme's sustainability credentials, including the lack of uptake of sustainable transport options such as the use of the railway which runs by the campsite. The comments also state that the chosen location has minimal existing natural cover and therefore will be visible from all directions for many years until new vegetation can be established.

The landscaping scheme submitted in support of the application includes extensive landscape planting, including improvements to existing hedgerows. These matters are discussed in more detail elsewhere in the report; however, in terms of impact on the operation of the adjacent campsite, the existence of mature hedgerows and outlook from the campsite eastward are factors which officers consider would enable continued enjoyment of the campsite by guests. The existence of the solar farm would be unlikely to be apparent for users whilst on the campsite, with the attractive views eastward across the countryside and overall tranquillity of the area unlikely to be compromised once the development is operational.

For these reasons, the proposed development would not be considered to impact upon the business in the longer term. Members are advised that the financial impacts on existing

businesses is not a planning matter; however, officers are satisfied that, with the conditions recommended in this report, the impacts of the construction and decommissioning phases can be minimised, and once operational the development would be unlikely to have any impact on day-to-day operations at the campsite or the enjoyment of users of it. The proposals are considered acceptable in this respect in accordance with the aims of paragraph 193 of the NPPF.

Impacts on highway safety

Paragraph 115 of the NPPF makes clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T1 of the 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, whilst policy T19 of the local plan 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 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 application has been assessed for its impact on the road network by the Highways team, who note that the construction phase is likely to result in a greater impact on the surrounding road network than the operational phase of the development. Vehicle movements are likely to significantly increase along Carr Lane during the construction phase, and as such Highways recommend localised road widening be undertaken along with the introduction of passing bays to minimise any potential conflicts with passing vehicles. Conditions are recommended to secure a construction phase management plan along with a condition survey of the road prior to and following the construction phase, which would inform potential remedial works.

Following Members' consideration of the application at the planning committee in January, correspondence between the applicant and interested parties has taken place and the matter of the passing bays has been the subject of further interest.

It is apparent from these discussions that there are shortcomings in the layout of the existing road network, with narrow roads presenting potential hazards for road users due to a lack of space for larger vehicles to pass. The Highways team has recommended a condition to secure the implementation of passing bays on the highway network. Following discussion with the applicant and Highways, it is considered appropriate for these passing bays to be constructed to adoptable standards with responsibility for their maintenance following the initial construction phase of the development to pass over to Highways. The applicant has indicated their agreement to such a condition which would see the passing bays becoming a permanent feature within the road network, helping to alleviate existing issues on the road network and ensuring that vehicles associated with the maintenance of the solar farm once operational can be accommodated.

Subject to accordance with these conditions, including an amended condition requiring the provision of passing bays to be made on a permanent basis, the Highways team has no

objections to the development. The proposals are considered acceptable in accordance with policies T1, T2 and T19 of the local plan and CS25 of the Core Strategy, and the aims of the NPPF.

Flood risk and drainage

Policy CS19 of the Core Strategy, which sits alongside policy 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.

Policy DS14 of the local plan states that the council will require satisfactory provision to be made for the disposal of surface water from new development, either by agreeing details before planning permission is granted, or by imposing conditions on a planning permission or completing planning agreements to achieve the same outcome.

Paragraph 165 of the NPPF makes clear that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

Paragraph 173 indicates that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.

Paragraph 175 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

The council's LLFA/Drainage team have been consulted on the application and raise no objections to the proposed development subject to the imposition of a number of conditions. These conditions seek to secure a detailed surface water drainage scheme for the developed site, which would provide clarity on the pre- and post-development greenfield run-off rates as well as cut-off drainage features to be incorporated on the eastern boundary to prevent run-off from the developed site to the downstream network.

Subject to accordance with such conditions, the proposed development would not be considered to result in an increased risk of flooding elsewhere. As the site is within an area at the lowest risk of flooding, there are no concerns with regard to flood risks to the development during its operational phase from tidal or fluvial sources. The proposals are therefore considered to be acceptable in accordance with policy CS19 of the Core Strategy, policies DS14 and DS16 of the local plan, and the aims of the NPPF.

Ecological impacts

Policy LC2 of the local plan states that proposals likely to affect Sites of Special Scientific Interest (SSSIs) will be subject to special scrutiny, that particular regard should be paid to the site's significance and that damage to the asset should be kept to a minimum.

Policy LC5 of the local plan states that planning permission will not be granted for development or land use changes which would have an adverse impact on protected species. It goes on to state that where development is permitted that may have an effect on those species, conditions or the use of planning agreements will be considered to facilitate the survival of individual members of the species, reduce disturbance to a minimum and provide adequate alternative habitats to sustain at least the current levels of population.

Policy CS17 of the Core Strategy seeks to promote effective stewardship of North Lincolnshire's wildlife and includes the requirement for development to provide net gains for biodiversity.

Collectively, paragraphs 185 to 188 of the NPPF seek to protect and enhance biodiversity and geodiversity, including through pursuing opportunities for securing measurable net gains for biodiversity.

The application site is within the zone of influence for the Humber Estuary SPA and Ramsar site, and is in an area where there are known records of rare or protected species of wildlife. As a result, the development of the site has the potential to impact upon local biodiversity and sites of national and international importance in relation to wildlife.

The application has been supported by detailed ecological assessment and the views of the council's ecologist and Natural England have been sought as part of the consultation process. Additional information has been sought to address concerns and provide clarification on a number of points raised by consultees, resulting in the submission of additional technical surveys focusing on local ornithology.

The application has been subject to assessment under the Habitat Regulations, with North Lincolnshire Council undertaking appropriate assessment of the development impacts which have subsequently been considered by Natural England. The findings of the assessment conclude that the development would not result in 'adverse effects' on the integrity of protected sites and therefore the assessment would not result in significant impacts on the Humber Estuary SPA and Ramsar site.

In the absence of any objection from the council's ecologist or Natural England, the proposed development is considered acceptable in terms of its impact on designated sites of biodiversity or wildlife importance.

The development would impact upon local biodiversity value of the site. A number of issues have previously been raised by the council's ecologist in terms of the appropriateness of the landscaping strategy and proposed delivery of significant levels of biodiversity net gain. It has therefore been recommended that a number of conditions be imposed to secure an updated biodiversity metric for the site, alongside the revision and subsequent implementation of the biodiversity management plan. These conditions are considered necessary to ensure that the claimed net gains for biodiversity can be achieved, as well as ensuring that an appropriate landscaping strategy is adopted across the site which uses locally native species in a sustainable and species-rich way.

Subject to accordance with such conditions, the proposed development is capable of achieving significant net gains for biodiversity for the operational phase of the development. This is a matter which attracts significant weight in the overall planning balance. However, this sits against the loss of small parts of grade 2 agricultural land, land which is considered to be some of the best and most versatile agricultural land.

Policy M5 of the local plan relates primarily to applications for new mineral working, and as such is not entirely relevant to the development proposed. It states that applications for new mineral working on the best and most versatile agricultural land will only be allowed where it can be shown that restoration and after-care will preserve the long-term potential of the land as a national, high quality, agricultural resource. It states that where non-agricultural uses are proposed as after-uses on the best and most versatile agricultural land, the methods used in

restoration and aftercare should enable the land to retain its longer-term capacity to be farmed to its former land-classification potential, thus retaining a high quality resource for the future.

Paragraph 180 of the NPPF indicates that decisions should contribute to and enhance the natural and local environment in a number of ways, including recognising the economic and other benefits of the best and most versatile agricultural land. The written ministerial statement from the former Secretary of State for Communities and Local Government Eric Pickles in 2015 recognises concerns from local communities that when it comes to solar farms insufficient weight has been given to these protections and the benefits of high quality agricultural land.

The development has been designed to minimise the use of the best and most versatile agricultural land on the site. Given the temporary nature of the site and relatively low levels of loss of the higher quality areas of farmland, officers are satisfied that appropriate restoration and aftercare will enable the land to retain its longer-term capacity to be farmed to its higher potential. Therefore, whilst the development would result in some small losses of best and most versatile agricultural land, these losses would be temporary and small in scale. The impacts of the development would be outweighed by the wider economic and environmental benefits of the development, including the delivery of significant net gains for biodiversity during the operational phase of the development. The proposals are considered acceptable in this respect in accordance with policy CS17 of the Core Strategy, policies LC2 and LC5 of the local plan, and the aims of the NPPF.

Heritage impacts

The application site is within the countryside north of Ulceby and to the south of Thornton Abbey. The wider landscape features a number of listed buildings and features of historic or archaeological interest. Given the size of the application site and nature of development proposed, the construction phase of the development has the potential to impact upon previously undisturbed features of archaeological interest. In contrast, given the separation distance from nearby heritage assets, it is not considered that there would be any adverse impacts upon the nearby listed buildings and their settings.

Policies HE5 of the local plan and CS6 of the Core Strategy collectively seek to ensure that the architectural and historic interest of heritage assets and their settings throughout North Lincolnshire are preserved and enhanced.

Paragraph 205 of the NPPF also makes clear that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 211 of the NPPF states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. It confirms that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

The application has been supported by intrusive site investigations in the form of trial trenching to establish the baseline archaeological conditions at the site, the findings of which have been considered by the council's archaeologist. There are no objections to the proposed

development; however, as the intrusive investigations uncovered a small number of possible features of interest it has been recommended that a watching brief be secured to ensure that the construction phase of the development appropriately monitors and records any impacts on potential features at the site.

Subject to accordance with such a condition, the proposed development is unlikely to result in any adverse impacts upon the setting of any nearby listed buildings and the potential to uncover archaeological remains of interest at the site would not be so substantial as to justify withholding planning permission. The proposals are therefore considered to be acceptable in accordance with policy CS6 of the Core Strategy and policy HE5 of the local plan.

Conclusion

Planning permission is sought for the construction of a 39 megawatt solar farm, which would offset the annual electricity requirements for 10,115 homes across North Lincolnshire during the 40-year operational period of the development.

The principle of the development is considered to be acceptable and the proposals would contribute towards meeting the collective goals of North Lincolnshire Council and the Government to significantly reduce carbon emissions and achieve net zero by 2050.

Whilst there would be adverse impacts upon the character of the landscape and quality of the countryside, these impacts would be localised and outweighed by the environmental and economic benefits associated with the scheme. This is a matter which attracts significant weight in the overall planning balance.

Supporting information indicates that the operational phase of the development would not adversely impact upon the amenity of local residents or the safety of the highway network. Conditions are recommended to ensure this is the case, including a condition to secure the provision of permanent passing bays within the surrounding highway network, and to ensure that the construction phases of the development are adequately controlled. These conditions would also ensure that the development does not impact the operation of nearby Hillcrest Camping.

There are no concerns in respect of flood risk, and conditions can be imposed to ensure net gains for biodiversity at the site are delivered and that the potential for the discovery of remains of archaeological interest are accounted for.

There are no objections from technical consultees, and as a result the proposals are recommended for approval subject to conditions. The conditions recommended are outlined within this report and any 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 five 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:

- 4157-REP-035 Site Location Plan
- 4157_DR_P_0001 Indicative Site Layout
- 4157_DR_LAN_101A Landscape Mitigation Plan
- 4157_DR_P_0008 Security Fencing and CCTV
- 4157_DR_P_0010 Access Track Cross Section
- 4157_DR_P_0011 Container Storage Units
- 4157_DR_P_0012 Indicative Temporary Construction Compound
- 4157_DR_P_0013 Substation Building.

Reason

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

3.

The development hereby approved shall be temporary, for a period of 40 years from the date of the first exportation of electricity from the site. The applicant, or their successor in title, shall notify the local planning authority in writing of the date of the first exportation of electricity from the site.

Reason

To confirm the proposed 40-year temporary period of the permission for the avoidance of doubt and in the interests of proper planning.

4.

Within a period of 39 years and 6 months following the date of first exportation of electricity from the site, a scheme for the decommissioning of the solar farm and its ancillary equipment shall be submitted to and approved in writing by the local planning authority. The scheme shall include details of how the land is to be restored, and shall include a programme for the completion of the decommissioning and restoration works. It shall make provision for the removal from the land of the solar panels and associated above-ground works approved under this permission, as well as details of the management and timing of any works, a traffic management plan to address likely traffic issues during the decommissioning period, and an environmental management plan to include details to be taken during the decommissioning period to protect wildlife and habitats. Thereafter, the decommissioning of the solar farm shall be undertaken in accordance with the approved details and timings.

Reason

To ensure the decommissioning of the solar farm and restoration of the land upon expiry of the temporary permission.

5.

Notwithstanding the detail contained within the application, prior to their installation on site, details of the proposed materials, size, colours and finishes of the solar panels, frames, buildings and equipment shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details and maintained as such for the lifetime of the development.

Reason

To ensure the satisfactory appearance of the development upon completion in the absence of precise details accompanying the application, in accordance with policies DS1 and DS21 of the North Lincolnshire Local Plan, policy CS5 of the North Lincolnshire Core Strategy, and the aims of the National Planning Policy Framework.

Highways

6.

No development shall commence until a construction phase traffic management plan has first been submitted to and approved in writing by the local planning authority. The construction phase traffic management plan shall include 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;
- traffic management requirements, including measures at the site access to assist vehicles exiting the site;
- the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway as and when required.

Thereafter, the construction phase of the development hereby approved shall be undertaken in accordance with the approved construction phase traffic management plan.

Reason

In the interests of highway safety, in accordance with policy CS25 of the North Lincolnshire Core Strategy, policies T2 and T19 of the North Lincolnshire Local Plan and paragraph 115 of the National Planning Policy Framework.

7.

No development shall commence until details of the number, location, size and construction of passing bays have been submitted to and approved in writing by the local planning authority. Once approved, the passing bays shall be implemented in accordance with the approved details prior to the construction phase of the development commencing.

Reason

In the interests of highway safety, in accordance with policy CS25 of the North Lincolnshire Core Strategy, policies T2 and T19 of the North Lincolnshire Local Plan, and paragraph 115 of the National Planning Policy Framework.

8.

No development shall commence until details of pre-construction and post-construction condition surveys of the existing highway network adjacent to the site have been submitted to and approved in writing by the local planning authority. Thereafter, the pre-construction

and post-construction condition surveys of the highway network adjacent to the site shall be undertaken in accordance with the approved details.

Reason

In the interests of highway safety, in accordance with policy CS25 of the North Lincolnshire Core Strategy, policies T2 and T19 of the North Lincolnshire Local Plan, and paragraph 115 of the National Planning Policy Framework.

9.

No development shall commence until the results of the pre-construction condition surveys required by condition 8 of this permission have first been submitted to and approved in writing by the local planning authority.

Reason

In the interests of highway safety, in accordance with policy CS25 of the North Lincolnshire Core Strategy, policies T2 and T19 of the North Lincolnshire Local Plan, and paragraph 115 of the National Planning Policy Framework.

10.

Within six months of the date of first exportation of electricity from the development, the post-construction condition surveys shall be undertaken in accordance with the details agreed through condition 8 of this permission and subsequently submitted to and approved in writing by the local planning authority. The post-construction surveys shall include details of any remedial works to be undertaken, including a timeline for their implementation. Thereafter, any remedial works required shall be undertaken in accordance with the approved details.

Reason

In the interests of highway safety, in accordance with policy CS25 of the North Lincolnshire Core Strategy, policies T2 and T19 of the North Lincolnshire Local Plan, and paragraph 115 of the National Planning Policy Framework.

Archaeology

11.

No development shall take place until the applicant, or their successor in title, has secured the implementation of an archaeological mitigation strategy. The strategy shall 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 the North Lincolnshire Historic Environment Record and shall include details of the following:

- (i) measures to ensure the preservation by record of any archaeological features within site areas PDA9 and PDA12 shown on the Indicative Site Layout Planning Drawing 2 ref: 4157_DR_P_0001
- (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 211 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy. The implementation of 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.

12.

The applicant shall notify the planning authority in writing of the intention to commence the archaeological site works at least 10 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 211 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

13.

The solar farm shall not become operational until any post-investigation assessment has been commissioned in accordance with the programme set out in the approved written scheme of investigation, provision made for analysis, publication and dissemination of results, and archive deposition has been secured.

Reason

To comply with paragraph 211 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

14.

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

Reason

To comply with paragraph 211 of the National Planning Policy Framework, policy CS6 of the North Lincolnshire Core Strategy and policy HE9 of the North Lincolnshire Local Plan.

Ecology

15.

The development shall be undertaken in accordance with the species-specific and general mitigation measures outlined in the submitted Ecological Impact Assessment dated January 2022. Within six months following first exportation of electricity from the site, a report shall be submitted to the local planning authority providing evidence of compliance with the Ecological Impact Assessment.

Reason

To protect and enhance biodiversity, in accordance with policy CS17 of the North Lincolnshire Core Strategy, policy LC5 of the North Lincolnshire Local Plan, and the aims of the National Planning Policy Framework.

16.

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

- (i) prescriptions for the maintenance, planting and aftercare of native hedgerows of high biodiversity value;
- (ii) prescriptions for the creation and management of species-rich grassland, including:
 - (a) soil survey results;
 - (b) details of UK origin wildflower and grass mixes to be used, comprising perennial neutral grassland species naturally occurring in North Lincolnshire plant communities;
 - (c) prescriptions for the ongoing management of grassland to maintain and enhance species diversity;
 - (d) monitoring proposals and remedial measures that may be triggered by monitoring;
- (iii) prescriptions for the management of ditches and drains;
- (iv) details of how the measures proposed will provide at least 10% biodiversity net gain in accordance with the Defra biodiversity metric 4.0;
- (v) proposed timings for the above works in relation to the completion of the solar farm.

Reason

To protect and enhance biodiversity, in accordance with policy CS17 of the North Lincolnshire Core Strategy, policy LC5 of the North Lincolnshire Local Plan, and the aims of the National Planning Policy Framework.

17.

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. In the third year of operation of the solar farm following first exportation of electricity from the site, a report shall be submitted to the local planning authority, providing evidence of compliance with the biodiversity management plan and confirming that the measures approved have been undertaken.

Reason

To protect and enhance biodiversity, in accordance with policy CS17 of the North Lincolnshire Core Strategy, policy LC5 of the North Lincolnshire Local Plan, and the aims of the National Planning Policy Framework.

Residential amenity

18.

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) the location of potential temporary floodlights;
- (d) the identification of sensitive receptors likely to be impacted upon by light nuisance; and
- (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) the identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;

- (c) the provision of water to the site;
- (d) dust mitigation techniques at all stages of development;
- (e) the prevention of dust trackout;
- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified, either by regular site monitoring or by the local authority; and
- (h) a 'no burning of waste' policy.

Reason

To protect residential amenity, in accordance with policy DS7 of the North Lincolnshire Local Plan.

19.

The total cumulative rating level of noise emitted from the installation shall not exceed 5dB above the background noise level at any residential property. The assessment of rating level shall be as described in BS 4142:2014+A1:2019.

Reason

To protect local residents from adverse noise impacts, in accordance with policy DS7 of the North Lincolnshire Local Plan.

20.

Construction, site clearance and decommissioning 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 and removal of equipment on site shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

To protect local residents from adverse noise impacts, in accordance with policy DS7 of the North Lincolnshire Local Plan.

21.

No external lighting (other than low level or emergency lighting required on ancillary buildings during occasional maintenance and inspection visits) or floodlighting is permitted to be installed, used or modified as part of the hereby approved development without the prior

written consent of the local planning authority. To apply for consent the operator must provide a detailed report of the proposed lighting which details:

- (a) the specific location of all external lighting units;
- (b) the design of all lighting units;
- (c) details of beam orientation and lux levels; and
- (d) any proposed measures such as motion sensors and timers that will be used on lighting units.

Reason

To protect residential amenity and provide a commensurate level of protection against artificial light, in accordance with policies DS1 and DS21 of the North Lincolnshire Local Plan, and the aims of the National Planning Policy Framework.

22.

The operator shall ensure that a notice board is erected and maintained at the entrance to the site during its construction and operation indicating the name, address and telephone number of a representative of the operator who would be available to deal promptly with any complaints.

Reason

In the interests of the proper working of the site and to ensure that members of the public are able to contact the operator to report any issues at the site.

Drainage

23.

The development hereby approved shall not be brought into use 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 scheme shall be based on the Flood Risk Assessment submitted by Arcus Consultancy Services, issue 2.1, dated 26/01/2022.

The drainage scheme shall include a statement for pre- and post-development greenfield run-off rates and detailed provision of drip trays within the site. It shall also include details of cut-off drainage on the eastern boundary and agreed access arrangements for the IDB-maintained watercourse on the northern boundary.

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.

Reason

To prevent the increased risk of flooding at the site and elsewhere, to improve and protect water quality, and to ensure the implementation and future adoption and maintenance of the

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

24.

The development hereby approved shall not be brought into use 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

To prevent the increased risk of flooding at the site and elsewhere, in accordance with policies DS14 and DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire 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.

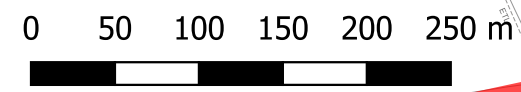
2.

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

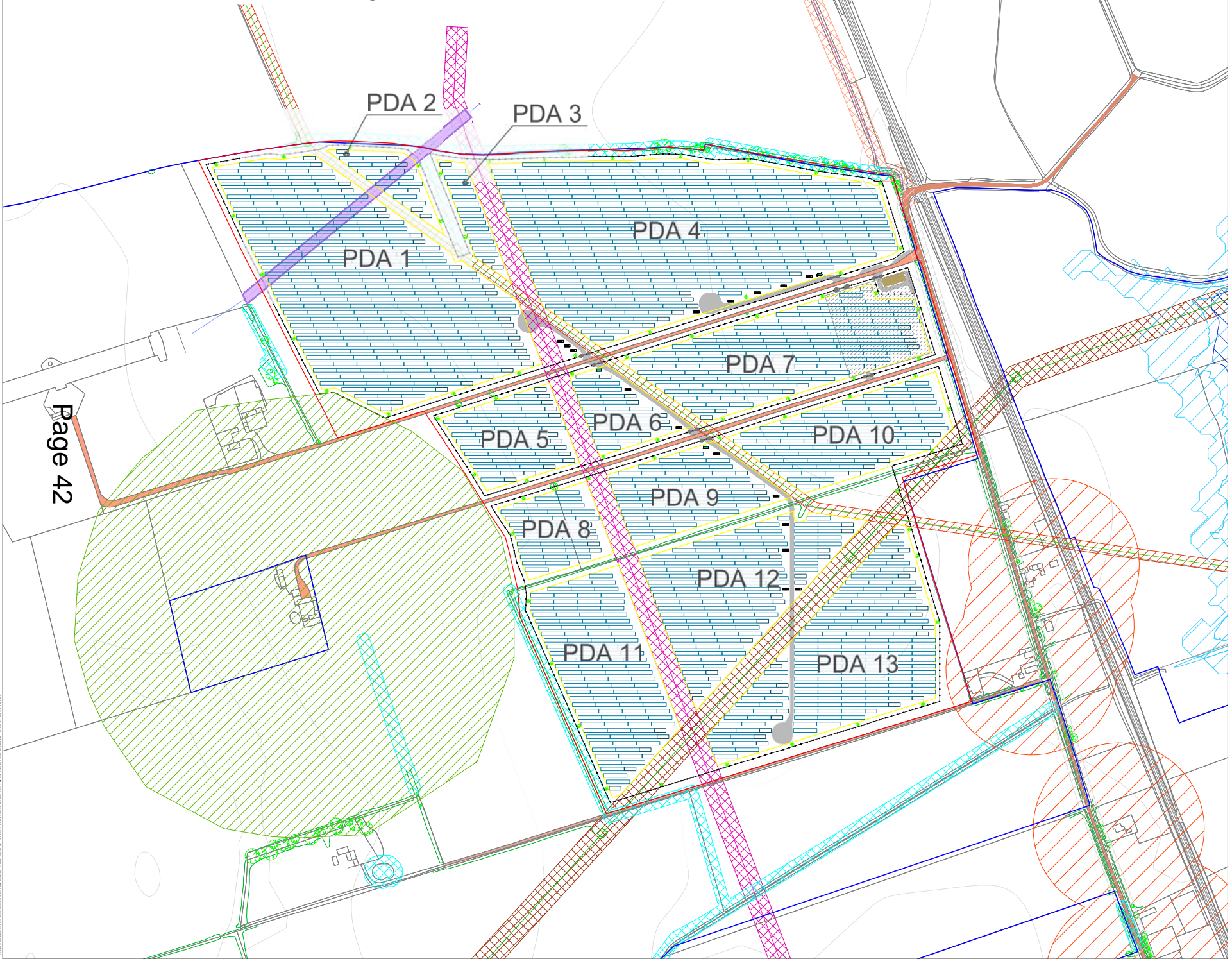
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

3.

Under the terms and conditions of the Internal Drainage Board's byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within the byelaw 9 metre distance of the top of the bank of a Board-maintained watercourse. At this location the access must be left clear of all obstructions to facilitate maintenance with large plant. The developer, or their successor in title, is advised to contact the Internal Drainage Board ahead of any development commencing on site to ensure compliance with any relevant byelaws or restrictions.



PA/2022/443 Indicative layout (not to scale)



- KEY**
- Site Boundary
 - Land Ownership Boundary
 - Potential Developable Area
 - Proposed Full Table
 - Proposed Half Table
 - Proposed Substation Compound
 - Proposed Perimeter Fencing
 - Proposed Perimeter Fence Gate
 - Proposed Inverters / Transformers
 - Proposed Container Storage
 - Proposed CCTV Location
 - Proposed Temporary Construction Compound
 - Proposed Access Tracks
 - Existing Onsite Roads
 - Existing Public Roads
 - Overhead Wooden Line (11kV)
 - Overhead Wooden Line (33kV)
 - Overhead Power Lines (400kV)
 - Public Right of Way (PRoW)
 - National Grid Gas Pipeline
 - Existing Vegetation Edge
 - Existing Tree Spread
 - 5m Contours
 - 6m Buffer of Ditches
 - 10m Buffer of Public Rights of Way
 - 10m Buffer of Roads
 - 12.2m Buffer of National Grid Gas Pipeline
 - 100m Buffer of Residential Dwellings
 - 250m Buffer of GCN Pond
 - Flood Zone 2
 - Flood Zone 3
 - 6m Buffer of 33kV Overhead Line
 - 14m Buffer of 400kV Overhead Line
 - Proposed Underground 11kV Power Line

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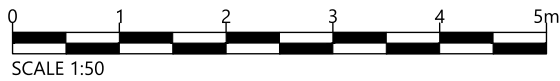
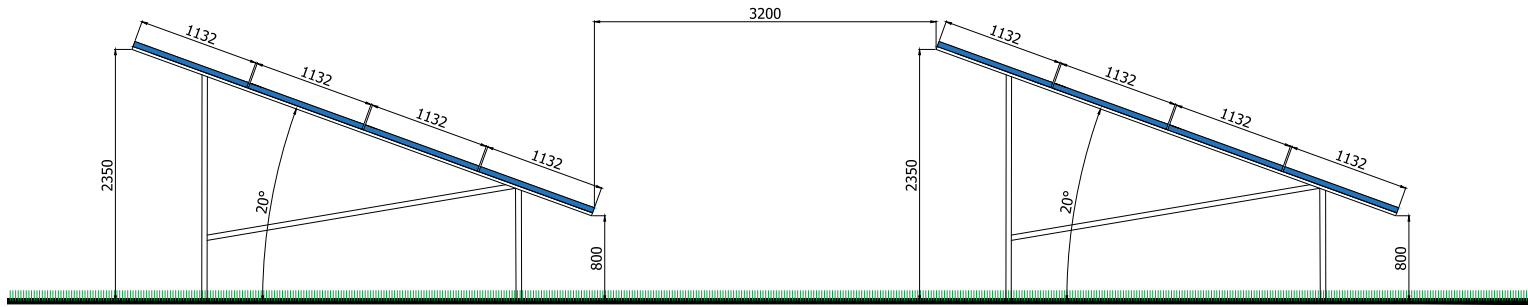
Indicative Site Layout
 Planning Drawing 2

Sweetbriar Solar Farm
 Planning Application

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PA/2022/443 Typical solar panel section (not to scale)

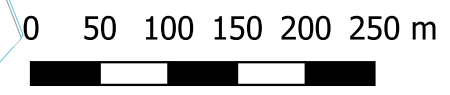


FOR ILLUSTRATION PURPOSES ONLY

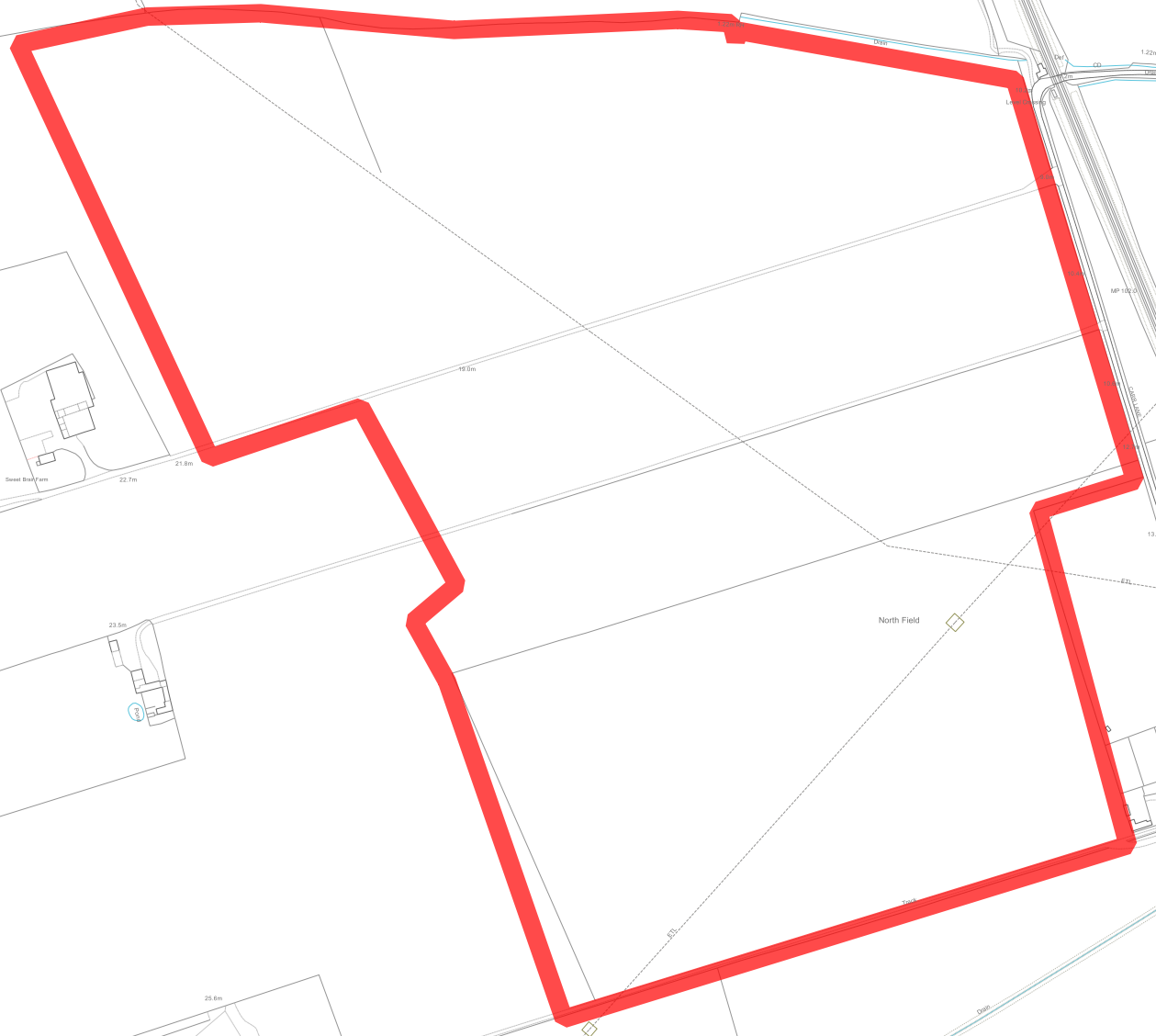
ALL DIMENSIONS SHOWN ARE IN MILLIMETERS AND ARE APPROXIMATE

Project Title SWEETBRIAR SOLAR FARM		Drawing Title PLANNING DRAWING 4 TYPICAL PV PANEL SECTION				Purpose of issue FOR PLANNING APPLICATION		THIS DOCUMENT HAS BEEN PREPARED IN ACCORDANCE WITH THE SCOPE OF ARCUS' APPOINTMENT WITH ITS CLIENT AND IS SUBJECT TO THE TERMS OF THAT APPOINTMENT. ARCUS ACCEPTS NO LIABILITY FOR ANY USE OF THIS DOCUMENT OTHER THAN BY ITS CLIENT AND ONLY FOR THE PURPOSES FOR WHICH IT WAS PREPARED AND PROVIDED		Arcus Consultancy Services 1C Swinegate Court East, 3 Swinegate York, YO1 8AJ	
Client 		Designed LIGHTROCK	Drawn AT	Checked JM	Approved JM	Date 20/01/2022		Drawing Number 4157_DR_P_0006		Rev -	
		Arcus Internal Project No. 4157		Scale @ A3 1:50						Tel: +44 (0) 1904 715 470 Fax: www.arcusconsulting.co.uk	
											

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P
Carr Lane to
A1077
(Station Road)

**North
Lincolnshire
Council**

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APPLICATION NO	PA/2022/850
APPLICANT	Mr Paul Mendelson
DEVELOPMENT	Planning permission to demolish existing buildings to rear and construct a two-storey/two-and-a-half-storey rear extension, with associated internal and external alterations to create 9 apartments
LOCATION	15 Market Place, Barton upon Humber, DN18 5DA
PARISH	BARTON UPON HUMBER
WARD	Barton
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Subject to the Secretary of State not wishing to call in associated listed building consent application PA/2022/908, approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Paul Vickers – significant public interest) Objection by Barton upon Humber Town Council

POLICIES

National Planning Policy Framework:

2 Achieving sustainable development

4 Decision-making

5 Delivering a sufficient supply of homes

7 Ensuring the vitality of town centres

9 Promoting sustainable transport

11 Making effective use of land

12 Achieving well-designed and beautiful places

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

15 Conserving and enhancing the natural environment

16 Conserving and enhancing the historic environment framework:

North Lincolnshire Local Plan:

H5 New housing development

H6 Flats above shops and the use of vacant buildings for housing

H8 Housing design and housing mix
HE2 Development in conservation areas
HE3 Demolition in conservation areas
HE5 Development affecting listed buildings
HE6 Demolition of listed buildings
HE9 Archaeological excavation
T2 Access to development
T6 Pedestrian routes and footpaths
T19 Car parking provision and standards
LC5 Species protection
HE9 Archaeological excavation
DS1 General requirements
DS3 Planning out crime
DS7 Contaminated land
DS13 Groundwater protection and land drainage
DS14 Foul sewage and surface water drainage
DS16 Flood risk

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire
CS2 Delivering more sustainable development
CS3 Development limits
CS5 Design
CS6 Historic environment
CS7 Overall housing provision
CS8 Spatial distribution of housing sites
CS14 Retail development
CS17 Biodiversity
CS18 Sustainable resource use and climate change

CS19 Flood risk

CS25 Promoting sustainable transport

Housing and Employment Land Allocations DPD (2016):

PS1 Presumption in Favour of Sustainable Development

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early 2024.

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

H10 Flats above shops and the use of vacant buildings for housing

HE1 Conserving and enhancing the historic environment

DM1 General requirements

DM3 Environmental protection

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

T1 Promoting sustainable transport

T2 Promoting public transport

T3 New development and transport

T4 Parking

T5 Cycle and motorcycle parking

Other relevant guidance:

Planning (Listed Buildings and Conservation Areas) Act 1990

Barton Conservation Area Appraisal

Barton Supplementary Planning Guidance

Barton Townscape Analysis Area

CONSULTATIONS

Highways: Whilst the level of parking provision does appear to be on the low side, the site is in an extremely sustainable town centre location with excellent access to facilities and public transport services. The NLC parking guide advise 0–0.5 parking spaces per flat in Barton town centre and the proposed parking provision is in line with that. I am pleased to see that cycle parking is proposed and would expect this to be high quality, secure parking. Recommend conditions relating to cycle parking and the submission of a construction management traffic plan.

LLFA Drainage: No objection. The developer needs to be fully aware that the existing surface water drainage system cannot be connected into without providing the required checks to prove that this is an acceptable outfall solution and upstream surface water flood risk mitigation is required to ensure compliance with the 100-year plus climate change flood event. Recommend planning conditions in relation to the submission of a detailed surface water drainage strategy and measures to prevent surface water from hard paved areas of the site onto the highway and to prevent surface water run-off from the highways onto the developed site.

Anglian Water: No objections. The applicant should check for any Anglian Water assets which cross or are within close proximity of the site.

Environmental Protection: Recommend planning conditions in respect of the submission of a noise assessment and mitigation measures, land contamination, submission of a construction environmental management plan (CEMP) and restrictions on site clearance and construction hours.

Historic Environment Record: The application site affects a grade II listed building within the conservation area and the Conservation Officer will provide further detailed advice re these proposals and the built heritage assets. The application site lies within close proximity to the Castledyke Anglo-Saxon cemetery and further burials of this date may be anticipated. The planning application should include measures to ensure that any archaeological evidence impacted by the proposed development is identified and recorded in advance of and during construction, in relation to the historic standing structure and below-ground remains. A written scheme of investigation (WSI) for historic standing building recording and a programme of archaeological monitoring and recording during all groundworks should be submitted prior to determination of the planning application. Should the planning authority ultimately be minded to grant consent, any permission should be subject to conditions securing the implementation of an agreed WSI; pre-commencement conditions would only be necessary where an agreed WSI is not in place.

Conservation: Object (summarised). The proposal, in its current form, is highly inappropriate for a late Georgian listed building, and massively overbearing on both the host building and the townscape, causing a high level of harm to the listed building which will not preserve the listed building or how it is appreciated in its setting; it certainly does not preserve the conservation area. There is no evidence to show why the rear range of the listed building cannot be retained and converted (for example, a structural report from a conservation accredited structural engineer). The proposed development is massive over-development and not at all acceptable. The archaeological heritage statement fails to consider the townscape, views and settings properly and also fails to address the full impact upon significance. Public benefits may accrue from the provision of new housing, but the high cost to statutorily protected buildings and areas is too high a price for ill-conceived development. It is entirely possible that a scheme of high quality design, that both preserves and enhances this listed building, could meet with approval, but this has not been properly investigated. As such, the NPPF requires that all harm should be mitigated and this has not occurred. The NPPF advises too that 'great weight' should be given to the preservation of heritage assets.

Ecology: The site has importance for roosting swifts. Planning conditions are proposed to minimise harm to protected species in accordance with policy CS17 and the National Planning Policy Framework.

Waste and Recycling: General advice in relation to bin storage, access to refuse vehicles, bin sizes and pulling distances.

Barton Civic Society: The sheer size and scale of the proposed development to the rear of a grade II listed building is totally inappropriate and will dominate and overshadow other buildings in the area, and not respect and enhance the status of the listed building. The four-storey side and rear elevation is over-development of such a small site. The whole site, including rear extensions and boundary wall, is grade II listed and efforts should be made to retain these buildings within the development. The inappropriate glazed balconies with decking as flooring would be seen from Market Place and Castledyke South and are not in keeping with any building in this historic conservation area. The design of the tile-hung dormer and the tile-hung south-facing gable are not compatible with this location. The multiple shared access to the building could leave the shared areas without anyone responsible for them. The allocation of bins and plastic boxes to 11 flats cannot be contained within the proposed inadequate refuse store. The multiple car parking of 11 properties with only proposed parking for 2 suggests that the public car park adjacent to the proposed development would become 'private' parking for the property, reducing the already stretched provisions for the rest of the town's residents and visitors. This area already has car parking issues which would be further exacerbated. The over-intensification and inappropriate development of the small site in an area of steady improvement is detrimental to this historic conservation area.

TOWN COUNCIL

Objects due to the lack of car parking spaces for 11 apartments. They also object to the proposed height of the application as this will have an adverse effect on the area and the surrounding listed buildings. They feel that the loss of the top floor would reduce the height and have less impact on the listed buildings in the surrounding area.

PUBLICITY

The application, including the amended plans, has been advertised by site notices and in the local newspaper. Five letters of objection to both the original and amended plans have been received, raising the following issues:

- lack of car parking
- the development should include car parking
- increase car parking in Barton and the adjacent public car park
- increased congestion
- the building is listed and requires protection
- loss of trees
- out of character.

ASSESSMENT

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

The proposal

The proposal is for the demolition of the existing buildings to the rear (rear range) and the erection of a two- and two-and-a-half-storey rear extension to form nine apartments with internal alterations to the main listed building. The proposal has been amended during the course of the application as the original submission comprises a three-storey extension comprising 11 apartments.

The main listed building fronting Market Place is three-storey and will be retained, the ground floor remaining in retail use with the upper floors remodelled to be used for two apartments. The ground floor of the proposed extension will comprise two apartments, the first floor three apartments and the second floor/roof space two apartments. Each apartment will be one-bedroom, with a kitchen/living area and a bathroom/shower. Access to the apartments is from Castledyke South.

The main access to the retail unit will continue to be from Market Place with another access to the rear. At the rear of the site adjacent to Castledyke South it is proposed to install two car parking spaces, a bike store and refuse store. There are proposed to be small amenity spaces adjacent to the apartments and bike store.

The site is not all on one level and steps up from Market Place towards Castledyke South. The main boundary wall with the public car park is to be retained which screens the proposed ground floor apartments. The rear extension comprises a two- and two-and-a-half-storey rear extension with part of the roof space utilised for apartments, creating dormers, gable ends and a hipped roof. The extension will be constructed from facing brickwork, hardwood doors, stone window cills, clay roof tiles, glazed balustrading and timber decking to balconies. The refuse and cycle store will be constructed from timber with a flat roof. All the proposed apartments in the rear extension will face onto the public car park (east).

The site and planning history

The site is currently vacant and comprises a retail unit on the ground floor with residential above. The building is a grade II listed building of early to mid 19th century with large two-storey flat roof rear extension. Attached to this is a 19th century outbuilding to the southern side of the site. The building is red brick, with clay pantile roof, stone-coped gable ends and brick kneelers. The front of the listed building comprises a traditional shop front with a recessed entrance and separate entrance door, with rounded headed passage entry with rusticated stucco head. The main windows are timber sliding sashes (four panes), with two windows blocked out.

The site is in the town centre area of Barton upon Humber and within the conservation area, which is also covered by an Article 4 Direction. The site is surrounded by various listed buildings within the Market Place. The site forms a group with the other listed buildings to the west. To the east of the site is a public car park and modern toilet block, to the north is the Market Place with a mix of commercial properties with flats above, to the west is commercial and residential development, and to the south are residential properties along Castledyke South. The site is within walking and cycling distances of the full range of services and facilities within Barton upon Humber. The site is also in flood zone 1 in the council's SFRA and is therefore at low risk of flooding.

The planning history for the site essentially relates to the main listed building on the site frontage and includes planning permission and listed building consent for a new shop front, CCTV and satellite dish, and advertisement and listed building consent for advertisements.

The pending listed building consent (LBC) application PA/2022/908 is linked to this planning application and is for the proposed two-/two-and-a-half–storey rear extension.

The main issues associated with the proposal are:

- **principle**
- **listed building and conservation area**
- **archaeology**
- **highway safety**
- **drainage and flood risk**
- **environmental**
- **ecology/biodiversity**
- **residential amenity.**

Principle

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

Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

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

Policy CS1 of the NLCS identifies Barton upon Humber as being one of a number of market towns, which are considered to be important service centres serving the needs of local communities across North Lincolnshire. Policy CS1 confirms that an appropriate level and range of new housing development will be provided to support the market towns as sustainable communities. The site is within the development limit of Barton-upon-Humber where, in principle, residential development is considered to be acceptable. Barton is identified as a market town in the NLCS. The site is within the town centre area of Barton, in a highly sustainable location within walking and cycling distance of a range of local facilities, services and employment opportunities. The site is close to a number of bus stops with Barton terminus a short distance from the site.

Policy CS8 further sets out that there is a requirement to deliver 724 dwellings in Barton specifically. These figures are a minimum target and do not form a maximum threshold for the delivery of housing, which would run contrary to the provisions of the National Planning Policy Framework which seeks to significantly boost the supply of housing. Therefore, development plan policy confirms the view that Barton is a sustainable settlement with the key facilities, services, employment opportunities and regular public transport to support new housing development.

Policy CS7 of the Core Strategy sets out an aspirational minimum density of 40–45 dwellings per hectare on sites within the market towns. 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. In this case nine flats are proposed on the site creating a density of approximately 225 dwellings per hectare, contributing to the council's housing land supply and meeting some of our housing need in North Lincolnshire. The site is in a town centre location with flats above shops being prevalent in the area. This density is therefore appropriate for the town centre context of the site and acceptable in terms of policy CS7 of the NSCS.

The Government released an updated NPPF in December 2023. Paragraph 226 makes clear that for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing against the housing requirement (rather than five years). This includes authorities like North Lincolnshire, which have an emerging local plan that has been submitted for examination. These arrangements apply for a period of two years

from the publication date of the revised NPPF. Therefore, full weight can be attributed to the Local Plan and Local Development Framework policies and the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged.

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

Listed buildings and conservation area

In terms of impact on the grade II listed building, this will also be assessed in more detail within the pending linked listed building application PA/2022/908. In terms of this planning application, the proposal will result in substantial harm to the listed building. The existing rear range will be removed, including the 19th century outbuilding which is of architectural and historic merit, and the two-storey flat roof rear extension that has limited architectural and historic merit, but tells part of the story of the development and alterations of the building over time. Regard also needs to be had to Section 66 of the Planning Listed Buildings and Conservation Areas Act 1990.

The conservation officer objects to the proposal as it will cause substantial harm to the listed building. It should be mentioned that the applicant has submitted amended plans reducing the overall bulk of the extension by removing the original three-storey extension; this has reduced the number of units from 11 to 9. The two-/two-and-a-half-storey extension has also been amended in design to be more in character with the existing building and surrounding buildings, the overall height of the extension being reduced.

The amended heritage impact assessment assesses the heritage impacts of the development. This concludes that 'The overall impact of the proposed development in heritage terms on the Grade II listed 15 Market Place can be assessed as Slight to Moderate. This assessment reflects the High significance of the existing building as a Grade II listed three-storey townhouse of early to mid-19th century date with a late 19th century shopfront, occupying a sensitive location within the core of the historic market place, and having significant group value with the adjoining group of properties at Nos. 16-21 Market Place, cross-referenced against the magnitude of impact, assessed as Minor/Moderate.'

The applicant has also submitted a structural survey in relation to the building which recommends that the 'original existing front elements of the property can be refurbished and renovated for the proposed use, without the need for the structural elements to be demolished, rebuilt, or without the need for underpinning, However, the later 1960's/1970's rear additions are very poor and have suffered extensive long term damage from the lack of maintenance, with some areas which are thought may be becoming unstable. Therefore, in light of the proposal it is thought to be prudent to carefully dismantle and remove the highlighted sections of the building as per the plan layouts, so as to ensure the ongoing stability of the proposed new structure.'

With regard to the mid 19th century rear building, the surveyor has confirmed by email that this 'section of the structure has suffered some significant distortion to the rear wall and has been subject to long term ongoing damage. For these reasons, it is our recommendation that the mid 19th century building has issues of stability and is not viable to be retained and as such should be demolished.' The proposed demolition plans show the whole rear range to

be demolished. It is clear from the structural survey that the rear range is suffering from long-term damage and is becoming unstable. The flat-roof rear extensions are not worthy of retaining in any case and evidence has been demonstrated that the early 19th century part of the rear range should also be removed. The Heritage Impact Assessment also states that the '19th century outbuilding has already been subject to extensive late 20th century refurbishment and contains no architectural features or fixtures of interest.' Removal of the rear range of the building has been substantiated and justified in this case in accordance with policies HE5 and HE6 of the NLLP and paragraphs 203 and 206.

There is no doubt that the proposal will change the character and appearance of this listed building and how it is experienced with the town centre and from Castledyke South. It should be noted that minimal changes are proposed to the main listed building on the site frontage which will be internal alterations only. Internally the main listed building will be refurbished to provide a more functional layout for the two apartments proposed on the first and second floors. The whole building is currently vacant and is beginning to fall into disrepair. The NPPF is quite clear in paragraph 202 that if there is evidence of deliberate neglect of a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. However, it is not clear in this case if there has been deliberate neglect as the building is vacant and has been for almost 6 years. The owner has secured the building by boarding up the windows on the rear range with steel and closing off the site to prevent entry. There can be little doubt that the building is falling into disrepair internally and externally as shown in the photographs submitted with the structural survey in November 2023.

Turning to the design of the proposed rear extension, this has been designed to respect the character and appearance of the listed building. The extension will be visible from Market Place but will be screened in part by the adjacent public toilet block and the ground floor by the existing side boundary wall shown to be retained. It is considered that the proposed extension will be a modern, contemporary addition to the listed building and to the conservation area and will be a visual improvement on the existing rear range of the building. The rear extension is lower in height than the main listed building and whilst it is larger than the main listed building, the existing rear range is also significantly larger than the main listed building. The rear extension incorporates some of the architectural features of the main building and will maintain the view of the adjacent attached listed building on the Market Place next door. A cohesive development to the rear of the building will be formed with the contemporary extension sitting alongside the main listed building (a mix of old and new). The building is currently vacant and has been for some time, and the rear range windows are covered by steel shutters. The proposal involves the retention of the main listed building which will be re-furbished and 'fit for purpose' to allow a more functional layout for the two refurbished apartments in the main listed building. The rear range will be removed including the 1960's and 1970's flat-roof extensions which detract from the appearance of the listed building. The preservation of the main listed building, together with its refurbishment, will bring this vacant listed building back into use and preserve and enhance the listed building. On balance, therefore, the proposal aligns with policies HE5 and HE6 of the NLLP, policy CS6 of the NLCS and paragraph 213 of the NPPF.

Having due regard to Section 66 of the Planning Listed Buildings and Conservation Areas Act, this states, 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. In this case the main listed building will remain in situ and be brought back into use; it will therefore be preserved for future generations.'

In terms of setting, this is defined in the NPPF (Annex 2) as 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of the asset, may affect the ability to appreciate that significance or may be neutral.' In terms of the setting of 15 Market Place, this will change as the whole rear range of the building will be removed and replaced with a different style and design of rear extension. This listed building is directly surrounded by a number of other listed buildings, including the group of listed buildings in Market Place directly to the west of the application site (15 to 22 Market Place) and 3 (including the Mill), 7 and 9 Market Place lying to the east. To the north (Market Place) is also a group of listed buildings.

The main listed building is to be retained so the proposal will not adversely affect the setting of the listed buildings to the north. In terms of the listed buildings to the east, the main impact will be on 9 Market Place. 9 Market Place has a modern extension to the rear that is in commercial use and lies adjacent to the public car park. The public car park provides a clear gap between two listed buildings, 9 and 15 Market Place. This 'gap' will be retained. Although the proposed rear extension is larger than the existing rear range, the main listed building will remain in situ. The proposed rear extension to some extent runs parallel alongside the more modern rear extension to 9 Market Place. On balance, whilst there will be some harm to the setting of 9 Market Place, this will be fairly limited due to the location of the rear extension, with the public car park between 9 and 15 Market Place and the toilet block on the site frontage. In terms of 3 Market Place and the Mill, these buildings are already partially screened by existing buildings. The view of the Mill will change slightly due to the new rear extension but this will be limited due to the distance from the application site and intervening buildings. In the case of the group of listed buildings to the west, these are terraces. The main listed building is to be retained, therefore the front façade of this group of listed buildings will remain unchanged. Whilst there will be views of the rear extension from Market Place due to the public car park 'gap', the existing rear range already screens most of this group of listed buildings to the rear. Although the proposed rear extension will provide a larger rear extension on the site, there will still be views of part of the adjoining rear aspect of the listed building White Lion Yard.

In terms of setting, there will be a substantial harm to the setting of 15 Market Place and more limited (less than substantial) harm to the setting of adjacent listed buildings. However, whilst this is a substantial harm due the removal of the rear range, this is balanced by the new proposal which will provide a more cohesive redevelopment across the rear of the building than the current situation and the main listed building will be retained. There has been a justification for the loss of the rear range by the structural report and email which confirms that the rear range should be removed due to long-term damage and stability issues.

Planning conditions will be used to ensure acceptable materials and window, balcony and door details are used in the development to match/respect the main listed building to ensure the development will not detract from the main listed building. Planning conditions can also be used to ensure an agreed contract for the scheme is submitted to ensure redevelopment will take place when the rear range is demolished. The proposal in this regard will align with HE3, HE5 and HE6 of the NLLP, CS6 of the CS and paragraph 210 of the NPPF.

In terms of the conservation area, the building makes a positive contribution to it and is of townscape merit. The submitted Heritage Impact Assessment, in terms of impact on Barton conservation area, concluded that 'the overall impact of the proposals on the setting of neighbouring designated and non-designated assets in the vicinity of the site, including the Barton-Upon-Humber Conservation Area, can be assessed as broadly lying within the Slight

to Slight/Moderate range, reflecting a noticeable but localised change to rear views along Castledyke South.'

The proposed extension will add vibrancy to this part of the conservation area. The main view of the building will be from within the public car park. Within the car park are several modern buildings, including a rear addition to 9 Market Place (also a listed building) and the toilet block. To the rear of the site is Castledyke South which in this area comprises a mix of modern and more traditional buildings. It is considered, on balance, that the proposals will preserve and enhance the conservation area by bringing the building back into use, creating apartments within the town centre resulting in additional footfall and vibrancy to the town centre, with the proposed rear extension providing an interesting and contemporary extension to the main listed building, whilst preserving and enhancing the character and appearance of the conservation area overall. Planning conditions will be used to ensure acceptable materials are used in the development to match the main listed building to safeguard the character and appearance of the conservation area, and to ensure that an agreed contract for the scheme is in place and submitted to ensure redevelopment will take place when the rear range is demolished. On balance, therefore, the proposal aligns with policies HE3 and HE5 of the NLLP, policy CS6 of the NLLP and paragraph 203 of the NPPF.

Archaeology

The application site lies in close proximity to the Castledyke Anglo-Saxon cemetery and further burials of this date may be anticipated. The planning application should include measures to ensure that any archaeological evidence impacted by the proposed development is identified and recorded in advance of and during construction, in relation to the historic standing structure and below-ground remains. HER have recommended that a written scheme of investigation (WSI) for historic standing building recording and a programme of archaeological monitoring and recording during all groundworks should be submitted prior to determination of the planning application. The applicant has not submitted this information and in this case it is considered appropriate to use pre-commencement planning conditions to secure an appropriate WSI. Subject to these conditions, the proposal will align with policy HE9 of the NLLP, policy CS6 of the CS and chapter 15 of the NPPF.

Highway safety

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision and general highway safety. Both policies are considered relevant. Policy CS25 of the Core Strategy is also relevant and seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools. The site is within the town centre of Barton where a range of services and facilities are available. The site is also close to a bus route and the train station, and is accessible on foot and by bicycle.

Concerns about the lack of car parking on the site are noted, together with the concerns the public car park will be used for car parking for the apartments. The proposal is for nine dwellings with two car parking spaces. The site is located in a town centre location next door to a public car park. The site is in a highly sustainable location with full access to public transport modes. Occupiers of the proposed dwellings will be well aware of the lack of parking within the site and this may deter those with vehicles from occupying the flats. There is no evidence to suggest occupiers will all park in the car park next door.

The proposal is considered to be acceptable in highway terms and, subject to the planning conditions recommended below, aligns with the NPPF, policy CS25 of the Core Strategy, and policies T1, T2 and T19 of the North Lincolnshire Local Plan.

Drainage and flood risk

In terms of flood risk, the site lies within flood zone 1 in the council's SFRA and is therefore at low risk of flooding. The proposal is compliant in terms of flood risk with flood risk policies within the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan. These policies seek to locate development within areas of low flood risk. As a result, in terms of flood risk, the proposed development is considered to be acceptable.

In terms of drainage, the LLFA and Anglian Water have both been consulted on the proposals. Planning conditions will be imposed on the planning permission in respect of the submission of foul water drainage details to the council for approval. Therefore, subject to an acceptable foul water drainage scheme, the proposal can accord with policy DS14 of the North Lincolnshire Local Plan.

In relation to surface water, Anglian Water and the LLFA have been consulted on the application. The LLFA considers that a detailed surface water drainage scheme for the site will need to be submitted to mitigate against flood risk and to protect water quality. The conditions proposed by the LLFA will be imposed on the planning permission. Given the lack of objection from Anglian Water and the council's own LLFA, it is considered, subject to the recommended conditions, that the proposed development will not result in an unacceptable risk of flooding and will not have a detrimental impact on the local drainage network. The proposal is therefore acceptable in drainage terms and accords with CS18 and CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

Environmental

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. In this case, the submitted site investigations are not considered sufficiently robust and therefore a planning condition will be used to ensure a satisfactory site investigation and remediation scheme is submitted for the site for approval by the council before development takes place.

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

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

Paragraph 191 'a' of the NPPF states, '...mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.' Paragraph 193 of the NPPF states, 'Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established.'

The NPPF (para 90(f)) recognises that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites. In this case the site is in the town centre surrounded by commercial, residential and community developments, and a public car park. There is potential for noise disturbance from surrounding land uses but this could be mitigated by the use of planning conditions requiring the submission of a noise assessment, mitigation measures and a verification report. Subject to the aforementioned conditions, the proposal would align with policies DS1, DS11 and the NPPF in respect of noise.

Ecology/biodiversity

The site is vacant and had potential for bats. A protected species report has been submitted and there is no evidence of bat roosts in the building and little bat activity in the area. However, 10 pairs of swifts were recorded entering the 'front building' to roost. Swifts are on the UK red list with an estimated 60% decline in the last 25 years.

Concerns about the loss of the tree to the rear of the site are noted. However, this tree has limited amenity value to the area and is within the application site partially screened by the boundary treatment. Planning conditions will be used to ensure biodiversity enhancements are achieved on the site and swift bricks or swift pantile nesting sites are provided in the building. This will also include some planting on the site to mitigate the loss of the tree. Subject to conditions, the proposal will align with policies LC12 of the NLLP, CS5 and CS17 of the CS, and paragraphs 180 and 186 of the NPPF in terms of biodiversity net gain and biodiversity enhancements.

Residential amenity

In terms of amenity impacts, the proposed apartments will primarily face onto the car park to the eastern side of the site and commercial premises. The ground floor is essentially screened by an existing boundary brick wall that is shown to be retained. There are a small number of windows and balconies on the southern elevation which will be visible from properties along Castledyke South. Due to the distance between these windows/balconies and properties on Castledyke South, no overlooking/loss of privacy will be caused by this development. Whilst the proposed extension will be visible from properties along Market Place and Castledyke South, no loss of residential amenity will be caused. In terms of the adjoining dwelling to the west (White Lion Mews), this dwelling is currently enclosed by the existing rear range of the building. This dwelling's aspect will not see any significant change to its outlook, although more wall and roof of the proposed rear range will be visible from this property and from within the courtyard garden/parking area. Part of the rear extension is two-storey, but has been designed with a hipped roof and is lower in height than the main two-and-a-half-storey extension, which reduces the overall bulk of the extension on this neighbour. The proposal will not result in any further demonstrable loss of amenity to this property. The proposal in this regard would align with policies H5 and DS1 of the NLLP, and policy CS5 of the CS.

Pre-commencement conditions

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

Planning balance and conclusion

The proposal is acceptable in principle as new dwellings are proposed in a highly sustainable location. The proposal will bring a vacant listed building and the whole site back into use and create additional footfall in the town centre, improving its vitality. In terms of impacts on the conservation area, highway safety, drainage, archaeology, environmental matters, ecology and residential amenity, these impacts are acceptable and where impacts have been identified these can be mitigated by planning conditions.

In terms of impact on the listed building, there is little doubt that substantial harm will be caused to this listed building by the proposed extension, with loss of the rear range. The NPPF is very clear that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. In this case the main listed building is to be retained and refurbished to bring it back into use but the whole rear range, including the 19th century part of the rear range, will be lost. In this case, the significant public benefits of the scheme outlined above do outweigh the harm and loss of the early 19th century part of the rear range. The proposal is therefore recommended for approval.

RECOMMENDATION The committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the associated listed building application PA/2022/908 be referred to the Secretary of State in accordance with statutory procedures to enable them to consider whether or not they wish to intervene;**
- (iii) in the event of the Secretary of State deciding not to intervene, the decision be delegated to the Development Management Lead; 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:

- Demolition plan - existing elevations
- Demolition plan - existing floor plans
- PL K995/02 Rev C Proposed ground floor plan
- PL K995/09 Rev B Proposed front and side elevations
- PL K995-03 Rev B Proposed First Floor Plan

- PL K995-03 Rev B Proposed Second Floor Plan
- PL K995-06 Rev E Proposed Side and Rear Elevations
- EX K995/Location and Block Plan.

Reason

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

3.

The development shall not be brought into use until cycle parking has been provided in accordance with details to be submitted and approved in writing by the local planning authority. The facility shall thereafter be retained.

Reason

To ensure satisfactory cycle parking facilities on the site.

4.

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

- a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- 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, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway, as may be required;

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

Reason

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

5.

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 165 to 175 of the National Planning Policy Framework.

6.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 5 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 165 to 175 of the National Planning Policy Framework.

7.

No development shall take place until details showing an effective method of preventing surface water run-off from 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 165 to 175 of the National Planning Policy Framework.

8.

No development shall take place until details showing an effective method of preventing surface water run-off from 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 165 to 175 of the National Planning Policy Framework.

9.

No development shall take place until a scheme for the disposal of foul water has been agreed in writing by the local planning authority. These details shall include connection points and discharge rates. None of the dwellings shall be occupied until it has been connected to the approved drainage system.

Reason

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

10.

No development shall commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;

- archaeological sites and ancient monuments;

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

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

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 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 DS7 of the North Lincolnshire Local Plan.

11.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

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

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

Reason

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

12.

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

13.

Part 1

No development shall take place until a noise impact assessment has been submitted to and approved in writing by the local planning authority. The noise impact assessment shall be carried out with reference to:

- National Planning Policy Framework (2023)
- National Planning Practice Guidance (2021)
- ProPG: Planning & Noise, New Residential Development (2017)
- BS 4142:2014 + A1:2019 Methods for rating and assessing industrial and commercial sound
- World Health Organisation Environmental Noise Guidelines for the European Region 2018
- World Health Organisation Guidelines for Community Noise (1999)
- World Health Organisation Night Noise Guidelines for Europe (2009)
- BS8233:2014 Guidance on sound insulation and noise reduction for buildings
- BS7445-2:1991, ISO1996-2:1987 Description of environmental noise. Part 2: Guide to acquisition of data pertinent to land use.

The noise impact assessment report shall provide details of existing background noise levels, likely noise sources which will impact upon the proposed development, mitigation methods to be employed and the resulting predicted level of noise at sensitive locations. Any approved mitigation measures shall be carried out in their entirety before the use of the site commences and shall be retained thereafter.

Part 2

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

Reason

To safeguard the residential amenity of occupiers of the dwellings in accordance with policy DS11 of the North Lincolnshire Local Plan.

18.

Within one month 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 details of either 10 swift bricks or 10 swift pantile nesting sites to be installed prior to the occupation of the new apartments.

Reason

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

19.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. The applicant or their successor in title shall submit photographs of the installed swift nesting features to the local planning authority, within two weeks of installation, as evidence of compliance with this condition.

Reason

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

20.

Prior to the occupation of the building, details of the planting on the site shall be submitted to and approved in writing by the local planning authority. The planting scheme shall be carried out on the site before any dwelling is occupied and thereafter retained.

Reason

In the interests of the amenity of the development.

21.

No works shall commence on the approved fencing and gates until details of the materials for the fencing and gates have been submitted to the council for approval and thereafter only the approved materials shall be used on the site.

Reason

To safeguard the character and appearance of the listed building in accordance with policies HE2 and HE5 of the North Lincolnshire Local Plan and CS6 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:

- 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;

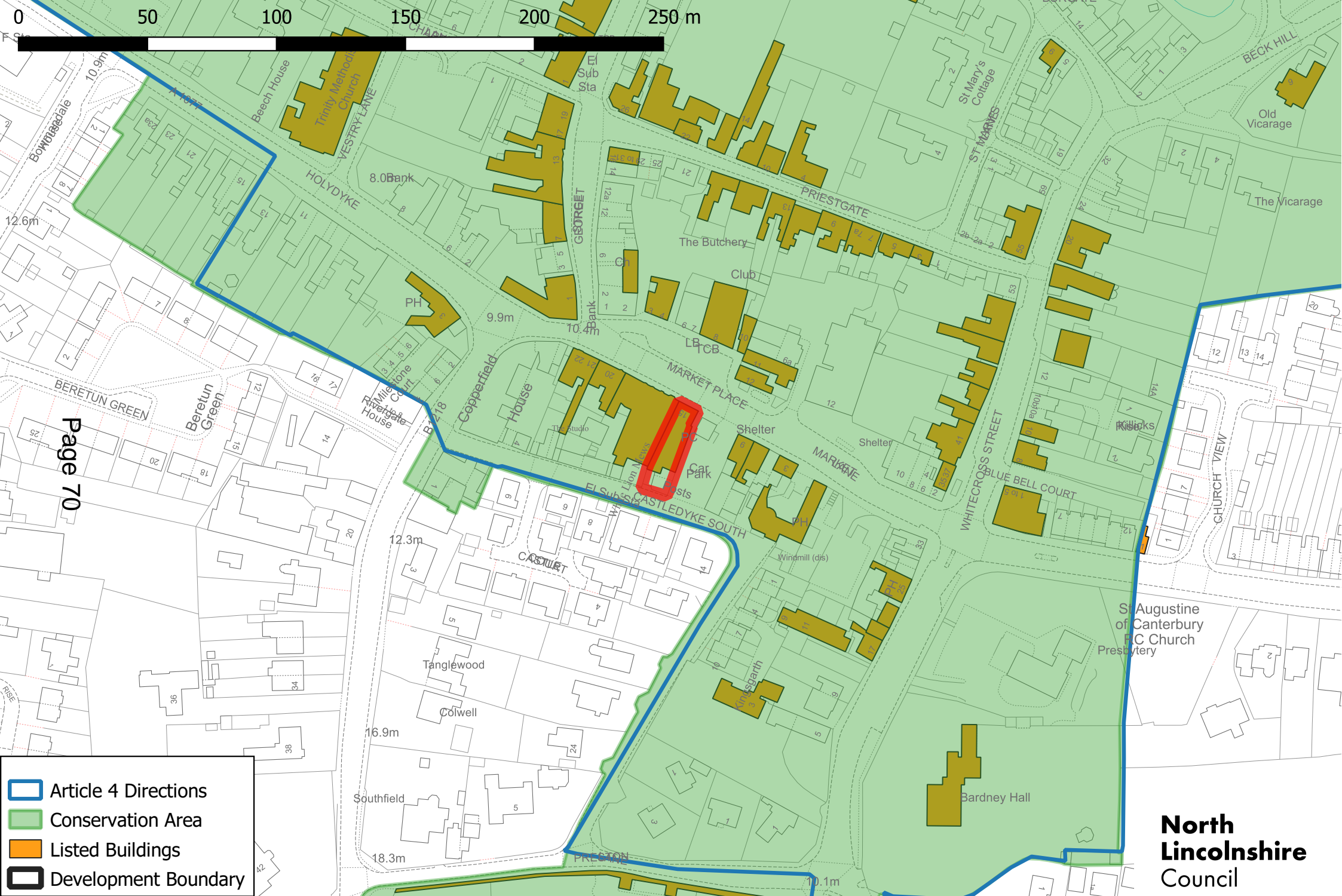
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

2.

The applicant's attention is drawn to the comments made by the LLFA and Anglian Water.

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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- Article 4 Directions
- Conservation Area
- Listed Buildings
- Development Boundary

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Council**

PA/2022/850

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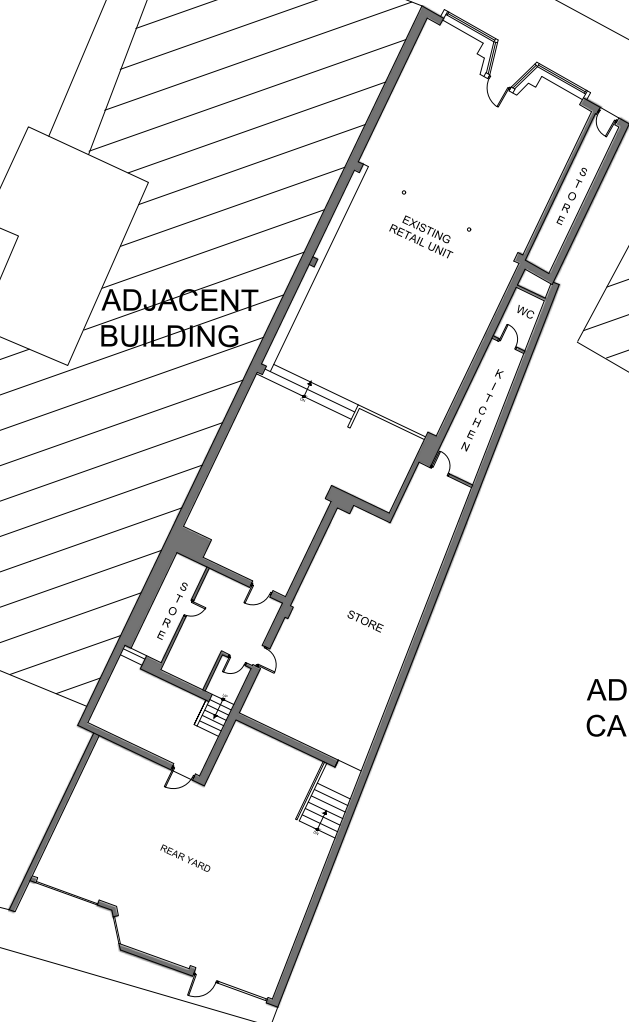
MARKET PLACE

ADJACENT BUILDING

ADJACENT TOILET BLOCK

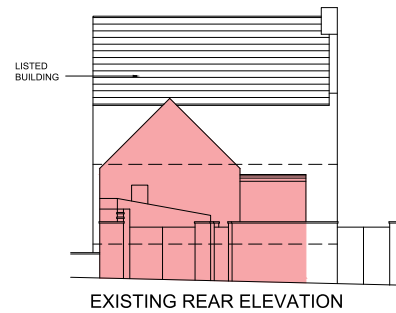
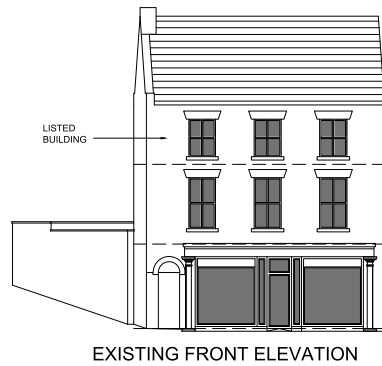
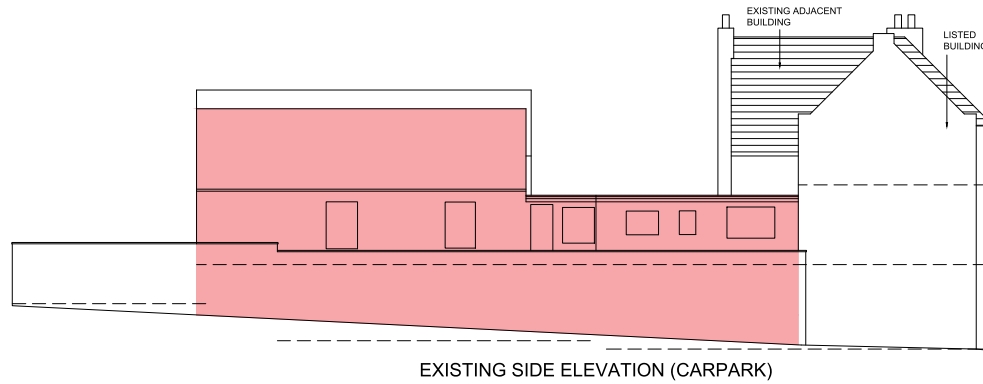
ADJACENT CAR PARK

CASTLEDYKE STREET

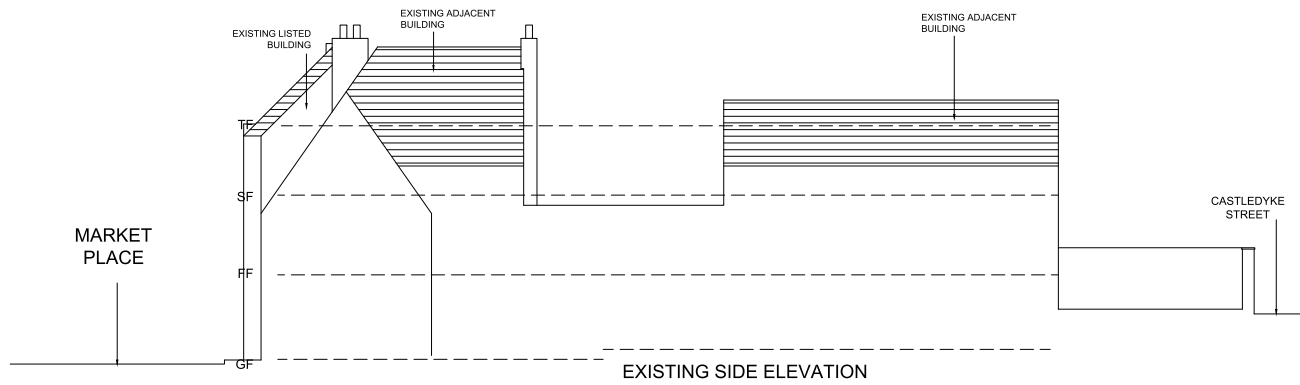


REV	DESCRIPTION
EXISTING SITE PLAN	
PROPOSED REDEVELOPMENT OF PREMISES AT 15 MARKET PLACE, BARTON-ON-HUMBER, DN18 5DA	
CLIENT:	WOGMAN
DWG NO:	EX M995/01
SCALE:	1/200 @ A3
DRAWN BY:	R.S.P.
DATE:	15/04/21
REV:	
	
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PA/2022/850 Demolition of existing buildings - elevations (not to scale)



= PROPOSED DEMOLITION



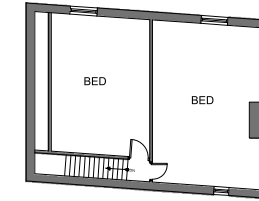
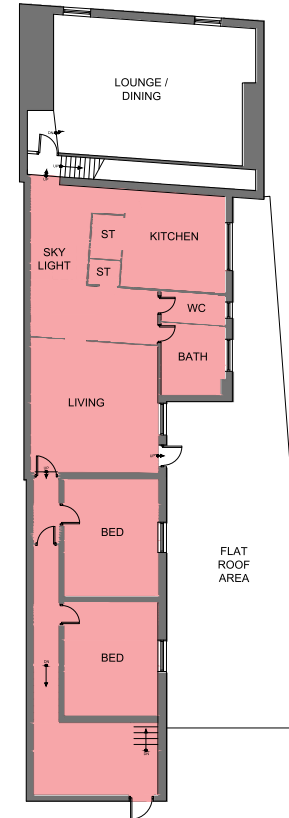
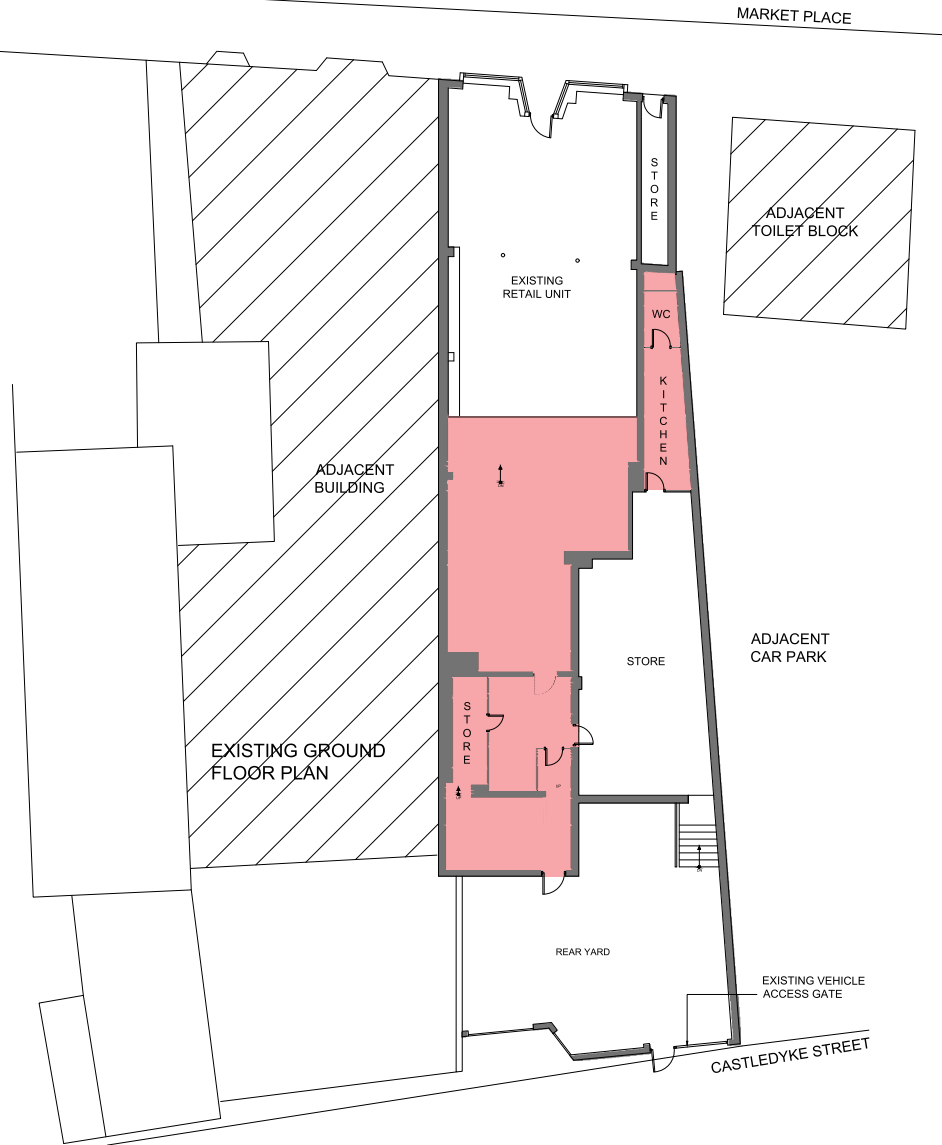
Page 72

REV	DESCRIPTION
DEMOLITION PLAN - EXISTING ELEVATIONS	
PROPOSED REDEVELOPMENT OF PREMISES AT 15 MARKET PLACE, BARTON-ON-HUMBER, DN18 5DA	
CLIENT:	WOGMAN
DWG NO:	EX K995/DEMO2
SCALE:	1/200 @ A3
DRAWN BY:	D.D.
DATE:	09.08.23
REV:	
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PA/2022/850 Demolition of existing buildings - floor plans (not to scale)

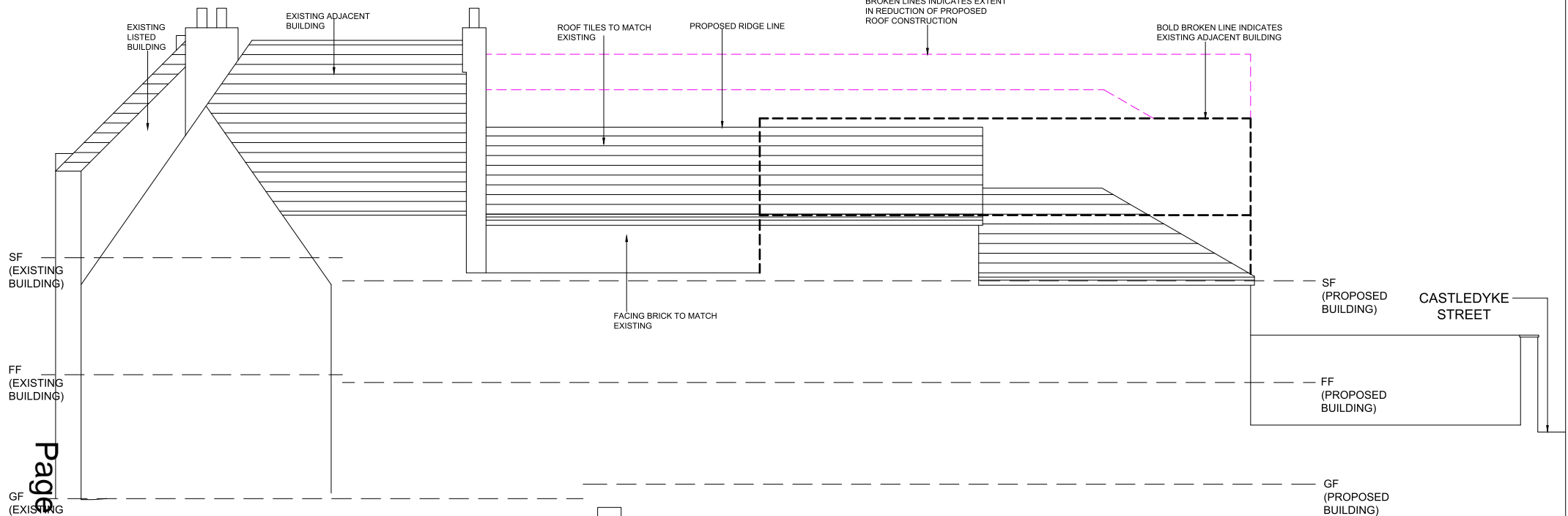
Page 73



= PROPOSED DEMOLITION

REV	DESCRIPTION
DEMOLITION - EXISTING FLOOR PLANS	
PROPOSED REDEVELOPMENT OF PREMISES AT 15 MARKET PLACE, BARTON-ON-HUMBER, DN18 5DA	
CLIENT:	WOGMAN
DWG NO:	EX K995/DEMO1
SCALE:	1/200 @ A3
DRAWN BY:	D.D.
DATE:	09.08.23
REV:	
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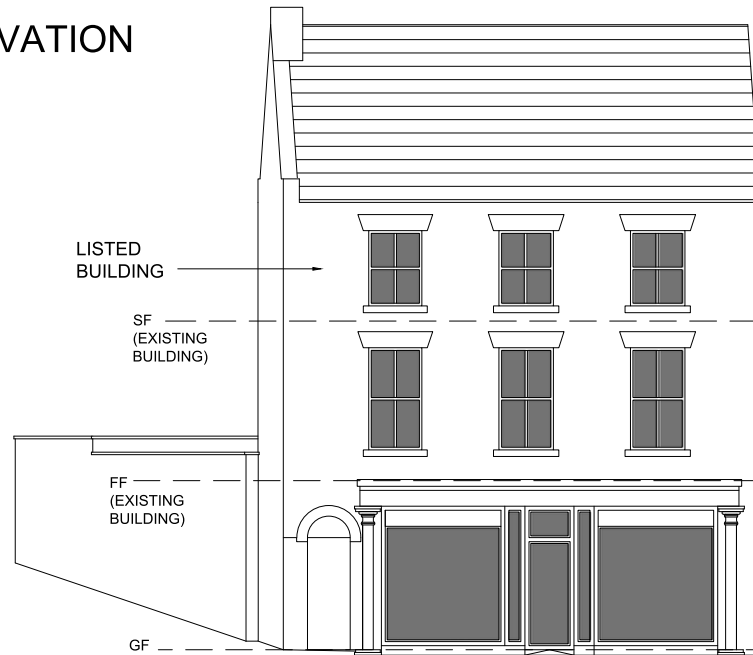
PA/2022/850 Proposed front and side elevations (not to scale)



PROPOSED SIDE ELEVATION

Page 74

AMENDED PLANS




PROPOSED FRONT ELEVATION

REV	DESCRIPTION
A	GENERAL REVISION TO MASSING 16.11.22 R.L.
B	PROPOSED BUILDING ROOF HEIGHT REDUCED 22.05.23 R.L.

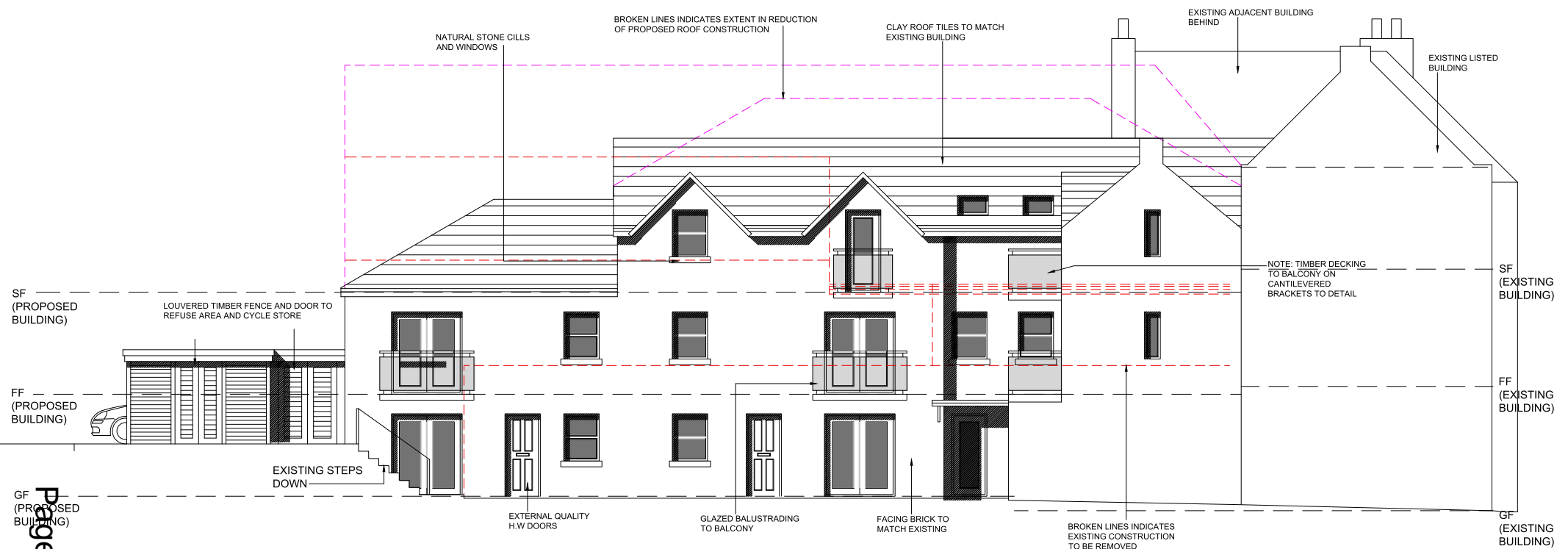
PROPOSED FRONT AND SIDE ELEVATION

PROPOSED REDEVELOPMENT OF PREMISES AT 15 MARKET PLACE, BARTON-ON-HUMBER, DN18 5DA

CLIENT:	WOGMAN	 <p>NEIL PIKE ARCHITECTS</p>
DWG NO:	PL K995/09	
SCALE:	1/100 @ A3	
DRAWN BY:	R.S.P.	
DATE:	15/04/21	
REV:	B	

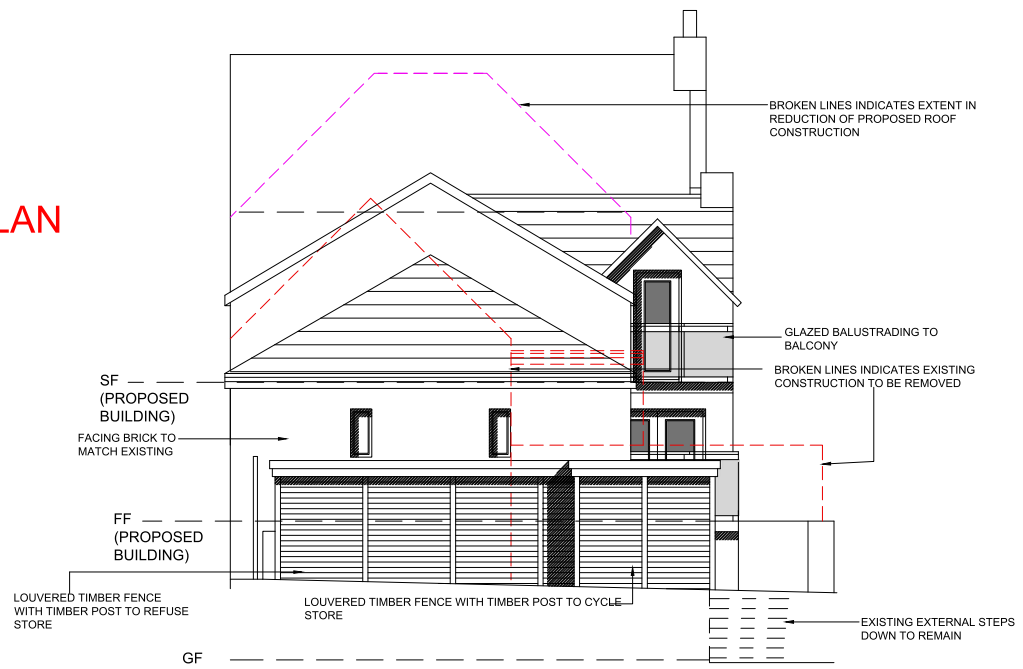
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PA/2022/850 Proposed side and rear elevations (not to scale)



PROPOSED SIDE ELEVATION (CAR PARK)

AMENDED PLAN



PROPOSED REAR ELEVATION

REV	DESCRIPTION
A	PROPOSED FLAT ROOF TO PROPOSED REAR EXTENSION 14.03.22 D.D.
B	BIKE STORE REVISED AND GRASS VERGE ADDED TO REAR 05.07.22 D.D.
C	REDUCTION IN HEIGHT OF PROPOSED EXTENSION AND REMOVAL OF ROOF SPACE APARTMENT 26.09.22 R.S.P.
D	GENERAL REVISION TO MASSING AND NOTES ADDED 16.11.22 R.L.
E	HEIGHT OF PROPOSED ROOF REDUCED, GABLE ENDS ADDED TO FACADE, WINDOWS MADE SMALLER 22.05.23 R.L.

PROPOSED SIDE AND REAR ELEVATION

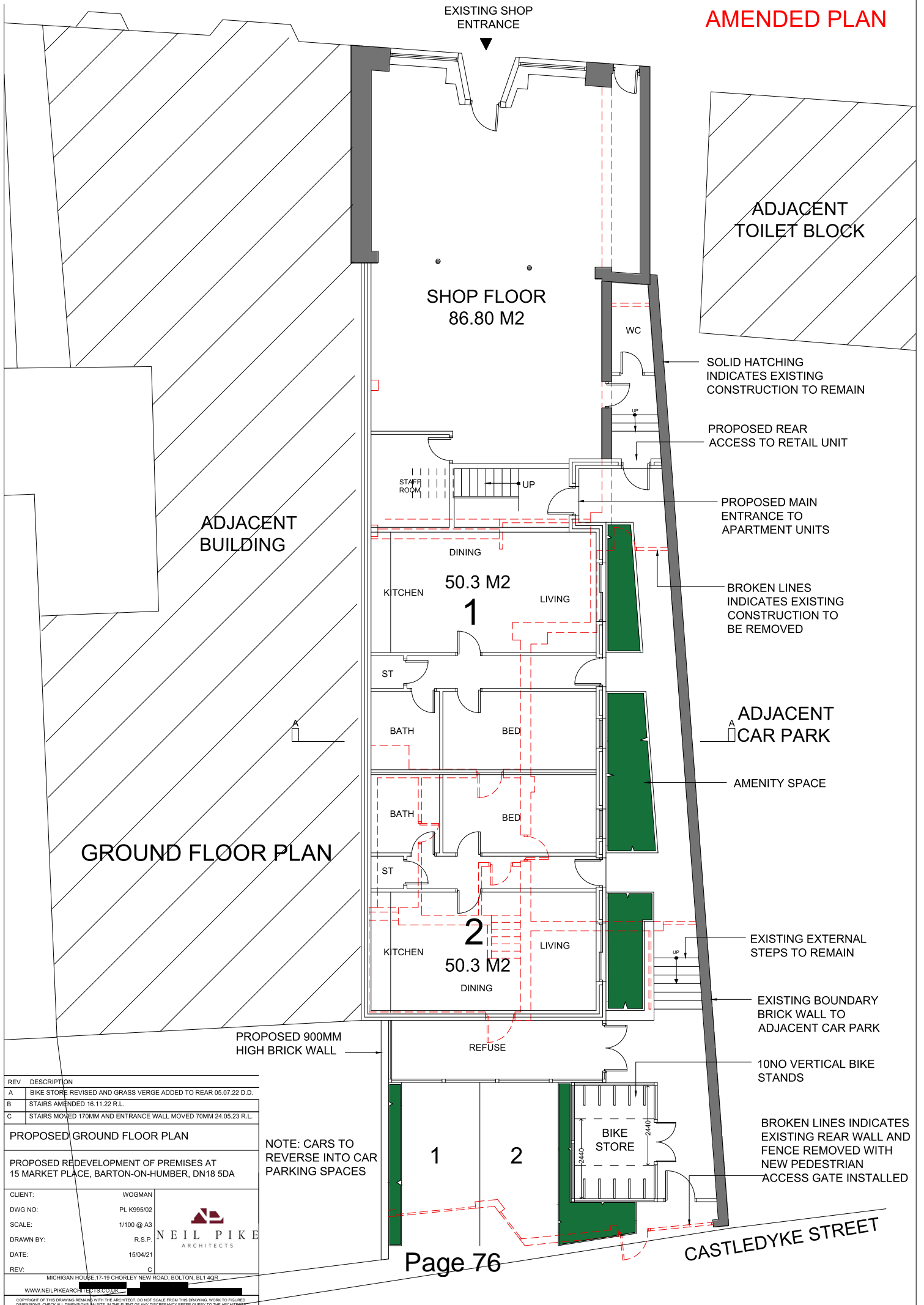
PROPOSED REDEVELOPMENT OF PREMISES AT 15 MARKET PLACE, BARTON-ON-HUMBER, DN18 5DA

CLIENT:	WOGMAN	
DWG NO:	PL K995/06	
SCALE:	1/100 @ A3	
DRAWN BY:	R.S.P.	
DATE:	15/04/21	
REV:	E	

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PA/2022/850 Proposed ground floor plan (not to scale)

AMENDED PLAN



GROUND FLOOR PLAN

REV	DESCRIPTION
A	BIKE STORE REVISED AND GRASS VERGE ADDED TO REAR 05.07.22 D.D.
B	STAIRS AMENDED 16.11.22 R.L.
C	STAIRS MOVED 170MM AND ENTRANCE WALL MOVED 70MM 24.05.23 R.L.

PROPOSED GROUND FLOOR PLAN

PROPOSED REDEVELOPMENT OF PREMISES AT 15 MARKET PLACE, BARTON-ON-HUMBER, DN18 5DA

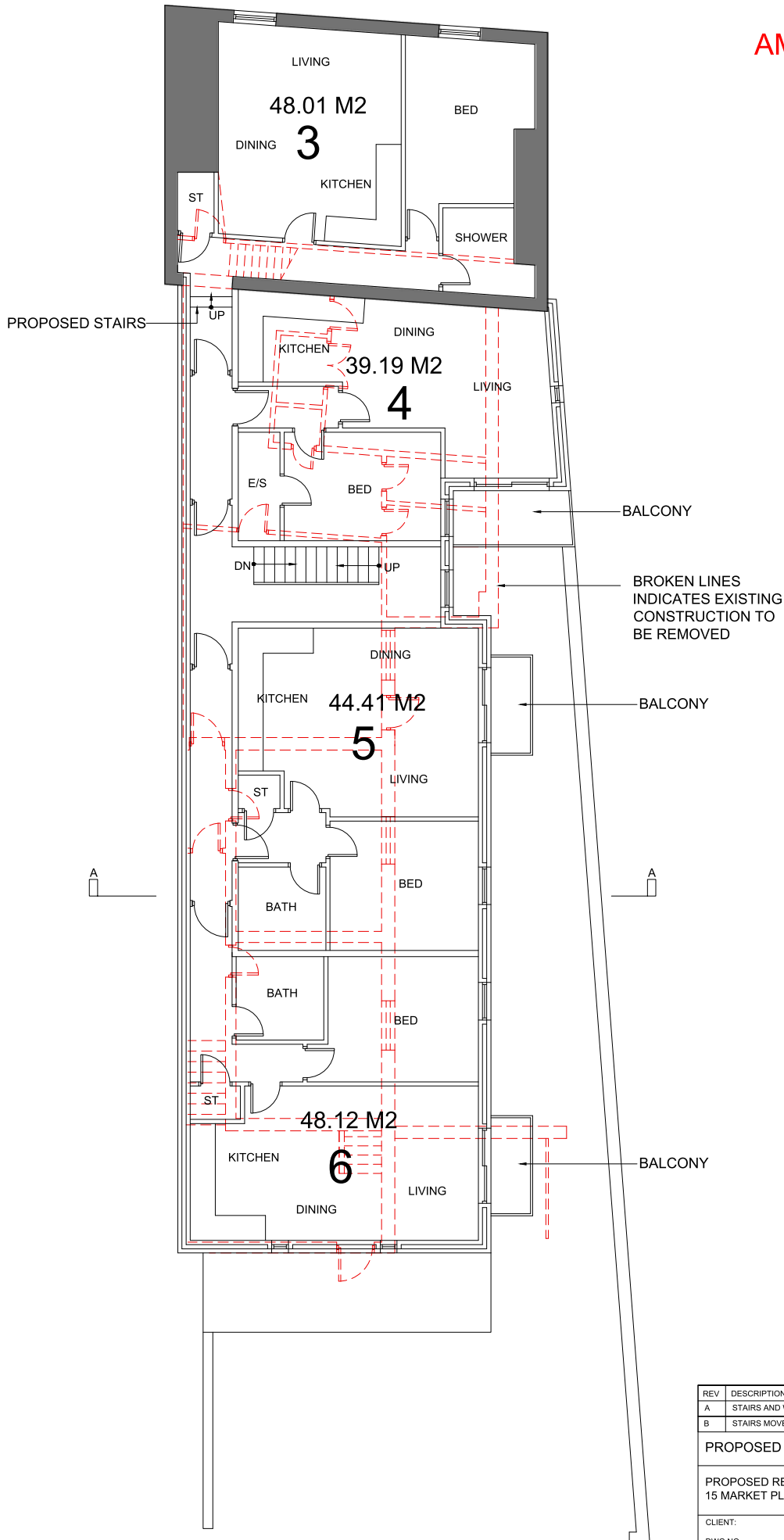
CLIENT:	WOGMAN
DWG NO:	PL K995/02
SCALE:	1/100 @ A3
DRAWN BY:	R.S.P.
DATE:	15/04/21
REV:	C



NOTE: CARS TO REVERSE INTO CAR PARKING SPACES

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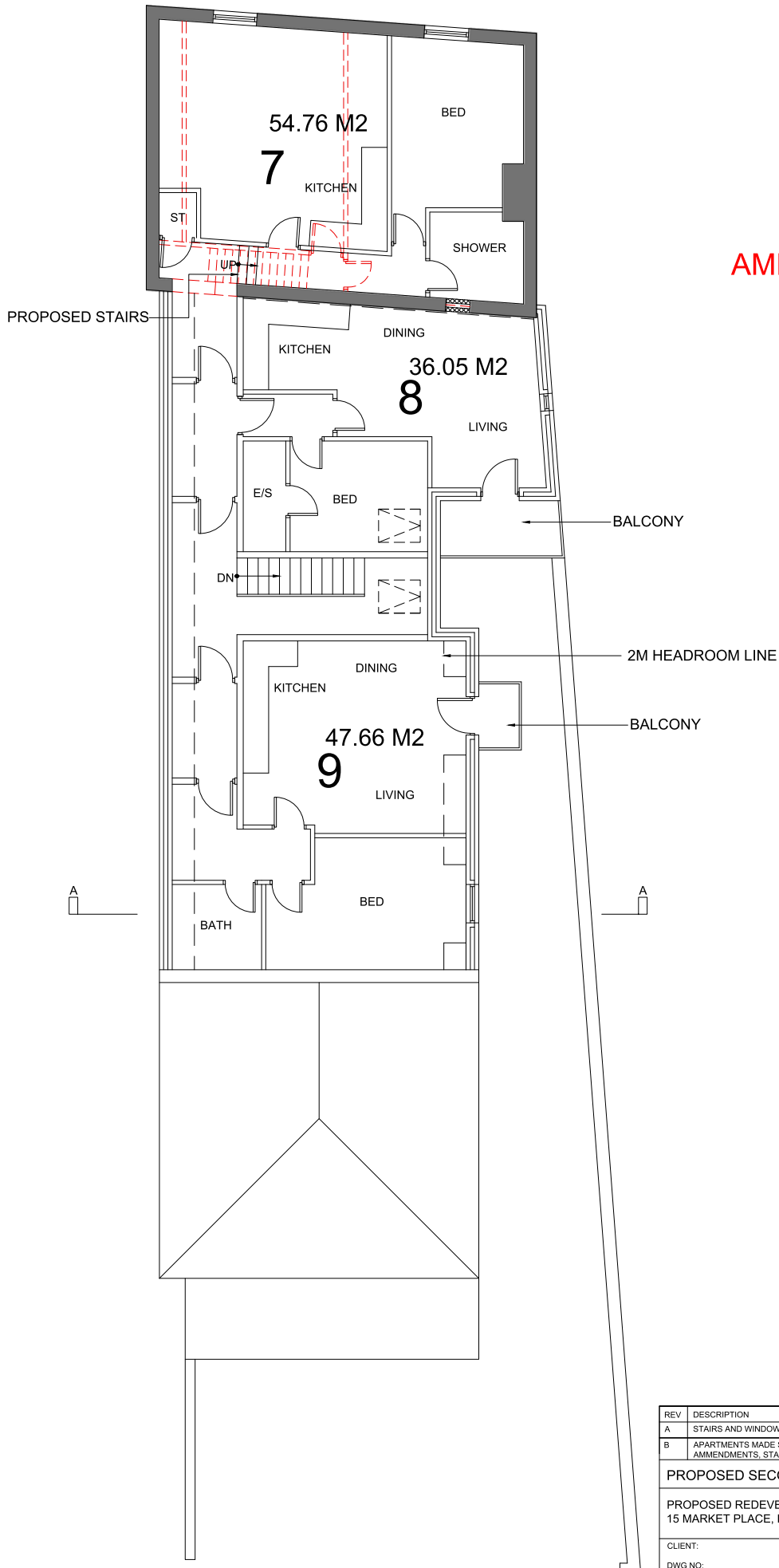
AMENDED PLAN



FIRST FLOOR PLAN

REV	DESCRIPTION
A	STAIRS AND WINDOWS AMENDED, NOTES ADDED 16.11.22 R.L.
B	STAIRS MOVED 170MM 24.05.23 R.L.
PROPOSED FIRST FLOOR PLAN	
PROPOSED REDEVELOPMENT OF PREMISES AT 15 MARKET PLACE, BARTON-ON-HUMBER, DN18 5DA	
CLIENT:	WOGMAN
DWG NO:	PL K995/03
SCALE:	1/100 @ A3
DRAWN BY:	R.S.P.
DATE:	15/04/21
REV:	B
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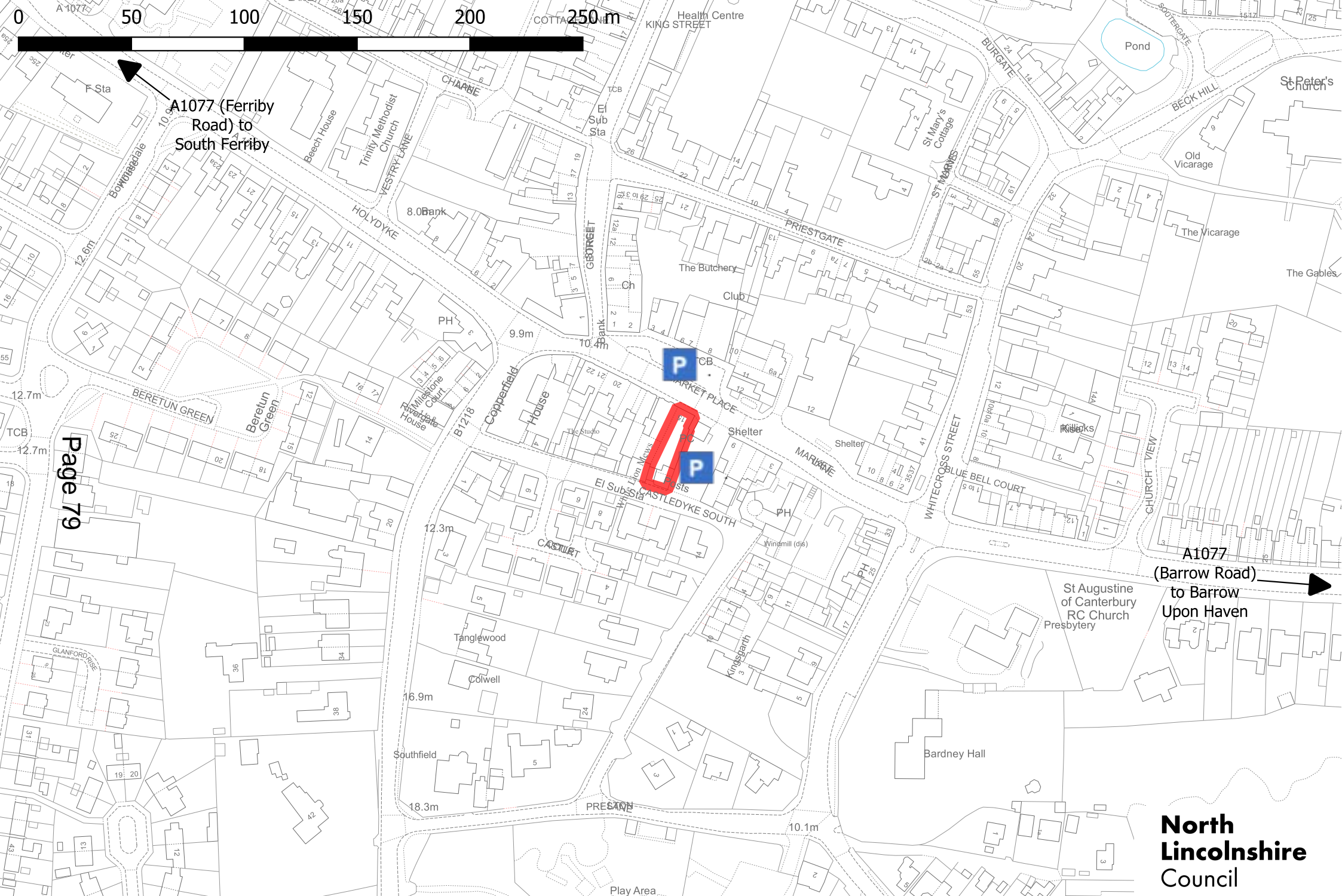


AMENDED PLAN

SECOND FLOOR PLAN
Page 78

REV	DESCRIPTION
A	STAIRS AND WINDOWS AMENDED, NOTED ADDED 16.11.22 R.L.
B	APARTMENTS MADE SMALLER, INTERNAL LAYOUT MINOR AMMENDMENTS, STAIRS MOVED 170MM 24.05.23 R.L.
PROPOSED SECOND FLOOR PLAN	
PROPOSED REDEVELOPMENT OF PREMISES AT 15 MARKET PLACE, BARTON-ON-HUMBER, DN18 5DA	
CLIENT:	WOGMAN
DWG NO:	PL K995/04
SCALE:	1/100 @ A3
DRAWN BY:	R.S.P.
DATE:	15/04/21
REV:	B
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A1077 (Ferryby Road) to South Ferryby

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A1077 (Barrow Road) to Barrow Upon Haven

**North
Lincolnshire
Council**

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APPLICATION NO	PA/2022/908
APPLICANT	Mr Paul Mendelson
DEVELOPMENT	Listed building consent to demolish existing buildings to rear and construct a two-storey/two-and-a-half-storey rear extension with associated internal and external alterations to create 9 apartments
LOCATION	15 Market Place, Barton upon Humber, DN18 5DA
PARISH	BARTON UPON HUMBER
WARD	Barton
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Subject to the Secretary of State not wishing to call in the application, approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Paul Vickers – significant public interest) Objection by Barton upon Humber Town Council Objection by National Amenity Societies – The Georgian Group and Council for British Archaeology

POLICIES

National Planning Policy Framework:

16 Conserving and enhancing the historic environment framework

North Lincolnshire Local Plan:

HE2 Development in conservation areas

HE3 Demolition in conservation areas

HE5 Development affecting listed buildings

HE6 Demolition of listed buildings

HE9 Archaeological excavation

North Lincolnshire Core Strategy:

CS5 Design

CS6 Historic environment

Housing and Employment Land Allocations DPD (2016):

The site is within the development limit of Barton upon Humber

PS1 Presumption in favour of sustainable development

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early in 2024.

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

HE1 Conserving and enhancing the historic environment

DM1 General requirements

Other relevant guidance:

Planning (Listed Buildings and Conservation Areas) Act 1990

Barton Conservation Area Appraisal

Barton Supplementary Planning Guidance

Barton Townscape Analysis Area

CONSULTATIONS

Highways: No objections.

Drainage (Lead Local Flood Authority): No objections.

Anglian Water: (summarised) Our records show that there are no assets owned by Anglian Water or subject to an adoption agreement within the development site boundary. The foul drainage from this development is in the catchment of Barton On Humber Water Recycling Centre that will have available capacity for these flows. Recommend conditions relating to the submission of foul water drainage works and a surface water drainage strategy.

Conservation: Object (summarised). The proposal, in its current form, is highly inappropriate for a late Georgian listed building and massively overbearing on both the host building and the townscape, causing a high level of harm to the listed building, which will not preserve the listed building or how it is appreciated in its setting, and it certainly does not preserve the conservation area. There is no evidence to show why the rear range of the listed building cannot be retained and converted (for example, a structural report from a conservation accredited structural engineer). The proposed development is massive over-development and not at all acceptable. The archaeological heritage statement fails to consider the townscape, views and settings properly and also fails to address the full impact upon significance. Public benefits may accrue from the provision of new housing, but the high cost to statutorily protected buildings and areas is too high a price for ill-conceived development. It is entirely possible that a scheme of high design quality, that both preserves and enhances this listed building, could meet with approval, but this has not been properly investigated. As such, the NPPF requires that all harm should be mitigated and this has not occurred. The NPPF advises too that 'great weight' should be given to the preservation of heritage assets.

Historic England: Do not wish to offer advice.

National Amenity Societies:

Council for British Archaeology (CBA): [Summarised] The national importance of 15 Market Place is established by its designation as a grade II listed building (NHLE No. 1083068). It dates from the early 19th century with later 19th century extensions and 20th century alterations. The shape and central location of the plot suggest it has earlier origins. There appears a high likelihood that this is a medieval burgrave plot. Any ground works at this site have the potential to uncover medieval and earlier archaeology. The site is prominent within the Barton upon Humber conservation area and holds group value with the neighbouring listed buildings at 16–19 Market Place. The site contributes to the Georgian character of the conservation area, although, due to its dilapidated condition, the building has potential for this contribution to be better revealed through a sympathetic scheme of works.

The CBA are supportive towards the principle of reusing 15 Market Place for a residential use. However, we object to the current proposals, which would cause an unjustifiable level of harm to the significance of the listed building and character of the conservation area. The level of harm could be dramatically reduced through an alternative approach to the site that adapts and reuses the existing structures to the rear of the site. This application proposes to demolish approximately 50% of the listed building – the entirety of the rear range. There is no justification for this in terms of structural issues with the building. The harm that would be caused by the extent of demolition should be viewed as at the upper end of ‘less than substantial’ in NPPF terminology and would result in an inability to understand the historical development of the site during the 19th century. The CBA advise that this is contrary to the requirements of paragraphs 199 and 200 of the NPPF. Since no evidence is provided to the contrary, the CBA do not believe this level of harm is necessary to secure a future residential use for the site, causing a failure to meet the requirements of paragraph 202 as well.

The CBA further advise that the design of the proposed new build element would fail to meet the requirements of section 72 of the 1990 Act to ‘enhance and better reveal the character of the conservation area’. The loss of local brick buildings would be harmful, whilst the introduction of details like Juliet balconies would be alien to the historic character.

The requirements of the Planning (Listed Buildings and Conservation areas) Act 1990 and paragraph 206 of the NPPF would be best met by adapting the existing buildings on site into new apartments. As well as the heritage benefits associated with retaining these structures, extending the life of buildings should be viewed as an important and necessary means of meeting net zero carbon targets. The CBA also advise that the time depth of the application site means there is a high likelihood of significant buried archaeological remains, that could be uncovered during any ground works. As a result, archaeological conditions will be necessary to accompany any permissions at this site. Full archaeological evaluation may be proportionate mitigation. The CBA defer to the expertise and local knowledge of the local planning authority’s archaeological advisors in this respect.

Georgian Group(summarised): Objection. The applicant proposes to demolish the substantial mid-nineteenth century rear of the listed building and replace it with a lacklustre new structure, which shows little sympathy in its design to the character of the surrounding conservation area. The applicant has failed to provide a structural survey by a conservation accredited structural engineer which would justify the scale of demolition proposed on structural grounds or conclusively prove that is incapable of conversion to the proposed use. The harm that would be caused to the listed building’s significance by the extent of the demolition works

proposed is considerable. The proposals would be regarded as being at the upper end of 'less than substantial' in NPPF terms. There is no objection to the removal of the 20th century addition. The design of the proposed replacement building will neither preserve nor enhance the character of the conservation area. NPPF paragraph 197 directs local planning authorities that when considering the merits of proposals they should take into account 'the desirability of new development making a positive contribution to local character and distinctiveness'. NPPF paragraph 206 directs local planning authorities to look for opportunities for new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance.

When making a decision on listed building consent applications, or any decision on a planning application for development that affects a listed building, a local planning authority must have special regard to the desirability of preserving the heritage asset or its setting, or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the special interest of the building as opposed to keeping it utterly unchanged. This obligation in sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 applies to all decisions concerning listed buildings. Under Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 they also have a duty to pay special attention to the desirability of preserving and enhancing the character and appearance of conservation areas. The proposal will cause significant harm to both the listed building and the conservation area in which it stands. The Group urges the applicant to withdraw the scheme until they can formulate proposals for the retention and sympathetic conversion of both of the listed building's 19th century ranges.

Historic Environment Record: The application site affects a grade II listed building within the conservation area and the Conservation Officer will provide further detailed advice regarding these proposals and the built heritage assets. The application site lies in close proximity to the Castledyke Anglo-Saxon cemetery and further burials of this date may be anticipated. The planning application should include measures to ensure that any archaeological evidence impacted by the proposed development is identified and recorded in advance of and during construction, in relation to the historic standing structure and below-ground remains. A written scheme of investigation (WSI) for historic standing building recording and a programme of archaeological monitoring and recording during all groundworks should be submitted prior to determination of the planning application. Should the planning authority ultimately be minded to grant consent, any permission should be subject to conditions securing the implementation of an agreed WSI; pre-commencement conditions would only be necessary where an agreed WSI is not in place.

Barton Civic Society: The sheer size and scale of the proposed development to the rear of a grade II listed building is totally inappropriate and will dominate and overshadow other buildings in the area and not respect and enhance the status of the listed building. The four-storey side and rear elevation is over-development of such a small site. The whole site, including rear extensions and boundary wall, is grade II listed and efforts should be made to retain these buildings within the development. The inappropriate glazed balconies with decking as flooring would be seen from Market Place and Castledyke South and are not in keeping with any building in this historic conservation area. The design of the tile-hung dormer and the tile-hung south-facing gable are not compatible with this location. The multiple shared access to the building could leave the shared areas without anyone responsible for them. The allocation of bins and plastic boxes to 11 flats cannot be contained within the proposed inadequate refuse store. The multiple car parking of 11 properties with only proposed parking for two suggests that the public car park adjacent to the proposed development would become 'private' parking for the property, reducing the already stretched provisions for the

rest of the town's residents and visitors. This area already has car parking issues which would be further exacerbated. The over-intensification and inappropriate development of the small site in an area of steady improvement is detrimental to this historic conservation area.

TOWN COUNCIL

(Original application) Committee do welcome development of the area, however Committee object due to the lack of car parking spaces for 11 apartments. They also object to the proposed height of the application as this will have an adverse effect on the area and the surrounding listed buildings. They feel that the loss of the top floor would reduce the height and have less impact on the listed buildings in the surrounding area.

(Amended plans) Committee note that the height has been reduced and the number of apartments, however object to the application due to the lack of car parking spaces which give serious concern for increased parking in the nearby area and the appearance of the proposed application is detrimental to the street scene which is in the conservation area.

PUBLICITY

Advertised in the local newspaper and by site notices. Four letters of objection have been received raising the following matters:

- lack of car parking on site
- increase parking in Barton
- the number of flats needs to be reduced
- loss of tree
- building should be retained
- no footpath on Castledyke South.

ASSESSMENT

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

Proposal

The proposal is for the demolition of the existing buildings to the rear (rear range) and the erection of a two- and a two-and-a-half-storey rear extension to form 9 apartments and associated internal alterations. The proposal has been amended during the course of the application as the original submission comprised a three-storey extension comprising 11 apartments.

The main listed building fronting Market Place is a three-storey building and will be retained, the ground floor remaining in retail use with the upper floors used for apartments. The proposed ground floor will comprise two apartments, the first floor four apartments and the second floor/roof space three apartments. Each apartment will be one-bedroom, with a kitchen/living area and a bathroom/shower. Access to the apartments is from Castledyke South.

The main access to the retail unit will be from Market Place with another access to the rear. At the rear of the site, adjacent to Castledyke South, it is proposed to install two car parking spaces, a bike store and a refuse store. There are proposed to be small green amenity spaces adjacent to the apartments and bike store.

The site is not all on one level and steps up from Market Place towards Castledyke South. The main boundary wall with the public car park is to be retained which screens the proposed ground floor apartments. The rear extension comprises a two- and a two-and-a-half-storey rear extension with part of the roof space used for apartments, creating dormers, gable ends and a hipped roof. The extension will be constructed from facing brickwork, with hardwood doors, stone window cills, clay roof tiles, glazed balustrading and timber decking to balconies. The refuse and cycle store will be constructed from timber with a flat roof. All the proposed apartments in the rear extension will face onto the public car park (east).

Site and planning history

The site is currently vacant and comprises a retail unit on the ground floor with residential accommodation above. The building is a grade II listed building of early to mid 19th century with a large, two-storey, flat-roofed rear extension; attached to this is a 19th century outbuilding to the southern side of the site. The building is red brick, with clay pantile roof, stone-coped gable ends and brick kneelers. The front of the listed building comprises a traditional shop front with a recessed entrance and separate entrance door, with rounded headed passage entry and rusticated stucco head. The main windows on the front of the building are timber sliding sashes (four panes), with two windows blocked out.

The site is in the town centre of Barton upon Humber and within the conservation area which is also covered by an Article 4 Direction. The site is surrounded by various listed buildings within the Market Place. The site forms a group with the other terraced listed buildings to the west. To the east of the site is a public car park and modern toilet block, to the north is the Market Place with a mix of commercial properties with flats above, to the west is commercial and residential development, and to the south are residential properties along Castledyke South. The site is within walking and cycling distances of the full range of services and facilities within Barton upon Humber. The site is also within flood zone 1 in the council's SFRA and is therefore at low risk of flooding.

The planning history for the site essentially relates to the main listed building on the site frontage and includes planning permission and listed building consent for a new shop front, CCTV and satellite dish, and advertisement and listed building consent for advertisements.

The pending full planning application PA/2022/850 is linked to this application and is for the proposed two-/two-and-a-half-storey rear extension.

The main issue for consideration falls on whether the proposed works preserve or enhance the listed building and its setting, having regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (PLBCAA).

Impacts on listed building(s)

Paragraphs 200 and 201 of the NPPF impose a requirement on applicants and local planning authorities to describe, identify and assess the significance of any heritage asset affected by a proposal.

Paragraph 203 states that in determining applications, local planning authorities should take account of:

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

Paragraph 199 states, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

The NPPF, at paragraph 206, states that 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. Substantial harm to or loss of grade II listed buildings, or grade II registered parks or gardens, should be exceptional and at paragraph 207 it states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- (a) the nature of the heritage asset prevents all reasonable uses of the site; and
- (b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- (c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- (d) the harm or loss is outweighed by the benefit of bringing the site back into use (and the more important the asset, the greater the weight should be).

Section 16(2) of the PLBCAA imposes a statutory requirement on local planning authorities to have special regard to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses.

Through policies DS1 and HE5 of the North Lincolnshire Local Plan, the council seeks to ensure good design and the preservation, restoration and continued use of buildings of special architectural and historic interest. Policy CS6 of the Core Strategy promotes the effective management of North Lincolnshire's historic assets, and seeks to protect the character and setting of historic buildings. All policies seek to ensure that the character and distinctiveness of an area is preserved.

The main listed building with its façade facing Market Place will be retained in situ. Internal alterations are proposed to facilitate the new internal layout for the two existing apartments on the first and second floors of the main building. There have been no objections to the alterations proposed to the main listed building. A full schedule of all the internal works proposed can be dealt with through planning conditions to ensure the character of the building

internally is preserved and enhanced. This part of the proposal aligns with the NPPF, and policies HE5 of the North Lincolnshire Local Plan and CS6 of the Core Strategy which seek to preserve and enhance the character and appearance of listed buildings, as well as policies H5 and DS1 of the local plan and CS5 of the Core Strategy.

In terms of the proposed rear extension, this part of the proposal involves the demolition of the whole of the rear range of the listed building and the erection of a new two-/two-and-a-half-storey rear extension to accommodate 7 apartments.

Turning first to the demolition of the whole of the rear range of the building, this comprises 1960's and 1970's additions with flat roofs. These additions have little architectural or historic value but tell the story of the development of the building through time. There is no objection in principle to the removal of these post-1947 extensions and this is confirmed by the conservation officer who has stated that any replacement extension must be of a suitable size, scale, siting, height and design. The main concern with the demolition aspect of the proposal lies with the proposed demolition of the mid-19th century building that forms part of the rear range. This will result in substantial harm to the listed building. This has been confirmed by the conservation officer who objects to the proposal. It should also be noted that Historic England do not wish to comment on the application, but The Georgian Group (GG) and the Council for British Archaeology (CBA) (National Amenity Societies) have commented and are objecting to the proposals. It should be noted that both the GG and CBA consider the harm caused to the listed building's significance by the extent of the demolition works as being less than substantial. Following the concern about the demolition of this building, the applicant has been requested to justify/substantiate the loss of this important mid-19th century building within the rear range.

The applicant has submitted a structural survey report on the building – this includes the main listed building and the rear range. This structural survey report has recommended that 'original existing front elements of the property can be refurbished and renovated for the proposed use, without the need for the structural elements to be demolished, rebuilt, or without the need for underpinning. However, the later 1960's and 1970's rear additions are very poor and have suffered extensive long-term damage from the lack of maintenance, with some areas which are thought may be becoming unstable.' A further email from the structural surveyor regarding the 19th century part of the rear range has confirmed that this 'section of the structure has suffered some significant distortion to the rear wall and has been subject to long-term ongoing damage. For these reasons, it is our recommendation that the mid-19th century building has issues of stability and is not viable to be retained and as such should be demolished. Therefore, in light of the proposal, it is thought to be prudent to carefully dismantle and remove the highlighted sections of the building as per the plan layouts, so as to ensure the ongoing stability of the proposed new structure.' The submitted HIA also states that the '19th century outbuilding has already been subject to extensive late 20th century refurbishment and contains no architectural features or fixtures of interest. In light of this report and the fact that a vacant listed building will be brought back into use, it is considered that the loss of the rear range has been substantiated and there is sufficient justification for the demolition of the whole of the rear range of this listed building. Comments from the CBA that the structural engineer who carried out this survey was not a conservation accredited structural engineer are noted. However, a 'qualified engineer' carried out the structural survey. Planning conditions will be used to ensure a programme of recording of the building before demolition takes place on site and to ensure an agreed contract is in place for the development to ensure the redevelopment scheme is delivered following demolition.

Turning to the proposed rear extension, the conservation officer, Barton Town Council and Barton Civic Society all object to the proposal. Historic England have not commented on the proposals but the GG and CBA are objecting to them. It should also be noted that the applicant has submitted amended plans reducing the overall bulk of the extension by removing the original three-storey extension; this has reduced the number of units overall from 11 to 9. The two-/two-and-a-half–storey extension has also been amended in design to be more in character with the existing building and surrounding buildings, with the overall height of the extension being reduced and stepped down to the southern end of the site.

The applicant has submitted an amended heritage impact assessment has assessed the heritage impacts of the proposed development. The assessment states that the overall impact of the proposed development, in heritage terms, can be assessed as slight to moderate. It is considered that the proposed works will clearly result in a noticeable change to the grade II listed building at 15 Market Place, both in terms of setting and internal fabric; however, it may be argued that these alterations will be localised in scope and primarily restricted to the rear of the building. The main frontage of number 15, fronting onto Market Place, will remain unchanged. Moreover, it is considered that there will be a slight to slight/moderate impact on the setting of neighbouring heritage assets and the wider Barton upon Humber conservation area, reflecting a localised change to rear views along Castledyke South. It is suggested that the partial loss of historic fabric can be mitigated by undertaking an appropriately detailed record (to Level 3) of the interior of the main building and the mid-late 19th century outbuilding prior to works commencing.'

According to the Conservation Officer, the proposal will cause substantial harm to the listed building and its setting by virtue of the demolition of the rear range and by the proposed rear extension. The GG and CBA consider the harm to be 'less than substantial'. However, the proposed rear extension will unify the rear of the building and provide a cohesive development across the rear of the building. The main listed building will remain in situ with the proposed extension attached to the listed building. This will provide a modern, contemporary addition to the listed building that will be a visual improvement on the existing 1960's and 1970's rear range aspect. The rear extension is lower in height than the main listed building and whilst it is larger than the main listed building, the existing rear range is also significantly larger than the main listed building. The rear extension incorporates some of the architectural features of the main building, including gable end and sash windows, and materials can be conditioned to ensure they match the main listed building. A hipped roof over the most rear section of the extension also reduces the overall bulk of the building. The view of the adjacent attached listed building on the Market Place next door (White Lion Yard) will be maintained. The main view of the development will be from within the public car park where there is the more modern two-storey commercial building to the rear of 9 Market Place, the toilet block and the modern bungalows on Castledyke South. The extension will be visible from Market Place due to the 'gap' of the public car park but there is some screening of the building by the toilet block and the retention of the boundary wall which screens much of the ground floor of the extension from view. There will be a change to the setting of the listed building to the rear from Castledyke South as the new rear extension will be larger than the existing rear range. However, the height of the proposed extension is stepped, the refuse and cycle store being a single-storey building, then the proposed two-storey extension with a hipped roof, and then the two-and-a-half–storey extension. The roof of the main listed building will still be visible from Castledyke South.

In this case, the scheme will result in significant and substantial public benefits. The building is currently vacant and has been for a number of years. The rear range windows are boarded with steel. The site has been secured externally to prevent intrusion and potential vandalism

to the building. There is no doubt from the structural report that the building is falling into disrepair and there are stability issues associated with the building. The NPPF is quite clear in paragraph 196 that if there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision. However, the council has no evidence to suggest that there has been deliberate neglect of the building. The building has been vacant for almost six years and has been made secure to prevent entry and attempted vandalism. The boarding of windows offers some degree of protection to the windows and prevents entry into the building.

The main listed building will be retained in situ within the Market Place, with only internal changes proposed within the main listed building to provide a more functional layout of the two apartments. The main listed building is also falling into disrepair with significant damage and repairs required internally. No objections have been received in relation to the alterations to the main listed building. The building will be brought back into use, with commercial use of the ground floor, and residential use on the upper floors of the main listed building and within the proposed rear extension. This will bring additional footfall into the town centre of Barton, adding to the vitality and vibrancy of the area and the conservation area. The proposed apartments will increase the council's housing land supply and provide homes for our residents in a highly sustainable location, with access to a full range of services and facilities within walking distance. The rear extension will overlook the public car park providing some degree of natural surveillance over the car park to deter potential criminal activities. The 1960's and 1970's rear range aspect of the building will be removed. These 1960's and 1970's extensions have no architectural or historic merit, but tell the story of how the building has evolved. There are no objections to the removal of these extensions. The 19th century part of the rear range is to be demolished. The structural survey has demonstrated that this part of the rear range also needs to be removed. The rear range will be replaced with a more modern functional rear extension, adding interest and vitality to the area whilst preserving and enhancing the main listed building. The main listed building will be retained and brought back into use. These are significant public benefits which outweigh the harm of the loss of the rear range of the building. Therefore, on balance, the proposal will align with policies DS1 and HE5 of the North Lincolnshire Local Plan, policies CS5 and CS6 of the Core Strategy, and paragraphs 200, 201, 203, 205, 206, 207, 209, 210 and 211 of the NPPF.

Pre-commencement conditions

The applicant has agreed to the imposition of a pre-commencement condition. It should be noted that the applicant has agreed to a condition to provide evidence of a binding contract in place for the development before demolition takes place. This aligns with paragraph 204 of the NPPF which states, 'Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.'

Planning balance and conclusion

Having regard to Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), on balance, it is considered that the proposals are acceptable and are in accordance with policies DS1, HE3, HE5 and HE6 of the North Lincolnshire Local Plan, and policies CS5 and CS6 of the Core Strategy, and, subject to conditions, would preserve and enhance the significance and appearance of the listed building and bring a long-term vacant building back into use. Additional public benefits also include the provision of housing (apartments) for residents of North Lincolnshire in a highly sustainable location and increased footfall in the town centre of Barton. In this case, the significant public benefits

of the scheme outlined above do outweigh the substantial harm and loss of the early 19th century part of the rear range. It is therefore recommended that listed building consent be granted subject to conditions.

RECOMMENDATION The committee resolves:

- (i) it is mindful to grant consent for the development;**
- (ii) the application be referred to the Secretary of State in accordance with statutory procedures to enable them to consider whether or not they wish to intervene;**
- (iii) in the event of the Secretary of State deciding not to intervene, the decision be delegated to the Development Management Lead; and**
- (iv) the listed building consent so granted be subject to the following conditions:**

1.

The works must be begun before the expiration of three years from the date of this consent.

Reason

To comply with Section 18(1)(a) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2.

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

- Demolition plan - existing elevations
- Demolition plan - existing floor plans
- PL K995/02 Rev C Proposed ground floor plan
- PL K995/09 Rev B Proposed front and side elevations
- PL K995-03 Rev B Proposed First Floor Plan
- PL K995-03 Rev B Proposed Second Floor Plan
- PL K995-06 Rev E Proposed Side and Rear Elevations
- EX K995/Location and Block Plan.

Reason

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

3.

No works of demolition shall begin before evidence has been submitted to and approved in writing by the local planning authority of a binding contract for the full implementation of the comprehensive scheme of development and associated planning permission (PA/2022/850) for which the contract provides.

Reason

To ensure the approved development will proceed after demolition takes place in accordance with paragraph 210 of the National Planning Policy Framework, and to preserve and enhance the listed building in accordance with policies HE5 and HE6 of the North Lincolnshire Local Plan and CS6 of the Core Strategy.

4.

No development shall take place until a schedule of all external materials to be used on the approved extension have been submitted to and approved in writing by the local planning authority. Samples of the facing brick and roof tiles which will be used on the main listed building, approved extension, and refuse and cycle store, will need to be viewed on site and agreed in writing by the local planning authority before any works commence.

Reason

To define the terms of the permission, to preserve the setting, character and appearance of the listed building in accordance with policies HE5 and DS1 of the North Lincolnshire Local Plan and CS6 of the Core Strategy.

5.

No development shall take place until a full schedule of all internal works proposed to the main listed building and the approved extension, which shall include joinery details of the proposed staircases, has been submitted to and approved in writing by the local planning authority. Thereafter only the approved scheme shall be implemented on the site and retained.

Reason

To define the terms of the permission, to preserve the setting, character and appearance of the listed building in accordance with policies HE5 and DS1 of the North Lincolnshire Local Plan and CS6 of the Core Strategy.

6.

All the approved external windows, roof windows and external doors shall be constructed from timber at all times. Before any external window, roof window or external door is installed in the approved extension, joinery details (including cross-sections) to a scale of 1:10 or 1:20 of all the external windows and doors, together with the external finish/stain/colour of the approved windows and doors, shall be submitted to and approved in writing by the local planning authority. Thereafter, only the approved scheme shall be installed on the site.

Reason

To define the terms of the permission, to preserve the setting, character and appearance of the listed building in accordance with policies HE5 and DS1 of the North Lincolnshire Local Plan and CS6 of the Core Strategy.

7.

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 the North Lincolnshire Historic Environment Record and shall include details of the following:

- (i) measures and methodologies to ensure the preservation by record of the historic standing structures in advance of any demolition commencing
- (ii) measures to ensure the preservation by record of archaeological features of identified importance within the footprint of the development during construction

- (iii) methodologies for the recording and recovery of archaeological remains, including artefacts, ecofacts and human remains
- (iv) post-fieldwork methodologies for assessment and analyses
- (v) report content and arrangements for dissemination, and publication proposals
- (vi) archive preparation and deposition with recognised repositories including the ADS
- (vii) 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
- (viii) 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
- (ix) 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 211 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological 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. The archaeological 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.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least 7 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 211 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological 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. The archaeological 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.

The development shall not be occupied until the site 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 211 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological 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. The archaeological 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.

10.

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 211 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological 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. The archaeological 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.

Informative

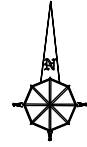
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



- Article 4 Directions
- Conservation Area
- Listed Buildings

**North
Lincolnshire
Council**

PA/2022/908



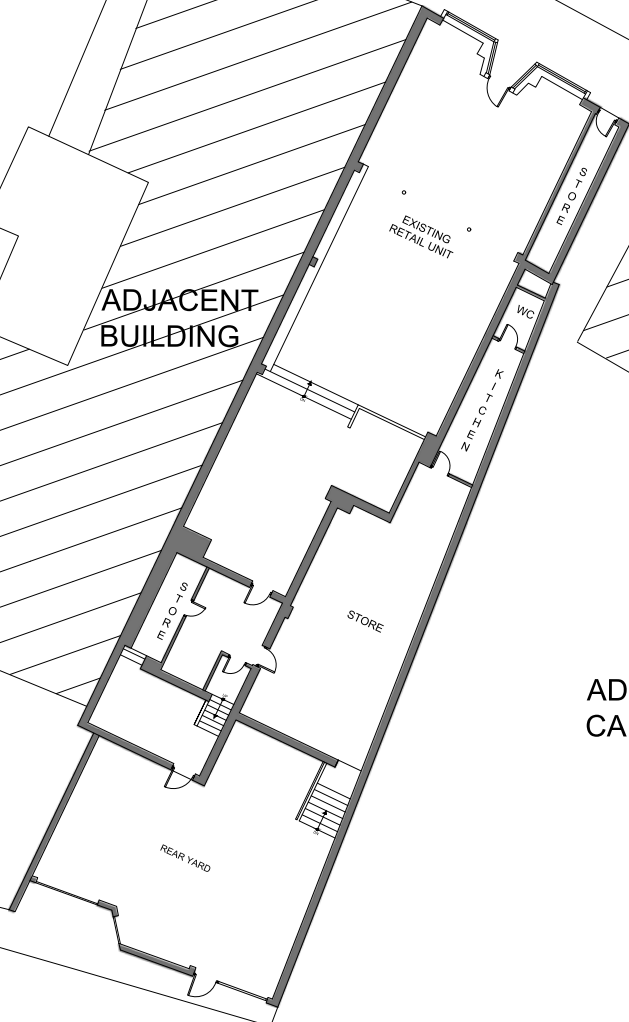
MARKET PLACE

ADJACENT BUILDING

ADJACENT TOILET BLOCK

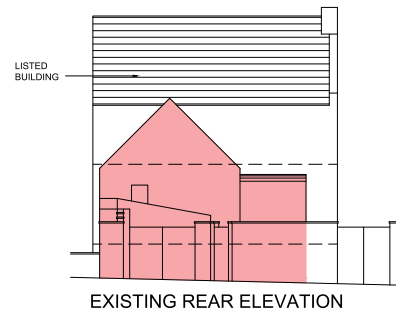
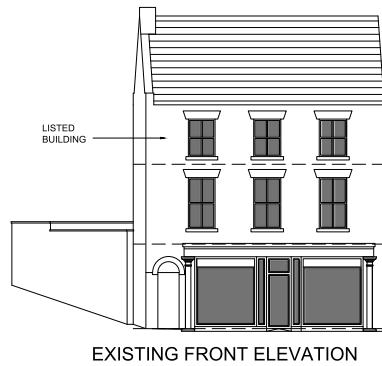
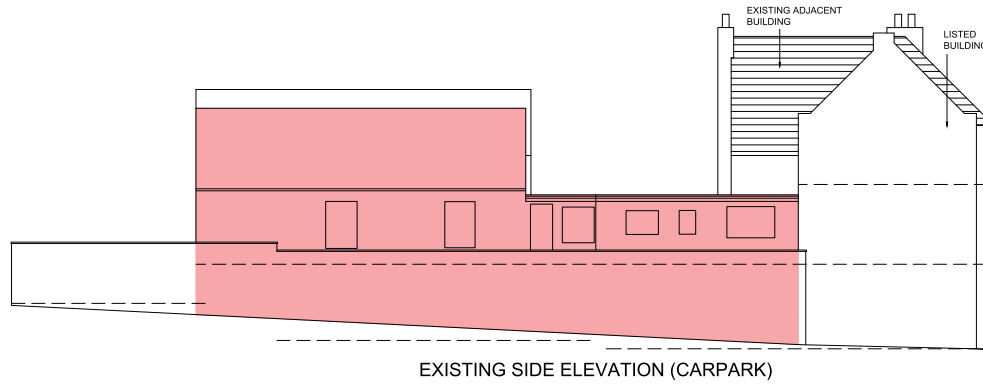
ADJACENT CAR PARK

CASTLEDYKE STREET

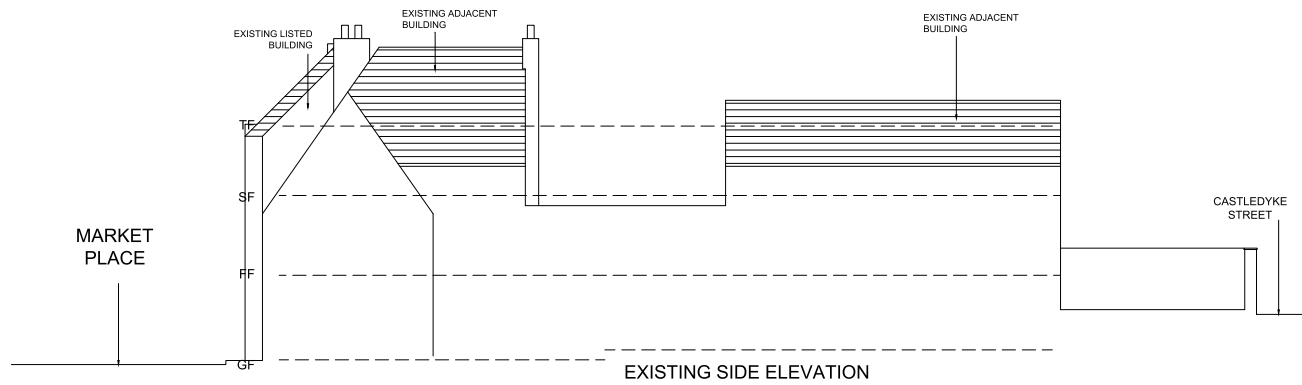


REV	DESCRIPTION
EXISTING SITE PLAN	
PROPOSED REDEVELOPMENT OF PREMISES AT 15 MARKET PLACE, BARTON-ON-HUMBER, DN18 5DA	
CLIENT:	WOGMAN
DWG NO:	EX M995/01
SCALE:	1/200 @ A3
DRAWN BY:	R.S.P.
DATE:	15/04/21
REV:	
	
<small>MICHIGAN HOUSE, 17-19 CHORLEY NEW ROAD, BOLTON, BL1 4DR TEL: 01204 392233 FAX: 01204 528505 WWW.NEILPIKEARCHITECTS.CO.UK EMAIL: INFO@NEILPIKEARCHITECTS.CO.UK COPYRIGHT OF THIS DRAWING REMAINS WITH THE ARCHITECT. DO NOT SCALE FROM THIS DRAWING. WORK TO DIMENSIONS. CHECK ALL DIMENSIONS ON SITE. IN THE EVENT OF ANY DISCREPANCY REFER QUERY TO THE ARCHITECT.</small>	


PA/2022/908 Demolition of existing buildings - elevations (not to scale)



= PROPOSED DEMOLITION

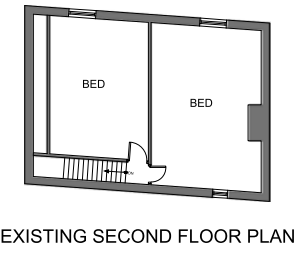
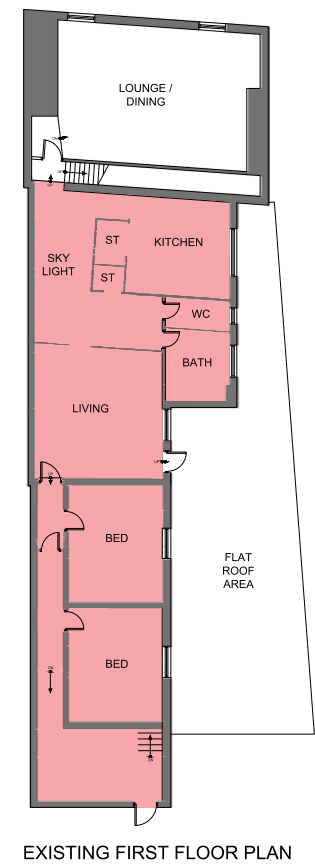
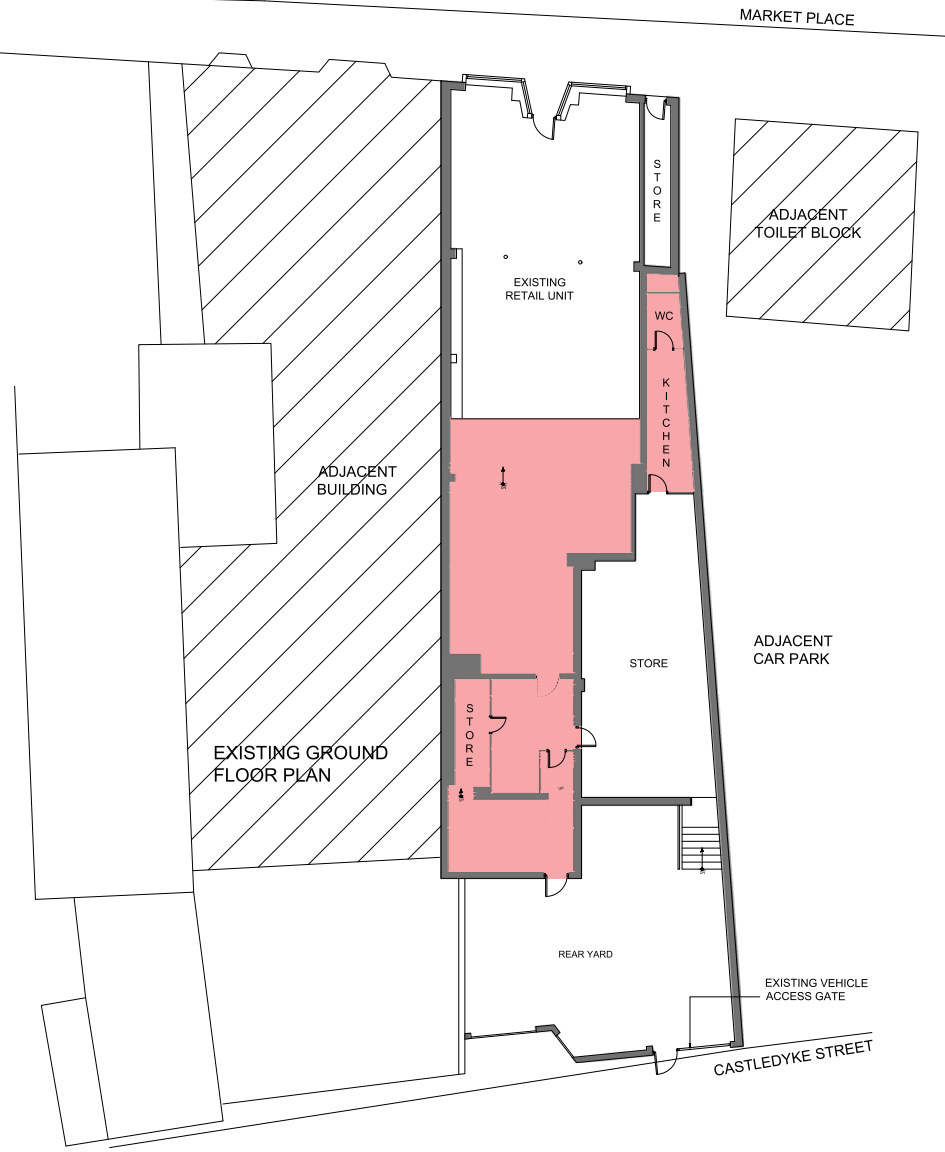


Page 97

REV	DESCRIPTION
DEMOLITION PLAN - EXISTING ELEVATIONS	
PROPOSED REDEVELOPMENT OF PREMISES AT 15 MARKET PLACE, BARTON-ON-HUMBER, DN18 5DA	
CLIENT:	WOGMAN
DWG NO:	EX K995/DEMO2
SCALE:	1/200 @ A3
DRAWN BY:	D.D.
DATE:	09.08.23
REV:	
MICHIGAN HOUSE, 17-19 CHORLEY NEW ROAD, BOLTON, BL1 4QR TEL: 01204 352233 FAX: 01204 558595 WWW.NEILPIKEARCHITECTS.CO.UK EMAIL: INFO@NEILPIKEARCHITECTS.CO.UK	
	
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PA/2022/908 Demolition of existing buildings - floor plans (not to scale)

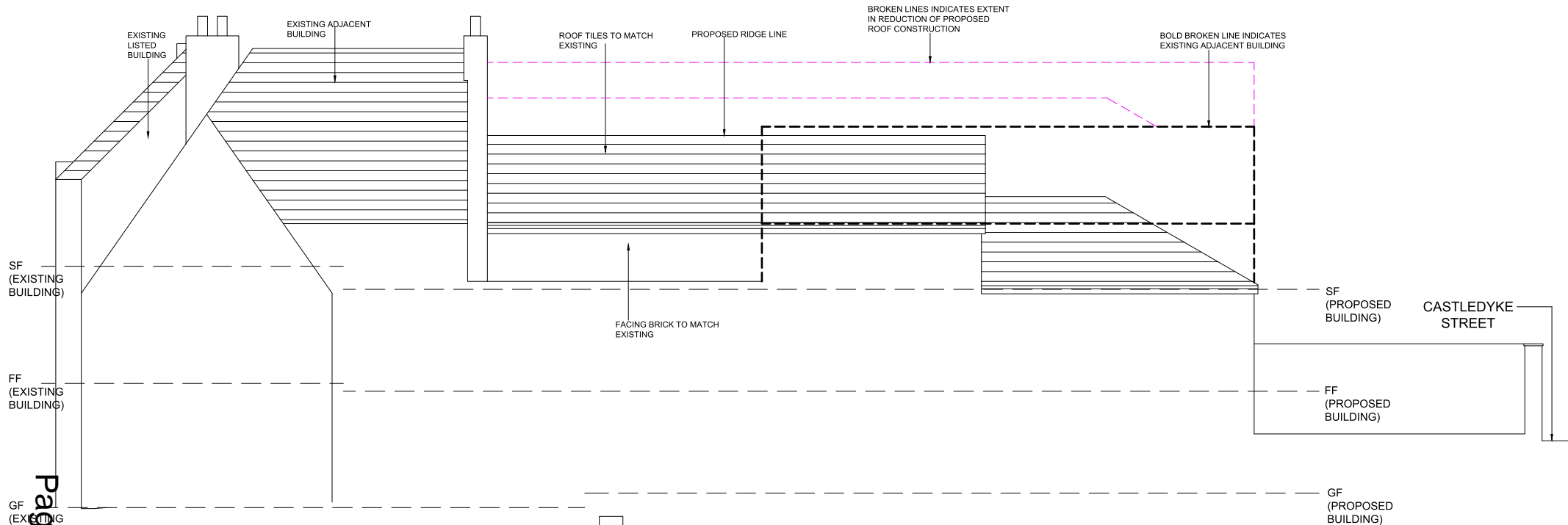
Page 98



= PROPOSED DEMOLITION

REV	DESCRIPTION
DEMOLITION - EXISTING FLOOR PLANS	
PROPOSED REDEVELOPMENT OF PREMISES AT 15 MARKET PLACE, BARTON-ON-HUMBER, DN18 5DA	
CLIENT:	WOGMAN
DWG NO:	EX K995/DEMO1
SCALE:	1/200 @ A3
DRAWN BY:	D.D.
DATE:	09.08.23
REV:	
	
<small>MICHIGAN HOUSE, 17-19 CHORLEY NEW ROAD, BOLTON, BL1 4QR TEL: 01204 352233 FAX: 01204 536595 WWW.NEILPIKEARCHITECTS.CO.UK EMAIL: INFO@NEILPIKEARCHITECTS.CO.UK</small>	
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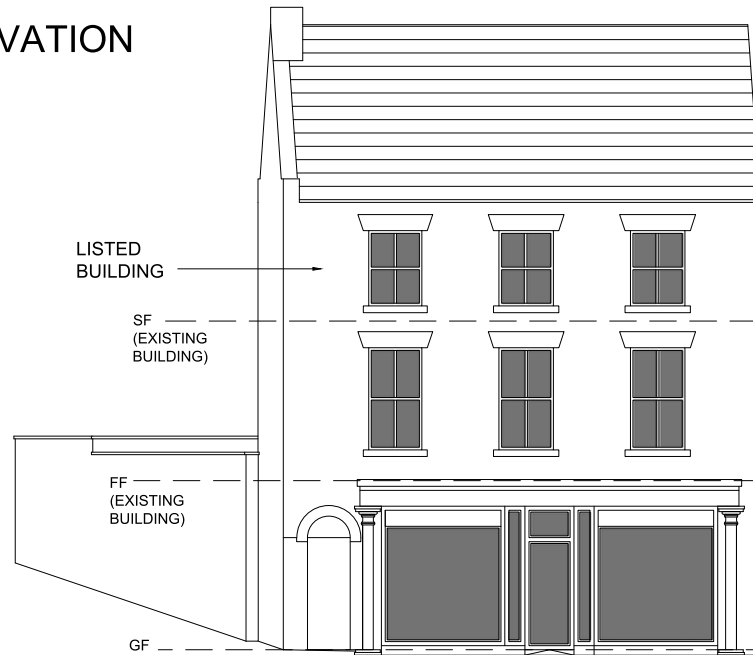
PA/2022/908 Proposed front and side elevations (not to scale)



PROPOSED SIDE ELEVATION

Page 66 of 99

AMENDED PLANS



PROPOSED FRONT ELEVATION

REV	DESCRIPTION
A	GENERAL REVISION TO MASSING 16.11.22 R.L.
B	PROPOSED BUILDING ROOF HEIGHT REDUCED 22.05.23 R.L.

PROPOSED FRONT AND SIDE ELEVATION

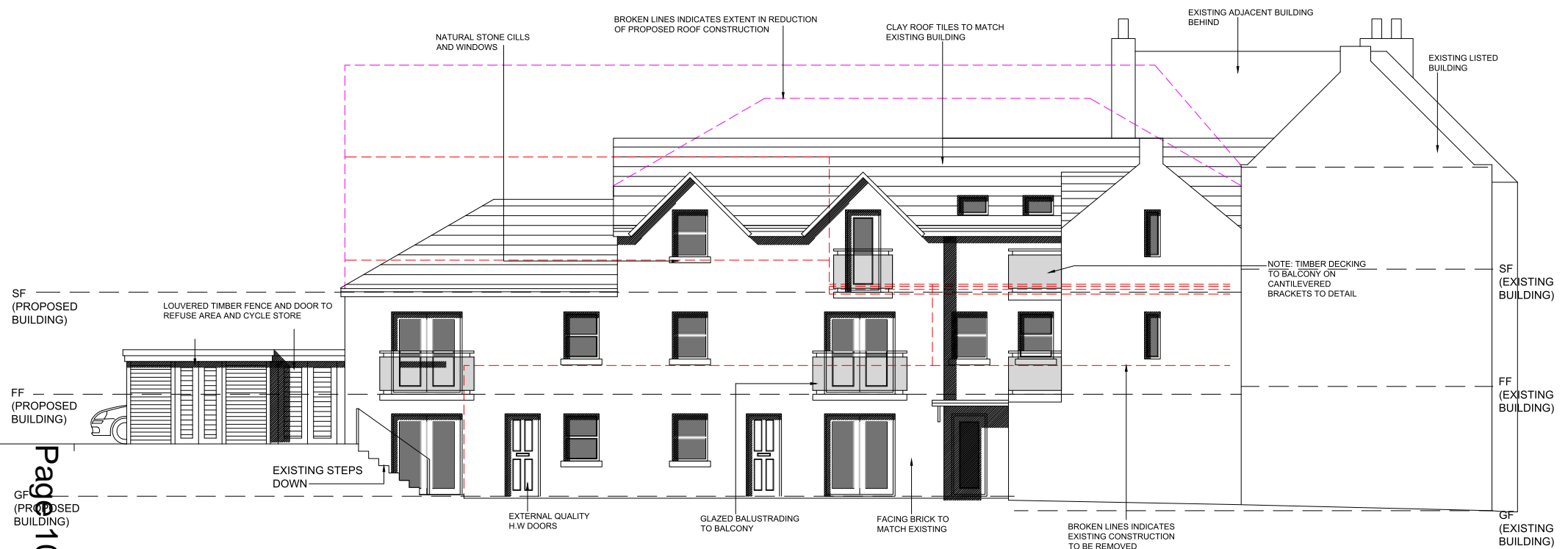
PROPOSED REDEVELOPMENT OF PREMISES AT 15 MARKET PLACE, BARTON-ON-HUMBER, DN18 5DA

CLIENT: WOGMAN
 DWG NO: PL K995/09
 SCALE: 1/100 @ A3
 DRAWN BY: R.S.P.
 DATE: 15/04/21
 REV: B



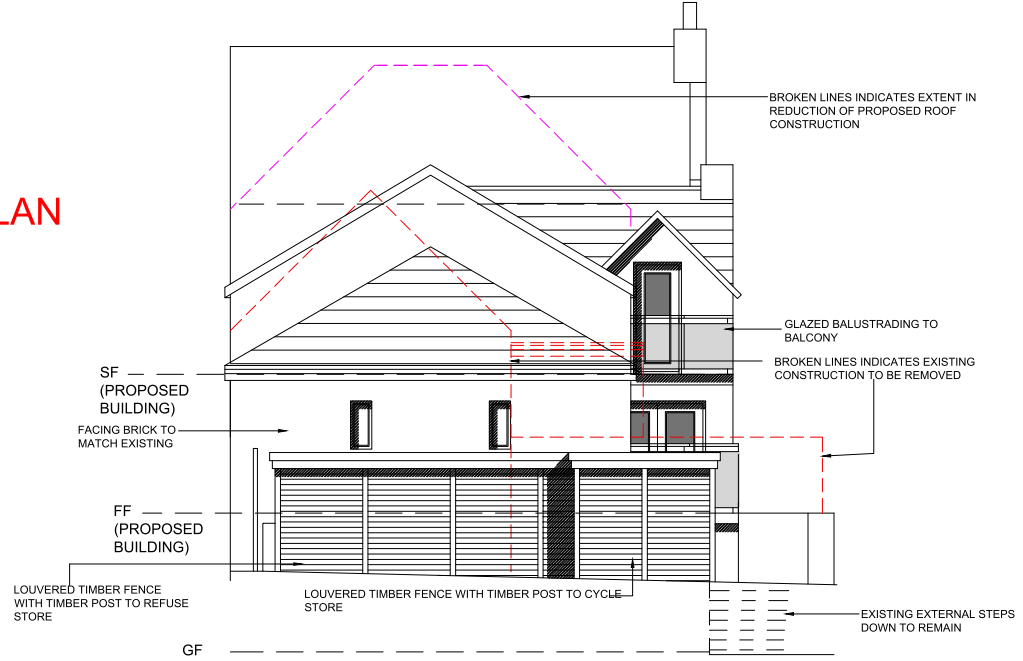
PA/2022/908 Proposed side and rear elevations (not to scale)

Page 100



PROPOSED SIDE ELEVATION (CAR PARK)

AMENDED PLAN




PROPOSED REAR ELEVATION

REV	DESCRIPTION
A	PROPOSED FLAT ROOF TO PROPOSED REAR EXTENSION 14.03.22 D.D.
B	BIKE STORE REVISED AND GRASS VERGE ADDED TO REAR 05.07.22 D.D.
C	REDUCTION IN HEIGHT OF PROPOSED EXTENSION AND REMOVAL OF ROOF SPACE APARTMENT 26.09.22 R.S.P.
D	GENERAL REVISION TO MASSING AND NOTES ADDED 16.11.22 R.L.
E	HEIGHT OF PROPOSED ROOF REDUCED, GABLE ENDS ADDED TO FACADE, WINDOWS MADE SMALLER 22.05.23 R.L.

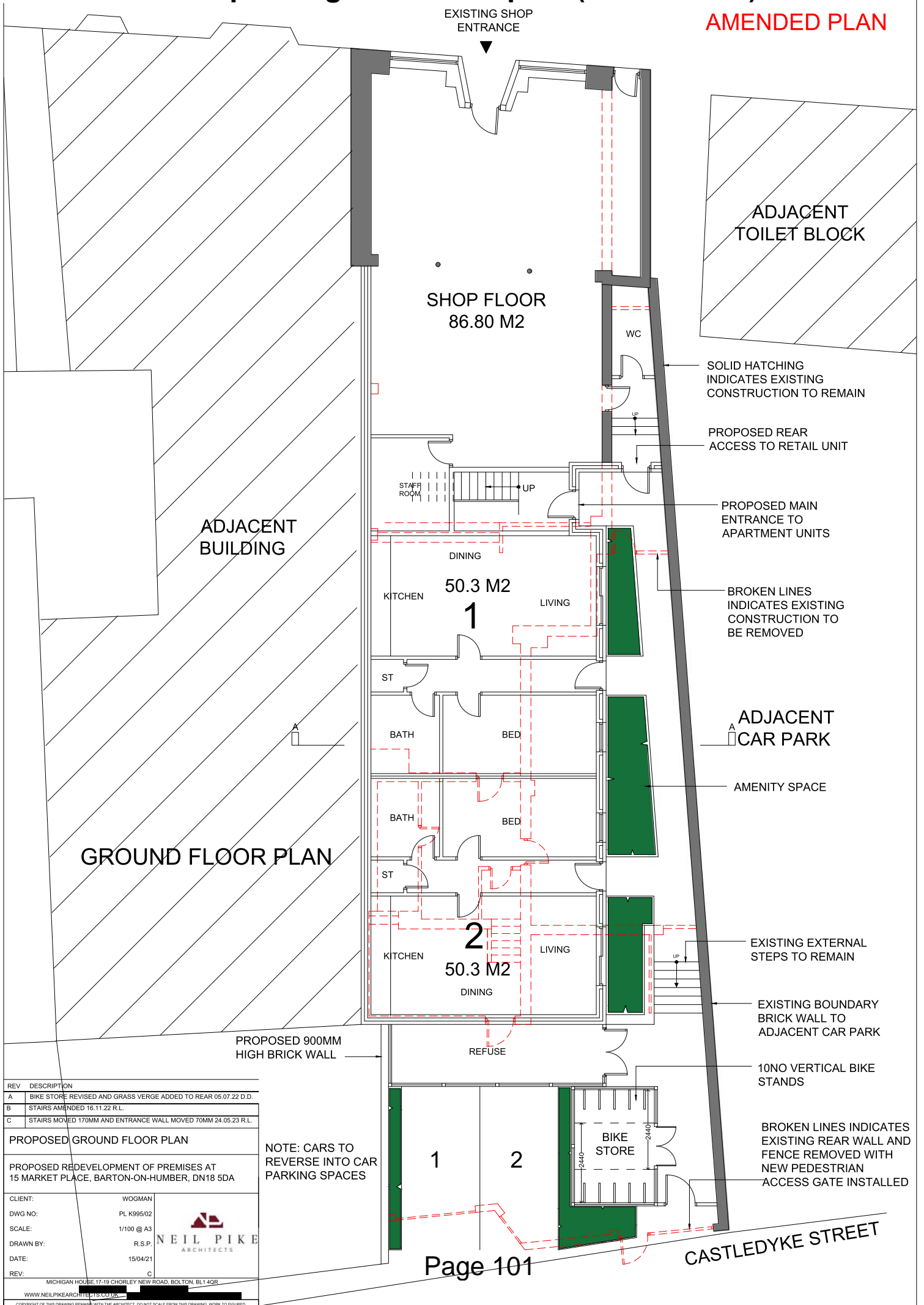
PROPOSED SIDE AND REAR ELEVATION

PROPOSED REDEVELOPMENT OF PREMISES AT 15 MARKET PLACE, BARTON-ON-HUMBER, DN18 5DA

CLIENT:	WOGMAN	
DWG NO:	PL K995/06	
SCALE:	1/100 @ A3	
DRAWN BY:	R.S.P.	
DATE:	15/04/21	
REV:	E	

PA/2022/908 Proposed ground floor plan (not to scale)

AMENDED PLAN



EXISTING SHOP ENTRANCE

ADJACENT TOILET BLOCK

SHOP FLOOR
86.80 M2

SOLID HATCHING INDICATES EXISTING CONSTRUCTION TO REMAIN

PROPOSED REAR ACCESS TO RETAIL UNIT

PROPOSED MAIN ENTRANCE TO APARTMENT UNITS

ADJACENT BUILDING

BROKEN LINES INDICATES EXISTING CONSTRUCTION TO BE REMOVED

DINING
50.3 M2

ADJACENT CAR PARK

AMENITY SPACE

GROUND FLOOR PLAN

EXISTING EXTERNAL STEPS TO REMAIN

EXISTING BOUNDARY BRICK WALL TO ADJACENT CAR PARK

10NO VERTICAL BIKE STANDS

PROPOSED 900MM HIGH BRICK WALL

BROKEN LINES INDICATES EXISTING REAR WALL AND FENCE REMOVED WITH NEW PEDESTRIAN ACCESS GATE INSTALLED

NOTE: CARS TO REVERSE INTO CAR PARKING SPACES

1 2

BIKE STORE

CASTLEDYKE STREET

REV	DESCRIPTION
A	BIKE STORE REVISED AND GRASS VERGE ADDED TO REAR 05.07.22 D.D.
B	STAIRS AMENDED 16.11.22 R.L.
C	STAIRS MOVED 170MM AND ENTRANCE WALL MOVED 70MM 24.05.23 R.L.

PROPOSED GROUND FLOOR PLAN

PROPOSED REDEVELOPMENT OF PREMISES AT 15 MARKET PLACE, BARTON-ON-HUMBER, DN18 5DA

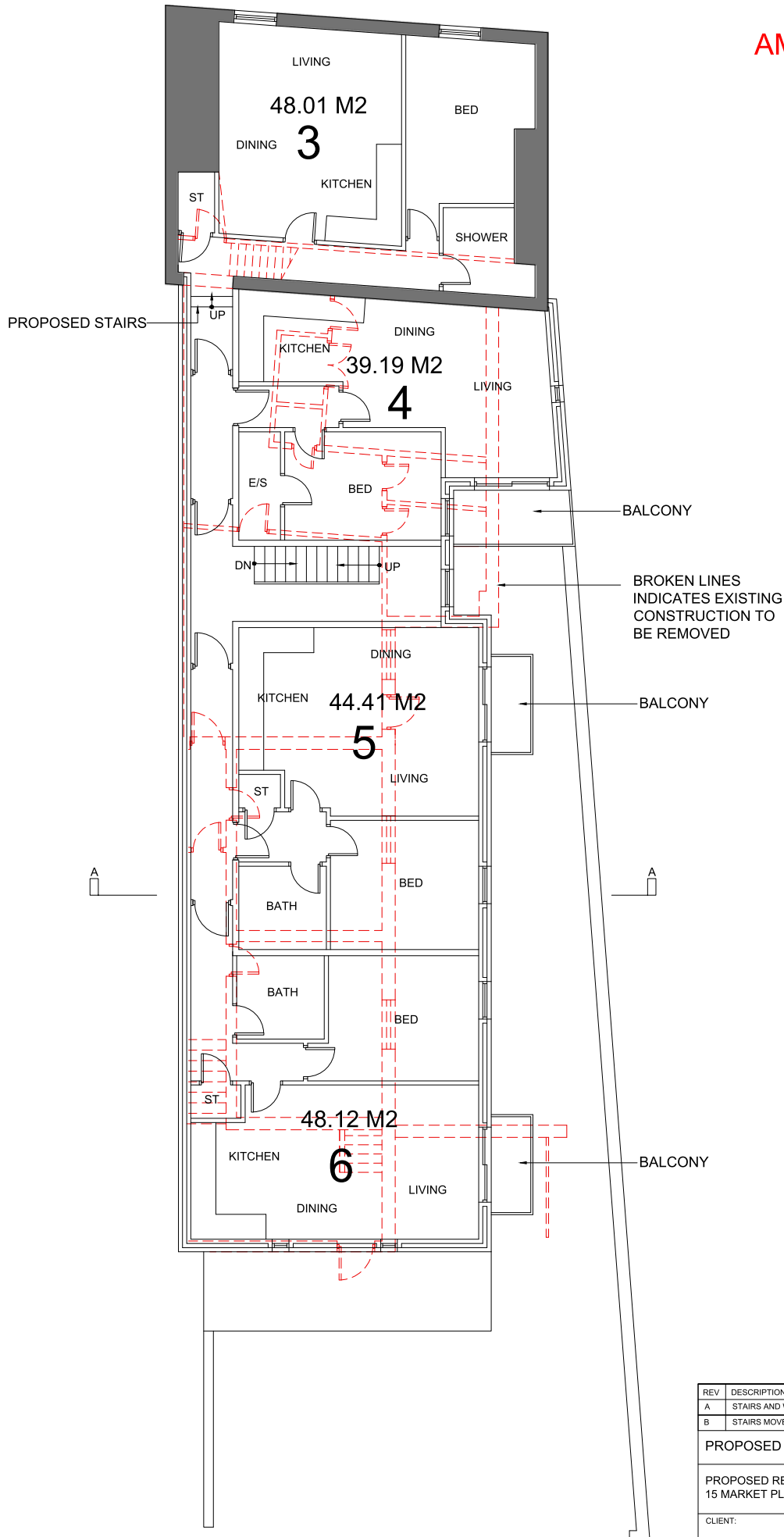
CLIENT: WOGMAN
 DWG NO: PL K995/02
 SCALE: 1/100 @ A3
 DRAWN BY: R.S.P.
 DATE: 15/04/21
 REV: C

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AMENDED PLAN

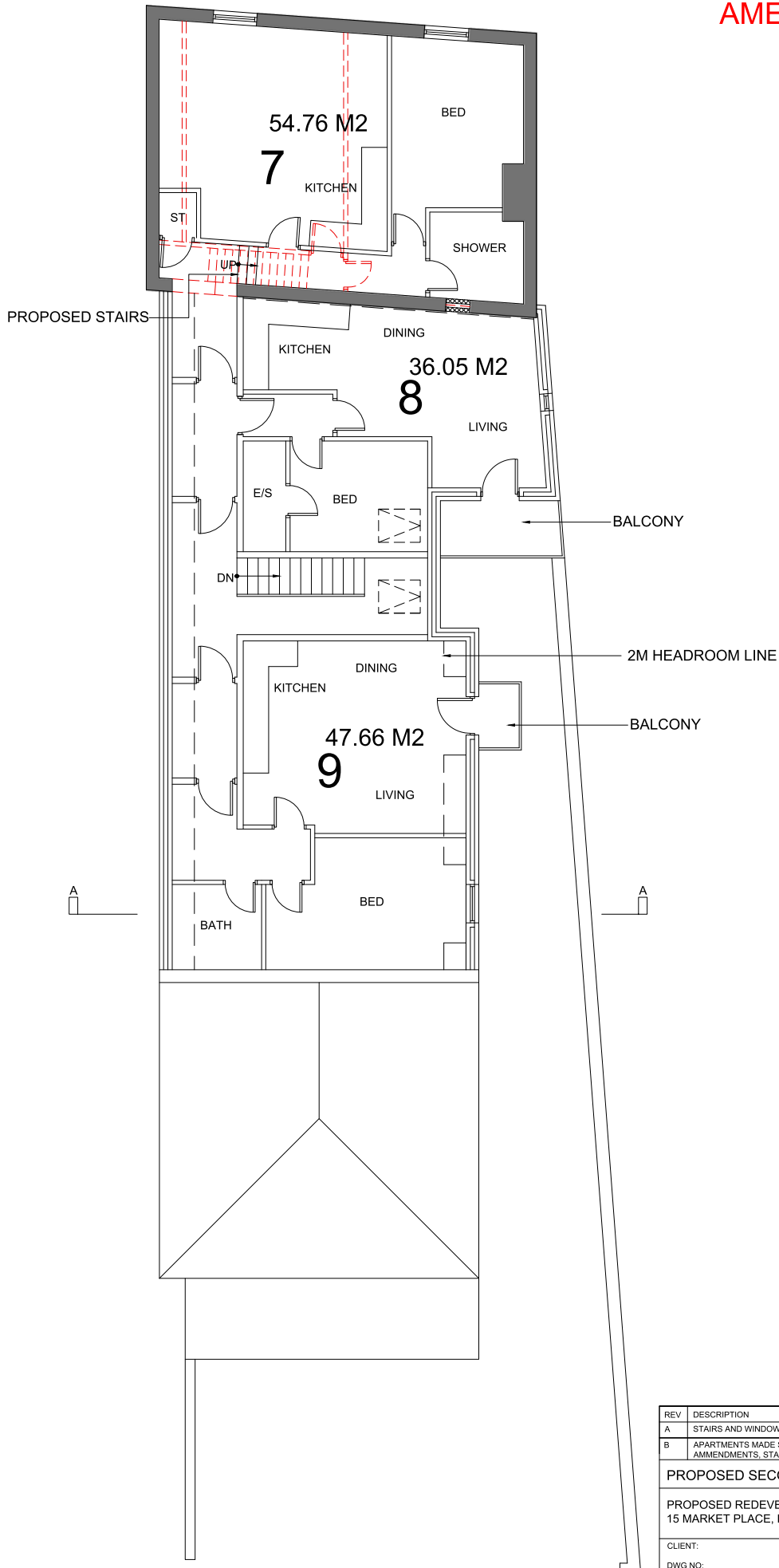


FIRST FLOOR PLAN
Page 102

REV	DESCRIPTION
A	STAIRS AND WINDOWS AMENDED, NOTES ADDED 16.11.22 R.L.
B	STAIRS MOVED 170MM 24.05.23 R.L.
PROPOSED FIRST FLOOR PLAN	
PROPOSED REDEVELOPMENT OF PREMISES AT 15 MARKET PLACE, BARTON-ON-HUMBER, DN18 5DA	
CLIENT:	WOGMAN
DWG NO:	PL K995/03
SCALE:	1/100 @ A3
DRAWN BY:	R.S.P.
DATE:	15/04/21
REV:	B
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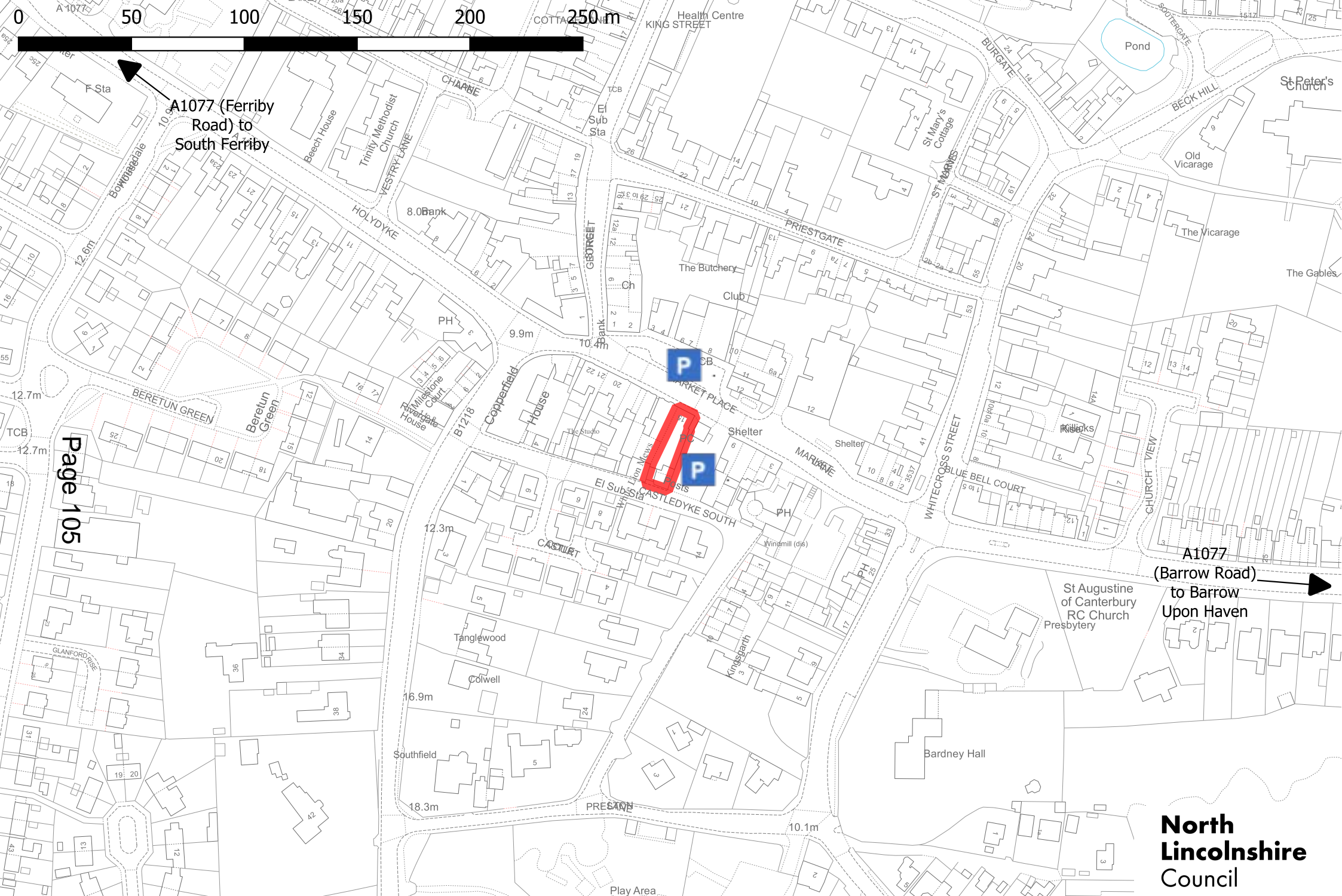
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SECOND FLOOR PLAN
Page 103

REV	DESCRIPTION
A	STAIRS AND WINDOWS AMENDED, NOTED ADDED 16.11.22 R.L.
B	APARTMENTS MADE SMALLER, INTERNAL LAYOUT MINOR AMMENDMENTS, STAIRS MOVED 170MM 24.05.23 R.L.
PROPOSED SECOND FLOOR PLAN	
PROPOSED REDEVELOPMENT OF PREMISES AT 15 MARKET PLACE, BARTON-ON-HUMBER, DN18 5DA	
CLIENT:	WOGMAN
DWG NO:	PL K995/04
SCALE:	1/100 @ A3
DRAWN BY:	R.S.P.
DATE:	15/04/21
REV:	B
MICHIGAN HOUSE 17-19 CHORLEY NEW ROAD, BOLTON, BL1 4GR	
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A1077 (Ferryby Road) to South Ferryby

A1077 (Barrow Road) to Barrow Upon Haven

Page 105

**North
Lincolnshire
Council**

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APPLICATION NO	PA/2022/1918
APPLICANT	James Pearson, Charworth Homes Ltd
DEVELOPMENT	Planning permission to erect two dwellings with associated landscaping
LOCATION	Dondoreen, Marsh Lane, Barton upon Humber, DN18 5HF
PARISH	BARTON UPON HUMBER
WARD	Barton
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Significant public interest Objection by Barton upon Humber Town Council

POLICIES

National Planning Policy Framework:

2 Achieving sustainable development

4 Decision-making

5 Delivering a sufficient supply of homes

9 Promoting sustainable transport

12 Achieving well-designed and beautiful places

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

15 Conserving and enhancing the natural environment

16 Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

H5 New housing development (part saved)

H7 Backland and tandem development

H8 Housing design and mix

HE2 Development in conservation areas

HE3 Demolition in conservation areas

HE9 Archaeological excavation

DS1 General requirements

DS3 Planning out crime

DS7 Contamination

DS14 Foul sewage and surface water drainage

DS16 Flood risk

T2 Access to development

T19 Car parking provision and standards and Appendix 2

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

CS9 Affordable housing

CS17 Biodiversity

CS18 Sustainable resource and climate change

CS19 Flood risk

CS25 Promoting sustainable transport

Housing and Employment Land Allocations DPD: The site lies within the development limits of Barton upon Humber and within the conservation area (policy HE2) as shown on Proposals Map Inset 07.

PS1 Presumption in favour of sustainable development

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early 2024.

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

H11 Backland and tandem development

DQE5 Managing flood risk

HE1 Conserving and enhancing the historic environment

CONSULTATIONS

Highways: Highways have reviewed the proposals and advise conditions be applied to any permission granted.

Environment Agency: Originally objected to the proposals; however, following receipt of the amended plans and amended flood risk assessment, have withdrawn their objection subject to the inclusion of a condition to ensure finished floor levels are set no lower than 5.60m AOD.

LLFA Drainage: Following numerous discussions with the developer, there are fundamental design, and adoption and maintenance issues, to resolve. No objection to the proposed development, subject to the imposition of conditions to address surface water drainage and the drainage scheme on the site, and an informative comment and notes for the developer.

Anglian Water: Consulted but commented that the site falls outside the remit for comments by Anglian Water.

Environmental Protection: The applicant has submitted a Phase 1 Desk Study and Phase 2 Ground Investigation Report. The team requested the submission of a remediation scheme prior to determination. This report has not been provided and so the inclusion of the full contamination condition is required. No objections subject to this condition.

Archaeology: The HER have no objection to the development on this site subject to the inclusion of planning conditions to secure the completion of the archaeological mitigation strategy in accordance with the agreed written scheme of investigation.

Tree Officer: Although within the conservation area where trees are offered protection, the arboricultural report indicates trees within and adjacent to the site are of overall poor quality and not worthy of retention. Further mitigation green infrastructure should be conditioned with good quality landscaping undertaken if the council is minded to grant consent on this application.

Conservation: The Conservation Officer has reviewed the proposals and considers they would have a neutral effect on Tyson Close which is already made up of similar sized

bungalows in red brick with pantile roofs. Recommends materials should be conditioned to allow details such as vertically oriented garage doors in a black (not anthracite) finish, and a change in colour of the rainwater goods and windows to be brought forward. No objection subject to the inclusion of a condition to secure materials on the site.

Recycling and Waste: In preparing schemes for new development, the developer will need to ensure that the recycling objectives of the council are met. The layout and design of such schemes will have to incorporate measures for the provision and servicing of recycling facilities.

Where a road is waiting to be adopted or is privately owned and maintained, householders will be required to take their waste to the nearest adopted highway (often to a pre-agreed collection point); alternatively, up-to-date indemnity cover must be provided to indemnify the council's waste collection services from any damage caused to the road surfaces. Therefore, bins will need to be presented for collection on Tyson Close rather than Fredrick Fields as our collection vehicles do not enter Fredrick Fields.

TOWN COUNCIL

Previous objections still stand – there should be no access from Tyson Close as this is a private road and the height of the development is still too high.

PUBLICITY

Publicised by site notice, including following final amendments to the scheme and submission of the revised Flood Risk Assessment. Eight responses have been received, all objecting to the scheme. The points raised are summarised below:

- The development will negatively affect the surrounding buildings, residents' access and privacy.
- The proposed elevated site would give new residents a clear view into my rear garden, invading my privacy.
- The builder has outstanding issues on the site to the rear including a collapsed foul drain.
- Will the planning department insist that any further development will be held responsible for reinstating the road which has already been poorly reinstated?
- Concerns that the builder applying for permission is already developing substandard properties leading to issues for people living in them.
- Poorly designed overbearing houses in a bungalow area. Plans only reduce the height by 1m.
- The development does not provide wider sustainability benefits to the community and the area that outweigh flood risk. The development is not on previously developed land and no assessment of alternative development sites has been undertaken. The development fails to fulfil the requirements of the NPPF or policy CS19 of the North Lincolnshire Core Strategy.

ASSESSMENT

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

Planning history

Appeal Ref: APP/Y2003/C/22/3306674 – appeal dismissed 09/05/2023 (enforcement notice upheld and planning permission refused on the application deemed to have been made under section 177(5) of the Act)

PA/2021/1087: Planning permission to erect three dwelling houses and three detached single garages with associated landscaping (including demolition of existing outbuildings) – refused 04/08/2022

PA/2003/1660: Planning permission to erect a detached bungalow with integral garage – approved 12/03/2004.

The following permissions relate to Frederick Fields to the rear of the site:

PA/2019/397: Planning permission for a first-floor extension with replacement windows and doors – approved 22/05/2019

PA/2017/1109: Planning permission to erect five dwellings including demolition of outbuildings to rear – approved 13/04/2018

PA/2019/832: Planning application to vary condition 2 of planning permission PA/2017/1109 namely to re-configure the layout of plot 4 and the internal layout to plot 5 together with alterations to the roof of these plots – approved 05/07/2019

7/1989/0610: Planning permission to erect a detached house – approved 14/09/1989

PA/2004/1444: Planning permission to erect a detached house – refused 07/12/2004

PA/2017/1576: Outline planning permission for four dwellings with associated access road and landscaping with all matters reserved – approved 21/06/2018

PA/2019/1798: Planning permission for access and associated parking – approved 20/05/2020.

Planning designations/considerations

The site lies within the development limits of Barton upon Humber and within the conservation area. There are existing trees outside, but very close to, the boundary of the site and their location within the conservation area offers them some protection.

There are no known listed buildings within close proximity of the site.

The site is within SFRA flood zone 2/3a which is considered to be at high risk of flooding.

The site

The site lies to the south of Tyson Close, a small cul-de-sac comprising five detached single-storey bungalows with a further two properties (Dondoreen and 7b Marsh Lane) fronting and being accessed off Marsh Lane, albeit the main body of the properties and side elevations sit within Tyson Close.

The style of both these properties is reflective of the five properties off Tyson Close. Bramley Close is further north of the site and comprises largely single-storey bungalows with a handful of two-storey detached properties at the end of the development. Frederick Fields is to the south of the site and includes eight detached two-storey properties, all fronting onto and accessed off Frederick Fields.

Development had commenced on the site and the footprint of three dwellings is visibly evident. This work has ceased.

Google Maps dated 2009 shows evidence of the site being an extension of the garden space for Dondoreen with a brick-built detached garage with apex roof, small storage shelters with what appears to be an asbestos roof, two further sheds, a greenhouse and hardstanding for a caravan, as well as the wider site being laid to grass.

Planning permission was granted in 2004 for the erection of a detached bungalow with integral garage. This was never built out.

The proposal

The applicant commenced development on the site for three residential properties without the benefit of planning permission. A planning application for three dwellings was refused on 04/08/2022. An appeal was submitted and dismissed on 9 May 2023.

This application relates to the erection of two detached four-bedroom dwellings on the site. The properties include an open plan kitchen/dining/living area to the rear and two rooms to the front at ground floor. The first floor includes three double bedrooms and one single bedroom. To the rear is a good-sized garden. Due to flooding concerns within the area the dwellings have a finished floor level of 5.6m AOD. The submitted Flood Risk Document sets out that a topographic survey of the development site has been undertaken by the applicant, which shows that existing ground levels over the area of the development site vary from approximately 4.29m to approximately 4.56m OD(N). Existing average carriageway levels along Tyson Close fronting the site to the north are shown to vary from approximately 4.48m OD(N) in the west up to approximately 4.55m OD(N) in the east.

The overall increase would be a difference of 1.04m–1.31m across the site.

For new developments which lie within the flood zone it is a requirement to provide an additional 300mm of flood resilience above the elevated ground floor construction level in order to minimise any flood damage and provide ease of reconstruction, should flood waters enter the building. For this development, this would equate to a flood resilience level of 5.9m OD(N) (floor level of 5.6m + 0.3m).

The applicant has sought to work with and address the comments raised by the local planning authority. This application seeks to step the two properties back from the highway (Tyson Close) as well as reducing the overall height of the units, altering the design of the buildings to appear less overbearing within the street scene, and positioning the single-storey detached

garages at either end of the site to create a greater separation distance between the proposed properties and adjacent properties.

The two dwellings will be accessed off Tyson Close, providing two off-street parking spaces as well as internal garage space for a further two vehicles per dwelling. No vehicle access is proposed to the rear of the dwellings via Frederick Fields.

This assessment will therefore focus on the following issues:

- **principle of development**
- **historic environment/archaeology/conservation**
- **design/character/appearance**
- **residential amenity**
- **flood risk**
- **contamination**
- **highway safety and access**
- **trees and landscape.**

Principle of development

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

The combined effect of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 is that a planning application should be determined in accordance with the development plan unless material considerations indicate otherwise.

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

The site is within the development limits of Barton upon Humber as identified within the adopted Housing and Employment Land Allocations Development Plan Document Proposals Map.

Policies CS1, CS2 and CS8 of the adopted Core Strategy seek a sequential approach to development focussing first on land within the Scunthorpe urban area followed by previously developed land and other suitable infill opportunities to meet identified local need within the market towns (Barton upon Humber). Policies CS1 and CS2 support the market towns of Barton upon Humber, Brigg, Crowle, Epworth, Kirton in Lindsey and Winterton as thriving places to live, work and visit, and as important service centres serving the needs of local communities across North Lincolnshire. An appropriate level and range of new housing development will be provided to support the market towns as sustainable communities.

Policy H7 relates to backland and tandem development. Backland development or tandem development will be permitted provided that:

- (i) there is no adverse effect on the amenities of any residential premises or adjoining use through:
 - (a) overlooking and loss of privacy;
 - (b) loss of amenity area to the adjoining dwellings;
 - (c) the level of nuisance resulting from the movement of vehicles to and from the proposed development;
- (ii) it would not affect the general quality and character of the area in which it is located by:
 - (a) unacceptably increasing the density of development in that area;
 - (b) resulting in the loss of important natural and man-made features;
 - (c) leading to an unacceptable proliferation of vehicular accesses to the detriment of the street scene and/or road safety.

The principle of backland and tandem development is considered acceptable; however, this is subject to other matters being acceptable. These will be considered later within this report.

The application site is within the development limits of Barton upon Humber. The site represents a vacant plot of land at the end of an existing residential garden (Dondoreen). The site was originally garden space relating to the existing property on the wider site and has been fenced off over the years and laid vacant other than recent development undertaken without the benefit of planning permission.

It is therefore considered that the principle of residential development is broadly acceptable on the site.

The Government released an updated NPPF in December 2023. Paragraph 226 makes clear that for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing against the housing requirement (rather than five years). This includes authorities like North Lincolnshire, which have an emerging local plan that has been submitted for examination. These arrangements apply for a period of two years from the publication date of the revised NPPF. Therefore, full weight can be attributed to the Local Plan and Local Development Framework policies and the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged.

Historic environment/design/character

Paragraph 131 of the NPPF states, 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So

too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.'

Paragraph 135 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;
- (g) and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Paragraph 139 states that development that is not well designed should be refused. Significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Policies H5 (part saved), CS5 and DS1 seek to deliver quality design in North Lincolnshire. As the site is within the conservation area, the design of the properties would need to respect the criteria set out within the relevant policies. Policy H7 permits backland and tandem development where there is no adverse effect on the amenities of any residential premises through adjoining uses and where development would not affect the general quality and character of the area.

Policy CS5 of the North Lincolnshire Core Strategy is concerned with delivering quality design in North Lincolnshire. It states, '...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.' This is reinforced by local plan policy DS1. Policies H7, H8 and DS1, and paragraph 132 of the NPPF, are also considered relevant.

Policy CS6 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.

Development proposals should provide archaeological assessments where appropriate.'

Whilst policy HE2 requires, '...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. Development should harmonise with adjoining buildings. 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. 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.'

Policy HE3 relates to demolition in conservation areas and sets a series of criteria against which a building will be assessed...and consent for demolition of a building will be conditional on it not being demolished until either:

- (a) detailed planning permission for the redevelopment of the site has been obtained and the council has had sight of an agreed contract for the carrying out of works of redevelopment; or
- (b) a landscaping and improvement scheme is submitted and an agreement is entered into to maintain the scheme, if the site is to be kept in open space use.
- (c) Whenever appropriate, proposals which would entail the loss of historic fabric from a listed building will be conditional upon a programme of recording being agreed and implemented.

Whilst the site is within the conservation area, there are no listed buildings within close proximity. There is a mix of styles of properties within the wider area and as such it is considered that development of this site should look to the existing immediate area for inspiration. This includes Tyson Close, Frederick Fields and Marsh Lane.

Conservation

The Conservation Officer has considered the proposals and, subject to the inclusion of a condition addressing materials at the site, has no objection.

The Conservation Officer notes that Tyson Close includes similar sized bungalows in red brick with pantile roofs. They consider the fenestration and door pattern of existing development in this location to be neither here nor there, and the proposed development, although not an enhancement, will be no worse. The use of similar materials on the proposed development will allow for a semblance of uniformity. The areas which would benefit from improvement are changing the garage doors to vertically oriented doors, which would give a more traditional appearance, in black rather than anthracite; and changing the colour of the rainwater goods from anthracite to black; and for the dwellings, similarly changing the

windows and doors, and rainwater goods to black would be a more traditional colour against the use of red brick/pantile which are a traditional combination.

Archaeology

The Archaeological Officer has considered the proposals and notes that the change from three to two dwellings does not affect the original advice given.

Archaeological evaluation trenches were excavated in 2021 in connection with the latter application to provide sufficient information in the decision-making process. Archaeological remains of medieval activity were identified and a mitigation scheme to offset the harm from the proposed development was agreed with the applicant. This scheme was detailed in the Written Scheme of Investigation (WSI) submitted in support of the current application.

The WSI defines the area of the archaeological work and sets out the methodology to be followed. A programme of pre-construction archaeological excavation is proposed to comprise:

- an archaeological excavation of the footprint of the development area; and
- proportionate assessment, analysis, reporting and archiving in accordance with the requirements of the planning archaeologist.

The HER received a draft copy of the WSI in March 2022 from the applicant's archaeologist and confirmed the scope and content of the scheme of investigation to be satisfactory. The HER advised that the WSI should be submitted to the planning authority for consideration in determining the 2021 application. The WSI (section 9.0) states, 'Planning permission for the development is currently pending, therefore no excavation works will commence until permission has been granted and preparations can be made.'

The applicant subsequently commissioned their archaeologist to undertake the programme of work and the on-site archaeological fieldwork commenced in April 2022 and was completed in early May. The HER was given the opportunity to visit the site during the work and advise on the excavation and sampling strategy. The on-site works were completed satisfactorily.

The post-excavation stages of the work programme are now in progress in accordance with the agreed WSI. These comprise the assessments and writing-up of the excavation records, the pottery, other finds and environmental samples etc. A post-excavation assessment report will be produced with any proposals for further analysis of the archive, such as scientific dating or pottery residue analysis, to meet the research objectives of the project, and for the appropriate publication of the final results of the excavation. These final stages would be undertaken to complete the agreed scheme of works prior to the deposition of the site archive with North Lincolnshire Museum.

In relation to the archaeology of the site, the HER has no further objection to the residential development subject to planning conditions securing the completion of the archaeological mitigation strategy in accordance with the agreed WSI.

The archaeological considerations should inform the planning decision and be given due weight in the planning balance in accordance with paragraph 209 of the NPPF.

Design/character/appearance

The previous application was refused for the following reason:

'The proposal, by virtue of the amount of development, its siting and proximity to existing dwellings, would lead to unacceptable overbearing and overlooking impacts. In fitting three, large detached dormer bungalows onto the site there are considered to be a number of indications that this is overdevelopment of the site. The proposed dwellings would be considerably higher than the dwellings off Tyson Close resulting in the proposal being out of character with its immediate surroundings. The proposed development would also cause harm to the street scene through the positioning of dwellings in front of the existing building line/set too close to Tyson Close, which would not reflect the character of Tyson Close where all dwellings are set further back from the main highway. This form of development is out of keeping with the existing development pattern of Tyson Close. For these reasons it is considered that the proposed development would have an unacceptably detrimental impact on the existing street scene off Tyson Close as well as the wider character and appearance of the area, contrary to policies HE2, DS1, H5, H7 and H8 of the North Lincolnshire Local Plan, and policies CS5 and CS6 of the North Lincolnshire Core Strategy, as well as section 12 of the NPPF.'

This application is for two dormer bungalows on the site with detached garages. The applicant has sought to address the reasons for refusal of previously refused application PA/2021/1087.

It is accepted that the buildings in Tyson Close are mostly modern and therefore, in principle, having a new development that reflects a more modern style of build is acceptable, but the buildings still need to be sympathetic to the overall character of the conservation area.

The site represents an infill plot off Tyson Close. In terms of policies CS5, H5, H7 and H8 the proposal is regarded in part as backland/tandem development: part of the land comprises land which formed the rear garden of Dondoreen, whilst another part of the site benefits from an extant planning permission for a single dwelling. The scheme submitted should take account of dwellings off Frederick Fields as well as Tyson Close. The properties will be 1.5-storeys high with a dormer bungalow design at the rear, which, in theory, would create a natural transition from the single-storey detached bungalows off Tyson Close through to the two-storey detached dwellings off Frederick Fields. As a result of raised floor levels (5.6m AOD) required by the Environment Agency to satisfy flood risk requirements, the dwellings would be much higher than a standard 1.5-storey dormer bungalow. The elevations provided show the ridge height of the proposed dwellings slightly below the height of the houses off Frederick Fields but still much higher than the existing properties off Tyson Close.

The applicant has stepped the dwellings away from the highway allowing the buildings to follow a similar building line to existing properties off Tyson Close. The setting back of the properties and the siting of the single-storey detached garages adjacent existing dwellings allows for a softer transition between the existing and proposed properties. The proposed garages are lower in height than the adjacent existing properties. It is accepted that the proposed dwellings are higher than the existing properties on the site, which is in part to take account of flood risk at the site whilst also creating bedroom space within the first floor.

The applicant has sought to reflect the style of the properties off Tyson Close by respecting and reflecting the existing building line and plot sizes as well as through the use of similar materials, albeit the Conservation Officer recommends a few minor changes and therefore

external materials should be addressed via an appropriately worded condition. The applicant has also reduced the size of the rear dormer windows and included small rooflights to allow additional light without appearing out of character with the wider street scene.

The proposals include a similar amount of garden space as existing properties off Tyson Close which is considered to be an acceptable amount of amenity space for future occupiers. The design also includes adequate space to the frontage as well as off-street parking spaces for two cars and a further two spaces within the detached garage.

Whilst the properties are higher than the existing bungalows on site, the proposal is considered to be designed to take account of the existing properties. As such, it is considered to be designed to a high standard taking account of the local character of the area and is thus acceptable in terms of policies CS5 of the Core Strategy, and H5, H7 H8 and DS1 of the North Lincolnshire Local Plan.

Residential amenity

Policy H7, part-saved policy H5 and policy DS1 all refer to amenity. Policies H5 and H7 require development to not result in overlooking or loss of privacy to existing developments, or any other loss of amenity to existing dwellings, including levels of nuisance from movement of vehicles. Policy DS1, in relating to amenity, states that there should be no unacceptable loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

Concerns have been raised regarding overlooking of existing rear gardens as well as impacts on privacy for existing properties off Tyson Close, and concerns about overbearing impacts.

It is accepted that the dwellings are higher than the existing bungalows on site. It is considered that the applicant has carefully designed the scheme to ensure a soft transition between existing properties either side of the proposed properties by placing the garages either side of the two properties. These garages are set at a lower height than the existing bungalows and given the proposed dwellings are set back from the main highway and their roofline slopes away from the properties on the opposite side of Tyson Close, the overall height of the two properties is not considered to lead to overbearing impacts.

In relation to overlooking and privacy impacts raised by members of the local community, the applicant has sought to address these concerns. The rear dormers of both plots largely overlook the blank façade of properties off Frederick Fields as well as the parking area off Frederick Fields. The siting of the garages has also reduced the potential for overlooking of rear gardens/adjacent properties. There are areas where glimpses could be achieved into rear gardens of properties off Frederick Fields; however, these are not considered to result in undue harm.

In relation to impact on privacy of properties on the opposite side of Tyson Close, the proposals include one rooflight which sits above the staircase and is not considered to result in harm. The main living space with large windows and patio doors is located to the rear of the properties. The large window to the front is at ground-floor level and serves the proposed hall/entranceway and two small windows serve the two front rooms. It is therefore not considered that the proposals would result in issues of overlooking or privacy impacts.

The dwellings are set a similar distance from properties as existing properties on Tyson Close. The development is not considered to result in any overshadowing or loss of light to existing properties.

It is considered that the proposed dwellings are of a high standard and would help raise the quality in the area. It is not considered that the proposals would result in any amenity impacts in terms of loss of light, overshadowing, overlooking or privacy impacts.

Flood risk

Paragraph 165 of the NPPF is clear in that ‘inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.’

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

Paragraph 163 highlights the need for the exceptions test to be carried out if it is not possible for development to be located in areas at lower risk of flooding. To pass the exceptions test it should be made clear that the development would provide wider sustainability benefits to the community that outweigh flood risk and that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, wherever possible, will reduce flood risk overall. Both elements of the exceptions test should be satisfied for development to be allocated or permitted (paragraph 165).

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

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

Policy CS19 is concerned with flood risk, whilst policy DS14 is concerned with foul sewage and surface water drainage. The application site is within flood zone 2/3a and is therefore considered to be at high risk of flooding. Policy CS19 is consistent with the NPPF and 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. This will involve a risk-based sequential approach to determine the suitability of land for development that uses the

principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood. Development in areas of high flood risk will only be permitted where it meets the following prerequisites:

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

The applicant has submitted a flood risk assessment which sets out that the primary risk to the site is from tidal flooding from the River Humber resulting from the river defences being breached or overtopped during an extreme flood event. The report notes that for new developments which lie within the flood zone it is a requirement to provide an additional 300mm of flood resilience above the elevated ground floor construction level in order to minimise any flood damage and provide ease of reconstruction, should flood waters enter the building. Section 6.2.2 of the report states, 'For this development, this would equate to a flood resilience level of 5.60m OD(N) (Flood Level of 5.30m + 0.3m).

The report recommended the following measures be adopted:

- The ground floors should be of solid concrete or an appropriate precast concrete flooring system incorporating a waterproof membrane.
- The external walls should be of water-resistant construction up to 300mm above ground floor level.
- There should be no voids within the external walls, other than doorways and windows within 300mm of finished floor level which would allow flood waters to enter the dwellings.
- All partition walls constructed at ground floor level should be of suitable robust construction or metal stud partitions fixed with plasterboard, with the lower boarding laid horizontally for ease of replacement.
- All electrical apparatus or other flood sensitive equipment should be elevated to a minimum of 300mm above finished floor level to prevent damage occurring should flood waters enter the buildings.
- All cables should be routed at high level with vertical drops to the fittings.
- The ground floor electric circuits should be suitably isolated such that the upper floors of the development can remain in operation should the ground floor electrical installation become damaged.
- Floor finishes provided at ground floor level should be suitable for ease of cleaning after flooding, should this situation occur.

The site is located within flood zone 3.

The Environment Agency has been consulted and considers the revised scheme, which confirms finished floor levels will be raised to 5.6m AOD, satisfactorily addresses their concerns and, subject to the imposition of conditions, the scheme is acceptable in flood risk terms. Section 6 of the submitted Flood Risk Assessment sets out the proposed flood mitigation measures to be adopted.

A separate sequential and exceptions test has been submitted by the applicant. The original report did not consider alternative sites, and a case was put forward for the development of this vacant plot of land which previously benefitted from planning permission. Much of Barton upon Humber is within the flood zone. The applicant argued that the development of this site is key in completing the larger development of Frederick Fields. The planning team disagree with this statement and consider that the site relates to Tyson Close and not Frederick Fields. The land in question was originally former garden land relating to Dondoreen. Planning permission was granted in 2004 for a detached bungalow on the site, accessed off Tyson Close. A previous application for three dwellings accessed in part from Frederick Fields was refused partly on the basis that the development relates to Tyson Close and not Frederick Fields.

Development of the site will allow for a vacant site within an existing residential estate to be brought back into use; however, the site should not be viewed as part of the wider Frederick Fields development site.

Whilst land further south does sit outside the area of flood risk, development on this site would bring forward a vacant site within an existing residential estate.

The applicant has submitted an updated sequential test. This statement now proceeds to apply the sequential test by considering if there are any suitable alternative sites for the development in flood zones 1 or 2, and then applies the exception test by considering if the wider sustainability benefits of the scheme to the community outweigh flood risk and if it can be demonstrated that the development will be safe. The search area was agreed and is limited to Barton upon Humber.

In addition to restricting the search area to the Barton development limit, other criteria have been applied to ensure the search is meaningful and effective. Only sites capable of accommodating the proposed development, whilst allowing for reasonable flexibility on the part of the developer, have been examined. As such, sites of less than 0.1 hectares have been discounted.

Much of Barton upon Humber is within flood zone 3. As the aim of the sequential test is to direct sites towards flood zone 1 first, and then flood zone 2 if no suitable sites exist within zone 1, all other sites within flood zone 3 have been discounted. This effectively narrows the search to sites to the south of the proposed development site. The applicant has considered a list of sources when considering alternative sites and these are identified within the report.

The report undertakes a robust assessment of alternative sites, all of which are discounted, and concludes that there are no alternatively available sites on which this development can be brought forward.

The sequential test is therefore passed.

In relation to the exceptions test, the site is within the development limits of the market town of Barton upon Humber. Barton upon Humber is a sequentially preferable location for housing development and has a range of services and facilities on hand. The site would bring

additional economic benefits as well as sustainable benefits. The exceptions test is considered to have been passed.

It is considered that the applicant has fulfilled the requirements of the NPPF and policy CS19 in relation to flood risk. They have demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk. An assessment of alternative development sites has been undertaken. The applicant has also satisfied the Environment Agency and the council that the development will be safe without increasing flood risk elsewhere.

The LLFA Drainage team have reviewed the proposals and whilst they have removed their objection they do consider there still remain many issues to be resolved on the site. They have set out a schedule of notes for the developer to consider and recommend the imposition of a series of planning conditions to address surface water drainage and a drainage scheme at the site.

In terms of surface water disposal, concerns from residents are noted. The LLFA has carefully assessed all the submitted information and has some concerns but recommend planning conditions requiring the submission of a detailed surface water drainage scheme, together with details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway. Subject to conditions, this aspect of the proposal will accord with policies CS18 and CS19 of the Core Strategy, and DS14 and DS16 of the North Lincolnshire Local Plan.

Contamination

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

The council's Environmental Protection team have reviewed the proposal and note that this development of residential properties is a sensitive end use. The following reports have been reviewed by the team:

- Humberside Materials Laboratory Limited, Phase 1 (Desk Study) Report, Land off Tyson Close, Barton Upon Humber, Dated: May 2022, Red: 1151/576/P/P1
- Humberside Materials Laboratory Limited, Phase 2 (Ground Investigation) Report, Land off Tyson Close, Barton Upon Humber, Dated: May 2022, Red: 1151/576/P/P2.

Phase 1 Desk Study

The site is located off Tyson Close and is approximately 0.1ha in size. To the north is Tyson Close with residential properties, to the east is Marsh Lane with industrial land beyond. To the south and west is residential housing. There was no visual or olfactory evidence of contamination, although the ground surface contained some construction waste – mainly bricks and brick fragments. On site the 1886 and 1888 maps show a tree-lined field. There were no significant changes until 1978 when no trees are shown on site. The 1992 maps show the former garage to the southeast of the site. The 1999 map shows former outbuildings. No further significant changes are shown until 2022 when the garage and outbuildings are removed from the site. Off-site historical mapping shows St Mary's cycle

works 40m east and tanks 50m southeast on the 1930 and 1932 maps. Tyson Close is present on the 1992 historic map.

The superficial deposits on site could include tidal flat deposits, alluvium, glacial till and head, and form an unproductive aquifer. The bedrock consists of the Welton Chalk Formation and forms a principal aquifer. The site is in an area where less than 1% of homes are estimated to be above the action level; therefore, no radon protection measures are required. There is no made ground indicated on the BGS maps; however, fill material was identified on the site.

The conceptual site model indicates a low to moderate risk of contamination impacting the site users from the made ground. Therefore, further investigation is required. A Phase 2 site investigation report has been submitted with the application.

Phase 2 Site Investigation

The investigation consists of three boreholes with samples taken and tested for metals, PAHs, and asbestos. Groundwater was found in all three boreholes at depths ranging from 1.30m to 1.80m; after 20 minutes ground water levels had risen to depths of between 0.98m and 1.32m. Although groundwater was observed in all three boreholes, no sampling was undertaken.

The results for the chemical testing were compared to Generic Assessment Criteria (GAC) for residential with plant uptake. No elevated levels of metals were detected above the GAC, and no elevated levels of PAHs were detected above the GAC. Asbestos fibres were detected in WS3 between 0.10m bgl and 0.50m bgl. This was Chrysotile from insulation material. As asbestos was found, a relevant contamination linkage exists and remediation of the site is required.

Taking into account the above advice, the Environmental Protection team considered the applicant should submit a remediation scheme for their consideration prior to the application being determined in accordance with national policy guidance. This would allow the council to decide whether or not further assessment of the site is required and ensure that appropriate conditions are applied which render the development safe and suitable for use prior to use.

A further report was not provided and as such the Environmental Protection team recommend that parts 2 and 4 of the contamination condition be complied with and the full condition be imposed on any future planning permission.

The condition is not considered unreasonable. Therefore, subject to the aforementioned planning condition, the proposal is in accordance with policy DS7 of the North Lincolnshire Local Plan.

Highway safety/access

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

The site has good access to public transport links and some local services are within reasonable walking distance. The location of the site therefore complies with national and local objectives of creating sustainable patterns of development. The proposal would utilise the existing private road of Tyson Close. No access would be taken via Frederick Fields. Significant objection was raised as part of the previous application from residents off

Frederick Fields. The council's planning team were also concerned regarding safety/access to the rear of properties as well as considering that the site related to Tyson Close and not Frederick Fields.

An objection has been received from Barton upon Humber Town Council who consider there should be no access from Tyson Close as this is a private road. No further justification is provided.

The development fronts onto Tyson Close and access is naturally gained from the front of properties, especially by visitors. The plot of land is considered to relate to Tyson Close rather than Frederick Fields. This matter was addressed as part of the previous application and the recent appeal which was dismissed by the Planning Inspector.

The proposed development provides off-street parking for two vehicles on the driveway of both properties as well as a detached garage at both properties providing an additional two vehicle spaces. Concerns were raised by local residents as part of the previous application that visitors would park on the existing narrow Tyson Close blocking residents accessing/exiting their properties as well as emergency vehicles, delivery vehicles and other users. However, this issue currently exists and the development provides adequate off-road parking.

Previous concerns have also been raised regarding the upkeep and maintenance of both Tyson Close and Frederick Fields. Residents from both estates have confirmed that they are required to contribute to the maintenance of the road at their own cost and expense. Complaints have been received from residents that construction vehicles used to build out the site have already damaged the road and that the developer has not made any effort to replace or repair. Concerns are raised regarding the long-term maintenance of the two private roads and where liability lies. Given the scale of the proposed development it is not considered that the scheme would result in a significant or unacceptable increase in vehicular movements in the locality. Adequate off-street parking will be provided within the site. With these factors in mind, and in the absence of an objection from the council's Highways section, it is considered that the proposal, with the recommended conditions, would be acceptable in highway terms.

Trees and landscape

Policy LC12 requires proposals for all new development to ensure the retention of trees, woodland and hedgerows. Particular regard will be given to the protection of these features within the setting of settlements, the protection of ancient woodlands and historic hedgerows and the amenity value of trees within built-up areas. Tree preservation orders will be made where trees which contribute to local amenity or local landscape character are at risk. Landscaping and tree and hedgerow planting schemes will be required to accompany applications for new development where it is appropriate to the development and its setting.

Following a site visit and review of the site layout plan, it is evident that there are existing trees on the boundary but outside the site. The applicant has submitted an arboricultural report and the trees mentioned are within the ownership of adjacent landowner and not on the site; this means the applicant does not have a legal right to remove these trees without specific permission from the tree owners.

These trees are also within the conservation area, which offers them some protection. Unless the removal of these trees is required to implement any planning permission given, which it

appears it is not, the applicant would need to submit an application giving notice of intended works to trees within a conservation area. Although the location of the trees is such that making a tree preservation order on them is probably not likely to occur, they do need to go through this process, as removal of trees without doing so is an offence under the legislation.

The Tree Officer has commented and notes that if the council is minded to give consent, there is a need to ensure that the character of the conservation area is retained, and this may include good quality landscaping. It is recommended that both hard and soft landscaping works are secured by condition in the interests of visual amenity at the site and to take account of the site's location within the Barton upon Humber conservation area.

The planning application does not require the removal of the trees and as such no further works are required in relation to trees. In terms of the impact on adjoining trees, the proposal accords with policies LC12 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

Conclusion

The proposal has been subject to a full assessment, giving due consideration to responses from technical consultees and third parties, as well as comments raised initially by previous officers. The proposal is within a sustainable location with access to a range of transport modes, services and facilities. The site benefits from an extant planning permission. The principle of development is acceptable.

There has been significant local opposition to the proposal and the material points have been considered under the relevant sections within this report. The applicant has sought to work with the case officer to address concerns regarding the siting of buildings and reducing the number of units to two properties. It is considered that the scheme has been developed to a high standard taking on board comments from the planning case officer as well as statutory consultees. The development takes account of all technical matters and, with appropriately worded conditions, the development is considered suitable for the site.

Pre-commencement conditions

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:

- Site Location Plan - A066-PL-001 Rev B
- Existing Site Plan - A066-PL-002 Rev B
- Proposed Site Plan - A066-PL-003 Rev B
- Proposed Garage Details - A066-PL-007 Rev A
- Indicative Views - A066-PL-005 Rev A

- House Type A Floor Plans & Elevations - A066-PL-006 Rev A
- Proposed Site Sections - 003-PL-004 Rev A.

Reason

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

3.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 2 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

4.

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

Reason

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

5.

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.

6.

The development shall be carried out in accordance with the submitted flood risk assessment (September 2023, reference JAG/AD/JD/45736-Rp001-REV A, by Alan Wood & Partners) and the following mitigation measures it details:

- finished floor levels of the dwellings shall be set no lower than 5.60 metres above Ordnance Datum (AOD)
- flood resistance and resilience measures to be incorporated as stated
- the dwellings to have at least two storeys.

These mitigation measures shall be fully implemented prior to occupation and subsequently retained and maintained thereafter throughout the lifetime of the development.

Reason

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

7.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The 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.

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 165 to 175 of the National Planning Policy Framework.

8.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 7 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policy DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 165 to 175 of the National Planning Policy Framework.

9.

Development shall take place in accordance with the archaeological mitigation strategy 'Written Scheme of Investigation: Archaeological Strip, Map and Record, PCAS Archaeology, March 2022', and the approved details and timings.

Reason

To comply with paragraph 211 of the National Planning Policy Framework, policy CS6 of the Core Strategy, and policy HE9 of the North Lincolnshire Local Plan because the site 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.

10.

The development shall not be occupied until the post-excavation stages have been completed in accordance with the programme set out in the approved archaeological mitigation strategy, comprising:

- (i) the submission of a post-excavation assessment report and relevant proposals for further analysis and publication of results proportionate to the research objectives for the site; the proposals shall be approved in writing by the local planning authority, followed by:
- (ii) subsequent analysis, publication and dissemination of results and archive deposition.

Reason

To comply with paragraph 211 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan because details pursuant to the post excavation assessment are required to ensure satisfactory provision and the timely undertaking of the final stages of the approved archaeological mitigation strategy.

11.

A copy of any analysis, reporting, publication or archiving required as part of the approved archaeological mitigation strategy shall be deposited at the North Lincolnshire Historic Environment Record and the site archive deposited at the North Lincolnshire museum under site code BNG N within 12 months of the date of this consent or such other period as may agreed in writing by the local planning authority.

Reason

To comply with paragraph 211 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan, and place the results of the archaeological excavations in the public domain in a timely fashion within an agreed timetable.

12.

Notwithstanding the hereby approved plans (condition 2 above), no above-ground 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, including the detailing of the garage doors (to be vertically-oriented doors), for the development, and only the approved materials shall be used.

Reason

To ensure that the buildings are in keeping with their surroundings in the interests of visual amenity, in accordance with policies DS1 and HE2 of the North Lincolnshire Local Plan, and CS6 of the Core Strategy.

13.

Prior to occupation of the hereby approved dwellings, full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority, and these works shall be carried out as approved.

Reason

In the interests of visual amenity, in accordance with policies DS1 and HE2 of the North Lincolnshire Local Plan, and CS6 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.

Signing up for flood warnings

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit <https://www.gov.uk/sign-up-for-flood-warnings>. This is a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up. Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

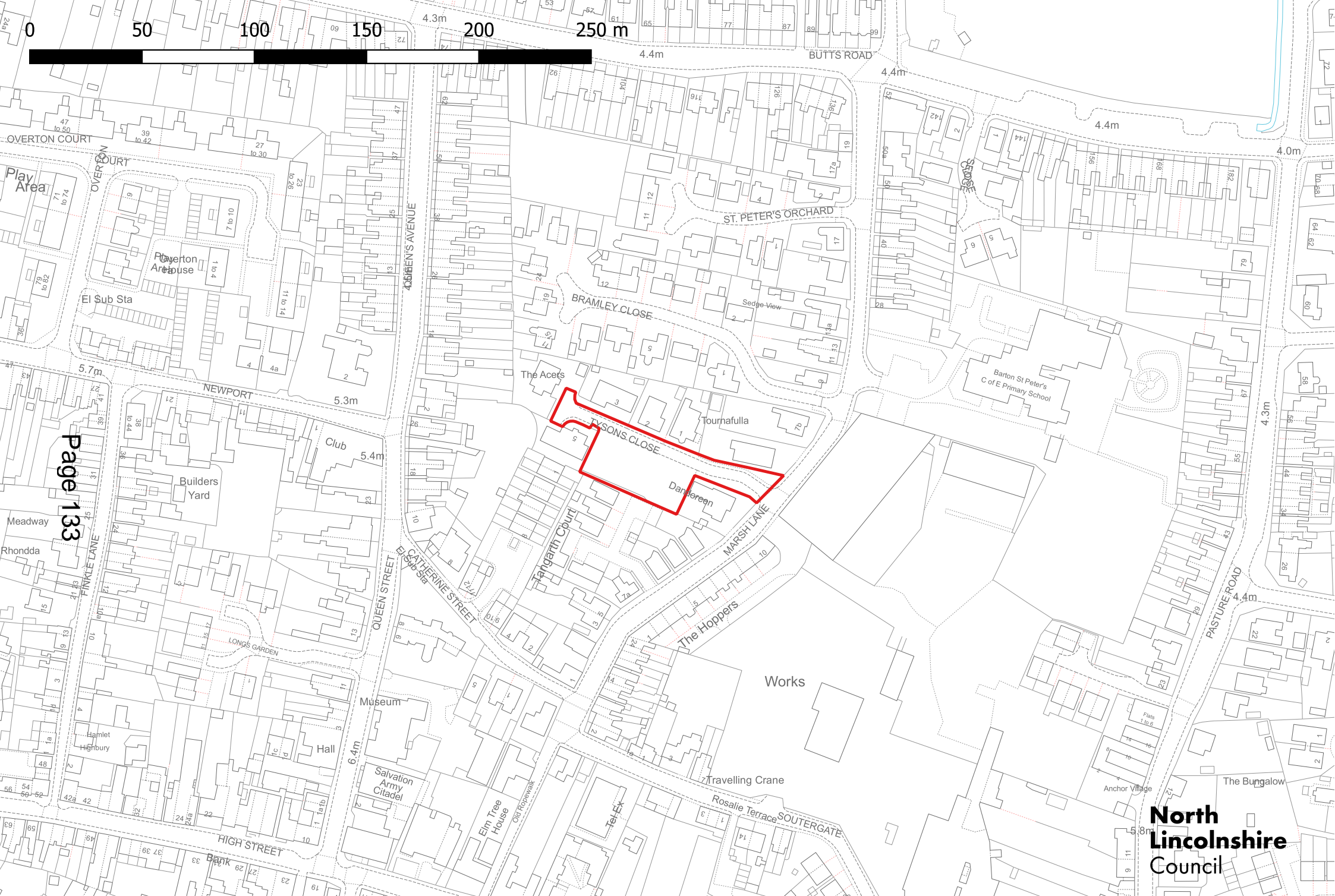
- For practical advice on preparing for a flood, visit <https://www.gov.uk/prepare-for-flooding>.
- To get help during a flood, visit <https://www.gov.uk/help-during-flood>
- For advice on what do after a flood, visit <https://www.gov.uk/after-flood>.

3.

The proposals indicate a new (restricted discharge) connection into the private surface water sewer on Tyson Close. This is not a public sewer and therefore the developer has no 'as of rights' connection into this drain. Any additional flows into this drain must be fully modelled by the developer and upgrades to this drainage system may be required to facilitate the connection (at the developer's expense). This must be consented by the current landowners and 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.

4.

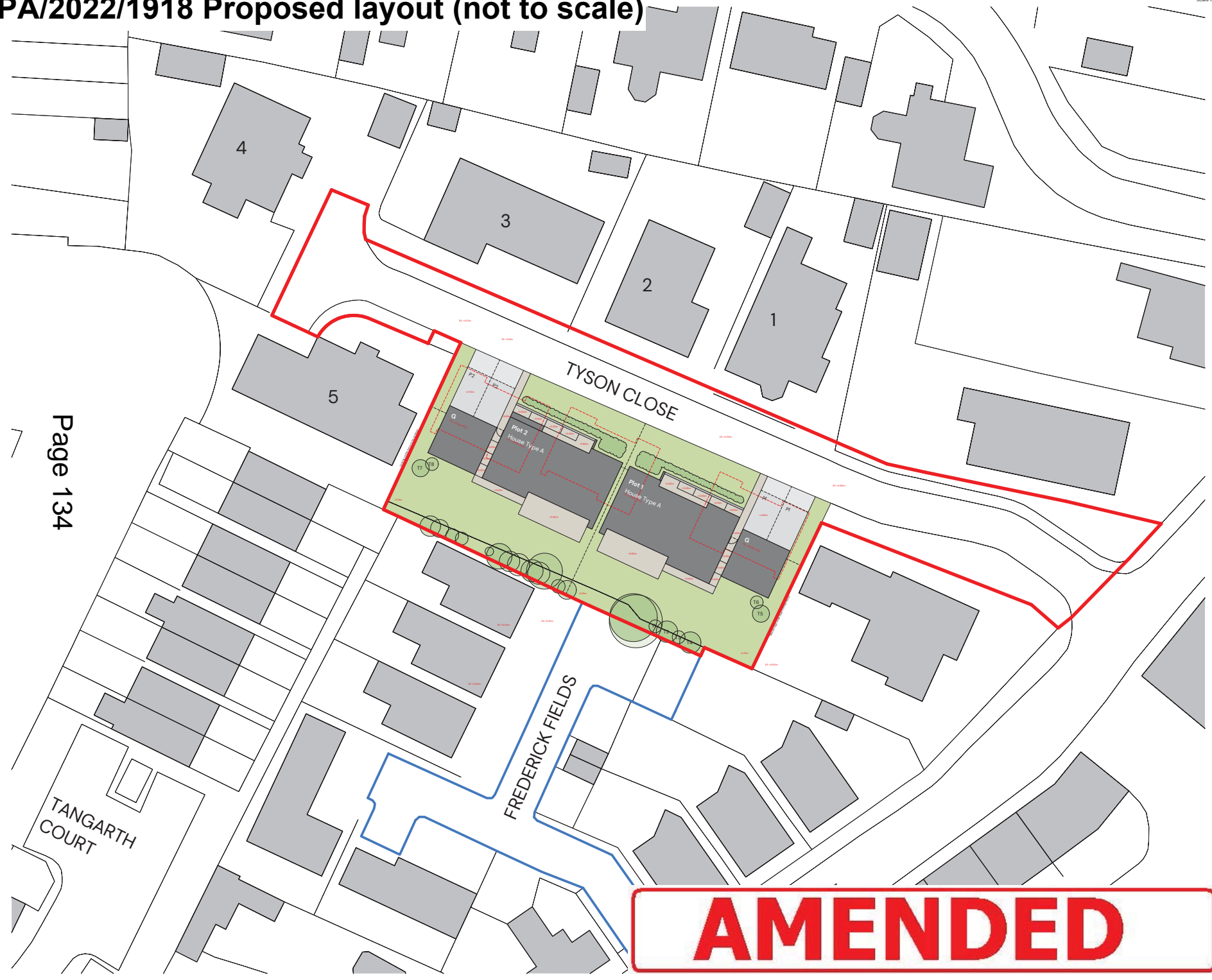
In preparing schemes for new development the developer will need to ensure that the recycling objectives of the council are met. The layout and design of such schemes will need to incorporate measures for the provision and servicing of recycling facilities. Where a road is waiting to be adopted or is privately owned and maintained, householders will either be required to take their waste to the nearest adopted highway (often to a pre-agreed collection point), or, alternatively, up-to-date indemnity cover must be provided to indemnify the council's waste collection services from any damage caused to the road surfaces. Therefore, bins will need to be presented for collection on Tyson Close rather than Fredrick Fields as the council's waste collection vehicles do not enter Fredrick Fields.



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 - Report any drawing errors or omissions to the Designer
 - All dimensions in millimeters unless noted otherwise

Rev	Description	Date
A	Red line boundary amended	13.10.2023
B	Blue line boundary added	20.10.2023

- Proposed Site Plan Key.**
- Shared Driveway:**
Plasmor Paspave, Colour: Granite Stone
 - Private Driveway:**
Plasmor Paspave, Colour: Granite Stone
 - Hard Landscaping:**
Riven Indian Sandstone Paving Slabs, Colour: Grey
 - Grass**
 - Soft Landscaping**
 - Existing Trees**
 - Proposed Trees**
 - Previous Scheme (As Submitted)**



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AMENDED

N

Auburn Architecture	
Project: Proposed Development, Tyson Close, Barrow-upon-Humber	
Drawing: Proposed Site Plan	
Project / Drawing No. A066 - PL - 003	Revision: B
Date: 01.03.2023	Scale: 1:200 @ A1
Status: Planning	

T: 01750 033 004 E: info@auburn-architecture.com W: www.auburn-architecture.com

PA/2022/1918 Indicative views (not to scale)



V01 - View from Marsh Lane



V02 - View from Tyson Close



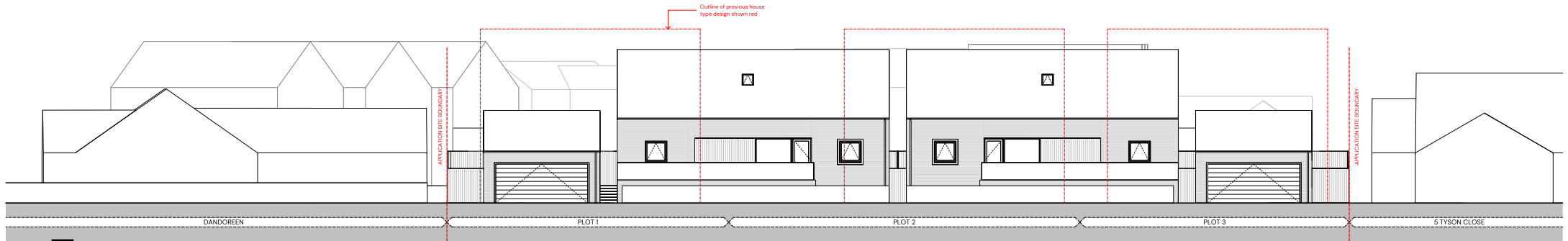
Page 135

V03 - Aerial View

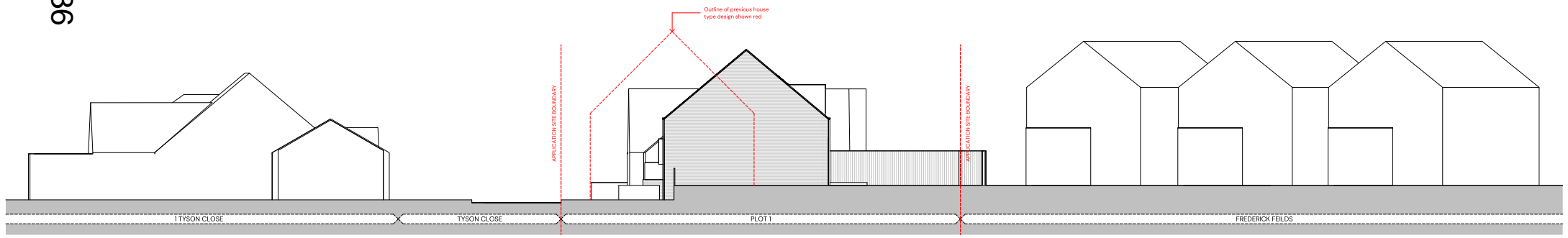
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Rev:	Description:	Date:
A	Materials updated	13.10.2023

A A	Proposed Development, Tyson Close, Barrow-upon-Humber
	Indicative Views
Project / Drawing No.	
A066 - PL - 005	
Revision. A	Date: 01.03.2023
Scale. NTS @ A3	Status: Planning




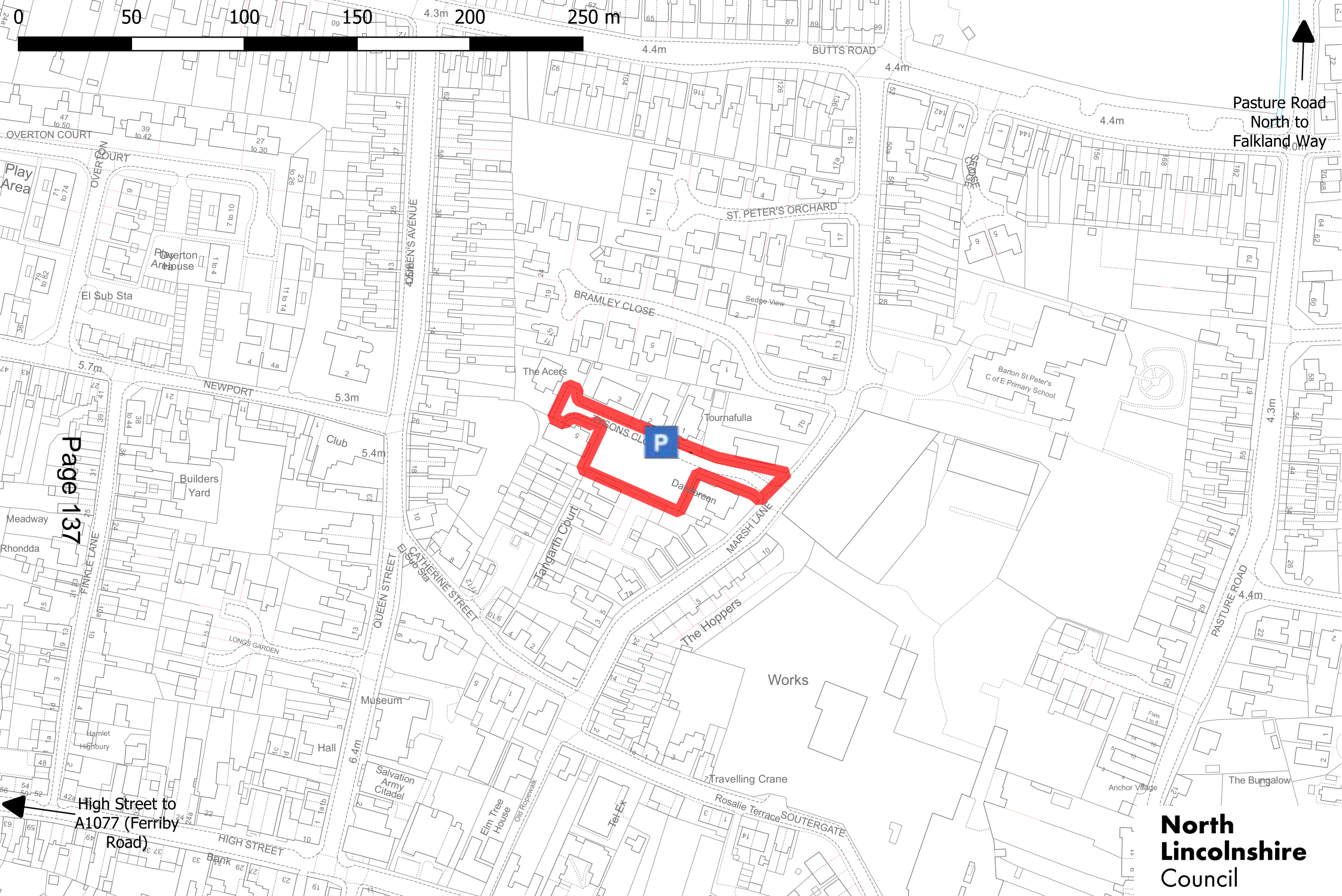
Site Section through Tyson Close



Site Section through Fredericks Field

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Project: Proposed Development, Tyson Close, Barrow-upon-Humber	
Drawing: Proposed Site Sections	
Project / Drawing No. 003 - PL - 004	Revision: A
Date: 17.10.2022	Scale: 1:100 @ A1
Status: Planning	



High Street to A1077 (Ferryby Road)

Pasture Road North to Falkland Way

North Lincolnshire Council

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

MAJOR PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

1. OBJECT

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

2. BACKGROUND

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

3. INFORMATION

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

4. RESOURCE IMPLICATIONS

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

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

5. RECOMMENDATION

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

DEVELOPMENT MANAGEMENT LEAD

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

Reference: RL/JMC/Planning Committee 07 February 2024

Date: 29 January 2024

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/2023/1756
APPLICANT	Steven Ibbotson, Cyden Homes Ltd
DEVELOPMENT	Application to vary condition 1 of PA/2022/2136 dated 13/06/2023 to amend house types for plot 6 (show house and sale facility) and plots 70 and 71 (smaller two-bedroomed houses)
LOCATION	Land between 57–71 Brigg Road, Messingham, DN17 3QX
PARISH	MESSINGHAM
WARD	Messingham
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Messingham Parish Council

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 12 Achieving well-designed and beautiful places

North Lincolnshire Local Plan:

- RD2 Development in the open countryside
- H5 New housing development
- H8 Housing design and housing mix
- DS1 General requirements

North Lincolnshire Core Strategy:

- CS1 Spatial strategy for North Lincolnshire
- CS2 Delivering more sustainable development
- CS3 Development limits
- CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

Housing and Employment Land Allocations DPD (2016)

PS1 Presumption in favour of sustainable development

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early 2024.

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

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS6 Spatial distribution of housing sites

SS11 Development limits

H2 Housing mix and density

RD1 Development in the open countryside

DM1 General requirements

CONSULTATIONS

Highways: No objections.

Drainage (Lead Local Flood Authority): No objections or comments

Ecology: No objection.

PARISH COUNCIL

Objects to planning application PA/2023/1756 due to no sustainable plan in place to address the surface water run-off concerns and resolve the issue regarding the riparian watercourse on the western boundary.

PUBLICITY

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

STATEMENT OF COMMUNITY INVOLVEMENT

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

ASSESSMENT

The site

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

The proposal

This is a Section 73 application to vary condition 1 of the reserved matters approval PA/2022/1236 (granted on 13/06/2023) to amend the house type for plot 6 (show home and sale facility) and plots 70 and 71 (smaller two-bedroom houses).

PA/2022/2136 was a reserved matters application for 92 dwellings with the appearance, landscaping, scale and layout approved on 13/06/2022. This reserved matters application was pursuant to the earlier hybrid application (outline and full) PA/2020/554 allowed at appeal on 20/07/2022.

This section 73 application proposes a number of changes to the approved reserved matters application PA/2022/1236. The changes can be summarised as follows:

- Plot 6 is a different house type and will form the 'sales centre' (show house) for the site; afterwards it will revert to a dwelling.
- Plot 6 sales centre/show home is a two-storey building and will have two glazed entrance doors on the front elevation to serve a sales room within the building. The remainder of the building will be a four-bedroom dwelling. Once sales have been completed on the site the building will revert to a dwelling and the two glazed doors will be changed to garage doors to form a double garage.
- Under PA/2022/2136 plots 70 and 71 were originally three-bedroom, two-storey semi-detached hipped roof dwellings with detached garages. It is now proposed that the dwellings on these two plots will be two-bedroom semis, with a gable roof and no detached garages.
- Plots 70 and 71 will have two car parking spaces on their driveways.
- There are also minor changes to the size of plots 70 and 71.

Planning history

- PA/2020/554: Hybrid application comprising full planning permission to erect 5 dwellings and outline planning permission for 94 dwellings with appearance, landscaping, layout and scale reserved for subsequent consideration – allowed on appeal 20/07/2022.
- PA/2022/2136: Application for approval of reserved matters (appearance, landscaping, layout and scale) pursuant to outline planning permission PA/2020/554 for 92 dwellings – approved 13/06/2023
- PA/2022/2138: Application to discharge conditions attached to hybrid planning permission PA/2020/554 dated 20/07/2022 (appeal reference APP/Y2003/W/21/-3278257) (conditions 6, 8, 10, 11, 13, 18 and 19 of full planning permission) – approved
- PA/2022/2174: Application to discharge conditions attached to hybrid planning permission PA/2020/554 dated 20/07/2022 (appeal reference APP/Y2003/W/21/-3278257) (conditions 5, 9, 11, 14-15, 17, 21-24 of outline planning permission) – approved

Principle and procedural matters

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 residential development on this site has been established by extant hybrid approval reference PA/2020/554 which was granted on appeal. Following this appeal, the reserved matters (PA/2022/2136) pursuant to the outline part of PA/2020/554 was approved at planning committee in June 2023.

The applicant has now submitted a section 73 application to vary condition 1 (drawings condition) to allow three previously approved house types on plots 6, 70 and 71 to be amended.

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, nor to change the description of the development. There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.

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.

Provisions relating to statutory consultation and publicity do not apply to s73 applications. However, local planning authorities have discretion to consider whether the scale or nature of the change warrants consultation, in which case the authority can choose how to inform interested parties.

The key issue associated with this section 73 application are whether the proposed amendments to the house types on plots 6, 70 and 71 are acceptable in terms of impacts on the character and appearance of the area and on the overall approved development, and any potential impacts on the living conditions of future and existing residents.

Design and impact on the character and appearance of the area and on the overall development

Policy RD2 of the North Lincolnshire Local Plan is concerned with development in the open countryside and sets out a criteria-based approach to assessing proposals. It seeks to ensure that the visual amenity of the countryside is not compromised by poor development. Amongst other things, paragraph 'c' of the policy sets out that development should '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 sets out that 'All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place' 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 H5 of the local plan provides a list of criteria against which new housing development should be judged. Policy H8 sets out similar criteria in respect of housing design and mix.

Paragraph 135 of the NPPF requires high quality design and 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 is not dissimilar to that approved under the previous application. Plot 6 is located to the southern side of the application site close to the western boundary. Plot 6 will form the ‘sales centre’ (show house) for the site and afterwards will revert to a dwelling. The sales centre/show home is a two-storey building and will have two glazed entrance doors on the front elevation to serve a sales room within the building. The remainder of the building will be a four-bedroom dwelling. Once sales have been completed on the site the building will revert to a dwelling and the two glazed doors will be changed to garage doors to form a double garage. This is a typical arrangement on residential sites of this size where developers have a show house for selling purposes. There are the same house types on the wider site as plot 6 and it is not considered that the change of house type for plot 6 and its use as a show home would have any unacceptable impact on the character and appearance of the area. The changes to plot 6 will result in plot 7 being slightly smaller than previously approved, but it will still have a substantial garden area. The proposed changes would therefore not have an unacceptable impact on the character or appearance of the area, or the overall development.

Plots 70 and 71 are within the main body of the overall development, close to the southern boundary of the site. Under PA/2022/2136 plots 70 and 71 were three-bedroom, semi-detached two-storey dwellings with detached garages. It is now proposed that the dwellings on these two plots will be two-bedroom semis, with no detached garages. Each plot will still have two car parking spaces. There are also minor changes to the size of these plots. The same house types now proposed for plots 70 and 71 can also be found elsewhere within the wider development. The proposed changes to plots 70 and 71 would therefore not have an unacceptable impact on the character or appearance of the area, or the overall development.

The proposal therefore accords with policies RD2, H5 and H8 of the NLLP, policy CS5 of the CS and paragraph 135 of the NPPF.

Amenity

Policy DS1 of the NLLP 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 CS5 of the CS provides general design guidance for all new development.

In terms of amenity, the amendments to plot 6 will have no adverse impacts on existing neighbouring properties to the west, nor on adjoining plots within the development. Plots 70 and 71 are not located adjacent to existing dwellings. In terms of the overall development, the new house types for plots 70 and 71 will not adversely affect the amenity of adjoining plots. WC and bathroom windows will be required by condition to be obscure glazed to protect privacy. The proposal will therefore align with policies DS1 of the NLLP and CS5 of the CS.

Other matters

The comments made by the parish council are noted. However, these relate to surface water details for the site which have previously been discharged under discharge of condition applications PA/2022/2138 and PA/2022/2174.

Conclusion

It is considered that the proposal would not have an unacceptable impact on the character or appearance of the area, or on the overall development, and would not result in undue impacts on the living conditions of nearby residential properties or occupiers of the development itself. It is therefore recommended that reserved matters approval is granted pursuant to this section 73 application.

RECOMMENDATION Grant approval subject to the following conditions:

1.

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

- House Type dH402 Plots 8, 27, 33, 38, 39, 64, 67, 68, 73, 77 - 183/102 Rev B
- House Type dH402 Plot 6 Sales Centre Show House - 183/114
- House Type sH303 Plots 29-30, 31-32, 40-41, 54-55, 56-57, 87-88 & House Type sH201 Plots 11-12, 13-14, 15-16, 17-18, 70-71, 83-34, 85-86 Drg No. 183/108 Rev A
- House Type sH329-322 & House Type SH322-329 - 183/109 Rev A
- House Type tH201-201-302-205 Plots 58-61 and Garages as numbered - 184/112 Rev B
- House Type tH201-201-302-201 Plots 42-45 & House Type tH205-302-302 Plots 51-53 184/113
- House Type dH401 Plots 26, 28, 34, 36, 37, 62, 63, 65, 66, 69, 75, 76 Drg No. 183 / 101 Rev A
- House Type dH408 Plots 25, 72 Drg No. 183 / 105 rev A
- House Type dH404 Plots 10, 20, 22, 50, 89 Drg No. 183 / 104 Rev A
- House Type dH420 Plots 21, 78, 80 Drg No. 183 / 107
- House Type dH417 Plots 09, 35, 74 & House Type dH418 Plots 19, 24 Drg No. 183 / 106
- House Type dH403 Plots 23 & House Type dH421 Plots 07, 79 Drg No. 183 / 103
- House Type dH401 plots 26, 28, 34, 36, 37, 62, 63, 65, 66, 69, 75, 76 Drg No. 183 / 101 Rev A
- House Type tH329-302-201-322 Plots 46-49, 90-93 Drg No. 183 / 110
- Construction Management Layout - 183/010 Rev B
- Landscape & Biodiversity Layout - 183/RM004 Rev D
- Materials Layout - 183/005 Rev B
- Proposed Site Layout - 183/002 Rev J

- Electric Sub Station Drg No. C1065234 Rev 0
- Proposed Play Space Drg No. 182/013
- Location Plan Drg No. 183/027.

Reason

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

2.

Before any dwelling is first occupied, all the WC and bathroom 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.

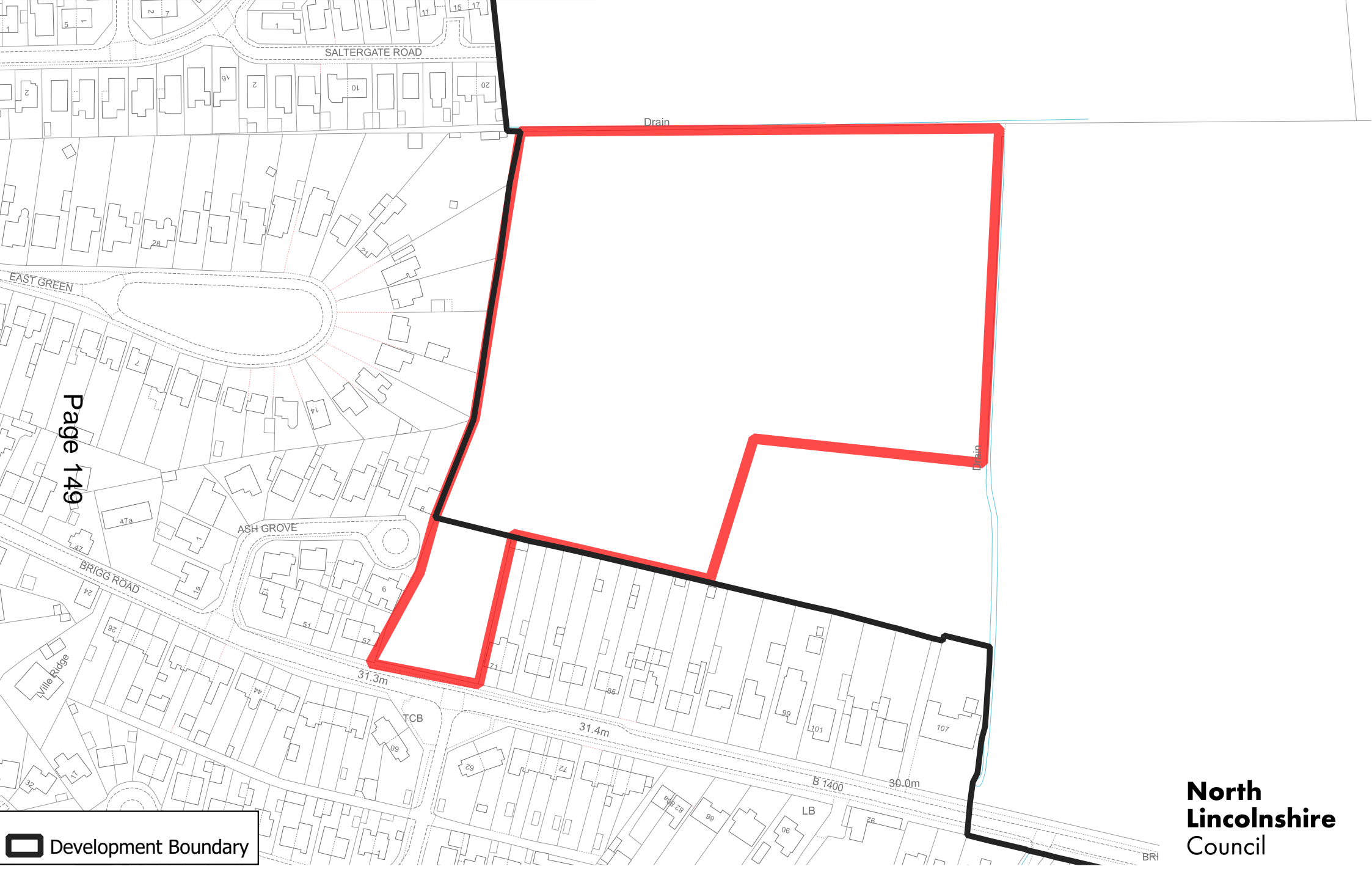
Reason

To protect the living conditions of adjoining properties on the development 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.

0 50 100 150 200 250 m



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 Development Boundary

PA/2023/1756

**North
Lincolnshire
Council**

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PA/2023/1756 Proposed layout (not to scale)

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Legend

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

Housing Mix

2 Bed	21no		12no
SH 201	2 bed semi detached house		
SH 201	2 bed terraced house		7no
SH 205	2 bed terraced house		2no
3 Bed	30no		6no
SH 302	3 bed terraced house		
SH 303	3 bed semi detached house		12no
SH 322	3 bed semi detached house		4no
SH 322	3 bed terraced house		2no
SH 329	3 bed semi detached house		4no
SH 329	3 bed terraced house		2no
4 Bed	41no		12no
SH 401	4 bed detached house		
SH 402	4 bed detached house		11no
SH 403	4 bed detached house		1no
SH 404	4 bed detached house		5no
SH 406	4 bed detached house		2no
SH 417	4 bed detached house		3no
SH 418	4 bed detached house		2no
SH 420	4 bed detached house		3no
SH 421	4 bed detached house		2no
Reserved Matters number of dwellings			52no
Approved Dwellings plots 1 to 5			
SH 303	3 bed semi detached house		2no
SH 402	4 bed detached house		1no
SH 403	4 bed detached house		1no
SH 414	4 bed detached house		1no
Total number of dwellings			97no

- Rev J - Sales Centre plot 6 shown 11.10.23
- Rev H - Plot 33, 34, 62 and 63 house types amended with other minor amendments 06.02.23
- Rev G - New Building Regulation Revised layout with Sub Station 11.11.22
- Rev F - Landscaping Layout Revised 31.10.22
- Rev E - Layout Revised 17.10.22
- Rev D - Layout scheme in Cad 12.10.22
- Rev C - Drainage easement shown 19.05.20
- Rev B - RPA shown 30.04.20
- Rev A - Plot Numbers Revised 28.02.20

Proposed Residential Development at Land at Brigg Road Messingham Lincolnshire

Proposed Site Layout Scale 1:500 - A1

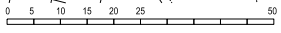
August 2019
Drg No. 183 / 002 Rev J



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

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Proposed Layout



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 07 February 2024

Date: 29 January 2024

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/2022/2125
APPLICANT	George Moore, William F Moore Warplands Ltd
DEVELOPMENT	Planning permission to erect a new farm worker's dwelling
LOCATION	Butterwick Grange Farm, Sand Road, West Butterwick, DN17 3LJ
PARISH	WEST BUTTERWICK
WARD	Axholme South
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Refuse
REASONS FOR REFERENCE TO COMMITTEE	Member 'call-in' (Cllr David Rose – significant public interest)

POLICIES

National Planning Policy Framework:

2 Achieving sustainable development

5 Delivering a sufficient supply of homes

12 Achieving well-designed and beautiful places

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

16 Conserving and enhancing the historic environment

Paragraph 84 specifically states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- (d) the development would involve the subdivision of an existing residential building; or
- (e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

North Lincolnshire Local Plan:

RD2 Development in the open countryside

H5 New housing development (part saved)

H8 Housing design and mix

LC7 Landscape protection

LC14 Area of special historic landscape interest

DS1 General requirements

DS3 Planning out crime

DS7 Contamination

DS14 Foul sewerage and surface water drainage

DS16 Flood risk

T2 Access to development

T19 Car parking provision and standards

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS6 Historic environment

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS17 Biodiversity

CS18 Sustainable resource and climate change

CS19 Flood risk

CS25 Promoting sustainable transport

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early 2024.

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

SS11 Development limits

RD1 Supporting sustainable development in the countryside

DQE3 Biodiversity and geodiversity

DQE1 Protection of landscape, townscape and views

HE1 Conserving and enhancing the historic environment

CONSULTATIONS

Highways: No objection, but recommend conditions.

Environment Agency: No objection, but recommend conditions.

LLFA Drainage: No objection, but recommend conditions.

Environmental Protection: No objection, but recommend conditions.

Archaeology: The applicant has submitted a Heritage Statement that identifies all heritage assets likely to be affected and describes their significance, including the contribution of their settings. The lack of a plan showing the location of the photographic viewpoints hampers the assessment of the direct and indirect impacts.

Plate 16 and Figure 9 demonstrate that the roofline of the proposed dwelling is at a similar level to the adjacent farmhouse and when viewed across the historic landscape from the northern arc the height will not be dominant. The proposed dwelling extends the built form onto historic agricultural land in the Recent Enclosed Land (REL) character type but would be seen as part of an existing group of outlying farms and farm buildings built along Sands Lane in the 19th century and now partially screened by tree cover.

The statement (Table 8) assesses that the proposal would result in minor adverse indirect impact on the historic landscape and the setting of the Ancient Open Strip Fields (AOSF) character area south of Beltoft without mitigation. Tree planting on the north and east sides of the new dwelling would be in keeping with the REL character in this location to screen the new dwelling from views across the AOSF and is therefore recommended to mitigate the

adverse effects. No further objection subject to standard conditions securing the use of appropriate traditional building materials in accordance with policy LC14 and the submission of a landscaping scheme, including tree planting along the site boundaries.

Further conditions advised to secure a programme of archaeological monitoring and recording during construction work that is recommended in the Heritage Statement.

Isle of Axholme and North Nottinghamshire Water Level Management Board: Comment that their consent will be required for development within 9 metres of the top edge of any board-maintained watercourse and for anything which would obstruct the flow of water, increase the flow or volume of water and for the discharge of any foul drainage into their system. Other comments are made in relation to riparian responsibilities, the suitability of soakaways and the routing of flow downstream from the discharge point on the site.

PARISH COUNCIL

No response received.

PUBLICITY

A site notice has been displayed and one response has been received in support of the proposal raising the following points:

- The proposed development is essential for the applicant to meet the functional needs of the business as a key worker.
- This application will allow for family succession of an old and well established family farming business.
- The applicant and the farming business creates employment in the rural economy of West Butterwick.
- The applicant spends time supporting the village community by mowing verges, tracks and public spaces.
- The application meets all the requirements for a house in a rural setting.

ASSESSMENT

Planning history

2/1993/0940	Erection of an agricultural dwelling and installation of a septic tank – approved with conditions 14/01/1994
PA/2011/0990	Planning permission to install photo voltaic solar panels – approved with conditions 29/09/2011
PA/2000/1157	Planning permission to erect an agricultural storage building – approved with conditions 06/11/2000
PA/2011/0985	Application for the determination of the requirement for prior approval for an agricultural building – not required 12/09/2011

PA/2010/1004 Application for determination of the requirement for prior approval for the erection of an agricultural building for wastewater storage – not required
29/09/2010

The application site consists of an established farm enterprise which is in arable production and specialises in root crops. There are a number of agricultural sheds on the site, together with a large, detached two-storey farmhouse which was approved in 1994. The farmhouse and its associated buildings are a significant distance from Hollingsworth Lane to the west and is accessed via Sand Road to the east (from the direction of West Butterwick). The agricultural buildings are clustered in the centre with the farmhouse located to the north-west, to the north of an existing pond. The site is in the open countryside, within the Isle of Axholme Area of Special Historic Landscape Interest and within flood zone 2/3a. Planning permission is sought to erect a two-storey detached dwelling to be occupied by a farm worker.

The main issues in the determination of this application are the principle of development (essential need), impact on the character, appearance and setting of the historic landscape/rural scene, and flood risk.

Principle

Due to its location outside of any defined development boundary, the application site is considered to be in the open countryside for the purposes of planning. Residential development is only permitted in the open countryside by policy RD2 of the North Lincolnshire Local Plan where, amongst other policy requirements, the dwelling is demonstrated to be essential for the efficient operation of agriculture or forestry. National planning policy and planning case law has directed that essential need is normally only justified by the submission of functional and financial tests. National Planning Policy Framework (NPPF) advises that local planning authorities should avoid new isolated houses in the open countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Paragraph: 010 Reference ID: 67-010-20190722 of the PPG offers considerations which may be relevant to take into account when assessing applications for rural workers' dwellings. These include:

- evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise;
- the degree to which there is confidence that the enterprise will remain viable for the
- whether the provision of an additional dwelling on site is essential for the continued viability of a farming business through the farm succession process;
- whether the need could be met through improvements to existing accommodation on the site, providing such improvements are appropriate taking into account their scale, appearance and the local context; and
- in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.

In support of the application, the applicant's planning agent has submitted a planning statement, in which information has been provided to justify the proposed development in

light of local and national planning policies and material considerations. In terms of complying with the criteria above, it is evident the arable farming enterprise is well established and appears to be profitable. There is confidence on this basis that the enterprise will remain viable for the foreseeable future.

The supporting information states that Butterwick Grange Farm is employed in arable production and owned by third generation farmers with the business specialising in root crops. The farming enterprise comprises 1186 acres (or 480 hectares), of which 1173 acres (475 hectares) are used for arable crops, the variety of crops requiring different levels of care, depending on seasonality and weather conditions. Most of the produce is stored at the farm and the company is also engaged in the receipt of beetroot from other growers in the area where it is graded, washed and stored on the site. In addition, the supporting statement states the following:

The beetroot and potatoes are stored in special temperature controlled buildings which require regular monitoring. Supplies arrive in the farmyard from the surrounding fields and from other growers at all times of day between 6am and 11pm. The farm has a large contract with a local salad producer in Scunthorpe. An average of 3 lorry loads are loaded and shipped from West Butterwick to Scunthorpe. Staff have to be available at short notice as the factory in Scunthorpe run on a short lead time basis. This has put extra demands on the business as much of the farm output used to be consumed by a salad company based in West Butterwick.

There are 7 full time employees at the farm. Christopher Moore is the only employee resident at the unit and he has already begun passing the management over to his son so that Christopher can reduce hours worked and days spent at the farm.

We maintain that the dwelling is essential to the efficient operation of an agricultural business, and in this case is also essential on security, welfare and employee safety grounds. It will enable the business to continue to develop and provide employment for local people, as well as providing work for associated local businesses.

The development will secure and create further work opportunities for local tradespeople and local businesses and allow the business to thrive. Tractor dealerships in Epworth and Brigg support this business, and many other local businesses.

The farm is in a very remote location and is out of sight and sound of residents in the nearby village of West Butterwick. This makes the business very vulnerable to theft, arson, trespass and general mischief.

NPPF paragraph 80 offers the opportunity for an additional dwelling to be provided.

NB. there are no disused or redundant buildings at the site. All are fully employed for agricultural and horticultural purposes.

Currently, George lives with his father, Chris, on site, in his family home. George is now of an age where he requires his own space and has ambitions to start a family in the future, hence the need for a separate family home.

Chris is looking to take a step back in the business and substantially reduce his hours in the near future, because of this, George is taking on more responsibilities and roles. As George has a strong background in agricultural knowledge and business management, he is passionate about driving the business forward and improving efficiencies.

Chris, who lives on the holding currently, is looking to retire from running the business but would require to stay in his house which is situated on the holding. As George is planning to move out, Chris is concerned about security issues on farm as without George he would be living on his own and is getting older – this concern comes from a recent robbery in the village of Beltoft which happened to his neighbours. If a house was built on the holding this would help with security, particularly as Chris has more time to travel away from the holding during retirement, which will allow George to remain on site.

The main thrust of the applicant's case is that an on-site presence is required at the farm to maintain crops, deal with deliveries from other farms and general deliveries (although no evidence has been provided in this regard) and to prevent break-ins and vandalism (again no evidence has been provided).

The overall size of the farm holding is of a scale which can reasonably be assumed to be viable, albeit no evidence of financial viability has been provided, but is available for inspection if required. It is also evident that some of the business comprises the receipt of crops from other farms in the area for grading, washing and storage.

The supporting statement notes that the applicant is fully engaged seven days a week managing the farm, with cover when necessary being provided by his father, and the applicant has already begun taking over the day-to-day management and running of the business. The existing farmhouse is within the ownership of the applicant's family (and where the applicant currently resides), although no consideration has been given to potential extensions to the existing farmhouse or conversion of existing space within the dwelling to provide some accommodation which could be annexed from the main dwelling to serve the proposed need.

The applicant confirms that there are no alternative dwellings that meet the needs of this business, and there are no dwellings connected with the farm. It is proposed the applicant's father will continue to reside on site within the existing farmhouse and as such alternative accommodation is sought in the form of a new 3-bedroom detached dwelling, which is proposed over three floors, has no provision for any space within it that is associated with the agricultural worker's need being put forward and no evidence has been put forward to demonstrate whether it is commensurate to the needs of the business rather than the personal needs of its intended occupant.

This proposal is to erect a dwelling at the farm on land adjacent to the existing farmhouse which is currently amenity space, and is in close proximity to the existing agricultural buildings to the south-east. The dwelling is required to allow a permanent presence on site for operational and security reasons.

Limited evidence has been provided to demonstrate the types of crops at the farm: Appendix A of the supporting statement provides a breakdown of the acreage of types of crops grown at the farm (including cereals, beetroot, potatoes and peas) but no plan is provided to show where this is at the farm. Case law demonstrates that arable farms seldom provide a situation where the functional test may be satisfied.

Case Law Example: An appellant argued that the premium quality of their cereals required an additional worker's dwelling on the farm. The inspector appreciated that the field operations required to produce the high-quality crops might need two agricultural workers nearby, but he was unconvinced by the evidence presented that alternative arrangements could not be made to ensure these operations could take place in a timely manner. For

example, the weather forecasts could be monitored so that workers could be brought into the farm with prior notice. See East Northamptonshire 29/05/2015 DCS No 200-003-660.

Very limited evidence has been provided to suggest alternative dwellings have been considered and discounted. The applicant confirms that they undertook a search of Rightmove and no properties were considered suitable. It is considered that the distances and times would not significantly add to the response time compared with someone living at the site. There is already a property within close proximity to the site which provides an existing deterrent and a form of natural surveillance at the site.

There is no guarantee that living on the site would prove any more a deterrent to potential thieves than the existing property, which is in the same ownership. The applicant has failed to provide any evidence of alternative security measures being explored at the site. Measures such as security systems, alarms, security lighting and CCTV could provide the level of security which is needed on site. Even if a farm manager lived on site, this person would not be present 24/7.

The previous supporting statement (to which the applicant's agent has now added additional information) did undertake a search of local housing availability in order to demonstrate there are no dwellings in the vicinity of the site which are available and could reasonably meet the housing need. A search was undertaken on 19 October 2022 and a dwelling in Beltoft was dismissed as it had a sale price of £525,000. The statement goes on to state there are other properties available in Epworth and West Butterwick which are more affordable but due to the distance from the farm and the quality of the road, the travel time would be longer than from Beltoft. By undertaking a quick search online there are properties available in the local settlements of West Butterwick, Belton and Epworth, which are affordable, and which are within less than a 10-minute drive of the farm; it is therefore considered that this short distance allows the applicant to attend the site in swift response to any emergencies or requirements outlined in the supporting statement. It is considered that the applicant could reasonably reside locally (such as Belton, Epworth or West Butterwick) and undertake the functional requirements outlined in the supporting statement and, it is therefore considered that there is no essential need for a rural worker (the applicant in this case) to live permanently at their place of work in the countryside.

The applicant has suggested another need for a presence on site is the care of crops, especially in extreme changes in weather conditions. It is not considered that living on the site compared to 2.5 kilometres away (such as in West Butterwick) would offer much difference in terms of responding to changes in weather conditions. No detail has been provided in relation to the types of crops at the farm that require such urgent assistance/maintenance such that someone needs to live on site. An assessment of case law demonstrates that security is rarely a justification for a rural worker's dwelling.

It has not been demonstrated that there is an essential need for a new dwelling to accommodate a rural worker on the site or that the functional test that there is a need for a full-time worker to live in or near the unit has been passed. The development would therefore be contrary to policies RD1, RD2, RD11 and H5 of the local plan which seek to ensure, amongst other things, that new build dwellings in the open countryside are necessary and where an essential need can be justified. The proposal is also contrary to paragraph 84 of the National Planning Policy Framework which seeks to avoid isolated new homes in the countryside.

The Government released an updated NPPF in December 2023. Paragraph 226 makes clear that for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing against the housing requirement (rather than five years). This includes authorities like North Lincolnshire, which have an emerging local plan that has been submitted for examination. These arrangements apply for a period of two years from the publication date of the revised NPPF. Therefore, full weight can be attributed to the Local Plan and Local Development Framework policies and the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged.

Historic and rural landscape

Another key matter to consider is that this dwelling would be located on land which is classed as the Isle of Axholme Area of Special Historic Landscape; this land is considered under policy LC14 of the North Lincolnshire Local Plan. It is designated for its unique historic landscape retaining the pattern of ancient open strip fields and enclosures surrounding the villages on the Isle. The application site is within the Recent Enclosed Land (REL) character type and the setting of the Ancient Open Strip Fields (AOSF) south of Beltoft.

Policy LC14 of the North Lincolnshire Local Plan states:

Within this area, development will not be permitted which would destroy, damage, or adversely affect the character, appearance or setting of the historic landscape, or any of its features. Development required to meet the social and economic needs of rural communities...will be permitted provided such development is related to the historic landscape and its features.

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

The proposed dwelling, with dimensions of 16.5 metres x 10.6 metres, and a ridge height of 11.965 metres, and its main bulk facing north and south, will result in a visually prominent and dominant form of built development in both the historic and rural landscape, which is relatively low-lying and flat, but is afforded some screening by a line of mature trees along the western boundary, by the cluster of agricultural sheds to the south, and by a line of mature trees to the east and south-east. The dwelling will be visible in the rural landscape as there is no landscaping along the boundaries of the site where it is proposed to be located; this will be exacerbated by its height and its size, particularly as it would take a number of years for any proposed landscaping to establish around the rear boundary of the site.

The plans show the proposed dwelling will have a ridge height similar to the existing dwelling (the farmhouse) to the west; however, it is proposed within a part of the rural landscape which is open along its northern and eastern sides and as such it is considered that any dwelling will be visible within the rural landscape when viewed from local roads, including Carr Lane-Sands Lane to the east (from the direction of West Butterwick), from Hollingsworth Lane to the north-west and from Clouds Lane to the north. However, any such view is likely to be of a dwelling which is visible in conjunction with the existing dwelling and farm buildings and not as an isolated form of development in the countryside. This is highlighted in the consultation response from the council's archaeologist (HER) who has commented the proposed dwelling extends built form into the REL but would be viewed as part of an existing group of outlying farms and farm buildings built along Sands Lane in the 19th century. In addition, the

archaeologist states that the introduction of tree planting on the north and eastern sides of the dwelling would be in keeping with the REL character in this location to screen the new dwelling from views across the AOSF and is recommended to mitigate any adverse effects. No objection is raised by the HER in relation to the impact of the development proposals upon the historic landscape and a condition is recommended to ensure appropriate traditional building materials are used in the construction of the dwelling together with a condition securing a scheme of landscaping, including tree planting along the site boundaries.

The plans show the proposed dwelling is balanced in its appearance with a central glazed entrance (accessed by an external staircase) flanked by a protruding gable to either side and a garage door to each on the ground floor; this reinforces the position of the main entrance to the proposed dwelling in a centralised position. To the side of the dwelling it is proposed to include a terrace flanked by a glass balustrade offering views of the wider rural landscape, and all the elevations have some element of glazing which removes blank facades from the dwelling. With the introduction of some landscaping along the boundaries of the site and given the character of development in this part of the rural landscape (which consists of some historic farmsteads set back from the public highway in sporadic locations), and the existing cluster of agricultural buildings (including the farmhouse), it is considered that any dwelling on this site would not result in an isolated form of built development in the rural scene.

Given the location of the dwelling in the open countryside and within the historic landscape, the scale of the dwelling proposed and the extent of domestic curtilage being shown in the red edge around the proposed dwelling, it is recommended that if planning permission is granted, a condition is imposed which removes permitted development rights to extend within the curtilage of the dwelling and to extend or alter the dwelling in this case. However, the dwelling is large in both scale and height, and makes no provision for any accommodation associated with the needs of the business (which is the main thrust of the applicant's argument to demonstrate the needs of the dwelling). On this basis, it is considered the size and scale of the dwelling is disproportionate to the needs of the business, rather it is dictated by the needs of the intended occupier. Therefore, it is the opinion of the local planning authority that the applicant has not provided sufficient justification as to why the business would warrant a dwelling of this scale. The proposal is therefore considered to be contrary to policies RD2 of the North Lincolnshire Local Plan and CS3 of the North Lincolnshire Core Strategy.

In conclusion, it is considered a dwelling could be erected on this rural agricultural site without resulting in an alien or discordant form of built development in the historic and rural landscape, and which would be viewed in conjunction with existing built form at the site. With the introduction of soft landscaping around the boundaries of the dwelling, this would not be at odds with the character and appearance of the rural landscape, and this would help to assimilate the dwelling into its surrounds over time.

Flood risk and drainage

Policies CS19 and DS16, both relating to flood risk and drainage, require proposals to be assessed appropriately and to ensure that suitable drainage strategies are secured for developments. The LLFA drainage team have not raised any comments or objections to the proposal but recommend the inclusion of conditions to prevent surface water run-off from the site onto the public highway and conversely from the public highway into the site.

The site is within flood zones 2/3a as identified in the North Lincolnshire Strategic Flood Risk Assessment. A flood risk assessment (or FRA) has been submitted with the planning

application, which demonstrates that the average land level at the site is 1.7 metres AOD (above Ordnance Datum). The ground floor living accommodation for the proposed dwelling is to be raised above the critical flood level for the area of 3.80 metres AOD, to be set at 4.35 metres AOD, with the lower ground floor consisting of non-habitable accommodation.

The Environment Agency has raised no objection to the proposed development on flood risk grounds with a number of conditions recommended. The proposal is for 'more vulnerable' development in a high flood risk zone; the proposed development therefore needs to be assessed against the sequential and exceptions test. In terms of the sequential test, the FRA states the following:

The whole of the surrounding area is shown on the Flood Map for Planning to be in Flood Zone 3 and there are no other suitable sites in a lower flood zone.

The site in this instance comprises an agricultural holding which is an established and profitable agricultural unit.

The dwelling will be occupied by the applicant and will be occupied solely in connection with the operation of the farm holding. The proposal will enhance the agricultural enterprise thus making a positive contribution to the local economy.

Notwithstanding the above text, as it has been considered there is no need for the applicant to reside on the site, the applicant has therefore failed to demonstrate whether there are any sites available which are at lower risk of flooding and which could accommodate a dwelling. Due to a lack of information, it is considered the sequential test is failed in this case.

Given that there is no functional need for a dwelling on the site and the applicant has provided no evidence as to whether there are any sites which are at lower risk of flooding, the proposal fails the sequential test. The proposal is therefore contrary to policies DS16 of the North Lincolnshire Local Plan, CS19 of the North Lincolnshire Core Strategy and paragraphs 165 to 168 of the National Planning Policy Framework.

Other issues

Access is shown to be from Hollingsworth Lane to the west via an existing access track (Sand Road). This is not an adopted highway and it is unlikely that the access to the site would result in significant highway issues. Adequate access and parking could be provided on the site and this is shown on the proposed site layout plan. Highways have considered the development proposals and raise no objections on highway and pedestrian safety grounds, but a condition is recommended that the dwelling is not occupied until the vehicular access and parking and turning spaces are completed.

Given the previous use of the land (agricultural field), a condition is recommended by Environmental Protection that contamination investigation is undertaken, the previous use having the potential for contamination in this case. It is considered that the request for this condition is reasonable and necessary in ensuring the proposed development site is free from contamination as it proposes to introduce a sensitive end use.

If planning permission was granted for a permanent dwelling at the site then the occupation of the dwelling would be conditioned with a restrictive occupancy condition. This is considered on the merits of the special circumstances set out to support a dwelling in a rural area where development is strictly controlled.

Conclusion

In summary, insufficient agricultural need has been identified for a dwelling as proposed. The application is therefore considered to be contrary to policies RD2 of the North Lincolnshire Local Plan, CS2 and CS3 of the North Lincolnshire Core Strategy, and the broader aims for sustainable development within the NPPF and Core Strategy. In addition, given that there is no functional need for a dwelling on the site and the applicant has provided no evidence as to whether there are any sites which are at lower risk of flooding, the proposal fails the sequential test. The proposal is therefore contrary to policies DS16 of the North Lincolnshire Local Plan, CS19 of the North Lincolnshire Core Strategy and paragraphs 165 to 168 of the National Planning Policy Framework.

RECOMMENDATION Refuse permission for the following reasons:

1.

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

2.

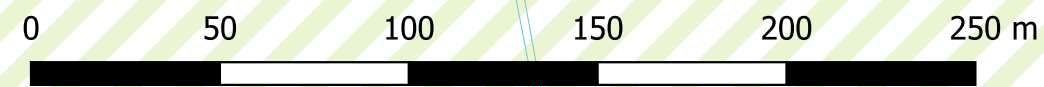
The proposed residential development is classified as 'more vulnerable' in terms of flood risk vulnerability and the site is within flood zones 2/3a as defined in the North Lincolnshire Strategic Flood Risk Assessment. The Planning Practice Guidance states that development should only be allowed where it passes the sequential and exceptions test. Given that there is no functional need for a dwelling on the site and the applicant has provided no evidence as to whether there are any sites at lower risk of flooding, the proposal fails the sequential test. The proposal is therefore contrary to policies DS16 of the North Lincolnshire Local Plan, CS19 of the North Lincolnshire Core Strategy and paragraphs 165 to 168 of the National Planning Policy Framework.

3.

The proposed dwelling, by virtue of its size, scale and height, represents a form of development which is disproportionate to the needs of the business, the level of accommodation proposed therein is not intrinsically linked to it, and the applicant has not provided sufficient justification as to why the business would warrant a dwelling of this scale. The proposal is therefore contrary to policies RD2 of the North Lincolnshire Local Plan and CS3 of the North Lincolnshire Core Strategy.

Informative

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



Page 165



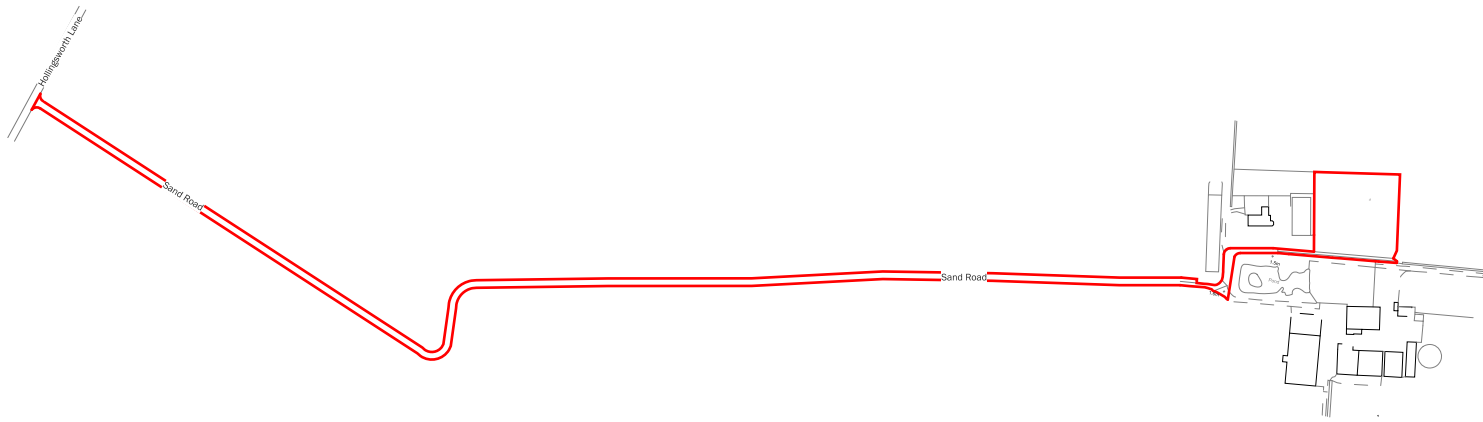
Area of special historic landscape interest

**North
Lincolnshire
Council**

PA/2022/2125

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PA/2022/2125 Proposed layout (not to scale)

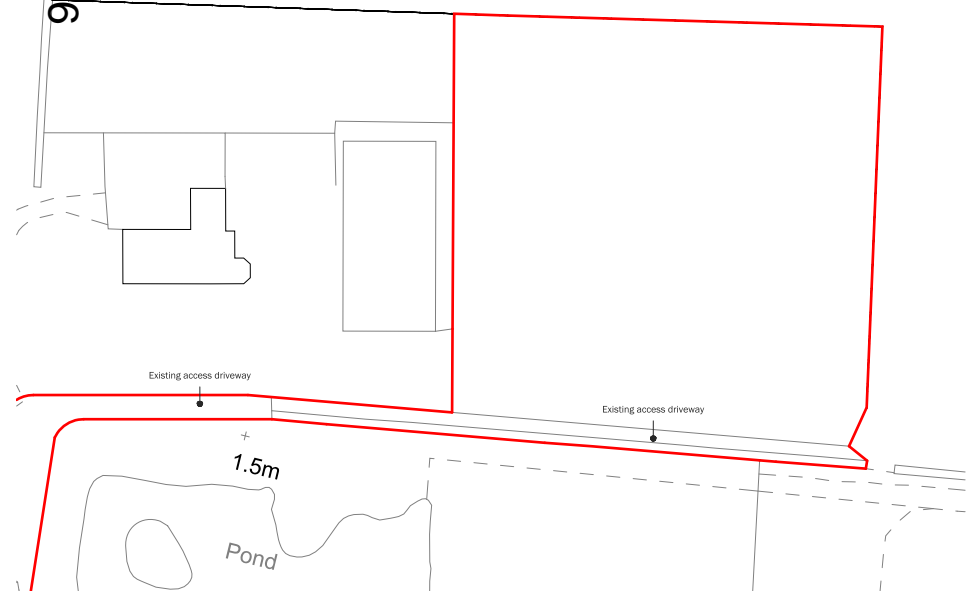


Location Plan

1:2500

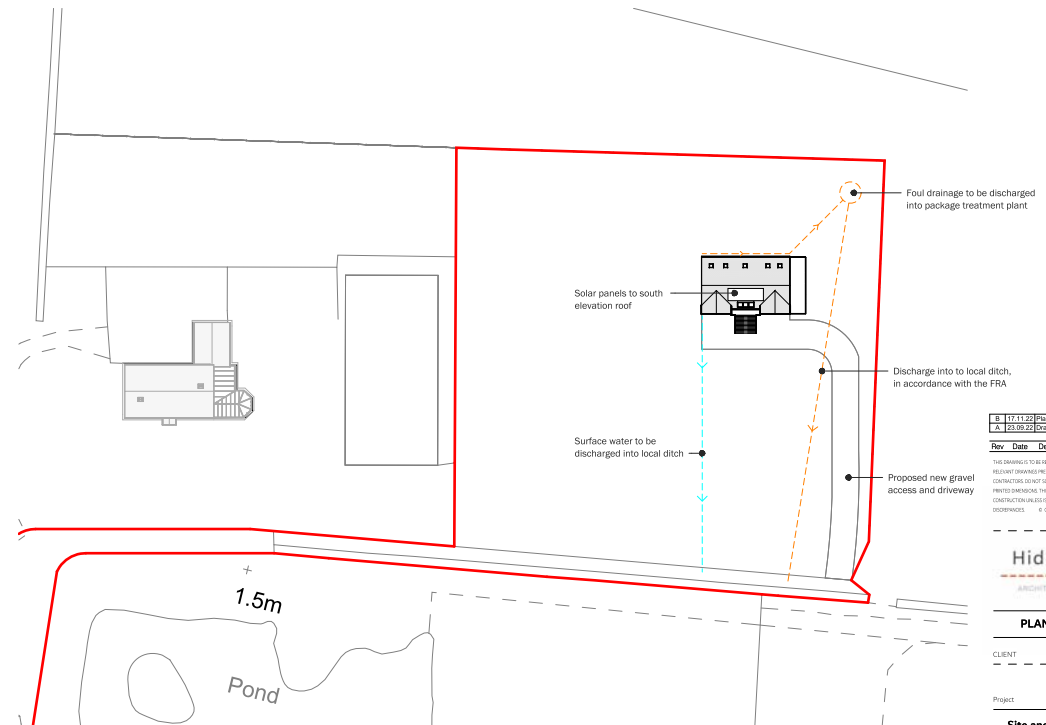
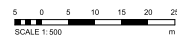


Page 166



Existing Site Plan

1:500



Proposed Site Plan

1:500



Rev	Date	Description	By
1	17.11.22	Planning Issue	AR
2	23.09.23	Crack Issue	AR

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HiddenLine
ARCHITECTURAL DESIGN

PLANNING ISSUE

CLIENT: Mr George Moore
Project: Butterwick Grange Farm New Dwelling

Site and Location Plans

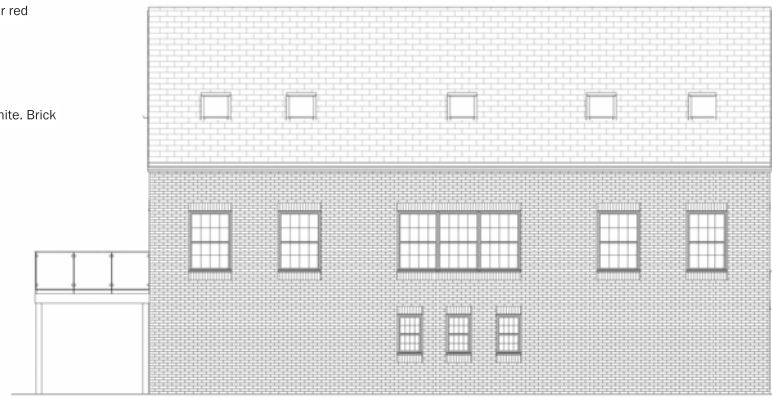
Drawn By: AR
Scale @ A1: As indicated
Print Issue: 23/09/2023

PA/2022/2125 Proposed elevations (not to scale)

AMENDED PLANS



Proposed South Elevation (Front)
1 : 100



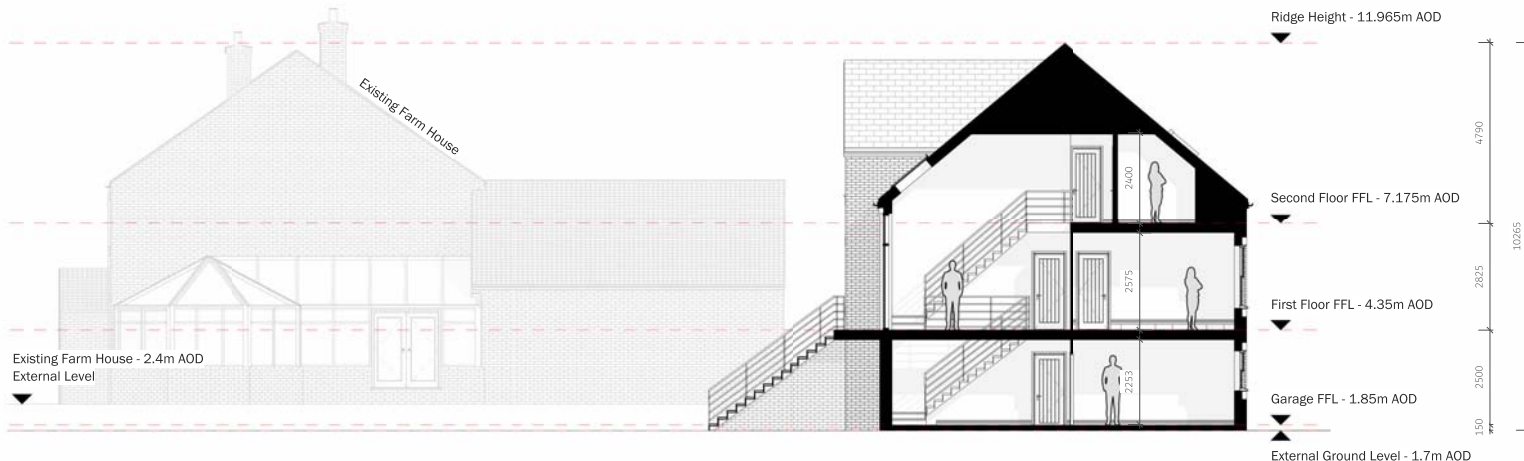
Proposed North Elevation (Rear)
1 : 100



Proposed East Elevation (Side)
1 : 100



Proposed West Elevation (Side)
1 : 100



Planning Context Section A - A
1 : 100

E	18.09.23	Roofline height revised	AR
D	17.11.22	Planning Issue	AR
C	14.09.22	Drawing finalised for clients approval	AR
B	05.09.22	Drawing revised following client comments	AR
A	18.08.22	First Issue	AR

Rev	Date	Description	By
E	18.09.23	Roofline height revised	AR
D	17.11.22	Planning Issue	AR
C	14.09.22	Drawing finalised for clients approval	AR
B	05.09.22	Drawing revised following client comments	AR
A	18.08.22	First Issue	AR

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PLANNING ISSUE

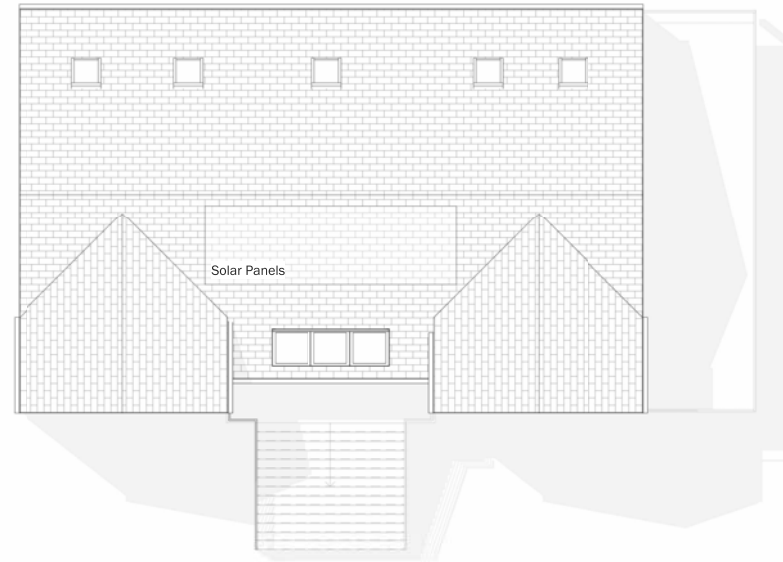
CLIENT Mr George Moore
Project Butterwick Grange Farm New Dwelling

Proposed Elevations

Drawn By AR
Scale @ A2 1 : 100
First Issue 18.08.2022



1162 | 03 | E



Proposed First Floor Plan
1 : 100

Proposed Roof Plan
1 : 100

Page 168



Proposed Garage Floor Plan
1 : 100

Proposed Ground Floor Plan
1 : 100

F	18.09.23	Roofline height revised	AR
E	31.08.23	Plans revised	AR
D	17.11.22	Planning Issue	AR
C	14.09.22	Drawing finalised for clients approval	AR
B	05.09.22	Drawing revised following client comments	AR
A	18.08.22	First Issue	AR

Rev Date Description By

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PLANNING ISSUE

CLIENT Mr George Moore
Project Butterwick Grange Farm New Dwelling

Proposed Floor Plans

Drawn By
Scale @ A2 1 : 100
First Issue 18.08.2022



1162 | 02 | F

APPLICATION NO	PA/2023/694
APPLICANT	Mr C Hodge
DEVELOPMENT	Planning permission to erect a new dwelling (including demolition of existing shop)
LOCATION	19 Doncaster Road, Gunness, DN15 8TG
PARISH	Gunness
WARD	Burringham and Gunness
CASE OFFICER	Deborah Oikeh
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Gunness Parish Council

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 11 Making effective use of land
- 12 Achieving well-designed and beautiful places

North Lincolnshire Local Plan:

- DS1 General requirements
- DS7 Contaminated land
- DS14 Foul sewage and surface water drainage
- DS16 Flood risk
- H3 Previously used land
- H5 New housing development
- H8 Housing design and housing mix
- T1 Location of development
- T2 Access to development
- T19 Car parking provision and standards

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

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

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early 2024.

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

SS6 Spatial distribution of housing sites

SS10 Development limits

DM1 General requirements

CONSULTATIONS

Highways: Recommend conditions.

Drainage Team: No objections subject to a condition.

Environmental Protection: Recommend a pre-commencement condition.

Trees: No comments.

Environment Agency: Initial objections removed following submission of a revised flood risk assessment. A condition and informative comments are provided.

PARISH COUNCIL

Supports local residents' views with regard to concerns over adequate drainage.

They also are concerned regarding the lack of dimensions on the plans from the proposed house and the dividing boundary of numbers 17 and 19.

PUBLICITY

Site visit and site notices have been displayed on 25/04/2023 and on 10/01/2024 following amendment to the plans. Four responses have been received making comments in relation to:

- the lack of dimensions on the proposed plans
- issues relating to the separation distance, massing, scale, design and overbearing nature of the proposal
- issues regarding drainage, disposal of surface water and flooding.

ASSESSMENT

Planning history

- PA/2006/0041: Advertisement consent to display a static internally illuminated fascia sign, an oval internally illuminated gable sign, and a static internally illuminated free-standing sign – refused 13/04/2006
- PA/2006/0637: Consent to retain an oval static internally illuminated gable sign and a static internally illuminated free-standing sign – approved 04/07/2006
- PA/2006/0751: Planning permission to retain LPG gas tank already sited for a temporary period of 6 months – approved 27/07/2006
- PA/2023/442: Planning permission for first floor front extension and demolition of former chip shop – approved 12/07/2023

Site constraints

- The site lies within the development boundary of Guinness according to the HELADPD 2016.
- The site is within SFRA flood zone 2/3a tidal.

Proposal and site characteristics

To begin with, this application was considered by the planning committee late 2023 but it was decided that additional comments regarding flooding should be sought from the Environment Agency and concerns regarding the impact of the proposal on adjoining dwellings should be addressed. Therefore, a decision was deferred. To address the concerns, the applicant has amended the design of the scheme to provide a single-storey bungalow instead of the proposed two-storey dwelling. The amended documents submitted include a revised flood

risk assessment which the Environment Agency considers acceptable subject to imposition of a condition.

Planning permission is sought to erect a new dwelling following the demolition of a shop. The application site is located to the west of 19 Doncaster Road and comprises a semi-detached dwelling and a single-storey building formerly used as a chip shop. The shop is the subject of this application. The former chip shop has been disused for some time and is in a state of disrepair, with hardstanding to the frontage and grassed garden area to the rear. The immediate area surrounding the site is predominantly residential dwellings. The site can be accessed from Doncaster Road.

Main considerations

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

The principle of the development

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), and the Housing and Employment Land Allocations DPD (2016).

Policy CS1 sets out the overarching spatial strategy for North Lincolnshire. It states, '...Scunthorpe will be the focus for the majority of new development and growth, including housing, employment, retail, sustainable transport links, and higher order services and facilities to serve North Lincolnshire' and, 'High quality, well designed new housing will be provided on a range of previously developed sites within the urban area followed by a greenfield urban extension with a focus on areas to the west of the built-up area.'

Policy CS2 prioritises '...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.' Local plan policy H3 corroborates core strategy policy CS2 in that it supports the development of previously used land within settlement development limits and is limited to a maximum of three dwellings in the minimum growth settlements subject to development being in keeping with the size, form and character of the settlement.

Policy CS3 deals with application of development limits within the Scunthorpe urban area, the market towns and rural settlements. However, limits will not be applied to rural settlements in the countryside.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. With regard to rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

The application site is set within the development limit of the settlement. The proposal would result in the use of previously developed land. Therefore, in principle, the proposal accords with guidance in the National Planning Policy Framework, policies CS1, CS2, CS3 and CS8 of the Core Strategy, and policy H3 of the North Lincolnshire Local Plan.

The Government released an updated NPPF in December 2023. Paragraph 226 makes clear that for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing against the housing requirement (rather than five years). This includes authorities like North Lincolnshire, which have an emerging local plan that has been submitted for examination. These arrangements apply for a period of two years from the publication date of the revised NPPF. Therefore, full weight can be attributed to the Local Plan and Local Development Framework policies and the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged.

Impact on residential amenity

In terms of amenity, policy DS1 states that 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.

Policy H5 relates to proposals for new housing development. The policy states that planning permission will be granted provided the development is located within urban and town centres, the proposal comprises infill development and is well related to existing infrastructure, and is appropriate in terms of scale, layout, amenity and character.

Policy H6 is also relevant in that it deals with proposals that seek to utilise vacant and underutilised commercial premises for housing provided there is no conflict with existing land uses, access, parking and the environment.

The existing shop is a single-storey structure that extends to the rear of the site. The closest dwelling to the proposal is number 17, a two-storey semi-detached dwelling with a hipped roof. Both sites, namely 17 and 19 Doncaster Road, are delineated by a timber panel fence to the front. The existing layout is such that the single-storey shop is built close to the timber panel fence at the frontage. The revised plans feature a single-storey bungalow, set back from the boundary treatment by about 313mm, thereby having a lesser impact on the amenities of the adjoining sites.

The openings to the dwellings are predominantly north- and south-facing (front and rear). No windows are proposed in the east and west elevations. Therefore, any overlooking impact from the proposed dwelling is limited. The proposal will provide two bedroom spaces, a modest living space, kitchen and bathroom facility, all on the ground floor.

The north-south layout or orientation of dwellings along Doncaster Road would enable the rear gardens to receive some level of light. Therefore, any impact upon daylight or sunlight is

minimised. It is considered that the proposed use of the site as a dwelling would generate less noise, smell and nuisance than the previous use as a hot food takeaway.

The proposed dwelling would have a length of 11.37m and a width of 6.28m, set between two-storey dwellings. In terms of height, the finished floor level of the development would be 3.58m above Ordnance Datum (AOD) which is about 1.26m above the surrounding ground level. The overall height of the bungalow, if measured from the external ground level to the ridge, is 5.935m. Whilst the land will be over a metre higher than the surrounding ground level, this impact will be mitigated by the reduction in the number of floors. Given the single-storey nature of the dwelling, the proposal is lower than the immediate dwellings adjacent to the site, with minimal or no overbearing or overshadowing impact compared to the former proposal. The proposal therefore accords with policy CS5 of the Core Strategy and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

Impact on the character and appearance of the street scene

This site constitutes infill and developable land primarily within the settlement boundary. Following the completion of the dwelling, there would be a reasonable separation distance between the side elevations of 17 and 19 Doncaster Road as shown on the proposed site layout. There appears to be a similar separation distance between some dwellings along Doncaster Road, and so this arrangement would not be out of character with the area.

Along Doncaster Road is a mix of properties of varied design, including detached bungalows and two-storey properties with diverse detailing. This proposal would have a simple façade comprising fenestrations with simple cills above. Whilst the design features a raised platform to the frontage, which is not very common along the road, the platform is required to gain access in and out of the dwelling due to the amount of land raising required to mitigate flooding. Also, the dwelling is reasonably set back from the road and the platform would be disguised using brickwork. The proposed development would be of similar appearance to others locally in terms of materials: off-white self-coloured render is proposed for the building, with grey concrete roof tiles, and grey uPVC windows and doors. As a result, there would be no adverse impact on the street scene. The proposal therefore accords with policy CS5 of the Core Strategy, and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

Impact upon 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 states that all proposals should be provided with a satisfactory access, while policy T19 is concerned with car parking provision and standards. Policy T19 requires developments which result in additional parking needs to incorporate proposals to fully meet that demand.

In terms of impact on the highway, the proposed dwelling would be served from the existing access on Doncaster Road. The existing hardstanding area would be used as a parking and turning area. The space could accommodate up to two cars, which aligns with the parking guide. Highways have raised no objections to the access and parking arrangements for the proposed dwelling subject to conditions which would be imposed should permission be granted. The proposal therefore accords with policies T2 and T19 of the North Lincolnshire Local Plan.

Flood risk and drainage

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

The application site is set within flood zone 2/3a and so is classed as more vulnerable development according to the flood risk vulnerability classification. Therefore, a detailed flood risk assessment that shows the sequential and exception tests carried out is essential in this case. To this end, the application site and the entire settlement of Gunness lie within flood zone 2/3a, hence there are limited or no opportunities for development in a lower flood risk zone within the settlement. Therefore, the sequential test is passed.

The exceptions test requires two things. First, the provision of evidence of sustainability of the development. The council's guidance note on flood risk mentions the use of previously developed land and existing buildings which this proposal seeks to fulfil. The proposal is a small-scale infill development which in economic terms may provide a very minute benefit; nonetheless, it would bring to effective use an area of disused land.

To pass the second part of the exceptions test, the local planning authority must be satisfied that the development is safe in the event of a flood. A revised flood risk analysis submitted by the applicant provided some mitigation measures in the event of flooding. This includes, flood resilient construction, an evacuation plan and safety measures where a breach of river defence occurs and ensuring the development's finished floor level is 3.58m above Ordnance Datum (AOD).

Comments from the Environment Agency following the submission of a revised flood risk assessment include a recommended condition regarding finished floor levels to make the development safe and an informative comment reminding the local planning authority to carry out a sequential test prior to any approval being granted. The sequential test has been done under this section.

In terms of drainage, no concerns have been raised by the council's drainage team, given the small-scale infill nature of the development. However, informative comments have been provided which would be included on any permission granted. The proposal is therefore considered to accord with policy DS14 of the North Lincolnshire Local Plan.

Land contamination

Policy DS7 of the local plan relates to contaminated land. This application is for residential development and so is a sensitive end-use. Historical maps reviewed by the council's Environmental Protection team indicate the presence of former commercial properties. Therefore, the site has the potential to have been impacted upon by contamination through the spillage and leakage of stored goods and fuel, and the illegal deposition of waste, which are harmful to human health.

Therefore, a contaminated land pre-commencement condition has been recommended and should be applied to any permission granted. This has been agreed with the applicant. Subject to compliance with the pre-commencement condition, the proposal is considered to accord with policy DS7.

Biodiversity and ecology

Policy CS17 relates to biodiversity and seeks to ensure developments produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for.

The biodiversity management plan submitted alongside the application identifies the following improvements to the dwelling following completion:

- the incorporation of 1 starling nest box from the RSPB website, or similar, incorporated within the garden area, at least 2.5m above the ground
- 1 built-in bat box from Istock or similar, incorporated 3–5 metres above ground level
- at least one hole at the base of each garden boundary fence, of around 130mm x 130mm, shall be left to allow hedgehogs to pass through as there could be potential for the presence of hedgehogs in the garden area.

Other concerns raised by the parish council

The parish council and residents raised concerns regarding the lack of dimensions on the plans. The applicant has provided updated plans to show the separation distance and dimensions of the proposed dwelling. Additionally, issues regarding drainage, flooding and surface water disposal were raised. In this respect, the LLFA drainage team was re-consulted and no further recommendation has been made. The informative comments made previously are considered sufficient for this scale of development. However, the Environment Agency has provided a condition to mitigate any impact from flooding that may arise. This condition will be attached to any permission the council is minded to grant.

Conclusion

The application site contains a semi-detached, two-storey dwelling and a disused single-storey shop (previously used as a hot-food takeaway) along Doncaster Road in Gunness. The shop is the subject of this application. This application seeks to demolish the shop and erect a dwelling. The site is set within the development boundary of the settlement, albeit in SFRA flood zone 2/3a. The first scheme submitted was for the erection of a two-storey dwelling; however, legitimate concerns, such as flooding and the impact of the proposal on the amenities of the adjoining neighbour, were raised. In response to these concerns, the applicant submitted a revised scheme for a single-storey bungalow to accommodate the Environment Agency's recommended finished floor level and to address concerns on amenity. No objection has been raised by the Environment Agency (EA) or LLFA Drainage team following the submission of a revised flood risk assessment and plans, subject to a condition imposed by the EA. The proposal is a small-scale infill development and would seek to bring into effective use previously used land within a predominantly residential area. The proposal is therefore recommended for approval.

Pre-commencement condition

The recommended pre-commencement conditions included in the recommendation has been agreed with applicant.

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

1.

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

Reason

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

2.

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

- Location plan, proposed site layout, existing and proposed block and floor plans 1623.01 rev F
- Existing and proposed elevations 1623.02 rev D
- Flood Risk Assessment Rev A and Biodiversity Management Plan.

Reason

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

3.

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.

4.

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

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings

must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the management of Land Contamination, CLR 11'.

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

5.

The development shall be carried out in accordance with the submitted flood risk assessment [Revision A] compiled by Flood Risk Management Limited, dated 13 August 2023 and the mitigation measures it details. In particular, the finished floor levels shall be set no lower than 3.58 metres above Ordnance Datum (AOD).

Reason

To reduce the risk of flooding to the proposed development and future occupants in line with policy CS19 of the North Lincolnshire 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:

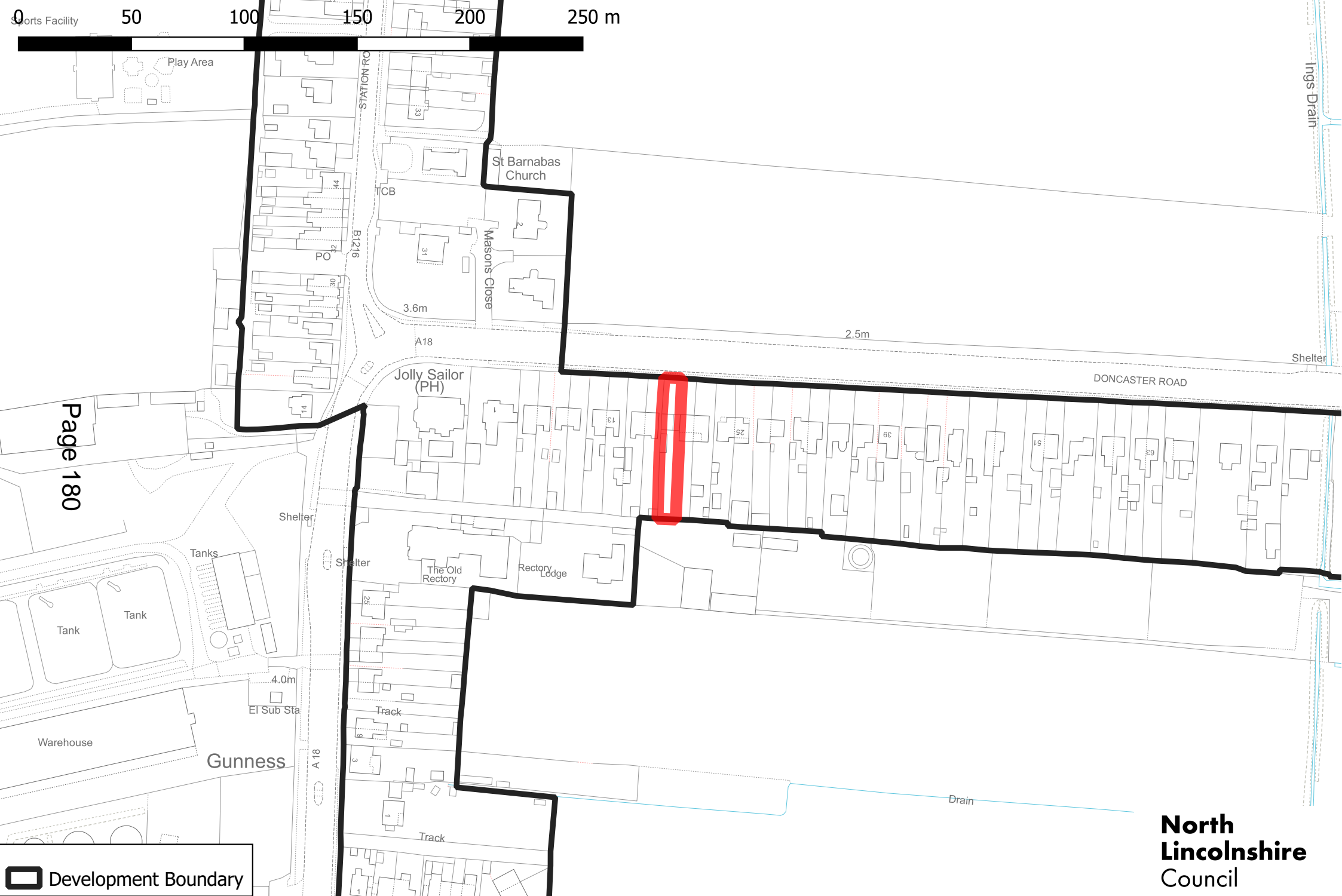
- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you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

As the proposed development is classed as a more sensitive end use, we suggest you consider investigating the existing surface water drainage arrangements/layout for the development. Further consideration may need to be given to upsizing the pipe network, thus 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.



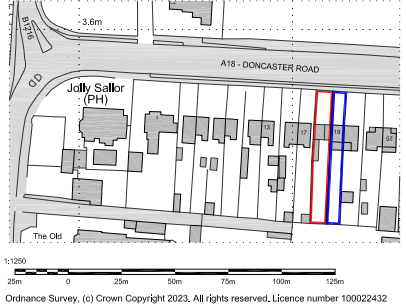
Page 180

Development Boundary

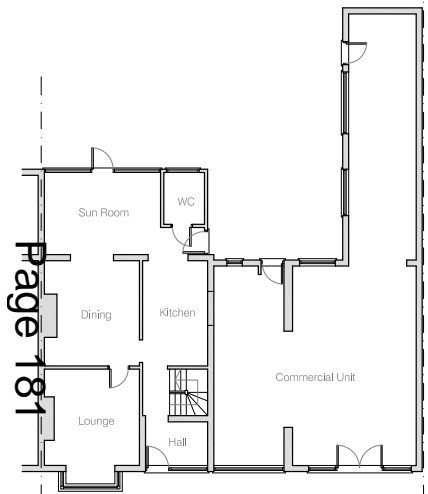
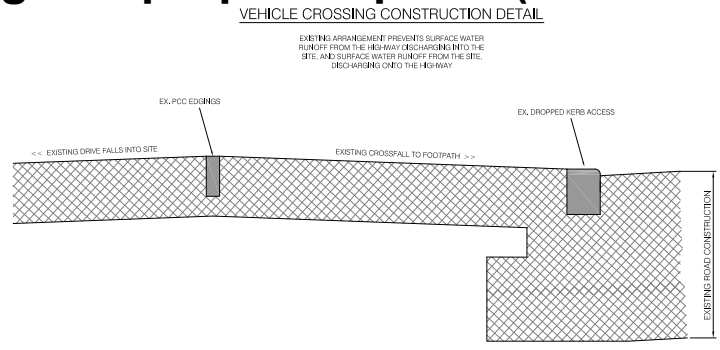
North Lincolnshire Council

PA/2023/694

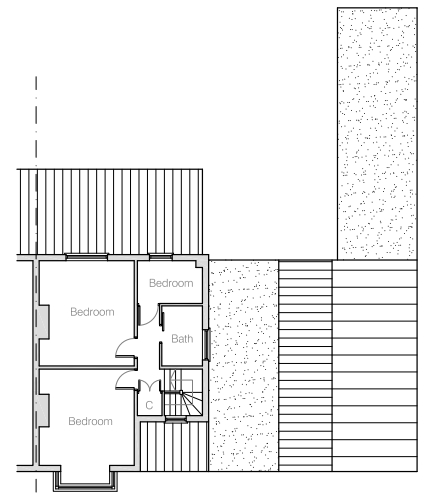
PA/2023/694 Existing and proposed plans (not to scale)



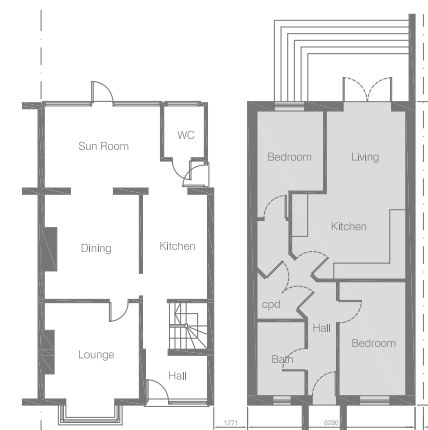
Location Plan
scale 1:1250



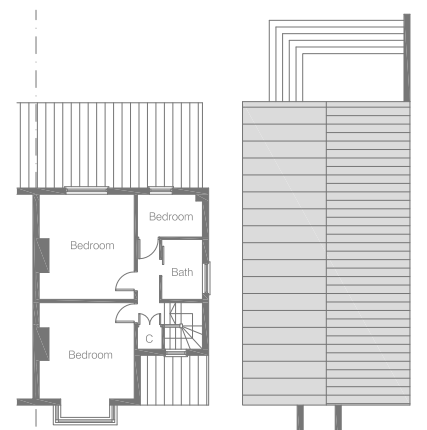
Existing Ground Floor Plan



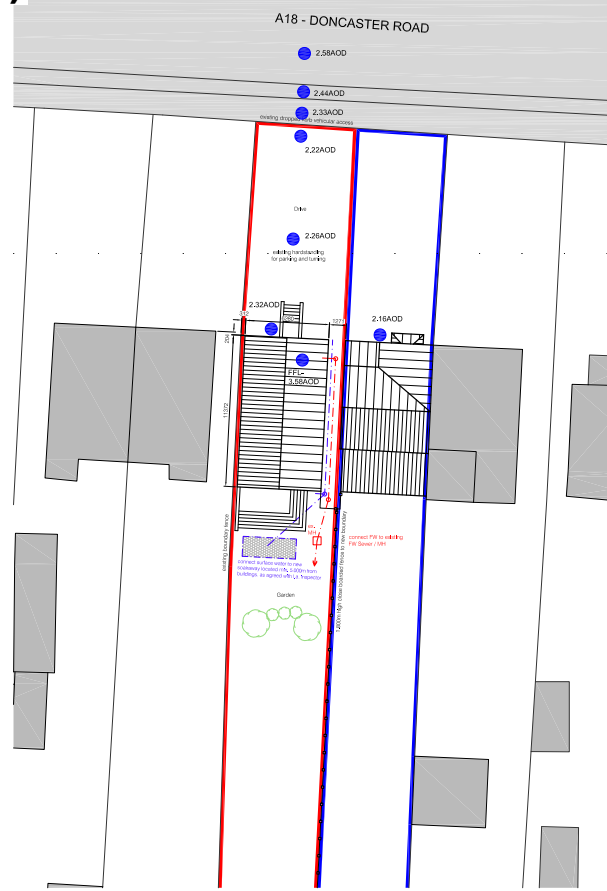
Existing First Floor Plan



Proposed Ground Floor Plan



Proposed First Floor / iRoof Plan

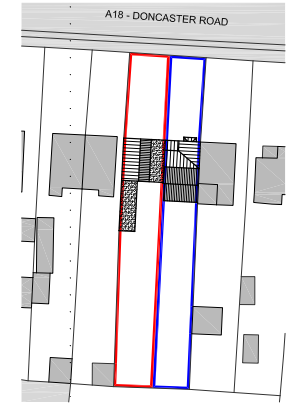


Proposed Site Layout
scale 1:200

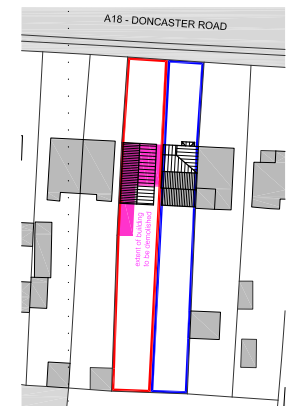
AMENDED

NOTES:
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 will be those drawings or associated documents are to be notified to keystonearchitecture.
Do not scale from these drawings - if in doubt - ask.
All materials shall be fixed, applied or mixed in accordance with the manufacturers written instructions, recommendations and specifications. Variations to specified materials shall be agreed in writing with keystone architecture.
The Contractor shall take into account everything necessary for the proper execution of the works and to the satisfaction of the Local Authority, whether or not indicated on the drawings or in the specifications.
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PARTY WALL NOTICE(S)
Building works (A) or against (B) the boundary line:
If you plan to build a new wall against or against the boundary line, you must inform the Adjoining Owner by serving a Notice.
Excavating near neighbouring buildings:
If you plan to excavate foundations within 3 metres of a neighbouring building or structure, where the excavation will go deeper than the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.
If you plan to excavate foundations within 6 metres of a neighbouring building or structure, where the excavation will go a further 400mm from the bottom of the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.



Existing Block Plan
scale 1:500



Proposed Block Plan
scale 1:500

F	Amended Scheme	28/11/23
E	Amended Scheme	19/10/23
D	Change to Boundary / Neighbouring Property Connected	11/10/23
C	Scheme Proposed Amended	06/10/23
B	Topo Survey Heights Added to Site Plan	14/07/23
A	Dimensions Added to Site Plan	11/05/23
rev.	agreement	date
Proposed New Dwelling at 10 Doncaster Road, North Lincolnshire	stage: Planning	drawn: Feb 23
scale: 1:100 & as noted	drawn by: JCB	

architecture building consultants energy assessors project managers
ka
keystone architecture
10 Doncaster Road, North Lincolnshire, DN15 6EA
T: 01724 239 122
www.keystonearchitect.co.uk
info@keystonearchitect.co.uk

Page 181

AMENDED

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 will be those drawings or associated documents are to be referred to keystonearchitecture.

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

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

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

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PARTY WALL NOTICE(S)

Building 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:

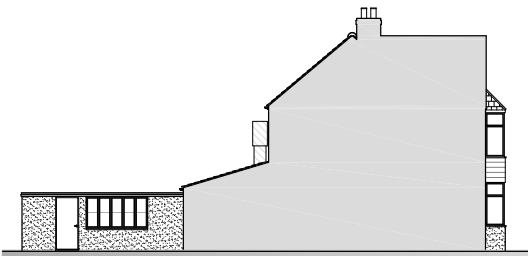
If you plan to excavate foundations within 3 metres of a neighbouring building or structure, where the excavation will go deeper than the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.

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

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Existing North Elevation



Existing East Elevation



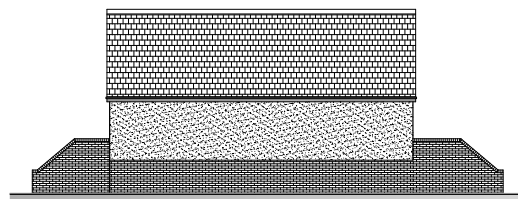
Existing West Elevation



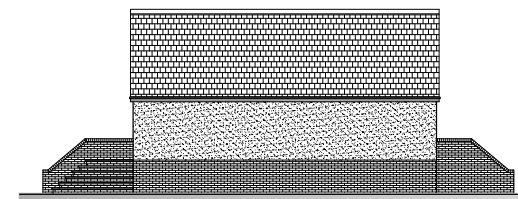
Existing South Elevation



Proposed North Elevation



Proposed West Elevation



Proposed East Elevation



Proposed South Elevation

- Material Schedule**
1. Offwhite self-coloured rendered walls
 2. Valley Modern concrete roof tiles Smooth Grey
 3. Grey uPVC windows and composite doors
 4. Black rainwater goods on grey uPVC fascias

NOT FOR CONSTRUCTION

D	Amended Scheme	28/11/23
C	Amended Scheme	19/10/23
B	Proposed Scheme Amended	06/10/23
A	Obscure Windows Added to West Elevation	13/08/23
rev	agreement	date

Proposed New Dwelling at 18 Doncaster Road, Guiness, North Lincolnshire	stage	Planning	drawn	Feb 23
	scale	1:100	drawn by	JCB

APPLICATION NO	PA/2023/1051
APPLICANT	D Bellamy
DEVELOPMENT	Planning permission for change of use from agricultural building to self-contained dwelling, including demolition of existing storage building
LOCATION	Swinster Lane, East Halton, DN40 4NR
PARISH	EAST HALTON
WARD	Ferry
CASE OFFICER	Deborah Oikeh
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework:

- 11 Making effective use of land
- 12 Achieving well-designed and beautiful places

North Lincolnshire Local Plan:

- DS1 General requirements
- DS7 Contaminated land
- DS14 Foul sewage and surface water drainage
- DS16 Flood risk
- RD2 Development in the open countryside
- RD9 Re-use and or adaptation of rural buildings for residential use in the open countryside
- H5 New housing development
- H8 Housing design and housing mix
- T2 Access to development
- T19 Car parking provision and standards
- 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

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

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early 2024.

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

DM1 General requirements

CONSULTATIONS

Highways: No objections subject to conditions.

LLFA Drainage: No objections subject to conditions.

Environmental Protection: No objections but recommend conditions including a pre-commencement condition which has been agreed by the applicant.

Ecology: Recommends the installation of bat boxes and a sparrow terrace.

PARISH COUNCIL

Requests that the views of the immediate residents and any comments regarding traffic and drainage are carefully considered.

PUBLICITY

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

ASSESSMENT

Planning history: None.

Site characteristics and proposal

The application site comprises farm buildings along Swinster Lane in East Halton. The site is bordered by residential dwellings to the east, west and south. To the north of the application site are other unused or vacant farm buildings under separate ownership. The site is outside the development boundary for East Halton and is set within flood zone 1.

The property consists of two structures, the main one being a two-storey, steel-framed building, with blockwork external walls, a cement fibre sheeted roof and a dry concrete floor. The other building was a cattle shed and is constructed in timber with steel sheeting to the walls and roof. Both structures are currently used as workshop/storage space.

This proposal seeks planning permission to convert the two-storey building into a self-contained dwelling and to demolish the cattle barn next to it to provide garden space for the proposed dwelling. The level of work required for the conversion is considered minimal. Improvements to the appearance of the building include the addition of windows and the insulation of external walls for thermal efficiency. All other sections of the building, including the roof and walls, would remain.

Main considerations

- **Principle of development**
- **Impact upon amenity and the character of the area**
- **Flood risk and drainage**
- **Ecology**
- **Land contamination**
- **Impact upon highway safety.**

Principle of development

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.

The North Lincolnshire 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 DPD. Other material considerations include the National Planning Policy Framework (NPPF), the emerging North Lincolnshire Local Plan and a suite of supplementary planning documents.

It should be noted that the council is able to demonstrate a five-year housing land supply as identified within the North Lincolnshire Council Five Year Housing Land Supply Statement, adopted August 2023. Therefore, full weight can be attributed to the Local Plan and Local Development Framework policies and the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged.

The application site is outside the development limit for East Halton as defined in the Housing and Employment Land Allocations DPD. For policy purposes this would constitute development within the countryside and therefore policy RD2 of North Lincolnshire Local Plan needs to be considered. Policy RD2 looks to control development in the open countryside, with development granted for applications essential to agriculture or forestry, the re-use or adaptation of existing rural buildings, or the replacement, alteration or extension of an existing dwelling, amongst others. Policy RD9 primarily focusses on and supports proposals for the re-use or adaptation of rural buildings for residential use subject to meeting criteria (i) to (v).

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. Policy CS2 aims to focus development on: previously developed land and buildings within Scunthorpe and the market towns, followed by suitable infill opportunities, and lastly, greenfield extensions. Any development that takes place outside defined development limits of settlements will be restricted, with only development essential to the functioning of the countryside allowed, and a sequential approach will be applied to ensure that development is directed to those areas that have the lowest probability of flooding.

Policy CS3 largely mirrors the approach set out in policy CS2, restricting new development outside development limits to that which is essential to the functioning of the countryside, including uses such as agriculture, forestry and sustainable tourism development.

Policy CS8 sets out the spatial distribution of housing sites and confirms that 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 H5 of the local plan looks at proposals for new housing development and requires development to be in keeping with the character and amenity of the immediate environment and with the settlement as a whole. New development must have an adequate and appropriately designed access, and provide adequate parking within the curtilage of the site. Policy H5 also requires that new residential development does not result in overlooking or loss to privacy to existing developments or any other loss of amenity to existing dwellings.

The proposal is not in overall accordance with the development plan as it departs from Core Strategy policies CS2 and CS3, both of which have largely replaced policy RD2. However, the proposed use of the building does align with saved policy RD2 (iv) in that it seeks to re-use an existing building for residential purpose. Policy RD9 deals with this more explicitly and states that buildings for residential conversion must meet the following criteria:

- be of architectural or historic importance to the rural scene and be capable of conversion without major alteration
- residential re-use or adaptation is the only way to retain the building in viable continued use and/or secure the improvement of the building
- the development will not create the need for new buildings to house activities displaced by the conversion
- the general design of the conversion retains and respects the original character of the building and is in keeping with its surroundings; any extension should respect the scale and appearance of the original building
- the development will not lead to loss of habitat for protected species.

Whilst these two buildings are of no architectural or historic importance, they are capable of conversion without major alteration. The buildings are set within residential dwellings but are currently used as workshop/storage space. It is hoped that residential conversion would bring the site to viable use and enhance the residential setting in which it is situated. The improvements to the main building would be minimal, with no extension of the structure. The proposed improvements relate to the aesthetics and energy efficiency of the building and would therefore retain its character. There is no known record of any protected species. The council's ecologist, following consultation, has raised no concerns regarding habitat protection. According to the applicant, the buildings are underused, mainly as storage. Therefore, there will be no need to create a new structure for storage.

Notably, the site is situated along Swinster Lane, off Townside, where there are established dwellings. East Halton has 5 out of 7 key facilities such as:

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

The site is accessible to Scunthorpe and other locations by road and is therefore a sustainable location. Being a sustainable location, developments have recently been approved in the area (PA/2023/1494 and PA/2022/1498).

The proposal will incorporate a cleaner energy source for an electric car charging unit, an air source heat pump and renewable energy provision (solar panels), which highlights the government's ambition to encourage renewable, low carbon energy and environmental gain. The up-to-date building regulations would require sustainable building methods to be employed which would be translated through the development. The existing trees to the eastern boundary will be maintained to enhance biodiversity.

The proposal, whilst outside the defined settlement boundary, is akin to an infill development in this part of East Halton, in a sustainable location within walking and cycling distance of local facilities, and with access to sustainable modes of travel. The proposal is also capable of benefiting from permitted development under class Q; however, this application process has enabled the local planning authority to negotiate the improvement of the scheme. Indeed, the proposed development would be considered a betterment in visual amenity terms and would have a positive impact on the character and appearance of the area, and bring existing land back into effective use, thus supporting the government's ambition (section 11 of the NPPF).

The Government released an updated NPPF in December 2023. Paragraph 226 makes clear that for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing against the housing requirement (rather than five years). This includes authorities like North Lincolnshire, which have an emerging local plan that has been submitted for examination. These arrangements apply for a period of two years from the publication date of the revised NPPF. Therefore, full weight can be attributed to the Local Plan and Local Development Framework policies and the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged.

Impact upon amenity

Policy DS1 aims to ensure that development does not unduly impact neighbouring amenity in terms of noise, smell, fumes, dust or other nuisance.

Policy H5 also seeks to require that proposals do not result in adverse impacts upon neighbouring amenity.

The proposal will provide one residential dwelling along Swinster Lane. The existing building is a double-storey structure and the proposed conversion would maintain the existing floor pattern and layout.

Immediately to the east of the application site is an undeveloped piece of land, hence direct amenity impact upon residents further down Swinster Lane is limited. The nearest dwelling to the application site is 'Pipers', a bungalow with an outbuilding/garage to the side; however, there is a considerable separation distance between the sites. Other sites will benefit from greater separation distance. The proposal is not considered to have an overbearing impact on the Pipers given the separation distance. The proposed dwelling would have one west-facing first-floor window serving the landing area which will be obscured. This window will overlook the outbuildings and parking area of Pipers. Given that both the landing area and outbuildings of Pipers are not habitable space, the impact from overlooking will not be very significant.

The existing storage building area to the east would form the garden area following its demolition. The existing trees to the eastern part will be retained and a rail fence installed to screen the garden area.

Impact upon the character of the area

Policy CS5 states that new developments should be well designed and appropriate for their context, and contribute to creating a sense of place, any proposed development needing to respect the character and appearance of the local area. Policy RD2 also seeks to protect the

character and appearance of the countryside. Policy RD9 is more relevant to this application in that it provides criteria against which this nature of application must be assessed.

The criteria listed in policy RD9 have been addressed under the principle section, criteria (i) and (iv) being the most relevant. Both relate to the architectural importance and design of the building, and require it to be capable of conversion without major alteration, and that the general design should respect the original character and be in keeping with its surroundings. It is worth noting that the building to be converted is of no architectural importance but can be adapted into a dwelling in a way that complements the residential setting of the area.

In terms of design, the existing building is made up of blockwork external walls with a steel-framed structure. Following conversion, the finish to the external façade of the dwelling will be acrylic render with dark grey stained, vertically-boarded timber panels to emphasise the window areas. Along Swinster Lane is a mix of property styles ranging from bungalows to two-storey, rendered and brick-built dwellings. The adjacent dwelling (Pipers) is rendered in cream with brown quoins or details. The improvement to the design will have a positive effect on the building and the wider area. It is therefore considered that the design of the proposed dwelling would not be at odds with the character of the area. Additionally, the conversion of the building does not require extension or any increase in size; hence, the scale will remain unchanged. Given the assessment under this section, it is considered that the design of the proposed conversion will not conflict with policies RD2 and RD9.

Ecology

Policy CS17 of the North Lincolnshire Core Strategy is concerned with biodiversity and seeks to achieve a net gain whilst also protecting existing wildlife habitat networks. The council's ecologist has advised that no protected species surveys are required and has recommended the installation of bat boxes and sparrow terraces for biodiversity enhancement; this will be conditioned and attached to any permission granted.

Flood risk and drainage

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

The application site is set within flood zone 1 and is a suitable location for development in flood-risk terms. The proposal is classed as a more sensitive end use, being for residential development; therefore, an informative comment has been provided by the LLFA Drainage team to encourage the applicant to consider upsizing the pipe network.

Land contamination

Policy DS7 of the local plan relates to contaminated land. The site is a sensitive end use and has potential to contain contamination due to the previous use of the site as an agricultural field. The Environmental Protection team have recommended a pre-commencement condition requiring a full contaminated land assessment. Given the location of the proposal, and the high risk of contamination from the previous use, the recommended condition is considered reasonable. The applicant has agreed to the recommended pre-commencement condition, which will be applied to any permission the local planning authority is minded to grant.

Highway safety

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

The existing access to the site would be retained for entering and exiting the site. An area to the side of the building (west) will be used for parking with an electric car charging point installed. The highways department has been consulted and recommends conditions to ensure that access and parking arrangements are provided on site prior to the occupation of the dwelling. The condition will be applied to any permission granted. Therefore, the proposal is not considered to conflict with the requirements of policies T2 and T19.

Other matters

The parish council has asked that the views of immediate residents, and any traffic and drainage concerns, are considered in assessing this application. The drainage and highways departments have been consulted in the process and no objections have been raised. It is worth mentioning that a number of residents have written and signed the planning statement submitted by the applicant supporting the proposal. Although, this is not the key consideration in deciding this application, it does suggest neighbours have no concerns about the proposal.

Conclusion

This proposal seeks planning permission to convert an existing two-storey farm building into a self-contained dwelling and to demolish the cattle barn next to it to provide garden space for the proposed dwelling. The application site is outside the development boundary of East Halton and the proposal also conflicts with criterion (i) of policy RD9 in that the building is not of any architectural importance, albeit the site is in a sustainable location with 5 out of 7 key facilities in the settlement. The level of work required for the conversion is considered minimal and will bring into effective use an underutilised infill plot in a sustainable location. The proposal does present some environmental and social benefits for the area. It will incorporate a cleaner energy source for an electric car charging unit, an air source heat pump and renewable energy provision (solar panels), which highlights the government's ambition to encourage renewable, low carbon energy and environmental gain. The proposal as it was is likely to benefit from permitted development under class Q; however, with this application a better scheme, including opportunities to mitigate land contamination and improve biodiversity, can be achieved. The proposal is therefore recommended for approval.

Pre-commencement condition

This has 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:

- Site location plan DRWG/PA/2023/1051/01
- Proposed site layout dwg 010423-04
- Proposed block plan and boundary elevation dwg 010423-05
- Proposed floor and elevation plans dwg 010423-02A.

Reason

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

3.

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.

4.

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

Part 1: Site Characteristics

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

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

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

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

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

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

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

5.

The development hereby approved shall incorporate integral bat bricks and sparrow terraces.

Reason

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

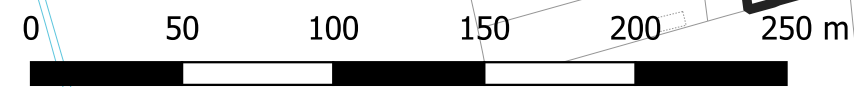
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway.

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.

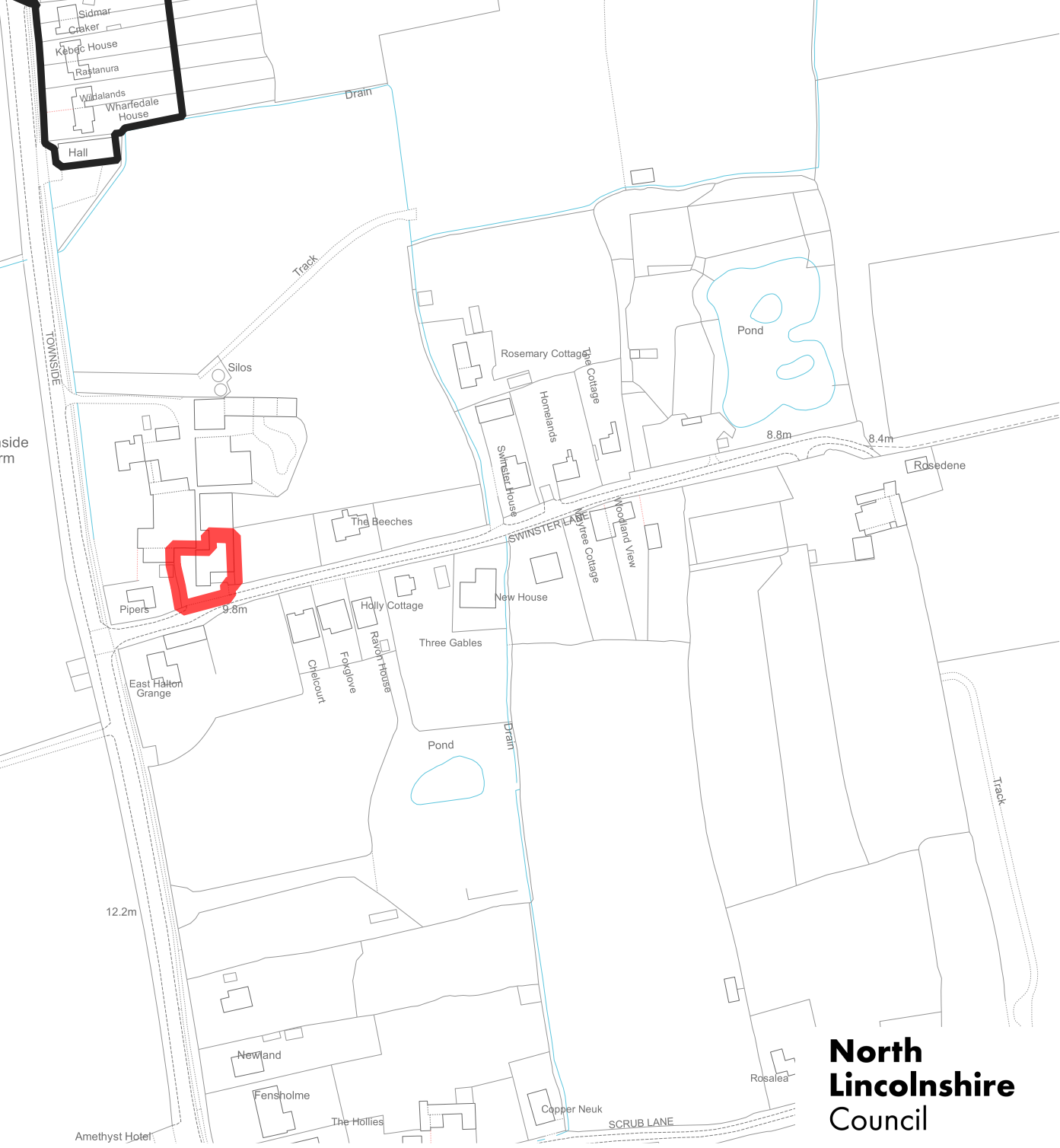
As the proposed development is classed as a more sensitive end use we suggest you consider investigating the existing surface water drainage arrangements/layout for the development; further consideration may need to be given to upsizing the pipe network and increasing storage around your development 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.



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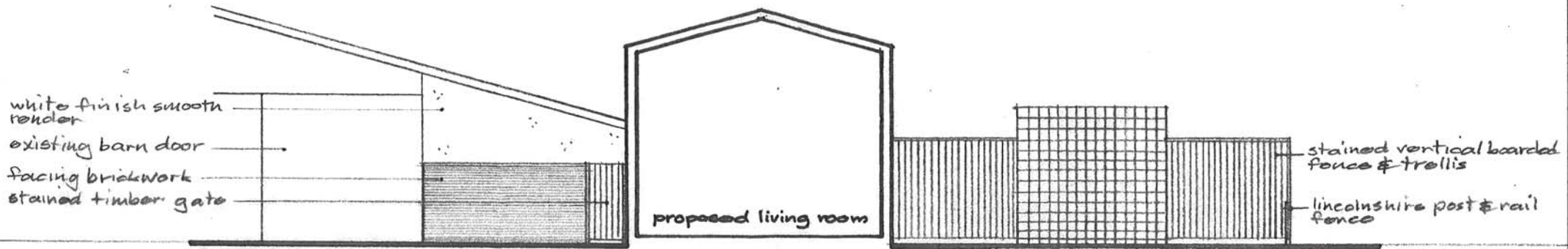
 Development Boundary

PA/2023/1051

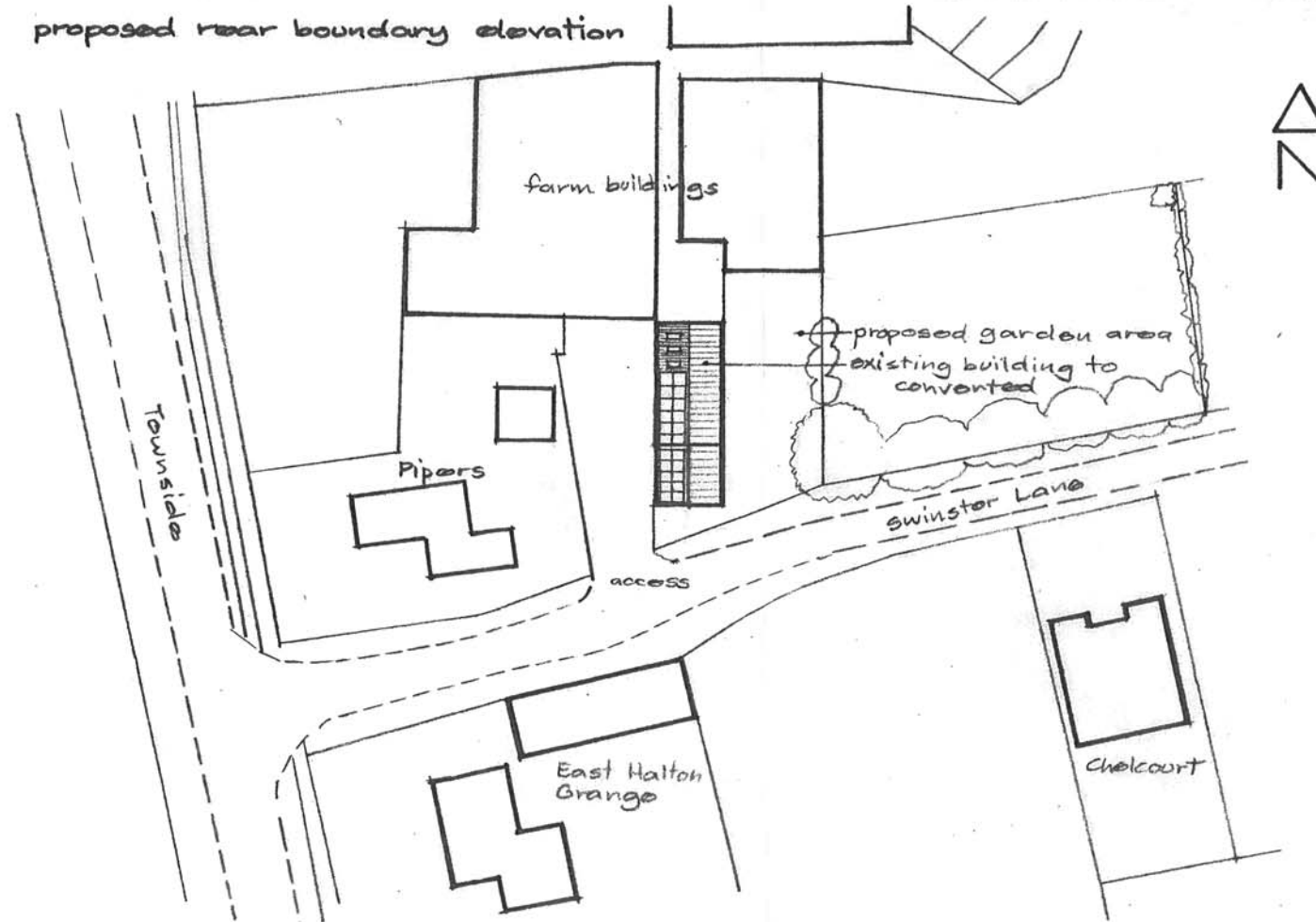


**North
Lincolnshire
Council**

PA/2023/1051 Proposed layout (not to scale)



proposed rear boundary elevation



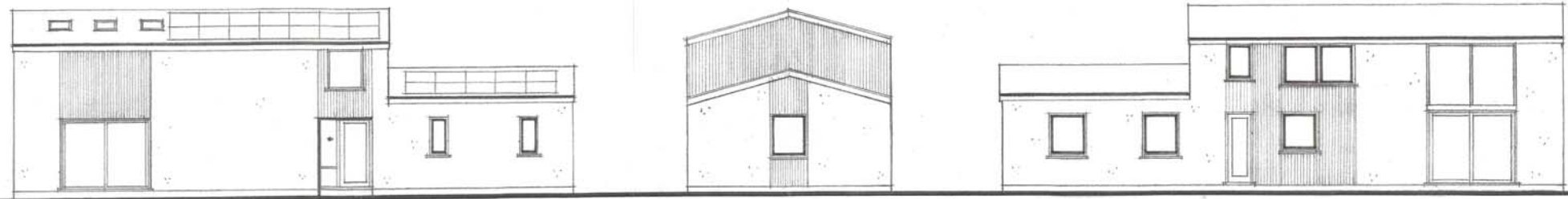
Page 195

block plan scale 1:500

proposed conversion of former agricultural building into a dwelling, Swinster Lane, East Halton

RECEIVED
26 APR 2023

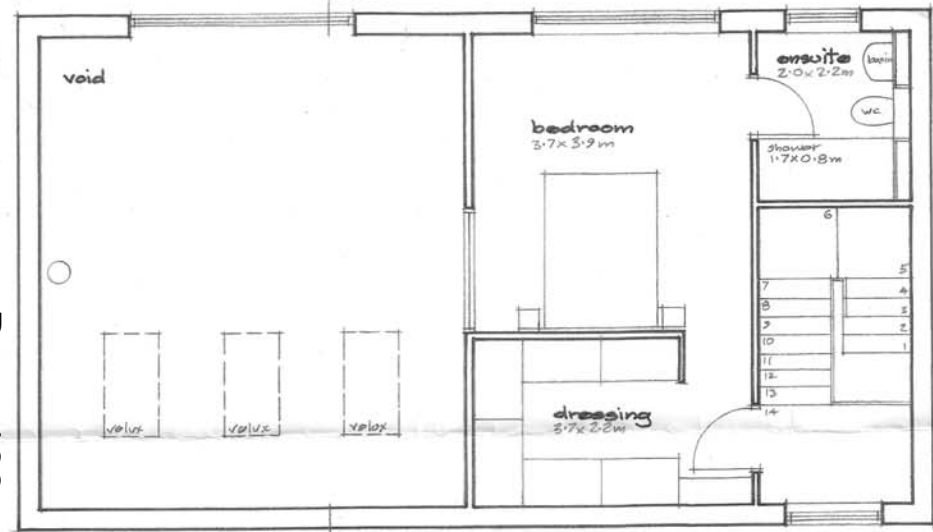
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scale 1:100



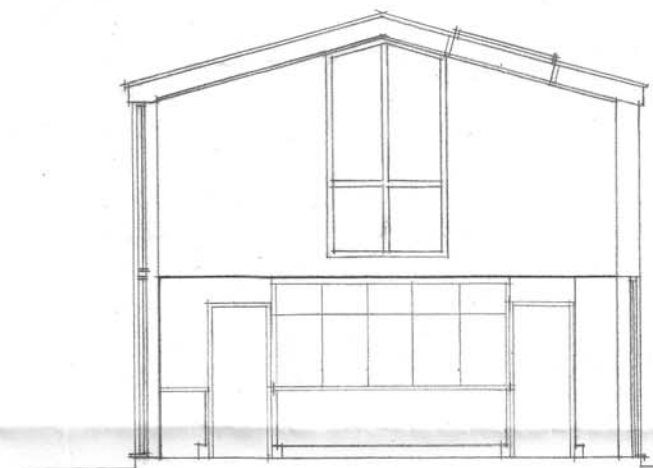
proposed side elevation

proposed front elevation

proposed side elevation



proposed first floor plan



section aa

roof - dark grey low profile insulated composite panels
 external walls - white finish smooth render & dark grey stained vertical timber panels
 windows & doors - dark grey powder-coated aluminium



proposed ground floor plan

proposed conversion of former agricultural building into a dwelling, Swinster Lane, East Halton

RECEIVED
 26 APR 2023

dwg 010423-02
 scale 1:50 & 1:100

APPLICATION NO	PA/2023/1720
APPLICANT	Mr Phil Wood
DEVELOPMENT	Planning permission to erect a garage
LOCATION	The Old Stackyard, Commonside, Westwoodside, DN9 2AR
PARISH	HAXEY
WARD	Axholme South
CASE OFFICER	Daniel Puttick
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Judy Kennedy – personal objections as well as endorsing those of the neighbouring owner)

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 4 Decision-making
- 8 Promoting healthy and safe communities
- 12 Achieving well-designed and beautiful places

North Lincolnshire Local Plan:

- DS1 General requirements
- DS5 Residential extensions
- 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
- CS25 Promoting sustainable transport

Housing and Employment Land Allocations DPD:

Settlement boundary for Westwoodside

Supplementary Planning Guidance 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 early 2024.

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

SS1 Presumption in favour of sustainable development

SS2 Spatial strategy for North Lincolnshire

SS3 Development principles

SS11 Development limits

T1 Promoting sustainable transport

T3 New development and transport

DM1 General requirements

CONSULTATIONS

Highways: No objections or comments.

LLFA Drainage: No objections or comments.

Environmental Protection: No comments to make.

PARISH COUNCIL

Objects, making the following comments:

‘This is a re-application of PA/2023/1070 (withdrawn). The Parish Council notes the reduction in height of the proposal, our main concern remains the impact on the property to the rear of the site, the Parish Council notes the comment regarding the owners existing enjoyment of their property. This proposal goes some way to alleviating the impact on the neighbouring property, it will still reduce the enjoyment of the property to the rear and their conservatory (east).

This is an inappropriate siting for the use of restoring classic cars in a residential area.

It was noted that one objection has now been received from a neighbour.’

PUBLICITY

A site notice has been displayed and one response has been received from a neighbouring resident. The following is a summary of the material considerations raised within the objection:

- The revised application does not address previous concerns raised due to its size and position, which will be overbearing.
- Supporting plans indicate the garden room in the neighbouring property is a garage, which is not the case.
- The proposed development is 1m away from seating/patio areas associated with the garden room of the neighbouring property.
- The gable of the building will cast shadows across the bungalows to the rear, being considerably higher than the boundary fences/hedges.
- The size of the building is excessive, being similar in size to The Old Stackyard and larger than the bungalow to the rear.
- The building will be visible from all parts of the neighbouring garden.
- The new driveway will require the removal of existing trees which will reduce privacy and lead to traffic movements along the shared boundary.

ASSESSMENT

Planning history

PA/2023/1070: Planning permission to erect a garage – withdrawn

PA/2009/1385: Planning permission to erect a detached four-bedroom house and double detached domestic garage (resubmission of PA/2009/0516) – approved

PA/2009/0516: Planning permission to erect a four-bedroom detached dwelling and detached double garage – approved

2/1990/1095: Siting of a residential caravan – refused

2/1985/0083: Erect a detached bungalow - approved

Site characteristics

The site comprises an existing two-storey detached dwelling situated near the pond on Commonsides in Westwoodside. Access from the highway via timber gates set within a boundary wall, the property is of red brick construction and set back from the footpath within landscaped grounds. The existing house has accommodation over two floors, with a garage to the front of the site providing parking and storage space at the property.

The property is in a residential area within the settlement boundary for Westwoodside. The site is within flood zone 1, an area at low risk of flooding. There is no conservation area within Westwoodside. There is a listed building to the north-east of the application site fronting

Uppertorpe Road; however, as the site is not considered to be within the setting of this building, it is not considered further within this report.

Proposal

Planning permission is sought to construct an ancillary outbuilding to the rear of the property to provide garaging and storage space. The main body of the building would have a footprint measuring approximately 7.6m in width by 12.2m in depth, with a height to eaves level below 2.5m and height to ridge of 4.53m.

The main body of the building would be accessed via a new driveway leading from the existing parking area to the front of the property between the garage and house. The new driveway would be set away from the existing boundary with the neighbouring property, and lead to the front of the proposed outbuilding which would be accessed via a 4m wide roller shutter door.

A narrow offshoot would be constructed to the north of the main body of the building near the boundary with the bungalows to the rear of the property. This element project northwards by approximately 10m, with a height to eaves level below 2.5m and height to ridge of 3.44m.

The building would be constructed of materials to match the existing dwelling, including bricks, roof tiles and timber windows.

Material considerations

Planning permission is sought to construct a detached outbuilding within the curtilage of The Old Stackyard in Westwoodside. The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO) is a significant material consideration in determining this application.

Class E of Part 1 of Schedule 2 of the GPDO provides permitted development rights for the construction of outbuildings within the curtilage of residential dwellings. The permitted development right allows for 'the provision within the curtilage of the dwellinghouse of—

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.'

Development is not permitted under Class E in instances relevant to this application where:

- the total area of ground covered by the buildings would exceed 50% of the total area of the curtilage of the dwelling;
- any part of the building would be situated on land forward of the principal elevation of the dwelling;
- the building would have more than a single storey;

- the height of the building would exceed 4 metres in the case of a building with a dual pitched roof, 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwelling, or 3 metres in any other case;
- the height of the eaves of the building would exceed 2.5 metres; or
- the building would be situated within the curtilage of a listed building.

In this instance planning permission is required to construct the proposed outbuilding as it is within 2m of the boundary of the property and exceeds 2.5m in height.

The application involves works within the curtilage of an existing dwelling within a defined settlement boundary, the principle of which is acceptable in accordance with policy DS5 of the North Lincolnshire Local Plan.

The main issues in determining this application are:

- **design and impact on the character and appearance of the area; and**
- **impacts on residential amenity.**

Design and impact on the character and appearance of the area

Policy CS5 of the Core Strategy states that all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place, the policy stating that 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 of the local plan seeks to ensure that proposals are sympathetic in design, scale and materials to the existing dwelling and its neighbours, and seeks that materials and finished do not contrast markedly with those of the original building or neighbouring properties.

Policy DS5 of the local plan provides design criteria for new residential extensions, and generally seeks to ensure proposals are in keeping with their surroundings. 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. It also states that the proposals should be sympathetic in design, scale and materials to the existing dwelling, and should not use materials or finishes which contrast markedly with those of the original building or neighbouring properties.

Supplementary guidance is provided within SPG1, which provides guidance specific to house extensions, including outbuildings and garages. It generally seeks to ensure new development proposals are appropriate in design and in keeping with the character of the property, rather than appearing as an afterthought, without dominating the original building in scale, materials or situation.

The proposed garage would be at the rear of the property. The existing house and garage located towards the front of the site, coupled with boundary treatments around the perimeter of the site and landscaping within the curtilage of the property, would screen the proposed outbuilding from views within the public domain. Given the modest scale of the building in

terms of its overall height, the garage would not be a prominent feature within the street scene. It may be possible for some glimpse views to be achieved of the garage once constructed; however, given its location at the rear of the property, it is not considered that there would be any adverse impacts upon the overall character of the area or street scene in this location.

The outbuilding would be of a simple design, constructed in materials to match the existing house and garage. The main body of the building would read as the focus of the new development, the narrow section along the western boundary of the side set down and smaller in scale, and read as an ancillary component of the outbuilding.

Concerns are raised by a neighbouring resident in respect of the scale of the building in relation to the existing dwelling. It is acknowledged that the building has a large footprint; however, the property has a sufficiently sized plot which can accommodate the scale of development proposed without resulting in the grounds of the property becoming overdeveloped.

The provisions of the GPDO would enable a building with a similarly sized footprint to be provided at the site without the need for planning permission. This is a material consideration which Members must bear in mind when determining the application. Given the availability of permitted development rights, it is not considered reasonable in this instance to withhold planning permission on the basis of the level of accommodation being proposed.

The introduction of the building at the site would alter the appearance of it when viewed from neighbouring properties. Concerns have been raised in respect of the building being visible from all areas of the neighbouring garden area. It is acknowledged that the introduction of a building at the site would change its appearance and would result in impacts upon views from neighbouring garden areas.

For similar reasons to those set out above, the introduction of a building at the site would not be considered to be so harmful as to justify withholding planning permission. Members are advised that extensive permitted development rights available to the applicant would enable a building to be constructed of a similar design and in a similar location to that proposed. As such, concerns raised in relation to the change in appearance of the site as a result of the proposed development should be afforded only very limited weight.

Having regard to the above, the design of the proposed development is considered to be appropriate in its context. The revised design has been significantly reduced in scale and is considered to be subservient to the size of the main house and existing garage located towards the front of the site. The building would not appear as a prominent feature within the street scene and would therefore be considered to maintain the character and appearance of the area in this location. The proposals are therefore considered to be acceptable in accordance with policies DS1 and DS5 of the North Lincolnshire Local Plan, policy CS5 of the North Lincolnshire Core Strategy and the aims of the NPPF.

Impacts on residential amenity

Policy DS1 of the local plan states, in relation to amenity, that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

Policy DS5 of the local plan provides design criteria for new residential extensions, and generally seeks to ensure proposals are in keeping with their surroundings. 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. It also states that development should not cause overshadowing as a result of the height and depth of the extension blocking daylight and sunlight, particularly in the case of two-storey extensions on or close to the boundary.

Paragraph 135 of the NPPF indicates that planning policies and decisions should ensure that, amongst other requirements, developments create places which are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The objection received raises a number of concerns relating to perceived impacts on residential amenity, with concerns regarding the impact on the enjoyment of the property to the east to the rear of the site raised by the parish council.

The application has been supported by detailed plans which include sections to enable an assessment of the impact of the development on the amenity of neighbouring residents. Based on the information provided within the application, the supporting information provided within the objection from the neighbouring resident, and from officer's findings during a visit to the site, it is not considered that the scale, layout or design of the outbuilding would unduly compromise the living conditions of occupants of the neighbouring property to the south of the application site.

Whilst close to the boundary with the neighbouring property, the sections demonstrate that the building would be smaller in terms of overall height than the garden room to the rear of the neighbouring property. The site plan also shows it would be positioned further back within the plot than the garden room of the neighbouring garage. For these reasons, the proposed outbuilding would not be considered to result in adverse impacts in respect of loss of outlook or any overbearing impacts for occupants of the property and its associated garden room to the south. Given its location in relation to this property, the outbuilding would not result in any loss of daylight or sunlight.

Concerns have been raised in relation to the introduction of a driveway within the site to serve the proposed outbuilding. This aspect of the development would not in itself require planning permission and as the vehicular movements likely to be generated by the development are low, officers consider that these concerns would not be sufficient to justify withholding planning permission. As indicated above, a similarly sized outbuilding could be provided at the site. The driveway has been positioned away from the boundary with the neighbouring property to the south, and in any event is something which could be introduced without the need for planning permission.

Planning permission is sought to construct the outbuilding. The supporting documents indicate that the building would be used for the storage and maintenance of classic cars, the applicant indicating that maintenance on the vehicles would continue to be undertaken primarily by a relative located in Cheshire. Given these circumstances and the scale of the proposal being ancillary to the dwelling, it is not considered that the development would give rise to any unacceptable loss of amenity for occupants of the dwelling to the south.

In summarising the above, the concerns raised by the objector are acknowledged; however, officers are satisfied that the revised proposals for the construction of an outbuilding at The Old Stackyard would not result in unacceptable impacts on the amenity of occupants of the

residential property to the south of the application site to a degree which would justify withholding planning permission.

The proposed development would be close to the eastern boundary of the property, beyond which there are two bungalows, one of which has a conservatory extending close to the boundary of the curtilage of the dwelling. Concerns have been raised by the parish council with regard to the potential impact of the development on the enjoyment of the property and its conservatory.

Application PA/2023/1070 was previously withdrawn, primarily due to concerns raised about the scale of the development in proximity to the neighbouring dwellings to the east, and resultant impact that would arise from the outbuilding in terms of loss of outlook, daylight and sunlight, and potential overbearing impacts.

The proposed outbuilding has been significantly reduced in scale from the previous application, in terms of both height and width. Due to the difference in levels between the properties to the east, which are set approximately 0.6m above the ground level within the application site and enclosed by boundary fencing approximately 1.6m in height, the impacts of the development would be significantly reduced. The site sections show the eaves of the building below the height of the existing boundary fence. As a result, only sections of the gable and roof of the building would be visible from the neighbouring properties.

Due to the difference in ground levels between the application and properties to the east, the design of the building, with eaves levels below the level of the existing fence, would ensure that the bulk of it would not impact the amenity of the neighbouring dwelling. The proposals would not be considered to give rise to harmful impacts in terms of loss of outlook or any overbearing impacts on these properties as a result.

Any impacts caused by the development would therefore primarily relate to the impacts of the gable and roof and potential for overshadowing, or loss of sunlight or daylight. For similar reasons to those above, whilst the development is close to the boundary with the neighbouring building, the revised design would not be considered to give rise to significant adverse impacts on the amenity of occupants of properties to the east in terms of overshadowing, and would not result in levels of light loss which would be significant enough to justify refusing planning permission.

The outbuilding would feature roof windows to the west-facing elevation of the offshoot from the main bulk of the building, and would feature two pedestrian doors in addition to the roller shutter door. The arrangement of openings, in the absence of openings on the south- and east-facing elevations, would ensure that the privacy of occupants of neighbouring dwellings would be preserved. To ensure that this remains the case, it is recommended that a condition be imposed to restrict the introduction of new openings and roof windows on the south- and east-facing elevations of the proposed outbuilding.

Having regard to the above, it is considered that the proposed development would not result in unacceptable adverse impacts on the living conditions of occupants of nearby residential properties. A condition is recommended to prevent the introduction of further openings and roof windows on the south and east-facing elevations. Subject to accordance with such a condition, the proposals are considered to be acceptable and in accordance with policies DS1 and DS5 of the North Lincolnshire Local Plan, supplementary planning guidance in relation to household extensions and the aims of the NPPF.

Conclusion

Having regard to the above, it is considered that the proposed development would not result in unacceptable adverse impacts on the living conditions of occupants of nearby residential properties. It is therefore recommended that planning permission be granted subject to a condition to prevent the introduction of further openings and roof windows in the south- and east-facing elevations.

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. CWX1040-01C (Location Plan, Existing and Proposed Site Plans, Proposed Plans and Elevations).

Reason

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

3.

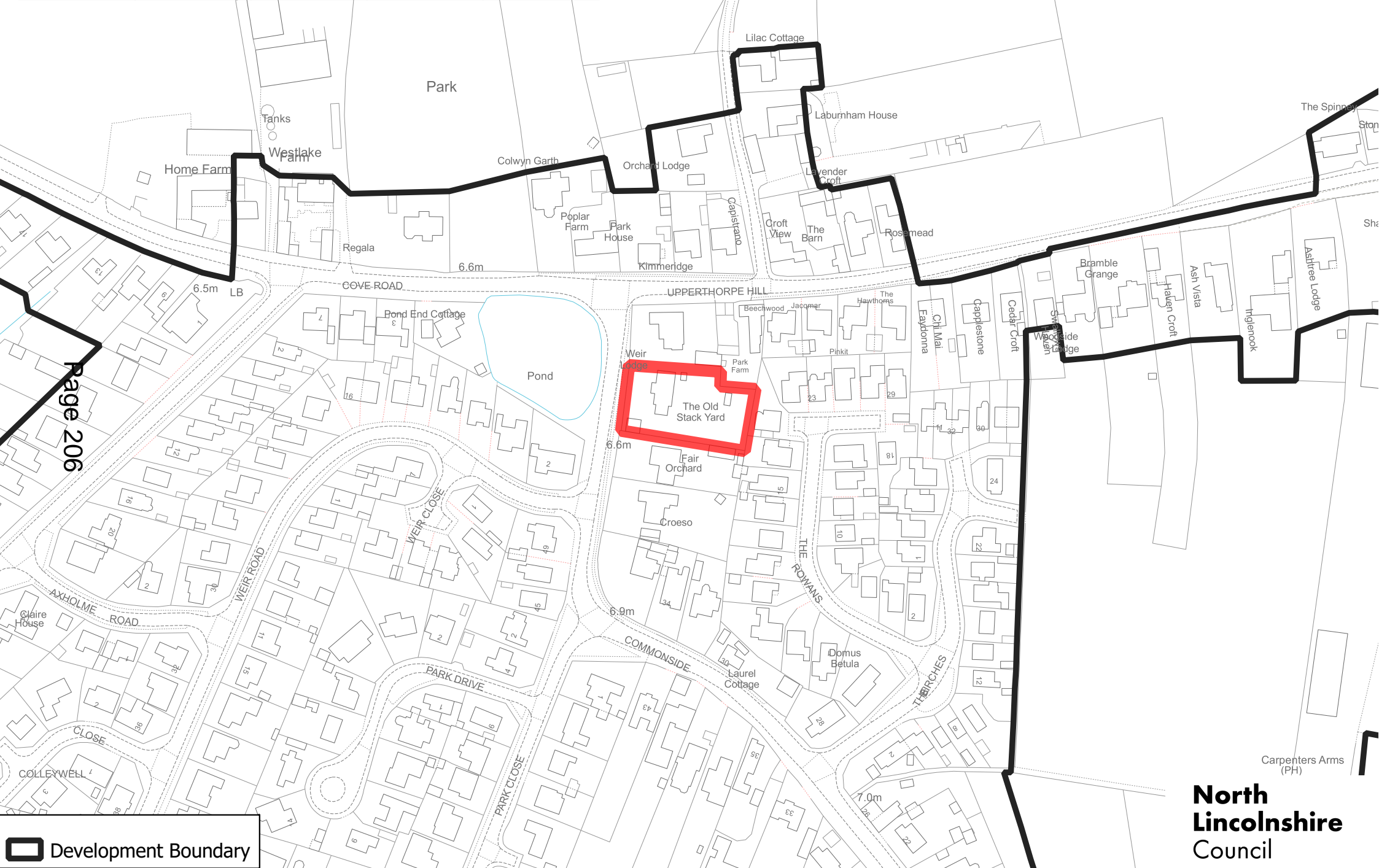
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other Order revoking, modifying or re-enacting that Order, no further openings or rooflights shall be installed in the south- and east-facing elevations and roof slopes of the development hereby approved unless an application for planning permission has first been granted by the local planning authority.

Reason

To ensure the privacy of occupants of neighbouring dwellings is preserved in accordance with policies DS1 and DS5 of the North Lincolnshire Local Plan.

Informative

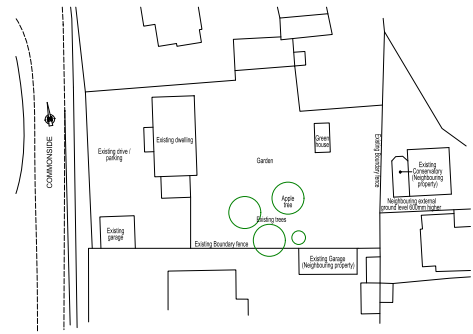
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



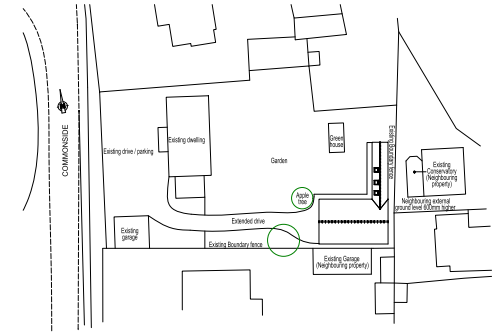
Page 206

 Development Boundary

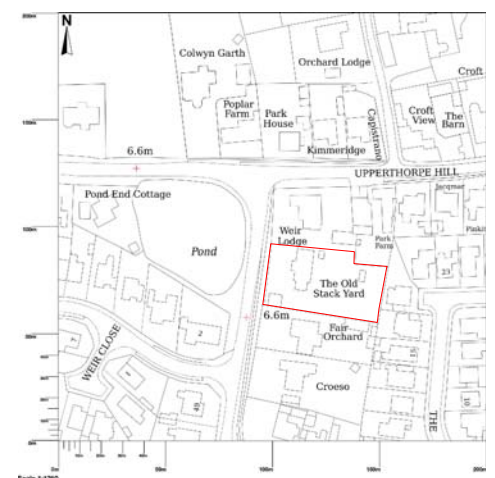
PA/2023/1720 Proposed plans and elevations (not to scale)



EXISTING SITE PLAN
1:500

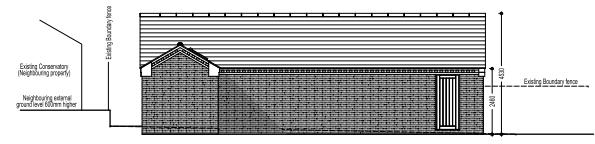


PROPOSED SITE PLAN
1:500

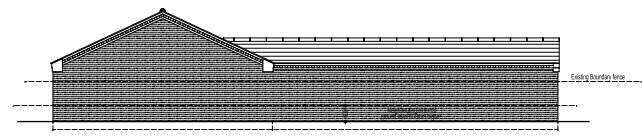


Scale 1:1250
© Crown copyright and database rights 2023 OS 100054135. Map area bounded by 474758.399840 474958.400040. Produced on 11 May 2023 from the OS National Geographic Database. Supplied by UKPlanningTools.com. Unique plan reference: pabu/4/848/1861/22/0005

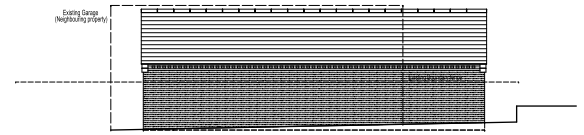
LOCATION PLAN
1:1250



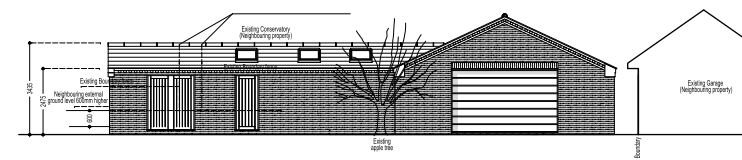
PROPOSED SIDE - NORTH - ELEVATION
1:100



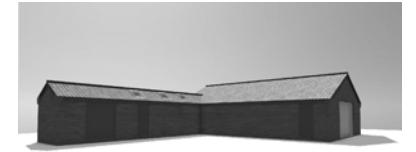
PROPOSED REAR - EAST - ELEVATION



PROPOSED SIDE - SOUTH - ELEVATION

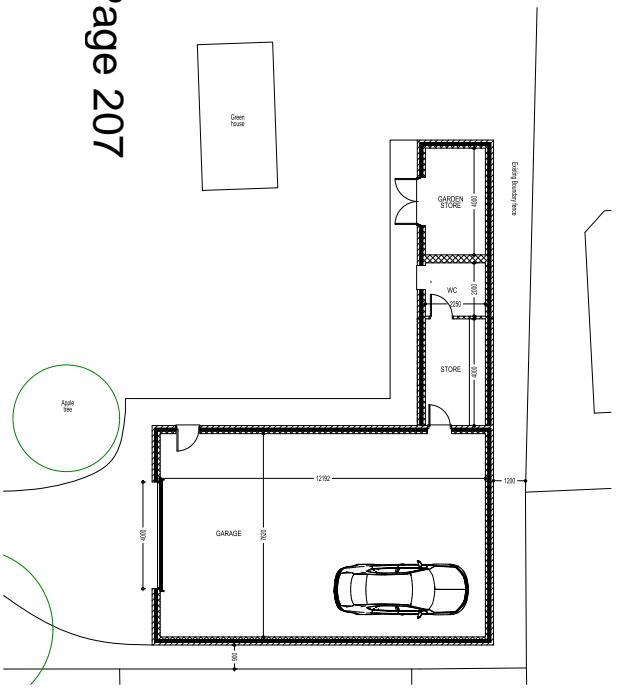


PROPOSED FRONT - WEST - ELEVATION




PROPOSED 3D VIEW
rts

Page 207



PROPOSED FLOOR PLAN
1:100



Cadworx Ltd
Architectural design and 3d Visualisations
Linden House, Bracken Hill Road
East Leam, Nr Doncaster DN9 2LR
tel 01427 753232
danny@3dcadworx.com

- Project
- PROPOSED CAR AND MOTORHOME GARAGE
- THE OLD STACK YARD
- 42 COMMONSIDE
- WESTWOODSIDE
-
-

Title:

- LOCATION PLAN
- EXISTING AND PROPOSED SITE PLANS
- PROPOSED PLANS AND ELEVATIONS

Scale	Date	Drawn
1:100 @ A1	05-2023	DS

Drawing No. **CWX1040 - 01C**

A B C D E F G H I J

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APPLICATION NO	PA/2023/1749
APPLICANT	D Rhodes
DEVELOPMENT	Planning permission to erect an annexe
LOCATION	Amcotts Grange Cottage, access road to Amcotts Grange Cottage, Amcotts, DN17 3EZ
PARISH	Amcotts
WARD	Axholme North
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan (Local Plan Policy RD10)

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 12 Achieving well-designed and beautiful places

North Lincolnshire Local Plan:

- DS1 General requirements
- DS5 Residential extensions
- RD2 Development in the open countryside
- RD10 Replacement, alteration and extensions to dwellings in the open countryside
- T2 Access to development
- T19 Car parking provision and standards
- 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

Housing and Employment Land Allocations DPD: The site is within the open countryside, outside the development limits of Amcotts as shown on the Proposals Map, but within the residential curtilage of the host property.

PS1 Presumption in favour of sustainable development

Supplementary Planning Guidance:

SPG1 Design guidance for house extensions

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early 2024.

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

CONSULTATIONS

Highways: No comments or objections.

LLFA Drainage: No objections, but an informative is recommended in relation to surface water drainage.

Environmental Protection: This application for residential development is a sensitive end use. It is recommended a screening assessment be submitted and a condition is recommended requiring a full site investigation if permission is granted.

PARISH COUNCIL

No comments received.

PUBLICITY

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

ASSESSMENT

Planning history/designations

PA/2007/0334: Planning permission to erect a two-storey rear extension – approved with conditions 30/03/2007

2/1979/0349: Erect private dog kennels – approved with conditions 09/08/1979

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

The site is not within a conservation area and does not relate to a listed building. There are no tree preservation orders (TPOs) on the site.

Site characteristics/proposal

This application relates to an existing property – Amcotts Grange Cottage, access road to Amcotts Grange Cottage, Amcotts. The property comprises an existing two-storey detached dwelling; a rear two-storey extension was constructed in 2007. This application seeks to create an annexe within the rear garden of the existing property. The site is a good size with sufficient amenity space to the rear.

The site is in a countryside location within the residential curtilage of the existing property. The application is for a single-storey one-bedroom annexe. The application is made on a householder application form and the development is therefore ancillary to the main house.

The following considerations are relevant to this proposal:

- **principle of development**
- **residential amenity**
- **appearance/quality of design**
- **drainage**
- **flood risk**
- **highway safety**
- **contamination.**

Principle of development

The site is outside the development limits of Amcotts within the residential curtilage of the property. Being outside the development limits of a rural settlement, open countryside policies apply. Policy RD2 strictly controls development within the open countryside, but allows development which is for the replacement, alteration or extension of an existing dwelling.

The main issues in determining this application are character and appearance, residential amenity, highway and drainage matters.

Residential amenity

Saved policy DS5 of the North Lincolnshire Local Plan (2003) 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 RD10 also seeks to ensure that dwellings as replaced, extended or altered will not adversely affect the amenity of local residents.

The site is within an existing residential area. The plots in this location are mixed in size, the application site having a good-sized garden in relation to the size of the property. The host property includes an existing two-storey rear extension. The annexe is proposed to the rear of the existing garden. The proposed annexe is set off the boundary with the neighbouring property to the south and will not include any windows in the southern elevation. Windows are proposed in the northern, north-western and south-eastern elevations at ground floor level which will overlook the existing garden. Three rooflights are proposed within the north-eastern elevation which will overlook the residential garden of the host property.

The annexe will share the garden space of the existing property and will be ancillary to the main house. The annexe is set off boundaries with neighbouring properties and is single-storey. It is not considered to lead to any significant amenity impacts. Patio doors are proposed to the front (north-eastern elevation) of the building which will overlook the existing garden.

The annexe is located to the north of the adjacent property and as such would not result in any loss of light or overshadowing impacts for the property to the rear – Grange Farm Cottage.

The design is considered appropriate and will not lead to any amenity impacts. In addition, it should be noted that no comments have been raised by adjoining neighbours objecting to the proposals.

Character/appearance/quality of design

Policies RD10, DS5 and CS5 are concerned with visual amenity, the former stating that proposals should be sympathetic in design, scale and materials. Policies DS5 and CS5 both seek to improve the quality of design across North Lincolnshire.

Policy RD10 relates to extensions to dwellings in the open countryside and development is permitted provided that the volume of the proposed extension or alteration does not exceed that of the original dwelling by 20%, exclusive of the normal permitted development rights, and the original dwelling forms the dominant visual feature of the dwelling as extended.

The original property has a volume of 416 cubic metres. The host property includes an existing two-storey rear extension with a volume of 64 cubic metres, which equates to 15% of the original property. The proposed development seeks a single-storey annexe with a volume of 222 cubic metres, which is a 53% increase on the original property, but taking into account the existing extension volume of 64 cubic metres this would result in a volume of

over 20% (286 cubic metres/68.75%). When taking into account the whole property, this equates to a 68.75% increase, which is 48.75% over the policy requirements of RD10.

Whilst the policy is relevant, each case should be taken on its own merits. The proposed annexe will form part of an existing residential property and is contained within the existing residential curtilage. The existing property is accessed via a private track and is not visible from the surrounding road network. The property has a good-sized garden and the development will be contained between existing properties, outbuildings etc, and impacts on the wider character of the area will be limited. The majority of the additional volume is within the first floor and roof space and has been carefully designed to consider neighbouring properties and this countryside location.

The proposals are considered to be designed to a high standard and will include an off-white self-coloured render for the walls, grey slate effect tiles for the roof, grey UPVC for windows and doors, and black uPVC rainwater goods. The host property includes an off-yellow render whilst the property to the south is finished in an off-white render. As such, the proposed materials are considered appropriate for the site and would be in keeping with this location.

The proposed works are considered to be sympathetic to the host property as well as the wider street scene and will not result in harm to the character of the area. It is considered that the proposal would align with policies RD10, DS5 and CS5.

Drainage

The LLFA Drainage team have not raised any concerns or objections regarding the proposals. They do recommend the inclusion of an informative.

Flood risk

The site is within SFRA flood zone 2/3 (a) tidal. Buildings used for dwelling houses are classed as 'More Vulnerable' within Annexe 3: Flood risk vulnerability classification (NPPF). The building is existing, is ancillary to the main house and is within the residential curtilage of the property.

The Flood Risk and Coastal Change Government Guidance document notes the site as minor development.

'Minor development means:

- alterations: development that does not increase the size of buildings, e.g. alterations to external appearance
- householder development: for example, sheds, garages, games rooms etc. within the curtilage of the existing dwelling, in addition to physical extensions to the existing dwelling itself. This definition excludes any proposed development that would create a separate dwelling within the curtilage of the existing dwelling (e.g. subdivision of houses into flats) or any other development with a purpose not incidental to the enjoyment of the dwelling.'

The Standing Advice (Flood Risk Assessment Standing Advice) provides advice for minor extensions in flood zone 2 or 3. A minor extension is a household or non-domestic extension with a floor space of no more than 250 square metres. It notes that a plan needs to be provided showing finished floor levels and estimated flood levels. It also notes that developers should make sure the floor levels are either no lower than existing floor levels or 300

millimetres above the estimated flood level. You will also need to use flood resistant materials up to at least 300 millimetres above the estimated flood level.

Further to discussions with the agent and having looked at the Standing Advice, the agent has updated the plans and confirmed that the internal floor level will be a minimum of 300 millimetres above the external ground level.

The agent has also confirmed that in the event of flooding an escape from the ground floor will be via the main double doors and escape compatible windows in the bedroom. These are all within very close proximity of all areas of the annexe, so escape will be swift with no obstructions. A condition is recommended to ensure these features are retained.

It is considered that the submitted information is sufficient in line with the standing advice for minor developments within flood zone 2/3a.

Highways

The Highways team has not raised any concerns regarding the proposals. There are no concerns in terms of highway safety given the proposal is to the rear of the property and is for a single-storey annexe.

Contamination

The Environmental Protection team has considered the proposal and notes that, being for residential development, it is a sensitive end use. The team recommends the inclusion of a condition requesting a phase one site investigation prior to the commencement of development. Given the site is an existing residential property and currently used as residential garage and garden space, it is considered unreasonable to include such a condition; instead a monitoring condition is recommended should permission be granted.

Conclusion

The proposal is acceptable in principle, is well designed and would not harm residential amenity. It is therefore recommended that planning permission be granted.

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 Arrangements - 1842.01.

Reason

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

3.

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

4.

Prior to occupation and notwithstanding the hereby approved plans (condition 2 above), the finished internal floor level shall be set a minimum of 300mm above the external ground level, and escape compatible windows shall be installed in the bedroom and retained thereafter.

Reason

To protect users of the site from the risk of flooding in accordance with policies CS19 of the Core Strategy and DS16 of the North Lincolnshire Local Plan.

5.

The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Amcotts Grange Cottage, access road to Amcotts Grange Cottage, Amcotts, DN17 3EZ.

Reason

To ensure that the additional accommodation is not severed from the main dwelling to provide a self-contained dwelling unit.

Informatives

1.

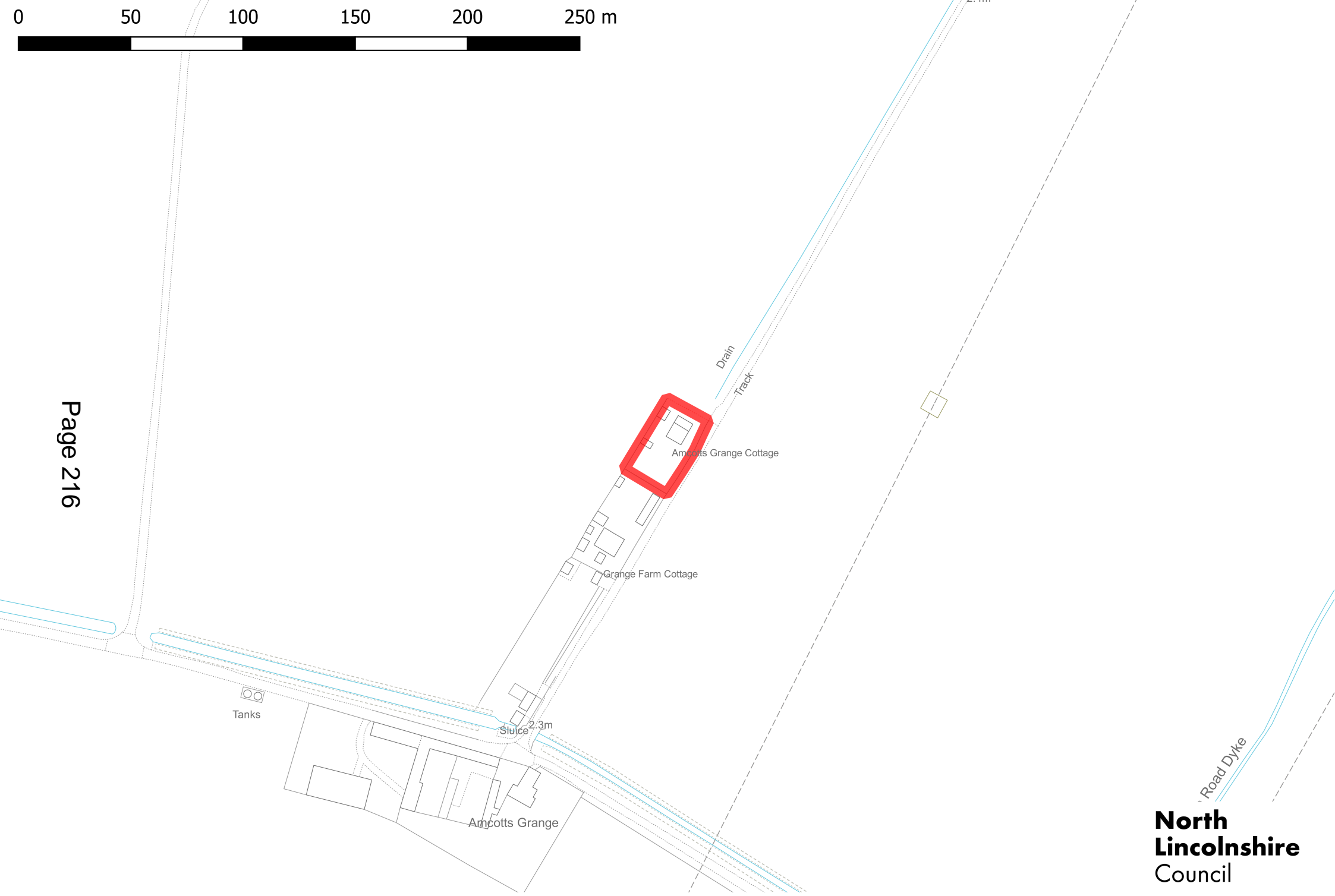
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

2.

The proposed development is classed as a more sensitive end use and therefore the LLFA Drainage team suggests you consider investigating the existing surface water drainage arrangements/layout for the development; further consideration may need to be given to upsizing the pipe network, thus 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.

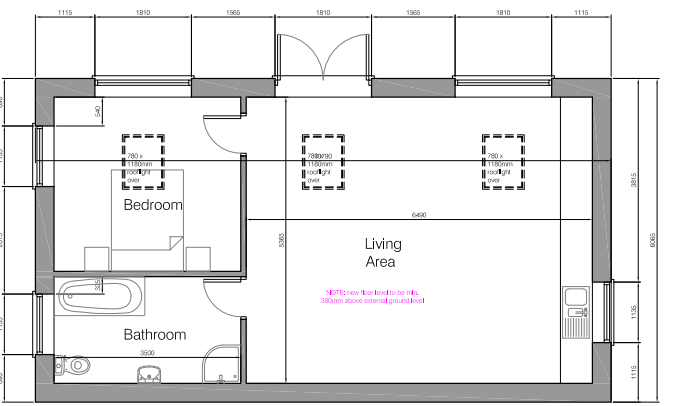
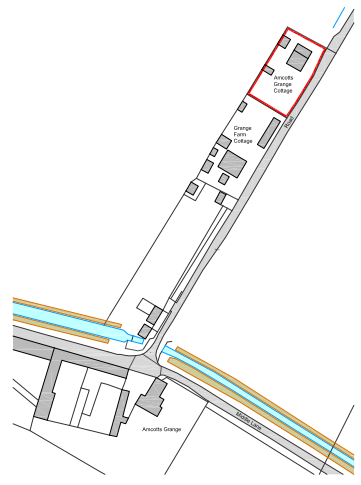
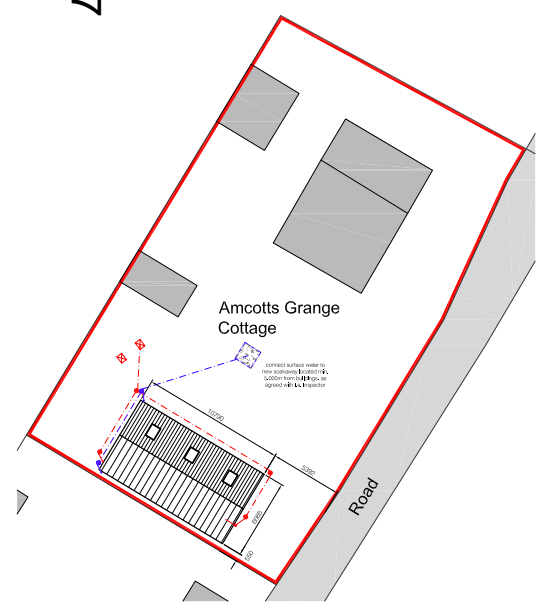
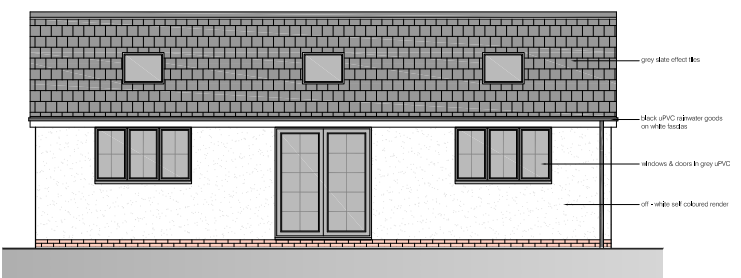
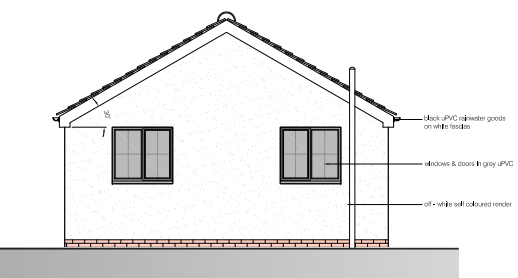
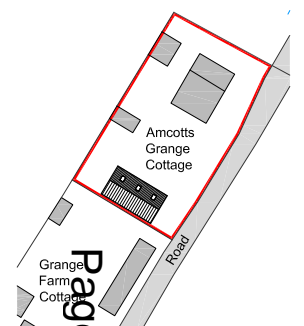
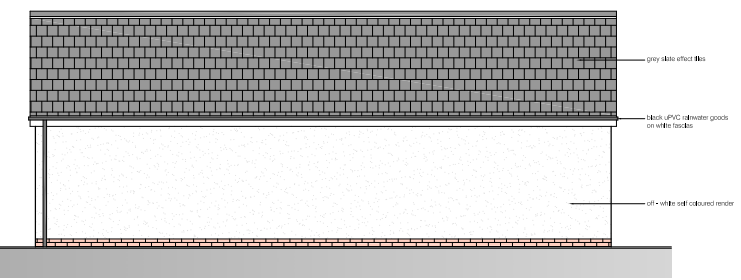
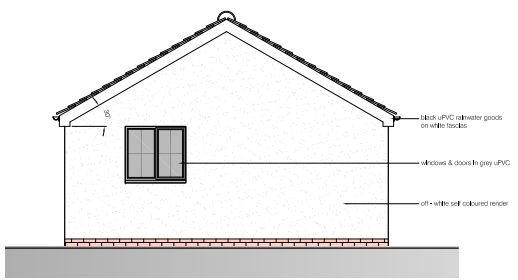
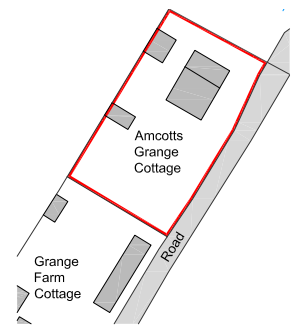


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**North
Lincolnshire
Council**

PA/2023/1749 Proposed plans (not to scale)



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 will be these drawings or associated documents are to be notified to keystonearchitecture.

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

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

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

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PARTY WALL NOTICES

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 drawn at 45° from the bottom of the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.

NOT FOR CONSTRUCTION

A	Floor Level increased to 300mm Above Ground Level	18/7/2023
rev	agreement	date
Mr D Rhodes	18	18/7/2023
Grange Farm Cottage	stage	18/7/2023
Amcotts	Planning	drawn Oct 23
DNT17-4AT	scale	1:20 & as shown
		drawn by MP

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APPLICATION NO	PA/2023/1933
APPLICANT	Mr & Mrs Jobson
DEVELOPMENT	Planning permission to erect a new dwelling
LOCATION	Land off Brigg Road, Wrawby, DN20 8RH
PARISH	WRAWBY
WARD	Brigg and Wolds
CASE OFFICER	Paul Skelton
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework:

2 Achieving sustainable development

4 Decision-making

5 Delivering a sufficient supply of homes

12 Achieving well-designed and beautiful places

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

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

LC7 Landscape protection

DS1 General requirements

DS14 Foul sewage and surface water drainage

DS16 Flood risk

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS9 Affordable housing

CS16 North Lincolnshire's landscape, greenspace and waterscape

CS17 Biodiversity

CS18 Sustainable resource use and climate change

CS19 Flood risk

CS20 Sustainable waste management

CS22 Community facilities and services

CS23 Sport, recreation and open space

Housing and Employment Land Allocations DPD:

PS1 Presumption in favour of sustainable development

Inset 47 - Wrawby

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until early 2024.

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

SS1 Presumption in favour of sustainable development

SS2 Spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS6 Spatial distribution of housing sites

SS11 Development limits

H2 Housing mix and density

H3 Affordable housing

H11 Backland and tandem development

RD1 Supporting sustainable development in the countryside

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

DQE7 Climate change and low carbon living

DQE12 Protection of trees, woodland and hedgerows

CSC1 Health and wellbeing

CSC3 Protection and provision of open space, sports and recreational facilities

CSC10 Community facilities and services

WAS6 Waste management in development

T1 Promoting sustainable transport

T3 New development and transport

T4 Parking

DM1 General requirements

DM3 Environmental protection

DM4 Telecommunications and broadband

ID1 Delivering infrastructure

CONSULTATIONS

Highways: No objection subject to a condition requiring parking and turning areas to be provided before occupation.

LLFA Drainage: No objection subject to a condition requiring surface water drainage to be provided, and informatives.

Environmental Protection: The site has potential for contaminants given historic agricultural use. Whilst the Phase I desk study is acceptable, additional information should be submitted prior to determination of the application. If permission is granted without this information, a condition is suggested to deal with contamination on the site.

PARISH COUNCIL

No objections.

PUBLICITY

Site notices have been displayed. No responses have been received from members of the public.

ASSESSMENT

The site and its location

The site comprises a parcel of land to the rear (north) of the property known as Orchard Rise. The site is just outside the development boundary of Wrawby and within flood zone 1.

To the west is an agricultural field. To the east is a large property (Priory Garth), which is set on mature grounds, with a dense, high hedgerow on the common boundary.

To the north and south is land which has been subject, along with the application site, to a number of planning permissions for residential development. Outline planning permission was granted for four residential units on this site in 2018, but this permission has lapsed (PA/2018/1093). Subsequently, outline planning permission reference PA/2021/1850 'to erect four detached dwellings with appearance, landscaping and access reserved for subsequent consideration (part of access roadway completed)' was granted in February 2022. The current application is essentially 'plot 4' of the approved outline scheme.

Most recently, full permission was granted by the planning committee in December 2023 for a single dwelling on what is effectively 'plot 1' of the outline scheme.

The proposed development

The current application is for the erection of a single dwelling, with integral garage. Also, by virtue of its location, it includes the retention of the entire access drive which would serve the proposed dwelling. The red line also includes a strip of land running along the western boundary which is intended to house the drainage infrastructure; it is understood this could also serve the other plots to the north.

Material considerations

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

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

The main issues for consideration are the principle of development, design/character and appearance, living conditions, highway safety, flood risk and drainage, and contaminated land.

Principle of development

The site is outside the settlement boundary of Wrawby as defined in 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 policies CS2, CS3 and CS8 similarly strictly limit housing development outside development boundaries to that which is essential to the functioning of the countryside.

The Government released an updated NPPF in December 2023. Paragraph 226 makes clear that for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing against the housing requirement (rather than five years). This includes authorities like North Lincolnshire, which have an emerging local plan that has been submitted for examination. These arrangements apply for a period of two years from the publication date of the revised NPPF. Therefore, full weight can be attributed to the Local Plan and Local Development Framework policies and the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged.

The proposals therefore conflict with the development plan.

Nevertheless, the extant outline permission granted in February 2022, and the recent permission granted for 'plot 1' referred to above, are significant material considerations which indicate that permission should be granted in this specific case.

Design/character and appearance

Local plan policy H8 requires, amongst other things, a high standard of layout which maintains, and where possible improves and enhances, the character of the area. It also seeks to protect existing natural and built features, landmarks or views that contribute to the amenity of the area.

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. Policy CS8 reflects this need for good design, in keeping with the character of the area.

The NPPF calls for high quality design. In particular, paragraph 135 requires, amongst other things, developments which will function well and add to the overall quality of the area; are

visually attractive as a result of, amongst 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 NPPF is supported by the National Design Guide (NDG) which forms part of the government's planning practice guidance. Amongst other things, the NDG sets out 10 characteristics, including 'context', 'identity' and 'built form'. Together, these particular characteristics require development that enhances its surroundings, is attractive and distinctive, and which results in a coherent pattern of development.

As mentioned above, the proposed dwelling is shown on the block plan as broadly in the same location as plot 4 on the layout, which was permitted as part of the outline permission granted in 2022.

The site is located at a point where the ground levels are significantly lower than the existing dwelling fronting Brigg Road and the permitted scheme for 'plot 1'. Plot 1 was carefully designed so that it did not exceed the height of the existing dwelling to the south which resulted in a primarily one-and-a-half-storey design. Whilst the current proposals show a full two-storey dwelling, the application is supported by a section through the site, including the outlines of the existing dwelling, along with plots 1 and 4. Because the current application sits at a lower level, it is considered that it would have an acceptable impact on the character of the area.

The form and materials of the proposed dwelling are fairly traditional, in keeping with the local vernacular. There is a single-storey wing to the side and a front projection housing a double garage with accommodation over. Whilst this front projection would be prominent in views travelling northwards along the access road, such features are not uncommon in the area. The fenestration is a little unusual in that the front (east) elevation is of a more traditional, cottage styling, whilst that on the rear has a more contemporary feel. Nevertheless, both are acceptable in design terms in their own right and they would never be seen together. The contemporary nature of the west elevation is added to by the presence of a bank of solar panels which promote energy efficiency.

Overall, the design is considered to be acceptable in light of local and national policies requiring good design.

Living conditions

Paragraph 130(f) of the NPPF requires new development to create places which, amongst other things, promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 185 provides that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Local plan policy H5 requires that new housing development does not result in overlooking or loss of privacy to existing developments, or any other loss of amenity to existing dwellings. Core Strategy policy CS5 requires new development to consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area.

In terms of future occupiers, the dwelling would provide adequate accommodation/natural light. The existing bungalow to the south is on a higher level and, given the scale and nature of the proposed side wall of the new dwelling (as amended), there would be no undue impacts on the amenity of the bungalow.

In time it is expected that a dwelling will be applied for on the land immediately to the south (effectively 'plot 3' of the outline permission). The south elevation facing onto this area has been designed with no openings other than a personnel door at ground floor level so there would be no overlooking from, or of, any future dwelling on plot 3 which would also, should it come forward, need to respect the current dwelling.

Other than this, there are no dwellings which would be affected by the proposal; overall therefore, it is considered there would be no undue impacts on the living conditions of surrounding properties.

Highway safety

Local plan policy T2 requires all development to be provided with a satisfactory access. The NPPF, at paragraph 100(b), requires safe and suitable access to the site to be achieved for all users.

In dealing with the most recent outline permission, it was reported that 'The traffic generation created by an additional four dwellings would not, in planning terms, represent a significant increase and the proposal includes improvements to the access, which will afford a visibility splay that conforms with the requirements of Manual for Streets.'

The highways officer has been consulted on the current application and raises no objection subject to a condition requiring parking and turning to be provided prior to occupation. Nevertheless, the permission granted by the planning committee in respect of plot 1 was also subject to conditions requiring the improvement of the private driveway and a construction management plan, which are also considered relevant and necessary in respect of the current application (which, if permitted, could come forward before plot 1) and are therefore recommended below.

In light of the above, and subject to the relevant conditions, it is considered that the proposals would have an acceptable impact on highway safety.

Flood risk and drainage

Local plan policy DS16 and Core Strategy policy CS19 reflect the advice in section 14 of the NPPF which aims to direct development to areas of lowest flood risk. Paragraph 159 of the NPPF similarly states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.

The site falls inside flood zone 1, the area at least risk of flooding. The extant outline application was subject to a requirement for a drainage scheme that would have served all four properties granted under that permission. Whilst this may be the preferable solution if four dwellings are constructed, we are currently looking at a full application for a single dwelling. If this development (and/or plot 1) proceeds, then the outline permission will fall away and there is no certainty the rest of the scheme would come forward; therefore, a condition requiring a drainage scheme for a larger development would not be reasonable.

The location plan confirms that the applicant owns the land to the north which, as part of the outline application, was proposed to be used in connection with the drainage system for the wider site. It is understood that the pond has a connection and outlet into the watercourse system and this outlet will remain in its current form and size. The LLFA has recommended conditions, to reflect the current circumstances (the subdivision of the wider site), requiring a drainage scheme to be agreed and implemented before occupation of the dwelling. This is consistent with the way plot 1 was dealt with.

Overall, the site is not at risk of flooding and, subject to an appropriate drainage scheme, is capable of being developed without unacceptable impacts on others.

Other matters

A phase 1 desk study report (for the outline site for four dwellings) has been submitted which identifies potential for pollutants on the site. The Environmental Protection Officer (EPO) has been consulted and has suggested that further information is required prior to determination. Whilst this request is noted, the submitted report is very similar to that provided for the plot 1 application and carried out by the same consultants. For that application, the EPO was satisfied that permission could be granted subject to an appropriately worded condition. On that basis it would not appear to be reasonable to treat the current application differently and a condition is suggested below (as recommended by the EPO) to deal with possible contamination on the site.

The application is accompanied by a biodiversity management plan which sets out proposed mitigation in respect of birds, bats and hedgehogs as well as appropriate planting. A condition is recommended below to secure this mitigation. A further precautionary condition is suggested in respect of great crested newts.

Overall planning balance and conclusions

Whilst the proposal is for housing development on a site outside the settlement boundary of Wrawby, the extant outline planning permission is a significant material consideration which indicates that permission can be granted in this case otherwise than in accordance with the development plan. It is also noted that the planning committee granted permission for what would have been 'plot 1' of this outline permission at its meeting on 6 December 2023.

The proposals would result in minor benefits in terms of providing an additional dwelling to the council's housing land supply, economic benefits during construction and post occupation, and through taxation.

The design would be acceptable in terms of design and there would be no undue impacts on surrounding property. Other technical planning issues can be addressed, where necessary, by appropriate conditions as outlined above.

In light of the above, the application is recommended for approval, subject to the conditions set out below.

Pre-commencement conditions

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

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

1.

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

Reason

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

2.

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

- Drawing no: 1825.01 (Location and Block Plans)
- Drawing no: 1825.02 rev A.

Reason

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

3.

The walling and roofing materials used on the dwelling hereby permitted shall be as shown in the materials schedule on drawing no. 1825.02 rev A.

Reason

In the interests of good design.

4.

The dwelling hereby permitted shall not be first occupied until the existing vehicular access to the site has been improved within highway limits in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason

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

5.

The dwelling hereby permitted shall not be first occupied until the proposed parking facilities have been provided in accordance with the approved plans. The parking spaces shall thereafter be retained, available for the parking of vehicles, for the lifetime of the development.

Reason

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

6.

The dwelling hereby permitted shall not be first occupied until the private driveway has been completed up to its junction with the vehicular access to that dwelling in accordance with details which have first been approved in writing by the local planning authority. The private driveway shall thereafter be maintained in accordance with the approved details for the lifetime of the development.

Reason

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

7.

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

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

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

Reason

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

8.

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 plan shall include:

- (a) details of measures to avoid harm to great crested newts, hedgehogs, bats and nesting birds during demolition, vegetation clearance and construction works;
- (b) details of habitat and hedgerow creation, enhancement and ongoing management measures required to deliver a net gain in biodiversity units of at least 1% in accordance with the Defra Small Sites Metric;
- (c) details of bird nesting and bat roosting features to be installed on the new buildings;
- (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 retention, planting and aftercare of trees and shrubs of high biodiversity value;
- (g) proposed timings for the above works in relation to the completion of the building; activity/development will require a licence.

Biodiversity units shall be delivered on site, within the red line and blue line boundaries shown on the submitted Location Plan.

Reason

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

9.

The biodiversity management plan approved under condition 8 above, 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 dwelling hereby permitted, 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.

10.

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

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

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

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

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

This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance July 2023.

Part 2: Submission of Remediation Scheme

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

11.

The dwelling hereby permitted shall not be occupied until a detailed surface water drainage scheme for the site has been fully implemented in accordance with details which have first been submitted to and approved in writing by the local planning authority. The drainage scheme shall address overland flow flood risk and surface water drainage for the existing and proposed access road leading to all properties and 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 most up-to-date national guidance) will not exceed the run-off from the existing site. The drainage scheme 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. The drainage scheme as implemented shall be maintained for the lifetime of the development.

Reason

To prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and 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.

12.

No development shall commence until the local planning authority has been provided with either:

- (a) a licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the specified development to go ahead; or
- (b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason

To conserve great crested newts in accordance with saved policy LC5 of the North Lincolnshire Local Plan and policy CS17 of the Core Strategy.

13.

The dwelling hereby permitted shall not be occupied until the mitigation measures set out in the Biodiversity Management Plan Issue 1.0 dated 23/10/23 have been completed in full. The mitigation measures in respect of birds, bats and hedgehogs shall be retained and maintained for the lifetime of the development.

Reason

In the interests of biodiversity enhancement.

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.

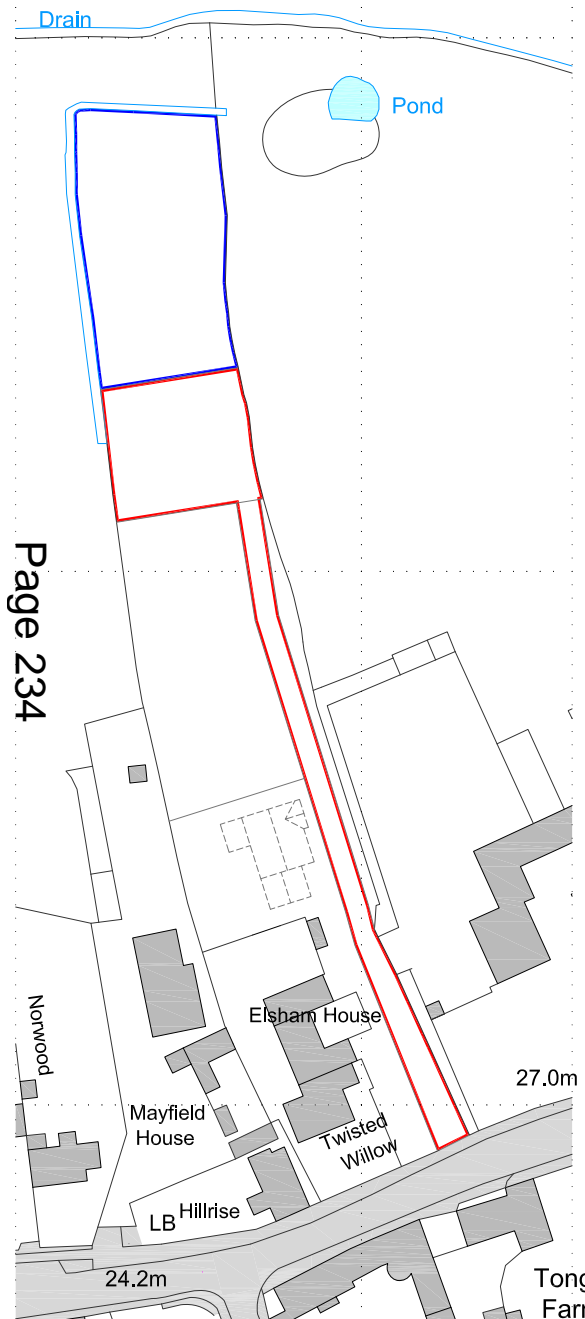
3.

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

Alterations and/or connections into the watercourse must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority 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.

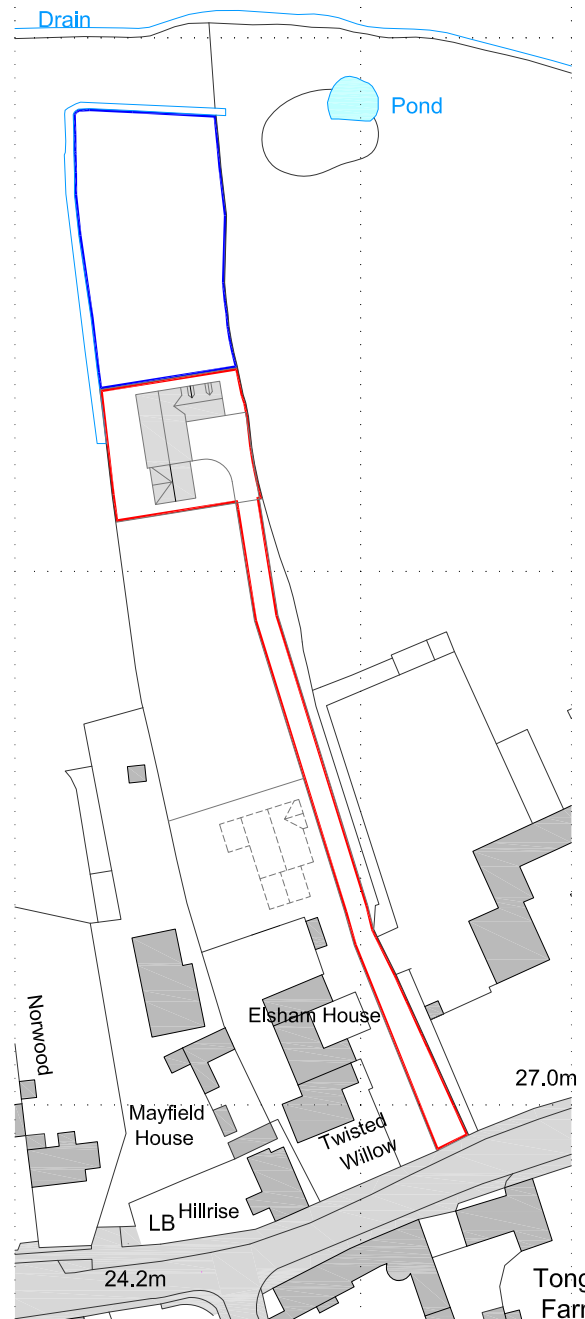
The surface water drainage design should be based upon the submitted Outline Sustainable Drainage Strategy, prepared by Roy Lobleby, Issue No: 1, dated: 20/06/2023 submitted with planning application reference PA/2023/616.

PA/2023/1933 Proposed siting (not to scale)



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Existing Block Plan
scale 1:500



Proposed Block Plan
scale 1:500

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 will be those drawings or associated documents are to be referred to keystonearchitecture.

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

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

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

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PARTY WALL NOTICES

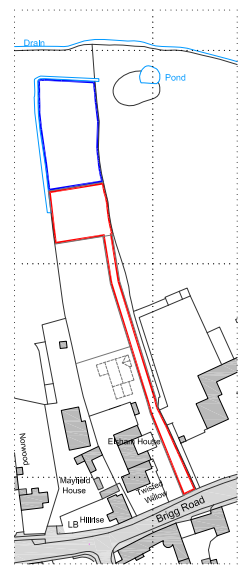
Building outside (A) or against (B) the boundary line:

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

Excavating near neighbouring buildings:

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

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



1:1250
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Location Plan
scale 1:1250

NOT FOR CONSTRUCTION

rev	agreement	file	Location & Block Plans	date
		at Land North of Elsham House	1805_01	
		Brigg Road, Wissey	Planning	Oct 23
		North Lincolnshire	as noted	drawn by JCB

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PA/2023/1933 Proposed plans and elevations (not to scale)

NOTES:

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 will be those drawings or associated documents are to be referred to Keystone Architecture.

Do not scale from these drawings - if in doubt - ask.
All materials shall be fixed, applied or fitted in accordance with the manufacturers written instructions, recommendations and specifications. Variations to specified materials shall be agreed in writing with Keystone Architecture.

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

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PARTY WALL NOTICES

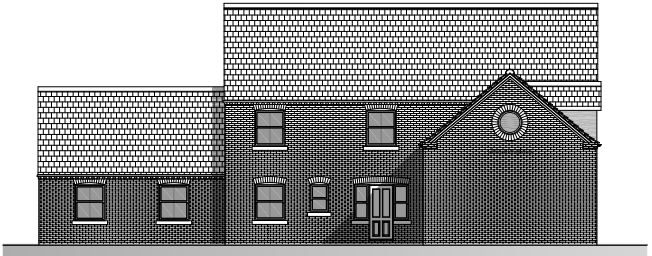
Building against (A) or against (B) the boundary line.
If you plan to build a party wall against or against the boundary line, you must inform the Adjoining Owner by serving a Notice.
Excavating near neighbouring buildings.

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.

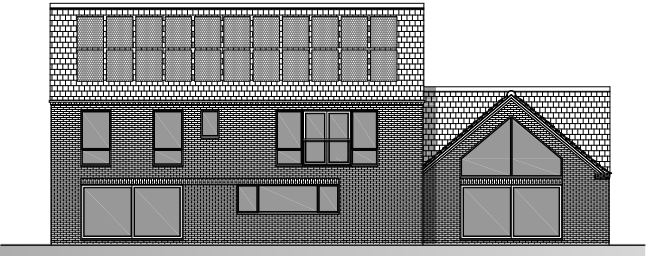
If you plan to excavate foundations within 6 metres of a neighbouring building or structure, where the excavation will cut a line down at 45° from the bottom of the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.

Material Schedule:

- Bitolwork: Crest Solbourne Red Multi-Grade bitolwork
- Roof Tiles: Sandesh New County Pacific concrete roof tiles in Natural Red
- Windows: Off white timber sash effect uPVC windows and composite doors
- Rainwater Goods: Black uPVC rainwater goods on the 6 fall brackets
- Doors: Sweep and/or courses over windows & reconstructed stone window caps
- Domestic: Lead replacement product.



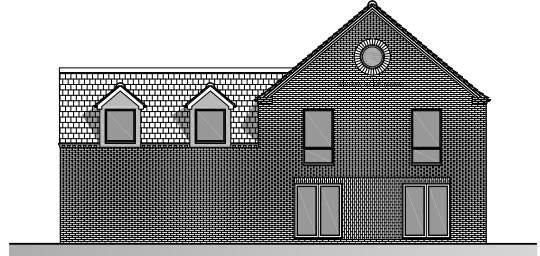
East Elevation



West Elevation



South Elevation



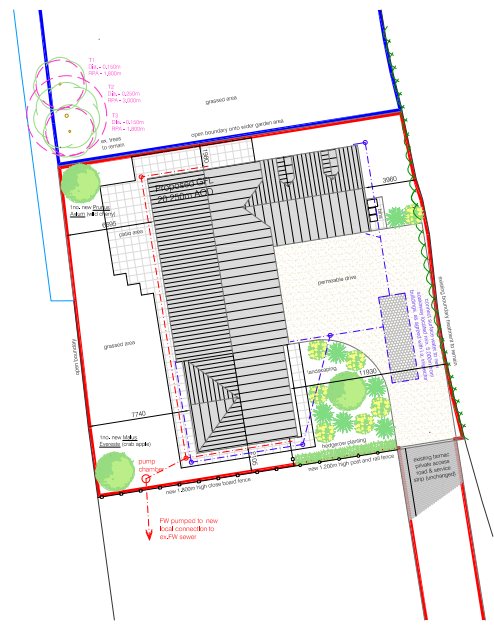
North Elevation



Ground Floor Layout

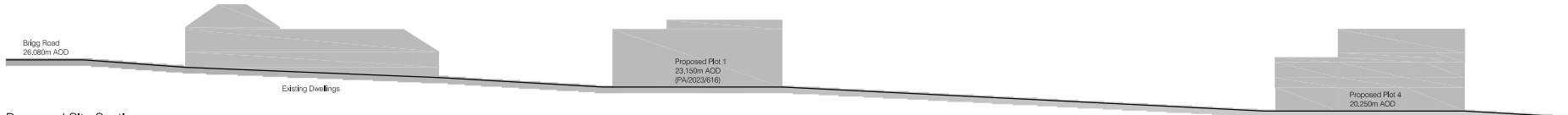


First Floor Layout



Proposed Site Plan scale 1:200

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Proposed Site Section scale 1:250

NOT FOR CONSTRUCTION

A	Site Section Added	15/11/23
rev	agreement	date

Proposed New Dwelling at Land North of Bligg House Bligg Road, Wavoy North Lincolnshire	1/100 & as noted	1825.02 rev A
stage	Planning	drawn Oct 23
scale	1:100 & as noted	drawn by JCB

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project managers

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