

# Public Document Pack

## NORTH LINCOLNSHIRE COUNCIL

### PLANNING COMMITTEE

17 April 2024

**Chairman:** Councillor Nigel John  
Sherwood

**Venue:** Church Square House,  
High Street,  
Scunthorpe

**Time:** 2.00 pm

**E-Mail Address:**  
tanya.davies@northlincs.gov.uk

### AGENDA

1. Substitutions
2. Declarations of Disclosable Pecuniary Interests and Personal or Personal and Prejudicial Interests, significant contact with applicants, objectors or third parties (Lobbying) and Whipping Arrangements (if any).
3. To take the minutes of the meetings held on 6 March 2024 as a correct record and authorise the chairman to sign. (Pages 1 - 6)
4. Applications deferred from previous meetings for a site visit. (Pages 7 - 8)
  - (a) PA/2022/946 Planning permission for change of use of piggery buildings to storage and distribution at Sandhouse Farm, Broughton Road, Appleby (Site Visit Time 10.30am) (Pages 9 - 40)
  - (b) PA/2022/2059 Listed building consent for the erection of a single-storey rear extension together with necessary ancillary works for conversion of Grade II listed dovecote/stables and carriage house to residential use (Use Class C3) at Tetley House, Tetley, Crowle (Site Visit Time 11.30am) (Pages 41 - 56)
  - (c) PA/2023/1635 Planning permission to construct four military aeroplane metal sculptures mounted on a lattice steel support and a dragon metal sculpture mounted on top of the flat roof of the car port at 25 Woods Meadow, Hibaldstow (Site Visit Time 10.05am) (Pages 57 - 68)
  - (d) PA/2023/1636 Outline planning permission to erect a new dwelling with all matters reserved for subsequent consideration on Land at 1 The Avenue, Burton upon Stather (Site Visit Time 10.55am) (Pages 69 - 84)

5. Major Planning Applications. (Pages 85 - 86)
  - (a) PA/2023/1236 Planning permission for a residential development (Use Class C3) with associated works, including highways, open space, landscaping and drainage infrastructure on land off Wrawby Road, Brigg (Pages 87 - 142)
  - (b) PA/2023/1719 Planning permission to vary condition 1 of PA/2020/1413 (reserved matters) namely to amend the red line boundary and remove two visitor spaces at Garage, 123 Westgate Road, Westgate, Belton (Pages 143 - 150)
6. Planning and other applications for determination by the committee. (Pages 151 - 152)
  - (a) PA/2021/1661 Planning permission to erect nine dwellings with associated access road, gardens and parking areas at Anchor Village, Pasture Road, Barton upon Humber (Pages 153 - 178)
  - (b) PA/2022/645 Outline planning permission for five dwellings with appearance, landscaping and scale reserved for subsequent consideration on land to the rear of The White House, High Street, Garthorpe (Pages 179 - 190)
  - (c) PA/2023/1478 Planning permission to demolish stable block and erect an annexe at One Acre Cottage, Sandbeds Lane, Westwoodside (Pages 191 - 208)
  - (d) PA/2023/1769 Planning permission to erect a wood pergola with a roof in garden close to the boundary at Crystal House, Archers Close, Wrawby (Pages 209 - 216)
  - (e) PA/2023/1802 Planning permission for change of use of two retail units to three flats (resubmission of PA/2023/1397) at 4-5 Belgrave Square, Scunthorpe (Pages 217 - 230)
  - (f) PA/2023/1888 Planning permission to erect a dwelling at Klondike Farm, adjacent to the existing old farm buildings at Klondike Farm, East Marsh Road, Goxhill (Pages 231 - 244)
  - (g) PA/2023/1916 Planning permission for change of use from Class C3 (Dwellinghouse) to Class E of 301 Ashby High Street, including retaining changes to boundary treatments, including gates to south and east boundaries of both 301 and 303 Ashby High Street at 301-303 Ashby High Street, Scunthorpe (Pages 245 - 258)
  - (h) PA/2023/1926 Planning permission to change use of a former coffee shop (Use Class E) to residential (Use Class C3), with associated alterations at 35 High Street, Haxey (Pages 259 - 268)
  - (i) PA/2023/1982 Planning permission for pergola structure and 8m flagpole at 8

Pyewipe Farm, Redbourne (Pages 269 - 278)

- (j) PA/2024/69 Planning permission to erect a two-storey extension, garage and alterations at Hawthorn Cottage, Butterwick Road, Messingham (Pages 279 - 290)
  - (k) PA/2024/90 Planning permission to erect a detached dwelling house on land adjacent to 1 Derrythorpe Road, Althorpe, Scunthorpe (Pages 291 - 308)
  - (l) PA/2024/132 Planning permission for change of use of grocery and flat to form a 10-bedroomed House of Multiple Occupation (HMO) including the erection of a two-storey side extension and small front extension at ground floor at 37 Jackson Road, Scunthorpe (Pages 309 - 324)
7. Any other items, which the chairman decides are urgent, by reasons of special circumstances, which must be specified.

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

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## NORTH LINCOLNSHIRE COUNCIL

### PLANNING COMMITTEE

6 March 2024

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

N Sherwood (Chairman), C Ross (Vice Chairman), Bell, J Davison, M Grant, Patterson, D Southern and D Wells

T Foster

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

2564 **SUBSTITUTIONS**

No substitutions.

2565 **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 that she had been lobbied on the following application :-

Cllr Ross – PA/2022/946

2566 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 7 FEBRUARY 2024 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN.**

**Resolved** – That the minutes of the meeting held on 7 February 2024, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

2567 **PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE.**

2568 **PA/2022/946 PLANNING PERMISSION FOR CHANGE OF USE OF PIGGERY BUILDINGS TO STORAGE AND DISTRIBUTION AT SANDHOUSE FARM, BROUGHTON ROAD, APPLEBY, DN15 0DA**

The agent spoke on behalf of the applicants and outlined the proposal and urged the committee to proceed with the Officer's recommendation and approve the application.

Cllr Ross referred to the significant public interest expressed in the application and felt that they should take a look at the site before making a decision.

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**Resolved** – That a site visit be held and the application be brought back to a future meeting of this committee.

- 2569 **PA/2022/2059 LISTED BUILDING CONSENT FOR THE ERECTION OF A SINGLE-STOREY REAR EXTENSION TOGETHER WITH NECESSARY ANCILLARY WORKS FOR CONVERSION OF GRADE II LISTED DOVECOTE/STABLES AND CARRIAGE HOUSE TO RESIDENTIAL USE (USE CLASS C3) AT TETLEY HOUSE, TETLEY, CROWLE, DN17 4HY**

An objector addressed the committee and raised concerns from several residents. They were worried about their privacy being affected due to the proposal being overbearing and would not fit in with the character of the area.

Cllr Bell stated that he had concerns after looking at the plans and felt a site visit was required.

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

- 2570 **PA/2023/1194 PLANNING PERMISSION TO VARY CONDITION 2 OF PA/2022/510 NAMELY TO CHANGE THE ROOF SPACE INTO FIRST-FLOOR ACCOMMODATION AT KERROW MOAR, LIDGETT CLOSE, SCAWBY, DN20 9AW**

Speaking against the application an objector stated that the application would cause overshadowing and privacy issues, and should have been a new application due to a substantial change to the proposal.

Cllr J Davison felt that looking at the plans the proposed changes only affected the bungalow side, and said he thought the officer had done a good job on the overlooking and light issues.

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

- 2571 **PA/2023/1339 ADVERTISEMENT CONSENT FOR ONE EXTERNALLY ILLUMINATED FASCIA SIGN AND WINDOW VINYLs AT 9 HIGH STREET, KIRTON IN LINDSEY, DN21 4LZ**

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

- 2572 **PA/2023/1583 HYBRID APPLICATION COMPRISING FULL PLANNING PERMISSION TO PARTIALLY DEMOLISH, REBUILD AND CONVERT EXISTING FARM BUILDINGS TO FORM 3 NEW DWELLINGS WITH NEW ACCESS, AND OUTLINE PLANNING PERMISSION TO ERECT 4 NEW DWELLINGS WITH NEW ACCESS (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE RESERVED FOR SUBSEQUENT CONSIDERATION) AT WHAPLATE FARM, WEST VIEW, MESSINGHAM, DN17 3PF**

Speaking to the committee a resident who lived in the vicinity surrounded by the development stated that she was not against the whole proposal, just the issues that it was intended for bungalows and now houses had been

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proposed. This would not be in keeping with the area.

The agent responded and referred to the officer's report recommending approval.

Cllr J Davison felt it was good use of the derelict land.

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

2573 **PA/2023/1600 PLANNING PERMISSION FOR A REPLACEMENT DWELLING AT LANGLEY COTTAGE, MAIN STREET, HOWSHAM, LN7 6LE**

The agent addressed the committee and outlined the proposal, in doing so he highlighted there was no objection from the Parish Council, there was no harm, impact or overshadowing caused by the proposed development. It was a self-build family home similar to others examples built in the area.

Cllr Ross having listened to the comments and read the report felt it was a replacement dwelling, and would not affect anyone else.

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

That planning permission be approved in accordance with 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:

- 1815 01A Site Plans AMENDED

- 1815 02A Plans and Elevations AMENDED.

Reason

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

3.

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

Reason

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

4.

The development shall be completed in accordance with the recommendations in the Biodiversity Management Plan and on the drawings prepared by Keystone Architecture dated 14/09/2023 for the replacement dwelling at Langley Cottage, Main Street, Howsham, North, Lincolnshire, LN7 6LE. All the recommendations shall be implemented in full as laid out in the report, and thereafter permanently maintained for the purposes of biodiversity conservation.

Reason

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

5.

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

Reason

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

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 located at the end of a long private



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6 March 2024**

drive/access. We advise that the surface water drainage is investigated, and improvements carried out to ensure the road is adequately drained. We also suggest you consider upsizing the pipe network and increasing storage around your development to cater for more intense storm conditions. Although these are not requirements in terms of surface water flood risk compliance it would be good practice on your behalf to ensure an increased level of resilience for the development and its future occupiers and we ask that you fully explore all source control SuDS techniques that can store and allow water reuse.

3.

The applicant is advised that the access to the site, which coincides with the access to Langley Cottage from Main Street, is Public Footpath 281. Public Footpath 281 is a pedestrian highway maintainable at the public expense. As such, the surface is vested in North Lincolnshire Council as highway authority, and should not be disturbed, altered or otherwise interfered with without express prior approval. It is an offence under section 34 of the Road Traffic Act 1988 to drive a mechanically propelled vehicle on a footpath, if this is done without demonstrable lawful authority. The applicant must satisfy himself he has lawful authority, for example, that the occupiers of the existing property have hitherto acquired an easement through uninterrupted use over a requisite period 'as of right' (without force, secrecy or licence).

**Motion Carried.**

2574 **PA/2023/1602 PLANNING PERMISSION FOR TWO-STOREY EXTENSION AND SINGLE-STOREY EXTENSION TO FORM AN ORANGERY AND ERECT AN ATTACHED GARAGE AT PADEMOOR COTTAGE, UNNAMED ROAD BETWEEN CROWLE AND LUDDINGTON VIA LEAM HOUSE, EASTOFT, DN17 4PZ**

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

2575 **PA/2023/1635 PLANNING PERMISSION TO CONSTRUCT FOUR MILITARY AEROPLANE METAL SCULPTURES MOUNTED ON A LATTICE STEEL SUPPORT AND A DRAGON METAL SCULPTURE MOUNTED ON TOP OF THE FLAT ROOF OF THE CAR PORT AT 25 WOODS MEADOW, HIBALDSTOW, DN20 9ES**

A resident who lived next to the proposed application site said she objected strongly to the application and urged the committee to look at the mounted sculptures before deciding. She stated that there were no considerations for the other properties, the impact on the residents was awful and unsightly, with a potential for danger to life.

Cllr T Foster spoke as the local Ward member and urged the committee to go have a look at the visual impact as it dominates the area and felt there was some safety issues.

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**6 March 2024**

Cllr Ross felt the committee needed to see the sculptures and visit the site.

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

2576 **PA/2023/1636 OUTLINE PLANNING PERMISSION TO ERECT A NEW DWELLING WITH ALL MATTERS RESERVED FOR SUBSEQUENT CONSIDERATION ON LAND AT 1 THE AVENUE, BURTON UPON STATHER, DN15 9EX**

Cllr Ross stated that she had concerns when looking at the plans, the road junction and the visibility so would like to have a site visit.

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

2577 **PA/2023/1785 PLANNING PERMISSION TO ERECT A SINGLE-STOREY SIDE EXTENSION AT BEECHCROFT, 1 COLLEYWELL CLOSE, WESTWOODSIDE, DN9 2RD**

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

2578 **PA/2023/1862 PLANNING PERMISSION FOR (RETENTION OF) BARN CONVERSION AT THE BURROW, BONNYHALE ROAD, EALAND, SCUNTHORPE, DN17 4DF**

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

2579 **PA/2023/1975 PLANNING PERMISSION TO ERECT A TWO-STOREY SIDE AND REAR EXTENSION AND ALTERATIONS AT 3 BELTON GATE VILLAS, BELTON ROAD, EPWORTH, DN9 1JW**

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

2580 **ANY OTHER ITEMS, WHICH THE CHAIRMAN DECIDES ARE URGENT, BY REASONS OF SPECIAL CIRCUMSTANCES, WHICH MUST BE SPECIFIED.**

No further items.

## 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 17 April 2024  
Date: 8 April 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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<b>APPLICATION NO</b>	<b>PA/2022/946</b>
<b>APPLICANT</b>	Mr T Cook, T W Cook Ltd
<b>DEVELOPMENT</b>	Planning permission for change of use of piggery buildings to storage and distribution
<b>LOCATION</b>	Sandhouse Farm, Broughton Road, Appleby, DN15 0DA
<b>PARISH</b>	<b>APPLEBY</b>
<b>WARD</b>	Burton upon Stather and Winterton
<b>CASE OFFICER</b>	Daniel Puttick
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Appleby Parish Council Member 'call in' (Cllr Janet Lee – significant public interest)

## **POLICIES**

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

- 2 Achieving sustainable development
- 4 Decision-making
- 6 Building a strong, competitive economy
- 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
- 16 Conserving and enhancing the historic environment

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

- RD2 Development in the open countryside
- RD6 Re-use and/or adaptation of rural buildings for industrial and commercial uses in the open countryside
- T2 Access to development
- T19 Car parking provision and standards

DS1 General requirements

DS14 Foul sewage and surface water drainage

DS16 Flood risk

HE8 Ancient monuments

HE9 Archaeological evaluation

**North Lincolnshire Core Strategy:**

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS6 Historic environment

CS11 Provision and distribution of employment land

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 Appleby

**Appleby Neighbourhood Plan:**

AP1 Sustainable development

AP2 Design principles

AP5 Development of the rural economy

AP6 Development of redundant buildings in the countryside

AP11 Natural environment

AP13 Protection, conservation and enhancement of the Appleby conservation area

**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 late 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

DQE1 Protection of landscape, townscape and views

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

T1 Promoting sustainable transport

T3 New development and transport

DM1 General requirements

EC6 Supporting the rural economy

HE1 Conserving and enhancing the historic environment

## **CONSULTATIONS**

**Highways:** There are no safety or capacity issues in the vicinity of the site so the traffic generated is not anticipated to have an adverse impact on the highway network. Concerns about potential conflicts between vehicles trying to exit the site and Demeter House School are unlikely to be an issue as there will only be a small number of vehicles leaving the application site in the morning peak hour. Vehicles departing from the school site in the afternoon will occur outside of the evening peak hour, and again departures from site during this time are predicted to be on the low side. Proximity of the site access to Santon Lane is not an issue. The highway authority recommends conditions be imposed in the event that permission is granted, including one to secure precise details for the vehicular access.

**Environmental Protection:** Following receipt of additional information to address concerns raised in relation to noise impacts of the development, the Environmental Protection team recommends conditions be imposed in the event that planning permission is granted. These include:

- the planning use class shall be restricted to B8 (Storage and distribution) only
- a written noise management plan to be submitted to include operational hours, hours of vehicle movements, vehicles to be driven in a quiet manner, road surfaces to be maintained and free from potholes, inclusion of white noise reverse alarms for vehicles operating on site and any other noise mitigation measures.
- restriction on vehicle maintenance on the site

- restriction on installation of fixed plant for extraction, refrigeration, ventilation, air conditioning and other uses unless details have been submitted to and approved in writing by the local planning authority, with such details to be accompanied by appropriate assessment of noise impacts
- restriction on storage of refuse derived fuel on the site.

Conditions are also recommended to deal with potential contamination found during the development of the site, to restrict working hours and secure a construction environmental management plan to address construction noise, vibration, light, dust and air quality.

**LLFA Drainage:** No objections subject to conditions to secure a detailed surface water drainage scheme for the site. Informatives are also recommended.

**Anglian Water:** As there is no connection to Anglian Water sewers, no comments.

**Humberside Police:** No objections.

**Network Rail:** No objections subject to conditions to secure details of boundary fences and vehicle incursion measures, and to control external lighting so as not to impact on the safety, operational needs and integrity of the railway.

**Archaeology:** An archaeological evaluation report has been submitted with field evaluation comprising excavation of sample trial trenches around the site. No significant archaeological features were identified within the excavated trenches, although a proposed trench adjacent to Roman Ermine Street was unable to be excavated due to overhead lines. Conditions are recommended to secure a programme of monitoring and recording during groundworks associated with the construction of the site access and road.

The application site is within the setting of Thornholme Priory Scheduled Ancient Monument and the previously submitted heritage statement confirms intervisibility from the monument to the site. The proposed development will give rise to traffic (HGV) movements and vehicle storage around the site as well as potential noise, odours and dust that may harm the ability to appreciate the setting and significance of the monument. These potential effects have not been fully assessed in the heritage statement, but any harm would be in the less than substantial category.

**Ecology:** The site comprises widespread and commonplace habitats. The ecology survey found no evidence of, and little potential for, bats, nesting birds, badgers, great crested newts and hedgehogs. Planning conditions are recommended to minimise harm to protected species and secure net gains for biodiversity.

## **PARISH COUNCIL**

Appleby Parish Council objects to the application. Concerns are raised about the location of the proposed development, which they feel would be better sited in an urban environment and that the existing farm is intended to be sold on for this industrial process. The parish council considers that the increase in traffic at that location, where the new road is, exactly opposite the driveway into and out of Deter House, affecting their amenity and creating a possible accident zone, and very close to the T-junction for Santon Lane, would also create a hazardous situation.



Comments highlight discrepancies between the Transport Statement and Air Quality Assessment, and indicate that the additional traffic movements would increase Santon traffic by some 30%, with traffic through Appleby village increased too. The parish council highlights that the Transport Assessment fails to mention a fatal accident on Dawes Lane and therefore believes the assessment is flawed.

They highlight that they have already negotiated a traffic management plan with local industries from the steelworks to alleviate traffic through the parish, and indicate that this development proposal increases the potential traffic.

The parish council considers the proposals are contrary to policies AP5, AP6 and AP7 of the Appleby Neighbourhood Plan.

## **PUBLICITY**

A site notice has been displayed and one letter of objection has been received from Demeter House School, raising safety concerns about the increase in traffic volumes associated with the development. The objection identifies that the school caters for students with special educational needs from seven different local authority areas, and as such all the students are brought into the site by taxis.

The comments from the school highlight that there have been issues associated with limited site space for taxis to use during drop off/pick up times, resulting in the school having to build additional parking space for staff and implement a one-way system onto and off the site. The exit point for this system would be directly opposite the proposed new access road which the school considers poses a collision risk for taxis and staff leaving the site.

Concerns are also raised in relation to potential impacts upon pupils with sensory difficulties, the objection indicating that the increase in additional noise and sensory stimulation would be difficult to manage.

The school urges that the additional needs of students and the traffic flow to and from the school site are taken into account before a decision is made.

## **ASSESSMENT**

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

### **Planning history**

- 7/1981/0581: Change the use of existing agricultural buildings and erect new buildings in connection with an intensive pig breeding unit – approved 27/08/1981
- 7/1984/0311: Erect extensions to existing pig breeding unit – approved 05/07/1984
- 7/1989/0989: Erect a portal frame building to house pigs – approved 06/04/1990
- 7/1990/0572: Erect two farrowing houses one flat-deck house, covered sow yards and one covered grower yard house for pig farming – approved 10/11/1994
- PA/2009/0865: Application for determination of the requirement for prior approval for an agricultural building – prior approval not required 17/08/2009

PA/2014/0813: Planning permission to replace four existing portable pig houses with three new portable pig houses – approved 03/11/2014

PA/2019/1203: Application for prior notification for the erection of an agricultural building – prior approval not required 07/08/2019

### **Site characteristics**

The application site comprises the existing piggery buildings at Sandhouse Farm, situated in the countryside to the south of the settlement of Appleby. The farm is accessed via a track leading from the B1207, and measures approximately 250 metres in length. The farm incorporates a number of substantial agricultural buildings used for the rearing of pigs, with the site containing ancillary feed equipment, hoppers and other agricultural apparatus.

The site is bounded by agricultural fields to the west set behind mature hedgerows lining the B1207, and the railway line to the east. A large area of woodland lies immediately south, with a mature row of trees lining the driveway from the adopted highway to the farm.

Demeter House School lies immediately west of the B1207 and directly opposite the existing access to the site. A collection of properties lies approximately 300 metres north-west of the site, with a farm beyond the woodland to the south-east.

Thornholme Priory, a scheduled ancient monument, is located beyond the railway line in fields approximately 800 metres to the east of the site. The site is in an area of archaeological interest associated with this feature.

The application site is wholly within flood zone 1 and is therefore at a low risk of flooding.

### **Proposal**

Planning permission is sought for the demolition of existing barns at the site and the change of use of retained barns to provide storage and distribution warehousing, with associated parking. A total of 11 buildings are identified for demolition, with 10 barns retained on site. A new access is proposed to serve the proposed development which would be to the north of the existing access into the site, slightly offset from Santon Lane.

The development would provide a total of 7234 square metres of storage and distribution warehousing with associated access and 7.3 metre wide roadway leading into the site enclosed by 1.2 metre high post and rail fence.

### **Material considerations**

Planning permission is sought for the demolition of buildings on the site and the change of use of those retained from agricultural use to storage and distribution warehousing, with associated hardstanding, parking and turning areas, and construction of a new access road leading from the B1207.

### **The main issues in the determination of this application are:**

- **principle of development**
- **highway safety**

- **amenity and public safety**
- **design and heritage impacts**
- **ecological impacts**
- **flood risk and drainage.**

### **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. Appleby Neighbourhood Plan also forms parts of the development plan for applications in this area.

Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The application site comprises existing farm buildings within the open countryside to the south of Appleby. Policy RD2 of the local plan seeks to restrict development in the open countryside. The policy identifies a limited number types of development for which planning permission will be only be granted, one of which is for employment-related development appropriate to the open countryside.

Policy RD6 of the local plan supports the change of use and/or adaptation of rural buildings in the open countryside for industrial and commercial uses subject to a number of criteria, including:

- (i) The building is of substantial and permanent construction and is capable of conversion without major alteration; and
- (ii) The proposal will not create a need for new buildings to house those activities displaced by conversion; and
- (iii) The conversion does not lead to dispersal of activity on such a scale as to prejudice settlement vitality; and
- (iv) The general design of the conversion is in keeping with the buildings and any extension should respect the scale and appearance of the original building; and
- (v) The development will not lead to the loss of habitat for protected species.

Policy CS1 of the Core Strategy provides the spatial framework for the distribution of development throughout North Lincolnshire, and indicates 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.

Through policy CS3 of the Core Strategy the council has identified development limits for settlements across North Lincolnshire. The policy states that development outside these

defined boundaries will be restricted to that which is essential to the functioning of the countryside, and that this will include uses such as those related to agriculture, forestry or other uses which require a countryside location or that will contribute to the sustainable development of the tourist industry.

Policy AP5 of the Appleby Neighbourhood Plan indicates that proposals promoting the sustainable diversification of the rural economy will be supported through:

- a. the retention or expansion of existing agricultural and other businesses;
- b. the re-use of suitable buildings for employment generating uses in villages, and their re-use in the countryside in accordance with the provisions of policy AP6;
- c. the provision of live-work units and small-scale business units;
- d. the construction of well-designed new buildings in association with existing buildings to assist in the diversification of the agricultural holding to sustain its viability, or to assist in the expansion of an existing business;
- e. appropriate tourism-related initiatives;
- f. recreation uses appropriate to a countryside location; and
- g. new specialist and leisure-related retail businesses, including farm shops and artisan craft units, will be supported where such developments would provide support for the rural economy and could not reasonably be expected to locate within the development limits.

Policy AP6 of the Neighbourhood Plan supports proposals for the conversion or re-use of redundant or disused buildings in the countryside for:

- a. a farm shop selling locally produced or manufactured produce;
- b. a restaurant or café;
- c. artisan-style food or traditional rural craft workshops (including live-work units);
- d. artist studio and gallery;
- e. the diversification of agricultural or other land-based rural businesses; or
- f. the provision or expansion of tourist and visitor facilities.

It goes on to state that the buildings to be converted or re-used should be of a construction suitable for the proposed development without the need for major, additional construction works, and that any proposals should:

- g. lead to the enhancement of the immediate setting;
- h. be in keeping with the scale, form and character of its surroundings – paying close attention, where practicable, to policy AP2;
- i. provide adequate car parking for the enterprise; and

j. provide safe and suitable access to the site.

The development involves the demolition of a number of buildings on the site and change of use of those retained to provide storage and distribution warehousing, a use which is supported through policies RD2 and RD6 of the local plan.

Policy RD2 of the local plan is explicit in the extent of support for certain forms of development within the countryside, one of which is for employment-related development appropriate to the open countryside.

The supporting information provided with the application demonstrates that the buildings are of permanent and substantial construction, and through discussions with the applicant it is apparent that the proposals will not displace current activities and will therefore not impose pressure on the countryside to accommodate the existing uses on the site. Other technical matters raised through policy RD6 are considered elsewhere in this report; however, in terms of establishing whether or not the principle of the development is acceptable, it is officer's advice that the proposed re-use of the buildings for commercial use would comply with the aims of policies RD6 of the local plan and CS1 of the Core Strategy.

Policies in the Appleby Neighbourhood Plan support small-scale proposals for the re-use of buildings for commercial purposes. Unlike the wording of policy RD2 of the local plan, the policy does not limit support to those uses referred to within the policy, and as such those uses should not be treated as forming a closed list. It is considered that the intention of the policy is to encourage certain forms of development in rural areas which would be of benefit to the neighbourhood area, rather than prevent certain forms of development from taking place. This view is supported by the wording of policy AP5 of the neighbourhood plan, which indicates that the re-use of suitable buildings for employment-generating uses in villages and their re-use in the countryside in accordance with the provisions of policy AP6 is acceptable.

On this basis, members are advised that the re-use of existing buildings for commercial use to provide storage and distribution warehousing would be acceptable. The development would provide employment opportunities which the neighbourhood plan recognises at paragraph 5.43 are likely to be limited to development utilising redundant agricultural buildings given proximity of the parish to major centres of employment.

The principle of the development is therefore considered to be acceptable in accordance with policies RD2 and RD6 of the North Lincolnshire local plan, policies CS1 and CS11 of the North Lincolnshire Core Strategy, policies AP5 and AP6 of the Appleby Neighbourhood Plan and the aims of the NPPF.

### **Highway safety**

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

Policy CS25 of the Core Strategy is also relevant and seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes

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

Paragraph 114 seeks, amongst other requirements, that developments ensure safe and suitable access to the site can be achieved for all users. 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.

One of the main concerns raised in respect of this application is the potential impact on highway safety, primarily from the anticipated increase in vehicular movements to and from the site, and the proposed construction of a new access to serve the completed development.

The highway authority has been consulted on the application and highlights that there are no safety or capacity issues in the vicinity of the site. In light of this, whilst it is acknowledged that the change in the use of the site for storage and warehousing would be likely to increase movements to and from the site, the increased traffic is not anticipated to have an adverse impact upon the highway network.

A new access is proposed to serve the development. This would be located north of the existing access to the farm, which would be retained for use by the farmhouse. The new access would be situated in a position offset to the south of the junction between Santon Lane and the B1207.

The objection from Demeter House School notes the implementation of a one-way system, which officers understand involves vehicles entering the school site from Santon Lane and exiting onto the B1207. The location of this access point from the school onto the B1207 is opposite the existing access into the farm. The new access to the development would be opposite and a short distance north of the school exit point. As a result, the development would give rise to a series of access points along the highway in succession. Concerns are raised about possible conflicts with vehicles trying to exit from these points simultaneously.

The highway authority notes that the number of vehicles leaving the application site during the morning peak hour is predicted to be low, and that vehicles leaving the school site would be outside the evening peak hour when vehicular movements from the site are also predicted to be low. As a result, the potential for conflicting vehicular movements is unlikely, with supporting information suggesting that as few as 10 HGV trips would be made daily to the site amongst the 363 anticipated two-way vehicle trips from the site.

The access benefits from good visibility to the north and south, and vehicle speeds in this section of the highway are restricted to 40mph. Santon Lane leads to High Santon and continues all the way to Scunthorpe via Dawes Lane; however, only a short section of the route is adopted highway and the route is therefore not always accessible to all road users. Vehicular movements along this route are generally low and therefore potential for conflicts between users of this junction and traffic associated with the development is unlikely.

The highway authority advises that design guidance has changed and now allows more flexibility on spacing between junctions, rather than rigidly adhering to stopping sight distances. In this instance, for reasons set out above, on the advice of the highway authority the succession of accesses and junction between Santon Lane/B1207 would not give rise to adverse safety risks for road users. In addition to the visibility along the highway

from the accesses in this location, vehicles attempting to enter the adopted road network from the site would have good visibility of those seeking to undertake similar manoeuvres on the opposite side of the road. With the low number of movements during times when vehicles will be entering/leaving the school site, the overall safety risk is considered to be low.

Having regard to the above, it is considered that the development would be served by a suitable access in accordance with the requirements of policy T2 of the North Lincolnshire Local Plan. Adequate parking would be provided within the site to accommodate the parking requirements of the proposed storage and distribution warehousing. Subject to accordance with conditions as recommended by the highway authority, the proposed development would not be considered prejudicial to road safety and would be acceptable in accordance with policies T1, T2 and T19 of the North Lincolnshire Local Plan, policy CS25 of the North Lincolnshire Core Strategy and the aims of the NPPF.

### **Amenity and public safety**

Policy DS1 of the local plan seeks to secure a high standard of design in new developments, and states that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking and overshadowing.

Policy DS11 of the local plan indicates 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 135 of the NPPF seeks to ensure that new developments will function well, are safe, inclusive and accessible, and which promote health and well-being, with a high standard of amenity for existing and future users.

The application proposes the change of use of the buildings to storage and distribution warehousing, a use which has the potential to increase noise and disturbance primarily associated with large vehicular movements to and from the site. In doing so, the change would result in the loss of a use which can give rise to adverse impacts from noise and odour, as well as potential for some disturbance from vehicles travelling to and from the site.

The council's Environmental Protection team has carefully considered the proposed development and during the course of the application has sought the submission of additional information, particularly in relation to noise. The noise assessment has been updated during the course of the application process to address concerns raised by officers, and undertakes noise modelling at the closest receptors, including the school. The report confirms that acceptable internal noise levels can be achieved at these receptors in respect of suitable sleeping conditions and sound levels for schools.

In recognising the potential for disturbance associated with the development, the Environmental Protection team has recommended that conditions be imposed on the development to minimise noise disturbance. This would primarily be in the form of a noise

management plan secured by conditions. The noise management plan would include details of timings on deliveries/collections at the site, opening hours and methods to reduce and minimise noise disturbance, incorporating mitigation measures recommended within the noise assessment.

Subject to accordance with such a condition and upon submission of satisfactory details outlining measures to control noise from the site, it is considered that noise would not give rise to adverse impacts upon nearby receptors, including the school. In addition to this, the change from agricultural use comprising of pig farming would see the cessation of a noise and odour generating use which would potentially be beneficial for nearby residential receptors, including students at the school. The proposals are considered acceptable in respect of noise and odour issues in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

Network Rail have been consulted on the application and highlight potential safety considerations which should be taken into account in the determination of this application. These include a need to ensure adequate safety measures are in place to prevent vehicles inadvertently accessing the railway line and ensure light pollution does not pose a risk for train drivers. These measures are capable of being controlled by means of an appropriately worded condition, accordance with which would ensure public safety for operatives on the site and the safety and integrity of the rail network nearby.

### **Design and heritage impacts**

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

Policy DS1 of the local plan states that a high standard of design is expected in all developments in both built-up areas and the countryside. Amongst other requirements, policy DS1 states that development must ensure the retention of those existing site features that make an important contribution to the character or amenity of the site or the surrounding area.

Policy RD2 of the local plan states that with regard to developments which are considered suitable within the open countryside, permission will be granted provided that, amongst other requirements, the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials. Policy RD6 of the local plan also requires that the general design of the conversion is in keeping with the buildings and any extension should respect the scale and appearance of the original building.

The proposed development concerns only the change of use of the buildings to be retained on the site. Supporting information demonstrates that they are of permanent and substantial construction and suitable for conversion to provide storage and distribution warehousing. In the absence of any external alterations to buildings retained at the site, design considerations are limited to the impacts arising from demolition of the existing buildings and the overall use of the site, taking account of proposed areas of hardstanding within the development to facilitate vehicle parking and turning areas.



The council's HER officer has been consulted on the application and has considered the potential impacts on archaeological remains and the wider setting of the nearby Thorneholme Priory, a scheduled ancient monument and designated heritage asset.

Paragraph 203 of the NPPF 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 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). The demolition of existing buildings would reduce the number of large agricultural buildings on the site.

Through policies DS1 and HE5 of the local plan, the council is seeking 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.

Some concerns have been raised about the potential for the use of the site to impact upon the enjoyment and appreciation of the nearby heritage asset, with the heritage statement acknowledging intervisibility between the site and the monument. The HER officer notes that HGV movements and vehicle parking around the site, as well as potential noise, odours and dust, may harm the ability to appreciate the setting and significance of the asset.

Officers consider that, through the imposition of conditions to manage noise disturbance and restrict operational hours, the use of the site for storage and distribution warehousing would have no greater impact than the current use of the site for the rearing of pigs. A number of buildings are proposed to be demolished at the site which will increase its openness. As car parking is generally located close to existing buildings, it is likely that they will provide a backdrop in views. Given the topography of the area and screening from vegetation, it is unlikely that vehicles would be visible in views from the heritage asset, and as a result the changes are unlikely to give rise to adverse impacts upon its setting, or enjoyment and appreciation of its significance. For these reasons the proposals are considered acceptable in accordance with policies DS1 and HE5 of the local plan, CS5 and CS6 of the Core Strategy, AP6 of the Appleby Neighbourhood Plan, and the aims of the NPPF.

The site is in an area of archaeological interest. Policy HE9 of the local plan indicates that where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment should be submitted prior to the determination of a planning application.

The application has been accompanied by an archaeological assessment which has been informed by on-site archaeological investigations through trial trenching in areas where the development would affect unmade ground. No features of archaeological interest were found during these investigations, however a proposed trench adjacent to Roman Ermine Street was unable to be excavated due to the presence of overhead lines.

The archaeological potential of the area closest to the Roman road therefore remains unknown; however, given the lack of any features elsewhere, it is considered that these risks can be mitigated through a programme of monitoring and recording during groundwork associated with the construction of the site entrance and access road. This is capable of being secured by means of an appropriately worded condition.

Subject to accordance with such a condition, the proposed development is considered to be acceptable in terms of its design and would not result in harmful impacts upon the setting or significance of nearby heritage assets, or on archaeological remains in the area. The development is in accordance with policies DS1, HE5 and HE9 of the local plan, CS5 and CS6 of the Core Strategy, AP6 of the Appleby Neighbourhood Plan, and the aims of the NPPF.

### **Ecological impacts**

Policy CS17 of the Core Strategy states that the council will promote effective stewardship of North Lincolnshire's wildlife in a number of ways, including through ensuring development retains, protects and enhances features of biological and geological interest, and by ensuring development seeks to produce a net gain in biodiversity and ensuring any unavoidable impacts are appropriately mitigated for.

Policy AP11 of the Appleby Neighbourhood Plan seeks to ensure proposals for new development do not harm the existing network of local ecological features and habitats. It states that new development will be expected to maintain and enhance existing ecological corridors and landscape features for biodiversity.

The application has been supported by an ecological appraisal and biodiversity net gain metric. The survey results have been considered, with the council's ecologist noting that no evidence of, and little potential for, bats, nesting birds, badgers, great crested newts and hedgehogs was found during survey efforts.

The application site is immediate north of Keb Wood Local Wildlife Site (LWS); however, habitats recorded on site were all widespread, commonplace and of low biodiversity value.

The ecologist notes that, as with the above conclusions on odour, the cessation in the use of the site would be seen as a benefit in ecological terms. This stems from the cessation in the release of ammonia emissions from the piggery which would impact upon the nearby LWS.

The supporting ecological appraisal indicates that the development would result in net gains for biodiversity in the region of 30% for habitat units, and 184% for hedgerow units. With these measures in place, and through the use of appropriately worded conditions, the proposed development is capable of delivering net gains for biodiversity and would not impact upon protected species of wildlife.

Subject to accordance with a condition requiring the submission of a biodiversity management plan to deliver mitigation and biodiversity enhancement measures, the

proposed development is considered to be acceptable in accordance with policies CS5 and CS17 of the Core Strategy, and policy AP11 of the Appleby Neighbourhood Plan.

### **Flood risk and drainage**

The application site is within flood zone 1 and is therefore at a low risk of flooding. The development comprises major development, and would see the demolition of existing buildings and the creation of areas of hardstanding providing parking for vehicles including HGVs.

Collectively, policies DS16 of the local plan and CS19 of the Core Strategy, which concern flood risk, seek to direct new development to areas at lower risk of flooding by avoiding areas of current or future flood risk, and seek to ensure proposals do not increase the risk of flooding elsewhere. Policy DS14 of the local plan also seeks to ensure that adequate drainage provision is made for new developments.

One of the objectives of the Appleby Neighbourhood Plan is to ensure that development is acceptable in planning terms with reference to design, scale, access, and drainage amongst other matters.

The development involves the provision of a package treatment plant to treat foul sewage from the development. The site is a considerable distance from the public sewerage network and given the relatively low levels of employees anticipated to be at the site at any one time, the Environment Agency considers this arrangement to be acceptable and raises no objections to the proposed development.

The LLFA/Drainage team has been consulted on the application and notes that detailed arrangements for the drainage of hard paved areas within the site have not been provided. However, no objections are raised and it is considered that these details can be secured by means of an appropriately worded condition attached to any permission granted. Subject to accordance with such a condition, the proposed development would not be considered to be at risk of flooding or give risk to potential flooding issues, and would make adequate provision for drainage and foul sewage in accordance with the requirements of policies DS14 and DS16 of the local plan, CS19 of the Core Strategy and the aims of the NPPF.

### **Conclusion**

The principle of the development is considered to be acceptable and would re-use redundant buildings at the site. The proposed provision of storage and distribution warehousing is an employment use which is supported by policies RD2 and RD6 of the North Lincolnshire Local Plan. policies in the neighbourhood plan are also supportive of employment uses within the countryside, and whilst policy AP6 provides a range of uses which are specifically supported, it does not seek to restrict or limit other uses for rural buildings within the neighbourhood area.

The proposed development has been assessed for its impact upon the safety of the highway network. There are no known safety issues in the vicinity of the site, and as such there are no objections raised by the highway authority in their response to this application, subject to the imposition of a number of planning conditions.

Similarly, noise, odour and disturbance issues have been assessed by the council's Environmental Protection officers and there are no objections raised on these grounds.

Conditions are recommended to secure a noise management plan to ensure minimum disturbance for nearby receptors, including the school.

The development would deliver net gains for biodiversity, a matter which weighs in favour of the application. The development would also avoid harm to protected species, with conditions recommended to secure enhancement and mitigation measures outlined in supporting surveys.

There are no flooding risks associated with the site, and conditions can be imposed to secure adequate drainage arrangements to serve the development. In addition, the development would preserve the setting of nearby heritage assets, and conditions are recommended to secure a watching brief over excavations close to the nearby Roman road. Conditions are also recommended to protect the integrity of the adjacent railway line in the interests of public safety and operation of this infrastructure.

Subject to accordance with the conditions outlined below, members are advised that planning permission be granted. The pre-commencement conditions contained within the recommendation have been agreed with the agent/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:

Drg No. 3 – Location Plan

Drg No. 2 – Proposed Site Layout.

Reason

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

3.

No development 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 any temporary floodlights;
- (d) the 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) 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 the development;
- (e) the prevention of dust trackout;
- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;
- (h) a 'no burning of waste' policy.

Network Rail Asset Protection – The CEMP shall set out the particulars of:

- (a) construction methodology demonstrating consultation with the Asset Protection Project Manager at Network Rail;
- (b) measures to prevent impacts on operational railway safety;
- (c) details of earthworks and excavations required during the construction phase;
- (d) types of crane, plant and machinery to be used during construction;
- (e) confirmation of the requirement to enter into Basic Asset Protection Agreement (BAPA) with Network Rail to ensure safety of the operational railway during construction works.

#### Reason

To protect the amenity of nearby receptors and railway infrastructure during construction, in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

4.

Construction, demolition, site clearance operations, site set up and equipment installation 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 holidays.

No HGV movements shall be made to or from the site outside of these hours during the construction phase of the development.

#### Reason

To protect the amenity of nearby receptors during construction, in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

5.

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

#### Reason

To protect human health and the amenity of nearby receptors during construction, in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

6.

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, in accordance with policies T2 and T19 of the North Lincolnshire Local Plan, policy CS25 of the North Lincolnshire Core Strategy and the aims of the National Planning Policy Framework.

**7.**

The development hereby permitted shall not be brought into use until a written noise management plan (NMP) has first been submitted to and approved in writing by the local planning authority. Thereafter, the development shall operate in accordance with the approved NMP, unless otherwise agreed with the local planning authority. The NMP shall include as a minimum:

- (a) operational hours and opening times for all units;
- (b) restrictions on timings of deliveries and collections to units;
- (c) provision for inclusion of white noise reverse alarms for vehicles operating within the site;
- (d) provision to minimise noise from vehicles operating within the site, including provision for maintenance of road surfaces;
- (e) any other noise mitigation measures as appropriate.

**Reason**

To protect the amenity of nearby receptors, in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

**8.**

The development hereby permitted shall be restricted to uses falling within Use Class B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not be used for any other use unless planning permission has first been granted by the local planning authority.

**Reason**

To protect the amenity of nearby receptors, in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

**9.**

No vehicle maintenance or repairs shall be undertaken on site at any time.

**Reason**

To protect the amenity of nearby receptors, in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

10.

No goods, plant, machinery or other products associated with the development shall be stored externally at the site.

Reason

To protect the amenity of nearby receptors and the character and appearance of the area, in accordance with policies DS1, RD2, RD6 and DS11 of the North Lincolnshire Local Plan.

11.

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

Reason

To protect the amenity of nearby receptors, in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan.

12.

The development hereby permitted shall not be brought into use until a scheme for trespass-proof boundary treatments have first been submitted to and approved in writing by the local planning authority. Thereafter, the trespass-proof boundary treatments shall be maintained in accordance with the approved details and installed prior to the development being first occupied.

Reason

To protect the integrity of railway infrastructure.

13.

The development hereby permitted shall not be brought into use until a scheme for the inclusion of vehicle incursion measures to prevent vehicle incursion on operational railway lines have first been submitted to and approved in writing by the local planning authority. Thereafter, the vehicle incursion measures shall be maintained in accordance with the approved details and installed prior to the development being first occupied.

Reason

To protect the integrity of railway infrastructure.

14.

Notwithstanding the detail contained within the application, no external lighting shall be installed at the site unless details have first been submitted to and approved in writing by the local planning authority. Thereafter, any external lighting shall be installed and maintained in accordance with the approved details.

Reason

To protect the integrity of railway infrastructure, and the character and appearance of the area, in accordance with policy CS5 of the North Lincolnshire Core Strategy.

15.

The development hereby permitted shall not be brought into use until a scheme for the provision of surface water drainage has first been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and 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. The scheme 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.

The drainage scheme shall include details of measures to prevent surface water run-off from hard paved areas within the site onto the highway, and from the highway onto the site.

Once approved, the drainage scheme shall be implemented in full prior to first occupation of the buildings, and thereafter retained and maintained in accordance with the approved scheme.

#### Reason

To prevent the increased risk of flooding of the site, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policies DS14 and DS16 of the North Lincolnshire Local Plan, policies CS18 and CS19 of the North Lincolnshire Core Strategy, and the aims of paragraphs 165 to 175 of the National Planning Policy Framework.

16.

No development shall commence until the applicant, or their agents or successors 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 archaeological features within the application site (specifically at the site entrance and along the adjacent 50 metre length of the access road) and that may be affected by any BNG measures
- (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 Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy. The implementation of the archaeological mitigation strategy is required to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding.

17.

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

Reason

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

18.

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

Reason

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

19.

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 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 saved policy HE9 of the North Lincolnshire Local Plan.

20.

No development shall commence on construction of the access road until precise details for the proposed vehicular access have first been submitted to and approved in writing by the local planning authority. Thereafter, the access shall be installed in accordance with the approved details prior to the development being brought into use.

Reason

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

21.

The development hereby permitted shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it have been completed in accordance with the approved details. Once complete, the vehicle parking, turning and servicing areas shall be retained.

Reason

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

22.

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

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network, in accordance with policy CS25 of the North Lincolnshire Core Strategy.

23.

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

Reason

To ensure that the proposed development operates in a safe and sustainable manner with minimal disruption to the highway network, in accordance with policy CS25 of the North Lincolnshire Core Strategy.

24.

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

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

- (d) prescriptions for the planting and aftercare of native trees and mixed native hedgerows of high biodiversity value;
- (e) prescriptions for the creation and ongoing management of at least 0.53 hectares of species-rich and structurally varied neutral grassland;
- (f) details of wetland habitat to be created as part of sustainable drainage;
- (g) details to confirm that the measures proposed will provide a measurable net gain in biodiversity value of least 1% in accordance with the Defra biodiversity metric 3.1;
- (h) proposed timings for the above works in relation to the completion of the access road.

**Reason**

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

25.

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

**Reason**

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

**Informatives**

1.

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 developer's attention is drawn to the advice and informatives provided in Network Rail's response dated 26 September 2022. The developer is advised to contact Network Rail prior to commencing any development on site. Useful contacts provided by Network Rail are listed below:

*Asset Protection Eastern*

For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email [assetprotectioneastern@networkrail.co.uk](mailto:assetprotectioneastern@networkrail.co.uk).

### *Land Information*

For enquiries relating to land ownership enquiries, please email [landinformation@networkrail.co.uk](mailto:landinformation@networkrail.co.uk).

### *Property Services*

For enquiries relating to agreements to use, purchase or rent Network Rail land, please email [propertyservices@networkrail.co.uk](mailto:propertyservices@networkrail.co.uk).

3.

Our records indicate that the proposed development site is bounded by a watercourse on the southern boundary. 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, by email to [llfadrainageteam@northlincs.gov.uk](mailto: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.

4.

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 by email to [llfadrainageteam@northlincs.gov.uk](mailto: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.

5.

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.

6.

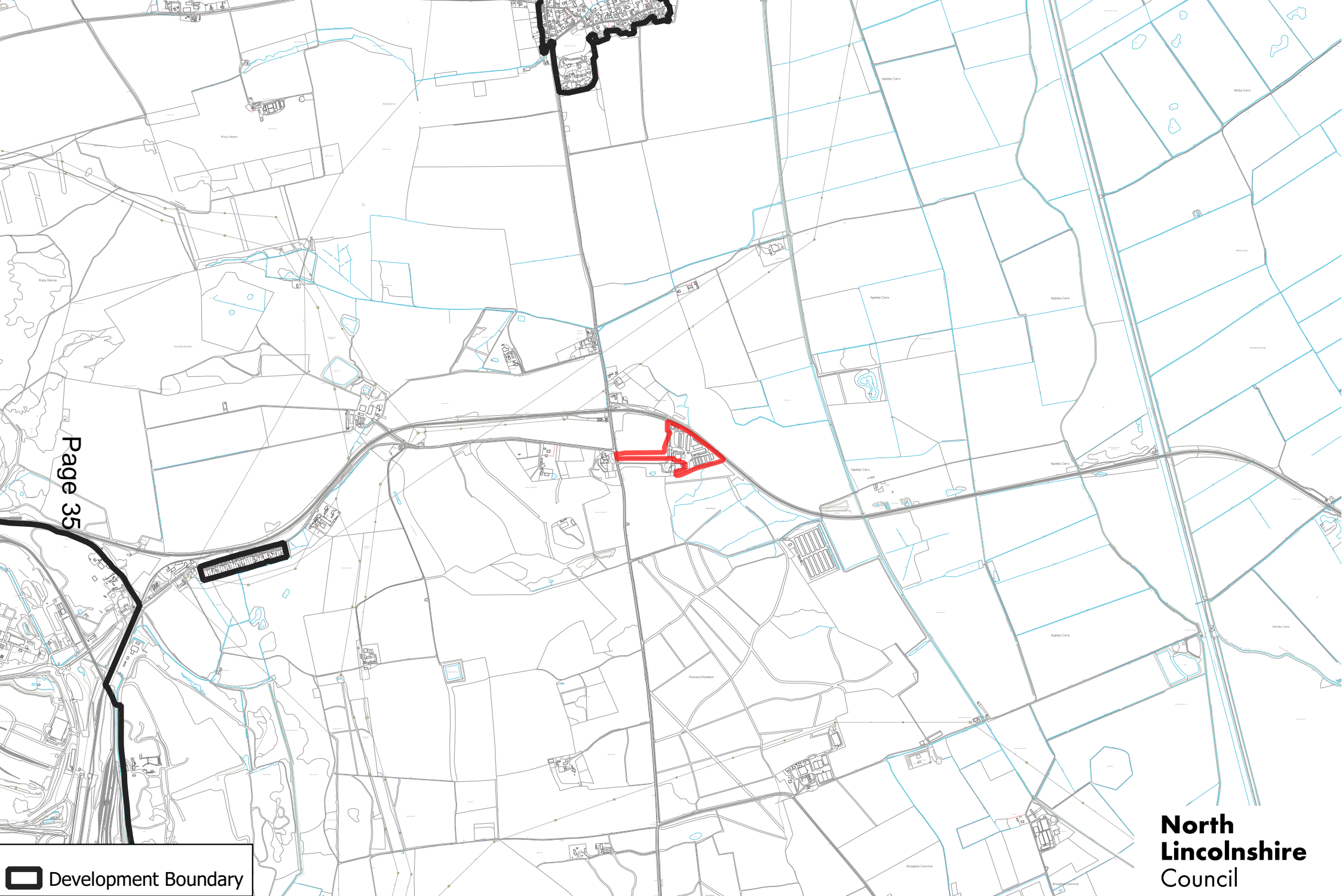
### *Access for the fire service*

It is a requirement of approved Document B5, Section 15 Commercial Properties or B5, Section 13 for Domestic Premises that adequate access for fire-fighting is provided to all buildings or extensions to buildings. Where it is a requirement to provide access for high reach appliances, the route and hard standing should be constructed to provide a minimum carrying capacity of 24 tonnes.

### *Water supplies for fire-fighting*

Adequate provision of water supplies for fire-fighting appropriate to the proposed risk should be considered. If the public supplies are inadequate it may be necessary to augment

them by the provision of on-site facilities. Under normal circumstances hydrants for industrial unit and high risk areas should be located at 90 metre intervals. Where a building which has a compartment of 280 square metres or more in the area is being erected more than 100 metres from an existing fire hydrant, hydrants should be provided within 90 metres of an entry point to the building and not more than 90 metres apart. Hydrants for low risk and residential areas should be located at intervals of 240 metres.



WATERCROFT FARM

 Development Boundary

**North  
Lincolnshire  
Council**

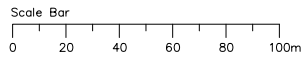
# PA/2022/946 Existing layout (not to scale)

All Dimensions Shall be Checked on Site by the Contractor Prior to Commencement of Work on Site. Do Not Scale If in Doubt Ask.

Page 36



Existing Site Layout



Revisions	Date
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**Robert Farrow (Design) Ltd**  
 Architecture : Planning : Construction  
 Topographical Surveys  
 Millar House, 32 Northgate, Hessle,  
 East Riding of Yorkshire, HU13 9AA  
 Tel : 01482 640699  
 E-mail: rfd@farrow.karoo.co.uk

**Client: T W Cook Ltd**

**Title: Topographical Survey**  
 Sandhouse Farm  
 Broughton Road  
 Appleyby  
 Scunthorpe, DN15 0DA

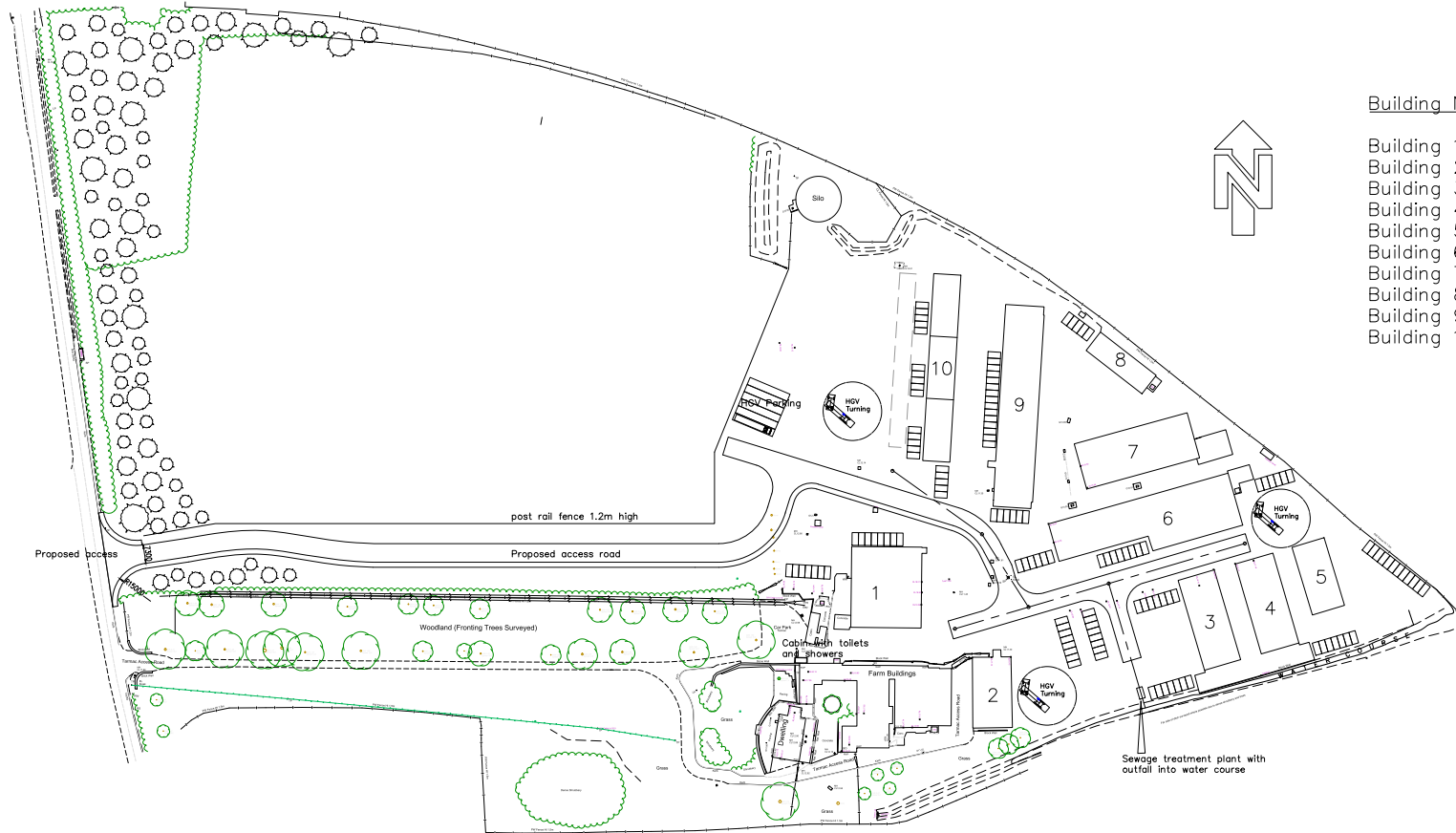
Scale	Drawn by	Dwg no.	Date	Contract no.
1:1000	R	1	Nov21	21083



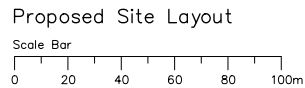
# PA/2022/946 Proposed layout (not to scale)

All Dimensions Shall be Checked on Site by the Contractor Prior to Commencement of Work on Site. Do Not Scale If in Doubt Ask.

Page 37

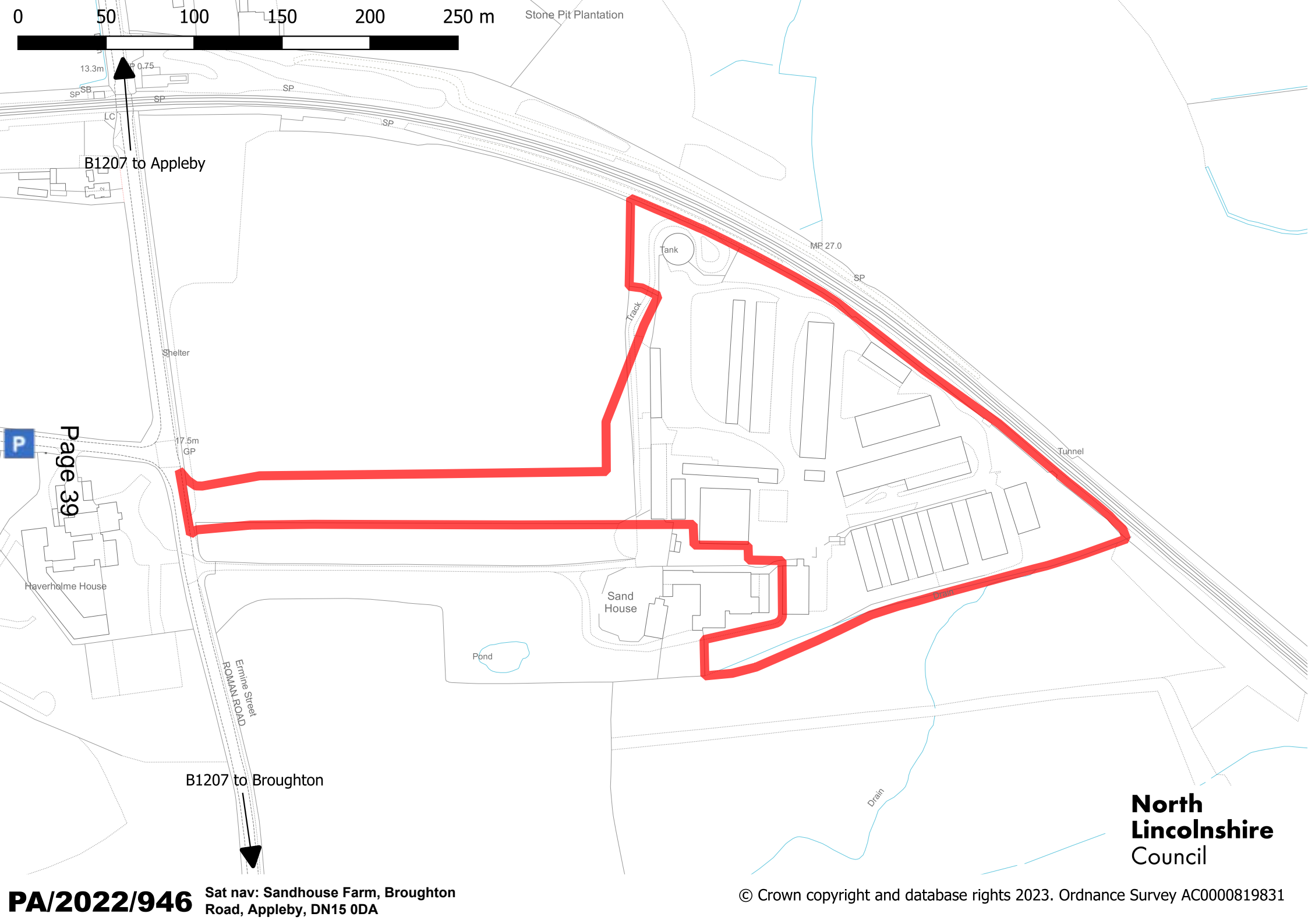


Building No	Building Floor Area
Building 1	879sqm
Building 2	435sqm
Building 3	543sqm
Building 4	564sqm
Building 5	365sqm
Building 6	1338sqm
Building 7	844sqm
Building 8	254sqm
Building 9	1228sqm
Building 10	784sqm



Revisions	Date
<b>Robert Farrow (Design) Ltd</b> Architecture : Planning : Construction Topographical Surveys Millar House, 32 Northgate, Hessle, East Riding of Yorkshire, HU13 9AA Tel : 01482 640699 E-mail: rfd@farrow.karoo.co.uk	
<b>Client: T W Cook Ltd</b>	
<b>Title: Proposed Site Layout</b> Sandhouse Farm Broughton Road Appleyby Scunthorpe, DN15 0DA	
Scale	1:1000
Drawn by	R
Dwg no.	2
Date	Nov21
Contract no.	21083

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B1207 to Appleby



Page 39

Haverholme House

Shelter

17.5m GP

B1207 to Broughton

Ermine Street  
ROMAN ROAD

Pond

Sand House

Tank

Track

MP 27.0

Tunnel

Drain

Drain

**North  
Lincolnshire  
Council**

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<b>APPLICATION NO</b>	<b>PA/2022/2059</b>
<b>APPLICANT</b>	Mr Mark Wall, NPP Properties Ltd
<b>DEVELOPMENT</b>	Listed building consent for the erection of a single-storey rear extension together with necessary ancillary works for conversion of Grade II listed dovecote/stables and carriage house to residential use (Use Class C3)
<b>LOCATION</b>	Tetley House, Tetley, Crowle, DN17 4HY
<b>PARISH</b>	<b>CROWLE</b>
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Crowle Town Council

## **POLICIES**

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

- 5 Delivering a sufficient supply of homes
- 12 Achieving well-designed and beautiful places
- 16 Conserving and enhancing the historic environment

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

- DS1 General requirements
- RD2 Development in the open countryside
- RD9 Reuse and/or adaptation of rural buildings for residential use in the open countryside
- HE5 Development affecting listed buildings
- H5 New housing 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

CS6 Historic environment

CS7 Overall housing provision

**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 were not anticipated until late 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

DM1 General requirements

TC2 Placemaking and good urban design

RD1 Supporting sustainable development in the countryside

HE1 Conserving and enhancing the historic environment

## **CONSULTATIONS**

**Highways:** No objection or comments.

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

**Archaeology:** Objection – the change of use and proposed alterations would result in a high level of harm to the significance of these two listed buildings, notably the architectural, historic and archaeological interests of these non-domestic buildings. A programme of archaeological monitoring and recording should be undertaken during all groundworks to offset the harm to any archaeological remains that may be disturbed or destroyed by construction.

A written scheme of investigation (WSI) detailing the outstanding historic building recording, and the archaeological work to be undertaken should be submitted prior to determination of the planning application. Should the planning authority consider the proposals do not conflict with relevant conservation legislation and policy and be minded to grant consent,

any permission should be subject to conditions securing a programme of archaeological and historic building recording prior to and during any construction work.

**Conservation:** The existing buildings are in a considerable state of disrepair, and it is not viable to return them to their historic use given the separation from the dwelling these buildings were associated with. Conversion to residential will secure their future and enable the repairs and works required to secure the fabric of the building; this will come at the cost of the adaptation required to the buildings to achieve this from which there will be some minor harm to the significance of the building through physical alterations.

Proposed elevations – the principle of the extension is acceptable, and the amendment to include a green roof is welcomed over the previous iteration, as is the change from timber piers to brick reclaimed from site. It will have a modern appearance, however it will sit sympathetically against the pair of listed buildings.

New red pantiles are proposed for roof coverings, which is acceptable. Original copings will be consolidated and used in one location, and new copings to match elsewhere, providing a consistency to the finished appearance, is also acceptable. The rooflight will be inserted into a new roof structure; there is no loss of historic fabric and this will have limited impact. Details has been provided and these are acceptable without further information required.

Rainwater goods are noted on newly revised plans to be a cast aluminium variety which will ensure an appropriate appearance on the building – cast is required to minimise the number of sections which would be unsightly. A condition is required to provide further details of these prior to installation.

Proposed floor plans – there will be minor intervention into historic fabric to create openings into and out of the new extension, a minor level of harm balanced by securing the future of the building. Surviving flag stones on the floor surfaces will be consolidated and re-used. New floors will be required, and it is intended the walls will be insulated and plaster-boarded, which will result in a modern finish at odds with the historic character of these buildings and is a harmful change. The adaptation is necessary and the loss of character, which will be minor–moderate, should be judged against the public benefit of repairing the building and providing it a new use.

Areas of lath and plaster ceiling were noted on the site visit. It is noted that where these are repairable, they will be retained on the floor plan drawings. Within the setting of the building a wall is now proposed to bound the site, to be of reclaimed brick; this is acceptable subject to a condition for a sample panel of the brickwork to show pointing etc to ensure integrity of the design in the setting of the listed buildings. The lime mortar mix noted in the Design and Access Statement is appropriate and acceptable.

A solid fuel stove will be located to run the ventilation through an existing chimney and will not protrude beyond it, and as such will have no heritage impact.

The applicant has updated window details with the intended manufacturer to change the proposed windows from having applied glazing bars to having solid glazing bars, but otherwise mostly unchanged. This change is a small but important detail to create architectural integrity within the overall scheme of works at this property. The provision of the solid bar section detail is sufficient, in conjunction with the joinery schedule/quotation, to not require further planning conditions regarding the new windows/doors in this scheme.

**Ecology:** Works would result in harm to bat roosts. Consent can only be given if sufficient evidence is presented that the tests of European Protected Species (EPS) licensing are met.

Planning conditions are proposed to minimise harm to protected and priority species.

Hopefully, a net gain in biodiversity will be delivered through the biodiversity management plan submitted for PA/2019/930.

## **TOWN COUNCIL**

This council objects on the grounds that the original condition on this application, which stated the renovations of the Dovecote/stables and carriage house was to be carried out before building the new builds, has been disregarded. This building, standing from 1718, is a historic building for the Hamlet of Tetley, the loss of which would be detrimental to the area.

The original objection to this application is reiterated and stands. The loss of heritage and the applicant's previous refusal to adhere to the restrictions of the last application, and clear evidence that works have already commenced, show blatant disregard for the planning process and failure to comply with the terms of the previous instructions.

## **PUBLICITY**

A site notice has been displayed and two responses have been received objecting to the proposals and raising the following issues:

- informed by the owners these buildings would never be converted to residential use
- impact of additional traffic
- we were promised an executive gated community
- overlooking of neighbouring property
- domineering impact
- all windows are facing towards the objector's dwelling
- property not in keeping with existing and planned properties
- the existing properties are characterised by large plots with spacing in between
- cramming in of development and small dwelling
- no safe access to the site
- impact on pedestrian and highway safety
- insufficient off-street parking and turning provision
- increased level of flood risk which needs to be mitigated



- the existing buildings may contain asbestos.

## **ASSESSMENT**

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

### **Planning history**

- PA/2023/1559: Application to vary condition 3 of PA/2019/930 dated 23/10/2020 to read 'Prior to the occupation of the dwelling marked as plot 1' – approved with conditions 08/12/2023
- PA/2019/930: Planning permission to erect a replacement dwelling and two detached dwellings – approved with conditions 23/10/2020.
- PA/2019/1028: Listed building consent to repair and refurbish carriage house and stable/dovecote – approved with conditions 04/08/2022.
- PA/2023/1629: Application for a non-material amendment to PA/2019/930 dated 23/10/2020 namely to alter condition 7 as per the submitted Planning Statement dated 03 October 2023 – approved 13/10/2023
- PA/2021/2061: Planning permission to remove condition 13 of PA/2019/930 relating to ecology and biodiversity – approved with conditions 09/06/2022.

The application site comprises two listed buildings within the grounds of the listed building known as Tetley Hall. The two buildings are two-storey in height, are grade II listed and are linked by a wall in a north to south direction. The buildings are located to the south-east of Tetley Hall, in the open countryside, to the west of two modern residential properties. The buildings are in a visible state of disrepair and are constructed from red brick with red pantiles (Dovecote) and red brick with corrugated metal sheeted roof (Carriage house). Listed building consent is sought to repair and refurbish these listed buildings, together with a single-storey extension and other external alterations, to convert it to residential use.

**The main issue in the determination of this application is the impact on the setting and character of the listed buildings.**

### **Listed buildings**

As noted above, listed building consent is sought to undertake works and extend between two listed buildings to convert them into a two-bedroomed dwelling. The buildings are grade II and listed building consent has previously been granted for a scheme of restoration and repair work under PA/2019/1028, which was in conjunction with the erection of two additional dwellings on the land to the south. The plans show the buildings have a number of existing openings which are to be utilised and the extension is proposed along the eastern side (where the existing wall links the two buildings) which will provide additional ground floor accommodation in the form of a kitchen and utility. In terms of the roof to each of the buildings, it is proposed to remove the existing roof coverings (which consists of pantiles and a corrugated metal roof) and replace them with a new clay pantile. It is also proposed to install a single rooflight in the northern-facing roof slope of the Dovecote, this is considered proportionate to the size of the roof slope, it will allow the roof slope and covering (albeit with a new pantile) to remain visually predominant (particularly as it is on

the northern-facing roof slope) and it ensures minimal intervention into the roof. In addition, it will be inserted into a roof slope which will have some new A-frame roof trusses underneath and a new roof tile.

It is worth noting the buildings are in a bad state of disrepair. This was observed in the Structural Report submitted with the previous planning applications in 2019 (referred to as the Capstone Report) which put forward a number of recommendations as part of an overall scheme for repair and restoration of these listed buildings (as part of enabling development). The works identified to be undertaken to these listed buildings within the Structural Survey consist of a number of structural improvements that are not limited to removing unsafe materials, to underpin and tie together the walls, consolidation of brickwork, addressing significant open cracks in walls, new floor joists and ground floor slab, installation of staircases and plasterwork and electrics throughout, and the replacement of window and door lintels and installation of new windows and doors.

In addition, the report does highlight there is asbestos within the corrugated roof sheets in the Carriage House; these will be removed via a licensed contractor. This will be regulated via the Control of Asbestos Regulations 2012 and planning should assume that separate pollution control regimes will operate effectively. This is consistent with paragraph 194 of the National Planning Policy Framework (NPPF).

It is noted the works outlined in the structural report are somewhat extensive in number and coverage, however they are also considered necessary and reasonable to bring these grade II listed buildings into a condition which results in them becoming functional and to secure the long-term future of these buildings. This application uses that report as a basis for reinforcing the extent of works necessary to convert the listed buildings for residential use and that approach is considered acceptable in principle by the conservation officer. In addition, the conservation officer, in their most recent consultation response, highlights the buildings are in a considerable state of disrepair and it is not viable to return them to their historic use (ancillary buildings within the curtilage of Tetley Hall). Conversion to residential will secure the future of these listed buildings which will result in some minor harm to the significance of the listed building.

Turning to the proposals, the most significant of these is the addition of a single-storey extension to the side which will be both functional (by linking the two listed buildings together) and will provide a modern, contrasting addition that appears subservient in scale, height and size. It has a flat-roof design, which is not ideal in visual amenity terms; however, it does ensure the height of the extension is kept lower and allows the two listed buildings and their external features to remain visually predominant and be appreciated. The flat roof will have a 'green roof' design which, when established, will help to screen its flat profile, and it is considered it will sympathetically assimilate between the pair of listed buildings and will not intercept any key views associated with their setting. It is noted the extension will project from the side elevation of the Dovecote (on its eastern side) and to the north of the Carriage house; however, the plans show this extension will not cut across any existing features or openings within the listed buildings and this allows for those existing openings to be utilised to serve ground floor habitable rooms. The plans show the walls of the extension along its visible elevations (to the north and east) will be constructed from a mix of large expanses of glass interspersed with a reclaimed brick; this will ensure some visual assimilation with the two listed buildings and provide some modernity element to its appearance. Overall, the plans show (with the exception of the replacement roof) there will be minimum intervention into the historic fabric of the listed buildings externally, the vast majority of existing openings being utilised to serve the residential accommodation

proposed within. On this basis, the opinion of the conservation officer is that there will be a minor level of harm which is balanced out by securing the future of the listed buildings.

Internally, the supporting plans and information states the existing flag stones will be retained and re-used and, where new floors and walls are required, will result in modern finishes (which are at odds with the historic character of these buildings); however, in the opinion of the local planning authority, these are necessary adaptations to the buildings if they are to be preserved and converted for residential use, thereby securing the long-term future of two buildings which are in a visible state of disrepair. The applicant has also provided details of the windows and glazing bars which show the provision of a solid bar section; this, together with the joinery schedule which has been submitted, are considered to be appropriate for use in the listed buildings, and as such will be conditioned in that regard (if listed building consent is granted).

Conditions are recommended by the Conservation Officer which requires details of the proposed external materials of construction (including rainwater goods and a sample panel of brickwork for the proposed low boundary wall) to be submitted for consideration. The imposition of such conditions would allow the local planning authority to ensure the materials and finishes of all external facing fittings preserve and enhance the listed buildings and are sympathetic to their setting and fabric.

The objection from the Historic Environment Record (HER) is noted. However, although it is considered the proposed development will result in some minor harm to the significance of these listed buildings, such harm is considered to be outweighed by the public benefits of the proposals, which include the preservation of the two listed buildings, the repair and restoration of these buildings and providing them with a long-term use. Notwithstanding this, the conditions recommended by the Historic Environment Record (for the historical building record to be undertaken in accordance with the archaeological mitigation strategy) are considered to be appropriate in this case. Such conditions would provide an accurate photographic record of the building prior, during and after the works, and given the historic sensitivity of the area and the assets concerned, the recommended conditions are both reasonable and necessary.

Given the recommendations of the structural report, that the works are necessary and will secure the long-term retention of the listed buildings (albeit for a different use) and the lack of an objection from the Conservation Officer, it is considered the proposed works will preserve and enhance the setting and fabric of the Stable/Granary and Carriage house and as such listed building consent is recommended in this case.

### **Other issues**

The consultation response from the council's ecologist and its contents are noted in respect of an European Protected Species licence being required for any works to a building which may contain protected and priority species. However, this is an application for listed building consent which considers the impact on heritage aspects under the Planning (Listed Buildings and Conservation Areas) Act 1990 and the ecological matters will be assessed under the separate planning application PA/2022/2017 (which is considered alongside this application). It is considered, therefore, there is no requirement to duplicate any assessment of protected species in this regard.

## **Pre-commencement conditions**

No pre-commencement conditions are proposed.

### **RECOMMENDATION Grant consent 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:

- 1045 1 of 7 (Existing Elevations A & C)
- 1045 2 of 7 (Existing Elevations B & D)
- 1045 3 of 7 (Existing Floor Plan)
- 1045 4 of 7 (Proposed Floor Plans D7)
- 1045 5 of 7 (Proposed Elevations D7)
- 1045 7 of 7 (Location and Block Plans)
- DRWG/PA/2022/2059/30.

#### **Reason**

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

3.

The development hereby permitted shall be undertaken using the schedule of materials and mortar mix (excluding the rainwater goods) stated in the design and access statement, the windows and doors schedule in the quotation from G Empson & Sons dated 13 November 2023 and the window bar detailing shown on drawing DRWG/PA/2022/2059/30. The development shall take place in accordance with the agreed materials/details and once constructed it shall thereafter be retained.

#### **Reason**

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

4.

No above-ground works shall take place until details of all rainwater goods and external finishes, and a sample panel of the proposed brick wall, have been submitted to the local planning authority and agreed in writing, and only the approved materials shall be used.

#### **Reason**

To retain the character of the listed building in accordance with policy HE5 of the North Lincolnshire Local Plan.

5.

The development hereby permitted shall be in accordance with the Historic Building Record of the listed buildings as set out in the approved Archaeological Mitigation Strategy dated

14 November 2020. In addition, archaeological monitoring shall be extended to include the below-ground construction of the approved extension and associated construction works. The historic building recording shall be carried out in accordance with the approved details and timings.

#### Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policy HE9 of the North Lincolnshire Local Plan as the buildings are a heritage asset of local historic value that form part of a group of historic buildings. Demolition will result in the loss of historically significant evidence; the proposed historic building record will ensure that such evidence is appropriately recorded and a permanent archive created.

6.

The historic building and archaeological report and archive shall be deposited at the North Lincolnshire Historic Environment Record within six months of the date of commencement of the development hereby approved by this permission or such other period as may be agreed in writing by the local planning authority.

#### Reason

To comply with paragraph 205 of the National Planning Policy Framework, policy CS6 of the Core Strategy and policies HE9 of the North Lincolnshire Local Plan because historic buildings will be demolished and archaeologically significant remains may be destroyed during construction groundwork; the proposed recording will ensure that these heritage assets are appropriately recorded and a permanent archive created.

7.

The development hereby permitted shall take place in strict accordance with all of the works recommended within the Structural Survey (Capstone, October 2017) to the Stable (and Dovecote) and Carriage House and once completed shall thereafter be retained. The applicant must evidence these works through both written documentation and photomontage, and this is to be agreed in writing with the local planning authority.

#### Reason

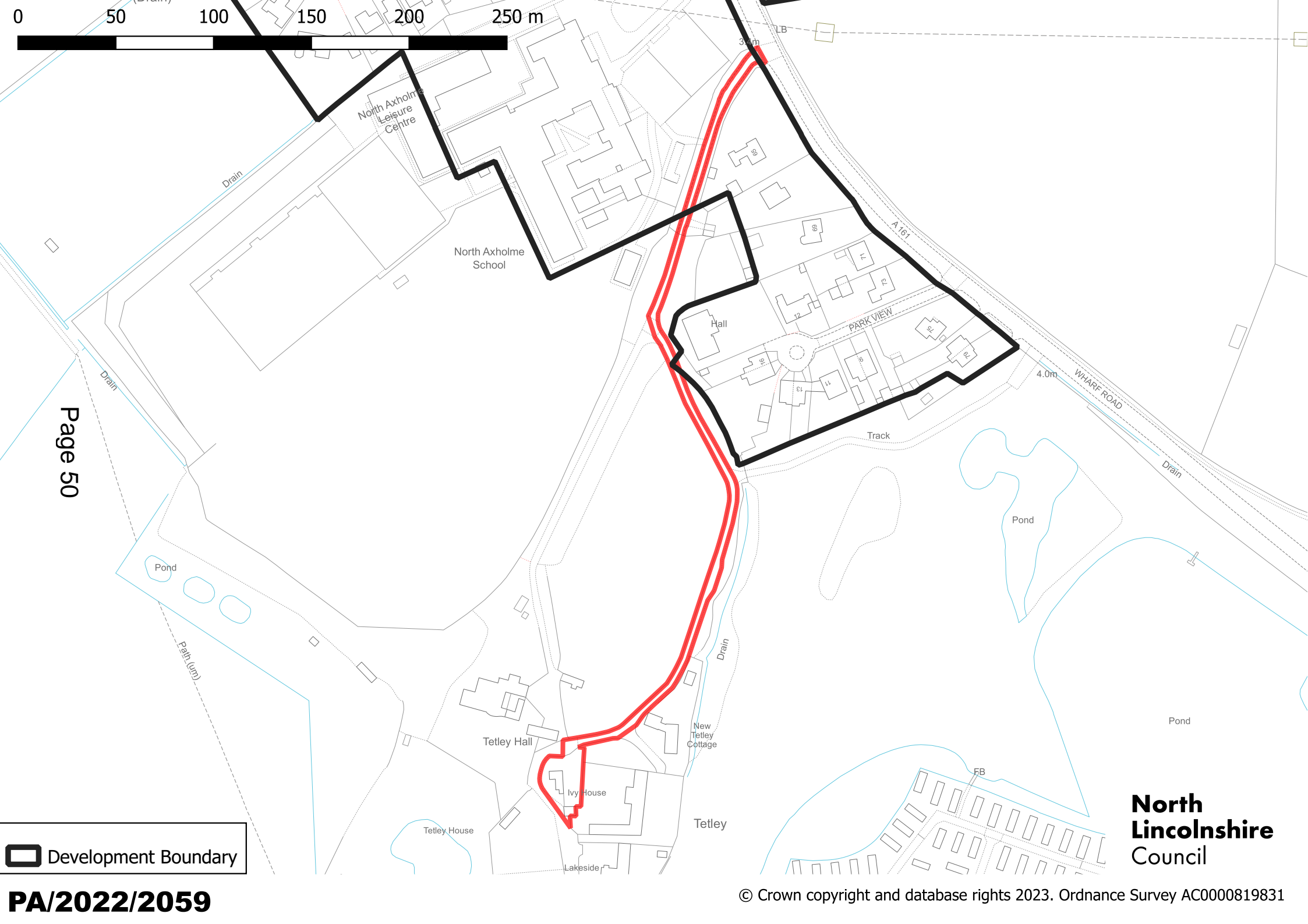
In the interest of the historic environment and to align with the terms of this listed building consent, in accordance with policies CS6 of the Core Strategy and HE5 of the North Lincolnshire Local Plan.

#### **Informative**

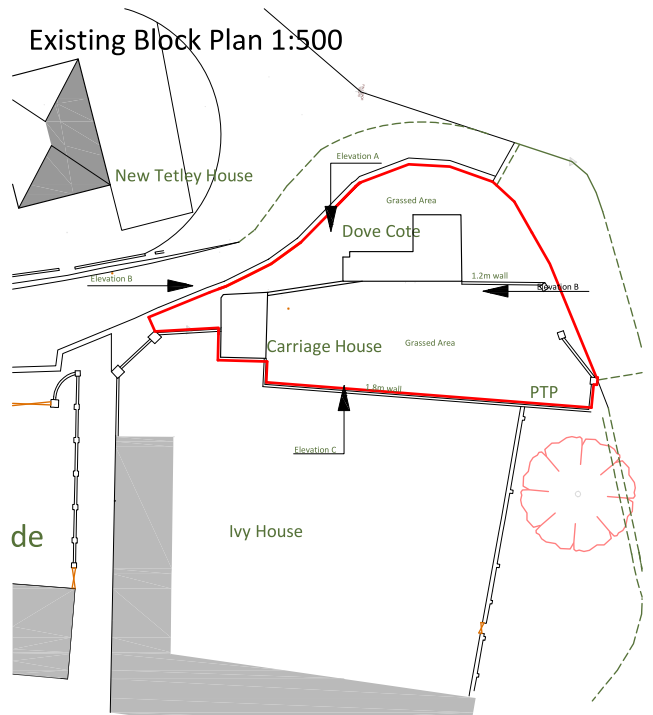
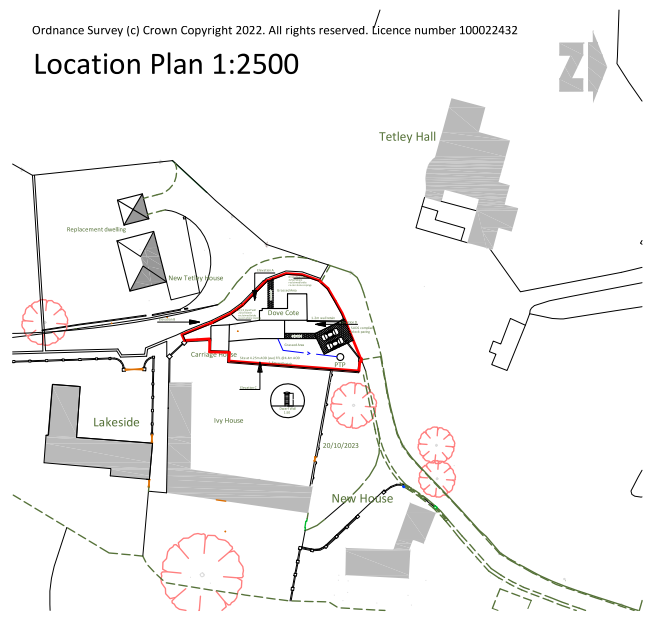
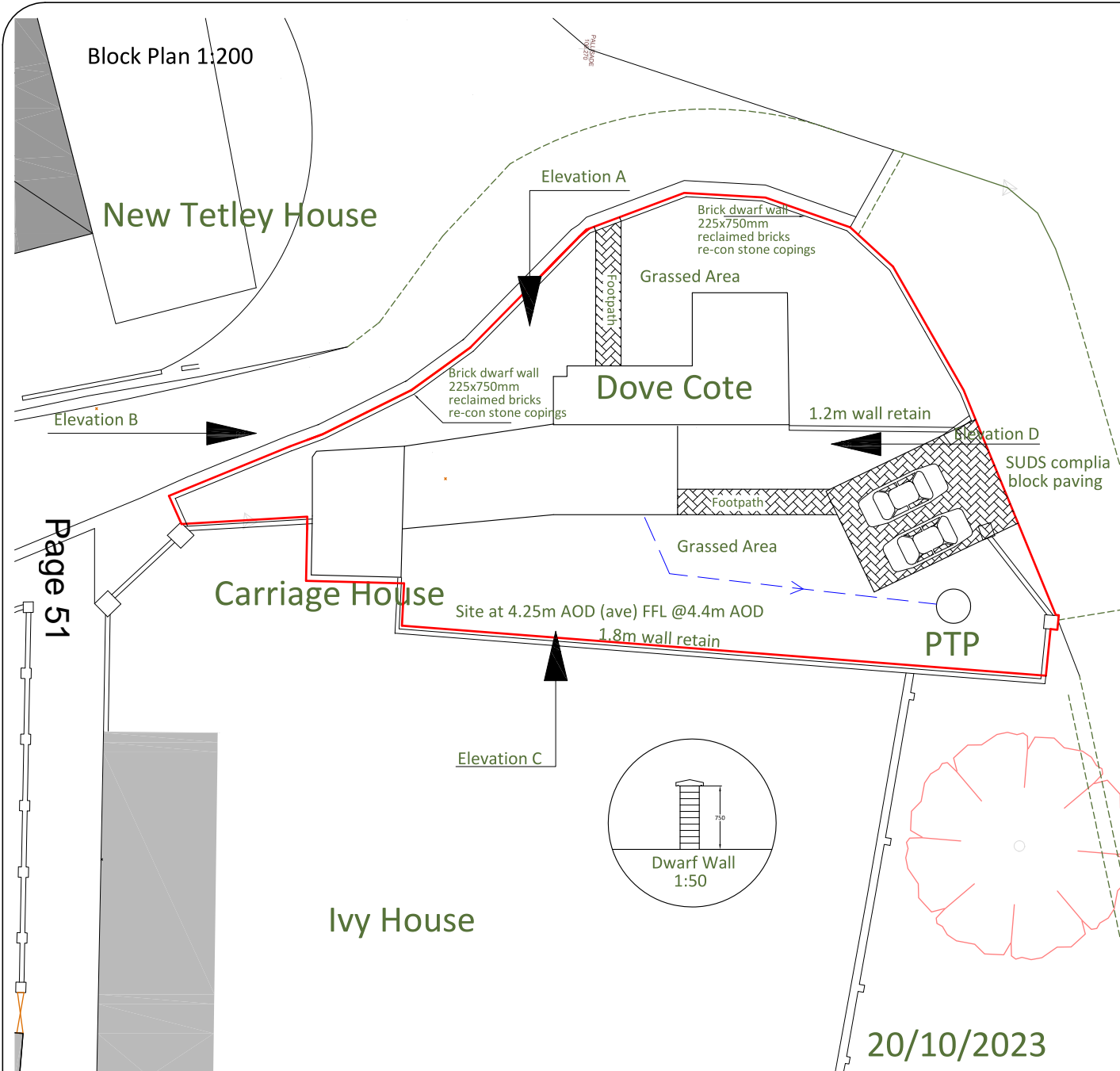
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



 Development Boundary



# PA/2022/2059 Proposed layout (not to scale)



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Chartered Surveyor  
240 Wharf Road, Ealand  
Scunthorpe DN17 4JN

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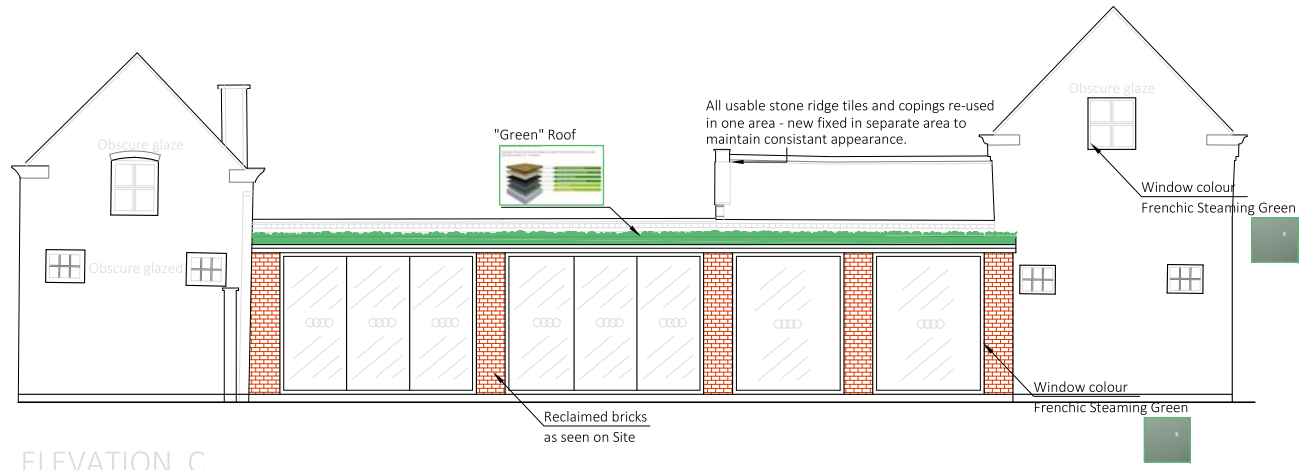
<b>Client</b>	NPP Properties Ltd		
<b>Date</b>	7/8/23	<b>Dwg No</b>	7 of 7
<b>Scale</b>	As noted	<b>Ref No</b>	1045

<b>Proposal</b>	Dovecote & Carriage House conversion at Tetley, Crowle DN17 4HJ
<b>Drawing</b>	Location and Block Plans

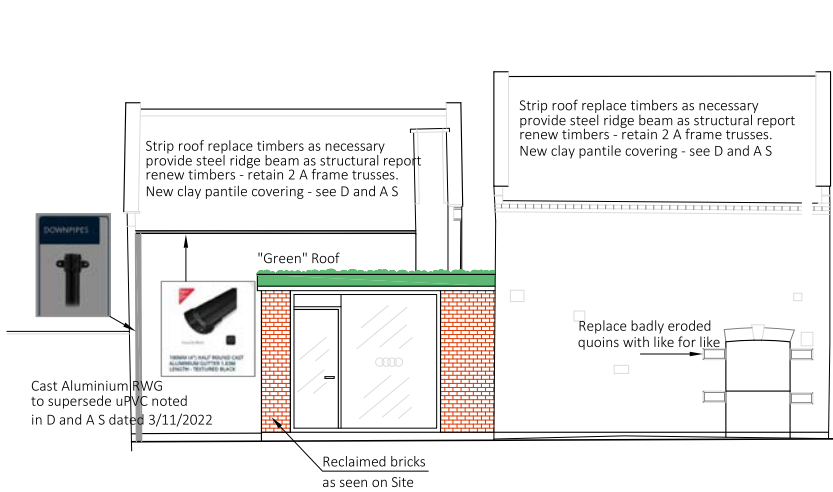


# PA/2022/2059 Proposed elevations (not to scale)

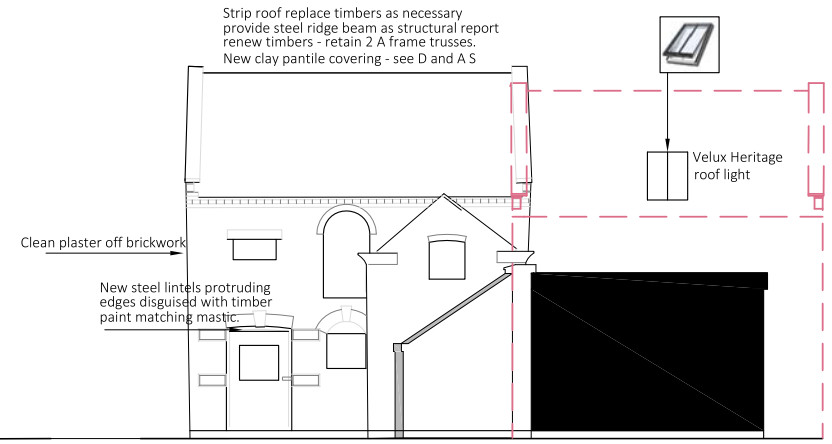
Page 52



ELEVATION C



ELEVATION D



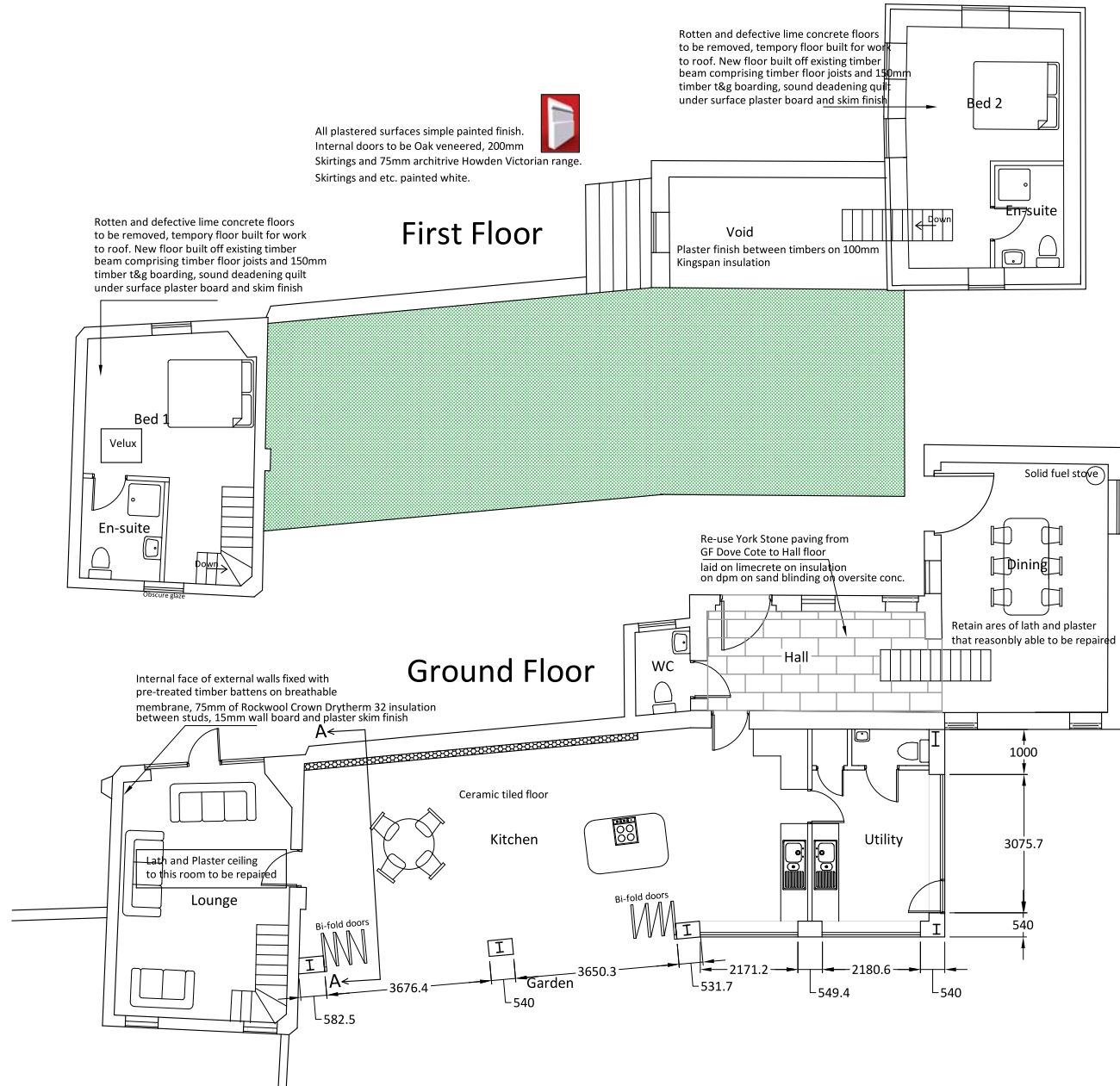
ELEVATION B

13/11/2023

Howard J Wroot BSc MRICS Chartered Surveyor 240 Wharf Road, Ealand Scunthorpe DN17 4JN	Tel 01724 711068 Fax 01724 710174 Mob 07947 226577	Client	NPP Properties			Proposal	Dovecote and Carriage House conversion at Tetley, Crowle, DN17 4HJ
		Date	5/10/23	Dwg No	5 of 7		
		Scale	1:100	Ref No	1045	Drawing	Proposed Elevations D 7







13/11/2023

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Client	NPP Properties		
Date	5/10/23	Dwg No	4 of 7
Scale	1:100	Ref No	1045

Proposal	Dovecote and Carriage House conversion at Tetley, Crowle, DN17 4HJ
Drawing	Proposed Floor Plans D 7



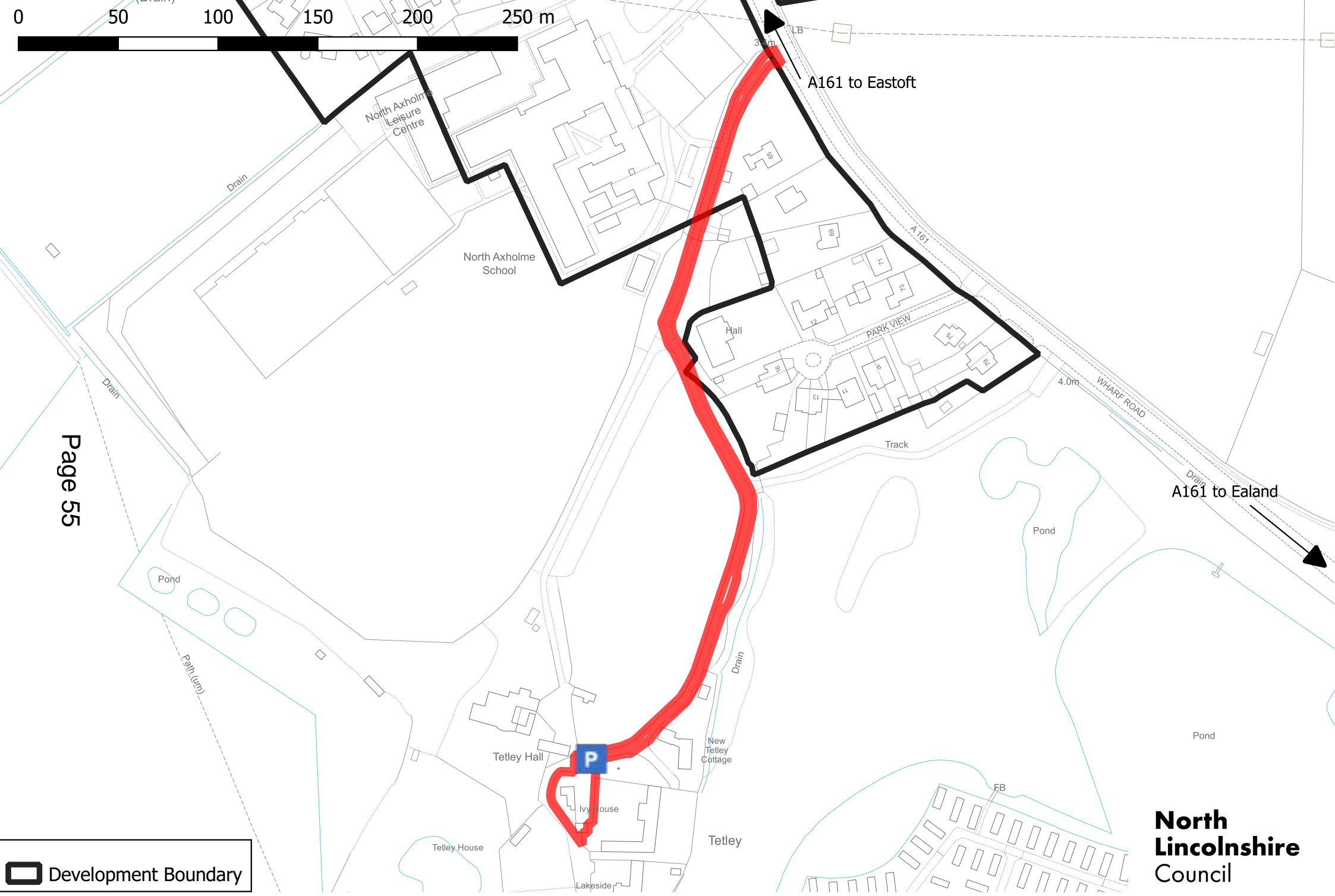
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Development Boundary

**PA/2022/2059** Sat nav: Tetley House, Tetley, Crowle, DN17 4HY



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Council**

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<b>APPLICATION NO</b>	<b>PA/2023/1635</b>
<b>APPLICANT</b>	Mr Lee Norris
<b>DEVELOPMENT</b>	Planning permission to construct four military aeroplane metal sculptures mounted on a lattice steel support and a dragon metal sculpture mounted on top of the flat roof of the car port
<b>LOCATION</b>	25 Woods Meadow, Hibaldstow, DN20 9ES
<b>PARISH</b>	<b>HIBALDSTOW</b>
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Matthew Gillyon
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with condition</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllrs Trevor Foster and David Garritt – significant public interest)

## **POLICIES**

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

12 Achieving well-designed and beautiful places

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

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

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

PS1 Presumption in favour of sustainable development

Settlement Inset Map 24 – Hibaldstow

**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 late 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

HE1 Conserving and enhancing the historic environment

DM1 General requirements

## **CONSULTATIONS**

**Highways:** No comments or objections to make.

**LLFA Drainage:** No objections or comments to the proposed development.

## **PARISH COUNCIL**

Originally commented that they had no objections or comments. A later comment was received that further information had come to light from residents of properties in the vicinity. In light of those concerns, the parish council supported the residents' comments.

The application was readvertised following receipt of an amendment to the height of plane 1; however, the parish council maintains its objection, supporting the concerns raised by residents.

## **PUBLICITY**

A site notice has been displayed and seven comments have been received (one being a duplication) objecting to this application as follows:

- Wish to make a formal objection against the structures recently erected to the front of the property to join the existing array of rusting garden equipment, old mangles, bicycles, tractors and a telephone box. But the latest addition of four tall metal towers with metal aeroplanes atop is a step too far. The one of most concern is the largest, which has been very inconsiderately situated over the boundary to our property. It has an approximate 6ft wingspan and the height is extremely intrusive visually to our property. It is plainly visible over the hedge by 4–5ft and can be seen from all the windows at the front and side of the property. Comments expressed by several acquaintances state that the size of the towers and planes is inappropriate in their positions at the front of the property, which is adjacent to the public highway and a footpath, and they would also have strong objections due to the size and proximity to property boundaries if they were equally affected. Although we appreciate that people are entitled to present their own property as they see fit, within the planning rules, we feel these neighbours have gone too far without due thought and consideration to residents in neighbouring properties. We therefore ask that the planning department considers this retrospective planning application carefully and refuses it or at the very

least refuses permission for the large tower and plane which intrude visually and aesthetically on the boundary of our property. This is a quiet residential area where properties are well looked after but we can only feel that these extra 'over the top' structures are doing little to enhance the surroundings and are giving a poor visual 'overkill' look to the area.

- I object to the planning permission (retrospective) at 25 Woods Meadow for the four aircraft and the large dragon on the garage roof as it is just not in keeping with the character of the rest of the street and area. It is all we can see out of our kitchen window and they are an eyesore.
- Wish to complain about the large objects which are in the front garden of 25 Woods Meadow. They are not in keeping with this residential area. It looks like a theme park!
- I wish to object in the strongest possible terms to the large metal structures erected in the front garden of 25 Woods Meadow, Hibaldstow (structures erected without planning permission). These 3 metre high heavy metal structures are totally unsuitable to be positioned in the front garden of a property adjacent to a public footpath and highway and are out of keeping with this residential area. In the North Lincolnshire Council planning application form under the heading 'Trees & Hedges', is the question: 'Are there any trees or hedges on the property or on the adjoining properties which are in falling distance of the proposed development?'. The applicant has answered 'NO'. Depending on how you read the question, is it the trees that could fall or is it the proposed development that could fall? If the applicant has answered correctly, and it is the development that is to be protected, then surely North Lincolnshire Council has a duty of care to protect the safety of persons and neighbouring property against damage to the proposed development and any consequences which could arise from such damage. It is of great concern that if Plane No 4 on the plan were to fall or be knocked into by one of the numerous large lorries, vans and trucks which frequently attend No 25, then there is a high probability that the structure would fall onto the driveway of the adjoining property 27 Woods Meadow. Any person on the drive could be seriously injured, or worse, and vehicles severely damaged should this happen. This plane overhangs the boundary hedge between the two properties and is a potential danger to life and property. I would ask North Lincolnshire Council planning department to reject in its entirety the retrospective planning application and enforce the complete removal of this inappropriate development.
- Council, please object to the retrospective planning permission and perhaps look at the aircraft structure at the rear also as this seems close to number 27.
- I strongly object to the structures residing at 25 Woods Meadow. They are not in keeping with any other property on the street. I am very disappointed in the fact after submitting retrospective planning permission the structures were then raised.

## **ASSESSMENT**

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

## Planning history

- PA/2004/0933: Planning permission to erect single-storey extension with room in roof – approved with conditions 29/06/2004
- PA/2009/1218: Planning permission to erect first-floor side, two-storey side extension and install a veranda to the rear – approved with conditions 15/12/2009
- PA/2010/0223: Planning permission to erect first-floor front and two-storey side extension (amendment to previously approved application PA/2009/1218) – approved with conditions 13/04/2010
- PA/2011/0619: Planning permission to erect a detached domestic garage – approved with conditions 30/06/2011
- PA/2011/1147: Planning permission to retain two rainwater harvesting tanks – approved 08/11/2011
- PA/2022/1816: Planning permission to create a connecting space between house and existing garage with glass roof, and erect a car port – approved with conditions 20/12/2022

## Site constraints

The site is within the development boundary of Hibaldstow, within the conservation area and SFRA flood zone 1.

## The site and proposal

The site is 25 Woods Meadow, a property at the top of Woods Meadow, set back in the corner, with a large front curtilage and the boundary defined by a brick wall and metal railings. The front elevation of the property is in a north-eastern direction. The proposal is for retrospective planning permission to erect four military aeroplane structures mounted on a lattice support and construct a dragon sculpture on top of the flat roof of the car port.

The four plane structures are positioned across the front curtilage of the property around the horseshoe driveway, the measurements being as follows:

- Plane 1: Lancaster Bomber, which has a maximum height of 3,200mm and the lattice support 2,750mm. The plane is 2,400mm in width and 1,500mm in length.
- Plane 2: Meteor, which has a maximum height of 2,650mm and the lattice support 2,185mm. The plane is 1,200mm in width and 1,400mm in length.
- Plane 3: Halifax Bomber, which has a maximum height of 2,920mm and lattice support of 2,850mm. The plane is 2,400mm in width and 1,500mm in length.
- Plane 4: Spitfire, which has a maximum height of 3,100mm and lattice support of 2,800mm. The plane is 2,000mm in width and 1,900mm in length.

The car port is 2,500mm high, with the dragon 1,400mm in height, giving a total height of 3,900mm. The dragon is 400mm in width and 1,000mm in length.



An amended plan has been received which increases the height of Plane 1 from 2,950mm to 3,200mm, an increase of 250mm, to make access into the property easier.

**The main issues in the determination of this application are impact on the character and appearance of the area and residential amenity.**

### **Impact on the character of the area**

Policy CS5 of the Core Strategy states that new development should be well designed and appropriate for their context and contribute to creating a sense of place, with any proposed development needing to respect the character and appearance of the local area, and consider the relationship between any buildings and the spaces around them.

Section 55 of the Town and Country Planning Act 1990 should be considered with the definition of development meaning the carrying out of building in, on, over or under land, or the making of any material change in the use of any buildings or other land. The proposal is also for development on the principal elevation of the dwelling.

This proposed retrospective application is to erect four military aeroplane structures mounted on a lattice support and construct a dragon sculpture mounted on top of the flat roof of the car port. In considering the proposal upon the impact of the character of the area, the layout of the dwelling needs to be considered, the house being on a large corner plot that dominates the street scene, with a built boundary in the form of a wall with metal railings.

The planes have been positioned around the horseshoe driveway, varying in height. Plane 1's wing tip is nearest to the eastern boundary, just over 2.5m away, and plane 4's wing tip is nearest to the north-west boundary, about 400mm away. The maximum width of the front curtilage is over 28m, the maximum width of the planes combined being around 8m, which accounts for approximately 29% of the total space available across this boundary. The nearest planes to the front boundary are Planes 2 and 3, which are approximately 5m away from the front boundary treatment.

The comments regarding the application relate to this development not being in keeping with the character of the area, describing it as a 'theme park' and 'Duxford Imperial War Museum Gift Shop', and whilst it can be considered a different development, the dwelling itself is the dominant form on Woods Meadow, the planes only being noticeable when you approach the property behind the already defined front boundary wall. In relation to plane 1, the height of the plane was similar in size to the caravan in the front curtilage of the neighbouring property.

The dragon is on top of the car port, with other built form already against this eastern boundary of the site and the pitched roof of the garage taller than the installed dragon.

It is considered that the development, in the form of the planes and dragon, does not impact the character of the area and is considered to be in accordance with policy CS5 of the Core Strategy.

### **Impact upon residential amenity**

Policy DS1 of the NLLP states that any new development should be well designed and appropriate for their context, with no unacceptable loss of amenity to neighbouring properties.

This proposed retrospective application is to erect four military aeroplane structures mounted on a lattice support and construct a dragon sculpture mounted on top of the flat roof of the car port. With regard to impact upon residential amenity, comments have been made that these developments are unsuitable, positioned in the front garden adjacent to a public footpath and highway, and is all that can be seen out of the window above the 4–5ft hedge.

The planes have been located around the horseshoe driveway, the closest one to a boundary being plane 4, which is approximately 400mm away from the hedge that defines the north-west boundary; due to the design of the driveway, this is the point it is widest to access the garage at this side of the site. The total area of the front garden is approximately 69.393sqm, the total area of the planes, taking account of the maximum length and width, totalling approximately 14.300sqm, which is roughly 21% of the total area of the front garden.

With regard to the comments regarding the positioning of the planes in relation to the adopted highway, the nearest plane is over 5m away from the front boundary, the height not exceeding this distance, and can be considered to be a sufficient distance inside the front curtilage with no objections or comments raised by the highways officer.

Whilst plane 4 is the nearest to a neighbouring dwelling, the height of the structure does go above the hedge line, with a maximum height of 3,100mm; this property does have windows in the front and side elevations, the development being approximately 7m away from this side window.

In respect of the comment regarding trees and hedges, this relates to trees and hedges, with this development not considered in this category, so the applicant was correct in selecting 'No'.

It is considered that the plane structures and dragon do not create an adverse overbearing or overshadowing impact on residential amenity, the development only being small in relation to the site. The proposal is therefore in accordance with policy DS1 of the local plan.

## **Conclusion**

This application to erect four military aeroplane structures mounted on a lattice support and construct a dragon sculpture mounted on top of the flat roof of the car port is not considered to have any adverse impact on the character, setting or residential amenity. The proposal is therefore considered to comply with policies CS5 of the adopted Core Strategy and DS1 of the North Lincolnshire Local Plan and is recommended for approval.

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

1.

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

- Location Plan Drawing No. 274-001 Revision 01
- Site Plan Drawing No. 274-001 Revision 02.

## **Reason**

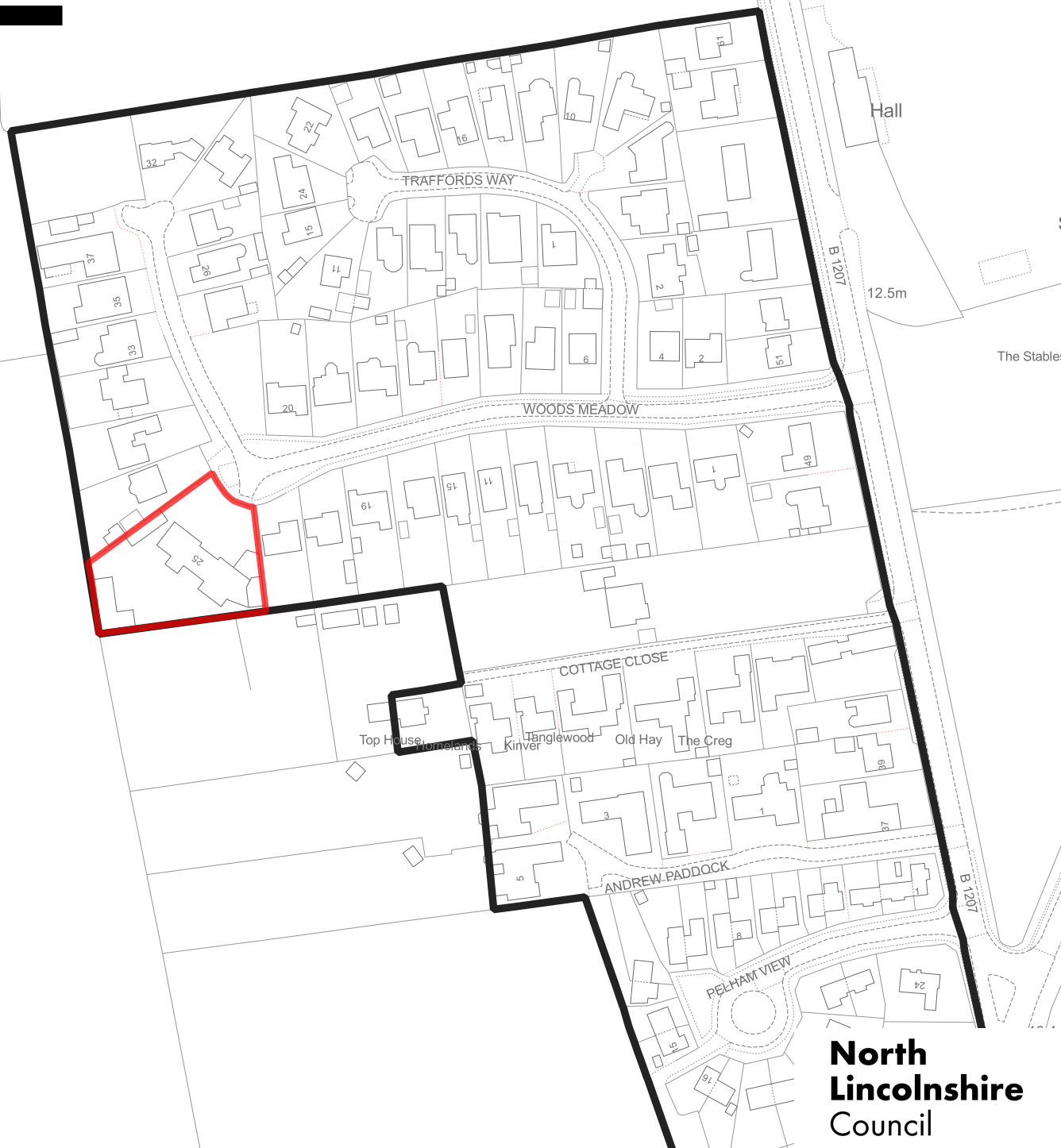
For the avoidance of doubt and in the interests of proper planning.

## **Informative**

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



Drain



**North  
Lincolnshire  
Council**

 Development Boundary

# PA/2023/1635 Sculpture positions/photos (not to scale)



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PLANE 1 - Lancaster Bomber

PLANE 2 - Meteor



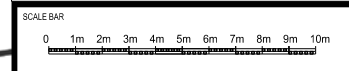
PLANE 3 - Halifax Bomber



PLANE 4 - Spitfire



DRAGON



REVISIONS

1 - First Issue
2 - Plane 1, height amended

CLIENT: L. Norris

LOCATION: 25 Woods Meadow  
Hibaldstow  
BRIGG  
DN20 9ES

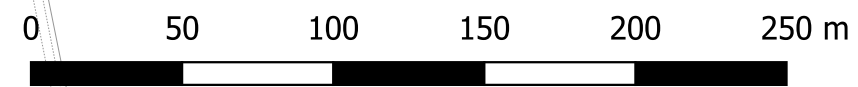


PROJECT: Front Garden Sculptures

DRAWING TITLE: Site Plan

DATE:	DRAWING No:	SCALE:
OCT '23	274 / 002 02	1:200 @ A3

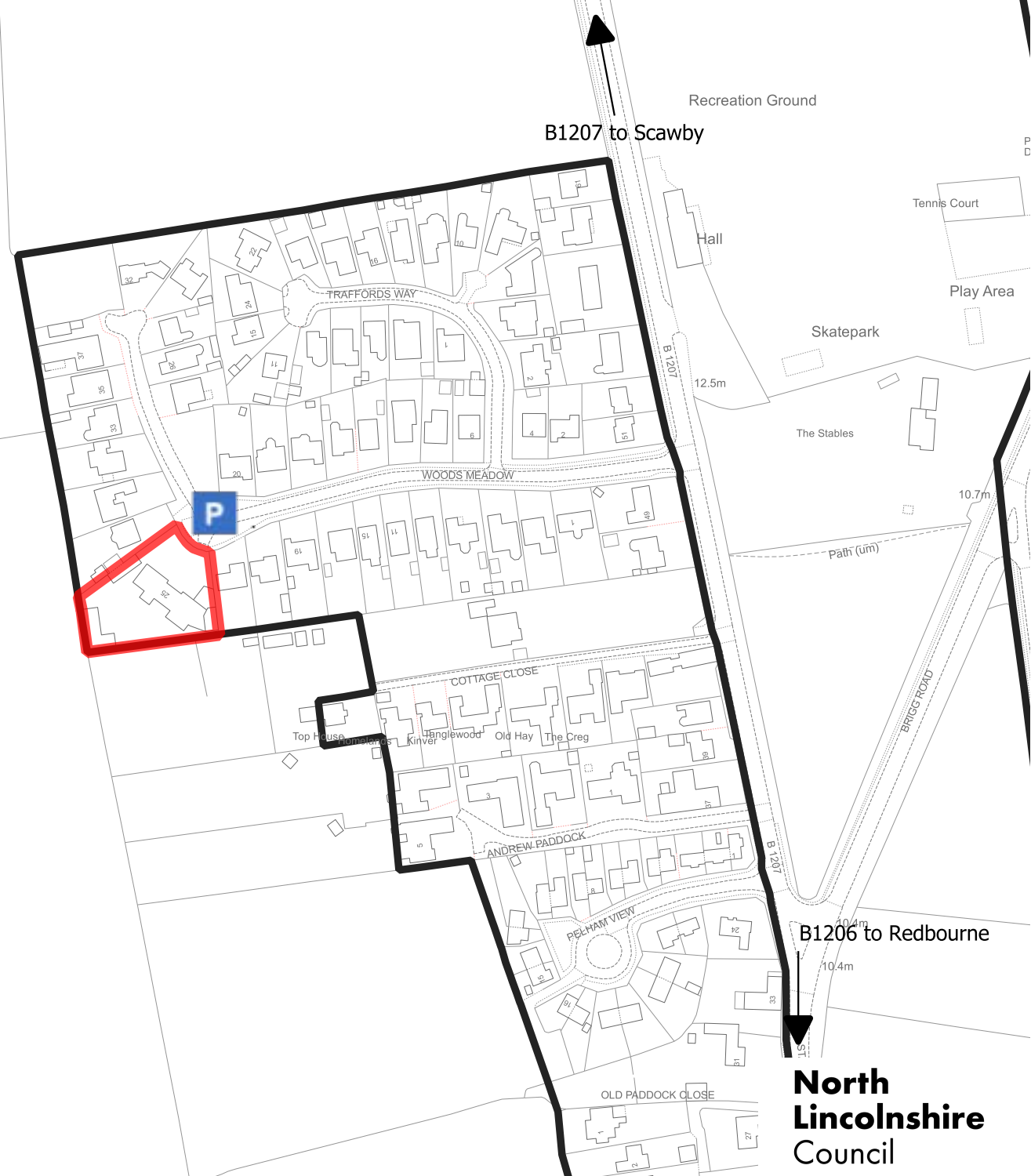
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Development Boundary

**PA/2023/1635** Sat nav: 25 Woods Meadow, Hibaldstow, DN20 9ES



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Council**

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<b>APPLICATION NO</b>	<b>PA/2023/1636</b>
<b>APPLICANT</b>	Mr S Jackson
<b>DEVELOPMENT</b>	Outline planning permission to erect a new dwelling with all matters reserved for subsequent consideration
<b>LOCATION</b>	Land at 1 The Avenue, Burton upon Stather, DN15 9EX
<b>PARISH</b>	<b>BURTON UPON STATHER</b>
<b>WARD</b>	Burton upon Stather and Winterton
<b>CASE OFFICER</b>	Paul Skelton
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Burton upon Stather Parish Council

## **POLICIES**

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

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 12 Achieving well-designed and beautiful places
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

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

- H5 New housing development
- H8 Housing design and housing mix
- HE5 Development affecting listed buildings
- T1 Location of development
- T2 Access to development

T19 Car parking provision and standards

DS1 General requirements

DS14 Foul sewage and surface water drainage

**North Lincolnshire Core Strategy:**

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS6 Historic environment

CS7 Overall housing provision

CS25 Promoting sustainable transport

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

Policy PS1 Presumption in favour of sustainable development

Inset 12 Burton upon Stather

**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 late 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

DQE1 Protection of landscape, townscape and views

HE1 Conserving and enhancing the historic environment

T1 Promoting sustainable transport

DM1 General requirements

## **CONSULTATIONS**

**Highways:** No objection in principle subject to conditions to secure an appropriate access.

**LLFA Drainage:** No objections subject to conditions relating to surface water drainage and an informative note.

**Environmental Protection:** No objection subject to a precautionary contaminated land condition.

**Conservation:** No objection subject to the proposal being single-storey and sited towards the eastern side of the plot, and design details which can be secured at reserved matters stage.

## **PARISH COUNCIL**

Objects. It is concerned that the proposed exit from this property would be directly opposite a junction. At the top of this junction is the entrance/exit to the primary school and Normanby Road/The Avenue get congested at school dropping off/picking up times. This could decrease the safety at this junction. Prior to considering this application, a site visit should be arranged when parents are dropping off/collecting their children from the school.

## **PUBLICITY**

The application has been advertised by site and press notice. One response has been received which is summarised below:

- The site is adjacent to a 'Y' junction where three roads meet, and access to the school drive is off this junction.
- At school drop-off and leaving times, parking along The Avenue creates congestion and inhibits the free flow of two-way traffic as well as posing a risk to child safety. An additional entrance so close to the junction would exacerbate this.

## **The site and its location**

The application site comprises part of the side garden of 1 The Avenue, within the settlement limits of Burton upon Stather. There are existing dwellings either side. The site is at the point where the B1430 changes from Normanby Road to The Avenue, with the T-junction with Flixborough Road directly opposite.

On the opposite side of the road, to the west of the site, lies the grade II listed building, Avenue Cottage.

To the southwest, behind the row of houses fronting The Avenue/Flixborough Road, is Burton upon Stather Primary School, which is accessed via a driveway between two dwellings, close to the T-junction.

The site is in flood zone 1.

## **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**

There is no relevant planning history for the site.

### **The development**

The application is made in outline with all matters reserved for future consideration and proposes the erection of a single dwelling. An illustrative plan has been submitted with the application which shows the access towards the western corner of the site.

The application makes it clear that the proposal is for a single-storey dwelling. The illustrative site layout shows the proposed dwelling set back into the plot to ensure greater distance to the boundaries, and to allow vehicle access and turning within the site.

### **Material considerations**

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

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

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

### **The principle of development**

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.

Notwithstanding this, the site is within the settlement boundary of Burton upon Stather, as defined by the Housing and Employment Land Allocations DPD, in an area where new

housing is supported by the local plan and Core Strategy. The principle of development is therefore acceptable.

In addition to policy compliance, some minor benefits would arise from the proposal. The dwelling would contribute, in a very small way, to the council's housing land supply. Limited economic benefits would arise from the construction phase (given the scale of development proposed it is likely local tradespeople would be used), and from the economic activity of future residents, who would be likely to support local businesses and facilities. Economic benefits would also arise from taxation.

### **Heritage matters**

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

Paragraph 199 of the NPPF states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 200 continues by stating that any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting), should require clear and convincing justification. Paragraph 202 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

As set out above, a listed building, Avenue Cottage, lies to the west of the application site, on the opposite side of the B1430. Avenue Cottage is itself a residential property and its setting is very much dominated by other residential properties.

The Conservation Officer has been consulted and notes that the proposal is for a single-storey dwelling. On that basis, and subject to the detailed design and materials being secured at reserved matters stage, the Conservation Officer does not object to the proposal.

In light of the above, it is considered that the proposal meets the statutory duty set out at section 66 of the Listed Buildings Act and the relevant local and national policies and guidance that seek to protect the setting of heritage assets.

### **Character and appearance**

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

Whilst the application is made in outline with all matters reserved for future consideration, an assessment falls to be made as to whether there are any reasons why the site could accommodate a dwelling without unacceptably affecting the character and appearance of the area. An illustrative layout plan has been submitted with the application to demonstrate how a dwelling could be accommodated on the site, and indicating where the access could be located.

The site is within a row of houses, and on the inside of a soft curve in the road as it transitions from The Avenue to Normanby Road. The layout shown on the illustrative plan indicates that the dwelling would be sympathetic to the building lines to the east and north, although given the curve in the road the siting would perhaps appear to project in front of the building line from certain views. However, given the single-storey nature of the proposal and the nature of the plot with a mature hedgerow to the front, it is not considered that this would be harmful to the streetscene.

One significant, mature tree would be lost as a result of the proposal. This tree does play a part in the streetscene of The Avenue, in an area characterised by mature trees. Nevertheless, the tree is not the subject of a tree preservation order. The illustrative layout and Design and Access Statement indicate that the tree would be replaced with additional trees, and this could be secured at reserved matters stage.

Overall, it is therefore considered that the site is capable of accommodating an additional dwelling without undue harm to the character and appearance of the area. Detailed design matters including layout, scale, appearance and landscaping can be addressed at reserved matters stage.

### **Highway safety**

Local plan policy T2 requires all development to be provided with a satisfactory access. The NPPF, at paragraph 114(b), requires safe and suitable access to the site to be achieved for all users. Paragraph 115 advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts would be severe.

Concerns have been raised by the parish council and a local resident in respect of the access, and in particular the proximity of the site to the nearby primary school, which is accessed from Flixborough Road, close to the application site.

The Highways Officer has been consulted and advises that the location of the proposed new access as indicated on the illustrative layout plan would appear to be acceptable subject to trimming of adjacent vegetation to improve visibility. The illustrative layout includes visibility splays which indicate that the necessary visibility can be achieved in both directions. It is noted that this access would be no worse than the existing access serving the neighbouring property to the north, 31 Normanby Road.

The Highways Officer notes that the indicative location of the proposed access is close to the Flixborough Road junction, however advises that the additional traffic arising from the proposed single-storey dwelling would be minimal. In this context it is unlikely that the development would give rise to any material highway safety issues over and above the current situation. It is also understood that traffic is managed by a school crossing service ('lollipop person') at the beginning and end of the school day.

In light of the above, it is not considered that the proposal would result in unacceptable impacts on highway safety and there would be no severe impacts on the local highway network.

### **Impact on neighbouring property**

Local plan policies all seek to protect the living conditions of occupiers of nearby residential property. Local plan policy DS1 states, 'No unacceptable loss of amenity to neighbouring

land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.' The NPPF (paragraph 130(f)) requires decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The only two properties that could realistically be affected by the proposal are the host property, 1 The Avenue to the east, and 31 Normanby Road to the north. Given the single-storey nature of the proposal and its relationship with 1 The Avenue, there would be no undue harm to occupiers of the existing dwelling as a result of a single-storey dwelling being built on the site.

Whilst the dwelling shown on the illustrative plan would be close to the boundary with 31 Normanby Road, again, given its single-storey nature, it would not unduly affect the living conditions of residents of that property. In any event, the precise details and impacts can be assessed at reserved matters stage.

The plot is of a size that could easily accommodate a dwelling whilst providing sufficient amenity space and outlook for its occupiers. There is just one seemingly high-level window on the first floor of 31 Normanby Road, which otherwise has a blank elevation at first-floor level, so no overlooking would arise. There are dormer windows on the garage and side elevation of the house at 31 facing the application site, which will require careful consideration as to the final siting and design of the proposed dwelling; however, this can be addressed at reserved matters stage.

Overall, therefore, a single-storey dwelling could be satisfactorily accommodated on the plot and, subject to the final design and siting, the proposal would not give rise to any unacceptable impact on neighbouring dwellings.

### **Other matters**

The Environmental Protection Officer has been consulted and, further to a contaminated land screening assessment submitted by the applicants, raises no objection subject to a precautionary condition which requires remediation in the event that unexpected contamination is found during development.

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

### **Conclusions and planning balance**

The principle of residential development in this location is considered acceptable in light of prevailing development plan policies. The application proposes a net increase of one dwelling in a sustainable location which meets the broad strategy for delivery of housing in the district. This weighs in favour of the application, as do the very limited economic benefits arising from the proposal.

Subject to reserved matters approval, there would be no harm to the setting of the nearby listed building, nor the character and appearance of the area. Similarly, subject to detailed design, there would be no unacceptable impacts on highway safety or the satisfactory operation of the local highway network, nor on the living conditions of existing or future residents. There are no objections in respect of other technical matters.

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

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

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

**Reason**

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

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

**Reason**

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

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

**Reason**

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

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

**Reason**

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

5.  
The development hereby permitted shall be carried out in accordance with the 1:1250 scale Location Plan only as shown on Drawing Number 1770.01 Rev B.

**Reason**

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

6.  
The dwelling hereby permitted shall be a single-storey bungalow.



Reason

To protect the character and appearance of the area and the living conditions of residents of neighbouring dwellings.

7.

All reserved matters applications for 'layout' made pursuant to condition 1 above shall include details of existing and proposed ground and floor levels in relation to a fixed, off-site, datum point.

Reason

To protect the character and appearance of the area and the amenity of occupiers of existing neighbouring residential properties.

8.

All reserved matters applications for 'appearance' pursuant to condition 1 above shall include precise details and/or samples of the external walling, roofing and hard surfacing materials proposed to be used. Development shall be carried out in accordance with the approved details.

Reason

In the interest of good design.

9.

All reserved matters applications for 'layout and appearance' pursuant to condition 1 above shall include details of the positions, design, materials and type of boundary treatments to be erected. The boundary treatments shall be completed in accordance with the approved details before the dwelling hereby permitted is first occupied.

Reason

In the interests of the amenities of the occupiers of neighbouring properties and to protect the visual amenity of the area.

10.

All reserved matters applications for 'layout' made pursuant to condition 1 above shall include details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway and an effective method of preventing surface water run-off from the highway onto the developed site. The approved details shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained for the lifetime of the development.

Reason

In the interests of highway safety and to prevent the increased risk of flooding to themselves and others, to improve and protect water quality, and to ensure the implementation and future maintenance of the sustainable drainage structures in accordance with policies T19 and DS16 of the North Lincolnshire Local Plan, and policies CS18 and CS19 of the North Lincolnshire Core Strategy.

11.

All applications for reserved matters related to 'layout' and 'access' submitted pursuant to condition 1 above shall include details of:

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

**Reason**

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

12.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway.

**Reason**

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

13.

All reserved matters for 'access' submitted pursuant to condition 1 above shall include full details of the proposed access and required visibility splays based on a measured survey of the site and the relevant parts of the adopted highway.

**Reason**

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

14.

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

**Reason**

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

**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.

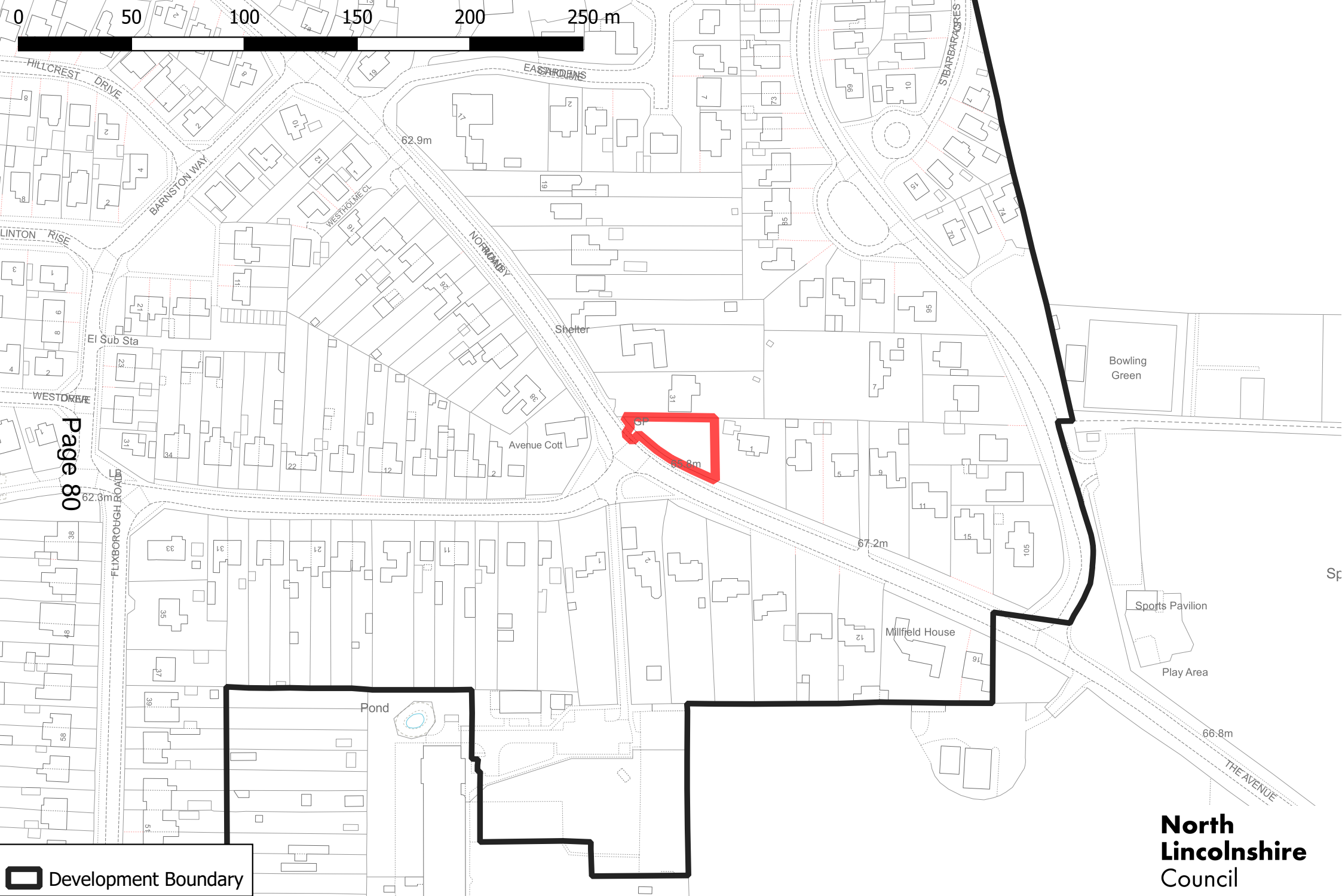
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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.

It is suggested that the developer considers upsizing the pipe network increasing storage around the development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance, it would be good practice to ensure an increased level of resilience for the development and its future occupiers. It is also suggested that the developer fully explores all source control SuDS techniques that can store and allow water reuse.



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 Development Boundary

**PA/2023/1636**

**North  
Lincolnshire  
Council**

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# PA/2023/1636 Illustrative layout (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 the responsibility of the client. Variations to specified materials shall be agreed in writing with keystone architecture.

Do not scale from these drawings - if in doubt - ask.

All materials shall be fixed, applied or installed in accordance with the manufacturers written instructions, recommendations and specifications. Variations to specified materials shall be agreed in writing with 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.

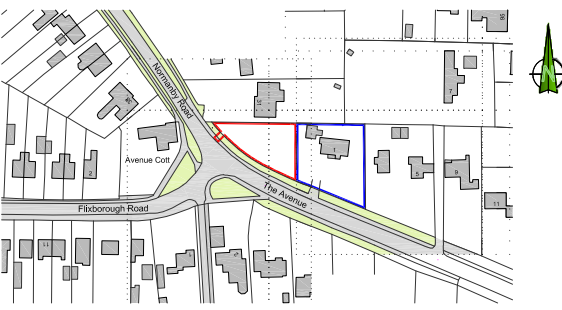
This drawing is the copyright of keystone architecture and must not be reproduced without written consent. © keystone architecture 2023

**PARTY WALL NOTICES:**

Building beside (A) or against (B) the boundary line:  
If you plan to build a party wall beside or against the boundary line, you must inform the Adjoining Owner by serving a Notice.

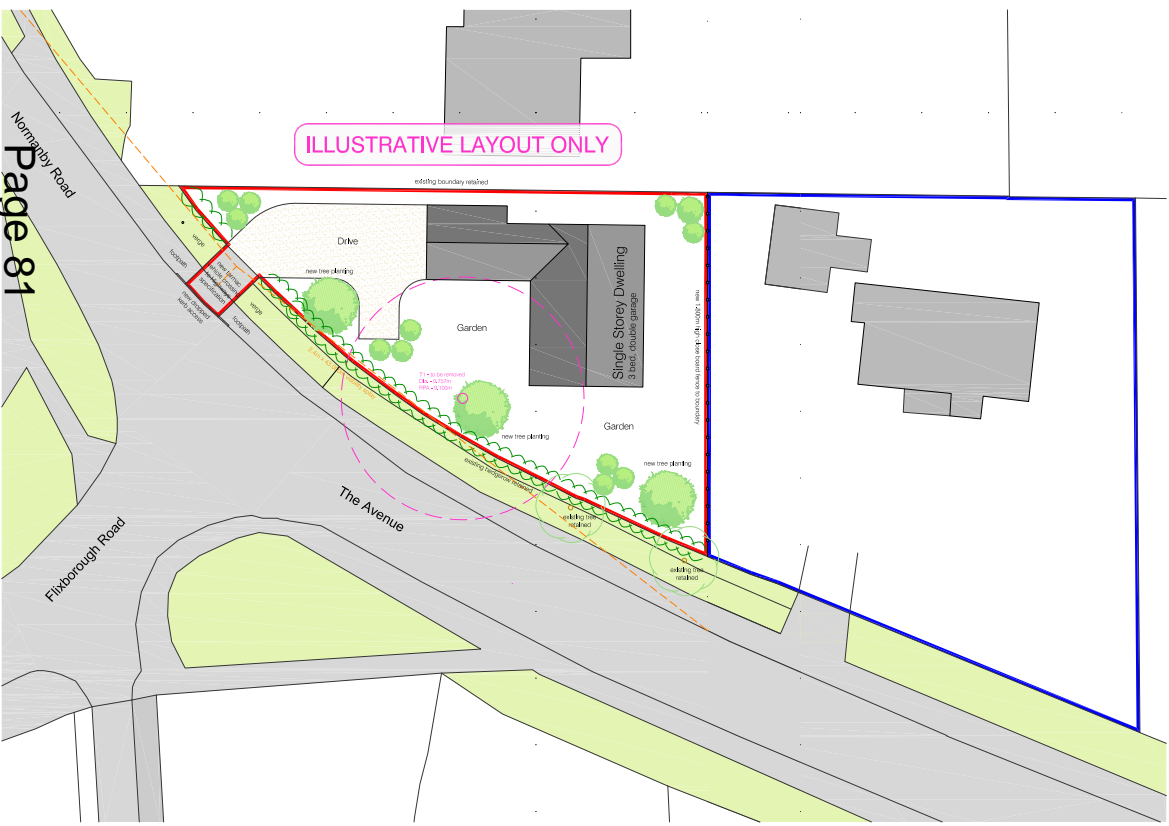
Excavating near neighbouring buildings:  
If you plan to excavate foundations within 3 metres of a neighbouring building or structure, where the excavation will go deeper than the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.

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.

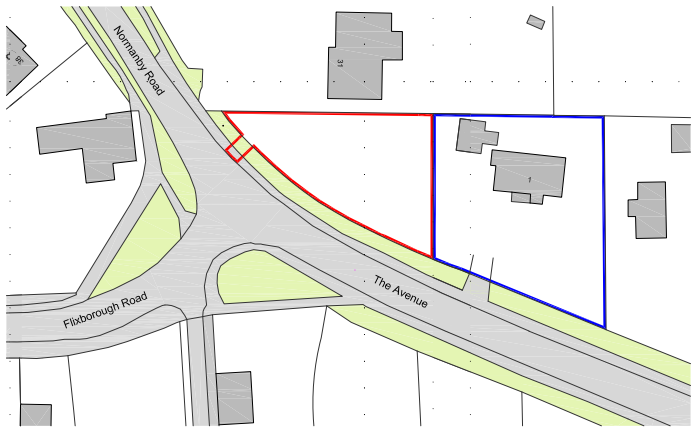


1:1250  
0 25m 50m 75m 100m 125m  
Ordnance Survey, (c) Crown Copyright 2023. All rights reserved. Licence number 100022432

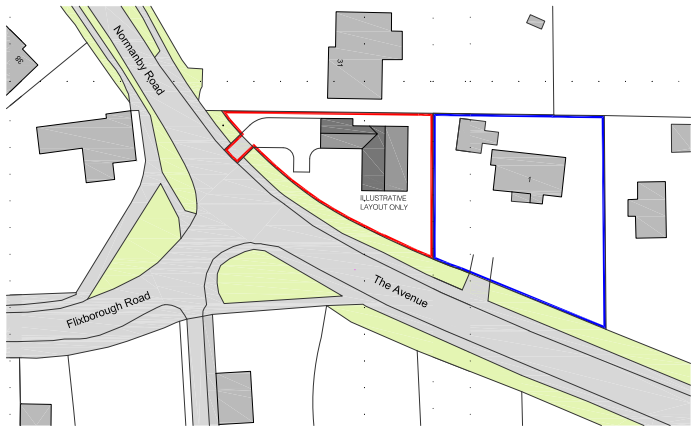
Location Plan  
scale 1:1250



Proposed Site Plan  
scale 1:200



Existing Block Plan  
scale 1:500



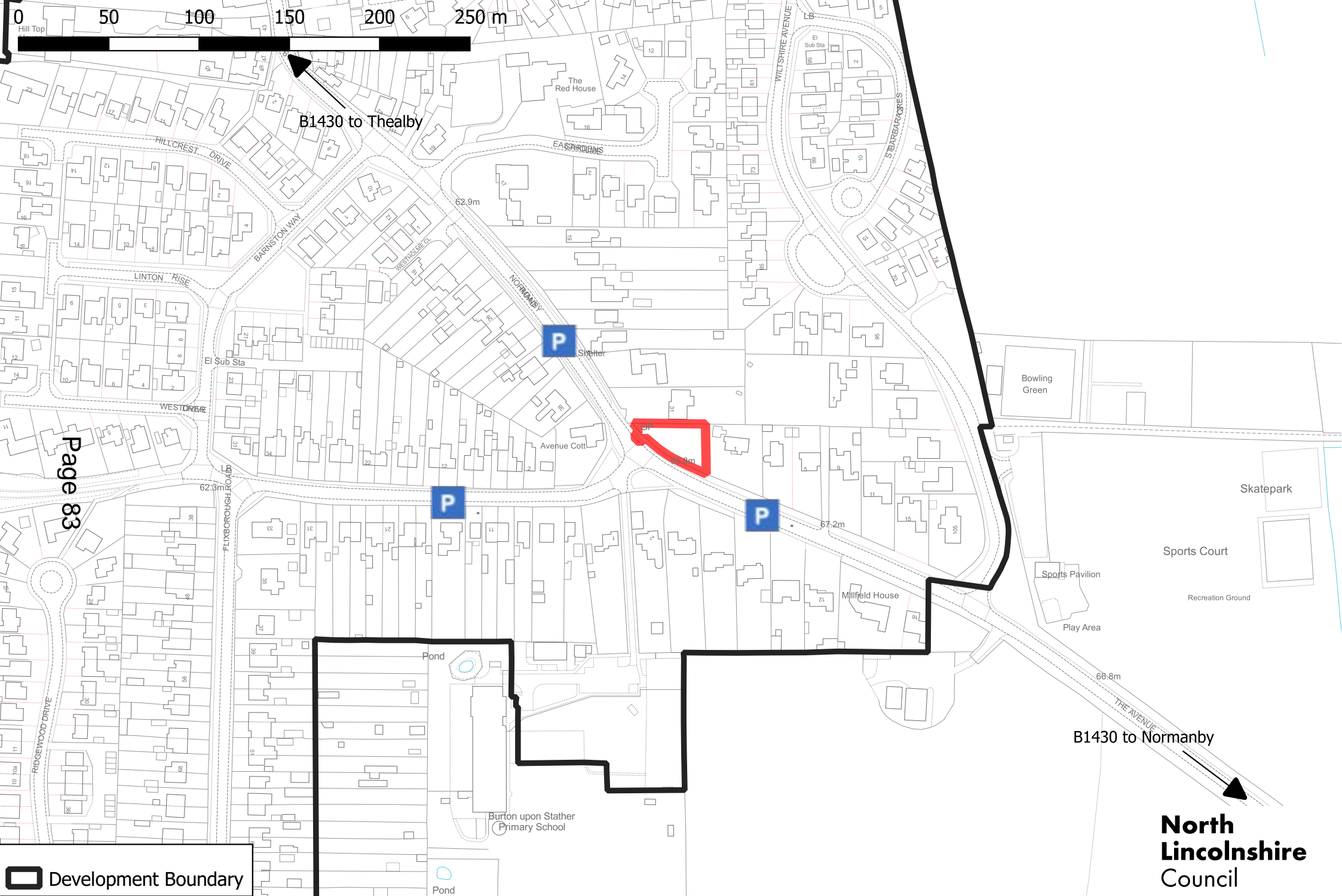
Proposed Block Plan  
scale 1:500

**NOT FOR CONSTRUCTION**

B	Proposed Layouts Confirmed as Illustrative Only	12/22/24
A	Red Line Boundary Amended	13/10/23
rev	agreement	date
Proposed New Dwelling at 1 The Avenue, Burton upon Stather, North Lincolnshire	stage	1770,01 rev B
	Sept 23	
	drawn by	JCB
	scale	as noted

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0 50 100 150 200 250 m



B1430 to Thealby

B1430 to Normanby

**North  
Lincolnshire  
Council**

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 Development Boundary

**PA/2023/1636** Sat nav: 1 The Avenue,  
Burton, DN15 9EX

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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 17 April 2024

Date: 8 April 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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<b>APPLICATION NO</b>	<b>PA/2023/1236</b>
<b>APPLICANT</b>	Bellway Homes (Yorkshire Division), Francis Day, Richard Day and Jalapeno Ventures Ltd
<b>DEVELOPMENT</b>	Planning permission for a residential development (Use Class C3) with associated works, including highways, open space, landscaping and drainage infrastructure
<b>LOCATION</b>	Land off Wrawby Road, Brigg
<b>PARISH</b>	<b>WRAWBY</b>
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Subject to S106, approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Wrawby Parish Council Significant public interest Departure from the development plan

## **POLICIES**

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

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 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

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

- H5 New housing development

H8 Housing design and housing mix  
H10 Public open space provision in new housing development  
RD2 Development in the open countryside  
T1 Location of development  
T2 Access to development  
T6 Pedestrian routes and footpaths  
T8 Cyclists and development  
T19 Car parking provision and standards  
C1 Educational facilities  
LC5 Species protection  
LC6 Habitat creation  
LC15 Landscape enhancement  
LC12 Protection of trees, woodland and hedgerows  
HE9 Archaeological excavation  
DS1 General requirements  
DS3 Planning out crime  
DS7 Contaminated land  
DS14 Foul sewage and surface water drainage  
DS15 Water resources  
DS16 Flood risk

**North Lincolnshire Core Strategy:**

CS1 Spatial strategy for North Lincolnshire  
CS2 Delivering more sustainable development  
CS3 Development limits  
CS5 Delivering quality design in North Lincolnshire  
CS6 Historic environment  
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

CS22 Community facilities and services

CS23 Sport, recreation and open space

CS24 Health care provision

CS25 Promoting sustainable transport

CS27 Planning obligations

### **Housing and Employment Land Allocations DPD 2016:**

PS1 Presumption in favour of sustainable development

BRIH-3: Land at Wrawby Road Phase 2 (11.53ha) is allocated for housing (333 dwellings).

BRIH-4: Land at Wrawby Road (4.29 ha) is allocated for housing (152 dwellings).

**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 late 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

H1 Site allocations

H1P-16 Land at Wrawby Road Phase 2 (11.97ha) is allocated for housing (333 dwellings)

H1P-17 Land at Wrawby Road Phase 1 (4.31ha) is allocated for housing (152 dwellings)

H2 Housing mix and density

H3 Affordable housing

RD1 Supporting sustainable development in the open countryside

HE1 Conserving and enhancing the historic environment

TC2 Placemaking and good urban design

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity

DQE5 Managing flood risk

DQE6 Sustainable drainage system

DQE7 Climate change and low carbon living

DQE11 Green infrastructure network

DQE12 Protection of trees, woodland and hedgerows

CSC1 Health and wellbeing

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

CSC10 Community facilities and services

T1 Promoting sustainable transport

T2 Promoting public transport

T3 New development and transport

T4 Parking

T5 Cycle and motorcycle parking

DM1 General requirements North Lincolnshire

DM3 Environmental protection

ID1 Delivering infrastructure

**Other relevant legislation and guidance:**

Levelling up and Regeneration Act (LURA) 2023

SUDs and Flood Risk Supplementary Planning Guidance (April 2017)

Planning for Health and Wellbeing Supplementary Planning Guidance (November 2016)

Interim Planning Policy – Affordable Housing (August 2015)

SPG8 Developer Contributions to Schools

SPG10 Provision of Open Space in New Housing Developments

Housing and Economic Needs Assessment 2020

North Lincolnshire Residential Road Design Guide

DfT Circular 01/2022 Strategic road network and the delivery of sustainable development

## CONSULTATIONS

**Highways:** The site is allocated in the adopted Housing and Employment Land Allocations DPD and the proposed development is acceptable in principle from a highways perspective. The site will be accessed via a new priority T-junction with Wrawby Road and will deliver a section of the Brigg link road as the main access route into the site. My previous response requested further information/clarification on identified issues. Active Travel England also raised various issues. The applicant issued a Technical Note addressing these issues and I have also had further meetings with Active Travel England and the applicants to discuss the responses.

The key points raised in our previous response were:

Additional footway/cycleway connection extending beyond plots 244 and 249 to connect into Wrawby Road in the vicinity of Churchill Avenue, to improve connectivity to/from the site for pedestrians and cyclists: The planning layout (Drawing number 2250.01 Rev R) has been amended to show the provision of this pedestrian/cycle link.

Measures to prevent vehicular access to/from South View Avenue (other than in an emergency): The applicant has confirmed that measures will be implemented to prevent vehicular access to/from South View, other than in an emergency. The details of these measures will be secured via a suitably worded condition.

Improvements to the existing footway/cycleway across the site frontage: The applicant has confirmed they are happy to accept a suitably worded condition regarding the improvements to the existing footway/cycleway along the site frontage. They will also provide a priority pedestrian/cycle crossing on the site access arm in line with LTN 1/20. This will be sufficiently set back to ensure that vehicles don't overhang onto the A18. The details of this will be conditioned and agreed as part of the detailed design for the site access. Having reviewed the additional information provided, I am satisfied that the applicant has adequately addressed the comments raised previously.

The key points raised by ATE in their latest response, dated 27th February 2024 were:

Access and footway/cycleway: The developer is intending to install a priority crossing at the site access, which addresses ATE's concerns regarding the access. The developer has agreed to improve the footway/cycleway along the site frontage, which will be secured via a suitably worded condition. ATE's comments regarding the recommended design standards are noted.

Link road crossing facilities: It is recognised that once the link road is fully completed from Wrawby Road to Atherton Way and daily traffic flows increase, that there is the potential for severance issues. This has been discussed with the developer and they have agreed to

provide a parallel crossing on the link road, which will be secured via a suitably worded condition.

Connections to residential areas to the south: It is acknowledged that Wrawby Road is a busy road with no controlled crossing facilities. The provision of a controlled facility would significantly improve connectivity for people crossing Wrawby Road. However, such a facility would offer more benefit to existing residents and it is difficult to make a direct argument for it being required as a direct result of the development. It would therefore be difficult to justify on planning grounds.

Cycle parking: Having discussed this with the developer, they are amenable to providing a secure cycle parking (such as a small shed) for all dwellings without a garage. This will be secured via a suitably worded condition.

I am therefore satisfied that the additional information provided by the applicant has addressed the comments raised by the council and ATE. I note that National Highways have recommended conditions to be attached to any planning permission that may be granted. As this includes a condition for a construction traffic management plan, I have not suggested a similar condition. Recommend conditions in relation to a phasing plan, vehicle access and parking, improvements to the footway/cycleway across the site frontage, no loose material shall be placed on any driveway or parking area, details of private driveways, provision of wheel cleaning facilities, details of the pedestrian/cycle linkages onto South View Avenue and Wrawby Road, cycle parking for each dwelling, provision of a controlled pedestrian/cycle crossing of the Brigg link road, details of access roads, visibility, no development within any service strip adjacent to any shared surface road and the submission of a travel plan.

**National Highways:** Recommend conditions be attached to any planning permission that may be granted. These conditions relate to this application and the pending application PA/2023/1425, and require the submission of a construction phased traffic management plan and a boundary treatment plan for the M180 before commencement of development.

**Active Travel England (ATE):** [Summarised] Recommends deferral: ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue as set out in this response. ATE considers that the application as submitted does not demonstrate that 'appropriate opportunities to promote sustainable transport modes can be – or have been – taken up' or gives priority first to pedestrian and cycle movements in accordance with National Planning Policy Framework (NPPF) paragraphs 114 and 116. It is therefore recommended that this application should not be determined until further information has been submitted and reviewed. If the council is minded to grant consent, conditions for details of the site access points on to South View Avenue and Wrawby Road for pedestrians and cyclists are submitted to the council, details of residential cycle parking to be submitted to and approved by the council, submission of a general arrangement plan(s) showing a suitable, controlled, pedestrian or pedestrian/cycle crossing of Wrawby Road and submission of a general arrangement plan(s) showing a suitable, controlled, pedestrian or pedestrian/cycle crossing of the proposed spine road (also known as the Brigg link road).

ATE welcomes the changes to the site layout to provide more pedestrian and cycling connections within the site, and the pedestrian and cycling accesses to South View Avenue and Wrawby Road shown in principle on drawing number 2250/2250/01 Rev R. It is recommended that the accesses are conditioned with an appropriate trigger to ensure they



are provided at the earliest opportunity to benefit residents from the outset. ATE welcomes the commitment to providing cycle parking at the play area. The commitment to widening the footway/cycleway along the site frontage and changes to the access are also welcome, but please see the comments below concerning widths.

ATE has used the TRICS database to generate multi-modal data for the site. From this it can be seen that the site is estimated to generate 62 public transport trips (which will start with walking), 166 pedestrian trips and 26 cycling trips. This is without any travel plan targets being applied. It is also important to put it into the context of the whole allocation: 820 dwellings is estimated to generate 179 public transport trips (which will start with walking), 471 pedestrian trips and 75 cycling trips. Again, this is without applying travel plan targets. No additional information concerning the quality of routes has been provided, although as stated below, we welcome the proposed widening of the footway/cycleway along the southern frontage of the site. In order to provide a real choice for residents, high-quality and safe infrastructure is required. Given that this site is part of a wider allocation, ATE recommends that a strategic approach is taken and schemes be identified that can be delivered through contributions or works that are proportionate to each land parcel.

ATE welcomes the changes to the site access to provide a priority crossing for pedestrians and cyclists and the provision of the widened footway/cycleway along the site frontage with Wrawby Road/A18. However, it is not clear that the proposed footway/cycleway conforms to LTN 1/20 standards. Given the context ATE does not object to a shared use footway/cycleway; however, clarity is required concerning the width of verge to be provided, and proximity of any hedge or fence on the northern side. LTN 1/20 Table 5-3 provides information on the additional width required due to fixed objects. Much of the route is currently in a 40mph speed limit therefore the recommended horizontal separation from the carriageway is 1m, while in the 30mph speed limit area a 0.5m separation is recommended (Table 6-1). The extension of the current 30mph speed limit to incorporate the residential frontage and vehicular access is recommended and should also be discussed with the highway authority.

ATE maintains that the link road will cause severance within the site, having a 30mph speed limit, no traffic calming and average daily flows estimated to be over 4,000 vehicles per day. Therefore, ATE considers that a controlled crossing such as a parallel or zebra crossing should be included in the design of the road, in accordance with Table 10-2 of LTN 1/20, to provide a provision suitable for most people. It should be situated to serve the north and south of the site and make the shortest connections possible to the access on South View Road and to the play areas.

ATE recognises that there are uncontrolled crossings on Wrawby Road/A18; however, it is understood that the average annual daily flow on is approximately 8,000 vehicles and the speed limit is 30mph to west of the site. The pedestrian and vehicular movements will also increase with the proposed development. Therefore, a controlled crossing such as a parallel or zebra crossing should be provided in accordance with Table 10-2 of LTN 1/20 to provide a provision suitable for most people. This will provide an important connection between the residential areas and a quieter route for cyclists to the town centre. It will also allow people to cross the road between the existing bus stops, making their use safer. ATE recommends that the developer, in consultation with the highway authority, submits a drawing showing a controlled crossing in principle that can then be conditioned and delivered through a Section 278 agreement at the same time as the access.

ATE welcomes the commitment to providing cycle parking at the play area. ATE accepts that that cycle parking can be accommodated in the garage for those dwellings that have one. However, where there is no garage, it is not accepted that cycles should be stored in the house. If cycles are stored in areas of the house such as the hallway they can block the route and be a hazard in the event of a fire, while in other areas they can be a nuisance. Therefore, this approach is likely to actively discourage cycling and mean that targets in the travel plan will not be met. ATE is aware of many Bellway developments across the country where storage such as a shed or secure and covered storage is provided, and recommends that that same is provided at this development to conform with LTN 1/20.

**PROW:** No public rights of way are directly affected by the proposal. Public Footpath 293 is a popular walk, which follows the lane leading north-west from the A18 in the direction of the M180, passing to within approximately 80m only of the site's north-eastern corner. Although we note the land between FP293 and the site is outside the applicant's holding (or so we assume), even so we should like to see the creation of a new footpath, if at all possible, linking the site and FP293. We believe doing so would be in accordance with paragraph 100 of the National Planning Policy Framework and Core Strategy CS25 of the North Lincolnshire Local Development Framework. This, we believe, could be accommodated within the site within the proposed landscaped area south-east of the proposed lake.

**Environment Agency:** No objections. Advises that the site is within the Brigg sewerage catchment; based on the submitted flood risk assessment and drainage strategy plan, we would expect the development to be connected to the mains sewerage network. However, we note that Anglian Water's response, dated 04 August 2023, suggests there is no connection to the Anglian Water sewers. We therefore strongly recommend you re-consult Anglian Water for further comments and confirm the intended drainage strategy with the applicant if necessary. Whilst the data available to us indicates there is headroom to accommodate this development, it shows that the Brigg Water Recycling Centre is under stress due to the measured Q90 flow being above 80% of the permitted dry weather flow for the past five years. The applicant will therefore need to continue to work with Anglian Water to ensure appropriate measures are in place to take the foul flows prior to occupation of the dwellings.

**LLFA Drainage:** Recommends pre-commencement planning conditions requiring a surface water drainage strategy, and details of how surface water will be prevented from discharging onto the highway from the site and vice versa, to be submitted to the council for approval.

#### **Anglian Water:**

**Original response:** No connection to the Anglian Water sewers; we therefore have no comments.

#### **Updated response:**

Used Water Network: The foul drainage from this development is in the catchment of Brigg Water Recycling Centre that will have available capacity for these flows. Whilst the proposed connection as detailed in the submitted documents is acceptable in principle, there are capacity constraints within the network. Consequently the full development may lead to an unacceptable risk of flooding and/or pollution. Anglian Water will need to plan effectively for the proposed development, if permission is granted. We will need to work

with the applicant to ensure any infrastructure improvements are delivered in line with the development. Anglian Water are currently monitor[ing] the network. Further analysis will be required to establish the extent of network reinforcement that may be required to accommodate the full development. We will need to engage with the applicant throughout this process to understand timescales. We therefore request a condition requiring a phasing plan and/or an on-site drainage strategy.

Surface Water Disposal: The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer. From the details submitted to support the planning application, the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.

**Shire Group IDB:** We are pleased with the amendments that highlight the 9m easement with respect to the ordinary watercourse. If the surface water were to be disposed of via a soakaway system, the IDB would have no objection in principle but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. If surface water is to be directed to a mains sewer system, the IDB would again have no objection in principle, providing that the water authority are satisfied that the existing system will accept this additional flow. If the surface water is to be discharged to any ordinary watercourse within the drainage district, consent from the IDB would be required in addition to planning permission and would be restricted to 1.4 litres per second per hectare or greenfield run-off. No obstructions within 9m of the edge of an ordinary watercourse are permitted without consent from the IDB. If surface water or works are planned adjacent to a main river within the drainage district, then the Environment Agency should be contacted for any relevant permits. Recommends conditions that if consent is required from the IDB this is conditioned, and should on-site SuDS or flow restriction be proposed as part of any larger development, the IDB requests that those restricted flow measures or attenuation are put in place before occupancy and within three months of development progressing on site.

### **Strategic Housing:**

**Original response:** Policy CS7 of the Core Strategy states that all proposals for housing should include a variety of housing types, sizes and tenures to meet the local housing needs. Our most recent housing need assessment 2020 concludes that in North Lincolnshire our need is as follows:

- 1 bedroom = 8.1%
- 2 bedroom = 22.5%
- 3 bedroom = 53.1%
- 4+ bedroom = 16.3%.

Currently your proposed application is the following mix:

- 2 bedroom = 1.4%
- 3 bedroom = 53.8%
- 4 bedroom = 44.8%.

Our local housing need assessment demonstrates 30.6% of new homes should be 1- or 2-bed and for this proposal it is only 1.4% which equates to 4, 2-bed units, all of which are bungalows. This is an unacceptable mix. We are requesting a further 35, 2-bed units which will result in the following mix:

- 2 bedroom = 13.4%
- 3 bedroom = 41.7%
- 4 bedroom = 44.8.

**Response to amended plans:** New proposed bedroom mix: 2-bed properties = 39 units, 3-bed properties = 121 units, 4-bed properties = 130 units. I have reviewed the above proposed bedroom mix and taking consideration of the market conditions, economic viability and the site-specific considerations submitted as part of the Supplementary Note for Density and Housing Mix, we are agreeable to the above housing mix.

**S106 Officer:** Due to the submitted viability report to provide zero S106 contributions, the below contributions are subject to negotiation following an independent viability review and may differ depending on the results of this independent review. Contributions would be required for affordable housing, education, recreation, informal open space, area of play, biodiversity net gain (if this needs to be off-site), highway/cycleway/footway along Wrawby Road, and health and public transport.

**Education:** We seek both primary and secondary contributions in respect of this development. The amount per eligible dwelling for both primary and secondary places is £10,602. (This figure is valid for S106 agreements signed by 31/03/2024.)

**Environmental Protection:**

**Noise:** An environmental noise survey at the site was undertaken between 8 and 10 June 2022. Measurements were collected at two unattended measurement locations; the dominant noise source at the site was established as being road traffic noise from the M180 and Wrawby Road.

The initial ProPG Stage 1 Assessment finds that acoustic challenges at the site are of low to medium risk. The ProPG Stage 2 Assessment reports that the site is located a large distance from the M180 with future residential premises expected to be present in the future within the proposed development site to the north (subject to a separate planning application). This would result in reduced noise levels in the northern part of the site due to screening from the M180. The report includes an Acoustic Design Statement and the design of the site includes a stand-off to Wrawby Road with the first row of buildings facing Wrawby Road orientated so that the buildings provide a barrier to rear gardens and dwellings located further into the site.

In order to meet internal noise levels, an example glazing and ventilator strategy has been identified to meet the relevant BS8233/WHO criteria in proposed internal habitable spaces.

It is reported that a scheme of sound insulation would be confirmed at later design stages which would also include consideration of meeting the requirements of the Building Regulations Approved Document O: Overheating. It is suggested that the requirement to provide a suitable scheme of sound insulation for approval by the local authority can be secured by a suitably worded planning condition. Recommends planning conditions relating to the submission of a noise mitigation scheme for approval to the council and the submission of a verification report to the council.

**Contamination:** The site currently comprises five agricultural fields which are separated by drainage ditches, hedges and trees. The site is approximately 24ha in size. The historical maps dating back to 1886 identify that the site has been used as agricultural land and has not been subjected to any former industrial land use; however, arable farming activities may have given rise to some potential contamination on site. The site lies in a low risk radon area and therefore no radon protection measures are required. The preliminary conceptual site model has identified several potential contaminants associated with different farming activities over the years which may give rise to contamination of the soils. As the proposed end use (residential) is of a sensitive nature, the report recommends an intrusive investigation is required. Recommends a full contamination condition.

**Air quality:** The submitted air quality assessment considers the air quality impacts from the following sources: fugitive dust emissions during construction and road traffic exhaust emissions associated with vehicles travelling to and from the site during operation. The conclusion of this assessment is that the potential risk of dust soiling is high from earthworks, construction and trackout activities. The potential risk of human health impacts is medium from earthworks, construction and trackout activities. Recommends conditions relating to restrictions on construction, demolition and site clearance operations and the submission of a CEMP to the council for approval.

**Archaeology:** The applicant has undertaken archaeological field evaluation in accordance with our advice and has submitted a report of the results with the application. The field evaluation comprised geophysical survey followed by the excavation of trial trenches to confirm the survey results. Previous evaluation results held in the HER are also taken into account. No significant archaeological features have been identified across the application site and the residual potential for the presence of as yet unrecorded archaeological remains is judged to be low. No further archaeological work in advance of or during the proposed development is necessary. No further recommendations for archaeology.

**Conservation:** Wrawby Road has a variety of building styles and characteristics. Closer to the town centre this character is late Victorian/Edwardian; heading further out of town, the age of building becomes more modern, much of which is mid-20th century good quality inter-war housing sharing some characteristics of the Edwardian buildings nearer the centre. The last of these buildings is 33 Wrawby Road which sits directly adjacent the proposal site and on the south side of Wrawby Road number 54. After this point the housing is limited to the south side of Wrawby Road and is of later date, likely 1970/80s and is of no architectural merit.

If the application is supportable, consideration should be given to revising the design of dwellings, particularly those fronting Wrawby Road, to integrate more sympathetically with the better-quality buildings described above. This should be reflected in the form and details, with thought given to an overall more traditional design and materials through use of red brick/slates/pantiles/render/sash-style windows in the Victorian/Edwardian style (2over2 and 1over1). At present, the design of many of the new dwellings put forward does not

meet the requirement to 'respect and reflect the form, scale, massing, design and detailing, materials, and nature of the local environment' of policy H8 of the adopted local plan and will add yet a further design variant to the area that would be visually discordant in the context of surrounding houses with the later development of Churchill Avenue being an example of this.

**Trees:** There is a need on this application for submission of an arboricultural report as there are many trees, particularly a line of large trees on the site, that have visual amenity, and all of these, plus other trees, need to be properly considered as part of the proposal. The indicative landscaping does not seem to give clarity over the trees and their fate if consent were to be given. There are significant trees here which, due to their significance on the landscape, are worthy of a TPO and I would be concerned about the loss of them on this development, particularly G73 which have been considered category B trees and they are suggesting that they will all be removed. These trees are high quality trees and therefore should leave sufficient space around the trees so they will not unduly impact on the dwellings once built. I object to the application.

**Ecology:** [Summarised] The proposals will have a significant impact on the landscape at the local level, but appropriate landscape enhancements have been proposed. Standard sensitive working methods will be required for protected and priority species. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a measurable net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 3.0.

**Waste and Recycling:** General advice on vehicle access for a refuse vehicle, highway construction, unadopted roads, bin types and dimensions, pulling distances for crews and residents, refuse and recycling storage, and composting.

**Humberside Police:** I am delighted to see that the applicant has fully considered Designing out Crime and Crime Prevention through Environmental Design (CPTED) features throughout the proposal. I can confirm that I have no objections.

**Humberside Fire and Rescue Service:** It is a requirement of Approved Document B5, Section 15 Commercial Properties or B5, Section 13 for Domestic Premises that adequate access for fire-fighting is provided to all buildings or extensions to buildings. Where it is a requirement to provide access for high-reach appliances, the route and hard standing should be constructed to provide a minimum carrying capacity of 24 tonnes. Adequate provision of water supplies for fire-fighting appropriate to the proposed risk should be considered. If the public supplies are inadequate it may be necessary to augment them by the provision of on-site facilities. Under normal circumstances hydrants for industrial unit and high-risk areas should be located at 90m intervals. Where a building which has a compartment of 280m<sup>2</sup> or more in the area is being erected more than 100m from an existing fire hydrant, hydrants should be provided within 90m of an entry point to the building and not more than 90m apart. Hydrants for low-risk and residential areas should be located at intervals of 240m.

## PARISH/TOWN COUNCILS

**Wrawby Parish Council:** Objection. Concerns that the infrastructure will be unable to cope. Doctor and dentist appointments are difficult to secure already. The proposals are on a greenfield site that will see the removal of established trees and hedgerows. The noise and air pollution in this area will increase along with a detrimental impact on bats,

hedgehogs and other wildlife. Increased traffic onto and out of the A18 Wrawby Road especially when turning right from the development in the direction of Brigg. Concerns regarding the negative impact on both the surface water and foul drainage in the area. Should this application be approved there is a perfect opportunity for the concerns regarding the narrowing of the footpath and cycleway on the A18 as the point it enters Brigg to be addressed. The footpath and the cycleway needs to be widened to allow both pedestrians and cyclists to travel safely between Brigg and Wrawby.

**Brigg Town Council:** Concerns that the infrastructure will be unable to cope. Doctor and dentist appointments are very difficult to secure already. The proposals are on a greenfield site that will see the removal of established trees and hedging. The noise and air pollution in this area will increase along with a detrimental impact on bats, hedgehogs and other wildlife. Increased traffic onto and out of A18 Wrawby Road. Concerns regarding the negative impact on both the surface and foul drainage in the area.

## **PUBLICITY**

The application, including all the amended plans, has been advertised by site and press notices. Twenty-five letters of objection and two letters of support in response to the original and amended plans have been received raising the following matters:

- infrastructure unable to cope
- increase in traffic
- loss of a greenfield site
- lack of public transport
- increased noise and vibration
- increased pressure on existing services
- no affordable housing
- no funding for amenities by an s106 agreement
- loss of poplar trees
- loss of wildlife
- over-development
- out of character
- lack of notification/public engagement
- inadequate numbers of bungalows proposed
- the site provides drainage relief in times of flooding
- loss of privacy

- Grammar School Road should not be used as an entry/exit for the development
- loss of polar trees may cause stray cricket balls and footballs into the residential properties of the development.

The letters of support raises the following issues:

- support if infrastructure is in place
- housing limits will be met and stop building outside the building line
- will allow the town to prosper
- will provide housing.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

A statement of community involvement has been submitted with this application. A public exhibition took place at Brigg Heritage Centre on 13/10/2022. Brigg and Wolds ward councillors were contacted by email prior to the exhibition. 1,100 leaflets were distributed on 04/10/2022 by post to residents and businesses who lived and worked within proximity of the development site, notifying them of the forthcoming proposals, the public exhibition and how to make representations. A consultation flyer was sent to Brigg Town Council, Wrawby Parish Council and Brigg Heritage Centre. Brigg Heritage Centre also provided the consultation flyer to Brigg Tourist Information office, Brigg Library, Brigg Community Facebook Group, Brigg for Business Events and Community Facebook Group and Brigg Live Arts Facebook Group. A public notice containing details of the applicant's event was also posted in the Scunthorpe Telegraph circulating on 06/10/2022.

The public exhibition event was held from 11am to 7.30pm. Around 150 people attended the event and 79 respondents provided comments. A consultation website was made available from 14/10/2022 until the application was submitted. Seven people responded via the website.

In total 93 responses were received. The following questions were asked of consultees via the feedback form:

1. Do you live in Brigg?
2. What age are you?
3. Do you support new homes in Brigg?
4. What type of housing do you think is needed in Brigg?
5. Do you support the landscaping proposals which will be delivered as part of the scheme?
6. What aspects of the proposals do you like, and do you feel they could be improved in any way?

89% of respondents were from Brigg. Most of those who provided comments were aged 60+. 60/5% of respondents supported new housing in Brigg. The preference for the type of



housing was three-bedroom with a garden. Those who selected 'other' housing types wanted to see five-bedroomed, bungalows, starter homes, affordable homes and low energy/sustainable homes. 60% were supportive of the indicative landscaping scheme. For question 6 comments were made about doctor/dentist capacity, school capacity, highway concerns about Grammar School Road, highway concerns/comments about Wrawby Road, highway capacity concerns across Brigg, emergency services capacity, environmental matters, need for more amenities, flooding, utilities capacity, housing mix/type and open space provision.

The developer has provided a detailed response to the feedback from the consultation responses in the statement of community involvement. In terms of doctor/dentist and school capacity the developer will engage with the council to determine existing capacity and viability testing to establish if any financial contributions towards health and education will be required. Highway matters – transport modelling and transport assessments have been submitted with the application and number of trips. For Wrawby Road, a new access is proposed with a priority junction and ghost island to provide access for 400 dwellings. Emergency access is proposed off Southview Avenue. A Landscape Masterplan has been submitted with 10% BNG. The development will support existing amenities in Brigg. A flood risk assessment (FRA) and drainage strategy has been submitted to show the development will not increase flood risk elsewhere in Brigg and will not cause adverse impacts on drainage and foul infrastructure in the area. Viability testing is undertaken to determine the level of affordable housing to be provided, the Design and Assessment Statement sets out the design of the new homes, homes are designed to meet 2025 future homes and the development is mainly three-bedroom properties. The development provides a LEAP and open space accessible to all.

## **ASSESSMENT**

### **Proposal**

The proposal is for 290 dwellings. The housing mix has been amended through the life of the application and is now as follows: 39 two-bedroom, 121 three-bedroom and 130 four-bedroom. The houses are a mix of semi and detached properties with four bungalows. Excluding the bungalows, all dwellings are two-storey. There are 15 different house types within the housing mix with a full palette of materials. Each property has its own off-street car parking comprising two car parking spaces in the form of a driveway, integral garage or detached garage. Cycle storage is proposed within the garages.

The main site access is a new vehicular access from Wrawby Road with a ghost island on Wrawby Road. The proposals also involve the creation of a 'spine road' which includes segregated cycling and pedestrian footpaths that will link to the northern parcel of land for which there is a pending outline application for residential development (PA/2023/1425). This 'spine road' will form the new Brigg Link Road which will eventually link Wrawby Road to Atherton Way (once further phases of development across all the BRIH1-5 allocations are delivered). This application will therefore provide significant strategic infrastructure for Brigg and North Lincolnshire as the first part of Brigg Link Road will be delivered as part of this application.

A separate private drive access onto Wrawby Road will serve four dwellings to the south-west corner of the application site (plots 244 to 247). A pedestrian link into the site will be provided to the A18 Wrawby Road opposite the junction with Churchill Avenue and a further pedestrian link, cycle and emergency access will be provided to South View Avenue.

Various estate roads within the site will link to the main 'spine road' which forms the Brigg Link Road.

The scheme will provide approximately 0.6 hectares of accessible public open space. A small number of trees will be felled to facilitate the development but the poplar trees (G73) along the western boundary of the site with the recreation ground will be retained. Landscaping is proposed on the site and a landscaping master plan has been submitted with the application. The landscape master plan includes enhancing existing hedgerows, new hedgerows to plots and shrub planting, drainage swales and attenuation pond, native scrub planting, landscape buffers, neutral grassland and wet grassland.

### **The site**

The site is approximately 11 hectares in area. The site where the dwellings are to be located is within the development limits of the market town of Brigg with some of the open space to the east side of the site lying outside the development boundary of Brigg. The site is approximately 1km from the town centre of Brigg. The site is made up of largely flat agricultural fields separated by hedgerows, trees and dykes. There is one farm access from Wrawby Road and a pedestrian access to the north, onto South View Avenue. The existing settlement of Brigg is to the west, with boundaries to the site being created by residential properties, roads and Brigg recreation ground. Adjacent to the recreation ground within the site is a line of poplar trees; open countryside is to the east with field boundaries to the eastern boundary. Adjacent to the northern boundary is open countryside and beyond the M180. To the south is residential development and open fields. A public right of way (PROW) (293) runs adjacent to the site along Brickyard Lane, parallel with the M180.

### **Constraints**

The application site is mainly within the development boundary as defined by the Housing and Employment Land Allocations Development Plan Document (HELA DPD). The site is essentially within the BRIH-3 and BRIH-4 housing allocations in the council's HELA DPD, with some land proposed for open space/drainage within the open countryside.

The site is not within or adjacent to a conservation area, and there are no listed buildings within or adjacent to the application site. It does have potential for archaeological deposits.

The site is not designated as being of special ecological or landscape importance and is not immediately adjacent to any such designated area.

With regard to flood risk, the application site is entirely within flood zone 1 (low risk) on both the Environment Agency's flood maps and the Strategic Flood Risk Assessment (SFRA) for North and North East Lincolnshire.

There are no tree preservation orders on the site but there are trees on the site, some of which are of good amenity value, for example G73 (a line of poplar trees).

### **Relevant planning history**

SCR/2022/9: EIA screening request for a residential development – determined not to be EIA development 11/10/2022.

PA/2023/1425: Outline planning application for residential development, with all matters reserved for subsequent consideration – pending.

(The site of PA/2023/1425 is adjacent to the site of this application, PA/2023/1236, within the BRIH-2 and BRIH-3 housing allocations in the council's HELA DPD, and has been made by the same developer as this application.)

**The main issues to consider in the determination of this full application are whether the principle of residential development for 290 dwellings is acceptable and whether the proposal is acceptable in terms of highways, flood risk and drainage, heritage, ecology/biodiversity, design and impact on the character and appearance of the area, amenity, environmental matters, viability and associated S106 agreement.**

## **Principle**

Section 70 (20 of the Town and Country Planning Act 1990 and 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 Development Plan document (HELA DPD) which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the Planning Practice Guidance (PPG).

The site is identified within the HELA DPD as within the housing allocations for Land at Wrawby Road Phase 2 (BRIH-3) for 333 dwellings and Land at Wrawby Road Phase 2 (BRIH-4) for 152 dwellings. Both these sites (BRIH-3 and BRIH-4) have similar site-specific criteria which include a mix of housing size and tenure, affordable housing provision, vehicular access point and improvements, good footpath and cycle provision throughout the site with linkages to local services, residential areas and rights of way network. A transport assessment and travel plan is required, a route is protected within the design of the site that maintains and safeguards an alignment for the creation of a single access link road to a suitable standard to connect Atherton Way and Wrawby Road, a flood risk assessment is required and where practical SuDS should be incorporated into the development, and significant landscaping to the boundary (BRIH-3). A heritage assessment and ecology survey are required, along with biodiversity enhancements, and a noise impact assessment is required. The design must accord with policy CS5 of the CS. The HELA DPD and policies BRIH-3 and BRIH-4 were adopted by North Lincolnshire Council in 2016.

Policy CS1 of the CS focuses on supporting market towns as thriving places to live, work and visit and as important service centres to serve the needs of local communities across North Lincolnshire. This includes providing important services for rural communities, an appropriate level and range of new housing development to support market towns as sustainable communities, and encouraging small and medium-scale employment opportunities to provide local jobs. The application comprises 290 dwellings including highways, open space, landscaping and drainage infrastructure for full planning permission. The proposed residential use is in line with the spatial strategy and is supported in principle by policy CS1 of the CS. Policy CS2 of the CS states, '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. Development should be focused on:

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

The application site is on a greenfield site (and is allocated for housing development in the Housing and Employment Land Allocations DPD (site references BRIH-3 and BRIH-4). The application site therefore conforms with policies CS2 and CS3 as the proposed residential properties are all within the defined development limits of Brigg, a market town. The principle of housing development in this location is therefore acceptable. Policy CS7 of the Core Strategy sets out an aspirational minimum density of 40 to 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. Housing allocations BRIH-3 and BRIH-4 seek a density of approximately 40 dwellings per hectare. Brigg has a densely developed historic core; however, the application site lies on the outskirts of the settlement, where a less dense pattern of development is also evident. In addition, the red line boundary of the site extends out of the BRIH-3 housing allocation where the open space and drainage infrastructure (pumping station, storage tank and attenuation basin) are proposed to serve the development. The proposed development of 290 dwellings results in a density of approximately 37 net density per hectare, which falls below the minimum density sought by policy CS7, and BRIH-3 and BRIH-4. For the reasons set out above, it is considered that the proposed development of 290 dwellings, with a slightly lesser density than that sought by policy CS7, and BRIH-3 and BRIH-4, is appropriate in this instance and will make a sustainable use of the site whilst respecting the overall character of the area.

Policy RD2 of the NLLP 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. However, in this case no residential dwellings are proposed outside the allocation areas of BRIH-3 and BRIH-4. The red line site area extends eastwards outside BRIH-3, with this land proposed to be used for open space and drainage infrastructure to support the development. Policy RD2 does permit the provision of utility services within the open countryside. The applicant has stated that the drainage 'infrastructure has to be accommodated in this location in order to serve the development and cannot be accommodated elsewhere within the land allocated for housing due to the site topography and the drainage solution proposed.' The local planning authority considers that this justification is acceptable and therefore in this case the proposal will align with policy RD2.

The proposal conforms with policy CS8 as the Core Strategy focus for housing development is Scunthorpe and the market towns, which includes Brigg. The site is a greenfield site with the proposed dwellings lying within the development limits of the settlement (although some of the land, proposed for open space in connection with the proposed residential use, is outside the development limit). In this case, therefore, the proposal essentially conforms with this policy criteria.

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 broadly 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.

## Highways

Policy CS25 of the CS and policies T1, T2, T6, T8 and T19 of the NLLP relate to highway matters, as does chapter 5 of the NPPF, and are therefore all relevant to this application.

The site is primarily within the development boundary of the market town of Brigg. It is approximately 1km from Brigg town centre where a full range of services, facilities and employment opportunities are available. The site is close to bus stops and adjacent to a cycle/pedestrian path. The village of Wrawby is also within walking distance. The site has good pedestrian/cycle and public transport links.

The A18 Wrawby Road is a single carriageway road which runs broadly north-east to south-west along the full application site frontage, where the carriageway is approximately 7.3m in width. It is bordered to the north-western side of the carriageway by a segregated footway/cycleway which varies in width but is typically around 2m wide, and is separated from the carriageway by a grass verge which itself varies in width between 2 and 3 metres along the site frontage. On its south-eastern side along part of the full application site frontage is a drainage ditch, which is separated from the carriageway by a grass verge, which generally varies in width between 2 and 3 metres.

A footway commences on the south-eastern side of the A18 Wrawby Road approximately 70m to the north-east of a priority junction with Churchill Avenue and continues to the south-west. Along the south-western section of the site frontage, it is subject to a speed limit of 30mph, which changes to 40mph approximately 70m to the north-east of the Churchill Avenue junction, where the footway commences.

Churchill Avenue forms the minor arm of a priority T-junction with the A18 Wrawby Road directly opposite the application site, approximately 70m to the north-east of the south-western full application site boundary. This junction incorporates a right-turn ghost island and advisory cycle lanes around the junction radii. Two crossing points are provided on the A18 to either side of the junction to facilitate cycle access between Churchill Avenue and the footway/cycleway provision on the north-western side of the A18 Wrawby Road. Churchill Avenue is a residential access road which provides access into the residential areas in the eastern extents of Brigg.

The proposed 290 dwellings will be accessed via a new priority T-junction with the A18 Wrawby Road located at the south-eastern site boundary, which will incorporate a right-turn ghost island facility. The proposed site access junction will be located approximately 215m to the north-east of the Churchill Avenue junction with the A18 Wrawby Road. The proposed site access junction for this application site will form the eastern end of the new link road, which will run through the application site broadly parallel to the eastern site boundary. The new link road will have a carriageway width of 6.7m, with a 2m wide footway on one side and a 2m wide verge and 3m wide shared footway/cycleway on the other side.

The proposed link road will run through the application site up to the north-western boundary with the outline application site (pending application PA/2023/1425), a distance of approximately 400m. In the short term, there will be minor access junctions on approach to the termination of the 6.75m wide access road, shown on the proposed site layout plan, which will serve as temporary turning facilities close to the end of the first phase of the provision of the link road.

The proposed site access includes visibility provision at the site egress, and the site access drawing shows that visibility splays of 4.5 m x 120m, suitable for the speed limit on the A18 Wrawby Road in the vicinity of the proposed site access of 40mph, are achievable in both directions. An emergency vehicular access will be provided at the proposed pedestrian access point to South View Avenue, which will be a minimum of 3.7m wide.

A separate 6m wide private drive access onto the A18 is proposed to serve three dwellings (plots 245 to 247) in the south-western corner of the site. The proposed private drive access will be formed through a vehicular dropped crossing arrangement, which will be similar to the other existing private drive accesses provided directly from the A18 Wrawby Road to the west of the site.

A 2m wide footway is proposed to the western side of the new link road as it passes through the full application site. A 3m wide shared footway/cycleway is proposed to its eastern side, which will tie in to the existing footway/cycleway on the north-western side of the A18 Wrawby Road. The proposed shared footway/cycleway will be separated from the carriageway by a 2m wide verge.

Two other pedestrian/cycle links will be provided as part of the application proposals. One will be provided onto the A18 Wrawby Road opposite the junction with Churchill Avenue and another will be provided directly onto South View Avenue. The South View Avenue pedestrian access will also provide emergency access to the application site for vehicles.

Each dwelling will have its own off-street car parking and electric vehicle charging point within the curtilage of each property as required under building regulations. The submitted swept analysis demonstrates that a refuse vehicle can enter and leave the site from the A18 Wrawby Road, at the proposed site access junction. Swept path analysis of the internal site layout, including turning heads, has been carried out which demonstrates that the site can be serviced as necessary, with all turning heads capable of allowing a refuse vehicle to turn around within the site and thereby enter and leave the site in a forward gear.

The council's Highways department has assessed the proposal with respect to its impact on highway safety. They have raised no objections with regard to the number of dwellings proposed or the ability of the local highway network to accommodate the potential additional vehicular and/or pedestrian traffic. Therefore, Highways have no objections to the proposed development subject to conditions which are all recommended below.

National Highways (NH) have also raised no objections to the proposals and are satisfied that the impact of development will not have a significant impact on the safe and efficient operation of the strategic road network, in this instance, the M180 at junctions 4 and 5. NH are requesting two planning conditions for the submission of a construction traffic management plan and for the submission of a boundary treatment plan for the M180 before development commences. It should be noted that procedurally, should the local planning authority not propose to determine the application in accordance with this recommendation, they are required to consult the Secretary of State for Transport and may not determine the application until the consultation process is complete. However, these conditions proposed by NH are recommended below and therefore there is no requirement to consult the Secretary of State in this regard.

For the reasons outlined above, it is considered, subject to the recommended highways conditions, that the proposed development would have no unacceptable impact on highway safety. In terms of highway matters, therefore, subject to conditions, the proposal aligns with chapter 5 of the NPPF, policy CS25 of the CS, policies T1, T2, T6, T8 and T19 of the NLLP, and the BRIH-3 and BRIH-4 housing allocations in the HELPA DPD.

### **Active Travel England (ATE)**

ATE is responsible for making walking, wheeling and cycling the preferred choice for everyone to get around. ATE's objective is for 50% of trips in England's towns and cities to be walked, wheeled or cycled by 2030. ATE is an executive agency sponsored by the Department for Transport (DfT).

The Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2023 (DMPO) identified ATE as a statutory consultee for planning applications with effect from 1 June 2023. This means that a local planning authority is obliged, from 1 June 2023, to consult and consider comments made by ATE as set out in articles 18 and 19 of the Town and Country Planning (Development Management Procedure) (England) Order (2015).

ATE, in their response, have recommended deferral of the application, but if the council are minded to grant consent, ATE recommend a number of planning conditions. The developer has confirmed that they are willing to accept the conditions recommended by ATE in relation to the provision of a controlled crossing point on the spine road (link road), that suitable cycle parking is provided for each dwelling on the site and that the detail of site access arrangements (Wrawby Road and South View Avenue) is submitted for approval to the council. NLC Highways have also recommended these conditions and they are recommended below.

ATE have also recommended a condition in relation to the provision of a controlled pedestrian/cycle crossing on the A18 Wrawby Road outside the application site at its junction with Churchill Avenue. ATE have suggested that this is required to provide connections to the residential areas to the south and for people to cross the A18 to access the existing bus stops. Whilst this may be desirable by ATE, there are already two existing uncontrolled pedestrian/cycle crossing points in place on the A18 Wrawby Road, either side of the junction with Churchill Avenue. These include refuge islands (to allow pedestrians and cyclists to cross the A18 in two discrete movements), dropped kerbs and tactile paving, and these crossings will be retained as part of the development proposals.

The existing crossing points will remain appropriate to serve the proposed development site, and the likely increases in crossing movements that will result as a consequence of the development. The most convenient pedestrian and cycle routes between the site and the facilities in the town centre of Brigg (to the south-west of the site) would be via the footway/cycleway provision on the north-western (site) side of the A18 Wrawby Road, which would not necessitate residents of the site having to cross the A18 Wrawby Road. There are few facilities on the south side of the A18 in the vicinity of Churchill Avenue which would require pedestrians from the proposed development site to cross the A18 in this location.

An existing signalised pedestrian crossing point is in place on the A18 Barnard Avenue around 100m to the north-west of Monument Roundabout, which facilitates access to the amenities in the town centre of Brigg to the south of the A18. This existing crossing is on the desire line between the proposed development site and the town centre, and is considered to be in an appropriate location to serve the demand. It is not considered likely or necessary that future residents of the proposed development site will wish to cross the A18 at Churchill Avenue when travelling to and from the centre of Brigg on foot or by bicycle.

The personal injury collision data does not include any personal injury collisions at either of the two existing crossing points during the 81 month period from 1 January 2016 to 29 September 2022. No existing highway safety issue associated with the use of the existing crossing points has been raised in the submitted Transport Assessment or by NLC Highways. The existing uncontrolled crossing points on either side of Churchill Avenue provide a suitable crossing facility between the site and the south side of the A18 Wrawby Road, including the existing westbound bus stop on the A18. The existing uncontrolled pedestrian/cycle crossing points with refuge islands, to either side of Churchill Avenue, are suitable for accommodating crossing movements in this location, and will be able to accommodate the increases in pedestrian and cycle movements which are likely to be generated with the proposed development in place. As such, the evidence base has demonstrated that it is not considered that providing a controlled parallel crossing over the A18 is required to serve the proposed development or to mitigate impacts of the development. Therefore to impose such a planning condition would fail to meet all the six tests for planning conditions as set out in the PPG and, as such, a condition is not considered to be necessary, nor it is relevant to the development proposed to be permitted and would not be reasonable. As a result, no condition recommending a controlled crossing on Wrawby Road is proposed.

The proposed development, subject to conditions, is considered to be acceptable in terms of active travel and therefore aligns with chapter 9 of the NPPF, policy CS25 of the CS, policies T1, T2, T6 and T8 of the NLLP, and the BRIH-3 and BRIH-4 housing allocations in the HELPA DPD.

### **Public right of way (PROW)**

The site lies close to footpath 293 (Brickyard Lane) and the development proposal will change the views from the PROW. Currently, there are views of open fields from this PROW and the proposal will change this view to a residential housing estate with open space to the eastern side of the site. This will be discussed in more detail in the landscape section of this report. Comments from the PROW officer are noted. The applicant does not own the land between the eastern boundary of the site and Brickyard Lane and therefore a connection between the application site and footpath 293 cannot be made to improve



connectivity to the open countryside. Occupiers of the proposed development will still be able to access footpath 293 by leaving the development onto Wrawby Road and utilising the footway on Wrawby Road to connect to footpath 293 (Brickyard Lane).

There may also be an opportunity to provide a pedestrian link from footpath 293 or footpath 284 into the site for pending application PA/2023/1425. PA/2023/1425 shares a boundary with footpaths 284 and 293. This matter will be addressed within the report for PA/2023/1425 which is currently pending consideration.

In terms of paragraph 104 of the NPPF and policy CS25 of the CS, the proposed development still provides the opportunity for occupiers of the development to connect to the adjacent PROW using the footway along Wrawby Road. Potentially, there is an opportunity, which will be fully explored, to provide a pedestrian connection to the adjacent PROW within application PA/2023/1425, which is currently under negotiation with the applicant.

### **Flood risk and drainage**

Policies CS19 of the CS and DS16 of the NLLP relate to flood risk; policies CS18 and CS19 of the CS, and DS14 of the NLLP, relate to drainage. The NPPF (section 14) is also relevant. A flood risk and drainage assessment has been submitted with the application to assess the development's risk from flooding and the suitability of the site in terms of drainage. In addition, documents have been submitted in relation to SuDS. The LLFA, EA, Anglian Water (AW) and internal drainage boards have all been consulted on the proposals.

#### ***Flood risk***

In terms of flood risk, the site is in flood zone 1 of the council's SFRA and is therefore at low risk of flooding. The flood risk assessment has considered all risks of flooding from fluvial flooding, surface water flooding, flooding from open drainage ditches, groundwater flooding, flood risk from existing water mains, flood risk from existing drainage/sewers, flood risk from proposed drainage/sewers, flooding from reservoirs, canals and other artificial sources. The report has concluded that there is no potential risk of flooding to the development and therefore there is no requirement for any flood mitigation measures. The LLFA, EA (Environment Agency), AW and internal drainage boards (IDBs) are not objecting to the proposals in terms of flood risk and are not recommending planning conditions in that regard. In terms of flood risk, therefore, the proposal aligns with the NPPF, policy CS19 of the CS and policy DS16 of the NLLP.

#### ***Surface water drainage and SuDS***

An extensive drainage strategy and associated documents, including a justification for SuDS on the site, has been submitted as part of the application. In terms of surface water, it is proposed to discharge the development surface water to the existing watercourse network crossing the site, with the primary watercourse consisting of Briggfield Drain. Due to the existing topography and depth of the watercourses, it is necessary to pump surface water run-off to the outfall. Part of the development proposal comprises a pumping station on the application site. Development run-off flows are to be restricted in accordance with existing greenfield run-off rates based upon the requirements of the local Internal Drainage Board (Shiregroup), which are 1.4l/s/ha with a total maximum discharge to watercourse of 16.3l/s. Based on this discharge rate, the attenuation required for the development is 4,285m<sup>3</sup> (1 in 100 year event + 40% c/c). Due to the elevated groundwater table, it is

proposed to attenuate the 1 in 30 year event flows in a below ground tank (2,125m<sup>3</sup>) with up to the 1 in 100 year event (+ climate change) flows attenuated in a detention basin (2,160m<sup>3</sup>) In addition to the attenuation tank and basin, it is proposed to install a wet pond feature for SuDS.

SuDS have been fully considered and assessed in various documents submitted with the application. The following SuDS components are proposed for the development site:

*Rainwater harvesting water:* Butts provided on each dwelling, reducing the amount of water entering the drainage system (quantity) and providing a water source to each homeowner.

*Attenuation tank:* Underground tank to store the water during heavy rainfall (quantity), with a slow release to the watercourse to ensure no increased flood risk. Location of tank within a large green open space providing and large usable space for the public (amenity).

*Detention basin dry:* Local depression in ground providing an area for water storage during heavy rainfall (quantity) which is to be used in conjunction with the attenuation tank. The detention basin provides supplementary benefit of treating the run-off (quality) and, with the proposed planting, increased habitat in the open space (amenity and biodiversity).

*Pond:* The wet planted pond area within the open space provides a diverse habitat (biodiversity) and an enhancement to the space (amenity), whilst providing all the treatment requirements (quality) of the surface water before discharge to the watercourse.

The submitted SuDS reports concludes that, 'The proposed development has been assessed in accordance with North Lincolnshire Council SuDS and Flood Risk Guidance and the Ciria SuDS Manual (C753), 2015. A combination of SuDS techniques have been incorporated into the proposed development ensuring there is no increased flood risk created by the proposed scheme.'

In terms of surface water disposal, Anglian Water have commented that, '*the preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. From the details submitted to support the planning application the proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.*' As a result, Anglian water are not proposing any planning conditions relating to surface water disposal.

The Shire Group have commented that they have no objections if surface water is disposed of by a soakaway system or is directed to a main sewer system. If surface water is to be discharged into an ordinary watercourse then consent from the IDB would be required and restricted to 1.4 litres per second per hectare or greenfield run-off. No obstructions within 9m from the edge of an ordinary watercourse are permitted without consent from the IDB. The submitted drainage information confirms that the greenfield run-off for the site has been calculated below in accordance with the IDB requirements of 1.40l/s/ha resulting in the development discharge to be restricted to 16.3l/s and there will be no obstructions within 9m of the watercourse. The IDB are requesting a condition to ensure that the restricted flow measures or attenuation are put in place before occupancy and within three months of development progressing on site. In this case the development is likely to be phased. The approved drainage scheme for any phase will need to be implemented on the site before any dwelling is occupied within any phase. This matter can be dealt with by planning conditions.

The LLFA has been consulted on the proposal and has no objections subject to conditions. The proposal, in terms of surface water drainage and SuDS, subject to the recommended planning conditions, is considered to be acceptable and aligns with policies CS18 and CS19 of the CS, policy DS14 of the NLLP, paragraphs 165 to 175 of the NPPF, and the BRIH-3 and BRIH-4 housing allocations in the HELA DPD.

### **Foul water**

The applicant's FRA states that in order to accommodate the proposed development, it is necessary to divert the existing combined sewer which crosses the site. This will be undertaken under a Section 185 Agreement with Anglian Water. It is proposed to discharge the foul water flows from the development to the diverted combined water sewer. Due to the topography of the site and the depth of the existing sewer network it is proposed to pump foul water flows. The foul and surface water drainage networks are to be adopted by Anglian Water or an Independent water authority under a Section 104 Agreement. Therefore, the maintenance of the networks is the responsibility of Anglian Water or an independent water authority.

Anglian Water originally had no comments to make on the application. However, they have been consulted on the amendments, including the drainage information and updated FRA submitted in March 2024, and have responded to this consultation. They have confirmed that the foul drainage from this development is in the catchment of Brigg Water Recycling Centre that will have available capacity for these flows. The proposed connection in the FRA March 2024 is acceptable in principle although there are capacity constraints within the network. Anglian Water have stated that, *'Consequently the full development may lead to an unacceptable risk of flooding and/or pollution. Anglian Water will need to plan effectively for the proposed development, if permission is granted, and will need to work with the applicant to ensure any infrastructure improvements are delivered in line with the development.'* Anglian Water are therefore recommending conditions requiring a phasing plan and/or an on-site drainage strategy and informatives concerning the sewer arrangements for the site.

With regard to the used water sewage network, Anglian Water are recommending conditions requiring a phasing plan to be submitted to the council for the development along with conditions relating to a scheme for on-site foul water drainage works, including connection point and discharge rate, to be submitted to and approved in writing by the local planning authority, and prior to the occupation of any phase, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

To ensure that satisfactory foul water drainage can be achieved on the site, the aforementioned planning conditions are recommended. Anglian Water will be consulted on any phasing plan/foul water details submitted. Therefore, subject to the recommended conditions, the proposal would align with policy DS14 of the NLLP.

### **Heritage – archaeology**

Policy HE9 of the NLLP relates to archaeological evaluation and policy CS6 of the CS relates to the historic environment. Chapter 16 of the NPPF, relating to conserving and enhancing the historic environment, is also relevant. The housing allocations BRIH-3 and BRIH-4 both require a heritage statement to be submitted to demonstrate that the

development will have no adverse impact on the historic environment. The site is not within or adjacent to a conservation area, nor are there any listed buildings on, adjacent or close to the application site. The council's Historic Environment Record (HER) have been consulted on the application.

The site does have potential for archaeology based on previous records. On the southern area of the site previous archaeological investigations have been carried out. An archaeological and heritage desk-based assessment has been submitted that identifies the potential of the site to contain archaeological remains of prehistoric and/or Roman date. There is the potential that any below-ground construction works in this area could encounter significant and well-preserved archaeological remains relating to early occupation and activity of prehistoric and/or Roman date that is attested in the record as present across the surroundings. The groundworks associated with a residential development would be likely to result in the disturbance and destruction of any archaeological evidence. Because the site may contain heritage assets of archaeological interest, adequate information is required about the significance of any such assets to properly assess the impact of the proposed development, and thereby to inform the decision-making process in accordance with the NPPF and local planning policies (mentioned above).

As a result, the submitted archaeological and heritage desk-based assessment recommended that archaeological field evaluation in the northern area of the site was required to assess the archaeological interest and significance of the whole site. The results of the field evaluation will inform the assessment of significance and the impact of the proposals, as well as what mitigation measures may be appropriate, and should be provided in the application. The NPPF (paragraphs 200 and 201) makes it clear that identification and assessment of the significance of heritage assets is required prior to the determination of an application. HER, who have been consulted on the application, recommended that archaeological field evaluation needed to be carried out on the site which comprised of fieldwalking and geophysical surveys, followed by trial trenching.

Following the comments and recommendation made by HER, the applicant has carried out and submitted the required archaeological field evaluation to the council. HER have been consulted on the submitted reports which have ascertained that no significant archaeological features have been identified across the application site and the residual potential for the presence of as yet unrecorded archaeological remains is judged to be low. Therefore, no further archaeological work in advance or during the proposed development is necessary and HER are not recommending any archaeological conditions if planning permission is granted.

To conclude, the site does not contain any significant archaeological features. All the required archaeological investigations and fieldwork have been submitted to the council in accordance with policies HE9 of the NLLP, policy CS6 of CS, paragraphs 200 to 201 of the NPPF, and BRIH-3 and BRIH-4. No further work or planning conditions in respect of archaeology are required for this application.

## **Landscape**

The applicant has submitted a landscape and visual impact assessment that is compatible with the Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3, 2013), produced by the Landscape Institute and the Institute of Environmental Management & Assessment.

The site is not covered by any formal landscape designations. The site does lie within the proposed extension to the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) (new local plan policy DQE1) although limited weight can be given to this policy at present.

Policy LC15-11 seeks to create new and informal landscape areas, wildlife habitats and improved surroundings and to screen visually intrusive developments. The landscape enhancement schemes under policy LC15 are shown on the proposals map in an indicative manner. The actual scheme will be defined by a process of negotiation, The implementation and maintenance of allocated landscaping schemes will be achieved through the use of planning conditions and agreements.

The Adopted Landscape Assessment and Guidelines document (SPG5) gives the following guidance for this area: Flat Valley Bottom Farmland – Roxby, Bonby, Appleby, Worlaby Carrs, Cadney, Froghall, North Kelsey Carrs.

Landscape Strategy: Enhance this area by seeking to initiate measures that introduce more woodland, effectively manage those present and provide more scope for habitat creation through waterside planting and ditch re-modelling. Hedgerows where present require effective management and repair.

Landscape Guidelines: Encourage the planting of more mixed deciduous woodland in strategic areas that will not compromise the essentially open character, such as:

- a) a naturalistic distribution along watercourses. Water-tolerant species such as willow and alder to re-create carr-type vegetation;
- b) medium-sized woodland blocks concentrated near to areas with intrusive impacts, i.e. transport corridors and transmission lines, associated with farmsteads or linked to existing woodland blocks or hedgerows, discontinuous in nature.

Seek to increase the number of isolated roadside trees, particularly surrounding traditional villages.

Management and replacement incentives should be encouraged to develop the presence of hedgerows in the scenery, maintaining and infilling remnants. Give priority to hedgerows that follow the line of ditches to enhance their visual and ecological potential.

Seek to increase the cover of hedgerow trees near transmission lines where extending existing woodland would be unachievable or unsuited to the local scene.

Necessary new roads or improvements should seek to reflect the distinctive pattern of existing roads and lanes in the design of new alignments. The distinctive road pattern and pattern of small lanes should be protected with proposals to develop alternative crossings across the valley resisted.

Public rights of way through the valley should be maintained and in places enhanced to encourage improved low-key recreational access, such as footpaths, cycle routes and bridleways. Priority should be given to those rights of way that cross the valley, particularly where they offer connection opportunities onto the Lincolnshire Wolds escarpment.

The applicant's own landscape and visual impact appraisal also concludes that 'the long-term landscape and visual effects of the development are unlikely to exceed moderate adverse. The proposed scheme forms part of a wider allocation and will provide a

landscape framework that overtime softens and contains the settlement fringe, adhering to the Flat Valley Bottom Farmland LCT landscape guidelines. The Landscape Masterplan has considered the wider context of the allocation and defined an effective framework through which the effects of development as a whole can be mitigated. The levels of effect likely to arise from the proposal are common for greenfield development and consistent with the effects recorded for recent developments recently granted planning permission within the district.'

The proposals will have a significant effect on the landscape as arable agricultural land will be changed to a residential housing estate. The impacts of the development will be most keenly experienced by users of Public Footpath Wrawby 293 and by users of the main road (A18) approaching Brigg from Wrawby. These impacts must be balanced against the BRIH housing allocations and the significant landscaping and open space providing on the site to mitigate landscape impacts. Over time, landscaping and biodiversity net gain proposals will help to assimilate the development into the landscape. However, realistically, it could take 10 years or more for the landscaping to have significant beneficial effects. The landscaping scheme is acceptable and is consistent with the adopted landscape assessment and guidelines, and biodiversity net gain requirements. The precise landscaping scheme can be conditioned and will need to be based upon the submitted landscape master plan. Overall the proposal does align with policies CS5, CS16 and CS17 of the NLLP, policies DS1, LC15-11, H5 and RD2 of the NLLP and SPG5, and the BRIH-3 and BRIH-4 housing allocations in the HELPA DPD.

### **Ecology/biodiversity**

Chapter 15 of the NPPF, policies CS5 and CS17 of the CS, and policies LC5, LC6 and LC12 of the NLLP relate to ecological matters. BRIH-3 and BRIH-4 both require an ecology survey and biodiversity enhancements should be incorporated into site design. A preliminary ecological appraisal, water vole survey, bat activity survey, and BNG metric have been submitted with the application. The council's ecologist has been consulted on the proposals.

In terms of protected species, the survey methods used and the survey effort deployed by the developer's consultants are appropriate for the site in question. The surveyors recorded low levels of bat activity, comprising three common and widespread bat species. No evidence of water vole activity was recorded. The site has some potential for nesting birds, hedgehogs and badgers, but is not likely to support reptiles or great crested newts. Standard sensitive working methods will be required for protected and priority species which can be secured by planning conditions.

The application site is largely arable farmland, but does have biodiversity value in marginal hedgerows and drains and the M180 margins. Whilst the proposal will affect a very large area, the habitats and species affected are widespread and commonplace. In order for the proposal to align with paragraphs 180 and 186 of the NPPF, policies CS5 and CS17 of the CS, and policies LC5, LC6 and LC12 of the NLLP, it will be necessary to impose planning conditions to secure biodiversity enhancements on the site. This will include a condition requiring a biodiversity management plan (BMP) to be submitted to the council for approval. This will ensure bat and bird boxes are installed on the site, the installation of sparrow and swift boxes and terraces, provision for hedgehogs to pass through installed fencing, and details of wetland habitat to be created and managed as part of sustainable drainage, for example.

In terms of biodiversity net gain (BNG), the application was submitted before 12/02/2024 (when it became mandatory for developers to deliver a BNG of 10%) and therefore for this application only a BNG net gain has to be achieved on the site – this can be a 1% BNG. The developer has submitted an initial and then a revised Biodiversity Metric 3.0 assessment for the proposal. The latest BNG metric reveals:

- an increase in habitat units of 3.24 (10.03%)
- an increase in hedgerow units of 2.11 (20.83%)
- an increase in river units of 0.19 (12.08%).

The developer considers that there will be a 10.03% BNG on the site. The council's ecologist does not consider the BNG is as large as 10% but accepts a BNG can be provided on the site and the submitted information does indicate BNG can be achieved on the site. The BMP condition will ensure that at least a 1% BNG is achieved on the site. Therefore, subject to this condition, the proposal will align with chapter 15 of the NPPF, policies CS5 and CS17 of the CS, policies LC5, LC6 and LC12 of the NLLP, and BRIH-3 and BRIH-4 of the HELA DPD.

## **Trees**

The submission included landscape plans for the full part of the proposal, a tree survey of existing trees and an arboriculture report. The submitted BNG report is also relevant. Policies CS5 and CS17 of the CS, and LC12 of the NLLP, specifically relate to trees. Within the BRIH-3 and 4 housing allocation is a landscape enhancement scheme, LC15-11 (Wrawby Road Approach), which runs along the western boundary of the allocation and part of the southern boundary of these allocations. The BRIH-3 housing allocation in the HELA DPD specifies that significant landscaping will need to be provided around the boundary in order to mitigate the visual impact that this proposal will create.

The developer has submitted various documents relating to trees and landscaping for the site. In terms of trees, the developer has submitted a document clearly stating which existing trees are to be removed to facilitate the development. Concerns from objectors about the loss of these poplar trees are noted, together with comments about the development being vulnerable to ball strikes and loss of a dog walking facility. The developer has confirmed that these poplar trees will remain, with a small number of them removed to facilitate the site access or that have been categorised as 'U' in the submitted tree report.

Turning first to the loss of trees on the site, none of the trees on the site are protected as none are within a conservation area or covered by a tree preservation order (TPO). Therefore, these trees can be felled without any consent from the council. The poplar trees on the western boundary are a feature on the landscape and currently form a distinct boundary between the site and the urban area of Brigg, and are shown to be retained on all the submitted plans. Tree protection conditions are recommended to ensure the longevity of these trees. With regard to potential cricket ball and football strikes onto the site from the recreation ground, there is over 20m between the dwellings and the boundary with the recreation ground, with the poplar trees in between. The 'threat' of ball strikes is limited and the retention of the poplar trees, proposed landscaping and the proposed boundary treatment on site frontages will also mitigate ball strikes to a certain extent if these occurred.

A small number of existing trees will be felled on this site; these are mainly category 'C'. However, the developer has provided a landscape masterplan showing significant landscaping on the site to mitigate the loss of existing trees. There will be a significant landscape buffer along the western boundary of the site, with the retention of poplar trees and planting, good tree planting within the site creating tree lined streets, as required by the NPPF (chapter 12 paragraph 136), and areas of open space within the development and to the eastern edge where the drainage infrastructure will be sited and landscaping along the drainage easements. The attenuation pond will also provide opportunities for landscaping. Existing hedgerows will be retained and enhanced and additional hedgerows and shrub planting is proposed within the main development. Neutral grassland to the eastern side of the site is proposed. On the site frontage adjacent to Wrawby Road, new trees are proposed and green areas. The landscaping can be conditioned so that it is in accordance with the masterplan, but the exact nature of the trees, hedges, grass mix, new and enhanced hedgerows and mix is submitted to the council for approval to secure the robust landscaping and tree planting scheme proposed within the masterplan and any losses are replaced. Subject to the aforementioned conditions, the proposal will align with the NPPF, policies CS5 and CS17 of the CS, policies LC12 and LC15-11 of the NLLP, and the BRIH-3 allocation.

### **Design and impact on the character and appearance of the area**

BRIH-3 and BRIH-4 both require a mix of housing size and tenure on the site. Two hundred and ninety dwellings are proposed on the site with a mix of two-, three- and four-bedroom dwellings. The dwellings will be semi-detached and detached two-storey dwellings apart from the four proposed bungalows. There are 15 house types proposed on the site. The gross housing density for the site is 26dph, the net developable area creating a net housing density of 37dph. This is slightly below the density required in the BRIH-3 and BRIH-4 allocations, but it is accepted that, due to the topography of the site, significant areas of green open space, and provision of semi and detached dwellings, and the bungalows, does justify a lower housing density than that required by BRIH-3 and BRIH-4.

A palette of materials is proposed with a predominance of red brick, which is prevalent in this area of Brigg. All dwellings will each have two off-street car parking spaces. Drainage infrastructure is proposed on an area of the site which lies within the open countryside. This drainage infrastructure comprises a pumping station, storage tank, attenuation basin and pond. Overall, the scheme will provide around 0.6 hectares of public accessible space. Significant landscaping is also proposed on the site, along with the line of poplar trees on the western boundary to remain in situ, forming a green wedge to the western boundary and retaining this important landscape feature for future generations.

The main access to site is from Wrawby Road. Here, an active, forward-facing development along Wrawby Road has created a strong street scene. Different housing types and differing materials and detailing across these frontage plots add to the vitality of the development. Homes are served by private drives with no direct vehicle access. A green corridor along the site frontage softens the development and adds to the rural character of this area of Brigg, whilst reducing road traffic noise from the A18. Dwellings are aligned with views along the streets creating natural surveillance. Within the residential development are significant green areas and landscaping that further soften the development and will assist with the simulation of development into the landscape.

The dwellings have good spacing between them and well-sized garden areas. There is clear definition between the public and private domain with all properties having 'defensible



spaces' to their frontages, and sides on a corner position, with a variety of hard and soft treatments to the street, some giving physical enclosure to the semiprivate spaces such as railings, hedges and shrub beds. Boundary treatments to rear gardens will safeguard privacy. The local vernacular has influenced the appearance of the new homes. The buildings include large windows with a horizontal emphasis, consistent eaves and ridge lines and a well-proportioned built form.

The housing mix and house types comprise two-, three- and four-bedroom properties (semi-detached and detached dwellings) and four bungalows. Strategic Housing have confirmed that the housing mix for the site is acceptable and aligns with the Housing and Economic Needs Assessment (HENA).

Therefore, in terms of density, design, housing mix, house type and layout, the development is considered to be in character with the market town of Brigg and will therefore align with policies CS5, CS7 and CS8, and the housing allocations of BRIH-3 and BRIH-4.

### **Amenity**

In terms of amenity, the design and layout of the dwellings will not result in any demonstrable harm to the amenity of occupiers of the development. Each dwelling has adequate private amenity space and adequate separation distances between dwellings, and window openings are positioned to avoid overlooking. Planning conditions will be used to ensure all en-suite, WC and bathroom windows will be obscure glazed to safeguard privacy.

In terms of existing adjoining properties, to the south are properties along Wrawby Road and Churchill Avenue. These properties are on the southern side of Wrawby Road. The proposed dwellings on the site frontage (facing Wrawby Road) are all set back from Wrawby Road with a corridor of green space in front of these dwellings and the access/driveways to these properties. There is a minimum distance between the proposed dwellings on the site frontage and those existing dwellings on Wrawby Road/Churchill Avenue of 40m. All the proposed dwellings will be two-storey apart from the four bungalows. Due to the siting of the proposed dwellings and separation distances, there will be no loss of residential amenity to the existing dwellings to the south. It is accepted that, visually, the view of the site for existing residents will change from that of open agricultural land to a residential housing estate. However, the site has been allocated for residential development since 2016 and although, visually, the site will change, there will be no overlooking/loss of privacy or overbearing issues to the existing residents to the south on Wrawby Road and Churchill Avenue.

To the west are properties on Wrawby Road and the recreation ground. The nearest property to the west is 33 Wrawby Road, a large detached dwelling. There are various hedges, trees and boundary trees on/close to the boundary of the site with 33 Wrawby Road. Plot 247 is approximately 12m from 33 Wrawby Road. Plot 247 is a detached dwelling with no window openings in the side elevations. Plots 239 and 240 are set behind plot 247 and are a pair of semis. Plots 239 and 240 are two-storey dwellings adjacent to the rear garden of 33 Wrawby Road. The only opening in the side elevation is a landing window which is not a habitable room. Therefore, the positioning of these plots will not result in any demonstrable loss of amenity to 33 Wrawby Road.

The rear gardens of plots 231 to 235 adjoin the rear garden boundary of 31 and 33 Wrawby Road. Due to separation distances in excess of 40m between these plots and 31 and 33 Wrawby Road, there will be no direct overlooking into the private garden areas of these properties. The rest of the plots to the western boundary face the recreation ground.

To part of the north and western boundaries are properties on Horstead Avenue and Foxton Way. A new development of bungalows is currently under construction on the former Brigg Resource Centre. The rear gardens of plots 176 to 190 are located along the northern boundary with Horstead Avenue. The siting and separation distances of these plots to the existing dwellings and the bungalows under construction will not result in loss of privacy/overlooking or overbearing issues to these properties. Plots 135, 108 and 101 to 107 are close to the western boundary. Also along this boundary is a wide corridor of green space. There are substantial separation distances between these plots and properties on Horstead Avenue and Foxton Way. It is noted that the first and second floor flats on Foxton Way will have a view of some of these plots. However, these flats are over 28m from the plots so any overlooking will be marginal, the flats looking over the front garden area and parking spaces of these plots.

Plots 71, 72 and 78 to 83 are sited along the northern boundary, adjacent to agricultural land. To the eastern boundary is agricultural land and beyond Brickyard Lane there are no existing residential properties close to the application site on these boundaries.

The proposal, in terms of amenity, would align with policies CS5 of the CS, H5 and DS1 of the NLLP, and the BRIH-3 and BRIH-4 housing allocations in the HELPA DPD.

## **Environmental matters**

### ***Contamination***

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. BRIH-3 housing allocation requires a land contamination assessment to be carried out so that appropriate design criteria and mitigation measures can be considered. The site currently comprises five agricultural fields which are separated by drainage ditches, hedges and trees. The site is approximately 24ha in size. The historical maps dating back to 1886 identify that the site has been used as agricultural land and has not been subjected to any former industrial land use; however, arable farming activities may have given rise to some potential contamination on site. A preliminary geoenvironmental investigation has been submitted by the developer. Environmental Protection have been consulted on this document. The preliminary conceptual site model has identified several potential contaminants associated with different farming activities over the years which may give rise to contamination of the soils. As the proposed end use is residential, it is of a sensitive nature, and the report recommends an intrusive investigation is required. With this in mind, Environmental Protection are recommending a full contamination condition. Subject to the imposition of the condition outlined above, the proposal is acceptable with regard to contamination and would align with policy DS7 of the NLLP and the BRIH-3 residential allocation in the HELA DPD.

### ***Air quality***

Policy CS18 of the CS is concerned with sustainable resource use and climate change. Its purpose is to promote development that utilises natural resources as efficiently and sustainably as possible. Two points of this policy are relevant: (10) ensuring development

and land use helps to protect people and the environment from unsafe, unhealthy and polluted environments, by protecting and improving the quality of the air, land and water; and (12) supporting new technology and development for carbon capture and the best available clean and efficient energy technology, particularly in relation to the heavy industrial users in North Lincolnshire, to help reduce CO2 emissions.

An air quality assessment has been submitted with the application which considers the air quality impacts from the construction phase and operational phase, and the suitability of the site for residential development. The conclusion of this assessment is that the potential risk of dust soiling is high from earthworks, construction and trackout activities. The potential risk of human health impacts is medium from earthworks, construction and trackout activities. To mitigate these impacts, Environmental Protection recommend restrictions on the working hours for construction, demolition and site clearance operations, and the submission of a construction environmental management plan (CEMP) for approval to the council.

In terms of the operational phase of the development, the submitted assessment provides details of impacts from the traffic generated by the development on the local area. An ADMS-Roads dispersion mode has been used to predict the air quality impacts from changes in traffic on the local road network from the following pollutants: PM10, PM2.5 and NO2. Following comments from Environmental Protection on the operation phase impacts, the developer has submitted additional information to the council. This information comprises an updated air quality assessment and an email response to the questions raised by Environmental Protection. Environmental Protection have assessed this updated/additional information and are satisfied that the development is acceptable in terms of air quality. The proposal therefore aligns with policy CS18 of the CS in terms of air quality.

### **Noise**

Policies DS1 and DS11 of the NLLP relate to noise, along with policy CS5 of the CS. BRIH-3 housing allocation requires a noise assessment to be carried out so that appropriate design criteria and mitigation measures can be considered. Environmental Protection have been consulted on the proposals. It is acknowledged that some noise and disturbance will be experienced during the construction of the development and that, due to the scale of the proposed development, this could take place over a significant period of time. However, this type of disturbance is generated by almost all new developments and is limited to the construction phase only. The council's Environmental Protection officer has recommended conditions restricting hours of construction operations and to secure an acceptable construction environmental management plan providing mitigation measures in relation to noise, vibration, dust and lighting during demolition and construction operations. It is considered that the recommended conditions will mitigate the impacts of the construction phase on neighbouring properties to an acceptable level.

The main source of noise is from road traffic along Wrawby Road and from the M180. An environmental noise survey at the site was undertaken between 8 to 10 June 2022. Measurements were collected at two unattended measurement locations; the dominant noise source at the site was established as being road traffic noise from the M180 and Wrawby Road. The report has assessed the site using appropriate guidance, Professional Practice Guidance on Planning and Noise for new residential development (ProPG) and British Standard BS8233:2014. The initial ProPG Stage 1 Assessment finds that acoustic challenges at the site are of low to medium risk.

The ProPG Stage 2 Assessment reports that the site is located a large distance from the M180 with future residential premises expected to be present in the future within the proposed development site to the north (subject to a separate planning application PA/2023/1425). This would result in reduced noise levels in the northern part of the site due to screening from the M180. The report includes an Acoustic Design Statement and the design of the site includes a stand-off to Wrawby Road with the first row of buildings facing Wrawby Road orientated so that the buildings provide a barrier to rear gardens and dwellings located further into the site.

To meet internal noise levels, a glazing and ventilator strategy has been identified to meet the required BS./who criteria for internal spaces. Sound insulation can be conditioned. External noise levels are predicted to be below the BS 8233 guideline value in all private gardens. Therefore, Environmental Protection are proposing planning conditions requiring the submission of a noise mitigation scheme to be approved by the council, and a verification report to be submitted for approval to the council, before the dwellings are occupied, which demonstrates the effectiveness of the mitigation measures. Subject to the aforementioned conditions, the proposal is considered to be acceptable in terms of noise. In terms of the noise impacts in this regard, the proposal would align with paragraph 193 of the NPPF, policy CS5 of the CS, policies DS1 and DS11 of the NLLP, and the BRIH-3 housing allocation in the HELA DPD.

### **Section 106 agreement and viability**

Policy CS27 is concerned with planning obligations and states that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005, seek obligations that are necessary to make proposals acceptable in planning terms. The tests for planning obligations are set out in Part 11, section 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It states: (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is: (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The legal test is also set out in planning policy under paragraph 57 of the National Planning Policy Framework 2023.

### ***Affordable housing***

Policy CS9 is concerned with affordable housing and requires schemes for new residential housing in market towns to contribute 20% of the scheme for affordable tenure. Ideally 70% of affordable housing supplied should be for rent and, where possible, the housing should be provided on site, but an off-site contribution may be acceptable in certain circumstances. Under policy CS9, the site requires 20% of the total number of dwellings to be provided on the site to be affordable. Based on 290 dwellings, this will equate to up to 58 affordable dwellings on the site.

### ***Education***

SPG8 Developer Contributions to Schools and policy C1 of the NLLP is relevant. Based on current 2023/24 figures, the education contribution for development in Brigg is, as amount per dwelling: for primary, £4,807 and for secondary, £5,795. Therefore, the total education

contribution per market dwelling amounts to £10,602 (affordable dwellings are excluded from an education payment).

### ***Recreation***

Policy CS23 of the CS requires contributions from developers towards recreational and leisure facility improvements, towards necessary improvements or additional provision for recreation facilities and open space arising from their development proposals. A total contribution of £246,030 is required for recreation which is equivalent to £848.38 per dwelling. the breakdown of this contribution is as follows:

- £20,064 towards developing a new 3G artificial grass pitch to serve the locality
- £23,494 for improvements towards natural grass pitches
- £104,077 for swimming facilities,
- £94,713 towards sports hall improvements, and
- £3,682 for improvements to indoor bowling facilities.

### ***Informal open space***

SPG10 Provision of Open Space in New Housing Developments is relevant, along with policy H10 of the NLLP. For a development of this size, 10sqm per dwelling of informal open space is required on site. Based on 2,900sqm open space being provided on the site, the council would request a contribution of £80,281.20 to cover the maintenance of the land for a period of 10 years. Due to the submitted viability, it is assumed that the on-site open space is to be transferred into and maintained by a private management company. This option would mean no financial contribution is payable to the council, but should be secured within the S106 to remain perpetuity.

### ***Area of play***

SPG10 Provision of Open Space in New Housing Developments and policy R2 is relevant, along with policy H10 of the NLLP. Policy R2 of the NLLP states one LEAP should be provided for developments between 51 and 100 dwellings, and thereafter one LEAP to be provided per 100 dwellings. In this case the council are requesting an off-site area of play contribution towards Woodbine Park, Brigg. The off-site contribution will amount to £162,318 towards Woodbine Park. Due to the submitted viability appraisal, the council would be willing to accept an off-site contribution in lieu of the proposed on-site LEAP. Since the applicant has proposed an area of play on site, the council wishes to propose that the money reserved to purchase the play equipment is instead provided as an off-site contribution for the council to spend towards the enhancement and improvement of Woodbine Park, directly west of the development site.

### ***Biodiversity***

A biodiversity net gain must be secured on site; if this cannot be done through conditions on site, it may need to be included in a section 106 agreement. BNG can be provided on site and therefore no contribution is required.

## **Health**

Policy CS24 of the CS relates to provision of health care services. The methodology used to determine a suggested amount of S106 funding is used from the Local Plan Housing and Primary Care Analysis, which uses a rate of £864.03 per market dwelling. A health contribution of £864.03 per market dwelling is required.

## **Public transport**

Policy CS25 relates to promoting sustainable public transport. To provide additional public transport facilities to mitigate impacts arising from the development, a transport contribution of £30,000 is requested towards the development of two new hard-standing bus stops and shelters on the A18, which will serve the development with existing bus services.

## **Viability**

Paragraph 57 of the NPPF states, 'It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.' Within policy CS27 (Planning obligations), the supporting text for this policy states, 'It is important that development costs, including the cost of implementing planning obligation agreements, should not prejudice development that supports North Lincolnshire Council's aspiration to see the regeneration, improvement and revitalisation of the area. If it is claimed that a development is unable to support the costs of a planning obligation (other than those essential to allow the development to proceed) then this could be the subject of negotiations. In such cases, the developer will have to demonstrate non-viability via an 'open book' approach.'

The applicant has concerns that the S106 contributions required would make the scheme unviable. As a result the applicant has submitted a viability report. This has been independently assessed by a professional expert in this field who has concluded that the scheme is unable to support any affordable housing or any financial gain contributions. Furthermore, the assessor has stated that, 'Even, if all of the S106 obligations are removed (including affordable housing), the scheme remains unviable (generating a negative land value) based on a current day basis.'

The assessor has highlighted that the development is subject to a number of technical challenges and as a result is subject to a range of abnormal costs, and that the current costs are subject to a much higher level of uncertainty than would normally be the case, due to continuing inflation. The assessor has adopted a benchmark land value of £2,325,000 and applied a profit which equates to 18% of GDV.

The assessor has also looked at the possibility that the developer may take a long-term view in the hope that when accounting for growth in the sales values and value engineering, to achieve savings in the construction costs, the scheme could produce a positive outturn. The assessor has therefore assessed the impact of changes in both the construction costs and sales values which demonstrates that there are multiple scenarios in which all or part of the current S106 package could be viable. The assessor also considered the impact of abnormal costs on the viability of the scheme and a negative land value is still generated (on a current day basis) if all of the abnormal costs are removed in their entirety.

Solely for planning purposes (as for viability testing a sensitivity exercise is not required) the purpose of the sensitivity exercise was to demonstrate the potential for the scheme to be

viable in the longer term and justify the developer's proposals for the site. The assessor advises that the council may wish to consider 'some form of clawback arrangement within the revised S106 Agreement whereby a further open book appraisal (i.e. late stage appraisal) will need to be completed after the scheme has been completed and if the clawback triggers are exceeded a financial contribution in lieu of affordable housing and current financial contributions become payable to the council.'

Although the site is not viable for any affordable housing and financial contributions, a S106 will still be required to secure the open space on the site and its maintenance (by a management company). The developer has also agreed to remove the LEAP on site and make a financial contribution of £60,000 towards the nearby Woodbine Park to improve the existing play facilities on/in this park.

A 'clawback' mechanism is also recommended within the S106 to ensure if the scheme does become viable once the development is completed/partially completed, then the council can seek S106 contributions from the developer to mitigate the impacts of the development in accordance with the planning policies mentioned above.

It is acknowledged that the development will only result in contributions for open space and an off-site financial contribution to improve the existing LEAP at Woodbine Park to mitigate the impacts of the development. The site has been allocated for housing since 2016 and has not seen delivery. The provision of the proposed 290 homes on this allocated housing site, would provide a very high number of dwellings, contributing positively to the council's housing land supply and providing a mix of housing types to meet the needs of the residents of North Lincolnshire. The new dwellings would support the existing services and facilities in the market town of Brigg and also those in Wrawby. The development proposed is a high quality development appropriate to its context. The development will deliver significant infrastructure benefits to Brigg in that the first part of the Brigg Link Road will be constructed as part of the development proposal. Therefore, on balance, the removal of the S106 contributions, apart from the provision of open space and maintenance on the site, and off-site financial contribution towards Woodbine Park, together with the 'clawback' mechanism to allow the council to seek S106 contributions potentially in the future if the scheme does prove to be viable, will allow for the delivery of this residential scheme on this allocated housing site which will provide significant overarching benefits to Brigg and Wrawby and to North Lincolnshire as a whole. The long-term future of the site for residential development will be secured. The developer is a national housebuilder who has shown commitment to the site and is also the applicant for the adjacent site under pending outline application PA/2023/1425. The scheme therefore complies with the relevant policies in the NPPF and Core Strategy, which confirm that there can be flexibility with regard to obligations that would make a scheme financially unviable.

### **Other matters**

Objections from Brigg Town Council and Wrawby Parish Council, and objectors, are noted. These objections have been largely addressed in this report. There is no evidence to suggest that the infrastructure and local services are unable to cope with the development, and there are no objections from statutory consultees to the development. The site will result in the loss of a greenfield site but the site is allocated for residential development in the development plan. The site is close to public transport links. Noise and vibration impacts will largely be during the construction phase and mitigated to a certain extent by planning conditions. There will be an increase in vehicles and pedestrians using Wrawby Road (A18) but this is part of the strategic road network and once the whole link road is

completed the site will be linked to Atherton Way. There will be no affordable housing on the site or other financial contributions apart from an off-site contribution to Woodbine Park. This has been justified in the submitted viability assessment which has been appraised by an independent expert in the field. The poplar trees to the western boundary are to be retained. There is no evidence to suggest wildlife will be lost on the site. The significant landscaping proposed and open space and biodiversity enhancements will provide wildlife gains on the site. The site is not over developed and is in character with this area of Brigg. The developer has carried out public engagement, and site and press notices have advertised the proposals accordingly. The application has also been placed on the council's website with all the statutory consultations carried out. Bungalows are provided on the site and, due to viability issues already on the site, it is accepted that further bungalows cannot be achieved on the site. There are no objections to the drainage proposals for the site. The site is also at low risk of flooding, being within flood zone 1. The development will not result in loss of privacy to occupiers of the development or existing occupiers. This has been assessed more fully in earlier sections of this report. The main access for this development at this site is from Wrawby Road.

### **Planning balance and conclusion**

This full application seeks planning permission for a residential development comprising 290 dwellings with associated works, including highways, open space, landscaping and drainage infrastructure. The proposal will also provide significant infrastructure by the construction of the first part of the Brigg Link Road from Wrawby Road into the site.

The proposal does involve the loss of some trees, but landscaping conditions can be used to secure a robust landscaping scheme on the site based on the submitted landscape master plan. The development will be visible on the landscape as the site will change from agricultural land to residential development. However, once the landscaping has matured over several years, the site will be assimilated into the landscape. BNG can be provided on the site due to the significant open space and landscaping proposed.

The site is allocated for residential development as part of the adopted development plan and its development would make a significant contribution towards meeting housing delivery targets. A mix of housing types and designs are proposed which will provide housing for the residents of North Lincolnshire. Dwellings will be constructed using modern sustainable building techniques. The site is in a sustainable location and will support the existing facilities and services in Brigg improving the sustainability of the site further. Occupiers of the development will also support the existing services and facilities within Brigg, improving the vitality and viability of the town. As outlined above, there will be no unacceptable impacts with regard to highway safety, amenity, drainage, ecology, contamination or noise, subject to planning conditions to mitigate any impacts identified. Furthermore, there have been no objections from any statutory consultees to the proposed development.

Therefore, subject to the recommended conditions and a section 106 agreement to secure public open space and maintenance on the site, an off-site contribution toward play facilities at Woodbine Park and a clawback mechanism whereby a further open book appraisal (i.e. late stage appraisal) will need to be completed after the scheme has been completed, and if the clawback triggers are exceeded a financial contribution in lieu of affordable housing and current financial contributions becomes payable to the council, it is considered the proposal is acceptable and this application should be supported.



## **Pre-commencement conditions**

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

## **RECOMMENDATION**

**Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 (or other appropriate legislation) providing for the provisions and maintenance of open space within the development, an off-site financial contribution of £60,000 towards play equipment at Woodbine Park and a clawback mechanism whereby a further open book appraisal (i.e. late stage appraisal) will need to be completed after the scheme has been completed, and if the clawback triggers are exceeded a financial contribution in lieu of affordable housing and current financial contributions becomes payable to the council, the committee resolves:**

- (i) it is mindful to grant permission for the development;
- (ii) the decision be delegated to the Development Management Lead upon completion of the obligation;
- (iii) if the obligation is not completed by 17 October 2024 in accordance with the above recommendation, the Development Management Lead be authorised to refuse the application on grounds of lack of open space on the site and lack of an off-site financial contribution towards improving the existing Woodbine Park to mitigate impacts of the development;
- (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 schedule and plans:

Brigg Plans Schedule dated 26 March 2024

Drawing no: 2250.B.04 0.9m Estate Railings

Drawing no: 1160-009 Rev A Duel Pumping Station Layout

Drawing no: 160-006 Rev A Proposed Levels Strategy Sheet 2

Drawing no: 160-005 Rev A Proposed Levels Strategy Sheet 1

Drawing No: 2250 01 R - Trees to be Retained.

Reason

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

3.

No development shall commence on site until a phasing plan setting out the proposed phasing of the construction of the development has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved phasing plan.

Reason

To ensure the development is brought forward in a coherent and planned manner.

4.

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

Reason

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

5.

No dwelling on the site shall be occupied until improvements to the footway/cycleway across the site frontage have been completed 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 ensure pedestrians and cycle linkages are provided along Wrawby Road in accordance with policies T2, T6 and T8 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy.

6.

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

Reason

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

7.

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

- the proposed method of forming access from the highway, including the required visibility splays;
- the method of constructing/paving the drive;
- the provision of adequate drainage features;
- the provision of suitable bin collection facilities adjacent to the highway;

- the provision of suitable lighting arrangements;
- the provision of street name plates that shall include the words 'Private Drive';

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

#### Reason

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

8.

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

#### Reason

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

9.

No above-ground works shall commence until the details of the pedestrian/cycle linkages onto South View Avenue and Wrawby Road, including the means of preventing unauthorised access by vehicles, have been submitted to and approved in writing by the local planning authority. Thereafter, the approved works shall be implemented as approved and in accordance with the Phasing Plan approved under condition 3.

#### Reason

To ensure satisfactory pedestrian and cycling linkages from the site to improve sustainability in accordance with policies T6 and T8 of the North Lincolnshire Local Plan and policy CS25 of the Core Strategy.

10.

No above-ground works shall commence until details of the cycle parking for each dwelling have been submitted to and approved in writing by the local planning authority. The cycle parking provision shall be secure and covered as a minimum. No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved details.

#### Reason

To ensure satisfactory cycle parking provision on the site in accordance with policy T8 of the North Lincolnshire Local Plan and policies CS5 and CS25 of the Core Strategy.

11.

No above-ground works shall commence until details of a suitable, controlled pedestrian/cycle crossing of the Brigg Link Road, in a location to be agreed and including timescales for construction and completion, have been submitted to and approved in writing by the local planning authority. Thereafter, only the approved scheme shall be installed on the site and retained.

#### Reason

In the interests of highway safety.

12.

No development shall begin on site until details of:

- the method of providing the new vehicular access point onto Wrawby Road, including required visibility splays;
- the layout, drainage, construction, services and lighting of the proposed access roads;
- the proposed pedestrian and cycle infrastructure within the site, including the priority crossing facility at the site access with Wrawby Road;

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

Reason

In the interests of highway safety and to comply with policies T2, T6, T8 and T19 of the North Lincolnshire Local Plan and policy CS25 of the Core Strategy.

13.

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

Reason

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

14.

The penultimate dwelling on site on any phase/sub-phase shall not be occupied until the access roads have been completed for that phase/sub-phase in accordance with the approved phasing plan (condition 3).

Reason

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

15.

No development, whether permitted by the Town and Country Planning (General Permitted Development) Order or not, shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

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

16.

Within six months of the occupation of the first dwelling on site, the residential travel plan shall be submitted to and approved in writing by the local planning authority. The residential travel plan shall include details of:

- a residential travel plan co-ordinator, including name, contact details, job description, weekly hours and annual budget for promotion, publicity and monitoring;
- details of how sustainable transport, such as walking, cycling and public transport will be promoted;
- a monitoring strategy.

Once approved, the plan shall be implemented, reviewed, updated and amended as necessary for five years from the date of first occupation.

**Reason**

To ensure sustainable transport for the site in perpetuity in accordance with policy CS25 of the Core Strategy.

**17.**

Unless otherwise agreed in writing by the local planning authority in consultation with National Highways (or its successors), no construction shall commence unless and until a detailed construction phase traffic management plan has been submitted to and approved in writing. Thereafter, the construction shall be undertaken in accordance with the approved plan.

**Reason**

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan and to safeguard the operation and free flow of traffic on the M180 strategic road network.

**18.**

A boundary treatment plan shall be submitted to and approved in writing by the local planning authority (in consultation with National Highways) for the M180 before commencement of development. The boundary treatment plan shall include as a minimum:

- (i) details of the fencing location, type, construction method and maintenance;
- (ii) details for management of existing boundary planting to include an arboricultural tree survey and tree protection plan with a method statement for any works required to address the removal, retention and management of trees along this boundary.

All works shall be undertaken in accordance with the agreed plan prior to commencement of development and maintained in perpetuity as such thereafter.

**Reason**

For reasons of safety, liability and maintenance in accordance with paragraph 57 of Department of Transport Circular 01/2022.

**19.**

Prior to construction above damp-proof course, a phasing plan setting out the details of the phasing of the development for foul water drainage shall be submitted to and approved in writing by the local planning authority. Thereafter, the foul water drainage development shall be carried out in complete accordance with the approved phasing plan.

Reason

To ensure the development is phased to avoid an adverse impact on drainage infrastructure in accordance with policies CS18 and CS19 of the Core Strategy.

20.

Prior to the construction above damp-proof course, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the local planning authority. Prior to the occupation of any dwelling for any phase of the development, the foul water drainage works relating to that phase must have been carried out in complete accordance with the approved scheme.

Reason

To prevent environmental and amenity problems arising from flooding in accordance with policies CS18 and CS19 of the Core Strategy, and policy DS14 of the North Lincolnshire Local Plan.

21.

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

Reason

In the interests of highway safety.

22.

No development shall take place until a scheme for surface water disposal, including the maintenance and adoption arrangements, for each phase of the development, in accordance with the approved phasing plan (condition 3), has been submitted to and agreed in writing by the local planning authority. This must be based upon the submitted Flood Risk Assessment dated March 2024 by Fortem Civil Engineering Consultants Ltd and appendices A, B, C and D, drawing no 1160-SK05 Surface Water Drainage Treatment Review, drawing no 1160-Sk04 Rev A Surface Water Drainage Principles Review (LLFA) and drawing no 1160-003 Rev D Proposed Drainage Strategy, SuDS Design Statement report dated March 2024, SuDS Design Summary dated 06/03/2024, SuDS Design Report Appendix A and B. No dwelling shall be occupied in any phase of the development until it is connected to the approved drainage system, which shall thereafter be retained and maintained in accordance with the approved details.

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.

23.

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

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

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

#### Reason

To protect the amenity of the residents of the proposed dwellings in accordance with policy CS5 of the Core Strategy, and policies DS1 and DS11 of the North Lincolnshire Local Plan.

#### 24.

Prior to the occupation of the dwellings hereby permitted and following installation of the mitigation measures in accordance with the approved technical specification required by condition 23 above, a verification report that demonstrates the effectiveness of the mitigation measures shall be undertaken. The verification report shall be submitted to and approved in writing by the local planning authority.

#### Reason

To protect the amenity of the residents of the proposed dwellings in accordance with policy CS5 of the Core Strategy, and policies DS1 and DS11 of the North Lincolnshire Local Plan.

#### 25.

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 in accordance with policies DS1 and DS7 of the North Lincolnshire Local Plan.

26.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays.

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

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

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

#### Reason

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

27.

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, and all recommendations made in Table 20 of report reference 5817r3, as a minimum:

- (i) 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.
- (ii) Light – the CEMP shall set out the particulars of:
  - (a) specified locations for contractors' compounds and materials storage areas;

- (b) areas where lighting will be required for health and safety purposes;
  - (c) the location of potential temporary floodlights;
  - (d) the identification of sensitive receptors likely to be impacted upon by light nuisance;
  - (e) proposed methods of mitigation against potential light nuisance, including potential glare and light spill, on sensitive receptors.
- (iii) Dust – the CEMP shall set out the particulars of:
- (a) site dust monitoring, recording and complaint investigation procedures;
  - (b) the identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
  - (c) the provision of water to the site;
  - (d) dust mitigation techniques at all stages of development;
  - (e) the prevention of dust trackout;
  - (f) communication with residents and other receptors;
  - (g) a commitment to cease the relevant operation if dust emissions are identified, either by regular site monitoring or by the local authority;
  - (h) a ‘no burning of waste’ policy.

**Reason**

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

**28.**

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

**Reason**

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

**29.**

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

- (a) details of bat boxes and bat bricks, of at least two different specifications, to be installed on 15% of dwellings;
- (b) details of swift boxes and sparrow terraces to be installed on 15% of dwellings combined;
- (c) details of nesting sites to be installed to support a variety of other species, including house martin and garden birds;
- (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 native trees, shrubs, hedgerows and wildflowers of high biodiversity value;
- (g) details of wetland habitat to be created and managed as part of sustainable drainage;
- (h) appropriate phasing mechanisms to ensure that significant areas of habitat are created and are becoming properly established before each phase of construction;
- (i) procedures for monitoring and ongoing management of created habitats for a period of at least 30 years;
- (j) measures to avoid light, noise and water pollution, fly-tipping and other factors that would harm habitats and species;
- (k) prescriptions for the provision of a wildlife gardening leaflet for each new resident;
- (l) details to confirm that the measures proposed will provide a measurable net gain in biodiversity value of least 1% in accordance with the Defra biodiversity metric 3.0;
- (m) proposed timings for the above works in relation to the completion of the dwellings.

#### Reason

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

30.

The species protection plan and biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, for a period of at least 30 years, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 50th, 100th, 150th, 200th and 250th dwelling hereby approved, the applicant or their successor in title shall submit a report to the local planning authority providing evidence of compliance with the species protection plan and biodiversity management plan.

Reason

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

31.

Before development is commenced, details of the method of protecting the existing trees on the site shown to be retained on drawing no 2250.02 REV S (Planning Layout) throughout the construction period shall be submitted to and approved in writing by the local planning authority, and such works as may be so approved shall be carried out before development is commenced, and maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

Reason

To safeguard existing trees on the site in accordance with policy LC12 of the North Lincolnshire Local Plan and policy CS5 of the Core Strategy.

32.

No works above ground level shall take place until proposals for landscaping have been submitted to and approved by the local planning authority. This landscaping scheme must be based on the submitted landscape masterplan GL187012C. The proposals shall include indications of all existing trees and hedgerows on the site, and details of any to be retained, together with measures for their protection during the course of development.

Reason

To ensure landscaping is provided on the site, and in the interests of amenity and biodiversity in accordance with policy CS5 of the Core Strategy, and BIRH-3 and BRIH-4 of the Housing and Employment Land Allocations Development Plan Document.

33.

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

Reason

To ensure landscaping is provided on the site, and in the interests of amenity and biodiversity in accordance with policy CS5 of the Core Strategy, and BIRH-3 and BIRH-4 of the Housing and Employment Land Allocations Development Plan Document.

34.

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

Reason

To safeguard privacy for occupants of the proposed dwellings.

### **Informatives**

1.

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

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.

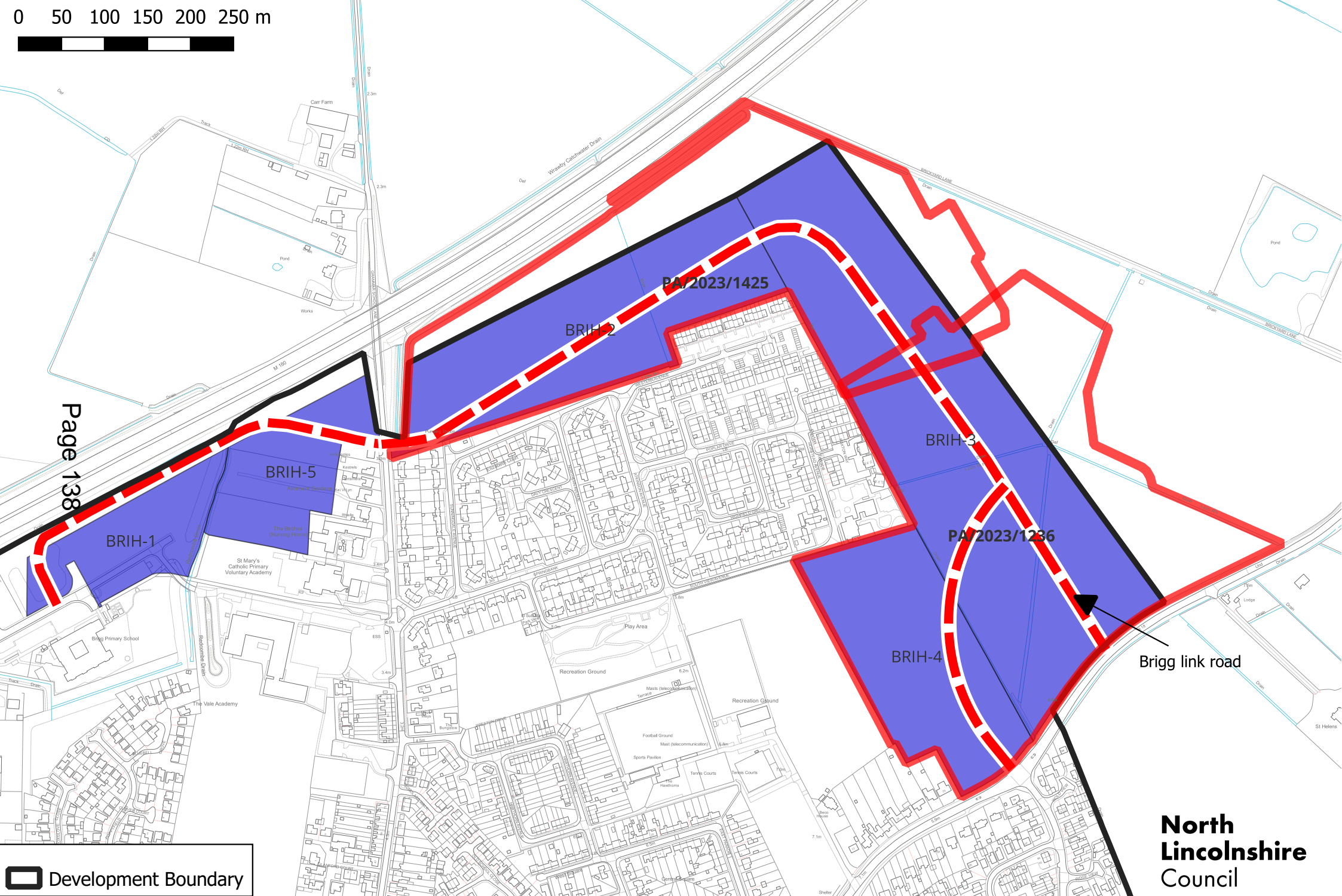
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

4.

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

 Development Boundary

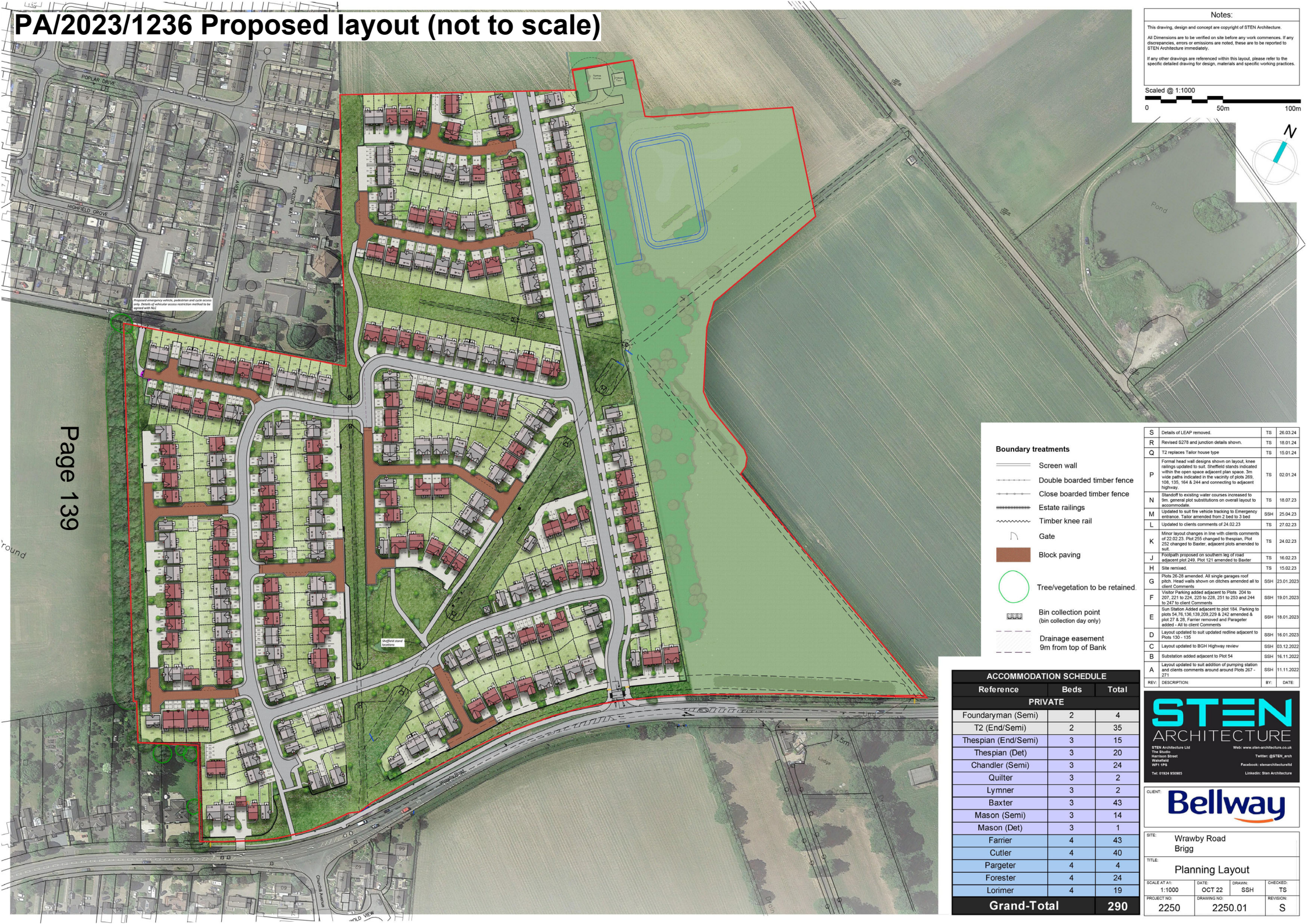
**PA/2023/1236**



**North  
Lincolnshire  
Council**

# PA/2023/1236 Proposed layout (not to scale)

**Notes:**  
 This drawing, design and concept are copyright of STEN Architecture.  
 All Dimensions are to be verified on site before any work commences. If any discrepancies, errors or omissions are noted, these are to be reported to STEN Architecture immediately.  
 If any other drawings are referenced within this layout, please refer to the specific detailed drawing for design, materials and specific working practices.  
 Scaled @ 1:1000  
 0 50m 100m



Page 139

- Boundary treatments**
- Screen wall
  - Double boarded timber fence
  - Close boarded timber fence
  - Estate railings
  - Timber knee rail
  - Gate
  - Block paving
  - Tree/vegetation to be retained.
  - Bin collection point (bin collection day only)
  - Drainage easement 9m from top of Bank

S	Details of LEAP removed	TS	26.03.24
R	Revised S279 and junction details shown.	TS	18.01.24
Q	T2 replaces Tailor house type	TS	15.01.24
P	Formal head wall designs shown on layout, knee railings updated to suit. Sheffield stands indicated within the open space adjacent plot spaces. 3m wide paths indicated in the vicinity of plots 269, 105, 135, 164 & 244 and connecting to adjacent highway.	TS	02.01.24
N	Standoff to existing water courses increased to 5m, general plot substitutions on overall layout to accommodate.	TS	18.07.23
M	Updated to suit fire vehicle tracking to Emergency entrance. Tailor amended from 2 beds to 3 beds	SSH	25.04.23
L	Updated to clients comments of 24.02.23	TS	27.02.23
K	Minor layout changes in line with clients comments of 22.02.23. Plot 255 changed to thespian, Plot 255 changed to Baxter, adjacent plots amended to suit.	TS	24.02.23
J	Floodplain proposed on southern leg of road adjacent plot 249. Plot 121 amended to Baxter	TS	16.02.23
H	Site removed.	TS	15.02.23
G	Plots 26-28 amended. All single garages roof pitch, head walls shown on dishes amended all to client Comments	SSH	23.01.2023
F	Visitor Parking added adjacent to Plots 238 to 247, 221 to 224, 225 to 228, 251 to 253 and 244 to 247 to client Comments	SSH	19.01.2023
E	San Station added adjacent to plot 184. Parking to plots 54, 76, 136, 138, 209, 229 & 242 amended & plot 27 & 28. Farrier removed and Paragater added - All to client Comments	SSH	18.01.2023
D	Layout updated to suit updated redline adjacent to Plots 150 - 155	SSH	16.01.2023
C	Layout updated to BCH Highway review	SSH	03.12.2022
B	Substation added adjacent to Plot 54	SSH	16.11.2022
A	Layout updated to suit addition of pumping station and clients comments around around Plots 267 - 271	SSH	11.11.2022
REV:	DESCRIPTION:	BY:	DATE:

ACCOMMODATION SCHEDULE		
Reference	Beds	Total
<b>PRIVATE</b>		
Foundryman (Semi)	2	4
T2 (End/Semi)	2	35
Thespian (End/Semi)	3	15
Thespian (Det)	3	20
Chandler (Semi)	3	24
Quilter	3	2
Lymner	3	2
Baxter	3	43
Mason (Semi)	3	14
Mason (Det)	3	1
Farrier	4	43
Cutler	4	40
Pargeter	4	4
Forester	4	24
Lorimer	4	19
<b>Grand-Total</b>		<b>290</b>

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**Bellway**

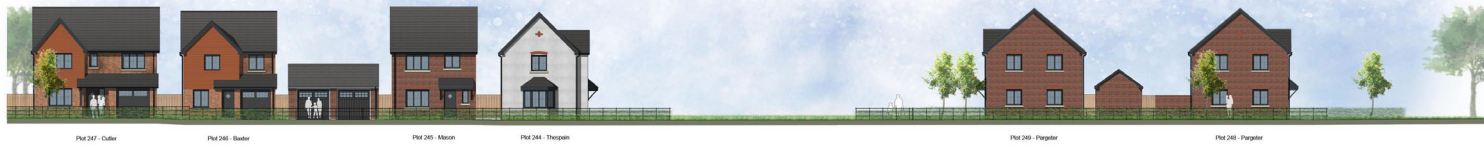
CLIENT: Wrawby Road Brigg

SITE: Wrawby Road Brigg

TITLE: Planning Layout

SCALE AT A1:	DATE:	DRAWN:	CHECKED:
1:1000	OCT 22	SSH	TS
PROJECT NO:	DRAWING NO:	REVISION:	
2250	2250.01	S	

# PA/2023/1236 Street scenes A-A, B-B and C-C (not to scale)



WRAWBY ROAD STREET SCENE A-A @ 1:200



WRAWBY ROAD STREET SCENE B-B @ 1:200



WRAWBY ROAD STREET SCENE B-B CONTINUED @ 1:200



STREET SCENE C-C @ 1:200

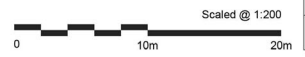


STREET SCENE C-C THOMPSON CONTINUED @ 1:200



KEY NTS

Levels shown on street Scenes are indicative. Please refer to engineering details for further clarification.



E	Updated to Planning Layout revision D.	TS	26.03.24
D	Street scenes A-A & B-B indicated as Wrawby Road Street Scenes as per clients comments.	LS	17.10.23
C	Updated to Planning Layout revision N. Street scenes A-A & B-B updated as per changes to house type specification.	LS	13.10.23
B	Updated to Planning Layout revision L.	VR	17.04.23
A	Updated to Planning Layout revision B. engineers levels applied to street scenes as per clients comments.	LS	22.11.22
REV:	DESCRIPTION:	BY:	DATE:

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LinkedIn: Sten Architecture

CLIENT: **Bellway**

SITE: **Brigg**

TITLE: **Street Scenes**

SCALE AT A1:	DATE:	DRAWN:	CHECKED:
1:200	18.10.22	LS	-
PROJECT NO:	DRAWING NO:	REVISION:	
2250	2250.04.01	E	



# PA/2023/1236 Street scenes D-D and E-E (not to scale)



STREET SCENE D-D @ 1:200



STREET SCENE D-D CONTINUED @ 1:200



STREET SCENE E-E @ 1:200



STREET SCENE E-E CONTINUED @ 1:200



KEY NTS

Page 14

Levels shown on street Scenes are indicative.  
Please refer to engineering details for further clarification.

D	Updated to Planning Layout revision B.	TS	28.03.24
C	Updated to Planning Layout revision N.	LS	13.10.23
B	Updated to Planning Layout revision L.	VR	17.04.23
A	Updated to Planning Layout revision B, engineers levels applied to street scenes as per clients comments.	LS	22.11.22
REV:	DESCRIPTION:	BY:	DATE:

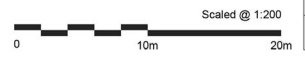
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CLIENT: **Bellway**

SITE: **Brigg**

TITLE: **Street Scenes**

SCALE AT A1:	DATE:	DRAWN:	CHECKED:
1:200	18.10.22	LS	-
PROJECT NO:	DRAWING NO:	REVISION:	
2250	2250.04.02	D	



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<b>APPLICATION NO</b>	<b>PA/2023/1719</b>
<b>APPLICANT</b>	Modernistiq (Harrogate) Ltd
<b>DEVELOPMENT</b>	Planning permission to vary condition 1 of PA/2020/1413 (reserved matters) namely to amend the red line boundary and remove two visitor spaces
<b>LOCATION</b>	Garage, 123 Westgate Road, Westgate, Belton, DN9 1PY
<b>PARISH</b>	<b>BELTON</b>
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Matthew Gillyon
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Belton Parish Council

## **POLICIES**

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

- 11 Making effective use of land
- 12 Achieving well-designed and beautiful places

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

- H5 New housing development
- RD2 Development in the open countryside
- T2 Access to the development
- T19 Car parking provision and standards
- LC14 Area of special historic landscape interest
- DS1 General requirements
- 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

CS19 Flood risk

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

PS1 Presumption in favour of sustainable development

Settlement Inset Map 8 – Belton, Westgate and Carrhouse

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

RD1 Supporting sustainable development in the countryside

DQE5 Managing flood risk

DM1 General requirement

### **CONSULTATIONS**

**Highways:** No objections to the amendment of the red line boundary or the removal of the two visitor spaces. However, they will need to amend the Section 38 drawing for this development to reflect this.

**LLFA Drainage:** No objections to or comments on this application but the developer needs to be mindful that we have a current holding objection to the proposed surface water drainage design to discharge conditions for PA/2022/364.

### **PARISH COUNCIL**

Objects to this application to vary the condition of planning application PA/2020/1413. The councillors wish to point out that the parking was needed for the original application and there is no justification to the removal of parking spaces. Parking is already taking place on the road outside the site on a road that is already very busy.

### **PUBLICITY**

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

## ASSESSMENT

### Planning history

- PA/2017/1975: Outline planning permission to erect up to 23 dwellings with appearance, landscaping, layout and scale reserved for subsequent approval – refused 14/12/2018 , appeal allowed 11/03/2020
- PA/2020/1413: Application for approval of reserved matters following outline planning permission PA/2017/1975 dated 11/03/2020 for the erection of up to 23 dwellings, namely appearance, landscaping, layout and scale – approved with conditions 28/01/2021
- PA/2020/2028: Application for the modification of planning obligations attached to PA/2017/1975 – approved 23/11/2021
- PA/2021/1130: Application for a non-material amendment to PA/2020/1413 namely to increase eaves and ridge heights of house type 3 by 310mm and change plots 4 and 7 from house type 2 to house type 3 – approved with conditions 29/07/2021
- PA/2022/364: Planning permission to make alterations to existing building to form a four-bedroom dwelling, including part demolition – approved with conditions 05/05/2022

### Site constraints

Outside the development boundary of Belton, Westgate and Carrhouse

LC14 Area of Special Historic Landscape Interest

SFRA Flood Zone 1

### The site and proposal

Following an appeal, the site was granted outline planning permission for 23 dwellings under application PA/2017/1975; this granted outline permission and defined the red line boundary for the development which was set around the garage on Westgate Road. Subsequently, a reserved matters application (PA/2020/1413) was approved which finalised the layout of the site and included five visitor car parking spaces: three at the back of the site and two at the top of the site adjacent to the garage on Westgate Road. This application is to vary condition 1 of the approval of reserved matters and looks to amend the red line boundary of the development and remove the two visitor spaces at the top of the site in order to accommodate the redevelopment of the garage on Westgate Road.

**The main issue in determining this application is whether the variation of condition 1 of PA/2020/1413 is acceptable.**

Condition 1 reads:

The development hereby permitted shall be carried out in accordance with the following approved plans: 3172-DEN-X-XX-DR-A-1002; 3172-DEN-X-XX-DR-A-1003; CE-WR-1762-DW01-V1.2; 3172-DEN-X-XX-DR-A-2010; 3172-DEN-X-XX-DR-A-2001; 3172-DEN-X-XX-

DR-A-2002; 3172-DEN-X-XX-DR-A-2004; 3172-DEN-X-XX-DR-A-2003; 3172-DEN-X-XX-DR-A-2005; 3172-DEN-X-XX-DR-A-2006; 3172-DEN-X-XX-DR-A-2007; 3172-DEN-X-XX-DR-A-2008; 3172-DEN-X-XX-DR-A-1000; 3172-DEN-X-XX-DR-A-4000; 3172-DEN-X-XX-DR-A-2009.

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

The applicant seeks to vary condition 1 to alter the red line boundary and remove the two visitors' spaces at the top of the development. The red line boundary and visitor parking spaces are proposed to be altered to allow for the dwelling approved under PA/2022/364 to utilise this land for an access point, a detached garage and associated boundary treatment.

The highways team has commented that they have no objections to the amendment of the boundary or the removal of the two visitor spaces, but that they will need to amend the Section 38 drawing for this development to reflect the change. The Section 38 agreement has been submitted and approved which removes the legal obligation to provide these two visitor parking spaces. It is considered that the applicant has addressed the legal requirement to provide these spaces as informed by the highways team. The site will still provide three visitor spaces on the site, and there is on-street parking along Horseshoe Close for anyone visiting the development.

The concerns raised by the parish council are acknowledged – that parking was agreed under the original plans and there is no justification to remove the parking spaces, noting that parking is already taking place on Westgate Road. The legal requirement to provide these two visitor parking spaces has now been agreed, with the highways team having no objection to their removal and amendment of the red line boundary. Whilst displaying the site notice for the application it was noted that vehicles were parked along Horseshoe Close, with no observed excess on-street parking along Westgate Road; this would have been flagged when the highways team commented on the application. The proposal will remove two of the five visitor car parking spaces previously approved but it is considered that their removal will have limited impact on amenity, three spaces still being provided along with available on-street parking along Horseshoe Close.

The LLFA Drainage team has also confirmed that they have no objection to the proposal, the comment regarding the surface water drainage design for the dwelling being a separate planning matter that would not be considered by this application.

The site notice was displayed on Westgate Road and Horseshoe Close with no comments received regarding the removal of the visitor spaces and amendment to the red line boundary.

In conclusion, the variation of condition for the amendment to the red line boundary and removal of two visitor spaces is considered to be acceptable. The application is therefore recommended for approval.

**RECOMMENDATION      Grant approval subject to the following condition:**

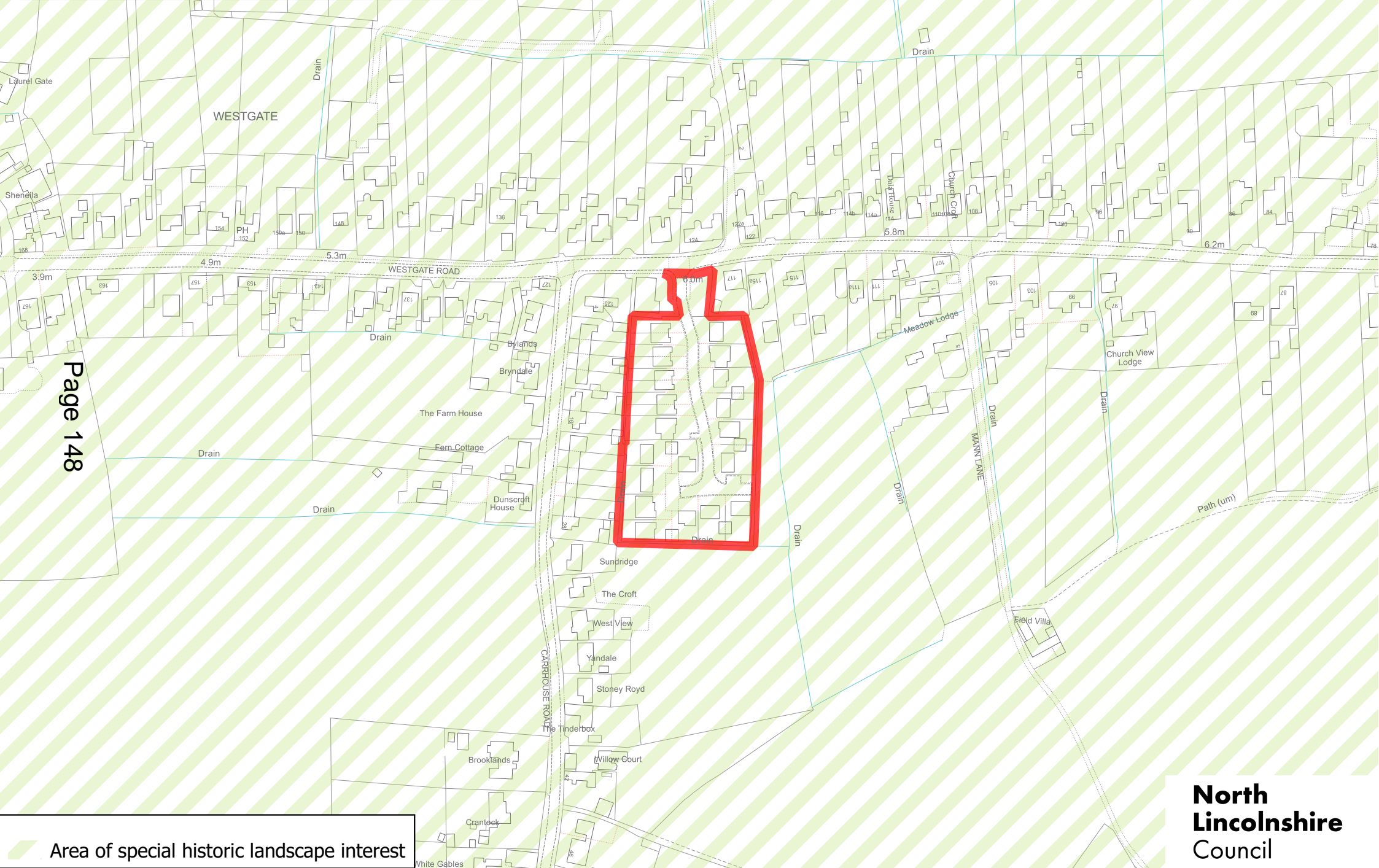
1.  
The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed Site Plan Drawing No. 1103 Oct 2023.

**Reason**

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

## **Informative**

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



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Area of special historic landscape interest

**North  
Lincolnshire  
Council**

**PA/2023/1719**

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# PA/2023/1719 Proposed layout (not to scale)



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File

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Northpoint:

Rev	Date	Amendment	By	CHK

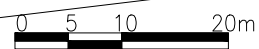
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


Project:				
Proposed Dwelling Westgate Road, Belton				
Client:				
Modernistiq (Harrrogate) Ltd				
Title:				
Proposed Site Plan				
Date:	Scale:	Size:	Drawn:	Checked:
Oct 2023	1/250	A1	ADP	
Project No:	Draw No:	Rev:	Status:	
3172	1103	-	Planning	

**AMENDED**

C:\Users\den\OneDrive - Den Architecture Ltd\Documents\PA/2023/1719\Westgate Road, Belton\03\_00\_Plan\03\_00\_Plan.dwg  
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Northpoint:

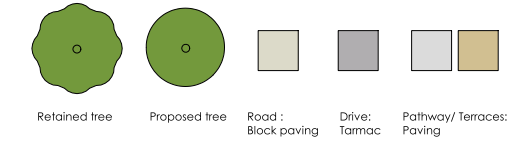
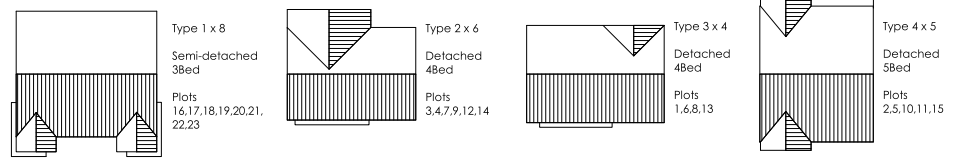


Rev	Date	Amendments	By	Chkd
A	10/09/20	Road extended to site boundary to provide maintenance access to adjacent field	LD	ADP
B	22/09/20	Plot 1 position updated	LD	ADP



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Road extended to site boundary to provide maintenance access to adjacent field



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Project:  
**Proposed Residential Development, Westgate Road, Belton**

Client:  
**Modernistq (Harrrogate) Ltd**

Dwg Title:  
**Proposed Site Plan**

Date: July 20	Scale: 1 : 200	Drawn: LD	Checked: ADP
Project No: 3172	Site: A1	Status: Planning	
Drawing Number: 3172-DEN-X-XX-DR-A-1002			Revision: B

For landscape:  
Refer to the Detailed Landscape scheme by Crestwood Environmental Ltd

## 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 17 April 2024

Date: 8 April 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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<b>APPLICATION NO</b>	<b>PA/2021/1661</b>
<b>APPLICANT</b>	Charles Ranby-Gorwood
<b>DEVELOPMENT</b>	Planning permission to erect nine dwellings with associated access road, gardens and parking areas
<b>LOCATION</b>	Anchor Village, Pasture Road, Barton upon Humber, DN18 5HP
<b>PARISH</b>	<b>BARTON UPON HUMBER</b>
<b>WARD</b>	Barton
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Keith Vickers – significant public interest) Objection by Barton upon Humber Town Council

## **POLICIES**

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

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

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

DS1 General requirements

DS14 Foul sewage and surface water drainage

DS16 Flood risk

HE2 Development in conservation areas

HE9 Archaeology

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

CS5 Delivering quality design in North Lincolnshire

CS6 Historic environment

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS17 Biodiversity

CS19 Flood risk

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

DQE1 Protection of landscape, townscape and views

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

HE1 Conserving and enhancing the historic environment

**CONSULTATIONS**

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

**Environment Agency:** Following receipt of an updated Flood Risk Assessment (FRA) the previous objection is withdrawn and a condition is recommended.

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

**Anglian Water:** The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information.

**Environmental Protection:** Recommend conditions in respect of contaminated land investigation (specifically verification of the remediation of the site), submission of noise assessment and in respect of construction working hours.

**Archaeology:** The application site lies close to the core of historic Barton in an area where archaeological remains are anticipated. Mitigation proposals to offset the harm to any archaeological remains should be set out in a written scheme of investigation (WSI) and submitted prior to determination of the planning application. Mitigation should comprise a programme of archaeological monitoring and recording to be undertaken during the construction groundworks. Where the planning authority is 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 a mitigation strategy and WSI is not in place.

**Tree Officer:** This site is within the conservation area of Barton and as such trees on this site are offered some protection because of this. The aerial view does show that there are trees on this site but the submitted documents do not include any arboricultural report or other information as to the trees on the site, their location, size, condition, retention values and root protection areas for those trees worthy of retention. The information about the landscaping for the site does show indicative planting and green infrastructure but lacks any real detail.

In short, there does appear to be some trees on this site, that have some protection due to the conservation area, but no information to suggest they have been properly considered or that there has been sufficient mitigation replacement through landscaping if they are needing to be removed.

**Spatial Planning:** The development plan for Barton upon Humber consists of the Core Strategy and Housing and Employment Land Allocations DPD of the North Lincolnshire LDF and the Saved Policies of the North Lincolnshire Local Plan 2003.

The site is in the development limit of Barton upon Humber; therefore, in principle, the proposals are in conformity with the development plan. The site is within the development limit of Barton upon Humber and is in conformity with policy CS2.

The site is in Barton upon Humber, which is a market town/large service centre and scored 69 points in the North Lincolnshire Settlement Survey (2019) and was 2nd overall out of all the settlements in North Lincolnshire on sustainability grounds. The settlement survey looks

at key features which make up sustainability which are primary school, secondary school, doctors and community facilities. Barton upon Humber is a market town/large service centre and has 7 of the 7 key facilities – public house, village hall/church hall/community centre and primary school.

It has been acknowledged that the site is piecemeal development to the original planning permission for 16 dwellings; however, due to the viability of that scheme and no increase in the number of dwellings, no section 106 contributions will be sought.

Housing development in principle is acceptable and in conformity with the development plans subject to the above policy requirements.

**Waste and Recycling:** Comments made in relation to bin types and numbers, vehicular access and highway construction for refuse collection vehicles, and pulling distances of bins for both residents and collection crews.

**Humberside Police:** The local planning authority seeks to encourage Secured by Design (SBD) accreditation where appropriate. SBD is a national police initiative that is owned by the UK Police Service. It is designed to encourage the building industry to adopt crime prevention measures to assist in reducing the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments. The environmental benefits of SBD are supported by independent academic research consistently proving that SBD housing developments experience up to 87% less burglary, 25% less vehicle crime and 25% less criminal damage, and also has a significant impact on antisocial behaviour. The Secured by Design Developer's Award is a free award should the applicant wish to apply.

I would like to recommend all proposed dwellings are designed and constructed to the 'Police Preferred Specification' SBD criteria; the development can achieve a Silver Award if the SBD criteria is applied, with an opportunity to apply for a Gold Award, incorporating layout and design. Information on Secured by Design and the National Building Approval Scheme can be found at [www.securedbydesign.com](http://www.securedbydesign.com) or by contacting me direct. I would be happy to discuss this further and to go through the Secured by Design, 'Homes 2019' Design Guide at no cost to the applicant.

**Conservation:** The design looks to be almost identical to that already approved and built on the site and so I am not going to comment on this.

I would note that from the driveway entrance to the site there is a pleasant view of St Mary's Church, a grade I listed building. The view isn't designed, or intentional, however it does contribute to the experience of its significance and the layout of the site, and if to be approved should ensure that view of the church tower is retained. A visualisation of similar should be requested from the applicants to show how plots 1 and 2 will stand with the view of the church and this should form an addendum to the heritage statement which doesn't assess this aspect at all.

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

**Humberside Fire and Rescue:** It is a requirement that adequate access for firefighting is provided to all buildings or extensions to buildings.



## **TOWN COUNCIL**

Committee object to the application as the proposed properties are too close and of too high density as well as still being too tall. Also, the overall design is unimaginative, and it is recommended that the application follows the Design Codes contained within the Barton upon Humber Draft Neighbourhood Plan. It is hoped that North Lincolnshire Council request a site meeting.

## **PUBLICITY**

Site notices have been displayed and three responses have been received raising the following issues:

- works have taken place on site without any planning permission being granted
- it is questioned why the applicant can develop the site without any planning permission
- the access to Anchor Village should not be used
- the dwellings are sited window to window with existing houses
- loss of light
- lack of separation between existing houses and those which have been constructed on the site.

## **ASSESSMENT**

### **Planning history**

- PA/2007/0296: Planning permission to erect 26 one and two-bedroom apartments together with communal facilities, including the demolition of 13 and 15 Pasture Road, outbuildings and sheds – approved with conditions 24/05/2007
- PA/2007/0297: Conservation area consent to demolish 13 and 15 Pasture Road and the outbuildings and sheds to the rear of the building – approved with conditions 24/05/2007
- PA/2009/0543: Planning permission to vary condition 19 of planning permission PA/2007/1773 dated 24/01/09 to allow persons over 55 years of age and persons requiring full-time care to occupy the units – approved with conditions 29/06/2009
- PA/2007/1773: Planning permission to erect 34 apartments together with communal facilities including demolition of a garage – approved with conditions 24/01/2008
- PA/2006/1807: Conservation area consent to demolish 2 dwellings and outbuildings to the rear of 13 and 15 Pasture Road – withdrawn 30/01/2007

PA/2006/1808: Planning permission to erect 38 one and two-bedroom apartments along with communal facilities to include demolition of 13 and 15 Pasture Road and outbuildings to the rear – withdrawn 31/01/2007

PA/2002/1370: Planning permission to erect a two-storey extension with two bedrooms over covered way – approved with conditions 28/10/2002

PA/2018/1049: Planning permission to erect 16 dwellings along with associated infrastructure – approved with conditions 18/01/2019.

## **Site and proposal**

The application site consists of a piece of land within the defined settlement boundary for Barton upon Humber; it is located within the conservation area and within flood zone 2/3a. The dwellings are partly constructed on the site (up to eaves height) and the vehicular access is a shared driveway with the parking area that serves Anchor Village to the front. The area is predominantly residential in nature with the former St Mary's Works to the west and St Mary's Church approximately 119 metres to the south-west. Dwellings have been approved and constructed on the site to the north (known as Brewers Lane) and Barton town centre is within walking distance to the south-west. Planning permission is sought to erect nine dwellings with associated gardens, vehicular access and parking spaces.

**The main issues in determining this planning application are the principle of development, and impact on the street scene/conservation area, residential amenity and flood risk/drainage. Other issues include contaminated land and impact on archaeology.**

## **Principle**

The application site is within the settlement boundary of Barton upon Humber which is designated as a market town in the adopted Core Strategy. Policy CS2 states that development should be focused on previously developed land and buildings within the defined development limits of North Lincolnshire's market towns.

Policy H8 (Housing Design and Housing Mix) applies and states that new residential development will be permitted provided that it incorporates a high standard of layout which maintains, and where possible improves and enhances, the character of the area and protects existing natural and built features, landmarks or views that contribute to the amenity of the area. This site constitutes developable land within the settlement boundary of Barton upon Humber; therefore, there is a presumption in favour of residential development. In addition, the proposed development site will deliver nine dwellings on a site which is within both walking and cycling distance of Barton town centre which provides shops and local amenities/services and access to sustainable modes of travel (including a bus and railway station). The proposal is thus considered to comply with the overarching sustainability principles set out in the Core Strategy (policy CS2) and within the NPPF. In addition, it is worth noting there is an extant planning permission on this site for eight dwellings. This forms part of the wider planning permission for 16 dwellings approved and implemented under PA/2018/1049. Therefore, the principle of residential development on this site has already been established.

## Street scene

The plans show the erection of four pairs of semi-detached houses and a detached dwelling on land to the rear of an existing residential care home known as Anchor Village. Four of the dwellings are proposed to be two storeys in height and the remaining five, including the detached dwelling, propose rooms within the roof space. The dwellings to be located nearest to the road will be set back a distance of 16 metres from the public highway. This means that the development proposals will be visible in the street scene and within the conservation area; however, the dwelling will be screened to some extent to the rear of existing built form along the Pasture Road frontage (i.e. by Anchor Village which is two storeys in height). It is accepted that views of some of the dwellings (most notably plots 1 to 3 and 9) will be available from the site access road in a westerly direction from Pasture Road; however, such a view will be of modern dwellings framed within the context of existing built form which comprises dwellings to the north and south, Anchor Village to the highway frontage and a modern housing estate to the north.

The plans show that, compared to the housing scheme approved under the 2018 planning permission on this site, the proposed development layout is broadly consistent in that it includes three pairs of semi-detached dwellings along its western boundary with St Mary's Works with the remainder of the houses positioned along the eastern side of the site (close to Anchor Village) and the parking areas located in the centre of the site and along the southern boundary. The other difference is the inclusion of another dwelling on the eastern side of the parking area; this is a detached dwelling and is shown with an area of private amenity space to the side.

In terms of the dwellings, the plans show that all dwellings will be of a gable roof design and are proposed to be constructed from a red brick with a timber entrance feature at ground floor, and a slate roof tile with grey aluminium windows and composite doors throughout. The plans also show that two pairs of the semi-detached houses (plots 5 to 8) will have differing red bricks and a staggered position within the site, adding visual differentiation and interest and resulting in greater private amenity space provision for the dwellings close to the access road and parking areas in the centre of the site.

All the window openings will be constructed from aluminium; this will visually assimilate with the colour of the doors and with the roof tiles (which is the same roof tile proposed for all the dwellings). Each of the elevations is punctuated by window and door openings and the dormer windows proposed to the front roof slope of plots 3 to 4 add visual interest to the scheme as does the projecting box window frame at ground level along the principal elevations of plots 1 to 4 and 9 (five dwellings). Details of the proposed external materials of construction have been submitted with the amended plans. These consist of red facing brickwork, Wienerberger New Rivius Antique Slate tiles and Anthracite Grey doors, windows, window frames, rooflights and rainwater goods. This would ensure consistency of appearance with existing houses in the vicinity of the site within the Barton conservation area and with the eight new dwellings that form Brewers Lane on the adjacent site to the north.

In terms of layout, the plans show all nine of the plots to be located around the perimeter of the access road and parking areas with the principal elevations of all dwellings facing the access road to the east, west, and south respectively; this provides natural surveillance of the parking areas and the cul-de-sac. The plans show that plots 5 to 8 (two pairs of semi-detached dwellings) have been moved further to the south and are arranged in a staggered formation, allowing for the provision of a small area of garden to the front of the dwellings

and an increase in size of private amenity space to the rear. The plans also show the parking area serving the residential care home to the front will be retained in its entirety, forming a shared vehicular access into the residential development proposed to the west; this is the same arrangement as that approved under PA/2018/1049. The width of the access road tapers from 4 metres where the access road enters the site to 5.6 to 6 metres where the parking areas are proposed; this is sufficient to meet the requirements of the development (i.e. the number of dwellings proposed) and there is provision for a turning head for larger vehicles and a bin store in the south-western corner of the site.

The conservation officer has highlighted the potential for the tower of St Mary's Church to the south-west to be visible from the access road within the development and has sought some assurance this view will not be obscured by the development proposals. From the existing access that serves Anchor Village the church tower appears in a view to the south-west; as the nearest dwelling (plot 1) will be located a distance of 27 metres from the public highway in the south-west corner, it is considered the church will remain visible to the south of plot 1 when viewed from the access road and as such this existing view will not be obscured. The view of the listed church tower is available above the garage belonging to the neighbouring property to the south (11 Pasture Road) and as the nearest dwelling is to the north of this garage, it is considered the church tower of St Mary's Church will remain visible across the conservation area.

In conclusion, it is considered the site layout is comparable to the scheme approved on this part of the site under PA/2018/1049, the notable exception being the inclusion of an additional dwelling, and there is sufficient spacing between each of the pairs of semi-detached dwellings and those already constructed to the north. In addition, the development has been arranged to ensure there is natural surveillance of the parking area in the centre of the site and sufficient parking provision to serve the dwellings. The development will be visible within the street scene and conservation area; however, such a view will be of built form which is similar in scale, height and appearance to existing dwellings and will be viewed in conjunction with existing built form, including the modern housing estate established recently on the neighbouring site to the north.

### **Residential amenity**

The plans show that the area of private amenity space serving the nine properties varies between 25 and 80m<sup>2</sup>; whilst it is accepted this is not a significant amount of garden space, it is considered sufficient to meet the needs of the occupants of each dwelling and is commensurate with the sizes of private gardens approved for the eight dwellings on the northern site under PA/2018/1049 and PA/2021/968 (variation of condition application). It also provides an area of spill out space for each of the dwellings, and where the level of private amenity space is lower, the plans show these gardens are either east or west-facing and so will likely encounter sunlight for the majority of the day.

The plans also show the provision of upper floor windows on the first floor and within the roof slope of plots 1, 6 and 7 ( three dwellings) which have the potential to result in loss of residential amenity through the effects of overlooking towards the rear garden of neighbouring properties to the north and south; however, these windows serve non-habitable rooms (bathrooms and landings) and as such will not result in overlooking. In addition, there is potential for overlooking between en-suite/bathroom windows in the plots within the development itself and as such a condition is recommended that all bathroom and en-suite windows in the side-facing elevations at first floor and above are fitted with a minimum Level 3 in accordance with the Pilkington Scale of Obscuration. The comments

made in relation to the proximity of the northerly most dwellings to the dwellings recently erected on the housing site to the north are noted; however, the separation distances between the side elevations of plot 6 to the dwellings to the north is 10.563 metres and from plot 7 is 9.115 metres. This is considered sufficient to negate potential for the dwellings (in particular plots 7 and 9) having an overbearing impact and affords greater separation distances between dwellings when compared to the scheme approved under PA/2018/1049.

The layout plan also shows that there is pedestrian circulation space around each property, sufficient space for bin storage and no habitable room windows in the side elevations of the nine houses to ensure there is no overlooking between individual properties within the housing development. The habitable room windows in the upper floors of the dwellings are shown to have an outlook onto either the parking and access road to the front or towards the gardens of each respective property; there is no outlook into the gardens of existing properties which surround the site.

The proximity of the site to the steel fabricators to the south-west is noted, as are the comments made by Environmental Protection in respect of the requirement for a noise assessment to be undertaken prior to determination of the planning application. In addition, it is noted under paragraph 193 of the NPPF that there is a requirement to ensure that existing businesses should not have unreasonable restrictions placed on them as a result of development being permitted. It is worth noting, in respect of the extant planning permission granted on this site for a total of 16 dwellings under planning application PA/2018/1049, that the response from Environmental Protection in that case was that there was no requirement for a noise assessment to be undertaken and the majority of the dwellings (including those on the northern part of the site) were approved in much closer proximity to the western boundary of the site (closer to the steel fabricators). Taking this into account, and that the applicant can construct eight dwellings on the site without the requirement for a noise survey to be undertaken, it is considered neither reasonable nor necessary to recommend such a condition in this case.

### **Flood risk/drainage**

The site is within flood zone 2/3a as defined by the North Lincolnshire Strategic Flood Risk Assessment (or SFRA); this is the highest level of flood risk. An updated Flood Risk Assessment (FRA) has been submitted with the planning application. This has been assessed by the Environment Agency and no objections have been received, although a condition is recommended in respect of the development taking place in accordance with the flood mitigation measures set out in the FRA. The development proposals are for a 'more vulnerable' use within a high flood zone, therefore the sequential and exceptions test need to be applied and passed. On the basis of the updated FRA and the removal of the previous objection from the Environment Agency, it is considered it has been demonstrated that the development will be safe from flooding and therefore the application is recommended for approval on these grounds.

In terms of the sequential test, no supporting information has been included within the FRA which considers sites which are available, can accommodate the level of development proposed and are at a lower risk of flooding. By undertaking a search online (March 2024) it is evident there are two pieces of land available within the defined settlement boundary for Barton upon Humber: one of the sites is available but at the same level of flood risk and significantly smaller in site area, and the other site is available (former Balfour Beatty offices on Humber Road) and at lower risk of flooding, but is much smaller in site area and only

capable of accommodating a single dwelling (on Castledyke West). Given there are no sites within the defined settlement boundary which are available and at lower risk of flooding, the sequential test is considered to be passed.

The exceptions test then needs to be applied. Essentially, the two parts to the test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reducing flood risk overall. The applicant has demonstrated, through the submission of the FRA, that the site is safe from flooding without increasing flood risk elsewhere. Whilst the FRA does not set out the sustainable community benefits, the previous application approved for residential development under PA/2018/1049 did have a supporting statement which stated the development would deliver additional housing in an existing residential area of Barton, in a sustainable location, would support local services, would make use of a vacant site, and would deliver housing and local jobs. It is considered these factors still apply to this planning application. On this basis, it is considered it has been demonstrated the proposal will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere. The exceptions test is therefore considered to be passed.

This is an area which is shown to have a medium to high risk of flooding from surface water (Gov.uk). The applicant has submitted a drainage report and additional commentary in relation to surface water drainage within the FRA, as well as supporting drainage layout plans and calculations. This information has been reviewed by LLFA Drainage and the previous objection has been removed, although conditions are recommended in relation to the submission of a more detailed surface water drainage scheme, implementation of the agreed scheme and the submission of a scheme to prevent surface water run-off from the site into the highway and conversely from the public highway into the site; the pre-commencement conditions have been agreed with the applicant. It is considered these conditions will ensure the local planning authority has the opportunity to consider and fully assess an appropriate method of surface water drainage disposal for the development site.

## **Other issues**

### ***Highways***

The plans show vehicular access to the site will be formed from the existing access serving the care home to the east. The plans also show that each dwelling will be served by a minimum of two off-street parking spaces and a turning area will be provided within the site to allow vehicles to leave in a forward gear. The proposal will ensure the provision of an access road which is wide enough to accommodate larger vehicles, including refuse vehicles, and the plans show the retention of the parking area serving the care home to the front of the site. Highways have considered the proposals and raise no objections on pedestrian or highway safety grounds. It is noted the means of access to the site is via the existing car park and access which serves Anchor Village to the front (to the east); this was the approved access under the 2018 planning permission, and it is considered it forms a suitable and safe means of access into the site.

### ***Trees***

It is noted the applicant commenced works on the site in order to implement the planning permission granted under PA/2018/1049 and subsequently under PA/2021/968 (on the

neighbouring site) and the houses are up to eaves height on this site. The comments made by the tree officer are noted. However, there are no existing trees on the site and the landscaping proposals show planting to be provided within each plot and around the parking area. A condition is therefore recommended to ensure the planting is undertaken in a timely manner. The landscaping shown on the site layout plan is considered commensurate to the size of the development site and in some parts offers a small landscaping buffer between the parking and principal elevations of the dwellings, and the proposed tree planting, whilst relatively sparse, would establish over time and soften the appearance of the development.

### ***Archaeology***

The Historic Environment Record (HER) has commented on the scheme and has recommended a condition requiring the submission of a written scheme of investigation (or WSI) as the site is within the conservation area and in a location where archaeological remains are anticipated. It is worth noting that HER raised no objection to the application approved for the 16 dwellings on the site under PA/2018/1049 and that previous field investigations were undertaken on the site to inform a previous planning application in 2007. Given the applicant is able to develop the site for eight dwellings under the extant planning permission without the requirement for any further site investigation for archaeological potential, or for the submission of a WSI, and that the HER did not offer any objection or requirement for further works as a result of previous site investigation works, it is not considered reasonable or necessary to recommend such a condition in this case.

### ***Contaminated land***

It is worth reiterating the site has already been developed with dwellings up to eaves height by the previous applicant. Irrespective of whether construction has commenced on site, the local planning authority has a duty to ensure the land is free from contamination and suitable for residential re-use as the development will introduce sensitive receptors onto the site. In this regard, the applicant has submitted a Remediation and Verification Strategy which sets out the following remediation measures:

- remove remaining relict foundations and crush oversized material for reuse
- excavation in garden areas to reduce levels for clean cover
- excavation of the hotspots of contamination for disposal at landfill
- validation of areas where hotspots have been removed
- installation of a hard-dig layer or demarcation layer, and 600mm clean cover
- validation of hand-dig/demarcation layer and clean cover.

The document has been reviewed by Environmental Protection, who agree with the content of the report, recommending a condition that development commences with the agreed remediation being undertaken and then verification that the remediation measures have been effectively implemented.

## Conclusion

This proposal to erect nine dwellings with associated car parking spaces and private amenity space is considered acceptable in principle, will deliver housing in a sustainable location and contribute to local housing land supply in an area which is predominantly residential in nature, and, subject to the conditions outlined within this report, is recommended for approval. In addition, the dwellings will not be highly visible in the street scene, it has been demonstrated the development is safe from flooding (without increasing flood risk elsewhere), and a revised site layout has been submitted which ensures greater separation distances from existing properties to the north and natural surveillance of the access road and the car parking area.

## Pre-commencement conditions

A pre-commencement condition in relation to the submission of a surface water drainage scheme 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:

A065-PL-001  
A065-PL-003  
A065-PL-004  
A065-PL-005  
A065-PL-006  
A065-PL-007  
A065-PL-008.

Reason

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

3.

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.



4.

No dwelling shall be occupied until the amended access point and private driveway serving it has been constructed in accordance with the submitted details.

Reason

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

5.

The development hereby permitted shall be carried out in strict accordance with the Construction Phase Plan and Method Statement, produced by Grace Infrastructure Ltd, dated 27/09/2021 submitted in support of discharge of conditions application PA/2021/1841. Once implemented, the plans shall be reviewed and updated as necessary.

Reason

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

6.

The development shall be carried out in accordance with the Biodiversity Management Plan, dated November 2020 by CGC Ecology submitted in relation to discharge of conditions application PA/2021/1841 and its approved details and timings. The approved features shall be retained thereafter, unless otherwise agreed in writing by the local planning authority. The applicant or their successor in title shall submit photographs of the installed bat roosting and bird nesting features, within two weeks of installation, as evidence of compliance with this condition.

Reason

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

7.

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

Reason

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

8.

No dwelling shall be occupied until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. This must be based upon the submitted drawings and documentation submitted in support of the planning application.

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

and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

#### Reason

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

9.

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

#### Reason

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

10.

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

#### Reason

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

11.

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

#### Reason

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

12.

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

**Reason**

To define the terms of the permission, in the interests of visual amenity and to ensure the approved landscaping is undertaken in a timely manner.

13.

The design of the development shall incorporate all the mitigation measures identified in the agreed flood risk assessment dated 13 September 2021, reference RLC/0180/FRA01 by Roy Lobley Consulting including the following:

- finished floor levels to be set no lower than 5.5m above Ordnance Datum (AOD)
- all dwellings to be a minimum of two-storeys in height
- flood resilience and resistance measures to be incorporated into the proposed development as stated.

These mitigation measures shall be fully implemented prior to occupation of any dwelling and subsequently retained and maintained for the lifetime of the development.

**Reason**

To reduce the potential impact of flooding in accordance with policy DS16 of the North Lincolnshire Local Plan.

14.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no outbuildings or extensions shall be erected on the site other than those expressly authorised by this permission.

**Reason**

To main the living standards of existing properties, to define the terms of the permission and to ensure sufficient private amenity space is retained to meet the needs of the intended occupants of the dwellings.

15.

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 3 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the local planning authority in writing until part 4 has been complied with in relation to that contamination.

### Part 1: Site Characteristics

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

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

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

### Part 2: Submission of Remediation Scheme

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

### Part 3: Implementation of Approved Remediation Scheme

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

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the

effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority.

#### Part 4: Reporting of Unexpected Contamination

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

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

#### Reason

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

16.

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

- 8am to 6pm Monday to Friday

- 8am to 1pm on Saturdays, and not on Sundays or Public Holidays.

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

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

#### Reason

To define the terms of the permission and in the interests of safeguarding residential amenity.

17.

Before any dwelling is first occupied, any en-suite or bathroom windows in its side-facing elevations at first floor or above, or within the roof slope, 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 presently enjoyed by the occupants of adjoining properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

## **Informatives**

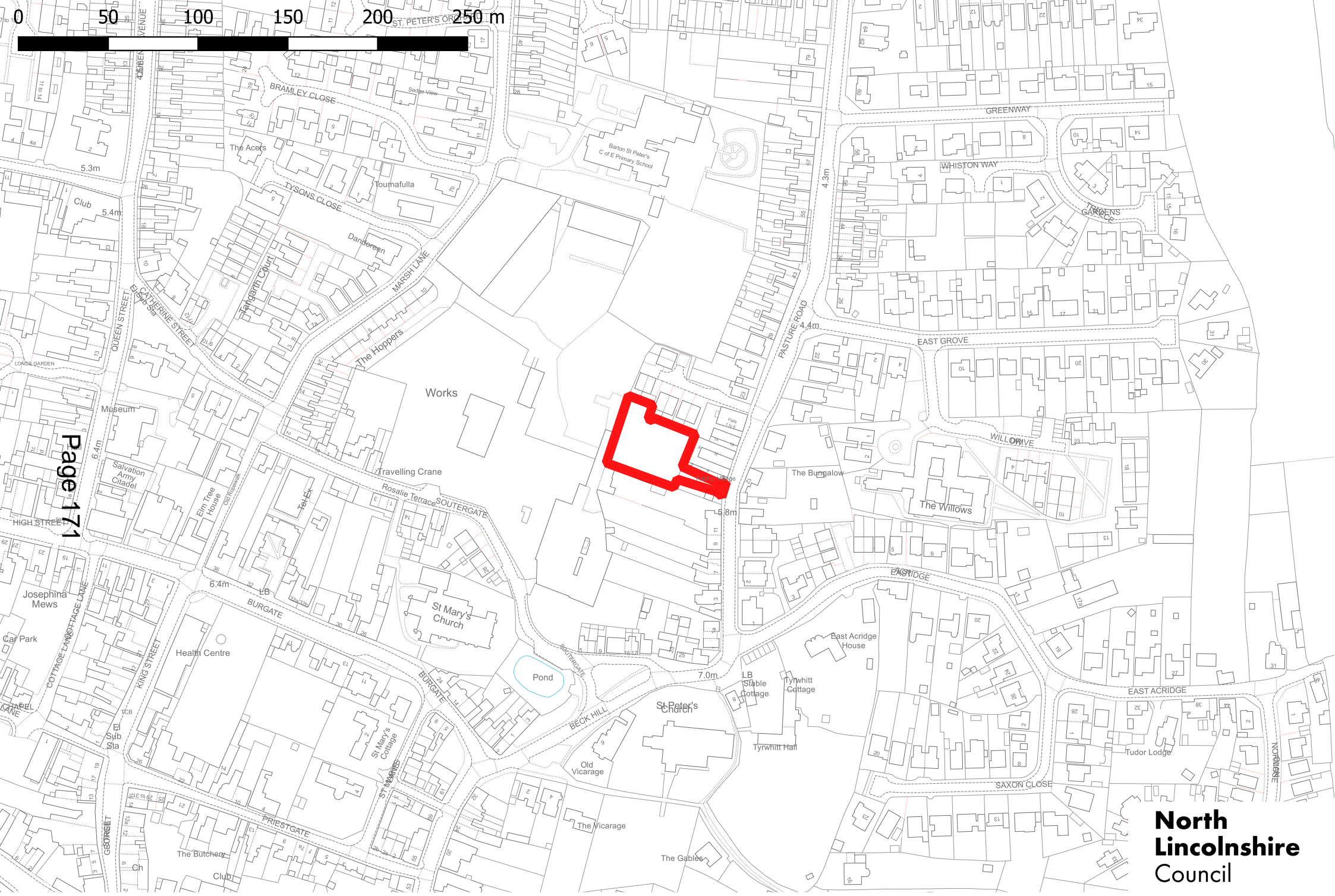
1.

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

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

2.

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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# PA/2021/1661 Proposed layout (not to scale)

Barton St Peter's  
Church of England  
Primary School






Phase 1 completed  
under planning permission  
PA/2021/968

Scale 1:200 0 10m 30m

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- All dimensions in millimeters unless noted otherwise

Rev: Description: Date:

**Proposed Site Plan Key.**

-  Proposed access  
Shared vehicle and pedestrian access
-  Proposed car parking  
18 spaces in total
-  Proposed paving
-  Proposed grass
-  Proposed planting
-  Proposed trees
-  Application boundary  
1541m<sup>2</sup> / 0.38acre

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<b>Auburn Architecture</b>	
Project: Residential Development, Land off Pasture Road, Barton	
Drawing: Proposed Site Plan	
Project / Drawing No.	Revision:
<b>A065 - PL - 003</b>	
Date: 01/09/2023	Scale: 1:200 @ A1
Status: Planning	

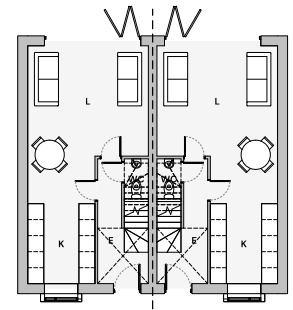


# PA/2021/1661 Proposed plans and elevations (plots 1 and 2) (not to scale)

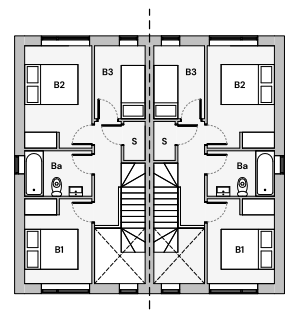
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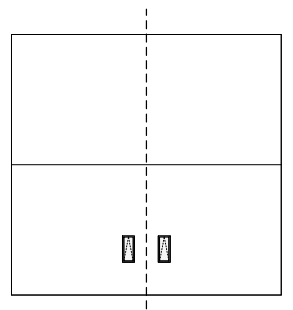
Rev: Description: Date:



Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Roof Plan

**Proposed Materials Key.**

A. Facing Brickwork:  
Red facing brickwork (Type 1)



C. Roof:  
Wienerberger New Rivius Antique Slate roof tiles



D. External Doors:  
Aluminium, Colour: Anthracite Grey

E. Windows:  
uPVC, Colour: Anthracite Grey

F. Rooflights:  
Aluminium, Colour: Anthracite Grey

G. Rainwater Goods:  
uPVC, Colour: Anthracite Grey

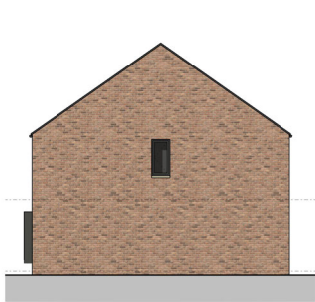
**Accommodation Key.**

- E = Entrance
- K = Kitchen
- L = Living
- WC = Downstairs WC
- B1 = Bedroom 1
- B2 = Bedroom 2
- B3 = Bedroom 3
- Ba = Bathroom
- S = Store

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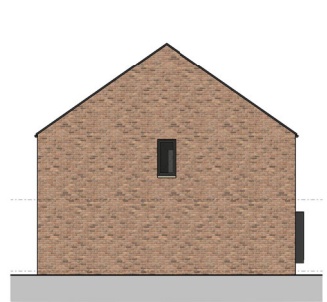
Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation

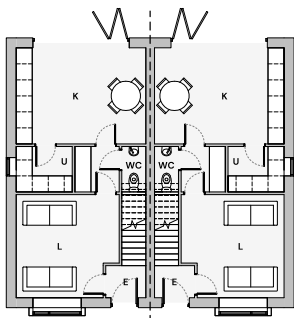
<b>Auburn Architecture</b>		
Project: Residential Development, Land off Pasture Road, Barton		
Drawing: Plots 1 & 2 - Proposed Floor Plans and Elevations		
Project / Drawing No.	Revision:	
<b>AO65 - PL - 004</b>		
Date: 01/09/2023	Scale: 1:100 @ A1	Status: Planning
T: 07585 053 484 E: info@auburn-architecture.com W: www.auburn-architecture.com		

# PA/2021/1661 Proposed plans and elevations (plots 3 and 4) (not to scale)

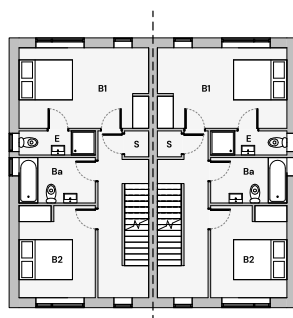
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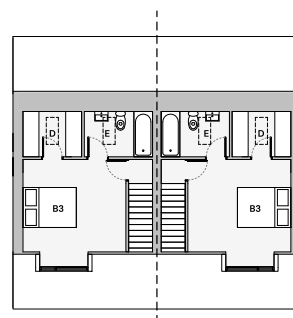
Rev: Description: Date:



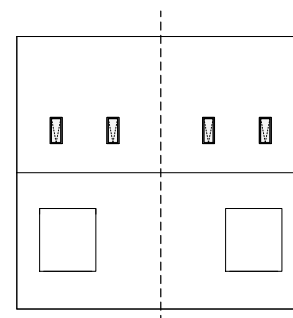
Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan



Proposed Roof Plan

**Proposed Materials Key.**

A. Facing Brickwork:  
Red facing brickwork (Type 2)



B. Roof:  
Wienerberger New Rivus Antique Slate roof tiles



C. External Doors:  
Aluminium, Colour: Anthracite Grey

D. Windows:  
uPVC, Colour: Anthracite Grey

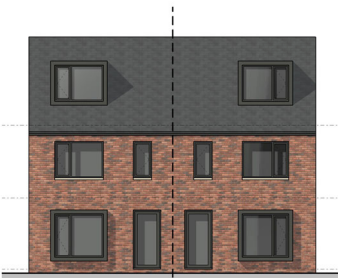
E. Rooflights:  
Aluminium, Colour: Anthracite Grey

F. Rainwater Goods:  
uPVC, Colour: Anthracite Grey

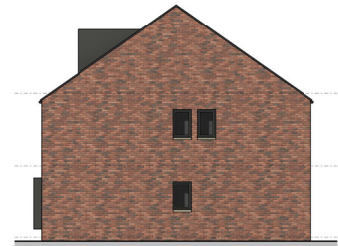
**Accommodation Key.**

- E = Entrance
- K = Kitchen
- L = Living
- WC = Downstairs WC
- B1 = Bedroom 1
- B2 = Bedroom 2
- B3 = Bedroom 3
- Ba = Bathroom
- E = Ensuite
- D = Dressing
- S = Store

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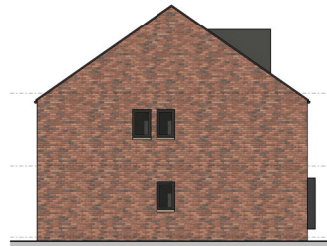
Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation

<b>Auburn Architecture</b>	
Project: Residential Development, Land off Pasture Road, Barton	
Drawing: Plots 3 & 4 - Proposed Floor Plans and Elevations	
Project / Drawing No.	Revision:
<b>A065 - PL - 005</b>	
Date: 01/09/2023	Scale: 1:100 (p. A1)
Status: Planning	

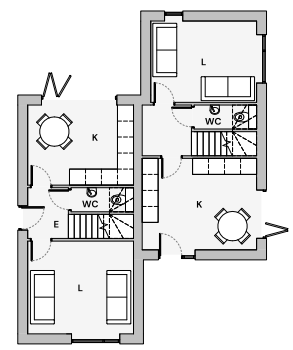
T: 01783 033484 E: info@auburn-architecture.com W: www.auburn-architecture.com

# PA/2021/1661 Proposed plans and elevations (plots 5 and 6) (not to scale)

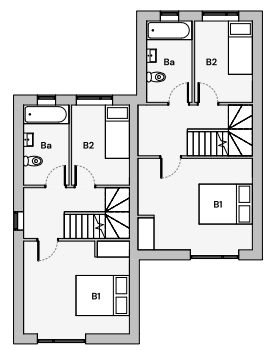
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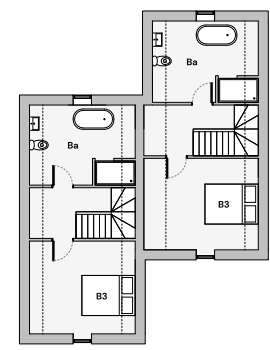
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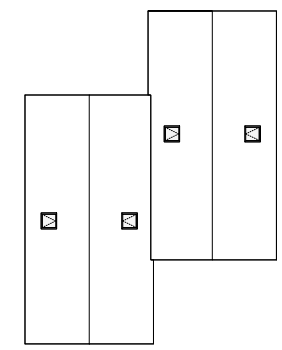
Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan



Proposed Roof Plan

**Proposed Materials Key.**

**A. Facing Brickwork:**  
Red facing brickwork (Type 1)



**B. Facing Brickwork:**  
Red facing brickwork (Type 2)



**C. Roof:**  
Wienerberger New Rivius Antique Slate roof tiles



**D. External Doors:**  
Aluminium, Colour: Anthracite Grey

**E. Windows:**  
uPVC, Colour: Anthracite Grey

**F. Rooflights:**  
Aluminium, Colour: Anthracite Grey

**G. Rainwater Goods:**  
uPVC, Colour: Anthracite Grey

**Accommodation Key.**

- E = Entrance
- K = Kitchen
- L = Living
- WC = Downstairs WC
- B1 = Bedroom 1
- B2 = Bedroom 2
- B3 = Bedroom 3
- Ba = Bathroom

Page 175



Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation

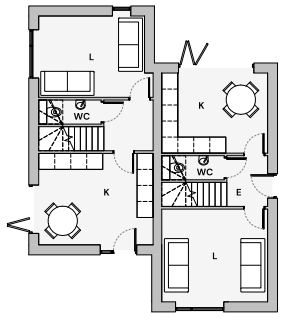
<b>Auburn Architecture</b>		
Project: Residential Development, Land off Pasture Road, Barton		
Drawing: Plots 5 & 6 - Proposed Floor Plans and Elevations		
Project / Drawing No.	Revision:	
<b>A065 - PL - 006</b>		
Date: 01/09/2023	Scale: 1:100 @ A1	Status: Planning
T: 01785 053 484 E: info@auburn-architecture.com W: www.auburn-architecture.com		

# PA/2021/1661 Proposed plans and elevations (plots 7 and 8) (not to scale)

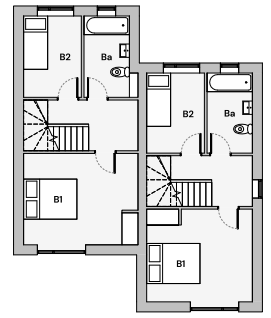
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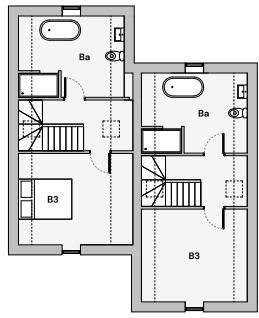
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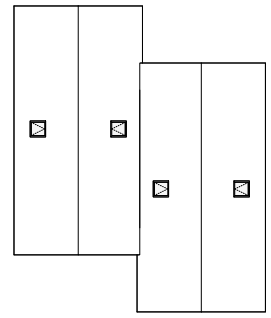
Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan



Proposed Roof Plan

**Proposed Materials Key.**

A. Facing Brickwork:  
Red facing brickwork (Type 1)



B. Facing Brickwork:  
Red facing brickwork (Type 2)



C. Roof:  
Wienerberger New Rivius Antique Slate roof tiles



D. External Doors:  
Aluminium, Colour: Anthracite Grey

E. Windows:  
uPVC, Colour: Anthracite Grey

F. Rooflights:  
Aluminium, Colour: Anthracite Grey

G. Rainwater Goods:  
uPVC, Colour: Anthracite Grey

**Accommodation Key.**

- E = Entrance
- K = Kitchen
- L = Living
- WC = Downstairs WC
- B1 = Bedroom 1
- B2 = Bedroom 2
- B3 = Bedroom 3
- Ba = Bathroom

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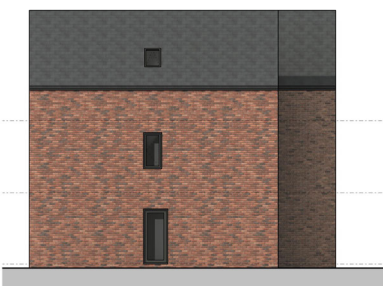
Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation

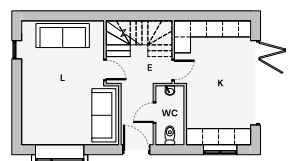
<b>Auburn Architecture</b>	
Project: Residential Development, Land off Pasture Road, Barton	
Drawing: Plots 7 & 8 - Proposed Floor Plans and Elevations	
Project / Drawing No. <b>A065 - PL - 007</b>	Revision:
Date: 01/09/2023	Scale: 1:100 (p. A1)
Status: Planning	
T: 01785 053 484 E: info@auburn-architecture.com W: www.auburn-architecture.com	

# PA/2021/1661 Proposed plans and elevations (plot 9) (not to scale)

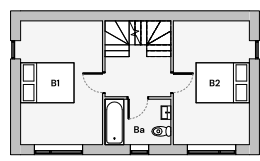
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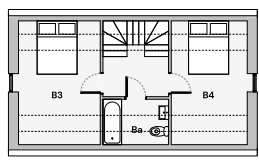
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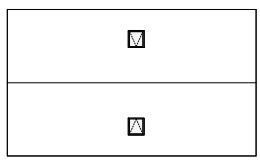
Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan



Proposed Roof Plan

**Proposed Materials Key.**

A. Facing Brickwork:  
Red facing brickwork (Type 1)



B. Roof:  
Wienerberger New Rivius Antique Slate roof tiles



C. External Doors:  
Aluminium, Colour: Anthracite Grey

D. Windows:  
uPVC, Colour: Anthracite Grey

E. Rooflights:  
Aluminium, Colour: Anthracite Grey

F. Rainwater Goods:  
uPVC, Colour: Anthracite Grey

**Accommodation Key.**

- E = Entrance
- K = Kitchen
- L = Living
- WC = Downstairs WC
- B1 = Bedroom 1
- B2 = Bedroom 2
- B3 = Bedroom 3
- B4 = Bedroom 4
- Ba = Bathroom

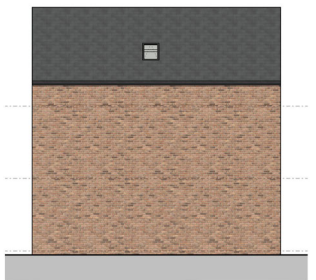
Page 177



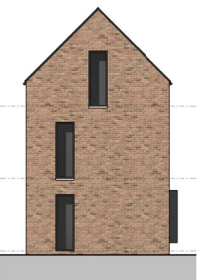
Proposed Front Elevation



Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation

<b>Auburn Architecture</b>		
Project: Residential Development, Land off Pasture Road, Barton		
Drawing: Plot 9 - Proposed Floor Plans and Elevations		
Project / Drawing No.	Revision:	
<b>A065 - PL - 008</b>		
Date: 01/09/2023	Scale: 1:100 @ A1	Status: Planning

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<b>APPLICATION NO</b>	<b>PA/2022/645</b>
<b>APPLICANT</b>	Mr Jonathan Wroot, Wroot Homes Ltd
<b>DEVELOPMENT</b>	Outline planning permission for five dwellings with appearance, landscaping and scale reserved for subsequent consideration
<b>LOCATION</b>	Land to the rear of The White House, High Street, Garthorpe, DN17 4RP
<b>PARISH</b>	<b>GARTHORPE AND FOCKERBY</b>
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllrs John Briggs and Julie Reed – significant public interest) Departure from the development plan

## **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

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

RD2 Development in the open countryside

H5 New housing development (part saved)

H8 Housing design and mix

LC7 Landscape protection

DS1 General requirements

DS3 Planning out crime

DS7 Contamination

DS14 Foul sewerage and surface water drainage

DS16 Flood risk

T2 Access to development

T19 Car parking provision and standards

**North Lincolnshire Core Strategy:**

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS17 Biodiversity

CS18 Sustainable resource and climate change

CS19 Flood risk

CS25 Promoting sustainable transport

**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 late 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

DM1 General requirements

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity



DQE5 Managing flood risk

H8 Replacement, alteration and extensions to dwellings in the open countryside

## CONSULTATIONS

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

**Environment Agency:** The proposed development will only meet the requirements of the National Planning Policy Framework (NPPF) if the measure(s) as detailed in the submitted Flood Risk Assessment are secured by way of a planning condition.

**LLFA Drainage:** There are still some fundamental design issues that need to be resolved at reserved matters stage: for example, the agreement with the relevant risk management authorities and landowners with respect to the outfall drainage from the development, including discharge rates. The detailed design needs to fully explore and rule out infiltration but we accept that, given the anticipated geology, it is unlikely to be feasible. Parts of the site lie within medium risk of localised flooding which is not mentioned in the flood risk assessment. Notwithstanding the above, the LLFA Drainage Team has no objection to the proposed development subject to conditions.

**Severn Trent Water:** No objections subject to a condition and informative.

**Environmental Protection:** Following receipt of additional information, recommend conditions in respect of noise and noise mitigation, contaminated land investigation, and construction and site clearance working hours.

**Archaeology:** I have checked the HER database for known and potential heritage assets that may be affected. There are no known heritage assets of archaeological interest recorded within the site and the potential for the presence of as yet unrecorded archaeological remains is judged to be low. No further recommendations for archaeology.

**Waste/Recycling:** No objections (sets out guidance regarding bin storage requirements).

**Trees:** The preliminary assessment of planting proposals gives an indication of an ability for trees and green infrastructure to be placed on this site. There is a need for careful consideration as to the species that are used in order to ensure that there is sufficient space for them to grow into good mature trees and/or shrubs without them becoming too big for the site or that they are not able to mature into independent trees in the restricted planting soils and areas that they may be within. Slightly smaller trees that can do this successfully and survive would be better than trees that are larger which cannot be accommodated by the underground limitations.

**Ecology:** The site has potential for nesting birds, badgers, reptiles and hedgehogs. The submitted Proposed Block Plan indicates a significant net loss of biodiversity contrary to policy CS17 (Biodiversity). The alternative tree planting and scrub retention proposals do not seem realistic. Overall, I object to the proposal as it stands.

## PARISH COUNCIL

One new survey has been actioned since the last plans were called in by the planning committee. Many objections exist in the village as the plans are outside the building line and not in keeping with the character of the village. Last time there was significant public

objection but this time not as many are recorded so hopefully the objections can be considered once again. The site has unsafe access and ingress crossing a footpath, being near a blind corner and the children's bus stop. All councillors objected to these plans.

## **PUBLICITY**

Site notices have been displayed and nine responses have been received raising the following issues:

- the land is outside the development limits
- safety concerns regarding bus stop and access
- flood risk and drainage capacity concerns
- traffic generation
- infrastructure capacity concerns
- overlooking concerns.

## **ASSESSMENT**

### **Planning history**

PA/2021/824: Outline planning permission for five dwellings with appearance, landscaping and scale reserved for subsequent consideration – refused 22 October 2021.

### **Site and proposal**

The application site is on the east side of High Street to the rear of a property known as The White House. The site appears to be flat garden land with outbuildings, although the site was somewhat overgrown at the time the case officer visited. Access to the site is directly opposite

a Methodist Church, between The White House and the neighbouring property, Orewa. The majority of the site is within the open countryside but also abuts the edge of the Garthorpe settlement boundary. It is not within a conservation area, does not affect any listed buildings and there are no tree preservation orders on the site or in the nearby vicinity. The site is within SFRA flood zone 2/3 (a) tidal. Outline planning permission is sought to erect five dwellings with matters relating to appearance, landscaping and scale reserved for subsequent consideration.

**The main issues in determining this application are the principle of development, flood risk, impact on residential amenity and other matters including highway issues and ecology.**

### **Principle of development**

The majority of the site is outside the adjacent settlement boundary of Garthorpe and the proposal would represent a departure from the development plan. In determining whether the principle of residential development outside the settlement boundary is acceptable in

this instance, it is necessary to consider whether the proposed development is sustainable in planning policy terms.

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) (HELADPD).

Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire, which, amongst other matters, provides that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high-quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELADPD, and the majority of the application site is located outside the designated development limit for Garthorpe/Fockerby. There are no allocated housing sites within Garthorpe/Fockerby.

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

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The majority of the application site is outside the nearest settlement boundary for Garthorpe and would not meet the criteria for development within the open countryside as outlined in policy RD2 of the local plan. The proposal is thereby considered to conflict with policies CS2, CS3 and CS8 of the Core Strategy and policy RD2 of the North Lincolnshire Local Plan.

It is acknowledged the development would provide limited benefits in terms of open market housing and delivery of economic benefits during construction and through the spending of future occupiers. The proposal would also provide some benefit in terms of housing provision, however the weighting to be attached to this benefit is considered to be limited given the majority of the siting would be within the open countryside.

Importantly, North Lincolnshire can demonstrate a five-year supply of deliverable housing sites, as illustrated within the North Lincolnshire Council Five Year Housing Land Supply Statement August 2023. Therefore, in accordance with paragraph 12 of the NPPF, the relevant policies concerning the supply of housing should be considered up-to-date and

consequently the 'tilted balance' as per paragraph 11 d (ii) of the NPPF is not engaged. It should be noted the applicant has not submitted any supporting information to substantiate whether the site and development proposals are considered sustainable, taking into account North Lincolnshire Council's five-year housing land supply position.

The North Lincolnshire Sustainable Survey 2018 (2019 Revision) ranks the settlement of Garthorpe/Fockerby as 42<sup>nd</sup> out of the 79 settlements scored within the survey and is classified as a Smaller Rural Settlement having three of the seven key facilities; however, the shop has now closed and been converted to a dwelling, and the public house has been closed since 2013.

Whilst the proposal would increase the local population, there would be a reliance on the private car to access facilities in the nearest larger settlements, namely Crowle, Goole and Scunthorpe, particularly given the number of dwellings being proposed in this case (five). The proposal is not for affordable housing and does not constitute dwellings for the specific circumstances associated with this countryside location; it will be for up to five market houses. In terms of the NPPF, paragraph 83 states that where there are groups of smaller settlements, development in one village may support services in a village nearby; however, in the case of Garthorpe and Fockerby the nearest settlements are Amcotts (4.4 miles to the south-east), Luddington (2.3 miles to the south-west) and Adlingfleet (1.1 miles to the north) which have a similar, if not less, service provision and are not accessible via a highway footpath.

There are limited public services or amenities within Garthorpe and Fockerby (particularly as the shop has been lost and the public house has been vacant for a number of years). Whilst it is recognised that there is a regular bus service between Scunthorpe and Goole (which is accessible from a bus stop outside and opposite the site entrance) and to the wider area, including Scunthorpe, these services are infrequent. It is considered, given the lack of facilities within Garthorpe/Fockerby, that the development will necessitate the use of a private motor vehicle.

Considering the above, the proposed development would be unsustainable as the majority of the site is within the open countryside, outside the defined development boundary of a small rural settlement with limited facilities and would not meet any of the exceptions noted for development. Therefore, in principle, the proposal would prejudice the local area and, as such, would be in conflict with policy RD2 of the local plan, and policies CS2 and CS3 of the Core Strategy.

### **Flood risk**

The site is within flood zone 2/3a as defined in the North Lincolnshire Strategic Flood Risk Assessment (SFRA) – this is the highest level of flood risk. A flood risk assessment (FRA) has been submitted with the planning application and reviewed by the Environment Agency. No objection has been received on flood risk grounds, but a condition is recommended that development takes place in accordance with the flood risk assessment, including the mitigation measures which are: finished floor levels at 4.4m AOD. The proposal is for 'more vulnerable' development in a high flood risk zone; there is therefore a requirement for the sequential and exceptions tests to be applied and passed.

In respect of the sequential test, the FRA states that both Garthorpe and Fockerby are within flood zone 2/3a and that based on a land sales search there are no sites available

which can accommodate the scale of development proposed at a lower risk of flooding. It is therefore considered that the sequential test is passed in this case.

The exceptions test then needs to be applied. The applicant has provided information in support of the planning application within the FRA. This supporting information sets out how the development is considered to be sustainable in terms of proximity and support to local services. In terms of community benefits, the FRA highlights the proposal would widen the local housing stock, make use of a vacant site, promote the use of sustainable, locally sourced materials, and support and retain local services. The FRA states the finished floor levels of the proposed dwellings will be set at 4.4m AOD, which is above the critical flood level for this area.

Essentially, the two parts to the test require proposed development to show that it will provide wider sustainability benefits to the community that outweigh flood risk, and that it will be safe for its lifetime, without increasing flood risk elsewhere and where possible reduce flood risk overall.

It is considered that the revised FRA satisfactorily demonstrates that the development will be safe without increasing flood risk elsewhere. As noted above, the applicant has provided information as to how the development is considered to be of wider sustainable community benefit; however, as the proposal is not considered to represent a sustainable form of development and cannot support local services which no longer exist within the settlement, the proposal is not considered to be of wider sustainable community benefit.

Therefore, the exceptions test is not passed in this case. Consequently, the proposal does not comply with policies DS16 and CS19, or the NPPF, in terms of flood risk as the wider sustainability benefits of the scheme to the community do not outweigh flood risk.

### **Residential amenity**

This is an outline planning application with means of access and the layout of the development to be considered and assessed at this outline stage. Matters relating to scale, landscaping and appearance of the dwellings would be considered at a reserved matters stage if planning permission were to be granted. The site layout shows a cul-de-sac arrangement with dwellings proposed to the north and south of the access road and the creation of a private drive from High Street to the west. A proposed block plan has been submitted which outlines the design of the development. It is considered the development would not appear cramped and would not prejudice the pattern of development within the locality, and the site layout drawing shows that sufficient separation distances can be achieved between the proposed and existing dwellings, and between the dwellings proposed within the development site itself. Furthermore, the layout plan shows that each dwelling would have sufficient private amenity space provision, a minimum of two off-street parking spaces per dwelling and provision for a turning head at the eastern most part of the access road.

The proposal, in terms of layout, would therefore accord with the NPPF, policies CS1, CS2, CS5, CS7 and CS8 of the Core Strategy, and policy DS1 of the North Lincolnshire Local Plan.

## **Other issues**

### ***Highways***

In terms of access, this would be from High Street into a new private drive. Two parking spaces are to be provided for each dwelling which meets planning guidance requirements. No further on-street parking would be required along High Street. The new access would be 6 metres north of Orewa and 3 metres south of The White House, which is owned by the applicant.

Highways have raised no objections to the proposal on highway or pedestrian safety grounds and conditions are recommended in respect of securing the access, visibility splays, parking and turning facilities for the development, as well as the means of constructing, draining and lighting the proposed private drive. The proposal would therefore accord with policies T2 and T19 of the North Lincolnshire Local Plan.

The existing bus stop would be repositioned further north by approximately 10 metres; however, the repositioning of the bus stop is not considered to prejudice highway and pedestrian safety in this regard.

### ***Ecology***

Following review of the development, the council's ecologist has objected to the proposals on the grounds that the submitted block plan indicates a significant net loss of biodiversity from the site, which is contrary to policy CS17 of the adopted Core Strategy, and the alternative tree planting and scrub retention proposals do not seem realistic. Since the ecologist's consultation response was received, the applicant has submitted an Adaptive Management and Monitoring Plan which seeks to set out the habitat protection, creation and management approaches for the proposed development. This principally consists of the retention of existing trees within the site, the creation of residential gardens with associated planting and the loss of a single plot (plot 1) which will be set aside for habitat creation and enhancement. The document also puts forward a management programme over a 30-year period (as prescribed in the legislation) and includes options to monitor and review the management plan. The document was to be read alongside an amended site layout plan (which showed the deletion of plot 1 from the development proposals), however an amended planning application form was never received to confirm the net reduction in the number of dwellings.

The council's ecologist has not provided an updated consultation response to the additional document; however, it is considered the reduction in the number of dwellings within the development site, with the land set aside in plot 1, together with the additional planting and grassed areas being proposed across the four remaining plots, would be sufficient to meet the biodiversity net gain targets and the terms of policy CS19.

### ***Contaminated land***

This proposal is for residential development on a site which historically had buildings on it and the risk to human health is high with potential for contaminants present. The applicant has submitted a Preliminary Investigation report, and this recommends an intrusive geo-environmental investigation is carried out to assess the risks identified to sensitive receptors (residential end-users). With this highlighted in the report, a condition is recommended by Environmental Protection for contaminated land investigation; this would

highlight whether there is a requirement for remediation of the site to ensure it is free from contamination and therefore appropriate for residential development.

## **Conclusion**

It is considered that the proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan and CS2, CS3 and CS8 of the adopted Core Strategy in that the site is outside a defined settlement boundary and is not for specific purposes associated with a rural location, which include agriculture, forestry or to meet a special need associated with the countryside. In addition, in flood risk terms the proposal for the five dwellings fails the exceptions test as it is considered the wider sustainability benefits of the scheme to the community do not outweigh flood risk. The proposal is thus contrary to policies DS16 of the North Lincolnshire Local Plan, CS19 of the adopted Core Strategy, and paragraphs 170 and 171 of the National Planning Policy Framework. The application is therefore recommended for refusal.

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

1.

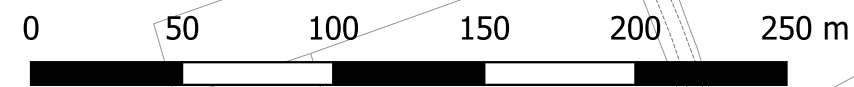
The proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan, and CS2, CS3 and CS8 of the adopted Core Strategy, in that the majority of the site is outside of a defined settlement boundary and is not for specific purposes associated with a rural location, which include agriculture, forestry or to meet a special need associated with the countryside.

2.

The proposed development is classified as 'more vulnerable' development in terms of flood risk and the site is within flood zones 2/3a 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 tests. The proposal for the five dwellings fails the exceptions test as it is considered the wider sustainability benefits of the scheme to the community do not outweigh flood risk. The proposal is thus contrary to policies DS16 of the North Lincolnshire Local Plan, CS19 of the adopted Core Strategy, and paragraphs 170 and 171 of the National Planning Policy Framework.

## **Informative**

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



# Fockerby

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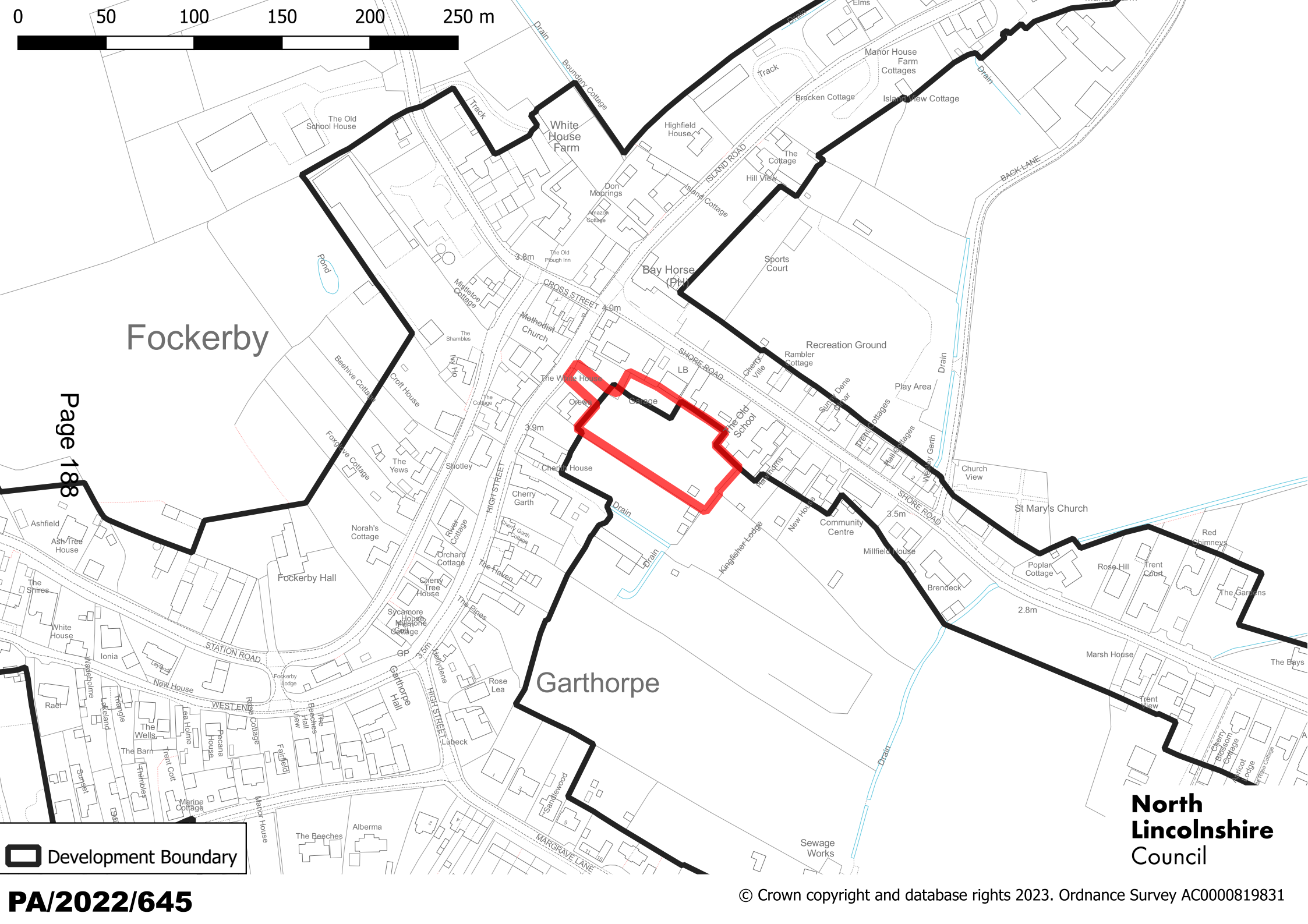
# Garthorpe

 Development Boundary

**North  
Lincolnshire  
Council**

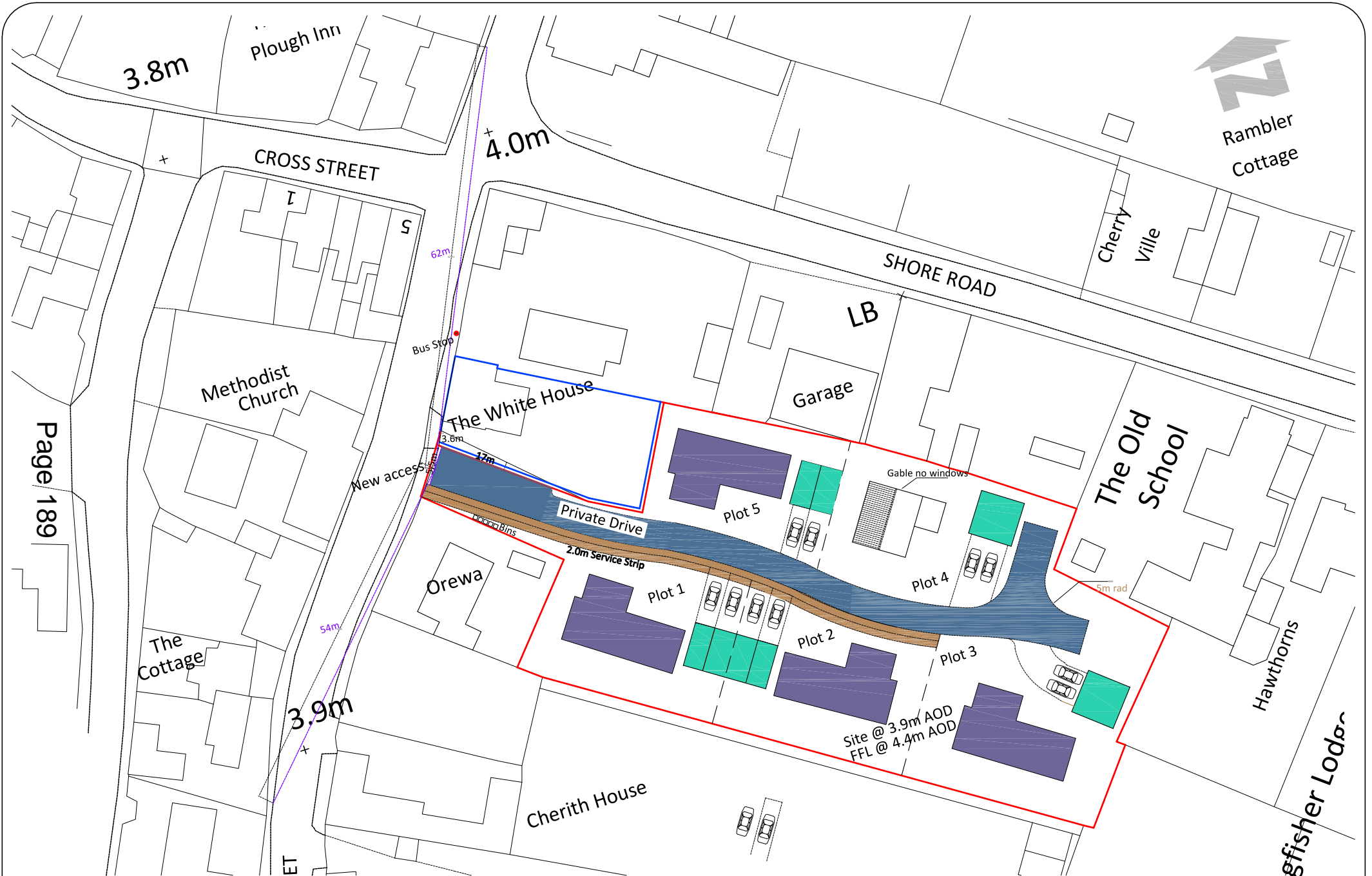
**PA/2022/645**

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# PA/2022/645 Proposed layout (not to scale)



Page 189

Howard J Wroot BSc MRICS  
Chartered Surveyor  
240 Wharf Road, Ealand  
Scunthorpe DN17 4JN  
Tel 01724 711068  
Fax 01724 710174  
Mob 07947 226577

Client	Wroot Homes Ltd		
Date	3/11/22	Dwg No	1 of 2
Scale	1:500	Ref No	1136

Proposal	Residential development at site R/O The White House, High Street, Garthorpe, DN17 4RP
Drawing	Proposed Block Plan amended



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<b>APPLICATION NO</b>	<b>PA/2023/1478</b>
<b>APPLICANT</b>	Mr and Mrs M Duncan
<b>DEVELOPMENT</b>	Planning permission to demolish stable block and erect an annexe
<b>LOCATION</b>	One Acre Cottage, Sandbeds Lane, Westwoodside, DN9 2DW
<b>PARISH</b>	<b>HAXEY</b>
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Jennifer Ashworth
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from the development plan Objection by Haxey Parish 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

16 Conserving and enhancing the historic environment

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

RD2 Development in the open countryside

R8 Commercial horse-riding establishment

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

LC14 Area of special historic landscape interest

**North Lincolnshire Core Strategy:**

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS6 Historic environment

CS17 Biodiversity

**Housing and Employment Land Allocations DPD (2016):** The host property is within the development limits of Westwoodside. The area proposed for the stable is outside the development limits, within the open countryside and land allocated as LC14. The site is within the residential curtilage of the host property.

**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 late 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

DM3 Environmental protection

RD1 Supporting sustainable development in the countryside

HE1 Conserving and enhancing the historic environment

HE2 Area of special landscape interest

## CONSULTATIONS

**Environmental Protection:** The proposed development for a residential annexe is a sensitive end use. The existing site is used for the stabling of horses and there is therefore the potential for the site to be impacted by contamination, including asbestos-containing materials. A full condition is recommended.

**Highways:** No comments or objections.

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

## PARISH COUNCIL

The Parish Council originally commented that they believed the annexe is not an annexe as it is not connected to the main house. They are also concerned that the site is within LC14 and that the development fails policy RD9:

- (i) the building is of architectural or historic importance to the rural scene and is of substantial and permanent construction capable of conversion without major alteration – it is constructed of concrete blocks
- (ii) the development will not create a need for new buildings to house activities displaced by conversion – PA 1463 is for a new stable block and therefore they are being replaced. The proposed annexe would be described as a separate dwelling not an annexe and will in effect be backland development and policy H7 applies.

Revised proposals were submitted and comments are as follows:

- (a) The annexe is a separate dwelling to house, of a size equal to the original dwelling and disagree with the statement modest size.
- (b) It is for a family member to occupy, any permissions should apply a condition which should be explicit it cannot be used as an independent dwelling.
- (c) In planning terms it is not connected, such elements as service can be easily changed and are not a planning consideration.
- (d) It is in the open countryside LC14 Isle of Axholme Historic Environment, within the curtilage of the property and is not consummate with CS3. "Character - the limit will be drawn to reflect the need to protect and enhance settlement character. This means protecting areas of open space or land with the characteristics of open countryside within and adjacent to settlements by not including them within development limits. Large rear gardens or paddocks stretching well out the villages - built form will also be excluded."
- (e) It is not related to an agricultural or forestry business and is for private use and therefore does not meet the needs of RD1 or RD2.
- (f) It requires a new stable block (PA/2023/1463) and therefore fails the principles of RD6 ii, and in particular RD9 iii.
- (g) It would set a dangerous precedence and allow such development elsewhere in the IAHE and further damage the IAHE.

- (h) It does not meet the high standards of design for development in the open countryside and would impact on the character of the area.
- (i) Does not conform to policies CS1 CS2.

The applicant had been advised to take out the welfare facilities out of the annexe and replace with just a toilet. This committee is deeply concerned by this advice by the planning officer.

## **PUBLICITY**

The proposal has been advertised by means of site notice, both initially and following the receipt of an amended plans package.

One response has been received objecting to the proposals on the following grounds:

- The application for a further dwelling on the site will impact on the noise levels – the vehicles on site at this point is five, of which two are normally parked on the street overnight. The two-storey dwelling will overlook my property but could have a greater impact on the neighbours on the other side as it may cause a light issue.
- The application for this annexe has changed from a two-storey to a single-storey. But this does not change the fact there are five people living on site with up to six vehicles. Although there is plenty of parking on site, the residents still park up to two vehicles on the lane; these are parked on the corner which restricts view, or on the pavement that becomes a hazard for pedestrians as they have to use the lane.

## **ASSESSMENT**

### **Planning history**

#### ***Application site:***

PA/2009/0111: Planning permission to retain the change of use of domestic premises to a mixed use of domestic premises and the keeping of family horses, including the retention of an additional stable block – approved with conditions 24/06/2009

2/1990/0089: Erection of a detached bungalow and car port – approved with conditions 20/03/1990

#### ***Wider site:***

PA/2023/1463: Planning permission for stable block/barn – approved with conditions 13/03/2024

*Condition included:* Within three months of the development being completed, the existing horses/ponies on site shall be re-stabled and the existing block-built stables and two timber stables (as shown on the following plans: CWX1047 - 104 - ALTERATIONS TO EXISTING TIMBER STABLES, CWX1047-105-EXISTING BLOCK BUILT STABLES and CWX1047 101B EXISTING AND PROPOSED SITE PLAN) shall be

demolished and removed from the site to the satisfaction of the local planning authority.'

*Reason:* To prevent the over-intensification of the equestrian use on site and to protect residential amenity in accordance with policies RD2, R8 and DS1 of the local plan.

PA/2023/680: Planning permission to erect a stable block – refused 07/07/2023

*Reasons for refusal:*

1. Insufficient evidence has been submitted to fully assess whether the stables are essential in the context of policy RD2 iv) and to assess the impact that the proposed stables would have on residential amenity due to the high number of horses potentially stabled on site and the potential for commercial livery and stabling use. The proposal would lead to an over-intensification of the equestrian use and fails to accord with policies RD2 and DS1 of the North Lincolnshire Local Plan.
2. The provision of an additional six stables on the site could lead to insufficient provision of grazing land for the horses/ponies housed on site. The existing stables on the site plus the proposed stable block could result in around 13 horses being stabled at the site. The area of available grazing land would be contrary to policy R8 of the North Lincolnshire Local Plan and the principles of good pasture management and the well-being of the animals.

### **Designations/constraints**

The site is within LC14.

The site is not within a conservation area, and there are no listed buildings or tree preservation orders on the site or in close proximity.

### **Site description/proposal**

The application site is to the rear of One Acre Cottage, a two-storey residential property within a good-sized plot. To the rear and encompassed within the residential curtilage are existing block-built and timber stables and stores, and paddock land. The application seeks the demolition of the existing block-built stables and to replace these with the annexe.

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 parish council notes that the proposed development is for a family member to occupy, and therefore any permissions should apply a condition which should be explicit that it cannot be used as an independent dwelling. A condition can be included to address this matter.

Planning permission has recently been granted (PA/2023/1463) for the erection of a new stable block/barn. This includes a condition which will include the demolition of two of the existing timber stables and the concrete block stables to be demolished within three months of completion of the new stables. This ensures no more than eight stables remain on site.

The footprint of the existing concrete block-built stables is 77m<sup>2</sup> and the proposed footprint of the annexe is 84m<sup>2</sup>. The existing block stables are approximately 2.5m to eaves height and approximately 3.8m to ridge height, whilst the proposed single-storey annexe is proposed at approximately 2.75m to eaves height and approximately 5.1 to ridge height.

The annexe includes a hall, W/C, open plan kitchenette, dining and lounge area and a separate bedroom.

The applicant has provided evidence in the form of a letter from North Lincolnshire Council which confirms that the existing stables constitute permitted development as defined by Class E, Part 1, Schedule 2 of the Town and Country Planning (GPDO) Order 1997. Class E relates to buildings incidental to the enjoyment of a dwelling house and confirms permitted development as "The provision within the curtilage of the dwellinghouse of..." This confirms the land as being within the curtilage of the existing dwellings house.

The land is currently used by the owners of One Acre Cottage for private use. The existing concrete block-built stables are unsuitable to house horses and as such are to be demolished. The applicant seeks to replace them with an annexe for ancillary use by the family.

Neighbouring properties are a mixture of large single- and two-storey detached dwellings. The development will sit along the western boundary with the neighbouring property, and an existing fence, hedge and trees form a defined boundary with that property. The neighbouring property also includes a brick-built building to the rear of the proposed annexe. This is of similar height to the proposed annexe. The annexe will be on the site of the existing stables.

The site currently has permission for the land to be used as a mixed residential and equestrian use. The applicant has confirmed that the existing block-built stables are only suitable for ponies and not large enough to accommodate horses; they are therefore not fit for purpose for the applicant's requirements to house the family horses. Planning application PA/2024/1463 was approved for a new stable block which addresses this matter. A Grampian condition ensures the same number of stables as existing will be present on the site.

**The following considerations are relevant to this proposal:**

- **principle of development**
- **the impact upon the character of the area**
- **the impact upon the residential amenity**
- **highways**
- **flood risk and drainage.**

**Principle of development**

The site is outside the development limits of Westwoodside, within the residential curtilage of the property. As it is outside the development limits of the settlement, open countryside policies apply. Policy RD2 strictly controls development within the open countryside,



allowing development which is for the replacement, alteration or extension of an existing dwelling.

Whilst it is noted that the parish council refers to policy RD9 and this policy has some relevance in that the building should be considered for conversion first, the local planning authority understands that the building is not suitable for conversion, and as a replacement stable block has already been approved under PA/2023/1463, there is no displacement of activities.

This policy relates to the re-use and/or adaptation of rural buildings for residential use in the open countryside. The building is not considered to be of architectural or historic importance. The existing stable block comprises an existing concrete stable block. The applicant is not seeking the reuse of the existing building – the existing stables are to be demolished as they are no longer fit for purpose. The development, if brought forward, will remove a building that is no longer fit for purpose off the site and makes use of the land for an alternative use which is needed by the applicant. It is considered that the resultant effect is a betterment in this countryside location.

As mentioned, planning permission has already been granted for a new stable block on the site. Policy RD9, section iii) refers to activities being displaced through conversion. The development is not related to a conversion but a new building.

The main issues in determining this planning application are consideration of character and appearance impacts, residential amenity, highways 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 on the boundary with, and within, the open countryside. The site also includes paddock land. The wider land to the south-west and east includes a mix of rear gardens/paddock land and open countryside. The plots in this location are mixed in size, the application site having a large garden in relation to the size of the property. The host property is two-storey in height. The annexe is proposed to the rear of the existing property at the rear of the manicured private garden and on the site of the existing concrete stable block.

The proposed annexe is set off the boundary with the neighbouring property (west) and sits on the footprint of the existing stable block. The footprint of the existing concrete block-built stables is 77m<sup>2</sup> and the proposed footprint of the annexe is 84m<sup>2</sup>. The existing block stables are approximately 2.5m to eaves height and approximately 3.8m to ridge height, whilst the proposed single-storey annexe is proposed at approximately 2.75m to eaves height and approximately 5.1m to ridge height.

Windows and bi-fold doors are proposed within the eastern elevations; these are at ground-floor level and will overlook the existing garden. Two rooflights are proposed within the

western elevation on the boundary with the neighbouring property, but these are above eye level and are not considered to result in any overlooking or privacy impacts. Two rooflights are also proposed within the eastern elevation. A single entrance door to the hallway is located on the southern elevation.

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 in height. It is not considered to lead to any significant amenity impacts. Patio doors are proposed to the front (eastern elevation) of the building and will overlook the existing garden.

The annexe is located to the east of the adjacent property; an existing single-storey building of similar height, scale and siting is positioned behind the proposed annexe and as such would not result in any loss of light or overshadowing impacts for the property to the west.

The parish council refers to a comment that the case officer advised to take the welfare facilities out of the annexe and replace them with just a toilet. This is incorrect. The case officer advised that "In planning terms annexes need to have a functional link to the main house for them to be considered an annexe. The use of a shared garden and the lack of a shower/size of the accommodation confirms this and that the unit will not be used as a standalone property in its own right."

The design is considered appropriate and will not lead to any amenity impacts. In addition, it should be noted that no comments have been made 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 approximately 385m<sup>3</sup>, as confirmed by the applicant. The proposed development seeks a single-storey annexe with a volume of approximately 220m<sup>3</sup>, which is a 57.1% increase on the original property but, taking into account the existing stable block to be demolished, this is a difference of 193m<sup>3</sup> (existing stable block) and 220m<sup>3</sup> (proposed annexe). This is an increase of approximately 14%. In terms of the original house, this is a further 37.1% over the 20% policy requirements of RD10; however, taking account of the existing stable block, this is only a minor increase in volume.

Whilst the policy is relevant, each case should be taken on its own merits. The property forms part of an existing residential property and is contained within the existing residential curtilage. The existing property is accessed via a private drive and this part of the site is not visible from the surrounding road network. The property has a good-sized garden and paddock area to the rear, 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 roof space and has been carefully designed to consider neighbouring properties and this countryside location.

The footprint of the existing concrete block-built stables is 77m<sup>2</sup> and the proposed footprint of the annexe is 84m<sup>2</sup>. The existing block stables are approximately 2.5m to eaves height and approximately 3.8m to ridge height, whilst the proposed single-storey annexe is proposed at approximately 2.75m to eaves height and approximately 5.1m to ridge height. Taking this into account, the development is considered minor compared with the existing development on the site.

It is accepted that planning permission has recently been granted for a large stable block on the site to house six horses; however, this is for equestrian purposes and the site is considered large enough for the level of development being proposed.

The proposals are considered to be designed to a high standard and will include redbrick walls, red tiled roof and uPVC or timber doors and window frames. The host property is largely constructed of red brick with white uPVC windows and doors and a red roof tile, and the rear element is 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.

### **Historic environment**

The site is within policy area LC14 (Area of Special Historic Landscape Interest). Within this area, development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features. A high standard of design and siting in new development will be required reflecting the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality.

The site is within the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14) situated within the Early Enclosed Land character area. The proposals are considered to be of a high quality and include a design and materials which match and complement adjacent buildings. The development is also on the site of an old concrete stable block and is considered an improvement in design terms.

The parish council argues that the development is “in the open countryside LC14 Isle of Axholme Historic Environment, within the curtilage of the property and is not consummate with CS3 Character – the limit will be drawn to reflect the need to protect and enhance settlement character. This means protecting areas of open space or land with the characteristics of open countryside within and adjacent to settlements by not including them within development limits. Large rear gardens or paddocks stretching well out the villages - built form will also be excluded.”

As noted earlier within this report, it has been confirmed, and evidence provided, that this section of land is within the residential curtilage. The development is also on the site of an existing building and as such does not contribute to the openness of this area of land and will in effect comprise a replacement building.

It is not considered that the proposal would adversely affect the character of the landscape heritage asset or its setting at this location.

## **Highways**

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

Concern has been raised by a member of the public that five people are living on the site with up to six vehicles, and that whilst there is provision on site for parking, these vehicles are parked on the road, which prevents visibility and becomes a hazard for pedestrians. The public highway is available for use by people to park their vehicles and where this is not permitted appropriate traffic management would be in place. Highways have reviewed the proposal and have no objections to this application subject to conditions. It is therefore judged that the proposal complies with policies T2 and T19.

## **Flood risk and drainage**

Drainage Policy CS19 (Flood Risk) of the Core Strategy is concerned with flood risk and policy DS14 (Foul Sewage and Surface Water Drainage) is concerned with foul sewage and surface water drainage. As indicated earlier, the site is within SFRA Flood Zone 1 (Low potential for flooding).

The LLFA Drainage Team has been consulted and has no objections to the proposed development.

## **Environmental protection**

The Environmental Protection team has considered the proposals and notes that the proposed development for a residential annexe is a sensitive end use. The existing site is used for the stabling of horses and there is, therefore, the potential for the site to be impacted by contamination, including asbestos-containing materials. It is the developer's responsibility to assess and address any potential contamination risks; however, no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level.

Only a site-specific investigation can establish whether there is contamination at a particular site. However, a desk study and site walkover may be sufficient to identify how pollutant linkages might be broken. Unless this initial assessment clearly demonstrates that the risk from contamination can be satisfactorily reduced to an acceptable level, further site investigations and risk assessment will be needed before the application can be determined. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

Taking into account the above advice, the Environmental Protection team advised that the applicant should submit a Phase 1 report for the department's consideration prior to the application being determined in accordance with national policy guidance. This allows the council to decide whether or not further assessment of the site is required and ensures that appropriate conditions are applied which render the development safe and suitable for use prior to use.

This information was not, however, provided and as such it is recommended that the inclusion of a detailed contamination condition be applied should the local planning authority be minded to determine the application without the information required.

## 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.

Pre-commencement conditions were shared, discussed and 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:

- CWX1047 110 B EXISTING AND PROPOSED SITE PLAN
- CWX1047 111 A EXISTING BLOCK BUILT STABLES
- CWX1047 120 B PROPOSED ANNEXE.

Reason

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

3.

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

### Part 1: Site Characteristics

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

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

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

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

4.

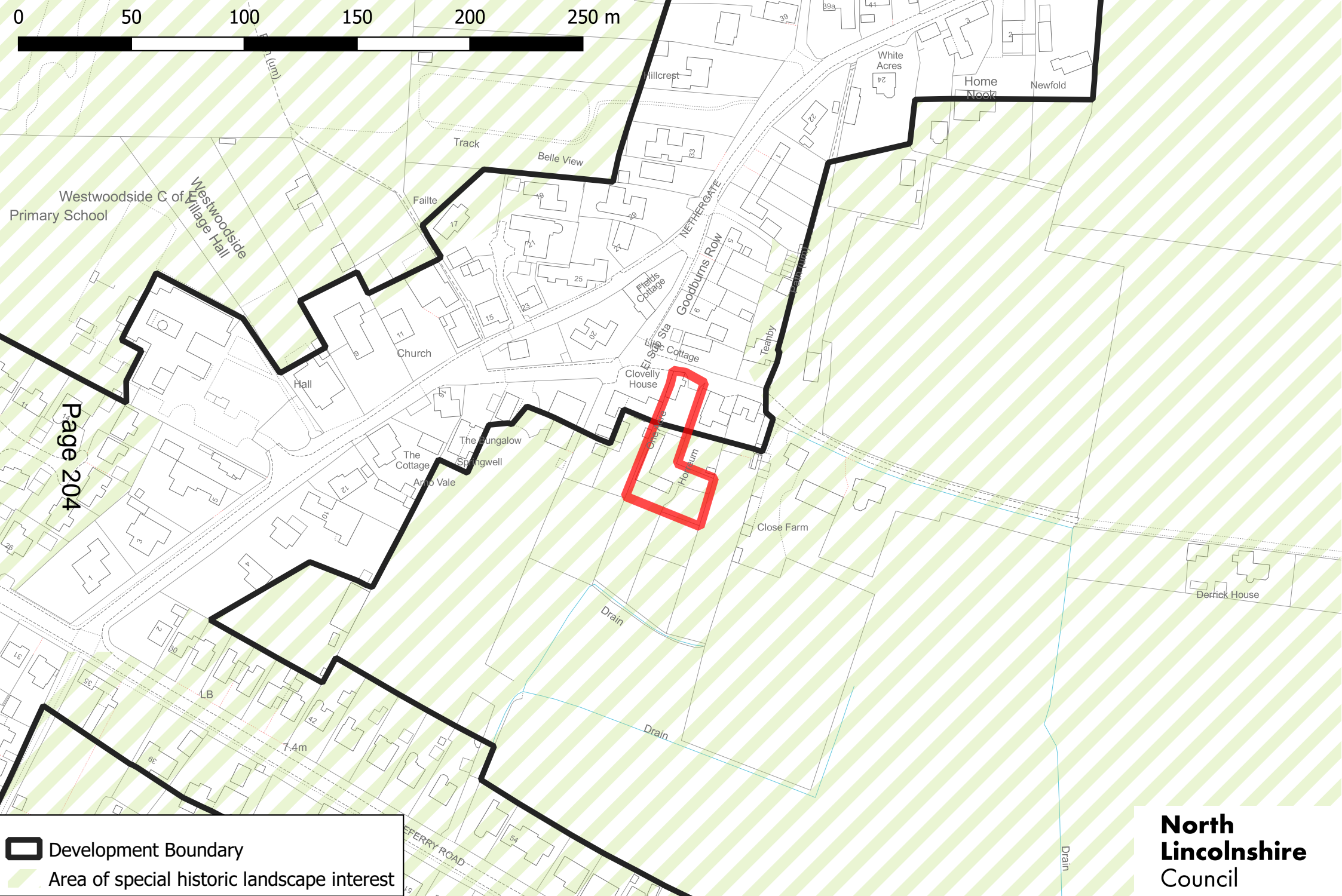
The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as One Acre Cottage, Sandbeds Lane, Westwoodside, DN9 2DW

**Reason**



To ensure that the additional accommodation is not severed from the main dwelling to provide a self-contained dwelling unit.

**Informative**

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



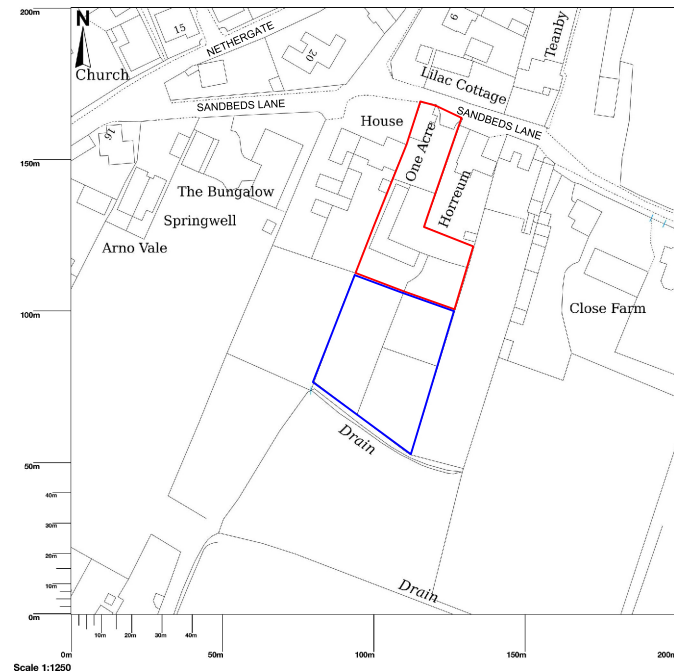
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 Development Boundary  
 Area of special historic landscape interest

**North  
Lincolnshire  
Council**

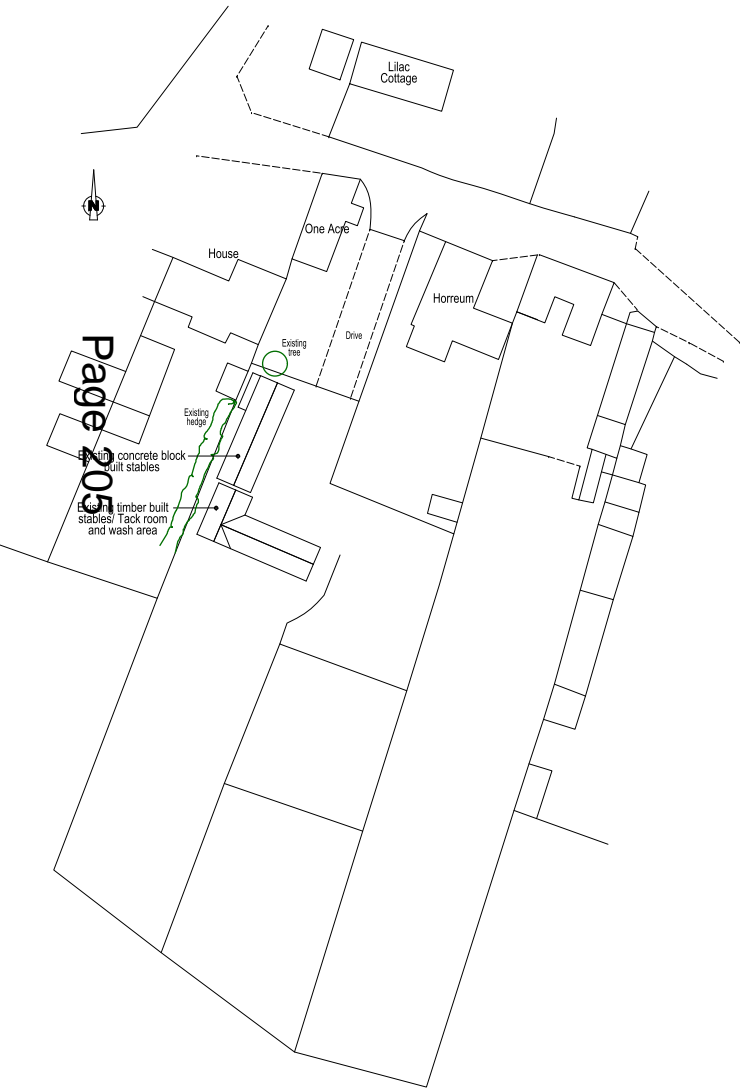


# PA/2023/1478 Existing and proposed layout (not to scale)

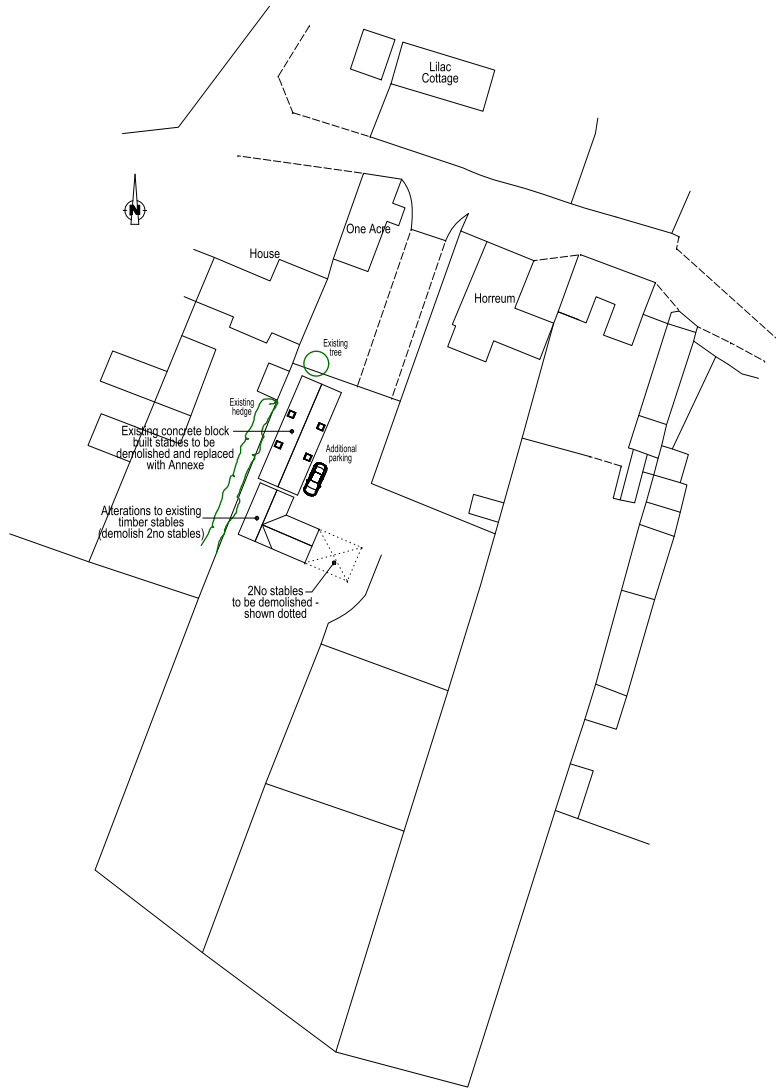


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SITE LOCATION PLAN  
1:1250



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EXISTING SITE PLAN  
1:500

PROPOSED SITE PLAN  
1:500



**Cadworx Ltd**  
Architectural design and 3d Visualisations  
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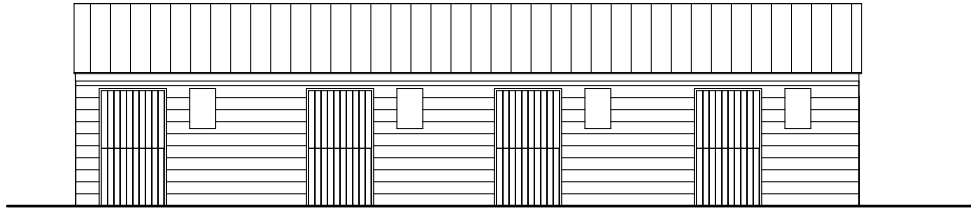
- Project
- TO DEMOLISH EXISTING STABLE BLOCK, AND REPLACE WITH PROPOSED ANNEXE
- ALTERATIONS TO EXISTING TIMBER STABLES
- AT ONE ACRE
- SANDBEDS LANE
- WESTWOODSIDE DN9 2DW

- Title:
- LOCATION PLAN
- EXISTING AND PROPOSED SITE PLANS

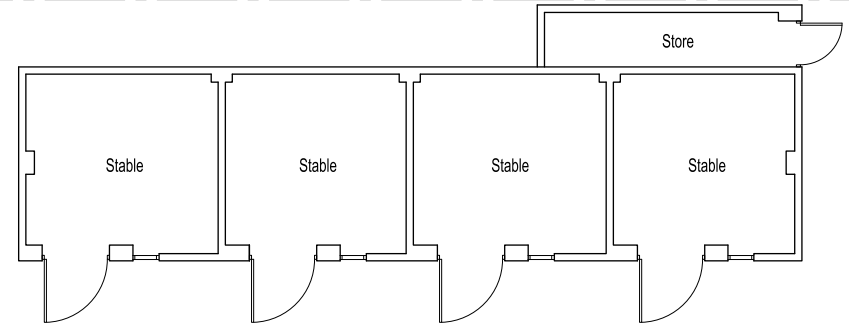
Scale	Date	Drawn
1:1250 / 1:500 @ A2	07-2023	DS

Drawing No. CWX1047 - 110B

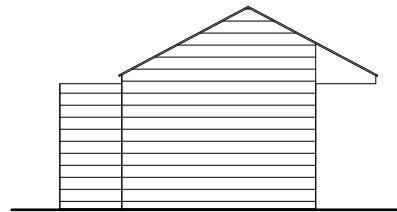
# PA/2023/1478 Existing block-built stables (not to scale)



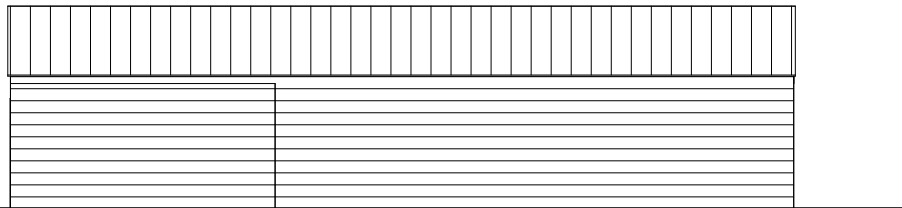
EXISTING EAST ELEVATION  
1:100



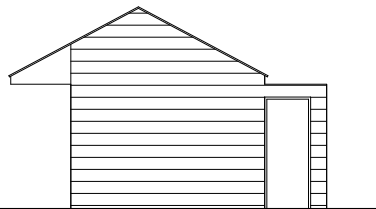
EXISTING FLOOR PLAN  
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EXISTING SOUTH ELEVATION



EXISTING WEST ELEVATION



EXISTING NORTH ELEVATION

Page 206



**Cadworx Ltd**  
Architectural design and 3d Visualisations

Linden House, Bracken Hill Road  
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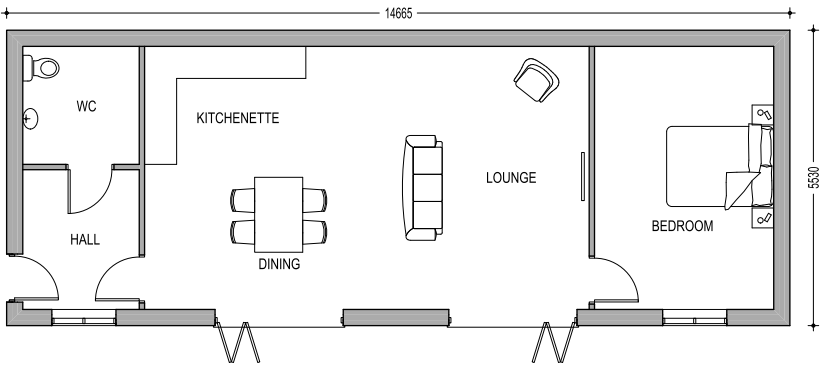
- Project
- TO DEMOLISH EXISTING STABLE BLOCK, AND
- REPLACE WITH PROPOSED ANNEXE.
- ALTERATIONS TO EXISTING TIMBER STABLES
- AT ONE ACRE
- SANDBEDS LANE
- WESTWOODSIDE DN9 2DW

- Title:
- EXISTING BLOCK BUILT STABLES
- PLANS AND ELEVATIONS

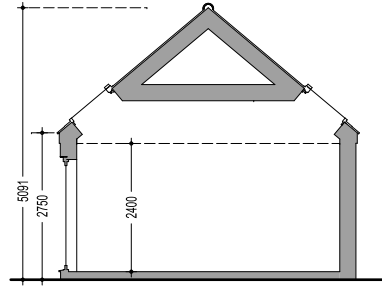
Scale	Date	Drawn
1:100 @ A3	03-2023	DS

Drawing No.  
**CWX1047 - 111A**

# PA/2023/1478 Proposed annexe (not to scale)



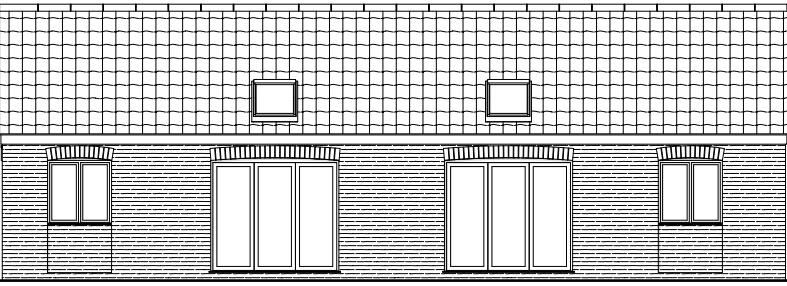
PROPOSED GROUND FLOOR PLAN  
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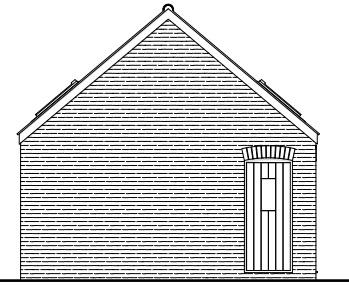
PROPOSED SECTION  
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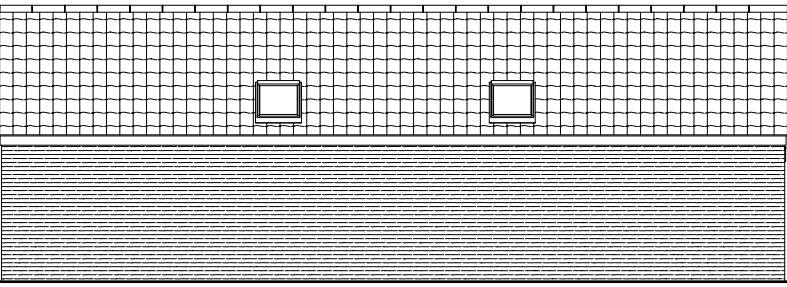
Page 207



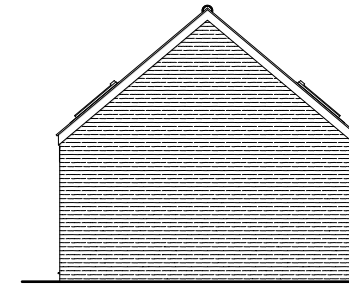
PROPOSED EAST ELEVATION  
1:100



PROPOSED SOUTH ELEVATION



PROPOSED WEST ELEVATION



PROPOSED NORTH ELEVATION



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- Project
- TO DEMOLISH EXISTING STABLE BLOCK, AND REPLACE WITH PROPOSED ANNEXE.
- ALTERATIONS TO EXISTING TIMBER STABLES
- AT ONE ACRE
- SANDBEDS LANE
- WESTWOODSIDE DN9 2DW

Title:  
ANNEXE  
PROPOSED PLANS AND ELEVATIONS

Scale	Date	Drawn
1:100 @ A3	03-2023	DS

Drawing No.  
**CWX1047 - 120B**

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<b>APPLICATION NO</b>	<b>PA/2023/1769</b>
<b>APPLICANT</b>	Mrs Claire Welsh
<b>DEVELOPMENT</b>	Planning permission to erect a wood pergola with a roof in the garden close to the boundary
<b>LOCATION</b>	Crystal House, Archers Close, Wrawby, DN20 8TQ
<b>PARISH</b>	<b>WRAWBY</b>
<b>WARD</b>	Brigg and Wolds
<b>CASE OFFICER</b>	Matthew Gillyon
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Wrawby Parish Council

## **POLICIES**

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

Part 12 Achieving well-designed and beautiful places

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

DS1 General requirements

DS5 Residential extensions

### **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 Development Plan:**

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 late 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 to this application.

**LLFA Drainage:** No objections or comments to the proposed development.

## **PARISH COUNCIL**

Objects to this application on the following grounds:

- The height of the structure is not in keeping with the area and will dominate the skyline.
- The structure is very close to the boundary of the neighbouring property, and with no information and evidence of guttering and soakaways, the rainwater will run off into the neighbouring property.

## **PUBLICITY**

A site notice has been displayed and seven comments have been received: one query, two objections and four in support of the proposal:

### ***Query:***

- Does the proposed height of the pergola comply with planning requirements/regulations?

### ***Objections:***

- The height of the pergola above the boundary fence and the proximity to the boundary are causing concerns. The closeness to the fence will cause problems with rainfall run-off and the height of the roof is an encroachment on the enjoyment of our garden.
- Despite adding guttering, the structure still does not meet previous objections by the parish council in respect of the overall height of the roof. This affects the skyline by being too tall, surely too tall to meet planning requirements. The rear of the roof is also black felt, not the same finish as the front.

## **Support:**

- As the neighbours immediately to the left of this, we are fully supportive of this structure. It has been tastefully and professionally constructed with a green roof which blends well with the bushes and trees to the rear and side of it. It has guttering to stop water rotting the fences which actually both belong to Crystal House. The understanding was that it was built to stop the mess from the tree at the rear which does make a mess. The pergola does not stop the enjoyment of our garden at all and we look straight at it.
- Living as neighbours to Crystal House, we have no objections to the pergola being built. It looks tidy and well-camouflaged with the greenery behind it and has been thoughtfully constructed. We find this structure does not disrupt the views and will provide a pleasant place where people can spend time together while being shielded from adverse weather. We also experience litter coming from a nearby tree which is troublesome all year round and therefore can completely appreciate the desire to shield their garden from this.
- My property is to the right of Crystal House and I fully support the structure which is under construction.
- We have no objections with the structure of this pergola. We live next door and it does not affect us at all. We can see that it has been well built and is not an eyesore. My neighbour takes great pride in the garden and it is always neat and tidy. I do not find any problem at all with this pergola.

## **ASSESSMENT**

### **Planning history**

No previous planning applications.

### **Site constraints**

The site is within the development boundary of Wrawby within SFRA flood zone 1. The tree to the rear of the site has a tree preservation order (land off Bakersfield, Wrawby 2001).

### **The site and proposal**

This application is for retrospective planning permission for a wood pergola with a roof in the rear garden against the boundary of Crystal House, Archers Close. The pergola is sited in the rear corner of the rear garden, in the sunken patio which is 300mm lower than the grass. The pergola has a pitched roof with a height of 3.7m, a length of 4.3m and a width of 2.4m, and is constructed from timber with a felt roof which is bottle green.

### **The main issues in determining this application are:**

- **principle of development**
- **impact on the character and appearance of the area; and**
- **residential amenity.**
- **Flood risk and drainage**

## **Principle of development**

Policy CS2 of the North Lincolnshire Core Strategy (NLCS) sets out a sequential approach to locations of new development within North Lincolnshire with small-scale developments within the defined development limits of rural settlements being a preferred location.

Policy DS5 of the North Lincolnshire Local Plan (NLLP) supports development for outbuildings providing the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

This proposal is for development within the curtilage of a residential property, within the development limit of Wrawby, is considered to be in accordance with these policies and is acceptable in principle.

## **Impact upon the character of the area**

Policy CS5 of the NLCS states that new development should be well designed and appropriate for their context and contribute to creating a sense of place, with any proposed development needing to respect the character and appearance of the locality.

This retrospective application is to erect a pergola with a roof in the rear curtilage of the host dwelling. The pergola is made out of timber and felt, traditional materials for a structure like this, and is in the rear garden, which is considered to be the place where a development like this would be erected. Comments have been made that the pergola is of a good design and well built. It is in the rear garden against the property boundary which is defined by fencing. The pitched roof of the pergola is visible above the fence line with the overall height of the structure under the existing vegetation and tree in the neighbouring dwelling's garden. The structure is only partially visible through the gaps between the properties with the pergola only visible by the host dwelling and adjoining neighbours. It is not considered to be out of character for the area and is in accordance with policy CS5 of the adopted Core Strategy.

## **Impact upon residential amenity**

Policies DS1 and DS5 of the NLLP state that new development should be well designed and appropriate for their context with no unacceptable loss of amenity to neighbouring properties. Outbuildings will be allowed providing that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing or loss of privacy to adjacent dwellings, with proposals sympathetic in design, scale and materials to the existing dwelling and its neighbours.

This proposal is for retrospective planning permission for a pergola with a roof in the rear garden against the boundary fence. Two comments have been received regarding planning requirements. The structure has a maximum height of 3.7m and is against the boundary fencing. In this instance, if a development was to be constructed under permitted development rights, the maximum height of an outbuilding must be no more than 2.5m to not require planning permission. As the pergola is 3.7m high, it does require planning permission, hence this application, the structure being 1.2m taller than what is allowed under permitted development rights. However, the pergola is within the sunken patio area, which is 300mm below the level of the grassed area; this need to be taken into account in considering this application.



The pergola is surrounded by fencing that defines the boundary for the properties and a mix of trees and bushes, the tree directly behind the pergola, which is in the rear garden of a dwelling located on Bakersfield, being protected by a tree preservation order (TPO). The tree in question is referenced in the comments and is suggested as one of the reasons for the erection of the pergola in order to stop the litter from the tree. The tree and vegetation of the property to the rear of the development are taller than the pergola.

It is also commented that the development will dominate the skyline; however, with trees and vegetation already taller than the pergola, it is considered that the development will not dominate the skyline. There has also been support for the structure from neighbouring properties, saying that they have no objection, the pergola is well designed and built, and it will assist in stopping the litter from the adjacent tree.

The pergola is in the corner of the rear garden, surrounded by fences that define the property boundary, with vegetation behind the fence of the northwest property, and a tree, vegetation and a shed behind the fence of the property to the northeast. The pergola has been built within the sunken patio area of the dwelling, with the site also been on a slope which rises to the southeast and northeast of the pergola, with the pergola downhill from the properties behind and 10m away from the boundary to the dwelling to the southeast. The neighbouring property to northwest is downhill from the development. The main patio area of the neighbouring property is on the opposite boundary. The roof of the pergola is above the existing fence line, however with the line of the sun rise and sun set going around the pergola the orientation of the pitched roof will still allow sunlight into the neighbouring property and with the property behind the dwelling having a tree and vegetation that is already taller than the pergola will have limited impact.

It is considered that the pergola will not create an adverse impact on residential amenity, the overall height not being a departure when compared to the vegetation that is already taller directly behind the structure. The proposal is therefore considered to be in accordance with policies DS1 and DS5 of the local plan.

### **Flood risk and drainage**

It is also noted from the comments and objection from the parish council that there is a concern of water running off the pitched roof onto the neighbouring property. This has been clarified by the amended photos which show that guttering and rainwater goods have been attached to the pergola to stop any run-off. The site is also on a gradual incline and with the location of the development at the highest point, any surface water would actually run into the host garden and down the hill.

### **Conclusion**

This retrospective application for planning permission for a wood pergola with a roof in the garden is not considered to have any unacceptable adverse impacts on the character of the area or residential amenity. The proposal is therefore considered to comply with policy and is recommended for approval.

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

1.

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

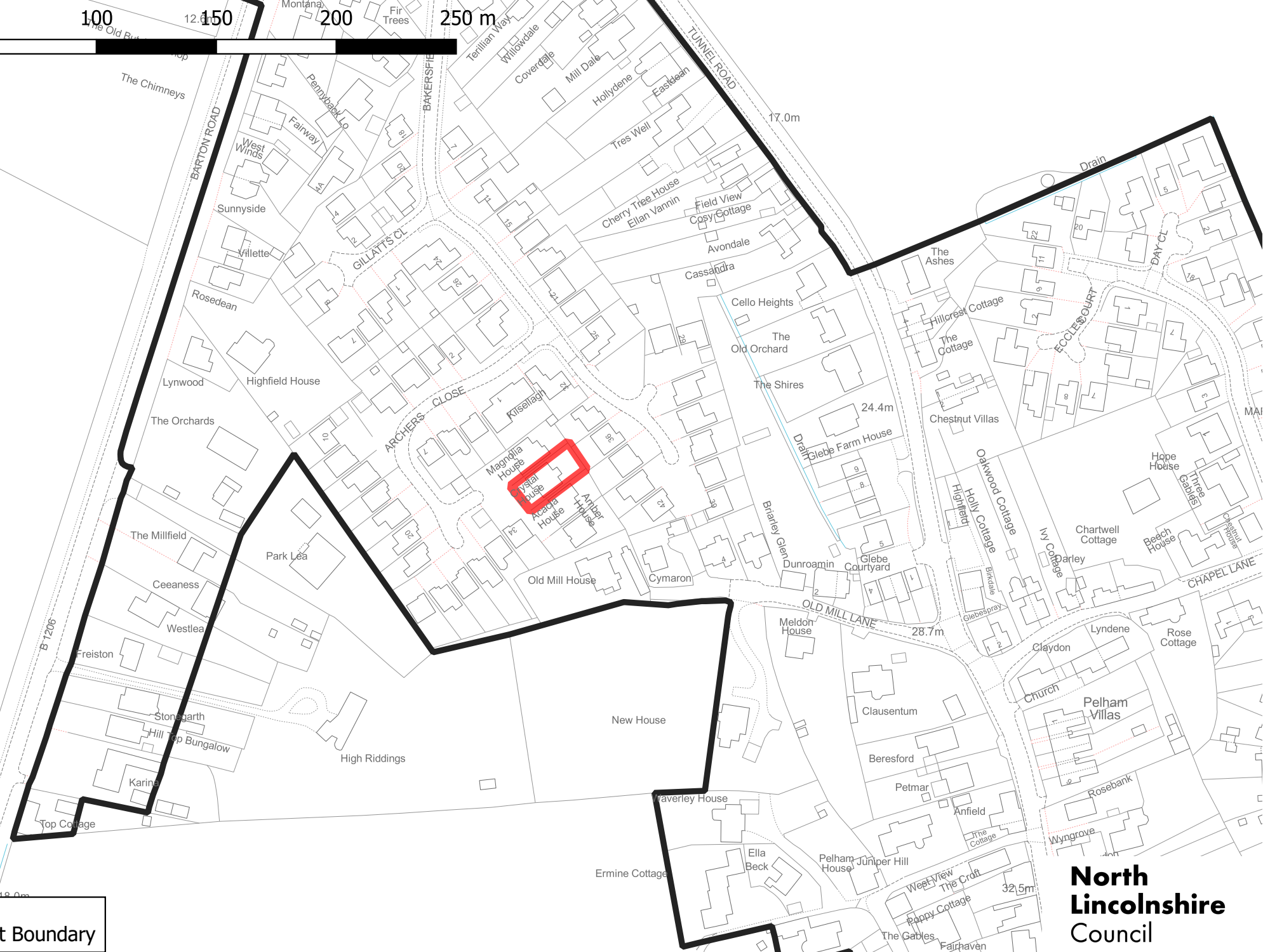
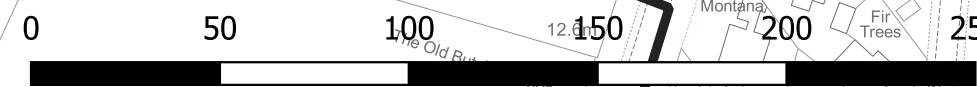
- Location Plan PP-12580317v1
- Elevations and Measurements PA/2023/1769/DRWG01
- Elevation Drawing PA/2023/1769/DRWG02
- Boundary Location PA/2023/1769/DRWG03
- Plan Drawing PA/2023/1769/DRWG04.

Reason

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

**Informative**

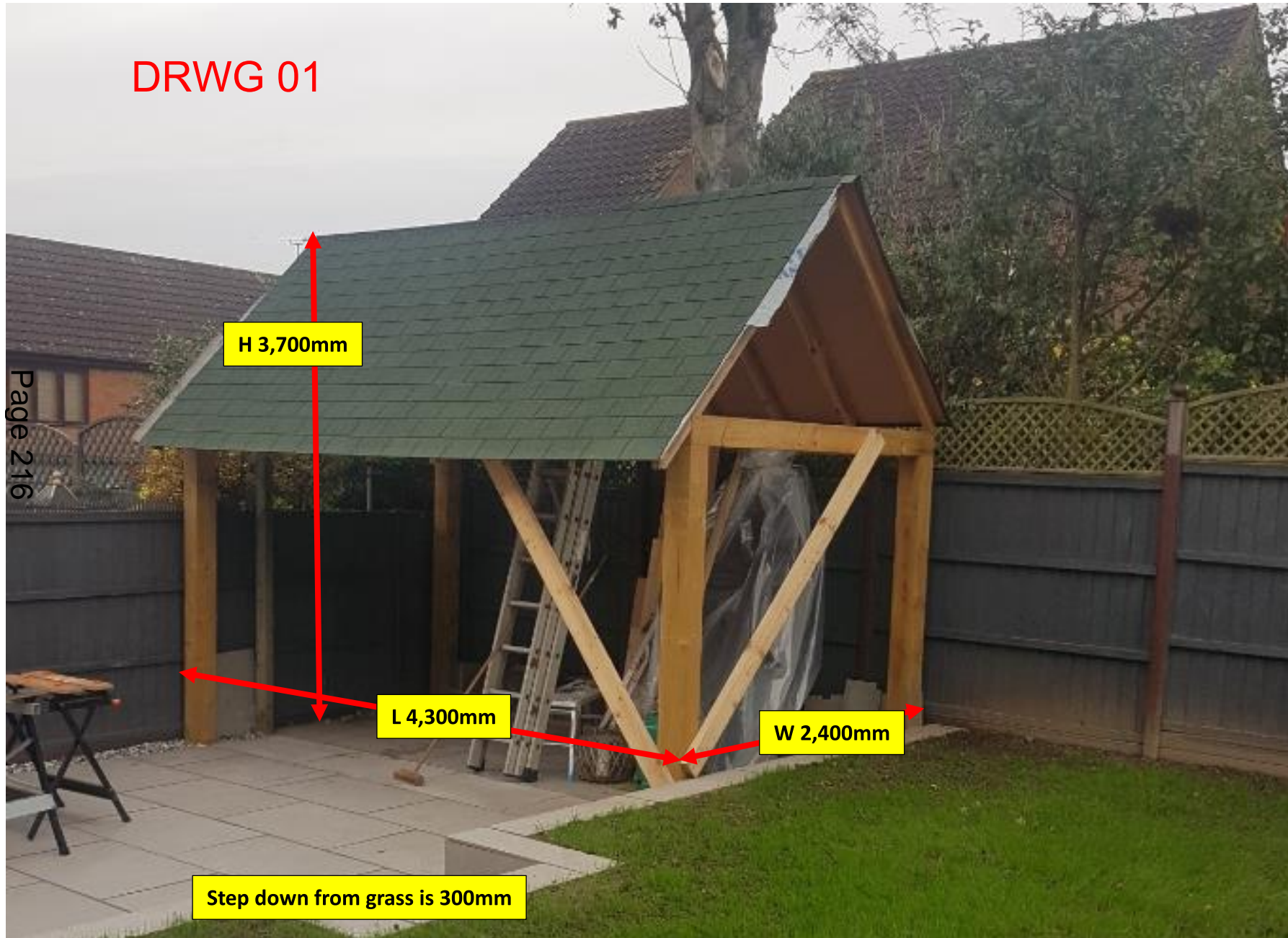
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



 Development Boundary

# Elevations and Measurements

DRWG 01



Step down from grass is 300mm

<b>APPLICATION NO</b>	<b>PA/2023/1802</b>
<b>APPLICANT</b>	Paul Warren, Holls Electrical Ltd
<b>DEVELOPMENT</b>	Planning permission for change of use of two retail units to three flats (resubmission of PA/2023/1397)
<b>LOCATION</b>	4-5 Belgrave Square, Scunthorpe, DN15 6LX
<b>PARISH</b>	<b>SCUNTHORPE</b>
<b>WARD</b>	Town
<b>CASE OFFICER</b>	Daniel Puttick
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Rob Waltham MBE – significant public interest)

## **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:**

- H5 (Part saved) new housing development
- H6 Flats above shops and the use of vacant buildings for housing
- DS1 General requirements
- T2 Access to development
- T19 Car parking provision and standards
- DS11 Polluting activities
- 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

CS14 Retail development

**Housing and Employment Land Allocations DPD:** The site is within the development limits of Scunthorpe, within the town centre shopping area.

TC-1 Development in North Lincolnshire's town centres and district centres

**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

TC1 Retail hierarchy and town centre and district centre development

## **CONSULTATIONS**

**Highways:** No objections but advise an informative.

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

**Environmental Health and Housing:** Advice provided in relation to HMOs, Building Regulations approval and other legislation.

**Recycling and Waste:** Advice provided in relation to waste management and refuse collection.

## **PUBLICITY**

A site notice has been displayed – no comments received.

## **ASSESSMENT**

### **Planning history**

- PA/2020/1352: Advertisement consent for an internally illuminated fascia sign – approved with conditions 06/11/2020
- PA/2019/1711: Advertisement consent to display a mix of illuminated and non-illuminated signage – approved 23/03/2020
- PA/2020/1230: Planning permission install a new shopfront, with a single door and external cladding (including removal of existing shopfront and canopy over) – approved with conditions 06/11/2020
- PA/2022/1125: Advertisement consent to replace existing signage on the main entrance, add small branded signage to the window beds and install new high level signage to the side of the store – approved with conditions 01/09/2022
- PA/2023/1397: Planning permission for change of use of two retail units into three flats – withdrawn

The site is within the town centre shopping area. The site is within SFRA flood zone 1, and is not within a conservation area. There are no listed buildings or tree preservation orders within or close to the site.

### **Site characteristics**

The site is within the identified Scunthorpe town centre, to north of Mary Street and west of Cole Street. The site falls within the defined town centre shopping area within Scunthorpe, and is within flood zone 1. The site is not within a conservation area and there are no listed buildings near to the site which would be affected by the development.

The supporting statement confirms that the current building comprises two retail units (Units 1 and 2) at the ground floor and three flats at the upper first floor. Documents indicate that 'Unit 1 was initially rented out with a 3-year lease which started back in 2018, has since been amended to 5 years but has now expired leaving it on a rolling monthly arrangement'.

The application indicates that 'Unit 2 is occupied by the applicant but they wish to vacate as they have decided to downsize the business, shut up the retail premises and go to online sales only, with the revised business working from a storage unit which they already own elsewhere'.

When officers visited the site, during normal working hours, one of the retail units (Wool Paradise) was open and trading. The larger retail unit (Holls Electrical Ltd) was closed with the roller shutters down.

Mary Street and Cole Street are used as key routes into the wider shopping centre, with car parking available to the southwest of the site. Whilst the units are not identified as within a primary shopping frontage, they are within the town centre boundary as defined on the Scunthorpe Town Centre Inset Plan.

## **Proposal**

Planning permission is sought for a material change of use of two ground-floor retail units into three one-bedroom flats. Each flat would comprise a bedroom with en-suite shower room, and open plan kitchen, dining and living space. Access would be provided directly from street level, with each flat having its own independent access.

Externally, it is proposed to remove existing shopfronts and reduce the size of existing openings, with the insertion of domestic windows and doors. Additional openings are proposed in the south-facing elevation serving flats 2 and 3.

## **Material considerations**

As set out above, planning permission is sought for the material change of use of two existing retail units at ground-floor level to provide three one-bedroom flats, each accessed independently from one another.

### **The main issues in the determination of this application are:**

- **principle of development**
- **residential amenity**
- **appearance/quality of design**
- **flood risk and drainage**
- **highway safety.**

## **Principle of development**

The development plan identifies Scunthorpe as the major sub-regional town, supported by market towns, rural settlements and rural settlements in the countryside. Through the combination of the Core Strategy, HELA and local plan, the council are seeking to facilitate an urban renaissance in Scunthorpe, with policy CS1 of the Core Strategy identifying it as the focus for the majority of new development and growth.

This policy indicates that the town centre will be the main focus of new retail, leisure, commercial office and cultural developments in the area. As part of the urban renaissance programme, significant regeneration will take place within the town centre to provide new retail opportunities, a new market hall, cultural and leisure facilities as well as enhancements to the public realm and urban fabric. The use of high quality and innovative design will be supported in the town centre. Mixed use development is encouraged in the town centre through policy CS1.

The site is located and allocated within the town centre shopping area as defined on the Scunthorpe Town Centre Inset Proposals Map.

Paragraph 90 of the NPPF is clear that planning policies and decisions should support the role town centres play at the heart of communities by taking a positive approach to their growth, management and adaptation. Planning policies should:



- (a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
- (b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
- (f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

Policy TC1 of the Housing and Employment Land Allocations DPD replaces local plan policies S1, S2, S3, S4 and S5. Policy TC1 reflects the NPPF and recognises that residential development plays an important role within town centres. This is reflected within the policy allowing residential development at upper floors. Policy TC1 states:

'Within the defined town centre boundaries of the sub-regional town of Scunthorpe, as shown on the Scunthorpe Town Centre Inset Plan, Shops (A1) uses will be permitted. The following non-shopping uses will also be permitted:

- (i) Business (B1) at upper levels
- (ii) Residential (C3) at upper levels
- (iii) Financial and Professional Services (A2)
- (iv) Restaurants and Cafés (A3)
- (v) Drinking Establishments (A4)
- (vi) Hot Food Takeaways (A5)
- (vii) Hotels (C1)
- (viii) Non Residential Institutions - Community Facilities (D1) open daily
- (ix) Assembly and Leisure Facilities (D2)
- (x) Taxi Businesses.

Policy TC1 allows for a range of alternative uses within the town centre, including residential development at upper floors. It seeks to support development at ground floor for a range of uses which now fall within the Town Centre Use Class E and other specified uses considered suitable in town centres. This seeks to ensure the vitality and viability of identified centres are maintained or enhanced as set out in the NPPF.

The proposal seeks to convert the ground floor level to residential flats. This is contrary to policy TC1 which allows residential development at the upper level only. The applicant has confirmed that the upper level of the building has already been converted to residential development and serves as three flats.

The applicant contends that the property has been advertised since January 2023, so far without any success. They have also engaged Bell Watson Estate Agents who have also

advertised the unit since March 2023. The supporting statement indicates that no serious offers for the property have been received. However, no further information in the form of a marketing assessment has been submitted in support of the application. The marketing efforts of those engaged to market the property are unknown, and it is not clear whether the price the property has been marketed at is appropriate.

The supporting statement cites the lack of interest in the property as being due to it not being on the main High Street, that the High Street is losing footfall due to lack of investment and there already being vacant retail units within the High Street. No further information is provided to evidence this, and no comparison of any existing vacant units is made to support these claims.

The proposed change of use of the retail units would result in the loss of existing opportunities for town centre uses. The proposals are contrary to the aims of the development plan, which seek to maintain the vitality and viability of the centre by supporting residential uses in upper floor levels, retaining ground floor space for retail and other similar uses. No evidence has been provided to demonstrate that there is no longer a need for the units, and that their loss would not affect the vitality and viability of the town centre.

Paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Through policy TC1, the council seeks to ensure the vitality and viability of the defined town centre is maintained by retaining town centre uses and supporting residential uses in upper floors. The development is contrary to the aims of policy TC1 and as such the principle of development is not considered acceptable.

### **Residential amenity**

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 local plan is concerned with polluting activities; both are considered relevant.

Paragraph 135 of the NPPF states, amongst other matters, that planning decisions should 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.

Paragraph 193 of the NPPF indicates 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.

The property is within the town centre, adjacent to other existing town centre uses and a car park. Whilst no objection has been received from the Environmental Protection team in relation to noise impacts, it is considered that the location of the flats at ground-floor level would expose occupants to elevated noise and disturbance from existing users and adjacent retailers during daytime and nighttime hours.

These impacts could also affect the operation of those existing businesses due to impacts or complaints from the proposed new residents. Given the proximity to neighbouring commercial uses, it is considered that mitigation would be needed to address potential

impacts caused by neighbouring land uses. In this instance no mitigation is identified within the application and, given the proximity to neighbouring commercial premises, it is not considered appropriate to secure mitigation by means of a condition.

The external alterations would see the removal of shopfronts and the installation of windows and doors to serve the proposed flats. Given the size of openings and volume of pedestrian movements in the area associated with the surrounding commercial uses, occupants of the proposed flats would be likely to have diminished levels of privacy. Owing to the site-specific circumstances in this case, it is considered that the proposed residential use would not be compatible with surrounding commercial uses. Occupants of the proposed flats would not benefit from adequate standards of amenity, and would be likely to be exposed to reduced levels of privacy, and heightened levels of noise and disturbance.

For these reasons, the proposed development would conflict with the aims of policies DS1 and DS11 of the North Lincolnshire Local Plan, and the aims of paragraphs 135 and 194 of the NPPF.

### **Appearance/quality of design**

Policies CS5 of the Core Strategy and DS1 of the local plan expect a high standard of design in all developments, the latter establishing a set of criteria on which development will be assessed.

The proposed design seeks to remove the large shopfront windows and replace them with a series of smaller residential style windows to serve the different rooms within the three separate flats. This would result in the loss of existing shopfronts and, given the site's location adjacent to other commercial premises, the proposals could be considered out of character with the wider street scene. Positive elements of the scheme would see the removal of externally-mounted roller shutters and signage which, although characteristic of the area, adds little to the architectural interest of buildings in this location.

Policy DS1 requires the proposal to reflect or enhance the character, appearance and setting of the immediate area. The application site forms one of a number of retail units with shop fronts facing onto the adjacent street. The proposals would result in the removal of shop fronts, signage and external shutters in favour of the installation of a range of domestic window openings. Given the surrounding context, the development would appear at odds with neighbouring buildings within the street. The simple design of the development would fail to reflect the pattern of existing development and would not be reflective of the commercial character of the area.

For reasons set out above, the proposed development would fail to reflect or enhance the character, appearance and setting of the immediate area contrary to policy DS1 of the local plan and the aims of policy CS5 of the Core Strategy.

### **Highway safety**

Policies T1 and T19 of the local plan collectively seek to ensure developments are well-located in terms of access and provide sufficient parking to accommodate the vehicular demands of the proposed use.

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

The application has been assessed by the council's Highway Officers who have no objections or comments to make. Officers note that the site benefits from suitable access and is within a sustainable location, being within the town centre. In addition, the site is well placed in terms of access to public transport links and the proposed site plans include a garage for at least two cars and an external car parking space.

In the absence of any objection from the highway authority, and in light of the town centre location, the proposed change of use would not be considered to give rise to any impact on road safety to a degree that would justify withholding planning permission. The development is considered acceptable in this respect in accordance with policies T1 and T19 of the local plan, and policy CS25 of the Core Strategy.

### **Flood risk and drainage**

LLFA Drainage have not raised any concerns regarding the proposals. The building is existing and no extensions are proposed. The site is not prone to flooding and is within flood zone 1.

In the absence of any objection from the LLFA Drainage team, the proposed change of use would not be considered to give rise to any impacts in relation to flood risk or drainage. The development is considered acceptable in this respect in accordance with policy DS14 of the local plan.

### **Conclusion**

Members are advised that the development would conflict with the aims of policy TC1 of the local plan, which seeks to restrict the introduction of ground-floor residential accommodation in this location. The provision of ground-floor residential accommodation in this location is therefore not considered to be acceptable as a matter of principle. In addition, occupants of the flats would likely be subjected to noise and disturbance associated with the site's town centre location and adjacent commercial uses, and occupants of the flats would likely have diminished levels of privacy owing to the external changes proposed.

Members are therefore recommended to refuse planning permission for the reasons set out within this report.

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

1.

The development, by virtue of its use for residential purposes within a defined town centre, is considered likely to have a detrimental impact on the vitality and viability of Scunthorpe town centre, and is contrary to the aims and objectives of policy TC1 of the North Lincolnshire Local Plan.

2.

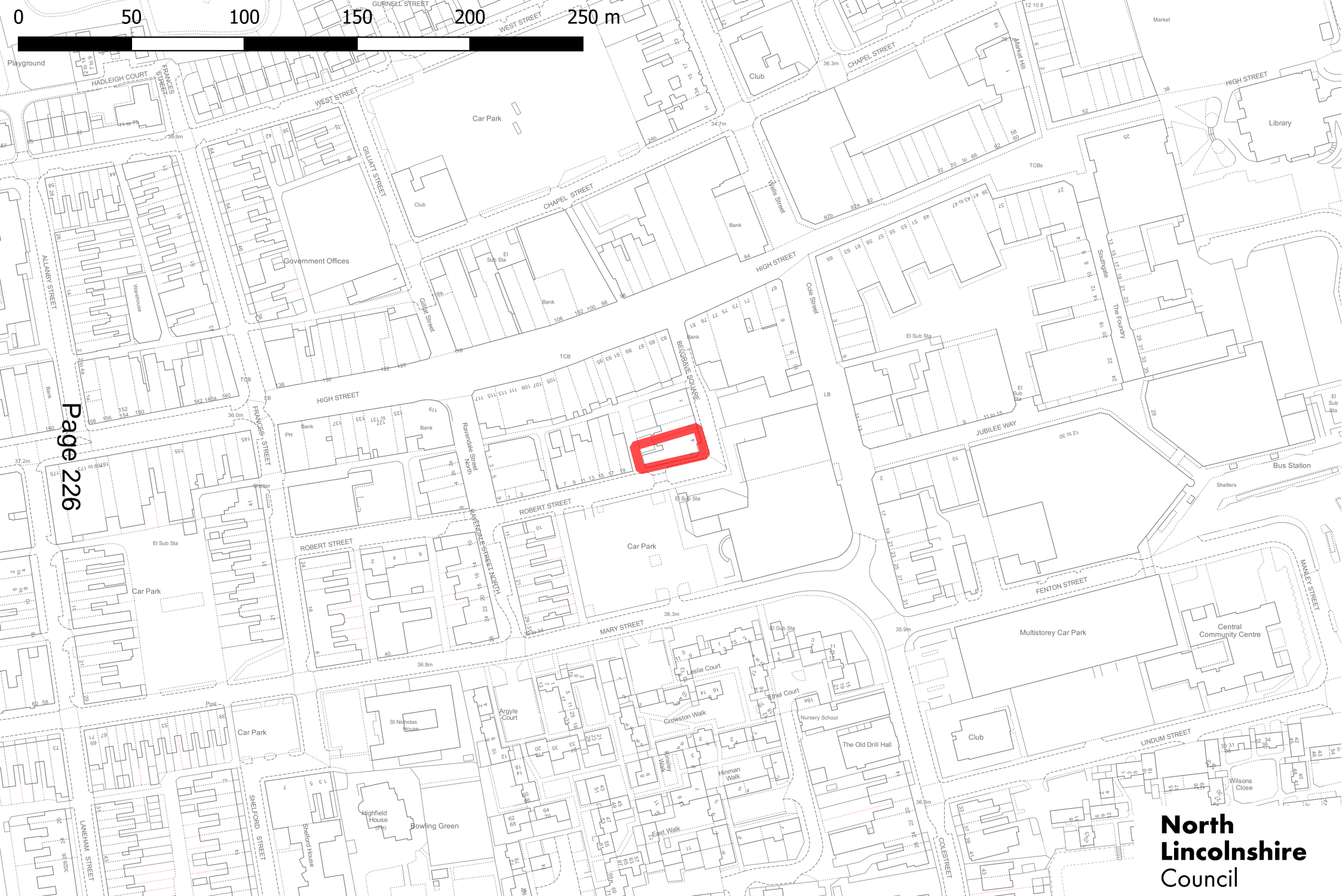
The proposed use is likely to expose occupants of the proposed flats to noise and disturbance which would be harmful to residential amenity. Given the site's location adjacent to neighbouring commercial uses within an area of high footfall, and by virtue of the proposed design of external openings, occupants of the properties are likely to experience reduced levels of privacy which would be harmful to residential amenity. The proposals are considered contrary to the aims of policy DS1 of the North Lincolnshire Local Plan.

3.

The proposed development would fail to reflect or enhance the character, appearance and setting of the immediate area contrary to policy DS1 of the local plan and the aims of policy CS5 of the Core Strategy.

### **Informative**

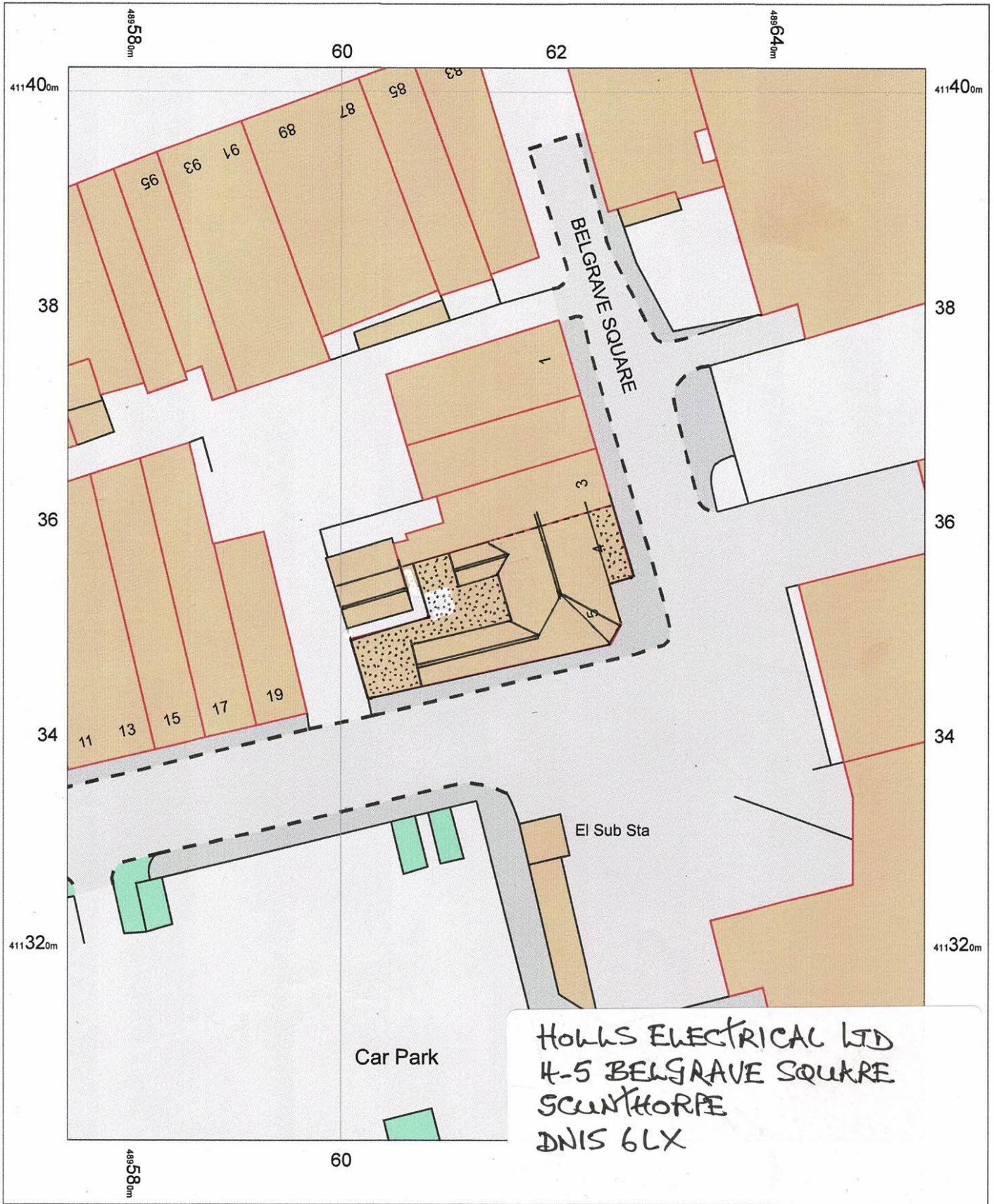
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



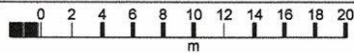
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**North  
Lincolnshire  
Council**

# PA/2023/1802 Site layout (not to scale)

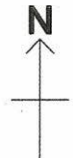


Howls ELECTRICAL LTD  
 4-5 BELGRAVE SQUARE  
 SCUNTHORPE  
 DN15 6LX



"BLOCK PLAN"

DRG. NO: HE/23/02



15 January 2014, ID: BW1-00287769  
 maps.blackwell.co.uk

1:500 scale print at A4, Centre: 489614 E, 411352 N

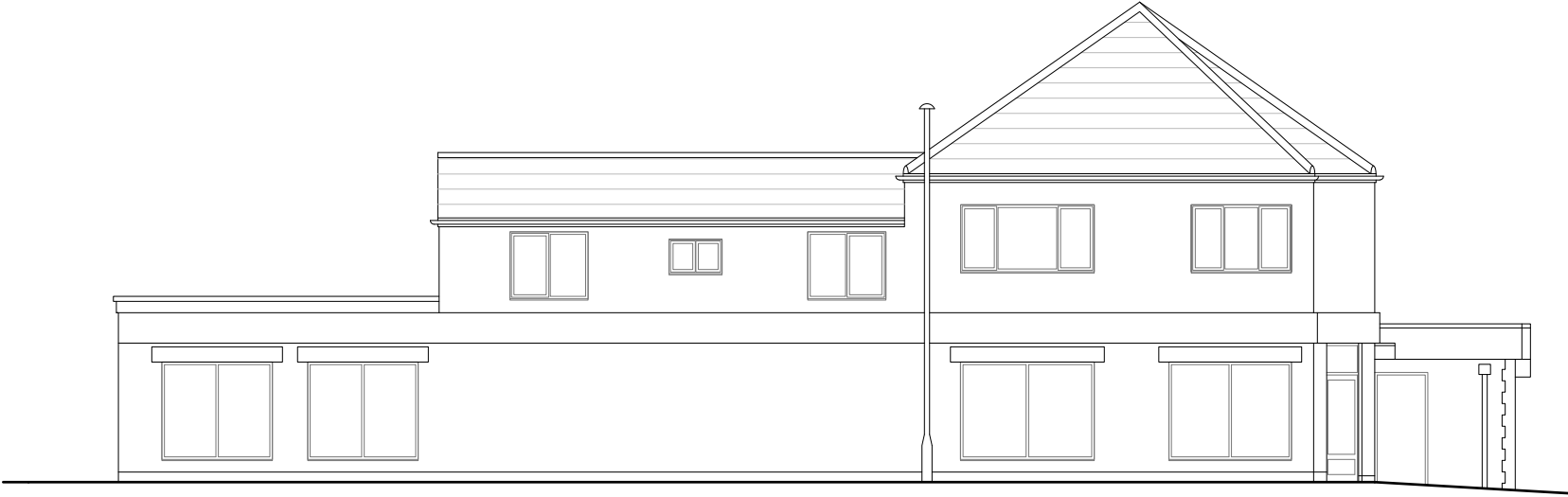
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South Elevation  
**EXISTING ELEVATIONS** 1:100



East Elevation

**JEM MANAGEMENT SERVICES**

45 Oswald Road Scunthorpe North Lincolnshire DN15 7PN  
 M - 07764922416 T - 01724 282356  
 E - jem.manservices@btconnect.com  
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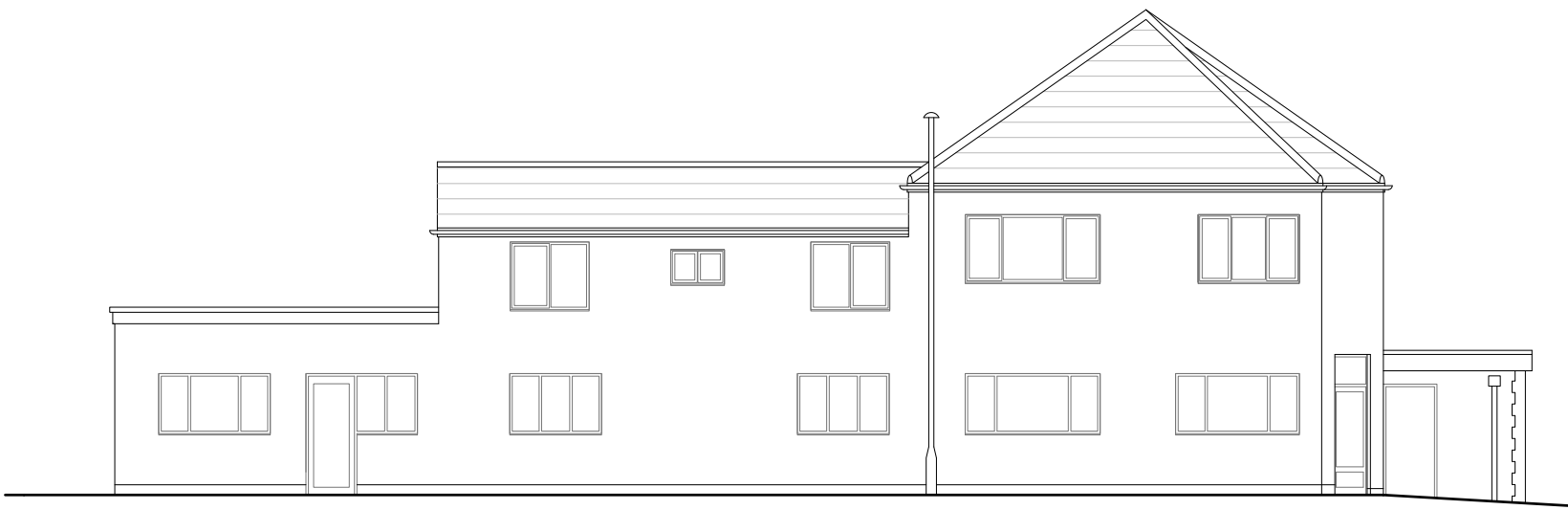
client:  
**Hobbs Electrical Ltd - 4-5 Belgrave Square**  
 DN15 6LX

project:  
**Proposed Alterations To form 3no Ground Floor Flats**

drawing title:  
**Existing Elevations**

drawn by: NWP	date: 17.06.2023	scale: 1 / 100
drawing no: <b>HE / 23 / 04</b>		rev:





South Elevation

**PROPOSED ELEVATIONS** 1:100

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East Elevation

<b>JEM MANAGEMENT SERVICES</b>			
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client: Hobbs Electrical Ltd - 4-5 Belgrave Square DN15 6LX			
project: Proposed Alterations To form 3no Ground Floor Flats			
drawing title: proposed Elevations			
drawn by: NWP	date: 17.06.2023	scale: 1 / 100	rev:
<b>HE / 23 / 06</b>			

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<b>APPLICATION NO</b>	<b>PA/2023/1888</b>
<b>APPLICANT</b>	Witter, Witter Farms
<b>DEVELOPMENT</b>	Planning permission to erect a dwelling at Klondike Farm, adjacent to the existing old farm buildings
<b>LOCATION</b>	Klondike Farm, East Marsh Road, Goxhill, DN19 7NQ
<b>PARISH</b>	<b>GOXHILL</b>
<b>WARD</b>	Ferry
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Support by Goxhill Parish Council

## **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

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

RD2 Development in the open countryside

H5 New housing development (part saved)

H8 Housing design and mix

LC7 Landscape protection

DS1 General requirements

DS3 Planning out crime

DS7 Contamination

DS14 Foul sewerage and surface water drainage

DS16 Flood risk

T2 Access to development

T19 Car parking provision and standards

**North Lincolnshire Core Strategy:**

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS17 Biodiversity

CS18 Sustainable resource and climate change

CS19 Flood risk

CS25 Promoting sustainable transport

**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 late 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

**CONSULTATIONS**

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

**Environment Agency:** The submitted FRA does not fully comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change planning practice guidance and its site-specific flood risk assessment checklist. However, the submission of an amended FRA is unlikely to result in changes to our position as the proposed mitigation is adequate. We therefore do not wish to object to the application or to request that a new FRA is submitted. The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

*Recommend condition.*

The FRA does not make any reference to the Environment Agency's Hazard Mapping. Our Hazard Mapping shows the consequences should a breach or overtopping of our sea defences occur, including the likely flood depths, velocities and overall hazard that could impact the site over its lifetime. The site has a current day and future hazard classification of 'danger to all' as defined in Research & Development report FD2320 'Flood Risk Assessment Guidance for New Development'. It could experience flood depths of up to 2.10 metres arising from a breach in the defences during a flood that has a 0.5% chance of occurring in any one year up to 2115; during the 2115 0.1% breach scenario, depths could reach up to 2.20 metres.

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

**Environmental Protection:** Following receipt of additional information, recommend a condition in respect of the investigation of any unexpected contamination.

**North East Lindsey Drainage Board:** The application site is within flood zone 3 on the Environment Agency's flood maps. It is noted a Flood Risk Assessment (FRA) is included with the application that contains appropriate mitigation (placing habitable areas on the first floor).

The FRA states that surface water will be drained through a system to be submitted to and approved by the drainage provider. It needs to be established what this system is, and no development commenced until the local planning authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system.

## **PARISH COUNCIL**

Supports the application.

## **PUBLICITY**

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

## **ASSESSMENT**

### **Relevant planning history**

PA/2020/620: Planning permission to erect an agricultural worker's dwelling – approved with conditions 04/06/2020

PA/2019/1001: Planning permission to erect a detached dwelling – refused 24/07/2019.

PA/2018/1777: Outline planning permission to erect an agricultural worker's dwelling – approved with conditions 14/03/2019.

The application site consists of an agricultural field in the open countryside, approximately 2.65 km to the north-east of Goxhill, within flood zone 2/3a. The land is in arable production and there are ruins of former agricultural buildings directly to the north-west. The field is to the east of East Marsh Road. To the south-east of the site is an established poultry farm and East Marsh Road lies to the west; the highway is single track. The site is open along its frontage with the public highway and is therefore visible within the rural landscape. Planning permission is sought to erect a detached two-storey house to be occupied by a farm worker.

**The main issues in determining this application are the principle of development (essential need), impact on the character and appearance of the rural landscape, 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 foreseeable future;
- 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 farming enterprise is well established since 2000, it mainly specialises in beef and arable farming 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 Witter Farms is employed in arable and food production, and is owned by third generation farmers, the business specialising in root crops. The farming enterprise comprises 1520 acres (615 hectares) which are used for a variety of arable crops requiring different levels of care, depending on seasonality and weather conditions, a head of cattle totalling 450 cows and an operational farm shop.

The supporting statement states:

*The application is for a dwelling for the family member taking a major share in the management and running of this business. He is fully engaged seven days a week taking over the managing the family's own land in Goxhill.*

*The nature of the farm activities requires immediate attention to crop care and animal husbandry.*

*Both are subject to the vagaries of the weather and rely on prompt attention and accurate timing.*

*Although not strictly a planning issue, security is becoming a key element of remote sites where people are vulnerable as well as machinery at risk from thefts or vandalism.*

and:

*The application reflects the needs of an existing business, the current use, and to give confidence for future business security and future opportunities for farm diversification. The existing cropping and numbers of livestock on hand at any one time, require a labour force of 6 full time workers, not including the farm shop.*

*It is clearly a genuine rural based enterprise, with a sound backing, and a secure future. There is a clear need for a dwelling on the site to provide essential protection of persons, property, and animals on the site at all times of day and night. The application conforms to National and Local Planning Policies.*

The main thrust of the applicant's case is that an on-site presence is required at the farm to maintain crops and provide immediate attention to crop care and animal husbandry which rely on prompt attention and accurate timing. No evidence has been provided to substantiate this, other than a brief analysis of the standard number of man days required to deal with cropping and animal husbandry which at Appendix B concludes a farmworker works 275 notional days per annum and the business requires a minimum of 5.66 farm workers.

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 a farm shop, yet no details have been provided as to whether this requires additional worker hours and how that affects the demand for agricultural workers in that regard.

The supporting statement notes that the application is for a family member taking a major share in the management and running of the business and is engaged seven days a week, taking over managing the family's land in Goxhill. The existing farmhouse is within the ownership of the applicant's family and an additional dwelling has been tied to the agricultural business, constructed and occupied under PA/2020/620 (known as Humber View), which is located in close proximity to the existing farmhouse and the farm buildings established at East Marsh Farm. Other than a brief section within the appraisal, it has not been established why either of these dwellings associated with the agricultural enterprise couldn't meet the functional requirements set out in the applicant's supporting case.

The supporting statement states there are no alternative dwellings that meet the needs of the business as the two houses already connected with it are occupied by employees of the business. Alternative accommodation is sought in the form of a new three-bedroom detached dwelling which is proposed over three floors and has some provision for space within it that is associated with the agricultural worker's need being put forward, but 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 which is currently an agricultural field, and which is isolated from the existing cluster of farm buildings and dwellings which are associated with the agricultural enterprise. In terms of site selection, it is an open field in the countryside in close proximity to some redundant agricultural buildings which are in ruin. This site is 1.4km to the north of the dwellings and farm buildings associated with the business and as such no justification has been put forward to justify its location or conversely why it cannot be sited in proximity to the existing cluster of agricultural buildings and dwellings. Furthermore, the applicant resides locally (within Barrow upon Humber), approximately a 10-minute drive from the site and therefore the functional needs of the business could be met and are met from their current address.

Some evidence has been provided to demonstrate the types of crops at the farm: Appendix B of the supporting statement provides a breakdown of the acreage of types of crops grown at the farm (including wheat, barley, cereals and grass) but no plan has been provided to show where this is at the farm and where the proposed dwelling is located in relation to the extent of land ownership (i.e. whether it has been selected as a site which is best positioned to serve the functions/needs of the business briefly outlined in the supporting information). 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, other than it states in the supporting information the existing two dwellings associated with the agricultural holding are already occupied by workers. 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 are already two



properties within immediate proximity of the site which provide an existing deterrent and a form of natural surveillance at the site and which, in the opinion of the local planning authority, serve the functional needs of the agricultural business. Furthermore, the applicant for whom the dwelling is proposed resides in Barrow upon Humber, a 10-minute journey by car. This is considered sufficient time and distance to enable them to react to any emergencies associated with the farming enterprise.

By undertaking a quick online search, it is evident there are 26 properties available in the nearest settlement of Goxhill (less than five minutes' travel time from the site) and whilst it is accepted some of these properties will not be affordable, it does seek to demonstrate some properties are available which could serve the functional requirements of the business. Indeed, one of the properties is a piece of land within Goxhill which offers the opportunity to build a new dwelling, such as proposed in this application. In addition, some of the properties are affordable within Goxhill, less than a 10-minute drive of the farm, therefore it is 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 in Goxhill, or Barrow upon Humber as is the existing case) and undertake the functional requirements outlined in the supporting statement. It is therefore considered that there is no essential need for a rural worker to live permanently at their place of work in the countryside.

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. However, by having two dwellings already established on the farming enterprise (which are directly linked to the enterprise by way of an occupation condition), it is considered the functional need is already met.

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 2.65 kilometres away (such as in Goxhill) would offer much difference in terms of responding to changes in weather conditions or any emergencies. No detail has been provided in relation to the types of crops at the farm that require such urgent assistance/maintenance 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. In addition, the functional need is already met by the two existing dwellings which are located on the established agricultural unit. 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, 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.

## **Rural landscape**

Another key matter to consider is that this dwelling would be on land which is classed as open countryside. The proposed dwelling with dimensions of 20 metres x 14.46 metres, and

a ridge height of 9.28 metres, is proposed to be sited towards the centre of an existing agricultural field with its principal elevation facing west towards the public highway (East Marsh Road) at a distance of approximately 32 metres. The plans show it will be positioned 10 metres to the south-east of the derelict, collapsed agricultural buildings and is proposed to share the same field access in its north-western corner. The site is not well screened along its western approaches or along its western boundary with some tree and hedge planting, but this will mean the dwelling, with its principal elevation facing west, will be highly visible within the rural landscape.

The dwelling will be visible in the rural landscape as there is a visible lack of landscaping along the boundaries of the site where it is proposed to be located. This will be exacerbated by its height and size, particularly as it would take a number of years for any proposed landscaping to establish around any boundaries of the site. Based on the extent of the proposed domestic curtilage to be attributed to the proposed dwelling (which is shown to be extensive at approximately 3,240 square metres), it would mean an extensive landscaping scheme would be required to screen the dwelling being proposed, which in itself would be alien and discordant within the rural landscape.

The plans show the proposed dwelling will have a ridge height of 9.28 metres, which is the equivalent of three storeys in height. This factor, together with the lack of vegetation cover and the flat landscape, would result in a visually prominent form of built development in the rural landscape, to the detriment of its character and appearance, and in addition would be seen as an isolated dwelling in the open countryside, sited away from existing buildings/dwellings associated with the agricultural enterprise. Given the openness of the landscape receiving the proposed development, the height, bulk and proximity to the highway of the dwelling and the straight trajectory of the public highway (East Marsh Road), it is the opinion of the local planning authority that the proposed dwelling will be visible in the wider rural landscape upon approach along East Marsh Road from both a northerly and southerly direction.

The plans show the proposed dwelling is balanced in its appearance with an entrance porch positioned centrally within the principal elevation; this is flanked by a window to either side, and window and rooflight openings in vertical alignment on the first floor and within the roof. The pitch of the canopy above the entrance door is the same as those proposed to serve the two dormer windows within the front-facing roof slope. The space above the flat-roofed garage to the side of the dwelling is utilised as a roof terrace at first floor, flanked by a glass balustrade offering views of the wider rural landscape, and all of the elevations have some element of glazing to them which removes blank facades from the dwelling.

Given the location of the dwelling in the open countryside, the scale, height and bulk 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.

In conclusion, it is considered the dwelling proposed to be erected on this rural agricultural site results in an alien and discordant form of built development in the rural landscape which would be viewed in isolation away from existing built form and from buildings associated with the agricultural business to which the dwelling is linked. With the introduction of soft landscaping around the boundaries of the dwelling, this would be at odds with the character and appearance of the rural landscape. This is considered to represent a direct consequence of the development proposals as a measure which is

required to mitigate the impact of a large, bulky, new dwelling being introduced into the open countryside.

## **Flood risk and drainage**

Policies CS19 and DS16, both relating to flood risk and drainage, require proposals to be assessed appropriately and to ensure that suitable drainage strategies are secured for developments. The 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 application which, along with a topographical site plan, demonstrates that the average land level at the site is 2.5 metres AOD (above Ordnance Datum). The FRA shows there will be no ground-floor habitable or sleeping accommodation and the finished floor level of the first floor (where habitable rooms and a bedroom are proposed) will be set at 5.4 metres AOD.

The Environment Agency has raised no objection to the proposed development on flood risk grounds but has recommended a condition that the development takes place in strict accordance with the mitigation measures set out in the FRA. The proposal is for 'more vulnerable' development in a high flood risk zone, therefore the proposed development needs to be assessed against the sequential and the exceptions tests. In terms of the sequential test the FRA states the following:

*The NPPF (para 162) requires Local Authorities to apply the sequential approach to all planning applications for developments within a designated flood plain area.*

*The Sequential Test requires that alternative locations for the development be considered before granting permission for development in the location under consideration. The alternative sites should represent reduced risk of flooding. If none are available, then a site with a greater risk will be considered.*

*In this case, the application is to erect an additional dwelling house in connection with East Marsh Farm, with specific reference to the site on East Marsh Road. There are no other sites with a lower flood risk, and none that would satisfy the needs of the business with which the application is inextricably linked. Therefore, there are no other sites in Goxhill that are sequentially better than the site detailed in this application.*

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 (for example within Goxhill) and which could accommodate a dwelling, and the existing dwellings on the holding already serve the functional needs of the business. 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 and 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 East Marsh Road to the west via a new driveway in the north-western corner of the field. Given an existing field access is to be utilised and a new driveway is proposed within the site, 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 raised no objection on highway or pedestrian safety grounds, but have recommended conditions that the dwelling is not occupied until the vehicular access, parking and turning spaces are completed and the existing vehicular access is improved within highway limits in accordance with details to be submitted to the local planning authority for future consideration.

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 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 165 to 168 of the National Planning Policy Framework. Finally, the proposed dwelling, by virtue of its siting, height, size and bulk, constitutes an alien and visually dominant form of built development in the rural landscape which would be viewed in isolation away from existing built form in the open countryside, to the detriment of its character and appearance. The application is therefore recommended for refusal.

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

1.

The proposed development is contrary to policy RD2 of the North Lincolnshire Local Plan, policies 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, and the need is already met by the two existing dwellings which are associated with the farming business.

2.

The proposed residential development is classified as 'more vulnerable' in terms of flood risk 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 tests. Given that there is no

functional need for a dwelling on the site, the functional need is already met by the existing dwellings associated with the farming enterprise 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 and 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, and the applicant has not provided sufficient justification as to why the business would warrant a dwelling of this scale. In addition, it constitutes an alien and visually dominant form of built development in the rural landscape which would be viewed in isolation away from existing built form in the open countryside, to the detriment of its character and appearance. The proposal is therefore contrary to policies RD2, DS1, H5 and H8 of the North Lincolnshire Local Plan, and CS3 and CS5 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.

0 50 100 150 200 250 m



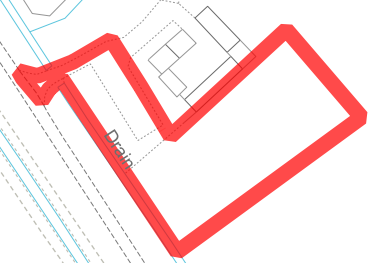
Saltmarsh

3.4m

Drain

Drain

Drain



3.2m

Drain

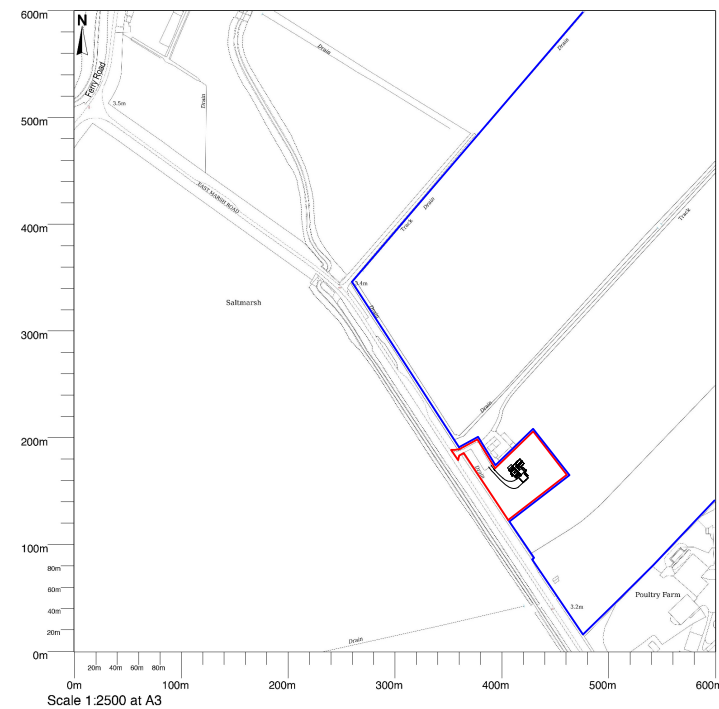
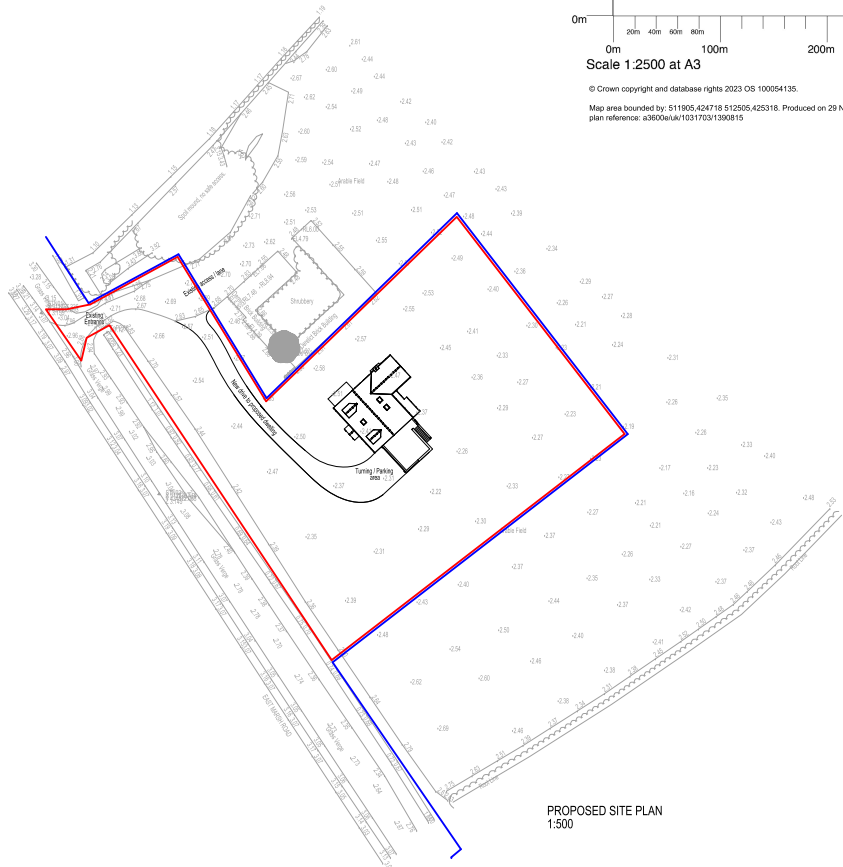
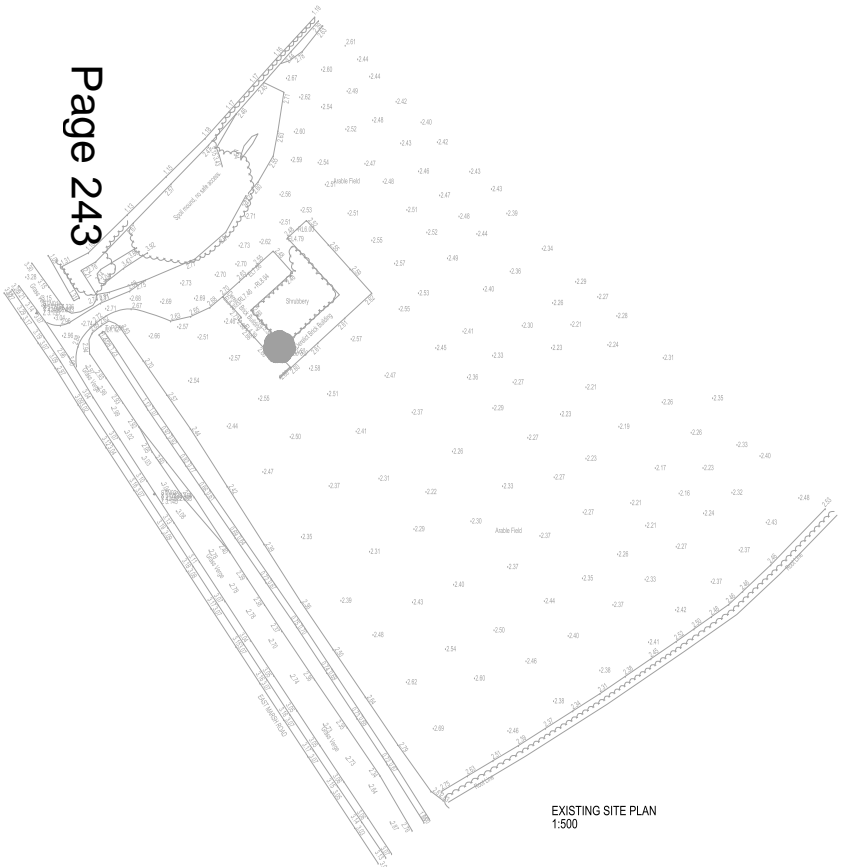
Tank

Poultry Farm


Drain

**North  
Lincolnshire  
Council**

Page 242



© Crown copyright and database rights 2023 OS 100054135.  
 Map area bounded by: 511905,424716 512505,425318. Produced on 29 November 2023 from the OS National Geographic Database. Supplied by UKPlanningMaps.com. Unique plan reference: a3600a/uk/1031703/1390815



**Cadworx Ltd**  
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 Linden House, Bracken Hill Road  
 East Lealand, Nr Doncaster DN9 2LR  
 Tel 01427 753232  
 danny@cadworx.com

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Project

- PROPOSED DWELLING
- LAND OFF EAST MARSH ROAD
- GOXHILL
- NORTH LINCOLNSHIRE

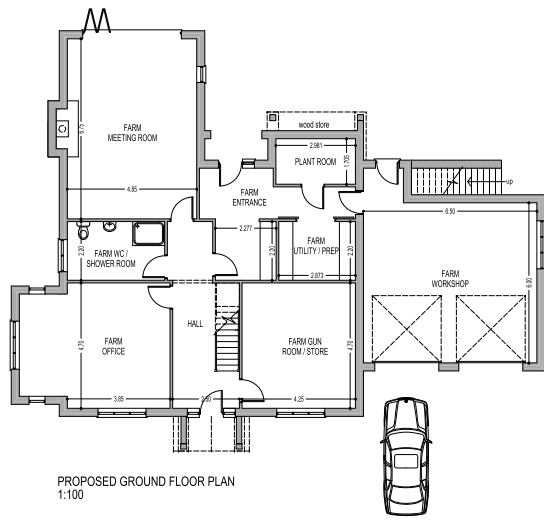
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Title:

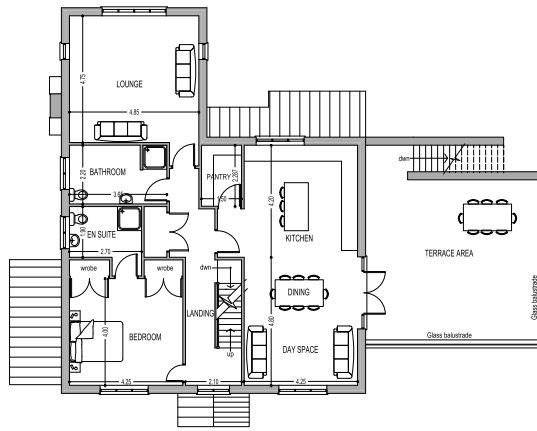
- LOCATION PLAN
- EXISTING AND PROPOSED SITE PLANS

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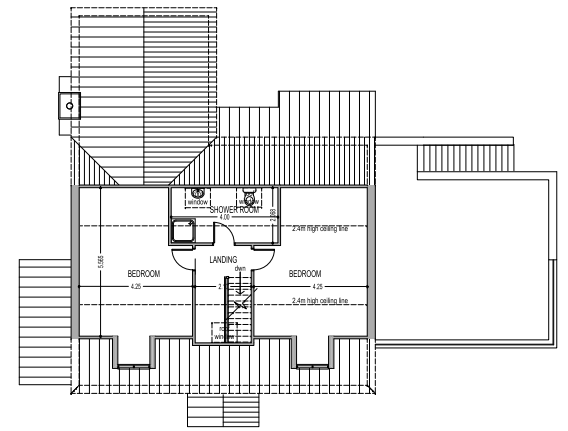
Scale 1:500 @ A1	Date 11-2023	Drawn DS
Drawing No. <b>CWX1073 - 102A</b>		
A B C D E F G H J		



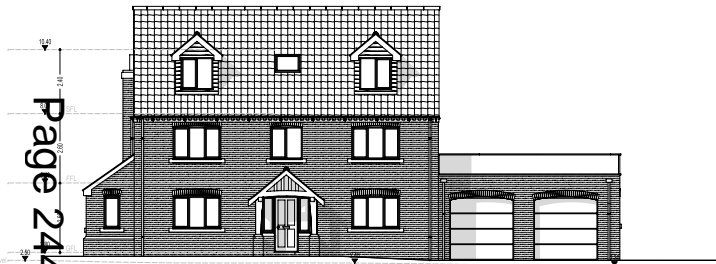
PROPOSED GROUND FLOOR PLAN  
1:100



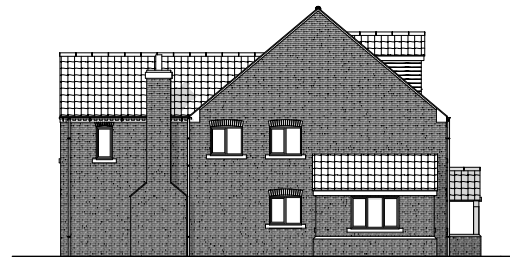
PROPOSED FIRST FLOOR PLAN  
Internal floor area = 120m<sup>2</sup>



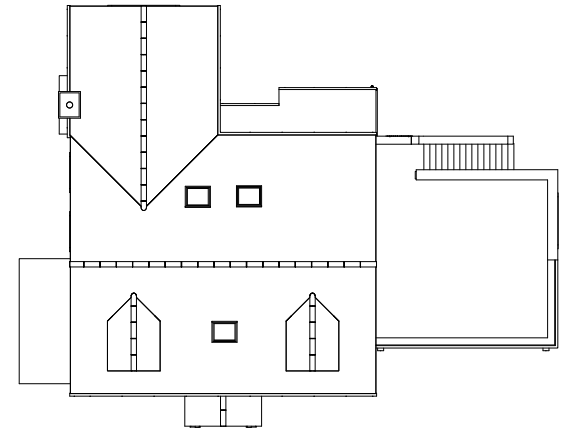
PROPOSED SECOND FLOOR PLAN  
Internal floor area = 80m<sup>2</sup>



PROPOSED FRONT - SOUTH WEST - ELEVATION  
1:100



PROPOSED SIDE - NORTH WEST - ELEVATION



PROPOSED ROOF PLAN



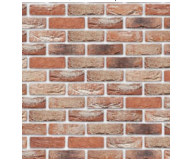
PROPOSED REAR - NORTH EAST - ELEVATION



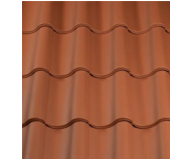
PROPOSED SIDE - SOUTH EAST - ELEVATION

PROPOSED MATERIALS

Facing brick -  
vandersanden Flemish Antique



Roof tiles -  
Wierberger  
New County Paniles ( Natural red )



Doors and windows -  
Cream UPVC / Composite  
with arched brick headers and stone cills



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- Project
- PROPOSED DWELLING  
LAND OFF EAST MARSH ROAD  
GOXHILL  
NORTH LINCOLNSHIRE
- Title
- PROPOSED PLANS AND ELEVATIONS

Scale: 1:100 @ A1 Date: 11-2023 Drawn: DS

Drawing No. CWX1073 - 101D

A B C D E F G H I

# PA/2023/1888 Proposed plans and elevations (not to scale)



PROPOSED 3D VIEWS nts





<b>APPLICATION NO</b>	<b>PA/2023/1916</b>
<b>APPLICANT</b>	D Potter, Serenity Massage
<b>DEVELOPMENT</b>	Planning permission for change of use from Class C3 (Dwellinghouse) to Class E of 301 Ashby High Street, including retaining changes to boundary treatments, including gates to south and east boundaries of both 301 and 303 Ashby High Street
<b>LOCATION</b>	301-303 Ashby High Street, Scunthorpe, DN16 2RY
<b>PARISH</b>	<b>SCUNTHORPE</b>
<b>WARD</b>	Ashby Central
<b>CASE OFFICER</b>	Daniel Puttick
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Rob Waltham MBE – significant public interest)

## **POLICIES**

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

- 2 Achieving sustainable development
- 4 Decision-making
- 6 Building a strong, competitive economy
- 7 Ensuring the vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 12 Achieving well-designed and beautiful places

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

- T2 Access to development
- T19 Car parking provision and standards
- DS1 General requirements
- DS3 Planning out crime
- DS4 Changes of use in residential areas

## **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

CS15 Culture and tourism

CS25 Promoting sustainable transport

**Housing and Employment Land Allocations DPD:** The site is within the development limits of Scunthorpe.

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 late 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

T1 Promoting sustainable transport

T3 New development and transport

T4 Parking

TC1 Retail hierarchy and town centre and district centre development

CSC1 Health and wellbeing

CSC11 Entertainment and cultural facilities

## **CONSULTATIONS**

**Humberside Police:** After consultation with Humberside Police Neighbourhood Policing Team and Traffic Management Officer, I can confirm that we have no objections to the

proposals. However, Humberside Police Traffic Management Officer would like to raise concerns regarding the following points:

1. Intervisibility between vehicles and pedestrians in the area of the gates in the public space, particularly at the bus stop. Potential for incidents of conflict.
2. Will the gates be closed then opened upon request? Will this cause vehicles to block the footway whilst waiting for the gates to open, and will this cause the displacement of pedestrians into the road to get by?

**Highways:** No comments or objections.

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

**Environmental Protection:** The operation of the site for massage therapy with the associated comings and goings of customers' vehicles has the potential for noise to impact local residents. The applicant has specified the opening hours of the business within the application. A condition is recommended to limit the hours of operation to those suggested by the applicant.

## **PUBLICITY**

A site notice has been displayed and 22 comments have been received from members of the public. Of those, four letters express support for the application, highlighting positive economic impacts associated with the development and the contribution that a new business makes to the vibrancy of Ashby High Street.

A summary of the comments made by those objecting to the application is provided below:

- The site is being used as a brothel which should not be allowed. The application indicates it is being used as a massage parlour which isn't the case.
- Ashby is a residential area and the High Street is frequented by families with young children, as well as by young people. The location of the establishment is not appropriate.
- The hours of operation shown on the website differ from those proposed in the application form.
- An adult facility will not enhance or improve the places in which people live their lives. The development will undermine the attractiveness and vibrancy of the High Street.
- The security gates will cause a road safety hazard and potential conflict with pedestrians.
- The proposal is not a good advert for Ashby or North Lincolnshire and is not to Safer Families and Neighbourhood.
- The pedestrian gate added to the rear of the property leads straight into the car park and into an area where vehicles park. This is unsafe as moving vehicles could well be entering the same area as pedestrians leaving the property, which could cause injuries and/or claims against the council.

## **ASSESSMENT**

### **Planning history**

- SPA/1979/0013: Erect two bungalow style blocks to accommodate 'minimal support care' patients – no objections 21/03/1979
- 6/1981/0351: Erect a garage – approved with conditions 04/01/1982
- 6/1990/0094: Erect a changing area and toilet extension to dance school – approved with conditions 02/05/1990.

### **Site characteristics**

The site is within the settlement limits of Scunthorpe. Located on Ashby High Street, the site comprises 301-303 Ashby High Street and features a pair of existing semi-detached properties formerly in residential use. The properties are two storeys in size and of a traditional design and appearance, featuring a covered entrance with decorative timber pillars, curved bay windows and slate-finished roof with chimney stacks rising above.

The site is enclosed by timber panelled fence to the east and western boundaries, with the existing brick walls and pillars to the front boundary retained and infilled with timber panelling. Newly installed electronic gates provide vehicular access to the front of the building from the highway.

The site is on the western side of Ashby High Street, adjacent to an existing public car park to the east and existing housing to the west. There are a range of commercial, retail and other typical town centre uses in the vicinity of the site, with public transport links situated immediately outside the property.

### **Proposal**

Planning permission is sought for the change of use of 301 Ashby High Street from its former use as a dwellinghouse to a use falling within Use Class E as a massage parlour, and to retain newly installed boundary treatments around both properties. The proposal has been amended during the course of the application and no longer seeks to change the use of 303 Ashby High Street, which would be retained as a dwelling and is understood to currently be occupied by the applicant and operator of the adjacent property.

The supporting information indicates that the facility comprises a reception office with seating area, five treatment rooms, some with shower facilities, a rest room/utility area for staff, toilet and bathroom facilities and a laundry room.

The development has been undertaken and as a result the application is being considered retrospectively. The new boundary treatments replace previous enclosures at the site, and comprise timber fencing to a height of 2,025mm to the side boundaries. CCTV monitored gates are installed between existing masonry pillars which open inward from the highway, with a further automated gated access from the adjacent public car park. This gate opens inward toward the property. No other external changes are proposed to the property.

## **Material considerations**

As set out above, planning permission is sought for the material change of use 301 Ashby High Street from a use falling within Use Class C3 to a use falling within Use Class E as a massage parlour, and for the retention of recently installed boundary treatments.

**The main issues in the determination of this application are:**

- **principle of development**
- **impact on the character and appearance of the area**
- **residential amenity**
- **highway safety.**

### **Principle of development**

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

The development plan identifies Scunthorpe as the major sub-regional town, supported by market towns, rural settlements and rural settlements in the countryside. Through the combination of the Core Strategy, HELA and local plan, the council are seeking to facilitate an urban renaissance in Scunthorpe, with policy CS1 of the Core Strategy identifying it as the focus for the majority of new development and growth.

This policy indicates that the town centre will be the main focus of new retail, leisure, commercial office and cultural developments in the area. As part of the urban renaissance programme, significant regeneration will take place within the town centre to provide new retail opportunities, a new market hall, cultural and leisure facilities as well as enhancements to the public realm and urban fabric.

Policy CS2 of the Core Strategy indicates that development should be focused on previously developed land and buildings within Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions. The policy prioritises Scunthorpe as the main settlement to support the delivery of the spatial strategy identified in policy CS1.

Policy CS3 of the Core Strategy identifies development limits for settlements across North Lincolnshire, and aims to steer development to within these boundaries. The Core Strategy identifies Ashby High Street as a district centre, in recognition of its role within the community where and provision of local shops and services.

The site is located within the district centre of Ashby High Street in a location which is predominantly commercial in nature and where there are a range of shops, services and

facilities. The change of use of 301 Ashby High Street to provide a use falling within Class E as a massage parlour, a main town centre use, would be acceptable as a matter of principle and consistent with the aims of policies CS1, CS2 and CS3 of the Core Strategy which seek to direct services and facilities to sustainable locations such as this.

### **Impact on the character and appearance of the area**

Policies CS5 of the Core Strategy and DS1 of the local plan expect a high standard of design in all developments, the latter establishing a set of criteria on which development will be assessed.

Paragraph 135 states that planning policies and decisions should ensure that developments 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, and that they are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, amongst other requirements.

The external changes to the property are limited to the replacement of boundary treatments on the site. The timber fences to the side boundaries marginally exceed the height allowed under permitted development (2m), and replaced similarly sized enclosures. There are a variety of uses along Ashby High Street and as a result of the mixture of commercial and residential premises, there is a broad range of boundary treatments, external advertising and shopfronts. The installation of the fence and gates at the front of the property has changed the appearance of the site; however, given its surrounding context, these changes are not considered to be harmful to the overall character and appearance of the area. The boundary remains set back from the highway and the enclosure retains the original brick wall. The timber panelling infilling between enlarged pillars is considered acceptable in terms of its design and appearance, and does not result in harmful impacts upon the street scene. In this context, and in absence of any changes to the exterior of the buildings themselves, the design of the proposed development is considered acceptable in accordance with policies CS5 of the Core Strategy and DS1 of the local plan.

### **Residential amenity**

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 local plan is concerned with polluting activities; both are considered relevant.

Paragraph 135 of the NPPF states, amongst other matters, that planning decisions should 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 property is located within a commercial area, being situated adjacent to a public car park, opposite a row of existing shops and with a bus stop directly outside. The proposed development would result in the introduction of an additional commercial use at 301 Ashby High Street. As the application has been amended to exclude 303 Ashby High Street, regard must be had as to the impacts of the change of use on occupants of the adjacent property. In doing so, regard should be had to the previous use of part of the site as a dance school, and the associated level of activity that comes with it.

The proposed use as a massage parlour would be likely to increase the number of movements to and from the property, and in turn increase potential disturbance caused by those comings and goings. However, given the site's location within Ashby High Street and surrounding context, including the car park, shops and bus stop, disturbance from visitors to the premises are unlikely to result in any significant increase in the number of people present in and around the site on a normal day.

As part of the development, the applicant has installed a gated entrance leading directly from the adjacent car park. It is understood that this provides the main pedestrian entrance to the building, which is away from the entrance to the adjoining property. This would ensure customers accessing the facility do so away from the entrance and openings of the adjoining residence.

Both properties are understood to be occupied by the applicant, and as such the impacts of the commercial use of 301 Ashby High Street and occupancy of the adjoining dwelling are linked. However, should this change in the future to location of the pedestrian access to the side would ensure that occupants of the residential dwelling at 303 Ashby High Street would be preserved.

The application has been assessed by the council's Environmental Protection team who raise no objections to the proposal. A condition is recommended to limit the opening hours of the massage parlour, which would prevent customers from accessing the premises during antisocial hours. The nature of the proposed use and limited number of treatment rooms proposed within the property are factors which would ensure that the proposal would not give rise to significant noise sources, and would limit the number of customers on site to an acceptable level.

In addition to the condition recommended by the Environmental Protection team, it is recommended that conditions are also imposed to ensure the pedestrian access is retained as the main access for customers. Given that other uses falling within Class E could result in a higher number of customers visiting the property, it is recommended that a condition be imposed to restrict the use of the premises as a massage parlour so that the effects of any changes on the amenity of occupants of the adjoining property can be assessed.

Subject to those conditions, the proposed development would not be considered to result in adverse impacts upon the amenity of occupants of existing dwellings in the area and would provide adequate living conditions for future occupants of 303 Ashby High Street in accordance with the aims of policy DS1 of the local plan, policy CS5 of the Core Strategy and the aims of paragraphs 135 of the NPPF.

### **Highway safety**

Policies T1 and T19 of the local plan collectively seek to ensure developments are well-located in terms of access and provide sufficient parking to accommodate the vehicular demands of the proposed use.

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

The application has been assessed by the council's Highway Officers who have no objections to the application. The property is located within an urban area in a sustainable location with easy access to public transport, with a public car park also immediately

adjacent to the site. Given the site's location, it is likely that customers will visit the site on foot, on public transport or by car and those visiting by car have a range of parking options available nearby.

Provision is made for pedestrian access to the side of 301 Ashby High Street, which is accessed via an electronic gate which opens inwards from the car park. Some concerns have been raised in letters of objection about potential for conflict between pedestrians and vehicles within the car park, some of which are based on the understanding that the gate opens outwards which is not correct.

Humberside Police have commented on the application and highlight potential for conflicting movements between pedestrians and other road users. Queries have also been raised regarding the operation of electronically controlled gates, and potential for displacement of pedestrians onto the highway.

In the absence of any objection from the highway authority, it is not considered that the development would give rise to any road safety issues. The potential for pedestrian and vehicle conflict within the car park is unlikely to be significant, and in any event the car park offers good visibility and traffic speeds are likely to be very low. There is an area of refuge within the car park between parking bays and the boundary enclosure where pedestrians can stand, which is protected by a kerb line. In view of this, the proposed development is considered to be acceptable in highway terms and would not prejudice road safety. The application is considered acceptable in accordance with policies T1 and T19 of the local plan, policy CS25 of the Core Strategy and the aims the NPPF.

### **Other matters**

A number of objections received by the local planning authority raise concerns about the services which are alleged to be offered at the premises. A number of objections allege that the site is being used as a brothel, and suggest that additional personal services are provided.

It has been suggested that services provided from the site are illegal, however this is a matter for the police as opposed to the local planning authority. In any event, Humberside Police have been consulted on the application and raise no objections in principle to the proposed development. Comments made by Humberside Police raise issues of highway safety, with potential highway safety issues considered above.

It is clear there are a number of moral and social objections to the purported use of the premises as a brothel, however these are not material planning considerations. It is also notable that a small number of comments have been received which indicate that the use of the premises is as described within the application.

Putting aside the conflicting comments and alleged unauthorised use of the premises, members are advised that the application seeks permission to facilitate the provision of massage therapy, which is an appropriate town centre use and legitimate form of treatment. There is nothing within the application to suggest that the activities alleged by members of the public are taking place, and in any event the investigation of any illegal activity from the premises is not a matter for members to pursue, but rather for the council's enforcement team, Humberside Police or other appropriate authority.

Furthermore, although there have been many concerns raised by local residents about the alleged provision of services of a more personal nature, there is nothing within those



comments to suggest that the use of the premises causes harm to the amenity of local residents from disturbance or noise, or that the use has resulted in elevated levels of crime. Moreover, none of the objections received associate the use of the premises with antisocial behaviour or crime, or that its introduction would lead or has led to any significant reduction in the quality of life of local residents.

The planning issues raised by the proposed use of the premises as a massage parlour have been assessed and members are advised that there are not considered to be any planning reasons to resist the proposed development and use of 301 Ashby High Street as a massage parlour.

## **Conclusion**

The change of use of 301 Ashby High Street to a massage parlour would introduce an additional commercial use into this district centre, and is acceptable as a matter of principle. Subject to conditions, the proposed development would not be considered to result in harmful impacts upon living conditions for occupants of adjoining and nearby residential properties. There are no objections from Humberside Police, and no objections from the Highways and Environmental Protection teams.

Although a significant number of objections have been received, many of which allege that the premises is being operated as a brothel, there is nothing within the application to suggest this is or would continue to be the case. In any event, the vast majority of comments raise moral objections to the alleged use of the site, which are not material planning considerations, and do not indicate that the existing or proposed use of the premises necessarily adversely affects the living conditions or quality of life of those nearby, increase crime or have led to rises in antisocial behaviour.

In the absence of any objections from technical consultees, it is recommended that planning permission be granted for the change of use of 301 Ashby High Street to use as a massage parlour, and for the retention of boundary treatments installed on site, subject to conditions to ensure that the amenity of occupants of the adjoining property are maintained. As the development is retrospective, a condition specifying a time limit for the commencement of development is not required.

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

1.

The development hereby permitted shall be carried out in accordance with the following approved plans: A0001 Rev A, A0002 Rev A and A0003 Rev A.

Reason

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

2.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other legislation revoking or re-enacting that Order, the premises at 301 Ashby High Street hereby permitted shall be used as a massage parlour and for no other use, unless an application for planning permission has first been submitted to and approved by the local planning authority.

Reason

To ensure the amenity of occupants of the adjoining dwelling, in accordance with Policy DS1 of the North Lincolnshire Local Plan.

3.

The massage parlour hereby permitted shall not be open to customers or members of the public for the purpose of any business, trade or treatment outside the following hours: 7am to 9pm daily. No deliveries or collections shall be made to or from the site outside of these hours.

Reason

To ensure the amenity of occupants of the adjoining dwelling, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

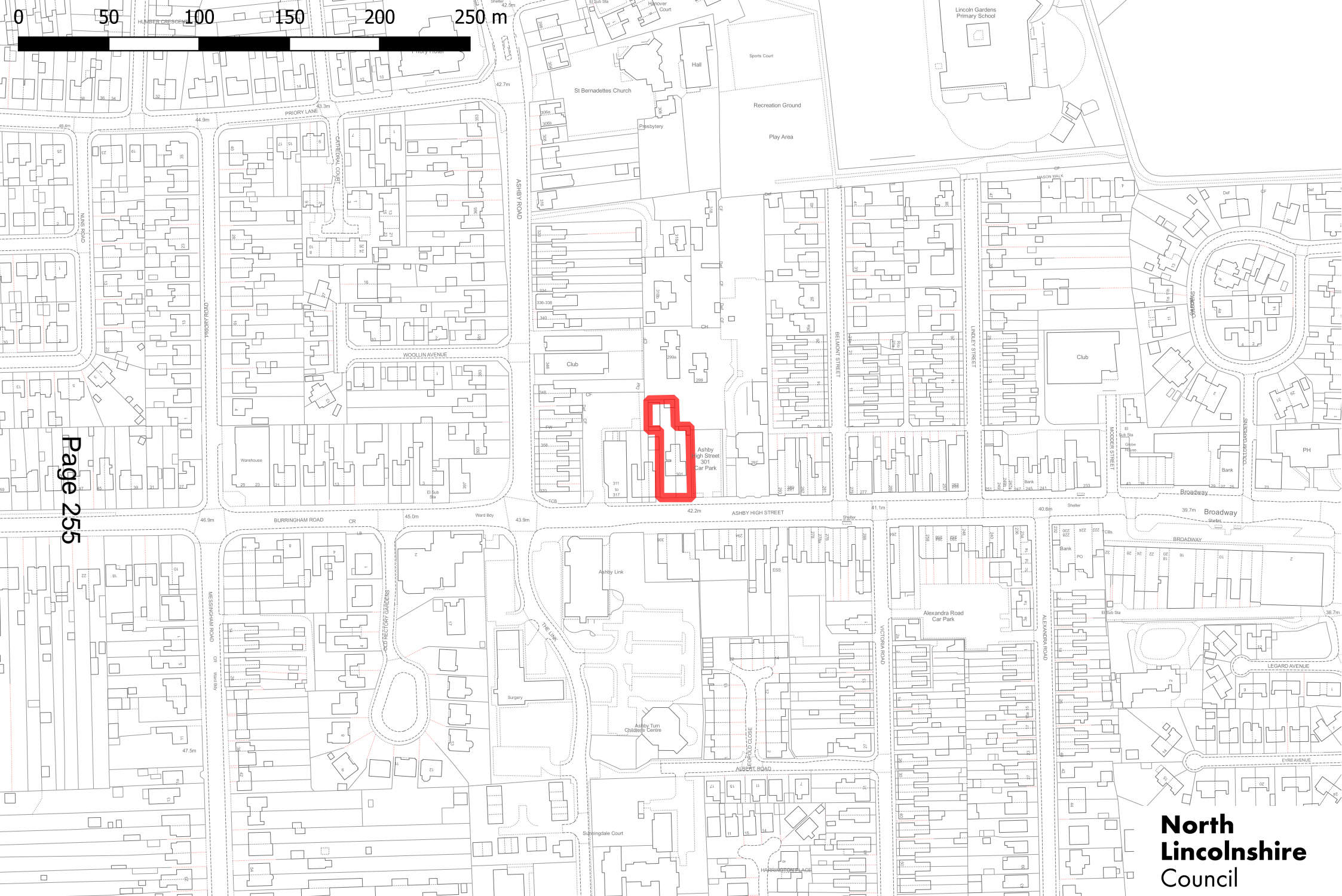
Access to the premises for customers shall be provided from the side access gate situated on the eastern boundary of the site.

Reason

To ensure the amenity of occupants of the adjoining dwelling, 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.

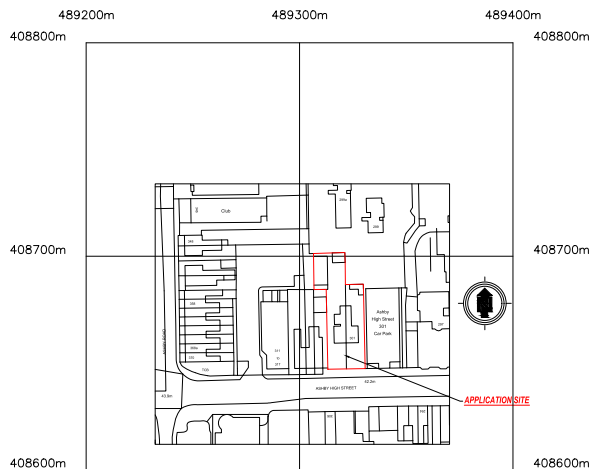


DO NOT SCALE

**SPECIFICATION & CONSTRUCTION NOTES:**

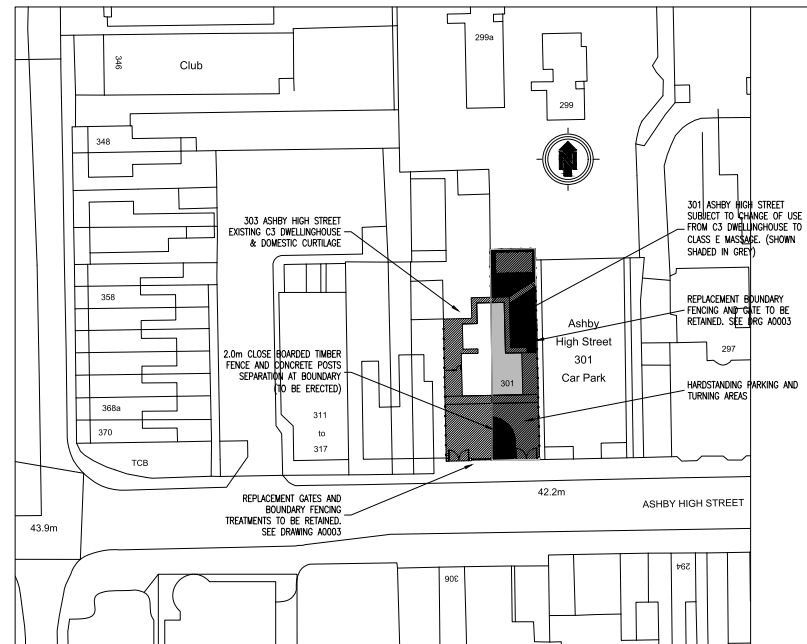
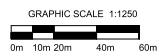
**GENERAL**

1. These notes are intended to augment drawings and specifications. Where conflict of requirements exists the order of precedence shall be as shown in the specifications. Otherwise the strictest provision shall govern.
2. This drawing is to be read in conjunction with all other relevant Engineering and Architectural drawings.
3. Drawings not to be scaled. All dimensions to be checked on site by the Contractor. Any discrepancies to be notified to the Building Designer and further instructions obtained before work is commenced.
4. The structure is designed to be self-supporting and stable after the building is fully complete. It is the Contractor's sole responsibility to determine the erection procedure and sequence and ensure that the building and its components are safe during erection. This includes the addition of whatever temporary bracing, guys or tie-downs which may be necessary, such material remaining the property of the Contractor upon completion.
5. This drawing represents a detailed dimensional measurement survey of the physical dimensions of the existing property. This drawing does not and is not intended to express any opinion on the physical, superficial or structural condition of the premises depicted.
6. This drawing is to be read in conjunction with all other relevant drawings.

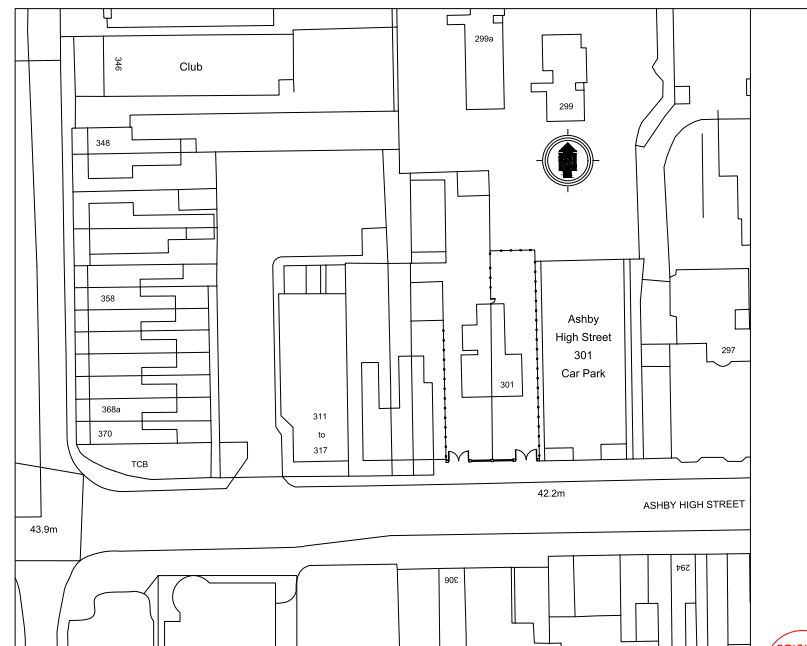
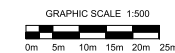


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OS Map Site Location Plan  
Scale 1:1250



Block Plan - Proposed  
Scale 1:500



Block Plan - Existing  
Scale 1:500

REV	DATE	BY	DESCRIPTION	CHK	APP
A	22.01.24	TAS	Change of Use to Single Unit Only (301)	TAS	TAS
0	08.11.23	TAS	Initial Issue	TAS	TAS

DRAWING STATUS: INITIAL ISSUE

**TAS Building Design**  
 FF2/2A School Court  
 Wrayby Street  
 North Lincolnshire  
 DN20 8JW  
 t: +44(0)1652 659467  
 f: +44(0)1652 659467  
 e: tasbuildingdesign@hotmail.co.uk

CLIENT: MS D POTTER

PROJECT: 301 - 303 ASHBY HIGH STREET, SCUNTHORPE  
DN16 2RY

TITLE: SITE LOCATION, EXISTING AND PROPOSED BLOCK PLANS

SCALE @ SIZE: AS SHOWN @ A1	CHECKED: TAS	APPROVED: TAS
DAO FILE: 25309/Drg/Arch	DESIGN/DRAWN: TAS/j	DATE: NOV 2023

PROJECT No: 25309	DRAWING No: A0001	REV: A
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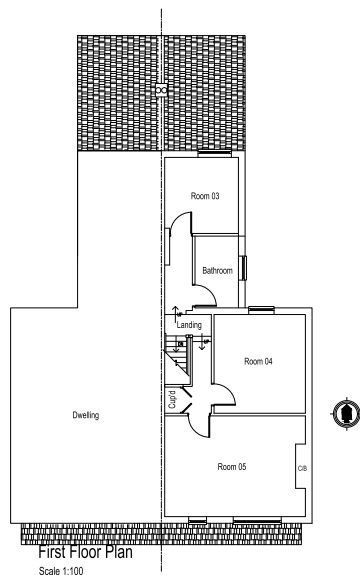
ORIGINAL  
IF  
RED

SPECIFICATION & CONSTRUCTION NOTES:

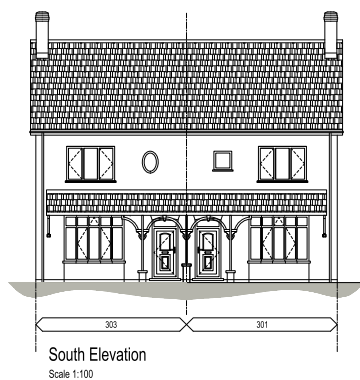
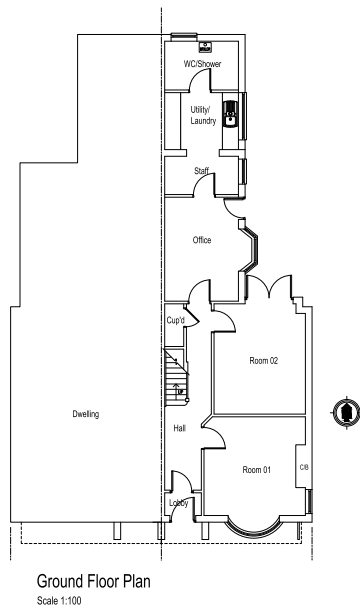
GENERAL

1. These notes are intended to augment drawings and specifications. Where conflict of requirements exists the order of precedence shall be as shown in the specifications. Otherwise the strictest provision shall govern.
2. This drawing is to be read in conjunction with all other relevant Engineering and Architectural drawings.
3. Drawings not to be scaled. All dimensions to be checked on site by the Contractor. Any discrepancies to be notified to the Building Designer and further instructions obtained before work is commenced.
4. The structure is designed to be self-supporting and stable after the building is fully complete. It is the Contractor's sole responsibility to determine the erection procedure and sequence and ensure that the building and its components are safe during erection. This includes the addition of whatever temporary bracing, guys or tie-downs which may be necessary, such material remaining the property of the Contractor upon completion.
5. This drawing represents a detailed dimensional measurement survey of the physical dimensions of the existing property. This drawing does not and is not intended to express any opinion on the physical, superficial or structural condition of the premises depicted.
6. This drawing is to be read in conjunction with all other relevant drawings.

Existing



Page 257



REV	DATE	BY	DESCRIPTION	CHK	APP
A	22.01.24	TAS	Change of Use to Single Unit Only (301)	TAS	TAS
0	08.11.23	TAS	Initial Issue	TAS	TAS

DRAWING STATUS: INITIAL ISSUE

**TAS Building Design**  
 FF2/2A School Court  
 Wrayby Street  
 North Lincolnshire  
 DN20 8JW  
 t: +44(0)1652 659467  
 f: +44(0)1652 659467  
 e: tasbuildingdesign@hotmail.co.uk

CLIENT: MS D POTTER

PROJECT: 301 - 303 ASHBY HIGH STREET, SCUNTHORPE  
DN16 2RY

TITLE: SURVEY OF EXISTING  
CHANGE OF USE TO CLASS E  
(NO CHANGES TO FLOOR PLANS)

SCALE & SIZE: A3 SHOWN @ A1	CHECKED: TAS	APPROVED: TAS
DWG FILE: 25309/Dwg/Arch	DESIGN/DRAWN: TAS/ls	DATE: NOV 2023
PROJECT No: 25309	DRAWING No: A0002	REV: A

ORIGINAL  
IF  
RED

SPECIFICATION & CONSTRUCTION NOTES:

GENERAL

- These notes are intended to augment drawings and specifications. Where conflict of requirements exists the order of precedence shall be as shown in the specifications. Otherwise the strictest provision shall govern.
- This drawing is to be read in conjunction with all other relevant Engineering and Architectural drawings.
- Drawings not to be scaled. All dimensions to be checked on site by the Contractor. Any discrepancies to be notified to the Building Designer and further instructions obtained before work is commenced.
- The structure is designed to be self-supporting and stable after the building is fully complete. It is the Contractor's sole responsibility to determine the erection procedure and sequence and ensure that the building and its components are safe during erection. This includes the addition of whatever temporary bracing, guys or tie-downs which may be necessary, such material remaining the property of the Contractor upon completion.
- This drawing represents a detailed dimensional measurement survey of the physical dimensions of the existing property. This drawing does not and is not intended to express any opinion on the physical, superficial or structural condition of the premises depicted.
- This drawing is to be read in conjunction with all other relevant drawings.
- Details of existing original boundary treatments taken from Google Earth and Streetview historic data.

**PLANNING RELATED EXTERNAL FACING MATERIALS AND ASSOCIATED NOTES:-**

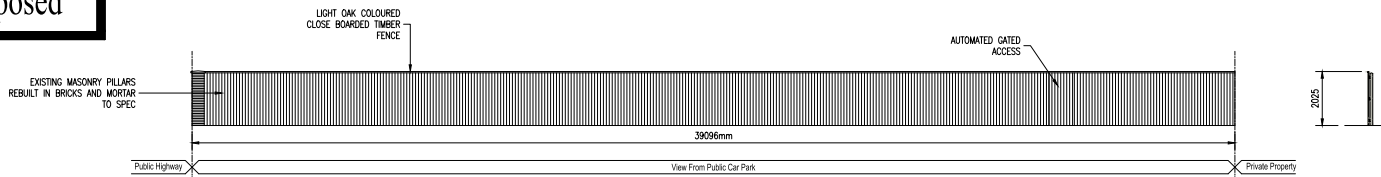
**EXTERNAL WALLS**  
APPROVED RED/ORANGE MULTI CLAY BRICK TO MATCH EXISTING WITH MORTAR TO SPECIFICATION. POINTING SHALL MATCH EXISTING STYLE AND BRUSHED SMOOTH WITH A SOFT BRUSH.

**MORTAR**  
COMPRISING 1:1:6 PARTS OPC/HYDRATED LIME/SAND.

**FENCE**  
APPROVED TREATED TIMBER CLOSE BOARDED FENCING MOUNTED TO 125X50MM RAILS, FIXED TO 100X100MM CONCRETE POSTS @ 3.0M HORIZONTAL CENTRES MAX.

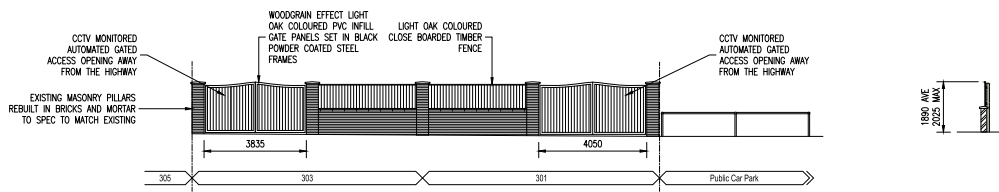
**GATES**  
AUTOMATED GATES WITH MANUAL OVER-RIDE AND RCD PROTECTION. GATES TO BE APPROVED STEEL FRAMES WITH BLACK POWDER COAT FINISH. INFILL PANELS TO BE WOODGRAIN EFFECT PVC CLADDING IN LIGHT OAK COLOURED FINISH. INCORPORATE RING DOOR BELL TO EACH GATE TO ENABLE SECURE CONTROLLED ACCESS. ALL GATES TO OPEN INTO APPLICANT'S PROPERTY AND NOT INTO THE HIGHWAY AT ANY TIME.

**Proposed**



As Constructed Boundary Treatment - East Elevation

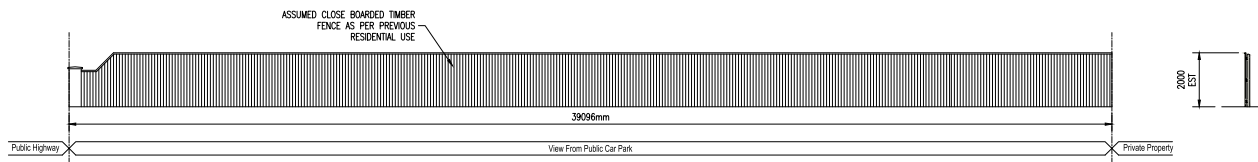
Scale 1:100



As Constructed Boundary Treatment - South Elevation

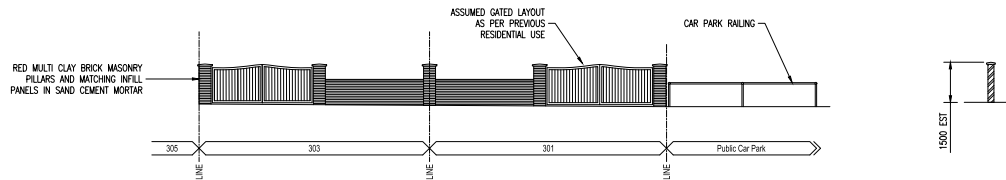
Scale 1:100

**Existing**



Assumed Original Boundary Treatment - East Elevation

Scale 1:100



Assumed Original Boundary Treatment - South Elevation

Scale 1:100

GRAPHIC SCALE 1:100



REV	DATE	BY	DESCRIPTION	CHK	APP
A	22.01.24	TAS	Minor Revision	TAS	TAS
0	08.11.23	TAS	Initial Issue	TAS	TAS

DRAWING STATUS: INITIAL ISSUE

**TAS Building Design**  
FF2/2A School Court  
Wrayby Street  
Brigg  
North Lincolnshire  
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CLIENT: MS D POTTER

PROJECT: 301 - 303 ASHBY HIGH STREET, SCUNTHORPE  
DN16 2RY

TITLE: BOUNDARY TREATMENTS

SCALE & SIZE:	AS SHOWN @ A1	CHECKED:	TAS	APPROVED:	TAS
DATE FILE:	23/09/23	DESIGN/DRAWN:	TAS/ls	DATE:	NOV 2023
PROJECT No:	25309	DRAWING No:	A0003	REV:	A



<b>APPLICATION NO</b>	<b>PA/2023/1926</b>
<b>APPLICANT</b>	Mr and Mrs Mottram
<b>DEVELOPMENT</b>	Planning permission to change the use of a former coffee shop (Use Class E) to residential (Use Class C3), with associated alterations
<b>LOCATION</b>	35 High Street, Haxey, DN9 2HH
<b>PARISH</b>	<b>HAXEY</b>
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Scott Jackson
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Haxey Parish Council

## **POLICIES**

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

- 5 Delivering a sufficient supply of homes
- 6 Building a strong, competitive economy
- 8 Promoting healthy and safe communities
- 12 Achieving well-designed and beautiful places

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

- DS1 General requirements
- T1 Location of development
- T19 Car parking provision and standards
- H5 New housing development
- H8 Housing design and housing mix
- C2 Community facilities in minimum growth settlements and rural hamlets and villages in the open countryside

### **North Lincolnshire Core Strategy:**

- CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS22 Community facilities and services

**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 late 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

DM1 General requirements

DM3 Environmental protection

T4 Parking

CSC10 Community facilities and services

## **CONSULTATIONS**

**Highways:** No objection or comments.

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

**Environmental Protection:** No objection or comments.

**Waste and Recycling:** Comments made in relation to bin storage, numbers of bins, collection, pulling distances, and refuse vehicle dimensions and highway construction requirements.

## **PARISH COUNCIL**

Objects on the following grounds:

Sadly, this is another business that is lost to the community and visitors. Implementation of planning consent as sought in this application would bring about the loss of an important amenity for residents and visitors alike. Apart from pubs, amenity stores and hairdressers,



permanent closure of this coffee shop would see the disappearance of Haxey's last remaining High Street business.

In addition, the following comments were made:

As stated in the DAS this conversion could be done under GDPO if it were not for some parts requiring planning permission that the applicant wants included.

The amenity space is small and the additional land that is included in the proposal to the rear should make it adequate. The Parish Council can find no information relating to the concrete ramp and parking and can only comment that some alteration would benefit the overall proposal.

Parking should not cause a problem as it would be expected the number of visiting vehicles will reduce, it is not clear what off-street parking is proposed. Given the size of the proposal the Parish Council considers it represents a more affordable dwelling for either an elderly person or first-time buyer.

## **PUBLICITY**

A site notice has been displayed and one response has been received in support of the proposal, making the following comments:

When this building was a cafe and coffee shop, the main issue for us as neighbours was parking on the High Street and associated noise both from vehicles and people themselves attending the cafe.

The change to domestic use can only be beneficial to all neighbouring properties, as by being domestic it will remove the constant comings and goings.

Parking has always been an issue in the High Street in Haxey. We understand there is to be a public meeting on this issue in February 2024.

Our only comment on this application regarding planning is that perhaps the designated parking area on the front of the property is protected by a specific clause, so that it is not lost in the future.

Since the cafe has ceased to operate, noise reduction has been beneficial and appreciated.

## **ASSESSMENT**

### **Planning history**

2/1984/0297: Change use of workshop to a building for the fabrication of PVC windows – approved with conditions 03/07/1984

PA/2011/0540: Planning permission to retain a change of use from A1 to A1 (delicatessen) and A3 (café) – approved with conditions 29/06/2011

PA/2005/0569: Outline planning permission to erect a bungalow (access not reserved for subsequent approval) (resubmission of PA/2004/0884) – refused 18/05/2005

- 2/1993/0859: Removal of existing temporary building and erection of a residential building – refused 10/12/1993
- 2/1988/0282: Erection of a detached dwelling – approved 20/06/1988
- 2/1983/0628: Change use of office, storage and workshop to residential use – approved with conditions 29/11/1983
- 2/1994/0044: Demolition of existing timber-framed building and erection of a butcher's shop – approved with conditions 11/03/1994
- PA/2001/1485: Planning permission to change use of part of industrial building to office – approved with conditions 20/12/2001
- PA/2013/0500: Application for variation of condition 1 of planning permission PA/2011/0540 to allow the opening hours to be 9am to 5pm Monday to Saturday (inclusive) – approved with conditions 06/06/2013
- PA/2006/0707: Planning permission to change the use of workshop to farm shop – approved with conditions 27/06/2006
- PA/2006/1164: Planning permission to change the use of butcher's shop (A1) to hot food takeaway premises (A5) – refused 03/10/2006
- PA/2004/0884: Outline planning permission to erect a bungalow – refused 26/07/2004
- PA/2021/1373: Planning permission to vary condition 1 attached to previously approved application PA/2011/0540 dated 11/05/2011, namely the opening hours be changed to 9am to 5pm Monday to Saturday and 10am to 3pm on a Sunday, and to remove condition 4 to allow for outside seating – approved with conditions 15/11/2021.

The application site comprises a single-storey building within the defined settlement boundary for Haxey; its current use is a café/delicatessen. It is brick built with a concrete tiled roof, and has an area of hardstanding and ramped pedestrian access to the front facing south towards High Street (B1396). It partly shares an access with 37–39 High Street, which served as the former post office; this runs along the eastern side of the building. The area within which the building is located is primarily residential in nature, the nearest commercial enterprises being the Co-op Convenience store 110 metres to the west and some offices 280 metres to the east. Planning permission is sought to change the use of the former coffee shop to a single dwelling with associated external alterations and the provision of an area of amenity space to the rear.

**The main issues in determining this planning application are the principle of development, and impact on the character and appearance of the street scene and upon residential amenity.**

### **Principle**

The main issue is the change of use of this former café to a dwelling and the potential loss of a community facility within the main built framework of Haxey. The most applicable policies are C2 of the North Lincolnshire Local Plan and CS22 of the adopted Core Strategy. These policies seek to retain community facilities unless it can be demonstrated,

to the satisfaction of the local planning authority, that sufficient reasoning and evidence has been put forward in a planning application for an alternative use (such as residential) to be considered. In addition, the NPPF, at paragraph 88d) states that planning policies and decisions should enable the retention and development of accessible local services and community facilities such as local shops, meeting places, sports venues, open space, cultural buildings, public buildings and places of worship.

Policy C2 states:

*Proposals which would lead to the loss of key village services (Uses falling under Classes A1, A2, A3, C1, C2, D1 and D2 of the Town and Country Planning (Use Classes) Order 1987), including the change of use of vacant premises to uses outside these classes, located in rural local centres will only be permitted where it can be demonstrated that these facilities are not economically viable and that all options for their continuance have been fully explored, and/or an accessible replacement facility exists elsewhere in the local centre.*

Policy CS22 echoes the approach set out in policy C2 and states that the loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need.

It is worth noting that the Use Classes have changed in respect of policy C2 (a café now being an E(b) use rather than its previous A3 use class) and the reference to minimum growth settlements and rural hamlets and villages in the open countryside is no longer relevant; however, the policy does still set out the relevant criteria for the potential loss of a community facility. In this regard the onus is on the part of the applicant to justify the loss of the community facility for alternative use. This is undertaken in the form of marketing evidence to show the community facility (in this case a café) has been marketed for the same use for a period of time prior to the application being made (i.e. not economically viable) and there is an alternative facility available locally which would continue to serve the community. This concern is highlighted in the consultation response from Haxey Parish Council.

In that regard the planning agent has submitted additional supporting information which sets out the case on the part of the applicant for the proposed change of use to a dwelling. The supporting information states there have been a number of operators of the business over the past few years and the business was marketed in 2019 with the property being purchased in May 2022 and it being run on a lease basis but with the business remaining for sale by the owner and the operators requesting to be kept informed of any potential sale. The supporting information goes on to state the current owners then approached the previous owner and offered a sum of money to surrender the lease for the café; this was accepted, and the lease was surrendered on 14 October 2023 with the business ceasing to trade the week before (this was prior to the planning application being submitted to the local planning authority). In terms of alternative community service provision, the supporting information highlights there are other facilities within Haxey (such as the Duke William Pub, Loco, Shepherds Place Farm and coffee mornings at St Nicholas Church) and these are accessible locations within Haxey. On this basis it is considered that sufficient alternative community service provision exists within Haxey, which is located in accessible locations in the same settlement.

Based on the fact that the business has ceased trading since October 2023 (a period of 4.5 months at the time of writing this report) and there are sufficient community uses and

buildings retained within Belton (which are accessible), it is considered that the loss of the community facility has been sufficiently justified in this case and the change of use to residential is acceptable in principle.

In terms of the proposed use (as a residential dwelling), it is the opinion of the local planning authority that this is a compatible, alternative use as the area surrounding the business premises is primarily residential in nature and the dwelling will be in a sustainable location, within walking and cycling distance of local services (church, pharmacy, two shops, pubs and a primary school) and access to sustainable modes of travel (i.e. bus stops in close proximity on High Street to the east and west of the site). In conclusion, it is considered the applicant has satisfactorily demonstrated the loss of the community facility is justified in this case and that its alternative use as a residential dwelling is compatible with the prevailing residential uses established in this part of Haxey.

### **Impact on the street scene**

The plans show the building is capable of conversion without major external alteration and there is no requirement to erect any extensions to it to extend its built footprint. The plans show the main external alterations are to the front of the building where the large shop window will be reduced in size with the door retained as the primary means of pedestrian access into the dwelling and the removal of the canopy. Other external alterations include the inclusion of high-level obscure glazed windows in the side-facing elevations (to the east and west) which will serve an en-suite and kitchen respectively, and the deletion of a utility window and enlargement of a window to serve a bedroom in the rear facing elevation. The plans show the number of external alterations has been kept to a minimum and are considered proportionate to the size of the building and to facilitate its conversion to a one-bedroom dwelling. In conclusion, the impact of the proposed change of use on the street scene is considered to be negligible as it is only the window reduction which will be visible from the public highway. On this basis, therefore, it is considered the building lends itself to residential conversion with minimal external alterations taking place.

### **Residential amenity**

The plans show the building is capable of being converted to a one-bedroom dwelling with sufficient room provision internally, the provision of an off-street parking space and bin storage area to the front, and an area of amenity space to the rear. The proximity to the driveway with 37 High Street is noted, as is the provision of amenity space to the rear (which is currently in the ownership of 37 High Street); however, it is considered the dwelling can co-exist alongside existing properties, and it constitutes a compatible use without resulting in loss of amenity through the effects of overlooking or having an overbearing impact.

There is provision shown for an area of amenity space to the rear of the dwelling which extends to 37 square metres. Whilst this is not extensive in area, it provides sufficient spill out space externally that is proportionate to the size of the one-bedroom dwelling in this case. The host property (37 High Street) envelops the proposed rear garden on two sides and there is a further dwelling to the west. No details of how this garden will be enclosed have been provided; such detail is required, particularly given the relationship with the host property's garden and the rise in ground levels from south to north. Therefore, a condition is recommended requiring details of the proposed boundary treatment (along its northern and eastern sides in particular) to be submitted to ensure the garden to the rear is private for its intended occupant(s).

Two windows are proposed in the side-facing elevations of the dwelling. These are shown to serve an en-suite and kitchen, will be horizontal and slim in orientation and profile, and are shown to have a minimum cill height of 1.7m above the floor level of the rooms internally they will serve. This is considered sufficient so as to not introduce any issues in relation to overlooking of neighbouring properties either side. These windows will provide light and ventilation to the respective rooms and a condition is recommended they are fitted with obscure glazing to a minimum level 3 in accordance with the Pilkington Scale of Obscuration.

Finally, it is worth noting the change of use of the building to a dwelling will considerably reduce the potential for loss of residential amenity to neighbouring properties compared with the existing use as a café, which would have potential noise, parking and odour issues associated with its operational side. The level of car parking provision is considered proportionate to the scale of the dwelling (one bedroom) and Highways have raised no issues with the proposed change of use on grounds of parking provision or potential impact on highway and pedestrian safety. In conclusion, it is considered the proposed change of use will reduce the potential for loss of residential amenity to neighbouring properties (compared to the last use as a café) and the building can be converted to a dwelling with sufficient off-street parking and private amenity space provision to serve its alternative use.

## **Conclusion**

The applicant has satisfactorily demonstrated the loss of the community facility is justified in this case and that its alternative use as a residential dwelling is compatible with the prevailing residential uses established in this part of Haxey. In addition, the plans show the building can be suitably altered without any significant external alterations being proposed and its use as a dwelling will reduce the potential for loss of residential amenity to neighbouring properties in this case when compared to the existing use as a café. On this basis the application is recommended for approval.

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

1.

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

Reason

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

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: M/01/01/024/23 and Site Location Plan.

Reason

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

3.

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

#### Reason

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

4.

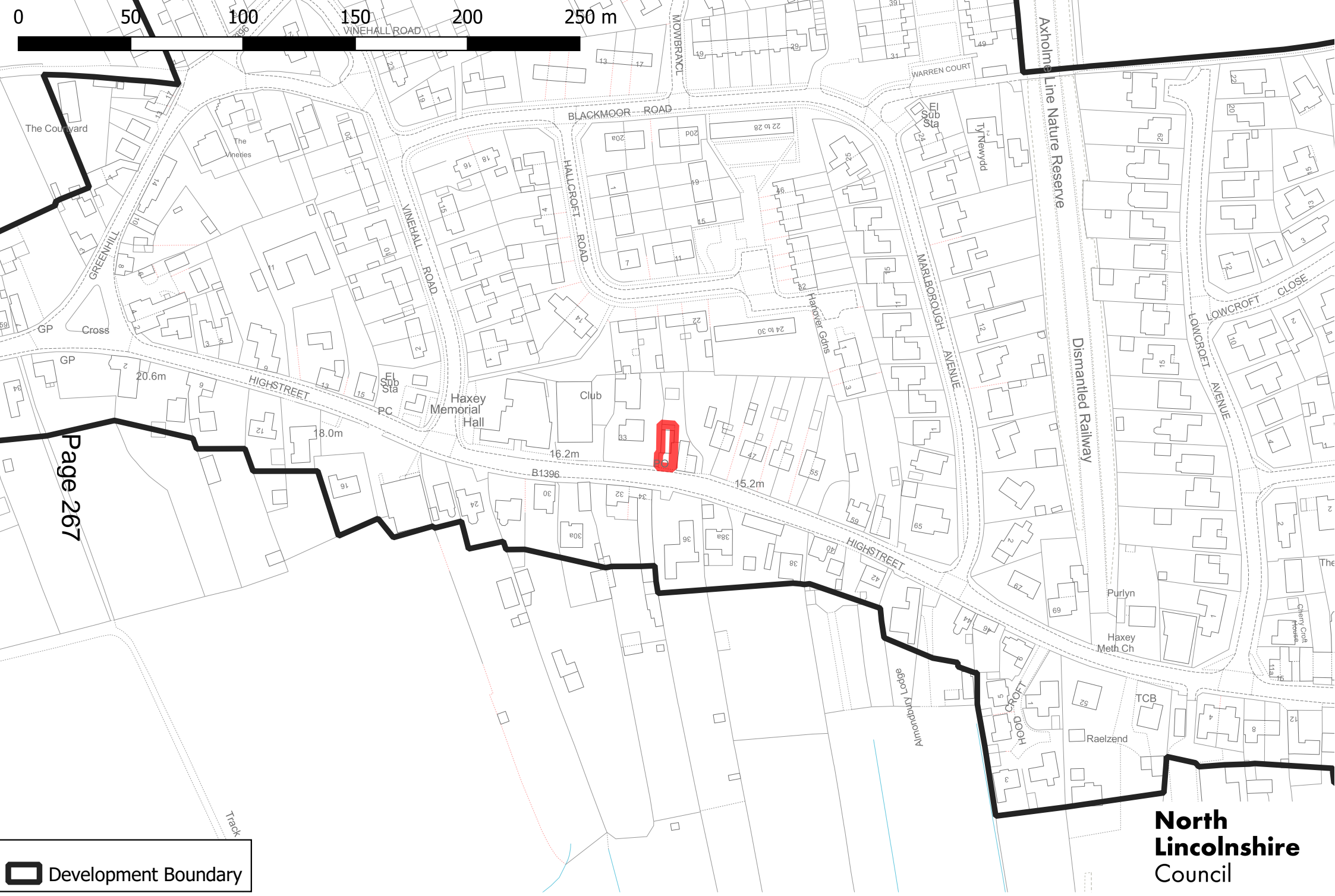
Before the dwelling is first occupied, the kitchen and en-suite windows in its eastern and western walls shall be obscure glazed to a minimum of Privacy Level 3 in accordance with the Pilkington Scale of Obscuration and shall be retained in that condition thereafter.

#### Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

#### **Informative**

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



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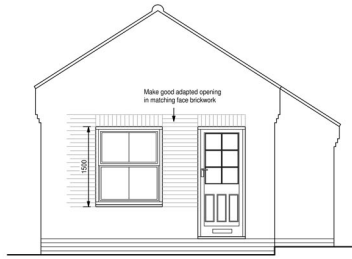
 Development Boundary

**PA/2023/1926**

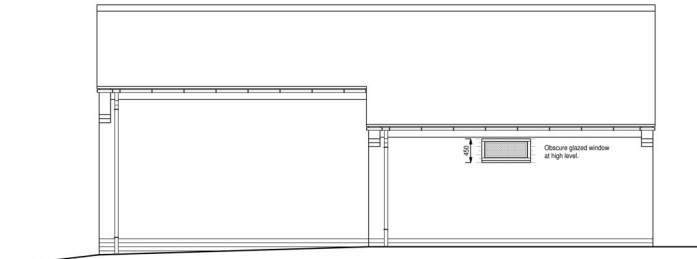
**North  
Lincolnshire  
Council**

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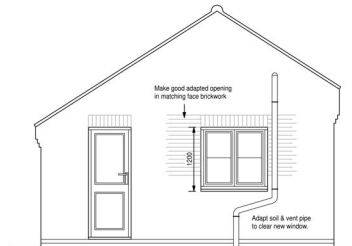
# PA/2023/1926 Existing and proposed plans (not to scale)



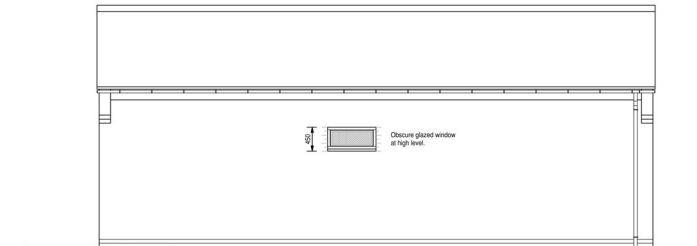
PROPOSED FRONT (SOUTH)



PROPOSED SIDE (EAST)

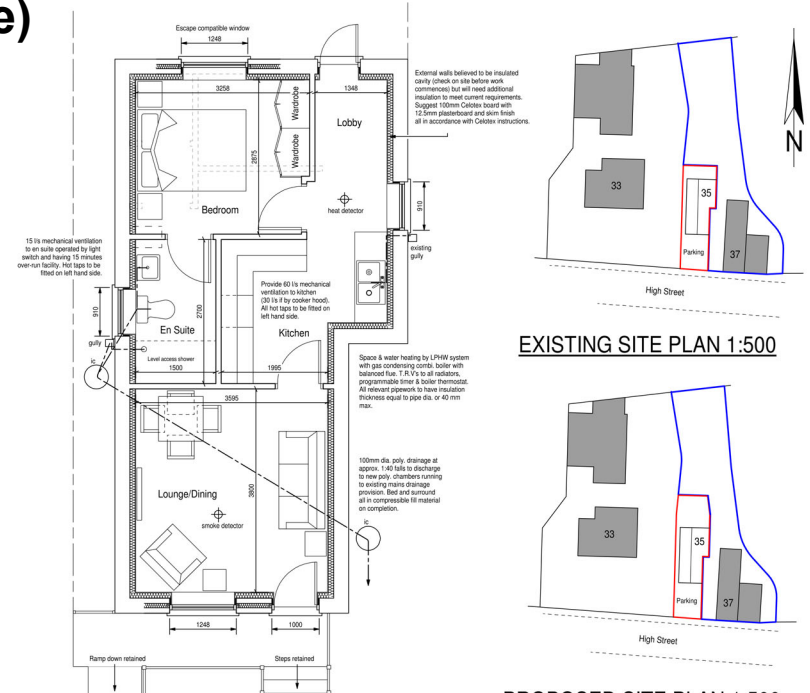


PROPOSED REAR (NORTH)



PROPOSED SIDE (WEST)

EXISTING RAMP, STAIRS AND RAILS TO BE RETAINED FOR USE BY NEW OCCUPIER (OMITTED FOR CLARITY)



PROPOSED FLOOR PLAN

EXISTING SITE PLAN 1:500



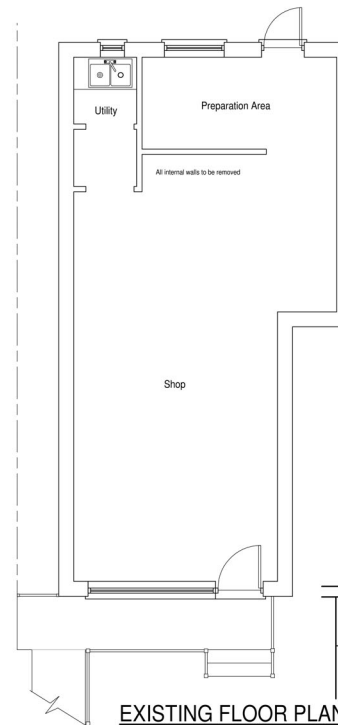
PROPOSED SITE PLAN 1:500

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### Building Regulations Compliance Notes.

NEW INTERNAL BLOCK WALLS IN 100mm BLOCKS OFF THICKENED FLOOR SLAB. BLOCK WALLS FINISHED INTERNALLY WITH 1/8" ON DASS & SKIM. ROOF STRUCTURE RETAINED AND ROOF INSULATED USING 200mm MINERAL WOOL BETWEEN JOISTS (AT CEILING LEVEL WITH 200mm OVER AT RIGHT ANGLES TO BOTTOM LAYER. SLOPING AREA OF ROOFCEILING TO BE INSULATED USING 125mm CELOTEX BOARD WITH 50mm AIRGAP OVER (BATTEN AS NECESSARY). CATNIC STEEL LINTELS OVER NEW EXTERNAL OPENINGS WITH DPC OVER INSTALLATION ALL IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS. REINFORCED CONCRETE LINTELS TO INTERNAL OPENINGS AND TO WALLS WHERE ANY DRAINS PASS UNDER. MANSFIED LINKED SMOKE DETECTORS TO BS 5446 PT 1 & IN ACCORDANCE WITH APPROVED DOCUMENT B OF CURRENT BUILDING REGULATIONS. INTERNAL WALLS SURROUNDING BEDROOMS AND ROOMS CONTAINING WC'S TO HAVE RESISTANCE TO SOUND. CONCRETE BLOCK WALLS TO HAVE MIN. MASS PER UNIT AREA OF 120 Kg/m<sup>3</sup>. PLASTERBOARD ON DASS & SKIM FINISH TO BOTH SIDES. APOCRITE WALLS WITH PLASTER FINISH SHOULD HAVE MIN. MASS OF 75 Kg/m<sup>3</sup>. ALL GAPS AND JOINTS TO BE FILLED AND WELL SEALED. ALL WINDOWS TO HABITABLE ROOMS TO HAVE OPENING LIGHTS MIN. 1020h RESPECTIVE FLOOR AREAS AND TRICOLE VENTS TO HEADS PROVIDING MIN. 8000mm<sup>2</sup> VENTILATION TO HABITABLE ROOMS. 4000mm<sup>2</sup> TO NON-HABITABLE ROOMS. ALL HOT TAPS TO BE FITTED ON THE LEFT HAND SIDE. SANITARY FITTINGS TO HAVE ANTI SYPHON TRAPS AND TO DISCHARGE TO S.V.Ps (BACK INLET GULLIES AND CONNECTED TO MAINS DRAINAGE VIA 100 mm DIA. POLY. PIPEWORK AND PREFORMED CHAMBERS WHERE INDICATED. ALL DRAINS TO BE AT 1:40 GRADIENT AND BED & SURROUND IN COMPRESSIBLE FILL MATERIAL. ALL OPENINGS FORMED BY DRAINS WHICH PASS THROUGH THE BUILDING CONSTRUCTION AREA TO BE MASKED AND SEALED TO PREVENT ENTRY FROM FILL, VERMIN AND GASES. ALL RELEVANT PIPEWORK TO HAVE INSULATION THICKNESS EQUAL TO PIPE DIAMETER OR 40mm MAX. INCLUDING ANY PIPE RUNS THROUGH UNHEATED SPACES. RESPONSIBILITY FOR ACHIEVING COMPLIANCE WITH THE REQUIREMENTS OF PT 1 HEAT PRODUCING APPLIANCES RESTS WITH THE PERSON CARRYING OUT THE WORK. THAT PERSON MUST PREPARE A REPORT SHOWING THAT MATERIALS & COMPONENTS APPROPRIATE TO THE INTENDED APPLICATION HAVE BEEN USED & THAT FLUES HAVE PASSED APPROPRIATE TESTS. THE COUNCIL MAY REQUEST A COPY OF THE REPORT.

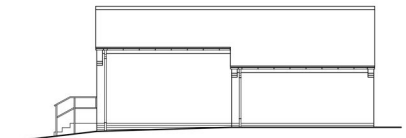
HEATING & HOT WATER SYSTEMS SHALL BE INSPECTED AND COMMISSIONING CERTIFICATE ISSUED AT COMPLETION OF INSTALLATION TO CONFIRM THAT APPROPRIATE PROVISION HAS BEEN MADE FOR THE SYSTEM'S EFFICIENT OPERATION FOR THE PURPOSES OF CONSERVATION OF FUEL & POWER. THE CERTIFICATE TOGETHER WITH MANUFACTURERS OPERATING AND MAINTENANCE INSTRUCTIONS MUST BE AVAILABLE FOR OCCUPANTS USE. A DURABLE NOTICE CONTAINING INFORMATION ON THE PERFORMANCE CAPABILITIES OF THE HEATHING, FIREPLACES, FLUES AND CHIMNEYS SHALL BE AFFIXED IN A SUITABLE PLACE IN THE BUILDING FOR THE PURPOSES OF ENABLING COMBUSTION APPLIANCES TO BE SAFELY INSTALLED. ALL WINDOWS TO COMPLY WITH CURRENT PART 1 REQUIREMENTS. WINDOW & DOOR FRAMES TO OVERLAP THE CLOSERS BY MIN. 30mm. APPLY SEALANT TO FRONT & BACK OF FRAMES AND SILLS. APPROACH AND ACCESS TO THE BUILDING TO BE IN ACCORDANCE WITH APPROVED DOCUMENT M. MIN. CLEAR OPENING WIDTH OF NEW FRONT DOOR TO BE 775mm. PROPERTY TO HAVE PARKING AREA MIN. 3.0m WIDE WITH FIRM SURFACE TO FACILITATE DISABLED ACCESS. INTERNAL DOOR WIDTHS TO COMPLY WITH PART M. WALL MOUNTED SWITCHES & SOCKET POSITIONS TO COMPLY WITH PART M. GLAZING IN CRITICAL LOCATIONS TO BE BS 6206 1981 (SAFETY GLASS). ALL ELECTRICAL WORK REQUIRED TO COMPLY WITH APPROVED DOCUMENT P TO BE CARRIED OUT BY A PERSON COMPETENT TO DO SO. A CERTIFICATE ISSUED BY A COMPETENT PERSON TO PROVE THAT THE INSTALLATION HAS BEEN TESTED & COMPLES WITH PART P MAY BE REQUESTED BY BUILDING CONTROL. SECURE DOORSETS SHOULD BE EITHER MANUFACTURED TO A DESIGN THAT HAS BEEN SHOWN BY TEST TO MEET THE SECURITY REQUIREMENTS OF BRITISH STANDARD PUBLICATION PAS24:2012 OR DESIGNS AND MANUFACTURED IN ACCORDANCE WITH APPENDIX S. LETTER PLATES WHERE PROVIDED SHOULD HAVE A MAXIMUM APERTURE OF 260mm x 40mm AND BE LOCKED AND/OR DESIGNED TO HINDER ANYONE ATTEMPTING TO REMOVE KEYS WITH STICKS AND/OR INSERT THEIR HAND FOR EXAMPLE BY INCORPORATING A FLAP OR OTHER FEATURE TO RESTRICT ACCESS. THE MAIN DOORS FOR ENTERING THE DWELLING SHOULD HAVE A DOOR VIEWER UNLESS OTHER MEANS EXIST TO SEE CALLERS, SUCH AS CLEAR GLASS WITHIN THE DOOR OR A WINDOW NEXT TO THE DOORSET. THE SAME DOORSET TO HAVE A DOOR CHAIN OR DOOR LIMITER. WINDOWS TO BE MADE TO A DESIGN THAT HAS BEEN SHOWN BY TEST TO MEET THE SECURITY REQUIREMENTS OF BRITISH STANDARD PUBLICATION PAS24:2012 SUITABLE TERMINAL ACCESS POINT TO BE PROVIDED FOR CONNECTION BY INTERNET SERVICE PROVIDER.



EXISTING FLOOR PLAN

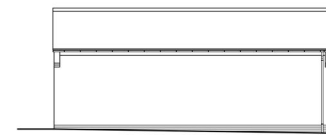


EXISTING FRONT (SOUTH)



EXISTING SIDE (EAST)

SCALE 1:100



EXISTING SIDE (WEST)



EXISTING REAR (NORTH)



NOTE: THIS DRAWING IS INTENDED FOR CONSULTATION PURPOSES ONLY AND IS SUBJECT TO CHANGE. ADDITIONAL INFORMATION, STRUCTURAL DESIGN AND AMENDMENTS MAY STILL BE REQUIRED. DO NOT START WORK UNTIL YOU ARE IN POSSESSION OF ALL CORRESPONDING APPROVALS. APPROVED SUPPORTING DOCUMENTS AND APPROVED DRAWINGS. ADDITIONAL DESIGN OR ADMINISTRATION DUE TO STARTING WORKS WITHOUT FULL APPROVAL WILL BE CHARGED FOR. ALL DIMENSIONS ARE APPROXIMATE & MUST BE CHECKED ON SITE.

Drawing title: <b>EXISTING &amp; PROPOSED ARRANGEMENTS</b>	Client: <b>MR &amp; MRS MOTTRAM</b>	<b>R M Potterton Ltd.</b> Architectural Services	
Revisions:	Drawing No. <b>M/01/01/024/23</b>	Scale at A1: <b>1:50, 1:100</b>	Date: <b>21-11-2023</b>
Project: <b>CHANGE OF USE OF COFFEE SHOP TO DWELLING, 35 HIGH STREET, HAXEY, DN9 2HH.</b>			
			Telephone: (01724) 761752 Mobile: 07944 302278 mpotterton@hotmail.co.uk



<b>APPLICATION NO</b>	<b>PA/2023/1982</b>
<b>APPLICANT</b>	Mr & Mrs J Copeland
<b>DEVELOPMENT</b>	Planning permission for a pergola structure and 8m flagpole
<b>LOCATION</b>	8 Pyewipe Farm, Redbourne, DN21 4TG
<b>PARISH</b>	<b>REDBOURNE</b>
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Daniel Puttick
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Redbourne Parish Council

## **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
- RD2 Development in the countryside
- RD10 Replacement, alteration and extensions to dwellings in the open countryside
- 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:**

PS1 Presumption in favour of sustainable development

### **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 late 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 Team:** No objections or comments.

### **PARISH COUNCIL**

Redbourne Parish Council initially raised no objections to the proposal. Further comments were received on 21 February 2024, stating:

“Taking into account neighbour’s objections due to the size of the structure, Redbourne PC wishes to change its comments to object.”

### **PUBLICITY**

A site notice has been displayed and two letters of objection have been received from neighbouring residents. The following is a summary of the material considerations raised:

- The building is in close proximity to the boundary.

- The building is tall and imposing. It blocks light and invades privacy.

## **ASSESSMENT**

### **Planning history**

PA/2009/1473: Planning permission to erect a rear conservatory – approved with conditions 15/02/2010

PA/2019/852: Planning permission to erect a single-storey side extension – approved with conditions 05/07/2019

### **Site characteristics**

The site comprises an existing semi-detached property which has been altered and extended to the site and rear. The site is within the countryside between the settlements of Redbourne and Waddingham, and is one of a small handful of properties near Pyewipe Farm. The properties in this location are generally semi-detached and have south-facing rear aspects which look out across open agricultural land.

### **Proposal**

Planning permission is sought for the construction of an ancillary structure constructed of timber with concrete roofing tiles providing a covered outdoor seating area at the property. The structure has been constructed at the site and planning permission is therefore being sought retrospectively.

The structure is located to the rear of dwelling and sits next to the boundary with 7 Pyewipe Farm to the west. It has a mono-pitched roof sloping away from the boundary with the adjacent property, and makes provision for the drainage of rainwater within the application site. The structure is open on three sides, and raised slightly from external ground level providing airflow beneath the structure.

Planning permission is also sought to construct an 8m flagpole within the front garden of the property. This aspect of the development has not yet been undertaken.

### **Material considerations**

Planning permission is sought for the construction of a detached outbuilding within the curtilage of 8 Pyewipe Farm. The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (“the GPDO”) is a significant material consideration in the determination of 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, 2.5m 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 2.5m; or
- the building would be situated within the curtilage of a listed building.

In this instance planning permission is required for the construction of the proposed structure as it comprises the construction of a building within 2m of the boundary of the property where the height of the building exceeds 2.5m. The structure as erected measures 3.4m at its highest point, with the roof sloping away within the site to a height of 2.35m.

The application involves works within the curtilage of an existing dwelling within the countryside. The principle of altering and extending properties within the countryside is acceptable in accordance with policy RD10 of the North Lincolnshire Local Plan, subject to a number of requirements.

**The main issues in the determination of 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 also 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.

Policies RD2 and RD10 both seek to ensure that development is not detrimental to the character and appearance of the open countryside, with policy RD10 seeking that all new construction is of a high standard of design and that the appearance or use of the dwelling as extended will not adversely affect the amenity of local residents or the appearance of the locality.

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 outbuilding is located to the rear of the existing dwelling and is not a prominent feature within the street scene. Views of the outbuilding can be achieved from the private road leading to the site; however, any views would be fleeting and would see the bulk of the structure obscured by existing boundary treatments or the existing dwelling. The roof of the structure would be visible; however, for these reasons, the development would not appear as a prominent feature within the street scene and would not adversely affect the character and appearance of the area.

The flagpole is proposed in the front garden of the property which is enclosed by large timber fences. By virtue of its design, the flagpole would be readily visible within the street scene; however, given the presence of another existing flagpole within the curtilage of a nearby property, it would not appear out of keeping or at odds with its surroundings. Given the isolated location of the site and the slender design of the structure, the addition of a further flagpole in this location would not be considered to result in harmful impacts upon the character and appearance of the area which would justify withholding planning permission.

Concerns are raised by neighbouring residents in respect of the scale of the building in relation to the boundary treatments. It is acknowledged that the structure would rise above existing boundary treatments; however, for reasons set out above, the effects of the development on the character and appearance of the area would not be considered to be harmful.

Having regard to the above, the design of the proposed development is considered to be appropriate in its context. 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, DS5, RD2 and RD10 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 located on or close to the boundary.

Policy RD10 of the local plan specifically seeks to ensure that the appearance of the dwelling as extended does not adversely affect the amenity of local residents.

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 letters of objection received raise concerns relating to perceived impacts on residential amenity, in particular with regard to privacy and scale. The application has been supported by detailed plans, including photographs of the structure as built on site. Based on the information provided within the application and from the 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 west of the application site.

Whilst the development rises above the boundary with the neighbouring property, given its small scale and the arrangement of properties in this location, the extent of potential light loss would be very limited and not to the extent that would prejudice enjoyment of the neighbouring property. Similarly, although rising above the boundary, the structure is not of a size which would result in harmful impacts for occupants of the adjoining property caused by overbearing impact or loss of outlook. Whilst the presence of the structure will result in change to the environment around the neighbouring property, these changes would not be considered to result in diminished standards of living accommodation at the adjacent dwelling.

The structure is enclosed on the side which abuts the boundary with the neighbouring property. Although concerns have been raised with regard to potential loss of privacy, the design of the structure would ensure no overlooking or privacy issues would arise.

Having regard to the above, it is considered that the proposed development would not result in unacceptable adverse impacts upon living conditions for occupants of nearby residential properties. The proposals are considered to be acceptable and in accordance with policies DS1, DS5, RD2 and RD10 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 upon living conditions for occupants of nearby residential properties. The structure is small in scale and the design of the development

would not result in adverse impacts upon the character and appearance of the area. Given the presence of another flagpole locally, the introduction of a further flagpole would not appear at odds with its surroundings and is therefore considered acceptable.

It is therefore recommended that planning permission be granted subject to conditions. As the development has already commenced on site, a condition requiring the development to be implemented within three years to comply with Section 91 of the Town and Country Planning Act 1990 (as amended) is not necessary. A condition specifying the approved plans is necessary in the interests of clarity and proper planning.

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

1.

The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 1507.01, 1507.02 and 1507.05.

**Reason**

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

**Informative**

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



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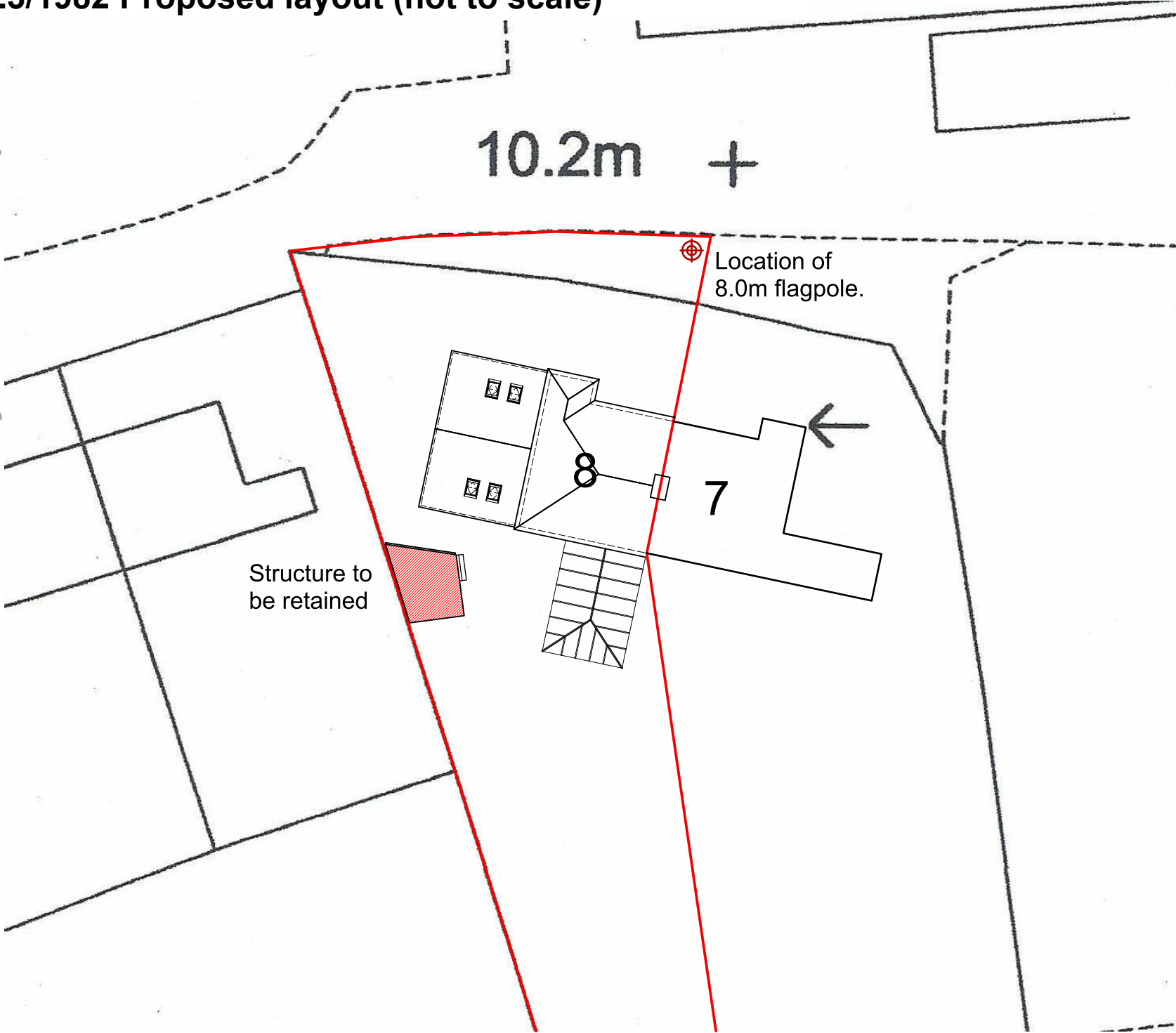


**North  
Lincolnshire  
Council**



# PA/2023/1982 Proposed layout (not to scale)

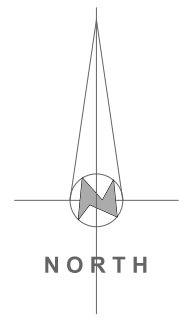
Site Layout as Proposed  
Page: 277



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Revision	Date



## Planning Application

**Project**  
 Proposed Pergola Structure and  
 8.0m Flagpole  
 8 Pyewipe Farm  
 Waddingham  
 Gainsborough

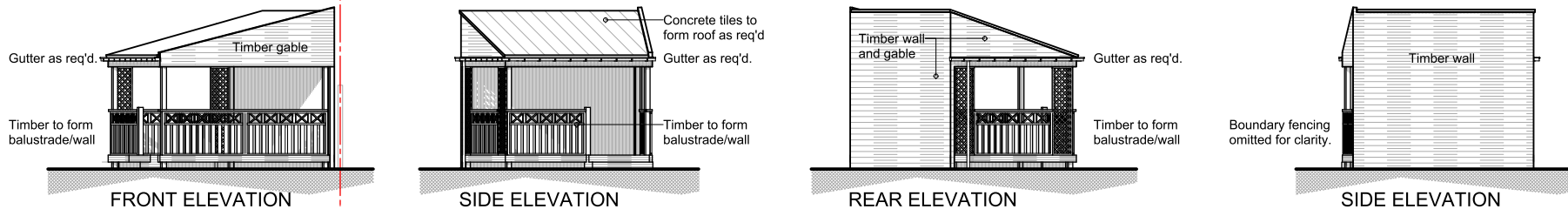
**Client**  
 Mr. and Mrs. J. Copeland

**ADS** Architectural Design Services (Scunthorpe) Ltd  
 3 Conway Square  
 Scunthorpe  
 North Lincolnshire  
 DN15 8JN  
 TEL - 01724 869428  
 EMAIL - info@ads-scunthorpe.co.uk

Date	December 2023
Scale	1:200 @ A3
Drawn	A. Cheffings
Drawing Nr.	1507.02
Revision	-

# PA/2023/1982 Proposed structure (not to scale)

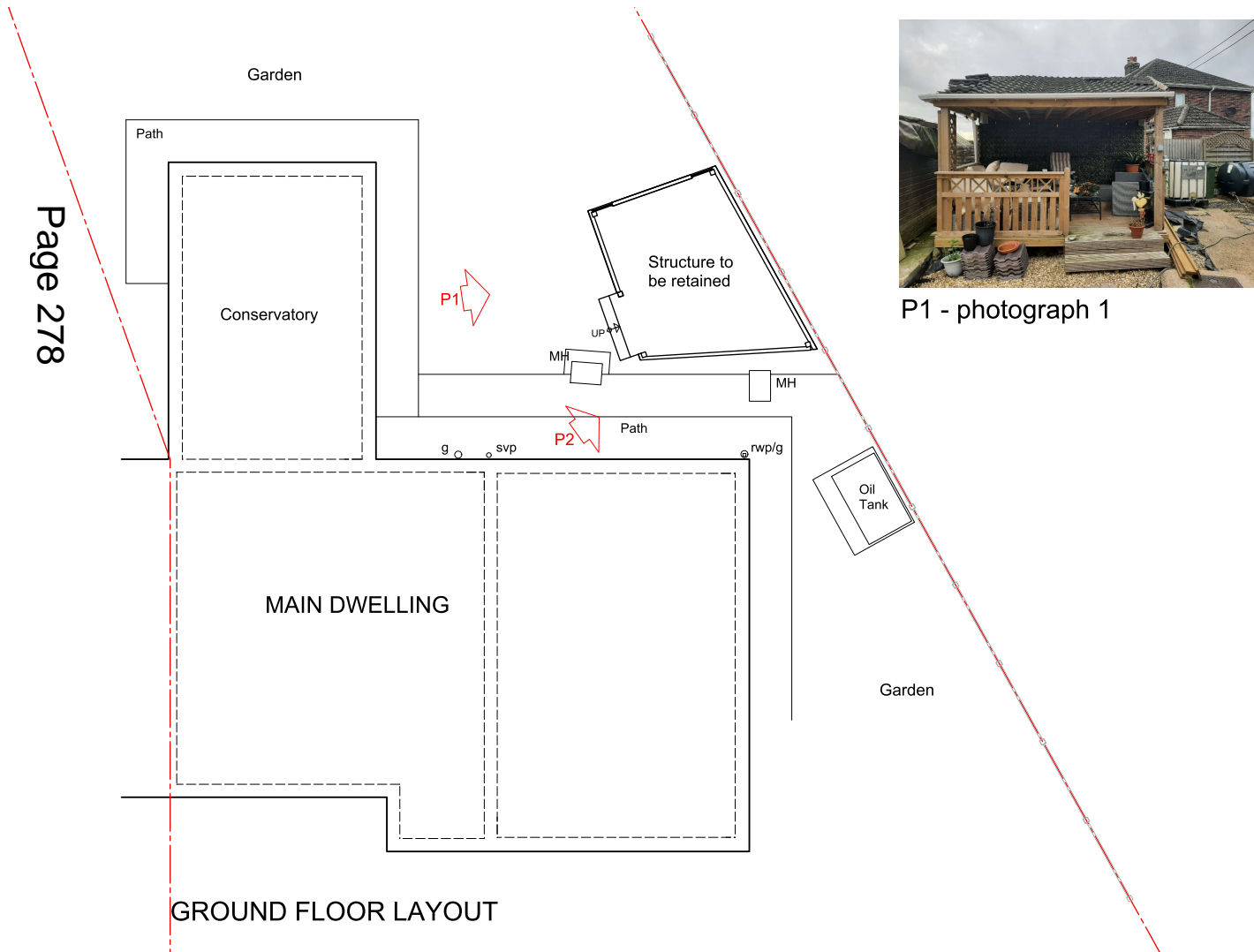
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Revision	Date

## Structure as Proposed



P1 - photograph 1



P2 - photograph 2

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## Planning Application

Project  
 Proposed Pergola Structure and  
 8.0m Flagpole  
 8 Pyewipe Farm  
 Waddingham  
 Gainsborough

Client  
 Mr. and Mrs. J. Copeland

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 TEL - 01724 869428  
 EMAIL - info@ads-scunthorpe.co.uk

Date December 2023  
 Scale 1:100 @ A3  
 Drawn A. Cheffings

Drawing Nr. 1507.01  
 Revision -

<b>APPLICATION NO</b>	<b>PA/2024/69</b>
<b>APPLICANT</b>	Mr S Davidovs
<b>DEVELOPMENT</b>	Planning permission to erect a two-storey extension, garage and alterations
<b>LOCATION</b>	Hawthorn Cottage, Butterwick Road, Messingham, DN17 3AU
<b>PARISH</b>	<b>MESSINGHAM</b>
<b>WARD</b>	Messingham
<b>CASE OFFICER</b>	Jennifer Ashworth
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from the development plan

## **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

### **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 (2016):** The site is unallocated and outside the development limits of Messingham as shown on the Proposals Map. The site is therefore within the open countryside.

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 late 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 objections but recommend an informative.

**LLFA Drainage:** No objection or conditions recommended, but would like to make the following informative comment:

It is noted that the proposed soakaway is located in close proximity to a pond feature that may conflict with the soakaway.

## **PARISH COUNCIL**

No objections to this application.

## **PUBLICITY**

A site notice has been displayed – no comments received.

## **ASSESSMENT**

### **Planning history/designations**

#### ***The application site:***

PA/2005/1571: Application to discharge existing agreements originally made under Section 52 of the Town and Country Planning Act 1971 (now Section 106 of the Town and Country Planning Act 1990) relating to the spreading of chicken manure in accordance with a specified scheme of disposal in relation to planning permission references 7/273/87, 7/274/87, 7/705/87 on land at Messingham Common in the parish of Messingham – approved 24/05/2006

#### ***Land to the west:***

PA/2005/1571: Application to discharge existing agreements originally made under Section 52 of the Town and Country Planning Act 1971 (now Section 106 of the Town and Country Planning Act 1990) relating to the spreading of chicken manure in accordance with a specified scheme of disposal in relation to planning permission references 7/273/87, 7/274/87, 7/705/87 on land at Messingham Common in the parish of Messingham – approved 24/05/2006

PA/2019/1408: Planning permission to erect a two-storey rear extension – approved with conditions 07/10/2019

PA/2006/0012: Application to modify existing agreements originally made under Section 52 of the Town and Country Planning Act 1971 (now Section 106 of the Town and Country Planning Act 1990) relating to the spreading of chicken manure in accordance with a specified scheme of disposal in relation to planning permission references 7/273/87, 7/274/87, 7/705/87 on land at Messingham Common in the parish of Messingham – withdrawn 09/03/2006.

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

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

### **Site characteristics/proposal**

The site is located off Butterwick Road and relates to an existing detached rendered property. The existing property has not previously been extended and is in need of improvements in terms of its external appearance (render).

Permission is sought for the construction of a two-storey rear extension as well as a garage extension to the south, and other external alterations.

The plot is a good size and the main proposal is set away from neighbouring properties. The front of the property is on the boundary with the existing highway. The proposal largely affects the rear of the property, whilst a small single-storey extension is proposed to the side (west). The site is within a countryside location. White Cottage, a large detached property, is located to the west.

The current window arrangements on the front elevation are not symmetrical and the application seeks to create an element of symmetry to the windows on this elevation.

The property will include a large void space at second floor to the rear, above an open plan kitchen/living/dining area. Alterations are proposed to the existing first floor to create a larger landing and bedrooms whilst the ground floor will include a new large open plan kitchen/living/dining room, garage and gym space.

**The following considerations are relevant to this proposal:**

- **principle of development**
- **residential amenity**
- **appearance/quality of design**
- **flood risk/drainage.**

**Principle of development**

The site is outside the settlement limits for Messingham and therefore open countryside policies apply. Policy RD2 strictly controls development within the open countryside. The policy allows development which is for the replacement, alteration or extension of an existing dwelling.

The main issues in the determination of this planning application are the impact upon the open countryside, character and appearance of the dwelling and upon residential amenity.

**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 requires that the appearance or use of the dwelling as extended or altered will not adversely affect the amenity of local residents or the appearance of the locality.

The applicant seeks planning permission for a two-storey rear extension, single-storey garage extension and other external alterations. The site is within the open countryside, set within a good sized plot with private gardens to the rear, a good distance from the nearest residential property. The property to the west has recently received permission for a rear extension with balcony but it is considered to be far enough off the boundary to not result in any issues of overlooking.

The development will include changes to windows on the front elevation; however, these are not considered to result in any amenity impacts. Two large windows are proposed at first floor of the rear extension (eastern elevation) and whilst these will face the adjacent property (White Cottage) to the west, it is considered to be set far enough away so as not to result in any overlooking impacts. It is also worth noting that the windows will be over a void space and the owners of the application site will not be able to achieve views out of these windows – they are largely there to flood the space with light.

New windows are proposed on the rear elevations which overlook the private garden and wider countryside.

The proposals are not expected to result in any overshadowing, overlooking or privacy impacts.

### **Character/appearance/quality of design**

Policies DS5 and CS5 are both concerned with visual amenity, the former stating that proposals should be sympathetic in design, scale and materials. Both policies also seek to improve the quality of design across North Lincolnshire.

Policy RD10 relates to replacement, alteration and extensions to dwellings in the open countryside and requires the volume of the proposed extension to not exceed 20%, the original dwelling continuing to form the dominant visual feature. Policy RD10 requires all new construction to be of a high standard of design and in particular to reflect the architecture of the building and/or vernacular styles in the locality; and that the appearance or use of the dwelling as extended or altered will not adversely affect the amenity of local residents or the appearance of the locality.

The applicant has confirmed that the existing house has a volume of approximately 550m<sup>3</sup>. The proposed extensions volume equates to approximately 1,135m<sup>3</sup>. This equates to a 106.36% increase which is 86.36% over the policy requirements. Whilst the policy is relevant, each case should be taken on its own merits. The property sits within a large plot within the open countryside and it is considered that the proposed development provides an opportunity to render the existing property and give a uniform appearance to the front and rear elevations. Whilst the fenestrations might be modern in their appearance, the proposals do allow for the retention of the existing character which is of a rendered detached property. The proposals will allow the modernisation of this existing property, creating larger bedrooms and landing space at first floor and a large open-plan kitchen/living and dining space at ground floor. The development also includes an attached garage.

The majority of the additional volume is created to the rear of the existing property and has been carefully designed to consider neighbouring properties and this countryside location. Views of the extended property will be visible from Butterwick Road; however, these are considered to have a positive impact on this countryside location. Whilst modern openings have been introduced into the property, the style of the extension reflects the design of the original form and style of the host property.

Following a site visit and review of the plans package, it is evident that the property is in need of improvement, especially in terms of the existing render. The proposal will provide an opportunity to update the existing property and give a uniform appearance to all its elevations. The applicant has worked with the case officer to step back the single-storey

garage to allow it to be viewed as subservient to the host property and not detract from the original character and form. The view of the proposals from the main street scene are considered to have a positive impact within this location. It is worth noting that an old chimney pot appears to have already been removed from the roof of the property but there is evidence of the existing chimney stack/breast on the eastern elevation. The proposals indicate that this chimney stack will be removed and whilst this feature will be lost the eastern elevation will be finished to a high standard and include a level rendered finish.

The proposals are considered to be designed to a high standard, the applicant has sought to create symmetry through the positioning of windows throughout the property and whilst modern they are considered appropriate for this location and do not detract from the form and character of the original property. The front elevation includes a feature window which adds interest whilst maintaining the original form of the property.

A materials schedule has been provided as part of the plans package as follows:

- Render: pale grey/off-white self-coloured render
- Roof tiles: dark grey interlocking concrete roof tiles
- Windows: dark grey UPVC/aluminium windows and doors
- Rainwater goods: black UPVC rainwater goods.

The plans also confirm the proposed boundary treatments which will include the demolition of part of the existing boundary wall to be replaced by the proposed garage extension. A new 2m high close-boarded fence will be erected along the eastern boundary, whilst the existing western and southern boundary fence/hedge will be retained.

The proposed works seek to reflect the style and character of the form of the existing property whilst introducing more modern contemporary features including large windows to the front, side and rear elevations. The existing property is traditional in its appearance and whilst in a prominent roadside position its low key status and design blends well into this countryside location. The property is unobtrusive. The proposed design will introduce a very large traditional extension with modern contemporary features into this countryside location. Views of the development will be achieved from the existing highway as well as the surrounding landscape; however, this will be minimal due to the development being largely to the rear.

It is considered that, whilst the development is contrary to policy RD10 in terms of exceeding the 20% volume allowance, the applicant has sought to create a design which addresses the form and character of the existing property whilst introducing modern subtle features through new window openings. The proposed works are considered to be sympathetic to the host property as well as to the wider street scene, are high quality, will add interest and will not result in any amenity impacts. It is considered that the proposal would align with policies RD10, DS5 and CS5.

## **Highways**

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 applicant seeks to create a two-storey extension and single-storey garage to an existing residential property. Highways do not have any comments or objections. There are no concerns regarding highway safety given the proposals relate to an existing property and do not occur within the main highway.

Access to the garage would be via an existing access into the site.

It is therefore considered, subject to inclusion of the suggested informative, that the scheme is in accordance with policies T2 and T19 of the local plan.

### **Drainage and flood risk**

The LLFA Drainage team have considered the proposals and do not have any comments or objections at this time.

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

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

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

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

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

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

In relation to advice for minor extensions, the Environment Agency's standing advice confirms that a plan should be provided showing the finished floor levels and the estimated flood levels. The advice also requires the floor levels to be either no lower than existing

floor levels or 300 millimetres (mm) above the estimated flood level. There is also a need for applicants to use flood resistant materials up to at least 300mm above the estimated flood level.

The applicant has provided a completed an Environment Agency flood zone table, confirming that floor levels within the proposed development will be set no lower than existing levels and flood proofing of the proposed development has been incorporated where appropriate. They also confirm that details of any flood proofing/resilience and resistance techniques will be included in accordance with 'Improving the flood performance of new buildings' CLG (2007).

It is considered that with an appropriately worded condition the proposed development is acceptable in terms of flood risk.

## **Conclusion**

The proposal is acceptable in principle, is well designed and would not harm residential amenity. It is therefore recommended that planning permission is 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:

- Site Plans - 1898.02 Rev. A

- Existing and Proposed Plans - 1898.01 Rev. A.

Reason

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

3.

Notwithstanding the hereby approved plans (condition 2 above), finished floor levels within the proposed development shall be set no lower than the existing finished floor levels of the property, and flood proofing of the proposed development shall be incorporated where appropriate. The applicant shall confirm completion of the approved scheme in writing to the local authority within one month thereafter.

Reason

To reduce the potential impact of flooding in accordance with policy DS16 of the North Lincolnshire Local Plan.

## **Informatives**

1.

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

2.

It is noted that the proposed soakaway is located in close proximity to a pond feature that may conflict with the soakaway. Should any issues arise please contact the LLFA Drainage Team at North Lincolnshire Council.



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**North  
Lincolnshire  
Council**

# PA/2024/69 Proposed layout (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 within 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 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.

This drawing is the copyright of keystone architecture and must not be reproduced without written consent. © keystone architecture 2024

**PARTY WALL NOTICE(S)**

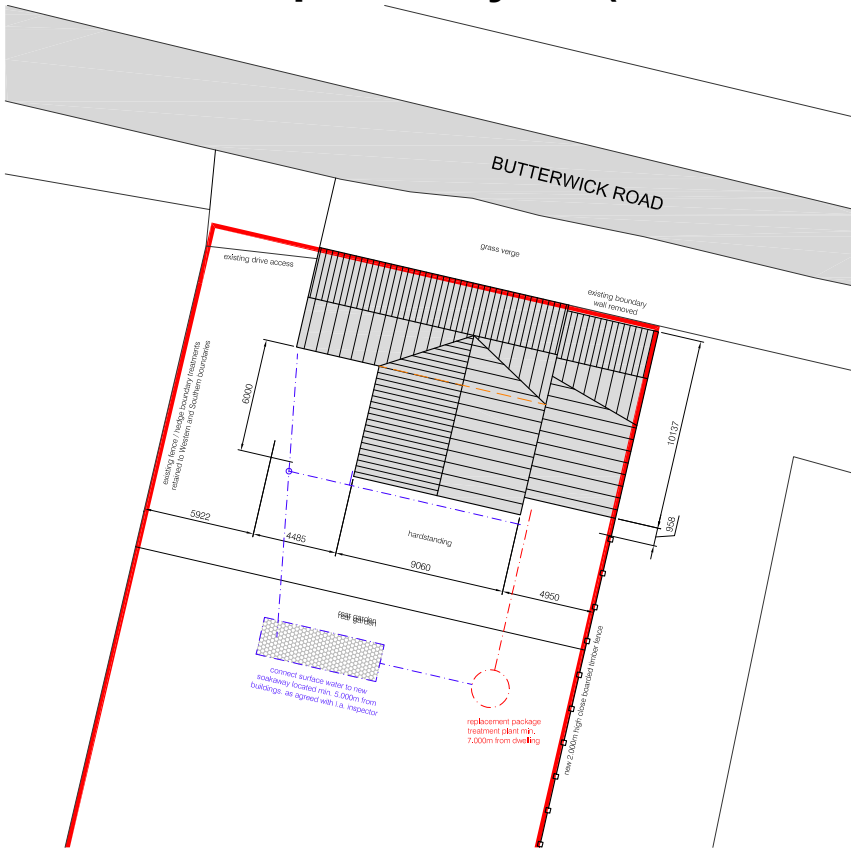
Building astride (A) or against (B) the boundary line:

If you plan to build a party wall astride or against the boundary line, you must inform the Adjoining Owner by serving a Notice.

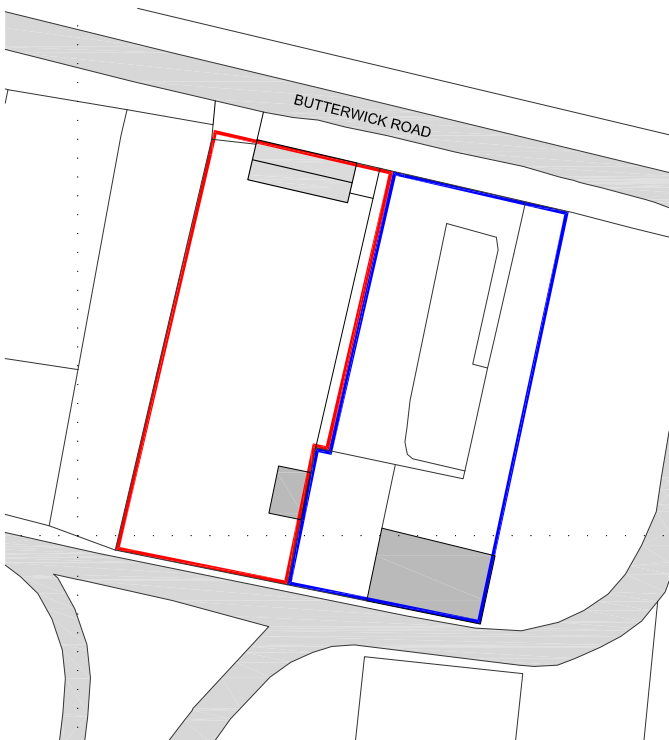
Excavating near neighbouring buildings:

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.

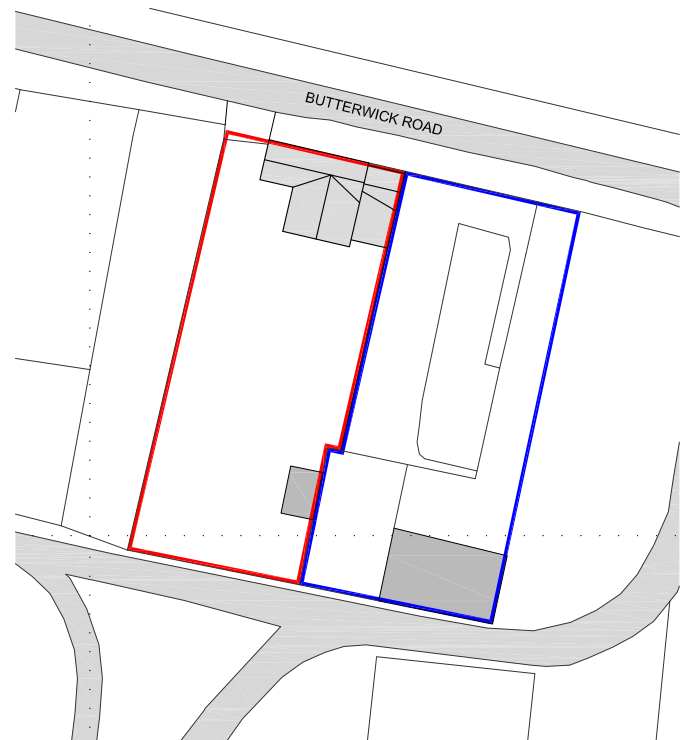
If you plan to excavate foundations within 6 metres of a neighbouring building or structure, where the excavation will cut a line drawn at 45° from the bottom of the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.



Proposed Site Plan  
scale 1:200



Existing Block Plan  
scale 1:500



Proposed Block Plan  
scale 1:500

**NOT FOR CONSTRUCTION**

A	Step Back Added to Single Storey	14/03/24
rev	amendment	date
Proposed Extensions	title	Site Plans
Hawthorn Cottage	stage	Planning
Butterwick Road,	scale	as shown
Messingham		drawn by JCB
		dwg. no. 1898.02 rev A
		drawn January 24

# PA/2024/69 Existing and proposed plans (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 keystonearchitecture.

Do not scale from these drawings - if in doubt - ask.

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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)**

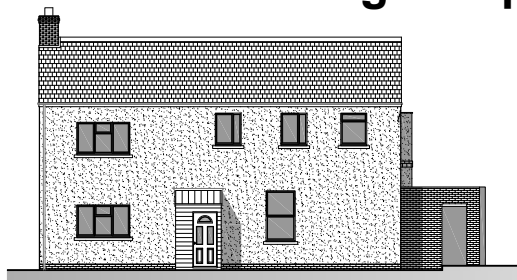
Building astride (A) or against (B) the boundary line:

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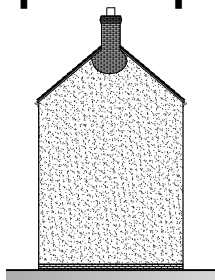
Excavating near neighbouring buildings:

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.

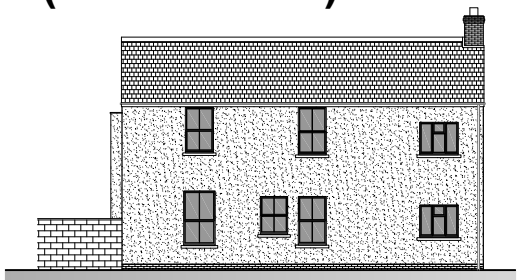
If you plan to excavate foundations within 6 metres of a neighbouring building or structure, where the excavation will cut a line down at 45° from the bottom of the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.



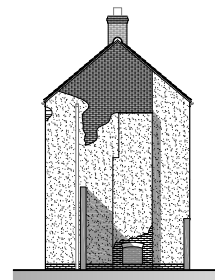
Existing South Elevation



Existing West Elevation



Existing North Elevation



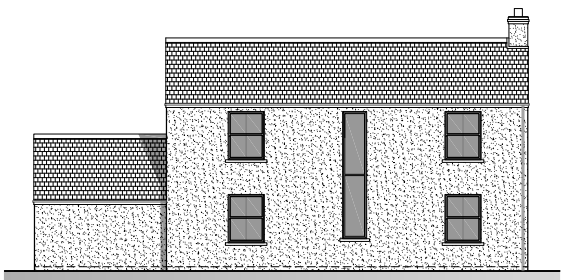
Existing East Elevation



Proposed South Elevation



Proposed West Elevation

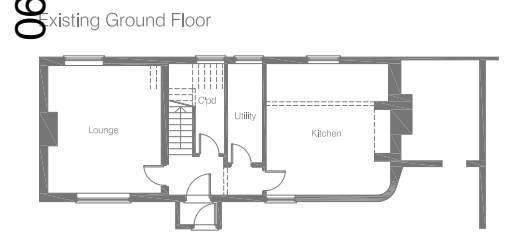


Proposed North Elevation

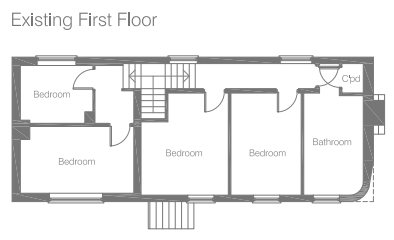


Proposed East Elevation

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Existing Ground Floor



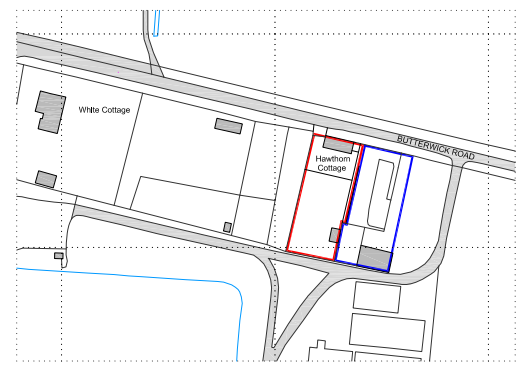
Existing First Floor

**Material Schedule:**

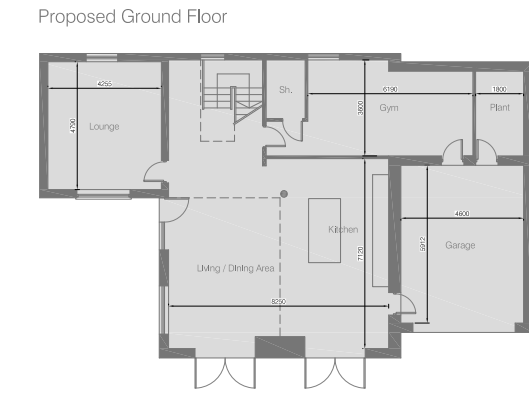
Render: Pale Grey / Off-White Self Coloured Render  
 Roof Tiles: Dark Grey Interlocking concrete roof tiles  
 Windows: Dark Grey uPVC / aluminium windows and doors  
 Rainwater Goods: Black uPVC rainwater goods  
 Balcony: Stainless Steel & Glass Balustrade

**Building Volume Calculations:**

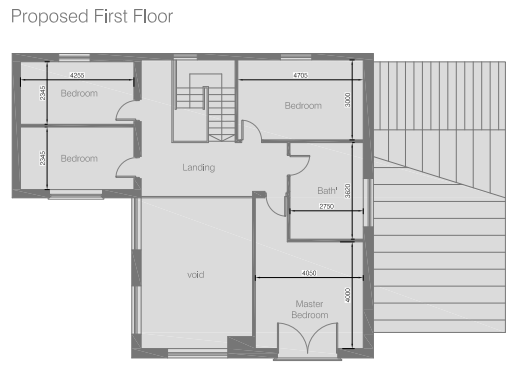
Existing Building: 550m³  
 Proposed Building: 1,135m³



1:1250  
 0m 25m 50m 75m 100m 125m  
 Ordnance Survey, (c) Crown Copyright 2024. All rights reserved. Licence number 100022432  
 Location Plan  
 scale 1:1250



Proposed Ground Floor



Proposed First Floor

**NOT FOR CONSTRUCTION**

A	Step Back Added to Single Storey	14/03/24
rev	agreement	date
Proposed Extensions	1st	Ex. & Pl. Plans
Havelton Cottage	stage	Planning
Butensick Road,	scale	1:150 & as shown
Messingham	drawn by	JCB

<b>APPLICATION NO</b>	<b>PA/2024/90</b>
<b>APPLICANT</b>	Paul Fox, Paul Fox Developments Ltd
<b>DEVELOPMENT</b>	Planning permission to erect a detached dwelling house
<b>LOCATION</b>	Land adjacent 1 Derrrythorpe Road, Althorpe, Scunthorpe, DN17 3JA
<b>PARISH</b>	<b>KEADBY WITH ALTHORPE</b>
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	Jennifer Ashworth
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Keadby with Althorpe Parish Council

## **POLICIES**

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

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed and beautiful places

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

- H5 New housing development (part saved)
- H7 Backland and tandem development
- H8 Housing design and housing mix
- LC14 Area of special historic landscape interest
- DS1 General requirements
- DS3 Planning out crime
- DS7 Contaminated land

DS14 Foul sewage and surface water drainage

DS16 Flood risk

T2 Access to development

T19 Car parking provision and standards and appendix 2

### **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

### **Housing and Employment Land Allocations DPD (2016):**

The site is within the settlement limits of Althorpe, allocated as LC14 as shown on the Proposals Map.

Policy PS1 Presumption in favour of sustainable development

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

**LLFA Drainage:** No objection subject to a condition requiring the development to be carried out in accordance with the submitted proposed block plan, PF/23/02A, dated 25/01/2024.



**Environment Agency:** Originally objected due to habitable rooms at basement level. Following review of revised plans, the Environment Agency are satisfied that, subject to two conditions, the scheme is acceptable.

**Environmental Protection:** This application for residential development is a sensitive end use. A watching condition is recommended should any contamination be found on site during development.

**Archaeology:** No objections. This proposal does not adversely affect any heritage assets of archaeological interest or their settings. The site is within the Area of Special Historic Landscape Interest of the Isle of Axholme (local plan policy LC14). The team does not consider that this proposal would adversely affect the character of the landscape heritage asset or its setting at this location.

## **PARISH COUNCIL**

Objects to the application due to the close proximity of the bus stop to the proposed access/exit of property.

## **PUBLICITY**

A site notice has been displayed – no comments received.

## **ASSESSMENT**

### **Planning history/designations**

2/1984/0196: Erection of low density residential development – refused 31/07/1984

PA/2022/806: Outline planning permission for a dwelling with all matters reserved except access – approved with conditions 09/09/2022

2/1988/0651: Erection of residential development – refused 17/10/1988

2/1991/0233: Erection of a detached dwelling and garage – refused 28/05/1991

2/1990/1060: Erection of a detached dwelling and garage – refused 18/12/1990

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 on the site.

The site is within policy area LC14, Area of Special Historic Landscape Interest.

A bus stop is located outside the entrance to the site.

### **Site characteristics/proposal**

The application relates to land adjacent to 1 Derrythorpe Road, Althorpe. The land sits on the corner with Derrythorpe Road and Crowle Bank Road. Outline planning permission was granted on the site in 2022 for a dwelling with all matters reserved except for access.

The site is within a primarily residential area, within the settlement limits for Althorpe, and the land represents a good size to accommodate a residential property. The proposed dwelling is a three-bedroom, two-and-a-half-storey property with a bedroom within the roof space. The ground floor will include garage and storage space as well as a WC and utility room. The dwelling will front Derrythorpe Road and access will be achieved via Crowle Bank Road.

**The following considerations are relevant to this proposal:**

- **principle of development**
- **residential amenity**
- **appearance/quality of design**
- **drainage**
- **flood risk**
- **highways**
- **contamination.**

**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 Althorpe as identified within the adopted Housing and Employment Land Allocations Development Plan Document Proposals Map – Insert Map.

Policy CS1 of the Core Strategy sets out the overarching spatial strategy for North Lincolnshire, which, amongst other matters, provides that Scunthorpe will be the focus for the majority of new development and growth. In achieving this, amongst other provisions, CS1 seeks to support the provision of new housing.

Policy 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 other suitable infill opportunities within the town, then by appropriate greenfield urban extensions.

Policy CS8 sets out that the principal focus for housing is previously developed land and buildings within the development limits of Scunthorpe followed by a greenfield urban

extension to the west of the town. The first priority is to re-use previously developed land and buildings within North Lincolnshire's built-up areas. Second priority will be given to other suitable infill opportunities in North Lincolnshire's built-up areas. Development on greenfield sites will only be allowed where it can be demonstrated that this will bring additional community benefits, contributing to building sustainable communities and is acceptable in terms of its impact on the high quality environment of the urban space and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy H8 applies and states that new residential development will be permitted provided that it incorporates a high standard of layout which maintains, and where possible improves and enhances, the character of the area and protects existing and natural and built features, landmarks or views that contribute to the amenity of the area.

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 Althorpe where the principle of residential development is considered acceptable. The site is a vacant plot of land to the north of 1 Derrythorpe Road, originally garden space relating to the existing property on the wider site, and is currently underused.

There are a mix of property sizes within the area. The proposed development appears to be well laid out and provides sufficient amenity space.

It is also worth noting that the site benefits from outline permission to erect a dwelling with all matters except access reserved for subsequent consideration.

The proposal generally accords with the relevant policies of the development plan. As such the statutory presumption in section 38(6) of the Planning and Compulsory Purchase Act 2004 is engaged, which states that planning permission should be granted unless other material considerations indicate otherwise. The proposal is considered to represent sustainable development and the presumption in favour set out in paragraph 11 of the Framework is triggered. In determining the principle and sustainability of the proposed development, an assessment is required of the technical elements of the proposal which will be discussed below.

The main issues in determining this application are consideration of character and appearance impacts, residential amenity, highways and drainage matters.

### **Residential amenity**

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

Policy H5 also requires that ‘development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings.’

Policy H7 relates to backland and tandem development and seeks to ensure that development does not result in adverse effect on the amenities of any residential premises or adjoining use through overlooking and loss of privacy, loss of amenity area to the adjoining dwellings or the level of nuisance resulting from the movement of vehicles to and from the proposed development.

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 proposed development is in the same location as the existing outline planning application, albeit detailed matters were reserved for subsequent consideration. It is considered that the development is well positioned to respect residential amenity. The development is set off the boundary with 1 Derrythorpe Road and there is only an obscure-glazed window serving a bathroom in this elevation at second floor. A condition to ensure this remains as such is recommended.

The eastern elevation includes two dormer-style windows and a small rooflight within the roof space, and two windows and patio doors at first floor. Steps provide access from the parking area to the rear. To the front of the property (western elevation) is a garage door, entrance door and window at ground floor, patio doors and two windows at first floor, and two dormers and a rooflight within the roof space. The site is set away from adjacent properties and it is not considered that there would be any overlooking or privacy impacts. Whilst views will be achieved to the rear (western elevation), these overlook the front gardens and side elevations of existing properties off Crowle Bank Road and are not considered to be significant in impact terms. The property is also north of 1 Derrythorpe Road to prevent any overshadowing issues and set a sufficient distance from properties off Crowle Bank Road for no impacts to be realised.

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**

Part saved policy H5 and policy DS1 refer to residential amenity. They both discuss the need to ensure development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings. Policy H5 states that adjacent land uses should not result in annoyance or detract from the residential amenity which residents of the proposed dwelling should expect to enjoy. Policy DS1 states there should be no unacceptable overshadowing.

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

Policies H5 (part saved), CS5 and DS1 seek to deliver quality design in North Lincolnshire. Policy DS1 requires the design and layout to respect and where possible retain and/or enhance the existing landform of the site.

Policy CS5 of the North Lincolnshire Core Strategy is concerned with delivering quality design in North Lincolnshire. It 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 council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.’ This is reinforced by local plan policy, DS1 and CS5 as noted above.

Policy CS5 requires new development to consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area. The function of buildings should also be considered in terms of its appropriateness for the context in which it is located.

Policy H7 is also relevant which relates to backland and tandem development, and considers amenity as well as good design.

The NPPF places an emphasis on good design. It states that 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. The NPPF is clear that decisions should ensure that developments will function well and add to the overall quality of the area, not for the short term but over the lifetime of the development, are visually attractive, sympathetic to local character and history, and use building types and materials which maintain a strong sense of place. Paragraph 134 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. The NPPF is also clear regarding amenity, stating that decisions should ensure that developments 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.

There are a mixture of property types within the area including single and two-storey dwellings, and the detailed design should respond to the context of the site. Materials used on properties within the street scene also vary, including white/cream render and buff brickwork. The detailed design should reflect the character of its surroundings, including materials used on other properties within the area.

The site is within the Isle of Axholme Area of Special Historic Landscape Interest. Policy LC14 does not allow development within the area that would destroy, damage or adversely affect the character, appearance or setting of the historic landscape. The policy also requires a high standard of design and siting in new development within the area when such development is considered necessary or appropriate, which should reflect the traditional character of buildings in the area. The HER does not have any objections to the proposals and comments that they would not adversely affect the character of the landscape heritage asset or its setting at this location.

The applicant has worked with the council to reduce the height of the property from three storeys to two-and-a-half storeys, with a bedroom in the roof space. This design reflects the need for no habitable rooms being allowed at ground floor due to concerns of flood risk.

The scheme is designed to a high standard and fronts the main highway of Derrythorpe Road, continuing the building line in this location. The application seeks full planning permission for a detached property on the site. The plans package confirms that the style of the property will be similar to existing properties in the area, albeit two-and-a-half-storey in height with parking to the rear. The ground floor includes garage, storage, WC and utility space. The first floor includes an open-plan kitchen and lounge area, and two bedrooms and a family bathroom, whilst the second floor includes a large bedroom and dressing area with en-suite bathroom.

The plans package includes reference to materials. The following materials are suggested:

- Walls – Antique white render above a feature brick band and Weinerberger heritage mixture facings to the low section
- Roof – Calderdale slates, grey
- Windows and doors – grey uPVC
- Boundary treatments – 1.8m timber fencing
- Vehicle access/hardstanding – hard paving

New 1.8m high timber fencing will be erected around the plot.

It is considered that the design of the property is appropriate for this location and is acceptable.

### **Drainage**

The LLFA Drainage team has not raised any concerns or objections regarding the proposals. They do recommend the inclusion of a condition to ensure the development is carried out in accordance with the submitted proposed block plan, PF/23/02A, dated 25/01/2024 to prevent the increased risk of flooding to the occupiers 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 NPPF.

### **Flood risk**

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

Policy CS19 states that 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.

The site is within SFRA flood zone 2/3 (a) tidal. Buildings used for dwelling houses are classed as 'More Vulnerable' within Annex 3: Flood risk vulnerability classification (NPPF).

The application is accompanied by a Flood Risk Assessment which includes a recommendation for the dwelling to feature finished floor levels at a minimum of 5.21m AOD. It is also recommended that a further 300mm of flood resilience measures are incorporated into the design for extreme flood events. The proposed drawings PF/23/03 rev A and 04 rev A indicate that all habitable rooms are located at 6.265m AOD with only non-habitable rooms below this level.

The applicant has revised the proposals following initial comments from the Environment Agency regarding the use of habitable rooms at ground floor – the original plans included an office space. The revised proposals now include only a garage, storage, WC and utility room at ground floor. Subject to the inclusion of the following conditions: the Environment Agency has withdrawn their earlier objection:

1.  
The ground floor of the property hereby approved shall be used as a garage, hall, utility, WC and storage only and as annotated on approved drawing ref PF/23/03 (Revision H, dated September 2023 and compiled by JEM Management Services), and for no other, habitable, accommodation.

#### **Reason**

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

2.  
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to provide additional habitable/living accommodation shall be erected.

## Reason

To reduce the risk and impact of flooding in accordance with policy CS19 of the North Lincolnshire Core Strategy 2011.

It is considered that the submitted information provides sufficient information in line with the standing advice for minor developments within flood zone 2/3a.

## Sequential test

Policies CS2 and CS19 require a sequential approach to assessing development proposals to ensure that development is, where possible, directed to those areas that have the lowest probability of flooding, taking into account the vulnerability of the type of development proposed, and its contribution to creating sustainable communities and achieving the sustainable development objectives of the plan. Where development does take place in the flood plain, mitigation measures should be applied to ensure that the development is safe.

The sequential test requires alternative locations for the development to be considered before granting permission for development in the location under consideration. The alternative sites should represent a reduced risk of flooding. If none are available, then a site with a greater risk will be considered.

The application seeks outline permission for a dwelling within the development limits of Althorpe. The development limits are tightly drawn around Althorpe and the wider area is within flood zone 2/3 (a) (fluvial). It is considered there are limited, if any, opportunities for infill development within the area.

Suitable mitigation, in the form of setting the ground floor levels no lower than 5.21m AOD, has been agreed with the Environment Agency.

It can therefore be reasonably justified that no other sites would meet the requirements of this proposal, and the sequential test is passed.

## Exceptions test

Paragraphs 161 and 163 of the NPPF set out that an exception test may need to be carried out if it is not possible for development to be located in areas with a lower risk of flooding. Paragraph 167 of the NPPF requires an exception test to be carried out to ensure the most vulnerable development is located in areas of lowest flood risk. The Strategic Flood Risk Assessment North and North East Lincolnshire November 2022 defines dwelling houses as a more vulnerable use.

NPPF paragraph 164 states that for the exception test to be passed it should be demonstrated that:

- (a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- (b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The proposal would provide some sustainability benefits in terms of delivering a dwelling in a rural settlement within the district.



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

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

An additional dwelling can bring social benefits by way of encouraging new social interactions, leading to growing local communities and supporting local services.

The North Lincolnshire Sustainable Settlement Survey 2019 ranks Althorpe as 39 out of 76 settlements in terms of its sustainability, with 3 out of 7 key facilities. There are, therefore, some local services within walking distance and a bus stop to the north-east of the site on Main Street (approximately 40m).

The submitted Flood Risk Assessment and recommended mitigation measures of providing finished floor levels no lower than 5.21m AOD (and no habitable rooms at the basement level) have been assessed as being acceptable by the Environment Agency and the LLFA Drainage team. Compliance with the finished floor levels will be secured by condition. It is considered that this mitigation would make the scheme safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, reducing flood risk overall. Parts a and b of the exceptions test are therefore considered to be passed, given the sustainability benefits outweigh the flood risk, which will be suitably managed by the identified mitigation measures.

The proposal is therefore considered to be acceptable in flood risk and drainage terms and complies with policies DS14, DS16, CS16 and CS19. The requirements of the NPPF have also been met (paragraphs 161–167).

## **Highways**

Policies T2 and T19 require proposals to be served by a satisfactory access and suitable parking arrangements.

The proposed dwelling will be accessed from a new access from Crowle Bank Road. There is adequate space for parking and for vehicles to turn to access the dwelling. There is a bus stop adjacent to the site along the site frontage with Crowle Bank Road. The parish council has raised concerns and object to the proposal due to the position of the access in relation to the bus stop. The existing outline application (single dwelling, all matters reserved except access) PA/2022/806, granted on 9 September 2022, includes the same access arrangement.

The proposed site access is close to this bus stop; however, the council's highways officer has reviewed the proposal and has no objections subject to a condition. Furthermore, the access to The Engine House to the south-west of the site is a similar distance from the bus stop. The proposal is therefore acceptable in terms of its impact on highway safety.

The highways teams have not raised any concerns regarding the proposals. There are no concerns in terms of highway safety and it should be noted that the access arranged has the benefit of outline planning permission (PA/2022/806).

## **Contamination**

The Environmental Protection team has considered the proposals and notes that proposals for residential development is a sensitive end use. Given the site is an existing residential property and currently used as residential garage and garden space, a watching condition is recommended to address any contamination found during the development stages, should permission be granted.

## **Conclusion**

The proposal is acceptable in principle, is well designed and would not harm residential amenity. It is recommended that planning permission is granted subject to the recommended conditions.

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

1.

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

### **Reason**

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

2.

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

Location Plan - DRG No. - PF/23/01

Proposed Block Plan - DRG No. PF/23/02A

Elevations - DRG No. PF/23/04 Rev A

Floor Plans - DRG No. PF/23/03 Rev A.

### **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.

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

#### Reason

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

5.

The ground floor of the property hereby approved shall be used as a garage, hall, utility, WC and storage only and as annotated on approved drawing ref PF/23/03 (Revision H, dated September 2023 and compiled by Jem Management Services), and for no other, habitable, accommodation.

#### Reason

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

6.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to provide additional habitable/living accommodation shall be erected.

#### Reason

To reduce the risk and impact of flooding in accordance with policy CS19 of the North Lincolnshire Core Strategy 2011.

7.

The development shall be carried out in accordance with the submitted Proposed Block Plan, Drawing No: PF/23/02A, Dated: 25/01/2024.

#### Reason

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

### **Informatives**

1.

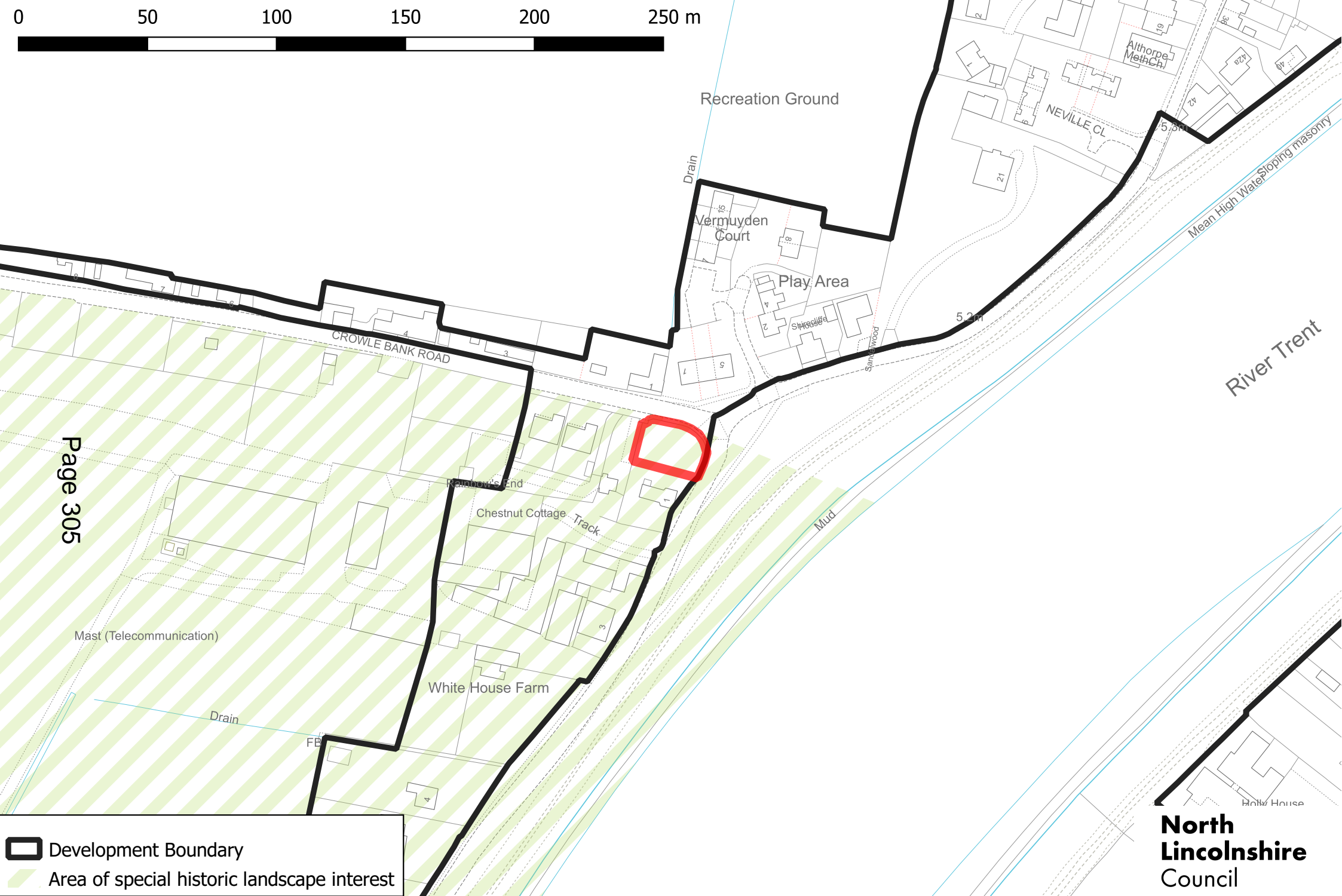
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

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.



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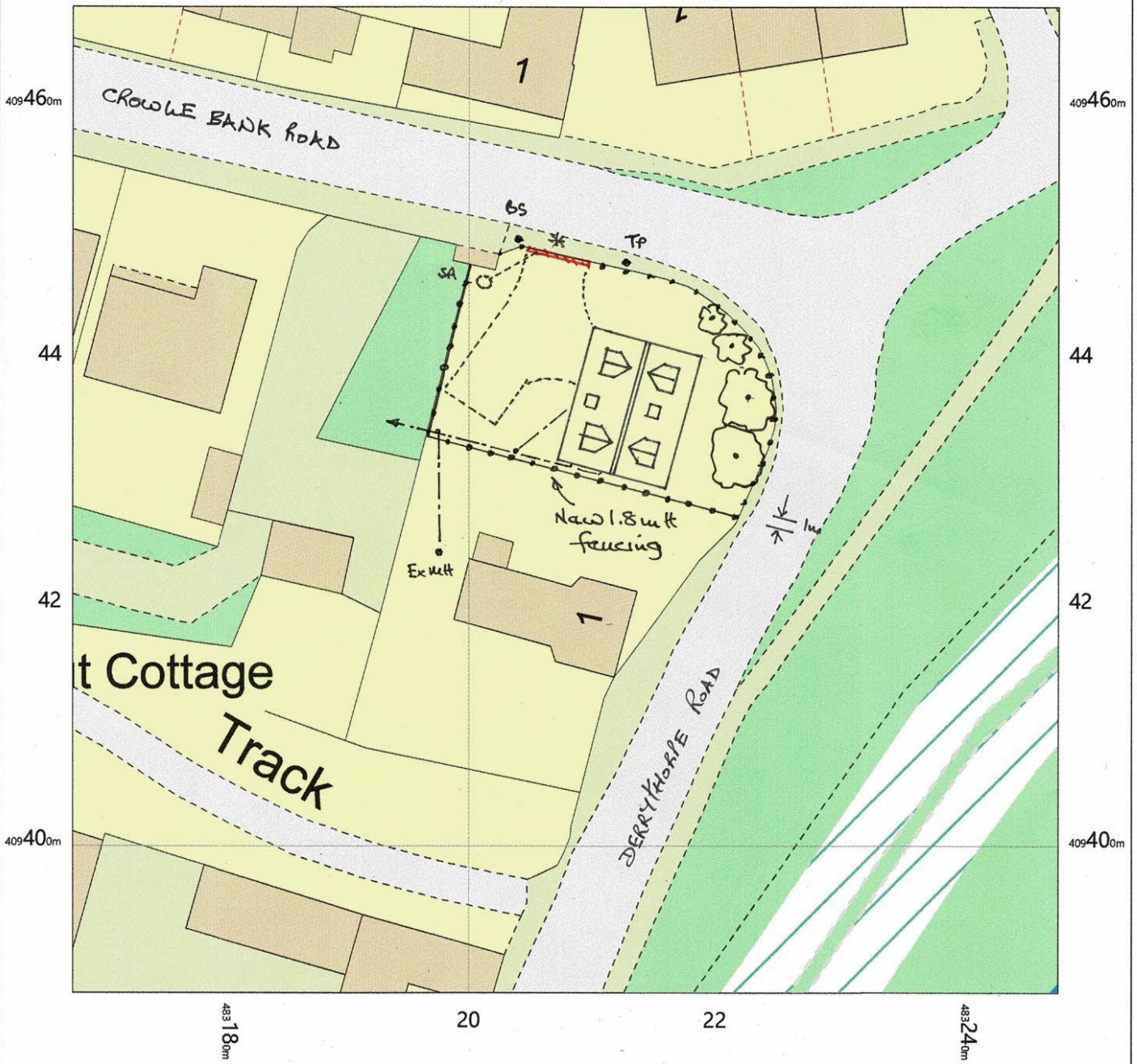
 Development Boundary

 Area of special historic landscape interest

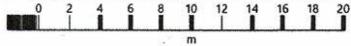
**North  
Lincolnshire  
Council**

PA/2024/90 Proposed layout (not to scale)

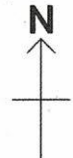
MR. P. Fox  
 LAND ADJ to  
 1 DERRYTHORPE ROAD  
 ACTHORPE  
 SCUNTHORPE DN17 3JA



PROPOSED BLOCK PLAN DRG. No. PF/23/02A



\* denotes Aco drainage channel taken to new soakaway.



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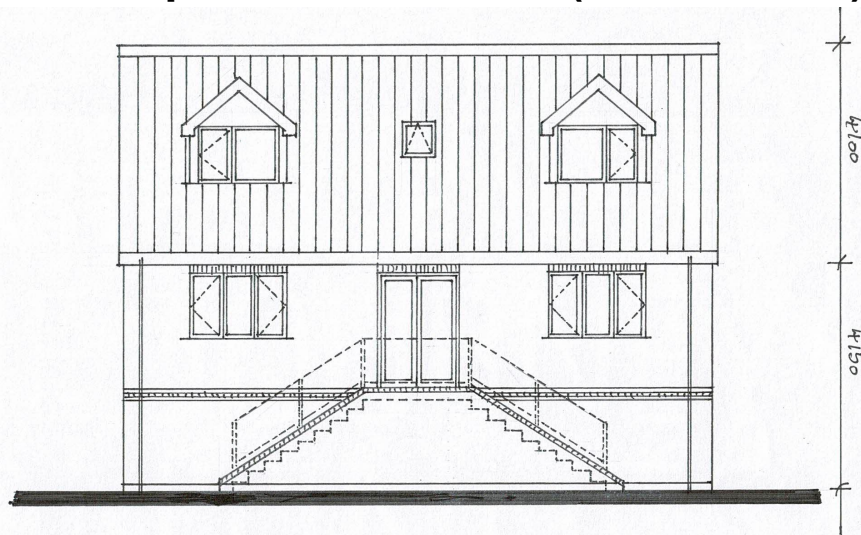
Tuesday, January 25, 2022, ID: BW1-01014840  
 maps.blackwell.co.uk

1:500 scale print at A4, Centre: 483208 E, 409428 N



TEL: 0800 151 2612  
 maps@blackwell.co.uk

# PA/2024/90 Proposed elevations (not to scale)

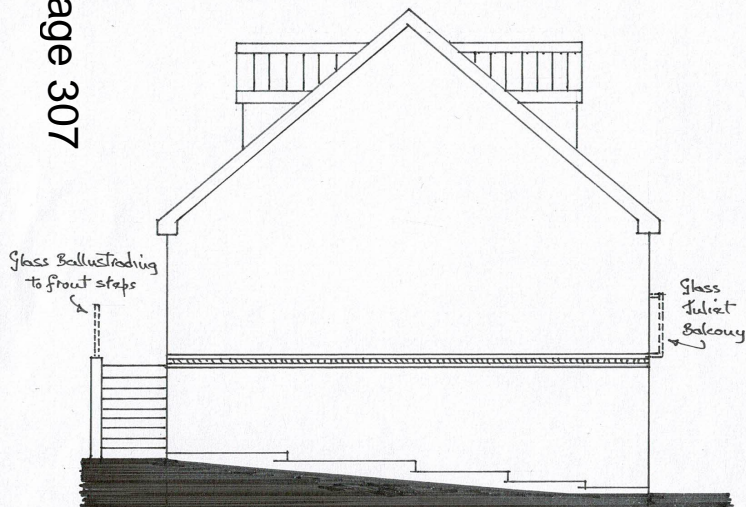


EAST ELEVATION.

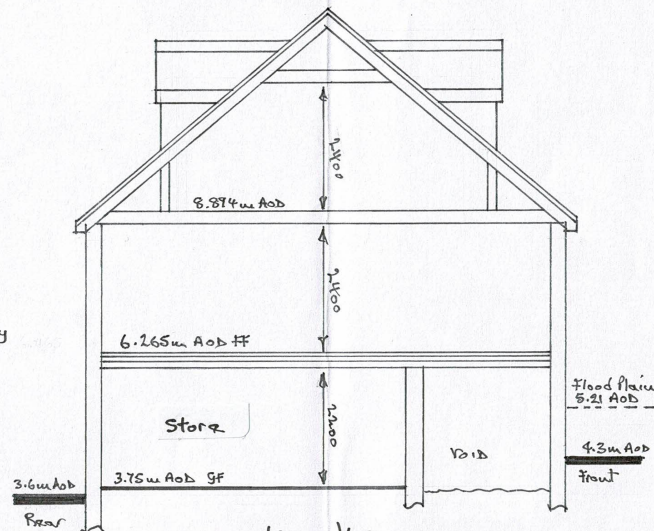


WEST ELEVATION.

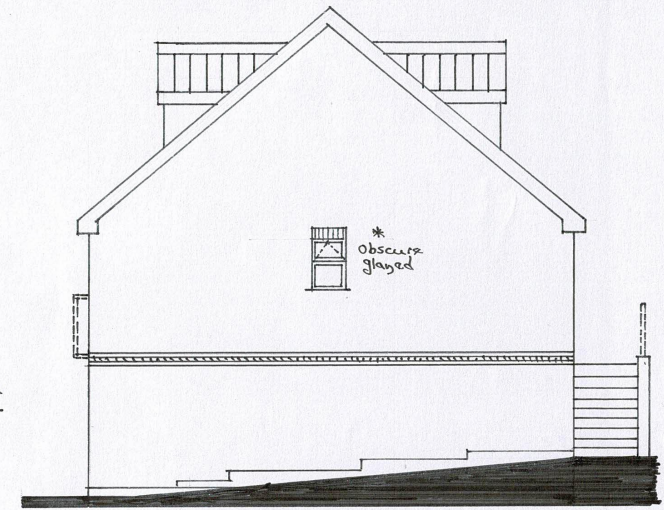
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NORTH ELEVATION.



SECTION THROUGH



SOUTH ELEVATION.

MR. P. FOX  
LAND ADJ. TO IDERRYTHORPE ROAD  
HATHORPE  
SCUNTHORPE DN17 3JA

PROPOSED DWELLING  
HOUSE

DRAWN BY:  
JEM MANAGEMENT SERVICES  
45 OSWALD ROAD  
SCUNTHORPE 01764 922416

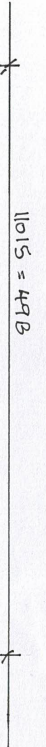
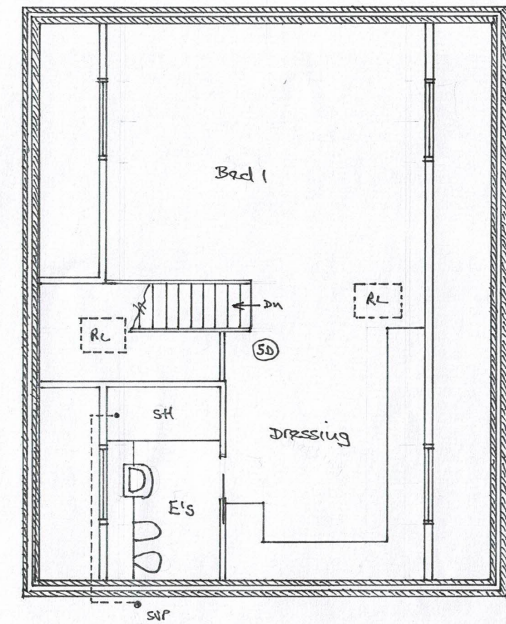
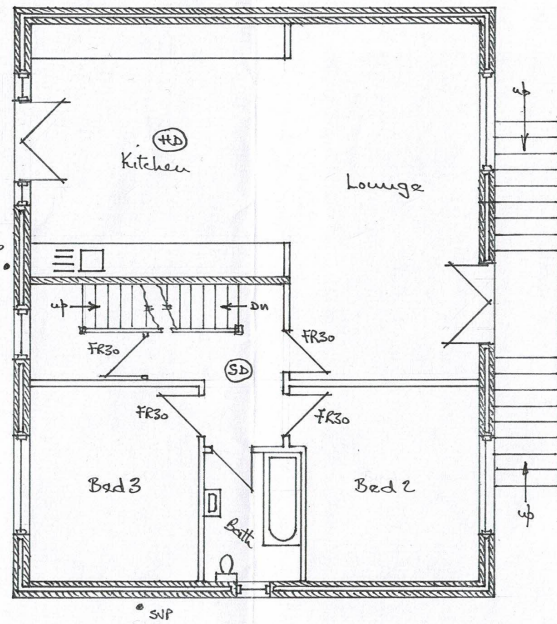
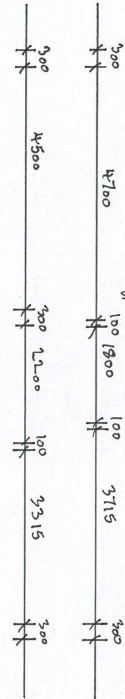
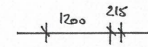
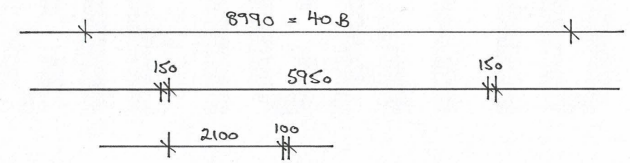
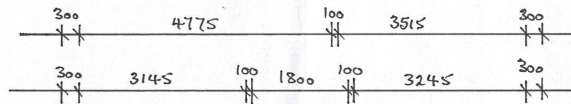
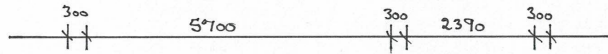
DATE: SEPTEMBER 2023

DRG. NO. PF/23/04

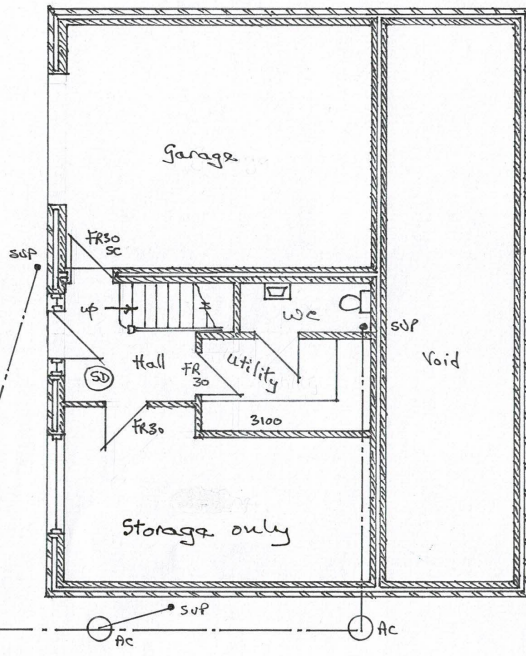
SCALE: 1/100 @ A3

REV. "A"

# PA/2024/90 Proposed floor plans (not to scale)



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GROUND FLOOR PLAN

FIRST FLOOR PLAN

SECOND FLOOR PLAN



MR. P. FOX  
 LAND ADJ TO 1 DERRYTHORPE ROAD  
 ALTHORPE  
 SCUNTHORPE DN17 3JA

PROPOSED DWELLING  
 HOUSE

DRAWN BY:  
 JEM MANAGEMENT SERVICES  
 45 OSWALD ROAD  
 SCUNTHORPE 07764 922416

DATE: SEPTEMBER 2023

DRG. NO: PF/23/03

SCALE: 1/100 @ A3

REV. "H"



<b>APPLICATION NO</b>	<b>PA/2024/132</b>
<b>APPLICANT</b>	Ifran Hussain
<b>DEVELOPMENT</b>	Planning permission for change of use of grocery store and flat to form a 10-bedroomed House of Multiple Occupation (HMO) including the erection of a two-storey side extension and small front extension at ground floor
<b>LOCATION</b>	37 Jackson Road, Scunthorpe, DN15 8ET
<b>PARISH</b>	<b>SCUNTHORPE</b>
<b>WARD</b>	Crosby and Park
<b>CASE OFFICER</b>	Daniel Puttick
<b>SUMMARY RECOMMENDATION</b>	<b>Approve with conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Christine O'Sullivan – significant public interest)

## **POLICIES**

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

- 2 Achieving sustainable development
- 4 Decision-making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 12 Achieving well-designed and beautiful places

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

- H5 (Part saved) new housing development
- H6 Flats above shops and the use of vacant buildings for housing
- H8 Housing design and mix
- T2 Access to development
- T19 Car parking provision and standards
- DS1 General requirements

DS7 Contaminated land

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

CS19 Flood risk

CS25 Promoting sustainable transport

**Housing and Employment Land Allocations DPD:** The site is within the development limits of Scunthorpe.

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 late 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

H12 Houses in multiple occupation

DM1 General requirements

DQE5 Managing flood risk

T1 Promoting sustainable transport

T3 New development and transport

T4 Parking

## CONSULTATIONS

**Highways:** Looking at the submitted information the proposal is acceptable in principle, due to the fact the location is classed as an Urban Area and is in a sustainable location with easy access to public transport and there is a car park within walking distance. In their Design and Access Statement they are providing 4 parking space and 6 bicycle spaces so with this in mind I would advise that the following condition be applied to any permission you may be minded to grant on this planning application:

Adequate cycle parking facilities shall be provided in accordance with details to be submitted and agreed in writing by the local planning authority. Once provided the cycle parking facilities shall thereafter be retained. (Reason: In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.)

**LLFA Drainage:** No objections or conditions, but recommend an informative advising the developer considers investigating existing surface water drainage arrangements and upsizing the pipe network.

**Environmental Protection:** Recommend a condition to secure details for the treatment of any contaminated land found during development.

**Environmental Health and Housing:** Advice provided in relation to HMOs, Building Regulations approval and other legislation.

**Recycling and Waste:** Advice provided in relation to waste management and refuse collection. Due to the number of potential residents the property requires a minimum of 240l glass, 240l paper, 1000l and 600l general, as well as 1000l and 600l plastic, card and cans refuse containers.

**Humberside Police:** No objections – advisory notes provided in relation to safety and security, access controls, external lighting and boundary treatments.

## PUBLICITY

A site notice has been displayed – 36 letters of objection and 3 letters of support have been received. The letters of support indicate that the current building is empty and an eyesore and highlight that the site would be suitable for working people being located near to Foxhills Industrial Estate. The following is a summary of the material considerations raised by those objecting to the application:

- the building would be an eyesore

- concerns raised in relation to antisocial behaviour and amount of litter, with a number of objections highlighting existing problems with antisocial behaviour in the area
- the property is not large enough to accommodate the number of people proposed and doesn't provide sufficient facilities
- the development would increase car parking demand and risk pedestrian safety.

A number of objections raise concerns which are not material considerations. These extend to concerns about impact on house values, as well as assumptions about the nationality and background of future occupants. These are matters which cannot be taken into account and should have no bearing on the determination of the application.

## **ASSESSMENT**

### **Planning history**

There is no relevant planning history for the site.

### **Site characteristics**

The site is within the settlement limits of Scunthorpe. It comprises of an existing semi-detached property containing a former sweet shop and flat above. The property is in a state of disrepair and is currently unoccupied. The site is within flood zone 1 and is not located within any conservation area or the setting of any listed buildings.

Jackson Road and surrounding streets are residential in nature. The site backs onto the St Lawrence Academy school, and there are a small range of local services and facilities in the vicinity, including convenience retail stores, supermarket, public buildings and other facilities located on Doncaster Road to the south. The town centre is a short distance to the east, providing convenient access to the range of shops and services located here.

### **Proposal**

Planning permission is sought for the change of use and extension of the building to provide a 10-bedroom house in multiple occupation (HMO). The accommodation would comprise 10 bedrooms with shared kitchen and dining facilities, with residents sharing two bathrooms, one on each floor.

The proposed development would be facilitated by the construction of a two-storey side extension. A garage to the rear of the building would provide secure storage for bicycles, with the garden area providing space for commercial-sized refuse containers. Parking provision would be made for four vehicles to the front of the property, with the dropped kerb proposed to be extended in width across the site frontage.

Externally it is proposed to remove the existing shopfront and re-introduce the bay window feature at ground-floor level, matching the proportions of the bay above. The extension would be constructed of materials to match the existing building, and new openings in the side elevation of the extension would serve bathrooms and the landing area at first-floor level.

## **Material considerations**

As set out above, planning permission is sought for the material change of use of the property to provide a 10-bedroomed HMO with associated parking, cycle storage and refuse containers.

**The main issues in the determination of this application are:**

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

### **Principle of development**

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

The development plan identifies Scunthorpe as the major sub-regional town, supported by market towns, rural settlements and rural settlements in the countryside. Through the combination of the Core Strategy, HELA and local plan, the council are seeking to facilitate an urban renaissance in Scunthorpe, with policy CS1 of the Core Strategy identifying it as the focus for the majority of new development and growth.

This policy indicates that the town centre will be the main focus of new retail, leisure, commercial office and cultural developments in the area. As part of the urban renaissance programme, significant regeneration will take place within the town centre to provide new retail opportunities, a new market hall, cultural and leisure facilities, as well as enhancements to the public realm and urban fabric. The use of high quality and innovative design will be supported in the town centre. Mixed use development is encouraged in the town centre through policy CS1.

Policy CS2 of the Core Strategy indicates that development should be focused on previously developed land and buildings within Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions. The policy prioritises Scunthorpe as the main settlement to support the delivery of the spatial strategy identified in policy CS1. Policy CS3 of the Core Strategy identifies development limits for settlements across North Lincolnshire, and aims to steer development to within these boundaries.

Policy CS7 of the Core Strategy identifies a need for 12,063 new dwellings at a rate of 754 new dwellings per year on average throughout the plan period between 2010 to 2026. It indicates that all proposals for housing should include a variety of housing types, sizes and tenures to meet the local housing needs.

Policy CS8 of the Core Strategy identifies that the principal focus for housing is previously developed land and buildings within the development limits of Scunthorpe, followed by a greenfield urban extension to the west of the town. It states that 82% of new dwellings will be located in and adjacent to the urban area, equating to 9,892 dwellings during the plan period.

Policy H6 of the local plan states that the use of premises above shops for residential uses will be permitted provided that there is no conflict with existing land uses and that there is adequate access and car parking nearby. It goes on to state that elsewhere the council will seek to maximise the residential use of both vacant and under-used housing.

The site is located to the west of the town centre, within convenient walking distance of local shops, services, facilities and cultural venues. In addition to this, the site is well placed in terms of access to public transport, healthcare and employment opportunities. The change of use of the building would facilitate the creation of a larger HMO and result in the re-use of an existing vacant building, providing housing accommodation within a sustainable location.

The existing property is vacant and in need of refurbishment. Consistent with the aims of policy H6 of the Local Plan, the provision of a larger HMO would maximise the residential use of the building, providing accommodation for up to 10 people within a sustainable location close to the town centre.

The principle of the development is considered acceptable in accordance with the spatial distribution aims of policies CS1, CS2 and CS3 of the Core Strategy, and would re-use a vacant building providing residential accommodation in accordance with the aims of policy H6 of the local plan and the wider aims of policies CS7 and CS8 of the Core Strategy.

### **Impact on the character and appearance of the area**

Policies CS5 of the Core Strategy and DS1 of the local plan expect a high standard of design in all developments, the latter establishing a set of criteria on which development will be assessed.

Paragraph 135 states that planning policies and decisions should ensure that developments 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, and that they are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, amongst other requirements.

The existing building is in a poor condition and in need of refurbishment. The run-down appearance of the property currently detracts from the character of the area and has a negative effect on the street scene. The proposed refurbishment of the property would be facilitated by the construction of a two-storey side extension, which would have matching proportions to the existing property and would be set back from the principal elevation of the existing building ensuring it is read as an extension rather than part of the original building.

The extension is considered to be of an appropriate size and design to the host property. It would not appear as a disproportionate addition to the building, and would read as a sympathetic addition. The removal of the shopfront would restore the residential character of the building, with the construction of the bay window at ground-floor level reintroducing a feature which is likely to have been lost through the installation of the shop front.

A condition requiring materials to match those used in the existing building would ensure the finish of the extension reflects the appearance of the existing property. Subject to accordance with such a condition, the proposed development is considered acceptable in terms of its design.

The refurbishment of the property would result in an enhancement to the character and appearance of the area, and would see the building contribute positively to the street scene once more. The benefits of refurbishing the property and resultant positive impacts upon the character and appearance of the area are matters which weigh in favour of the application, and are afforded significant weight in the overall planning balance. In this context, the proposed development is considered acceptable in accordance with policies CS5 of the Core Strategy and DS1 of the local plan.

### **Residential amenity**

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 local plan is concerned with polluting activities; both are considered relevant.

Paragraph 135 of the NPPF states, amongst other matters, that planning decisions should 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.

By virtue of the size of the extension and separation between the neighbouring property to the west, the development would not result in adverse impacts on occupants of existing properties in terms of any loss of sunlight, outlook or overbearing impacts. The proposed windows on the west elevation of the proposed extension would serve bathrooms and a landing. Subject to a condition requiring the windows serving the bathrooms to be obscure glazed there would be no adverse impacts on the amenity of occupants of the dwelling or neighbouring properties in terms of privacy and overlooking.

The property is within a residential area, and although close to local shops and services, they are sufficiently distanced such that occupants of the property would not be affected by noise or other disturbance from these businesses. The site abuts the school to the south, however there is no longer any vehicular or pedestrian access to the side of the property and as such residents would be unlikely to be affected by students and other vehicles or visitors arriving or departing from the school site. As with other properties within Jackson Road, occupants of the property would benefit from good access to local services and facilities capable of meeting day-to-day needs.

A number of objections raise concerns about the size of the property and level of accommodation provided for occupants. The use of the property as a larger HMO would be regulated by the licensing authority under the council's mandatory licensing scheme. The council's Environmental Health and Housing Team have commented on the application,

and reference is made to amenity standards set out in Houses in Multiple Occupation (HMO) Amenity Standards Guide. The comments indicate that the kitchen area falls below the standards contained within the guide, and that the bathrooms do not meet required standards.

The guide does not form part of the statutory development plan and for planning purposes is not a document against which the proposal has been assessed. The document is a guide and a decision as to whether to grant a licence remains with the licensing authority. From a planning perspective, nine of the ten bedrooms would exceed nationally described space standards, with one falling only very marginally below. Whilst shared facilities are slightly below those sought in the Amenity Standards Guide, as most bedrooms in the property offer spacious accommodation, and given that residents would have good access to local services and facilities, including green spaces and leisure/cultural/retail opportunities, occupants of the property would generally benefit from good living conditions. In light of this, the proposals are considered acceptable in accordance with policies H5 and DS1 of the local plan, and CS5 of the Core Strategy.

Notwithstanding the above conclusion, members are reminded that the decision as to whether to grant a licence for the premises to be used as a larger HMO remains with the licensing authority. The Amenity Standards Guide does not form part of the development plan and is a guidance document which provides a means of establishing whether a licence for the property should be granted, as opposed to whether the use of the building as an HMO is acceptable in planning terms.

Concerns have also been raised by residents about the potential for antisocial behaviour, with a number of comments suggesting that occupants of the property would be likely to be foreign or have links to criminal behaviour, including drug use.

Antisocial behaviour, crime and the fear of crime are material considerations, however there is no evidence presented within any of the comments submitted raising these concerns that would indicate this would be the case in the event that planning permission is granted. The application site is in a residential area where the use of the property as a larger HMO is acceptable in planning terms. The authority's database indicates that there are very few HMOs in the local area, and as such the creation of an additional property would not be likely to undermine the vitality of the area or result in the concentration of a large number of HMOs in a small geographical area. Consequently, the effect of the development is unlikely to have significant impacts upon the overall character of the area, which is residential in nature, even though it predominantly features family housing and smaller flats. In addition, there is no evidence to suggest that the introduction of the HMO would result in an increase in crime and antisocial behaviour in the area, and Humberside Police raise no objections to the proposal.

Concerns have also been raised about potential disturbance for existing residents associated with the anticipated comings and goings of occupants of the property. Whilst some of these concerns appear to be linked to pre-conceived assumptions about future occupants of the building, potential disturbance associated with the use of the property as an HMO is a material consideration.

Provision would be made for the parking of four vehicles at the property, with further provision made for cycle parking to the rear. Given the site's location close to the town centre where there are a range of services, facilities and employment opportunities, and where there is good access to public transport links, it is likely that occupants of the



property would not be reliant upon private modes of transport. The site's location offers realistic prospects for sustainable modes of transport to be utilised, with provision for cycle parking likely to encourage occupants to reduce their reliance upon cars.

As a result, it is unlikely that occupants of the property will be reliant upon private modes of transport and it is therefore likely that vehicular movements to and from the property would be below the level local residents expect to be generated. Officers consider that the extent of impacts on residential amenity caused by comings and goings from the property would be unlikely to be harmful for occupants of properties within Jackson Road for these reasons.

In view of the above, the proposed development would not be considered to result in adverse impacts upon the amenity of occupants of existing dwellings in the area. Not all rooms within the property would meet nationally described space standards and as a result there would be a shortfall in accommodation within the property. However, this shortfall relates to one bedroom which is marginally below nationally described space standards, and therefore on balance the overall level of accommodation provided is considered to be acceptable. On balance, the application is considered to be acceptable in accordance with the aims of policies DS1 and H5 of the local plan, CS5 of the Core Strategy, and paragraph 135 of the NPPF.

### **Highway safety**

Policies T1 and T19 of the local plan collectively seek to ensure developments are well-located in terms of access and provide sufficient parking to accommodate the vehicular demands of the proposed use.

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

The application has been assessed by the council's highway officers who have no objections to the application and note that the property is within an urban area in a sustainable location, with easy access to public transport and a public car park also within walking distance of the site.

As set out above, provision would be made for the parking of four vehicles and cycle storage within the site. Given the site's location, occupants of the property would have realistic opportunities to utilise sustainable modes of transport, reducing reliance upon private transport modes. Coupled with this, on-street parking in the area is unrestricted and there are public car parks available nearby for visitors and residents to use.

In the absence of any objection from the highway authority, and in light of the location of the property, the proposed change of use would not be considered to give rise to any impact on road safety to a degree that would justify withholding planning permission.

A condition has been recommended to secure further details for cycle parking. The proposed plans indicate the garage to the rear of the property would be utilised to provide secure and covered cycle storage space. This is considered acceptable and a condition to secure further details is not considered necessary. Instead, it is recommended that a condition be imposed to ensure that provision is made for vehicle parking and cycle storage prior to first occupation of the property and thereafter retained. Subject to accordance with

such a condition, the development is considered acceptable in accordance with policies T1 and T19 of the local plan, and CS25 of the Core Strategy.

### **Flood risk and drainage**

LLFA Drainage have not raised any concerns regarding the proposals. The building is existing, the site is not prone to flooding and is within flood zone 1.

In the absence of any objection from the LLFA Drainage team, the proposed change of use would not be considered to give rise to any impacts in relation to flood risk or drainage. The development is considered acceptable in this respect in accordance with policy DS14 of the local plan.

### **Conclusion**

Members are advised that the principle of residential accommodation in this location is acceptable. The development would re-use a vacant building which is in need of refurbishment, resulting in positive impacts upon the character and appearance of the area and maximising the use of a previously developed site in a sustainable location.

The development would not be considered to result in harmful impacts upon the residential amenity of occupants of existing properties nearby, and given the limited number of HMOs in this part of Scunthorpe, the development would not result in the concentration of such uses to an extent which would be harmful to the vibrancy and vitality of the area.

There are not considered to be any reasons to justify withholding planning permission on the grounds of highway safety, and there are no flooding or surface water drainage issues associated with the development.

Whilst some concerns have been raised by the Environmental Health and Housing team about the standard of accommodation provided for occupants, these comments are based on guidance documents which do not form part of the development plan and in any event any decision as to whether to grant a licence for the premises remains the decision of the licensing authority. This process would not be affected by a decision made on this application, which should be made on the basis of relevant policies contained within the development plan identified in this report.

Members are therefore recommended to grant planning permission for the reasons set out within this report, subject to conditions outlined below.

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

1.

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

Reason

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

2.

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

C1030/A1/101 Rev B and C1030/A1/102 Rev B.

Reason

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

3.

Notwithstanding the detail contained within the application, the external materials to be used in the construction of the extension shall match those found in the existing building.

Reason

To ensure the satisfactory appearance of the development upon completion of the works, in accordance with policies DS1 of the North Lincolnshire Local Plan and CS5 of the North Lincolnshire Core Strategy.

4.

Notwithstanding the detail contained within the application, the windows on the west elevation of the extension to the property serving the bathrooms at ground and first floor level shall be obscurely glazed to a minimum of Level 4 on the Pilkington Scale or equivalent, and shall be maintained as such thereafter.

Reason

To ensure the privacy of occupants of the property, in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

The development hereby permitted shall not be brought into use until vehicle and cycle parking provision has been completed in accordance with the approved plans. Thereafter, vehicle and cycle parking shall be retained and made available for occupants of the property at all times.

Reason

In the interests of highway safety and to promote the use of sustainable modes of transport, in accordance with policies T2 and T19 of the North Lincolnshire Local Plan.

6.

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

## 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.

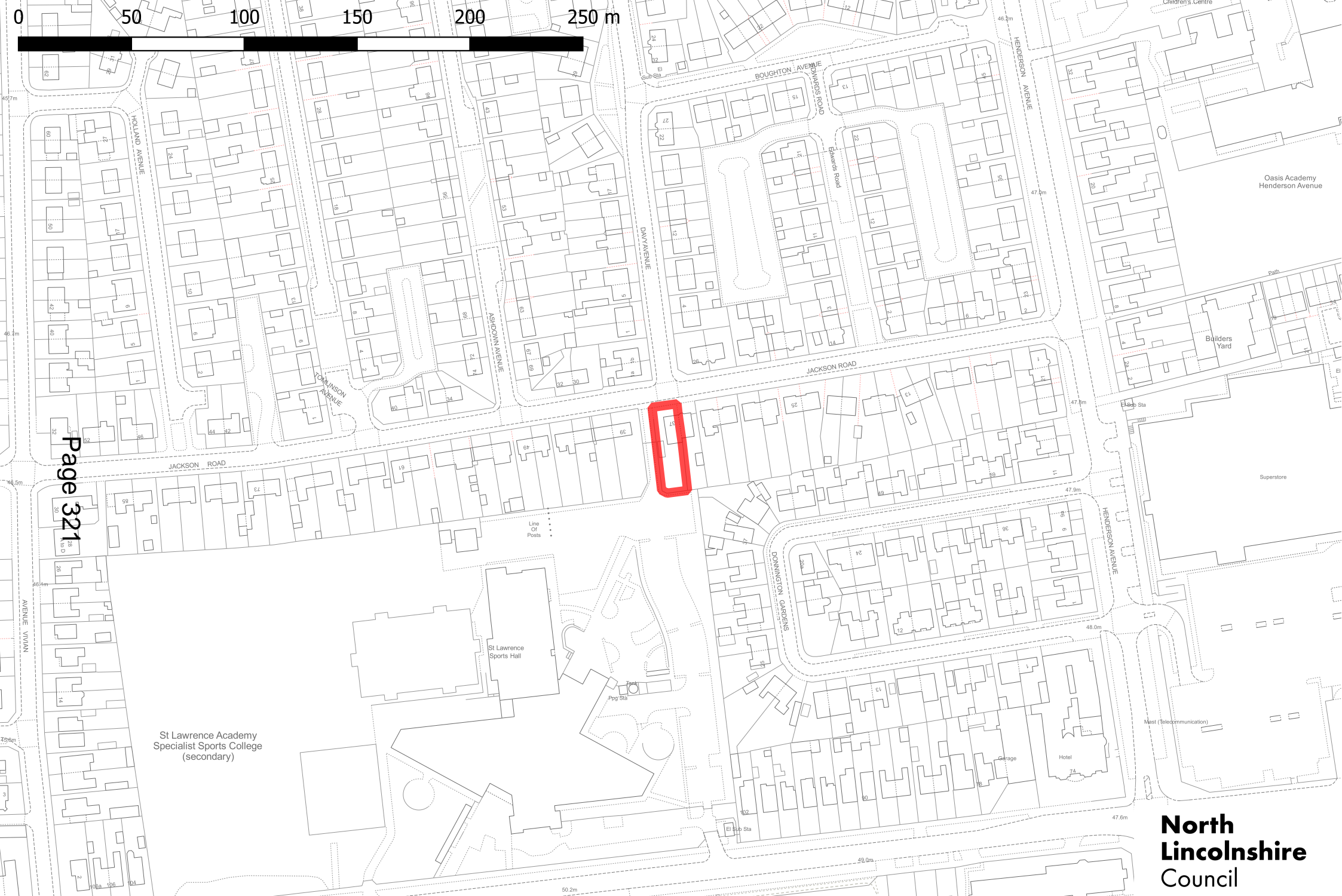
2.

The proposed development is classed as a more sensitive end use and therefore 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.

3.

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

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



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St Lawrence Academy Specialist Sports College (secondary)

St Lawrence Sports Hall

**North  
Lincolnshire  
Council**

# PA/2024/132 Existing plans and elevations (not to scale)

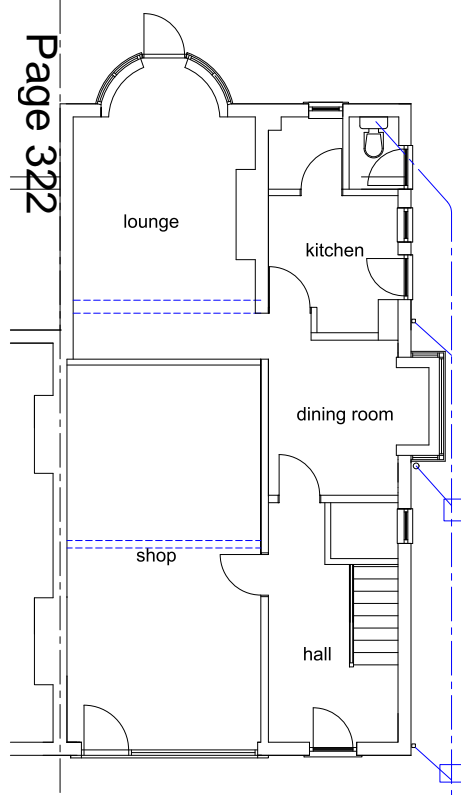


NORTH ELEVATION

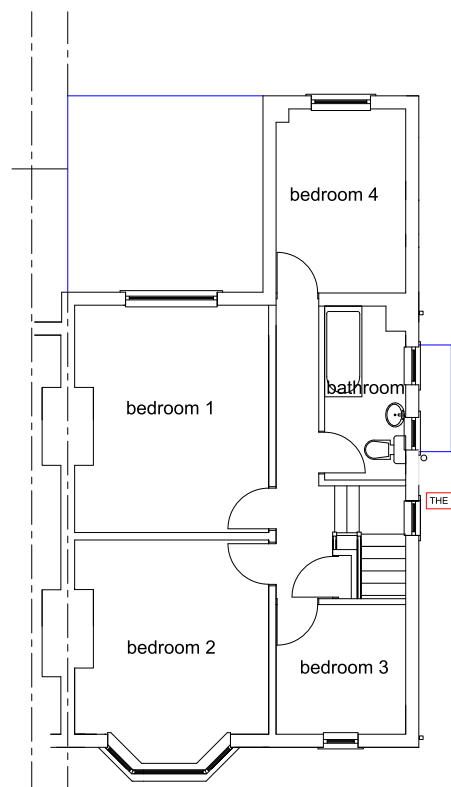
WEST ELEVATION

SOUTH ELEVATION

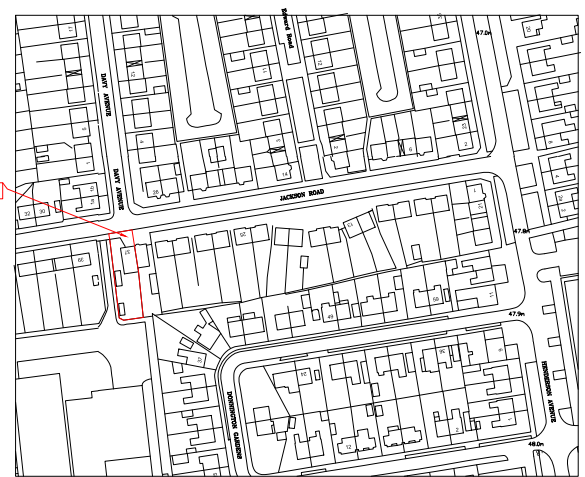
Page 322



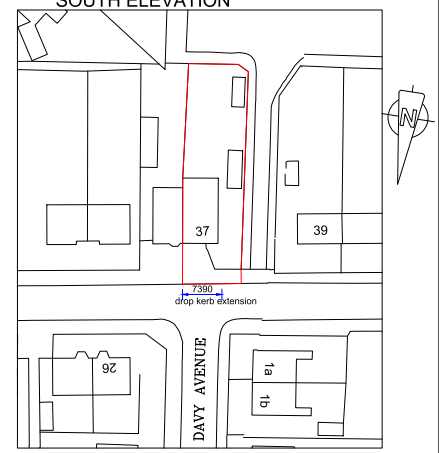
GROUND FLOOR PLAN



FIRST FLOOR PLAN



LOCATION PLAN 1:1250@A1 1:2500@A3



BLOCK PLAN 1:500@A1 1:1000@A3

Rev	Date	Description
B	12.02.24	Amended reissued for Planning
A	26.01.24	Issued for Planning Purposes
Issued for: <b>PLANNING</b>		
Client Scheme		
Mr. I. Hussain		
PROPOSED CHANGE OF USE FROM		
GROCERY STORE & FLAT TO 10 BED HMO		
AT 37 JACKSON ROAD SOUTHORPE		
NORTH Lincs		

Existing Plans & Elevations

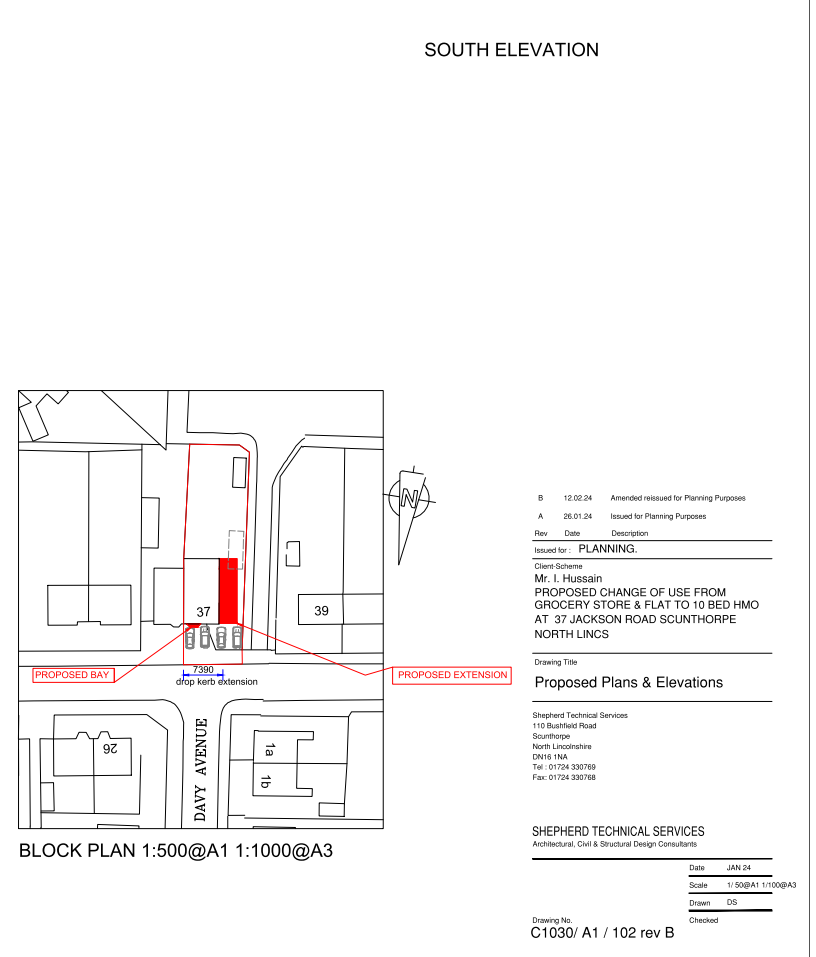
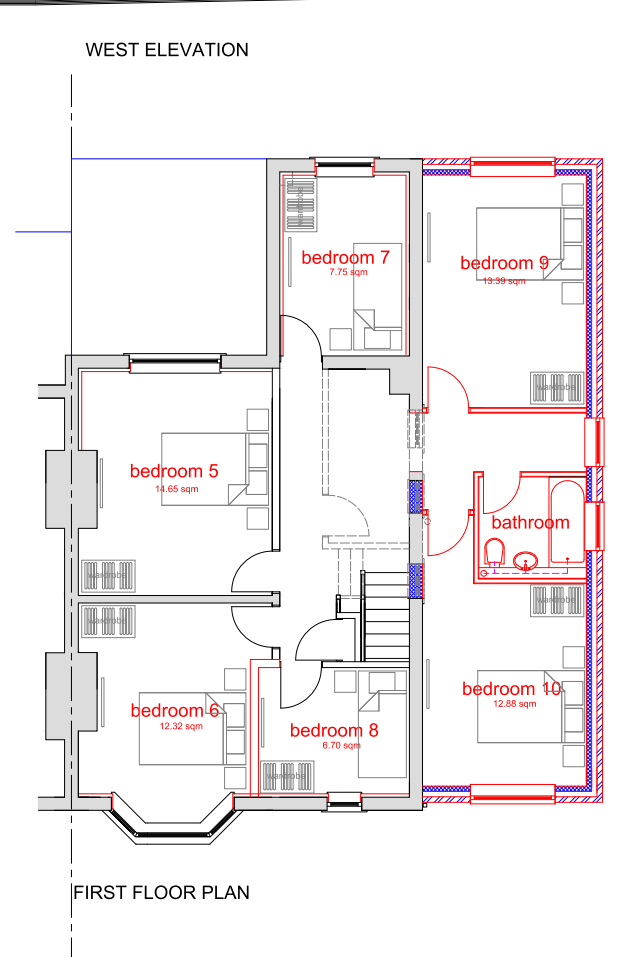
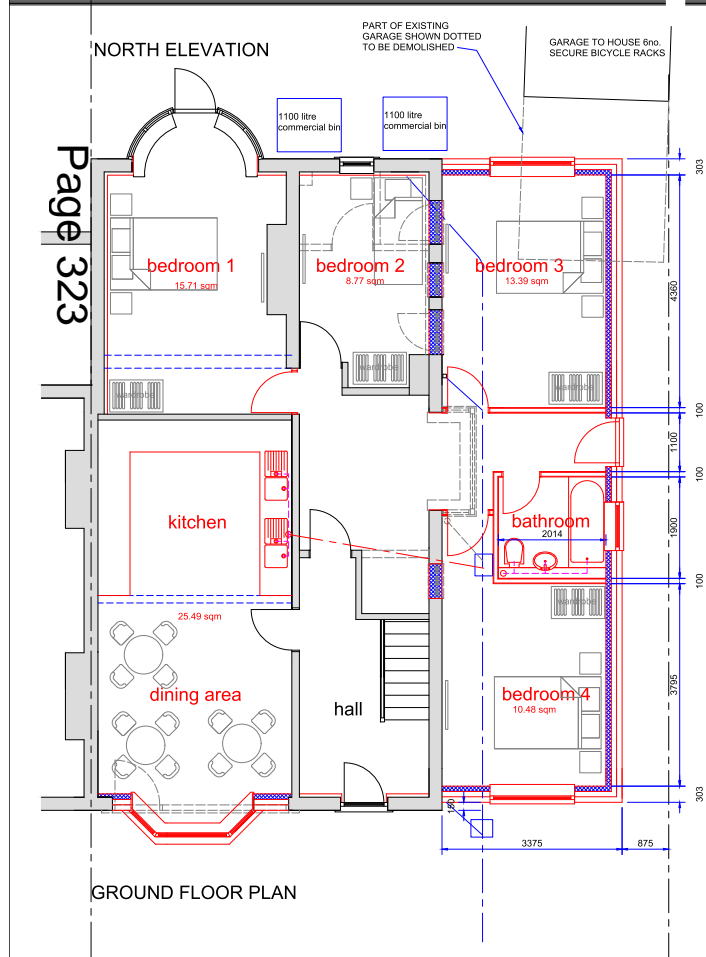
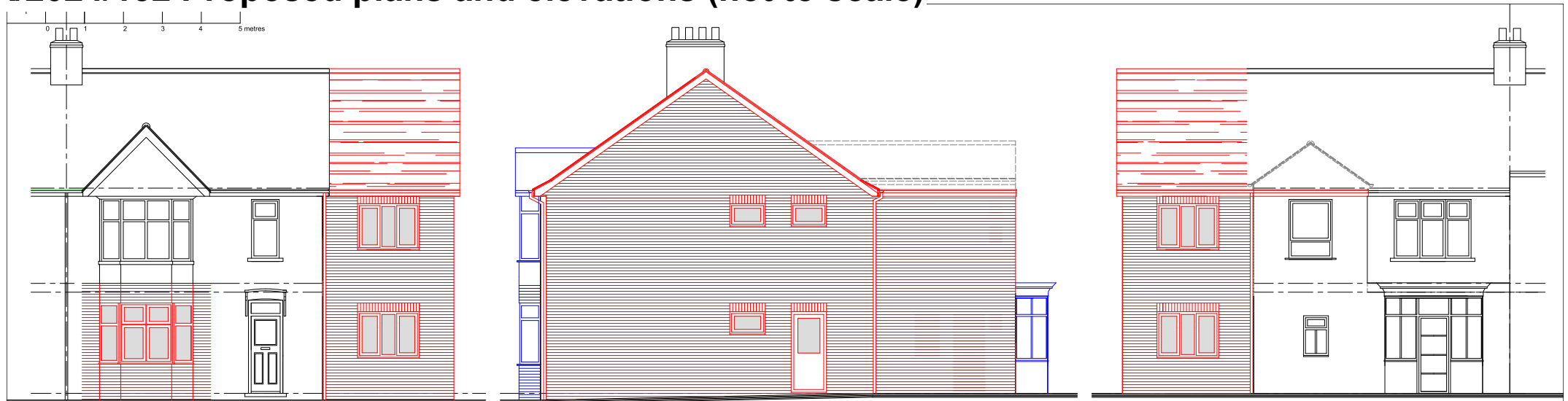
Shepherd Technical Services  
110 Bustfield Road  
Sourthope  
North Lincolnshire  
DN16 1NA  
Tel: 01724 330769  
Fax: 01724 330769

SHEPHERD TECHNICAL SERVICES  
Architectural, Civil & Structural Design Consultants

Date	JAN 24
Scale	1:500@A1 1:1000@A3
Drawn	DS
Checked	
Drawing No.	C1030/ A1 / 101 rev B

os map licence no. 10047474  
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# PA/2024/132 Proposed plans and elevations (not to scale)



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