

Public Document Pack

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

4 October 2023

Chairman: Councillor Nigel John
Sherwood

Venue: Church Square House,
High Street,
Scunthorpe

Time: 2.00 pm

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

AGENDA

1. Substitutions
2. Declarations of Disclosable Pecuniary Interests and Personal or Personal and Prejudicial Interests, significant contact with applicants, objectors or third parties (Lobbying) and Whipping Arrangements (if any).
3. To take the minutes of the meetings held on 6 September 2023 as a correct record and authorise the chairman to sign (attached). (Pages 1 - 10)
4. Applications deferred from previous meetings for a site visit. (Pages 11 - 12)
 - (a) PA/2023/334 Planning permission for the use of land as a market on Saturdays, Sundays and Bank Holidays at Car boot sale site, Slate House Farm, unnamed road between Holme and Messingham, Holme, DN16 3RE (site visit 11.15am). (Pages 13 - 20)
 - (b) PA/2023/757 Planning permission to erect a two-storey rear extension with a pitched roof at the rear of the property and a single-storey side extension with pitched roof and garage extension at 6 Vicarage Gardens, Scunthorpe, DN15 7AZ (site visit 11.40am). (Pages 21 - 32)
5. Planning and other applications for determination by the committee. (Pages 33 - 34)
 - (a) PA/2021/1611 Planning permission to erect a steel-framed building at Boat Club, Island Carr Road, Brigg, DN20 8PD. (Pages 35 - 44)
 - (b) PA/2022/1848 Outline planning permission to erect a dwelling and garage

with all matters reserved for future consideration Land opposite Paddock View, West End, Garthorpe, DN17 4RX. (Pages 45 - 58)

- (c) PA/2023/312 Planning permission for an extension to an existing commercial unit to be used for valeting cars at James Street Yard, James Street, Brigg, DN20 8LS. (Pages 59 - 72)
 - (d) PA/2023/424 Planning permission for change of use from residential outbuildings to a micropub, including enclosing of existing covered area at Kingswell, Howe Lane, Goxhill, DN19 7HU. (Pages 73 - 88)
 - (e) PA/2023/439 Planning permission to erect a new dwelling at Homelea, Sluice Road, South Ferriby, DN18 6JG. (Pages 89 - 100)
 - (f) PA/2023/652 Outline planning permission to demolish existing garage and erect a single dwelling with all matters reserved for subsequent consideration at Treresta House, King Street, Goxhill, DN19 7HZ. (Pages 101 - 116)
 - (g) PA/2023/694 Planning permission to erect a new dwelling (including demolition of existing shop) at 19 Doncaster Road, Gunness, DN15 8TG. (Pages 117 - 130)
 - (h) PA/2023/1132 Planning permission to erect a dwelling, including demolition of an existing dwelling at 60 Gainsborough Lane, Scawby, DN20 9BY. (Pages 131 - 144)
6. Any other items, which the chairman decides are urgent, by reasons of special circumstances, which must be specified.

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

Public Document Pack Agenda Item 3

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

6 September 2023

PRESENT: - N Sherwood (Chairman)

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

T Mitchell, N Poole and C Sherwood

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

44 **SUBSTITUTIONS.**

There was no substitutions.

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

The following member declared a general interest:

Cllr T Mitchell – Member of the Isle of Axholme Drainage Board.

The following members declared that they had been lobbied as follows:

Cllr Mitchell – PA/2022/1536

Cllr Poole – PA/2023/334 and PA/2021/103

Cllr Ross – Pa/2023/1145

Cllr C Sherwood – PA/2022/1884 and PA/2023/67

Cllr Wells – PA/2022/2217 and PA/2023/1144

46 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 2 AUGUST 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN.**

Resolved – That the minutes of the meeting held on 2 August 2023, having been printed and circulated amongst the members, be taken as read and correctly recorded and be signed by the chairman.

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

48 **PA/2022/1536 PLANNING PERMISSION FOR ADDITIONAL AND**

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RECONFIGURED STATIC/LODGE PITCHES, NEW RECEPTION BLOCK, NEW PARKING BAYS AND NEW POND (INCLUDING FILLING IN THE EXISTING POND) AT EPWORTH FIELDS HOLIDAY PARK, ACCESS ROAD TO FARM OFF BLACKDYKE ROAD, EPWORTH, DN9 1JA (SITE VISIT 11.20AM).

Five objectors attended the meeting and spoke against the application. They had various reasons for objecting to the application. These included the area not being the right location, and far too close to neighbouring properties that had four industrial waste bins situated near their houses. They stated they had to put up with increased noise, bad smells, increased traffic and additional lighting. In presenting their case, they urged the committee to refuse the application due to their loss of privacy and detrimental effects it was having on their quality of life.

The agent outlined the application and background to the well established holiday park that had received a great deal of investment, and had brought benefits and business to the area. He indicated that the applicant had worked with the Planning Officer for the best possible scheme and the officer had recommended approval.

The applicant also addressed the committee indicating it would only be used for lodges rather than touring and camping. He stated that lodge owners were invested in the park and the area, and liked a peaceful location to live. The reception area was required for the business, and to have a location for point of interest to the residents. He also stated that the waste bins could be moved.

Cllr Mitchell spoke as the Local Ward member and indicated that whilst he was not totally against the lodges, he was against touring and camping on the site. He felt that the residents were affected by the site and their quality of life was compromised.

Cllr J Davison having visited the site felt it was far too close to the proximity of the neighbouring properties and was surprised the site had been given permission. He stated the access road was very narrow with no passing places, and he could not support the application due to its detrimental effects it would have on the landscape.

Cllr Grant said he had nothing against the site, but could not support the application due to its proximity to the local residents.

Cllr Bell stated that he was minded to grant permission with conditions, as there were risks by refusing it, and could attract more touring caravans if the lodges were not approved.

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

That planning permission be refused for the following reasons –

The proposed development would adversely affect the character, appearance

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and setting of the historic landscape of the Isle of Axholme, a heritage asset of national significance, contrary to policies LC14, LC7, RD2 and DS1 of the North Lincolnshire Local Plan, and policies CS5 and CS6 of the North Lincolnshire Core Strategy.

Also, the proposed development would not be in accordance with paragraphs 197 and 206 of the National Planning Policy Framework as it would not make a positive contribution to local character and distinctiveness, and would

detract from the significance of the historic landscape in this location. The proposals therefore fail the key objective of the NPPF to conserve the historic environment for this and future generations.

Motion Carried.

49 **PA/2022/1884 APPLICATION FOR A NON-MATERIAL AMENDMENT TO PA/2020/602 NAMELY TO AMEND THE SITING OF PROPOSED BUILDING AT 22 BIGBY HIGH ROAD, BRIGG, DN20 9HD (SITE VISIT 9.50AM).**

Speaking against the application a resident stated that if the amendment was approved it would have an overbearing impact on their property, and was very controversial in Brigg. He said it had been designed to be an Air B&B and not a granny flat and had been used for this previously.

The agent indicated that the property was to be occupied by an elderly family member, and until he could move in it was a short term holiday let, and he was now occupying the property. He stated that no conditions had been breached other than the location.

Cllr C Sherwood thanked the committee for taking time to visit the site as it had been ongoing for 18 months. The property had moved south, however, the officer's consider it an acceptable separation distance.

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

49a **PA/2023/67 PLANNING PERMISSION TO ERECT A FRONT BOUNDARY WALL AND GATE PILLARS AT 47A TOP ROAD, WORLABY (SITE VISIT 9.30AM).**

The agent outlined the application and requested permission to retain the boundary wall. He referred to neighbouring properties that had higher hedges on the boundary.

Cllr C Sherwood as the local ward member stated that he did not agree with the Highways departments concerns, and said there was other hedges and walls of the same size in the area.

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

That planning permission be approved in accordance with the following conditions:

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

- Location Plan Drawing No. CD/23/01

- Block Plan Drawing No. CD/23/02.

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.

Motion Carried.

50 **PA/2023/1006 PROPOSED SINGLE AND TWO-STOREY REAR, SIDE EXTENSION, FRONT CANOPY, CAR PORT, DROPPED KERB AND NEW BOUNDARY WALL AT 19, CHELTENHAM CLOSE, BOTTESFORD, DN16 3SJ (SITE VISIT 10.35AM).**

Cllr J Davison said the site visit had been very useful, and being able to view it from the back. He stated it was a very small garden and would lead to overbearing, loss of privacy and have an adverse impact.

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

That planning permission be refused for the following reason –

The proposed development would appear overbearing and result in a loss of privacy for occupants to the south of the site, in particular 69 Timberland, resulting in adverse impacts upon residential amenity contrary to policy DS5 of the North Lincolnshire Local Plan.

Motion Carried.

51 **PA/2023/1145 APPLICATION FOR A NON-MATERIAL AMENDMENT TO PA/2018/1884 NAMELY TO REVISE PLOT 12'S GARAGE TO HOME OFFICE AT LAND TO THE REAR OF 19, 21 AND 23 WEST STREET, SCAWBY, DN20 9AS (SITE VISIT 10.10AM).**

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A resident from the next-door property addressed the committee in objection to the application. She said the main concern was privacy, and when buying the property she was sold it on the basis that the room would be turned back to a garage. She felt it was inappropriate for a linked property.

The agent stated it was a non-material amendment to retain the current room for a home office space. He indicated there would be no overlooking as it was a ground floor room, so would have no adverse impact.

Cllr J Davison implied he could not see a lot wrong with the application following the site visit, and no planning reason for refusal.

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

52 PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE.

53 PA/2022/2210 PLANNING PERMISSION TO ERECT A THREE-BEDROOMED, SINGLE-STOREY DWELLING AT CHAPEL HOUSE, WEST HALTON ROAD, COLEBY, DN15 9AL.

Cllr Wells felt that this was a good development. He stated it was a sustainable new build, a high design and had no statutory objections.

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

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

1.

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

Reason

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

2.

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

- Drawing no: DRWG/PA/2022/2210/02 (Proposed Block Plan)
- Drawing no: N08/--/03 (Ground Floor Plan)
- Drawing no: N08/--/03 (Elevations).

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Reason

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

3.

The development hereby permitted shall be completed in accordance with the external finishes schedule on Drawing no: N08/--/03 (Elevations).

Reason

In the interests of good design.

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 for the lifetime of the development.

Reason

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

5.

If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this

contamination shall be dealt with, has been submitted to and approved in writing by the local planning authority. The approved method statement shall be implemented in full prior to any further development commencing on the site.

Reason

To protect human health

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.

Motion Carried.

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- 54 **PA/2022/2217 OUTLINE APPLICATION FOR THREE DWELLINGS WITH ALL MATTERS RESERVED, INCLUDING THE DEMOLITION OF EXISTING WORKSHOP AT 78 HIGH STREET, WOOTTON, DN39 6RR.**

The committee was informed that the applicant had requested that the application be deferred.

It was moved by Cllr N Sherwood and seconded by Cllr J Davison –

That the application be deferred.

Motion Carried.

- 55 **PA/2023/6 OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR THE ERECTION OF A DWELLING AT THE BARN HOUSE, MAIN STREET, HOWSHAM, LN7 6JZ.**

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

- 56 **PA/2023/334 PLANNING PERMISSION FOR THE USE OF LAND AS A MARKET ON SATURDAYS, SUNDAYS AND BANK HOLIDAYS AT CAR BOOT SALE SITE, SLATE HOUSE FARM, UNNAMED ROAD BETWEEN HOLME AND MESSINGHAM, HOLME, DN16 3RE.**

The applicant gave a background summary to the business and how it was run, and outlined the request in the proposal. In doing so she stated that a traffic management plan had been provided as part of the submission, the road was wide enough for two way traffic, and they had had no previous problems with any approvals for licences etc.

Cllr Poole spoke as the local Ward Member and agreed the business has been successful, but had concerns about the traffic that backed up, and occasionally at busy periods blocked the road. He requested that the committee hold a site visit as he was not sure the traffic management plan was fit for purpose.

Cllr J Davison indicated that he was not familiar with the site and the build-up of traffic on car boot sale days. He felt without knowing the road and the layout, he was unsure if the traffic management plan would do the job to ease traffic build up, and therefore suggest a site visit.

Cllr Bell stated that the car boot had been taking place for years without any problems, and therefore approval should just be given.

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

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

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- 57 **PA/2023/757 PLANNING PERMISSION TO ERECT A TWO-STOREY REAR EXTENSION WITH PITCHED ROOF AT THE REAR OF THE PROPERTY AND A SINGLE-STOREY SIDE EXTENSION WITH PITCHED ROOF AND GARAGE EXTENSION AT 6 VICARAGE GARDENS, SCUNTHORPE, DN15 7AZ.**

An objector addressed the committee stated that two different applications and an amendment had been submitted, and the block plan showed a separate building which he stated did not exist. He felt it was contrary to planning policies, would overshadow their property, loss of privacy, and was not in keeping with the original house. He urged the committee to hold a site visit to see for themselves.

The applicant outlined the proposal and stated that there would be no overshadowing, as the building was not overbearing.

Cllr J Davison said there had been 15 objections received and felt it was a case for a site visit by the committee.

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

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

Motion Carried.

- 58 **PA/2023/1010 PLANNING PERMISSION TO VARY CONDITION 2 OF PA/2020/2026 NAMELY TO MAKE REVISIONS TO THE ELEVATIONS OF THE DWELLING AT LAND EAST OF BRANDON HOUSE, LUDDINGTON ROAD, GARTHORPE, DN17 4RU.**

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

- 59 **PA/2023/1140 PLANNING PERMISSION FOR CHANGE OF USE OF STATIC CARAVAN TO RESIDENTIAL (RE-SUBMISSION OF PA/2022/2204) AT WOODSIDE CAMPSITE, MAIN STREET, BONBY, DN20 0PL.**

Cllr C Sherwood as the local Ward Member informed the committee that the static van was on an all year round so, therefore, permanent residency would not make any difference, and the reasons for refusal are very weak.

Cllr Ross agreed with the previous speaker and said she had no problem with the application.

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

That planning permission be approved with the following conditions –

- 1.

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The use hereby permitted relates solely to the siting of the single static mobile home marked "1" on map number PRHP562912403840 (Proposed Block Plan) and the permission does not grant permission for any other permanent residential use whatsoever within the application site.

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.

Motion Carried.

60 **PA/2023/1144 PLANNING PERMISSION TO VARY CONDITION 2 OF PA/2022/1440 NAMELY TO AMEND THE HOUSE DESIGN TO PLOT 7 AT THE FIELD, 7 VICARAGE LANE, WOOTTON, DN39 6SH.**

An objector speaking against the application felt that the planning rules had deliberately been breach with the proposals. In presenting the case against she stated that there was a risk to health from air pollution with the chimney being low, and an extra loss of green land.

The agent stated it was a material change for an extension with chimney, and if the owner was to move it would mean that they did not even have to apply for planning permission anyway. The Planning Officer had no issues with the application and attached relevant conditions if it was to be granted.

Cllr Ross agreed with the Planning Officer's recommendations as she saw no problem with the application.

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

61 **RESERVED MATTERS FOR DETERMINATION BY THE COMMITTEE.**

62 **PA/2021/1034 APPLICATION FOR APPROVAL OF RESERVED MATTERS (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) PURSUANT TO OUTLINE PLANNING PERMISSION PA/2017/392 DATED 15/06/2018 FOR SIX FOUR BEDROOMED DETACHED DWELLINGS AND INTEGRAL GARAGES AT LAND NORTH OF THISTLE DOWNE, SCOTTER ROAD, MESSINGHAM, DN17 3QE.**

The agent informed the committee that specialist consultants had carried out further drainage information, and Severn Trent Water had been on site with the Local Authority having no objections. The Parish Council had drainage

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concerns but he saw no grounds for it to be refused.

Cllr Poole stated he had a number of concerns around flooding and the water course, and urged the committee to seek further clarification on certain aspects including ownership and responsibility for the dyke.

Cllr J Davison also felt he required more information before he could make a decision. He stated that the committee required more detailed worked up plans on the foul and surface water management/ownership and the application should be deferred until that is received.

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

That the application be deferred for additional drainage information to be received.

Motion Carried.

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

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

APPLICATIONS DEFERRED FROM PREVIOUS MEETING FOR SITE VISITS

1. OBJECT

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

2. BACKGROUND

- 2.1 The applications listed on the attached schedule were deferred at a previous meeting of the committee to allow members to visit the sites before making a decision.
- 2.2 Members will undertake the site visits in the morning on the day of the meeting.

3. INFORMATION

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

4. RESOURCE IMPLICATIONS

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

5. RECOMMENDATION

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

DEVELOPMENT MANAGEMENT LEAD

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

Ref: RL/JMC/Planning committee 04 October 2023
Date: 25 September 2023

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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APPLICATION NO	PA/2023/334
APPLICANT	Ms Jacky Tolley
DEVELOPMENT	Planning permission for the use of land as a market on Saturdays, Sundays and Bank Holidays
LOCATION	Car boot sale site, Slate House Farm, unnamed road between Holme and Messingham, Holme, DN16 3RE
PARISH	Messingham
WARD	Messingham
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Neil Poole – significant public interest and disruption to road users of Holme Lane) Objection by Messingham Parish Council

POLICIES

National Planning Policy Framework:

6 – Building a strong, competitive economy

12 – Achieving well-designed places

North Lincolnshire Local Plan:

DS1 – General Requirements

T2 – Access to Development

T6 – Pedestrian Routes and Footpaths

RD2 – Development in the Open Countryside

S11 – Temporary Markets, Car Boot Sales and Lay-by Trading

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering More Sustainable Development

CS3 – Development Limits

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022.

Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

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

Policy SS1 – Presumption in Favour of Sustainable Development

Policy SS2 – A Spatial Strategy for North Lincolnshire

Policy SS3 – Development Principles

Policy SS11 – Development Limits

Policy RD1 – Supporting Sustainable Development in the Countryside

CONSULTATIONS

Highways: No objection, but recommend a condition.

Environment Agency: No comments.

LLFA Drainage: No objection, but advise consideration be given to upgrading the size of the pipe network.

Economic Development: No comments.

Humberside Fire and Rescue: 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.

Humberside Police: No comments.

Trees Officer: No comments.

Environmental Protection: No comments.

Archaeology: No comments.

PARISH COUNCIL

Objects on the grounds that a traffic management plan should be put in place to mitigate any traffic impact on Holme Lane.

PUBLICITY

A site notice has been displayed; one letter of objection has been received raising the following issues:

- The land on which the application is proposed is an area where a Countryside Stewardship Scheme is being undertaken and is in separate ownership.
- The land has never been part of the car boot site.

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/2017/888: Planning permission to vary condition 1 of PA/2012/0823 to extend the time limit to a further five years to retain the use of the land as a market on Saturdays, Sundays and Bank Holidays – approved with conditions 27/07/2017.
- PA/2012/0823: Planning permission to retain the change of use of the land for use as a market on Saturdays, Sundays and Bank Holidays – approved with conditions 21/08/2012.
- PA/2010/0490: Planning permission to retain the use of land for use as a market on Saturdays, Sundays and Bank Holidays (resubmission of PA/2009/1046 dated 21/10/2009) – approved with conditions 30/06/2010.
- PA/2009/1046: Planning permission to change the use of agricultural land to land used as a market on Saturdays, Sundays and Bank Holidays – refused 21/10/2009.

The site comprises agricultural fields to the west of Holme Lane, including a cluster of brick-built agricultural buildings. The site is set back a distance of 350 metres from the public highway. This proposal is to retain the change of use of the agricultural land to use as a market on Saturdays, Sundays and Bank Holidays. This use is currently being carried out from the site and has been the subject of previous applications which are shown above. The hours of operation are 11am to 4pm on each of the days specified. The site is accessed from Holme Lane by an existing farm access track. Vehicles are directed along the access track, around the rear of the existing dwelling on the site to the pay point and into the car parking area which is a grassed field. Vehicles leave the site via the access track with some passing places.

The main issue in determining this application is the principle of development (incorporating impact on the highway network).

Principle

The site, within the open countryside, is a farm, accessed by a substantial farm track that has been upgraded with passing places to allow two-way traffic movements. In terms of the principle of the development, this is considered to be acceptable. The NPPF seeks to support rural enterprise such as this. The proposal comprises rural economic diversification and will provide some employment opportunities. This type of use tends to require a countryside location due to the amount of land required and the short time that the use operates on the site. The applicant has revised the red edge site location plan to demonstrate the site is in their ownership doesn't compromise the land which is in separate ownership subject to a Countryside Stewardship Scheme.

Policy S11 permits temporary markets and car boot sales providing that access and parking arrangements are adequate and will not result in a reduction in road safety, and there is no adverse impact on residential amenity and the character and appearance of the area. Highways have considered the development proposals for a continued period and determine the access and car parking arrangements to be acceptable. In addition, the applicant has provided a traffic management plan which sets out how traffic is typically managed (involving on-site marshals), provision for higher volumes of traffic on busier days and for safe entry and exit from the site. This document has been considered by Highways and no objections have been received. The management plan also makes provision for the fact it is a working document and is subject to review and updates where considered necessary (for example to deal with an increase in traffic and to mitigate the potential for vehicles obstructing the public highway along Holme Lane). A condition is therefore recommended that the site is operated in accordance with the traffic management plan and is subject to review and updates when it is considered necessary by the local planning authority.

The nearest residential property is over 150 metres from the site, so no demonstrable loss of residential amenity is considered to take place in this case. The use has a limited impact on the character and appearance of the open countryside as the site does not operate on a daily basis, and on market days the hours of operation are limited to 11am to 4pm. The only structures on site are temporary fencing, litter bins and portable toilets, which have a limited impact on the countryside. The use has a minimal impact on the open countryside as all equipment is removed from the site once the market is finished.

Policy S11 of the North Lincolnshire Local Plan only allows a temporary permission to be granted for this type of use, provided parking and access arrangements are adequate and the facility is properly maintained (which, in the opinion of the local planning authority, applies in this case). Considering the above and the fact that no complaints have been received in relation to the use (which has operated since 2010), a further five-year temporary permission is acceptable. In conclusion, the proposal accords with guidance in the NPPF, policies CS1, CS2 and CS3 of the Core Strategy, and policies RD2 and S11 of the North Lincolnshire Local Plan.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The use shall be discontinued on or before the expiration of five years from the date of this permission unless before that date an application has been made and permission granted by the local planning authority for an extension of the time limit imposed by this condition.

Reason

To define the terms of the permission and to comply with policy S11 of the North Lincolnshire Local Plan.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2023/334_01.

Reason

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

3.

The development hereby permitted shall be undertaken in strict accordance with the submitted traffic management plan at all times when the market/car boot is in operation and the plan shall be implemented, reviewed and updated as necessary.

Reason

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

4.

The use hereby permitted shall only be operated on Saturdays, Sundays and Bank Holidays between the hours of 11am to 4pm and there shall be no variation to these hours of operation unless otherwise agreed in writing by the local planning authority.

Reason

To define the terms of permission, in the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

5.

No structures or buildings shall be installed on the site without the prior approval in writing by the local planning authority.

Reason

To define the terms of the permission and in the interests of safeguarding the character and appearance of the open countryside.

6.

No hard surfaces shall be installed on the site without the prior written approval of the local planning authority.

Reason

To define the terms of the permission and in the interests of safeguarding the character and appearance of the open countryside.

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.



Willow Farm

20.0m

Track

Holme Lane to Holme

17.3m

Track

Page 18

Pond

Track

Well

Slate House Farm

17.0m

Drain

Drain

Drain

HOLME LANE

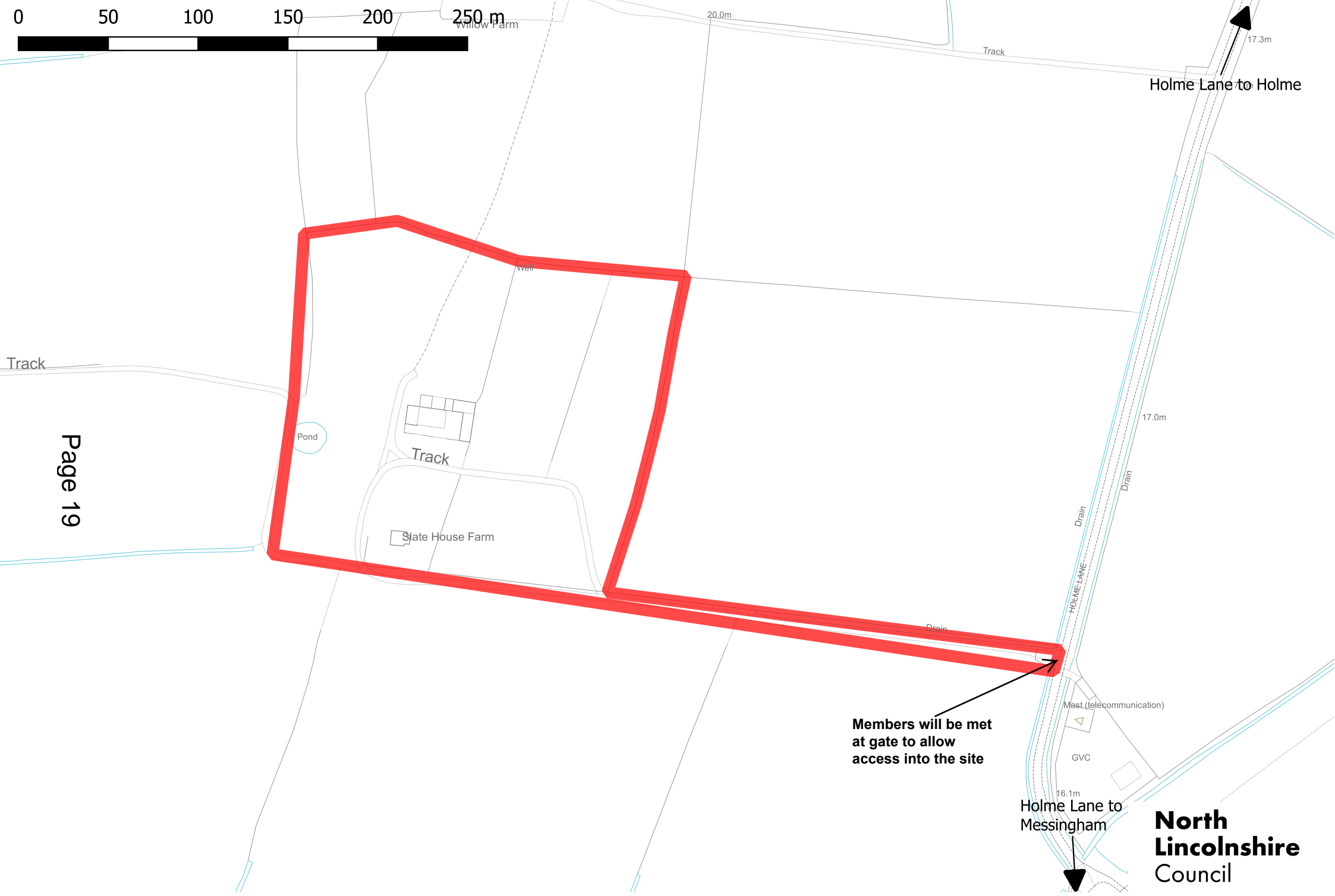
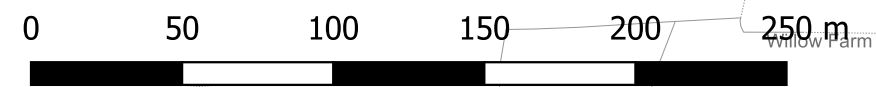
Mast (telecommunication)

GVC

Holme Lane to Messingham

16.1m

North Lincolnshire Council



Page 19

Members will be met at gate to allow access into the site

Holme Lane to Messingham

North Lincolnshire Council

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APPLICATION NO	PA/2023/757
APPLICANT	Mrs Kulwinder Kaur
DEVELOPMENT	Planning permission to erect a two-storey rear extension with pitched roof at the rear of the property and a single-storey side extension with pitched roof and garage extension
LOCATION	6 Vicarage Gardens, Scunthorpe, DN15 7AZ
PARISH	Scunthorpe
WARD	Town
CASE OFFICER	Deborah Oikeh
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Lorraine Yeadon – significant public interest)

POLICIES

National Planning Policy Framework:

Section 12: Achieving well designed places

North Lincolnshire Local Plan:

DS1: General Requirements

DS5: Residential Extensions

T2: Access to Development

T19: Car Parking Provision and Standards

DS14: Foul Sewage and Surface Water Drainage

DS16: Flood Risk

North Lincolnshire Core Strategy:

CS1: Spatial Strategy for North Lincolnshire

CS5: Delivering Quality Design in North Lincolnshire

CS19: Flood Risk

North Lincolnshire Design Guidance for House Extensions: SPG1

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

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

SS1: Presumption in favour of Sustainable Development

SS3: Development Principles

SS11: Development Limits

DM1: General Requirements

CONSULTATIONS

Highways: No objections or comments.

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

PUBLICITY

Advertised by site notice. Fifteen responses have been received in relation to the following:

- overshadowing, overbearing impact, overlooking impacts and reduction in daylight
- the proposal is not sympathetic in design
- negative impact of the proposal on the distinctive character of the area
- obstruction to aesthetic views to the rear by the proposed extension
- traffic and parking issues on the site
- changes to plans
- potential noise impact
- proposal would set a bad precedence.

ASSESSMENT

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

Planning history

PA/2022/1909: Planning permission to erect a single-storey side/rear flat-roof extension with roof lanterns and a single-storey extension to existing garage with pitched roof – approved 03/01/2023.

Proposal and site characteristics

The proposal relates to a two-storey rear extension and a single-storey side extension with lean-to wall and a pitched roof. The existing dwelling comprises a two-storey property with an outbuilding to the rear of the existing dwelling.

Site constraints

- The site is within flood zone 1 as set in the North Lincolnshire SFRA 2011.
- The site is within the development boundary as set in the HELA DPD 2016.

Main considerations

- **principle of development**
- **impact upon residential amenity**
- **impact upon the character and appearance**
- **impact upon highway safety**
- **impact upon flood risk and drainage.**

Principle of development

Policy CS1 of the Core Strategy relates to the spatial vision and spatial strategy for North Lincolnshire and states, ‘...Scunthorpe will be the focus for the majority of new development and growth, including housing, employment, retail, sustainable transport links, and higher order services and facilities to serve North Lincolnshire.

Policy CS5 relates to the design of new development in North Lincolnshire and requires all development to be well designed, contribute to creating a sense of place and appropriate for its context.

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

In terms of amenity, policy DS1 states, ‘proposals should not result in loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing;’

The proposed development is for extensions to a residential dwelling within the development boundary and as such the principle of development is acceptable subject to an assessment of the potential impacts on the character and appearance of the area and residential amenity.

Character and appearance

Policy CS5 of the North Lincolnshire Core Strategy and policy DS1 of the local plan are both concerned with the quality of design of a proposal and impact on the appearance and character of the area. Policy CS5 states, ‘...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place’ and ‘Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.’

Policy DS1 further corroborates policy CS5 and reiterates that ‘A high standard of design is expected in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused.’

North Lincolnshire Supplementary Planning Guidance: SPG1, section 1.9, encourages that extensions to houses should be in keeping with the original design of the original house in order not to appear as an ‘after thought’. Care must be taken particularly when extending older properties to ensure that their character is not spoilt through the addition of inappropriately designed extensions. Extensions should not dominate the original building in scale, material or situation. Indeed, the most successful extensions in visual terms are ones where the extension appears as if it has always been part of the house.

The main dwelling is constructed of brown/red brickworks, pitched tiled roof and white upvc windows and doors. The materials proposed for the extension are very similar to the original dwelling. These include: brickworks to match in texture and colour, pitched tiled roof and white upvc windows and doors.

The proposed rear elevation drawing shows that the existing pitched roofscape will be retained following completion of the extensions. Most of the dwellings along the lane have a uniform building line; however, one or two dwellings on the lane have extensions beyond the rear building line, although these are conservatories. The proposed two-storey component would extend beyond the rear wall of the original dwellinghouse by about 3.95m with a reasonable separation distance from the wall of 8 Vicarage Gardens. The proposed single-storey rear extension would have an eaves height of 2.55m with a lean-to roofscape. This would ensure the dwelling remains in keeping with the character of the dwelling. Whilst a significant part of the extension would not be visible from the public road, views from properties to its rear would still be possible. Nevertheless, given the reduction in depth of the two-storey extension, the choice of materials and roofscape, the impact upon the character of the area and the dwelling is mitigated.

Impact upon residential amenity

Policies DS1 and DS5 of the North Lincolnshire Local Plan are concerned with residential extensions. Policy DS5 specifically applies to residential extensions and states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed provided that the proposal does not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

The application site is set between two other detached dwellings, namely numbers 4 and 8. Number 4 benefits from a greater separation distance from the proposal to the rear and so

impact upon the amenity rights is limited. Bordering dwellings 6 and 8 is a 1.5–2m timber panel fence.

The original scheme submitted, especially the two-storey component, was considered large in scale. However, the scheme was amended to reduce the depth of the two-storey component. There is also a reasonable separation distance between the two-storey component and the closest window on the ground floor of 8 Vicarage Gardens; hence, the 30 and 45 degree rules would be passed. The use of a pitched sloped roof for the two-storey, and lean-to roof for the single-storey, would permit light reception to the rear. Whilst the reduction in depth and the choice of roofscape may not completely mitigate the residential impact upon 8 Vicarage Gardens, it does reduce it to an acceptable level.

The two-storey extension would be 3.95m deep and 7m wide. This will provide two additional bedrooms to make a total of five bedrooms for the dwelling. The floor plan does not suggest that the two additional bedrooms will be used as separate living accommodation. Therefore, in terms of noise, it is considered that the impact upon neighbouring dwellings will no greater than at present.

In addition, openings to the extensions would be rear-facing with a ground-floor door to the east elevation. The positioning of openings is considered appropriate and would not provide opportunity for overlooking. Nonetheless, a condition to restrict permitted development to install windows to the side elevations will be imposed upon any permission the council is minded to grant.

Impact upon highway safety

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

The site can be accessed via Vicarage Gardens in Scunthorpe. There is provision for at least two parking spaces on the site. The council's car parking guide provides guidance on parking space requirements for residential dwellings. For dwellings with four or more bed spaces in an urban/sub-urban area, a minimum of one to two spaces is required. The highways team have raised no objections to the scheme following consultation and the proposal is therefore considered to comply with policies T2 and T19.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk, whilst DS14 and DS16 of the local plan are concerned with flood risk, drainage and foul water.

In this regard, the site is set within SFRA flood zone 1 and so a suitable location in flood risk terms. The Lead Local Flood Authority has raised no objection following consultation. The proposal therefore complies with the above-mentioned policies.

Conclusion

Permission is sought to erect a two-storey extension and a single extension to the existing dwelling. The original scheme (two-storey extension) was considered to pose impacts on residential amenity. The scheme was, however, amended to reduce the depth of the two-storey extension and to incorporate a lean-to roof in the single-storey extension in order to

alleviate these issues. Therefore, on balance, the proposed scheme is considered to be acceptable in all respects.

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: YRGPN13691578516396

- Block plan: YRGPN13691578516396

- Existing and proposed floor and elevation plan: PA/2023/757 Rev C dated 04/08/2023.

Reason

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

3.

The external materials to be used in the construction of the extension hereby approved shall be as provided on the application form.

Reason

In the interest of the visual amenity of the area in accordance with policy DS5 of the North Lincolnshire Local Plan.

4.

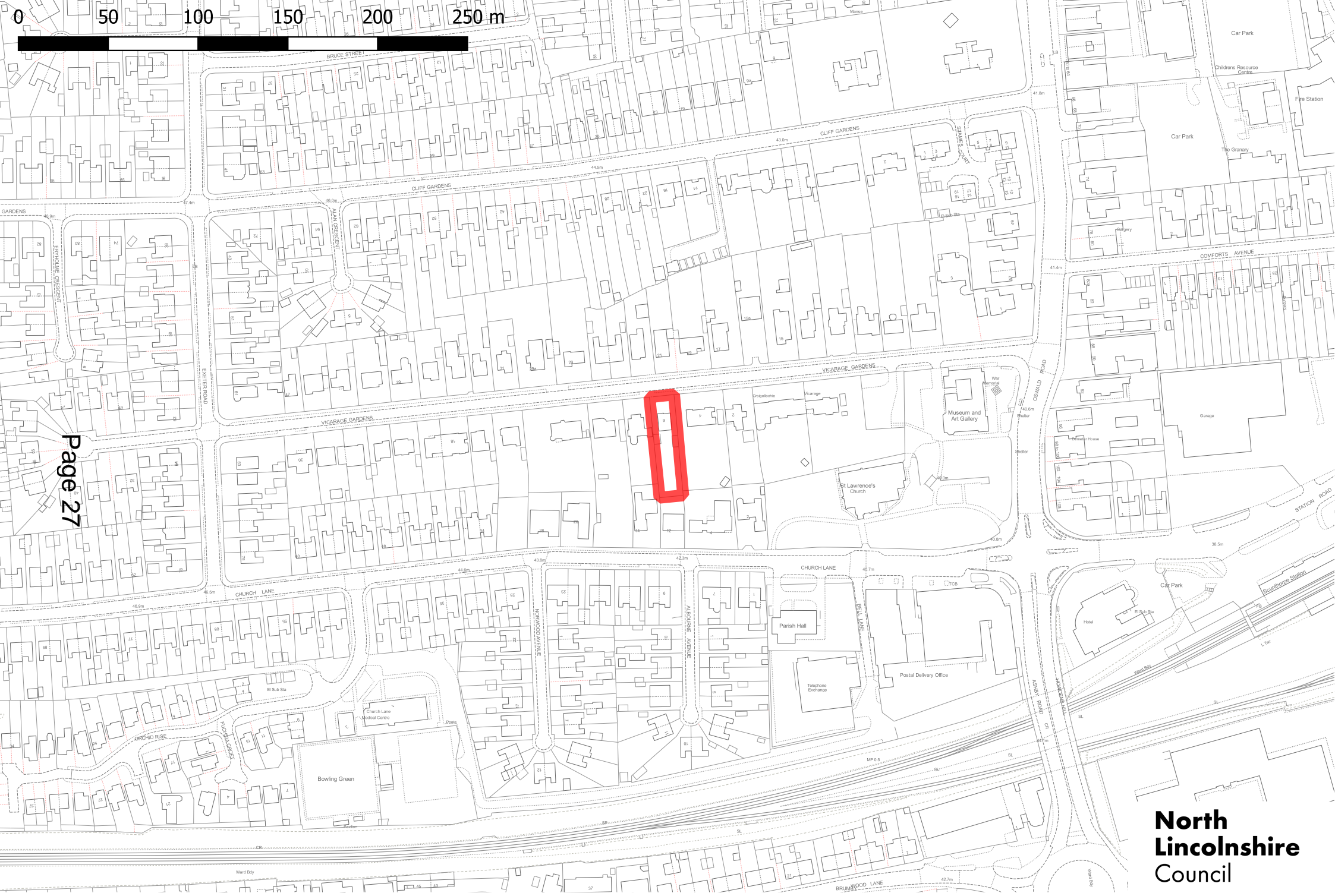
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no new window openings shall be created in the east and west elevations of the extensions other than those shown on the submitted plan.

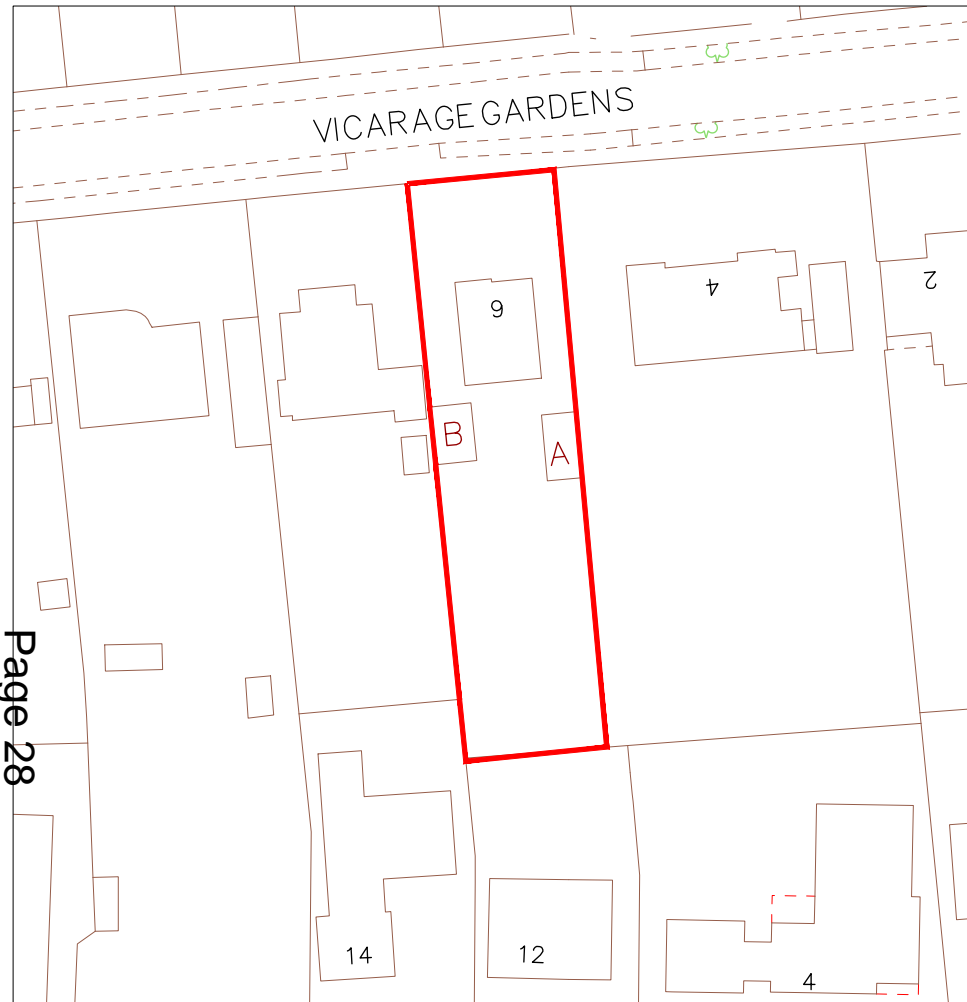
Reason

To protect the living conditions presently enjoyed by the occupants of adjoining properties in accordance with policy DS5 of the North Lincolnshire Local Plan.

Informative

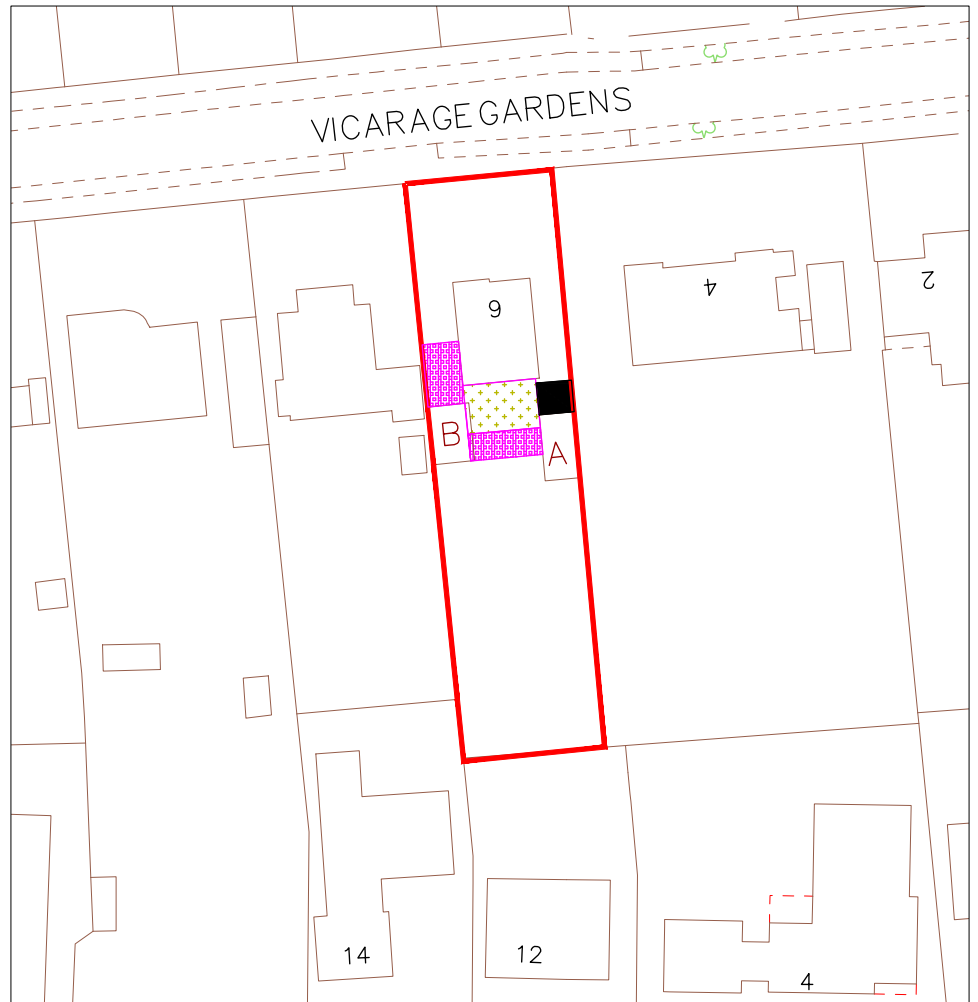
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.





EXISTING BLOCK PLAN


SCALE: 1::500 @ A3



PROPOSED BLOCK PLAN

REV: B

KEY

 APPLICATION BOUNDARY FOR DWELLING: 734m² (0.07 HECTARES)

 SINGLE STOREY SIDE/REAR EXTENSION WITH LEAN TO STYLE PITCHED (TILED) ROOF

 TWO STOREY REAR EXTENSION WITH PITCHED (TILED) ROOF

A EXISTING CONCRETE SECTIONAL GARAGE WITH CORRUGATED SHEET PITCHED ROOF

B EXISTING BRICK BUILT WORKSHOP WITH PITCHED TILED ROOF. REPLACE WITH LEAN TO STYLE PITCHED (TILED) ROOF

 FRONT EXTENSION TO EXISTING CONCRETE SECTIONAL GARAGE WITH CORRUGATED SHEET PITCHED ROOF

ReQuestAPlan

Map number: YRGPN13691578516396

Title: 6 VICARAGE GARDENS, SCUNTHORPE, NORTH Lincs, DN15 7AZ

Map Produced for: MRS KULWINDER KAUR

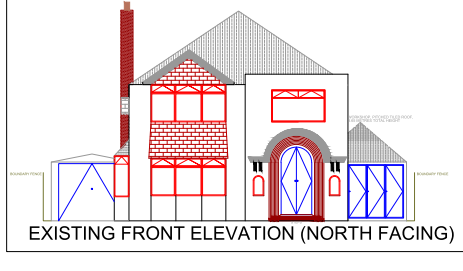
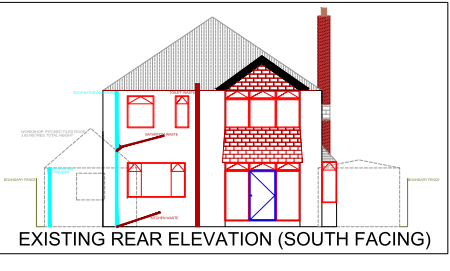
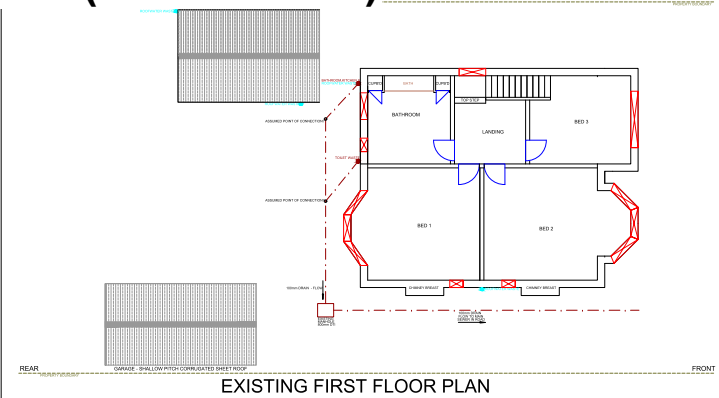
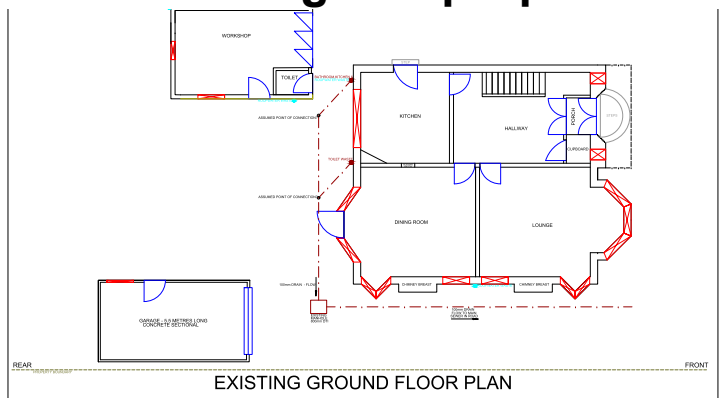
OS Licence number: 0104590161

Date of Purchase: 02-10-2022

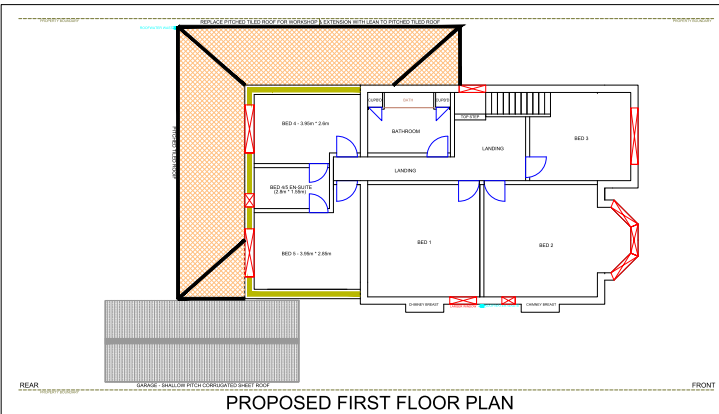
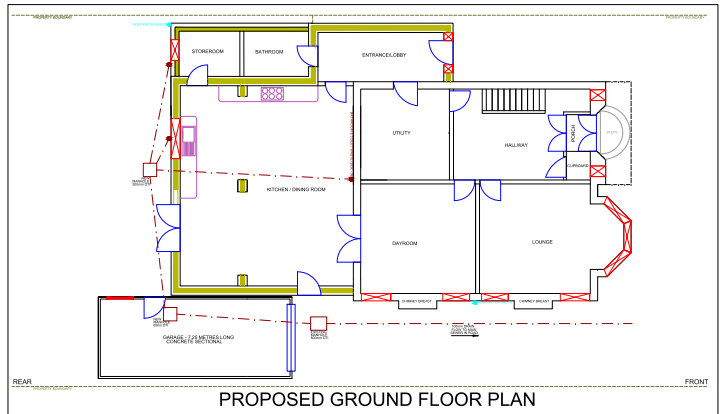
1 Years subscription from 02-10-2022 for 1 workstation.



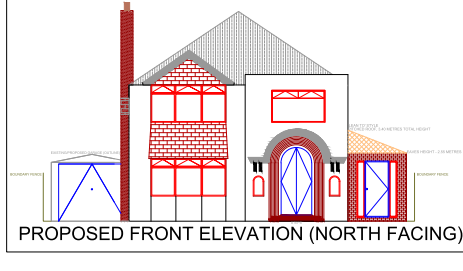
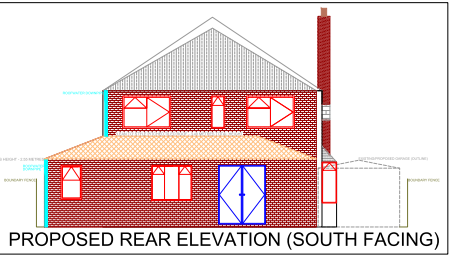
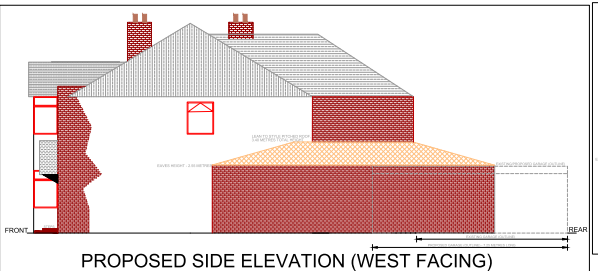
PA/2023/757 Existing and proposed elevations (not to scale)



Page 29



PA/2023/757
 REV: C, DATED: 04/08/2023
 1) 2 STOREY EXTENSION REDUCED DEPTH BY 2.50 METRES
 2) SINGLE STOREY REAR EXTENSION REPLACES 2 STOREY
 3) PITCHED TILED ROOF CHANGES ON WESTERN BOUNDARY
 ADJACENT No8 VICARAGE GARDENS. EAVES HEIGHT 2.55m

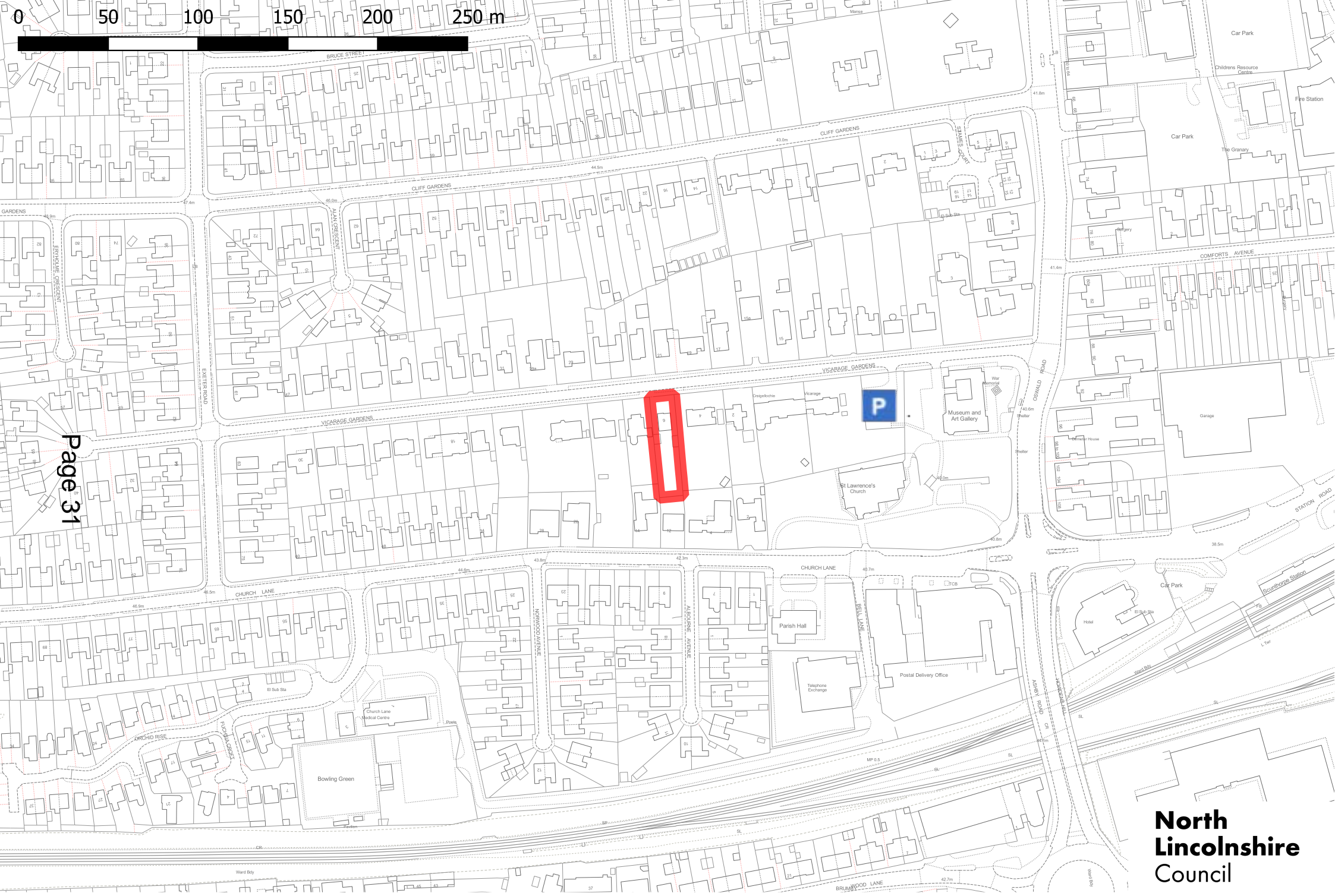
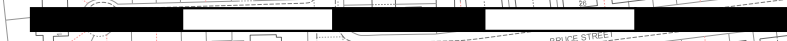


THIS DRAWING IS PROVIDED FOR THE PURPOSE OF OBTAINING PLANNING PERMISSION AND OR BUILDING REGULATION APPROVAL. ALL DIMENSIONS TO BE CHECKED ON SITE BY CONTRACTOR PRIOR TO COMMENCEMENT OF WORK. THIS DRAWING MUST BE READ AND CHECKED AGAINST ANY STRUCTURAL OR ANY SPECIALIST DRAWINGS PROVIDED. THE CONTRACTOR IS TO COMPLY WITH THE CURRENT BUILDING REGULATIONS WHETHER OR NOT SPECIFIED ON THE DRAWINGS.

6 VICARAGE GARDENS, SCUNTHORPE, NORTH LINCOLNSHIRE, DN15 7AZ
 EXISTING & PROPOSED PLANS & SIDE & REAR ELEVATIONS
 DATED: 04/08/2023
 SCALE: 1/100 @ A1
 DRAWN BY: CS WRIGHT

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Page 31

**North
Lincolnshire
Council**

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

1. OBJECT

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

2. BACKGROUND

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

3. INFORMATION

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

4. RESOURCE IMPLICATIONS

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

5. RECOMMENDATION

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

DEVELOPMENT MANAGEMENT LEAD

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

Reference: RL/JMC/Planning committee 04 October 2023

Date: 25 September 2023

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

The Ordnance Survey map data included within this publication is provided by North Lincolnshire Council under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

APPLICATION NO	PA/2021/1611
APPLICANT	The Treasurer, Glanford Boat Club
DEVELOPMENT	Planning permission to erect a steel-framed building
LOCATION	Boat Club, Island Carr Road, Brigg, DN20 8PD
PARISH	Brigg
WARD	Brigg and Wolds
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Manager discretion

POLICIES

National Planning Policy Framework:

12 – Achieving well-designed places

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

North Lincolnshire Local Plan:

DS1 – General Requirements

DS7 – Contaminated Land

DS16 – Flood Risk

R6 – Water Based Leisure

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering More Sustainable Development

CS5 – Delivering Quality Design in North Lincolnshire

CS16 – North Lincolnshire’s Landscape, Greenspace and Waterscape

CS19 – Flood Risk

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022.

Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

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

SS1 – Presumption in Favour of Sustainable Development

SS2 – A Spatial Strategy for North Lincolnshire

SS3 – Development Principles

DQE3 – Biodiversity and Geodiversity

DQE5 – Managing Flood Risk

DM3 – Environmental Protection

CONSULTATIONS

Highways: No objections or comments.

Environment Agency: The submitted Flood Risk Assessment (FRA) does not fully comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change section, paragraph 030.

However, the submission of a more detailed FRA is unlikely to result in changes to our position given the proposal is for a less vulnerable use and the site is mostly outside of Flood Zones 2 and 3. The proposal is for the storage of a mobile crane and boats, therefore we would not request raised finished floor levels, an area of safe refuge, or a flood warning and evacuation plan.

We therefore do not wish to object to the application or to request that an amended FRA is submitted.

LLFA Drainage: No objections or comments.

Ancholme Internal Drainage Board: Comments made in relation to the suitability and method of surface water disposal.

Environmental Protection: The proposed development site is immediately adjacent to a historic landfill, which has potential asphyxiation and an explosion risk.

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. Recommend a condition in respect of contaminated land investigation.

TOWN COUNCIL

No objection.

PUBLICITY

A site notice has been displayed and two responses have been received from the same objector raising the following issues:

- The building can be seen from the footpath adjacent the River Ancholme.
- The land on which the building is on is not owned by the boat club.
- The building has been erected without planning permission.
- It is a monstrosity and a blot on the landscape.

ASSESSMENT

Planning history

7/1975/0374: Extend existing clubhouse

PA/2002/1906: Planning permission to erect galvanised palisade fencing and to replace existing wooden frame windows with UPVC

PA/2005/0455 Planning permission to replace a section of 2.6-metre-high palisade fencing with 3.6-metre-high palisade fencing

PA/2009/1336: Planning permission to erect a boat house.

The application site consists of a boat club which is located on the confluence point of the Old and New River Ancholme, it has a clubhouse along its western boundary (facing the New River Ancholme) and is accessed from Island Carr Road to the south. It is within the defined settlement limit for Brigg and in flood zone 2/3a. Planning permission is sought to erect a steel-framed building for the storage of a mobile crane which is used to lift boats in and out of the River Ancholme (due to seasonal changes in weather conditions) and for maintenance during the summer months.

The main issues in the determination of this application are:

- **the principle of development;**
- **impact on the character and appearance of the area; and**
- **flood risk.**

Principle of development

Planning permission is sought to erect a steel-framed building for the storage of a mobile crane which is used to lift boats in and out of the River Ancholme (due to seasonal changes in weather conditions) and for maintenance during the summer months. Therefore, it is accepted this building is required to serve the boat club established at this location and is proposed for a function directly related to the operations of the boat club; a location adjacent or in close proximity to the River Ancholme is therefore required. In addition, the proposed building is within the defined settlement boundary for Brigg, the development will result in the retention of a building which is functionally linked to the existing site, and which

won't result in an alien or discordant feature within the rural landscape (if it had been located outside the settlement boundary).

The proposal is considered to comply with policy R6 (Water Based Leisure) of the North Lincolnshire Local Plan as it is for development related to recreational activities on the River Ancholme, it will not prejudice important amenity, landscape or ecological characteristics of the waterway and will not prejudice the operational requirements of the river or have an adverse impact on the provision of access points and footpath links.

Character and appearance

It is worth noting this building has been erected on the land and as such its built impact upon the character and appearance of the area can be assessed on that basis. The objections on the grounds of the built impact and size of the building are noted, however the building is sited in close proximity to existing steel profile sheds located on the site to the south (a distance of 35m); these are much bulkier and taller in their overall scale and therefore the retention of the building on the application site is not considered to be at odds with the character and appearance of the area. Views of the building are limited and only available from the footpath which runs along the eastern side of the Old River Ancholme (Ancholme Valley Way). Such views are of a steel profile shed, green in colour (which allows it to assimilate into its surroundings), which is viewed in conjunction with existing, bulkier sheds located on the industrial estate to the south.

Flood risk

The building is located adjacent to the River Ancholme and is within flood zone 2/3a, an area at the highest level of flood risk. The plans show the building is a sufficient distance away from the River Ancholme (more than 8m) to ensure it doesn't obstruct access to the river by the Environment Agency for maintenance purposes and doesn't require an Environmental Permit in that regard.

Being within flood zone 2/3a, there is a requirement to assess flood risk. Whilst the FRA submitted with the application provides limited information in relation to flood risk, the proposal is for 'water-compatible development' in a high flood risk zone, and applying the level of vulnerability against the relevant flood zone in the NPPG, the development is appropriate in flood risk terms. In addition, the Environment Agency has raised no objection, and does not require details of finished floor levels, an area of safe refuge to be created, or a flood warning and evacuation plan for the building as it is to be used for storage purposes only and will not increase the level of vulnerability if operational. The proposed development is therefore considered to be acceptable in flood risk terms and will not increase flood risk in this case.

Other issues

Environmental Protection has highlighted historic use of neighbouring land (a former landfill site) has potential asphyxiation and an explosion risk to the proposed development. However, it is noted by the local planning authority that the building is not in constant use and the risk to human health is mitigated by this factor to some extent. However, it is acknowledged there remains a risk from contamination and as such a condition is recommended in respect of contaminated land investigation; this will determine whether any mitigation measures are required for the building and aligns with the consultation response from Environmental Protection.

RECOMMENDATION Grant permission subject to the following conditions:

1.

Part 1: Site Characteristics

Within six months of the date of this permission, a Phase 1 desk study shall be carried out and submitted to the local planning authority 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 the Environment Agency's Land Contamination Risk Management (LCRM) guidance October 2020.

Part 2: Submission of Remediation Scheme

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

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the building coming into first use, 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.

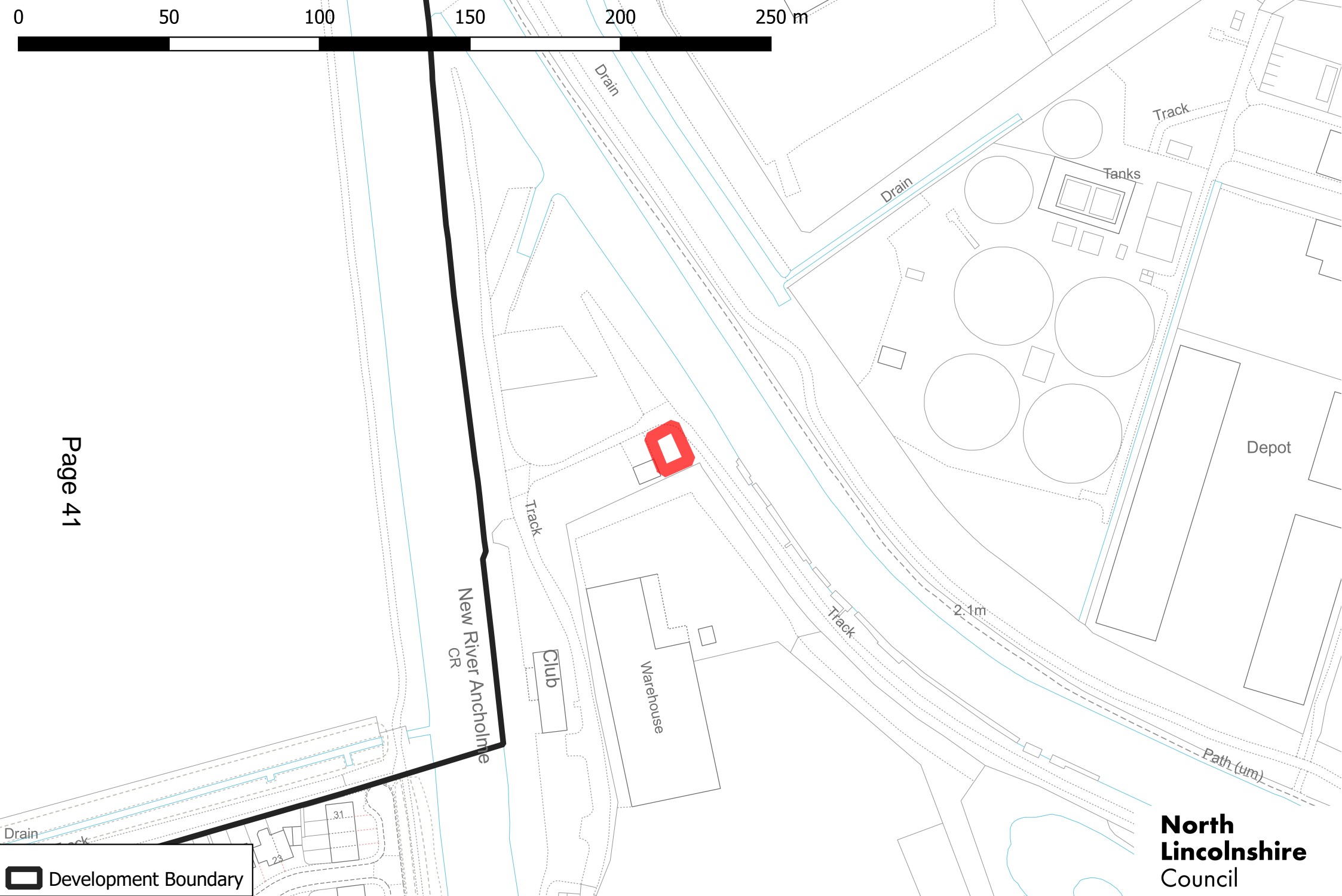
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

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.

Informative

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



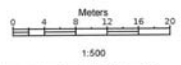
 Development Boundary

**North
Lincolnshire
Council**



Page 42

Produced 03 Sep 2021 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.
 The representation of a road, track or path is no evidence of a right of way.
 The representation of features as lines is no evidence of a property boundary.



Gianford Boat Club, Boat Club, Island Carr Rd, Island Carr Industrial Estate, Brigg DN20 8PD

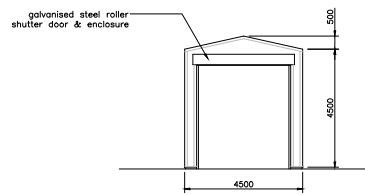
Supplied by: Stanfords 03 Sep 2021
 Licence: © Crown copyright and database rights 2021 OS 100035409
 Stanfords Order Reference: 011485213
 Centre coordinates: 499335 407531

THIS DRAWING(S) ARE LIMITED IN THE AMOUNT OF INFORMATION THEY CONTAIN AND DOES NOT PURPORT TO CONTAIN A FULL SPECIFICATION OF THE WORKS. IT IS ONLY AN OUTLINE OF THE SCOPE OF WORKS REQUIRED FOR BUILDING REGULATION APPROVAL. THIS DOCUMENT ALONE MUST NOT BE USED AS A CONTRACT DOCUMENT. ALL DIMENSIONS SHALL BE TAKEN ON SITE AND NO DIMENSIONS SHALL BE SCALED FROM DRAWING(S). ALL GIVEN DIMENSIONS SHALL BE CHECKED ON SITE BY THE CONTRACTOR AT COMMENCEMENT OF THE PROJECT. THE WORKS WILL NOT BE SUPERVISED NOR INSPECTED BY JD ASSOCIATES OR ANY REPRESENTATIVE. IT IS THE CLIENT OR THEIR APPOINTED REPRESENTATIVE'S RESPONSIBILITY TO CONTROL WORKMANSHIP, SUBSTITUTION OF MATERIALS, ADHERENCE TO SPECIFICATIONS, VARIATIONS TO CONTRACT E.T.C.

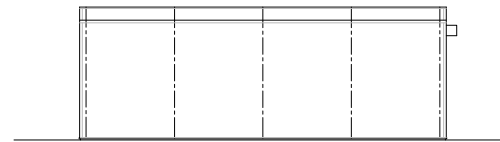
BEFORE ANY MECHANICAL EXCAVATION TAKES PLACE A THOROUGH CHECK TO BE UNDERTAKEN FOR ANY UNDERGROUND SERVICES WITHIN THE AREA OF ALL EXCAVATIONS. IF THERE IS ANY DOUBT AS TO THE PRESENCE OF ANY SERVICES HAND EXCAVATED TRIAL HOLES TO BE CAREFULLY UNDERTAKEN TO CHECK FOR THEIR PRESENCE.

THIS DRAWING REPRESENTS AN AS MEASURED LAYOUT OF THE EXISTING PREMISES FOR THE SOLE PURPOSE OF INDICATING AN OVERALL SCHEME AND NO DIMENSIONS MUST BE SCALED FROM THIS DRAWING

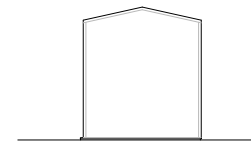
N.B. Please note all internal dimensions are to face of blockwork and not to plastered finishes.



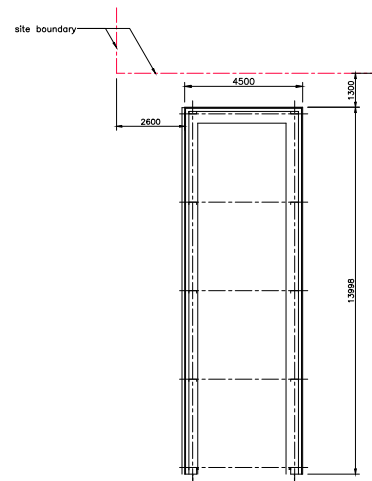
front elevation



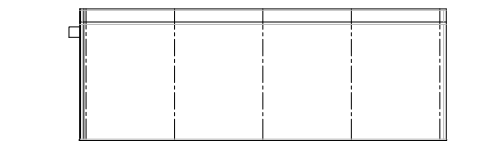
side elevation



rear elevation



layout plan



side elevation

external facing materials

- 1) all roof cladding, ridge flashing, wall cladding and trims etc – Juniper Green profiled steel sheeting.

all the work indicated on this drawing must comply with Health & Safety CDM 2015 Regulations; further information can be obtained at hse.gov.uk L153

Date	Issue	Description
06/09/21	0	Planning application issue.



JD Associates (Design Consultants) Ltd,
 3 St James Road, Brigg, N Lincs. DN20 8DU.
 Tel: 07813 832310 e-mail: designs@jdassociates.co.uk

Client
Glanford Boat Club,
 Coal Dyke End, Island Carr Road,
 Brigg, N Lincs, DN20 8PD.

Project
Garage to house mobile crane,
 Glanford Boat Club, Coal Dyke End,
 Island Carr Rd, Brigg, DN20 8PD.
GA drawing for retrospective Planning Permission.

Date: July 2021	Scale: 1:100	Drawn: AI
172021-01	Issue	



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APPLICATION NO	PA/2022/1848
APPLICANT	T Nothard, Homeacres Farm Ltd
DEVELOPMENT	Outline planning permission to erect a dwelling and garage with all matters reserved for future consideration
LOCATION	Land opposite Paddock View, West End, Garthorpe, DN17 4RX
PARISH	Garthorpe and Fockerby
WARD	Axholme North
CASE OFFICER	Paul Skelton
SUMMARY RECOMMENDATION	Refuse
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Julie Reed – significant public interest)

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

H5 – New Housing Development

H8 – Housing Design and Housing Mix

RD2 – Development in the Open Countryside

HE5 – Development affecting Listed Buildings

T1 – Location of Development

T2 – Access to Development,

T19 – Car Parking Provision and Standards

DS1 – General Requirements

DS11 – Polluting Activities

DS14 – Foul Sewage and Surface Water Drainage

DS16 – Flood Risk

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering more Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design in North Lincolnshire

CS6 – Historic Environment

CS7 – Overall Housing Provision

CS19 – Flood Risk

CS25 – Promoting Sustainable Transport

Housing and Employment Land Allocations Development Plan Document:

Policy PS1 – Presumption in favour of sustainable development

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

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

SS1 – Presumption in Favour of Sustainable Development

SS2 – A Spatial Strategy for North Lincolnshire

SS3 – Development Principles

SS5 – Overall Housing Provision

SS6 – Spatial Distribution of Housing Sites

SS11 – Development Limits

H2 – Housing Mix and Density

RD1 – Supporting Sustainable Development in the Countryside

DQE1 – Protection of Landscape, Townscape and Views

T1 – Promoting Sustainable Transport

DM1 – General Requirements

CONSULTATIONS

Highways: No objection subject to a standard condition requiring access, parking and turning space to be provided and maintained, prohibition of loose material within 10m of the highway and provision of suitable visibility, and an informative note regarding works on the highway.

LLFA Drainage: No objection subject to conditions preventing surface water run-off to and from the highway, and an informative note regarding increasing surface water storage.

Environmental Protection: Object. The proposed dwelling is adjacent to a working farm, and a barn which is used as a joinery workshop. Whilst the noise arising from the workshop could be controlled, no control is possible over activity from the farm.

Also advise that the application for residential development is a sensitive end use. The proposed site is a brownfield site which has previously been developed and has historically been used as an agricultural area. There is, therefore, the potential for the site to have been impacted upon by contamination. This may include metals, PAHs, petroleum hydrocarbons and asbestos, which are harmful to human health. A phase 1 contaminated land assessment should therefore be submitted prior to determination so the council can decide whether further assessment is required. If the council is minded to grant permission without this advice, contrary to the Environmental Protection Officer's advice, then conditions are suggested.

Environment Agency: No objection subject to a condition to secure flood risk mitigation measures. Nevertheless, advise the council needs to apply the sequential test and consider whether it has been satisfied. Where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, there will always be some remaining risk that the development will be affected either directly or indirectly by flooding. A failure to satisfy the sequential test can be grounds alone to refuse planning permission.

PARISH COUNCIL

Object to this application because the proposed access/egress to/from the property will be opposite a number of residential properties which have no off-street parking facilities, so it is considered that existing parking by residents on the street will limit safe egress and access.

PUBLICITY

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

ASSESSMENT

Planning history

The relevant planning history for the site is as follows:

Outline planning permission to erect a dwelling on the site (PA/2020/428) was refused in May 2020 due to a failure to pass the sequential test for flood risk, and because it had not been demonstrated that an acceptable level of amenity for future residents could be achieved without placing unreasonable restrictions on existing businesses and facilities.

In 2014, an application was made to determine whether prior approval was required for a change of use of the neighbouring agricultural building at Homeacres Farm to a joinery business under permitted development rights. Remaining buildings and the yard were not included in the application and therefore retain their agricultural use. It was determined that prior approval was not required and as such there are no conditions restricting the joinery business.

Directly opposite is a new dwelling which was permitted in 2020 (PA/2019/1534) in the garden of Paddock View. That site falls within the settlement boundary and therefore the principle of development was considered acceptable.

The site and its location

The application site lies to the south of West End, just outside the settlement boundary of Garthorpe. To the north, on the opposite side of the road, is a row of detached and semi-detached houses. To the west is the yard and buildings of College Farm. To the east are the buildings and yard of Homeacres Farm, where, as discussed above, one of the buildings now houses a joinery business.

Further to the south is a grade II listed converted barn. Beyond Homeacres Farm to the east is Mulberry Garth, a grade II listed dwelling.

The application site itself is an overgrown patch of land which appears used only for the storage of old equipment, pallets and other items associated with the farm business.

The development

The application proposes a single detached dwelling. All matters are reserved for future consideration. The Design and Access Statement (DAS) submitted with the application confirms that access would be made directly onto West End.

The DAS claims that the site is in accordance with local planning policies as it is an infill plot and on brownfield land (see below) and will meet local needs and help meet the council's housing target. Furthermore, it is suggested that the development would support local services in Eastoft and Crowle, and is an opportunity for the village to grow and thrive.

Material considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning

Act states that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the development plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations.

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

The key issues for consideration for this application are the principle of development, heritage, living conditions, flood risk and highway safety.

The principle of development

The site is outside the settlement boundary of Garthorpe, as defined by the Housing and Employment Land Allocations DPD (HELA), in an area where new housing is strictly controlled by development plan policies. The development boundary is unchanged at this location in the emerging local plan.

Because the site is outside the development boundary, it is treated in policy terms as being in the open countryside. Saved local plan policy RD2 sets out that development in the open countryside will be strictly controlled. This policy only supports residential development outside defined development limits in certain circumstances, none of which apply in this case.

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

The DAS indicates that the development accords with policy CS2 because it is a suitable infill plot, however this only relates to market towns and is not relevant here. Reference is also made to the site being previously developed land, however the application site is part of the agricultural use at Homeacres Farm. Whilst one of the buildings at the site was changed to a joinery business following the prior approval application in 2014 referred to above, this did not include the application site. On that basis, the authorised use of the site is agriculture, which is expressly excluded from the definition of previously developed land in the NPPF.

Policies CS3 and CS8 similarly strictly limit housing development outside development boundaries to that which is essential to the functioning of the countryside. The DAS states that the site is within the limits of the settlement, which it demonstrably is not as it falls outside the settlement boundary defined in the HELA. The DAS also suggests that policy CS3 allows for some greenfield development, however this is only in the context of the

strategy set out in policies CS1 and CS2. Similarly, the DAS suggests that policy CS8 supports the application as it provides support for 'suitable infill opportunities' in built-up areas, however again, this must be read in the context of the overall strategy set by policies C2 and C3 which strictly limits development outside defined settlement limits (as is also referred to in policy CS8).

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

Whilst the DAS refers to the NPPF and the consequences of not having a five-year supply of deliverable housing sites, it should be noted that the council is able to demonstrate a five-year housing land supply as identified within the North Lincolnshire Council Five Year Housing Land Supply Statement, August 2023. Therefore, full weight can be attributed to the local plan and local development framework policies and the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged.

In these circumstances, paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. In this case therefore, planning permission should be refused unless material considerations indicate that the development plan should not be followed in this case.

Heritage

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 CS6, 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 there are two listed buildings close to the application site. To the rear of the site is The Granary, a converted barn. The setting of this building is an agricultural one, but also one which comprises residential development given its location on the edge of Garthorpe. Similarly Mulberry Garth is a dwelling within a largely residential setting on West End, with the large buildings at Homeacres Farm between it and the application site. The provision of a dwelling on the application site, which is largely overgrown and used for incidental agricultural storage, would not cause harm to the settings of these buildings, subject to their detailed design which would be addressed at reserved matters stage.

Living conditions

Local plan policy DS1 states, '...no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.' Policy DS11 sets out that planning permission will only

be granted, *inter alia*, where proposals do not create adverse environmental conditions likely to affect nearby developments and adjacent areas.

Policy H5 development requires that new housing development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings.

Core Strategy policy CS5 requires new development to consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area. The function of buildings should also be considered in terms of its appropriateness for the context in which it is located.

Paragraph 130(f) of the NPPF requires new development to create places which, *inter alia*, promote health and well-being, with a high standard of amenity for existing and future users. Paragraph 185 provides that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

Paragraph 187 of the NPPF makes it clear that new development should be capable of being integrated effectively with existing businesses. Existing businesses should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

Because of its location, there would be no undue impacts arising from the provision of a new dwelling on the site on nearby dwellings.

As described above, the site is set immediately adjacent to two commercial enterprises. The previous application was refused, amongst other things, on the grounds that it had not been demonstrated that there would be an acceptable level of amenity for future residents without placing unreasonable restrictions upon existing businesses. To address this, the applicant has submitted an acoustic report in support of the application.

To the east is the yard and buildings related to Homeacres Farm. These buildings and yard are understood to be within the same ownership as the application site. According to the planning history for the site, one of the buildings on that site has authorised use as a joinery business. The authorised use of the rest of the land, including the other buildings and yard (and including the application site), remains agricultural. Whilst the acoustic report submitted with the application indicates that the site is not currently used for agricultural use, such use could resume at any stage without the need for planning permission.

Because the joinery business was created using permitted development rights there are no planning conditions restricting its operation. The Environmental Health Officer has confirmed that, subject to the recommended mitigation measures set out in the acoustic report, they are satisfied the noise climate from sources within the buildings could be adequately controlled. Nevertheless, noise from external sources, particularly if activity in the yard areas were to increase, could not be adequately controlled.

This is even more the case with the neighbouring College Farm to the west which is outside the applicants' control and which the Environmental Health Officer advises there is no control over from their perspective. Exposing residents of a new dwelling to harmful sources of noise from the east and west would be likely to give rise to unacceptable noise and disturbance which would harm the living conditions of future residents. Whilst there would be possible mitigation in the design of a new dwelling, this would be likely to rely on windows being closed, particularly in the summer months when activity at College Farm can be expected to be greater.

In this case, it is not only the impact of the neighbouring uses on the proposed dwelling, but also the implications on the neighbouring business should the dwelling be permitted that need to be considered. Because the relationship between the land and buildings at College Farm is so close, there is no way of satisfactorily mitigation impacts arising from the activities there. If permission were to be granted and a dwelling built, this could mean that the farm business at College Farm could have restrictions placed upon it meaning that its ability to carry out the business on the site would be severely impacted.

Aside from the noise pollution arising from the neighbouring uses, there is also significant potential for the proposed dwelling to be affected by the presence of existing buildings. Whilst the application is made in outline, it can reasonably be assumed that the garden for the proposed dwelling would be to the south (rear) of the plot and there would be parking/turning space at the front of the site, facing West End. On that basis, it is highly likely that the whole of the eastern boundary of the garden of any new dwelling would be flanked by the side wall of the buildings at Homeacres Farm. Part of the western boundary would also be flanked by one of the agricultural buildings at College Farm. The presence of these buildings means that the rear of the house, and its garden would have extremely poor outlook and the buildings would have an overbearing impact on the proposed garden, the light to which would also be unduly affected.

Overall, in light of the above, the previous reason for refusal has not been adequately addressed. The proposed development would be likely to be subject to unacceptable levels of noise and disturbance and/or could result in unacceptable restrictions placed upon the neighbouring farm business. Overall, the environment for future residents would be extremely poor and for these reasons the proposals are contrary to policies H5, D1 and DS11 of the North Lincolnshire Local Plan, policy CS5 of the Core Strategy and guidance contained in the NPPF.

Flood risk

The site lies in flood zone 2/3 (a) tidal as defined in the North Lincolnshire Flood Risk Assessment, and flood zone 3 of the Environment Agency flood map for planning. The site is therefore located in the area at highest risk if flooding.

Saved policy DS16 of the local plan sets out that development will not be permitted in floodplains where, amongst other things, it would increase the number of people or buildings at risk. Core Strategy policy CS19 supports a risk-based sequential approach to development where development in high-risk areas will only be permitted where it can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk. Development should also be on previously developed land (unless there is no reasonable alternative) and must be demonstrated to be safe, without increasing flood risk elsewhere. Policy DQE5 of the emerging local plan states that risk and impact of flooding will be minimised by, amongst other things, directing

development to areas with the lowest possible risk of flooding. Development in flood risk areas must pass the sequential test. The policy makes it clear that:

‘The sequential test will be based on a **district-wide** area of alternative sites unless local circumstances relating to the catchment area for the development justify a reduced search area (i.e. there is a specific need for the development in that location).’

This sequential approach reflects government guidance in the NPPF and Planning Practice Guidance. Paragraph 159 of the NPPF states that Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Paragraph 162 confirms that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Paragraph 163 introduces the exceptions test only if it is not possible for development to be located in areas with a lower risk of flooding. To pass the exception test 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.

Both elements of the exception test should be satisfied for development to be allocated or permitted (paragraph 165).

It is not the case that all development in flood risk areas will be prevented by the proper application of the sequential test. In areas where the local plan supports development, for example within settlement boundaries, development can proceed provided that there are no reasonably available sites within areas of lower flood risk. The site in this case is not within the development boundary and conflicts with the council’s strategic housing policies as set out above. In that case, the area of search for alternative sites should be district-wide, unless there is a specific need for the development in that location.

The area of search carried out by the applicant’s agent in respect of the current application is ‘restricted to Garthorpe and Fockerby’. There is no justification as to why the area of search has been so restricted, nor why it is essential for the development to proceed in this location despite the flood risk policy objection. Even if there were a reason for such a restricted area of search, the applicant has not sought to address the exceptions test in accordance with the requirements of the NPPF.

Whilst the flood risk assessment has demonstrated that the development would be safe, in light of the above, and in the absence of a robust, policy-compliant sequential test, it has not been demonstrated that there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding within North Lincolnshire. The application therefore conflicts with policy DS16 of the North Lincolnshire Local Plan, Core Strategy policy CS19, and guidance within the National Planning Policy Framework and Planning Policy Guidance. This conflict with policy weighs heavily against the proposals in the overall planning balance.

Highway safety

Local plan policy T2 requires all development to be provided with a satisfactory access. The NPPF, at paragraph 110(b), requires safe and suitable access to the site to be achieved for all users. Paragraph 111 advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts would be severe.

The proposed dwelling would be served by an access onto West End which is a cul-de-sac and it can be assumed that vehicle speeds would be low. Whilst there is access to College Farm and Homeacres Farm, it appears that the majority of traffic accessing these sites does so from the south, off Luddington Road (although there do not appear to be any restrictions in place that this must be the case).

It does appear that there would be space for providing sufficient space to vehicles to leave and enter the highway in forward gear, however this would have knock on effects on the acceptability of the proposal as a whole as the dwelling and garden would then be sited immediately adjacent to the commercial buildings on either side of the plot as described above.

The parish council's comments are noted and West End is narrow at the point where access would be made and properties opposite clearly use the street at this point to park (as most of the properties on the north side of the street do not have on-site parking). The width of the plot frontage does give scope for a wider than normal bellmouth which may allow vehicles to access the road even with cars parked opposite and, on balance, it is considered that this could be fully considered at reserved matters stage.

The Highways Officer has been consulted and raises no objection subject to the parking/turning areas being provided and maintained for the lifetime of the development. Overall, it is not considered that the additional traffic arising from the provision of a single additional dwelling would result in any significant highway dangers/hazards.

In light of the above, there is no objection on transport/highway safety grounds.

Conclusions and planning balance

As set out above, s38(6) of the 2004 Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this case there is a clear conflict with the development plan as the site is located outside any recognised development boundary. This conflict must be given substantial weight in the overall planning balance.

The proposal therefore conflicts with the development plan strategy for the area and the presumption is therefore that planning permission should be refused unless there are material considerations which indicate otherwise.

There would be no harm to the setting of nearby heritage assets.

The social and economic benefits of the proposal are very limited as the proposal seeks only a single dwelling.

Against these benefits, in addition to the conflict with the development plan, are the harms arising from the location of the site in a high flood risk area, without a robust sequential test having been carried out.

Furthermore, future residents would be subject to unacceptable impacts on their amenity due to the location of the site wedged in between two commercial uses. It is also possible that permitting a dwelling in such close proximity to the agricultural business at College Farm would result in unreasonable conditions being placed on the business which could affect its ability to function effectively.

For these reasons, the proposals do not represent sustainable development and it is recommended that the application is refused.

RECOMMENDATION Refuse permission for the following reasons:

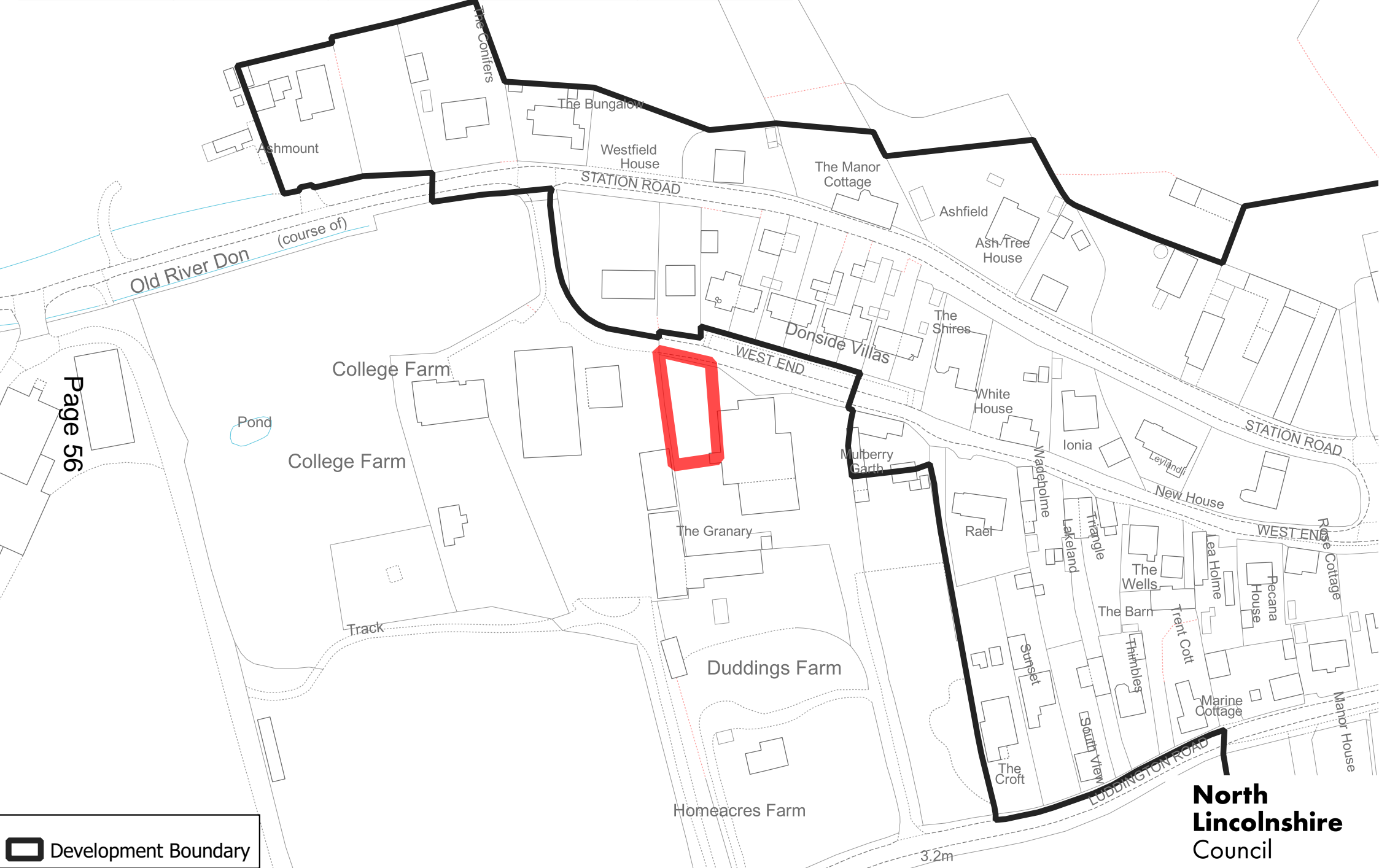
1.
The site lies outside any defined settlement limits in a location where new housing development is strictly limited and there are no other specific exceptions/circumstances defined in the Development Plan which indicate that permission should be granted. The proposal does not therefore meet the strategy for the distribution of new housing in North Lincolnshire and would not represent sustainable development, contrary to saved policy RD2 of the North Lincolnshire Local Plan, and policies CS1, CS2, CS3 and CS8 of the North Lincolnshire Core Strategy.

2.
It has not been demonstrated that there are no alternative sites available that could accommodate the proposal in an area with a lower probability of flooding. The proposal is therefore contrary to saved policy DS16 of the North Lincolnshire Local Plan, policy CS19 of the North Lincolnshire Core Strategy, and government guidance set out in the National Planning Policy Framework (September 2023) and Planning Practice Guidance.

3.
It has not been demonstrated that an acceptable level of amenity can be achieved for future residents without placing unreasonable restrictions upon existing business and facilities. The proposal is therefore contrary to saved policies H5, DS1 and DS11 of the North Lincolnshire Local Plan, policy CS5 of the North Lincolnshire Core Strategy and advice contained in section 15 of the National Planning Policy Framework (September 2023).

Informative

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



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 Development Boundary

**North
Lincolnshire
Council**

PA/2022/1848

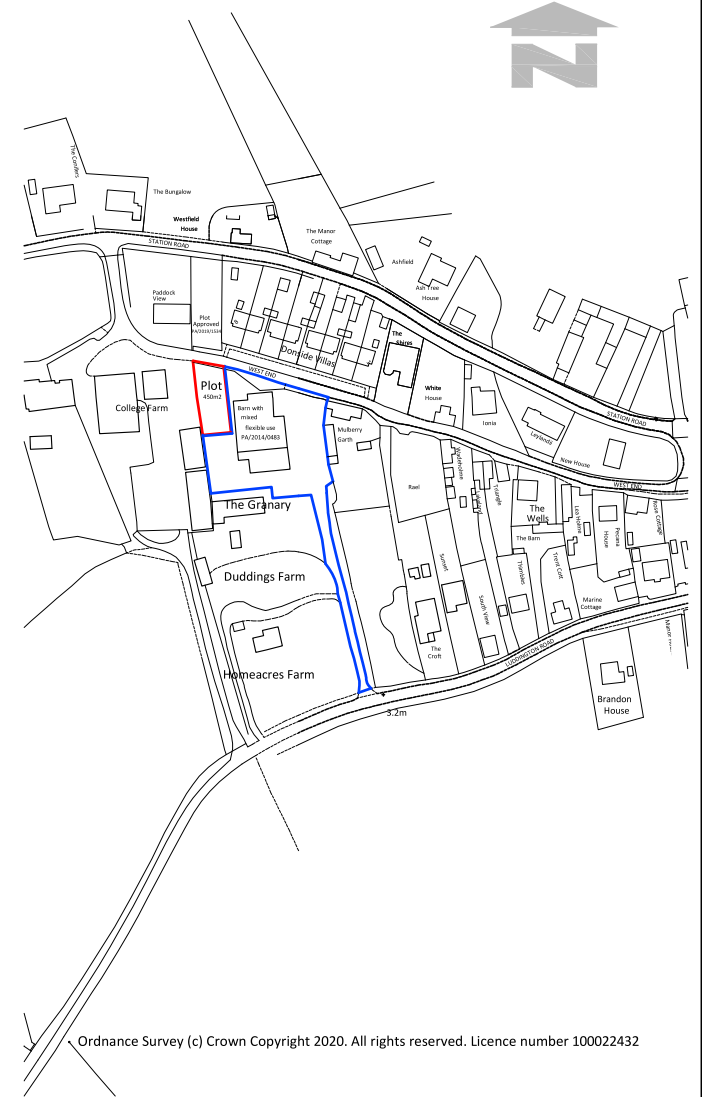
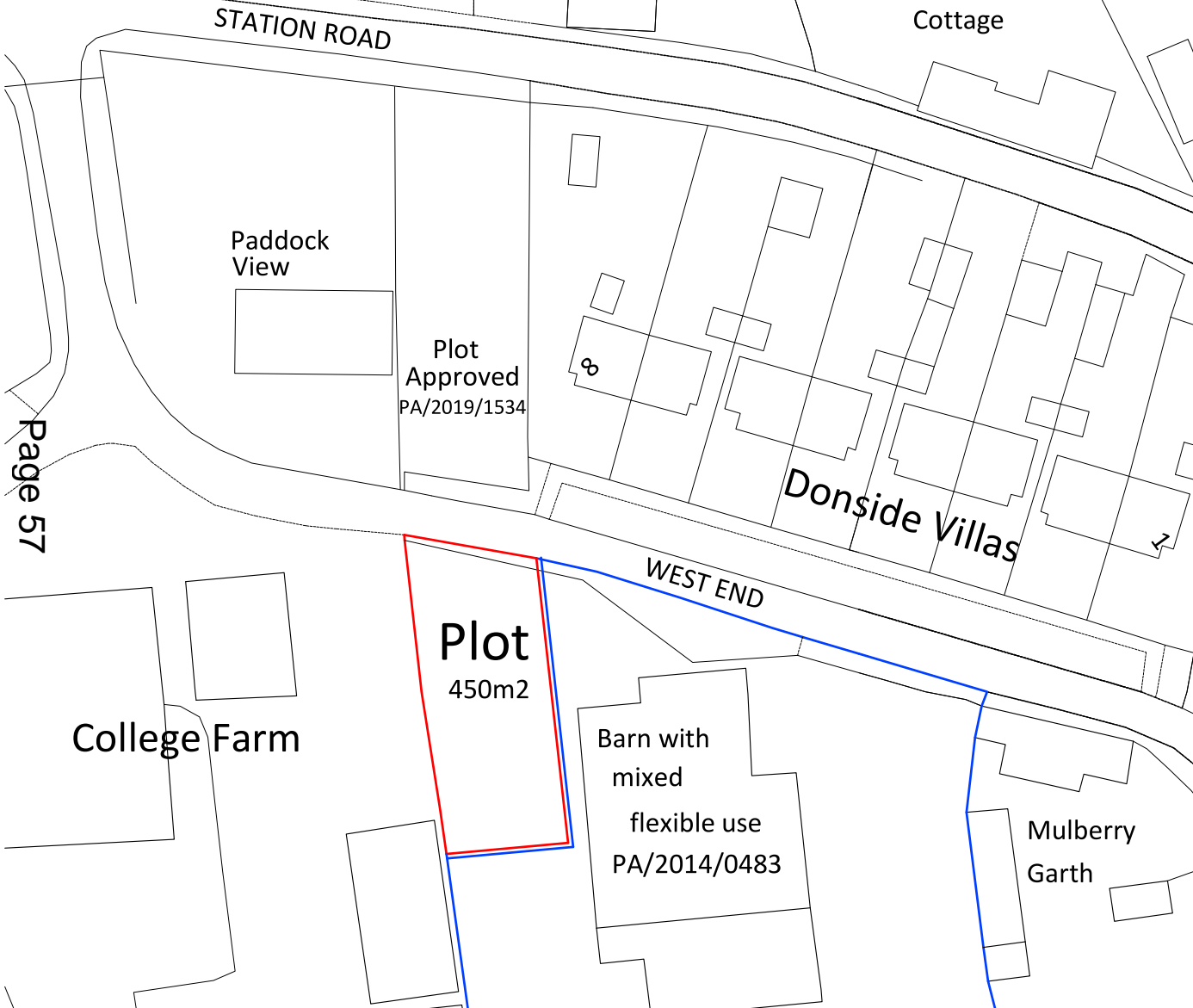
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PA/2022/1848 Proposed layout (not to scale)

Block Plan 1:500 Westfield House

The Manor Cottage

Location Plan 1:1250



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Howard J Wroot BSc MRICS
Chartered Surveyor
240 Wharf Road, Ealand
Scunthorpe DN17 4JN

Tel 01724 711068
Fax 01724 710174
Mob 07947 226577

Client	Homeacres Farm Ltd		
Date	12/3/20	Dwg No	1 of 1
Scale	As noted	Ref No	1009-20

Proposal	One residential building plot opposite Paddock View, West End, Garthorpe, DN17 4RU
Drawing	Location and Block Plans



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APPLICATION NO	PA/2023/312
APPLICANT	Mr J K Costello
DEVELOPMENT	Planning permission for an extension to an existing commercial unit to be used for valeting cars
LOCATION	James Street Yard, James Street, Brigg, DN20 8LS
PARISH	Brigg
WARD	Brigg and Wolds
CASE OFFICER	Paul Skelton
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Brigg Town Council

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 6 – Building a strong, competitive economy

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed places

North Lincolnshire Local Plan:

IN3 – Industrial and Commercial Development

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

CS11 – Provision and Distribution of Employment Land

CS25 – Promoting Sustainable Transport

Housing and Employment Land Allocations Development Plan Document:

Policy PS1 – Presumption in favour of sustainable development

Inset 10 – Brigg, Scawby Brook and Castlethorpe

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

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

SS1 – Presumption in Favour of Sustainable Development

SS2 – A Spatial Strategy for North Lincolnshire

SS3 – Development Principles

SS8 – Employment Land Requirement

SS11 – Development Limits

EC2 – Existing Employment Areas

DQE1 – Protection of Landscape, Townscape and Views

T1 – Promoting Sustainable Transport

DM1 – General Requirements

CONSULTATIONS

Highways: No objection subject to the use being tied to the neighbouring car sales business.

LLFA Drainage: No objection subject to a condition requiring a detailed surface water drainage scheme for the site.

Environmental Protection: Raise concerns about potential contamination. If permission is to be granted, request a contaminated land condition be included.

TOWN COUNCIL

Objection:

- The Manley Garden ponds are directly behind the proposal and excess water will increase the risk of flooding in this area.
- The drainage for foul water in the proposed plans is inadequate. This foul water will be contaminated with chemicals.
- There is insufficient parking in this area. Outside the proposals there are double yellow lines and moving the development to the boundary of the property takes away any parking that may have been available before.

PUBLICITY

The application has been advertised by site notice displayed. No comments have been received from members of the public.

ASSESSMENT

The site and its location

The application site comprises an existing industrial premises at the southern end of St James' Yard, Brigg. The unit is occupied by an auto engineering business and comprises a small lean-to style building and concrete yard.

To the south is open land, with a pond to the south-west, towards the southern end of Manley Gardens. To the east is a dwelling, 33a Manley Gardens. To the north is a similar commercial unit and to the west is a car sales business, which the proposed development is intended to serve.

Planning history

A certificate of lawfulness for an existing use as a scrap metal store (reference: LDC/1993/0006) was granted in 1993.

Furthermore, planning permission was granted on appeal for a dwelling to the east of the site (now known as 33a Manley Gardens) in April 2005 (reference: PA/2004/1173).

The development

The application was originally submitted with the description 'Erection of new commercial unit'; however, through the application process the proposal has been clarified and it is intended that the proposed unit would be used solely for the valeting of cars associated with the neighbouring car sales business. The description has thus been amended to reflect that.

The applicant's agent has confirmed that the valeting will be 'dry' only as no car washing would take place on the application site. The activities will be internal cleaning/polishing and detailing, so there would be no risk of water contamination. It has also been confirmed that no additional parking is required as this enterprise is proposed to service the car sales business next door and is not a 'drive in' type service which would generate visitors.

The proposed extension would have a floor area of 91 square metres. The design would replicate the lean-to style of the existing building, with the eaves height at the front measuring approximately 3.5 metres and the rear wall some 4.5 metres, both of which are lower than the existing building. The building would be constructed of corrugated metal sheeting, with two roller shutter doors to the front.

Material considerations

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

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

The main issues for consideration are the principle of development, impact on neighbouring property/contaminated land, accessibility and highway safety, and flood risk and drainage.

The principle of development

The site is within the settlement boundary of Brigg, as defined by the Housing and Employment Land Allocations DPD. Core Strategy policy C2 supports, among other things, development on previously developed land and buildings within the principal growth settlements, including Brigg. Policy CS5 requires high quality design which reflects guidance in saved local plan policy DS1 and the NPPF. Policy SC11 supports the continued expansion of the area's economy in order to create a step change in the area's role regionally and nationally.

Paragraph 81 of the NPPF sets out that significant weight is placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

The application site is in a sustainable location where the Development Plan supports business development. The principle is therefore acceptable subject to detailed policy requirements, discussed below.

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

Impact on neighbouring property/contaminated land

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

land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.’

Policy DS5 of the local plan requires that new development must cause no harm to local amenity, including the amenity of neighbouring occupants. Proposals should not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings.

The Environmental Protection Officer has been consulted and has raised some concerns about the nature of the use and the potential for contaminated land. It should be noted that immediately to the east is the residential property 33a Manley Gardens.

In terms of the proposed use, as referred to above, it has been clarified that this would be ancillary to the existing use of the neighbouring car sales business. It would not, therefore, be open to the public and only used to valet the company’s own vehicles. Hours of operation would match those of the existing unit. It should be borne in mind that the valeting of vehicles could be carried out in the open air on the site as it stands (albeit this would not always be possible due to weather conditions), and the provision of the building would minimise any impacts on neighbouring properties.

It should also be borne in mind that the neighbouring property, 33a Manley Gardens, was built after the commercial use of the application site commenced and was designed to take this into account, at a time when the lawful use of the site (established by the 1993 certificate of lawfulness) was for the storage of scrap metal. The applicant for that dwelling, the local planning authority, and a Planning Inspector considered that relationship to be acceptable. It is not considered that a more low-key use, housed within a building, would cause any greater harm than the previously authorised use.

On that basis, and given the nature and scale of the operations, it is not considered reasonable to require detailed noise information, and it is not considered that the proposed building, nor its proposed use, would give rise to unacceptable impacts on neighbouring properties.

In terms of contamination, given the history of the site, it is possible that contaminants would be found; however, given the proposed use in this particular case, it is considered reasonable that this can be addressed by planning conditions, as recommended below.

Accessibility and highway safety

Policy T1 of the local plan provides that development will be permitted where there is good foot, cycle and public transport provision or where there are opportunities for foot, cycle and public transport to be provided. Local plan policy T2 requires all development to be provided with a satisfactory access. The NPPF, at paragraph 110(b), requires safe and suitable access to the site to be achieved for all users. Paragraph 111 advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts would be severe.

As set out above, the site is within the settlement boundary of Brigg and has good accessibility within the town and beyond. The access currently serves the existing use and, given that the site is proposed to be used in conjunction with the neighbouring use, would not give rise to a significant number of vehicles using the existing access.

The Highways Officer has been consulted and initially raised concerns due to the narrowness of the access road and limited on-site turning space. Nevertheless, with the clarification that the proposal simply seeks to extend the existing use by providing indoor valeting, it is not considered that the proposal would result in a significant increase in the number of vehicles likely to use the site and would not involve regular visits by members of the public. A condition is recommended to ensure that the building is used in conjunction with the existing use on the site.

In light of the above, there is no objection on transport/highway safety grounds.

Flood risk and drainage

The site is within SFRA flood zone 2/3(a) fluvial. The NPPF and planning practice guidance support a pragmatic approach when dealing with minor developments. This is a small extension to an existing commercial premises and the principle of development is therefore considered acceptable in this instance in relation to flood risk. A Flood Risk Assessment has been submitted which concludes that the proposed extension is not at significant flood risk, and would not increase flood risk to others, subject to the recommended flood mitigation strategies being implemented.

The LLFA have been consulted and raise no objection to a condition requiring the approval and implementation of a detailed surface water drainage scheme. The LLFA have also commented specifically in response to the town council's concerns. The LLFA advise that the watercourse the town council refer to is approximately 40 metres from the southern boundary of the development and so would not be directly affected by the proposals. It is considered that any concerns in this respect would be addressed by the suggested condition which requires the existing surface water drainage system and outfalls to be fully investigated. No objections have been raised by technical consultees in respect of foul drainage and whilst the town council's comments are noted, this is a matter which would be addressed under the building regulations.

Conclusions and planning balance

As set out above, the principle of development is acceptable. There are no unacceptable impacts in respect of neighbouring property, highway safety or drainage, and the proposal would give rise to, albeit limited, economic benefits. It is therefore recommended that permission is granted subject to the conditions set out below.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

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

- BR/DE/MF/02 (Proposed floor layout, existing elevations, proposed elevations)
- BR/DE/MF/03 (Proposed site layout).

Reason

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

3.

The development hereby permitted shall be used solely for the valeting of vehicles in conjunction with and ancillary to the existing business at the site edged blue on the attached plan (Drawing number BR/DE/MF/04). The use shall at no time be open to visiting members of the public.

Reason

Separate use of the site as a stand-alone enterprise would require further assessment of highway and amenity impacts.

4.

The external facing materials used in the construction of the development hereby permitted shall match those of the existing building.

Reason

In the interests of good design.

5.

The use hereby permitted shall only operate between the following hours:

- 8.30am to 6.30pm Mondays to Saturday; and
- 10am to 4pm on Sundays, Bank Holidays and Public Holidays.

Reason

To define the terms of the permission in the interests of residential amenity in accordance with saved policy DS1 of the North Lincolnshire Local Plan.

6.

The development hereby permitted shall not be first brought into use until a detailed surface water drainage scheme for the site has been completed in accordance with details which have first been submitted to and approved in writing by the local planning authority. Once implemented, the drainage scheme shall be thereafter retained and maintained in accordance with the approved details for the lifetime of the development. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime so that flood risk, both on and off the site, is not increased. SuDS must be fully considered in accordance with current PPG guidance. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

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

7.

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.

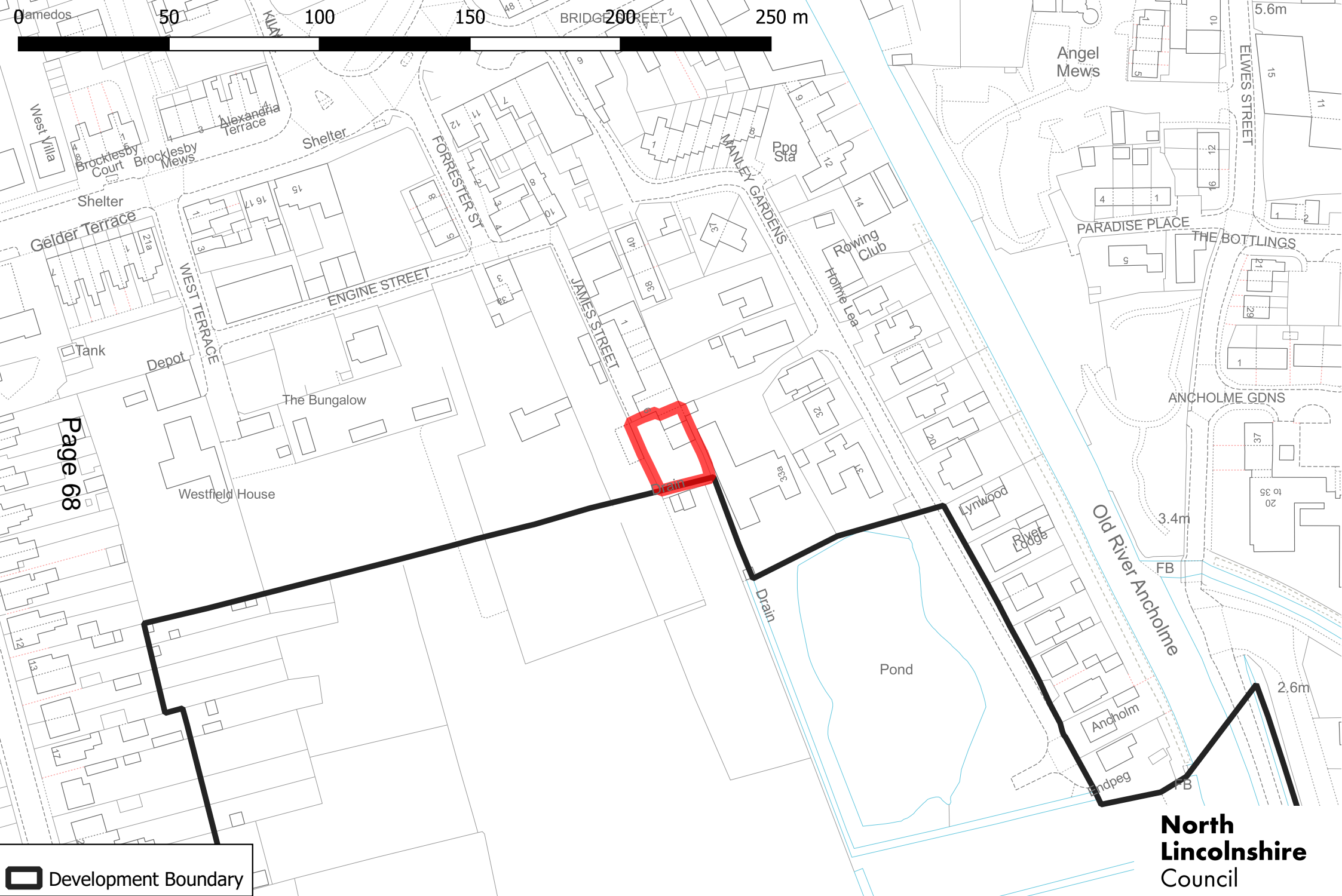
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

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

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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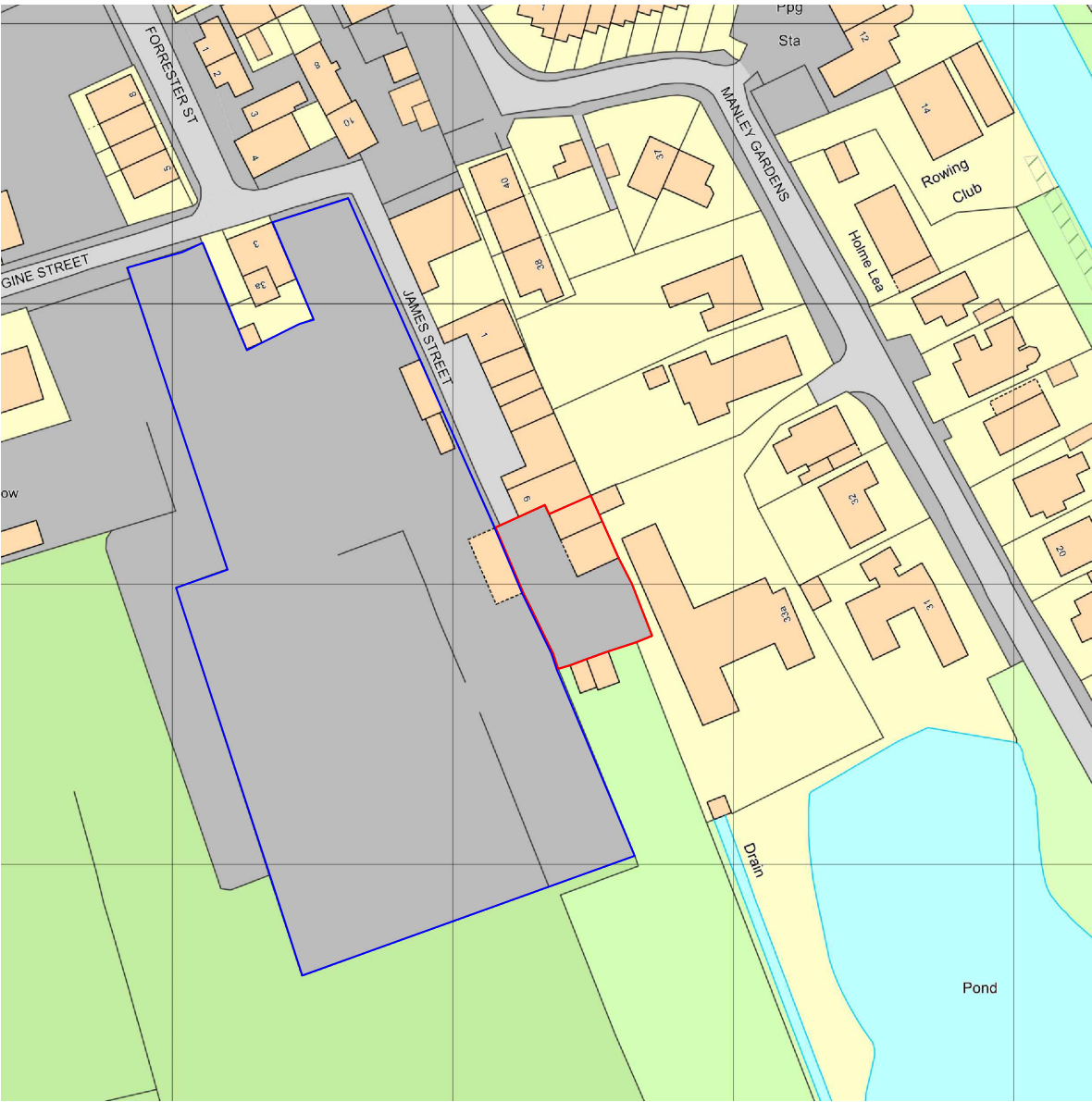
 Development Boundary

PA/2023/312

**North
Lincolnshire
Council**

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Block Plan
Scale 1:1250



key:
 application site ——— red line
 neighbouring business ——— blue line



Proposed extension of commercial building
 James Street, Brigg.
 Client: Drury Engineering Ltd

Issue Status	
Consultation	
Preparation	X
B-Steps	
Construction	

Title:
 Block plan



Proposed site layout
Scale 1:200

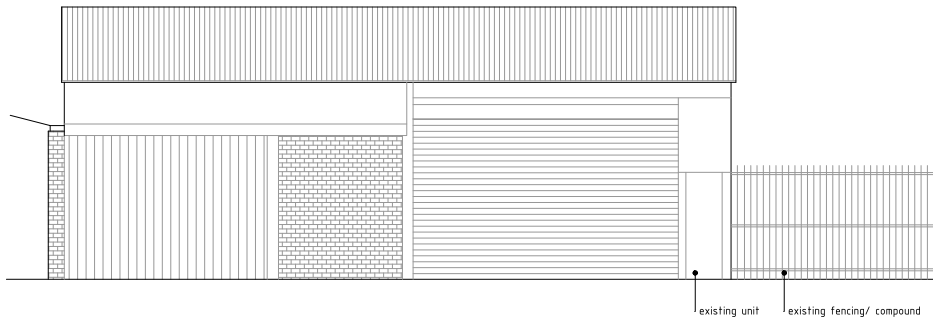


Proposed extension of commercial building
James Street, Brigg.
Client: Drury Engineering Ltd

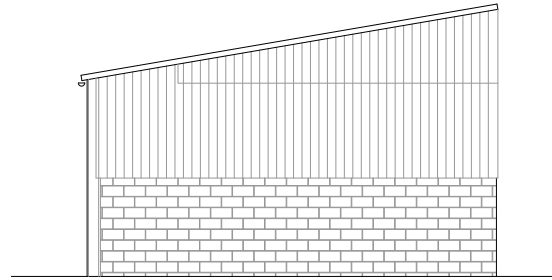
Issue Status	
Consultation	
Planning	X
B Reps	
Construction	

Title:
proposed site layout

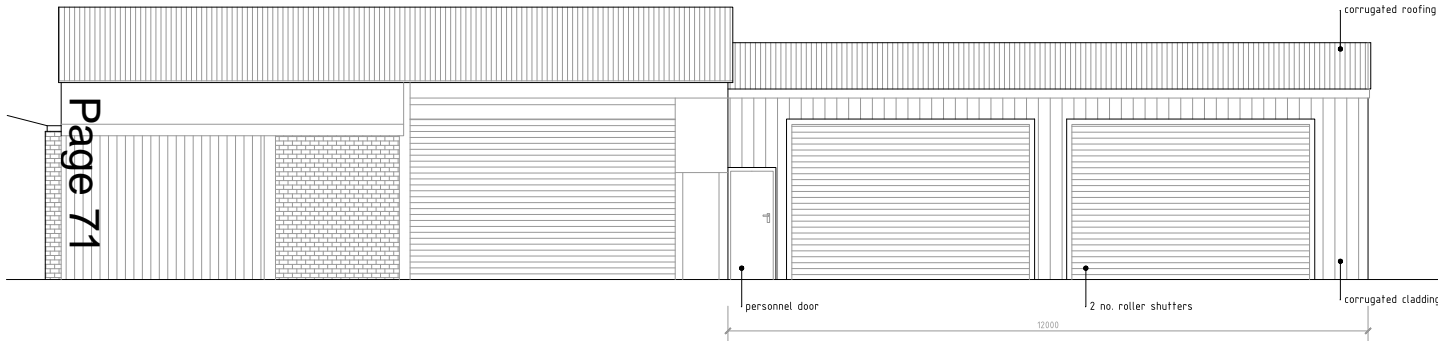
PA/2023/312 Proposed layout and elevations (not to scale)



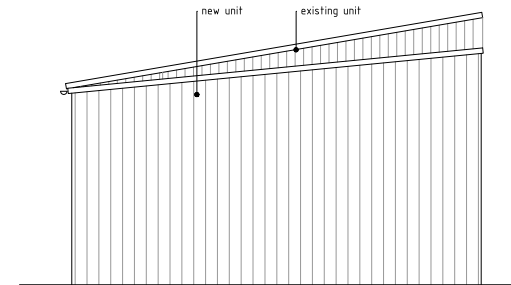
existing front elevation
Scale 1:50



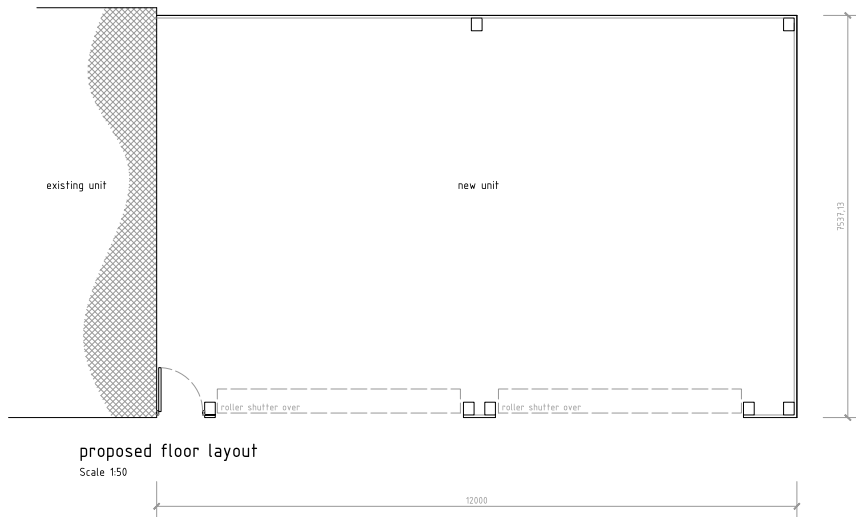
existing side elevation
Scale 1:50



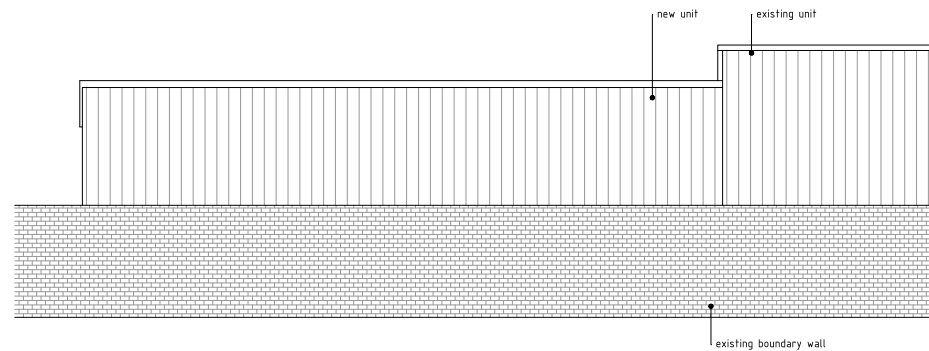
proposed front elevation
Scale 1:50



proposed side elevation
Scale 1:50



proposed floor layout
Scale 1:50



proposed rear elevation
Scale 1:50



Proposed extension of commercial building
James Street, Brigg.
Client: Drury Engineering Ltd

Issue Status	
Consultation	
Planning	X
B Stage	
Construction	

Title:
proposed floor layout
existing elevations
proposed elevations

FLYNN
ARCHITECTURE

Draw No: BR/DE/MF/02
Scale: as indicated @ A1
Date: 28/02/2023

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APPLICATION NO	PA/2023/424
APPLICANT	Mr James McDonald, Micro pub 1
DEVELOPMENT	Planning permission for change of use from residential outbuildings to a micropub, including enclosing of existing covered area
LOCATION	Kingswell, Howe Lane, Goxhill, DN19 7HU
PARISH	Goxhill
WARD	Ferry
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Goxhill Parish Council

POLICIES

National Planning Policy Framework:

Chapter 2: Achieving Sustainable Development

Chapter 4: Decision-making

Chapter 6: Building a strong, competitive economy

Section 7: Ensuring the vitality of town centres

Chapter 8: Promoting healthy and safe communities

Chapter 9: Promoting sustainable transport

Chapter 12: Achieving Well-designed Places

North Lincolnshire Local Plan:

Policy DS1: General Requirements

Policy DS4: Changes of Use in Residential Areas

Policy DS14: Foul Sewage and Surface Water Drainage

Policy DS16: Flood Risk

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

North Lincolnshire Core Strategy:

Policy CS2: Delivering More Sustainable Development

Policy CS3: Development Limits

Policy CS5: Delivering Quality Design in North Lincolnshire

Policy CS15: Culture and Tourism

Policy CS19: Flood Risk

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

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

Policy SS1: Presumption in Favour of Sustainable Development

Policy SS2: A Spatial Strategy for North Lincolnshire

Policy SS3: Development Principles

Policy SS10: Development Limits

Policy DQE5: Managing Flood Risk

Policy DQE6: Sustainable Drainage Systems

CONSULTATIONS

Humberside Police (Crime Reduction Officer): No objections to the proposal.

Ecology: Has reviewed the submitted bat survey and has no objection to the application subject to conditions.

Highways: No objection to the application subject to conditions.

Environmental Protection: No objection subject to conditions.

LLFA Drainage: No objections but have commented that there is an existing well within the site which will need to be given consideration and may need protection as part of the works.

PARISH COUNCIL

Objects based on the following concerns:

- The proposed location of the micropub is on the main bus route in the village and regularly gets congested with parked vehicles accessing the local amenities. It is also situated between two major bottlenecks between the doctor's surgery and the library.

- Due to the proximity of the micropub to neighbouring properties, the potential noise pollution from the outside seating areas and usable courtyard would affect the quality of life of the local properties.
- The sui generis class of the building could allow for a multitude of uses in the future, including the storage of waste.
- The proposal as detailed states addition/expansion can be applied in the future which would result in this being changed from a 'micropub' to something on a larger scale.
- The premises have previously been used as a slaughterhouse/butcher's and light engineering works, and there are no details of potential ground contamination included within the application.
- No evidence of traffic or pollution-mitigated plans having been submitted.
- No evidence of an assessment establishing if bats are occupying the outbuildings.

PUBLICITY

A press advert and site notice have been posted. A total of 41 comments have been received which include multiple objections. Excluding the multiple objections, 19 objections have been received from the public and 10 in support, which are summarised below:

Objections:

- Noise nuisance
- Access and parking
- Drainage
- Overlooking
- Antisocial behaviour
- Privacy
- Impact on a nearby listed building
- Loss of bat habitat.

Support:

- The residents of Goxhill need a public house for socialising.
- No issues with parking because it is the heart of the village which is within walking distance.
- A great asset to the local area especially as there is no longer a pub in Goxhill.

ASSESSMENT

Constraints

Heritage

SFRA flood zone 1

Within the development boundary

Planning history

7/1983/0180: Change the use of the ground floor of a former butcher's shop, house and slaughterhouse into a wine bar and licensed restaurant – approved with conditions 02/06/1983.

7/1983/0444: Change the use of a former shop to residential, to treat the external walls of a building, install new windows and carry out associated alterations – approved with conditions 04/08/1983.

PA/2006/1858: Planning permission to erect three detached houses with detached domestic garages and one detached domestic garage to serve Kingswell House – refused 30/01/2007.

Site description and proposal

Planning permission is sought for a change of use from residential outbuildings to a micropub (*sui generis*), including enclosing an existing covered area at Kingswell, Howe Lane, Goxhill.

The site is within the development boundary of Goxhill and is a corner plot, in the centre of the village. It is bounded by Howe Lane to the south, Westfield Road to the east, Well Cottage to the west and Rose Villa to the north.

The site comprises outbuildings and disused kennels within the curtilage of the Kingswell property. The applicant owns the Kingswell property.

Goxhill is a small settlement, and the site is within the settlement centre. This proposal involves the change of use of the existing outbuilding to a micropub and the demolition of the disused kennels to provide parking spaces.

There will be minimal external changes to the outbuilding, retaining its appearance and keeping the local character. The distinctive internal features will also be retained. No new buildings are proposed, other than a wall to enclose an existing space. The new wall will be built in brick, matching the existing walls.

In support of the proposal, the applicant has submitted a justification statement indicating that Goxhill has no public house and limited local shops. The last local pub (The Brocklesby Hunt) closed some years ago and attempts by the local community to preserve it as a community asset failed.

Furthermore, an informal consultation with the local community confirms a significant local demand for a service such as the pub in the village. The proposal would reflect local

demand for pubs, and it would be small-scale, high-quality, with a local focus. It would reinvigorate the heart of the village.

The proposed business will also support other local businesses, most notably the local microbreweries producing craft beers.

Key issues

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

- **principle of development**
- **layout, siting, and design**
- **impact on the residential amenities of neighbouring properties**
- **flood risk**
- **access and parking**
- **impact on protected species.**

The principle of the development

Section 6, Building a strong, competitive economy of the NPPF requires that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, considering both local business needs and wider development opportunities. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. Planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, among other guidance the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses, and places of worship.

Section 7, Ensuring the vitality of town centres states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation 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.

Section 6, Building a Strong, Competitive Economy (Supporting a prosperous rural economy) states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. It goes on to say that planning should support the sustainable growth and expansion of all types of businesses and enterprises in rural areas and should promote the development of local services and community facilities in villages, including public houses.

Section 8, Promoting Healthy and Safe Communities (Chapter 93A) encourages local authorities to plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open spaces, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.

This proposal falls under the A4 Use Class which relates to drinking establishment premises, for example, public houses (pubs), wine bars or other drinking establishments. It is judged that the proposed A4 Use Class will add to the vitality of the village of Goxhill by providing a small drinking establishment in a village where public houses have closed. It will also provide employment opportunities.

Policy CS3 of the Core Strategy supports new development within the settlement boundary of the Scunthorpe urban area, the market towns and rural settlements. It states that development outside these defined boundaries will be restricted to that which is essential to the functioning of the countryside.

Policy DS4 of the North Lincolnshire Local Plan aims to help encourage the growth and development of small businesses but to maintain control over the impact that business activity, carried out at home, can have on the surrounding area.

Goxhill is a rural settlement in the countryside, and the development is within the development boundary.

As indicated above, the local development plan policies do not presume against the establishment of micropubs within development boundaries.

Notwithstanding the above, the acceptability of this proposal would be judged subject to compliance with other relevant local development plan policies to be discussed below.

From the above policies and the NPPF, the principle of the change of use from residential outbuildings to a micropub is acceptable, subject to compliance with other relevant local development plan policies as assessed below.

Layout, siting, and design

Policy CS5 of the Core Strategy sets out the key design principles for all new developments in North Lincolnshire. It aims to ensure that development supports the creation of a high-quality built environment that is attractive to residents, investors, and visitors.

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

As indicated earlier, this proposal is for a change of use of an outbuilding to a micropub and the demolition of the disused kennels to form parking spaces. There will be minimal external changes to the outbuilding, retaining its appearance. No new buildings are proposed, other than a 2m high brick wall at the rear of the property to enclose the site. The new wall will be built in brick, matching the existing walls. The existing 1m high wall alongside Westfield Road and the 1.8m high wall at the front of the property alongside Howe Lane would be retained.

Having reviewed the proposal, the siting and design do not raise any planning issues since the proposal is a change of use of the outbuilding and the existing footprint would be retained.

In terms of appearance, there will be minimal external changes to the outbuilding, retaining its appearance. The walls alongside Howe Lane and Westfield Road are acceptable and

the new wall at the rear of the property would not raise any visual implications that would be detrimental to the character of the area. Furthermore, the wall will enclose the site to protect the privacy of the site and the rear property. In general, the wall would not raise any significant issues from overbearing impact or overshadowing and would not harm the street scene.

Overall, the location, scale and design of the proposal are acceptable and comply with the relevant policies of the local development plan.

Impact on residential amenity

Core Strategy policy CS5 and DS1 of the local plan expect a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. On amenity impact, these policies require that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust, or other nuisance, or through the effects of overlooking or overshadowing.

As indicated earlier, the site is within a residential area and is a corner property. It is bounded by Howe Lane to the south, Westfield Road to the east, Well Cottage to the west and Rose Villa to the north.

In terms of scale, the proposal would not result in an overbearing impact, overlooking or overshadowing.

Turning to potential noise nuisance, the applicant has indicated that the ambience will be that of a small traditional pub, with a selection of board games. Little noise is anticipated (for example, no amplified live music) and any such noise will not be audible outside the property.

The Environmental Health team has commented on potential noise nuisance and contaminated land and has no objection subject to conditions.

The officer has commented that there is the potential for the activities at the micropub to cause a disturbance to nearby residents. To prevent sensitive receptors from being adversely affected by this development, the department recommends a condition be attached, should the application be approved. The recommended condition relating to opening hours would be applied to any approval.

Contaminated land

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

Regarding land contamination, considering the sensitive end use of the proposed development and the outbuildings on site, the Environmental Protection Department recommend a condition should the application be approved that should any contamination

be found to be present at the site 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.

Highways

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

The applicant has submitted amended plans showing five vehicular parking spaces within the site.

Highways have been consulted and have commented that the amended site plans demonstrate that dedicated parking can be provided on site for residents and staff/customers. Whilst the level of parking for the micropub is on the low side, the site is within walking distance of much of the village.

The Highways officer has commented that there may be a need to remove vegetation on Westfield Road, to achieve the required visibility splays; however, this is within the applicant's control. The case officer has reviewed the drawing and can confirm that there will be no new vehicular access from Westfield Road. The Highways officer has been made aware.

The recommended condition would be applied to any grant of permission.

It is therefore judged that the parking provision would meet the council's parking standards and there would be no issues with public safety. Accordingly, the proposal would comply with policies T2 and T19.

Drainage

Policy CS19 of the Core Strategy is concerned with flood risk and policy DS14 of the local plan is concerned with foul sewage and surface water drainage.

The application site is within SFRA flood zone 1, which has a low probability of flooding. The LLFA Drainage Team has no objections.

The officer has commented that there is an existing well within the site which will need to be given consideration and may need protection as part of the works. This will be added to any permission as an informative.

Ecology

Policy CS17 of the Core Strategy and paragraph 170 of the NPPF relate to biodiversity. Paragraph 170 states in part that a net gain for biodiversity should be achieved.

The site is not designated for any known ecological interest. However, the application is supported by a Bat Inspection Report.

The report concludes that all areas that were accessible were searched for current and/or historic evidence that would suggest bats have or do use the buildings; at no point during a site visit was evidence found to confirm this. For these reasons, the buildings have been

classed as having negligible bat roost potential (NBRP) and no further survey work is required.

The development to take place on this site is expected to have a negligible impact on foraging activities as the surrounding habitats will remain unaltered. Therefore, there will be no net loss of suitable foraging habitat on site.

The alteration to the existing buildings is expected to have a negligible impact on roosting bats as no roosts have been identified within or close to the building.

There will be no loss of potential roost sites in trees as no suitable trees are to be felled. If possible additional bat boxes should be incorporated into the trees to offset the lack of suitable tree roosting sites.

The council's ecologist has reviewed the submitted report and has no objection to the proposal.

The officer has commented that surveyors found no evidence of bat roosts or nesting birds. However, some buildings have been re-roofed, and others have been cleaned out before the survey. There are several bat records nearby, including records of juveniles (thus implying the presence of maternity roosts).

Planning conditions are proposed to minimise harm to protected and priority species and to seek a net gain in biodiversity in accordance with policy CS17 and the National Planning Policy Framework.

The proposal is therefore considered to be acceptable in this regard and aligns with the aims of policy CS17.

Parish council objection

Goxhill Parish Council has objected to this planning application based on concerns about car parking spaces, vehicular congestion on the road, potential noise pollution, potential ground contamination, and impact on bats. All the relevant planning considerations raised have been addressed in the report.

Public comments

The objections from the public are similar to the concerns raised by the parish council. These include concerns about noise nuisance, access and parking, drainage, overlooking, antisocial behaviour, privacy, impact on a nearby listed building and loss of bat habitat.

All these concerns have been addressed in this report.

Conclusion

The principle of the change of use from residential outbuildings to a micropub, including enclosing an existing covered area, is acceptable.

The details of the proposal demonstrate that the works associated with the change of use of the existing ancillary outbuilding to a micropub would not significantly harm the character of the area.

The proposed micropub operation would retain the scale and character of the existing outbuilding and would have no significant adverse impact on the village centre or the street scene.

Due to the nature of the micropub operation, and subject to appropriate conditions, the proposed development would have no adverse impact on the residential amenities of surrounding occupiers.

The proposal is in accordance with the relevant policies of the North Lincolnshire Local Plan and the Core Strategy, and the provisions and intentions of NPPF.

The application is therefore 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:

- 2149 - 001 c Location Plan
- 2149 - 002 c Block Plans
- 2149 - 003 b Existing Plans
- 2149 - 004 b Proposed Plans.

Reason

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

3.

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

- (a) details of at least three permanent bat roosting features to be installed on buildings;
- (b) details of nesting sites to be installed to support house sparrows;
- (c) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (d) proposed timings for the above works in relation to the change of use.

Reason

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

4.

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

Reason

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

5.

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

Reason

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

6.

The opening hours shall be restricted to the following:

- Monday and Tuesday: closed
- Wednesday and Thursday: 4 pm to 10 pm
- Friday: 3 pm to 11 pm
- Saturday and Sunday: 12 midday to 11 pm
- Bank and Public Holidays: 12 midday to 6 pm.

There shall be no amplified music at the micropub.

Reason

To minimise the impact of the development on adjacent properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

7.

The proposed new unit shall not be brought into use until the vehicle access to it and the vehicle parking, turning and servicing areas serving it has been completed in accordance with the approved details. Once complete the vehicle parking, turning and servicing areas shall be retained.

Reason

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

8.

The proposed development shall not be brought into use until a delivery/servicing management plan (including delivery times) has been submitted to and approved in writing by the local planning authority. The management of deliveries and servicing of the development shall be carried out 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.

Informatives

1.

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

2.

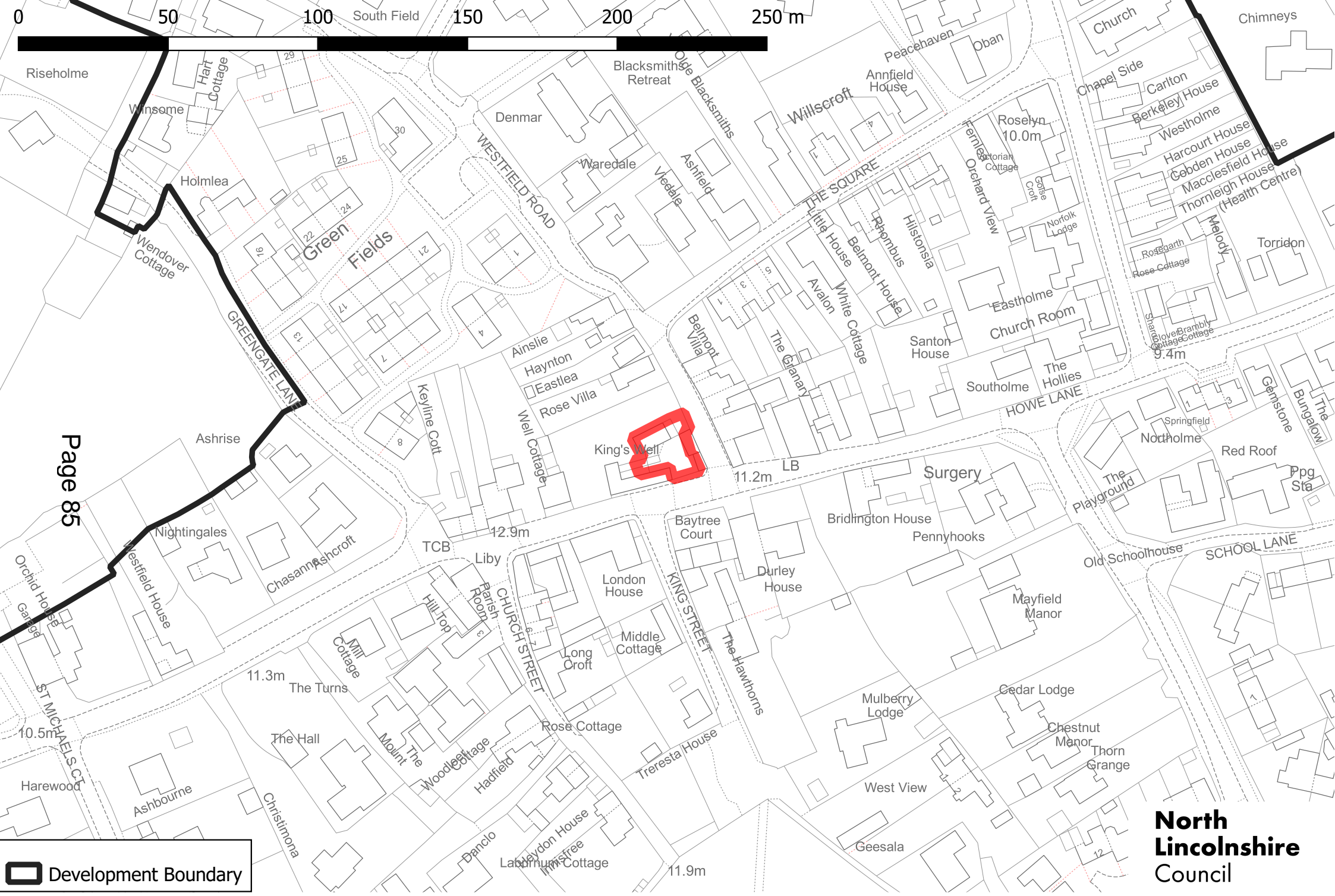
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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.

There is an existing well within the site which will need to be given consideration and may need protecting as part of the works.

0 50 100 150 200 250 m



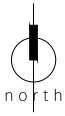
Page 85

 Development Boundary

PA/2023/424

**North
Lincolnshire
Council**

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 All foundation details and requirements are to be determined on site by the building inspector and/or structural engineer. Drainage flows are assumed and will be confirmed by the building design construction. Ramps and steps are shown nominally and will be determined by on-site surveys and levels. All to current building regulations.

2149 / 002

client:
 Mr. J. McDonald
 Kingswell, Howe Lane, Goxhill, DN19 7HU

scheme:
 Change of Use
 Residential to Micro Pub

existing & proposed site / block plan

drawn by: P. Bingham	date: 06 April 2023
checked by: n/a	revision: C
	status: PLANNING

A issued for 'APPROVAL'	06 April 2023	PLB
B issued for 'PLANNING'	11 April 2023	PLB
C parking added	22 May 2023	PLB

AMENDED PLAN



notes:
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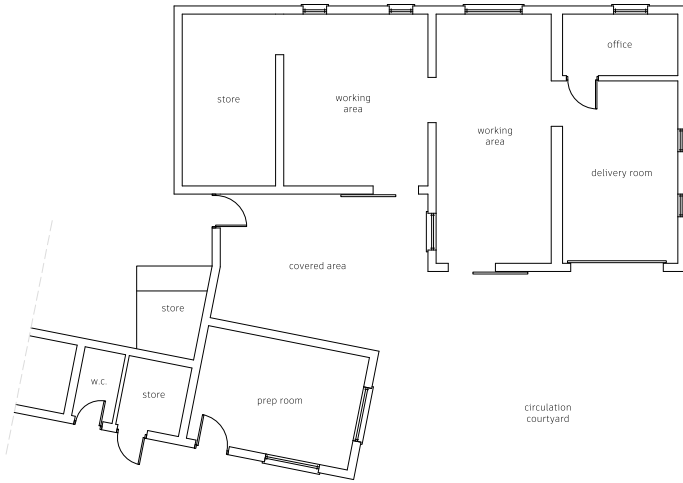
2149 / 003

client:
 Mr. J. McDonald
 Kingswell, Howe Lane, Goxhill. DN19 7HU

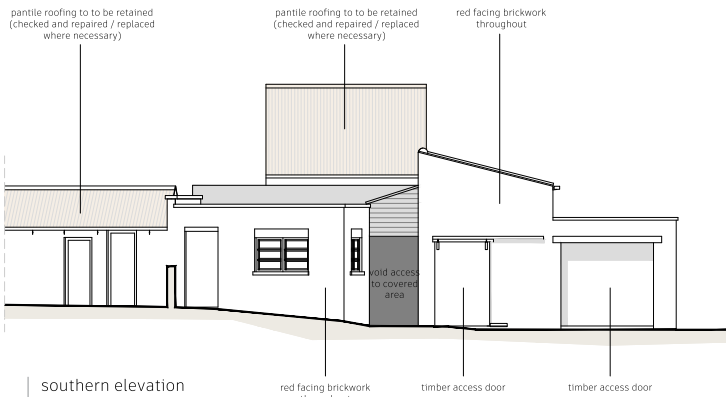
scheme:
 Change of Use
 Residential to Micro Pub

existing floorplans and elevations

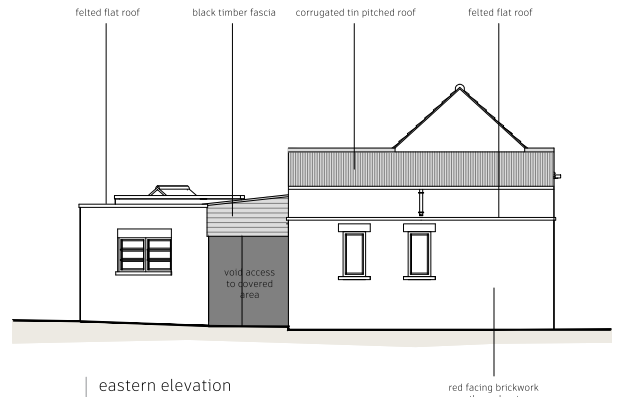
drawn by: P. Bingham	date: 06 April 2023	
checked by: n/a	revision: B	
	status: PLANNING	
A issued for APPROVAL	06 April 2023	PLB
B issued for PLANNING	11 April 2023	PLB



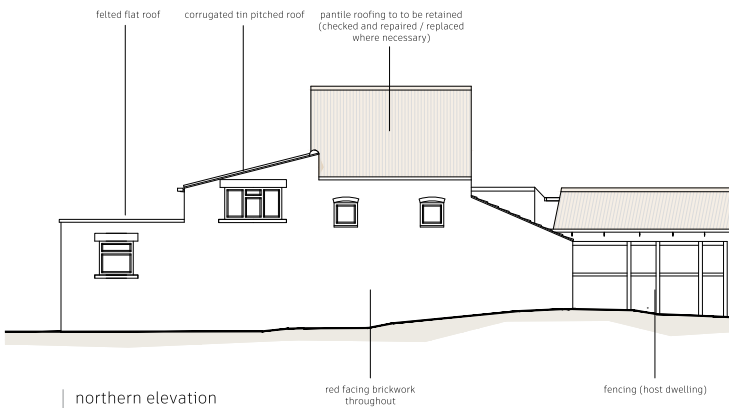
ground floor plan



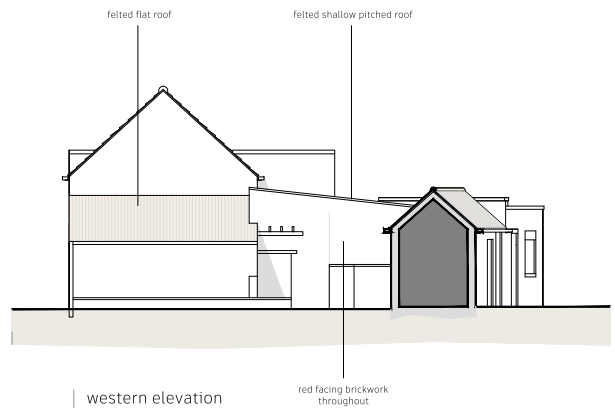
southern elevation



eastern elevation



northern elevation



western elevation





notes:
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 Ramps and steps are shown not to scale and will be determined by on-site surveys and levels. All to current building regulations.

2149 / 004

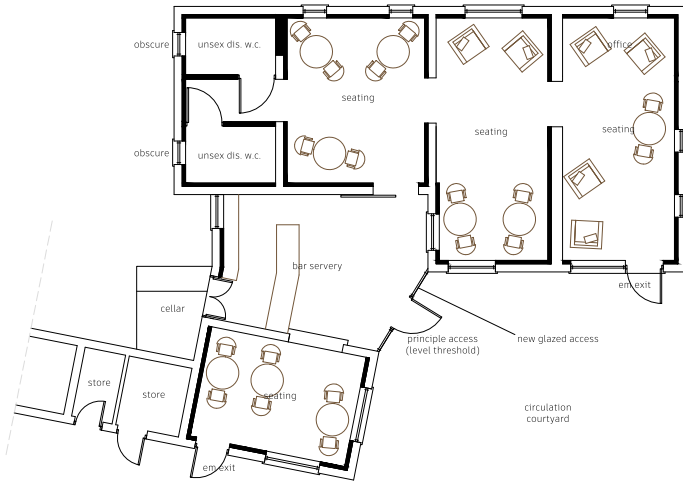
client:
 Mr. J. McDonald
 Kingswell, Howe Lane, Goxhill, DN19 7HU

scheme:
 Change of Use
 Residential to Micro Pub

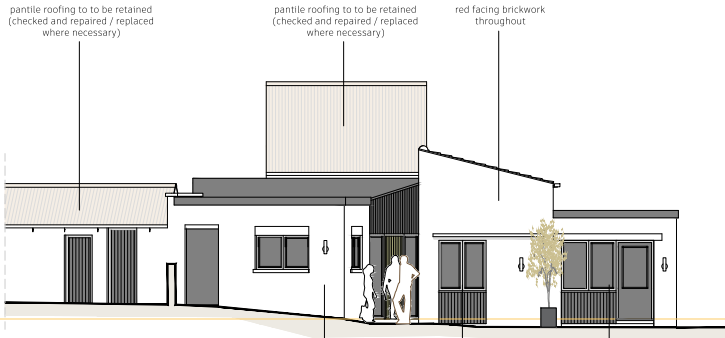
proposed floorplans and elevations

drawn by: P. Bingham	date: 06 April 2023
checked by: n/a	revision: B
	status: PLANNING

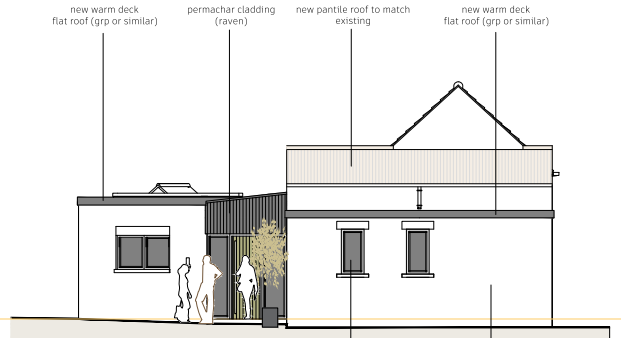
A	issued for 'APPROVAL'	06 April 2023	PLB
B	generally updated, issued for 'PLANNING'	11 April 2023	PLB



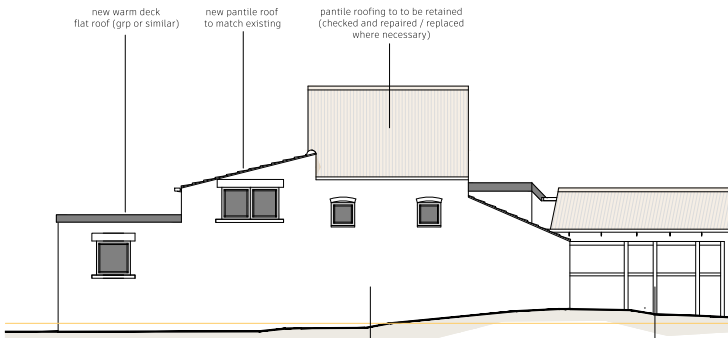
ground floor plan



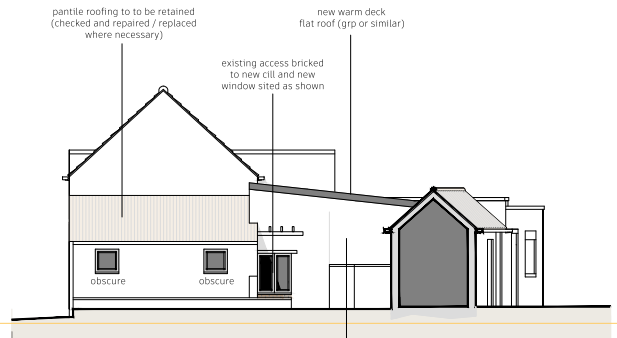
southern elevation



eastern elevation



northern elevation



western elevation



APPLICATION NO	PA/2023/439
APPLICANT	Mr Paul Jessney
DEVELOPMENT	Planning permission to erect a new dwelling
LOCATION	Homelea, Sluice Road, South Ferriby, DN18 6JG
PARISH	South Ferriby
WARD	Brigg and Wolds
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Refuse
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan Member 'call in' (Cllrs Rob Waltham and Carl Sherwood – significant public interest)

POLICIES

National Planning Policy Framework:

- 2 – Achieving sustainable development
- 4 – Decision making
- 5 – Delivering a sufficient supply of homes
- 8 – Promoting healthy and safe communities
- 12 – Achieving well-designed places
- 14 – Meeting the challenge of climate change, flooding and coastal change
- 16 – Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

- DS1 – General Requirements
- DS14 – Foul Sewage and Surface Water Drainage
- DS16 – Flood Risk
- H5 – New Housing Development
- H7 – Backland and Tandem Development
- H8 – Housing Design and Housing Mix
- LC5 – Species Protection

T2 – Access to Development

T19 – Car Parking Provision and Standards

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

CS7 – Overall Housing Provision

CS8 – Spatial Distribution of Housing Sites

CS17 – Biodiversity

CS19 – Flood Risk

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

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

Policy SS1 – Presumption in Favour of Sustainable Development

Policy SS2 – A Spatial Strategy for North Lincolnshire

Policy SS3 – Development Principles

Policy SS5 – Overall Housing Provision

Policy SS6 – Spatial Distribution of Housing Sites

Policy SS11 – Development Limits

Policy RD1 – Supporting Sustainable Development in the Countryside

Policy DQE1 – Protection of Landscape, Townscape and Views

Policy DQE6 – Sustainable Drainage Systems

Housing and Employment Land Allocations Development Plan Document

CONSULTATIONS

Highways: No objection, but recommend conditions.

LLFA Drainage: No objection, but recommend conditions.

Environmental Protection: No objection, but recommend a condition.

Environment Agency: Following receipt of an amended Flood Risk Assessment (FRA) the previous objection has been withdrawn. No objection, but recommend conditions.

PARISH COUNCIL

No response received.

PUBLICITY

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

ASSESSMENT

Planning history

PA/2014/0471: Outline planning permission to erect a dwelling (access and siting not reserved for subsequent approval) – refused 24/06/2014.

PA/2014/0934: Outline planning permission to erect a dwelling (access and siting not reserved for subsequent approval) – refused 22/10/2014.

The application site consists of an area of garden land to the rear of the applicant's property. It is predominantly laid to lawn with a close-boarded fence along its western and eastern boundaries, a line of trees along the southern boundary and the dwelling located to the north. A separate vehicular access runs parallel to the western boundary of the site (adjacent to Weir Dyke) and the rear garden contains a number of outbuildings including a shed and caravan. The garden is outside, but adjacent to, the defined settlement boundary for South Ferriby. It is within flood zone 2/3a. Planning permission is sought to erect a detached two-storey dwelling with associated off-street parking and private amenity space.

The main issues associated with this planning application are the principle of development, impact on the rural landscape, impact on residential amenity and flood risk.

Principle

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

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

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

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

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

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

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

No justification has been put forward to substantiate the development in terms of its countryside location. It is considered that the development does not constitute a dwelling or development which is for specific circumstances associated with this countryside location – it is for market housing. Based on the supporting information, the proposed development is contrary to policies RD2 and CS3 as it is for market housing not considered essential to the functioning of the countryside, or any rural business.

Despite its proximity to the settlement boundary, there is therefore a conflict with the development plan as the proposed development would conflict with saved policy RD2 of the local plan and policies CS2, CS3 and CS8 of the Core Strategy.

It should be noted that the council is able to demonstrate a five-year housing land supply as identified within the North Lincolnshire Council Five Year Housing Land Supply Statement, August 2023. Therefore, full weight can be attributed to the Local Plan and Local Development Framework policies and the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged.

In these circumstances, paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. In this case therefore, planning permission should be refused unless material considerations indicate that the development plan should not be followed in this case.

Based on the above, it is considered that the proposed development is not acceptable in principle as it 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 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.

Rural landscape

As noted in the previous section of this report, this proposal is for a dwelling outside the defined settlement boundary for South Ferriby, in the countryside. However, there is a requirement to consider the setting in which the dwelling is proposed, that being within the rear garden of the applicant's property a distance of 20.7 metres from the rear elevation of Homelea to the north. The piece of land in question is of adequate size to accommodate a detached dwelling and its associated garden space that would not be out of keeping with neighbouring properties in the area.

The Planning Inspector made the following observations in respect of the impact of development on the character of the area in relation to the appeal for a dwelling which was dismissed under PA/2014/0934:

'The Council's Officer Report on the application notes that the site is an adequate size for a dwelling, and it would be within a development pattern that is for the most part linear in this location. In addition, the appellant highlights that there are no other opportunities to develop land to the rear of properties on Sluice Road that would be served by its own access. Even so, the proposed siting and construction of the appeal proposal on the rear garden land at Homelea would introduce additional built development into the countryside that would erode the rural character of the locality.'

The development pattern in the area is predominantly linear, frontage development with dwellings having long, spacious rear gardens; however, there are examples of buildings to the rear of the main building line close to the site and as such the erection of a dwelling in this location would not have an unacceptable impact on the character of the area. Notwithstanding the observations made by the Planning Inspector in respect of the impact on the character of the area, there are examples of dwellings located further into the countryside than the proposed dwelling (1-4 Riverside Cottages to the south-west and Sunnymead to the east) and a number of sizeable outbuildings which are located within the deep rear gardens of properties along the Sluice Road frontage, which extend well beyond the defined settlement boundary for South Ferriby.

In addition, the landscape is dominated by the Cement Works to the west of the site and any views of the proposed development would generally be of a dwelling viewed against the built form of the settlement directly to the north and north-east and not of an isolated dwelling in the countryside. The dwelling would be screened from view as a result of the retention of the line of mature trees to the rear of the site and the cluster of trees in the wider vicinity, and by its position set back from the public highway (Sluice Road) at a distance of approximately 45 metres.

Therefore, due to the position of the dwelling some distance to the rear of Homelea and existing screening around the boundaries of the site, the proposed development will, with careful design, have no unacceptable impact upon either the visual amenity of the area or the residential amenity of neighbouring properties, including Homelea.

The design of the detached dwelling is a modern house with a mono-pitch roof and a mix of materials, namely render to the ground floor, horizontal timber cladding to the first floor and metal profile sheeting to the roof; this adds visual interest and utilises lightweight materials to give a modern appearance. The dwelling is located away from the northern boundary, which gives further separation distance from the rear elevation and garden of Homelea and allows for the provision of an area of private amenity space to the north of the dwelling. The roof of the dwelling has been designed to have an overhang to all sides and the plans show each of the elevations is broken up by a combination of window and door openings with a number of longer profile windows proposed along all elevations. It is also proposed to provide a balcony along the southern elevation and along part of the front (western facing); this provides visual interest to the scheme and an area of sheltered amenity space at ground level. An integral garage, along with non-habitable rooms, are proposed at ground floor level (on account of flood risk) with all living accommodation proposed at first floor.

The dwelling is positioned 6 metres from the northern boundary with the garden of Homelea and its principal elevation faces west towards the proposed driveway and off-street parking area (with a minimum of two parking spaces); a garden area extending to 140 square metres is proposed to the south, which will be screened to the side of the dwelling.

It has been demonstrated that the development of this site would not be detrimental to the character and appearance of the open countryside, nor the nearby settlement, in terms of siting, scale, massing, design or use of materials. Overall, the design of the property is considered to be of high quality, in keeping with the existing property and properties within the wider street scene. It is therefore considered that the proposal is in accordance with policies DS1 and H5 of the North Lincolnshire Local Plan.

Based on the above, it is considered that the detached house and garage can be successfully assimilated into the street scene without resulting in built development at odds with the character and appearance of the rural landscape.

Residential amenity

The plans show the provision of approximately 200 square metres of private amenity space to the north and south of the proposed dwelling; this is considered commensurate with the size of the dwelling to meet the needs of future occupants. The plans also show that Homelea will retain 238 square metres of private amenity space as a result of the development proposals; again this is considered sufficient to meet the future needs of the host dwelling. The plans also show the dwelling is proposed 6 metres from the northern boundary which gives sufficient separation distance from neighbouring properties to the east and west to ensure there is no loss of residential amenity through the effects of overshadowing or overbearing impact. There is space in which to provide a minimum of two off-street parking spaces, together with a bin storage area; however, it is acknowledged that bins will have to be wheeled to the public highway on the requisite collection day. A bedroom window is proposed in the first floor of the northern elevation of the dwelling, which would allow a direct outlook into the garden of Homelea to the north; therefore, a condition is recommended requiring this window to be fitted with obscure glazing to a minimum of Pilkington Obscuration Level 3. (Additional windows are proposed to serve this bedroom in its western (principal) facing elevation.)

There will be some inevitable disruption to neighbouring properties through noise and general disturbance during the construction period; however, this will be short-term without harming the long-term amenity of the area.

Flooding and drainage

In terms of flood risk, the site is within flood zone 2/3a of the council's SFRA and is therefore at high risk of flooding. The proposal is for 'more vulnerable' development within a high flood risk zone (2/3a) and therefore both the sequential and exceptions test need to be applied and passed. There is one site available within the defined settlement boundary for South Ferriby at lower risk of flooding; however, it has planning permission for two dwellings and the site area is significantly larger than the proposed site and is not, therefore, proportionate in size. In addition, there is no land for sale in close proximity to or outside the settlement boundary which is available and at lower risk of flooding. On this basis the sequential test is therefore passed.

In terms of the exceptions test, the proposal would contribute to the council's five-year land supply, would deliver a new dwelling in a sustainable location, would provide jobs during the construction period, and would support local services/amenities within the settlement of South Ferriby. In addition, the updated Flood Risk Assessment submitted with the application states the development would provide the following wider sustainable benefits:

- (i) The construction of the new dwelling will provide employment for local tradesmen of all ages, thus local skills will be enhanced, [and] local employment created, [and] increased opportunities for the employment of apprentices thus improving chances of longer-term employability.
- (ii) The new dwelling will be within walking distance of local facilities; this will thus promote a healthier community.
- (iii) The dwelling will be designed in accordance with police guidelines to minimise possible burglaries and thus reduce crime in the area.
- (iv) The new dwelling will be carbon efficient and have lower than average emissions thus making a contribution to the improvement of air quality.
- (v) The site is within walking distance of local facilities and amenities plus local bus routes, thus will contribute to the reduction in private vehicle use and emissions.
- (vi) All additional housing within rural villages will contribute to the use of public transport and thus additional demand will enhance its long-term provision.
- (vii) All material used in construction of the building will be locally sourced, thus promoting sustainability in the construction process.
- (viii) The construction of the new building will also increase orders for building materials within the local area.

The updated FRA submitted is acceptable to the Environment Agency, subject to conditions which would be imposed on any planning permission, including that the development takes place in accordance with the mitigation measures set out in the FRA, that ground floor uses are restricted to non-habitable, and removing permitted development rights for new extensions to the dwelling (to prevent potential for ground floor habitable rooms to be created). It is considered that sufficient justification has been demonstrated that the development would provide wider sustainability benefits sufficient to outweigh the risk of flooding. In addition, the plans comply with the mitigation measures set out in the FRA in that there is no habitable or sleeping accommodation at ground floor, together with the

slight raising of existing ground levels by 0.15m. The proposal therefore accords with the NPPF, policy CS19 of the Core Strategy and policy DS16 of the North Lincolnshire Local Plan.

In terms of drainage, the supporting information states that surface water would be disposed of via soakaways if ground conditions are suitable (through percolation tests); otherwise, another option would be to discharge to a watercourse through Ordinary Watercourse Consent at an agreed discharge rate. A pre-commencement condition is recommended by LLFA Drainage requiring details of the method of surface water drainage disposal to be submitted for approval, with consideration given to the hierarchy of drainage disposal. The proposal therefore accords with the NPPF, policy CS18 and CS19 of the Core Strategy, and policy DS14 of the North Lincolnshire Local Plan.

Other issues

Contaminated land

Policy DS7 of the North Lincolnshire Local Plan is concerned with land contamination. It states that in the case of proposals for development on land known to be, or strongly suspected of being, contaminated, applicants will be required to demonstrate that the level of contamination can be overcome by remedial measures or improvements. The previous use of the site is garden land located to the rear of the applicant's property, which is laid to grass and contains a number of outbuildings. Given the proposed development of a dwelling and associated parking and garden areas on this land will not introduce any sensitive receptors (it will stay in residential use), it is considered the condition for contaminated land investigation is neither reasonable nor necessary in this case.

Highway safety

The plans show the existing vehicular access which runs parallel to the western boundary would be utilised as a separate means of access to serve the proposed dwelling, and the host property would retain the driveway with off-street parking to the front. Upgrades would be required to the existing surface of the proposed access but it is considered to be of sufficient width to serve the new dwelling. The proposals have been considered by Highways and no objections have been received on grounds of pedestrian or highway safety; a condition is recommended to ensure the provision of the parking and turning areas prior to the dwelling coming into first use. Sufficient off-street parking is proposed to ensure vehicles would not be parked within the highway and there are connections to the main built framework of South Ferriby and its services via a lit highway footpath along Sluice Road, which is approximately 45 metres to the north of the site.

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

Archaeology

The Historic Environment Record (HER) has highlighted in their consultation response that the site has potential for buried archaeology, owing to their records showing evidence of a Roman Settlement and Roman Pottery Industry being located adjacent to the Old River

Ancholme. In light of this, conditions are recommended to secure the submission of a written scheme of investigation (WSI) to the local planning authority for consideration.

Conclusion

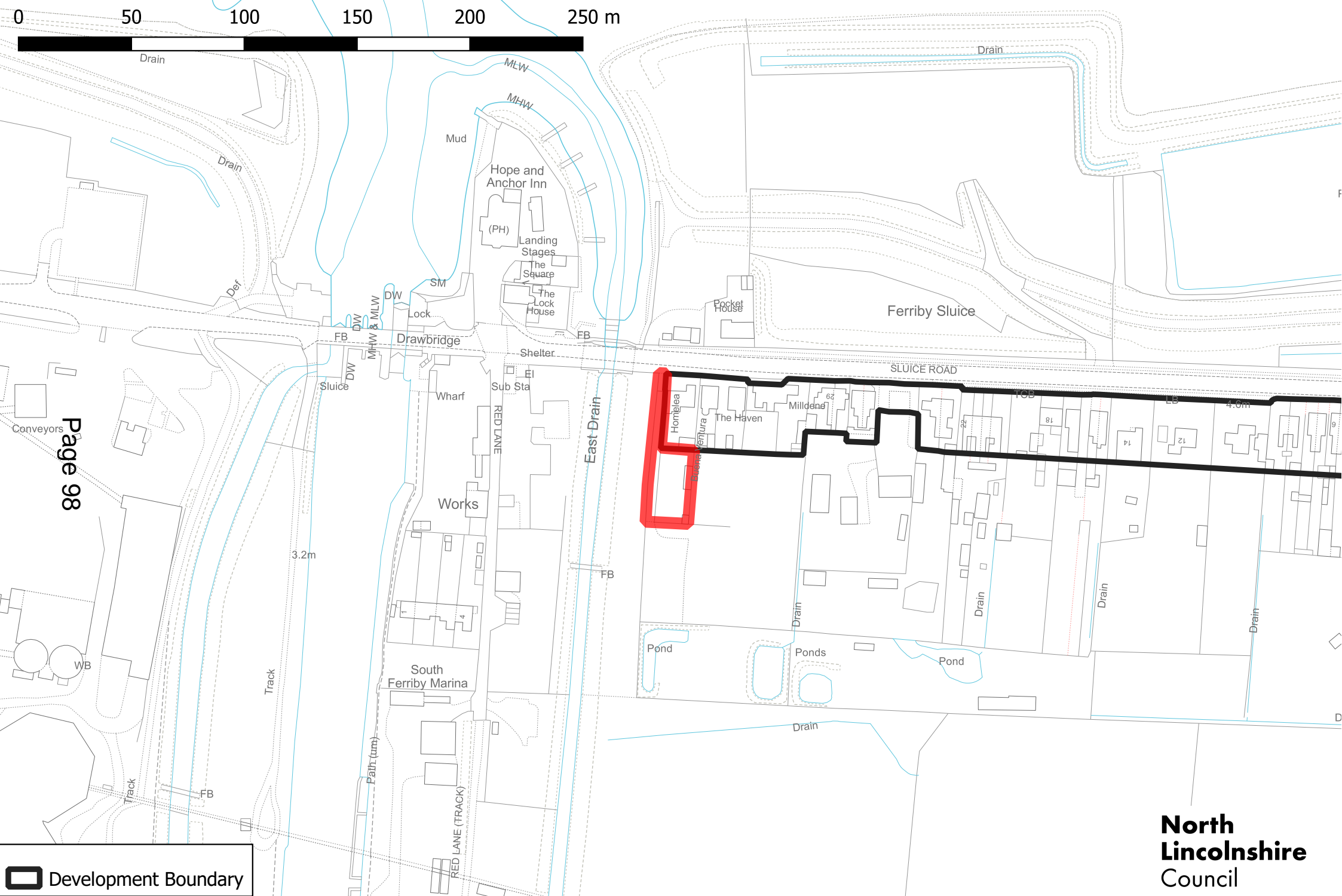
It is considered that the proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan and CS2, CS3 and CS8 of the adopted Core Strategy in that the site is outside of a defined settlement boundary and is not for specific purposes associated with a rural location, which include agriculture, forestry or to meet a special need associated with the countryside. The application is therefore recommended for refusal.

RECOMMENDATION Refuse permission for the following reason:

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 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.

Informative

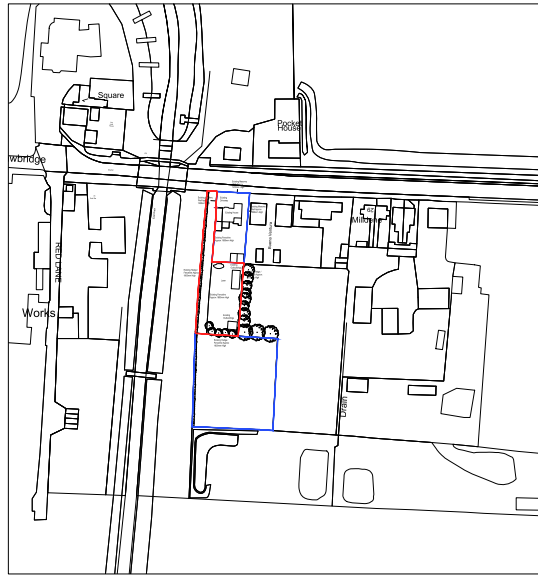
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



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 Development Boundary

**North
Lincolnshire
Council**



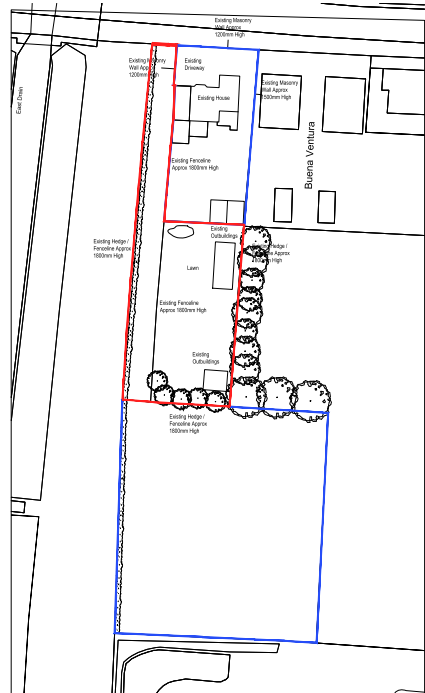
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Ordnance Survey 01.0003 1673

Site Location Plan



1:1250

Land under client ownership
Land to be separated and become separate dwelling / ownership



Block Plan as Existing



1:500

Land under client ownership
Land to be separated and become separate dwelling / ownership



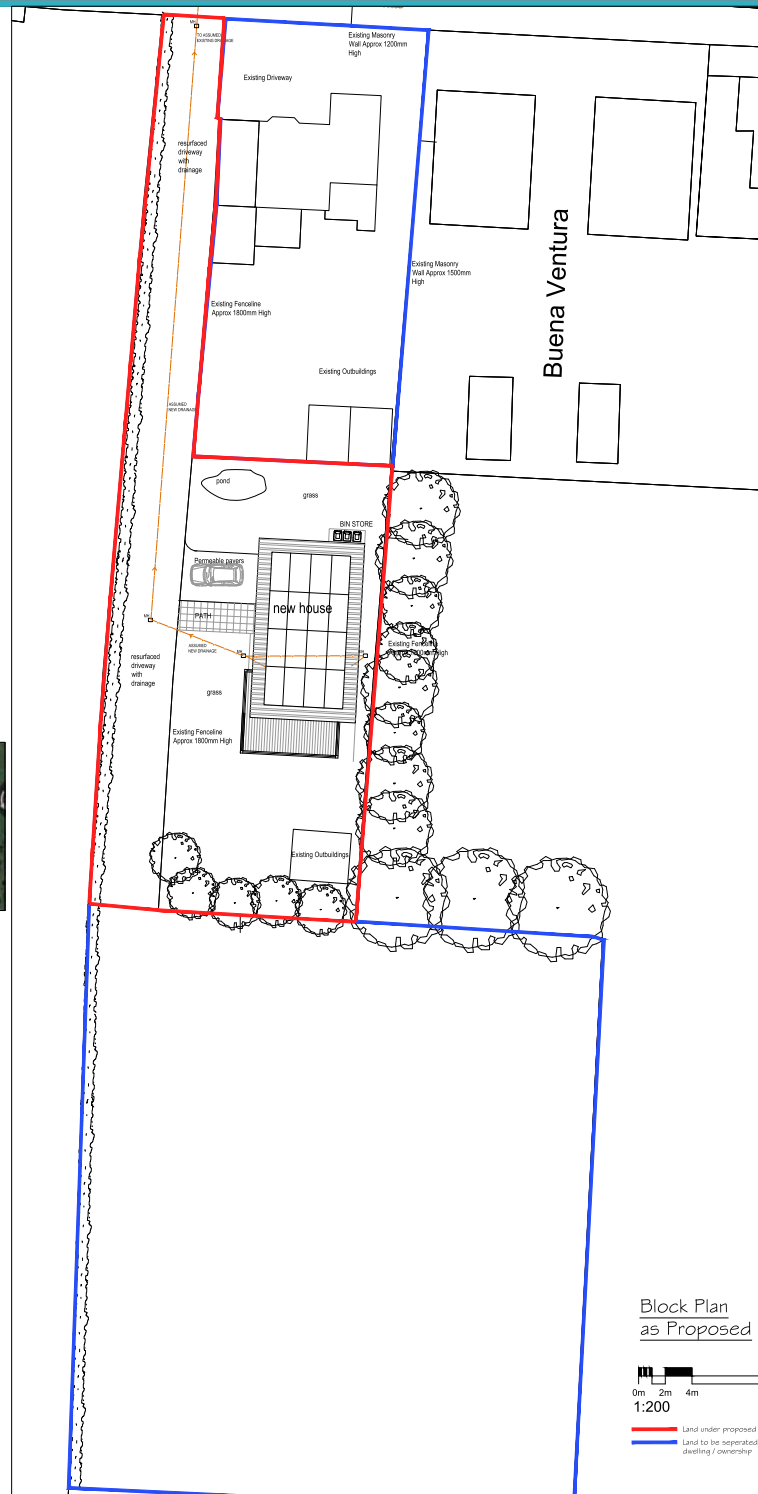
Aerial photo of site



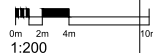
Photo of site



Photo of site



Block Plan as Proposed



1:200

Land under proposed new dwelling
Land to be separated and become separate dwelling / ownership



SYMBOLS, HATCH & LEVELTYPE KEY

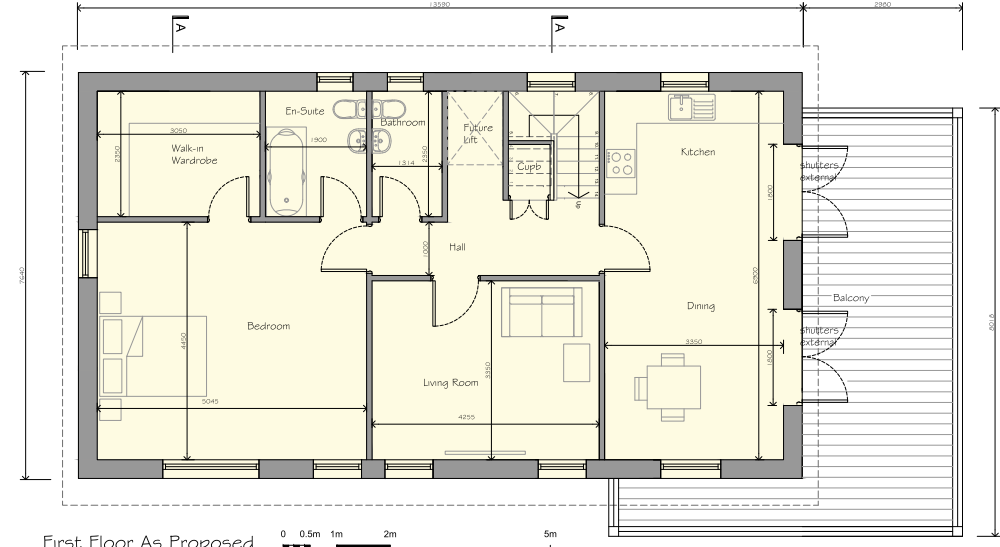
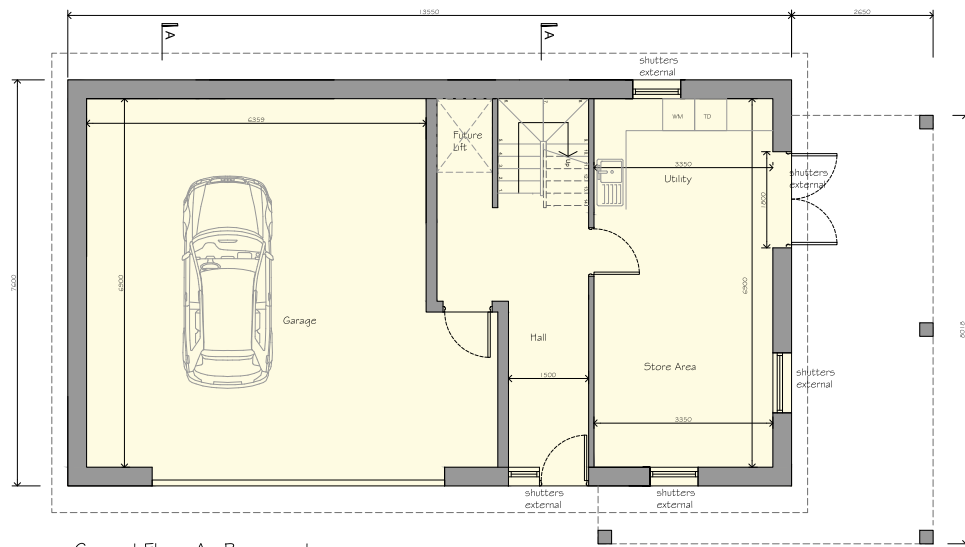
- WARNING SIGNIFICANT HAZARD OR INFORMATION WHICH IS URGENT
- ACTION (DD)
- AVOID OR REFRAIN FROM (DON'T)
- ON-SITE MEASUREMENTS REQUIRED
- RELEVANT INFORMATION
- STRUCTURAL ENGINEER ITEM
- BUILDING CONTROL ITEM
- BRICK
- CONCRETE
- BLOCK
- PAVED
- WARDONE
- PROPOSED
- WALLING
- RESURFACE SLABS
- BOUNDARY
- POLE DRAINAGE
- SOIL DRAINAGE
- REGULATIONS
- DIPALD, VCL, FLAGGING
- PROTECTIVE BOARD
- PROTECTIVE BOARD

DATE	NOTES	BY	REV
23/12/23	PA/2023/439 Proposed layout	MD	0
15/12/23	PA/2023/439 Proposed layout	MD	1
15/12/23	PA/2023/439 Proposed layout	MD	2
15/12/23	PA/2023/439 Proposed layout	MD	3
15/12/23	PA/2023/439 Proposed layout	MD	4
15/12/23	PA/2023/439 Proposed layout	MD	5



Phone: 01462 441948 Email: info@aba.design www.architecturalhub.co.uk

PROJECT TITLE Proposed New Dwelling	CLIENT Mr & Mrs Jessamy (Helen Lee, Stacey Road, South Ferrisby, DN18 6JD)
DRAWING STAGE Planning	SCALE varies @ A1
SHEET TITLE Site Plans	PROJECT NUMBER DN18-3338
	DATE JUN 2023
	STAGE PLN
	REV 3
	SHT 001
	DRAWN BY SWG

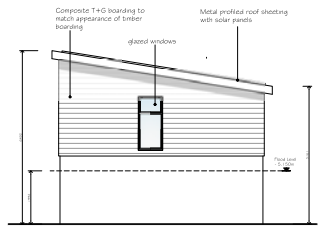


Ground Floor As Proposed

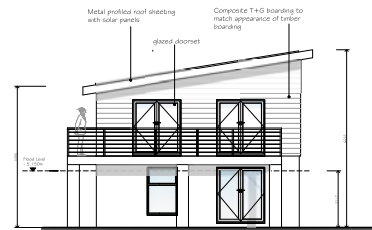
First Floor As Proposed

0 0.5m 1m 2m 5m

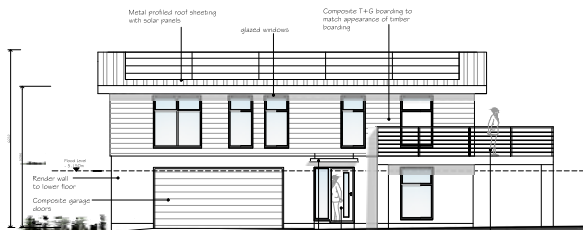
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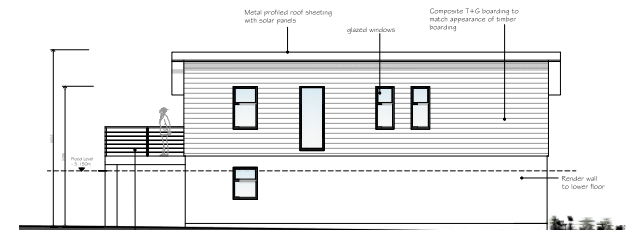
Side Elevation As Proposed



Side Elevation As Proposed



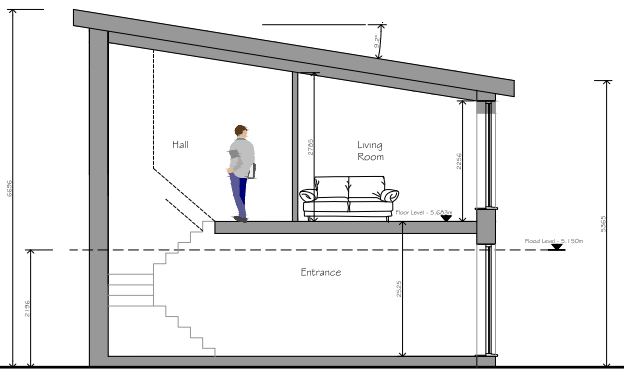
Front Elevation As Proposed



Rear Elevation As Proposed

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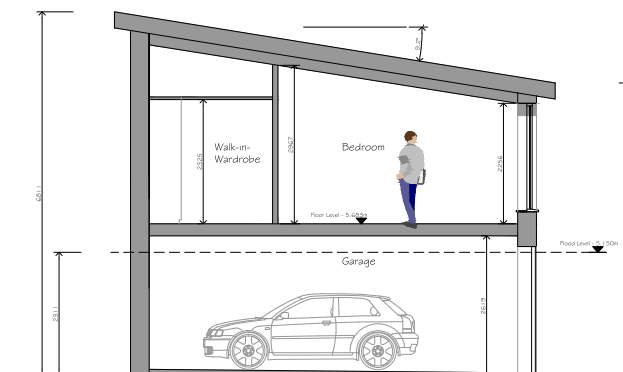
1:100



Section A-A As Proposed

0 0.5m 1m 2m 5m

1:50



Section B-B As Proposed



- Proposed Materials**
- Proposed Walls - Timber effect composite cladding (1st floor)
Render (Ground floor)
 - Proposed Roof - Profiled sheet cladding with solar panels
 - Proposed External Windows - Double glazed windows
 - Proposed External Doors - Double glazed in-fold doors
 - Proposed External Front Door - Composite doorset
 - Proposed Rainwater Goods - Plastic
 - Proposed Fascias - Powder coated metal to match roof
 - Proposed Balcony - Timber and metal with matching balustrading



PROJECT TITLE Proposed New Dwelling		CLIENT Mr & Mrs Jessamy (Hill Lea, Stone Road, South Ferris, DN18 6JH)	
DRAWING STAGE Planning	SCALE varies @ A1	CHK JD	DRAWN BY SWG
SHEET TITLE Plans and Elevations as Proposed	PROJECT NUMBER DN18-3338	STAGE PLN	REV J 002

DATE	NOTES	BY	REV
01/03/23	Final Draw for Planning Approval	SWG	0
01/03/23	Final Draw for Planning Approval	SWG	1
01/03/23	Final Draw for Planning Approval	SWG	2
01/03/23	Final Draw for Planning Approval	SWG	3
01/03/23	Final Draw for Planning Approval	SWG	4

APPLICATION NO	PA/2023/652
APPLICANT	Miss Lauryn Taylor Greenwood
DEVELOPMENT	Outline planning permission to demolish existing garage and erect a single dwelling with all matters reserved for subsequent consideration
LOCATION	Treresta House, King Street, Goxhill, DN19 7HZ
PARISH	Goxhill
WARD	Ferry
CASE OFFICER	Paul Skelton
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Goxhill Parish Council

POLICIES

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting sustainable transport

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

Chapter 16 – Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

H5 – New Housing Development

H8 – Housing Design and Housing Mix

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 21 – Goxhill

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

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

SS1 – Presumption in Favour of Sustainable Development

SS2 – A Spatial Strategy for North Lincolnshire

SS3 – Development Principles

SS5 – Overall Housing Provision

SS6 – Spatial Distribution of Housing Sites

SS11 – Development Limits

H2 – Housing Mix and Density

DQE1 – Protection of Landscape, Townscape and Views

T1 – Promoting Sustainable Transport

CONSULTATIONS

Highways: No objection subject to conditions and an informative.

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

Environmental Protection: Request a Phase 1 assessment but if the council is minded to permit the application, recommend a detailed contaminated land condition.

Archaeology: The application site lies within an area where archaeological remains of medieval date can be anticipated close to the parish church. If the authority is minded to grant consent any permission should be subject to conditions securing the implementation of a programme of archaeological work.

PARISH COUNCIL

Objects on the grounds that there is minimal information for the council to review and make an informed decision; and that the additional dwelling in this location will impact on the ambience of the street and its surroundings.

PUBLICITY

The application has been advertised by and press notice. Four responses have been received from members of the public which are summarised as follows:

- The proposals are neither sustainable nor appropriate and conflict with the new local plan, in particular policy H10p.
- The proposals constitute garden grabbing and inappropriate densification.
- The sub-division of this property's plot would not be congruent with the area's heritage character and distinctiveness. It would adversely impact the visual amenity from the street and church, and from the rear of neighbouring properties.
- There would be a loss of habitat for a number of species which use the site.
- There would be unacceptable impacts on the amenity of the neighbouring property, Middle Cottage, in that it would interfere with maintenance; affect its structural integrity; be imposing (the application site is on a higher level) and result in a loss of light and privacy; result in noise and disturbance during construction; an electricity pole to the front of the site may need to be re-sited which could be disruptive.
- There is increased potential for flooding with the loss of a soakaway.
- A new build on a street made up of older character properties would stand out considerably and would completely change the look and feel of the street.
- Events at the church would be affected.
- The village already has issues with infrastructure.

- Adding yet another building and access driveway onto a street that is already very busy would have an adverse impact on it.
- Parking issues and potholes would be exacerbated by yet another dwelling.

ASSESSMENT

Planning history

There is no relevant planning history for the site.

The site and its location

The application site is within the settlement limits of Goxhill. The site lies on King Street which links Howe Lane with All Saint's Church and comprises part of the garden to the side of the existing property, Treresta House.

To the north is Middle Cottage, a detached dwelling; to the rear (west) is Rose Cottage, a grade II listed building; and to the east, on the opposite side of King Street, is the garden of The Hawthorns, another detached dwelling. To the south of Treresta House is an area of land housing a parking area and paddock, beyond which is the grade I listed All Saints' Church.

King Street itself is a designated public right of way. The site is in flood zone 1.

The site itself is largely laid to grass with various garden trees/shrubs. The front boundary comprises a 1m high brick wall. The northern boundary comprises the blank side wall of a two-storey extension to Middle Cottage with an approximately 1.8m high bow top fence behind. The rear (western) boundary comprises mature hedgerow above which the top of the gable end of Rose Cottage is visible. There is what is understood to be an electricity pole set within the site, close to the boundary with Middle Cottage.

The development

The application proposes the demolition of an existing single garage and erection of a single dwelling. The application is made in outline with all matters reserved for future consideration, although access is indicated as being made from the front of the site onto King Street.

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 site is within the settlement boundary of Goxhill, 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.

It should be noted that the council is able to demonstrate a five-year housing land supply as identified within the North Lincolnshire Council Five Year Housing Land Supply Statement, August 2023. Therefore, full weight can be attributed to the Local Plan and Local Development Framework policies and the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged.

In addition to policy compliance, there would be some minor benefits arising 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 CS6, 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.

Rose Cottage to the rear shares a common boundary with the application site. It is grade II listed and its list entry has the name 'house approximately 10 metres south of Long Croft'. The list entry states that the property is early-mid 18th century with a 19th century addition. Nevertheless, the property was significantly remodelled and extended in the late 1980s when it was almost doubled in size. The part of the building closest to Treresta House was constructed at that time. Whilst in the majority of cases, such close proximity of the site to a listed building would require a full application, the setting of Rose Cottage is entirely residential, as it is surrounded by dwellings. Care will need to be taken to respect the setting of the building, however there is no reason in this case why a suitable design cannot be achieved that would respect that setting. Subject to the detailed design it is therefore considered that a dwelling can be achieved on this site without harm to Rose Cottage.

As set out above, All Saints' Church is grade I listed which means it has exceptional national, architectural or historical importance. There are approximately 400,000 listed buildings in the country, only 2.5% of which fall into the grade I category, making it the rarest option. The Chancel is listed as being of 13th century origins. The nave, aisles and tower date from the 14th–15th centuries and were restored circa 1857.

Whilst a remarkable building of great value, the setting of the church is similar to that of Rose Cottage, composed as it is by residential development of varying ages. Given the position of Treresta House there would be very limited views of a new dwelling and the church together, only when looking south along King Street. In any event, however, the addition of a building to the north of Treresta, where there are already existing dwellings, would not harm the setting of the church.

In light of the above, subject to the detailed design which can be controlled at reserved matters stage, it is considered that there would be no harm to the setting of heritage assets, including the grade I listed All Saints' Church. The proposal therefore 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 not accommodate a dwelling without unacceptably affecting the character and appearance of the area. The Parish council and local residents have commented that the proposal would affect the ambience of the street and its surroundings, its character and distinctiveness.

King Street is short and there are few houses on it. Its character is unplanned and there is no clear pattern of development. The most recent additions are a bungalow at the south end of the street closest to the church, and a two-storey extension to Middle Cottage, immediately adjacent to the application site. It is not considered that the provision of an additional dwelling on the application site would cause any undue harm to the character of the street which will remain residential in nature. Gaps between buildings on King Street are incidental and do not protect any particular views. The low number of additional cars/vehicular movements associated with a new dwelling would be barely perceptible, particularly taking into account the existing traffic associated with the church.

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 and appearance 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 110(b), requires safe and suitable access to the site to be achieved for all users. Paragraph 111 advises that development should only be refused on

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

Whilst concerns have been raised about potential highway safety impacts arising from the addition of a further driveway onto King Street, vehicle speeds on this short cul-de-sac will inevitably be low and the safety of any detailed access proposals can be properly addressed at reserved matters stage. The highways officer has been consulted on this application and raises no objection.

In light of the above there is no objection on highway safety grounds.

Impact on neighbouring property

Local Plan policies all seek to protect the living conditions of occupiers of nearby residential property. Local Plan policy DS1 states, 'No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.' The NPPF (paragraph 130(f)) requires decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

Concerns have been raised in respect of potential loss of light and privacy impacts on the neighbouring property, Middle Cottage. There are no windows on the side elevation of Middle Cottage. Whilst design and siting are reserved for future consideration, it is likely that any new dwelling would be in line with Treresta House and Middle Cottage, rather than be angled towards it so, subject to detailed design, there is no reason why a dwelling could not be suitably designed on the plot so as to avoid overlooking. Similarly, it is not considered that there is any in principle reason why a dwelling could not be designed at reserved matters stage to avoid any loss of light or overbearing impacts on Middle Cottage.

In terms of Rose Cottage, to the rear, whilst any potential issues can be addressed at reserved matters stage, it is unlikely that there would be any impacts over and above those already resulting from the relationship between Rose Cottage, and the existing property, Treresta House.

Other matters

The Environmental Protection Officer has requested a contaminated land report prior to determination because they advise that historic maps indicate former structures on the land. Nevertheless, in this case, given the existing residential use, it would be reasonable for this matter to be addressed by condition.

The site is within flood zone 1, the area at least risk of flooding. Some concerns have been raised in respect of the loss of a soakaway (understood to mean the lawned garden as exists). Nevertheless, there is no evidence of any flood risk issues affecting the site. The LLFA has been consulted and raises no objection.

Reference has been made to the electricity pole in the garden of the existing property. If this needs to be moved as a result of the development, this is a civil matter between the developer and the statutory undertaker.

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 proposals.

Whilst the parish council's and neighbours' comments are noted, no undue harms have been identified as set out in this report. There would be no harm to the setting of the nearby listed buildings, Rose Cottage and All Saints' Church and there would be no discernible harm to the character and appearance of the street scene, subject to detailed design at reserved matters stage. Impacts on neighbouring properties are also capable of being properly addressed through the reserved matters. There are no objections from technical consultees in respect of highway safety and drainage, subject to suitable planning conditions, and it is considered that the potential for contaminated land can also be addressed by condition in this instance.

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 outlined 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 drawing no. PA/2023/652/002 (amended site location plan).

Reason

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

6.

The dwelling hereby permitted shall not be occupied until the vehicular access to it and any vehicle parking and turning space(s) serving it have been completed in accordance with the details approved pursuant to condition 1 above and, once completed, the access, vehicle parking and turning space(s) shall thereafter be retained for the lifetime of the development.

Reason

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

7.

All applications for access and layout submitted pursuant to condition 1 above shall include details of the parking arrangements proposed to serve the existing dwelling.

Reason

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

8.

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.

9.

Nothing shall at any time, whether permitted by the Town and Country Planning (General Permitted Development) Order or not, be erected, retained, planted or allowed to grow over 1.05 metres in height above the level of the adjoining carriageway for a distance of 2m from the highway boundary across the site frontage.

Reason

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

10.

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 setting of the adjacent listed building, the character and appearance of the area and the amenity of occupiers of existing neighbouring residential properties.

11.

All reserved matters applications for 'appearance' pursuant to condition 1 above shall include precise details and/or samples of the external walling and roofing materials and the 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 and to protect the setting of the adjacent listed building.

12.

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, to protect the setting of the adjacent listed building and to protect the visual amenity of the area.

13.

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

- (i) measures to ensure the preservation by record of archaeological features within the footprint of the development
- (ii) methodologies for the recording and recovery of archaeological remains, including artefacts and ecofacts
- (iii) post-fieldwork methodologies for assessment and analyses
- (iv) report content and arrangements for dissemination, and publication proposals
- (v) archive preparation and deposition with recognised repositories including the ADS
- (vi) a timetable of works in relation to the proposed development, including sufficient notification and allowance of time to ensure that the site work is undertaken and completed in accordance with the strategy

- (vii) monitoring arrangements, including the notification in writing to the North Lincolnshire Historic Environment Record of the commencement of archaeological works and the opportunity to monitor such works
- (viii) a list of all staff involved in the implementation of the strategy, including sub-contractors and specialists, their responsibilities and qualifications.

The applicant shall notify the local planning authority in writing of the intention to commence the archaeological site works at least 7 days before commencement. Thereafter, the archaeological mitigation strategy shall be carried out in accordance with the approved details and timings. No variation shall take place without the prior written consent of the local planning authority. The dwelling shall not be occupied until any post-investigation assessment has been commissioned in accordance with the programme set out in the approved written scheme of investigation, and provision made for analysis, publication and dissemination of results and archive deposition has been secured. 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 205 of the NPPF, policy CS6 of the Core Strategy and saved policy HE9 of the North Lincolnshire Local Plan because the site potentially contains archaeologically significant remains that the development would otherwise destroy; the archaeological mitigation strategy is required in order to preserve archaeological evidence by means of a comprehensive record and creation of a permanent archive, to advance public understanding. The archaeological mitigation strategy must be prepared and approved for implementation prior to the commencement of any groundwork within the application site that would otherwise result in destruction without record.

14.

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.

15.

The dwelling hereby permitted shall not be first occupied until works comprising 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, have been completed in accordance with details which have first been submitted to and approved in writing by the local planning authority. The works as approved and completed shall then be retained and maintained in accordance with the approved details for the lifetime of the development.

Reason

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

Informatives

1.

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

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

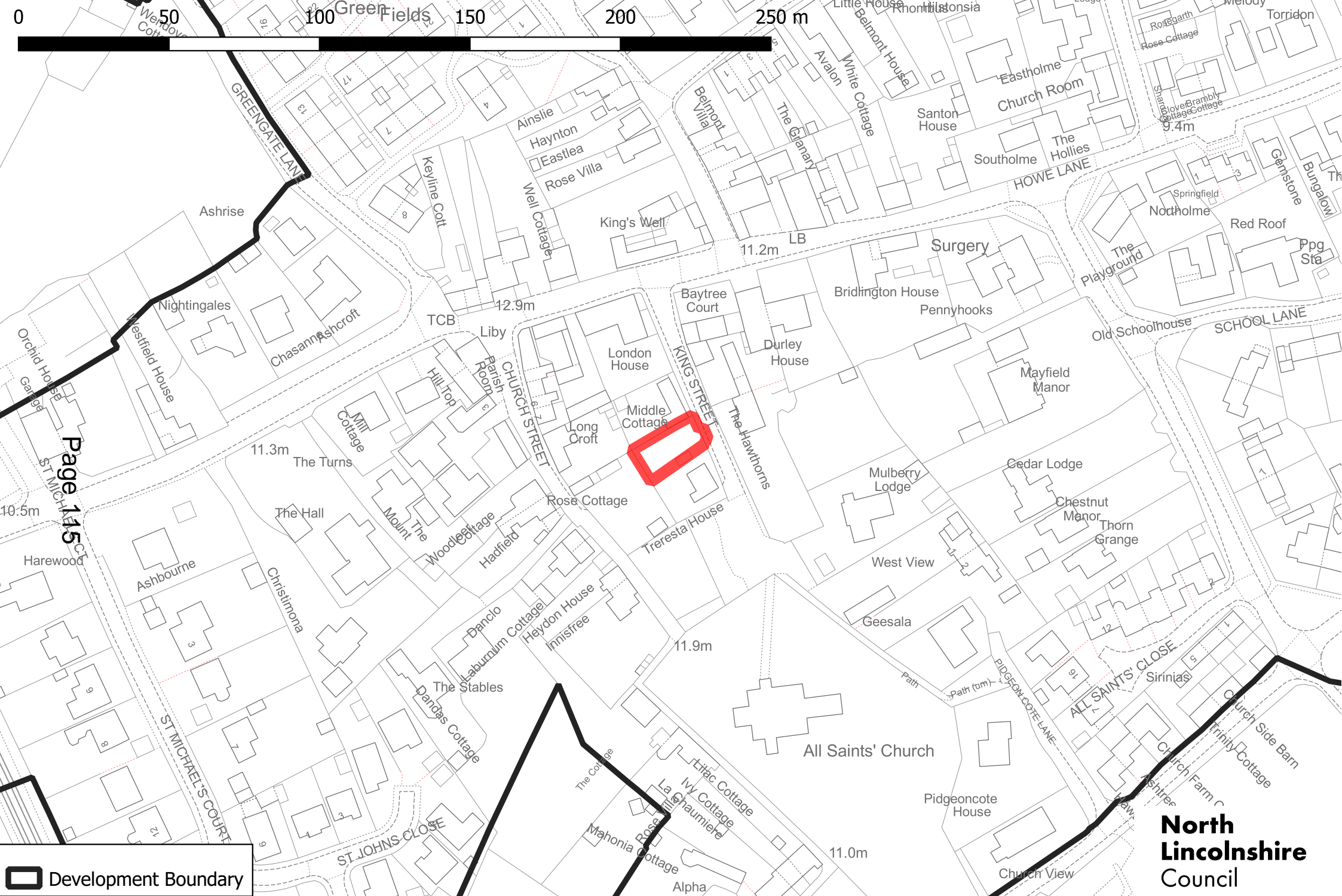
2.

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

3.

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

**North
Lincolnshire
Council**

PA/2023/652

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APPLICATION NO	PA/2023/694
APPLICANT	Mr C Hodge
DEVELOPMENT	Planning permission to erect a new dwelling (including demolition of existing shop)
LOCATION	19 Doncaster Road, Gunness, DN15 8TG
PARISH	Gunness
WARD	Burringham and Gunness
CASE OFFICER	Deborah Oikeh
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Gunness Parish Council

POLICIES

National Planning Policy Framework:

Section 2 – Achieving sustainable development

Section 12 – Achieving well designed places

North Lincolnshire Local Plan:

DS1 – General Requirements

DS7 – Contaminated Land

DS14 – Foul Sewage and Surface Water Drainage

DS16 – Flood Risk

H3 – Previously Used Land

H5 – New Housing Development

H8 – Housing Design and Housing Mix

T1 – Location of Development

T2 – Access to Development

T19 – Car Parking Provision and Standards

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering more Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design in North Lincolnshire

CS7 – Overall Housing Provision

CS8 – Spatial Distribution of Housing Sites

CS16 – North Lincolnshire’s Landscape, Greenspace and Waterscape

CS17 – Biodiversity

CS19 – Flood Risk

Housing and Employment Land Allocations Development Plan Document

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

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

SS1 – Presumption in favour of Sustainable Development

SS3 – Development Principles

SS6 – Spatial Distribution of Housing Sites

SS10 – Development Limits

DM1 – General Requirements

CONSULTATIONS

Highways: Recommend conditions.

Drainage Team: No objections subject to a condition.

Environmental Protection: Recommend a pre-commencement condition.

Trees: No comments.

Environment Agency: Initial objections removed following submission of a revised flood risk assessment. A condition and informative comments are provided.

PARISH COUNCIL

Supports local residents' views with regard to concerns over adequate drainage.

They also are concerned regarding the lack of dimensions on the plans from the proposed house and the dividing boundary of numbers 17 and 19.

PUBLICITY

A site notice has been displayed and the application has been advertised in the press. Four responses have been received making comments in relation to:

- the lack of dimensions on the proposed plans
- the separation distance between the proposal and number 17
- issues regarding drainage, disposal of surface water and flooding.

ASSESSMENT

Planning history

PA/2006/0041: Advertisement consent to display a static internally illuminated fascia sign, an oval internally illuminated gable sign, and a static internally illuminated free-standing sign – refused 13/04/2006

PA/2006/0637: Consent to retain an oval static internally illuminated gable sign and a static internally illuminated free-standing sign – approved 04/07/2006

PA/2006/0751: Planning permission to retain LPG gas tank already sited for a temporary period of 6 months – approved 27/07/2006

PA/2023/442: Planning permission for first floor front extension and demolition of former chip shop – approved 12/07/2023

Site constraints

- The site lies within the development boundary of Guinness according to the HELADPD 2016.
- The site is within SFRA flood zone 2/3a tidal.

Proposal and site characteristics

Planning permission is sought to erect a new dwelling following the demolition of a disused chip shop. The application site is located to the west of 19 Doncaster Road and is currently occupied by a chip shop, which is disused and in a state of disrepair, with hardstanding to the frontage and a grassed garden area to the rear. The immediate area surrounding the site is predominantly residential dwellings. The site can be accessed from Doncaster Road.

Main considerations

- **The principle of the development**

- **Impact upon residential amenity**
- **Impact upon character and appearance**
- **Impact upon access and highway safety**
- **Flood risk and drainage**
- **Land contamination**
- **Biodiversity and ecology**

The principle of the development

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

Policy CS1 sets out the overarching spatial strategy for North Lincolnshire. It states, '...Scunthorpe will be the focus for the majority of new development and growth, including housing, employment, retail, sustainable transport links, and higher order services and facilities to serve North Lincolnshire' and, 'High quality, well designed new housing will be provided on a range of previously developed sites within the urban area followed by a greenfield urban extension with a focus on areas to the west of the built-up area.'

Policy CS2 prioritises '...Previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions.' Local plan policy H3 corroborates core strategy policy CS2 in that it supports the development of previously used land within settlement development limits and is limited to a maximum of three dwellings in the minimum growth settlements subject to development being in keeping with the size, form and character of the settlement.

Policy CS3 deals with application of development limits within the Scunthorpe urban area, the market towns and rural settlements. However, limits will not be applied to rural settlements in the countryside.

Policy CS8 deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus. With regard to rural settlements, the policy states that new housing will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

The application site is set within the development limit of the settlement. The proposal would result in the use of previously developed land. Therefore, in principle, the proposal accords with guidance in the National Planning Policy Framework, policies CS1, CS2, CS3 and CS8 of the Core Strategy, and policy H3 of the North Lincolnshire Local Plan.

Impact on residential amenity

In terms of amenity, policy DS1 states that proposals should not result in loss of amenity to neighbouring land uses in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.

Policy H5 relates to proposals for new housing development. The policy states that planning permission will be granted provided the development is located within urban and town centres, the proposal comprises infill development and is well related to existing infrastructure, and is appropriate in terms of scale, layout, amenity and character.

Policy H6 is also relevant in that it deals with proposals that seek to utilise vacant and underutilised commercial premises for housing provided there is no conflict with existing land uses, access, parking and the environment.

The existing shop is a single-storey structure that extends to the rear of the site. The closest dwelling to the proposal is number 17, a two-storey semi-detached dwelling with a hipped roof. Both sites, namely 17 and 19 Doncaster Road, are delineated by a timber panel fence to the front. The existing layout is such that the single-storey shop is built close to the timber panel fence at the frontage. The proposed dwelling, however, would be two-storey and so would be higher than the existing shop.

The main consideration under this section is the impact on amenities that may arise from the proposal. The openings to the dwellings are predominantly north- and south-facing (front and rear), with one high-level obscure-glazed window in the proposed west elevation. No windows are proposed in the east elevation. Therefore, any overlooking impact from the proposed dwelling is limited.

The proposal would provide three bedroom spaces and modest living space on the ground floor. The proposed use of the site for a dwelling would generate less noise, smell and nuisance compared to the previous use (a hot food takeaway).

In terms of proportion, the north–south orientation of dwellings along Doncaster Road would enable the rear gardens to receive some level of light.

As mentioned earlier, the proposed dwelling would be a two-storey building in place of the existing single-storey structure. It would have an approximate length of 8.7m and a width of 6m, set between two-storey dwellings on both sides. Whilst the proposal would result in a substantial increase in height, it would be proportionate to the scale of adjoining dwellings or even smaller. Therefore, any overbearing impact of the proposal would not be very significant as to warrant a refusal. The proposal therefore accords with policy CS5 of the Core Strategy, and H5, H8 and DS1 of the North Lincolnshire Local Plan.

Impact on the character and appearance of the street scene

This site constitutes infill and developable land primarily within the settlement boundary. Following the completion of the dwelling, there would be a 1.8m separation distance between the side elevations of 17 and 19 Doncaster Road as shown on the proposed site layout. There appears to be a similar or greater separation distance between some dwellings along Doncaster Road, and so this arrangement would not be out of character with the area.

Along Doncaster Road is a mix of properties of varied design. The proposal consists of a dwelling with a simple façade comprising the fenestrations. The proposed development would be of similar appearance to others locally in terms of materials: off-white self-coloured render is proposed for the building, with grey concrete roof tiles, and grey uPVC windows and doors. As a result, there would be no adverse impact on the street scene. The proposal therefore accords with policy CS5 of the Core Strategy, and policies H5, H8 and DS1 of the North Lincolnshire Local Plan.

Impact upon highway safety

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

In terms of impact on the highway, the proposed dwelling would be served from the existing access on Doncaster Road. The existing hardstanding area would be used as a parking and turning area. The space could accommodate up to two cars, which aligns with the parking guide. Highways have raised no objections to the access and parking arrangements for the proposed dwelling subject to conditions which would be imposed should permission be granted. The proposal therefore accords with policies T2 and T19 of the North Lincolnshire Local Plan.

Flood risk and drainage

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

The application site is set within flood zone 2/3a and so is classed as more vulnerable development according to the flood risk vulnerability classification. Therefore, a detailed flood risk assessment that shows the sequential and exception tests carried out is essential in this case. To this end, the application site and the entire settlement of Gunness lie within flood zone 2/3a, hence there are limited or no opportunities for development in a lower flood risk zone within the settlement. Therefore, the sequential test is passed.

The exceptions test requires two things. First, the provision of evidence of sustainability of the development. The council's guidance note on flood risk mentions the use of previously developed land and existing buildings which this proposal seeks to fulfil. The proposal is a small-scale infill development which in economic terms may provide a very minute benefit; nonetheless, it would bring to effective use an area of disused land.

To pass the second part of the exceptions test, the local planning authority must be satisfied that the development is safe in the event of a flood. A revised flood risk analysis submitted by the applicant provided some mitigation measures in the event of flooding. This includes, flood resilient construction, an evacuation plan and safety measures where a breach of river defence occurs and ensuring the development's finished floor level is 3.58m above Ordnance Datum (AOD).

Comments from the Environment Agency following the submission of an updated flood risk assessment include a recommended condition regarding finished floor levels to make the development safe and an informative comment reminding the local planning authority to carry out a sequential test prior to any approval being granted. The sequential test has been done under this section.

In terms of drainage, no concerns have been raised by the council's drainage team, given the small-scale infill nature of the development. However, informative comments have been provided which would be included on any permission granted. The proposal is therefore considered to accord with policy DS14 of the North Lincolnshire Local Plan.

Land contamination

Policy DS7 of the local plan relates to contaminated land. This application is for residential development and so is a sensitive end-use. Historical maps reviewed by the council's Environmental Protection team indicate the presence of former commercial properties. Therefore, the site has the potential to have been impacted upon by contamination through the spillage and leakage of stored goods and fuel, and the illegal deposition of waste, which are harmful to human health.

Therefore, a contaminated land pre-commencement condition has been recommended and should be applied to any permission granted. This has been agreed with the applicant. Subject to compliance with the pre-commencement condition, the proposal is considered to accord with policy DS7.

Biodiversity and ecology

Policy CS17 relates to biodiversity and seeks to ensure developments produce a net gain in biodiversity by designing in wildlife, and ensuring any unavoidable impacts are appropriately mitigated for.

The biodiversity management plan submitted alongside the application identifies the following improvements to the dwelling following completion:

- the incorporation of 1 starling nest box from the RSPB website, or similar, incorporated within the garden area, at least 2.5m above the ground
- 1 built-in bat box from Ibstock or similar, incorporated 3–5 metres above ground level
- at least one hole at the base of each garden boundary fence, of around 130mm x 130mm, shall be left to allow hedgehogs to pass through as there could be potential for the presence of hedgehogs in the garden area.

Other concerns raised by the parish council

The parish council and residents raised concerns regarding the lack of dimensions on the plans. The applicant has provided updated plans to show the separation distance and dimensions of the proposed dwelling. Additionally, issues regarding drainage, flooding and surface water disposal were raised. In this respect, the LLFA drainage team was re-consulted and no further recommendation has been made. The informative comments made previously are considered sufficient for this scale of development. However, the Environment Agency has provided a condition to mitigate any impact from flooding that may arise. This condition will be attached to any permission the council is minded to grant.

Conclusion

This proposal seeks to erect a two-storey dwelling following the demolition of a disused single-storey shop, previously used as hot food takeaway, along Doncaster Road in Gunness. The site is set within the development boundary of the settlement, albeit in SFRA flood zone 2/3a. No objection has been raised by the Environment Agency (EA) or LLFA Drainage team following the submission of a revised flood risk assessment, subject to a condition imposed by the EA. The proposal is a small-scale infill development and would seek to bring into effective use previously used land within a predominantly residential area.

Pre-commencement condition

The recommended pre-commencement conditions included in the recommendation has been agreed with applicant.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

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

- Location plan, proposed site layout, existing and proposed block and floor plans 1623.01 rev A
- Existing and proposed elevations 1623.02 rev A
- Flood Risk Assessment Rev A, Design and Access Statement and Biodiversity Management Plan.

Reason

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

3.

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

Reason

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

4.

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

Part 1: Site Characteristics

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

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

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site

management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

5.

The development shall be carried out in accordance with the submitted flood risk assessment [Revision A] compiled by Flood Risk Management Limited, dated 13 August 2023 and the mitigation measures it details. In particular, the finished floor levels shall be set no lower than 3.58 metres above Ordnance Datum (AOD).

Reason

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

Informatives

1.

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

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

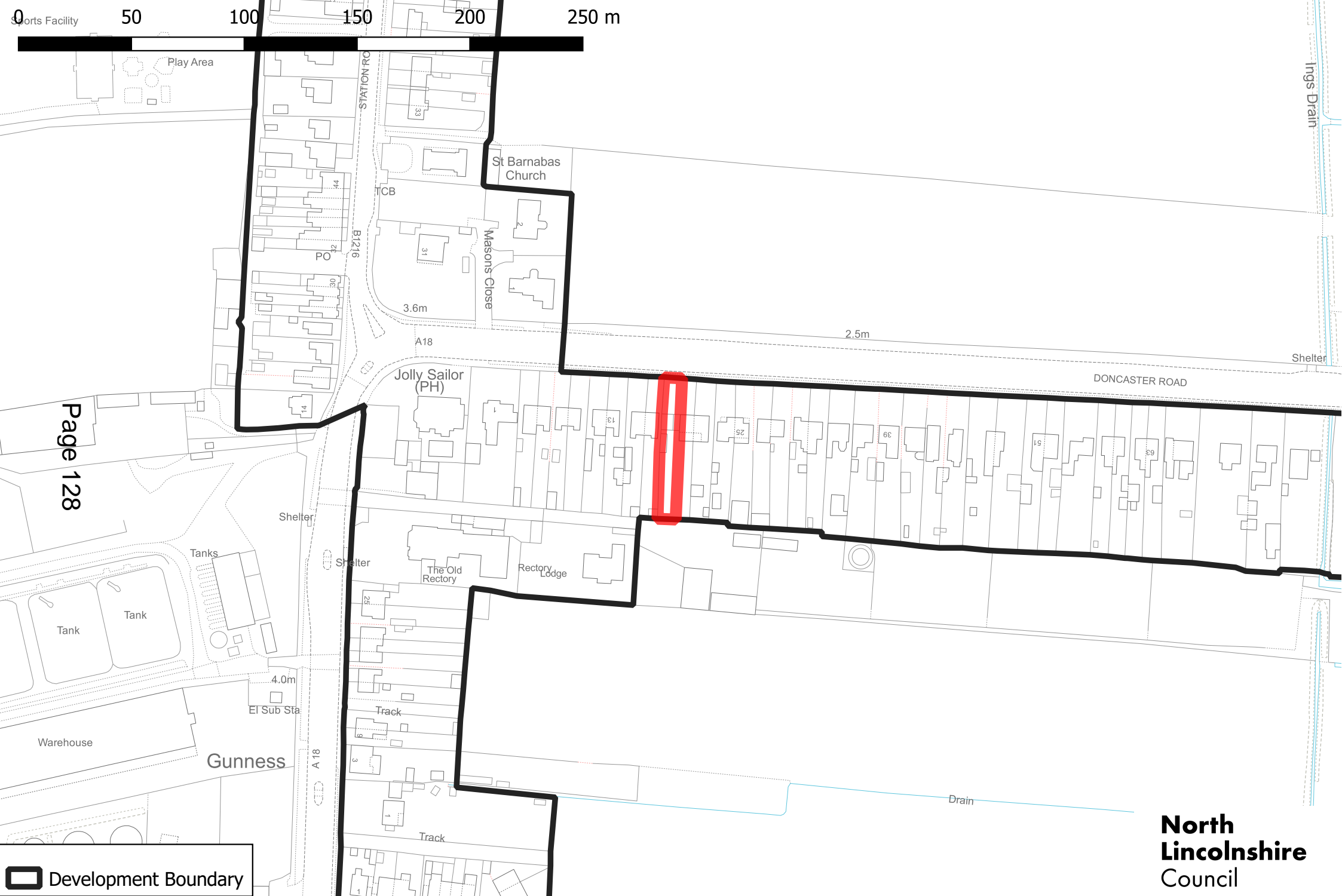
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

2.

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

3.

As the proposed development is classed as a more sensitive end use, we suggest you consider investigating the existing surface water drainage arrangements/layout for the development. Further consideration may need to be given to upsizing the pipe network, thus increasing storage around your development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance, it would be good practice on your behalf to ensure an increased level of resilience for the development and its future occupiers.



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Development Boundary

North Lincolnshire Council

All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications will be these drawings or associated documents are to be notified to keystonearchitecture.

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PARTY WALL NOTICES:

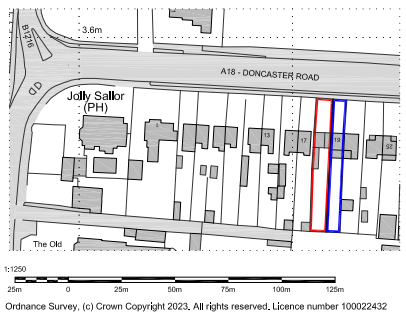
Building astride (A) or against (B) the boundary line:

If you plan to build a party wall astride or against the boundary line, you must inform the Adjoining Owner by serving a Notice.

Excavating near neighbouring buildings:

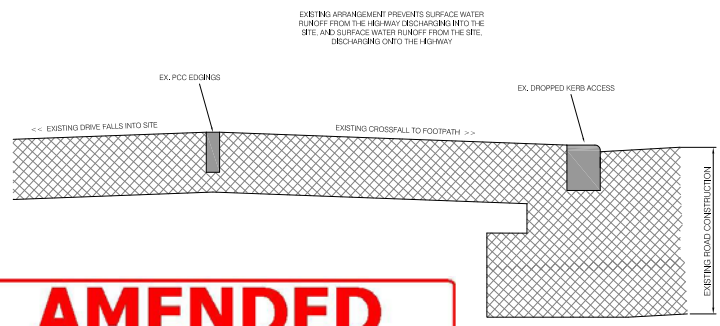
If you plan to excavate foundations within 3 metres of a neighbouring building or structure, where the excavation will go deeper than the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.

If you plan to excavate foundations within 6 metres of a neighbouring building or structure, where the excavation will cut a line drawn at 45° from the bottom of the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.

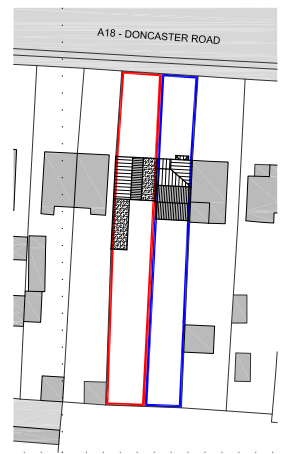


Location Plan
scale 1:1250

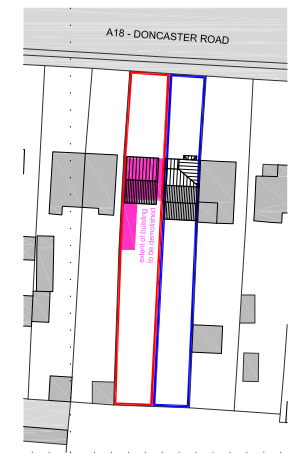
VEHICLE CROSSING CONSTRUCTION DETAIL



AMENDED

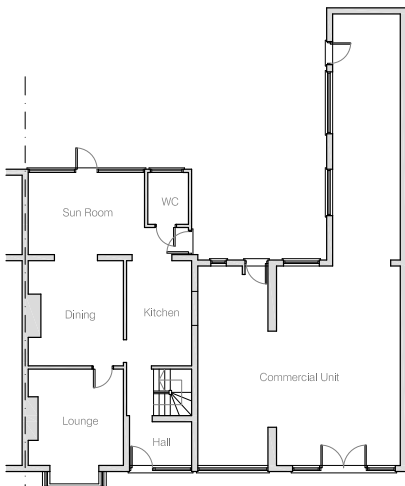


Existing Block Plan
scale 1:500

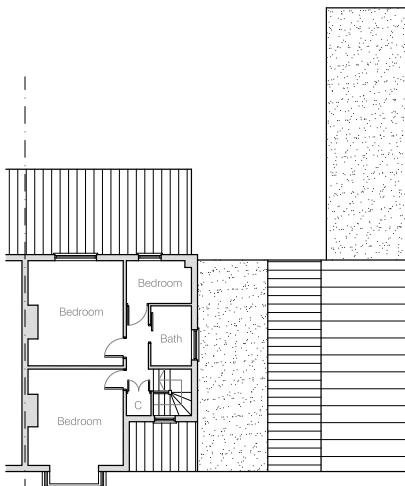


Proposed Block Plan
scale 1:500

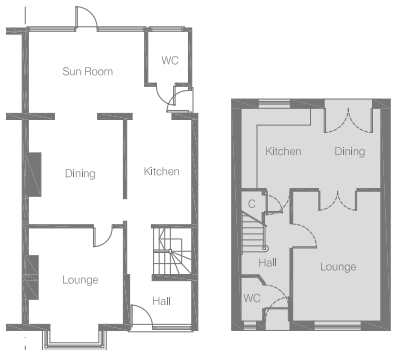
Page 129



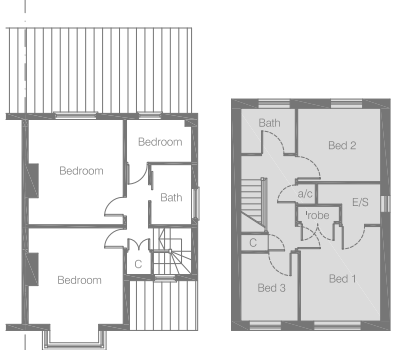
Existing Ground Floor Plan



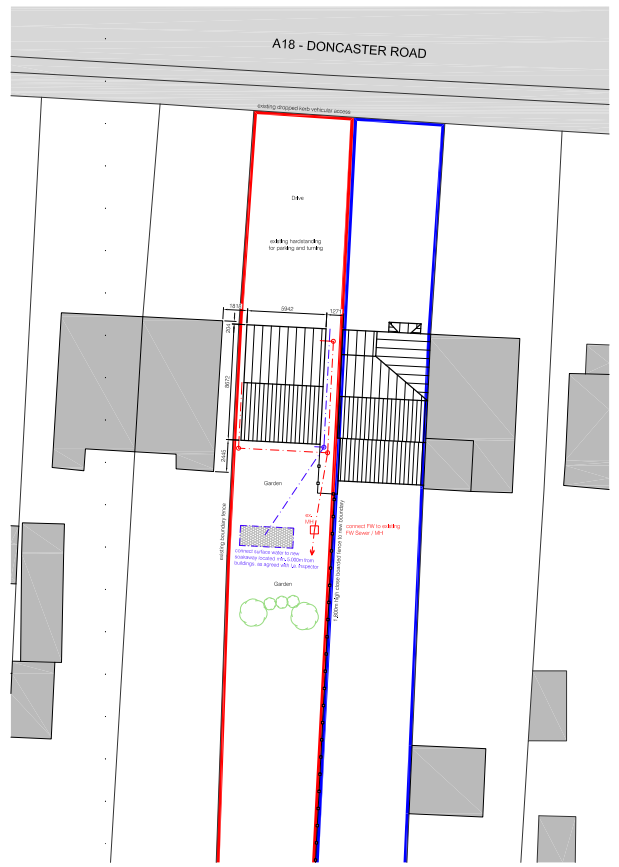
Existing First Floor Plan



Proposed Ground Floor Plan



Proposed First Floor Plan



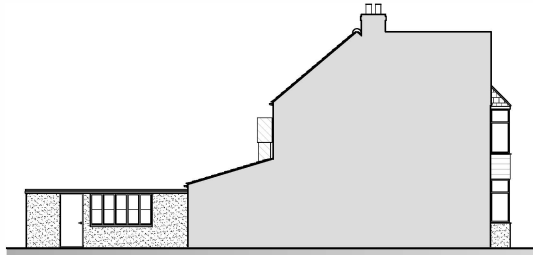
Proposed Site Layout
scale 1:200

NOT FOR CONSTRUCTION

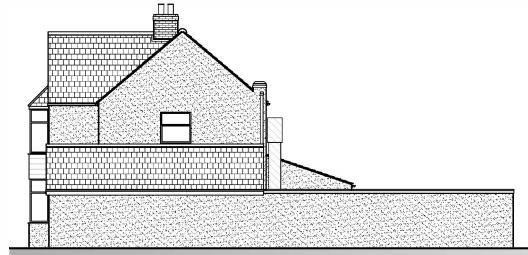
A	Dimensions Added to Site Plan			11/05/23
rev	agreement	date		
	stage	stage	date	date
	Planning	drawn	Feb 23	
	scale	1:1000 & as noted	drawn by	JCB



Existing North Elevation



Existing East Elevation



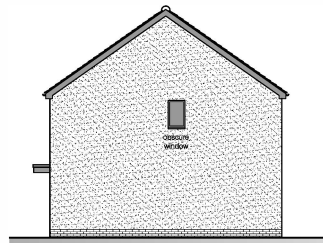
Existing West Elevation



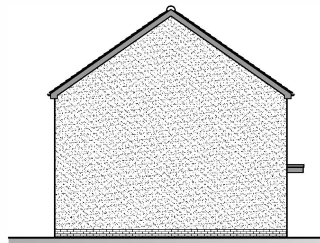
Existing South Elevation



Proposed North Elevation



Proposed West Elevation



Proposed East Elevation

Materials Schedule

1. Off white self-coloured rendered walls
2. Marley Modern concrete roof tiles in Smooth Grey
3. Grey uPVC windows and composite doors
4. Black aluminium goods on grey uPVC fascias



Proposed South Elevation

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NOT FOR CONSTRUCTION

#	Obscure window Added to West Elevation	1300023
Rev	0000000000	0000
Project	Proposed New Dwelling at 19 Deacon Road, Gurness, North Lincolnshire	1603 02 n/w A
Discipline	Ex & Pt Elevations	Feb 22
Scale	1:100	JCB

APPLICATION NO	PA/2023/1132
APPLICANT	Mr & Mrs Starkie
DEVELOPMENT	Planning permission to erect a dwelling, including demolition of an existing dwelling
LOCATION	60 Gainsborough Lane, Scawby, DN20 9BY
PARISH	Scawby
WARD	Broughton and Scawby
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Scawby Parish Council Objection

POLICIES

National Planning Policy Framework:

Section 2: Achieving Sustainable Development

Section 4: Decision Making

Section 11: Making Efficient Use of Land

Section 12: Achieving well-designed places

North Lincolnshire Local Plan:

H5: New Housing Development (part saved)

H8: Housing Design and Housing Mix

DS1: General Requirements

DS3: Planning Out Crime

DS7: Contaminated Land

DS11: Polluting Activities

DS14: Foul Sewage and Surface Water Drainage

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

CS19: Flood Risk

Housing and Employment Land Allocations DPD: The site is unallocated and located within the development limits of Scawby as shown on the Proposals Map.

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

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

SS1: Presumption in Favour of Sustainable Development

SS2: A Spatial Strategy for North Lincolnshire

SS3: Development Principles

SS11: Development Limits

DM1: General Requirements

CONSULTATIONS

Highways: No objections subject to conditions.

LLFA Drainage: No objections, but recommend an informative in relation to increasing storage within the pipe network.

PARISH COUNCIL

Objects for the following reasons:

- The height of the roof would be significantly raised and not in keeping with the street scene. Insufficient information to assess the proposals.

- The proposed roof height would cause a detrimental loss of light to neighbouring properties.
- The proposed roof height would cause loss of privacy to neighbouring properties.

PUBLICITY

The proposal has been advertised by site notice. One objection has been received raising the following concerns:

- The proposed plans show an extensive new build with no dimensions for the raised roof height, which in turn will block light entering our property and grounds along with other surrounding properties.
- The significant height of the proposed build, along with the planned balcony, leaves us with uncertainty as to how this will effect the privacy of our property and grounds.

ASSESSMENT

Planning history

No relevant planning history.

Constraints

SFRA flood zone 1

The site is not within a conservation area, and there are no tree preservation orders or listed buildings on the site or within close proximity.

Proposal and site characteristics

The application site comprises a detached bungalow accessed off Gainsborough Lane. The surrounding area is largely residential with the property to the north being a one-and-a-half-storey detached dormer bungalow; there is a detached two-storey property to the south. The properties within the immediate vicinity are mixed in style, size and scale. The existing property has a large footprint extending further into the rear garden than the neighbouring properties.

This application seeks permission for the demolition of the existing bungalow and the erection of a detached two-storey three-bedroomed property.

The following considerations are relevant to this proposal:

- **principle of development**
- **residential amenity**
- **design and appearance**
- **highway safety**
- **flood risk.**

Principle of development

This proposal relates to an existing residential plot within a residential area, within the development limits of Scawby. The principle of development is therefore considered acceptable.

Residential amenity

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 will 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 loss of overlooking or overshadowing.

Saved policy DS5 of the North Lincolnshire Local Plan, whilst concerned with residential extensions, 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 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.

This application seeks full planning permission for a detached property on the site and the demolition of the existing property. Concerns have been raised regarding the height of the proposed property in that it will cause a detrimental loss of light and loss of privacy to neighbouring properties. Concern has also been raised regarding the planned balcony to the rear and potential privacy impacts.

The proposed footprint of the dwelling is not significantly larger than that of the existing property and only extends approximately 2m further into the rear garden than that of the existing conservatory and approximately 4m further than the rear of the main dwelling.

The case officer has sought further information from the applicant to address the concerns regarding loss of light. Sunlight path analysis has been provided which demonstrates that the development would not lead to a significant loss of light. The proposed development is located to the north-east of 58 Gainsborough Lane and as such will not interrupt the path of the sun in this location. Number 58 also includes a detached garage with pitched roof within its garden on the north-eastern boundary and this will already cast shade within the rear garden. The existing detached bungalow extends beyond the neighbouring garage.

In reference to the property to the north-east, the two-storey element of the proposed property is set well away from the boundary and will not lead to a loss of light in this location. Sun path analysis has been provided to confirm this position.

It is considered that the property has been designed to take account of amenity impacts, with the two-storey element being set off the northern boundary and only a single-storey element being present within this location. The applicant has been careful to locate only three small rooflights in the side elevation of the roof space; these serve the landing and stairwell, as well as an en-suite bathroom. It has been agreed that these will be obscure glazed and non-opening to ensure no privacy impacts are realised. This will form a condition to development.

The proposed balcony to the rear is set within the main roof of the property and includes solid walls on both side elevations. This design prevents overlooking from the site to neighbouring properties and vice versa.

The street scene/elevation which has been provided, following comments received in relation to height, demonstrates that the property will have a similar pitch height to that of the adjacent two-storey detached property. The property does include a lower eaves height and therefore the main pitch height is set away from the boundary with the neighbouring property (number 58). Whilst having a higher ridge height than the adjacent dormer bungalow at number 62, the element of the building which is closest is only single-storey and the two-storey element is set much further away from the boundary so as not to cause any amenity impacts.

Overall it is considered that the applicant has carefully considered the adjacent properties within the design and the proposed development would not lead to any concerns of overshadowing, loss of light, privacy or overlooking impacts. It is therefore considered that the development is in accordance with policies DS1, DS5 and H5.

Design and appearance

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, ‘...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 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 Core Strategy policy 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.

There are a mix of property styles and materials in this location, and whilst most properties include red brick/multi brick for their walls there is evidence of wooden panelling and rendering within the street scene. The applicant has chosen the following materials for the proposal:

- Roof tiles: dark grey interlocking slate roof tiles
- Gutters and fascias: black rainwater goods on dark grey fascias/soffits
- Render: off-white, self-coloured render
- Stonework: coursed Lincolnshire limestone
- Timber: naturally stained vertical timber cladding

- Front door: composite door painted black
- Garage door: dark grey GRP
- Windows/doors: dark grey uPVC/aluminium.

The proposal also includes large windows to the frontage at first floor and ground floor as well as large windows to the rear at both ground and first floor. Whilst these are modern additions they are considered to be of high quality and will help raise the design quality in this location.

Overall, the design of the property is considered to be of high quality and in keeping with the existing property and properties within the wider street scene.

It is therefore considered that the proposal is in accordance with policies DS1, DS5 and H5.

Flood risk and drainage

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 site is located within SFRA flood zone 1 which is at low risk of flooding.

The LLFA Drainage team have considered the proposals and do not have any comments or objection to the proposed development.

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.

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

It is therefore considered that the scheme is in accordance with policies T2 and T19 of the local plan.

Conclusion

For the reasons set out in this report, it is considered that the location of the development within the current development limits is justified in this case and the proposal would not result in unacceptable harm in any other way. The proposal is acceptable in terms of its impacts upon the character of the area and is designed to a high standard. There would not be any significant impacts on highway safety or the amenity of neighbouring properties. The scheme is considered to sufficiently accord with the development plan and the NPPF.

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: Existing and Proposed Plans – 1654.01.

Reason

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

3.

The materials and finishes of the proposed development shall be as set out within the hereby approved plan Existing and Proposed Plans - 1654.01, unless otherwise agreed by the local planning authority.

Reason

To ensure that the building is developed to a high design quality and in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

Before the extension is first occupied, the three first-floor windows in the side elevations shall be non-opening and 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 DS5 of the North Lincolnshire Local Plan.

5.

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

Reason

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

6.

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.

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.

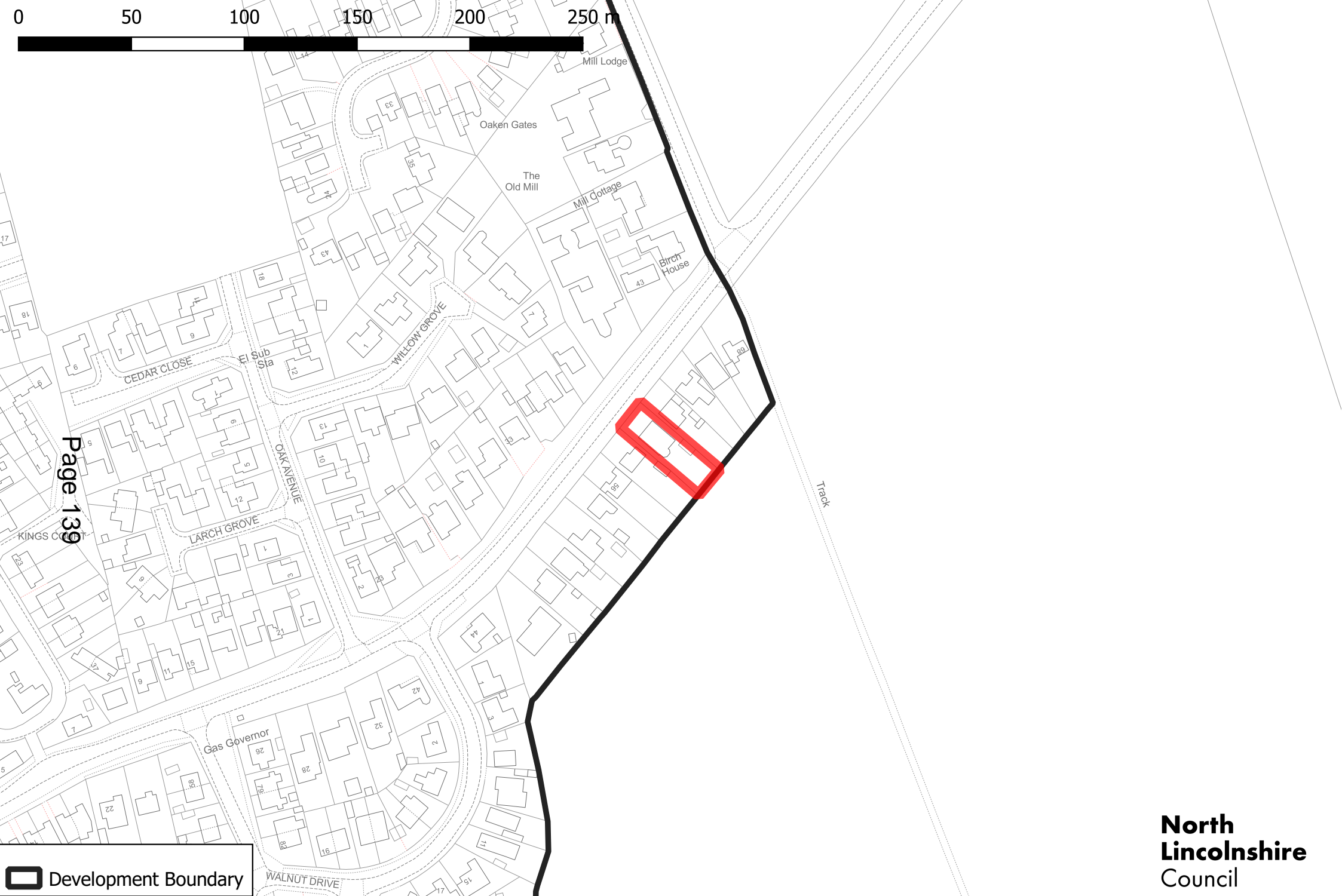
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The LLFA Drainage Team suggest the applicant/developer considers upsizing the pipe network increasing storage around the development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance, it would be good practice on your behalf to ensure an increased level of resilience for the development and its future occupiers and we would ask that you fully explore all Source Control SuDS techniques that can store and allow water reuse.



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 Development Boundary

**North
Lincolnshire
Council**

PA/2023/1132

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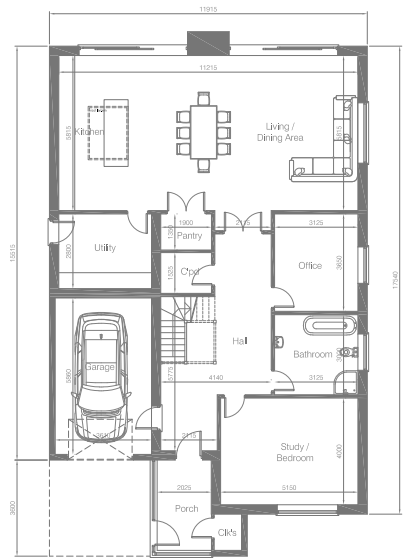
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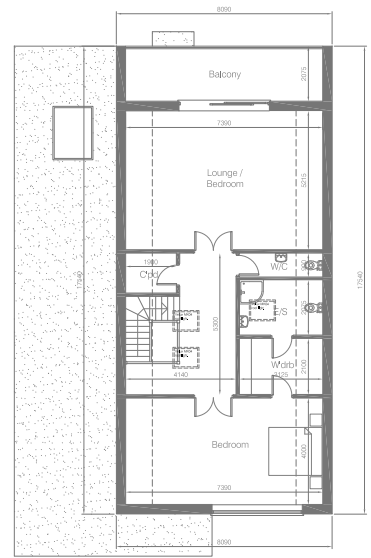
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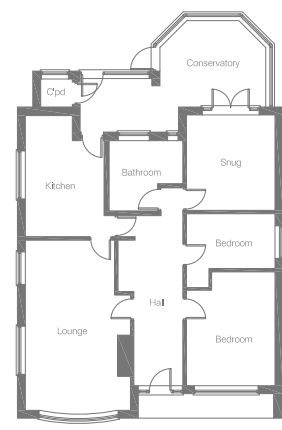
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Proposed Ground Floor



Proposed First Floor

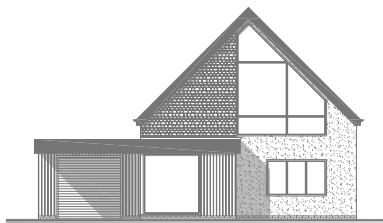
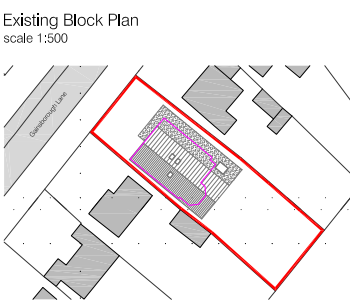
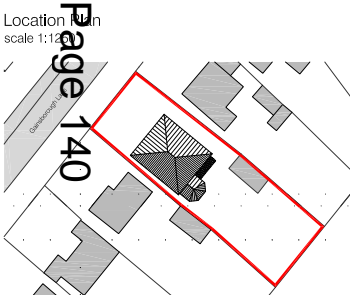


Existing Ground Floor

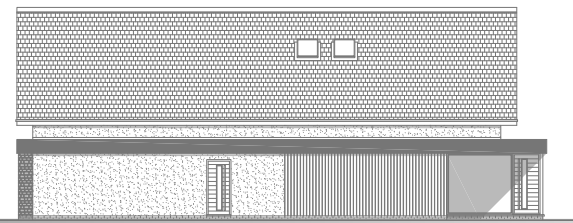
Material Schedule:

- Roof Tiles: Dark grey interlocking slate roof tiles
- Gutters / Fascias: black rainwater goods on dark grey fascias / soffits
- Render: Off white, self coloured render
- Stonework: Coursed Lincolnshire Limestone
- Timber: Naturally stained vertical timber cladding
- Front Door: Composite door painted black
- Garage Door: Dark grey GRP
- Windows / Doors: Dark grey uPVC / aluminium

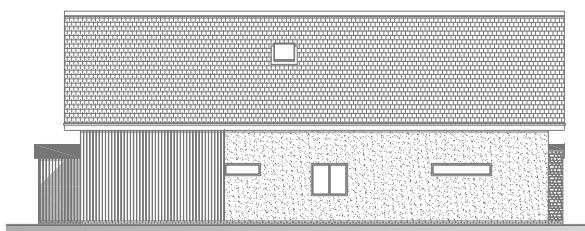
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Proposed Northwest Elevation



Proposed Northeast Elevation



Proposed Southwest Elevation



Proposed Southeast Elevation



Proposed Site Layout
scale 1:200

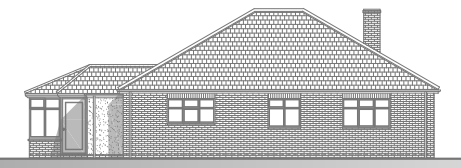
NOT FOR CONSTRUCTION



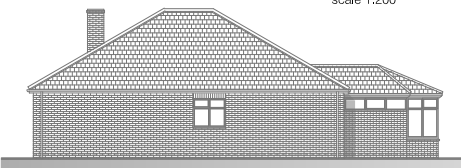
Existing Northwest Elevation



Existing Southeast Elevation



Existing Northeast Elevation



Existing Southwest Elevation

PA/2023/1132 Proposed layout and elevations (not to scale)

rev	amendment	date
01	Ex. & Pl. Plans	18/04/21
02	Stage	June 23
03	Scale	1:100 & as shown
04	Drawn by	JS

PA/2023/1132 Existing and proposed street elevation (not to scale)

All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications will be those drawings or associated documents are to be notified to keystonearchitecture.

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

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

The Contractor shall take into account everything necessary for the proper execution of the works and to the satisfaction of the Local Authority, whether or not indicated on the drawings or in the specification.

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PARTY WALL NOTICES

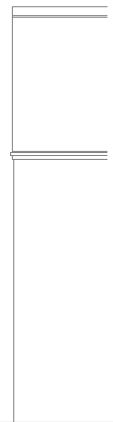
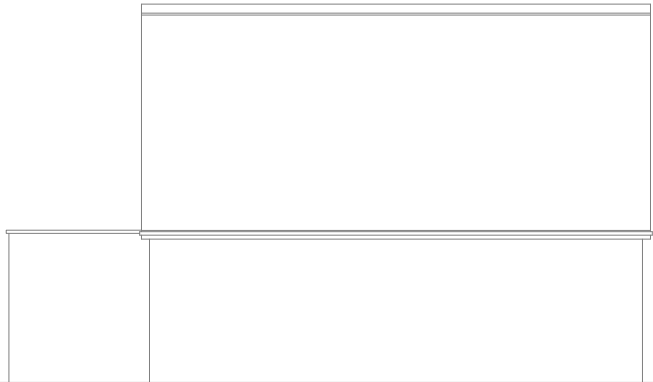
Building astride (A) or against (B) the boundary line:

If you plan to build a party wall astride or against the boundary line, you must inform the Adjoining Owner by serving a Notice.

Excavating near neighbouring buildings:

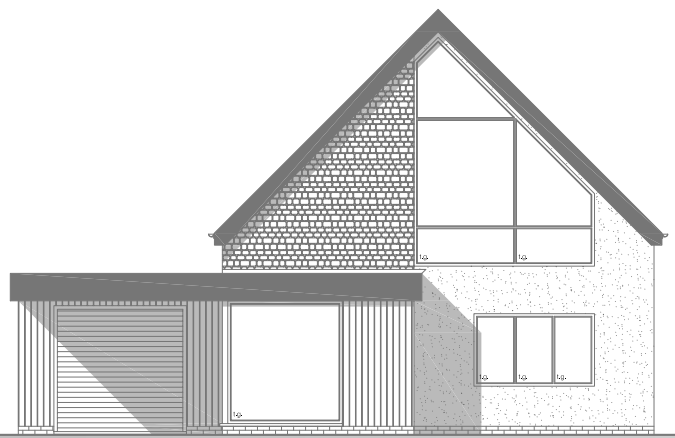
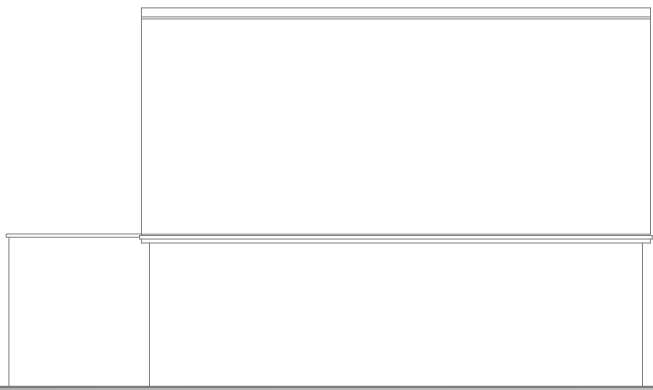
If you plan to excavate foundations within 3 metres of a neighbouring building or structure, where the excavation will go deeper than the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.

If you plan to excavate foundations within 6 metres of a neighbouring building or structure, where the excavation will cut a line drawn at 45° from the bottom of the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.



Existing Northwest Street Elevation

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Proposed Northwest Street Elevation

NOT FOR CONSTRUCTION

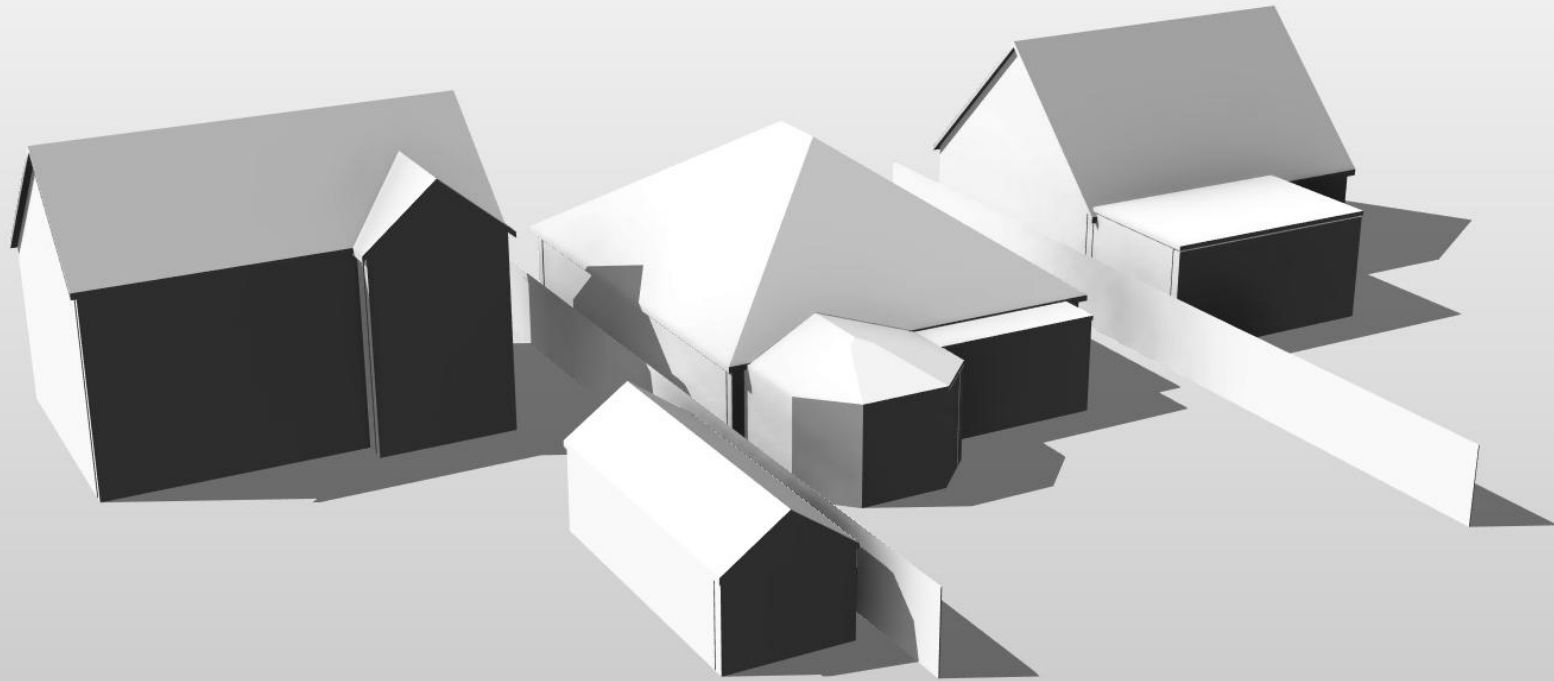
rev.	amendment	date
1	Pr. Street Elevation	16/08/23
2	Pr. Street Elevation	16/08/23

keystone architecture
 building consultants
 energy assessors
 project managers
 T: 01753 230 122
 E: info@keystonearch.co.uk
 www.keystonearch.co.uk

PA/2023/1132 Existing sun path analysis (June 1500)

21 June @ 1500

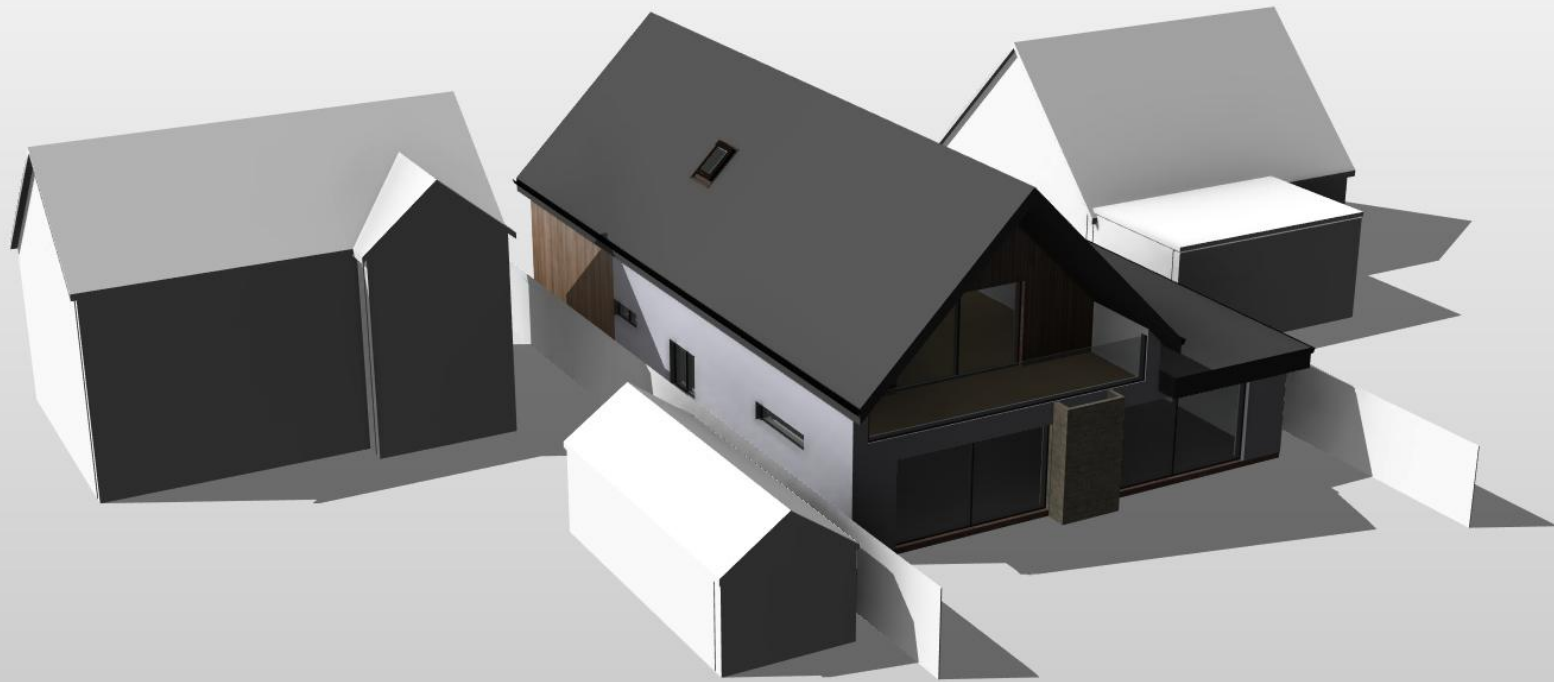
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PA/2023/1132 Proposed sun path analysis (June 1500)

21 June @ 1500

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