

Public Document Pack

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

1 November 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 4 October 2023 as a correct record and authorise the chairman to sign (to follow). (Pages 1 - 6)
4. Applications deferred from previous meetings for a site visit. (Pages 7 - 8)
 - (a) PA/2021/1611 Planning permission to erect a steel-framed building at Boat Club, Island Carr Road, Brigg, DN20 8PD (site visit 10.25am). (Pages 9 - 20)
 - (b) PA/2022/1848 Outline planning permission to erect a dwelling and garage with all matters reserved for future consideration at Land opposite Paddock View, West End, Garthorpe, DN17 4RX (site visit 11.30am). (Pages 21 - 36)
 - (c) 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 (site visit 9.30am). (Pages 37 - 54)
 - (d) PA/2023/439 Planning permission to erect a new dwelling at Homelea, Sluice Road, South Ferriby, DN18 6JG (site visit 9.55am). (Pages 55 - 68)
 - (e) PA/2023/1132 Planning permission to erect a dwelling, including demolition of an existing dwelling at 60 Gainsborough Lane, Scawby, DN20 9BY (site

visit 10.45am). (Pages 69 - 84)

5. Major Planning Applications. (Pages 85 - 86)
 - (a) PA/2022/1702 Application to modify/discharge the S106 Agreement attached to PA/2019/1782 relating to the request for contributions be removed for viability reasons at Land south of Moorwell Road, Yaddlethorpe, Bottesford. (Pages 87 - 94)
 - (b) PA/2023/1229 Outline planning permission for up to 20 dwellings with all matters reserved for subsequent consideration (re-submission of PA/2021/1330) at Land off Scotter Road/High Street, Messingham, DN17 3NT. (Pages 95 - 124)
 - (c) PA/2023/1429 Planning permission for the demolition of a public house and the erection of a two-storey residential building consisting of 20 dwellings (re-submission of PA/2022/754) at Former Lincoln Imp public house, 29 Gloucester Avenue, Scunthorpe, DN16 2EA. (Pages 125 - 154)
6. Planning and other applications for determination by the committee. (Pages 155 - 156)
 - (a) PA/2023/311 Proposed change of use from a store room to a commercial car repairs and tyre replacement garage at 312 Messingham Road, Bottesford, DN17 2QY. (Pages 157 - 168)
 - (b) PA/2023/631 Planning permission to erect 9 dwellings at Land adjacent to Halkon Close, Luddington, DN17 4RD. (Pages 169 - 200)
 - (c) PA/2023/659 Planning permission for partial change of use of land and the erection of a timber outbuilding for commercial use at 1 Whitehouse Way, Epworth, DN9 1GS. (Pages 201 - 212)
 - (d) PA/2023/1055 Planning permission for new access into agricultural fields off B1206 Barton Road, Wrawby at Field access from B1206 Barton Road, Wrawby. (Pages 213 - 224)
 - (e) PA/2023/1212 Planning permission to erect a dwelling at 4 Oaklands, Grange Court, Westwoodside, DN9 2QN. (Pages 225 - 238)
 - (f) PA/2023/1244 Planning permission to erect a general-purpose agricultural building at Land adjacent to Torne Gatehouse, Sandtoft Road, Epworth, DN9 1LE. (Pages 239 - 250)
 - (g) PA/2023/1260 Planning permission to change a garage/workshop into a separate dwelling (one-bedroomed bungalow) (re-submission of PA/2022/1980) at Church End Cottages, Townside, East Halton, DN40 3NU. (Pages 251 - 260)
 - (h) PA/2023/1354 Planning permission to erect a barn for agricultural use at Fox

Farm, Cadney Road, Howsham, LN7 6LA. (Pages 261 - 272)

- (i) PA/2023/1367 Planning permission to erect a domestic timber garden building and use as a part-time work-from-home beauty salon at Meadow Vale, Chapel Road, Crowle, DN17 4BN. (Pages 273 - 282)
 - (j) PA/2023/1379 Application to crown reduce by 40% and crown lift by 2.5 metres above ground level two beech trees identified as T1 and T2 within and protected by Tree Preservation (Morfield Grove, Epworth) Order 2022 at 9 Morfield Grove, Epworth, DN9 1DQ. (Pages 283 - 286)
 - (k) PA/2023/1436 Planning permission for an aircraft hangar extension at The Green Hangars, Hibaldstow Airfield, Redbourne Road, Brigg, DN20 9NN. (Pages 287 - 296)
7. Any other items, which the chairman decides are urgent, by reasons of special circumstances, which must be specified.

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

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Public Document Pack Agenda Item 3

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

4 October 2023

PRESENT: - N Sherwood (Chairman)

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

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

2465 **SUBSTITUTIONS**

There was no substitutions.

2466 **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 declare and personal and prejudicial interest –

Cllr N Sherwood – PA/2021/1611 – Member and trustee of the Boat Club.

The following member declared a personal interest –

Cllr Waltham – PA/2021/1611 – Chairman of the Users Group.

The following member declared he had been lobbied –

Cllr Wells – PA/2023/424

2467 **TO TAKE THE MINUTES OF THE MEETINGS HELD ON 6 SEPTEMBER 2023 AS A CORRECT RECORD AND AUTHORISE THE CHAIRMAN TO SIGN (ATTACHED).**

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

2468 **APPLICATIONS DEFERRED FROM PREVIOUS MEETINGS FOR A SITE VISIT.**

2469 **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**

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HOLME AND MESSINGHAM, HOLME, DN16 3RE (SITE VISIT 11.15AM).

Cllr J Davison having visited the site, and listening to the Ward members concerns he felt that through the traffic management plan, and Highway conditions within the report there was no problems with approving the application.

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

2470 **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).**

An objector addressed the committee and stated that he occupied a neighbouring property that would lead to loss of privacy, overshadowing, loss of light and amenity if the application was to be approved. He stated that the block plans in his opinion were incorrect, the outbuildings mentioned did not exist, and the proposals would not be in keeping with the original design. He also referred to 15 objections also received from local residents.

Cllr J Davison following the visit to the site stated that he felt for the neighbouring property and the impact the proposal would have on their loss of amenity and privacy. He said the original approved application for a single storey was in keeping, but this proposal was over bearing, and not in keeping with the area.

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

That planning permission be refused for the following reason –

The proposed development, by virtue of its size and massing, would have an adverse overbearing impact upon the residential amenities of the immediate adjoining dwelling and would be out of keeping with the character and appearance of the area. The proposal is therefore contrary to policies DS1 and DS5 of the North Lincolnshire Local Plan and policy CS5 of the North Lincolnshire Core Strategy.

Motion Carried.

2471 **PLANNING AND OTHER APPLICATIONS FOR DETERMINATION BY THE COMMITTEE.**

2472 **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.**

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Cllr Bell requested a site visit be held to get a view for the committee if the plot is an infill plot or not. He felt the committee needed all the facts before they could make a decision.

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

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

Motion Carried.

2473 **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.**

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

2474 **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.**

An objector speaking on behalf of himself, and several residents affected by the proposal as it was 25feet from their boundary. He stated they did not need two pubs in the village, and there were more objections for it then there was support. He said it would affect residents quality of life with the noise, cars and visitors and said it was not the right place for a pub.

Speaking in support of the application the agent stated that a micro pub was very different to a traditional pub. It did not have gas pumps or the need for cooling systems so there would be no noise or need for extraction systems. It would have quite table games, allowing for a social drink and chat and would not have any music. She said they would use local people for the business and had huge support for it in the village.

Cllr Wells felt it was situated in the wrong location, and the village hall already supplied a venue for social drinks and gatherings and had ample car parking. He felt the micro pub would not have enough car parking spaces and would impact on the Highways in the vicinity of the proposal. He urged the committee to hold a site visit.

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

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

Motion Carried.

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2475 PA/2023/439 PLANNING PERMISSION TO ERECT A NEW DWELLING AT HOMELEA, SLUICE ROAD, SOUTH FERRIBY, DN18 6JG.

Cllr Waltham addressed the committee and outlined a number of responses highlighted in the Officer's report and stated that there had been no objections from the consultation responses, no adverse comments from the Parish Council, and that the development had a number of merits to it, including allowing families to continue to live in the village. He urged the committee to hold a site visit.

Cllr Ross having listened to the previous speaker felt it would be beneficial to hold a site visit.

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

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

Motion Carried.

2475a 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.

A neighbour attended and objected to the proposal, and informed the committee that the position of the proposal would have a big impact on their property and the street scene. He felt it was out of keeping with the area, parking would be an issue, and the recommended conditions did not consider the impact on the neighbours.

Cllr Ross having read the report, and bearing in mind it was for outline she had no problem with the application.

Cllr Bell stated that the report was in line with planning policies that the committee had to adhere to.

Cllr wells stated he would be voting against the application.

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

2476 PA/2023/694 PLANNING PERMISSION TO ERECT A NEW DWELLING (INCLUDING DEMOLITION OF EXISTING SHOP) AT 19 DONCASTER ROAD, GUNNESS, DN15 8TG.

An objector spoke against the application as he said it would be overbearing and out of character with the street scene. He also had concerns with the finished floor levels, and the height of the house discrepancy with the drive was a real issue.

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The agent responded stating the most suitable use for the shop was a new dwelling. He highlighted that the Planning Officer was happy with the application, and it was 50 % smaller than originally planned. He also stated that the flood assessment and floor height had been agreed as better for all involved.

Cllr Ross said the site was dilapidated and felt the proposal would benefit the area.

Cllr J Davidson felt that the committee should seek further clarification on the floor levels in consultation with the Environment agency.

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

That the application be deferred to allow the agent to provide additional information regarding floor levels as plans do not incorporate Environment Agency raised floor levels; and allow the agent to make amendments.

Motion Carried.

2477 PA/2023/1132 PLANNING PERMISSION TO ERECT A DWELLING, INCLUDING DEMOLITION OF AN EXISTING DWELLING AT 60 GAINSBOROUGH LANE, SCAWBY, DN20 9BY.

In objecting to the application, the resident from the neighbouring property explained to the committee that there would be considerable loss of light to his property if the dwelling was approved. He said everyone had a right to light in their house from 9a, until 3pm of which they are at work during those hours. He stated that the roof height was slightly above their height and not within the street scene, and the proposed full-length balcony would have views straight into their patio with a loss of privacy.

The agent in response stated it was a large, detached bungalow with only one objection and an objection from the Parish Council. He also referred to the Planning Officer's report recommending approval following a reduction in height and scale. He highlighted that the roof would slope away from the bungalow to reduce any impact on privacy and loss of light to the neighbouring property.

Cllr Ross having listened to the debate felt that the committee would benefit from having a look at the site.

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

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

Motion Carried.

PLANNING COMMITTEE
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2478 **PA/2021/1611 PLANNING PERMISSION TO ERECT A STEEL-FRAMED BUILDING AT BOAT CLUB, ISLAND CARR ROAD, BRIGG, DN20 8PD.**
The Chairman having declared a personal and prejudicial interest left the meeting for the following item. Cllr Ross was Chairman for the following application.

The agent addressed the committee outlining the application and asked them to approve the retrospective permission as they were unaware, they required planning permission. He stated it was constructed over a land infill area and did not impose any problems.

Cllr Waltham spoke as the local Ward Member indicating his support for the application. He stated it was previously a tip site, with a very small proportion being used, therefore the pre-commencement condition was seen as a step too far when considering the context of how and when it will be used. He urged the committee to visit the site.

Cllr J Davison reminded the committee it was retrospective, and the building was already up, therefore, they should go look for themselves.

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

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

Motion Carried.

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 01 November 2023
Date: 23 October 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/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

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

Planning history

7/1975/0374: 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.

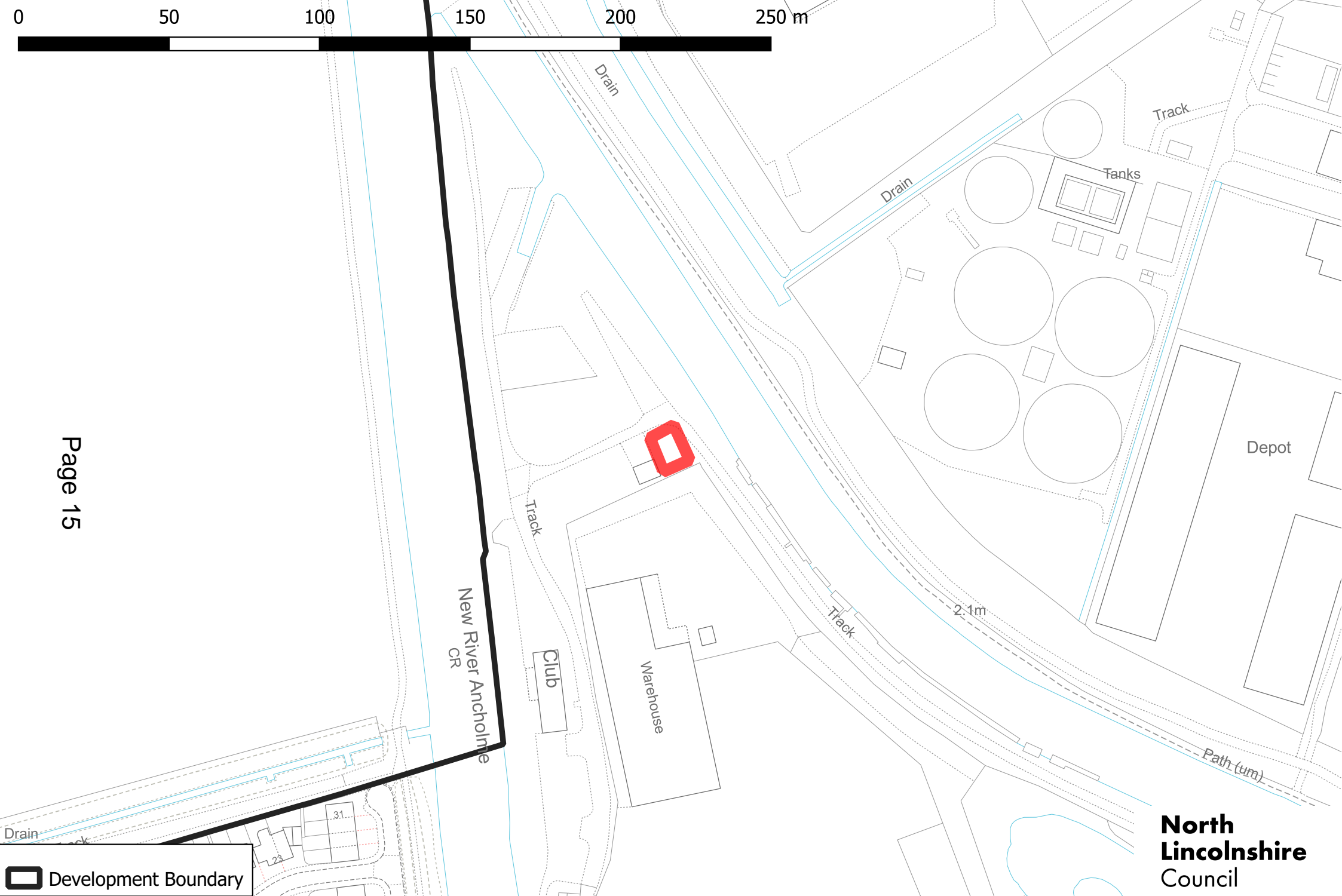
Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

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.



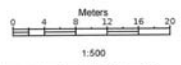
 Development Boundary

**North
Lincolnshire
Council**



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Produced 03 Sep 2021 from the Ordnance Survey MasterMap (Topography) Database and incorporating surveyed revision available at this date.
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 Centre coordinates: 499335 407531

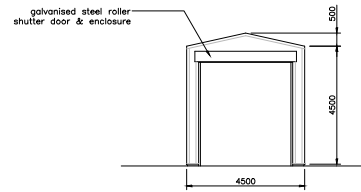
Gianford Boat Club, Boat Club, Island Carr Rd, Island Carr Industrial Estate, Brigg DN20 8PD

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.

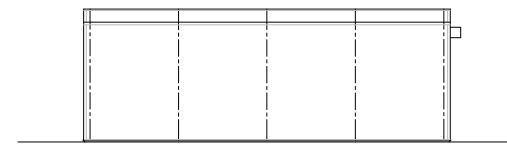
BEFORE ANY MECHANICAL EXCAVATION TAKES PLACE A THOROUGH CHECK TO BE UNDERTAKEN FOR ANY UNDERGROUND SERVICES WITHIN THE AREA OF ALL EXCAVATIONS. IF THERE IS ANY DOUBT AS TO THE PRESENCE OF ANY SERVICES HAND EXCAVATED TRIAL HOLES TO BE CAREFULLY UNDERTAKEN TO CHECK FOR THEIR PRESENCE.

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

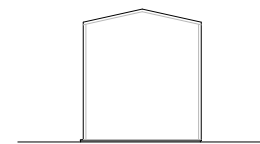
N.B. Please note all internal dimensions are to face of blockwork and not to plastered finishes.



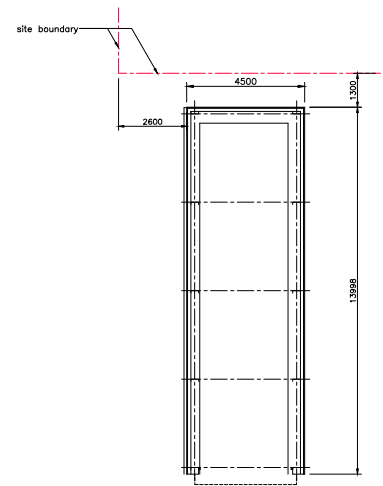
front elevation



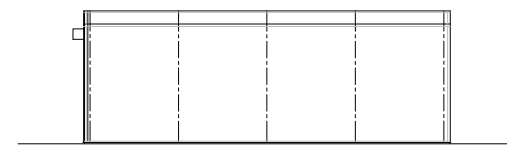
side elevation



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	06/09/21	Issue	0	Description	Planning application issue.
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JD Associates (Design Consultants) Ltd,
 3 St James Road, Brigg, N Lincs. DN20 8DU.
 Tel: 07813 832310 e-mail: design@jdassociates.co.uk

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

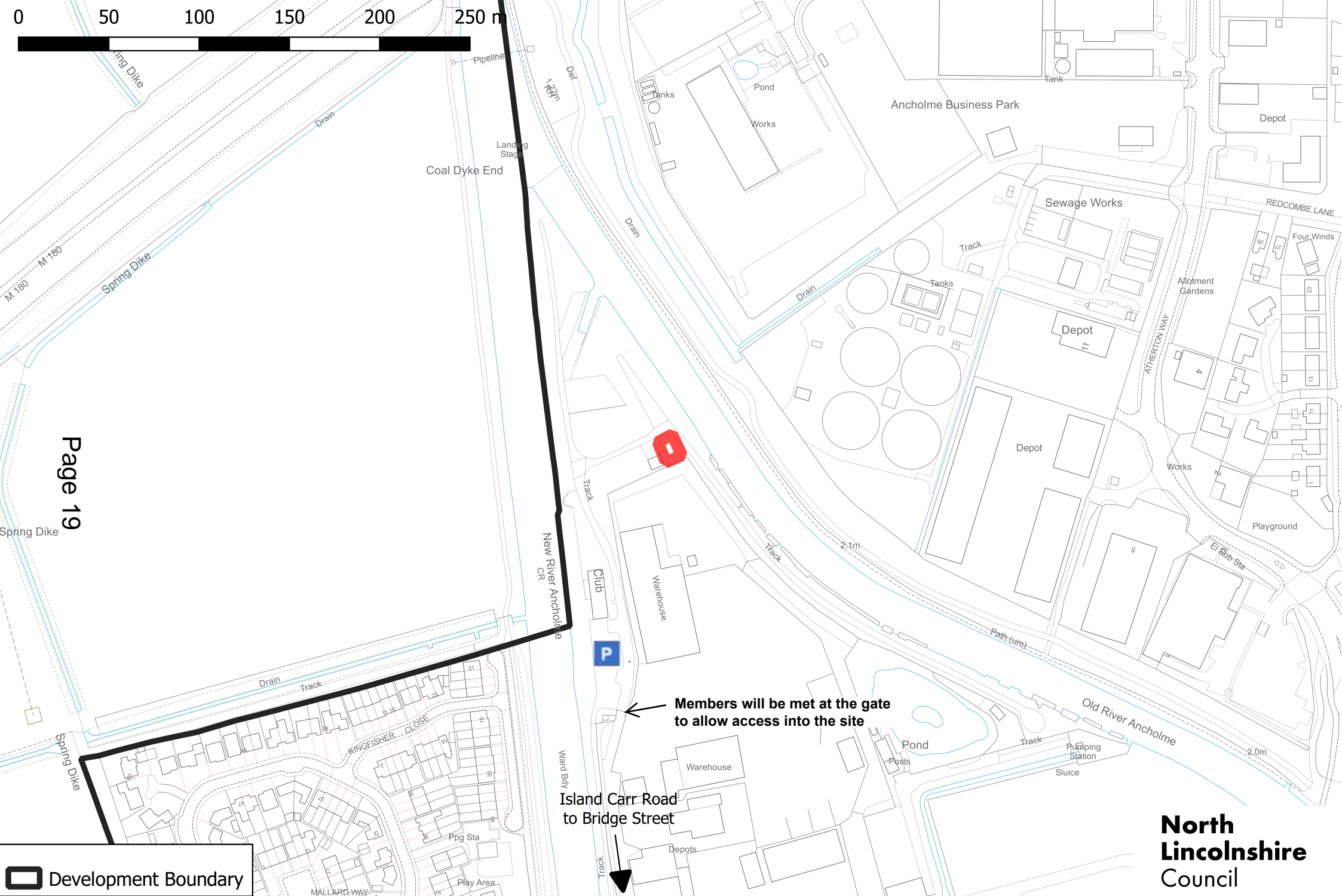
Project
Garage to house mobile crane,
 Glanford Boat Club, Coal Dyke End,
 Island Carr Rd, Brigg, DN20 8PD.
GA drawing for retrospective Planning Permission.

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



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Page 19

 Development Boundary

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

Island Carr Road to Bridge Street

**North
Lincolnshire
Council**

PA/2021/1611 Sat nav: Boat Club, Island Carr Road, Brigg, DN20 8PD

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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:

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

North Lincolnshire Local Plan:

- H5 New housing development
- H8 Housing design and housing mix
- 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:

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

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

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:

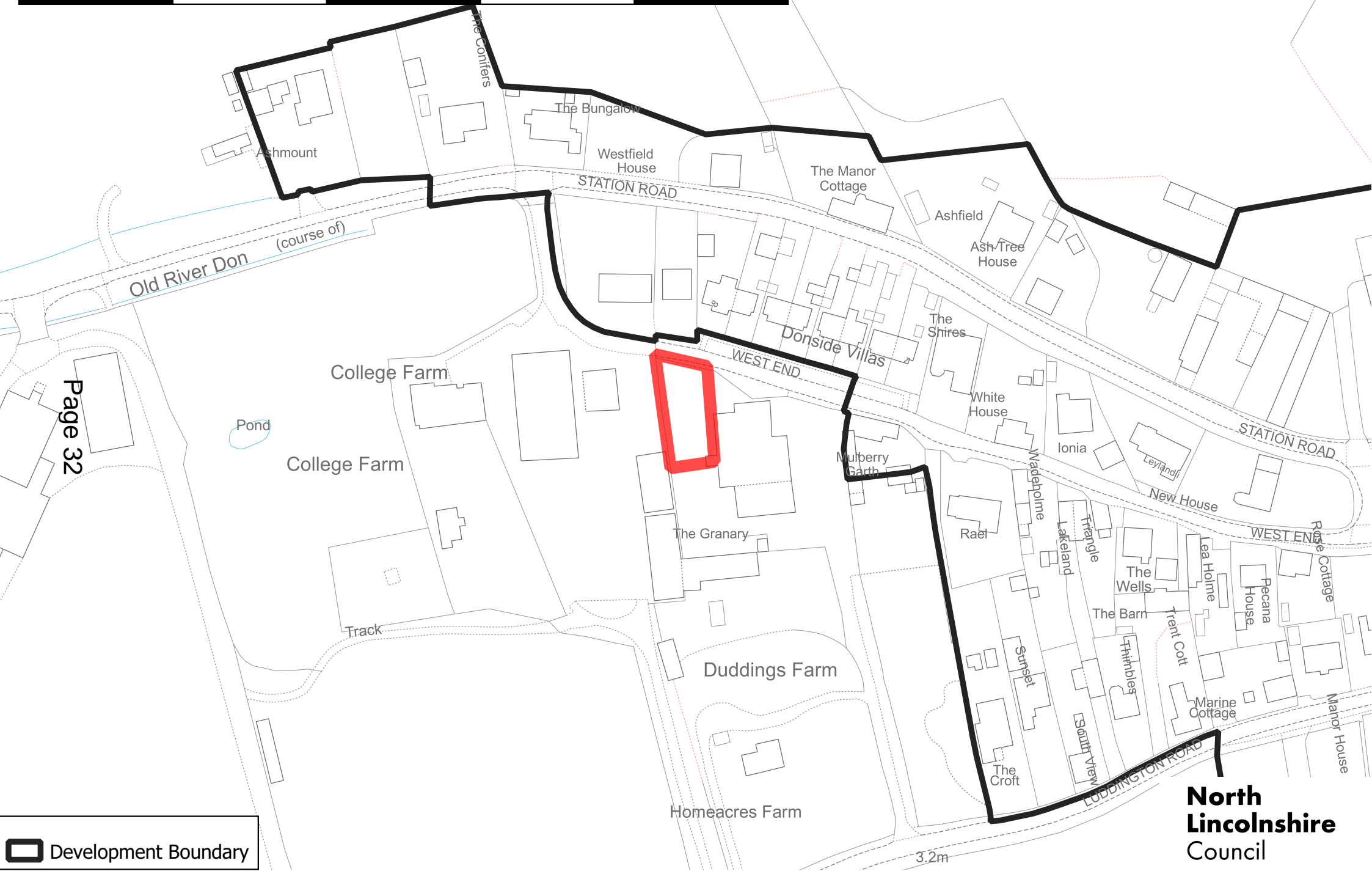
1.
The site lies outside any defined settlement limits in a location where new housing development is strictly limited and there are no other specific exceptions/circumstances defined in the Development Plan which indicate that permission should be granted. The proposal does not therefore meet the strategy 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.



Page 32

 Development Boundary

**North
Lincolnshire
Council**

PA/2022/1848

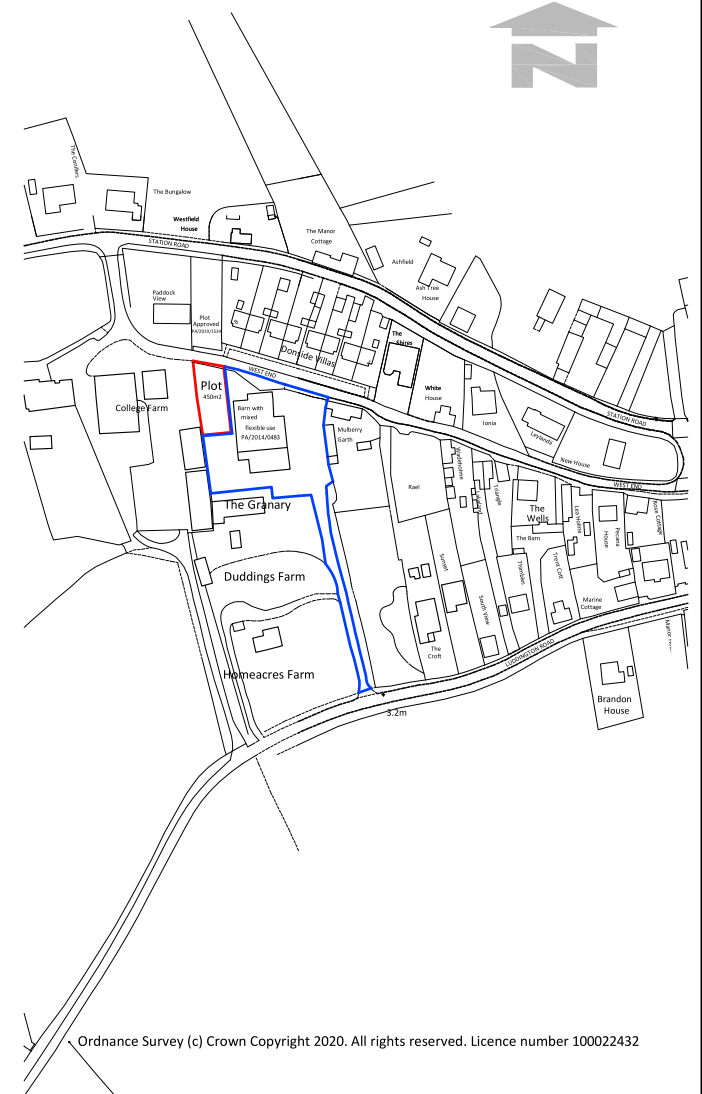
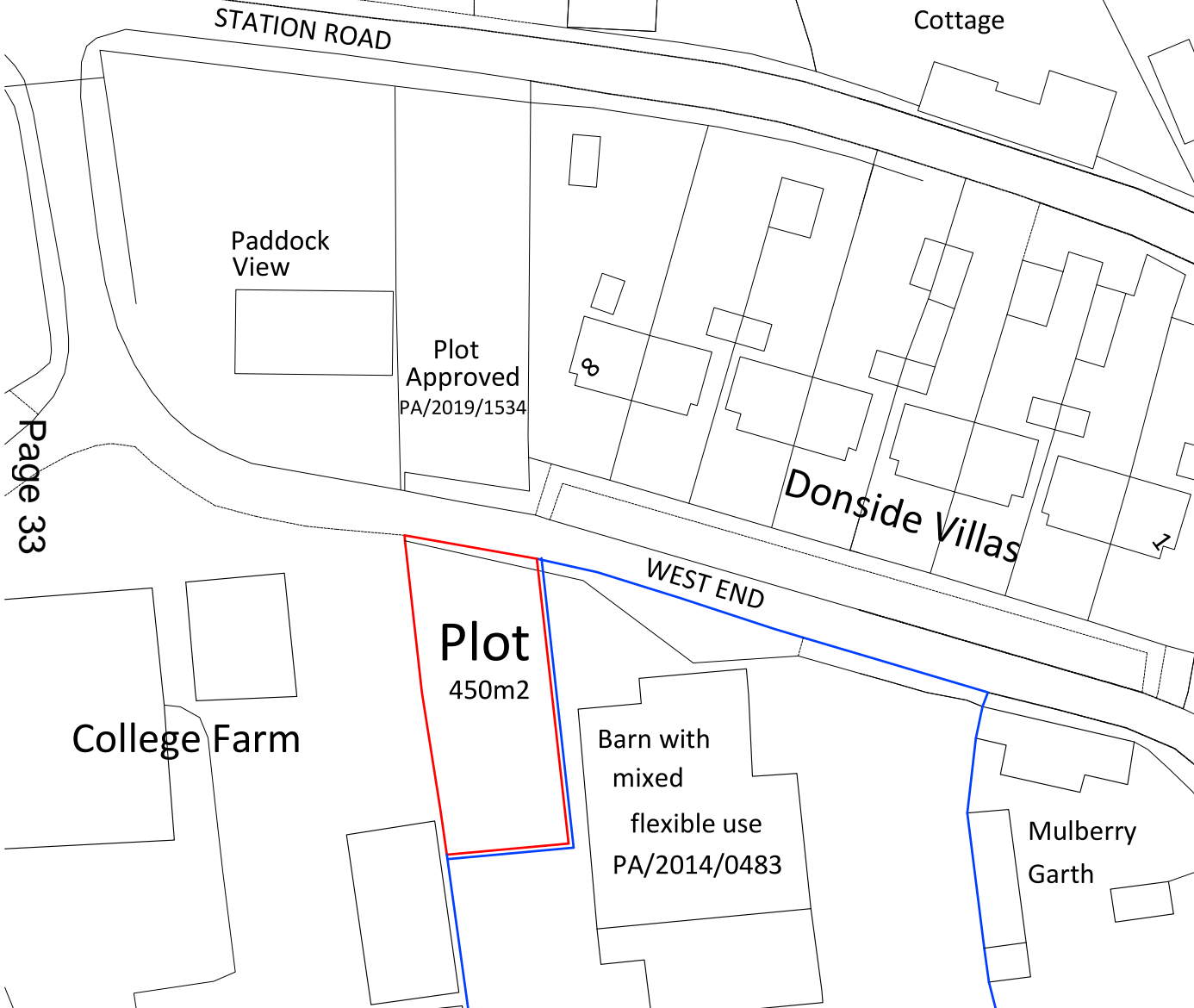
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PA/2022/1848 Proposed layout (not to scale)

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/2023/424
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:

- 2 Achieving sustainable development
- 4 Decision-making
- 6 Building a strong, competitive economy
- 7 Ensuring the vitality of town centres
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 12 Achieving well-designed places

North Lincolnshire Local Plan:

- DS1 General requirements
- DS4 Changes of use in residential areas
- DS14 Foul sewage and surface water drainage
- DS16 Flood risk
- T2 Access to development
- T19 Car parking provision and standards

North Lincolnshire Core Strategy:

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS15 Culture and tourism

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

SS10 Development limits

DQE5 Managing flood risk

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

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

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.

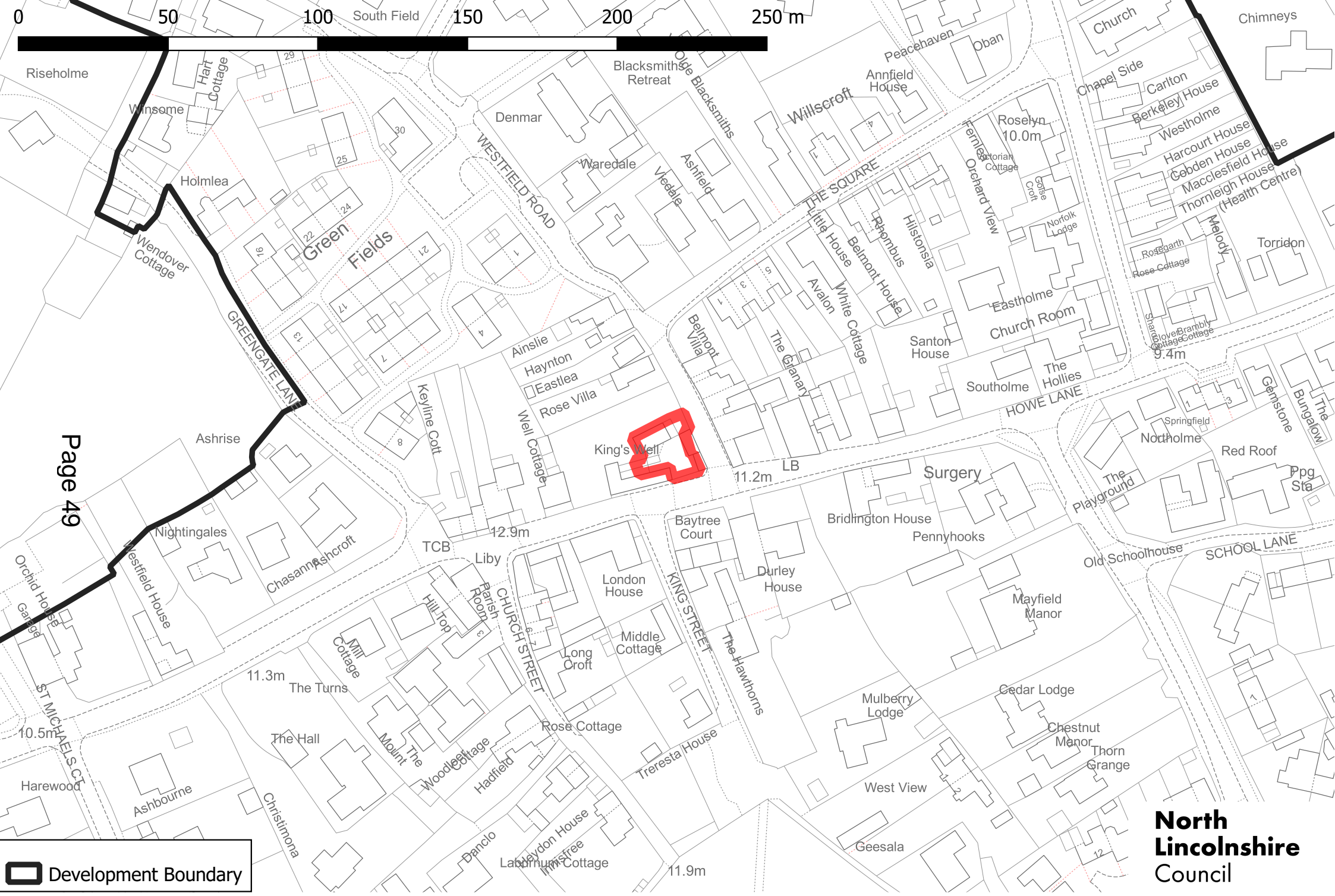
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- 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



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 Development Boundary

PA/2023/424

**North
Lincolnshire
Council**

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PA/2023/424 Proposed layout (not to scale)

A2

scale 1:200

1:200 0m 4m 8m 12m 16m 20m



notes:
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 All foundation details and requirements are to be determined on site by the building inspector and/or structural engineer. Drainage details are assumed and are to be confirmed by the builder during construction.
 Ramps and steps are shown nominally and will be determined by on-site surveys and levels. A2 is 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:
 D
 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
D	site access revised	27 September 2023	PLB



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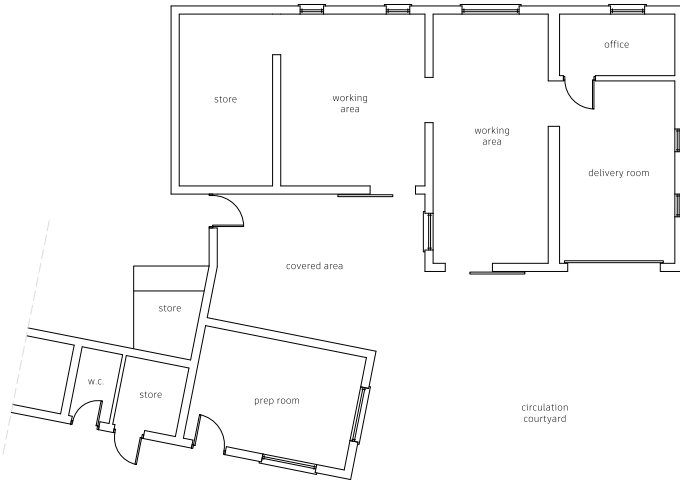
2149 / 003

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

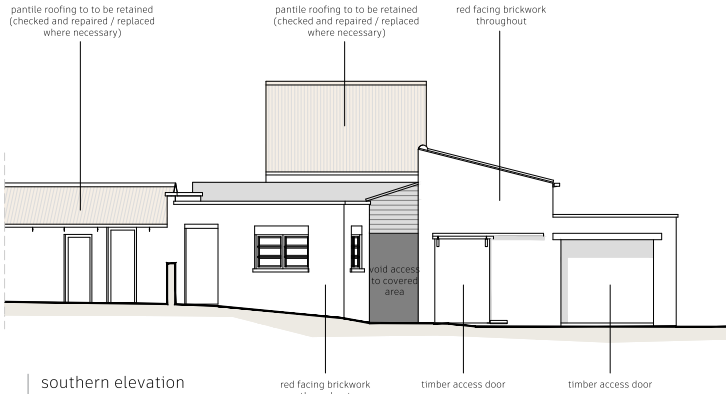
scheme:
 Change of Use
 Residential to Micro Pub

existing floorplans and elevations

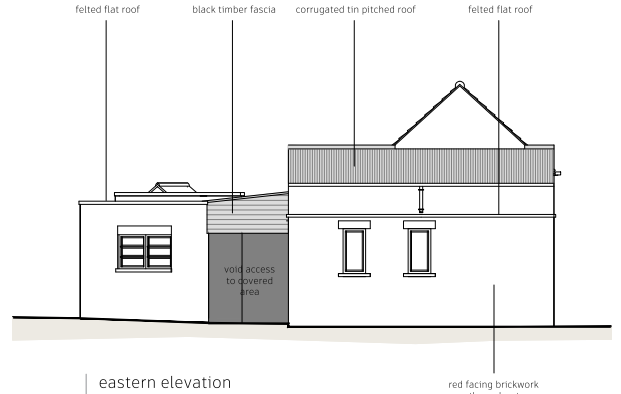
drawn by: P. Bingham	date: 06 April 2023	
checked by: n/a	revision: B	
	status: PLANNING	
A issued for APPROVAL	06 April 2023	PLB
B issued for PLANNING	11 April 2023	PLB



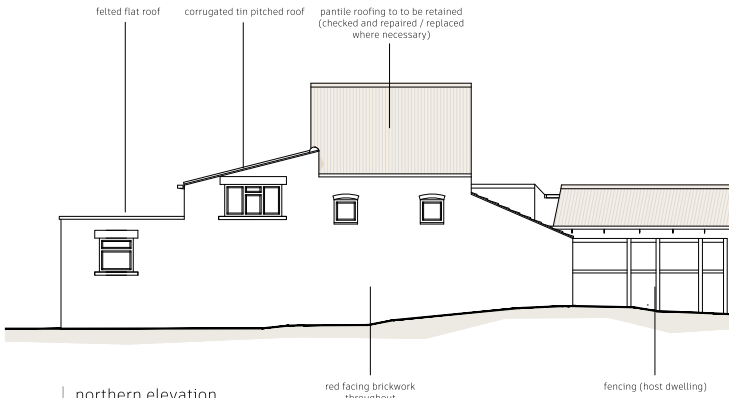
ground floor plan



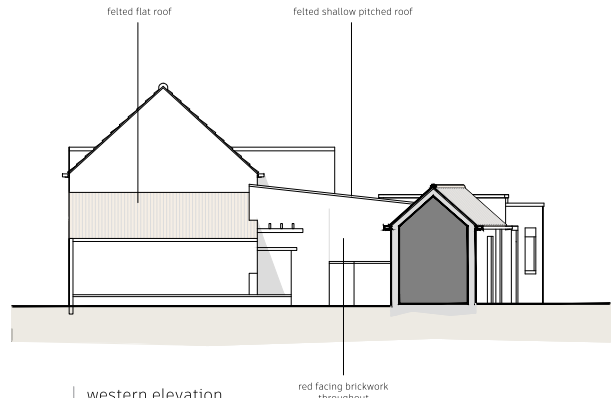
southern elevation



eastern elevation



northern elevation



western elevation



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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

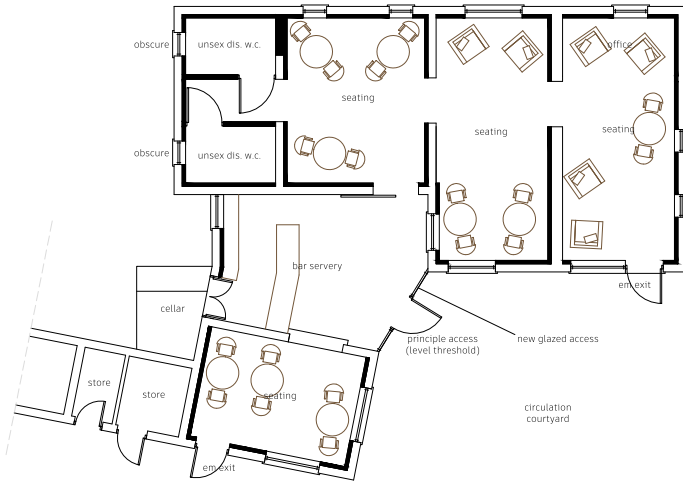
client:
 Mr. J. McDonald
 Kingswell, Howe Lane, Goxhill, DN19 7HU

scheme:
 Change of Use
 Residential to Micro Pub

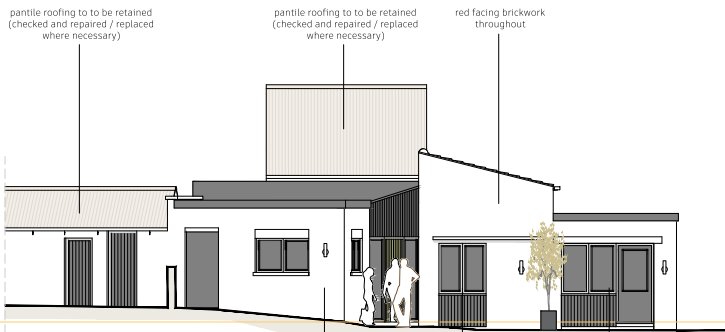
proposed floorplans and elevations

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

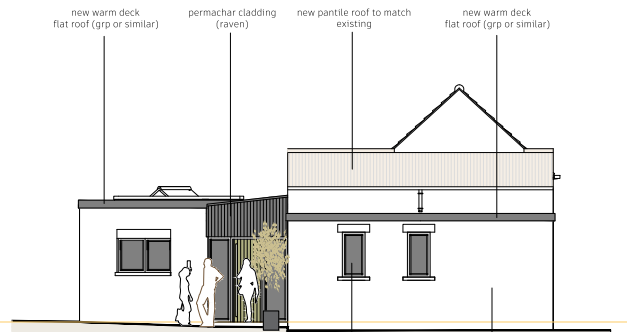
A	issued for 'APPROVAL'	06 April 2023	PLB
B	generally updated, issued for 'PLANNING'	11 April 2023	PLB



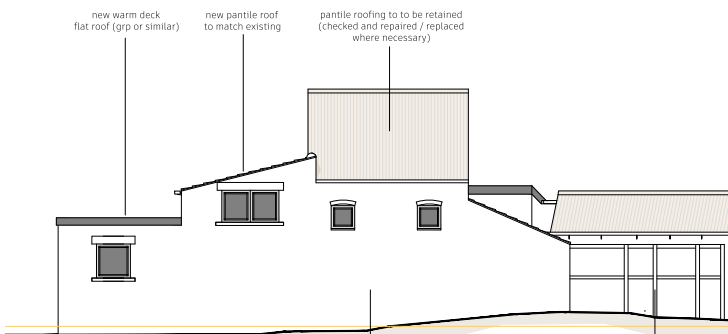
ground floor plan



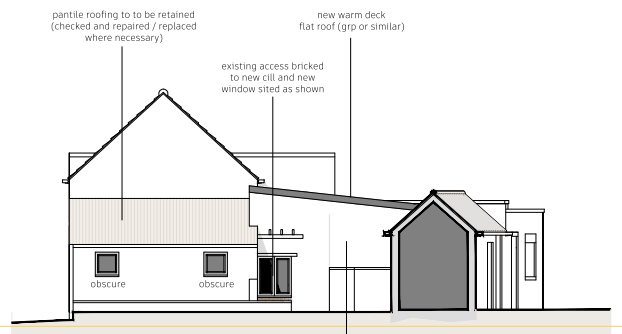
southern elevation



eastern elevation

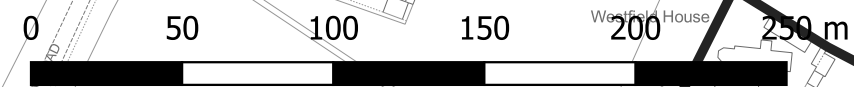


northern elevation

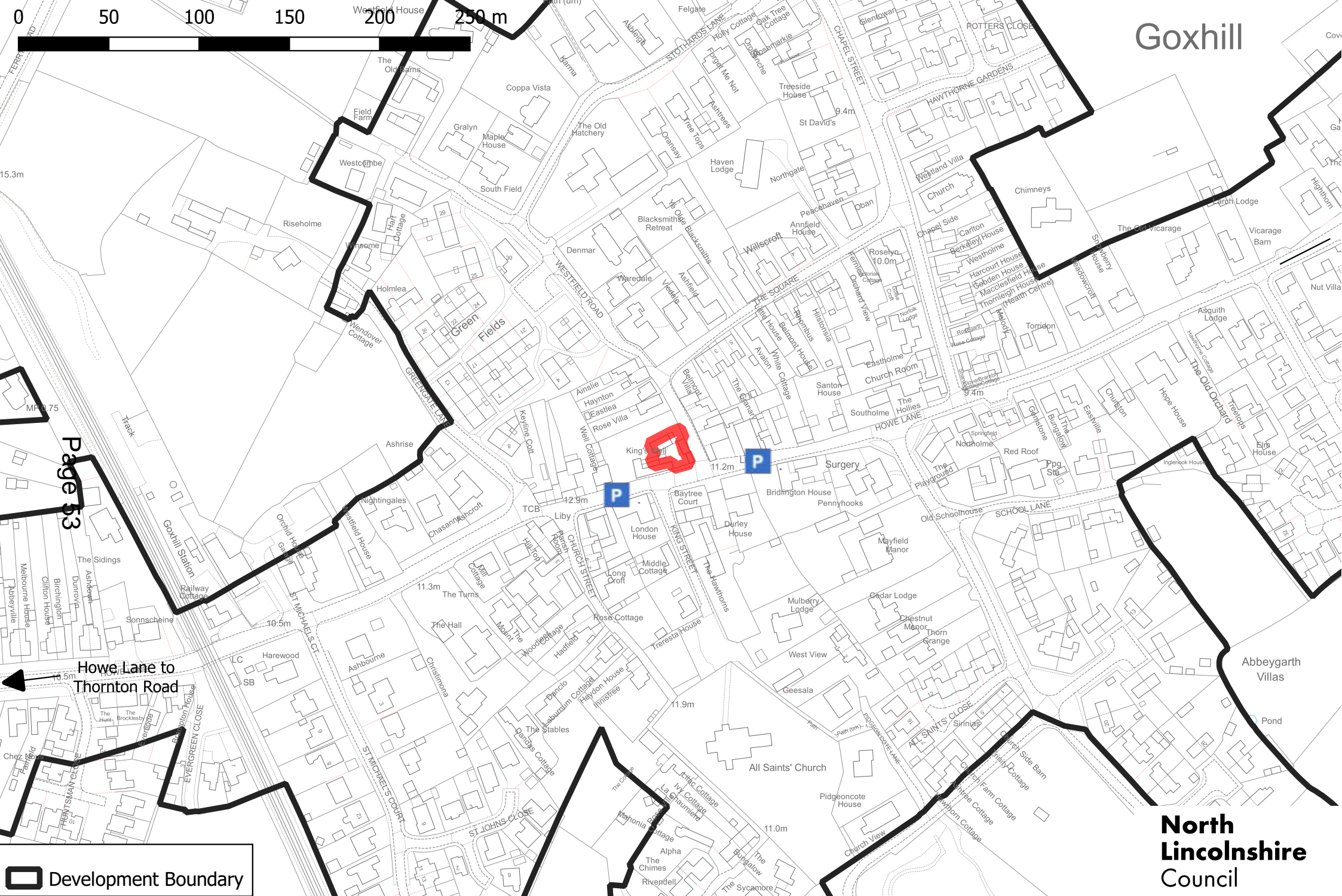


western elevation





Goxhill



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Development Boundary

**North
Lincolnshire
Council**

PA/2023/424 Sat nav: Kingswell, Howe Lane, Goxhill, DN19 7HU

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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:

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

RD1 Supporting sustainable development in the countryside

DQE1 Protection of landscape, townscape and views

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

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/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.

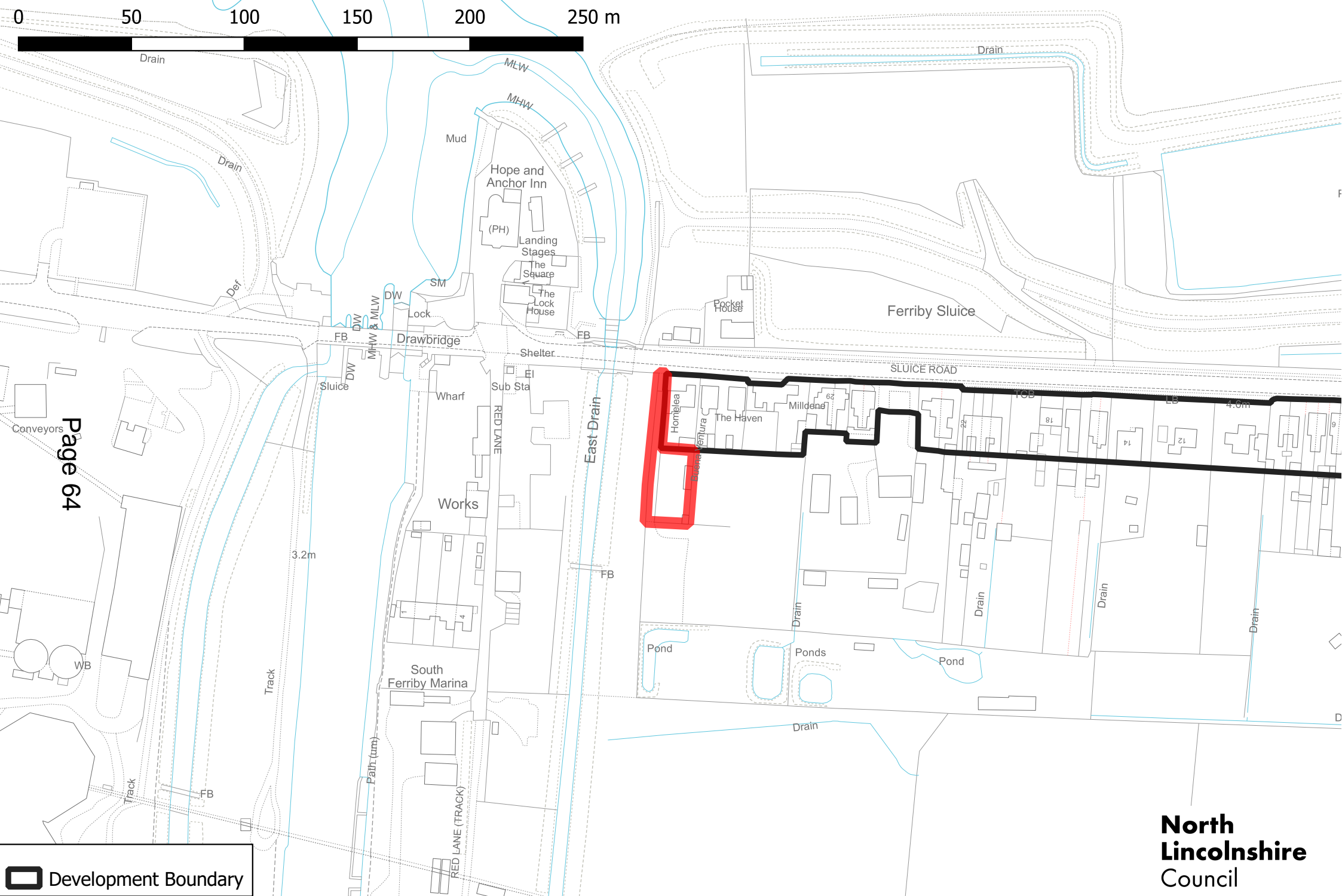
RECOMMENDATION Refuse permission for the following reason:

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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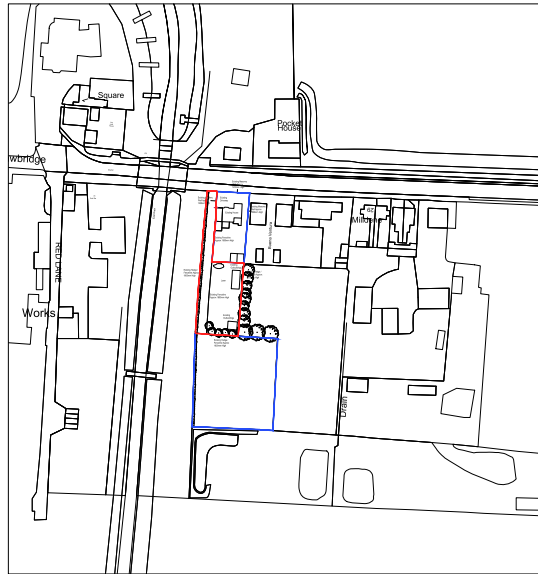
Page 64

 Development Boundary

PA/2023/439

**North
Lincolnshire
Council**

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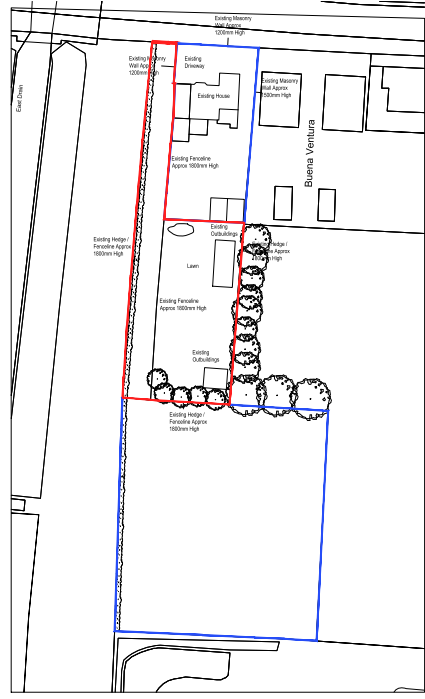
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Site Location Plan

0 10m 20m 50m

1:1250

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



Block Plan as Existing

0 5m 10m 20m

1:500

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



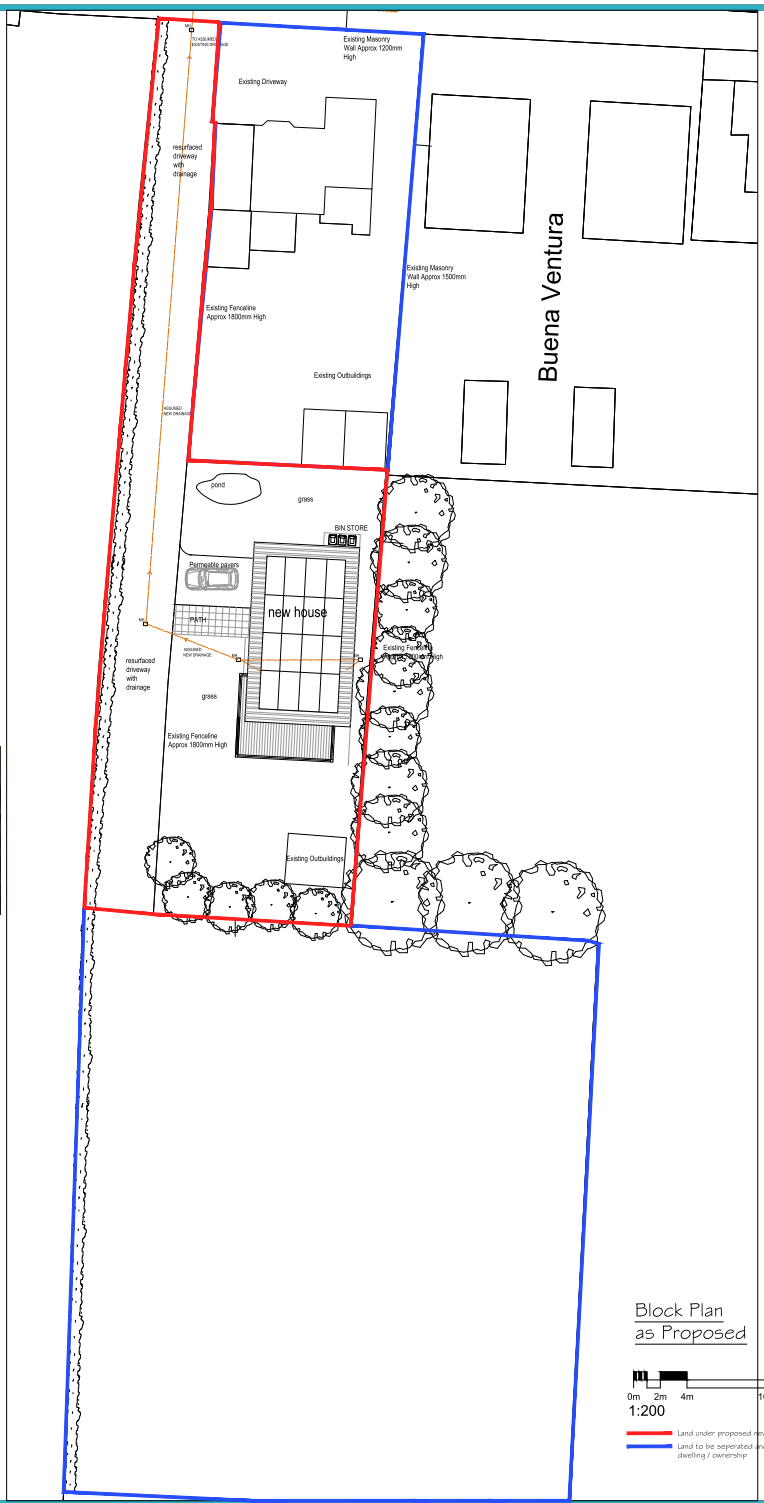
Aerial photo of site



Photo of site



Photo of site



Block Plan as Proposed

0m 2m 4m 10m

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
- W/ALPH
- RESURFACE SLABS
- BOUNDARY
- POLE DRAINAGE
- SOIL DRAINAGE
- REGULATIONS
- DIPALD/SLC FLAGGING
- PROTECTIVE BOARD
- PROTECTIVE BOARD

DATE	NOTES	BY	REV
23/02/23	PRELIMINARY APPROVAL	MSD	0
03/03/23	FOR REVIEW APPROVAL	MSD	1
13/03/23	FOR REVIEW APPROVAL	MSD	2
21/03/23	FOR REVIEW APPROVAL	MSD	3
03/03/23	APPROVED FOR PLANNING APPROVAL	MSD	4

Phone: 01462 441948 Email: info@jbs.design www.jbsarchitectural.co.uk

PROJECT TITLE
Proposed New Dwelling

CLIENT
Mr & Mrs Jessamy
16th Ave, Stone Road, South Ferris, DN18 6JD

DRAWING STAGE	SCALE	CW	JD	SW
Planning	varies @ A1			

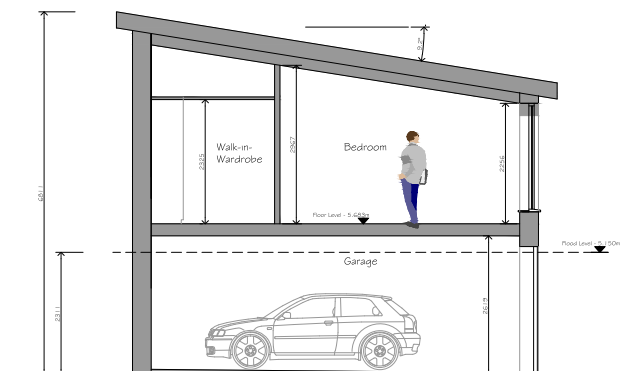
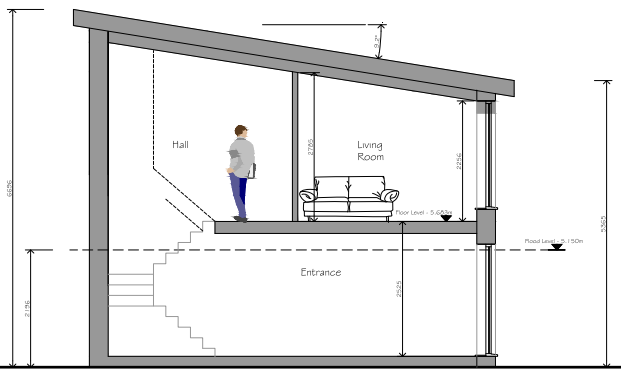
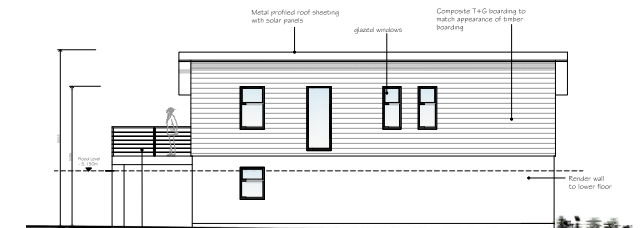
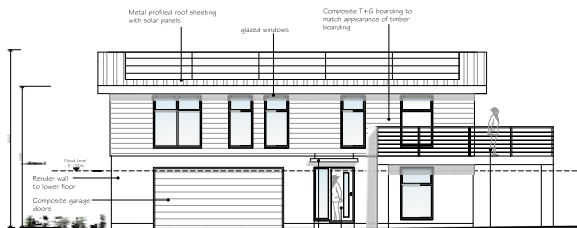
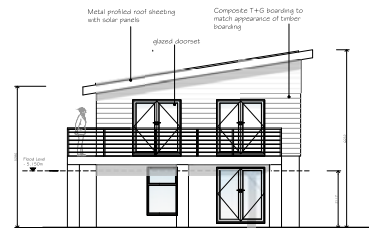
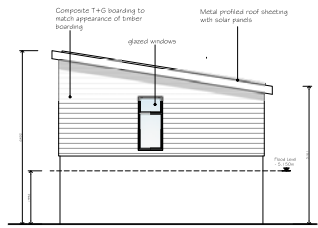
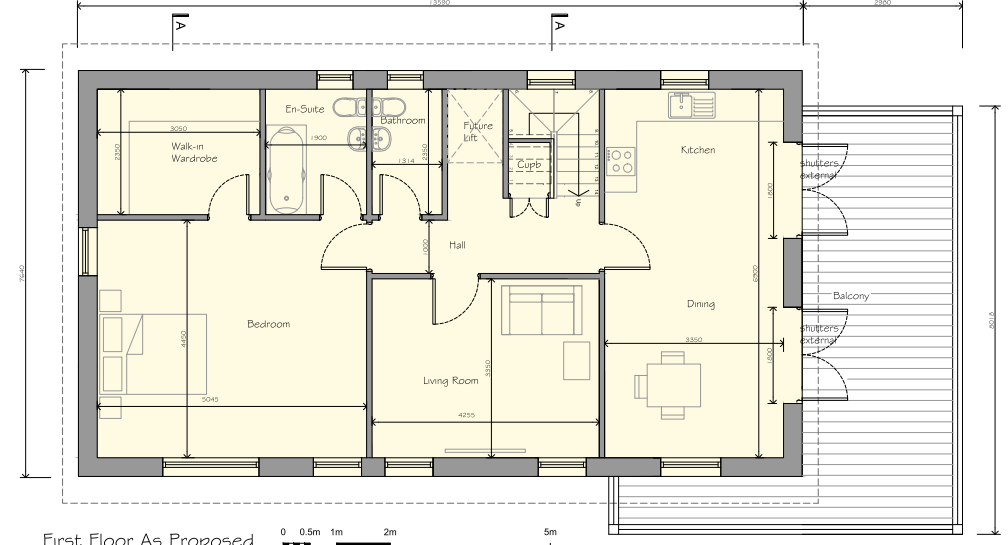
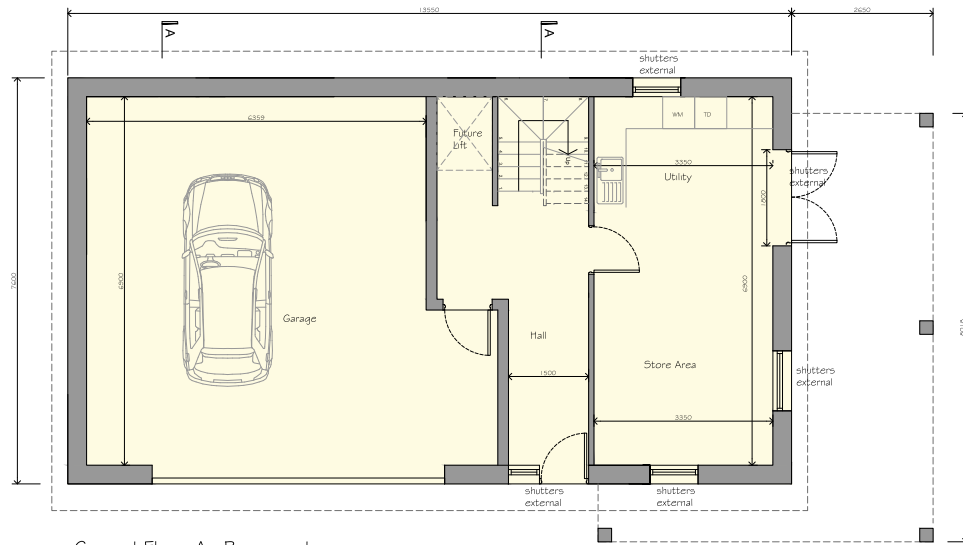
SHEET TITLE
Site Plans

PROJECT NUMBER
DN18-3338

STAGE
PLN

REV
3

SHT
001



- 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 6JD)	
DATE	NOTES	BY	REV
01/03/23	Pre-Draw for Planning Approval	SWG	0
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01/03/23	Pre-Draw for Planning Approval	SWG	2
01/03/23	Pre-Draw for Planning Approval	SWG	3
01/03/23	Pre-Draw for Planning Approval	SWG	4
01/03/23	Pre-Draw for Planning Approval	SWG	5
01/03/23	Pre-Draw for Planning Approval	SWG	6
01/03/23	Pre-Draw for Planning Approval	SWG	7
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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	Objection by Scawby Parish Council

POLICIES

National Planning Policy Framework:

2 Achieving sustainable development

4 Decision making

11 Making efficient use of land

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

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

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.

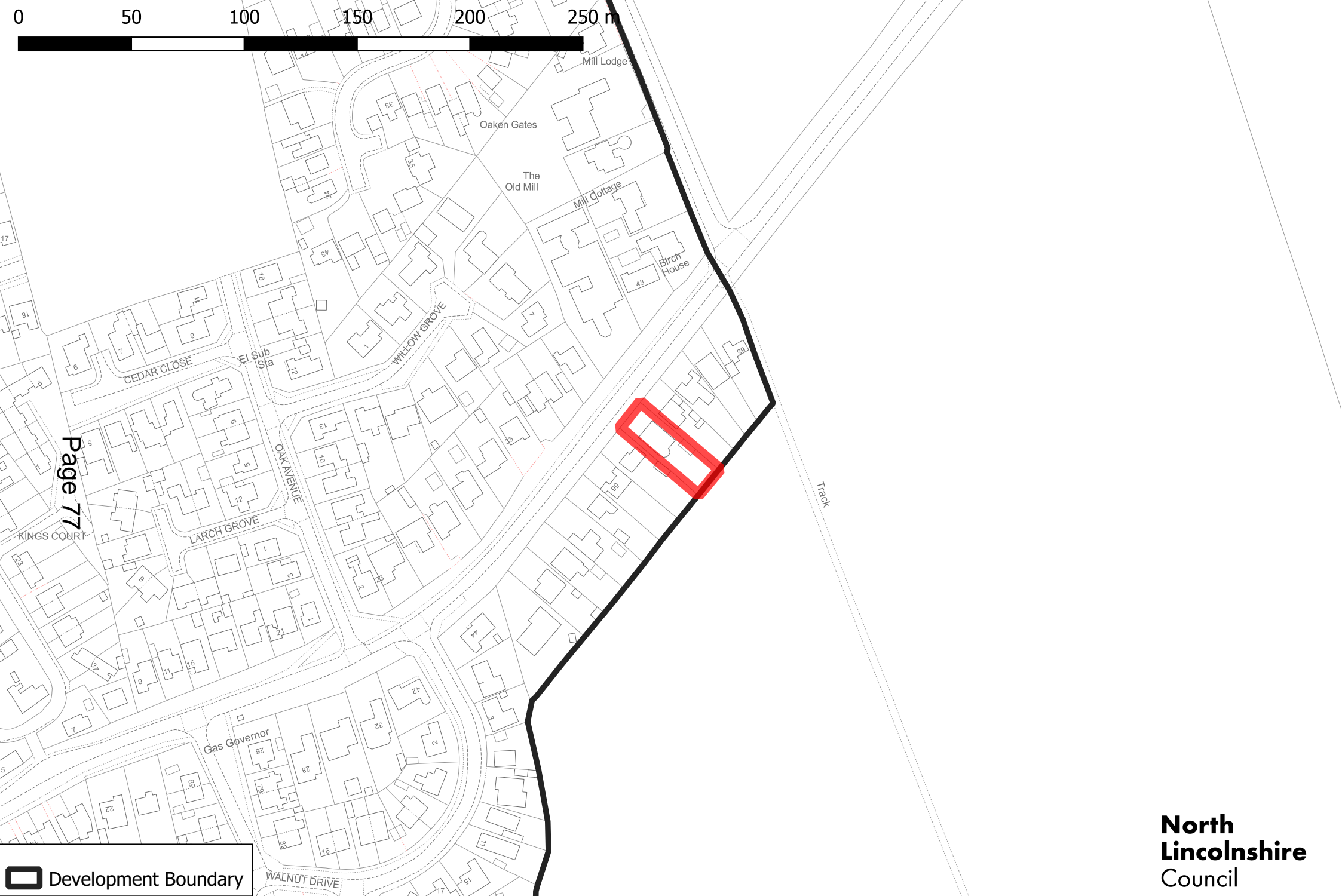
2.

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.

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

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

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

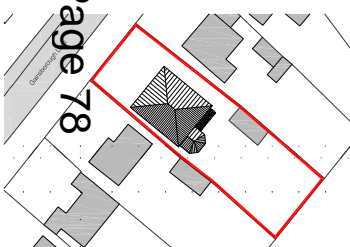
Material Schedule:

- 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

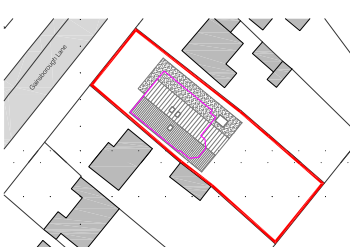


1:1250
0 25m 50m 75m 100m 125m
Ordnance Survey, (c) Crown Copyright 2023. All rights reserved. Licence number 10002432

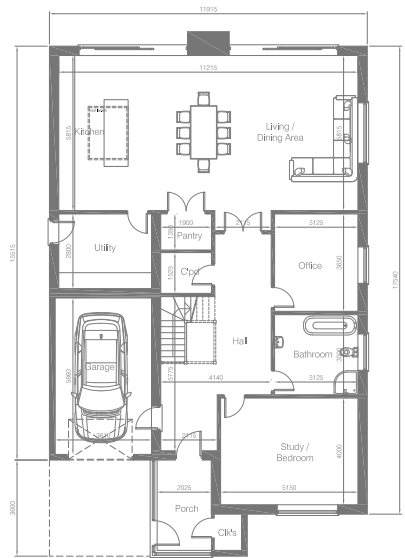
Location Plan
scale 1:1250



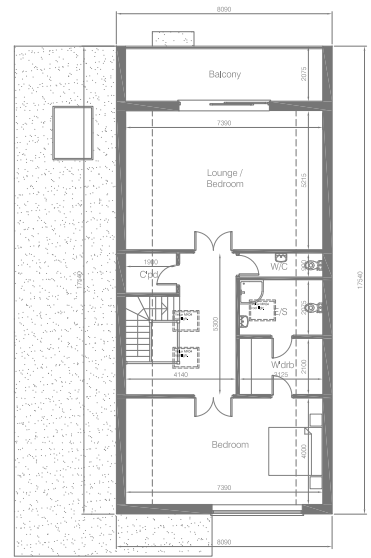
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scale 1:500



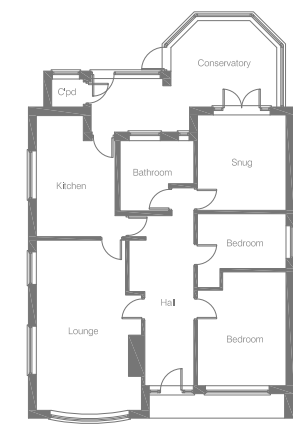
Proposed Block Plan
scale 1:500



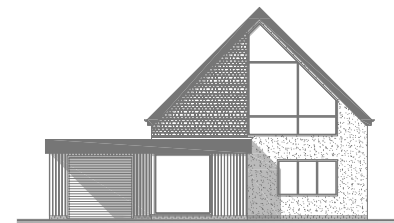
Proposed Ground Floor



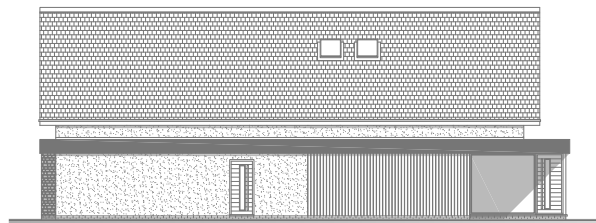
Proposed First Floor



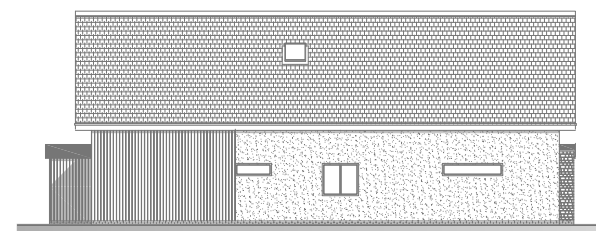
Existing Ground Floor



Proposed Northwest Elevation



Proposed Northeast Elevation



Proposed Southwest Elevation



Proposed Southeast Elevation



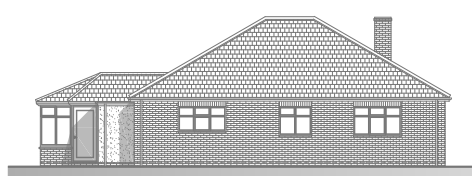
Proposed Site Layout
scale 1:200



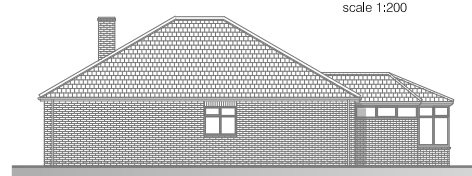
Existing Northwest Elevation



Existing Southeast Elevation



Existing Northeast Elevation



Existing Southwest Elevation

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

NOT FOR CONSTRUCTION

rev	amendment	date
01	Ex. & Pl. Plans	18/04/2023
02	Planning	06/06/2023

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.

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

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PARTY WALL NOTICES

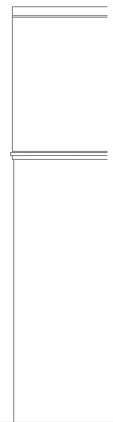
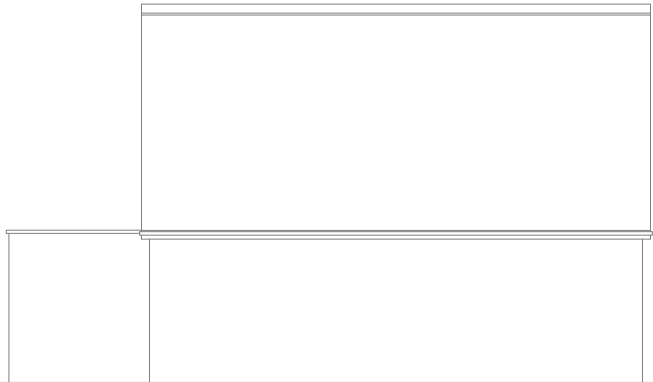
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Excavating near neighbouring buildings:

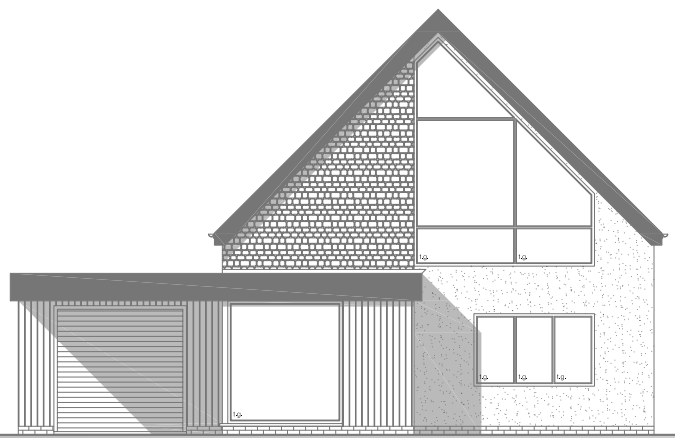
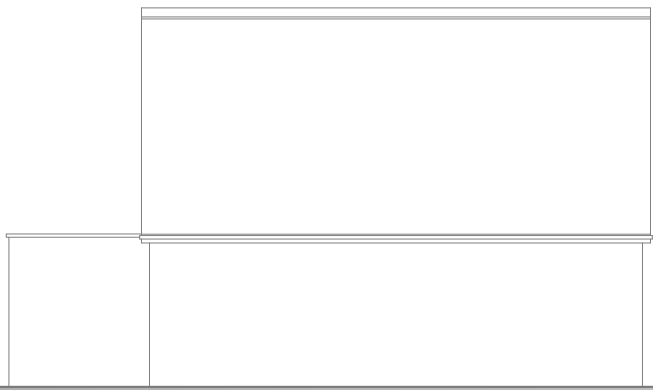
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If you plan to excavate foundations within 6 metres of a neighbouring building or structure, where the excavation will cut a line drawn at 45° from the bottom of the neighbour's foundations, you must inform the Adjoining Owner by serving a notice.



Existing Northwest Street Elevation

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Proposed Northwest Street Elevation

NOT FOR CONSTRUCTION

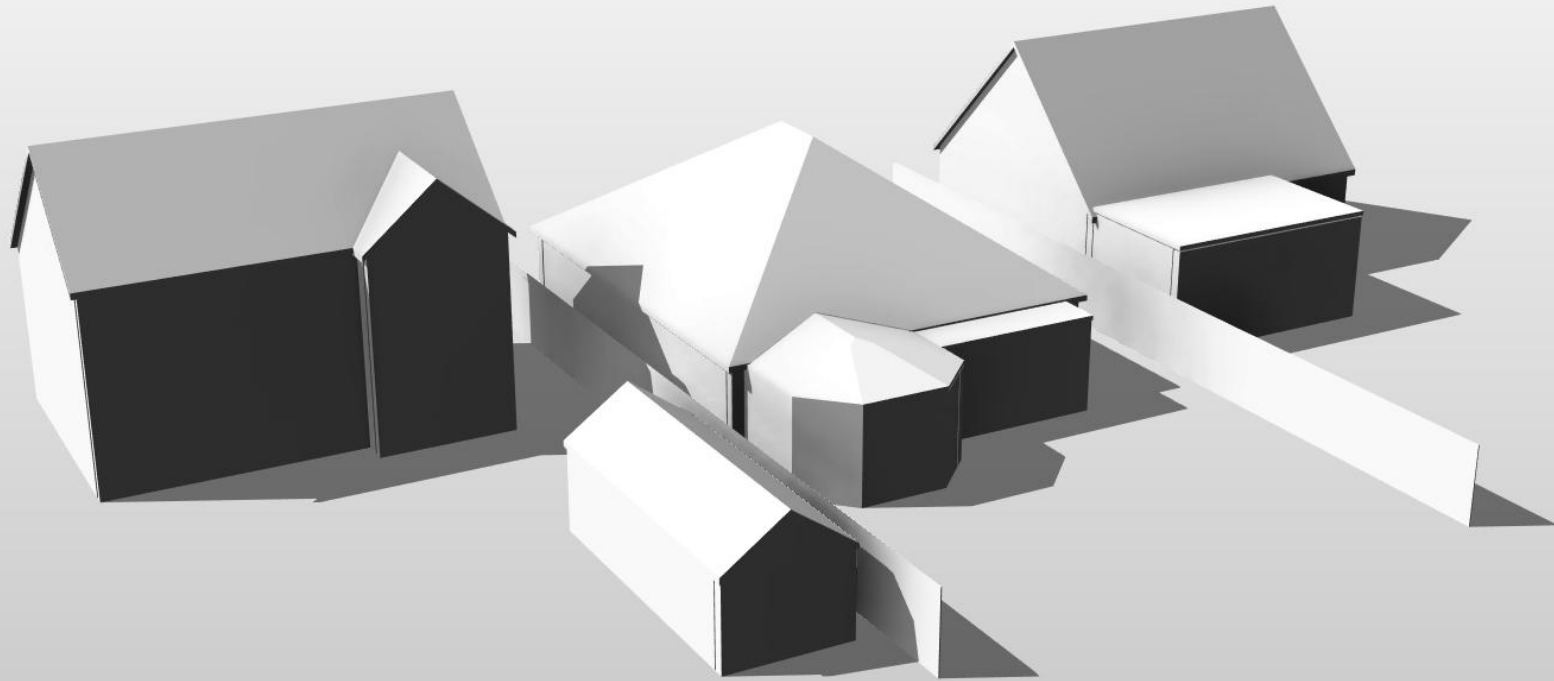
rev.	amendment	date
1	Pr. Street Elevation	16/08/23
2	Pr. Street Elevation	16/08/23

keystonearchitecture
 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

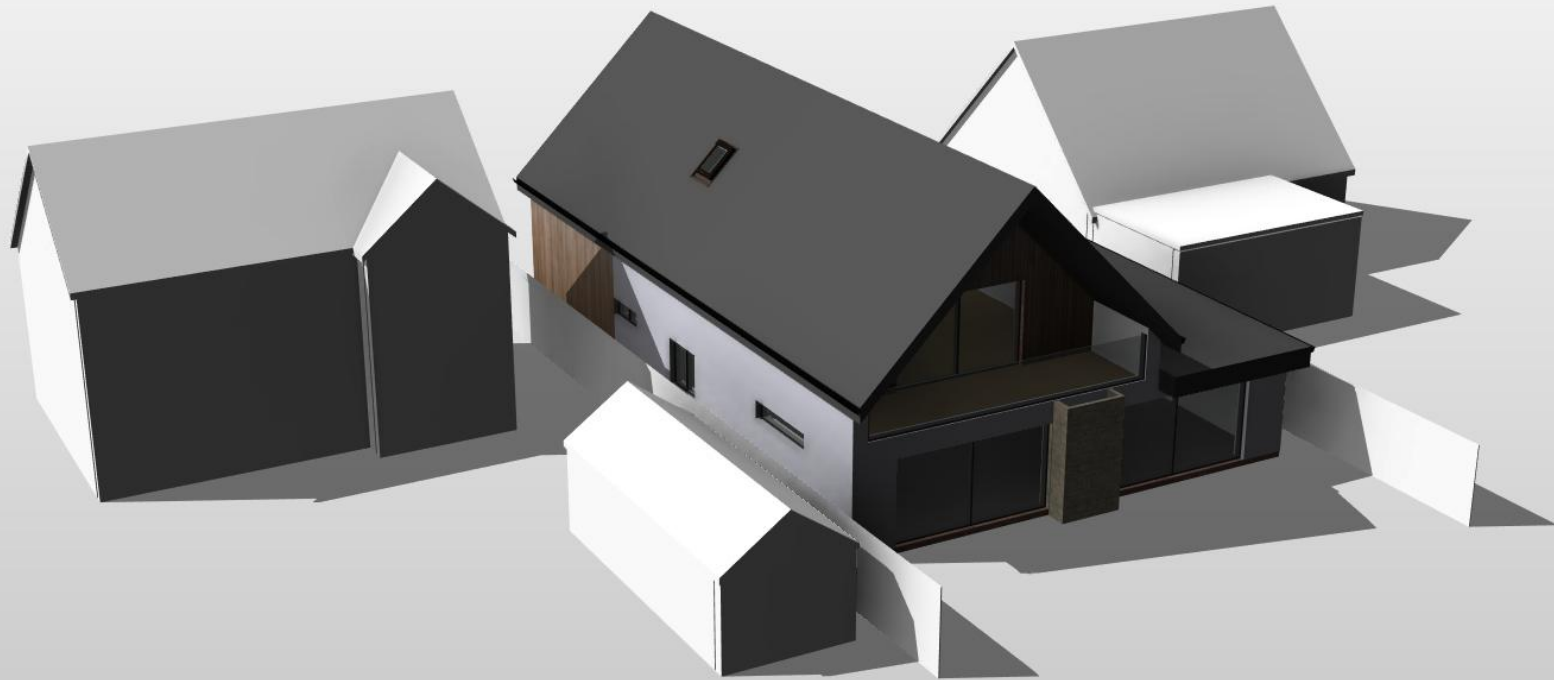
Page 80



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

21 June @ 1500

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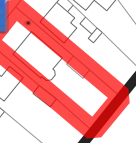
0 50 100 150 200 250 m



Gainsborough Lane to Brigg Road



P



Page 83

Gainsborough Lane to Station Road



Development Boundary

PA/2023/1132 Sat nav: 60 Gainsborough Lane, Scawby, DN20 9BY

North Lincolnshire Council

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NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

MAJOR PLANNING APPLICATIONS FOR DETERMINATION BY THE COMMITTEE

1. OBJECT

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

2. BACKGROUND

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

3. INFORMATION

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

4. RESOURCE IMPLICATIONS

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

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

5. RECOMMENDATION

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

DEVELOPMENT MANAGEMENT LEAD

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

Reference: RL/JMC/Planning committee 01 November 2023

Date: 23 October 2023

Background papers used in the preparation of this report:

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

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

Statement of publication's purpose

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APPLICATION NO	PA/2022/1702
APPLICANT	Persimmon Homes
DEVELOPMENT	Application to modify/discharge the S106 Agreement attached to PA/2019/1782 relating to the request for contributions be removed for viability reasons
LOCATION	Land south of Moorwell Road, Yaddlethorpe, Bottesford
PARISH	Bottesford
WARD	Bottesford
CASE OFFICER	Millie Arden
SUMMARY RECOMMENDATION	The Section 106 be modified, including a clause to allow North Lincolnshire Council to re-evaluate the viability if market conditions improve prior to the completion of the development
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Margaret Armiger and Janet Longcake – significant public interest)

POLICIES

National Planning Policy Framework:

2 Achieving sustainable development

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

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

3 Plan making

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

4 Decision making

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

- (a) necessary to make the development acceptable in planning terms
- (b) directly related to the development, and
- (c) fairly and reasonably related in scale and kind to the development.

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

National Planning Guidance:

Paragraph 8 explains that the weight given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.

North Lincolnshire Local Plan:

H10 Leisure and open space

C1 Educational facilities

R2 Open space and area of play

North Lincolnshire Core Strategy:

CS7 Overall housing provision

CS9 Affordable housing

CS27 Planning obligations

CS23 Leisure and open space

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023 or early 2024.

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

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

SS5 Overall housing provision

SS6 Spatial distribution of housing sites

H1 Site allocations

TOWN COUNCIL

Bottesford Town Council objects to this proposal on the grounds of significant loss to the community, the removal and loss of affordable housing, and the reduction in previously agreed S106 contributions to mitigate the overall impact of the development.

PUBLICITY

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

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

- environmental and ecological impact
- risk of flooding
- loss of investment into local area and businesses
- lack of bungalows in the proposed development
- overwhelming local services.

ASSESSMENT

The proposal

This is not an application seeking planning permission but rather an application to modify the existing Section 106 agreement attached to outline planning permission PA/2019/1782 for up to 200 dwellings by virtue of section 106A(2)).

The submitted viability appraisal has been independently assessed by a qualified assessor in accordance with the NPPF, the Royal Institution of Chartered Surveyors (RICS) Financial Viability in Planning Guidance Note (1st Edition) and the PPG guidance on Viability. The independent assessment explored the increased abnormal costs and states, ‘the increase in abnormal costs is due to both further items which have come to light following subsequent site investigations, together with a general increase in construction costs as a whole’, subsequently making the site unviable. The independent assessment carried out by Carter Jonas then goes on to explain that further discussion took place with their own in-house Planning and Development Department, who confirmed ‘the costs appear to be in line with current expectations’.

At the 2 August 2023 planning committee, members requested a second independent review be undertaken to re-assess the viability report submitted by the applicant. The second independent review was assessed by a qualified assessor in accordance with the PPG guidance on viability, the NPPF and the RICS Financial Viability in Planning Guidance Note (1st Edition). North Lincolnshire Council requested that the qualified assessor take a closer look into the abnormal costs at the request of Bottesford Town Council. Additional supporting evidence for the abnormal costs was requested from the applicant where the independent assessor deemed necessary.

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

- £716,800 towards secondary education
- £490,512 towards primary education
- the provision of 20% affordable housing of the total dwellings (equalling 40 dwellings if all 200 are built)
- £2,000 towards a traffic regulation order (TRO) contribution.

The proposal does retain:

- the leisure contribution of £172,382.00 to support the delivery of a 3G sports pitch at Birch Park;
- informal open space on-site, totalling an area of 2.46ha (equalling 30% of the gross site area);
- the on-site area of play requirement, providing a park with five pieces of equipment.

The key issues in determining this request are whether the development is viable with the current planning obligations identified within the original Section 106 in order to warrant the removal of contributions relating to the provision of education spaces and affordable homes to the detriment of the local community.

Relevant planning history

PA/2019/1782: Outline planning permission for up to 200 dwellings with appearance, landscaping, layout and scale reserved – approved 3 April 2020.

PA/2022/1628: Application for approval of reserved matters following outline planning permission PA/2019/1782 dated 03/04/2020 for the erection of up to 200 dwellings, namely appearance, landscaping, layout and scale – approved 4 August 2023.

Principle

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

- £716,800 towards secondary education
- £490,512 towards primary education
- the provision of 20% affordable housing of the total dwellings (equalling 40 dwellings if all 200 are built)
- £2,000 towards a traffic regulation order (TRO) contribution.

The proposal does retain:

- the leisure contribution of £172,382.00 to support the delivery of a 3G sports pitch at Birch Park;
- the informal open space on-site, totalling an area of 2.46ha (equalling 30% of the gross site area);
- and the on-site area of play requirement, providing a park with five pieces of equipment.

The site now has outline planning permission and reserved matters approval. The highway and drainage concerns raised in the objectors' comments will have been considered as part of the reserved matters application.

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) which were saved by a direction of the Secretary of State in September 2007; the North Lincolnshire Core Strategy DPD (2011) (CS); and the Housing and Employment Land Allocations DPD (2016). Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire.

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

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

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

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

The first independent assessment was undertaken as requested and instructed by North Lincolnshire Council. Mark Williams MRICS, a professional expert in this field on behalf of Carter Jonas LLP, concluded that the scheme is unable to support any of the S106 contributions.

At the 2 August 2023 committee, it was requested that a second independent assessment was undertaken to review the viability appraisal submitted by the applicant. North Lincolnshire Council instructed Avison Young to undertake the second review, in accordance with the NPPF, the Royal Institution of Chartered Surveyors (RICS) Financial Viability in Planning Guidance Note (1st Edition) and the PPG guidance on Viability.

The conclusion of the second report was that the scheme was unviable and therefore unable to support any S106 contributions. Avison Young did recommend that North Lincolnshire

Council consider a 'clawback arrangement' where the council can reassess the viability if market conditions improve. This would provide the council with an opportunity to clawback some contributions if the site becomes viable across the development period.

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

Other matters raised

Residents have raised a number of issues that relate to the approved developments on the site for up to 200 dwellings (PA/2019/1782 – outline) and the reserved matters application (PA/2022/1628). These matters have all previously been assessed within the outline and reserved matters applications associated with the site. These issues are not material to this application which is for the modification of the existing S106 agreement to remove the education contribution, TRO contribution and affordable housing contribution attached to the planning permission.

Conclusion

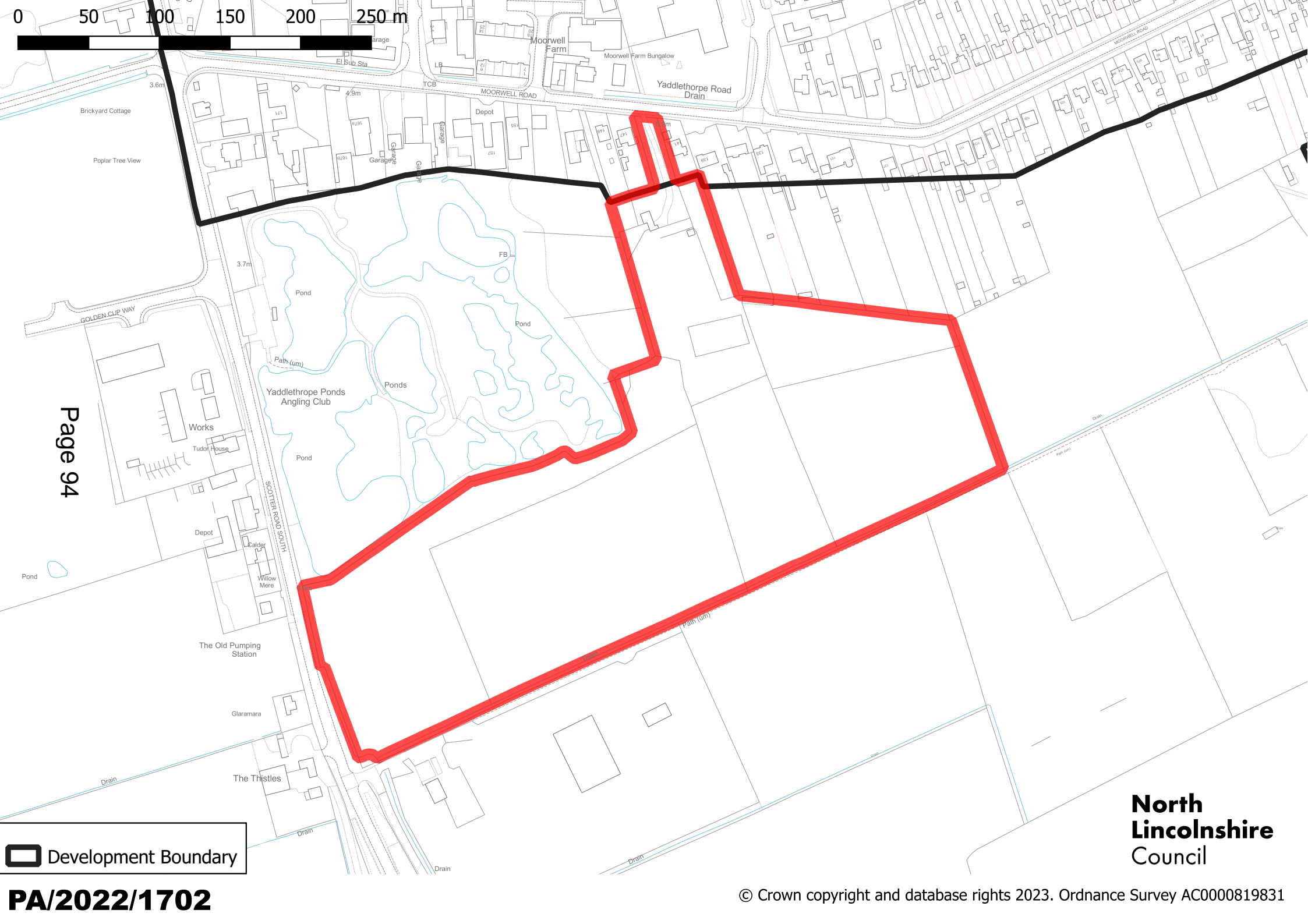
The removal of the S106 contributions will allow for the delivery of this residential scheme on this site, thereby increasing the council's housing land supply and will provide a mix of housing types to meet housing needs in North Lincolnshire. The scheme complies with the relevant policies in the NPPF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

RECOMMENDATION

The existing Section 106 agreement be modified as proposed:

- **removal of the education contribution, TRO provision and affordable housing provision, as per the viability report**
- **the off-site financial leisure contribution, open space and recreation on-site contribution will remain in the S106 agreement**
- **the council to include a clawback mechanism within the S106 modification agreement to allow an open-book viability review prior to the completion of the development subject to improvements to market conditions.**

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 Development Boundary

PA/2022/1702

**North
Lincolnshire
Council**

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APPLICATION NO	PA/2023/1229
APPLICANT	Mr Philip Jackson, Jackson Philips Asset Solutions
DEVELOPMENT	Outline planning permission for up to 20 dwellings with all matters reserved for subsequent consideration (re-submission of PA/2021/1330)
LOCATION	Land off Scotter Road/High Street, Messingham, DN17 3NT
PARISH	MESSINGHAM
WARD	Messingham
CASE OFFICER	Scott Jackson
SUMMARY RECOMMENDATION	Subject to completion of a Section 106 agreement, approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Messingham Parish Council

POLICIES

National Planning Policy Framework:

Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 55 – Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 56 – Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Paragraph 57 – Planning obligations must only be sought where they meet all of the following tests:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Paragraph 111 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 130 – Planning policies and decisions should ensure that developments:

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

Paragraph 180 – When determining planning applications, local planning authorities should apply the following principles:

- (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- (c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

- (d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

North Lincolnshire Local Plan:

C1 Educational facilities

T2 Access to development

T19 Parking provision

LC5 Species protection

LC11 Areas of amenity importance

DS1 General requirements

DS11 Polluting activities

DS14 Foul sewage and surface water drainage

DS16 Flood risk

H5 New housing development

H8 Housing design and housing mix

H10 Public open space provision in new housing development

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS9 Affordable housing

CS17 Biodiversity

CS18 Sustainable resources

CS19 Flood risk

CS25 Promoting sustainable transport

CS27 Planning obligations

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

DQE1 Protection of landscape, townscape and views

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

HE1 Conserving and enhancing the historic environment

T1 Promoting sustainable transport

T3 New development and transport

T4 Parking

T5 Cycle and motorcycle parking

DM1 General requirements

DM3 Environmental protection

CONSULTATIONS

Highways: No objection, but recommend conditions.

Environment Agency: No objection or comments.

LLFA Drainage: The application currently provides a very basic level of information. There is no mention of the surface water drainage system 'parish drain' that exists along the full length of the western boundary. This is a riparian drain and provides critical flood risk mitigation for the village and so it is vital that this drainage feature is fully addressed.

However, given the scale of the development, the LLFA Drainage Team has no objection to it subject to conditions relating to surface water.

Environmental Protection: No objection subject to conditions relating to noise and land contamination, and (to protect amenity during construction) requiring an environmental management plan and specifying construction hours.

Archaeology: No comments to make.

Spatial Planning: The Place Planning Team would not, on balance, wish to raise any objection to the principle of residential development at this outline stage. This is subject to matters of amenity being considered at reserved matters stage through a suitable design and layout of the scheme, and the provision of affordable housing and public open space being considered through suitable legal agreements.

Section 106 Officer: Requests have been made for contributions towards education, leisure and affordable housing.

Police (Designing Out Crime Officer): No objections but offers advice for the reserved matters stage.

Humberside Fire and Rescue: It is a requirement for domestic premises that adequate access for firefighting is provided to all buildings or extensions to buildings.

Education: The Department for Education expects local authorities to seek developer contributions towards school places that are created to meet the need arising from housing developments. We have carefully considered this planning application against the known and projected pupil numbers for this area. We seek secondary education contributions in respect of this development and the amount per eligible house for secondary school places is £5,795.

PARISH COUNCIL

Objects on the following grounds:

The proposed development is on LC11 land – loss of an ‘area of amenity importance’ land in the adopted local plan and loss of habitat for protected species.

Present ongoing drainage and sewerage issues in the close vicinity. Concerns over the increased pressure that will be placed on the present ineffective and already overloaded system. During periods of heavy rainfall the nearby Manor Farm development experiences WCs not flushing and overflowing inspection covers resulting in raw sewage entering water courses. Messingham Parish Council has previously requested a moratorium on all future developments in the village until the existing foul water infrastructure issues have been resolved.

Highway concerns regarding road safety issues for the safe access and egress with the A159 and close proximity to the junction with Brigg Road.

Messingham has already reached its target population. The village infrastructure is not coping with the existing demand from residential properties.

North Lincolnshire Council has already met its land supply figure.

PUBLICITY

Site notices have been displayed and two responses have been received raising similar issues to the parish council together with the following:

- the land is contaminated
- impact on highway and pedestrian safety
- dangerous position of the proposed site access
- impact on sewerage and surface water
- impact on local services
- loss of amenity land
- a ransom strip will be created along Willow Drive and the consent of the owners will be required to use this land for access
- if the access is onto the A159 then it should be constructed to highway standards
- Highways have not fully considered the development proposals in relation to existing road infrastructure and proximity to junctions
- no transport study has been conducted to assess the potential increase in traffic from these proposals
- traffic calming measures and highway markings should be considered.

STATEMENT OF COMMUNITY INVOLVEMENT

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

ASSESSMENT

Planning history

PA/2021/1330: Outline planning permission for up to 20 dwellings with all matters reserved for subsequent consideration (resubmission of PA/2020/672) – refused 21/06/2023

PA/1998/1546: Outline planning permission to erect dwellings – refused 28/01/2000

PA/2020/672: Outline planning permission to erect up to 30 dwellings with all matters reserved for subsequent consideration – refused 10/11/2020.

The site lies within the settlement boundary for Messingham and is abutted by residential development to the north, west and south. To the east are two restaurants and a large agricultural shed, and the junction of Scotter Road/High Street (A159) and Brigg Road (B1400) lies further to the east. The site contains an existing dilapidated barn and hardstanding, and the rest is scrubland. A watercourse runs along the western boundary of the site. Messingham itself is described within the settlement hierarchy as a larger rural

settlement. The village has many services and amenities and is also served well by public transport. The village is just north of the shared boundary with West Lindsey and in a settlement directly to the south of Scunthorpe. This site is designated as an Area of Amenity Importance (LC11) as identified by the Housing and Employment Land Allocations DPD. The site is within flood zone 1 as identified by the North and North East Lincolnshire SFRA 2022.

Outline planning permission is sought for up to 20 dwellings with all matters reserved for subsequent consideration (resubmission of PA/2021/1330).

The main issues in the determination of this application are:

- **the principle of development**
- **impact on the character and appearance of the area, residential amenity, ecology, highway safety and drainage**
- **planning obligations.**

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land Allocations Development Plan Document (HELADPD). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising National Planning Practice Guidance (NPPG).

This proposal is for the development of the site (following demolition of the existing buildings) and outline planning consent is sought to erect up to 20 dwellings. The whole of the application site where the dwellings are proposed is within the defined development boundary for Messingham as shown in the Housing and Employment Land Allocations DPD. Furthermore, the application site is in a sustainable location, within walking distance of local services, and High Street, which is a local bus route and contains the majority of local services and amenities. Messingham is considered to be a rural settlement by the North Lincolnshire Core Strategy though it ranks eighth within the sustainable settlement survey, having seven of the seven key facilities within that settlement.

The proposal therefore accords with the principles of sustainable development as set out within the policies of the local plan, Core Strategy and the National Planning Policy Framework on delivering residential development in appropriate locations.

It is worth noting that a previous application (which this is a resubmission of) for up to 20 dwellings was dismissed at appeal (APP/Y2003/W/22/3297656) on the grounds there was no suitable legal mechanism by which to secure the developer contributions to offset the potential impacts of the development upon the locality. Whilst the Planning Inspector's decision is noted they had the following comments to make in respect of the suitability of the site for development:

I have found that the proposal could be designed to ensure that acceptable living conditions would be provided for future occupants with regards to matters of noise and disturbance. The proposal would make a positive contribution to the Council's housing supply in a sustainable

location within the settlement of Messingham which in the absence of a suitable housing land supply carries substantial weight.

In terms of the reason for the appeal being dismissed (failure to secure planning obligations via a suitable mechanism) negotiations on obligations have taken place and the planning agent has provisionally agreed via email to commit to the same contributions which were sought under the previous application.

Policy H8 of the local plan (Housing Design and Housing Mix) applies and states that new residential development will be permitted provided that it incorporates a high standard of layout which maintains, and where possible improves and enhances, the character of the area and protects existing and natural and built features, landmarks or views that contribute to the amenity of the area. This site constitutes developable land within the settlement boundary of Messingham, in a sustainable location. There is, therefore, a presumption in favour of residential development.

Character and amenity

The application is for outline planning permission with all matters reserved. The site is abutted on three sides by residential form and there is currently a barn on the site and a well-established restaurant to the north. The site is allocated as an 'Area of Amenity Importance' and these are known for either (or both) their open character and visual contribution to the locality (offering a break in urban form) as well as their potential wildlife value.

The existing site is largely unseen and therefore not experienced (other than by the dwellings which back onto and overlook it) by the majority of residents of Messingham. It is therefore considered to have limited value as regards character or visual amenity. In addition the Planning Inspector, in considering the appeal for the previous application on this site (PA/2021/1330), had the following observations in respect of policy LC11:

Third-party concerns include references to the site being identified as an 'Area of Amenity Importance'. Policy LC11 of the LP is relevant in this regard and seeks to ensure development within important amenity areas do not adversely affect their open character, visual amenity or wildlife value or compromise the gap between conflicting land uses. Where development is permitted, measures shall be taken to minimise their impact or, where necessary, make a positive contribution to such areas.

The site is located within the settlement limits of Messingham. It is not accessible to the public and is not currently usable open space. I saw on my site visit that the majority of the site is set away from the street and behind existing buildings which limits its contribution to open character and the visual amenity of the area. The Council's Officer report recognised that the density of development proposed was at the lower end of the density range sought in the CS and that the site characteristics may dictate that this lower number may be preferable in the interest of amenity and character. A design and layout which best responds to these matters can be sought through the reserved matters. I am satisfied that this provides an opportunity to ensure the development successfully integrates with its immediate surroundings.

Given the observations made by the Planning Inspector in relation to the characteristics of the LC11 land, that it is not accessible to the public, is poorly maintained (scrubland) and is not highly visible in the locality, it is considered it makes a limited contribution to the character and visual amenity of the area and as such it is considered that a development of up to 20 dwellings on a site extending to 0.96 hectares (or 9,600 square metres) could achieve an

open layout which is in keeping with the prevailing settlement pattern in this part of Messingham. In addition, the development proposals have potential for biodiversity enhancement and open space provision which will contribute to the openness that currently exists.

Recent residential developments in this area are of a density that would fairly reflect the requirement under policy CS7 to reach 30 to 35 dwellings per hectare. The applicant proposes up to 20; given the site constraints and the on-site provision of open space, this is considered acceptable. This is an example where the lower density may well be suitable given the location of the site close to commercial premises. All other matters relating to design are left for subsequent consideration at the reserved matters stage. Finally, it is worth noting that the area surrounding the site is predominantly residential in nature and as such it is concluded a residential scheme of up to 20 dwellings can be successfully assimilated into this part of Messingham, in keeping with the settlement pattern and the character and appearance of the area.

Residential amenity/noise

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 amenity.

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

The council’s Environmental Health department has assessed the application and has stated, ‘...This site is located adjacent to The Stables restaurant and Cassa Della Pasta. These sources have the potential to cause an adverse noise impact for the proposed dwellings. Therefore, subject to a noise impact assessment being agreed at condition stage, as well as conditions mitigating the construction phase, the proposal is considered to accord with both DS11 and DS1 in this regard.

The impact on living conditions for future occupiers of the development and whether this would necessitate restrictions on neighbouring businesses was one of the reasons for refusal under planning application PA/2021/1330. However, the Planning Inspector, in considering the appeal for that application, had the following observations in respect of these matters:

The Council points out that its Environmental Protection Team (EPT) suggested that the neighbouring commercial uses on High Street have the potential to cause an adverse noise impact for occupiers of the proposed dwellings. Given the modest scale of the neighbouring restaurants including their outdoor areas, these factors are to some degree self-limiting in terms of the likely levels of activity generated and any associated levels of noise and disturbance.

More particularly, the EPT suggested that a condition would be appropriate requiring a Noise Impact Assessment (NIA) to be carried out in this instance. Given the site-specific factors identified, this would be a proportionate approach in this instance to establishing whether there are levels of noise and disturbance emanating from the neighbouring commercial uses that would be likely to have a material effect on the living conditions of neighbouring

occupiers. Any such condition could specify that the results of an NIA accompany the detailed design reserved matters application.

The Planning Inspector goes on to state that within the outline planning application there is scope for the final number of dwellings and the layout to take into account the findings of a Noise Impact Assessment (or NIA). The Inspector then concludes that, subject to the layout and design of the development (at reserved matters stage) being informed by the NIA, there is an opportunity to ensure that acceptable levels of amenity can be provided for future occupiers of the development without unreasonable restrictions being placed on existing businesses and in respect of amenity issues the proposed development is capable of complying with policies DS1 and DS11 of the North Lincolnshire Local Plan, CS5 of the adopted Core Strategy and paragraphs 130 and 187 of the NPPF.

Given the findings of the Planning Inspector's report and taking into account the recommended conditions from Environmental Protection (which include the submission of an NIA and a construction environmental management plan, and a restriction on working hours) it is considered there are sufficient safeguards in place to mitigate both existing and future residential amenity; furthermore, there is scope within the reserved matters submission to take account of the findings of the NIA to inform the final housing numbers, and the layout and design of the scheme.

Ecology

Policy CS17 is concerned with biodiversity and sets out principles for the management of a scheme in order to achieve a net gain for wildlife habitat networks, Policy LC5 of the local plan is concerned with protected species. They are supported by paragraph 170 of the NPPF. Policy LC11 of the local plan states, '...Within important amenity areas, development will only be permitted where it would not adversely affect their open character, visual amenity or wildlife value.' It should be noted that the previous application on this site was in part refused and dismissed at appeal (in relation to planning application PA/2020/672) for not providing a preliminary ecological appraisal.

The applicant has provided a preliminary ecological appraisal by Archer Ecology. The report states that in section 4.2.1 '...the ecological walkover survey did not identify any habitats of significant value to nature conservation on a county, regional or national scale. All habitats encountered were assessed as having either low or moderate nature conservation value on a site and/or local scale.'

Species that are considered by the report include amphibians, reptiles, birds, bats, badgers and hedgehogs. The only potential is for bats located within the ancillary shed. The report under sections 4.3.9–11 states:

'The majority of buildings occurring on the site did not present any observable features with a potential to support roosting bats. However, the small ancillary shed exhibited several potential roosting features located underneath the roof pan-tiles.'

Considering the quality and limited abundance of potential roosting features, the building was assessed as having 'low' potential to support roosting bats. However, a small ancillary building did show signs for potential and the recommendation set out within the above report states that survey work should be carried out prior to any alteration or demolition of this building. A condition will therefore be attached to any permission granted requiring a protected species survey reflecting that recommendation.

The proposal is considered to have a limited impact upon protected species. Both the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 provides external legislative mitigation for any development affecting protected species. The proposal is in outline at this stage and is for 'up to 20 dwellings' within a large area; flexibility therefore exists in terms of the location of dwellings. The preliminary report also puts forward mitigation recommendations and this document will therefore be conditioned as an approved document in that the recommendations set out within it should be adhered to. This will sit alongside the conditions relating to protected species surveys. A condition relating to biodiversity and management plans will also be included to ensure a net gain in line with local and national planning policy.

Therefore, in conclusion, it is considered sufficient information has been provided to determine the impact upon protected species and the wider wildlife value of the site. The proposal is therefore in accordance with policies LC5 and LC11 of the North Lincolnshire Local Plan and CS17 of the Core Strategy.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. Both are considered relevant. The proposal is in outline form and Highways have been consulted. They have no objections subject to conditions. Highways have recommended the following conditions be attached:

- The layout and location of access.
- A further condition on layout, drainage, and construction of the access road.

The above two conditions are already controlled by the details of access as the application is in outline only. Drainage conditions are also in place that would duplicate some of the requirements of the condition, whilst the finer details of the access (such as construction and visibility) are part of the detailed design stage also (as access is controlled). Therefore, these conditions are considered unnecessary.

- No dwelling on the site shall be occupied until the access road has been completed.

This is a compliance condition and would ensure that works are carried out and is therefore recommended as part of any permission granted.

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

This condition will be attached given it allows safe access to the site for construction purposes and would also limit the impact upon amenity.

- No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

This condition will be attached as it would ensure pedestrian access to dwellings is achievable.

- The penultimate dwelling on site shall not be occupied until the access roads have been completed.

A condition is already requested to ensure that no dwelling will be occupied until the vehicular access and parking space serving it have been completed, so this condition is unreasonable and unnecessary.

- Highway planting.

This condition will be attached as it protects service strips and any shared surface road.

- Construction phase management plan.

This condition will be attached to ensure the impact upon the locality is mitigated during the construction phase.

- No loose material on any driveway or parking area.

This condition will be attached in order to protect highway safety for future users of the development.

- No dwelling served by any shared private driveway on site shall be occupied until it has been constructed in accordance with details including:
 - the proposed method of forming access from the highway, including the required visibility splays;
 - the method of constructing/paving the drive;
 - the provision of adequate drainage features;
 - the provision of suitable bin collection facilities adjacent to the highway;
 - the provision of suitable lighting arrangements; and
 - the provision of street name plates that shall include the words 'Private Drive'.

This condition will be attached.

Mitigation exists in that access, layout and landscaping are reserved for later consideration. On a sustainable transport front the proposal in this location is considered sustainable, allowing access and support to transport modes other than the car including a regular, accessible bus service to Scunthorpe and Gainsborough. In addition, it is worth highlighting the comments of the Planning Inspector in relation to PA/2021/1330 who had the following commentary on highway related matters:

Similarly, there is no detailed evidence to demonstrate that the proposal either on its own or when considered cumulatively with other developments in the area would have an unacceptable impact on highway safety. No highway safety concerns have been raised by the highway authority. From my observations on site, I am satisfied that there would be an opportunity for the detailed design of the scheme to ensure a safe access is provided. Wider measures throughout the village which are not directly attributable to the proposed

development, for example in terms of speed limits or crossing facilities, are a matter for the highway authority to consider if necessary.

It is therefore considered, subject to the aforementioned mitigation, that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan.

Drainage

Policy CS19 is concerned with flood risk whilst policies DS14 and DS16 are concerned with foul sewage and surface water drainage. The site is located within flood zone 1 and is therefore a preferable site for development in terms of flood risk. Paragraphs 155 to 165 (inclusive) of the NPPF are also considered relevant.

Paragraph 165 states, 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the lead local flood authority;
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.'

An application for up to 30 dwellings has previously been refused and an appeal dismissed partly due to information surrounding a principle drainage strategy. The applicant has provided some information as part of this application. LLFA Drainage have been consulted and have stated the following:

'The application currently provides a very basic level of information. There is no mention of the surface water drainage system 'parish drain' that exists along the full length of the western boundary. This is a riparian drain and provides critical flood risk mitigation for the village and so it is vital that this drainage feature is fully addressed.

However, given the scale of the development, the LLFA Drainage team has no objection to the proposed development subject to conditions (which includes the submission of a surface water drainage scheme as part of a reserved matters application). In addition, the Planning Inspector had the following observations in respect of drainage following their site visit (in relation to planning application PA/2021/1330):

There is anecdotal evidence of previous flooding in the village. I have also seen the third-party photographic evidence depicting flooding at Westfield Drive. However, an illustrative drainage strategy has been provided. The Lead Local Flood Authority (LLFA) has not objected to the proposal nor has the LLFA suggested that development of the site would lead to increased flood risk in the locality. Furthermore, Severn Trent Water have not objected to the proposal or suggested that a suitable sewerage scheme could not be achieved. On this basis, there is no objective evidence to suggest that acceptable drainage and sewerage solutions could not be incorporated as part of the detailed matters.

In respect of foul drainage disposal, Severn Trent made comment on the previous planning application for up to 20 dwellings under PA/2021/1330 (which this is a direct resubmission

of) and whilst they were unsure whether or not capital works are required, they had no objections due to the adoption process (s106 agreement) being a legislative requirement relating to the adoption of sewer networks. They stated that a scheme can be achieved and is mitigated through their legislation.

It is therefore considered that sufficient information has been provided in this instance by the applicant to demonstrate that a suitable drainage scheme can be achieved on site that would accord with the principles of SuDS and prevent flooding to existing and future residents. The proposal is therefore in accordance with policies CS18 and CS19 of the North Lincolnshire Core Strategy, DS14 and DS16 of the North Lincolnshire Local Plan and paragraphs 155, 157, 163 and 165 of the NPPF.

Planning obligations

Policy CS27 is concerned with planning obligations and states that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town & Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005, enter into agreement with developers to capture obligations that would make proposals acceptable in planning terms.

The tests for planning obligations are set out in Part 11, section 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It states:

- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

The legal test is also set out in planning policy under paragraph 56 of the National Planning Policy Framework.

Affordable housing

Policy CS9 is concerned with affordable housing and requires schemes for new residential housing in rural settlements to contribute 10% of the scheme for affordable tenure. Ideally 70% of affordable housing supplied should be 70% for rent and, where possible, the housing should be provided on site, but an off-site contribution may be acceptable.

The applicant has agreed to provide 10% of affordable housing on site. This therefore complies with the policy and represents 2 of the 20 dwellings proposed.

Public open space

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

proposed recreational sites and facilities.’ This is reinforced by policy CS22 of the North Lincolnshire Core Strategy; both are considered relevant.

The applicant has confirmed that 10m² per dwelling of on-site informal open space will be provided. The space within the red line boundary is sufficient to accommodate this and the reserved matters will identify its location, the applicant has put forward a total area of 2,900m² to be on-site open space. On this point an estate management company will, through legal agreement, be tasked to maintain the space for 10 years. The proposal is therefore in accordance with policy H10 of the North Lincolnshire Local Plan.

Education

Policy C1 states that where major new housing proposals would result in an increased demand for education facilities which cannot be met by existing schools and colleges, a developer may be required to enter into a planning obligation under Section 106 of the Town and Country Planning Act 1990, to secure the provision of, or contribution towards, new or extended facilities.

The consultation response from Education has requested a financial contribution towards secondary school places arising from the development. Therefore a contribution is only sought for secondary places; this contribution equates to £5,795 per eligible dwelling. The proposal is therefore in accordance with policy C1 of the North Lincolnshire Local Plan.

Other issues

Land contamination

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

Environmental Protection has assessed the scheme and recommends a condition requiring a desk top study, remediation and verification reports. The works relate to the demolition of an existing barn. It is considered, given the active agricultural history of the site and without any information to the contrary, that the imposition of this condition is reasonable. Subject to this mitigation the proposal would accord with policy DS7 of the North Lincolnshire Local Plan.

Conclusion

The proposal to erect up to 20 dwellings at outline with all matters reserved for subsequent consideration is considered acceptable in principle and will deliver housing in a sustainable location and contribute to local housing land supply in an area which is predominantly residential in nature and, subject to the conditions outlined within this report as well as the heads of terms (planning obligations), is recommended for approval.

Heads of terms

Affordable housing

Number of dwellings	2 dwellings (10% of the development)
House type	To be confirmed
Trigger point	2 dwellings on occupation of the 10 th dwelling
How many years does the council require to spend the contribution?	Affordable units to be retained in perpetuity

Education

Contribution amount	£5,795 per dwelling towards secondary, excluding affordable products
Trigger point	30% on occupation of the 1 st dwelling 30% on occupation of the 8 th dwelling 40% on occupation of the 15 th dwelling
How many years does the council require to spend the contribution?	10 years

Open space

On-site informal open space	10m ² per dwelling on site as informal open space; estate management company can be set up
Trigger point	Estate management company set up on occupation of the 1 st dwelling Open space to be set out on occupation of the 12 th dwelling and contribution paid if required
How many years does the council require to spend the contribution?	10 years

Pre-commencement conditions

Pre-commencement conditions in relation to contaminated land investigation, the submission of a noise impact assessment (NIA), construction environmental management plan (CEMP) and construction traffic management plan, wheel washing measures/facilities and the method of constructing the proposed access road (which includes drainage) have been agreed with the planning agent.

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for affordable dwellings, education contributions and the provision and maintenance of open space, the committee resolves:

- (i) it is mindful to grant permission for the development;**
- (ii) the decision be delegated to the Development Management Lead upon completion of the obligation;**
- (iii) if the obligation is not completed by 1 May 2024 the Development Management Lead be authorised to refuse the application on grounds of not being acceptable in planning terms; and**
- (iv) the permission so granted be 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 details to be submitted in respect of reserved matters for any phase of development shall include a scheme for the provision of surface water drainage for the site and shall include the following criteria:

- (a) any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse
- (b) discharge from 'greenfield sites' taken as 1.4 lit/sec/ha (1:1yr storm)
- (c) no above-ground flooding to occur up to the 100 year plus climate change critical flood event (based on current national guidance)
- (d) a range of durations should be used to establish the worst-case scenario
- (e) the suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology
- (f) a scheme for the provision of a positive outlet of surface water from the site
- (g) adoption and maintenance agreements for all surface water and SuDS drainage features.

If a full sustainable urban drainage system (SuDS) scheme is incapable of being delivered, then comprehensive justification of this must be submitted.

Reason

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

6.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 5 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

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

7.

No above-ground works shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have

been approved in writing by the local planning authority. These facilities shall be implemented prior to the access and parking facilities being brought into use and thereafter so retained.

Reason

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

8.

No dwelling on the site shall be occupied until the vehicular access to it and the vehicle parking and turning facilities serving it have been completed in accordance with details to be submitted to and approved in writing beforehand with the local planning authority and, once provided, the vehicle parking and turning facilities shall be retained.

Reason

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

9.

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

Reason

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

10.

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

Reason

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

11.

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

Reason

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

12.

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

Reason

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

13.

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

Reason

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

14.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

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

15.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

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

16.

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

- (i) a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- (ii) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (iii) any abnormal load movements;
- (iv) contractor parking and welfare facilities;
- (v) storage of materials; and

- (vi) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway, as may be required;

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

Reason

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

17.

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

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

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

Reason

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

18.

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

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (2014)
- ProPG: Planning & Noise, New Residential Development (2017)
- BS 4142:2014 + A1:2019 Methods for rating and assessing industrial and commercial sound
- World Health Organisation Environmental Noise Guidelines for the European Region 2018

- World Health Organisation Guidelines for Community Noise (1999)
- World Health Organisation Night Noise Guidelines for Europe (2009)
- BS8233:2014 Guidance on sound insulation and noise reduction for buildings
- BS5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Noise
- BS5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Vibration
- BS7445-2:1991, ISO1996-2:1987 Description of environmental noise, Part 2: Guide to acquisition of data pertinent to land use.

The noise impact assessment report shall provide details of existing background noise levels, likely noise sources which will impact upon the proposed development, mitigation methods to be employed and the resulting predicted level of noise at sensitive locations.

Any approved mitigation measures shall be carried out in their entirety before the use of the site commences and shall be retained thereafter.

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

Reason

In the interest of amenity and to accord with policy DS11 of the North Lincolnshire Local Plan.

19.

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

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

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

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

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

Reason

To protect residential amenity and to accord with policy DS1 of the North Lincolnshire Local Plan.

20.

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

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

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

Light – The CEMP shall set out the particulars of:

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

Dust – The CEMP shall set out the particulars of:

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

Species protection – The CEMP shall set out the particulars of:

- (a) measures to avoid harm to hedgehogs, bats and nesting birds during demolition, vegetation clearance and construction works.

Reason

To protect amenity, to conserve biodiversity and to accord with policies DS11 and LC5 of the North Lincolnshire Local Plan and CS17 of the adopted Core Strategy.

21.

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

Part 1: Site Characteristics

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
 - adjoining land;
 - groundwaters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

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

Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural

and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

22.

No above-ground works shall take place on the site until a scheme for the provision of electrical vehicle charging points has been submitted to and approved in writing by the local planning authority.

Reason

To facilitate the uptake of low emission vehicles and reduce the emission impact of traffic arising from the development in line with the National Planning Policy Framework.

23.

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

- (a) an assessment of biodiversity loss based on the submitted location plan;
- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Small Sites metric;
- (c) details of bat boxes and nest boxes to be installed;
- (d) restrictions on lighting to avoid impacts on bat roosts, bat foraging areas, bird nesting sites and sensitive habitats;
- (e) prescriptions for the creation and management of the pond and raised landforms;
- (f) prescriptions for the planting and aftercare of locally native wildflowers, hedgerows, trees and shrubs of high biodiversity value;
- (g) proposed timings for the above works in relation to the completion of the dwelling.

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

Reason

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

24.

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

Reason

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

25.

The proposal shall be carried out in accordance with the recommendations set out within the preliminary ecological appraisal by Archer Ecology unless otherwise agreed in writing with the local planning authority.

Reason

In the interest of ecology and species protection, and in accordance with policy LC5 of the North Lincolnshire Local Plan.

26.

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

Reason

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

Informatives

1.

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

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.

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.

4.

Our records indicate that the proposed development site is bounded by a watercourse (surface water drain) on the western boundary. Following inspection, the watercourse may need to be cleared, replaced, protected or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team via email to llfadrainageteam@northlincs.gov.uk prior to any further construction works being carried out. Please refer to North Lincolnshire Council's 'Guide to Watercourses and Riparian Ownership' detailing rights and responsibilities. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

5.

Alterations and/or new connections into this watercourse must be consented by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority, through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team via email to llfadrainageteam@northlincs.gov.uk for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

6.

Bats:

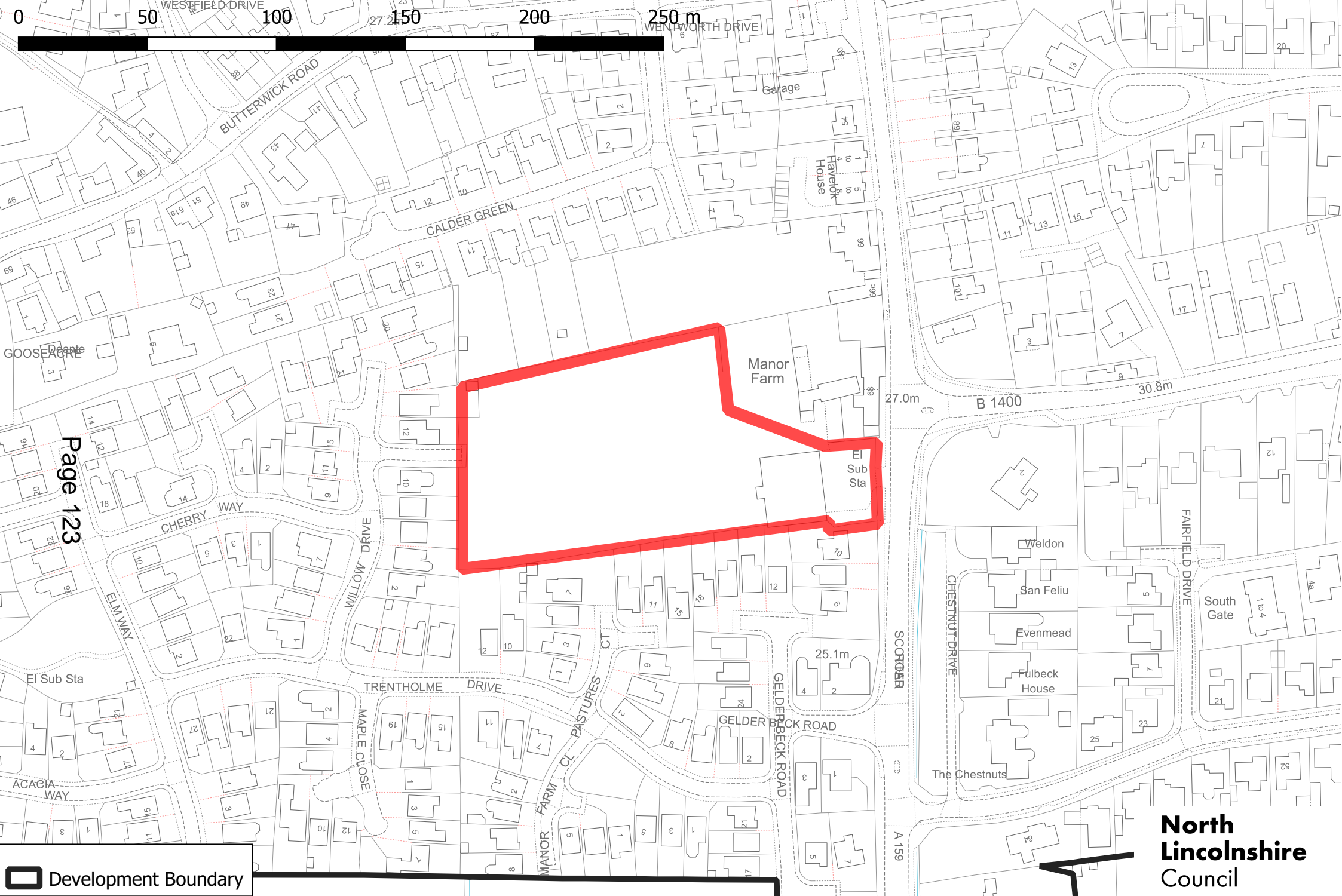
All species of bat are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations

2017 making all species of bat European Protected Species. Details of the legislation can be found at:

- Wildlife and Countryside Act
<http://www.legislation.gov.uk/ukpga/1981/69/contents>
- The Countryside and Rights of Way Act
http://www.opsi.gov.uk/acts/acts2000/ukpga_20000037_en_7#pt3-pb8-l1g81
- The Conservation of Habitats and Species Regulations 2017
http://www.opsi.gov.uk/si/si2010/uksi_20100490_en_1

Nesting birds:

It is an offence under Section 1 of the Wildlife and Countryside Act of 1981 (WCA 1981) to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built. The WCA 1981 also provides that all wild birds and their eggs are protected and cannot be killed or taken except under licence.



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 Development Boundary

PA/2023/1229

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Lincolnshire
Council**

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APPLICATION NO	PA/2023/1429
APPLICANT	Chris Smith, Shape Land and Property
DEVELOPMENT	Planning permission for the demolition of a public house and the erection of a two-storey residential building consisting of 20 dwellings (re-submission of PA/2022/754)
LOCATION	Former Lincoln Imp public house, 29 Gloucester Avenue, Scunthorpe, DN16 2EA
PARISH	SCUNTHORPE
WARD	Kingsway with Lincoln Gardens
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Subject to completion of a S106 agreement, approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Tony Gosling – significant public interest) Significant public interest

POLICIES

National Planning Policy Framework:

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

North Lincolnshire Local Plan:

- H5 New housing development
- H8 Housing design and housing mix
- H10 Public open space provision in new housing development
- T1 Location of development
- T2 Access to development

T6 Pedestrian routes and footpaths
T8 Cyclists and developments
T19 Car parking provision and standards
DS1 General requirements
DS7 Contaminated land
DS14 Foul sewage and surface water drainage
DS16 Flood risk

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire
CS2 Delivering more sustainable development
CS5 Delivering quality design in North Lincolnshire
CS7 Overall housing provision
CS8 Spatial distribution of housing sites
CS9 Affordable housing
CS17 Biodiversity
CS18 Sustainable resource use and climate change
CS19 Flood risk
CS22 Community facilities and services
CS23 Sport, recreation and open space
CS25 Promoting sustainable transport
CS27 Planning obligations

Housing and Employment Land Allocations DPD:

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 as follows:

SS1 Presumption in favour of sustainable development

SS2 Spatial Strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS56 Spatial distribution of housing sites

SS11 Development limits

H2 Housing mix and density

H3 Affordable housing

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

TC2 Placemaking and good design

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

CSC10 Community facilities

T1 Promoting sustainable transport

T2 Promoting public transport

T3 New development and transport

T4 Parking

T5 Cycle and motorcycle parking

DM1 General requirements

DM3 Environmental protection

CONSULTATIONS

Highways: No objections subject to conditions relating to highway safety, car parking, access, provision of cycle parking on the site and submission of a construction transport management plan.

Environment Agency: Do not wish to make comments.

Drainage (Lead Local Flood Authority): No objections in principle subject to conditions requiring the submission of a detailed surface water drainage strategy, compliance with the

approved details, a detailed drainage strategy for surface water from the highway, and compliance with the approved details. A standard informative has also been advised.

Anglian Water: No comments.

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

Historic Environment Record: The Design and Access Statement refers to a Heritage Statement produced for the previous application but is not among the information submitted with the current application. The HER holds a copy of the Heritage Statement that incorporates a photographic record of The Lincoln Imp public house. No further standing building recording or archaeological work is required at this site. No reference is made in the application to the Extensive Urban Survey for Scunthorpe available at <https://www.lincsabout.town/scunthorpe>. The survey documents the historical and archaeological background to the town and analyses the development and character of the built heritage. The HER encourages developers to make use of the survey for planning and design purposes to ensure that new development sits well in its surroundings. No further recommendations.

Trees: There appears to be very little in the way of green infrastructure within the site at present, and therefore any increase in biodiversity of the site with the introduction of good greenspace areas of uncompacted soils, together with suitable planting of trees and other green landscaping, can only be seen as an improvement in that regard. Any landscaping would need to be suitable for the site and adequately maintained (including watering) until established.

Ecology: Bat activity surveys revealed no evidence of bat roosts. If permission is ultimately granted, there will be a need to secure a net gain in biodiversity in accordance with Policy CS17, the National Planning Policy Framework and the Defra Small Sites metric.

Waste Management/Recycling: Provides general guidance for bins, bin storage, pulling distances and access for an RCV [refuse collection vehicle].

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

Humberside Police: No objections. Provides advice on Secured by Design (SBD) accreditation.

Education: All the dwellings will be affordable and therefore no educational contributions will be sought.

S106 Officer: S106 contributions to retain affordable dwellings in perpetuity, provision of 10m² per dwelling of informal open space and management of the open space on the site.

PUBLICITY

The application has been advertised in the local press and by site notices. Additional documents are currently out to consultation and if any further responses are received, they will be verbally reported to planning committee. Currently, twenty-five letters of objection have

been received and one letter of support. In summary the letters of objection raise concerns over the following:

- the building should not be demolished
- loss of a public house and live music
- loss of employment
- the public house should be refurbished
- no need for additional dwellings in Scunthorpe
- loss of a community facility and meeting place
- the building is an ACV [asset of community value]
- housing is back to back
- no need for further affordable dwellings in Scunthorpe
- the building should just be designated a heritage asset.

The letter of support raises the following issues:

- the brewery does not want to keep the building as a pub
- the building is an eyesore
- the building will attract antisocial behaviour
- there is a need for more affordable housing.

STATEMENT OF COMMUNITY INVOLVEMENT

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

ASSESSMENT

Planning history

- 6/1984/0183: Planning permission to erect a 2.175m high wall and form a beer garden – approved 19/09/1984.
- 6/1989/0088: Planning permission to carry out alterations and extensions to an existing public house – approved 11/04/1989.
- PA/2007/0840: Planning permission to erect a detached smokers' shelter to the rear of the public house – approved 29/06/2007.
- 6A/1974/0998: Consent to display an illuminated sign – approved 29/03/1974.
- PA/2015/0491: Planning permission to convert an existing window to a new door – approved 16/06/2015.

PA/2022/754: Planning permission to erect a two-storey building consisting of 20 affordable homes (including demolition of existing public house) – refused 25/08/2022.

The site

The application site is within the defined development limits of Scunthorpe which is the Major Sub-regional Town as defined within the Core Strategy. The site is also within Flood Zone 1 (North and North East Lincolnshire SFRA 2011) and therefore is the optimum place for development in terms of flood risk. The Lincoln Imp was designated as an Asset of Community Value (ACV) on 04/07/2022.

The application site fronts the highway, Gloucester Avenue. To the north is a terrace of three-storey residential properties, to the east are several convenience stores with residential flats on the first and second floors, to the south is the highway Beechway, and to the west are residential properties and a site currently under construction for a complex care children's home (PA/2022/66). The site currently consists of a public house, The Lincoln Imp, which is no longer in use and has been closed since August 2022, with the windows shuttered to secure the building.

The proposal

Planning permission is sought to erect a two-storey building consisting of 20 affordable homes (including the demolition of the existing public house). Landscaping, car parking, cycling parking, bin storage and public open space (in the form of a communal garden and seating area) will be provided within the site.

Members may recall that a similar application (PA/2022/754) to erect a two-storey building consisting of 20 affordable homes (including demolition of the existing public house) was refused planning permission by the planning committee on 24/08/2023 for the following reasons:

1.

The proposed development would result in the unacceptable loss of The Lincoln Imp public house which is a valued community facility. There is insufficient justification for the demolition of The Lincoln Imp and the proposals for housing are not considered to outweigh this loss. Therefore, the proposed development would be contrary to policy CS22 of the North Lincolnshire Core Strategy and paragraph 92 of the NPPF.

2.

The proposals would result in insufficient provision of private amenity open space for the future occupiers of the proposed units. Therefore, the proposals are contrary to policy H5 of the North Lincolnshire Local Plan.

The main issues in the determination of this application are:

- **principle of development**
- **loss of community facilities**
- **design and impact on the character and form of the area**
- **impact on residential amenity**

- **impact on highways**
- **flood risk and drainage**
- **contaminated land**
- **air quality**
- **noise**
- **cultural heritage**
- **ecology/biodiversity**
- **affordable housing**
- **planning obligations.**

Principle of development

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

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

Policy CS1 of the NLCS identifies Scunthorpe as being the Major Sub-regional Town, which 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 CS1 confirms that ‘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. During the plan period Scunthorpe should contribute around 9,892 new dwellings.’

Policy CS8 further sets out that there is a requirement to deliver 82% of all new dwellings in and adjacent to the urban area, equating to 9,892 new dwellings. These figures are a minimum target and do not form a maximum threshold for the delivery of housing, which would run contrary to the provisions of the National Planning Policy Framework which seeks to significantly boost the supply of housing. Therefore, development plan policy confirms the view that Scunthorpe is a sustainable settlement with the key facilities, services, employment opportunities and regular public transport to support new housing development.

Policy CS7 of the Core Strategy sets out an aspirational minimum density of 40–45 dwellings per hectare on sites within Scunthorpe (excluding the town centre). However, this policy also

states that whilst housing developments should make efficient use of land, the density of new developments should be in keeping with the character of the area. The proposed development of 20 dwellings results in a density of approximately 129 dwellings per hectare, which falls well above the minimum density sought by policy CS7 (40–45 dwellings per hectare).

Policy CS9 of the Core Strategy sets out the requirements for affordable housing along with the council's interim affordable housing policy. The proposal is for all 20 units to be for affordable rent and secured in perpetuity through a section 106 agreement. In this case the proposed development is a 100% affordable housing scheme, will align with policy CS9 and will make a significant contribution to securing affordable housing for the residents of North Lincolnshire.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' It should be noted that the council can demonstrate a Five-Year Housing Land Supply of Deliverable Sites of 6 years and 10 months (July 2023).

This proposal seeks to erect a two-storey building consisting of 20 affordable homes (including demolition of the existing public house which is now closed) in a highly sustainable location. There is clearly a planning balance to the decision in that the public house will be demolished in order to facilitate the development of 20 affordable homes for residents of North Lincolnshire. In determining the principle and sustainability of the proposed development, an assessment is required on the technical elements of the proposal which will be discussed below.

Loss of community facilities

The Localism Act 2011 introduced provisions to help communities safeguard land and buildings for a community purpose. The Lincoln Imp was registered on 4 July 2022 as an asset of community value (ACV). In terms of the weight given to this as part of the planning assessment there is local policy which considers the loss of community facilities as well as the NPPF (paragraph 93). The assessment of the proposal against these policies therefore reflects its status as a community asset.

Furthermore, policy CS22 of the Core Strategy, which deals with community facilities and services, states, 'The loss of community facilities or land allocated for such purposes will be resisted, unless there is no longer a need for the land or building in any form of community use or there is an acceptable alternative means of meeting such need.' Both of the above criteria are reinforced by paragraph 93 of the NPPF.

There are a large number of public houses, clubs and music venues within Scunthorpe. The closest public house is under a 10-minute walk away from the application site. Furthermore, the application site is approximately a 30-minute walk away from the centre of Scunthorpe with a regular 10-minute bus journey also available.

Within the previous application (PA/2022/754) the applicant submitted a Site Viability Report, April 2022 and within this pending application the applicant has submitted an updated site viability report dated March 2023. The Lincoln Imp is a drinking establishment and does not provide food. This reduces the customer base and offering. Substantial investment of around

£262,500 plus working capital (circa £20,000) would need to be invested into the public house (excluding the immediate structural/fabric repairs. No long-term tenant can be recruited on a full substantive agreement due to none viability of the public house from both the tenant and pub company perspective.

The Lincoln Imp has been marketed but has received no interest from parties as a going concern. It has been marketed since April 2022. The Lincoln Imp stopped trading in August 2022. Under the ACV process no bid was made for the public house. The Music Heritage Trust were given until 31 January 2023 to find a tenant to take on the business, but no tenant was found within this deadline. The applicant has submitted an email from Admiral Taverns stating that, 'Admiral Taverns have confirmed that the site is commercially non-viable and they have no intention to re-open the site as a trading pub.'

The viability report concludes that in order to compete with surrounding local public houses, 'Substantial investment of around £262,500 plus working capital (circa £20,000) would be needed to be invested into the public house (excluding the immediate structural/fabric repairs) and bearing in mind the competition in the area and the cost of the works, I consider such an investment extremely risky. Even if capital investment was put into the public house, I am of the opinion that the business would still not provide a sufficient income for an operator in the medium term, as the fundamental requirements of a successful, modern public house could not be provided.'

It is clear from the previous application that was refused last year (PA/2022/754) that the local planning authority considered at that time that The Lincoln Imp was unviable. The Lincoln Imp is now closed and no longer provides a community facility and has not done so for over a year now. The council cannot force The Lincoln Imp to operate as a public house. Furthermore, there are other public houses, clubs and music venues within Scunthorpe, with the nearest public house within 10 minutes' walk from the application site.

Policy CS22 of the Core Strategy states that [loss will be resisted unless] there is no longer a need for the land or building in any form of community use, or there is an acceptable alternative means of meeting such need. Paragraph 93(c) of the NPPF states, '[policies and decisions should]...guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs. The submitted Site Viability Report and sales documents for PA/2022/754 show that the facility was unviable. Viability has again been addressed in this new application and the site as a public house continues to be unviable and has led to the closure of The Lincoln Imp since August 2022. Furthermore, following the closure of The Lincoln Imp, other facilities are available within the locality which can meet the day-to-day needs of local residents.

It is therefore considered that the proposal is in accordance with policy CS22 of the Core Strategy and paragraph 93 of the NPPF, as the loss of the community asset is offset by other facilities in the area as well as it being proved to be unviable.

Design and impact on the character and form of the area

Core Strategy policy CS5 (Delivering Quality Design in North Lincolnshire) states, '...all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided 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.' Policies H5 and H8 of the NLLP both seek to secure acceptable housing design for all residential developments.

The proposal would involve the erection a two-storey building consisting of 20 affordable homes. The surrounding area mainly consists of residential development of two and three storeys in height. Overall, the surrounding area consists of a variety of buildings of different massing, materials, and design.

The materials to be used in the proposed building are as follows:

- Walls: red facing bricks with black brick banding details – Hardwicke Minister
- Roofing: grey concrete tiled roof
- Windows: black UPVC
- Front doors: black composite with vision panels.

Having considered the materials, the proposals are considered acceptable. Furthermore, it is noted that the proposals would be two storeys in height to a maximum ridge height of approximately 9.68 metres. The site is not level, with the building gradually stepped down from Gloucester Avenue towards Beechway.

In terms of scale, siting and design, the proposals are for a replacement building. Whilst it is noted the new building would be larger in footprint and height, given the large plot, the proposals would not represent an over-development of the site. The proposals would provide a new building on site of a better quality design contributing to the overall character and interest of the area. The proposed development would provide much needed affordable housing for residents of North Lincolnshire which is considered to be a significant public benefit of the scheme.

One of the reasons for refusal for PA/2022/754 was the insufficient private amenity open space for future occupants of the proposed dwellings. The submitted plans for this application show open space to be provided to the rear of the building. This open space will be approximately 215m² which aligns with policy H10 of the NLLP. This open space has been redesigned since the refusal of PA/2022/754. Within the open space is a bin store and 10 secure cycle parking spaces for occupiers to use improving the sustainability of the site. This open space will be secured by repairing and rebuilding (in part) the existing rear boundary wall on the northern boundary, a 1.8m high timber fence to the eastern boundary and a 1.55m high living green screen to the western boundary. This area will comprise hard and soft landscaping with planting which will be secured through a planning condition. External seating will be provided on the site to allow this open space to be a functional open space to be used and enjoyed by future occupiers of the scheme and to allow residents to meet forming social connections and integration.

Furthermore, The Lincoln Imp is currently closed and shuttered which already is beginning to detract from the visual appearance of the site. On balance, it is considered that the proposal would be acceptable in terms of impacts on the character and appearance of the area and complies with policy CS5 of the Core Strategy and policies H5 and H8 of the NLLP.

Impact on residential amenity

Policy DS1 and CS5 are partly concerned with impacts upon residential amenity. It states, 'no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.'

Due to the massing, separation distances and orientation of the proposed building, the proposals are not considered to have any impacts on surrounding properties in respect of overlooking or overshadowing.

It is noted that the proposals may introduce more people and movement to the area. However, the site was used as a public house and music venue within an existing built-up residential area of Scunthorpe. Therefore, the proposals are considered to reduce any impacts on residential amenity compared to the existing use.

Overall, the proposals are not considered to have any adverse impacts on the residential amenity of neighbouring properties.

Highways

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. Policy T19 relates to car parking provision and standards, and in summary requires developments which result in additional parking needs to incorporate proposals to fully meet that demand. Policy T8 of the NLLP relates to cycle parking. Policy CS25 of the Core Strategy is also relevant and seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools.

The council's Highways department has been consulted and does not object to the proposed development subject to a number of conditions. The proposals are within Scunthorpe which is a highly sustainable location not requiring parking provision. However, it is noted that the proposals provide for 15 car parking spaces and 20 secure cycle parking spaces on site which is considered acceptable in this highly sustainable location.

Overall, it is considered, subject to conditions, that the proposal is in accordance with policies T1, T2 and T5 of the North Lincolnshire Local Plan, and policies T19 and CS25 of the Core Strategy.

Flood risk and drainage

Policies DS16 of the North Lincolnshire Local Plan, CS18 and CS19 of the North Lincolnshire Core Strategy, and paragraphs 166 and 167 of the NPPF are considered highly relevant.

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

The applicant intends to use mains drainage for the disposal of foul and surface water, with no objections raised by the Lead Local Flood Authority or Anglian Water subject to a number of conditions.

Therefore, the proposal is considered to comply with policies DS16 of the North Lincolnshire Local Plan, CS19 of the Core Strategy and the National Planning Policy Framework in terms of flood risk.

Contaminated land

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

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

The application is supported by a planning application form which details that the site is not known to be contaminated. The planning application form sets out that the proposed use would be vulnerable to the presence of contamination, which is agreed as the proposed use of the site would be for residential purposes.

Comments have been sought from the Environmental Protection team, who have raised no objections subject to a number of standard conditions which are recommended in this report.

Air quality

Policy CS18 of the North Lincolnshire Core Strategy is concerned with sustainable resource use and climate change. Its purpose is to promote development that utilises natural resources as efficiently and sustainably as possible. Two points of this policy are relevant:

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

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities. This states that proposals will only be permitted where it can be demonstrated that the levels of potentially polluting emissions do not pose a danger by way of creating adverse environmental conditions likely to affect nearby developments and adjacent areas.

Paragraph 186 of the NPPF states, '...decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account

the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.'

Under Building Regulations each dwelling will need to have an EVC (electric vehicle charging) point. Having regard to the above, it is considered that the proposal would not have an adverse impact on air quality and the proposal is in accordance with policies CS18 of the North Lincolnshire Core Strategy, DS11 of the North Lincolnshire Local Plan and paragraph 186 of the NPPF.

Noise

Policy DS1 of the North Lincolnshire Local Plan is concerned with the general requirements of developments. In respect of amenity, policy DS1 advises that proposals should be refused if they result in an unacceptable loss of amenity to neighbouring land uses in terms of noise.

Policy DS11 of the North Lincolnshire Local Plan is concerned with polluting activities and states that proposals will only be permitted where it can be demonstrated that the levels of noise do not pose a danger by way of creating adverse environmental conditions likely to affect nearby developments and adjacent areas.

Paragraph 185 of the NPPF states that proposals should 'mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.'

The council's Environmental Protection team have assessed the proposals and have proposed conditions that require limited working hours for construction and demolition and also the submission of a construction environmental management plan (CEMP). The request is considered to be in accordance with the above policy requirements and will be attached to any permission to mitigate impact from noise generated by the development.

Having regard to the above, it is considered that the proposals would not have an adverse impact resulting from noise. Subject to the aforementioned conditions, the proposal is in accordance with policies DS1 and DS11 of the North Lincolnshire Local Plan and paragraph 185 of the NPPF.

Cultural heritage

The site is neither within nor adjacent to a conservation area and there are no listed buildings adjacent to the site. In terms of archaeology the applicant has submitted a heritage statement with the application incorporating a photographic record of The Lincoln Imp public house in accordance with the HER's pre-application advice. No further building recording or archaeological work is required at this site and there are no objections to the demolition from the HER officer. As a result, the proposal will have no impact on cultural heritage and the proposal aligns with the relevant policies of the NLLP and Core Strategy.

Ecology/biodiversity/trees

Policy CS17 and LC5 are concerned with ecological/ biodiversity matters. A bat survey has been submitted with the application and there is no evidence of bat roosts on the site and little bat activity overall. There is no further protected species reports required in relation to this site. The proposal therefore aligns with CS17 and LC5.

In terms of biodiversity there is a requirement through policy CS17 and the NPPF to provide biodiversity net gain (BNG) on the site. Paragraph 174 of the NPPF states, ' Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils [...]
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;'

Paragraph 180 (d) of the NPPF states, 'development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate..;'

With this proposal, biodiversity enhancement should be secured by:

- installing swift bricks; and
- planting trees and shrubs of high biodiversity value.

Planning conditions will be used to secure biodiversity net gain on the site including provision of swift boxes and planting/aftercare of trees and shrubs. Subject to the proposed biodiversity planning conditions, the proposal will align with policies CS17, CS5, LC5 and the NPPF.

In terms of trees, the applicant has submitted a planting plan that contains a high number of trees, shrubs and grasses. This planting plan will be conditioned to secure an acceptable landscaping scheme for the site.

Affordable housing

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

Policy CS9 outlines that schemes of 15 or more dwellings in the Scunthorpe urban area, 5 or more dwellings in market towns and 3 or more dwellings in rural settlements must make provision for an element of affordable housing. This policy seeks 20% affordable housing in the Scunthorpe urban area and market towns and 10% affordable housing in rural

settlements. Policy CS9 allows for off-site contributions where affordable units cannot reasonably be provided on site in line with criteria (a) and (b) of policy CS9.

This application proposes the erection of 20 dwellings within the defined development limits of Scunthorpe. As such 20% affordable housing is required on site. The Design and Access Statement provides that this scheme is for 100% affordable housing. It is noted that all 20 units will be one-bedroomed affordable units. The units will be for affordable rent and will be secured in perpetuity within the S106 Agreement. Furthermore, the council's Housing and Economic Needs Assessment (HENA) 2020 states that there is a net annual affordable housing need of 115 dwellings per annum. The proposed 20 affordable dwellings will provide a significant contribution towards the affordable housing need in North Lincolnshire.

Overall, the proposals comply with policy CS9 of the Core Strategy. Having had regard to the above, the proposals are considered acceptable in respect of affordable housing and accord with policy CS9 of the Core Strategy.

Planning obligations

Policy CS27 is concerned with planning obligations and states that where a development proposal generates an identified need for additional infrastructure, North Lincolnshire Council will, through the negotiation of planning obligations pursuant to Section 106 of the Town & Country Planning Act 1990 and in accordance with guidance set out in Circular 05/2005, seek obligations that are necessary to make proposals acceptable in planning terms. The tests for planning obligations are set out in Part 11, section 122 of the Community Infrastructure Levy Regulations 2010 (as amended). It states:

- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.

The legal test is also set out in planning policy under paragraph 57 of the National Planning Policy Framework 2021. The heads of terms for the developer contributions are set out below.

Public open space

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

Public open space, by way of a landscaped area, is to be provided on site. The proposals provide for 10sqm of public open space per dwelling. This is considered acceptable, and the use, maintenance and management of this space can be secured within an S106 Agreement.

Education and health

Furthermore, as the scheme is fully affordable, no health or education contribution is sought for this scheme.

Obligations summary

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

Conclusion

Planning permission is sought to erect a two-storey building consisting of 20 affordable homes (including demolition of existing public house). The application is acceptable in principle and in respect of loss of community assets, design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk and drainage, and contaminated land, noise, air quality, cultural heritage and affordable housing and is therefore recommended for approval subject to the S106 and conditions outlined in this report. Furthermore, it is considered that the reasons for refusal set out on the decision notice for PA/2022/754 (see proposal section above) have been overcome as set out in the previous sections of this report. The pre-commencement conditions and heads of terms set out below have been agreed with the applicant.

Heads of terms

Affordable housing

Number of dwellings	All 20 dwellings
Product Type	Affordable rent Affordable dwellings to be retained in perpetuity

Open space

On-site open space	10 sqm per dwelling
Trigger point	Open space to be laid prior to occupation of the 1st unit
Management	To be managed by registered provider

RECOMMENDATION

Subject to the completion of a formal agreement under Section 106 of the Town and Country Planning Act 1990 providing for affordable housing, and the maintenance and management of open space on the site, the committee resolves:

- (i) **it is mindful to grant permission for the development;**

- (ii) **the decision be delegated to the Development Management Lead upon completion of the obligation;**
- (iii) **if the obligation is not completed by 1 May 2024 the Development Management Lead be authorised to refuse the application on grounds of no affordable housing and no recreational open space; and**
- (iv) **the permission so granted be subject to the following conditions:**

1.

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

Reason

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

2.

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

Site location plan - 1353-JDA-ZZ-XX-DR-A-0000

Proposed Plans - 1353-JDA-ZZ-ZZ-DR-A-0001 Rev C01

Proposed Elevations - 1353-JDA-ZZ-ZZ-DR-A-0002 Rev C01

Proposed Street Elevations - 1353-JDA-ZZ-ZZ-DR-A-0003 Rev C01

Boundary Treatment Plan - 1353-JDA-ZZ-XX-DR-A-0003 Rev C01

Proposed Site Plan - 1353 - JDA-ZZ-XX-DR-A-0002 Rev C01

Planting Plan - D216.002

General Arrangement - D216.001

S50 Street Works Plan 20/10/2021 Rev P04.

Reason

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

3.

Prior to any works above slab level, details of the roof tiles to be used in the construction of the dwellings shall be submitted to and agreed in writing with the local planning authority and only the approved materials shall be used.

Reason

To protect the character and appearance of the area

4.

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

Reason

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

5.

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 October 2020.

Part 2: Submission of Remediation Scheme

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

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

Part 3: Implementation of Approved Remediation Scheme

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

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

Part 4: Reporting of Unexpected Contamination

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

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

Reason

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

6.

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

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

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

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

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

Reason

To protect residential amenity.

7.

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

Noise and vibration

The CEMP shall set out the particulars of:

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

Light

The CEMP shall set out the particulars of:

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

Dust

The CEMP shall set out the particulars of:

- (a) site dust monitoring, recording and complaint investigation procedures;
- (b) the identification of receptors and the related risk of dust impact at all phases of the development, including when buildings and properties start to be occupied;
- (c) the provision of water to the site;
- (d) dust mitigation techniques at all stages of development;
- (e) the prevention of dust trackout;
- (f) communication with residents and other receptors;
- (g) a commitment to cease the relevant operation if dust emissions are identified either by regular site monitoring or by the local authority;

(h) a 'no burning of waste' policy.

Reason

To safeguard residential amenity.

8.

Within three months of the completion of the new access, any redundant access to the site shall be removed and the area reinstated to footway/verge (including the provision of full height kerbs) 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.

9.

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

Reason

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

10.

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

Reason

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

11.

Prior to the occupation of the first dwelling, the cycle parking facilities serving the development shall have been completed and shall thereafter be retained.

Reason

To ensure satisfactory cycle parking facilities on the site for occupiers of the development.

12.

The proposed boundary features, including any foundations, shall be constructed as per the approved details and shall not be constructed within the limits of the adopted highway.

Reason:

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

13.

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

- (i) a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- (ii) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (iii) any abnormal load movements;
- (iv) contractor parking and welfare facilities;
- (v) storage of materials; and
- (vi) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway, as may be required;

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

Reason

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

14.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

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

15.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 14 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

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

16.

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

Reason

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

17.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented in accordance with the approved details at all times.

Reason

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

18.

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

- (a) an assessment of biodiversity loss based on the submitted existing site plan;
- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with the Defra Small Sites metric;
- (c) details of swift bricks and starling boxes to be installed;
- (d) restrictions on lighting to avoid impacts on bird nesting sites and sensitive habitats;
- (e) prescriptions for the planting and aftercare of trees and shrubs of high biodiversity value;
- (f) proposed timings for the above works in relation to the completion of the dwellings.

Reason

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

19.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 15th dwelling, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

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

Informatives

1.

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

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.

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.

4.

The applicant's attention is drawn to the comments made by Humberside Fire and Rescue, Humberside Police and the council's Waste Services.

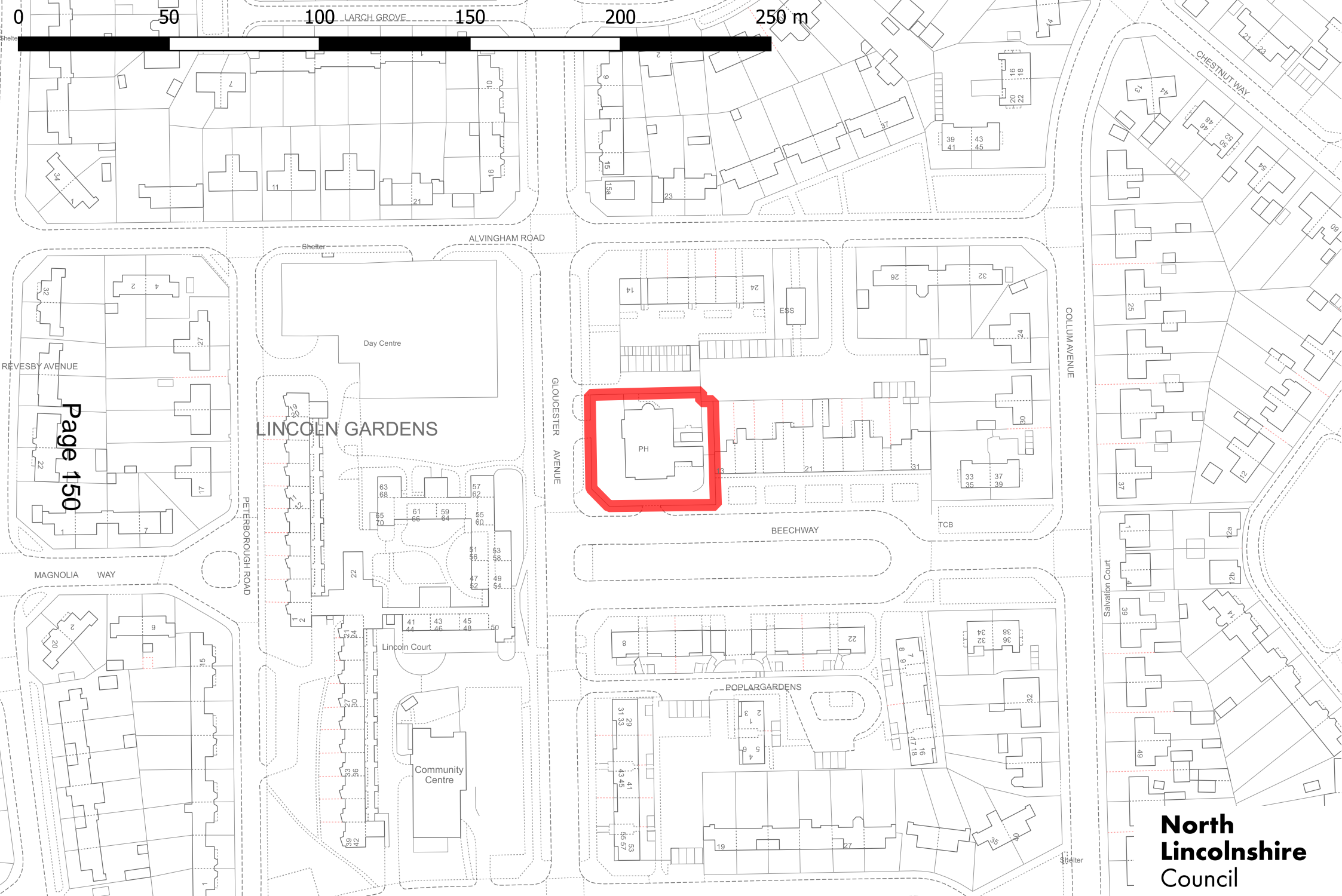
5.

For your information the LLFA Drainage Team no longer permit the use of connected private surface water drainage systems which are reliant on one outfall/property owner, unless a robust adoption and maintenance plan is produced and made known to all property owners. The reliance on one owner to maintain a drainage system, if not maintained, can cause civil and legal disputes moving forward with several neighbouring properties. This is an approach that other local authorities are adopting. This is not a good solution unless it is a public sewer and adopted by the water company.

Full consideration should be given to utilising source control SuDS features, for example, a tanked permeable paving system in the access road.

Exceedance flood routing also needs clarifying.

The developer must consider using 150mm diameter pipes as opposed to 100mm diameter to ease future maintenance issues.



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**North
Lincolnshire
Council**

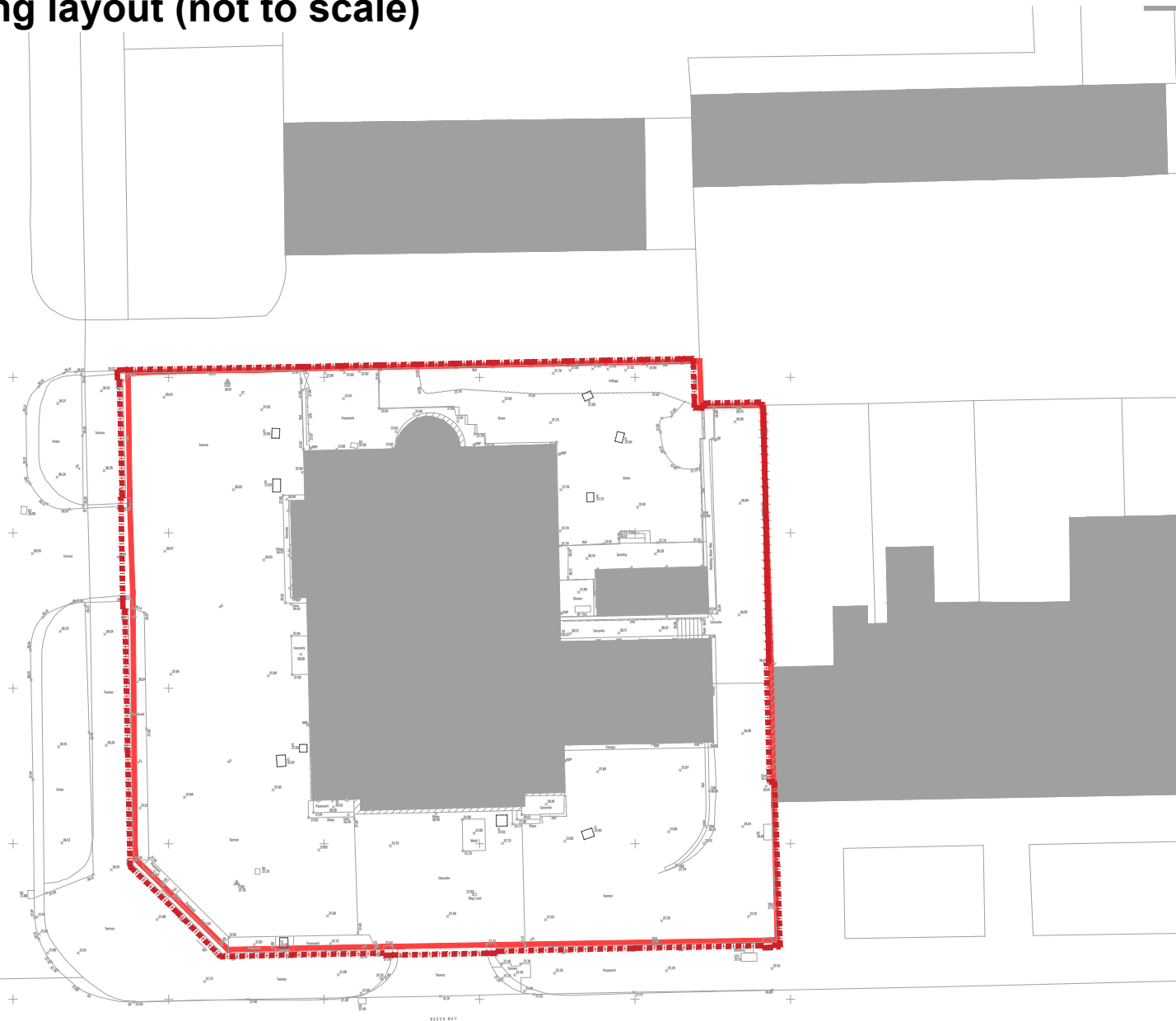
PA/2023/1429 Existing layout (not to scale)

Page 151



GLoucester Avenue

BEECHWAY



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KEY
 - - - - - Indicates site boundary taken from PDF copy of HM Land Registry Title Plan Number HS242936.
 Indicates physical boundary shown on topographical survey.

CD1	Issued for planning	01.06.23	SB	KOR
Rev	Description	Date	By	CHK

jda architects
 info@jda-architects.com
 www.jda-architects.com
 manchester: 0161 338 5011
 liverpool: 0151 665 0112

Project Details
 1353 - Gloucester Avenue, Scuthorpe

Client:
 Shape Land & Property

Drawing Status:
 Stage 3 Planning Status/Subsity Code: A3

Scale:	@ Original Size	Date	Drawn By	Checked By
1:200	A2	June 2023	SB	KOR

Project Code	Original	Vol/Iss	Level	Type	Risc	Number
1353-JDA-ZZ-XX-DR-A-0001						

Description	Rev
Existing Site Plan	CD1



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GLoucester
AVENUE

BEECHWAY



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Key

- Indicates site boundary taken from PDF copy of HM Land Registry Title Plan Number HS242936
- *** Indicates physical boundary shown on topographical survey. Prior to commencement of works the contractor is advised to do a full walk around with surveyor to determine exact location of boundaries, to be agreed with adjoining owners.
- Trees to be removed
- Existing trees
- Proposed trees
- 2.4m x 4.8m parking bays
- 1.2m x 1.2m level access
- ⚡ Electric vehicle charging point
- 🚲 Cycle parking
- 🗑️ 240L Bin / 1100L Euro Bin

Accommodation Schedule

Unit Type	No.
1B2P Apartment (Ground Floor) @ 42.5m ²	8
1B2P Aspect Apartment (Ground Floor) @ 42.5m ²	2
1B2P Apartment (First Floor) @ 49.7m ²	8
1B2P Aspect Apartment (First Floor) @ 49.7m ²	2
Total Units	20
Car Parking Spaces	15
Cycle Parking Spaces	20
Informal Recreational Open Space	215m ²
Incidental Amenity Space	152m ²
Refuse - 1100L Euro Bin	7
Refuse - 240L Bin	3

Relevant Drawings

Please refer to the Landscape Design produced by East Landscape, for the detailed design of the amenity space.

Rev	Description	Date	By	CHK
CD1	Issued for planning	01.06.23	SB	KOR
PA	Revised following review of landscape design	23.05.23	SB	KOR
PD1	Revised to 70% parking	05.05.23	SB	KOR
PD2	Issued in colour	28.04.23	SB	KOR
PD1	Initial issue	10.04.23	SB	KOR

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 info@jda-architects.com
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 liverpool: 0121 665 0112

Project Details
 1353 - Gloucester Avenue, Scunthorpe

Client
 Shape Land & Property

Drawing Status	Stage	Sheet/Subsidiary Code
Stage 3 Planning	A3	

Project Code	Original Use/Type	Level	Type	Block	Number
1353-JDA-ZZ-XX-DR-A-0002					

Description	Rev
Proposed Site Plan	CD1

Notes

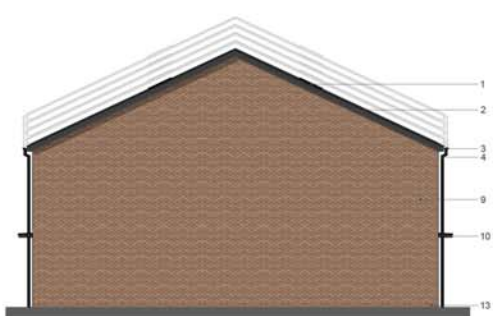
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Proposed Front Elevation



Proposed Rear Elevation



Proposed Side Elevation



Proposed Side Elevation

No.	Materials Schedule
1	Rooflight - colour black
2	Roof tile - colour grey
3	Eaves & fascia - colour black
4	uPVC rain-water goods - colour black
5	Projecting feature brick - colour grey
6	Recessed brick - Hardwicke Minster, Beckstone Mixture
7	Faced louvre with operable window behind - colour black
8	uPVC windows - colour black
9	Main brick - Hardwicke Minster, Beckstone Mixture
10	GRP flat door canopy - Black
11	Composite front door - Black
12	Recessed brick - grey
13	Engineering brick

No.	Description	Date	By	CHK
001	Issued for planning	01.06.23	SB	KCR
002	Revised following amendments to ramp	12.05.23	SB	KCR
003	Material added	08.05.23	SB	KCR
004	Initial issue	08.05.23	SB	KCR

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Project Name	1353 - Gloucester Avenue, Scunthorpe		
Client	Shape Land & Property		
Working Status	Stage 3 Planning	Materiality Code	AD
Scale	1:100	Drawn by	SB
Issue	A1	Check by	KCR
Project Code	1353-0A-22-ZZ-001-A-002	Issue	001
Description	Proposed Elevations	Rev	001

Notes

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Proposed Street Elevation - Beechway



Proposed Street Elevation - Gloucester Avenue

No.	Description
1	Bin store
2	Cycle store
3	Electric vehicle charging point
4	Living green screen
5	Railings
6	Gate
7	Timber planters
8	Site entrance

Rev	Description	Date	By	CHK
C01	Issued for planning	01.08.23	SB	KOR
P03	Revised following review of landscape design	24.05.23	SB	KOR
P02	Issued in colour	05.05.23	SB	KOR
P01	Initial issue	20.04.23	SB	KOR

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 liverpool: 0121 665 0112

Project Details	
1353 - Gloucester Avenue, Scunthorpe	
Client	
Shape Land & Property	
Drawing Status	Status/Subsidiary Code
Stage 3 Planning	A3
Scale	Drawn By / Checked By
1:200 / A2	SB / KOR
Date	
April 2023	

Project Code	Original	Iss/Iss	Level	Type	Block	Number
1353-JDA-22-ZZ-DR-A-0003						
Description						Rev
Proposed Street Elevations						C01

21133 - Gloucester Avenue, Scunthorpe\Drawings\1353-JDA-22-ZZ-DR-A-0003-ProposedStreetElevation.dwg

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 01 November 2023

Date: 23 October 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/2023/311
APPLICANT	Mr Gurmeet Singh Athwal
DEVELOPMENT	Proposed change of use from a store room to a commercial car repairs and tyre replacement garage
LOCATION	312 Messingham Road, Bottesford, DN17 2QY
PARISH	BOTTESFORD
WARD	Bottesford
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Bottesford Town Council

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 6 Building a strong, competitive economy
- 11 Making effective use of land
- 12 Achieving well-designed places

North Lincolnshire Local Plan:

- DS1 General requirements
- DS4 Changes of use in residential areas
- DS14 Foul sewage and surface water drainage
- DS16 Flood risk
- T2 Access to development
- T19 Car parking provision and standards

North Lincolnshire Core Strategy:

- CS2 Delivering more sustainable development
- CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

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

SS11 Development limits

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

CONSULTATIONS

Environmental Protection: Initially had concerns about the impact of noise because there was insufficient information from the applicant. However, following the submission of a noise impact assessment, the department has indicated that they have no objection subject to conditions.

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

Highways: Initially had concerns regarding the current use of the building and the proposed parking provisions. Following the submission of additional information by the applicant, which includes the number of staff and vehicles on site at any one time, the department has confirmed that they have no objection because sufficient parking will be provided on site for all staff and customer vehicles.

TOWN COUNCIL

Objects to the application raising the following concerns:

- The location is not suitable for a working repair garage because it is situated in the middle of a residential area.
- The development has no designated parking facilities.
- The area is saturated with several businesses using one car park.
- The town council has highway concerns with egress onto a busy road.

- Concern about the health and safety of residents with tyres to be stacked up outside the proposed building.
- Concern about the possibility of flammable materials on site.
- Concern about the noise for residents on Messingham Road and Wayside Close.

PUBLICITY

A site notice has been displayed. Nine responses have been received objecting to the proposal and raising the following concerns:

- the proposal is not appropriate within a residential area
- impact on children using the nursery playground
- vehicle traffic
- fumes
- parking provision
- noise nuisance
- odour
- impact on health.

ASSESSMENT

Site constraints

Within the development boundary

SFRA flood zone 1

Planning history

PA/2000/0478: Planning permission to erect a building for the storage and renovation of vintage tractors in connection with a hobby – approved 14/07/2000.

Note: The applicant has cited the above application in the design statement as planning history. Please note, however, that the approved storage building referenced above is located at the rear of 314 Messingham Road, within the curtilage, and is not the same building being considered under this application, PA/2023/311.

Site description and proposal

This proposal seeks a change of use from a storeroom (Class B8: Storage or distribution) to a commercial car repairs and tyre replacement garage (Class B2: General industrial) at the rear of 310–312 Messingham Road, Bottesford. The site is within the development boundary. The warehouse was previously utilised storage area for the convenience store.

The surrounding area is characterised by mixed uses comprising residential properties and shops. The site is at the rear of the convenience store and it is bounded by residential properties to the north, east and south.

In support of the proposal, the applicant has indicated that the site is a warehouse/workshop used by a convenience shop. However, it is currently vacant. It consists of a large open-plan warehouse space in a brick and steel-clad building, with extensive hardstanding and vehicle and pedestrian access taken from Messingham Road.

The warehouse/workshop would be used for commercial activities (commercial car repairs and tyre replacement garage) offering opportunities for small businesses. The applicant has also indicated that the proposal would provide investment, support the local and wider area in terms of boosting the economy, and offer employment opportunities.

The footprint of the building is 151 square metres. There are no proposed changes to the layout of the site or the existing access. The external hardstanding area will be designated as shared parking, turning arrangements and delivery areas.

Key issues

The key issues to be considered in the assessment of this application are:

- **the principle of the development**
- **layout, siting, and design**
- **impact on residential amenity**
- **highways impact**
- **impact on drainage**
- **employment and economic growth.**

Principle of development

Chapter 6 of the NPPF (Building a strong, competitive economy) 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.

Chapter 9 of the NPPF (Promoting Sustainable Transport), under paragraph 111, states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Under paragraph 185 of the NPPF, 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. In doing so they should: 'a) mitigate and reduce to a minimum potential

adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.’

Policy DS4 (Changes of Use in Residential Areas) supports proposals for a change of use in residential areas provided that the development will not adversely affect the appearance and character of a residential area or residential amenity through noise, vibration, traffic generation, a reduction in road safety, odorous emissions (by way of dust, smell, fumes, smoke, soot, ash or grit) or other adverse environmental conditions. The policy is related to policy DS3, which seeks 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.

As outlined in the description section above, this proposal is for a change of use from a storage building (Class B8 – Storage or Distribution) to a car repair and tyre replacement garage (Class B2 – General Industrial). Class B8 – Storage or Distribution has been established on the site and Class B2 – General Industrial) would not generally be allowable within a residential area because it is not an industrial location, where noise from commercial premises would likely be appropriate outside residential areas.

Regarding policy DS3, which seeks to help encourage the growth and development of small businesses, the site is an established Class B8 use and while the proposed Class B2 (industrial uses) is in a different use class, it would support the continued use of the site for employment and would comply with both national and local planning policy.

Having reviewed the details of the proposal as outlined in the description section and consistent with the above policies, on balance of assessment, in principle, the development would meet the aims of the above policies subject to compliance with other key tests such as the effect on the appearance and character of a residential area or residential amenity through noise, vibration, traffic generation, a reduction in road safety, odorous emissions (by way of dust, smell, fumes, smoke, soot, ash or grit) or other adverse environmental conditions, and other relevant policies of the local development plan.

In principle, the proposed new use is considered acceptable.

Layout, siting, and design

Policy CS5 (Delivering Quality Design in North Lincolnshire) 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 (General Requirements) expects a high standard of design in all developments in both built-up areas and the countryside, and proposals for poorly designed development will be refused. All proposals will be considered against the quality of design, amenity impact, conservation, resources, utilities and services.

Regarding design, no alterations are proposed to the existing building. The footprint of the building is 151 square metres. There are no proposed changes to the existing access. The external hardstanding area will be designated as shared parking, turning arrangements and delivery areas.

At present, due to the level of storage and parking, the site has adopted a more industrial look. This proposal would not result in an extension to the existing building and there would

be no changes to the external appearance of the building; it would therefore not raise any planning issues in terms of siting, layout and design, particularly the impact on the character of the area and the street scene.

No objections have been received from consultees.

In conclusion, the proposed development does not materially alter the appearance of the site and no objection is raised on this basis.

Impact on residential amenity

Policy DS1 (General Requirements) requires that all development in both built-up areas and the countryside are considered against amenity impact. The policy requires that no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust, or other nuisance, or through the effects of overlooking or overshadowing.

This proposal is in a residential area, and it is considered that the proposal may have the potential to create noise through customer/staff activity.

The Environmental Protection team have been consulted on the proposal and have no concerns regarding potential noise/nuisance from the proposed (B2) use of this industrial unit.

They have confirmed that they have received and reviewed the following report.

- Environmental Noise Solutions Limited, Noise Impact Assessment, dated: 25 August 2023, ref: NIA-11051-23-11225-v1 Messingham Road.

They have commented that noise monitoring was undertaken at two locations on 4 August 2023: MP1 was located on the eastern boundary of the site adjacent to the nearest residential receptor, and MP2 was located internally to measure noise from simulated vehicle repairs.

A BS4142:2014 + A1:2019 assessment has been undertaken and found the specific sound level at the nearest residential receptor was 27dB LAeq 1hr. A penalty of +3dB has been added to give a rating level of 30dB LAeq 1hr. The background sound level was recorded at 43dB LA90 15min. The resultant excess of the rating level above the background level is -13dB and is reported as a low impact.

Given the above, Environmental Protection recommends the inclusion of conditions should the application be approved.

From the above, it is considered the proposal would raise no significant concerns over potential greater noise/nuisance that would warrant refusal of the application.

In terms of overbearing impact, overshadowing and privacy, as indicated earlier, this is an existing storage building; there would be no extension of the building and no changes would be made to the external appearance. It is therefore judged that any unanticipated impact would be no worse than existing.

Highway safety

Policy T2 of the local plan states that all development should be served by satisfactory access. Policy T19 is concerned with parking provisions. There is an existing parking provision which will remain unchanged.

The proposal does not involve any extension to the building and has an existing access, parking and turning area. The impact on traffic flow on Messingham Road and parking for the unit is unlikely to be significant, such that there would be a knock-on impact on the public highway. With the warehouse located within private land containing parking spaces set back from the road, there is little risk that parking or servicing associated with the unit, even by cars awaiting repair or collection, would impact the public highway.

Highways has reviewed the proposal and has commented that from the additional information provided by the applicant, the number of staff and vehicles on site at any one time will be minimal. Sufficient parking will be provided on site, for all staff and customer vehicles. The proposals will create a slight increase in vehicle movements throughout the day but it is not envisaged that this will have an adverse impact on the adjacent highway network.

The Highways officer has recommended conditions that should be applied to any planning permission. Accordingly, the proposal would comply with policies T2 and T19.

Drainage

Policy CS19 (Flood Risk) of the Core Strategy is concerned with flood risk and policy DS14 (Foul Sewage and Surface Water Drainage) is concerned with foul sewage and surface water drainage.

The application site is within SFRA flood zone 1, which has a low probability of flooding. The LLFA Drainage Team has no objections or comments to the proposed development.

Environmental protection

As outlined in the impact on residential amenity section, the Environmental Protection team, initially raised concerns about noise nuisance, because the proposed vehicle repair and tyre replacement garage is located directly adjacent to residential properties and therefore there is the potential for the proposed use to have a detrimental impact on the nearby residential properties, additionally, the proposed B2 class use is not considered compatible within a residential area. Following receipt of additional information, and an assessment, the department has recommended the inclusion of conditions should the application be approved.

Bottesford Town Council comments

Bottesford Town Council objects to the application as outlined in the Town council section above. The relevant planning matters raised relate to noise, access, parking and public safety. The concerns about access and parking have been addressed in the Highway safety section.

The council's Environmental Protection team has considered the application and has addressed the noise concerns. The comments are highlighted in the Impact on residential amenity section.

Letters of comment

Nine objection letters have been received. The concerns raised are similar to those raised by Bottesford Town Council. These include vehicle traffic, fumes, parking provision, noise nuisance, odour, and impact on health. All the relevant planning considerations have been addressed in this report.

Conclusion

In conclusion, on balance of assessment, the proposed change of use from a store to a commercial car repairs and tyre replacement garage is acceptable in terms of its principle use in policy terms and in terms of its impact on the public highways, a grant of planning permission is recommended.

The site is within the development boundary and on a site deemed as a sustainable location. It is considered that the size of the business proposed is appropriate in the context of the locality, in what is a sustainable location.

There are no issues with the layout, siting and design because the proposal would not harm the character of the building, the surrounding area or the street scene.

The proposal would also not impact neighbouring amenities in terms of overshadowing, overbearing impact or privacy.

Notwithstanding the above, it is considered reasonable to restrict the use within the B2 use class so that no other uses can operate without further planning assessments taking place. This is considered reasonable owing to the wide nature of potential uses/business operations which have differing potential impacts and that could operate within the B2 use class.

Overall, the proposal complies with the relevant policies of the National Planning Policy Framework, the North Lincolnshire Local Plan and the Core Strategy and is recommended for approval.

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

1.

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

Reason

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

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plans 1744.01 Rev. A

Reason

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

3.

The hours of use shall be limited to the following:

- 9am to 5pm Monday to Friday

- 9am to 3pm on Saturdays
- at no time on a Sunday or public holidays.

The roller shutter doors shall be kept closed except for access and egress.

There shall be no vehicle repairs or operating of plant machinery externally on the site.

Reason

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

4.

The development shall not be brought into use until the vehicle parking, turning and servicing areas have been completed in accordance with the approved details.

Reason

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

5.

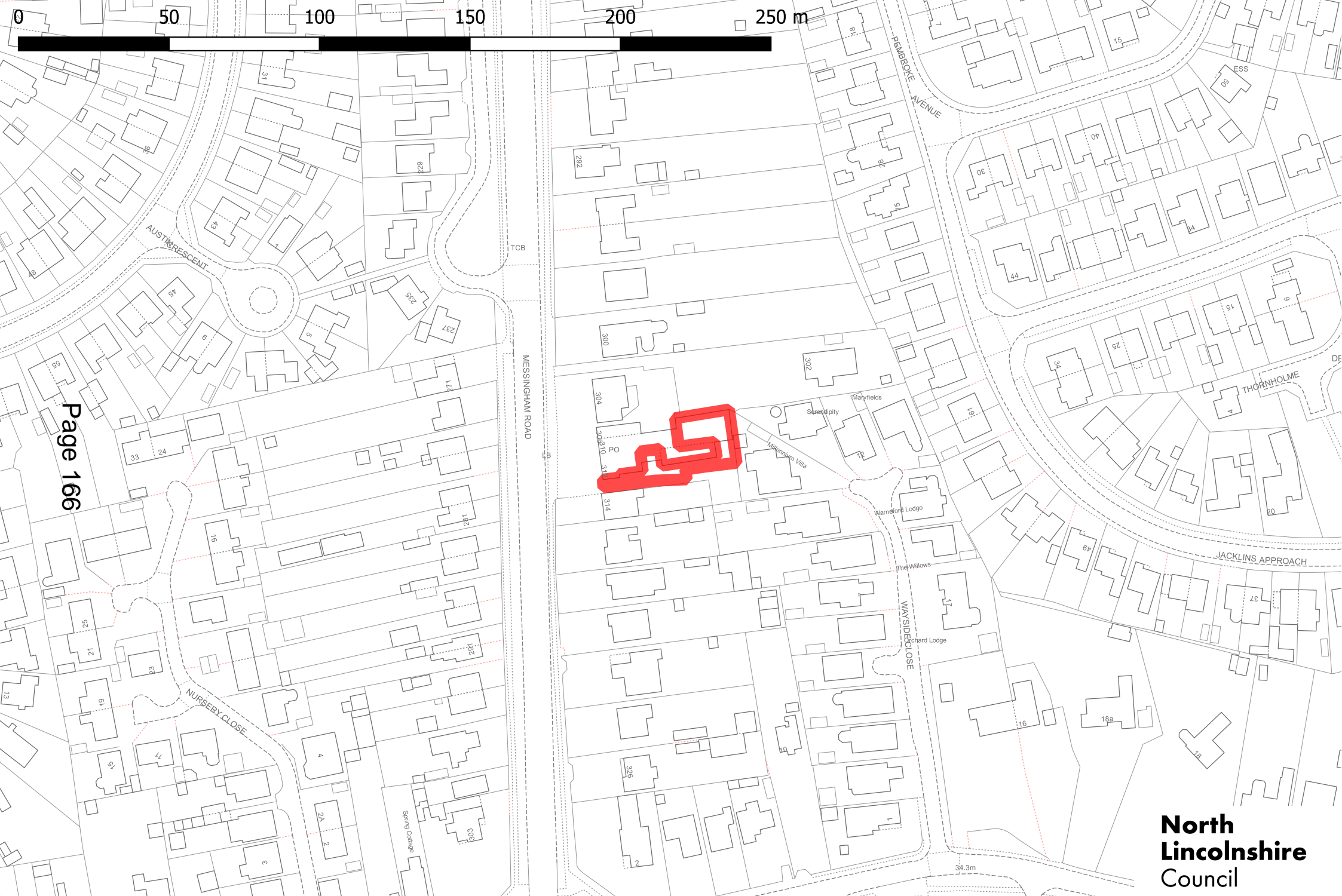
Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, the development hereby approved shall be used only for the purposes indicated in the submitted details, namely commercial car repairs and tyre replacement garage and not for any other purpose, including any other use within Use Class B2.

Reason

In the interest of the amenities of neighbouring occupiers and to enable a further assessment should further employment uses seek to operate from this site.

Informative

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



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**North
Lincolnshire
Council**

PA/2023/311

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NOTES:

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

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

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

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

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PARTY WALL NOTICE(S)

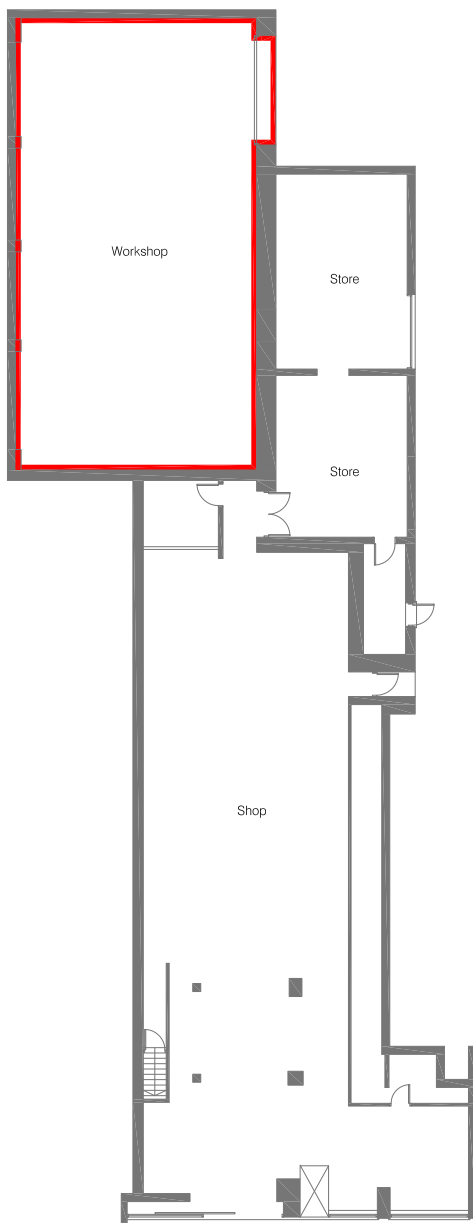
Building within (A) or against (B) the boundary line:

If you plan to build a party wall (A) 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 not go deeper than the neighbour's foundations, you must inform the Adjoining Owner by serving a Notice.



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Floor Plan
scale 1:100



Site Plan
scale 1:200



1:1250
0 25m 50m 75m 100m 125m
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Location Plan
scale 1:1250

NOT FOR CONSTRUCTION

A	Red Line Boundary Amended and Parking Added	31/03/23
rev	amendment	date
Proposed Change of Use at Workshop to Pair of 21/02/23 Messingham Road Souththorpe	Site Plans stage Planning scale as noted	drawn by JCB date Mar 23

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APPLICATION NO	PA/2023/631
APPLICANT	Komolafe, Bliss Homes Development
DEVELOPMENT	Planning permission to erect 9 dwellings
LOCATION	Land adjacent to Halkon Close, Luddington, DN17 4RD
PARISH	LUDDINGTON AND HALDENBY
WARD	Axholme North
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Luddington and Haldenby Parish Council Member 'call in' (Cllr John Briggs – significant public interest)

POLICIES

National Planning Policy Framework:

2 Achieving sustainable development

4 Decision-making

5 Delivering a sufficient supply of homes

8 Promoting healthy and safe communities

9 Promoting sustainable transport

11 Making effective use of land

12 Achieving well-designed places

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

15 Conserving and enhancing the natural environment

North Lincolnshire Local Plan:

H5 New housing development

H8 Housing design and housing mix

T1 Location of development

T2 Access to development

T6 Pedestrian routes and footpaths

T8 Cyclists and developments

T19 Car parking provision and standards

LC12 Protection of trees, woodland and hedgerows

DS1 General requirements

DS7 Contaminated land

DS14 Foul sewage and surface water drainage

DS16 Flood risk

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS16 North Lincolnshire's landscape, greenspace and waterscape

CS17 Biodiversity

CS18 Sustainable resource use and climate change

CS19 Flood risk

Housing and Employment Land Allocations DPD:

PS1 Presumption in favour of sustainable development

The site is located within the development limit of Luddington – Inset 28

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 as follows:

SS1 Presumption in favour of sustainable development

SS2 Spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS56 Spatial distribution of housing sites

SS11 Development limits

H2 Housing mix and density

TC2 Placemaking and good design

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

T1 Promoting sustainable transport

T3 New development and transport

T4 Parking

T5 Cycle and motorcycle parking

DM1 General requirements

DM3 Environmental protection

Other relevant guidance

CONSULTATIONS

Highways: Having reviewed the 'Proposed Access Preliminary Design' we are satisfied that this demonstrates that a suitable adoptable access can be formed with Halkon Close, without compromising vehicular access to Three Gables. Recommend conditions in relation to access, drainage, lighting, relocation of street furniture, turning, parking and submission of a construction management plan.

Environment Agency: The proposed development will only meet the National Planning Policy Framework's and policy CS19 of the North Lincolnshire Core Strategy 2011's requirements in relation to flood risk if the following planning condition is included which relates to the development proceeding in accordance with the submitted Flood Risk Assessment (FRA) and finished floor levels of all habitable areas to be set no lower than 4.4 metres above Ordnance Datum.

Drainage (Lead Local Flood Authority): No objections subject to conditions requiring the submission of a detailed surface water drainage scheme and conditions preventing surface water run-off onto and from the highway.

The revised details are acceptable in principle from a maintenance and adoption perspective which is also subject to water company adoption under an S104 agreement. I am not sure the water company currently adopts offline storage structures. Clarification is required on land raising and effect on neighbouring catchment.

Significant land raising is proposed on the site and boundaries. There is a watercourse on the northern boundary. Clarification is required as to mitigation required to prevent surface water run-off from the site onto third party land/property and how the residents will maintain the northern watercourse on completion of the development in accordance with their riparian responsibilities.

Severn Trent Water: Foul [water] is proposed to connect into the public foul sewer which will be subject to a formal section 106 sewer connection approval. Surface water is proposed to discharge into a watercourse on which we have no comment. Recommend an informative about sewers.

Environmental Protection: Recommends a full contamination condition as no Phase 1 site investigation has been submitted and a precautionary approach should be taken. Recommends conditions restricting hours of construction and site clearance, and the submission of a construction environmental management plan (CEMP).

Historic Environment Record: There are no known heritage assets of archaeological interest recorded within the site and the potential for the presence of as yet unrecorded archaeological remains is judged to be low. No further recommendations.

Waste and Recycling: Generic advice with regard to access for a refuse vehicle, bin storage and pulling distances.

Tree Officer: No response to the consultation.

Ecology: No habitat or species surveys will be required. The stated claim of 'an overall change in Habitat Units to +147.14%' cannot be accepted. Planning conditions are proposed to minimise harm to protected and priority species and habitats and to seek a measurable net gain in biodiversity in accordance with policy CS17, the National Planning Policy Framework and Biodiversity Metric 4.0. It is to be hoped that a measurable net gain of at least +1% could be achieved. We should secure this by planning condition, backed up by a revised and evidence-based biodiversity metric spreadsheet.

PARISH COUNCIL

Objects. There are no details on how raising the ground levels would be achieved and this does not address the obvious negative impact of large houses perched on a raised platform. This will have a negative impact on existing residents and the skyline of the village. The ground level of existing properties is +/- 2m AOD and most are modest housing stock or bungalows. The developer is proposing new houses that will have a ground level well over 2m higher than surrounding properties. This would be a blot on the surrounding landscape given the flat nature of that landscape. The development is unpopular in the village. It will cause parking issues, emergency service access issues through [the] narrow road of Halkon Close and general traffic issues as new residents will commute as employment opportunities are limited in Luddington and the surrounding area. The village infrastructure cannot support it, the village school is over-subscribed, there are no local shops in Luddington. Across the land are aerial electricity supply cables that will need to be re-routed; this will result in service disruption to adjoining dwellings. There is no similar type of development in Luddington.

There is a defining style in Luddington of traditional red brick construction with some properties rendered. There are some modern properties but these occupy their own space on the outskirts of the village, are well set back from the road and do not have a negative impact on the village or adjoining residents. The site was previously outside the development limit of Luddington. The outline planning permission has expired.

PUBLICITY

A site notice has been displayed for both the original and additional plans. At the time of drafting this committee report the additional plans are currently out for consultation so a verbal update will be provided to committee should any further responses be received. Three letters of objection have been received raising the following concerns:

- increase in parking on Halkon Close
- HGV deliveries during construction
- loss of green area
- dwellings out of character with the area
- loss of light
- loss of privacy
- increased noise and disturbance
- drainage concerns
- no affordable housing
- land given to NLC for social housing
- inaccuracies in the planning application submission
- land used to house tanks and artillery regiments in 1944
- large trees adjacent to the site and overhanging the site
- no local need for development
- increase in the need to travel
- land raising will lead to towering houses and loss of amenity
- the site is not a swathe of well-mown modified grassland.

ASSESSMENT

Planning history

2/1980/0293: Outline planning permission for the erection of private dwelling houses – approved 10/09/1980

- PA/2017/1208: Outline planning application for residential development with all matters reserved – approved 07/12/2017
- PA/2021/645: Application for approval of reserved matters (access, appearance, landscaping, layout and scale) pursuant to outline planning permission PA/2017/1208 dated 07/12/2017, subsequently varied by planning permission PA/2021/1632 dated 13/05/2022, for a residential development – pending
- PA/2021/1632: Planning permission to vary condition 8 of PA/2017/1208 dated 7/12/2017 in connection with the surface water drainage scheme – approved 13/05/2022
- PA/2022/1948: Application to vary condition 5 of planning permission PA/2021/1632 dated 13/05/2022 as follows: The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment complied by George Shuttleworth Ltd dated 03 August 2017 as modified by the Update to the Flood Risk Assessment reference 00-765 by George Shuttleworth Ltd dated 30 September 2022, in particular finished floor levels of all dwellings shall be set no lower than 4.4m AOD – pending.

The site

The application site comprises vacant land off Halkon Close in Luddington and is within the development limit. It is bounded to the north by agricultural fields, to the east by two-storey properties off Halkon Close, to the south by two-storey terraced properties on Meredyke Road and to the west by bungalows off Britton Close. The site is currently grassed open space without any particular use or designation. Overhead electricity lines bisect the site in a southeast to northwest direction. There is a footpath along the southern boundary of the site which connects to the garage block on Britton Close. The site is in flood zone 2/3a and is therefore at high risk of flooding.

The proposal

The proposal is for 9 detached dwellings on the site. The dwellings are of a simple, contemporary design, set in a circular pattern around a central area of open space with access to the site leading from Halkon Close. Each dwelling has two car parking spaces and substantial rear garden areas. A below-ground attenuation storage tank is proposed in the northeast corner of the site which will also provide an area of open space. A landscaping scheme has been submitted with the application. Due to the flood risk of the site the finished floor levels of the dwellings will need to be raised approximately 2m higher than the existing ground levels.

The main issues in the determination of this application are:

- **principle of development**
- **flood risk and drainage**
- **impact on highways**
- **design and impact on the character and form of the area**
- **impact on residential amenity**

- **environmental matters**
- **ecology/biodiversity.**

Principle of development

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

The site is within the development limit of Luddington, which is identified as a rural settlement in the CS, where residential development is generally acceptable in principle. The site is also close to a bus stop and therefore public transport is readily available. In the council's Settlement Survey (2019) Luddington has an overall hierarchy position of 43 and contains 3 key facilities.

The proposed scheme would result in the delivery of 9 dwellings on the site which would help to contribute to the mix of housing types within the locality and would make a modest contribution towards meeting local need and the council's five-year housing land supply.

Policy CS1 of the NLCS identifies Luddington as a rural settlement with a strong focus on retaining and enhancing existing local services to meet local needs. Development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in keeping with the character and nature of the settlement. All future growth, regardless of location, should contribute to sustainable development. All change will be managed in an environmentally sustainable way by avoiding/minimising or mitigating development pressure on the area's natural and built environment, its existing utilities and associated infrastructure and areas at risk of flooding. Where development unavoidably has an environmental impact, adequate mitigation measures should be used for the development to be acceptable.

Policy CS2 relates to delivering more sustainable development and seeks to ensure development is focused on:

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

All future development has to contribute towards achieving sustainable development and comply with the overall spatial strategy together with various sustainable development

principles. All change will be managed in an environmentally sustainable way by avoiding/minimising or mitigating development pressure on the area's natural and built environment, its existing utilities and associated infrastructure and areas at risk of flooding. Environmental impacts to or from development that cannot be avoided should be adequately mitigated for it to be acceptable.

Policy CS7 of the Core Strategy sets out an aspirational minimum density of 30–35 dwellings per hectare on sites within rural settlements and the countryside. However, this policy also states that whilst housing developments should make efficient use of land, the density of new developments should be in keeping with the character of the area. The proposed development of 9 dwellings results in a density of approximately 15 dwellings per hectare, which falls well below the minimum density sought by policy CS7 (40–45 dwellings per hectare).

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.

Notwithstanding the development plan policies set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.' It should be noted that the council can demonstrate a Five-Year Housing Land Supply of Deliverable Sites of 6 years and 10 months (July 2023).

This proposal seeks to erect 9 detached dwellings on a greenfield site within the development limit of Luddington. The principle of the proposed development in this location is broadly acceptable. An assessment is required on the technical elements of the proposal is also required which will be discussed below.

Flood risk and drainage

Policy CS19 is concerned with flood risk. It is relevant to this assessment given the site is washed over by flood zone 2/3a. The policy states:

'The council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere. This will involve a risk-based sequential approach to determine the suitability of land for development that uses the principle of locating development, where possible, on land that has a lower flood risk, and relates land use to its vulnerability to flood. Development in areas of high flood risk will only be permitted where it meets the following prerequisites:

1. It can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk.
2. The development should be on previously used land. If not, there must be no reasonable alternative developable sites on previously developed land.

3. A flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere by integrating water management methods into development.'

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

Paragraph 164 of the NPPF is concerned with the exceptions test and states, '...the application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage.

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.'

The applicant has submitted a sequential test which concludes that there is a 'valid' outline application for residential development on the site and the whole settlement of Luddington is in flood zone 2/3a. In terms of the sequential test, the whole of the settlement of Luddington and beyond is located within flood zone 2/3a (tidal) and therefore there are no other more preferable sites at lower flood risk within the settlement of Luddington; due to this fact this part of the test is passed. Furthermore, there are no housing allocations in Luddington in the HELA DPD. The council is also not aware of any reasonably developable sites on previously developed land of comparable size within the development limit of Luddington.

In terms of the exceptions test, there are wider sustainability benefits to the community by the provision of housing on this site in a sustainable location that will meet housing need in Luddington. The development will allow small-scale growth within the community of Luddington to allow it to thrive and support the community in social and economic terms by occupiers using the facilities and services within Luddington. This outweighs the flood risk of the site. The Environment Agency are not objecting to the proposal and are recommending conditions that the development proceeds in accordance with the submitted FRA update (September 2022) and in particular, finished floor levels of all habitable areas shall be set no lower than 4.4metres above Ordnance Datum. The LLFA are also not objecting to the proposals subject to surface water conditions. Therefore, the proposed development can meet the second part of the exceptions test as, subject to planning conditions, the development will be safe for its lifetime without increasing flood risk elsewhere and could reduce flood risk overall. The proposal therefore aligns with policies CS19 of the CS, DS16 of the NLLP and the NPPF with regard to flood risk.

In terms of drainage, the LLFA have some concerns over the land raising as the mitigation measures required to prevent surface water run-off from the site onto third party land/property

need to be established and how the residents will maintain the northern watercourse on completion of the development in accordance with their riparian responsibilities. In this case, these matters can be dealt with by a pre-commencement condition requiring the submission of a surface water strategy to the council for approval. The applicant has agreed to this condition and is confident they can comply with it. Subject to this and other proposed surface water drainage conditions, the proposal will comply with policies CS18 and CS19 of the CS and DS16 of the NLLP in terms of surface water.

In terms of foul water, Severn Trent have been consulted on the proposals and raise no objections. It is intended for the foul water from the development to connect to the public foul sewer which will be subject to a S106 sewer connection approval. A planning condition is recommended to obtain detailed plans of the foul drainage for the site, which Severn Trent will be consulted on. In terms of foul drainage the proposal will comply with policy DS16 of the NLLP.

Impact on highways

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

Access is gained from Halkon Way and the scheme proposes a cul-de-sac layout. A 'green space' forms an island around which vehicles can drive to enter and leave the estate in a forward gear. Each dwelling has parking provision for at least two cars off-street and this is acceptable. Concerns from neighbours about increased traffic, additional noise and disturbance from HGVs during construction, access for emergency vehicles and existing on-street parking causing highway safety issues are noted. Highways have not objected to the proposal and a series of highway-related conditions are recommended to ensure highway safety and that parking is provided, all prior to occupation. The submission of a construction phased traffic management plan will also provide further safeguards for highway safety during construction. It is therefore considered, subject to the aforementioned mitigation, that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan.

Design and impact on the character and form of the area

Policy DS1 of the NLLP 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. Policy DS1 contains several criteria that development has to be considered against, including:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and
- (ii) the design and layout should respect and where possible retain and/or enhance the existing landform of the site.

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

Policies H5, H8, LC7 and DS3 of the local plan, and paragraph 130 of the NPPF, are also relevant.

The design ethos of this scheme seeks to provide nine large detached dwellings set in a circular pattern around a central area of open space, with access to the site leading from Halkon Close. Each dwelling has two car parking space and substantial rear garden areas. A below-ground attenuation storage tank is proposed in the northeast corner of the site which will provide open space. The dwellings are a unique development and have been designed to improve design standards in this area of Luddington whilst marrying in with the countryside to the north. Surrounding housing comprises a mix of bungalows to the west, 1960's style terraced housing to the south and more modern housing development to the eastern boundary.

The proposed dwellings are a simple but contemporary design and are two-storey apart from plot 9 which has its first floor accommodation in the roofspace to reduce the impact of the property on neighbours to the south. The dwellings have been designed with gables and substantial glazing. Plots 4 and 7 have balconies. Materials are not specified and these will be conditioned. However, the use of timber panelling on elevations would be appropriate in this rural location adjacent to the open countryside.

The footpath runs along the southern boundary of the site. Plots 1 and 9 provide good natural surveillance over this footpath but it is imperative that the correct boundary treatment is agreed on this side of the site to allow this surveillance to be successful. A very low boundary will need to be provided from the southeast of the corner until the rear amenity of plot 9 is reached. The boundary treatment will need to provide natural surveillance to the footpath and also provide a secure rear garden area to plot 9. This can be controlled through a planning condition.

Due to the flood risk of the site, the floor levels of the dwellings will have to be raised significantly above existing ground levels. The applicant has provided details of the land raising on the site for each plot. Plots 1 to 6 will need to be raised around 2m higher than existing ground levels with plots 6 to 9 raised by approximately 1.8 to 1.9m.

The extent of land raising is significant and there is no doubt that the dwellings would be significantly higher than most of the surrounding properties. This would be the case for any residential development on this site. The original outline planning permission had a condition that did not allow habitable accommodation on the ground floor due to flood risk. This would lead to three-storey dwellings on the site. In this case, by raising land levels, two-storey properties (excluding plot 9 which has rooms in the roofspace) have been achieved on the site whilst complying with flood risk requirements. Whilst the properties will be very visible from adjoining dwellings that surround the site, from the access point off Halkon Close and from the parking/turning area on Britton Close the position, siting and design of the dwellings will not cause demonstrable loss of visual amenity to the locality or to the open countryside.

The dwellings are of an appropriate scale, have a contemporary rural aesthetic appearance and would raise the design standards in Luddington. The proposal therefore aligns with policies CS5 of the Core Strategy; H5, H8, DS1 and DS3 of the North Lincolnshire Local Plan; and Chapter 12 of the NPPF.

Impact on residential amenity

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

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

In this case nine detached dwellings are proposed on the site set out in a circular type pattern around a central area of open space. Land levels will be raised up to 2m for each plot to meet flood mitigation measures. The earlier section of this report has already assessed the impact of the proposed scheme of the surrounding area. In terms of impact purely on residential amenity it is clear that land raising will have an impact on the adjoining neighbours and it will now be discussed whether these impacts will result in demonstrable harm to the existing residential amenity of these neighbours.

In terms of plots 1 to 3, these are located along the eastern boundary with a large detached dwelling known as Three Gables. Three Gables is located within a large plot and is L-shaped with a 1.5-storey extension (rooms in the roof) adjacent to the boundary and the single-storey bungalow is attached to this extension. The proposed dwellings will be visible from Three Gables from the front garden/parking area and from the rear garden area, but are sited at an angle (offset) from the boundary. As a result there will be no direct overlooking into the private garden area of Three Gables from these properties. The dwellings are sited away from the eastern boundary with rear gardens adjacent to the boundary so there will be no significant overshadowing to Three Gables. The dwellings, due to land raising, will be significantly higher than Three Gables, but due to the positioning on the plots no demonstrable loss of residential amenity will be caused to this property.

Plots 4 to 6 are located along the northern boundary of the site adjacent to the open countryside. The rear windows of these dwellings overlook the open countryside. The front windows face into the site and will not result in overlooking to the terraces on the southern boundary as there is over 55m distance between these properties and the proposed dwellings. No windows are proposed in the side elevation of plot 6 so there will be no overlooking into the pair of bungalows and their rear gardens located to the western boundary. Due to land raising these plots will be visible from surrounding dwellings but again, due to their positioning on the site, no overlooking/overshadowing issues will be caused.

In terms of plot 7, this is located adjacent to Britton Close close to a pair of bungalows. Plot 7 is positioned close to the parking/turning area of Britton Close, near a mature tree which will provide some screening. Plot 7 will have a balcony that will face north over the rear garden of plot 7. At its closest point plot 7 is around 10m from 4 Britton Close which is a bungalow. Plot 7, due to its siting and the position of windows, will not directly overlook 2 and 4 Britton Close (semi-detached bungalows). From the front of these properties, the proposed dwellings will be highly visible, not only due to the land raising but also because these properties have a view of an open grassed site presently. On balance, whilst the proposed dwellings will be visible, they will not overlook or be overbearing on 2 and 4 Britton Close due to their design and positioning on the site.

Plot 8 is positioned adjacent to the 1960's garage block on Britton Close and plot 9 is located adjacent to a row of three terraces on Halkon Close. Plot 8 has no windows in the side elevation to overlook the rear of the terraces on the southern boundary. The rear of plot 8 looks onto the garage block and parking on Britton Close. Plot 9 has been designed as a dormer bungalow. No windows are located in the side elevation that will overlook the rear of the terraces on the southern boundary. The rear of plot 9 has habitable windows in the rear elevations which will look over some of the terraces but at an oblique angle. Boundary treatment and landscape will mitigate some overlooking. There is no doubt that the height of these plots with the land raising will be significantly higher than the terraces to the south. However, plot 9 has been designed as a dormer bungalow to reduce its height and plot 8 is offset to these terraces. These plots have been pulled away from the southern boundary with rear gardens of the proposed dwellings adjacent to the southern boundary.

Overall, the dwellings will not result in direct overlooking to surrounding dwellings and the proposed dwellings have been sited away from adjoining dwellings as far as possible. The closest dwelling (plot 9) is a dormer bungalow and not a clear two-storey dwelling to reduce its impact on the terraced dwellings to the south. Land raising will increase the height of the dwellings above the existing ground level so there will be a visual impact on adjoining neighbours which cannot be mitigated and will be discussed in the planning balance.

Environmental matters

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

Environmental Protection have no objections to the proposal but are recommending a full contamination condition. It is noted that an objector has stated in 1944 the site was used to house tanks and artillery regiments. The planning system did not commence until 1947. The site is currently grassed and there is no evidence on site it was previously developed land. There is no planning history to suggest any previous development on the site and the council has owned and maintained the site for a number of years. Therefore, in this case, it is appropriate to apply a contamination condition to ensure that if contamination is found on the site the developer will need to submit a remediation method statement for approval to the council. This approach was also agreed in the determination of outline planning permission PA/2017/1208 which was subsequently varied and approved under PA/2021/1632. Therefore, subject to the aforementioned condition, the proposal will align with policy DS7 of the NLLP.

Environmental Protection have recommended conditions restricting hours of construction and site clearance, and the submission of a CEMP in order to safeguard residential amenity during construction of the scheme. These conditions are proposed in the recommendation below in order to align with policies CS5 of the CS and DS1 of the NLLP.

Ecology/biodiversity

Policy CS17 of the Core Strategy, as well as paragraphs 170 and 174 of the NPPF, relates to biodiversity. Paragraph 179 of the NPPF also states, in part, that planning should promote the conservation, restoration and enhancement of priority habitats, ecological networks for the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. Paragraph 180 (d) of the NPPF states,

‘development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate..;’

In this case the site is grassed with some trees and hedging on the site boundaries. A BNG (biodiversity net gain) matrix has been submitted with the application which states there will be a net gain on the site of 1.77 habitat units. It should be noted that the provision of a 10% BNG will not now apply to small sites until April 2024 under the Environment Act. Nevertheless, BNG of more than 1% as required by policy CS17 of the CS can be achieved on the site.

The council’s ecologist has been consulted on the scheme and is recommending conditions in relation to the submission of a biodiversity management plan (BMP), These conditions are recommended to be imposed on any planning permission. Subject to the aforementioned conditions, the proposal will align with policies CS17 and CS5 of the CS, and paragraphs 170, 174 and 179 of the NPPF.

Other matters

Comments about the lack of affordable housing are noted. In line with the NPPF (paragraph 64) the council does not seek the provision of affordable housing for residential developments that are not major developments (less than 10 dwellings). Comments that the land was given to NLC for social housing are noted. The local planning authority is not aware of any stipulations in any land sale restricting the site for social housing and no evidence has been provided in this regard by the objector. In any case, covenants are not planning matters.

There are trees adjacent to the site, some of which overhang the site including a tree on Britton Close as this is located close to plot 7. In order to safeguard this tree and others on and adjacent to the site during construction, planning conditions will be used to ensure tree protection measures are submitted before development commences on site. This will align with policy LC12 of the NLLP. This tree will also continue to provide some screening of the development from properties on Britton Close. It must be noted that the trees on/adjacent to the site are not protected as they are not covered by tree preservation orders and are not within a conservation area. Comments about the grassland are noted. At the case officer’s site visit, it was noted the site is largely covered by grass with hedging, some trees and bushes to the site boundaries.

Comments from the parish council are noted. Full details of the site levels have been submitted and consulted upon. Issues of the sustainability of the site and highway matters have been addressed in this report. The relocation of electricity cables is noted and this is a matter for the developer to agree with the relevant electricity company. Comments on the design and layout have been addressed in this report. The site is within the development boundary of Luddington according to the HELA DPD which went through the required public consultation and examination process for adoption by the council. During the covid pandemic through The Business and Planning Act 2020, time limits for outline planning permission and reserved matters applications were extended until May 2021.

Planning balance and conclusion

The principle of residential development on this site within the development limit of Luddington is acceptable and was also established through the earlier outline planning

permission for residential development on the site. In terms of flood risk, drainage, impact on highways, design and impact on the character and form of the area, environmental matters and ecology/biodiversity subject to the recommended conditions, the proposal is considered to be acceptable and will align with development plan policy.

The site is an open grassed area of land with no formal allocation in the local plan. The development of the site for houses will change how the site is perceived by adjoining residents as this open grassed area will be lost as a consequence of the development. The impact on existing residents is compounded by land raising for all nine dwellings. However, the outline planning permissions restricted the ground-floor level to non-habitable accommodation and therefore there was an acceptance that the dwellings would be three-storey. In this case the applicant has decided to raise land levels to mitigate flood risk, leading to two-storey dwellings on the site. The impacts have been carefully assessed on existing residents and it is considered that the scheme will not result in such demonstrable harm to residential amenity that a refusal of permission can be justified. The benefits of the proposal providing new, contemporary designed housing in the village of Luddington, which will support existing facilities such as the school, church and village hall, and allow the community to expand and thrive, outweigh the visual amenity impact of the development on adjoining residents.

Pre-commencement conditions

These have been agreed with the applicant.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

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

Cut and fill 45989/002 Rev B
Levels Comparison 2979/009
Location Plan 2979-Location Plan
Landscape Master Plan HCL 01 Rev A
Proposed House Type 01 2979-002
Proposed House Type 03 2979-004 Rev D
Proposed House Type 04 2979-008 Rev A
Proposed House Type 02 2979-003 Rev D
Proposed Site Plan 2979-001 Rev H

UPDATE TO FLOOD RISK ASSESSMENT FOR THE PROPOSED DEVELOPMENT OFF HALKON CLOSE, LUDDINGTON, NORTH LINCOLNSHIRE DATED 30.09.2022 ref 00-765.

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

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

Reason

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

6.

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

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

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

Reason

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

7.

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

Reason

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

8.

No dwelling on the site shall be occupied until the footway has been constructed up to base course level from the junction with the adjacent highway to the access to the dwelling.

Reason

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

9.

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

- (i) a pre/post construction condition survey of the carriageway to identify any defects and how they will be rectified;
- (ii) all associated traffic movements, including delivery vehicles and staff/construction movements;
- (iii) any abnormal load movements;
- (iv) contractor parking and welfare facilities;
- (v) storage of materials; and
- (vi) traffic management requirements, including the means of controlling the deposition of mud onto the adjacent highway, along with appropriate methods of cleaning the highway, as may be required;

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

Reason

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

10.

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

Reason

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

11.

The penultimate dwelling on site shall not be occupied until the access roads have been completed.

Reason

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

12.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any order revoking and re-enacting that order with or without modification), no development shall take place within any service strip adjacent to any shared surface road, and any planting or landscaping within this service strip shall be of species which shall be agreed in writing with the local planning authority prior to planting.

Reason

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

13.

No development shall begin until details of:

- (i) the layout, drainage, construction, services and lighting of the proposed access road, including the junction with Halkon Close;
- (ii) any amendments to the existing vehicular access adjacent to/joining the proposed new access road;
- (iii) the relocation of street furniture on Halkon Close; and
- (iv) the number and location of vehicle parking spaces on the site;

have been submitted to and approved in writing by the local planning authority. Only the approved scheme shall be installed on the site and retained.

Reason

In the interests of highway safety.

14.

No dwelling shall be occupied until on the site until the access road junction with the adjacent highway, including the required alterations to Halkon Close and existing access points, has been set out and established.

Reason

In the interests of highway safety.

15.

No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The drainage scheme shall demonstrate that surface water run-off generated up to and including the 1 in 100-year critical storm (including an allowance for climate change which should be based on current national guidance) will not exceed the run-off from the existing site. It shall also include details of how the resulting completed scheme is to be maintained and managed for the lifetime of the development so that flood risk, both on and off the site, is not increased. SuDS must be considered. Reference should be made to North Lincolnshire Council's SuDS and Flood Risk Guidance Document. Should infiltration not be feasible at the site, alternative sustainable drainage should be used, focusing on above-ground solutions.

Reason

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

16.

The drainage scheme shall be implemented in accordance with the approved submitted details required by condition 15 above, completed prior to the occupation of any dwelling or building within each phase or sub-phase of the development on site, and thereafter retained and maintained in accordance with the scheme for the life of the development unless otherwise agreed in writing with the local planning authority.

Reason

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

17.

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

Reason

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

18.

No development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway have been approved in writing by the local planning authority. These facilities shall be implemented in accordance with the approved details at all times.

Reason

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

19.

The development shall be carried out in accordance with the submitted flood risk assessment update (ref: 00-765, compiled by George Shuttleworth Ltd, dated 30 September 2022) and the mitigation measure it details. In particular, finished floor levels of all habitable areas shall be set no lower than 4.4 metres above Ordnance Datum.

Reason

To reduce the risk of flooding to the proposed development and future occupants in alignment with the North and North East Lincolnshire Strategic Flood Risk Assessment 2022 and policy CS19 of the North Lincolnshire Core Strategy.

20.

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.

21.

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

- 8am to 6pm Monday to Friday
- 8am to 1pm on Saturdays.

No construction or site clearance operations shall take place on Sundays or public holidays. HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the local planning authority.

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

Reason

To safeguard residential amenity during construction.

22.

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

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

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

Light – The CEMP shall set out the particulars of:

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

Dust – The CEMP shall set out the particulars of:

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

Reason

To safeguard residential amenity during construction.

23.

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

Reason

In the interests of the amenity of the locality.

24.

Before development is commenced, details of the method of protecting the existing trees on the site throughout the construction period shall be submitted to and approved in writing by the local planning authority, and such works as may be so approved shall be carried out before development is commenced, and maintained until completion of the development. None of the trees so protected shall be wilfully damaged or destroyed, uprooted, felled, lopped or topped, nor any other works carried out which would cause damage to the root systems or otherwise threaten the lives of the trees during the period of construction without the previous written consent of the local planning authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased during that period shall be replaced with trees of such size and species as may be agreed with the local planning authority.

Reason

To safeguard existing trees in accordance with policy LC12 of the North Lincolnshire Local Plan.

25.

Within three months of the commencement of development, the applicant or their successor in title shall submit a biodiversity metric assessment 4.0 spreadsheet and biodiversity management plan to the local planning authority for approval in writing. The document shall include:

- (a) an assessment of biodiversity loss based on the submitted Biodiversity Impact Assessment dated February 2023;
- (b) details of measures required to provide at least 1% biodiversity net gain in accordance with Biodiversity Metric 4.0;
- (c) details of swift bricks and starling boxes to be installed in at least 3 dwellings;
- (d) restrictions on lighting to avoid impacts on bird nesting sites and sensitive habitats;
- (e) provision for hedgehogs to pass through any fencing installed between gardens and between areas of grassland;
- (f) prescriptions for the planting and aftercare of trees and shrubs of high biodiversity value;

(g) proposed timings for the above works in relation to the completion of the dwellings.

Reason

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

26.

The biodiversity management plan shall be carried out in accordance with the approved details and timings, and the approved features shall be retained thereafter, unless otherwise approved in writing by the local planning authority. Prior to the occupation of the 8th dwelling, the applicant or their successor in title shall submit a report to the local planning authority, providing evidence of compliance with the biodiversity management plan.

Reason

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

27.

No dwelling on the site shall be occupied until details of the positions, design, materials and type of boundary treatment to be built/planted have been agreed in writing by the local planning authority. The agreed boundary treatment shall be built/planted before any dwelling is occupied and once built/planted it shall be retained.

Reason

To provide an appropriate level of screening in accordance with policies H5, H8, DS1 and DS3 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

28.

Notwithstanding the provisions of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order (2015), or any order revoking or re-enacting that Order with or without modification, no extensions, additions and alterations shall be erected/installed to any residential dwelling on the site and no outbuildings/ancillary buildings shall be installed within the residential curtilage of any dwelling without the prior approval in writing of the local planning authority.

Reason

To reduce the risk and impact of flooding in accordance with policies CS19 of the North Lincolnshire Core Strategy and DS16 of the North Lincolnshire Local Plan, and to safeguard adjoining residential amenity and the amenity of the locality in accordance with policies DS1, DS5, H5 and H8 of the North Lincolnshire Local Plan and CS5 of the Core Strategy.

Informatives

1.

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

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

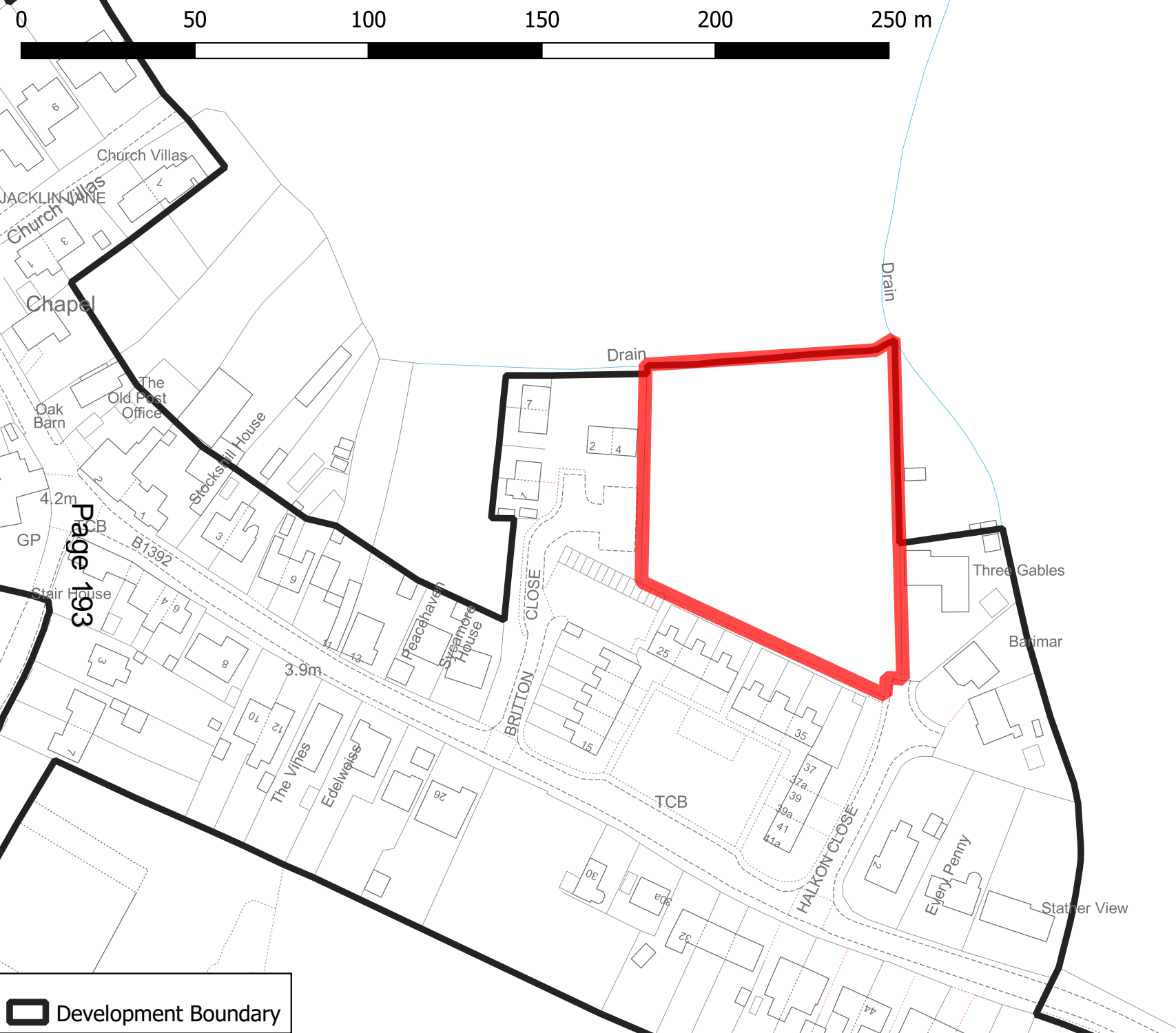
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

2.

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.

The applicant's attention is drawn to the comments made by Severn Trent Water.



Church Villas

JACKLIN VILLAS

Church

Chapel

Oak Barn

The Old Post Office

Stocks Hill House

GP

Stair House

4.2m

B1392

3.9m

Page 193

7

3

8

The Vines

Edelweiss

Peacehaven

Stamora House

BRITTON CLOSE

15

25

TCB

35

37

37a

39

39a

41

41a

HALKON CLOSE

2

Even Penny

Statler View

Drain

Drain

Three Gables

Balimar

**North
Lincolnshire
Council**

 Development Boundary

PA/2023/631

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PA/2023/631 Proposed layout (not to scale)

A	UPDATED TO SUIT PLANNERS COMMENTS	23/01/21	LC
B	UPDATED TO SUIT PLANNERS COMMENTS	08/09/21	LC
C	SKETCH FOR PLANNER COMMENTS	11/10/21	LC
D	UPDATED TO SUIT PLANNERS COMMENTS	28/01/22	LC
E	UPDATED TO SUIT PLANNERS COMMENTS	28/01/22	LC
F	UPDATED TO SUIT PLANNERS COMMENTS	15/06/22	LC
G	LANDSCAPE UPDATED TO SUIT NEEDLES	22/06/22	LC
H	PLOT 8 AMENDED	27/01/23	DB



PROPOSED SITE LOCATION PLAN
SCALE 1:1250

PROPOSED SITE PLAN
SCALE 1:200

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0114 2794931
hello@codastudios.co.uk

Client: Bliss Homes Development
Job: Luddington
Title: Proposed Site Plan
Dwg. No.: 2979-001

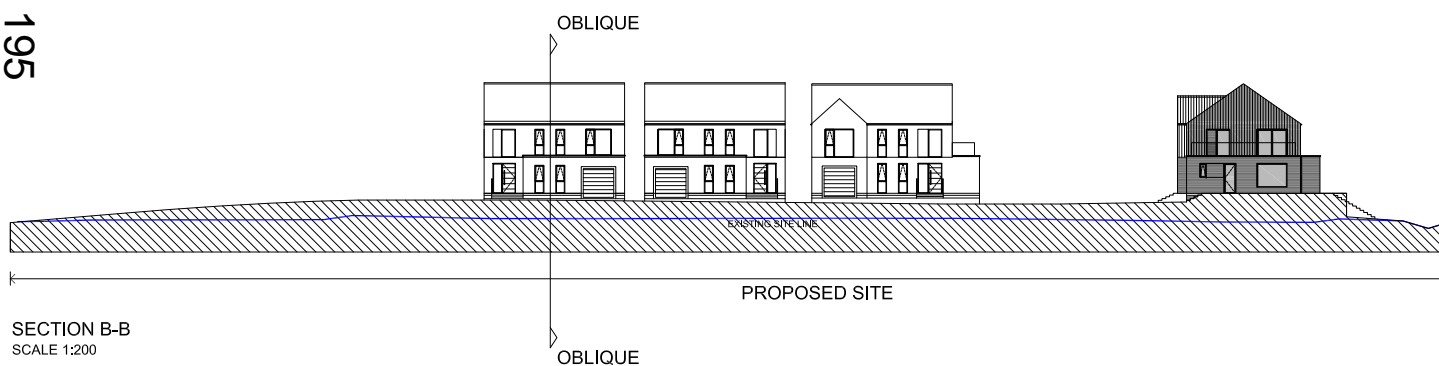
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LC	AH	JAN 2021	AS SHOWN @A1	H

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SECTION A-A
SCALE 1:200

Page 195



SECTION B-B
SCALE 1:200



PROPOSED SITE PLAN
SCALE 1:500

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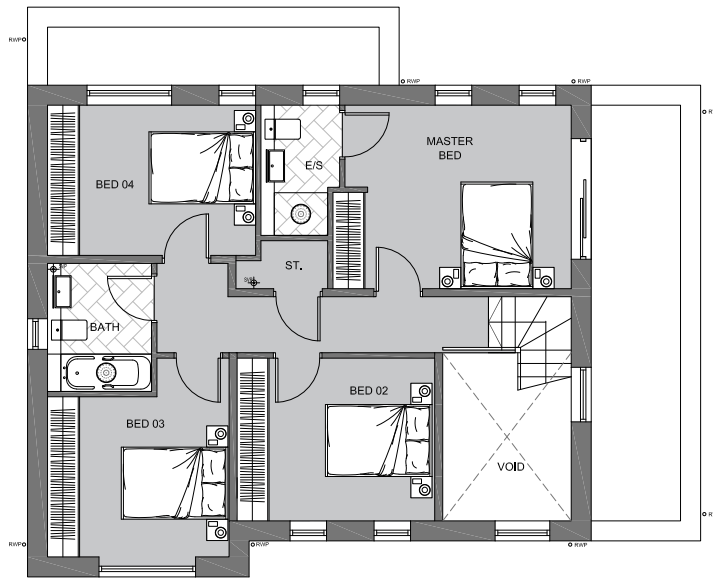
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Job	Luddington			
Title	Site Sections			
Dwg. No.	2979-007			
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LC	AM	AUG 2022	AS SHOWN @A1	-

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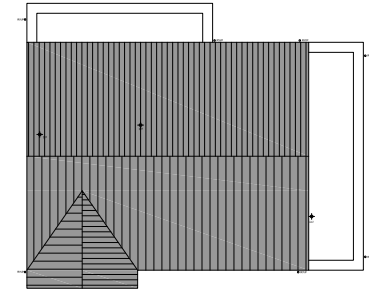
PA/2023/631 Proposed house type 01 (plot 7) (not to scale)



PROPOSED GROUND FLOOR PLAN - PLOT 07
SCALE 1:250
AREA 125.57m²

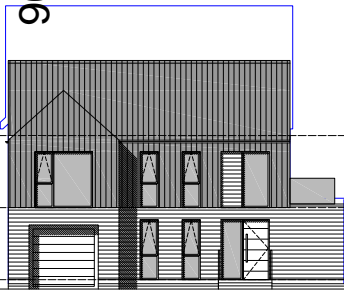


PROPOSED FIRST FLOOR PLAN
SCALE 1:50
AREA 69.51m²



PROPOSED ROOF PLAN
SCALE 1:100
TOTAL AREA 153.08m² (Inc. Garage 171.79m²)

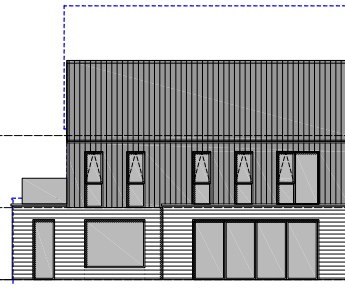
Page 196



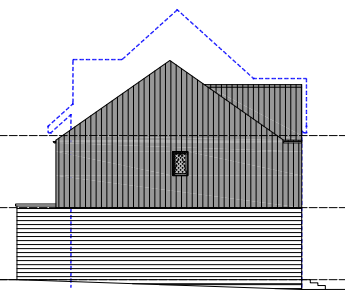
FRONT ELEVATION - PLOT 07
SCALE 1:100



SIDE ELEVATION
SCALE 1:100



REAR ELEVATION
SCALE 1:100

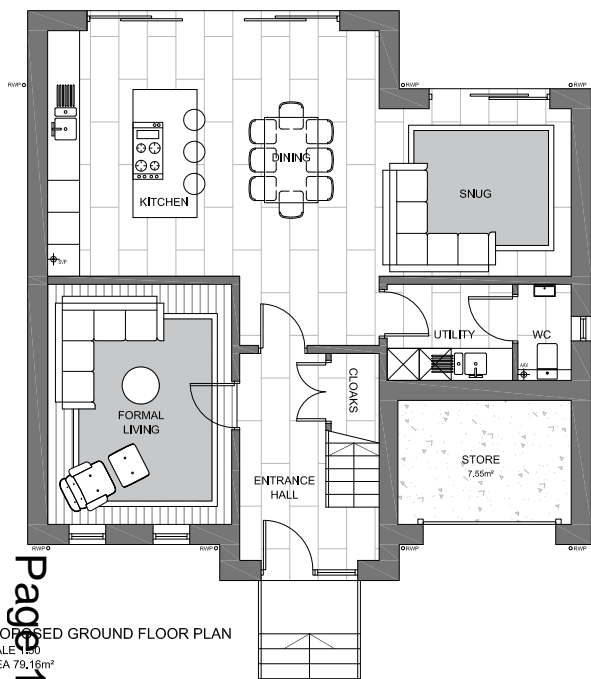


SIDE ELEVATION
SCALE 1:100

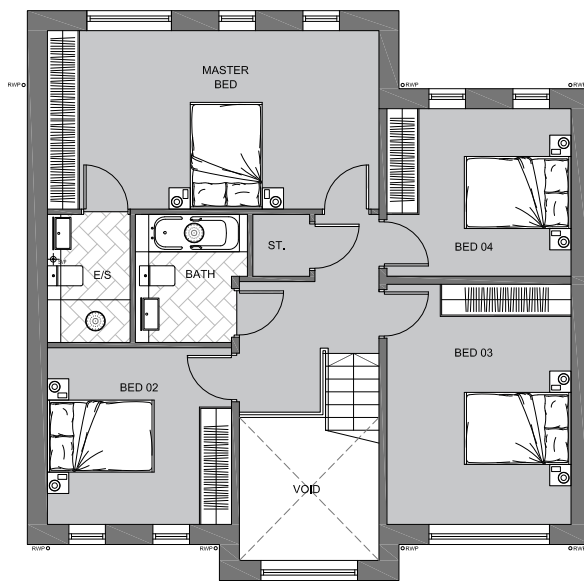
KEY

----- OUTLINE OF ORIGINAL APPLICATION

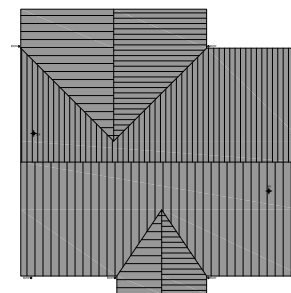
Sheffield - Manchester www.codastudios.co.uk 0114 2794931 hello@codastudios.co.uk				
Client	Bliss Homes Development			
Job	Luddington			
Title	Proposed House Type 01 - Plot 07			
Dwg. No.	2979-002			
DRAWN	CHECKED	DATE	SCALE	REVISION
LC	AM	JAN 2021	AS SHOWN @A1	-
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PROPOSED GROUND FLOOR PLAN
 SCALE 1:50
 AREA 79,10m²



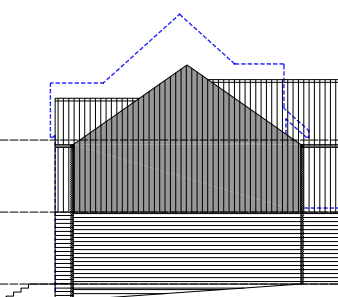
PROPOSED FIRST FLOOR PLAN
 SCALE 1:50
 AREA 79,10m²



PROPOSED ROOF PLAN
 SCALE 1:100
 TOTAL AREA 158,26m² (Inc. Store 165,81m²)



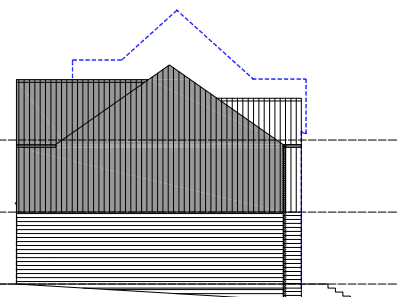
FRONT ELEVATION
 SCALE 1:100



SIDE ELEVATION
 SCALE 1:100



REAR ELEVATION
 SCALE 1:100



SIDE ELEVATION
 SCALE 1:100

KEY

--- OUTLINE OF ORIGINAL APPLICATION

Page 197

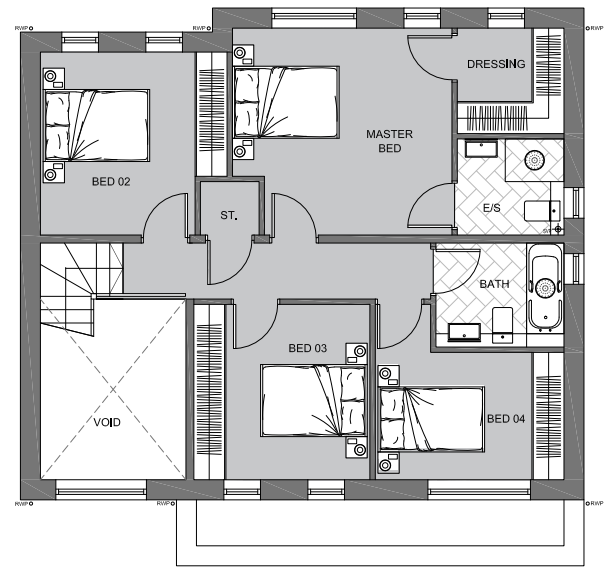
Sheffield - Manchester www.codastudios.co.uk 0114 2794931 hello@codastudios.co.uk				
Client	Bliss Homes Development			
Job	Luddington			
Title	Proposed House Type 02			
Dwg. No.	2979-003			
DRAWN	CHECKED	DATE	SCALE	REVISION
LC	AM	JAN 2021	AS SHOWN @A1	D
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PA/2023/631 Proposed house type 03 (not to scale)

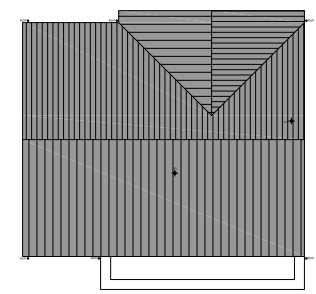
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 B UPDATED TO SUIT PLANNERS COMMENTS 28-01-22 LC
 C UPDATED TO SUIT PLANNERS COMMENTS 28-01-22 LC
 D UPDATED TO SUIT PLANNERS COMMENTS 16-05-23 DB



PROPOSED GROUND FLOOR PLAN
 SCALE 1:50
 AREA 70.71m²



PROPOSED FIRST FLOOR PLAN
 SCALE 1:50
 AREA 70.65m²

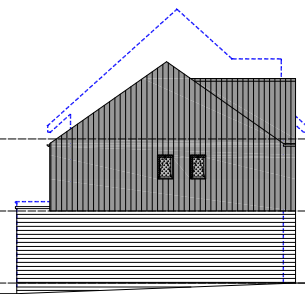


PROPOSED ROOF PLAN
 SCALE 1:100
 TOTAL AREA 141.36m² (Inc. Garage 159.20m²)

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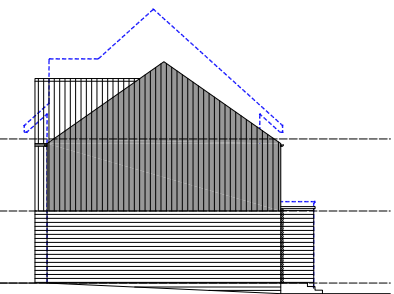
FRONT ELEVATION
 SCALE 1:100



SIDE ELEVATION
 SCALE 1:100

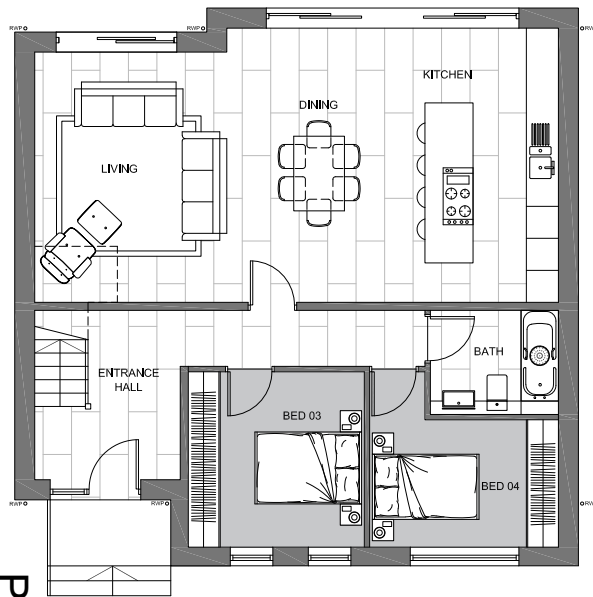


REAR ELEVATION
 SCALE 1:100

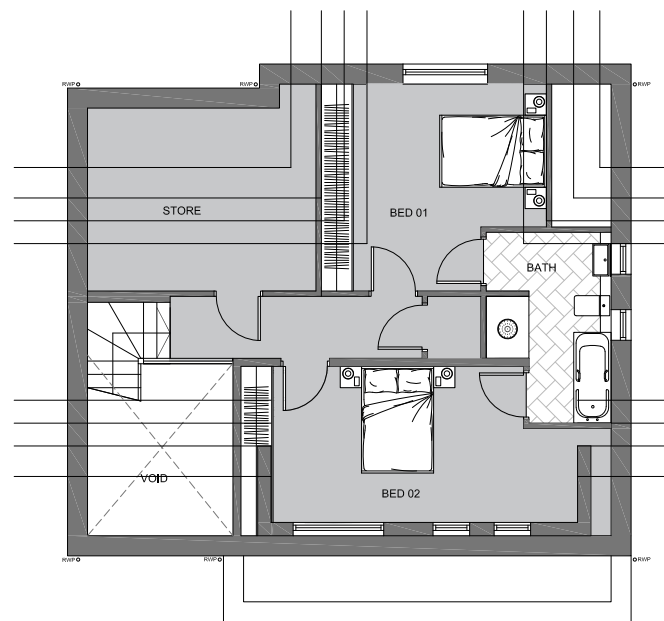


SIDE ELEVATION
 SCALE 1:100

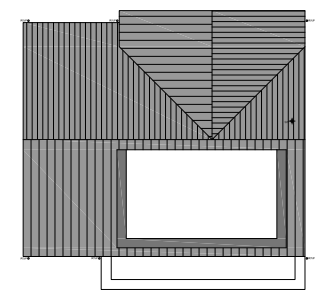
Sheffield - Manchester www.crodstudios.co.uk 0114 2794931 hello@crodstudios.co.uk				
Client	Bliss Homes Development			
Job	Luddington			
Title	Proposed House Type 03			
Dwg. No.	2879-004			
DRAWN	CHECKED	DATE	SCALE	REVISION
LC	AH	JAN 2021	AS SHOWN @A1	D
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PROPOSED GROUND FLOOR PLAN
SCALE 1:50
AREA 90.22m²

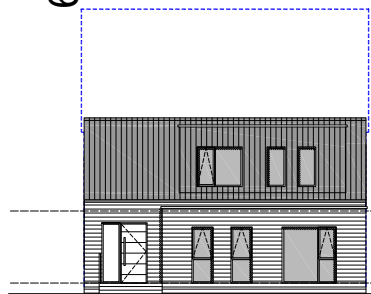


PROPOSED FIRST FLOOR PLAN
SCALE 1:50
AREA 59.19m²

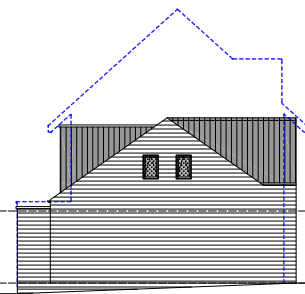


PROPOSED ROOF PLAN
SCALE 1:100
TOTAL AREA 149.41m²

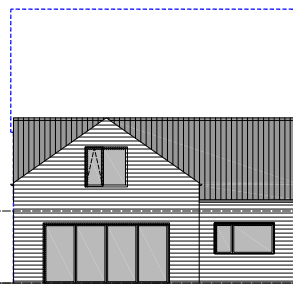
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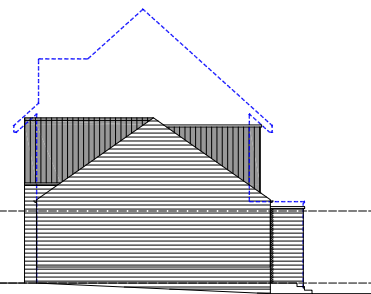
FRONT ELEVATION
SCALE 1:100



SIDE ELEVATION
SCALE 1:100



REAR ELEVATION
SCALE 1:100



SIDE ELEVATION
SCALE 1:100

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Client	Bliss Homes Development			
Job	Luddington			
Title	Proposed House Type 04			
Dwg. No.	2979-008			
DRAWN DB	CHECKED AM	DATE JAN 2023	SCALE AS SHOWN @A1	REVISION A

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APPLICATION NO	PA/2023/659
APPLICANT	Ms Olivia Cook
DEVELOPMENT	Planning permission for partial change of use of land and the erection of a timber outbuilding for commercial use
LOCATION	1 Whitehouse Way, Epworth, DN9 1GS
PARISH	EPWORTH
WARD	Axholme Central
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Epworth Town Council

POLICIES

National Planning Policy Framework:

2 Achieving sustainable development

11 Making effective use of land

12 Achieving well-designed places

North Lincolnshire Local Plan:

DS1 General requirements

DS4 Changes of use in residential areas

DS14 Foul sewage and surface water drainage

DS16 Flood risk

T2 Access to development

T19 Car parking provision and standards

North Lincolnshire Core Strategy:

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

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

SS10 Development limits

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

CONSULTATIONS

Environmental Protection: No objection subject to conditions.

LLFA Drainage: No objections or comments on the proposed development.

Highways: No comments or objections to make on this application.

TOWN COUNCIL

Objects to the application on the basis that it is a business in a residential area and over-development of the site.

PUBLICITY

A site notice has been posted. No comments have been received.

ASSESSMENT

Constraints

Within the development boundary

SFRA flood zone 1

Site description and proposal

Planning permission is sought for a partial change of use of land and the erection of a timber outbuilding for commercial use at 1 Whitehouse Way, Epworth, DN9 1GS.

The site is within the development boundary of Epworth in a residential area. The property is located at a road junction between Whitehouse Way and Brock Close. It is bounded at the north by 3 Whitehouse Way and at the west (rear) by 29 Studcross.

The site comprises a two-storey detached dwelling and a detached double garage. This proposal seeks to erect an outbuilding within the curtilage of a dwelling for a home business.

During the site inspection, it was evident the erection of the single-storey timber outbuilding is under construction within the curtilage of the dwelling. The timber outbuilding measures 6m x 3.5m and has a flat roof. The outbuilding is set back from the rear boundary by 1m and 2m from the side boundary with the adjacent properties. The rear of the property is screened by a 2m high close-boarded timber fence.

The applicant has indicated that the outbuilding would be used to work from home as a hairdressing salon. The operating hours of the business would be between 9.30 am and 4.30 pm, Tuesday to Thursday, and alternate Saturdays.

Key issues

The key issues to consider in the determination of this application are:

- **the principle of the development;**
- **layout, siting, and design;**
- **amenity impact;**
- **Highways impact;**
- **Drainage impact and**

Principle of development

As indicated in the above description, this proposal is for the erection of an outbuilding within the rear garden area of 1 Whitehouse Way, Epworth. The outbuilding would be used as a beauty salon, which is a commercial use and constitutes a material change of use. To clarify the scale of the proposal, as indicated on the application form, the applicant is a hairdresser and wants to work from home between the hours of 9.30am and 4.30pm Tuesday to Thursday, and alternate Saturdays. The beauty salon would be run by one person.

This commercial beauty salon will not be large compared to high street salons which employ a large number of staff and is not anticipated to attract a high number of clients. Furthermore, the outbuilding is within the garden of the dwellinghouse, and a large proportion of the plot would remain as a garden.

Policy DS4 is supportive of changes of use in residential areas subject to certain criteria; the key tests of whether it is acceptable are the scale of the operation relative to domestic use and whether there are external effects that are untypical of residential use and/or would have an adverse effect on neighbouring properties.

As such, the principle of the development is acceptable subject to an assessment of amenity impact.

Layout siting and design

Policy DS1 (General Requirements) require 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. Policy CS5 (Delivering Quality Design in North Lincolnshire) supports a well-designed development that is appropriate for their context.

Policy DS4 (Changes of Use in Residential Areas) requires that, within residential areas, favourable consideration will be given to proposals for a change of use from residential to other uses, provided that the development will not adversely affect the appearance and character of a residential area.

As indicated in the description section, the outbuilding is within the curtilage of the dwelling. It measures 6m x 3.5m and will be used to allow the resident to work from home. The hours of work would be 9.30am to 4.30pm Tuesday to Thursday, and alternate Saturdays. A bathroom will be provided within the building.

Regarding the scale of the outbuilding, it is modest and does not raise any issue of over-development of the site, and it does not over-dominate the dwelling or the surrounding area.

The finish of the outbuilding (timber cladding) is considered acceptable as it does not raise any significant issues and does not have an adverse visual impact on the street scene.

Turning to the provision of the bathroom, the planning authority has judged that it is reasonable as a client may need to use a toilet and the applicant will not want any client to use the toilet in the main dwelling.

Overall, the position, scale and design of the outbuilding are acceptable because it does not significantly harm the character of the dwelling, the surrounding area, or the street scene. The small-scale nature of the building would naturally limit the number of clients on site to one at a time and the level of activity would not significantly exceed that which could be expected at a residential dwelling.

Due to the small nature of the development, it is deemed acceptable within the curtilage of the dwelling and the residential area.

Amenity impact

Policy DS4 (Changes of Use in Residential Areas) requires that, within residential areas, favourable consideration will be given to proposals for a change of use from residential to other uses, provided that the development will not adversely affect residential amenity by virtue of noise, vibration, traffic generation, a reduction in road safety, odorous emissions (by way of dust, smell, fumes, smoke, soot, ash or grit) or other adverse environmental conditions.

Having reviewed the proposal, the use of the outbuilding for a beauty salon would not change the residential appearance of the house and the amenity area would largely remain as a garden.

In terms of noise, on-street parking, and traffic, the beauty salon would not generate significant noise, on-street parking, and traffic, because it is a small-scale business. Further, the business would be operated by a single person (the applicant), and it is believed that the client base would be small and the visit to the beauty salon would be by appointment. It is not

expected to have a steady stream of customers, where the amenity of the area will be adversely affected.

In terms of impact on adjacent properties, the outbuilding is modest in scale and is adequately set back from the common boundary with adjacent properties. It therefore does not cause any overbearing impact or overshadowing. It does not take away the privacy of the adjacent properties because it is sufficiently screened. The beauty salon use is not particularly intrusive and would not generate significant adverse environmental impact.

Environmental protection

The Environmental Protection officer has not objected to the proposal. However, they have commented that the proposed development is close to residential dwellings on Whitehouse Way and are concerned that any future change in commercial activity may harm residential amenity.

Following discussions between the Environmental Protection officer and the applicant, the department recommends the inclusion of a condition to restrict the hours of opening should planning permission be granted. This condition will be applied to the decision notice should permission be granted. It is also proposed to restrict the use of the building to a beauty salon to prevent any future change of use without the need for formal planning permission; this is because other uses falling within use class E could potentially have a different level of impact to the proposed use.

Highways

Policies T2 and T19 are concerned with access to development and parking provision. Highways have no comments or objections to make on this application. The proposed use is small-scale in nature and is not likely to result in a significant level of vehicle movements to and from the site, or parking within the highway.

The proposal therefore complies with policies T2 and T19, and the standards of the development plan.

Drainage

The application site is within SFRA flood zone 1. The LLFA Drainage Team has no objections to the proposed development. Accordingly, it is unlikely the outbuilding would raise any issues from surface water or flooding.

Town council comments

Epworth Town Council objects to the application on the basis that it would be used for a business in a residential area and the outbuilding would result in over-development of the site. These concerns have been addressed in this report.

Conclusion

The proposed business would not result in a marked rise in traffic or people calling. In addition, the scale of the beauty salon business is not considered significant and does not involve any activities unusual in a residential area. Plus, the business would not disturb the neighbours at unreasonable hours or create a nuisance such as odour.

The proposed business is considered appropriate subject to conditions, given the scale and nature of the proposed business as outlined above.

The outbuilding sits comfortably within the curtilage of the dwelling without affecting the character and appearance of the main dwelling or surrounding properties.

The outbuilding does not raise any issues of overbearing impact, overshadowing or privacy, and complies with the relevant policies of the North Lincolnshire Local Plan and Core Strategy. It is therefore recommended for approval.

RECOMMENDATIONS 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 Block Plan - 23 15 01C
- Parking Plan - 23 15 06
- Proposed Plans and Elevations - 23 15 02D.

Reason

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

3.
The hours of opening shall be restricted to:

- Tuesday and Wednesday: 9.30am to 5pm
- Thursday: 9.30am to 8pm
- Saturday: 8am to 4pm
- Sundays and Bank Holidays: closed.

Collections and deliveries shall not be permitted outside these hours without prior written approval from the local planning authority.

Reason

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

4.
The beauty salon shall be run by the applicant or a person solely or mainly living in the dwelling 1 Whitehouse Way, Epworth, DN9 1GS.

Reason

To protect the living conditions of nearby properties in accordance with policy DS1 of the North Lincolnshire Local Plan.

5.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any statutory instrument revoking and re-enacting that Order with or without modification), the outbuilding shall be used solely for residential use and for the beauty salon and for no other use.

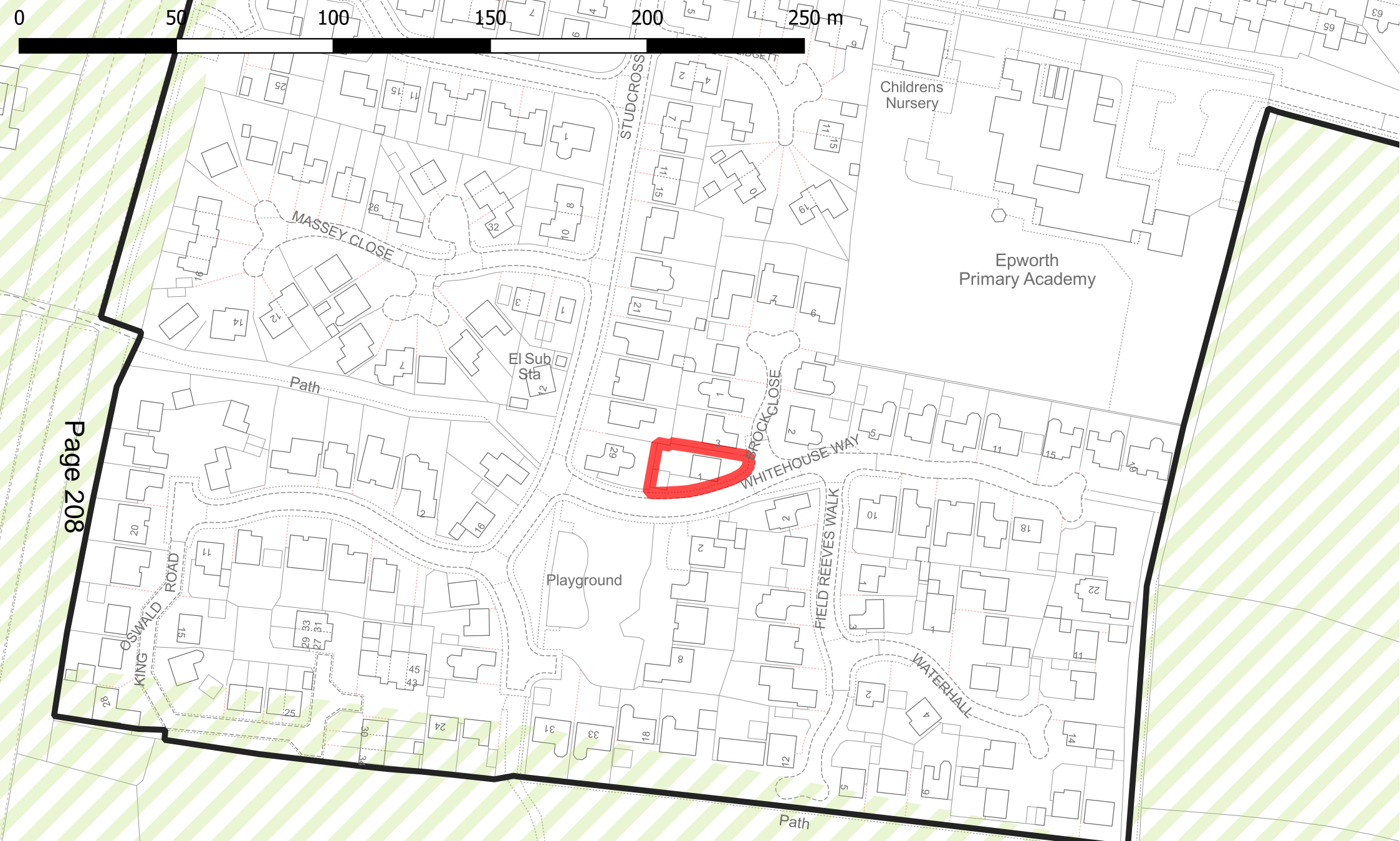
Reason

To protect the residential amenity of the adjoining sites in accordance with policies DS1 and DS5 of the North Lincolnshire Local Plan.

Informative

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

0 50 100 150 200 250 m



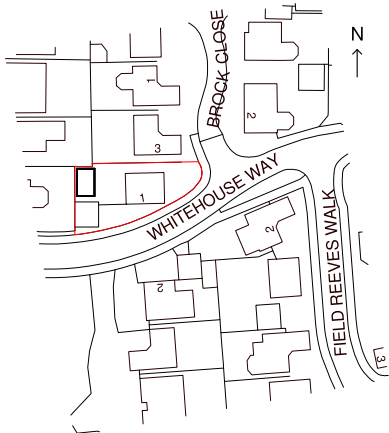
Page 208

 Development Boundary
 LC14 Isle of Axholme Area of Special Historic Landscape Interest

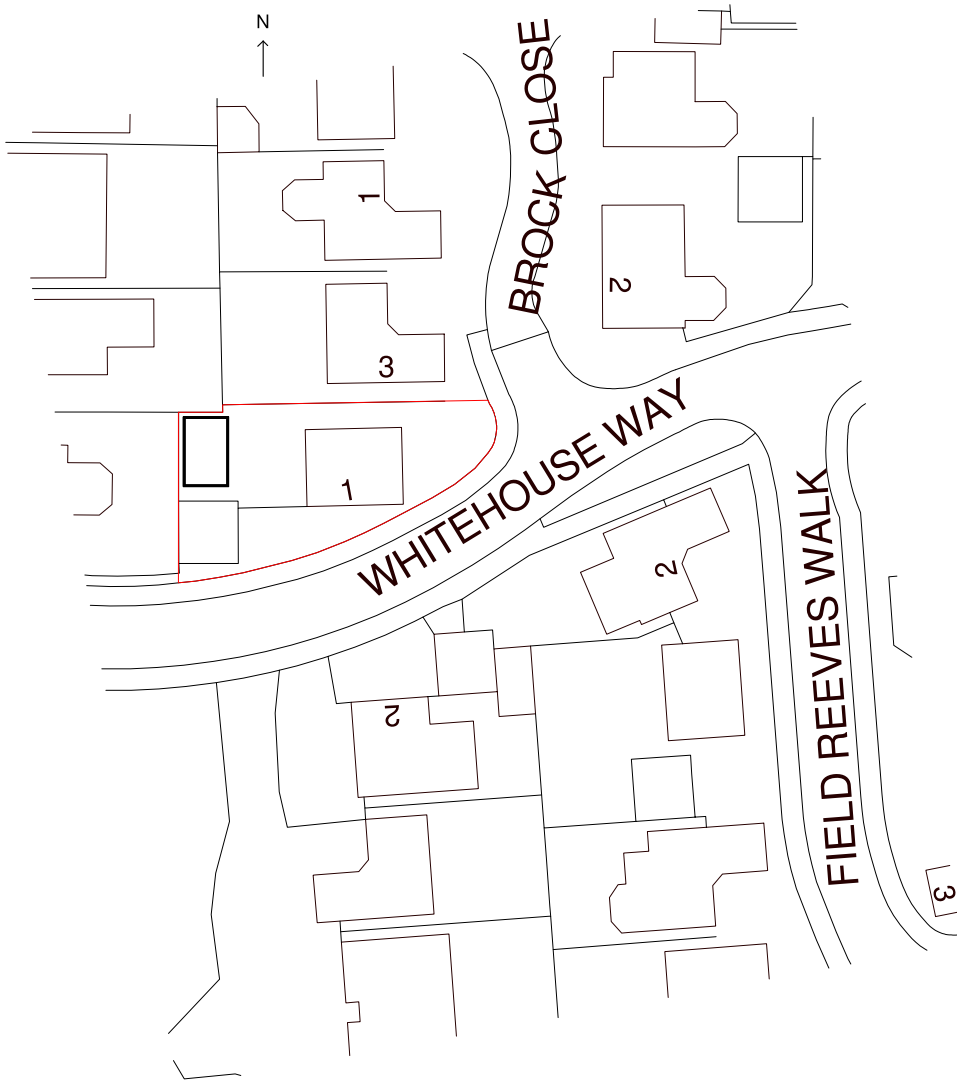
**North
Lincolnshire
Council**

PA/2023/659

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Location Plan @ 1:1250



Block Plan @ 1:500

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RevC : Amendments made following clients comments (03/03/23)
 RevB : Amendments made following clients comments (03/03/23)
 RevA : Amendments made following clients comments (03/03/23)



Client
 Olivia Cook

Job
 1 Whitehouse Way,
 Epworth,
 Doncaster,
 DN9 1GS

Drawing Title
 Location Block Plan

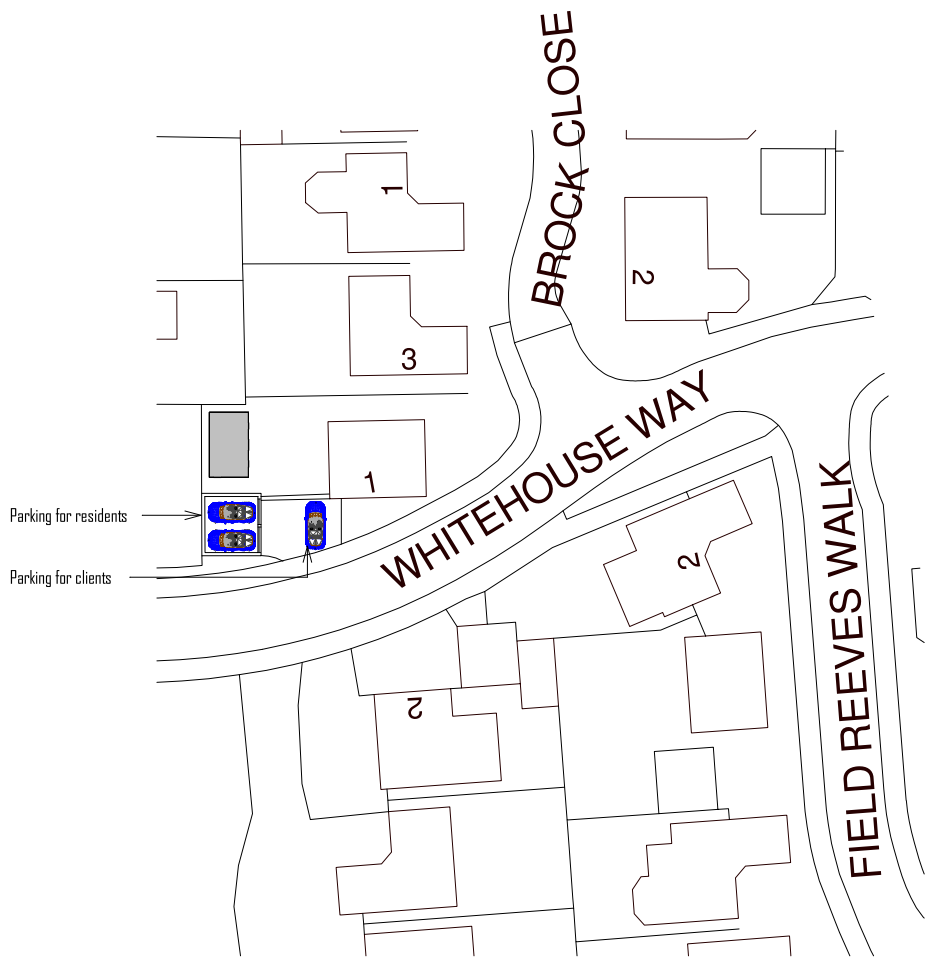
Sheet Size/Scale	A3 As indicated
Project Lead	Gower Garner
Drawn By	GG
Checked By	AP
Date	02/03/23
Drawing Status	Planning Purposes
Drawing No.	23_15_01C

PA/2023/659 Proposed parking (not to scale)

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Parking Plan @ 1 : 500



Client
Olivia Cook

Job
1 Whitehouse Way,
Epworth,
Doncaster,
DN9 1GS

Drawing Title
Parking Plan

Sheet Size/Scale A3 1:500

Project Lead Gower Garner

Drawn By GG **Checked By** AP

Date 14/04/23

Drawing Status Planning Purposes

Drawing No. 23_15_06

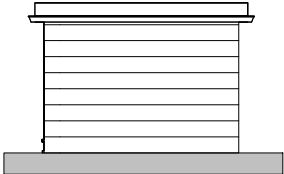
PA/2023/659 Proposed elevations (not to scale)

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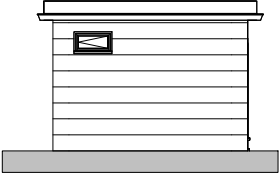
All dimensions to be checked on site. No dimensions to be scaled from this drawing. All Contractors must visit site and be responsible for taking and checking all dimensions relative to this work. The Architect must be advised of any discrepancies in writing.



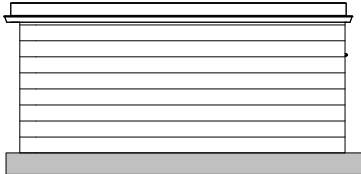
Front Elevation @ 1 : 100



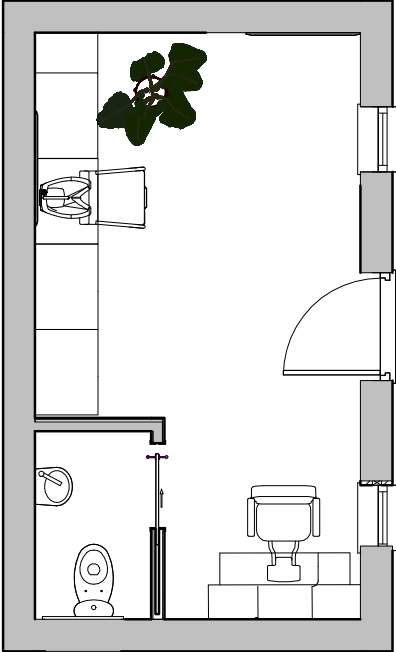
Side Elevation @ 1 : 100



Side Elevation @ 1 : 100



Rear Elevation @ 1 : 100



Proposed Plans @ 1 : 50

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RevD : Amendments made following clients comments (03/03/23)

RevC : Amendments made following clients comments (03/03/23)

RevB : Amendments made following clients comments (03/03/23)

RevA : Amendments made following clients comments (03/03/23)

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	Chartered Architects Breakfield Lodge Main Road Hollington S22 6B tel: 01432 656335 email: info@gsdesign.com

Client
Olivia Cook

Job
1 Whitehouse Way,
Epworth,
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DN9 1GS

Drawing Title
Proposed Plans and Elevations

Sheet Size/Scale A3 As indicated

Project Lead Gower Garner

Drawn By GG **Checked By** AP

Date 02/03/23

Drawing Status Planning Purposes

Drawing No. 23_15_020

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APPLICATION NO	PA/2023/1055
APPLICANT	Mr Joseph Herring, J L Herring and Son
DEVELOPMENT	Planning permission for new access into agricultural fields off B1206 Barton Road, Wrawby
LOCATION	Field access from B1206 Barton Road, Wrawby
PARISH	WRAWBY
WARD	Brigg and Wolds
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Wrawby Parish Council

POLICIES

National Planning Policy Framework:

9 Promoting sustainable transport

12 Achieving well-designed places

North Lincolnshire Local Plan:

RD2 Development in the open countryside

DS1 General requirements

T2 Access to development

T19 Car parking provision and standards

North Lincolnshire Core Strategy:

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS25 Promoting sustainable transport

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

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

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS10 Development limits

T3 New development and transport

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

CONSULTATIONS

Highways: No objection subject to conditions.

Tree Officer: No objection.

LLFA Drainage: No objections subject to conditions.

Anglian Water: No adverse comments to make on the application.

PARISH COUNCIL

Objects to this application in this location due to highway safety concerns.

PUBLICITY

A site notice has been displayed. One response has been received raising concerns relating to alleged potential future development on the site following the grant of access.

ASSESSMENT

Site constraints

Within the development boundary

SFRA flood zone 1

The site and proposal

Planning permission is sought to form new access into agricultural fields off the B1206 Barton Road, Wrawby. The site is at the edge of (but outside) the development boundary, away from the bend in the road heading towards Wrawby from the south. There is a mature hedgerow alongside the road.

The new access would measure 6m wide and would be constructed of hardcore. It would have a 0.15m drainage pipe. During the site visit, it was evident there are existing hedgerows

alongside the road and this new access would remove a section of the hedging affected by the application.

In support of the proposal, the applicant has indicated that the most northerly fields to which access is sought do not have access off this road. The other two fields to the south of this field have historical access, however, these are disused and now constitute hedgerows and have poor visibility onto Barton Road. Access to the site (the three fields) by farm machinery is currently via Vicarage Road, then the cul-de-sac of Applefields, and then through the building site off Applefields.

The applicant believes it would be more appropriate and safer to form the new access to the field off the B1206 Barton Road, to avoid the use of roads within the residential area of Applefields, and the building site off Applefields.

Key issues

The key considerations in determining this application are:

- **the principle of development**
- **layout, siting and design**
- **impact on residential amenity**
- **rural economy**
- **highway impacts**
- **drainage**

Principle of the proposed development

Policy RD2 (Development in the Open Countryside) states that development in the open countryside will be strictly controlled. Planning permission will only be granted for development which is:

- (i) essential to the efficient operation of agriculture or forestry;
- (ii) employment-related development appropriate to the open countryside;
- (iii) affordable housing to meet a proven local need;
- (iv) essential for the provision of outdoor sports, countryside recreation or local community facilities;
- (v) for the re-use and adaptation of existing rural buildings;
- (vi) for diversification of an established agricultural business;
- (vii) for the replacement, alteration, or extension of an existing dwelling;
- (viii) essential for the provision of an appropriate level of roadside services or the provision of utility services.

provided that:

- (a) the open countryside is the only appropriate location, and the development cannot be accommodated within the defined development boundaries;
- (b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan;
- (c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design, and the use of materials;
- (d) the development would not be detrimental to the residential amenity or highway safety;
- (e) account is taken of whether the site is capable of being served by public transport;
- (f) the development is sited to make the best use of existing and new landscaping.

Policy DS1 (General Requirements) also applies as amenity value and environmental quality of the area are key considerations.

Policy T2 (Access to Development) states that all development must be provided with satisfactory access.

In principle, the development is acceptable because the access is considered essential to the efficient operation of the agricultural fields. Furthermore, since the access would serve the adjacent field, the open countryside is the only appropriate location, and the development cannot be accommodated within the defined development boundaries.

Layout, siting and design

Policy CS5 (Delivering Quality Design in North Lincolnshire) and policy DS1 (General Requirements) require all new developments, regardless of location, to adhere to high standards of design.

As highlighted above, this is a new farm access taken from B1206 Barton Road. The layout and design of the access are basic as this access is expected to be access to a field for farm machinery with little use. It is judged acceptable for its layout to be that of a simple crossover, 6m wide, constructed in hardcore with a 0.15m drainage pipe along the edge of the carriageway.

Overall, this new access is of a standard scale and design which is seen across the council on agricultural land and is acceptable.

Impact on residential amenity

The site is within the open countryside with agricultural land all around. It is on the edge of the settlement boundary.

While the site is on the edge of the village, there are no residential amenities close by that would be directly impacted by the new access to the field. In comparison with the current access to the fields (the three fields) which uses Vicarage Road, then the cul-de-sac of Applefields, and then through the building site off Applefields. It is judged the new access

would minimise any impact of the use of farm vehicles on the residential amenity in terms of noise and public safety.

Overall, it is considered that the proposed access, and the location away from residential properties, are more appropriate and fitting to protect residential amenity from the nuisance of farm vehicles.

Access and highway impact

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 provision as well as general highway safety; both policies are considered relevant. The NPPF aims to ensure the provision of suitable and safe access.

As indicated in the description section, the site is at the edge of the development boundary (but outside), away from the bend in the road heading towards Wrawby from the south. The new access would serve an agricultural field and it is not expected to expand; there is no evidence to support the assumption that the new access would lead to an increase in vehicle movements on the road.

Highways have been consulted on the application and have no objection to the proposal subject to conditions. They have raised no issues concerning highway safety nor concerns over the width of the access where it meets the road, which is away from the bend.

As such, the proposal is acceptable in terms of the impact it would have on highway safety in the vicinity of the site and the application would therefore comply with policies T2 (Access to Development) and T19 (Car Parking Provision and Standards) of the North Lincolnshire Local Plan.

Drainage

The site is within SFRA flood zone 1, which has a low potential for flooding. Policy CS19 (Flood Risk) of the Core Strategy is concerned with flood risk and policy DS14 (Foul Sewage and Surface Water Drainage) is concerned with foul sewage and surface water drainage.

The LLFA Drainage Team has no objection to the proposed development subject to the imposition of planning conditions and informative comments. As such, the proposal complies with policies CS19 (Flood Risk) and DS14 (Foul Sewage and Surface Water Drainage).

Tree officer

As indicated in the description section, during the site visit it was evident there are existing hedgerows alongside the road and this new access would remove a section of the hedging affected by the application.

The tree officer has been consulted and has commented that this proposal would see a new entrance through an established agricultural hedge and the piping of an existing ditch in this location.

If the council is minded to grant consent for this proposal, consideration would need to be given to 'hedging up' the present access if possible to ensure no real loss of hedging in this location.

It is worth noting that the field access plan shows a hedgerow. It is therefore believed that a hedgerow would be retained alongside the new access consistent with the comments from the tree officer.

Parish council comments

Wrawby Parish Council objects to this application in this location due to highway safety concerns. The council has indicated that the entrance is obscured to road users on this section of road.

As indicated in the impact on highways section, Highways have been consulted and have no objection to the proposal. They have not raised any issues regarding visibility splays in either direction.

Public comments

One letter has been received but has not raised any relevant planning matters regarding the application.

Conclusion

The principle of the development is acceptable. The impact of the proposal on highway safety has been assessed and on balance the proposal is acceptable. The impact on residential amenity has also been assessed and it is judged that there would not be any adverse impact on residential amenity.

The application is considered to comply with the relevant policies of the local development plan and the Core Strategy of the North Lincolnshire Council. It is therefore recommended that the application be approved subject to conditions.

Pre-commencement conditions

Pre-commencement conditions have been agreed with the agent.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

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

- Field Access Plan PA/2023/1005/01
- Site Location Plan TQRQM23198094555469
- Block Plan TQRQM23198095748695.

Reason

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

3.

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

Reason

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

4.

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

Reason

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

5.

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

Reason

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

6.

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

Reason

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

Informatives

1.

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to

secure sustainable development that improves the economic, social and environmental conditions of the area.

2.

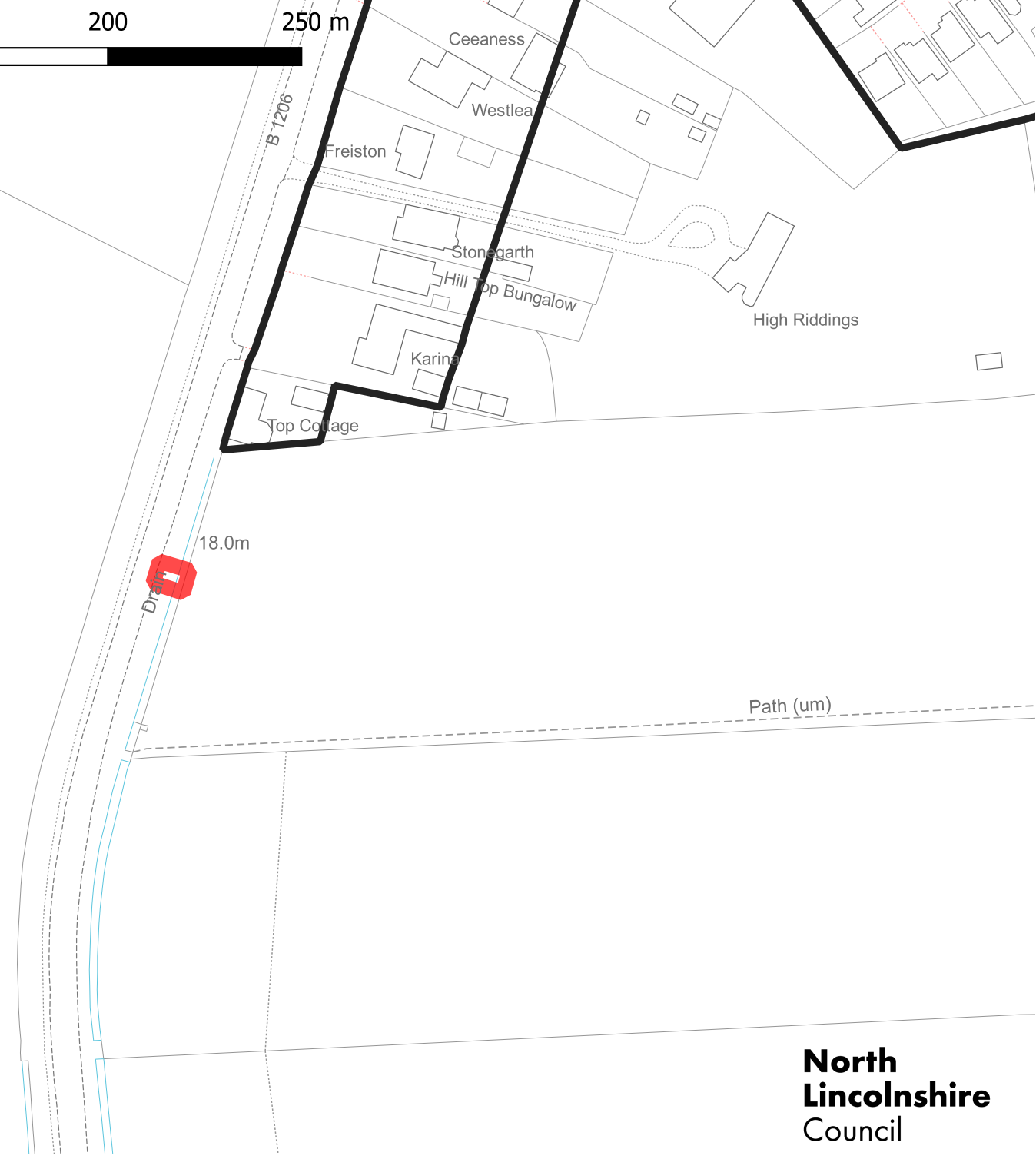
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

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

3.

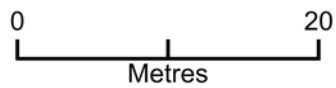
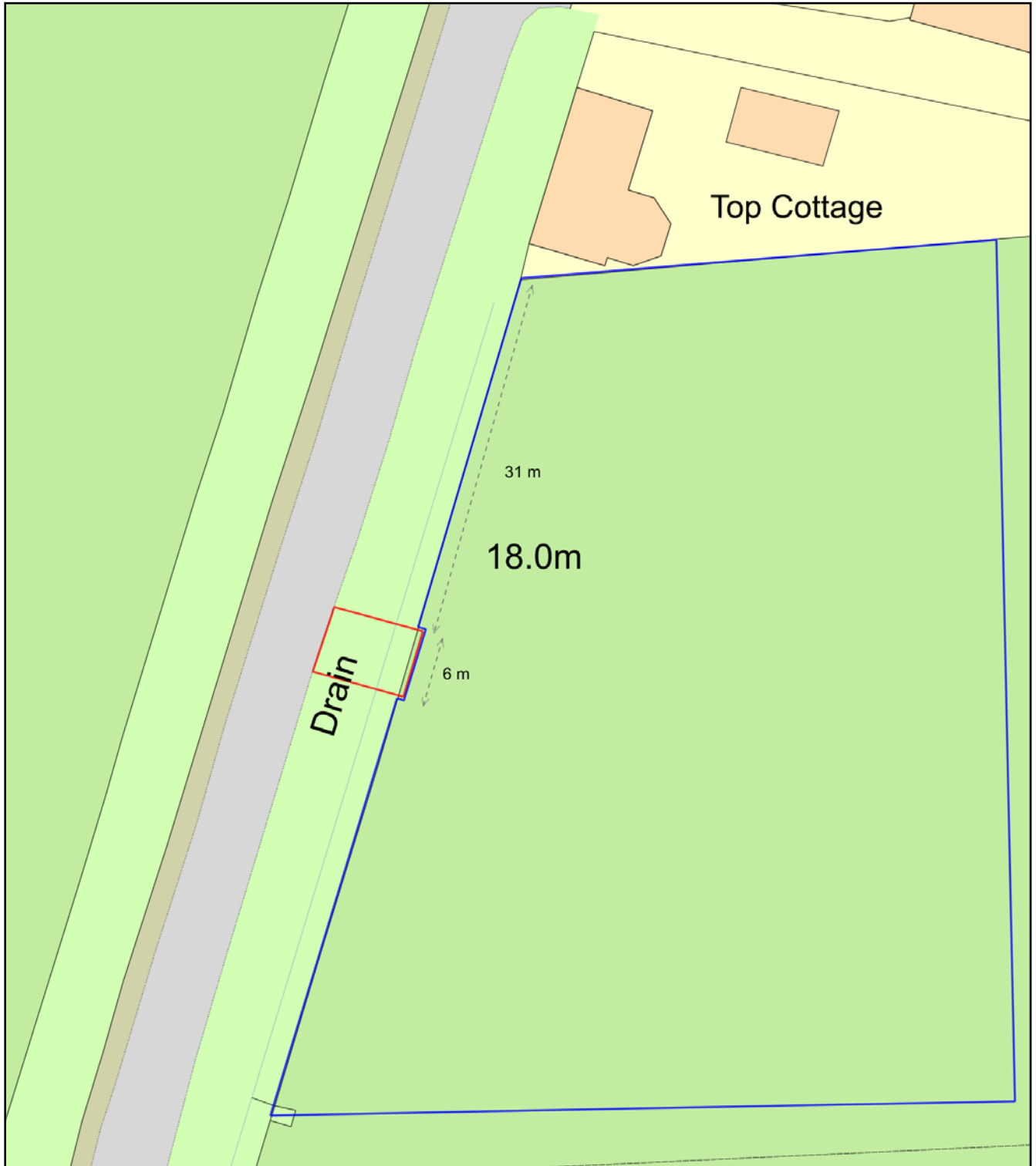
Our records indicate that the proposed development site is bounded by, or has running through it, a watercourse (surface water pipe/culvert or ditch). Following inspection, the watercourse may need to be cleared, replaced, protected, or diverted by the landowner at their expense in accordance with their riparian responsibilities. An easement adjacent to the watercourse may need to be provided for future maintenance. Any other drainage feature found during excavations must be immediately reported to the LLFA Drainage Team, via email to llfadrainageteam@northlincs.gov.uk prior to any further construction works being carried out. Reference should be made to North Lincolnshire Council's 'Guide to Watercourses and Riparian Ownership'. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.

Alterations and/or connections into the watercourse must be consented to by North Lincolnshire Council's LLFA Drainage Team, in their capacity as Lead Local Flood Authority through an Ordinary Watercourse Consent and appropriate discharge rates must be agreed. Please contact the LLFA Drainage team via email for further details. Compliance with this guidance is to ensure the free flow of surface water is maintained throughout the development.



Development Boundary

Field Access off B1206 Barton Road



Plan Produced for: Joseph Herring

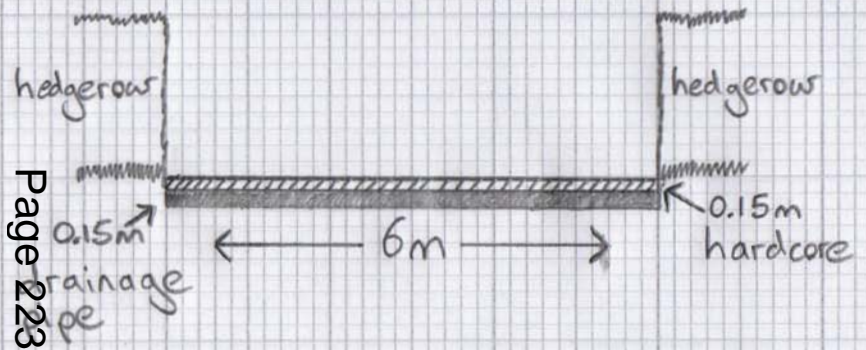
Date Produced: 17 Jul 2023

Plan Reference Number: TQRQM23198095748695

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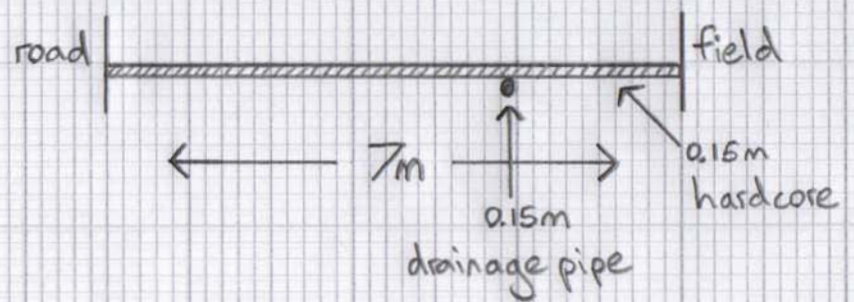
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Front View

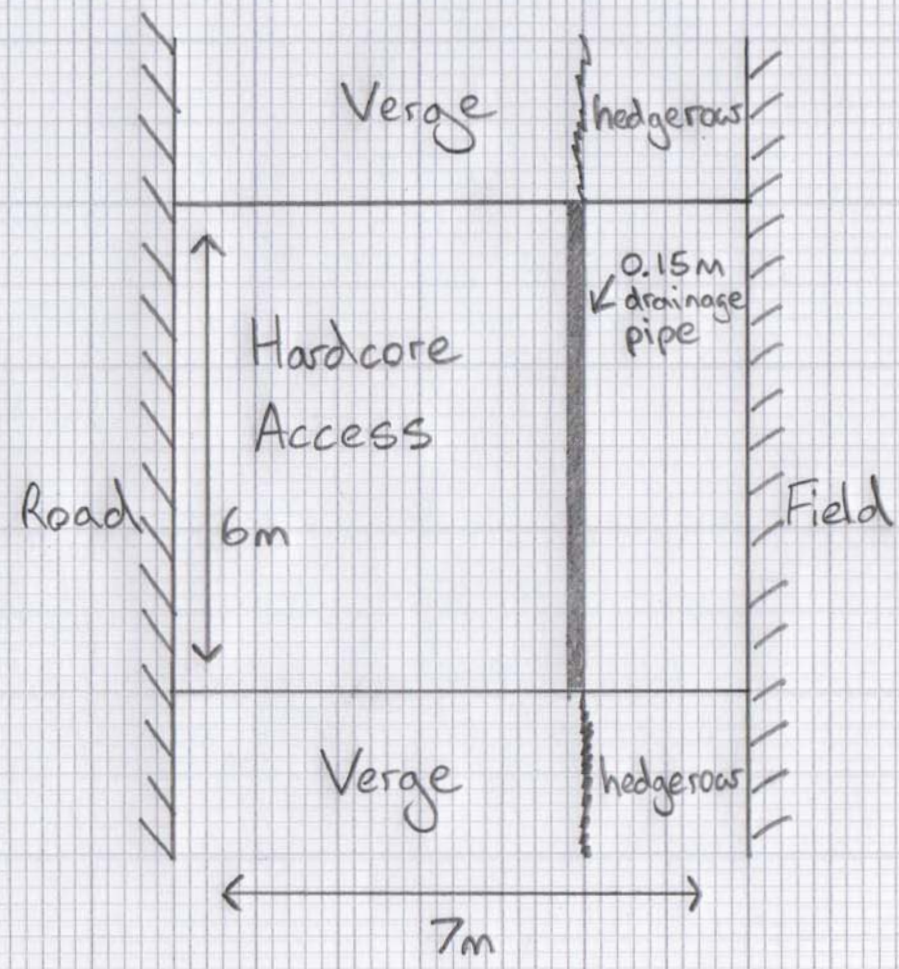


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Side View



Plan View



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APPLICATION NO	PA/2023/1212
APPLICANT	Mr Neville Brown
DEVELOPMENT	Planning permission to erect a dwelling
LOCATION	4 Oaklands, Grange Court, Westwoodside, DN9 2QN
PARISH	HAXEY
WARD	Axholme South
CASE OFFICER	Matthew Gillyon
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Haxey Parish Council Departure from the development plan

POLICIES

National Planning Policy Framework:

5 Delivering a sufficient supply of homes

11 Making effective use of land

12 Achieving well-designed places

North Lincolnshire Local Plan:

H5 New housing development

T2 Access to development

T19 Car parking provision and standards

LC14 Area of special historic landscape interest

DS1 General requirements

DS14 Foul sewage and surface water drainage

DS16 Flood risk

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS19 Flood risk

Housing and Employment Land Allocations DPD:

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

H11 Backland and tandem development

DM1 General requirements

DM3 Environmental protection

DQE6 Sustainable drainage systems

T1 Promoting sustainable transport

T3 New development and transport

T4 Parking

T5 Cycle and motorcycle parking

CONSULTATIONS

Highways: No objection subject to a condition that the dwelling shall not be occupied until the vehicular access to it and vehicle parking and turning spaces serving it have been completed.

LLFA Drainage: No objection to the proposed development, subject to a condition that no development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site onto the highway and from the highway onto the site have been approved by the local planning authority. An informative is also recommended to consider upsizing the pipe network to increase storage and cater for more intense storm conditions.

Environmental Protection: No objection subject to a condition regarding land contamination.

Archaeology: The application adversely affects the Area of Special Historic Landscape Interest of the Isle of Axholme, with the area designated for its unique historic landscape retaining the pattern of ancient open strip field. The proposed development would be an unacceptable extension and intrusion of the built environment into the historic landscape, contributing to adverse character change and affecting the setting and legibility. The Historic Environment Officer recommends refusal as the development would adversely affect the character, appearance and setting of the historic landscape contrary to the NPPF, Core Strategy policies CS5 and CS6, and local plan policies LC14, LC7, RD2 and DS1.

PARISH COUNCIL

Objects to the development due to a lack of evidence relating to the previous application and claims that it is still an active site. It has been some time since the application and since that point the site has been placed outside the village envelope to prevent urban sprawl into LC14 land. The parish council are responding to the application as a fresh application and site, not live; it is outside the development limit of Westwoodside and does not meet the needs of the Rural Development section of the local plan. It does not conform to policies CS1, CS2 and CS3, it is backland development (H7) with much made of the quality of design and which should not be a satisfactory reason to disregard other policies.

PUBLICITY

Advertised by site notice. Six responses have been received, all in support of the proposed development. The comments highlight that the proposed dwelling would be in keeping with surrounding properties, has been designed to fit in with the surroundings, is a nicely designed house which would add character to the village, is a high specification property to suit the plot and is in keeping with surrounding properties, would enhance the local area, and no objections to the development.

ASSESSMENT

Planning history

PA/1998/1128: Outline planning permission to erect 2 houses – approved 23/10/1998

PA/2000/0715: Approval of reserved matters following outline planning permission PA/1998/1128 to erect a dwelling, garage and boundary wall – 04/09/2000.

Site

The application site is currently part of the curtilage of Oaklands, 4 Grange Court, Westwoodside, a large detached dwelling at the head of a small residential cul-de-sac. The application site and 3 Grange Court were granted outline planning permission in 1998 for two

dwellings referred to as plots 4 and 5. Plot 4 has been constructed (3 Grange Court) but plot 5 has not, the land having been given a built boundary treatment in the form of a wall and subsumed into the garden of 4 Grange Court.

Since the 1998 application the proposed site has been marked outside the development limit of Westwoodside and designated LC14 – Area of Special Historic Landscape Interest.

Proposal

Planning permission is sought to erect a two-storey dwelling with a linked detached garage, associated private amenity space and off-street parking.

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

Principle of development

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

It should be noted that whilst outline planning permission PA/1998/1128 granted consent for the erection of two dwellings on plots 4 and 5, a reserved matters application and subsequent approval was only ever submitted in respect of plot 4 (PA/2000/0715). Outline permission PA/1998/1128 was granted subject to a condition that application for approval of the reserved matters must be made within three years of the date of the permission. As no reserved matters application has ever been submitted in respect of plot 5 and would not be able to be submitted outside the three-year period, the outline planning permission has lapsed in respect of plot 5. For these reasons, despite the assertion made in the applicant's planning statement, the site does not benefit from extant planning permission for the erection of a dwelling and this application must be determined on its own merits in accordance with current development plan policies.

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

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

The application site is outside the development limit for Westwoodside as defined in the Housing and Employment Land Allocations DPD. For policy purposes this would constitute

development within the countryside and therefore policy RD2 of the local plan needs to be considered. Policy RD2 looks to control development in the open countryside, with development granted for applications essential to agriculture or forestry, the re-use or adaptation of existing rural buildings, and the replacement, alteration or extension of an existing dwelling amongst others.

The site has also been designated an Area of Special Historic Landscape Interest under policy LC14 of the local plan. Policy LC14 seeks to protect the unique character of this area of the Isle of Axholme, stating that within this area development will not be permitted which would destroy, damage or adversely affect the character, appearance or setting of the historic landscape, or any of its features, with a high standard of design and siting in new development required to reflect the traditional character of buildings in the area and the character of the historic landscape, and using materials sympathetic to the locality.

Policies CS2 and CS3 of the Core Strategy also need to be considered. Policy CS2 states that any development that takes places outside defined development limits of settlements will be restricted, with only development essential to the functioning of the countryside allowed, with a sequential approach applied to ensure that the development is directed to those areas that have the lowest probability of flooding.

Policy CS3 largely mirrors the approach set out in policy CS2, restricting new development outside development limits to that which is essential to the functioning of the countryside, including uses such as agriculture, forestry and sustainable tourism development.

Policy CS8 sets out the spatial distribution of housing sites and confirms that the rural settlements will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

Policy H5 of the local plan looks at proposals for new housing development and requires development to be in keeping with the character and amenity of the immediate environment and with the settlement as a whole. New development must have an adequate and appropriately designed access, and provide adequate parking within the curtilage of the site. Policy H5 also requires that new residential development does not result in overlooking or loss of privacy to existing developments or any other loss of amenity to existing dwellings.

In considering the proposal against these policies the new dwelling could be considered an infill plot. The site previously formed part of a larger site with outline permission for two dwellings, one dwelling subsequently gaining reserved matters approval and being constructed. Part of the previous permission was actioned via the construction of plot 4, but plot 5 was never constructed and was instead enclosed by a built boundary treatment and incorporated into the residential curtilage of 4 Grange Court. It is considered, from a planning perspective, that the site has had a material change from agriculture to residential land use. Given the enclosed nature of the site and its use as manicured residential garden, directly adjacent to and surrounded by residential properties, the proposed development can be considered to be infill development.

Whilst the application site falls outside the development boundary, which has been drawn tightly around the existing dwellings (including plot 4), the site was originally consented for a dwelling and reads as part of the residential cul-de-sac rather than open countryside. The site is currently enclosed by a well-defined and robust boundary treatment and is in use as manicured garden land; as such the proposed development would not result in any visual

encroachment into the historic landscape. The site boundary currently forms a well-defined end of development and transition into the open countryside and the proposed development will not extend beyond this boundary.

Whilst it is acknowledged that the proposed site no longer benefits from extant planning permission and is outside the defined development boundary, the proposal would constitute the final dwelling in this small residential development as it was originally consented. Despite the 1998 application not having been actioned in respect of plot 5, the proposed site has been enclosed and utilised, and maintained as garden for 4 Grange Court for over two decades. The proposed dwelling does not extend outside the curtilage of 4 Grange Court. Despite it not having extant planning permission, the previous planning history is a relevant consideration and with the site contained within an already defined residential boundary it is considered that any additional impact on the open countryside would be limited.

In considering the principle of development, the site represents a suitable and logical infill site, with a mature vegetation boundary acting as natural boundary to the open countryside. The site is located centrally within the village, in a sustainable location, with residential development surrounding the site. The proposed dwelling has been designed to complement 4 Grange Court and visually assimilate into the character of the area. Therefore, whilst there is a conflict with policies CS2, CS3 and CS8 of the development plan, this policy conflict is considered to result in limited harm, which must be balanced against the benefits of providing an additional dwelling to the local housing stock in a sustainable location.

Heritage

The Historic Environment Officer has stated that the proposed development would be an unacceptable extension and intrusion of the built environment into the historic landscape, contributing to adverse character change and affecting the setting and legibility. It is acknowledged that the proposed development will result in an additional dwelling adjacent to the historic landscape; however, the proposed dwelling will be sited within a well-defined boundary that has been enclosed, landscaped and managed over the last two decades. There is mature vegetation around the perimeter of the site, which will be retained and prevent visual intrusion or encroachment into the historic landscape. Whilst a two-storey dwelling is proposed, this dwelling will be visually subservient to 4 Grange Court, which is the dominant visual feature in this location. The dwelling will also be viewed from the historic landscape against the backdrop of existing dwellings on Grange Court and will read as part of this residential development.

The enclosed curtilage of the proposed site will mean that there is limited scope for additional development in this area, this application acting as a natural end point and completing the original plan for dwellings that was consented during the 1990s. Other sites falling outside the defined development boundary would have to be determined on their own merits should planning applications be submitted; however, the site specific considerations in this instance are considered to mitigate any harm to the historic landscape to an acceptable level.

Impact on the character and appearance of the area

Policy CS5 of the NLCS states that new developments should be well designed and appropriate for their context and contribute to creating a sense of place, with any proposed development needing to respect the character and appearance of the local amenity.

The site in question has previously been landscaped and incorporated into the curtilage of 4 Grange Court with a mature vegetation boundary treatment to the north and west acting as a natural barrier to the development site and the open countryside. It is the final plot available to be developed on the housing development site with previous permission granted for a dwelling.

The proposed dwelling is of a high standard of design and is similar in appearance to other dwellings in immediate area. Furthermore, as the site has previously had permission for a dwelling and is currently enclosed and landscaped as part of the curtilage of a dwelling, the introduction of the proposed dwelling is not considered to be out of character with the area nor result in unacceptable encroachment into the open countryside.

The public comments that have been received are in support of the proposed dwelling, praising the design, which is in keeping with the area would add character to Westwoodside. The objection from Haxey Parish Council is noted; however, for the reasons set out above, the proposed development is not considered to result in unacceptable impact on the character or appearance of the area.

Impact on residential amenity

Policies H5 and DS1 of the NLLP states that any new developments should be well designed and appropriate for their context, with no unacceptable loss of amenity to neighbouring properties.

The plans show that the dwelling is located in the centre of the plot which gives sufficient separation distance from neighbouring properties to the east and south. The proposed plans show that the majority of the windows are in the west and north elevations of the property which will overlook open fields; the attached garage has been sited to the south of the dwelling and will be over 15m away from the dwelling to the south. This means that the habitable accommodation is over 20m away from the property to the south which is a sufficient distance to prevent unacceptable overlooking and loss of light.

Overall, it is considered that the proposed development will have limited impact on the amenity of neighbouring residential properties and is considered to be in accordance with policies H5 and DS1 of the local plan.

Highways

Policies T2 and T19 of the local plan require all development to be served by a satisfactory access and parking provision. The proposed dwelling has sufficient off-street parking and turning to ensure vehicles can enter and leave in a forward gear minimising any potential highway issues. The Highways officer has no objection subject to a condition that the dwelling shall not be occupied until the vehicular access to it and vehicle parking and turning spaces have been completed.

Drainage

Policy CS19 of the Core Strategy states that the council will support development proposals that avoid areas of current or future risk of flooding. The proposed site is within flood zone 1 and is therefore in a location that is considered to be at lowest risk. The LLFA Drainage officer has no objection to the proposed development and recommends a condition that no development shall take place until details showing an effective method of preventing surface water run-off from hard paved areas within the site and onto the highway and from the

highway onto the site have been approved by the local planning authority. An informative is also recommended to consider upsizing the pipe network to increase storage and cater for more intense storm conditions.

Conclusion

Despite the development falling outside the development limit for Westwoodside, it is considered to have limited impact on the character and appearance of the open countryside and the historic landscape in this part of the Isle of Axholme. The proposed site is currently enclosed and has been landscaped and managed as a garden for over two decades with a well-defined boundary. The proposed development will not encroach further into the historic landscape and will essentially fill in the corner of the existing residential development in line with the original approval for the site. It is considered the dwelling is appropriately designed and is not considered to have any adverse impact on the character, setting, highway safety, residential amenity, or flood risk and drainage.

The benefits of providing a market dwelling in this sustainable location, whilst not significant, are considered to outweigh the very limited harm accruing from the identified conflict with the development plan. As such, the proposed development is considered to be acceptable and is recommended for approval.

Pre-commencement conditions

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

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

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

- Location Plan Drawing No. 22/022-03
- Proposed Block Plan Drawing No. 22/022-04
- Proposed Elevations Drawing No. 22/022-02
- Proposed Floor Plans Drawing No. 22/022-01.

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.

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

Reason

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

5.

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

Reason

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

6.

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

Reason

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

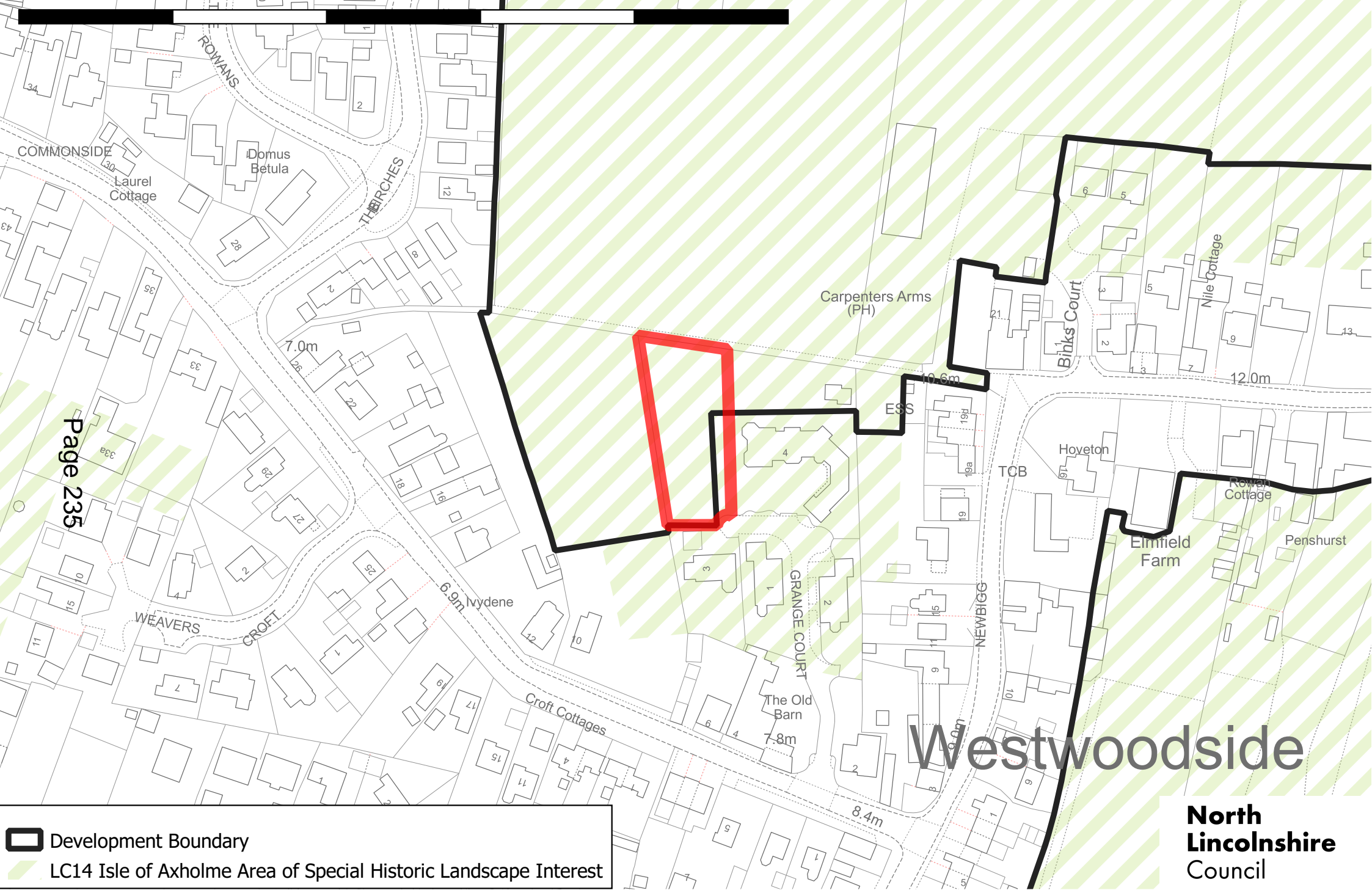
Informatives

1.

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

2.

For minor developments, the LLFA Drainage Team suggest you consider upsizing the pipe network increasing storage around your development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance it would be good practice on your behalf to ensure an increased level of resilience for the development and its future occupiers. They also ask that you fully explore all source control SuDS techniques that can store and allow water re-use.



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 Development Boundary

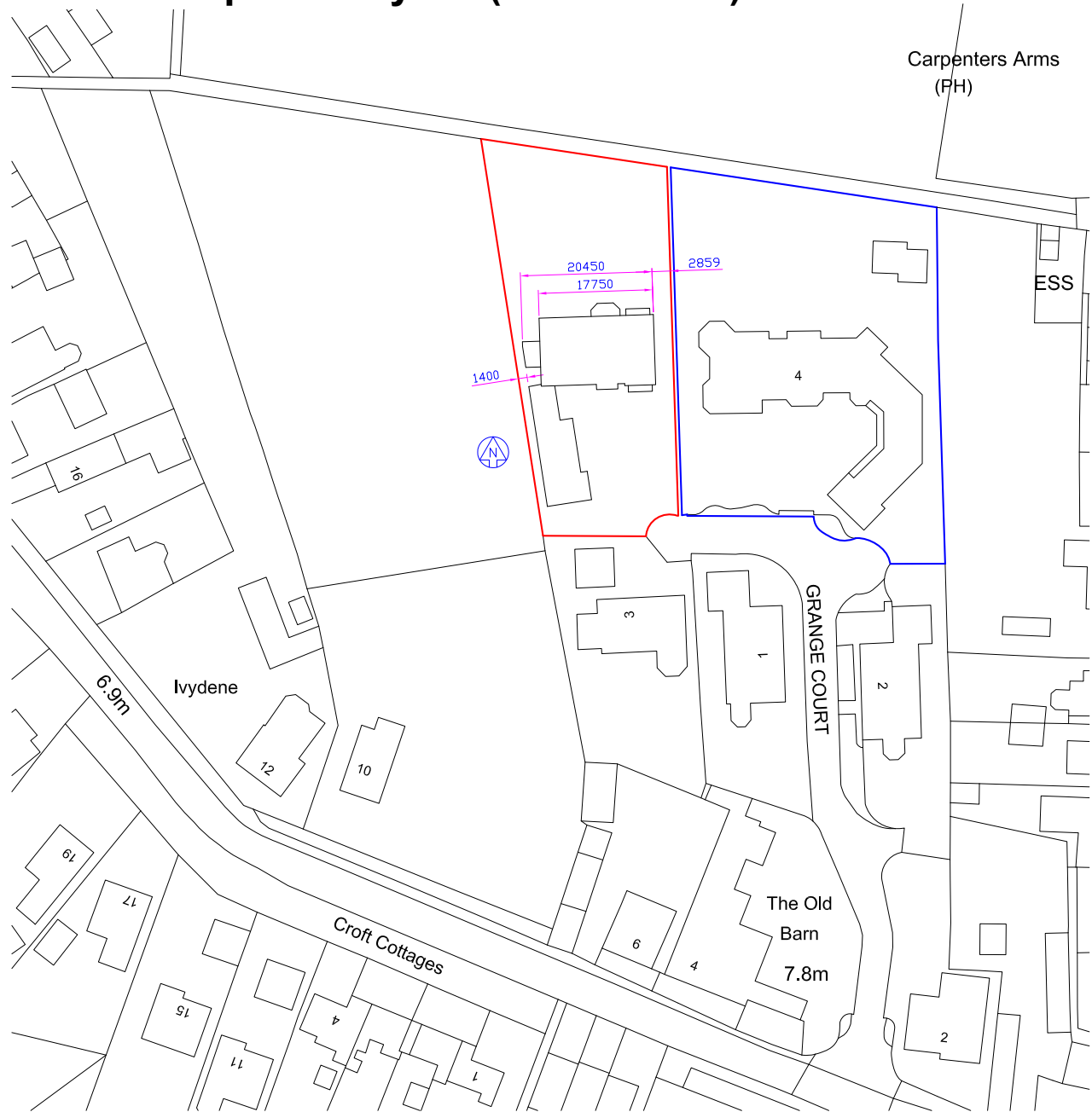
 LC14 Isle of Axholme Area of Special Historic Landscape Interest

Westwoodside

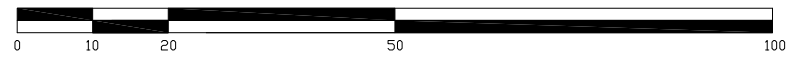
**North
Lincolnshire
Council**

PA/2023/1212 Proposed layout (not to scale)

Page 236



Scale Bar - 1:500



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NOTES

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CLIENT
Mr & Mrs N. Brown

PROJECT
4, Grange Court
Westwoodside
DN9 2QN

TITLE
New Build
Detached House.
Block Plan

DRAWN BY
G. O'Shea | A2 | CHECKED BY

SCALE | DATE | DWG No. | REV
1:500 | 15/04/23 | 22/022-04 |

PA/2023/1212 Proposed elevations (not to scale)



PROPOSED SIDE ELEVATION.
WEST FACING.



PROPOSED FRONT ELEVATION.
SOUTH FACING.



PROPOSED SIDE ELEVATION.
EAST FACING.



PROPOSED REAR ELEVATION.
NORTH FACING.

Page 237

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NOTES

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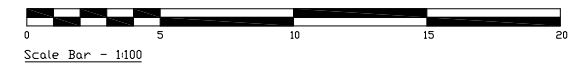
CLIENT
Mr & Mrs N. Brown

PROJECT
**4, Grange Court
Westwoodside
DN9 2QN**

TITLE
**New Build
Detached House.
Elevations**

DRAWN BY
G. O'Shea | A1 CHECKED BY

SCALE DATE DWG No. REV
1:100 15/04/23 022/022-021



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APPLICATION NO	PA/2023/1244
APPLICANT	Mr & Mrs G Hirst
DEVELOPMENT	Planning permission to erect a general-purpose agricultural building
LOCATION	Land adjacent to Torne Gatehouse, Sandtoft Road, Epworth, DN9 1LE
PARISH	EPWORTH
WARD	Axholme Central
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Epworth Town Council

POLICIES

National Planning Policy Framework:

12 Achieving well-designed places

North Lincolnshire Local Plan:

DS1 General requirements

T2 Access to development

T19 Car parking provision and standards

DS14 Foul sewage and surface water drainage

DS16 Flood risk

LC14 Area of special historic landscape interest

RD2 Development in the open countryside

RD14 Agricultural and forestry buildings

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS19 Flood risk

Housing and Employment Land Allocations DPD: The site lies outside the development limits, is located within the open countryside and comprises land allocated as LC14 as shown on the Proposals Map.

Supplementary Planning Guidance: Design in the Countryside

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

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

SS1 Presumption in favour of sustainable development

SS2 Spatial strategy for North Lincolnshire

SS3 Development principles

SS11 Development limits

DM1 General requirements

RD1 Supporting sustainable development in the countryside

HE1 Conserving and enhancing the historic environment

HE2 Area of special historic landscape interest

DQE1 Protection of landscape, townscape and views

CONSULTATIONS

Highways: No comments or objections to make.

LLFA Drainage: No comments or objections to make.

Environmental Protection: This proposed development is in close proximity to a residential dwelling granted under planning permission PA/2020/1057. The proposed agricultural building has the potential to introduce noise and odour which may have an adverse impact on residential amenity. This department has received complaints historically in relation to agricultural development which can be difficult to resolve.

With the above in mind, this department recommends that the proposed agricultural building is tied to the residential dwelling on site to protect residential amenity.

Archaeology: No objection subject to standard conditions removing permitted development rights to avoid the unregulated extension of the built environment into the protected historic landscape.

Environment Agency: No objections to this application, but have provided informative advice in relation to flood mitigation and an environmental permit.

TOWN COUNCIL

Objects to this application because the earlier planning application (PA/2020/1057) stated that agricultural use was not needed, however now it is said to be needed.

PUBLICITY

Advertised by site notice – no responses received.

ASSESSMENT

Planning history

PA/2018/1975: Application for determination of the requirement for prior approval for a proposed change of use of an agricultural building to a dwellinghouse (Class 3) – refused 04/01/2019

PA/2020/398: Application for a lawful development certificate for the existing use of an agricultural barn – approved 22/05/2020

PA/2020/1057: Application for determination of the requirement for prior approval for change of use from an agricultural building to a dwelling – approved 21/09/2020.

Proposal and site characteristics

The site is located off Sandtoft Road, Epworth and relates to an area of land which comprises an existing barn which has been converted to a dwelling under Part 2 Class Q of the GPDO. The site lies to the south of existing buildings including Torne Gatehouse. To the west of the site lies the River Torne. The site lies beyond the settlement boundary for Epworth and within the area of special historic landscape interest. The site is accessed via a lane from Sandtoft Road, with an open area for parking and turning to the south.

The barn converted under Class Q was approximately 304m². A lawful development certificate was granted in May 2020 (PA/2020/398) confirming the use of the building for agricultural storage of hay, feed and machinery. Then prior approval was granted to allow the change of use of the agricultural building to a dwelling in September 2020.

The land to which this planning application relates is located to the east of the dwelling house and comprises agricultural grassland. The building measures approximately 110m².

The applicant confirms that the building is required to provide safe and secure storage facilities for machinery and general agricultural produce including hay and straw.

The site is located within policy LC14 land which is designated as an area of special historic landscape interest. The site is within SFRA flood zone 2/3 (a) fluvial.

The following considerations are relevant to this proposal:

- **principle of development**
- **residential amenity**
- **design, character and appearance/historic environment**
- **highway safety**
- **flood risk.**

Principle of development

The site is outside the development limits of Epworth and therefore open countryside policies apply. Policy RD2 strictly controls development within the open countryside and identifies the specific types of development that will be considered to be acceptable in these locations. The building is proposed for the storage of machinery and general agricultural produce including hay and straw.

A general agricultural building is considered to be an appropriate use within the open countryside. A tractor and other equipment stored on the site will be used for the maintenance of the wider land. It is considered that the building complies with policy RD2 in that it allows the storage of equipment for the maintenance of existing land.

Policy RD2 also sets out certain criteria against which all development in the countryside must be assessed. These criteria require that development is not detrimental to the character or appearance of the countryside; is not detrimental to residential amenity or highway safety; and that the proposal makes best use of existing and new landscaping. Compliance with policy RD2 is dependent on these criteria being met and these issues are assessed in detail below.

Policy RD14 states that new agricultural buildings should be sited in close proximity to existing buildings and designed to utilise existing landforms and vegetation to minimise visual impact. This will be assessed further but it is considered that the siting of the building in principle is acceptable.

The principle of development is contested by Epworth Town Council who consider that the earlier prior approval for the conversion of the existing barn to a dwelling house confirmed that the use was no longer needed on site. This new application now confirms that there is a need for the storage of agricultural equipment to manage the wider site. There are no policies which address this issue. The North Lincolnshire Local Plan allows the erection of agricultural buildings which are essential to the efficient operation of agriculture or forestry. The supporting planning statement confirms that beyond the curtilage of the converted dwelling the land remains agricultural grassland. The applicant requires a small tractor to maintain the land and cut the grass for straw/hay. The applicant also proposes to make use of the land in future cultivation projects. Although small scale, the applicant requires safe storage for the agricultural machinery required to maintain and cultivate the agricultural land.

The proposed building is significantly smaller than the converted barn and is considered appropriate for the scale of operations on the wider land.

Residential amenity

Local plan policies DS1 and DS11 are concerned with residential amenity and seek to ensure that there is no unacceptable loss of amenity to neighbouring land uses.

The proposed building is proposed to be located to the east of the existing dwelling.

The council's Environmental Protection team have noted that the proposed agricultural building has the potential to introduce noise and odour which may have an adverse impact on residential amenity. The department has received complaints historically in relation to agricultural development which can be difficult to resolve. With the above in mind, the department recommends that the proposed agricultural building is tied to the residential dwelling on site.

It is considered that this condition is appropriate and should be applied at this time to both protect the amenity of neighbours and the character of the countryside.

Design, character and appearance/historic environment

Local plan policies DS1, RD2 and RD14 are concerned with visual amenity, the former stating that proposals should be sympathetic in design, scale and materials.

The site is within the Isle of Axholme Area of Special Historic Landscape Interest and policy LC14 of the local plan is relevant. The council's archaeologist is satisfied that the application does not conflict with local plan policy LC14 in the Recent Enclosed Land character area. Where the planning authority is minded to grant permission, it is requested a condition be attached to remove permitted development rights to avoid the extension of the built environment into the historic landscape, and beyond the development limit, as follows:

'Notwithstanding the provisions of Classes A, B, C, D, E and G of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order (2015), or any order re-enacting that order with or without modification, no extensions, buildings or enclosures shall be erected on the site or installed on the building other than those expressly authorised by this permission.

Reason: To protect the historic landscape in accordance with policies LC14 of the North Lincolnshire Local Plan and CS6 of the North Lincolnshire Core Strategy.'

This condition appears unreasonable as it relates to development within the curtilage of a dwelling house. The proposal is for an agricultural building which sits outside the curtilage of the adjacent residential dwelling.

The application site comprises an area of land which is currently laid to agricultural grassland. The building sits to the south of existing buildings and east of the existing dwelling. The buildings are clustered together and as such the proposal satisfies the requirements of policy RD14 and part c of policy RD2. It is not considered that development on this land would damage or adversely affect the character, appearance or settling of the historic landscape or any of its features within this location. The proposed development is to a high standard and seeks to provide a use which is compatible with a countryside location.

It is considered that this element of the site is suitable for development and would not conflict with the requirements of policy LC14.

The proposed agricultural building measures approximately 12.1m by 9.1m, and is approximately 4.2m to eaves height and approximately 5.5m to ridge height. The materials are not confirmed within the planning statement, application form or on the plans. A condition to secure the final materials would need to be included should the application be considered favourably.

For these reasons it is considered that the agricultural building will not have an unacceptable impact on the character or appearance of the open countryside and complies with policies RD2, RD14 and DS1.

Flood risk

Policy DS16 of the local plan states that development will not be permitted within floodplains where it would:

- (i) increase the number of people or buildings at risk; or
- (ii) impede the flow of floodwater; or
- (iii) impede access for the future maintenance of watercourses; or
- (iv) reduce the storage capacity of the floodplain; or
- (v) increase the risk of flooding elsewhere; or
- (vi) undermine the integrity of existing flood defences unless adequate protection or mitigation measures are undertaken.

Policy CS19 of the Core Strategy notes that the council will support development proposals that avoid areas of current or future flood risk and which do not increase the risk of flooding elsewhere.

The site is located within flood zone 2/3(a). The proposal is for agricultural storage purposes. It is recommended to follow standing advice from the Environment Agency in flood zone 2 where uses are less vulnerable (of which this use is classified).

The applicant has confirmed that whilst the development falls within flood zone 2, the use class classifies the proposed use as 'less vulnerable'. Due to the nature of the 'less vulnerable' use, in the unlikely event of any flooding, the farm machinery can be transported/moved to areas of less flood risk by the applicant. The applicant has confirmed that they are aware of the Environment Agency's (EA) flood risk warning system and in the unlikely event of flooding the general evacuation of the whole site would be conducted in accordance with the EA's advice and guidelines. A flood evacuation plan will be in place for such eventualities.

The Environment Agency do not have any objection to the proposed development but do provide informative advice for the applicant which should be included on the decision notice should permission be granted. This advice relates to flood mitigation measures and an environmental permit.

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.

The proposed development will not affect the access to the site or parking provision therein. The council's Highways department has raised no objection to the application. It is considered that there will be limited movement of tractors to and from the site. Therefore, the proposal will not be harmful to highway safety in the area.

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

Conclusion

The proposed development will not have an unacceptable impact on the character or appearance of the area, the amenity of neighbouring properties, or highway safety. On this basis the application should be supported.

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

1.

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

Reason

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

2.

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

- Site Location & Existing Site Plan - NLWR 001
- Proposed Site Plan - NLWR 002
- Barn Elevations & Floor Plan - NLWR 003.

Reason

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

3.

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

Reason

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

4.

The building hereby permitted shall not be used other than by persons occupying the property approved under PA/2020/1057 (Schedule 2, Part 3, Class Q Agricultural Building to a

Dwelling house (Class C3) - Sandtoft Road, Epworth, DN9 1LE, unless otherwise agreed in writing by the local planning authority.

Reason

To protect residential amenity.

Informatives

1.

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

2.

Flood mitigation

The developer may wish to include measures to mitigate the impact of more extreme future flood events. Measures could include raising ground or finished floor levels and/or incorporating flood proofing measures. Further guidance on preparing properties for flooding can be found at <https://www.gov.uk/government/publications/prepare-your-property-for-flooding>.

3.

Requirement for an environmental permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal);
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal);
- on or within 16 metres of a sea defence;
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert;
- on the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact the Environment Agency's National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing enquiries@environment-agency.gov.uk. The developer should not assume that a permit will automatically be forthcoming once planning permission has been granted, and they are advised to consult with the Environment Agency at the earliest opportunity.



Pond

3.6m

Torne Gatehouse

Track

River Torne

Page 247

LC14 Isle of Axholme Area of Special Historic Landscape Interest

**North
Lincolnshire
Council**

PA/2023/1244

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PA/2023/1244 Proposed siting (not to scale)



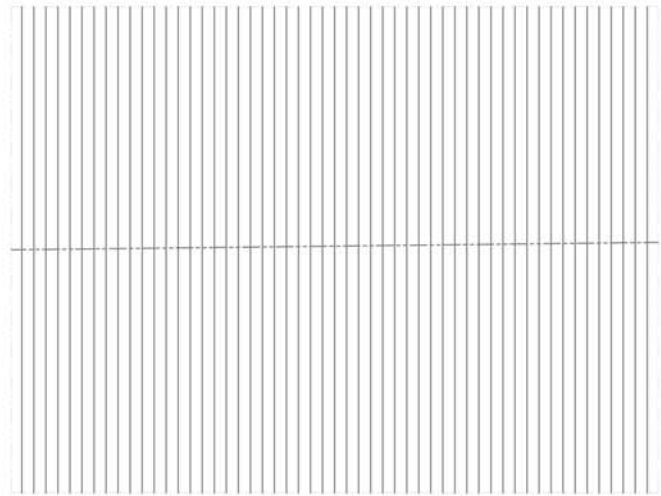
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Ref: NLWR 002	Scale @ A3 1:1250	Date JUN/23

 **Mark Simmonds**
PLANNING SERVICES

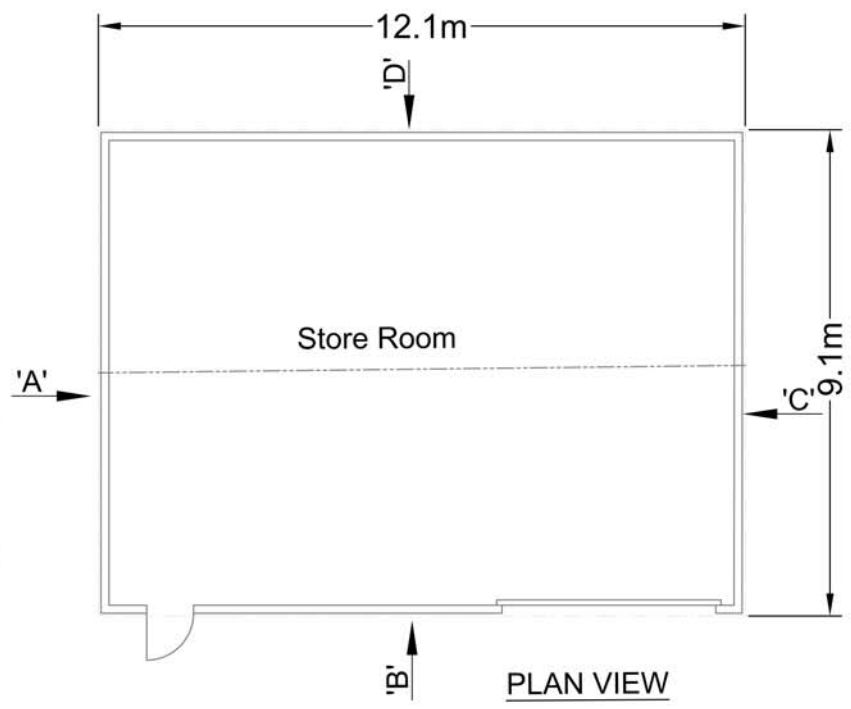
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Mark Simmonds
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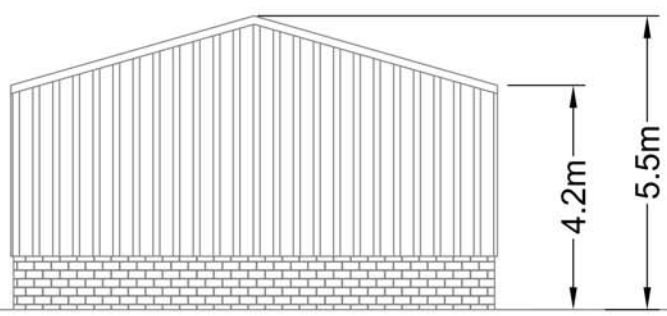
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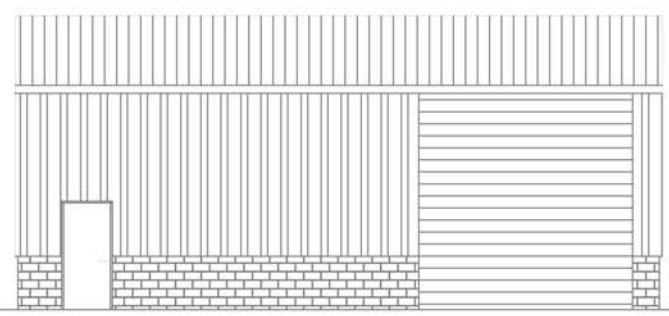
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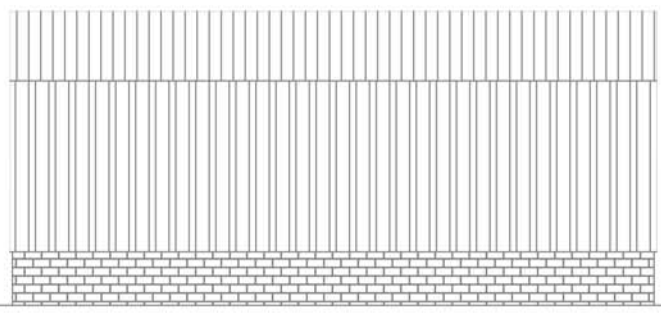
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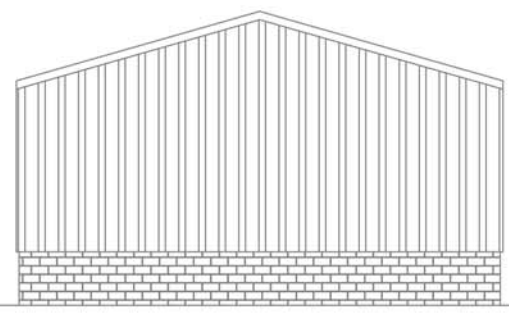
END ELEVATION
VIEW ON 'A'



SIDE ELEVATION
VIEW ON 'B'



SIDE ELEVATION
VIEW ON 'D'



END ELEVATION
VIEW ON 'C'

Drawing Title		
PROPOSED BARN PLAN WEST END ROAD EPWORTH Page 249		
Ref: NLWR 003	Scale @ A3 1:100	Date JUN/23

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 Director
 Mark Simmonds Planning Services Ltd
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 Gainsborough
 DN21 1DY

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APPLICATION NO	PA/2023/1260
APPLICANT	Leonard Pexman
DEVELOPMENT	Planning permission to change a garage/workshop into a separate dwelling (one-bedroomed bungalow) (re-submission of PA/2022/1980)
LOCATION	Church End Cottages, Townside, East Halton, DN40 3NU
PARISH	EAST HALTON
WARD	Ferry
CASE OFFICER	Matthew Gillyon
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework

5 Delivering a sufficient supply of homes

11 Making effective use of land

12 Achieving well-designed places

North Lincolnshire Local Plan:

H5 New housing development

RD2 Development in the open countryside

RD9 Re-use and/or adaptation of rural buildings for residential use in the open countryside

T2 Access to development

T19 Car parking provision and standards

DS1 General requirements

DS14 Foul sewage and surface water drainage

DS16 Flood risk

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

CS5 Delivering quality design in North Lincolnshire

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS19 Flood risk

Housing and Employment Land Allocations DPD:

PS1 Presumption in favour of sustainable development

Settlement Inset Map: 15 – East Halton

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

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

SS1 Presumption in favour of sustainable development

SS2 A spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS6 Spatial distribution of housing sites

SS11 Development limits

DM1 General requirements

DM3 Environmental protection

DQE6 Sustainable drainage systems

T1 Promoting sustainable transport

T3 New development and transport

T4 Parking

T5 Cycle and motorcycle parking

CONSULTATIONS

LLFA Drainage: No objection to the proposed development or conditions requested, but recommend an informative suggesting upsizing the pipe network to increase 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 the applicant's behalf to ensure an increased level of resilience for the development and its future occupiers. The applicant is asked to fully explore all source control SuDS techniques that can store and allow water re-use.

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

PARISH COUNCIL

No response.

PUBLICITY

Advertised by site and press notice. No comments have been received.

ASSESSMENT

Planning history

- 7/1984/0455: Construct a garage with associated access and alterations, and carry out improvements to an existing cottage – approved 03/09/1984
- 7/1989/0427: Erect a single-storey residential extension – approved 01/06/1989
- PA/2012/0126: Planning permission to change the use of a garage/workshop into a dwelling and erect a conservatory – refused 30/03/2012
- PA/2022/1980: Planning permission for the change of use of a garage/workshop to an

Site description

The development site is a two-storey detached property located on Townside adjacent to the highway. The property has a built front boundary treatment in the form of a wall and fence, with the front elevation of the property in an eastern direction. Within the curtilage of the dwelling is a garage/workshop which is on the north side of the dwelling.

Proposal

This proposal is to convert a garage/workshop into a one-bedroom dwelling. A previous application, received in 2022, sought its conversion to an annex; however, it was established that the use of the annex would not be ancillary to the main property, but was proposed to be used as a stand-alone dwelling. This is the reason for the submission of the current

application. The proposal does not change the size of the existing garage/workshop but the following external work is required for its conversion:

- replacing the garage doors with windows
- putting in a rear door by replacing the window in the rear elevation
- moving a window in the south side elevation to where a wood store was previously
- putting in an obscured glass window in the north side elevation where the bathroom would be located.

The remaining work to allow the conversion of the garage/workshop into a one-bedroomed dwelling would be internal.

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

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. 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, the North Lincolnshire Core Strategy and the Housing and Employment Land Allocations DPD. Other material planning policy considerations include the National Planning Policy Framework (NPPF), the emerging North Lincolnshire Plan and a suite of supplementary planning documents.

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

The application site is outside the development limit for East Halton as defined in the Housing and Employment Land Allocations DPD. For policy purposes this would constitute development within the countryside and therefore policies RD2 and RD9 of the local plan needs to be considered. Policy RD2 looks to control development in the open countryside, with development granted for applications essential to agriculture or forestry, the re-use or adaptation of existing rural buildings, or the replacement, alteration or extension of an existing dwelling amongst others.

Policy RD9 relates to the re-use or adaptation of rural buildings for residential use in the open countryside. Development will only be permitted if the building is of architectural or historic importance to the rural scene and capable of conversion without major alteration, and

residential re-use is the only way to retain the building, with the conversion retaining and respecting the original character of the building.

Policies CS2 and CS3 of the Core Strategy also need to be considered. Policy CS2 states that any development that takes places outside defined the development limits of settlements will be restricted, with only development essential to the functioning of the countryside allowed, with a sequential approach applied to ensure that development is directed to those areas that have the lowest probability of flooding.

Policy CS3 largely mirrors the approach set out in policy CS2, restricting new development outside development limits to that which is essential to the functioning of the countryside, including uses such as agriculture, forestry and sustainable tourism development.

Policy CS8 sets out the spatial distribution of housing sites and confirms that the rural settlements will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

Policy H5 of the local plan looks at proposals for new housing development and requires development to be in keeping with the character and amenity of the immediate environment and with the settlement as a whole. New development must have an adequate and appropriately designed access, and provide adequate parking within the curtilage of the site. Policy H5 also requires that new residential development does not result in overlooking or loss to privacy to existing developments or any other loss of amenity to existing dwellings.

In considering the principle of development, this proposal will have minimal impact on amenity as in this instance there is no increase in volume, the only visual alteration being the replacement of garage doors for windows. The majority of the work is internal to convert the garage into liveable accommodation. There is sufficient parking for two households using the existing access and sufficient space for each property to have an independent garden. The proposed development constitutes the conversion of an existing building in the countryside and results in a single infill dwelling between existing residential properties.

For these reasons the principle of development is considered to be merited in this instance, despite the identified policy conflict resulting from the creation of a new dwelling in the countryside and the conversion of a building that is not of architectural or historic interest. The policy conflict is considered to result in minimal harm and is outweighed by the benefits associated with the provision of a sustainable dwelling in this location.

Impact on the character and appearance of the area

Policy CS5 of the NLCS states that new development should be well designed and appropriate for its context and contribute to creating a sense of place, with any proposed development needing to respect the character and appearance of the local area.

Considering the above, the proposed conversion of the garage to a one-bedroom dwelling will have limited impact on the character and appearance of the area, the building already being in situ and requiring minimal external alterations to facilitate the conversion.

Impact on residential amenity

Policies H5 and DS1 of the NLLP state that any new development should be well designed and appropriate for its context, with no unacceptable loss of amenity to neighbouring properties.

Considering the above, the proposed conversion of the garage is predominately restricted to internal work. The only noticeable external changes would be new windows in the front of the garage and the window in the side elevation against the boundary of The Chestnuts, which would be obscured as it would serve the bathroom. A mature hedge line between the properties would avoid any loss of privacy. The front windows will overlook the driveway and highway so will not create any overlooking issues. The curtilage of the properties can be easily split by the courtyard between the dwelling and garage.

The front curtilage of the dwelling also has sufficient room for two parking spaces to serve the dwelling and a single space for the converted garage. Whilst the proposal may result in a very minor increase in vehicle movements, the scale of the proposal (one-bedroom dwelling) and the size of the site ensure that there would be no unacceptable impact on residential amenity as a result of the access and parking arrangements. It is considered that the proposal to convert the garage into a dwelling is in accordance with policies H5 and DS1 of the local plan.

Highway safety

Policies T2 and T19 of the local plan require all development to be served by a satisfactory access and parking provision. The proposed dwelling has sufficient off-street parking and turning to ensure that sufficient parking provision and vehicles can enter and leave in a forward gear minimising any potential highway issues.

Drainage

Policy CS19 of the Core Strategy states that the council will support development proposals that avoid areas of current or future flood risk. The proposed site is within flood zone 1 and is therefore in a location considered to be low risk in terms of flooding. The LLFA Drainage officer has no objections to the proposed development and has not requested any conditions, but recommends an informative comment suggesting upsizing the pipe network.

Conclusion

This proposal to change the garage/workshop into a separate one-bedroom bungalow is appropriately designed and is not considered to have any adverse impact on character, setting, highway safety or residential amenity.

Whilst the proposal conflicts with the requirements of policies RD2 and RD9 by creating a new dwelling in the countryside through the conversion of an existing building which is not of architectural or historic merit, this policy conflict would, as confirmed above, result in limited harm. In contrast, the proposal would allow for the delivery of an additional market dwelling in a sustainable, infill location and this benefit is considered to outweigh any harm.

On balance, the proposal is recommended for approval.

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

1.

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

Reason

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

2.

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

- Site Location Plan Drawing No. PA/DWG/2023/1260/01
- Existing and Proposed Block Plan Drawing No. PA/DWG/2023/1260/03
- Floor Plan Drawing No. PA/DWG/2023/1260/02
- Existing and Proposed Elevations Drawing No. PA/DWG/2023/1260/04.

Reason

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

3.

The facing materials to be used in the development hereby permitted shall match the existing.

Reason

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

4.

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

Reason

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

Informatives

1.

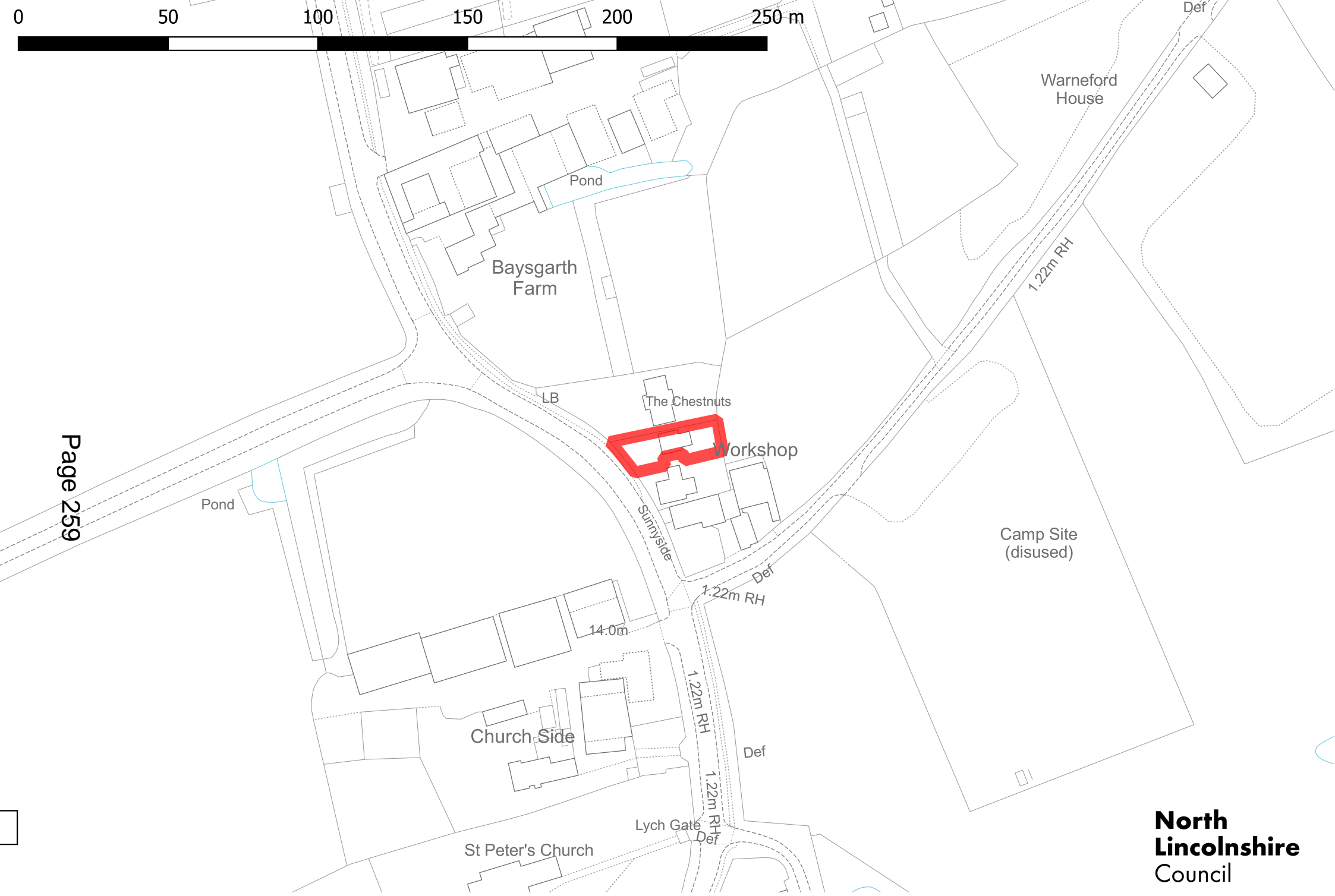
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

2.

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



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**North
Lincolnshire
Council**

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APPLICATION NO	PA/2023/1354
APPLICANT	Mr Antony Edmondson-Bennett
DEVELOPMENT	Planning permission to erect a barn for agricultural use
LOCATION	Fox Farm, Cadney Road, Howsham, LN7 6LA
PARISH	CADNEY
WARD	Brigg and Wolds
CASE OFFICER	Paul Skelton
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Cadney cum Howsham Parish Council

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 4 Decision-making
- 8 Promoting healthy and safe communities
- 12 Achieving well-designed places
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

North Lincolnshire Local Plan:

- RD2 Development in the open countryside
- RD14 Agricultural and forestry buildings
- HE5 Development affecting listed buildings
- LC7 Landscape protection
- DS1 General requirements
- DS7 Contaminated land

North Lincolnshire Core Strategy:

- CS1 Spatial strategy for North Lincolnshire

CS5 Delivering quality design in North Lincolnshire

CS6 Historic environment

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

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

SS1 Presumption in favour of sustainable development

SS3 Development principles

RD1 Supporting sustainable development in the countryside

DQE1 Protection of landscape, townscape and views

DM1 General requirements

CONSULTATIONS

Highways: No comments or objections to make on this application.

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

Environmental Protection: Recommends refusal due to the siting of the barn immediately adjacent to the boundaries of several residential gardens which could result in loss of amenity to neighbouring properties. Activities likely to be carried out at this site have the potential to give rise to noise nuisance due to the housing of animals and the comings and goings of tractors and other machinery. Furthermore, this type of development has the potential to give rise to nuisance caused by odour and flies as a result of the housing of livestock, and the collection, storage and disposal of foul bedding and manure, particularly when located close to residential properties.

Conservation Officer: The proposed barn is sited some way from the grouping of heritage assets here, and from the public road it is unlikely the heritage assets and the new structure will be seen together. Concerns raised regarding the proposed roofing material and details required regarding timber cladding.

Historic England: Do not wish to offer advice on the application.

PARISH COUNCIL

Objects on the following grounds:

- There are concerns about the use of the land as the building is not tall enough for agricultural machinery.
- If it is for livestock and it is a new building, it should not be within 400 metres of residential buildings and this clearly does not meet that criteria.

- The application states that no work has commenced but it has been reported to the council that the building has already been started with the digging of foundations. The council is frustrated and disappointed to note that we are dealing with yet another potential retrospective planning permission.
- There are concerns about the field and that it floods during winter which would be exacerbated by a building with such a large footprint diverting the run-off management into concentrated areas. The soakaway is not adequate to manage this level of run-off.
- We are concerned about the lack of planning for the management of animal waste. As this is not a working farm site, there appears to be no outlet or plans for this in the future.
- The council is really concerned about drainage and its lack of planning for it the dry ditch shown in the application is not on the land owned by the applicant.
- This is classed as agricultural land and we would question an application that is on land significantly less than 5 hectares in area.
- We believe this is the first agricultural construction on the unit which contravenes the planning advice of central government.
- As this application is for an agricultural building and therefore needs to be no more than 9 metres from the middle of the road, it does not meet this criteria for access.
- We have concerns that it may not be within 75 metres of the nearest part of the group of principal farm buildings associated with the property.
- Access to the barn is via a residential drive and then it is an open field to the building itself. There is a concern that vehicles driving across that field will lead to the churning of the land and therefore more flooding issues.

PUBLICITY

The application has been advertised by site and press notice. Objections have been received from two individuals and are summarised below:

- Preparatory work has commenced and the siting appears to be closer to neighbouring properties than indicated on the plans.
- There would be overshadowing as a result of the height of the building which would impact residential amenity.
- Existing flooding problems would be exacerbated.
- As the proposed building would be used for livestock, it must be more than 400m from the nearest residential property, whereas the proposed building is about 30m from the boundary with neighbouring properties.
- The siting of the building will give rise to impacts from noise, smell and effluent.
- The building appears large for a family home that is not a working farm.
- The building will be visible from Cadney Road when the trees have lost their leaves.

- The proposal would either require a man-made track or result in the ground being disturbed, potentially affecting water run-off.

Two representations have been received in support of the application and are summarised below:

- As direct neighbours, the applicants should be allowed to have a building to house their animals for shelter and protection from possible predators.
- The building is in keeping and sympathetic to the surrounding environment.
- As an employee at Fox Farm, it is warming to note the level of care and welfare consideration that the owners are prepared to go to, to ensure animals are well nourished, safe and happy.
- The addition of a barn will be an integral part of this process and provide perfect shelter for poorer and colder weather. It also allows great isolation facilities for any unwell animals and frequent and ongoing health checks, inoculations etc.
- This project should be viewed as a positive aspect to the site and will be positioned sympathetically.

ASSESSMENT

The site and its location

The application site comprises a field to the east of the residential use at Fox Farm and to the north (rear) of properties on Cadney Road. To the east and north of the site is agricultural land. The site is surrounded on three sides by hedgerow and there are trees within the ownership of the applicant between Fox Farm and the site of the proposed building. The land is currently used for the keeping of various animals which the applicant's agent has advised as follows:

'...they don't have horses, they have 4 pigs, 12 sheep, 2 Alpacas and 1 goat'.

Fox Farm itself is a grade II listed building, the only listed building in the vicinity.

There are no landscape designations affecting the site, which lies in flood zone 1. Two public footpaths run in a north-westerly direction from Cadney Road.

Planning history

There is no planning history for the site itself although there have been a number of planning and listed building consent applications for Fox Farm, including permission reference PA/2021/2168 which, amongst other things, granted permission for the extension of the residential use at Fox Farm, encompassing part of the field the subject of this application.

The proposed development

The application proposes a single agricultural building which would house existing animals on the land over the winter period. The barn is designed in a similar way to an American barn with compartments off a central corridor, reflecting the different types of animals kept on the land.

The walling would be constructed of a brick plinth with timber cladding above, and the roof with corrugated metal sheeting. Three panels on each roof slope would be translucent sheeting to act as rooflights.

The original plans showed an elongated porch structure to the front of the building, however amended plans have been submitted which omit this structure following discussions with officers.

The key issues to be considered in determining this application are the principle of development; heritage matters; landscape impact/design; and living conditions.

The principle of development

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

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

Policies RD2 and RD14 allow for agricultural buildings where, inter alia, an open countryside location is appropriate; the development accords with the specific requirements set out in relevant policies; the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials; and the development is sited to make the best use of existing and new landscaping.

Policy RD14 provides that new agricultural buildings should be sited in close proximity to existing buildings and designed to utilise existing landforms and vegetation to minimise visual impact.

The location of an agricultural building in the countryside to serve the needs of the land on which it is located is acceptable in respect of policy RD2. Subject to consideration of the potential impact on the landscape and the impact on the neighbouring listed building, which are discussed below, the provision of an agricultural building in this rural location is therefore acceptable in principle.

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 policy HE5 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, the site is within the setting of the neighbouring Fox Farm, a grade II listed building also within the applicant's ownership.

The Conservation Officer does not object to the principle of the proposals, however has raised concerns regarding the materials. In terms of the timber cladding proposed for the walling, this can be addressed by planning condition requiring approval of the materials. In terms of the roofing materials, the conservation officer has commented that the use of clear plastic sheeting for the roofing would not be appropriate; however, as described above, the majority of the roof would be covered in profiled metal sheeting, in a similar way to the majority of modern agricultural buildings. It is only the three panels on each roof slope highlighted on the proposed roof plan which would be clear plastic. These would effectively act as rooflights and are considered acceptable in this context.

Subject to the recommended conditions controlling the materials used in the construction of the building, it is not considered that there would be any harm to the setting of Fox Farm.

Landscape impact/design

Local plan policy RD2 sets out that new development in the countryside should not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design or materials. Policy DS1 includes similar criteria.

Policy LC7 requires special attention to be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted. This must of course be read in conjunction with policies RD2 and RD14, which specifically allow for agricultural buildings in the countryside subject to the criteria referred to above.

The application proposes a low-key agricultural building in the countryside, where such buildings can be expected to be found. As set out above, the scale of the building has been reduced through negotiations with the removal of the superfluous porch feature. The building would be relatively well screened from public vantage points. Whilst there would be views of it, especially in the winter months when the trees have lost their leaves, there would be no significant harm to the landscape arising from the proposals.

Whilst policy RD14 indicates that new buildings should be located close to existing buildings, in this particular case, where the host property is a listed building, and other nearby buildings are separate dwellings, there are good reasons why a departure from this requirement is appropriate in this case. The building is located close to the existing boundary hedgerow in accordance with the second part of policy RD14.

In conclusion, it is considered that the amended proposals would have an acceptable impact on the wider area in accordance with the relevant development plan policies.

Living conditions

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.

Concern has been raised by the parish council and local residents about the potential for unacceptable impact on the amenity of neighbouring properties. Some comments have been made about restrictions set out in permitted development regulations regarding the location of agricultural buildings; however, they are not relevant to the consideration of a planning application.

The Environmental Health Officer (EHO) has also objected to the application given the location of the building in relation to nearby houses.

Whilst the building would be located within 30 metres of the boundary of the nearest dwelling and within 48 metres of the nearest habitable building, it must be recognised that the field is currently lawfully used for the keeping of animals. This is a countryside location where residents can expect to live side by side with agricultural uses. In respect of the current use of the land, and the way it is managed, the applicant has stated:

'The land staff spend a couple of hours every morning collecting all the animal droppings. This happens at a minimum 5 days per week. They do this again every day between 2–4. All animal waste is removed from the animal enclosures. This happens all year round rain or shine. The waste is dumped into a fenced compost. It is removed from the land once or twice a year. The challenge is that in winter when the enclosures flood the waste becomes part and parcel of the clay and mud. There would be no difference in the storing and disposing of the waste as the method has been in play for 18 months and has not proven problematic. There have been no complaints and no noticeable problems with pests.'

There is no indication/evidence that the proposal would result in a material increase in the numbers of vehicles/farm machinery using/operating on the site to such a degree that this would unacceptably impact on the living conditions of neighbours.

In light of the relatively small size of the proposed building, its proposed use (compared to the existing use of the land) and the distance to neighbouring properties, it is not considered that the proposed building would give rise to any undue harm to existing neighbouring dwellings.

Other matters

The proposal would not give rise to any increase in traffic movements to/from the site and the Highways Officer has raised no objection to the application.

Concerns have been raised in respect of drainage from the building affecting neighbouring properties. The site is in flood zone 1 and the application form indicates that surface water is proposed to be dealt with by way of a soakaway. Given the amount of land associated with

the building, there is no reason to believe that a soakaway would not satisfactorily deal with surface water adequately and the LLFA do not object to the application. Whether or not the applicant's activities on the land, for example driving across the site and compacting the earth, would lead to surface water run-off is not considered to be an issue for this application. This would be a civil matter between respective landowners.

Reference has been made by the parish council to a history of unauthorised development at the site. Nevertheless, the planning system is not a punitive one and it specifically allows for retrospective applications. In any event, whilst it appears in this case that some ground preparation has taken place, it does not appear that any development has taken place.

Conclusions

The principle of development is acceptable, and it is not considered that the proposal would result in significant harms to justify refusal in this case. The application is therefore recommended for approval subject to the conditions set out below.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

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

- Drawing number LN7-3729 - PLN - 011 Rev B (Plans and Elevations as Proposed)
- Drawing number LN7-3729 - PLN - 010 Rev B (Site Location and Block Plans).

Reason

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

3.

The development hereby permitted shall be carried out only in accordance with details of walling and roofing materials which have first been submitted to and approved in writing by the local planning authority.

Reason

In the interests of good design and to protect the setting of the nearby listed building (Fox Farm).

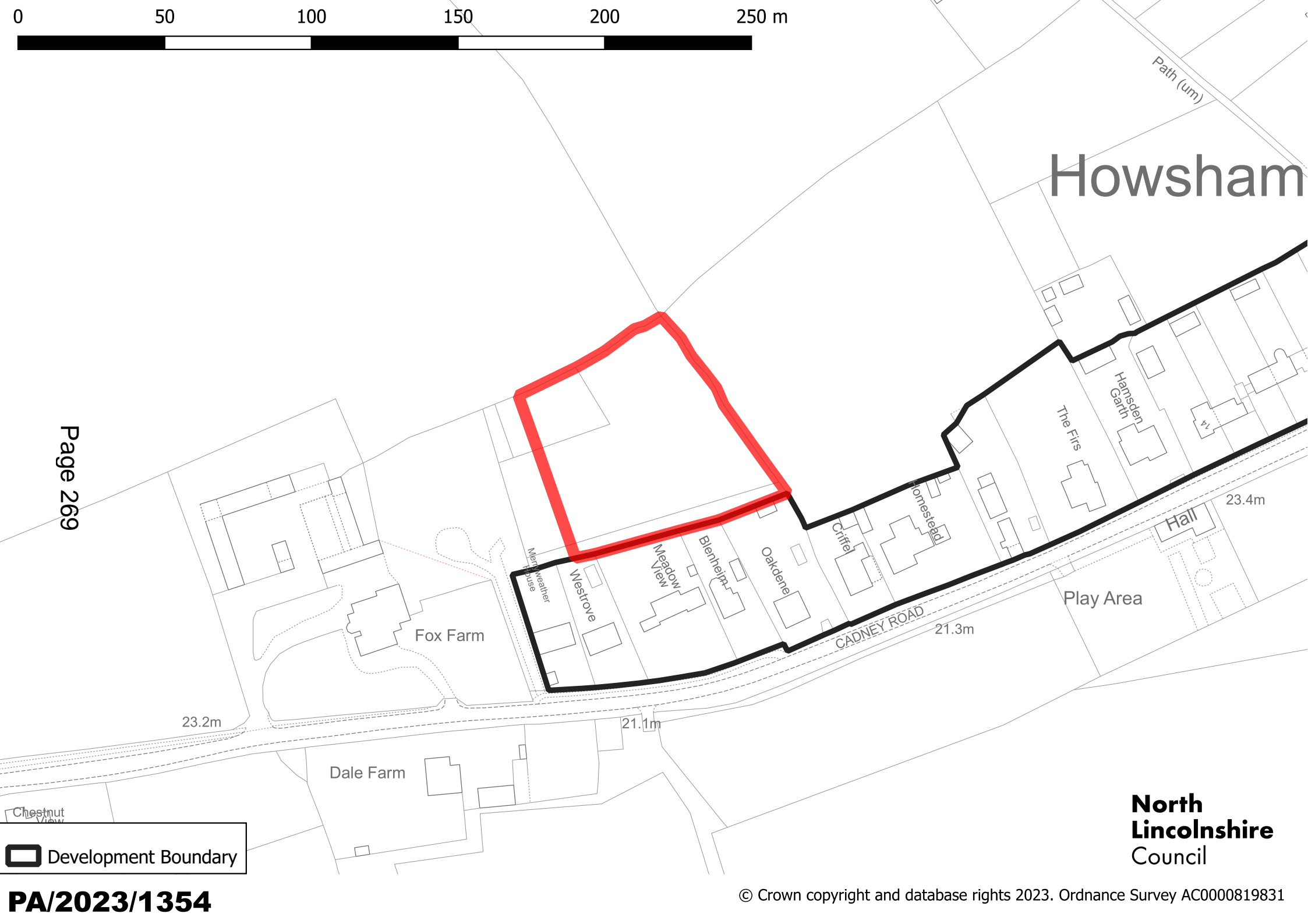
Informative


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.



Howsham

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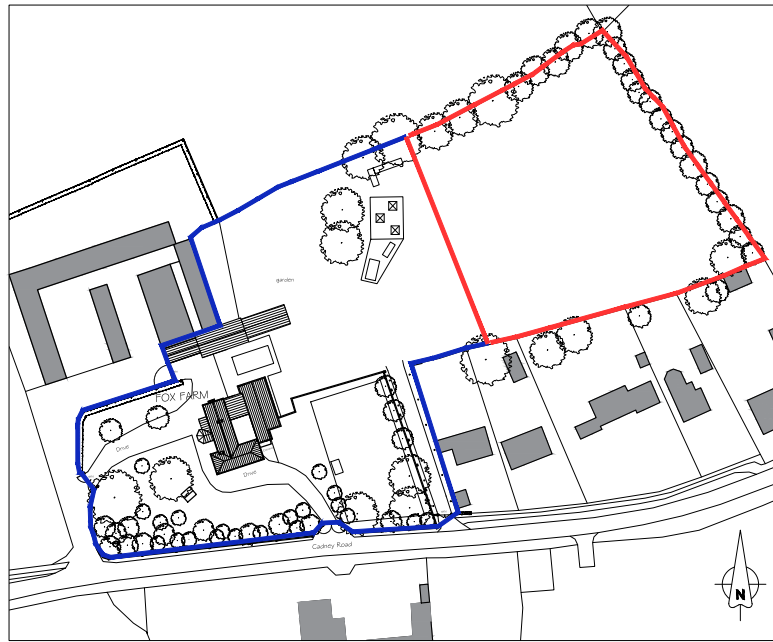


 Development Boundary

**North
Lincolnshire
Council**

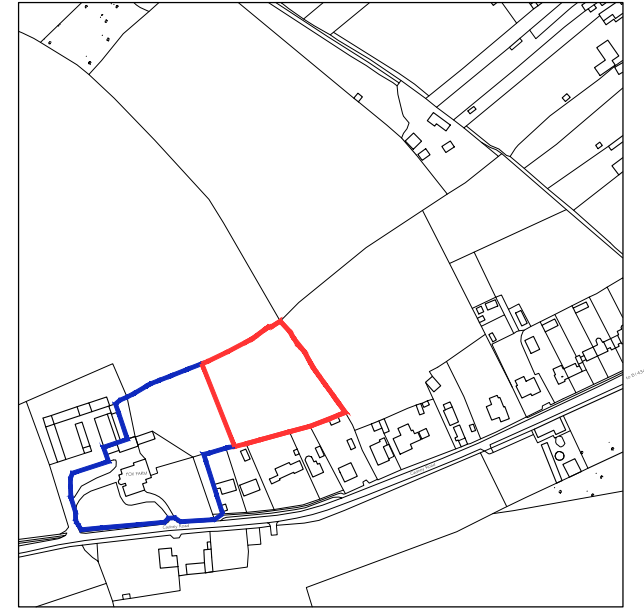
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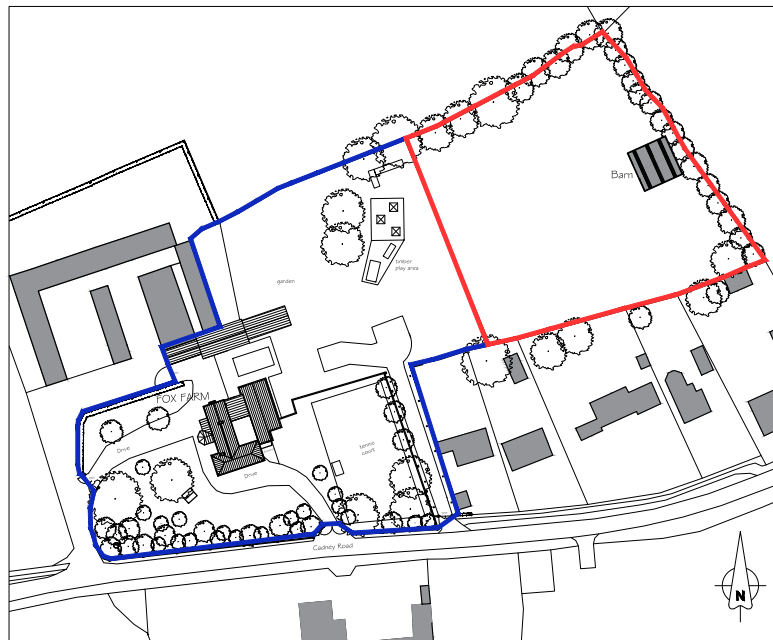
Block Plan as Existing

AMENDED

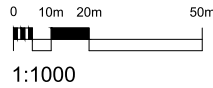


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Site Location Plan

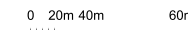


Block Plan as Proposed



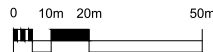
1:1000

Area of Site / Access (Agricultural Land)
Land under client ownership



1:2500

Area of Site / access
Land under client ownership



1:1000

Area of Site / Access (Agricultural Land)
Land under client ownership



Phone: 01522 243137 Email: info@cka.design www.ckarchitecturalincoln.co.uk

PROJECT TITLE Proposed Barn		CLIENT Mr & Mrs Edmondson-Bennett Fox Farm, Cadney Road, Howsham, LN7 6LA		
DRAWING STAGE Planning	SCALE varies @ A2	CHK JD	DRAWN BY SG	
SHEET TITLE Site Location and Block Plans	PROJECT NUMBER LN7-3729	STAGE PLN	REV B	SHT 010

DATE	NOTES	BY	REV
21/09/21	Issued for planning approval	SG	A
11/10/23	Issued for planning (canopy removed)	SG	B

PA/2023/1354 Proposed elevations (not to scale)

Notes

⚠️ DANGER ELECTRICITY service into existing building.
Care must be taken when any excavation is taking place near these positions. Confirmation of gas supply pipe, with National Grid (0800 111 999) before commencing any work. Gas valves are to be marked on site and also on plans once confirmation has been received.

⚠️ DANGER GAS service into existing building.
Care must be taken when any excavation is taking place near these positions. Confirmation of gas supply pipe, with National Grid (0800 111 999) before commencing any work. Gas valves are to be marked on site and also on plans once confirmation has been received.

⚠️ DANGER WATER supply to be located and isolated prior to removal of any pipework, water supply pipe to be adequately protected at all times. A person is required to contact relevant water authority.

⚠️ DANGER Electrical safety, all electrical required to meet the requirements of Part P (Electrical Safety) must be designed, installed, inspected and tested by a person competent to do so. Prior to completion the Council should be advised that Part P has been complied with. This will require an appropriate BS 7671:2008+A2:2015 Requirements for Electrical Installations. E.T Wiring Regulations electrical installation certificate to be issued for the work by a person competent to do so.

The drawings are the copyright of CK Architectural. The drawings must not be scaled from. The contractor should take and verify all dimensions on site before proceeding with any works. All dimensions shown on the drawings are for Planning purposes only.

All dimensions must be checked on site prior to works commencing. Variations in requirements, depth of plaster etc., must be checked for.

Where new walls are shown aligned with existing walls, this must be checked by the physical removal of footings and piers to establish the actual position of the wall being attached to.

Site to be used only for demolition / construction of the proposed works, which is to be completed at all times along with adjacent properties, not forming part of the works.

Care must be taken at all times to ensure that any works on the supply of all services into from the property (ie electricity, gas, water, WASTE, BT, fibre optic and surface water drainage) does not, at any time interfere with the supply of services into from adjacent properties, is not affected. It is the responsibility of the contractor to ensure that any works are proportionate to be allowed as soon as possible and to negotiate with adjacent properties regarding any appropriate action that may be required.

Power, smoke, dust, fumes, splash and other harmful substances where possible. No fire to be allowed on site at any time and notice to be taken to minimum and complying with BS 5228-1:2009+A1:2014 & BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control at construction and open sites. Reinforce that adjacent properties are occupied and comply with all reasonable requests from the general public / neighbors regarding the use of power tools etc.

All positions of drainage runs and bases of drainage indicated on drawings are provisional only, contractor to check level and position of all drainage systems to ensure adequate fall & to ensure Building Control Officer is satisfied with the proposed excavation of drainage runs.

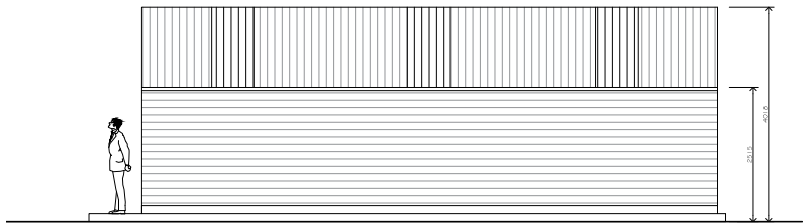
All works are to be carried out in accordance with current British Standards, Building Regulations and Building Research Digest etc to be to the approval of the Local Government (Statutory Undertakers). All materials to be suitable for the particular standards and generally in accordance with the manufacturer's recommendations. Necessary calculations are to be submitted to the Local Authority for approval prior to commencement of work on site.

Risked areas shall be clearly marked and safety fencing, air leakage etc. to be provided and well protected by the provisions of the regulations. All joints are to be level and properly sealed. All work and test results are to be submitted to the owner's responsibility to ensure that the property and site is free from any construction risks, obstructions, constraints or encumbrances.

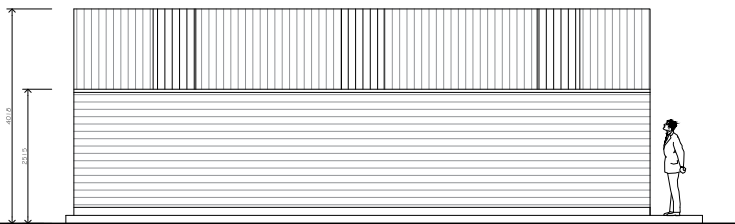
Attention is drawn to the Party Wall Act 1996. The client/owner must give notice in writing to the neighbours of the intended building operation and excavations and require approval of claims.

Attention is drawn to the client with regard to the CDM 2015 regulations. These drawings and specifications are intended for Planning & Building Regulation purposes only, the scope of this does not go any further. It is the duty of the client under the regulations to appoint a Principal Contractor. There is no obligation for the client to appoint a 'Principal Designer'. The Principal Contractor will then take on the role of Principal Designer for purposes of the pre-construction and construction phases of the project under the CDM 2015 regulations when gates under way, in order that a Health & Safety File and construction plan is provided for the HSE, in order to reduce risks through the design processes of construction etc.

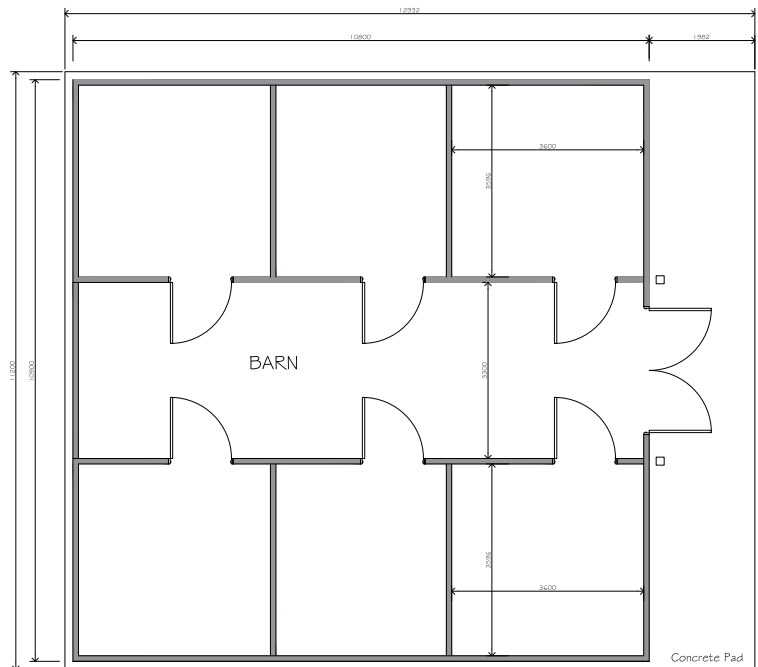
DATE	NOTES	BY	CHK
21/07/23	Issue for Building	SG	A
21/07/23	Issue for Planning/Conservation Approval	SG	A



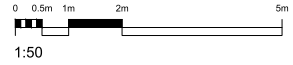
Side Elevation As Proposed



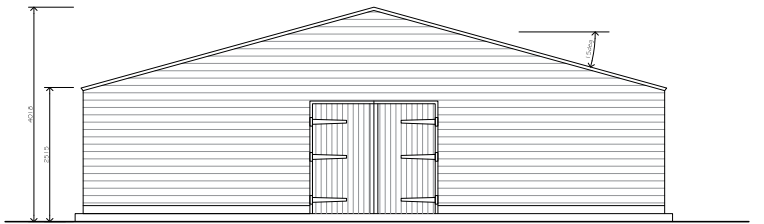
Side Elevation As Proposed



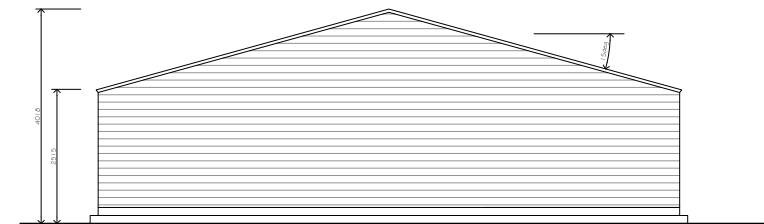
Floor Plan As Proposed



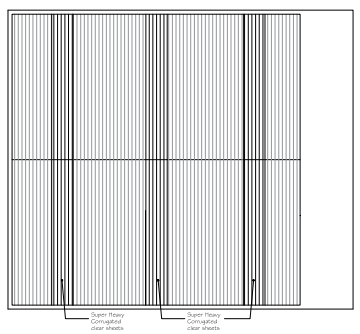
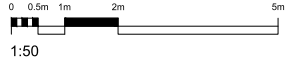
AMENDED



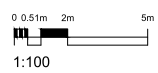
Front Elevation As Proposed



Rear Elevation As Proposed



Roof Plan As Proposed



Schedule of Materials	
Proposed Walls	- Brick dwarf walls with timber cladding walls
Proposed Roof	- Corrugated metal sheeting
Proposed External Doors	- Timber doors



Phone: 01222 243137 Email: info@ck-arch.co.uk www.ckarchitectural.co.uk	
PROJECT TITLE Proposed Barn	CLIENT Mr & Mrs Edmondson-Barnett Fox Farm, Cadney Road, Howsham, LN7 6LA
DRAWING STAGE Planning	SCALE 1:50 @ A1
SHEET TITLE Plans and Elevations as Proposed	PROJECT NUMBER LN7-3729
	CHK ID
	REV B
	STAGE PLN
	REV 8
	SHT 011
	DRAWN BY SG

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APPLICATION NO	PA/2023/1367
APPLICANT	Hannah Shields
DEVELOPMENT	Planning permission to erect a domestic timber garden building and use as a part-time work-from-home beauty salon
LOCATION	Meadow Vale, Chapel Road, Crowle, DN17 4BN
PARISH	CROWLE
WARD	Axholme North
CASE OFFICER	Deborah Oikeh
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan

POLICIES

National Planning Policy Framework:

2 Achieving sustainable development

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

T2 Access to development

T19 Car parking provision and standards

RD2 Development in the countryside

North Lincolnshire Core Strategy:

CS1 Spatial strategy for North Lincolnshire

CS2 Delivering more sustainable development

CS3 Development limits

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

SS10 Development limits

DM1 General requirements

RD1 Supporting sustainable development in the countryside

CONSULTATIONS

Highways: Recommend conditions.

LLFA Drainage: No objections subject to a condition.

Environmental Protection: No objection subject to a condition.

Canal and River Trust: No comments.

TOWN COUNCIL

Ensuring the implementation of adequate sewage and drainage infrastructure if necessary, this council has no further observations on this application.

PUBLICITY

A site notice has been displayed and the application has been advertised in the press. No comments have been received.

ASSESSMENT

Planning history: None.

Proposal and site characteristics

This proposal seeks to erect a timber garden outbuilding. The outbuilding would be dual-purpose, for use as a summerhouse and beauty salon; however, the business use would be low-key. The proposed structure would measure 9m by 3m, and approximately 2.5m high. The application site is classed as open countryside for the purpose of planning and comprises a two-storey detached dwelling and a large grassed area to the side and rear of the site. The

site is also within flood zone 2/3 fluvial, however the Environment Agency's standing advice for small-scale development would be followed.

Site constraints

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

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**
- **Impact from noise.**

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 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.' The policy also supports development in the market towns, including Crowle, as thriving places to live, work and visit. The policy further states, 'In the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings.'

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 deals with the 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 CS11 relates to the provision and distribution of employment land. It states, 'The council will support the continued expansion and improvement of North Lincolnshire's

economy in order to create a step change in the area's role regionally and nationally.' The policy provides a list of locations to be included in the strategic sites.

The application site is therefore in breach of policies CS1, CS2, CS3 and CS11 as the site is outside of Crowle's development boundary. The proposal therefore conflicts with the aforementioned policies.

Nevertheless, paragraphs 84 and 85 of the NPPF focus on supporting rural economy. The NPPF encourages policies and decisions to support sustainable growth and expansion of all types of business in rural areas. Paragraph 85 further states, 'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.'

In addition, the proposal may also benefit from permitted development rights as a domestic outbuilding subject to it being in the original residential curtilage. In this case, there is an existing dwelling on the site and this application seeks to erect an outbuilding to serve as a beauty salon and summerhouse. Although the outbuilding would be sited in the middle of the garden, away from the main dwelling, it would be erected between the existing dwelling and the stable also on the site.

Impact upon residential amenity

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

The proposal is a timber-framed outbuilding with openings to the front elevation. It measures 9m by 3m by 2.5m and is proposed to be sited between the main dwelling and a stable belonging to the family. The neighbouring dwellings are Rosedene, KonTiki and Rose Cottage, all of which are a reasonable distance away from the proposal. Being a single-storey structure, it would be partly screened by the stable and the host's dwelling. Openings to the proposal are also front-facing. Therefore, any overlooking of adjoining sites would be limited.

It is therefore considered that the proposal would not carry unacceptable overbearing, overlooking or overshadowing impacts that would be detrimental to the residential amenity rights of adjoining neighbours and aligns with policy DS5.

Impact on the character and appearance of the street scene

Policies DS5 and CS5 are both concerned with visual amenity, the former stating that proposals should be sympathetic in design, scale and materials.

The proposal would be sited between existing built forms and dwellings in the area. The outbuilding would be a single-storey structure, about 9m long, set back from the principal wall of the original dwelling and would be laid across the spacious side garden. The site is also partly screened by trees and planting lining the edge of the road and so not readily visible from the road. Visibility may, however, be possible when the leaves fall. Nevertheless, the

traditional timber material makes the design and appearance sympathetic. Given the assessment under this section, the proposal is considered such that would not create an adverse impact upon the setting's character. It is therefore considered that the proposal complies with policies DS5, RD2 and CS5.

Impact upon access and 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. Policy T19 of the local plan is concerned with parking provision as well as general safety and is also considered relevant.

The application site is currently accessed via a road off Godnow Road in Crowle. The site has a reasonable level of on-site parking which should provide additional parking space for one client per appointment. The highways team has been consulted and no objections have been raised.

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 SFRA flood zone 2/3. However, being a minor development, Environment Agency standing advice would be followed. The applicant's supporting statement highlights that the finished floor level of the outbuilding would be above 300mm to comply with the EA's standing order which the existing dwelling and stable cannot conform to. LLFA Drainage have raised no objections following consultation. The proposal is therefore considered acceptable.

Impact from noise

Policy DS1 partly relates to noise, nuisance and odour arising from a proposed development. With regard to noise, the supporting statement highlights the mode of operation the business intends to employ. According to the applicant's supporting statement, they would offer the service to only one client at a time based on appointments. Services will not exceed 25 hours per week. The Environmental Protection team recommend a condition restricting operating hours to mitigate any potential noise impact. This condition shall be attached to any permission the council is minded to grant.

Conclusion

The proposed outbuilding is set in the countryside; however, the site is within a residential setting some metres away from Crowle. Paragraphs 84–85 of the NPPF encourage policies and decision-making to support rural economy growth and the expansion of all business types in rural areas. Although the outbuilding would be dual-purpose, for use as a summerhouse and beauty salon, the business use would be low-key. The proposal also benefits from permitted development rights as an outbuilding; hence, it can be built and adapted to a home office/low-key business use without planning permission. To restrict the intensification and impact of the business on the site, the applicant has recommended a

condition stating that no other staff, apart from themselves, can carry out works on the premises. No objections or concerns have been raised by neighbours to this proposal and the Environmental Protection team have raised no objections subject to the inclusion of time restriction conditions which the applicant is aware of. Granting this approval will protect the council's interest by restricting the use of the site for business without formal approval. Given that the business operation is a low-key use, the proposal is recommended for approval.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

Reason

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

2.

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

- Location plan p2e/uk/982500/1324245
- Existing and proposed site plan 002
- Proposed elevation and floor plans 003.

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 outbuilding 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 DS1 of the North Lincolnshire Local Plan.

4.

The hours of use of the outbuilding for beauty salon business within the premises shall be restricted to:

- 9am to 8pm on Mondays
- 9am to 6.30pm Tuesday to Friday
- 9am to 12 midday on Saturdays

and it shall remain closed on Sundays and bank holidays.

Reason

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

5.

The activity 'beauty salon' hereby permitted on the premises 'Meadow Vale, Chapel Road, Crowle, DN17 4BN' shall be carried out by no other staff or person except the applicant 'Hannah Shields'.

Reason

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

6.

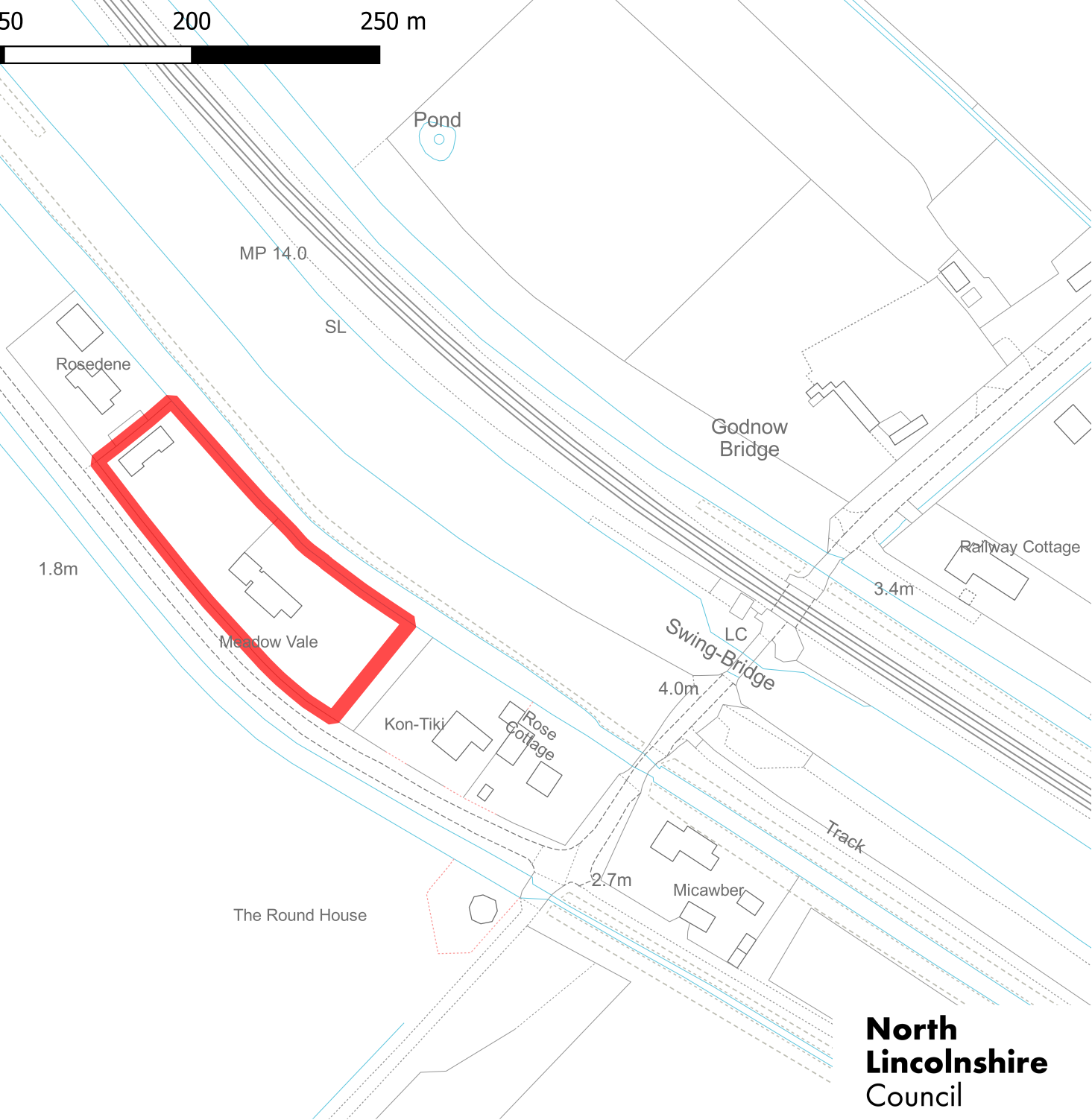
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any statutory instrument revoking and re-enacting that Order with or without modification), the outbuilding shall be used solely for residential use and for the beauty salon and for no other use.

Reason

To protect the residential amenity of the adjoining sites in accordance with policies DS1 and DS5 of the North Lincolnshire Local Plan.

Informative

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



PA/2023/1367 Proposed siting (not to scale)

Existing Site Plan



Proposed Site Plan

Stables

Beauty Salon/Garden

Dwelling

Garden

Parking Provision

Existing Access from Chaple Road



0 10 20 (Metres)



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Drawing Title	Notes	Drawing Number
Existing & Proposed Site Plans	Do not scale. House and stables not surveyed.	002

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APPLICATION NO	PA/2023/1379
APPLICANT	Olivia Minaudo, Ongo Homes
DEVELOPMENT	Application to crown reduce by 40% and crown lift by 2.5 metres above ground level two beech trees identified as T1 and T2 within and protected by Tree Preservation (Morfield Grove, Epworth) Order 2022
LOCATION	9 Morfield Grove, Epworth, DN9 1DQ
PARISH	EPWORTH
WARD	Axholme Central
CASE OFFICER	Gavin Coleby
SUMMARY RECOMMENDATION	Refuse
REASONS FOR REFERENCE TO COMMITTEE	Support by Epworth Town Council

POLICIES

National Planning Policy Framework:

12 Achieving well-designed places

North Lincolnshire Local Plan:

DS1 General requirements

LC12 Protection of trees, woodland and hedgerows

North Lincolnshire Core Strategy:

CS5 Delivering quality design in North Lincolnshire

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

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

DQE1 Protection of landscape, townscape and views

DQE3 Biodiversity and geodiversity

DQE12 Protection of trees, woodland and hedgerows

DM1 General requirements

CONSULTATIONS

Highways: Should consent be granted, advise an informative regarding the traffic management that would be required to carry out the works.

LLFA Drainage: No comments or objection.

TOWN COUNCIL

Supports the application.

PUBLICITY

Advertised by site notice – one resident has supported the application.

ASSESSMENT

Planning history

2022/1500 Application to undertake pruning on two beech trees, identified as T1 and T2, subject to and within Tree Preservation (Morfield Grove, Epworth) Order 2022. This application was to undertake a 40% crown reduction and 4 metres crown lift. This application was refused and is presently being appealed to the Planning Inspectorate.

These are two mature beech trees situated within and at the end of a cul-de-sac where they form a significant visual amenity worthy of the recent tree preservation order placed on them due to concerns over potential excessive pruning being undertaken on them by their owner and the need to ensure that trees with such high visual amenity are retained and maintained within the confines of good arboricultural practice.

The beech trees appear to be in a good condition, with little to no deadwood within them and they are not causing any physical obstruction to dwellings, footpaths or roads in the vicinity. It is not considered that the trees need to be crown lifted.

The requested work to these trees is considered excessive, contrary to good arboricultural practice and detrimental to the visual amenity and health of the trees as it would cause severe stress: the response from beech trees, which are known to be a species that do not respond well to any pruning, is usually dieback along the cut stems. In short, if this work were to be given consent, the trees would likely die due to the excessive nature of the request.

A previous application (PA/2022/1500) for a similar 40% crown reduction and crown lift to 4 metres was refused. The applicant lodged an appeal with the Planning Inspectorate in January 2023 and no decision has yet been made.

This application is identical to the previous one, apart from seeking a crown lift of the lower branches to 2.5 metres instead of 4 metres. The lower branches are already more than 2.5 metres above ground level, so this part of the application is not relevant.

Epworth Town Council have commented that they support this application; however, they did not support the previous application commenting that a 40% reduction of the trees appeared

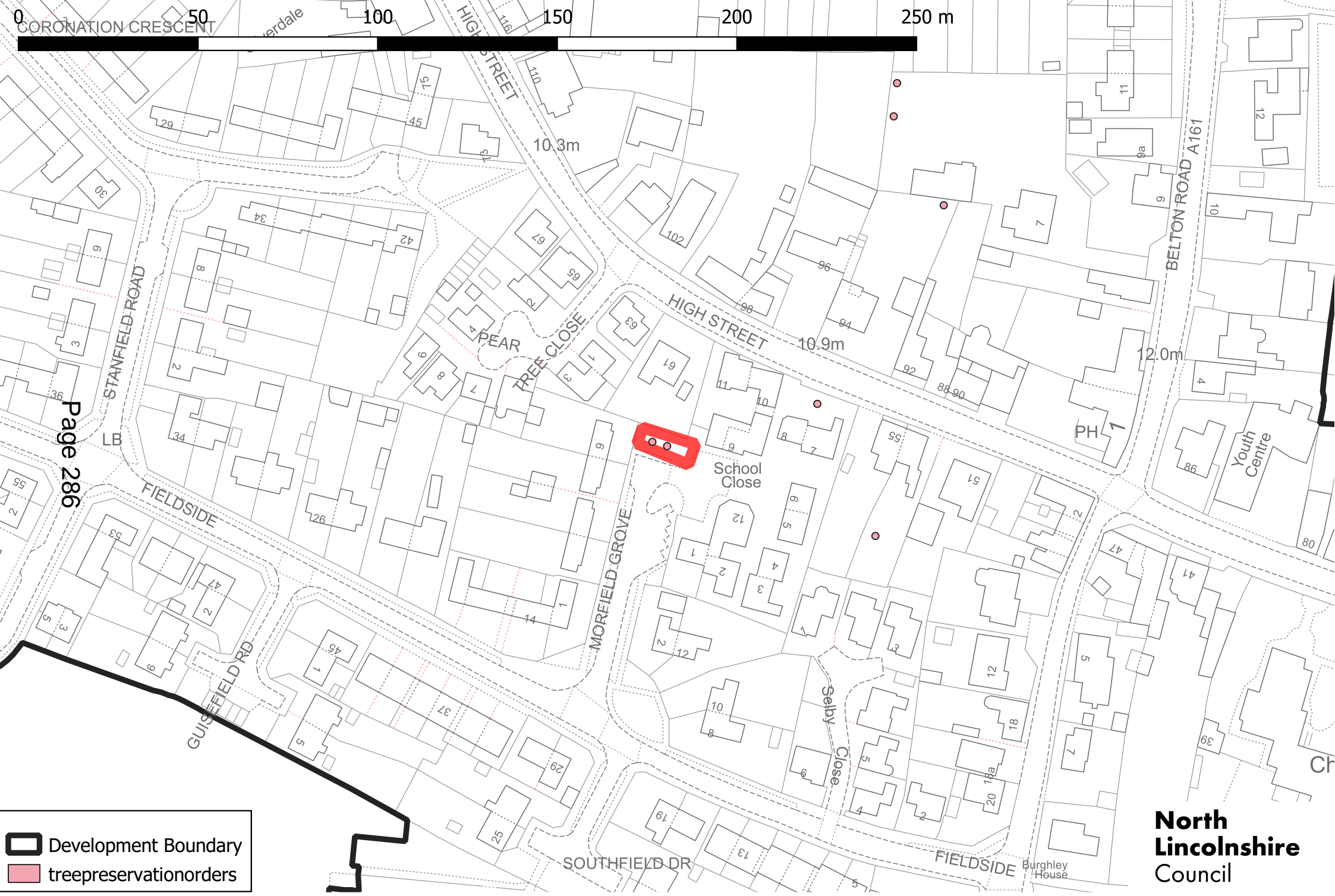
to be a lot. It is not clear why they have changed their opinion as the extent of this part of the application remains the same.

North Lincolnshire Council's position regarding the work to these trees has not changed and this application, like the previous one, should be refused due to the excessive nature of the work being requested which is considered to be bad arboricultural practice likely to cause severe stress and ultimately kill the trees. In addition, the proposal will ultimately lead to the loss of these trees which would have an adverse impact on the visual amenity of the locality. Accordingly, the proposal is contrary to policies LC12 and DS1 of the North Lincolnshire Local Plan, CS5 of the Core Strategy and paragraph 131 of the National Planning Policy Framework.



RECOMMENDATION Refuse consent for the following reasons:

1.

The trees identified on the application form as T1 and T2 are not dead or in a dangerous condition. Inspection of the trees does not indicate there are any existing safety issues sufficient to justify the proposed works. The work requested appears to be excessive, contrary to good arboricultural practice and detrimental to the health and visual amenity of these trees. The proposal is therefore contrary to policies LC12 and DS1 of the North Lincolnshire Local Plan, CS5 of the Core Strategy and paragraph 131 of the National Planning Policy Framework.



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 Development Boundary
 treepreservationorders

**North
Lincolnshire
Council**

APPLICATION NO	PA/2023/1436
APPLICANT	Mr J Cliff, Wingglider
DEVELOPMENT	Planning permission for an aircraft hangar extension
LOCATION	The Green Hangars, Hibaldstow Airfield, Redbourne Road, Brigg, DN20 9NN
PARISH	HIBALDSTOW
WARD	Ridge
CASE OFFICER	Deborah Oikeh
SUMMARY RECOMMENDATION	Approve with conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Redbourne Parish Council

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 6 Building a strong, competitive economy

North Lincolnshire Local Plan:

- DS1 General requirements
- DS7 Contaminated land
- DS14 Foul sewage and surface water drainage
- DS16 Flood risk
- RD2 Development in the countryside
- T2 Access to development
- T19 Car parking provision and standards
- LC7 Landscape protection

North Lincolnshire Core Strategy:

- CS1 Spatial strategy for North Lincolnshire
- CS2 Delivering more sustainable development

CS3 Development limits

CS11 Provision and distribution of employment land

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

SS10 Development limits

DM1 General requirements

DM3 Environmental protection

DQE1 Protection of landscape, townscape and views

RD1 Supporting sustainable development in the countryside

CONSULTATIONS

Highways: No comments or objections.

LLFA Drainage: No objections subject to a condition.

Environmental Protection: No objection subject to a condition.

PARISH COUNCILS

Hibaldstow Parish Council: Supports the application, but comments that a fire exit strategy should be considered.

Redbourne Parish Council: Objects for the following reasons:

- Use Class B8 (Storage or distribution) includes warehousing and open air storage.
- Inadequate information has been provided.
- This is contrary to the North Lincolnshire Core Strategy and North Lincolnshire Local Plan policy RD2 which states the airfield should be used for agriculture or forestry.
- There are currently issues with storage and the industrialisation of Hibaldstow Airfield – North Lincolnshire Council must be consistent when making their decisions.

PUBLICITY

A site notice has been displayed and the application has been advertised in the press. One response has been received objecting on the following grounds:

- The use class of the proposal is contrary to policy RD2.
- There are current issues with storage and the industrialisation of Hibaldstow Airfield.

ASSESSMENT

Planning history

PA/2010/1369: Planning permission to erect a new hangar – approved 23 December 2010

PA/2021/1320: Planning permission to erect an extension to an existing aircraft storage hanger to form additional storage for tools and parts, and formation of a mezzanine floor to form ancillary office, canteen and WCs – approved 16 February 2022.

Proposal and site characteristics

The site is located about 1km to the south of Hibaldstow and 1km north of Redbourne. An existing access serves the airfield off Redbourne Road, which connects the two villages. Existing facilities to house and maintain aircraft lie to the north and east of the site.

The site is a working airfield built off an old WWII runway surrounded by agricultural fields and facilities in the countryside. Around the site are primarily hangars for storage and runways for the take-off and landing of aeroplanes used for parachute jumps.

This proposal seeks to extend one of the existing hangars on the site to provide suitable space for safe storage of equipment.

Site constraints

- The site lies outside the development boundary of Hibaldstow according to the HELADPD 2016.
- The site is within SFRA flood zone 1.

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.**

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 and states that ‘...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.’ The policy also supports development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings in the countryside.

Policies RD2, CS2 and CS3 restricts development within the countryside, only allowing development which is essential to the functioning of the countryside. 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. Development limits were drawn to protect the countryside from inappropriate development and the uncontrolled expansion of settlements. However, the Core Strategy promotes rural business development, sustainable tourism and appropriate leisure opportunities in the wider countryside. Policy RD2 (iv) supports development essential for the provision of outdoor sport and countryside recreation.

Paragraphs 84 and 85 of the NPPF focus on supporting the rural economy. The NPPF encourages policies and decisions to support sustainable growth and the expansion of all types of business in rural areas. Paragraph 85 further states, ‘Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.’

Paragraph 106(f) of the NPPF requires planning policies to recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time, taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s Aviation Strategy. The Strategy recognises the importance of improving hanger facilities to enable businesses to survive (page 30). Airfields are generally classed as brownfield sites.

In this instance, the development relates to an existing use within an established business in the open countryside. The proposed extension is within reach of other storage facilities or hangers on the site and hence can be viewed in cluster and not in isolation from other structures on site. Therefore, the extension to the aircraft hangar would not encroach further into the countryside than necessary. It is considered that the development would serve the existing business and so complies with policies RD2, CS2 and CS3.

Impact upon residential amenity

Policy DS5 of the North Lincolnshire Local Plan is concerned with residential extensions. It states that planning applications for residential extensions and the erection of garages, outbuildings, walls and other structures will be allowed providing that the proposal does not

unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings. The proposals should also be sympathetic in design, scale and materials to the existing dwelling and its neighbours.

The proposal is sited in a field several metres away from residential sites and well screened on all sides by trees and plantings. Therefore, any potential for overlooking and noise is limited in this case. The proposal would not conflict with local plan policy DS5 of the North Lincolnshire Local Plan.

Appearance and impact of proposal on the landscape

Policies RD2 and CS5 are both concerned with the appearance of a proposal and impact upon the character of the area. These policies require that proposals should be sympathetic in design, scale and materials.

The proposal is a single-storey storage building, with a parabolic curved roofscape, approximately 12.2m wide by 14m long. The proposal is an extension, matching as closely as possible the appearance of the existing aircraft hangar. The extension is to be constructed in corrugated aluminium. The internal layout is that of open storage with openings (doors and windows) for safe entry and exit of the storage facility. Although the proposal is a moderate to large-scale storage building, it will benefit from natural screening by plants and trees. The appearance will not be dissimilar from the existing aircraft hangar. Therefore, its impact upon the landscape will not be above the existing.

Given this assessment, the proposal is considered such that it will not create an adverse impact upon the setting's character. It is therefore considered that the proposal complies with policies RD2 and CS5.

Impact upon access and 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. Policy T19 of the local plan is concerned with parking provision as well as general safety and is also considered relevant.

The application site is currently accessed via South Carr Lane. A private driveway just off South Carr Lane leads into the site. The site has a reasonable level of on-site parking spaces which should provide additional parking space for workers and visitors. The Highways team have been consulted and no objections have been raised. The proposal is therefore considered to comply with policies T1, T2 and T19.

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 SFRA flood zone 1 and so, in flood risk terms, an ideal location for development. Again, no objection has been raised following consultation with the

LLFA Drainage team given the existing use of the site. The proposal is therefore in accordance with policies CS19 and DS16.

Land contamination

Policy DS7 of the local plan relates to contaminated land. Historical mapping suggests that contamination might be an issue as the site has formally been used as a military airfield. The site may have been impacted upon by contaminants associated with the former land use such as petroleum hydrocarbons, contaminants arising from de-greasing fluids, and unexploded ordnance. As a result, the Environmental Protection team recommends a condition to mitigate this impact should visually contaminated materials be seen during the development of the site. Subject to this condition, the proposal is considered acceptable.

Other matters

To address the concerns raised by Redbourne Parish Council, it is noted that the proposal is for storage; however, this is for the existing business and not for a separate business use. The proposal will be within the confines of the airfield and in proximity to other storage facilities. A design and access statement forms part of the representations from the applicant and provides the level of information needed to assess this proposal.

Conclusion

The proposed aircraft hangar extension is set in the countryside; however, the proposal would be for an existing business whose need for safe storage of equipment has increased. The proposal is sited in proximity to other existing facilities to form a cluster instead of an isolated structure. This limits the impact of the built form upon the landscape. The NPPF supports rural economy growth as well as policies CS2, CS3 and RD2. Given that the proposal is for an existing business and would be sited within the confines of the airfield, the proposal is recommended for approval.

RECOMMENDATION Grant permission subject to the following conditions:

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

Reason

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

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

- Location plan, existing and proposed plans 1821.01.

Reason

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

3.
If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a

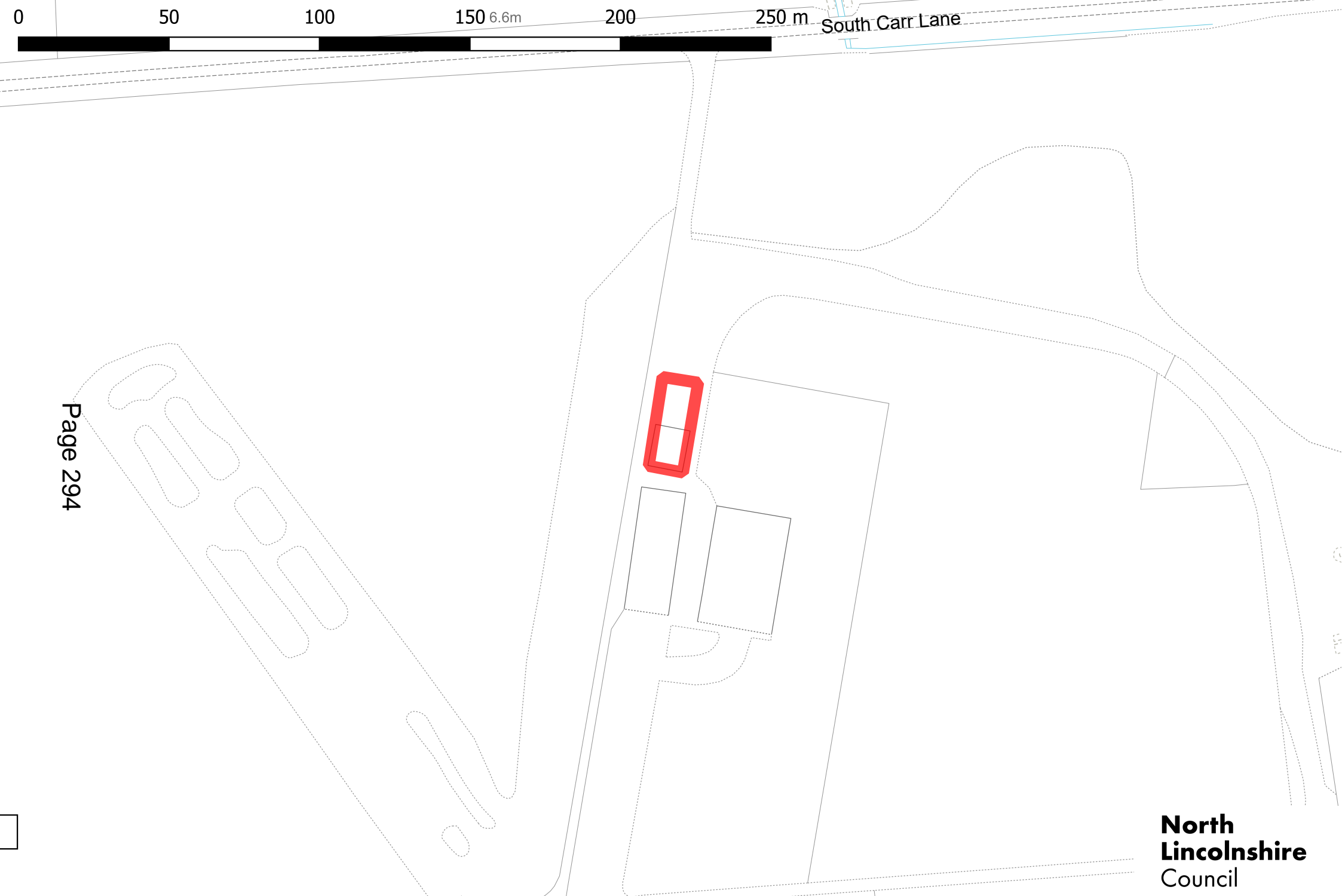
written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

To protect human health in accordance with policies DS1 and DS7 of the North Lincolnshire Local Plan.

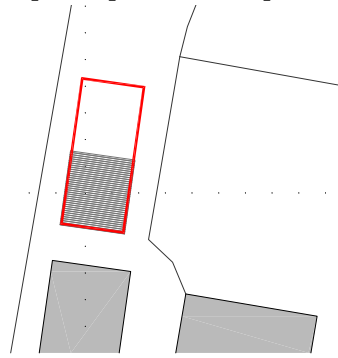
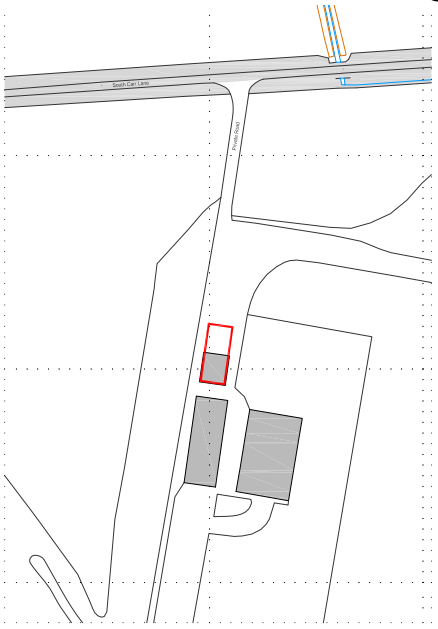
Informative

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.

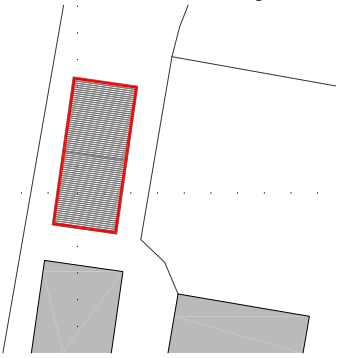


PA/2023/1436 Existing and proposed plans (not to scale)

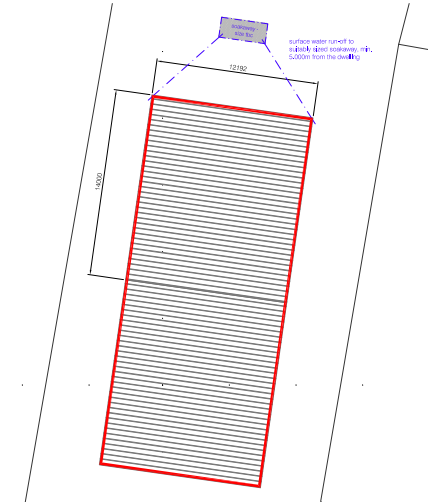
NOTES:
 All dimensions & details given on this drawing are to be checked and verified on site prior to works being undertaken. Any discrepancies and/or variations to the specifications will be those drawings or associated documents are to be notified to keystonearchitecture.
 Do not scale from these drawings - if in doubt - ask.
 All materials shall be fixed, applied or mixed in accordance with the manufacturers written instructions, recommendations and specifications. Verifications 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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Existing Block Plan
scale 1:500



Proposed Block Plan
scale 1:500



Proposed Site Layout
scale 1:200



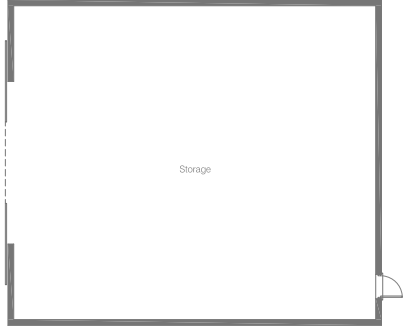
Ordnance Survey (c) Crown Copyright 2023. All rights reserved. Licence number 100022432

Location Plan
scale 1:1000

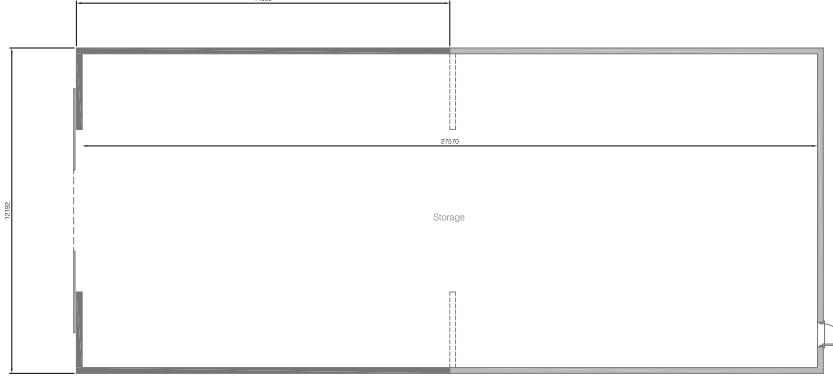
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Material Schedule:

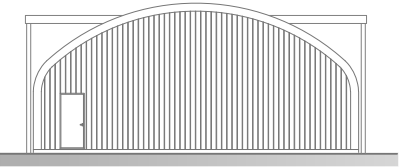
- Cladding: Corrugated aluminium to match existing
- Main Doors: Grey aluminium to match existing



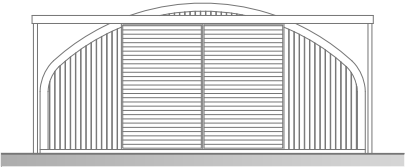
Existing Ground Floor



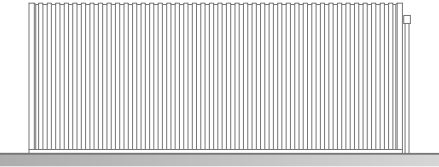
Proposed Ground Floor



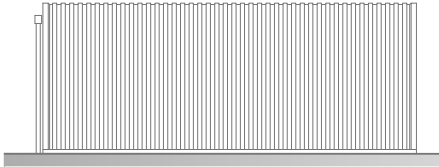
Existing South Elevation
(Unaltered)



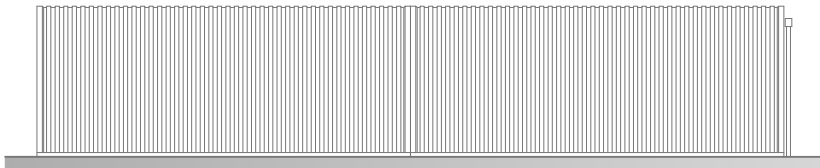
Existing North Elevation
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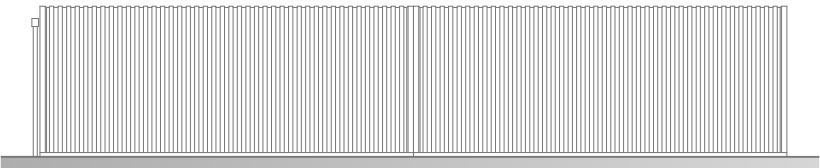
Existing East Elevation



Existing West Elevation



Proposed East Elevation



Proposed West Elevation

NOT FOR CONSTRUCTION

rev.	amendment	date
1	Ex. & Pl. Plans	18/11/21
2	stage	Planning
3	drawn	August 23
4	scale	1:100 & as shown
5	drawn by	JS

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